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SENATE

TUESDAY, *April 29, 1930*

(Legislative day of Monday, April 21, 1930)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate, as in legislative session, will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 7356) for the relief of the American Foreign Trade Corporation and Fils d'Asian Fresco.

The message also announced that the House had passed a bill (H. R. 10175) to amend an act entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, as amended, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	George	La Follette	Steiwer
Ashurst	Gillett	McCulloch	Stephens
Baird	Glass	McKellar	Sullivan
Bingham	Glenn	McNary	Swanson
Black	Goldsborough	Norris	Thomas, Idaho
Blaine	Greene	Nye	Thomas, Okla.
Blease	Hale	Oddie	Townsend
Borah	Harris	Overman	Trammell
Bratton	Harrison	Patterson	Tydings
Brock	Hastings	Phipps	Vandenberg
Capper	Hatfield	Pine	Wagner
Connally	Hawes	Pittman	Walcott
Copeland	Hayden	Ransdell	Walsh, Mass.
Couzens	Hebert	Robinson, Ind.	Walsh, Mont.
Cutting	Howell	Robsion, Ky.	Waterman
Dale	Johnson	Schall	Watson
Deneen	Jones	Sheppard	Wheeler
Dill	Kean	Shipstead	
Fess	Kendrick	Smoot	
Frazier	Keyes	Steck	

Mr. SHEPPARD. I announce that the Senator from Florida [Mr. FLETCHER], the Senator from Utah [Mr. KING], and the Senator from South Carolina [Mr. SMITH] are all detained from the Senate by illness.

I also desire to announce that the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED] are returning from the London Naval Conference.

Mr. NORBECK. My colleague [Mr. MCMASTER] is unavoidably absent from the city. I ask that this announcement may stand for the day.

Mr. BLACK. I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. A quorum is present.

REVISION OF THE TARIFF—CONFERENCE REPORT (S. DOC. NO. 138)

Mr. SMOOT. As in legislative session, I submit the conference report on House bill 2667, the tariff bill, and ask that it may be printed.

The VICE PRESIDENT. The report will be printed and lie on the table.

(For the text of the conference report see House proceedings of Monday, April 28, 1930, pp. 7833–7842.)

PAPER PRESENTED—THOMPSON E. WOODWARD

As in legislative session,

Mr. GOLDSBOROUGH presented a paper to accompany the bill (S. 4245) for the relief of Thompson E. Woodward, heretofore introduced by him, which was referred to the Committee on Claims.

REPORTS OF COMMITTEES

As in legislative session,

Mr. KEYES, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 3970) authorizing the Smithsonian Institution to extend the Natural History Building and authorizing an appropriation therefor, and for other purposes, reported it without amendment and submitted a report (No. 570) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Finance, to which was referred the bill (H. R. 9325) to authorize the United States Veterans' Bureau to pave the road running north and south immediately east of and adjacent to Hospital No. 90, at Muskogee, Okla., and to authorize the use of $4,950 of funds appropriated for hospital purposes, and for other purposes, reported it without amendment and submitted a report (No. 571) thereon.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 2524) for the relief of J. A. Lemire, reported it with an amendment and submitted a report (No. 572) thereon.

Mr. ODDIE, from the Committee on Post Offices and Post Roads, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3178) to authorize the collection of additional postage on insufficiently or improperly addressed mail to which directory service is accorded (Rept. No. 573); and

A bill (S. 3258) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes (Rept. No. 574).

Mr. PITTMAN, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 557) to authorize the disposition of certain public lands in the State of Nevada, reported it without amendment and submitted a report (No. 575) thereon.

Mr. HOWELL, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 645) for the relief of Lyman Van Winkle (Rept. No. 576);

A bill (H. R. 1794) to authorize the payment of an indemnity to the owners of the British steamship *Kylecakin* for damages sustained as a result of a collision between that vessel and the U. S. S. *William O'Brien* (Rept. No. 577); and

A bill (H. R. 7069) for the relief of the heirs of Viktor Pettersson (Rept. No. 578).

Mr. BLACK, from the Committee on Claims, to which was referred the bill (H. R. 1954) for the relief of A. O. Gibbens, reported it without amendment and submitted a report (No. 579) thereon.

REPORTS OF NOMINATIONS

As in executive session,

Mr. OVERMAN, from the Committee on the Judiciary, reported the nomination of William Lee Brand, of Virginia, to be United States marshal, western district of Virginia, which was placed on the Executive Calendar.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

As in legislative session,

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GOLDSBOROUGH:

A bill (S. 4312) granting an increase of pension to Kate Merritt Ramsay; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4313) granting an increase of pension to Sarah A. Garver (with accompanying papers); to the Committee on Pensions.

By Mr. ROBSION of Kentucky:

A bill (S. 4314) to amend section 83 of the Judicial Code, as amended; to the Committee on the Judiciary.

By Mr. THOMAS of Oklahoma:

A bill (S. 4315) to create the office of special counsel for Indians in the Bureau of Indian Affairs to represent Indians in proceedings in the Court of Claims; to the Committee on Indian Affairs.

By Mr. PHIPPS:

A bill (S. 4316) authorizing the Postmaster General to permit railroad and electric car companies to provide mail transportation by motor vehicle in lieu of service by train; to the Committee on Post Offices and Post Roads.

By Mr. McNARY:

A joint resolution (S. J. Res. 170) authorizing an annual appropriation for the expense of establishing and maintaining United States passport bureaus at Portland, Oreg., and Los Angeles, Calif.; to the Committee on Foreign Relations.

HOUSE BILL REFERRED

As in legislative session,

The bill (H. R. 10175) to amend an act entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, as amended, was read twice by its title and referred to the Committee on Education and Labor.

INTERSTATE MOTORS-BUS TRANSPORTATION

Mr. BRATTON submitted five amendments intended to be proposed by him to the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways, which were ordered to lie on the table and to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL

Mr. TRAMMELL (for Mr. FLETCHER) submitted seven amendments intended to be proposed by Mr. FLETCHER to the bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were referred to the Committee on Commerce and ordered to be printed.

INVESTIGATION RELATIVE TO RELATIONS WITH CHINA

Mr. PITTMAN submitted the following resolution (S. Res. 256), which was referred to the Committee on Foreign Relations:

Resolved, That the Committee on Foreign Relations, or any subcommittee thereof, is hereby authorized to investigate, examine, and study:

(a) Existing treaties of the United States and other governments with the Republic of China.

(b) Political and economic conditions that may affect our commerce and trade with China.

Said Committee on Foreign Relations shall report to the Senate from time to time facts and conclusions derived from such investigations, examinations, and studies as will enable the Senate to advise, as in its judgment seems fit and proper, as to the negotiation of treaties with China, or with China and other governments, looking to the denouncement, amendment, or modification of existing treaties or the execution and ratification of additional treaties.

For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold hearings; to sit and act at such times and places during the sessions and recesses of the Senate until the final report is submitted; to employ such clerical and other assistants; to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths; and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $20,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

EXECUTIVE MESSAGE AND APPROVALS

A message in writing was communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On April 28, 1930:

S. 3477. An act validating certain applications for and entries of public lands, and for other purposes.

On April 29, 1930:

S. 686. An act to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910.

LEASE OF OIL AND GAS DEPOSITS

Mr. NYE. Mr. President, the Senator from Idaho [Mr. BORAH] is entitled to the floor, but he has kindly consented to yield to me for the purpose of asking immediate consideration of Calendar 529, the bill (H. R. 8154) providing for the lease of oil and gas deposits in or under railroad and other rights of way. I ask unanimous consent for its immediate consideration. I am sure it is not going to lead to debate.

Mr. BINGHAM and Mr. McKELLAR. Let it be read.

The VICE PRESIDENT. The bill will be read.

The Chief Clerk read the bill by title.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Dakota?

Mr. BLEASE. Mr. President, what is the bill?

The VICE PRESIDENT. Let it be again read.

Mr. BINGHAM. Let the bill be read.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Chief Clerk proceeded to read the bill.

Mr. BLEASE. I object to its consideration.

The VICE PRESIDENT. Objection is heard.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 3441. An act to effect the consolidation of the Turkey Thicket Playground, Recreation and Athletic Field; and

H. R. 7356. An act for the relief of the American Foreign Trade Corporation and Fils d'Asian Fresco.

EXECUTIVE MESSAGE REFERRED

The VICE PRESIDENT laid before the Senate a message from the President of the United States making sundry postoffice nominations, which was referred to the Committee on Post Offices and Post Roads.

NOMINATION OF JUDGE JOHN J. PARKER

The Senate in open executive session resumed the consideration of the nomination of John J. Parker, of North Carolina, to be an Associate Justice of the Supreme Court of the United States.

Mr. BORAH resumed and concluded the speech begun by him yesterday, which follows entire.

Monday April 28, 1930

Mr. BORAH. Mr. President, as to the remarks of the able Senator from North Carolina bearing upon the personal character of Judge Parker, I have no controversy with him. Whatever letters I may have received in the way of criticism bearing upon Judge Parker's record in some respects do not enter into my conclusions and will have nothing to do with my vote.

I am opposed to the confirmation of Judge Parker because I think he is committed to principles and propositions to which I am very thoroughly opposed. If these were matters which related to a single lawsuit, or the determination of a principle relating alone to the rights of individuals, it would be one thing. But, as I see the propositions here involved, they are fundamental, they relate to matters of grave public concern.

The nomination of Judge Parker for the Supreme Bench of the United States has brought up for consideration a contract popularly, and not without cause and not without reason, styled the "yellow dog" contract. I doubt if there is another name among lawyers or judges so well calculated to bring up for discussion and to accentuate the issues surrounding that contract as the name of Judge Parker. He is peculiarly identified with this kind of a contract.

As we proceed with the discussion we shall see why that is so. In my opinion he has gone farther in sustaining the principles of that contract and in supporting and enforcing it through the powers of injunction than any other judge who has ever been called upon to deal with the matter. About that there will be a difference of opinion, but, after much study, that is the view I hold.

It ought to be understood in the beginning that no question here is raised with reference to the uses and abuses of the injunction in labor disputes, generally speaking. I presume that matter will be before us at no distant day for discussion, as there is now pending before the Committee on the Judiciary a bill dealing with that subject. But I am not concerned with, nor am I to discuss, the general principles relating to the use of injunctions in labor disputes.

Neither do I wish it understood that I am complaining because an injunction issued in the Red Jacket case, so called. There were ample facts in that case to justify the issuing of an injunction to restrain violence, intimidation, threats, trespass, and it must not be understood that I am complaining that the court issued an injunction restraining such acts upon the part of workingmen. If workingmen employ threats, intimidation, and violence, if they so conduct themselves as to imperil life and property, they are and should be subject to restraint the same as other people. In so far as that issue is involved, I have no defense for the labor organization and no criticism of the judge for restraining that class of acts.

We are not contending here that labor organizations can at any time employ threats, force, or violence, or intimidation, nor can they trespass upon the property of other people. They must keep within the law. That is not the issue which is involved in this controversy. As I said a moment ago, there were ample facts, so far as I read the record, to justify the injunction in regard to these matters. I am contending for nothing more than peaceful methods.

I want to say, also, Mr. President, that this is not a controversy between the employer and employee alone. It is not a controversy between the employer and union labor alone. Far, very far from it. It is a controversy which involves greater and more extended principles.

I understand perfectly the interest which the employer may have in this kind of a contract. It is an important interest, but it is an interest which can be measured at all times in dollars and cents.

I appreciate, too, the interest which the employee has in this kind of a contract. It is a vital interest and it is an interest which can not be measured at all times in dollars and cents. It sometimes means home and family and economic freedom. I appreciate also the interest which organized labor has in this contract, because if it were universally applied and carried to its logical conclusion, union labor would be at an end in the United States.

But over and above and beyond these interests, transcending them in importance, is the interest of the public, of the State, and of the National Government. Can there be anything of more concern to the State, to the Government, to the public generally, than that which is calculated to undermine, destroy, or build up, to render fit or unfit for citizenship, men and women who toil? Is not the public, the State, the National Government, interested in striking down, as contrary to public policy, as at war with the public welfare, all those overreaching contracts which rob those who work of the discretion, of the liberty of choice as to how they shall conduct themselves so long as they conduct themselves lawfully.

The question whether workingmen may associate themselves with their friends or with their fellow laborers, whether workingmen may discuss with their fellow men or cooperate with their fellow workmen as to how they shall conduct their business, is not a matter of concern to union labor alone, it is a matter of concern to the State and to the Government which is interested in maintaining and building up the character and the physical and moral well-being of its citizens. Men may contract, but they may not contract away those rights which undermine or destroy their physical and moral well-being.

Mr. President, the entire controversy, so far as the law is concerned, seems to hinge upon some isolated principle extracted from the common law. To apply the principles of the common law, the barren, naked, technical rules of the common law, which sprang up three and four hundred years ago under conditions in a business world which have passed away, and to refuse to consider the conditions in the business and the labor world as they are to-day, is to deny working men and women the right or the benefit of advance and progress. That which may have been a sound public policy, that which may have been for the public welfare in those times and under wholly different conditions can not bind another age and a wholly different business and labor world.

Old Doctor Johnson once said that the common law is the last result of human wisdom, applied to human experience, for the benefit of the public. If we take the business world as it is to-day, the labor world as it is to-day, labor organizations as they are now, and those things which labor must meet as they meet them now, we must apply also the principles of common law as they should exist now and not as they existed 300 and 400 years ago. I proceed to argue this matter not alone from the standpoint of employer and employee, not alone in the interest of or against union labor, but in the interest of a sound public policy which will inure to the benefit as citizens of those who must toil.

Mr. President, what is "yellow dog" contract? This contract, stated in a single sentence, is an agreement between the employer and the employee that the employee will not join a union while he is an employee of the employer, that he will not associate or confer with union-labor leaders or union-labor members so long as he is in the employ of the employer. There are different kinds of these contracts, but that in a nutshell is the contract. However, I want to read a line or two from some contracts to illustrate the kind of contract which employers would protect by the process of injunction. Here is one:

> That during his employment said employee will not become a member of any labor union and will have no dealings, communication, or interviews with the officers, agents, or members of any labor union in relation to membership of such employee in any labor union or in relation to the employment of such employee.

This is the twentieth century in which we are now living and in which we are discussing this contract, although if we had dug the contract out of the archives of the common law about the time that it was also a crime and conspiracy for two men to meet together and discuss their wages it would seem to be more nearly akin to that time than this.

Another paragraph in another contract:

> I agree during employment under this contract that I will work efficiently and diligently and will not participate in any strike nor unite with employees in concerted action to change hours, wages, or working conditions.

I do not know what the conditions were in those mines which are now under discussion incidentally by reason of the contract coming from them, but we do know what the conditions have been in some mines. We do know what the conditions often are where laboring men have to work. These contracts not only go to the extent of having the employees agree that they will not join the union but that they will not go on strike, and they will not seek through the cooperation of their fellow workmen to change the conditions under which they shall work. That contract upon its face is reprehensible from every standpoint of justice and humanity.

I read these that we may know the kind of contract which is here involved. Let us take an illustration, Mr. President. Suppose a workingman is out of employment. He approaches the office window of an employer and says, "I want work." The employer says to him, "I will give you work. I have the work for you to do. I will pay you the wage. But before you can go to work for me you must agree that you will not join any union while you are in my employment, and that you will not talk with members of a union or discuss the matter with them," and goes so far as I have just read and says, "You are not to engage in any effort to effectuate a change in your wages or your working conditions."

I want to turn here to the famous Hitchman case to illustrate the conditions under which these contracts are signed. It will be found in a single paragraph in that case. Reciting the facts, the court said:

> About the 1st of June a self-appointed committee of employees called upon the plaintiff's president, stated in substance that they could not remain longer on strike, because they were not receiving benefits from the union, and asked upon what terms they could return to work. They were told that they could come back, but not as members of the United Mine Workers of America; that thenceforward the mine would be run nonunion, and the company would deal with each man individually. They assented to this and returned to work on a nonunion basis.

Now, picture to yourselves the condition of hundreds and thousands of workingmen who had honestly joined a labor organization and who had gone upon strike for the purpose of increasing their wages, as they have a perfect right to do. Heaven only knows what would be the condition of the workingman if he had not gone on strikes in the past. The funds of the organization have been exhausted and they are no longer able to pay the workingmen or keep them in food or clothing or shelter. Therefore the workingman, the funds of the organization having been exhausted, goes to the employer and says, "I want work." The employer replies in effect, "You can go without work, you can go hungry, your wife and your children may go hungry, but you can not have work until you give up your right to associate with your fellow men even to advance your interests." The very conditions and circumstances under which such a contract is signed would, to my mind, be those of duress, and we shall see when we get to the Red Jacket case that that precise proposition was presented to the court.

Mr. GLASS. Mr. President, will the Senator yield?

The PRESIDING OFFICER [Mr. PATTERSON in the chair]. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. BORAH. I yield.

Mr. GLASS. What was the date of the proceeding, and the opinion of the court?

Mr. BORAH. The case was decided December 10, 1917, about 10 years prior to the decision in the Red Jacket case.

Mr. GLASS. And we have sat here all of these years and permitted that to remain the law?

Mr. BORAH. No; we have tried by an act of Congress to repudiate that principle, but the Supreme Court of the United States said that our action was null and void. Mr. President, that is what makes this matter so very important. They pass upon what we do. Therefore, it is exceedingly important that we pass upon them before they decide upon all of these matters. I say this in great sincerity. We declare a national policy. They reject it. I feel I am well justified in inquiring of men on their way to the Supreme Bench something of their views on these questions.

I have been discussing what we might call the technical validity of the contract, or rather I have been calling attention to it. But the important part of these cases is that in addition to the contract they invoke the injunctive processes of the court to sustain and protect and enforce the contract, and that is the real issue in the controversy. They take this contract, signed under the conditions under which it is signed, and invoke the equity power of the court to issue an injunction that no human being may discuss with the employee whether or not it is wrong for him to break it. I repeat, we are living in the twentieth century!

Mr. President, I contend that this contract is void. That may seem presumptuous in view of the fact that a majority of the Supreme Court have held otherwise. But as a justification for what I am about to say and the way I am going to say it, it must be borne in mind that no unanimous court has ever sustained this contract. The contract has been passed upon always by a divided court. The Supreme Court of New York, as I understand the decision, repudiated the principle entirely. The Supreme Court of Kansas decided against the principle. The Supreme Court of Ohio decided 4 to 3 in favor of the contract and solely on the ground that the Federal judiciary had passed upon it. Then we come to the Supreme Court of the United States and there we find a divided court whenever this question arises. It is my opinion they have divided on the validity but there can be no doubt the court was divided on the use of the injunction to sustain the contract.

So, Mr. President, we are not discussing to-day a contract which is finally and definitely settled; it has not, fortunately, been finally incorporated in our system of jurisprudence. We are fighting over a contract which is yet to receive final approval or condemnation at the hands of the American judiciary, and that, in my opinion, is an important item here for consideration. If the question had been settled beyond peradventure, if it were entirely at rest, it would be a different question; but we are discussing a question which is in formation of a conclusion as a matter of law.

I repeat what I said a moment ago, that this contract is a void contract. What is the consideration for this contract? The employee approaches the employer for employment; the employer gives him employment and the employee gives his service. In addition to that, the employer says, "You must give up a very valuable right," a right which the Supreme Court of the United States has said is essential to the equality of the laboring man in his contentions with capital, a most valuable right—his right to cooperate and to join in a union with his fellow men.

What is the consideration for giving up that right? What is it the employer pays him for surrendering a vital right of personal liberty? It can not be the wage for which the employee renders his service, for that is the going wage for that class of labor which is being performed in the community. Then, I ask Senators what is the consideration?

There is no consideration. The employee signs the contract because he must work or go hungry. He gives up the right to associate himself with his fellow workmen because unless he does so his wife and children may go hungry.

Let me read here a paragraph from a case decided by the Supreme Court of New York. I think this is the case which the able Senator from New York [Mr. WAGNER] argued. I will not read the entire decision, of course, for it is a very long one, but quote briefly from the case of Exchange Bakery & Restaurant (Inc.) *v.* Rifkin (245 N. Y. Reports, 260):

> After beginning work each waitress signed a paper stating that it was the understanding that she was not a member of any union, pledging herself not to join one, or, if she did, to withdraw from her employment. She further promised to make no efforts to unionize the restaurant, and says that she will attempt to adjust by individual bargaining any dispute that may arise. This paper was not a contract. It was merely a promise based upon no consideration on the part of the plaintiff.

In other words, there was no consideration flowing from the employer for a very valuable right given up by the employee.

Again the court says:

> Even had it been a valid subsisting contract, however, it should be noticed that, whatever rule we may finally adopt, there is as yet no precedent in this court for the conclusion that a union may not persuade its members or others to end contracts of employment where the final intent lying behind the attempt is to extend its influence.

That is a pretty clear decision; in my opinion, it meets the issue squarely. I can not refrain from calling attention to the members of that court: Cuthbert W. Pound, Frederick E. Crane, William S. Andrews, who wrote the opinion, Irving Lehman, Henry T. Kellogg, John F. O'Brien, and Benjamin M. Cardozo, chief justice. I suppose it will be generally conceded that Judge Cardozo is one of the great jurists of this day and age, if not of the century, a jurist who commands the respect of all who know him or who read his decisions. I feel, therefore, justified in standing before this body and saying that this contract is not yet embedded in our jurisprudence; that it is not yet accepted; and that we will become a party to making it a part of our judicial system if we shall put upon the Supreme Bench those who are committed to the doctrine.

Again, Mr. President, where is the mutuality of this contract? The employee gives up his right to join a labor union. What does the employer give up? In this particular case, the Red Jacket case, there were 12 suits filed by various individuals and corporations, joined together, making 316 complainants all together. They agreed that they would have nothing to do with the union; that they would employ no union man. They were organized; they were nonunionists. Would they give up their right to exclude union men if a miner gave up his right to be a member of the union? Certainly not. They gave him nothing in return.

But we come, Mr. President, to the question that, even if there were a consideration, such a contract, in my opinion, falls under the rule that it is contrary to public policy. Senators will recall that when the barons wrested from King John the Magna Charta, it was looked upon at the time, and is often referred to as giving the people their liberty, whereas no one beneath the barons had any protection from it. The laboring man at that time—and I am referring to this because we are soon going back to the common law for our guidance—the laboring man at that time, if he met in association with his fellow laborers to discuss wages, was subject, under law, to prosecution for criminal conspiracy. Even at the time of the American Revolution, no workingman beneath the rank of what were called second-class farmers, or shopmen, or manufacturers, were protected by the principles of Magna Charta. It was not until 1821 in this country that any judge ever questioned the justice or legality of a law which made workingmen guilty of criminal conspiracy if they joined together to better their condition or secure an increase of wages. This contract belongs to that age. It is contrary to public policy because it places the workingmen in a position of inequality, in a position where they can not protect their interests against the employers. They are surrendering a vital, personal privilege, which it is not in the interest of the public to do.

The basis upon which the contract has been sustained is that of the liberty of contract. The Supreme Court has said, by a majority, that under the fifth and fourteenth amendments the right to make a contract is part of the liberty guaranteed by those amendments, and it can not be taken away. Liberty of contract, Mr. President, is curtailed and circumscribed, as everyone realizes, by the question of whether or not it is in accordance with sound public policy, whether it is in the interest of the public welfare, or whether it is against it. A railroad company can not contract to exempt itself from liability because of its negligence. Nobody would contend that a white-slave contract would be valid. There are many contracts which have been declared invalid as being against public policy, against good morals, against the welfare of the public. If the right of workingmen to be upon equality with their employers, so that they may contract in accordance with their interests, be not of public concern I can scarcely imagine anything that is. The workingmen of the Republic hold the ballot; upon their intelligence and fitness to exercise the franchise depends in large measure the success of our Government, and anything which protects the citizen and maintains his fitness as a citizen—his physical and moral welfare—can not be other than of great concern to the entire public and to the State.

The Supreme Court has said in the Erie Railroad case, Two hundred and thirty-third United States Reports:

Liberty of making contracts is subject to conditions in the interest of the public welfare and which shall prevail, principle or condition, can not be defined by any precise and universal formula. Each instance of asserted conflict must be determined by itself.

Again, the Supreme Court in One hundred and fifty-seventh United States Reports said:

While it may be conceded that, generally speaking, among the inalienable rights of the citizen is that of liberty of contract, yet such liberty is not absolute and universal. It is within the undoubted power of government to restrain some individuals from all contracts as well as all individuals from some contracts.

I might cite a multitude of cases which would establish beyond question that the right of private contract ends where the public interest and public welfare begin. It might be said in another way and equally true that liberty of contract ends where individual liberty begins. The question here is: Whether it is in the interest of the public or whether it is against the public welfare and contrary to sound public policy to permit contracts which deprive the working man and woman of the liberty of choice when it comes to determining whether they shall better serve their interests by going it alone or working it together.

Mr. President, with these preliminary observations, let us consider the Red Jacket case for a moment and then consider the cases upon which the Red Jacket case is supposed to rest.

What are the facts in the Red Jacket case? There were 12 suits instituted by various owners and operators of coal mines. The plaintiffs constituted in number 316, embracing practically all the coal companies in southern West Virginia.

These companies had agreed to operate on a nonunion basis; they were not to employ any man who was a union miner. They brought suit against the United Mine Workers of America, a labor organization, unincorporated, having a membership of 475,000. These companies in employing their men exacted a contract to the effect that the employees were not members of the union and would not join the union while in their employ. In other words, all these mines were closed nonunion shops.

A strike had been called by the union in attempting to unionize these miners, and the suit was to enjoin the union and its officers from interfering with the companies' employees by violence, threats, intimidation, and so forth, or by procuring them to breach their contracts with the plaintiffs. It is the last clause in which we are interested. We do not complain of restraint against threats or intimidation.

There is no doubt that there were violence and threats in connection with the controversy, and, in that respect, the court was perfectly justified in issuing injunctions, and temporary injunctions were obtained in all the suits. In some of these cases, or suits, it appears that settlements were obtained and the suits were withdrawn; but that is immaterial here.

The district court found, among other things, that the defendants were attempting "unlawfully, maliciously, and unreasonably to induce, incite, and cause the employees of plaintiffs in said suits, respectively, to violate their said contracts of employment with said plaintiffs."

The decree entered by the district court, which was sustained, enjoined the defendants "or by doing any other act or thing that will interfere with the right of such employees and those seeking employment to work upon such terms as to them seem proper, unmolested, and from in any manner injuring or destroying the property of the plaintiffs." It also enjoined the defendants "from inciting, inducing, or persuading the employees of the plaintiffs to break their contracts of employment with the plaintiffs."

That is the clause in which we are interested. It enjoins the defendants from inciting or persuading the employees of the plaintiffs to break their contracts of employment with the plaintiff.

What was the contract? The contract was that they would not join a union while they were in the employ of the employer, and the union was enjoined from discussing reasons with the miners or persuading them in any way that it was to their interest to join the union. So far as threats, violence, and intimidation are concerned, undoubtedly there was justification, if the facts sustained the allegation, for the issuance of the injunction; but we come to the separate and distinct proposition that the members of the union were enjoined from persuading the employees of the plaintiffs from breaching their contracts, or, in other words, from joining the union.

The defendants in their assignments of error called attention to the language of the injunction, and urged—now, notice this; this is the real issue—urged—

That the injunctive decree is too broad in that it forbids peaceful persuasion, as well as violence and intimidation.

The injunctive decree, said the defendants, was too broad, in that it enjoined peaceful persuasion, peaceful discussion, peaceful communication. I want to say to the Senate that in my judgment this is the only case that can be found where the defendants have been enjoined from peacefully persuading employees to join the union. I do not understand the Hitchman case to go that far. I do not believe there is another case where, if the facts are analyzed, it will be found that the court enjoined peaceful discussion with employees as to whether or not they should join a union; but it will be noticed that that specific issue was raised. The attorneys did not complain against the injunction in so far as it restrained intimidation or violence. They contended that it was too broad in that it did not permit peaceful discussion or persuasion against the contract.

This is the only contract that I know of in the history of the world that is too sacred for discussion. This is the only contract against which an injunction has issued denying the right to discuss the question. I say again that this is the only case, in my judgment, where the court has gone that far.

Before reading the decision, perhaps it would be well to call attention to what is known as the Hitchman case, because upon the Hitchman case this case is supposed to depend. That is to say, the court followed the Hitchman case.

The Hitchman case had a contract such as is here involved. The Hitchman case involved the use of an injunction to protect the contract. This is the distinction which I make:

In the Hitchman case the defendants employed deceit and misrepresentation; and it was because of the deceit and the misrepresentation that the court restrained them from persuading in that manner the employees from breaking their contract. In other words, the scheme in the Hitchman case was that the employees should join the union, keep it a secret from the employer, and when the time came, through secrecy, that they had enough to call a strike, they were to do so. There were no such facts in this case that I have been able to discover. I am willing to concede that the Hitchman case in its original delivery restrained the employees from breaching the contract, or restrained the union from persuading them to breach the contract; but it was only when it was accompanied, in my opinion, with deceit and misrepresentation—in other words, a scheme and a plan by which the employer was to be misled. That was restrained; and the court would restrain that if there had been no contract. Such acts, such conduct, would have been subject to restraint, if they had been injurious to the employer's property, without a contract.

Let us consider the case in Two hundred and fifty-seventh United States Reports, which construes the Hitchman case. This is the case which Judge Parker ought to, it seems to me, have followed. It was delivered before he delivered his opinion. Judge Parker proceeds upon the theory that the Hitchman case was authority for an injunction restraining the peaceful discussion of the contract. Had it not been for the Tri-City case, which I am now going to read, I could well understand how that inference could be drawn and why he might come to that conclusion. But he had the Tri-City case before him. I read some paragraphs from it, because, in my opinion, it puts the true construction upon the Hitchman case, which makes it an authority only when there is deceit and misrepresentation upon the part of the union and the employee.

In this case it is said:

Where the members of a local labor union, though not ex-employees * * *, have reason to expect reemployment at a plant where wages have been reduced, interference by them and their union by peaceable persuasion and appeal to induce a strike against the lowered wages, is not malicious or without lawful excuse—

And is not subject to restraint by injunction.

Where there is no malice, where there is no deception, where there is no deceit, where there is no fraud, peaceful persuasion is not to be restrained, seems to me to be a fair construction of this case.

Mr. McKELLAR. Mr. President, what is the date of that case?

Mr. BORAH. The date of the case is December 5, 1921—about four or five years after the Hitchman case.

I want to refer the Senate to what the Supreme Court in this case said in regard to the Hitchman case:

The principle followed in the Hitchman case can not be invoked here. There the action was by a coal-mining company of West Virginia against the officers of an international labor union and others to enjoin them from carrying out a plan to bring the employees of the complain-

ant company and all the West Virginia mining companies into the international union. * * * The plan thus projected was carried out in the case of the complainant company by the use of deception and misrepresentation with its nonunion employees by seeking to induce such employees to become members of the union contrary to the express term of their contract of employment that they would not remain in complainant's employ if union men, and after enough such employees had been secretly secured, suddenly to declare a strike against complainant and to leave it in a helpless situation in which it would have to consent to be unionized. This court held that the purpose was not lawful, and that the means were not lawful, and that the defendants were thus engaged in an unlawful conspiracy. * * * The unlawful and deceitful means used were quite enough to sustain the decision of the court without more. The statement of the purpose of the plan is sufficient to show the remoteness of the benefit.

Then they hold that the Hitchman case being confined in its effect, in their judgment, to restraint where deception and misrepresentation were involved, it was not applicable where those principles were not involved; and they were not involved in the Red Jacket case.

Further, the court said:

The Hitchman case was cited in the Duplex case, but there is nothing in the ratio decidendi of either which limits our conclusion here or which requires us to hold that the members of a local labor union and the union itself do not have sufficient interest in the wages paid to the employees of any employer in the community to justify their use of lawful and peaceable persuasion to induce those employees to refuse to accept such reduced wages and to quit their employment.

What does that case hold? That case holds that where a union has an interest such as maintaining wages, such as increasing its membership, it has a right peaceably to persuade people to join it, even if they are under a contract such as is here involved. For while there was no contract in the Tri-City case there was in the Hitchman case, which the court was construing.

I read a paragraph preceding this. This language was before the judge when he wrote the opinion in the Red Jacket case:

Is interference of a labor organization by persuasion and appeal to induce a strike against low wages under such circumstances without lawful excuse and malicious? We think not. Labor unions are recognized by the Clayton Act as legal when instituted for mutual help and lawfully carrying out their legitimate objects. They have long been thus recognized by the courts. They were organized out of the necessities of the situation. A single employee was helpless in dealing with an employer.

When the Red Jacket case was decided, the court had before it this declaration, first, that a labor union was lawful, second, that members of it had a just right to increase its membership, and, third, that when they did so they were not acting unlawfully or maliciously, but within their rights, and could not be enjoined from peacefully persuading other employees to become members of the union.

Mr. President, the Supreme Court here held that a labor union is lawful—not only lawful but necessary—and yet the Red Jacket case holds that it is not permissible to persuade men to join a lawful organization which is necessary for their benefit or to their interest.

Mr. OVERMAN. What is the title of the case from which the Senator is reading?

Mr. BORAH. It is known as the Tri-City case.

He was dependent—

Says the court, without a labor organization—

ordinarily on his daily wage for the maintenance of himself and family. If the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and to resist arbitrary and unfair treatment. Union was essential to give laborers opportunity to deal on equality with their employer.

Mr. GLASS. Mr. President, was the Red Jacket case appealed to the Supreme Court?

Mr. BORAH. My understanding is that a writ of certiorari was sued out, but that it was refused. There is no written opinion, and therefore I do not know what entered into it.

Mr. OVERMAN. They declined the certiorari.

Mr. BORAH. It was declined.

Mr. GLASS. Does the refusal of a writ of that kind imply that the Supreme Court altogether agreed with the decision of the circuit court?

Mr. BORAH. It does not necessarily imply that it agrees with all the different questions raised by the decision. I do not know what the writ of certiorari contained—what the error was that was assigned. And I do not know upon what grounds the writ was refused.

Mr. GLENN. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Idaho yield to the Senator from Illinois?

Mr. BORAH. I do.

Mr. GLENN. In view of the question asked by the Senator from Virginia [Mr. GLASS], it seems to me important that the Senator from Idaho state, for the information of the laymen in this body, just what the action of the Supreme Court in denying the writ of certiorari would indicate, in his judgment.

Mr. BORAH. I shall undertake to do so, but as no opinion was written, the task will be fruitless.

Mr. OVERMAN. If the Senator will pardon me, the lawyers who represented the miners said they thought the Hitchman case settled the question, and they did not press the contract before the court.

Mr. BORAH. I have never quite understood the presentation of this particular question by the defense.

Mr. President, the Supreme Court could have denied the writ of certiorari, so far as this question was concerned, without passing upon it at all. When I get to the Red Jacket case, and undertake to analyze it if I can, I shall show that an interpretation of the contract in the Red Jacket case was not necessary to the full determination of the case before the court, but the court went out of its way to decide that proposition, when it could have granted full relief to the mine owners and to the property without passing upon the question at all.

I read further:

The strike became a lawful instrument in a lawful economic struggle or competition between employer and employees as to the share or division between them of the joint product of labor and capital. To render this combination at all effective, employees must make their combination extend beyond one shop. It is helpful to have as many as may be in the same trade in the same community united, because in the competition between employers they are bound to be affected by the standard of wages of their trade in the neighborhood. Therefore they may use all lawful propaganda to enlarge their membership, and especially among those whose labor at lower wages will injure their whole guild.

Union labor is lawful; and it may encompass a wider jurisdiction than that of its own membership, because the wage which others are paying to other employees affects their wages. Therefore any lawful persuasion, persuasion not accompanied by threat, intimidation, deceit, or misrepresentation, is lawful, says the Tri-City case, and should not be enjoined by a court of equity.

Bear in mind that when the Red Jacket case went before the circuit court of appeals, the attorney for the labor organization did not ask for a rejection of the injunction save and except as it applied to peaceable persuasion. That was the distinct assignment of error. They did not say, "You should not enjoin them from breaching the contract or persuading them from breaking the contract if it was accompanied by deceit or misrepresentation or threats or intimidation."

The attorneys for the defendant did not complain of an injunction to that extent. They said, "The injunction is too broad. You not only enjoin intimidation, threats, and violence but you enjoin peaceable persuasion." If I understand the law from reading the decision, that is precisely what the Supreme Court has decided they might do.

It is impossible to hold such persuasion and propaganda without more, to be without excuse and malicious.

In other words, there must be something more than peaceable persuasion. Is it not quite plain in the language here? Why go back, then, to the Hitchman case, 10 years ago, and follow it, instead of following the Tri-City case? It seems to me that the judges who sat upon the bench in the Red Jacket case were anxious to find some way to sustain and maintain that contract.

The principle of the unlawfulness of maliciously enticing laborers still remains and action may be maintained therefor in proper cases, but to make it applicable to labor unions, in such a case as this, seems to be unreasonable.

The elements essential to sustain actions for persuading employees to leave an employer are, first, the malice or absence of lawful excuse—

Maliciousness, deceit, and misrepresentation.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. BLACK. As I recall it, in the Hitchman case the statement is made that any intentional procuring of the breach of a contract is unlawful, and is in law malicious. Is a reference made to that in this latter case?

Mr. BORAH. The Supreme Court says in the Tri-City case, in effect, as I understand it, that the Hitchman case should be confined to facts which show deceit and misrepresentation, and therefore the inference of malice. That is the construction they place upon it in the Tri-City case.

It is true that in the Hitchman case they had said that the interference with the contract gave rise to the inference of malice, but that matter was before the Supreme Court in the Tri-City case, and they undertook to say, as I understand the reading, that only when deceit and malice were accompanying the persuasion could a court of equity be invoked to protect the contract.

Mr. BLACK. Mr. President, may I ask the Senator whether or not the Tri-City case was after the Truax case?

Mr. BORAH. I could not give the date of the Truax case. I do not remember the date of it.

Something has been said, and rather plaintively said, to the effect that Judge Parker was bound to follow the Supreme Court of the United States; that he could not be placed in the position of overruling the Supreme Court of the United States. The inference is that he disliked to follow it, but that in obedience to the rule which lower courts always follow, I presume, of accepting the principles laid down by the Supreme Court, he felt compelled to do so.

Mr. GLASS. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. GLASS. I understand the Senator to contend that he did not follow the rulings of the Supreme Court.

Mr. BORAH. I do, and I am going to cite a decision by another circuit court of appeals which was able, without incurring the charge that they were not following the Supreme Court, to come to what seems to me a wholly different conclusion.

This is the case of Gasaway against the Coal Corporation, coming up, I think, from the same prolific source of litigation. Without reading the opinion, let me read the syllabus:

> Employers may persuade a union man, provided they do not violate his right of privacy, nor invade the rights of another, to become nonunion, and union laborers may under the same conditions persuade a nonunion man to become union.
>
> * * * * * * *
>
> Preliminary injunction held erroneous, in that it deprived union laborers of the right to persuade nonunion employees of plaintiff to join the union, instead of limiting the prohibition of unionization or attempted unionization of plaintiff's men to the threatened direct and immediate interfering acts shown by the bill and affidavits.

That is the true rule. If they are employing unlawful acts, threats, intimidation, trespassing upon property in their effort to persuade them to break the contract, the court may restrain them from doing those things, but they might restrain them from doing those things whether there was any contract or not.

The thing I desire to get before the Senate is this, that the naked question of peaceful persuasion was specifically presented to the circuit court of appeals. The attorneys for the defendants stripped their contention of everything except the right to peaceably discuss this contract, and the circuit court of appeals held that they would be restrained from persuading peacefully the breach of the contract, or even discussing the contract. If that is decided in any other case I have been unable to find it.

Mr. GLENN. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. GLENN. Simply as a matter of law, does the Senator from Idaho take the position, forgetting for the moment that this is a labor contract, that if the Senator from Idaho and the Senator from Michigan have a contract under which the Senator from Michigan agrees, for instance, to erect a building for the Senator from Idaho, and a third person goes peacefully to the Senator from Michigan and endeavors to persuade him to break his contract, not using force or intimidation or fraud or anything of the kind that he could not be restrained by injunction, providing the party interfering were not responsible financially so that an action of damages at law could be resorted to?

Mr. BORAH. I can understand that there might be a contract such as the Senator refers to which would be a valid contract, and which, under possible conditions, might be within the jurisdiction of a court of equity to protect, but I do say this, that if a court of equity were called upon to pass upon that question, it would not content itself with the bare, technical legality of the contract. If as a court of equity it was going to enjoin people from discussing it, it would take into consideration the interests of the party who was persuading them to violate the contract.

This case can not be decided upon the naked case stated by the Senator, for this reason, that the Supreme Court of the United States said in the Tri-City case that labor organizations were lawful, and that they had a right to increase their membership, and that they had a right to persuade people to join them, that it was in their interest to do so, and that therefore their doing so was not accompanied by malice or ill will, and therefore subject to restraint.

Mr. GLENN. I was not endeavoring to argue the proposition with the Senator from Idaho. I merely rose to elicit information and clear up the viewpoint, if I could, in my own mind. That is the only purpose I have.

Mr. ALLEN. Mr. President, will the Senator from Idaho yield?

Mr. BORAH. I yield.

Mr. ALLEN. Will the Senator from Idaho tell us what relation there is, in the application he has been discussing, of the statement of the former Chief Justice, Mr. Taft, that there is no such thing as peaceful picketing?

Mr. BORAH. Picketing is an entirely different proposition.

Mr. ALLEN. Peaceful persuasion.

Mr. BORAH. He did not say that, as I recall.

Mr. ALLEN. It is the same general principle.

Mr. BORAH. I beg the Senator's pardon. Chief Justice Taft never said there was no such thing as peaceful picketing or persuasion. What he did say was that where there was a large gathering of men near the property or upon the property of the employer, and perhaps 50 or 100 or 200 union men accompanying the man who was making the argument or picketing, it was calculated to intimidate the employees of the company, and that that was not peaceful picketing. But he did say in the same case that if the persuasion was accompanied by such peaceful means as not to indicate intimidation, annoyance, dogging it was lawful.

Mr. GLASS. Mr. President, the Senator has made a very impressive argument against the public policy of the sort of contract which he has been discussing. May I ask whether the Supreme Court has ever decided the invalidity of such a contract?

Mr. BORAH. As this contract?

Mr. GLASS. Yes.

Mr. BORAH. The Supreme Court by a majority opinion has upheld the validity of this contract.

Mr. BLACK. Mr. President, as I recall it, in the only case bearing on the subject with which I am familiar the majority upheld the contract, and the minority did not hold the contract invalid, but based their opinion upon other grounds, as I recall, in the case in which Justice Brandeis and the other judges dissented.

Mr. BORAH. Let me answer the Senator from Virginia, and then I will answer the Senator from Alabama.

The Senator from Virginia asked me if the Supreme Court had ever upheld this contract. In my opinion, the Hitchman case and the Coppage case, known as the Kansas case, must be cited as cases of a majority of the court upholding the contract; but there are two propositions in this contract.

Mr. GLASS. I understood that they upheld the Hitchman contract on the ground that deception and misrepresentation were practiced.

Mr. BORAH. No. I was going to say we ought to keep in mind two propositions—first, the technical validity of the contract, and, second, the conditions under which the court will restrain any discussion of peaceful persuasion to breach the contract. In the Hitchman case the majority of the court undoubtedly upheld technically the validity of the contract, but they refused to restrain a discussion of it, as I contend, unless that discussion was accompanied by deceit and misrepresentation. What I am complaining of here is not that the circuit court of appeals recognized the contract as valid, but that they went further and refused to permit it to be discussed although it was peacefully discussed and peacefully reasoned upon. The error was in the injunction decree and not in the assumption that the contract was valid. They did not really hold the contract was valid, but they assumed that it was.

(At this point Mr. BORAH yielded the floor for the day.)

Tuesday, April 29, 1930

Mr. BORAH. Mr. President, I feel like apologizing to the Senate for further trespassing upon its time, but the record in this case is of such length that it is very difficult to abbreviate what ought to be said in justice to the facts and the law. I was discussing last evening the Hitchman case and the Tri-City case upon which the court assumed to rule in the Red Jacket case. There is one feature of the Hitchman case and the Tri-City case to which I desire to call attention as it seems to me very significant, significant of the fact that the Tri-City case modified to a marked extent the supposed holding in the Hitchman case.

In the Hitchman case Justice Brandeis, Justice Holmes, and Justice Clarke dissented. I read a single paragraph from Justice Brandeis asserting vigorous dissent. He said:

As persuasion, considered merely as a means, is clearly legal, defendants were within their rights if, and only if, their interference with the relation of plaintiff to its employees was for justifiable cause. The purpose of interfering was confessedly in order to strengthen the union, in the belief that thereby the condition of the workmen engaged in mining would be improved; the bargaining power of the individual workingman was to be strengthened by collective bargaining; and collective bargaining was to be insured by obtaining the union agreement. It should not, at this day, be doubted that to induce workingmen to leave or not to enter an employment in order to advance such a purpose is justifiable when workmen are not bound by contract to remain in such employment.

Mr. President, in the Hitchman case there was a contract. The question was under what circumstances the union could solicit the employees of the employer to depart from the employer and join the union.

I understand the Hitchman case to have held that, notwithstanding the fact that the union member was soliciting for the purpose of increasing the membership of the union, that was not justifiable. Justice Brandeis holds that there are conditions under which it is justifiable, and in the Tri-City case those conditions are set forth, to wit, whenever the union members undertake to persuade the employee to leave his employment for the purpose of joining the union, without deceit or misrepresentation, without threats or intimidation, but solely for the purpose of bringing a larger membership, thereby increasing the strength of the union, that it is justifiable. In the Tri-City case, Justice Brandeis and Justice Holmes agreed with the majority opinion.

I take it, therefore, Mr. President, that, in view of the dissenting opinion in the Hitchman case and in view of the concurrence in the Tri-City case by Justice Brandeis and Justice Holmes, there must have been a marked modification of the holding of the court in order to enable them to consent to join in the majority opinion. I think that ought to be taken into consideration when we are undertaking to arrive at what the real holding was in the Hitchman case and in the Tri-City case.

I am very frank to admit that if the Hitchman case had stood alone, without the construction placed upon it by the Tri-City case, such inference as was made by the Fourth Circuit Court of Appeals might have been justified, but 10 years elapsed between the holding in the Hitchman case and the decision in the Red Jacket case, and in those 10 years a vast amount of criticism from lawyer and layman alike had been leveled at the Hitchman case. It seems perfectly clear to me that, upon reconsideration of the principle involved in the Hitchman case, the court clearly intended to hold that labor unions were lawful, that union members had a right to solicit membership, that if that solicitation were not accompanied by threats, intimidation, or deceit it was within their right, and that they could not be restrained from such solicitation.

Mr. President, let us read the Red Jacket case briefly and analyze it. We have given some attention to the two cases upon which it is supposed to rest. The Red Jacket case is found in Eighteenth Federal Reporter, of the second series, at page 839. There is a vast amount of the case which does not concern us here. There is the question of jurisdiction, a question which was argued at greater length than any other question—that is to say, whether or not the mining of coal, although it was shipped in interstate commerce, gave jurisdiction to a Federal court to restrain the parties from interfering with interstate commerce, the contention being that it was a mere mining of coal, and, therefore, the Federal court had no jurisdiction. That question was argued at length. Also the question was involved as to whether the proper parties had been joined in the suit. That received considerable attention at the hands of the court, but it is of no concern to us here. The court then comes to this question:

With respect to the second paragraph, complaint is made that it restrains defendants "from inciting, inducing, or persuading employees of the plaintiffs to break their contract of employment with the plaintiffs."

I ask Senators of what did the breaking of the contract consist? What was it the court was restraining? Under the contract the employees had a perfect right to leave or quit whenever they desired to do so; they had a right to join the union whenever they desired to do so. The only thing that they might not do was to join the union while they were still in the employ of the plaintiffs in the case. However, the court restrained them from persuading the breaching of the contract.

It is very difficult for me to understand what the breach was against which the court was restraining them, in view of the fact that I find in the record no evidence of deceit, misrepresentation, intimidation, or threat accompanying the persuasion; but the effect of the holding of the court was to say to the employees, to the union men, "You can not discuss with each other the advisability of joining the union"; and, as a matter of fact, that is the effect it had in the case. But assuming there were threats, the defendants did not complain of the injunction restraining such acts but asked the court to modify it and permit peaceful persuasion.

"From inciting, inducing, or persuading the employees of the plaintiffs to break their contract of employment with the plaintiffs." This language—

Says the court—

is certainly not so broad as that of the decree approved by the Supreme Court in the Hitchman Coal & Coke Co. *v.* Mitchell (245 U. S. 229).

Mr. President, the court in this citation wholly ignores the Tri-City case, which had been decided in the meantime, and which, if I can understand language, had wholly modified the Hitchman case and had held definitely that persuasion, if it was not accompanied by unlawful means, such as deception and threats, was permissible.

Bear in mind that the attorneys for the defendants had specifically said to the court, "We complain that your decree is too broad, not that you should not restrain intimidation and threats but that you should not restrain peaceful persuasion." So the specific question was raised and presented to the court as to whether peaceful persuasion was permissible. In the Tri-City case the court had undoubtedly held that persuasion, unaccompanied by malice, indicated by some acts unlawful in themselves, was permissible. What I do not understand from the court is why the Tri-City case was ignored in this instance. It would be a reflection upon Judge Parker's ability as a judge should I say that he could not see any difference between the Tri-City case and the Hitchman case, and it would be an intimation that he was seeking a prior case upon which to hinge the validity of a contract and ignoring a subsequent case if I should take the other view. It is a matter of inference which each Senator must draw for himself.

Mr. OVERMAN. Mr. President, may I ask the Senator to yield to me there?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. BORAH. I yield.

Mr. OVERMAN. In this case there were threats, there was force, there was conspiracy on the part of large numbers to induce the breaking of the contract.

Mr. BORAH. What was the last statement of the Senator?

Mr. OVERMAN. That there was a conspiracy on the part of large numbers to persuade the employees to break their contract.

Mr. BORAH. Oh, no. There were threats, there was force, there was violence, there was fighting, all of which the court had a perfect right to restrain. Anything in the nature of unlawful conduct the court undoubtedly had a right to restrain; but what the defendants' attorneys said was, "You go too far; you not only restrain those acts which are unlawful, but you restrain peaceful persuasion." That is the specific question which the attorneys for the defense raised. May I recur to the language of the assignment of error? I quote from the statement of facts found in the decision itself.

The defendants in their assignments of error call attention to the language of the injunction and urge "that the injunctive decree is too broad, in that it forbids peaceful persuasion as well as violence and intimidation."

So there is no possible chance, Mr. President, to misunderstand the fact that the court had before it the specific proposition, stripped of all extraneous matters, that it was peaceful persuasion upon which they passed. I ask the able lawyers who sit about me where else in the decisions upon this question can they find that the court ever enjoined peaceful persuasion with reference to the breaching of a contract, if it was unaccompanied by unlawful acts, such as deceit, intimidation, and threats?

Mr. OVERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield further to the Senator from North Carolina?

Mr. BORAH. I yield.

Mr. OVERMAN. Was not that the reason for Judge Brandeis's dissenting opinion in the Hitchman case, namely, as he said, that there was no evidence of force or conspiracy or a menace to the rights of anyone?

Mr. BORAH. I do not remember the language of Judge Brandeis in regard to that, but I do remember very distinctly that the facts disclosed threats, intimidation, and trespass.

Mr. OVERMAN. In the Hitchman case?

Mr. BORAH. Yes.

Mr. OVERMAN. As I understand, the dissenting opinion of Judge Brandeis was based on the fact that there was "peaceful persuasion" through force.

Mr. BORAH. It might have been that Judge Brandeis contended that threats or intimidation did not accompany the persuasion, and, if he did, that is the precise matter which was decided in the Tri-City case, and, perhaps, that is the reason he joined with the court in the Tri-City case and refused to join with the majority in the other case. Of course, if there were threats, if there was intimidation, the court would have a right to restrain such acts, even if there were no contract.

This language is certainly not so broad as that of the decree approved by the Supreme Court in Hitchman Coal & Coke Co. v. Mitchell * * * which also enjoined interference with the contract by means of peaceful persuasion.

Then, quoting further from the Red Jacket case:

The doctrine of that case has been approved by the Supreme Court in the later cases of American Steel Foundries v. Tri-City Central Trades Council * * *.

I submit, Mr. President, it would compromise the ability of Judge Parker as a judge if he thought that the Tri-City case sustained and approved the Hitchman case to the extent laid down in the Red Jacket case. The very object and purpose of the Tri-City case was to modify the holding in the Hitchman case.

May I, at the risk of trespassing upon the patience of the Senate, read from the Tri-City case again in connection with this statement? After the court had held that labor unions were lawful, that they were not only lawful but necessary in order to give the working men equality, they said in regard to the Hitchman case, speaking of it:

The plan thus projected was carried out in the case of the complainant company by the use of deception and misrepresentation with its nonunion employees by seeking to induce such employees to become members of the union contrary to the express terms of the contract of the employee that they would remain in the complainant's employ if union men, and after enough such employees had been secretly secured, suddenly to declare a strike against complainant and to leave it in a helpless situation in which it would have to consent to be unionized.

The court held that the purpose was not lawful—that is, the purpose was, by deception, to unionize enough men within the employ of the company secretly so that at some early morning hour they might declare a strike, and the company would be at their mercy.

That the defendants were thus engaged in an unlawful conspiracy which should be enjoined. The unlawful and deceitful means used were quite enough to sustain the decision of the court without more.

If I understand the language of the court, it meant to say that anything in the Hitchman case outside of holding against persuasion when accompanied by deceit and misrepresentation was obiter dicta, and that the court should not be considered as sustaining the contention that any other width or breadth of the decision should be accepted.

The statement of the purpose of the plan is sufficient to show the remoteness of the benefit ultimately to be derived by the members of the international union.

Then they say, further speaking of this case:

The Hitchman case was cited in the Duplex case, but there is nothing in the ratio decidendi of either which limits our conclusion here—

Mind you, "nothing in either case which limits our conclusion here." What is our conclusion?—

or which requires us to hold that the members of a local labor union and the union itself do not have sufficient interest in the wages paid to the employees of any employer in the community to justify their use of lawful and peaceable persuasion to induce those employees to refuse to accept such reduced wages and to quit their employment. For this reason, we think that the restraint from persuasion included within the injunction of the district court was improper.

It seems to me that the Tri-City case would not only have justified but it was ample authority from the Supreme Court of the United States, in its last statement, for the Circuit Court of Appeals for the Fourth Circuit to have said that people should not be permitted, through deception or misrepresentation, or threats, or intimidation, to cause employees to breach their contract. They would have been wholly within the decision in the Tri-City case. There would have been no danger of breaching the holding of the Supreme Court or coming in conflict with the holding of the Supreme Court.

The court quotes at length from the Hitchman case; not a quotation, not a line from the Tri-City case. Shall we infer that the court did not know the effect of the Tri-City case, or shall we infer that they preferred the Hitchman case in order to sustain this outrageous and unconscionable contract? Either inference is unsatisfactory in passing upon the qualifications of a man for the Supreme Bench.

Mr. President, I said yesterday afternoon that we were engaged in a controversy yet unsettled—that is to say, whether this kind of a contract should become permanently embodied in our jurisprudence and accepted by the people of this country as a binding contract. My own opinion is that it will pass out of existence, just as the old doctrine that the action of two men in consulting together with reference to wages was a conspiracy has passed out of existence. In my opinion, it really as a matter of reason passed out 400 years ago, when those conditions which gave rise to that situation existed. It passed out when the new condition of affairs came about. When the laboring man had to contend with immense capital, that doctrine was no longer applicable or pertinent.

As an illustration of the fact that we are in the midst of the controversy, I have in my hand a transcript of a case now in the Supreme Court of the United States. I think the case is to be argued to-day. Therefore it is very pertinent that I say no more about it than call attention to the issue. In that case, if I get the facts correctly from a hasty reading, a southern railroad undertook to demand of its employees that they join a union which the railroad had organized and that they refrain from joining any other union; that they should agree not to join any union except a union which had been instituted, initiated, and organized by the railroad company. The employees of the railroad company brought a suit to restrain the railroad company from making any such demands or interfering in any way with the employees having their own organization. The lower court issued the injunction against the railroad company. The matter went to the circuit court of appeals. The circuit court of appeals sustained the lower court, and the case is now in the Supreme Court for determination. If we are sufficiently rapid and the decision should be adverse to what it ought to be, it is possible that Judge Parker would be permitted to sit in that case and help determine it before it is finally decided.

Mr. President, as a résumé of what I have said, let me ask how did the law stand when the Red Jacket case came on for consideration?

First, the Supreme Court in the Hitchman case by a divided court had sustained an injunction restraining the defendants from persuading employees to disregard their contract; but in that case, as construed by the court later, it was only when the persuasion was accompanied by deception and misrepresentation—such deception and misrepresentation as would lead employees to join the union without notifying their employer—in other words, dishonesty, deception, with a view at the proper time of carrying on a strike.

Secondly, the Hitchman case had been explained and limited in its meaning in the Tri-City case. In the latter case, Justices Holmes and Brandeis agreed with the majority, but Justice Clarke dissented. He filed no opinion, but simply recorded his dissent. In other words, the Hitchman case was not to be understood as holding that persuasion could be enjoined unless it was accompanied by some unlawful act, such as deception and misrepresentation. It was clearly intended by the Tri-City case to place a construction upon the Hitchman case, which would limit it in its purport.

Third, under the Tri-City case it was held that labor unions were lawful, that they were necessary; that a single employee could not protect himself against his employer, and that a union is necessary to place the employees upon an equality with the employer.

Fourth, under the Tri-City case it was held that labor unions have a right to use all lawful propaganda to enlarge their membership, and that their acts in this respect become subject to judicial restraint only when they are accompanied by such unlawful acts as deception and misrepresentation.

Fifth, persuasion and propaganda for the purpose of enlarging the membership of a union can never be regarded as malicious or unlawful in and of itself. The persuasion to breach that kind of a contract can never be regarded in and of itself as unlawful. Why? Because back of it is a legal and lawful purpose to increase the membership of a union, which union is necessary to the equality of the workingman.

Sixth, that in order that persuasion may be restrained or come under judicial cognizance it must be accompanied by something more than peaceful persuasion. As an illustration, the court holds that communications and discussion looking to the influence of another's action can not be regarded as in violation of any other man's right. If it is accompanied, however, by annoyance, by persistent, dogging interference with work, such as is

calculated to induce intimidation or disturbance of the work, it may be restrained, which things could be restrained even if there were no contract.

Now, what did the court hold in the Red Jacket case as a finality?

I contend that the Red Jacket case went further than any other case which has been decided by the court. I contend that the Red Jacket decision ignored or disregarded the construction and limitation placed upon the Hitchman case and the Tri-City case. I contend that the opinion chose to follow the Hitchman case rather than the latter case, the Tri-City case; that the Red Jacket case is the only case which has enjoined the use of persuasion or reason against the "yellow dog" contract where such persuasion or reason is not accompanied by unlawful acts of themselves; that in the Red Jacket case there was no charge or proof of deception or misrepresentation, as in the Hitchman case.

I further contend that the action of the court in sustaining and protecting the "yellow dog" contract was not necessary to a full and complete protection of the rights and interests and property of the plaintiffs. The injunction restraining intimidation, threats, misrepresentation, violence, or trespass was ample and sufficient to give full protection to the property and property rights and to the life of employees.

Mr. HASTINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Delaware?

Mr. BORAH. I yield.

Mr. HASTINGS. Does the Senator contend that if the purpose was unlawful, they could not be restrained from using peaceful means to break these contracts? If the purpose of the union was unlawful, could they or not be restrained from peaceful persuasion?

Mr. BORAH. If the Senator will accept my definition of "unlawful," I should say yes, they could be restrained; but I do not agree with the doctrine sometimes thrown out that it is unlawful for a union to increase its membership and to use persuasion for increasing its membership, although the union has in contemplation a strike. A strike is lawful. A union has a right to strike; and we should be in a pitiable condition in this country to-day if workingmen did not have that right and had not had. So it depends on what the Senator means by "unlawful." If he means that they are accompanying their persuasion by threats and violence and destruction of property, then I say they can be restrained, but they could be restrained if there were not contract. What I am trying to get rid of, and what I wish to rivet in the attention of the Senate, is this little contract by which the company makes them agree not to join a union.

Mr. HASTINGS. Mr. President, if the Senator will permit me, I should like to ask him one additional question which I desire to have him answer before he sits down.

When this matter was brought to the attention of the Supreme Court from the circuit court of appeals, this was one of the questions, the first one being that of jurisdiction:

> Did the district court of the United States and the circuit court of appeals err in enjoining and restraining officers and members of the United Mine Workers of America from persuading the employees of respondent to become members of the union, and cease their labor in the production of coal?

That was the question. In the brief filed, this was the contention:

> We earnestly submit that the circuit court of appeals has misconstrued the opinion of this court in both the Hitchman case and the American Foundries case—

Which is the Tri-City case—

> that in the Hitchman case the decree of injunction against persuasion was predicated on fraud and deceit practiced in persuading an employee, notwithstanding his contract, to secretly join the union while remaining in the employ of the company, for the purpose of thus organizing its labor forces.

That was the question submitted to the Supreme Court, and that was a part of the brief filed; and the Supreme Court refused the certiorari. Then did or not the Supreme Court sustain Judge Parker in his decision?

Mr. BORAH. It did not necessarily. I find set out on page 536 of the reports of the Supreme Court of the United States, volume 275, reference to the following cases: No. 325, Lewis and others; No. 326, International Organization and others, the Red Jacket case; No. 327; No. 328; No. 329; No. 330; No. 331; No. 332; No. 333; No. 334; No. 335; No. 336. Then follows this statement:

> Petition for writs of certiorari to the Circuit Court of Appeals for the Fourth Circuit denied.

I do not know upon what ground the court refused the writs of certiorari.

Mr. HASTINGS. I copied this from the record this morning.

Mr. BORAH. The Senator was copying from the brief?

Mr. HASTINGS. Yes.

Mr. BORAH. I copied from the decision of the Supreme Court of the United States, and I say we have no means of knowing upon what ground the court refused the writs of certiorari.

Mr. HASTINGS. There were two questions; there were but two questions in the brief. One was jurisdiction, and the other was this question which I have just read to the Senator.

Mr. BORAH. There are reasons for refusing a writ of certiorari aside from the merits of a controversy, and I do not know whether it was a question of form, or some question of proceeding, whether the error was raised directly, or whether the court thought it was not of sufficient merit. I have no means of knowing.

It is possible that the Supreme Court might have come to that conclusion, it might have taken the view of the Hitchman case again and returned to it, I do not know; but it does not seem to me reasonable.

Mr. President, I want to ask the Senate this question: Suppose the court in the fourth circuit had modified the decree in accordance with the contention of the attorneys for the defense. Suppose the court had modified that decree so that persuasion should only be restrained when accompanied by what the court had said in the Tri-City case were unlawful acts How could it possibly have been error before the Supreme Court of the United States?

What error could possibly have been assigned for the court modifying the decree in accordance with the contention that only unlawful acts, such as intimidation or deceit, should be significant of the right of the plaintiffs to have a decree? It could not have been error under any circumstances.

I contend that the circuit court of appeals went much farther than either the Hitchman case or the Tri-City case, but if the court below had sustained those cases and had been in perfect accord with those cases, I would not myself vote to put a man upon the Supreme Court who was committed to the doctrine, regardless of how he became committed. I think this is so fundamental, so righteous in and of itself that I could not get my consent to put upon the Supreme Court a man who has already declared his position upon the question. The court is divided; the controversy is there again; and if the Senate decides that Mr. Parker should be confirmed, it is in moral effect a decision of the Senate in favor of the "yellow dog" contract.

Mr. President, much has been said in the last few weeks about the duty of the Senate when a nominee comes before it for the Supreme Bench of the United States. The doctrine has been put forth that all we have to do is to read the name and vote our approval, that our function here is to accept without inquiry or sincere investigation the appointment of the President. I am one of those who believe that nowhere in the whole scheme of government did those who gave us the Constitution, construct with such brilliancy and boldness as in the creation of the Supreme Court of the United States. In many respects this part of their work was peculiarly original. Here was a task which called for the pioneer in statecraft, which called for the highest order of constructive statesmanship.

They conferred jurisdiction over controversies between sovereign States. They made this court the final interpreter of the great charter under which we live as a Nation. No right, no privilege is guaranteed by the National Government to citizens but may some time come under the supervision of this tribunal. In the wide sweep of its powers granted, it has found authority for holding void an act of Congress itself, the Congress which represents the people. Nowhere in all the history of jurisprudence is there a tribunal approaching our Supreme Court in dignity and power.

Finally, they determined to give to those who should have a place upon that bench a life tenure. With all these vast powers, they were to sit for life. They intended to remove them as far as practicable, after they reached the court, from the fears or the favors of politics.

I am not complaining of anything which the fathers did; I am not urging any change. I want the Supreme Court, as an institution, to stand as the fathers created it—the proudest monument to their genius.

Mr. President, in preserving that court in all its usefulness and power, there devolves upon this body a high and an almost sacred obligation. Our part is not merely a perfunctory part. The President selects, but he only selects. No man can sit upon that tribunal without the approval of this body. Ours is the more important part. It is the greater obligation. No one can review our action. From our judgment there is no appeal. It is a stupendous obligation, and to perform it perfunctorily or

without the sincerest investigation would be a betrayal upon the part of the Senate of the highest trust which has been imposed upon it.

In passing upon the fitness of nominees to that court we are bound to take into consideration everything which goes to make up a great judge—his character and standing as a man, his scholarship, his learning in the law, and his statesmanship.

Upon some judicial tribunals it is enough, perhaps, that there be men of integrity and of great learning in the law, but upon this tribunal something more is needed, something more is called for, here the widest and broadest and deepest questions of government and governmental policies are involved.

And, finally, we must weigh his conception of human rights, for we all know that the law takes on something of the heart and soul, as well as the intellect, of those who construe it.

In the face of such an obligation, such responsibility, we dare not shirk any part of our duty. We may differ here, sincerely differ, as to whether this or that nominee should be confirmed, but we can not differ upon the proposition that we are honestly to record our convictions as to his fitness.

The political atmosphere in these days is almost feverish with fright over the breakdown, as it is called, the failure of representative government. It would seem to some that we have approached the time when we doubt the efficiency and the wisdom of free institutions. We hear here in our own country the suggestion of something different. The fault is not in the Government, the fault is not in the form of our institutions; the fault, if any may arise, will be in the failure to find men with the intelligence to appreciate the obligations imposed and the courage to execute the powers of the Government. Those who say to us here that we are to approve pro forma are teaching those doctrines of cowardice and betrayal, the very things which rot out and destroy government. It is not the performance of duty, but the shirking of duty which destroys free institutions.

Mr. OVERMAN. Mr. President, on yesterday the distinguished junior Senator from Alabama [Mr. BLACK], reading from a newspaper account, asked me a certain question which I could not answer because I had never heard the charge before, and knew nothing about it. This morning I have a telegram from Judge Parker himself, which I ask the clerk to read for the benefit of the Senate.

The VICE PRESIDENT. Without objection, the clerk will read.

The legislative clerk read as follows:

RICHMOND, VA., *April 29, 1930.*

Hon. LEE S. OVERMAN.

DEAR SENATOR OVERMAN: I understand it has been stated that in the Harness case I prosecuted defendants while having in my possession documents which established their innocence. This statement is absolutely and unqualifiedly false. The Harness case involved a great mass of documentary evidence; hundreds of documents were introduced by the Government and hundreds by the defense. The case was prepared by Mr. Marion C. Early, of St. Louis, a lawyer of the highest character and standing, and I was assigned to assist him in the prosecution. I found that a large number of the witnesses on whom we relied were hostile, and a number of documents were produced by them in court that we had never heard of and that Mr. Early had never been able to find in his search of the Government files. I know of no document that established the innocence of defendants, but I do know that no document tending to establish their innocence was withheld or suppressed by me. Judge Baker, in whose court the case originated, and Judge Groner, before whom it was tried, have filed letters as to my conduct of the case, and so has Mr. Early, who has also denied the false charge. I can only say that any statement that at any time anywhere, under any circumstances, I have ever prosecuted a man while having in my possession proof of his innocence is unqualifiedly false.

JOHN J. PARKER.

Mr. OVERMAN. Now, I send to the desk a letter from the judge who tried the so-called Harness case, and ask to have it read.

The VICE PRESIDENT. Without objection, the clerk will read.

The legislative clerk read as follows:

UNITED STATES DISTRICT COURT,
Richmond, Va., April 26, 1930.

Hon. GEORGE W. NORRIS,
Chairman Judiciary Committee, United States Senate,
Washington, D. C.

MY DEAR SENATOR NORRIS: There have been a great many things said and printed in newspapers opposed to Judge Parker, intended doubtless to influence adversely the consideration by the Senate of his appointment to the Supreme Court. These have been properly answered and I have no present concern with them. I feel, however, in common justice to Judge Parker that I should notice an editorial appearing yesterday afternoon in a Washington newspaper called the News, in which his professional conduct is criticized in a criminal case, known as the Harness case, in which I presided. There was nothing in Judge Parker's conduct in that case which was properly the subject of adverse criticism, nor was there any by me at any time during the trial. His part in the conduct of the case commended itself to me as conforming in all respects to the highest standards of the profession, and I therefore pronounce as wholly unjust and without warrant any and every implication to the contrary.

With respect, I am, yours sincerely,

D. LAWRENCE GRONER.

Mr. OVERMAN. I send to the desk a telegram from the leading attorney in that case, Mr. Early, of St. Louis, I understand one of the greatest lawyers out there. I ask to have that read.

The VICE PRESIDENT. Without objection, the clerk will read.

The legislative clerk read as follows:

ST. LOUIS, MO., *April 28, 1930.*

Hon. LEE S. OVERMAN,
United States Senator, Senate Office Building:

In case of United States *v.* Byron et al., known as the Harness case, I was chief counsel, and John J. Parker acted as associate counsel in presentation of case in United States District Court, Northern District, West Virginia. Mr. Parker's work was most thorough and highly honorable in every particular from beginning to end. To-day for the first time it has been reported to me that Mr. Parker had suppressed or failed to offer material evidence. I state emphatically such report or any other statement imputing to Mr. Parker any lack of diligence or unprofessional conduct is utterly false and without foundation.

MARION C. EARLY.

Mr. OVERMAN. I now send forward a letter from a very eminent Republican of Richmond, Va., known to every Republican, Mr. Henry W. Anderson, and ask that it be read.

The VICE PRESIDENT. Without objection, the letter will be read.

The legislative clerk read as follows:

RICHMOND, VA., *April 28, 1930.*

Hon. LEE S. OVERMAN,
United States Senate, Washington, D. C.

DEAR SENATOR OVERMAN: I understand that in connection with the opposition to the confirmation of Judge John J. Parker as an associate justice of the Supreme Court some question has been raised as to his handling of the suit of the United States *v.* The Harness Co. in 1923 or 1924. At that time, at the request of the President and the Attorney General, I undertook a survey of cases arising out of war transactions of the Ordnance Department, of which this case was one. The Harness case had already been in litigation in some of its phases. This case was assigned to M. C. Early, Esq., one of the leading lawyers of St. Louis, who devoted many months to a careful investigation of the evidence and reached the conclusion that the case should be tried in the courts.

When the time arrived for the trial, as Mr. Early was not primarily a trial lawyer, Judge Parker, who was then Special Assistant Attorney General, was assigned to try this case in association with Mr. Early. While I was not present at the trial and, owing to the large number of cases which were then under consideration, was not familiar with all the details of the Harness case, yet I know that both Mr. Early and Judge Parker devoted a great deal of labor to the careful preparation of the case. I have been informed, both by the judge who sat in the trial and by other counsel for the Government who were present, that Judge Parker conducted the case admirably, but the trouble was that when the evidence was presented the judge took the view that the Government had failed to establish the conspiracy charged.

The result was in no way due to any fault on the part of Judge Parker, and I have never heard any suggestion of criticism of his conduct of the case until the last few days. I think that this suggestion is most unjust and that it is due him that I should make this statement.

Very sincerely yours,

HENRY W. ANDERSON.

Mr. OVERMAN. One more letter I send forward from a lawyer associate in the case, Mr. Richard L. Merrick, and ask that it be read.

The VICE PRESIDENT. Without objection, the clerk will read.

The legislative clerk read as follows:

WASHINGTON, *April 26, 1930.*

Hon. LEE S. OVERMAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR OVERMAN: In yesterday's Washington News there appeared an editorial and an article concerning Judge John J. Parker.

The editorial refers to the so-called Harness case and, among other things, contains the statement that the trial judge "charged that

Parker and his fellow counsel had in their possession—and were suppressing—documents tending to prove the innocence of the defendants," and that one of these documents was found in Judge Parker's possession.

In the article it is stated that the Government attorneys in the Harness case, which Judge Parker prosecuted, attempted to indict one of the defense attorneys in the United States District Court at Elkins, W. Va.

I was junior counsel in the Harness case, was present at Elkins, W. Va., when the case was presented to the grand jury, and took part in the trial at Parkersburg, W. Va. I am, therefore, in a position to know and do know what transpired at both places.

Both of the statements or charges made by the News and referred to above are absolutely false.

The name of one of the attorneys for the defendants was interwoven with those of the defendants themselves throughout the facts in the Harness case, and, mistaking his action as an attorney for those of an individual, the grand jury evidenced a strong sentiment toward including his name in its presentment. Judge Parker recommended against such action, as also did his associates.

During the progress of the trial at Parkersburg, which lasted 11 days, the attorneys for the defendants made several written and oral requests upon Government counsel for the production of correspondence and other documents belonging to the files of the War Department. These were promptly turned over to defense counsel, with a few exceptions, as it was impossible to locate some of the letters and other papers desired, due to the fact that they were not in possession of Government counsel at Parkersburg. At no time was there any attempt on the part of Judge Parker, or any other attorney for the Government, to suppress any evidence. On the contrary, Judge Parker was most insistent that defense counsel be furnished promptly with every paper they demanded if the same was in possession of Government counsel.

Furthermore, during the progress of the trial, Judge Parker acquitted himself ably and honorably and presented the evidence on behalf of the Government fairly and impartially; that is, such of it as went in while he was examining witnesses. Other counsel in the case offered a great part of the testimony. Judge Parker and his associates were complimented by the court on the able manner in which they handled the case, and, according to information given to me, the chief defense counsel himself paid Judge Parker a tribute upon his handling of this case.

The transcript of the testimony offered during the trial of the Harness case is available. It will bear out the foregoing statements respecting what happened at the trial.

You are authorized to use this letter in any manner you may see fit, and if I can furnish any additional information upon the subject please let me know.

Very respectfully yours,

RICHARD L. MERRICK.

Mr. GILLETT obtained the floor.

Mr. NORRIS. Mr. President, will the Senator yield to me? I had not intended to take the floor to make an argument in the case at this time, but I have some letters and telegrams on the subject which the Senator from North Carolina [Mr. OVERMAN] has brought up.

Mr. GILLETT. I would prefer that those matters come in later.

Mr. NORRIS. The Senator must remember that one of the letters read was addressed to me.

Mr. GILLETT. They can come in at the same place in the RECORD, but I would like now to take the floor.

Mr. NORRIS. I do not intend to make a speech on the subject, but I thought it was only fair to show what action had been taken by the chairman of the committee upon receipt of those letters.

Mr. GILLETT. Certainly, but if the Senator would just as soon put them in later, I would rather have him do so.

Mr. NORRIS. Of course, I would not just as soon, but as the Senator has the floor I am deprived of the opportunity to put them in at this time.

Mr. GILLETT. Mr. President, I had not intended to discuss the legal aspects of this matter, for I had not studied the cases, but as I listened yesterday to the argument of the Senator from Idaho [Mr. BORAH] it seemed to me I saw running all through it a fallacy, and as I read the cases this morning I am confirmed in that opinion. I wish to point out what seems to me is the fundamental unsoundness of his argument.

At the outset I think it but fair to say also that I differ absolutely from the statement the Senator from Idaho just made that he would not vote for the confirmation of any judge who was committed to the Hitchman opinion as Judge Parker was.

Mr. President, Judge Parker is not, in my opinion, committed in the least to that opinion. We here in the Senate are free to express our opinions about cases, to differ from the Supreme Court, and to criticize their action; but a judge of an inferior court has not that freedom. We can not tell when a judge of an inferior court renders a decision following, as Judge Parker said he did in this case, an opinion of the Supreme Court, whether he favors that opinion or not, whether he believes it is the right opinion or not, whether he sides with the majority or the minority of the court, or whether if he should go upon the Supreme Bench he would vote to sustain or overrule that opinion. The duty of the judge of an inferior court is to follow the law as laid down by the Supreme Court, and it makes no difference what the courts of Ohio or New York or other States may do, he is bound by the decision of his own Supreme Court. As I said, neither the Senator from Idaho [Mr. BORAH] nor I nor any other Senator can infer from Judge Parker's opinion what his real opinions are as to the Hitchman case.

Mr. President, the fallacy which I think runs all through the argument of the Senator from Idaho is this: The Hitchman case gave an injunction both against peaceful persuasion against breaking a contract and peaceful persuasion against leaving the mine. But the Red Jacket case gives an injunction not against peaceful persuasion for a man to leave the mine or to join the union. It only gives an injunction against men breaking a contract, and there is the fundamental distinction, as it seems to me.

Mr. BORAH. Mr. President, does the Senator mean an injunction against persuading them to break a contract?

Mr. GILLETT. Against persuading them to break a contract. They may be persuaded to leave the mine, they may be persuaded to join the union, but they have made a contract that they shall not at the same time continue in the employment and join the union, and that is what they can not be persuaded to break.

Mr. BORAH. Mr. President, may I ask the Senator what part of the contract they were about to break?

Mr. GILLETT. I do not know. They are enjoined against breaking any part of it.

Mr. BORAH. What would have been breaking the contract?

Mr. GILLETT. To ask them at the same time to continue at work in the mine and join the union.

Mr. BORAH. Has the Senator found any evidence in the case that there was any such thing intended?

Mr. GILLETT. No; I have not looked at it. Why should it be proven? The injunction is asked against that thing.

Mr. BORAH. Ordinarily an injunction has to be based upon facts.

Mr. GILLETT. Yes; and there are facts that they were trying to unionize the mine, and that is the way they go about unionizing a mine. That is the way they went about in the Hitchman case and that is the way, of course, they always go about it. They go about trying to get the men at the same time to join the union and then strike against the mine owners. The judge below found that there was sufficient evidence, and that makes a prima facie case.

The Senator from Idaho made a great point about the Tri-City case as modifying the Hitchman case. In fact, he went so far as to say that if there had not been the Tri-City case, that if simply the Hitchman case was the authority, he should not have blamed Judge Parker for his decision. Mr. President, I venture to say that the Tri-City case does not in the slightest modify or alter the Hitchman case as governing the Red Jacket case.

I am not going to weary Senators by going into the details because they are familiar with the cases, having just heard them so lucidly expounded by the Senator from Idaho. The Tri-City case differs from the Red Jacket case inasmuch as the injunction in the Tri-City case was against peaceful persuasion to leave the plaintiff's employ and not against persuasion to break a contract. That was not an illegal persuasion.

The illegal persuasion on which the injunction is founded was to persuade them to break a contract. That is illegal.

How did the court discriminate between the Hitchman case and the Tri-City case? In two ways, one on the ground that the union was local and so had a direct interest, and the other on the ground that the persuasion was in the Hitchman case not lawful. On page 211 the court said, speaking of the Hitchman case:

> The plan thus projected was carried out in the case of the complainant company by the use of deception and misrepresentation with its non-union employees by seeking to induce such employees to become members of the union contrary to the express term of their contract of employment that they would not remain in complainant's employ if union men.

There is the exact Red Jacket case. The court discriminates between the Tri-City case and the Hitchman case because the Hitchman case had that provision which applied in the Red Jacket case and the Tri-City case did not have it. There is the distinction between the two cases. The Tri-City decision does not apply at all to the Red Jacket case and the facts which exist

in that case; but the Tri-City case leaves the Hitchman case as controlling in a case where the attempt is peacefully to persuade men to break their contracts.

There is another distinction made by the court which might be argued, but I am not going to take the time to do so except to call attention to the fact that the Supreme Court holds that labor unions, if they are in the community or in the vicinity, have a right to interfere, and that in the Tri-City case the labor union was local. The court said:

> The statement of the purpose of the plan is sufficient to show the remoteness of the benefit ultimately to be derived by the members of the international union from its success and the formidable country-wide and dangerous character of the control of interstate commerce sought. The circumstances of the case make it no authority for the contention here.

They make that distinction between a local union and what might be termed a national union and refer to it again on page 210. In the Red Jacket case no one would contend that the United Mine Workers of America were a local union. But aside from that there is a fundamental distinction between the Tri-City case and the Hitchman case, one applying to lawful and the other to unlawful persuasion, and that which makes the Hitchman case the authority in the Red Jacket case is that the Hitchman case forbids an attempt to peaceably persuade men to break their contract, and that is exactly what the injunction in the Red Jacket case aims to prevent. An injunction was not sought against the act of persuading men to leave the mines, nor against persuading men to join the union; but simply against persuading men to break their contract. Mr. Justice Brandeis, in his dissenting opinion in the Hitchman case, shows that to his mind that was a vital question, because, in giving the reason for his dissent from the majority, he says:

> Fifth. There was no attempt to induce employees to violate their contracts.

That shows that with him one of the grounds——

Mr. BORAH rose.

The PRESIDING OFFICER (Mr. STEIWER in the chair). Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. GILLETT. I yield.

Mr. BORAH. The Senator, however, will bear in mind that Justice Brandeis said there was no attempt to induce employees to break their contract, because they had a right to quit whenever they wanted to do so.

Mr. GILLETT. That was true, and it is perfectly true in this Red Jacket case. It would not be asking the employees to break their contract to ask them to quit, because they could leave at will. So, that simply confirms my argument, for in the Hitchman case there was no attempt made to get employees to break a contract, according to Justice Brandeis, and that was one ground of his dissent from the majority of the court.

There is another respect in which Justice Brandeis's decision is significant. The Senator from Idaho, after drawing the distinction between the two cases, stated—and it really looks to me as if that were the real basis of his argument—that the contract in the Hitchman case, in his opinion, was void as being against public policy, and was illegal. That may be his opinion; it may the opinion of every other Member of the Senate; it may be the opinion of Judge Parker; but, after all, that does not justify Judge Parker to rule that way if the Supreme Court has decided to the contrary.

The Senator from Idaho stated that it was only a majority opinion that held that such a contract was valid. The Senator is mistaken in that. The court was united in the opinion that the contract was valid. Mr. Justice Brandeis in his dissenting opinion explicitly states that the contract is valid. He said:

> An employer, in order to effectuate the closing of his shop to union labor, may exact an agreement to that effect from his employees. The agreement itself being a lawful one, the employer may withhold from the men an economic need—employment—until they assent to make it. Likewise an agreement closing a shop to nonunion labor being lawful, the union may withhold from an employer an economic need—labor—until he assents to make it. In a legal sense an agreement entered into, under such circumstances, is voluntarily entered into; and as the agreement is in itself legal, no reason appears why the general rule that a legal end may be pursued by legal means should not be applied.

There we have a statement not only that the majority of the court, as we all know, held in the Hitchman case that the agreement was legal but Justice Brandeis, representing the minority, the dissenting judge himself, clearly states that the agreement was legal. It makes no difference what we may think as to whether such a contract is legal or whether it ought to be legal; Senators may all agree with the uncompromising statement of the Senator from Idaho that it is an outrageous, unconscionable contract, and ought to be held illegal, but that does not affect Judge Parker. He is bound to follow the opinion of the Supreme Court of the United States telling him that it is legal. Therefore, in rendering his decision, while he may be in complete sympathy with the Senator from Idaho, that does not justify him in departing from the decision of the Supreme Court which declared the contract to be legal.

The Red Jacket injunction was issued against persuading to break a contract—an unlawful purpose—and the inferior court, under the authority of the Hitchman case, could not refuse to issue it.

Of course, the argument against the so-called "yellow dog" contract is an appealing one. By the way, the appellation "yellow dog" was, of course, given it in an opprobrious way to excite against it prejudice, as the Senator from Idaho practically admitted by saying in the course of his speech that he would not use the term again, although I observed that the self-restraint which he imposed upon himself could not be maintained.

Mr. BORAH. The expression is so illustrative of the contract that I could not refrain from using it.

Mr. GILLETT. Exactly; but it makes no difference what our opinion may be—whether we think it is obnoxious, against public policy, contrary to our sympathy—nevertheless it has been upheld by the majority and by the dissenting members of the Supreme Court. So Judge Parker had not the right, as Senators have, to state that, in his opinion, it is illegal, because as the judge of an inferior court he is bound by the decision of the Supreme Court.

The whole question of union contracts and union labor deeply interests certain sections of our people, but it is one, of course, as to which there are two sides. I imagine that everybody sympathizes with what the unions have accomplished; everybody recognizes that their growth has been accompanied by an improvement in the conditions of the workingman; and so we are all glad that the unions have existed and that they have accomplished the results which have followed their activities. Our instinctive sympathy in every contest goes to organized labor, partly because we always sympathize with the "under dog," although in some cases, particularly in the case of the United Mine Workers, they have not always been the "under dog," and there have been acts committed by labor unions which have excited our abhorrence as much as the grasping and overpowering conduct of the employers. However, as a rule the labor unions have accomplished great good for the country.

One thing they have accomplished is that to-day there probably exists a better relationship between capital and labor than ever before. How that is going to be worked out in the future, no man can tell; whether it is going to be worked out as the Senator from Idaho hopes, by declaring such contracts as in the Hitchman case illegal and against public policy, or whether it will be worked out by the gradual recognition by both employer and employee that a state of warfare ought to end and that there should be a recognition of each other's rights and a mutuality of interest which many great corporations are now trying to bring about, or whether it will be worked out on some new plan, which we all desire, is in the future. The Supreme Court, however, lays down the law for the judges of inferior courts. It is not for those judges to try to affect the relations between capital and labor apart in contravention of the decisions of the Supreme Court.

And so what we want on the Supreme Court bench is not so much a man who is committed to any particular doctrine as a man of ability and character and broad vision, who will consider both precedents and principles. Judge Parker, if his nomination shall be confirmed, will just as likely be in the minority, on the dissenting side, for all we know, as he will be on the majority side on the issue as presented by the Hitchman case. So it seems to me that this is not a feature which prevents our voting for the confirmation of Judge Parker.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Washington?

Mr. GILLETT. I yield.

Mr. DILL. Does the Senator think that Judge Parker has shown any evidence that he will be the kind of man who will stand alone, if need be, for his convictions?

Mr. GILLETT. From what I am told, I think he is.

Mr. DILL. But the Senator justifies his decision in the Red Jacket case on the ground that he followed the opinion of the majority of the court.

Mr. GILLETT. Yes; he was obliged to follow it; what else could he do?

Mr. DILL. I think the Senator from Idaho answered that suggestion.

Mr. GILLETT. I did not hear the Senator from Idaho attempt to answer it. The fact that a judge of an inferior court follows the decision of the Supreme Court of the United States is, I think, no evidence at all as to what his opinion may be as to the merits of the question. Does not the Senator agree to that?

Mr. DILL. I do not agree to it. In a case of this kind I think that the judge of an inferior court has the same right to show independence as has a judge of the Supreme Court, and I think if he is fit to be on the Supreme Bench he will exercise that right by giving expression to his dissenting views.

Mr. GILLETT. The Senator radically differs from me in his opinion of the duty of the judge of an inferior court. I believe it is his duty to administer the law as it is and not according to what his opinion of what the law ought to be. For him the law is not what the Senator from Washington thinks or what the Senator from Idaho thinks or what I think, but for him the law is what the Supreme Court has decided it to be, and he is bound by that decision. The fact that he is so bound ought not to affect our opinion of him.

Mr. DILL. Mr. President, will the Senator yield further?

Mr. GILLETT. Certainly.

Mr. DILL. But if a majority of a different view comes into control of the Supreme Court, then the law is according to the new majority.

Mr. GILLETT. Certainly it is; and then the judge of the inferior court would follow that.

Mr. DILL. So that the only hope of ever changing a bad precedent is to have judges of sufficient independence to stand up and overthrow it?

Mr. GILLETT. Yes; but those judges must be on the Supreme Court and not on an inferior court. An inferior court judge has no right to show independence against the opinion of the Supreme Court.

Mr. DILL. That is what I asked the Senator, namely, whether Judge Parker had ever shown such independence of view as would justify us in thinking that he would be that kind of a judge?

Mr. GILLETT. I am told he has.

Mr. DILL. I should like to have the Senator give me some evidence of it.

Mr. GILLETT. There is evidence in the attestation of his capacity by no end of lawyers who know him. I do not know him. What the Senator is really trying to indicate is that the way an inferior court judge decides in a particular case ought to give us an inference as to his real opinion. I think that is not the case.

Mr. DILL. Does the Senator think that any lawyer who may have a case before the Supreme Court feels free to oppose Judge Parker when he will have to appear before him if he becomes a member of the Supreme Court or even if he continues to be a judge in the circuit court?

Mr. GILLETT. No lawyer is obliged to give such statements in Judge Parker's favor as have been given. The Senator, I think, has not a very high conception of human nature if he tries to make us think that all the attestations to the worth of Judge Parker have been given because of selfish purposes.

Mr. FESS. Mr. President——

The PRESIDING OFFICER (Mr. BRATTON in the chair). Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. GILLETT. Certainly.

Mr. FESS. The Senator raised a question a moment ago that is the source of all of this confusion in my mind.

The Senator from Idaho referred to this contract as being an unconscionable one, and I am not so sure but that I agree with him. If it is a legal contract, if it is within the terms of the law or recognized by law, what latitude has a judge to go beyond the law and allow his judgment to be determined upon what he thinks ought to have been the law instead of what is the law? That is the phase of the matter that disturbs me.

Mr. BORAH. Mr. President, will the Senator permit me to interrupt him?

Mr. GILLETT. Certainly.

Mr. BORAH. The Senator says he is almost persuaded that this is an unconscionable contract. If the Senator were sitting as a chancellor and were called upon to issue an injunction to protect an unconscionable contract or a contract which approaches being unconscionable, I am perfectly sure that the Senator would not inhibit men peacefully discussing that kind of a contract.

Mr. GILLETT. Mr. President, this injunction does not prohibit them from peacefully discussing that kind of a contract. It simply prohibits men from trying to make men break that contract when the Supreme Court has said that it is a valid contract.

Mr. BORAH. Exactly; but the discussion is prohibited, the same as the breaking. That is to say, they are not permitted even to discuss the matter. You will find instances where that conclusion follows. If the discussion goes forward, there is a liability to be a break of the contract. Therefore, if a union-labor man had gone to one of these men and discussed the matter with him, he would have been within the purview of that injunction.

Mr. GILLETT. That is a question which would have to be settled by the court, and neither the Senator nor I can settle it. It depends upon whether the discussion was in an effort to persuade him to break his contract. If it was trying to persuade him to break his contract, then he comes within the scope of the injunction, and not otherwise.

Suppose every Member of the Senate agreed that this is an unconscionable contract. If any Member of the Senate—even the Senator from Washington [Mr. DILL], himself, who raised the question—were a judge of an inferior court and had before him a decision which held, not by a divided court, as the Senator from Idaho intimated, but by a unanimous court, that such a contract was legal, I think he would be bound, if he was performing his duty, to issue the injunction.

Mr. DILL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Washington?

Mr. GILLETT. Certainly.

Mr. DILL. I can only say that if I were a judge, and felt myself bound by the circumstances being so identical, I at least would state my own personal repudiation of it. I would not accept it as my own view if I were compelled to do it; but I do not think that there is any evidence by which any one can conclude from reading these cases but that there is plenty of difference between the facts concerned that would justify a different line of reasoning and a different judgment by a judge who desired to reach a different conclusion.

Mr. GILLETT. The Senator from Idaho has very admirably and with great ability tried to show that, and to my mind he has absolutely failed, because he has not even touched upon the fact that in this case, differing absolutely from the Tri-City case, they were not simply ordering the defendants not peacefully to persuade men to leave their employment but they were forbidden peacefully to persuade men to break their legal contract.

Mr. BORAH. Mr. President, I will discuss that matter, not in the Senator's time, but a little later; but, as an illustration of how a judge might express himself, although not agreeing with the opinion, the judge who sustained the contention in the Ohio decision because the Federal court had decided the matter says:

> Inasmuch as the only question involved is the Federal one and the Supreme Court has decided that in the Hitchman case, I yield to that authority. However, I express my full agreement with the dissenting opinion.

Mr. GILLETT. What case is that?

Mr. BORAH. That is the case of Jackson against Berger in Ninety-second Ohio State.

Mr. GILLETT. Exactly. He was not an inferior judge to the Federal court.

Mr. BORAH. No; but he held that it was a Federal question and therefore he was bound by it, just as the Senator is arguing that this man is bound by it; but in accepting the decision he said, "I disagree with it."

Mr. GILLETT. He preferred to say that he disagreed. I think myself, and the practice of this country for a good many years has illustrated that, that it is not wise for judges of inferior courts, in carrying out the principles of the Supreme Court, to express either their adherence or their disapproval of the opinions of the court which constrain them.

Mr. GLASS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Virginia?

Mr. GILLETT. Certainly.

Mr. GLASS. Unhappily, all of us here are not lawyers.

Mr. GILLETT. Not unhappily, perhaps.

Mr. GLASS. As a plain man, I should like to ask a question in order that we may apportion the respective culpability of the judiciary and of the Congress.

Does a decision of the Supreme Court of the United States that a contract is lawful necessarily preclude Congress from declaring a contract of that nature contrary to public policy and making it unlawful?

Mr. GILLETT. Oh, no! We can declare it contrary to public policy, and that makes it unlawful, unless our declaration is in conflict with the Constitution.

Mr. GLASS. Then why have we not done that long ago, if this contract, as decided under the Hitchman case, is so wicked? And if we could do it and did not do it, are we not culpable in the matter?

Mr. GILLETT. No; I do not believe we are, because I am inclined to think it would be held that it required an amendment of the Constitution; but I am not sure about that.

Mr. GLASS. That is what I wanted to know.

Mr. GILLETT. I am not sure about that. That is for the Supreme Court to determine.

Mr. GLASS. If the court decided the matter upon strictly constitutional grounds, it is not competent for Congress to touch it.

Mr. GILLETT. Of course not; but they did not in this case. They simply did not say whether it was on constitutional grounds or not. They simply said that it was legal, so that question I can not answer.

There is one other aspect of this case that I wish to touch upon. Another objection that has been made against Judge Parker, and that is his statement in one of his speeches, when he was running for governor, about the participation of the negroes in office in North Carolina.

On that issue I differ absolutely from Judge Parker. I regret that he holds that opinion, but I recognize that different environments have occasioned different opinions on that question; and I recognize that probably there are very few in the whole South whom either a President or a Senate would think were fit to be on the Supreme Bench who are not at least as much opposed to the negro holding office as was Judge Parker. I would not on that account forbid a large section of the country representation on the court. Moreover, from what I am told of him, I judge that he is a man of such breadth of vision, and such broad humanity and such character that if cases involving that question came before him he would treat them with justice and with fairness and without any proscription of any race. So while, as I say, I regret that he can not in all things see as I do, yet I would not oppose him for the Supreme Bench on that ground.

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts further yield to the Senator from Virginia?

Mr. GILLETT. I do.

Mr. GLASS. May I ask the Senator if the State of Massachusetts has not a statute which determines that a citizen of that State who is illiterate is unworthy to exercise the right of suffrage?

Mr. GILLETT. Certainly.

Mr. GLASS. Then why does the Senator assume to know more than Judge Parker about the qualifications of the citizens of North Carolina?

Mr. GILLETT. I do not catch the Senator's point.

Mr. GLASS. It is plain enough. The Senator says he differs from Judge Parker in his declaration that a certain class of people are not competent to discharge the high functions of government in North Carolina.

Mr. GILLETT. Yes.

Mr. GLASS. I say, why does the Senator assume to know more than Judge Parker about those people in North Carolina?

Mr. GILLETT. I do not assume to know more. I am sure I do not know as much.

Mr. GLASS. I am sure the Senator does not. [Laughter in the galleries.]

The VICE PRESIDENT. The occupants of the galleries must be in order.

Mr. GILLETT. I think we have to take into consideration, in putting a man upon the bench, not only the high and extensive jurisdiction which he will have to exercise but the duration of it. Judge Parker, I understand, is 45 years old. Therefore, in his case, under the ordinary expectations of life, he will be at least 25 years on the Supreme Bench. That is a long period of time. None of us know what issues will come up in the next 10 or 20 years or 30 years. We can not guess. What to-day we are arguing with so much earnestness, to-morrow may be utterly irrelevant. The opinion which we should like a judge to hold to-day 10 years from now the generation then existing may care nothing about. Therefore, what we ought to desire in a judge is not so much certain opinions upon the issues of to-day as ability, character, judicial temperament, and open-mindedness.

I can think of no place where a man ought to develop an independent and a wise judgment as to the affairs of the country and the decisions of the court as on the Supreme Bench. He is there for life, independent, without fear of removal or of reversal. He has nothing to look for except to leave an honored name and to advance the interests of the whole country. Every judge who is fit to go upon the bench ought to improve and grow in the period of his service. Therefore I say what we want is not so much rooted opinions on the issues of to-day as a wide and broad vision and ability which will meet the unsuspected issues of to-morrow.

Mr. CONNALLY. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. GILLETT. Certainly.

Mr. CONNALLY. Does the Senator from Massachusetts think that a judge on the Supreme Court would be bound by the same obligation to respect the decisions of that court that he expressed as a subordinate judge?

Mr. GILLETT. No; I do not.

Mr. CONNALLY. I think that is highly important, because the Supreme Court is really making law every day; and a judge who is worthy to sit on that bench ought not to be a slavish servant merely to precedent because it is precedent but ought rather to have the philosophy of the law and be able to improve as time goes on.

Mr. GILLETT. The Senator obviously was not here when I said, some time ago, that the fact that Judge Parker, as a judge of the inferior court, had submitted to the opinion of the Supreme Court, did not at all indicate that that was his opinion, and when he is on the Supreme Bench he might take an entirely different attitude. Now, as a member of the inferior court, he is bound by the decisions of his superiors. Then he will be one of the superiors himself and independently will help make the law.

Why, judges on the Supreme Court develop and change their opinions. I have in mind two very striking illustrations, which I do not think it would be proper for me to name, of judges who, in their course of service, showed a constant trend from their attitudes when they went on the bench, one gradually seeming to become much more conservative and the other appearing to become much more radical.

Such changes we ought to anticipate, and, indeed, we ought to hope of a judge that with his impressive associations and high responsibilities he will grow and develop.

It seems to me, from all I can learn of Judge Parker, that he exceptionally meets those requirements. I appreciate that a great practical argument is used against him. How much it will influence Senators I do not know. From all over the country there have been showering in upon us letters and telegrams from organizations asking us to vote against him. That they will have weight, inasmuch as we are human and many of us candidates for reelection, is inevitable. But I should deeply regret that great organized bodies of voters should be encouraged to think that their selfish, interested wishes should decide who will go upon the Supreme Court rather than the qualifications of the candidate; that no man can be confirmed whose previous acts give them fear that he will decide cases according to his opinion of the law rather than according to popularity with them. That is a blow at the independence of the judiciary and it is a blow at the independence of the Senate.

Every lawyer or judge of an inferior court in the back of whose head lurks the not ignoble ambition that some day he may attain an eminence which will entitle him to be considered for that highest honor to a lawyer, a seat on the Supreme Court, ought not to have impressed upon his mind the suspicion, the degrading suspicion, that not talent and wisdom and courage will win the prize, but deference to the interested wishes of great organizations of voters; that the principles and conduct of the demagogue will unlock the door to the bench; and that the judicial ermine, as too often the political toga, is the reward of obedience to public clamor.

From all I can learn Judge Parker has in an exceptional degree ability, industry, wisdom, poise, uprightness—those qualities of mind and heart which will make him an eminent judge.

And I will not allow the telegrams and messages and pressure from organizations who have taken offense at his judicial decisions or his political beliefs outweigh with me his sterling qualifications.

Mr. GOLDSBOROUGH. Mr. President, I hold in my hand a copy of the Baltimore Sun of to-day. It has in its columns an editorial entitled "No; Not a Martyr." It is in criticism of Judge Parker. I desire to read the concluding paragraph of that editorial. It is as follows:

When you get to the very rock bottom in this fight over Judge Parker, the essential and truly significant thing is not the outbreak from the negroes or from organized labor. It would be hard to find any man of active political or professional life against whom some criticism from some group could not be made. The essential and significant thing is that when these criticisms appear against Mr. Hoover's

latest appointee to the Supreme Bench there is nobody who arises and says with conviction: "Nevertheless, this is a man of the front rank, fully equipped in native intellectual power and acquired knowledge to serve on the highest court—as good a man and lawyer as can be had." Nobody says that.

And because nobody says it and nobody can say it, or anything like it, the Senate will be justified if it rejects this appointment.

I hold in my hand a telegram, dated April 28, addressed to me, which reads as follows:

BALTIMORE, MD., *April 28, 1930.*

Hon. PHILLIPS LEE GOLDSBOROUGH,
United States Senate, Washington, D. C.:

As we have seen in the newspapers that some suggestion has been made in some quarters that Judge Parker is not of the caliber suited for the Supreme Court, we desire to express our opinion that in learning, ability, fairness, and every other respect he ranks high and is well suited for the position, and this opinion, we are sure, is that of the bar generally here.

JOSEPH C. FRANCE.
EDWIN G. BAETJER.
CHARLES McH. HOWARD.

I should add, Mr. President, that Mr. Edwin G. Baetjer and Charles McHenry Howard are members of the law firm in the city of Baltimore of Venable, Baetjer & Howard, who have been and are now, if I am correctly informed, the general counsel for the Baltimore Sun. Together with Mr. Joseph C. France, these men are of the highest eminence in the city of Baltimore. No man stands higher upon the rungs of the legal ladder than do the three citizens who have signed this telegram.

Mr. FESS. Mr. President, to-day about noon several communications were put into the RECORD in reference to the Harness case. I have a statement here, made by the junior counsel in that case, in which he gives a memorandum of the proceedings. It answers the charge that was made by a newspaper in this city, and I ask unanimous consent to have it printed in the RECORD. It is from Mr. Richard L. Merrick, junior counsel in the case.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Montana?

Mr. FESS. I yield.

Mr. WALSH of Montana. The newspaper account of this affair, as I read it, indicated that the trial judge, in instructing the jury to return a verdict of "not guilty," indulged in some comments, in the course of which occurred a reprimand of the attorneys prosecuting the case. Reference was made in the letters introduced this morning to what transpired in the trial, and it is asserted that nothing of the kind took place.

It occurred to me that all question about the matter could be removed if we had a copy of the instruction given by the court and his remarks in connection therewith. Indeed, one of the letters introduced in the RECORD this morning says there is in existence a transcript which will disclose just exactly what took place.

I inquire of the Senator from Ohio whether what he now offers for the RECORD is the official transcript of what took place on that occasion.

Mr. FESS. It is not. It is a statement made to me by the junior counsel in the case.

Mr. WALSH of Montana. That is what I meant.

Mr. FESS. I would say to the Senator that I have in my possession the transcript of the case. It happens to be over in my office. In the transcript will be found the statement of the judge presiding, in which he complimented the conduct of the case. If it is thought wise, and is proper, I can have it put into the RECORD.

Mr. WALSH of Montana. I should think it would be very enlightening.

Mr. FESS. I do not happen to have it here in the Senate.

Mr. WALSH of Montana. That would seem to be an authentic account of what actually did take place.

Mr. FESS. Yes.

Mr. GLASS. Mr. President, one of the letters read from the desk at the direction of the Senator from North Carolina was from the trial justice.

Mr. FESS. That is true.

Mr. WALSH of Montana. I noted that fact, and yet, even the trial judge did not accompany his letter with a copy of the transcript showing what actually did take place.

Mr. GLASS. There would be no occasion for him to do that in the letter which has been placed in the RECORD. I have no doubt that if appealed to, the trial judge would be very glad to supply that.

The VICE PRESIDENT. Without objection, the matter referred to by the Senator from Ohio will be printed in the RECORD.

The matter is as follows:

WASHINGTON, D. C., *April 28, 1930.*

MEMORANDUM: ARTICLE IN BALTIMORE SUN OF APRIL 28, 1930, RELATING TO JUDGE JOHN J. PARKER

To-day my attention was brought to an article which appeared in the Baltimore Sun of April 28, 1930, under the name of Franklyn Waltman, jr., dated at Washington, April 27, 1930, wherein Judge Parker's communication to Senator OVERMAN was quoted and reference was made to a letter to Senator NORRIS from Mr. Ralph Hayes, a New York banker.

In the article it is stated that Mr. Hayes interjected the "war fraud cases" into the controversy over Judge Parker's confirmation, "making what amounted to a charge that Judge Parker sought to deceive the court and jury by suppressing evidence in one of these cases." The writer further refers in his article to Mr. Hayes's letter as a "surprise last-minute movement on the part of the Parker opponents to destroy the last hope held by the administration for the confirmation of the President's appointee," and as a "bombshell."

According to the article of Mr. Waltman, Mr. Hayes was private secretary to Hon. Newton D. Baker when he was Secretary of War. The article refers specifically to the so-called Harness case, and states that "preliminary to the trial," according to Mr. Hayes, "the Government prosecutors sought to obtain from grand-jury witnesses an oath of secrecy to prevent their revealing or discussing the testimony given the inquisitorial body. Judge William E. Baker disavowed 'the tactics of the Government,' and ordered the grand jury to desist from administering an admonition of secrecy to witnesses appearing before it."

An excerpt from Mr. Hayes's letter is quoted in the article as follows: "The most 'disquieting feature' of the Harness trial, Mr. Hayes contended, was 'the fact that the innocence of the accused was indicated by evidence submitted, not by themselves, but by information in the possession of, and extracted from, the prosecution itself.'"

The article concludes with the following quotation from Mr. Hayes's letter:

"Judge Baker's pronouncement to the reconvened grand jury at Elkins regarding the unlawful oaths of secrecy exacted by Judge Parker or his associates, Judge Groner's dismissal of the two defendants in the Harness case without even permitting their defense to be heard, that same jurist's searing address from the bench in refusing to allow any of the case to go to the jury after hearing the testimony, and his amazement that the prosecution should be found in possession of documentary evidence tending to exonerate the accused—these circumstances may possibly be susceptible of a more favorable interpretation than the one which comes first to mind, but it can scarcely be said that they illustrate standards of conduct and legal attainment that would adorn and have traditionally adorned the highest bench in our judiciary."

The undersigned was junior counsel in the Harness case. Judge Parker was one of the trial lawyers, but he had nothing whatever to do with the gathering of evidence, either documentary or testimonial. He came into the case a comparatively short time before its presentation to the grand jury.

I was present during the presentation of the case to the grand jury, was authorized to and did appear before that body in connection with the offering of evidence, and took part in the trial of the case at Parkersburg, W. Va., before Judge D. Lawrence Groner, who, for that trial, replaced Judge William E. Baker, United States judge for that district. The trial began January 14, 1924, and was concluded on January 24, 1924. The transcript of the evidence contains 2,979 pages. The Government offered 47 exhibits, and the defense about the same number, the latter consisting of advertisements to a large extent.

Since reading the article in the Baltimore Sun, I have examined the transcript of the evidence adduced at the trial of the Harness case and find absolutely no foundation of fact for much of Mr. Hayes's remarkable communication. I could remember no such instance as he refers to, but, in order to refresh my recollection, I read the statement of the court at the time he directed a verdict of acquittal in full. Instead of intimating that Judge Parker and his associates had been guilty of misconduct, the trial judge paid them a tribute in the following language, which appears on page 242 of volume 4 of the transcript:

"My friends who represent the Government earnestly contend in this case for a verdict. Their conduct has been characterized by fairness; I think by great ability. * * *"

As to Mr. Hayes's statement that Government counsel were trying to obtain oaths of secrecy from the witnesses who appeared before the grand jury, permit me to state that this is not true. The witnesses were advised that the deliberations of the grand jury were confidential, and they were asked not to publish or discuss anything that occurred in the grand-jury room. No oath was asked nor administered. During the presentation of the case to the grand jury Government counsel were continually spied upon and annoyed by detectives hired by the defendants through their counsel. One of these detectives was interrogated as to his business there, and he frankly stated that he had been sent to Elkins by the principal attorney for

defendants, Mr. Frank J. Hogan, for the purpose of obtaining all the information he could concerning what was going on.

It is hard for the ordinary individual to realize and understand the difficulties that confronted Government attorneys in the Harness case. The defendants were, for the most part, men of means and political standing in their communities. They had served in the branch of the Government having control over the commodities constituting the subject matter of their contract with the Government. Their friends and acquaintances were still in the Government service when the case was under investigation. They had the sympathy, if not the actual protection, of such friends and acquaintances in the service, and the lack of cooperation with Government counsel in their attempts to obtain evidence was very marked, to say the least. The witnesses called by the Government at the trial were, in many instances, personal acquaintances of the defendants, or, at least, many of them. Their testimony was reluctantly given. On direct examination by Government counsel they appeared to be hedging in many instances, but on cross-examination by defense counsel they were willing witnesses. At the trial the defense procured from the files of the War Department correspondence and records that counsel for the Government had been told did not exist and for which 18 months had been spent in fruitless search. Among the documents procured by Government counsel traces of others, particularly letters, were found, but the letters themselves were not located. In many instances, the attorneys for the Government were able to give dates and apparent subject matters of the letters, but the file copies thereof were never found, although trips to the Middle West and other storage places for leather goods and harness were made and days spent in going through the files and records there, particularly at Jeffersonville and New Cumberland.

Referring specifically to the statement made by Mr. Hayes, as the same is quoted in the Baltimore Sun, that "the innocence of the accused was indicated by evidence submitted, not by themselves but by information in the possession of, and extracted from, the prosecution itself," I wish to state that this is absolutely without any foundation of fact whatsoever. Several written and oral requests to produce documents were made by defense counsel upon Government counsel, and in each instance the papers asked for were immediately produced, with the exception of a few letters, which were not in possession of the Government attorneys and were not, for that reason, produced. But there was no evidence in the possession of the attorneys for the Government that established the innocence of the accused, and that charge is untrue. It is true that the defendants did produce from the Government files, and Judge Groner commented upon that situation, certain records and documents which they maintained established the innocence of the defendants, and particularly Morse, Byron, and Goetz. These records related to the advertisements of surplus harness and leather goods by Morse, and the judge took the view that the Government had failed to establish its charge that the defendants attempted to stifle competitive bidding as a part of the conspiracy charged in the indictment. Judge Parker had none of these records and documents in his possession, nor were they extracted from the prosecution.

As indicative of the trial judge's attitude toward the activities of the defendants the following is quoted from page 2478 of volume 4 of the transcript of testimony at the trial:

"I think there ought to be a law which makes it a violation of law for any man who is engaged with the Government in any employment, after he goes out of the employment of the Government, to take a contract or have anything to do with any of the Government business relating to those things which he handled while he was in the Government. It makes me sick when I contemplate the crowd of people in Washington now—lawyers, all sorts of people—who are practicing in departments which they presided over a few months or a few years ago. I don't think it is right and I don't think it ought to be done, but that has nothing to do with this case."

While the trial judge directed a verdict of acquittal after all the evidence was in, both for the prosecution and for the defense, that is not the final test of whether or not the Government made out a case. It was the judgment of one man against many, including a number of Members of Congress and several attorneys in the Department of Justice and quite a number of Army officers and former Army officers who knew the facts. It is easier to conceive how one man might be mistaken than it is for a dozen or more. The members of the jury were not given an opportunity to make their finding, but, as above stated, were directed by the court to acquit the defendants. From that verdict the Government had no right of appeal. It was, therefore, a 1-man verdict which foreclosed the Government's rights after more than a dozen persons, many of them of considerable eminence, both as lawyers and as legislators, had expressed the view that the defendants had violated the law.

Criticism of Judge Parker's conduct in the trial of that case is as unjust as the statements contained in Mr. Hayes's letter are untrue. Evidently he has been misinformed, or he has deliberately attempted to injure Judge Parker's candidacy. Neither situation is justifiable, as the facts could have been ascertained by Mr. Hayes if he desired to obtain them.

There also appeared in a Washington newspaper a statement to the effect that Judge Parker and his associates attempted to indict one of the defense attorneys in the Harness case at Elkins, W. Va. This is untrue, as Judge Parker recommended against such action, and written evidence to that effect is in existence.

Respectfully,

RICHARD L. MERRICK.

The VICE PRESIDENT. Does the Senator from Ohio ask permission to print the transcript of the trial proceedings in the RECORD?

Mr. FESS. I would make that request if it were a matter that was in order. The court record is in my office, but whether I should submit it here or not is a question of ethics with me. I would be very glad to do so if it were in order. I do not see that there is anything out of order in it.

Mr. President, I am not going into this case in full just now. I rise only to make some observations in reference to some of the things which have just been uttered. Later on I shall go into other phases of the question.

I am inclined to support the confirmation of Mr. Parker because of the splendid tributes that have come to me from people who personally know him, as well as on account of the conclusion I have reached from a close examination into the character of the man, his training, and his accomplishments thus far.

Some have made suggestions that the judge is not so very well known, and that we are not justified in confirming him without more information than we have. I want to make this observation on the Supreme Court. The men on the court who have reached a very high place of recognition are the men who have entered it at an early age. That will be shown if we make an examination of the personnel of the Supreme Court.

John Marshall was 45 years of age when he was appointed by President Adams as a member of the Supreme Court. He remained on the court for 34 years, and during that time he handed down over 500 decisions. He delivered the opinions in 62 cases which involved Federal relations, which called into question the relationship of the Federal Government with the State governments.

Of these 62 opinions, 36 were written by himself. He delivered the opinions for the court. In only one case in his career did he differ from the majority of the court. In other words, the court was with him except in a single case. Marshall during that period of 34 years gave a standing to the court in the building up of a body of decisions which was pronounced at the time of his death to be the greatest accomplishment of any American citizen, even beyond the accomplishment of any President.

When Justice Story was appointed to the bench he was only 32 years of age. He had never had a day of judicial experience. He had been in public life only through serving one session in Congress. But James Madison, as Secretary of State under Jefferson, had observed the conduct and the mentality of the young man, and was so impressed that when the vacancy occurred in 1811, Story was called to the Supreme Court. He was criticized by Jefferson on the ground that while he was a Democrat—he did not use the term "Democrat," but "Republican"—he was somewhat imbued with New England Federalism. He was, therefore, not accepted by the public generally because of the opposition that he was too young; and, secondly, because he had had no experience. The outcome of this appointment was the greatest career on the Supreme Bench outside of Marshall, which was achieved by Judge Story. He remained on the bench up to the time of his death in 1845, having been appointed in 1811, and no man outside of Marshall so impressed the country with his great ability as did Justice Joseph Story. The time is not now here for me to submit some quotations from Story indicating the position we ought to take here in the selection of members of the court, but I shall do that at the proper time.

James Iredell, of North Carolina, appointed by Washington, was only 33 years of age when he went on the bench. While he did not remain so long, he achieved very remarkable success. The same could be said of Benjamin R. Curtis, who went on the bench and was a member of the court when the Dred Scott decision was rendered. Curtis was only 41 when appointed and was universally conceded, at the time he resigned from the bench, to have one of the greatest minds that had ever been on that court. A brother of Curtis, George Tickner Curtis, argued the Dred Scott case and he is to-day rated in history as one of our greatest historians. He paid a most wonderful tribute to Benjamin Curtis.

I have mentioned some of these men to indicate their age, because age has been offered as some objection to Judge Parker. Most of the leading men who reached high planes on

the Supreme Bench were below 50. John Jay, our first Chief Justice, was 44 years old when he was appointed. William Patterson, the author of the compromise in the Constitutional Convention, was 48. Bushrod Washington, appointed by Adams, was only 36 and remained on the bench until 1829. Alfred Moore was 44.

William Johnson was the first appointment made by Jefferson, and he was 33. Johnson showed his independence as a judge by not going along with the wishes of Jefferson on certain matters. At the proper time I shall read from some of the decisions of Justice William Johnson—and for this purpose and this only, that those who believe that a judge on the bench is going to be subject through bias, political or otherwise, will find that statement refuted all along the line in the history of the Supreme Court. In other words, it is the almost universal fact that men, after they went on the bench, were free from any prejudice and bias of any sort which would have been regarded as in keeping with the policy of the one who appointed them.

Brockholst Livingston was the second appointment of Thomas Jefferson, and he was 48. Thomas Todd, of Kentucky, the third appointee of Jefferson, was only 42. Joseph Story, appointed by Madison, was but 32. Robert Trimble, the only appointee of John Quincy Adams, was 49. John McLean, appointed by Jackson, was 44 and remained on the bench until the Civil War. He was appointed in 1829 and served on the bench as one of the country's greatest representative jurists. He was one of the two judges who delivered a dissenting opinion in the Dred Scott case, Curtis being the other.

James M. Wayne, of Georgia, Jackson's appointee, was 45, while Henry Baldwin, also Jackson's appointee and likewise from Georgia, was one of the greatest jurists of the court, and was 50 years old when appointed. It is true that Roger B. Taney was 59 when he was appointed. But as I go down the list only mentioning those who were appointed at an early age I find that the larger number of the men who reached that position were under 50. John A. Campbell, the famous judge of Alabama, who had achieved so remarkable a career up to the Civil War, was 41 when he was appointed by Franklin Pierce. It was prophesied that Campbell would have reached as high a plane as any man on the bench had he remained on it; but Campbell was from Alabama, and in the midst of the Civil War he felt called upon to join his own State, so he resigned and left the bench after he had served rather a brief time. But, as everyone acquainted with the history of Alabama will recall, he achieved very remarkably in his own State after he left the bench.

David Davis, appointed by Lincoln, was 47. Samuel F. Miller, of Iowa, appointed by Lincoln, was 46. Stephen J. Field was 46. I am mentioning the names around which there is a brilliancy because of their achievements, and I am indicating these as an answer to the suggestion that Parker is only in his forties. The truth about the matter is, Mr. President, that the men who have reached the highest plane in the Supreme Court are the men who have been appointed before they reached their fiftieth year, and that is one of the reasons why I would be strongly in favor of the confirmation of young men like Judge Parker, other things being equal.

There is opposition expressed because of Judge Parker's opinion. That opposition is not convincing to me. If a man is appointed to the bench without having been in a position at any time to deliver an opinion, then he will not be acceptable to some because he has not yet delivered an opinion. Some would reject a man because they do not know what his opinions would be. Some Senators might refuse to confirm because of a lack of experience, because there is no chance to know what the man would do on the bench, and therefore in their judgment he is not suited for that reason. That objection would have precluded and excluded Story. That objection would have excluded Morrison R. Waite. Morrison R. Waite was appointed to the Supreme Bench without ever having appeared in the Supreme Court to try a case. In fact, he had only been admitted to the Supreme Court the year before he was appointed, and yet Waite, without previous experience, at the time of his death had reached a very high plane, which would do credit to the position of Chief Justice.

John M. Harlan, of Kentucky, but 44 years of age when he was appointed, had had no experience at all, had never practiced in the courts. He was appointed to the bench and, as everyone here knows, reached a position of universal approval as one of the country's greatest judges.

I do not believe that the mere statement of fact that Parker's opinions are not known is at all a legitimate objection against him. On the other hand the suggestion that we should reject a man because he has expressed an opinion which opinion might not coincide with our view, is about as weak as the position that he has no expressed opinion and, therefore, should be rejected. Mr. President, living in a country like ours, so subject to public criticism as we are, where everybody is discussing public questions more or less, it is inconceivable that a judge will not on some occasion deliver an opinion that may be refused by certain groups. A judge to be fit to sit on any bench must be fearless in the expression of the opinions which he might hold. The very fact that he is fearless and will express his views in accordance with the law on the basis of the facts and evidence submitted above everything else makes him fit for the bench. If he will, from a sense of fear, a lack of courage, or because of persuasion or influence of any kind, withhold an opinion that he himself entertains, I would not be free to vote for him, because that kind of man could be controlled and swayed by any powerful influence that might be brought to bear upon him.

So, too, any mature man who may be appointed to the bench who has had any experience, will doubtless have expressed an opinion on this or that subject which will not be entirely acceptable to all classes.

Mr. President, I long ago learned that it is utterly impossible to please everybody; I have learned that what pleases one group displeases another group; and perhaps the feeling of displeasure in the one case grows out of the same act which causes the sense of pleasure in the other. It is clearly impossible for any public man to please everybody. I think he would be a very foolish individual who should undertake to chart his career by attempting to please everybody. A judge on the bench must be deaf to all influences outside of the consideration of the justice in the case. If a man at some time shall have expressed an opinion on this or that case, that opinion might be a suggestion as to what his inclination would be when placed in a different situation. What I desire to know is: Is the appointee able; does he comprehend; has he discernment; is his judgment sound; does he respect the law; will he refuse to be influenced by this or that organized effort on behalf of some selfish enterprise? What I wish to know is whether the candidate is a man of ability, of integrity, of honesty, of large wisdom, of keen discernment, of judgment, with devotion to what is patriotic, alert in securing the rights of all concerned, impartial in his decisions, basing his judgment upon the facts in the case before him within the law. Those characteristics being manifest in his make-up, no kind of influence from any quarter would swerve him from doing what I thought was my duty merely because it might be displeasing to this or that group.

I am of the opinion, from what I can glean from the conduct of Judge Parker, that he is a man of ability, sound judgment, fair dealing, and of rather keen discernment. Nothing that has been said here against him has gone to his character or to his fitness, but has been confined to his attitude in regard to certain questions.

Mr. President, that consideration opens up a field which it is difficult for one fully to comprehend. How far is a judge to go in exercising what we call latitude in his attitude toward this movement or that movement? If the so-called "yellow dog" contract, even though it had not been held valid by the Supreme Court of the United States, were within the law, if Judge Parker had not had the decision of the Supreme Court before him as a precedent, but had decided the case within the terms of the law, even though the law were such a one that I would not in the outset have favored it, I would not be here to criticize him on the ground that he did not exercise the latitude of going outside the law and pronouncing the contract, which was recognized to be within the law and to be legal, as being an unconscionable contract, and holding, therefore, that he would not be bound by it.

I repeat that even though Judge Parker had not before him the Supreme Court decision, which, of course, precluded any decision other than the one he rendered, I should not hold him responsible for deciding within the law, in accordance with the terms of the law, although had I been making the law in the outset I might have been strongly opposed to such a contract, as, indeed, I would have been.

Mr. President, on the particular point of the controversy which took place in West Virginia, I wish to say that all my sympathies are against the final decision. But judgments can not be rendered upon mere sympathy. In the first place, I am thoroughly in sympathy with the right of labor to organize, and certainly I should maintain the right of labor to organize in West Virginia in the coal industry, for I, with others, have sat with the Interstate Commerce Committee and have listened from day to day and from week to week and from month to month to the hearings in the coal controversy growing out of a dispute between the States north of the Ohio River and the States south of the Ohio River.

The miners in Ohio are strongly organized; there is not any group of labor which is better organized than are the Ohio mine workers. They have organizations of many years' standing. The members of the unions own their homes; they have their schools; they are, in fact, the best citizens of our State. Unionized labor north of the Ohio River receives about $2.50 a day more than does labor south of the Ohio River, which is not organized. The result is that from territory south of my State coal may be shipped a greater distance across my State and delivered to the lake markets much cheaper than the coal which is mined in my own State, the difference being occasioned by the increased cost of mining in my State due to the higher union wage as contrasted with the lower nonunion wage in the States to the south. So interest would naturally be to seek to have labor south of us put on the same plane as is the labor of Ohio; if I had no other interest than a mere selfish interest, it would be that.

On the other hand, I believe it is the judgment of modern economists that it is sound economy to pay the higher wage. The measure always is purchasing power, and 80 per cent of the purchasing power of our country is labor. In the degree that we increase the wage of labor we increase the purchasing power. So I think it is sound economy to favor a higher scale of wage. For that reason my sympathy would naturally be with those who desire to unionize labor in West Virginia.

I mention this because I do not want anyone to take it that my position in this particular instance or in any other would be unfriendly to union labor, for nobody can gainsay the tremendous accomplishments, the wonderful achievements of unionized labor. Everybody must recognize them.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Ohio yield to me?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. FESS. I yield.

Mr. WALSH of Massachusetts. I can fully appreciate all that the Senator has said, for he comes from a large, industrial State, which has very advanced and progressive legislation on questions relating to the working class. I ask the Senator if he is aware of the fact that the difference which he pointed out in the case of the wage paid miners in the territory south of the Ohio River compared to wages paid miners in Ohio is ultimately going to lead to the industrial disadvantage of his State, and to the advantage of those States that are producing where labor is cheaper?

Mr. FESS. It has already reached that stage.

Mr. WALSH of Massachusetts. I ask the question because of the experience of my own State. The Senator will recall that during the tariff debate statistics were presented showing that shoe workers in certain sections of the country received wages 20 per cent less than those paid the shoe workers in the Eastern States, with the result that there has been a steady diminution in the production of shoes in the East, and that section of the country where the wages are 20 per cent less has advanced its production of shoes. The same situation exists in the textile industry. So I can very naturally understand why the Senator, regardless of the human appeal, one with which I know he is in sympathy, would, even from the standpoint of State interest, be most anxious for the spread of organized labor, to the end that we may have uniform standards of wages and hours of labor and of labor conditions throughout the country.

Mr. FESS. I thank the Senator for his observations. The geographical situation, with just a river between us, where through organized labor wages north of the river are $2.50 a day higher than just south of the river, where labor is unorganized, makes it impossible for our mines to go ahead and compete with those mines. In other words, our mines close down. There is a better situation now than there has been, but it is still not satisfactory; and I am mentioning that to disprove the suggestion that my position here might be due to a lack of sympathy either with the economic problem or with the human problem. It is not that. If I were influenced by that consideration, I should probably find fault with the decision of Judge Parker; but here is the fact:

Judge Parker ruled in accordance with the terms of a contract. If I had been making that contract, I should have advised against it; and while I do not say I would not have made it because it might be that labor, so needful of employment, might agree upon certain terms such as are in the contract in order to get work, and I would have sympathy with their being able to relieve that situation of the contract—yet the fault is in the contract itself, and not in the judge who interprets the violation of the contract. I state again that if I were a judge on the bench, with a violation of a contract presented to me, and the violation were without question, the mere fact that it would say, "That contract is unconscionable, and I would not have made it" would not justify me as a judge interpreting it in ignoring the contract.

Now a lot of people want us to ignore it; but the minute we go beyond the terms of a legal instrument and are guided by what we call humanitarian interest—a flexible term, an indefinite term—we have no limit. What is to be the limit of our interpretation if we say that the decision should not be governed by the terms of the contract?

So I can not fault the judge for having thus decided a case which was within the terms of the contract, although the contract itself involved a bad situation—I mean, it seems an unjust one; I do not mean an illegal one, but unjust and not consistent with wise policy.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Montana?

Mr. FESS. I do.

Mr. WALSH of Montana. Did I understand the Senator correctly that in his judgment such a contract is an unconscionable contract?

Mr. FESS. I stated that I thought I would not enter into such a contract, and yet it might be that a situation would arise where work was so necessary that I might make that sort of a contract rather than be out of employment. I am trying to get the situation that existed in West Virginia.

Mr. WALSH of Montana. But the Senator said that if he were a judge, although he would regard the contract as unconscionable, he would feel obliged to enforce it. I desire to remark that that question was presented yesterday by an inquiry addressed to the Senator from Idaho [Mr. BORAH] by the Senator from Illinois [Mr. GLENN], as to whether, if one entered into a contract for the construction of a building, and some one else endeavored to dissuade the owner of the property from carrying out his contract, an injunction would not be a proper remedy to enjoin him from thus interfering.

Of course everything depends upon the character of the contract. The Senator may not be aware of the fact that courts of equity refuse specifically to enforce contracts that are perfectly legal if they are unconscionable. That is to say, if a man agrees to sell a piece of property for a price that is wholly inadequate, a court of equity will not enforce that contract. So, although this particular contract may be a perfectly legal one, if the Senator is right in the view that it is an unconscionable contract, then an injunction to prevent its violation ought not to be issued, under well-settled rules of equity.

Mr. FESS. Mr. President, I have used the word "unconscionable" because it is the word that has been employed in the debate. I have also used it in the sense that I think that sort of a contract should not be required.

Mr. WALSH of Montana. Let me remark that if the action were at law, the court would be obliged to say to the jury, "Much as I deplore entering into a contract of this kind, it is your duty to return a verdict in favor of the plaintiff who sues upon his contract"; but if he were sitting as a court of equity, called upon specifically to enforce it, he would say, "Although this contract is in a strict sense legal, and if tried in a court of law I should be obliged to sustain it, I will not grant specific performance of this contract, nor will I enjoin anybody from attempting to break it."

Mr. FESS. I am quite certain that the Senator from Montana, who is rightly regarded the keenest lawyer with us, would not use much latitude in handing down a decision that would violate a contract or would excuse the violation of a contract if it were brought before him in the case. It is that situation which I have in mind, and it is that consideration on which I am trying to get the reaction of my own mind toward this particular case of Judge Parker. I assume that his statement that as the judge of a lower court he was not free to do other than the upper court did would be conclusive; but I am saying that even though he did not have the upper court as a guide, it would seem to me that he would be required to stay within the terms of the contract when a violation of it was brought to his attention.

Mr. BRATTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Mexico?

Mr. FESS. I yield to the Senator.

Mr. BRATTON. The Senator from Ohio, a few moments ago characterized a contract of the character under discussion as an unconscionable one.

Mr. FESS. I will say to the Senator that that was simply repeating a term used by the Senator from Idaho.

Mr. BRATTON. Very well. Quite aside from what the Senator from Idaho may have said, does the Senator from Ohio

regard such a contract as being unconscionable—that is to say, out of harmony with sound public policy?

Mr. FESS. I think that any effort to prevent the organization of labor on its own behalf, for its own betterment, is not a wise policy. I think it is an unwise policy.

Mr. BRATTON. I agree with the Senator when he goes that far; but, beyond that, does the Senator regard it as an unconscionable contract—that is to say, one that contravenes sound public policy?

Mr. FESS. I would prefer not to go to the extent of saying "unconscionable." I would not want to go further than saying that it is not wise economy, either from the standpoint of labor itself or from the standpoint of the employer, from the standpoint of industry. I think the high-wage scale is preferable to the low-wage scale, even for industry, to say nothing about labor. That is, a wage that is below the level necessary to sustain the proper standards of life is bad economy.

Mr. BRATTON. I agree with the Senator; but I go a step farther and say that, in my opinion, such a contract, executed under the pressure and force of circumstances which concededly attend the execution of this sort of an agreement, is unconscionable in the sense that it is completely at war with sound public policy. The Senator from Ohio may be unwilling to go that far in his condemnation of a contract of this character. I have no hesitancy in doing so. I think it is unconscionable, because it is entirely out of harmony with sound public policy of the twentieth century. Consequently, it seems to me that a court of equity should be loath to extend its arm of protection to those who seek the enjoyment of the fruitage of a contract. That, it seems to me, is the broad, social and industrial question that should concern us in connection with this confirmation, and quite aside from it.

Mr. FESS. The Senator will agree with me that the term he is using, "unconscionable contract," is a term that is not limited. It means one thing to one person, and another thing to another. There are no boundaries; and if we lift the requirement of a decision reached in the light of the facts beyond the terms of the contract, there is absolutely no limit as to what will be the basis of our decision.

Mr. BRATTON. I agree with the Senator. The generally accepted interpretation of the term "an unconscionable contract" is one that is executed or negotiated under circumstances so unfair and unjust as to shock the conscience of the judge or tribunal passing upon it. In that sense this class of contracts appeals to me as being unconscionable; they are so unfair, and negotiated under such oppressive circumstances, as to bring them under condemnation.

Mr. FESS. I should not want to be guided by such indeterminate considerations in making a decision. I should not wish to deny confirmation to an appointee on the ground that he did not do what some one might think it would be more human if he had done. I should not do that for many reasons; and we have some very striking examples of mistakes that we have made in the past because of that.

The Senator will recall that Washington appointed John Rutledge as an Associate Justice of the first Supreme Court, and then later Rutledge resigned and went back to the practice of law in South Carolina. When John Jay went over to Europe to make the treaty that bears his name, a vacancy was ultimately created, and John Rutledge was appointed to take Jay's place. Rutledge had made a very bitter attack upon the Jay treaty, and the matter was brought to the attention of Washington, with the statement, in substance, "You are appointing a man who has bitterly attacked the treaty in which you are so much interested, and he has not only done that but he has reflected upon you." The Senator will recall the famous observation that Washington made on that representation—that what he wanted was a man of judicial poise, of independent judgment, who would reach conclusions based upon the data submitted, and he added that he would not withdraw his name.

The Senator will recall that the Senate was somewhat disappointed, if not angered, and Rutledge was rejected by this body. Any Senator who knows the career of Rutledge would recognize the loss to the country on account of that rejection by this body because of an opinion he had given out of court. I do not think that is a safe rule to pursue.

Mr. BRATTON. Mr. President, the Senator's narration of that incident of history carries with it his usual erudition. But quite aside from this confirmation, the point I have in mind is to elicit the views of the Senator with reference to the validity of these so-called "yellow dog" contracts, in view of twentieth-century conditions. I regard them as being wholly out of harmony with present-day conditions. That is the broad principle which I desire to direct to the attention of the Senator from Ohio. I inquire whether he thinks they are so fundamentally out of harmony with present-day conditions that courts of equity should be reluctant, if not entirely unwilling, to extend their protection to those who desire to enjoy the benefits under them.

Mr. FESS. I would say to the Senator, in reply to that, that we have two separate functions here. One is as the law-making function; the other is our function as an interpreting body, and if a type of contract is unwise it should be held unwise in the law, and the court, therefore, could interpret the contract within the law. If the type of contract, I agree with the Senator, is not the type that should be recognized, that should be a matter of legislation. Then the court could easily pass on any violation of it. In other words, in the language of John Marshall, we have no other course than the narrow path of following the law as it is laid down.

Mr. BRATTON. I seriously question whether Congress has the power to declare such a contract illegal as contravening public policy, unless it has some connection with interstate commerce. The validity of such a contract depends upon whether it is in harmony with sound public policy. If it is out of harmony with sound public policy, legislation is unnecessary, because every court in the country should strike it down for that reason alone.

It is that general, abstract question which I am calling to the attention of the Senator from Ohio, and in connection therewith, I have no hesitancy in saying to him that I regard such a contract as fundamentally wrong. It contravenes sound public policy. It violates social conditions, civic conditions, industrial conditions, of the present day.

It seems to me that the Senator from Ohio and other leaders in molding thought in this country should take a stand upon that question, and either approve or disapprove this kind of agreements.

Mr. FESS. Mr. President, I repeat that is the province of Congress, and would be a matter of legislation. It seems to me that the only safe course to take is to keep the court within the terms of the law, and then there can not be any charge of usurpation.

Let me state, in further reference to the danger suggested by this colloquy, that every now and then some one will be attacked for an opinion he has expressed or because of some political position he has taken. In the case of John Tyler, who came into some disfavor with the party that elected him, every single nominee to the Supreme Court submitted to the Senate by him was rejected. Yet he named men of very high repute.

The same thing was true in the case of Millard Fillmore. He submitted the names of three different persons for the Supreme Court, all of which were either postponed or withdrawn, to the great loss of the country. The same thing was true in the case of Andrew Johnson, because of the spirit of anger existing at that time.

It is very significant that E. R. Hoar, a former Attorney General, was nominated to the Supreme Bench, and because he had thought that the impeachment of Andrew Johnson was unwise and had made a statement to that effect, together with some other things he had said, he was rejected.

There is the case of John J. Crittenden, universally recognized as one of the country's greatest statesmen, the author of the Crittenden compromise of Civil War times. John Quincy Adams named him away back in 1829, but he could not pass this body. He was one of the leading figures in Civil War times, and Lincoln was especially anxious to honor him by putting him on the bench, but because of some statement he had made about what we call the compromise between the North and the South the rabid abolitionists of New England, as well as those of Ohio, were against him, and Crittenden never was on the bench.

Mr. BRATTON. Mr. President, will the Senator yield further?

Mr. FESS. I yield.

Mr. BRATTON. I want to make clear to the Senator my position in the discussion he and I have enjoyed. I was endeavoring to discuss the question in the abstract, quite aside from the confirmation of the nominee in question. I was not now advocating that the Senator should vote against the nominee on account of the opinion rendered in the so-called Red Jacket case. What I was endeavoring to do was to dissociate the discussion from the concrete question before us and confine it to the general policy of contracts of this class—that is to say, whether they are at variance with public policy of to-day.

I do not want the Senator to think that I was urging upon him the wisdom of voting against Judge Parker because of the particular opinion rendered in question. The Senator will form his conclusion about the confirmation and I will form mine. Whether he takes that opinion into account is a matter for him to determine. Whether I take it into account is a matter for

me to determine. I simply wanted to make clear to the Senator that I was endeavoring to discuss in a frank way the matter as an abstract question in relation to our social and industrial conditions of to-day.

Mr. FESS. I thank the Senator. The Senator knows that I recognize him as the type of man who does his own thinking, and frankly expresses himself. I have great admiration for his legal opinions, as he knows. I thought that when he was putting the questions to me, there was an effort to undermine my decision to vote for Mr. Parker, on the ground that he was not fitted for the place.

Mr. President, there is another phase of this question which I think must not be overlooked. It is a phase which might create some adverse criticism, but I think it must be brought out. I have no complaint of anyone who frankly and freely expresses opinions with which I do not agree. This forum is the place for free and independent discussion, as well as voting, and it goes without saying that under the mental organization of the race we will not all think alike. We will differ, and honestly differ.

There never has been a time when there has not been criticism of the independence of the judiciary. That criticism was begun at the time of the creation of the Supreme Court. The truth about the matter is that our system is unique. There is none other to-day that is like it, nor was there ever one that was like it.

Bryce made the statement that in the fact that every government has legislative, executive, and judicial functions, all are alike. The United States in that sense is not different from Turkey of old. A republic is not different from a despotism. Where we are different is not that we have the three functions that are exercised, but that we have them all separate from one another. They are independent. Ours is the only Government in existence, or that has ever been in existence, which recognizes those three coordinate departments independent in their functions, and yet interdependent in their organization.

Of the three, the judiciary is naturally the weakest, because the legislative has the purse. There is no such thing as supporting the judiciary without the legislative approving. The executive is the enforcing power, and has the sword, but the judiciary has neither the purse nor the sword. It is independent in arriving at its decisions, but that is the only way it is independent. It does have judgment. In order that that judgment might be unbiased it must remain independent of the other two. Some Senators think it too strong because it is appointive and not responsive to election, because its members hold for life and are not subject to a limited tenure.

Some would change the Supreme Court by making the judgeships elective and fixing the terms. That would be un-American. That would be a violation of every fundamental principle announced in the Constitutional Convention. The mere fact that this third department, weakest of the three, is independent of pressure from any source and is permitted to exercise its judgment with little respect to manufactured clamor from whatever body or whatever source, brings it into the criticism of certain groups of people. When the nomination of Justice Hughes was presented to this body there was universal concession that his integrity, ability, honesty, fairness, and keen discernment were unquestioned. But it was said that his attitude on certain questions was not satisfactory and there grew up here a storm of opposition. That attitude must have a source somewhere, and that source is against the judiciary of the country. It is a socialistic movement. In that debate a famous socialist author was read from for two and one-half hours in this Chamber, and I must assume that the Senator who read the socialistic predictions had more or less sympathy with what he was reading.

Now we have the same thing again as to Judge Parker. Is he the objection or is it the court that is the objection? Let us see. On the 22d day of this month a Washington newspaper, which has gone out of its way to undertake to defeat this confirmation, published an editorial. It has carried on editorially a consistent organized effort to minimize the character of Parker and to encompass his defeat. Every day an editorial is carried. On the 22d day of this month there was an editorial closing with this statement:

> An open Senate debate would destroy further the "hush-hush" that has protected the Supreme Court. It would focus more light upon that all-powerful institution.

Now, hear me, Senators! I am reading:

> Parker is an incident. The Supreme Court is the issue.

So spoke the sheet that has been carrying on the fight against the confirmation not only of Parker, but of Hughes. I say again it is no use to blink the facts. The fight is against the judiciary, the independent, courageous group of men who sit on the bench and decide in the light of the facts within the law. If they were other than independent they would not be fit to be on the bench. The mere fact that any man would yield to any sort of pressure from any sort of organized propaganda would be the strongest reason for me to vote against him, because we do not want that kind of men on the bench.

In looking around to find some objection to Mr. Parker that might be effective, there has been picked up the labor contract. That offers a good opportunity; it offers the occasion. If we strike down a nominee whose honor, ability, and integrity are not questioned, for any other reason than that he is unfit, then we proceed, in my judgment, to assault the broad bulwark of our liberties in this country. I am deeply concerned as to whether headway is going to be made in that direction. It was recognized at once that if the labor people could be stirred up it would be a splendid thing to do as a means to encompass what is trying to be done. I have it within my own information. A friend of mine high up in labor circles made an inquiry of me as to the reason for this propaganda, stating that he was being importuned to join the effort to defeat Judge Parker, and wanted to know what it meant.

Mr. BLACK. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. FESS. I yield.

Mr. BLACK. I understood the Senator to say several times "they" with reference to seeking an effort to find something against Judge Parker. It may be that the Senator has said in his remarks heretofore to whom he was referring when he said "they." I assume he refers to the ones who started the opposition. I am interested to know if the Senator has said who started the opposition and to whom he refers when he says "they."

Mr. FESS. Mr. President, I am referring to the effort to break down the present American judiciary as it now exists, and I need not attempt to specify names in order to bring that out. The Senator himself will be able, if he reads the papers, to ascertain who is thus assaulting the Supreme Court. I have just read one statement that it is the Supreme Court which is the issue. If the Senator would say that or if I would say it, it would immediately be asserted that we were trying to avoid the issue on behalf of Mr. Parker. But this is some one who is opposed to the confirmation of Judge Parker, and it said, "Parker is an incident. The Supreme Court is the issue."

Mr. BLACK. If the Senator will yield further just a moment, I do not know that I am at issue with the Senator in many things he has stated; but I understood the Senator to refer to the fact that somebody or some group or some individuals were responsible for seeking to get the labor people arrayed against Judge Parker and that they were responsible for trying to get other people against him. I am not asking for the names of those to whom the Senator refers. I am simply trying to find out if he has definitely in mind to whom he referred when he said "they"?

Mr. FESS. Yes. I have a great number of letters from different sources.

Mr. BLACK. From what sources?

Mr. FESS. Different sources—in labor, and in an organization known as the Association for the Advancement of the Colored People. I have many letters from those people.

Mr. BLACK. To which one was the Senator referring when he said "they" are trying to get labor interested in order to oppose Judge Parker? That is what I want to know.

Mr. FESS. If the Senator will permit me to proceed——

Mr. BLACK. I am perfectly willing for the Senator to proceed if he does not want to state to whom he referred when he said "they."

Mr. FESS. I referred to the people who are attempting to encompass the defeat of the confirmation of Judge Parker. They are numerous. They are not only here in this Chamber, but they are outside of this Chamber and they are throughout the country.

Mr. BLACK. I feel sure the Senator does not mean that anyone in this Chamber has sought to stir up the labor people against Judge Parker or that the representatives of the labor unions endeavor to get them stirred up?

Mr. FESS. Oh, no.

Mr. BLACK. The Senator does not refer to them when he says "they"?

Mr. FESS. I refer to Senators when I am talking about the efforts to defeat Judge Parker, of course. In the discussion of Judge Hughes, a Senator on this floor said in effect, and he was honest in saying it as he always is, that "some of us, as you know, are not entirely satisfied with the manner in which the Supreme Court is operating." That was an honest statement of the fact and I do not criticize him for making it. I am simply pointing out what the issue is.

If I were asked to ascertain why this or that organization is against the confirmation of Hughes and the confirmation of Parker and probably the confirmation of any man whose name may be submitted who might not suit their particular standard, it would not be expected that I would undertake to enumerate all the names and I do not think the Senator would desire that I should. In other words, Mr. President, it certainly is not unbecoming in a Senator to attempt to make a statement of a situation here where we are discussing a fundamental principle involving the welfare of the Nation.

Mr. OVERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. FESS. I yield.

Mr. OVERMAN. There is all sorts of talk of a sinister nature going on here. A leading dry came to my office and said he wanted me to investigate the question which he was going to suggest to me. He said, "The wets are trying to defeat Judge Parker because he is a dry, and as this question is coming up they want to name a man to the Supreme Court who will vote against the prohibition law. They want somebody on the Supreme Bench who is opposed to the eighteenth amendment." I said, "Have you any proof of that?" He said, "I have no direct proof. I can not say how it is, but I know it is so, and it is going on all the time." I said, "I am not going to undertake to investigate anything until there is some proof submitted." That is the way it is with many of them. They are not able to submit anything definite and specific. He said that he knows it is going on. He is a prominent man. He said, "The wets are trying to beat Parker."

Mr. FESS. Mr. President, I had not heard that suggestion, and while I have not heard it I would not be surprised if it were true. [Laughter.]

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Arizona?

Mr. FESS. I yield.

Mr. ASHURST. I have listened, as I am sure we all have, to the able speech of the Senator from Ohio, with no small degree of admiration for the disclosure of the wide reading of history on the part of the Senator; but, altogether, the able Senator is too drastic in his characterization of those Senators who do not see fit to vote for the confirmation of Judge Parker. Let me say to the Senator that during my service here I have not only voted for but I urged, in my humble way, the confirmation of Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Clarke, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Sanford, and Mr. Justice Stone; and to me one of the exquisite incidents of my senatorial career was when I was afforded an opportunity in executive session to speak for five minutes urging the confirmation as Chief Justice of William Howard Taft. The Senator will also doubtless recall that I said if I were the only Senator to vote for Mr. Charles Evans Hughes I would stand by my guns and would vote for him.

I voted for these gentlemen because they are men of intellect, learning, character, judicial temperament, courage, capability, and experience. Now, when a nominee who has neither great character nor great courage nor great learning is set before us, and we are asked to put the seal of our approval upon him for that high place, it is suggested by the Senator that we are trying to destroy the United States Supreme Court because we do not swallow weaklings.

Mr. FESS. Mr. President, I regret that the brilliant Senator from Arizona closed his statement with the sentence he used. Most of what he said was admirable, and just what I would expect from him. I would expect him to vote for all the confirmation of all the Supreme Court justices mentioned by him, and I would have been greatly surprised if his vote had been against Mr. Justice Hughes, as he knows I would. I regret he has made the statement that he will refuse to vote for confirmation in this case because he considers the nominee a weakling.

Mr. ASHURST. No one is fit to sit as a justice of the United States Supreme Court, where are involved the destiny of 120,000,000 people and the ever-present and complex propositions of State and national sovereignty, who upholds the "yellow-dog" contract.

Mr. FESS. Mr. President, that would be a very persuasive statement, perhaps, were it not that the same kind of statements were made against Mr. Justice Story when his nomination was before the Senate for confirmation, when it was alleged that he had had no experience, that he was a mere boy. The same sort of argument was made against E. R. Hoar, whose nomination was rejected by the Senate. If Judge Parker shall go on the bench, as I assume he will, I am quite certain that the time will come when the Senator from Arizona will feel like making an apology for the statement he has made about him, just as in the past critics of former nominees have apologized for their criticism.

Mr. ASHURST. Mr. President, of course, if it shall ever be discovered that I am in error, the Senate knows that I will not only promptly but gladly apologize.

Mr. FESS. Mr. President, there is another line of discussion which I wish to follow, in conformity with the statement I made a moment ago, that the Supreme Court has been the subject of almost constant criticism. When that court was originally created doubts were expressed as to the wisdom of its creation. When it started on its career it was feared by such leaders as Jefferson, who was afraid of its powers. Those, however, who say that Jefferson opposed the Supreme Court on the ground that the court had pronounced certain laws to be unconstitutional are mistaken. That statement is made because of the famous Kentucky resolutions, which were written by Jefferson, as the Virginia resolutions were written by Madison, but those making it overlook the fact that Jefferson commended the Supreme Court for declaring constitutional the embargo act which was passed in 1809 during Jefferson's own administration. They also overlook the fact that Jefferson criticized the Supreme Court because it would not declare the alien and sedition laws unconstitutional. The Senate will recall that Jefferson also criticized the Supreme Court because, in the famous McCulloch against Maryland case it declared the national bank act to be constitutional. So those who are charging that Jefferson expressed fear because he was afraid the Supreme Court would declare a law unconstitutional, as it had done in the Marbury case in 1803, are at fault, because Jefferson was one of the strongest proponents of the right of the judiciary to declare a law unconstitutional.

There were criticisms of the Supreme Court in the early days of our history on various grounds, and many efforts were made to curb its power. There were legislative efforts to restrict the court. An attempt was made to repeal the twenty-fifth section of the judiciary act which was passed in 1789. Efforts continued from 1821 to 1831 to require each judge to deliver his opinion separately and not to join with the other judges in a joint opinion. The question arose whether or not such action on the part of the Congress would be constitutional. The reasons which were given for requiring separate opinions were three: First, that it would open the individual judges to impeachment; second, that it would subject the decisions of the court to protest by Congress; and, third, it would make the Senate an appellate body with a supervisory power over the court. Those are some of the legislative proposals urged to curb the power of the Supreme Court in the early days of our history. All failed of favorable action.

An effort was also made to require the concurrence of all the judges in order to declare a law unconstitutional. In 1823 an effort was made to require that seven judges—which at that time was the entire membership of the court—should concur before a law enacted by Congress could be set aside. That proposal was not acted upon. Then, in 1825, an effort was made to require that five out of the seven judges should concur before a law passed by Congress could be declared unconstitutional. That proposal was likewise not acted upon. Later an effort was made to require a majority to concur in such a decision, which, of course, is the practice to-day. The significance of these proposals lies in legislative effort to curb the court.

Mr. President, I have thought—and I have expressed the idea frequently—that the Supreme Court might properly consider adding another rule to those governing its procedure. The court has a rule that it shall always give due credence to the opinions of the legislature in cases affecting the validity of statutes. The court has another rule that there shall be a full attendance in the hearing of cases affecting the constitutionality of laws. I have wondered why the court did not add another rule, requiring the concurrence of a certain number in an opinion declaring a law to be unconstitutional.

The people of Ohio placed in their constitution a provision that a law could not be set aside as void by its supreme court unless all the judges of the court, save one, concurred. It has been urged that if a law were passed making such a requirement it would be unconstitutional. I do not know as to that but am of the opinion that it is true; but, on the other hand, it has been urged that the court itself should not adopt such a rule because of the fact that it would allow a minority to control the court on questions affecting the constitutionality of laws. Whether or not that is a valid objection is open to discussion. I am merely mentioning the efforts which have been made to curb the power of the Supreme Court.

Several amendments have been offered during our history to take away from the court the power to declare a law unconstitutional.

Another line of decisions that has produced considerable controversy has to do with the power of the court to declare State statutes unconstitutional. I have before me a list of five separate efforts on the part of State legislatures to deny the court the power to declare State laws unconstitutional. Those efforts extended from 1820 until about 1830. During that period of 10 years there was scathing criticism of the Supreme Court because of its decisions declaring State laws to be unconstitutional. In Ohio in the Osborn case the feeling reached almost the point of riot; in New York, in the Steamboat case, it almost reached the point of nullification; there was strong feeling likewise in the Cherokee cases in Georgia and in one or two other States, especially in Kentucky, where the bankruptcy laws were operating on the land laws. During that 10 years the Supreme Court was under constant and bitter criticism. But in spite of it the line of decisions was unbroken and uninfluenced by it.

It might be of interest to the Senate to know that from 1789 to 1924, 49 different Federal laws were pronounced unconstitutional by the Supreme Court of the United States. Of the 49, only 11 created any particular interest in the country, but during all of that time there was more or less criticism of the court without results on the court's integrity or its independent judgment.

The greatest criticism grew out of the power of the Supreme Court to declare a State law unconstitutional and the power of the Federal Supreme Court to overrule the supreme court of a State. The feeling against those powers of the Supreme Court was very bitter at times and reached almost the proportions of a storm.

As the Senators who are conversant with our history will recall, that fierce opposition ran up until 1832, when Calhoun proposed that his State nullify the tariff law. It just so happened that Jackson was then the President, and he was quite stirred if not offended over the attitude of Calhoun. Through Jackson's efforts, first expressed in his Attorney General's report on it—I think the Attorney General was Livingston, I am not sure; it is one of the strongest arguments for constitutional supremacy I have ever examined—through the efforts of Jackson, that agitation ceased, and we had nothing more of such agitation against the Supreme Court on that score until the days when slavery came to be discussed as a national issue. Those conversant with the times will agree that we never in our history reached such an acute stage of the Supreme Court as in the discussion of the question of slavery, especially the Dred Scott decision in 1857, and the years just preceding, as well as those following that date.

When John Marshall died in 1835, and Jackson was called upon to appoint a successor, there were many very great lawyers who were in the minds of the public. The one whom Jackson desired most to appoint was Roger B. Taney. Taney had been rejected by the Senate on another occasion, due, as Senators will remember, to opposition to his action as Secretary of the Treasury having obeyed the orders of President Jackson to remove the funds from the National Bank to the 89 State banks. That was regarded as an unconstitutional act by Calhoun and Webster and Clay, and the result of that opposition was the defeat of the confirmation of Taney; but that was not for the Supreme Bench. When, in 1835, Marshall died, Jackson exercised his usual courage, recognizing the brilliant legal ability of Taney, although he was 59 years old at the time, and appointed him to fill the vacancy; and then the storm broke. Probably at no time in the Senate Chamber was there such a debate in opposition to a confirmation. That debate was joined by Webster, Clay, Calhoun, and men of their type; and when the vote came Taney was confirmed, but not by a very large majority.

Mr. BORAH. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. FESS. I yield.

Mr. BORAH. Upon what grounds did Webster and Clay and Calhoun and others oppose Taney? It was not on the ground of his personal disqualification, not on the ground of his lack of ability as a lawyer, not on the ground of his want of integrity. What was the ground upon which they opposed him?

Mr. FESS. Their specific objection was that he had performed an unconstitutional act by transferring the funds from the National Bank to the State banks as Secretary of the Treasury.

Mr. BORAH. In other words, Webster and Clay and Calhoun disagreed with Taney as to the proper construction of the Constitution of the United States, and they opposed him?

Mr. FESS. I think so.

Mr. BORAH. Does the Senator think that Webster and Clay and Calhoun were assaulting the Supreme Court of the United States as an institution?

Mr. FESS. I think that Webster and Calhoun and Clay were acting from passion of hatred toward Jackson for his fight against the national bank, and I think the Senator will agree with me.

Mr. BORAH. No; I do not, because when the time came that Mr. Jackson took the position that he did with reference to the act of South Carolina, the hatred, if it arose over that incident, had arisen; but Mr. Webster supported Mr. Jackson loyally in that matter.

Mr. FESS. The Senator will recall that I am accurate in this statement—that these three men, because of this conduct, secured the censure of President Jackson; and through the power of Senator Benton in 1837—that was two years after this—that censure was expunged from the records of the Senate.

Mr. BORAH. That is true; but what I am contending is this: Webster and Clay had a different view with reference to the proper construction of the Constitution, the proper authority, and the proper functions of the Chief Executive, what his powers were under the Constitution. They had a certain view with reference to the construction of the Constitution, and Jackson took a different view. I have no doubt in the world but that Jackson took his view with just as much sincerity as Webster and Clay; but I refuse to believe that Webster or Clay, in opposing the confirmation of a Chief Justice, were actuated by no other feeling than personal hatred.

Mr. FESS. I think the Senator will have to admit that the dominating motive of these three men was hatred to the administration as conducted by Jackson. In all the debates that fact comes out, and they are criticized for that attitude to-day just the same as men are criticized like Ben Wade, Charles Sumner, Joshua R. Giddings, and John P. Hale for their bitter attack on Taney for the Dred Scott decision. It is certainly without question that their attack was largely due to their personal animosity toward Taney.

Mr. BORAH. Mr. President, I have read Mr. Webster's speeches upon those subjects many, many times. I think the Senator will agree with me that no speeches upon a subject about which there was such intense controversy were ever so free of personal attack as were Webster's speeches upon that subject.

Mr. FESS. That is true.

Mr. BORAH. Mr. Webster spoke at all times in the most respectful terms of Jackson; and if there was that hatred which would guide his conduct in a great emergency, he certainly did not disclose it in his speeches. Those were days in which men differed and remained gentlemen.

Mr. FESS. There is no doubt about the animosity of these three men against the head of the Government, as it is plain right along, every day, to-day as in other days, that that element is present in the consideration of public questions. I regret that it is, but it is, and I think nobody can question it.

Take, for example, the attitude of the men I have named in reference to the slavery question, how bitter they were against the Supreme Court as then presided over by Taney; and yet Clay saw Taney for the last time, shook hands with him, and said, "No man attempted to defeat you in the Senate more than I did," and yet he wanted to confess, after having watched Taney's performance, that no man better fitted than he for the position could have been secured. He shook hands with him, and those two old men—one nearing his grave and the other soon to go into the grave—like children, wept because of an honest confession; but think how bitter it had been before!

Mr. BORAH. Yes, I know; and the incident which the Senator has just related is one of the very beautiful incidents in history which I have never been able to verify. I hope it is true and I presume it is. I have searched industriously for the actual facts with reference to that; I have accepted it as true, because I should hate to see so touching a scene eliminated from history; but I have searched in vain for the actual record of that transaction. It is supposed to have taken place in the chambers of Chief Justice Taney when no one was present except Clay and Taney, and I can find nowhere where either Clay or Taney reported what took place. Can the Senator?

Mr. FESS. I take it from history as a common statement of history.

Mr. BORAH. I take it from history, too, and I am willing to accept it; but, really, if the Senator were called upon for absolute authenticity, I doubt if he would get it. But let me say this, and then I will not interrupt the Senator again:

There is no doubt but that Webster and Clay and Calhoun felt intensely upon the subject which they were discussing. There is no doubt but that Jackson and Taney felt intensely upon that subject. There is no doubt from my reading that both sides felt that they were in the right upon the question; and they felt that a different course from that which they were

pursuing, each side to itself, would be injurious to the Government of the United States and perhaps destructive of it. I take the position that they were not animated by hatred, by personal animosity, but in the sincere and devout belief that they were advocating that which was in the interest of their country. I prefer to take that view of it.

Mr. FESS. The Senator is very charitable to the great leaders whom we have been discussing. I want to be charitable, but I can not get away from the fact that the bitterness between the trio and the man against whom they fought for so many years had something to do with their conduct.

Why, Mr. President, that issue that was then growing, that came to its climax in the Supreme Court decision, offers the most dramatic performances that ever were witnessed in the Senate Chamber. The difficulty between the two sections of the country had come to a breaking point. The slavery issue had come up, and great men were doing the best they could to keep it down. I think the most dramatic incident took place just before the compromise of 1850. As I recall, it was the 15th day of February, 1850, when Henry Clay came into the Senate Chamber to present the compromise that afterwards bore his name. He was so weak that he had to be assisted up the steps of the Capitol; and a minister from his section took him by the arm and suggested that he ought not to attempt to speak. Mr. Clay said:

> If I can read the current of the times correctly, we are facing a crisis; and, if I can prevent it, my life is not to be in question.

He went on the floor of the Senate, and spoke the entire day of the 15th, and finished a very remarkable argument on the 16th of February in presenting the famous compromise between the North and South on this very sensitive question.

On the 4th of March there followed another scene that is difficult to describe. That was when John C. Calhoun came into the Senate Chamber to deliver his last utterance in the body—a body in which he had served with very remarkable distinction for years and years.

I have regarded Calhoun as one of the keenest minds America has ever produced, and, while he went to extremes in the argument on State sovereignty, no one ever presented that case in the light in which he presented it. As he came into the Senate Chamber on the 4th of March, 1850, to speak on the compromise of Clay, he was wrapped in flannels. The marks of death were upon him. He was dying with an incurable disease. He held his written speech in his hand. He rose in a hushed Senate to speak, and his voice was gone. He turned to a Virginia Senator and asked him if he would not read the speech. That wonderful contribution to our political history, in a crisis, of John C. Calhoun, was read by a colleague of his on the 4th of March, and, on the 31st day of the same month, Calhoun was a corpse. That was the last utterance in the Senate Chamber of that great leader.

I recall that he said, in substance, "Senators, if we do not discontinue this agitation, it means the disruption of the Government"; and then went on and argued. Only three days after that, on the 7th of March, Daniel Webster, announced to make his famous 7th of March speech, rose to speak. That was an effort on the part of a colleague of Clay, keenly recognizing the danger, sympathizing with an effort to avoid difficulty, and he made what was called a compromise speech, which was one of his last.

Those three speeches, of Clay in February, Calhoun on the 4th of March, and Webster on the 7th of March—the only speech in history known by the day on which it was delivered—were followed by the famous speech of William H. Seward, on the 11th of March, only four days after Webster's. Seward spoke to an empty Senate, but it was that speech where the expression "An irrepressible conflict is on" was first used.

Senators, that was a situation in which the whole Nation was involved. It was reaching the stage of danger, and three of those four men were trying to affect a compromise, but the fourth one was announcing a new principle of the irrepressible conflict and a higher law.

It was the announcement that there was a higher law than the Constitution that gave concern to everybody, for if the course is followed to use one's own judgment, inflamed by passion, with the Nation facing conflict, and ignore the Constitution for a higher law, what will be the limit? It is with that in view that I contend that when you say that you are against a man because he gives more attention to property than to human rights, the expression "human rights" is such an indefinable term that there is no limit to where you can go. I am just as much concerned about human rights as are those who are prating about human rights, but I want the Supreme Court to have some guide when they are dealing with human rights.

Mr. BORAH. Mr. President, is there any more difficulty in defining human rights than there is in defining the rights of property?

Mr. FESS. Then let the law define the phrase.

Mr. BORAH. Exactly, and that is all I am asking for; that is all anybody wants.

Mr. FESS. The Senator is asking for the court to define it. I want the law to define it.

Mr. BORAH. We have undertaken to define it by the law, but the court held the law unconstitutional. What will you do about that?

Mr. FESS. To what does the Senator refer?

Mr. BORAH. I refer to the case of Adair against the United States. We passed a law making it an offense to dismiss a man because he was a member of a union, or making it an offense for an organization or a corporation to demand that an employee should sign this kind of a contract. We passed the law. That was the law. We declared the public policy.

Mr. FESS. If we can not enact a law that will pass the Supreme Court because it is unconstitutional, then our remedy is to amend the Constitution, and not demand that the court should do what we can not do.

Mr. BORAH. Exactly, but I do not know that we can not do it. Some of the judges held that we could.

Mr. FESS. Of course, there is something in that. My contention here is that we are not safe in using our emotions in deciding what is humanitarian and what guide we should follow.

The only safe course to follow to maintain our system is to hold the Supreme Court within the law, and not to demand that it go beyond the law and decide anything that might be popular before the country because somebody is demanding it.

Senators, because of the terrific situation in the country, in 1850 when the fugitive slave law became a part of that compromise and when the fugitive slave law went on the statute books, personal liberty laws were passed everywhere in the North. They were passed in my State, saying that "We will not respect the law, no matter what be the sanction back of it."

Not only that, but such a man as Henry Ward Beecher, in the pulpit in Brooklyn, announced that he would not obey the law; that he would ignore if not violate the law, and that he would go to jail if necessary. That is revolution.

The sentiment ran so high that effort was made to repudiate the law. Then, in the face of that sort of thing, came the Kansas-Nebraska bill of 1854, involving the slavery situation in Kansas and Nebraska. Then came the organization of a new party, in 1856. Then came the Dred Scott decision on the sensitive question of the fugitive slave law. Can it be imagined how a court made up of such men as Taney and Curtis and McLean and Catron and Grier, and characters of high repute like that, could withstand the terrific demand that they repudiate the law of 1850?

They tried to avoid the issue, but they could not very well avoid it, and the Dred Scott decision was rendered. Never in the history of our country up to that time was there such a crisis. Taney was condemned, brutally assailed upon every hand, because unfortunately he used an expression in reciting the history of slavery prior to 1800. He said that up to that time a slave was not a citizen who could be heard or have his rights considered. Everywhere it was published that Taney expressed that as his opinion. That never was true. He only recited what had been the usual opinion prior to 1800, and, on account of his recital of the fact, he was charged as having handed down that opinion, that the colored man had no rights which the white man was bound to respect.

That statement is even read to-day as coming from Taney. It is not true, and never was true, but was only a matter of recital of what had been the fact prior to the year 1800. But because of that, this country flamed, and in 1858 came the great debate between Lincoln and Douglas, and now people are stating—I have heard it stated on the floor of the Senate—that Lincoln, the great nationalist, the devotee to the Constitution, had repudiated the Dred Scott decision and had faulted it on the ground of an unwarranted decision which he would not respect. That is not true. Lincoln never made any such statement as that. The statement of Mr. Lincoln was to the effect that so far as the case and the parties to the contract are concerned, that was the law, and must be observed, but he added:

> I do not propose to permit it to be the rule of my conduct, and I will try to induce the people to take a different view.

Jackson has been quoted all along as having said that he would interpret the law in accordance with his own views of the law and not as somebody else would interpret it. That is not true of Jackson, either. He never made any such statement, that he would interpret the law as he saw fit, and not as

the Supreme Court would see fit. But he did state that when it came to the making of the law and his signing it, he would be the judge as to whether it was a constitutional law or not before he would sign it. That was as far as Jackson ever went in his statement in regard to the constitutionality of a law. But people jump at these loose statements and quote them as authority for saying that they will not abide by the Constitution except as they understand it.

It is these things, Mr. President, which I think are dangerous, these positions where you are not confined either by the law or by the Constitution except as you understand it, whether it is the decision of the court or not.

When Judge Taney died, in 1864, the question as to the appointment of his successor arose. Some time before Taney died the famous Booth case came up in Wisconsin. That was a case where a State refused to respect the decision of the court in the Dred Scott case involving the fugitive slave law.

The two powers, the Federal Government and the State government, came in conflict. It was serious. Ultimately the matter reached the Supreme Court. Mark you, there was a court the majority of which were appointed by Democrats, whom some people had said were rather inclined not to stand for the national viewpoint; and yet that court by a great majority supported the Federal Government in the decision in the Dred Scott case as against Booth in the State court, showing the independence of the court over and above the pressure of passion organized by limited noise and protests from every State in the North, and yet the court stood adamant for the Constitution and the law.

Then when Taney died and Lincoln was called upon to appoint a Supreme Court justice, quite naturally among the great number of distinguished men available Salmon P. Chase would stand high in favor. Senators will recall that Salmon P. Chase had been a candidate against Lincoln in the convention at Chicago in 1860. The Ohio delegation was standing for Chase, and when it came to the third ballot four Ohio delegates left Chase for Lincoln and that nominated Lincoln. Chase was not happy. There always had been a difference between Lincoln and Chase. Yet the great soul of Lincoln, with a magnanimity difficult for anybody to understand, took into his Cabinet whom? Chase, who had been a candidate against him; Stanton, a Democrat, who had been in Buchanan's Cabinet. He had taken Simon Cameron first, but got rid of him and put Edwin M. Stanton in the place. He took Bates; to took Seward, the leading candidate against him in the convention of 1860. He had some difficulty with Chase as Secretary of the Treasury. He was not altogether loyal to Lincoln in his campaign for a second term.

Then came this vacancy. Lincoln called Chase and had a conference with him. The point was to make Chase understand that in Lincoln's judgment he would be the fit man to succeed Taney. I wonder whether Senators recall that only two Chief Justices occupied that position on the court from 1801 to 1864, 63 years—Marshall for 34 years and Taney for 28 or 29 years.

Chase was appointed. At once the South was fearful, because Chase was a famous abolitionist, as everyone knows. Chase was strong in support of the agitation against the fugitive slave law. Chase was supported by the New York Tribune, the most bitter sheet against slavery, and by the New York Independent, published by Bowen, another equally bitter opponent of slavery. Chase seemed to be the representative of men like Charles Sumner, John P. Hale, Wendell Phillips, William Lloyd Garrison, who were looked upon by the southern statesmen as a man who would be biased against the South. What happened? Many cases came on in time of war. The prize cases came on, 30 in number. While we were in war, it was not a war in the sense of being a war between nations. It was a new field to be worked out. Chase proved himself capable.

Then came the famous Milligan case. That case arose in Indiana where a citizen had been committed by a military commission and he sued under habeas corpus for his freedom. The case reached the Supreme Court. Here was a case directly arising out of reconstruction. What was the outcome? The court, largely abolitionist, supposed to be biased on the question of slavery, rendered a decision against the right of any commission to commit a citizen where the courts were open to that citizen and held that he would have to be committed under the direction of a court and that the commission would not be recognized. There was a military commission growing out of what would be called the enforcement of law by war. I mention that to show that the Supreme Court under the most terrific pressure on a sensitive question like this did not yield, but stood upright and delivered its decision in accordance with its judgment of what the Constitution is. The same thing occurred in the Slaughterhouse case.

It is my concern, Senators, that we shall regard this institution in its independence, in its right to be fearless, without regard to pressure, so that this one coordinate branch of the Government which thus far has not yielded to this or that prejudice will still be permitted to exercise that function. That is why I look with much concern upon attacks on men like Hughes, upon any man whose opinion might not coincide with some preconceived opinion of someone who may not like our particular system of judiciary. That is the issue before us now.

There has been a great deal of criticism because the Supreme Court is not responsive. We go into a great campaign, and the issue is before the country. A decision is reached by the people. Then a case goes to the Supreme Court involving that issue, and an effort would be made to have the Supreme Court yield to what the last election indicated was the decision reached by the people. I think that is the most dangerous tendency that anybody could urge or recognize. It is a fact known to all people that a decision this year will be reversed next by the same people. On the other hand, we have found time and time again that courts appointed by Presidents like Jackson have rendered decisions diametrically opposed to the policies of the appointing power. Time and again courts are called upon to render decisions arising out of war conditions, and yet the decision comes without any regard for politics, as in the case when Lincoln was elected.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Arizona?

Mr. FESS. I yield.

Mr. ASHURST. I have continued to listen to the able Senator, and my admiration for his opulent storehouse of history has increased; but it seems to me the able Senator is in some way proceeding upon a false hypothesis. With historical accuracy the Senator points out how, from the beginning of the Government, that great tribunal, the United States Supreme Court, which we all revere, has resisted pressure and has possessed the courage and the manhood frequently to render decisions in direct opposition to the notions or the views of the President who sent their names to the Senate.

Mr. FESS. That is often the case.

Mr. ASHURST. One of the reasons why the United States Supreme Court has exhibited the courage, ability, and the manliness of which the Senator speaks is because the various executives in making nominations for that great tribunal used extraordinary care, disregarded preconceived notions, and allowed no political preferment or thought of political advantage to creep into the executive mind in making the nominations. It is very doubtful in the present instance if such is true.

Mr. FESS. May I say to the Senator that my information is that the Department of Justice, before this appointment was made, was asked to read and did read many, many decisions of Judge Parker before a recommendation was made.

Mr. ASHURST. Of course, that may be.

Mr. FESS. That is my information.

Mr. ASHURST. I assert that it is and will remain a matter of doubt whether that prudence and circumspection which have been heretofore exercised in previous nominations, were employed in this particular case. But waiving that, the reason why the Supreme Court to-day is the palladium of American liberty, and one of the reasons why we feel content with its decisions, is that it never allows even a feather's weight to fall in the scales where the rights of men are being weighed, and the law is being applied. Surely, the Senator ought not to find it amiss in his colleagues when they carefully consider the merits or demerits of men who are nominated for that place.

The very point the able Senator has been discussing—that is, the desirability, the necessity of keeping that court independent—is what some of us are trying to do. We are trying to see to it that no man shall go upon that bench unless he is superbly equipped in every way, and no Senator who regards the common opinion of the Senate, no Senator who wishes to hold the esteem of the Senate, would say that even in a small and modest way this nominee compares with the list of men whose names have been presented to us in the past 25 or 30 years.

While I must admire the thesaurus of historical references which the Senator possesses on this subject, all of his ability and learning seem to be directed to the wrong point. Those of us who are opposed to this nominee are trying to keep the Supreme Court on the high plane it holds, so that not only the rights of property, but the rights of men will be secured.

Mr. FESS. Mr. President, the Senator from Arizona has made the statement that the appointee whose nomination is now pending is not the type of man who would adorn the Supreme Court Bench. The Senator must be permitted to have his

opinion, but I likewise must be permitted to say that I can not agree with him.

If I wish to know as to the character or qualifications of an appointee, I must make some investigation. The Department of Justice, under the present Attorney General, made an investigation of the character and qualifications of Judge Parker. That was done before there was any commitment. By reason of that investigation and through personal conversations with Senators who know Judge Parker, the President was convinced of the nominee's qualifications.

In addition to that, judges who have been associated with Judge Parker and who have observed his work on the bench, and lawyers who have appeared before his court are, so far as I know, unanimous in the statement that he will make an excellent judge.

I have heard only one fugitive rumor from a great lawyer—and it was mere rumor—that Judge Parker is not a man of great legal ability. I have tried to run down that rumor, and I find that there is a basis for that rumor.

Mr. ASHURST. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Arizona?

Mr. FESS. Yes.

Mr. ASHURST. I assure the able Senator that I have not listened to any rumors regarding Judge Parker. I have read his opinions.

Mr. FESS. I assume that the Senator has not listened to rumors, but I have found a basis for the statement that Judge Parker is not a great lawyer. If I should give the information to my friend from Arizona, which I will in private, he would agree with me that that rumor should have no influence at all; but, on the other hand, from all sources I have the statement, from men who know, that Judge Parker will make a great judge; and I have a statement from a man in whom the Senator from Arizona has unlimited confidence—and I should like to tell him who he is, but the statement was given personally to me—that Judge Parker will make a great judge of the Supreme Court, and that we will make no mistake if we shall confirm him.

I am convinced that Judge Parker is not the type of man that my good friend from Arizona has intimated. If I thought he were not fit for the position, I would not vote for his confirmation; but my friend knows that the same character of statements have been made as to men who had not at the time of appointment made their reputations but who did attain enviable reputations when the opportunity came to them to do so. I think the same thing will happen in this case.

The Senator from Arizona will recall that in the case of Mr. Justice Stone his nomination was held up for quite a while because of a feeling that there might be some question as to his attitude on certain questions, but the subsequent career of Mr. Justice Stone on the Supreme Bench has conclusively answered his critics and has demonstrated that any suspicion as to his qualifications was not well founded.

The Senator from Arizona knows that there is a very distinguished member of the Supreme Court whose nomination was held up for six months because of a certain group here who thought he would be too liberal; and yet, so far as I know, in not a single case has the suspicion which was then entertained been justified. In other words, I am of the opinion that anyone who is big enough to reach the plane of the Supreme Court Bench is too big ever to belittle himself by yielding to any influence which would cause him to render a decision that is unfair, unjust, or beneath the dignity of that bench.

I differ from my good friend from Arizona in that I think Judge Parker measures up to the qualifications which I have outlined. Evidently my friend has doubts about his qualifications. If he has, I, of course, shall not find any fault with his course; I do not intend to do so. I am simply trying to put before the Senate to-day, in my weak way, from the background of our history, the danger of going beyond the record, taking as a disqualification a judicial opinion with which we might not agree, and listening to prejudicial statements, from whatever socialistic organizations they may emanate, when it comes to the question of denying a nominee a place on the Supreme Court Bench. I will not do any such thing, and I know that my friend from Arizona will not.

I am much concerned about the maintenance of the standard of the Supreme Court. It has always been the target of a certain group, but, as I stated a while ago when I read from this paper [indicating], the statement of those who are opposed to Judge Parker is but an incident; the Supreme Court is the issue. I accept that issue; I believe it to be the issue, and so believing I shall do what I can to present the case in the light that I think it ought to be presented, and I shall vote for the confirmation of Judge Parker.

Mr. President, at this stage this is all I have to say, but I shall have something more to say later.

ALLOCATION OF POWER AT BOULDER DAM

As in legislative session,

Mr. ODDIE. Mr. President, on November 19, 1929, I made a statement in the CONGRESSIONAL RECORD, as follows:

> Mr. President, the Colorado River Basin States should be fully informed regarding the position of Nevada on the question of power allocation under the Boulder Canyon act. To this end I submit for publication in the RECORD the official announcements of the Secretary of the Interior relating to power allocations under said act, the official offer of the State of Nevada for the power, and correspondence with the Secretary of the Interior in connection therewith.

Since then various highly important matters in connection with the Boulder Canyon Dam contracts have developed, and it is necessary that these be made public as quickly as possible in order to expedite consideration.

I herewith submit for the RECORD my principal correspondence with the Secretary of the Interior since November 19, 1929; the second memorandum submitted to me by the Secretary under date of March 22, 1930, making allocations of power; a letter from the Nevada Colorado River Development Commission dated April 7, 1930, setting forth the views and reaffirming the bid of the State of Nevada, and copies of the contracts, which have already been signed by the California interests but not yet signed by the Secretary of the Interior, which arrived by airplane this morning and have just been transmitted by the Secretary to me. In transmitting the photostat copies of these contracts the Secretary has written to me under date of April 29, 1930, as follows:

> I am inclosing copies of the contracts for sale of power on the Boulder Canyon project, which have just been received. I have discussed with you heretofore the various provisions which affect Nevada which have been incorporated in the contract, and am transmitting an estimate to-day to the Director of the Budget for commencement of construction.

In the above letter the Secretary states that he has heretofore discussed with me the various provisions which affect Nevada which have been incorporated in the contract. The Secretary has discussed the matter with me in a general way several times but stated that he could not give me any information as to what the contracts would contain because they were being drawn in California and that there were no copies here. The Secretary's letter conveys the impression that I am in accord with the contracts which have been signed, but I want it distinctly understood that I have never given him such an impression, and that I do not concur in a number of the provisions contained in his allocation of March 22, 1930, upon which these contracts were drawn. Up until this morning no intimation has been given to me as to what these contracts contain, and I, therefore, desire full opportunity to analyze the contracts before they are finally signed by the Secretary of the Interior. In order to conserve Nevada's interests, I have requested the Secretary to withhold signing these contracts until a full opportunity has been given to Nevada's congressional delegation and the Nevada Colorado River Development Commission to analyze the same.

Mr. President, I ask permission to place certain letters and documents in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

THE SECRETARY OF THE INTERIOR,
Washington, December 13, 1929.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR ODDIE: I am in receipt of your letter of December 12, in which you quote a telegram sent by Mr. George W. Malone on December 7. When a decision shall have been reached in this matter, I shall be glad to advise you thereof.

Very truly yours,

RAY LYMAN WILBUR.

DECEMBER 12, 1929.

Hon. RAY LYMAN WILBUR,
Secretary of the Interior, Washington, D. C.

MY DEAR MR. SECRETARY: The announcement that a Nevada organization, to be known as the Boulder Canyon Power Co., had been formed, and a recapitulation of the offers of the State of Nevada submitted to you in my letter of November 16, 1929, were contained in a wire to you from Mr. George W. Malone, secretary of the Nevada Colorado River Development Commission dated December 7, 1929, as follows:

"The Nevada organization is now formed and known as the Boulder Canyon Power Co. Any one of the three methods suggested to you in

my brief November 12 will be satisfactory to our State, as follows: A withdrawal clause as set down in the brief, without restriction as to place or manner of use or allocation to the State without restriction, the same as any other bidder, and we will immediately proceed to do all that is necessary to make proper contracts with your department through our State government, which will occasion some delay; or allocate the power to the private organization known as the Boulder Canyon Power Co., which will forthwith make proper contracts with your department, conditions set down for other bidders. As set out in my brief, we believe we are entitled to only one-third of the power as a matter of equity, but we will, however, make proper contracts with you for any amount of such power from one-third to all of the firm power generated at the bid price of 1.75 mills per kilowatt-hour for the falling water as described in your memorandum. Immediately you have definitely allocated a definite amount of this power to the private organization and set down the requirements that must be met by all bidders for such power you will be furnished letters of credit from responsible banking institutions that will satisfy your department beyond any doubt of the ability of this organization to forthwith undertake this or any other contract of a like size, including installing and operating the power plant. We believe the price should be uniform to all bidders and should be 1.75 mills per kilowatt-hour, and we are prepared, as already explained, to forthwith make proper contracts with your department for all of the firm power developed by the Boulder Dam construction as intended by the Boulder Dam project act."

I wish to call your particular attention to the following statement quoted from the foregoing wire:

"As set out in my brief, we believe we are entitled to only one-third of the power as a matter of equity, but we will, however, make proper contracts with you for any amount of such power from one-third to all of the firm power generated at the bid price of 1.75 mills per kilowatt-hour for the falling water as described in your memorandum."

This statement seems to confuse the preferential right of the State of Nevada to an allocation of one-third of the power with her inherent right to be considered as a primary bidder for 100 per cent of the power; also the statement may be construed to limit the legal right of the State of Nevada and the Nevada company which has been formed to tender bids and to limit the authority of the Secretary of the Interior to award contracts for 100 per cent of the power to be developed at the dam. The Boulder Canyon Dam act imposes no such limitation.

I wired Mr. Malone concerning the ambiguity in the above statement and have received a copy of his telegram of December 11, 1929, to you, which reads as follows:

"Understand from Senator ODDIE that my wire of December 7 to you may not be clearly understood. We are ready to proceed forthwith under the bid as presented to you in my brief on November 12. Please disregard any wording that may inadvertently not strictly conform to the bid as set forth in said brief."

As I interpret the Boulder Canyon Dam act, there is no question but that the State of Nevada has a preferential right to an allocation of one-third of the total power to be developed at the dam. It is also my understanding that the firm bid of the State of Nevada or of a Nevada organization for 100 per cent of the power and your authority to contract with either of them for 100 per cent of the power to be developed at the dam is in conformance with the provisions of the act.

When a decision has been reached in the matter, I shall appreciate your early advice.

Very sincerely yours,

TASKER L. ODDIE.

WASHINGTON, D. C., *January 17, 1930.*

Hon. RAY LYMAN WILBUR,
Secretary of the Interior, Washington, D. C.

MY DEAR MR. SECRETARY: Please accept my thanks for the copy of the opinion submitted by the Solicitor of the Interior on the Boulder Dam situation which you sent to me with your letter of the 11th instant.

Very sincerely yours,

TASKER L. ODDIE.

THE SECRETARY OF THE INTERIOR,
Washington, January 11, 1930.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR ODDIE: For your information, I am inclosing a copy of an opinion submitted to me by the solicitor of this department, on January 6, 1930, consolidating in one opinion the memoranda which have been submitted to me on various Boulder Dam questions during the past several months.

Very truly yours,

RAY LYMAN WILBUR, *Secretary.*

DEPARTMENT OF THE INTERIOR.

Memorandum for the press—Release for January 17, 1930.

Secretary of the Interior Wilbur to-day made public a memorandum from Edward C. Finney, solicitor of the department, consolidating in one paper the legal opinions of the latter previously given on various phases of the problems that surround the execution of the Boulder Dam project.

The Secretary had asked the meaning of the term "public interest" as used in sections of the Boulder Canyon project act and the Federal water power act controlling preferences given to municipalities. He wanted to know whether that "interest" is the Government's responsibility to the whole people of the United States or the interest of some particular part of the area to be served by Boulder Dam power. The solicitor answered that the primary meaning of this term is the "Government's responsibility, financial and otherwise, to all the people of the United States for the greatest good to be derived from this project." "The term excludes," he states "confinement of the benefits of Boulder Dam power to one locality out of the many which comprise 'the region' capable of service. The term 'public interest' is the dominant consideration, a check upon the preferences mentioned in the two acts. It is necessarily a source of broad discretionary power in the Secretary."

The Secretary asked whether this "public interest" includes the necessity for making a good business contract which will guarantee the return of the investment within 50 years, and whether if the "preference right" of States and municipalities would require the making of contracts less sound as a matter of business than a contract offered by a privately owned utility, which consideration should dominate: The "public interest" or the "preference right"? The solicitor answered that "the primary public interest is in the soundness of the contracts and the solvency of the contractor, not in the corporate or municipal character of that contractor," and that "it is only when two bidders can both offer a satisfactory contract from a business viewpoint that the Secretary must or should base his choice between them on claimed preference."

In his third question, the Secretary asked whether he is required to accept the highest bid for power or whether he must take into consideration what constitutes a reasonable return under all attendant circumstances, including "competitive conditions at distributing points or competitive centers," the language used in section 5 of the act. The solicitor answered that "the selling standard is to be 'reasonable returns,' not 'all the traffic will bear.' The phrase 'shall be made with a view to obtaining reasonable returns' was in fact a specific amendment to this section and clearly indicates the selling basis deemed to be feasible and most in line with public interest and the equitable distribution of benefits of Boulder Dam power." He went on to say that "if the bidder can not sell his power in competition with other sources he is not a desirable source for reimbursement of the Federal expenditure. A 'reasonable return' must be justified by 'competitive conditions' or it is not reasonable. An unreasonably high return at the risk of bankruptcy of the bidder is not a sound basis for a contract required to be made in the 'public interest.'"

The Secretary asked whether a municipality or State has a preference for power which it proposes to sell outside its boundaries as against a bid for power by a privately owned public utility proposing to sell in the same area outside the boundaries. The solicitor answered that "the 'preference' of the municipality is a preference in consumptive right, not in merchandising advantage. Outside its own borders, a State or municipal corporation reselling power is on a parity with any other public utility selling in that territory. It is not entitled to elect, on behalf of consumers who are not its citizens, whether those consumers shall buy from it or from another company. If it does seek to make that election for them, its decision has not the dignity of a 'preference' within the 'policy of the Federal water power act,' but has the status of a competitive offer."

The Secretary asked whether the States of Nevada, Arizona, and California can claim two separate, independent preference rights, one under the Federal water power act and another under the Boulder Canyon project act. The solicitor referred to the contention of the State of Nevada that, although the preference mentioned in the Boulder Canyon project act is specifically limited to power "for use within the State," that State nevertheless has a preference under the power act for power which it resells elsewhere. He denied that contention and said that, "if so, the preference specifically created by the project act, restricted as to use, is less valuable than that previously available. Analysis thus indicates that the importance of the new preference language lies in its distinction between States and municipalities, not in any distinction as to place of use." He added that the special reference to the preference of Arizona, Nevada, and California in the project act "preserved the rights of Arizona and Nevada as superior to those of Los Angeles, provided both should meet the conditions of the Federal water power act. But to indicate that no greater concession from the policy of the Federal water power act was intended, the restriction 'for use within the State' was added."

The Secretary asked whether Nevada, Arizona, and California may claim any preference rights not possessed by other States. The solicitor answered that the preference of a State over a municipality given by the project act is intended to apply to the three States in the lower basin only.

The Secretary asked whether a State must execute a power contract claimed under a preference right within six months after notice by the Secretary. The solicitor answered that "the quoted time limitation against the State must therefore be construed to apply against the special exception made in favor of the State. This exception, as stated above, refers to a case of conflict between a State and a municipality outside the State. In other words, within six months, a State presenting plans equally well adapted as those of the competing municipality and equally consistent with the public interest might claim power in preference to the municipality. After six months the State reverts to the parity with outside municipalities established by the Federal water power act."

The Secretary asked what discretion is permitted him by the preference clauses of the act. The solicitor answered that "the public interest requires, first, financial security of the United States, and secondly, equality of access to Boulder Dam power by areas composing the region in proportion to the needs of the applicants, provided their plans for its utilization and conservation are equally well adapted. Once these conditions are met, and the question is one of apportionment between the applicants whose demands for power are equally consistent with the public interest, and only then, does the allocation of power pass from the realm of the Secretary's discretion into the area of rigid legal rights." The solicitor went on, with reference to the demand of Nevada for one-third of the power, to quote an amendment offered in the House and rejected which, if granted, would have given Nevada 15 per cent of the power. He said, "Rejection by Congress of an amendment which would have substituted a specific allocation in lieu of the Secretary's discretion is some indication of the extent of the discretionary power to make allocations which the act intended to vest in him. If Congress declined to allocate 15 per cent of the total to Nevada, and the Secretary in his discretion has tentatively allocated 18 per cent, no good reason appears for reading into the act a mandate that Nevada shall be entitled to 33⅓ per cent."

The Secretary asked whether a municipality is entitled to a preference if the plan it presents is not as well adapted to conserve and utilize the power capable of development as a private competitor's plan; and what factors of the "plans" should be considered; i. e. production, transmission, distribution, financing, etc., or only some of these elements. The solicitor replied: "If the plan of one applicant in these respects is superior to the other, the question of preference does not arise, because conditions precedent to its exercise have not been discharged. As to the second part of the question, the Secretary has the broadest possible discretion in deciding which of two conflicting plans is better adapted for such utilization and conservation."

The Secretary asked whether there is any difference between the preference to which Los Angeles and the other municipalities are entitled. The solicitor answered that they all stand on a parity.

The Secretary asked whether he is authorized to fix reasonable requirements as to financing which must be made by the applicants. The solicitor answered "Yes," and stated that rigid examination of the applicant's financial status is not only within the Secretary's power but is his duty.

The Secretary asked whether a corporation whose stock is held by a State is entitled to whatever preference the State would have if applying directly. The solicitor answered that it is not. He said, "The Secretary, in receiving the bid of a corporation, would not be required to go back of the corporate entity to discover who its stockholders might be, nor to grant the corporation a preferred status if such examination should disclose that a State is one stockholder or the only stockholder. Without specific recognition in either act of such an unusual creature we may assume that a State, wishing to claim the benefits granted by the act to 'States' should claim them in its own right and not in the right of its creature."

The Secretary asked whether the preference rights of States and municipalities are assignable. The solicitor answered that "the preference right itself is not assignable either before or after the execution of a contract by the State. A contract obtained in exercise of this preference right is assignable, subject to all restrictions and conditions contained in the original contract, and without diminution of the State's liability to the United States and without waiver of the requirement of financial and legal capacity of the assignee."

The Secretary asked whether, in case of a conflict between a State and a municipality, there is any difference in status between the two applicants. The solicitor answered, "A State, and a municipality of another State, both presenting applications under section 7 of the Federal water power act, stand on a basis of equality. If the conflict is between applications of a State and a municipality of that same State the right of the State is superior, inasmuch as the municipality is its creature and possesses the capacity to make application only by sufferance of the State. If the conflict is between a State and a municipality foreign to it the Secretary may make an equitable allocation between them in accordance with the public interest and in accordance with what, in his discretion, appears the best method of conserving and utilizing the water resources of the region."

The Secretary asked whether, if Los Angeles and the Metropolitan Water District can not now execute enforceable contracts, he would be authorized to make contracts with other bidders, preserving to the preference claimants the right to contract for part of the power if they tender enforceable contracts within a designated time. The solicitor answered that "the necessity for flood control makes it to the interest of all parties that the project be initiated and completed at the earliest possible date. To the furtherance of this end the Secretary is plainly empowered to make the necessary contracts at the earliest possible date. Contracts to that end which specifically reserve to the Secretary the power to make further contracts with the preference claimants for the power which he has allocated to them, since they are not 'in conflict therewith,' are within his authority."

The Secretary asked the proper construction of section 16 of the project act, which refers to the commissioners of the Colorado River Basin States and their right to act in an advisory capacity to the Secretary of the Interior. The solicitor answered that this section was to be construed with section 15, which provides for formulation of comprehensive plans for development of the Colorado River and its tributaries, and that "the purpose of the two sections is to provide liaison between the present undertaking, administered by the Secretary of the Interior, and future development of the river during formulation of plans for such developments. It was not the intention of section 16 to superimpose upon the authority and discretion of the Secretary of the Interior, everywhere else made the basis of administration, the control, and supervision of a group of commissioners whose number, place, and time of meeting, responsibility, and authority are unprovided for. The right of the commissioners is to advise and cooperate in the correlation of the present undertaking with future undertakings; it is not a right to direct the Secretary in the administration of the present work." He adds, "They may tender him advice, but he is in nowise obliged to act thereon contrary to his own judgment."

FEBRUARY 17, 1930.

Hon. RAY LYMAN WILBUR,
Secretary of the Interior, Washington, D. C.

MY DEAR MR. SECRETARY: That the State of Nevada might be able to amend her constitution so that proper contracts could be made for Boulder Dam power almost as soon as a municipality could take the required action on a bond issue is indicated by an opinion of Hon. M. A. Diskin, attorney general of the State of Nevada, rendered on February 14, 1930, and contained in a telegram of the same date which I have received from Hon. George W. Malone, secretary of the Nevada Colorado River Development Commission, from which I quote the following:

"The constitution of Nevada can be amended by initiative petition. The legislature must meet, however, and provide a method for carrying into effect such amendment. If by special session of legislature a method is provided, then this method carried out as they may provide, the constitution may be amended at the regular election in November. Or if the regular session in January, 1931, provided the method, then it may be placed before the people by special election immediately following such action by the legislature."

In connection with the bid of the State of Nevada for power to be developed at Boulder Dam and the allocation of said power to the State, submitted by the Nevada Colorado River Development Commission on November 12, 1929, and referred to in my letter to you of November 16, 1929, I shall appreciate your taking into consideration the opinion of the attorney general of Nevada, as above stated.

Very sincerely yours,

TASKER L. ODDIE.

THE SECRETARY OF THE INTERIOR,
Washington, February 18, 1930.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR ODDIE: Thank you for sending me the statement in regard to the constitution of Nevada, which I am very glad to have. I will see that it is put with our Boulder Canyon record.

Sincerely yours,

RAY LYMAN WILBUR.

MARCH 11, 1930.

Hon. RAY LYMAN WILBUR,
Secretary of the Interior, Washington, D. C.

MY DEAR MR. SECRETARY: In connection with my study of the Boulder Dam situation it would be very helpful if you could supply me with a synopsis of each of the bids which has been made for the power to be developed at the dam.

Very sincerely yours,

TASKER L. ODDIE.

THE SECRETARY OF THE INTERIOR,
Washington, March 15, 1930.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR ODDIE: In reply to your request of March 11, I take pleasure in sending you a summary of the applications received for Boulder Dam power.

Very truly yours, RAY LYMAN WILBUR.

Applications for power, Boulder Canyon project

Applicant	Date of application	Horsepower	Load factor	Millions of kilowatt-hours	Remarks
			Per cent		
State of Nevada	Sept. 8, 1929			1,200	One-third of total power generated.
State of Utah	Oct. 1, 1929	50,000			To be taken as needed.
Metropolitan water district	July 5, 1929	280,000	98	1,789	
Mohave County, Ariz	Sept. 28, 1929	100,000			
City of Los Angeles, Calif	July 5, 1929	[1] 1,000,000	[1] 55	3,600	
City of Burbank, Calif	Sept. 24, 1929	[1] 6,800	[1] 45	20	
City of San Bernardino, Calif	Oct. 21, 1929	10,000	[1] 45	[1] 29	
City of Pasadena, Calif	Sept. 24, 1929	24,500	45	72	
City of Glendale, Calif	Sept. 21, 1929	[1] 17,000	[1] 45	50	
City of Riverside, Calif	Oct. 24, 1929				Amounts not stated.
City of Santa Ana, Calif	Sept. 30, 1929	10,000	[1] 45	[1] 29	
City of Newport Beach, Calif	do	10,000	[1] 45	[1] 29	
City of Beverly Hills, Calif	Oct. 30, 1929				Do.
Southern California Edison Co	July 5, 1929	[1] 850,000	[1] 65	3,600	
Central Arizona Light & Power Co	Oct. 5, 1929				Do.
Los Angeles Gas & Electric Corporation	Sept. 24, 1929	73,000	[1] 37	[1] 177	Or 7.3 per cent California allocation.
The Arizona Power Co	Sept. 30, 1929	30,000	[1] 50	[1] 98	
Yuma Utilities Co	Sept. 27, 1929	26,800	[1] 45	[1] 79	
Southern Sierras Power Co	do	[1] 72,600	[1] 60	286	7.94 per cent of all generated.
Public Utilities Consolidated Corporation	Sept. 28, 1929	134,000	[1] 50	[1] 394	
San Diego Consolidated Gas & Electric Corporation	Sept. 27, 1929				3.9 per cent of California allocation.
Katherine Midway Mining Co	Sept. 12, 1929	5,000	[1] 50	[1] 16	
Consolidated Feldspar Corporation	Sept. 25, 1929	325	[1] 50	[1] 1	
J. T. Dobbins, Fredonia, Ariz	Sept. 10, 1929				Amounts not stated.
United Verde Copper Co	Sept. 23, 1929				Do.
Palo Verde Mesa & Chuckawalla Valley Development Association	July 3, 1929	30,000	[1] 50	[1] 98	
City of Colton	Oct. 21, 1929	3,000	45	9	

[1] Quantities assumed from best data available.

THE SECRETARY OF THE INTERIOR,
Washington, March 22, 1930.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR ODDIE: In order that you may continue to be advised of the status of the proposed development of the Colorado River by the construction of Boulder Dam I am inclosing copy of a press release which I have issued to-day announcing the consummation of agreements for the allocation and sale of power.

Very truly yours,

RAY LYMAN WILBUR.

[Memorandum for the press—Release for March 23, 1930]

DEPARTMENT OF THE INTERIOR.

The Secretary of the Interior announced to-day that an agreement had been reached upon the allocation of the power to be developed by the Boulder Canyon Dam project.

This agreement, the Secretary's statement says, has followed months of negotiation. The dam, it is explained, will cost in the neighborhood of $165,000,000. The sum must be repaid with 4 per cent interest within 50 years by the sale of power. It has been necessary, in the first place, to work out a plan which gives every assurance of the return of this money to the Government. The plan must be sound financially and socially and must give the widest possible benefits of a regional character. Since many interests were involved and there was a wide difference of opinion as to the meaning of portions of the Boulder Dam act, agreements with the interested parties were sought and have been consummated.

Contracts are now being drawn for allocation of the primary power generated at Boulder Dam on the following basis:

"To Nevada, for use in Nevada, 18 per cent with the privilege of contracting for any part or all thereof at any time on two years' notice, and to relinquish the power contracted for on the same notice with the privilege of repeating withdrawals and relinquishments as its needs may require throughout the 50-year period of amortization.

"To Arizona, for use in Arizona, 18 per cent on the same terms as the allocation to Nevada, provided that if either State does not absorb its entire allocation the other may utilize it up to 4 per cent.

"To the metropolitan water district of southern California, 36 per cent plus so much of the secondary power and of the power allocated to, but not taken by, the States as may be needed and used for pumping of Colorado River water into and in the aqueduct and from the aqueduct into reservoirs.

"To the city of Los Angeles and the municipalities of Anaheim, Burbank, Beverly Hills, Colton, Glendale, Fullerton, Newport Beach, Pasadena, Riverside, San Bernardino, and Santa Ana, 19 per cent in all, of which 13 per cent is allocated to the city of Los Angeles and 6 per cent to the other municipalities to be allocated between them as they may agree; or, if they fail to agree, then by the Secretary, with the provision that so much of the allocation to the municipalities as is not contracted for by them shall be used and paid for by the city. Those municipalities to contract with the United States within one year of execution of contract by the city of Los Angeles.

"To the Southern California Edison Co., the Southern Sierras Power Co., the Los Angeles Gas & Electric Corporation, and the San Diego Consolidated Gas & Electric Co., 9 per cent in all, to be allocated between them as they may agree; or, if they can not agree, allocation to be made by the Secretary.

"Power allocated to the States and not used by them or by the district shall be taken and paid for equally by the city and the companies. Any part of the 36 per cent allocated to the district but not used by it shall be available, one-half to the city and one-half to the companies. Any firm power allocated to the States but not required by them or by the district shall meanwhile be taken and paid for, one-half by the city and one-half by the companies.

"All contracts for purchase of power, including the States, district, city, municipalities, and Edison Co. are to be made directly with the Secretary of the Interior.

"Contracts with the city and the Southern California Edison Co. will provide that they, as lessees, shall operate the plant under the general supervision of a director appointed by the Secretary of the Interior.

"The city shall have the right at cost to generate power for the other municipalities and the metropolitan water district. The States shall designate their generating agency when contracting.

"The lessees shall be subject to the orders of the director with respect to enforcement on behalf of the Secretary, of the contract rights of the States, the district, and the municipalities.

"The Federal Government will install the dam, tunnels, power house, penstocks, and generating and transforming and switching equipment, the costs of installation and operation to be borne by those contracting for the power in proportion to the amounts received.

"Title shall be held by the United States, but nevertheless all contracting parties other than States will be required to pay pro rata to the Secretary in trust for Arizona and Nevada adequate compensation in lieu of taxes on machinery and equipment.

"A clause will be inserted in all contracts insuring distribution of power developed at Boulder Dam at such a price as in the opinion of the Federal Power Commission is fair to all consumers.

"The price to be charged for failing water for generation of primary power is 1.63 mills, the price for secondary power to be determined later. Power supplied to other allottees by the lessees shall be paid for to the United States at cost at the switchboard, such cost to be determined by the Secretary."

Having reached the above agreement the following resolution was approved on March 20 by representatives of the Metropolitan Water District of Southern California, the Board of Water and Power Commissioners of the City of Los Angeles, and the Southern California Edison Co.:

"*Resolved*, That we recommend to the Secretary of the Interior that the 64 per cent of total firm power from the Boulder Canyon project available to California interests under his allocation be divided upon terms hereinafter set forth, as follows:

"To the Metropolitan Water District, 36 per cent of the total firm power.

"To the city of Los Angeles and other municipalities which have filed application, 19 per cent of the total firm power.

"To the Southern California Edison Co., 9 per cent of the total firm power total (exclusive of unused firm power) 64 per cent of the total firm power; and further

"*Resolved*, That we recommend to the Secretary that the Metropolitan Water District be given the first call upon all unused firm power and all unused secondary power up to their total requirements for pumping into and in the aqueduct and that any unused power of the municipalities be allocated to the city of Los Angeles, and that any remaining unused firm power or unused secondary power be divided one-half to the city of Los Angeles and one-half to the Southern California Edison Co.; and further

"*Resolved*, That all parties hereto agree to cooperate to the fullest extent to make the Boulder Canyon project a success in all its phases; and further

"*Resolved*, That this agreement is based upon the resolution already passed by the Metropolitan Water District of Southern California and accepted by the Board of Water and Power Commissioners of the City of Los Angeles whereby that district requests the city of Los Angeles at cost to generate its power requirements and to operate its transmission lines, which lines are to be paid for and owned by the Metropolitan Water District."

This allocation was also approved by the city council of Los Angeles on March 21.

The Secretary of the Interior sent Northcutt Ely, executive assistant, who has been for three weeks in Los Angeles discussing the details of the projected contract, the following telegram:

"Delighted with message. Will make announcement to-day in accordance with your suggestion. I take great pleasure in extending, through you to the Officials of the Metropolitan Water District, the city of Los Angeles, and the Southern California Edison and associated companies, my deep gratitude for the cooperative spirit which they have shown in developing a fair, representative, reasonable, and workable agreement. This agreement will permit the Boulder Dam to be of wide regional benefit. I am particularly grateful for the decision that all parties agree to cooperate to the fullest extent to make the Boulder Canyon project a success in all of its phases. I think but few of us can visualize the stupendous advantages that will come to the whole Southwest region and to the Nation from the control and wise use of the Colorado River. Kindly extend my greetings and gratitude to Mayor Porter in acknowledging to him the action of the city council."

In making these allocations public the Secretary stated:

"It has been my endeavor in this confused field, where there was much difference of opinion, to devise a plan which would be fair, reasonable, and just, which would take care of all interests in the region involved, and which would give Nevada and Arizona the opportunity of obtaining cheap power without preliminary expense for the development of industries.

"It was most difficult to work out a general plan which would be sure of returning to the Government within 50 years all sums advanced. I think that this can be done without difficulty under the projected contracts and that considerable sums will be available in addition for Nevada and Arizona.

"I am gratified to have all of the interests come together in an agreement to back the allocation, and everything connected with the Boulder Canyon project act, since until such an agreement could be reached I would not feel justified in presenting the contracts to Congress for an appropriation.

"I have every hope that with the power allocation settled and the way open to begin active construction the few remaining points in regard to water allocation can readily be settled by Arizona and California. I can see no fundamental reason for failure on the part of these States to come together in an agreement. Regional problems where several States are involved require infinite patience and careful consideration, but with good spirit they can be worked out. If we can make a success of this regional plan, the many others that must follow inevitably in other parts of the United States with the advance of our national development can be worked out more readily.

"In the long negotiations leading up to the present agreement we have had the active cooperation of many men throughout southern California. Chief Engineer Scattergood, of the Los Angeles City Power Co., has given many months of his great engineering skill to this project. I particularly wish to express my appreciation of the careful studies made by Commissioners Haynes and Scofield. Their active cooperation will be of great assistance in completing the project. The members of the metropolitan water board have consistently stood for the best interests of the southwest region. I do not see how we could have gotten forward as far as we are now without the vision and persistence of Mr. William P. Whitsett, Mr. John G. Bullock, and Mr. W. B. Matthews."

WASHINGTON, D. C., *March 24, 1930.*

Hon. RAY LYMAN WILBUR,
Secretary of the Interior, Washington, D. C.

MY DEAR MR. SECRETARY: This will acknowledge the receipt of your letter of March 22 inclosing press release announcing the confirmation of agreements for the allocation and sale of power to be developed at Boulder Dam.

I note from this that you are now drawing contracts for the allocation of the primary power generated at Boulder Dam and, in behalf of the State of Nevada, I hereby enter formal protest to the signing of such contracts either by the primary contractors or by the Secretary of the Interior.

This protest is made in order to give the Nevada Colorado River Commission and the members of the Nevada delegation in Congress an opportunity fully to analyze the allocations and terms set forth in your announcement which seriously limit and deprive the State of Nevada of its rights under the Boulder Dam act.

Sincerely yours,

TASKER L. ODDIE.

THE SECRETARY OF THE INTERIOR,
Washington, March 24, 1930.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR ODDIE: I have your communication of March 24.

There will be a clause in the contracts in connection with the Boulder Dam power permitting Nevada to take one-third of the power for use in the State by firm contract made within six months. At the same time we are protecting Nevada's interest with the drawback, which will permit 18 to 22 per cent of the power to become available for Nevada's uses without preliminary expense or obligation.

I think that after you and your associates have reviewed the matter you will find that there has been full protection of the interests of your State.

If Nevada wants to contract and pay for one-third of the power for use within the State, you will note that full opportunity will be given her.

Sincerely yours,

RAY LYMAN WILBUR.

MARCH 28, 1930.

Hon. RAY LYMAN WILBUR,
Secretary of the Interior, Washington, D. C.

MY DEAR MR. SECRETARY: With further reference to your communications of March 22 and 24, 1930, concerning the allocation and sale of power to be developed at Boulder Dam, there are certain questions I desire to ask, the answers to which will be of great assistance in appraising your recent proposals.

The information contained in your letter of March 24, 1930, in answer to my letter of protest, that "there will be a clause in the contracts in connection with the Boulder Dam power permitting Nevada to take one-third of the power for use in the State by firm contract, made within six months," indicates that there may be other matters of great importance to Nevada in said contracts. Therefore I shall greatly appreciate receiving, when available, several copies of these contract forms.

Your memorandum of October 14, 1929, setting forth tentative proposals for the development, allocation, and sale of Boulder Dam power stipulates that the Federal Government will install the dam, tunnels, and power house. Items 1 and 2 are quoted as follows:

"1. The United States will construct the dam, including outlet works, power tunnels, and the power-plant building.

"2. The lessees of power shall purchase and install the penstocks, machinery, and equipment in the power plant and shall provide the necessary switching, transforming, and transmission facilities."

This memorandum also sets forth the manner of measuring the energy and the rate for sale of 1.63 mills per kilowatt-hour, respectively, in items 6 and 7, quoted as follows:

"6. Energy will be measured at generator voltage.

"7. The rate for sale of energy will be 1.63 mills per kilowatt-hour, with provision for readjustment of the rate at the end of 15 years from the date of execution of contract and every 10 years thereafter, as provided in section 5 (a) of the Boulder Canyon project act."

Your memorandum of March 22, 1930, states that—

"The Federal Government will install the dam, tunnels, power house, penstocks, and generating and transforming and switching equipment, the costs of installation and operation to be borne by those contracting for the power in proportion to the amounts received.

"The price to be charged for falling water for generation of primary power is 1.63 mills, the price for secondary power to be determined later. Power supplied to other allottees by the lessees shall be paid for to the United States at cost at the switchboard, such cost to be determined by the Secretary."

It would seem apparent that under the first tentative proposal set forth in your memorandum of October 14, 1929, the lessee was to purchase and install the penstocks, machinery, and equipment in the power plant and the necessary switching and transforming facilities, whereas your proposal of March 22, 1930, stipulates that the Government shall purchase and install the same.

It has been roughly estimated that it will require an investment of $21,000,000 to provide the generating, transforming, and switching





equipment, which, under your first proposal, represented a financial burden on the lessees and under your recent proposal a financial burden upon the Government. On the former basis the sale price for energy was determined at 1.63 mills per kilowatt-hour, and, if I construe correctly your recent proposal, this price to the primary contractee remains the same, notwithstanding the increased burden of $21,000,000 for the installation of equipment which the Government must assume. Certainly, if the previous rate were correctly determined at 1.63 mills per kilowatt-hour, to return the Government's investment amortized over a period of 50 years in compliance with the provisions of the Boulder Canyon Dam act, the rate to the primary contractees of 1.63 mills per kilowatt-hour which you now specify in your proposal of March 22, 1930, is incorrect.

The question of price of power to the primary contractee is a matter of vital importance not only in conforming to the provisions of the Boulder Canyon Dam act in becoming the basis for the return of the Government's entire investment but also because of its relation to the resale price to other consumers. In view of the fact that your proposal of March 22, 1930, includes the Government's additional investment in generating, transforming, and switching equipment, will it not be necessary to determine a rate for the sale of power to the primary contractees not upon the basis of falling water but upon the cost of the generated power at the switchboard, so that the $21,000,000 additional money to be invested by the Government may be included in the total and its return provided for under the terms of the Boulder Canyon Dam act?

Because of my comments concerning the rates to be established for the sale of power, I would not have you think that I in any way oppose the procedure of having the Government provide for the generating, transforming, and switching equipment. This was one of the principal objections that I had to the original proposal, in that it created an extremely heavy financial burden on the consumers of power and imposed upon the sale of power for all time interest charges increased above those prevailing for Government credit. It is important, however, that this lessened cost of power, because of the use of Government credit for the installation of generating, transforming, and switching equipment, be reflected in the price which it will be necessary for the State of Nevada to pay.

Under your proposal of March 22, 1930, what will be the price of power to Nevada under the allocation quoted below?

"To Nevada, for use in Nevada, 18 per cent with the privilege of contracting for any part or all thereof at any time on two years' notice, and to relinquish the power contracted for on the same notice with the privilege of repeating withdrawals and relinquishments as its needs may require throughout the 50-year period of amortisation."

In the event that Nevada should desire to exercise her right under the clause in the contract to which you make reference in your letter of March 24, 1930, to take one-third of the power for use in the State by firm contract within six months, what would be the price for power and what financial obligations would the State be compelled to assume?

Very sincerely yours,

TASKER L. ODDIE.

THE SECRETARY OF THE INTERIOR,
Washington, March 29, 1930.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR ODDIE: Just at present, there is no Boulder Dam contract here in Washington. This is being negotiated in Los Angeles with those who are to sign for the power. As soon as the contracts are available here, I will see that you get copies. The plan being worked out is to build the dam and power house as one operation, install the machinery, and have the machinery paid for by the lessees within a short period. This will not affect the price of 1.63, which will be a separate financial operation. Of course, any expense in connection with the installation of the machinery will, of necessity, be a part of the cost of power. If Nevada should exercise her right for 33⅓ per cent of the power, the price would be at cost. This cost would, of course, have to include the 1.63 plus a proportion of the cost of installation of machinery, etc. It would be necessary for a contract acceptable to the Secretary to be signed which would return to the Government one-third of the expenditure with interest.

Very sincerely yours,

RAY LYMAN WILBUR.

[Memorandum delivered personally by Mr. Burlew at 11 a. m., April 7, 1930]

APRIL 7, 1930.

ARIZONA-NEVADA ALLOCATIONS

Proposal with primary contractors that alternatives be included in the contract requiring one year's notice during first 10 years of contract for power withdrawals; or

Requiring only six months' notice for blocks of power up to 1,000 horsepower each, and not exceeding 5,000 horsepower in any one year.

All withdrawals over 1,000 horsepower each or totaling above 5,000 horsepower in any one year to be on two years' notice.

THE SECRETARY OF THE INTERIOR,
Washington, April 10, 1930.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR ODDIE: In response to your request, I wish to confirm the fact that the proposal covering the amount of notice required for withdrawals of blocks of power by Nevada and Arizona, which will be included in the Boulder Dam power contract now being negotiated, applies equally to relinquishments of power.

Very truly yours,

RAY LYMAN WILBUR.

APRIL 9, 1930.

Hon. RAY LYMAN WILBUR,
Secretary of the Interior, Washington, D. C.

MY DEAR MR. SECRETARY: Reference is made to your second tentative proposal dated March 22, 1930, for the allocation and use of power under the Boulder Canyon Dam act; to my letter of protest of March 24, 1930; to your reply of the same date; to my letter of inquiry of March 28, 1930; and to your reply of March 29, 1930.

1. In your memorandum of March 22, 1930, primary power to be developed at Boulder Dam was allocated to the State of Nevada, as follows:

"To Nevada, for use in Nevada, 18 per cent, with the privilege of contracting for any part or all thereof at any time on two years' notice, and to relinquish the power contracted for on the same notice with the privilege of repeating withdrawals and relinquishments as its needs may require throughout the 50-year period of amortization."

I can see no valid reason why this should not be 33⅓ per cent instead of 18 per cent, as indicated. The difference in the amount of power between 18 per cent and 33⅓ per cent would impose no greater burdens upon the primary contractees in the early years of development and would relieve them of the burden of consuming the 15⅓ per cent in excess of the 18 per cent allocation in the later years of the amortization period, when power in California developed by natural gas and oil might be considerably lower in cost than Boulder Dam power.

2. The 2-year notice for the withdrawal and relinquishments of power under the proposed allotment to the State of Nevada dated March 22, 1930, is not in the interest of the power consumers of the State and would seriously limit the amount of power which could be consumed therein. I greatly appreciate your recognition of this fact in having submitted two alternative proposals, whereby the time of notice may be shortened on smaller units of power. These I have submitted to the Nevada Colorado River Development Commission for consideration, but I have not yet been apprised as to whether either of the proposals meets with approval. As soon as I receive such advice I will transmit the same to you.

3. (a) Under your tentative plan of allocation of March 22, 1930, no provision is made for the participation of Nevada in the secondary power. Reference in the Boulder Canyon Dam act concerning the interests of Nevada in the power to be developed at Boulder Dam relate to all of the power—primary and secondary—and, therefore, Nevada is entitled to receive a one-third interest in all of the secondary power to be developed. It is not improbable that the secondary power to be developed at Boulder Dam will be 50 per cent or more of the amount of primary power and, consequently, it is very important that the interests of Nevada be fully protected by a specific allocation in the contracts which are now being formulated of one-third of the secondary power.

(b) Under the allocation of one-third of the secondary power to the State of Nevada, it would also seem necessary to include an optional provision, whereby the State of Nevada, in the event that it was not desirable at any time to use the power, would receive the proceeds from the sale of the same.

(c) In your tentative plan for allocation of March 22, 1930, you state that the price for secondary power will be determined later. It is very important that the price of secondary power should be determined and specified in the contracts with the primary contractees or that the conditions governing the determination of its price be fully set forth. In view of the fact that the Government's investment is to be completely returned on the basis of sale of primary power, it is obvious that there is no burden of Government investment resting on the sale of secondary power, and, consequently, all of the revenue derived therefrom should be available for distribution to the allottees, the State of Nevada to receive one-third of the proceeds of sale.

4. (a) With regard to the cost of power allocated to the State of Nevada, you state in your letter of March 29, 1930, as follows:

"The plan being worked out is to build the dam and power house as one operation, install the machinery, and have the machinery paid for by the lessees within a short period. This will not affect the price of 1.63, which will be a separate financial operation."

To return the cost of the power equipment, estimated at $21,000,000, in a "short period," as you state, would materially increase the cost of power to the consumers, which would be particularly burdensome in the earlier years of the contracts, when the greatest stimulus should be given to the sale of power by the lowest possible rates. There is no question of your authority under the Boulder Canyon Dam act to amortise this

investment in power equipment over a 50-year period, the same as is provided for the amortization of the Government's investment in the dam and power house. Therefore, it would seem neither necessary nor desirable from an economic standpoint to lessen the period of amortization of the Government's investment in power equipment below 50 years, and I hope you will so provide.

(b) Your letters do not disclose clearly what the cost of power to Nevada is to be. My understanding of your statement in your letter of March 29, 1930, is that this cost should be no more than 1.63 mills per kilowatt-hour for failing water plus a switchboard rate to represent the additional cost of power equipment, its installation, and a reasonable cost of operation on the basis of amortizing the Government's estimated investment of $21,000,000 at 4 per cent interest. Any basis for computing the switchboard rate for power to Nevada to include profits, however small, to the primary contractees would be unjust to Nevada and contrary to the spirit of the law.

5. (a) In view of the fact that you state in your letter of March 24, 1930, that there will be a clause in the contracts for the sale of Boulder Dam power permitting Nevada to take one-third of the power for use in the State by firm contract made within six months, thereby establishing the status of Nevada as a primary contractee, I can not understand the reason for excluding the legally designated agent of Nevada—the Nevada Colorado River Development Commission—from participation in the formulation of the contracts which are ultimately to be negotiated by the primary contractees and the Secretary of the Interior. Furthermore, in denying the State of Nevada the opportunity to participate in the formulation of these contracts is a distinct violation of the rights guaranteed to the State by the Boulder Canyon Dam act. The Nevada Colorado River Development Commission as well as the congressional representatives of the State of Nevada have been at a considerable disadvantage in not knowing the details concerning the formulation of these important contracts upon which so greatly depends the future economic prosperity of Nevada.

(b) Had the State of Nevada been permitted to participate in the formulation of the contracts, it would probably have been unnecessary for me to have written my letter of protest of March 24, 1930, in order to protect the interests of the State in knowing in detail the nature of the contracts prior to their final negotiation by the primary contractees and the Secretary of the Interior. As the contracts are still in the process of formulation and as I am left in the dark with reference to their many and intricate provisions, and in the absence of participation by the official representatives of the State of Nevada in the formulation thereof, it becomes necessary for me to reiterate my protest against the signing of these contracts by any of the parties thereto until ample opportunity has been afforded to the Nevada congressional representatives and the Nevada Colorado River Development Commission to analyze and consider the same.

It would be very helpful in obtaining Nevada's final approval if the objections as outlined above be met in the contracts which are now being formulated. I shall appreciate receiving copies of the contracts as soon as they are formulated. I desire to reserve the right further to protest the provisions of your tentative proposals of March 22, 1930, and the contracts which are being formulated.

Very sincerely yours,

TASKER L. ODDIE.

THE SECRETARY OF THE INTERIOR,
Washington, April 10, 1930.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR ODDIE: In response to your letter of April 9, I will say that I am doing the best I can to protect Nevada's interests and still secure a workable and acceptable contract. Through the generous action of those most likely to sign the contracts we have been able to secure drawback provisions which can be of the greatest value to Nevada. There is no possibility of these drawback provisions reaching up to 33⅓ per cent of the power.

We are making a careful study of the possibilities in regard to secondary power. I have wired your suggestions to our representatives.

I note the other points brought out in your letter. Just as soon as we have copies of the complete contracts we will be glad to place them in your hands. As you probably realize, this is a most complicated negotiation, and we are having much difficulty in bringing the situation to a point where it will be practical and financially sound.

I have received communications from Mr. Malone, and have written him along somewhat similar lines to those in this communication.

Sincerely yours,

RAY LYMAN WILBUR

[Release date: Monday afternoon, April 14, 1930]

MEMORANDUM INCLUDING RESOLUTIONS BY THE NEVADA COLORADO RIVER DEVELOPMENT COMMISSION AND LETTERS TO SECRETARY WILBUR IN CONNECTION WITH HIS RECENT ANNOUNCEMENT ON THE DIVISION OF BOULDER DAM POWER

CARSON CITY, NEV., *April 7, 1930.*

Hon. RAY LYMAN WILBUR,
Secretary of the Interior, Washington, D. C.

DEAR MR. SECRETARY: Press reports indicate that contracts are being drawn on agreements already entered into between your department and the city of Los Angeles and the Southern California Edison Co. and allied companies for the disposal of the power to be developed by the construction of Boulder Dam.

In view of the very great interests of Nevada in the development of the Boulder Dam project, which is her greatest natural resource, our Colorado River Commission, after due consideration, has passed the following resolutions, viz:

1. That full copies of any proposed contracts relating to the disposal of Boulder Dam power should be furnished the Nevada Colorado River Commission and our congressional representatives for study and consideration and discussion with your department before being signed by the Government.

2. That the two years' notice required for the "withdrawal and relinquishment" of certain amounts of power is unreasonable and not practicable, and can not be accepted by our State. We submit herewith suggestion for "graduated time" for withdrawal and relinquishment.

3. That Nevada should participate in the secondary or "dump" power produced in the same proportion as in the primary power.

4. That the matter of "cost at the switchboard" should be clarified over recent "press releases" to definitely mean the cost at the switchboard the same as the so-called "primary contractors," the city of Los Angeles and Southern California Edison Co.

5. That there is apparently no valid reason under the set-up of your department that either Nevada or Arizona may not withdraw up to 33⅓ per cent of the total amount of power, instead of 22 per cent in the event one State does not take advantage of its full allocation; however, this point may be reconsidered by the commission in the event all other matters are satisfactorily adjusted.

6. That copies of these resolutions be furnished the President of the United States, the Secretary of the Interior, and our congressional representatives.

In the event your department is unable to make proper arrangements for the protection of Arizona and Nevada, we are still ready and willing to proceed along the lines laid down in our brief presented to you on November 12, 1929, wherein our State is fully protected, viz:

CONTRACT PROPOSED BY NEVADA

If, in the judgment of your department, it is not practicable to meet the suggestions (suggestions relate to a proper practicable "withdrawal and relinquishment" clause on one-third of the power to be developed), we are prepared and do offer at this time to make contracts satisfactory to your department for all of the "firm" power to be generated at Boulder Dam.

We are prepared to install and operate the power plants, furnishing your department satisfactory guarantees for proper financing. This offer can be applied in either of two ways:

1. The allocation can be made to our State and we will immediately call a special session of our legislature, then follow whatever procedure may be necessary to make the proper changes in our constitution, if required, and in this event must necessarily take advantage of the six months' provision and the reasonable time allowed in paragraph (c), section 5, of the act for a State or political subdivision thereof to authorize and market the necessary bonds.

This may occasion delay comparable to the time required for such changes, in the natural course of procedure. In this connection it may be pointed out that any State bid would be subject to a State election, and that any municipal bid is subject to a municipal election in any State, whether in Nevada or California.

2. The allocation can be made to a Nevada organization as proposed in a previous memorandum to your department. This would have the same standing as any private organization and in addition the further preference that the State's application would be withdrawn in its favor.

This organization will forthwith enter into a contract satisfactory to your department, as provided in the act, for "failing water" as proposed in your recent memorandum, so that no delay may be occasioned, and that Congress in its coming regular session may make the necessary appropriation and construction of the project may proceed without delay. The organization is ready to put up a bid bond or certified check mentioned in your memorandum to secure execution of the required contract if required by your department.

Upon your telegraphic request any further information that you may desire relative to methods of procedure or financial stability will be furnished.

Sincerely yours,

THE NEVADA COLORADO RIVER DEVELOPMENT COMMISSION,
By GEO. W. MALONE, *Secretary.*

CARSON CITY, NEV., *April 7, 1930.*

Hon. RAY LYMAN WILBUR,
Secretary of the Interior, Washington, D. C.

DEAR MR. SECRETARY: I am to-day transmitting to you the result of our Colorado River Development Commission meeting of yesterday in which certain exceptions are taken to your recent announcement of the division of Boulder Dam power.

As set forth in our brief of November 12, 1929, to you, we have always been and are now ready to accept a proper practicable "with-

drawal and relinquishment" arrangement, and have repeatedly offered to take care of our allotment, fully safeguarding the Government in its investment, if it were not possible to secure full protection to our State in the manner you have outlined.

Press reports have indicated that you were not satisfied that financial security could be had by dealing with Nevada in the manner suggested by us. We presume, in the absence of specific information, that you must have meant the "Nevada organization" since, of course, no doubt could be logically entertained as to the financial stability of the State; and in that connection, the Attorney General's ruling that the constitution of the State could be changed without undue delay precludes denying the State's application by reason of the delay that it might occasion.

As you have previously been informed, a telegraphic request from your department will immediately bring all of the financial assurance you could possibly require with reference to the "private organization's ability to safeguard the Government in this or any other enterprise of a like size."

We recognize the controversy now pending between advocates of private and Government ownership, but since you have said that the assistance of the private organization is necessary and have allocated some of the power to California private organizations, we see no valid reason for distinction between a California "private organization" and a Nevada "private organization" in the matter of policy in the allocation of power if financial security is available; and, as has been said, such information will be furnished upon your telegraphic request. Our only interest is to fully protect our State.

We will await your decision in this matter with much interest.

Sincerely yours,

THE NEVADA COLORADO RIVER DEVELOPMENT COMMISSION,
By GEO. W. MALONE, *Secretary.*

SUGGESTION FOR "GRADUATED TIME" FOR WITHDRAWAL AND RELINQUISHMENT OF POWER UNDER RECENT ANNOUNCEMENT BY YOUR DEPARTMENT

APRIL 7, 1930.

Any conditions of "withdrawal and relinquishment" arrangement must be predicated on the actual condition and extent of the power market and the effect such "withdrawals and relinquishments" will have on such market.

At the time Boulder Canyon power will be ready for delivery, it has been estimated that 1,500,000 horsepower of electrical energy will be in use in the Southern California power market, with an annual increase of 100,000 installed horsepower necessary to supply such market. There would be no valid reason for allowing more time for the relinquishment of a certain stipulated amount of power than the time required for the natural growth of the available market to require the use of such power to be relinquished.

In the matter of original withdrawals of certain amounts of power, there is no reason why notice of such withdrawals should require a longer period than the time required to construct steam-electric units to replace the power to be withdrawn. These plants can be constructed within a 6-months' period, and certainly the largest plant can be designed, constructed, and put in operation within a period of one year.

1. That amounts of power up to and including 1,500 horsepower be withdrawn and returned to the system with a very nominal notice, 48 hours is suggested, since the most that could possibly be required would be the adjustment of a steam unit already in use, to the required amount.

2. That amounts of power from 1,500 horsepower up to and including 5,000 horsepower, 60 days' notice be given.

3. That amounts of power from 5,000 horsepower up to and including 25,000 horsepower, 160 days' notice be given.

4. That on all amounts over 25,000 horsepower, one year's notice be given.

5. That upon withdrawals a certain adjustment be allowed at the time of placing in actual use, since it is impossible to compute with mathematical exactness the actual amount required under certain circumstances, until the power is actually in use—5 per cent is suggested as a reasonable adjustment in this connection.

For illustration, if a request were made for 2,000 horsepower, and it were found upon turning on the power that 2,100 horsepower were needed, or that only 1,900 horsepower were required, no further notice would be required to start the plant on the required energy. This is necessary, since there would be no agency to take up the slack.

We believe the above outline is reasonable and practicable and can be handled without inconvenience to any primary contractors.

At a regular meeting of the Nevada Colorado River Development Commission held on April 6, 1930, at which time certain representative citizens of Las Vegas were present at the specific invitation of the commission, the resolutions included in the letter to Secretary Wilbur were formulated and approved, including alternative proposal made to purchase the power in lieu of a satisfactory "withdrawal and relinquishment" arrangement made by the commission on November 12, 1929.

Those present from Las Vegas included Bert Henderson, State Senator from Clark County; Al Cahlan, editor of the Las Vegas Review; Dr. Roy Martin, business man and former member of the commission, and E. W. Clark, banker and member of the commission from Las Vegas.

The meeting unanimously agreed upon the letter to Secretary Wilbur, including the resolutions appearing in full text herein.

THE NEVADA COLORADO RIVER DEVELOPMENT COMMISSION.
By GEO. W. MALONE, *Secretary.*

BOULDER DAM POWER CONTRACTS SIGNED—LOS ANGELES, 11 SMALL CITIES, AND CALIFORNIA EDISON AGREE TO TAKE 64 PER CENT

LOS ANGELES, April 26.—Fifty-year contracts with the Government for the purchase of Boulder Dam electric power were signed to-day by the city of Los Angeles, the directors of the Metropolitan Water District, and directors of the Southern California Edison Co.

Signing of the contracts, which call for delivery to the three California groups of 64 per cent of the dam's total estimated power capacity of 650,000 horsepower, paved the way for immediate action by the Government for construction of the mammoth project.

Northcutt Ely, assistant to the Secretary of the Interior, will leave to-morrow by airplane for Washington with the signed contracts. The Secretary is expected to take them before Congress immediately and request an appropriation for construction of the dam.

Under the terms of the contract the Government agrees to pay all costs of installing the $21,000,000 power-generating machinery. The two lessees agree to pay a rental in 10 annual installments that in 50 years will amortize the cost of equipment with 4 per cent interest. Title to the dam and power plants will remain with the Government.

The city of Los Angeles is allocated 13 per cent of the 650,000 horsepower total to be generated. It will operate power units, however, generating up to 91 per cent of the power. The Metropolitan Water District, which is allocated 36 per cent of the power, the 11 small southern California cities that are members with Los Angeles in the Metropolitan Water District are allocated 6 per cent, and Arizona and Nevada, with allocations of 18 per cent apiece, will get their power through the city of Los Angeles. The Edison Co. contracts for 9 per cent of the power from the dam.

WASHINGTON, D. C., *April 28, 1930.*

Hon. RAY LYMAN WILBUR,
Secretary of the Interior, Washington, D. C.

MY DEAR MR. SECRETARY: From a Los Angeles press dispatch I noted that the contracts for Boulder Dam power had been signed by the Metropolitan Water District of Los Angeles, the city of Los Angeles, and the Southern California Edison Co., and in a telephone conversation with Mr. Burlew I find that this report is correct.

In my letter to you of March 24, 1930, I protested the tentative allocations made in a press announcement transmitted in your letter to me of March 22, 1930, as follows:

"This will acknowledge the receipt of your letter of March 22 inclosing press release announcing the confirmation of agreements for the allocation and sale of power to be developed at Boulder Dam.

"I note from this that you are now drawing contracts for the allocation of the primary power generated at Boulder Dam, and in behalf of the State of Nevada I hereby enter formal protest to the signing of such contracts either by the primary contractors or by the Secretary of the Interior.

"This protest is made in order to give the Nevada Colorado River Commission and the members of the Nevada delegation in Congress an opportunity fully to analyze the allocations and terms set forth in your announcement which seriously limit and deprive the State of Nevada of its rights under the Boulder Dam act."

In my letter to you of March 28, 1930, I reiterated my request for copies of the contract forms, as follows:

"The information contained in your letter of March 24, 1930, in answer to my letter of protest, that 'there will be a clause in the contracts in connection with the Boulder Dam power permitting Nevada to take one-third of the power for use in the State by firm contract, made within six months,' indicates that there may be other matters of great importance to Nevada in said contracts. Therefore, I shall greatly appreciate receiving when available several copies of these contract forms."

In your response of March 29, 1930, you stated: "As soon as the contracts are available here I will see that you get copies." You also stated in this same letter "Just at present there is no Boulder Dam contract here in Washington. This is being negotiated in Los Angeles with those who are to sign for the power."

In view of the fact that there were no copies of the contract available here in Washington and for the reason that the same were being negotiated in Los Angeles, in my letter to you of April 9, 1930, I objected to the fact that the Nevada Colorado River Development Commission had been denied an opportunity to participate in the formulation of the contracts and protested against the signing of these contracts by any of the parties thereto until ample opportunity had been afforded to consider the same as follows:

"5. (a) In view of the fact that you state in your letter of March 24, 1930, that there will be a clause in the contracts for the sale of

Boulder Dam power permitting Nevada to take one-third of the power for use in the State by firm contract made within six months, thereby establishing the status of Nevada as a primary contractee, I can not understand the reason for excluding the legally designated agent of Nevada—the Nevada Colorado River Development Commission—from participation in the formulation of these contracts which are ultimately to be negotiated by the primary contractees and the Secretary of the Interior. Furthermore, in denying the State of Nevada the opportunity to participate in the formulation of these contracts is a distinct violation of the rights guaranteed to the State by the Boulder Canyon Dam act. The Nevada Colorado River Development Commission as well as the congressional representatives of the State of Nevada have been at a considerable disadvantage in not knowing the details concerning the formulation of these important contracts upon which so greatly depends the future economic prosperity of Nevada.

"(b) Had the State of Nevada been permitted to participate in the formulation of the contracts it would probably have been unnecessary for me to have written my letter of protest on March 24, 1930, in order to protect the interests of the State in knowing in detail the nature of the contracts prior to their final negotiation by the primary contractees and the Secretary of the Interior. As the contracts are still in the process of formulation and as I am left in the dark with reference to their many and intricate provisions, and in the absence of participation by the official representatives of the State of Nevada in the formulation thereof, it becomes necessary for me to reiterate my protest against the signing of these contracts by any of the parties thereto until ample opportunity has been afforded to the Nevada congressional representatives and the Nevada Colorado River Development Commission to analyze and consider the same."

In view of the fact that you have ignored my request to supply copies of the contracts before being signed by the parties thereto, I now declare that a state of conflict exists between the applicants who have filed with you bids for primary power under the provisions of the Boulder Canyon project act, Public Law 642, Seventieth Congress, and request a public hearing before you as provided under section 5, paragraph c, of said act.

In making this protest and in calling for a hearing on the conflicting applications between the States of Nevada and Arizona and the Metropolitan Water District of Los Angeles, the city of Los Angeles, and the Southern California Edison Co. of California, it is not my desire to delay the progress of the project but to afford a reasonable opportunity for all parties in interest to consider the contracts which are being formulated for the disposition of the power to be developed under the Boulder Canyon project act before you sign the same. Certainly the parties who have already signed the contracts have had ample opportunity to consider the contracts and the effect of the same on their own interests in California and it would seem only reasonable and just that the interests of Nevada and Arizona be permitted an opportunity to examine the contracts before their final legal status is determined.

I am sure that the Nevada Colorado River Development Commission will be willing to cooperate in every way in expediting a hearing so that no substantial delay would occur in finally presenting the matter for the consideration of Congress.

Unless these differences can be satisfactorily adjusted in such a hearing the action of Congress in considering appropriations under the act would be greatly delayed, if not altogether obstructed. I sincerely hope that you will concur in the suggestion of not signing these contracts until such a hearing is held, with the view of adjusting differences which otherwise may prove to be irreconcilable and prevent the construction of the dam.

Sincerely yours,

TASKER L. ODDIE.

THE SECRETARY OF THE INTERIOR,
Washington, April 29, 1930.

Hon. TASKER L. ODDIE,
United States Senate.

MY DEAR SENATOR ODDIE: I am inclosing copies of the contracts for sale of power on the Boulder Canyon project, which have just been received. I have discussed with you heretofore the various provisions which affect Nevada which have been incorporated in the contract, and am transmitting an estimate to-day to the Director of the Budget for commencement of construction.

Very truly yours,

RAY LYMAN WILBUR.

CONTRACT NO. 1

UNITED STATES DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION.

BOULDER CANYON PROJECT

CONTRACT FOR ELECTRICAL ENERGY

(1) This contract, made this 26th day of April, 1930, pursuant to the act of Congress approved June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, all of which acts are commonly known and referred to as the reclamation law, and particularly pursuant to the act of Congress approved December 21, 1928 (43 Stat. 1057), designated the Boulder Canyon project act, between the United States of America, hereinafter referred to as the United States, acting for this purpose by Ray Lyman Wilbur, Secretary of the Interior, hereinafter styled the Secretary, and the Metropolitan Water District of Southern California, a public corporation, organized and existing under and by virtue of the laws of the State of California, hereinafter styled the district:

Witnesseth:

EXPLANATORY RECITALS

(2) Whereas for the purpose of controlling the floods, improving navigation and regulating the flow of the Colorado River, providing for storage and for the delivery of the stored waters for reclamation of public lands and other beneficial uses exclusively within the United States, and for the generation of electrical energy, the Secretary, subject to the terms of the Colorado River compact, is authorized to construct, operate, and maintain a dam and incidental works in the main stream of the Colorado River at Black Canyon or Boulder Canyon, adequate to create a storage reservoir of a capacity of not less than 20,000,000 acre-feet of water; also to construct, equip, operate, and maintain at or near said dam, or cause to be constructed, a complete plant and incidental structures suitable for the fullest economic development of electrical energy from the water discharged from said reservoir; and

(3) Whereas after full consideration of the advantages of both the Black Canyon and Boulder Canyon dam sites, the Secretary has determined upon Black Canyon as the site of the aforesaid dam, hereinafter styled the Boulder Canyon Dam, and has determined that the revenues provided for by this contract, together with other contracts in accordance with the provisions of the Boulder Canyon project act, are adequate in his judgment to insure payment of all expenses of operation and maintenance of the Boulder Canyon Dam and appurtenant works incurred by the United States, and the repayment within 50 years from the date of completion of said works of all amounts advanced to the Colorado River Dam fund under subdivision (b) of section 2 of the Boulder Canyon project act, together with interest thereon made reimbursable under said act; and

(4) Whereas the United States proposes to enter into an agreement with the city of Los Angeles and Southern California Edison Co. (Ltd.) severally (hereinafter referred to as the lessees) for the lease and the operation and maintenance of a Government-built power plant to be constructed at Boulder Canyon Dam, together with the right to generate electrical energy, a copy of which said proposed lease is attached hereto, marked "Exhibit A," and by this reference made a part hereof, wherein the Secretary has reserved the authority to and in consideration of the execution thereof is authorized by each of the aforesaid lessees severally to contract with the other allottees named in the allocation set forth therein for the furnishing of energy to such allottees at transmission voltage in accordance with the allocation to each allottee, and the Secretary is therein granted by each lessee severally the power in accordance with the provisions thereof to enforce as against each lessee the rights to be acquired by such other allottees by contracts to be entered into with the United States; and

(5) Whereas the district is desirous of entering into a contract with the United States providing for the delivery to the district each year from the Boulder Canyon Reservoir up to but not to exceed 1,050,000 acre-feet of water, and, in connection therewith and incident thereto, the district is desirous also of entering into a contract for the purchase of electrical energy to be generated at the power plant to be leased, as aforesaid, to the city of Los Angeles (hereinafter referred to as the city) and Southern California Edison Co. (Ltd.) (hereinafter referred to as the company) to aid in the transportation of such water supply;

(6) Now, therefore, in consideration of the mutual covenants herein contained, the parties hereto agree as follows, to wit:

ALLOCATION OF ELECTRICAL ENERGY

(7) The United States will cause to be delivered to the district under and in pursuance of and subject to the provisions of the aforesaid proposed lease, attached hereto as Exhibit A, for a period of 50 years from the date at which energy is ready for delivery to the city, as announced by the Secretary, in accordance with the following allocation, to wit:

Of firm energy

(A) To the State of Nevada, for use in Nevada, not exceeding 18 per cent of said total firm energy.

(B) To the State of Arizona, for use in Arizona, not exceeding 18 per cent of said total firm energy.

Should either of the States not take its full 18 per cent allocation within a period of 20 years hereof, the other may then contract for the energy not so taken up to 4 per cent of the total firm energy, provided that the combined amount used by the two States shall not at any time exceed 36 per cent of such total firm energy.

(C) To the Metropolitan Water District of Southern California so much energy as may be needed and used for pumping Colorado River water into and in its aqueduct for the use of such district within the following limits:

(1) Not exceeding 36 per cent of said total firm energy; plus

(2) All secondary energy developed at the Boulder Dam power plant, as provided in article 14 hereof; plus

(3) So much of the firm energy allocated to the States, the city, and the company as may not be in use by them. Energy allocated to the States, but not in use by them, shall be released to the district by the two lessees equally (unless they agree upon a different ratio) as follows:

(a) If the district makes a firm contract with the Secretary for the balance of the lease period for part or all of such unused States' energy (subject to the first right of the States thereto), such contract shall be made effective upon two years' written notice to the Secretary and compensation to the lessees, respectively, for main transmission line property rendered idle.

(b) If the district does not so make a firm contract for such energy, then energy allocated to the States, but not in use by them, shall be released to the district upon not less than 15 months' written notice to the Secretary and at such compensation as the district and such lessees, respectively, may agree upon to cover cost and overhead of replacing energy which otherwise would have been received at the Pacific coast end of the main transmission lines by the lessees, respectively. Such cost shall include interest on and depreciation and operation and maintenance of the plant capacity while required for the generation of such substitute energy; and also appropriate allowance for interest on and maintenance and depreciation of plant capacity rendered idle because of cessation of generation of such substitute energy until such time as such plant capacity would otherwise have been installed by the lessees, respectively, for their own requirements. If the district and the respective lessees fail to agree on such compensation, such energy shall nevertheless be released to the district, and the disagreement shall be determined in accordance with article 22 (a) hereof. Such determination shall include allowance for items of cost and overhead as specified in this paragraph. Pending such determination, energy so released shall be paid for by the district at the rate for firm energy, but the determination of compensation under article 22 (a) hereof shall not be controlled by such rate.

During any year beginning June 1 the district shall not use any secondary energy or any unused State energy until it has first used, subsequent to June 1 next preceding, an amount of firm energy equivalent to one-twelfth of the amount of firm energy it is obligated to take and/or pay for annually, multiplied by the number of months elapsed since June 1 next preceding.

(4) If, due to temporary deficiency in secondary energy regularly used by the district, substitute energy is requested by the district in excess of the energy made available under the foregoing subparagraph (3) (b), the city and/or the company may release so much energy as may be practicable on the same terms as provided in subsection (3) (b) preceding.

(D) To the municipalities of Anaheim, Beverly Hills, Burbank, Colton, Fullerton, Glendale, Newport Beach, Pasadena, Riverside, San Bernardino, and Santa Ana (referred to herein as "the municipalities"), 6 per cent in all, to be allocated between them as they may agree; but if no agreement is submitted to the Secretary on or before April 15, 1931, the Secretary shall determine the allocation of each.

(E) To the city of Los Angeles, 13 per cent.

(F) To Southern California Edison Co. (Ltd.), the Southern Sierras Power Co., the San Diego Consolidated Gas & Electric Co., and the Los Angeles Gas & Electric Corporation, referred to herein as the companies, 9 per cent in all, division whereof between the companies shall be made according to mutual agreement among them, if possible. If no such agreement is submitted to the Secretary on or before April 15, 1931, the Secretary shall determine the allocation of each.

The foregoing allocations are subject to the following conditions:

(i) So much of the energy allocated to the States (36 per cent of the firm energy), and not in use by them, or failing their use, by the district for the above purposes, shall be taken and paid for one-half by the city and one-half by the company.

(ii) All of the energy allocated to the municipalities may be contracted for in compliance with regulations of the Secretary, by any one or more of them, as they may agree, on or before April 15, 1931. So much of the energy allocated to the municipalities as is not so contracted for, or if contracted for not used by them directly or under contract for municipal purposes and/or distribution to their inhabitants, shall be taken and paid for by the city.

(iii) So much of the energy allocated to the Southern Sierras Power Co., the San Diego Consolidated Gas & Electric Co., and the Los Angeles Gas & Electric Corporation as is not firmly contracted for by them, severally, in compliance with regulations of the Secretary on or before April 15, 1931, shall be taken and paid for by the company.

(iv) If any allottee is permitted by the United States to divert water from the reservoir, at a time when the reservoir is not spilling, in consequence of which the amount of energy which would have been utilized is diminished, such diminution shall be debited to the allocation of firm energy herein made to such allottee; and charge for the energy equivalent of such diversion shall be made, and the amount of energy which the allottee shall otherwise be obligated to take and pay for hereunder shall be correspondingly reduced.

The reservoir shall be considered as spilling whenever water is being discharged in excess of the amount used for the generation of power, whether such waste occurs over the spillway or otherwise.

(v) Each of the States of Arizona and Nevada may, from time to time within the period of the aforesaid lease, contract for energy for use within such State in any amount until the total allocated respectively to each is in use as provided above; and may terminate such contract, or contracts, without prejudice to the right to again contract for such energy. All such contracts shall be executed with the Secretary. A contract requiring 1,000 horsepower (of maximum demand) or less may become effective or be terminated on six months' written notice of requirement or termination given the director by the State: *Provided*, That the notice given shall be 2 years if in the 12 months preceding said notice of demand the total increment to such State has exceeded 5,000 horsepower of maximum demand or if in the 12 months preceding said notice of termination the decrement to such State has exceeded 5,000 horsepower of maximum demand. In all cases the director shall immediately transmit such notice to each lessee. Whenever the amount in use is in excess of 5,000 horsepower of maximum demand, the lessees, respectively, shall be compensated for property rendered idle by use of such excess in such amount as the Secretary shall determine to be equitable. Firm energy not contracted for by the States shall be available for use by the district as herein elsewhere provided, and if not in use by the States and/or the district, shall be taken and paid for equally by the two lessees. No right which may be available to a State under section 5 (c) of the Boulder Canyon project act to execute a firm contract for electrical energy for use within the State shall be impaired by any provision of this contract.

Of secondary energy

The district shall have the right to purchase and use all secondary energy as provided in article 9 and article 14 hereof for the purposes stated in the first paragraph of subdivision (C) of this article. The city and the company shall each have the right to purchase and use one-half of all secondary energy not used by the district. Any such energy not used by one lessee shall be available, for the time being, to the other. If secondary energy is not taken by the district, the city, and/or the company, then and in such event, the United States reserves the right to take, use, and dispose of such energy, from time to time, as it sees fit, giving credit therefor as provided in article 12 of Exhibit A hereof.

Of firm energy allocated to but not used by the district

In the event the district shall fail for any reason to use all or any of the firm energy herein allotted to it for the only purpose for which said firm energy is allotted to it, that is, for pumping water into and in its aqueduct, then no disposition shall be made of such firm energy by the Secretary without first giving to a successor to the district which may undertake to build or maintain a Colorado River aqueduct the opportunity to take said firm energy for the same purpose and under the same terms as those to which the district was obligated.

In the event no such successor takes said firm energy as provided above, then no disposition of such firm energy shall be made by the Secretary without first giving to each lessee the opportunity to contract on equal terms and conditions, to be prescribed by the Secretary, for one-half of such energy, together with such portion of the remainder as the other lessee shall not elect to take.

Of firm energy not disposed of under the foregoing allocations

The United States reserves the right, in case the dam which it erects provides a maximum water surface elevation in excess of 1,222 feet above sea level (U. S. Geological Survey datum), and thereby increases the quantity of firm energy above the quantity of 4,240,000,000 kilowatt-hours allocated above, to dispose of such increase, but not to exceed 90,000,000 kilowatt-hours per year (June 1 to May 31, inclusive) to any municipality or municipalities by firm contract executed with the Secretary on or before April 15, 1931. Such disposition shall be without prejudice to any provision of this lease or of the allocation above referred to. So much of such additional energy as is not so contracted for shall be taken and paid for by the city. Generation of such additional energy shall in any event be effected by the city.

Installation of machinery

(8) The district shall have opportunity to be heard by the Secretary or his representatives upon the design, capacity, and cost of machinery to be provided and installed as stated in article 8 of Exhibit A hereof before contracts therefor are let.

FIRM AND SECONDARY ENERGY DEFINED

(9) The amount of firm energy for the first year of operation—June 1 to May 31, inclusive—following the date of the completion of the dam as announced by the Secretary shall be defined as being 4,240,000,000 kilowatt-hours at transmission voltage. For every subsequent year the amount defined as firm energy shall be decreased by 8,760,000 kilowatt-hours from that of the previous year.

Nevertheless, if it be determined by the Secretary that the rate of decrease of kilowatt-hours per year as above stated is not in accord

with actual conditions, the Secretary reserves the right to fix a lesser rate for any year—June 1 to May 31, inclusive—in advance.

If the dam erected by the United States provides a maximum water surface elevation in excess of 1,222 feet above sea level—United States Geological Survey datum—the United States reserves the right to dispose of additional firm energy thereby made available, not to exceed 90,000,000 kilowatt-hours per year, subject to pro rata of the 8,760,000 kilowatt-hours annual diminution above provided for.

The term "secondary energy" wherever used herein shall mean all electrical energy generated in one year—June 1 to May 31, inclusive—in excess of the amount of firm energy as hereinabove defined, available in such year.

If by reason of international obligations arising through treaty or otherwise subsequent to the effective date of this contract, or by reason of interference with the program of construction and/or operation of the dam as provided for and contemplated by this contract, or by reason of other contingencies not now foreseen, the amount of firm energy available through the release of water from the Boulder Canyon Reservoir shall in fact be less than the amount of firm energy as above defined, then in any such event the obligation of the district to take and pay for its allocation of firm energy shall be reduced in an amount corresponding to such change. If for any reason the United States shall be wholly unable to fulfill its obligations hereunder in respect of the delivery of water, then the district or either of them, may terminate this contract.

The right of the district and/or lessees to take and pay for energy at the rate for secondary energy after discharge of such party's obligation to the United States to pay for energy at the rate for firm energy, shall not be impaired by reason of the fact that another allottee has not discharged its obligation to pay for energy at the rate for firm energy.

GENERATING AGENCIES

(10) In accordance with designation heretofore made by the Secretary, generation of energy allocated to the district shall be effected by the city. Nevertheless, this provision is subject to the following conditions:

(i) Should it prove of material economic advantage to the district to have a portion of its energy generated as offpeak energy, the city, after generating energy for the district to the full extent of the generating capacity which has been installed at the request of the district with allowance for the contemplated margin of reserve capacity, shall also generate such additional energy as may be needed by the district and as can be generated offpeak with other generating capacity leased to and being operated by the city at such times as such use does not conflict with the needs of the city and other allottees for whom the city is generating energy. The district will pay for the offpeak use of such other generating capacity, together with an allowance for a fair proportion of the operation and maintenance expenses, at rates to be agreed upon between the district and the city and approved by the Secretary, and if they are unable to agree then at a rate to be determined by the Secretary. Should the amount of energy which can be obtained by the district from the generating capacity which has been installed at the request of the district and from other capacity leased to and being operated by the city be insufficient to satisfy the requirements of the district, then the district may arrange with Southern California Edison Co. (Ltd.) for generation of such offpeak energy as may be needed by the district at such times and not obtainable from the city to such an extent as such generation does not conflict with the needs of the company and other allottees for whom the company is generating energy. Charge shall be made against the district for such service at the rate to be agreed upon between the district and the company and approved by the Secretary, and if they are unable to agree then at a rate to be determined in accordance with article 22 (a) hereof.

(ii) Disputes and disagreements between any allottee and the lessee generating energy for it with respect to such generation and/or the cost thereof shall be determined by the Secretary unless otherwise specifically provided in this contract.

(iii) Except for offpeak power furnished the district, which shall be as provided in paragraph (i) of this article, all generation shall be effected at cost, as determined in accordance with article 12 of Exhibit A hereof.

DELIVERY OF ELECTRICAL ENERGY

(11) (a) Energy shall be ready for delivery to the city and to the municipalities, including those contracting under the last paragraph of article 7 hereof, when the Secretary announces that 1,250,000,000 kilowatt-hours of energy per year is ready for delivery.

(b) Energy shall be ready for delivery to the district when the Secretary announces that 2,000,000,000 kilowatt-hours of energy per year is available, which date, however, shall not be sooner that one year after energy is ready for delivery to the city: *Provided, however,* That the time when energy is ready for delivery to the district may be advanced subject to the approval of the Secretary, should the district so request, and that in such case the city shall be compensated by the district for interest and depreciation on and maintenance and operation of its main transmission line in case the total energy available to the city is reduced below 1,250,000,000 kilowatt-hours per annum, in the proportion that such kilowatt-hours available to the city is less than 1,250,000,000.

(c) Energy shall be ready for delivery to the company when the Secretary announces that water capable of generating 4,240,000,000 kilowatt-hours of energy per year is available, which date, however, shall not be sooner than three years after commencement of delivery of energy to the city and which shall not be until the water surface in Boulder Canyon Reservoir on August 1 immediately preceding has reached an elevation of 1,150 feet above sea level (U. S. Geological Survey datum).

(d) Upon written notification from the Secretary that generation equipment is ready for operation by it and water is available for generating energy therefrom, each lessee will be required to assume the operation and maintenance of its respective portion of the power plant, and thereafter the district will look to such lessee, severally, and not to the United States for compensation for injury and/or damages of any kind which may in any manner arise out of the operation and maintenance of the portion of such plant leased to it.

CHARGES TO BE PAID THE UNITED STATES

(12) In consideration of this contract the district agrees:

(1) To pay the United States for the use of falling water for generation of energy for the district (except as otherwise provided in article 15 hereof), as follows:

(a) One and sixty-three hundredths mills per kilowatt-hour (delivered at transmission voltage) for firm energy;

(b) One-half mill per kilowatt hour (delivered at transmission voltage) for secondary energy;

(2) To pay the United States, for credit to the lessees, on account of use of the leased equipment as herein elsewhere provided; and

(3) To pay the United States, for credit to the lessees, on account of maintenance of said equipment, including repairs to and replacements of machinery, as herein elsewhere provided.

At the end of 15 years from the date of execution of this contract and every 10 years thereafter the above rates of payment for firm and secondary energy shall be readjusted upon demand of any party hereto, either upward or downward as to price, as the Secretary may find to be justified by competitive conditions at distributing points or competitive centers.

The rate for falling water for generation of firm energy, which shall be uniform for both lessees provided for by any such readjustment, shall be arrived at by deducting from the price of electrical energy justified by competitive conditions at distributing points or competitive centers (1) all fixed and operating costs of transmission to such points; (2) all fixed and operating costs of such portion of the power-plant machinery as is to be operated and maintained by the several lessees, including the cost of repairs and replacements, together with such readjustment as to replacements as is provided for in paragraph 3 in this article, it being understood that such readjusted rates shall under no circumstances exceed the value of said energy, based upon competitive conditions at distributing points or competitive centers.

"In arriving at the respective rates for 'firm energy' and 'secondary energy' as fixed herein, recognition has been given to the fact that 'secondary energy' can not be relied upon as being at all times available, but is subject to diminution or temporary exhaustion; whereas 'firm energy' is the amount of energy agreed upon as being available continuously as required during each year of the contract period. In the readjustment of the rate for 'secondary energy' account shall be taken of the foregoing factors."

The charges agreed to be paid by the district to the United States for credit to the city as generating agency in this article shall be such proportion of the cost incurred by such generating agency as it and the district may agree.

The term "cost," as used with reference to generating energy, shall include a proper proportionate allowance for amortization for the cost of machinery and equipment as provided in paragraph a of article 9 of Exhibit A hereof, a proper proportionate part of any annuity set up in accordance with regulations of the Secretary provided for in subdivision 3 of article 16 of Exhibit A hereof for the purpose of meeting the obligation of the city to make replacements, and a proper proportionate part of the actual outlay of the city for operating such machinery and equipment and keeping the same in repair, including reasonable overhead charges. The extent of the allowance for the several items in the event of disagreement between the city and district and the system of accounting therefor shall be prescribed by the Secretary under uniform regulations as required by section 6 of the Boulder Canyon project act.

MONTHLY PAYMENTS AND PENALTIES

(13) The district shall pay monthly for energy in accordance with the rates established or provided for herein, and for the generation thereof as provided in article 12.

When energy taken in any month is not in excess of one-twelfth of the minimum annual obligation, bill for such month shall be computed at the rate for firm energy in effect when such energy was taken on the basis of the actual amount of energy used during such month. All energy used during any month in excess of one-twelfth of the minimum

annual obligation shall be paid for at the rate for secondary energy in effect when such energy was taken; provided, however, that the secondary rate shall not apply to any energy taken during any month unless and until an amount of energy equivalent to one-twelfth of the minimum annual obligation has been taken for all months beginning with the month of June immediately preceding; provided, however, that the bill for the month of May shall not be less than the difference between the minimum annual payment, as provided in article 14 hereof, and the sum of the amounts charged for firm energy during the preceding 11 months. The United States will submit bills to the district by the fifth of each month immediately following the month during which the energy is generated, and payments shall be due on the first day of the month immediately succeeding. If such charges are not paid when due, a penalty of 1 per cent of the amount unpaid shall be added thereto, and thereafter an additional penalty of 1 per cent of the amount unpaid shall be added on the first day of each calendar month thereafter during such delinquency.

The monthly charge for generation of such energy to be credited to the generating agency shall be in such amount as may be determined in accordance with article 12 hereof.

MINIMUM ANNUAL PAYMENT

14. The total payments made by the district for firm energy available in any year (June 1 to May 31, inclusive), whether any energy is taken by it or not, exclusive of its payments for credit to the generating agency, shall be not less than the number of kilowatt-hours of firm energy which the district is obligated to take and/or pay for during said year, multiplied by $0.00163, or multiplied by the adjusted rate of payment for firm energy in case the said rate is adjusted as provided in article 12 hereof. For a fractional year at the beginning or end of the contract period, the minimum annual payment for firm energy shall be proportionately adjusted in the ratio that the number of days water is available for generation of energy in such fractional year bears to 365; provided, however, that in order to afford a reasonable time for the district to absorb the energy contracted for, the minimum annual payments by it for the first three years after energy is ready for delivery to it, as announced by the Secretary, shall be as follows, in percentages of the ultimate annual obligation, to take and/or pay for firm energy:

	Per cent
First year	55
Second year	70
Third year	85
Fourth year and all subsequent years	100

During said absorption period, if the quantity of energy taken in any one year (June 1 to May 31, inclusive) is in excess of the above percentages of the ultimate obligation during such year to take and/or pay for firm energy, such excess shall be paid for at the rate for secondary energy; provided further, that the minimum annual payment shall be reduced in case of interruptions or curtailment of delivery of water as provided in article 16 hereof.

The total payments made by the district for generation of such energy, to be credited to the generating agency, shall be determined in accordance with article 12 hereof.

NO ENERGY TO BE DELIVERED WITHOUT PAYMENT

(15) Unless the written consent of the Secretary be first obtained, no electrical energy shall be generated for, or delivered to, the district if it shall be in arrears for more than 12 months in the payment of any charge and/or penalty due or to become due the United States hereunder, whether for its own use or for credit to the generating agency.

INTERRUPTIONS IN DELIVERY OF WATER

(16) The United States will deliver water continuously to each lessee in the quantity, in the manner, and at the times necessary for the generation of the energy which each of said lessees has the right and/or obligation to generate under this contract in accordance with the load requirements of each of said lessees, and of allottees for which the respective lessees are generating agencies, excepting only that such delivery shall be regulated so as not to interfere with the necessary use of said Boulder Canyon Dam and Reservoir for river regulation, improvement of navigation, flood control, irrigation, or domestic uses, and the satisfaction of present perfected rights in or to the waters of the Colorado River, or its tributaries, in pursuance of article 8 of the Colorado River compact, and this contract is made upon the express condition, and with the express covenant, that the rights of the district to the waters of the Colorado River, or its tributaries, are subject to, and controlled by, the Colorado River compact. The United States reserves the right temporarily to discontinue or reduce the delivery of water for the generation of energy at any time for the purpose of maintenance, repairs and/or replacements, or installation of equipment, and for investigations and inspections necessary thereto; provided, however, that the United States shall except in case of emergency give to the lessees reasonable notice in advance of such temporary discontinuance or reduction, and that the United States shall make such inspections and perform such maintenance and repair work after consultation with the lessees at such times and in such manner as will cause the least inconvenience to the lessees, and shall prosecute such work with diligence, and, without unnecessary delay, will resume delivery of water so discontinued or reduced.

Should the delivery of water be discontinued or reduced below the amount required severally for the normal generation of firm energy for the payment of which said district has hereby obligated itself, the total number of hours of such discontinuance or reduction in any year shall be determined by taking the sum of the number of hours during which the delivery of water is totally discontinued and the product of the number of hours during which the delivery of water is partially reduced and the percentage of said partial reduction below the actual quantity of water required by the lessees severally for the normal generation of firm energy. Total or partial reductions in delivery of water which do not reduce the power output below the amount required at the time by such lessee for the normal generation of firm energy will not be considered in determining the total hours of discontinuance in any year. The minimum annual payment specified in article 14 hereof shall be reduced by the ratio that the total number of hours of such discontinuance bears to 8,760. In no event shall any liability accrue against the United States, its officers, agents, and/or employees for any damage, direct or indirect, arising on account of drought, hostile diversion, act of God or of the public enemy, or other similar cause; nevertheless interruptions in delivery of water occasioned by such causes shall be governed as hereinabove provided in this article.

MEASUREMENT OF ENERGY

(17) The energy received by the district shall be measured at transmission voltage at the point where the district's transmission lines connect to the switching station at Boulder Canyon Dam called the point of delivery, or, at the option of the Secretary, the energy received by the district shall be measured at the low-voltage side of the substations serving the district, in which event suitable correction shall be made in the amounts of energy as measured to cover all losses between the points of measurement and the point of delivery at transmission voltage at Boulder Canyon Dam. Suitable meter equipment satisfactory to the Secretary for measuring the energy received by the district shall be provided and maintained by and at the expense of the district. Meters may be tested at any reasonable time upon the request of either the United States or the district, and in all events they shall be tested at least once each year. If the test discloses that the error of any meter exceeds 1 per cent, such meter shall be adjusted so that the error does not exceed one-half of 1 per cent. Meter equipment shall be tested by means of suitable testing equipment, which will be provided by the United States, and which shall be calibrated by the United States Bureau of Standards as often as requested by either the United States or the district. Meters shall be kept sealed, and the seal shall be broken only in the presence of representatives of both the United States and the district, and likewise all tests of meter equipment shall be conducted only when representatives of both the United States and the district are present.

INSPECTION BY THE UNITED STATES

(18) The Secretary or his representatives shall at all times have the right of ingress to and egress from all works of the district for the purpose of inspection, repairs, and maintenance of the works of the United States and for all other proper purposes. The Secretary or his representatives shall also have free access at all reasonable times to the books and records of the district relating to the disposal of electrical energy, with the right at any time during office hours to make copies of or from the same.

TRANSMISSION

(19) (a) The city having, in article 25 of Exhibit A hereof, undertaken that it shall operate and maintain at cost, including allowance for necessary overhead expense, the lines required for transmitting all Boulder Canyon power from the power plant to the pumping plants of the district, allocated to and used by the district for pumping water into and in its aqueduct, provided that in the event it should prove materially to the advantage of the district at any time during the 50-year period of this lease, the district may operate and maintain such transmission lines itself; and provided further that in the event of disagreement or dispute between the district and the city as to such matter such disagreement shall be determined as provided in article 22 (a) hereof; the Secretary will, if by such determination energy allocated to and used by the district is to be transmitted by the district instead of the city, cause delivery of energy at transmission voltage to be made accordingly.

DURATION OF CONTRACT

(20) This contract shall become effective as soon as the first act of Congress appropriating funds for commencement of construction of Boulder Canyon Dam has become law, and as to the district shall remain in effect until the expiration of a period of 50 years from the date at which energy is ready for delivery to the city, as determined by the Secretary. The holder of any contract for electrical energy, including the district, not in default thereunder, shall be entitled to a renewal thereof upon such terms and conditions as may be authorized or required under the then existing laws and regulations, unless the property of such holder dependent for its usefulness on a continuation of the contract be purchased or acquired, and such contractor be compensated

for damages to its property, used and useful in the transmission and distribution of such electrical energy and not taken, resulting from the termination of the supply.

CONTRACT MAY BE TERMINATED IN CASE OF BREACH

(21) If the district shall be in arrears for more than 12 months in the payment of any charge and/or penalty due or to become due to the United States hereunder, and shall not have obtained an extension of time for payment thereof, or, if such extension be obtained, has not made such payment within the time as extended, then the Secretary reserves the right thereafter, and upon two years' written notice to the district, to terminate this contract and dispose of the energy herein allocated as he may see fit, provided he shall first give opportunity to each lessee to contract on equal and uniform terms and conditions, to be prescribed by the Secretary, for one-half of such energy, together with such portion of the remainder as the other lessee shall not elect to take, and provided further, that such disposition shall be subject to the condition that the district shall have the right at any time within 10 years from date of the first of the defaults or breaches for which the contract is terminated, to become reinstated hereunder by payment to the United States of all arrearages and penalties, if any, together with any and all loss incurred by the United States by reason of such termination, and compensation to the contractor or contractors for equipment rendered idle by such reinstatement. In case of disagreement or dispute as to any of the items so to be paid the same shall be determined as provided in article 22 hereof. The waiver of a breach of any of the provisions of this contract shall not be deemed to be a waiver of any other provisions hereof, or of a subsequent breach of such provision.

DISPUTES AND DISAGREEMENTS

(22) (a) Disputes or disagreements arising under this contract between the district and any lessee or other allottee shall be arbitrated by three arbitrators, except where otherwise provided in this contract. The district shall name one arbitrator, and the other disputant shall name one. These two shall name the third. If either disputant has notified the other that arbitration is demanded and that it has named an arbitrator, and if thereafter the other disputant fails to name an arbitrator for 15 days, the Secretary, if requested by either disputant, shall name such arbitrator, who shall proceed as though named by the disputant. The two arbitrators so named shall meet within five days after appointment of the second and name the third. If they fail to do so, the Secretary will, on request by either disputant or arbitrator, name the third. A decision by any two of the three arbitrators shall be binding on the disputants and enforceable by court proceedings or by the Secretary in his discretion. Arbitration as herein provided, or the failure of the arbitrators to render a decision within six months of appointment of the third arbitrator, shall be a condition precedent to suit by either disputant against the other upon the matter in dispute.

(b) Disputes or disagreements between the United States and the district as to the interpretation or performance of the provisions of this contract shall be determined either by arbitration or court proceedings, the Secretary of the Interior being authorized to act for the United States in such proceedings. Whenever a controversy arises out of this contract, and the disputants agree to submit the matter to arbitration, the district shall name one arbitrator, and the Secretary shall name one arbitrator, and the two arbitrators thus chosen shall elect three other arbitrators, but in the event of their failure to name all or any of the three arbitrators within five days after their first meeting, such arbitrators not so elected shall be named by the senior judge of the United States Circuit Court of Appeals for the Ninth Circuit. The decision of any three of such arbitrators shall be a valid and binding award of the arbitrators.

USE OF PUBLIC AND RESERVED LANDS OF THE UNITED STATES

(23) The use is authorized of such public and reserved lands of the United States as may be necessary or convenient for the construction, operation, and maintenance of main transmission lines to transmit electrical energy generated at Boulder Canyon Dam, together with the use of such public and reserved lands of the United States as may be designated by the Secretary from time to time for camp sites, residences for employees, warehouses, and other uses incident to the operation and maintenance of the power plant and incidental works.

PRIORITY OF CLAIMS OF THE UNITED STATES

(24) Claims of the United States arising out of this contract shall have priority over all others, secured or unsecured.

TRANSFER OF INTEREST IN CONTRACT

(25) No voluntary transfer of this contract, or of the rights hereunder, shall be made without the written approval of the Secretary; and any successor or assign of the rights of the district, whether by voluntary transfer, judicial sale, foreclosure sale, or otherwise, shall be subject to all the conditions of the Boulder Canyon project act, and also subject to all the provisions and conditions of this contract to the same extent as though such successor or assign were the original contractor hereunder; provided that a mortgage or trust deed or judicial sale made thereunder shall not be deemed voluntary transfers within the meaning of this article.

RULES AND REGULATIONS

(26) This contract is subject to such rules and regulations conforming to the Boulder Canyon project act as the Secretary may from time to time promulgate; provided, however, that no right of the district hereunder shall be impaired or obligation of the district hereunder shall be extended thereby; and provided further that opportunity for hearing shall be afforded the district by the Secretary prior to promulgation thereof.

AGREEMENT SUBJECT TO COLORADO RIVER COMPACT

(27) This contract is made upon the express condition and with the express understanding that all rights hereunder shall be subject to and controlled by the Colorado River compact, being the compact or agreement signed at Santa Fe, N. Mex., November 24, 1922, pursuant to act of Congress approved August 19, 1921, entitled "An act to permit a compact or agreement between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming respecting the disposition and apportionment of the waters of the Colorado River, and for other purposes," which compact was approved in section 13 (a) of the Boulder Canyon project act.

PERFORMANCE BOND

(28) The district shall upon demand of the Secretary furnish and keep current for the use and benefit of the United States a performance bond in a penal sum equal to the annual obligation assumed by it hereunder; or in lieu thereof deposit security satisfactory to the Secretary, conditioned upon the faithful performance of this contract. In case security is deposited the Secretary may make such disposition of the same as will accomplish the purpose for which submitted.

CONTINGENT UPON APPROPRIATIONS

(29) This contract is subject to appropriations being made by Congress from year to year of moneys sufficient to do the work provided for herein and to there being sufficient moneys available in the Colorado River Dam fund to permit allotments to be made for the performance of such work. No liability shall accrue against the United States, its officers, agents, or employees by reason of sufficient moneys not being so appropriated or on account of there not being sufficient moneys in the Colorado River Dam fund to permit of said allotments. This agreement is also subject to the condition that if Congress fails to appropriate moneys for the commencement of construction work within five years from and after execution hereof, or if for any other reason construction of Boulder Canyon Dam is not commenced within said time and thereafter prosecuted to completion with reasonable diligence, then and in such event either party hereto may terminate its obligations hereunder upon one year's written notice to the other party hereto.

TITLE TO REMAIN IN UNITED STATES

(30) As provided by section 6 of the Boulder Canyon project act, the title to Boulder Canyon Dam, Reservoir, plant, and incidental works shall forever remain in the United States.

REMEDIES UNDER CONTRACT NOT EXCLUSIVE

(31) Nothing contained in this contract shall be construed as in any manner abridging, limiting, or depriving the United States of any means of enforcing any remedy either at law or in equity for the breach of any of the provisions hereof which it would otherwise have.

MEMBER OF CONGRESS CLAUSE

(32) No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom. Nothing, however, herein contained shall be construed to extend to this contract if made with a corporation for its general benefit.

In witness whereof the parties hereto have caused this contract to be executed the day and year first above written. (Executed in quadruplicate original.)

THE UNITED STATES OF AMERICA,
By ——— ———,
Secretary of the Interior.

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA,
By ——— ———,
Chairman of the Board of Directors.

Approved as to form:
W. B. MATHEWS,
General Counsel.

Attest:
S. H. FINLEY,
Secretary of the Board of Directors.

I, S. H. Finley, secretary of the board of directors of the Metropolitan Water District of Southern California, a public corporation organized under the provisions of chapter 429, Statutes of California, 1927, and now existing under the provisions of said chapter 429, as amended by chapter 796, Statutes of California, 1929, do hereby certify that at a duly called meeting of the board of directors of said district, at which a quorum of said directors was present, held at Los Angeles, Calif., on the 25th day of April, 1930, a resolution was adopted, of which the following is a full, true, and correct copy:

"Resolution No. 39

"Whereas the Secretary of the Interior of the United States of America has allocated to the Metropolitan Water District of Southern California certain hydroelectric power to be developed as the result of the construction by said United States of the Boulder Canyon Dam, under and pursuant to the provisions of the Boulder Canyon project act; and

"Whereas only the said United States can make available to said district such hydroelectric power; and

"Whereas it is necessary that said district contract with said United States for such hydroelectric power, under and pursuant to the provisions of the aforesaid Boulder Canyon project act; and

"Whereas draft of such proposed contract has been presented by the said Secretary of the Interior to the board of directors of said district at its meeting held this 25th day of April, 1930, which said draft of proposed contract has been approved by said board of directors and ordered filed: Now, therefore be it

"*Resolved*, That the Metropolitan Water District of Southern California shall enter into a contract with the United States of America, acting by and through the Secretary of the Interior, for hydroelectric power to be developed as a result of the construction by said United States of said Boulder Canyon Dam, the said contract so to be entered into by said district to conform in substance to the aforesaid draft presented by the Secretary of the Interior to the board of directors of said district and approved and filed by order of said board of directors under date of April 25, 1930; provided that said contract before execution by said district shall be approved as to form by the general counsel; and be it further

"*Resolved*, That the chairman of the board of directors be, and he hereby is authorized and directed to sign and execute said contract on behalf of said district, and that the secretary of the board of directors be, and he hereby is authorized and directed to attest the execution of said contract and to affix the corporate seal of said district thereto."

I further certify that on the 26th day of April, 1930, the above resolution was still in full force and effect, and that on the said 26th day of April, 1930, W. P. Whitsett was chairman of the board of directors and S. H. Finley was secretary of the board of directors of said district, and that the foregoing contract to which this certificate is annexed conforms in substance to the draft of such contract presented by the Secretary of the Interior to the board of directors of said district and approved and filed under date of April 25, 1930, by order of said board of directors.

In witness whereof I have hereunto set my hand and affixed the seal of this district this 26th day of April, 1930.

[SEAL.] S. H. FINLEY,
Secretary of the Board of Directors of the Metropolitan Water District of Southern California.

CONTRACT NO. 2 AND EXHIBIT A REFERRED TO IN CONTRACT NO. 1

UNITED STATES DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION.

BOULDER CANYON PROJECT

CONTRACT FOR LEASE OF POWER PRIVILEGE

(1) This contract, made this — day of April, 1930, pursuant to the act of Congress approved June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, all of which acts are commonly known and referred to as the reclamation law, and particularly pursuant to the act of Congress approved December 21, 1928 (45 Stat. 1057), designated the Boulder Canyon project act, between the United States of America, hereinafter referred to as the United States, acting for this purpose by Ray Lyman Wilbur, Secretary of the Interior, hereinafter styled the Secretary; and, severally, the city of Los Angeles, a municipal corporation, hereinafter styled the city, acting for this purpose by its board of water and power commissioners, and Southern California Edison Co. (Ltd.), a private corporation, hereinafter styled the company, both of said corporations being organized and existing under the laws of the State of California, and hereinafter styled the lessees.

Witnesseth:

EXPLANATORY RECITALS

(2) Whereas for the purpose of controlling the floods, improving navigation, and regulating the flow of the Colorado River, providing for storage and for the delivery of the stored waters for reclamation of public lands and other beneficial uses exclusively within the United States, and for the generation of electrical energy, the Secretary, subject to the terms of the Colorado River compact, is authorized to construct, operate, and maintain a dam and incidental works in the main stream of the Colorado River at Black Canyon or Boulder Canyon, adequate to create a storage reservoir of a capacity of not less than 20,000,000 acre-feet of water; also to construct, equip, operate, and maintain at or near said dam, or cause to be constructed, a complete plant and incidental structures suitable for the fullest economic development of electrical energy from the water discharged from said reservoir; and

(3) Whereas, after full consideration of the advantages of both the Black Canyon and Boulder Canyon Dam sites, the Secretary has determined upon Black Canyon as the site of the aforesaid dam, hereinafter styled the Boulder Canyon Dam, and has determined that the provision for revenues made by this contract, considering all of its provisions, including article 16, together with other contracts in accordance with the provisions of the Boulder Canyon project act, is adequate in his judgment to insure payment of all expenses of operation and maintenance of the Boulder Canyon Dam and appurtenant works incurred by the United States, and the repayment within 50 years from the date of completion of said works of all amounts advanced to the Colorado River Dam fund under subdivision (b) of section (2) of the Boulder Canyon project act, together with interest thereon made reimbursable under said act; and

(4) Whereas the lessees are desirous severally of entering into contracts of lease of units of a Government-built electrical plant with right to generate electrical energy:

(5) Now, therefore, in consideration of the mutual covenants herein contained the parties hereto agree as follows, to wit:

CONSTRUCTION BY UNITED STATES

(6) The United States will, at its own cost, construct in the main stream of the Colorado River at Black Canyon a dam, creating thereby at the date of completion a storage reservoir having a maximum water surface elevation at about 1,222 feet above sea level (U. S. Geological Survey datum) of a capacity of about 29,500,000 acre-feet. The United States will also construct in connection therewith outlet works, pressure tunnels, penstocks, power-plant building, and furnish and install generating, transforming, and high voltage switching equipment for the generation of the energy allocated to the various allottees respectively as stated in article 14 hereof.

OPERATION AND MAINTENANCE OF DAM

(7) The United States will operate and maintain the dam, reservoir, pressure tunnels, penstocks to but not inclusive of the shut-off valves at the inlets to the turbine casings, and outlet works, and will have full control of all water passing the dam for any and all purposes. The dam and reservoir will be operated and used: First, for river regulation, improvement of navigation, and flood control; second, for irrigation and domestic uses and satisfaction of present perfected rights in pursuance of article 8 of the Colorado River compact; and, third, for power.

INSTALLATION OF MACHINERY

(8) The machinery and equipment for the generation of power will be provided and installed and owned by the United States. The city and the company shall each notify the Secretary of the Interior, in writing, within two months after receipt of written notice from him that diversion of the Colorado River has been effected for the construction of Boulder Canyon Dam, as to their respective generating requirements in order that the United States may be able to determine the type and initial and maximum ultimate capacity of the generating equipment to be installed in the power plant. Generating units and other equipment to be installed by the United States shall be in sufficient number and of sufficient capacity to generate the energy allocated to and taken by the lessees and the various allottees, served by each lessee as stated in article 14 hereof, upon the load factors stated by the respective allottees with proper allowance for the combined load factors of all allottees served by each lessee. Each lessee shall give notice to the Secretary of the date at which it requires its generating equipment to be ready for operation, such notice to be given at least three years before said date. If a lesser number of generating units is initially installed, the United States will furnish and install, at a later date or from time to time on like terms, such additional units as with the original installation will generate the energy allocated. The city and the company shall each cooperate with the United States in the preparation of designs for the power plant, and in the preparation of plans and specifications for the machinery and equipment to be installed in connection therewith and required by each, respectively.

Each allottee (including lessees) shall have opportunity to be heard by the Secretary or his representatives upon the design, capacity, and cost of machinery before contracts therefor are let.

COMPENSATION FOR USE OF MACHINERY

(9) (a) Compensation for the use, for the periods of lease thereof, of machinery and equipment furnished and installed by the United States, for each lessee, respectively, for the generation of electrical energy, equal to the cost thereof, including interest charges at the rate of 4 per cent per annum, compounded annually from the date of advances to the Colorado River Dam fund for the purchase of such equipment and machinery to June 1 of the year next preceding the year when the initial installment becomes due under this article, shall be paid to the United States by the lessees, severally, in 10 equal annual installments, so as to amortize the total cost (including interest as fixed above), and interest thereafter upon such total cost at the rate of 4 per cent per annum. The first installment payable by each lessee shall be due on June 1 next following the date the machinery leased by such lessee is ready for operation and water is available therefor, as announced by

the Secretary, and the subsequent nine installments shall be paid on June 1 of each year thereafter.

(b) No charge shall be made against either lessee on account of cost of, or as compensation for the use of, machinery required to be installed in consequence of execution of a contract for electrical energy by a State pursuant to article 14 hereof, unless such machinery is to be used partially for the benefit of such lessee. In such event the charge made by the United States for compensation for the use thereof shall be adjusted between the State and such lessee as they may agree, or, if they fail to agree, then by the Secretary.

LEASE OF POWER PLANT

(10) (a) The United States hereby leases to the city for 50 years from the date at which energy is ready for delivery to the city, as announced by the Secretary, in accordance with article 11 hereof, such power plant units and corresponding plant facilities and incidental structures as may be necessary to generate the energy allocated to it and energy for those allottees for whom the city is designated the generating agency, together with the right to generate such electrical energy.

(b) The United States hereby leases to the company such power plant units and corresponding plant facilities and incidental structures as may be necessary to generate the energy allocated to it and energy for those allottees for whom the company is designated the generating agency, together with the right to generate such electrical energy, for a period beginning with the date at which the first of such power plant units is ready for operation and water is available therefor as announced by the Secretary, and ending at a time 50 years from the date at which energy is ready for delivery to the city, as provided in article 11 (a) hereof.

(c) The machinery and equipment under lease to either lessee shall be operated and maintained by such lessee without interference from or control by the other lessee, but subject nevertheless to the supervisory authority of the Secretary or his representative, under the terms of the lease.

(d) Subject to conditions hereinafter stated, the designation of generating agencies shall be as follows:

Generation of energy allocated to and used by the States of Nevada and Arizona shall be effected by the city.

Generation of energy allocated to the municipalities, including those contracting under the provisions of the last paragraph of article 14, shall be effected by the city.

Generation of energy allocated to the district shall be effected by the city.

Generation of energy allocated to the companies shall be effected by Southern California Edison Co. (Ltd.).

Nevertheless, the foregoing provisions are subject to the following conditions:

(i) Should it prove of material economic advantage to the district to have a portion of its energy generated as offpeak energy, the city, after generating energy for the district to the full extent of the generating capacity which has been installed at the request of the district, with allowance for the contemplated margin of reserve capacity, shall also generate such additional energy as may be needed by the district and as can be generated offpeak with other generating capacity leased to and being operated by the city at such times as such use does not conflict with the needs of the city and other allottees for whom the city is generating energy. The district will pay for the offpeak use of such other generating capacity together with an allowance for a fair proportion of the operation and maintenance expenses at rates to be agreed upon between the district and the city, and if they are unable to agree, to be determined by the Secretary.

Should the amount of energy which can be obtained by the district, from the generating capacity which has been installed at the request of the district and from other capacity leased to and being operated by the city, be insufficient to satisfy the requirements of the district, then the district may arrange with the company for generation of such offpeak energy as may be needed by the district at such times and not obtainable from the city, to such an extent as such generation does not conflict with the needs of the company and other allottees for whom the company is generating energy. Charge shall be made against the district for such service at the rate to be agreed upon between the district and the company, and if they are unable to agree, then at a rate to be determined in accordance with article 35 (a) hereof.

(ii) Disputes and disagreements between any allottee and the lessee generating energy for it, with respect to such generation, and/or the cost thereof, shall be determined by the Secretary unless otherwise specifically provided in this contract.

(iii) Except for offpeak power furnished the district which shall be as provided in paragraph (i) of this article, all generation shall be effected at cost as determined in accordance with article 12 hereof.

ASSUMPTION OF OPERATION OF POWER PLANT

(11) (a) Energy shall be ready for delivery to the city and to the municipalities, including those contracting under the last paragraph of article 14, when the Secretary announces that 1,250,000,000 kilowatt-hours of energy per year is ready for delivery.

(b) Energy shall be ready for delivery to the district when the Secretary announces that 2,000,000,000 kilowatt-hours of energy per year is available, which date, however, shall not be sooner than one year after energy is ready for delivery to the city; provided, however, that the time when energy is ready for delivery to the district may be advanced, subject to the approval of the Secretary, should the district so request, and that in such case the city shall be compensated by the district for interest and depreciation on and maintenance and operation of its main transmission line in case the total energy available to the city is reduced below 1,250,000,000 kilowatt-hours per annum, in the proportion that such kilowatt-hours available to the city is less than 1,250,000,000.

(c) Energy shall be ready for delivery to the company when the Secretary announces that water capable of generating 4,240,000,000 kilowatt-hours of energy per year is available, which date, however, shall not be sooner than three years after commencement of delivery of energy to the city and which shall not be until the water surface in Boulder Canyon reservoir on August 1 immediately preceding has reached an elevation of 1,150 feet above sea level (U. S. Geological Survey datum); provided, however, that the Secretary may require the company to assume its obligations to take and/or pay for Boulder Canyon energy in accordance with the provisions of this contract on the first day of the calendar month next following the date when the company's system maximum demand in kilowatts is equal to or greater than it was at any time during the 12-month period immediately preceding the date when the city commences to obtain energy from Boulder Canyon power plant. "Maximum demand," as used in the sentence next preceding, shall be defined as the average of the five largest half-hourly peaks during any single month, after deducting therefrom the amount of kilowatts the company may be temporarily carrying for any purpose other than supplying its own normal load.

(d) Upon written notification from the Secretary that generating equipment is ready for operation by it as provided in subparagraphs (a), (b), and (c), respectively, of this article, and water is available for generating energy therefrom, each lessee shall assume the operation and maintenance of its respective portion of the power plant, and thereafter such lessee, severally, shall save the United States, its officers, agents, and employees harmless as to injury and damage to persons and property which may in any manner arise out of the operation and maintenance of the portion of such plant leased to it.

OPERATION AND MAINTENANCE OF POWER PLANT

(12) The respective portions of the power plant and appurtenant structures shall be operated and maintained by the city and the company, severally, under the supervision of a director appointed by the Secretary. The city and the company shall each be responsible for the operation and maintenance of that part of the power plant operated by it and shall bear the cost thereof as provided in article 16. The United States, in accordance with article 10 hereof, will pay each lessee in the form of credits upon the account of such lessee for amounts due the United States under this contract, the cost incurred by it in generating energy for other allottees for whom it is the designated generating agency, and will require such other allottees to repay such cost to the United States. Except as provided in article 10–d–1 hereof as to offpeak power, the term "cost," as used with reference to generating energy for other allottees, shall include a proper proportionate allowance for amortization of the amounts for which the respective lessees are obligated to the United States on account of use of machinery and equipment as provided in paragraph (a) of article 9 hereof and interest on the respective lessees' prepayments thereof; a proper proportionate part of any annuity set up in accordance with regulations of the Secretary provided for in subdivision 3 of article 16 hereof, and any additional expenditures made by the respective lessees with the approval of the Secretary, for the purpose of meeting the obligation of the lessees to make replacements; and a proper proportionate part of the actual outlay of the lessees for operating such machinery and equipment and keeping the same in repair, including reasonable overhead charges. The extent of the allowance for the several items and the system of accounting therefor shall be prescribed by the Secretary under uniform regulations to be promulgated by him in accordance with the Boulder Canyon project act. The United States will compensate each lessee for the generation by it of any secondary energy not taken by the district or the lessees but disposed of by the United States, such compensation to cover the pro rata cost thereof as defined in this article (in proportion to the total kilowatt-hours generated in that month by each lessee), during the time said secondary energy was generated. Such secondary energy will be disposed of by the United States subject only to the prior right thereto of the district and/or the lessees.

The director, among other powers, shall have authority to enforce rules and regulations promulgated by the Secretary in accordance with the Boulder Canyon project act respecting operation and maintenance of the power plant and appurtenant works and structures pursuant to article 33 hereof.

Prior to the promulgation of any regulations or the change or modification of regulations the Secretary shall give any lessee and any allottee affected thereby an opportunity to be heard.

KEEPING LEASED PROPERTY IN REPAIR

(13) Except in case of emergency no substantial change in any leased property shall be made by either lessee without first having had and obtained the written consent of the director or Secretary, and the Secretary's opinion as to whether any change in any leased property is or is not substantial shall be conclusive and binding upon the parties hereto.

The lessees, severally, shall promptly make any and all repairs to and replacements of leased property (except those occasioned by act of God) in the control of each, respectively, which, in the opinion of the Secretary, are deemed necessary for the proper operation and maintenance of leased property. In case of neglect or failure of either lessee to make such repairs, the United States may, at its option, cause such repairs to be made and charge the actual cost thereof, plus 15 per cent to cover overhead and general expense, to the lessee having control of such property which amount, together with interest at the rate of 4 per cent per annum from the date of the expenditure to the date of payment will be paid to the United States by the lessee responsible for such repairs. The cost to the United States, with overhead and interest as stated above, of making any of the repairs contemplated by this contract, shall be repaid by the lessee having control of the property so repaired, on June 1 immediately succeeding the date of completion of such repairs.

ALLOCATION OF ENERGY

(14) The Secretary reserves and as against the lessees may exercise the power in accordance with the provisions of this contract to contract with the other allottees named in this article for the furnishing of energy to such allottees at transmission voltage in accordance with the allocation to each such allottee and the Secretary is authorized by each lessee to enforce as against it the rights acquired by such other allottees under such contracts. Each lessee severally in accordance with the agency designations made in paragraph (d) of article 10, covenants to generate and furnish energy, at transmission voltage, needed to meet the following requirements of the allottees (other than lessees), named below, the allocations of firm energy being made in percentages of the total firm energy as defined in article 15 hereof, to be delivered to such allottees at said Boulder Dam power plant.

Of firm energy

(A) To the State of Nevada, for use in Nevada not exceeding 18 per cent of said total firm energy.

(B) To the State of Arizona, for use in Arizona not exceeding 18 per cent of said total firm energy.

Should either of the States not take its full 18 per cent allocation within a period of 20 years hereof, the other may then contract for the energy not so taken up to 4 per cent of the total firm energy, provided that the combined amount used by the two States shall not, at any time, exceed 36 per cent of such total firm energy.

(C) To the Metropolitan Water District of Southern California so much energy as may be needed and used for pumping Colorado River water into and in its aqueduct for the use of such district within the following limits:

(1) Not exceeding 36 per cent of said total firm energy, plus

(2) All secondary energy developed at the Boulder Dam power plant as provided in article 17 hereof; plus

(3) So much of the firm energy allocated to the States, the city, and the company as may not be in use by them. Energy allocated to the States but not in use by them, shall be released to the district by the two lessees equally (unless they agree upon a different ratio) as follows:

(a) If the district makes a firm contract with the Secretary for the balance of the lease period for part or all of such unused States energy (subject to the first right of the States thereto) such contract shall be made effective upon two years' written notice to the Secretary, and compensation to the lessees, respectively, for main transmission line property rendered idle;

(b) If the district does not so make a firm contract for such energy, then energy allocated to the States but not in use by them, shall be released to the district upon not less than 15 months' written notice to the Secretary and at such compensation as the district and such lessees, respectively, may agree upon, to cover cost and overhead of replacing energy which otherwise would have been received at the Pacific coast end of the main transmission lines by the lessees, respectively. Such cost shall include interest on and depreciation and operation and maintenance of the plant capacity while required for the generation of such substitute energy; and also appropriate allowance for interest on and maintenance and depreciation of plant capacity rendered idle because of cessation of generation of such substitute energy until such time as such plant capacity would otherwise have been installed by the lessees, respectively, for their own requirements. If the district and the respective lessees fail to agree on such compensation, such energy shall nevertheless be released to the district, and the disagreement shall be determined in accordance with article 35 (a) hereof. Such determination shall include allowance for items of cost, and overhead as specified in this paragraph. Pending such determination, energy so released shall be paid for by the district at the rate for firm energy but the determination of compensation under article 35 (a) hereof shall not be controlled by such rate.

During any year beginning June 1, the district shall not use any secondary energy nor any unused State energy, until it has first used subsequent to June 1, next preceding, an amount of firm energy equivalent to one-twelfth of the amount of firm energy it is obligated to take and/or pay for annually multiplied by the number of months elapsed since June 1 next preceding.

(4) If, due to temporary deficiency in secondary energy regularly used by the district, substitute energy is requested by the district in excess of the energy made available under the foregoing subparagraph (3) (b) the city and/or the company may release so much energy as may be practicable on the same terms as provided in subsection (3) (b) preceding.

(D) To the municipalities of Anaheim, Beverly Hills, Burbank, Colton, Fullerton, Glendale, Newport Beach, Pasadena, Riverside, San Bernardino, and Santa Ana (referred to herein as "the municipalities"), 6 per cent in all, to be allocated between them as they may agree; but if no agreement is submitted to the Secretary on or before April 15, 1931, the Secretary shall determine the allocation of each.

(E) To the city of Los Angeles, 13 per cent.

(F) To Southern California Edison Co. (Ltd.), the Southern Sierras Power Co., the San Diego Consolidated Gas & Electric Co., and the Los Angeles Gas & Electric Corporation, referred to herein as the companies, 9 per cent in all, division whereof between the companies shall be made according to mutual agreement among them, if possible. If no such agreement is submitted to the Secretary on or before April 15, 1931, the Secretary shall determine the allocation of each.

The foregoing allocations are subject to the following conditions:

(i) So much of the energy allocated to the States (36 per cent of the firm energy) and not in use by them, or failing their use, by the district for the above purposes, shall be taken and paid for one-half by the city and one-half by the company.

(ii) All of the energy allocated to the municipalities may be contracted for in compliance with regulations of the Secretary, by any one or more of them, as they may agree, on or before April 15, 1931. So much of the energy allocated to the municipalities as is not so contracted for, or if contracted for, not used by them directly or under contract for municipal purposes and/or distribution to their inhabitants shall be taken and paid for by the city.

(iii) So much of the energy allocated to the Southern Sierras Power Co., the San Diego Consolidated Gas & Electric Co., and the Los Angeles Gas & Electric Corporation as is not firmly contracted for by them, severally, in compliance with regulations of the Secretary on or before April 15, 1931, shall be taken and paid for by the company.

(iv) If any allottee is permitted by the United States to divert water from the reservoir at a time when the reservoir is not spilling, in consequence of which the amount of energy which would have been utilized is diminished, such diminution shall be debited to the allocation of firm energy herein made to such allottee, and charge for the energy equivalent of such diversion shall be made, and the amount of energy which the allottee shall otherwise be obligated to take and pay for hereunder shall be correspondingly reduced.

The reservoir shall be considered as spilling whenever water is being discharged in excess of the amount used for the generation of power, whether such waste occurs over the spillway or otherwise.

(v) Each of the States of Arizona and Nevada may, from time to time within the period of this lease, contract for energy for use within such State in any amount until the total allocated respectively to each is in use as provided above; and may terminate such contract, or contracts, without prejudice to the right to again contract for such energy. All such contracts shall be executed with the Secretary. A contract requiring 1,000 horsepower (of maximum demand) or less may become effective or be terminated on 6 months' written notice of requirement or termination given the director by the State; provided, that the notice given shall be 2 years if in the 12 months preceding said notice of demand the total increment to such State has exceeded 5,000 horsepower of maximum demand, or if in the 12 months preceding said notice of termination the decrement to such State has exceeded 5,000 horsepower of maximum demand. In all cases the director shall immediately transmit such notice to each lessee. Whenever the amount in use is in excess of 5,000 horsepower of maximum demand, the lessees respectively shall be compensated for property rendered idle by use of such excess in such amount as the Secretary shall determine to be equitable. Firm energy not contracted for by the States shall be available for use by the district as herein elsewhere provided, and if not in use by the States and/or the district, shall be taken and paid for equally by the two lessees. No right which may be available to a State under section 5 (c) of the Boulder Canyon project act, to execute a firm contract for electrical energy for use within the State shall be impaired by any provision of this lease; but if contract thereunder be executed with the Secretary no provision of this lease shall apply for the benefit of such State. If in consequence of execution of such contract the Secretary requires the allocation to either lessee or to an allottee using such lessee's main transmission lines to be diminished, such lessee may ter-

minate its rights and obligations hereunder within two months thereafter on written notice to the Secretary; provided further, that the combined allocation of 19 per cent as herein made to the city and the municipalities shall not be reduced because of any such firm contract with a State for energy.

Of secondary energy

The district shall have the right to purchase and use all secondary energy as provided in article 15 and article 17 hereof for the purposes stated in the first paragraph of subdivision (c) of this article. The city and the company shall each have the right to purchase and use one-half of all secondary energy not used by the district. Any such energy not used by one lessee shall be available, for the time being, to the other. If secondary energy is not taken by the city, the district, and/or the company, then and in such event, the United States reserves the right to take, use, and dispose of such energy, from time to time, as it sees fit, giving credit therefor as provided in article 12 hereof.

Of firm energy allocated to but not used by the district

In the event the district shall fail for any reason to use all or any of the firm energy herein allotted to it for the only purpose for which said firm energy is allotted to it—that is, for pumping water into and in its aqueduct—then no disposition shall be made of such firm energy by the Secretary without first giving to a successor to the district which may undertake to build or maintain a Colorado River aqueduct the opportunity to take said firm energy for the same purpose and under the same terms as those to which the district was obligated.

In the event no such successor takes said firm energy as provided above, then no disposition of such firm energy shall be made by the Secretary without first giving to each lessee the opportunity to contract on equal terms and conditions, to be prescribed by the Secretary, for one-half of such energy, together with such portion of the remainder as the other lessee shall not elect to take.

Of firm energy not disposed of under the foregoing allocations

The United States reserves the right, in case the dam which it erects provides a maximum water surface elevation in excess of 1,222 feet above sea level (U. S. Geological Survey datum), and thereby increases the quantity of firm energy above the quantity of 4,240,000,000 kilowatt-hours allocated above, to dispose of such increase, but not to exceed 90,000,000 kilowatt-hours per year (June 1 to May 31, inclusive) to any municipality or municipalities by firm contract executed with the Secretary on or before April 15, 1931. Such disposition shall be without prejudice to any provision of this lease or of the allocation above referred to. So much of such additional energy as is not so contracted for shall be taken and paid for by the city. Generation of such additional energy shall in any event be effected by the city.

FIRM AND SECONDARY ENERGY DEFINED

(15) The amount of firm energy for the first year of operation (June 1 to May 31, inclusive) following the date of the completion of the dam as announced by the Secretary shall be defined as being 4,240,000,000 kilowatt-hours at transmission voltage. For every subsequent year the amount defined as firm energy shall be decreased by 8,760,000 kilowatt-hours from that of the previous year.

Nevertheless, if it be determined by the Secretary that the rate of decrease of kilowatt-hours per year as above stated is not in accord with actual conditions, the Secretary reserves the right to fix a lesser rate for any year (June 1 to May 31, inclusive) in advance.

If by reason of international obligations arising through treaty or otherwise subsequent to the effective date of this contract, or by reason of interference with the program of construction and/or operation of the dam as provided for and contemplated by this contract, or by reason of other contingencies not now foreseen, the amount of firm energy available through the release of water from the Boulder Canyon Reservoir shall in fact be less than the amount of firm energy as above defined, then in any such event the obligation of the lessee to take and/or generate shall be reduced in an amount corresponding to such change. If for any reason the United States shall be wholly unable to fulfill its obligations hereunder in respect to the delivery of water, then the lessees, or either of them, may terminate this contract in so far as it affects such lessees or lessee.

If the dam erected by the United States provides a maximum water surface elevation in excess of 1,222 feet above sea level (U. S. Geological Survey datum), the United States reserves the right to dispose of additional firm energy thereby made available, not to exceed 90,000,000 kilowatt-hours per year, subject to pro rata of the 8,760,000 kilowatt-hours annual diminution above provided for.

The term "secondary energy" wherever used herein shall mean all electrical energy generated in one year (June 1 to May 31, inclusive) in excess of the amount of firm energy as hereinabove defined, available in such year.

The right of the district and/or lessee to take and pay for energy at the rate for secondary energy after discharge of such party's obligation to the United States to pay for energy at the rate for firm energy, shall not be impaired by reason of the fact that another allottee has not discharged its obligation to pay for energy at the rate for firm energy.

SCHEDULE OF RATES

(16) In consideration of this lease, the lessees severally agree:

(1) To pay the United States for the use of falling water for the generation of energy for their own use, respectively, by the equipment leased hereunder (except as otherwise provided in article 17 hereof), as follows:

(a) One and sixty-three one-hundredths mills per kilowatt-hour (delivered at transmission voltage) for firm energy;

(b) One-half mill per kilowatt-hour (delivered at transmission voltage) for secondary energy;

(2) To compensate the United States for the use of the said leased equipment as herein elsewhere provided; and

(3) To maintain said equipment in first-class operating condition, including repairs to and replacements of machinery; provided, however, that if the expenditures for replacement shall exceed at any time the sum accumulated by the lessees as a depreciation reserve in accordance with rules and regulations prescribed by the Secretary, pursuant to the Boulder Canyon project act, less all amounts previously withdrawn for replacements, then the rates aforesaid shall be readjusted as hereinafter provided so as to reimburse the said lessees severally for such excess expenditures within the term of this lease.

At the end of 15 years from the date of execution of this contract and every 10 years thereafter, the above rates of payment for firm and secondary energy shall be readjusted upon demand of any party hereto, either upward or downward as to price, as the Secretary may find to be justified by competitive conditions at distributing points or competitive centers.

The rate for falling water for generation of firm energy which shall be uniform for both lessees provided for by any such readjustment shall be arrived at by deducting from the price of electrical energy justified by competitive conditions at distributing points or competitive centers, (1) all fixed and operating costs as provided for in this contract of transmission to such points; (2) all fixed and operating costs of such portion of the power plant machinery as is to be operated and maintained by the several lessees, including the cost of repairs and replacements, together with such readjustment as to replacements as is provided for in paragraph 3 in this article; it being understood that such readjusted rates shall under no circumstances exceed the value of said energy, based upon competitive conditions at distributing points or competitive centers.

In arriving at the respective rates for "firm energy" and "secondary energy," as fixed herein, recognition has been given to the fact that "secondary energy" can not be relied upon as being at all times available, but is subject to diminution or temporary exhaustion; whereas "firm energy" is the amount of energy agreed upon as being available continuously as required during each year of the contract period. In the readjustment of the rate for "secondary energy," account shall be taken of the foregoing factors.

If the lessees severally or either of them shall not obtain a renewal of this contract at the expiration of the contract period, as provided in article 26 hereof, equitable adjustment for major replacements of machinery made between the date of the last readjustment of rates, as provided for herein, and the end of the contract period shall be made at the expiration of the contract.

MINIMUM ANNUAL PAYMENT

(17) The total payments made by each lessee for firm energy available in any year—June 1 to May 31, inclusive—whether any energy is generated or not, exclusive of its payments for use of machinery, shall be not less than the number of kilowatt-hours of firm energy available to said lessee and which said lessee is obligated to take and/or pay for during said year, multiplied by $0.00163, or multiplied by the adjusted rate of payment for firm energy in case the said rate is adjusted, as provided in article 16 hereof, less credits on account of charges to other allottees, as provided for and referred to in article 12 hereof. For a fractional year at the beginning or end of the contract period, the minimum annual payment for firm energy shall be proportionately adjusted in the ratio that the number of days water is available for generation of energy in such fractional year bears to 365; provided, however, that in order to afford a reasonable time for the respective lessees to absorb the energy contracted for, the minimum annual payments by each for the first three years after energy is ready for delivery to such lessees, respectively, as announced by the Secretary, shall be as follows, in percentages of the ultimate annual obligation, to take and/or pay for the firm energy:

	Per cent
First year	55
Second year	70
Third year	85
Fourth year and all subsequent years	100

During said absorption period, if the quantity of energy taken in any one year—June 1 to May 31, inclusive—is in excess of the above percentages of the ultimate obligation during such year to take and/or pay for firm energy, such excess shall be paid for at the rate for secondary

energy; provided further, that the minimum annual payment shall be reduced in case of interruptions or curtailment of delivery of water, as provided in article 21 hereof.

MONTHLY PAYMENTS AND PENALTIES

(18) The lessees, severally, shall pay monthly for energy in accordance with the rates established or provided for herein. When energy taken in any month is not in excess of one-twelfth of the minimum annual obligation, bill for such month shall be computed at the rate for firm energy in effect when such energy was taken on the basis of the actual amount of energy used during such month. All energy used during any month in excess of one-twelfth of the minimum annual obligation shall be paid for at the rate for secondary energy in effect when such energy was taken; provided, however, that the secondary rate shall not apply to any energy taken during any month unless and until an amount of energy equivalent to one-twelfth of the minimum annual obligation has been taken for all months beginning with the month of June immediately preceding; provided, however, that the bill for the month of May shall not be less than the difference between the minimum annual payment, as provided in article 17 hereof, and the sum of the amounts charged for firm energy during the preceding 11 months. The United States will submit bills to the lessees by the 5th of each month immediately following the month during which the energy is generated, and payments shall be due on the first day of the month immediately succeeding. If such charges (less credit allowances due lessees) are not paid when due, a penalty of 1 per cent of the amount unpaid shall be added thereto, and thereafter an additional penalty of 1 per cent of the amount unpaid shall be added on the 1st day of each calendar month thereafter during such delinquency.

NO ENERGY TO BE DELIVERED WITHOUT PAYMENT

(19) After notice by the Secretary to the lessees no electrical energy shall be generated for, or delivered to, any lessee who shall be in arrears for more than 12 months in the payment of any charge and/or penalty due or to become due the United States hereunder. Each lessee shall, upon receipt of written notice from the Secretary that any allottee is in arrears in the payment of any such charge and/or penalty immediately discontinue the generation for or delivery of energy to such allottee until receipt of further notice from said Secretary.

CONTRACT MAY BE TERMINATED IN CASE OF BREACH

(20) In case of the breach by a lessee of the terms and conditions of this agreement to the extent that another allottee is deprived of all or any part of the electrical energy to which it is entitled under the allocation set forth in article 14 hereof, the generation of which is to be effected by such lessee, or in case either lessee shall be in arrears for more than 12 months in the payment of any charge and/or penalty due or to become due the United States hereunder, the Secretary reserves the right to immediately enter, take possession of, and operate and maintain at the cost of such lessee, with proper deduction for charges as provided in this contract, due from the party or parties to whom such energy is delivered, so much property leased to such lessee, as may be necessary to deliver energy to such allottee, and thereafter upon two years' written notice to such lessee, to terminate this contract as to such lessee; and upon such termination hereof all leased property shall be returned and delivered up to the United States in as good condition as when received, reasonable wear and damage by the elements excepted, provided, however, that in event of such termination, a lessee shall have the right at any time within 10 years from date of first default or breach for which such termination is demanded to become reinstated hereunder by removing all causes which resulted in termination hereof including payment of penalties, if any, and payment to the United States also of any and all loss incurred by it by reason of such termination. The waiver of a breach of any of the provisions of this contract shall not be deemed to be a waiver of any other provision hereof, or of a subsequent breach of such provision.

INTERRUPTIONS IN DELIVERY OF WATER

(21) The United States will deliver water continuously to each lessee in the quantity, in the manner, and at the times necessary for the generation of the energy which each of said lessees has the right and/or obligation to generate under this contract in accordance with the load requirements of each of said lessees and of allottees for which the respective lessees are generating agencies, excepting only that such delivery shall be regulated so as not to interfere with the necessary use of said Boulder Canyon Dam and Reservoir for river regulation, improvement of navigation, flood control, irrigation, or domestic uses, and the satisfaction of present perfected rights in or to the waters of the Colorado River, or its tributaries, in pursuance of article 8 of the Colorado River compact, and this contract is made upon the express condition, and with the express covenant, that the several rights of the lessees to the waters of the Colorado River, or its tributaries, are subject to, and controlled by, the Colorado River compact. The United States reserves the right temporarily to discontinue or reduce the delivery of water for the generation of energy at any time for the purposes of maintenance, repairs, and/or replacements, or installation of equipment, and for investigations and inspections necessary thereto; provided, however, that the United States shall, except in case of emergency, give to the lessees reasonable notice in advance of such temporary discontinuance or reduction, and that the United States shall make such inspections and perform such maintenance and repair work after consultation with the lessees at such times and in such manner as will cause the least inconvenience to the lessees, and shall prosecute such work with diligence, and, without unnecessary delay, will resume delivery of water so discontinued or reduced. Should the delivery of water be discontinued or reduced below the amount required, severally, for the normal generation of firm energy for the payment of which said lessee has hereby obligated itself, the total number of hours of such discontinuance or reduction in any year shall be determined by taking the sum of the number of hours during which the delivery of water is totally discontinued, and the product of the number of hours during which the delivery of water is partially reduced and the percentage of said partial reduction below the actual quantity of water required by the lessees, severally, for the normal generation of firm energy. Total or partial reductions in delivery of water which do not reduce the power output below the amount required at the time by such lessee for the normal generation of firm energy will not be considered in determining the total hours of discontinuance in any year. The minimum annual payment specified in article 17 hereof shall be reduced by the ratio that the total number of hours of such discontinuance bears to 8,760. In no event shall any liability accrue against the United States, its officers, agents, and/or employees, for any damage, direct or indirect, arising on account of drought, hostile diversion, act of God, or of the public enemy, or other similar cause; nevertheless interruptions in delivery of water occasioned by such causes shall be governed as hereinabove provided in this article.

MEASUREMENT OF ENERGY

(22) All energy shall be measured at generator voltage, and suitable metering equipment shall be provided and installed by the United States for this purpose. Suitable correction shall be made in the amounts of energy as measured at generator voltage to cover step-up transformer losses and energy required for operation of station auxiliaries in determining the amounts of energy delivered at transmission voltage, as provided in this contract. The said meter equipment shall be maintained by and at the expense of the respective lessees. Meters shall be tested at any reasonable time upon the request of either the United States or a lessee, and in any event they shall be tested at least once each year. If the test discloses that the error of any meter exceeds 1 per cent, such meter shall be adjusted so that the error does not exceed one-half of 1 per cent. Meter equipment shall be tested by means of suitable testing equipment, which will be provided by the United States and which shall be calibrated by the United States Bureau of Standards as often as requested by any party hereto. Meters shall be kept sealed, and the seals shall be broken only in the presence of representatives of both the United States and the lessees, respectively, and likewise all test of meter equipment shall be conducted only when representatives of both the United States and the respective lessees are present.

RECORD OF ELECTRICAL ENERGY GENERATED

(23) Each lessee shall make full and complete written monthly reports as directed by the Secretary, on forms to be supplied by the United States, of all electrical energy generated by it and the disposition thereof to allottees. Such reports shall be made and delivered to the director on the third day of the month immediately succeeding the month in which the electrical energy is generated, and the records and data from which such reports are made shall be accessible to the United States on demand of the Secretary.

INSPECTION BY THE UNITED STATES

(24) The Secretary or his representatives shall at all times have the right of ingress to and egress from all works of the lessees for the purpose of inspection, repairs, and maintenance of works of the United States, and for all other proper purposes. The Secretary or his representatives shall also have free access at all reasonable times to the books and records of the lessees relating to the generation, transmission, and disposal of electrical energy hereunder, with the right at any time during office hours to make copies of or from the same.

TRANSMISSION

(25) (a) The city shall operate and maintain at cost, including allowance for necessary overhead expense, the lines required for transmitting all Boulder Canyon power from the power plant to the pumping plants of the district, allocated to and used by the district for pumping water into and in its aqueduct: Provided, That in the event it should prove materially to the advantage of the district, at any time during the 50-year period of this several lease, the district may operate and maintain such transmission lines itself: And provided further, That in the event of disagreement or dispute between the district and the city as to such matter, such disagreement shall be determined as provided in article 35 (a) hereof; and if by such determination energy allocated to and used by the district is to be transmitted by the district instead of the city, the Secretary will cause delivery of energy at transmission voltage to be made accordingly.

(b) The city of Los Angeles shall transmit over its main transmission line constructed for carrying Boulder Canyon power all such power

allocated to and used by each of the municipalities severally and be compensated therefor on the basis of a reasonable share of the cost of construction, operation, and maintenance of such line, subject to the understanding that if on further investigation before April 15, 1932, it shall prove to be materially more economical for any municipality to make a different arrangement respecting transmission of its power, it may do so, provided that the arrangement so made shall not reduce the quantity of energy transmitted by the city below 19 per cent of the firm energy generated, and subject to the further understanding that in case of any disagreement over the question of cost of transmission of Boulder Canyon power, such disagreement shall be determined in accordance with article 35 (a) hereof.

(c) The company shall transmit over its main transmission lines, constructed for carrying Boulder Canyon power, such power allocated to and used by the Southern Sierras Power Co., the San Diego Consolidated Gas & Electric Co., and the Los Angeles Gas & Electric Corporation as they may desire to have transmitted over such lines, and the company shall be compensated therefor as may be mutually agreed upon between the company and the agency whose power is transmitted over the company's lines. In case of any disagreement over the question of cost of transmission of Boulder Canyon power, such disagreement shall be determined in accordance with article 35 (a) hereof.

DURATION OF CONTRACT

(26) This contract shall become effective as soon as the first act of Congress appropriating funds for commencement of construction of Boulder Canyon Dam has become law, and as to each lessee shall remain in effect until the expiration of a period of 50 years from the date at which energy is ready for delivery to the city, as announced by the Secretary. The holder of any contract for electrical energy, including the lessees severally, not in default thereunder, shall be entitled to a renewal thereof upon such terms and conditions as may be authorized or required under the then existing laws and regulations, unless the property of such holder dependent for its usefulness on a continuation of the contract be purchased or acquired and such contractor be compensated for damages to its property used and useful in the transmission and distribution of such electrical energy and not taken resulting from the termination of the supply.

TITLE TO REMAIN IN UNITED STATES

(27) As provided by section 6 of the Boulder Canyon project act, the title to Boulder Canyon Dam, reservoir, plant, and incidental works shall forever remain in the United States.

ELECTRICAL ENERGY RESERVED FOR UNITED STATES

(28) Each lessee by means of machinery leased hereunder shall furnish to the United States such electrical energy as may be desired at a maximum demand not to exceed 5,000 kilowatts for construction and/or operation and maintenance purposes, and for diversion of water for irrigation and domestic uses, but not for resale to other than officers and employees and construction contractors of the United States, and to other persons in construction or operating camps constructed and/or maintained by the United States. Such power shall be delivered to the United States at the power plant, and shall be measured at the point of delivery by meters furnished and installed by the United States. The United States will pay each lessee for such power, through credit on monthly bills, at cost as provided in article 12 hereof.

USE OF PUBLIC AND RESERVED LANDS OF THE UNITED STATES

(29) The use is authorized of such public and reserved lands of the United States as may be necessary or convenient for the construction, operation, and maintenance of main transmission lines, to transmit electrical energy generated at Boulder Canyon Dam, together with the use of such public and reserved lands of the United States as may be designated by the Secretary, from time to time, for camp sites, residences for employees, warehouses, and other uses incident to the operation and maintenance of the power plant and incidental works.

PRIORITY OF CLAIMS OF THE UNITED STATES

(30) Claims of the United States arising out of this contract shall have priority over all others, secured or unsecured.

OTHER CONTRACTS

(31) Execution of this contract by the city and performance of its obligations and assumptions of its rights hereunder shall not be deemed in violation of any provision of any contract between the city and company heretofore executed.

TRANSFER OF INTEREST IN CONTRACT

(32) No voluntary transfer of this contract or of the rights hereunder shall be made without the written approval of the Secretary, and any successor or assign of the rights of either lessee, whether by voluntary transfer, judicial sale, foreclosure sale, or otherwise, shall be subject to all the conditions of the Boulder Canyon project act and also subject to all the provisions and conditions of this contract to the same extent as though such successor or assign were the original lessee hereunder; provided that a mortgage or trust deed or judicial sales made thereunder shall not be deemed voluntary transfers within the meaning of this article.

RULES AND REGULATIONS

(33) This contract is subject to such rules and regulations conforming to the Boulder Canyon project act as the Secretary may from time to time promulgate; provided, however, that no right of either lessee hereunder shall be impaired or obligation of either lessee hereunder shall be extended thereby; and provided further that opportunity for hearing shall be afforded each lessee by the Secretary prior to promulgation thereof.

AGREEMENT SUBJECT TO COLORADO RIVER COMPACT

(34) This contract is made upon the express condition and with the express understanding that all rights hereunder shall be subject to and controlled by the Colorado River compact, being the compact or agreement signed at Santa Fe, N. Mex., November 24, 1922, pursuant to act of Congress approved August 19, 1921, entitled "An act to permit a compact or agreement between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming respecting the disposition and apportionment of the waters of the Colorado River, and for other purposes," which compact was approved in section 13 (a) of the Boulder Canyon project act.

DISPUTES AND DISAGREEMENTS

(35) (a) Disputes or disagreements arising under this contract between the lessees or between a lessee and another allottee shall be arbitrated by three arbitrators, but only in case where it is not provided herein that the determination shall be made by the Secretary. Each disputant shall name one arbitrator and these two shall name the third. If either disputant has notified the other that arbitration is demanded and that it has named an arbitrator, and if thereafter the other disputant fails to name an arbitrator for 15 days, the Secretary, if requested by either disputant, shall name such arbitrator, who shall proceed as though named by the disputant. The two arbitrators so named shall meet within five days after appointment of the second and name the third. If they fail to do so, the Secretary will, on request by either disputant or arbitrator, name the third. A decision by any two of the three arbitrators shall be binding on the disputants and enforceable by court proceedings or by the Secretary in his discretion. Arbitration as herein provided, or the failure of the arbitrators to render a decision within six months of appointment of the third arbitrator, shall be a condition precedent to suit by either disputant against the other upon the matter in dispute.

(b) Disputes or disagreements between the United States and a lessee or lessees as to the interpretation or performance of the provisions of this contract shall be determined either by arbitration or court proceedings, the Secretary of the Interior being authorized to act for the United States in such proceedings. Whenever a controversy arises out of this contract and the disputants agree to submit the matter to arbitration, the lessees, if the matter in dispute affects the rights of both lessees or if the matter in dispute affects the rights of only one lessee, then such lessee shall name one arbitrator and the Secretary shall name one arbitrator, and the two arbitrators thus chosen shall elect three other arbitrators, but in the event of their failure to name all or any of the three arbitrators within five days after their first meeting, such arbitrators not so elected shall be named by the senior judge of the United States Circuit Court of Appeals for the Ninth Circuit. The decision of any three of such arbitrators shall be a valid and binding award of the arbitrators.

CONTINGENT UPON APPROPRIATIONS

(36) This contract is subject to appropriations being made by Congress from year to year of moneys sufficient to do the work provided for herein and to there being sufficient moneys available in the Colorado River Dam fund to permit allotments to be made for the performance of such work. No liability shall accrue against the United States, its officers, agents, or employees, by reason of sufficient moneys not being so appropriated nor on account of there not being sufficient moneys in the Colorado River Dam fund to permit of said allotments. This agreement is also subject to the condition that if Congress fails to appropriate moneys for the commencement of construction work within five years from and after execution hereof, or if for any other reason construction of Boulder Canyon Dam is not commenced within said time and thereafter prosecuted to completion with reasonable diligence, then and in such event any party hereto may terminate its obligations hereunder upon one year's written notice to the other parties hereto.

MODIFICATIONS

(37) Any modification, extension, or waiver by the Secretary of any of the terms, provisions, or requirements of this contract for the benefit of any one or more of the allottees (including the lessees) shall not be denied to any other.

MEMBER OF CONGRESS CLAUSE

(38) No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom. Nothing, however, herein contained shall be construed to extend to this contract if made with a corporation for its general benefit.

In witness whereof the parties hereto have caused this contract to be executed the day and year first above written.

THE UNITED STATES OF AMERICA,
By ——— ———,
Secretary of the Interior.
THE CITY OF LOS ANGELES, ACTING BY AND THROUGH
ITS BOARD OF WATER AND POWER COMMISSIONERS,
By JOHN R. HAYNES, *President.*
Attest:
JAS. P. VROMAN, *Secretary.*
SOUTHERN CALIFORNIA EDISON CO. (LTD.),
By JOHN B. MILLER, *Chairman.*
Attest:
CLIFTON PETERS, *Secretary.*

RESTRICTION OF IMMIGRATION

Mr. McNARY obtained the floor.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from New York?

Mr. McNARY. I yield.

Mr. COPELAND. As in legislative session, I desire to enter a motion to reconsider the motion by which the immigration bill, being Senate bill 51, was recommitted to the Committee on Immigration. Having voted to recommit the bill, I am in a position to make the motion.

The VICE PRESIDENT. The motion will be entered.

THE ADVANCE OF MONOPOLY

Mr. SHEPPARD. Mr. President, I ask unanimous consent to have printed in the RECORD an address on The Advance of Monopoly, delivered by Hon. J. H. (Cyclone) Davis at Marshall, Tex., on March 27, 1930.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Ladies and gentlemen, I am glad to be with you, but I am not glad of the baleful condition of our country that brought me here.

For 40 years I have stood on the watchtower and warned the people of the impending calamity that now confronts us. Thirty-two years ago in a speech in Omaha, Nebr., I made the following statement:

"My text will be found in that passage where God said, 'Open thy mouth, judge righteously, and plead the cause of the poor and the needy.' All the grand opportunities that God gave to man are being put by law and usurpation into the clutches of soulless, pitiless corporations that have no soul to damn under God's laws and no neck to break under human laws, and without the love of God or the dread of hell they are robbing man of his God-given birthright. These monopolists who stand between the producer and consumer holding a franchise to operate public functions rob both producer and consumer by law. They rob labor because it has no means of self-employment. They rob the producer because they control the money that buys, the factories that manufacture, and the transportation that hauls his produce." In this way they have extorted billions from a helpless people, and are now combining to continue their spoliation by driving out all home-owned or local merchants.

I believe in democracy as a heaven-born principle of government which shields the people against oppression in every form, and gives them the broadest scope of individual action consistent with public peace, public morals, public health, and public justice. But these great chain-store gangs seem to think government is an institution to legally hold the people still while they plunder them. I am glad the governors, lawmakers, and Congress are aroused over the perilous condition that now confronts us. It is not only chain stores but all lines of business that are being merged, linked, and chained together. Seven great oil corporations, leading packers, railroads, steamships, and several leading banks were chained into a world-wide combine two weeks ago, uniting the money power of England, Holland, and Wall Street into this world-wide devilfish. Their intention is to control all lines of industry from field, factory, and source of output to the consumer. They have put Rockefeller's brother-in-law in charge of their leading bank in New York with $3,000,000,000 capital.

Now, let your mind run over a survey of the colossal power they will have. The packers will then as now control the livestock industry and control everything in a living animal and take a profit out of the finished product except the squeal of the hog, the bleat of the sheep, and the bellow of the cow. They will control the price of oil and all its by-products; control transportation inland and sea, including auto-bus lines. These railroads are chained and combined until there are now just 21 rail combinations, dominated by 5 men. And these transportation lines have a Government guaranteed net income of 6 per cent on $19,000,000,000. That makes the stupendous sum of $1,140,000,000 that flows into the pockets of the Wall Street gang every year. No wonder they can put up chain stores and monopolize all blessings of life and liberty. Under their sway the ordinary business man and country banks are doomed.

Our forefathers, led by the unseen hand of omnipotence, built the grandest structure of government the world has ever known. Shuddering at the horrible tyranny and murderous conduct of kings, crowns, popes, and princes, they founded a government to free themselves and their posterity from the brutality of such crowned freebooters. Our Declaration of Independence was the morning star of a new day to mankind. Our Constitution hung a rainbow of promise in front of the liberty-loving people of every land. When our patriotic fathers proclaimed the divine truth that the God who gives life gives liberty at the same time; that all mankind are created with equal rights; that all political power is inherent in the people and all just powers of government are derived from their consent, they repudiated the whole theory of crowned aristocracy and gave a gospel of freedom to humanity. But we have thrown the grand pattern of government our forefathers made into the junk pile and created a lot of huge corporations that rob us with more heartless greed than kings did.

Each of these great combines named herein violates every law for which our forefathers rebelled against King George. And they extort from us more money each year than King George could have taken in a lifetime.

We have been victimized, bound down by ages of oppression and plunder and have never been allowed to develop the good or the sublime in our race. Mankind is a creature of environment; his conscience is a pupil in the school of contact, subject to the evil as well as the good influences and money is the most absorbing thought in the human race, and a just and righteous system of currency will do more to tone and elevate life than all else may do, but our present system is a relic of modified barbarism coming down from feudal times and our country is yet filled with Shylocks who demand their pound of flesh.

When the men who made our Federal Constitution had finished their work, in an address they named five supreme questions of sovereignty that had been taken from the States and vested solely in the Federal Government. These powers were: "To make war, conclude peace, form treaties, coin money, and regulate commerce." They said, "These questions and the correspondent executive and judicial authorities shall be fully and effectively vested in the General Government." We have just as much right to farm out to the corporations the power to declare war and conclude peace and to make treaties as we have to farm out the power to coin money and regulate commerce, and would be equally safe in so doing. Yet, we have vacated our sovereignty over our coinage and currency and the regulation of commerce to a pitiless horde of trusts which have centralized our wealth, making cannibals in commerce and merciless marauders in our monetary affairs; and led on by inordinate greed they are now seeking by chain monopoly to make serfs, peons, slaves out of our people. These malevolent rich, who, Roosevelt said, "Were conspiring to rob the country of its birthright, who had gathered their swollen fortunes by every means of swindling down to common theft," are treading millions down into poverty. Our people are in a midnight of discontent, our national conscience becoming numb, our morals ebbing to low tide, and we have a riot of rascality as these crime-breeding conditions go on. I believe wealth, honestly acquired, adds to the luster of life and makes a man a nobler citizen, gives him greater power to serve God and man. But millions, extorted from a helpless people, corrodes the conscience, poisons the fountains of honor, vitiates all sense of justice, and makes its possessor a tyrant. These are the kind that dominate our country.

We are living in a wonderful age. The common progress is beyond estimate. Yet it is claimed that the great corporations take 20 per cent of our output every year with which to gorge their greed and build castles for the classes and cabins for the masses. I admit that we are far in advance of our ancestors.

"But rank injustice still prevails
And fills our land with strife,
We see outrage everywhere,
In all the walks of life."

Lazarus is better off to-day because there are a thousand men like Dives with crumbs to drop and blooded dogs to lick his sores. But if we continue to charter the natural blessings of our country into the hands of special privilege and allow them by law to concentrate and combine their wealth and power, ere long there will be a few thousand men like Dives and millions of men like Lazarus; then there will not be dogs enough to go around and lick their sores and soothe their pains.

Following the Civil War when the South was vanquished and disfranchised and most of the West was a naked prairie the Northeast led by men like Thad Stevens and Simon Cameron contended that they had saved the Union and had a right to rule it. They set about to hold the South and West in thraldom for all time. They shaped all laws so as to run the wealth of the country into their tills. Sixty years of ravenous rule by their great corporations have cultivated lust and greed until our Nation is filled with malefactors of great wealth who take from society without just recompense. They have held back the hire of labor by fraud until its cries have entered into the

ears of the Lord. They have lived in pleasure and been wanton, have waded through slaughter, selfishness, and sin to a throne and have shut the gates of mercy against mankind. When age overtakes them they look back and sigh for lost opportunities, while their silver and gold cankers and rust bears witness gainst them. They then try to take out fire insurance against the flames of hell by giving charity.

EXCESSIVE COST OF COTTON BALING

Mr. RANSDELL. Mr. President, no phase of the many-sided farm problem which is now engrossing the attention of the American people is more important than the marketing of cotton. This especially applies to the package or bale in which the cotton leaves the farm.

Careful estimates by competent critics, including our own Department of Agriculture and the foremost men in the cotton trade throughout the world, have placed the annual loss to the American farmer due to bad baling at $50,000,000. That figure, if anything, underestimates rather than exceeds this loss which is all the more deplorable because it is utterly without excuse.

For many years I have had bills pending in the Senate intended to correct this evil. During the last Congress, after extended hearings at which Mr. A. W. Palmer, Chief of the Division of Cotton Marketing, Bureau of Agricultural Economics, Department of Agriculture, and other outstanding leaders in the cotton world, testified, the Senate Committee on Agriculture and Forestry made a favorable report—Senate Report 1281—on my bill —S. 872, Seventieth Congress, first session—to standardize bales of cotton and require their sale by the true net weight of their contents. This bill was reintroduced and is now pending as S. 914. That legislation, as those hearings disclosed, would automatically result in the proper baling of our leading money crop at the gin, and would be the consummation of a program I outlined at the convention of the American Cotton Association held at Montgomery, Ala., April 14, 1920, and have striven to achieve ever since.

That program has had the indorsement of the best thought in every branch of the cotton trade, but the necessity for it has never been better expressed than by Col. Henry G. Hester, the veteran secretary for more than 50 years of the New Orleans Cotton Exchange, and the leading living authority on American cotton. Speaking in a broad way on the necessity for reclaiming this great American product from the slipshod methods in which it is now marketed, he says:

> Let Congress help us to educate the rising generation, black as well as white, to rescue our highways and landings from the mud and slush, to see to it that proper protection is afforded from defective storage places of transportation companies, aid us to teach the people that a bale of cotton that is worth much more, is as much entitled to protection as a bale of hay or a sack of flour, and the demand for the destruction of economic trade methods which are a natural help to the grower will cease.

Mr. President, it is not my intention to address the Senate at length at this time. My purpose instead is to call attention to an unusually informative article upon this subject which appeared in the Manufacturers Record of Baltimore, in its issue of April 24. Accompanying that article, which points out that we are suffering an annual loss of $50,000,000 by reason of "our barbarous cotton-handling methods," is a convincing editorial in the best vein of this vigilant publication which for many years has been upon the watchtower keeping guard upon the agricultural and industrial welfare of the South.

It is to be regretted that the rules which govern the publication of the CONGRESSIONAL RECORD will prevent the reproduction of the illustration by which this great paper brings home the necessity for a change in our methods of packing and marketing cotton. The greatest service that could be rendered the cotton trade would be to send that picture to every gin and warehouse where cotton is stored so that the contrast could be seen between the old, slipshod, wasteful method of baling, and another bale packed with due regard to those ends which are sought in marketing of every other American crop except cotton. While the illustration can not be reproduced, I ask unanimous consent, Mr. President, to have printed in the RECORD the news item and the editorial.

I also ask in connection with this subject that I may be allowed to include two letters I have just received—one from Col. Harvie Jordan, managing director of the American Cotton Shipping Association, and the other from Anderson, Clayton & Co., the largest dealers in American cotton.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

BETTER COTTON BALING WOULD SAVE $50,000,000 ANNUALLY FOR SOUTHERN FARMERS

That presses for the round baling of cotton can now be bought outright by ginners instead of operating them only under a license system eliminates the one great obstacle which for years made many people fear the round-bale system might become a monopoly. It is now possible to banish the barbarous baling methods of the South's cotton, which have cost this section hundreds of millions of dollars. For generations the importance of better baling of American cotton has been urged upon the South. Edward Atkinson, the noted New England political economist of former years, dubbed the method of handling American cotton as more barbarous than that of any other product of importance known to mankind. Even India and Egypt, two cotton-raising countries whose people are among the poorest in the world, bale their cotton in a way far superior to the methods used for American cotton.

One of the mysteries of the ages has been the way in which the South has handled its cotton, loosely pressed and badly baled, badly handled at the gins, the bales badly covered, often left out in the rain and mud for weeks and sometimes for months—a disgrace to the whole cotton-handling business, a wasteful practice from beginning to end.

About a third of a century ago the round-bale system was developed, whereby the cotton was so well covered that Mr. Atkinson named it the "underwriters' bale," because it was not inflammable, the air being excluded as the cotton batting was around a cylinder. Against this system the vested interests in gins and cotton compresses brought all the power of their financial and business influence to bear, but in the third year of its active operation the company put out over 900,000 round bales, and then the movement was temporarily halted.

Steamship lines gave a lower freight rate than on the square bales, insurance was lower, and though much more cotton in weight in round bales than in square bales could be put in a freight car, the railroads refused to make any reduction in rates, doubtless due to the influence of the compress interests.

It has been claimed, and probably correctly so, that a better baling of cotton, such as that which was inaugurated by the round-bale system, would produce a saving to southern farmers of not less than $50,000,000 a year.

Perchance the Farm Board may be able, in connection with the work of the Department of Agriculture, to bring about some united, determined effort that the American cotton crop shall not be handled as barbarously as in the past and in the method of packing and shipping shall not rank so far below the cotton from all other cotton-growing countries. This situation as it stands is a serious reflection on the cotton-growing and cotton-handling interests of the country. It is a crime to continue such wasteful methods in this era of efficiency. In view of the importance of better cotton baling we are giving in this issue a brief history of the round-bale system and advantages claimed for it.

FIFTY MILLION DOLLARS ANNUALLY WASTED BY OUR BARBAROUS COTTON HANDLING METHODS IN CONTRAST WITH THE ROUND-BALE SYSTEM

The Manchester Cotton Association (Ltd.) has recently made a statement to the officials of this Government strongly protesting against the present barbarous system of handling our cotton. The secretary of that association in his protest said:

"The ink used in marking the bales runs into the cotton, *canvas* [italics ours] is torn and the entire bale appears as though handled in a haphazard manner, and has not shown improvement in spite of agitation for a neater package. The neatly packed bales received from every other cotton-growing country are in striking contrast to the American bale."

"Regardless of the present disadvantages and difficulties as to the development of the system of round bales for cotton, which I have thoroughly tested in my mill, the round bale will eventually become the dominant cotton-baling system," was a statement made to the editor of the Manufacturers Record by the then president of the New England Cotton Manufacturers Association, now known as the National Cotton Manufacturers Association, many years ago when the round-bale system was under development.

At that time the development of the round-bale system aroused extreme opposition from the vested interests owning compresses in which some of the railroads were supposed to be largely interested.

The first acquaintance of the Manufacturers Record with the round-bale invention came when Jerome Hill, one of the big cotton handlers of that day, came into the office of this paper and said: "I have just seen in Waco, Tex., a system of baling cotton which puts on the scrapheap all of my interests in cotton compresses."

After hearing Mr. Hill's views as to this invention, which was that of the round-bale system, a staff correspondent was sent to Waco to investigate and make a report. Later on when several patents on round bales had been brought out, they were combined into one company under the leadership of John E. Searles, at that time the treasurer of the American Sugar Co. and one of its earliest promoters. Mr. Searles became so thoroughly interested in the round-bale plan that he made a trip through the entire South, investigated the handling of cotton, and saw what Edward Atkinson, of Boston, had claimed to be the "most barbarously handled agricultural product in the world."

Mr. Atkinson became enthusiastic over the round bale because of its noninflammability. It was covered with heavy material, automatically





wound around the bale as it went through the cotton gin. Its density when it was turned out of the gin was greater than that of the square bale at that time. It was vigorously and aggressively fought by cotton-gin people and by owners of cotton compresses. A ginning paper in Texas, purporting to be wholly in the interest of cotton gins, waged a ceaseless war against the round-bale system on the ground that it would destroy all of the independent gins. It was supposed to be a paper published wholly in the interest of gins, but some years afterwards the editor of that paper, during that campaign, said to the Manufacturers Record that he was simply employed by a big cotton house to run the paper in a red-hot fight against the round-bale system. We believe that house is not now in active operation.

Mr. Searles, who was one of the brainiest and most far-seeing business men we have ever known, a great power in the business and financial world, determined to withdraw from all other connections and concentrate his activities upon this method of baling cotton.

So much stir was made by the introduction of the round-bale system that a bill was introduced into the Mississippi Legislature and actively advocated, though we believe it was never adopted, to the effect that the round bale was so perfect that if it were permitted to continue in operation it would create such a monopoly in cotton as to greatly injure both the planter and the ginner. This was directly contrary to the plans of the American Cotton Co., but active agitation of that kind, the opposition of compress interests through the railroads, and the financial interests resulted in the bankruptcy of the company.

In the third year of its active operation the company put up about 900,000 bales of 250 pounds each. Notwithstanding the fact that these bales were not inflammable and that in carrying them there was no danger from railroad sparks or from any burning on the platform, and that a railroad car could carry a far larger amount of cotton in round bales than in the old barbarous square bales, the railroads refused to give any lower rates on the round bales than on the square bales. European steamship lines eagerly grabbed at the opportunity of handling the round bale in preference to the square bale, and gave much lower freight rates. In handling this kind of cotton they felt safer from the danger of fire, and they could pack much more of it in the same space and, therefore, granted to the round-bale business a lower rate than southern railroads were willing to grant to it. The result was that nearly all the round bales were shipped to Europe to the great advantage of European mills over American mills.

The inside story of the fight against this improvement over the old method of baling is of thrilling interest if space should ever be available to go into full details.

A few years ago Anderson, Clayton & Co., of Houston, one of the largest cotton houses in the world, undertook to revive the system of putting up round-bale cotton. They met with the same unwillingness of railroads to give them lower freight rates than on the square bale, but they found a willingness on the part of steamship lines to give a lower rate to foreign ports and, therefore, most of the cotton which they have put up in the round bale has been sent abroad.

In view of the progress being made in the redevelopment of the round bale system and the recent vigorous complaints from England about the barbarous methods which have prevailed for a century in the compressing and packing of American cotton, it seems appropriate to touch briefly, as we have done, on the origin of the round bale and the fight that was made to suppress it.

It has long been recognised that there is no other leading agricultural product in the world that is as barbarously treated and handled as cotton. The methods which have prevailed are a disgrace to all modern business development. Covered with jute, torn in many places, often lying out in the rain and mud for weeks and sometimes for months at a time, American-baled cotton puts this country to shame in comparison with the cotton baled in every other part of the world. India and Egypt, with all their backwardness as compared with America, bale their cotton far better than we do.' It has been estimated by competent authorities that the methods which now prevail for the compressing, baling, and shipping of the cotton of the South cost the farmers of that section at least $50,000,000 a year. It is difficult to exaggerate the conditions under which southern cotton is compressed and covered with inflammable bagging.

Edward Atkinson, as the president of a mutual fire-insurance company, operating largely in cotton, put the old round bale to many tests as to its inflammability, and had some small frame sheds built of pine and round bales put in them. The sheds were burned, but no material damage was done to the cotton, for the way in which these round bales were put up excluded oxygen to such an extent that even a hot fire would cause only the burning of the outside layer, and by reason of lack of oxygen the fire would die out. As a result of this test, Mr. Atkinson named the round bale the "underwriters' bale" and enthusiastically advocated its universal adoption.

As the round bale is now making some considerable progress and is being vigorously pushed by Anderson, Clayton & Co., we present a few photographs contrasting the old square bale with the round bale. One illustration, which is a fair sample of how the American cotton crop is barbarously baled, shows three regulation square bales standing alongside a round bale. It is difficult to imagine anything in greater contrast.

Concerning the view showing the ragged condition of the covering on a number of bales, Anderson, Clayton & Co. write: "This photograph was taken in the regular run of a day's business, without the bales being selected in any respect whatever. We are not at all proud of the condition of them, but nevertheless the picture presents a story that leaves nothing untold."

Another view illustrates the facility with which cotton is loaded on steamships when packed in round bales. This shows the unloading of cotton at Bremen and the good condition in which the round bales were received.

Yet another view shows how the round-bale cotton is loaded into a railroad car. Referring to the amount of cotton that can be loaded into a car, Anderson, Clayton & Co., commenting on what was then the record carload in 1926, said: "This instance prompted the idea of conducting a carloading contest, made in 1927, 1928, and 1929. The photograph under consideration shows the ultimate outcome. It stands to-day as the record car of Acco bales—which is the brand under which the round bales are now handled—and, for that matter, as far as we know, is the record carload of cotton in the United States. The 480 Acco bales in that car weighed a total of 125,818 pounds. This furnishes something indeed concrete to think about with respect to the inability to secure any recognition in railroad freight rates that is most certainly justified in equity by the saving in car miles and release of equipment for earning additional revenue."

At Memphis, Tex., one very modern gin, not owned by Anderson, Clayton & Co., represents an investment of approximately $75,000, an amount in this one gin plant greater than the capital stock of banks of many small towns. It is a far cry from the gin as it was conceived by Eli Whitney to this present-day application of the principle which he established.

Unless some better system can be devised—and none ever has been—the handling of cotton can by this method be so improved that the discredit which for ages has attended the barbarously handled cotton of the South will give way to a better system of ginning, baling, and marketing of cotton, to the enormous advantage of our whole cotton business.

At the time when the American Cotton Co. was making such a vigorous campaign to introduce the round bale the railroads which refused to give lower freight rates, though they could carry far more cotton packed in round bales than in the old square bales and run much less risk of fire, gave as a reason that if they did so they would be putting a premium on the development of this system as compared with the old method of ginning cotton and shipping it back and forth to compress points, and then to the ports or to the railroad yards, and that this would be an injustice to the old method. Surely such an argument ought not to be permitted to prevail any longer. It is a discredit not merely to the South but to the whole country that our country in the world's market should rank in packing and compressing so far below the cotton of all other countries, even of the ones which in our proud boast of advancement we think are almost uncivilized and very backward in modern improvements.

Anderson, Clayton & Co. are to be congratulatod on the fact that they have recently reached the conclusion to offer the Clayton round-bale press for outright sale, this change having taken effect on April 1. During the time that the press under their ownership was in more or less of an introductory stage of development they felt, like Mr. Searles, that all purposes could be best served and the ultimate best welfare of the system would be better taken care of by keeping the whole matter of distribution of the presses under a much closer supervision and observation that had been made possible by a lease plan of operation than could have been accomplished in any other way. But as it has now become evident that the press is mechanically developed where its satisfactory operation is feasible, there is no longer the occasion that formerly existed for its being desirable that the firm should retain the title to the presses.

This will mean that the press is now practically thrown open to the public, and thus the fear of possible monopoly which formerly existed will be wiped out. However, where it is preferred by the ginner, Anderson, Clayton & Co. will continue to lease presses on the same terms and conditions as heretofore, and thus there will be no change for those who would prefer to continue operating under the lease plan. Writing on this, Anderson, Clayton & Co. say:

"It is true that we have realized all along that if the Clayton round-bale press is to accomplish its potential usefulness to the cotton industry, as we believe to exist, that its distribution should conform to the usual custom with respect to any other machinery, by outright sale to the users of it.

"These are the reasons that have prompted us to make the change in our policy of distribution, and we believe that you will recognize that there is reasonable cause to believe that the scope of its usefulness will be broadened and better purposes generally will be served thereby."

It is because we believe that the round-bale system is thus placed in a way where it can be of such enormous service to the country, saving, we think, at least $50,000,000 a year to the cotton growers and ulti-

mately making it impossible for foreign buyers to criticise the baling of American cotton as barbarous as the justified statement of the Manchester Cotton Exchange, that we are thus covering the history of this epochal change in cotton handling.

AMERICAN COTTON ASSOCIATION AND
BETTER FARMING CAMPAIGN,
Atlanta, Ga., April 26, 1930.

Hon. J. E. RANSDELL,
United States Senator, Senate Office Building, Washington, D. C.

DEAR MR. RANSDELL: If you have not seen the April 24 issue of Manufacturers Record, Baltimore, be sure to get copies for your files. It gives a very full write up of high density gin compression with photos of present methods of baling, and roundly condemns the present wasteful system. The editorial comments are on page 51 and the write-up on pages 53 to 56.

As the Record is the leading industrial magazine of the South, this publication will attract renewed attention to the needed economic reforms in baling and tare in which you have for several years been interested in securing favorable legislation. No greater service could be rendered to the cotton-growing industry than speedy reforms in our wasteful and disgraceful system of baling and tare.

With personal regards, yours very truly,

HARVIE JORDAN.

HOUSTON, TEX., *April 26, 1930.*

Hon. JOSEPH E. RANSDELL,
Senate Office Building, Washington, D. C.

DEAR SIR: We appreciate your interest in our round-bale press and are pleased to comply with the request contained in your telegram of yesterday.

The Clayton round-bale press can be installed as a part of any existing gin plant without disturbing the arrangement of the machinery or replacing the square-bale press. The round-bale press is installed in a 20 by 20 inexpensive room or building attached to and forming a part of the gin building itself.

It is hardly practical to use the press in connection with a 3-stand gin plant, since the rate of production and volume of the gin would not justify the additional investment in the press. A great many 4, 5, and 6 stand gins are equipped with round-bale machinery.

Not considering the cost of the press itself, the expense, which includes the building to house the machinery, connection to the existing lint flue, change valve to permit changing from round to square bales as the farmer may request, foundations for the machinery, labor for installing, etc., usually amounts to about $1,000. The round-bale press may be installed and operated by ordinary gin mechanics of average intelligence and does not necessarily require the services of a trained expert.

The press is being offered for sale to ginners at a price of $5,500, f. o. b. San Antonio, Tex.

In Texas, where the railroads allow a refund of 18 cents per 100 pounds for compressing cotton, the complete installation will pay for itself when about 7,000 nominal bales have been compressed into round bales.

The Scientific American for June, 1929, carried a very interesting article entitled "Wasteful Cotton-Baling Methods." Believing that the article would be of interest to you, we have asked the publishers to send a copy to your Washington address.

If there is anything further we can help you with on this subject, we will be very glad to have you command us.

Yours very truly,

ANDERSON, CLAYTON & CO.,
J. ROSS RICHARDSON.

NOMINATION OF JUDGE JOHN J. PARKER

The Senate in open executive session resumed the consideration of the nomination of John J. Parker, of North Carolina, to be an Associate Justice of the Supreme Court of the United States.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Montana?

Mr. McNARY. I yield.

Mr. WALSH of Montana. Mr. President, in the course of the remarks of the Senator from Ohio [Mr. FESS] reference was made to the somewhat substantial opposition on this side of the Chamber to the confirmation of the nomination of Judge Parker, which opposition the Senator from Ohio referred to as political in character and therefore reprehensible. If it be an offense upon the part of Democrats to look with no great favor upon a nomination submitted by a Republican President it is an offense that is not by any means peculiar to the Democratic Party.

I offer for the RECORD, Mr. President, the vote on the confirmation of Mr. Justice Brandeis, appearing at page 9032 of the CONGRESSIONAL RECORD of June 1, 1916, from which it will appear that of the 22 votes cast in opposition to Mr. Justice Brandeis all but one, namely, 21, came from the Republican side of the Chamber. The one Democrat voting against the nomination of Justice Brandeis was Senator Newlands, who took occasion to explain his vote, saying:

Mr. NEWLANDS (after the result of the vote had been announced). Regarding my vote, I should like to say that I have great admiration for Mr. Brandeis as a propagandist and publicist, but I do not regard him as a man of judicial temperament, and for that reason I voted against his confirmation.

The VICE PRESIDENT. Without objection, the vote will be printed in the RECORD.

The matter referred to is as follows:

[From page 9032 of the CONGRESSIONAL RECORD of June 1, 1916]

Vote on the question of advising and consenting to the appointment of Mr. Brandeis. Yeas and nays asked by Mr. Chilton.

Yeas—47: Messrs. Ashurst, Bankhead, Beckham, Broussard, Chamberlain, Chilton, Culberson, Fletcher, Gore, Hardwick, Hitchcock, Hollis, Hughes, Husting, James, Kern, La Follette, Lane, Lea of Tennessee, Lee of Maryland, Lewis, Myers, Norris, O'Gorman, Overman, Owen, Phelan, Pittman, Poindexter, Ransdell, Reed, Saulsbury, Shafroth, Sheppard, Shields, Simmons, Smith of Arizona, Smith of Georgia, Smith of Maryland, Smith of South Carolina, Stone, Taggart, Thomas, Thompson, Underwood, Vardaman, and Walsh.

Nays—22: Messrs. Brady, Brandegee, Clark of Wyoming, Cummins, Curtis, Dillingham, du Pont, Fall, Gallinger, Harding, Lippitt, Lodge, Nelson, Newlands, Oliver, Page, Smith of Michigan, Sterling, Sutherland, Townsend, Warren, and Works.

Not voting—27: Messrs. Borah, Bryan, Burleigh, Catron, Clapp, Clarke of Arkansas, Colt, Goff, Gronna, Johnson of Maine, Johnson of South Dakota, Jones, Kenyon, McCumber, McLean, Martin of Virginia, Martine of New Jersey, Penrose, Pomerene, Robinson, Sherman, Smoot, Swanson, Tillman, Wadsworth, Weeks, and Williams.

Announcing the vote, the Vice President stated that the resolution of confirmation had been agreed to, and announced that the nomination had been confirmed.

Mr. FALL. I have a general pair with the Senator from New Jersey [Mr. Martine]. I transfer my pair to the Senator from Utah [Mr. SMOOT], and vote "nay." If the Senator from New Jersey [Mr. Martine] were present and not paired, he would vote "yea."

Mr. HOLLIS. I have a pair with the junior Senator from New York [Mr. Wadsworth]. I transfer that pair to the Senator from Maine [Mr. Johnson]. If the Senator from Maine were present, he would vote "yea." If the Senator from New York [Mr. Wadsworth] were present, he would vote "nay." I vote "yea."

I also desire to state that if the Senator from Minnesota [Mr. Clapp] were present, he would vote "yea." He is paired with the Senator from Iowa [Mr. Kenyon], who would vote "nay."

Mr. JONES. I have a pair with the junior Senator from Virginia [Mr. SWANSON] and therefore withhold my vote.

Mr. LA FOLLETTE. The Senator from Idaho [Mr. BORAH] is paired with the Senator from North Dakota [Mr. Gronna]. If the Senator from Idaho were present, he would vote "nay," and the Senator from North Dakota would vote "yea."

Mr. THOMAS. The Senator from Virginia [Mr. Martin] is necessarily absent. If he were present he would vote "yea."

Mr. HUGHES. My colleague [Mr. Martin] is necessarily absent from the Senate. If present, he would vote "yea." He is paired with the Senator from New Mexico [Mr. Fall].

Mr. OWEN. I have a pair with the Senator from New Mexico [Mr. Catron]. I transfer that pair to the Senator from Florida [Mr. Bryan] and vote "yea."

Mr. JAMES. I desire to announce that the Senator from Ohio [Mr. Pomerene] is paired with the junior Senator from Massachusetts [Mr. Weeks]. If present, the Senator from Ohio would vote in favor of the confirmation of Mr. Brandeis, and the Senator from Massachusetts would vote against the confirmation.

Mr. SAULSBURY. I am paired with the junior Senator from Rhode Island [Mr. Colt]. I transfer that pair to the Senator from South Dakota [Mr. Johnson] and vote "yea." If the Senator from South Dakota were present, he would vote "yea."

Mr. SUTHERLAND. I have a general pair with the senior Senator from Arkansas [Mr. Clarke], who is absent, but I am at liberty to vote on this question, and I vote "nay."

Mr. THOMAS. I have a general pair with the Senator from North Dakota [Mr. McCumber]. I transfer that pair to the senior Senator from Virginia [Mr. Martin] and vote "yea."

Mr. LODGE. I desire to announce that my colleague [Mr. Weeks] is paired with the senior Senator from Ohio [Mr. Pomerene]. If my colleague were present, he would vote "nay."

Mr. WILLIAMS. I have a general pair with the senior Senator from Pennsylvania [Mr. Penrose]. If present, he would vote "nay," and I would vote "yea," if I had the privilege; but I withhold my vote in consequence of my pair.

Mr. THOMPSON. I have a pair with the Senator from Illinois [Mr. Sherman], but under an arrangement with the Senator from Illinois, if his vote is not controlling, I am permitted to vote on this nomination. I therefore vote "yea." I am requested to announce that if he were present he would vote "nay."

Mr. TILLMAN. I have a pair with the junior Senator from West Virginia [Mr. GOFF]. If I were at liberty to vote, I would vote "yea."

Mr. CURTIS. I have been requested to announce that the Senator from Maine [Mr. Burleigh] is paired with the Senator from Arkansas [Mr. ROBINSON].

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. McNARY. I do.

Mr. NORRIS. I desire to have read a letter from Mr. Green, the head of the American Federation of Labor. Will the Senator yield for that purpose?

Mr. McNARY. I yield.

Mr. NORRIS. I send the letter to the desk and ask to have it read.

The VICE PRESIDENT. Without objection, the letter will be read.

The Chief Clerk read as follows:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., April 29, 1930.

Hon. GEORGE W. NORRIS,
United States Senate, Washington, D. C.

DEAR SENATOR NORRIS: I am inspired to write you this additional communication because of the defense which Judge Parker makes in reference to the decision he rendered in the Red Jacket "yellow dog" case. His defense is represented in a letter addressed to Senator OVERMAN and which was given wide publicity in the newspapers of Monday, April 28.

Judge Parker reiterates what the Department of Justice had already stated, that in the Red Jacket decision he was compelled to follow the Supreme Court's ruling in the celebrated Hitchman case. It must be apparent to thinking men that this is no defense. The facts upon which the Hitchman decision was based were different from the fact established in the Red Jacket case. The fitness and qualifications of a judge are shown by his judicial ability to distinguish the line of difference between the facts in cases of this kind. A judge must be able to do more than merely seek the easiest way in rendering decisions. It is easy to follow precedent but it requires a keen, analytical mind to determine facts and distinguishing differences in cases which, on the surface, appear to be similar.

It is perfectly clear, even to a layman, that Judge Parker, in his opinion and decision in the Red Jacket Consolidated Coal & Coke Co. case, went far beyond the doctrines laid down by the Supreme Court of the United States in the Hitchman case, and that he has, in effect, practically stated the law to be that it is unlawful by any means whatsoever (even though there be no element of violence, threat, fraud, or deceit) to endeavor to induce or persuade an employee to join a labor union if such employee is working under an alternative agreement described and generally known as a "yellow dog" contract.

Furthermore, in giving consideration to the Supreme Court's decision he evidently gave no weight to the dissenting opinion of Justice Brandeis and Justice Holmes in the Hitchman case.

The very vital question of human rights and human relations in industry is involved in the decision rendered by Judge Parker in the Red Jacket case. The question is, Shall working men and women be consigned to a condition bordering on servitude, and shall that condition be perpetuated through an injunction issued by a Federal jury? Are peaceful persuasion, free assemblage, and free speech to be made crimes through the issuance of injunctions such as the one that was sustained by Judge Parker in the Red Jacket case? Is a man entertaining such views, so subversive of human rights, to be elevated to the Supreme Court of the United States, where he shall remain for life, not only to follow precedent but to help make precedent?

Labor has a firm faith in our governmental institutions and in our form of government. In opposing the confirmation of Judge Parker labor is in no way attacking our institutions and particularly the Supreme Court of the United States. Our opposition is to Judge Parker and to his appointment to the Supreme Court. It is our opinion that he has shown a mental and judicial bias which renders him unfit to occupy such an exalted and responsible position.

The "yellow dog" contract has no place in our free Government. If introduced generally into industry and protected by injunctions, such as Judge Parker upheld, it would effectively destroy the exercise of the right of American working men and women to join trade unions for mutual helpfulness and mutual protection. The opposition of the American Federation of Labor and its great membership to the confirmation of Judge Parker to be a member of the Supreme Court of the United States is based upon a most thorough study of Judge Parker's decisions.

Labor is not influenced by partisan or political considerations. Under its nonpartisan political policy, labor will support men who are equipped to serve regardless of political affiliation. In like manner, we are obligated, under this policy, to oppose men who lack a proper appreciation of human rights, human values, and human relationships in industry. Labor's fight, in matters of this kind, is not for labor alone. All the people are affected and interested from a practical, economic, political, and patriotic point of view. It is unwise to force the appointment, as a member of the Supreme Court of the United States, of a man who is so universally objectionable as Judge Parker.

The practical application of the principles which he laid down in the Red Jacket Consolidated Coal & Coke Co. case has served to destroy confidence in the courts and in the administration of justice.

Respectfully submitted.

WM. GREEN,
President American Federation of Labor.

Mr. McNARY. Mr. President, I am advised that the senior Senator from Delaware [Mr. HASTINGS] desires briefly to discuss the pending question; and I, therefore, suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll twice, and the following Senators answered to their names:

Allen	George	McCulloch	Robsion, Ky.
Ashurst	Gillett	McKellar	Sheppard
Baird	Glass	McNary	Stelwer
Black	Glenn	Norris	Sullivan
Blease	Hale	Oddie	Swanson
Borah	Hastings	Overman	Townsend
Capper	Hawes	Patterson	Trammell
Connally	Hebert	Phipps	Tydings
Copeland	Howell	Pine	Walsh, Mont.
Couzens	Johnson	Pittman	Watson
Deneen	Jones	Ransdell	Wheeler
Fess	Kendrick	Robinson, Ind.	

The VICE PRESIDENT. Forty-seven Senators have answered to their names—not a quorum.

Mr. McNARY. Mr. President, in view of the situation, I move that the Senate adjourn in executive session until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate, in executive session, adjourned until to-morrow, Wednesday, April 30, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 29 (legislative day of April 21), 1930

POSTMASTERS

ALABAMA

John H. McEniry to be postmaster at Bessemer, Ala., in place of J. H. McEniry. Incumbent's commission expires May 28, 1930.

Charlie S. Robbins to be postmaster at Good Water, Ala., in place of C. S. Robbins. Incumbent's commission expires May 6, 1930.

Annie M. Stevenson to be postmaster at Notasulga, Ala., in place of A. M. Stevenson. Incumbent's commission expired March 22, 1930.

ARKANSAS

Addie Gilbert to be postmaster at Decatur, Ark., in place of Addie Gilbert. Incumbent's commission expires May 12, 1930.

Jesse L. Russell to be postmaster at Harrison, Ark., in place of J. L. Russell. Incumbent's commission expires May 12, 1930.

Ida Burns to be postmaster at Heber Springs, Ark., in place of Ida Burns. Incumbent's commission expired March 30, 1930.

CALIFORNIA

John B. Horner to be postmaster at Fullerton, Calif., in place of J. B. Horner. Incumbent's commission expires May 28, 1930.

George M. Eaby to be postmaster at La Habra, Calif., in place of G. M. Eaby. Incumbent's commission expired April 13, 1930.

COLORADO

Roy H. Horner to be postmaster at Wiley, Colo., in place of R. H. Horner. Incumbent's commission expired April 28, 1930.

CONNECTICUT

Oliver M. Bristol to be postmaster at Durham, Conn., in place of O. M. Bristol. Incumbent's commission expires May 6, 1930.

William N. Manee to be postmaster at Moodus, Conn., in place of W. N. Manee. Incumbent's commission expires May 20, 1930.

FLORIDA

Maggie M. Folsom to be postmaster at Port Tampa City, Fla., in place of M. M. Folsom. Incumbent's commission expires May 17, 1930.

GEORGIA

John S. Lunsford to be postmaster at Elberton, Ga., in place of J. S. Lunsford. Incumbent's commission expires May 28, 1930.

Jackson C. Atkinson to be postmaster at Midville, Ga., in place of J. C. Atkinson. Incumbent's commission expires May 21, 1930.

HAWAII

Edward Akui Heu to be postmaster at Kaunakakai, Hawaii, in place of J. M. Hill, resigned.

ILLINOIS

Roger Walwark to be postmaster at Ava, Ill., in place of Roger Walwark. Incumbent's commission expires May 28, 1930.

Lawrence D. Sickles to be postmaster at Bowen, Ill., in place of M. G. Yarnell. Incumbent's commission expired December 18, 1929.

Henry E. Burns to be postmaster at Chester, Ill., in place of H. E. Burns. Incumbent's commission expires May 12, 1930.

Nellie Mitchel to be postmaster at Mansfield, Ill., in place of Nellie Mitchel. Incumbent's commission expires May 14, 1930.

Delta C. Lowe to be postmaster at Mason City, Ill., in place of D. C. Lowe. Incumbent's commission expired March 3, 1930.

Frank E. Whitfield to be postmaster at Medora, Ill., in place of F. E. Whitfield. Incumbent's commission expires May 28, 1930.

Charles L. Oetting to be postmaster at Menard, Ill. Office became presidential July 1, 1929.

Joseph M. Donahue to be postmaster at Monticello, Ill., in place of J. M. Donahue. Incumbent's commission expires May 4, 1930.

Lloyd E. Lamb to be postmaster at Paris, Ill., in place of P. P. Shutt, deceased.

Anthony L. Faletti to be postmaster at Springvalley, Ill., in place of A. L. Faletti. Incumbent's commission expires May 4, 1930.

Glenn W. Weeks to be postmaster at Tremont, Ill., in place of G. W. Weeks. Incumbent's commission expires May 18, 1930.

IOWA

Homer G. Games to be postmaster at Calamus, Iowa, in place of H. G. Games. Incumbent's commission expires May 28, 1930.

Raymond W. Ellis to be postmaster at Norwalk, Iowa, in place of R. W. Ellis. Incumbent's commission expires May 28, 1930.

William W. Sturdivant to be postmaster at Wesley, Iowa, in place of W. W. Sturdivant. Incumbent's commission expires May 28, 1930.

KANSAS

William E. Ferguson to be postmaster at Latham, Kans., in place of W. E. Ferguson. Incumbent's commission expires May 28, 1930.

Benson L. Mickel to be postmaster at Soldier, Kans., in place of B. L. Mickel. Incumbent's commission expires May 28, 1930.

KENTUCKY

Marvin W. Barnes to be postmaster at Elizabethtown, Ky., in place of M. W. Barnes. Incumbent's commission expired December 15, 1929.

LOUISIANA

Esther Boudreaux to be postmaster at Donner, La., in place of Esther Boudreaux. Incumbent's commission expired April 9, 1930.

Harry J. Monroe to be postmaster at Elton, La., in place of H. J. Monroe. Incumbent's commission expired April 9, 1930.

Dennis M. Foster, jr., to be postmaster at Lake Charles, La., in place of D. M. Foster, jr. Incumbent's commission expired April 9, 1930.

MAINE

George H. Rounds to be postmaster at Naples, Me., in place of G. H. Rounds. Incumbent's commission expires May 28, 1930.

MARYLAND

William R. Wilson to be postmaster at Hebron, Md., in place of J. O. Wilson, removed.

MASSACHUSETTS

William F. O'Toole to be postmaster at South Barre, Mass., in place of W. F. O'Toole. Incumbent's commission expires May 28, 1930.

Cleon F. Fobes to be postmaster at Stoughton, Mass., in place of C. F. Fobes. Incumbent's commission expires May 28, 1930.

James H. Jenks, jr., to be postmaster at West Dennis, Mass., in place of J. H. Jenks, jr. Incumbent's commission expires May 28, 1930.

MICHIGAN

Martin S. Markham to be postmaster at Alanson, Mich., in place of M. S. Markham. Incumbent's commission expires May 14, 1930.

Benton H. Miller to be postmaster at Cement City, Mich., in place of B. H. Miller. Incumbent's commission expires May 28, 1930.

Selma O'Neill to be postmaster at Rockford, Mich., in place of Selma O'Neill. Incumbent's commission expires May 28, 1930.

George K. Hoyt to be postmaster at Suttons Bay, Mich., in place of G. K. Hoyt. Incumbent's commission expires May 28, 1930.

MINNESOTA

Arlie R. Wilder to be postmaster at Amboy, Minn., in place of A. R. Wilder. Incumbent's commission expires May 25, 1930.

Anna E. Miller to be postmaster at Kelliher, Minn., in place of A. E. Miller. Incumbent's commission expires May 21, 1930.

Oliver A. Matson to be postmaster at Kiester, Minn., in place of O. A. Matson. Incumbent's commission expires May 25, 1930.

Archie M. Hayes to be postmaster at McGregor, Minn., in place of A. M. Hayes. Incumbent's commission expires May 21, 1930.

Robert L. Bresnan to be postmaster at Madison Lake, Minn., in place of R. L. Bresnan. Incumbent's commission expired April 13, 1930.

MISSISSIPPI

Blanche Gallaspy to be postmaster at Pelshatchee, Miss., in place of J. L. Barrow. Incumbent's commission expired February 21, 1929.

MISSOURI

Arthur Rice to be postmaster at Alton, Mo., in place of Arthur Rice. Incumbent's commission expires May 29, 1930.

Ferd D. Lahmeyer to be postmaster at Bland, Mo., in place of F. D. Lahmeyer. Incumbent's commission expires May 6, 1930.

Charles B. Genz to be postmaster at Louisiana, Mo., in place of C. B. Genz. Incumbent's commission expired March 16, 1930.

George W. Davies to be postmaster at Osceola, Mo., in place of G. W. Davies. Incumbent's commission expired March 11, 1930.

W. Arthur Smith to be postmaster at Purdin, Mo., in place of W. A. Smith. Incumbent's commission expired April 19, 1930.

Philip G. Wild to be postmaster at Spickard, Mo., in place of P. G. Wild. Incumbent's commission expires May 29, 1930.

NEBRASKA

James E. Schoonover to be postmaster at Aurora, Nebr., in place of J. E. Schoonover. Incumbent's commission expires May 29, 1930.

Harold Hjelmfelt to be postmaster at Holdrege, Nebr., in place of Harold Hjelmfelt. Incumbent's commission expired April 13, 1930.

Isaac T. Samuelson to be postmaster at Polk, Nebr., in place of A. W. Shafer. Incumbent's commission expired December 16, 1929.

NEW HAMPSHIRE

Herbert Perkins to be postmaster at Hampton, N. H., in place of Herbert Perkins. Incumbent's commission expired January 21, 1930.

NEW JERSEY

Ralph G. Riggins to be postmaster at Bridgeton, N. J., in place of R. G. Riggins. Incumbent's commission expires May 21, 1930.

William Jeffers to be postmaster at Hackensack, N. J., in place of William Jeffers. Incumbent's commission expires May 17, 1930.

John J. Schilcox to be postmaster at Keasbey, N. J., in place of J. J. Schilcox. Incumbent's commission expires May 21, 1930.

Erwin K. Kenworthy to be postmaster at Millington, N. J., in place of E. K. Kenworthy. Incumbent's commission expires May 29, 1930.

John A. Wheeler to be postmaster at Monmouth Beach, N. J., in place of J. A. Wheeler. Incumbent's commission expires May 21, 1930.

Arthur S. Warner to be postmaster at Spring Lake Beach, N. J., in place of A. S. Warner. Incumbent's commission expires May 21, 1930.

NEW MEXICO

Ernest A. Hannah to be postmaster at Artesia, N. Mex., in place of E. A. Hannah. Incumbent's commission expires May 29, 1930.

John C. Luikart to be postmaster at Clovis, N. Mex., in place of J. C. Luikart. Incumbent's commission expires May 29, 1930.

Joseph H. Gentry to be postmaster at Fort Stanton, N. Mex., in place of J. H. Gentry. Incumbent's commission expires May 29, 1930.

NEW YORK

Donald M. Dickson to be postmaster at Andes, N. Y., in place of D. M. Dickson. Incumbent's commission expires May 4, 1930.

Edna Glezen to be postmaster at Blasdell, N. Y., in place of Edna Glezen. Incumbent's commission expired December 21, 1929.

May L. McLaughlin to be postmaster at Blue Mountain Lake, N. Y., in place of M. L. McLaughlin. Incumbent's commission expires May 28, 1930.

C. Blaine Persons to be postmaster at Delevan, N. Y., in place of C. B. Persons. Incumbent's commission expires May 28, 1930.

Frank D. Gardner to be postmaster at De Ruyter, N. Y., in place of F. D. Gardner. Incumbent's commission expires May 28, 1930.

Raymond H. Ferrand to be postmaster at Gardenville, N. Y., in place of R. H. Ferrand. Incumbent's commission expired December 21, 1929.

Denton D. Lake to be postmaster at Gloversville, N. Y., in place of D. D. Lake. Incumbent's commission expires May 28, 1930.

Joseph A. Colin to be postmaster at Johnstown, N. Y., in place of J. A. Colin. Incumbent's commission expires May 28, 1930.

John C. Jubin to be postmaster at Lake Placid Club, N. Y., in place of J. C. Jubin. Incumbent's commission expires May 28, 1930.

Darwin E. Hibbard to be postmaster at North Collins, N. Y., in place of D. E. Hibbard. Incumbent's commission expired December 21, 1929.

Lewis L. Erhart to be postmaster at Pleasant Valley, N. Y., in place of L. L. Erhart. Incumbent's commission expired February 18, 1930.

Michael H. Mangini to be postmaster at Selkirk, N. Y., in place of M. H. Mangini. Incumbent's commission expired December 21, 1929.

James McLusky to be postmaster at Syracuse, N. Y., in place of James McLusky. Incumbent's commission expired April 20, 1930.

NORTH CAROLINA

Charles N. Bodenheimer to be postmaster at Elkin, N. C., in place of C. N. Bodenheimer. Incumbent's commission expires May 18, 1930.

Orin R. York to be postmaster at High Point, N. C., in place of O. R. York. Incumbent's commission expires May 18, 1930.

Hettie B. Morgan to be postmaster at Seaboard, N. C., in place of H. B. Morgan. Incumbent's commission expires May 18, 1930.

NORTH DAKOTA

Cassie Stewart to be postmaster at Butte, N. Dak., in place of Cassie Stewart. Incumbent's commission expires May 4, 1930.

T. H. Hulbert Casement to be postmaster at Fordville, N. Dak., in place of T. H. H. Casement. Incumbent's commission expires May 20, 1930.

Blanche Huffman to be postmaster at Oberon, N. Dak., in place of M. A. Wahlberg, resigned.

Ovidia G. Black to be postmaster at Werner, N. Dak., in place of O. G. Black. Incumbent's commission expires May 20, 1930.

OHIO

William S. Burcher to be postmaster at Beallsville, Ohio, in place of W. S. Burcher. Incumbent's commission expired March 16, 1930.

Herman W. Davis to be postmaster at Bedford, Ohio, in place of H. W. Davis. Incumbent's commission expired February 23, 1930.

Harold A. Carson to be postmaster at Bergholz, Ohio, in place of H. A. Carson. Incumbent's commission expires May 20, 1930.

Elizabeth P. CarSkaden to be postmaster at Castalia, Ohio, in place of E. P. CarSkaden. Incumbent's commission expires May 20, 1930.

OKLAHOMA

Ulysses S. Markham to be postmaster at Caddo, Okla., in place of U. S. Markham. Incumbent's commission expired March 11, 1930.

Lincoln C. Mahanna to be postmaster at Headrick, Okla., in place of L. C. Mahanna. Incumbent's commission expired December 21, 1929.

OREGON

Ida M. Clayton to be postmaster at Rockaway, Oreg., in place of I. M. Clayton. Incumbent's commission expires May 18, 1930.

PENNSYLVANIA

Sylvester D. R. Hill to be postmaster at Charlerol, Pa., in place of S. D. R. Hill. Incumbent's commission expires May 26, 1930.

Christian D. Doerr to be postmaster at Colver, Pa., in place of C. D. Doerr. Incumbent's commission expires May 28, 1930.

George H. Cunningham to be postmaster at Emaus, Pa., in place of G. H. Cunningham. Incumbent's commission expired April 9, 1930.

Margaret Patterson to be postmaster at Langeloth, Pa., in place of Margaret Patterson. Incumbent's commission expired December 21, 1929.

Charles W. Schlosser to be postmaster at Waterford, Pa., in place of C. W. Schlosser. Incumbent's commission expires May 25, 1930.

RHODE ISLAND

Frank W. Crandall to be postmaster at Hope Valley, R. I., in place of F. W. Crandall. Incumbent's commission expires May 20, 1930.

Wilfred R. Easterbrooks to be postmaster at Wakefield, R. I., in place of W. R. Easterbrooks. Incumbent's commission expires May 20, 1930.

SOUTH CAROLINA

Charles L. Potter to be postmaster at Cowpens, S. C., in place of L. E. Setsler, resigned.

Paul F. W. Waller to be postmaster at Myers, S. C., in place of P. F. W. Waller. Incumbent's commission expires May 26, 1930.

Pierce M. Huff to be postmaster at Piedmont, S. C., in place of P. M. Huff. Incumbent's commission expires May 12, 1930.

SOUTH DAKOTA

Fred Boller to be postmaster at Beresford, S. Dak., in place of Fred Boller. Incumbent's commission expires March 29, 1930.

TENNESSEE

James G. McKenzie to be postmaster at Big Sandy, Tenn., in place of J. G. McKenzie. Incumbent's commission expired April 2, 1930.

George B. Beaver to be postmaster at McMinnville, Tenn., in place of G. B. Beaver. Incumbent's commission expired March 15, 1930.

George W. Thompson to be postmaster at Morrison, Tenn., in place of E. P. Stubblefield, deceased.

Hugh B. Nunn to be postmaster at Ripley, Tenn., in place of H. B. Nunn. Incumbent's commission expires May 14, 1930.

TEXAS

Lewis E. Wigton to be postmaster at Alamo, Tex., in place of L. E. Wigton. Incumbent's commission expires May 5, 1930.

James L. Hunter to be postmaster at Austin, Tex., in place of J. L. Hunter. Incumbent's commission expires May 28, 1930.

Hubert L. Ford to be postmaster at Bellevue, Tex., in place of H. L. Ford. Incumbent's commission expires May 12, 1930.

Jacob Bennett to be postmaster at Bremond, Tex., in place of Jacob Bennett. Incumbent's commission expired April 5, 1930.

Florence M. Geyer to be postmaster at College Station, Tex., in place of F. M. Geyer. Incumbent's commission expired April 28, 1930.

Jasper M. Brooks to be postmaster at Copperas Cove, Tex., in place of J. M. Brooks. Incumbent's commission expired April 13, 1930.

Lewis B. Lindsay to be postmaster at Gainesville, Tex., in place of J. L. Hickson, deceased.

Hazle B. Thomas to be postmaster at Gause, Tex., in place of H. B. Thomas. Incumbent's commission expires May 26, 1930.

Sidney B. Smith to be postmaster at Gorman, Tex., in place of S. B. Smith. Incumbent's commission expires May 17, 1930.

James F. Rodgers to be postmaster at Harlingen, Tex., in place of J. F. Rodgers. Incumbent's commission expires May 26, 1930.

Nepple Rutherford to be postmaster at Lexington, Tex., in place of G. L. Hardcastle, deceased.

Ada H. Worley to be postmaster at Malone, Tex., in place of A. H. Worley. Incumbent's commission expired April 5, 1930.

Fred M. Carrington to be postmaster at Marquez, Tex., in place of F. M. Carrington. Incumbent's commission expired March 25, 1930.

Sam G. Reid to be postmaster at Oglesby, Tex., in place of S. G. Reid. Incumbent's commission expired March 11, 1930.

Robert E. Slocum to be postmaster at Pharr, Tex., in place of R. E. Slocum. Incumbent's commission expired January 25, 1930.

Thomas B. White to be postmaster at Rogers, Tex., in place of T. B. White. Incumbent's commission expired April 28, 1930.

Merrida E. Ware to be postmaster at Seagraves, Tex., in place of M. C. Ware, deceased.

Royce E. Dowdy to be postmaster at Trent, Tex., in place of R. E. Dowdy. Incumbent's commission expires May 26, 1930.

John F. Warrington to be postmaster at Valley Mills, Tex., in place of J. F. Warrington. Incumbent's commission expired April 5, 1930.

VIRGINIA

David A. Sergent to be postmaster at Big Stone Gap, Va., in place of H. H. Slemp. Incumbent's commission expired January 27, 1929.

Roland L. Somers to be postmaster at Bloxom, Va., in place of R. L. Somers. Incumbent's commission expired April 1, 1930.

Silverius C. Hall to be postmaster at Hallwood, Va., in place of S. C. Hall. Incumbent's commission expired April 1, 1930.

William P. Nye, jr., to be postmaster at Radford, Va., in place of W. P. Nye, jr. Incumbent's commission expires May 4, 1930.

George N. Kirk to be postmaster at St. Charles, Va., in place of G. N. Kirk. Incumbent's commission expired March 16, 1930.

Herbert T. Thomas to be postmaster at Williamsburg, Va., in place of H. T. Thomas. Incumbent's commission expires May 4, 1930.

WASHINGTON

Joseph A. Dean to be postmaster at Castle Rock, Wash., in place of J. A. Dean. Incumbent's commission expired April 28, 1930.

Arthur H. Eldredge to be postmaster at Colfax, Wash., in place of A. H. Eldredge. Incumbent's commission expired April 15, 1930.

Carl J. Gunderson to be postmaster at East Stanwood, Wash., in place of C. J. Gunderson. Incumbent's commission expires May 21, 1930.

Nelson J. Craigue to be postmaster at Everett, Wash., in place of N. J. Craigue. Incumbent's commission expires May 21, 1930.

Jay Faris to be postmaster at Grandview, Wash., in place of C. E. Haasze, removed.

Wayne L. Talkington to be postmaster at Harrington, Wash., in place of W. L. Talkington. Incumbent's commission expires May 5, 1930.

Amy E. Ide to be postmaster at Outlook, Wash., in place of A. E. Ide. Incumbent's commission expires May 5, 1930.

Ernest C. Day to be postmaster at Palouse, Wash., in place of R. H. Clark. Incumbent's commission expired January 21, 1930.

Lewis Murphy to be postmaster at Republic, Wash., in place of Lewis Murphy. Incumbent's commission expires May 21, 1930.

Thomas B. Southard to be postmaster at Wilsoncreek, Wash., in place of R. H. Lee. Incumbent's commission expired January 29, 1930.

Herman L. Leeper to be postmaster at Yakima, Wash., in place of H. L. Leeper. Incumbent's commission expires May 5, 1930.

WEST VIRGINIA

John O. Stone to be postmaster at Davy, W. Va., in place of J. O. Stone. Incumbent's commission expired March 25, 1930.

WISCONSIN

Paul W. Schuette to be postmaster at Ableman, Wis., in place of P. W. Schuette. Incumbent's commission expires May 21, 1930.

George E. Grob to be postmaster at Auburndale, Wis., in place of G. E. Grob. Incumbent's commission expires May 21, 1930.

Leslie D. Jenkins to be postmaster at Bagley, Wis., in place of L. D. Jenkins. Incumbent's commission expires May 21, 1930.

Leslie H. Thayer to be postmaster at Birchwood, Wis., in place of L. H. Thayer. Incumbent's commission expires May 4, 1930.

Paul E. Kleist to be postmaster at Hustisford, Wis., in place of F. A. Roeseler. Incumbent's commission expired January 21, 1930.

Carlton C. Good to be postmaster at Neshkoro, Wis., in place of C. C. Good. Incumbent's commission expired April 23, 1930.

Wallace M. Comstock to be postmaster at Oconto, Wis., in place of W. M. Comstock. Incumbent's commission expires May 21, 1930.

Edith Best to be postmaster at Prairie Farm, Wis., in place of Edith Best. Incumbent's commission expires May 29, 1930.

John E. Wehrman to be postmaster at Prescott, Wis., in place of J. E. Wehrman. Incumbent's commission expires May 20, 1930.

Clara H. Schmitz to be postmaster at St. Cloud, Wis., in place of C. H. Schmitz. Incumbent's commission expired December 21, 1929.

Donald C. McDowell to be postmaster at Soldiers Grove, Wis., in place of D. C. McDowell. Incumbent's commission expires May 21, 1930.

Charles A. Arnot to be postmaster at South Wayne, Wis., in place of C. A. Arnot. Incumbent's commission expires May 21, 1930.

HOUSE OF REPRESENTATIVES

TUESDAY, *April 29, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

I will never leave thee nor forsake thee; I will go with thee all the way.

When out in the wilderness alone, when bereft of friends and of fortune, when compassed with grief and with gloom, merciful Father, no words could be as comforting. Thy providential care towers above the forbidding horizons of all human need. We thank Thee for Thy promises. Inspire us with their loftiest heights of spiritual exaltation, with the widest sweep of their conquering might, and with their largest breadth of their catholicity. Bless our country with all its leaders. Preserve them from perplexing doubt and perilous drift. Let righteous assertion, patriotic zeal, and good will ring cheerily from border to border and from coast to coast. In the name of the world's Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendment of the House to the bill (S. 3441) entitled "An act to effect the consolidation of the Turkey Thicket Playground, Recreation and Athletic Field."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 3059, An act to provide for the advance planning and regulated construction of certain public works, for the stabilization of industry, and for the prevention of unemployment during periods of business depression; and

S. 3061. An act to amend section 4 of the act entitled "An act to create a Department of Labor," approved March 4, 1913.

PERMISSION TO ADDRESS THE HOUSE

Mr. RAMSEYER. Mr. Speaker, to-morrow is Calendar Wednesday. Of course, I do not know at this time when the business of Calendar Wednesday will be disposed of, but following the disposition of business to-morrow by the Committee on the Merchant Marine and Fisheries, which they wish to bring up, if they close within a reasonable time, I should like to have one hour to conduct a kind of round-table discussion on the economics of the export debenture.

The SPEAKER. The gentleman from Iowa asks unanimous consent that to-morrow, after the disposition of matters in charge of the Committee on the Merchant Marine and Fisheries, he may be permitted to address the House for one hour on the subject of the export debenture. Is there objection?

Mr. TILSON. Mr. Speaker, that is after the disposition of Calendar Wednesday business?

The SPEAKER. After the disposition of all matters brought up by the Committee on the Merchant Marine and Fisheries.

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, will the gentleman explain a little further what he means by a round-table discussion? Does the gentleman mean he is to occupy the hour or that we all may get into this scrap?

Mr. RAMSEYER. Well, after I have discussed the economics, and as I go along with the discussion of the economics, if Members wish to ask questions I will be very pleased, indeed, to yield for such question.

Mr. SNELL. A kind of general discussion.

The SPEAKER. Is there objection?

There was no objection.

ARTICLE BY HON. LINDSAY C. WARREN

Mr. KERR. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD a series of articles recently written by my distinguished colleague from North Carolina, Mr. LINDSAY WARREN, which I think are of great literary merit.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to extend his remarks by printing some articles written by his colleague, Mr. WARREN, of North Carolina. Is there objection?

There was no objection.

Mr. KERR. Mr. Speaker, my colleague the gentleman from North Carolina [Mr. WARREN] has recently written a series of historical articles, appearing in the Raleigh News and Observer, that have attracted state-wide interest and comment. They deal with the most interesting period of North Carolina history and show deep study and research and are regarded as an outstanding and notable contribution of historical and literary effort. I ask unanimous consent to extend my remarks by inserting these valuable articles in the RECORD, including an editorial on same by Josephus Daniels.

[Editorial Raleigh News and Observer, December 18, 1929]

LINDSAY C. WARREN, HISTORIAN

The first of one of the best series of articles the News and Observer has offered its readers in a long time appears on another page this morning. It is Congressman LINDSAY WARREN'S story of Beaufort County's contribution to a notable era of the State's history.

Mr. WARREN in the rôle of lawyer and legislator the readers of the News and Observer know very well. It is fair to say that in the rôle of historian they will soon know him just as favorably. He has the faculty for digging into the past for significant details of events and also has the ability to write about them and about the men who participated in them interestingly. If you read nothing else in the paper this morning, read, by all means, this article by Congressman WARREN.

The articles in the series deal with that period of the State's history from 1845 to 1875, and are built up around the great ante and post bellum bar of Washington, composed of Edward Stanly, Richard S. Donnell, Edward J. Warren, Thomas Sparrow, William B. Rodman, Fenner B. Satterthwaite, and David M. Carter. All of these seven men were leading figures of their times. Mr. WARREN is a grandson of Judge Edward J. Warren.

The articles deal with the great political battles before the War between the States; the secession and several constitutional conventions: Washington during the war; the arrest of Mayor Isaiah Respess; the return of Stanly as Lincoln's provisional governor; the convention of 1868, and the work of Judge Rodman in that body; Judge "Jay Bird" Jones on the superior court bench; the Holden impeachment and the election of Vance. The county of Beaufort has always played an influential rôle in the legislative, constitutional, and judicial history of North Carolina, and these articles vividly portray her leaders in a trying period.

BEAUFORT COUNTY'S CONTRIBUTION TO A NOTABLE ERA OF NORTH CAROLINA HISTORY

By Congressman LINDSAY C. WARREN

CHAPTER I

The county of Beaufort in the 225 years of its existence has always played a commanding rôle in the history of the Commonwealth. There have been periods when it leaders rose to great heights and left their indelible impress.

Settled exclusively by the English, its trials and tribulations as an important section of the colony go hand in hand with the rebellion against colonial rule and the unconquerable desire for independence. Undaunted by the Indian massacres of the early days, which almost took her last man, the county rose nobly to the cause of the Revolution, sending more than her quota of fighting men, and furnishing from her great estates even the family plate brought from England. Two of her great public leaders stood out in these times—Col. James Bonner and John Gray Blount. The former commanded the Beaufort County Militia and was preeminent as a man and as a soldier. The latter as a boy from a distinguished family, seeking adventure, had accompanied Daniel Boone as a chain bearer in his pilgrimage to Kentucky, and during the administration of Thomas Jefferson was to become one of the largest individual landowners in America. It was these two men who molded the sentiment and policy of the county in that early day. For the next 40 years, beginning with the accession of Jefferson, the sons of these men as well as other prominent figures came on the scene, and Beaufort County sat high in the councils of the State. It is my intent at some other time to treat of this period.

The purpose of these articles is to portray, historically correctly, I trust, some of the happenings of that great era in North Carolina from 1845 to 1875 and to bring forth again those men who became dominant actors and who either lived in Beaufort County at the time or who were closely identified with it. Certainly no period in our history could be more interesting. They were the halcyon days before the war, and then the dregs and despair that followed it. Beaufort County shared in its pleasures, drank deep in its sorrows, and contributed greatly in its reconstruction.

For 40 years before the War between the States, Washington was a pleasure-loving but ambitious community. It was a port of no small repute. Out over the bar of Ocracoke Inlet to the West Indies, and northern points, went the fleet of Fowle ships carrying lumber and returning with merchandise, fruits, and molasses. Commerce teemed in the harbor and the docks were a busy scene. It was a day of large plantations, high living, fast horses, hard drinking, and political strife. The first day of court was always a gala affair, and set aside for political discussion. Any orator could get a crowd. The social reputation of the community was widely known. The people were hospitable to their hurt, and entertained lavishly. The slaves did the work. But withal, there was culture and refinement in the homes, and many of them were centers of attraction for learned people.

An outstanding event in its social life had been in 1819, when the town was visited by President James Monroe and his Secretary of War, John C. Calhoun. It was occasion for great celebration, the distinguished guests being met a few miles from town by a cavalcade of 100 citizens. Cannon boomed out the presidential salute. They were escorted to the courthouse lawn where the President spoke to thousands. That night, a dance, graced by ladies and gentlemen in resplendent dress, culminated the entertainment, Mr. Monroe taking part in the festivities and making himself most agreeable.

The town was included in the itineraries of many of the prominent men of the day, who came here to consult the great leaders and enjoy the social life. In the summer of 1836, Washington was visited by one of her native sons in the person of Hon. Churchill C. Cambreleng. He was born there but moved to New York City at the age of 16, and subsequently engaged there in the mercantile business. He was elected to Congress as a Tammany Democrat and served for 18 years. At the time of his visit to Washington he was chairman of the Ways and Means Committee, enjoyed the friendship and confidence of Jackson, and had always been a tower of strength to him in his fight on the bank. Mr. Cambreleng spoke at Washington advocating the election of his close friend, Mr. Van Buren, but Beaufort County voted heavily against his candidate in the election. Two years later he was defeated for Congress and Van Buren thereupon appointed him as minister to Russia, where he served with great distinction. Judge Stephen C. Bragaw is one of his relatives and bears the name of his brother.

A discussion of the men and measures of the age beginning in 1845 necessarily must be woven around the legal fraternity. At that time politics was an exalted profession and the bar, on account of their educational qualifications, were looked to by the people as leaders of thought and exponents of issues. For 125 years the bar of Washington has been without a superior in the legal history of the State. The statement is made advisedly, but with knowledge of the groups that practiced there in each decade. Certainly this was true in the early fifties, when Edward Stanly, Thomas Sparrow, Edward J. Warren, William B. Rodman, Fenner B. Satterthwaite, Richard S. Donnell, and David M. Carter took their seats at the counsel tables in the same courthouse at Washington that stands to-day. Of this bar only William B. Rodman was born in Beaufort County. Aside from being a good place to live, there was considerable litigation in the county, and men like Stanly and Donnell forsook their native Craven and moved there.

In 1846 there came to Washington from the hills of his native Vermont a young man 20 years of age from a long line of Massachusetts ancestry. He had just graduated with high distinction from Dartmouth College, founded by his maternal ancestor, Doctor Wheelock. His name was Edward Jenner Warren. Tall, broad breasted, muscular, and erect, in appearance he was the acme of physical manhood, but the rigors of the cold northern climate had already affected him and he was moved to seek a milder temperature. He was a part of that migration of young men from New England that came south in the early forties. All were graduates of Tufts, Dartmouth, Yale, or Harvard, and they settled in Elizabeth City, Washington, and in Wilmington, N. C., and in Charleston, S. C. The South was still in the prime of her importance in the life of the Nation, and these young men, some as lawyers, some as physicians, and others as school-teachers, came seeking their opportunity and marrying into the older families. President Coolidge once told the writer that he became greatly interested in the southward trek of these able young men from his section during that period and used it as his subject when addressing the New England Society of Charleston when he was Vice President.

Edward J. Warren came as a school-teacher, finding time in his spare moments to read law, and was admitted to the bar in 1848. He shortly married Deborah Virginia Bonner, daughter of Col. Richard Bonner, a member of the council of state, long influential and powerful in affairs and the largest planter and wealthiest man in Beaufort County. Fresh from Dartmouth, still haunted by the memories of Webster, young Warren made him his political ideal, espoused both his cause and his theories and frequently corresponded with him. He cast his first vote in North Carolina for the Whig candidate, and within three years became outstanding as one of the younger Whig leaders. His early training and environment, the friendship of his Revolutionary ancestors with Washington and the Adamses, his admiration for Webster, and his hatred of the nullification doctrine of Calhoun gave him all of the requisites for a virile leadership in a section which was already in sympathy with his beliefs.

But from the beginning he was essentially a lawyer. His contemporaries at the bar scintillated with brilliance, both in the knowledge

of the law and the powers of oratory. It was no local reputation these men had. As lawyers they rode the circuit of the eastern courts and each established himself. The old court minute books of the East attest their appearances and their hard-fought victories and defeats. Each had his special attainments, but in knowledge of the law all were profound.

"In Warren," wrote one of them, "the soft and tender seemed to find no lodgement in his composition, but the noble and generous, in fullest measure, made large reparation for their absence." He was lofty and austere and socially was retiring and unconvivial but loved the company of a few chosen friends, and with them, like Doctor Johnson, would indulge in "elephantine jocularity." He was an accomplished scholar and literatus.

Edward Stanly, born in New Bern, and a graduate of Norwich University, possessed all the force as well as logic that is generally given an able man. In his younger days he was hot-headed and ill-tempered and promptly met on the dueling ground a Member of the House from Alabama over an imaginary insult, but which resulted in no harm to either. But in his latter days Mr. Stanly calmed.

Thomas Sparrow, likewise born in New Bern, had graduated with great distinction at Princeton, being the valedictorian of his class and receiving from that great institution both his A. B. and master's degrees. He read law under Judge Gaston, and moved to Washington and formed a partnership with Stanly. He was a profound student, and a forceful debater and orator. His appealing personality gathered men around him.

Richard S. Donnell was also born in New Bern. He was a graduate of the University of North Carolina and of Yale, and was a grandson of Gov. Richard Dobbs Speight. He was a man of commanding appearance, quick and decisive in his actions, and thorough in the preparation of his cases. He was a clear thinker and went to the heart of every problem.

William Blount Rodman, a grandson of John Gray Blount, was born in Washington, and educated at the university. He was small of stature and rather rotund. He was a fluent speaker, possessing a concise and analytical mind and knew the history of his State such as few men did. Later as a writer of legal history he had few superiors.

David M. Carter was nearly 6 feet tall and of large frame. He was born in Hyde County and attended the university. He had red hair and blue eyes, and at times an ungovernable temper. When in a rage, his countenance was ugly beyond description. He was a good hater. To his friends he was as true as steel. He detested his enemies. He was as brave as a lion. He was a powerful, ruthless advocate who brooked no opposition. After the war he formed a partnership with Mr. Warren.

Fenner B. Satterthwaite lived just over the line in Pitt County, but practiced in Washington regularly and moved there after the war. He had a natural gift for the law. He rarely cracked a book, but depended on his commanding appearance and striking personality, his knowledge of the people, and his ability to speak. And quite successful was he.

Such was the bar of Washington in 1850. There was not a case brought in Beaufort County that these men were not pitted against each other, and at every courthouse in the eastern country where they appeared, one or more of them would arise and address his fellow citizens on the issues of the day. Warren, Stanly, Sparrow, Donnell, Satterthwaite, and Carter were Whigs, while Rodman carried the Democratic banner alone. Beaufort was a Whig county. In the earlier days it had stood by General Jackson, but it had annihilated Van Buren, Polk, Cass, Pierce, and Buchanan. Its members of the legislature had been Whigs, and the county always loyally supported Morehead and Graham.

In 1853, after five years at the bar and at the age of 27, Mr. Warren rose to great heights in his profession in the case of the State against the Rev. George Washington Carrawan, a Baptist minister of great influence, from Hyde County, owning large tracts of land and a number of slaves. He had killed a school-teacher from Perquimans County named Lassiter, and though Carrawan's slave had aided his master in disposing of the body, his evidence was incompetent and the case was built up solely on circumstances. It was removed to Beaufort County and Messrs. Warren and Carter appeared with the solicitor, Mr. Stevenson, of New Bern, while Messrs. Rodman, Satterthwaite, Donnell, and James W. Bryan defended. Mr. Stevenson placed Mr. Warren in charge of the case, and he accordingly made the last argument to the jury. Judge Bailey presided. It will go down as one of the great criminal trials of America, consuming eight days and becoming famous on account of the arguments and the immediate happenings after the verdict.

When the jury brought in a verdict of murder in the first degree (Carrawan had turned to his wife after Mr. Warren concluded his speech and said, "That speech hangs me"), the prisoner, arising to be sentenced, calmly took a pistol from his pocket, aimed it deliberately at Mr. Warren, and fired. He was attired in the conventional broadcloth of the day, with heavy cardboard in the lapels of his coat. A large gold chain was thrown across his chest, holding a locket hanging just over his heart. The bullet struck the locket, caromed to his lapel, cutting out the cardboard, and, falling to the floor, left him uninjured. The shock knocked him down, but he was quickly on his feet, and in time to see Carrawan draw another pistol and kill himself in the court room. Judge Bailey wrote: "The calmness and poise of Mr. Warren under such a severe ordeal was the most remarkable thing I have ever witnessed." The speeches made by Messrs. Rodman and Warren in that case, outstanding for legal argument and oratorical ability, are published in a work well known to lawyers as Classics of the Bar. The complete history of the trial was written at the time by Mr. Sparrow, who did not appear. There is a copy in the Supreme Court Library, and the few that are still preserved are much sought after.

It was during this period that events began to shape themselves that unerringly pointed to secession. The eighth congressional district at that time was composed of the counties of Beaufort, Craven, Lenoir, Pitt, Greene, Tyrrell, Hyde, Washington, Carteret, Wayne, and Jones. For years it had been overwhelmingly Whig, and its leaders were standing squarely with Webster and Clay. The district was so pro-Union that the opposition to the dominant party was negligible. Mr. Stanly had served three terms in Congress with great ability, but in 1842 had been defeated for reelection. He returned home and was immediately sent to the house of commons from Beaufort County for four terms, was speaker in 1846, and the next year was the attorney general of the State.

In 1848 he was again elected to Congress and served until 1853, Mr. Donnell, at the age of 26, having voluntarily retired after serving one term, and insisting that Mr. Stanly take the Whig nomination. The district had been taking no chance that anyone who subscribed to the South Carolina doctrine should represent it. But with the increased activity of Beecher, Garrison, and Mrs. Stowe in the North, the seeds of disunion were germinating even in conservative and Union-loving North Carolina; and the Democrats, taking advantage of the mistakes of the Fillmore administration, set about to seize the Whig stronghold, the eighth district. Mr. Stanly had previously announced his retirement at the expiration of his term but yielded to the importunities of his party and again became the candidate.

Months before the election the Democrats nominated Thomas Ruffin, of Wayne. Mr. Sparrow, as chairman of the district Whig committee, became the manager of his law partner's campaign and lost no time in launching it. In a ringing appeal to the voters, prepared and signed by him as chairman, along with Col. Edward C. Yellowley, of Pitt, Jones Spencer, of Hyde, and others, he roundly denounced Mr. Ruffin and said that he was already "a warm and open advocate of the right of secession." He warned that the election might be thrown in the House of Representatives and asked, "Who shall cast your vote for President of the United States—Edward Stanly, a Union Whig, or Thomas Ruffin, a locofoco secessionist?"

The appeal to the electorate further continued:

"The abolitionists and Free Soilers at the North and the secessionists of the South are both laboring for directly opposite reasons to destroy the Union. They continue to agitate. They live only by agitation. The compromise measures adopted by the last Congress were regarded by the great and good men, both North and South, as "a settlement, a final settlement of the dangerous and exciting subjects they embraced."

"The abolitionists and secessionists continue to assail these measures. The wise and patriotic policy of our conservative Whig President is bitterly denounced. South Carolina is on the eve of disunion. Finding no other State to join her, she threatens to secede alone. Nullification and secession, odious always and crushed in 1833 by General Jackson, have been revived. If this doctrine is right, then South Carolina is right and our Government is wrong. If Stanly is defeated it will be proclaimed in all the land as a South Carolina victory in Stanly's district, in Union-loving North Carolina."

It was a great campaign. Sparrow, Warren, Carter, and Donnell took the stump for Stanly, all denouncing secession and breathing devotion to the Union. But Ruffin was elected and the Whig power in the district was at last broken. Beaufort County went for Stanly. Mr. Ruffin remained in Congress and went out when the State seceded. He was killed in one of the battles in northern Virginia. In 1853 Mr. Stanly moved to California, where he practiced law. His party, having passed off the scene of action, he allied himself with the rising new Republican Party and was their unsuccessful candidate for Governor of California in 1857. North Carolina was to hear no more of him until five years later.

It was in 1859 that Mr. Warren wrote a powerful article for the New York Tribune, which drew from Horace Greeley a lengthy editorial. At that time Mr. Greeley was saying, "Let them go in peace." It drew the fire of both the rabid abolitionists and the hot-headed secessionists. It was a restatement of the old Clay policies, and pleaded with the sober sense of the North not to make it harder for both southern Whigs and Democrats who loved the Union to keep up their fight. By this time Mr. Warren had formed an intimate friendship with Governor Graham, and they constantly consulted.

After serving as Representative from Beaufort in 1858, Thomas Sparrow moved to Arcola, Ill., where, on account of his ability, a wide field of activity had been promised him, but with the war clouds gathering and feeling then the inevitability of the approaching conflict, he

sorrowfully turned his way home within a year. But the lovers of the Union were not yet giving up. By this time Mr. Rodman was openly advocating secession, was writing prolificly, and making powerful speeches. Carter, Warren, Donnell, and Sparrow were making themselves heard, and wherever one spoke he was greeted with large crowds. Mr. Satterthwaite, living then in Pitt County, was quiet, but his near neighbor, Bryan Grimes, was using his great influence for dissolution. In the winter of 1861 the question of a convention was submitted to the voters of the State. The cotton States had gone out. On every stump in Beaufort County the question was argued. The people were at fever heat, but they were urged to vote down the call. Beaufort County did. And the State did. North Carolina was still in the Union.

But events were happening fast. Lincoln had made his call for troops. Virginia had seceded, and the war was already on. The next election on a convention was held. This time they were all together, all favoring it, and Beaufort County giving it a large majority along with the rest of the State. At the same time Edward J. Warren and William J. Ellison were elected as the county's delegates. Mr. Ellison was a large landowner and engaged in many business pursuits. He also was a Whig and strong Union man, and exerted tremendous influence in the county.

The personnel of the secession convention has been paid due tribute by the historians and writers. Certainly there has never been a greater or abler body of men gathered together in the history of the State, for in the crises North Carolina sent her best. The great county of Pitt sent Bryan Grimes and Fenner B. Satterthwaite, Mr. Grimes reproaching his friend and neighbor, Mr. Satterthwaite, a few days before the convention assembled, because he did not seem to have the same ardor that he did. Martin County sent Asa Biggs, then a United States judge, and one of the State's ablest men. Hyde sent Edward L. Mann. Washington sent William S. Pettigrew. Northampton sent her able judge, David A. Barnes, and John M. Moody. On the vote for president of the convention, Messrs. Warren, Ellison, and Satterthwaite voted for Gov. William A. Graham, who was defeated by the venerable Weldon N. Edwards. Mr. Grimes voted for Edwards. After a few preliminary roll calls as to its form, the ordinance of secession was unanimously passed, the 115 members signing the enrolled parchment. North Carolina had gone out of the Union and then quickly ratified the constitution of the Confederate States.

For the duration of the war, at least, the old antagonists at the bar and in politics made their peace. Mr. Sparrow raised a volunteer company in Beaufort County. While stationed at Portsmouth, awaiting transportation to northern Virginia, he was ordered to take his company to assist in the defense of Fort Hatteras. He was surrendered there with the garrison, and was in a northern prison for six months until exchanged. He was then called to Fort Fisher and was made a major. When that last great fort of the Confederacy fell, he was at home on sick leave. In a small canoe he paddled alone 20 miles down Pamlico River, and never surrendered or took the oath of allegiance.

On May 16, 1861, Mr. Carter was commissioned as captain of Company E, Fourth North Carolina Regiment, and went quickly to the front. At the Battle of Seven Pines, May 31, 1862, his regiment suffered severely, and he himself received wounds that were deemed fatal at the time. It was weeks before he sufficiently recovered to report for duty, and was then assigned as judge of Jackson's corps and made lieutenant colonel. Later he was presiding judge of the Third Army Corps (A. P. Hill's). He remained in the army until he was called home by his election to the legislature.

Mr. Rodman also raised a volunteer company of heavy artillery, which saw service in several sections. Later he was made president of a military court which held sessions in different parts of the South. Mr. Satterthwaite was not in the army, but gave three sons to the cause. Mr. Donnell was in the legislature during the period of the war and was elected to the convention upon the death of Mr. Ellison and also to the convention of 1865.

Immediately after signing the ordinance of secession Mr. Warren was unanimously elected as captain of a cavalry company organized by his friends in the east. A similar company had been organized in another section, and it was decided to only commission one of them. Governor Clark appointed the other man, Mr. Warren always feeling that the governor had been actuated in his decision because they were political opponents. Later, when the entire convention tendered their services to the Confederacy, Mr. Warren was rejected on account of his physical condition. A brother who had remained in New England served in a Massachusetts regiment, while one who came South served in a Georgia Regiment. They faced at Chickamauga, and the southerner was killed.

The brilliant career of Bryan Grimes, who was inseparably connected with the life of Beaufort County, needs no elaboration in these articles.

CHAPTER II

Edward J. Warren and William J. Ellison played important rôles in the convention of 1861 and from the beginning were continuously pointing out the value of eastern Carolina to the future of the Confederacy, condemning the half-hearted efforts for its defense by the Davis government, and urging State action. Both of them actively participated in all of the proceedings and impressed the membership with their ability and courage. During its third session Mr. Ellison died, and Richard S. Donnell was elected to sit with Mr. Warren.

In 1858 Mr. Donnell had made his first legislative bow by serving as senator from Beaufort, and in 1860 he was one of the representatives from the county in the house of commons. He also served in that body at the sessions of 1862, 1864, and 1865, and was speaker both in 1862 and 1864. His great ability and fine legal training made him at once a leading State figure.

Mr. Warren was elected as senator from Beaufort in 1862, 1864, and 1865. In the convention of 1865–66 Messrs. Warren and Donnell were again the delegates from the county; so they served in the dual capacity as members of the convention and as members of the legislature. Mr. Donnell's colleague from Beaufort in the house of 1862 and 1864 was Col. David M. Carter. In both conventions sat Fenner B. Satterthwaite, then living in Pitt, and Jesse R. Stubbs sat in the latter convention from Martin. He was the father of Hon. Harry W. Stubbs, and for many years prior to the war was a representative from Beaufort, but had moved over into Martin. In 1866 he was elected to Congress, but the Thad Stevens régime would not let him be seated.

Mr. Warren was chairman of the judiciary committee during all of his terms in the senate and Mr. Donnell served in the same capacity in the house until he was elected speaker. Certainly no county in those strenuous times occupied a more powerful position in the legislative history of the State than Beaufort. Her senator, representatives, and members of the two conventions wielded tremendous influence, and Warren, Donnell, and Carter were giants in those bodies.

For the time being a new era began in North Carolina when on September 8, 1862, Zebulon B. Vance took the oath of office as governor, and a star of the first magnitude started its ascendency. From that date until his death there was the closest personal and political friendship existing between Governor Vance and Mr. Warren. He soon appointed Mr. Warren as one of his council, and he became a recognized spokesman for the administration in the legislature.

During the progress of the war Governor Graham, Mr. Warren, Richard S. Donnell, Col. David M. Carter, and many others, were at times caustic critics of the Richmond government, and many of the war measures proposed both in the Confederate congress and in the legislature. They insisted upon a "vigorous constitutional war policy," but protested throughout, both in speeches and resolutions, "against any settlement of the struggle which does not secure the entire independence of the Confederate States of America."

The speech of William A. Graham against test oaths, sedition laws, disregard of constitutional guaranties, and the suspension of the writ of habeas corpus was one of the greatest expositions ever delivered in any legislative body on the face of the earth. Mr. Warren followed him in a speech that was widely commended by those who loved constitutional liberty. But they were criticized—Vance, Graham, and Warren—all being subjects of harsh Richmond editorials.

In 1863, when it looked like the railroad would be seized by the Union forces, and when Governor Vance, without avail, had exhausted his patience in urging President Davis to protect it, he was forced to go so far as to threaten to bring back North Carolina troops from Virginia for that purpose. Of course, the Confederacy was harassed, and was, no doubt, exerting every effort, but North Carolina was its backbone and was crying to it in vain for relief.

Debate on the lack of defense for the railroad broke out with fury in the legislature, and Governor Vance was highly commended for his actions. On June 3, 1863, Gen. D. H. Hill reported to the Secretary of War at Richmond:

"Mr. Warren, of Beaufort, one of the governor's council, said in a speech in the legislature that if the enemy got possession of the railroad it would be time for North Carolina to decide to whom her allegiance was due, the United States or the Confederate Government."

Strong language this was, and uttered with the same force by many others, but it caused the railroad to be protected. These men were not only demanding that their State be safeguarded on account of the host she had placed in the field but they were telling the world that in North Carolina constitutional guaranties meant something. The popular conception to-day is against such a conduct of a war, but no war governor in history has ever upheld these sacred rights more than did Zebulon B. Vance. As in later years many of these same men placed their feet on the neck of a tyrant who was usurping the liberties of the people and cast him from office, they were then insisting that orderly processes of government be respected.

Abraham Lincoln never had a more severe critic than Mr. Warren. In his frequent correspondence with his friend, Mr. W. H. Willard, also of Washington, one of the largest merchants and manufacturers in the State, and the father-in-law of Capt. S. A. Ashe, Mr. Warren continually voiced his opinions of Lincoln, condemning him for bringing on a war without the consent of Congress, and excoriating his methods. "It would be odious," said he, "to live under a government presided over by a man who has utter contempt for the Constitution." In another, he called it "Lincoln's war," and in another he said, "You and I did not believe in the right of secession, but I had

no reluctance in voting for the ordinance when I saw Abraham Lincoln ruthlessly trampling the Constitution under foot."

But let us turn back to the home of Donnell, Sparrow, Rodman, Carter, and Warren and see how things were going on. None of them could go back there now, for on March 20, 1862, a week after the capture of New Bern by the Federals, the Twenty-fourth Massachusetts entered Washington, accompanied by a fleet of gunboats. At this time the town had been completely evacuated by the Confederates and no resistance was offered. The regimental band accompanied by several companies marched from the dock to the courthouse and raised the American flag. A banner alleged to have been placed there by citizens was stretched across Main Street, bearing the inscription, "The Union and the Constitution." The Federal commander reported to the War Department that he had found Union sentiments among a few individuals. A garrison, consisting of infantry, cavalry, and artillery, was brought in and made permanent. A large fleet of gunboats was anchored in the river off the town. The occupation was continuous until the spring of 1864.

On September 6, 1862, the Confederates, under General Martin, made an attempt to recapture the town, coming in and taking possession of the western section. The streets were swept by artillery fire, the opposing guns being within a block of each other. Both sides had a large number of killed and wounded. The Confederates retired after an all-day battle, when Union reinforcements came up. It was during this battle that the Union gunboat *Pickett* blew up in the river just in front of the writer's home, killing her captain and 19 of her crew, and wounding 6. The old wreck may be seen to-day. The Union gunboat, *Louisiana* shelled the town during this engagement for six hours, not a house in a radius of seven blocks escaping her fire.

When Federal occupation came, there were not over 700 people who remained in Washington, all of them being old people who were noncombatants, and a few children. The feeling was prevalent that the section was being handed over to the tender mercies of the invaders, and that the Richmond government was stripping North Carolina of her manpower for service in Virginia. Hearts less loyal would have utterly failed. The county had always loved the Union, but when the step to leave it was taken, bickerings ceased, and a united front was presented.

On March 30, 1863, the Confederates, under Gen. D. H. Hill, began the siege for the relief of the town. Unfortunately, he had no gunboats, and as a result the Union garrison was constantly relieved. The besieging force consisted of the brigades of Daniel and Pettigrew on the south side of Pamlico River, and the brigade of Garnett, of Pickett's division, upon the north side. The force under General Hill numbered about 9,000. The Confederates seized the forts below the town and held in check a large fleet of Union gunboats attempting to pass them. The Federal garrison in the town at the beginning of the siege numbered 1,500, which was increased to 2,000 when the transports ran the blockade.

The Federals marched overland from New Bern with a force of 8,000 under General Spinola, but were met by Pettigrew at Blounts Creek and driven back. Fearing to make a land assault with its consequent loss of life, the Confederates daily engaged the Union gunboats and forts, and Washington was again riddled with shells. On April 15 a large part of the Confederate forces were called to Virginia, and the siege was abandoned. Washington was to remain under Federal occupation for another year.

The brilliant feat of General Hoke in capturing Plymouth on April 20, 1864, caused General Harland, the Union commander at Washington, to receive an order to evacuate the town. On April 30 the last Federal troops, after firing the different portions of the town, embarked. For the three preceding days the town was given up to sack and pillage. The plundering was not confined to the public stores and supplies but was general and indiscriminate. Gen. I. N. Palmer, who will always be remembered by the citizens of eastern Carolina for his kindness and consideration, as well as for his soldierly qualities at that time commanded the district of North Carolina. He was an honorable foe. In the general orders issued after the evacuation, he thus characterizes these outrages:

"It is also well known that the army vandals did not even respect the charitable institutions, but bursting open the doors of the Masonic and Odd Fellows Lodges, pillaged them both, and hawked about the street the regalia and jewels. It is also well known, too, that both public and private stores were entered and plundered, and that devastation and destruction ruled the hour.

"The commanding general had until this time believed it impossible that any troops in his command could have committed so disgraceful an act as this which now blackens the fair fame of the army of North Carolina. He finds, however, that he was sadly mistaken, and that the ranks are disgraced by men who are not soldiers but thieves and scoundrels, dead to all sense of honor and humanity, for whom no punishment can be too severe."

A board of investigation, presided over by Col. James W. Savage, Twelfth New York Cavalry, scathingly denounced the burning and plundering of the town, and said "there could be no palliation of the utterly lawless and wanton character of the plundering."

The fire burned from Pamlico River clear through to the northern limits, and covered eight solid blocks. The bridge was also fired. Nearly one-half of the town was destroyed by this conflagration. No military necessity required the burning of Washington. It was not necessary to cover the evacuation or to aid the escape of the garrison. No hostile force was then investing the town. A few days later, when the Confederates entered, an accidental fire broke out, and fanned by a high wind almost destroyed the other half. After this baptism the town was desolate and ruined. There were scarcely 500 inhabitants remaining of what had been an enterprising and prosperous community of 3,800 three years before.

No town gave more freely of its men and means and no town suffered more for the cause of the Confederacy.

The foregoing only in a small degree attempts to portray the sufferings of Washington and its people, but is given in order to refute the baseless calumny lodged both during and after the war that there was disloyalty on the part of the citizens of Washington to the Confederate government. It is a slander that is unworthy of denial, and though 65 years have elapsed, history is recorded truths, and there is documentary evidence to give the lie to every false charge.

The hoisting of the banner across Main Street welcoming the invading Federals can be dismissed as an act of a very few cowed and whipped citizens who felt that their government (Confederate) had deserted them. The fact that the banner was even raised by local people is not admitted, for immediately afterwards no one would take the responsibility for it.

On March 30, 1862, with the Federals in undisputed control of the town, six well-known and prominent citizens, all old men, were the guests at dinner of Captain Murray, of the U. S. gunboat *Commodore Hull*, lying in the stream off Washington. Every one of them had either sons or near relatives in the Confederate Army. It was a convivial affair. They pulled off a drunk that evidently required some time for recuperation. Captain Murray proposed a toast:

"Here's to the reconstruction of the Federal Union, a plantation in Georgia with 100 niggers, and a summer residence in North Carolina."

The Washingtonians drank to it with great zest, their liquor at that time having taken the proper effect. It is reported that the captain ordered them oared ashore and safely put to bed. This was a shocking and horrible act of disloyalty.

On April 3, Isaiah Respess, the mayor of Washington, was arrested by a raiding party and sent to Richmond by General Holmes, the Confederate commander, then at Greenville. Mr. Respess was an old man, long past the combatant stage. Faced by a court-martial, with seven charges presented against him, hundreds of miles from home, he successfully combated them and was acquitted. Even then he was held and told that he could not return to eastern Carolina. He was accused of furnishing information to the enemy, or at least fraternizing with them. His arrest, contrary to the civil laws of North Carolina, and with a wanton disregard of his rights, caused an outbreak of widespread indignation. On May 1, Judge Badger, of Wake, arose in the convention and presented lengthy resolutions calling upon Governor Clark to make immediate inquiry and with a demand for his release. Messrs. Badger, Warren, and Graham made powerful speeches. After a debate of three days, the proceedings were terminated with a wire from President Davis announcing the release of Mr. Respess. After the war Mr. Respess was a senator from Beaufort county.

During the first week of May, 1862, Edward Stanly left his California home and was received at the White House by Abraham Lincoln. He was depressed and blue, for his home State, which he loved passionately, had been invaded, and both the place of his birth and that of his long residence were in possession of a conquering army. But he had a dream that his very presence there could bring peace out of distraction, and he painted to Mr. Lincoln a glowing picture.

Was not Washington and New Bern, now held by the Union forces, a former Whig stronghold? Had not their public men, even until the very last, suffered villification on account of their intense love for the Union? Was not this whole war brought on because the people had turned from their old and trusted leaders? What, then, would be easier, now that they were abandoned by the Confederacy, than to go down and wean and coax them back, and take them by the hand as erring brothers? And who, he argued with Lincoln, could better do this than Mr. Stanly himself?

It was no lust for office or for power that inspired Edward Stanly. Love for his old home, and for the Union, pervaded every fiber of his being. He knew also that there was suffering down in North Carolina, and he thought he could alleviate it. He pictured himself as a fearless knight on a mission of chivalry. Mr. Lincoln was impressed. He felt that if he could drive a wedge into North Carolina that the war would quickly end. Just as he did not consult Congress when he made war neither would he consult that body now, and on May 26, 1862, he commissioned Edward Stanly as Provisional Governor of North Carolina, with the rank of brigadier general.

Governor Stanly lost no time. He arrived shortly in New Bern, and spent a month conferring with General Burnside. He unfolded his plan. Idealism was to prevail. The military should play second fiddle, and there should be a minimum of restraint. In all of their

acts they should play the part of the gentleman. They should fraternize freely with the citizens. No one should be called a rebel. The people should be told that they were simply misled, and that the Union was ready to receive them with open arms, and restore their property, including their slaves. This program had not been in effect 3 days before it clashed with the views of the Union general, and in 10 days Stanly was complaining to Lincoln of the excesses of the Federal troops.

He then moved on to Washington, and set up his headquarters in the building occupied by the branch bank of Cape Fear. Mr. Stanly was a persistent, tenacious, and determined man. He forcibly presented his ideas and arguments to all he came in contact with, and there is no denying the fact that he made inroads on the morale of the comparatively few people remaining in Washington. He was received kindly in the town which was formerly the scene of his many triumphs, and his presence no doubt softened the occupation. He wrote letters to many of his old Whig friends in the convention and legislature, including Graham, Badger, and Warren; but they had crossed the Rubicon long before, and sent him word that his mission was futile. Some time later he was issuing a public appeal to all of the State, advocating the election of Vance, and saying it meant a return to the Union. But it seems that he did not know Vance.

While Governor Stanly was busying himself to take North Carolina out of the Confederacy, and was holding a mock election to send his secretary as a Member of the United States Congress, the activities of his brother Alfred Stanly, who lived 3 miles from Washington, were giving both him and the Union garrison much concern. If Edward Stanly loved the Union, Alfred Stanly hated it. If Edward Stanly was the embodiment of national loyalty, Alfred Stanly, as a secessionist, surpassed it. He adored the Confederacy and hated "damn Yankees." He had tried to enlist, but was rejected on account of his age. So he became a bushwhacker de luxe, and his favorite occupation was to snipe at anyone wearing a blue uniform, as raiding parties would pass his house. It is known that he wounded several. It is said that he killed some. He thrilled when he was denouncing his brother's rule. One day a squad went out and burned his plantation, but the old man always remained an irreconcilable.

Governor Stanly carried on a lengthy correspondence with Lincoln. He constantly protested the thwarting and overruling of his policies by the Army, and was always mentioning the excesses of the troops, and complaining of their entire lack of cooperation with him. Soon Stevens and Sumner, on the floor of Congress, were interrogating the President, as to "this man Stanly who is assuming to usurp the powers of the military."

The provisional governor had accomplished nothing. Each day his disillusionment grew, and he was sad. On March 2, 1863, he resigned, no doubt upon the suggestion of Lincoln. He returned to California, entering into a large law practice, and was eminently successful. He died in 1872, at the age of 62, and was buried there. Edward Stanly was a great lawyer, and a wise statesman. He never lost his love and deep affection for the people of his native State. At least one of the votes for the acquittal of Andrew Johnson is accredited to his influence.

The banner incident, the social party of several old men on a Union gunboat, the arrest of Mayor Respess, and the visit of Stanly were all magnified, and mutterings were abroad that Washington was disloyal to the Confederacy. The truth is that the town and county were bled white, both of men and property, and the people displayed the stoicism of Spartans, and bore their sufferings heroically.

CHAPTER III

The war was now over, and William W. Holden was the provisional governor. North Carolina was to drink the bitter dregs for years to come. Governor Holden immediately set about to restore the State government, making a conscientious effort for the immediate return of the State to the Union, and appointing men of high character to fill all of the offices until the legislature could meet in the fall. The dream of his life was to be elected governor by the people. As judge of the second judicial district, he named Edward J. Warren, and appointed Daniel G. Fowle, also a native of Washington, and later to become governor, as the judge from the Wake district.

While no interest was taken, there was no objection to the call for a convention in 1865. Its personnel was selected solely by white votes, and many able figures were members. It was composed largely of men who were former Whigs, and it was imbued with a spirit of cooperation, and a desire to set the house in order again. Judge Edwin G. Reade, a former senator in the Confederate Congress, was its president. Judge Warren and Mr. Donnell, as members from Beaufort, rendered able service on account of their wide experience, Mr. Warren being appointed on the committee to redraft the constitution.

The legislature met the latter part of November, Governor Holden having submitted his cause to the voters, and being defeated by Jonathan Worth. On November 29, Gen. U. S. Grant visited the senate chamber of North Carolina, and was introduced to the body by Judge Warren. General Grant was there under instructions from Andrew Johnson, with whose policy at that time he was in hearty accord. The commander of the United States Army was most gracious, and in conversation did not hesitate to express his views and his opinion that as soon as an election could be held that North Carolina would be represented in the National Congress.

S. F. Phillips, Richard S. Donnell, Judge Warren, and Colonel Yellowley had a private talk with the general lasting over an hour, which, Mr. Donnell stated, "ought to be productive of excellent results, as we were impressed with the broad views of General Grant and believe that in his attitude toward General Lee at the surrender he has already shown us that he will be a friend of the South."

Little did they dream at that time that lust for office would cause General Grant to adopt a policy a few years later that placed North Carolina and other Southern States under an iron heel that no conqueror had ever before been guilty of.

The legislature immediately went about to set up a stable government under the Constitution. On December 1 Judge Warren, by joint ballot of the legislature, was elected judge of the second district, receiving 89 votes to 68 for George Howard. The district at that time was composed of the counties of Beaufort, Pitt, Edgecombe, Martin, Washington, and Tyrrell. He resigned as a member of the senate on December 18, and Col. David M. Carter was elected to succeed him. No member was more active or more prominent stand in the senate than Colonel Carter during this unexpired term. At the same time Mr. Warren was elected judge, Judge Fowle, of Wake, also received his election.

Just before Holden went out of office he appointed B. F. Moore, Richard S. Donnell, and William S. Mason as commissioners to prepare and report to the legislature a system of laws upon the subject of freedmen. This report was adopted by the legislature, the other two members saying that Donnell was entitled to the major credit for the work.

The work of the convention of 1865-66 was finally approved by a vote of 63 to 30, Messrs. Warren, George Howard, and Thomas J. Jarvis being numbered among those opposing it. When it was submitted to the people Judge Warren gave a dignified statement containing his reasons for opposition. It was rejected both in Beaufort County and the State, and with exception of the ordinances it had adopted, the work of the convention was in vain.

Worth was now governor and with the beginning of 1866 Judge Warren entered upon his judicial career with a sense of relief from party politics and the storms of the day. During the latter part of the War the courts had ceased to function and he found that practically his whole time was occupied. During his few vacant weeks he would return to Raleigh and participate as a member of the convention. As judge, he covered every section of the State, evincing a keen and active interest in his work. He had cared nothing for politics and the bench was the only honor that had really appealed to him. The late Judge Henry G. Connor stated that he well remembered the first court held in Wilson and how he was struck with his manner and deep logic and innate sense of justice. In Orange County he clashed with the Ku-Klux, who were interested in seeing a negro executed, only to discover that they were accusing the wrong man. But it was in the equity and law courts where he excelled, and there is frequent commendation of his decisions in the opinions of the supreme court. "He was the model nisi prius judge of his day," said Judge William A. Moore, a political opponent. He served on the bench until July 1, 1868, being defeated by Edmund W. Jones in an election where almost the entire vote against him came from negroes.

On June 3, 1867, Richard S. Donnell died from an incurable malady. He was only 47 years of age, but in that brief span there was crowded a life of service for North Carolina. His body was carried to his native New Bern and laid beside his father, Judge John R. Donnell, who added luster to the superior court bench of the State for 18 years.

Political readjustments were now beginning to take place, and men were casting about for the future. Until now Mr. Rodman was quiet, as were all of the old secessionists. General Grimes, with the glamor of a great military record, was in seclusion in Raleigh, and Matt W. Ransom had retired to his large estates on the banks of the Roanoke in Northhampton. In spite of the efforts of Holden and Worth, the State was not yet in the Union, though over two years had elapsed. Mr. Rodman began conversations with both his friends and those of former hostile political beliefs. One of his first meetings was with Judge Warren, Colonel Carter, Major Sparrow, and Mr. Satterthwaite, the latter having moved into Beaufort. When the first call for a convention had been voted down in the county in 1861, and Mr. Warren and Mr. Rodman had debated the question out in every section, a feeling of antagonism had sprung up between them, but now that the struggle was over they had a mutual respect for each other that lasted for life. All of these men sat around the table to discuss the tragic plight of the State.

Congress had submitted the fourteenth amendment, and Mr. Rodman saw only gloom ahead. He vividly pictured the horrors of negro domination in the South, and lamented the fact that already mercenaries, camp followers, and unprincipled carpetbaggers were infesting the

State. "Are we to let North Carolina become a prey to these people, and lead the ignorant blacks," he asked, "or shall men like us, who hold the State near and dear, step in and lead and assume control."

It was not a matter to be lightly brushed aside. Although the State government under Worth was functioning splendidly, a military despotism under the acts of Congress had been set up and the civil authorities were being constantly overruled and humiliated. Mr. Rodman felt that the only way either the State or the South could be helped was a submission to the new order and an assertion of leadership by representative men. It might be easy to criticise and speculate after the lapsing of nearly three-quarters of a century, but these were critical times and a man's motives should be judged by his accomplishments under the conditions that confronted him.

Colonel Carter, who carried to his death terrible wounds he had received on the field of battle, became after Gettysburg and Vicksburg an ardent advocate of peace at almost any price. In January, 1865, he was a member of a secret legislative committee that urged upon President Davis to make terms. He listened to Mr. Rodman with great sympathy, and it is certain that he left Mr. Rodman under the impression that he subscribed to his views. Later in the year, when the Republican Party was organized in the State, although Colonel Carter did not attend he was named as a member of its executive committee. In about a month he disavowed it and announced that he was a conservative. In a later campaign this incident was to hurt Colonel Carter politically. Major Sparrow and Mr. Satterthwaite could see no advantage in such an alliance as proposed by Mr. Rodman.

Judge Warren, by reason of his New England birth and his former pronounced Whig views, was expected to listen. He had cordially hated the ante bellum democracy, and a promise of leadership was held out to him in the new order by Judges Reade and Settle. Even after he had been defeated for judge, it was represented to him that Judge Starbuck would accept a Federal position, and if he would move to Salem he would be named his successor, and would be given the first vacancy on the supreme court. But Judge Warren, now a man without a party, would not listen. So, from the beginning of the war, he called himself a Conservative, for the word "Democrat" was still an anathema to him. And Colonel Carter, Major Sparrow, and Mr. Satterthwaite also adopted that title, for just now they could not stomach to affiliate with a party they had always detested.

So Mr. Rodman attended the first Republican convention in Raleigh and cast his lot with that party. From the outset he was the leader of the conservative, or white wing, in striking contrast with Judge Reade, who went with the radical element. Never did Mr. Rodman countenance negro domination or negro office holding, and to his influence, more than anyone else, is attributed the fact that Beaufort in years to come never suffered negro control, as so many of her neighbors did. With the exception of a few aldermen in Washington and a few school committeemen in the county that horror was spared. From that moment William B. Rodman exerted a far-reaching influence on the constitutional and judicial history of North Carolina.

But Congress had decreed that the "conquered Province" must have a new constitution, and General Canby, the military commander, initiated the enrollment of the negroes for their first suffrage. Another great convention was held in Raleigh, this time composed of the Conservatives and Democrats. They denounced the determination for a Constitutional Convention and banded themselves to oppose it. Judge Warren wrote Governor Vance, and Judge Fowle, who had resigned, that his attendance would be incompatible with judicial propriety, but that he was in complete sympathy with their movement.

The election was held, and as expected, the call for the convention carried. William B. Rodman and William Stilley were elected as members from Beaufort. Such a conglomeration of constitution makers had never before been gathered. Carpetbaggers, negroes, illiterate whites with deep-seated prejudices, and about 15 high-class men made up the assemblage. In the latter class, besides Mr. Rodman, were Plato Durham, of Cleveland, John W. Graham, and E. M. Holt, of Orange, the last three having no influence, but making memorable fights on all controverted questions. There was a dearth of lawyers in the body. It is paying no compliment to William Blount Rodman to say that he towered above everyone there. He would have been a distinguished leader in any convention or legislative body, where his legal ability and forensic powers would have been in demand. When the convention organized he must have shuddered at the colossal task confronting him, for he had fully determined to battle every question and save the State, if possible, from those who were ready to despoil her. As a former Confederate soldier, with his disabilities still unremoved, and as a former well-known Democrat, he was looked upon with suspicion by the negroes and carpetbag element. That section of the convention immediately set up as their leader the notorious but able Albion W. Tourgee.

Mr. Rodman was immediately appointed as one of the committee of 17 to report on the best mode of proceeding to frame the constitution and civil government. He was then made chairman of the committee on the judicial department, and it was here he best served North Carolina. From the first meeting of this committee he was in constant clash with Tourgee, and they waged a memorable battle both in committee and on the floor of the convention over the judicial article. Mr. Rodman was strongly opposed to the election of judges, and desired to retain the old distinction between actions at law and suits in equity. Tourgee took the opposite view on both questions, and by close votes his opinions prevailed. Mr. Rodman then gracefully yielded, and thereafter wrote all of article 4 of the constitution.

Surveying his handiwork he predicted "it will stand the test of experience and be more valued with every year of its existence." Mr. Rodman was also the author of sections 22, 27, 35, 37, and a part of 32 of the bill of rights. He wrote section 3, of article 5, on revenue and taxation, which in recent years has been amended. Mr. Rodman made a long fight in the convention to strike out section 21 of the bill of rights, which provided that the privileges of the writ of habeas corpus shall not be suspended. He desired the writ suspended during war, insurrection, or invasion, but his proposition was overwhelmingly defeated. The late Judge George H. Brown considered that Mr. Rodman's most valuable contribution to the constitution was the fight he waged to preserve the equation between the property and poll tax, as the State was then financially prostrated.

When article 11 was under discussion, dealing with punishments, penal institutions, etc., Mr. Rodman riddled the committee's proposals with amendments, all of which were adopted. But outside of his work in writing the judicial sections, his most conspicuous effort was on the suffrage article, where he successfully combated the wild and incendiary views of men like Abbott, Tourgee, and Edmund W. Jones, who believed in social equality. Looking backward, it is a wonder that the convention did not proscribe every prominent man in the State, so great was the animosity then prevailing. Mr. Rodman, though having the confidence of the presiding officer from the first day of the session, and being thus favored by committee appointments, had to fight his way to leadership, and long before adjournment he was the recognized spokesman of the body.

The convention unanimously made Mr. Rodman one of the three commissioners to prepare a code of laws, and his work became a model for future codes. He was also appointed as one of two members of the convention to prepare an address to the people urging them to adopt the constitution.

The constitution was adopted by a large majority, Beaufort joining the other counties in favoring it. It is rather singular to note that Mr. Rodman, who wrote more sections of the constitution than any other man in the convention was not permitted to vote to ratify it, though in the same election he was elected to membership on the supreme court. Judge Warren, Major Sparrow, Colonel Carter, and Mr. Satterthwaite all issued fervent appeals to the people to reject it, but neither could they vote on the question. The disabilities of all of them were removed shortly after the election. It is also worth noting that the proposition to increase the membership of the supreme court from three to five was only carried in the convention by a majority of one. Had this not prevailed, it is hard to speculate what three would have composed the court.

The constitution of 1868, the organic law of the State to-day, conceived and born in prejudice and strife, and prepared by a convention, the overwhelmingly majority of which was hostile to North Carolina, has, notwithstanding its conception, stood the test. Recent conventions in many Northern States had afforded a chart. The fact that it was written by a mere handful of its membership is probably responsible for its lack of commissions and omissions. An abler body might have been hopelessly divided on fundamentals. In reviewing its birth it is to be wondered that such a document emerged. That it has passed through the decades with slight mutilation is surprising, and it is doubtful that the tinkering with it by amendment has very greatly improved it.

Defeated for reelection Judge Warren again actively entered the practice of law and formed a partnership with Col. David M. Carter. Several years later William B. Rodman Myers, the son-in-law of Judge Warren, was admitted to the firm. They had all the practice they could attend to and appeared in most of the far eastern courts.

The election, along with the adoption of the constitution, was a clean sweep for the Republican candidates and every branch of the State government came under their control. Holden became governor in his own right, while a supreme court was chosen composed of Pearson as chief justice and Reade, Rodman, Dick, and Settle as associate justices. In spite of the urge to engage in partisan politics, to which they freely yielded, no greater body has ever sat as the State's highest tribunal than this supreme court of the reconstruction era. All of them were native North Carolinians of distinguished ancestry, and men of character and the highest order of ability. It was the brightest spot in that sordid period and the surest hope of justice from an inferior, partisan, and at times corrupt superior-court judiciary. The opinion of Chief Justice Pearson in the habeas corpus cases was cited by the Democrats as an example of utter collapse of constitutional government, and coming as it did it staggered the sober thought of the State. Reviewing it to-day, however, aside from the shaken faith in our institutions, we must admit that had the writs been attempted to be enforced a stream of blood would have flowed in North Carolina from Alamance and Caswell to the Atlantic Ocean.

Judge Rodman, a member of this great court for 10 years, contributed in marked degree to its record. By virtue of having been a

member of the convention that framed the constitution, he at once became its chief interpreter and expounder. It is interesting to observe the points of difference between the members of the court on constitutional questions and to contrast the views of Rodman, as a framer, with the other members. From the beginning there were divergent views on the part of Rodman on the one hand and his associates on the other as to the proper interpretation and construction of the article on homesteads, and they remained so until subsequent legislatures clarified enabling acts.

Before the question ever reached the court Judge Rodman in an able treatise had discussed the duty of the court should the legislature disregard the equation between property and polls and in subsequent opinions down to a late date this dictum has been referred to. In 1870, when the Republican legislature desired to extend their term beyond the biennium, by reason of a strained construction of the constitution, they passed a resolution asking for an opinion from the supreme court. Chief Justice Pearson and Justice Dick responded as "a duty of courtesy and respect," while Justices Rodman, Reade, and Settle declined. Judge Rodman went further than an outright declination and stated that if they wished merely his individual opinion, he would feel at liberty to give it, and then rather ingeniously pointed out the controverted sections, and ended by saying that if there was any doubt in the minds of the legislature that "a wise and becoming policy would require you to give the people the benefit of the doubt." The attempt by the carpet-bag legislature to perpetuate itself in office proved abortive. It should be mentioned that the supreme court in recent years has rendered opinions upon the request of the general assembly.

None of the writs of habeas corpus in the Holden-Kirk affair were issued by Judge Rodman. This was probably due to the fact that the Supreme Court was in recess, and that he lived in a section of the State far removed from the scene of trouble. There is no doubt, though, that all of the members of the court concurred in the opinion of Judge Pearson on that subject.

No attempt is made here to analyze or set out some of the outstanding opinions of Judge Rodman while a member of the court, which covered almost every subject of constitutional and statute law. They are his memorial and are cited to-day for their lucidity and logic.

CHAPTER IV

It was the November term, 1868, of the superior court of Beaufort County, the first court to be held under the new constitution. John H. Small, a large farmer and business man, had been sworn in as foreman of the grand jury. Several members of this grand inquest were negroes.

"Mr. Foreman and gentlemen," piped the judge, "the people have declared that there shall be a new order in North Carolina, and that men who despise disloyalty shall be in control. Thank God we are back in the glorious Union again. The man who crushed the rebellion has just been put in office, and he with our help is going to run this country. I am glad to see on this grand jury to-day some of our newly liberated colored brothers, and I first charge you to see that their political and property rights are protected."

There then followed a harangue of an hour, interspersed with frequent profanity and occasional garbled quotations from the Bible. Mr. Small, one of that New England migration to eastern Carolina in the early forties, blushed for shame.

The occupant of the bench did not participate in the war. He was the delegate from both Washington and Tyrrell in the convention of 1868. While possessed of a law license, he had rarely appeared in a courthouse. He was tall, slim, and rawboned, with inanimate features and a glassy stare in his eyes. He wore a long frock coat, an extra tall silk hat, and presented an immaculate appearance. He walked almost on his toes, which caused his body to sway from side to side. He strutted like a peacock. He was a confirmed drunkard, a bitter partisan, thoroughly unscrupulous, without character or morals, and corrupt and debase. While lacking any knowledge of law, he later became as fiendish as a Jeffreys.

"Your honor," said Mr. Sparrow, "the wife of the defendant, Isaac Barrow, died last night. I ask that the case be continued to the spring term, the solicitor being quite willing."

"The motion is denied," snapped the court.

He got supreme satisfaction by being addressed as "his honor" by men like Sparrow, Warren, Satterthwaite, and Carter.

The judge was Edmund W. Jones, of the county of Washington, but already known far and wide as "Jay Bird" Jones (a name given him by Josiah Turner), and by the grace of a large negro majority presiding over the superior courts of North Carolina. At the solicitor's table sat Joseph J. Martin, of Martin. He was an honorable gentleman and held in high esteem.

After a few preliminaries, a recess was taken, and Judge Jones promptly headed for a popular bar.

That afternoon Capt. J. J. Laughinghouse, who lived just over the line in Pitt County, entered a plea of guilty to an assault on the sheriff. The judge imposed a fine of $50, and then malignantly asked the captain what he had to say. Captain Laughinghouse, with the fire and vigor that was his for life, expressed his contempt for the court in language and oaths that made the air blue. The darkness of a winter evening was beginning to fall, and this was the last matter to be disposed of. In addition to the fine Judge Jones sentenced him to jail for 30 days, immediately adjourned court, and was spirited to a house on the outskirts of town.

Captain Laughinghouse had to serve all of his sentence. The ladies of Washington decorated his cell so as to hide the bars, a feather bed was moved in, the choicest food was brought in daily from their tables, and the captain in later years admitted that so great was his satisfaction in paying his respects to the judge, and so pleasant had his imprisonment been made, that he hated to see his term expire.

On Wednesday morning of the same term of court there was called the case of State v. Jim Carter. The courthouse was packed to overflowing. Jim was a former slave of Col. David M. Carter and had accompanied him to war. When Colonel Carter had been left for dead on the battle field it was Jim who had found him and carried him on his back to a place of safety and nursed him back to life. In the recent election Jim had voted the Conservative or Democratic ticket, and had ostracized himself with the colored population. He was finally attacked on Main Street by several of them with the result that Jim wielded his knife with great dexterity and stabbed one to death. So he was to be tried for murder, and his former master, a ferocious old lion, sat by his side. For weeks before the trial the whole county had become either pro or anti Jim Carter, and the case had assumed a political aspect in that the Democrats were for acquittal and the Republicans for conviction. Over 200 Democrats sat in that courthouse with pistols in their pockets.

On a question of admissibility of some phase of the evidence Colonel Carter received a severe reprimand from the court for insisting upon the constitutional rights of his client and was ordered to apologize.

He thereupon straightened up and informed his honor that while it was true he was conducting a hearing where the State was seeking to take a man's life, that in no sense of the word could this be termed either a trial or a court; that by his actions the occupant of the chair had already shown he was lacking in any knowledge of the law and was devoid of any semblance of character or morals; that it was painful for him as a lawyer to address such a tribunal; that his conduct was only typical of what could be expected hereafter on the superior court bench; that the evidence sought to be offered by the defendant was competent and would be admitted regardless of the opinion of the court, and that so far as any apology was concerned he would sink lower than the mudsills of hell before he retracted anything. Standing 6 feet from the judge he folded his arms and glared.

It was a full five minutes of painful silence before a word was spoken, and Colonel Carter was then told to proceed with the examination of the witness. The evidence attempted to be barred was presented in full to the mixed jury of whites and blacks.

The news had reached the judge, who was visibly under the influence of whisky, that he would be held to strict account for the jury's verdict and that pistols would bark out at him in the event of conviction. The opening of court that morning had been delayed an hour, due to the absence of his honor, who had finally been found at the home of a negro prostitute, where he had spent the night. Blear-eyed, trembling, his bloodless face without expression, he realized that his judicial orders issued at times with merciless severity were without avail, even though surrounded by court officers of his own political party. During the three minutes the jury was out it was a tense scene in the courtroom. The judge squirmed and twisted in his chair and every eye was on him. The silence was broken when a tiny crack of the jury room door was opened and a little bullet-headed negro squeaked out, "Not guilty." The crowd was content in not hearing an acquittal in the impressive court form and bedlam reigned as they rushed in the street. That night Washington staged a celebration.

The gentle and erudite Dr. David T. Tayloe, a gentleman, scholar, and learned physician, who had served four years in the Confederate Army, looked in on the proceedings and became a militant. Doctor Tayloe was a former Whig leader, and a campaign song composed by him had been adopted by the Zachary Taylor campaign and was used throughout the Nation. He was asking himself what it availed a man in former days to have been a friend of the Union.

Dr. Charles J. O'Hagan came down from Pitt to observe the workings of the Jones court, and was a calm but embittered spectator. He had recently made the sacrifice as the nominee for Congress and had been defeated. North Carolina will never see his like again. Born in Ireland, he had a passion for freedom and individual liberty. He had a national reputation as a physician, and after a distinguished service in the Army, did as much as any man to redeem his State. Although a small boy when he died, well does the writer remember him. He was both his father's and grandfather's lifelong and devoted friend. Truly, he was one of the State's great men.

At the fall term, 1870, Judge Jones presiding, H. E. Stilley, a member of the legislature, and colonel of Holden's Beaufort County Militia, made an unwarranted attack in a statement to the judge on Dr. John McDonald, who was sitting in the courthouse. Judge Jones, without investigation, castigated the doctor in stinging language. The fiery and temperamental physician jumped up in court, knocked Colonel Stilley down and threw him out of the courthouse. He was adjudged in contempt, fined $100, and placed under a peace bond. When court

adjourned, Doctor McDonald accosted the judge, grabbed him by the collar, and shook his hat off his head.

Carpetbag and scalawag justice was being meted out with a vengeance in the superior courts of the State.

Judge Jones was continually reversed by the supreme court, this happening eleven out of twelve times in one report. The bar of Washington carried up on appeal every case he tried, Colonel Carter doing so with great glee.

After Holden was impeached, the house passed articles of impeachment of Judge Jones, but he was permitted to resign without trial. He returned to Plymouth and became more dissolute than ever, his friends and companions being chiefly negroes. One day he was at a fishery on the shores of Albemarle Sound, where large catches of herrings were being thrown in boxes on the sand. He reeled over with a stroke, falling among the dying fish. They carried him home and he passed away that night. It is said that not a single white person attended his funeral.

In the old man's latter days, he strangely took up the idea that he wished to learn to sing. These were the days of old-fashioned singing schools. There is hardly anyone left now who remembers the geography singing classes that made for such wonderful efficiency in the memory of geographical points and facts, but many now living remember the Carmina Sacra Classes that gave such delightful entertainment and made congregational singing very tolerable in the absence of a church organ. There was one of such classes going on in Plymouth, having the usual number of members and giving great entertainment.

"Jay Bird" joined and persisted in going vigorously into his work, entering early and staying late, and singing loud and strong. His notes and tones, according to report, were equal to old man Linkhaw's, of Roberson County, reported in the Sixty-ninth North Carolina Report, page 214. The difference was that Jay Bird's produced merriment and fun while Linkhaw's actually prevented religious worship. The judge had one of those voices that are not usual. A bass note like that of a bull frog was followed immediately by one sounding like a carpenter filing his saw. One day when he had broken up the class with laughter, he saw the awkwardness of his situation, and when the laughter ceased he delivered himself of this proposition:

"A slavish adherence to the notes destroys the symmetry of music."

It is not reported that the old gentleman's voice acquired much skill for melody, nor what effect his efforts in that direction had on his private entertainment, but it would probably be admitted that his musical philosophy was sound, and expressed more wit than his mind was usually capable of.

On April 19, 1869, an article appeared in the columns of the Raleigh Sentinel headed: "A Solemn Protest of the Bar of North Carolina Against Judicial Interference in Political Affairs." This unusual document was caused by the late public demonstrations of political partisanship by the judges of the supreme court, and was aimed especially at Judge Reade, who had admitted the authorship of a shocking document signed by the Republican members of the "carpetbag" legislature in an address to the people of the State.

After reciting the exhibitions of mad partisanship by the judiciary, the article closed with this:

"Unwilling that our silence should be construed into an indifference to the humiliating spectacle now passing around us; influenced solely by a love and veneration for the past purity, which has distinguished the administration of the law in our State, and animated by the hope that the voice of the bar of North Carolina will not be powerless to avert the pernicious example, which we have denounced, and to repress its contagious influence, we have under a sense of solemn duty subscribed and published this paper."

It was signed by 110 members of the bar of the State, and was prepared by B. F. Moore, E. G. Haywood, and Asa Biggs. Judge Warren was in Raleigh at the time of its preparation and was the third one to sign it. Major Sparrow and Mr. Satterthwaite also signed.

When the supreme court met in June, it first ascertained how many of the signers practiced in that court, which proved to be 25. An order was then issued that these 25, one of whom was Judge Warren, should be "disabled from hereafter appearing as attorneys and counsellors in the court, unless they shall severally appear on Tuesday, June 15, 1869, and show cause to the contrary." The rule was discharged as to the others. The court held that the rule could be discharged as to the 25 on their making "a disavowal upon oath of any intention in signing and publishing said paper to commit a contempt of the supreme court or to impair the respect due its authority."

From time to time different ones would file answers to purge themselves of contempt, but no answer was ever filed by Judge Warren, Vance, Jarvis, and a few others. The matter was allowed to drop.

In the early part of 1870 President Grant appointed Col. S. T. Carrow, the sheriff of Beaufort County, as United States marshal of North Carolina. He was 6 feet tall, with a massive frame. He had no educational advantages, but was endowed with a strong personality and was powerful in political debate. He had joined the Republican Party and became sheriff. As such it was his duty to collect the odious special taxes assessed by the "carpetbag" legislature, and his great heart and charitable instincts caused him to pay out of his own pocket taxes for literally hundreds of people. He exerted great political influence and had a most salutary effect on the negroes, who were afraid of him. The office of United States marshal was one of the richest political plums in the State, and the fees were large. Colonel Carrow surrounded himself with fine horses and carriages, dressed fashionably, entertained lavishly, and was again profuse with his charity, his political friends and foes being recipients.

After the humiliating opinion of Chief Justice Pearson declaring the power of the judiciary exhausted, it was he who served the writs of habeas corpus issued by Judge Brooks in the United States court and took in charge the prisoners of the Holden-Kirk war, which later resulted in the impeachment of the governor. They rejoiced in being in Colonel Carrow's custody, and many of them wrote him letters speaking highly of the consideration and courtesy shown them.

The spring of 1870 had rolled around, and the State was so shocked at the program of pillage and plunder inaugurated by the carpetbag legislature that it was literally on fire. On June 4 there assembled in the Beaufort County courthouse one of the largest and greatest political conventions held in the East. It was composed of old-line Whigs, Democrats, and many Republicans who were already leaving that party. It was called the "Conservative Democratic convention," and a full county ticket was quickly unanimously nominated. It proposed for the senate Judge Edward J. Warren and for the house Maj. Thomas Sparrow. Enthusiasm was rampant, for regardless of past differences, the delegates were now united for a single purpose.

The Eastern Intelligencer, published in Washington and edited by Dr. James F. Long, a quite able paper carrying as its slogan, "Death to radicalism," tells about it in its issue of June 8:

"When the name of Judge Warren was announced there were loud cries for him, for the people wanted to hear from him, as it was uncertain whether he would accept the nomination. It was feared his known physical infirmities would force him to decline. He soon made his appearance, and though hobbling and moving with great difficulty, he in about an hour's speech convinced the crowded court room that though rheumatism might to some extent have impaired his physical energies the profound logical mind, the brilliant, clear, perceptive, progressive intellect of Warren was still there stronger than ever, brighter than ever, as full of fire as in the days of yore, and the tongue lacked none of its native eloquence. We will not attempt an analysis of his address. Sufficient that he gave radicalism and its failures an exposé, every word of which was a nail in the right place, driven and clinched by the master of builders."

Of Major Sparrow it said:

"Sparrow, the servant of the county, the popular man of the county, whom the people love (and he merits it, because all of his life he has been making personal sacrifices—pecuniary and professional—to serve them), was next called. In his own unborrowed style he entertained them with choice morceaux of political viands that made their mouth water with anticipation of what the full feast of radical exposures would be when, uncoated and with sleeves rolled up, he will open the campaign."

Satterthwaite, it said, excelled his past efforts as an orator, and Colonel Carter, after presenting the resolutions of the convention, confined his remarks to giving "some wise advice to the colored people conducive to their future happiness and prosperity."

The campaign was fiercely conducted, but the ticket was elected by a large majority, and Beaufort County again sent two of her sons to Raleigh to figure prominently once more in history about to be made.

CHAPTER V

The legislature of redemption met in November, 1870. For another time the chairmanships of the judiciary committee in both senate and house went to Beaufort County. The Conservatives or Democrats had a wide majority in each body, and they immediately set about to undo what the despoilers had been doing for the last two years. They elected Thomas J. Jarvis, then of Tyrrell, and later to become governor, as speaker of the house.

On December 15, 1870, Maj. Thomas Sparrow, of Beaufort, appeared at the bar of the Senate and impeached Gov. W. W. Holden, in the name of all of the people of the State. By reason of his commanding influence, his purity of character, and outstanding legal ability, he had been chosen as chairman of the board of managers. Lieutenant Governor Caldwell retired to assume charge of the executive department, and Judge Warren was immediately elected as President pro tempore of the Senate.

The trial proper of Governor Holden, with Chief Justice Pearson presiding, began on January 23, 1871. He was arraigned on eight articles for high crimes and misdemeanors, based on a gross usurpation of the duties of his office, the countenancing and encouraging of the suspension of the writ of habeas corpus, and a general overriding of the constitutional rights of the citizens of the State. It was quite natural that the managers should select as their chief counsel that sturdy patriot, William A. Graham. The vicissitudes of politics had made this former United States Whig Senator and governor and outstanding advocate of the Union, the chart for patriots to follow. Governor Holden was represented by counsel of the highest ability, picked from both parties.

On February 2 Major Sparrow made the opening argument to the senate, sitting as a court of impeachment. He succinctly pointed out the path to be followed, and his speech without a taint of demagoguery, and abounding in logic and legal argument, set a high-water mark for one of the greatest of State trials. And how different it was from another august body that had met a few years before to degrade a President who refused to bend to unscrupulous partisans. In that, they would have ousted a President who obeyed the Constitution, while in this, they were bringing to justice a governor who had openly flaunted it.

Major Sparrow began:

"The spectacle exhibited in this senate chamber to-day is without precedent in the annals of our country. It is the arraignment of the chief executive officer of a State, by the people of a State, through the representatives of the people, at the bar of the senate, for crimes and misdemeanors in office. It is an accusation preferred by the people of North Carolina against the Governor of North Carolina for an alleged invasion of their rights as secured to them by the Constitution and laws of the land, and the subversion of their liberties. It is a charge preferred by the people that he, who was exalted by their suffrages to the highest office within their gift, to be a terror to evildoers, has himself become a doer of evil—that he who was sworn to support and maintain the law has become himself a violator of the law—that he whose sworn duty it was to protect the innocent and punish the guilty has made instruments of the wicked and disorderly to punish the innocent and unoffending, verifying in his person the scripture maxim, 'When the wicked are in authority the people mourn.'

"Those who may imagine that this impeachment of the governor is an attempt of a successful political party, in the flush of their triumph, to depose from his high office one who had made himself politically obnoxious to them, greatly underestimate the case and impute unworthy motives where none exist. As a party measure it would be fruitless of results, as the removal from office of the present incumbent would place in the executive chair as his successor one of his party, the lieutenant governor, who is far less obnoxious to the people. It is a movement, Mr. Chief Justice and senators, which rises above all party considerations. It is the uprising of an outraged and oppressed people to vindicate the violated law. Of far less moment is the suggestion sometimes seen and heard that this prosecution ought not to be carried on in the present depleted condition of the public treasury and amid the financial prostration which abounds in all our borders. That it will cost money and further burden the people!

"The questions of dollars and cents, poor as are the people of North Carolina, oppressed as they have been, plundered as they have been, groaning as they are under a burden of taxation, is a suggestion underestimating, as it is unworthy of their honor, their intelligence, their virtue, and their patriotism. The price to be paid for liberty is always costly, sometimes in blood, invariably in treasure. No true son of North Carolina will hesitate to pay this price. God grant that it may never again be in blood! God grant that in all time to come brother may never in all this land be arrayed against brother in civil strife.

"Mr. Chief Justice and senators, the people of North Carolina have always been distinguished for their obedience to law and their love of liberty. If they possess any peculiar traits preeminent above all others, they are these. It has been so in all their history from the 20th of May, 1775, of Mecklenburg memory, to the present time. The cause which they seek to vindicate before this tribunal is not theirs only but the cause of all people who seek to preserve the forms of constitutional government and civil liberty. It is the cause of all free people and of all people struggling to be free the world over; the cause of New York and Missouri as well as North Carolina. The question is a great question. The issues are momentous issues. Are the principles of liberty, built up and established and perpetuated in Great Britain, handed down to our fathers, adopted by them and cemented with their blood—are these great principles of the English Bill of Rights of 1689, incorporated by the framers of our organic law into that instrument, of the great charter and habeas corpus, to be preserved in this country? No less issues than these are involved in this proceeding. Do we live in the enjoyment of constitutional freedom? Have we preserved unimpaired the liberties bequeathed to us by our English and American ancestors or have we adopted a higher law than these, the law of tyrants and of temporary majorities, which override and subvert at will the forms of constitutional freedom?

"Mr. Chief Justice, when those in whose persons the rights of freedom and the law of liberty have been violated by their unlawful arrest and imprisonment shall have appealed to the judiciary for relief in vain; when the people through their representatives shall have called upon the Senate, sitting as a court of impeachment, for redress in vain, then, indeed, will our liberties have departed. Then will a revolution in our form of government have taken place, fearful in its proportions and realized by none of us. Then will the glorious temple of liberty reared for us by our fathers, instead of being, as we had too fondly supposed, real, substantial, built of strong rock, and founded on a rock, have become as the house of the foolish man, built upon sand—swept away like similar fabrics of old by the strong hand of power and the 'necessity' pleas of tyrants."

Every step in the trial was contested, and both the managers and respondent introduced voluminous testimony. The chief justice presided with great ability, but there are several roll-call votes where, on motion of Judge Warren, he was overruled and evidence held competent by the senators was admitted.

On March 22, 1871, Governor Holden was convicted on six of the eight articles of impeachment, Judge Warren voting "guilty" on all of them, the judgment ousting him from office and debarring him from holding office in the future. Judge Warren filed a well-considered written opinion setting forth the reasons for his votes, which was concurred in by Senator L. C. Edwards, of Granville. He scathingly denounced the unlawful arrests of Josiah Turner, Judge Kerr, and others, and stated that "from the beginning to the close of the dismal drama he [Holden] was fatally bent on mischief." He availed himself of the opportunity to express his "abhorrence of the secret political societies which existed in Alamance," and closed with this:

"If in all this lawlessness, whether in Alamance or Caswell, I could find a justification or excuse for the lawless acts of the respondent, I would most cheerfully say so. One crime can not be set off against another. However, much turbulent and misguided men may have taken the law into their own hands, he was not at liberty to do so. They were citizens, and were entitled to the benefit of those provisions of the constitution which protect even the guilty from arrest, imprisonment, trial, and punishment, otherwise than by the law of the land."

In 1865 Judge Warren had voted for Holden for governor in his race with Worth, believing that in the few months that he had been provisional governor, he had made a splendid record, and was imbued with lofty sentiments in restoring government in the State. But when Worth was elected he gave his administration strong support, and immediately broke with Holden forever, when he endeavored to get the United States to intervene and nullify the Worth election. He always believed that Governor Holden was a man of the highest and purest personal character, and that while later surrounded by thieves and cutthroats, the personal integrity of the governor remained unstained. Every instinct of Judge Warren revolted against constitutional violations, and he voted to impeach Holden because he had flagrantly disregarded the organic law of the State.

Just a few weeks before the impeachment the Conservatives went into caucus to select a nominee for United States Senator. Vance was the leading candidate, but there was considerable opposition to him, and he was not nominated until the twenty-seventh ballot. For 18 ballots a movement headed by Col. W. A. Allen, of Duplin, father of the late Judges W. R. and O. H. Allen, cast 17 votes in the caucus for Judge Warren for Senator. On every ballot he voted for Vance. Finally he took the floor and told his friends that the same criticisms they had of Vance, applied with equal force to himself, and urged their support of the war governor. Vance got two majority in the caucus and was elected, but was not seated for that term.

At the same session, the Democrats, eager for constitutional reform, passed a bill for a convention, against the protests and rulings of Lieutenant Governor Caldwell, the day before he took over the governor's office. After he became the governor, he still insisted upon his opposition, and though the bill had been passed by both houses, he asked the supreme court for an opinion on its constitutionality. The court, merely upon the governor's request, filed an opinion, unfavorable to the action of the legislature, and then a storm broke out. On April 5, 1871, they adopted a resolution that an opinion of the supreme court, in a case not properly constituted, had no binding force or effect, and that the governor, having no veto power, could not sit in judgment on an act of the legislature and nullify it. The supreme court was reminded rather sharply to attend to its own business.

Judge Warren was outraged by such a procedure on the part of the governor, and led the attack on him in a speech continuing for three days. The Wilmington Star mentioned his application of Webster's reference to the vigilance of the "unhooded hawk" in his reply to Governor Caldwell's message, and said that he came as near as any man to realizing his own wish, that his "words might be as cannonballs." "His powers of sarcasm," said the article, "were simply terrific with his reference to the kitchen cabinet, and Snug, the joiner, and his 3-day speech on the governor will stand out as a famous philippic in legislative history."

The convention was submitted to the people, but the Grant administration was powerful enough to defeat it. Judge Warren, however, was again elected as the delegate from Beaufort.

A notable session had ended, conspicuous in its personnel and far reaching in its accomplishments. Comparison is always invidious. Certainly, the great internal-improvement program of the legislature under Governor Morehead will forever stand out. The bodies of 1887 and 1899 were splendid assemblages. In future years the general assembly of 1921 will be pointed to with pride by reason of its initiation of the road program and its vision for the educational and charitable institutions. It has been said that the house of 1923 was the strongest of a

quarter of a century. But the outstanding session of the General Assembly of North Carolina in the entire history of the State was that of 1870–71, when, under the leadership of brave and courageous men, the State was rescued from despotism and her bow once more pointed to ideals that Carolinians revere.

Judge Warren returned home upon the adjournment of the legislature a hopeless invalid, his body racked with muscular rheumatism, and the wheel chair he had been forced to take in Raleigh now became permanent. But his courage did not abate, and daily he was rolled to his office and the courthouse, and the firm of Warren, Carter & Myers had a law practice requiring the time of all of them.

In 1872 Colonel Carter received the Democratic nomination for Congress from the first district, to oppose the incumbent, Clinton L. Cobb, of Elizabeth City. While dominant in a courthouse and in the legislature, he was handicapped by not knowing how to make a political speech. He and his friends made a thorough canvass of the district, but he was defeated. It was used against Colonel Carter in that campaign, with some effect, that his name had appeared as a member of the Republican State executive committee in 1867, which, as already explained, he had disavowed.

By 1874 the Democrats had made such progress that they had already captured one of the Senatorships and five of the seven Representatives in Congress, and a wave of enthusiasm swept the East in the effort to redeem that section. About this time there arose out of the county of Hertford, Maj. Jesse J. Yeates, a former Confederate soldier and orator of much reputation, and one of the many able men that county has contributed to the State. Cobb, in Congress, had voted for the civil rights bill, and when Major Yeates secured the Democratic nomination, that became the sole issue. They met in joint debate in the Beaufort County courthouse to the edification of the Democracy. Major Yeates beginning his speech, informed the crowd that he was going to "take the corn off the Cobb," and he did it to their great delight. The next day he moved on to what was known as Barrows Fork, in Beaufort County, where they came from every section to hear him. So pleased were the people with his speech that they forthwith changed the name of the place to Yeatesville, which is to-day a prosperous community. Many years later, the polished Senator Matt W. Ransom came down from Northampton and delivered a speech at North Creek. He made such an impression on that locality that its citizens named the place Ransomville.

The Democrats, still in control of the legislature, submitted another convention bill, and the battle for the election of delegates was now on. Judge Rodman, still on the supreme court, became a candidate from Beaufort. The papers and political pamphlets of that day disclose that he did so with some reluctance, and that he was more or less drafted to make the race. It was felt that he had rendered such a high order of service in the convention of 1868 that the State should avail itself of his valuable experience. But political lines were tightly drawn, and the Democratic State committee was urging no compromise, especially as the Republicans were against the call for the convention.

So a young man who had moved to Washington from Virginia and became associated with Major Sparrow and had already made his mark after five years at the bar was named as the Democratic candidate. His name was James E. Shepherd, later to become a superior court judge and then chief justice of the supreme court. It was a very close contest, many Democrats casting complimentary votes for Judge Rodman, who was, however, defeated by a small majority. Judge Shepherd was one of the leaders in the convention of 1875.

In the spring of 1875 Judge Edwin G. Reade, of the supreme court, moved to Washington, induced to go there by his friend, Judge Rodman. For three years Washington had two members of the supreme court. Judge Reade owned the home where the writer was born, which was purchased from him by the writer's father after Judge Reade had left the bench and moved to Raleigh. He made himself most agreeable to the people of Washington, who were willing to overlook his bitter political proclivities and admire his brilliant intellect and judicial decisions.

It was about this time that Fenner B. Satterthwaite died. He was a most remarkable man. Many years prior to the war he had been cast into a debtors' prison in Beaufort County, and while there studied law and upon his release was admitted to practice. He had high ability and honored the profession. After the war this old Whig rendered yeoman service to the Democratic Party.

In the early part of July, 1876, two men rode into Washington in the same carriage, followed by a cheering throng on horseback and foot. They repaired to a grove to address the multitude. One was Zebulon B. Vance, the greatest of all war governors of the Confederacy, and for the time denied his seat in the United States Senate by the reconstruction acts. This former Whig leader and friend of the Union was now the Democratic nominee for Governor of North Carolina. The other was Judge Thomas Settle, of the supreme court, an ante bellum Democrat and now the Republican nominee.

It was a brilliant debate and issues only were discussed, each side receiving equal applause from their partisans. It was the last political act of Judge Warren. He struggled out of his rolling chair and introduced Vance, at the same time paying tribute to Settle, who had been active in 1866 in making him a superior court judge. In the election, Beaufort County gave Vance 137 majority, and it was the first time in the history of the county that it had ever given its popular approval to a Democratic candidate for governor. Three months later Tilden got a small majority, that being also the first instance where a Democratic candidate for President had ever carried it.

On December 10, 1876, Judge Edward J. Warren died. Physical suffering had made his last years ones of torture. He was only 50 years of age, but he was considered an old man. Of stern exterior, with sharp likes and dislikes, he was not a popular man, as the term is generally understood. But the people believed in him, and delighted to do him honor. His life since maturity had been one of constant storms. Uncompromising in his beliefs and opinions, fighting always for his well-thought-out and considered views, regardless of public approbation, he became one of the central figures in great constitutional, legislative, and judicial struggles, when liberty almost disappeared in North Carolina. He detested politics, yet he was thrown in their very vortex for nearly 30 years. He had a duty to perform, a high and lofty one, as he conceived it, and he did it. At a meeting of the bar and citizens, presided over by Colonel Carter, he was paid notable tributes. Judge Rodman came down from the Supreme Court and read the obituary he had prepared. The brilliant Maj. Louis C. Latham and Col. Edward C. Yellowley came from Pitt, and James Edwin Moore from Martin. Death had stayed the hand of politics, and friends and foes gathered.

Upon the death of Judge Warren, his law partner, Colonel Carter moved to Raleigh, where he at once took the position his wealth, character, and capacity commanded. He became director of the Raleigh National Bank and Home Insurance Co., member of the executive committee of the trustees of the university, the chairman of the commission to build the governor's mansion, and chairman of the board of the State's prison. He died in January, 1879, at the age of 49. His was another stormy life, filled with combat.

In 1881 Beaufort County again called on Maj. Thomas Sparrow and sent him to the house. His courtly manner and gentle spirit, his lofty ideals but firm convictions, made him almost venerated in the general assembly. His life was closed on January 14, 1884, at the age of 64.

In 1878, upon the expiration of his term on the supreme court, and after a service of 10 years on that tribunal, Judge William B. Rodman returned to Washington. He immediately entered into a large and lucrative practice, which continued to his death. It was nothing unusual to see this writer and expounder of the constitution arguing a question of law before some justice of the peace perched on a cracker box in some store where he held court. One time one of the members of the bar, knowing Judge Rodman was to try a case before the justice where the point involved had been decided by the supreme court against the contention Judge Rodman was now about to make, slyly informed the justice that he should read the opinion in that case. When Judge Rodman had finished his elaborate argument the justice with great glee confronted him with an opinion adverse to his argument written by himself when a member of the court. Judge Rodman quickly replied that since writing that opinion he had imbibed greater wisdom, and he was now stating exactly what the law should be. His practice carried him in all the courts in the adjoining counties, where he was esteemed, admired, and respected. After leaving the bench he never again took any interest in politics, feeling that his mission in that field had been accomplished. All of his family and descendants have been active Democratic leaders.

In the evening of his life he sat in his library, with his ever-present long-stem clay pipe, surrounded with his books. He died March 7, 1893, at the age of 76, leaving a lasting impression on the constitutional and judicial history of North Carolina. He outlived all of his old contemporaries at the bar.

Richard S. Donnell, Edward Stanly, Edward J. Warren, Fenner B. Satterthwaite, David M. Carter, Thomas Sparrow, and William B. Rodman were now all dead, and the last of the illustrious ante and post bellum bar had passed off the scene. Most of them had seen the beginning of new faces coming on in their stead, for with 1870 and extending through the eighties, a procession of able, brilliant, and capable men started out to constitute the bar of Washington for another era. James E. Shepherd, George H. Brown, George Sparrow, Charles F. Warren, John H. Small, William B. Rodman, and Enoch S. Simmons made up this array and took high rank in the profession.

There has been no attempt in these articles to present the congressional records of Stanly and Donnell. The former, on account of his long service in Congress, was a recognized Whig leader, and exerted commanding influence. He was a close friend of Clay and Webster. Mr. Donnell retired from choice after serving only one term. Nor has there been any attempt to go into the legislative acts bearing the names of Mr. Donnell, Judge Warren, Major Sparrow, or Colonel Carter. At the time they served the judiciary committee was all powerful, and was only composed of a select few in each house, so the first three either introduced or sponsored a large part of the important legislation of that period. Both Stanly and Donnell were speakers of the house at critical periods in the State's history. The activities of Mr. Donnell, Mr. Satterthwaite, Judge Warren, and Judge Rodman in the several constitutional conventions and the work of the latter two on the superior and supreme courts have also been slightly touched upon. Above



everything else, all of these men were lawyers. The articles have dealt more with their political activities in a trying time in the State's history. It has been felt that the important rôles they played have not been given the recognition justly due them. Actuated naturally by county pride, and with a deep appreciation of their works, these pen pictures of her sons are presented as Beaufort County's contribution to a notable era of North Carolina history.

CONSOLIDATION OF VETERANS' ACTIVITIES

Mr. WILLIAMSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10630) to authorize the President to consolidate and coordinate government activities affecting war veterans.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. HALE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The Chair will state that when the committee rose the first section of the bill had been read and sundry amendments had been adopted. There is no pending amendment and the section is still open to amendment.

Mr. KNUTSON. Mr. Chairman, I move to strike out the last word.

I would like to ask the gentleman from South Dakota if we can not change this bill so as to create a bureau of veterans' affairs in the Department of the Interior, to be administered by an assistant Secretary of the Interior for veterans' affairs? If the gentleman will accept an amendment of this kind it will accomplish what he seeks to do in the way of unification and coordination and at the same time will remove the objections of those who are apprehensive over what will happen to the Pension Bureau in the event the legislation is passed in its present form.

Mr. LAGUARDIA. What is the gentleman's suggestion?

Mr. KNUTSON. To create a bureau of veterans' affairs in the Department of the Interior. The gentleman from New York [Mr. LAGUARDIA] will agree with me that doing business with an independent bureau is not satisfactory. I think it should be the policy of Congress to discourage the creation of independent bureaus.

I have here an amendment which I would substitute for the measure we have under consideration. It accomplishes everything that the gentleman seeks to do, and I think we could put the bill through as amended in half or three-quarters of an hour.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. SCHAFER of Wisconsin. I may state that the voluminous hearings held on the pending bill indicate that the veterans' organizations speaking for the World War veterans are opposed to a consolidation under the Department of the Interior.

Mr. KNUTSON. Let me ask the gentleman what percentage of all the veterans these organizations represent. If we are going to legislate just the way we are asked by the various organizations throughout the country, we might as well abdicate and let them come in here and legislate direct.

Mr. SCHAFER of Wisconsin. I believe the gentleman himself gives a little thought to the wishes of the representatives of these great veterans' organizations.

Mr. KNUTSON. Absolutely. I yield to none in my loyalty and interest in the veterans and I am always ready to hear their representatives.

Mr. WILLIAMSON. I may state to the gentleman that to undertake at this late stage of the game to transfer these activities to the Interior Department would involve practically a rewriting of the whole bill and I think it would be utterly impossible to do it at this late hour.

Mr. KNUTSON. Let me say to the gentleman that I have a bill that has been very carefully thought out and one that I think will accomplish the purpose. In a nutshell the whole thing is that it will create a bureau of veterans' affairs in the Department of the Interior, with an Assistant Secretary of the Interior to be known as the assistant secretary of the interior for veterans' affairs, who will have full charge of all these matters.

Mrs. ROGERS. Will the gentleman yield?

Mr. KNUTSON. I yield.

Mrs. ROGERS. Does not the gentleman know—and I am sure he does—that under President Hoover, when he was Secretary of Commerce, the Department of Commerce rose from the least efficient department of the Government to the most efficient department in the Government? President Hoover apparently approved of this bill. Why can not we give him a chance to see what he can do with this organization plan? If you will give him this opportunity, I believe that you will have the best organization for veterans' affairs that you have ever had.

Mr. KNUTSON. The lady from Massachusetts must realize that the responsibility for legislation lies not with the President but with Congress.

Mrs. ROGERS. I know that is true, but we have a high regard for the ability of the President as an organizer, and Congress can well follow his recommendations.

Mr. KNUTSON. I have been giving consideration to veterans' legislation for the past 14 years, and I am satisfied that we are going to aggravate a badly aggravated situation if we pass this legislation in its present form. I am very apprehensive of it—based upon the 14 years' experience in veterans' legislation.

Mr. MAAS. The President has general charge and jurisdiction of the Department of the Interior, as he has of the other departments.

Mr. KNUTSON. Absolutely; and it should be the policy of Congress to reduce the number of independent bureaus.

Mr. COLE. Will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. COLE. Does this include all veterans' legislation under this one department?

Mr. KNUTSON. All veterans' activities.

Mr. COLE. The Veterans' Bureau would go out of existence?

Mr. KNUTSON. No.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. KNUTSON. I ask, Mr. Chairman, for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WILLIAMSON. May I inquire of the gentleman if he intends to offer a complete substitute bill?

Mr. KNUTSON. Yes.

Mr. WILLIAMSON. The gentleman would not offer it at this stage?

Mr. KNUTSON. I thought if we were going to do anything like that, it might be offered now in the interest of economy of time.

Mr. WILLIAMSON. I question whether his amendment might not be subject to a point of order. The gentleman is proposing to do something entirely different from what is contemplated in the pending bill.

Every organization in the country has appeared before our committee through its representatives and agreed that for the time being the thing to do is to consolidate the national homes, the Veterans' Bureau, and the Pension Bureau into an independent establishment, because the three combined activities are larger than any department of the Government to-day, and until we have an opportunity to reorganize the Interior Department we think it would be better for the time being, at least, to keep them independent. The committee felt that for the time being the best way to handle the situation was to create an independent establishment, and if at some future time the situation should be such that we could put it into some department, it could readily be done. At the present time it would overload any department into which it might be put.

Mr. KNUTSON. That is one of the objections I have. We are playing the old policy of mañana—to-morrow—at some future date we will correct the evils that are cursing us. Why not take the situation by the horns now and do what we have ultimately got to do if we are to have satisfactory relief?

Mr. WILLIAMSON. I think the veterans who are to be benefited ought to have some voice with respect to the character of organization which is to supervise their affairs. I do not think we should entirely ignore them in this matter. They are unanimous, as far as I know, in insisting at least for the time being upon an independent unit for the management of veterans' affairs.

Mr. KNUTSON. Let me say that I have received scores of letters in the past week commending the stand I am taking with reference to the bill that has been prepared by the gentleman's committee. Every veteran who has had trouble in the Veterans' Bureau—I am safe in saying—is in favor of the substitute legislation.

Mr. CRAMTON. If the gentleman will yield, let me suggest that the customary course would be to offer the substitute to section 1 of the pending bill, with notice that if agreed to the gentleman would move to strike out the succeeding sections of the Williamson bill.

Mr. KNUTSON. I shall give the gentleman a copy of the bill. Perhaps I should have done that before.

Mr. WILLIAMSON. After we finish the reading of the bill under consideration the gentleman can offer a substitute for the whole bill.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman tell us what he is proposing?

Mr. KNUTSON. The gentleman from Virginia is aware that the purpose of the legislation we are now considering is to consolidate and coordinate all veterans' activities.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. KNUTSON. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

Mr. BANKHEAD. Mr. Chairman, reserving the right to object, some of us would like to find out what the parliamentary situation is. Has the gentleman from Minnesota made any concrete proposal?

Mr. KNUTSON. Yes; I have offered a proposal.

The CHAIRMAN. The gentleman from Minnesota has offered a pro forma amendment.

Mr. BANKHEAD. The gentleman is discussing the pro forma amendment?

Mr. KNUTSON. Not exactly a pro forma amendment.

Mr. BANKHEAD. Let us find out what the parliamentary situation is.

The CHAIRMAN. The first section of the bill has been read and is still open to amendment. The Chair recognized the gentleman from Minnesota to move to strike out the last word.

Mr. BANKHEAD. The gentleman from Minnesota disclaims that it is a pro forma amendment that he has offered.

Mr. KNUTSON. I took the time in order to explain to the gentleman from South Dakota, the chairman of the committee, that I have a measure I would like to offer as a substitute. I have not as yet offered it as I first wanted to explain what it is. The gentleman from Virginia [Mr. MOORE] asked me a question which I was about to answer when the gentleman from Alabama rose.

Mr. BANKHEAD. Still reserving the right to object, is it the gentleman's purpose to offer a substitute?

Mr. KNUTSON. Yes.

Mr. BANKHEAD. The gentleman will have to offer it on this section?

Mr. KNUTSON. Yes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KNUTSON. Mr. Chairman, the aim of the bill under consideration is to consolidate and coordinate. I think there is no difference of opinion upon the necessity and advisability of taking that action, but I am proposing to offer a substitute for the bill we are now considering, which creates an independent bureau to handle all veterans' activities. I want to transfer the Veterans' Bureau over to the Department of the Interior, to be administered directly under an Assistant Secretary of the Interior for veterans' affairs, and if the aim of Congress is to coordinate and consolidate, I can not see how anyone can possibly object to the substitute I am about to offer.

Mr. MOORE of Virginia. As I understood the gentleman a while ago, he said he proposed to follow his motion, in case the substitute should be adopted, by motions to strike out the other sections of the bill under consideration.

Mr. KNUTSON. Yes; the entire measure.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. COLTON. I take it the committee has not had any chance to consider the gentleman's substitute. Has it been considered by any committee?

Mr. KNUTSON. I think the substitute was presented to the committee early in the history of the legislation.

Mr. COLTON. Is this in substance the bill that was suggested by the Commissioner of Pensions?

Mr. KNUTSON. Yes. Mr. Chairman, is it in order to offer it as a substitute at this time?

The CHAIRMAN. Does the gentleman state that he proposes to offer a substitute for the entire bill?

Mr. KNUTSON. Mr. Chairman, I offer the following as a substitute for section 1, with notice that I shall move to strike out the remaining sections of the bill under consideration as they are reached.

The CHAIRMAN. That motion is in order. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Amendment by Mr. KNUTSON: Strike out all of section 1, and insert in lieu thereof the following:

"*Be it enacted, etc.*, That the President is hereby authorized to appoint, with the advice and consent of the Senate, an additional assistant to the Secretary of the Interior, to be known as assistant secretary of the interior for veterans' affairs, who shall perform such duties in the Department of the Interior as may be prescribed by the Secretary, or as required by law, and specifically to coordinate and administer agencies dealing with veterans' affairs now existing in the Department of the Interior or which may hereafter be transferred thereto as hereinafter provided.

"SEC. 2. That the President is hereby authorized, by Executive order, so soon as orderly administration will permit, to transfer to the Department of the Interior, the National Home for Disabled Volunteer Soldiers, the Battle Mountain Sanitarium Reserve, and the United States Veterans' Bureau, to the end that said agencies, together with the Pension Bureau already in the Department of the Interior may continue to function as administrative units under the general supervision of the Secretary of the Interior; and general supervision of the powers and duties now conferred by law upon the several agencies named in respect to the activities so transferred are hereby vested in the Secretary of the Interior: *And, provided*, That the transfer of employees under this authority shall not be held to affect their status under the laws relating to the competitive classified civil service, or under the civil service retirement act, except as may be expressly provided by the President in the exercise of his authority under existing laws.

"SEC. 3. Upon transfer of the administration of the National Home for Disabled Volunteer Soldiers, pursuant to the preceding section, all duties and authority relating to the home as are now imposed on the Secretary of War by the act of August 18, 1894 (28 Stat. 412); act of March 3, 1893 (27 Stat. 653); act of March 3, 1875 (18 Stat. 359); and the act of October 2, 1888 (25 Stat. 543), shall vest in the Department of the Interior. Section 4835 of the Revised Statutes is hereby repealed.

"SEC. 4. That for the purpose of carrying out the provisions of this act the President is hereby authorized to make proper transfer of all moneys appropriated for the benefits of the respective governmental agencies, the duties and powers of which may be transferred under this authority: *Provided*, That any moneys heretofore or hereafter appropriated for the use of any executive or administrative department, or governmental agency, transferred under the authority of this act shall be expended only for the purposes for which they were appropriated."

Mr. WILLIAMSON. Mr. Chairman, I make the point of order that the proposed amendment is not germane to section 1 of the bill, or as a substitute to the bill before the committee.

The CHAIRMAN. The Chair will hear the gentleman from South Dakota.

Mr. WILLIAMSON. It is up to the gentleman from Minnesota, I guess.

Mr. KNUTSON. Oh, no; I think not. The gentleman from South Dakota has brought an indictment against my amendment, and it is up to him now to present a bill of particulars.

Mr. WILLIAMSON. Mr. Chairman, the bill before the committee is a bill which consolidates all veterans' activities in a new agency known as the administration of veterans' affairs, and creates a head for that establishment who is given control of the three activities. The amendment now proposed as a substitute to section 1 seeks to transfer the three activities into the Department of the Interior, creating a new position of Assistant Secretary, who will have some sort of supervision of the three activities without being given any definite duties with respect to them.

The gentleman's amendment proposes to leave all existing activities entirely intact. There is, in fact, no consolidation at all. All it does is to bring them in together and put them into the Department of the Interior, with some undefined supervisory powers on the part of the Secretary, but with no power to control the activities or do anything effective toward coordination of activities. In other words, the amendment has an entirely different purpose in mind.

The bill before the House is a real consolidation bill, which brings the units together under one supervising head and makes them subject to the direction and control of the administrator. The proposed amendment simply transfers the activities and places them under the Secretary of the Interior, but continuing the board of managers with the same power to function as it has now. The Secretary of the Interior would have no power to control that body, but at best could only act in an advisory capacity. The same is true with respect to the Veterans' Bureau. The Pension Bureau is now subject to the direction and control of the Secretary of the Interior, and presumably would continue to function exactly as it does now.

So that it seems to me this amendment has an entirely different purpose in mind. The bill authorizes the President to consolidate the activities. The proposed substitute does nothing of the sort.

Mr. KNUTSON. The gentleman from South Dakota [Mr. WILLIAMSON] has made a very able explanation as to the difference between tweedledee and tweedledum. The purpose of

the bill is to consolidate and coordinate. The bill that we are now considering proposes to put the Pension Bureau in with the Veterans' Bureau. My proposal is to place the Veterans' Bureau with the Department of the Interior, under an assistant secretary of the interior for veterans' affairs.

I can not for the life of me see where there is any conflict. The purpose of the proposal to consolidate and to coordinate is to give greater efficiency in the administration of veterans' affairs.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I will be glad to yield to the gentleman.

Mr. WILLIAMSON. The gentleman does not contend that the bill he offers as a substitute would in any way curtail the functions of the Veterans' Bureau or the National Home for Disabled Volunteer Soldiers or the Pension Bureau, or that it would give any real control to the Secretary of the Interior of the Veterans' Bureau or the National Home for Disabled Volunteer Soldiers? You are not conferring any real power or function on the Secretary of the Interior; neither are you transferring the functions of these bureaus to the Department of the Interior.

Mr. KNUTSON. What do you propose to do with the national homes?

Mr. WILLIAMSON. To consolidate them and bring into the general system.

Mr. KNUTSON. What do I propose to do—to eat them? [Laughter.]

Mr. WILLIAMSON. You are not doing much of anything with them. We shall still have three separate activities.

Mr. KNUTSON. The purposes of both are identical. My amendment proposes to place the Veterans' Bureau under the Department of the Interior. The gentleman's bill proposes to take the Soldiers' Home and the Pension Bureau into the bureau of veterans' affairs. The only difference is as to the method. We are both aiming at the same thing, and so far as that goes I concede that the affairs of the veterans would be ably administered either way. But my purpose in offering the amendment is to give the Veterans' Bureau the benefit of the 150 years of valuable experience gained by the Pension Bureau. The Secretary of the Interior has the right under the amendment offered by myself to promulgate new rules and regulations for the administration of the bureau as he may deem expedient and necessary.

Mr. CRAMTON. Mr. Chairman, in order to determine whether the amendment is germane to the pending bill, the main purpose of the bill is to be sought, and then determine whether the details of the bill offered as a substitute are germane to that main purpose. The main purpose of the bill is first to be sought from the title. I admit that the title is not conclusive as to the scope of the bill, but always the drafter of a bill does attempt to give its general purpose in the title. The Williamson bill has this title:

> A bill to authorize the President to consolidate and coordinate governmental activities affecting war veterans.

That might be assumed, until something to the contrary appears, to be the expression of Judge WILLIAMSON, the author of the bill, as to its purpose, as he has expressed it in its title.

The Knutson substitute reads, in the title:

> A bill to authorize the President to coordinate governmental activities and agencies affecting war veterans and pensioners.

It is identical as far as the meaning is concerned. One is to "consolidate and coordinate." The other is to "coordinate governmental activities," by this consolidation, of course.

When you come to the text of the bill itself, Mr. Chairman, not leaving it alone to a comparison of the titles, it is to be remembered that the Williamson bill now before the House is not the Williamson bill that was reported by the committee. Since its being reported an operation has been performed upon it, and a subdivision of section 1 has been eliminated, subsection (b). Subsection (b), it is to be assumed, meant something. I do not believe that committee would have reported out a subsection that did not mean anything. Its elimination has been agreed to, and that subdivision that was formerly in the bill and is no longer in the bill, gave the President the power to consolidate, eliminate, and redistribute functions. That subdivision has been taken out of the bill.

The bill no longer carries that language authorizing the President to redistribute its functions. The bill carries only this language:

> The President is authorized to consolidate and coordinate any hospitals and executive and administrative bureaus, etc., concerned in the administration of the laws relating to veterans.

The Knutson bill is not identical. There would be no point in offering a substitute if it were to be identical, but it is very similar as to the scope of the authority. The President is authorized to appoint an assistant secretary of the interior and specifically—

> To coordinate and administer agencies dealing with veterans' affairs now existing in the Department of the Interior or which may thereafter be transferred thereto as hereinafter provided.

The balance of the bill provides for the transfer.

I am not personally particularly enthusiastic about the substitute bill. I do not think it cures all the evils of the Williamson bill, but it does appeal to me as germane and in order and proper to come before the House for its determination of this problem. The main feature of each bill is that there be a bringing together, a coordination, of the agencies having to do with veterans' affairs. That is the main purpose of each bill. Just how that is to be best done the House should have the opportunity to determine. Whether it shall be as the Williamson bill provides, by the establishment of a new, independent agency, or whether it shall be through consolidation within the existing departments of the Government, is a detail of the plan that the House should have an opportunity to determine. But the main feature of each bill is the bringing together of these veterans' activities.

That being true, the Knutson substitute would be germane to the bill.

Mr. FORT. Mr. Chairman, an examination of the first paragraph of the substitute offered by the gentleman from Minnesota [Mr. KNUTSON] discloses that it purports to create an assistant secretary of the Interior and to confer upon him not only duties which may be germane to the legislation, H. R. 10630, but any other duties which may be assigned to him by the Secretary of the Interior.

In other words, the substitute as offered is not a substitute for the pending legislation but is for the creation of a new office with broad powers, in no way specified or mentioned in the act. Without some limitation on the scope of that authority to the provisions of the bill for which it is offered as a substitute, it seems to me clearly a broader piece of legislation, having relation to subject matter not in the contemplation of nor within the jurisdiction of the committee reporting this bill. This committee would have no authority, I take it, to report legislation relating to the internal structure of the Department of the Interior or the creation of an assistant secretaryship in that department for the general functions of the department.

Mr. CRAMTON. Will the gentleman yield?

Mr. FORT. I yield.

Mr. CRAMTON. I am sure the gentleman from South Dakota [Mr. WILLIAMSON] would never admit that his committee did not have that jurisdiction. As a matter of fact, it does have that jurisdiction.

Mr. FORT. If the committee has jurisdiction, it has not reported a bill relating to the creation of such an office or the conferring upon the Secretary of the Interior of power to give to this administrative officer such powers and functions and duties as he may see fit to assign, whether relating to veteran activities or any of the other duties assigned by law to the Secretary of the Interior.

Mr. KNUTSON. Will the gentleman yield?

Mr. FORT. I yield.

Mr. KNUTSON. The gentleman from New Jersey [Mr. FORT] is aware of the fact that the Williamson bill creates an administrator of veterans' affairs. Is that not a new office?

Mr. FORT. It creates an administrator of veterans' affairs, not as an officer of the Department of the Interior, and not as an officer to whom the Secretary of the Interior may assign duties having nothing whatever to do with veterans' activities, nor may anyone else so assign duties to him. The substitute offered by the gentleman from Minnesota [Mr. KNUTSON] creates an Assistant Secretary of the Interior, who shall perform such duties in the Department of the Interior as may be prescribed by the Secretary or as may be required by law.

Mr. KNUTSON. Let me call the attention of the gentleman to paragraph (b) of section 1 of the Williamson Act.

Mr. LAGUARDIA. That is out of the bill now.

Mr. KNUTSON. That was stricken out. But, even though it were stricken out, the gentleman from New Jersey [Mr. FORT] will nevertheless admit that because of the fact that the amendment which I offered will broaden the scope of the work, it does not make it not germane.

Mr. FORT. The point I make is that under the substitute offered by the gentleman from Minnesota [Mr. KNUTSON] the Secretary of the Interior would have authority to transfer to this newly created Assistant Secretary the duties of the Bureau of Mines, the duties of any other part of the Department of the Interior, whether or not those duties had any reference to veterans' affairs, whereas the bill as introduced by the committee

limits the functions of the administrator to those matters relating to veterans' activities.

Mr. WILLIAMSON. Mr. Chairman, I wish to again call the attention of the Chair to the fact that the bill before the House simply seeks to consolidate and coordinate the Veterans' Bureau, the National Homes for Disabled Volunteer Soldiers, and the Bureau of Pensions in an establishment to be known as administration of veterans' affairs. That is a separate and distinct establishment, independent, under the President.

Now, what does the substitute propose to do?—

The President is hereby authorized to appoint, with the advice and consent of the Senate, an additional Secretary of the Interior, to be known as Assistant Secretary of the Interior for Veterans' Affairs, who shall perform such duties in the Department of the Interior as may be prescribed by the Secretary or be required by law.

The proposed substitute sets up an entirely separate and distinct establishment and bears no relation to what the bill is seeking to do. It does not consolidate these activities in a new department, but simply in general terms provides that they shall be placed under the Secretary of the Interior and creates the office of an Assistant Secretary, who is made subject to the orders of the Secretary. His powers and duties are not defined, but it is simply provided that they shall be prescribed by the Secretary of the Interior. It seems to me there is a very clear distinction between the bill and the substitute. The bill proposes a method of consolidation, creates a new establishment, and defines the powers of its administrator. This establishment is made independent. The proposed substitute proposes not to consolidate, or even coordinate, but to bring the three activities into the Department of the Interior, giving to the Secretary only a very limited supervisory function. Not only is the purpose not the same but it in effect creates an entirely separate and distinct set-up and administration.

The CHAIRMAN (Mr. HALE). The Chair feels that the question on the point of order is very close. The substitute obviously seeks to accomplish the same end which section 1 seeks to accomplish and which the original bill seeks to accomplish. The substitute is offered as a substitute for section 1, but is in effect a substitute for the entire bill. It seeks, however, the end sought by the original bill, but by an entirely different method.

The Chair calls attention to a ruling by Chairman Sanders on May 24, 1924, in the Committee of the Whole House, where this rule was laid down—Cannon's Precedents, section 9777:

One of the functions of the rule requiring germaneness is to avoid consideration of legislation which has not been considered in committee, and for this reason the rule should be invoked with particular strictness against amendments proposing substitutes for an entire bill.

To a proposition to effect a purpose by one method a proposal to effect the same purpose by a different and unrelated method is not germane.

The Chair feels that the balance on this question rests on the strict interpretation of that rule, and is of the opinion that the substitute is not germane, and therefore sustains the point of order.

Mr. LAGUARDIA. Mr. Chairman, I rise in opposition to the pro forma amendment. I simply want to call the attention of the committee to the fact that if we are to have a bill consolidating the various veterans' activities let us have a bill that means something. As the bill now stands it is weak, and unless the committee can succeed in eliminating the amendment heretofore adopted—that is, the proviso added to section (a), and restoring section (b) to the bill, we might as well vote to strike out the enacting clause. Section (b) takes the real power away from the bill.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WILLIAMSON. I think not. While I consider subdivision (b) an important provision, as the gentleman knows——

Mr. LAGUARDIA. Otherwise you would not have put it in the bill.

Mr. WILLIAMSON. Yet I do not believe it is fatal to have it stricken out, because the gentleman will note that section 2 prescribes that the duties, powers, and jurisdiction of the Soldiers' Homes Board, the Director of the Veterans' Bureau, and the Commissioner of Pensions shall be transferred to the new administrator. Another section provides that the administrator shall make such rules and regulations as will properly correlate and coordinate the three activities. We do not give the administrator the broad powers which I thought he should have but nevertheless even with subdivision (b) of section 1 out he would still have sufficient power to make an effective reorganization.

Mr. LAGUARDIA. The gentleman will concede that by the amendment the Pension Bureau is left intact.

Mr. WILLIAMSON. No; we are keeping the Pension Bureau in.

Mr. LAGUARDIA. The adopted amendment provides that the Pension Bureau shall not be abolished. I fear that would prevent any change in the Pension Bureau, even to coordinate it with the other activities of the newly created bureau.

Mr. WILLIAMSON. No, indeed. The Pension Bureau is in.

Mr. KNUTSON. If it were, we would allow you to pass the bill.

Mr. LAGUARDIA. Then I will say to the gentleman from South Dakota that he should protect his bill. Let us not make a mess of it, as happened a few days ago.

The President of the United States has demonstrated a genius for organization. Why not give him full power to take these three separate activities and all odds and ends and put them in one department? If you are going to do that, let us do it. Let us give him full power to take all the veterans' activities and place them in one department. We discuss so much the duplication of effort and the waste and efficiency of the various bureaus of the Government and now that we have the opportunity of doing a constructive piece of work there seems to be so much opposition. I do not care in what particular department you place these bureaus and offices as long as you place all of the veterans' activities in one department. I think it will reduce the cost and increase the efficiency.

Mr. KNUTSON. I agree with the gentleman.

Mr. LAGUARDIA. This being so, it is difficult on the spur of the moment, I want to say to the gentleman from Minnesota [Mr. KNUTSON], to accept a substitute that we have not had an opportunity to consider.

Mr. COLTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. COLTON. During the time we were debating this bill the other day I made the statement myself that subsection (b) was the very heart of the bill, but a subsequent study of the bill has convinced me there is still left in the bill enough to make it a good bill if we will protect what is left.

Mr. LAGUARDIA. Exactly; but, of course, subsection (b) was not put there with any idle purpose. It was put there to give broad power to the President to reach out and bring into one department all activities; and to remove, to appoint, to eliminate, to change, and to do everything necessary to establish a consolidated department taking over all veteran activities.

Mr. COLTON. And I may say to the gentleman I believe it is absolutely necessary.

Mr. LAGUARDIA. I do, too.

Mr. COLTON. But I still believe, I repeat, there is sufficient left in the bill to make it a good, workable bill if we will protect what is left.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Without objection, the gentleman from New York is recognized for two additional minutes.

Mr. LAGUARDIA. Is it understood that the bill now is sufficiently broad to bring in the Pension Bureau?

Mr. COLTON. I so understand.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. SCHAFER of Wisconsin. We have to compromise in matters of legislation, and it is a calamity, in my judgment, that the Secretary of the Interior and the Commissioner of Pensions, both appointees of the President of the United States, are putting every stumblingblock they possibly can in the way of carrying out this consolidation program, which is favored by the President.

Mr. LAGUARDIA. The gentleman is big enough, I am sure, to step over any stumblingblock. That is what we are here for. We can listen to the opinions and to the recommendations of all officials and consider their departmental pride, but the caution I want to throw out now is that we should not go amendment mad on this bill, as we did a few days ago. If we are going to have a consolidation bill, let us have one that will contain the necessary power to accomplish the purpose.

Mr. CRAMTON. Mr. Chairman, I offer an amendment. On page 1, line 9, strike out the words "the Bureau of Pensions."

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 1, line 9, after the word "including," strike out the words "the Bureau of Pensions."

Mr. CRAMTON. Mr. Chairman and gentlemen of the committee, I have offered the amendment that meets my prime objection to the bill. The bill is urged as an economy measure. So

far as the Veterans' Bureau is concerned, what effect it may have on that bureau to change the title of the chief officer from director to administrator, or something of the kind, I am not aware. This may save a good many million dollars, although I doubt it. The same individual, exercising the same functions, with a different salary and a different title, is apt to give about the same results.

So far as the consolidation of the hospitals and the homes is concerned, I suspect there is an opportunity to accomplish something there, but as to these matters I am not well informed.

I think I do know something about the operation of the Bureau of Pensions, but I say to the House that the passage of this legislation instead of resulting in economy will cost the Government at least one-half million dollars of salary increases and increase of personnel in the Bureau of Pensions after its transfer.

Mr. LAGUARDIA. Will the gentleman yield right there?

Mr. CRAMTON. Yes.

Mr. LAGUARDIA. The gentleman is always accurate in his statements and has had a great deal of experience on the appropriation bill for the Department of the Interior; will the gentleman state how it will increase the cost to consolidate and decrease the cost by leaving out the Pension Bureau?

Mr. CRAMTON. In this way. The Bureau of Pensions is now administered very economically both as to the number of personnel and as to salaries paid them. It is to be remembered that compared with the Veterans' Bureau the Bureau of Pensions is a very small affair. It is so small that it will not appreciably affect the Veterans' Bureau, but the Veterans' Bureau will affect it. The policies and the practices of the Veterans' Bureau as to number of personnel and as to salaries paid them will at once become the standard for the Bureau of Pensions and this very fact alone will mean an increase of at least one-half million dollars in expense to the Government.

It is true I handle the appropriation bill that carries the appropriations for the Bureau of Pensions, and some may be unkind enough to think that because of this fact I am jealous of losing a little power or authority. It happens, however, that in that part of the Interior Department appropriation bill there are no policies to be determined, there is no opportunity for exercise of power or authority, and I think those familiar with my work here will know that I have enough work to do, and will have enough work to do, even if the Bureau of Pensions is taken out of the Interior Department bill; but I feel I would not be fair with the House if I failed, even in the face of a possible adverse majority, to express my judgment gained by my experience of some 8 or 10 years in handling the appropriations for this bureau. No definite showing has been made of any saving, but there will be salary increases and there will be an increase in the number of the personnel.

Mr. COLTON. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. COLTON. Has the gentleman any figures as to the ratio of the expense of administration in carrying on the Bureau of Pensions, compared with the amount appropriated and the ratio of the expense of administration in the Veterans' Bureau, compared with the amount appropriated?

Mr. CRAMTON. Let me ask my friend from Utah, did his committee make any comparisons of salaries now paid in the Bureau of Pensions and salaries now paid in the Veterans' Bureau for the same kind of work? It is my understanding the committee did not. It would have been a very pertinent line of inquiry for the committee. If they had made the investigation, they would have found that for the same kind of work much less is paid in the Bureau of Pensions than in the Veterans' Bureau.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes, and I am going to try to complete my statement in that time.

The CHAIRMAN. Without objection, the gentleman from Michigan is recognized for five additional minutes.

Mr. COLTON. If the gentleman from Michigan will permit, our committee, after very careful investigation, found that there was hardly any place along the line where one can compare the work of the Veterans' Bureau with the work of the Bureau of Pensions. The work parallels in few respects, except certain clerical and investigation work.

Mr. CRAMTON. If that is true, if the committee investigating this question could not find any work or any place where the Veterans' Bureau was performing the same kind of work as the Bureau of Pensions, then how are you getting any economy by a consolidation of diverse activities?

Mr. COLTON. It is true that there is some clerical work that parallels or is duplication.

Mr. CRAMTON. Compare that—compare the director, the legal, the medical, the clerical, the janitor force, and you will find that they are paying more in the Veterans' Bureau. Of course, as soon as this becomes a law you will have to equalize them and bring them up to the Veterans' Bureau standard.

Mr. COLTON. The testimony is that as time goes on there will be a material duplication of work. But the gentleman has not answered my first question.

Mr. CRAMTON. It is practically immaterial—the question I asked the gentleman is of much more importance. Now, I do not want to take much more time; I fear the thing is all set, but I want to be on record as offering the amendment as my best judgment.

Mr. WILLIAMSON. Does the gentleman think that this is only a question of the efficiency of bureaus? We want to consolidate these activities and this consolidation is broader than that.

Mr. CRAMTON. I am as much in sympathy with economy as anyone, but I have not been able to see any economy in this—I have not been able to see any place where a duplication will be eliminated, but I can see where a nice salary increase program is in prospect. Subdivision (b) has been eliminated from the bill, but that major operation does not worry the gentleman from South Dakota as much as you would think.

I want to call to the attention of the gentleman from South Carolina [Mr. GASQUE], on whose motion subdivision (b) was stricken out of the section, that that is the one that seems to have the real power in it, authorizing the President to eliminate and redistribute these functions. Judge WILLIAMSON says that he is satisfied that the elimination of subdivision (b) has not hurt the bill. Why? For the reason that there is no law for any responsibility or authority in the Bureau of Pensions except as the President continues the duties, and the chairman of this committee knows that even with subdivision (b) taken out of the bill the President still, under the authority that the general law gives him, could take every function away from the Bureau of Pensions that he wishes to.

The gentlemen of the committee, the minority, who are following, apparently, the gentleman from South Dakota in going ahead and leaving subdivision (b) out of the bill, have not quite taken into consideration the provisions of the general law that allow the President to entirely emasculate the Bureau of Pensions, but I believe that the veterans of the Civil War and their dependents, the veterans of the Spanish War and their dependents, are still entitled to have one bureau of this Government especially to administer to their needs. [Applause.]

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the amendment. It is difficult for me to appreciate the studied and consistent opposition of one of the leaders, if not the entire membership of the Committee on Appropriations, to this scientific proposal to try and coordinate the activities of the Government in the administration of the veterans' affairs.

The gentleman from Michigan was one of the leaders who attempted to emasculate the bill, and probably succeeded for the time being by aiding in striking out paragraph (b) of section 1. Now he wants to go further and destroy one of the high purposes of this bill.

Mr. CRAMTON. It would be agreeable to me to restore paragraph (b) if my amendment carries.

Mr. STAFFORD. Yes; the gentleman is only concerned in retaining the Bureau of Pensions. That seems with him to be sacrosanct. Everybody, except apparently the gentleman from Michigan, knows that the work of the Bureau of Pensions is diminishing. In a few years there will be little work for the Bureau of Pensions. As far as the old soldiers are concerned, the work is being fast concluded. There may be some as to the widows, and especially those widows who have married old soldiers late in life.

There will also be some work for the Spanish-American War veterans, but the hearings before the committee in the consideration of this bill show that 85 per cent of the work of the Veterans' Bureau has become static. With that condition as to World War veterans, what argument can be advanced against coordinating and combining the work of these two bureaus. I have gone through fights where it has been difficult in years back to remove even pension agencies situated throughout the country, one of them in my own city of Milwaukee, and one in Indianapolis—and this was some 25 years ago—at a time when we paid these pensioners through these agencies. We had then the same character of stand-pat opposition—against any reform in abolishing these expensive and unbusinesslike pay agencies. We have now a very similar condition, except that we have the Committee on Appropriations attempting to thwart a scientific

proposal of coordination of activities recommended by the President of the United States. The major argument advanced by the protagonist is that the salaries paid in the Bureau of Pensions are less than the salaries in the Veterans' Bureau. If we are paying niggardly salaries in the Bureau of Pensions, let us increase them. [Applause.] From my reading of the hearings and the report on this bill we should coordinate these activities and should establish an administrator of veterans' affairs who shall have jurisdiction not only of the administration of pensions being paid in diminishing numbers, to Civil War veterans and their widows, and to Spanish-American War veterans and their widows, but also the management of the national soldiers' homes and the management of the Veterans' Bureau.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. ABERNETHY. Does not the gentleman think the Veterans' Bureau has all it can attend to without taking over the Pension Bureau?

Mr. STAFFORD. Eighty-five per cent of the cases in the Veterans' Bureau to-day are static. We want a responsible head to advise what work shall be transferred to the Veterans' Bureau and what work shall be transferred to the Pension Bureau. As a scientific accounting system this bill can be defended in toto; but here we find gentlemen trying to emasculate it, first by striking out subsection (b), because seemingly they have a feeling that the rights of some old pensioner may be affected, when the rights of the pensioners are not to be invaded at all. Perhaps the personnel of the Pension Bureau might be invaded, but the rights of the Civil War veterans and the Spanish-American War veterans will not be affected in any way at all. They will continue to get their vouchers every month.

Mrs. ROGERS. Mr. Chairman, I move to strike out the last three words. I rise in opposition to the amendment. I am very anxious not to have this Congress adjourn before passing this extremely constructive act for our disabled veterans. At the beginning of the year I was not at all sure that I was in favor of this measure, but after careful study, after hearing the arguments for and against the bill, to my mind there is but one answer. Why not create this bureau, why not create the position of administrator of veterans' affairs, and take the good that is in each department and consolidate the departments for the welfare of the veterans in order that they may be given better service? I have inspected a good many of the Veterans' Bureau hospitals and soldiers' homes all over the country. I know that the national soldiers' homes have had experience in the domiciliary care of our veterans, and I know that they can do it more cheaply than can the Veterans' Bureau. We need their experience in domiciliary care.

I know that the Veterans' Bureau hospitals, on the whole, provide very much better medical and surgical care for our veterans, and I know that the food is very much better, because I have eaten it in all of the hospitals and soldiers' homes which I have inspected. Take the two, put them together, and I believe you will have more adequate care for the disabled veterans. How can you refuse to do what is going to be of advantage to the disabled? We need the extra domiciliary beds and the extra hospital beds which this consolidation would give us for our disabled men. Since 1919 the Congress of the United States has authorized the Veterans' Bureau to expend over $104,000,000 in hospital construction, and our subcommittee on veterans' hospitals is now considering bills calling for an additional $30,000,000 appropriation.

Mr. CRAMTON. Mr. Chairman, will the gentlewoman yield?

Mrs. ROGERS. Yes.

Mr. CRAMTON. Of course, my amendment does not involve the question of hospitals at all. That consolidation will continue.

Mrs. ROGERS. The gentleman is perfectly willing to have that?

Mr. CRAMTON. Oh, yes. I have no objection to that.

Mrs. ROGERS. Does the gentleman think for one minute that the Pension Office knows anything practically about veterans' compensation or the work that the Veterans' Bureau does at the present time? It is highly intricate.

Mr. CRAMTON. But I am not asking that, and that is why I think they should be left distinct. Their fields are entirely different. My amendment proposes only to take the Bureau of Pensions out of this proposed consolidation and to continue the consolidation as to the Veterans' Bureau and hospitals to which the gentlewoman refers.

Mrs. ROGERS. Does not the gentleman think it is important to have the Pension Bureau together with the other? We are all coming to pensions for veterans of all wars one of these days.

Mr. CRAMTON. I am unable to see any reason for it.

Mrs. ROGERS. I see the greatest possible reason why this bill should become a law. Veterans' relief has been my work since 1917, all day, and sometimes all night until I came to Congress in 1925 and a part of every day since that time.

Mr. CRAMTON. But the gentlewoman is speaking of hospitals.

Mrs. ROGERS. I do not think it is possible for the Veterans' Bureau to absorb the Pension Bureau or for the Pension Office to absorb the Veterans' Bureau. I think we should have a new department; the administration of that department will not be, in my opinion, the present head of any department or bureau. It will be a new man.

Mr. CRAMTON. But I am not speaking——

Mrs. ROGERS. The gentleman will have to excuse me; I am sorry. I can not yield further. It will be a new man who can and will consolidate all of the different bureaus, and I believe that in this country of ours there can be found a man who has the ability to take what is good in the different departments and work out a practical plan for veterans' relief. To do so he must have control of all veterans' activities in order that he may have the whole picture before him. Why should we spend more than we need to for our veterans' care in administration? We want to spend wisely, intelligently; we want to give them the best that we have. Saving in overhead costs may mean more money in compensation to the veteran. You can preserve the good in the different departments and weed out the bad. We have extremely able men in the United States, and surely the President can find one to serve as administrator of veterans' affairs who will be able to administer wisely the business of our veterans. I have heard a good deal of criticism of the different heads of the bureaus. I see nothing in this bill that suggests that any present head of any bureau shall be the administrator who would be created under this bill.

I do beg of you to pass a bill which can become a law. On Thursday last we passed a bill which we all know can never become a law, and it makes one's heart ache to feel that it was really just fooling the disabled veterans. I do want one bill passed that is to my mind an intelligent step in the right direction. [Applause.]

Mr. GASQUE. Mr. Chairman and members of the committee, we have gotten into a mix-up here this morning.

I want to call your attention to this fact that I knew that we were drifting into this situation when this bill was reported. I want to call the attention of the chairman of the committee to the fact that I made the suggestion when this bill was reported that it would bring about just what has happened on the floor. This bill was never properly reported out of the committee.

I want to say to the gentleman from Michigan [Mr. CRAMTON] that I have not fallen for anything. I have said from the beginning of my remarks that I favored a consolidation of the veterans' activities. I believe they ought to be consolidated. The Pension Bureau and the Veterans' Bureau are doing the same kind of work in the very same way in many instances to-day. There are a whole lot of these activities that ought to be consolidated. One man could attend to the business just as well as half a dozen are doing now in many instances. In this bill we are not considering, we are not approaching, the matter in the proper way. That is why I made the motion to cut out subdivision (b) of the first section. We are told by veterans and it was represented to us in the committee that the veterans of all wars, the representatives of the soldiers' homes, and everybody else that they favored consolidation. If we are legislating for the veterans and trying to do something that they want done, the bill they suggested is the bill that ought to be before the House to-day. I mean the original bill.

Mr. KNUTSON. What kind of a bill was that?

Mr. GASQUE. It was a bill very much like the one we have now, but it did not have in it subsection (b). They were in unanimous agreement in favor of the bill presented by Mr. Means, although we were told later that some of them said they would rather have the original bill. Hearings were not held before the committee on the bill that is now before the House. The hearings were had on a different bill.

Mr. KNUTSON. Before the committee?

Mr. GASQUE. Yes; before the committee.

Mr. KNUTSON. I am surprised at the gentleman's remark. We have been led to believe heretofore that extensive hearings were held on this bill. It seems now that it was an entirely new bill. Is the gentleman from South Dakota trying to flimflam the House?

Mr. WILLIAMSON. Does the gentleman mean to say I ever made such a statement as that? I did not.

Mr. KNUTSON. I am taking the gentleman's word for it.

Mr. GASQUE. The bill, on which we had extensive hearings, was to consolidate all these activities into the Veterans' Bureau.

Now, I believe the bill as we have it, with this subsection taken out, comes about as near being a bill such as these gentlemen agreed upon as we can get. I would like to see the bill in different shape, but I feel that we ought to make a start and do something that would eventually bring all these agencies under one head.

Mr. ABERNETHY. Will the gentleman tell me the various organizations that are for this bill in its present form?

Mr. GASQUE. I can not give you that information. I have been told that the World War veterans' organization and the American Legion are for it. I was told that the Spanish-American War Veterans were opposed to it.

Mr. LAGUARDIA. What the veterans are interested in is in the check and not the administrative details.

Mr. GASQUE. If the Johnson bill which came before us the other day contained in it proper administrative features, we would not have had a good bill. That is what we need. That is the reason why we favor the Pension Bureau, because we get better administration of affairs there.

Mr. KNUTSON. The gentleman has given considerable study to this subject. Does the gentleman believe we are going to save any money by this proposed consolidation?

Mr. GASQUE. Not at once, but eventually I believe we shall save money.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. GASQUE. May I have five minutes more?

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GASQUE. It is not my opinion that at present there will be any considerable amount of money saved, but if we consolidate these agencies I believe in a few years hundreds of thousands of dollars will be saved. Of course, we are setting up an administrator at a salary of $12,000 a year and several other agencies. But even so, if the administration is as it should be, we will save a good deal of money in future years.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. GASQUE. Yes.

Mr. MOORE of Virginia. Will the gentleman state whether in his opinion the administration of these various bureaus will be improved in any way by the passage of this bill? Does the gentleman think from his consideration of the subject that there will be anything gained in economy or efficiency next year or the year after, if this bill is passed?

Mr. GASQUE. I can not say that there will be any improvement immediately, but I think in a few years there will be. I can not, of course, prophesy as to the future.

Mr. MOORE of Virginia. Does not the gentleman think, in the situation we have here now, that the wise thing to do would be to send this bill back to the committee for reconsideration, in the hope that something may be framed that would give us some better assurance than it affords?

Mr. LAGUARDIA. It seems to me a simple proposition, when you have simply the Veterans' Bureau and the soldiers' homes and the Pension Bureau to consolidate.

Mr. O'CONNOR of Oklahoma. Are we legislating for the veterans who now receive the money and those on the pay roll or for the entire people?

Mr. GASQUE. I think we should legislate for the veterans, the entire people, and for the Federal Government.

Mr. O'CONNOR of Oklahoma. Do you think this legislation would put anyone off the pay roll if we perchance should pass it?

Mr. GASQUE. I can not say.

Mr. PALMER. Mr. Chairman, will the gentleman yield?

Mr. GASQUE. Yes.

Mr. PALMER. Did I understand the gentleman to say that the three departments are functioning all right at the present time?

Mr. GASQUE. I did not say that.

Mr. PALMER. Your Pension Bureau has been functioning for over a hundred years and is functioning all right, is it not?

Mr. GASQUE. I think so.

Mr. PALMER. Does the gentleman believe it is good policy to start out on a plan of destruction and to destroy a bureau that we know has been successfully conducted for more than a hundred years?

Mr. GASQUE. I do not.

Mr. PALMER. Does the gentleman not think it would do the veterans a great injustice to consolidate these departments?

Mr. GASQUE. I want to say that I agree with the gentleman that the Pension Bureau has been functioning, as far as I know, efficiently for 100 years. I would dislike to see anything disrupt it at the present time. However, I want to go further and say that there are functions being performed by the Pension Bureau and the Veterans' Bureau to-day in the same field, where men are overlapping in their work, doing the very same work. An examination and investigation of those matters should be made and certain features ought to be consolidated.

Mr. PALMER. I favor anything that will help the World War veterans and all of the other veterans, but the masses of people throughout the Nation are to be considered and not a few salaries and a few officers. I think it would be a mistake to destroy the Bureau of Pensions.

Mr. GASQUE. As far as I am concerned, I shall not vote to do anything that will destroy it.

Mr. COLTON. Will the gentleman yield?

Mr. GASQUE. I yield.

Mr. COLTON. I am sure the gentleman will agree with me that that matter was carefully considered and there was no thought on the part of anyone of injuring the efficiency of any department or bureau, but, on the contrary, we believed that we would greatly increase the efficiency of all of the bureaus.

Mr. GASQUE. In answer to the gentleman's question I want to say that representatives of the old soldiers' homes, the Spanish-American War veterans, and the World War veterans came before us, urging that we do consolidate, but I want to say that they did not agree upon a bill like the one brought in.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WILLIAMSON. Mr. Chairman, I ask unanimous consent that all debate on the section and all amendments thereto close in 25 minutes.

Mr. KNUTSON. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. The gentleman from South Dakota [Mr. WILLIAMSON] asks unanimous consent that all debate on this section and all amendments thereto close in 25 minutes. Is there objection?

Mr. KNUTSON. I object.

Mr. WILLIAMSON. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 25 minutes.

Mr. CRAMTON. Mr. Chairman, if the gentleman from South Dakota [Mr. WILLIAMSON] will withhold his motion for a moment, as far as I am concerned, I am willing to have the debate on my amendment close now. I would prefer it, as a matter of fact, but I think that other gentlemen who have important amendments to offer should have a fair opportunity to present them.

Mr. WILLIAMSON. If gentlemen would let me see their amendments so that I would know what they were, I might consent to it.

Mr. CRAMTON. Even if they do not let the chairman see them, I think they have a right to offer them and debate them. I imagine the great controversy is on this one section.

Mr. WILLIAMSON. Mr. Chairman, I will modify my motion to move that all debate on this section and the current amendment close in 25 minutes.

Mr. ABERNETHY. Will the gentleman yield?

Mr. WILLIAMSON. I yield.

Mr. ABERNETHY. Would the gentleman make that five minutes more?

Mr. WILLIAMSON. Mr. Chairman, I will withdraw the motion if I may.

The CHAIRMAN. Without objection the gentleman from South Dakota [Mr. WILLIAMSON] withdraws his motion.

There was no objection.

Mr. WILLIAMSON. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in 45 minutes.

The CHAIRMAN. The gentleman from South Dakota [Mr. WILLIAMSON] asks unanimous consent that all debate on this section and all amendments thereto close in 45 minutes. Is there objection?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in opposition to the pending amendment submitted by my distinguished friend, the gentleman from Michigan [Mr. CRAMTON].

The Committee on Expenditures in the Executive Departments held extensive hearings for the past two years on legislation having for its purpose the consolidation of all veterans' activities. While the bill as reported by the committee does not compare word for word with the original bill upon which hearings were held, I do not believe it is the practice of the House, or even the practice of the Committee on Pensions, whose chairman [Mr. KNUTSON] raised such a hullabaloo about not having

hearings on the particular bill before us, to bulletin and hold new hearings every time they adopt an amendment changing a word, dotting an i, or crossing a t, in a bill which such committee is considering.

Mr. Chairman, extensive hearings before the committee indicate that the Veterans of Foreign Wars, the Disabled American Veterans, and the American Legion were fairly and squarely in favor of consolidating all veterans' activities under one independent bureau.

The gentleman from Michigan [Mr. CRAMTON] speaking in behalf of his amendment stated that it should be adopted because the veterans of the Spanish-American War and the veterans of the Civil War should have an independent agency such as they now have—the Pension Bureau. Refer to page 107 of the hearings. Mr. Rice W. Means, a former Senator from Colorado, testified as follows:

I have authority from 42,000 survivors of the Civil War—written authority—to speak for them before this committee. I am authorized to officially represent the United Spanish War Veterans. As to those two they have expressed themselves in their conventions as being favorable to a joining of all agencies extending relief to veterans of this country under one head. They have both, by resolution, favored the placing of these agencies under the Secretary of the Interior. I don't believe they are married to that particular procedure at all.

On page 62 of the hearings on H. R. 16722, Mr. Means testified further as follows:

First, there ought to be an independent agency to be called the "department of veterans' activities" or "department of veterans' relief."

Further on that page Mr. Means answered this question, propounded by Congressman COLTON:

Mr. COLTON. Do you advocate a consolidation under an existing bureau or the creation of a new department to handle all of these activities?

Mr. MEANS. I advocate the creation of a new department to handle these activities.

Mr. CRAMTON. If the gentleman will yield, to my mind there is a great difference between the creation of a new department headed by a cabinet officer and the setting up of a vast independent bureau, with the possibility of a repetition of the scandals we have already experienced under the Forbes régime.

Mr. SCHAFER of Wisconsin. The gentleman from Michigan did not listen to the testimony I read and he has not read the testimony, because Mr. Means testified, on page 62 of the hearings, that there ought to be an independent agency to be called the "department of veterans' activities." This bill provides for an independent agency to handle all veterans' affairs. The exact name is not the same as suggested by Mr. Means, but in substance and principle it is the same activity which he suggested.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. SCHAFER of Wisconsin. Yes.

Mr. WILLIAMSON. The bill submitted by Mr. Means——

Mr. SCHAFER of Wisconsin. Is in principle practically the identical bill reported out by the Expenditures Committee and now under consideration, the allegations of the devoted disciples of the Commissioner of Pensions to the contrary notwithstanding. [Applause.]

Mr. WILLIAMSON. And sets up a separate department, does it not?

Mr. SCHAFER of Wisconsin. Absolutely. I believe that the Commissioner of Pensions and the Secretary of the Interior would be rendering a better service to the country and to the President of the United States who appointed them if they would devote the time which they have been devoting to opposing this consolidation bill to some of the other duties of their offices. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FORT. Mr. Chairman and gentlemen of the committee, this amendment goes to the heart of the bill in more senses than one. Both of the dominant political parties in this country repeatedly in the platforms on which they have gone to the Nation for election have favored the consolidation of Government departments.

I quote now from the last Democratic national platform:

(a) Businesslike reorganization of all the departments of the Government.

(b) Elimination of duplication, waste, and overlapping.

(c) Substitution of modern businesslike methods for existing obsolete and antiquated conditions.

Similar language is to be found in the platforms of both parties for the last eight years at least.

Modern businesslike methods mean a concentration of like functions and authority in the hands of one man where possible. There are no business organizations in this Nation today which would tolerate any such condition as exists in the Government of the United States where similar functions relating to a like subject matter are scattered in from 3 to 15 different branches of the Government. If we are to be true to the pledges made by our parties, gentlemen on both sides of the aisle should vote for a concentration of these and all other like activities in the Nation under appropriate heads.

The argument is made that this will result in an increase of expenses because the Pension Bureau, it is said, is the most efficient of any of these organizations. If that be true, and the man who is placed at the head to administer all of these like activities is fit for the job, he will adopt the Pension Bureau way of handling such similar functions as are now in the Veterans' Bureau. If he finds a more efficient and better way in the Veterans' Bureau than some method that is in use in the national soldiers' homes, he will use that method. But it is only by giving to one man the point of vantage from which he can view the relative efficiency of methods that you can hope to find which is the most efficient, the most economical, and the most advantageous.

Nobody on this floor or in this Nation knows what may be the next turn in veterans' legislation. Nobody can even guess what form of legislation we or some subsequent Congress will adopt on this subject. But whatever its form, I challenge any Member of this House to deny that a competent administrator in charge of all forms of veterans' legislation will be a better guide as to the method of administration than three segregated and separated administrators, each operating under his own old system which may or may not be efficient.

If the gentleman from Michigan will permit, it is because in part it may be true that the Bureau of Pensions does some things more efficiently that I would like to see it in the same general branch of the Government with those branches which may be operating less efficiently. I have sufficient confidence in the new blood I believe will be at the head of this whole organization to believe that the man named to the job of rendering the whole administration efficient will adopt the best methods which he finds in each of the subsidiary branches.

Mr. CRAMTON. The gentleman knows there is no question who that will be. It will be the present head of the Veterans' Bureau.

Mr. FORT. If the gentleman pleases——

Mr. WILLIAMSON. We deny that.

Mr. CRAMTON. Everybody denies that on the floor but admits it in private.

Mr. WILLIAMSON. No; we do not.

Mr. FORT. The gentleman has made a statement attacking my personal veracity, if the Chair pleases——

Mr. CRAMTON. Of course, the gentleman knows there was nothing of that kind.

Mr. FORT. Will the gentleman withdraw his remark?

Mr. CRAMTON. I will disclaim any such purpose.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. ABERNETHY. Mr. Chairman, I am always willing to do anything I can in the interest of the veterans, but I find myself in a very peculiar situation here, because there is so much division on this very important question. We have a great division of opinion on the Republican side of the House and we have a great division on the Democratic side of the House and it strikes me this is too important a matter to push through rapidly. It occurs to me the best place to send this bill at the present time is back to the committee to the end we may work out something comprehensive, with a view of all getting together and bringing out something that we can support with more unanimity.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. WILLIAMSON. I may say to the gentleman that the committee has had this matter under consideration for two years and if the gentleman will take the time to look at our hearings——

Mr. ABERNETHY. I have looked at the hearings, but I find the bill was introduced on March 10, 1930, and reported back to the House on March 21, 1930, and you are consolidating three or four very important activities of the Government.

My friend here, for whom I have great respect, has a great deal to do with the Interior Department, the gentleman from Michigan [Mr. CRAMTON], and he is fighting this bill. He has responsible connections with the President and we do not know how the President stands on this bill, and even if we did, I am not sure we would follow him in this matter.

Mr. WILLIAMSON. Will the gentleman yield further?

Mr. ABERNETHY. Yes.

Mr. WILLIAMSON. Let me say to the gentleman that the bill the gentleman is holding in his hand is simply a bill that has been amended by the committee. In other words, the committee amended the bill which it had been considering for a long time and reintroduced the bill with the amendments so as not to have a lot of committee amendments in the bill.

Mr. ABERNETHY. Of course, the gentleman will give me a little more time——

Mr. WILLIAMSON. No; I can not do that.

Mr. ABERNETHY. Then do not take up all of my time. The gentleman is chairman of the committee and has control of the time.

Now, when I have to deal with the Veterans' Bureau to take up a matter, first I have got to go to Charlotte, N. C.; then I have to appeal from Charlotte to New Orleans, and then back to Washington. This is with respect to Veterans' Bureau. I can go to the Bureau of Pensions and get action immediately.

If you are going to improve conditions, well and good. I want to say on the floor of the House here, I think the head of the Veterans' Bureau, General Hines, is a very high type of man——

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. ABERNETHY. No; I can not yield, because you have taken up all the time on this matter and I have only a few minutes left.

I really think the place this bill ought to go is back to the committee, so we can make a further study of the matter and all of us get together, because, gentlemen, I want to do something for the veterans, but it looks to me that with all this tangled situation we are not going to aid the veterans but rather hamper them. This is the way I feel about it.

I wish I knew what veterans' organizations are for the bill, if any, and who are against it, but I can not find anybody here who can tell me. I know there are no designs on the trestle board and we are in great confusion in the temple and do not know what to do. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. COCHRAN of Missouri. Mr. Chairman and members of the committee, I am supporting this bill as it came from the committee because it is a good bill and will be beneficial to the veterans as well as the Government. Both in the last Congress and the present Congress hearings were held and we sat for days listening to the views of Government officials, as well as members of veterans' organizations.

No one was denied a hearing and no one was limited as to time. Everyone had a fair opportunity to present their views. The President wants legislation to bring veterans' activities under one head, and this bill is what he desires.

I think it is most unfair for Members of the House, who should know better, to continue to compare the work of the Pension Bureau with the work of the Veterans' Bureau. Everyone who has had any experience in handling veterans' claims before the Pension Bureau knows that the great majority are claims which are automatically allowed when the man proves his service and the examination discloses a disability, regardless of whether he was hit by a street car or fell from a building, or is disabled by a disease, but under the World War veterans' law the Congress required that the disability be of service origin or subject to the presumptive section and there you find an entirely different situation. If the record of the War or Navy Department does not disclose treatment for the existing disability while in the service the veteran must prove his claim that his injury or disease is the direct result of his service. The burden of proof is on the veteran, and there are delays in securing evidence that will enable the bureau to act favorably on the claim. Until the Congress grants pensions to World War veterans, which I hope it does soon, this condition will continue. Therefore Members should not advance the argument that they can get immediate action at the Pension Bureau but are subject to long delays at the Veterans' Bureau. You and you alone can correct this situation by passing the disability pension bill for World War veterans.

If you have a case under the general law and prosecute it before the Bureau of Pensions, you will find you have just as much trouble as you do in handling a case before the Veterans' Bureau. I have had such an experience within the last week. I was before the Pension Bureau the other day with a general law case, and I was amazed to find that the examiner had denied the claim, because he stated the disability existed prior to the service. I could find nothing in the file to show that this man had the disability—tuberculosis—prior to the time he entered the service. He had several enlistments, and when the time came for discharge was held in the service for the convenience of the Government to determine if he did have tuberculosis. We all know the military officers are not taking men into the service who have tuberculosis. When I complained the papers were reviewed and now have been sent to the field for special examination. Try and get a case closed in the Pension Bureau that goes to the field and you will find it takes several months.

But aside from this, the opportunities will be present to effect economies and to improve the efficiency of the Veterans' Bureau and to expedite the handling of all claims and hospitalization affecting all disabled soldiers.

The bill has the indorsement of all the veterans' organizations, and I do not think this House should fail to give the President the bill he wants to reorganize or consolidate governmental agencies administering laws affecting veterans of all wars.

Mr. CRAIL. Will the gentleman yield?

Mr. COCHRAN of Missouri. I yield.

Mr. CRAIL. I am a friend of the veterans and I am not asking this question in a hostile way, but for information. I would like to know if there is a good reason, and if so what the reason is, why the veterans' affairs should not be under some executive department of our Government.

Mr. COCHRAN of Missouri. The outstanding reason I will say to the gentleman from California, is that practically 25 per cent of Government expenditures goes for the care of veterans and it is too big a job to put in the hands of a Cabinet officer who has many other activities to look after. [Applause.] We want one man to look after the veterans and that one man to be held responsible and if he does not take care of the veterans, the Congress of the United States and the President, friends of the veterans, will see that he does properly administer the laws or will get a man who will.

Mr. CRAIL. That does not appeal to me as a very good reason. During the last campaign I heard one of our candidates for President proclaiming loudly on the radio that $556,000,000 of our Government's money was expended and did not fall within the jurisdiction of any executive department, and that this had increased from approximately $5,000,000 to this great sum within less than 10 years, and both parties claimed that the work could be consolidated and that the matter should come under the jurisdiction of an executive department.

Mr. COCHRAN of Missouri. Let me answer the gentleman by saying that this set-up provides the administrator is directly responsible to the President of the United States, and therefore should appeal to the gentleman. The gentleman need have no fear as the veteran's interest will be carefully protected.

Mr. CRAIL. That might be said with reference to a Cabinet officer.

Mr. COCHRAN of Missouri. In the campaigns and in national conventions we all favor reorganization of the Government agencies and we should carry out the promises made at that time.

We should not condemn the Veterans' Bureau and those administrating the law when the Congress itself is responsible for the law.

Men who served in the Regular Establishment complain about the general law under which they are pensioned, but the cases are so few in comparison with the number handled by the Veterans' Bureau that you do not get the complaints.

Cases appealed to the Assistant Secretary of the Interior when rejected by the Commissioner of Pensions are not decided the same day. Sometimes it takes several months; always several weeks. I am sure members who have handled cases of this character before the Pension Bureau will agree with me.

Cases sent to the field by the Pension Bureau likewise take months. The examiners travel from place to place, and where the veteran has lived in various parts of the country the papers must be sent to different examiners. So do not compare the administration of claims in the Pension Bureau—those affecting Spanish and Civil War veterans—with claims pending before the Veterans' Bureau. I say again it is not fair. Compare the cases filed under the general pension law and you will see the delay in getting a final decision in the Pension Bureau is experienced the same as you find in the Veterans' Bureau.

I hope the amendment will be defeated and the bill passed as it came from the committee, and I speak as a friend of the veteran, one who has fought their battles before the Pension and Veterans' Bureaus for years. I would do nothing to harm them.

Mr. GARBER of Virginia. Mr. Chairman, I am very glad, gentlemen of the committee, that we are of one accord on one thing and that is that we are all deeply interested in doing the thing that will benefit the veterans most. It seems to me that this discussion has revolved around two distinct aspects—one is the business consideration and the other is a matter of sentiment, pure and simple.

Mr. Chairman, it seems to me that there is no just reason why we should not, in undertaking to legislate for the veterans, consider all of the well-recognized principles of business that we put into every business organization in the country where affairs are well administered.

What reason can there be, gentlemen, for not consolidating the various veterans' activities? Why, we are told that the Pension Bureau is such a wonderfully efficient bureau, and I agree with that. But, gentlemen, we should understand that the Pension Bureau and the Veterans' Bureau and the soldiers' homes are all Government agencies. Is there anything holy about the Pension Bureau that we should not draw that into a consolidation that will insure unification of administration and guarantee economy and efficiency?

I can not understand the position that some are taking, that because the Pension Bureau is administered more efficiently than the Veterans' Bureau, as has been claimed—and I am not arguing about that—I can not understand why they take the position that if we consolidate and place them under one administrative head that all the defects will come into the administration of the consolidated activities and none of the virtues of the Pension Bureau will be carried over into the administration of the new department.

Are they not all agencies of the Government? Shall one be hallowed and favored over the other? Not at all.

I want to say that I am not in sympathy with the sentiment expressed here that we should legislate in relation to the personnel of any department or bureau. It is not sound legislation that we should come in here and enact legislation to fit an individual, just because he is at the head of one of our bureaus. Legislation should be confined to sound principles of business and economical administration.

For that reason I say that is the sentimental side that has been discussed a great deal. It has been argued that we should not consolidate, because the Veterans' Bureau, perchance, will absorb the Pension Bureau. It is not a case of one bureau absorbing another; it is merely a matter of bringing all together under one administrative head.

Now, the question has been asked over and over again wherein lies the economy? I can not follow that in the few minutes that I have, but only to indicate in a general way. For example, is not the hospitalization of your veterans of the Civil War and the veterans of the Spanish-American War, the veterans of the World War, the same identical thing? I say to you that the hospitalization and the care of the sick of the various wars has the same identical principle involved, and, therefore, they should be under one administrator, one board, and not three boards. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, the statement has recently been made that the bill is very involved, complicated, and intricate. The bill, on the contrary, is very simple. It seeks to take the Pension Bureau, now under the Department of the Interior, the soldiers' homes, now administered by a board of volunteer governors, the Veterans' Bureau, an independent office, and consolidate them into one independent agency of the Government. That is all there is to it—to have the three bureaus consolidated under one head.

If the amendment offered by the gentleman from Michigan, to eliminate the Pension Bureau is adopted, we might as well send the bill back to the committee, because there is no sense in simply consolidating the Veterans' Bureau with the soldiers' homes.

Mr. GASQUE. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. In a minute. This is a bill that will consolidate these three different bureaus and that is all the bill does. It does not change the pension law, it does not change the veterans' compensation, it does not change the condition for admission into the soldiers' home. It simply brings the three together under one executive head. If you eliminate one of the three, it vitiates the bill. I yield now to the gentleman.

Mr. GASQUE. I understood the gentleman to say that when we struck out subsection (b) we might just as well have sent the bill back to the committee.

Mr. LAGUARDIA. I am in hope of reinserting section (b). I believe that when we get into the House we will put it back into the bill.

Mr. GASQUE. The gentleman thinks that the bill will be a failure if we leave subsection (b) out of it?

Mr. LAGUARDIA. I think that the bill will be very much stronger with subsection (b) left in. That is all there is to this bill. It is bringing these three different bureaus now having separate distinct jurisdiction over three sets of veterans and putting them under one head. All this talk about the Spanish War veterans and Civil War veterans being in favor of the Pension Bureau is idle. What the veteran is interested in is the results, in getting his pension check every month. This will expedite the facilities for the veteran in getting speedier action and better service. If we can reduce overhead expense that, too, is for the benefit of the veterans.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last four words. I am very strongly in favor of this bill, fundamentally because I believe that our whole administrative system of Federal Government needs reformation, and that this bill is a move in the right direction. We have 10 departments of our Government, and more than 30 outside agencies which are not coordinated. I can not take the time now to discuss this patchwork, this medley, this haphazard system of unscientific organization which would not be tolerated in private business, and ought not to be tolerated by us who are charged with the responsibility for its reform. But that aside, when this bill was first proposed, it was offered as H. R. 6141, and on behalf of 1,500 veterans of the Central Branch of the Soldiers' Home at Dayton, Ohio, I filed a protest against it (see p. 4551, CONGRESSIONAL RECORD, February 28). It was suggested that this protest was brought about by the board of managers, those in control, who wanted to save for themselves the administration of the affairs of the Soldiers' Home. Be that as it may, when the committee had gone more thoroughly into the situation and brought out the bill which we now have before us, I submitted the bill to those who had sponsored the protest, and I shall read now the reply of the commander of the Spanish-American War Veterans camp, of which it is my privilege to be an honorary member:

MAJOR WM. MCKINLEY CAMP NO. 91,
DEPARTMENT OF OHIO,
Dayton, Ohio, March 20, 1930.

Hon. ROY G. FITZGERALD,
House of Representatives, Washington, D. C.

DEAR MR. FITZGERALD: Have received a copy of H. R. 10630 along with a copy of Mr. Williamson's letter of March 13, addressed to you and forwarded to me, and I want you to know that I thank you very kindly, for I have, through studying the bill, became much more familiar with it than I would otherwise have been. I personally think this is very fair bill and just what should be enacted. There is nothing apparently wrong with a bill "authorizing the President to consolidate and coordinate governmental activities affecting war veterans." And I think all veterans of all wars will see this in the same light as I.

I note in Mr. WILLIAMSON'S comment on H. R. 10630 that, "Some fear has been expressed that the proposed set-up might affect the Spanish-American soldiers adversely." But the remainder of that paragraph very ably clinches that argument. I do not believe that the United Spanish War Veterans will object to the proposed consolidation. The thing that is objected to, not only by the Spanish-American soldier but the World War soldier as well, is the turning over of the homes to the Veterans' Bureau. But everyone here seems to be agreeable to the bill H. R. 10630.

M. A. HATHAWAY,
Commander Camp No. 91.

Mr. Chairman, it is of great importance that the soldiers' home situation be looked into. The Soldiers' Home Board of Managers is not exactly a voluntary board, as suggested by my good friend from New York [Mr. LAGUARDIA], but is a board elected by Congress. Congress has shown so little care of the soldiers' home that although the term of office of the president of the Board of Managers expired more than five years ago, no attempt has been made by this House to fill the position. The members of the board, except the president, serve without pay. No matter how patriotic or how willing they are, we all know the kind of service that can be expected from men who must serve without pay, who have only their expenses paid, when they must sacrifice much time from their personal affairs to travel from Maine to California and all over the United States. The president of the Board of Managers gets a salary of $4,000 a year. He is a splendid, an efficient man, and earns much more. He gives virtually all of his time to this work, and I do not believe we shall make any saving if this instrumentality of our Government, the Board of Managers of the Soldiers' Homes is consolidated with any other, because he is less properly and adequately paid than perhaps any man who is charged with a like responsibility under our Government. He deserves to be paid more, and I can say this very freely, because he belongs to the opposite political party to that to which I belong myself. The conditions in the soldiers' home are unsatisfactory. The branches are overcrowded and the hospitals, the food, and living conditions are much below the standard that we may expect from the organization proposed by this bill. I sympathize with those who do not want the present admirable administration of the Pension Bureau interfered with. It seems a model of efficiency and zeal for the veteran. It gives Members of Congress as little trouble as any bureau with which we have to deal, and I am confident that its usefulness and popularity will not be impaired by this bill.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by including correspondence between a veteran complaining about the soldiers' home conditions, the president of the Board of Managers, and myself, and a letter from a welfare worker.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. FITZGERALD. These letters are: Thomas Eaglin to FITZGERALD, March 22, 1930; FITZGERALD to Gen. George H. Wood, president of Board of Managers, March 26, 1930; General Wood to FITZGERALD, April 3, 1930; Eaglin to FITZGERALD, April 12, 1930; Whiteside to FITZGERALD, March 3, 1930; as follows:

TROOP A, FIRST REGIMENT UNITED STATES CAVALRY,
WAR WITH SPAIN,
March 22, 1930.

Hon. ROY G. FITZGERALD,
Washington, D. C.

DEAR SIR: I am at home in Dayton. Am very sorry to write to you upon this occasion, knowing that you are a very busy man.

I have a serious complaint to make against the management of the Soldiers' Home at Dayton. I was obliged to get out of there, although an invalid myself, on account of a man in the last stages of consumption being placed in a bed beside me, with only space for a chair between our beds and his cuspidor, which he continually coughed and spit in, set under my nose. I have respect and sympathy for a man in this condition, but there is a tuberculosis hospital here with several hundred empty beds, and this man from the mountains of Tennessee showed no respect for others to intrude himself in such a condition on the other members. His looks showed the ravages of the disease and his coughing all night and gasping for breath showed how near he was gone. He was also insanitary in his habits; for 10 days he did not wash out his cuspidor and spit all over the floor and bedclothing. In fact, he was in no condition to take care of himself, but did not want to go to the hospital.

I reported this to Ben Atkinson, the adjutant, as being detrimental to the health of others in the closely crowded unventilated room with the heads of the beds together in the center row, necessitating the breathing of one another's breath, and only room for a chair between the beds in the rows, as well as the annoyance of his coughing all night. He occupied a bed just across the aisle from me at the time I made the complaint, but a few days later a man next to me on the same side went out and this man with consumption was moved over in the bed next to me, obviously in defiance of the complaint I had made.

I refused to sleep beside the man and asked for my discharge. The captain told me he would have it for me the next day. I told him that I was going immediately (1 p. m.), that I would not wait for my discharge and would not sleep beside this sick man. So I demanded my belongings and called for a cab, with the understanding that my discharge would be sent to me. Two hours after I left the home this consumptive was in the tuberculosis hospital. He was in barracks, Company 3, two weeks and they refused to take notice of this until after they had got rid of me. Then he was given a note to go to the general hospital, and when he got there he was held. He was taken back to the barracks in an ambulance in care of both a doctor and a nurse, and from there to the tuberculosis hospital. They usually send a wardman with a patient of this kind, but in this instance they made a grandstand play, knowing by putting me out of the home that I would make a complaint, and they wanted to counteract the story.

There were many others that had made a complaint to the captain about this man, but the captain told them that they were no doctor and that he was running the company and them that did not like it to get out. In this case, the blame falls directly on the captain, H. L. Arney; Ben Atkinson, the adjutant, which I informed several days before; and Major Roberts, the chief surgeon. This consumptive was either put in this barracks to drive out decent, sober members, or spreading the disease to fill up the empty beds in the tuberculosis hospital. There was also another man in the last stages of asthma and bronchial trouble who coughed all night and annoyed the other members and should have been in the hospital.

The bed which I occupied was filthy with oil and grease where a previous member affected with a skin disease had slept and used oil and ointment on his body as a cure for his disease, and the oil had soaked through the sheets on the tick. Many complaints were made against this man using the same bath tub that the other members had to use. No notice was taken to this. The blankets were also filthy dirty, but if you complain about anything like this they put you through the torture process until you have to get out. I have been informed that the bed and blankets which this tuberculosis patient used, Company 3, bed 42, were not fumigated or changed but left for the next man to use.

This outward showing of sanitary regulations around these homes is a farce. I was vaccinated five times in the last four years against my will; all together I was vaccinated about fifteen times, with a large original scar on my arm, while some of the Regulars, with their name on the pay roll for the last 20 years, have never been vaccinated at all. The closed overheated, overcrowded rooms with the windows kept closed, the inhaling of other breaths, some with consumption, catarrh, asthma, all kinds of liniments, sore legs, drunken breaths, unsanitary persons, old pipes, and smoking cigarettes all night can not help but spread disease. It looks like it is managed this way to create sickness and fill up the hospitals. They get twice as much for taking care of hospital patients as other members and feed them less. I was nearly starved to death when I was in the hospital four years ago. About 60 per cent of the hospital patients do not need any treatment, but are kept there for pigeon stools, spies, and to fill up the beds, create jobs for the doctors and nurses, while many hospital cases are left in the barracks to create diseases among the others.

I was not ready to leave the home at the time I was forced out. I have been an invalid for five years, but my ailment is not contagious nor loathsome. I have sciatica and neuralgia and subject to nervous breakdowns, was sunstroke twice in the Army, and am now in my sixty-second year. I was sick for five days in the Ohio Hotel after I left the home on account of the way I was driven out. When I went to the home in December I asked to go to the convalescent barracks, but Ben Atkinson, the adjutant, ordered me sent to Company 10 (assuming a physician's authority).

The barracks were filled up with such drunken fellows that insulted and molested the others that I asked to be transferred. A few days after a man was murdered in Company 10 during a drunken brawl. Last summer a man was murdered in the mess hall at Danville. The way the officials manage these homes creates this hatred among the members. No complaints are allowed to be made. When a member dares to make a complaint he is marked a victim to be forced out through the torture process, and his pedigree follows him to the other homes. This is the result of a masked tyranny which certain members have got to endure.

I was transferred to Company 3. This captain that put the tuberculosis patient next to me had just took charge. The other captain was down in jail in Dayton, arrested with whisky in his automobile. The jail records will show this. He had been on a drunk for a week running the barracks. They are most all like this. It would be interesting for an investigating committee to examine the jail and workhouse records where these homes are located and compare these names with the names on the pay roll of the soldiers' home. Company 3 was the most drunken barracks that I was ever in. Drunken orgies were indulged in all night. The toilet room was used for straining canned heat and drinking bay rum. Sometimes there were as much as two buckets full of empty whisky bottles carried out in the morning. One man, while I was there, was carried in drunk twice in one day and put to bed. He and several others were drunk for three weeks at a time and always a dozen or more were drunk and up at all times at night, cursing, raving, and keeping the others awake. These appeared to be the captain's best friends and the only eligible members to the home. There is no pretense of living by the rules of the home any more. The depraved element which the officials are inclined to favor have got beyond control and the barracks are nothing more than madhouses.

When a petition was passed around some time ago for the members to sign favoring the retention of the present Board of Managers as heads of the homes I refused to sign it. Others signed it because they were afraid they would be put out of the homes if they refused. I feel that I exercised my constitutional rights when I refused to sign this petition for the present Board of Managers to continue in charge of the homes. I felt that a change would be better for the welfare of the members. I have been tortured, insulted, starved, mistreated, and forced to get out of these homes every time I have ever been in one of them, and this is true of many other decent, intelligent, and deserving men that the officials do not want around where they can see too much.

These men of polished learning and political power with great donations in their hands to be spent for the benefit of disabled and old, aged veterans of wars are money mad and elated over their long time in public service. They have forgotten the needs of those they represent; they have set up a machine of masked tyranny against these victims that are in need of mercy. It is with ten times more fervency that I appeal for justice in behalf of those who are in a worse condition than myself, who are without learning and the gift of self-perseverance, but whose hearts were in the right place when the country was in need of their service. They are now forced out of these homes that the good people of the country provided for them.

I would now kindly ask that this information be put into the hands of the proper authorities with a view of a complete change being made in the personnel of these military homes so that honorable, intelligent men who volunteered their service for their country and who bore the brunt of the battles in time of war and in time of peace went back in the channels of industry to do their part in life, who now on account of their age and infirmities need the aid of these institutions can live there in peace, and that these homes be used for the purpose which they were intended for, or else closed up and the worthy and unfortunate be given a pension sufficient to live upon.

Very respectfully,

THOMAS EAGLIN.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 26, 1930.

Gen. GEORGE H. WOOD,
President Board of Managers, National Military Home,
Dayton, Ohio.

DEAR GENERAL: I am inclosing copy of a letter which I have just received from Thomas Eaglin, 22 Clay Street, Dayton, Ohio, a veteran of the Spanish War, telling of revolting and loathsome conditions at the soldiers' home.

I would be very happy if you would have these charges carefully investigated with particular reference to the different items I have marked from 1 to 14 and let me know.

1. If Thomas Eaglin reported to the adjutant the intolerable proximity of the man suffering from consumption.

2. If, after this report, this consumptive was moved in the bed next to Eaglin.

3. If this consumptive within two hours after Eaglin left the home was removed from barracks 3 to the tuberculosis hospital.

4. If there was another man in barracks 3 disturbing others in the night with coughing and the sufferings of asthma, etc.

5. If the bed assigned to Eaglin was foul with oil or grease, or had been slept in by one with skin disease before his occupancy.

6. If complaints have been made about this man using the bathtub with other members and no notice taken.

7. If the blankets furnished to Eaglin were "filthy dirty."

8. If there was no special cleaning or fumigation of bed clothing used by the tubercular patients in bed 42 of Company 3.

9. If these barracks are habitually overheated, kept with windows closed at night with diseased and unsober condition of members.

10. If there are any large number, such as 60 per cent, of the hospital patients who should be in barracks and men with contagious and other troublesome diseases in the barracks who might receive beneficial treatment in the hospital.

11. If a man was recently killed in Company 10 during a drunken brawl.

12. If during last summer a man was killed in the mess hall at Danville.

13. If the former captain of Company 3 was in jail in Dayton for a violation of the prohibition act.

14. If drunken orgies are indulged in in company barracks during the nighttime with toilet rooms for "straining canned heat and drinking bay rum."

I would be very pleased if you would have these matters gone into with impartial care with the idea of discovering the true conditions and seeing what may be done for their improvement.

Very truly yours,

ROY G. FITZGERALD.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
HEADQUARTERS NATIONAL MILITARY HOME,
Dayton, Ohio, April 3, 1930.

Hon. ROY G. FITZGERALD,
House of Representatives, Washington, D. C.

Subject: Complaint of Thomas Eaglin relative to conditions Central Branch, Dayton, Ohio.

MY DEAR ROY: Your letter of recent date inclosing letter from Thomas Eaglin received. As I stated the other day, I turned it over to Col. B. K. Cash for his personal investigation.

The man complained of by Eaglin as suffering from tuberculosis is named Sherrer. He has been in and out of the various branch homes since 1911, and the diagnosis made up to the present time has been general disabilities not connected with his lungs. On his last readmission to the Central Branch, diagnosis of chronic bronchitis was made, in addition to other disabilities. As soon as the complaint in regard to his coughing disturbing members reached the adjutant's office, the adjutant referred him to the surgeon for examination. He was placed in the tuberculosis hospital for observation and after two weeks' observation a tentative diagnosis of chronic pulmonary tuberculosis, miliary, has been made. Considerable doubt still remains in the minds of the doctors due to the fact that 10 negative sputa were obtained, and there is also a question as to his former occupation which was that of a coal miner, entering into this case to a considerable extent, but the important fact involved is that as soon as the matter was brought to the attention of the adjutant the transfer and observation was made. I might add that the case is so unique that it is being placed before the Montgomery County Clinical Association, meeting to be held next Friday night.

In regard to changing beds, the condition in the home, as you know, for the past few months has been such that we have been crowded to the limit in caring for our members, and frequent changes of beds have been made to meet this demand.

In regard to there being an asthmatic in Company 2 disturbing members, we can not find there was such a man.

In regard to the bed furnished Eaglin, there was a stain on the underside of the mattress, but the bed linen, etc., furnished was fresh and clean from the laundry when the bed was assigned to him. I might add that the man referred to by Eaglin as suffering from skin disease has been ordered into the hospital for treatment.

As far as the condition of blankets is concerned, our general orders are that the blankets are to be kept clean, and if any of them are not clean they are sent to the laundry for washing.

The company commander does not remember any complaints being made to him nor were any complaints made to the inspector about the use of the bathtubs. There are shower baths on each floor of this building in addition to the tubs which can be used by the members.

It has been the custom at all branches where a case of this kind develops to have the mattress, blankets, etc., thoroughly fumigated. In this instance the company commander was a new man and overlooked it, but he has been admonished as to his duties in the future.

The question of ventilation of barracks has been a question which I have been in personal contact with for 16 years, and to suit the individual wishes of the members is practically an impossibility. In the most recent barracks built at the Pacific Branch an attempt is being made to obviate this trouble by the use of a small ward room where men of the same tastes can be quartered together, but in a building like No. 3 referred to, in which one ward covers an entire floor, it is impossible.

The hospitals at other branches have been so full this last two or three winters with men acutely sick that at times we have been obliged to turn away men in need of treatment because we had no beds to spare and it is possible that many men in barracks would be better off in the hospital if we had beds for them.

Several months ago some men were in the upper story of 10 who had been drinking, and the company commander came up to this floor to look into the matter, and one of the members, apparently without provocation, jumped off his bunk and struck another member with his fist on the head, causing his death. The case was turned over to the coroner, and is now being handled by the civil authorities of Montgomery County.

Last summer, apparently without any provocation whatsoever, a Spanish War veteran shot and seriously wounded a comrade in the mess hall at Danville during the dinner hour. There had been no ill will between the men and apparently no altercation before the shooting took place. It was done right across the table. This case was also turned over to the civil authorities of Vermilion County, Ill.

The man who was captain of Company 3 before Eaglin became a member of that company was arrested by the civil authorities off the home grounds and the case was handled by the civil authorities.

As far as drinking or drunken revelries in barracks are concerned, all officers of the home are under the strictest orders and do make an honest effort to put a stop to this. The situation which we are facing is a difficult one, but I can assure you that the home authorities are making every effort in the world to carry out the general policy of the Government in regard to possession or use of liquor.

I want to thank you for calling my attention to this case, because there are in it several lapses which we are taking steps to prevent in the future and unless we are given the benefit of criticism we can not improve our service.

I am inclosing herewith copy of office letter of April 2, 1930, to all governors relative to members suffering with skin disease or pulmonary tuberculosis, active.

Very sincerely,

GEORGE H. WOOD.

[Copy inclosed with letter from Gen. George H. Wood of April 3, 1930]

APRIL 2, 1930.

The GOVERNOR, ALL BRANCHES:

Members suffering with skin disease, or pulmonary tuberculosis, active.

1. It has come to the attention of these headquarters that in certain instances members of the home afflicted with skin disease, when the cases are noncontagious, have been allowed to remain in barrack. While these cases are noncontagious, they are obnoxious from the standpoint of the other members of the barrack. To date from the receipt of this letter all cases of skin disease, whether acute or chronic, coming under the above caption, will be transferred to hospital where they can be properly cared for and treated; and the allowing of this type of case to remain in barrack will be strictly prohibited.

2. Great care must be exercised in order that members suffering with pulmonary tuberculosis, active, are not allowed to remain in barrack. Occasionally a case of active tuberculosis has been discovered after the member has been on a domiciliary status for a considerable period of time. The above is a situation which must be carefully watched by the medical staff, especially upon original examination and at sick call; and any members showing a suspicious symptomatology along the lines indicated will be immediately given a thorough examination and period of observation if necessary, in order to establish an accurate diagnosis.

3. When any of the above cases are removed to the hospital from barrack, the bed will be thoroughly cleaned, mattress sterilized, blankets washed, and clean linen throughout provided before a new member is assigned to the bed.

4. The above matters will be brought by the surgeon to the personal attention of all members of the medical staff, and new staff members will be properly instructed.

5. Receipt of this letter will be acknowledged.

CHIEF SURGEON.

APRIL 12, 1930.

Hon. ROY G. FITZGERALD,
Washington, D. C.

DEAR MR. FITZGERALD: I received a copy of the letter you wrote General Wood, April 7, in receipt of the acknowledgment of the investigation caused by the complaint I made in regards to the tubercular patient that was put in the bed next to me in barracks 3. I also note in your letter that you took notice to the evasive answer they made in regards to the contempt the adjutant or captain showed in placing this sick man in a bed next to me after the adjutant was notified of the sick man's condition.

I want to thank you very much for all the sincere interest you have taken in this case, and am sensitive of the fact that it will be due to your prompt service, moral courage, and devotion to a cause that is just that many of the unfortunate members of the home will hereafter receive better treatment, although I may be used for a "gont" and martyr for the benefit of others; I am also conscious of that!

It will not be necessary for you to answer this letter, as I am willing to let the case drop where it is for this time and do not wish to take any more of your time, as I realize the many other important affairs that consume your time. Yet for your information I would like to comment on a few phrases of General Wood's letter to you on the case. The general says he turned it over to Col. B. K. Cash; in such cases the adjutant, Ben Adkinson, and the chief surgeon, Major Roberts, would be called on to furnish a report. These fellows have acquired their positions and intrenched themselves in the confidence of the Board of Managers for their skill in making alibis for such complaints. The letter states:

"As soon as the complaint in regards to this man's coughing reached the adjutant's office, the adjutant referred him to the surgeon for examination."

It was five days after I made this complaint to the adjutant, Ben Adkinson, that this sick man was moved over in the bed next to me. I will make an affidavit to that effect. There was no attention given to this complaint that I made to the adjutant during these five days until after I left the home. Then, as soon as I was gone, the captain handed him a note to report at the hospital, and in less than two hours after I left the home he was placed in the tuberculosis hospital. Members of the home have since told me his case at the time was pronounced permanent and he would not be allowed to leave the tuberculosis hospital. If this could have been done in two hours after I left, how is it that five days elapsed after I complained to the adjutant and nothing was done?

"He was placed in the tuberculosis hospital for observation * * *. Considerable doubt still remains in the minds of the doctors, due to the fact that he was a former coal miner."

What does coal mining, any more than cigar making have to do to a man's disease? A man with good sense did not have to be a doctor to tell that this man was in the last stages of consumption, his skeleton-like looks and consumptive cough told the story. When he came in with a small grip in his hand he was all in, he was breathing heavy and had to sit down and rest before he could go any longer. He came direct to this bed across from me; there were other empty beds in the barracks. That was two weeks before I left the home.

A man that was next to me went out on the 12th of March, and he (this sick man) was then moved over next to me. This was five days after I had made the complaint to the adjutant, and presumingly in defiance of the complaint I had made. The letter stated that he had been in and out of the home since 1911. This showed that he was an old-timer and knew by giving the captain a tip he could get by with it. When they go before the doctors for readmission, in most cases the doctor just asks their disability and writes it down as given. This accounts for him getting by the doctors, and some of these are young and inexperienced.

"In regard to the bed furnished Eaglin: There was a stain on the underside of the mattress, but the bed linen, etc., furnished was fresh and clean from the laundry when the bed was assigned to him."

The bed was not assigned to me. I asked to move over there to get away from the drunks in the end where I had been and to get some fresh air. After the man with the skin disease left this bed, another member named De Haven was put in the bed; later on he was taken to the hospital dangerously ill from drinking bay rum. I moved into the bed the same day De Haven was taken to the hospital; he had been on a drunk for several days; no clean linen nor blankets, either, were given me; these are only issued on certain days in the week, except when a new man comes in. I took the linen and pillows of the other bed which I had been using and these that were on the bed I put back on the bed which I had previously occupied. I was afraid to exchange the blankets, for if I had been caught doing it I would have been reprimanded by the sergeant or captain, unless I had slipped them a piece of money. I am opposed to tipping these drunken captains and sergeants when they are being paid to do this work. The dirtiest, filthiest looking blanket I secretly exchanged for another on an empty bed. Sherrer, the sick man, afterwards took this bed.

There is no top and bottom to these ticks, they are required to be turned over from time to time and this tick was grease and oil at both sides and all over, and I venture to say it is not on that bed now. Their alibis are a part of the perfected system under which these homes at the present time are dominated. This captain of Company 3 has placed himself in a position for promotion.

"The letter admits that the blankets and bed used by the consumptive patient were not fumigated. The alibi was that the captain was a new man."

There are enough things admitted, with what the records will show, to substantiate all that I have said. This captain, H. L. Arney, had previously been a sergeant in Company 8, and it is the sergeant's duty to see that beds are fumigated and kept clean, and it was due to his experience as acting captain that he was considered by the officials as competent for a company commander. He knew enough to take the money. The last time I saw him he was taking a dollar from a new man coming in. That secured this new man home protection. A man that never had a job outside is a good qualification for a captain in a soldiers' home under the present management.

In regards to the killing scrapes the answers are about as palatable as those I have commented on. General Wood would have you believe they were only sociable, friendly, killings. The letter said: "There were no ill feelings between the men and apparently no altercation before the shooting. A Spanish-American veteran seriously wounded a comrade." I was in Chicago at the time and later in Danville at the time the case came up for trial. The Danville newspapers then said there had been a heated quarrel over a seat at the table in the mess hall. The man then held in jail charged with murder went back to the barracks and got a gun (which he had for protection in the home) and went back to the mess hall and killed the other man. The case was postponed on account of smallpox at the home. I talked to some of the members that were loafing about the streets of Danville at the time and they said there was no smallpox out there.

"And the case was turned over to Col. B. K. Cash to investigate."

I presume this was the same Inspector Cash whose brother-in-law, Owen Green, a former State senator of Indiana, died in the bed next to me with the "flu" and pneumonia at Danville in February, 1926. Mr. Cash, who I think came there with him, remained at the home waiting developments, and was called to his bedside when he died. This patient was a Civil War veteran; he got better and was up once; and I believe if he had been properly taken care of he would have got over that case of influenza. On the next side to me at this time was a bed patient, Kilgore by name, that should have been kept in a room to himself. He was a Civil War veteran, was paralyzed, and affected with a skin disease and treated for this daily by the ward man; when his bed was made up the covers were always laid over on my bed. The next man put in the bed on the other side where Mr. Green died was another "flu" case; his name was William Craig, a Civil War veteran, born and raised on the ground where the Danville Home now stands. I knew this Craig for several years, met him there when he came back from California, and we were good friends. He owned property in Los Angeles and was one of the leaders that caused the senatorial investigation at the Pacific Branch in 1916. He is a sober, intelligent, and well-preserved man, not afraid to talk, and you can rely on him for information.

"This case is so unique that it is being placed before the Montgomery County Clinical Association."

That is a joke. The only thing that I can see unique about this tuberculosis patient was that officials running this home put him in a barracks among other men, either to spread the disease or to drive others out. The man can not live long and they can examine him all they want to. However, in the event that this case should ever come up again, Major Roberts is tricky enough, with the aid of some of his friends at this banquet given by his hospitality at the Government's expense last night, to prepare a plausible alibi. He has had 18 years' experience in making alibis.

"The most important fact involved is that, as soon as the matter was brought to the attention of the adjutant, the transfer and observation was made."

After two weeks of complaining to the captain, by other members, and five days after I had gone to the adjutant, he was sent to the tuberculosis hospital. But the most important thing was that this was not done until after he was moved over in the bed next to me and I had left the home. It appears that the object had been accomplished. Still more important in this case is that General Wood in his letter is silent on the most vital points at issue, the discrimination against me by putting the sick man in a bed next to me after I had complained to the adjutant. The argument is all in defense of the

incompetency of management and violation of the rules of the home on their part. Nothing is said of me going to the adjutant nor leaving the home because there was no action taken in the case while I was there. They all seem to be perfectly satisfied that I was forced out of the home and that that is entirely proper. That part of the home management speaks for itself.

Now, it would not be safe, or very pleasant at least, for me to go out there again after this complaint I have made and the investigation(?) that was made. They tell the public that they invite complaints but they offer no protection for the sober deserving member that is forced out and afraid of his life to make a complaint when tortured by the pigeon stools they keep on the pay roll. This is a part of the perfected system to keep unfortunate members' mouths closed even after they are drove out.

I would also be afraid to be vaccinated again in one of these homes, for there is no telling what might be on the point of these needles. This is where they will get me next time should I ever apply for admission again, for I will certainly refuse to be vaccinated, and there is pretty sure to be some vaccinating going on after this big reception given out at the home last night by Major Roberts. I was vaccinated twice in two weeks last February, all together about fifteen times in the homes—I think this is enough. I have a large scar on my arm from where I was vaccinated when a boy. This will be an excuse for them to bar me from the homes in the future, but it will not be without a long and hard fight if I am able to stand on my feet. Thanking you for all of your favors, I am,

Very respectfully, THOMAS EAGLIN.

I add a letter from a loyal welfare worker, which adds another picture of how our veterans are preyed upon.

DAYTON, OHIO, *March 5, 1930.*

Hon. ROY G. FITZGERALD,
Washington, D. C.

DEAR MR. FITZGERALD: You may not remember me, but of course I have met you a number of times in Dayton.

For 12 years I have been doing some welfare work in the Montgomery County Jail and have had a great deal of experience with prisoners.

I am wondering whether you are aware of conditions existing at the border line of the National Military Home. At pension time the inmates of the home, especially the young men, are constantly watched by the constables, and they are arrested and brought into the jail when they are guilty of nothing more than congregating together. If one or two have been drinking, the entire crowd is taken in. Many of them are not in a condition to be away from the home at all, as there are many crippled and others are very ill and under special treatment at the home. Sometimes as many as 12 are brought in at one time.

Is there not something that can be done in this situation? Can not these constables be prevented from making wholesale arrests? They are charged with drinking when it is very apparent that some of them have not been doing so. The squire fines them and the fine and costs amount anywhere from $25 to $40. If this is not paid they must stay in jail at the rate of $1.50 per day.

I decided to call this matter to your attention and to ask you if there is anything you can do to relieve the situation.

Thanking you, I am sincerely yours,

SARA I. WHITESIDE.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CRAMTON].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 5. (a) When the consolidation and coordination herein provided for shall have been effected in the administration of veterans' affairs the President shall so declare by proclamation or order, whereupon the corporation known as the National Home for Disabled Volunteer Soldiers and the Board of Managers shall cease to exist.

(b) All contracts and other valid and subsisting obligations of the corporation, the National Home for Disabled Volunteer Soldiers, shall continue and be and become obligations of the United States, and the United States shall be considered as substituted for said corporation with respect to all such demands either by or against said corporation, unless and until they shall thereafter be superseded or discharged according to law. The outstanding obligations assumed by the United States by virtue of the provisions of this subdivision may be enforced in the Court of Claims or in the district courts of the United States according to the ordinary provisions of law governing actions against the United States, and such courts shall have the power to enter judgment against the United States, with interest, in the same manner and to the same extent that said corporation may now be sued. No such suit shall be maintained upon any cause of action existing at the time of the dissolution of said corporation or arising simultaneously therewith, unless brought within two years from the time of such dissolution.

With the following committee amendments:

Page 5, line 16, after the word "enforced," insert the words "by suit."

Page 5, line 21, strike out the word "that" and insert the words "as if."

Page 5, line 22, strike out the words "may now be sued" and insert "were party defendant."

The committee amendments were severally read and severally agreed to.

The Clerk read as follows:

SEC. 6. (a) All unexpended appropriations in respect of any hospital, bureau, agency, office, or home consolidated into the administration of veterans' affairs shall, upon such consolidation, become available for expenditure by the administration of veterans' affairs and shall be treated as if the administration of veterans' affairs had been originally named in the laws making the appropriations.

(b) All orders, rules, regulations, and permits or other privileges, issued or granted in respect of any function consolidated under the provisions of this act and in effect at the time of the consolidation, shall continue in effect to the same extent as if such consolidation had not occurred, until modified, superseded, or repealed by the administrator of veterans' affairs.

(c) The administrator of veterans' affairs shall make annually, at the close of each fiscal year, a report in writing to the Congress, giving an account of all moneys received and disbursed by him and his administration, describing the work done, and stating his activities under subdivision (b) of section 1 of this act, and making such recommendations as he shall deem necessary for the active performance of the duties and purposes of his administration.

Mr. KENDALL of Kentucky. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KENDALL of Kentucky: Page 6, line 24, after the word "administration," strike out the period and insert "and shall submit to the Congress at its next session, beginning December, 1930, a study or report as to the feasability of transferring to the central office at Washington, D. C., all administrative functions, such as the collection of insurance premiums, making payments of compensation, and all clerical functions pertaining thereto now being performed by the several regional offices, together with a statement showing what, if any, saving in administrative costs would be accomplished thereby, together with what, if any, disadvantages would be suffered by the veterans: *Provided*, That pending such report by the administrator and the consolidation and coordination herein provided for, no further decentralization of functions now performed in the central office of the United States Veterans' Bureau at Washington, D. C., shall be made to the regional offices."

Mr. KENDALL of Kentucky. Mr. Chairman and ladies and gentlemen of the committee, I have given considerable thought and study to the question of cost in administration of the laws enacted for the veterans of all wars, and I believe that the bill now before us will go a long way in bringing about a more economical administration as well as increasing the material benefits of the disabled veterans, and I am thoroughly in accord with any program which tends to lessen the burden of taxation, provided that the program does not result in a detriment to the disabled veteran, and to the dependents of those who made the supreme sacrifice on the altar of the war god. I shall endeavor to explain, and briefly so, why I believe my amendment will not only depreciate the cost of administration, but will be advantageous to the veteran.

The bill now before us provides for an annual saving of approximately two and one-half million dollars, while the amendment which I offer for your consideration will show an annual saving of some five million dollars on two items of administration in the Veterans' Bureau which are chargeable to the expenditures allocated to the regional offices. The two items mentioned in my amendment are the collection of insurance premiums which should be collected by the central office direct, and thereby eliminate the duplication of records and accounting. The second item relates to the veterans who are drawing compensation on a permanent basis; that is, their disabilities have reached a fixed status, and according to the testimony of General Hines, accompanying H. R. 10630 on the consolidation of veterans' activities, 70 per cent or more of the World War veterans who are drawing compensation are on a permanent basis, which means that all there is to do in these cases is to mail the veterans their monthly checks. This check requires a check in the regional office, a check in the central office, and a further check by the Comptroller General's office. This procedure applies to the collection of insurance premiums as well. So, speaking in the parlance of the well-known radio comedians, we have a check and double check at an enormous overhead cost, which could and should be eliminated, thereby effecting an annual saving of some five million dollars.

We all concur, I am sure, in the fact that the decentralization of administrative functions of any business or organization is indeed expensive and not at all satisfactory. Relating to the Veterans' Bureau, I would class as administrative the functions of rating, adjudication, payment of compensation, and the collection of insurance premiums and the auditing thereof. Such functions as examining, treatment, and social care of our veterans are not administrative in character and should be performed in as close proximity to the veteran as possible. However, my amendment only deals with two items and the auditing thereof of the functions which I class administrative. Regardless of the fact that whether Congress passes this bill providing for the consolidation of veteran activities, why should not the Veterans' Bureau transfer cases which have reached a permanent status to the central office and mail checks therefrom?

Mr. GARBER of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. KENDALL of Kentucky. Yes.

Mr. GARBER of Oklahoma. Since many of us did not hear your amendment when it was read, will you kindly restate its purport?

Mr. KENDALL of Kentucky. I will be glad to say that it provides for a study by the administrator of functions now being performed in the regional offices, such as the collection of insurance funds and the payment of compensation. I shall try to bring it out more clearly.

The passage of the Johnson or I believe what is now named the Rankin bill will increase the activities of the various regional offices; and in order to expedite the thousands of claims which will necessarily follow, why not transfer to the central office all activities such as my amendment suggests? For my amendment, which I submit for your consideration, does not in the least involve the taking away of any benefits now inuring to the disabled veterans and does not affect the bill in any way. It only provides that we shall not incur any further administrative expense during this year for decentralization, and by having the administrator report to Congress, we will have the benefit of his valuable knowledge and experience of administration, which can be given consideration by Congress in its general study of veterans' legislation; and then if my conclusions be true, I would like to see this annual saving of some five million dollars diverted in a channel which would benefit the veteran. This saving could be used in improving our hospitals along the lines suggested by General Hines before the Appropriations Committee, that is by equipping each of our hospitals in such a manner that no matter what disease or injury a veteran might be suffering from, he can receive proper treatment therein. As it is to-day, our disabled men must travel hundreds of miles to receive treatment for a particular disability, although we have one or more hospitals in nearly every State.

I trust, ladies and gentlemen, that you will adopt my amendment, and thus we can ascertain the advisability of my suggestion.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. KENDALL of Kentucky. Yes.

Mr. OLIVER of Alabama. Is there any substantive law that forbids the transfer of these activities now to the central office?

Mr. KENDALL of Kentucky. None to my knowledge.

Mr. OLIVER of Alabama. Why, then, is it necessary to offer an amendment for that to be done? The purpose of the bill is to reduce expenses, and it is fair to assume that all transfers in the interest of economy will be carried out. It occurs to me that an amendment like that would tend to destroy the faith which the supporters of the bill have in it.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. GARBER of Oklahoma. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma is recognized for five minutes.

Mr. GARBER of Oklahoma. Mr. Chairman and members of the committee, I have been very much interested in the main question proposed by the pending bill, and I believe that much of the controversy has been occasioned by the confusion of terms. Those who have read the hearings will readily see that the distinction was never regarded—that "consolidation" and "coordination" are words used promiscuously and interchangeably and synonymously when they have distinct definite legal meanings. Now, consolidation means to merge. It means the abolishing of different entities and the merging of them into one new and independent bureau or agency. That is what consolidation means. On the other hand, coordination means bringing them together, and, as recommended by the special committee and the President in his message, bringing them together under an assistant secretary of some department, under a member of the Cabinet.

Now, let us return to an investigation of what the experts say on the subject. I have due regard for every member of the committee here. The committee is composed of able men, who are prompted by an earnest and unquestioned desire to serve the veterans in the way of improvement of the service and to serve the country. But what do our expert witnesses say in regard to this question?

On the 23d day of May, 1929, the President appointed a committee consisting of the Secretary of the Interior as chairman; Gen. Frank T. Hines, Director of the United States Veterans' Bureau; Gen. George H. Wood, president of the Board of Managers of the National Home for Disabled Volunteer Soldiers; Hon. Walter H. Newton, then Member of Congress, now Secretary to the President; and Col. C. B. Hodges, military aide to the President, as executive secretary, which committee was to "consider the better coordination of Government activities dealing with veterans' matters." Under date of October 1, 1929, this committee made a unanimous preliminary report to the President containing the following recommendations:

(a) That the President should be given by Congress the power to bring under a common head all forces of the Government for veterans' relief so as to obtain better coordination and so that a uniform program can be developed for the future. (If the President should so desire, the committee will submit the draft of a bill to bring this about.) No effort to bring existing legislation into a uniform program is recommended.

(b) That the President take immediate steps for coordination, as follows:

(1) Create a central coordination committee composed of representatives from the Pension Bureau, National Home for Disabled Volunteer Soldiers, and the Veterans' Bureau, to meet at periodic times in Washington.

Its functions should be to continue on a permanent basis the conferences initiated by this committee as a clearing house for data promoting avoidance of overlaps, joint utilization of medical and hospital facilities, interchange of up-to-date statistics on facilities available, avoidance of unnecessary transportation, etc.

(2) Create district coordination committees, similar to the central committee, but functioning at strategic field points.

Their local duties should be similar to those of the central committee. They should be charged with the responsibility for furnishing current data to the central committee upon facilities available and possibilities of coordination. Effective teamwork must be secured by practical and informal cooperation in the field before it can be effected by formal direction from Washington.

(c) That this committee be continued in existence to make a further study of the results achieved by the above-mentioned coordination committee within the trial period, say, of one year; and, if so desired by the President, to make further recommendation concerning the manner of bringing existing agencies for veterans' relief under a common head.

We all agree with the general statements made by the gentleman from New Jersey. But what did this special committee say? This is what they said:

That the President should be given by Congress the power to bring under a common head all forces of the Government for veterans' relief so as to obtain better—

Better what? Better coordination—not so as to obtain consolidation but—

better coordination, and so that a uniform program can be developed for the future.

That is what the special committee reported.

Then, on December 3, 1929, President Hoover embodied the recommendations of his special committee in his message to Congress, in which he said:

I am convinced that we will gain in efficiency, economy, and more uniform administration and better definition of national policies if the Pension Bureau, the National Home for Volunteer Soldiers, and the Veterans' Bureau are brought together under a single agency.

* * * The conservation of national resources is spread among eight agencies in five departments. They suffer from conflict and overlap. There is no proper development and adherence to broad national policies and no central point where the searchlight of public opinion may concentrate itself. These functions should be grouped under the direction of some such official as an assistant secretary of conservation. The particular department or Cabinet officer under which such a group should be placed is of secondary importance to the need of concentration. The same may be said of educational services, of merchant marine aids, of public works, of public health, of veterans' services, and many others, the component parts of which are widely scattered in the various departments and independent agencies.

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The Clerk read as follows:

SEC. 5. (a) When the consolidation and coordination herein provided for shall have been effected in the administration of veterans' affairs the President shall so declare by proclamation or order, whereupon the corporation known as the National Home for Disabled Volunteer Soldiers and the Board of Managers shall cease to exist.

(b) All contracts and other valid and subsisting obligations of the corporation, the National Home for Disabled Volunteer Soldiers, shall continue and be and become obligations of the United States, and the United States shall be considered as substituted for said corporation with respect to all such demands either by or against said corporation, unless and until they shall thereafter be superseded or discharged according to law. The outstanding obligations assumed by the United States by virtue of the provisions of this subdivision may be enforced in the Court of Claims or in the district courts of the United States according to the ordinary provisions of law governing actions against the United States, and such courts shall have the power to enter judgment against the United States, with interest, in the same manner and to the same extent that said corporation may now be sued. No such suit shall be maintained upon any cause of action existing at the time of the dissolution of said corporation or arising simultaneously therewith, unless brought within two years from the time of such dissolution.

With the following committee amendments:

Page 5, line 16, after the word "enforced," insert the words "by suit."

Page 5, line 21, strike out the word "that" and insert the words "as if."

Page 5, line 22, strike out the words "may now be sued" and insert "were party defendant."

The committee amendments were severally read and severally agreed to.

The Clerk read as follows:

SEC. 6. (a) All unexpended appropriations in respect of any hospital, bureau, agency, office, or home consolidated into the administration of veterans' affairs shall, upon such consolidation, become available for expenditure by the administration of veterans' affairs and shall be treated as if the administration of veterans' affairs had been originally named in the laws making the appropriations.

(b) All orders, rules, regulations, and permits or other privileges, issued or granted in respect of any function consolidated under the provisions of this act and in effect at the time of the consolidation, shall continue in effect to the same extent as if such consolidation had not occurred, until modified, superseded, or repealed by the administrator of veterans' affairs.

(c) The administrator of veterans' affairs shall make annually, at the close of each fiscal year, a report in writing to the Congress, giving an account of all moneys received and disbursed by him and his administration, describing the work done, and stating his activities under subdivision (b) of section 1 of this act, and making such recommendations as he shall deem necessary for the active performance of the duties and purposes of his administration.

Mr. KENDALL of Kentucky. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KENDALL of Kentucky: Page 6, line 24, after the word "administration," strike out the period and insert "and shall submit to the Congress at its next session, beginning December, 1930, a study or report as to the feasability of transferring to the central office at Washington, D. C., all administrative functions, such as the collection of insurance premiums, making payments of compensation, and all clerical functions pertaining thereto now being performed by the several regional offices, together with a statement showing what, if any, saving in administrative costs would be accomplished thereby, together with what, if any, disadvantages would be suffered by the veterans: *Provided*, That pending such report by the administrator and the consolidation and coordination herein provided for, no further decentralization of functions now performed in the central office of the United States Veterans' Bureau at Washington, D. C., shall be made to the regional offices."

Mr. KENDALL of Kentucky. Mr. Chairman and ladies and gentlemen of the committee, I have given considerable thought and study to the question of cost in administration of the laws enacted for the veterans of all wars, and I believe that the bill now before us will go a long way in bringing about a more economical administration as well as increasing the material benefits of the disabled veterans, and I am thoroughly in accord with any program which tends to lessen the burden of taxation, provided that the program does not result in a detriment to the disabled veteran, and to the dependents of those who made the supreme sacrifice on the altar of the war god. I shall endeavor to explain, and briefly so, why I believe my amendment will not only depreciate the cost of administration, but will be advantageous to the veteran.

The bill now before us provides for an annual saving of approximately two and one-half million dollars, while the amendment which I offer for your consideration will show an annual saving of some five million dollars on two items of administration in the Veterans' Bureau which are chargeable to the expenditures allocated to the regional offices. The two items mentioned in my amendment are the collection of insurance premiums which should be collected by the central office direct, and thereby eliminate the duplication of records and accounting. The second item relates to the veterans who are drawing compensation on a permanent basis; that is, their disabilities have reached a fixed status, and according to the testimony of General Hines, accompanying H. R. 10630 on the consolidation of veterans' activities, 70 per cent or more of the World War veterans who are drawing compensation are on a permanent basis, which means that all there is to do in these cases is to mail the veterans their monthly checks. This check requires a check in the regional office, a check in the central office, and a further check by the Comptroller General's office. This procedure applies to the collection of insurance premiums as well. So, speaking in the parlance of the well-known radio comedians, we have a check and double check at an enormous overhead cost, which could and should be eliminated, thereby effecting an annual saving of some five million dollars.

We all concur, I am sure, in the fact that the decentralization of administrative functions of any business or organization is indeed expensive and not at all satisfactory. Relating to the Veterans' Bureau, I would class as administrative the functions of rating, adjudication, payment of compensation, and the collection of insurance premiums and the auditing thereof. Such functions as examining, treatment, and social care of our veterans are not administrative in character and should be performed in as close proximity to the veteran as possible. However, my amendment only deals with two items and the auditing thereof of the functions which I class administrative. Regardless of the fact that whether Congress passes this bill providing for the consolidation of veteran activities, why should not the Veterans' Bureau transfer cases which have reached a permanent status to the central office and mail checks therefrom?

Mr. GARBER of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. KENDALL of Kentucky. Yes.

Mr. GARBER of Oklahoma. Since many of us did not hear your amendment when it was read, will you kindly restate its purport?

Mr. KENDALL of Kentucky. I will be glad to say that it provides for a study by the administrator of functions now being performed in the regional offices, such as the collection of insurance funds and the payment of compensation. I shall try to bring it out more clearly.

The passage of the Johnson or I believe what is now named the Rankin bill will increase the activities of the various regional offices; and in order to expedite the thousands of claims which will necessarily follow, why not transfer to the central office all activities such as my amendment suggests? For my amendment, which I submit for your consideration, does not in the least involve the taking away of any benefits now inuring to the disabled veterans and does not affect the bill in any way. It only provides that we shall not incur any further administrative expense during this year for decentralization, and by having the administrator report to Congress, we will have the benefit of his valuable knowledge and experience of administration, which can be given consideration by Congress in its general study of veterans' legislation; and then if my conclusions be true, I would like to see this annual saving of some five million dollars diverted in a channel which would benefit the veteran. This saving could be used in improving our hospitals along the lines suggested by General Hines before the Appropriations Committee, that is by equipping each of our hospitals in such a manner that no matter what disease or injury a veteran might be suffering from, he can receive proper treatment therein. As it is to-day, our disabled men must travel hundreds of miles to receive treatment for a particular disability, although we have one or more hospitals in nearly every State.

I trust, ladies and gentlemen, that you will adopt my amendment, and thus we can ascertain the advisability of my suggestion.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. KENDALL of Kentucky. Yes.

Mr. OLIVER of Alabama. Is there any substantive law that forbids the transfer of these activities now to the central office?

Mr. KENDALL of Kentucky. None to my knowledge.

Mr. OLIVER of Alabama. Why, then, is it necessary to offer an amendment for that to be done? The purpose of the bill is to reduce expenses, and it is fair to assume that all transfers in the interest of economy will be carried out. It occurs to me that an amendment like that would tend to destroy the faith which the supporters of the bill have in it.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. GARBER of Oklahoma. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma is recognized for five minutes.

Mr. GARBER of Oklahoma. Mr. Chairman and members of the committee, I have been very much interested in the main question proposed by the pending bill, and I believe that much of the controversy has been occasioned by the confusion of terms. Those who have read the hearings will readily see that the distinction was never regarded—that "consolidation" and "coordination" are words used promiscuously and interchangeably and synonymously when they have distinct definite legal meanings. Now, consolidation means to merge. It means the abolishing of different entities and the merging of them into one new and independent bureau or agency. That is what consolidation means. On the other hand, coordination means bringing them together, and, as recommended by the special committee and the President in his message, bringing them together under an assistant secretary of some department, under a member of the Cabinet.

Now, let us return to an investigation of what the experts say on the subject. I have due regard for every member of the committee here. The committee is composed of able men, who are prompted by an earnest and unquestioned desire to serve the veterans in the way of improvement of the service and to serve the country. But what do our expert witnesses say in regard to this question?

On the 23d day of May, 1929, the President appointed a committee consisting of the Secretary of the Interior as chairman; Gen. Frank T. Hines, Director of the United States Veterans' Bureau; Gen. George H. Wood, president of the Board of Managers of the National Home for Disabled Volunteer Soldiers; Hon. Walter H. Newton, then Member of Congress, now Secretary to the President; and Col. C. B. Hodges, military aide to the President, as executive secretary, which committee was to "consider the better coordination of Government activities dealing with veterans' matters." Under date of October 1, 1929, this committee made a unanimous preliminary report to the President containing the following recommendations:

(a) That the President should be given by Congress the power to bring under a common head all forces of the Government for veterans' relief so as to obtain better coordination and so that a uniform program can be developed for the future. (If the President should so desire, the committee will submit the draft of a bill to bring this about.) No effort to bring existing legislation into a uniform program is recommended.

(b) That the President take immediate steps for coordination, as follows:

(1) Create a central coordination committee composed of representatives from the Pension Bureau, National Home for Disabled Volunteer Soldiers, and the Veterans' Bureau, to meet at periodic times in Washington.

Its functions should be to continue on a permanent basis the conferences initiated by this committee as a clearing house for data promoting avoidance of overlaps, joint utilization of medical and hospital facilities, interchange of up-to-date statistics on facilities available, avoidance of unnecessary transportation, etc.

(2) Create district coordination committees, similar to the central committee, but functioning at strategic field points.

Their local duties should be similar to those of the central committee. They should be charged with the responsibility for furnishing current data to the central committee upon facilities available and possibilities of coordination. Effective teamwork must be secured by practical and informal cooperation in the field before it can be effected by formal direction from Washington.

(c) That this committee be continued in existence to make a further study of the results achieved by the above-mentioned coordination committee within the trial period, say, of one year; and, if so desired by the President, to make further recommendation concerning the manner of bringing existing agencies for veterans' relief under a common head.

We all agree with the general statements made by the gentleman from New Jersey. But what did this special committee say? This is what they said:

That the President should be given by Congress the power to bring under a common head all forces of the Government for veterans' relief so as to obtain better—

Better what? Better coordination—not so as to obtain consolidation but—

better coordination, and so that a uniform program can be developed for the future.

That is what the special committee reported.

Then, on December 3, 1929, President Hoover embodied the recommendations of his special committee in his message to Congress, in which he said:

I am convinced that we will gain in efficiency, economy, and more uniform administration and better definition of national policies if the Pension Bureau, the National Home for Volunteer Soldiers, and the Veterans' Bureau are brought together under a single agency.

* * * The conservation of national resources is spread among eight agencies in five departments. They suffer from conflict and overlap. There is no proper development and adherence to broad national policies and no central point where the searchlight of public opinion may concentrate itself. These functions should be grouped under the direction of some such official as an assistant secretary of conservation. The particular department or Cabinet officer under which such a group should be placed is of secondary importance to the need of concentration. The same may be said of educational services, of merchant marine aids, of public works, of public health, of veterans' services, and many others, the component parts of which are widely scattered in the various departments and independent agencies.

Does the pending bill embody the recommendations of the special committee appointed by President Hoover to investigate the subject? Does it embody the recommendations of the President in his message to Congress? Those questions must be answered in the negative.

The bill provides for consolidation instead of coordination. It transfers all the powers of the several agencies to one bureau designated as the "administration of veterans' affairs" whereas the report and message of the President recommended that they be grouped under an assistant secretary in a department under a Cabinet officer.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARBER of Oklahoma. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Without objection the gentleman from Oklahoma [Mr. GARBER] is recognized for five additional minutes.

There was no objection.

Mr. GARBER of Oklahoma. The President said:

> I am convinced that we will gain in efficiency, economy, more uniform organization and better definition of national policies if the Pension Bureau, the National Home for Volunteer Soldiers and the Veterans' Bureau are brought together under a single agency.

Nowhere does the President recommend a consolidation of those agencies. As a member of the Cabinet under two presidents, as Secretary of Commerce, Mr. Hoover heard the weekly discussions of the members regarding the work of their various bureaus and departments. As its Secretary he brought the Department of Commerce from obscurity into national and international fame for its efficiency. I believe the President is the best qualified person in the public service to speak upon this question and to advise the course to pursue. [Applause.]

The coordinating of the related agencies of the Government, the bringing of them together, cutting out the overlap and duplication, the elimination of waste and red tape is one of the big objectives of the administration. It is one of the big responsibilities voluntarily assumed by the Chief Executive. His suggestions are the result of long experience, study, and recognized ability. They are such as in my judgment should be approved and adopted by Congress.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. GARBER of Oklahoma. I yield.

Mr. WILLIAMSON. Has the gentleman any reason to believe that the President is not in favor of this bill as written?

Mr. GARBER of Oklahoma. I am not indulging in speculations or beliefs of that kind at all.

Mr. WILLIAMSON. I may say that the President has been fully consulted on this bill.

Mr. GARBER of Oklahoma. I am just presenting the evidence to the members of this committee.

Mr. KNUTSON. Will the gentleman yield?

Mr. GARBER of Oklahoma. I yield.

Mr. KNUTSON. Is it fair to assume that the Secretary of the Interior would come before the gentleman's committee and take a position opposed to that held by the President?

Mr. WILLIAMSON. It is peculiar, but that is what he did.

Mr. KNUTSON. Well, we will take that with a grain of salt.

Mr. GARBER of Oklahoma. Another witness testified before the committee, and that witness might inform the gentleman as to what the President believes. I do not undertake any such responsibility, but I believe the gentleman will agree with me that Secretary Wilbur, with his close association and relationship to the President, is entitled to consideration in expressing his belief. Secretary Wilbur stated as follows, referring to the President's belief:

> In his message he stated he thought these organizations should be brought together under a common agency, and I infer, combining that with another statement in his message, that it would be under an assistant secretary, since it was all in the same field. I think you can read that into that message.

That is what the Secretary of the Interior, a close personal friend of the President, and whom he appointed chairman of the subcommittee to investigate this matter, says, in his judgment, is what the President believes.

Now, this is the responsibility of the two political parties. It is a peculiar responsibility resting upon the present administration. I stand for the enactment of a measure that will carry out the policy of the President in this respect. [Applause.]

Mr. KNUTSON. Will the gentleman yield?

Mr. GARBER of Oklahoma. I yield.

Mr. KNUTSON. Does the gentleman know of anyone who is closer to the President than the Secretary of the Interior?

Mr. GARBER of Oklahoma. I do not.

The Pension Bureau is one of the most efficient agencies we have in the public service. It was brought to this high state of efficiency under the direction of a Commissioner of Pensions in the Department of the Interior under a Cabinet officer. Col. Winfield Scott, a veteran of two wars and Commissioner of Pensions under the Coolidge administration, contributed much to its present high state of efficiency. His splendid service in that position, his sympathetic personal attention and liberal construction of the law is remembered with appreciation by every member of this committee. The present commissioner is maintaining that high state of efficiency attained under the Scott administration.

According to the last report, there were on the rolls of the Pension Bureau 477,000 pensioners and on the rolls of the Veterans' Bureau 349,806 beneficiaries. The proposed transfer of the power of the Pension Bureau to the new bureau to be created was never contemplated by the President in his message to Congress but simply the grouping of the three agencies under an assistant secretary in a department under a Cabinet officer. Under such a scheme an appeal would lie to the Secretary. The proposal to merge and consolidate under an independent bureau would result in the same status that we now have between the Veterans' Bureau and the President, and if it would result in the same service it would be anything but satisfactory to the beneficiaries of that relief which it is the liberal policy of this Government to extend.

Consolidation should come only after further experience and development. Consolidation should be brought about by slow growth and as rapidly as experience and development shows it can be done with safety to the service of the veterans. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WILLIAMSON. Mr. Chairman, I just want to take one minute with reference to the pending amendment. The bill provides that the administrator shall make a report to Congress at the opening of each regular session of the Congress. This amendment, as I understand it, directs him to make a study of the question of whether or not the regional offices should be discontinued, and also directs that during such study veterans' activities shall not be any further decentralized.

I think this report had better be left to the new administrator. Let him report upon the matters which he thinks should be reported upon. I do not think we should undertake in this bill to direct the administrator's attention to any particular part of the new set-up as to which he shall make a special study and report back to Congress. To a certain extent the proposed amendment would be a duplication of the work which is contemplated by the resolution which passed the House last week providing for a joint committee of Congress to make a complete study of veterans' legislation. That committee should make a study of that problem and report back to Congress, and we should not burden the new director with this additional work.

He will have enough to do to reorganize the activities and get them going without our putting this additional burden upon him. I therefore hope that the amendment will be voted down.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. WILLIAMSON. I yield.

Mr. OLIVER of Alabama. I wish to ask the chairman of the committee some questions. I assume that the gentleman's study of this bill justified the positive statement which he is alleged to have made on yesterday on possible economies in administration. I refer to a speech which the gentleman made to some ladies' organization in Louisville; and I note at that time the gentleman stated in a very positive way that by effecting consolidations and coordinations we could safely look to a saving of many millions of dollars, and the gentleman estimated we could thereby dispense with the services of one-fourth the employees now on the pay rolls of the Government. Being a member of the Appropriations Committee, I was deeply interested in that statement, and I would like to have something definitely written into the RECORD which will serve as guide posts for the Committee on Appropriations when it comes to providing appropriations for the agencies that are to enjoy the benefits resulting from such mergers and consolidations. May I ask how much of that saving it is estimated will be reflected by the passage of this bill?

Mr. WILLIAMSON. Of course, it is impossible in advance to determine exactly what the saving will be. It has been estimated by witnesses who appeared before our committee that the total saving in administration expenses will in the end amount to approximately $1,500,000 annually.

Mr. OLIVER of Alabama. Resulting from the passage of this bill alone?



Mr. WILLIAMSON. Resulting from this particular consolidation. It has also been estimated that there will be a saving made in the course of 8 or 10 years in the matter of construction, by making additions to institutions that we now have, in place of building new ones as we would have to do if they were to remain separate entities, amounting to eight or nine million dollars.

Mr. OLIVER of Alabama. Is the gentleman prepared to give a split up of that saving, so as to indicate the large items where savings will be reflected? For instance, I am specially interested to know how many employees we can safely count on dispensing with after the passage of this bill?

Mr. WILLIAMSON. I do not think we can safely depend upon the reduction of personnel at all in the beginning.

It is going to take some time to get the consolidated activities reorganized. Eventually, I think, it will result in eliminating the regional offices and consolidating all the activities here in Washington, which will make possible a very large reduction in personnel, running better than 25 per cent.

Mr. OLIVER of Alabama. I have asked for a copy of the gentleman's speech made on yesterday, because I want to see how definite he was as to the savings to be effected, and I am wondering whether in that speech the gentleman gave only a general statement of the promised savings that will result from consolidations and coordinations.

Mr. WILLIAMSON. I will say to the gentleman that I stated that in the event that we could organize the Government and run it as big business is being operated to-day we could cut down the personnel by 25 per cent. But I went on to state that as the Government is at present organized it could not be done.

Mr. OLIVER of Alabama. Did the gentleman illustrate the position he then took by referring to this bill as a step in that direction?

Mr. WILLIAMSON. I do not think I did.

Mr. OLIVER of Alabama. Did the gentleman have in mind this bill as being at least one of the steps by which we might accomplish that very desirable purpose?

Mr. WILLIAMSON. I had in mind this bill as one of the factors.

Mr. OLIVER of Alabama. Did the gentleman have in mind that this bill would accomplish the definite savings promised the ladies, and that we would be able to materially cut down the personnel—and, after all, it is the personnel that costs, I will say to the gentleman.

Mr. WILLIAMSON. If we get the right kind of an administrator, in my judgment we can cut the personnel within two years very close to 25 per cent.

Mr. PATMAN. Mr. Chairman, I move to strike out the last word. I have asked for this time for the purpose of inviting your attention to one particular clause in the bill now under consideration. It is a part of section 2, the last three lines of the section, on page 3, lines 11, 12, and 13.

> All final decisions or orders of any division, bureau, or board in the administration of veterans' affairs shall be subject to review, on appeal, by such administrator.

As I understand the present law, we start with a veteran's case at the regional office; after a hearing there and a decision that is unfavorable, we appeal the case to the central office. In my part of the country we appeal the case to New Orleans. From there the case is appealed to the Director of the Veterans' Bureau in Washington. If this bill becomes a law it provides for an additional appeal. There will not only be an appeal to the Director of the Veterans' Bureau, but after the Director of the Veterans' Bureau passes on a case it can be appealed to the administrator. I do not object to any appeal if it is calculated to bring relief to the veterans, but I see no reason why we should have so many appeals. Justice should be administered without so many appeals and without so much delay.

As a member of the World War Veterans' Legislation Committee, I listened with a great deal of interest to the hearings on the bill which recently passed the House, and I noticed the testimony of one of the witnesses, that the cost of the appeals in these cases amounts to $200 per case. It costs that much money to appeal a case from the regional office to the director here in Washington. If it costs $200 to appeal one of these cases under the present law it will doubtless cost at least $50 more in order to appeal a case to this new administrator. In many instances these files are 2 and 3 feet high. A witness testifying for the director told us that when an appeal is made it is necessary for a new group to take that whole file and carefully go through it. They are paying the people who are doing that work from $3,000 to $8,000 a year. Consequently it costs a great deal of money, and if we add this additional appeal it will cost at least $50 and possibly $100 additional to appeal these cases.

Mr. KNUTSON. Will the gentleman yield?

Mr. PATMAN. Yes.

Mr. KNUTSON. The gentleman must remember that there are about 24,000 employees in the Veterans' Bureau and we have to provide something for them to do.

Mr. PATMAN. That is the reason I oppose this bill. If the present Johnson bill as amended in the House passes the Senate and becomes a law we can abolish a large number of the Veterans' Bureau positions. In fact, it will result in the discharge of thousands of employees in the Veterans' Bureau. There will be no necessity for keeping them on the pay roll. I predict that if the Johnson bill becomes a law it will save $12,500,000 in administrative expenses; it will save millions of dollars in hospitalization, because soldiers who now go to the hospitals will not go there if they are permitted to draw a reasonable amount of compensation. I think there will be a saving to the Government in administrative and hospital expenses of at least $25,000,000 if the Johnson bill is passed.

I know the gentlewoman from Massachusetts has worked faithfully for the veterans of the World War. She has said the Johnson bill has no chance of meeting with the approval of the President of the United States. With all due respect for her, I believe it has. That bill is nothing more than a bill to eliminate red tape from the administration of the World War veterans' act and to carry out the original intent of Congress. That is all that bill does. It is not as broad in its terms as a great many people would think. It will not cost the enormous sum of money to administer the law as is claimed by a large number of people. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

The pro forma amendment was withdrawn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The amendment was rejected.

The Clerk read as follows:

> SEC. 7. All laws relating to the Bureau of Pensions, the National Home for Disabled Volunteer Soldiers, and the United States Veterans' Bureau, and other governmental bureaus, agencies, offices, and activities herein authorized and directed to be consolidated, so far as the same are applicable, shall remain in full force and effect, except as herein modified, and shall be administered by the administrator of veterans' affairs, except that section 4835 of the Revised Statutes is hereby repealed.

Mr. SWING. Mr. Chairman, I move to strike out the last word.

Notice has been given by the gentleman from New York, who, being a veteran, has influence in this House in veterans' legislation and other matters, that he intends to demand a separate vote in the House on the amendment striking out subdivision (b) of section 1.

I think in fairness to the House I should say that after the first day of consideration of the bill for amendment, when subdivision (b) of section 1 was stricken out, the members of the Committee on Expenditures held a conference, went over the complete bill, and I think I can say that they unanimously agreed—certainly it was unanimous as to all those who were present, and most of the members of the committee were present—that the bill without subdivision (b)——

Mr. LAGUARDIA. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LAGUARDIA. The gentleman is now taking up matters that occurred in an executive session of the committee. I think we can legislate for ourselves here without any gentleman's agreement or any other kind of deal made in committee.

The CHAIRMAN. The gentleman from California will proceed in order.

Mr. SWING. I can make my idea clear without revealing any secrets. I am safe in saying that it is the present opinion of the majority of the Committee on Expenditures in the Executive Departments, if not of all the members of the commitee, that the bill with subdivision (b) of section 1 out presents a good, workable bill and that under section 2 the administrator will have all necessary power to eliminate duplication and waste, and to bring about the highest form of efficiency and the greatest economy at one and the same time.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. SWING. I yield.

Mr. SCHAFER of Wisconsin. The meeting of the Committee on Expenditures in the Executive Departments where the action

was taken that the gentleman was endeavoring to relate to the House, was not an executive session of the committee.

Mr. LAGUARDIA. That makes no difference.

Mr. SWING. I will not refer again to anything that the committee did.

Mr. LAGUARDIA. The gentleman has already told us.

Mr. SWING. I think the opinion of practically every member of the committee as to the condition of the bill with subdivision (b) out is entitled to some weight by the House.

Mr. MOORE of Virginia. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I hope if this bill should be passed by the House and enacted into law it will not disappoint the expectations of those who are sponsoring it. I hope it may result in the savings which they anticipate and in an increase of efficiency; but I would like to suggest very respectfully to the chairman of the Committee on Expenditures in the Executive Departments that there are many other directions in which the committee is empowered to look with respect to the matter of economy and efficiency.

When I came to the House there were 11 small committees charged with the duty of investigating expenditures in the various departments. After awhile I made the suggestion that, inasmuch as those committees did not function, they should be combined into a single committee charged with the duty of keeping in touch with all of the departments and agencies of the Government, with a view of preventing irregularities and effecting such savings as might be possible.

In 1927, at the beginning of the Seventieth Congress, under the leadership of our respected friend the late Martin Madden, the suggestion was carried into effect, and this committee was created, of which the able gentleman who faces me is the chairman.

Now, see how extensive is the power vested in the committee. It is to make "examination of the accounts and expenditures of the several departments, independent establishments and commissions of the Government and the manner of keeping the same; the economy, justness, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant demands; retrenchment; the enforcement of the payment of moneys due to the United States; the economy and accountability of public officers"; and so on.

So far as I know, and I am not saying this critically but regretfully, the committee which has been in existence since December, 1927, has brought before the House only two bills, the bill we are now dealing with and the bill that provided for the transfer of the prohibition functions to the Department of Justice. Meanwhile, however, it would seem the committee has had a golden opportunity of working effectively along other lines.

We are often reminded that all investigations of official irregularities are conducted by the Senate. I suppose there is no objection to referring to the Senate now since the idea of comity between the two bodies was eliminated yesterday [laughter], but while the Senate has been actually investigating we have been notified in the House time and time again of supposed misdoings in several departments.

Why, it was charged on the floor here two or three months ago that there is such a condition in the Post Office Department with respect to leasing post-office accommodations. The charge has been made that there are irregularities in the Shipping Board. Other similar charges have been made.

I would like now to suggest to the able chairman and to his able colleagues that they should keep in contact with the departments and other agencies, and particularly with the Comptroller General, so that the House of Representatives may take part in finding out what wrongs, if any, there are, and what remedies should be applied.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. WILLIAMSON. I may say to the gentleman that the committee has already undertaken some investigations, but we are not as good at publicity as they are over on the Senate side and we have not been getting much credit in that way for our work. Let me say further that within the last two years the committee has helped to put a stop to a number of irregularities that existed in the Government service.

Mr. MOORE of Virginia. I am very glad to hear the gentleman say that, and I wish to reiterate that I have no disposition whatever to be unfairly critical of his committee.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MOORE of Virginia. Mr. Chairman, I ask unanimous consent to proceed for two more minutes.

The CHAIRMAN. Without objection, the gentleman from Virginia is recognized for two additional minutes.

Mr. MOORE of Virginia. I am simply calling the attention of the House to the tremendous importance of this committee and to the great usefulness of which it is capable if it exerts the authority it possesses. If this is steadily done by the committee I think it will be greatly to the advantage of the Government.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. SCHAFER of Wisconsin. As one member of the committee I have offered motions in the committee to carry on certain investigations, and in the future I shall again urge that expenditures in the prohibition department be investigated, particularly the Kitty Costello expenditures.

Mr. MOORE of Virginia. I will say to my friend from Wisconsin, that he can not offend me by exerting his efforts in every quarter where there is any possibility at all of any maladministration, where there is any reason to believe that the affairs of the Government are not being properly conducted. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last two words. In reply to a statement made by the gentleman from California, I desire to call attention of the committee to paragraph (b) of section 1. Paragraph (b) provides:

(b) Under the direction of the President the administrator of veterans' affairs shall have the power, by order or regulation not inconsistent with law, to consolidate, eliminate, or redistribute the functions of the bureaus, agencies, offices, or activities in the administration of veterans' affairs and to create new ones therein, and, by rules and regulations, shall fix the functions thereof and the duties and powers of their respective executive heads.

That was stricken out on an amendment, and I am going to ask for a separate vote. If the amendment is carried then paragraph (b) remains out. If the noes prevail, then paragraph (b) remains in.

Now, gentlemen, I am doing that not to hamper the committee but to help the committee. I can readily understand that at times contingencies may arise within the committee as to make it necessary for the committee to submit to proposed amendments. But after all it is for the House to decide what should be in the bill and what should go out.

I submit to every sincere friend of the bill seeking to consolidate these veteran activities, that section (b) is absolutely necessary. If you intend to simply create more confusion, more difficulties, more red tape, then the thing to do is to tie the hands of the President in the consolidation of these activities.

But if you desire to cut the red tape, if you desire to give the veterans the service they are entitled to, then by all means permit paragraph (b) to remain in the bill by voting "no."

Mr. BEEDY. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. BEEDY. As one member of the committee, I was not present when any agreement was made in regard to paragraph (b); but I think it is indispensable to the purposes we set out to accomplish, and I shall vote to keep it in the bill.

Mr. LAGUARDIA. And the gentleman is a member of the committee.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. COCHRAN of Missouri. I do not desire to state what occurred in the committee, but I never have agreed to the elimination of paragraph (b).

Mr. LAGUARDIA. And the gentleman, also a member of the committee, intends to vote to retain it in the bill?

Mr. COCHRAN of Missouri. Absolutely.

Mr. LAGUARDIA. I thank the gentleman. Consolidation seems to be the object of the bill, that being so, the bill must give the President the latitude and power to enable him to effect a real consolidation and establish the machinery necessary to efficiently carry out and administer the laws affecting our veterans.

Mr. McLEOD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. McLEOD: Page 7, line 10, add a new section, as follows:

"SEC. 8. (a) That in order to consolidate certain outstanding obligations of the Government under the World War adjusted compensation act, provide for greater economy and justness in administration, and secure the Government against unjust and extravagant demands, and notwithstanding any provision of the World War adjusted compensation act, as amended, the administrator of veterans' affairs, upon application

by a veteran in whose name has been issued an adjusted-service certificate, said veteran showing himself to be in actual urgent need of financial assistance, is hereby authorized and directed to pay immediately to such veteran the full face value of his adjusted-service certificate; and the administrator of veterans' affairs is hereby authorized to make suitable regulations for the administration of this section in order to pay as promptly as possible the above-mentioned benefits, giving preference as far as practicable in proportion to the urgency of the need of the applicants.

"(b) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum not exceeding $50,000,000 to carry out the purposes of this section for the current fiscal year."

Mr. WILLIAMSON. Mr. Chairman, I make the point of order that the amendment is not germane to section 7 or to the bill itself.

The CHAIRMAN. The Chair will hear the gentleman from Michigan [Mr. McLEOD].

POINT OF ORDER ARGUMENT

Mr. McLEOD. Mr. Chairman, one of the provisions of my amendment provides for the payment of the face value of adjusted-service certificates to those veterans who show by their applications that they are in most needy circumstances. The question may arise, How is the bureau to determine the degree of need in the case of any particular veteran? This is a matter to which the Director of the Veterans' Bureau has evidently given considerable detailed thought, as shown by his statement which appears on page 3 of the annual report of the director, as follows:

The director has also publicly proposed that consideration be given to the adoption of a new policy of making actual need an important factor in the awarding of benefits. In the opinion of the director such consideration is particularly indicated at this time by reason of the constantly increasing expenditures for veterans' relief coupled with the urge for further liberalization of existing laws. If actual need were made an important factor in the award, it is thought by the director that it would more nearly meet with the universal approval of the public and the Congress.

It is particularly appropriate to inaugurate this new policy at this time when the distress among veterans is largely due to unemployment which is in no way the fault of the veterans themselves. Unemployment, in my opinion, ought to be and logically would be one of the factors in determining actual need. The fact that a veteran has an outstanding loan against his certificate would undoubtedly be another factor in determining actual need. And many other circumstances would be considered. The Veterans' Bureau seems to be prepared to administer benefits on this basis and, in fact, has asked Congress to consider putting all benefits on this basis.

One of the objections to any proposal for benefits to the veterans is the cost. Congress can not make appropriations even for the most worthy object, as this is, without considering the effect on the Treasury. But in this case it is merely a question of determining when we are going to pay what we are absolutely obligated and have agreed to pay eventually. We are merely choosing whether we are to pay the veterans now, while they are living but in need, or whether we continue to hold the money in the Treasury until 1945. My proposition is that we begin paying these obligations now to the most needy veterans as rapidly as we can without increasing taxes. That is the basis of my proposal and the reason for placing the figure at $50,000,000 for the first or current year's program. This proposal has met with the unanimous approval of the veterans themselves through their organizations. This fact should be borne in mind: Once an adjusted-service certificate is paid, the obligation is ended and the Treasury is relieved of any future charge on that account. There is now in the adjusted-service fund approximately $634,000,000 in United States Government bonds and other interest-bearing obligations, which forms the reserve for the payment of adjusted-service certificates as they become due, either by death claims or maturity. If a proportion of the certificates are paid now, it simply means that the reserve for that portion can be used for immediate cash payment. The drain on the Treasury will be negligible as compared to the amount of good that will be done by putting this money into circulation at the present time, especially in view of the needy circumstances of many of the veterans.

GERMANENESS

The Williamson bill is a consolidation bill which creates a new office and imposes upon the head of the new office certain duties intended to improve the service rendered to veterans by the Government. (See powers under sec. 1 (b) of the bill.)

The bill revises the methods of administering relief for veterans already provided by Congress. My amendment simply provides for one additional change in the method of administration of a relief already granted. It is therefore germane to the whole bill and the purpose of the bill.

A general subject may be amended by individual propositions. (Hinds' Precedents, vol. 5, secs. 5838, 5839.)

Reasons for the rule of germaneness. (Vol. 5, sec. 5860.)

Whether or not an amendment be germane should be judged from the provisions of its text rather than from the purposes which circumstances may suggest. (Vol. 5, secs. 5783, 5803.)

SECTION 5803

On January 15, 1901 (56th Cong., pp. 1052-1054), the rivers and harbors bill (H. R. 13189) was under consideration in the Committee of the Whole House on the state of the Union.

Mr. Frank W. Mondell, of Wyoming, proposed an amendment appropriating a sum of money for the construction of three reservoirs at the headwaters of the Missouri River—

"For the purpose of holding back the flood waters of said stream, with a view of minimizing the formation of bars and shoals and other flood-formed obstructions to navigation, and to aid in the maintenance of an increased depth and uniform flow of water for navigation during the dry season."

Mr. Theodore E. Burton, of Ohio, made the point of order that the amendment was not germane to the bill, since the means proposed could not affect navigation but rather related to the improvement of arid lands.

"The Chair holds that as the amendment is framed it is germane to the subject matter of the bill and to the subject matter over which the Rivers and Harbors Committee has jurisdiction. Now, whether that correctly presents the facts of the case is to be determined on the merits. But as the amendment is presented and read by the Clerk it appears to the Chair that it is entirely proper and germane to the bill, and therefore the Chair will overrule the point of order."

It will be noted that two things are involved here: Germaneness to the subject matter of the bill and germaneness to the subject matter over which the committee which reported the bill has jurisdiction.

The subject matter of the Williamson bill is:

(a) Consolidation of the activities of the Government for the benefit of veterans.

(b) Granting of new powers to the head of a new executive office for the purpose of granting more efficient and expeditious relief to veterans.

Germaneness of my amendment:

Deals with outstanding obligations of the Government to veterans, and its effect would be to consolidate many of these accounts and close them.

(b) It revises a power already vested in the Director of the Veterans' Bureau—part of subject matter of the bill—in order to grant more expeditious relief, and it would also be more efficient relief as it would apply relief first where and when it is most needed.

Therefore germaneness to the bill is established on both points.

Germaneness to the subject matter over which the committee has jurisdiction.

Quoting from the Rules of the House (House Manual, p. 305):

The examination of the accounts and expenditures of the several departments, independent establishments, and commissions of the Government and the manner of keeping same; the economy, justness, and correctness of such expenditures; their conformity with the appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant demands; retrenchment; the enforcement of the payment of moneys due to the United States; the economy and accountability of public officers; the abolishment of useless offices shall all be subjects within the jurisdiction of the Committee on Expenditures in the Executive Departments.

The germaneness of the amendment to the subject matter over which the committee has jurisdiction is, therefore, evident from its terms.

Quoting from Hinds' Precedents (vol. 5, sec. 5910):

On January 31, 1899 (3d sess., 55th Cong., p. 1323), the bill (H. R. 11022) for the reorganization of the Army was under consideration in Committee of the Whole House on the state of the Union, and Mr. William Hepburn, of Iowa, offered as a new section or paragraph prescribing frequent target practice by enlisted men and providing for the giving of medals for the best records.

Mr. James Hay, of Virginia, made the point of order that the amendment was not germane to the bill.

After debate the Chairman overruled the point of order.

The amendment:

Insert a new paragraph, as follows:

"That the commanding officers of regiments and companies of Infantry and Cavalry shall strive to secure the greatest possible effi-

ciency in the use of firearms by the enlisted men. To this end there shall be frequent target practice, in which all enlisted men shall participate, and the record of efficiency of every enlisted man shall be preserved and at the end of each year shall be forwarded to the Secretary of War, who shall present to the enlisted man who has the best record in his regiment for excellence in the use of firearms a gold medal, with appropriate inscription, and a silver medal to the enlisted man who has the best record in his company."

The point of order was stated as follows:

Mr. HAY. It provides for a system of merit, and so forth, which is not contemplated in the bill in any way, and, moreover, target practice is now provided for by law, and this is an amendment, so far as I can understand, which is in contradistinction to the existing law. (55th Cong., 3d sess., p. 1324.)

The points of identity between the above case and the present are these:

First. Here is a bill for the reorganization of an entire Government department of function, the same as the present bill.

Second. The amendment is made by adding a new section or paragraph.

Third. The amendment affected something which the executive officers were already required by law to do (hold target practice), but revised the time and manner of doing it.

On one point the amendment in the above case goes much farther than my amendment. Notice that in an Army reorganization bill the Hepburn amendment was held germane when it inaugurated something entirely new—a merit system for marksmanship—and provided for the giving of gold and silver medals to certain soldiers.

My amendment gives nothing new to the veterans. The obligations which it directs shall be paid are valid obligations which are now outstanding against the Government, and each and every one of these obligations must be paid some time or other.

Under the present law this duty rests upon the Director of the Veterans' Bureau to pay the certificates, either upon the death of the veteran to whom issued or upon the date of the maturity stated upon the face of the certificate. My amendment would revise this to require the new director of veterans' affairs, whose office would be created by this bill to take over the duties of the Director of the Veterans' Bureau, to pay these adjusted-service obligations, beginning immediately and in certain specified order.

Therefore you must agree with me that the precedent established by the Hepburn amendment is even broader than is necessary to show the germaneness of my amendment. In fact, the above ruling would go even farther, and permit me to say, by amendment, that the new director should give a gold medal to each veteran of a certain description, if it was desired to do so.

I think it has been conclusively shown that perhaps the major trouble with the Veterans' Bureau is that there are too many clerks drawing salaries out of the money appropriated to take care of the veterans. Therefore if we could figure up what we can reasonably expect to pay for bookkeeping and upkeep of the Veterans' Bureau for the next 10 years and divide that amount up among the veterans now, more than likely they could take that amount of money and take care of themselves better for the rest of their lives than the Government will do by continuing to maintain this expensive establishment or a successor to it. The less bookkeeping and compensation red tape we have the more money will go directly to the veterans and the better off we will all be.

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from Michigan would change the law relating to the method of payment and the amount of payment of World War adjusted compensation. If the amendment of the gentleman from Michigan were introduced as a separate bill, the Chair thinks that under the rule it would have to be referred to the Committee on Ways and Means. The committee reporting this bill would have no jurisdiction of it. For that reason, among others, the Chair is of opinion that the amendment is not germane, and sustains the point of order.

Mr. WILLIAMSON. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

Mr. McLEOD. Mr. Chairman, I object. I have an amendment which I want to offer.

Mr. WILLIAMSON. Mr. Chairman, I move that all debate upon this section and all amendments thereto close in five minutes.

The CHAIRMAN. The question is on the motion of the gentleman from South Dakota that all debate upon the section and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. DALLINGER. Mr. Chairman, something has been said here about some agreement on the part of the Committee on Expenditures to the effect that they would not oppose the amendment to strike out subsection (b) of section 1 of the bill, and that they would not ask for a vote to restore it. I am a member of this committee. I know of no such agreement. I was present at no meeting where any such agreement was made.

Mr. SWING. Mr. Chairman, will the gentleman yield?

Mr. DALLINGER. Certainly.

Mr. SWING. The gentleman certainly does not desire to intimate to the House that nothing of the kind took place?

Mr. DALLINGER. Not at all.

Mr. SWING. The gentleman merely desires to say that he was not present.

Mr. DALLINGER. Certainly. I know nothing about it. I say further, for the benefit of the Members of the House, that I consider subsection (b) vital to this bill. This is the first attempt at doing something toward reorganizing the executive departments of the Government. There has been a great deal of talk for years about that. Both of the presidential candidates in the last presidential campaign had much to say about the necessity for reorganizing the executive departments.

Mr. GASQUE. Mr. Chairman, will the gentleman yield?

Mr. DALLINGER. I am sorry, but I have not the time. The late President Harding recommended that this be done in one of his messages, and a special committee of experts was appointed. Subsequently, a joint committee of the House and Senate was appointed to consider the matter. They brought in an elaborate plan of reorganization. The matter never came before the House because just as soon as the report was made public every bureau chief, every department head and Cabinet officer who was affected commenced to lobby against it. In a faint way we have had the same situation in regard to this bill, which proposes to consolidate into one activity three separate activities which deal with veterans' affairs, and although the President desired this legislation the Secretary of the Interior and the Commissioner of Pensions appeared before the committee to oppose it.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. DALLINGER. I am sorry but I have not the time. It is the same experience that we had when we tried to put through a general plan for reorganization. Mr. Chairman, this committee, which has been unfairly criticized by the gentleman from Virginia [Mr. MOORE], has been working on this question of reorganizing the executive departments of the Government, and it now brings in one measure which deals with veterans' affairs, involving the expenditure of one quarter of our entire budget. This bill should meet with favorable consideration, and I trust that when the request is made for a separate vote on the amendment which struck out subsection (b) of section 1, the Members will vote down that amendment, and pass the bill. [Applause.]

Mr. McLEOD. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. McLEOD: Page 7, line 10, add a new section, as follows:

"SEC. 8. The director of veterans' affairs is hereby authorized and directed to continue and expand the present employment service for veterans conducted by the Director of the Veterans' Bureau and he shall be authorized to expend for this purpose any unexpended portions of appropriations for the administration of veterans' affairs, for whatever purpose they may have been appropriated."

Mr. WILLIAMSON. Mr. Chairman, I make the point of order that the amendment is not germane to section 7 or to any part of the bill. It is very clear that it is not. This bill does not seek to change substantive law at all. All we do is to bring these three activities together and put them under one head. We are not dealing with the problems of the Veterans' Bureau or the Pension Bureau. We leave the law as it is. The amendment proposed seeks to amend the law in a manner which would not even be within the jurisdiction of the Committee on Expenditures.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. McLEOD. For just a moment. I read from the 1929 report of the United States Veterans' Bureau. The gentleman suggested that the existing law now provided for the thing that this amendment takes care of. I read from the report:

The director has also publicly proposed that consideration be given to the adoption of a new policy of making actual need an important factor in the awarding of benefits.

That can not be done under existing law.

Mr. WILLIAMSON. If the gentleman had read the report thoroughly he would have seen that that statement has no reference to the bill.

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from Michigan would change the substantive law. The bill before the committee simply provides for changes in the administrative department and does not provide for changing the substantive law. The Chair therefore is of the opinion that the amendment is not germane, and sustains the point of order.

Under the rule, the reading of the bill having been completed and no further amendments being offered, the committee automatically rises and reports the bill to the House with sundry amendments adopted by the committee.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. HALE, Chairman of the Committee of the Whole House on the state of the Union, having under consideration the bill (H. R. 10630) to authorize the President to consolidate and coordinate governmental activities affecting war veterans, reported that that committee had directed him to report the same back to the House with sundry amendments adopted by the committee, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Under the rule the previous question is ordered on the amendments. Is a separate vote demanded on any amendment?

Mr. LAGUARDIA. Mr. Speaker, I ask a separate vote on the Gasque amendment, striking out paragraph (b) of section 1.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Speaker will submit the other amendments in gross.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. It is some time since we had this amendment before us. I understand the Gasque amendment strikes out paragraph (b) of section 1. If the amendment is voted down, the paragraph remains in the bill, and if the amendment is sustained the paragraph goes out of the bill?

The SPEAKER. Yes. The question now is on agreeing to the other amendments.

The other amendments were agreed to.

The SPEAKER. The question now is on the Gasque amendment. The Clerk will report it.

The Clerk read as follows:

Strike out all of subsection (b) of section 1.

Mr. STAFFORD. Mr. Speaker, does an affirmative vote mean the retention of the paragraph in the bill?

The SPEAKER. No. The Chair was not present at the time the amendment was offered. He understands that the amendment is to strike out the paragraph. A vote "yea" means to strike out the paragraph; a vote "nay" means to leave it in. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. GASQUE. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman is too late. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. KNUTSON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. KNUTSON. I am opposed to the bill.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KNUTSON moves to recommit the bill to the Committee on Expenditures in the Executive Departments, with instructions to the committee to report the same back forthwith, with the following amendment: Strike out the enacting clause.

The SPEAKER. The question is on agreeing to the motion to recommit.

The question was taken, and the motion was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. GASQUE. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 190, noes, 61.

So the bill was passed.

On motion of Mr. WILLIAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, Mr. EVANS of Montana, at the request of Mr. LEAVITT, was granted leave of absence, for three days, on account of an official visit to the Naval Academy.

PERMISSION TO ADDRESS THE HOUSE

Mr. LETTS. Mr. Speaker, I ask unanimous consent that on Thursday of next week, after the disposition of bills on the Speaker's table, I may be permitted to address the House for 20 minutes on the subject of Mother's Day.

The SPEAKER. Is there objection?

Mr. SNELL. Reserving the right to object, it is very uncertain what business will be before the House next week, and it will be necessary to object to any special request until we get the tariff and two or three other important matters out of the way. For that reason I shall have to object.

Mr. LETTS. Will the gentleman withhold his objection?

Mr. SNELL. I will reserve the right to object.

Mr. LETTS. I have been requested to make an address on Mother's Day. Mother's Day is the Sunday following. I would like to have proper time for that.

Mr. DYER. I do not think the gentleman from New York [Mr. SNELL] should object.

Mr. SNELL. If we get our regular work out of the way, I shall not object. Until the work is out of the way I must object. The gentleman can get in during the middle of next week if the regular business is finished.

The SPEAKER. Is there objection?

Mr. SNELL. I object, Mr. Speaker.

EXCURSION TO THE GRAND CAVERNS

Mr. GARBER of Virginia. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GARBER of Virginia. Mr. Speaker, I have been asked several times about the excursion on May 4 to the Grand Caverns, in Virginia. I wish to say that this is a special congressional train, and all Members may go. They may take members of their families; they may take their secretaries, and, those for whom it is proper, may take their sweethearts. The train leaves Union Station at 8 o'clock Sunday morning. It will reach the Grand Caverns, in the Shenandoah Valley, at 12.30. Luncheon will be served there and you will then be conducted through the matchless caverns, a veritable wonderland of beauty and charm; and at 3.30 the train will leave for the eastern side of the Blue Ridge, at Charlottesville. There you will be taken to see Monticello, the famous home of Thomas Jefferson. Also, I understand, you will be given an opportunity to visit the University of Virginia. Dinner will be served in the evening, and the train will return to Washington at 10.55.

Please understand that while it is a special congressional train, you may take the members of your family and your secretaries, but it will not be a train for the general public.

The management of the excursion must know by 10 o'clock to-morrow morning whether you are going. They have asked me to ask you to telephone National 6176, giving the number in your party.

The trip will cost $5, a special excursion rate. I notice the folder says "plus charge for Pullman accommodations." I am not authorized to say what charge that will be. The round trip is $5, and that will include luncheon and dinner in the evening and the trip through the caverns and a trip to Monticello, as well as a trip to the grounds of the University of Virginia.

The Members who think that Virginia just extends along the swamps down on the western side of the Potomac River and along Chesapeake Bay should come down and see Virginia at her best in the beauty and glory of the Shenandoah Valley and the Piedmont Valley. [Applause.]

Mr. CLARK of Maryland. May we take our children with us?

Mr. GARBER of Virginia. Yes; I understand any member of the family can go on this excursion.

MY RECORD IN CONGRESS

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from North Carolina [Mr. ABERNETHY] asks unanimous consent to extend his remarks in the RECORD. Without objection, it is so ordered.

There was no objection.

Mr. ABERNETHY. Mr. Speaker, the permission given me by the unanimous consent of the House enables me to give to the people of my district, in a brief way, my record while I have been a Member of Congress.

Since I first came to Congress, I have striven to respond promptly to every reasonable request made of me by my constituents, making it a rule to promptly answer all letters and inquiries, and whenever possible to try to carry out their wishes. This has necessarily increased my work, but I have always felt that my first duty was to the people of my district. The people who have been served by me are the best witnesses as to whether or not my services as a Member of Congress have been satisfactory, and it is for them to say whether I shall continue to serve them. While I have felt that my primary duty was to the people of my district, I have tried faithfully to serve my State and Nation, and to measure up to the high ideals of a national representative.

Ever since I have been in Congress the Republican Party has had control of the Executive and both branches of Congress, and while this has handicapped my effort greatly, yet I have given constant attention to my duties in the Congress and before the committees and in the various departments and in services rendered my constituents, and they are the best judges of how successful I have been.

I am sure the ex-service men will verify the statement when I say that I have been vigilant in season and out of season to advance their interests. The greatest tragedy of all times was the World War. It left behind many heartaches, many sorrows, many "vacant chairs" in the homes, and many human wrecks and disabled men who participated in it in defense of the American flag. I have always felt that our country owed these brave boys and their dependents every consideration, and I have worked for and voted for every measure in Congress to take care of these boys and their dependents in a most liberal way. The many thousands of veteran cases I have handled from time to time have been a pleasure to me, as I have felt that this part of my work was "a labor of love." I have been helpful in every way possible for the veterans of the Spanish-American War.

The waterway development brought about in North Carolina, and particularly in my district, has been most gratifying. Liberal appropriations have been spent in waterway improvements, and I am giving the amounts spent in North Carolina for river and harbor improvement for the various years. These improvements have been secured in conjunction with the other members of the delegation. I have always worked for and voted for these improvements, and the Congress and the Government have been liberal to our State in this particular. These improvements are just the beginning of the opening up of our ports and the full utilization of our waterways for the progress of our great State. These figures given are for the whole State, for there is such a tying together of these various improvements that to get the full picture the various amounts spent in North Carolina should be considered. The table following shows these amounts during the fiscal years 1922 to 1929:

Statement showing allotments to river and harbor projects in the State of North Carolina during the fiscal years 1922 to 1929

	1922	1923	1924	1925	1926	1927	1928	1929
Inland waterway from Norfolk, Va., to Beaufort Inlet, N. C	$240,000	$400,000	$371,500	$447,000	$755,000	$625,000	$710,000	$842,500
Meherrin River, N. C		2,000	2,500	3,000		2,700	3,000	2,000
Roanoke River, N. C			2,500	3,000		2,700	4,951	3,000
Scuppernong River, N. C	15,000			14,627		2,700	3,000	2,500
Manteo (Shallowbag) Bay, N. C			5,000	2,000				10,000
Waterway connecting Swan Quarter Bay with Deep Bay, N. C						2,500		
Pamlico and Tar Rivers, N. C	21,400	12,000		18,250	10,200	16,500	21,974	45,000
Neuse River, N. C	12,000	12,000	9,000	18,250	10,200	6,500	49,106	
Contentnea Creek, N. C	1,600		1,000		1,200	1,500		800
Trent River, N. C	2,500		4,000	2,500	800	750	3,577	1,200
Channel connecting Thoroughfare Bay with Cedar Bay, N. C				5,000				4,000
Beaufort Harbor, N. C	24,000	16,500	7,500	16,250	17,500	9,200	156,840	10,500
Waterway connecting Core Sound and Beaufort Harbor, N. C	2,500	30,000	3,500	7,100	4,000		5,102	
Inland waterway, Beaufort to Cape Fear River, N. C	20,000	10,187		11,650			790,499	655,000
Morehead City Harbor, N. C			5,000			5,000		
Beaufort Inlet, N. C				500		65,870	26,249	28,000
Harbor of Refuge, Cape Lookout, N. C						3,000		
Swift Creek, N. C	800				800			
Cape Fear River, N. C., at and below Wilmington	250,000	200,000	430,000	329,400	245,000	171,000	184,000	150,000
Cape Fear River, N. C., above Wilmington	15,000	12,000	40,000	9,500	6,000	12,000	28,798	
Northeast (Cape Fear) River, N. C	3,000	3,000	8,500	4,000	2,000	4,000		
Black River, N. C	2,000	2,000	7,300	3,000	1,600	1,100		1,000
Shallotte River, N. C							11,444	
Waccamaw River, N. C. and S. C		10,000	3,000	8,500		3,000	2,000	1,000
Mackay Creek, N. C								1,800
Operating and care of inland waterway from Norfolk, Va., to Beaufort Inlet, N. C	28,500	40,000	32,700	47,500	49,500	45,515	52,500	84,000
Operating and care of locks and dams on Cape Fear River, N. C	13,600	10,500	3,000	22,000	2,500	7,000	11,000	7,500
Total	651,900	760,187	956,200	973,027	1,106,300	988,135	2,064,040	1,849,800

The waterway projects as they affect my district authorized in the pending river and harbor bill which passed the House a short while ago are as follows:

Project for dredging Gallants Channel from Beaufort to the junction with the inland waterway and the Bulkhead Channel from Beaufort to deep water inside of Beaufort Inlet to a depth of 12 feet at mean low water and a width of 100 feet, and the dredging of the channel in front of Beaufort to a depth of 12 feet at mean low water, with widths varying from 200 to 400 feet, $55,000.

Morehead City Harbor, in accordance with House Document No. 105, Seventieth Congress, to provide for a channel 12 feet deep and 100 feet wide from deep water in Beaufort Outer Harbor to Sixth Street, Morehead City, thence 200 to 400 feet wide to Tenth Street, and for a channel 6 feet deep and 75 feet wide connecting the western end of the harbor with Bogue Sound.

There will also be authorized in the bill the following surveys looking to the improvement of the following streams:

Mill Creek at Pollocksville, N. C.

Alligator Creek, N. C., and channel connecting said creek with the inland waterway.

Neuse River, N. C., from the wharves at New Bern to Goldsboro, N. C., with a view to providing a depth of 8 feet, with suitable width.

Channel from Core Sound to Ocracoke Inlet, N. C., by way of Wainright Channel or some other inside passage.

Channel from Beaufort Inlet, N. C., via the inland waterway and Neuse River to New Bern with a view to securing a depth of 20 feet, with suitable width.

Inland waterway from Beaufort to Jacksonville, N. C., leading from Craigs Point and via Salliers Bay, Howard Bay, and New River.

Channel from Pamlico Sound near the mouth of Neuse River to Beaufort, N. C., via Swan Point, Cedar Island Bay, Thoroughfare Cut, Thoroughfare Bay, Core Sound, touching at Atlantic Wharves, and to run through Mill Point Shoal, by Scalevel, across to Piney Point, and touching the wharves of the various communities through the straits and Taylors Creek Cut, with a view of securing a depth of 7 feet, with suitable width.

Northeast River, N. C.

Waterway connecting Core Sound and Beaufort Harbor, N. C.

I have had pending before the Board of Engineers for Rivers and Harbors the question of a 30-foot channel at Beaufort Inlet, and also the question of the further improvement and completion of the harbor of refuge at Cape Lookout.

I was also interested in the project which was adopted in the rivers and harbors bill in regard to the inland waterway from Norfolk, Va., to Beaufort Inlet, N. C., in accordance with report submitted in Senate Document No. 23, Seventy-first Congress, first session, for a tidal lock in the Albemarle and Chesapeake Canal at or near Great Bridge, Va., at a limit of cost, however, of not to exceed $500,000, conditioned upon contributions from local interests in the amount of $100,000.

As to the development of a great port at Beaufort Inlet I have been working on this matter for a number of years. This development would mean much to the State of North Carolina. There should, and I believe, will be a great port in the future at Beaufort and Morehead City with a 30-foot channel with great shipping lines connecting with foreign ports and with the various ports of the United States. There will be in the future a great port at Cape Lookout. I expect also a great port at Wilmington with a 30-foot channel to the sea. I have been

working for all these waterway and port developments which mean so much to our great State.

Since my tenure in office many important matters have been considered by the Congress, and my voting record in the House is open to all the people for inspection; and any of my constituents who are so minded can secure the information as to how I have stood on all important questions affecting the American people, and particularly the people of my district and my State.

The great problems confronting North Carolina at the present are cheap transportation and the question of taxation and farm relief.

Our waterway development and the building of many miles of hard surface and dependable highways has aided very materially in lessening the costs of transportation so vital to the people. The Government has spent millions in the development of waterways and harbor improvements for our State. Our people must utilize these waterways and harbors more in the future if they expect to get the fullest benefits from these improvements. The Government has spent in conjunction with the State many millions for road improvements.

While the question of taxation of land and personal property has been a matter to be regulated by the legislature, yet I think I have worked out a plan whereby I can get aid for the various counties of the State by a bill which I have introduced in Congress whereby I provide for the return of one-half of the tobacco taxes collected by the Government to the various States to be used for roads and schools. I have mailed to my constituents a copy of this bill and the speech I made in Congress concerning it, and the matter is fully explained therein. The securing of the passage of this bill means a long and hard fight, which I do not mind if the results can be accomplished. The passage of this bill would solve the tax problem in North Carolina.

Ever since I have been a Member of Congress I have worked for and voted for every farm relief measure offered which had for its purpose the benefit of the farmer. The farmer's problems are many and varied. It has always been my aim and purpose in the past to help work them out. I have earnestly striven to do so. I shall continue to work to this end.

I feel that I have been of benefit to the many truck growers and shippers in my district in aiding them in working out better railroad schedules and in their fight for express refrigeration service. I have worked with the Interstate Commerce Commission and with others in bringing about better conditions. Those who have received the benefits know what has been done.

A reading of the items set forth in the indexes of the CONGRESSIONAL RECORD herein printed gives to my constituents a general idea of the legislation in which I have been interested. The establishment of Moores Creek National Military Park, the securing of the Fort Macon Military Reservation to the State without cost, the passage of the bill for the erection of the monument to Vice President William Rufus King at Clinton, his birthplace, these and many other activities too numerous to mention, give to my constituents some idea of my services in Congress. The establishment of many rural mail services and extensions secured by my efforts have been of benefit to the people. The additions to the Federal building at Goldsboro and the securing of a new Federal building at New Bern, soon to be erected, and improved quarters for post offices in the various towns of my district have engaged my most serious attention and efforts.

It is impossible for me to recount in this speech the various activities in which I have been engaged in my congressional capacity.

I take this opportunity, in view of my inability to visit the various communities of my district, to bring to the attention of my constituents that I expect to be a candidate for renomination in the primaries on June 7, 1930. We have been in constant session here in Congress to such an extent that I could not leave Washington to canvass my district on account of my official duties here.

Suffice it to say that I am relying upon my record for a continuation of my tenure in office, fully believing that my constituents will not only renominate me on June 7 but will reelect me in November.

The work of a Member of Congress which is recorded in the CONGRESSIONAL RECORD is but a small part of his record. The major portion of his work has to do with the various departments and activities of the Government, but I feel that it will be of interest to give to my constituents a brief résumé of my work, as can be found by reference to the indexes of the CONGRESSIONAL RECORD, as follows:

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Black, Eugene: tribute to, 5235.
Blanton, Thomas L.: tribute to, 5235.
Congressional Cemetery, 3550.
District of Columbia appropriation bill, 2077.
First deficiency appropriation bill—tax refunds, 1200.
Great Smoky Mountain National Park, 642.
Hellenic debt settlement, 350.
Independent offices appropriation bill, 1937, 3390, 3391.
Interior Department appropriation bill, 642, 643.
King, William Rufus, 1700.
Life-saving retirement, 4651.
Load lines for American vessels, 3960, 3963, 3964, 3972, 4614, 4757, 4758.
Morin, John M.: tribute to, 5235.
National institute of health, 5205, 5206.
Navy Department appropriation bill—Puget Sound yard, 3091, 3092.
New Bern historical pageant, 4805.
Practice of the healing art, 3279, 3280.
Reapportionment—exclusion of aliens, 698.
Samoan Islands, 3414.
Storm and flood areas of South Atlantic States, 3326, 3327, 3328.
Toll bridges, 4064.
War Department appropriation bill, 1151, 1153, 1154, 1161, 1162, 1698, 1700, 3988.
——— Inland Waterways Corporation, 1703, 1704.
Warrant officers, Navy, Marine Corps, and Coast Guard, 491, 493.

SEVENTIETH CONGRESS, SECOND SESSION
(January 28 to February 9, 1929)

ABERNETHY, CHARLES L. (*a Representative from North Carolina*).
Bills and joint resolutions introduced by
New Bern, N. C.: for appointment of committee on observance of certain historical events which occurred during Colonial and Revolutionary period at (see H. Con. Res. 52), 2655.

ABERNETHY, CHARLES L.—Continued.
Remarks by, on
Bird sanctuaries, 3175.
Navy Department appropriation bill: Puget Sound yard, 3091, 3092.
Osage Tribe of Indians, 2947.

SEVENTY-FIRST CONGRESS, FIRST SESSION
(April 15 to April 26, 1929)

ABERNETHY, CHARLES L. (*a Representative from North Carolina*).
Remarks by, on
Farm relief, 145, 164, 194, 560, 2524.
——— equalization fee, 480, 481.
Kerr, John H.: address by, 183.
Mediterranean fruit fly, 608.
Pilgrimage of gold-star mothers, 185.
Refrigeration charges on southern fruits and vegetables, 487.

SEVENTY-FIRST CONGRESS, SECOND SESSION
(December 2 to December 21, 1929)

ABERNETHY, CHARLES L. (*a Representative from North Carolina*).
Address on the subject of the New York Stock Exchange and its practices delivered by, 986.
Appointed on committees, 234.
Bills and joint resolutions introduced by
Ipock, Owider, Mrs.: to pension (see bill H. R. 7646), 771.
Lincoln, J. Thurman: for relief (see bill H. R. 6885), 271.
Nelson, Leonard Webber: to pension (see bill H. R. 7647), 771.
Short, Cleveland L.: for relief (see bill H. R. 7415), 574.
Washington Parish Burial Ground (Congressional Cemetery): to provide for care and preservation of certain land and monuments in (see bill H. R. 7750), 927.
Wells, Keyiah: to increase pension (see bill H. R. 7143), 430.
Remarks by, on
Agricultural appropriation bill, 820, 821, 822.
Branch banking, 312, 313.
Cotton futures, 686.
Diversification of agriculture in North Carolina, 820, 821, 822.
Duck hunting in the South, 488.
French debt settlement, 554, 555.
(January 6 to January 18, 1930)

ABERNETHY, CHARLES L. (*a Representative from North Carolina*).
Bills and joint resolutions introduced by
Willis, Kelly E.: to pension (see bill H. R. 8581), 1616.
(January 20 to February 1, 1930)

ABERNETHY, CHARLES L. (*a Representative from North Carolina*).
Remarks by, on
George Washington Memorial Parkway, 2723.
Great Smoky Mountains National Park, 2409, 2410, 2411.
Oleomargarine, 2800, 2806, 2875.
(February 3 to February 15, 1930)

ABERNETHY, CHARLES L. (*a Representative from North Carolina*).
Bills and joint resolutions introduced by
Hartsfield, Jacob Lemuel: to increase pension (see bill H. R. 9727), 3405.
Waters, James B.: to increase pension (see bill H. R. 9642), 3275.
Remarks by, on
Independent offices appropriation bill: Federal Trade Board, 3689.
(February 17 to March 1, 1930)

ABERNETHY, CHARLES L. (*a Representative from North Carolina*).
Bills and joint resolutions introduced by
Core Sound and Beaufort Harbor: to survey waterway connecting (see bill H. R. 10348), 4453.
Gaylor, Henry B.: to increase pension (see bill H. R. 10349), 4453.
King, William Rufus: to erect monument in commemoration of (see bill H. R. 10171), 4095.
Remarks by, on
Bills correcting military records, 4449.
Business conference, 3877.
Farm land banks, 3943, 3944.
Fresh fruit and vegetable market practices, 4244, 4245.
Gasoline prices, 4313, 4314.
LaGuardia, Mr.: remarks of, 4534, 4540.
Merchant marine, 4534, 4543, 4544.
O'Connor of Louisiana, Mr.: remarks of, 4242.
Return of good times, 4079.
Seed, feed, and fertilizer loans, 4172, 4174, 4175, 4176, 4181, 4185.
(March 3 to March 15, 1930)

ABERNETHY, CHARLES L. (*a Representative from North Carolina*).
Bills and joint resolutions introduced by
Tobacco: to provide for payment to States of amounts equal to part of sums collected as internal-revenue taxes on (see bill H. R. 10622), 5023.
Remarks by, on
Civil-service retirement, 4745.
False reports against banks of Federal reserve, 4834, 4836, 4837.
Narcotics, 4980.
Tobacco tax, 4961, 4962, 5109, 5110, 5111.
(March 17 to March 28, 1930)

ABERNETHY, CHARLES L. (*a Representative from North Carolina*).
Bills and joint resolutions introduced by
Howell, Moody A.: for relief (see bill H. R. 11205), 6193.
Northeast River: for survey of (see bill H. R. 11059), 6051.
Remarks by, on
District of Columbia appropriation bill, 6159, 6160, 6168.
——— police, 6170.
First deficiency appropriation bill: conference report, 5633.
Improper practice before Patent Office, 5464, 5465.
King, William Rufus, 5469.
Motor bus bill, 5552, 5767, 5867, 5868.
Public health activities, 6116, 6123.
(March 31 to April 1, 1930)

ABERNETHY, CHARLES L. (*a Representative from North Carolina*).
Bills and joint resolutions introduced by
Alligator Creek: to survey (see bill H. R. 11520), 6817.
Beaufort Inlet to New Bern: to survey channel from (see bill H. R. 11518), 6817.

ABERNETHY, CHARLES L.—Continued.
Bills and joint resolutions introduced by
Beaufort to Jacksonville, N. C.: to survey inland waterway from (see bill H. R. 11517), 6817.
Core Sound and Beaufort Harbor: to provide for survey of waterway connecting (see bill H. R. 11516), 6817.
Lincoln, Ada Vermont: to pension (see bill H. R. 11552), 6912.
Mill Creek: to survey (see bill H. R. 11521), 6817.
North Carolina: to survey channel from Pamlico Sound to Beaufort (see bill H. R. 11519), 6817.
Remarks by, on
Cash payment of adjusted compensation, 6486.
Consolidation of veterans' affairs, 6733.
Equalizing burdens of war, 6323, 6331.
Press Club spelling bee, 6323, 6324.
World War veterans' legislation, 6676.

(April 14 to April 25, 1930)

ABERNETHY, CHARLES L. (*a Representative from North Carolina*).
Address on subject of the North Carolina flag delivered by, 7721.
Remarks by, on
Commission to study veterans' legislation, 7634.
Fisheries 5-year program, 7179, 7183, 7184.
River and harbor bill, 7742.
Sale of piers in Hoboken, N. J., 7173, 7175, 7176.
World War veterans' act, 1924, 7489, 7496, 7497.

PILGRIMAGE OF WIDOWS AND MOTHERS OF DECEASED SOLDIERS TO CEMETERIES OF EUROPE—CONFERENCE REPORT

Mr. RANSLEY, of the Committee on Military Affairs, presented the conference report on the bill (H. R. 4138) to amend the act of March 2, 1929, entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," for printing.

PERMISSION TO ADDRESS THE HOUSE

Mr. JONES of Texas. Mr. Speaker, I ask unanimous consent that on to-morrow, following the address of the gentleman from Iowa [Mr. RAMSEYER] I be permitted to address the House for 30 minutes.

The SPEAKER. The gentleman from Texas [Mr. JONES] asks unanimous consent that following the address of the gentleman from Iowa [Mr. RAMSEYER] he may address the House for 30 minutes. Is there objection?

Mr. SNELL. Reserving the right to object, it is understood that this request is under the same restriction as the request of the gentleman from Iowa [Mr. RAMSEYER].

Mr. JONES of Texas. Yes.

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that following the address of the gentleman from Texas [Mr. JONES] I be permitted to address the House for 15 minutes, under the same conditions.

The SPEAKER. The gentleman from Washington [Mr. JOHNSON] asks unanimous consent that on to-morrow, following the address of the gentleman from Texas [Mr. JONES], he may address the House for 15 minutes. Is there objection?

Mr. SNELL. Reserving the right to object, it is understood that it is all under the condition that Calendar Wednesday business is out of the way?

Mr. JOHNSON of Washington. Yes.

There was no objection.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and under the rule referred as follows:

S. 4182. An act granting the consent of Congress to the county of Georgetown, S. C., to construct, maintain, and operate a bridge across the Pee Dee River and a bridge across the Waccamaw River, both at or near Georgetown, S. C.; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 7356. An act for the relief of the American Foreign Trade Corporation and Fils d'Aslan Fresco.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3441. An act to effect the consolidation of the Turkey Thicket Playground, Recreation, and Athletic Field.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 10379. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

ADJOURNMENT

Mr. WILLIAMSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Wednesday, April 30, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, April 30, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON EDUCATION

(10.30 a. m.)

To aid in effectuating the purposes of the Federal laws for promotion of vocational agriculture (S. 2113).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10 a. m.)

To establish a commercial airport for the District of Columbia (S. 3801).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To authorize the Secretary of Agriculture to carry out his 10-year cooperative program for the eradication, suppression, or bringing under control of predatory and other wild animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game, and other interests, and for the suppression of rabies and tularemia in predatory or other wild animals (H. R. 9599).

COMMITTEE ON FLOOD CONTROL

(10.30 a. m.)

To establish a reservoir system of flood control on the tributaries of the Mississippi River (H. R. 9376).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

430. A letter from the Acting Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Willamette River, Oreg., between Portland and Salem (H. Doc. No. 372); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

431. A letter from the Acting Secretary of War, transmitting report from the Chief of Engineers on the Fox River, Wis. and Ill., covering navigation, flood control, power development, and irrigation; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. H. R. 9673. A bill to authorize the refund of visa fees in certain cases; without amendment (Rept. No. 1333). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAAS: Committee on Foreign Affairs. H. R. 11580. A bill to amend section 1709 of the Revised Statutes, as amended by the act of March 3, 1911 (36 Stat. 1083), and section 304 of the Budget and Accounting Act, 1921 (42 Stat. 24); with amendment (Rept. No. 1334). Referred to the House Calendar.

Mr. LETTS: Committee on Banking and Currency. H. R. 9433. A bill to amend the Federal farm loan act, and for other purposes; with amendment (Rept. No. 1335). Referred to the House Calendar.

Mr. LEHLBACH: Committee on the Merchant Marine and Fisheries. S. 3249. An act to amend section 4578 of the Revised Statutes of the United States respecting compensation of vessels for transporting seamen; with amendment (Rept. No. 1336). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 10782. A bill to facilitate and simplify the work of the Forest Service; with amendment (Rept. No. 1338). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mrs. LANGLEY: Committee on Claims. H. R. 1889. A bill for the relief of Roland Zolesky; with amendment (Rept. No. 1330). Referred to the Committee of the Whole House.

Mr. JOHNSTON of Missouri: Committee on Claims. H. R. 9659. A bill for the relief of H. F. Frick and others; with amendment (Rept. No. 1331). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 10608. A bill for the relief of R. W. Selvidge; with amendment (Rept. No 1332). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10688) for the relief of Bertha Hymes Sternfeld; Committee on World War Veterans' Legislation discharged, and referred to the Committee on War Claims.

A bill (H. R. 11161) granting a pension to Hinman E. Ingerson; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FREEMAN: A bill (H. R. 12010) to advance on the retired list to the grade temporarily held in time of war any officer of the Coast Guard who has been retired because of physical disability originating in line of duty in time of war; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Texas: A bill (H. R. 12011) to provide for standard methods of grading and valuing cottonseed, and for other purposes; to the Committee on Agriculture.

By Mr. MAPES: A bill (H. R. 12012) to require a contractor to whom is awarded any contract for public buildings or other public works, or for repairs or improvements thereon, in the District of Columbia to give bond for the faithful performance of the contract, for the protection of persons furnishing labor and materials, and for other purposes; to the Committee on the District of Columbia.

By Mr. NELSON of Wisconsin: A bill (H. R. 12013) to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 12014) to permit payments for the operation of motor cycles and automobiles used for necessary travel on official business on a mileage basis in lieu of actual operating expenses; to the Committee on Expenditures in the Executive Departments.

By Mr. BEERS: Joint resolution (H. J. Res. 319) to provide for the printing with illustrations and binding in cloth of 62,000 copies of the Special Report on the Diseases of the Horse; to the Committee on Printing.

By Mr. STEVENSON: Joint resolution (H. J. Res. 320) authorizing an appropriation of $25,000 to assist in the construction of a highway leading to the Kings Mountain battle field, South Carolina; to the Committee on Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLARKE of New York: A bill (H. R. 12015) granting an increase of pension to Malvina H. Perry; to the Committee on Invalid Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 12016) granting an increase of pension to Philip Winckler; to the Committee on Pensions.

By Mr. DENISON: A bill (H. R. 12017) granting a pension to Bessie Sneed; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 12018) granting a pension to John W. Strausser; to the Committee on Pensions.

By Mr. GOLDER: A bill (H. R. 12019) to carry out the findings of the Court of Claims in the case of William Zeiss, administrator of William B. Reaney, survivor of Thomas Reaney, and Samuel Archbold; to the Committee on Claims.

By Mr. GOLDSBOROUGH: A bill (H. R. 12020) for the relief of Zedic N. Draper; to the Committee on Military Affairs.

By Mr. HANCOCK: A bill (H. R. 12021) to authorize the appointment and retirement of Evelyn Briggs Baldwin in the grade of captain in the Navy in recognition of his patriotic and scientific services, and for other purposes; to the Committee on Naval Affairs.

By Mr. LINTHICUM: A bill (H. R. 12022) for the relief of Southern Overall Co.; to the Committee on Claims.

By Mr. NELSON of Wisconsin: A bill (H. R. 12023) to repeal the provision of law granting a pension to Lois Cramton; to the Committee on Invalid Pensions.

By Mr. SHOTT of West Virginia: A bill (H. R. 12024) granting a pension to Isaac Ramey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12025) granting a pension to Sarah Frasher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12026) granting a pension to Araminta Webb; to the Committee on Invalid Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 12027) granting an increase of pension to Belinda Kanzig; to the Committee on Invalid Pensions.

By Mr. YON: A bill (H. R. 12028) for the relief of St. Luke's Episcopal Church, Marianna, Fla.; to the Committee on Claims.

By Mr. ZIHLMAN: A bill (H. R. 12029) granting a pension to Clarence D. Hanks; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7155. By Mr. BLOOM: Petition of citizens of Cincinnati, Ohio, opposing the calling of an international conference by the President of the United States, or the acceptance by him of an invitation to participate in such a conference, for the purpose of revising the present calendar, unless a proviso be attached thereto, definitely guaranteeing the preservation of the continuity of the weekly cycle without the insertion of the blank days; to the Committee on Foreign Affairs.

7156. By Mr. GARBER of Oklahoma: Petition of Rock Island Lines, Carnegie, Okla., in support of House bill 10343; to the Committee on Immigration and Naturalization.

7157. Also, petition of Pearl E. Hughey, postmaster at Cleo Springs, Okla., urging that House bill 229 be made effective as of July 1, 1930, instead of July 1, 1931; to the Committee on the Post Office and Post Roads.

7158. Also, petition of Alaska Native Brotherhood, re conditions of natives of southeast Alaska; to the Committee on Indian Affairs.

7159. Also, petition of Southern Pine Association, New Orleans, La., in support of tariff on lumber, etc.; to the Committee on Ways and Means.

7160. Also, petition of Izaak Walton League of America, in support of Senate bill 2498 and House bill 6981; to the Committee on the Public Lands.

7161. By Mr. HICKEY: Petition of the Winona Lake Literary Club urging passage of a law for the Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

7162. By Mr. HILL of Washington: Petition of Mrs. William Bergen and 64 other citizens of Spokane, Wash., urging passage of the Capper-Robsion school bill, H. R. 10; to the Committee on Education.

7163. By Mr. MANLOVE: Petition of James H. Ford and 165 other citizens of Stockton, Calif., urging Congress to speedily pass the Manlove bill, H. R. 8976, for the relief of veterans and widows and minor orphan children of veterans of Indian wars; to the Committee on Pensions.

7164. By Mr. O'CONNELL of New York: Petition of the American Bandmasters' Association (Inc.), Chicago, Ill., favoring the passage of House bill 10677, granting commissioned rank to Army bandmasters; to the Committee on Military Affairs.

7165. By Mr. VESTAL: Petition of residents of Delaware County, Ind., urging the passage of House bill 2562, granting an increase of pension to Spanish-American War veterans and widows of veterans; to the Committee on Pensions.

7166. By Mr. WOLVERTON of West Virginia: Petition of Henry R. Gay, mayor, and others, of Buckhannon, Upshur County, W. Va., urging Congress to press committee in conference on Senate bill 15, civil service retirement act, and to report same for favorable action by Congress, before adjournment of the present session; to the Committee on the Civil Service.

SENATE

WEDNESDAY, *April 30, 1930*

The Senate met at 12 o'clock meridian in open executive session.

Rev. James W. Morris, D. D., of the city of Washington, offered the following prayer:

Almighty and Everliving God, of whose only gift it cometh that Thy faithful people do unto Thee true and laudable service, we gratefully acknowledge the manifold evidences of Thy good hand upon us both as individuals and as a nation, and we pray Thee that our many blessings may lead us to a holy and humble walk and conversation before Thee.

Especially we invoke Thy grace and guidance upon these Thy servants, who assemble here to consider the affairs that affect the welfare of our country. Endue them with wisdom; enlighten their minds with the light of Thy Holy Spirit, so that their deliberations shall inure to the best happiness of our land and the enlargement of Thy kingdom. Through Jesus Christ our Lord. Amen.

OPERATIONS OF GRAIN EXCHANGES

As in legislative session,

The VICE PRESIDENT laid before the Senate a communication from the Omaha (Nebr.) Grain Exchange, relative to the business and operations of grain exchanges, and also transmitting two pamphlets entitled "Orderly Marketing of Grain" and "Farmers Have Profited from Speculation," which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry.

CLAIM OF FRANCES MOSER HOCKER

As in legislative session,

The VICE PRESIDENT laid before the Senate a communication from Frances Moser Hocker (Mrs. Edward W. Hocker), of Germantown, Philadelphia, Pa., transmitting an additional formal statement relative to her claim against the Government, which, with the accompanying paper, was referred to the Committee on Claims.

PETITIONS

As in legislative session,

The VICE PRESIDENT laid before the Senate a resolution adopted by the Third National Conference on the Merchant Marine held at Washington, D. C., April 24, 1930, favoring the early ratification by the Senate of the International Convention on Safety of Life at Sea, as signed in London May 31, 1929, which was referred to the Committee on Foreign Relations.

He also laid before the Senate the petition of members of the Department of New Hampshire, Woman's Relief Corps, at Concord, N. H., praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which was ordered to lie on the table.

He also laid before the Senate a communication from the executive committee of the Long Island (N. Y.) Chamber of Commerce, indorsing the appeal made to the President of the United States and the Congress by the National Unemployment League (Inc.), 420 Madison Avenue, New York City, favoring the passage of legislation for the development of an unemployment program and the inauguration of a system of public works, which, with the accompanying paper, was ordered to lie on the table.

REPORTS OF THE COMMITTEE ON IRRIGATION AND RECLAMATION

As in legislative session,

Mr. THOMAS of Idaho, from the Committee on Irrigation and Reclamation, to which was referred the bill (H. R. 156) to authorize the disposal of public land classified as temporarily or permanently unproductive on Federal irrigation projects, reported it without amendment and submitted a report (No. 580) thereon.

Mr. PHIPPS, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 3386) giving the consent and approval of Congress to the Rio Grande compact signed at Santa Fe, N. Mex., on February 12, 1929, reported it without amendment and submitted a report (No. 581) thereon.

ENROLLED BILL PRESENTED

As in legislative session,

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day, April 30, 1930, that committee presented to the President of the United States the enrolled bill (S. 3441) to effect the consolidation of the Turkey Thicket Playground, Recreation and Athletic Field.

BILLS AND JOINT RESOLUTION INTRODUCED

As in legislative session,

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 4317) for the relief of the H. L. Bracken Cylinder Grinding Co.; to the Committee on Claims.

By Mr. WALSH of Montana:

A bill (S. 4318) to amend the act entitled "An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act," approved April 21, 1928; to the Committee on Public Lands and Surveys.

By Mr. STECK:

A bill (S. 4319) granting a pension to George P. Hamilton (with accompanying papers); to the Committee on Pensions.

By Mr. VANDENBERG:

A bill (S. 4320) for the relief of Capt. Joseph H. Hickey, Quartermaster Corps, United States Army; to the Committee on Claims.

By Mr. PHIPPS:

A bill (S. 4321) for the relief of the Confederated Bands of Ute Indians, located in Utah, Colorado, and New Mexico; to the Committee on Indian Affairs.

By Mr. DILL:

A bill (S. 4322) for the relief of Julian Jurczyk; to the Committee on Military Affairs.

A bill (S. 4323) granting a pension to Carrie Bell; and

A bill (S. 4324) granting a pension to John Robinson; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4325) to amend subchapter 5 of chapter 18 of the Code of Law for the District of Columbia by adding thereto a new section to be designated section 648 a; to the Committee on the District of Columbia.

By Mr. THOMAS of Oklahoma:

A bill (S. 4326) to release to the city of Chandler, Okla., all right, title, and interest of the United States in the military target range of Lincoln County, Okla.; to the Committee on Military Affairs.

By Mr. COPELAND:

A bill (S. 4327) for the relief of Annie O'Neill; to the Committee on Claims.

A bill (S. 4328) granting an increase of pension to Helen K. Snowden; to the Committee on Pensions.

By Mr. HATFIELD:

A joint resolution (S. J. Res. 171) to amend section 5 of the joint resolution relating to the National Memorial Commission, approved March 4, 1929; to the Committee on the Library.

AMENDMENTS TO RIVER AND HARBOR BILL

As in legislative session,

Mr. WALCOTT submitted an amendment and Mr. SHEPPARD submitted four amendments intended to be proposed by them, respectively, to the bill (H. R. 11781) authorizing the construction repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were severally referred to the Committee on Commerce and ordered to be printed.

EXECUTIVE MESSAGES AND APPROVAL

Sundry messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries, who also announced that on April 29, 1930, the President approved and signed the joint resolution (S. J. Res. 156) to pay the judgment rendered by the United States Court of Claims to the Iowa Tribe of Indians, Oklahoma.

CLAIM OF OWNERS OF DANISH MOTOR SHIP "INDIEN" (S. DOC. NO. 140)

As in legislative session,

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in relation to a claim presented by the Government of Denmark for the payment of compensation to the owners of the Danish motor ship *Indien* for damages sustained as a result of a collision with the U. S. Coast Guard cutter *Shawnee* at San Francisco on April 5, 1925, and I recommend that an appropriation be authorized to effect a settlement of this claim in accordance with the recommendations of the Secretary of State.

HERBERT HOOVER.

THE WHITE HOUSE, *April 30, 1930.*

CLAIM OF LI YING-TING, A CITIZEN OF CHINA (S. DOC. NO. 139)

As in legislative session,

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report of the Acting Secretary of State requesting the submission to the Congress of a claim against the Navy Department submitted through the American consul at Nanking in behalf of Li Ying-ting, a citizen of China, for the deaths of four members of the claimant's family resulting from a collision between the claimant's junk and the United States naval vessel *Hart* on the Yangtze River on July 3, 1925.

I recommend that, as an act of grace and without reference to the question of the legal liability of the United States, an appropriation of $1,500 United States currency be authorized to effect settlement of this claim, in accordance with the recommendations of the Acting Secretary of the Navy and the Acting Secretary of State.

HERBERT HOOVER.

THE WHITE HOUSE, *April 30, 1930.*

MESSAGE FROM THE HOUSE

As in legislative session,

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed a bill (H. R. 10630) to authorize the President to consolidate and coordinate governmental activities affecting war veterans, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

As in legislative session,

The bill (H. R. 10630) to authorize the President to consolidate and coordinate government activities affecting war veterans was read twice by its title and referred to the Committee on Finance.

THE UNIVERSITY OF ARIZONA AND NATURAL RESOURCES OF THE STATE

As in legislative session,

Mr. HAYDEN. Mr. President, I ask leave to have printed in the RECORD an address delivered at the University of Arizona on April 24 by Dr. George Otis Smith, Director of the Geological Survey.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Arizona's greatest resource is the coming generation—the citizens of to-morrow. To these young men and women who must furnish leadership in the State this university stands as alma mater, a fostering mother in a special and particular sense. All that I have to say this morning may be summed up in the simple truism that it is only through the education of Arizona's citizens that all her other resources can and will be utilized to the best advantage. The human resource is the first concern of the State; or, as Owen Young recently put it, trained brains are a country's greatest asset, and without them natural resources are as nothing. My major premise to-day is that Arizona is blessed with both.

I term the relationship of the University of Arizona to the youth of Arizona as primarily that of a fostering mother for the simple reason that this is a publicly endowed institution with a public purpose. Under several acts of Congress, the first of which was signed by President Lincoln nearly 70 years ago, the Federal Government cooperates with the States in a program of higher education in those arts that constitute the foundation stones of industrial life. State and Nation are logical partners in this recognition of education as both a national and a local duty simply because citizenship carries obligations to Nation as well as to State. The training of citizens is peculiarly the function of the State university, and here in Tucson is centralized the responsibility for fitting your students to be citizens of no mean State and of no mean Nation. The vision of our fathers in planning this partnership back in the dark days of Civil War was, in the words of the late President James, of Illinois, "the beginning of one of the most comprehensive, far-reaching, one might almost say grandiose, schemes for the endowment of higher education ever adopted by any civilized nation."

This broad cooperative basis for the support of citizen training is correct in principle and has proved successful in practice. As the industrial, economic, and financial structure of the Nation rises, technical education must adjust itself to meet the new specifications; with the increasing complexity of life a broader culture is demanded, lest the changing order trend toward lowering the standard of citizenship.

As I read the organic act of 1862 that joined Nation and State in a country-wide educational experiment I note that it specifies "liberal and practical education of the industrial classes." This was class legislation of the right sort—higher education for the workers, for upon this class the State depends. So it follows that, with the emphasis always kept on training for citizenship, the program of this university includes research directly related to Arizona's natural resources and teaching that will apply the truths of modern science to the tasks of modern life here in the Southwest. Privately endowed institutions of higher learning may have more general aims and follow broader paths of research, even exploring the utmost limits of the universe for new planets, but here at this public institution the star to which your wagon must be hitched is Arizona.

Here in Arizona the bond between human workers and natural resources is simple and intimate. Mining and metallurgy, agriculture and forestry, all depend directly upon Mother Earth, and no demonstration from this platform is needed to point out to those of you who may be entering upon your life work the significance of the fact that your home State is blessed with great wealth in soil and waters and in minerals hidden beneath the surface. Nature has furnished here the setting for a prosperous Commonwealth, the opportunity for successful endeavor. And be it noted that I place first the prosperity of the Commonwealth; I mention the body politic before the individual citizen.

There is a community of interest in the development of resources that transcends all that can be done for personal gain; indeed, self-interest becomes enlightened only when it sees that the whole includes the parts and that in the long run individual success is promoted by serving the public interest. In the industrial world the trend of highly competitive struggle has long been toward bigger and bigger business and larger and larger output, until mass production has seemed the open sesame with which the door to any economic secret can be made to swing wide. Yet the thoughtful observer has noted of late that this so-called rationalization of industry has gone to irrational extremes. Overabundance of such essentials as wheat and copper may become an economic liability, and both Nation and citizen can suffer from the sin of overproduction. Never before these recent years of plenty have we realized so keenly that too much can be as profitless as too little.

In similar fashion the industrial seeker for success, be that individual a citizen or a corporation, must think beyond the confines of any one business or any one industry. Our national structure has withstood the shocks of a century and a half largely because it derives strength from the economic as well as political union of many States. So in this State of yours economic vigor can persist only as your varied industries are united in a common policy. Balanced production is the industrial ideal—that happy coordination of agriculture with mining and the sane development of diversified industries that makes for economic independence of State or Nation. Many of us have watched from a distance the wisely directely coordination of Arizona's business activities, an economic movement in which so many interests have cooperated. No other State has gone further in this direction.

Conservation can be most tersely defined as taking thought for the morrow, and conservation as an economic policy has the prime purpose of serving the common interest. In its all-embracing survey of the present and its far-flung vision of the future, conservation is largely a matter of educated eyesight; in its sympathetic understanding of what democracy means in industry, conservation is a matter of twentieth century humanities. It follows that conservation broadly and specifically applied to Arizona deserves a large place in the research and teaching program at this university. As bearing upon the conversion of natural resources into contributions to the larger life of the State, conservation must be taught in your college of mines and engineering, in your college of agriculture, and, above all, in your department of economics. Such courses as "geology of Arizona," "range ecology," "agricultural economics," "principles of marketing," and "rural sociology" are among those bearing directly upon the major problem of Arizona's development. They aim straight at the target.

In her industrial development Arizona is young, and with the strength of youth feels the urge to use youth's resources, and on a scale of expenditure perhaps not altogether wise. There is reason for both pride and pause in the fact that Arizona has just experienced her best year in metal production, with an output worth more than $150,000,000. This increase of more than 6,000 tons in the annual contribution to the country's needs in those useful metals copper, lead, and zinc is a tribute to Arizona's mining industry, yet there is another side to the shield; we must not overlook the fact that the 425,000 tons of virgin metal produced from Arizona mines and smelters in 1929 represents a withdrawal of mineral assets that can never be replaced. That crop will never grow again.

Arizona has neighbors whose mining glory may be in large degree of the past, and we now realize the important part the mines have played in the building of those States. To-day their effort is to revive and restore the mining activity and thus effect a better balance in industry. Arizona, on the contrary, has not yet reached her peak, and her outlook is rosy. Yet it is not too early to ask yourselves the very pertinent question, How long can these mountains of Arizona continue to furnish the ore to our mills and smelters? And your question takes on nation-wide significance when we rephrase it to read, How long can Arizona smelters continue to furnish the metals that the Nation needs to meet the constantly changing and ever-expanding demands of civilization for

new tools, new machines, new masterpieces of art and architecture, new highways for the spoken word?

So it is that I urge those who guide the policy of this university to see the practical and immediate value of conservation to Arizona. No longer is conservation a matter of sentiment or of propaganda to be broadcast once a year in a week set apart by congressional enactment, as was recently proposed in Washington. Conservation—by which I mean use without waste—deserves to be a religion with mining engineers, not a religion to preach so much as a religion to practice. Practical conservation in a special sense belongs to the mining and metallurgical engineer. He stands as the keeper of the vaults in nature's treasury. His is the responsibility to meet the demands of civilization. Dwindling supplies call upon the mining geologist to find other deposits, the mining engineer to make them available, the metallurgist to devise improved methods for higher recovery of metal content and for profitable handling of leaner ores—theirs is the joint duty to keep up the flow of raw materials to industry.

Nor is it enough merely to respond to these demands: The mining engineer must also realize the unalterable limitations of supply. Optimism can not add one cubit to the extent of an ore body or a single ounce to nature's store of indispensable minerals, upon which we are making larger and larger inroads every year. I was glad to hear the president of a great mining company oppose those who profess unbounded faith in nature's continued generosity to America with the plain warning: "To those who state that 'America has just started' the incontrovertible answer is that so far as our natural resources are concerned America is well on its way."

Here in Arizona the years of maximum drafts upon the reserves of ore in sight should also be the time of largest activity in a well-organized search for new reserves. Geologic exploration should keep pace with mining expansion. The Arizona Bureau of Mines as a research department of this university holds a strategic position for service, but that position needs reinforcement in order to make its service adequate. A thorough survey of the State's resources under the auspices of this bureau in cooperation with Federal agencies would be the best insurance policy Arizona could buy. And we know that the best time to take out an insurance policy is in youth.

Chief among the resources on which Arizona must depend through the years to come is the water that flows in her rivers or is found stored beneath her deserts, a perennial source of energy for industry and of life for agriculture. Wise planning for the future at once raises these questions: Can more water be stored to add more fertile acres to the abiding assets of this State? Where are the largest storage basins and the best dam sites? What is the extent of the underground supply and at what rate can it be safely drawn upon? Are the forests and range tributary to the ranch lands being preserved so as to furnish the grazing lands needed? Train your graduates to answer questions such as these, and the University of Arizona will contribute generously to the permanent prosperity of your State.

The phrase "mastery of environment" well describes the larger factor in human progress, and that progress is furthered by research which looks to the conquest of natural conditions that not only try men's souls but test their inventive genius. For Arizona such research logically belongs to this university, and the logical leader in such research is your new president. Doctor Shantz traces his scientific ancestry to Prof. Charles E. Bessey, a skilled craftsman in the molding of men who have become leaders in the science of botany. Much of the notable success of the Bureau of Plant Industry in Washington can be credited to well-trained students from Professor Bessey's department of botany at the University of Nebraska, and from this productive group President Shantz has come. Homer Le Roy Shantz has a sagebrush background, and he knows the foothill and mesa atmosphere. He has traced the life history and watched the seasonal struggles of plants to live where water is a luxury. His own studies have extended from Nevada to Africa but have commonly touched the borderland of desert and semi-arid regions, where plants with the aid of man must conquer a hostile environment, and that is the type of research that this university should offer to its students.

None of us can see far enough into the future to realize what are to be the economic developments even of the morrow. Year after year on my visits to the West my imagination is stimulated as I see fields of golden grain or of green alfalfa pushing back the gray sagebrush and as I watch the trainloads of melons and lettuce and citrus fruits speeding across the continent to feed the eastern cities. It is this winning of the desert by Arizona's pioneer men and women and this conquest of distance by your railroads that together have made this youngest of States so important a member of the Federal family.

I would not wish, however, to leave with you any idea that long-haul transportation is a desirable end of itself; it is only a desirable means where necessary. The less transportation the better, and again I would commend the logic of common sense that has been applied here in Arizona in working out economies in transportation. Your State policy of seeking to be as self-sustaining as practicable is in pleasing contrast with the economic folly of long-distance shipments of foodstuffs not to our hungry cities but into agricultural regions that are devoted to a 1-crop program. It was an official of a progressive State of the Southeast who recently protested against the farmers of that State coming in from working their fertile cotton fields and sitting down to a meal of soup from Pittsburgh, bread made from Minnesota flour, meat from Chicago, vegetables from the Gulf States, and peaches canned in California, while their tired mules were eating western corn.

Arizona's resources are fairly well diversified, and their wise development should build up a Commonwealth free from the hazards of disproportionate specialization and unbalanced production. The pace is getting faster and the industrial strategy more complex, however, with the result that the call for highly trained workers in all branches of engineering, agricultural as well as mining, has become urgent. The president of the Michigan College of Mining and Technology sees a challenge to our colleges in the fact that the next generation of industrial leaders will start with industries that are already extensively developed—these new leaders can not grow up with the industries, and they must be prepared "most adequately for their tasks."

To the engineering that has contributed so largely to industrial advancement all over this western country must now be joined the social engineering that introduces factors of safety into the human equation. The health and happiness of the units that enter into the social structure must be protected and preserved, else the building is in vain. In a recently proposed social code the fifth commandment reads: "Thou shalt remember that the end product of industry is not goods or dividends but the kind of men and women whose lives are molded by that industry." The present experiment of the Soviet Government in industrializing the Russian people under forced draft is in direct violation of this commandment; it is using sweatshop methods on a nation-wide scale. The experiment may result in the sacrifice of all those personal rights which we in America regard as sacred, and if so that will be the price paid in Russia for a scrap-of-paper promise of economic freedom. All this is too much to give for the privilege of demonstrating to the rest of the world the unpardonable error of overlooking the factor of human happiness. The worker is of far greater concern to the State than his work.

And here and now I would again urge upon your attention the significant fact that the law of 1862 specifies both "liberal and practical education," for to-day the need for a liberal training has become even more impelling. Arizona has a right to demand not only engineers who can furnish the raw materials upon which civilization feeds, but men and women grounded in the fundamentals of human relationships, graduates of this university to whom has been given the broader view of life. Social progress is the natural partner of engineering advance, and a liberal training must include development of the talent for leadership in human affairs.

Russia has turned to America for engineering advice in rebuilding her wrecked industries, but we can see that the Soviet Union lacks even more grievously wise counsel in human engineering—good advice in the rebuilding of its social structure. We must admit, however, that even in our own country social and political science has lagged behind physical science and that we have abundant opportunities here at home for employing human engineering in speeding up social progress. There are large areas in our political life that call for exploration and reclamation, and in that work the same principles and talents that have given the engineer mastery over nature can help in obtaining the mastery over human nature.

This opportunity of the university to furnish leaders for the State is as broad as human life itself in this new epoch in the evolution of human society, quickened as it is by the numberless innovations in material things. In my lifetime the American citizen has increased his use of mechanical energy sixfold; that is to say, my share in the machines of industry and commerce is six times that my father had when I was born. With this rapid growth in the economic stature of our Nation have come radical changes in our social environment and in the scope of our social needs.

In the earlier years of this industrial revolution there were social consequences of serious and far-reaching extent, but those sad defects were incident to man's use of machinery, not inherent in it. Man himself, not his new machine, was chargeable with the selfish disregard of the working and living conditions of his employees. There is no alibi for the thoughtless owner in blaming his unthinking machine; human greed antedated James Watt.

The industrial revolution is well along in its second century, and now it is called the power age; yet the same demand exists for keeping the humanistic motives for protecting society in balance with the inventive genius for speeding up industry. Here in the university the rights of man as well as the power of the machine challenge attention, and diverse indeed are the new phases of the research and teaching called for by your progressive and growing State.

As a single example, the power problem engages the attention of all citizens who realize how much human progress is dependent upon harnessing the forces of nature to do man's work. Discussion of possible contacts between the public utilities and engineering schools has taken on a strong political tinge at Washington. Suggestions of cooperation have aroused criticism and the debate is on. Obviously, support of engineering research in problems of mutual interest or plans for vacation employment of engineering students are projects in which

the public-utility industry can and should reach out a helpful hand to technical schools and colleges. In such activity there need be no fear of general misunderstanding or of justified criticism of motive. But the endowment or subsidy by the industry of any chair in political economy or allied subject readily and properly exposes both industry and institution to popular condemnation. Least of all in a State university should there be the slightest suggestion of controlled opinions.

Control of academic opinion is a very practical matter, and the possibility of interference with liberty of thought and speech is admittedly not a one-sided phenomenon. Attempts to color the teaching of economics or any other subject should not be tolerated, whoever it is who seeks to apply the color. Political influence over teaching is equally obnoxious, whether the political authority favors or opposes this or that business interest. No public agency or public official—whether Federal or State, executive or legislative—has any warrant for assuming technical or economic omniscience; political heat commonly warps propaganda in spite of its bearing the "public-interest" label. The university classroom must be a sanctuary where facts are presented, regardless of what they prove, and where opinions are expressed, irrespective of their bearing upon corporate practice or Government policy. Anything short of the open mind and the open forum is antagonistic to educational ideals; any attempt to interfere with the simple task of teaching mental honesty is worse than unethical—it is unsportsmanlike.

Mr. Stanley Baldwin a few months ago in addressing a university audience in England discussed patriotism as a primitive instinct aroused by the love of early scenes but later developed into the love of serving the home land. That is a powerful motive to noble action, which here under quite different skies can mean letting the love of Arizona mountain and plain furnish a compelling incentive to service for this State. Character is the foundation upon which democracy rests.

In the Colver lectures at Brown University last year Professor Paxson, of Wisconsin, took as his topic When the West is Gone, and traced the continuing influence of the West upon the political growth of the Nation. We may follow the historian in the large credit he gives to the pioneer spirit in making and keeping the New World different from the old, and yet not subscribe to his belief that the West is gone and that with the passing of the frontier the free spirit of the western pioneer has departed from American democracy. A few years ago before a western audience I contended that the West is ever new—its spirit of the search for something new, something lost behind the ranges, is an undying spirit.

So it is that the days of the pathfinder are not past—his task continues, though it is a different task. The new West calls for the opening up of new trails. The frontier to-day is not a geographic frontier whose obstacles of deserts and mountains and rivers and forests have to be conquered. What remains is the industrial frontier, on which the problems to be surmounted are economic. Not all the sources of wealth have been discovered; not all the land has been brought into full possession of its occupants. And in this conquest the ever-new West needs leaders—keen-eyed, courageous men who can blaze new trails in development.

My vision of the resources of Arizona is not a simple picture of quick development and large profits. That would not make for permanence of communities or for security of investments. Far better is a slowly expanding industry which, when it reaches its economic size, still has reserves that promise profitable operation through a span of years sufficient to guarantee not only continued returns to the stockholders, but—what means far more to this western country—continued work for the workers, who in a sense, under our modern ideals of democratic society, should be regarded as the preferred shareholders in any enterprise.

Wise utilization of Arizona's resources must be measured by other standards than tons or carloads or acre-feet or kilowatt-hours. Whether it is in mining town or industrial town, in the city or on the ranch, more homes and better homes furnish the best measure of Arizona's progress. We need not worry about the passing of the frontier spirit if in this youngest of Western States there is pioneering in good citizenship, and in stimulating such pioneering this university should be like a perennial spring from which issue life-giving waters for all who come.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States making nominations, which were referred to the appropriate committees.

CONFIRMATION OF POSTMASTERS

As in executive session,

Mr. PHIPPS. I ask unanimous consent that the nominations of postmasters on the Executive Calendar may be confirmed en bloc. I do not think there is objection to any of them.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, the nominations will be confirmed en bloc, and the President will be notified.

W. BATEMAN CULLEN

Mr. PHIPPS. Mr. President, on April 28 the Senate confirmed the nomination of W. Bateman Cullen to be postmaster at Clayton, Del. I desire to enter a motion to reconsider the vote by which the nomination was confirmed and ask unanimous consent that the President be requested to return the resolution confirming the nomination to the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT OF POSTAL NOMINATIONS

As in open executive session,

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

NOMINATION OF JUDGE JOHN J. PARKER

The Senate in open executive session resumed the consideration of the nomination of John J. Parker, of North Carolina, to be an Associate Justice of the Supreme Court of the United States.

Mr. HASTINGS obtained the floor.

Mr. FESS. Mr. President, will the Senator from Delaware yield to me to enable me to suggest the absence of a quorum?

The VICE PRESIDENT. Does the Senator from Delaware yield for that purpose?

Mr. HASTINGS. I yield.

Mr. FESS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	George	McCulloch	Steiwer
Ashurst	Gillett	McKellar	Stephens
Baird	Glass	McNary	Sullivan
Bingham	Glenn	Norris	Swanson
Black	Goldsborough	Nye	Thomas, Idaho
Blaine	Greene	Oddie	Thomas, Okla.
Blease	Hale	Overman	Townsend
Borah	Harris	Patterson	Trammell
Bratton	Harrison	Phipps	Tydings
Brock	Hastings	Pine	Vandenberg
Broussard	Hatfield	Pittman	Wagner
Capper	Hawes	Ransdell	Walcott
Connally	Hayden	Robinson, Ind.	Walsh, Mass.
Copeland	Hebert	Robsion, Ky.	Walsh, Mont.
Couzens	Howell	Schall	Waterman
Cutting	Johnson	Sheppard	Watson
Deneen	Jones	Shipstead	Wheeler
Dill	Kean	Shortridge	
Fess	Kendrick	Smoot	
Frazier	Keyes	Steck	

Mr. BLAINE. I desire to announce that my colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. SHEPPARD. I announce that the Senator from Florida [Mr. FLETCHER], the Senator from Utah [Mr. KING], and the Senator from South Carolina [Mr. SMITH] are all detained from the Senate by illness.

Mr. BLACK. I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. A quorum is present.

Mr. WALSH of Montana. Mr. President, will the Senator from Delaware yield to me for a few moments?

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Montana?

Mr. HASTINGS. I yield.

Mr. WALSH of Montana. On yesterday a suggestion was made that in view of some controversy as to what actually took place in the so-called Harness case involving the nominee, Judge Parker, it would be well to have before us the instructions of the judge in that case in which it is represented strictures were made on the conduct of counsel. I have before me this morning a copy of the instructions of the court in directing a verdict and ask that the same be printed in the RECORD. With the permission of the Senator from Delaware, I should like to advert to those parts of the instructions which seem to bear upon that question.

The VICE PRESIDENT. Does the Senator from Delaware yield for that purpose?

Mr. HASTINGS. I yield.

Mr. WALSH of Montana. I ought to say that this was a prosecution of one of what were known as the war fraud cases. It will be recalled that upon the incoming of the Harding administration the then Attorney General, Mr. Daugherty, appeared before the Congress and represented that gigantic frauds had occurred during or immediately following the World War, and he asked for an appropriation for the purpose of investigating

and prosecuting those guilty of such frauds. The Congress responded by making an appropriation of $500,000, which amount was placed at the disposal of the Department of Justice for the purpose of carrying on the prosecutions. It afterwards transpired that something like 105 lawyers were appointed for the purpose of conducting the work. Later it was disclosed that the Department of Justice, after some years of effort, something like six or seven years, and securing no conviction in any case, had abandoned the whole effort. This case belonged to that category.

Judge Groner in his instructions referred to political opposition to the contract which was made the basis of the prosecution, which arose over the country after it was executed. I should say that it involved the sale of harness which had been bought by the War Department. In order to effect the sale it became necessary to make a survey and inspection to determine whether there was any further need for all of that material which had been accumulated during the war. It was charged that in connection with the inspections those who were made defendants in the proceedings had corrupted officials for the purpose of securing favorable action. Some of the subordinate officers of the War Department were made defendants along with others. In the course of the instructions of the court—I read now from page 2459 of the record—occurs the following:

In this case there were originally, as I recall it, seven defendants. At the close of the Government's case I concluded that there was no evidence, not even a scintilla of evidence, against the defendants Skinner and Estes and I therefore instructed you at that point of the case to acquit them.

I should say in this connection, Mr. President, that, as I am advised, there was a serious controversy among the attorneys of the Department of Justice as to whether the facts accumulated in this case would warrant the finding of an indictment or a conviction, and that Mr. George Hoover, an eminent lawyer connected with the department at that time, took the position that the facts did not justify the prosecution at all, and he subsequently withdrew from the case; but these controversies being referred from time to time to the Attorney General, he always replied that the prosecution must go on. I read now from page 2460, as follows:

I think there can be no question of doubt, gentlemen of the jury, that not only in this case has the Government failed to establish to the satisfaction of a judge or a jury that these defendants have committed the offense for which they have been brought to this bar, but I am disposed to go further, and I think it is my duty to go further, and say that I believe that there has been affirmative evidence in this case which justifies me in saying that these defendants have proved that they are not guilty of the offense charged in the indictment.

At page 2471 I read as follows:

The other evidence is that this advertising campaign was all a fraud—

After it was determined that the harness should be sold advertisements were placed in various newspapers through the country indicating that the property was for sale, and soliciting bids.

Now, the other evidence is that this advertising campaign was all a fraud; that there wasn't any bona fides in it at all; it was a scheme, an artifice, a trick. When I saw that mass of evidence brought in here of advertising, nearly every kind of paper that would go to every kind of person that would be interested in this property—I wouldn't see it, because I don't read that sort of literature; and if I did see it, it would have made no impression on me, because I wasn't a prospective purchaser for that sort of property—but advertisements which went to the trade, from which offers to purchase property of this kind might have been expected.

What more could have been done than was done? My friends who represent the Government earnestly contend in this case for a verdict. Their conduct has been characterised by fairness; I think by great ability; but to say that because it wasn't advertised but once in each one of these papers—they are all weekly papers, gentlemen, and I think if it had been advertised more than once it would have been permissible for somebody to have said that there was a like extravagant disregard of the interests of the United States, as everybody witnessed during the war, when there was a perfect orgy of spending Government money, so much so that the very respectable and very respectful old gentleman, Mr. Campbell, was enabled out of one contract for an article for the Government to make over a million dollars. How much over, I don't know. So I say when I consider the undisputed, unanswered evidence in this case from the head of the advertising department of the Government that he had positive, unequivocal, binding instructions to do his best to advertise this property in order that he who runs may read and the world might know. No fetters were put upon him. He is not a defendant in this case; had no interest in this case; apparently a reputable member of society. He was called on by Morse, I believe, or the other man, Hanson—I have forgotten which—and instructed to broadcast this information that the Government had this property for sale, and he did his best, and when I consider all of that, plus all of the other evidence in this case of advertising—it is monstrous, monstrous that you should be asked to say that behind it all was a trick, that it was a camouflage, that it wasn't real, that it wasn't meant. What justification could you, on your oaths, in your consciences find for saying any such thing as that? I can't see it. It seems to be perfectly clear that it was a bona fide advertising campaign, but it didn't stop there.

I now read from page 2474:

To that part of this indictment which charges that these defendants conducted an untruthful campaign of advertising, if this jury by reason of anything, I don't care what, got it into their heads that that was true, I would be obliged to feel otherwise, because I can't see anything. We have to deal with cases on the evidence, gentlemen, and there isn't a single jot or tittle of evidence in this case that this was fraudulent.

I now read from page 2476, as follows:

On top of that comes the Secretary of War, a gentleman who occupied that high position at a time of greater peril than this country has ever undergone, unless it be in those dreadful days between 1861 and 1865, a gentleman whose character I have never heard questioned, who certainly can't have any interest in this case, who, I imagine, would rebel at the thought of protecting men who were traitors to their country. I didn't know him, and never saw him until he came on the witness stand except, as you know him, from his reputation, but I don't imagine a man who has been Secretary of War of this country, I don't care what party he belongs to, would debauch his high office and the character that goes with it by saying that he and his staff, charged with the administration of that particular project, conceived it and carried it into effect because it was believed to be the wise and proper thing in the division of the agencies of the Government, the Ordnance and Quartermaster Departments. And you have heard the evidence of Major General Williams, that he appointed a board and took evidence and had the matter considered and that they deliberately—the reason which they gave and which had nothing whatever to do with harness or harness contractors—concluded that was the wise thing to do. How can I submit a question to you to determine whether these defendants were conspiring to accomplish that purpose? I can't do it, it wouldn't be fair and wouldn't be decent and wouldn't be fair to you, and it would be cowardly in me.

Now reading at page 2478:

I think there ought to be a law which makes it a violation of law for any man who is engaged with the Government in any employment, after he goes out of the employment of the Government, to take a contract or have anything to do with any of the Government business relating to those things which he handled while he was in the Government. It makes me sick when I contemplate the crowd of people in Washington now—lawyers, all sorts of people—who are practicing in departments which they presided over a few months or a few years ago. I don't think it is right and don't think it ought to be done, but that has nothing to do with this case. That is a question of good manners, and refinement of feeling, and ethics, and has nothing to do with the guilt or innocence of these defendants, and I think it is fair to say that if ever there was, according to this evidence, justification for that sort of thing, it is shown to have existed in this case.

Mr. HASTINGS. Mr. President, I was wondering whether I might now proceed.

Mr. WALSH of Montana. If the Senator will pardon me, I will be through in just a moment. I regret, Mr. President, that I am unable at the moment to find a reference to the failure to produce evidence, but I shall come to it later. The concluding portion of the instruction of the judge is as follows:

So, gentlemen of the jury, I think, when you consider that this contract was hardly made before opposition to it developed, opposition of a political character which was brought to the attention of the Secretary of War, and he turned it over to General Chamberlain, whom I happen to know is one of the ablest officers of the United States Army, or was—I think he is retired now. I have known him for many years myself, a very able man, and Inspector General of the United States Army for many years. He made an investigation; he didn't find anything to criticize. On the contrary, he gave it his approval. Then they had a congressional investigation. I don't know what happened there. The result was not disclosed here, and should not have been. They had all kinds of other investigations, and had a lawsuit in this very court, decided by Judge Baker, involving the right of the Government to cancel the contract. Had the Tanners' Council down on them because, unquestionably, they felt that it was inimical to their best interest to have this quantity of harness dumped on the markets of the country. I say, when you consider all these things, gentlemen, and take into consideration what occurred in the meeting in Chicago, which everybody was invited to, that was supposed to have an interest and was likely to be



helpful to the United States, because the United States was the beneficiary, principally, of high prices for this harness—there was no possible interest to Byron to sell this property low—the more it sold for the more he got, and so when I heard the minutes of that meeting out in Chicago read, I never heard a fairer, apparently more ingenuous, honest disclosure of the exact facts than these men, Byron and Goetz, made to those people gathered there. He asked them to come in because it would be helpful to them and the Government. They had great selling organizations; they had salesmen on the road and were paying them big salaries. I don't know how much the combined capital of all these different concerns is, but all the facilities of all these different concerns were just brought under the control of this company for the benefit jointly of the United States and the company.

So, gentlemen of the jury, I very imperfectly reviewed all of this mass of evidence. I have thought over this question because I anticipated, of course, that this motion would be made. I have endeavored without success to find in the record something upon which I could say that it is the duty of the jury to judge as to the truth or untruth of this or that or the other particular statement upon which this case hinges. It has given me great concern, but, as I said at the outset, having determined to the best of my humble limitations what my duty is in the premises, I am impelled and compelled to instruct you to find a verdict of not guilty as to all of these defendants.

The paragraph to which I wanted to call particular attention recites that with respect to a certain feature of the case, namely, requests for clearances from the department, while there was no evidence furnished by the Government, the evidence of the facts actually taken from the Government files showed four requests for such clearances.

Now, Mr. President, that is the record.

Mr. FESS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Ohio?

Mr. HASTINGS. I yield.

Mr. FESS. The Senator from Montana has not read the portion of the instruction which includes the comment of the judge as to the manner in which the trial was conducted.

Mr. WALSH of Montana. Yes, indeed, I did.

Mr. FESS. The Senator from Virginia [Mr. GLASS] has had his memory refreshed regarding the statement of the judge; he has been present during the reading. I am sure he knows to what I refer.

Mr. WALSH of Montana. I read that; I will be glad to read it again if the Senator cares to hear it.

Mr. FESS. I should like to have the Senator read it.

Mr. GLASS. Mr. President, let me say that I followed the Senator from Montana with great care, and he read the reference the Senator from Ohio has in mind. He distinctly read from the record the statement of Judge Groner that the action of counsel in the case had been characterized by great fairness as well as ability.

Mr. FESS. Then, I beg pardon.

Mr. WALSH of Montana. Mr. President, I have before me, if the Senator from Delaware will pardon me further, the paragraph which I overlooked, and which is as follows:

Captain Bosson says that he was delayed in getting clearances. He does not specify any particular clearances. He doesn't put his finger on any particular bid, any particular property that he had for sale or wanted to sell and say, "I went to this defendant Morse and asked him to allow me to clear this property for sale"—not one single instance, and yet the defendant in their behalf showed to my decided amazement that there were as a result of papers taken from the Government files and in the possession of the Government, at least four requests for clearances covering this harness made in the usual course from the property division to the sales division which contained Mr. Morse's visa after the receipt of these applications in his office. Bearing in mind the obligation of the Government to produce evidence of concrete, satisfactory character, in the face of positive evidence from its own files that this man Morse was not refusing clearances, it isn't enough to say he was refusing them because if he was the record was available to the Government and in its possession, and its failure to produce a single record at that time so that it became and ought to have become legal evidence, leaves no other conclusion than that there is no evidence to justify that statement.

The judge announced that he was amazed that these four documents in the possession of the Government were not produced.

Mr. FESS. Mr. President, the Senator has not as yet read the extract to which I have referred.

Mr. GLASS. Mr. President, what the Senator from Ohio directed attention to is not contained in the extract the Senator from Montana just read, but he did read it earlier, to wit:

The presiding judge said counsel in the case had conducted it with characteristic fairness as well as ability.

The Senator from Montana read that previously, but not just now.

Mr. OVERMAN. Mr. President, what the Senator from Montana is reading is from the instruction of the judge to the jury in the case. That same judge has said that the conduct of Judge Parker in that case was admirable, and that he is worthy of confirmation by the Senate.

Mr. WALSH of Montana. Mr. President, I renew my request that the entire instruction of the court to the jury may be printed in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

CHARGE TO THE JURY

The COURT. Gentlemen of the jury, we have been engaged in this trial for a week and a half, and it is a matter of very considerable satisfaction to me to be able to say that I have observed with interest that you have been unusually attentive to the proceedings in court, prompt in your attendance on the sessions of the court, and have discharged the duties which as citizens it is your duty to discharge with marked fidelity, and I have every confidence in you although we are complete strangers to one another, and I should be very glad to shift the responsibility of deciding this case from my shoulders to yours if that course were consistent with my conception of my duty.

I haven't any real doubt, gentlemen of the jury, how you would decide this case. Of course, as to that I may be in error, but if because I believe that you would decide this case as I have concluded it should be decided, I should have side-stepped my duty, shirked the responsibility which the oath of office I have taken places on me. I am sure you would feel that I were both unworthy of filling this high office and I would feel, gentlemen of the jury, that I had been craven and cowardly in the discharge of an important duty. So you will understand, gentlemen of the jury, in what I am now about to do I am led to it with more reluctance almost than I ever approached any other official duty, and only because I feel that it is a duty which my oath and my conscience imposes on me.

The law is well stated, gentlemen, that there is a legal presumption that every person charged with crime is innocent until he is proven guilty beyond a reasonable doubt, and under our system of criminal jurisprudence the burden of establishing the guilt of the accused is a burden which the law itself imposes upon the Government, whether it be the State or the Nation. If in the trial of a case the facts are as consistent with innocence as with guilt, the duty of the jury, and where that fact is plainly apparent, the duty of the court is to direct that the defendants be found not guilty. It is therefore my duty which the law, which I had no part in the making, imposes on me, presiding at a trial of this kind and listening to the evidence, giving proper weight to all of the testimony that is adduced by either side at the close of the case, if after reviewing it all I conclude that if a jury were to find a verdict against the accused of guilty, that I would have to set it aside; then in that case it is my duty to anticipate the action of the jury and to instruct them to find a verdict of not guilty.

I am aware, gentlemen of the jury, of the important character of this case. Nothing is more important, and particularly at this time, than that those who are guilty, and particularly those who are guilty of defrauding the Government should be made to answer for their offenses. It is of the highest importance to the integrity of the law and to the maintenance of government itself that neither court nor jury should ever hesitate to find a defendant guilty, whatever his position in social life may be, if the evidence unmistakably points to a violation by him of a statute or law on which an indictment is founded and upon which he has been brought to a bar of justice.

In this case there were originally, as I recall it, seven defendants. At the close of the Government's case I concluded that there was no evidence, not even a scintilla of evidence, against the defendants Skinner and Estes, and I therefore instructed you at that point of the case to acquit them. I was almost persuaded, gentlemen of the jury, at that stage of the case that it was my duty to instruct you to find a verdict of not guilty as to all of these defendants, but I realized that in the hurry of the trial a great deal of evidence had been adduced, and that although I had spent my nights up to 2 and half-past 2 o'clock frequently, going over this evidence as these stenographers have written it out from day to day, so that my mind would be fresh, and I wouldn't overlook any of it; that there might have been something that escaped me which presented an issue of fact which was and is, under our system, a matter exclusively within the purview and control of the jury, and so I directed the defense to proceed, in order that I might have further opportunity for examination of the evidence, the affirmative evidence adducted against them as well as any further evidence that might result as the case proceeded. I have continued to keep abreast, I think, of the evidence, but of course I don't mean to say some lapses of memory will not occur or do not occur as I undertake to summarize it in my own mind; still I think there can be no question of doubt, gentlemen of the jury, that not only in this case has the Government failed to establish to the satisfaction of a judge or a jury

that these defendants have committed the offenses for which they have been brought to this bar, but I am disposed to go further, and I think it is my duty to go further and say that I believe there has been affirmative evidence in this case which justifies me in saying that these defendants have proved that they are not guilty of the offenses charged in the indictment.

Feeling that way, gentlemen of the jury, I am sure you will sympathize with me in my conclusion that I ought not, under such circumstances, to adopt the easiest way, the way in which I could always say that I had submitted the case to the jury, but that you will realize, as much as I regret, that it is my duty to act myself rather than to impose that duty on you, that since it is my duty I ought to do it.

Now, gentlemen, I am not going to summarize the evidence because I have told you my conclusion, except just in a very casual way in order that you may understand as laymen, perhaps not acquainted with how these questions present themselves, my point of view. This indictment has but one count. It is very lengthy, has not been read to you, but as intelligent men so much has been said about it that I am sure you are familiar with it. In substance it charges that these defendants desired to procure from the United States a contract whereby they and their corporation—a corporation to be formed by them in which they would be the principal stockholders and the principal beneficiaries—would be given the right to sell the horse equipment belonging to the Government on a commission basis at an excessive rate and that they would also be able, the indictment charges, to sell the equipment at inadequate prices to favored corporations in which they were interested or which they would organize themselves, to purchase the equipment; that to this end, that is, in order that they might procure this contract they would represent to the officers of the Government whose duty it was to sell the harness, that its condition was unfit for use and thereby induce these officers and people who might otherwise become purchasers of the Government's property to believe that it was unfit for use and thereby not to bid and become competitors of theirs in the seeking by them of this contract. Then there are a number of specifications in the indictment.

One is that they represented to Mr. Bosson, whose duty it was to find purchasers for this property, that the equipment was in bad condition and worthless and misled him; that they persuaded the chief of the surplus property division and persons working under his division to reject bids and delay action on advantageous bids by other purchasers, prospective purchasers; that they corruptly seduced the Government sales manager, Morse, to refuse clearances and permits for the sale of this harness; that they caused advertisements to be made of the sale of the harness, which were not in good faith, which were frauds, weren't intended to be what they purported to be, a real invitation to people to bid; that they persuaded responsible officers of the Government by false representations to conceal from the public that the harness was for sale; that in order to destroy the opportunity on the part of the Government for conversion of harness into commercial harness they planned and carried on the campaign whereby the Government's factory or one of its factories at Rock Island, Ill., was dismantled; that by bribes and offers of employment they induced various Government officials, including Morse and Yates and Hanson and Skinner, to violate their duty in connection with the sale of Government property; that by bribes and promises they induced Morse to join their conspiracy and to enter into a contract on behalf of the United States with them whereby they got an unconscionable bargain that nobody else would have gotten, and that was in fraud of the rights of the Government; and that after the formation of the contract, further in confederation with Morse, they obtained additional Government property, and that after all of this was accomplished they handled the property in such a way as to increase their own emoluments or profit and to deprive the Government of money and property which justly and honestly and in good conscience it was entitled to. That, gentlemen of the jury, in substance, is the charge upon which these defendants have been brought to bar. The evidence that the Government has adduced in this case in order to satisfy the minds of the jury, which must be satisfied beyond a reasonable doubt that these defendants have been guilty of these things, consists, I think I may say, almost exclusively, so far as direct evidence is concerned, in the testimony of Captain Bosson that when he applied to Goetz for assistance and information, Goetz told him that the H. T. G. harness was of no value except as to the bridles and reins, or maybe he said as to the bridles—I have forgotten which—and that Goetz told him when he asked him to help him plan the campaign to get rid of it and to use his influence to give him an opportunity to go out in the country and sell it, he would see if it could be done and that thereafter Goetz had a talk with Morse, and I believe he replied to him that it was not advisable to do anything for the present until some definite policy was determined as to what would be done about the sale of surplus harness. He also testified that he could have sold harness if he had gotten clearances for it.

I think the evidence in this case unmistakably is that there couldn't be any advertisement of harness until there had been a clearance of it. He says that was the rule, but that it didn't apply in this case, and yet the fact is, gentlemen, that the uncontradicted evidence is that there were five separate offers for Government surplus harness extending over a period of 5, 6, or 7 months, or 4 or 5 months, beginning early in that year and extending up into August, and that the harness was advertised and was sold at each one of these sales. It is also a fact that on the fourth sale this particular kind of harness was advertised, and that a month or so later there was a fifth sale at which it was again advertised. There isn't any evidence in the case on behalf of the Government that anybody ever bid for any of this breast collar H T G and Artillery harness except that Mr. Boyt made a bid—at a lower figure, by the way, than that of the return by these people in the final wind-up of their transactions with the Government. However that may be, he did make a bid, and he said that he left it with Mr. Bosson, and Mr. Morse testifies that he never saw it, and there is no evidence that Mr. Bosson ever passed it on down the line.

It would have been Mr. Bosson's duty to have given that bid to his superior officer, who was Colonel Yates. Colonel Yates, I think it is fair to say, was subpœnaed as a witness in this case, was brought here, and was here in the court room and was not interrogated, so I think it is not only fair, gentlemen of the jury, but I think it is perfectly apparent that that bid was never brought to the attention of Mr. Morse; but whether it was or not, the evidence of Boyt given on behalf of the Government, who vouched for him as a credible, reliable witness, because that is the obligation which they assume when they put a witness on the stand unless they put him on as an adverse witness—the evidence of Boyt is that he withdrew his bid on the 19th day of August. I was curious to know because it was the essence of this case, whether he was induced to withdraw his bid by any of these defendants, because if such evidence as that had been adduced you would be trying this case now, gentlemen, and I would not be deciding it. If he had been the defendants' witness and he had stated that he withdrew his bid without any procurement on their part, I would have drawn no conclusion from it. But he was a Government's witness, and it is their evidence, therefore, which they vouch to this jury and to this court that he had not seen any single one of these defendants at the time he withdrew his bid.

I don't know whether that is true or not, but I do know that it isn't within your scope or power or mine to conclude that the evidence upon which the Government asks for affirmative action at your hands and which negatives its own position is untrue. There isn't anything to suggest that it is untrue. There isn't any inference from which this jury may conclude that it is untrue and so, gentlemen of the jury, I say with that exception and the bid of the man from Greenville, S. C., who had a million and odd dollars to bid on Government property, who came in on the 7th and made his bid after he was advised of what had occurred, went back to his hotel and made his bid and submitted it after this agreement had been made when it was not within the power of the Government to deal with him, there isn't any other evidence of any bid ever having been made or ever having been received by any officer of the United States Government for any of this H T G and Artillery harness advertised in these lists 4 and 5. If there was, the Government, of course, would have adduced evidence to that effect so that I don't think this jury can draw any proper inference, I don't think they can come to any conclusion that there was any demand which would have justified anybody in saying this property then was readily marketable.

Captain Bosson says that he was delayed in getting clearances. He does not specify any particular clearances. He doesn't put his finger on any particular bid, any particular property that he had for sale or wanted to sell and say, "I went to this defendant Morse and asked him to allow me to clear this property for sale," not one single instance; and yet the defendants on their behalf showed to my decided amazement that there were as a result of papers taken from the Government files and in the possession of the Government at least four requests for clearances covering this harness made in the usual course from the property division to the sales division which contained Mr. Morse's visa within a few days after the receipt of these applications in his office. Bearing in mind the obligation of the Government to produce evidence of concrete, satisfactory character in the face of positive evidence from its own files that this man Morse was not refusing clearances, it isn't enough to say he was refusing them because if he was, the record was available to the Government and in its possession, and its failure to produce a single record of that kind so that it became and ought to have become legal evidence leaves no other conclusion than that there is no evidence to justify that statement.

In addition to the evidence of Captain Bosson there is the evidence of a Captain or Major Hume, who testified as to the incident (I speak of it as the incident) of May 7, in which there were some bids received for some component parts of harness and in which the price is apparently satisfactory, because it is so stated in the memorandum and nobody disputes it, but which, nevertheless, were recommended for rejection. The only connection that these defendants have with that incident is that Mr. Hume says that he saw Mr. Goetz bring that paper, the yellow paper that you saw introduced in evidence, down to Mr. Skinner's office and obtain Mr. Skinner's initialing of that paper, with the recommendation that the bids be not accepted, and the reason given

was that until it was determined what the policy would be as to all the harness it was unwise to accept the bids. There are a great many things, gentlemen, in connection with that incident which open very wide the door of doubt as to the accuracy of evidence as to Goetz's connection with it, but if I thought that the question was decisive of this case, that it was an incident which would justify you in finding a verdict in this case and would justify me in refusing to interfere with that verdict if you found it, I would submit that question as between Goetz and Hume, whether it was true or not, because, as I said before, you are the judges of the facts. You have a right to determine who is telling the truth and who is not telling the truth, to winnow the true from the untrue. That is your job; but if I concede that that is true, I say it is just as consistent with innocence as it is with guilt. There isn't any reason, there isn't any justification, and there wouldn't be and couldn't be any justification on your part in finding that there was a conspiracy, as the Government alleges, beginning way back yonder when the country was rejoicing in the return to peace, the cessation of the war, and going right up to the day at Elkins, W. Va., that this indictment was found, from that incident alone, nor could it justify you or me in saying that there was a conspiracy in which this man Morse and in which Skinner and Estes and Byron and Benke and the others of them were concerned to strangle the efforts of the Government to dispose of its property.

But I don't think when I review the facts in this case that this jury would be justified in accepting that evidence. Skinner testified to the contrary, and he was no longer a defendant when he testified. The strong arm of the Government could not extend to destroy his peace of mind or to fetter his liberty at the time he was a witness in this case. Goetz testified the same thing.

The young lady who was the stenographer in the office said that that particular form, that particular kind of paper that this particular memorandum was written on was used exclusively in Skinner's office and, therefore, my conclusion is that it must have been written there unless somebody had borrowed the paper and taken it away for that purpose, which is almost an inconceivable situation where the Government had reams of paper on every man's desk—that it must have been written there and therefore that it couldn't have been brought down to Skinner in the way in which Mr. Hume says it was. In addition to that, Mr. Hume testified that when the bids were opened the recommendation of rejection was made, the note was written, Goetz came right down and got Skinner's visa or O. K. The facts are that the bids were opened three days before that note was dated and, therefore, that in that respect, at least, he was mistaken because if the bids were opened on the 4th and the letter was written simultaneously, coincidentally with the opening of the bids, it follows that it would not have been dated the 7th, but the 4th. I am not surprised that people are mistaken about things of this kind but could any jury in this free land of ours undertake to stigmatize as traitors four or five of their fellow citizens upon such evidence as that, and could any court, gentlemen of the jury, with courage—and when courts lose courage the foundation stone of our Government is in peril—allow a verdict based upon evidence of that kind to stand? I think not; and that is why, gentlemen, I am impelled to do what I do.

Now, the other evidence is that this advertising campaign was all a fraud, that there wasn't any bona fides in it at all, it was a scheme, an artifice, a trick. When I saw that mass of evidence brought in here of advertising, nearly every kind of paper that would go to every kind of person that would be interested in this property—I wouldn't see it, because I don't read that sort of literature, and if I did see it it would have made no impression on me because I wasn't a prospective purchaser for that sort of property—but advertisements which went to the trade from which offers to purchase property of this kind might have been expected.

What more could have been done than was done? My friends who represent the Government earnestly contend in this case for a verdict. Their conduct has been characterized by fairness; I think by great ability, but to say that because it wasn't advertised but once in each one of these papers, they are all weekly papers, gentlemen, and I think if it had been advertised more than once it would have been permissible for somebody to have said that there was a like extravagant disregard of the interests of the United States as everybody witnessed during the war when there was a perfect orgy of spending Government money, so much so that the very respectable and very respectful old gentleman, Mr. Campbell, was enabled out of one contract for one article for the Government to make over a million dollars. How much over, I don't know. So I say when I consider the undisputed, unanswered evidence in this case from the head of the advertising department of the Government that he had positive, unequivocal binding instructions to do his best to advertise this property in order that he who runs may read and the world might know. No fetters were put on him. He is not a defendant in this case, had no interest in this case, apparently a reputable member of society. He was called on by Morse, I believe, or the other man Hanson—I have forgotten which—and instructed to broadcast this information that the Government had this property for sale and he did his best, and when I consider all of that, plus all of the other evidence in this case of advertising, it is monstrous, monstrous that you should be asked to say that behind it all was a trick, that it was a camouflage, that it wasn't real, that it wasn't meant. What justification could you, on your oaths, in your consciences find for saying any such thing as that? I can't see it. It seems to be perfectly clear that it was a bona fide advertising campaign, but it didn't stop there. This man Morse testifies, and his testimony is undisputed, uncontradicted—and he is entitled to testify in a criminal case, and his testimony is entitled to just as much weight at the hands of the jury as that of any other person who testifies, considering his interest in the case—he wrote to Montgomery Ward & Co. and to Sears, Roebuck. I don't know anything about Montgomery Ward & Co., but there isn't anybody who doesn't know something about Sears, Roebuck. They sell anything from a pin to a palace, and I believe one of them, I have forgotten which, said they did over $2,000,000 of business in harness a year. Is there anything that impresses your minds with the taint of fraud about that correspondence? I don't see where it is. I don't see what this man could have done that he didn't do in those letters. He said, "Here is what we have got. I am appealing to you, a great big commercial and industrial concern, having an interest in the Government and wanting to make money for yourselves, to take advantage of this opportunity and make us any kind of a proposition that you think is advantageous to you and that will be acceptable to the Government for handling this property," and the same letter to the other men, and those men have been brought here and they have corroborated it. They didn't think it was a fake. They didn't think that Morse was camouflaging, that it was an unlawful conspiracy which he had hatched with these men and which was smoldering in his mind and heart and conscience at that time. They didn't think anything of that kind, because, gentlemen of the jury, they took it up seriously and they concluded there was nothing in it and they couldn't make anything out of it for themselves, and they didn't want to handle it.

To that part of this indictment which charges that these defendants conducted an untruthful campaign of advertising, if this jury by reason of anything, I don't care what, got it into their heads that that was true, I would be obliged to feel otherwise, because I can't see anything. We have to deal with cases on the evidence, gentlemen, and there isn't a single jot or tittle of evidence in this case that this was fraudulent. You have got to infer from it that it is fraudulent. You have got to, somehow or other, penetrate into the conscience of Morse and determine from that that this was a fraudulent scheme. And so likewise, gentlemen, the Government says that these defendants conspired about this Rock Island business. The thought that kept running through my mind as I listened to that evidence was, What on earth advantage is it to conspirators who wanted to destroy the opportunity of the Government, the means to the Government of converting its harness and put it in a position to have to knock at every man's door that is engaged in that business for terms to convert its harness; what on earth is the advantage to them of destroying Rock Island when Jeffersonville was still doing business and all the harness that was converted, either before this contract was thought of or since this contract was terminated, was at Jeffersonville. There hasn't been any evidence here of what the capacity of Jeffersonville is. I don't know, and I don't suppose you do, but if it hadn't been sufficiently capacious to do this work and hadn't had paraphernalia, labor, and all that sort of thing, I assume the Government would have shown it to you, because the Government bears, as I have told you many times, the burden of proof in a case of this kind, so that it just occurred to me, as I sat here and listened, what a senseless thing it was for smart men—these are smart men, able men—the evidence shows that conclusively—what a perfectly idle, fooling thing, what a silly thing it was to render themselves liable to the charge of conspiracy in destroying something that didn't do them a bit of good under the sun, because the Government could still have converted, as it did convert under the direction of this gentleman, Colonel Warfield, its harness at a later date, so in my opinion, gentlemen, it is a question which I couldn't submit to you. I could ask you to find, if there had been evidence of it—but what is the evidence of it—that Byron wrote a letter, I believe, recommending that the property be converted and suggesting that it be done at the Rock Island or Jeffersonville (I have forgotten the details), and that Goetz wrote a letter suggesting, in 1919 I believe, that the property at Rock Island be moved to Jeffersonville and either used or stored there. That is all the evidence.

On top of that comes the Secretary of War, a gentleman who occupied that high position at a time of greater peril than this country has ever undergone—unless it be in those dreadful days between '61 and '65—a gentleman whose character I have never heard questioned, who certainly can't have any interest in this case, who, I imagine, would rebel at the thought of protecting men who were traitors to their country. I didn't know him, and never saw him until he came on the witness stand except, as you know him, from his reputation, but I don't imagine a man who has been Secretary of War of this country, I don't care what party he belongs to, would debauch his high office and the character that goes with it by saying that he and his staff, charged with the administration of that particular project, conceived it and carried it into effect because it was believed to be the wise and proper thing in the division of the agencies of the Government, the

Ordnance, and Quartermaster Departments. And you have heard the evidence of Major General Williams, that he appointed a board and took evidence and had the matter considered and that they deliberately—the reason which they gave and which had nothing whatever to do with harness or harness contractors—concluded that was the wise thing to do. How can I submit a question to you to determine whether these defendants were conspiring to accomplish that purpose? I can't do it, it wouldn't be fair and wouldn't be decent and wouldn't be fair to you, and it would be cowardly in me.

Now I think that about runs the gamut. What a wealth of other evidence there has been in this case for defense, but I don't want you, gentlemen of the jury, to understand from what I have said, and I would like to have it thoroughly understood, and I don't want it to be understood from what I have said, as approving men who have been employed by the Government entering into contracts with the Government.

We have got a law on the statute books that a Member of Congress shall not be appointed to any office created during his term of office until after another term has elapsed. I think that is the correct statement of the law. I think there ought to be a law which makes it a violation of law for any man who is engaged with the Government in any employment, after he goes out of the employment of the Government, to take a contract or have anything to do with any of the Government business relating to those things which he handled while he was in the Government. It makes me sick when I contemplate the crowd of people in Washington now—lawyers, all sorts of people—who are practicing in departments which they presided over a few months or a few years ago. I don't think it is right and don't think it ought to be done, but that has nothing to do with this case. That is a question of good manners and refinement of feeling and ethics and has nothing to do with the guilt or innocence of these defendants, and I think it is fair to say that if ever there was, according to this evidence, justification for that sort of thing, it is shown to have existed in this case, because I think the evidence overwhelmingly shows that this contract was not instigated by Byron or any of his codefendants. I think that by reason of the fact that he had established himself in the regard and esteem of the people connected with the sale of this surplus Government property, and particularly this harness, as a man of character and a man of ability, that instinctively they turned to him as the person who would be most likely to do best for the Government in this transaction; and if he had said to the Government, "Under the circumstances I am perfectly willing to serve you without any compensation," then nobody, of course, could have criticized him. But the general in charge, General Burr, I believe his name was, seems to have picked him as the man to do this job. The colonel who is his assistant testified here yesterday—I have forgotten his name, but he had a handkerchief around his neck; you gentlemen will remember him—that after a conference with his chief he concluded Byron was the man. Colonel Yates apparently thought that Byron was the man, and they all went to him, and I think it is fair to say in his behalf that when he concluded to enter into this contract there wasn't any secrecy about it, wasn't anything hidden about it. He wrote a letter; you could judge by—I don't think it is fair to say the letter is disingenuous; I don't think it is fair to say he had any ulterior purpose in this letter of building up his character or establishing himself. I don't think there is anything in that letter by which any conclusion of that kind can be reached. He says, "I am willing to do this thing; I expect to be paid; I expect to make a profit, and I believe I can make a profit for the Government; and if I do, the following persons will be associated with me," and he names them all and mails that to his superior officer, so that the Government was forewarned; and I think if there is any criticism of Byron and his associates for entering into this contract, the criticism is equally applicable to the officers of the United States Government, from the highest to the lowest, who entered into it with him.

After he had gotten the contract I haven't heard any evidence, gentlemen, which would justify you in saying there had been maladministration of his trust as an agent of the Government; but if there was, that isn't the question which can be tried in this case. The question here is, Was there an evil and corrupt conspiracy to obtain the contract? And if there was not, and they got the contract legitimately, although he administered it illegitimately, that would be the subject of an accounting between him and the Government in some other kind of action than that which we are trying here to-day, but I think it is fair to him to say that I haven't heard any evidence which would justify the conclusion that he had abused his trust. It is true that he sold these component parts, and didn't do much converting, but that was the way the thing ought to have been done, apparently. The best results were accomplished that way. Ultimately the harness had to be converted, but before that time arrived to any considerable extent the contract was terminated by the action of the Government. He did make a large profit, that is to say, he got $25,000. I don't know how much Major Byron is worth. I don't know whether he is a $25,000 a year man or not. You can't judge by the salary he got when he was in the Government service, because the Government pays everybody very little, and men were serving for a dollar a year with professional and business incomes frequently of $500,000 a year—Schwab, and men of that character, who make all kinds of money—down there for a dollar a year, so I don't think you can fix upon what his value as a business man is by the salary he was getting from the Government; but he did make a good contract, apparently, but when you consider the amount of property that they handled—nearly $2,000,000 worth—and the fact that after deducting the proper charges, to which no question is raised, and after putting in hotch potch the salaries which they got it is still less than 10 per cent on the amount of sales; that doesn't strike me as such a contract as would shock the conscience; but even if he had got an unconscionable contract unless, as I say, he got it by fraud, by seducing this man Morse, by concealing the facts from other bidders, by misrepresenting the property of the Government, it wouldn't make any difference, because the Government makes many improvident contracts.

So, gentlemen of the jury, I think, when you consider that this contract was hardly made before opposition to it developed, opposition of a political character, which was brought to the attention of the Secretary of War, and he turned it over to General Chamberlain, whom I happen to know is one of the ablest officers in the United States Army, or was—I think he is retired now. I have known him for many years myself, a very able man, and Inspector General of the United States Army for many years. He made an investigation; he didn't find anything to criticize. On the contrary, he gave it his approval. Then they had a congressional investigation. I don't know what happened there. The result was not disclosed here and should not have been. They had all kinds of other investigations, and had a lawsuit in this very court, decided by Judge Baker, involving the right of the Government to cancel the contract. Had the Tanners' Council down on them because, unquestionably, they felt that it was inimical to their best interests to have this quantity of harness dumped on the markets of the country. I say, when you consider all these things, gentlemen, and take into consideration what occurred in the meeting in Chicago, which everybody was invited to, that was supposed to have an interest and was likely to be helpful to the United States, because the United States was the beneficiary, principally, of high prices for this harness—there was no possible interest to Byron to sell this property low—the more it sold for the more he got; and so, when I heard the minutes of that meeting out in Chicago read, I never heard a fairer, apparently more ingenuous, honest disclosure of the exact facts than these men, Byron and Goetz, made to those people gathered there. He asked them to come in because it was mutually helpful to them and the Government. They had great selling organizations; they had salesmen on the road and were paying them big salaries. I don't know how much the combined capital of all these different concerns is, but all the facilities of all these different concerns were just brought under the control of this company for the benefit jointly of the United States and the company.

So, gentlemen of the jury, I very imperfectly reviewed all of this mass of evidence. I have thought over this question because I anticipated, of course, that this motion would be made. I have endeavored without success to find in the record something upon which I could say that it is the duty of the jury to judge as to the truth or untruth of this or that or the other particular statement upon which this case hinges. It has given me great concern, but, as I said at the outset, having determined to the best of my humble limitations what my duty is in the premises, I am impelled and compelled to instruct you to find a verdict of not guilty as to all of these defendants.

Mr. GLASS. Here is the one sentence to which the Senator from Ohio refers, and which the Senator from Montana originally read, but did not read just a moment ago, to wit:

My friends who represent the Government earnestly contend in this case for a verdict. Their conduct has been characterized by fairness; I think by great ability.

Mr. HASTINGS. Mr. President, I think it well in the first place for us to consider for a moment just what the issue is that is before the Senate. I think the discussion in the last day and a little more clearly indicates that up to this time there is much more involved than the confirmation of Judge Parker.

The Senator from Idaho [Mr. BORAH], who was a member of the subcommittee that had this matter in charge, addressed the Senate at length upon this subject; and I desire to quote from that speech three paragraphs, as follows:

I am opposed to the confirmation of Judge Parker because I think he is committed to principles and propositions to which I am very thoroughly opposed. If these were matters which related to a single lawsuit, or the determination of a principle relating alone to the rights of individuals, it would be one thing. But, as I see the propositions here involved, they are fundamental, they relate to matters of grave public concern.

The nomination of Judge Parker for the Supreme Bench of the United States has brought up for consideration a contract popularly, and not without cause and not without reason, styled the "yellow dog" contract. I doubt if there is another name among lawyers or judges so

well calculated to bring up for discussion and to accentuate the issues surrounding that contract as the name of Judge Parker. He is peculiarly identified with this kind of a contract.

He was asked by the Senator from Virginia this question:

And we have sat here all of these years and permitted that to remain the law?

Having been asked the date of the decision, which was stated to be December 10, 1917.

The Senator from Idaho answered:

No; we have tried by an act of Congress to repudiate that principle, but the Supreme Court of the United States said that our action was null and void. Mr. President, that is what makes this matter so very important. They pass upon what we do. Therefore, it is exceedingly important that we pass upon them before they decide upon all of these matters. I say this in great sincerity. We declare a national policy. They reject it. I feel I am well justified in inquiring of men on their way to the Supreme Bench something of their views on these questions.

A little later in his speech he stated:

So, Mr. President, we are not discussing to-day a contract which is finally and definitely settled; it has not fortunately been finally incorporated in our system of jurisprudence. We are fighting over a contract which is yet to receive final approval or condemnation at the hands of the American judiciary, and that, in my opinion, is an important item here for consideration. If the question had been settled beyond peradventure, if it were entirely at rest, it would be a different question; but we are discussing a question which is in formation of a conclusion as a matter of law.

On yesterday the Senator from Ohio [Mr. FESS], in giving his idea of what was before the Senate, made this statement:

Some would change the Supreme Court by making the judgeships elective and fixing the terms. That would be un-American. That would be a violation of every fundamental principle announced in the Constitutional Convention. The mere fact that this third department, weakest of the three, is independent of pressure from any source and is permitted to exercise its judgment with little respect to manufactured clamor from whatever body or whatever source, brings it into the criticism of certain groups of people. When the nomination of Justice Hughes was presented to this body there was universal concession that his integrity, ability, honesty, fairness, and keen discernment were unquestioned. But it was said that his attitude on certain questions was not satisfactory and there grew up here a storm of opposition. That attitude must have a source somewhere, and that source is against the judiciary of the country. It is a socialistic movement. In that debate a famous socialist author was read from for two and one-half hours in this Chamber, and I must assume that the Senator who read the socialistic predictions had more or less sympathy with what he was reading.

Now we have the same thing again as to Judge Parker. Is he the objection or is it the court that is the objection? Let us see. On the 22d day of this month a Washington newspaper, which has gone out of its way to undertake to defeat this confirmation, published an editorial. It has carried on editorially a consistent organized effort to minimize the character of Parker and to encompass his defeat. Every day an editorial is carried. On the 22d day of this month there was an editorial closing with this statement:

"An open Senate debate would destroy further the 'hush-hush' that has protected the Supreme Court. It would focus more light upon that all-powerful institution."

Now, hear me, Senators! I am reading:

"Parker is an incident. The Supreme Court is the issue."

So spoke the sheet that has been carrying on the fight against the confirmation not only of Parker but of Hughes. I say again, it is no use to blink the facts. The fight is against the judiciary, the independent, courageous group of men who sit on the bench and decide in the light of the facts within the law. If they were other than independent they would not be fit to be on the bench. The mere fact that any man would yield to any sort of pressure from any sort of organized propaganda would be the strongest reason for me to vote against him, because we do not want that kind of men on the bench.

Mr. President, in view of what has been said, I think it would be wise for us to go back of the Hitchman case, and to see what the Supreme Court said with respect to this law that was passed by Congress itself. This is reported in Two hundred and eighth United States Reports, known as the Adair case—Adair against the United States. I am reading from page 168:

The tenth section, upon which the present prosecution is based, is in these words:

"That any employer subject to the provisions of this act and any officer, agent, or receiver of such employer, who shall require any employee or any person seeking employment, as a condition of such employment, to enter into an agreement, either written or verbal, not to become or remain a member of any labor corporation, association, or organization; or shall threaten any employee with loss of employment, or shall unjustly discriminate against any employee because of his membership in such a labor corporation, association, or organization; or who shall require any employee or any person seeking employment, as a condition of such employment, to enter into a contract whereby such employee or applicant for employment shall agree to contribute to any fund for charitable, social, or beneficial purposes; to release such employer from legal liability for any personal injury by reason of any benefit received from such fund beyond the proportion of the benefit arising from the employer's contribution to such fund; or who shall, after having discharged an employee, attempt or conspire to prevent such employee from obtaining employment, or who shall, after the quitting of an employee, attempt or conspire to prevent such employee from obtaining employment, is hereby declared to be guilty of a misdemeanor, and, upon conviction thereof in any court of the United States of competent jurisdiction in the district in which such offense was committed, shall be punished for each offense by a fine of not less than $100 and not more than $1,000."

On page 171 the court says:

It thus appears that the criminal offense charged in the count of the indictment upon which the defendant was convicted was, in substance and effect, that being an agent of a railroad company engaged in interstate commerce and subject to the provisions of the above act of June 1, 1898, he discharged one Coppage from its service because of his membership in a labor organization—no other ground for such discharge being alleged.

May Congress make it a criminal offense against the United States—as by the tenth section of the act of 1898 it does—for an agent or officer of an interstate carrier, having full authority in the premises from the carrier, to discharge an employee from service simply because of his membership in a labor organization?

This question is admittedly one of importance and has been examined with care and deliberation. And the court has reached a conclusion which, in its judgment, is consistent with both the words and spirit of the Constitution and is sustained as well by sound reason.

The first inquiry is whether the part of the tenth section of the act of 1898 upon which the first count of the indictment was based is repugnant to the fifth amendment of the Constitution declaring that no person shall be deprived of liberty or property without due process of law. In our opinion that section, in the particular mentioned, is an invasion of the personal liberty, as well as of the right of property, guaranteed by that amendment. Such liberty and right embraces the right to make contracts for the purchase of the labor of others and equally the right to make contracts for the sale of one's own labor; each right, however, being subject to the fundamental condition that no contract, whatever its subject matter, can be sustained which the law, upon reasonable grounds, forbids as inconsistent with the public interests or as hurtful to the public order or as detrimental to the common good. This court has said that "in every well-ordered society, charged with the duty of conserving the safety of its members, the rights of the individual in respect of his liberty may, at times, under the pressure of great dangers, be subjected to such restraint, to be enforced by reasonable regulations, as the safety of the general public may demand." Jacobson *v.* Massachusetts (197 U. S. 11, 29) and authorities there cited. Without stopping to consider what would have been the rights of the railroad company under the fifth amendment, had it been indicted under the act of Congress, it is sufficient in this case to say that as agent of the railroad company and as such responsible for the conduct of the business of one of its departments, it was the defendant Adair's right—and that right inhered in his personal liberty and was also a right of property—to serve his employer as best he could, so long as he did nothing that was reasonably forbidden by law as injurious to the public interests. It was the right of the defendant to prescribe the terms upon which the services of Coppage would be accepted, and it was the right of Coppage to become or not, as he chose, an employee of the railroad company upon the terms offered to him. Mr. Cooley, in his treatise on Torts, page 278, well says: "It is a part of every man's civil rights that he be left at liberty to refuse business relations with any person whomsoever, whether the refusal rests upon reason or is the result of whim, caprice, prejudice, or malice. With his reasons neither the public nor third persons have any legal concern. It is also his right to have business relations with anyone with whom he can make contracts, and if he is wrongfully deprived of this right by others he is entitled to redress."

On page 174 of the same case the court states:

While, as already suggested, the rights of liberty and property guaranteed by the Constitution against deprivation without due process of law is subject to such reasonable restraints as the common good or the general welfare may require, it is not within the functions of government—at least in the absence of contract between the parties—to compel any person in the course of his business and against his will to accept or retain the personal services of another, or to compel any person against his will to perform personal services for another. The right of a person to sell his labor upon such terms as he deems proper is in its essence the same as the right of the purchaser of labor to pre-

scribe the conditions upon which he will accept such labor from the person offering to sell it. So the right of the employee to quit the service of the employer, for whatever reason, is the same as the right of the employer, for whatever reason, to dispense with the services of such employee. It was the legal right of the defendant Adair—however unwise such a course might have been—to discharge Coppage because of his being a member of a labor organization, as it was the legal right of Coppage, if he saw fit to do so—however unwise such a course on his part might have been—to quit the service in which he was engaged because the defendant employed some persons who were not members of a labor organization. In all such particulars the employer and the employee have equality of right, and any legislation that disturbs that equality is an arbitrary interference with the liberty of contract which no government can legally justify in a free land.

Again, on page 180 the court states:

It results, on the whole case, that the provision of the statute under which the defendant was convicted must be held to be repugnant to the fifth amendment, and as not embraced by nor within the power of Congress to regulate interstate commerce, but under the guise of regulating interstate commerce, and as applied to this case it arbitrarily sanctions an illegal invasion of the personal liberty as well as the right of property of the defendant Adair.

That decision, Mr. President, was written by Mr. Justice Harlan. The dissent was by Justices McKenna and Holmes. Justice Moody did not participate. Other members of the court at that time were Chief Justice Fuller and Justices Brewer, White, Peckham, and Day.

I want to pass from that case to the case of Coppage against Kansas, which involved a statute of the State of Kansas. It is reported in Two hundred and thirty-sixth United States Reports, page 1. I read from page 6 of the opinion:

In a local court in one of the counties of Kansas, plaintiff in error was found guilty and adjudged to pay a fine, with imprisonment as the alternative, upon an information charging him with a violation of an act of the legislature of that State, approved March 13, 1903, being chapter 222 of the session laws of that year, found also as sections 4674 and 4675, General Statutes of Kansas, 1909. The act reads as follows:

"An act to provide a penalty for coercing or influencing or making demands upon or requirements of employees, servants, laborers, and persons seeking employment

"*Be it enacted, etc.,*

"SECTION 1. That it shall be unlawful for any individual or member of any firm, or any agent, officer, or employee of any company or corporation, to coerce, require, demand, or influence any person or persons to enter into any agreement, either written or verbal, not to join or become or remain a member of any labor organization or association, as a condition of such person or persons securing employment, or continuing in the employment of such individual, firm, or corporation.

"SEC. 2. Any individual or member of any firm or any agent, officer, or employee of any company or corporation violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than $50 or imprisoned in the county jail not less than 30 days."

The judgment was affirmed by the supreme court of the State, two justices dissenting (87 Kans. 752), and the case is brought here upon the ground that the statute, as construed and applied in this case, is in conflict with that provision of the fourteenth amendment of the Constitution of the United States, which declares that no State shall deprive any person of liberty or property without due process of law.

I read now from page 9:

Congress, in section 10 of an act of June 1, 1898, entitled "An act concerning carriers engaged in interstate commerce and their employees," had enacted—

And it quotes that provision of section 10, quoted in the other case, which I have just read. Then it quotes from Justice Harlan the language I have used. The court states:

Unless it is to be overruled, this decision is controlling upon the present controversy; for if Congress is prevented from arbitrary interference with the liberty of contract because of the "due process" provision of the fifth amendment, it is too clear for argument that the States are prevented from the like interference by virtue of the corresponding clause of the fourteenth amendment; and hence if it be unconstitutional for Congress to deprive an employer of liberty or property for threatening an employee with loss of employment or discriminating against him because of his membership in a labor organization, it is unconstitutional for a State to similarly punish an employer for requiring his employee, as a condition of securing or retaining employment, to agree not to become or remain a member of such an organization while so employed.

It is true that, while the statute that was dealt with in the Adair case contained a clause substantially identical with the Kansas act now under consideration—a clause making it a misdemeanor for an employer to require an employee or applicant for employment, as a condition of such employment, to agree not to become or remain a member of a labor organization—the conviction was based upon another clause, which related to discharging an employee.

* * * * * * *

But, irrespective of whether it has received judicial recognition, is there any real distinction? The constitutional right of the employer to discharge an employee because of his membership in a labor union being granted, can the employer be compelled to resort to this extreme measure? May he not offer to the employee an option, such as was offered in the instant case, to remain in the employment if he will retire from the union; to sever the former relationship only if he prefers the latter? Granted the equal freedom of both parties to the contract of employment, has not each party the right to stipulate upon what terms only he will consent to the inception, or to the continuance, of that relationship? And may he not insist upon an express agreement, instead of leaving the terms of the employment to be implied? Can the legislature in effect require either party at the beginning to act covertly; concealing essential terms of the employment—terms to which, perhaps, the other would not willingly consent—and revealing them only when it is proposed to insist upon them as a ground for terminating the relationship? Supposing an employer is unwilling to have in his employ one holding membership in a labor union, and has reason to suppose that the man may prefer membership in the union to the given employment without it—we ask, Can the legislature oblige the employer in such case to refrain from dealing frankly at the outset? And is not the employer entitled to insist upon equal frankness in return? Approaching the matter from a somewhat different standpoint, is the employee's right to be free to join a labor union any more sacred, or more securely founded upon the Constitution, than his right to work for whom he will, or to be idle if he will? And does not the ordinary contract of employment include an insistence by the employer that the employee shall agree, as a condition of the employment, that he will not be idle and will not work for whom he pleases but will serve his present employer, and him only, so long as the relation between them shall continue? Can the right of making contracts be enjoyed at all, except by parties coming together in an agreement that requires each party to forego, during the time and for the purpose covered by the agreement, any inconsistent exercise of his constitutional rights?

These queries answer themselves. The answers, as we think, lead to a single conclusion: Under constitutional freedom of contract, whatever either party has the right to treat as sufficient ground for terminating the employment, where there is no stipulation on the subject, he has the right to provide against by insisting that a stipulation respecting it shall be a sine qua non of the inception of the employment, or of its continuance if it be terminable at will. It follows that this case can not be distinguished from Adair *v.* United States.

The decision in that case was reached as the result of elaborate argument and full consideration. The opinion states—

Then it quotes that part of the opinion. In this case, the opinion was written by Justice Pitney.

There were three justices of the Supreme Court dissenting, namely, Justices Holmes, Day, and Hughes—the same Hughes, if I remember my history correctly, who was confirmed by the Senate not very long ago after a bitter struggle. The other members of the court were White, McKenna, Van Devanter, Lamar, and McReynolds.

Those two cases are the cases which are known—at least known by the Senator from Idaho—as the "yellow-dog" decisions.

Mr. BORAH. I did not refer to them as "yellow-dog" decisions.

Mr. HASTINGS. No; I am sorry. I should have said "yellow-dog" contract involved in these decisions. One of the decisions came as the result of an act of Congress and the other came as the result of an act of the Legislature of the State of Kansas.

As I understand the argument of the Senator from Idaho, somehow, in some way, Parker is to be held responsible for deciding that the "yellow-dog" contract was valid, with these two cases staring him in the face, to say nothing of the Hitchman case, and it is upon that theory that the Senator from Idaho is opposed to Parker.

Mr. BORAH. Mr. President, let us get our facts correct before we start. I never criticized Judge Parker for holding the contract valid. I criticized him because of the extent to which he supported the contract with an injunction.

Mr. HASTINGS. And I will read again what the Senator from Idaho stated in answer to the Senator from Virginia when he inquired why this had not been corrected by Congress. The Senator from Idaho stated at that time:

No; we have tried by an act of Congress to repudiate that principle, but the Supreme Court of the United States said that our action was null and void. Mr. President, that is what makes this matter so very

important. They pass upon what we do. Therefore, it is exceedingly important that we pass upon them before they decide upon all of these matters. I say this in great sincerity. We declare a national policy. They reject it. I feel I am well justified in inquiring of men on their way to the Supreme Bench something of their views on these questions.

If that is not a clear statement of facts that the chief reason, or at least one reason, I will say, for opposing Judge Parker, is that you want to get upon the Supreme Bench somebody who will not be in sympathy with this principle.

In connection with that, and assuming that to be a practical proposition, and that it is possible for this country, if they decide upon it as being a wise policy to follow, to undertake to put upon the Supreme Court men who will decide a case in a certain way, I ask the Senator from Idaho what he does with Justice Hughes's dissent in this case? There was as violent an opposition to Justice Hughes as there is to Judge Parker, and my understanding was it was because he stood, too, for these very things for which, we understand, Judge Parker stands—in other words, that he was not as liberal as some people in the Senate thought he ought to be. But if that be true, what do we do with this dissent of Justice Hughes in this Kansas case? Should not that be held up as one important thing which the country ought to know as justifying the Senate in putting him on the bench, assuming that the "yellow-dog" contract has been improperly construed by the Supreme Court?

Mr. BORAH. What does the Senator do with Justice Hughes's opinion that it was invalid? Does he agree with that?

Mr. HASTINGS. I never agree with the dissenting opinion of any court. I learned long ago that the majority opinion of every court was controlling, and that it is not worth while to bother with what somebody said in a dissenting opinion. I learned that before I got very far in the practice of the law, and it still holds good.

Mr. President, now I desire to pass on to the Hitchman case, about which so much has been said. It involves two things. It is reported in Two hundred and forty-fifth United States Reports, page 229. I first read from page 250. This involves two things. It not only followed the decisions in the Supreme Court on this kind of a contract but it went one step farther. On the question of the validity of the contract itself the court said at page 250:

> What are the legal consequences of the facts that have been detailed? That the plaintiff was acting within its lawful rights in employing its men only upon terms of continuing nonmembership in the United Mine Workers of America is not open to question. Plaintiff's repeated costly experiences of strikes and other interferences while attempting to "run union" were a sufficient explanation of its resolves to run "nonunion," if any were needed. But neither explanation nor justification is needed. Whatever may be the advantages of "collective bargaining," it is not bargaining at all, in any just sense, unless it is voluntary on both sides. The same liberty which enables men to form unions, and through the union to enter into agreements with employers willing to agree, entitles other men to remain independent of the union and other employers to agree with them to employ no man who owes any allegiance or obligation to the union. In the latter case, as in the former, the parties are entitled to be protected by the law in the enjoyment of the benefits of any lawful agreement they may make. This court repeatedly has held that the employer is as free to make nonmembership in a union a condition of employment as the working man is free to join the union, and that this is a part of the constitutional rights of personal liberty and private property, not to be taken away even by legislation, unless through some proper exercise of the paramount police power.
>
> Plaintiff, having in the exercise of its undoubted rights established a working agreement between it and its employees with the free assent of the latter, is entitled to be protected in the enjoyment of the resulting status as in any other legal right. That the employment was "at will" and terminable by either party at any time is of no consequence. In Truax v. Raich (239 U. S. 33) this court ruled upon the precise question as follows: "It is said that the bill does not show an employment for a term, and that under an employment at will the complainant could be discharged at any time for any reason or for no reason, the motive of the employer being immaterial.
>
> "The conclusion, however, that is sought to be drawn is too broad. The fact that the employment is at the will of the parties, respectively, does not make it one at the will of others. The employee has manifest interest in the freedom of the employer to exercise his judgment without illegal interference or compulsion, and, by the weight of authority, the unjustified interference of third persons is actionable although the employment is at will."
>
> In short, plaintiff was and is entitled to the good will of its employees, precisely as a merchant is entitled to the good will of his customers, although they are under no obligation to continue to deal with him. The value of the relation lies in the reasonable probability that, by properly treating its employees, and paying them fair wages, and avoiding reasonable grounds of complaint, it will be able to retain them in its employ, and to fill vacancies occurring from time to time by the employment of other men on the same terms. The pecuniary value of such reasonable probabilities is incalculably great and is recognized by the law in a variety of relations.
>
> The right of action for persuading an employee to leave his employer is universally recognized—nowhere more clearly than in West Virginia—and it rests upon fundamental principles of general application, not upon the English statute of laborers.
>
> We turn to the matters set up by way of justification or excuse for defendants' interference with the situation existing at plaintiff's mine.

Before I go farther I want to call to the attention of the Senate what the facts were in the Hitchman case, which I have summarized as follows:

In the early part of the year 1902 the plaintiff's mine was operated as nonunion until April, 1903, when plaintiff submitted to the demands of the union that their workers be unionized. This went into effect on the 1st of April, 1903, and upon the very next day the men were called out on a strike. The strike continued until May 23, requiring the plaintiff to cease operations and prevented it from fulfilling its contracts. The strike was settled and the plaintiff continued to employ union labor. In the spring of 1904 difficulties developed, and a new agreement was entered into on the 18th of April. Two days later the men went out on a strike and the mine remained idle for two months. This strike was settled. There was but little trouble, then, until April 1, 1906, when another disagreement arose with the union, which disagreement was with other operators and not with the plaintiff. There was absolutely no grievance or grounds of disagreement at the Hitchman mine beyond the fact that the agreement had expired on March 31 and the men had not received authority from the union officials either to renew it or agree to a new one in its place. Some temporary agreement was made, but on April 15 there was another strike, and the mine was shut down until the 12th of June, when it was resumed as a nonunion mine.

About the 1st of June a self-appointed committee of employees called upon the plaintiff's president, stated in substance they could not remain longer on strike because they were not receiving benefits from the union, and asked upon what terms they could return to work. They were told that thenceforth the mine would be run nonunion, and the company would deal with each man individually, that if any man wanted to become a member of the union, he was at liberty to do so, but he could not become a member of it and remain in the employ of the Hitchman Co.

I want Senators to bear in mind those facts as we proceed with the discussion of what constitutes a breach of that contract. I read now from page 252 of the same case:

> We turn to the matters set up by way of justification or excuse for defendants' interference with the situation existing at plaintiff's mine.
>
> The case involves no question of the rights of employees. Defendants have no agency for plaintiff's employees, nor do they assert any disagreement or grievance in their behalf. In fact, there is none; but, if there were, defendants could not, without agency, set up any rights that employees might have. The right of the latter to strike would not give to defendants the right to instigate a strike. The difference is fundamental.
>
> It is suggested as a ground of criticism that plaintiff endeavored to secure a closed nonunion mine through individual agreements with its employees, as if this furnished some sort of excuse for the employment of coercive measures to secure a closed union shop through a collective agreement with the union.
>
> It is a sufficient answer, in law, to repeat that plaintiff had a legal and constitutional right to exclude union men from its employ. But it may be worth while to say, in addition, first, that there was no middle ground open to plaintiff; no option to have an "open shop" employing union men and nonunion men indifferently; it was the union that insisted upon closed-shop agreements, requiring even carpenters employed about a mine to be members of the union, and making the employment of any nonunion men a ground for a strike; and, second, plaintiff was in the reasonable exercise of its rights in excluding all union men from its employ, having learned, from a previous experience, that unless this were done union organizers might gain access to its mine in the guise of laborers.
>
> Defendants set up, by way of justification or excuse, the right of workingmen to form unions and to enlarge their membership by inviting other workingmen to join. The right is freely conceded, provided the objects of the union be proper and legitimate, which we assume to be true, in a general sense, with respect to the union here in question. The cardinal error of defendants' position lies in the assumption that

the right is so absolute that it may be exercised under any circumstances and without any qualification; whereas in truth, like other rights that exist in civilized society, it must always be exercised with reasonable regard for the conflicting rights of others.

I read now from page 256:

But the facts render it plain that what the defendants were endeavoring to do at the Hitchman mine and neighboring mines can not be treated as a bona fide effort to enlarge the membership of the union. There is no evidence to show, nor can it be inferred, that defendants intended or desired to have the men at these mines join the union unless they could organize the mines. Without this the new members would be added to the number of men competing for jobs in the organized districts, while nonunion men would take their places in the Panhandle mines. Except as a means to the end of compelling the owners of these mines to change their method of operation, the defendants were not seeking to enlarge the union membership.

In any aspect of the matter it can not be said that defendants were pursuing their object by lawful means. The question of their intentions—of their bona fides—can not be ignored. It enters into the question of malice. As Bowen, L. J., justly said in the *Mogul* steamship case: "Intentionally to do that which is calculated in the ordinary course of events to damage, and which does, in fact, damage another in that other person's property or trade, is actionable if done without just cause or excuse." And the intentional infliction of such damage upon another, without justification or excuse, is malicious in law. * * *

Another fundamental error in defendants' position consists in the assumption that all measures that may be resorted to are lawful if they are "peaceable"—that is, if they stop short of physical violence, or coercion through fear of it. In our opinion, any violation of plaintiff's legal rights contrived by defendants for the purpose of inflicting damage, or having that as its necessary effect, is as plainly inhibited by the law as if it involved a breach of the peace. A combination to procure concerted breaches of contract by plaintiff's employees constitutes such a violation. * * *

Defendants' acts can not be justified by any analogy to competition in trade. They are not competitors of plaintiff; and if they were, their conduct exceeds the bounds of fair trade. Certainly, if a competing trader should endeavor to draw customers from his rival not by offering better or cheaper goods, employing more competent salesmen, or displaying more attractive advertisements but by persuading the rival's clerks to desert him under circumstances rendering it difficult or embarrassing for him to fill their places, any court of equity would grant an injunction to restrain this as unfair competition.

Upon all the facts we are constrained to hold that the purpose entertained by defendants to bring about a strike at plaintiff's mine in order to compel plaintiff, through fear of financial loss, to consent to the unionization of the mine as the lesser evil, was an unlawful purpose, and that the methods resorted to by Hughes—the inducing of employees to unite with the union in an effort to subvert the system of employment at the mine by concerted breaches of the contracts of employment known to be in force there, not to mention—

Bear in mind they hold this—

not to mention misrepresentation, deceptive statements, and threats of pecuniary loss communicated by Hughes to the men—were unlawful and malicious methods, and not to be justified as a fair exercise of the right to increase the membership of the union.

At page 260 the court said:

Therefore, upon the undisputed facts of the case, and the indubitable inferences from them, plaintiff is entitled to relief by injunction. Having become convinced by three costly strikes, occurring within a period of as many years, of the futility of attempting to operate under a closed-shop agreement with the union, it established the mine on a nonunion basis, with the unanimous approval of its employees—in fact, upon their suggestion—and under a mutual agreement, assented to by every employee, that plaintiff would continue to run its mine nonunion and would not recognize the United Mine Workers of America; that if any man wanted to become a member of that union he was at liberty to do so, but he could not be a member and remain in plaintiff's employ. Under that agreement plaintiff ran its mine for a year or more, and, so far as appears, without the slightest disagreement between it and its men, and without any grievance on their part. Thereupon defendants, having full notice of the working agreement between plaintiff and its men, and acting without any agency for those men, but as representatives of an organization of mine workers in other States, and in order to subject plaintiff to such participation by the union in the management of the mine as necessarily results from the making of a closed-shop agreement, sent their agent to the mine, who, with full notice of, and for the very purpose of subverting, the status arising from plaintiff's working agreement, and subjecting the mine to the union control, proceeded, without physical violence, indeed, but by persuasion accompanied with threats of a reduction of wages and deceptive statements as to the attitude of the mine management, to induce plaintiff's employees to join the union and at the same time to break their agreement with plaintiff by remaining in its employ after joining; and this for the purpose not of enlarging the membership of the union but of coercing plaintiff, through a strike or the threat of one, into recognition of the union.

In that case the opinion was written by Mr. Justice Pitney, and the dissent was by Justices Brandeis, Holmes, and Clarke. The other members of the court were Chief Justice White, and Justices McKenna, Day, Van Devanter, and McReynolds.

I think it might be well at this point to call attention to the Justices who participated in these cases. In the Adair case, the original case, those approving the opinion were Justices Harlan, Fuller, Brewer, White, Peckham, and Day; those dissenting were Justices McKenna and Holmes.

In the Kansas case the approval was by Justices Pitney, White, McKenna, Van Devanter, Lamar, and McReynolds, while the dissent was by Justices Holmes, Day, and Hughes.

In the Hitchman case the opinion was by Mr. Justice Pitney, and those agreeing with him were Justices White, McKenna, Day, Van Devanter, and McReynolds, and those dissenting were Justices Brandeis, Holmes, and Clarke.

The Senator from Idaho insists that Judge Parker in the Red Jacket case ought not to have followed the Hitchman case but ought to have followed another case reported in Two hundred and fifty-seventh United States Reports, which is called the Tri-City case. In the Tri-City case, however, the facts were very different from those in the Hitchman case, while the facts in the Red Jacket case were so nearly like those in the Hitchman case that I think it is a mistake to say that the Hitchman case ought not to have been followed, but that the Tri-City case ought to have been followed.

I wish to call attention, Mr. President, to the Tri-City case reported in Two hundred and fifty-seventh United States Reports, page 184. I read from pages 209 and 210 as follows:

The principle of the unlawfulness of maliciously enticing laborers still remains and action may be maintained therefor in proper cases, but to make it applicable to local labor unions, in such a case as this, seems to us to be unreasonable.

The elements essential to sustain actions for persuading employees to leave an employer are first, the malice or absence of lawful excuse, and, second, the actual injury. The effect of cases cited as authority must be determined by an examination of the pleadings and facts to see how the malice or lack of lawful excuse was established, and whether there was not illegality present in the means used. Thus Walker *v.* Cronin (107 Mass. 555), and Thacker Coal Co. *v.* Burke (59 W. Va. 253), suits by an employer against members of a labor union in which the right of action for persuading was sustained, were heard on demurrer to the complaint. The element of malice was supplied by averment of the complaint, and was, of course, admitted by the demurrer.

There are other cases in which the persuasion was accompanied by the intent to secure a breach of contract, or was part of a secondary boycott, or had elements of fraud, misrepresentation, or intimidation in it. Perkins *v.* Pendleton (90 Me. 166) was a case of the latter kind. In Lucke *v.* Clothing Cutters (77 Md. 396) it was held unlawful in a labor union to seek to compel an employer to discharge the plaintiff by intimidation, and it was said that the State law authorizing formation of trade-unions to secure most favorable conditions for labor of their members was not a warrant for making war upon the nonunion man or for illegal interference with his rights and privileges. A suit by an employee who seeks to hold a labor union liable for seeking his discharge by threatening to strike unless his employer discharges him stands on a different footing from a mere effort by a labor union to persuade employees to leave their employment. There are in such a combination against an employee the suggestions of coercion, attempted monopoly, deprivation of livelihood, and remoteness of the legal purpose of the union to better its members' condition not present in a case like the present. Without entering into a discussion of those cases which include Brennan *v.* United Hatters of North America (73 N. J. L. 729), Curran *v.* Galen (152 N. Y. 33), Berry *v.* Donovan (188 Mass. 354), and Plant *v.* Woods (176 Mass. 492), it is sufficient to say they do not apply here.

The counsel for the Steel Foundries rely on two cases in this court to support their contention. The first is that of Hitchman Coal & Coke Co. *v.* Mitchell (245 U. S. 229). The principle followed in the Hitchman case can not be invoked here. There the action was by a coal-mining company of West Virginia against the officers of an international labor union and others to enjoin them from carrying out a plan to bring the employees of the complainant company and all the West Virginia mining companies into the international union so that the union could control, through the union employees, the production and sale of coal in West Virginia in competition with the mines of Ohio and other States. The plan thus projected was carried out in the case of the complainant company by the use of deception and misrepresentation with its nonunion employees, by seeking to induce such employees to become members of the union, contrary to the express term of their

contract of employment that they would not remain in complainant's employ if union men, and after enough such employees had been secretly secured suddenly to declare a strike against complainant and to leave it in a helpless situation, in which it would have to consent to be unionized. This court held that the purpose was not lawful, and that the means were not lawful, and that the defendants were thus engaged in an unlawful conspiracy which should be enjoined. The unlawful and deceitful means used were quite enough to sustain the decision of the court without more.

"The unlawful and deceitful means used were quite enough to sustain the decision of the court without more."

The statement of the purpose of the plan is sufficient to show the remoteness of the benefit ultimately to be derived by the members of the international union from its success and the formidable country-wide and dangerous character of the control of interstate commerce sought. The circumstances of the case make it no authority for the contention here.

On the other hand, Mr. President, in the Red Jacket case the facts were entirely different from those in the Tri-City case. We find these to be the state of things:

Complainants operate in what is probably the most important non-union coal field of the United States. Their combined annual tonnage amounts to over 40,000,000 tons, 90 per cent or more of which is shipped out of West Virginia in interstate commerce. The controversy involved in the several suits is not a controversy between complainants and their employees over wages, hours of labor, or other cause, but is a controversy between them as nonunion operators and the international union, which is seeking to unionize their mines.

The employees of the Red Jacket Co. had entered into contracts with the company that they would not join the union while remaining in the service of their employers. It was a nonunion mine, and an attempt was made to unionize it July 1, 1920. The suit in this case was brought on September 30, 1920. The suit of the Borderland Coal Co., which was a party to this case, was begun on September 26, 1921. This company operated in the same territory, and the suit was in behalf of itself and 62 other companies.

Shortly prior to the institution of the Borderland suit armed union miners to a number variously estimated at between 5,000 and 7,000 had congregated at Marmet, W. Va., had announced their intention of marching across Logan County and into Mingo County with the avowed purpose of unionizing that field, and had actually engaged in a pitched battle with State officers, as a result whereof martial law had been declared and Federal troops had been sent into the territory to preserve the peace.

It is well to bear in mind these facts in considering what the court had before it when Judge Parker wrote this decision. I read from page 884 of Eighteenth Federal Reporter:

[4] And there can be no question that the strikes called by the union in the nonunion fields of West Virginia in 1920 and 1922, and the campaign of violence and intimidation incident thereto, were merely the carrying out of the plan and policy upon which the defendants had been engaged for a number of years. In May, 1920, at a time when there was no general strike, union organizers were sent into the nonunion Williamson-Thacker field, and in July following a strike was called for the avowed purpose of organizing the field. The armed march of the succeeding year was made by union miners for the purpose, among other things, of organizing nonunion territory. The nation-wide strike of 1922 was made applicable to the nonunion field of West Virginia by proclamation of union officials, and representatives of the union began interfering with the employees of nonunion operators for the purpose of forcing the closing down of nonunion mines.

Not for the purpose, if you please, of increasing their organization but for the purpose of closing down the mines.

When the strike of 1922 was settled by the Cleveland wage agreement the interference with these nonunion operators was continued. The district judge has found that the conspiracy existed, and that the acts complained of were done pursuant thereto. We think that these findings are sustained by the evidence, and the rule is well settled that the findings of the trial judge should not be disturbed unless it clearly appears either that he misapprehended the evidence or has gone against the clear weight thereof, or, in other words, unless we are satisfied that his findings were clearly wrong.

Again, on page 848, Judge Parker in his decision says:

In their criticism of the scope of the injunction, defendants make complaint of the restraints contained in paragraphs 2 and 4. As the language criticized is that approved by this court in International Organization, United Mine Workers of America et al. v. Carbon Fuel Co. et al. (288 F. 1020), we might content ourselves with referring to that decision as the law of the case in the Carbon Fuel case now before us and as binding authority in the other cases; but we shall go further and say that in the light of the decisions of the Supreme Court we have no doubt as to the correctness of the paragraphs criticized.

[12] With respect to the second paragraph, complaint is made that it restrains defendants "from inciting, inducing, or persuading the employees of the plaintiffs to break their contract of employment with the plaintiffs." This language is certainly not so broad as that of the decree approved by the Supreme Court in Hitchman Coal & Coke Co. v. Mitchell (245 U. S. 229, 261, 38 S. Ct. 65, 62 L. Ed. 260, L. R. A. 1918C, 497, Ann. Cas. 1918B, 461), which also enjoined interference with the contract by means of peaceful persuasion. The doctrine of that case has been approved by the Supreme Court in the later cases of American Steel Foundries v. Tri-City Central Trades Council (257 U. S. 184, 42 S. Ct. 72, 66 L. Ed. 189, 27 A. L. R. 360) and United Mine Workers v. Coronado Coal Co. (259 U. S. 344, 42 S. Ct. 570, 66 L. Ed. 975, 27 A. L. R. 762) and applied by this court in Bittner v. West Virginia-Pittsburgh Coal Co. (15 F. (2d) 652), by the Circuit Court of Appeals of the Eighth Circuit in Kinloch Telephone Co. v. Local Union (275 F. 241), and by the Circuit Court of Appeals of the Ninth Circuit in Montgomery v. Pacific Electric Ry. Co. (293 F. 680).

It is said, however, that the effect of the decree, which, of course, operates indefinitely in futuro, is to restrain defendants from attempting to extend their membership among the employees of complainants who are under contract not to join the union while remaining in complainants' service, and to forbid the publishing and circulating of lawful arguments and the making of lawful and proper speeches advocating such union membership. They say that the effect of the decree, therefore, is that because complainants' employees have agreed to work on the nonunion basis defendants are forbidden for an indefinite time in the future to lay before them any lawful and proper argument in favor of union membership.

If we so understood the decree, we would not hesitate to modify it. As we said in the Bittner case, there can be no doubt of the right of defendants to use all lawful propaganda to increase their membership. On the other hand, however, this right must be exercised with due regard to the rights of complainants. To make a speech or to circulate an argument under ordinary circumstances dwelling upon the advantages of union membership is one thing. To approach a company's employees, working under a contract not to join the union while remaining in the company's service, and induce them, in violation of their contracts, to join the union and go on a strike for the purpose of forcing the company to recognize the union or of impairing its power of production is another and very different thing. What the decree forbids is this "inciting, inducing, or persuading the employees of plaintiff to break their contracts of employment"; and what was said in the Hitchman case with respect to this matter is conclusive of the point involved here. The court there said:

Then, after quoting from that case:

The inhibition of section 20 of the Clayton Act (Comp. Stat., sec. 1243d) against enjoining peaceful persuasion does not apply, as this is not a case growing out of a dispute concerning terms or conditions of employment, between an employer and employee, between employers and employees, or between employees, or between persons employed and persons seeking employment; but is a case growing out of a dispute between employers and persons who are neither ex-employees nor seeking employment.

But, Mr. President, if there was any possible doubt about the correctness of the views of Judge Parker and those associated with him—and, by the way, the men who were associated with him, Judges Waddill and Rose, have been known to this country for a long time as great lawyers; Judge Rose made quite a record and quite a reputation while he was on the bench of the District Court of Maryland—whatever may be said with respect to that, I am wondering what can possibly be said against Judge Parker when this case itself, after this opinion was written, went to the Supreme Court.

Counsel for the defendants, William A. Glasgow—a great lawyer of Philadelphia, representing the defendants at this particular time, after the decision, perhaps—filed a brief and went before the Supreme Court seeking a certiorari in order that the Supreme Court might pass upon the questions involved here. The first question, and one of the important questions, was jurisdiction; but the second question, as found in the record, is this:

Did the district court of the United States and the circuit court of appeals err in enjoining and restraining officers and members of the United Mine Workers of America from persuading the employees of respondents to become members of the union and cease their labor in the production of coal?

In other words, was or was not the complaint which the Senator from Idaho suggested, that the injunction was too broad, decided by the Supreme Court of the United States?

From the brief filed in their effort to have a certiorari issued I copied this language:

We earnestly submit that the circuit court of appeals has misconstrued the opinion of this court in both the Hitchman case and the American Foundries case—

Which is the Tri-City case—

that in the Tri-City case the decree of injunction against persuasion was predicated on fraud and deceit practiced in persuading the employee, notwithstanding his contract, to secretly join the union, while remaining in the employ of the company, for the purpose of thus organizing its labor forces.

In other words, counsel for the defendants in this case took to the Supreme Court the identical question which is complained of here, and which it is said that Parker decided improperly and incorrectly. They made the same point that the Senator from Idaho insists should have been followed by Parker in his decision; namely, that the Hitchman case is not applicable because of the fraud and deceit involved. They not only raise the question which the Senator has suggested but they made the identical argument before the Supreme Court of the United States, and the Supreme Court must have been satisfied that their contention was not well founded. We can not possibly say, when a writ of certiorari is prayed of the Supreme Court, that if there was, in the opinion of the court, somewhere an error which ought to be corrected the Supreme Court would not grant the writ.

Mr. BORAH. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Idaho?

Mr. HASTINGS. Yes; I yield.

Mr. BORAH. I took the position when the Senator asked me that question a day or two ago that the denial of the writ was no indication that the court had passed upon the questions. Let me read an opinion from the Supreme Court, in Two hundred and sixtieth United States Reports, where they passed upon the question. The court said:

The denial of a writ of certiorari imports no expression of opinion upon the merits of the case, as the bar has been told many times.

That is a unanimous opinion of the court in Two hundred and sixtieth United States Reports, supported by many other decisions. The fact that a writ of certiorari is denied imports no expression of opinion upon any of the merits of the case whatever.

Mr. HASTINGS. Of course the Supreme Court has said that; and what is meant by it is this—I take it that there can be no disagreement upon that—that because the Supreme Court has refused a certiorari in any case that case can not be cited to the Supreme Court as one which is binding upon it.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator yield further?

Mr. HASTINGS. I do.

Mr. BORAH. That is not what they say. What they say is that the denial of the writ imports no expression of opinion upon the merits of the case.

Mr. HASTINGS. Is not that exactly what I said?

Mr. BORAH. Perhaps so. We see it in a different light.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. HASTINGS. I yield.

Mr. WAGNER. I do not want to interrupt the Senator; but, may I add to what the Senator from Idaho read from an opinion of the court? I read from Hamilton Shoe Co. against Wolf Bros.:

It is of course sufficiently evident that the refusal of an application for this extraordinary writ—

Meaning the writ of certiorari—

is in no case equivalent to an affirmance of the decree that is sought to be reviewed.

Mr. HASTINGS. Of course that is true, Mr. President; but I am wondering whether the Senate is going either to agree or even to argue that a judge who has rendered a decision in the circuit court is to be condemned for rendering that sort of a decision when the identical question has been submitted to the Supreme Court, the same sort of argument made that it is contended ought to have been made in that case, and the Supreme Court denied the writ of certiorari. I am wondering whether the Senate of the United States is willing to take that as evidence that this man is unfit to sit on the bench of the Supreme Court.

It seems to me that it is impossible for any person to take these cases and criticize them and urge that Judge Parker ought not to be confirmed because of them—these five cases that I have referred to, one of them being the one in which he himself participated. If Parker is not to be confirmed, what shall we do with great old Harlan, and Fuller, and Brewer, and White, and Peckham, and Day, and the other men who have been upon the Supreme Court Bench and have sustained this sort of a contract? If it can be successfully argued here against the man who comes before us for confirmation for that great office that he ought not to be confirmed because he holds to these views, when the only expression he has made is when he was in a court below the Supreme Court, and in which he properly held that he was bound by the decisions of the Supreme Court, we shall go far afield and it seems to me that we shall have to get away from that proposition to find a sufficient excuse to reject this man.

It is not these propositions that are bothering a lot of people here. There are other things that are distressing them more than these. I submit that no lawyer can reasonably reject the opinion of Judge Parker and say that that unfits him for a position on the Supreme Bench unless he has in his mind something else; and this is what it seems to me may be in the minds of Senators, as was suggested by the Senator from Ohio [Mr. FESS] yesterday.

I am wondering whether we are about to adopt a new attitude with respect to the Supreme Court. Can it be said that the Senate of the United States ought to adopt as a policy a plan to put on the Supreme Court only persons who have certain fixed ideas as to the interpretation of the law? Shall that be the policy of the United States Senate? Shall that be the policy of the President of the United States?

I have heard it suggested in campaigns no longer ago than the last campaign that a certain candidate for President, if he should become President, would fill the Supreme Court with men who had ideas agreeing with his upon the wet and dry question. I considered it an insult to suggest that a candidate for the Presidency of the United States should adopt any such policy as that. Are we to make the Supreme Court of the United States a part of our political scheme of things?

We adopt platforms, both the Democratic and the Republican platforms, and probably other parties here and there occasionally adopt platforms, in which we set forth certain policies which we favor. Shall we include in those platforms a policy which will undertake to control the Supreme Court of the United States and say to the people of this country, "We want you to vote for this man for President because he holds to certain ideas with respect to the character of men who ought to be appointed to the Supreme Court—not the character of man that we have all been taught for years and years is required, namely, that he should have ability, that he should have learning, that he should have character—not that. That is not all that is demanded now, but much more. What is demanded is that he shall be first against the 'yellow dog' contract in particular; that he shall be liberal, and no longer conservative." Is that to be our attitude? Is that the policy that we are about to adopt?

I say that it is not only a dangerous policy but it is not a practical policy. Men can not be appointed to the Supreme Court that we know beforehand will constantly and forever follow a particular line of thought. They must of necessity be left to their own judgment, having before them the Constitution of the land and the laws which have been passed by Congress and the various States of the Union. When we leave that we leave a practical thing, and we embark upon a dangerous thing.

But, my friends, it is not the Red Jacket case that is about to defeat Parker. It is not that. I think it may be true that what are called the "liberals" of this country, as shown by the letter that was read and placed in the RECORD yesterday from the president of the American Federation of Labor, are undertaking to stir this country, to stir the Senate, to reject this man in order that they might have an opening wedge to this plan which they think is wise for the country. That may be true. It may be true that that is what has stirred up the labor unions of this country. It may be true that that is what has caused resolutions to be passed in every city, town, and hamlet all over this country. It may be true that that is what has brought forth the telegrams to every Senator sitting in this body with respect to this matter. But I submit that when you get down and talk to the laboring man and tell him what it all means, when you get down and explain to him what all this fuss is about, when you get down and explain to him that Parker is just as safe for labor as any other man that the President could select, you will have no trouble in getting him to understand this. I know the laboring man. I have lived with him. I have slept with him. I have eaten with him. I know his thoughts. I have worked for him. I have great sympathy for his ideals and what he is attempting to accomplish; but I say that I resent his efforts to come here and undertake to control the only independent body that there is in this land. I resent any effort to make out of that body a party scheme—a scheme which will unquestionably in the end bring chaos to this country and to all the people living in it.

That is what I object to. I am in favor of giving the laboring man what help we can by such legislation as is necessary, but I am opposed to giving him legislation that is not in conformity with the Constitution.

That is not the only trouble some of us here have. We have another problem on our hands. There is another great body of citizens in this country of ours who are greatly interested in this, and interested why? In my judgment, they are interested because they have been stirred to an interest which they did not know they had.

It has been less than five years since this nominee received the unanimous approval of the Senate of ours. Where, then, were the people who are now so active? Why did they not discover before some of these great objections to Parker? It had been 10 years before that when he had made his political speech in North Carolina. Why did not the colored people then become aroused and object to him as a member of the part of the judiciary which is next to the Supreme Court, namely, the circuit court? No; the colored people of North Carolina were not alarmed, and, therefore, there was no danger of the colored people in other parts of the country being alarmed. But as the Senator from Ohio clearly pointed out, there is a determined effort to stir up every organization and every citizen of the country for one purpose, and that is what has brought the colored man into this.

Somebody complains that Parker, from what he said in North Carolina about the colored people, can not be in favor of the fourteenth and fifteenth amendments of the Constitution of the United States, and that his statement practically said so. What he did say, when he was a candidate for Governor of the State of North Carolina, was that he would support the constitution of North Carolina so long as it was not in conflict with the Constitution or any provision of the Constitution of the United States. It can not be argued here that he is not for the fourteenth and fifteenth amendments, because this very year he upheld the fourteenth amendment in a segregation case growing out of an ordinance passed in the city of Richmond.

That is the situation here, and that is giving us on this side of the Chamber much concern, because we are afraid that these colored people will be stirred to the point where they will believe that we voted to confirm a nominee to the Supreme Court who would not give them a fair chance.

There is no man living anywhere who knows Judge Parker's record who fears that he will not support every particle of the Constitution. There is not a colored man in North Carolina who believes that he is biased against the colored race. That charge is not true, and the colored people of North Carolina know it is not true. But the colored people of the North are stirred, and it is the colored people of the North who throw out threats as to what they will do if Parker is confirmed.

It may be that it is a serious thing. I do not know how serious it is for me. I have been in the public service for more than 25 years, but I have never been a candidate for any elective office. It is true that I had hoped to be a candidate to succeed myself in this body, with the idea that I might be of some service to my State, and might add some little service to the Nation. I still hope to be in that position, and I have to go out and defend myself against what I am going to do in this case. I am going to have to defend myself against the labor organizations, which have been friendly to me ever since I was able to vote. I am going to have to defend myself against the colored man, whose champion I have been for more than 20 years. I know I will have to do that, and, with that realization before me, what should I do in this case? I am just as certain that Parker ought to be confirmed as I am certain that Hughes should have been confirmed. I am just as certain that if he is confirmed to the bench of the Supreme Court of the United States in after years those of us who were instrumental in helping him to get there will be proud of what we did. I am just as certain of that as I can be.

What shall I do in this embarrassing position? Shall I withdraw what I have said here and keep my mouth closed, or shall I get up and say in the Senate what I believe to be true, and give my reasons for it?

Oh, it may be that the workingman and the labor organizations are important; I am reasonably certain that they are important, not only to the country, but to the laboring people everywhere. I am certain of that, but I say that in this kind of a crisis, I can not permit the labor organizations to mold my conscience and turn it out, where, if I look at it, I can not recognize it myself, and where, if my children should see it, they would not believe it was the conscience of their father.

I do not propose that the colored people of this country shall take my judgment and fashion it in such a way that when they get through with it will look like a weak, miserable candidate for the United States Senate, instead of a man who is sitting there now and endeavoring to do his duty as he sees it.

Am I to sacrifice principle for political expediency? Oh, no. Before that is done, I hope nature may close my lips so that I can not cast another vote in this body. I hope that before that is done the people of my State will take from me whatever responsibility and whatever power they have given me in this great office.

No, no. I can not stand for that. But when it is all over, I hope to have some good, able friend to say, "He sacrificed his political career, but he did it upon the altar of what he believed to be right," and if that can be said, I care not what else may be said.

Mr. WAGNER obtained the floor.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Idaho?

Mr. WAGNER. I yield.

Mr. BORAH. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the folowing Senators answered to their names:

Allen	George	McCulloch	Steiwer
Ashurst	Gillett	McKellar	Stephens
Baird	Glass	McNary	Sullivan
Bingham	Glenn	Norris	Swanson
Black	Goldsborough	Nye	Thomas, Idaho
Blaine	Greene	Oddie	Thomas, Okla.
Blease	Hale	Overman	Townsend
Borah	Harris	Patterson	Trammell
Bratton	Harrison	Phipps	Tydings
Brock	Hastings	Pine	Vandenberg
Broussard	Hatfield	Pittman	Wagner
Capper	Hawes	Ransdell	Walcott
Connally	Hayden	Robinson, Ind.	Walsh, Mass.
Copeland	Hebert	Robsion, Ky.	Walsh, Mont.
Couzens	Howell	Schall	Waterman
Cutting	Johnson	Sheppard	Watson
Deneen	Jones	Shipstead	Wheeler
Dill	Kean	Shortridge	
Fess	Kendrick	Smoot	
Frazier	Keyes	Steck	

The PRESIDING OFFICER (Mr. FESS in the chair). Seventy-seven Senators having answered to their names, a quorum is present.

Mr. WAGNER. Mr. President, it is my intention to vote to sustain the committee which has reported adversely on Judge Parker's nomination as Justice of the Supreme Court. My present purpose is, in justice to myself, to set forth the reasons which prompted me to come to this conclusion and to persuade, if I can, my colleagues whose minds are still open on this question, likewise to vote to reject the nomination.

I do not often enter upon the terrain of debate in which the Senate is now engaged, because frankly, I dislike to discuss men. I prefer to consider problems. It is only under compulsion of the constitutional duty of "advice and consent" in the nomination of Supreme Court judges—a duty too important to be shirked—that I permit myself to express my thoughts on the pending question.

Let me say at the outset that I do not question Mr. Parker's integrity. Nor do I doubt that he possesses a knowledge of the law. That is but the lawyer's stock in trade. It determines admission to the bar; it is alone insufficient for elevation to the highest court. To pass upon a nomination for that office it is first necessary to survey the requirements of the post, to plumb its profound responsibilities, to calculate its importance in terms of its influence upon the welfare of our country. Only then is it possible to make an appropriate comparison between the magnitude of the place to be filled and the size of the man who has been called to fill it.

The judicial process has been studied for thousands of years. Few students of the subject in our day have been rewarded with as rich an insight into that process as Benjamin Cardozo, Chief Judge of the New York Court of Appeals. In his well-known volume, the Nature of the Judicial Process, he emphasizes that an important phase of the work of judges is lawmaking, and that the decisions they render are law in the making. The present Chief Justice of the United States Supreme Court many years ago expressed a similar thought in an epigrammatic phrase when he said:

> The Constitution is what the judges say it is.

We are to-day all fully aware that the Constitution we live under and the laws we are judged by are not a lifeless set of wooden precepts moved about according to the rules of a mechanical logic. At least I should say that the law is never that in the hands of great judges. The Constitution of the United States to-day is what the judges of the past have made it and the Constitution of the future will be what the judges appointed in our day will make it, and it is, therefore, by the

standard of makers of the Constitution that nominees for the Supreme Bench must be judged.

President Adams's term of office expired 129 years ago. In the perspective of the intervening generations the most important event of his administration was his appointment of John Marshall as Chief Justice of the Supreme Court. Such is the durability of judicial work that many a decision to-day still runs on the track of reasoning which John Marshall laid down.

To cite a contemporary example, I take the liberty to point to Mr. Justice Holmes, called to the Supreme Court by the appointment of President Roosevelt in 1902. To-day he is known to us as the great and beloved dissenter. His dissenting opinions are not, however, merely the record of a past disagreement having no significance in the world of coming events. These opinions, too, enter into the soil of the judicial process and will slowly through the years irrigate it and fertilize it until it will in time bring forth a living law which more closely corresponds to ideal justice.

The point is that appointments to the Supreme Court must be judged by long-time standards. They certainly should not be made by reference to immediate political opportunities. Presidential administrations come and go; laws are made and repealed; alongside of these judicial pronouncements are relatively immortal.

No man of ordinary capacity who merely happens to fit into the political and geographical necessities of the moment can pass muster if tested by these standards. The peculiar quality required of a Supreme Court judge can best be described by the term "statecraft." Its possession is indispensable.

One of our closest observers of the work of the Supreme Court, Felix Frankfurter, in his recent lecture at Yale University, expressed this idea effectively:

> With the great men of the Supreme Court, constitutional adjudication has always been "statecraft." As a mere lawyer Marshall had his superiors among his colleagues. His supremacy lay in recognition of the practical needs of the Government. Those of his successors whose labors history has validated were men who brought to their task insight into the problems of their generation. The great judges are those to whom the Constitution is not primarily a text for interpretation but the means of ordering the lives of a progressive people.

At the present time three problems of major importance divide the Supreme Court. The first deals with the question: What are the limits within which a State may exercise its police powers and taxing powers to accomplish ends loosely referred to as social welfare? New problems, generally arising out of present-day urban and industrial conditions, have been met by the several States in a variety of ways. Many of the methods attempted by the States have been declared invalid by a divided court. The problem is not yet settled. In the nature of things it can never be settled. Every new decision is but the driving of a new stake in the boundary line between permissible action and prohibited action. The nature of the personnel of the Supreme Court will determine whether the area of permitted action shall be wide and free or narrowly restricted.

The second of these problems is identified with the relatively new and expanding field of public-utility regulation.

The third is concerned with industrial relations: What is the scope of permissible action by employees in attempting to further their economic interest?

Little, if anything, is known of the nominee's attitude or experience in dealing with the first two problems. On the third his record discloses an opinion sanctioning the antiunion or so-called "yellow-dog" promise. It is an opinion which obviously merits special consideration.

What is this much-discussed instrument, the antiunion contract? How is it made? What are its uses? What are the effects of its use? I should prefer to discuss it, first, without regard to its legal status, and to appraise it from the point of view of the layman.

An antiunion contract is sometimes a promise exacted by an employer from an employee not to join a union so long as he remains in his employ. Sometimes it is a condition of employment imposed by the employer that the employee shall refrain from joining the union as long as he is employed. This arrangement is consummated either by having a written instrument to that effect at the time of the hiring or during the course of employment, or by orally informing the applicants for employment that the shop was operated nonunion and that all employees were expected not to belong to the union.

The use of this instrument is a very unique one. No employer ever sued any employee for violating it. No employer ever expects to do so. That is not its purpose. Its utility lies solely in the fact that it affords a basis upon which to apply for an injunction restraining anyone from attempting to persuade the employees to unionize.

In a general way that is what occurred in the Hitchman case. That is what occurred in the Red Jacket case. There are differences between the two which I shall discuss later. That is what the company attempted to do in the Interborough cases. Before discussing the legal validity or the legal consequences of this arrangement there are, to my mind, some plain, simple layman reactions to this whole business which ought to be stated.

The layman understands that every contract is essentially a bargain. Let us now try, if we can, to visualize how this strange bargain, if it be one, comes into being.

John Smith, an unorganized worker out of work, comes to the factory of the X Y Z Co. in search of a job. He meets the personnel manager, hat in hand. He is told that a job is open, but he is given to understand that the plant operates on a nonunion basis and that one can not belong to the union and work there. He understands he is directed to sign a card stating that he will not join a union so long as he is employed by the X Y Z Co. He signs. What else can he do? Is he to refuse the job because of the curtailment of a possible right in the exercise of which he has no present interest? Can he hope to persuade the smart-looking personnel director that the contract interferes with what he regards as an inalienable right freely to associate with whomever he pleases? And if he should fail by persuasion, can he possibly hope to change his employer's attitude by holding out? Every day it costs money to live and every day's labor lost is gone forever beyond recovery. There is the job, together with its terms. Take it or leave it and go hungry. Of course, he takes it.

To jobless John Smith it does not occur at the time that he is consenting to an arrangement which will render him powerless ever to insist on better terms of employment. And if it does occur to him, there is nothing he can do about it.

All this is but another way of saying that between the large employer and the unorganized worker there is such a disparity and inequality of bargaining power that the talk of a contract between them arising out of the free assent of the two parties is as fictitious but not as harmless as the old Mother Goose rhymes.

Smith's rejecting the job means nothing to the X Y Z Co. If Smith will not have it Brown will. To Smith it means rent, food, clothing, and schooling for his children. The employer can afford to wait until his terms are met. Smith can not wait. His employer knows conditions; knows whether employment is plentiful or scarce; knows what he wants and knows how to get it.

It is extraordinarily simple and easy to insert "yellow-dog" contracts into terms of employment. If employers should be foolish enough to use them, and the courts should enforce them by injunction, then the well-organized, responsible trade unionism we have known is doomed. Only underground, rebellious, revolutionary, secret association will flourish in its place. The injunction will silence the voice of every responsible union organizer. But the underground revolutionist who pays little attention to law and less to injunctions will flourish like a green bay tree.

These are considerations which appeal to the lay mind as well as to the professional. One need not have read Blackstone to understand that there is something inherently unfair in such an arrangement. No acquaintance with Supreme Court decisions is necessary to understand the probable effects of such a régime upon the future of industrial relationship. Nor is it necessary for us to consider at this time whether an employer may insist that only unorganized labor shall be employed in his plant.

For purposes of present discussion it is sufficient to inquire whether, if he so insists, he must educate his employees to be satisfied with his terms or whether the courts will render him immune from the flow of ideas and the current of world discussion and the persuasion of workmen that in union lies their salvation.

Does the fact that an employer hangs a sign on his factory gate, "No union men wanted here," at once call into play all the force and all the power of the equity courts of the Nation exerted in their full strength to silence everyone who would tell any of his employees that unionism is worth while? The citizen untrained in the law will naturally draw his own analogies. He will ask: "Would the courts be equally solicitous to protect the man who insisted that only the heathen could work in his plant? Would a court enjoin a missionary from preaching the gospel to his employees? And suppose that he employed only Republicans in his plant? Would a court of equity enjoin a Democrat from electioneering among the employees? Or suppose that the employer insisted upon unmarried men in his plant, would the court restrain the clergyman's blessing upon a mar-

riage vow?" Of course, none of these would be enjoined, but under identical conditions the effort of men to organize to better their conditions of employment was balked by Judge Parker's injunction.

To the worker organization means bargaining power, security, self-respect. So long as he continues unorganized he must accept terms of employment just as they are as tendered. It is only through organization that he achieves the power to withhold that which he sells. The arrangement known as the anti-union or "yellow-dog" contract is ordinarily an undertaking on the part of the employee that he will continue to remain in the same helpless condition which compelled him to make the "yellow-dog" promise in the first instance. Is it good social policy to give full play to a device to accomplish that which medievalism accomplished through class stratification? Is it sound American practice to permit that system to be reproduced on this continent? Already in the mining towns of West Virginia the employer owns the miner's home, from which a court of equity will at the operator's request expel him. The employer owns the worker's city, his school, his church. Is he also to own and control his power of speech and association?

These briefly are the terms of the antiunion contract, the way in which it is made, the purposes for which it is entered into, the effects which it is likely to have, and the questions which it raises.

The following is what Prof. Edwin R. A. Seligman, well-known professor of economics of the Columbia University, said in reference to the antiunion promises:

> * * * The world has not yet succeeded in finding a solution for the so-called labor problem. Whatever that solution may be, both history and philosophy conspire to advise against the adoption of any policy which will render the solution more difficult and perhaps impossible. The conditions of this contract seem to the affiant clearly to fall within the latter category. The affiant would therefore strongly urge that the court withhold its approval from such a reversal of public policy which certainly presents no clear advantages, and which contains such potential dangers.

Paul Howard Douglas, professor of economics, University of Chicago, reacts to the antiunion promise in the following language, which I read because it is so pertinent to this discussion:

> To grant the injunction which is sought would permit employers to put a legal ring around their plants to prevent their being unionized. To grant such further protection of the law to the ability of the strong to force terms upon the weak, which the latter would not consent to were he on approximately equal terms with the other party, is to bring the boasted equality of the law into disrepute and is to inflict a heavy and unwarranted blow at the institutions which the comparatively weak have built up to protect themselves.

Our own Commissioner of the Bureau of Labor Statistics, Ethelbert Stewart, gives expression to a view that is commonly held when he says:

> In fact, I think the law should make criminal these one-sided so-called labor contracts.

Especially persuasive is the report of the United States Coal Commission on Labor Relations in Bituminous Coal Mining, which made a special investigation of the effects of the use of the antiunion contract in coal mines:

> We recommend that such destructive labor policies as the use of spies, the use of deputy sheriffs as paid company guards, house leases which prevent free access, and individual contracts which are not free-will contracts be abolished.

Of peculiar interest is the finding of the United States Coal Commission on Civil Liberties in the Coal Field:

> Many operators—
>
> Operators, mind you—
>
> however, do not use the "yellow-dog" contract, believing that it is immoral.

It was this sort of an agreement that was presented to Judge Parker in the Red Jacket case.

The Red Jacket Mining Co. employed each man with the understanding that he would not join the union so long as he worked for the Red Jacket Co. The United Mine Workers, nevertheless, sent agents to persuade the employees of the Red Jacket Co. to join the union. The Red Jacket did not attempt to meet argument with argument.

It did not even go through the form of attempting to persuade its men that its method of employment was superior and that they ought not to join the union. It did not exercise the power which it possessed to fire the men who joined. Instead it appealed to the equity court to restrain the organizers from persuading its employees to join the union. How did Judge Parker react to this application? Did he inquire into or consider the inequality of bargaining power between the Red Jacket Co. and each of its employees? Did he consider the consequences to unionism if such applications were generally granted? Did he inquire into the consonance of such a limitation upon public speech with American institutions? Did it occur to him that if such an injunction issued it would mean that under the protecting wing of the Federal courts every form of bondage could be imposed upon workers and that all resistance on their part would be rendered futile?

Mr. President, the most devastating criticism of Mr. Parker, the one fact which alone, in my judgment, is sufficient to disqualify him to hold the position to which he has been nominated is the fact that he failed totally to react. The application aroused in him no response. It called forth in him no evaluation of this device in the government of our people or its effect upon industrial relations. He was not what Cardozo called "the skeptic on the bench." The instrument was labeled a contract, and he accepted it as labeled, without question, without doubt, without thought, totally oblivious of its possibly catastrophic effects upon the future. That failure to be aware of the fact that he was in the presence of an important problem shows a lack of statecraft which is the sine qua non of the high judicial office to which he has been nominated.

I have not as yet discussed the law pertinent to this case. The present point is that where there is no appreciation of the vital issue underlying the litigation, no amount of legal training or judicial experience can supply the shortage.

And now, Mr. President, I insist that the law did not call for the injunction in the Red Jacket case. It is inconceivable that the law is so out of touch with realities that it fails to give adequate weight to the considerations which I have enumerated. Neither principle nor precedent justified this injunction. Indeed, the Court of Appeals of New York found that both principle and precedent required the denial of a restraining order under a very similar state of facts. The decision of the New York court was rendered in the case of Interborough Rapid Transit Co. *v.* Lavin. The Interborough Co., employing some 14,000 men, for reasons sufficient to itself, tired of unionism, and thereafter based its relations with its employees on the understanding that the men were not to join a union. The national union interested in the particular trade—in this case the Amalgamated Association of Street and Electric Railway Workers of America—sent its agents into the city of New York to persuade these employees to organize. The company at once applied for an injunction to restrain interference with its contracts of employment and to enjoin anyone from persuading its employees to affiliate with the union.

The Court of Appeals of New York denied the right to such an injunction. It considered the purposes of the national union in organizing these particular employees. It recognized that the standards of employment in one branch of the trade necessarily influenced standards of employment in another branch of the same trade, and that the union was therefore strictly within its legal objects in attempting to bring these 14,000 men within the sphere of its influence and thereby to augment their bargaining power. The court held that the union was at liberty to pursue such an object as long as it pursued it peacefully and without deception.

At least in one State it has thus been definitely decided that an injunction will not issue to prevent peaceful interference by a union with a "yellow-dog" contract. As counsel for the defendants in that case I helped the court to arrive at that decision. There is nothing in my professional work since I have retired from the bench from which I have derived greater satisfaction or greater pride.

Out of a host of principles of law pertinent to the Red Jacket case the first that comes to mind is the general rule that no contract is entitled to enforcement if it is in conflict with public policy.

The great value of this rule lies in its flexibility, in its power to comprehend new standards and new conditions. It is one of the great moving forces in the law which enables it to be stable and yet not to stand still. Whether a particular contract violates public policy in 1930 can not be determined by reading the precedents in Coke on Littleton. It is the public welfare of this generation that the law seeks to conserve.

What is the evidence on the question of public policy?

There is the story of every commission that has gone into the coal fields that the "yellow-dog" contract and the injunction to which it gives rise are supplanting civil law and government. There is the deliberate conclusion of mature students of the subject that they are rendering impossible the solution of the labor problem. There is the testimony of one commission that many coal operators regard this so-called contract as immoral. There

is the historical fact that State legislatures believe that it ought to be a criminal offense to make such a contract.

All this is cumulative evidence that the antiunion promise is in conflict with public policy. Certainly, no court of equity ought to give it validity.

Another well-established principle has decisive bearing upon the issue raised in the Red Jacket case—the principle that courts will not enforce a harsh and unfair bargain. Compare the give and take in this employment arrangement. What do the employees and employers exchange? Primarily work for wages. But what does the employee secure in return for his additional promise not to join a union? Does the company promise not to fire him when and as it pleases? It does not. Does the company promise not to join a combination of employers to force wages down? It does not. The employer continues entirely unhampered. His liberty of action is in no wise curtailed, but the worker has surrendered his power of self-defense against possible economic oppression. Such a bargain is harsh and unfair. It is not entitled to the extraordinary protection of an injunction.

These are general principles of universal application. They should have governed the disposition of the Red Jacket case.

But in addition, Mr. President, there is one clear-cut, conclusive reason why on Judge Parker's own statement of facts this injunction should never have issued. I have reference to the very simple fact that the employees were urged to do only that which they were at perfect liberty to do under the very terms of their contract. Such was the fact as found by the district court and approved by Judge Parker. On any theory of law whatsoever, there was, therefore, no interference with anyone's rights and no violation of law to be enjoined.

Now let me prove what I have said:

The men at Red Jacket could be fired at any time without assignment of cause. They could quit without stating the reason. Their employment was at will. What, if anything, did they promise? They promised not to join the union so long as they were employed at Red Jacket. And what were they persuaded to do by the union organizers? They were urged to join the union and quit.

This point is so important that it merits verification. I therefore read from the findings of the lower court:

That the union's agents were inducing the plaintiff's employees—

To cease working for said plaintiff and to become members of said union.

Judge Parker fully agreed with this finding, for in his opinion he said that in this case the organizers were attempting to—

Induce them * * * to join the union and go on strike.

Now, why was it not perfectly lawful for the union to persuade the men to do that which the contract itself permitted them to do? How is that the inducement of a breach of contract? The men had agreed to quit if they joined the union, and that is exactly what they were persuaded to do. There was nothing unlawful in that.

The one and only inference that can be and must be logically drawn from the Parker decision is that he holds it unlawful for a union to organize workers in a trade and persuade them to go on strike—contract or no contract. There is precedent for this idea; but, Mr. President, Judge Parker will have to go much farther back than the Hitchman case to find it. He might discover it in that benevolent age of a hundred years ago, in which also flourished the fellow-servant rule and similar barbarisms of our law. Only there can Judge Parker find the precedent or inspiration for the conclusion that must be drawn from his opinion. He said the union was not unlawful of itself. It was lawful as long as it was willing peacefully to curl up and die. But it became unlawful the minute it tried to extend its membership, its scale of wages, and its conditions of employment into the coal fields of West Virginia.

The implications of this case are far wider than the sanctioning of the "yellow-dog" contract. It threatens the right of self-organization by workers in any manner whatever.

No one has yet lifted a finger to defend the justice of these anti-union-contract injunctions. No one in this Chamber has yet offered to approve the propriety of the antiunion promise; but Judge Parker, sitting in a court of equity, sanctioned it, approved it, and enforced it with the most powerful weapon in the arsenal of our courts.

The President, through his Attorney General, says apologetically that Judge Parker in doing so was constrained to follow the Hitchman case. This apology is an exceedingly hollow one for a number of reasons.

I lay aside temporarily the important fact that in truth the two cases are not parallel. I can even afford to overlook the significant absence from Mr. Parker's opinion of any language of constraint. If, indeed, Judge Parker felt himself bound to decide the Red Jacket case as he did by reason of the compulsion of the Hitchman case, then he exhibited an excessively narrow understanding of the function of legal precedents.

Between the decision in the Hitchman case and the Red Jacket decision 10 long years had intervened, crowded with unprecedented discussion of the implications of the antiunion promise. The keen analysis and the new insight into this instrument which was thereby made available had their effect on the Supreme Court, and in American Foundries *v.* Tri-Cities Trades Council (257 U. S. 184–11) Chief Justice Taft pinned the Hitchman decision on the fraud and deceit which were present in that case. He said:

The unlawful and deceitful means used were quite enough to sustain the decision of the court without more.

Present in the Red Jacket case was another factor, the policy of Congress laid down in the Clayton Act, a policy perhaps not strictly governing it by reason of judicial decision but none the less expressive of the new appreciation of the scope of permissible union activity. Present also in the Red Jacket case were the obvious effects of the antiunion promise coupled with the injunction upon the coal industry. As a member of the Senate investigating committee I had the opportunity to witness those results at first hand: Business disrupted; industrial relations destroyed; civil government displaced; civil rights unknown; and poverty, resentment, and the seeds of rebellion everywhere. The Government commissions had already uncovered the facts and condemned the practices when Judge Parker wrote his decision. He must have known them, but apparently these vibrant facts had no meaning for him. These are factors which great judges take into consideration but which are overlooked and neglected and whose significance is missed by the kind of judges who seek a precedent and lean upon it.

It is easier to follow the beaten track than to clear another.

With prophetic pen, Judge Cardozo anticipated that precedent would some day be used in defense of lack of progress. In his Growth of the Law he provided the answer:

* * * Judges march at times to pitiless conclusions under the prod of a remorseless logic which is supposed to leave them no alternative. They deplore the sacrificial rite. They perform it, none the less, with averted gaze, convinced as they plunge the knife that they obey the bidding of their office. The victim is offered up to the gods of jurisprudence on the altar of regularity. One who seeks examples may be referred to Dean Pound's illuminating paper on Mechanical Jurisprudence. I suspect that many of these sacrifices would have been discovered to be needless if a sounder analysis of the growth of law, a deeper and truer comprehension of its methods, had opened the priestly ears to the call of other voices. We should know, if thus informed, that magic words and incantations are as fatal to our science as they are to any other. Methods, when classified and separated, acquire their true bearing and perspective as means to an end, not as ends in themselves. We seek to find peace of mind in the word, the formula, the ritual. The hope is an illusion. We think we shall be satisfied to match the situation to the rule, and finding correspondence, to declare it without flinching. Hardly is the ink dry upon our formula before the call of an unsuspected equity—the urge of a new group of facts, a new combination of events—bids us blur and blot and qualify and even, if may be, erase. The counterdrive—the tug of emotion—is too strong to be resisted. What Professor Dewey says of problems of morals is true, not in like degree, but none the less, in large measure, of the deepest problems of the law; the situations which they present, so far as they are real problems, are almost always unique. There is nothing that can relieve us of "the pain of choosing at every step."

But Judge Parker did not in his opinion indicate that he even tried to make a choice of two possible roads and that he was compelled to walk the one he did by the force of binding precedent. He was totally oblivious to "the urge of a new group of facts." He felt no "tug of emotion." There was but an explicit determination, by the citation of a previous case, to avoid "the pain of choosing at every step."

I will interpolate here to refer to another matter which was brought to my attention after I prepared my remarks. Yesterday there appeared in the Columbian Law Review for this month an article on labor injunctions, and the author of the article did me the honor, which I learned for the first time yesterday, to quote at length from an opinion I wrote in a labor dispute in 1922. I am reading it only because of the suspicions that frequently attach to one's motives. The ideas I express now I expressed in an opinion in 1922.

Since the author did me the honor to quote from the opinion, I will read just that much of it as indicated that I was not

entirely oblivious to this situation several years ago, for I said in that opinion, writing in the lower court, by the way:

> Precedent is not our only guide in deciding these disputes, for many are worn out by time and made useless by the more enlightened and humane conception of social justice. That progressive sentiment of advanced civilization which has compelled legislative action to correct and improve conditions which a proper regard for humanity would no longer tolerate can not be ignored by the courts. Our decisions should be in harmony with that modern conception and not in defiance of it. Some nisi prius adjudications rendered in these disputes, disputes in which the public is as much interested as the contending parties, have in my judgment reflected a somewhat imperfect understanding of the trials and hardships experienced by the workers in their just struggle for better living conditions.

That is contained in an opinion which I wrote in 1922, and I do not suppose anybody would charge me with anticipating at that time this particular controversy.

Now, we come to the final question: Did the Hitchman case actually foreclose Judge Parker's judgment in the Red Jacket case? Let us compare the two cases:

In the Hitchman case the court found the following facts:

First. An antiunion promise.

Second. A union actuated by a malicious purpose.

Third. Deception and abuse in the methods employed by the union organizers.

Fourth. The employees persuaded to join the union and stay at work secretly.

In the Red Jacket case the court found the following facts:

First. An antiunion promise.

Second. A conspiracy in restraint of interstate commerce.

Third. No evidence of deception or fraud.

Fourth. Men persuaded to join the union and quit.

On their very face the two cases are far apart. Let us continue the analysis of each of the four groups of facts:

First. The only factor they have in common is the antiunion contract. But had not Chief Justice Taft already stated in the later Tri-City case that the fraud and deceit, rather than the contract, explained the decision in the Hitchman case?

Second. Judge Parker approved a finding that the union was engaged in a conspiracy in restraint of trade. He could not have approved this finding unless he believed and held that it was unlawful for a union to extend its membership and its influence in order to improve the conditions of the workers in the industry. Is that the law in the United States?

There is not a lawyer in this Chamber who would agree that such is the law. The notion that a union was an unlawful conspiracy has been dead and buried too long to be disinterred at this late day.

There was no finding of conspiracy in the Hitchman case. Had Judge Parker rejected the conspiracy finding the court would have been entirely without jurisdiction in the case and the injunction could not have issued. Yet, we are told that Judge Parker was constrained to follow the Hitchman case!

Third. There was no fraud and deceit in the methods of the organizers in the Red Jacket case. In the Hitchman case the court based its decision upon these facts. Yet we are told that Judge Parker but followed the precedent of the Hitchman case!

Fourth. In the Hitchman case the court found that the men were persuaded to join the union and secretly continue at work in violation of their understanding with their employer. No such fact was present in the Red Jacket case. Quite to the contrary, the court specifically found that the men were persuaded to join and quit. That was not violative of the terms of the employment arrangement. That was not in breach of any possible contract. That was perfectly lawful. Yet we are told that Judge Parker but followed the Hitchman case!

Judge Parker has written a letter to the Senator from North Carolina [Mr. OVERMAN], which was given to the press and reproduced in the RECORD. There was little in the letter which was not already known. But it is a conclusive bit of evidence that Judge Parker has not to this very day emerged from the misapprehension in which his Red Jacket decision is rooted. In his letter he cites in support of his opinion the case of Coppage *v.* Kansas (236 U. S. 1). Nothing can be clearer than that the case of Coppage against Kansas has no bearing whatever upon the question in the Red Jacket case. The Coppage case held invalid a statute making it a crime for an employer to exact from his employee a promise not to join a union. The case did not hold:

First. That a contract in which an employee promises not to join a union is valid.

The case did not hold:

Second. That such a contract confers upon the employer equitable rights.

The case did not hold:

Third. That an employer has any rights, legal or equitable, against third persons who induce a breach of such a contract.

But the Red Jacket case held all three.

There is a world of difference between the position taken in the Coppage case that a law which made the exaction of such a promise a crime is invalid, and the position taken in the Red Jacket case that such a promise is enforceable. When the court holds that such a statute is unconstitutional it takes the position that the Government should keep its hands off and should not interfere in the struggle to bring about or to prevent unionism. The court in the Red Jacket case took a position diametrically opposite—that the Government should interfere to prevent unionism by the strongest measures available. To cite the Coppage case in support of the Red Jacket decision is an incomprehensible piece of legal misunderstanding.

The same court which decided People *v.* Marcus (185 N. Y. 257), which is directly parallel to and in agreement with the Coppage case, also decided Interborough against Lavin, which is squarely in conflict with the Red Jacket case.

I believe I have sufficiently established that neither principle nor precedent justified the Red Jacket injunction.

Mr. President, I see a deep and fundamental consistency between Judge Parker's views of labor relations and his reported attitude toward the colored people of the United States. They both spring from a single trait of character. Judged by the available record, he is obviously incapable of viewing with sympathy the aspirations of those who are aiming for a higher and better place in the world. His sympathies naturally flow out to those who are already on top, and he has used the authority of his office and the influence of his opinion to keep them on top and to restrain the strivings of the others, whether they be an exploited economic group or a minority racial group. Otherwise, would it not be strange that the man whose Red Jacket opinion is defended as resulting from the constraint of a Supreme Court precedent should feel so lightly the restraints of the Constitution itself in his expressed views of the colored people?

In my State, I am happy to say, men and women participate fully and freely in every phase of democratic government and in every branch of the arts and sciences, without regard to race or creed or color.

From the contributions to its development by the negro as well as the white man the State of New York has grown to the position it holds to-day. We have never had cause to regret that in New York color does not determine the rights of citizenship or access to private opportunities. I am sure we never shall.

Judge Parker's reference to the colored race is, to my mind, an insufferable and unjustified affront to millions of American citizens.

Mr. President, Judge Parker's sympathies as reflected in the record are not mine. His attitudes I do not share. But more important than either of these, in my judgment, is that measured by the standards erected, Judge Parker is found wanting. He lacks the statecraft essential to the office which he seeks. Guided by my conscience in the exercise of the duty imposed by the Constitution, I must withhold from the President my consent to this nomination, and in imparting the advice required under the constitutional mandate I satisfy myself to quote once again from Chief Judge Cardozo that it would be well for the President to—

> • • • Know that the process of judging is a phase of a never-ending movement, and that something more is exacted of those who are to play their part in it than imitative reproduction, the lifeless repetition of a mechanical routine.

Mr. McKELLAR obtained the floor.

The VICE PRESIDENT. The Chair suggests that a quorum call is desired.

Mr. WALSH of Montana. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Cutting	Hatfield	Oddie
Ashurst	Deneen	Hawes	Overman
Baird	Dill	Hayden	Patterson
Bingham	Fess	Hebert	Phipps
Black	Frazier	Howell	Pine
Blaine	George	Johnson	Pittman
Blease	Gillett	Jones	Ransdell
Borah	Glass	Kean	Robinson, Ind.
Bratton	Glenn	Kendrick	Robsion, Ky.
Brock	Goldsborough	Keyes	Schall
Broussard	Greene	McCulloch	Sheppard
Capper	Hale	McKellar	Shipstead
Connally	Harris	McNary	Shortridge
Copeland	Harrison	Norris	Smoot
Cousens	Hastings	Nye	Steck

Steiwer	Thomas, Okla.	Wagner	Watson
Stephens	Townsend	Walcott	Wheeler
Sullivan	Trammell	Walsh, Mass.	
Swanson	Tydings	Walsh, Mont.	
Thomas, Idaho	Vandenberg	Waterman	

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. A quorum is present.

RECEPTION TO SENATOR ROBINSON OF ARKANSAS

Mr. WATSON (at 3 o'clock p. m.). Mr. President, we are informed, and we are all glad to know, that our honored colleague, Senator ROBINSON of Arkansas, has returned to the city and is now in the Vice President's room.

For four months he has been abroad, as the whole world understands, on a mission as a representative of this Government at an international conference. While there he represented his country with distinguished credit to himself and with singular honor to the Republic.

It occurs to me that his return should not pass unnoticed, but that we should accord him that hearty welcome which is in the heart of every Senator to give to him. In order that this may be done, I move that the Senate take a recess for as long a time as may be necessary for the reception, and suggest that the Vice President take his place in the area in front of the clerk's desk with our distinguished fellow Senator and colleague. I move, too, that a committee of two Senators be appointed to escort Senator ROBINSON to the Chamber.

Mr. WALSH of Montana. Mr. President, on behalf of my colleagues on this side of the Chamber I desire to express our appreciation of this very courteous move on the part of the Senator from Indiana [Mr. WATSON]. His action and his words are an eloquent evidence of the fact that whatever asperities may arise in the course of debate in this Chamber, they are all forgotten on an occasion of this character. Whatever diversity of views may obtain concerning the work of the conference at London there has been universal confidence in the sagacity and in the patriotism of the delegates from the United States, to whom this body contributed two of its most conspicuous Members.

I join in the motion of the Senator from Indiana.

The VICE PRESIDENT. The question is on the motion of the Senator from Indiana.

The motion was unanimously agreed to.

The VICE PRESIDENT. The Chair appoints the Senator from Mississippi [Mr. HARRISON] and the Senator from Oregon [Mr. MCNARY] to escort Senator ROBINSON to the Chamber.

The Senate being in recess,

Mr. ROBINSON of Arkansas, escorted by Mr. HARRISON and Mr. MCNARY, entered the Chamber and stood with the Vice President in the area in front of the Secretary's desk and greeted the Members of the Senate as they advanced to greet him.

The reception having ended at 3 o'clock and 15 minutes p. m., the Vice President resumed the chair and called the Senate to order.

NOMINATION OF JUDGE JOHN J. PARKER

The Senate in open executive session resumed the consideration of the nomination of John J. Parker, of North Carolina, to be an Associate Justice of the Supreme Court of the United States.

Mr. McKELLAR. Mr. President, that Judge Parker is a man of high character no one will doubt. I do not know him, but those who do, in whom I have every confidence, speak most highly of him. However, after the most careful consideration and painstaking investigation of his record, I have concluded to vote against his confirmation for the following reasons:

I do not think as a lawyer and judge he measures up to the high standard that ought to obtain in the membership of the Supreme Court of the United States. I think his letter to the Senator from North Carolina [Mr. OVERMAN], published Monday, explanatory of his opinion in the Red Jacket case and of his former statement about colored people, fell far short of explaining either position.

I think his explanation of the decision in the Red Jacket case is puerile. If he had not believed that his decision was right at the time it was delivered and if he had simply followed the ruling of the Supreme Court in the Hitchman case, as this statement suggests, he would have so stated in the opinion itself and not at this belated day. His every expression in the Red Jacket decision shows his enthusiastic belief in the decision which he rendered. I would have respected him more if he had boldly stood by his decision in the Red Jacket case, saying simply that he believed then it was the law and the right, and still believed it to be so. The attempt to lay the alleged blame, if any, on the Supreme Court shows a weakness that, in my judgment, unfits him for a place on the Supreme Bench. If confirmed, no doubt, he will continue to follow some one else on the bench and would not be an independent thinker, as every Supreme Court judge should be. We ought not to confirm the nomination of a man who even might become a "me, too," judge.

Of course, his explanation about his statement in reference to colored people does not explain anything except possibly a willingness to make a statement which would tend to bring about his confirmation. I would have respected him more if he had stood by his guns or had remained silent on both matters.

His statement that he only followed the opinion of the Supreme Court in the Hitchman case shows two things: First, that his power of differentiating cases is not up to the standard; and, second, that he did not consider at all the Tri-City case, a later case decided by the Supreme Court, and one which was then before him, as he indicated in the opinion rendered by him by citing it.

He went far beyond the ruling in the Hitchman case and upheld an injunction against a peaceful request upon the part of one person to another to disregard an alleged contract of doubtful validity and to join a labor union.

Mr. President, in the use of the process of injunction the Red Jacket case went far beyond the Hitchman case, and therefore Judge Parker can not defend himself on the ground that he was following the Hitchman case.

I voted for the Clayton Antitrust Act, by which the Congress intended to correct, among other things, the holding of the majority of the Supreme Court that injunctions should be generously awarded in labor cases, even to upholding the "yellow-dog" contract. The court itself has always been divided on that question; it is still divided on it; the issue remains a live one in America. To put Judge Parker on the Supreme Court now would make our task of correcting this injustice but the harder. The "yellow-dog" contract is unconscionable, and it is doubtful if any court should have ever upheld it. In order to vote for Judge Parker's confirmation I would have to vote to reverse my former position on the question of the issue of injunctions in labor cases.

Mr. President, I want to call the attention of the Senate to section 20 of the act known as the Clayton Antitrust Act:

SEC. 20. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

I call especial attention to this language:

And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at any place where any such person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information, or from peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful and lawful means so to do; or from paying or giving to, or withholding from, any person engaged in such dispute, any strike benefits or other moneys or things of value; or from peacefully assembling in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held to be violations of any law of the United States.

Mr. President, when that law was passed in 1914 by an overwhelming majority, as I remember, on both sides of the House of Representatives, of which I was then a Member, and also by an overwhelming majority in the Senate, the Congress believed in the principles that were there laid down. What happened to them? I believe the first time the question came before the court was in the Duplex Printing Co. against Deering, in Two hundred and fifty-fourth United States Reports. At that time the act was not declared unconstitutional, but was virtually emasculated.

Mr. President, to my mind, the principles enunciated in that act were so fair and so just to the employees and to the employers alike that it ought to have been upheld in toto; but, as has been stated here, it was chiseled down, and a great many people think that it was held unconstitutional. It was not held unconstitutional, but under such judges as Judge Parker it has virtually been made nugatory, and he made it nugatory in the Red Jacket case and, to my mind, without any warrant.





I wish to speak for a moment regarding the three cases which are of prime importance in this controversy. From the Hitchman case I want to read the words of the injunction.

In that case the defendants were enjoined—

From interfering or attempting to interfere with plaintiff's employees so as knowingly and willfully to bring about the breaking by plaintiff's employees, present and future, of their contracts of service, known to the defendants to exist, and especially from knowingly and willfully enticing such employees, present or future, to leave plaintiff's service without plaintiff's consent.

Judge Parker upheld an injunction restraining the defendants—I quote the words of the injunction—

From inciting, inducing, or persuading the employees of plaintiffs to break their contract of employment with the plaintiffs—

Going, as will readily be seen from the language used, far beyond the terms of the injunction which was issued in the Hitchman case.

Judge Parker cited the Hitchman case in his opinion and said—and I again quote from his decision—that the Supreme Court in that case—

Also enjoined interference with the contract by means of peaceful persuasion. The doctrine of that case has been approved by the Supreme Court in later cases of American Steel Foundries v. the Tri-City Central Trades Council, 257 U. S. 184.

Of course, Mr. President, his decision shows that Judge Parker had read, or he is supposed to have read, the Tri-City Central Trades Council case, in which case Chief Justice Taft delivered the opinion of the court. I want to show how utterly at variance the decision of Chief Justice Taft in that case is with the opinion of Judge Parker in the Red Jacket case. There is not the remotest connection between the principles enunciated by the Chief Justice of the United States Supreme Court, Mr. Taft, and the principles announced in the Red Jacket case. I quote from Chief Justice Taft's opinion as follows:

Is interference of a labor organization by persuasion and appeal to induce a strike against low wages under such circumstances without lawful excuse and malicious? We think not. Labor unions are recognized by the Clayton Act as legal when instituted for mutual help and lawfully carrying out their legitimate objects. They have long been thus recognized by the courts. They were organized out of the necessities of the situation.

A single employee was helpless in dealing with an employer. He was dependent ordinarily on his daily wage for the maintenance of himself and family. If the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and to resist arbitrary and unfair treatment. Union was essential to give laborers opportunity to deal on equality with their employer. They united to exert influence upon him and to leave him in a body in order by this inconvenience to induce him to make better terms with them. They were withholding their labor of economic value to make him pay what they thought it was worth. The right to combine for such a lawful purpose has in many years not been denied by any court. * * * It is impossible to hold such persuasion and propaganda without more, to be without excuse and malicious. * * * The elements essential to sustain actions for persuading employees to leave an employer are first, the malice or absence of lawful excuse, and, second, the actual injury. (American Foundries v. Tri-City Council, 257 U. S. 209, 210.)

That is read from Mr. Taft's opinion in a later case that Judge Parker cited, and did not follow; and yet he tries to put the blame, if any blame there be, for his decision upon the Supreme Court. As I said before, I should have had a great deal more admiration for him and a great deal more respect for him if he had boldly said, "I believed that that opinion was right; I believed it was the law, and I stand by it." He does not say anything like that, however. He excuses it in his letter of last Monday.

The statement by Mr. Taft says:

The principle followed in the Hitchman case can not be invoked here.

And, after describing what that case held, Judge Taft further said:

This court held that the purpose [in the Hitchman case] was not lawful, and that the means were not lawful, and that the defendants were thus engaged in an unlawful conspiracy which should be enjoined. The unlawful and deceitful means used were quite enough to sustain the decision of the court without more.

Mr. President, it will thus be seen that if Judge Parker had simply followed the ruling of the Supreme Court he would have followed the Tri-City Trade Council case, and he would not have followed the Hitchman case. Why? Because the Hitchman case was decided in 1917. The Tri-City case was decided in 1925. It was the latest enunciation from the Supreme Court on that subject; and if Judge Parker had just been following the Supreme Court decision, of course he should have followed the last decision.

Judge Parker enjoined interference with the contract by means of lawful persuasion, when the last case of the Supreme Court, then before him, plainly held that this could not be done. So, in his present position, Judge Parker is in this dilemma: He must of necessity stand on his decision as right under the holding of the Supreme Court in the Hitchman case, or he must admit that he did not understand the differentiation of that case as made by Chief Justice Taft, or that he did not follow the latest decision of the Supreme Court, but elected to follow a prior one.

The truth is, in my judgment, that Judge Parker believed that the law as laid down by the Supreme Court in the Hitchman case was right, and so strongly did he believe it that he extended it by making the injunction apply to interference with the contract by peaceful persuasion; and he did this without regard to the expressed opinion of an almost unanimous decision of the Supreme Court, delivered by Chief Justice Taft in the Tri-City Trade Council case.

In order that lawyers may examine these three cases which I think are conclusive against Judge Parker, I will give the style and dates of the cases:

Hitchman Coal & Coke Co. v. Mitchell (245 U. S. 229), decided at the October term of court, 1917, with Justices Brandeis, Holmes, and Clarke dissenting.

American Foundries v. Tri-City Council (257 U. S. 184), decided at the October term of court, 1921, in an opinion by Mr. Chief Justice Taft, with only Mr. Justice Clarke dissenting.

International Organization, etc., v. Red Jacket C. C. & C. Co. (18 Fed. Rept. 839), decided by Judge Parker on April 18, 1927.

Mr. President, while I wholly disagree with the opinion of Mr. Justice Sutherland in the case of United Railway & Electric Co. against West, decided on January 6, 1930, I desire here to call attention to Mr. Justice Sutherland's reasoning in that case as to how decisions of the Supreme Court should be followed. I quote from his opinion:

What is a fair return on property donated to a public purpose within this principle can not be settled by invoking decisions of this court made years ago based upon conditions radically different from those which prevail to-day. The problem is one to be tested primarily by present-day conditions. Annual returns upon capital and enterprise, like wages of employees, cost of maintenance, and related expenses, have materially increased the country over. This is common knowledge. A rate of return upon capital invested in street-railway lines and other public utilities which might have been proper a few years ago no longer furnishes a safe criterion either for the present or the future.

As I said, I do not agree with the result of the decision in that case, but I do commend the reasoning of Mr. Justice Sutherland that lawsuits should all be settled upon present-day conditions, and that a judge should be wholly independent, and should pass upon every case under present conditions, looking to the present and to the future rather than to the musty conditions of the past.

In the same way, perhaps to a greater extent, have conditions recently changed in regard to labor laws. A few years ago labor was a commodity. This status of labor was abolished by the Congress. A few years ago there was no collective bargaining. Now, according to Mr. Chief Justice Taft, the right to combine for such a lawful purpose has not been denied by any court for many years. Collective bargaining is no longer a theory, but it is a principle acquiesced in by substantially all fair-minded men.

If Judge Parker had been an independent thinker, a judge who worked out his own opinions, who thought for himself, who had convictions, he, like Mr. Justice Sutherland, would have applied his knowledge of changed conditions to present-day facts and would not have blindly followed a decision made 13 years ago upon different facts and by a divided court. To my mind it would be an anomalous thing to put on the Supreme Court of the United States a man with views like that.

I desire here to quote from a letter from a constituent, a distinguished lawyer, a brilliant young lawyer of Chattanooga, Tenn., and I think I can indorse every word he says on the question of an appointment of this kind. I read from that letter:

To my mind, it is vital to the welfare and peaceful progress of our Nation that men raised to the dignity of membership on our highest court should be men whose eyes are fixed, not upon the past but upon the present and future, and who are capable of realizing that the law is not a dead, stagnant, static thing, but lives and grows and develops

with the life and growth of human kind; that property rights, however sacred, are of but trivial importance compared to the basic human rights of life, liberty, and the pursuit of happiness; and that broad questions of public policy are not to be determined in the light of precedents established a half-century ago, or a decade ago, or even a day ago, if, in the light of changing conditions and the development of our complex system of civilization, circumstances arise which impel the declaration, definition, and application of another and newer policy more deserving to be called public than an outworn precedent which might have served in a bygone day.

Mr. President, this is the policy that should animate the breast of every thoughtful and patriotic judge on every court.

On yesterday we listened to a very learned speech by the distinguished senior Senator from Ohio [Mr. FESS]. In his argument, my distinguished friend and my beloved friend—for I am very devoted to the senior Senator from Ohio—said, as I understood him, that anyone who votes against Judge Parker is voting against the Supreme Court of the United States.

To my mind, that was one of the most astounding statements I have heard for a long time. His statement is certainly unfounded so far as I am concerned. I yield to none in my belief in the Supreme Court of the United States. I think it is the greatest court in all the world. At times I differ strongly from the decisions of that court. I sometimes differ strongly from the individual economic opinions of the members of that court; but for the court itself I have the greatest respect and the greatest admiration and the greatest esteem. The members of that court are all honest men, in the highest degree honest men, and men of the greatest ability. Instead of the vote that I am going to cast against Judge Parker being against the Supreme Court, as I regard it, my vote is to uphold our confidence in and respect for that court. In confirming a member of that court, the Senate of the United States performs probably its most important function; and, in my judgment, we can not be too careful about the men we confirm to that court.

I am one of those old fogies who believe, especially in making appointments to the Supreme Court of the United States, that the literal words of the Constitution should be obeyed by the President, in that he should advise with the Senate before he makes appointments to that court. Certainly he should advise with the members of the Judiciary Committee of the Senate before he makes appointments to that court, and probably before he makes appointments to the membership of any court. Instead of a vote against Judge Parker being an attack upon that court, in my judgment it is in this case a defense of the court; for no Senator would vote against a nominee to that court except for the most cogent of reasons.

Mr. President, one other word and I am through.

I regret that my esteemed friend, the senior Senator from Ohio [Mr. FESS], on yesterday undertook to inject politics into this matter. A Supreme Court judge ought not to be selected because of politics in the first instance, and he ought not to be confirmed for political reasons; but I am not so sure that politics has not crept into this matter.

I desire to read to the Senate at this time a letter which I find in Mr. Parker's record as it appears in the Judiciary Committee. The letter is from the First Assistant Secretary of the Interior, Hon. Joseph M. Dixon, who formerly was a Member of this body. It is addressed to Hon. Walter H. Newton, the White House. It is dated March 13, 1930, and this is what it says:

MY DEAR MR. NEWTON: I speak as a native-born North Carolina Republican.

North Carolina gave President Hoover 65,000 majority. In my judgment it carries more hope of future permanent alignment with the Republican Party than any other of the Southern States that broke from their political moorings last year.

If the exigencies of the situation permit, I believe the naming of Judge Parker to the Supreme Court would be a major political stroke.

Mr. WALSH of Massachusetts. What is the date of that letter?

Mr. McKELLAR. March 13, 1930. I continue reading:

North Carolina has had no outstanding recognition by the administration. The naming of Judge Parker at this time would appeal mightily to State pride. It would be the first distinctive major appointment made from the South. It would go a long way toward satisfying the unquestioned feeling that the administration has not yet recognized the political revolution of 1928.

Everyone tells me that Judge Parker is a man of fine personality, who has made a most enviable record, both in private practice and as a member of the Federal circuit court. By education and legal training he should measure up to the position. There would be no apology necessary. He is a Phi Beta Kappa graduate of the University of North Carolina. The fact that he is 45 years old, and has not yet reached the senile stage, would give a distinct flavor in the matter of a Supreme Court appointment.

Mr. WALSH of Massachusetts. Has the Senator finished?

Mr. McKELLAR. Not yet. I stop here long enough to ask who is attacking the Supreme Court? I read that again:

The fact that he is 45 years old, and has not yet reached the senile stage, would give a distinct flavor in the matter of a Supreme Court appointment.

I may be prejudiced on account of my knowledge and sympathy for the North Carolina Republicans who have borne the banner, in season and out, under tremendous discouragement. I believe Judge Parker's appointment would be a master political stroke at this time.

If in the midst of overwhelming demands upon your time and his these considerations could be presented to President Hoover, I believe they are worthy of serious thought.

Yours very sincerely,

JOS. M. DIXON.

Mr. President, I have read that letter, not for the purpose of indicating that this is a political appointment—I do not know—but in view of that letter being here in the files as one of the reasons why Mr. Parker's name has been sent to this body, it seems to me that it comes with ill grace from those who are supporting Judge Parker to talk about political considerations.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield now?

Mr. McKELLAR. I will in just a moment. I want to say that so far as I am concerned I do not think any Senator ought to vote to confirm or to reject such a nomination because of political reasons. I think a man ought to be either confirmed or rejected because of his great worth and legal attainments, considering whether he will adorn the bench, whether he will make the same kind of a wonderful judge that those who have gone before him have made.

I think we ought to eschew politics, and if I know anything about the Senate, we are eschewing politics. I want to concede frankly to those who have a different view from mine the highest and noblest purposes, and I am not questioning anybody's purpose, but I just felt that, inasmuch as the question of politics had been raised, the facts as disclosed by the record ought to be made known.

Now I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. Mr. President, I understood the Senator to state that the date of that letter was March 13.

Mr. McKELLAR. March 13, 1930.

Mr. WALSH of Massachusetts. On what date did Judge Sanford die?

Mr. McKELLAR. I do not remember.

Mr. WALSH of Massachusetts. The letter must have been dated shortly after his death.

Mr. McKELLAR. Yes; and it must have been shortly before the appointment.

Mr. WALSH of Massachusetts. Is this Mr. Dixon a resident of North Carolina?

Mr. McKELLAR. No. According to this letter, Mr. Dixon was born in North Carolina, and then he moved to Montana, I believe.

Mr. WALSH of Massachusetts. Was he the Republican candidate for Senator from the State of Montana in the election against Senator WHEELER, of Montana?

Mr. McKELLAR. Yes; I think he is the same man. The junior Senator from Montana [Mr. WHEELER] is here, and can speak for himself.

Mr. WHEELER. That is correct.

Mr. WALSH of Massachusetts. He is now Assistant Secretary of the Interior?

Mr. McKELLAR. Assistant Secretary of the Interior.

Mr. WALSH of Massachusetts. I think the Senator has rendered a distinct service. The colleague of the Senator from Tennessee informs me that Judge Sanford died on March 7 and the resolution of sympathy was presented in the Senate on March 10.

Mr. McKELLAR. It was about that time. I remember I was in Memphis, Tenn., at the time, and I was in Memphis on the 8th.

Mr. WALSH of Massachusetts. This letter was apparently written immediately after the burial.

Mr. McKELLAR. I want to say that I do not know that that letter influenced the President at all. I do not mean to make any charge about it. I merely say that the letter is here in the record and speaks for itself. It is one of the letters upon which the appointment was made.

Mr. WALSH of Massachusetts. The letter makes an appeal on partisan grounds for the appointment of a man to the United States Supreme Court?

Mr. McKELLAR. Yes.

Mr. WALSH of Massachusetts. Let me ask another question. It has been intimated around the Chamber, rather privately, that Senators have received telegrams from Republican organizations in the South urging them to support this nomination, on the ground of the benefit it would be not to the United States Supreme Court but the political benefit it would be to the Republican Party in North Carolina and in the South generally. Has the Senator any information as to that?

Mr. McKELLAR. No; I have not. I want to say that I do not know that I have received any such telegrams.

Mr. WALSH of Massachusetts. I will state for the RECORD that I have seen such a telegram.

Mr. OVERMAN. Mr. President, if the Senator will yield to me, I would like to inquire about this letter. It was dated on the 13th, long before the subcommittee was appointed, and this document was not before the subcommittee.

Mr. McKELLAR. It is a part of the record which the Judiciary Committee had before it in the consideration of Judge Parker's nomination.

Mr. OVERMAN. I say it was not before our subcommittee. I do not know how it got into the record.

Mr. McKELLAR. It may not have been before the Senator's subcommittee, but undoubtedly it was a part of the record before the Committee on the Judiciary.

Mr. OVERMAN. But it was not before my subcommittee.

Mr. McKELLAR. I merely say it is a part of the record now. I found it in the record.

Mr. OVERMAN. It is probably a letter addressed to the President urging him to appoint Judge Parker rather than a letter recommending that he be confirmed.

Mr. McKELLAR. It is addressed to Mr. Walter H. Newton.

Mr. OVERMAN. That is for the purpose of having the appointment made.

Mr. McKELLAR. I suppose so.

Mr. OVERMAN. It was not before our committee at all.

Mr. FESS. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON in the chair). Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. McKELLAR. I yield.

Mr. FESS. I am glad to have the Senator say that he would not assert that this appointment was a political one, as might be indicated by that letter.

Mr. McKELLAR. The only knowledge I have about it is the letter itself, and in view of the charge of political bias on the part of Senators, and especially of bias on the part of some Senators on this side of the aisle, I thought it my duty to lay the matter before the Senate in the way I have.

Mr. FESS. If the Senator will permit, Mr. Dixon has been rather an active figure politically in the West, and I do not know what his motive might be in writing to Mr. Newton.

Mr. McKELLAR. I could not enlighten the Senator.

Mr. FESS. I do know this, and I think the Senator will admit it, that appointments to the Supreme Court in recent years have not been put on a political basis. If the Senator will recall, in the earlier times they always were put on a political basis.

Mr. McKELLAR. It has been quite frequently done, and I am afraid is too often done as it is.

Mr. FESS. Would the Senator permit me to read a statement from President Buchanan? It is a very significant statement.

The VICE PRESIDENT. Does the Senator yield for that purpose?

Mr. McKELLAR. I yield for that purpose if it is not too long.

Mr. FESS. On July 18, 1857, President Buchanan wrote this statement:

> No Whig President has ever appointed a Democratic judge of the Supreme Court, nor has a Democratic President ever appointed a Whig, and yet the remark has been general that the Democrats appointed to this bench, from the very nature of the constitution of the court, have always leaned to the side of power, and to such a construction of the Constitution as would extend the powers of the Federal Government.

He was criticizing a decision which had been made by Mr. Taney.

Mr. McKELLAR. As I remember, there were only two Whig administrations. One was that of Zachary Taylor and Fillmore together, and the other was about 30 days of the first President Harrison, which could not be called a term of office.

Mr. FESS. On the other hand, the Senator recognizes that recent Presidents—I am not sure about President Wilson—including Harding, especially Harding, appointed Democrats to the Supreme Court, and I know that that was the attitude also of President Coolidge and of President Hoover. It shows the breadth of view of the President in the matter of appointments to the Supreme Court.

Mr. McKELLAR. I think uniformly during a long period of Republican administrations the court has been kept about two-thirds Republican.

Mr. FESS. I think it has been Republican.

Mr. McKELLAR. About 6 Republicans to 3 Democrats, if I remember correctly, and sometimes as few as 2 Democrats. I am not complaining of that. I am not making any charges.

Mr. FESS. Would the Senator permit me just one more word?

Mr. McKELLAR. Certainly.

Mr. FESS. I do not know to what portion of what I said yesterday the Senator referred when he said I made the charge that the opposition to this appointment was political. I have not so regarded it at all. My charge was that it was a socialistic move. I do not mean that every Senator who votes against Parker believes in socialism; I do not believe that at all. I mean that the recent opposition to the Supreme Court has in its origin a socialistic interest, a complaint that we do not sufficiently socialize our decisions from the court. That is what I meant. I did not mean that it was political.

Mr. McKELLAR. As I understood the Senator yesterday—I looked for his remarks in the RECORD to-day, but they have not been printed——

Mr. FESS. Yes; they have been printed.

Mr. McKELLAR. I did not find them in the RECORD; I must have looked at the wrong RECORD. My distinct recollection was that the Senator referred to Senators on this side of the aisle——

Mr. FESS. No; I think not.

Mr. McKELLAR. We will get the RECORD and see.

Mr. FESS. I did not mean to.

Mr. McKELLAR. The RECORD will speak for itself.

Mr. WALSH of Montana. Mr. President, will the Senator yield to me?

Mr. McKELLAR. I yield.

Mr. WALSH of Montana. I would like to have a little explanation from the Senator from Ohio as to what he means by the recent attack on the Supreme Court.

Mr. FESS. I mean the criticism that has been running through the press and the criticism that has been prevalent for some years, the expression of dissatisfaction with the attitude of the Supreme Court in giving greater consideration to property than to human rights. I hear that frequently, and I have heard it for 20 years. That is what I mean.

Mr. WALSH of Montana. I am very glad to get the explanation. I supposed the Senator referred to something that transpired in this Chamber.

Mr. FESS. No.

Mr. WALSH of Montana. Does the Senator think the press ought not to express its views concerning the Supreme Court?

Mr. FESS. Oh, no; I believe in freedom of the press absolutely.

Mr. OVERMAN. Mr. President, I would like to inquire further about this letter. I do not see how it got into the files of the Judiciary Committee.

Mr. McKELLAR. I have the file here in my hand and will be glad to show it to the Senator.

Mr. OVERMAN. I do not want to see the file. I know how the letter was addressed, but how it got in our files I can not understand.

Mr. McKELLAR. I will give the Senator the memorandum which appears on it. The first memorandum is "Office of the Attorney General; received March 20, 1930." Then down below is a memorandum, "Respectfully referred for consideration. Lawrence Richey, Secretary to the President." It was sent by the President's Secretary to the Attorney General, and the Attorney General sent it to the committee with other documents.

Mr. OVERMAN. That may have been the case, but I know it was not before my subcommittee. It contained a recommendation for the appointment of Judge Parker, and not for his confirmation; but it was never before our subcommittee.

Mr. McKELLAR. I understand it was before the committee, but whether it was specifically called to the attention of the various members of the committee I can not say.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Montana?

Mr. McKELLAR. Certainly.

Mr. WALSH of Montana. I would like to ask the Senator from North Carolina if the file in which this letter appears was before the subcommittee?

Mr. OVERMAN. Oh, no.

Mr. WALSH of Montana. The Senator from Tennessee has the file.

Mr. OVERMAN. That is the matter about which I want to inquire. It was sent down by the Attorney General and was never before our subcommittee.

Mr. WALSH of Montana. Was the file which the Senator from Tennessee has in his hand before the committee?

Mr. OVERMAN. Oh, no. We did not look into that file at all.

Mr. McKELLAR. On the first page of the file is this indorsement:

List of indorsers of Hon. John J. Parker, Charlotte, N. C., for position of Justice of the Supreme Court.

Then appear the names of a great many men, starting out with Arthur C. Denison, United States circuit judge, Cincinnati, Ohio, and the date of his letter is March 13, 1930. Then it goes right on down through the list.

Mr. OVERMAN. I understand it now.

Mr. McKELLAR. I find the name of Joseph M. Dixon.

Mr. WALSH of Montana. Mr. President, may I inquire where the Senator from Tennessee got the file?

Mr. McKELLAR. I got it from the desk of the chairman of the Judiciary Committee, the Hon. GEORGE W. NORRIS, Senator from Nebraska. It has been on his desk, I understand, for some little time.

Mr. OVERMAN. I am not contradicting the statement at all. I just wanted the facts. I know that the file was not before our subcommittee. I am not criticizing anybody in the least.

Mr. NORRIS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Nebraska?

Mr. McKELLAR. I brought the Senator's name into the discussion, so I will have to yield to him. I have just read the letter from Joseph M. Dixon.

Mr. NORRIS. Is there any question about it?

Mr. OVERMAN. None at all; but it was not before our subcommittee.

Mr. NORRIS. I do not know that it was before the subcommittee. The file which I had here on my desk, which I showed to the Senator from Tennessee and will show to any Senator, contains, as I understand it, all of the recommendations that were made in this case. That is a common thing to be done. Sometimes they are sent to the Senate.

Mr. OVERMAN. That is the reason why I inquired about it. We went into the matter and held hearings; we called witnesses; but we did not look at the files at all, and I did not know whether there were any files there.

Mr. NORRIS. I do not think it was before the subcommittee. I suppose it came to me because I happened to be chairman of the Committee on the Judiciary.

Mr. McKELLAR. I presume the Senator from Nebraska would be willing to say that when it came into my hands it came there in a perfectly regular and proper way?

Mr. OVERMAN. Oh, I have never criticized anyone in that respect at all.

Mr. NORRIS. It is perfectly proper that it should be in the hands of any Senator, and that any Senator may read everything there is in it.

Mr. McKELLAR. Mr. President, it is remarkable how men look upon this nomination. One of the most distinguished lawyers in Chattanooga, Tenn., is Judge J. J. Lynch. I received a letter from him dated the 16th of April, as I recall it, very much in favor of Judge Parker's confirmation. Three days later I received a letter from his son and partner, Carter J. Lynch, one of the ablest and best-equipped young lawyers in our State, with an argument against the confirmation of Judge Parker. I am not going to read the letter. I read an excerpt from it a while ago. I merely want to say that I think it is as strong an argument as I have read, and I ask unanimous consent that it be printed in the RECORD as a part of my remarks. I hope that Senators will read the letter in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

CHATTANOOGA, TENN., *April 29, 1930.*

Hon. K. D. McKELLAR,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: While my father and I are thoroughly in accord on most things, I am unable to agree with his views on the confirmation of Judge Parker, as expressed in his letter of the 15th to you.

In view of my father's incomparably superior legal ability, his thorough familiarity with the subject, and his long experience in litigation involving labor disputes, I hesitate to express any view contrary to his. Nevertheless, the matter is of such far-reaching importance, in my judgment, as not only to justify but to impel this letter of protest.

To my mind it is vital to the welfare and peaceful progress of our Nation that men raised to the dignity of membership in our highest court should be men whose eyes are fixed not upon the past but upon the present and future, and who are capable of realizing that the law is not a dead, stagnant, static thing, but lives and grows and develops with the life and growth of humankind; that property rights, however sacred, are of but trivial importance compared to the basic human rights of life, liberty, and the pursuit of happiness; and that broad questions of public policy are not to be determined in the light of precedents established a half a century ago, or a decade ago, or even a day ago, if, in the light of changing events and the development of our complex system of civilization, circumstances arise which impel the declaration, definition, and application of another and newer policy, more deserving to be called "public" than an outworn precedent which might have served in a bygone day.

My father in his letter takes the position that Judge Parker ought not be refused confirmation on account of his decision in the case of International Organization United Mine Workers of America *v.* Red Jacket Consolidated Coal Co. (18 Fed. (2d) 839), because in deciding that case Judge Parker simply followed earlier decisions of the Supreme Court of the United States, which, as a judge of an inferior tribunal, he was obliged to do. There are two answers to this:

1. Judge Parker did a great deal more than follow the decision of the Supreme Court of the United States sustaining the sacredness and inviolability of "yellog dog" contracts. If he had simply followed, through compulsion, the Supreme Court's decision, he could and should have said so, and could and should have said that although he did not agree with this decision he was obliged to follow it. He did nothing of the sort. On the contrary, he wrote an opinion in which he expressed entire accord with every material contention made in behalf of the coal company, except the utterly absurd contention that the very existence of the union was unlawful. In his opinion he went to the very uttermost limit authorized by the most reactionary opinion ever written by the Supreme Court (and I have in mind especially the case of Hitchman Coal & Coke Co. v. Mitchell, 245 U. S. 229, in protecting and safeguarding the sacred contractual and property rights of the coal company and curtailing, restricting, and taking away the rights of free speech and the free prosecution of a lawful enterprise by peaceful means on the part of the union.

It is true that the union men were not confining themselves to the use of peaceful persuasion to accomplish the unionization of the mines, and in so far as they resorted to violence and bloodshed their action ought not to be condoned. The fact remains that the injunction sustained by Judge Parker in terms prohibited them from using even peaceful persuasion to accomplish their purpose.

My father refers to a number of Tennessee cases in which mining operators were granted injunctions apparently fully as broad and sweeping as the one sustained by Judge Parker. In those cases, however, the contracts between the operators and miners differed materially from those involved in Judge Parker's case. The Tennessee cases involved employment contracts in ordinary form, whereby the operator was bound to give employment *for a definite period,* and at a stated rate of pay, and the miner in turn was bound to work for that rate of pay *during that definite period.* The Tennessee courts held that during the period for which the contracts were to run, no person would be permitted to induce their breach by any means whatsoever. In Judge Parker's case, on the other hand, the contracts were for no definite period, so that as a matter of law they were terminable at will; and it was not the employment contracts *as such* which Judge Parker sustained, but the wholly independent stipulation that the miners must not join the union. Where was the consideration to support such a stipulation? The miner's agreement to work constituted full and ample consideration for the operator's agreement to give him work. The work which the miner was to do was full and ample consideration, to say the least, for the wages paid him by the operator. What right, then, had the operator to insist upon this additional stipulation for which he paid nothing and for which the miner got nothing?

It has been said (and said by some very able judges) that if a union dealing with a mine operator or other employer has a right to insist upon a stipulation that none but union men shall be employed, then the employer has a correlative right in dealing with individual employees to insist that they remain out of the union while in his employ. Among the many bases upon which the two situations can be distinguished, the principal and fundamental one is this:

That dealings between employers and unions are dealings between parties on an equal footing, where the power of the employer to give or refuse employment is matched by the power of the union to give or refuse the necessary supply of labor. Can there be any comparison between this situation and that in which a single workman, dealing in his own behalf and without power to control the supply of labor, or control anything except his own willingness to work, seeks employment

from one who has the absolute power to give or refuse the work that means food in the bellies of his children? Isn't it rather fantastic to talk of freedom of contract when we see on the one hand a poor, grimy, ignorant miner with a brood of hungry kids at home, and on the other a mine operator who, with the power to say whether the miner and his wife and babies shall eat or not—in effect, the power of life and death over the man and his family—says: "I will give you work and pay you enough to sustain life after a fashion, but I will do so only on condition that you forfeit your right to join an organization through which you might be able to deal on equal terms with me"?

In the case of American Foundries *v.* Tri-City C. T. Council (257 U. S. 184–209) Chief Justice Taft had this to say with reference to labor unions:

"They were organized out of the necessities of the situation. A single employee was helpless in dealing with an employer. He was dependent ordinarily on his daily wage for the maintenance of himself and family. If the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and to resist arbitrary and unfair treatment. Union was essential to give laborers opportunity to deal on equality with their employer."

To my amazement I found this language quoted by Judge Parker in his opinion in International Organization United Mine Workers of America against Red Jacket C. & C. Co., above referred to. Apparently Judge Parker must have quoted this language without reading, or at least without grasping its purport and effect, for his decision went as far as he could possibly have gone on the record in the case to nullify the right of laborers to unionize. His decision left them with no more than the bare right, if they had any, to join a union, and stripped them of everything, including the right of peaceful persuasion, which would enable them to extend the union's scope of influence and make its work effective for the protection of its members.

Freedom of contract should be maintained. The alternative is anarchy. If contracts are not to be respected by those who make them and enforced by the courts against those who would evade them, the imagination falters in an attempt to picture the consequences. But when freedom of contract is made a shield and a screen to cover and protect oppression, then I say that the very same public policy which impels the enforcement of contracts should step in and circumscribe the right of contract within such limits as will prevent its abuse.

There is nothing revolutionary in this suggestion. The legislatures of the various States of this Union have passed laws prohibiting usury, and under these laws a contract, though made between persons sui juris, can not be enforced if by its terms it provides for the payment of a higher interest rate than that fixed by law. These laws are neither more nor less than a legislative declaration of a public policy whereby a necessitous debtor and his family are protected against the rapacity and greed of those holding the power to give or deny the money that means life and sustenance.

It is quite probable that in the present state of the law, as declared by the United States Supreme Court and enthusiastically followed by Judge Parker and other Federal judges of the same reactionary type, a workman's only hope of relief is in the passage by Congress of an act based upon the soundest considerations of a forward-looking and progressive public policy, whereby no Federal court shall be permitted to give injunctive relief to enforce and protect any stipulation in any employment contract by which an employer binds an employee not to affiliate himself with any union or other organization.

Meantime, it seems to me that every possible effort should be made to refuse membership to men who, however upright, however learned in the law, however worthy otherwise they may be, have demonstrated that their minds are molded in the cast of conservatism, inflexibly and unalterably and beyond hope of adjustment to "the awakening forces of a new day and the compulsion of changing circumstances."

2. As I have stated, it is not true that Judge Parker simply did that which he was compelled to do by the earlier decisions of the Supreme Court. His opinion in the case under consideration shows not only that he went to the very utmost limit of the law as announced by the Supreme Court in granting "relief" to the coal company but, moreover, that he stretched the law to the breaking point *in order to sustain the jurisdiction of the district court and his own court.*

The coal companies had invoked Federal jurisdiction upon the ground that the defendants were engaged in an unlawful conspiracy in restraint of interstate trade and commerce. The proof showed, and Judge Parker in his opinion said, that the actual purpose of the defendants was "*to force unionization of the West Virginia mines,*" but a few paragraphs farther on in his opinion Judge Parker held that solely because of the large production of the mines involved, and the fact that the greater part of this product moved in interstate commerce "it is therefore clear that the purpose of defendants in interfering with production was to stop the shipments in interstate commerce." In so holding he refused to follow, and undertook to distinguish, the decision of Chief Justice Taft in United Mine Workers *v.* Coronado Coal Co. (259 U. S. 344), in which Judge Taft had specifically held that proof of the intent to stop production of coal in a mine or mines did not establish a conspiracy in restraint of interstate commerce, even though the greater part of the product of the mines moved in interstate commerce. He brushed aside the case of United Leather Workers *v.* Herkert (265 U. S. 457), in which Judge Taft had further discussed, followed, and applied the Coronado decision, and he wholly misconstrued the purport and effect of Judge Taft's second opinion in the Coronado case (268 U. S. 295) and undertook to apply and base his ruling upon cases clearly and easily distinguishable from the case before him.

In the first Coronado case, which Judge Parker declined to follow, the Supreme Court of the United States announced in very clear terms (a) that coal mining is not interstate commerce and the power of Congress does not extend to its regulation as such; (b) that the fact that coal, when mined, has to move in interstate commerce, does not make its production a part thereof; and (c) that "obstruction to coal mining is not a direct obstruction to interstate commerce in coal, although, of course, it may affect it by reducing the amount of coal to be carried in that commerce."

Further, the court said in that case:

"And so, in the case at bar, coal mining is not interstate commerce, and obstruction of coal mining, though it may prevent coal from going into interstate commerce, is not a restraint of that commerce unless the obstruction to mining is *intended to restrain commerce* in it, or has necessarily such a direct, material, and substantial effect to restrain it that the *intent reasonably must be inferred.*"

The clear and obvious meaning of the language thus used, and of Judge Taft's opinion as a whole, is that the determinative question is that of *intent* to interfere with interstate commerce, and that the mere fact that some interference with interstate commerce results from the acts done is not determinative unless: (a) The intent is proved; or (b) the interference with interstate commerce is such a direct, material, and obvious result of the acts done that "*the intent reasonably must be inferred.*"

In other words, the question being strictly one of intent, the extent to which interference with production may affect the movement of the product in interstate commerce is material *only* in so far as it may be looked to as proof of intent.

In the second Coronado decision Judge Taft, so far from departing in any degree from the principle announced in his first decision, as Judge Parker's opinion would indicate or infer, emphasized and clarified the proposition that the question of intent is controlling. In the second opinion, it is true, Judge Taft did advert to the fact that the proof on the second trial indicated that the production of the mines was larger than had been stated in the original opinion, and further said that this might be looked to; but only (a) on the question of intent, and (b) *in connection with other direct and positive testimony to which he referred in his opinion and which tended to indicate a positive intent to interfere with interstate commerce.*

In undertaking to apply the second Coronado opinion Judge Parker overlooked or ignored the essential fact that in the Coronado case on the second trial there was, as stated, direct proof which Judge Taft said should have gone to the jury, indicating a positive intent to interfere with interstate commerce, and that the testimony with reference to the amount of output was held material only "as a circumstance with the rest of the new testimony in proof of intent." In the case presented for Judge Parker's decision, if there was one syllable of proof indicating any direct intent to interfere with interstate commerce, apart from the proof as to the large output of the mines, which would necessarily be affected by their closing, Judge Parker conspicuously failed to refer to it.

As to the actual intent of the defendants as disclosed by the proof, I invite your especial consideration of the following quotation from Judge Parker's opinion. After expressing the opinion that there was evidence to sustain the finding of the district judge as to the existence of a conspiracy in restraint of interstate commerce (and after failing conspicuously to disclose the nature of that evidence), Judge Parker said:

"By this we do not mean, of course, that the union was unlawful of itself, but that defendants, as officers of the union, had combined and conspired to interfere with the production and shipment of coal by the nonunion operators of West Virginia in order to *force the unionization of the West Virginia mines and to make effective the strikes declared pursuant to the policy of the union.*"

The italics here used (as elsewhere in this letter) are mine. Here I use them to stress the obvious fact, from which even Judge Parker could not escape, that the actual purpose, the primary purpose, the paramount and all-important purpose was the *unionization of the West Virginia coal fields,* and that if the means adopted to this end resulted to some extent, or even to a substantial extent, in reducing the amount of coal carried in interstate commerce, this was but a mere incident, and not the intent or purpose.

Judge Parker in his opinion also said:

"And there can be no question that the strikes called by the union in the nonunion fields of West Virginia in 1920 and 1922, and the campaign of violence and intimidation incident thereto, *were merely the carrying out of a plan and policy upon which the defendants had been engaged for a number of years.*"

This being true, upon what conceivable ground consistent with reason could Judge Parker conclude that mere proof as to the amount of coal, whose shipment in interstate commerce was stopped by the strike, could

be taken as a basis for presuming an intent upon the part of the defendants different from the intent thus fairly stated?

The following quotation from the opinion of the late Chief Justice in the Herkert case, above referred to, is, I think, quite pertinent in this connection:

"We concur with the dissenting judge in the circuit court of appeals when, in speaking of the conclusion of the majority, he said: 'The natural, logical, and inevitable result will be that every strike in any industry, or even in a single factory, will be within the Sherman Act and subject to Federal jurisdiction, provided any appreciable amount of its product enters into interstate commerce' (284 Fed. 446, 464).

"We can not think that Congress intended any such result in the enactment of the antitrust act or that the decisions of this court warrant such construction."

I must beg your pardon, Senator, for writing at such length, but the matter has impressed me as being of such great importance, and the appointment of Judge Parker fraught with such grave danger to the development of a liberal and forward-looking interpretation of our laws, that I have felt in the first place a duty to give you an expression of my views, and having undertaken to do so, to make that expression as full and clear as I could.

Sincerely yours,

CARTER J. LYNCH.

Mr. OVERMAN. Mr. President, I ask permission that some clippings from Florida newspapers sent to me may be published in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The newspaper clippings are as follows:

[From the Tampa (Fla.) Tribune]

DEFENDING JUDGE PARKER

Judge John J. Parker, of North Carolina, whose nomination as Associate Justice of the Supreme Court has been turned down by the Senate committee, and whose fate in the Senate is uncertain, does not lack for stout defenders. The Washington Post, for one, asserts that the objections to Judge Parker are "shallow and artificial." He has, according to the Post, "honesty, judicial temperament, legal ability, moral courage, good habits, and industry." The opposition to his confirmation in the Senate, the Post charges, is due entirely to the fact that certain Senators come up for reelection this year, and they fear the "labor votes and colored votes."

The Post grows stronger as it proceeds in its editorial of April 20, and declares the attack on Judge Parker "is in reality an attack upon the Supreme Court. The purpose of the radicals who call themselves 'liberals' is to terrorize all Federal judges so that they will not dare to perform their duty in issuing injunctions in labor disputes. Mixed with this purpose is the usual hodgepodge of radicalism, which demands that the courts shall constitutionalize any legislative act, no matter how crazy; that constitutional property rights shall be disregarded; that the courts shall adopt concepts of radicalism in place of constitutional rules; that, in general, the Supreme Court and all inferior courts shall shape their decisions to suit the political aims of demagogues in the Senate."

There is no just ground for agreement with the objections to Judge Parker's appointment which are based on his decision in the West Virginia case. In that case Judge Parker affirmed an injunction decree which restrained the United Mine Workers from (1) interfering with men seeking employment by menaces, threats, violence, or injury to them, or injuring or destroying the properties of the mine owners; (2) trespassing upon the property of the mine owners, inciting, inducing, or persuading the employees to break their contract of employment; (3) aiding any person to occupy without right any house or other property of the mine owners. The injunction clearly applied to acts plainly and unmistakably unlawful; it did not restrain the mine workers from the exercise of their proper rights in protecting their own membership or in seeking to extend it by peaceful and lawful methods. This injunction, however, is offered as the principal reason why Judge Parker isn't fit to sit on the Supreme Court. We can't see that this position is tenable. Naturally, southern people will not join in the other objection urged to Judge Parker—his declarations on the race question.

We quoted a day or two ago an editorial on this subject from the New York World, which did not urge either of these objections to Judge Parker, but offered the suggestion of a general national opinion that the liberal sentiment of the country should be represented on the Supreme Court. This may have some foundation; but at the same time we do not agree that the liberal sentiment of this country would demand that a judge be disqualified for promotion to the highest court of the land because he enjoined the commission of unlawful acts, whether by labor or capital.

[From the Florida Times-Union, Jacksonville, Fla., April 17, 1930]

UNDERMINING FOUNDATIONS OF GOVERNMENT

Sometimes there is occasion for wondering how long righteous and honorable government can continue to exist with so many and various efforts made to destroy the very foundations on which orderly and respected government rests. Wonderment, and apprehension, also, is increased when are seen at the work of undermining government those who should be its strongest supporters. Efforts in this direction, when made by weak and puny individuals and agencies, do not attract more than passing attention, if that. But when those in high places, in places of power and a certain degree of authority, lend themselves to the undermining of just and upright government, then the situation becomes ominous and fraught with great danger.

A few weeks ago a certain judge in North Carolina stood high in the estimation and respect of all who knew him, of all who had intimate acquaintance with his performance in the high office that he occupied and in which he functioned justly and honorably, it was believed. Then this judge, John J. Parker, by name, was nominated by the President of the United States for a place on the bench of the United States Supreme Court as an associate justice. The nomination was hailed with delight, generally, for there was belief that a wise selection had been made of a man to go on the bench of the highest court in the Nation.

Of course, the nomination had to go to the Senate for approval or for disapproval. Immediately the work of the Government underminers was started. Objections were raised against confirmation of the appointment of Judge Parker, whose entire judicial career was searched in the hope that something could be found to be held against him and his advancement. In the Senate there was listening to these objections, most of them trivial, not one of them reflecting the slightest tinge of either incompetency or of judicial unworthiness. The only thing that could be put up in opposition to the appointment, or confirmation, of this honorable judge was that in one or two cases coming before him he had not decided as some of his present opponents think he should have done, and for these decisions he is now to be punished.

Following announcement of this opposition, to which the Senate gave willing ear—at least a sufficient number of Members to block immediate confirmation—following announcement of this opposition, tongues of criticism wagged freely. So-called investigations were made, privately, in this instance. Evidently it was difficult to find anything seriously affecting either the character or the judicial probity and ability of Judge Parker. But his confirmation still is under fire, although the President is standing firmly back of his nominee and his nomination. Final report by the Senate Judiciary Committee has been held up, more for the sake of expediency than for any other reason, so it appears, although the subcommittee which considered the nomination made a favorable report to the Judiciary Committee.

More need not be said here at this time concerning this particular instance, except to say that sorry will be the day when, in this country or any other, honorable judges can be assailed successfully for having rendered decisions with which not everybody is satisfied. It is well to remember, also, and in this connection, that similar attacks were made on Justice Hughes when, recently, his appointment for the Supreme Court was before the Senate. That attack failed, as ought to fail the attack now being made on Judge Parker, if for no other reason than that such attacks on honorable and eminently qualified judges are in the way of undermining just and righteous government, which must be maintained if the people are not to be made to suffer at the hands of those who seek to drag down and destroy the courts that are the very foundations of civil liberty and human justice.

[From the Miami Herald, Miami, Fla.]

JUDGE REJECTED

If the United States Senate follows the advice of its Judiciary Committee, the nomination of Judge John J. Parker, of North Carolina, for Associate Justice of the Supreme Court will be rejected. Or the appointment may be withdrawn by President Hoover or the nominee before the vote is taken. But there is also the contingency that the Senate will approve the name despite the adverse report of the committee.

But the action of the committee is clearly a rebuff for Mr. Hoover, and will be eagerly hailed by his foes and also by the liberals. The Judiciary Committee voted 10 to 6 against a favorable report on Judge Parker, and declined the fairness of giving the nominee a chance to be heard. The committee was convinced by the protests of radicals, communists, labor, and negroes that Judge Parker is not a proper personage to sit upon the high bench. It wanted no other evidence.

This scrutiny of appointees by the Senate, which is all very well, seems to indicate a desire on the part of that body to worry the Executive, which is in keeping with its character. Judge Parker is no outstanding jurist, and aside from politics there appears to be no good reason for his selection.

He was so little known at the time of his nomination that oratorical Senators had nothing to say, and it was presumed that approval would be bestowed as a matter of form. But it was a simple matter to find protests against the choice, just as it would be possible to discover objections to any appointment.

These were used as the excuse for refusal to indorse the presidential appointment. A surprising feature in the vote is that several supposedly good Republican administration supporters were among those

registering their opposition. Possibly the Senate wishes to put Mr. Hoover in his place, and demonstrate that it must be considered in picking men for judicial offices. He must play with the Senate if the Senate is to play with him. It is the way of politics, and Judge Parker happens to be the victim. The Senate tried to make it operate with Chief Justice Hughes, but was unable to succeed in that case. Now it scents victory and is delighted.

[From the Washington Post, April 20]

JUDGE PARKER'S CASE

The more the qualifications of Judge John J. Parker are studied the more shallow and artificial appear the objections to him. There is no objection to him, in fact, on any valid ground. His honesty, judicial temperament, legal ability, moral courage, good habits, and industry are undeniable. The qualities of a great judge are shown in his judicial opinions and decisions.

It happens that many Senators are beginning primary campaigns for reelection, and the radical agitators who are engineering the opposition to Judge Parker are doing their best to frighten these Senators into voting against Judge Parker. Mythical "labor votes" and "colored votes" are pictured as lining up against any Senator who dares to vote for Parker.

The attack upon Judge Parker is in reality an attack upon the Supreme Court of the United States. The purpose of the radicals, who call themselves "liberals," is to terrorize all Federal judges so that they will not dare to perform their duty in issuing injunctions in labor disputes. Mixed with this main purpose is the usual hodgepodge of radicalism, which demands that the courts shall constitutionalize any legislative act, no matter how crazy; that constitutional property rights shall be disregarded; that the courts shall adopt new concepts of radicalism in place of constitutional rules; and that in general the Supreme Court and all inferior courts shall shape their decision to suit the political aims of demagogues in the Senate.

Chief Justice Hughes was assailed because it was known that he was a man of courage who would apply the Constitution without first obtaining the advice and consent of Senate bosses. Now Judge Parker is attacked because he is a strong and upright judge.

Senators who may be inclined to sacrifice an honest and acceptable judge in order to win votes for themselves should think twice before they make that blunder. The great majority of voters are not won by such cowardice and demagoguery. The people are keeping the Supreme Court in high respect and are deeply resentful of the mud-slinging tactics employed by Senators who seek selfish advantage at the expense of the judiciary. It is quite possible that this resentment would manifest itself in the defeat of Senators who lacked the courage to resist the malign attempts to prostitute the courts. Certainly any Senator who would deliberately vote to fill the Supreme Court Bench with charlatans and sycophants deserves defeat.

No more indecent or vicious attack upon the integrity of American institutions could be conceived than the attempt to destroy the judicial power by killing off all nominations of able and honest jurists. No Senator who is convinced of the fitness of Judge Parker can vote against him without a loss of self-respect. A seat in the Senate is a place of dishonor and shame when it is bought by an act that aims at the degradation of the tribunal that applies the Constitution and the law. The preservation of the integrity of the Supreme Court is a matter of the highest duty, which no Senator with a sense of honor can think of shirking.

Mr. HEBERT obtained the floor.

Mr. NORRIS. Mr. President, will the Senator from Rhode Island yield to me to enable me to suggest the absence of a quorum?

Mr. HEBERT. I prefer that the Senator should not do so for I fear we might not get a quorum at this late hour.

Mr. NORRIS. I only wanted to see that the Senator should have a full hearing.

Mr. HEBERT. I appreciate the Senator's courtesy.

The VICE PRESIDENT. The Senator from Rhode Island declines to yield for that purpose.

Mr. HEBERT. Mr. President, no citizen of this country would knowingly impair or endanger our judicial institutions. All, I am sure, would help to perpetuate them, to have them retain their health and the confidence they have inspired that our civil life may be maintained with the greatest degree of liberty consonant with our safety and our ideas of government.

Therefore I assert that every citizen is most solicitous that we shall have the best judges. Upon this point there can be no difference of opinion. Upon other things we differ. Some may think a judge to be chosen at a particular period of our national life should be of one political faith, others that his political views should agree with theirs, while a third group might urge that the times demand the elevation to the bench of a man holding certain economic convictions. Some of us may be dissatisfied with this or that decision previously rendered by a candidate or a nominee. In the very nature of things there is apt to be at least one dissatisfied party in every case after decision. But I am sure we all agree that we should have good judges. And what are the outstanding qualifications required of a judge? I pause to outline some of them:

First. He should be learned in the law. He must have acquired this knowledge by deep study, by earnest and painstaking application to his work.

Second. He must be a man not only honest and upright and well intentioned but he must be no respecter of persons. He should know nothing about the parties; everything about the case. He must do everything for justice; nothing for himself. If on one side there be arrayed the supreme authority to whom he owes his preferment—the source of his power—the greatest aggregation of wealth, and on the other hand a nameless individual, a penniless pauper, the good judge must see neither. His every thought, his every effort should be directed to the maintenance of an even balance of the scales of justice, the emblem of his exalted office.

By these standards I propose to be guided in my consideration of the nomination of Mr. Justice Parker.

Judge John J. Parker was born in Monroe, N. C., November 20, 1885, the son of John D. Parker and Frances Johnston Parker. On his father's side he descends from one John Parker, a soldier of the Revolutionary War. On his mother's side he traces his ancestry to John Johnston, a surveyor general of the colony of Carolina, who came to America from Scotland in 1735. Through his mother's family he is related to James Iredell, one of the justices of the first Supreme Court appointed by President Washington.

Judge Parker was educated in the public schools of Monroe, N. C., and at the University of North Carolina. He worked his way through college, but notwithstanding this handicap, he is said to have made one of the most brilliant records at that institution since the Civil War. He led his class in scholarship, being president of Phi Beta Kappa Society. He won prizes in Greek, economics, and law. He represented the University of North Carolina in debates with the University of Georgia and the University of Virginia. He won the orator's medal, the most coveted prize of the undergraduate school. He was president of his class during his freshman year and also during his senior year, and he was president of the student council, which administered student self-government. He received from the University of North Carolina the degrees of bachelor of arts and bachelor of law, and in 1927 the university conferred upon him the honorary degree of doctor of laws.

Judge Parker began the practice of law at Greensboro, N. C., in 1908. In 1922 he removed to Charlotte, N. C., that he might have a wider field for practice, and became the head of the law firm of Parker, Stewart, McRae & Bobbitt. During the years he maintained an office in Charlotte Judge Parker had a wide and varied practice. He was not retained by public corporations but he appeared in important cases in the State and Federal courts, as well as in the Circuit Court of Appeals for the fourth circuit, and in the Supreme Court of the United States.

In 1923 and 1924, Judge Parker served as special assistant to the Attorney General of the United States in the prosecution of certain war-fraud cases. He assisted in the prosecution of the Harness case in West Virginia. Mr. Justice Groner, who heard the case, speaks in the highest terms of the abilities which were displayed by Judge Parker in the handling of it.

It has been intimated that Judge Parker in the handling of this case had subjected himself to the criticism of the court because of his conduct in the trial. I have here a copy of a letter addressed to Senator NORRIS by Mr. Justice Groner, who presided at that trial. It is dated Richmond, Va., April 26, 1930. It reads as follows:

MY DEAR SENATOR NORRIS: There have been a great many things said and printed in newspapers opposed to Judge Parker, intended doubtless to influence adversely the consideration by the Senate of his appointment to the Supreme Court. These have been properly answered and I have no present concern with them. I feel, however, in common justice to Judge Parker that I should notice an editorial appearing yesterday afternoon in a Washington newspaper called the News, in which his professional conduct is criticized in a criminal case, known as the Harness case, in which I presided. There was nothing in Judge Parker's conduct in that case which was properly the subject of adverse criticism, nor was there any by me at any time during the trial. His part in the conduct of the case commended itself to me as conforming in all respects to the highest standards of the profession, and I therefore pronounce as wholly unjust and without warrant any and every implication to the contrary.

With respect, I am, yours sincerely,

D. LAWRENCE GRONER.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Nebraska?

Mr. HEBERT. I yield.

Mr. NORRIS. I received that letter, I will say to the Senator, at the same time I received the letter which was previously published, which was sent to me by Mr. Hayes, of New York, who, I understand, was formerly secretary to Secretary Baker when he was Secretary of War. I answered Judge Groner's letter by a telegram, and, if the Senator will permit me, I should be glad to read the telegram I sent and the answer I received by wire from the judge.

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Nebraska?

Mr. HEBERT. I shall be very glad to yield to the Senator for that purpose.

Mr. NORRIS. I do this, I will say to the Senator from Rhode Island, because of the letter that the Senator has read, which has already been published, having been put into the RECORD by the Senator from North Carolina [Mr. OVERMAN]. I want the Senator from Rhode Island and the Senate also to know just what happened in regard to my reply to the letter. On April 29, 1930, I wired Judge Groner as follows:

Hon. D. L. GRONER,

United States District Judge, Richmond, Va.:

Your letter of April 26 regarding the confirmation of Judge Parker has just been brought to my attention. I will have the letter read in the Senate in connection with the nomination now under discussion.

I did not have that done, because before I could get the floor, after I dictated the telegram, the Senator from North Carolina secured the floor and had a copy of the letter put into the RECORD. That is the reason I did not comply personally with the promise I made in the telegram. I further stated:

I desire to call your attention to a letter sent to me by Ralph Hayes, of New York City. This letter was published in the newspapers Monday morning. In this letter there is quoted what purports to be a charge made by you to the jury at the conclusion of the so-called Harness case when you directed a verdict for the defendants. I presume you have read the publication of this letter wherein your alleged charge to the jury in this case is quoted. Please wire me whether the charge quoted in the Hayes letter is correct. If not correct, please send me correct copy of this charge.

G. W. NORRIS,

Chairman Senate Judiciary Committee.

I received an answer by wire from Judge Groner, as follows:

RICHMOND, VA., *April 29, 1930.*

Hon. G. W. NORRIS,

United States Senator, Senate Office Building:

I have just received your telegram in regard to the letter of Ralph Hayes as to Judge Parker's participation as counsel in the Harness case. The Hayes letter was sent me last night by Senator GLASS, to whom I have sent a reply, which will be in his hands by 3.30 p. m. to-day. Please refer to my letter to Senator GLASS for reply to your telegram. I regret that I have not immediate access to the stenographer's transcript of the trial, but I have wired my Norfolk office to forward it to you. As stated in my former letter to you and reiterated in my letter to Senator GLASS there was nothing in Judge Parker's professional conduct in the trial of this case which could properly be the subject of criticism.

D. LAWRENCE GRONER.

In answer to that letter, I called on the Senator from Virginia [Mr. GLASS], and he permitted me to read the letter which he had received. The letter was not, in my judgment, an answer to the question I had propounded in my telegram, although I am not finding any fault, because, as the judge said in his letter, it was some time ago, and he could not remember all that had happened, but I secured from the Attorney General late that afternoon a copy of the judge's charge to the jury which it seems was on file in the Department of Justice. So the information which I sought to get by telegram was fully supplied to me by the Attorney General.

Mr. HEBERT. Mr. President, I might say——

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Virginia?

Mr. HEBERT. Mr. President, if the Senator from Virginia will allow me first to answer the Senator from Nebraska I shall then yield to him. I may say, for the information of the Senator from Nebraska, that I myself have examined the charge to the jury of Judge Groner in the Harness case, and I have failed to see any criticism of Judge Parker therein.

Mr. NORRIS. Mr. President, before the Senator from Virginia puts the letter in the RECORD, let me say, if the Senator from Rhode Island will permit me, that the letter of Mr. Hayes contained certain quotations which he alleges were taken from the charge of Judge Groner to the jury. I examined carefully the charge sent me by the Attorney General and the quotations from Mr. Hayes's letter, and the quotations from the letter are all included in the charge, although they are in different places in the charge. I did not see this letter printed in the newspapers, but in the letter itself in the quotations from the charge there are asterisks, showing that the writer did not quote consecutively, but the language quoted may be found, perhaps, on different pages of the charge. However, the quotations were all taken from the charge, although in the charge was a statement by Judge Groner, which has already been read into the RECORD but which was not quoted in the letter, commending the attorneys in the case in a very high manner, as the Senator remembers.

I wanted to say that because of my participation in this matter I myself have never sought any information from any source or tried to make any investigation as to the character of Judge Parker or as to his ability as a lawyer or his participation in the Harness lawsuit or any other. The only reason I sent the telegram was because the letters were directed to me, and I felt it my duty to pursue them as far, at least, as I did.

Mr. GLASS. Mr. President——

Mr. HEBERT. I yield to the Senator from Virginia.

Mr. GLASS. Mr. President, if the Senator will permit me, I think it peculiarly appropriate that the letter written to me by Judge Groner should go in the RECORD at this point. I may say that in trying to reach a conclusion as to how I should vote on this nomination I tried to procure all the facts, and in that process I advised Judge Groner of the charge that he had reprimanded Judge Parker from the bench in the case which has been under discussion here and asked for an explanation of the charge. He wrote me as follows under date of April 29:

UNITED STATES DISTRICT COURT,

Norfolk, Va., April 29, 1930.

Hon. CARTER GLASS,

United States Senate, Washington, D. C.

DEAR SENATOR GLASS: I return the letter of Mr. Hayes and thank you for letting me read it. Prior to seeing it my attention has been called to an editorial in a Washington newspaper along the same line, and I wrote at once to Senator NORRIS, saying that Parker's part in the management of the case in question was not in any respect the subject of adverse criticism, and that the publication had done him grave injustice. This I now repeat to you.

Of course, I can not undertake to recall from memory all the incidents of a case tried nearly seven years ago, but I do remember quite well the impressions then made on me. These were first that the Government had shown an exceedingly weak case and one in which the evidence fell short of the legal requirements of a proof beyond a reasonable doubt, thus devolving on me the responsibility of taking it from the jury, and likewise that the Government had been greatly handicapped in presenting its case by the obvious antagonism of its own witnesses; and, secondly, that all of counsel had conducted the case in fairness and in good spirit and with a proper regard to the proprieties. I do not recall hearing at the time, nor have I ever heard since until the present moment, any suggestion of improper conduct on Judge Parker's part. My recollection is that the case was prepared by the Department of Justice and that he was employed to assist in its presentation to the jury, and I am impelled to conclude that the charges now made against him are thoroughly disingenuous.

The impression that I formed of Judge Parker at the time was wholly favorable, and that impression has grown through my subsequent association with him, and I repeat now the assurance which I have formerly given you that I regard him as in all respects a high-minded, able, conscientious, and forward-looking lawyer and judge.

Sincerely yours,

D. LAWRENCE GRONER.

I may add that it occurred to me, as it did to the Senator from Nebraska, that Judge Groner did not answer the specific inquiry in an explicit way, but upon examination of the Hayes letter I find that there was no quotation in the letter that expressly implied a criticism of Judge Parker. On the other hand, there was a conclusion stated by Hayes himself to the effect that Judge Groner had severely criticized the conduct of the case by Parker; but an inspection of the transcript of Judge Groner's charge shows that that is not true, because Judge Groner in his charge expressly said that the conduct of the case was characterized by earnestness, fairness, and ability. So the implication contained in the Hayes letter was the conclusion of Hayes himself and not an expression of Judge Groner.

I thought it proper to communicate with Judge Groner, and now think it proper to put his letter in the RECORD, in order that that phase of the case may be fairly stated.

Mr. HEBERT. Mr. President, I thank the Senator from Virginia for calling the letter to the attention of the Senate.

I do not wish to appear ungracious to Senators; but the hour is getting late, and I should like to conclude my argument this afternoon. Therefore I wish Senators would not interrupt me further, in order that we may proceed with as much diligence as possible.

Mr. Justice Bailey who presided at the trial of the labor fraud case in which Judge Parker also appeared, stated in a letter to Senator OVERMAN:

Judge Parker handled the case, in my opinion, with great ability. He had to gather testimony from all parts of the country, involving many questions, and showed unusual ability in the marshalling of these facts, so as to present the case clearly as a whole. It was one of the best-conducted cases in my experience.

He also showed great fairness in the conduct of the trial. While he fought the case earnestly and with proper spirit, he did not allow his feelings to overcome his judgment.

Mr. Charles A. Douglas appeared as leading counsel for the defendants in the labor fraud case, and Mr. Douglas says of Judge Parker's conduct in this case:

This trial lasted about three months, and I had the opportunity of seeing, feeling, and knowing what manner of man Judge Parker is. He was fair, able, and thorough in the conduct of the prosecution. He was fair because he did nothing that merited just criticism by the defense; and he was able and thorough, for I never knew of a case so thoroughly and wonderfully prepared in every part of its detail, and I have at no time ever encountered a more dangerous and formidable trial lawyer than he.

Mr. Justice W. E. Baker, judge of the northern district of West Virginia, who was in charge of the grand jury in the Harness case, has this to say of Judge Parker in his telegram of April 28, 1930, addressed to Senator OVERMAN:

It has come to my attention that a question has been raised as to the ability of Judge John J. Parker to perform the duties of Associate Justice of the Supreme Court of the United States. Judge Parker appeared before my court as special counsel for the United States in some very important litigation, and as such acquitted himself in a most commendable manner. Since his elevation to the Circuit Court of Appeals of the Fourth Circuit I have had occasion to sit with him on that court. I have followed his opinions very carefully and have no hesitancy in saying in my opinion he is eminently fitted for the position of Associate Justice on the Supreme Court of the United States.

In 1910 Judge Parker was the nominee of the Republican Party as candidate for Congress from the seventh North Carolina district. He was defeated by a small majority, but he made a campaign which brought him to the favorable notice of the people of his State. In 1920 he was nominated for the office of governor, as a candidate of the Republican Party of his State, and received the unprecedented total of 230,000 votes. This was not only a greater total than any Republican candidate had ever received in that State, but exceeded by 63,000 votes the total cast for any candidate of any party in North Carolina prior to that time. He was defeated, however, by Gov. Cameron Morrison. The impression which he made upon the people of the State on this occasion won him the support of Governor Morrison for appointment to the circuit bench and also to the Supreme Court.

Judge Parker was appointed United States circuit judge by President Coolidge on October 3, 1925, and has since occupied that position. He has sat in more than 450 cases and has written 184 opinions. He has written a number of opinions looking toward the liberalization of procedure in the Federal courts, in which he has held that cases are to be decided upon their merit and not upon technicalities. His sympathy for human rights is shown in his opinion in the recent case of Manly *v.* Hood (37 Fed. (2d) 212), involving the right of wage claims to preference under the bankruptcy statute, in which he said:

There can be no question that it was the purpose and the intent of Congress by the provision in question to protect the wages of laborers due them by insolvents whose assets have been taken over by the courts under the act. The laborer is generally dependent upon his wages for livelihood and the support of his family, and he has little means of judging of the solvency of his employer. Every consideration of morality, as well as of public policy, demands, therefore, that his wages be preserved to him and be given priority over ordinary commercial claims.

Another case of great importance was the case of Atlantic Coast Line Railroad *v.* Standard Oil Co. (12 Fed. (2d) 541, 60 A. L. R. 1456). In this case the court went at great length into the difference between an interstate shipment and an intrastate shipment from a point of distribution, and held that intrastate shipments from point of distribution where the original interstate shipment had ended were governed by intrastate rates. This case involved an extensive investigation of prior decisions. The same question was decided by the Circuit Court of Appeals of the Sixth Circuit contrary to the way the fourth circuit decided it. The Supreme Court denied certiorari in the fourth circuit case and granted certiorari in the sixth circuit case, and reversed the decision of the lower court, citing the fourth district decision as authority, and saying in addition:

We concur in the reasoning and conclusions of the United States Circuit Court of Appeals for the Fourth Circuit in Atlantic Coast Line Railroad *v.* Standard Oil Co. of New Jersey et al. (12 Fed. (2d) 541).

A very recent case in which the decision was announced at the last term of the circuit court of appeals and which has not yet been reported, is Munson Line against United States, which was a suit instituted by the Interstate Commerce Commission at the request of the Attorney General to require a water carrier to file schedules of rates with the Interstate Commerce Commission. The circuit court of appeals affirmed the lower court in denying the right of mandamus asked for in this case and went at considerable length into the question as to what is meant by "common arrangement" within the meaning of the language of the interstate commerce act.

Another case of importance, because it affects the entire check collection system of the Federal reserve banks, is the very recent case of Federal Reserve Bank *v.* Early (30 Fed. (2d) 198). In that case the court went at considerable length into some very complicated questions of banking law and applied the troublesome doctrine of equitable lines. It is of interest that the Supreme Court, on March 12, 1930, affirmed the decision in this case in an opinion by Mr. Justice Holmes.

Another case which involved important principles and has been much cited is the case of Henderson *v.* United States (12 Fed. (2d) 528, 51 A. L. R. 420), involving the right of search without warrant where the search was made not as incident to an arrest, but where the arrest was a mere pretext for the search. The court denied the right of search without warrant in such cases and went fully into the meaning of the fourth and fifth amendments to the Constitution. The court said:

The rights guaranteed by the fourth amendment are not to be thus encroached upon or gradually depreciated by imperceptible practice of courts or by well-intentioned but mistakenly overzealous executive officers.

In the same volume of the Federal Reporter appears another case which has been much cited, laying down the law with respect to conspiracy cases, Belvin *v.* United States (12 Fed. (2d) 548). This case applied to indictments in criminal cases the liberal rules of modern procedure. Another case which is of importance also in simplifying procedure and eliminating technical objections which do not go to the merits of a case is the case of Lisansky *v.* United States (31 Fed. (2d) 846).

Two cases affecting the fundamental rights to a fair and impartial jury and to the full effect of the presumption of innocence are Neal *v.* United States (22 Fed. (2d) 52) and Dodson *v.* United States (23 Fed. (2d) 401).

An important case involving the complicated questions in county government, as well as the measure of damages upon breach of an executory contract for the construction of a public work, is Luten Bridge Co. *v.* Rockingham County (35 Fed. (2d) 301)

Cases bearing upon important questions of constitutional law are the following: United States against Tyler (28 Fed. (2d) 887), holding constitutional the act of Congress taxing transfer of estates by the entireties; Ferris *v.* Wilbur (27 Fed. (2d) 262), defining rights of government in storage of explosives; Doscher *v.* Query (21 Fed. (2d) 521), upholding the constitutionality of the South Carolina sales tax on tobacco; Suncrest Lumber Co. *v.* North Carolina Park Commission, upholding the North Carolina Smoky Mountains Park act (30 Fed. (2d) 121); Kelleher *v.* French (28 Fed. (2d) 341), upholding the Virginia cedar rust statute enacted for protection of the apple-growing industry; Chicago & North Western Railway Co. *v.* Town of Lincolnton (33 Fed. (2d) 819).

Important bankruptcy decisions are: In re Moore (11 Fed. (2d) 62); Levy *v.* Industrial Finance Corporation (16 Fed. (2d) (769). In this case certiorari was granted by the Supreme Court because the fourth circuit had taken a different view of the question involved from the second circuit. The fourth circuit decision was affirmed. (See 276 U. S. 281.) Firestone Tire & Rubber Co. *v.* Cross (17 Fed. (2d) 417), dealing with the reg-

istration statutes of South Carolina. This case was cited with approval by the Supreme Court of the United States in Two hundred and seventy-sixth United States Reports 12.

One of the most important questions concerning the Federal courts is the question of the simplification of procedure, and there are a number of decisions sustaining the modern tendency to simplify procedure and not deny relief to a litigant because he has mistaken his remedy. Important cases of this character are National Surety Co. *v.* County Board of Education (15 Fed. (2d) 993) and Great American Insurance Co. *v.* Johnson (25 Fed. (2d) 847 and 27 Fed. (2d) 71). In the case last cited the court said:

> The distinction between law and equity has not been abolished by the recent statutes regulating procedure, and a party is entitled to have his case tried on the proper side of the docket; but the question here is not whether it was error to try an equity case as an action at law, but whether this court should hold such error to be prejudicial and award a new trial, where all of the evidence in the lower court is before us, where it appears that the case was fully developed, and where the relief obtained at law is exactly what upon the record should have been awarded in equity? We think not. In such case justice has been done, and courts exist to do justice, not to furnish a forum for intellectual skill or prowess.

The Supreme Court denied the application for writ of certiorari in the case of Great American Insurance Co. against Johnson, and it is believed that this case marks a distinctive step forward in the liberalization of Federal procedure.

Judge Parker has served now for a period of four and one-half years upon the bench of that court next in importance to our highest Federal tribunal. Therefore it must be admitted that he has had judicial experience. That he is learned in the law is attested by the many letters and petitions which have come to the Senate from men themselves learned in the law. They have come here from all parts of our country. They bear the signatures of eminent judges, of the members of the bar associations, local, State, and National.

That Judge Parker is honest and upright is admitted by everyone, including, I believe I am justified in saying, those distinguished men who are opposing his confirmation in this body.

The opposition to Judge Parker comes from two sources; first, those who are dissatisfied with one of his decisions; and second, those who feel that statements which he is alleged to have made in the course of a political campaign when he was a candidate for Governor of the State of North Carolina some 10 years ago justify the belief that as a member of the Supreme Court he would disregard their rights as guaranteed by our fundamental law.

The American Federation of Labor opposes Judge Parker because of one of his decisions. They contend that his decision in the case of United Mine Workers of America *v.* Red Jacket Coal & Coke Co. et al. (18 Fed. Rep. (2d) 839), to quote Mr. William T. Green, president of the American Federation of Labor, "has gone far beyond the doctrine laid down either by the Supreme Court of the United States or by the Circuit Court of Appeals of the Fourth Circuit"; and that he has, in effect, practically stated the law to be that it is unlawful by any means whatsoever (even though there be no element of violence, threat, fraud, or deceit) to endeavor to induce or persuade an employee to join a labor union if such employee is working under an alternative agreement hereinbefore described and generally known as a "yellow-dog" contract. Their whole argument is based solely upon this decision.

Mr. McNARY. Mr. President, would the Senator from Rhode Island be willing to conclude his argument to-morrow?

Mr. HEBERT. I had hoped to conclude this evening, but the hour is growing late and I prefer not to detain Senators longer.

RECESS

Mr. McNARY. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and the Senate (at 4 o'clock and 55 minutes p. m.) took a recess until to-morrow, Thursday, May 1, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 30, 1930

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

William Dawson, of Minnesota, to be envoy extraordinary and minister plenipotentiary of the United States of America to Ecuador.

COLLECTOR OF CUSTOMS

Robert B. Morris, of Houston, Tex., to be collector of customs for customs collection district No. 22, with headquarters at Galveston, Tex., in place of Robert W. Humphreys, whose term of office expired February 15, 1930.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 30, 1930

POSTMASTERS

GEORGIA

Ben H. McLarty, Soperton.

ILLINOIS

Gustav H. Beckemeyer, Beckemeyer.

INDIANA

Josiah J. Hostetler, Shipshewana.

KENTUCKY

Francis A. Wiseman, Cecilia.
Yaman Watkins, Clarkson.
Eva B. Weatherholt, Cloverport.
James H. Thompson, Ewing.
Edgar P. Catron, Junction City.
Willie G. Thornbury, Munfordville.
Thomas D. Tapp, Springfield.

MARYLAND

Stewart Rodamer, Grantsville.

MINNESOTA

Delmar J. Carruth, Danvers.
E. Jay Merry, Fairmont.
Fred E. Joslyn, Mantorville.
Sarah E. Jones, Zimmerman.

MISSOURI

Mayme Prather, Advance.
Frank R. Evans, Armstrong.
Claude P. Dorsey, Cameron.
Alfred L. Jenkins, Chula.
Walter E. Pearson, Clarksdale.
Walter S. Johnston, Crocker.
Charles T. Lease, Forest City.
Herman H. Reick, Independence.
Robert E. Ward, Liberty.
Lorenzo T. McKinney, Marceline.
Hattie Biggs, Neelyville.
Lena B. Porter, Novelty.
Victor N. Remley, Orrick.
Paul P. Groh, Peculiar.
Lavinia B. Jones, Pilot Grove.

MONTANA

Gale E. McKain, Eureka.

NORTH CAROLINA

William P. Lee, Benson.
George W. Lance, Fletcher.
Ethel L. Smith, Garland.
Wiley C. Ellis, Garysburg.
William B. White, Norlina.
Elijah F. Pearce, Princeton.

PENNSYLVANIA

Edward N. Dubs, New Hope.
George W. Brelsford, South Langhorne.

SOUTH CAROLINA

William T. Stewart, Camden.
Mason C. Stroud, Great Falls.

WASHINGTON

Bert L. McCarty, Battle Ground.
Frank G. Sanford, Bucoda.
Richard A. McKellar, Cashmere.
Walter W. Shore, Farmington.
Rees B. Williams, Ilwaco.
Ray E. Simons, Leavenworth.
Helen M. Purvis, Sumner.
Millard E. Meloy, Winlock.

WISCONSIN

Peter Mies, Mayville.
Richard A. Goodell, Platteville.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *April 30, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, the creator and saviour of the world, take every vision that beckons us, every hope that fires us, and every truth that illuminates and saves us, and hold their possibilities in Thy grasp. O God, we have souls to save, characters to build, passions to master, and virtues to achieve. Do Thou help us to that which all the world needs until we find our crowns in Thee. By industry, by discipline and intelligent, conscientious devotion to high purpose, may we reach those roomy thoughts tested and tried by the facts of knowledge and experience. Amen.

The Journal of the proceedings of yesterday was read and approved.

MINORITY VIEWS

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that I may have five days in which to file minority views on the bill H. R. 9673.

The SPEAKER. The gentleman from New York asks unanimous consent that he may have five days in which to file minority views on the bill H. R. 9673. Is there objection?

Mr. CABLE. Mr. Speaker, reserving the right to object, I would like to ask the title of the bill.

Mr. DICKSTEIN. It is a bill to return visa fees to aliens.

The SPEAKER. Is there objection?

There was no objection.

ANNE FALKENRECK

Mr. UNDERHILL. Mr. Speaker, I offer a resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Massachusetts offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 209

Resolved, That there shall be paid, out of the contingent fund of the House, to Anne Falkenreck, sister of Carl F. Falkenreck, late an employee of the House, an amount equal to six months' compensation and an additional amount not exceeding $250 to defray funeral expenses and last illness of the said Carl F. Falkenreck.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

THREE HUNDREDTH ANNIVERSARY OF THE FOUNDING OF THE MASSACHUSETTS BAY COLONY

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to proceed for three minutes for the purpose of extending an invitation to the Members of the House.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. UNDERHILL. Mr. Speaker, on Saturday of this week there will land at Hoover Field an airplane known as the *New Arbella*, carrying a message of good will from the Commonwealth of Massachusetts to her sister States in the Union and asking them to join with us this summer and autumn in commemorating the three hundredth anniversary of the founding of the Massachusetts Bay Colony. My scholarly colleague [Mr. LUCE] a few days ago summarized the significance of the events of 1630, and outlined the plans for 1930.

It was the good ship *Arbella* which dropped anchor in Boston Bay in 1630 to permit Gov. John Winthrop and his Puritan followers to select their home sites on the pleasant peninsula which the Indians called Shawmut, and which the modern world knows as the progressive and hospitable city of Boston. It is a far cry from the old *Arbella* to the gleaming ship of the air which will come to rest on Hoover Field Saturday afternoon. This airplane comes under the joint auspices of the American Legion, which is to hold its national convention in Boston in October, and of the Boston Herald, one of our great newspapers. President Hoover has already promised to attend the Legion convention, and the crew of the *New Arbella* pauses here to transmit the official invitations of the Legion officials and of the governor of the Commonwealth and the mayor of Boston. There will also be an invitation to every Member of Congress to join with us in this great celebration, and to that end I urge as many of my colleagues as can conveniently do so to join us at Hoover Field on Saturday afternoon to take part in the landing of the *New Arbella*.

You men of the West and South at times think of New England as a little detached corner of the land, too satisfied with its past to be concerned with our joint present and future as a great Nation. We are confident that if you will just spend a day or two with us this summer or fall; if you will make the pilgrimage with us from Lexington, Concord, and Bunker Hill, to Faneuil Hall to Plymouth and Provincetown, to Salem, Marblehead, and Gloucester, to our Berkshire and Blue Hills, the Mohawk Trail and the Deerfield Valley, to Cape Cod, and yes, to the frigate *Constitution*, which will then be completely restored; if you will breathe the invigorating air from off the great sea which lies at our door, you will go back home with a friendlier feeling and with the deep conviction that whether we speak with a Yankee twang, with a slow southern drawl, or with the well-rounded syllables of the great West, we share a common love for a great nation and for the flag which flies so proudly over every square mile of it. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent to proceed for one-half minute for the purpose of asking a question of the gentleman from New Jersey [Mr. LEHLBACH].

The SPEAKER. The gentleman from Alabama asks unanimous consent to proceed for one-half minute. Is there objection?

There was no objection.

Mr. PATTERSON. I would like to ask the gentleman from New Jersey how long he thinks he is going to be in the consideration of the radio bill?

Mr. LEHLBACH. I think we will be through very shortly.

Mr. PATTERSON. Mr. Speaker, if we get through with the radio bill and the special orders by 3 o'clock or 3.15, I ask unanimous consent to address the House for one hour. If I can not have the time to-day, I ask unanimous consent that on next Tuesday I may address the House for one hour.

Mr. TILSON. We shall agree that the gentleman may have one hour to-day, but not next Tuesday.

Mr. PATTERSON. If we get through by 3 o'clock or 3.15 this afternoon, I would like to address the House for one hour.

Mr. TILSON. Of course, the gentleman would have to take his time after the other special orders.

Mr. PATTERSON. I understand that I would follow the other special orders.

Mr. TILSON. There are three special orders ahead of the gentleman already, and there is no objection to the gentleman having time after these special orders.

Mr. PATTERSON. The gentleman will remember I talked with him yesterday about the matter, and also with the gentleman from New York. I have been trying to get in for several days.

Mr. TILSON. I have talked with the gentleman from New Jersey, who is in charge of the bill, and it would seem that it will probably be finished in a couple of hours. We already have special orders which will consume 1 hour and 45 minutes, so the gentleman might have time by 3.30, or something like that, or probably earlier, depending on the opposition to the bills to be considered to-day.

Mr. PATTERSON. Mr. Speaker, following the special orders for to-day, I ask unanimous consent that I may address the House for one hour.

The SPEAKER. The gentleman from Alabama asks unanimous consent that following the address of the gentleman from Washington [Mr. JOHNSON] to-day he may address the House for one hour. Is there objection?

There was no objection.

AMENDMENT OF THE RADIO ACT OF 1927

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

The Clerk called the Committee on the Merchant Marine and Fisheries.

Mr. LEHLBACH. Mr. Speaker, by direction of the Committee on the Merchant Marine and Fisheries I call up the bill (H. R. 11635) to amend the radio act of 1927, approved February 23, 1927, and for other purposes, on the House Calendar.

The SPEAKER. The gentleman from New Jersey calls up a bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That subparagraph (f) of section 1 of the radio act of 1927 (U. S. C., Supp. III, title 47, sec. 81) is amended by inserting after the words "within the" the words "jurisdiction of the," so that as amended said subparagraph shall read: "or (f) upon any aircraft or other mobile stations within the jurisdiction of the United States, except under and in accordance with this act and with a license in that behalf granted under the provisions of this act."

SEC. 2. Section 2 (U. S. C., Supp. III, title 47, sec. 82) is amended by striking out the word "and" before the word "Alaska" in the last line

of said section, by striking out the period at the end of the section and inserting in lieu thereof a comma, and by adding the words "Guam, and eastern Samoa," so that the last line of said section 2, as amended, shall read: "California, the Territory of Hawaii, Alaska, Guam, and eastern Samoa."

SEC. 3. The first paragraph of section 3 (U. S. C., Supp. III, title 47, sec. 83) is amended by adding at the end thereof the following: "The chairman shall be elected annually. The commission shall also elect annually a vice chairman, who shall, during the absence of the chairman, assume and perform the duties of that office."

SEC. 4. Paragraph (f) of section 4 (U. S. C., Supp. III, title 47, sec. 84) is amended by striking out the words "in the character of emitted signals" and inserting after the word "unless," in the sixth line thereof, the words "after a hearing," so that as amended the proviso will read as follows: "*Provided, however,* That changes in the wave lengths, authorized power, or in the times of operation of any station shall not be made without the consent of the station licensee unless, after a hearing, in the judgment of the commission such changes will promote public convenience or interest or will serve public necessity or the provisions of this act will be more fully complied with."

Paragraph (k) of said section is amended by striking out the first sentence and by inserting in lieu thereof the following:

"The commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and the ends of justice. The commission shall have the power to require by subpœna the attendance and testimony of witnesses and the production of all books, papers, tariffs, contracts, agreements, and documents relating to any matter under investigation. Any representative of the commission and any examiner appointed by the commission may administer oaths and affirmations and sign subpœnas. In case of failure to comply with any subpœna or in case of the contumacy of any witness appearing at any hearing before an examiner, the commission, or a division thereof, the commission may invoke the aid of any district court of the United States. Such a court may thereupon order the witness to comply with the requirements of the subpœna or to give evidence which is relevant to the matter in question; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

"A majority of the commission shall constitute a quorum for the transaction of business, but no commissioner shall participate in any hearing or proceedings in which he has a pecuniary interest. The commission may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of the proceedings before it, including forms of notices and the service thereof, which shall conform, as nearly as may, to those in use in the courts of the United States. Any party may appear before the commission or any division thereof or before an examiner and be heard in person or by attorney. Every vote and official act of the commission, or of any division thereof, shall be entered of record, and its proceedings shall be public upon the request of any party interested.

"The commission may order testimony to be taken by deposition in any proceeding or investigation pending under this act at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission as hereinbefore provided.

"Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witnesses shall be paid by the party subpœnaing them.

"No person shall be excused from attending and testifying or from producing documentary evidence before the commission or in obedience to the subpœna of the commission on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify, or produce evidence, documentary or otherwise, before the commission in obedience to a subpœna issued by it: *Provided,* That no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying."

SEC. 5. Section 9 (U. S. C., Supp. III, title 47, sec. 89) is amended by striking out the period at the end of the third paragraph, inserting a comma, and adding the following: "but action of the licensing authority with reference to the granting of such application shall be limited to and governed by the same considerations and practice which affect the granting of original applications."

SEC. 6. Section 10 (U. S. C., Supp. III, title 47, sec. 90) is amended by striking out the first sentence and by inserting in lieu thereof the following: "The licensing authority may grant licenses, renewal of licenses, and modification of licenses only upon written application therefor received by it: *Provided, however,* That in cases of emergency found by the commission licenses, renewals of licenses, and modifications of licenses, for stations on vessels or aircraft of the United States, may be issued under such conditions as the commission may impose, without such formal application. Such licenses, however, shall in no case be for a longer term than three months."

SEC. 7. The first paragraph of section 12 (U. S. C., Supp. III, title 47, sec. 92) is amended by striking out the period at the end thereof, inserting a colon, and by adding the following: "*Provided, however,* That nothing herein shall prevent the licensing of radio apparatus on board any vessel, aircraft, or other mobile station of the United States when the installation and use of such apparatus is required by act of Congress or treaty to which the United States is a party."

SEC. 8. Section 14 (U. S. C., Supp. III, title 47, sec. 94) is amended by striking out the words "Any station license shall be revocable by the commission," and by inserting in lieu thereof the following: "Any station license may be revoked, modified, or suspended by the commission."

Said section is further amended by striking out all of the proviso and by inserting in lieu thereof the following: "*Provided, however,* That no license shall be revoked, modified, or suspended until the licensee shall have been notified in writing of the proceedings for such revocation, modification, or suspension, the cause for the proposed action, and shall have been given reasonable opportunity to show cause why an order of revocation, modification, or suspension should not be issued."

SEC. 9. Section 16 of the radio act of 1927 (U. S. C., Supp. III, title 47, sec. 96) is amended by striking out the whole of said section and by inserting in lieu thereof the following:

"SEC. 16. (a) An appeal may be taken, in the manner hereinafter provided, from decisions of the commission to the Court of Appeals of the District of Columbia in any of the following cases:

"(1) By any applicant for a station license, or for renewal of an existing station license, or for modification of an existing station license, whose application is refused by the commission.

"(2) By any licensee whose license is revoked, modified, or suspended by the commission.

"(3) By any other person, firm, or corporation aggrieved by whose interests are adversely affected by any decision of the commission granting or refusing any such application or by any decision of the commission revoking, modifying, or suspending an existing station license.

"Such appeal shall be taken by filing with said court within 20 days after the decision complained of is effective, notice in writing of said appeal and a statement of the reasons therefor, together with proof of service of a true copy of said notice and statement upon the commission. Unless a later date is specified by the commission as part of its decision, the decision complained of shall be considered to be effective as of the date on which public announcement of the decision is made at the office of the commission in the city of Washington.

"(b) The commission shall thereupon immediately, and in any event not later than five days from the date of such service upon it, mail or otherwise deliver a copy of said notice of appeal to each person, firm, or corporation shown by the records of the commission to be interested in such appeal and to have a right to intervene therein under the provisions of this section, and shall at all times thereafter permit any such person, firm, or corporation to inspect and make copies of the appellant's statement of reasons for said appeal at the office of the commission in the city of Washington. Within 30 days after the filing of said appeal the commission shall file with the court the originals or certified copies of all papers and evidence presented to it upon the application involved or upon its order revoking, modifying, or suspending a license, and also a like copy of its decision thereon, and shall within 30 days thereafter file a full statement in writing of the facts and grounds for its decision as found and given by it, and a list of all interested persons, firms, or corporations to whom it has mailed or otherwise delivered a copy of said notice of appeal.

"(c) Within 30 days after the filing of said appeal any interested person, firm, or corporation may intervene and participate in the proceedings had upon said appeal by filing with the court a notice of intention to intervene and a verified statement showing the nature of the interest of such party, together with proof of service of true copies of said notice and statement both upon appellant and upon the commission. Any person, firm, or corporation who would be aggrieved or whose interests would be adversely affected by a reversal or modification of the decision of the commission complained of shall be considered an interested party.

"(d) At the earliest convenient time the court shall hear and determine the appeal upon the record before it, and shall have power, upon such record, to enter a judgment affirming or reversing the decision of the commission, and in event the court shall render a decision and enter an order reversing the decision of the commission it shall remand the case to the commission to carry out the judgment of the court: *Provided, however,* That the review by the court shall be limited to questions of law and that findings of fact by the commission, if supported by substantial evidence, shall be conclusive, unless it shall clearly appear that the findings of the commission are arbitrary or capricious or that the action of the commission constitutes an abuse of sound discretion.

The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 347 of title 28 of the Judicial Code by appellant, by the commission, or by any interested party intervening in the appeal.

"(e) The court may, in its discretion, enter judgment for costs in favor of or against an appellant and/or other interested parties intervening in said appeal, but not against the commission, depending upon the nature of the issues involved upon said appeal and the outcome thereof."

SEC. 10. Section 30 (U. S. C., Supp. III, title 47, sec. 110) is amended by inserting in the first proviso thereof after the word "Alaska" the words "Guam, eastern Samoa,".

SEC. 11. Section 32 (U. S. C., Supp. III, title 47, sec. 112) is amended by striking out the last four words and by inserting in lieu the following: "each and every day during which such offense occurs."

Mr. LEHLBACH. Mr. Speaker, H. R. 11635 is a bill to amend the radio act of 1927 in various particulars. It does not in any way amend substantive law with respect to radio but merely amends the act in matters of administration and procedure. It contains no provision that has not the unanimous approval of the Committee on the Merchant Marine and Fisheries and also the approval of the Radio Commission. All matters upon which there were differences of opinion, either in the Radio Commission or in the committee of the House, were eliminated.

These changes in administration and procedure have, since the act of 1927 has been in operation, been found desirable and almost necessary. The act of 1927, creating the Radio Commission and vesting that commission with functions heretofore exercised in part only by the Secretary of Commerce and creating new Federal control over radio broadcasting and vesting that in the commission, of course set up an entirely new activity within the Federal Government. As I have said, in the course of time it was found that it was desirable to particularize the procedure in certain cases, to change various provisions with respect to appeals, with respect to notices, and with respect to the revocation, modification, or suspension of licenses, and this bill, which has been in the course of preparation for almost 12 months, is the result.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. LEHLBACH. I yield to the gentleman from Illinois.

Mr. MORTON D. HULL. Do these changes in the right of appeal restrict or broaden the right of appeal?

Mr. LEHLBACH. They do not affect the right of appeal, but merely modify the procedure by means of which an appeal is, in the first instance, brought to the attention of the court and, in the second instance, the manner in which it is heard and the judgments entered; but it does not in any way take from a radio owner, a prospective radio owner, or applicant any substantial rights.

Mr. STAFFORD. Will the gentleman yield?

Mr. LEHLBACH. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. I take it that the revision of the law, as recommended by the committee, so far as the basic principles upon which the court may proceed, is rather in opposition to the position that the court took heretofore in reviewing a decision of the commission. I refer to the language as found in section 16, and have in mind the decision of the Supreme Court that passed upon and reversed the decision of the commission so far as the Schenectady broadcasting station case is concerned. I assume under this language the lower court would not have been privileged to set aside the finding of the commission; and I direct the chairman's attention to the language in the proviso of subparagraph (d) that the review by the court shall be limited to questions of law and that findings of fact by the commission, if supported by substantial evidence, shall be conclusive, unless it shall clearly appear that the findings of the court are arbitrary or capricious and that the action of the commission constitutes an abuse of sound discretion. This was not the rule that the court followed in passing upon the action of the commission in the General Electric Co.'s broadcasting case.

Mr. LEHLBACH. Because it was not necessary at that time for the court to find affirmatively that the ruling of the commission was arbitrary or capricious or an abuse of sound discretion. The purpose of this proviso is not to deprive the courts entirely of going into issues of facts or considerations of fact, but to accept, in the first instance, the findings of fact by the commission, unless the courts find that for some reason such findings are unjustifiable, in which event the courts shall have the right to go into the facts as well as the law.

Mr. STAFFORD. If the gentleman will permit, I had occasion to review that decision rather closely, and I thought that the court usurped the powers of the commission in passing upon facts. Under this phraseology the rights of the commission will be safeguarded so that the court will not determine facts or be a fact-finding body but will leave the fact finding to the commission.

Mr. LEHLBACH. In that case the court assumed to hear the matter de novo without regard to the previous testimony taken or action thereon by the commission, and that was never the intention of the original framers of the radio act.

Mr. STAFFORD. And without having the broad field of vision that the commission must necessarily have in determining such questions.

Mr. LEHLBACH. As the gentleman says, without having such broad vision, because the granting of a license or of a certain time or of a certain wave length is not an isolated proposition. It is something that must be done in relation to the entire broadcasting field and with respect to the availability of wave lengths, power, and time. For this reason this provision carries into effect only what the original framers of the act of 1927 intended.

Mr. STAFFORD. If the gentleman will permit further, the court in that case virtually set itself up as a fact-finding commission and did not take into consideration the expert knowledge that the commission had in determining the question before it.

Mr. LEHLBACH. Briefly, to discuss the precise changes that have been made in existing law, section 1 of this bill provides that section 2 is amended by including within the jurisdiction of the Radio Commission and embracing within the purview of the radio act Guam and eastern Samoa, two American possessions, which were inadvertently omitted from the original act, so that as well as Alaska, Hawaii, Porto Rico, and so forth, Guam and eastern Samoa are included. So, consequently, wherever the jurisdiction of the United States goes, the provisions of the radio law go.

The third section of the bill provides that the chairman of the Radio Commission shall be elected annually and that the commission shall also elect a vice chairman, who shall, during the absence of the chairman, assume and perform the duties of that office.

The existing law on this subject merely provided originally for the appointment of a chairman when the Radio Commission was first constituted and then provided that thereafter the chairman shall be chosen by the commission itself, but it did not fix any term for the chairman to be thus elected, nor does it designate or authorize anybody to perform the functions which are by various parts of the act vested in the chairman and which in his absence must necessarily be held in abeyance.

The fourth section amends paragraph (f) of section 4 of the radio act by omitting the words "in the character of emitted signals."

Paragraph (f) provides—

That changes in the wave lengths, authorized power, in the character of emitted signals, or in the times of operation of any station, shall not be made without the consent of the station licensee.

On the recommendation of the Radio Commission the words "in the character of emitted signals" were omitted. They seem to have fallen into disuse and nobody really knows what actually is intended to be covered by this term; and, furthermore, it is provided that these changes shall not be made unless, after a hearing, in the judgment of the commission, such changes will promote public convenience or interest.

The requirement that these changes should not be made until a hearing was accorded was not in the original law and the propriety of such a procedure must be manifest.

The next amendment strikes out these words:

Have authority to hold hearings, summon witnesses, administer oaths, compel the production of books, documents, and papers, and to make such investigations as may be necessary in the performance of its duties.

And in lieu thereof there is substituted the rights and powers of the commission to hold hearings and to summon witnesses and to make investigations in great particularity.

The procedure is set out in detail instead of merely in general language, because it was found that without the procedure set forth in the law, where it is available to all those who may have an interest and who desire to appear and participate in such proceeding, the method of proceeding and their rights, and so forth, would be in question. They would not know how to proceed, and the procedure set up here follows as closely as circumstances will permit the procedure in the Interstate Commerce Commission, which has been tested for a long period and has been found to work very satisfactorily.

Section 5 amends section 9 of the act by adding to the provision, which says:

No license granted for the operation of a broadcasting station shall be for a longer term than three years and no license so granted for any other class of station shall be for a longer term than five years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term of not to exceed three years in the case of broadcasting licenses and not to exceed five years in the case of other licenses.

The language:

But action of the licensing authority with reference to the granting of such application shall be limited to and governed by the same considerations and practice which affect the granting of original applications.

The equity of such a provision is obvious.

Section 7 amends section 12 of the act. Section 12 of the act restricts the granting of licenses to American citizens or American corporations or companies or associations, but that limitation is subject to the following proviso in the bill:

Provided, however, That nothing herein shall prevent the licensing of radio apparatus on board any vessel, aircraft, or other mobile station of the United States when the installation and use of such apparatus is required by act of Congress or treaty to which the United States is a party.

There are circumstances where the law of the United States, or where international agreement with respect to safety at sea, or with respect to radio, make it necessary to install a station on such vessel, aircraft, or other mobile station, although such property may be owned by an alien, in which case the limitation that no license shall be granted to an alien does not apply.

Section 8 of the bill amends section 14 of the radio act by substituting for the words "any station license shall be revocable by the commission," the following words:

Any station license may be revoked, modified, or suspended by the commission.

The greater power certainly was intended to include the lesser power, but by inadvertence it was not put in the original act.

Mr. MORTON D. HULL. Mr. Speaker, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. MORTON D. HULL. What would modification be? What is the license but the right to use a wave length? What is modification?

Mr. LEHLBACH. Restricting the time, for example. A station may operate six hours a day and the license may not not be revoked, but it may be modified to grant the station only four hours a day.

Section 9 amends section 16 of the act providing for appeals to the courts. The only substantial change excepting as to the time of filing papers and the time of replying to pleadings, and so forth, is the change already called to the attention of the House by the question of the gentleman from Wisconsin [Mr. STAFFORD], and that provision, which is carried in this bill, merely makes effective the intent of the framers of the original act of 1927, and the intent of Congress when it passed that act.

Mr. CLARK of Maryland. Mr. Speaker, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. CLARK of Maryland. Did the committee consider at all the advisability of leaving findings of fact exclusively to the commission?

Mr. LEHLBACH. The committee has determined on that as follows——

Mr. CLARK of Maryland. Oh, I read the report, and I understand what the report says. I am simply asking whether the committee considered the advisability of leaving the finding of fact exclusively to the commission, giving the court only the right to review questions of law.

Mr. LEHLBACH. That was discussed in committee, and it was deemed inadvisable to withdraw entirely from the courts the right to review findings of fact, but it limits it to this, that the review by the courts shall be limited to law, and that findings of fact by the commission, if supported by substantial evidence, shall be conclusive, unless it shall clearly appear that the findings of the commission are arbitrary or capricious, or that the action of the commission constitutes an abuse of sound discretion.

Mr. CLARK of Maryland. That is practically the same language that we find in all the commission laws, but notwithstanding that language we find the courts constantly reversing the findings of fact by the commission. Just now the whole country is considering the advisability of limiting the courts to questions of law, and leaving the findings of fact exclusively to the commission. This language is not different, so far as limitations upon the power of the court are concerned, from language found in similar laws, we will say, for illustration, State commission laws, all over the country. The courts get around the language such as the gentleman has in this bill.

Mr. LEHLBACH. On the other hand, the committee did not feel that at this time it ought to report to the House a provision which renders one within the jurisdiction of the Radio Commission entirely without remedy in the event of a palpably gross abuse of discretion.

Mr. CLARK of Maryland. We are hoping that sooner or later some legislative body will be bold enough to say to the courts that they are going to review questions of law and leave questions of fact to those better able to determine them. In other words, that the commissioners, hearing the whole case and having the witnesses before them and studying all the facts, should know the facts better than the court before whom no witnesses appear. Courts are constantly reversing commissions on questions of fact, when the commissions are better able to determine those facts than are the courts.

Mr. LEHLBACH. The remaining changes in the existing law effected by this bill include an amendment to section 30 of the radio act making the penalty for violations of regulations and restrictions by license holders conform to the same penalty that other acts of this kind generally carry. Instead of saying that violators shall be fined $500 for each and every offense—and a continuing violation may be deemed one offense—it imposes a fine of $100 for each and every day, which is in accordance with the penalties in the case of other Government-regulated activities.

These briefly are the changes carried in this bill, and in the opinion of the committee reporting the same they have greatly improved and clarified the radio act; and as I say, the bill comes as a unanimous report of the Committee on the Merchant Marine, and has the support of the Radio Commission.

I reserve the balance of my time. I yield 10 minutes to the gentleman from Tennessee [Mr. DAVIS].

The SPEAKER. The gentleman from Tennessee is recognized for 10 minutes.

Mr. DAVIS. Mr. Speaker and ladies and gentlemen of the House, the gentleman from New Jersey [Mr. LEHLBACH] has fully explained the contents of this bill and its purpose. However, I shall make a few observations in regard to the subject.

The first general radio act was enacted by Congress in 1912 and continued to be the only law upon the subject until the Committee on the Merchant Marine and Fisheries reported a bill which was enacted into law in 1927 and is known as the radio act of 1927. Then in 1928 we amended the law in certain particulars, the chief of which was the enactment of the equalization provision, undertaking to insure an equal and equitable distribution of radio facilities as between different zones and between different States.

Radio is a comparatively new subject. I do not suppose that we have ever had any art which has developed so rapidly or any industry which has grown as rapidly as radio. The tremendous growth and the rapid development of the industry have changed conditions very rapidly. Radio being a new subject, from the scientific standpoint and the public-service standpoint and the industrial standpoint, any legislation that was enacted was necessarily experimental. On the whole, the radio legislation has met the situation fairly well.

However, in the actual administration of the law and in the light of actual experience it has developed to the satisfaction of the Radio Commission and of the Committee on the Merchant Marine and Fisheries that certain amendments to the law should be adopted, and the pending bill undertakes to effectuate some changes along that line.

These changes are practically all of a procedural and administrative character. As has been explained by the gentleman from New Jersey, the two outstanding changes are those relating to the hearings before the commission and those relating to appeals from the commission to the courts. The act of 1927 was perhaps not comprehensive and definite enough in these particulars. At any rate, differences of opinion arose as to the proper interpretation of the law, both with respect to hearings and the right of parties thereto and also in respect to appeals, and interpretations have been made that were not in accord with the purpose and views of the committee which reported the original bill.

With respect to the subject of hearings, the amendments proposed make it very clear and definite how the hearings shall be held, and insure any interested party the right to be heard. The same is true with respect to the right of appeal to the courts. Any party aggrieved is given the right to appeal to the court; and then we have made it clear in the proposed amendment that an appeal shall lie to the Supreme Court of the United States upon a proper showing by petition for a writ of certiorari.

There are some other features which have already been explained by the gentleman from New Jersey, and which I shall not review. However, the committee is of the opinion that all of the proposed changes are in the interest of clarity, in the interest of simplicity, in the interest of justice, and in the final analysis in the public interest.

There has been a great deal of discussion of the work of the Federal Radio Commission and of their administration of the existing law. There is a wide diversity of opinion as to whether their administration has been wise or unwise. There has been and is now more or less dissatisfaction on the part of different individuals and different sections. No law can be enacted, no law can be so administered with respect to radio, that will perfectly meet the situation or will satisfy everybody, for the simple reason that we have long since reached the point where the demand for radio facilities, not only broadcasting but commercial; in other words, radiotelegraphic facilities—that it is impossible to commence to meet the demand, and the demand is growing rapidly all the time. Consequently the duty and responsibility now devolves upon the commission to determine those to whom facilities shall be granted, the terms upon which they shall be granted, and those to whom facilities shall be denied. Of course, those who seek facilities and fail to obtain them will naturally be dissatisfied.

Therefore much of the dissatisfaction grows out of a natural situation for which neither the law nor the commission is responsible. However, I do not want to be understood as giving expression to the opinion that the administration of the law has been ideal. In my opinion, it has been far from ideal. While I think the commission has performed its services very well in many respects, and while I think they have improved the situation to a great extent, still I think they have failed in several important respects.

Referring particularly to the equalization amendment which was enacted in 1928, and which I had the honor to prepare and to propose, there has been a great deal of discussion of the reallocation which went into effect thereunder on November 11, 1928, together with changes subsequently made. I think that the commission, acting under that amendment, improved the situation to a great extent. They effected a much more equitable distribution than had previously existed, but, as their own figures show, they have not yet effectuated anything like perfect equalization of broadcasting facilities.

Mr. SLOAN. Will the gentleman yield?

Mr. DAVIS. I yield.

Mr. SLOAN. I think there is a bill pending which has as a basis for distribution three factors—one, the State itself; one, the area; and one, population. Does that bill appeal to the gentleman as a satisfactory or an almost satisfactory basis for distribution of rights?

Mr. DAVIS. I have given some considerable study to that proposal in the light of the situation and the present law. I think it is worthy of careful consideration, but I am not prepared at this time to accord my approval to it.

In that connection I wish to say to the gentleman from Nebraska [Mr. SLOAN] that the equalization amendment which was first reported by the Committee on the Merchant Marine and Fisheries embraced not only the factor of population but also of geographical area. However, when the bill was reported to the House in that form, considerable opposition developed to the application of the area feature; so much so that it was indicated we would be unable to obtain a rule for the consideration of the bill with that provision in it. Whereupon our committee reconsidered that feature and reported a bill providing for distribution upon a population basis and omitting the criterion with respect to geographical area.

My opinion is that if we undertake to inject issues of geographical areas and, particularly, State rights, we will find it a very controversial proposition.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEHLBACH. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. DAVIS. As I stated in the outset, I think the proposal is worthy of serious and careful consideration, particularly the geographical feature. In fact, the present law, I think, would possibly permit the location of additional stations in large geographical areas, where it would not interfere with the use of the facility elsewhere. Of course, the law might be clarified or liberalized along that line.

I wish to state, however, that my opinion is that the extent to which the present law has proven unsatisfactory to the public as a whole is due to two things primarily. The first is the fact that the commission cleared 40 of the 89 channels available for broadcasting and then allocated 38 of those 40 cleared channels to chain stations; in other words, to stations which were broadcasting the same program that scores of other stations throughout the country were broadcasting. And the remaining stations, to the number of considerably more than 500, were crowded together on the remaining 49 channels.

In the second place, I think that they have injured the situation and the reception most materially by granting superpower to many stations. Personally, after years and years of study of this subject and after discussing it with listeners and engineers and broadcasters and people of every kind and description from all sections of the country, I am convinced that superpower causes infinitely more harm by blanketing and heterodyning stations on the other channels than any possible benefit that can accrue to the few stations that are permitted to employ this high power. The harmful effects of superpower far outweigh any benefits thereof.

Mr. COYLE. Will the gentleman yield?

Mr. DAVIS. I yield.

Mr. COYLE. Has the gentleman from Tennessee had his attention called to cases where stations located in the same channel were given, in some cases, forty times the power that other stations in the same channel were given? I have had that called to my attention, and it seems to me the gentleman has hit on the very difficulty that causes nine-tenths of the trouble that we have with the local stations.

Mr. DAVIS. I will state to the gentleman from Pennsylvania [Mr. COYLE] that that situation undoubtedly existed to a very great extent. Under the reallocation made pursuant to the equalization amendment, the commission claimed to have undertaken to get away from that situation, and, I think, perhaps, on the whole they have, but in some respects I do not think they have. It is not merely other stations on the same channel that are affected by high power. Anybody familiar with the situation knows that the superpower station not only destroys the reception of any other station on the same wave length, but plays havoc with stations on adjoining wave lengths and frequently on wave lengths with a much greater kilocycle separation.

Mr. COLE. Will the gentleman yield?

Mr. DAVIS. I yield.

Mr. COLE. Is that superpower necessary?

Mr. DAVIS. No. My opinion and the opinion of many others, including some of the members of the Radio Commission, is that it is not only not necessary but not really beneficial, for the reason that fading takes place with somewhere between five and ten thousand watts power, and after fading takes place, any increase in power is practically worthless for that station, but causes untold damage to the reception of other stations anywhere near it or on a wave length anywhere near that wave length. Certainly chain stations should have neither cleared channels nor superpower. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. LEHLBACH. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Speaker, ladies and gentlemen of the House, I am on this committee, and I am supporting this bill, but I am doing it with considerable misgivings. I am supporting it because it is the best thing we can get at this particular time. I have never been very much in favor of this character of legislation, because I thought when we first started out that there would be a few groups in the United States that would undertake to control the air, and that is the situation we have in this country to-day. There are two or three groups which are controlling the air through the regulation of the laws respecting radio. That is a fact, and there can be no dispute about it. At the present time we have two great broadcasting companies, one the National Broadcasting Co. and the other the Columbia chain. Whenever an independent radio station or an individual or independent group undertake to go in and get a license from the present Radio Commission, it will find, either directly or indirectly, opposition from these two great interests. That is the truth, and we might as well look the thing squarely in the face.

I do not desire to make any attack upon the present personnel of the Radio Commission, but I am not at the present moment or in my present frame of mind going to undertake to defend them. I am going to wait and see what they do. But I tell the House and the country that we have put into the hands of the Radio Commission the greatest power that has ever been given to any body of men in this country—the control of communication in the air. They have set up 40 cleared channels, which is absolutely indefensible. Those cleared channels are to-day used by these two combinations, the National Broadcasting Co. and the Columbia chain and their associated sta-

tions. That is the situation. I want to see the present commission take this thing with a strong grip and undertake to give the country some distribution of these cleared channels. [Applause.]

Mr. SLOAN. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. SLOAN. Is there anything in this bill which the gentleman has discovered that in any wise strengthens those two objectionable organizations?

Mr. ABERNETHY. None whatever. This bill, in my judgment, gives the independent man or the independent station more rights to appeal to the court, with one exception, and that exception is that the present commission has the right to find facts, and those facts can not be reviewed by the court unless there has been an abuse of discretion or there is something capricious about decisions they may make.

I have nothing against these large corporations like the National Broadcasting Co. and the Columbia chain. I think they serve a very useful purpose. When we can hear Berlin, London, and great events through national hook-ups I think it is a great thing, but I want to serve notice on the Radio Commission, as a humble member of this committee, that I think they can give these two combinations all they need and at the same time have plenty of cleared channels to take care of the balance of the country. That can be done if they have the nerve and courage to do it. I think we might as well lay down the barrage now and let the present commission understand that is the way Congress feels about it. I am sure we feel that way about it or we never would have passed the Davis amendment, and ever since the adoption of the Davis amendment there has been an effort on the part of certain interests to tear it down.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. LEHLBACH. Mr. Speaker, I yield the gentleman three additional minutes.

Mr. ABERNETHY. I want to say that the present Merchant Marine and Fisheries Committee—and this applies to the Republican membership and the Democratic membership—have worked in harmony, and I believe the committee is seeking to serve the country. I believe we are undertaking to bring about conditions that will be beneficial to the whole country, and this legislation is helpful, but it does not go far enough. I want to reserve the right to make a searching investigation of the Radio Commission, if necessary, in the future to ascertain who is controlling the air, how they are controlling it and what method they are using to control it. While I am supporting this legislation I serve notice upon the present Radio Commission that they must function in the interest of the people or they may expect to hear from Congress. [Applause.]

Mr. KVALE. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. KVALE. Reports have been current throughout the country in the past week or two that there are some mysterious shakeups in the air which may drastically affect some of the stations in the way of reassignment of power and redistribution.

Mr. ABERNETHY. The gentleman will find there will be considerable shape-ups all the time. Certain large interests came to Washington some time ago and said to Congress, "Give us a monopoly of the air. It will be for the benefit of the people." They brought our friend Owen Young, and he said he desired an absolute monopoly of the air. Of course he does. The interests he represents have at present a considerable monopoly of the air. If Congress or the Radio Commission should give this monopoly, of course they are going to take it.

Mr. KVALE. This had reference to the basic policies of the commission.

Mr. ABERNETHY. I hope the commission will not do anything that is radical, because as far as I am concerned I am looking at them with one eye askance and watching them with the other. [Applause.]

Mr. LARSEN. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. LARSEN. The gentleman spoke of the Davis amendment. Is the Davis amendment being put into effect?

Mr. ABERNETHY. To some extent; yes.

Mr. LARSEN. But not fully.

Mr. ABERNETHY. To some extent only.

Mr. LEHLBACH. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. COYLE].

Mr. COYLE. Mr. Speaker, I have asked for this time to emphasize a point that has just been made, and that is that very often in the allocations to single stations that are not tied up with a chain, the lack of the proper power allocations to the individual station causes a great deal of cross talk in the local area that belongs locally to the individual station.

There is, I think, nothing fundamentally wrong with the law itself, delegating this power to the Radio Commission. The fundamental difficulty arises, as is almost always the case, through personnel failure and not through the failure of the law itself.

I have but one broadcasting station in my neighborhood, which serves an area that is about six times as large in population and product as each of several States in this Union, and it is practically impossible for that single radio station to get power that will prevent cross talk from stations in or near the same supposed cleared channel that are as much as 300 miles away and clear outside of that area. This lack of power frequently blocks this station into an area radius of not more than 5 miles from its transmitter, although its natural area has a radius of about 50 miles.

As an excellent case in point, which indicates the failure of the Federal Radio Commission to recognize the repeatedly expressed will of Congress, I would cite a recent hearing before the commission on an application of this station WCBA, "The Voice of the Lehigh Valley," for an increase from 250 watts, its present licensed power, to 500 watts. Although the commission had ample authority to grant this application without any recourse to a hearing, it nevertheless determined to hold a hearing. All the other stations operating on 1,440-kilocycle wave lengths were notified of the hearing. There are four other stations in this Middle Atlantic area operating on the same wave length, and all four stations have at least twice as much power as the Allentown station, which is now dividing time with another Allentown station, WSAN, on the same wave length.

At the hearing, there were no witnesses called by any of the stations notified, to testify in opposition to the request for an increase in power. It was stated under oath that these stations in Allentown serve a population of about 600,000. It is a fact that these stations are the only ones which can locally serve this big area. The importance of the area was clearly explained to the commission. It is the home of the Bach Choir, which annually brings people to Bethlehem from 36 States. This year the music of this choir is to be broadcast from its home station, and the power back of the broadcasting is but 250 watts. In the field of sport, these stations broadcast the historic games between Lehigh and Lafayette, both of which universities are in this area. The largest potato market south of Maine is within 8 miles of the location of these stations. In cement, slate, steel production, and more recently in apples and peaches, this area assumes an immense importance. Three Metropolitan opera stars have been developed in Allentown, live there now, and use this station frequently. Yet the Radio Commission, who might have without a hearing allowed the 500-watt power application, nevertheless saw fit after holding a hearing—at which these and many other facts were produced, and at which no witness was produced by anyone in opposition to the motion—still saw fit to refuse the application. This decision was reached in spite of the fact that it was clearly stated and agreed in by the Radio Commission that the State of Pennsylvania is far under the power allocation allowed by the commission itself, and probably because of the fact that it was a little station merely asking to be equal in power with the other stations on the same wave length.

Station WCBA, in Allentown, was one of the earliest in the field, and the Radio Commission itself has admitted, informally of course, that this early station, which has continuously given satisfactory programs to the people in its area, was just overlooked by the commission in the allocation of wave lengths and power in November of 1928. In no sense was it the fault of the owners and operators of this station. It is a fair example of one of the local stations that has been fairly operated and has been just left out of consideration because it did not belong to one of the nation-wide hook ups.

I want to commend the committee for the legislation which it brings in to-day. It may help to clear up and adjust the inequalities of the past. It should express to the Radio Commission the definite will on the part of Congress that the local stations are not to be disregarded in their anxiety to care for the national chains; and if with this added legislation the commission continues to disregard these local stations, it will be but further evidence of the failure of the human element on the Federal Radio Commission to grasp the good will and good intent of the Congress toward the local stations.

Mr. LEHLBACH. Mr. Speaker, by inadvertence, on page 7, in section 9, the right of appeal by an applicant who is refused a construction permit is omitted. The manner in which this omission came about was that there was consideration of elimi-

nating construction permits entirely. The committee determined not to eliminate them, but in anticipation of such elimination an appeal from a refusal to grant a construction permit was stricken from the appeals section. Inasmuch as construction permits are applied for and can be granted or refused, the right of appeal from such order ought to lie as well as from every other decision of the commission, and hence I offer this amendment.

The SPEAKER pro tempore. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEHLBACH: Page 7, line 23, after the word "applicant," insert the words "for a construction permit, or."

The amendment was agreed to.

Mr. LEHLBACH. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

Mr. ARENTZ. Will the gentleman yield for a question?

Mr. LEHLBACH. I will hold the motion in abeyance, with the permission of the Chair.

Mr. ARENTZ. Under the present ruling of the Radio Commission the State of Nevada has been denied any more than two small stations—one located in Las Vegas, Nev., and one in Reno, located about 450 miles apart. Each one of these stations, in turn, is located some two or three hundred miles from the nearest large town or city. The Federal Radio Commission advises me that, because of the Davis amendment and because of some other language now in the law, it is impossible for them to consider giving a license to two 500-watt stations in the State of Nevada. Surely I am within my rights, and I think the State as well, in demanding that something be done to remedy this situation, and if it is not in the present bill I wonder if it would be possible for the gentleman to offer an amendment that would remedy the situation.

Mr. LEHLBACH. There is nothing in the bill that deals with substantive law at all. The Davis amendment is a provision of substantive law that intends or aims to bring about an equitable distribution of radio facilities in all sections of the country.

Mr. ARENTZ. If the Radio Commission misinterprets the meaning of the Davis amendments, and I have spoken to the gentleman regarding the matter and told him that the Radio Commission has referred me to the Davis amendment, saying it does not cover the matter so they are able to do what I have suggested, is it not possible then to remedy this situation by now making it clear?

Mr. DAVIS. I want to state that it has come within my observation several times that the commission, or some member of the commission or the secretary of the commission, has given as the reason for doing something or for not doing something the "Davis radio equalization amendment," when the reason they gave was absolutely false and their assigning the amendment as a reason was simply a subterfuge. Of course, the equalization amendment, just as the gentleman from New Jersey [Mr. LEHLBACH] stated, was designed to effectuate an equal distribution of radio facilities between the different zones and then a fair and equitable distribution of radio facilities among the different States within a zone, and if this is not done it is simply a failure of administration.

Mr. ARENTZ. Is there not some language that could be inserted to make it plain to the commission that we mean just that?

Mr. LEHLBACH. We can not do that in this bill.

Mr. DAVIS. I do not see how you can make it any clearer. The law itself directs it, and they admit that they have not effected an equal distribution in many instances. They admit this. They admit that some sections and some cities are overquotaed and others underquotaed, but in many instances they have not had the courage to put the law into effect. This is the only trouble. The equalization amendment is fair and workable, notwithstanding the propaganda to the contrary.

Mr. ARENTZ. I will say that the people located on the isolated ranches, in the mountains and desert valleys of Nevada, are just as much entitled to hear some of the broadcasting from a Nevada station as people in the cities.

Mr. DAVIS. I agree with the gentleman, and before this provision was adopted many sections of the country had no facilities and could not get facilities, whereas some of them had more facilities than were for their own best interests, because their situation was all cluttered up.

Mr. ARENTZ. We can hear California cities, Salt Lake City, Oregon, and Washington cities, and every other section of the United States, but when we have some local material that we want to hear from two sections of our own State, surely the State is entitled to hear it, which its people can not do several hundred miles from a 100-watt station.

Mr. DAVIS. I agree with the gentleman 100 per cent.

Mr. BRIGGS. Will the gentleman yield?

Mr. ARENTZ. I yield.

Mr. BRIGGS. If it had not been for the Davis amendment Nevada might not have had any station at all. You did not have before.

Mr. ARENTZ. That does not take care of the situation now.

Mr. BRIGGS. The Davis amendment has made it possible and the question now is one of administration.

Mr. ARENTZ. I hope the statements that have been made here to-day and put in the RECORD will let the commission understand that Congress means that States like Nevada shall have additional facilities than now permitted.

Mr. LEHLBACH. Mr. Speaker, I renew my motion for the previous question.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New Jersey for the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LEHLBACH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

COMPENSATION OF VESSELS FOR TRANSPORTING SEAMEN

Mr. LEHLBACH. Mr. Speaker, by direction of the Committee on the Merchant Marine and Fisheries, I call up the bill (S. 3249) to amend section 4578 of the Revised Statutes of the United States, respecting compensation of vessels for transporting seamen.

The SPEAKER pro tempore. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. MARTIN in the chair.

The Clerk read the title to the bill.

The CHAIRMAN. The gentleman from New Jersey is recognized for one hour.

Mr. LEHLBACH. Mr. Chairman, this is a bill that has been introduced in both Houses and has passed the Senate. It was introduced at the request of the Department of State. It deals with the compensation of vessels which, under the law, are compelled to furnish passage for distressed American seamen from different ports of the world back to the United States.

Under the practice the State Department, through its consular officers, may fix a reasonable rate within certain limits to pay for such transportation of seamen who are stranded.

It has been held that where a seaman is picked up in the open sea after a shipwreck, or where he is stranded in a port where there is no American consul, the State Department is without jurisdiction to fix a reasonable compensation for the ship that brings the distressed seaman home, and the Comptroller General must fix it.

The law also provides that where there is no consul in a foreign port the Comptroller General shall fix the compensation. There is an appropriation known as the appropriation for the relief of distressed American seamen out of which all of these items are paid under the discretion, and under the authority of the State Department, save in these few exceptions. The amount of money involved in transporting seamen and over which the Secretary of State may not exercise discretion does not amount to over $1,000 a year, but in order to make the practice uniform, in order that the whole matter of repatriating stranded seamen may be in one governmental agency this legislation is desired. I know of no opposition to the measure, and unless some time is desired, I will ask the Clerk to read.

The Clerk read the bill for amendment, as follows:

Be it enacted, etc., (1) That section 4579 of the Revised Statutes of the United States as amended by the acts of July 31, 1894, and June 10, 1921, is hereby repealed; and (2) That section 4578 of the Revised Statutes of the United States as amended by the acts of June 26, 1884, June 19, 1886, July 31, 1894, June 10, 1921, and January 3, 1923, be further amended to read as follows:

"All masters of vessels of the United States and bound to some port of the same are required to take such destitute seamen on board their vessels at the request of consular officers, and to transport them to the port in the United States to which such vessel may be bound, on such terms, not exceeding $10 for each person for voyages of not more than 30 days and not exceeding $20 for each person for longer voyages, as may be agreed between the master and the consular officer, when

transportation is by a sailing vessel; and the amount agreed upon between the consular officer and the master of the vessel in each individual case not in excess of the lowest passenger rate of such vessel and not in excess of 2 cents per mile shall in each case constitute the lawful rate for transportation on steam vessels; and said consular officer shall issue certificates for such transportation, which certificates shall be assignable for collection. Every such master who refuses to receive and transport such seamen on the request or order of such consular officer shall be liable to the United States in a penalty of $100 for each seaman so refused. The certificate of any such consular officer, given under his hand and official seal, shall be presumptive evidence of such refusal in any court of law having jurisdiction for the recovery of the penalty. No master of any vessel shall, however, be obliged to take a greater number than one man to every 100 tons burden of the vessel on any one voyage or to take any seaman having a contagious disease.

"Reasonable compensation, in addition to the allowances provided herein, or any allowance now fixed by law or by regulations now or hereafter established in accordance with section 1752 of the Revised Statutes of the United States, may be paid from general appropriations for the relief and protection of American seamen, when authorized by the Secretary of State, in the following cases:

"First. If any such destitute seaman is so disabled or ill as to be unable to perform duty, the consular officer shall so certify in the certificate of transportation, and such additional compensation shall be paid as the Secretary of State shall deem equitable and proper.

"Second. Whenever distressed or destitute seamen of the United States are transported from foreign ports where there is no consular officer of the United States, or from points on the high seas, to ports of the United States, or from such foreign ports or points on the high seas to a port accessible to a consular officer of the United States who is authorized to assume responsibility on behalf of the Government of the United States for the further relief and repatriation of such seamen, there shall be allowed to the master or owner of such vessel in which they are transported such reasonable compensation as shall be deemed equitable by the Secretary of State."

Mr. LEHLBACH. Mr. Chairman, I move that the committee do now rise and report the bill to the House.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MARTIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3249) to amend section 4578 of the Revised Statutes of the United States, respecting compensation of vessels for transporting seamen, and had directed him to report the same back without amendment with the recommendation that it do pass.

Mr. LEHLBACH. Mr. Speaker, I move the previous question.

The previous question was ordered.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LEHLBACH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Amend the title so as to read: "An act to repeal section 4579 and amend section 4578 of the Revised Statutes of the United States respecting compensation of vessels for transporting seamen."

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on April 29, 1930, the President approved and signed bills of the House of the following titles:

H. R. 11704. An act to amend the air mail act of February 2, 1925, as amended by the acts of June 3, 1926, and May 17, 1928, further to encourage commercial aviation;

H. R. 7881. An act authorizing the Secretary of the Interior to erect a monument as a memorial to the deceased Indian chiefs and ex-service men of the Cheyenne River Sioux Tribes of Indians; and

H. R. 10081. An act to amend the act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California.

ORDER OF BUSINESS

Mr. LEHLBACH. Mr. Speaker, the committee has no further bills to call up at this time.

The SPEAKER. Under the special order of the House, the Chair recognizes the gentleman from Iowa [Mr. RAMSEYER] for one hour.

THE SENATE EXPORT DEBENTURE AMENDMENT

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing excerpts from public documents.

The SPEAKER pro tempore (Mr. KETCHAM). Is there objection?

There was no objection.

Mr. RAMSEYER. Mr. Speaker and Members of the House, I am going to discuss with you to-day the highly controverted issue of agricultural export debentures. To-morrow we will commence the consideration of the conference report on the tariff bill. One of the amendments on which there will be a separate vote is the Senate export-debenture plan. I asked for time yesterday to discuss this amendment to-day as I wanted to do so before the Members of the House got into an emotional state of mind over highly controverted matters in the tariff bill. I want to bring to your attention certain economic facts and principles bearing on export debentures or bounties.

The question of farm relief has agitated this country for over 10 years, and whatever agitates the country agitates this body. The farm problem has not only agitated this country but it has agitated every agricultural country in the world.

We have in this country about 350,000,000 acres of land under cultivation. Of this 350,000,000 acres 47,000,000 acres are in cotton, 57,000,000 acres in wheat, and 100,000,000 acres in corn. These three products occupy 204,000,000 acres of land, leaving 146,000,000 acres for other agricultural uses. How to handle this 350,000,000 acres of land in a way profitable to the tillers of the soil is the problem that the Federal Farm Board is attempting to solve in cooperation with the farm organizations and the farmers of the country.

In recent years we have passed many laws to aid agriculture. In fact I do not now recall any proposal sponsored by the national farm organizations that was not enacted into law except the Haugen-McNary equalization fee proposal. Behind this Haugen-McNary proposal were most, if not all, of the great national farm organizations except the National Grange.

We will have before us in a few days a Senate amendment to aid agriculture by the so-called export-debenture plan. An export-debenture plan has been sponsored by the National Grange since 1926. So far as I know no other national farm organization has gone on record as favoring such a plan. Any plan that has the backing of a great national farm organization like the National Grange is entitled to serious, candid, and respectful consideration. The export-debenture plan has been twice indorsed by the United States Senate, first in connection with the agricultural marketing bill last year and later as an amendment to the pending tariff bill.

There is no question about the necessity for aid to agriculture. Arguments to demonstrate that are unnecessary. That is conceded by every group that has ever made a study of the agricultural situation in this country. I have listened to arguments in this body as well as elsewhere in support of the export debenture. Usually a good deal of time is taken up to demonstrate the need for relief to agriculture. In some indefinite way it is pointed out that the export debenture will give that relief. Then the conclusion is reached that the export debenture should be enacted into law. Whether this export-debenture plan will aid agriculture is the subject of our inquiry this afternoon.

It is argued that the export-debenture plan will make the tariff effective on agricultural products to which the debenture will be made to apply by the Farm Board. The Senate amendment proposes the issuance of debenture certificates on all agricultural products exported equal to one-half of the duties on such products. Cotton, on which there is no import duty, is to have export-debenture certificates of 2 cents per pound on the cotton exported.

What constitutes making a tariff effective? There are two concepts of an effective tariff. The first is that it increases the domestic price of the commodity over the world price to the extent of the duty on such commodity. That is the concept that is usually in the minds of those who argue for making the tariff effective. That is the concept that was emphasized during the discussions while the Haugen-McNary equalization fee bills were before the Congress and the country. According to this concept to make the tariff effective is to elevate the domestic price over the world price of such commodity by means of a tariff.

The other concept of an effective tariff, which I think is the historic concept, is to bring about a condition by the regulation of foreign commerce by means of tariff barriers that will give to the domestic producers all of the home market which such producers can supply. Or, as is sometimes stated, to give the domestic producers certain advantages over the foreign producers in the home market. There are a number of factors that enter into the determination of the price a commodity will sell for in the domestic market aside from the tariff factor. According to this latter concept of what constitutes an effective tariff the price of a commodity may or may not be elevated if

the domestic producers are given all of the home market. Whether a tariff thus effective will elevate prices depends on competition among domestic producers, domestic marketing conditions, and production of surpluses for export.

In my speech of December 20 last I discussed the effect of the tariff on numerous agricultural products. In the production of all agricultural products there is keen competition. Whether a tariff on agricultural products which gives the domestic producers all the home market will result in an elevation of prices depends very largely on whether or not there are exportable surpluses.

To date the marketing machinery for agricultural products has not been sufficiently developed to prevent the surpluses from depressing the prices to the level of the world prices. Whether the present agricultural marketing act will develop agricultural cooperative organizations or agricultural stabilization corporations with sufficient bargaining power to hold agricultural products above world prices remains to be demonstrated.

Instances can be cited where industrial products were taken from the free list and protected, or the duties on such products were increased, with the result that the prices of the industrial products were cheaper after the protective duties were imposed. Protecting such products has given producers an opportunity for mass production and improved merchandising methods which resulted in lowering the prices of such products. The idea of the old school protectionists was to bring about that very situation.

I do not wish to be understood as claiming that the imposition of duties on industrial products results as a rule in reducing prices. On the other hand, I think the converse is the rule. Producers of industrial products are organized as the producers of agricultural products are not. Producers of industrial products can control their production as the producers of agricultural products can not. The producers of industrial products by organization and control of output can protect themselves against world prices as the producers of agricultural products can not.

I have listened to most of the discussion on the export debenture plan in this body and have also heard discussions elsewhere. Furthermore, I have read a great deal of the literature on the subject that has come to my desk. The supporters of the export debenture cite in support of this plan two great authorities. One, the Report on Manufactures by Alexander Hamilton, and the other a recent report of an informal committee set up by the Right Hon. S. M. Bruce, Prime Minister of Australia, in the spring of 1927. I have in my hand a volume entitled "Industrial and Commercial Correspondence of Alexander Hamilton." Beginning on page 247 of this volume is the report of Mr. Hamilton on the subject of manufactures. I do not know how many of you have ever read this report, but I am sure you have all heard of it. While Mr. Hamilton was Secretary of the Treasury, the House of Representatives ordered him to report on the different means to aid manufactures. The result was the famous Hamilton report on the subject of manufactures. I will read to you the 6-line introduction to this report:

> The Secretary of the Treasury, in obedience to the order of the House of Representatives, of the 15th day of January, 1790, has applied his attention, at as early a period as his other duties would permit, to the subject of manufactures; and particularly to the means of promoting such as will tend to render the United States independent of foreign nations for military and other essential supplies.

Those of you who have read this report and are familiar with the literature on the tariff and other aids to manufactures and agriculture, I am sure will agree with me that there never was a more thorough, exhaustive, and intelligent discussion of the subject than that contributed by Alexander Hamilton in this report.

On page 289 Mr. Hamilton gives 11 different ways to aid manufactures, and aids to agriculture are included. There is some discussion following each of the 11 proposed aids. Now, here are the 11 different suggestions or proposals or aids by Mr. Hamilton:

> 1. Protecting duties, or duties on those foreign articles which are the rivals of the domestic ones intended to be encouraged.
>
> 2. Prohibitions of rival articles, or duties equivalent to prohibitions.

That is the same as an embargo tariff. We have some now, and I think there have always been some in the different tariff laws.

> 3. Prohibitions of the exportation of materials of manufactures.
>
> 4. Pecuniary bounties.

I shall return to this in a moment, because it is here that Hamilton has been quoted as favoring the debenture plan proposed in the Senate amendment.

> 5. Premiums.
>
> 6. The exemption of the materials of manufactures from duty.
>
> 7. Drawbacks of the duties which are imposed on the materials of manufactures.

We have the drawback in our tariff law.

> 8. The encouragement of new inventions and discoveries at home and of the introduction into the United States of such as may have been made in other countries, particularly those which relate to machinery.
>
> 9. Judicious regulations for the inspection of manufactured commodities.
>
> 10. The facilitating of pecuniary remittances from place to place.
>
> 11. The facilitating of the transportation of commodities.

Under this last head Mr. Hamilton discusses the improvement of roads and waterways. This report was written before there were railways. The Committee on Rivers and Harbors could get some good pointers out of this part of the report.

Now, turning back to the fourth suggestion, Pecuniary bounties, I want to say before I read from Mr. Hamilton that as an aid to industry and agriculture bounties have their place. I may suggest before I get through different items in the tariff bill where we ought to apply the principle of the bounty instead of the principle of the protective duty.

I am going to warn you now that this address may prove to be somewhat tedious, as I intend to do considerable reading from the authorities before me. I am now going to read several paragraphs under the head of "Pecuniary Bounties" to ascertain whether anything Hamilton had to say on bounties can be construed as supporting the export-debenture plan of the Senate and on which we will have to pass judgment within a few days. I will now read on page 291 the paragraphs that have been quoted as supporting export debentures. I read:

> Bounties are sometimes not only the best but the only proper expedient for uniting the encouragement of a new object of agriculture with that of a new object of manufacture. It is the interest of the farmer to have the production of the raw material promoted by counteracting the interference of the foreign material of the same kind. It is the interest of the manufacturer to have the material abundant and cheap. If prior to the domestic production of the material, in sufficient quantity to supply the manufacturer on good terms, a duty be laid upon the importation of it from abroad, with a view to promote the raising of it at home, the interest both of the farmer and manufacturer will be disserved. By either destroying the requisite supply, or raising the price of the article beyond what can be afforded to be given for it by the conductor of an infant manufacture, it is abandoned or fails, and there being no domestic manufactories to create a demand for the raw material, which is raised by the farmer, it is in vain that the competition of the like foreign article may have been destroyed.
>
> It can not escape notice, that a duty upon the importation of an article can no otherwise aid the domestic production of it, than by giving the latter greater advantages in the home market. It can have no influence upon the advantageous sale of the article produced in foreign markets—no tendency, therefore, to promote its exportation.
>
> The true way to conciliate these two interests is to lay a duty on foreign manufactures of the material, the growth of which is desired to be encouraged, and to apply the produce of that duty, by way of bounty, either upon the production of the material itself, or upon its manufacture at home, or upon both. In this disposition of the thing, the manufacturer commences his enterprise under every advantage which is attainable, as to quantity or price of the raw material; and the farmer, if the bounty be immediately to him, is enabled by it to enter into a successful competition with the foreign material. If the bounty be to the manufacturer, on so much of the domestic material as he consumes, the operation is nearly the same; he has a motive of interest to prefer the domestic commodity, if of equal quality, even at a higher price than the foreign, so long as the difference of price is anything short of the bounty which is allowed upon the article.

What Mr. Hamilton was trying to bring about was the establishment of industries and the production of raw materials on the farms to supply such industries. To encourage the farmers to produce the raw materials he suggested a bounty to be paid to them. There is nothing in this entire discussion from which it can be inferred that Hamilton advocated a bounty on farm products of which there were produced a surplus for export. Hamilton has been quoted time and again in both Houses of Congress and by advocates of the export debenture outside of Congress as a supporter of the export-debenture plan. Mr. Hamilton did advocate bounties as an aid to both indus-

try and agriculture under certain circumstances. He did advocate bounties for new undertakings, and for such undertakings on the next page he said:

They are as justifiable as they are oftentimes necessary.

Now, I want to be clearly understood before I go further in this discussion. I do not want you to infer that just because Hamilton was not in favor of a bounty on agricultural products, of which we have a surplus for export, that that proves an export bounty can not or should not ever be used as a means of aiding agricultural products of which we produce a surplus for export. My only purpose in referring to this Hamilton report is to show you that Hamilton advocated protective duties to aid industry and agriculture, and bounties to aid new undertakings of industry and agriculture, and that in so far as this report goes he did not advocate bounties on old and well established undertakings of either industry or of agriculture. Following the discussion of these various aids to industry, Hamilton discusses the situation relative to various products. He takes up the following products: Iron, copper, lead, fossil coal, wood, skins, grain, flax, hemp, and so forth. The discussion of flax and hemp you will find on pages 309 and 310. Under flax and hemp he advocates both a duty and a bounty. In those days they had sailboats and they had to have sailcloth. To have sailcloth was important for navigation, and to have a supply of sailcloth on hand was important for both times of peace and times of war. From the last paragraph on this subject of flax and hemp I read on page 310:

To afford more effectual encouragement to the manufacture, and at the same time to promote the cheapness of the article for the benefit of navigation, it will be of great use to allow a bounty of 2 cents per yard on all sailcloth which is made in the United States from materials of their own growth. This would also assist the culture of those materials. An encouragement of this kind, if adopted, ought to be established for a moderate term of years to invite new undertakings and to an extension of the old. This is an article of importance enough to warrant the employment of extraordinary means in its favor.

I shall quote no further from Mr. Hamilton. What I have quoted to you will give you an understanding of the use of bounties to aid industry and agriculture as contemplated in Mr. Hamilton's report.

I hold in my hand the report of an informal committee set-up by the Right Hon. S. M. Bruce, Prime Minister of Australia, in the spring of 1927. This report was made some time last year. The committee was composed of a professor of economics, a professor of commerce, a member of the stock exchange, and two statisticians. It is a very complete and exhaustive report. The report discusses protective duties and bounties as applicable to the Australian industrial situation. Last fall I heard paragraph 197, beginning on page 109 of this report, quoted in support of the export debenture and afterwards I saw this paragraph in the CONGRESSIONAL RECORD. This committee, like Hamilton, urged the use of bounties instead of protective duties for new undertakings and for industries in their early and experimental stages. The views of Hamilton and of this committee on the uses to be made of bounties seem to be in accord. For nascent industries the committee, in paragraph 197, sums up the advantages of bounties over protective duties. Reading this paragraph alone one might get the idea that the committee sought to displace all protective duties with bounties in all cases. Now, bear in mind that the committee advocates the use of bounties instead of protective duties to aid industries in their early and experimental stages, and with that in mind I will read to you paragraph 197, on page 109, on the advantages and practicability of bounties. I read:

From every point of view, except that of political expediency, bounties are to be preferred to customs duties as a means of protection, and we may summarize their advantages as follows:

1. The assistance given to a tariff-protected industry is, in fact, a bounty, but it is paid by consumers, and much of its cost falls ultimately on the export industries.

2. Bounties paid from tax revenues are paid by the general taxpayer, who can be taxed in proportion to his income and capacity with much less hampering effect on production.

3. Bounties do not raise prices except through the general influence of taxation.

4. Bounties require payments only on the goods produced locally, while duties require payments on all the goods consumed, through the customs duties collected on the imports, which continue.

5. With bounties it is easy to discriminate between the grades of goods which can be produced at home and those which can not, and to leave the latter free from taxation.

6. The cost of bounties is definitely known and felt; it is not obscured as with duties, and there is a natural and healthy resistance to and criticism of the assistance given.

7. There is less probability of wasteful assistance to industries of minor importance.

Now, let me read to you a part of paragraph 200, beginning at the bottom of page 110:

We suggest, notwithstanding the fact that a general adoption of the bounty system is quite impracticable, that it should be possible in many cases to begin with bounties while home production is small. When the industry has grown and justified a continuance of protection, the practical necessities of the Treasury may make it advisable to substitute a protective duty. In the early stages of any industry, before it can develop its production, a duty increases the cost to the community without compensating benefit, except in respect of the revenue derived.

What I have just read to you is absolutely true. It applies to our situation in this country as it applies to the situation in Australia. Bounties can be used to-day to encourage new undertakings both here and in Australia, as they could have been used during the early period of our country when Mr. Hamilton made his report. Bounties have their advantages and practicability to-day as well as 140 years ago. One other quotation from this report in the introduction, on page 8, under the heading, "Bounties," I read:

Bounties are more economical than protective duties and are preferable on all grounds except financial expediency. They should be adopted as the method of protection when the industry is in an early and experimental stage. If and when the industry is established, a tariff duty could be substituted, and the amount necessary more accurately determined. We suggest the establishment of a trust fund for bounties, into which a fixed proportion of the customs revenue should be paid.

Here, as in other places in the report, the committee advocates a trust fund to be fed by customs duties and to be administered so as to aid industries in their early and experimental stages.

I realize that there is a prejudice aroused in this country at the mere suggestion of a bounty. There are numerous products of both industry and agriculture that should be protected by bounties rather than by customs duties. Hamilton advocated the use of bounties for new undertakings. The Australian committee advocates the use of bounties to aid industries in their early and experimental stages. Now, in this country when protection to a new undertaking is suggested we think only of customs duties.

In the pending tariff bill we double the duty on filberts. You know the filbert is a cultivated hazel nut. The present duty is 2½ cents per pound. The bill carries 5 cents per pound. Filberts are raised chiefly in Oregon. In 1928 we consumed 12,000 tons of filberts. That same year Oregon placed on the market 100 tons of filberts. This is a new undertaking. This is a nascent industry. It is an industry in its early and experimental stage. I am told if all the filbert orchards which are now planted and those that are in prospect to be planted come into full bearing we will produce 1,000 or 2,000 tons of filberts. There is no question but that doubling the duty on filberts will add that much additional burden on consumers of filberts. A bounty on filberts would be the economically sound way to aid this industry.

In California there is an olive-oil industry which produces about 1 per cent of our consumption of olive oil. This bill increases the duty on olive oil. The increase in duty is not going to increase the production of olive oil in this country. This nascent olive-oil industry should be protected, if at all, by a bounty.

In the State of Washington they are trying to grow tulip bulbs. This, too, is an industry in its early and experimental stage. For years we have imported our tulip bulbs from Holland. The peculiar climate of that country and the skill of generations in cultivating tulip bulbs produce a tulip bulb the like of which can not be gotten from any other place in the world. The State of Washington claims to have the climate and soil to produce tulip bulbs. Last year we imported 76,000,000 tulip bulbs. The State of Washington produced about 1,500,000 tulip bulbs. Experts who ought to know claim that the Washington tulip bulb is not comparable to the Holland tulip bulb. They also state that the cultivators of tulips in this country must have the Holland bulbs because of their superior quality. A leading nurseryman and cultivator of flowers informs me that the Washington tulip bulbs can be sold only in the 10-cent stores. I think the Washington tulip-bulb industry should have protection. That industry should be given every possible chance to demonstrate that the tulip bulbs can be pro-

duced in this country. The way to help that nascent industry is by means of a bounty and not by greatly increasing the duty as the present tariff bill contemplates.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. RAMSEYER. If it is on the export debenture I will yield. If it is on tulip bulbs I would prefer to proceed with my remarks. I am simply attempting to illustrate where bounties are applicable in the scheme of protection and where duties are applicable in the scheme of protection.

In the case of nuts or tulip bulbs, if, after being helped along by bounties the industry gets to the place where it can supply a considerable portion of our demand and of the quality that we require, then is the time to withdraw the bounty and apply a duty for the purpose of protection.

Mr. JOHNSON of Washington. Will the gentleman yield for a short statement?

Mr. RAMSEYER. Not for a statement. I yield for a question.

Mr. JOHNSON of Washington. Does the gentleman think that we should advertise the Washington tulip as only being sold in the 10-cent store? Do not the people seem to like the word "imported"? We might grant a bounty of double the selling price of the home-grown tulip and still people would ask for something that was imported. It seems to be human nature. It is the local article that is always bad and the imported article that is always fine. It is a trick of the trade in salesmanship to use the word "imported" in order to get the fancy price.

Mr. RAMSEYER. Perhaps that is true, but that does not argue against the advantages of bounties to aid new undertakings.

Mr. KINCHELOE. Will the gentleman yield?

Mr. RAMSEYER. I yield.

Mr. KINCHELOE. Do I understand that it is the gentleman's idea that it was the idea of Hamilton and the Australian report to have a bounty when and only when there was not enough of the commodity produced for domestic consumption?

Mr. RAMSEYER. It is the Hamilton idea and it is the idea of the special committee on the tariff which was appointed by the Prime Minister of Australia to make use of the bounty for new undertakings.

Mr. KINCHELOE. The trouble with agriculture to-day is not that we do not raise enough for domestic consumption but that we raise too much, and therefore under such a state of the case would not the report to which the gentleman has referred and the opinion given by Hamilton be against a bounty now?

Mr. RAMSEYER. I think the gentleman's conclusion is correct. I have already stated there is nothing in the Hamilton report on manufactures which supports an export debenture such as is provided for in the Senate amendment, and there is nothing in this Australian report which in any way supports the idea that an export debenture such as appears in the Senate amendment should be adopted. Let me state again that I did not bring in the Hamilton report and the Australian report for the purpose of conveying the idea that because these reports are against the export debenture that that is conclusive proof that we ought to be against it. These two reports have been repeatedly cited as favoring the export-debenture plan. Such a conclusion can not be supported by a careful reading of these reports.

Mr. JONES of Texas. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. JONES of Texas. I want to ask the gentleman if he found anything in that report which offered any way of restoring equality to the surplus-producing farmer after he had reached the point where they claimed the bounty should not apply?

Mr. RAMSEYER. These reports state that when the industry has reached a certain stage of development the bounty should be withdrawn, and if the industry needs or deserves protection, for the public good it should receive its protection through a duty.

Mr. JONES of Texas. How would the raw-material production receive any protection if it were on a surplus-producing basis?

Mr. RAMSEYER. For the present I concede it will not by duties alone. The reports do not discuss a situation like that.

Mr. JONES of Texas. Then, as the gentleman conceives it, the theory of that report is that agriculture should simply be a handmaid of industry and that after it produces what industry needs it ought to quit?

Mr. RAMSEYER. No; that is not the deduction at all.

Mr. JONES of Texas. What is the deduction?

Mr. RAMSEYER. The only deduction I make, after quoting from these two authorities—and I have read them through and have only quoted briefly—is that they can not be cited as supporting the export debenture plan as set out in the Senate amendment in the tariff bill. That is all.

Mr. JONES of Texas. I concede the gentleman has a right to his opinion. But I do not agree with all his conclusions as to the Hamilton report.

Mr. RAMSEYER. If the gentleman will take the time to give the Hamilton report a careful and intelligent study—and he is capable to do that—he will arrive at exactly the same conclusion that I have just stated.

Mr. RANKIN. Will the gentleman yield?

Mr. RAMSEYER. For a question.

Mr. RANKIN. As I understand the gentleman's argument it is that it was Hamilton's idea to pay this bounty whenever it was unprofitable to produce these agricultural commodities in order to encourage their production. Now, when they are not produced profitably because of the high prices of industrial articles does not the gentleman think his logic would apply to the payment of an export debenture in order to make it profitable to produce agricultural commodities?

Mr. RAMSEYER. No; nothing in Hamilton's report nor anything I have said about the report justifies either the statement or the question which the gentleman from Mississippi has submitted. I hope the gentleman will read the report, and if he can find anything in the report which supports even remotely the idea of an export debenture on a product of which we produce a surplus for export I should like to know it.

Mr. CHRISTGAU. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. CHRISTGAU. Is the gentleman going to discuss the export tariff bounty such as they have in Australia?

Mr. RAMSEYER. Export bounties on a limited scale are used in a number of countries, and I intend to make some reference to them and show how their operation differs from the plan under consideration. I was going to take first the bill and analyze the Senate amendment, but since the gentleman raises that question I will now go to a discussion of some of the aids that other countries give to agriculture.

First, let us get into our minds just what the theory of the export debenture is, and how it is supposed to aid agriculture. The object of the Senate export-debenture plan is to elevate the prices of farm commodities of which we produce a surplus for export. The proposal in the amendment is to offer a bounty to the exporter equal to half of the duty. To illustrate, let us take wheat. The duty is 42 cents per bushel and the bounty would be 21 cents. The exporter would be given a debenture certificate of 21 cents for each bushel of wheat exported, which could be used in paying the duties on any and all imports.

Now, the theory is that when the debenture plan is in effect the exporter, knowing he is going to get this debenture of 21 cents a bushel, will bid that much more per bushel, or nearly that much more, for the wheat which he buys for export, and as he will be in the market continuously to buy wheat for export just as fast as he can find buyers abroad, the domestic buyers of wheat for milling and other purposes will have to bid up or nearly up to the amount the exporter bids, and that will have a tendency to elevate the price of wheat throughout the country, just how much no one undertakes to say. They argue it may vary in effectiveness as the tariff does. The tariff on some products is effective to the full extent, on others products it is only partially effective, and on still other products it is not effective at all. There are a number of factors that must be taken into consideration.

So an export bounty on wheat under certain conditions may be fully effective, under other conditions only partially effective, and under still other conditions may not be effective at all, and even may do actual damage.

As far as I know, no country in the world has now an export bounty of the nature that is proposed in the Senate amendment. Germany has had export bounties for a number of years before the war. Of course, during the war they did not operate or the laws were repealed. Germany went back to export bounties in 1925.

I have here a report of the Tariff Commission on "Bounties in Foreign Countries on Production and Exportation." You will find on page 21 a brief statement on the bounty certificates on exports of grain used in Germany. The German exporters of rye, wheat, spelt, barley, oats, buckwheat, legumes, as well as flour and malt and other mill products, receive a certificate for a sum equal to the import duties on a corresponding quantity of cereals or legumes.

These certificates can be used in the payment of import duties on any of the articles above named.

Now, note that the export certificates which the exporters receive on wheat and other products I just named can be used only to pay import duties of a like amount of cereals and legumes. What useful purpose does this arrangement serve in

Germany? Eastern and northeastern Germany are agricultural. There they raise wheat more than they do in western and southern Germany where the dense industrial populations reside. Germany in the last five years has exported each year about 12,000,000 bushels of wheat and has imported nearly 90,000,000 bushels of wheat, so you see Germany must import a great deal more than she exports.

The wheat raised in eastern and northeastern Germany is a wheat of low protein content. They have to import the wheat of higher protein content from other countries.

There are two reasons why Germany has this export bounty certificate plan. One is to get rid of her low-grade wheat and with the certificates import the high-grade wheat, and the other is, that northeastern and eastern Germany are near the sea and the sea freight rates to the countries where their markets are, are a good deal less than the rail rates from eastern Germany to western and southern Germany, where the dense industrial populations reside.

Lately, in 1928, Germany amended the bounty-certificate system to include hogs, pork, and ham, and these certificates can be used to import duty free the cereals heretofore named.

Sweden has an export-bounty plan, but there it is used, so I have read and also have been told, to prevent seasonal gluts; that is, to get rid of grain they issue export certificates at a certain season of the year and then the export certificates are used at another time of the year to bring in grain. These and other countries have this plan of issuing bounty certificates on exports to aid agriculture, and also to balance, in a way, thtir needs.

Germany has a high duty on wheat to protect her farmers. That duty has been raised recently. Last July the wheat duty was raised from 32 to 42 cents per bushel, January 20 last the duty was raised to 62 cents, March 27 it was raised to 78 cents per bushel. Recently another increase was announced raising the wheat duty to 97 cents per bushel, effective the 25th of this month.

Germany aids her wheat growers in still another way—by requiring a certain portion of the wheat used by millers to be German-grown. Year before last it was 40 per cent and last year, by order or law, the millers must use 50 per cent of wheat grown in Germany.

I have been unable to find in any country—and this report discusses bounties in 24 countries—any plan that is so broad in its scope as the plan that is before us. In nearly every country where they use this plan it is used like it is in Germany; that is, first, to aid agriculture and then to balance or to help to balance their needs. One way to help balance their needs is to get rid of the kind of products they do not need and get in the kind of products which they do need.

Mr. BRIGHAM. Will the gentleman yield?

Mr. RAMSEYER. For a question, yes.

Mr. BRIGHAM. Are all the countries that use the export bounty on a net import basis of the product upon which it is levied?

Mr. RAMSEYER. I do not quite get the question.

Mr. BRIGHAM. Germany is on a net-import basis as to wheat.

Mr. RAMSEYER. She imports 90,000,000 bushels and exports 12,000,000 bushels, her surplus of imports over exports being 78,000,000 bushels.

Mr. BRIGHAM. So she is on a net-import basis?

Mr. RAMSEYER. Yes.

Mr. BRIGHAM. Are all the countries that are using the bounty plan on a net-import basis with reference to the products upon which a bounty is paid?

Mr. RAMSEYER. I can not answer that question.

Mr. JONES of Texas. Will the gentleman yield?

Mr. RAMSEYER. Yes; I yield.

Mr. JONES of Texas. For what year is the gentleman quoting figures with respect to the importations and exportations of Germany?

Mr. RAMSEYER. This report of the Tariff Commission was made in October, 1929. The last tariff duty on wheat went into effect April 25 in Germany. I received that information yesterday from the farm-marketing experts in the Department of Agriculture. I also received the figures of German imports and exports of wheat from the same source and the figures apply to the last five crop years.

Mr. HOPE. Will the gentleman yield before he leaves that question?

Mr. RAMSEYER. Yes.

Mr. HOPE. I understood the gentleman to say that export debentures as issued in Germany could only be used in paying the duty on bread products.

Mr. RAMSEYER. On the grains which I named, yes.

Mr. HOPE. Are there any debentures issued which may be used in payment of duties on imports generally?

Mr. RAMSEYER. If there are, I have never heard of them. In Germany the export bounty certificates are used, as I have stated, both to help the farmers and to balance the needs of the nation. Of course, Germany's situation is entirely different from ours with respect to the products sought to be benefited by the export bounty. We import little or none of the products we want to aid by the debenture. In Germany more of wheat is imported than exported. With us much wheat is exported and very little imported.

Mr. HOPE. If the gentleman will permit another question along the same line, there is a provision in the Senate tariff bill which makes it optional with the board as to whether or not the debenture plan shall be put into effect. Do any of the other countries which the gentleman has mentioned have this same provision or is the provision a part of their substantive law?

Mr. RAMSEYER. I have not read any of the acts of any of the countries whose systems I am discussing. I received my information from reports, and I do not recall any reference made to optional provisions. The optional provision in the Senate amendment I think is one that is very objectionable. If an export bounty were put into effect for a definite time, or if a bounty of any kind were put into effect for a definite time, say 3 years, 5 years, or 10 years, then the producers as well as those who deal in that commodity, would know just what to expect.

But here is a plan that can be placed in operation by a board on a day's notice. In practice I do not suppose that the board would put it into effect that soon. Any bounty, whether it is an export bounty or any other kind of bounty, to be helpful at all should have the element of definiteness of time connected with it.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. RAMSEYER. I will yield.

Mr. BANKHEAD. The discussion has been very interesting from an academic standpoint. Does the gentleman propose to point out some method by which the tariff may be made effective on our surplus agricultural crops?

Mr. RAMSEYER. I have discussed the tariff bill and its effects on agricultural products in former addresses, and the gentleman can get my views on that in a speech that I delivered here on December 20 last. To-day I am addressing myself to this particular proposition that will be before the House this week.

The question for us to determine is whether this particular plan will be of aid and benefit to agriculture, and if we decide it will aid whether we should enact it into law at this time.

I am sure that I express the sentiment of every Member of this House when I say that we want to do all that we can to foster a prosperous agriculture.

Now, the only thing before us to-day is, and the only thing that we can consider on the tariff bill is the Senate export debenture amendment—to consider other plans during this discussion would be purely academic—so let us center our thoughts on this in order to determine whether or not this particular plan will tend to aid the agricultural situation in this country, which everybody here concedes ought to get aid.

Mr. BANKHEAD. Does not the gentleman think that practically he is entirely begging the question as far as any relief to the farmer is concerned, on the theory that the tariff is not effective on the surplus. What benefit does it do the farmer to say "Here is the only proposition we have and that this is not effective"?

Mr. RAMSEYER. I am telling the gentleman that the only proposition before us is the Senate debenture plan. This we should face squarely. To discuss other plans would be "begging the question." If he will let me proceed a while longer, we may be able to determine whether this particular proposition will aid agriculture, and whether we want to indorse it. We can not substitute other propositions as the gentleman well knows, because he is familiar with the rules of the House; you can not offer an amendment to this Senate amendment that is not germane or not within the limits of the controversy which marks the difference between the two Houses.

Mr. BRAND of Ohio. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. BRAND of Ohio. Before the gentleman leaves the matter of applying the bounty, take the price of wheat, which has varied in the last 10 years from 75 cents a bushel to close up to $4 a bushel. Might it not be wise to have an optional application of the law? You would not want to apply it when wheat was $4 a bushel, but you would want to apply it when it was 75 cents a bushel.

Mr. RAMSEYER. Does the gentleman claim that is written in the Senate amendment?

Mr. BRAND of Ohio. That is in it the way it is now.

Mr. RAMSEYER. Making the operation of the debenture optional with the board, there is nothing in this Senate amendment to prevent the board from applying the debenture when wheat is $4 a bushel and refusing to apply it when wheat is 75 cents per bushel. The gentleman from Ohio was one of the enthusiastic advocates of the McNary-Haugen bill with the equalization fee in it. I supported that, and probably had as much to do with trying to keep the House straight on the kind of a yardstick to apply to the operation of the equalization fee as anybody.

Speaking of the McNary-Haugen equalization fee bill, we did not leave the determination as to when the operating period should be applied to the judgment or the whim of the board. We wrote into that bill a very specific rule for the guidance of the board in the commencement of and the determination of what was known as the operating period.

In the McNary-Haugen equalization fee bill that was last before the House the yardstick was this—I will see whether I can recall it. We provided that when the domestic price was less than the foreign price plus the tariff, plus the freight rate to the chief competing foreign market, that the board should commence an operating period and apply the equalization fee.

The theory was that the application of the equalization fee would tend to bring the domestic price up to the foreign price, plus the tariff, plus the freight rate. We had a very definite yardstick, and notwithstanding that definite yardstick, the constitutionalists in this body and in the other body claimed that it was unconstitutional.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that the gentleman have 30 additional minutes.

The SPEAKER pro tempore. Is there objection?

Mr. PATTERSON. Mr. Speaker, no one appreciates this address more than I do, and I am not going to object, but if the gentleman takes 30 minutes more, the time that I was to have at the close of all of the other addresses will be eliminated.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. RAMSEYER. Mr. Speaker, I appreciate this very much. I did not come to you with a prepared address, as I sometimes do on highly controverted subjects. I have given this subject some study and I have a great deal of material on it before me. If I can do so, I want to throw light on this very complicated and highly controverted proposition. I stated yesterday in seeking this time that I hoped that we could conduct something in the nature of a round table and exchange views in a somewhat informal way. In the matter of the equalization fee we had a definite yardstick, as I said, directing the board when to operate and requiring the board to specify the time during which the equalization fee shall remain in effect. The question of the delegation of legislative power to an officer or a board is often brought in issue in this body. Some constitutionalists in Congress in both bodies claimed that the equalization fee provision was unconstitutional on the ground that it was a delegation of legislative power. The House Agricultural Committee undertook to so frame the equalization fee provision as to make it free from the objection of being a delegation of legislative power.

I come now to the Senate amendment. The Senate amendment provides that whenever the board finds it advisable, in order to carry out the policy declared in section 1 of the agricultural marketing act, with respect to any agricultural commodity, to issue export debentures with respect to such commodity, said board shall give notice of such finding to the Secretary of the Treasury. Then the Secretary proceeds to issue debentures to exporters as the law would require of him.

There was no question in my mind that in the McNary-Haugen bill with the equalization fee in it we were required to have a definite yardstick or rule to govern the boards' action in order to pass muster of the courts. I am not going to discuss the constitutional issue that is inherent in this provision, but if in the McNary-Haugen equalization fee bill we were required to write in a definite yardstick to direct the board in its activities, I suggest this question: Why is it not necessary in this bill where we empower the board to divert customs duties from their regular course to the Treasury to have in it a definite yardstick, ascertainable, so as to free this provision from the objection of being a delegation of legislative power? The amendment on page 327 of the bill, lines 15 and 16, reads:

> In order to carry out the policy declared in section 1 of said agricultural marketing act.

Section 1 of the agricultural marketing act is a declaration of policy. Just what a declaration of policy adds to or subtracts from the rest of the law which defines the duties and powers of the board at this time I am not going to discuss. I merely want to suggest that the declaration of policy may aid the courts in determining what Congress had in mind in giving certain powers to the board. The declaration of policy does not confer powers. For the powers and duties of the board one must look to that part of the law outside of section 1. I do not regard section 1 as a rule or yardstick or imposing on the board the duty to find certain facts or the existence of certain situations on which the board is required to act in commencing an operating period. All the direction that the board is given on which to base its action to commence an operating period is the declaration of policy in section 1 of the agricultural marketing act. Even though it should be found that section 1 does lay down a definite rule for the guidance of the board under the provision of the amendment the board need not act on its finding of the existence of a certain state of facts, but it may find the facts for an operating period and then decide for reason or no reason that it is not advisable. In other words, the amendment reposes in the board arbitrary powers to divert customs revenue from the Treasury. That, in my opinion, is a delegation of legislative powers.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. For a question.

Mr. RANKIN. Does not the gentleman think that the yardstick is fixed here as one-half of the tariff on the commodity, for the benefit of which the debenture is levied?

Mr. RAMSEYER. Oh, no; that is a definite direction after the board directs the commencement of an operating period.

The yardstick is used in determining the commencement of the operating period. The board does not fix the amount of the debenture. If the board finds it advisable to commence an operating period on any agricultural commodity, the Secretary of the Treasury must issue debentures to the amount of 50 per cent of the import duty on such commodity. The board nor the Secretary has any power or discretion to make the debenture anything else than 50 per cent of the import duty.

Mr. RANKIN. Certainly, and that is the debenture yardstick, just as the full tariff was the yardstick in the McNary-Haugen bill.

Mr. RAMSEYER. Oh, no; nothing like it. We had a declaration of policy in the McNary-Haugen bill in section 1:

> It is hereby declared to be the policy of Congress to promote orderly marketing—

And so forth.

If, a little further on, we had said that the board, whenever it deems it advisable to carry out the policy declared in section 1 of the bill, shall do so-and-so, we would have something analogous to this; but in trying to give the board a yardstick under the old McNary-Haugen bill we did not rely on the declaration of policy. We gave the board something definite, which was not referred to at all in the declaration of policy.

Mr. RANKIN. The gentleman now is going off on the constitutional angle.

Mr. RAMSEYER. I am through with the constitutional phase, if the gentleman will permit me to go to another phase. I am simply suggesting the constitutional element. I am not going to argue it a bit further. If I were to undertake to discuss the constitutional phase of it, I would have to ask you not for 30 minutes more time, which was so courteously granted me a moment ago, but for a great deal more time.

Now, if the gentleman from Mississippi will desist, I will say no more about the Constitution.

Mr. RANKIN. I do not propose to discuss that phase of it, but the fact is that we declared the tariff to be the yardstick in the McNary-Haugen bill, just as is suggested here.

Mr. RAMSEYER. The gentleman repeats and reiterates his assertion, but that does not change the facts. I have at different times discussed the constitutional phases of the McNary-Haugen bill, and, so far as I know, I was the only one who ever undertook to defend the constitutionality of the equalization fee on the floor of this House. There were a number of gentlemen who spoke against the constitutionality of the equalization fee in the McNary-Haugen bill.

In the forepart of my address I called attention to the uses that can and should be made of bounties to aid new undertakings. I have tried to make it plain that I do not want to be understood as saying that an export bounty on a surplus crop could under no circumstances serve a beneficial purpose. If Congress wants the export bounty on surplus crops it should designate the agricultural commodities that are to receive this bounty and either make the bounty mandatory or give the board a definite

rule to guide it in declaring an operating period. If the bounty is made mandatory Congress should further specify a definite number of years over which the bounty is to operate. If the bounty is to be placed in operation by the board under a rule prescribed by Congress the board should be required to fix a definite period over which the bounty shall apply. All this is highly essential in order that the producers of such commodities and those who deal in those commodities may know what to expect. Under such circumstances I am inclined to think that an export bounty would tend to elevate the prices of commodities of which we produce a surplus for export. How much the prices would be elevated would depend upon a number of factors outside of the bounty. In making this statement as to the tendency of the bounty to elevate prices I leave out the possibility of increased production and the application of countervailing duties by foreign countries.

Either considerable increased production of an agricultural commodity on which the export bounty operates or the application of countervailing duties by foreign countries would tend to negative any benefit from the bounty on such commodity.

The gentlemen who are most strenuously supporting the export bounty system are opposed to the flexible tariff because it confers too much power upon the President. Under the Senate debenture amendment the board is given the right to apply export bounties on any and all agricultural commodities exported whenever the board finds it advisable to do so. The board is the creature of the President, every member of which can be discharged by the President on a minute's notice. It is assumed by the advocates of the debenture that the board will do whatever the President wants it to do. If that be so, the Senate amendment gives the President the power to divert at will annually $281,577,175 of customs revenues.

The flexible provision of the tariff law gives the President the power, under specific and ironclad rules laid down by Congress, to raise or lower customs duties within prescribed limits. The President can not exercise this power until the Tariff Commission has made a thorough investigation and reported its findings to him. In my judgment, the Senate debenture proposal confers greater power upon the President than the flexible provision of the tariff law.

I have before me here some calculations respecting export debentures as provided in section 321 of the tariff bill. These tables were prepared by the experts of the Tariff Commission. Therein are specified several hundred agricultural products, and the manufactures thereof, and the debenture cost on each product on the basis of the 1929 exports and of the rates as agreed to by the conference committee as of April 18, 1930. I shall place these tables in the RECORD.

I also have before me a table of estimated gross and cash income from farm production in the United States for the years 1924 to 1928, prepared by the Department of Agriculture. I shall also place this table in the RECORD. I was unable to get the income from farm production for the year 1929, as that has not yet been compiled.

Now, let us do some calculating. I assume that the 1929 income figures would not differ materially from the 1928 income figures. The grand total of gross income from all farm products for the year 1928 was $11,827,709,000. The gross income from cotton lint for the same year was $1,300,502,000. The gross income from the production of leaf tobacco was $276,448,000. The gross income from wheat for that year was $764,621,000. The gross income from farm production of all products except cotton and tobacco was $10,250,759,000.

Assuming that the Farm Board will apply the debenture to all farm products, let us turn to the debenture tables and see how the Senate proposal will operate. On leaf tobacco the debenture cost will be $97,197,704. On cotton, unmanufactured, the debenture cost will be $79,630,190. On all other farm products and manufactures thereof the debenture cost will be $90,898,922. Wheat is one of the commodities that this debenture is supposed to benefit. On wheat, the gross income of which in 1928 was $764,621,000, the debenture cost will be $18,927,216.

Taking these figures and with a little calculating you will ascertain that tobacco will benefit at the expense of the Public Treasury in debenture cost to the extent of 35 per cent of the gross income of leaf tobacco. Cotton will derive from the Public Treasury in debenture cost 6 per cent of the gross income from cotton. Wheat will derive from the Public Treasury by way of debenture cost 2 per cent of the gross income from wheat. All farm products except tobacco and cotton will derive from the Public Treasury by way of debenture cost nine-tenths of 1 per cent of the gross income from all farm products except cotton lint and leaf tobacco.

You gentlemen from the Corn and Wheat Belts who think you must vote for this debenture proposal should take the story of these calculations home to your people and see what they think about it. This is relief not on a basis of the needs of the various farm commodities, but on a basis of the accidents of tariff rates, except as to cotton where the export bounty is arbitrarily fixed at 2 cents per pound.

A word further here in regard to tobacco. The duty on tobacco is 35 cents per pound. Dark tobacco raised in western Kentucky, western Tennessee, and southern Indiana has been selling during the present season at 12 cents a pound. Eighty per cent of this tobacco is exported. The debenture on tobacco in the Senate amendment is 17½ cents per pound, or 145 per cent of what it has been selling for. A tobacco farmer, or a manager of a tobacco cooperative, or a tobacco exporter could ship this tobacco to a foreign country, give it away, and still have more money in his pocket than he could derive from the domestic selling price. Oh, but somebody will say, with this high-debenture rate the board will never find it advisable to apply the debenture on tobacco. If this becomes a law, is it not the will of Congress that leaf tobacco shall have a debenture of 17½ cents per pound? If tobacco gets in distress, as it has been in times past, why should not the board find it advisable to help out tobacco? The extent of the help that Congress provides for tobacco is none of the board's business. That is the business of Congress. When it becomes advisable to help tobacco it is the business of the board to help in the way and to the extent that Congress declares in the law. I think that the wheat growers should be very happy when they contemplate how much this proposal intends to help tobacco and how little it intends to help wheat.

We have been told, and it has been urged on this floor, that the National Grange is for the debenture proposal before us. It is true the Grange since 1926 has advocated the export debenture. I am of the opinion that the National Grange is not for the proposal before us and that its officials will not defend the Senate amendment on cross-examination before a committee of Congress. If you will listen, I will prove it to you. The National Grange export-debenture plan was incorporated in a bill introduced during the first session of the Seventieth Congress, H. R. 12892, by Mr. KETCHAM, of Michigan. You who have read this bill know that it is a definite proposition—the board given specific directions, required to make findings of facts, and to consider conditions with regard to farm commodities both here and in foreign countries.

The National Grange plan, as incorporated in this bill, specifies seven farm commodities to which the export-debenture rates are prescribed, to wit: (1) Swine; (2) cattle; (3) corn; (4) rice; (5) wheat. On these five commodities the debenture rates prescribed are one-half of the import duties then in effect. The other two commodities are: (6) Cotton, 2 cents per pound; (7) tobacco, 2 cents per pound. Note the difference in the tobacco rate in the Senate amendment and in the National Grange bill. In the former it is 17½ cents per pound; in the latter it is 2 cents per pound. The officers of the National Grange are economists and the rates they advocated were based on economic facts and conditions. Two cents per pound on tobacco sounds reasonable and economic and was recommended to give relief to the tobacco growers. Seventeen and one-half cents per pound sounds unreasonable and uneconomic and inclines one to the belief that the 17½-cent rate was proposed by the tobacco politicians and not by the tobacco growers.

Let me point out another difference in the Senate proposal and the National Grange proposal. Coming to what is known as the penalty provision, on page 332 of the tariff bill beginning with line 4, you will see there is to be no reduction in the debenture rates for an increase in production of less than 20 per cent. You could have a 19 per cent increase and still get the full debenture rate. A 19 per cent increase on wheat would mean increasing the surplus of wheat by at least 160,000,000 bushels. You who know the wheat situation will readily understand what havoc such an increase in production would bring about in the wheat market.

The Senate amendment further provides:

> For an increase in production of 40 per cent but less than 60 per cent there shall be a reduction of 50 per cent.

That is a reduction in the debenture rate of 50 per cent.

Now let us look at the penalty provision proposed by the National Grange, which you will find on page 17 of the Ketcham bill. This provides that there shall be no reduction in debenture rates for a computed increase in production or acreage of less than 5 per cent. The Senate provision is 20 per cent. A little further down is this provision:

> For a computed increase in production or acreage of 15 per cent or more the issuance of debentures shall be suspended for a period of one year.

According to the National Grange plan, an increase in production or acreage of 15 per cent suspends the debenture. Under the Senate amendment an increase in production of less than 20 per cent does not reduce the export-debenture rates. I will leave it to you to judge which of these two proposals is the more economically sound.

Now I shall proceed to another matter in this round-table discussion.

Mr. COLE. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. I yield to my colleague.

Mr. COLE. Will the gentleman, before he closes, discuss section 303 relating to countervailing duties and the effect of that upon the debenture? Is it not true that the debenture proposes to do what in section 303 we forbid all foreign countries to do to us?

Mr. RAMSEYER. I will refer to that before I conclude.

Mr. ANDRESEN. Mr. Speaker, will the gentleman yield there?

Mr. RAMSEYER. Yes.

Mr. ANDRESEN. The gentleman has said the President would have the power to divert $281,577,175 from the Treasury.

Mr. RAMSEYER. No; from the customs, on the way to the Treasury.

Mr. ANDRESEN. Would the farmers get the benefit of that $281,577,175?

Mr. RAMSEYER. That depends on many different factors. I am not saying that export bounties could not be used, if rightly administered, in a way to give some benefits to agriculture. To determine the benefits to be derived from an export bounty you have got to study each commodity separately and take into consideration the situation that prevails both here and abroad at the time the debenture is placed in operation. It is difficult to forecast just how it will operate and to what extent benefits will be realized. It presents difficulties of the same nature as is presented in determining how a customs duty will affect the price of a commodity.

A duty may be high enough to exclude all importations, but if you have competition among the producers of any commodity and possibly also the benefits of mass production and improved marketing facilities, the cost of such commodity to the consumer may be less than it was before the exclusion of the foreign commodity. With the export bounty on a surplus farm product you must take into consideration the world's supply and demand of that product. Take wheat; last year there was a large world surplus. If the export bounty had been applied to wheat last year at threshing time and that had resulted in an abnormal acceleration of the flow of wheat to foreign markets, the crash in wheat prices might have come several months sooner than it did and with the possibility of more disastrous results. This question as to benefits to be derived either from bounties or duties can not be answered offhand. In the tariff bill there are about 23,000 different items. Each item has a story of its own. You can not say that because a duty will benefit item No. 1 that it, therefore, will also benefit item No. 7. Item No. 1 may react to a duty one way this year, a different reaction may have resulted three years ago, and both reactions be different to what the reaction will be five years hence. Item No. 7 may or may not have the same reaction at different times.

A bounty paid directly to the producer will benefit the producer to the extent of the bounty. An export bounty paid to the exporters of surplus products may or may not benefit the producers of those products. There is nothing in the Senate amendment requiring the exporter to exercise diligence in returning as much of the export bounty to the producer as possible.

There is nothing to prevent him from buying surplus products as low as possible and using the bounty which he receives to sell the products in the foreign market below the world price. If Congress deems it wise to try out the export bounty on surplus farm products, it should begin with a limited number of commodities, lay down a definite rule for the guidance of the board, fix the bounties in proportion to the needs of the producers of such products, and then fix a definite period of years for the operation thereof so that the producers and dealers in such commodities will know what to expect and to figure on.

Mr. ANDRESEN. Will the gentleman yield further?

Mr. RAMSEYER. I yield.

Mr. ANDRESEN. Does the gentleman feel that the bounty would be effective on the producers of flaxseed and sugar beets, if applied?

Mr. RAMSEYER. With respect to sugar, I opposed an increased duty on sugar, for the simple reason that I did not think, and I do not think now, that it will result in an expansion of the sugar-raising area, on account of the obstacle of getting labor to perform that particular kind of work. The domestic production of sugar is one-sixth of our demand. Two-sixths of our demand comes from our insular possessions, and three-sixths is imported from abroad and pays a duty.

I think the gentleman from Wisconsin [Mr. FREAR] is correct, that rather than increase the duty on sugar, which is bound to increase under the circumstances the cost to the consumers, it would be better for the country to pay a direct bounty to the sugar-beet and sugar-cane farmers. That is one case in which I think a bounty is applicable.

Mr. ANDRESEN. How about flaxseed?

Mr. RAMSEYER. There is a different situation in connection with flaxseed. We produce about one-half of our flaxseed needs, and we import the other half. We have, however, the area to produce all of our needs, and apparently, from the reports received from the Farm Board, we have the farmers who are willing to raise flaxseed. The wheat raisers of Minnesota and the Dakotas desire to go from wheat to flaxseed. That is a case where I think the protective duty is applicable rather than a bounty.

Mr. CHRISTGAU. Will the gentleman yield?

Mr. RAMSEYER. I yield for a question.

Mr. CHRISTGAU. The gentleman is arguing in favor of a definite provision as to when the bounty shall go into effect?

Mr. RAMSEYER. Yes.

Mr. CHRISTGAU. Inasmuch as the debenture calls for the establishment of a new public policy, is there not a great deal of merit in the provision which gives the Federal Farm Board the option to invoke the debenture as an experimental policy which might have some beneficial effect later on, especially as long as our agricultural prices are in a fluctuating state?

Mr. RAMSEYER. That would depend altogether on how it would be applied. If the Farm Board would do, and would be supported in doing what the Congress itself ought to do, that is, to specify the commodities, provide for a specific debenture, and provide for a specific time, it might aid. But, to turn this over to a group of men to do whatever they think is advisable under the indefinite and inequitable provisions of the proposal before us, I think would make the situation confronting us a great deal worse than it is.

Now, as to countervailing duties that my colleague [Mr. COLE] asked about a few minutes ago. We have a countervailing duties provision in our tariff law which is carried in the pending tariff bill. Other countries have countervailing duties. There are eight European countries that have such duties, to wit: Austria, Belgium, Czechoslovakia, France, Poland, Portugal, Spain, and Switzerland. The oriental countries having countervailing duties are Japan, Australia, and the Union of South Africa, and in at least one Latin-American country, Argentina. Whether these countries would put into effect their countervailing duties in case we adopt export bounties I do not know. Neither do I know whether other countries that now do not have countervailing duties would enact such duties. The one thing that I am sure of is that if other countries would put into operation countervailing duties against our products benefited by export bounties that would absolutely nullify whatever benefit we might otherwise get from such bounties.

Section 303 is the one on countervailing duties. It is a very strict provision. It is mandatory upon the Secretary of the Treasury whenever he finds that another country pays a bounty on any product sent to this country which is on the dutiable list to increase the duty to the extent of the foreign bounty. The Secretary has no discretion in this matter whatever. In the last eight years the Secretary of the Treasury has invoked the countervailing duty section against foreign products a number of times. I shall place this list in the appendix of my remarks. We also have a strict antidumping provision in the act of 1921, section 201 (a). I shall place a list of the findings of the Secretary of the Treasury under this provision in the appendix also.

There is one thing that I think the advocates of the debenture have overlooked, and that is, if we are to go on an export-bounty basis on a large scale, we should repeal section 303 on countervailing duties of the tariff and thereby give the bounty-fed products of foreign nations the same treatment as we expect foreign nations to give our own bounty-fed products.

There is another suggestion that I wish to make that I think ought to receive some consideration. We all know the President is opposed to this export-debenture plan. A little over a year ago members of the Senate Committee on Agriculture called upon the President for his views on this proposition. In a letter addressed to Senator MCNARY, chairman of the Senate Committee on Agriculture, he did express his objections in plain language to this proposition. This letter can be found in the CONGRESSIONAL RECORD for May 2, 1929. It has been argued that, even though the President is opposed to this debenture plan, it will do no harm to enact it into law; that

the Farm Board will follow the wishes of the President and not put the debenture into operation. With this proposal applicable to the exports of all farm products everybody should know that if it is enacted into law there will be a great demand and clamor for its use whenever there is the least disturbance in the market of any farm commodity. The board would be swamped with appeals for the debenture. If the board would refuse to act, then the President would be appealed to to compel the board to act or to appoint a new board that would act. For a President to sign such a bill to which he is opposed and which he is determined not to place into operation if enacted into law would be, to say the least, an act of unwisdom.

Mr. Hoover was elected President in 1928. The equalization fee had been a controversial issue for some years. Neither the Republican Party nor the Democratic Party in their national platforms in 1928 would indorse the equalization fee. Mr. Hoover came out unequivocally in opposition to the equalization fee. The platform of neither political party indorsed the debenture plan. Neither Mr. Hoover nor the Republican platform orators during the campaign said anything or advocated anything from which it could be inferred that either Mr. Hoover was or they were for this debenture proposition.

Mr. Hoover made farm relief his major campaign issue. He has a program of his own on farm relief and to place agriculture on an equality with industry. He has a Farm Board, whose members are in sympathy with his program. Up to date, and I say this advisedly, the President has not had a full and fair chance to carry out his program, and I think the American people are willing to give him that full and fair chance. I say he will not have that full and fair chance if the Congress imposes upon him this debenture proposition.

Another thing, this debenture proposition has not been indorsed by the farmers of the country. Before the last campaign the National Farm Bureau Federation, the National Farmers' Union, and other farm organizations indorsed the equalization fee. The National Grange never indorsed the equalization fee. On this debenture proposition the National Grange has indorsed a debenture proposition, but not the Senate debenture amendment. The other great national farm organizations have not indorsed the debenture. This is not the time to enact the Senate proposal into law.

The President has been in office a little over 13 months. He has yet almost three more years to serve. If within the next year or two his program fails to get results, then we will hear a great deal more of the equalization fee and of debentures. In that event we may have to choose one or the other, or both.

The people of the country are looking to the President to lead them out of the present economic difficulties. He was elected for that purpose, and for the present at least the Congress should not impose upon the President a proposition that does not fit into his program of farm relief. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Iowa has again expired.

Mr. RAMSEYER. Mr. Speaker, under leave granted me to extend my remarks I submit for printing in the RECORD:

First. Export-debenture tables prepared by the Tariff Commission.

Second. Table prepared by the Department of Agriculture on estimated gross and cash income from farm production.

Third. Letter from Treasury Department, list of Treasury findings and decisions under the antidumping act of 1921, and under the countervailing duty provision of the tariff act of 1922.

EXPORT DEBENTURES, SECTION 321, H. R. 2667

I. Proposed export debenture rates applied to exports of agricultural products (except cotton and tobacco) and manufactures thereof, calendar year 1929[1]

AT DEBENTURE RATES EQUAL TO ONE-HALF THE TARIFF RATES OF H. R. 2667 AS TENTATIVELY AGREED UPON BY THE CONFERENCE COMMITTEE, AS OF APRIL 18, 1930

Commodity	Unit of quantity	Par. No. Senate bill, H. R. 2667	Tariff classification of commodity	Tariff rates in H. R. 2667 as agreed upon by conference committee	Exports, 1929		Debenture cost	Notes
					Quantity	Value		
Hogs	No.	703	Hogs	2c per lb	27,017	$164,998	$37,542	On assumption of average weight of 250 pounds per head.
Sheep	No.	702	Sheep	$3 per head	15,431	211,770	23,146	
Poultry, live	Lb.	711	Poultry, live	8c per lb	448,611	301,301	17,944	
Beef and veal:								
Fresh	Lb.	701	Beef and veal, fresh	6c per lb	2,917,859	661,669	87,536	
Pickled or cured	Lb.	706	Meats, preserved	6c per lb. but not less than 20%.	10,824,870	1,321,002	321,746	
Pork, fresh	Lb.	703	Pork, fresh	2½c per lb	13,539,070	2,169,025	169,238	
Wiltshiresides—shoulders, sides, and hams.	Lb.	703	Other pork, prepared or preserved.	3¼c per lb	5,039,034	717,892	818,843	
Hams and shoulders, cured	Lb.	703	Hams and shoulders	3¼c per lb	125,796,826	26,461,981	2,044,198	
Bacon	Lb.	703	Bacon	3¼c per lb	138,423,370	20,850,928	2,249,380	
Cumberland sides	Lb.	703	Other pork, prepared or preserved.	3¼c per lb	5,858,054	1,123,875	95,193	
Pickled	Lb.	703	Other pork, prepared or preserved.	3¼c per lb	44,787,116	6,403,050	727,791	
Mutton and lamb	Lb.	702	Mutton, fresh Lamb, fresh	5c per lb 7c per lb	835,411	210,807	27,569	On assumption that 80% of exports are lamb, 20% mutton.
Sausage, not canned	Lb.	706	Meats, preserved	6c per lb. but not less than 20%.	3,724,042	1,124,153	112,415	Calculated on the ad valorem rate.
Canned meats:								
Beef	Lb.	706	Meats, preserved	6c per lb. but not less than 20%.	2,606,162	945,462	94,546	Calculated on the ad valorem rate.
Pork	Lb.	703	Pork, prepared or preserved.	3¼c per lb	10,239,914	3,694,820	166,399	
Sausage	Lb.	703	Pork, prepared or preserved.	3¼c per lb	2,139,100	706,424	34,760	
Other	Lb.	706	Meats preserved	6c per lb. but not less than 20%.	2,206,448	614,887	67,993	Calculated on the specific rate.
Poultry and game, fresh	Lb.	712	Chickens, ducks, geese, guineas, turkeys.	10c per lb	2,472,574	842,303	123,629	
Other meats (including edible offal).	Lb.	706	Meats, preserved	6c per lb. but not less than 20%.	41,422,103	4,610,789	1,242,663	Calculated on the specific rate.
Sausage casings:								
Hog casings	Lb.	1758	Sausage casings	Free	12,905,125	3,490,267		
Beef casings	Lb.	1758	Sausage casings	Free	16,820,424	2,305,785		
Other casings	Lb.	1758	Sausage casings	Free	2,911,194	441,335		
Oleo oil	Lb.	701	Oleo oil	1c per lb	68,208,850	7,501,270	341,044	
Oleo stock	Lb.	701	Tallow	½c per lb	8,095,202	850,633	20,238	
Tallow	Lb.	701	Tallow	½c per lb	3,840,020	326,851	9,600	
Lard	Lb.	703	Lard	3c per lb	847,867,918	107,976,396	12,718,019	
Lard compounds containing animal fats.	Lb.	703	Lard compounds and lard substitutes.	5c per lb	3,632,219	457,229	90,805	
Oleo and lard stearin	Lb.	701	Oleo stearin	1c per lb	3,930,682	440,075	19,653	
Oleomargarine of animal or vegetable fats.	Lb.	709	Oleomargarine	14c per lb	901,625	152,401	63,114	
Milk and cream:								
Fresh or sterilized	Gal.	707	Whole milk	6½c per gal	180,217	103,571	5,857	
Condensed, sweetened	Lb.	708	Milk, condensed or evaporated, sweetened.	2¾c per lb	41,242,812	6,459,419	567,089	
Evaporated	Lb.	708	Milk, condensed or evaporated, unsweetened.	1.8c per lb	68,942,613	5,844,208	620,484	
Dried	Lb.	708	Dried whole milk	6½c per lb	5,342,301	1,366,794	162,495	
Butter	Lb.	709	Butter	14c per lb	3,724,245	1,750,278	260,607	

[1] The debenture rates upon manufactured food products have been calculated at one-half the duty on such products in H. R. 2667 as agreed upon by the conference committee instead of on the basis of rates on the basic raw material as proposed in sec. 321, H. R. 2667, as passed by the Senate.

EXPORT DEBENTURES, SECTION 321, H. R. 2667—Continued

I. Proposed export debenture rates applied to exports of agricultural products (except cotton and tobacco) and manufactures thereof, calendar year 1929—Continued

AT DEBENTURE RATES EQUAL TO ONE-HALF THE TARIFF RATES OF H. R. 2667 AS TENTATIVELY AGREED UPON BY THE CONFERENCE COMMITTEE, AS OF APRIL 18, 1930—contd.

Commodity	Unit of quantity	Par. No. Senate bill H. R. 2667	Tariff classification of commodity	Tariff rates in H. R. 2667 as agreed upon by conference committee	Exports, 1929		Debenture cost	Notes
					Quantity	Value		
Cheese	Lb.	710	Cheese	8c per lb. but not less than 40%.	2,646,009	$735,333	$147,067	Calculated on the ad valorem rate.
Infants' foods, malted milk, etc.	Lb.	708	Malted milk and compounds or substitutes for milk or cream.	35% ad valorem	2,126,136	655,844	114,773	
Eggs in the shell	Doz.	713	Eggs of poultry in the shell.	10c per doz.	12,074,830	4,081,363	603,742	
Eggs and yolks, frozen, dried and canned.	Lb.	713	Whole eggs, egg yolk and egg albumen frozen.	8c per lb.	325,706	61,644	13,028	
Meat extracts and bouillon cubes	Lb.	706	Extract of meat, incl. fluid.	15c per lb.	185,116	400,077	13,884	
Gelatin	Lb.	41	Edible gelatin, valued at 40c or more per lb.	20% ad val. and 7c per lb.	269,620	168,696	26,306	
Hides and skins, raw:								
Cattle hides	Lb.	1691	Hides, cattle	10%	22,544,535	3,516,494	175,825	
Calfskins	Lb.	1691	Hides, cattle	10%	6,977,438	1,539,559	76,978	
Sheep and goat skins	Lb.	1769	Skins of all kinds, raw, and hides, n. s. p. f.	Free	1,864,136	577,629		
Other hides and skins	Lb.	1769	Skins of all kinds, raw, and hides, n. s. p. f.	Free	6,358,641	1,161,949		
Horses other than breeding	No.	714	Valued at not more than $150 per head.	$30 per head	7,358	722,202	110,370	Assuming all exports valued at not more than $150 per head. Statistics do not segregate horses for immediate slaughter.
			Valued at more than $150 per head.	20% ad valorem				
Mules, asses, and burros	No.	714	Valued at not more than $150 per head.	$30 per head	15,295	1,812,965	220,425	Assuming all exports valued at more than $150 per head. Statistics do not segregate mules for immediate slaughter.
			Valued at more than $150 per head.	20% ad valorem				
Barley	Bu.	722	Barley	20c per bu. (48 lbs.)	29,523,077	24,154,866	2,952,308	
Malt	Bu.	722	Barley malt	40c per 100 lbs.	3,380,783	3,334,438	229,893	Exports in bu. converted at 34 lbs. per bu.
Buckwheat	Bu.	723	Buckwheat	25c per 100 lbs.	191,141	212,981	11,468	Exports in bu. converted at 48 lbs. per bu.
Corn	Bu.	724	Corn	25c per bu. (56 lbs)	33,745,270	34,058,510	4,218,159	
Corn meal	Bbl.	724	Cornmeal	50c per 100 lbs.	267,121	1,330,468	130,889	Exports in bbl. converted at 196 lbs. per bbl.
Hominy and corn grits	Lb.	724	Corn grits	50c per 100 lbs.	14,283,857	304,761	35,960	
Corn breakfast foods ready to eat	Lb.	732	Cereal breakfast foods	20% ad valorem	6,157,114	525,341	52,534	
Oats	Bu.	726	Oats	16c per bu. of 32 lbs.	6,608,727	3,389,111	528,698	
Oatmeal, flaked and rolled oats	Lb.	726	Oatmeal and rolled oats	80c per 100 lbs.	81,245,501	4,220,140	324,982	
Rice	Lb.	727	Rice	1¼c per lb.	315,441,412	12,129,009	1,971,509	
Rice flour, meal, and broken rice	Lb.	727	Broken rice, rice meal, flour, polish, and bran.	½c per lb.	70,593,596	1,980,679	220,605	
Rye	Bu.	728	Rye	15c per bu. of 56 lbs.	3,433,576	3,612,596	257,518	
Rye flour	Bbl.	728	Rye flour and meal	45c per 100 lbs.	14,764	84,699	6,511	Exports in bbls. converted at 196 lbs. per bbl.
Wheat	Bu.	729	Wheat	42c per bu. of 60 lbs.	90,129,600	111,500,615	18,927,216	Statistics do not segregate wheat unfit for human consumption.
Wheat flour	Bbl.	729	Wheat flour	$1.04 per 100 lbs.	13,663,457	80,788,765	10,033,038	Exports in bbls. converted at 196 lbs. per bbl. $3,292,757 debenture on export of wheat flour made from foreign wheat deducted from original total of $13,925,795.
Biscuits and crackers:								
Plain	Lb.	733	Biscuits, etc.	30% ad valorem	6,743,348	1,114,887	167,233	
Sweetened	Lb.	733	Biscuits, etc.	30% ad valorem	3,874,556	916,221	137,433	
Macaroni	Lb.	726	Macaroni, etc., containing no eggs.	2c per lb.	10,740,479	925,004	107,405	
Wheat breakfast foods:								
Ready to eat	Lb.	732	Cereal breakfast foods	20% ad valorem	1,961,627	181,511	18,151	
To be cooked	Lb.	732	Cereal breakfast foods	20% ad valorem	1,242,040	140,740	14,074	
Cereal foods n. e. s.	Lb.	732	Cereal breakfast foods, etc.	20% ad valorem	4,638,529	496,361	49,636	
Other grains and preparations	Lb.	732	Cereal preparations	20% ad valorem	12,373,749	952,442	95,244	
Hay	Ton	779	Hay	$5 per short ton	11,073	267,046	31,004	
Kaffir and milo	Bu.	1558	Raw products, n. s. p. f.	10% ad valorem	2,694,978	2,337,928	116,896	
Beans, dried	Bu.	765	Beans, dried	3c per lb.	291,218	1,162,488	262,096	Exports in bu. converted at 60 lbs. per bu.
Peas, dried	Bu.	769	Peas, dried	1¾c per lb.	114,320	483,963	58,017	Exports in bu. converted at 58 lbs. per bu.
Potatoes, white	Bu.	771	Potatoes, white or Irish	75c per 100 lbs.	2,734,530	3,223,436	615,269	Exports in bu. converted at 60 lbs. per bu.
Onions	Bu.	770	Onions	2½c per lb.	580,273	786,507	413,445	Exports in bu. converted at 57 lbs. per bu.
Other fresh vegetables		774	Vegetables, all other	50% ad valorem	199,063,905	6,340,092	1,585,023	Export and tariff classifications not identical but it is believed rates would average at least 50%.
Vegetables, canned:								
Asparagus	Lb.	775	Vegetables, prepared or preserved, n. s. p. f.	35% ad valorem	22,834,475	3,544,726	620,327	
Baked beans and pork and beans	Lb.	765	Beans, prepared or preserved.	3c per lb.	7,664,894	667,013	114,973	
Corn	Lb.	775	Vegetables, prepared or preserved, n. s. p. f.	35% ad valorem	8,366,230	629,133	110,098	
Peas	Lb.	769	Peas, prepared or preserved.	2c per lb.	8,384,573	739,789	83,846	
Soups	Lb.	775	Soups	35% ad valorum	28,751,205	2,722,575	476,451	
Tomatoes	Lb.	772	Tomatoes, prepared or preserved.	50% ad valorum	4,674,113	340,078	85,020	
Other canned vegetables	Lb.	775	Vegetables, prepared or preserved, n. s. p. f.	35% ad valorum	13,126,129	808,444	141,478	

EXPORT DEBENTURES, SECTION 321, H. R. 2667—Continued

I. Proposed export debenture rates applied to exports of agricultural products (except cotton and tobacco) and manufactures thereof, calendar year 1929—Continued

AT DEBENTURE RATES EQUAL TO ONE-HALF THE TARIFF RATES OF H. R. 2667 AS TENTATIVELY AGREED UPON BY THE CONFERENCE COMMITTEE, AS OF APRIL 18, 1930—contd.

Commodity	Unit of quantity	Par. No. Senate bill, H. R. 2667	Tariff classification of commodity	Tariff rates in H. R. 2667 as agreed upon by conference committee	Exports, 1929		Debenture cost	Notes
					Quantity	Value		
Pickles	Lb	775	Vegetables, prepared or preserved, n. s. p. f.	35% ad valorem	4,136,192	$386,367	$57,614	
Catsup and other tomato sauces	Lb	775	Vegetables, prepared or preserved, n. s. p. f.	35% ad valorum	11,014,301	1,490,084	260,765	
Other sauces and relishes	Lb	775	Vegetables, prepared or preserved, n. s. p. f.	35% ad valorum	3,732,241	769,847	134,723	
Vinegar	Gal	738	Vinegar	8c per proof gal	318,511	167,680	12,740	
Yeast	Lb	1558	Unenumerated mft. article.	20% ad valorum	3,584,074	652,894	65,289	
Other vegetable preparations	Lb				2,969,034	411,648		No corresponding rate.[1]
Grapefruit	Box	743	Grapefruit	1½c per lb	976,264	3,619,743	512,539	70 lbs. per box.
Lemons	Box	743	Lemons	2½c per lb	266,358	1,410,485	246,381	74 lbs. per box.
Oranges	Box	743	Oranges	1c per lb	5,510,514	18,745,561	1,928,680	70 lbs. per box.
Pineapples	Box	747	Pineapples	50c per crate	50,791	149,126	12,698	Per crate of 2.45 cu. feet
Apples:								
In boxes	Box	734	Apples	25c per bu. of 50 lbs.	9,452,588	20,671,242	992,522	Exports in boxes converted at 42 lbs. per box.
In barrels	Bbl	734	Apples	25c per bu. of 50 lbs.	2,467,948	12,467,077	1,011,859	Exports in bbls. converted at 3.28 bu. per bbl.
Berries	Lb	736	Berries	1¼c per lb	14,728,517	1,424,832	92,053	
Grapes	Lb	742	Grapes	25c per cu. ft	47,306,879	2,463,724	153,747	Exports in lbs. converted at 38.4 lbs. per cu. ft.
Pears	Lb	749	Pears	½c per lb	69,995,885	4,831,872	174,990	
Peaches	Lb	745	Peaches	½c per lb	19,947,316	806,111	49,868	
Other fresh fruit	Lb	750	Other fresh fruit	35% ad valorem	58,955,119	2,070,470	362,332	
Dried and evaporated fruits:								
Pears	Lb	749	Pears, dried	2c per lb	4,576,466	573,302	45,765	
Raisins	Lb	742	Raisins	2c per lb	149,686,659	8,390,051	1,496,867	
Apples	Lb	734	Apples, dried	2c per lb	37,889,187	4,633,108	378,892	
Apricots	Lb	735	Apricots, dried	2c per lb	21,261,616	3,515,207	212,616	
Peaches	Lb	745	Peaches, dried	2c per lb	7,785,897	842,091	77,859	
Prunes	Lb	748	Prunes, dried	2c per lb	197,227,583	14,837,915	1,972,276	
Other dried and evaporated fruits	Lb	752	Fruits, dried, n. s. p. f.	35% ad valorem	13,568,690	1,489,398	260,645	
Canned fruits:								
Berries	Lb	736	Berries, edible, prepared or preserved.	35% ad valorem	12,684,141	1,307,719	228,851	
Apples and apple sauce	Lb	734	Apples otherwise prepared or preserved.	2½c per lb	22,963,281	1,185,349	287,041	
Apricots	Lb	735	Apricots otherwise prepared or preserved.	35% ad valorem	30,246,105	2,947,925	515,887	
Cherries	Lb	737	Cherries, prepared or preserved in any manner.	9½c per lb. and 40% ad valorem	2,069,091	353,039	185,890	
Prunes	Lb	748	Prunes, otherwise prepared or preserved.	35% ad valorem	2,616,486	264,203	46,251	
Peaches	Lb	745	Peaches, otherwise prepared or preserved.	35% ad valorem	90,040,895	8,315,560	1,455,223	
Pears	Lb	749	Pears, otherwise prepared or preserved.	35% ad valorem	56,075,297	6,241,607	1,092,297	
Pineapples	Lb	747	Pineapples, otherwise prepared or preserved.	2c per lb	46,153,359	4,557,493	461,534	
Fruits for salads	Lb				33,874,645	5,139,561		No corresponding rate.[1]
Other canned fruits	Lb				10,643,848	1,051,967		No corresponding rate.[1]
Preserved fruits, jellies, and jams	Lb	751	Jellies, jams, marmalades.	35% ad valorem	2,413,139	455,325	79,682	
Other fruit preparations	Lb	752	Fruits, otherwise prepared or preserved.	35% ad valorem	23,915,146	1,225,209	214,412	
Peanuts	Lb	759	Peanuts (shelled) / Peanuts (not shelled)	7c per lb / 4¼c per lb	4,880,038	408,004	154,026	Assuming an average of 75% shelled, 25% not shelled, the ratio of imports into Canada from the U. S., fiscal year 1929.
Other nuts	Lb				6,020,135	1,072,886		No corresponding rate.[1]
Cottonseed oil:								
Crude	Lb	54	Cottonseed oil	3c per lb	19,172,131	1,542,241	287,582	
Refined	Lb	54	Cottonseed oil	3c per lb	6,902,890	845,415	103,543	
Corn oil	Lb	53	Oils, n. s. p. f.	20% ad valorum	315,255	42,329	4,233	
Vegetable oil lard compounds	Lb	703	Lard compounds and lard substitutes.	5c per lb	6,342,631	866,597	158,566	
Other edible vegetable oils and fats	Lb				3,893,049	616,904		No corresponding rate.[1]
Molasses	Gal	502	Testing not above 48% total sugar. / Testing above 48% total sugar.	¼c per gal / 0.275c additional each per cent of total sugar.	8,577,399	768,897	152,249	Assuming an average of 60%.
Honey	Lb	716	Honey	3c per lb	8,675,707	775,340	130,136	
Glucose (corn sirup)	Lb	503	Dextrose	2c per lb	118,523,086	4,412,137	1,185,231	
Grape sugar (corn sugar)	Lb	503	Dextrose	2c per lb	7,238,983	268,664	72,390	
Sirup, including maple	Lb	503	Maple sirup	5½c per lb	3,175,595	972,814	87,329	
Cornstarch and corn flour	Lb	83	Starches, n. s. p. f.	1½c per lb	235,041,500	8,857,751	1,762,812	
Other starch	Lb	83	Potato starch	2½c per lb	3,779,129	181,513	47,239	
Broomcorn (long ton)	Ton	779	Broomcorn	$20 per short ton	4,371	597,292	48,955	
Hops	Lb	780	Hops	24c per lb	7,677,157	1,383,841	921,259	
Wool and mohair, unmanufactured	Lb	1,102	Wool in the grease or washed per pound of clean content.	34c per lb	339,336	87,592	19,123	Assuming exports are of 47% clean content.
Total—Agricultural products (except cotton and tobacco) and manufactures thereof.							90,808,922	

[1] "All other" class in export classification does not correspond with "All other" class in tariff classification, so that it is impossible to determine debenture rate which should be used.

II. Proposed export debenture rates applied in accordance with section 321, H. R. 2667 (as passed by the Senate) to exports of leaf tobacco and manufactures thereof, calendar year, 1929.

[Debenture rates equal one-half the tariff rates of H. R. 2667. (House and Senate bills have identical rates on these paragraphs)]

Commodity	Unit of quantity	Paragraph No. House bill	Tariff classification on commodity	Tariff rate on H. R. 2667	Conversion factor	Exports, 1929		Equivalent exports of raw materials (pounds)	Debenture cost
						Quantity	Value		
Leaf tobacco	Lb.	601	Filler tobacco, if unstemmed	35c per lb		555,415,451	$145,810,570		$97,197,704
Stems, trimming and scrap tobacco	Lb.	601	Filler tobacco, if unstemmed	35c per lb	1.0	10,549,278	318,904		1,846,124
Cigarettes	M	601	Filler tobacco, if unstemmed	35c per lb	2.85 lbs. per 1,000	8,455,851	16,706,421	24,099,175.35	4,217,356
Chewing tobacco, plug and other	Lb.	601	Filler tobacco, if unstemmed	35c per lb	.759	3,885,754	1,944,027	2,949,287.29	516,125
Smoking tobacco	Lb.	601	Filler tobacco, if unstemmed	35c per lb	.759	1,120,235	733,565	850,258.36	148,795
Other tobacco manufactures	Lb.	601	Filler tobacco, if unstemmed	35c per lb	.759	197,734	111,273	150,080.11	26,264
Tobacco, total									103,952,368

[1] Debentures on tobacco products have been calculated on the basis of equivalent exports of oba the leaf-tobacco debenture rate.

III. Proposed export debenture rates applied in accordance with section 321, H. R. 2667 (as passed by the Senate) to exports of cotton and manufactures thereof, calendar year 1929 [1]

Commodity	Unit of quantity	Debenture rate	Conversion factor	Exports, 1929		Equivalent exports of raw materials	Debenture costs	Notes
				Quantity	Value			
Cotton, unmanufactured	Lbs.	2c per lb.	1.0	3,981,509,485	$770,830,254	3,981,509,485.00	$79,630,190	
Cotton mill waste	Lbs.	2c per lb.	1.1	59,129,559	6,744,096	65,042,514.90	1,300,850	
Cotton rags, except paper stock	Lbs.	2c per lb.	1.18	21,095,634	1,541,930	24,892,848.10	497,857	
Cotton batting, carded cotton, and roving	Lbs.	2c per lb.	1.05	446,301	85,812	468,616.05	9,372	
Cotton yarn:								
Carded yarn, not combed	Lbs.	2c per lb.	1.18	13,919,250	4,681,954	16,424,715.00	328,494	
Combed yarn	Lbs.	2c per lb.	1.43	13,571,962	10,843,493	19,407,905.66	388,158	
Cotton thread and cordage:								
Sewing thread	Lbs.	2c per lb.	1.43	1,053,882	1,149,515	1,507,051.26	30,141	
Crochet, darning, and embroidery cotton.	Lbs.	2c per lb.	1.43	82,825	96,781	118,439.75	2,369	
Twine and cordage	Lbs.	2c per lb.	1.18	4,588,069	1,811,740	5,413,921.42	108,278	
Cotton cloth, duck, and tire fabric:								
Tire fabric—								
Cord	Sq. yd.	2c per lb.	1.25	4,969,963	2,217,421	6,212,453.75	124,249	
Other	Sq. yd.	2c per lb.	1.25	1,355,239	472,945	1,694,048.75	33,881	
Cotton duck—								
Heavy filter paper dryer, hose and belting duck.	Sq. yd.	2c per lb.	2.36	688,618	421,641	1,625,138.48	32,503	
Unbleached—								
Ounce	Sq. yd.	2c per lb.	1.18	6,045,770	1,712,012	7,134,008.60	142,680	
Number	Sq. yd.	2c per lb.	1.18	4,249,118	1,720,523	5,013,959.24	100,279	
Bleached	Sq. yd.	2c per lb.	1.18	2,293,417	743,777	2,706,232.06	54,125	
Colored	Sq. yd.	2c per lb.	1.18	1,842,948	631,575	2,174,678.64	43,494	
Cotton cloth, unbleached (gray):								
Drills and twills	Sq. yd.	2c per lb.	.22	12,469,675	1,580,059	2,743,328.50	54,867	
Sheetings, 40 inches and under	Sq. yd.	2c per lb.	.30	82,174,153	7,166,814	24,652,245.90	493,045	
Sheetings, over 40 inches	Sq. yd.	2c per lb.	.30	1,561,372	170,747	468,411.60	9,368	
Osnaburgs	Sq. yd.	2c per lb.	.60	22,581,106	2,292,148	13,548,663.60	270,973	
All other unbleached	Sq. yd.	2c per lb.	.30	19,050,636	1,235,158	5,715,190.80	114,304	
Cotton cloth, bleached:								
Drills and twills	Sq. yd.	2c per lb.	.22	4,507,030	678,925	991,546.60	19,831	
Pajama checks	Sq. yd.	2c per lb.	.20	10,421,548	1,076,341	2,084,309.60	41,686	
Sheetings, 40 inches wide and under	Sq. yd.	2c per lb.	.30	33,575,043	3,849,494	10,072,512.90	201,450	
Sheetings, over 40 inches	Sq. yd.	2c per lb.	.30	12,960,689	1,712,039	3,888,206.70	77,764	
All other bleached	Sq. yd.	2c per lb.	.20	27,839,039	3,273,673	5,567,807.80	111,356	
Cotton cloth, colored:								
Voiles	Sq. yd.	2c per lb.	.13	56,378,646	8,048,951	7,329,223.98	146,584	
Percales and prints—								
32 inches and less	Sq. yd.	2c per lb.	.20	29,991,139	3,114,296	5,998,227.80	119,965	
Over 32 inches	Sq. yd.	2c per lb.	.20	11,595,083	1,610,203	2,319,016.60	46,380	
Flannels and flannelettes	Sq. yd.	2c per lb.	.30	4,451,811	684,812	1,335,543.30	26,711	
Khaki and fustians	Sq. yd.	2c per lb.	.22	4,526,474	904,219	995,824.28	19,916	
Denims	Sq. yd.	2c per lb.	.60	17,229,538	3,152,250	10,337,722.80	206,754	
Suitings (drills, etc.)	Sq. yd.	2c per lb.	.60	30,343,950	4,927,863	18,206,370.00	364,127	
Gingham	Sq. yd.	2c per lb.	.22	14,001,954	1,466,375	3,080,429.88	61,609	
Chambrays	Sq. yd.	2c per lb.	.22	16,447,828	1,751,199	3,618,522.16	72,370	
All other printed fabrics 7½ yds. per lb. and lighter.	Sq. yd.	2c per lb.	.16	27,556,474	4,451,922	4,409,035.84	88,181	
Heavier than 7½ yds. to a lb	Sq. yd.	2c per lb.	.22	20,847,631	3,691,987	4,586,478.82	91,730	
All other piece dyed fabrics:								
5 yds. per lb. and lighter	Sq. yd.	2c per lb.	.18	24,717,573	3,704,941	4,449,163.14	88,983	
Heavier than 5 yds. per lb	Sq. yd.	2c per lb.	.26	19,201,400	2,808,208	4,992,364.00	99,847	
All other yarn-dyed fabrics	Sq. yd.	2c per lb.	.22	19,807,137	2,963,458	4,357,570.14	87,151	
Cotton and rayon mixtures (chief value cotton).	Sq. yd.	2c per lb.	.22	18,766,787	5,174,491	4,128,693.14	82,574	
Other cotton fabrics:								
Blankets	Lbs.	2c per lb.	1.25	1,569,156	885,311	1,961,445.00	39,229	
Damasks	Sq. yd.	2c per lb.	.37	780,072	244,629	288,626.64	5,773	
Pile fabrics, plushes, velveteen, corduroys.	Sq. yd.	2c per lb.	.74	494,061	412,193	365,605.14	7,312	
Tapestry and otherupholstery goods	Sq. yd.	2c per lb.	1.00	293,125	305,280	293,125.00	5,862	
Cotton fabrics sold by the pound	Lbs.	2c per lb.	1.17	10,129,620	3,756,248	11,851,655.40	237,033	
Cotton wearing apparel:								
Knit goods—								
Gloves	Doz. prs.	2c per lb.	1.20	125,563	$219,413	$150,675.60	$3,014	
Hosiery—								
Women's	Doz. prs.	2c per lb.	1.80	1,941,831	3,442,369	3,495,295.80	69,906	About 1½ lbs. per doz. finished weight, 20% waste allowed.
Children's	Doz. prs.	2c per lb.	1.80	751,213	1,143,977	1,352,183.40	27,044	About 1½ lbs. per doz. finished weight, 20% waste allowed.
Men's socks	Doz. prs.	2c per lb.	1.20	1,084,490	1,855,703	1,301,388.00	26,028	About 1 lb. per doz. finished weight, 20% waste allowed.

[1] Debentures on cotton products have been calculated on the basis of equivalent exports of raw cotton at the raw cotton debenture rate.

III. Proposed export debenture rates applied in accordance with section 331, H. R. 2667 (as passed by the Senate) to exports of cotton and manufactures thereof, calendar year 1929—Continued

Commodity	Unit of quantity	Debenture rate	Conversion factor	Exports, 1929		Equivalent exports of raw materials	Debenture costs	Notes
				Quantity	Value			
Cotton wearing apparel—Continued								
Knit goods—Continued								
Underwear	Doz	2c per lb	12.00	610,616	$2,194,452	7,327,392.00	$146,548	Only rough estimate possible.
Sweaters, shawls, and other knit outerwear	No	2c per lb	1.50	504,912	419,844	757,368.00	15,147	Only rough estimate possible.
Other wearing apparel:								
Collars and cuffs	Doz	2c per lb		231,206	311,029			Statistics for estimates not available.
Cotton overalls, breeches, and pants	Doz	2c per lb		53,965	662,670			Statistics for estimates not available.
Underwear, not knit	Doz	2c per lb		116,511	538,583			Statistics for estimates not available.
Shirts	Doz	2c per lb	8.00	236,450	2,072,998	1,891,600.00	37,832	
Dresses, skirts, and waists	No	2c per lb	[2] $1.50	610,126	590,177	397,451.33	7,949	
Other cotton clothing		2c per lb	[2] $1.25		1,310,938	1,048,750.40	20,975	
Other cotton manufactures:								
Handkerchiefs	Doz	2c per lb	[3] 1.40 / [4] 1.25	213,752	145,355	76,423.02	1,528	Assuming 75% of imports to be men's handkerchiefs 3 sq. yds. per doz.; 25% women's, 1.361 sq. yds. per doz.
Laces, embroideries, and lace window curtains	Yd	2c per lb	[2] $3.00	4,264,710	215,750	71,916.67	1,438	
Woven belting for machinery	Lbs	2c per lb	1.18	424,119	242,368	500,460.42	10,009	
Cotton bags	Lbs	2c per lb	1.17	5,906,326	1,209,801	6,910,401.42	138,208	
Quilts, comforts, counterpanes, and bedspreads	No	2c per lb	4.00	184,863	272,529	739,452.00	14,789	
Bed sheets, pillow, bolster, and mattress cases	Doz	2c per lb	18.00	36,803	276,563	662,454.00	13,249	
Towels, bathmats, and washcloths	Doz	2c per lb	4.00	907,073	1,326,797	3,628,292.00	72,566	
Other cotton manufactures					4,686,196	(5)	(5)	
Cotton, total							86,725,885	
Grand total, using debenture rates equal to one-half tariff rates of H. R. 2667 as passed by House of Representatives I(A)†II†III.							279,741,393	
Grand total, using debenture rates equal to one-half tariff rates of H. R. 2667 as passed by Senate I(B)†II† III.							281,336,611	
Grand total, using debenture rates equal to one-half tariff rates of H. R. 2667 as tentatively agreed upon by the Conference Committee as of Apr. 18, 1930—I(C)†II†III.							281,577,175	

[1] Per pound. [2] Men's. [4] Women's. [5] Statistics for estimates not available.

Estimated gross and cash income from farm production, United States, 1924–1928

(Value in thousands of dollars: i. e., 000 omitted)

Product	Gross value					Gross income					Cash income				
	1924	1925	1926	1927	1928	1924	1925	1926	1927	1928	1924	1925	1926	1927	1928
CROPS															
Corn	2,438,945	2,046,550	2,023,242	2,365,302	2,341,462	429,061	388,482	324,312	408,124	423,417	397,614	362,152	302,692	382,224	396,054
Wheat	1,082,931	972,481	1,014,854	1,047,127	900,754	925,383	804,175	861,799	875,486	764,621	911,316	788,599	848,505	862,173	752,642
Oats	719,653	584,482	506,687	563,119	597,480	217,498	150,428	117,264	116,180	146,696	217,498	150,428	117,264	116,180	146,696
Barley	133,946	131,655	107,602	183,999	204,751	61,842	55,385	36,767	72,920	84,401	61,842	55,385	36,767	72,920	84,401
Rye	62,728	37,585	34,401	49,068	36,002	50,297	27,903	24,119	38,621	26,730	49,886	27,531	23,773	38,248	26,337
Buckwheat	14,341	12,235	11,002	13,318	11,794	10,769	9,480	8,132	10,507	8,851	9,729	8,528	7,296	9,670	7,992
Rice	44,564	49,209	45,621	42,168	37,319	41,698	45,231	42,395	40,558	35,844	41,542	45,179	42,356	40,549	35,836
Grain sorghums	99,766	80,251	74,065	104,712	93,433	16,694	12,135	14,360	28,072	18,749	16,694	12,135	14,360	28,072	18,749
Emmer and spelt	3,191	2,313	1,278	3,213	2,450	276	190	82	269	196	276	190	82	269	196
Popcorn	1,285	3,676	1,651	1,181	1,303	1,285	3,676	1,651	1,181	1,303	1,285	3,676	1,651	1,181	1,303
Cotton lint	1,561,025	1,577,396	1,121,222	1,314,093	1,300,502	1,561,025	1,577,396	1,121,222	1,314,093	1,300,502	1,561,025	1,577,396	1,121,222	1,314,093	1,300,502
Cottonseed	206,190	220,381	172,134	206,971	227,895	148,613	162,543	130,027	156,157	170,974	148,613	162,543	130,027	156,157	170,974
Tobacco	259,139	250,774	236,702	256,875	276,448	259,139	250,774	236,702	256,875	276,448	259,139	250,774	236,702	256,875	276,448
Potatoes, white	315,290	531,689	500,743	458,456	293,679	257,868	430,685	409,185	382,890	234,380	196,284	337,253	324,204	309,554	189,059
Sweetpotatoes	82,098	103,941	98,453	102,588	88,675	79,644	101,212	96,239	100,817	86,730	53,002	72,352	75,054	81,027	66,735
Truck crops	302,671	346,833	287,597	308,231	326,926	302,671	346,833	287,597	308,231	326,926	279,032	317,633	266,930	286,114	301,590
Hay	1,413,193	1,254,585	1,268,419	1,284,620	1,182,969	236,131	204,045	192,622	179,989	178,638	236,131	204,045	192,622	179,989	178,638
Sweet sorghum forage	32,610	28,226	29,973	36,280	28,748	3,053	2,373	2,782	3,534	2,852	3,053	2,373	2,782	3,534	2,852
Flaxseed	68,725	50,746	39,252	49,737	37,316	65,191	47,253	36,163	46,943	34,297	65,191	47,253	36,163	46,943	34,297
Broomcorn	7,454	4,219	4,285	4,212	4,850	7,454	4,219	4,285	4,212	4,850	7,454	4,219	4,285	4,212	4,850
Hemp	11	224	195	112	116	71	224	195	112	116	71	224	195	112	116
Hops	3,415	6,232	7,296	7,034	6,328	3,415	6,232	7,296	7,024	6,328	3,415	6,232	7,296	7,024	6,328
Alfalfa seed	11,231	11,825	9,645	8,315	7,026	10,246	10,822	8,608	7,365	5,975	10,246	10,822	8,608	7,365	5,975
Clover seed, red and alsike	13,311	16,206	13,181	27,527	18,399	10,515	13,346	9,778	24,558	15,277	10,515	13,346	9,778	24,558	15,277
Clover seed, sweet and jap	5,869	5,903	8,817	6,327	4,168	3,941	4,229	6,486	4,694	2,966	3,941	4,229	6,486	4,694	2,966
Timothy seed	8,828	6,561	6,834	5,424	2,977	8,373	6,101	6,460	5,173	2,712	8,373	6,101	6,460	5,173	2,712
Field beans	49,280	52,470	41,383	50,346	68,181	44,484	48,324	38,041	45,964	62,395	44,096	48,030	37,798	45,552	61,865
Soybeans	23,147	23,431	21,808	28,050	29,944	7,034	5,958	5,843	6,510	6,447	7,034	5,958	5,843	6,510	6,447
Cowpeas	31,317	34,552	28,843	36,866	26,768	4,749	4,439	3,773	4,272	3,065	3,239	2,853	2,570	3,276	1,991
Peanuts	44,433	39,480	33,376	47,122	39,213	39,889	35,732	29,304	42,015	34,435	38,807	34,766	28,432	41,069	33,548
Velvet beans	13,545	9,636	11,991	14,520	14,805										
Apples	206,450	215,050	211,996	173,744	200,582	198,644	207,785	199,066	168,929	193,189	160,627	169,233	161,434	131,829	154,452
Peaches	68,084	64,171	68,426	50,494	63,649	65,713	62,506	64,667	49,164	60,253	49,800	48,628	49,838	39,424	44,941
Pears	26,689	29,066	22,399	24,298	24,167	25,888	28,196	21,508	23,589	23,503	21,090	23,257	17,242	19,707	19,624
Grapes	70,251	66,168	64,603	65,332	49,601	69,134	65,299	63,621	64,493	48,160	64,741	61,330	60,208	61,180	45,062
Cranberries	5,485	6,370	5,623	6,089	7,743	5,485	6,370	5,623	6,089	7,743	5,485	6,370	5,623	6,089	7,743
Strawberries	53,859	50,512	58,373	59,179	53,711	53,859	50,512	58,373	59,179	53,711	53,348	49,830	57,759	58,613	53,186
Other berries	28,109	28,311	32,615	36,857	31,881	28,109	28,311	32,615	36,857	31,881	27,687	27,734	32,129	36,385	31,437
Pecans	4,649	7,030	9,772	4,592	4,030	4,649	7,030	9,772	4,592	4,030	3,834	5,962	8,680	3,684	3,602

Estimated gross and cash income from farm production, United States, 1924–1928—Continued
(Value in thousands of dollars; i. e., 000 omitted)

Product	Gross value					Gross income					Cash income				
	1924	1925	1926	1927	1928	1924	1925	1926	1927	1928	1924	1925	1926	1927	1928
CROPS—CON.															
Oranges	91,338	89,864	104,082	118,313	142,285	91,338	89,864	104,082	118,313	142,285	90,726	89,337	103,587	117,576	141,685
Grapefruit	7,620	16,855	11,146	19,456	18,901	7,620	16,855	11,146	19,456	18,901	7,542	16,739	11,068	19,321	18,791
Other fruits	64,818	63,463	79,285	74,603	81,931	64,510	63,283	78,810	74,468	81,466	60,007	58,903	73,803	70,719	76,966
Other nuts	12,942	19,080	12,450	20,958	15,818	12,942	19,080	12,450	20,958	15,818	12,837	18,520	12,342	20,870	15,714
Maple sirup and sugar	9,283	7,629	9,502	9,166	7,526	9,283	7,629	9,502	9,166	7,526	8,993	6,655	8,508	8,028	6,608
Sugar beets	59,524	47,137	54,964	50,455	50,960	59,524	47,137	54,964	50,455	50,960	59,524	47,137	54,964	50,455	50,960
Sugarcane and sirup	27,344	33,836	24,802	24,219	24,699	24,341	29,525	20,376	19,855	20,786	12,085	16,930	10,171	9,955	12,291
Sorghum sirup	23,579	23,646	29,080	25,716	24,683	17,370	17,399	21,405	18,854	18,138	7,411	7,484	9,219	8,041	7,798
Farm gardens	295,379	301,583	284,349	266,082	303,651	295,379	301,583	284,349	266,082	303,651					
Nursery products	20,432	20,432	20,432	20,432	20,432	20,432	20,432	20,432	20,432	20,432	20,432	20,432	20,432	20,432	20,432
Forest products	306,427	327,011	317,981	309,852	311,091	306,427	327,011	317,981	309,852	311,091	177,597	189,524	184,291	179,578	180,296
Greenhouse products	76,839	76,839	76,839	76,839	76,839	76,839	76,839	76,839	76,839	76,839	76,839	76,839	76,839	76,839	76,839
Total	10,513,262	9,989,859	9,261,501	10,070,581	9,726,822	6,245,791	6,239,471	5,531,376	5,919,948	5,757,484	5,566,107	5,503,156	4,856,340	5,283,042	5,101,814
ANIMAL PRODUCTS															
Cattle and calves	817,492	878,901	809,504	940,727	1,137,176	921,682	1,002,954	1,010,039	1,005,770	1,124,474	895,397	974,105	982,922	975,233	1,089,124
Hogs	1,186,055	1,508,320	1,753,645	1,570,027	1,387,122	1,323,975	1,666,402	1,757,626	1,506,949	1,477,721	1,088,016	1,340,698	1,413,332	1,208,929	1,208,866
Sheep and lambs	148,803	173,508	174,872	177,508	197,406	133,966	152,612	155,876	150,902	171,463	131,145	149,487	152,848	147,628	168,091
Poultry (chickens)	371,333	410,827	462,333	457,823	444,208	300,991	408,088	445,631	449,314	457,464	229,574	233,710	274,729	261,350	279,854
Eggs	600,638	722,925	735,329	698,218	746,285	383,562	691,897	704,037	630,808	717,103	430,312	519,929	545,934	490,318	560,258
Milk	1,767,366	1,852,191	1,866,855	2,005,097	2,061,464	1,677,561	1,758,841	1,804,605	1,910,545	1,965,358	1,231,776	1,302,654	1,359,099	1,469,154	1,509,962
Wool	87,401	97,245	88,485	86,240	109,299	87,401	97,245	88,485	86,240	109,299	87,401	97,245	88,485	86,240	109,299
Mohair	6,509	5,790	7,219	7,537	10,228	6,509	5,790	7,219	7,537	10,228	6,509	5,790	7,219	7,537	10,228
Bee products	11,597	11,934	11,129	12,490	9,493	11,597	11,934	11,129	12,490	9,493	8,088	8,356	7,678	9,376	6,127
Horses	50,921	44,736	38,056	38,028	36,998	16,163	14,749	16,227	14,973	15,406	16,163	14,749	16,227	14,973	15,406
Mules	26,467	22,787	17,211	16,086	15,205	12,533	10,537	10,194	12,701	12,216	12,533	10,537	10,194	12,701	12,216
Total	5,083,582	5,819,224	6,054,632	5,979,781	6,154,884	5,165,940	5,821,049	6,011,059	5,797,349	6,070,225	4,136,914	4,657,259	4,858,667	4,683,439	4,969,741
Grand total						11,411,731	12,051,520	11,542,435	11,717,297	11,827,709	9,703,021	10,160,415	9,715,007	9,966,481	10,071,555

NOTE.—The values shown above for feed and seed crops, horses, and mules, include sales by farmers in some States eventually bought by farmers in other States. These interfarm sales tend to overstate the total income from farm production for the country as a whole.

TREASURY DEPARTMENT,
BUREAU OF CUSTOMS,
Washington, December 4, 1929.

Hon. C. W. RAMSEYER,
House of Representatives.

MY DEAR MR. RAMSEYER: Referring to your letter of November 30, 1929, I inclose a list of decisions issued under the countervailing duty (bounty) provisions of section 303 of the tariff act of 1922, and a list of the findings of dumping issued under the antidumping act of 1921. You will find a file of these decisions (except the first three, which are in manuscript), in the office of the legislative counsel of the House, room 197, House Office Building. If you are interested in the first three, which were not published, copies of them will also be furnished upon your request.

The term "countervailing" is sometimes also applied to the class of contingent duties found in paragraphs 369, 371, and certain other paragraphs of the tariff act of 1922, whereby under certain conditions duty is assessed at the same rate that the country of exportation imposes on similar articles from the United States. If you are interested in this class of decisions, I shall be glad to furnish a list thereof, but almost, if not all of them, merely give, for the information of customs officers, the rates of duty imposed by the foreign country which are to be applied here.

Very truly yours,

F. X. A. EBLE,
Commissioner of Customs.

List of findings by the Secretary of the Treasury under the antidumping act of 1921, section 201 (a)

Article	Date of finding	Treasury decision
Goatskin parchment paper	Oct. 11, 1921	(1)
Cotton embroideries	Nov. 1, 1921	(1)
Hamburgs from Austria	Jan. 13, 1922	(1)
Hamburgs from Switzerland	Feb. 25, 1922	39026
Veneer chair seats from Canada	Mar. 3, 1922	39027
Peeled tomatoes in tins from Italy	Mar. 4, 1922	39028
Rugs from Canada	Mar. 6, 1922	39032
Tissue paper from England	Mar. 13, 1922	39036
Revoked	Apr. 27, 1922	39089
Cut-glass ware from England	Mar. 28, 1922	39052
Photo dry plates from England	Mar. 31, 1922	39053
Sheathing paper from British Columbia	Apr. 18, 1922	39067
Hamburgs from Switzerland	Feb. 25, 1922	39025
Revoked	Apr. 22, 1922	39086
Flour, wheat, from Canada	Apr. 25, 1922	39071
High-pressure tube gauge glasses from England	May 19, 1922	39119
Revoked	Sept. 5, 1925	41084
Fountain syringes from Canada	May 26, 1922	39139
Raspberries, canned, red, from Ontario, Canada	June 19, 1922	39177
Oxide of iron from Quebec	July 26, 1922	39210
Sole leather from Ontario	Aug. 3, 1922	39220

(1) Circular letter.

List of findings by the Secretary of the Treasury under the antidumping act of 1921, section 201 (a)—Continued

Article	Date of finding	Treasury decision
Brick, plastic, from Quebec	Oct. 13, 1922	39272
Earthenware cereal sets from Czechoslovakia	Oct. 16, 1922	39277
Revoked	Sept. 22, 1923	39793
Decorated chinaware jugs from Czechoslovakia	Oct. 28, 1922	39293
Revoked	Sept. 22, 1923	39793
Canvas from England	Oct. 30, 1922	39294
Roofing, or deadening felt, from British Columbia	Nov. 4, 1922	39303
China cereal sets from Czechoslovakia	Dec. 14, 1922	39360
Revoked	Sept. 22, 1923	39793
Rubber balls from Germany	Jan. 20, 1923	39422
Castings, No. 1 spuds, malleable, from Ontario	Feb. 26, 1923	39481
Ferrosilicon, from Ontario, Canada	Mar. 23, 1923	39542
Revoked	Jan. 10, 1925	40603
Veneers, or thin lumber from Quebec	Apr. 16, 1923	39583
Calcium carbide from Quebec	May 16, 1923	39635
Revoked	June 12, 1923	39686
Pig iron from Ontario	Mar. 25, 1925	40762
Paper-white sulphite wrapping or bag from Germany	July 1, 1925	41005
Strychnine from Switzerland	July 28, 1925	41045
Magnesium chloride fused from Germany	Aug. 27, 1925	41079
Pins, common and safety, from Germany [1]	July 19, 1926	41713
Colored antique window glass from England	Sept. 9, 1926	41781
Revoked	Apr. 14, 1927	42103
Pig iron from Germany	Jan. 29, 1927	41965
Suspended	Nov. 22, 1928	43047
Phosphate rock, Morocco	Feb. 9, 1928	42577
Lighting carbons from Germany	Sept. 18, 1928	42965

[1] Reversed by Court of Customs Appeals—43475.

List of decisions under section 303, tariff act 1922 (bounties)

Country	Article	Treasury Decision	Date
Australia	Sugar n certain articles	39340	Nov. 16, 1922
Do	do	39541	Mar. 24, 1923
Do	do	39789	Sept. 17, 1923
Do	Fencing wire (galvanized sheets), traction engines	39722	July 2, 1923
Do	do	40001	Feb. 6, 1924
Do	Butter	42937	Sept. 5, 1928
Do	do	43067	Dec. 5, 1928
South Africa	Cattle and beef	39746	July 20, 1923
Spain	Coal	39830	Oct. 19, 1923
Netherlands	Yellow prussiate of soda	40895	May 25, 1925
India	Pig iron	41500	Apr. 16, 1926
Do	do	41730	Aug. 6, 1926
Do	do	42161	Apr. 30, 1927
Germany	Rolling mill products	41361	May 13, 1926
Do	do	41628	June 18, 1926
Do	do	41964	Jan. 31, 1927
Great Britain	Spun silk yarn	42895	July 24, 1928
Do	Silk or artificial silk, manufactures of	43634	Oct. 30, 1929

HOUR OF MEETING

Mr. TILSON. Mr. Speaker, after conference with the minority members of the Ways and Means Committee and the majority members, I wish to ask unanimous consent that during the remainder of the week the House meet at 11 o'clock instead of 12 o'clock.

The SPEAKER pro tempore. The gentleman from Connecticut [Mr. TILSON] asks unanimous consent that during the remainder of the week the House meet at 11 o'clock instead of 12 o'clock. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, I understand the gentleman from Texas [Mr. GARNER] is ill in bed.

Mr. TILSON. We have communicated with him by telephone, and also with Mr. CRISP, and it is agreeable to all.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MICHENER. Mr. Speaker, may I ask the gentleman from Connecticut [Mr. TILSON] if it is the purpose of the House to sit on Saturday of this week?

Mr. TILSON. Yes. It is the purpose to continue until the tariff bill is finished, as far as this House is concerned.

CONFEDERATE MEMORIAL DAY

Mr. WRIGHT. Mr. Speaker, on April 26, 1930, at La Grange, Ga., in my district, a most comprehensive, illuminating, and historical address was delivered on the occasion of Confederate Memorial Day by Mr. A. W. Cozart, an eminent scholar and jurist. This address shows great research and contains historical data which is not generally known. I ask permission to extend my remarks by having it printed in the RECORD.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to extend his remarks by printing a historical address delivered in the State of Georgia a short time ago by a distinguished gentleman. Is there objection?

There was no objection.

Mr. WRIGHT. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the memorial address by Mr. A. W. Cozart on the occasion of Confederate Memorial Day.

The address is as follows:

MEMORIAL ADDRESS

By A. W. Cozart, of the Columbus, Ga., bar, delivered at Lagrange, Ga., April 26, 1930

Confederate veterans, ladies of the memorial association, ladies and gentlemen, one of the clamant needs of our southern people is a better knowledge of the history of the Southland. Such a knowledge would make our people as patriotic as they are proud.

The Southland is the land of arborescent vistas, the land of perpetually efflorescent gardens, the land of cerulean heavens, the land with rubescent mornings and evenings, the land of valiant and gallant men and women who are winsome but wise.

SLAVERY

(a) Slavery was the exciting and proximate cause of the War between the States. Had there been no slavery, there would have been no war, and had the South not made a financial success under and on account of slavery, there would have been no war.

(b) Georgia prohibited slavery from 1735 until 1749.

(c) "In 1760 South Carolina passed an act prohibiting the further importation of negro slaves, but it was rejected by the British Crown, the governor of the colony was reprimanded, and the governors of all the Colonies were warned not to countenance such legislation."

(d) In 1827 there were 126 antislavery societies in Southern States and only 24 in Northern States.

(e) In 1770 Rhode Island had 150 vessels in the slave trade.

(f) "Capt. Nathaniel Gordon, master of the ship *Eric*, was hanged in New York Tombs for violating the law making slave transportation a capital offense, passed by Congress in 1820. He was the only man ever so punished—and both he and his ship hailed from Portland, Me." (They Also Rans, p. 107, by Don. C. Seitz.)

(g) There were less than 400,000 persons in the South who owned slaves when the War between the States began. They owned about 4,000,000 slaves, and had several billion dollars invested in them. As there were so few persons who owned slaves, comparatively speaking, the war was called by many "a rich man's war and a poor man's fight." In the mountain sections of north Alabama, north Georgia, east Tennessee, and in the Carolinas there were vast numbers who owned not a slave. East Tennessee furnished more volunteers to the Union Army than New Hampshire, Maine, and Massachusetts all put together.

(h) The South could not well liberate her slaves on account of the vast sum invested in them. She was in the position of the man who swallowed the egg. He said if he moved it would break, and if he didn't the darned thing would hatch.

(i) The United States Constitution provided that fugitive slaves should be returned by the States. Between 12 and 15 Northern States passed laws to nullify this provision of the Constitution and the acts of Congress passed in pursuance of the Constitution requiring the return of fugitive slaves. The North disregarded the United States Constitution. The North disregarded the acts of Congress. The North disregarded the mandates of the Supreme Court of the United States; and touching the question of fugitive slaves the North disregarded every obligation imposed by law upon her toward the South. Great constitutional lawyers from Massachusetts, including Daniel Webster, Rufus Choate, and Caleb Cushing, and great patriots like Edward Everett, repeatedly said and proclaimed boldly to the world that the South was right in her position on the fugitive slave question. Fanatics, poets, and low politicians took the opposite view and fanned the flame until it was a mighty conflagration. They were responsible for the greatest tragedy which has occurred on this continent.

(j) Rawle was a great constitutional lawyer and legal author of Philadelphia. He wrote a textbook, View of the Constitution, which was a textbook at West Point and studied by Robert E. Lee, Albert Sidney Johnston, Joseph E. Johnston, Jefferson Davis, and others. He taught in this book and demonstrated it beyond any doubt that the States had a right to secede. (See Life of Alexander H. Stephens, by Pendleton, pp. 218, 219.)

(k) Daniel Webster opposed the War of 1812, and in the House of Representatives he opposed the conscription bill, and in 1814 he intimated that Massachusetts would secede if driven to it. Massachusetts and other New England States threatened to secede on or about the same date. As late as 1843 and 1845 Massachusetts threatened to secede in the event or on account of the annexation of Texas. In the Hayne-Webster debate it might have been appropriate for some northern man to speak against nullification by South Carolina of the laws of Congress, but Webster was hardly the man to do so. He said Massachusetts needed no encomium. I think myself that Massachusetts deserved no eulogy. Boston did more to bring on the Revolutionary War and the War Between the States, with less cause, than any other city or any other community.

(l) For the reasons which I have stated, the South had a legal right and a moral right to secede. In her situation, the right of revolution would have been justified had she had no technical right to secede.

PARADOXES

(a) Lyman Beecher was bitterly opposed to the abolition of negro slavery. He had seven sons who were ministers and he was the father of Harriet Beecher Stowe.

His most distinguished son, Henry Ward Beecher, and his daughter, Harriet Beecher Stowe, were among the bitterest abolitionists.

(b) Robert E. Lee liberated his negro slaves before Lincoln signed his Emancipation Proclamation but Grant's slaves were emancipated by the proclamation.

(c) Harriet Beecher Stowe and Gen. William T. Sherman were among the mightiest forces for the abolition of slavery, but both of them, after the War Between the States, opposed the enfranchisement of the negroes.

(d) Robert G. Ingersoll and Henry Ward Beecher supported Grant for President, but later they favored Grover Cleveland.

THE NEGRO

(a) Dr. U. B. Phillips, one of your own distinguished citizens, in his new book, Life and Labor in the Old South (p. 184), says:

"A British voyager on an Alabama steamboat just after the war told: 'A gentleman of color, working on one of the boats, was asked the other day whether he was best off now or before he was free. He scratched his wool and said, "Wall, when I tumbled overboard before the captain he stopped the ship and put back and picked me up; and they gave me a glass of hot whisky and water; and then they gave me 20 lashes for falling overboard. But now if I tumble overboard the captain he'd say, 'What's dat? Oh! only dat dam nigger—go ahead!'"' The slaves might be chastened but they were sure to be cherished."

(b) Dr. W. H. Wilcox, of Cornell University, a Government statistician, in an address before the American Sociological Science Association, at Saratoga, September 6, 1899, showed that negroes were nearly three times as criminal in the Northeast and more than three times as criminal in the Northwest, in proportion to numbers, as they were in the South at the time of the estimate.

(c) Many negroes desire to obtain an education so that they can get a living without manual labor. This is illustrated by one of Booker Washington's stories about the negro who was working in a cotton field. He suddenly stopped, and, looking toward the skies, said: "O Lawd, de cotton am so grassy, de work am so hard, and de sun am so hot dat I b'lieve dis darky am called to preach!"

Booker Washington also tells this good story: He asked an old negro about 60 years old to tell him something of his history. The old man said he had been born in Virginia and sold into Alabama in 1845. Washington asked him how many were sold at the same time. He said, in reply, "There were five of us; myself and brother and three mules."





Confederate generals who were northern born, birthplace, and rank in United States Army at beginning of or before war

Gen. Samuel Cooper, New Jersey, colonel, adjutant general.

Maj. Gen. Samuel Gibbs French, New Jersey.

Brig. Gen. Julius Adolphus deLagnel, New Jersey, second lieutenant, Artillery.

Lieut. Gen. John C. Pemberton, Pennsylvania, captain, Fourth Artillery.

Brig. Gen. John Kelly Duncan, Pennsylvania, second lieutenant, Artillery Reserves in 1855.

Brig. Gen. Josiah Gorgas, Pennsylvania, captain, Ordnance.

Maj. Gen. Luther Martin Smith, New York, captain, Top'l Engineers.

Brig. Gen. Archibald Gracie, New York, captain, dropped in 1861.

Brig. Gen. Franklin Gardner, New York.

Brig. Gen. Walter H. Stevens, New York, lieutenant, Engineers.

Brig. Gen. Daniel Marsh Frost, New York, second lieutenant, Artillery Reserves in 1853.

Brig. Gen. Albert Pike, Massachusetts.

Brig. Gen. Edward A. Perry, Massachusetts.

Brig. Gen. Albert Gallatin Blanchard, Massachusetts.

Maj. Gen. Daniel Ruggles, Massachusetts, captain.

Maj. Gen. Bushrod R. Johnson, Ohio.

Brig. Gen. Otto French Strahl, Ohio.

Brig. Gen. Daniel H. Reynolds, Ohio, lieutenant.

Brig. Gen. Danville Leadbetter, Maine, captain, reserves in 1857.

Maj. Gen. Lunsford L. Lomax, Rhode Island, lieutenant, Cavalry.

Maj. Gen. Mansfield Lovell (born of New York parents), Washington, D. C., captain, reserves in 1854.

Brig. Gen. Clement Hoffman Stevens, Connecticut.

Brig. Gen. Francis Asbury Shoup, Indiana. Light Artillery Reserves in 1860.

Brig. Gen. Lawrence Sullivan Ross, Iowa. (Came to Alabama when small boy.)

Brig. Gen. James L. Alcorn, Illinois. (Born in Illinois of southern parents. He was elected a brigadier general by the Mississippi State convention, but Jefferson Davis refused to grant him a commission.)

Thus it appears that the North furnished to the Confederacy 25 generals: One full general, 1 lieutenant general, 6 major generals, and 17 brigadier generals. New Jersey, Ohio, and Pennsylvania each furnished 3; Massachusetts, 4; and New York, 5. Nine were officers in the United States Army at the beginning of the war, and resigned to become members of the Confederate Army, and 6 had previous to the war been officers in the United States Army.

Albert Sidney Johnston was born in Kentucky of parents who just a few months prior to his birth had moved there from Connecticut. He had not a drop of cavalier blood in his veins.

FEDERAL GENERALS WHO WERE SOUTHERN BORN

Fifty-two generals in the Federal Army, during the war between the States, were born in the South, of whom 19 were major generals and 33 brigadier generals.

Twenty-five were born in Kentucky, 14 in Virginia, 3 in Tennessee, 3 in Alabama, 2 in Florida, 2 in South Carolina, and 1 in each of the following States: Georgia, Louisiana, and North Carolina.

CONFEDERATE GENERALS WHO LOST THEIR LIVES IN THE SERVICE OF THE CONFEDERACY DURING THE WAR

One full general, 3 lieutenant generals, 13 major generals, 76 brigadier generals, and 4 acting brigadier generals, making a total of 97 generals, lost their lives in the service.

Three lost their lives at the Battle of Petersburg, 4 at the Battle of Atlanta, 5 at the Battle of Chickamauga, 5 at the Battle of Sharpsburg, 6 at the Battle of Gettysburg, and 7 at the Battle of Franklin.

Brig. Gen. Robert S. Garnett, the first killed, was killed July 13, 1861; Brig. Gen. Robert C. Tyler, the last one killed, was killed April 16, 1865, at West Point, Ga., just across the Alabama line.

FEDERAL GENERALS WHO LOST THEIR LIVES DURING THE WAR BETWEEN THE STATES

Forty-seven Federal generals, of whom 12 were major generals and 35 were brigadier generals, lost their lives during the War between the States.

Five were killed at Gettysburg, 3 at Antietam (Sharpsburg), 3 at Chancellorsville, 3 at Spottsylvania, and 2 at each of the following places: Stones River, Kenesaw Mountain, Perryville, Fredericksburg, the Wilderness, and Chantilly.

Brig. Gen. Nathaniel Lyon was the first one killed. He was killed at Wilsons Creek, Mo., August 10, 1861. Brig. Gen. Thomas A. Smyth was the last one killed. He was killed at Farmville, Va., April 9, 1865.

It is interesting to note that 6 Confederate generals and 5 Federal generals were killed at Gettysburg and 7 Confederate generals were killed at Franklin but no Federal general lost his life at Franklin.

ROBERT E. LEE

(a) "It is not generally known, I believe, that Robert E. Lee was a blood relative of John Marshall, the great Chief Justice, and Thomas Jefferson, the author of the Declaration of Independence, and twice President of the United States. Marshall's mother, Mary Keith; Jefferson's mother, Jane Randolph; and Lee's grandmother, Mary Bland; were all three granddaughters of Col. William Randolph." The home of Randolph was on an island in the James River. (Lincoln, Lee, Grant, and other Biographical Addresses, by Emory Speer, p. 47.)

(b) It is not generally known, I believe, that Robert E. Lee had three sons, all of whom were officers in the Confederate Army. George Washington Custis Lee, his eldest son, was graduated from West Point at the head of his class, was a major general in the Confederate Army, was made president of Washington College to succeed his father; William Henry Fitzhugh Lee, his second son, was a graduate from Harvard, was a major general of cavalry, and was a Member of Congress from Virginia; and Robert E. Lee, jr., his third son, one of his biographers, was a captain.

(c) "Is it not indeed an immortal glory for Virginia to have produced the noblest soldier (George Washington) of the Revolution, and the noblest (George Henry Thomas) that fought for the North in the Civil War, as well as the noblest (Robert E. Lee) that fought for the South." (Union Patriots, by Gamaliel Bradford, p. 129.)

(d) I have said on many occasions that Robert E. Lee had the training and culture of a West Point honor graduate, but he was more than a scholar; the chains of habit and passion did not fetter him, but he was more than a moral man—he possessed and practiced the virtues of a Christian exemplar; in his veins flowed the best blood of Virginia, but his virtues were not due to the fact that he was the cavalier of cavaliers; in person, he was one of God's handsomest creations, but his nobility did not reside in his physique; he was a great commander, but military achievements were not his sole praise. His preeminent glory was his fidelity to duty. He was the model for and the type of our best Confederate soldier.

CHARMED LIVES

We read with amazement that Marshal Ney had five horses shot from under him at the Battle of Waterloo, but hear these remarkable facts:

Gen. William T. Sherman had 3 horses shot from under him at the Battle of Shiloh; Maj. Gen. Benjamin Franklin Cheatham had 3 horses shot from under him at the Battle of Stone River; Lieut. Gen. Daniel Harvey Hill had 3 horses shot from under him at the Battle of Sharpsburg; Lieut. Gen. A. P. Stewart had 3 horses shot from under him at the Battle of Resaca; Acting Brig. Gen. Claudius C. Wilson had 3 horses shot from under him at the Battle of Chickamauga; Lieut. Gen. Joseph Wheeler had 16 horses shot from under him while in the Confederate service; and Lieut. Gen. Nathan Bedford Forrest had 29 horses shot from under him while in the Confederate service.

ANDERSONVILLE

It has been thought and believed in the North that Jefferson Davis was responsible for the suffering of Northern prisoners in Southern prisons. For his alleged cruelties, the North considered no epithets too vile and no insults too great to be heaped upon him. The late United States Senator John Warwick Daniel, of Virginia, said:

"It is clearly demonstrated now that far from sharing any responsibility for the suffering of prisoners, Jefferson Davis did his best to alleviate them. He tried to get exchanges; he sent a delegation of prisoners to Washington to represent their own situation; he sent Alexander H. Stephens on a mission for the same purpose; he proposed that each side send surgeons, money, and medicines to their men in captivity; he established prisons in the most fertile parts of the Southland; and finally he gave up Federal prisoners, both sick and well, without exchange, rather than have them suffer in Confederate hands. There were 60,000 more Federal prisoners in southern prisons than Confederate prisoners in northern prisons, and yet 4,000 more Confederates died in prison. It is easier to protect from cold than from heat, and the North was tenfold more able to provide for captives than the South. There is no argument possible that would convict Jefferson Davis of cruelty to prisoners that would not more deeply convict Abraham Lincoln of the same charge."

CONCLUSION

The Federal Government maintains more than 84 national cemeteries, in which are buried most of the soldiers who lost their lives in the Union Army. A few of the Confederate dead, very few, are buried in these cemeteries. "Little Joe" Wheeler is buried in Arlington National Cemetery. Thousands of the Confederate dead lie in unknown graves.

I hope that each of our Confederates may have a mansion in the skies with foundations of malachite and azurite, with walls of chalcedony, with doors of ruby, with windows of diamonds, with floors of amethyst, with ceilings of sapphire, and with roof of amazonite and emerald, lighted up by the radiance and effulgence and glory which emanate from the throne of the everliving and triune God!

LUMBER, SHINGLES, AND THE TARIFF BILL

Mr. KORELL. Mr. Speaker, I ask unanimous consent to extend my remarks upon the subject of lumber, shingles, and the

tariff bill, and to incorporate therein a letter I have received from one of the friends of these industries.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD upon the subject of lumber, shingles, and the tariff bill, and to include therein a letter received upon those subjects. Is there objection?

There was no objection.

Mr. KORELL. Mr. Speaker, on April 14 the House granted me the courtesy of incorporating with my remarks upon the subject "Lumber, Shingles, and the Tariff Bill," a brief statement prepared by friends of the lumber and shingle industries, stressing the necessity of retaining the duties already voted on lumber and shingles in the pending tariff bill.

In an effort to combat the force of the arguments, which appeared in this brief statement, Mr. C. D. Root, secretary of the Retail Lumber Dealers' Association of Indiana, has written a letter to Hon. FRED S. PURNELL, which was incorporated with Mr. PURNELL's remarks appearing in the RECORD last Monday, challenging the accuracy of the assertion that the information contained in the statement that I had incorporated and particularly that the statement was based upon Government records. This letter has been read by the friends of the lumber and shingle industries, and one of their number, Mr. A. C. Edwards, of Everett, Wash., has undertaken to answer it in a communication that he has addressed to me.

I venture to suggest to the Members of the House that if the statement that I inserted on April 15, Mr. Root's letter to Representative PURNELL, and Mr. Edwards's letter to me are carefully read that the issue between the proponents and the opponents of tariff protection for lumber and shingles will clearly appear and that every believer in the soundness of the principle of a protective policy will be fully convinced that the duties already voted on lumber and shingles in the pending tariff bill should be retained.

WASHINGTON, D. C., *April 30, 1930.*

Hon. FRANKLIN F. KORELL,

Member of Congress, Washington, D. C.

MY DEAR MR. KORELL: My attention has been called to a letter printed in the CONGRESSIONAL RECORD, pages 7899–7901, April 28, 1930, written by Mr. C. D. Root, who signs himself as secretary of the Retail Lumber Dealers' Association of Indiana.

He asserts that the statements contained in The Plain Facts About the Lumber and Shingle Tariffs are false. Answering what may be fairly termed "mere misrepresentations," may I suggest let the Government records and cold facts speak for themselves. They answer every charge Mr. Root has made.

It is asserted that Plain Facts contained no citations sustaining its statements. Reference to the statement will show quotations from the President's messages, from the CONGRESSIONAL RECORD, from Labor, Census, and Commerce Department records, and from reports of the United States Tariff Commission. Plain Facts relied solely on Government statistics and Government records. If they are wrong, then Plain Facts are incorrect.

1. The unemployment problem: Claim is made that unemployment totaling 160,000 is false. In figuring this item care was taken to be conservative. Total lumber-industry workmen was figured in round numbers at 800,000 and a 20 per cent idleness, producing a figure of 160,000. However, it is nearer correct to accept the statement of Senator STEIWER, as follows: "The Department of Commerce furnished me one estimate of the average number of employees as 886,889." (CONGRESSIONAL RECORD, February 27, 1930, p. 4392.) Trend of Employment and Labor Turnover, March, 1930, a Labor Department bulletin, says mill employment totals 73.7 per cent, so there is idleness of 26.3 per cent, or total lumbering idleness of 233,251 (26.3 per cent of 886,889). Current reports, not completely verified, now place total idleness considerably in excess of even those figures, but it will have to be admitted the original figures were entirely too conservative.

It shall not be my aim to answer argument. That's largely opinion, and the argument advanced by Mr. Root is so clearly unsound it needs no answer, but is, for the major part, answered by quotations from reports of the United States Tariff Commission, contained herein.

2. Opposition to a lumber and shingle tariff: Plain Facts emphatically states:

"Every witness that appeared before the Ways and Means Committee of the House or Finance Committee of the Senate, opposing lumber and shingle tariffs, was an owner of foreign mill and timber or importing interests, an importer, or the agent or employee of a foreign mill and timber or importing interests."

That assertion remains unchallenged. It is proven by the records of the committees named and stands as an undisputed and admitted fact.

A list of names, presumably opponents of lumber and shingle tariffs, is submitted by Mr. Root. It is presumed they are retailers. Retailers are what is known as "middlemen" and middlemen from time immemorial have been against tariffs of nearly all kinds. They are in the main, and probably totally, importers of lumber and shingle products. They desire to play foreign prices against American prices to drive down the price they pay for lumber and shingle products, solely for their individual gain and profit, and not in the interest of the consumer, the American workmen, or American commercial activities. Their motive is purely selfish.

3. Who wants the lumber and shingle tariff: It is claimed the lumber industry tariff committee has not submitted a list of its membership. That is true. The lumber industry tariff committee does not profess an organization except to work for a tariff in behalf of American labor, American business, and American commercial activities. By reference to the large number of labor petitions on file in the United States Senate, it will be seen that thousands of American workmen are asking for lumber and shingle tariffs. Investigation will disclose that there are no American mills, free from foreign or importing entanglements but what want, and for the greater part, are asking for lumber and shingle tariffs and further investigation will disclose that American commercial activities are also asking for such tariffs. Those are the several interests represented by the lumber industry tariff committee. The only ones who question the representation of the lumber industry tariff committee are foreign and importing interests. There is no doubt as to the authenticity of the representation of the lumber industry tariff committee. They represent American interests and American interests only.

Mr. Root says the number of mills in the United States total 8,723. According to Senator STEIWER, quoting from the Census Bureau, the number operating in 1925 was 15,621, and in 1928, the number was 13,266. (CONGRESSIONAL RECORD, February 27, 1930, p. 4399.) The Census Bureau is no doubt the best authority, but it admits the noninclusion of a very large number of small mills.

4. Importance of American lumbering operations: Apparently an effort is made to decry the fact that 946,871 farmers own 35,270,527 acres of timberlands. The slur does not need nor is it entitled to a reply.

Mention is made that Indiana has only 39,909 farmers, who own 809,824 acres of wooded lands. No doubt these Indiana farmers value these lands highly, and will resent belittling their holdings.

Further Indiana statistics should have been quoted, which are that in 1927 Indiana lumbering operations gave employment to 5,252 workmen, and paid them a wage of $14,665,802. (Census of Manufacturers, 1927, p. 45.)

Chances are that Indiana workmen prefer to have American labor, the purchasers of their products, who draw pay checks, employed, instead of driving them to idleness, so that they can purchase the products of farm and factory. American farmers and manufacturers generally know that idle labor means decreased purchases and business stagnation, and they are unwilling to take the chance of selling their products to the orientals of Canada or peasants of Europe.

5. Lumber-industry distress: Attention is called to the CONGRESSIONAL RECORD, February 8, 1930 (pp. 3296–3300), and February 27, 1930 (pp. 4378–4383), pretending to show lumber industry prosperity. In this connection, one should read page 5469 of same RECORD, November 12, 1929, and 4402 of February 27, 1930; the first presenting a report of the Commissioner of Internal Revenue, clearly showing losses and distress, and the latter submitting indisputable evidence of the falsity of the assertions on pages 3296–3300, 4378–4383, above referred to. Clearly, the criticism of Plain Facts is a one-sided consideration, with utter disregard for truth or facts.

I must decline to comment on the asserted statistics offered by Mr. Root, most of which are argumentative, because I can neither verify nor disprove them from a careful search of Census, Labor, and Commerce reports. They do not correspond with Government reports.

Canadian lumber production has increased 160 per cent in the past 10 years. Facts about Canada, page 58, British Columbia shingle production has gained 399 per cent since the tariff was removed from shingles in 1913. Page 51, Tariff Commission's report on shingles, United States production of shingles and lumber has greatly decreased. That can be seen from any of the Government records. Canadian lumber exports to the United States average about 1,500,000,000 feet yearly. Shingle imports average 2,229,000,000, page 51, shingle report. These imports to United States markets displace American workmen, decrease American pay rolls, and lessen American commercial activities. That may be meaningless to Mr. Root, but it means forced idleness and distress to thousands of American lumber workmen.

6. Building cost increases from lumbering tariffs: This criticism is really too absurd to answer. It speaks of pyramiding. That's opinion, or guess, whichever it may be called. Better authorities say there will be no price increase to the consumer. However, if a lumber tariff is enacted and becomes completely effective in a cost increase, the statement of a competent and capable critic is more valuable. It follows:

"So, if the tariff was effective, the 8-room house costing $4,000 would cost only $4,010 or $4,012. The 6-room house costing $3,000 would cost $3,008 or $3,009. If he should build a 6-room house, it would cost only $5 to $9 additional if the proposed tariff rate should be entirely reflected in the cost of lumber." (Hon. PARK TRAMMELL, CONGRESSIONAL RECORD, March 20, 1930, p. 5676.) The Senator qualified as a building expert, and he is therefore entitled to credence.

It may be well to consider the proposed lumber-tariff clause. It covers dressed lumber or planed on more than one side, and excepting rough lumber from contiguous countries. Normally about one-third of the lumber used in construction is rough. That's not covered if imported from contiguous countries. The tariff therefore equals but two-thirds of the $1.50, or $1 per thousand feet average construction on lumber used for building purposes. That makes the lumber tariff easy to figure for any building as an increased cost, if effective in a price increase—just two-thirds proposed tariff rate times thousand feet of lumber in the building.

7. Beneficiaries of a lumber tariff: It is alleged "American workmen will not be benefited or employed one moment longer than they are now through increasing the price of lumber." No one is asking for a lumber-price increase, unless it be the retailers represented by Mr. Root, whose prices average from 40 to 150 per cent above mill prices. See CONGRESSIONAL RECORD, page 5683, March 20, 1930. What American workmen ask and want is a chance to labor in the production of American lumber and shingles for American markets, and American lumber and shingle manufacturers are only asking an equal opportunity with foreign production in the manufacture of those products. That's all, and that's a fair request.

It is argued the lumber tariff benefit will go to the timber owner. Labor Department statistics show that the labor cost per thousand feet of lumber in 1927 was $16.84. That's most of the mill price of American lumber and that will at least go to American workmen. The timber owner can't get that, so labor will be the chief beneficiary. Anyone who knows the value of a pay roll can tell who will get a large amount of the other benefits to be derived from lumber and shingle tariffs.

8. Timber ownership: In this Mr. Root certainly chose a subject with which he shows astonishing lack of knowledge. He should have read page 5492 of the CONGRESSIONAL RECORD, November 13, 1929, and he would have found the 60 per cent claim of ownership. Then he should have read pages 4784–4787, of the CONGRESSIONAL RECORD, March 5, 1930, and he would have found more interesting information concerning timber ownership and misrepresentations as to timber ownership. Maybe he would then have not presumed to pose as an authority on timber ownership.

9. Foreign timber production advantages: It may be useless to quote from the Tariff Commission's log report, pages 7, 11, and 21, and the shingle report, pages 11, 23, 49, and 72, showing foreign production advantages, because, even after quoting the higher costs, an asserted report that was never made is proffered by Mr. Root to show that Tariff Commission's reports are worthless.

Special attention is asked to the fact that Plain Facts did not show cost statements. It certainly did not. It quoted Tariff Commission's findings as to costs. It was not presumptuous enough to propose to manufacture cost data on which to base false statements in an attempt to disprove the findings of the commission, ascertained from careful investigations. Plain Facts merely assumed the Tariff Commission knew its business, and believes that assumption is tenable.

Mention is made of the "long ton of pea coal and short ton of stove coal." Probably that was intended to refer to log scales in British Columbia and in the United States. The Tariff Commission settles that by saying: "A log 24 feet long and 18 inches in diameter contains, under the Scribner (American) rule, 320 board feet, whereas the same dimensions under the British Columbia scale gives only 311 board feet" (p. 8, commission's shingle report).

The forestry branch of the Candian Government sustains this finding. See page 146 British Columbia Trade Directory and Yearbook, 1929. So the United States gets the short ton by about 3 per cent.

There is no minimum wage law in Washington. I know; I live there. Nearly all of Washington lumbering labor is paid from $4 to $12 per day. I know that, too, because I have signed many checks paying those wages, and I am not guessing like Mr. Root. I also know the minimum wage law of British Columbia has been declared invalid by a Canadian court, and that's no guess.

10. Labor costs in lumber production: Claim is made there is no difference in the wages in British Columbia and Washington and Oregon. Answering this reference must again be had to the same pages of the Tariff Commission's reports just quoted. Also to schedules found on pages 4400–4401 of the CONGRESSIONAL RECORD, February 27, 1930. Surely the Tariff Commission should know the facts in the case and be better informed than its critic.

Mr. Root wonders where the labor costs per 1,000 feet are found. That's easy. Total lumber production is given in numerous Government publications, as is also total wages paid. Divide total wages by total lumber production and you get labor cost per thousand feet. It's about a fourth-grade problem.

11. Prices of lumber: The critic of Plain Facts did not have much to say concerning this item. Evidently the stated drop in mill prices are admitted. An instance of a decrease in retail price in one city from $95 to $75 per 1,000 feet in "C grade edge-grain southern pine flooring" is given. That's a drop of $20 per thousand feet. A retailer that can afford to cut his price $20 per thousand feet must have had a long profit to begin with, and in such an instance one naturally wonders what the war (price) is all about.

Page 5683 of the CONGRESSIONAL RECORD will afford interesting reading on the question of mill and retail lumber prices. It shows the profits of the retail dealer. Maybe that's why the secretary of the Indiana Retail Lumber Dealers' Association is so earnestly opposed to a lumber and shingle tariff.

12. Alleged shingle production advantages: Mr. Root says: "1. The costs are higher in Canada."

The Tariff Commission says: "It will be noted that daily wage rates are lower in British Columbia than in Washington and Oregon" (p. 23, shingle report).

"It appears from the whole five and one-half years covered by Table 5–A log prices in Washington and Oregon have exceeded those in British Columbia, on the average, by $2.25. In 1925, the year for which cost data were obtained by the commission, the excess was $2.31; in the first six months of 1926 it had risen to $2.52" (p. 11).

"Although, as would be expected, piece labor on grades designated as comparable average higher in Washington and Oregon than in British Columbia" (p. 49).

Even on water shipments, the commission says:

"British Columbia shippers sometimes have an advantage in charter rates—not being limited to ships flying American flag," and

"A considerable part of the shipment of shingles from both sides of the line is by water" (p. 72).

But those are merely United States Tariff Commission findings. They do not amount to much in the estimation of Mr. Root.

Again Mr. Root says:

"2. Canadian shingles are predominantly high grade and domestic shingles are chiefly low grade."

The Tariff Commission says:

"Official grading specifications in Washington-Oregon and British Columbia are identical. Moreover, in actual practice, they are approximately equal, whether made on the northern or southern side of the international boundary" (p. 32).

Seemingly to emphasize the fact that American grades equal the British Columbia grades the commission further states: "Most Washington and Oregon mills producing high-grade shingles now turn out as good product as do the British Columbia mills" (p. 72).

American mills also have an abundant supply of high and low grades. See page 5449, CONGRESSIONAL RECORD, November 12, 1929.

And Mr. Root says:

"Canadian shingles sell for a considerably higher price than the comparative domestic grades."

The Tariff Commission explains by saying:

"That British Columbia shingle manufacturers pay higher commissions than their Washington and Oregon competitors." (Page 50, shingle report.) In other words, higher powered salesmanship. The British Columbia mills are prosperous, have the advantages, and can afford to pay commissions that would break the American mills. The Canadian advantages are the exact reasons Americans are asking for tariffs.

Mr. Root says the shingle production in the United States was 5,136,000,000 in 1920. Wrong. The production was 6,156,000,000—page 51, Tariff Commission's shingle report, or page 25, Census of Manufactures, 1927. Really, Mr. Root should get some things right, but it seems he can't—or won't.

13. Russian lumber: Plain Facts quoted the statements published by Russian authorities without comment. The Russian publications speak for themselves. They serve notice of the Russian intent. If American interests do not heed them, the American interests will be to blame and will have to suffer the consequences, in which Indiana will share. There's no getting away from that.

When it comes to the asserted prices of the Russian lumber it should be noted the declared valuations of Russian imports for 1928, according to commerce records, were $22.04 per 100 feet. The Soviet Union Year Book says the return to the shipper was $14.50. Some one must have received a nice profit if the lumber was actually sold for nearly $40 per thousand feet, as is claimed. They nearly doubled their money.

The statements on pages 5675–5676 of the CONGRESSIONAL RECORD, March 20, 1930, are, excepting a paragraph quoted from the Supreme Economic Council of Russia, mostly anonymous and mere boosts for the importation of Russian lumber. They are worth just as much as any other anonymous statement and no more.

However, one fact remains: Russian lumber expansion and production has exceeded anticipation to date. That's an historic fact, well known to all who have made even the slightest investigation of Russian lumber operations.

14. Oriental labor competition: Mr. Root states, "Oriental labor is not a factor in competition between the United States and Canada." Evidently oriential labor was considered the factor that caused the passage of the United States exclusion act, but maybe Mr. Root knows best.

No proponent of the lumber and shingle tariffs admitted the wages of the orientals in Canada were the same as white labor in the United States, and no record will so disclose.

Seeming complaint is made that negroes of the South are employed in the lumber industry. That's too bad. They are American citizens under the laws of the United States, and surely should be granted the right to earn a living by honest toil, even if Mr. Root may not like their working in lumbering operations. Oriental labor in Canadian cedar mills totals 45 per cent of the workers. Page 21, shingle report: Canadian statistics state it amounts to 39 per cent in the lumber mills.

15. Foreign lumber tariffs: If Mr. Root will investigate, he will find Russia now exceeds the United States as a lumber-exporting nation. He will likewise find the United States can not compete in Russian markets; that we ship but little lumber and practically no shingles into Canada; that we lost 33 per cent in exports to Japan in 1929, and have most excellent prospects of losing about 33 per cent more during the coming year; but Mr. Root is evidently not looking for facts; he is merely arguing a question with which he is decidedly unfamiliar and determined not to be convinced of error or mistake in his selfish conclusions.

16. Conservation: What may have been intended as an argument for "conservation" Mr. Root bases on history. The historic statements are in a measure true, but they produce no argument for conservation. Conservation consists largely in closer utilization, and allowing overripe timber to rot is nothing but pure waste. When our laws are so changed that timber growing, which might become as legitimate as being a secretary of a retail lumber dealers' association, can be made profitable, perpetuity of forests will become an actuality, as they are in some countries where reforestation and true conservation are practiced, but conservation can never become an actuality as long as foreign low-cost competition forces American devastation and waste, in an effort to compete with the foreign lumber-producing nations, nor can the high standard of American living be maintained if American workmen are to be compelled to equally compete with the peasants of Europe and orientals of Canada.

However, Congressman, if the findings of the Tariff Commission, Government facts and figures, and the statements of able, prominent, and capable United States Senators mean nothing to Mr. Root, there is in reality no need to repeat facts and statistics.

Because of the numerous direct conflicts of proponents and opponents of lumber and shingle tariffs, Plain Facts relied exclusively on the findings of the United States Tariff Commission and other official facts. It is still apparent those authorities are best in determining the need for and advisability of the enactment of lumber and shingle tariff, and they should govern.

Yours very truly,

A. C. EDWARDS,
Secretary, Lumber Industry Tariff Committee, Everett, Wash.

EXTENSION OF REMARKS

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to incorporate an article appearing in a National Grange publication indicating that it is clearly not necessary to enact the debenture in order to solve the farmer's problem but that prohibition has already solved that problem.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. SPROUL of Illinois. Mr. Speaker, I object.

TO AMEND SECTION 22 OF THE FEDERAL RESERVE ACT

Mr. BRAND of Georgia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short bill of some 10 lines in length (H. R. 10560), and also the report of the Committee on Banking and Currency thereon.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. BRAND of Georgia. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following bill (H. R. 10560) to amend section 22 of the Federal reserve act and the report thereon of the Committee on Banking and Currency:

H. R. 10560

A bill to amend section 22 of the Federal reserve act

Be it enacted, etc., That section 22 of the Federal reserve act be amended by adding at the end thereof the following language:

"(g) Whoever maliciously, with intent to deceive, makes, publishes, utters, repeats, or circulates any false report concerning any National bank or any State member bank of the Federal reserve system which causes a general withdrawal of deposits from such bank shall be deemed guilty of a misdemeanor, and shall upon conviction in any court of competent jurisdiction be fined not more than $1,000 or imprisoned for not more than one year, or both."

[H. Rept. No. 1278, 71st Cong., 2d sess.]

FALSE REPORTS AS TO CONDITION OF NATIONAL AND STATE MEMBER BANKS, ETC.

Mr. BRAND of Georgia, from the Committee on Banking and Currency, submitted the following report (to accompany H. R. 10560):

The Committee on Banking and Currency, to whom was referred the bill (H. R. 10560) to amend section 22 of the Federal reserve act, having considered the same, report favorably thereon with the recommendation that the bill do pass.

This proposed legislation is approved by the Secretary of the Treasury and the governor of the Federal Reserve Board, as shown in the following letters addressed by those officials to the chairman of the Committee on Banking and Currency:

TREASURY DEPARTMENT,
Washington, April 4, 1930.

Hon. LOUIS T. MCFADDEN,
Chairman Committee on Banking and Currency,
House of Representatives.

MY DEAR MR. CHAIRMAN: Reference is made to your letter of March 10 requesting an expression of my views with regard to the bill (H. R. 10560) to amend section 22 of the Federal reserve act, so as to make it a crime punishable under Federal law to circulate false reports concerning national banks or State member banks of the Federal reserve system. After consultation with the Federal Reserve Board and the Comptroller of the Currency, it is the view of the Treasury Department that the enactment of this bill would be beneficial to national banks and State member banks as well as to their depositors and stockholders.

The circulation of unfounded statements regarding a banking institution not infrequently causes serious damage to the bank by bringing about a general withdrawal of deposits therefrom, and as a result the stockholders and depositors of the bank may, in case of failure of the bank, suffer financial loss. It is believed that member banks of the Federal reserve system are entitled to have protection under Federal statutes from such statements when maliciously made and with intent to deceive. The proposed law would tend to deter malicious individuals from making or circulating such false statements.

It is understood that a number of States have enacted statutes similar to that proposed in this bill, which apply to banking institutions in those States. It would seem that all National and all State member banks should have the benefit of legislative protection from malicious attacks of this kind against which there appears to be no other effectual means of protection. The proposed bill would also serve to protect against such misstatements which are made in one State concerning a bank in another State, as State laws are not ordinarily effectual against these.

It seems clear that the proposed legislation would be constitutional in view of the decision of the Supreme Court of the United States in the case of Westfall *v.* United States (274 U. S. 256), in which the court held in substance that it is within the power of Congress to enact any legislation which Congress deems appropriate for the purpose of protecting National banks and State banks which are members of the Federal reserve system.

Similar legislation has been repeatedly recommended by the Comptroller of the Currency in his annual reports to Congress.

For the reasons which have been stated above, the Treasury Department favors the enactment of H. R. 10560.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

FEDERAL RESERVE BOARD,
Washington, March 27, 1930.

Hon. LOUIS T. MCFADDEN,
Chairman Banking and Currency Committee,
House of Representatives, Washington, D. C.

SIR: Reference is made to your letter of March 10, in which you request an expression of the views of the Federal Reserve Board with reference to the provisions of the bill (H. R. 10560) to amend section 22 of the Federal reserve act so as to make it a crime punishable under Federal law to circulate false reports concerning national banks or State member banks. After a careful consideration of the provisions of this bill the Federal Reserve Board is of the opinion that its enactment would be beneficial to National banks and State member banks as well as to their depositors and stockholders.

The circulation of unfounded statements regarding a banking institution not infrequently causes serious damage to the bank by bringing about a general withdrawal of deposits therefrom, and as a result the stockholders and depositors of the bank may, in case of failure of the bank, suffer financial loss. The Federal Reserve Board feels that member banks of the Federal reserve system are entitled to have protection under Federal statutes from such statements when maliciously made and with intent to deceive. The proposed law would tend to deter malicious individuals from making or circulating such false statements.

The Federal Reserve Board understands that a number of States have enacted statutes similar to that proposed in this bill, which apply to

banking institutions in those States. The board feels that all National and all State member banks should have the benefit of legislative protection from malicious attacks of this kind against which there appears to be no other effectual means of protection. The proposed bill would also serve to protect against such misstatements which are made in one State concerning a bank in another State, as State laws are not ordinarily effectual against these.

It seems clear that the proposed legislation would be constitutional in view of the decision of the Supreme Court of the United States in the case of Westfall *v.* United States (274 U. S. 256), in which the court held in substance that it is within the power of Congress to enact any legislation which Congress deems appropriate for the purpose of protecting national banks and State banks which are members of the Federal reserve system.

For the reasons which have been stated above the Federal Reserve Board favors the enactment of H. R. 10560.

Respectfully,

R. A. YOUNG, *Governor.*

Attention is also invited to the recommendation made by the Comptroller of the Currency to the Congress in his last annual report, which is as follows:

"It is again recommended that a law be enacted making it a criminal offense to maliciously, or with intent to deceive, make, publish, or circulate any false report concerning any national bank or any other member of the Federal reserve system which imputes insolvency or unsound financial condition, or which may tend to cause a general withdrawal of deposits from such bank, or may otherwise injure the business or good will of such bank."

This proposed legislation also was indorsed by the American Bankers' Association, as shown in letter dated February 26, 1930, from its general counsel, reading as follows:

"Your bill * * * to punish libel and slander of national and State bank members of the Federal reserve system has the hearty approval of the American Bankers' Association. Instances are most frequent where malicious persons from a variety of motives circulate malicious stories affecting the standing and solvency of particular banks, which very often have the effect of causing serious injury and loss. The banks certainly need the protection of a Federal statute of this kind which will act as a deterrent to many malicious individuals who, in the absence of a punitive statute, can freely circulate unfounded and injurious statements without fear of punishment."

The following States have enacted a slander and libel of bank act, which acts are, as a rule, stronger and more drastic than the bill H. R. 10560, which this committee has favorably reported to the House: New York, Connecticut, New Jersey, Delaware, Maryland, Pennsylvania, West Virginia, Ohio, Michigan, Wisconsin, Indiana, Kentucky, Illinois, Missouri, Arkansas, Louisiana, Alabama, Rhode Island, Florida, Georgia, South Carolina, North Carolina, Texas, Oklahoma, Kansas, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, California, Iowa (1929), and Nebraska (1930).

The States which have not passed such an act are as follows: Maine, Vermont, New Hampshire, Massachusetts, Virginia, Tennessee, Mississippi, North Dakota, Minnesota, South Dakota, and Montana.

Statutes passed in 37 States and Alaska.

Although the majority of our States have enacted bank slander laws, any one State law does not reach into another State. Therefore, where false and malicious reports may be circulated from State to State by wire, telephone, or radio, neither State can reach the offender in the other State. There are a number of such instances reported from time to time, and while bank slander bills have been passed in a majority of the States, as indicated above, a man who may be in California and maliciously publishes or circulates information derogatory, for instance, to a bank in St. Louis, the State law of Missouri can not reach this man, nor can any law effective in California assume any jurisdiction.

The only recourse will be a Federal law to reach all cases and it being perfectly apparent that all interests desire and need such a law, your committee respectfully recommends the early passage of this bill.

PERMISSION TO ADDRESS THE HOUSE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that at the conclusion of the address of the gentleman from Alabama [Mr. PATTERSON] I may address the House for 10 minutes.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that at the conclusion of the address of the gentleman from Alabama [Mr. PATTERSON] he may be permitted to address the House for 10 minutes. Is there objection?

There was no objection.

THE SOVIET GOVERNMENT AND WORLD UNREST—UNEMPLOYMENT IN THE UNITED STATES—DANGER SIGNS

Mr. JOHNSON of Washington. Mr. Speaker, I am sure that Members have enjoyed the address just made by the distinguished gentleman from Iowa [Mr. RAMSEYER]. His explanation and analysis of the debenture plan, as revised by the Senate, is the most informative that has been heard in this Chamber.

I am of the opinion that if on days when the regular program has not been arranged in the House of Representatives, or when there is a lull, we could have more hours set aside, under "the state of the Union" rule, for speeches by different Members on subjects on which they have specialized that the attendance would be good and that all who attend would receive information worth while. Members use the radio for big national subjects when they should be heard in this forum. [Applause.]

The gentleman from Iowa [Mr. RAMSEYER] has given much study to economic and other conditions which now disturb the world. In the course of his remarks, the gentleman from Iowa [Mr. RAMSEYER] told of some conditions in Russia, but qualified his statement by saying that he knew comparatively little about that country. It is probable that few of us know much about Russia. We can not be sure of what we read about that country, which is now experimenting with an entirely new form of government. Even those who have traveled somewhat in Russia can not be much better informed than some of those Europeans who spend 60 days in the United States and then write books telling all about us.

But we are all well enough informed to know that a great and interesting problem in government is being tried in what was an ancient powerful empire—gone, never to return to the czars.

Inasmuch as the United States Government itself is, so far as time goes, a very young government it behooves us to keep our eyes on the movements in Soviet Russia whether we consider them dangerous or not.

The new Russian government must have credits in other countries; it must receive moneys from other countries. To get the credits and receive the moneys it must sell in the markets of the world all the goods that can be made up from its raw products, coal and minerals from its mines, and foods grown from its fields.

Like the gentleman from Iowa, Mr. RAMSEYER, I know very little about Russia, although I have read and studied all substantial printed matter that I have been able to find on the revolution, the Kerensky government, and its overthrow by the Lenin-Trotsky "dictatorship of the proletariat," the Third International, the development of communism, and the system by which the United States of Soviet Russia has been built up. The next generation will have a story of blood and starvation to read that will rival many of the chapters of the French Revolution. And it is happening right in our time. No one of us can follow the whole Soviet movement.

But we can learn about some movements in detail. We know something about "AMTORG," which is the abbreviated name of the American Trading Organization—a soviet subsidiary.

I happen to know that agents of Amtorg have been and are at work in the district which I have the honor to represent. The United States headquarters of this organization is, of course, in New York. It has branches in Boston, Chicago, San Francisco, Seattle, and other important cities, and in these cities are the big agents, who make contracts into the millions to buy and sell. The subagents are out in the smaller localities. The big agents contract to buy American machinery and to sell Russian products. As much cash and credit as possible, and trade deals for the balance. The minor agents are about the country engaging American experts in the leading lines of factory production. In the district which I have the honor to represent—the third district of Washington—these agents have been employing young sawmill men; that is to say, saw filers, sawmill builders, and gang-saw men, tallymen, and lumber expert workers of all kinds. They offer good pay and insist on a 3-year contract. They usually engage young men, preferably of north European ancestry.

Many of these young men have gone to Russia by the short route—along the Alaskan coast, passing Aleutian Islands to Vladivostok and thence to the northern interior where there are great forests of pine and other softwoods. These American boys are writing home to the effect that the wage of peasants and workers engaged in getting out logs and working out rough lumber is about $10 per month; that the conditions are bad; that they are almost in a state of serfdom. The Soviet Government owns the forest or pays a low stumpage, and are said to be erecting 122 American style sawmills, if not more, for the purpose of cutting these cheap priced logs into lumber to sell in the American markets, as well as in the markets of Japan, China, France, and elsewhere. The organization is shipping sawed lumber from Vladivostok to Puget Sound, Wash., and thence down the Pacific coast and through the Canal, and on to ports of France where it is sold for less money than similar lumber can be shipped from Sweden to France. The Soviet organization is also selling its lumber at Poughkeepsie, N. Y., a lumber headquarters promoted by the West and South, so that our fir and the South's pine could reach the great market in the New York trade area—for 250 miles in every direction—the greatest buying area in the world.

In addition to lumber, Russia is planning a great combination to unload peasant-grown wheat into the markets of the

United States. Already some of that wheat has arrived. The peasants, hoping to keep local prices in Russia up, have tried not to grow this wheat, but under force they have been obliged to plant and grow it. If these shipments are continued the Wheat Belt States will have to look out, tariff or no tariff, for that is wheat being grown to be dumped into the United States for the rehabilitation of Russia under its Soviet Government. It is not a question of profits; money is needed for the Soviet Republic, and for the spread of the doctrine of world communism. More information concerning the wheat situation can be learned from the farmers of the Montana State College where Soviet agents spent considerable time. Representative BRIGHAM, of Vermont, can give you further deails. It is said that the progress of Soviet Russia next year depends more on the size of this year's wheat crop than on its actual value. The Soviet, through Amtorg, is exporting anthracite coal. Such coal is coming to the United States and competes with our own anthracite. It undersells our coal just a shade, but not cheap enough as yet to benefit our consumers. The trick is to get money for that coal for the benefit of the Soviet system. It is mined over there by men who are forced to mine. Can our coal miners stand that competition?

They can not—any more than the lumber workers in the North Pacific States and in the Gulf Coast States of the South can stand the Russian $10-a-month man in the new sawmills.

Just a word about lumber conditions. The exports from the north Pacific coast to China, Japan, Australia, and the west coast of South America have declined greatly. There are many causes. Japan is increasing rapidly as a manufacturing island. It is importing raw material, some of it from Russia, manufacturing it, exporting the manufactured article, and taking the profits therefrom. This comes with advance in modern civilization. Where the Pacific coast used to sell the box shooks used all through Asia by the Standard Oil Co. to incase two 5-gallon cans of oil for shipment on the backs of camels Japan now does the manufacturing part of that work. Japan gets the wages that our laborers once received—less wages, of course. Japan's mills make the nails and Japanese laborers benefit by all the operations, and all of that is more competition for the United States export trade. In addition, we have the competition from Canada. Great mills are down by the dozens in western Washington. Unemployment in the district which I represent is fully 5 per cent greater now than it was on the day of the census enumeration—April 2—about a month ago.

One city in my district reports but two sizable lumber camps operating. Other western Washington districts report much unemployment. They fear bread lines this fall. These are conditions to think about. Improved machinery is everywhere in the United States. Electricity and inventive genius are snatching the bread from the mouths of the workingmen. They work faster than the men can adjust themselves to the new conditions.

Mergers and trade combinations cut down chances for employment. Think of the gigantic electric railroad engines hauling trains of 125 to 175 freight cars over heavy steel rails and wonderfully ballasted tracks. These long freight trains cut the need of train crews. Think of the crews—engineers, firemen, conductors, brakemen, and flagmen—that have been laid off all the way from St. Paul to Puget Sound. Shortage of freight to haul—lumber East, wheat, corn, machinery, and automobiles West. Such cargoes East and West are down in volume. More freight crews off. And then the short-line trains, reduced to the minimum by the auto bus and the auto truck. The younger men get the automobile jobs. The trained, experienced railroad men—many of them not yet in the prime of life—see the human junk heap ahead. Great railroad mergers will make this situation worse. Neither this Government nor its financiers and capitalists can afford to reduce the number of steady jobs, for the people have to live.

It is a gloomy picture. The situation has to be met.

I have not touched the situation of the farmers at all. My friend, the gentleman from Iowa, has just told you a lot about their troubles. It may be he has the cure—not cure, but some kind of aid. I hope and pray that the new Farm Board system will work. Give it time. But even that board's plans puts lots and lots of people out of work. They do not want to starve either.

The wholesalers are combining to eliminate wastes and costs. Retailers are combining. Chain stores are on nearly every good corner in every sizeable town in the United States, and in cities north of the Mason-Dixon line we find in between the chain stores the late arrivals from our newest type of immigration running stores, small restaurants, and the like, working, with their families helping, from daylight to midnight. This means more citizens out of work, and it means competition that our old-time individual merchant should not have to meet.

Work, work! They say our people will not work. I tell you, they will. I have cried out a dozen times this winter and spring against unnecessary new immigration. We need no workers from any of the other countries of the world.

Every able-bodied alien now coming either takes work away from some one already here or adds to the unemployed. No one can deny that. The remedy is evident. Admit no more unnecessary immigrants.

Congress should act, and act quickly. Suspend for a while all of the immigration that can be suspended. It is easier to keep them out than it is to get them out after they arrive in these times of overproduction and unemployment. The whole country wants more restriction.

One more picture. I hope it is overdrawn, but I feel impelled to call attention to certain conditions which are foreboding—gang government in the cities!

O gentlemen, if gang government in any city succeeds in breaking down city government the result is confusion.

It will spread to other congested cities. Add all the things I have mentioned—unemployment, mergers, chains, and consolidations, arrival of unemployed alien workers, on account of these arrivals increased feeling against aliens already here and entitled under the Constitution to the "pursuit of happiness" (meaning very often a job), increased use of machinery, arrival of our noncitizen "nationals," the Filipinos, forcing out of white labor by Mexicans, increase in small crimes by boys who have not learned to work, increase in sensational bank robberies, automobile murders, and so forth, crimes of the big bootleggers, the hi-jackers, crimes of the racketeers—all of which are dangerous and might lead on to revolution. I do not predict it. I know that certain forces are driving for it. RAMSEYER has given you one serious angle. I am attempting to give you another. We both agree that "eternal vigilance is the price of liberty."

But the United States is not alone. Most of the world is sick. Much of the present unrest comes from the World War.

The efforts of the Soviet Republic to establish itself in Russia and to spread its communistic doctrines elsewhere, creates a poisonous serum which infects the populations of all countries. It will take steady hands and cool heads to keep modern civilization firm.

The first duty of any government is to extend the benefits of that government to as many people of that government as is possible. If too many of the people of this government "by the people" can not be assured of "life, liberty, and the pursuit of happiness," they may feel inclined to overtures for a change of the whole system. But any great change is not done in a day, or a year, or ten years. We want no overthrow.

We should give President Hoover a chance. All of these troubles can not be cured with a magic wand, or with a speech, or with a treaty. The whole job of every citizen is to do his best to help set things right. [Applause.]

In conclusion I quote from Wiggam:

This is a sloganized age; an age of searching not for solutions of social problems but for what Professor James calls "solving words." Democracy, progress, brotherhood, communism, uplift, humanity are not solutions for anything but mere solving words. * * * Just so a thing is democratic or progressive, without any reference to where it may progress toward, it must be right. It has exactly the right name. As James points out, Solomon could control the evil spirits because he knew the right names of all of them. Address an evil spirit by the right name and you've got him. And this age is obsessed with the idea that social evils will yield to the same treatment.

If a "democratic" remedy fails to cure anything, it is proof not that it is the wrong remedy but that it is not democratic enough. Pour in a little "more democracy"! To calculate, to measure, to analyze the psychology of human motives; to add up columns of figures; to calculate standard deviations and coefficients of correlation; this requires hard work and intelligence. It requires intellectual men. It requires men who want to solve things instead of finding solving words for them. * * *

But the faith in solving words in the place of hard-won solutions reigns supreme over this age. There were never so many problems, so many solving words, nor so many people who believed in them. Yet they never have solved anything. Nothing but intelligence and good will, usually extended over long periods of time, ever solved any social problem. (A. E. Wiggam, The New Decalogue of Science, pp. 190–192.)

Lothrop Stoddard uses that quotation in his book, Scientific Humanism, and says:

Nothing but the application of scientific methods can rescue politics from its present muddling inefficiency. And, in the last analysis, the way to bring this about is by the spread of the scientific spirit and attitude in the public mind. The progressive liberalism and open-mindedness of the scientific spirit is absolutely necessary for a people if it is to succeed in truly ruling itself through rational public opinion. Yet

to-day the public seems actually afraid of science in politics, preferring to trust the "professional" politicans who play the game according to the old rules—with the old results! (Lothrop Stoddard, Scientific Humanism, p. 110.)

My colleagues, the two countries to be most closely watched in this present period of unrest and change—economic and social—are the United States of America and the Soviet Republic of Russia. Ours is still a new Government. To it the founders and builders came, many as immigrants; and the other is a still newer government which found its people there. Russia, with its population reduced from 180,000,000 to 150,000,000 in the last 10 years; United States, with a population of 122,000,000, an increase of 17,000,000 in the last 10 years. History is in the making rapidly in both countries, with their governments as opposite as the poles. [Applause.]

SECRETARY OF EDUCATION

The SPEAKER pro tempore (Mr. KETCHAM). Under the special order the gentleman from Alabama [Mr. PATTERSON] is recognized for one hour.

Mr. PATTERSON. Mr. Speaker, ladies and gentlemen of the House, I realize that it is very unfortunate for me to come before the House so late in the day to speak at great length with a prepared address on a highly controversial subject.

I made an effort several days ago to get time, but the House has been so busy that I have not been able to get that time until to-day. I would ask for the hour to be vacated if it was not for an engagement I have which would seem to prevent me from speaking on the subject at all for some time.

The question I wish to discuss with you is a highly controversial one, and I am not going to discuss it as a partisan, for it is not a party question.

I do not expect to take my full time, for it is my sincere desire to hurry along and leave out some matters that I have prepared.

This question I feel has a great deal to do with the upbuilding and development of the American Republic. One of the outstanding forces which has brought us to this high state which we enjoy is our American public school, which is an essential part of a democracy where the people are sovereign.

In spite of the splendid advancement we find to-day, we have not had the recognition of the American public educational system which many of its friends desire by having a secretary of education in the President's Cabinet. As was pointed out some few weeks ago by Representative SANDERS of Texas in his speech over the radio, almost all of the great civilized nations have given this phase of their work greater consideration than we have, in placing a minister or secretary of education in the cabinet of the ruler of the country. I here insert a list of these 72 nations as found in Statesman's Year Book for 1929:

NATIONS ACCORDING EDUCATION PRIMARY RECOGNITION BY INCLUDING A MINISTER OF EDUCATON AMONG THE CABINET OFFICERS

British Empire: Great Britain, president of the board of education; Northern Ireland, minister of education; the Irish Free State, minister for education; Malta, minister for public instruction; India and dependencies, education, health, and land; Union of South Africa, minister of the interior; Bombay Presidency, minister of education; Federated Malay States, director of education; New South Wales, minister for education; Victoria, minister of public instruction; Queensland, secretary for public instruction; South Australia, commissioner of public works and education; western Australia, chief secretary and minister for education; Tasmania, attorney general and minister of education; New Zealand, minister of education; Canada: Alberta, minister of education; British Columbia, minister of education; Manitoba, minister of education; Ontario, minister of education; Saskatchewan, premier, minister of council, minister of education.

Afghanistan, minister of education.
Austria, minister of education.
Argentina, minister of public instruction.
Belgium, minister of education.
Bolivia, minister of education and agriculture.
Brazil, secretary of justice, interior, and public instruction.
Bulgaria, minister of education.
China, minister of education.
Cuba, secretary of public instruction.
Chile, minister of public instruction.
Costa Rica, secretary of education.
Colombia, minister of public instruction.
Czechoslovakia, minister of education.
Denmark, minister of public instruction.
Dominican Republic, minister of justice and public instruction.
Egypt, minister of education.
Finland, minister of education.
France, minister of public instruction and of fine arts.
Guatemala, minister of public instruction.
Germany: Baden, minister of religion and education; Bavaria, minister of education; Hesse, minister of education; Prussia, minister of education.
Greece, minister of education.
Hungary, minister of public instruction.
Honduras, minister of instruction.
Italy, minister of public instruction.
Japan, minister of education.
Latvia, minister of education.
Mesopotamia, minister of education.
Morocco, grand vizier's delegate for public instruction.
Netherlands, minister of instruction, science, and arts.
Norway, minister for education and ecclesiastical affairs.
Nicaragua, minister of instruction.
Paraguay, minister of worship and public instruction.
Peru, minister of worship and instruction.
Persia, minister of education.
Poland, minister of education.
Portugal, minister of instruction.
Russia, minister of education.
Rumania, minister of education.
Serb, Croat, and Slovene State, minister of education.
Salvador, minister of foreign relations, justice, and instruction.
Siam, minister of education.
Spain, minister of public instruction.
Sweden, minister of education and ecclesiastical affairs.
Turkey, minister of education.
Uruguay, minister of industry and education.

The present public-school system of America has not arrived at its present status without a tremendous struggle. That fight extended over a period of more than 50 years, and the ancestors of some of those who to-day are fighting this bill were fighting the establishment of public schools at that time. Practically all of you know that it was almost the middle of the nineteenth century before public education was developed to any great degree within the great States which compose this country. There were organizations and people who opposed—and I presume they do so yet—the establishment of the public-school system by the States themselves. It is rather interesting to go into the debates of the State legislatures and the hearings on the proposal to establish free public schools for the masses of the people.

In spite of the fact that practically all great American leaders, such as Washington, Jefferson, and Lincoln, strongly advocated public schools for the masses of the people there were people in the States as late as the middle of the nineteenth century who bitterly opposed establishing and extending the benefits of the public-school system, even as there are now those in this great country of ours who bitterly oppose the establishment of a department of education, or extending the service of the present Bureau of Education.

I was very much surprised a few days ago when the gentleman from Connecticut [Mr. MERRITT], on the floor of the House, made the astounding statement that he thought it would be advantageous to the country to abolish the services of the Bureau of Education. This statement, coming from a gentleman of the great and enlightened State of Connecticut, a man who has seen more than three-quarters of a century, has actually given me as much thought and concern as anything that has happened on the floor of this House. It seems to me that the time has come for us to come out in the open and see where we stand on this important question. I think I would be safe in saying that there is hardly a Member of Congress or a Member of the United States Senate who has not received a letter or some written petition—and a great many of us have received thousands of them—requesting that this Congress have an opportunity to vote as to whether there should be established in the President's Cabinet a department of education, and I think it would be a conservative estimate to say that 5,000,000 people, first and last, within the last year, have given expression in writing, by either signing their names to a petition or by writing personally, saying that they favored such a course by the present Congress of the United States.

I doubt if there has been any question before the American people since the great World War which has attracted the attention of so many of our citizens. Now, can we seriously do our duty as Representatives in Congress and entirely overlook the requests and petitions of these people? As for myself, I have only one answer, and that is, personally I can not, and I have no desire or inclination to do so. I doubt not that any other class of legislation having the backing among the masses of our people would have gotten an opportunity to be heard on the floor of the House, and that is what the proponents of this legislation to-day request—that we have a chance to vote on this, on the floor of the House. I approach the discussion of this subject

without any bitterness or partisan feeling. I am ready to acknowledge, and do acknowledge, that men who are just as honest and sincere in their convictions as I am in mine differ from me on this question. As I see it, this is not to be a question of any sectional feeling, or that of prejudice. I find men in the fair Southland who are rather hesitant to establish a department of education, and find it in practically every State in the Union, and then I find large numbers of people in my section, and in every State in the Union, who support this measure, and I believe that the request of these people who wish to have the Congress vote on this question is well founded. As I said, I approach this without any feeling of partisanship or prejudice. I believe that these gentlemen here in the House who have been with me on the committee and know me personally, even though some of them differ with me on this question, would not accuse me of having any kind of prejudice or partisan feeling in this matter. I have a desire to approach the case entirely on its merits and on the plane of statesmanship. Every man has a right to vote as he sees fit, or as his constituents may desire, but when it comes to trying by unseen methods to prevent that free expression, that is a different matter.

Now, what is the situation which we are facing to-day? I will say that in my own judgment the opponents of this measure seem to be divided into two classes. First, some feel that to establish a department of education with increased appropriations and wide opportunity for investigation and service, would tend to interfere with the rights of the States and local people in carrying on their legitimate educational functions. The second class say they oppose the establishment or widening or extending the duties of any kind of bureau in the Federal Government.

Referring to the first class—that this will interfere with the rights of the States, or the rights of the communities, or the rights of families, or of any particular person, in carrying on the education of their children or the education of the children of the State or the community—everyone who has studied this bill knows that it has absolutely nothing written in it, the purpose of which is to do this, for it states very clearly and unmistakably its purpose, which is, to have a secretary of education in the President's Cabinet giving education that recognition to which its friends feel it is entitled. I challenge any person to show me in this bill where any right that any person has at present in his State or local community is restricted or infringed upon by the purpose of this bill. It only widens the influence of the department in its extension and investigating purpose, similar to that of the Departments of Agriculture, Commerce, or Labor, at present. I here give a few things which a department of this kind will do and will not do.

It will coordinate the educational activities of the Federal Government. These are now spread through four departments and six independent agencies, with no general directing head.

It will conduct investigations on all educational matters, such as rural education, elementary education, secondary education, higher education, professional education, physical education, including health and recreation, specialized education, training of teachers, immigrant education, adult education, and other phases of the subject.

It will study schoolhouse construction and equipment and furnish the benefits of its research to public schools throughout the land.

It will investigate school accounting systems and administration for the sake of improvement and efficiency.

It will inquire into the training requirements of various businesses, professions, trades, and crafts in connection with courses of study in the public schools.

It will aid in equalizing school advantages throughout the country.

And these are the things that the proposed department will not and can not do:

It will not take one iota of school control from the municipality or the State. In all matters of administration the State and the local government will remain supreme. This is only to assist those agencies of State and community. There will be no attempt to impose the customs or practices of the North upon the South, the East upon the West, or vice versa, in any school questions.

Now as to that great group who claim that they oppose the extending of the duties or work of any bureau, may I say that, if their objections were adhered to in every other line, this objection would be more pertinent, but we are establishing and extending bureaus and services of bureaus in every direction. Hence it would be all out of place to extend every other bureau and widen every other service, and refuse to widen the service of this most important work which has to do with thirty millions of people in whom lies the hope of the future democracy of our country.

Then there is another class who can not find any real objection on the face of things, who say there is no opportunity for constructive work of this kind, and that the States can, and are, doing their work just as well. Some say that the States already have excellent public-school systems and that there is no opportunity wherein a department of education could render any service; some say they are in favor of not spending the Federal money for carrying on an educational enterprise; that it is against the traditions of our country.

Let us see if it is against the traditions of our country. Thomas Jefferson stressed the importance of education; Washington advocated it; there remains a well-founded tradition that Washington left a donation for the purpose, that it might be added to by the Federal Government to establish a great university here at the Capital of the Nation; also, there is not a State in the Union to which the Federal Government has not given large sums of money for educational purposes. The Federal Government has given money to land-grant colleges practically in every State in the Union. The Federal Government gave to many of the States what is known as the sixteenth section fund, which, I am sorry to say, some of them wasted, but which, had they kept it intact, would have been a bulwark to the States to-day in carrying on their educational work. This was given by the Federal Government. We are giving millions of dollars annually in order to carry on education work in the different States, and in spite of that, as time rolls around, people state that they are opposed to the Federal Government giving aid to the schools.

I have seen bills passed here without a record vote, to extend further educational advantages to the colleges and enterprises through their vocational and agricultural education, as well as to the extension service carried on among the people. But strange to say, when it comes to aid for or even the recognition of these 25,000,000 children, almost 90 per cent of whom never see the inside of the walls of a college or university, and almost one-half the balance, until recently, never saw the inside of the walls even of a high school, you will see men upon the floor of the House begin at once to say "I am opposed to granting educational aid or further extending Federal service toward carrying on education."

Let us examine these premises in the light of the facts. Some one has announced that the estimated cost of crime to the Nation is more than $10,000,000,000 annually. No one would question that this could be largely reduced by the right kind of education, that is, education for service and citizenship, which would put the boys and girls on their way to earning a livelihood, sufficient to enable them to contribute their part to citizenship. Another glaring defect in our educational system which was revealed by the World War is the great number of physical defectives in the schools and without among our people, especially in the rural districts. Statistics show that the lack of health is costing the American people annually $15,729,925,396; but with the proper education this can be materially decreased and largely done away with. Here in these two items alone is a larger amount than the entire national debt, to work on.

May I pause here to say—having come up from that class of citizens who had no opportunities for an education, and no opportunities to learn anything of health rules, that I personally have seen the tremendous handicap under which these people labor on account of the lack of adequate knowledge and facilities; and I am to-day glad to pay tribute to the splendid work of the Education Bureau and the Department of Agriculture, as they spread knowledge and ideas throughout the country, which in a small way is remedying some of the glaring defects in a system such as I mention.

Another thing which shows the great necessity for this kind of work is the problem of illiteracy, which is widespread among our people. And I may add here that every Republic which makes a boast that its people are sovereign and can exercise that sovereign right owes it to their people to provide education. This is vital to those who are to exercise the franchise, for thousands of them are not able to read the problems of the day. Of course, conditions like these are being mended, but there is still great ground for further improvement.

Then there is the great problem of Americanization, where the proper education of these people and teaching them the principles of American doctrines and American ideals, as well as the English language and the ideals of our Republic, would probably add much to that foundation stone of our Republic and polish it after the similitude of our Constitution. There is a great opportunity for educational service in the extension of vocational education. I know that literally millions of our citizens arrive at that period of maturity without a knowledge of a trade or profession. I recall a time in my own life which brought to me very forcibly the fact that I had no education for a trade or a profession.

When I was about 25 years old, without having had an opportunity for even an elementary education, I recall that I started out to "get a job," as the world would say. I met a man and told him I was looking for work. He asked me what my trade was. Naturally I had to admit I had none; that all I knew was how to plow and hoe and work on a farm; and he said to me in a fatherly manner that any young man who started out in life and left home to get work without a trade or profession had really a hard road before him, and, my fellow colleagues, may I say to-day that I know that many persons who have known similar conditions will agree with me that such a situation as this contributes toward lawlessness and creates a larger number of criminals or perpetual loafers than any of us can imagine.

There is no finer opportunity for the Federal Government to extend its services in helping our people than in the vocational line, in my estimation. Then there is another line which is left more or less to the scientific scholar, and that is the measurement or determination of the kind of education which will be best suited to the individual. Here is a large and beneficial field wherein a Federal department of education might render a splendid service. We have in this twentieth century a great educational unrest; literally millions of our people look toward the colleges and the high schools, not knowing what is best to take or to teach. We realize that it is sometimes suggested that too much of our education is that kind which fails to prepare those who study in the schools for work or for service, another very large field wherein a Federal department of education could make a splendid contribution.

Coming to my last point on this phase of the question, I bring to you a most astonishing fact which, if weighed carefully, should bring to our minds wise and serious reflection. We are told to-day, in spite of the fact that we have in this great educational system of our country invested five billions of capital outlay and are spending $3,000,000,000 annually, and concerned in this are 30,000,000 of the youth of America, and more than that number of parents who are responsible for their children, and who have the interests of their children at heart, each contributing to carry on this great enterprise, as well as the large and influential class of educators who are carrying on this work, that it has been estimated that only 3 per cent of what is taught in our schools is beneficial for the children to carry with them out into the world.

Mr. SPROUL of Kansas. Mr. Speaker, will the gentleman yield?

Mr. PATTERSON. I prefer not.

Mr. SPROUL of Kansas. But the gentleman undertakes to lay the blame for the failure to pass this bill on the Republican Party. Does the gentleman not know that his party advocates principles which are urged in opposition to this bill, the principles in respect to State rights, yet I favor this bill myself?

Mr. PATTERSON. Oh, there are men in my party I admit, the party of my fathers, who seem to be opposed to this measure and they have done what they could to keep it from coming to the floor of the House, the same as there are in the gentleman's party. I do not claim that it is a party question, but I say that since 1920, and the gentleman will not deny that, the responsibility must lie at the door of the gentleman's party, because they have had a majority of the Members of the House, and to-day if the leaders of the gentleman's party will put it in the program of their party he knows what the result would be, and the country knows what the result would be.

Mr. ALMON. That bill does not provide for any appropriation, does it?

Mr. PATTERSON. This bill does not. I am not speaking about any special bill, but I am speaking of the general principles of the legislation.

Mr. ALMON. Does not the gentleman think we ought to go on and make the appropriations?

Mr. PATTERSON. I am not going to discuss that to-day. The gentleman knows, and the other Members of the House know, how I feel about humanitarian legislation and legislation in the interest of the youth of America.

Surely, my fellow colleagues, to-day as we face this situation, it is time that we awakened from our lethargy and admitted that there is a wide field of service and an opportunity for further extension of Federal aid along the lines of investigation, and of extending to the States and communities, and to all educational institutions everywhere. The service that such a department could render along this line could be used not only by all public institutions but by private institutions and private schools which carry on their work of education, not to restrict the rights of any man or woman to educate their children as they see fit but it is to get a broader and a greater cooperation in carrying on this great educational work. If it is approximately true that more than 95 per cent of our educational effort is futile and the remaining small percentage is so valuable, here must exist the greatest opportunity in America to-day.

Let us turn to the objection on the other side—those people who claim they do not want to appropriate money to carry on this work—where the interests of 30,000,000 children who are the hope of the American family of to-morrow, and more than 30,000,000 parents who have a wide interest in their children and in the great capital outlay of $5,000,000,000. Moreover the majority of the American people contribute to-day in another line, through taxes (76 per cent of the taxes of the Federal Government is spent on wars), $3,000,000,000 are spent annually on war, past, present, and future, and I am as heartily in favor of taking care of those who have fought the country's battles as anyone.

My friends, I wish to raise my voice here—that the first line of defense in my judgment, is far more important than to advance the building of armaments; the future of America and the safety of the country is not in building battleships, but in the hearts and homes of our people; it does not lie in military projects; it does not lie entirely in the renewal of our outlay to carry on war. The safety of the American Republic, and the assurance that that beautiful Star-Spangled Banner which has been pictured so beautifully as waving over "the land of the free and the home of the brave," and the assurance that throughout the enduring years of time that flag may float on, is constructive citizenship. The great hope of safety and democracy lies in the first line of defense, which is among the people and American children; and I repeat, not alone the $3,000,000 which is spent annually for war purposes. But why not spend several millions to carry on education as well as to appropriate millions to carry on a process of eradication of insects and diseases of cattle and hogs, and stamping out diseases of plants, without even an approach to a record vote in this House? But just the minute it is suggested that we extend and expand an educational service, the cry comes from afar, "We don't believe in that; we can not afford to spend several millions in education, or it is unconstitutional," or something to that effect.

The appropriation for the Bureau of Education this year is $1,526,331. Of that sum $1,090,000 is spent in Alaska. We are expending for the same fiscal year $16,000,000 plus to take care of the forests of the United States, and around $500,000 by the Bureau of Education in the United States proper. We are expending $5,000,000 plus to take care of plants. We are expending $11,000,000 plus to take care of animals. The appropriation for the Interior Department, in which we put that little Bureau of Education, is $283,000,000 for the next fiscal year, and the Bureau of Education gets but $1,526,331, and over $1,000,000 of it, as I said, is expended in Alaska.

Not a gentleman on this floor would be more zealous in protecting the rights of the States and the communities than I. And I would not vote for any bill that would restrict any man's personal rights, and there is nothing in this bill to restrict a pupil or prevent his attending any school that he wishes to attend.

Mr. Speaker, may I say the statement of the gentleman from Connecticut raises the battle cry. I wish to make my position clear here to-day, my colleagues, I feel that the lines are drawing. This question we have with us, and it is going to remain with us until we have a settled national policy of this Government, that in spite of the fact that we have millions of people who are neglected in their health education, neglected in their literary education, whether we shall give our schools this recognition or not. We have made great accomplishments in our educational field. Our motives are good, yet our system is far from perfect and could be added to so adequately by help from a national department of education. This fight is to continue until it is definitely decided whether we shall spend money for these other things and refuse to spend for this important educational work. The question is, Shall we refuse to establish a department of education in the President's Cabinet, and recognize education as a great national asset and something which will receive the national sanction of the Federal Government, or whether we shall continue to put it off in a little bureau in the Department of the Interior, or, as the gentleman from Connecticut said, "abolish it altogether."

There are yet other reasons why it is important to the national welfare. Some one has said that by education and training of our people our national income is made about five times as large as it ordinarily would have been by computing the annual interest on our capital wealth, and that every day spent in self-improvement is worth more than $10 to the person using that time for self-improvement. Some one has figured out that a high-school education is actually worth on an average $78,000 in cash during the lifetime of the recipient, and that a college

education is worth $150,000. Surely adding to the national income by a great asset like this challenges the very best that is in us, and I trust that every man and every woman shall see the wisdom of this, and I hope that we shall not continue in being lethargic toward this great question when the great masses are concerned.

This question is one of such great importance to the youth of our land and the hope of America's future citizenship, and that in view of the fact that when we appropriate billions of dollars here in Congress I hope we do not continue to neglect the first line of defense, which is the American youth. This important question faces us to-day. To return to the purpose of this bill, as I stated previously, it is not the purpose of this bill to control education of any State or any community or any person. It is not my purpose in advocating this to restrict any man's or woman's right to educate their children as they choose; but it is my purpose to get that national recognition to our educational system and extension of that service to the States and the communities and to the homes of the American people.

We stand to-day well into the enlightened twentieth century, and the world stands literally astounded at our great progress, the many inventions and luxuries which life has brought us, as well as the intricacies and the scientific apparatus and scientific procedure which the age has ushered in. We also stand removed only a little more than a decade from the most gigantic World War and struggle in the world's history. All of these bring new complications and new challenges for duty, citizenship, and training. No other age has brought forward so forcefully the necessity for training as is brought to us to-day. This is particularly true of the great country of which we are citizens—that country which although young has produced such a long line of illustrious men and women and given to the world so many splendid principles of democracy and ideals of democratic government, a country whose spirit has been that of the pioneer, and has through struggle brought us to this threshold of opportunity for leadership in the world of mankind.

We are literally thrilled to-day as we review the great accomplishments of this Republic, from the time when under the leadership of George Washington, of Virginia, our ancestors marched from Lexington and Concord, through the bloody snows of Valley Forge, to victory at Yorktown. During these trying years the immortal pen of Thomas Jefferson gave to the world the Declaration of Independence, which is to us our charter of liberty.

Then came that long period illuminated by so many distinguished men and women, which placed our country well on its feet, and it spread out from the Atlantic to the Pacific under the leadership of men like Alexander Hamilton, Thomas Jefferson, Andrew Jackson, James K. Polk, and many others, until a little past the middle of the nineteenth century we encountered the sad experience of the great Civil War. We were led through that by God, and under the leadership of the greatest and most shining and most illustrious statesman which modern times has given to the world, and whose name stands second to none for rugged honesty and devotion to public duty and to the ideals of the American Republic, as well as his great humanitarian spirit, which will shine with more and more luster until time shall be no more. Again, as he said, the better angels of our nature touched us and we stood reunited under that blessed flag the "Star-Spangled Banner," which flag we to-day would be delighted in taking the field for in a reunited country which is neither North, South, East, or West. Then the wonderful period of development until we stepped forth, one might say, under the leadership of the Congress rather than under the leadership of the President, to become a world power as none can deny; whenever we took up arms in the Spanish-American War, it meant breaking away from the past. We have never gone back, we never could go back to the old isolation which characterized us for 100 years. Then next, under the leadership of that great typical American statesman, Theodore Roosevelt, we had that period of awakening that national spirit wherever the value and the benefit of conservation, not only of our national resources but of American ideals and principles, which were brought most forcibly to our people.

Then, as I have already mentioned, we had that great conflagration, where under the leadership of that great crusader, Woodrow Wilson, we went forth to make the world safe for democracy. And now to-day, with all of those achievements, all those splendid inheritances, where do we stand? We find that the Government has grown as from time to time new demands have been made upon it for the expansion of its work and the dispensing of its services in every field of human endeavor.

We find established a Department of Agriculture, assisting the farmers of the Nation and the great agricultural interests; we find the Department of Labor, to assist the laboring man with his manifold problems, all of which I am in favor of. In all this splendid work that has been done to-day we find one field for which there has been a steady demand throughout the years for the Government to extend the same aid and cooperation, but for some reason those opposing this policy have succeeded in pushing it off from time to time; as I have said, where we find representing 12,000,000 or more laborers in our country the great Department of Labor, with an efficient head; we find representing several million manufacturers of our country the great Department of Commerce, with an efficient head, spending millions of dollars; we find representing the great farming class of our people, about 6,000,000 of them, a great Department of Agriculture, with its many bureaus, doing splendid work for the farmers; but to represent an investment of $5,000,000,000 in school property and an outlay of $3,000,000,000 annually, with 30,000,000 children and with more than that number of parents and 1,000,000 splendid, patriotic teachers, we find a little bureau down in the Department of the Interior.

And this is what the leaders of the party in power offer us to serve the national interest of education in this great scientific age, when we are extending the service of government into every field of human endeavor from looking after chinch bugs in California to spending nearly $100,000,000 in the Department of Commerce to help the trader and manufacturer. In this great enlightened age, when changed and restless conditions demand the highest and most scientific training known to history, the country wants to know, and should know, why this important legislation has been sidetracked for the past 10 years.

And I am one of those Members who feel that in view of past utterances of party platforms and leading citizens that the leaders of the party in power should let the country know their attitude toward this legislation. I believe no one who knows the facts will deny that it has been the victim of the greatest strangling in the history of party government.

So to-day, my colleagues, we come to appeal to you to give proper recognition to education by establishing a department of education in the President's Cabinet; we come to you to ask why this has been denied. Why is it that all other organizations, all other industries and businesses of our country, can have a man to sit around the table with the great President of the United States and speak for them while education alone has no such voice? It would be interesting at this time, I think, to review the history of this legislation; some of you would probably be surprised to know who first introduced a bill to establish a department of education—none other than that great and good man James A. Garfield, while he was a Member of the House of Representatives; at that time this measure was supported most vehemently by no less a person than Senator Charles Sumner, of Massachusetts; they finally turned it aside and established a bureau in the Department of the Interior, and that has been brought forward to the present day. We have had a number of bills introduced by gentlemen from different sections of the country proposing a department of education—until after the Great War these bills poured into both Houses of Congress. Many farseeing men recognized the importance and the necessity of having an educational representative in the President's Cabinet.

At hearings literally great numbers of people and organizations appeared for this measure. A few appeared against it, and for some reason during the 10 years the leaders of the party which has been in power have never permitted Congress to vote on these bills. It has been stated time and again that Congress was overwhelmingly in favor of such legislation, but by methods which were in vogue in the House of Representatives, I am told we have never been permitted to bring the bill upon the floor of the House for discussion. Those who have opposed these bills seem to have created a continuous fear on the part of those who had the responsibility for this legislation, therefore we have not been permitted to get anywhere. What is the situation to-day? To-day we find ourselves, after 10 years of delay, still with poor prospects for any action before we have another election. I am informed by those who sponsored this legislation in former years that we have had to face the same identical situation as now; that we would not bring it up before election, and we have postponed it from time to time. To-day we have what is known as a commission to study the feasibility of what the Congress should do along the lines of education. Without any undue criticism of anyone, and without any idea as to how the commission might report, I do know that it is not necessary for anyone to tell Congress what it is proper for it to do regarding a matter of this kind, in which so many millions of people are interested.

I assume, to start with, that there are good, honest people who differ with my views on this legislation, and if they wish to vote against the bill or for it, I accord them the same honest

conviction as I take for myself; but we do feel that it is not fair, in view of the demands of our people, to prevent this legislation by what is known as "gag rule" or unseen pressure or by an effort to select a committee which is known to be opposed to the bill, or any other kind of rule which prevents the bringing of such legislation before the Houses of Congress and let the Members who represent their constitutents vote as they see fit on this legislation.

This is not prejudice. I am for this legislation, and not with any purpose to restrict any man's right to send his children to any school he pleases, but with the firm purpose and belief that we should give education the recognition of a place in the Nation's councils.

I have no desire to have any kind of a national organization which will dictate to anyone as to his rights, or the right to send his children to any school he wishes to, and I would not support any proposition which would tend to take the control of education out of the hands of the States and the local people. But there is not an iota of anything in this bill which attempts to do so, but it is giving it that recognition to which it is justly entitled. It is giving the question of education that broad field in cooperation with the States and communities, and also the private institutions as well, that they may render more efficient and constructive service in their particular field and render it unhampered and unrestricted. There would be no more obligation for any school or community or any State to avail itself of the benefits of the investigations or findings of the department of education than there would be for the farmer to use Paris green on his potatoes because the Department of Agriculture said that Paris green would kill bugs. As I have previously stated, I do not argue that this is a party question, but I do say this: That no one can deny that the major responsibility for legislation rests with the party in power, and they would get the lion's share of the credit for this act, and no one can deny that if the present political party leaders—and I am going to make this assertion in as fine a spirit as I can; I say it without any feeling of partisanship; no one can accuse me of that, as my first great political ideas were drawn from the life of Abraham Lincoln, to whom might be credited the founding of that great political party which has produced so many splendid and patriotic men and women, many of whom we have with us to-day, and many of them are for this legislation. If the leaders of the party in power wishes action on this bill, they can have it. Not one of the leaders would stand here, those who hear me to-day, and say that they championed the cause of this bill in their program of legislation, and they have not been able to drive it out for 10 years.

So whatever blame there is in keeping this legislation from the floor lies at your door and the leaders of the party in power. I have no more doubt in my mind that if the steering committee of that great political party which is in power were to get together to-morrow and decide that they wanted legislation on this measure at this session of Congress they could have the bill before the House and have it before the Senate within a few weeks, and also before the President for his signature. But they do not do this, and make no move in that direction; so they naturally must admit that the responsibility rests squarely on the shoulders of those who are in power and plan the program for their failure to do so.

My friends, the country knows where the responsibility lies, and I do not mean that all the opponents of this bill who have sought to keep it from the floor of the House are members of the party in power. But, of course, there are 14 members of the committee which has this measure before them on the Republican side, while the Democrats have 7, and may I add here that in spite of the zeal of some to prevent this I would not be surprised that a vote of that committee would now put this bill on the calendar; and you have every facility for action excepting the will. If you would, you could champion it to-morrow and put it on the program for new legislation. You know what the result would be, and the country knows what the result would be. Therefore, in defeating this measure and keeping it from coming before the House, whatever virtue there is in it, the major credit must be given to the Republican Party; and whatever fault there is for not allowing this Congress to vote on this bill that fault must rest on the shoulders of the Republican Party.

What we want in this Congress is the right to vote as to whether, when these 10 men sit around the President's table, when times are good or when times are bad, in considering the strain and struggle for all the great industries and great enterprises of our country, and the different occupations comprising this great population, we ask for a man to sit there who can speak for citizenship, for the schools, and the citizens of to-morrow. This is, as I said before, our first line of defense; the safety of our country and the glory of that flag would be more secure.

I reiterate that the security of the American Republic is not alone in her great navies, which ride the seas with their masts pointing skyward; it is not in the great armies, which come marching, tramp, tramp, tramp; not these alone make secure this great Republic; the first line of defense is the training and development of its citizenship and training the young people how to become the citizens of to-morrow.

There are so many things which such a department could do. I would not at this time attempt to go further into this. It has been so well set forth in so many splendid speeches; it has also been set forth that practically every country in the world has either a secretary or minister of education in the ruler's cabinet. We stand alone almost in not giving that recognition to our education, and I again repeat, I doubt that any other question before the American people has ever received reinforcement by so many requests from the hands of the people, whether by petition or letter asking for action. I have no doubt that more than 5,000,000 people in the past year have requested Congress through their legal representatives by petitions or letters written directly to the Representatives or Senators asking them to get this bill out of committee and get it before the House of Representatives, and in this connection may I not add that these men and women are going to be heard, and don't you believe for one moment they do not know where the responsibility lies.

In addition to that, a great number of organizations have indorsed this legislation. The total list of organizations represent 29,000,000 of such great organizations as the American Federation of Labor, the National Education Association, National Association of Parents and Teachers, Federation of Women's Clubs, General Grand Chapter Order of the Eastern Star, Young People's Christian Associations, Woman's Christian Temperance Union, National Council of Jewish Women, National Council of Religious Education, Supreme Council of Scottish Rite Masons, 44 State organizations of the National League of Women Voters, in addition to the District and one Territory, and many other organizations, all of whose names will be inserted in the RECORD at this point.

NATIONAL ORGANIZATIONS SPONSORING A DEPARTMENT OF EDUCATION

National Education Association; American Federation of Teachers; American Federation of Labor; National Committee for a Department of Education; National Congress of Parents and Teachers; General Federation of Women's Clubs; National League of Women Voters; Supreme Council, Scottish Rite of Freemasonry, Southern Jurisdiction, United States; International Council of Religious Education; National Council of Jewish Women; National Woman's Christian Temperance Union; American Association of University Women; National Federation of Business and Professional Women's Clubs; General Grand Chapter, Order of the Eastern Star; National Women's Trade Union League; National Board of the Young Women's Christian Associations; National Federation of Music Clubs; American Library Association; American Vocational Association; Woman's Relief Corps; Federal Council of the Churches of Christ in America; National Kindergarten Association; American Home Economics Association; American Hellenic Educational Progressive Association; American Nurses' Association; Osteopathic Women's National Association; National Council, Junior Order of United American Mechanics of the United States of North America; Service Star Legion (Inc.); Educational Press Association of America; Woman's Missionary Council, Methodist Episcopal Church, South; Women's Homeopathic Medical Fraternity.

These, as I said, represent more than 29,000,000 splendid citizens of our country.

Let the case stand on its merits and give the people a voice, but do not try to kill it with guile, because it is controversial, but let us vote openly on the matter. Why is it that we can not get an opportunity to vote on this bill? I leave that for each Member of this great legislative body to answer for himself. The reason is obvious. It has been explained by some of those gentlemen who have spoken before. It is not my purpose to go further into the discussion of what the bill does and what it does not do—but I repeat again that it has no tendency to set up in the President's Cabinet an administrative function in relation to the schools of the States. There is not a particle of foundation in any argument of any man who opposes this bill because there is something in it that he thinks has to do with the administration of education in the States and the communities. It would be a splendid service which such a department could render in its investigation and extension by having this great work given recognition in the President's Cabinet. Every school or person would be free to use this service or leave it alone, just as he is free to use the service of the Department of Agriculture or the Department of Commerce or the Department of Labor, or leave it alone.

I challenge those who are opposed to the bill and who try to point out some of its objectionable features to come before the House and in their own time show where the bill in any way restricts the rights of a State or community to carry on its education. They have not done it so far. The speeches which have been made have been on the other side and in my opinion no legitimate objection is made. Once in a while a Member will rise up and say that he believes in State rights. I believe in State rights, but I know that the establishment of a department of education no more invades the rights of a State than the establishment of the Department of Agriculture.

Mr. Speaker, in closing may I say that in this great age, with the many demands which beset us as citizens and country, and since our great Government has recognized this by extending the service of the Government literally into every field of human endeavor, and properly so, then why not give education the same recognition or a similar recognition to that which has been given those other great enterprises and scopes of work?

Members of the Seventy-first Congress, I appeal to you to help us get action on this bill. I especially appeal to the steering committee of the majority party. You have 14 out of 21 members on the House committee; you could get action if you wished. I plead with you not as a partisan but as an humble Member who recognizes the great, eminent, and patriotic men and women of the party of our Lincoln to give us a chance to make some headway on this legislation either by holding hearings or getting behind this legislation and reporting it to this House for action.

I appeal to you in the name of the nearly 30,000,000 splendid citizens of every State and congressional district in this great country who have petitioned you or indorsed this legislation. Without any prejudice or thought but the good of my country and every citizen and every cause for good, with no intent or purpose to impose anything or any idea on anyone contrary to their own personal views pertaining to their own affairs or controlling the ideas or plans of any school, person, State, or community; and every one who knows this bill knows there is no effort to do so.

I appeal in the name of the 30,000,000 youth of America, many of whom are now neglected and are without health education, literary instruction, educational guidance, and many other needs which I myself experienced in the dark years of suffering and deprivation. I appeal to you in the name of these 30,000,000 children who are the hope and future of America.

I probably feel this thing deeper than most anyone else, since I was unable to attend high school until I was 30 years of age. I know the problems of the poor and the neglected. I know the kind of educational facilities they have and the meager advantages of health, education, or things of that kind. I appeal to you in their names, and many of them can not speak for themselves through organization or otherwise.

I appeal to the people of the country, especially those who have sponsored this legislation, to carry on, and that we may all take increased devotion to the cause for which so many splendid and patriotic men and women have given so much of effort and consecration, and go forward with that great asset, so that education of our country shall be recognized nationally by having a spokesman in the President's Cabinet, and that every school, private, public, or any person who may be interested in any educational cause will have the advantage of this service with no right restricted or curtailed, and with no more obligation to use this service than there is for a farmer to use the service of the Department of Agriculture, but a service so valuable that all will welcome this long-needed aid.

In my further appeal to you and the country I think it not out of place here to quote from some distinguished authorities who have expressed themselves on this important question.

Ex-President Coolidge in his message December 6, 1927:

> For many years it has been the policy of the Federal Government to encourage and foster the cause of education. Large sums of money are annually appropriated to carry on vocational training. Many millions go into agricultural schools. The general subject is under the immediate direction of a commissioner of education. While this subject is strictly a State and local function, it should continue to have the encouragement of the National Government. I am still of the opinion that much good could be accomplished through the establishment of a department of education and relief, into which would be gathered all of these functions under one directing member of the Cabinet.

Late Senator Woodbridge N. Ferris in an undelivered speech:

> The "hewers of wood" and "carriers of water" have never received a square deal. Millions and millions of dollars have been given to educational foundations; millions and millions of dollars have been given to colleges and universities; but very little effort has been made to take care of the great majority who can never hope to enroll in a high school. The real educational problem for America to solve is the problem of enabling the rural schools to provide a practical education through satisfactory courses of study, through adequate equipment, through the best methods of instruction, through the employment of well-trained teachers.

Hon. S. M. N. Marrs, State superintendent of Texas:

> We have a Secretary of Agriculture, and I believe in that department. It is promotional; but the Secretary of Agriculture has never attempted to standardize the method of raising cotton in the South; he has never undertaken to standardize the method of raising wheat in the West; but through that great department information has been disseminated in the agricultural sections and the localities have been stimulated until the country is more prosperous on account of the workings of that department. And so I may say of Commerce and Labor. What is the department of the Government recognized by the world as standing for the cultural and the spiritual among our people? I submit this, gentlemen, as one thought that has not been developed by any other person that I have heard discuss this question.

My colleagues, you may talk resources, and no one takes more pride in the rich resources of our country than I, but may I say that our greatest assets are not our great mines with their layers of coal, iron, gold, and many other products, nor our great oil fields with their great gushers, nor our great forests and fertile fields extending for thousands of miles, nor our rivers and water power, as great as all these are, neither is it our great cities and factories with all their material wealth, but our greatest asset is the youth of America; here is the first line of defense, and as that great and eminent teacher of President Hoover, Dr. David Starr Jordan, once said: "America is safe so long as we have American ideals."

Then, my colleagues, the safety of this great country when we have passed on, lies in the proper training and fitting of the youth of America to-day for the tasks of to-morrow.

When we have done this, my colleagues, regardless of our other mistakes, those of us who are called to be partners at these sacred shrines and altars where Garfield and many others have tread, and when we are called to look back on the past, illuminated by the heroic examples of Washington, Jefferson, Lincoln, Roosevelt, and Wilson, we shall feel a new challenge to duty, country, and citizenship, to give the best that is in us to this great heritage of heroism and valor, and then we shall so watch and so serve that when the bugle sounds at the dawning of the day that we shall be ready to break camp and march at the sound of the trumpet. Then let us go again and again unto that limpid fountain of patriotism and perform there a solemn lustration and return divested of all the sordid and selfish impurities of life and think alone of our God and our country. [Applause.]

THE SILVER TARIFF

Mr. ARENTZ. Mr. Speaker, I ask unanimous consent to insert in the RECORD a letter addressed to me on the matter of the silver tariff.

The SPEAKER. The gentleman from Nevada asks unanimous consent to insert in the RECORD a letter addressed to him on the subject of the silver tariff. Is there objection?

There was no objection.

The letter is as follows:

EUREKA SECRET-CANYON MINES (INC.),
Washington, D. C., April 29, 1930.

Hon. SAMUEL S. ARENTZ,
House of Representatives, Washington, D. C.

DEAR SIR: The attention of yourself and your colleagues in the House of Representatives is respectfully invited to the very serious condition the silver-producing industry in the United States is in at present, due to the ruinous competition of silver produced in foreign countries by peon labor, at peon standard of wages and living, as well as the threatened dumping of the world's surplus supply of silver in the United States, due to India going on a gold basis, which calls from circulation the silver coinage used in India. The same condition prevails in other countries.

This condition not only affects the rich silver-producing districts in Nevada, but the silver-producing districts in our Western States. This fact was brought to public attention in the Senate on March 19, 1930, by Senator REED SMOOT, of Utah, who said:

"I recognize that the mining industry is at a standstill, and particularly the silver mines of the country. England is forcing India to a gold standard. As those silver coins come out of circulation they are melted and exported all over the world, but America is the principal place to which they are sent."

At the same session of the Senate, Senator KEY PITTMAN, of Nevada, further stated:

"Great Britain has demonetized silver. They have not only demonetized silver, not as we do in the United States and in Mexico and in other places, but they are destroying silver. Every time a silver rupee comes into a bank in India it is immediately sent to the mint and melted up and the silver shipped out of the country. It is dumped on

the market of the world without regard to price, because Great Britain would sooner throw that silver in the sea than have it remain in India."

Senator AUGUSTUS SWANSON, of Virginia, further stated:

"I look upon silver now as absolutely a commodity; it is no longer money, it is like wheat, corn, oats, iron, and other things. India proposes to dump her silver in all parts of the world. Our market is accessable to India, and I have no doubt the vast reservoir of silver in India will be dumped here, so that the price of silver may go to 30 cents an ounce or even less."

Senator TASKER L. ODDIE, of Nevada, further stated:

"I am very familiar with the depressed condition of the silver-mining industry and of the benefits we all hope and believe will come to that industry from the adoption of this amendment. Not alone to the silver-mining industry but to the industries of copper, lead, zinc, and gold, and the mining of other metals, because silver is a by-product in the mining of many of the metals I have mentioned."

The passage of the amendment will do much toward solving the unemployment problems in our Western States where mining is practically the sole industry. By reason of increasing the consuming and buying power of the citizens of the silver-producing States, of those materials which are produced in the non-silver-producing States, production would be increased and unemployment in the nonsilver-bearing States would be curtailed.

The passage of the amendment would tend to stabilize the silver-producing industry in the United States, which would be reflected in the fabrication and distribution, with the possibility of developing additional uses for this useful metal which is now largely used in the production of luxuries. The stabilization of the silver-producing industry in the United States would have a favorable influence on the silver situation throughout the world.

Furthermore, the passage of the amendment would tend to further develop the vast areas of mineralized lands in the United States, thereby adding to the Nation's wealth.

This office is in receipt of a letter from the International Union of Mine, Mill, and Smelter Workers, affiliated with the American Federation of Labor, indorsing the proposed amendment and advising of the active support of that organization in urging its passage. The International Union of Mine, Mill, and Smelter Workers is the representative organization of the workers in the mining industry. Writing specifically on the proposed amendment to place a 30-cent per fine ounce on the importation of silver, President James B. Rankin, of Anaconda, Mont. says:

"I fully realize the necessity of improved conditions for the mining industry. I have asked our local unions to assist by requesting them to use their influence to secure the enactment of the proposed amendment." Mr. Edward E. Sweeney, the secretary-treasurer of the International Union of Mine, Mill, and Smelter Workers, writes his office as follows: "As the time appeared short for our organization to get out a letter and send to all of the Congressmen, I have wired Mr. Matthew Woll, vice president of the American Federation of Labor, to appear before the joint committee which is handling the tariff proposition, in behalf of the 10,000 organized miners and smeltermen. I also stated that many of the mines were shut down, many working on reduced time and wages had been reduced 25 and 75 cents per day in many of the silver mines."

Thus it would seem that the passage of the amendment will not only save one of our important industries from ruination but it will have a beneficial influence on industrial conditions throughout the United States. As every industry is endeavoring to help overcome the bad effects of the period of adjustment which we are just going through, the passage of this amendment will make possible the silver industry's substantial contribution to the Nation's prosperity.

This condition should be of interest to all of your colleagues as it directly or indirectly affects every section of industry in the United States.

It is hoped that your active support of this amendment by informing the Congress of its importance will relieve the predicament of the silver-producing industry is in.

Very truly yours.

H. SERKOWICH, *President.*

THE OIL SITUATION

The SPEAKER. Under the special order of the House the Chair recognizes the gentleman from Texas [Mr. PATMAN] for 10 minutes.

Mr. PATMAN. Mr. Speaker, the Attorney General of the United States should be removed from office. He has delivered our country, lock, stock, and barrel, into the hands of the monopolies and trusts. He is failing and is refusing to enforce the antitrust laws. He is using his office as an agency of convenience for the large oil companies and other big concerns of America. He has been a great disappointment to the people. Harry Daugherty, former Attorney General, successfully used prohibition as a smoke screen to hide his many failures of duty. Mitchell is now attempting to use law enforcement as a smoke screen to prevent the people from noticing his failure to enforce the antitrust laws. Prohibition should be enforced and not used as a smoke screen for a public officer to hide his failure of duty.

The oil companies of the United States were organized into a trust by the Federal Trade Commission last fall at St. Louis, Mo. This trust agreement has evidently been acquiesced in if not affirmatively approved by the Attorney General. Tomorrow, May 1, 1930, the oil companies are starting an increase in price of gasoline of 1 cent per gallon. It will soon be effective all over the United States and by all oil companies. This agreement to raise the price of gasoline 1 cent per gallon is the outgrowth of the trust organized by the Federal Trade Commission and will be followed by similar increases. This increase of price is unnecessary, as the oil companies are now making enormous profits, and it is nothing less than a tax on the people. There were 13,400,180,162 gallons of gasoline used last year by motor vehicles in the United States.

An increase of 1 cent a gallon will mean that the American public will have to pay $134,001,801.62 additional for that amount of gas this year, and more gas than that will be consumed. It means a direct assessment against every automobile owner of from $5 to $10 a year. The Attorney General of the United States knows about this violation of the antitrust laws. He has failed and refused to prosecute the conspirators. Not only is he permitting the oil companies to violate the antitrust laws but big business generally is permitted to violate them.

It will be noticed that the Attorney General never asks for a criminal indictment against violators of the antitrust laws. If any action is taken at all, it is usually by injunction. By pursuing this course if the conspirators against the public lose they are assured that they will not have to go to jail or pay a fine. If he were sincere in trying to enforce the antitrust laws, he would ask the grand juries of the country to indict these conspirators representing giant trusts and monopolies.

Sir Henry Deterding, head of the Royal Dutch Shell Co., announced a few days ago that there was an end to the oil war. It is generally known that the oil war ended when the Federal Trade Commission organized the Oil Trust last fall. Wall Street bankers are letting the Royal Dutch Shell interest have all the money they want, and that company is rapidly taking charge of the oil industry in America. I predict that it will not be 10 years, if the present progress of acquisition continues, until the Dutch Shell Oil Co. will absolutely control the oil industry in America, and then we will be forced to pay tribute to the English Government on every gallon of gasoline purchased in America. Only a few days ago I noticed where seven Wall Street bankers were letting the Royal Dutch Shell Co. have $40,000,000 to promote its business. Many other large bond issues have been floated for this company and its subsidiaries.

I called the Attorney General's attention to the fact that the cottonseed-oil companies had organized an illegal conspiracy and compelled the farmers of the South to sell their cottonseed for $75,000,000 less than the market price last fall. The Department of Justice investigated my charges and evidently found them to be true.

The conspirators were permitted to keep the money they had illegally taken from the farmers, but were told by the Attorney General "to go along and not defraud the farmers any more." [Applause.]

SPECIAL REPORT ON THE DISEASES OF CATTLE

Mr. BEERS. Mr. Speaker, I offer a privileged resolution from the Committee on Printing.

The SPEAKER. The gentleman from Pennsylvania offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Joint Resolution 191

To provide for the printing, with illustrations, and binding in cloth of 130,000 copies of the Special Report on the Diseases of Cattle

Resolved, etc., That the Secretary of Agriculture be, and is hereby, authorized to have printed, with illustrations, and bound in cloth 130,000 copies of the Special Report on the Diseases of Cattle, the same to be revised and brought to date, of which 90,000 shall be for the use of the House of Representatives, 25,000 for the use of the Senate, and 5,000 for the use of the Department of Agriculture; and to carry out the provisions of this resolution there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $60,000, or so much thereof as may be necessary.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. MICHENER. Mr. Speaker, reserving the right to object, is this another bill to print more of these cattle books or horse books? We have been printing these books at least since 1902.

Mr. BEERS. How many prints have there been?

Mr. MICHENER. I have no idea, but there were many of them in the document room five or six years ago that had not been drawn out.

Mr. BEERS. I want to say to the gentleman that I brought this matter up probably a year ago and the same objection was offered at that time, that there were a great number in the document room, but they have now been exhausted, and there is more demand for the book than any document I know of.

Mr. MICHENER. What will this cost the Government?

Mr. BEERS. The cattle book will cost $55,000.

Mr. MICHENER. That is just for the book itself, and of course it will cost a number of thousands of dollars to send them out under the frank.

Mr. BEERS. There is a great demand for them.

The SPEAKER. From the reading of the resolution, the Chair observes it carries a direct appropriation, which destroys its privilege.

Mr. MICHENER. I do not want to assume the responsibility, but it does seem to me this committee should not bring in a bill of this kind at this hour with only six Members on the floor.

Mr. BEERS. I may say to the gentleman that I have been here all the afternoon trying to get this bill up, but have not had a chance to bring it up.

Mr. MICHENER. This is a campaign year and everybody likes to send out books.

The SPEAKER. The gentleman from Pennsylvania informed the Chair that this was a privileged resolution. The Chair does not think it is privileged.

Mr. BEERS. This is the way similar resolutions have been passed.

The SPEAKER. The Chair does not feel he should recognize the gentleman to submit a unanimous-consent request under these circumstances. The Chair understood this was one of the ordinary privileged resolutions; on the contrary, it carries a large appropriation, and of course is not privileged, because the Committee on Printing has no authority to report a resolution carrying an appropriation. Under the circumstances the Chair will ask the gentleman to withhold his request for the time being.

Mr. BEERS. I withdraw the request, Mr. Speaker.

MESSAGE FROM THE PRESIDENT—CLAIM OF LI YING-TING, A CITIZEN OF CHINA (S. DOC. NO. 139)

The SPEAKER laid before the House the following message from the President, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered printed.

To the Congress of the United States:

I transmit herewith a report of the Acting Secretary of State requesting the submission to the Congress of a claim against the Navy Department submitted through the American consul at Nanking, in behalf of Li Ying-ting, a citizen of China, for the deaths of four members of the claimant's family resulting from a collision between the claimant's junk and the United States naval vessel *Hart* on the Yangtze River on July 3, 1925.

I recommend that, as an act of grace and without reference to the question of the legal liability of the United States, an appropriation of $1,500 United States currency be authorized to effect settlement of this claim in accordance with the recommendations of the Acting Secretary of the Navy and the Acting Secretary of State.

HERBERT HOOVER.

THE WHITE HOUSE, *April 30, 1930.*

MESSAGE FROM THE PRESIDENT—CLAIM OF THE OWNERS OF THE DANISH MOTOR-SHIP "INDIEN" (S. DOC. NO. 140)

The SPEAKER also laid before the House a further message from the President, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed.

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in relation to a claim presented by the Government of Denmark for the payment of compensation to the owners of the Danish motorship *Indien* for damage sustained as a result of a collision with the United States Coast Guard cutter *Shawnee* at San Francisco on April 5, 1925, and I recommend that an appropriation be authorized to effect a settlement of this claim in accordance with the recommendations of the Secretary of State.

HERBERT HOOVER.

THE WHITE HOUSE, *April 30, 1930.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. CHINDBLOM, from Monday, April 28, on account of illness.

To Mr. KURTZ, indefinitely, on account of illness.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 7356. An act for the relief of the American Foreign Trade Corporation and Fils d'Asian Fresco.

ADJOURNMENT

Mr. MICHENER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p. m.) the House, in accordance with its previous order, adjourned until to-morrow, Thursday, May 1, 1930, at 11 o'clock a. m.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, May 1, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON PARKS AND PLAYGROUNDS

(10.30 a. m.)

To provide for the closing of Center Market in the city of Washington (S. J. Res. 77).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10 a. m.)

To provide for the sale of the Government building site located on the State line dividing West Point, Ga., and Lanett, Ala.; for the acquisition in West Point, Ga., of a new site and for the erection thereon of a Federal building (H. R. 11515).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To authorize the Secretary of Agriculture to carry out his 10-year cooperative program for the eradication, suppression, or bringing under control of predatory and other wild animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game, and other interests, and for the suppression of rabies and tularemia in predatory or other wild animals (H. R. 9599).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Accounts. H. Res. 209. A resolution to pay Anne Falkenreck, sister of Carl F. Falkenreck, six months' compensation and an additional amount not exceeding $250 to defray funeral expenses and last illness of the said Carl F. Falkenreck (Rept. No. 1341). Ordered to be printed.

Mr. REED of New York: Committee on Education. S. 2113. An act to aid in effectuating the purposes of the Federal laws for promotion of vocational agriculture; without amendment (Rept. No. 1342). Referred to the House Calendar.

Mr. HOOPER: Committee on the Public Lands. H. R. 11900. A bill to authorize the Secretary of the Interior to investigate and report to Congress on the desirability of the acquisition of a portion of the Menominee Indian Reservation in Wisconsin for the establishment of a national park to be known as Menominee National Park; without amendment (Rept. No. 1343). Referred to the House Calendar.

Mr. HAUGEN: Committee on Agriculture. S. 1959. A bill to authorize the creation of game sanctuaries or refuges within the Ocala National Forest in the State of Florida; without amendment (Rept. No. 1344). Referred to the House Calendar.

Mr. MAAS: Committee on Foreign Affairs. H. J. Res. 299. A joint resolution to provide an annual appropriation to meet

the quota of the United States toward the expenses of the International Technical Committee of Aerial Legal Experts; without amendment (Rept. No. 1345). Referred to the Committee of the Whole House on the state of the Union.

Mr. O'CONNOR of Oklahoma: Committee on Indian Affairs. H. R. 11280. A bill to carry out certain obligations to certain enrolled Indians under tribal agreement; with amendment (Rept. No. 1346). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GUYER: Committee on Claims. H. R. 4101. A bill to extend the benefits of the employees' compensation act of September 7, 1916, to Willie Louise Johnson; without amendment (Rept. No. 1339). Referred to the Committee of the Whole House.

Mr. RAMSPECK: Committee on Claims. H. R. 10490. A bill for the relief of Flossie R. Blair; without amendment (Rept. No. 1340). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. YON: A bill (H. R. 12030) to transfer to the Secretary of the Treasury certain lands in Panama City, Bay County, Fla., for public-buildings purposes; to the Committee on Public Buildings and Grounds.

By Mr. COLTON: A bill (H. R. 12031) granting certain public lands to the State of Utah for reservoir purposes; to the Committee on the Public Lands.

By Mr. LaGUARDIA: A bill (H. R. 12032) to provide for the appointment of two additional district judges for the southern district of New York; to the Committee on the Judiciary.

By Mr. BRUNNER: A bill (H. R. 12033) to regulate certain employment on public work; to the Committee on the Judiciary.

By Mr. McFADDEN: A bill (H. R. 12034) to authorize the Comptroller of the Currency and/or the Federal Reserve Board to approve or disapprove the entry of any member bank in the Federal reserve system into group or chain banking, and for other purposes; to the Committee on Banking and Currency.

By Mr. ZIHLMAN: A bill (H. R. 12035) to amend subchapter 5 of chapter 18 of the Code of Law for the District of Columbia by adding thereto a new section to be designated section 648-A; to the Committee on the District of Columbia.

By Mr. KIESS: A bill (H. R. 12036) authorizing the Public Printer to print and bind additional copies of Government publications for sale; to the Committee on Printing.

By Mr. PORTER: A bill (H. R. 12037) authorizing the payment of a claim presented by the Polish Government for the reimbursement of certain expenditures incurred by the community authorities of Rzeczyczany, Poland, to which place an insane alien was erroneously deported; to the Committee on Foreign Affairs.

By Mr. EVANS of California: A bill (H. R. 12038) authorizing the head of any executive department or officer to furnish copies of books, records, and papers within his custody, and permit the admission in evidence of such copies; to the Committee on the Judiciary.

By Mr. CRAIL: Joint resolution (H. J. Res. 321) to authorize an appropriation of $4,500 for the expenses of participation by the United States in an International Conference on the Unification of Buoyage and Lighting of Coasts, Lisbon, 1930; to the Committee on Foreign Affairs.

By Mr. PORTER: Joint resolution (H. J. Res. 322) authorizing payment of the claim of the Norwegian Government for interest upon money advanced by it in connection with the protection of American interests in Russia; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWMAN: A bill (H. R. 12039) granting an increase of pension to Frances A. Gallagher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12040) granting a pension to Laura E. Long; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 12041) for the relief of W. C. Oleson; to the Committee on Claims.

By Mr. DOUGLAS of Arizona: A bill (H. R. 12042) for the relief of the Consolidated Holding & Trust Co.; to the Committee on the Public Lands.

By Mr. KEARNS: A bill (H. R. 12043) granting an increase of pension to Bertha A. Liming; to the Committee on Invalid Pensions.

By Mr. LEHLBACH: A bill (H. R. 12044) granting a pension to Annie Elizabeth Hull; to the Committee on Invalid Pensions.

By Mr. MEAD: A bill (H. R. 12045) granting an increase of pension to Sarah Buck; to the Committee on Invalid Pensions.

By Mrs. OWEN: A bill (H. R. 12046) for the relief of Daisy O. Davis; to the Committee on Claims.

By Mr. PARKER: A bill (H. R. 12047) granting an increase of pension to Catherine D. Sage; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12048) granting an increase in pension to Mary Schaible; to the Committee on Invalid Pensions.

By Mr. RANKIN: A bill (H. R. 12049) granting a pension to Charlotte Du Bose Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12050) for the relief of James Rodge McKelvey; to the Committee on Military Affairs.

By Mr. THURSTON: A bill (H. R. 12051) granting an increase of pension to Nancy J. Wood; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 12052) for the relief of H. B. Berry; to the Committee on Military Affairs.

Also, a bill (H. R. 12053) for the relief of Jessie Jameson; to the Committee on Naval Affairs.

By Mr. ZIHLMAN: A bill (H. R. 12054) for the relief of Mary D. Gould; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7167. By Mr. DEROUEN: Resolution from the mayor and board of aldermen of the town of Rayne, La., favoring an increase in compensation paid to officers and enlisted men, both active and retired, of the Army, Navy, Marine Corps, Coast Guard, Public Health, and Geodetic Survey; to the Committee on Military Affairs.

7168. By Mr. FENN: Resolution adopted by the court of common council of the city of Hartford, Conn., favoring the repeal of the eighteenth amendment of the Constitution of the United States; to the Committee on the Judiciary.

7169. By Mr. FITZGERALD: Petition of 500 veterans of the Central Branch of the National Military Home at Dayton, Ohio, asking that adjusted compensation certificates of $40 or less be paid in cash and others paid in monthly installments; to the Committee on Ways and Means.

7170. By Mr. CAMPBELL of Pennsylvania: Petition of residents of Allegheny County, Pa., asking for the disposal of the Muscle Shoals project at this session of Congress; to the Committee on Military Affairs.

7171. By Mr. CANNON: Memorial of common council of the city of St. Charles, State of Missouri, urging enactment of House Joint Resolution 167, directing the President of the United States to proclaim October 11 of each year as General Pulaski's memorial day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

7172. By Mr. LINDSAY: Petition of Harold Bean, Brooklyn, N. Y., urging favorable action on the silver amendment by Senator PITTMAN, since it will tend to boost the price of silver, and reemploy many people out of work due to closing of silver mines in the West; to the Committee on Ways and Means.

7173. Also, petition of John Fitzpatrick and 15 other individual letters from citizens of the third congressional district, Brooklyn, N. Y., registering protest against the Federal education bill, H. R. 10, and contending that education is a local matter and not for governmental administration; to the Committee on Education.

7174. Also, petition of Abraham & Straus, Brooklyn, N. Y., urging opposition to the Vestal design copyright bill on the ground that it is harmful to retail business and will cause confusion and endless litigation if passed; to the Committee on Patents.

7175. By Mr. MANLOVE: Petition of Robert W. Cole and 211 others of the Veterans' Home, California, urging Congress to speedily pass the Manlove bill, H. R. 8976, for the relief of veterans and widows and minor orphan children of veterans of Indian wars; to the Committee on Pensions.

7176. By Mr. O'CONNELL of New York: Petition of Abraham & Straus Co., Brooklyn, N. Y., opposing the passage of the Vestal copyright bill; to the Committee on Patents.

SENATE

THURSDAY, *May 1, 1930*

(Legislative day of Wednesday, April 30, 1930)

The Senate met at 12 o'clock meridian in open executive session, on the expiration of the recess.

The VICE PRESIDENT. The Senate, as in legislative session, will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed a bill (H. R. 11635) to amend the radio act of 1927, approved February 23, 1927, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3249) to repeal section 4579 and amend section 4578 of the Revised Statutes of the United States respecting compensation of vessels for transporting seamen, with an amendment, in which it requested the concurrence of the Senate.

EXECUTIVE MESSAGES

Sundry messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries.

NOMINATION OF JUDGE JOHN J. PARKER

The VICE PRESIDENT laid before the Senate a telegram from T. W. Bell, of Leavenworth, Kans., opposing the confirmation of Judge John J. Parker as an Associate Justice of the Supreme Court of the United States, which was ordered to lie on the table.

He also laid before the Senate a telegram from DeWitt T. Alcorn, C. M. Roulhas, L. G. Patterson, C. B. King, M. S. Stuart, H. J. Johnson, J. L. Campbell, A. D. Bell, G. W. Lee, J. A. Alcorn, S. W. Qualls, J. W. Hall, S. A. Owens, and A. T. Martin, of Memphis, Tenn., protesting "in the name of 60,000 colored people of Memphis," against the confirmation of Judge John J. Parker to be an Associate Justice of the Supreme Court of the United States, which was ordered to lie on the table.

Mr. SULLIVAN. I present a telegram in the nature of a petition from the president of the Wyoming State Bar Association, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

[Telegram]

TORRINGTON, WYO., *May 1, 1930.*

Senator PATRICK J. SULLIVAN:

Regard attack on Judge Parker as a threat to the freedom of the judiciary. Earnestly hope you can vote for his confirmation.

ERLE H. REID,
President Wyoming State Bar Association.

PETITIONS

As in legislative session,

Mr. JONES presented a resolution adopted by the Port Commissioners of Port Angeles, Wash., favoring the passage of the so-called Jones bill, authorizing and providing for the establishment of foreign trade manufacturing zones within the limits of American ports, etc., which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Spokane and vicinity, in the State of Washington, praying for the passage of the so-called Capper-Robsion bill, to establish a Federal department of education, which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES

As in legislative session,

Mr. WHEELER, from the Committee on Indian Affairs, to which was referred the bill (S. 872) to amend an act for the relief of certain tribes of Indians in Montana, Idaho, and Washington, reported it with an amendment and submitted a report (No. 582) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 612. A bill for the relief of Charles Parshall, Fort Peck Indian allottee, of the Fort Peck Reservation, Mont. (Rept. No. 585); and

S. 1533. A bill to authorize the Secretary of the Interior to extend the time for payment of charges due on Indian irrigation projects, and for other purposes (Rept. No. 586).

Mr. JOHNSON, from the Committee on Commerce, to which was referred the bill (H. R. 7405) to provide for a 5-year construction and maintenance program for the United States Bureau of Fisheries, reported it with amendments and submitted a report (No. 583) thereon.

Mr. WATERMAN, from the Committee on Claims, to which was referred the bill (S. 3088) to reimburse R. B. Miller and to repay him for overcharge in freight on manganese shipments paid by him to the United States Railroad Administration, reported it with amendments and submitted a report (No. 584) thereon.

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 107) establishing additional land offices in the States of Montana, Oregon, South Dakota, Idaho, New Mexico, Colorado, and Nevada, reported it without amendment and submitted a report (No. 587) thereon.

He also, from the Committee on Irrigation and Reclamation, to which was recommitted the bill (H. R. 8296) to amend the act of May 25, 1926, entitled "An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes," reported it with amendments and submitted a report (No. 588) thereon.

REPORT OF POSTAL NOMINATIONS

As in open executive session,

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

As in legislative session,

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 4329) granting an increase of pension to Mary Fitzpatrick (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 4330) granting a pension to May E. Carsten; and

A bill (S. 4331) granting an increase of pension to Angelina C. Powell; to the Committee on Pensions.

By Mr. METCALF:

A bill (S. 4332) granting an increase of pension to Clara E. Chace (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 4333) for the relief of Margaret B. Knapp; and

A bill (S. 4334) for the relief of G. Elias & Bro. (Inc.); to the Committee on Claims.

A bill (S. 4335) to fix the compensation of the assistant heads of the executive departments; to the Committee on Appropriations.

By Mr. ROBSION of Kentucky:

A joint resolution (S. J. Res. 172) authorizing the Director of the Bureau of Standards to investigate traffic conditions on streets and highways; to the Committee on Commerce.

AMENDMENTS TO RIVER AND HARBOR BILL

As in legislative session,

Mr. McNARY, Mr. RANSDELL, and Mr. SHEPPARD each submitted an amendment intended to be proposed by them, respectively, to the bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were severally referred to the Committee on Commerce and ordered to be printed.

AMENDMENT TO LEGISLATIVE APPROPRIATION BILL

As in legislative session,

Mr. ROBSION of Kentucky submitted an amendment proposing to increase the number of clerks at $3,180 each in the office of the Secretary of the Senate from three to four, intended to be proposed by him to the bill (H. R. 11965) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1931, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

HOUSE BILL REFERRED

As in legislative session,

The bill (H. R. 11635) to amend the radio act of 1927, approved February 23, 1927, and for other purposes, was read twice by its title and referred to the Committee on Interstate Commerce.

COMPENSATION OF VESSELS FOR TRANSPORTING SEAMEN

As in legislative session,

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3249) to amend section 4578 of the Revised Statutes of the United States respecting compensation of vessels for transporting seamen, which was to amend the title so as to read: "An act to repeal section 4579 and amend section 4578 of the Revised Statutes of





the United States respecting compensation of vessels for transporting seamen."

Mr. JOHNSON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

LIMITATION AND REDUCTION OF NAVAL ARMAMENT (S DOC. NO. 141)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

To the Senate:

I transmit herewith a treaty for the limitation and reduction of naval armament, signed at London on April 22, 1930, by the plenipotentiaries of the President of the United States of America; the President of the French Republic; His Majesty the King of Great Britain, Ireland, and the British Dominions Beyond the Seas, Emperor of India; His Majesty the King of Italy; and His Majesty the Emperor of Japan, to the ratification of which I ask the advice and consent of the Senate.

HERBERT HOOVER.

THE WHITE HOUSE,
Washington, May 1, 1930.

Mr. BORAH. I ask that the treaty be printed in the RECORD and referred to the Committee on Foreign Relations. A print was made the other day from a newspaper, but, as this is the official document, I ask that it be printed in the RECORD.

Mr. SWANSON. I suggest also that it be printed as a Senate document.

The VICE PRESIDENT. Without objection, the injunction of secrecy will be removed, and the pact will be printed in the RECORD and also as a document.

Mr. ROBINSON of Arkansas. It is proposed to refer the treaty?

Mr. BORAH. I asked to have it referred to the Committee on Foreign Relations.

The VICE PRESIDENT. The message, with the accompanying paper and treaty, will be referred to the Committee on Foreign Relations, and will appear in the RECORD.

The accompanying letter from the Secretary of State, together with the treaty for limitation and reduction of naval armament, signed at London on April 22, 1930, follow:

THE PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, to the end that it may be transmitted to the Senate with a view to receiving the advice and consent of that body to ratification, if his judgment approve thereof, a treaty for the limitation and reduction of naval armament, signed at London on April 22, 1930, by the plenipotentiaries of the President of the United States of America, the President of the French Republic, His Majesty the King of Great Britain, Ireland, and the British Dominions Beyond the Seas, Emperor of India, His Majesty the King of Italy, and His Majesty the Emperor of Japan.

Respectfully submitted.

HENRY L. STIMSON.

(Accompaniment: Treaty for the limitation and reduction of naval armament, signed at London, April 22, 1930.)

DEPARTMENT OF STATE,
Washington, April 30, 1930.

The President of the United States of America, the President of the French Republic, His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, His Majesty the King of Italy, and His Majesty the Emperor of Japan,

Desiring to prevent the dangers and reduce the burdens inherent in competitive armaments, and

Desiring to carry forward the work begun by the Washington Naval Conference and to facilitate the progressive realization of general limitation and reduction of armaments,

Have resolved to conclude a Treaty for the limitation and reduction of naval armament, and have accordingly appointed as their Plenipotentiaries:

The President of the United States of America:
Henry L. Stimson, Secretary of State;
Charles G. Dawes, Ambassador to the Court of St. James;
Charles Francis Adams, Secretary of the Navy;
Joseph T. Robinson, Senator from the State of Arkansas;
David A. Reed, Senator from the State of Pennsylvania;
Hugh Gibson, Ambassador to Belgium;
Dwight W. Morrow, Ambassador to Mexico;
The President of the French Republic:

Mr. André Tardieu, Deputy, President of the Council of Ministers, Minister of the Interior;
Mr. Aristide Briand, Deputy, Minister for Foreign Affairs;
Mr. Jacques-Louis Dumesnil, Deputy, Minister of Marine;
Mr. François Piétri, Deputy, Minister of the Colonies;
Mr. Aimé-Joseph de Fleuriau, Ambassador of the French Republic at the Court of St. James;
His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India:
for Great Britain and Northern Ireland and all parts of the British Empire which are not separate Members of the League of Nations:
The Right Honourable James Ramsay MacDonald, M. P., First Lord of His Treasury, Prime Minister;
The Right Honourable Arthur Henderson, M. P., His Principal Secretary of State for Foreign Affairs;
The Right Honourable Albert Victor Alexander, M. P., First Lord of His Admiralty;
The Right Honourable William Wedgwood Benn, D. S. O., D. F. C., M. P., His Principal Secretary of State for India;
for the Dominion of Canada:
Colonel The Honourable James Layton Ralston, C. M. G., D. S. O., K. C., a Member of His Privy Council for Canada, His Minister for National Defence;
The Honourable Philippe Roy, a Member of His Privy Council for Canada, His Envoy Extraordinary and Minister Plenipotentiary in France for the Dominion of Canada;
for the Commonwealth of Australia:
The Honourable James Edward Fenton, His Minister for Trade and Customs;
for the Dominion of New Zealand:
Thomas Mason Wilford, Esquire, K. C., High Commissioner for the Dominion of New Zealand in London;
for the Union of South Africa:
Charles Theodore te Water, Esquire, High Commissioner for the Union of South Africa in London;
for the Irish Free State:
Timothy Aloysius Smiddy, Esquire, High Commissioner for the Irish Free State in London;
for India:
Sir Atul Chandra Chatterjee, K. C. I. E., High Commissioner for India in London;
His Majesty the King of Italy:
The Honourable Dino Grandi, Deputy, His Minister Secretary of State for Foreign Affairs;
Admiral of Division The Honourable Giuseppe Sirianni, Senator of the Kingdom, His Minister Secretary of State for Marine;
Mr. Antonio Chiaramonte-Bordonaro, His Ambassador Extraordinary and Plenipotentiary at the Court of St. James;
Admiral The Honourable Baron Alfredo Acton, Senator of the Kingdom;
His Majesty the Emperor of Japan:
Mr. Reijiro Wakatsuki, Member of the House of Peers;
Admiral Takeshi Takarabe, Minister for the Navy;
Mr. Tsuneo Matsudaira, His Ambassador Extraordinary and Plenipotentiary at the Court of St. James;
Mr. Matsuzo Nagai, His Ambassador Extraordinary and Plenipotentiary to His Majesty the King of the Belgians;

Who, having communicated to one another their full powers, found in good and due form, have agreed as follows:

PART I

ARTICLE 1

The High Contracting Parties agree not to exercise their rights to lay down the keels of capital ship replacement tonnage during the years 1931–1936 inclusive as provided in Chapter II, Part 3 of the Treaty for the Limitation of Naval Armament signed between them at Washington on the 6th February, 1922, and referred to in the present Treaty as the Washington Treaty.

This provision is without prejudice to the disposition relating to the replacement of ships accidentally lost or destroyed contained in Chapter II, Part 3, Section I, paragraph (c) of the said Treaty.

France and Italy may, however, build the replacement tonnage which they were entitled to lay down in 1927 and 1929 in accordance with the provisions of the said Treaty.

ARTICLE 2

1. The United States, the United Kingdom of Great Britain and Northern Ireland and Japan shall dispose of the following capital ships as provided in this Article:

United States:
"Florida".
"Utah".
"Arkansas" or "Wyoming".

United Kingdom:
"Benbow".
"Iron Duke".
"Marlborough".
"Emperor of India".
"Tiger".
Japan:
"Hiyei".

(a) Subject to the provisions of sub-paragraph (b), the above ships, unless converted to target use exclusively in accordance with Chapter II, Part 2, paragraph II (c) of the Washington Treaty, shall be scrapped in the following manner:

One of the ships to be scrapped by the United States, and two of those to be scrapped by the United Kingdom shall be rendered unfit for warlike service, in accordance with Chapter II, Part 2, paragraph III (b) of the Washington Treaty, within twelve months from the coming into force of the present Treaty. These ships shall be finally scrapped, in accordance with paragraph II (a) or (b) of the said Part 2, within twenty-four months from the said coming into force. In the case of the second of the ships to be scrapped by the United States, and of the third and fourth of the ships to be scrapped by the United Kingdom, the said periods shall be eighteen and thirty months respectively from the coming into force of the present Treaty.

(b) Of the ships to be disposed of under this Article, the following may be retained for training purposes:

by the United States: "Arkansas" or "Wyoming".
by the United Kingdom: "Iron Duke".
by Japan: "Hiyei".

These ships shall be reduced to the condition prescribed in Section V of Annex II to Part II of the present Treaty. The work of reducing these vessels to the required condition shall begin, in the case of the United States and the United Kingdom, within twelve months, and in the case of Japan within eighteen months from the coming into force of the present Treaty; the work shall be completed within six months of the expiration of the above-mentioned periods.

Any of these ships which are not retained for training purposes shall be rendered unfit for warlike service within eighteen months, and finally scrapped within thirty months, of the coming into force of the present Treaty.

2. Subject to any disposal of capital ships which might be necessitated, in accordance with the Washington Treaty, by the building by France or Italy of the replacement tonnage referred to in Article 1 of the present Treaty, all existing capital ships mentioned in Chapter II, Part 3, Section II of the Washington Treaty and not designated above to be disposed of may be retained during the term of the present Treaty.

3. The right of replacement is not lost by delay in laying down replacement tonnage, and the old vessel may be retained until replaced even though due for scrapping under Chapter II, Part 3, Section II of the Washington Treaty.

ARTICLE 3

1. For the purposes of the Washington Treaty, the definition of an aircraft carrier given in Chapter II, Part 4 of the said Treaty is hereby replaced by the following definition:

The expression "aircraft carrier" includes any surface vessel of war, whatever its displacement, designed for the specific and exclusive purpose of carrying aircraft and so constructed that aircraft can be launched therefrom and landed thereon.

2. The fitting of a landing-on or flying-off platform or deck on a capital ship, cruiser or destroyer, provided such vessel was not designed or adapted exclusively as an aircraft carrier, shall not cause any vessel so fitted to be charged against or classified in the category of aircraft carriers.

3. No capital ship in existence on the 1st April, 1930, shall be fitted with a landing-on platform or deck.

ARTICLE 4

1. No aircraft carrier of 10,000 tons (10,160 metric tons) or less standard displacement mounting a gun above 6.1-inch (155 mm.) calibre shall be acquired by or constructed by or for any of the High Contracting Parties.

2. As from the coming into force of the present Treaty in respect of all the High Contracting Parties, no aircraft carrier of 10,000 tons (10,160 metric tons) or less standard displacement mounting a gun above 6.1-inch (155 mm.) calibre shall be constructed within the jurisdiction of any of the High Contracting Parties.

ARTICLE 5

An aircraft carrier must not be designed and constructed for carrying a more powerful armament than that authorised by Article IX or Article X of the Washington Treaty, or by Article 4 of the present Treaty, as the case may be.

Wherever in the said Articles IX and X the calibre of 6 inches (152 mm.) is mentioned, the calibre of 6.1 inches (155 mm.) is substituted therefor.

PART II

ARTICLE 6

1. The rules for determining standard displacement prescribed in Chapter II, Part 4 of the Washington Treaty shall apply to all surface vessels of war of each of the High Contracting Parties.

2. The standard displacement of a submarine is the surface displacement of the vessel complete (exclusive of the water in non-watertight structure) fully manned, engined, and equipped ready for sea, including all armament and ammunition, equipment, outfit, provisions for crew, miscellaneous stores, and implements of every description that are intended to be carried in war, but without fuel, lubricating oil, fresh water or ballast water of any kind on board.

3. Each naval combatant vessel shall be rated at its displacement tonnage when in the standard condition. The word "ton", except in the expression "metric tons", shall be understood to be the ton of 2,240 pounds (1,016 kilos.).

ARTICLE 7

1. No submarine the standard displacement of which exceeds 2,000 tons (2,032 metric tons) or with a gun above 5.1-inch (130 mm.) calibre shall be acquired by or constructed by or for any of the High Contracting Parties.

2. Each of the High Contracting Parties may, however, retain, build or acquire a maximum number of three submarines of a standard displacement not exceeding 2,800 tons (2,845 metric tons); these submarines may carry guns not above 6.1-inch (155 mm.) calibre. Within this number, France may retain one unit, already launched, of 2,880 tons (2,926 metric tons), with guns the calibre of which is 8 inches (203 mm.).

3. The High Contracting Parties may retain the submarines which they possessed on the 1st April, 1930, having a standard displacement not in excess of 2,000 tons (2,032 metric tons) and armed with guns above 5.1-inch (130 mm.) calibre.

4. As from the coming into force of the present Treaty in respect of all the High Contracting Parties, no submarine the standard displacement of which exceeds 2,000 tons (2,032 metric tons) or with a gun above 5.1-inch (130 mm.) calibre shall be constructed within the jurisdiction of any of the High Contracting Parties, except as provided in paragraph 2 of this Article.

ARTICLE 8

Subject to any special agreements which may submit them to limitation, the following vessels are exempt from limitation:

(a) naval surface combatant vessels of 600 tons (610 metric tons) standard displacement and under;

(b) naval surface combatant vessels exceeding 600 tons (610 metric tons), but not exceeding 2,000 tons (2,032 metric tons) standard displacement, provided they have none of the following characteristics:

(1) mount a gun above 6.1-inch (155 mm.) calibre;
(2) mount more than four guns above 3-inch (76 mm.) calibre;
(3) are designed or fitted to launch torpedoes;
(4) are designed for a speed greater than twenty knots.

(c) naval surface vessels not specifically built as fighting ships which are employed on fleet duties or as troop transports or in some other way than as fighting ships, provided they have none of the following characteristics:

(1) mount a gun above 6.1-inch (155 mm.) calibre;
(2) mount more than four guns above 3-inch (76 mm.) calibre;
(3) are designed or fitted to launch torpedoes;
(4) are designed for a speed greater than twenty knots;
(5) are protected by armour plate;
(6) are designed or fitted to launch mines;
(7) are fitted to receive aircraft on board from the air;
(8) mount more than one aircraft-launching apparatus on the centre line; or two, one on each broadside;
(9) if fitted with any means of launching aircraft into the air, are designed or adapted to operate at sea more than three aircraft.

ARTICLE 9

The rules as to replacement contained in Annex I to this Part II are applicable to vessels of war not exceeding 10,000 tons (10,160 metric tons) standard displacement, with the exception of aircraft carriers, whose replacement is governed by the provisions of the Washington Treaty.

ARTICLE 10

Within one month after the date of laying down and the date of completion, respectively of each vessel of war, other than

capital ships, aircraft carriers and the vessels exempt from limitation under Article 8, laid down or completed by or for them after the coming into force of the present Treaty, the High Contracting Parties shall communicate to each of the other High Contracting Parties the information detailed below:

(a) the date of laying the keel and the following particulars:

classification of the vessel;

standard displacement in tons and metric tons;

principal dimensions, namely: length at water-line, extreme beam at or below water-line;

mean draft at standard displacement;

calibre of the largest gun.

(b) the date of completion together with the foregoing particulars relating to the vessel at that date.

The information to be given in the case of capital ships and aircraft carriers is governed by the Washington Treaty.

ARTICLE 11

Subject to the provisions of Article 2 of the present Treaty, the rules for disposal contained in Annex II to this Part II shall be applied to all vessels of war to be disposed of under the said Treaty, and to aircraft carriers as defined in Article 3.

ARTICLE 12

1. Subject to any supplementary agreements which may modify, as between the High Contracting Parties concerned, the lists in Annex III to this Part II, the special vessels shown therein may be retained and their tonnage shall not be included in the tonnage subject to limitation.

2. Any other vessel constructed, adapted or acquired to serve the purposes for which these special vessels are retained shall be charged against the tonnage of the appropriate combatant category, according to the characteristics of the vessel, unless such vessel conforms to the characteristics of vessels exempt from limitation under Article 8.

3. Japan may, however, replace the minelayers "Aso" and "Tokiwa" by two new minelayers before the 31st December, 1936. The standard displacement of each of the new vessels shall not exceed 5,000 tons (5,080 metric tons); their speed shall not exceed twenty knots, and their other characteristics shall conform to the provisions of paragraph (b) of Article 8. The new vessels shall be regarded as special vessels and their tonnage shall not be chargeable to the tonnage of any combatant category. The "Aso" and "Tokiwa" shall be disposed of in accordance with Section I or II of Annex II to this Part II, on completion of the replacement vessels.

4. The "Asama", "Yakumo", "Izumo", "Iwate" and "Kasuga" shall be disposed of in accordance with Section I or II of Annex II to this Part II when the first three vessels of the "Kuma" class have been replaced by new vessels. These three vessels of the "Kuma" class shall be reduced to the condition prescribed in Section V, sub-paragraph (b) 2 of Annex II to this Part II, and are to be used for training ships, and their tonnage shall not thereafter be included in the tonnage subject to limitation.

ARTICLE 13

Existing ships of various types, which, prior to the 1st April, 1930, have been used as stationary training establishments or hulks, may be retained in a nonseagoing condition.

ANNEX I

RULES FOR REPLACEMENT

Section I.—Except as provided in Section III of this Annex and Part III of the present Treaty, a vessel shall not be replaced before it becomes "over-age". A vessel shall be deemed to be "over-age" when the following number of years have elapsed since the date of its completion:

(a) For a surface vessel exceeding 3,000 tons (3,048 metric tons) but not exceeding 10,000 tons (10,160 metric tons) standard displacement:

(i) if laid down before the 1st January, 1920: 16 years;

(ii) if laid down after the 31st December, 1919: 20 years.

(b) For a surface vessel not exceeding 3,000 tons (3,048 metric tons) standard displacement:

(i) if laid down before the 1st January, 1921: 12 years;

(ii) if laid down after the 31st December, 1920: 16 years.

(c) For a submarine: 13 years.

The keels of replacement tonnage shall not be laid down more than three years before the year in which the vessel to be replaced becomes "over-age"; but this period is reduced to two years in the case of any replacement surface vessel not exceeding 3,000 tons (3,048 metric tons) standard displacement.

The right of replacement is not lost by delay in laying down replacement tonnage.

Section II.—Except as otherwise provided in the present Treaty, the vessel or vessels, whose retention would cause the maximum tonnage permitted in the category to be exceeded, shall, on the completion or acquisition of replacement tonnage, be disposed of in accordance with Annex II to this Part II.

Section III.—In the event of loss or accidental destruction a vessel may be immediately replaced.

ANNEX II

RULES FOR DISPOSAL OF VESSELS OF WAR

The present Treaty provides for the disposal of vessels of war in the following ways:

(i) by scrapping (sinking or breaking up);

(ii) by converting the vessel to a hulk;

(iii) by converting the vessel to target use exclusively;

(iv) by retaining the vessel exclusively for experimental purposes;

(v) by retaining the vessel exclusively for training purposes.

Any vessel of war to be disposed of, other than a capital ship, may either be scrapped or converted to a hulk at the option of the High Contracting Party concerned.

Vessels, other than capital ships, which have been retained for target, experimental or training purposes, shall finally be scrapped or converted to hulks.

SECTION I.—VESSELS TO BE SCRAPPED

(a) A vessel to be disposed of by scrapping, by reason of its replacement, must be rendered incapable of warlike service within six months of the date of the completion of its successor, or of the first of its successors if there are more than one. If, however, the completion of the new vessel or vessels be delayed, the work of rendering the old vessel incapable of warlike service shall, nevertheless, be completed within four and a half years from the date of laying the keel of the new vessel, or of the first of the new vessels; but should the new vessel, or any of the new vessels, be a surface vessel not exceeding 3,000 tons (3,048 metric tons) standard displacement, this period is reduced to three and a half years.

(b) A vessel to be scrapped shall be considered incapable of warlike service when there shall have been removed and landed or else destroyed in the ship:

(1) all guns and essential parts of guns, fire control tops and revolving parts of all barbettes and turrets;

(2) all hydraulic or electric machinery for operating turrets;

(3) all fire control instruments and rangefinders;

(4) all ammunition, explosives, mines and mine rails;

(5) all torpedoes, war heads, torpedo tubes and training racks;

(6) all wireless telegraphy installations;

(7) all main propelling machinery, or alternatively the armoured conning tower and all side armour plate;

(8) all aircraft cranes, derricks, lifts and launching apparatus. All landing-on or flying-off platforms and decks, or alternatively all main propelling machinery;

(9) in addition, in the case of submarines, all main storage batteries, air compressor plants and ballast pumps.

(c) Scrapping shall be finally effected in either of the following ways within twelve months of the date on which the work of rendering the vessel incapable of warlike service is due for completion:

(1) permanent sinking of the vessel;

(2) breaking the vessel up; this shall always include the destruction or removal of all machinery, boilers and armour, and all deck, side and bottom plating.

SECTION II.—VESSELS TO BE CONVERTED TO HULKS

A vessel to be disposed of by conversion to a hulk shall be considered finally disposed of when the conditions prescribed in Section I, paragraph (b), have been complied with, omitting sub-paragraphs (6), (7) and (8), and when the following have been effected:

(1) mutilation beyond repair of all propeller shafts, thrust blocks, turbine gearing or main propelling motors, and turbines or cylinders of main engines;

(2) removal of propeller brackets;

(3) removal and breaking up of all aircraft lifts, and the removal of all aircraft cranes, derricks and launching apparatus.

The vessel must be put in the above condition within the same limits of time as provided in Section I for rendering a vessel incapable of warlike service.

SECTION III.—VESSELS TO BE CONVERTED TO TARGET USE

(a) A vessel to be disposed of by conversion to target use exclusively shall be considered incapable of warlike service when there have been removed and landed, or rendered unserviceable on board, the following:

(1) all guns;

(2) all fire control tops and instruments and main fire control communication wiring;

(3) all machinery for operating gun mountings or turrets;

(4) all ammunition, explosives, mines, torpedoes and torpedo tubes;

(5) all aviation facilities and accessories.

The vessel must be put into the above condition within the same limits of time as provided in Section I for rendering a vessel incapable of warlike service.

(b) In addition to the rights already possessed by each High Contracting Party under the Washington Treaty, each High Contracting Party is permitted to retain, for target use exclusively, at any one time:

(1) not more than three vessels (cruisers or destroyers), but of these three vessels only one may exceed 3,000 tons (3,048 metric tons) standard displacement;

(2) one submarine.

(c) On retaining a vessel for target use, the High Contracting Party concerned undertakes not to recondition it for warlike service.

SECTION IV.—VESSELS RETAINED FOR EXPERIMENTAL PURPOSES

(a) A vessel to be disposed of by conversion to experimental purposes exclusively shall be dealt with in accordance with the provisions of Section III (a) of this Annex.

(b) Without prejudice to the general rules, and provided that due notice be given to the other High Contracting Parties, reasonable variation from the conditions prescribed in Section III (a) of this Annex, in so far as may be necessary for the purposes of a special experiment, may be permitted as a temporary measure.

Any High Contracting Party taking advantage of this provision is required to furnish full details of any such variations and the period for which they will be required.

(c) Each High Contracting Party is permitted to retain for experimental purposes exclusively at any one time:

(1) not more than two vessels (cruisers or destroyers), but of these two vessels only one may exceed 3,000 tons (3,048 metric tons) standard displacement;

(2) one submarine.

(d) The United Kingdom is allowed to retain, in their present conditions, the monitor "Roberts," the main armament guns and mountings of which have been mutilated, and the seaplane carrier "Ark Royal," until no longer required for experimental purposes. The retention of these two vessels is without prejudice to the retention of vessels permitted under (c) above.

(e) On retaining a vessel for experimental purposes the High Contracting Party concerned undertakes not to recondition it for warlike service.

SECTION V.—VESSELS RETAINED FOR TRAINING PURPOSES

(a) In addition to the rights already possessed by any High Contracting Party under the Washington Treaty, each High Contracting Party is permitted to retain for training purposes exclusively the following vessels:

United States: 1 capital ship ("Arkansas" or "Wyoming");

France: 2 surface vessels, one of which may exceed 3,000 tons (3,048 metric tons) standard displacement;

United Kingdom: 1 capital ship ("Iron Duke");

Italy: 2 surface vessels, one of which may exceed 3,000 tons (3,048 metric tons) standard displacement;

Japan: 1 capital ship ("Hiyei"), 3 cruisers ("Kuma" class).

(b) Vessels retained for training purposes under the provisions of paragraph (a) shall, within six months of the date on which they are required to be disposed of, be dealt with as follows:

1. Capital Ships

The following is to be carried out:

(1) removal of main armament guns, revolving parts of all barbettes and turrets; machinery for operating turrets; but three turrets with their armament may be retained in each ship;

(2) removal of all ammunition and explosives in excess of the quantity required for target practice training for the guns remaining on board;

(3) removal of conning tower and the side armour belt between the foremost and aftermost barbettes;

(4) removal or mutilation of all torpedo tubes;

(5) removal or mutilation on board of all boilers in excess of the number required for a maximum speed of eighteen knots.

2. Other surface vessels retained by France, Italy and Japan

The following is to be carried out:

(1) removal of one half of the guns, but four guns of main calibre may be retained on each vessel;

(2) removal of all torpedo tubes;

(3) removal of all aviation facilities and accessories;

(4) removal of one half of the boilers.

(c) The High Contracting Party concerned undertakes that vessels retained in accordance with the provisions of this Section shall not be used for any combatant purpose.

ANNEX III

Special vessels

UNITED STATES

Name and type of vessel:	Tons displacement
Aroostook, minelayer	4,950
Oglala, minelayer	4,950
Baltimore, minelayer	4,413
San Francisco, minelayer	4,083
Cheyenne, monitor	2,800
Helena, gunboat	1,392
Isabel, yacht	938
Niagara, yacht	2,600
Bridgeport, destroyer tender	11,750
Dobbin, destroyer tender	12,450
Melville, destroyer tender	7,150
Whitney, destroyer tender	12,450
Holland, submarine tender	11,570
Henderson, naval transport	10,000
	91,496

FRANCE

Name and type of vessel:	Tons displacement
Castor, minelayer	3,150
Pollux, minelayer	2,461
Commandant, Teste, seaplane carrier	10,000
Aisne, despatch vessel	600
Marne, despatch vessel	600
Ancre, despatch vessel	604
Scarpe, despatch vessel	604
Suippe, despatch vessel	604
Dunkerque, despatch vessel	644
Lassaux, despatch vessel	644
Bapaume, despatch vessel	644
Nancy, despatch vessel	644
Calais, despatch vessel	644
Lassigny, despatch vessel	644
Les Éparges, despatch vessel	644
Remiremont, despatch vessel	644
Tahure, despatch vessel	644
Toul, despatch vessel	644
Épinal, despatch vessel	644
Lévin, despatch vessel	644
(—), netlayer	2,293
	28,644

BRITISH COMMONWEALTH OF NATIONS

Name and type of vessel:	Tons displacement
Adventure, minelayer (United Kingdom)	6,740
Albatross, seaplane carrier (Australia)	5,000
Erebus, monitor (United Kingdom)	7,200
Terror, monitor (United Kingdom	7,200
Marshal Soult, monitor (United Kingdom)	6,400
Clive, sloop (India)	2,021
Medway, submarine depot ship (United Kingdom)	15,000
	49,561

ITALY

Name and type of vessel:	Tons displacement
Miraglia, seaplane carrier	4,880
Faà di Bruno, monitor	2,800
Monte Grappa, monitor	605
Montello, monitor	605
Monte Cengio, ex-monitor	500
Monte Novegno, ex-monitor	500
Campania, sloop	2,070
	11,960

JAPAN

Name and type of vessel:	Tons displacement
Aso, minelayer	7,180
Tokiwa, minelayer	9,240
Asama, old cruiser	9,240
Yakumo, old cruiser	9,010
Izumo, old cruiser	9,180
Iwate, old cruiser	9,180
Kasuga, old cruiser	7,080
Yodo, gunboat	1,320
	61,430

PART III

The President of the United States of America, His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and His Majesty the Emperor of Japan, have agreed as between themselves to the provisions of this Part III:

ARTICLE 14

The naval combatant vessels of the United States, the British Commonwealth of Nations and Japan, other than capital ships, aircraft carriers and all vessels exempt from limitation under Article 8, shall be limited during the term of the present Treaty as provided in this Part III, and, in the case of special vessels, as provided in Article 12.

ARTICLE 15

For the purpose of this Part III the definition of the cruiser and destroyer categories shall be as follows:

Cruisers

Surface vessels of war, other than capital ships or aircraft carriers, the standard displacement of which exceeds 1,850 tons (1,880 metric tons), or with a gun above 5.1-inch (130 mm.) calibre.

The cruiser category is divided into two sub-categories, as follows:

(*a*) cruisers carrying a gun above 6.1-inch (155 mm.) calibre;

(*b*) cruisers carrying a gun not above 6.1-inch (155 mm.) calibre.

Destroyers

Surface vessels of war the standard displacement of which does not exceed 1,850 tons (1,880 metric tons), and with a gun not above 5.1-inch (130 mm.) calibre.

ARTICLE 16

1. The completed tonnage in the cruiser, destroyer and submarine categories which is not to be exceeded on the 31st December, 1936, is given in the following table:

Categories	United States	British Commonwealth of Nations	Japan
Cruisers:			
(a) with guns of more than 6.1-inch (155 mm.) calibre.	180,000 tons (182,880 metric tons).	146,800 tons (149,149 metric tons).	108,400 tons (110,134 metric tons).
(b) with guns of 6.1-inch (155 mm.) calibre or less.	143,500 tons (145,796 metric tons).	192,200 tons (195,275 metric tons).	100,450 tons (102,057 metric tons).
Destroyers	150,000 tons (152,400 metric tons).	150,000 tons (152,400 metric tons).	105,500 tons (107,188 metric tons).
Submarines	52,700 tons (53,543 metric tons).	52,700 tons (53,543 metric tons).	52,700 tons (53,543 metric tons).

2. Vessels which cause the total tonnage in any category to exceed the figures given in the foregoing table shall be disposed of gradually during the period ending on the 31st December, 1936.

3. The maximum number of cruisers of sub-category (*a*) shall be as follows: for the United States, eighteen; for the British Commonwealth of Nations, fifteen; for Japan, twelve.

4. In the destroyer category not more than sixteen per cent. of the allowed total tonnage shall be employed in vessels of over 1,500 tons (1,524 metric tons) standard displacement. Destroyers completed or under construction on the 1st April, 1930, in excess of this percentage may be retained, but no other destroyers exceeding 1,500 tons (1,524 metric tons) standard displacement shall be constructed or acquired until a reduction to such sixteen per cent. has been effected.

5. Not more than twenty-five per cent. of the allowed total tonnage in the cruiser category may be fitted with a landing-on platform or deck for aircraft.

6. It is understood that the submarines referred to in paragraphs 2 and 3 of Article 7 will be counted as part of the total submarine tonnage of the High Contracting Party concerned.

7. The tonnage of any vessels retained under Article 13 or disposed of in accordance with Annex II to Part II of the present Treaty shall not be included in the tonnage subject to limitation.

ARTICLE 17

A transfer not exceeding ten per cent. of the allowed total tonnage of the category or sub-category into which the transfer is to be made shall be permitted between cruisers of sub-category (*b*) and destroyers.

ARTICLE 18

The United States contemplates the completion by 1935 of fifteen cruisers of sub-category (*a*) of an aggregate tonnage of 150,000 tons (152,400 metric tons). For each of the three remaining cruisers of sub-category (*a*) which it is entitled to construct the United States may elect to substitute 15,166 tons (15,409 metric tons) of cruisers of sub-category (*b*). In case the United States shall construct one or more of such three remaining cruisers of sub-category (*a*), the sixteenth unit will not be laid down before 1933 and will not be completed before 1936; the seventeenth will not be laid down before 1934 and will not be completed before 1937; the eighteenth will not be laid down before 1935 and will not be completed before 1938.

ARTICLE 19

Except as provided in Article 20, the tonnage laid down in any category subject to limitation in accordance with Article 16 shall not exceed the amount necessary to reach the maximum allowed tonnage of the category, or to replace vessels that become "over-age" before the 31st December, 1936. Nevertheless, replacement tonnage may be laid down for cruisers and submarines that become "over-age" in 1937, 1938 and 1939, and for destroyers that become "over-age" in 1937 and 1938.

ARTICLE 20

Notwithstanding the rules for replacement contained in Annex I to Part II:

(*a*) The "Frobisher" and "Effingham" (United Kingdom) may be disposed of during the year 1936. Apart from the cruisers under construction on the 1st April, 1930, the total replacement tonnage of cruisers to be completed, in the case of the British Commonwealth of Nations, prior to the 31st December, 1936, shall not exceed 91,000 tons (92,456 metric tons).

(b) Japan may replace the "Tama" by new construction to be completed during the year 1936.

(c) In addition to replacing destroyers becoming "over-age" before the 31st December, 1936, Japan may lay down, in each of the years 1935 and 1936, not more than 5,200 tons (5,283 metric tons) to replace part of the vessels that become "over-age" in 1938 and 1939.

(d) Japan may anticipate replacement during the term of the present Treaty by laying down not more than 19,200 tons (19,507 metric tons) of submarine tonnage, of which not more than 12,000 tons (12,192 metric tons) shall be completed by the 31st December, 1936.

ARTICLE 21

If, during the term of the present Treaty, the requirements of the national security of any High Contracting Party in respect of vessels of war limited by Part III of the present Treaty are in the opinion of that Party materially affected by new construction of any Power other than those who have joined in Part III of this Treaty, that High Contracting Party will notify the other Parties to Part III as to the increase required to be made in its own tonnages within one or more of the categories of such vessels of war, specifying particularly the proposed increases and the reasons therefor, and shall be entitled to make such increase. Thereupon the other Parties to Part III of this Treaty shall be entitled to make a proportionate increase in the category or categories specified; and the said other Parties shall promptly advise with each other through diplomatic channels as to the situation thus presented.

PART IV

ARTICLE 22

The following are accepted as established rules of International Law:

(1) In their action with regard to merchant ships, submarines must conform to the rules of International Law to which surface vessels are subject.

(2) In particular, except in the case of persistent refusal to stop on being duly summoned, or of active resistance to visit or search, a warship, whether surface vessel or submarine, may not sink or render incapable of navigation a merchant vessel without having first placed passengers, crew and ship's papers in a place of safety. For this purpose the ship's boats are not regarded as a place of safety unless the safety of the passengers and crew is assured, in the existing sea and weather conditions, by the proximity of land, or the presence of another vessel which is in a position to take them on board.

The High Contracting Parties invite all other Powers to express their assent to the above rules.

PART V

ARTICLE 23

The present Treaty shall remain in force until the 31st December, 1936, subject to the following exceptions:

(1) Part IV shall remain in force without limit of time;

(2) the provisions of Articles 3, 4, and 5, and of Article 11 and Annex II to Part II so far as they relate to aircraft carriers, shall remain in force for the same period as the Washington Treaty.

Unless the High Contracting Parties should agree otherwise by reason of a more general agreement limiting naval armaments, to which they all become parties, they shall meet in conference in 1935 to frame a new treaty to replace and to carry out the purposes of the present Treaty, it being understood that none of the provisions of the present Treaty shall prejudice the attitude of any of the High Contracting Parties at the conference agreed to.

ARTICLE 24

1. The present Treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods and the ratifications shall be deposited at London as soon as possible. Certified copies of all the *procès-verbaux* of the deposit of ratifications will be transmitted to the Governments of all the High Contracting Parties.

2. As soon as the ratifications of the United States of America, of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, in respect of each and all of the Members of the British Commonwealth of Nations as enumerated in the preamble of the present Treaty, and of His Majesty the Emperor of Japan have been deposited, the Treaty shall come into force in respect of the said High Contracting Parties.

3. On the date of the coming into force referred to in the preceding paragraph, Parts I, II, IV and V of the present Treaty will come into force in respect of the French Republic and the Kingdom of Italy if their ratifications have been deposited at

that date; otherwise these Parts will come into force in respect of each of those Powers on the deposit of its ratification.

4. The rights and obligations resulting from Part III of the present Treaty are limited to the High Contracting Parties mentioned in paragraph 2 of this Article. The High Contracting Parties will agree as to the date on which, and the conditions under which, the obligations assumed under the said Part III by the High Contracting Parties mentioned in paragraph 2 of this Article will bind them in relation to France and Italy; such agreement will determine at the same time the corresponding obligations of France and Italy in relation to the other High Contracting Parties.

ARTICLE 25

After the deposit of the ratifications of all the High Contracting Parties, His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland will communicate the provisions inserted in Part IV of the present Treaty to all Powers which are not signatories of the said Treaty, inviting them to accede thereto definitely and without limit of time.

Such accession shall be effected by a declaration addressed to His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland.

ARTICLE 26

The present Treaty, of which the French and English texts are both authentic, shall remain deposited in the archives of His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland. Duly certified copies thereof shall be transmitted to the Governments of all the High Contracting Parties.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty and have affixed thereto their seals.

Done at London, the twenty-second day of April, nineteen hundred and thirty.

HENRY L. STIMSON.	PHILIPPE ROY.
CHARLES G. DAWES.	JAMES E. FENTON.
CHARLES F. ADAMS.	T. M. WILFORD.
JOSEPH T. ROBINSON.	C. T. TE WATER.
DAVID A. REED.	T. A. SMIDDY.
HUGH GIBSON.	ATUL C. CHATTERJEE.
DWIGHT W. MORROW.	G. SIRIANNI.
ARISTIDE BRIAND.	A. C. BORDONARO.
J. L. DUMESNIL.	ALFREDO ACTON.
A. DE FLEURIAU.	R. WAKATSUKI.
J. RAMSAY MACDONALD.	TAKESHI TAKARABE.
ARTHUR HENDERSON.	T. MATSUDAIRA.
A. V. ALEXANDER.	M. NAGAI.
W. WEDGWOOD BENN.	

Certified a true copy.

[SEAL.]

S. GASELEE,
Librarian and Keeper of the Papers at the Foreign Office.

LONDON, *April 22nd, 1930.*

APPROPRIATIONS FOR TREASURY AND POST OFFICE DEPARTMENTS

As in legislative session,

Mr. PHIPPS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8531) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1931, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 16, 21, and 22.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, and 23, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,634,480"; and the Senate agree to the same.

L. C. PHIPPS,
T. L. ODDIE,
W. B. PINE,
LEE S. OVERMAN,
WM. J. HARRIS,
Managers on the part of the Senate.

WILL R. WOOD,
M. H. THATCHER,
JOSEPH W. BYRNS,
Managers on the part of the House.

Mr. PHIPPS. This is a full and final report on the Treasury and Post Office appropriation measure. I move its adoption.

Mr. ROBINSON of Arkansas. Mr. President, may I ask if the report is unanimous?

Mr. PHIPPS. The report is unanimous on both sides. There were very few items in controversy, and the conference was a very agreeable one all the way through, because the conferees were in accord. Some matters that Senators desired to bring up for consideration in this bill will be otherwise cared for in the deficiency appropriation bill. I could give the figures if it were desired to have them known.

Mr. ROBINSON of Arkansas. In view of the statement of the Senator, I have no objection to the consideration of the report.

The report was agreed to.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States making nominations, which were referred to the appropriate committees.

FORECLOSURE OF MORTGAGES BY FEDERAL LAND BANKS

As in legislative session,

Mr. BLEASE. Mr. President, some time ago I introduced a joint resolution asking that the Federal land bank officials be instructed not to foreclose certain mortgages for a period of two years.

I have here a communication which I sent to Mr. Secretary Mellon, a reply and two tables from Mr. Ogden Mills, Undersecretary, and some letters and other matter, including two articles by Hon. J. S. Wannamaker, of South Carolina, which I ask to have printed in the RECORD, to be taken up at the time of the consideration of this joint resolution, to show what we have given to other countries, and the extension of time given them to pay their debts to the United States, and conditions in our own country. I have many other letters and articles, but shall not ask that they be printed at this time.

The VICE PRESIDENT. Without objection, the matter will be printed in the RECORD.

The matter referred to is as follows:

WASHINGTON, D. C., *April 19, 1930.*

HON. ANDREW W. MELLON,
The Secretary of the Treasury, Washington, D. C.

DEAR MR. SECRETARY: I would like for you to kindly furnish me with a statement showing the different amounts of the loans made by the United States Government to the various other nations during the World War, together with the respective rates of interest charged, and a statement of the settlements showing the amounts of principal and interest canceled, the amounts now due and when payable with the rates of interest, and the general status of foreign indebtedness to this Government.

Thanking you for your courteous attention to this request, I am

Very respectfully,

COLE. L. BLEASE.

TREASURY DEPARTMENT,
Washington, April 25, 1930.

HON. COLE. L. BLEASE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: For the Secretary I acknowledge receipt of your letter of April 19, 1930, requesting information concerning the indebtedness of foreign governments to the United States.

There is transmitted herewith copy of the Combined Annual Reports of the World War Foreign Debt Commission, in which on page 318 and 328 you will find statements showing the amounts of obligations taken from foreign governments on account of cash advances made under the Liberty bond acts, war supplies sold on credit under the act of July 9, 1918, and relief supplies furnished under the acts of February 25, 1919, and March 30, 1920. These amounts are also set out in totals in the statement appearing on page 81 of this report. The rates of interest borne by the obligations prior to funding are shown in the tables appearing on pages 318–328, except for the cash advances. All of the obligations acquired for cash advances bore interest at the rate of 5 per cent per annum from an early date in 1918. On page 332 appears a memorandum which explains the rates of interest on the cash advances.

As you know, the funding agreements concluded with our foreign debtors provide for the repayment of the principal in full over a period of 62 years, together with interest at varying rates. Copies of these agreements may be found in the above-mentioned report except the agreement concluded with the Government of Greece and the agreement proposed to be concluded with the Government of Austria. These agreements will be found in the inclosed extract from the annual report of the Secretary of the Treasury for the fiscal year 1929.

You realize, of course, that any cancellation of the indebtedness of foreign governments is represented by a reduction in the interest rates. As the original obligations generally bore interest prior to funding at the rate of 5 per cent per annum, any cancellation is represented by

the difference between this rate and the rates of interest borne by the obligations as funded. If, therefore, the present value of the payments to be received under the various settlements is computed on a basis of 5 per cent per annum and deducted from the total amount due prior to funding, including interest at the original rates, some measure of cancellation can be obtained. In this connection there is also inclosed photostat copy of the statement showing certain information concerning the funded indebtedness of foreign governments to the United States, among which is the present value of the payments to be received under the various settlements on a basis of 3, 4¼, and 5 per cent per annum payable semiannually. The difference between the present value column of 5 per cent and column No. 5 represents in a measure the cancellation of the indebtedness of foreign governments to the United States. You may also be interested in the average rates of interest on the debt settlements as shown in the last two columns.

For your further information there is inclosed copy of statement dated January 10, 1930, which shows the present status of the indebtedness of foreign governments to the United States.

Very truly yours,

OGDEN L. MILLS,
Undersecretary of the Treasury.

Statement showing principal of indebtedness of foreign governments prior to funding; accrued and unpaid interest up to date of settlement which was funded into principal under debt agreements; principal of total indebtedness as funded; total to be received under the funding agreements, without regard to the exercise of any options by the debtor; total indebtedness as of date of funding, including accrued and unpaid interest computed at rates borne by obligations then held (5 and 6 per cent); present values of payments to be received over 62-year period (40 years in case of Austria) on basis of interest rates of 3, 4¼, and 5 per cent, payable semiannually, together with percentages that such present values bear to the total indebtedness, including accrued and unpaid interest computed at rates borne by obligations prior to funding; and approximate average interest rates on indebtedness of each country as funded, and original principal from approximate date to which interest was last paid prior to funding to end of funding period

Country	Original principal	Funded interest	Funded debt	To be received under funding agreements	Debt prior to funding, including accrued interest (5 and 6 per cent)	Present values on basis of interest rates stated and percentage that present value bears to debt prior to funding						Average annual interest rates (approximate)	
						3 per cent	Per cent	4¼ per cent	Per cent	5 per cent	Per cent	On debt as funded (per cent)	On original principal, including back interest (per cent)
Austria	$24,055,708.93	$559,176.08	$24,614,885	$24,614,885.00	$34,631,000	$12,951,000	37.4	$10,238,000	29.5	$8,971,000	25.9	.....	0.100
Belgium	377,029,570.06	40,750,429.94	417,780,000	727,830,500.00	483,426,000	302,239,000	62.5	225,000,000	46.5	191,766,000	39.7	1.799	1.840
Czechoslovakia	91,879,671.03	23,120,328.97	115,000,000	312,811,433.88	123,854,000	124,995,000	100.9	91,964,000	74.3	77,985,000	63.0	3.327	3.433
Estonia	12,066,222.15	1,763,777.85	13,830,000	33,331,140.00	14,143,000	14,798,000	104.6	11,392,000	80.5	9,915,000	70.1	3.306	3.404
Finland	8,281,926.17	718,073.83	9,000,000	21,695,655.00	9,190,000	9,630,000	104.8	7,413,000	80.7	6,452,000	70.2	3.300	3.402
France	3,340,516,043.72	684,483,956.28	4,025,000,000	6,847,674,104.17	4,230,777,000	2,734,250,000	64.6	1,998,509,000	47.2	1,681,389,000	39.7	1.640	1.955
Great Britain	4,074,818,358.44	525,181,641.56	4,600,000,000	11,105,965,000.00	4,715,310,000	4,922,702,000	104.4	3,788,470,000	80.3	3,296,948,000	69.9	3.306	3.415
Greece [1]	15,000,000.00	3,125,000.00	18,125,000	[1] 20,330,000.00	19,060,000	8,577,000	45.6	6,425,000	33.7	5,495,000	27.9	.250	.950
Hungary	1,685,835.61	253,164.39	1,939,000	4,693,240.00	1,984,000	2,076,000	104.6	1,596,000	80.4	1,388,000	70.0	3.300	3.407
Italy	1,647,869,197.96	394,130,802.04	2,042,000,000	2,407,677,500.00	2,150,150,000	782,321,000	36.4	528,192,000	24.6	426,287,000	19.8	.405	.815
Latvia	5,132,287.14	642,712.86	5,775,000	13,958,635.00	5,893,000	6,181,000	104.9	4,755,000	80.7	4,137,000	70.2	3.300	3.426
Lithuania	4,981,628.03	1,043,371.97	6,030,000	14,531,940.00	6,216,000	6,452,000	103.8	4,967,000	79.9	4,322,000	69.5	3.306	3.420
Poland	159,666,972.39	18,893,027.61	178,560,000	435,687,550.00	182,324,000	191,283,000	104.9	146,825,000	80.5	127,643,000	70.0	3.306	3.408
Rumania	36,128,494.94	8,461,505.06	44,590,000	122,566,260.05	46,945,000	48,442,000	103.2	35,172,000	74.9	29,507,000	62.9	3.321	3.358
Yugoslavia	51,037,886.39	11,812,113.61	62,850,000	95,177,635.00	66,164,000	30,286,000	45.8	20,030,000	30.3	15,919,000	24.1	1.039	1.356
Total	9,850,149,802.95	1,714,944,082.05	11,565,093,885	22,188,484,878.10	12,090,667,000	9,197,183,000	76.1	6,878,948,000	56.9	5,888,104,000	48.7	2.135	2.402

[1] Exclusive of new 4 per cent 20-year loan of $12,167,000.

Column 5	$12,090,667,000
Column 5 per cent	5,888,104,000
Approximate total cancellation, $6,202,563,000.	6,202,563,000

Principal of the funded and unfunded indebtedness of foreign governments to the United States, the accrued and unpaid interest thereon, and payments on account of principal and interest, as of January 10, 1930

Country	Total indebtedness	Total payments received	Funded indebtedness				Unfunded indebtedness [1]			
			Indebtedness		Payments on account		Indebtedness		Payments on account	
			Principal (net)	Accrued interest [2]	Principal	Interest	Principal (net)	Accrued interest	Principal	Interest
Armenia	$17,921,433.10	.....	.....	.....	.....	.....	$11,959,917.49	$5,961,515.61	.....	.....
Austria [3]	24,614,885.00	.....	.....	.....	.....	.....	24,614,885.00	.....	.....	.....
Belgium	408,180,000.00	$40,066,273.24	$408,180,000.00	.....	$9,600,000.00	$9,885,000.00	.....	.....	$2,057,630.37	$18,543,642.87
Cuba	.....	12,280,751.58	.....	.....	.....	.....	.....	.....	10,000,000.00	2,280,751.58
Czechoslovakia [4]	171,571,023.07	13,804,178.09	171,571,023.07	.....	13,500,000.00	.....	.....	.....	.....	304,178.09
Estonia	16,305,133.90	701,441.88	13,830,000.00	$2,475,133.90	.....	700,000.00	.....	.....	.....	1,441.88
Finland	8,659,000.00	2,510,855.27	8,659,000.00	.....	341,000.00	1,860,540.00	.....	.....	.....	309,315.27
France	3,900,000,000.00	411,075,801.00	3,900,000,000.00	.....	125,000,000.00	.....	.....	.....	64,689,588.18	221,386,392.82
Great Britain	4,426,000,000.00	1,085,048,298.67	4,426,000,000.00	.....	174,000,000.00	950,970,000.00	.....	.....	202,181,641.56	357,595,657.11
Greece	32,206,000.00	1,696,416.01	32,206,000.00	.....	291,000.00	243,340.00	.....	.....	2,922.67	1,159,153.34
Hungary	1,920,315.09	370,473.46	1,920,315.00	.....	62,240.50	307,473.92	.....	.....	.....	753.04
Italy	2,022,000,000.00	77,963,171.90	2,022,000,000.00	.....	20,000,000.00	.....	.....	.....	364,319.28	57,598,852.62
Latvia	6,795,871.06	430,828.95	5,775,000.00	1,020,871.06	.....	300,000.00	.....	.....	.....	130,828.95
Liberia	.....	26,471.56	.....	.....	.....	.....	.....	.....	26,000.00	10,471.56
Lithuania [5]	6,271,674.50	773,456.39	6,271,674.50	.....	160,790.50	611,118.92	.....	.....	.....	1,546.97
Nicaragua	312,827.99	168,783.13	.....	.....	.....	.....	290,627.99	22,200.00	141,221.15	27,561.98
Poland	209,396,218.67	12,048,224.28	178,560,000.00	30,836,218.67	.....	10,000,000.00	.....	.....	.....	2,048,224.28
Rumania [6]	65,160,560.43	3,461,945.76	65,160,560.43	.....	1,400,000.00	.....	.....	.....	1,798,632.02	263,313.74
Russia	298,703,028.85	[6] 8,748,878.87	.....	.....	.....	.....	192,601,597.37	106,101,731.48	.....	8,748,878.87
Yugoslavia	62,050,000.00	2,163,771.66	62,050,000.00	.....	800,000.00	.....	.....	.....	727,712.55	636,059.14
Total	11,678,067,971.57	2,273,356,111.73	11,302,183,573.00	34,332,223.63	345,155,031.00	974,857,478.84	229,466,727.85	112,085,447.09	281,989,667.78	671,353,934.11

[1] Payments of governments which have funded were made prior to the dates of the funding agreements.

[2] Accrued and unpaid interest on funded debts due to exercise of options to pay specified amounts over first 5 years in lieu of total amounts due, for which bonds similar to those originally issued under funding agreement will be given upon expiration of the options for the full amount deferred.

[3] The act of Feb. 4, 1929, authorized the indebtedness of Austria in this amount to be funded as of Jan. 1, 1928. Payments of $575,112, the first and second installments of principal due, were made on Jan. 1, 1929, and Jan. 1, 1930, respectively, which amounts are held in a special account until the agreement is actually concluded.

[4] Difference between principal of funded debt and amount here stated represents deferred payments provided for in the funding agreements, for which gold bonds of the respective debtor governments have been or will be delivered to the Treasury.

[5] Increase over amount funded due to exercise of options to pay one-half of interest due on original issue of bonds, in bonds of debtor governments.

[6] Represents proceeds of liquidation of financial affairs of Russian Government in this country. (Copies of letter dated May 23, 1922, from the Secretary of State and reply of the Secretary of the Treasury dated June 2, 1922, in regard to loans to the Russian Government and liquidation of affairs of the latter in this country, appear in the annual report of the Secretary of the Treasury for the fiscal year 1922, as Exhibit 79, p. 283, and in the combined annual reports of the World War Foreign Debt Commission as Exhibit 2, p. 84.)

House Joint Resolution 352: For the relief of Porto Rico. Preamble agreed to in Senate December 18, 1928 (CONGRESSIONAL RECORD, p. 797). Public Resolution No. 74. (See p. 1011, CONGRESSIONAL RECORD, December 22, 1928.) December 21, 1928, approved, Seventieth Congress, second session. (See CONGRESSIONAL RECORD, this session, pp. 6613, 6939.)

Public Resolution No. 74, Seventieth Congress

(H. J. Res. 352)

Joint resolution for the relief of Porto Rico

Whereas the island of Porto Rico is suffering from the effects of a violent hurricane of extraordinary intensity, unusual duration, and unexampled violence which visited the island on September 13 and 14, 1928; and

Whereas no part of the island escaped suffering some damage; and

Whereas the total number of people affected by the hurricane was 1,454,047, of whom, according to the report of the American Red Cross, more than one-third, or 510,161, were absolutely destitute and without food; and

Whereas the coffee and fruit crops were almost totally destroyed, and the coffee plantations so injured that it will be at least five years before they can be restored to normal conditions; and

Whereas a very large part of the shade trees which are essential for the successful functioning of a coffee plantation were destroyed and more than five years will be required for their replacement or recovery; and

Whereas more than 140,000, or about one-third, of the trees on the coconut plantations were destroyed and it will be at least seven years before the new trees to be planted in their place will be bearing fruit; and

Whereas the damage to all the insular industries has been so great as to make it impossible for the insular government to give adequate relief in the emergency: Therefore be it

Resolved, etc., That there is hereby created a commission, to be known as the Porto Rican Hurricane Relief Commission (hereinafter referred to as the commission), and to consist of the Secretary of the Treasury, the Secretary of War, and the Secretary of Agriculture, of whom the Secretary of War shall be the chairman. It shall be the duty of the commission to assist in the rehabilitation of agriculture in the island of Porto Rico, particularly on the coffee plantations and on the coconut plantations, to encourage a more general planting of food crops needed by laborers on the plantations, especially of root crops, to aid in the repair and restoration of schools and roads, and to assist in providing employment for unemployed and destitute laborers. The commissioners shall receive no compensation for their services under this resolution.

SEC. 2. (a) The commission is authorized (1) without regard to the civil service laws to appoint and without regard to the classification act of 1923, as amended, to fix the compensation of a secretary and such clerical and other assistants; and (2) to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere) as may be necessary in carrying out the provisions of this resolution. The commission may, to the extent deemed advisable by it, utilize the facilities and the clerical and other personnel of the Department of the Treasury, the Department of War, and the Department of Agriculture, and may request and accept the cooperation of the insular and municipal governments of Porto Rico in carrying out the provisions of this resolution.

(b) There is hereby authorized to be appropriated the sum of $50,000 for administrative expenses incurred in carrying out the provisions of this resolution.

SEC. 3. For the purpose of carrying out the provisions of this resolution the commission shall have power to make loans to any individual coffee planter, coconut planter, fruit grower, or other agriculturist in the island of Porto Rico in such amounts and upon such terms and conditions as the commission shall by regulation prescribe, including an agreement by the borrowers to use the loan for the purposes specified by the commission; except that no such loan shall be made for a period of more than 10 years or in an amount in excess of $25,000 to any one individual. The rate of interest upon each such loan beginning with the fourth year shall be 5 per cent per annum, but the commission may, in its discretion, defer the payment of interest upon any such loan for such a period of time as the commission shall deem necessary. All such loans shall be made by the commission itself or through such agencies as the commission shall designate. For carrying out the purposes of this section there is hereby authorized to be appropriated the sum of $6,000,000, of which $3,000,000 shall be made immediately available, $2,000,000 shall be made available on January 1, 1930, and $1,000,000 shall be made available on January 1, 1931. All money received during a period of five years from the date of the approval of this joint resolution as repayment of any loan or interest on loan made under the provisions of this joint resolution shall be held by said commission as a revolving fund, which may be loaned on applications for the purposes and upon the terms and conditions herein provided, and all money received thereafter as payments of interest and principal on all loans made under the provisions of this joint resolution shall be covered into the Treasury as miscellaneous receipts.

SEC. 4. There is hereby authorized to be appropriated the sum of $2,000,000 to be used for the rebuilding and repair of schoolhouses damaged or destroyed by the hurricane in the small towns and rural districts of Porto Rico and for the employment of labor and the purchase of materials for repairing insular and rural municipal roads. The sum hereby authorized to be appropriated shall be expended in such manner and in such amounts as the commission shall approve.

SEC. 5. There is hereby authorized to be appropriated the sum of $100,000 to be expended by the commission in the purchase and distribution within the devastated area of Porto Rico of seeds and seedlings, particularly of food and root crops, in such manner as it deems advisable.

SEC. 6. The commission shall make an annual report to Congress at the beginning of each regular session, giving a complete account of its activities in carrying out the provisions of this resolution.

Approved December 21, 1928.

Public Resolution 33, Seventy-first Congress

(S. J. Res. 118)

Joint resolution to authorize additional appropriations for the relief of Porto Rico

Resolved, etc., That there is hereby authorized to be appropriated the sum of $1,000,000 for the purpose of making loans to individual coffee planters, coconut planters, fruit growers, or other agriculturists in the island of Porto Rico; the sum of $2,000,000 for the rebuilding and repairing of schoolhouses damaged or destroyed by the hurricane in the small towns and rural districts of Porto Rico and for the employment of labor and the purchase of supplies, materials, and equipment for repairing and constructing insular and rural municipal roads; in all, $3,000,000, to be made available immediately and to remain available until expended.

SEC. 2. The sums hereby authorized to be appropriated shall be expended in such manner and in such amounts as may be approved by the Porto Rican Hurricane Relief Commission, established by Public Resolution No. 74, Seventieth Congress, approved December 21, 1928.

Approved, January 22, 1930.

EDGEFIELD, S. C., *April 9, 1930.*

Senator COLE. L. BLEASE:

Only $4,000 farm seed-loan fund allotted to Edgefield County. We need $35,000. Farmers in distress; immediate action imperative.

R. H. NORRIS,
Mayor of Edgefield.
W. D. ALLEN,
President Chamber Commerce.
A. E. PADGETT,
President Farmers' Bank of Edgefield.
THOS. H. RAINSFORD,
Vice President Bank of Edgefield.
T. B. GRENEKER,
State Senator.
H. C. FANNING,
Manager Bank of Western Carolina.
W. W. MILLER,
Vice President and Cashier Bank of Trenton.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., April 11, 1930.

Hon. COLE. L. BLEASE,
United States Senate, Washington, D. C.

DEAR SENATOR BLEASE: Your letter of April 10 inclosing telegram from certain parties in Edgefield County, S. C., regarding the allotment made to that county from the appropriation for loans to farmers for the purchase of seed, feed, and fertilizer has been received.

Our reports indicate that applications are being filed at the field offices for amounts greatly in excess of the appropriation, and the department is endeavoring to deal fairly with each of the States mentioned in the bill; still it is quite certain that we will not be able to allot each county the amount it would like to receive.

I am referring your letter to Dr. C. W. Warburton, with the request that he see if anything can be done with regard to increasing the allotment to Edgefield County.

Respectfully,

R. W. DUNLAP, *Acting Secretary.*

APRIL 30, 1930.

Senator COLE. L. BLEASE,
Washington, D. C.

DEAR SIR: I find it necessary to write you concerning the Federal seed and fertilizer loan.

I filed application about the 1st of April for money to buy seed and fertilizer for my 1930 crop. I am inclosing a letter from the Federal

loan so you can see the answer they have given me at this late date for farming. I am unable to make plans at this late date.

Now, Mr. BLEASE, not only me but a lot of us farmers are left in a critical condition. We went ahead and prepared all of our land for planting with the expectation of some help from the Government, so here I am left with nothing to buy seed or fertilizer with and the banks absolutely refuse to put out any money on crop mortgage.

Senator BLEASE, for illustration, to show that, it seems to me, it was not equally divided, I have a brother that received a check for $93 from the Federal farm loan who is 50 per cent in a better financial condition than I am.

I obtained money from the Federal farm loan last year, and my crop was indeed short; in fact, it was not sufficient to pay this money back, so I had to work out and deprive my wife and children in order to pay this money back to them, thinking I would be able to get some help from them this spring.

Senator BLEASE, the proposition looks serious to me. It appears to me I will have to give up my farm and get other work in order to live. I have always been an upholder for you, Mr. BLEASE, and have also been advised by a number of other friends of Mr. BLEASE to write you concerning this matter.

I didn't know if it would be of any benefit or not, but I do know if anything can be done Senator BLEASE will do it, because you are a fair man and believe in equal rights.

My motto is, "Equal rights to all and special privileges to none."

Hoping to hear from you at an early date with some advice as what to do,

I am your friend,

———— ————.

[Inclosure]

UNITED STATES DEPARTMENT OF AGRICULTURE,
FARMERS' SEED LOAN OFFICE,
Columbia, S. C., April 27, 1930.

DEAR SIR: We have your application for a seed, feed, and/or fertilizer loan, and we regret to inform you that the allotment of funds set up for applications from your county has been exhausted. We will hold these papers in our office for a short while in the hope that other counties in your State will not use all of their allotments and will thus be able to take care of a few applications received from such counties as have exhausted their allotment.

We can not, however, give definite assurance that any county will not use all of its funds and can not hold out any encouragement that we may be able to approve your loan later.

You should make plans in connection with your 1930 crops with the above in mind.

Yours very truly,

FARMERS' SEED LOAN OFFICE,
L. E. WHITE,
Administrative Officer in Charge.

———

WASHINGTON, D. C., *May 1, 1930.*

DEAR SIR: Your letter of April 30 received.

Some time ago I took up with the Department of Agriculture the matter of the insufficiency of the farmers' seed loan fund and requested that the allotment to the various counties in South Carolina be increased.

The department advised me that as a number of States were to be supplied out of the fund that it was necessary to make the allotment to the different counties small in order that each State and county entitled to some of the funds should receive its pro rata share.

At the first opportunity I am going to take the matter up on the floor of the Senate along with some other material which I have to offer for the relief of our farmers, and I hope that they will be able to accomplish some good.

In the meantime, there is nothing I can do except to suggest to you that you see your county agricultural agent and have him take the matter up with the farmers' seed loan office in Columbia.

With kind regards and my best wishes, I am, as ever,

COLE. L. BLEASE.

———

BAMBERG, S. C., *April 16, 1930.*

Senator COLE. L. BLEASE,
Washington, D. C.

DEAR SENATOR: I see where you are putting a bill through requiring the Federal land banks to give us a breathing spell, and I am certainly glad. Please let me know what success you are having, and if you think it will soon become a law.

Unless something happens real soon, I am sure to lose 1,250 acres of land, but I believe I can make the grade if your bill is made a law real soon. Everything is shot to pieces down here, but with just a little indulgence I think we can all come back.

Best regards.

I am, yours truly,

———— ————.

APRIL 28, 1930.

Hon. COLE. L. BLEASE.

DEAR SIR: I guess you will be surprised to get this letter.

As I am flat on the ground, I thought I would write you and see if you could help me in some way. I put in for Government money three weeks ago, and I have called personally on Mr. L. E. White, in charge at Columbia. He told me Orangeburg County money was out. Looks like a man with nine in family could have gotten this money.

I see others that have already gotten it running cars and also have an income. I have no car or income. Plenty of friends, but all of them broke as hell.

Banks are not loaning any money on crop mortgages or real estate. I have no one to look to, that is why I put in for Government help. Two years ago storm destroyed nearly all of my cotton. I borrowed a little last year from Government and was drowned out by rain, but made enough to pay it back. I wanted about $250 this year to run my farm on, and if you can help me to get it right away, in any way, I will appreciate it very much. I will give any kind of note signed by me and wife until next fall.

I know you are not running a bank, but I thought perhaps you could help an old friend—one that has stood by you and one that will stand by you. If the Government don't help farmers a little more than they have been, there won't be anything down here but paved roads and empty bellies. A lot of farmers in this country can't get a cent to farm with, some going crazy, some going to hospital, some to the graveyard over worry. I have a lot more to tell you, but will wait till later.

———— ————.

[From the News and Courier, Charleston, S. C., April 6, 1930]

FARM RELIEF FROM WASHINGTON—ABOLITION OF STATE LEVIES ON REAL PROPERTY ADVOCATED

By J. Skottowe Wannamaker

Hon. Merle Thorpe, editor of the great magazine, Nation's Business, one of the best recognized authorities on the complex question of government and taxes; Col. Richard H. Edmonds, editor of the Manufacturer's Record, long the outstanding champion of the South and to-day recognized nation-wide as one of the most forceful writers and best authorities on agriculture, business, and industry; and Mr. J. T. Tolleman, president of the Southern Mortgage Co. of Atlanta, Ga., a successful banker and business man, with wide connections, a recognized authority and student of agriculture and agricultural financing, have each displayed a remarkable grasp and understanding of the problems that will be discussed at the meeting of the farmers and friendly allied lines from all sections of the State at the convention hall of the Jefferson Hotel at 10 a. m. on April 15. The addresses and writings of the three above-named gentlemen on these subjects have attracted nation-wide attention.

A recent address by Mr. Merle Thorpe over the general radio broadcast on the subjects of taxes and government, it is conceded by reputable authorities, is one of the most masterful addresses ever delivered on this most complex subject. There are few men or publications in the entire Nation that wield a greater influence for good than Col. Richard H. Edmonds. Mr. J. T. Holleman's address before a recent gathering of the American Bankers' Association, on agriculture, agricultural finances, and the Government's place in agriculture, received the unanimous approval of every banker in the large gathering and was conceded to be one of the clearest and most forceful presentations of the farmer's and land owner's problem that has been delivered before any gathering since the ruinous artificial deflation policy of 1920.

FARM REHABILITATION

The above three recognized national authorities will be invited to address the meeting April 15. Their addresses and the action of the meeting will receive wide publicity throughout the entire Nation as it is conceded by every thoughtful person that the most serious problem facing the Nation to-day is the agricultural problem and that it is vitally necessary not only in the interest of the farmer and friendly allied lines but to the business industry, the people of the entire Nation and the Government to adopt proper measures for a solution of this problem so that the farmer can rehabilitate. The science of government is only a science of combinations, of application, and of exceptions according to times, places, and circumstances.

It was long claimed that the South was the cry baby of the Nation and that we, of the South, were convinced that the Government was an eleemosynary institution, and, therefore, we must look to the Government for assistance instead of working out our own problems. The nation-wide depressed condition of agriculture to-day, the foreclosure of mortgages, and execution for nonpaid taxes has resulted in creating conditions of poverty and discontent nation-wide among the agricultural producers and friendly allied lines to such an extent that other lines of human activities are being sucked into the cesspool, so that common sense dictates to our mind the fact that Government is a trust, and the officers of the Government are trustees; and both the trust and trustees are created for the benefit of the people. This is

the interpretation placed upon present conditions by leaders representing agricultural and friendly allied lines throughout the Nation, regardless of section or politics.

AGRICULTURAL FINANCING

Neither the farmers nor the representatives of friendly allied lines are responsible for the agricultural depression. The only hope for better conditions lies in giving the farmer an opportunity to rehabilitate, discontinuing the drastic foreclosure of mortgages. The act creating Federal land banks and joint-stock land banks was the united product of a group of able and sincere men selected from various sections of the Nation by President Woodrow Wilson. This body represents his first appointees after taking the oath of office. Their duties as outlined by the President were to "visit the leading agricultural countries of the world, to study their system of agricultural financing for farm homes and farm lands and for production purposes, and to prepare, based upon this information, an act creating a system of agricultural financing for this Nation that would promote home and land ownership and furnish the farmer with production credit, all of which was to be based upon the most successful of the systems of foreign nations."

Our joint-stock land bank and Federal land bank which was a result of the commission so appointed is a duplication of the German banking system for agriculture, which has been in successful operation for over 300 years. Under this system the farmer pays annually 3 per cent, including his interest and amortization fee and he is allowed three years grace for payment in the case of short crops and low prices, and in extreme cases of depression five years are allowed. The foreclosure of mortgages in Germany, and, for that matter, other leading countries, is unknown. Our intermediate credit bank for production purposes is based upon a combination of the German and French system of production credit for farmers. The highest rate of interest charged the farmers in any of the leading agricultural countries abroad is 3 per cent.

MEMORIAL TO CONGRESS

A memorial was recently forwarded to the President and Congress from this State requesting that necessary steps be immediately taken to secure an armistice for three years against foreclosures of mortgages against farms and farm homes by the joint-stock land bank and Federal land bank and that annual payments on said mortgages be reduced 3 per cent and that the intermediate credit banks be investigated and reorganized, pointing out the fact that the American farmer is without productive credit. In other words, in this memorial we simply ask that the American farmer be shown the same consideration that has been granted to the farmers of Germany and other European countries over 300 years. Leaders of agriculture and allied lines of business and industry and many governors, regardless of politics and section of the Nation, have joined us in this respect to the President and Congress. The indications now plainly point to the fact that this request for cessation of foreclosures of real-estate mortgages through the two Federal banks for a term of three years, the Government to protect the bonds secured by said mortgages during the said period and the reduction of interest or annual payment to 3 per cent, will receive the largest indorsement representing a great scope of the Nation than any petition of a similar nature ever presented to the President and Congress.

FARM TAX SALES

Every reputable economist and every person guided by a sense of justice concede the indisputable fact that it is necessary for the farmer to secure for his product cost plus a reasonable profit, and that, therefore, he must add in his cost interest, taxes, transportation—three items that come directly under control of the Government. It is also conceded that low interest rates, reasonable taxes, and fair transportation charges benefit not alone the farmer but the entire commerce and civilization of the Nation. These assessed charges have acted as a thermometer, marking the prosperity of the Nation in which they were granted.

The sale of farms under foreclosure for taxes have broken all records of the past. Estimated average taxes per acre of farm real estate increased 134 per cent from 1913 to 1924. The increases have been still higher since 1924. In fact, by 1928 it had reached 146 per cent above the 1913 level. Taxes on farm property will not decline and will probably continue to increase unless the State provides for effective control over the tendency of increased expenditures. When I addressed the general assembly in 1916 and 1917 with cotton around 40 cents per pound, the appropriation for the State at that time was approximately $2,500,000. When I addressed the Senate last week the expenditures had increased to the vast sum of $11,000,000.

PROPERTY LEVIES REMOVED

State assessment of real estate and homes and State levies have been removed in many of the progressive States of the Nation, several of which I have recently visited. The county only assesses the real estate and levies for county purposes. Taxation for meeting the expenditures of the State are derived from bonds, stocks, cash in banks (deducting for debts due or owing is allowed against cash), luxury sales tax, etc., provide all the necessary revenue. The farmers of South Carolina, the home owners, can not continue to bear the tax burden, nor can the problem be solved by the sale of the property for taxes. The only solution is to change the antiquated system of taxation now in force and adopt the progressive system which has proved so beneficial in many of the other States and to reduce the expenses of government from the State departments on through the county by elimination and consolidation to the fullest extent permitted without destroying efficiency.

South Carolina is one of the few States that continues to ignore the voice of the people as expressed at the ballot box requesting and directing that the legislature meet only once in every two years. Compliance with these instructions in itself would bring about an enormous saving of the taxpayer's money. Every progressive State keeps the taxpayers posted concerning the financial status of the State and of each county in the State, many of them by semiannual financial statements issued by the officials in plain language so that even a layman or farmer can understand it. A similar financial statement showing the assets and liabilities of the State and each county in the State in condensed form and in plain language published in the press of the State and counties would be in line with the custom followed in a vast majority of the States and that has proved highly beneficial.

FINEST COTTON IN WORLD

The constant statements issued through the press to the effect that the old cotton States can not compete with the West—that is, the States beyond the Mississippi—that American cotton is inferior to foreign cotton, that it has not the fiber and staple, is incorrect and has done serious injury. Since 1840 the cry has been made that the Atlantic States can not compete with the West in the production of cotton. Having visited time and again every section of the Cotton Belt and having operated under the American Cotton Association, of which I am president, approximately 5,000 demonstration farms per year since 1922, these farms being operated in every section of the Cotton Belt, I find that the facts are the world has never known of finer cotton farmers than the cotton farmers of South Carolina and other States this side of the river, especially in the older States. I call your attention to statistics on production confirming this statement. The widely and constantly published statement that the American cotton is inferior in fiber and staple has seriously injured the sale of American cotton abroad. There is no superior cotton produced anywhere in the world to the American cotton running in staple from seven-eighths to 1 inch, and a vast majority of the spindles of the world approximately 80 per cent use cotton of seven-eighths inch to 1 inch staple. This constant erroneous statement concerning our staple and fiber has induced other countries of the world to enter more actively into an effort to produce seven-eighths to 1 inch staple cotton, and, to put it into plain common sense, the statement has given American cotton a black eye. Give a dog a bad name and it will hang him applies in this case.

INJURIOUS COMPETITION

The cotton producers of the South are forced to compete on an unequal basis with the cotton producers of other sections of the world where the standard of living is lower, the scale of wages is only a fraction of the wages paid by the cotton producers of America, which wages, I frankly admit, are inadequate. The foreign producers enjoy a far lower rate of interest, and in many of the foreign countries he is subsidized by the government, and as a result of the tariff he is enabled to buy his agricultural implements at a lower price than that paid by the American cotton producer, although these implements are largely manufactured in America. This unfair competition has resulted in increasing the foreign production in cotton since 1903 in the foreign countries of the world 189 per cent, while the cotton producers of America since 1903 have increased the production only 145 per cent, and unless the American Government places the American farmer and American cotton grower on an equal economic basis with other lines in America and grant to them the relief requested concerning the mortgages over lands and homes and the burden of taxation is more equitably distributed, and he is given an equal rate of transportation with the farmers in other leading agricultural nations, then he is doomed to fall by the wayside, as it is impossible for him to compete against the foreign producers on this unequal basis.

PRICE NECESSARY

One of the best recognized authorities in any division of the cotton industry shows that, based on post-war yield of American cotton per acre and on the average market price for cotton for 10 years prior to the World War and on the present purchasing power of the dollar, the cotton farmer must obtain 22¼ cents per pound for his cotton to-day if he is to maintain even his pre-war standard of living. The present consumption of cotton outside the United States is approximately 20,000,000 bales yearly. The United States furnishes only about 40 per cent of this amount. Fifty years ago we furnished three-fourths of the cotton consumed outside the United States. The consumption of foreign production is due to the fact of the foreign producer being subsidized by their government and having a far lower cost of production. The monopoly that we long enjoyed in this field is steadily being destroyed, and the fact that the American farmer is forced to buy with the

heavier assessed charges imposed by the tariff and sell the production from his farm without this protection and enables the foreign producer to take advantage of his adversity.

GOVERNMENTAL RELIEF

It can no longer be charged that the South is the cry baby of the Nation. A fellow's feeling makes us wondrous kind. The farmers nation-wide were deflated promptly, completely, scientifically, and unmercifully in 1920. Almost 10 years later, with their backs against the wall, facing agricultural serfdom, the cry goes up, mark my words, from outstanding leaders of the far West. The surest way to prevent seditions (if the times do bear it) is to take away the matter of them, for if there be fuel prepared it is hard to tell whence the spark shall come that shall set it on fire. Farm relief is purely and certainly a matter of legislation. Relief must come from Washington; it can come in no other way. The desperate condition of agriculture to-day nation-wide is proof of the necessity of this. The American farmer is still saddled with a debt of $12,000,000,000—a debt one billion more than the amount due the United States by the European allies in the Great War. The foreign countries have been given 50 years in which to pay the eleven billion.

Ten per cent of our population own 57 per cent of our wealth. One hundred and eighty million dollars was recently refunded to this wealthy group by the National Government, $8,000,000 was donated by our National Government to Porto Rico as a free gift following the tropical storm of 1928, which storm was also disastrous to the farmers of our States. Porto Rico, in area, is about the size of South Carolina.

TAX PAYMENTS PUT OFF

Some of these States have postponed tax payments. The State of Texas on account of the pressed finance condition of farmers have recently postponed taxes due until November 15. However, there has been no reduction made in the taxes. The farmers throughout the Nation have been forced to sell staple agricultural products for less than the actual cost of production as a result of this and refusal of extension of time for payment forced sales of farming land through foreclosures of mortgage and execution of taxes has broken all records of the past.

The American farmers have been told that they must pay the $12,000,000,000 they owe and must be quick about it. No armistice is granted in this battle the American farmer is waging for self-preservation. He must, therefore, demand of his Government the relief to which he is entitled. In the fight for farm relief our guns must be trained on the Congress of the United States. The industrial, financial, and transportation interests have hog-tied everything. Every interest gets the legislation it needs—the farmer is left holding the bag, he asks no special favors, he does demand that laws which discriminate against him be repealed. He sees red, he has long ceased to weep, he is fighting mad, and he justly takes the position that if other interests are fostered and protected by law, then laws that will protect him must be enacted. This is all that he asks. It is necessary to enable him to compete with the foreign farmers.

FIGHT JUST BEGINNING

The fight for farm relief is just beginning. We are face to face with an economic revolution of such magnitude that it will eclipse any similar revolution that has occurred, certainly, in the last generation. Many thoughtful people are convinced that it will be more far-reaching in its effect than any economic revolution that has ever occurred in this Nation. This being the case, it is natural that the farmers and friendly allied interest from every section of South Carolina will attend the mass meeting that will be held in the convention hall of the Jefferson Hotel April 15, and that the activities of this meeting will be carried in the press to the people of every section of the Nation.

Our immortal John C. Calhoun delivering an address to a similar gathering to the one that will be held on April 15 under somewhat similar conditions, although the suffering of the people had not reached the serious stage that it has to-day, stated in part, "A power has arisen up in the Government greater than the people themselves, consisting of many and various and powerful interests combined into one mass, and held together by the cohesive power of the vast surplus in the banks."

[From the News and Courier, Charleston, S. C., April 27, 1930]

"A NEW DECLARATION OF INDEPENDENCE"

By J. Skottowe Wannamaker, president Farmers and Taxpayers' League

The records of history show that a safe civilization can not be constructed on the "homeless estate of man," that when the farmers owned the land they cultivated they were happy and contented because they were prosperous and independent. No nation has ever prospered permanently when the basic industry—agriculture—was impoverished and the farmers were tenants instead of landowners. Nothing contributes more to the security of our State than its homes. They constitute the foundation of its freedom, the bulwark of its prosperity, the citadel of its virtues, and the source of its patriotism. Henry Grady never uttered a greater truth than when he said, "The ark of the covenant of our Government rests in the homes of the people."

RURAL LIFE MUST BE RESTORED

We must bring back to rural life the attraction and advantages enjoyed in other days, and unless the tax burden, which is resulting in confiscation of homes and farms, is lifted then this will not be possible. Fortunately, there is a way by which the State can protect the homes and farms and can march into an atmosphere of real progress and development. That way is by adjusting our tax laws so that they will not only distribute the tax burden equitably, but will provide the revenue needed by the State. The ad valorem tax levied on the real estate, homes, and personal property for State purposes should be done away with entirely. Taxes against these sources by counties and subdivisions should be drastically reduced. The State should raise its revenue from a tax on corporations, inheritances, franchises, general occupations, luxuries, cash in banks, stocks, bonds, and other intangibles, and a sales tax.

The sales tax has been in use for many years in Italy, Germany, France, Canada, and a number of the progressive States in our Nation. This system is equitable and fair to all, and instead of a tax burden as heretofore being borne by a small per cent of our citizens every citizen of South Carolina will pay something, and it would result in ridding the State of debt and putting it on a cash basis, and would enable the farmers to rehabilitate and would bring back the attractive rural life of other days.

SUCCESSFULLY SOLVED IN PAST

Forty years ago Denmark was a bankrupt country. Its farmers became discouraged and left the farms for the city. At that time 90 per cent of Denmark's farmers were tenants. A great statesman of that nation realized that it would be not only more statesmanlike for the government to come to the rescue of the home and the farm but it was necessary to do so as a matter of self-preservation. Conditions in Denmark at that time were the same as they are in South Carolina to-day. It is through the efforts of this great statesman and coworkers that conditions in Denmark were changed from what they were into what they ought to be, their tax system was revised so that the tax burden was lifted from the home and the farm. A financial system was installed which enabled the farmers to purchase their lands on long terms at an extremely low rate of interest, and production credit was furnished for raising of livestock and crops also at a low rate. To-day 92 per cent of the farms of Denmark are owned by the people cultivating them, her farmers are prosperous, and Denmark is a solvent nation.

DENMARK PLAN SPREADS

The plan originated by Denmark was not only adopted by other Scandinavian countries but likewise by Germany, France, Italy, and other of the leading foreign agricultural countries, and all of these countries gave special consideration to taxes against farms and homes. The farmers of the three countries named, in addition to Denmark, have been greatly benefited and thus have contributed directly to all lines of industry and commerce in these nations as agriculture is basic. The average bank deposit of the individual farmers in these countries is far in excess of the average deposit of the American farmer; in fact, as a result of this system even prior to the time of the Franco-Prussian War it had so added to the wealth of the farmers of France that the Franco-Prussian War debt was paid overnight by the French farmers checking on their savings accounts.

It is a fundamental principle of political economy that public debt must be avoided if possible and that bond issues are never justified unless first an emergency exists and the money required for improvements is not otherwise available, and, second, unless improvements to be made are of a permanent nature and will last as long, at least, as the terms of the bond. These fundamental principles of economics have been ignored in our State. Bonds for various and sundry purposes, for municipalities, for school districts, counties, and State have been issued in an endless chain. It has frequently been the case that when the bond matured it was retired in a new issue; in fact, with some of our State bonds—tracing them back to the original issue they are hoary with age. Any adherence to the simplest form of sound business would require that the sinking fund be collected on bonds and that these sinking funds be applied annually. Stupendous amounts have been lost during the last few years on account of the nonadherence of this rule in a number of the counties of the State on account of the failures of banks in which were deposited sinking funds.

STRICT ECONOMY NECESSARY

The strictest economy should be practiced by those in charge of the taxpayers' money, because the tax rate of the State automatically responds to the expenditures authorized by the legislature and those in charge of the finances of the State, and it would seem that they fail to bear in mind the fact that the government of South Carolina has no way of coining money. It possesses no wealth apart from that owned by the people collectively. It has no revenue except as it may acquire from taxes. We have reached the parting of the way. The home and the farm can not continue to pay the ever-increasing burden.

BUREAUCRACY GROWS

The administrative machinery of our State government as now constituted consists of the constitutional government—that is, the elective government and the appointed government. The commissions and bureaus were formed to fill some real or apparent need and some were formed without regard or consideration of work being done by some other bureau, commission, or department then existent. Like mushroom the system sprung up during the World War; like mushroom it has poisoned democracy. There must be a drastic revision of the entire administrative branch of the Government. It is far too expensive in proportion of the work done or good accomplished. It is cumbersome, top-heavy. The departments must be reorganized from the top to the bottom and coordinated so as to eliminate duplication and overlapping of effort. All useless departments must be abolished. Departments that are doing work along the same lines must be consolidated. The reorganization of our Government will not only increase the efficiency but will result in a direct saving of a very large sum to the taxpayers. The fact that our annual appropriation, when cotton was selling at 40 cents per pound and other products of the farm on an equal basis, was less than one-third of the appropriation of to-day presents proof that the taxpayers are being burdened far beyond the amount necessary to obtain an efficient Government in all departments.

DEAR PEOPLE PAY BILL

The expense of the State government is far in excess of the amount indicated by the annual appropriation. The iniquitous practice of using a part of the fines, fees, licenses, or whatnot for paying the individual or department collecting the tribute is just as much a part of the appropriation as it would be were these fines, fees, licenses, or whatnot paid over to the proper authorities in full, as they should be, and then a check issued on a proper voucher to pay the amount due the individual, the commission, the bureau, or whatnot. These collections are just as much a direct tax as if they bore the correct name of tax—that come out of the pockets of the "dear" people. It is possible that they do not put as much bad taste in their mouth; however, it has the same effect upon the pocketbook as it drains it.

The best government is that which is the nearest and closest to the people. It is vitally important in a democratic form of government that those who occupy positions of trust and power are directly responsible to the people. The elective franchise is the surest safeguard for the protection of the masses. There are, however, those—and this army is steadily growing—who are afraid to trust the people and insist upon this appointed government instead of electing by popular vote the heads of the departments. I challenge such a statement and repudiate the false theory that the people are not capable of electing their officers.

PEOPLE GENERALLY RIGHT

I admit that the people are human and therefore will make mistakes, but history proves that the choice of the people has been wisely made in a vast majority of elections conducted in this State since it was formed. The people choose many officials who would never have been selected by the manipulation usually practiced in the appointed power. These men so selected, many of them rendered a great service to the State, and those elected by the people will compare with great credit to those elected through the appointed power. I do not claim that good and able men are not appointed. I do, however, claim that we should adhere closely to the landmarks of our fathers, the Constitution, and that we should trust the people and should not take away from them this priceless heritage, the foundation of democracy, the right and privilege to select our officials through the elective franchise, the surest safeguard for the masses and the protection of the Constitution.

If the people are capable of electing a President of the United States, a governor, United States Senator, a Congressman, and other State and county officials, surely they are capable of electing the head of every necessary bureau or commission unless we are to ignore the written lessons of history. These records show that bureaucracy has caused the downfall of democracy; in fact, has destroyed all forms of government in which the people were permitted to have even the slightest form of democracy. It is the most extravagant of all forms of government; in fact, bureaucracy is recognized as a fortress of nepotism, the incubator from which officeholders are bred so that the army of officeholders continue to increase under this system and the Government will finally be absolutely dominated by bureaucracy, and one generation of bureau aristocrats will pass to their children the official positions that they hold. With 1 person out of every 11 an employee of the Government, it is time to stop, look, and listen.

DECLARATION OF INDEPENDENCE

Since the formation of the Farmers and Taxpayers' League on April 15 letters have poured into headquarters from practically every section of every county in South Carolina indorsing the manifesto which was issued by the league. Many term this manifesto a new declaration of independence. These letters of indorsement and pledged cooperation come from farmers and allied lines; in fact, there is no division. The league seems to have the indorsement of all right-thinking people. These letters, however, are not confined to South Carolinians alone. Many have been received from people in distant States, and we are assured by leaders of recognized authorities that success along the lines we are working will prove of untold benefit to the best interest of the people at large. One of the best authorities in the Nation, a great financial leader, makes the following statement:

"South Carolina offers a greater opportunity for safe and profitable investment than any other State in the Nation, provided the antiquated system of taxation is abolished and a modern system installed in its place. The present ad valorem system of taxation is confiscatory against visible property. Investments in real estate for farming, stock and poultry raising, homes, investments in industries and business will be attracted to your State from all sections of the Nation provided you install a sane system of taxation in line with the tax system adopted by the progressive States, and provided your governmental machinery is reorganized and placed on a sane, solid, business basis. Capital is timid; it is knocking at your door and it will never enter your State until these necessary modern reforms have been put into effect.

OFFICERS WITHOUT COMPENSATION

The officers of the Farmers and Taxpayers' League are giving of their time and finances purely as a matter of service to the State. The State is being thoroughly organized from the township through the counties up to the State, so as to enroll in the league all people who are interested in changing conditions in South Carolina from what they are into what they ought to be. The league does not lack for pledges of commendation and cooperation. It does, however, lack for finances for stamps, stationery, stenographic help, and traveling expenses. The officers, executive committee, and board of directors are as follows:

J. Skottowe Wannamaker, president; Nells Christensen, first vice president and secretary; A. R. Johnston, second vice president and treasurer; Carl B. Epps, third vice president; Pierre Mazyck, assistant secretary.

Executive committee: A. R. Johnston (chairman), J. S. Wannamaker, C. B. Epps, Nells Christensen, Frank W. Shealy, A. F. Lever, John W. Drake, S. J. McCoy, and J. B. Johnson.

Board of directors: F. W. Shealy (chairman), members of the executive committee, and the following: W. C. White, Chester; J. B. Johnson, Rock Hill; George B. Laney, Chesterfield; J. B. Lane, Bishopville; J. C. Bethea, Dillon; E. W. Evans, Bennettsville; Nathan Evins, Marion; Edgar L. Ready, Johnston; A. I. Barron, Manning; J. Fletcher Smith, Gaffney; J. S. Stark, Abbeville; S. J. McCoy, Holly Hill; Edgar L. Culler, Orangeburg; W. L. DePass, Camden; James Morse, jr., Cameron; J. P. Guess, Bamberg; Joe Bouknight, Johnston; J. S. Whaley, Charleston; O. P. Goodwin, Laurens; J. Russell Williams, Berkeley; Paul Sanders, Walterboro; J. I. Johns, Allendale; Doctor Wyman, Estill; Quince Cannady, Barnwell; Burney Davenport, Greenwood; Frank Raysor, Greenville; L. J. Browning, Union; W. H. Wicker, Newberry; J. Frank Williams, Sumter; W. C. Wilson, Cades; W. A. Rigby, Reevesville; C. J. Holliday, Gallivants Ferry.

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NOMINATION OF JUDGE JOHN J. PARKER

The Senate in open executive session resumed the consideration of the nomination of John J. Parker, of North Carolina, to be an Associate Justice of the Supreme Court of the United States.

The VICE PRESIDENT. The Senator from Rhode Island [Mr. HEBERT] is entitled to the floor.

Mr. FESS. Mr. President, will the Senator from Rhode Island yield to me to enable me to suggest the absence of a quorum?

Mr. HEBERT. I yield for that purpose.

Mr. FESS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Fess	McCulloch	Smoot
Ashurst	Frazier	McKellar	Steiwer
Baird	Gillett	McNary	Stephens
Barkley	Glass	Metcalf	Sullivan
Bingham	Glenn	Norris	Swanson
Black	Goldsborough	Nye	Thomas, Idaho
Blaine	Gould	Oddie	Thomas, Okla.
Blease	Greene	Overman	Townsend
Borah	Hale	Patterson	Trammell
Bratton	Harris	Phipps	Tydings
Brock	Harrison	Pine	Vandenberg
Broussard	Hastings	Pittman	Wagner
Capper	Hatfield	Ransdell	Walcott
Caraway	Hawes	Robinson, Ark.	Walsh, Mass.
Connally	Hayden	Robinson, Ind.	Walsh, Mont.
Copeland	Hebert	Robsion, Ky.	Waterman
Couzens	Howell	Schall	Watson
Cutting	Johnson	Sheppard	Wheeler
Dale	Jones	Shipstead	
Deneen	Kendrick	Shortridge	
Dill	Keyes	Simmons	

Mr. BLAINE. I desire to announce that my colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably absent. I ask that this announcement stand for the day.

Mr. SHEPPARD. I announce that the Senator from Florida [Mr. FLETCHER], the Senator from Utah [Mr. KING], and the Senator from South Carolina [Mr. SMITH] are all detained from the Senate by illness.

Mr. BLACK. I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

The VICE PRESIDENT. Eighty-one Senators have answered to their names. A quorum is present.

Mr. OVERMAN. Mr. President, will the Senator from Rhode Island yield to me to have a telegram read?

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from North Carolina for that purpose?

Mr. HEBERT. I yield.

Mr. OVERMAN. I ask that there may be read at the desk a telegram which was sent to the Senator from Nebraska [Mr. NORRIS] and handed to me by him.

The VICE PRESIDENT. Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

CHARLOTTE, N. C., *May 1, 1930.*

Senator NORRIS, of Nebraska,

United States Senate, Washington, D. C.:

The use of my name by Senator OVERMAN in a recent speech in the Senate as supporter of confirmation of Judge Parker as Associate Justice of United States Supreme Court is without warrant. I resent it. I have had no communication with anyone on the subject.

EDWIN FRENCH TYSON.

Mr. OVERMAN. Mr. President, I do not know this man at all. I do know the man whose letters I placed in the RECORD. I know him personally. He lives in a different town than does the man who sends the telegram. The man whose letters I placed in the RECORD lives in Burlington, N. C., while the man who sends the telegram sends it from Charlotte, N. C. I do not know whether he is white or colored. The letters which I placed in the RECORD were from a prominent colored man who was employed for a long time here in Washington, who resides in Burlington, N. C., and stands high in my State, and he is the head of some association of tailors. I have had two communications from him, which I placed in the RECORD, and not a letter from the man who sends the telegram. I do not know who the man is who sends the telegram.

Mr. HEBERT. Mr. President, in the course of my remarks yesterday I referred to Judge Parker's education and legal training, and said that notwithstanding he worked his way through college he made one of the most brilliant records in that institution; that he led his class in scholarship; that he was president of the Phi Beta Kappa; that he won prizes in Greek, economics, and law; that he was accorded the orator's medal, the most-coveted prize of the undergraduate school; that he was president of his class; and that the honorary degree of doctor of law has been conferred upon him by the university of which he is a graduate.

Mr. FESS. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Ohio?

Mr. HEBERT. I yield.

Mr. FESS. In connection with the reputation which Judge Parker made in the university, word has come to me that the university regards him as the most brilliant man who has ever been graduated from the institution since the Civil War.

Mr. HEBERT. I am glad to have the Senator make that comment.

I also referred to Judge Parker's participation in politics in his home State of North Carolina, where he was a candidate for Congress and for the office of governor on the Republican ticket, and I mentioned the fact that during the four and one-half years he has served as a judge of the Circut Court of the Fourth Circuit he has sat in more than 450 cases and has written 184 opinions, many of them looking toward the liberalization of procedure in the Federal courts.

I also took occasion to refer to the sources of opposition to his confirmation, and when the recess was taken I was discussing his attitude toward labor as disclosed in the decision in the Red Jacket case. I mention these facts at this time in order that Senators may better follow the thread of my argument as it shall be developed this morning.

Mr. President, it has been urged that his attitude toward the right of the laboring man in controversies with employers is apparent from this single opinion. As to the scores of other opinions written by him and the numerous others in which he has concurred during his years of service on the bench no word of criticism has been raised. Does this mean that his every other judicial utterance has been satsisfactory to his opponents and that they have, perforce, only this one decision upon which to base the contention that his attitude toward labor is not such as its leaders feel should be possessed by members of the United States Supreme Court? Is it possible that not one other of the cases in which he has participated involved any of the rights of those represented by his opponents? And if not, what of the judicial attitude revealed therein?

That a judge must recognize the doctrine of stare decisis and be governed thereby in his decisions can not successfully be controverted. Would those who now oppose the confirmation of Judge Parker have had him reject the rulings of the lower court in the so-called Red Jacket case, only to meet with an inevitable reversal by the Supreme Court? Would such a course have demonstrated that he was better qualified to sit as a member of that tribunal to which he has been nominated? To ask that question is to answer it.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. SULLIVAN in the chair). Does the Senator from Rhode Island yield to the Senator from Tennessee?

Mr. HEBERT. I prefer not to yield until I conclude my argument.

Mr. McKELLAR. I merely wanted to ask the Senator whether he thought that if Judge Parker had followed the modification of the Hitchman case, as found in the Tri-City case, he would have been reversed—that is, whether he would have been reversed for following the opinion of Chief Justice Taft in the Tri-City case?

Mr. HEBERT. To begin with, there has been no modification of the Hitchman case by the Tri-City case—absolutely none. The two cases are not similar, because there were elements in the Red Jacket case which are not found in the Tri-City case. In fact, as I shall set forth in the course of my argument, the representatives of miners' unions brought that very question to the attention of the Supreme Court in their application for a writ of certiorari, and the Supreme Court refused to review the case.

The Red Jacket case and companion cases were suits brought by coal-mining companies in West Virginia to enjoin the United Mine Workers who had declared a strike in an attempt to unionize the fields from interfering with the companies' employees by violence, threats, intimidation, picketing, and the like, or by procuring them to breach their contracts with the plaintiffs. The trial court found that the defendants were maliciously endeavoring to cause the employees of the plaintiffs to violate their contracts of employment with the plaintiffs, and were, by force, intimidation, and violence, endeavoring to compel the plaintiffs' employees to cease work, and enjoined these acts.

On appeal to the circuit court of appeals, one question earnestly pressed was that the defendants were not interfering with interstate commerce and, therefore, the Federal courts had no jurisdiction. The circuit court of appeals held that interstate commerce was involved and based its decision on the Coronado case (268 U. S. 295).

Another point urged by the mine workers in the circuit court of appeals was that the injunction was too broad and went beyond injunction against force, violence, and intimidation, and, in effect, enjoined interference with the plaintiffs' employees by means of peaceful persuasion. The opinion discloses that plaintiffs' employees had entered into contracts that they would not join the union while remaining in the plaintiffs' service. In his opinion Judge Parker says:

> What the decree forbids is this, "inciting, inducing, or persuading the employees of plaintiff to break their contracts of employment"; and what was said in the Hitchman case with respect to this matter is conclusive of the point involved here.

It is submitted that Judge Parker's attitude toward the right of neither the employee nor of his employer in labor disputes is apparent from his opinion in the Red Jacket case. His duty in that case was clear. He had no alternative. That he did not indulge in gratuitous expressions of sympathy for defendants' cause has been cited as an indication of a general personal attitude. Would he have shown a superior ability to serve in the position to which he has been nominated, had he expressed himself personally opposed to the existing state of the law as to the matter then before him but had, nevertheless, decided the case as he did?

Attention is directed to the fact that the opinion in the Red Jacket case is noticeably free from expressions of any kind which are not directly related to the question at issue. It seems, however, that the opinion repeatedly recognizes the right of the

laboring man and of the organizations designed for his betterment. Early in the opinion Judge Parker states:

In the first place, we do not think that the international organization, United Mine Workers of America, constitutes of itself an unlawful conspiracy in restraint of interstate trade and commerce because it embraces a large percentage of the mine workers of this country or because its purpose is to extend its membership so as to embrace all of the workers in the mines of the continent. It may be conceded that the purposes of the union, if realized, would affect wages, hours of labor, and living conditions, and that the power of its organization would be used in furtherance of collective bargaining, and that these things would incidentally affect the production and price of coal sold in interstate commerce. And it may be conceded further that by such an extension of membership the union would acquire a great measure of control over the labor involved in coal production. But this does not mean that the organization is unlawful.

Later Judge Parker quotes from the opinion in the case of American Foundries v. Tri-City Council (257 U. S. 184), as follows:

Labor unions are recognized by the Clayton Act as legal when instituted for mutual help and lawfully carrying out their legitimate objects. They have long been thus recognized by the courts. They were organized out of the necessities of the situation. A single employee was helpless in dealing with an employer. He was dependent ordinarily on his daily wage for the maintenance of himself and family. If the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and to resist arbitrary and unfair treatment. Union was essential to give laborers opportunity to deal on equality with their employer. They united to exert influence upon him and to leave him in a body in order by this inconvenience to induce him to make better terms with them. They were withholding their labor of economic value to make him pay what they thought it was worth. The right to combine for such a lawful purpose has in many years not been denied by any court. The strike became a lawful instrument in a lawful economic struggle or competition between employer and employees as to the share of division between them of the joint product of labor and capital. To render this combination at all effective, employees must make their combination extend beyond one shop. It is helpful to have as many as may be in the same trade in the same community united, because in the competition between employers they are bound to be affected by the standard of wages of their neighborhood.

Judge Parker then said:

What is said in this case as to the effect of the standard of wages on competition between employers applies in the coal industry, not to a restricted neighborhood but to the industry as a whole; for in that industry the rate of wages is one of the largest factors in the cost of production and affects not only competition in the immediate neighborhood but that with producers throughout the same trade territory. The union, therefore, is not to be condemned because it seeks to extend its membership throughout the industry. As a matter of fact, it has been before the Supreme Court in a number of cases, and its organization has been recognized by that court as a lawful one. We have no hesitation, therefore, in holding that the defendants are not guilty of a conspiracy in restraint of trade merely because of the extent and general purpose of their organizations.

Near the close of the opinion Judge Parker states:

It is said, however, that the effect of the decree, which, of course, operates indefinitely in future, is to restrain defendants from attempting to extend their membership among the employees of complainants who are under contract not to join the union while remaining in complainants' service, and to forbid the publishing and circulating of lawful arguments and the making of lawful and proper speeches advocating such union membership. They say that the effect of the decree, therefore, is that, because complainants' employees have agreed to work on the nonunion basis, defendants are forbidden, for an indefinite time in the future, to lay before them any lawful and proper argument in favor of union membership.

Then Judge Parker goes on to say:

If we so understood the decree, we would not hesitate to modify it. As we said in the Bittner case, there can be no doubt of the right of defendants to use all lawful propaganda to increase their membership.

The final quotation in the opinion, the insertion of which reveals the absence of any attitude prejudicial to the interests of the laboring man, is found toward the bottom of page 850. This quotation is taken from the opinion in the case of Gasaway v. Borderland Coal Co. (278 Fed. 56), and reads as follows:

So far as the contracts themselves and this record disclose, the check-off is the voluntary assignment by the employee of so much of his wages as may be necessary to meet his union dues and his direction to his employer to pay the amount to the treasurer of his union. In that aspect the contract provision is legal, and quite evidently there are many lawful purposes for which dues may be used.

In Hitchman Coal & Coke Co. v. Mitchell (245 U. S. 229), upon which Judge Parker relied and which he believed to be controlling in the Red Jacket case, the Supreme Court said in its decision:

Another fundamental error in defendants' position consists in the assumption that all measures that may be resorted to are lawful if they are "peaceable"—that is, if they stop short of physical violence or coercion through fear of it. In our opinion, any violation of plaintiff's legal rights contrived by defendants for the purpose of inflicting damage, or having that as its necessary effect, is as plainly inhibited by the law as if it involves a breach of the peace. A combination to procure concerted breaches of contract by plaintiff's employees constitutes such a violation, that is, a violation of the plaintiff's legal rights.

It does not appear from Judge Parker's opinion that any question was raised by counsel in the Red Jacket case as to the validity of the contracts between the plaintiffs and their employees by which the latter agreed not to join the union. An examination of the briefs of counsel filed in this case discloses no suggestion or contention that the contract between the mining companies and their nonunion employees prohibiting the latter from joining the union was illegal or void as against public policy or for any other reason. Counsel, as well as the circuit judges, quite correctly considered the Hitchman case conclusive on that point, for in its opinion (245 U. S. 250) the Supreme Court had declared:

That the plaintiff was acting within its lawful rights in employing its men only upon terms of continuing nonmembership in the United Mine Workers of America is not open to question. * * * The same liberty which enables men to form unions, and through the union to enter into agreements with employers willing to agree, entitled other men to remain independent of the union and other employers to agree with them to employ no man who owes any allegiance or obligation to the union. In the latter case, as in the former, the parties are entitled to be protected by the law in the enjoyment of the benefits of any lawful agreement they may make. This court repeatedly has held that the employer is as free to make nonmembership in a union a condition of employment as the workingman is free to join the union, and that this is a part of the constitutional rights of personal liberty and private property, not to be taken away even by legislation unless through some proper exercise of the paramount police power. (Adair v. United States, 208 U. S. 161; Coppage v. Kansas, 236 U. S. 1.) * * *

Plaintiff, having in the exercise of its undoubted rights established a working agreement between it and its employees, with the free assent of the latter, is entitled to be protected in the enjoyment of the resulting status, as in any other legal right. That the employment was "at will" and terminable by either party at any time is of no consequence.

Mr. Justice Brandeis wrote a dissenting opinion in the Hitchman case, but his dissent was not based on a suggestion that the contract between the employer and its employees not to join the union was unenforceable or void. On the contrary, he said (p. 271):

In other words, an employer, in order to effectuate the closing of his shop to union labor, may exact an agreement to that effect from his employees. The agreement itself being a lawful one, the employer may withhold from the men an economic need—employment—until they assent to make it.

His dissent was based on the proposition, not that the contracts were unlawful, but that the union men did not induce the plaintiff's employees to violate their terms (p. 272). This contention was expressly rejected in the ruling opinion of the court (p. 255).

Whatever reasons might have been advanced for assailing such contracts on grounds of public policy, Judge Parker and his associate judges were constrained by the decision of the Supreme Court in the Hitchman case to disregard them. No such point was made by counsel in the Red Jacket case, who must have regarded the right to make such contracts as settled in the Supreme Court of the United States.

On the other question, as to whether any actionable wrong justifying an injunction was committed by the union men in attempting by peaceable means to induce nonunion employees to violate their contracts of employment by joining the union, Judge Parker again bases his decision on the Hitchman case where substantially similar contracts were involved, and the Supreme Court held that peaceful efforts by the strikers to induce the company employees to agree to join the union while remaining in plaintiff's employ were properly enjoined.

There does not appear to be a point decided in the Red Jacket case on which Judge Parker assumed to exercise any independent judgment or opinion. He and his associates felt bound by the Supreme Court decisions. In holding the contracts valid and that peaceable efforts to induce the nonunion

men to break them were properly enjoined, he merely quoted rulings to that effect in the Hitchman case. Nowhere are pressed or indicated any personal views about any of these questions. He had no freedom of judgment on any of them; he was bound by the decisions of the Supreme Court, which he could not refuse to follow. The Hitchman case itself had originated in the Circuit Court of Appeals for the Fourth Circuit before Judge Parker became a member of that court, the circuit court of appeals had denied an injunction, and its decision was reversed by the Supreme Court in the Hitchman case. What would have been the fate of a decision by Judge Parker in the Red Jacket case contrary to that which he rendered is indicated by the fact that the United Mine Workers filed a petition for a writ of certiorari with the Supreme Court of the United States, asking that court to review Judge Parker's decision, and the petition for certiorari was denied (275 U. S. 536).

To refuse to confirm the nomination of Judge Parker for his decision in the Red Jacket Coal Co. case will amount to refusing to confirm him because he followed and gave binding effect to the decisions of the Supreme Court of the United States. At least he considered the cited decisions of the Supreme Court to be controlling in the Red Jacket case, and no one has yet pointed out any ground on which the Hitchman case and the Red Jacket case may properly be distinguished.

The question is not whether the Supreme Court was right or wrong in its conclusion. The question is whether Judge Parker was dealing with points which had been settled by the Supreme Court which he was bound, under his oath of office, to follow. He and his two associates based their decision upon the controlling authority of the Hitchman case as they were constrained to do, but even in this they were careful not to go beyond the dictates of that decision.

The argument has been made against Judge Parker's decision in the Red Jacket case that the Supreme Court of the United States in American Steel Foundries *v.* Tri-City Council (257 U. S. 184), decided after the Hitchman case and before Judge Parker decided the Red Jacket case, in some way qualified or modified the ruling in the Hitchman case so as to have afforded Judge Parker a basis for distinguishing the Red Jacket case from the Hitchman case. It has been claimed that the opinion of the court in the American Steel Foundries case indicated that the injunction granted in the Hitchman case against interference with the contracts between employers and employees was directed only at such interference accompanied by deceit and misrepresentation, and that as the interference with the contracts proved in the Red Jacket case was not accompanied by deceit, concealment, and misrepresentation, the cases are distinguishable.

In the first place, it will be noted that in the American Steel Foundries case the question of interference with contractual rights was not even presented, and there was no contention or evidence that any contract had been made between the employer and employee respecting membership in unions. So the result is that in the American Steel Foundries case the court did not consider or decide any question as to interference with contractual rights. In its opinion in the American Steel Foundries case the Chief Justice said that the Hitchman case had no application. In its opinion in the American Steel Foundries case the court, referring to the Hitchman case, said that the plan there involved was carried out (1) by the use of deception and misrepresentation with its nonunion employees, (2) by seeking to induce such employees to become members of the union contrary to the express terms of their contract of employment that they would not remain in complainant's employ if union men, and (3) after enough such employees had been secretly secured, suddenly to declare a strike against the complainant, and said:

> This court held that the purpose was not lawful, and that the means were not lawful, and that the defendants were thus engaged in an unlawful conspiracy which should be enjoined. The unlawful and deceitful means used were quite enough to sustain the decision of the court without more. The statement of the purpose of the plan is sufficient to show the remoteness of the benefit ultimately to be derived by the members of the international union from its success and the formidable country-wide and dangerous character of the control of interstate commerce sought. The circumstances of the case make it no authority for the contention here.

Thus there was no attempt in the Tri-City case to overrule, qualify, or limit the decision rendered in the Hitchman case. The criticism of Judge Parker's decision in the Red Jacket case, made upon the floor of the Senate to the effect that the Hitchman case did not control the Red Jacket case, because in the former there was deceit and misrepresentation not present in the latter, was fully presented to the Supreme Court in the Red Jacket case in a petition for certiorari to review Judge Parker's decision. The contention that the American Steel Foundries case has confined the Hitchman case to cases of concealment or misrepresentation was squarely presented in this petition, as follows:

> Petitioners show that by said contracts the respondents, operators in the five mining districts of West Virginia, have undertaken to insulate their nonunion labor from peaceable persuasion to quit work and join the union, and that the effect of the decision of the circuit court of appeals is to make such insulation effective; that this holding is in direct conflict with the holding of this court in the case of American Steel Foundries Co. *v.* Tri-City Council (257 U. S. 184), and is also in direct conflict with the decision of the Circuit Court of Appeals for the Seventh Circuit in the case of Gasaway *v.* Borderland Coal Corporation (278 Fed. 56), involving the very same alleged contracts referred to by the courts below in this case.

The petition further states as one of the questions involved and sought to be reviewed:

> Did the district court of the United States and the Circuit Court of Appeals of the Fourth Circuit err in enjoining and restraining the officers and members of the United Mine Workers of America from persuading the employees of respondents to become members of the union and cease work?

This question is argued in the brief submitted in support of the petition, which concludes:

> The significance of the situation is revealed in these suits. The nonunion operators of West Virginia and of other unorganized coal fields have universally resorted to individual contracts, in which the helpless and often ignorant employee, working at will, agrees that he will not join the union and continue his employment. And on the assumption that these contracts have insulated their nonunion labor the operators secure injunctions that not merely by terror but by their terms prevent the union, under hazard of fine and imprisonment, from carrying the persuasive argument of their craft organization to those who are without its membership. This is done despite the opinion of this court in the Steel Foundries case. It is done because of a fancied restraint imposed upon the lower courts not by the opinion in the Hitchman case but by the form of decree deemed proper under the facts of that case. And yet in the Foundries case it was carefully pointed out that in the Hitchman case "the unlawful and deceitful means used were quite enough to sustain the decision of the court without more."

The petition for certiorari in the Red Jacket case was thus based upon the ground that Judge Parker's decision was in conflict with the Hitchman case as limited and construed in the case of American Steel Foundries against Tri-City Council. Petition for certiorari was denied, and the criticism of Judge Parker's decision which is now made in the Senate seems thus to have been rejected by the Supreme Court of the United States. The question involved in the Red Jacket case was of public importance. If there had been any substantial basis for the contention that Judge Parker had failed to follow the analysis of the Hitchman case, made in the American Steel Foundries case, no doubt the petition for certiorari would have been granted.

The opinion of the Supreme Court in the Hitchman case was explicit. The court said:

> Another fundamental error in defendants' position consists in the assumption that all measures that may be resorted to are lawful if they are "peaceable"; that is, if they stop short of physical violence or coercion through fear of it. In our opinion, any violation of plaintiff's legal rights contrived by defendants for the purpose of inflicting damage, or having that as its necessary effect, is as plainly inhibited by the law as if it involved a breach of the peace. A combination to procure concerted breaches of contract by plaintiff's employees constitutes such a violation.

The opinion of Judge Parker in the Red Jacket case discloses the careful consideration which he gave not only to the opinion of the Supreme Court in the Hitchman case but to the provisions of its decree, for there he said:

> With respect to the second paragraph complaint is made that it restrains defendants "from inciting, inducing, or persuading the employees of the plaintiffs to break their contract of employment with the plaintiffs." This language is certainly not so broad as that of the decree approved by the Supreme Court in Hitchman Coal & Coke Co. *v.* Mitchell (245 U. S. 229), which also enjoined interference with the contract by means of peaceful persuasion.

The argument against Judge Parker's confirmation is thus based on the theory that he should have rejected the explicit statements of the majority opinion of the Supreme Court in the Hitchman case and followed an alleged suggestion in the opinion of the Supreme Court in the American Steel Foundries case, which did not present any question relating to interference with contracts between employers and employees.

Mr. President, this morning I was handed a telegram addressed to Senator HATFIELD by T. C. Townsend. It is dated Charleston, W. Va., April 30. Mr. Townsend was counsel for the United Mine Workers of America in the Red Jacket case, and I think it would be of interest for Senators to know his attitude upon the decision in that case, as it is revealed in this telegram, which I ask the clerk to read.

The PRESIDING OFFICER. Without objection, the clerk will read.

The legislative clerk read as follows:

CHARLESTON, W. VA., *April 30, 1930.*

Hon. H. D. HATFIELD,

United States Senator, Washington, D. C.:

If the press reports correctly the statements of Senator BORAH made in the United States Senate in opposition to the confirmation of Judge Parker, he not only misrepresents attorneys who appeared for the United Mine Workers in the Red Jacket case but also misconstrues the decisions of the Supreme Court of the United States relating to what is commonly known as the "yellow-dog" contract. The "yellow-dog" contract was first before the Supreme Court of the United States in the case of Hitchman Coal & Coke Co. *v.* Mitchell (245 U. S. 229). First decided in Coppage *v.* Kansas (236 U. S.). In this case the Supreme Court of the United States sustained an injunction issued by the District Court for the Northern District of West Virginia enjoining representatives of the mine workers' organization from persuading employees of said coal company, who were under contract, to violate their contracts of employment. Senator BORAH makes the statement that Judge Parker in rendering the decision in the Red Jacket case should have followed the doctrine of the case of American Foundries *v.* Tri-City (257 U. S. 184). May I direct your attention to the fact that in the Tri-City case no contract of employment whatsoever existed between employer and employee. In other words, the "yellow-dog" contract was not involved directly or indirectly in that case. It was involved in the Hitchman case. The facts of the two cases in so far as the contract of employment was involved were entirely different. Counsel for the mine workers in the Red Jacket case relied upon the Tri-City case and undertook to distinguish that case from the Hitchman case. At page 189 of brief of appellants is found this language:

"Our construction of the court's opinion in the Hitchman case is that it justified the injunction on the ground of the unlawful means, deceptions, and threats shown in that case, for the court said that the defendants had proceeded (p. 261) 'without physical violence, indeed, but by persuasion accompanied with threats of a reduction of wages and deceptive statements as to the attitude of the mine management, to induce plaintiff's employees to join the union and at the same time to break their agreement with plaintiff by remaining in its employ after joining and this for the purpose not of enlarging the membership of the union, but of coercing plaintiff through a strike or the threat of one, into recognition of the union.' 'The jurisdiction of the Federal court was based on divers citizenship, which does not exist here, and if plaintiffs had any right they should have asserted the same in the State courts.'

"These quotations from the opinion of the court amply justify us in concluding that the reasons assigned by the court for sustaining that injunction in that case were the unlawful methods used to induce the employees of the plaintiffs to join the union, and that threats and deceptions were used which it is claimed was evidence of malice; and if the defendants had confined themselves to peaceable persuasion, lawful propaganda, and the address to reason, in inducing the employees of the plaintiff to openly join the union, then no injunction would have been sustained.

"Our views of the proper construction of the court's decision in the case of Hitchman against Mitchell is confirmed by the later case of American Foundries Co. *v.* Tri-City (257 U. S. 184).

"So it will be seen that the court in this last case clearly indicates that the 'unlawful and deceitful means used' were the basis of the court's decision in the Hitchman case.

"The case of American Foundries against Tri-City Central Trades Council, supra, amply sustains our view as to the right of the United Mine Workers to enlarge its union by appealing to nonunion miners by argument, persuasion, and reason to become members of the union; and if necessary, to the extension of the union and procuring the increased wage scale, to encourage a strike conducted along lawful and peaceable lines, and in any case where the court has jurisdiction the injunction should not forbid persuasion, propaganda, and appeal to reason; but any injunction should only forbid the use of unlawful, deceptive, and violent means to extend the union."

Judge Parker in the Red Jacket case held that the doctrine laid down in the Hitchman case was applicable to the facts in the Red Jacket case rather than the doctrine laid down in the Tri-City case. He followed the Hitchman case rather than the Tri-City case. The Supreme Court of the United States refused to review the Red Jacket case, thereby confirming the opinion of Judge Parker. The opinion of Judge Parker in the Red Jacket case to-day stands confirmed by the Supreme Court of the United States by reason of its refusal to review the case.

The major question involved in the Red Jacket case, however, was one of jurisdiction and not the "yellow-dog" contract. This clearly appears from the opinion of the court and the record in the case.

T. C. TOWNSEND.

Mr. HEBERT. Reference has been made here to the so-called "yellow-dog" contract. I hold in my hand a copy of one of these contracts, which I read:

CONTRACT

I hereby apply for work with the ——— company, and agree to accept for my employment in such capacity a wage of ——— cents per hour; if by piece work rate will be ———; the work, wages, and hours being subject to revision on option of the company, and it will be considered as acceptable by me if I remain in the employ of the company hereafter.

I accept the company's right, at its option, to operate its plants and mines such number of hours each shift as the requirements of business demand.

I reserve the right to leave the company's employ at any time upon such reasonable notice to the superintendent of my department that will afford him time to fill my place. The company may, at its option, dispense with my service for any cause which the company may deem sufficient.

I agree during employment under this that I will work efficiently and diligently and will not participate in any strike nor unite with employees in concerted action to change hours, wages, or working conditions. I further declare that I am not a member of the I. W. W. or any other communistic or like organization, nor will I join such while in the company's employ.

I agree to abide faithfully by all the rules of the company as posted on its premises or outlined by the superintendent of my department.

The company agrees to pay the wages earned by me regularly semimonthly and to enable me to maintain as far as possible a regular income by uninterrupted operation.

When this application as indorsed is accepted by the company it shall become a binding contract between myself and the company as long as I remain in the company's employ.

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. HEBERT. I yield.

Mr. JOHNSON. May I inquire whether or not that is the contract which was at issue in the Red Jacket case?

Mr. HEBERT. Mr. President, I am not advised as to that. I will say, for the information of the Senator, that the form which I have just read is one which was furnished to me by representatives of the American Federation of Labor.

Mr. JOHNSON. Was there an agreement there upon the part of the employees to join no union?

Mr. HEBERT. Yes; there was. Let me reread that particular condition of the contract.

I agree during employment under this that I will work efficiently and diligently and will not participate in any strike nor unite with employees in concerted action to change hours, wages, or working conditions. I further declare that I am not a member of the I. W. W. or any other communistic or like organization, nor will I join such while in the company's employ.

Mr. NORRIS. Mr. President, is there anything in that contract which prohibits the employer from joining an association of employers?

Mr. HEBERT. There is no mention of it.

Mr. NORRIS. I assume, then, that while the employee agrees not to join any union, the employer has the right to join a union or an association of employers if he wants to?

Mr. HEBERT. I should assume that to be so.

Mr. NORRIS. Is there anything in the contract requiring the employer, in case he wants to dismiss the employee, to give him any notice excepting the notice to quit?

Mr. HEBERT. It merely provides:

The company may, at its option, dispense with my services for any cause which the company may deem sufficient.

Mr. NORRIS. In other words, the contract provides that if the workman wants to quit, he must give notice, and let the superintendent have time enough to fill his place, but if the employer wants him to quit he can discharge him without any notice whatever.

Mr. HEBERT. That is true.

Mr. JOHNSON. Mr. President, let me make another inquiry of the Senator. The important part of the agreement, I take it, is that portion which prohibits the employee from in any way engaging with his fellows in any protest, as if were—I do not quote the exact terms—concerning wages or conditions, and the like. That is quite so, is it not?

Mr. HEBERT. Yes.

Mr. JOHNSON. Let me inquire of the Senator, does he approve that contract?



Mr. HEBERT. Mr. President, I doubt very much whether I should be disposed to sign one myself.

Mr. JOHNSON. Of course, the Senator would not sign it unless behind him was a specter of poverty and in front of him the hunger of his family. Would he?

Mr. HEBERT. Even then I should be disposed not to sign it. But we are not called upon here to pass upon that. The Supreme Court has upheld the validity of that contract, and the Senator and I are bound by it, and I do not see how it is possible for us to change the contract.

Mr. JOHNSON. I beg the Senator's pardon; will the Senator yield?

Mr. HEBERT. I yield.

Mr. JOHNSON. The Senator may be bound by it; I am not.

Mr. NORRIS. Mr. President, may I ask the Senator another question?

The PRESIDING OFFICER. Does the Senator from Rhode Island yield further to the Senator from Nebraska?

Mr. HEBERT. I yield.

Mr. NORRIS. If the Senator's theory is right, the Supreme Court has passed on it and it can not be changed, and therefore our civilization is bound by that contract through all eternity, is it not? How will we get away from it?

Mr. HEBERT. I am not prepared to say how it can be changed. I have reason to believe that at some time there will be influences to make some changes which we know not of at the present time. Suffice it to say for the purposes of this argument that it is the law of the land, and when we are discussing the qualifications of a candidate for membership on the Supreme Court we are bound by the decisions of that court, and that candidate in carrying out his duties on the bench is likewise bound by the decisions of that court.

Mr. NORRIS. Without finding fault or trying to criticize the Senator for his attitude, I would like to ask him another question. If his theory be true, we are here deprived of any right to keep a man off of the Supreme Court who carries out that view, which he himself thinks in some way unknown to him may be changed at some time in the future. If we want to get rid of that kind of a condition, how can we do it? Is not this the only way to do it?

Mr. HEBERT. Mr. President, what argument is there that such a condition will not obtain in the future when Judge Parker is on the Supreme Bench?

Mr. NORRIS. Certainly.

Mr. HEBERT. Let me answer the Senator. Judge Parker has expressed no opinion upon this contract other than that which he was bound to express under the law as it existed at the time the case came before him for consideration.

Mr. NORRIS. Will he not be so bound during his entire official life if he becomes a member of the Supreme Court?

Mr. HEBERT. I should not think so. I understand it is generally recognized among lawyers that the Supreme Court never reverses itself.

Mr. NORRIS. Exactly.

Mr. HEBERT. But it distinguishes.

Mr. NORRIS. That is what we are trying to do now—to distinguish. We want to relieve the Supreme Court of one of its burdens.

Mr. ALLEN and Mr. JOHNSON addressed the Chair.

The VICE PRESIDENT. Does the Senator from Rhode Island yield; and if so, to whom?

Mr. HEBERT. I yield first to the Senator from Kansas.

Mr. ALLEN. I want to get the idea of the Senator from Nebraska. Is it his opinion, is it his reasoning, that the best way to bring about a modification of laws which now exist is to select Supreme Court Justices in harmony with our judgment as to what they ought to do when they go upon the Supreme Bench?

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Nebraska to answer the question?

Mr. HEBERT. Certainly.

Mr. NORRIS. I will say to the Senator from Kansas that I expect to get the floor soon and I shall go into the answer to his question rather fully. It is sufficient now to say in a general way that I do think so. I am frank to admit that I want to see men put on the Supreme Bench who have modern ideas and who are not so encrusted with ancient theories which existed in barbarous times that they are going to inflict human slavery upon us now.

Mr. ALLEN. By "modern ideas" the Senator means his own ideas?

Mr. NORRIS. I do, of course, mean my ideas.

Mr. ALLEN. And the Senator believes it is reasonable to set up a policy here that Senators should insist that no one be chosen for the Supreme Bench except those who have their ideas touching the policies which ought to govern our civilization?

Mr. NORRIS. No; I would not say that; but I will say, since the Senator is so careful about following precedents, that I shall give him a precedent. When Judge Brandeis's name was before the Senate he was fought by men who did not agree with his economic views, and I do not find fault with them for doing it. However, I am not in favor of packing the Supreme Court with men who are in favor of enforcing contracts which, if carried to their logical conclusion, mean human slavery for every man who toils.

Mr. HEBERT. Mr. President, it is interesting to note at this point that Mr. Justice Brandeis, to whom the Senator referred, sustained the very contract which I have just read to the Senate.

Mr. NORRIS. That only demonstrates again, if the Senator will permit me, that I am not going so far as the Senator from Kansas intimtaes; that I am not trying to put men on the Supreme Bench in a strait-jacket and have them conform to every idea that I have. For instance, I will not vote to confirm any man to the Supreme Court whom I know believes in the doctrine of the "yellow-dog" contract and is in favor of enforcing that contract by the injunctive process. If that be treason, make the most of it!

Mr. ALLEN. Mr. President, will the Senator from Rhode Island yield further?

Mr. HEBERT. Certainly.

Mr. ALLEN. Can the Senator from Nebraska point out definitely where Judge Parker said he believed in the doctrine of the "yellow dog" contract?

Mr. NORRIS. No. I think it is conceded, however, that Judge Parker believes in it. He not only approved the decision but he disregarded the road that might lead him around it. As I heard a Senator say the other day, he issued his decision and smacked his lips when he did it.

Mr. HEBERT. Mr. President, I think I have pointed out very clearly that the road which was designated here would not lead to any such conclusion for the simple reason that the case is not in point, and had Judge Parker followed the decision in that case he certainly would have been overruled by the Supreme Court.

I repeat, lest there be some misunderstanding about it, that the contract was passed upon and held valid by the Supreme Court in Hitchman Coal & Coke Co. *v.* Mitchell (245 U. S. 229).

It is true, as stated by the representatives of the American Federation of Labor, that Mr. Justice Brandeis wrote a dissenting opinion in this case, not upon the ground that the contract is illegal but that a union contract is equally valid, and upon the further ground that there was no attempt to induce employees to violate their contracts.

There is pending in the Massachusetts House of Representatives a bill, No. 299, which declares contracts of employment by which either party agrees not to become or remain a member of a labor union or an organization of employers against public policy and void. The legislature applied to the justices of the supreme court of that State for an opinion upon the constitutionality of the measure if it were to be enacted into law. The justices held unanimously that the proposed bill, if enacted into law, would be in conflict with the Constitution of the United States and of the Commonwealth of Massachusetts.

Mr. NORRIS. Mr. President, will the Senator from Rhode Island yield further?

The VICE PRFSIDENT. Does the Senator from Rhode Island yield to the Senator from Nebraska?

Mr. HEBERT. I yield.

Mr. NORRIS. The Supreme Court of the State of Massachusetts in that case did not hold that such a contract should be enforced by an injunction, did it? In other words, even assuming that the contract was legal and binding upon the parties, the Supreme Court of Massachusetts did not say that an injunction should issue by a judge restraining some other party, not a party to the contract, from peacefully advising either side which had agreed to the contract, to violate it.

Mr. HEBERT. The Supreme Court of Massachusetts was not called on to pass upon that particular question. It was asked to supply the legislature of the State with an advisory opinion upon the provisions of a measure then pending in the legislature. I have here a copy of the opinion of the Supreme Court of Massachusetts, which is dated April 15, 1930, which I had intended to have inserted in the RECORD as a part of my remarks, but which, for the information of the Senate, I shall ask to have read at this time.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

House No. 1275

THE COMMONWEALTH OF MASSACHUSETTS.

OPINIONS OF THE JUSTICES OF THE SUPREME JUDICIAL COURT RELATIVE TO DECLARING VOID CERTAIN CONTRACTS OF EMPLOYMENT WHEREIN EITHER PARTY UNDERTAKES NOT TO JOIN A LABOR UNION OR ORGANIZATION OF EMPLOYERS

(April 15, 1930)

To the Honorable the House of Representatives of the Commonwealth of Massachusetts:

The justices of the supreme judicial court have considered the order adopted on April 4, 1930, and transmitted to them on April 8, 1930, requiring their opinion on the question whether the provisions of the bill printed as House Document No. 299, if enacted into law, would be in conflict with the Constitution of this Commonwealth or of the United States. Copy of the order is hereto annexed. The proposed bill is adequately described in its title in substance as an act declaring provisions in contracts of employment whereby either party undertakes not to join, become, or remain a member of a labor union, or of any organization of employers, or undertakes in such event to withdraw from the contract of employment, to be against public policy and void.

A contract similar to those described in the proposed bill was assailed and its validity was under consideration in Hitchman Coal & Coke Co. *v.* Mitchell (245 U. S. 229). It there was said, at pages 250, 251: "That the plaintiff was acting within its lawful rights in employing its men only upon terms of continuing nonmembership in the United Mine Workers of America is not open to question. Plaintiff's repeated costly experiences of strikes and other interferences while attempting to 'run union' were a sufficient explanation of its resolve to run 'nonunion,' if any were needed. But neither explanation nor justification is needed. Whatever may be the advantages of 'collective bargaining,' it is not bargaining at all, in any just sense, unless it is voluntary on both sides. The same liberty which enables men to form unions, and through the union to enter into agreements with employers willing to agree, entitles other men to remain independent of the union and other employers to agree with them to employ no man who owes any allegiance or obligation to the union. In the latter case, as in the former, the parties are entitled to be protected by the law in the enjoyment of the benefits of any lawful agreement they may make. This court repeatedly has held that the employer is as free to make nonmembership in a union a condition of employment as the workingman is free to join the union, and that this is a part of the constitutional rights of personal liberty and private property, not to be taken away even by legislation, unless through some proper exercise of the paramount police power." It is not necessary to consider whether the extent of the "paramount police power" in this connection can extend beyond provisions to secure that such contracts be free from coercion, because it is plain that the proposed bill does not avoid insuperable difficulties now to be mentioned.

In Adair *v.* United States (208 U. S. 161), an act of Congress was attacked whereby a penalty was imposed upon an employer of labor for making a contract of the same general nature as those described in the proposed bill or for discharging an employee because of membership in a labor union, the acts thus denounced being declared misdemeanors. It was held in an exhaustive opinion that the act was violative of the provisions of the fifth amendment to the Federal Constitution forbidding Congress to enact any law depriving a person of liberty or property without due process of law. In Coppage *v.* Kansas (236 U. S. 1) the main point for consideration was the validity of a statute of Kansas declaring it a misdemeanor for an employer to make a contract indistinguishable in its essential features from those described in the proposed bill. It was held after elaborate discussion and review of decided cases that the statute was repugnant to the guaranties contained in the fourteenth amendment to the Constitution of the United States. It there was said at page 14: "The principle is fundamental and vital. Included in the right of personal liberty and the right of private property—partaking of the nature of each—is the right to make contracts for the acquisition of property. Chief among such contracts is that of personal employment, by which labor and other services are exchanged for money or other forms of property. If this right be struck down or arbitrarily interfered with, there is a substantial impairment of liberty in the long-established constitutional sense. The right is as essential to the laborer as to the capitalist, to the poor as to the rich; for the vast majority of persons have no other honest way to begin to acquire property, save by working for money." The decision in the Coppage case but followed and reaffirmed Adair *v.* United States (208 U. S. 161). To the same general effect is the decision in Adkins *v.* Children's Hospital (261 U. S. 525, 545, 546). Those decisions, of course, are binding upon the several States as to the force and effect of the Federal Constitution touching a statute like that in the proposed bill.

The principles thus declared by the Supreme Court of the United States prevail in this Commonwealth. The provisions of articles 1, 10, and 12 of the declaration of rights of the constitution of this Commonwealth are as strong in protection of individual rights and freedom as those of the fifth and fourteenth amendments to the Constitution of the United States. It was said in Commonwealth *v.* Perry (155 Mass. 117, 121): "The right to acquire, possess, and protect property includes the right to make reasonable contracts, which shall be under the protection of the law." To the same general effect are Opinion of the Justices (208 Mass. 619); Rice, Barton & Fales Machine & Iron Foundry Co. *v.* Willard (242 Mass. 566, 572); Moore Drop Forging Co. *v.* McCarthy (243 Mass. 554); and A. T. Stearns Lumber Co. *v.* Howlett (260 Mass. 45, 60, 61). The Adair and Coppage cases have been recognized and followed in Opinion of the Justices (220 Mass. 627, 630); Bogni *v.* Perotti (224 Mass. 152, 155); and Opinion of the Justices (Mass. Adv. Sh. (1929) 907, 911). The views expressed in these several opinions and decisions, which need not be further amplified, are decisive of the question here propounded. There is a wide field for the valid regulation of freedom of contract in the exercise of the police power in the interests of the public health, the public safety, or the public morals, and in a certain restricted sense of the public welfare. A somewhat extended collection of references to such statutes and a review of relevant decisions were made in Holcombe *v.* Creamer (231 Mass. 99, 104–107). None of them go so far as to justify a statute like that in the proposed bill.

Guided by the decisions of binding authority already cited, we respectfully answer that in our opinion the provisions of the proposed bill, if enacted into law, would be in conflict with the Constitution of the United States and of this Commonwealth.

ARTHUR P. RUGG.
JOHN C. CROSBY.
EDWARD P. PIERCE.
JAMES B. CARROLL.
WILLIAM C. WAIT.
GEORGE A. SANDERSON.
FRED T. FIELD.

APRIL 15, 1930.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Massachusetts?

Mr. HEBERT. I yield.

Mr. WALSH of Massachusetts. I inquire what is the purpose of having the opinion of the Supreme Court of Massachusetts read at the desk? I was temporarily absent from the Chamber when the Senator asked that it be read.

Mr. HEBERT. Mr. President, I was discussing the "yellow dog" contract, so-called, and the action of the Supreme Court in relation to it. In my discussion I referred to the pendency in the Legislature of the Commonwealth of Massachusetts of a bill to prohibit such a contract and to hold it void and of no effect, and I stated that the legislature had submitted to the Supreme Court of Massachusetts a question as to the validity of that bill and whether it would violate the provisions of the Constitution. What has been read at the desk is the opinion of the Supreme Court of Massachusetts, handed down on the 15th of April, in response to that question.

Mr. WALSH of Massachusetts. The constitution of Massachusetts permits the governor, with the advice of the council and legislature, to ask an opinion of the supreme court of the State in anticipation of legislative action.

Mr. HEBERT. I so understand.

Mr. President, in his statement to the Judiciary Committee, Mr. Green, president of the American Federation of Labor, said this:

Our action in opposing the confirmation of the appointment of Judge Parker is based upon a study of his qualifications, his life's environment, his point of view regarding human relations in modern industry, and his judicial attitude toward economic and industrial problems which seriously affect the material and moral well-being of working men and women as shown in the decision which he rendered in the case of United Mine Workers against The Red Jacket Consolidated Coal & Coke Co., and in the opinion in which he concurred as rendered in the Bittner against West Virginia-Pittsburgh Coal Co. case.

In the Bittner case (Bittner *v.* West Virginia-Pittsburgh Coal Co., 15 F. (2d) 652) the court, speaking through Mr. Justice Waddill, in whose decision Judges Rose and Parker concurred, said at page 659:

Defendants criticize the scope of the injunction, contending that its effect is to forbid the publishing and circulating of lawful arguments and the making of lawful speeches advocating membership in the union in the neighborhood of plaintiff's mines, but we do not think that this is the proper construction of the order, which is an exact copy of that which was approved by the Supreme Court of the United States in the Hitchman Coal Co. case, supra. In view of what was said by that court in American Foundries Co. against Tri-City Council, there can be no doubt as to the right of defendants to use all lawful propaganda to increase their membership. See Gasaway against Borderland Coal

Co., supra. But, that there may be no misunderstanding in the matter, we think that the order should be modified by adding thereto the following provision:

"*Provided*, That nothing herein contained shall be construed to forbid the advocacy of union membership, in public speeches or by the publication or circulation of arguments, when such speeches or arguments are free from threats and other devices to intimidate, and from attempts to persuade the complainant's employees or any of them to violate their contracts with it."

The decree of the district court will be modified, each side to pay one-half of the costs in this court.

If, as I have pointed out, Judge Parker was but following the expression of the law as laid down by the Supreme Court in the Hitchman case, if, as clearly appears in the Red Jacket case, he did not assume to exercise any independent judgment or opinion because of the controlling authority of the Hitchman case, then, indeed, it is difficult for me to understand how anyone could reach a conclusion from a study of the Red Jacket case as to "the qualifications, life environment, his point of view regarding human relations, or his judicial attitude toward economic and industrial problems." If there has been any error in these decisions, then clearly the sins of his superiors are attempted to be visited upon Judge Parker.

Mr. President, with the aims of labor organizations to ameliorate the working and living conditions of their members I am in hearty accord. The American workman occupies a place in our national life superior to that of the workman of any other country on earth. I know something of his aspirations and of his efforts to improve his condition. I would be the last to interpose any discouragement to his desire to better himself. Rather do I want to join in every lawful endeavor which will benefit his condition. I can not, however, subscribe to the theory that because a judge of our courts in the fulfillment of his sworn duty to uphold the law has been obliged to decide a case in a way that does not accord with the views of our chosen representatives that judge shall be denied a merited preferment. If such a theory is to prevail, then the time will come when judges will become subservient to the one or the other conflicting interest. The weak, the poor, the downtrodden may be in favor for a brief space of time, but human experience teaches us that in the main the rich, the powerful, those in high place will succeed in tipping the scales of justice their way. I sincerely hope we may never see such a condition.

I come now to a consideration of the objections of the National Association for the Advancement of Colored People. I am sure that citizens of the Negro race are not unacquainted with Mr. Charles H. Moore, of Greensboro, N. C. Mr. Moore is one of the outstanding men of that race. He was for 13 years the vice president of the agricultural and mechanical college of North Carolina for negro students. He taught for eight years at Tuskegee Institute. He has been State inspector of colored rural schools in North Carolina. He was at one time agent for Mr. Julius Rosenwald in North Carolina in building schools for negroes. He is a graduate of Amherst College.

Here is what Mr. Moore says in a statement over his signature published in the daily News, of Greensboro, N. C., on the 28th instant:

GREENSBORO, N. C., *April 28, 1930.*

EDITOR OF THE DAILY NEWS:

In view of the statement, in part, made by Judge John J. Parker to Senator OVERMAN in a recent letter explaining his attitude toward the political rights of the negro, namely, "I at no time advocated denying them the right to participate in the election in cases where they were qualified to do so, nor did I advocate denying them any other of their rights under the Constitution and laws of the United States," I take this opportunity of saying that notwithstanding I was opposed to his election as governor 10 years ago because of alleged newspaper reports of his political utterances made during the campaign, I now approve of his nomination for the United States Supreme Bench. I, moreover, think that, in view of the above-quoted explanation in the premises from Judge Parker, no intelligent and open-minded member of our race group should now entertain any further grievance or objection to his confirmation.

CHARLES H. MOORE.

But let us examine the record that we may, in the light of it, determine the attitude of John J. Parker when he is called upon to consider the rights of the colored people guaranteed by the Constitution.

Those who affect to believe that Judge Parker, if elevated to the Supreme Court, would disregard the provisions of our fundamental law in regard to the negro, or that he could not approach this vitally important question with that dispassionate, unprejudiced, and judicial frame of mind which would enable him to render a decision in accordance therewith, may well consider his attitude when he is actually called upon to decide that very question. "Actions speak louder than words."

Judge Parker presided in the Circuit Court of Appeals of the Fourth Circuit in the recent case of City of Richmond against Deans, in which, in accordance with a prior decision of the Supreme Court, a residential segregation ordinance based on race was held in violation of the provisions of the Constitution. I have before me a copy of that decision, which I ask may be inserted in the RECORD at this point in my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The decision referred to is as follows:

[From the Federal Reporter, 2d ser., vol. 37 (2d) No. 4, p. 712]

CITY OF RICHMOND ET AL. *v.* DEANS

Circuit court of appeals, fourth circuit, January 14, 1930.

No. 2900.

Constitutional law 278 (1) municipal corporations.

622. Ordinance prohibiting use as residence of building in block occupied mainly by those with whom intermarriage is forbidden denies due process (constitutional amendment 14).

Zoning ordinance prohibiting person from using as residence any building on any street between intersecting streets where majority of residences on such street are occupied by those with whom person is forbidden to intermarry held void as denying due process of law because of race discrimination, in violation of constitutional amendment 14.

Appeal from the District Court of the United States for the Eastern District of Virginia, at Richmond; D. Lawrence Groner, judge.

Suit by J. B. Deams against the city of Richmond and others. From an adverse decree, defendants appeal. Affirmed.

The purpose of this action was to enjoin the enforcement by the city of Richmond of the fines and penalties of an ordinance entitled "An ordinance to prohibit any person from using as a residence any building on any street between intersecting streets where the majority of residences on such street are occupied by those with whom said person is forbidden to intermarry by section 5 of an act of the General Assembly of Virginia entitled 'An act to preserve racial integrity,' approved March 20, 1924, and providing that existing rights shall not be affected." The trial court held that the ordinance was in violation of constitutional amendment 14.

Lucius F. Cary, of Richmond, Va. (James E. Cannon, of Richmond, Va., on the brief), for appellants.

Alfred E. Cohen and Joseph R. Pollard, both of Richmond, Va., for appellee.

Before Parker and Northcott, circuit judges, and McDowell, district judge.

Per curiam: We agree with the learned judge below that this case is controlled by the decisions of the Supreme Court in Buchanan *v.* Warley (245 U. S. 60, 38 S. Ct. 16, 62 L. Ed. 149, L. R. A. 1918 C, 210 Ann. Cas. 1918 A, 1201) and Harmon *v.* Tyler (273 U. S. 668, 47 S. Ct. 471, 71 L. Ed. 831), reversing Tyler *v.* Harmon (158 La. 439, 104 So. 200). To the same effect as these Supreme Court decisions is the Virginia decision of Irvine *v.* City of Clifton Forge (124 Va. 781, 97 S. E. 310), which follows them. Attempt is made to distinguish the case at bar from these cases on the ground that the zoning ordinance here under consideration bases its interdiction on the legal prohibition of intermarriage and not on race or color; but, as the legal prohibition of intermarriage is itself based on race, the question here, in final analysis, is identical with that which the Supreme Court has twice decided in the cases cited.

We have carefully considered the cases of Euclid *v.* Ambler Realty Co. (272 U. S. 365, 47 S. Ct. 114, 71 L. Ed. 303, 54 A. L. R. 1016) and Zahn *v.* Board of Public Works (274 U. S. 325, 47 S. Ct. 594, 71 L. Ed. 1074), upon which defendant relies; but we do not think that they are in point. They deal with the right of a city to forbid the erection of buildings of a particular kind or for a particular use within certain sections of the city, which manifestly is a very different question from that involved here. That the Supreme Court did not consider that the doctrine of Buchanan *v.* Warley was in any way overruled or limited by Euclid *v.* Ambler is shown by the fact that Harmon *v.* Tyler was decided five months after the latter case, and its decision was expressly based on the former. There was no error, and the decree below is affirmed.

Affirmed.

Mr. HEBERT. Mr. President, in the light of this decision, it is inexplicable to me that one of the leading men in the organization which opposes Judge Parker because of what they contend are his views in regard to the negroes, should base his opposition upon it.

In reaching this decision, Judge Parker might well have limited his observations to a brief statement that the case is controlled by that of the Supreme Court in Buchanan *v.* Worley (245 U. S. 60; 38 S. Ct. 16) and Harmon *v.* Tyler (273 U. S. 668), but he went farther. Notice this statement taken from the opinion written by Judge Parker in this case.

Attempt is made to differentiate the case at bar from these cases—

The cases to which I have just referred—

on the ground that the zoning ordinance here under consideration bases its interdiction on the legal prohibition of intermarriage and not on race or color; but, as the legal prohibition of intermarriage is itself based on race, the question here, in final analysis, is identical with that which the Supreme Court has twice decided in cases cited.

Surely there is no indication here that Judge Parker would disregard the provisions of the Constitution. Rather may we infer that his views in this instance were not shared or looked upon with favor by citizens of the city of Richmond not of the Negro race.

That Judge Parker possesses the learning, the mental poise, the courage, and the erudition required of one who aspires to a position upon the Supreme Court is evidenced by his work as a practicing attorney, by his judicial decisions, and by the unanimous expressions coming to us from men high in the counsels of State, from the judiciary, and from his fellow members of the bar. No unworthy aspirant could be the object of such wide encomium. Indeed, those who oppose him most vehemently do not deny that he possesses these attributes. My study of the decisions upon which the opposition to his confirmation is based, leads me to the conclusion that Judge Parker could have followed no other course consonant with law.

I hope for the welfare of my country and for the honor of my profession that the time may never come when one of my fellow citizens occupying the exalted office of judge of our courts shall be made to suffer any penalty because he has dared to uphold the law and has acted according to the dictates of his conscience.

If such a condition shall ever obtain, then we, in the State which I have the honor in part to represent, shall be called upon to obliterate the inscription of a saying by Tacitus, the Roman historian, which adorns the interior of the dome of our statehouse:

Rare felicity of the times
When it is permitted to think as you like and say what you think.

Then, indeed, shall our country have fallen on evil days.

Mr. WALSH of Montana. Mr. President, I had inserted in the RECORD yesterday the instructions given by Judge Groner to the jury in the so-called harness case, directing it to return a verdict of "not guilty." It seems to have been regarded in some quarters that because the judge, in the course of his remarks, paid a meaningless compliment to the attorneys representing the Government, and spoke of their fairness, no significance is to be attached to the incident.

To my mind, Mr. President, the editorial in the Washington News, which challenged attention to this particular episode, is in every respect justified by the instructions of the trial judge. To my mind, without referring to particular portions of this charge, the charge taken as a whole is a rebuke and a reprimand to the attorneys representing the Government, including Judge Parker.

If I were a prosecuting attorney, and found myself subject to comment of this character from the judge on the bench, I should be so humiliated as to prompt me to abandon the practice of the law. What does it mean, Mr. President?

The court reviews the testimony adduced, and tells the jury that there is no evidence whatever before them upon which a verdict of "guilty" would be warranted. Presumably, the attorneys trying the lawsuit have made all necessary investigation to equip themselves to present the facts to the court; and the court, after all the evidence is before the court and jury, says that it is impossible for a man who is honest in his convictions to reach the conclusion that the defendants are guilty of the crime charged.

I desire again, however, to direct attention to two specific portions of this charge.

It will be remembered that it was charged in the indictment that the defendants had corruptly seduced the Government sales manager, Morse, to refuse clearances and permits for the sale of the harness; and an effort was made to sustain that charge. All the evidence that the Government had to maintain that accusation was the evidence of a witness named Bosson, who said that he had difficulties in getting clearances from the officers in charge. Now, it transpired that the defendants, when they put in their case, and Bosson had so testified, presented four separate clearances, which they secured from the Government files, showing prompt action upon applications for clearances for the sale of this harness; and in that connection the court, in his instructions to the jury, said:

Captain Bosson says that he was delayed in getting clearances. He does not specify any particular clearances. He doesn't put his finger on any particular bid, any particular property that he had for sale or wanted to sell and say, "I went to this defendant Morse and asked him to allow me to clear this property for sale"—not one single instance—

And then the court adds:

And yet the defendant in their behalf showed to my decided amazement that there were as a result of papers taken from the Government files and in the possession of the Government, at least four requests for clearances covering this harness made in the usual course from the property division to the sales division which contained Mr. Morse's visa after the receipt of these applications in his office.

How can we account for that situation of affairs unless we assume that the Government counsel were entirely negligent in their study of this case and in their search of the Government files for evidence either to sustain or to dispute the charge?

Again, summarizing the charges in the indictment, the court says it was also charged—

That they caused advertisements to be made of the sale of the harness, which were not in good faith, which were frauds, weren't intended to be what they purported to be, a real invitation to the people to bid—

With respect to that, after reviewing some of the evidence concerning advertisements which were placed in the newspapers and other journals, the court said:

When I consider all of that, plus all of the other evidence in this case of advertising, it is monstrous, monstrous that you should be asked to say that behind it all was a trick, that it was a camouflage, that it wasn't real, that it wasn't meant. What justification could you, on your oaths, in your consciences find for saying any such thing at that?

And then the court added:

I am not surprised that people are mistaken about things of this kind, but could any jury in this free land of ours undertake to stigmatize as traitors four or five of their fellow citizens upon such evidence as that, and could any court, gentlemen of the jury, with courage—and when courts lose courage the foundation stone of our Government is in peril—to allow a verdict based upon evidence of that kind to stand? I think not; and that is why, gentlemen, I am impelled to do what I do.

It takes a good many pleasant compliments to overcome the significance of these comments of the trial court. I should like to ask any lawyer upon this floor how he would feel if, at the close of a case which he presented to a court—a case the trial of which consumed some 11 days—the court had disposed of the case with comment of that character? What kind of a tribute would it be to his industry in searching out the facts of the case, his sagacity and his learning in the law, his ability to analyze evidence, to have comments of that character upon the case which he submitted?

Mr. President, I can not avoid the conclusion that this was one of the Daugherty fraud prosecutions for the purpose of throwing discredit upon the Democratic administration, and that Judge Parker lent himself to that purpose, hoping, of course, that the case would get by the court in some form or other, and then that possibly political bias in the jury, or the reaction occasioned by the war, or following the war, would bring about a verdict of guilty.

Mr. OVERMAN. The Senator knows that Judge Parker was only associate counsel.

Mr. WALSH of Montana. Of course I know that.

Mr. OVERMAN. And that Mr. Early, a great lawyer, I understand, one of the greatest lawyers in the West, prepared the case.

Mr. WALSH of Montana. I regard that as an alibi of no value whatever. If I go into a lawsuit, whether I am the regularly retained counsel in the case or whether I am employed for the purpose of trying the lawsuit, I say that some explanation is necessary from me if the defendant brings from the files of my client evidence which absolutely destroys my own case. As a lawyer, I can not accept that kind of an alibi.

Mr. OVERMAN. Notwithstanding the judge on the bench has said he was a great lawyer, that he used great industry, and complimented him highly in his charge?

Mr. WALSH of Montana. I read what the judge said.

Mr. OVERMAN. The Senator's reading was almost inaudible to me.

Mr. WALSH of Montana. What the judge did say was that the counsel exhibited fairness and ability. He complimented the counsel on the fairness and ability displayed.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. WALSH of Massachusetts. Is it not a very general practice for a justice of a court to compliment counsel at the end of a trial upon the ability and fair manner in which they presented the case?

Mr. WALSH of Montana. It was obviously done for the purpose of taking the sting out of what had been said by the court concerning the actual state of affairs.

Mr. President, at least some explanation is called for from Judge Parker as to how it came about that having endeavored to establish the contention that clearances had been delayed, that it was impossible to get the clearances, evidence was adduced from the Government files that on at least four different occasions clearances were asked for and were promptly given. There is no explanation. We are faced with just exactly that situation, and we are obliged to suspect simply that Judge Parker had not studied his case and did not know what the evidence in the matter was with respect to the very charges which had been made.

Mr. President, these clearances, of course, are in writing, and when there was a charge that the clearances had not been given, had been delayed, what was the proof? The proof was to get the clearances, to find out when they were asked for and when they were granted, if they were granted at all. There they are.

These are the charges made in the indictment. Judge Parker was put upon inquiry as to what the proof was that these clearances had been delayed, or an effort had been made to postpone and prevent the sale of this property under the advertisements which had been put out, and which brought no results.

Mr. President, I regard this as a very serious imputation upon either the professional integrity or the professional industry of Judge Parker.

I shall endeavor in what I have to say this afternoon to avoid occupying any ground which has heretofore been trodden. I take occasion to say that some sort of an idea has arisen that a judge of a lower court is under obligation under all and any circumstances to follow slavishly a decision by a superior court. Of course, it has been clearly established in the debate thus far that the Hitchman case was not on all fours with the Red Jacket case; that Judge Parker might very easily, by a careful study of his own case and of the Hitchman case, have realized that there was a material distinction between the two, and likewise by a study of the Tri-City case he could easily have arrived at the conclusion that the Supreme Court of the United States had to some extent at least modified the views it had expressed, or at least the conclusion at which it had arrived, in the Hitchman case.

Waiving that, I desire to assert that there is no such hard and fast rule as has been suggested. Of course, under all ordinary circumstances it is to be expected that a lower court will follow a direct precedent of a superior tribunal, expecting, as a matter of course, that if the case goes to the superior tribunal again the same conclusion will be arrived at, and the litigant would be put, therefore, to the unnecessary expense and trouble of an appeal to the higher court.

The rule is by no means invariable, as I learned to my cost in the first case I ever took to the Supreme Court of the State of Montana. I found in the supreme court of that State an adjudication directly in point in the case I had before me. My opponent in the lower court, however, argued that that case was against the clear weight of the authorities, and he succeeded in impressing that view upon the trial court, and, notwithstanding the direct adjudication, the judgment went against me.

I went to the supreme court with a great deal of confidence and called attention to the opinion.

My opponent, when he opened his case, with some trepidation and with some modesty, expressed to the court the view that this precedent stood in the way of a decision in his favor, but he asked of the court, in a modest way, whether he might not address himself to the soundness of that decision. Having no answer from the court, he immediately proceeded to argue the fallacy of the original decision, with the result that the court reversed itself, and the judgment against me was affirmed. The case was Thornberg against Fish, reported in the eleventh volume of the Montana Reports.

A later case will be found in Seventeenth Montana, the case of Fitzgerald against Clark, where a similar condition was presented.

In an earlier case, the case of Amy & Silversmith Co., the Supreme Court of Montana had interpreted the mining law, which was a law of Congress, in a certain way applicable to a certain state of facts. That case went to the Supreme Court of the United States, and the Supreme Court of Montana was reversed, the Supreme Court of the United States holding that it was in error in the construction which it gave to the act.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

Mr. WALSH of Montana. Certainly.

Mr. NORRIS. As I understand, the Supreme Court of the United States followed the Supreme Court of Montana the first time in deciding the question. Is that right?

Mr. WALSH of Montana. No; it reversed the Supreme Court of Montana.

Mr. NORRIS. I understand, but the case it reversed was itself a reversal of a prior case, was it not?

Mr. WALSH of Montana. No. The case arose in Montana, went to the Supreme Court of Montana, which laid down principles of construction applicable to the case, then an appeal was taken from that to the Supreme Court of the United States, and the Supreme Court of the United States in that case reversed the Supreme Court of Montana, and laid down a contrary rule.

Later another case, the case of Clark against Fitzgerald, arose, presenting, however, exactly the same question presented in the Amy & Silversmith case, and in that particular instance the Supreme Court of Montana was, in the just sense, inferior to the Supreme Court of the United States, the question at issue being a Federal question arising under a Federal statute. Of course, the case of Amy & Silversmith was appealed to, and the question was, Shall the Supreme Court of Montana follow the decision of the Supreme Court of the United States in the Amy & Silversmith case, or should they take up the question anew and determine it as an independent proposition? The opinion in the case was written by one of the most able men who ever sat upon our supreme bench, Judge DeWitt. He said in the opinion:

> We shall not renew the discussion of the cases upon this question decided by the United States Supreme Court prior to May 21, 1890, the date of our decision of the Amy & Silversmith case. Our best construction of those decisions is found in our opinion in that case. We there met the problem which had for years engaged the earnest attention of lawyers who had to do with mining litigation, i. e., the preservation of the intent of the mining statutes when they are applied to a location in which exploration has demonstrated that the apex and strike of the vein do not pass through both end lines of the location. We gave our best endeavor and research to that decision, and arrived at a result which we were willing to concede was not wholly in accord with the decisions of the United States Supreme Court upon that subject, but which we believed could, with a very little effort, be reconciled with those decisions, and which we were wholly satisfied was the only practicable working solution of the problem in all its phases, and which we were also wholly satisfied was fully within the intent of the United States mining laws. Even with the profound respect which we, in common with all courts, entertain for the decisions of the United States Supreme Court, we think that there is no impropriety in saying, and that it is due to ourselves to say, that the longer we observe the daily operation of the mining laws in practical affairs the more satisfied are we that our decision of the Amy & Silversmith case was correct. We are strengthened in this opinion by the views of other courts to which we shall hereinafter refer. But the United States Supreme Court is the court of last resort upon this subject, and our opinions, as a rule of decision, must be abandoned if they are in conflict with the declarations of the superior tribunal. If that court had given no further utterance upon this subject since its decision of the Amy & Silversmith case, we should feel that we must, however reluctantly, desert the principle which we sought to maintain in that case. But, as will be seen in the review of the cases below, that distinguished tribunal has given a hint that it is willing to reconsider the principle involved. Upon that hint we feel that we are justified in approaching the subject much as if it were res integra, and, without subjecting ourselves to the criticism of judicial insubordination.

Accordingly, Mr. President, they proceeded to review all of the cases upon the subject, and reasserted the doctrine which they announced in the Amy & Silversmith case. An appeal was formally taken to the Supreme Court of the United States, which reversed the Amy & Silversmith case and affirmed the judgment in the case of Clark against Fitzgerald.

I dare say there is scarcely a lawyer upon this floor who has had any considerable practice in the appellate courts who will not be able to refer to some instances where the lower court was convinced that a decision of the Supreme Court was wrong, and that upon a reconsideration of the subject the Supreme Court would announce a contrary doctrine.

So, Mr. President, there would have been no impropriety whatever in Judge Parker saying that, in view of the conclusion that was arrived at in the Tri-City case, he felt that there would be no impropriety upon his part if he undertook to review the decisions, and call attention to the repeated denunciation of the so-called "yellow-dog" contract, to which the

Senator from New York adverted yesterday. He did not, I believe, however, include a declaration by the former Chief Justice Taft, made while he was the president of the War Labor Board during the war. There was at that time a strike among the street-car operatives of Council Bluffs and Omaha, and it became the duty of Judge Taft's War Labor Board to endeavor to adjust controversies of that character, so that the activities of the war should not be interrupted or interfered with. In reporting upon that particular labor controversy Judge Taft said:

> The practice of the company in times past to make restrictive contracts—

That is, contracts which provided that the operator would not join a union—

> The practice of the company in times past to make restrictive contracts such as shown to the arbitrators, if continued, would be contrary to the principles of the National War Labor Board. However, counsel for the company states to the arbitrators that this practice has been abandoned and calls for no further action on the part of the arbitrators.

It was abandoned, I take it, because doubtless the officials of those roads felt as did officers of some other corporations referred to by the Senator from New York, who declared that in their judgment the contract was not a moral one. So it would have been equally no violation of propriety whatever upon the part of Judge Parker had he said that, while he had no sympathy whatever with the rule prescribed in the Hitchman case, and felt that it was contrary to the more modern conception of the duties of labor and capital toward each other, he felt constrained to follow the decision in that case.

Or he might have adverted to some of these other considerations and said that, having those in mind, he was disposed to adopt that view, but that he felt under obligation to follow the decision in the Hitchman case. There is absolutely nothing whatever in the decision of Judge Parker or in what he said in the opinion that leads us to believe that he is not entirely in sympathy with the doctrine of the Hitchman case and with the idea that the so-called "yellow-dog" contract is protected by the Constitution of the United States and is, so far as that is concerned, a perfectly justifiable arrangement from an economic standpoint.

Mr. President, it would not have been at all out of his way had he said something like that said by another eminent North Carolinian. I regret very much that the Senator from North Carolina [Mr. OVERMAN] is not in the Chamber at the moment. I refer to the opinion of the circuit court of appeals in the Hitchman case written by Judge Pritchard, at one time a Senator from the State of North Carolina in this body, a man of great learning, of great eloquence, and of great sympathy with the laboring classes. It will be remembered that in the Hitchman case the trial judge, the district judge, granted an injunction, the injunction which was eventually sustained by the Supreme Court of the United States. He granted that injunction upon the ground that the United Mine Workers of America was an unlawful organization and conspiracy in restraint of trade, and for other reasons. The case went to the circuit court of appeals, where the judgment was reversed and then eventually went to the Supreme Court of the United States, which reversed the judgment of the circuit court of appeals and affirmed the judgment of the district court.

The opinion in the circuit court of appeals was, as I said, written by Judge Senator Pritchard. I adverted to the fact that the trial judge had held that the United Mine Workers of America was an unlawful conspiracy, and in order to support that holding he referred to the decisions of a bygone age which he asserted established that condition of things as the common law. It could easily be established that that never was the common-law rule, but that by reason of later statutes in Great Britain combinations of that character had been held to be in violation of the law. But Judge Pritchard, commenting upon the judgment of the district court in that particular, said, and I am reading from Two hundred and fifteenth Federal Reporter:

> The growth and development of the common law occurred when property rights were recognized as paramount to personal rights. At that time there was little, if any, concert of action on the part of the laboring people, owing to their helpless condition, due in the main to their ignorance. Their domination by the landowner and capitalist was absolute in most respects, and as a result they were as helpless as those held in slavery before our great war. Under such circumstances, it is no wonder that we have many decisions in the past at common law, as well as the enactment of statutory laws, by virtue of which it was almost a physical impossibility for those who earned their living by honest toil to accomplish by organized effort those things necessary to elevate them to a plane where they could assert those rights so essential to their welfare.
>
> The industrial development of the world within the last half century has been such as to render it necessary for the courts to take a broader and more comprehensive view than formerly of questions pertaining to the relation that capital sustains to labor.

Then, I read from page 702, as follows:

> The court below was also of the opinion that the rules of the organization undertake to "control, or rather abrogate and destroy, the right of the employer to contract with the men independent of the organization." If it is meant by this statement that under the rules it is possible by peaceable, persuasive, and other lawful methods to induce a majority, if not all, of the miners of any particular locality to join the union and thereby place the mine owner in a position where it may be necessary for him to negotiate with union labor in order to operate his mines, then the conclusion reached by the court below is entirely correct. However, the fact that such a result would be possible under this rule could not in any way affect the legality of the organization, because it has been repeatedly held by the courts that a labor union may use all lawful methods for the purpose of inducing others to join its order, and until the contrary is shown it must be assumed that only lawful methods are to be employed for the accomplishment of such purpose.

Then, at page 703, he continued:

> However, in this instance the plaintiff has adopted a policy by which only nonunion men may be employed. If the plaintiff may for the purpose of protecting its interests adopt a policy by which only nonunion men can secure employment at its mines, and such conduct be sanctioned by the law, by what process of reasoning can it be held that the defendants may not adopt the same method in order to protect their interests? If the plaintiff is to be protected in the use of such methods, and the defendants are to be restrained from using lawful methods for the purpose of successfully meeting the issue thus raised by the plaintiff, then indeed it may be truthfully said that capital receives greater protection at the hands of the courts than those through whose efforts capital in the first instance was created. But such is not the law; and when we consider the testimony as respects the conduct of the defendants at and before the institution of this suit, we are of the opinion that the plaintiff has not by a preponderance of the evidence shown that these defendants employed unlawful methods as alleged in the bill.

He continued:

> At one time this identical mine employed union labor, and in all probability would have continued to do so, had it not been for a controversy which arose as to certain adjustments and the parties failing to reach an agreement the plaintiff decided to employ only nonunion labor.
>
> It further appears that the plaintiff is paying the nonunion men the same wages that are being paid union men. Therefore, under these circumstances, is it not as reasonable to infer that the plaintiff is endeavoring to place the laborers of that section in a position where it would be master of the situation as it is to infer that the defendants are seeking to destroy the business of the plaintiff? While it is true that the plaintiff has a perfect right to refuse to employ union labor, is it not equally true that union labor, as we have stated, may by the employment of legitimate means do that which is necessary to keep its forces together?
>
> Surely we have not reached the point when capital with its strong arm may adopt a plan like this for protecting its interests, while on the other hand the laboring classes are to be denied the protection of the law when they are attempting to assert rights that are just as important to their well-being as are the rights of those who have been more fortunate in accumulating wealth. He who "seeks equity must do equity." In other words, he "must come into court with clean hands." If the courts of this country should by injunctive relief protect the mine owner in the enjoyment of his property rights and restrain the laboring people from organizing their forces by declaring such organization unlawful, would not the mine owner then be in a position to control the situation so that he who has to toil for his daily bread would be placed in a position where if he exists at all he must do so at such wages, and upon such terms as organized capital may see fit to dictate?

Then I read a concluding paragraph, as follows:

> The court below also reached the conclusion that the defendants have caused and are attempting to cause the nonunion members employed by the plaintiff to break a contract which it has with the nonunion operators. The contract in question is in the following language.

This comes to the gist of the matter as it is presented to us here. This is the contract:

> I am employed by and work for the Hitchman Coal & Coke Co. with the express understanding that I am not a member of the United Mine Workers of America and will not become so while an employee of the Hitchman Coal & Coke Co.; that the Hitchman Coal & Coke Co. is run nonunion and agrees with me that it will run nonunion while I am in its employ. If at any time while I am employed by the Hitchman Coal

& Coke Co. I want to become connected with the United Mine Workers of America or any affiliated organization, I agree to withdraw from the employment of said company, and agree that while I am in the employ of that company that I will not make any efforts amongst its employees to bring about the unionizing of that mine against the company's wish. I have either read the above or heard the same read.

Then the learned judge said:

It will be observed that by the terms of the contract that either of the parties thereto may at will terminate the same, and while it is provided that so long as the employee continues to work for the plaintiff he shall not join this organization, nevertheless there is nothing in the contract which requires such employees to work for any fixed or definite period. If at any time after employment any of them should decide to join the defendant organization, the plaintiff could not under the contract recover damages for a breach of the same. In other words, the employees, under this contract, if they deem proper, may at any moment join a labor union, and the only penalty provided therefor is that they can not secure further employment from the plaintiff. Therefore, under this contract, if the nonunion men, or any of them, should see fit to join the United Mine Workers of America on account of lawful and persuasive methods on the part of the defendants, and as a result of such action on their part were to be discharged by the plaintiff, it could not maintain an action against them on account of such conduct on their part. Such being the case, it would be unreasonable to hold that the action of the defendants would render the United Mine Workers of America liable in damages to the plaintiff because they had employed lawful methods to induce the nonunion miners to become members of their organization.

Under these circumstances, we fail to see how this contract can be taken as a basis for restraining the defendants from using lawful methods for the purpose of inducing the parties to the contract to join the organization.

I read this particularly because Mr. Justice Brandeis, in the same case, called attention to the fact that there was no breach of the contract whatever on the part of any man who quit the employ of the coal company and joined the union. The simple point was that under the contract he could not join the union and remain in the employ of the coal company. So anybody who induced him to quit the employ of the company and join the union was not endeavoring to have him break his contract at all.

Mr. Justice Brandeis, in his dissenting opinion in the Hitchman case, said:

Fifth. There was no attempt to induce employees to violate their contracts.

The contract created an employment at will, and the employee was free to leave at any time. The contract did not bind the employee not to join the union, and he was free to join it at any time. The contract merely bound him to withdraw from plaintiff's employ if he joined the union. There is evidence of an attempt to induce plaintiff's employees to agree to join the union; but none whatever of any attempt to induce them to violate their contract. Until an employee actually joined the union he was not, under the contract, called upon to leave plaintiff's employ. There consequently would be no breach of contract until the employee both joined the union and failed to withdraw from plaintiff's employ. There was no evidence that any employee was persuaded to do that or that such a course was contemplated. What perhaps was intended was to secure agreements or assurances from individual employees that they would join the union when a large number of them should have consented to do so; with the purpose, when such time arrived, to have them join the union together and strike—unless plaintiff consented to unionize the mine. Such a course would have been clearly permissible under the contract.

Mr. President, although the learned Judge Pritchard called attention to the fact that there was no violation of the contract in inducing the employees to quit the plaintiff's employ and join the union, and, although Mr. Justice Brandeis in his dissenting opinion called attention to that, the decision of Judge Parker, without even adverting to the contract or even quoting it in the opinion anywhere, charged the defendants in that case with having induced the plaintiff's employees to violate their contract, and they were enjoined from continuing to do so. I am left with the impression that the learned Judge Parker was either entirely indifferent to these considerations thus advanced by his predecessor, Judge Pritchard, or he was entirely in sympathy with the "yellow-dog" contract.

Mr. President, there is another suggestion to which I wish to advert. Almost from the very beginning of our Government there have existed two schools of thought with respect to our National Government and our political system: One that this Government of ours enjoys, for one reason or another, a large measure of implied powers, flowing from general considerations, from the Constitution as a whole, and, perhaps, from the idea that ours is a nation having all the powers of those nations in which all the powers of government are centered in one authority.

On the other hand, Mr. President, there are those who believe in what is known as the restricted construction of the Constitution, and the restriction of the powers of the National Government, leaving the powers generally to the States except where expressly delegated or where it is clearly implied from the Constitution that they are delegated.

Mr. President, as I think, it is a fortunate thing that those two schools of thought have, for the greater part of our history, been represented upon the Supreme Court of the United States. The learned Senator from Ohio [Mr. FESS] the other day in his interesting review of the illustrious men who have had a place in the work of that great tribunal adverted to two of its most shining lights—Marshall and Story. Marshall, of course, stands, as is generally believed and recognized, at the head of those who have adorned that bench, and next to him is Joseph Story. Marshall was a Federalist, one of the leaders of that party, and one of the ablest exponents of that theory of our government. Story, on the other hand, was a Democrat. He was appointed by Madison in 1811. Those two schools of thought, in a general way, have been represented by the two great political parties into which our electorate has been divided.

So, during the entire period of the occupancy of this bench by these two men, these two great schools of thought were there represented, and so it has continued down to our time, until the problems incident to the limitations on the Federal Government have come to be fairly well defined. But in our time, Mr. President, there have arisen conflicting schools of thought with respect to economic problems rather than political and governmental problems, and, as was made plain in a discussion in this Chamber not long ago, the Supreme Court of the United States on many questions that come before it divides upon these economic questions involved in the lawsuits which the court is called upon to adjudicate. Included in these, Mr. President, are cases involving labor controversies, and it is a rather startling fact that one can almost anticipate when such a controversy comes before the Supreme Court how one set of judges will decide upon the question and what attitude another group will take.

Including the Hitchman case, there have been four epochal cases before the Supreme Court of the United States involving labor disputes. In every one of those cases there was a dissenting opinion by Justices Holmes and Brandeis, sometimes participated in by other justices. In the Hitchman case Justices Holmes and Brandeis dissented, and with them was Mr. Justice Clarke.

In 1921 there came before the court the case of Duplex Printing Co. against Deering, a case which involved an injunction against members of labor unions in the city of New York for refusing to work upon printing presses manufactured in the city of Detroit by nonunion labor. The injunction was sustained by the Supreme Court of the United States, Justice Holmes, Justice Brandeis, and Justice Clarke, the same three, dissenting.

The case of Truax against Corrigan came a little later, reported in Two hundred and fifty-seventh United States Reports, decided December 19, 1921. That case arose under a statute of the State of Arizona forbidding the issuance of injunctions in labor disputes. It was held that that statute was unconstitutional, being contrary to the fourteenth amendment to the Constitution, and therefore void. Justices Holmes, Brandeis, Clarke, and Pitney dissented.

Later on the case of Bedford Cut Stone Co. against Journeymen Stonecutters came before the court, presenting questions not unlike those in the Duplex Printing Co. case, workers in the city of New York declining to work upon stone coming from the Bedford quarries in the State of Indiana because produced by nonunion labor. Justices Holmes and Brandeis dissented and Justices Stone and Sanford concurred in the majority opinion because of the earlier decision in the Duplex Printing Co. case.

I might say likewise, Mr. President, that going back to the case which is relied upon as holding that the so-called "yellow-dog" contract is a valid contract, the case of Adair against the United States, decided in Two hundred and eighth United States Reports, December 27, 1908, Justices Holmes and McKenna dissented.

It will be observed that of these dissenting Justices Clarke and McKenna have already left the bench, McKenna having passed to his reward and Clarke having retired of his own volition. Pitney likewise has passed to the great beyond, and there remain of these dissenting judges, these judges who took a different view of these questions from the majority of the court, but Holmes and Brandeis. Holmes, the grand old man of the American bar, regrettable as it may be, must, of course, soon cease his labors. Brandeis has already passed the retiring age,

and when they go who will there be left to represent the views which they have upheld? Mr. Hughes was elevated to the Chief Justiceship a short while ago, obviously having views in a general way in harmony with those of the majority of the court. And now it is proposed to put another man on the bench whose views, if we are to judge from the Red Jacket case, are in harmony with those of the majority.

I think, Mr. President, that it would be singularly unfortunate if this other view, whether it is sound or whether it is unsound, were not represented in that tribunal, so that at least in the deliberations of the court the other idea might have at least one exponent.

I believe, Mr. President, that we would not be discharging the duty with which we are charged to protect in its integrity this great court, the final arbiter of the lives and liberties of the American people under the Constitution of the United States, unless we made sure, in so far as we can, that someone more in consonance with modern views concerning the relations of labor and capital than is Judge Parker shall be selected for the Supreme Court.

The PRESIDING OFFICER (Mr. COUZENS in the chair). The question is, Will the Senate advise and consent to the nomination of John J. Parker to be justice of the Supreme Court of the United States?

Mr. BORAH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Fess	McCulloch	Smoot
Ashurst	Frazier	McKellar	Steiwer
Baird	Gillett	McNary	Stephens
Barkley	Glass	Metcalf	Sullivan
Bingham	Glenn	Norris	Swanson
Black	Goldsborough	Nye	Thomas, Idaho
Blaine	Gould	Oddie	Thomas, Okla.
Blease	Greene	Overman	Townsend
Borah	Hale	Patterson	Trammell
Bratton	Harris	Phipps	Tydings
Brock	Harrison	Pine	Vandenberg
Broussard	Hastings	Pittman	Wagner
Capper	Hatfield	Ransdell	Walcott
Caraway	Hawes	Robinson, Ark.	Walsh, Mass.
Connally	Hayden	Robinson, Ind.	Walsh, Mont.
Copeland	Hebert	Robsion, Ky.	Waterman
Couzens	Howell	Schall	Watson
Cutting	Johnson	Sheppard	Wheeler
Dale	Jones	Shipstead	
Deneen	Kendrick	Shortridge	
Dill	Keyes	Simmons	

The PRESIDING OFFICER. Eighty-one Senators have answered to their names. A quorum is present.

Mr. HATFIELD. Mr. President, I have received numerous protests from organized labor in West Virginia against the confirmation of Judge John J. Parker to be an associate justice of the Supreme Court of the United States.

I have also had the same expression from colored organizations and colored people individually asking that I oppose his confirmation.

I have likewise had a great number of telegrams, letters, and resolutions adopted by the district and the State bar associations; also numerous telegrams and letters from individuals supporting his confirmation.

I do not think it necessary for me to file all of these protests and commendations with the clerk to be printed in the RECORD; but, because of a personal request in one telegram I feel it my duty to ask unanimous consent to have it printed in the RECORD, and also to ask leave to have printed in the RECORD a telegram from the Hon. Harold A. Ritz, a former member of the Supreme Court of West Virginia, and now president of the bar association of that State.

The VICE PRESIDENT. Without objection, it is so ordered.

The telegrams are as follows:

HUNTINGTON, W. VA., *April 7, 1930.*

Senator HENRY D. HATFIELD,
Washington, D. C.:

The membership of this union unanimously protests against the confirmation of Judge Parker to the United States Supreme Court. Kindly register this protest in our behalf. Thanks.

HUNTINGTON TYPOGRAPHICAL UNION, No. 533,
C. N. BREWER, *President.*

CHARLESTON, W. VA., *April 16, 1930.*

Hon. H. D. HATFIELD,
United States Senate:

The West Virginia Bar Association heartily indorsed Judge Parker to the President for appointment to the Supreme Court. The recently developed opposition to him because of matters of which we were fully cognizant has not changed our attitude, and we are just as heartily in favor of his confirmation. We trust that you will do everything possible to that end.

HAROLD A. RITZ,
President West Virginia Bar Association.

Mr. HATFIELD. It is my desire at all times, Mr. President, to respect the wishes of the people that I represent; but in the final analysis the responsibility must necessarily be left with me as to the proper course to be taken, having in mind that when I assume this position I do so in keeping with what I deem to be to the best interests of a majority of the citizenship of the State that I in part represent. Of course, I must take into consideration justice, equity, and fair play in arriving at conclusions which control my vote upon any and all questions that are presented to me for consideration as a Senator.

Again, Mr. President, in view of what has been said of a derogatory nature regarding the conduct of one of the basic industries of my State toward labor, and inasmuch as the Red Jacket case in controversy originated in the State of West Virginia, in which issue is taken by able lawyers who are Members of this body with the decision of the circuit court of appeals of the fourth Federal judicial circuit, in which Judge John J. Parker rendered the opinion, resulting in a protest against his confirmation, I feel that I should, in a brief way, describe the conditions in West Virginia as they relate to the coal industry in a fair and impartial way, so that they may be understood in their true light.

It can not be truthfully stated that I have not been a friend of labor in West Virginia. If I have not been, then industry, especially the one responsible for the controversy here, has had the wrong impression of me; for its representatives have usually opposed any ambition I have had for public office, because of my friendly attitude toward labor.

When I became governor of my native State on March 4, 1913, I found then in existence a mine war that had been waged for more than a year, costing many lives and a tremendous destruction of property in the mining region of Paint and Cabin Creeks, in the Kanawha Valley. This section of my State has not as yet recovered either economically, socially, or industrially from the results of this disaster.

It was during this period that the able senior Senator from Idaho [Mr. BORAH] visited that section, in company with Senators Kenyon, of Iowa; Martine, of New Jersey, and SWANSON, of Virginia, under Senate Resolution No. 37 of the Sixty-third Congress, passed May 27, 1913, directing them to investigate certain phases of the strike situation, as it had been loudly acclaimed through the press of the country that certain injustices were being invoked against freedom and liberty as guaranteed in our Constitution. Because of these claims, credence was given to them to the point of the adoption of the heretofore mentioned resolution by the Senate of the United States.

These claims set out that men and women were being deprived of their rights as citizens without due process of law. It was in those days that the criminal court, in the person of its judge and prosecuting attorney, appeared before the governor in his chambers and stated that the courts were closed, and that convictions of law violators were impossible. It was during the period of the strike on Paint and Cabin Creeks, in the latter part of 1911 and during the entire year of 1912, that my predecessor declared martial law.

When I became governor in 1913, a number of people were awaiting sentence under conviction by this court-martial; and my approval was necessary in order to commit them to the penitentiary. I did not approve a single finding of the court-martial; but, on the contrary, within less than six weeks I directed the discharge of all those who were convicted. I personally adjusted, to the satisfaction of all concerned, this long-drawn-out warfare, which had lasted over a period of two years, costing West Virginia millions of dollars, and giving my State both an undeserved and an unenviable reputation. In the meantime, I was selected as the sole arbitrator, for a period of two years, by both the miners and the operators, and the strike in that industrial section of West Virginia came to an end. My decisions met with the approval of the laboring group, and, as far as I know, of the operators as well.

During my term as governor the legislature passed laws providing for an 8-hour workday, the payment of wages at least once in every two weeks, and enacted a compensation law that has paid labor in a little less than 17 years of its operation approximately $58,000,000. Prior to the passage of this legislation the laboring people were subject to the old fellow-servant law, which ended in the State supreme court when litigation was undertaken, usually at a loss to the plaintiff, and the records disclose that in the cases that were successful less

than $50,000 had been recovered by the plaintiffs in case of accident, which was more than absorbed in court costs.

It was the settlement of this strike through my efforts as governor, and subsequently my service as arbitrator, when the mine management and the mine worker could not agree, that resulted in the first collective bargaining in West Virginia, from a coal-industry point of view, so far as I know. So it can not be successfully claimed that I have been unmindful of the rights of labor in public life.

When the words "peaceful persuasion" are referred to in connection with strikes in West Virginia, as has been discussed at some length in this body in connection with the Red Jacket case, I wish to say that the approach to West Virginia's laboring people to induce them to join hands with the union with the hope of bettering their condition has been usually accompanied where these industrial conflicts have taken place by something entirely foreign to the word "peaceful."

The law-enforcing officers of those sections affected, beginning with the constable and ending with the chief executive of the State, would testify that the approach toward organization was accompanied by anything but law and order.

Inasmuch as the action of the Senate in the matter of the confirmation of Judge Parker will depend in a large measure upon whether his opinion in the Red Jacket case was correct, it has occurred to me that my colleagues would be interested in a brief discussion of conditions leading up to and immediately following that litigation.

"Peaceful persuasion" in the Red Jacket controversy resulted in the loss of more than 40 lives. The controversy began on May 19, 1920, with a massacre of seven men. The strike order, however, did not become effective until July 1, and lasted until late in the year of 1921, during which time there was lost in property values a sum amounting to $10,000,000, and the passing of time has not cured the ills which developed from that industrial epochal period in the Mingo coal fields, which have been crippled economically ever since.

Mr. President, I now wish to read for the information of the Senate a telegram that I have recently received from the Hon. M. Z. White, Lieutenant Governor of the State of West Virginia, who lives in Mingo County, in which is located the Red Jacket Coal Co.:

WILLIAMSON, W. VA., *April 29, 1930.*

Senator H. D. HATFIELD,
Washington, D. C.:

Strike order became effective July 1, 1920. Trouble started May 19, 1920, with Matewan massacre; seven killed; continued until late 1921. In August, 1920, Gov. John J. Cornwell applied to War Department. Sent 500 troops; arrived here August 29, 1920. These, in addition to local, county, State officers, together with citizens of Mingo, McDowell, and Logan Counties, in command. In November, 1920, 500 more United States troops arrived. Mingo County placed under martial law. Strike very revolutionary. Loss of life and property damage very large.

M. Z. WHITE,
Lieutenant Governor of West Virginia.

There is no record or evidence of a semblance of "peaceful picketing" at any time or place in the coal section in which the Red Jacket controversy took place between the union organizer, the miner, and the industrial owner. The salutation from the strikers would be a salute of so many high-powered guns, which would belch forth from the mountain fastness, and a return of like character in the way of a response from the other side.

West Virginia produces yearly more than 25 per cent of the coal consumed in America. Her geographic location places her at a disadvantage because of a longer railway haul, plus a differential in the market resulting from findings of the Interstate Commerce Commission, where the mine owner and consumer and the worker must make up the difference in the competitive market where this coal is largely to be sold, in the West and Northwest, in competition with the central fields.

There have been several attempts by court procedure to increase the freight-rate differential. The mine workers and the representatives of competitive fields have been chiefly interested in advocating such a course, and if they had been successful, West Virginia would have been removed from the markets of the West and Northwest.

When this coal strike was called, the industry owners of West Virginia charged that there was a coalition between the central competitive operators and the mine workers industrially, and they claimed they had conclusive proof that the conspiracy had for its purpose the removing of West Virginia's coal from these markets.

In the face of all of these unfriendly acts, could anything else be expected from West Virginia's industrial representatives than resentment of the intrusion of these formidable forces into her industrial domains and entering into a compact with her employees?

I am impressed with the thought that West Virginia's industrial owners would not be opposed to collective bargaining or to men belonging to a union if they felt the organization would be primarily cooperative with the best interests of the coal industry in seeking a market for its products. Whether or not this be true, I wish to say that I have always felt that the workmen of our country should be encouraged in the development of collective bargaining in the sections where they are interested industrially.

I submit that West Virginia has much at stake in the protection of her coal industry when her citizenship stops to summarize, and are confronted with the fact that 33⅓ per cent of her population are directly dependent upon the prosperity of this one industry and more than 80 per cent indirectly.

West Virginia furnishes approximately 70 per cent annually of the entire tonnage to three trunk railway lines having 4,000 miles of main-line trackage in the State.

These same railways touch 26 States of this Union. They realize in revenue out of this coal tonnage transported $325,000,000 yearly.

The Chesapeake & Ohio Railroad operates 2,730.29 miles of railroad in the following States: Virginia, West Virginia, Kentucky, Ohio, Indiana, Illinois, and the District of Columbia. The Baltimore & Ohio operates 5,639.42 miles in the following States: New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, Ohio, Indiana, Illinois, Kentucky, Missouri, and the District of Columbia. The Norfolk & Western Railroad operates 2,240.23 miles in the following States: Virginia, West Virginia, Maryland, North Carolina, Kentucky, and Ohio. Aside from this, her coal is carried by three other railroads—the New York Central, the Virginian, and the Pennsylvania. It is our chief industry. If not protected, therefore, railway labor would perish, our independent stores and independent industries would speedily disorganize and become bankrupt, and 130,000 men who work in the coal industry in West Virginia would be out of employment.

It might be argued that the reason why West Virginia sells in the markets of this country more than 25 per cent of the coal consumed—510,000,000 tons a year—is that the laborer is forced to work for less consideration than is paid for like work in other States.

On this point I wish to insert here a table.

The VICE PRESIDENT. Is there objection?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Average earnings per hour, based on time at face, including lunch, of coal miners in West Virginia in 1929

Loaders, contract	$1.085
Loaders, hand	.653
Loaders, machine	.743
Miners, hand or pick	.669
Miners, machine (cutters)	1.062
Miners, machine (cutters' helpers)	.685
Average, all miners and loaders	.689

Mr. HATFIELD. These earnings were compiled by the Bureau of Labor Statistics, United States Department of Labor, and published in the monthly Labor Review September, 1929.

The average hourly earnings in manufacturing industries, as compiled and published by the National Industrial Conference Board in Service Letter No. 48, December 26, 1929, were as follows:

Industry	Average hourly earnings, 1929	
	September	October
Agricultural implements	$0.631	$0.628
Automobiles	.700	.697
Boot and shoe	.481	.472
Chemicals	.577	.572
Cotton:		
North	.418	.416
South	.328	.331
Electrical manufacturing	.631	.632
Furniture	.542	.560
Hosiery and knit goods	.499	.493
Iron and steel	.659	.659
Leather tanning	.525	.522
Lumber and millwork	.586	.595
Meat packing	.514	.512
Paint and varnish	.580	.579
Paper and pulp	.538	.541
Paper products	.537	.527
Printing:		
Book and job	.732	.729
News and magazine	.896	.899

Industry	Average hourly earnings, 1929	
	September	October
Rubber	$0.659	$0.650
Silk	.477	.485
Wool	.481	.481
Foundry and machine shop	.612	.616
1. Foundries	.618	.622
2. Machines and machine tools	.630	.631
3. Heavy equipment	.666	.679
4. Hardware and small parts	.550	.550
All industries	.582	.582

It will be noted that in practically every case the average earnings for miners exceed those in manufacturing industries as listed in the table, and they are far above the average of $0.582 for the entire industrial group.

Average earnings of employees on all pay rolls for October, 1929

Classifications	Number of full-time workers	Per cent of full-time workers	Average daily earnings	Average monthly earnings
Piece workers:				
Loaders	1,102	45	$6.16	$166.32
Machinemen	101	4	9.55	257.85
Drill men	47	2	9.08	245.16
Contract motormen	108	5	5.98	161.46
All pieceworkers	1,358	56	6.50	175.50
Hour workers:				
Inside daymen	485	20	5.32	143.64
Tipplemen	229	9	4.52	122.04
Carpenters, shopmen, electricians, truckmen, etc	108	4	5.38	145.26
All hour workers	822	33	5.10	137.70
Salaried men (mines' rolls):				
Mine foremen and assistants	25	01	7.23	224.13
Tipple foremen, watchmen, dairymen, carpenters, electricians, and truck foremen	58	03	5.52	171.12
All salaried men (mines' rolls)	83	04	6.04	187.24
Salaried men (confidential roll):				
Superintendents, assistants, mine inspector, warehousemen, telegraph operators, interpreter, clerks, stenographers, etc	43	02	8.77	263.10
Bookkeepers, shipping and pay roll clerks	25	01	6.71	201.30
Mine engineers and draftsmen	8		7.40	222.00
Stores' employees	59	03	5.28	158.40
All confidential roll	135	06	6.67	200.00
Medical department (hospital corporation)	12	01	8.50	255.00
All departments	2,410	100	6.04	163.08
		Number of men	Number of days	Per cent of total
Full-time workers		2,410	65,070	87½
Time lost		343	9,261	12½
Total men on roll		2,753	74,331	100

[I. C. C. Docket No. 15007. Witness Exhibit No. 424]

Average daily earnings in certain districts, West Virginia and Kentucky

AUGUST, 1925

District	Number of companies reporting	Average number men working	Total man-days	Wages paid	Average daily earnings per man
Pocahontas	4	1,364	30,179	$162,700.20	$5.39
Tug River	3	766	19,521	99,426.41	5.09
Kenova-Thacker	8	1,393	34,585	201,903.30	5.83
Logan	4	4,743½	121,625.8	700,948.15	6.33
Winding Gulf	3	971	24,590	151,838.54	6.17
Kanawha	1	337	8,762	52,044.69	5.94
Total	23	9,574½	239,262.8	1,438,861.29	6.01
Northeastern Kentucky	5	1,005	24,765¼	134,111.30	5.41
Hazard	3	778	17,950	102,318.00	5.70
Harlan	5	832	19,697	108,600.06	5.51
Total	13	2,615	62,412¼	345,029.36	5.52
Southern Appalachian	2	1,118	25,286	115,006.54	4.54
Total, all fields	38	13,307	326,961.05	1,898,897.19	5.80

Average daily earnings in certain districts, West Virginia and Kentucky—Continued

AVERAGE EARNINGS 10 HIGHEST MEN, SAME COMPANIES AND MONTH

District	Per day	Per month
Pocahontas	$8.30	$188.74
Tug River	7.34	196.31
Kenova-Thacker	9.69	263.45
Logan	11.71	301.60
Winding Gulf	11.67	294.31
Kanawha	(1)	(1)
Average	9.74	242.88
Northeast Kentucky	9.12	193.71
Hazard	10.70	243.61
Harlan	10.07	239.23
Average	9.96	225.52
Southern Appalachian	8.80	203.91
Average, all districts	9.71	233.76

[1] Not available.

Statement showing average daily earnings for certain districts in West Virginia and Kentucky

NOVEMBER, 1925

District	Number of companies reporting	Average number men working	Total man-days	Wages paid	Average daily earnings per man
Pocahontas	4	1,402	31,736	$182,856.06	$5.76
Tug River	3	861	21,075	119,616.00	5.67
Kenova-Thacker	8	1,401	33,005	193,020.40	5.74
Logan	4	4,810.7	118,550.4	751,209.92	6.33
Winding Gulf	3	1,020	24,911.1	160,494.36	6.44
Kanawha	1	366	8,784	55,134.04	6.28
Total	23	9,860.7	238,661.5	1,462,330.78	6.12
Northeastern Kentucky	5	988	23,804	132,257.24	5.55
Hazard	3	810	18,018	103,247.76	5.73
Harlan	5	879	16,911	96,355.11	5.81
Total	13	2,677	58,733	333,860.11	5.68
Southern Appalachian	2	1,177	23,089	111,202.80	4.81
Total, all fields	38	13,714.7	320,482.5	1,907,383.69	5.95

AVERAGE EARNINGS 10 HIGHEST MEN, SAME COMPANIES AND DISTRICTS

District	Per day	Per month
Pocahontas	$9.04	$200.78
Tug River	8.44	205.66
Kenova-Thacker	9.71	238.78
Logan	10.87	269.22
Winding Gulf	12.38	305.46
Kanawha	(1)	(1)
Average	10.09	243.98
Northeastern Kentucky	7.50	180.74
Hazard	10.28	229.76
Harlan	11.43	218.21
Average	9.74	209.57
Southern Appalachian	11.09	212.20
Average, all districts	10.08	228.98

[1] Not available.

Statement showing average daily earnings for certain districts in West Virginia and Kentucky

MAY, 1926

District	Number of companies reporting	Average number men working	Total man-days	Wages paid	Average daily earnings per man
Pocahontas	4	1,419	33,536	$187,412.22	$5.58
Tug River	3	904	21,824	123,159.76	5.64
Kenova-Thacker	8	1,456	30,826	174,748.15	5.66
Logan	4	4,802.25	119,849.5	772,007.26	6.44
Winding Gulf	3	1,035	26,910	168,507.30	6.26
Kanawha	1	221	8,346	53,965.24	6.47
Total	23	9,999.25	241,282.5	1,479,799.93	6.13
Northeastern Kentucky	5	1,071	26,030.4	139,405.04	5.35
Hazard	3	836	17,074	97,686.30	5.72
Harlan	5	866	18,846.5	107,816.48	5.72
Total	13	2,763	61,950.9	344,907.82	5.56
Southern Appalachian	2	1,886	55,955	86,458.55	5.56
Total, all fields	38	14,288.25	359,188.4	1,913,366.30	5.32

Statement showing average daily earnings for certain districts in West Virginia and Kentucky—Continued

AVERAGE EARNINGS 10 HIGHEST MEN, SAME COMPANIES AND DISTRICTS

District	Per day	Per month
Pocahontas	$8.75	$202.59
Tug River	9.22	216.77
Kenova-Thacker	9.19	200.04
Logan	10.77	275.50
Winding Gulf	11.05	279.32
Kanawha	(1)	(1)
Average	9.80	234.84
Northeastern Kentucky	8.12	194.88
Hazard	10.25	208.30
Harlan	10.27	221.41
Average	9.55	208.20
Southern Appalachian	13.68	173.01
Average, all districts	10.14	219.09

[1]Not available.

Statement showing average hourly and weekly earnings of labor employed in various industries

Class I railroads	Average hourly earnings, actual cents	Average weekly earnings, actual dollars
FOURTH QUARTER, 1925		
All wage earners	61.3	$30.53
Train and engine service labor	89.0	46.44
Skilled shop labor	72.9	34.27
Unskilled labor	37.2	17.75
FIRST QUARTER, 1926		
Iron and steel manufacturing:		
Skilled	68.9	37.28
Unskilled	49.8	28.01
Agricultural implement manufacturing:		
Skilled	64.6	32.57
Unskilled	47.7	24.46
Automobile manufacturing:		
Skilled	69.2	34.81
Unskilled	51.8	27.63
Electrical apparatus manufacturing:		
Skilled	65.7	31.71
Unskilled	47.0	23.06
Foundry and machine shop products:		
Skilled	63.8	31.73
Unskilled	49.0	24.73
Foundries:		
Skilled	67.4	33.98
Unskilled	51.0	26.09
Machines and machine tools:		
Skilled	61.7	31.19
Unskilled	47.2	24.23
Heavy equipment:		
Skilled	69.2	33.68
Unskilled	49.6	24.68
Hardware and small parts:		
Skilled	58.8	29.20
Unskilled	45.2	22.33
Cotton manufacturing, North:		
Skilled	48.9	23.34
Unskilled	37.7	19.33
Cotton manufacturing, South:		
Skilled	35.2	17.89
Unskilled	25.3	13.00
Hosiery and knit goods manufacturing:		
Skilled	61.7	29.60
Unskilled	37.7	17.47
Silk manufacturing:		
Skilled	59.5	27.89
Unskilled	47.5	25.92
Wool manufacturing:		
Skilled	54.2	24.89
Unskilled	43.9	20.29
Leather tanning and finishing:		
Skilled	56.6	26.81
Unskilled	49.1	22.90
Boot and shoe manufacturing:		
Skilled	54.1	24.71
Unskilled	40.0	18.98
Chemical manufacturing:		
Skilled	59.8	30.82
Unskilled	50.9	27.62
Paint and varnish manufacturing:		
Skilled	59.0	32.13
Unskilled	46.8	21.69
Paper and wood-pulp manufacturing:		
Skilled	60.5	31.93
Unskilled	44.9	23.18
Paper products manufacturing:		
Skilled	60.9	28.95
Unskilled	47.7	23.97
Printing and publishing, book and job:		
Skilled	87.5	41.70
Unskilled	46.9	22.91
Printing and publishing, newspaper and periodical:		
Skilled	95.6	43.61
Unskilled	48.2	22.03

Statement showing average hourly and weekly earnings of labor employed in various industries—Continued

Class I railroads	Average hourly earnings, actual cents	Average weekly earnings, actual dollars
FIRST QUARTER, 1926—continued		
Furniture manufacturing:		
Skilled	61.8	$30.55
Unskilled	43.5	21.52
Lumber manufacturing and millwork:		
Skilled	60.8	29.13
Unskilled	38.9	18.65
Meat packing:		
Skilled	55.8	28.04
Unskilled	45.1	22.46
Rubber manufacturing:		
Skilled	74.6	33.82
Unskilled	53.6	26.78

Authority: National Industrial Conference Board Treatise on Wages in the United States, published May, 1926. Their reference No. 115.

NOTE.—In every instance the statistics covering the latest period shown have been used in the above statement.

Mr. HATFIELD. Mr. President, the coal miner in West Virginia is the highest paid mine worker in America, notwithstanding the handicap of the industry, according to statistics I have which I will discuss briefly. The same, however, can not be said of the owner in the way of a return on his investment.

I shall discuss the wages paid coal miners in West Virginia, and I am not referring to the highest paid men but to the average wage paid the rank and file of the coal-mine workers, including all men employed. For example, I have here a record of the earnings of 2,753 men employed by one company, who in the month of October, 1929, earned on the average $163.08 per month. The lowest wage for any class of these workers was $4.52 a day, or $122.04 a month. The highest wage for any class was $257.85 for the month of October, or $9.55 a day. This total average, amounting to $6.04 a day, or $163.08 a month, was for unskilled, semiskilled, and skilled workers. Only about 10 per cent of the number of men employed can be classified as skilled workers. This is the record of a company selling its coal in the open market. It is typical of the better class of mines in the State of West Virginia. This shows an average wage of 75½ cents an hour for skilled, semiskilled, and unskilled labor.

According to the reports of the National Industrial Conference Board, the statistics for 27 of the principal industries of this country, including Class 1 railroads, iron and steel manufacturing, foundries, automobile manufacturing, lumbering, chemicals, meat packing, and the other major industries of the country, show that the average wage paid skilled labor in these industries amounted to 63.6 cents per hour, and the average wage paid to unskilled labor amounted to 45.3 cents per hour. Under these conditions can it be said that the workers in the West Virginia mines are reduced to a condition of serfdom as compared with the workers of the principal industries of the United States?

There has never been any major labor controversy between the miners of West Virginia and the producers of West Virginia coal except such controversies as have been incited by competitors and producers of coal from other States.

The mine workers and operators of West Virginia entered into a contract providing that the employees in the West Virginia mines would not join the union during their term of employment. This situation was brought about, I am told, by the reported coalition between the United Mine Workers and the central competitive operators in an effort to curtail the mining industry of the State of West Virginia, and because of this combination the nonunion coalition developed, which furnished the basis for the Red Jacket case.

Living conditions in the mining towns of West Virginia are excellent, far superior to those found in most mining communities. In these towns may be found first-class schools and churches for both white and colored, splendidly equipped hospitals, recreation grounds, and in many cases miners' clubs or community centers. The houses are well built and comfortable and are furnished to the miners at an extremely low rental. Good hard roads are found in all of the mining communities.

The prevailing idea that earnings in West Virginia are low because mines operate nonunion is not borne out by the facts. In 1928 the mines in West Virginia worked on an average 223 days.

The records of mine operators show that in 1927 bituminous mine wage earners of one West Virginia company drew an average of $1,828.88 and those of another West Virginia company an average of $1,692.17. The statistical information submitted

shows that similar conditions obtain in the following fields south of the Ohio River: Logan, Kanawha, Thacker, Big Sandy, Hazard, Harlan, Kentucky, Pocahontas, Virginia New River, and Winding Gulf. In one operation in the Pocahontas field the earnings per man per day in 1927 averaged $6.81, this applying to day workers and piece workers. In one West Virginia operation less than 1 per cent of the men earned less than 45 cents per hour in 1927; less than 3 per cent earned under 50 cents per hour; and less than 10 per cent earned under 60 cents per hour, on an 8-hour-day basis. These earnings are typical of the wages paid in the West Virginia mining industry.

According to statistics compiled by the National Industrial Conference Board, the wage earners of the United States spend 27 to 32 per cent of their wages for rent, heat, light, and water. According to sworn testimony before the Committee on Interstate Commerce of the United States Senate, these items of living in West Virginia cost the miners less than 10 per cent of their wages for these four necessary or primary items in the living cost. In other words, after paying these expenses the average worker in the United States has 70 per cent of his wages left for food, clothing, education, recreation, health, and savings, while the coal-mine employees in West Virginia have 90 per cent of their wages for similar purposes. This does not mean that the wages themselves are low, comparatively speaking.

Again referring to the reports of the National Industrial Conference Board for the year 1928, "Wages in the United States in 1928," page 37 of their report, they make the following statement in regard to the earnings of employees of Class I railroads:

> For all wage earners the average hourly earnings, varying between 61.4 cents and 63.2 cents, are at a much higher level than for all wage earners in manufacturing industries. Indeed, the level of average wages for all wage earners in railway service approaches the average for skilled and semiskilled workers in manufacturing industries.

From this statement it will be seen that on the basis of an 8-hour day for the year 1928, which are the latest statistics available, all employees of Class I railroads in the United States averaged approximately $5 per day earnings for the days actually worked.

The report further shows that the average hourly earnings of the highest paid group in this service, that is, train and engine service, earned an average hourly wage of approximately 90 cents per hour or $7.20 per day, but it also shows that the unskilled labor on railroads for the last quarter of 1928 earned an average hourly wage of only 37.4 cents per hour.

Let us contrast the foregoing wages with the wages in the coal-mining industry in the State of West Virginia. The wages paid in the coal industry in West Virginia are not so uniform as the wages paid by the railroads, but the average daily wage is greater than the average daily wage paid by the railroads. In the large majority of the mines, according to sworn testimony of witnesses covering a large number of companies and thousands of men, the average hourly wage is more than 25 per cent in excess of the Class I railroad wages.

In the summer of 1928, pursuant to Senate Resolution 105, a large number of coal operators of our State were asked to appear at Washington before the Senate Committee on Interstate Commerce and to bring their books and papers showing wage rates and actual wage payments. These statements, given under oath, show that the bulk of the wages average materially in excess of the $5 per day paid by the railroads. For example, the sworn testimony of the president of the New River Co., in Fayette County, which company employed 2,085 men, showed an average wage of $5.57 per day. Similar testimony was given by Mr. Jones of the Pocahontas Fuel Co., Mr. Ott of the West Virginia Coal & Coke Co., Mr. Bradley of the Elk River Coal & Lumber Co., Mr. Coolidge of the Island Creek Coal Co., and others. Mr. Coolidge testified, for example, that his company, the Island Creek Coal Co., a typical employer of labor in Logan County, W. Va., employed 2,500 to 3,500 men, at an average wage of $6.47 per day; that only 1 per cent of these employees earned less than 50 cents per hour, that a large number of them earned more than 85 cents per hour, and that the average of all employees was 80.8 cents per hour.

I give these facts knowing when I do so that they have only an indirect bearing upon the controversial subject which is before this body at the present time. The only justification, therefore, is primarily to show that West Virginia miners are not subjected to serfdom and that they have privileges and comforts which a large percentage of the average workmen in America do not have; second, to indicate that there is an air of satisfaction and contentment among those who labor in the mining industry of West Virginia, generally speaking; third, that any intrusion that has resulted in a disturbance in the mining industry of West Virginia came from without the State; and fourth, when this influence came it was not in keeping with law and order.

I now desire to discuss briefly Judge Parker's attitude toward the colored people. As a jurist, his action in performing the duties of his office speaks louder than any proclamation uttered in his youthful days when aspiring for a political office, and while he is accused of certain statements incompatible with the best interests of the colored race, he strenuously denies them. His opinion in the segregation case which came up from Richmond, Va., dealing with the fourteenth amendment to the Constitution, is to my mind conclusive on this point. If there had been any room for doubt by the colored race as to Judge Parker's attitude toward them and their welfare, it should have been dissipated when he wrote this opinion. And again, when over his signature he says:

> I am grateful for the opportunity your inquiry affords of allaying, I hope successfully, any fear that may exist in the mind of any Senator, or indeed of any other citizen, with relation to my disposition to see enforced all of the provisions of the Constitution of our country. I need hardly say to you, who know me so well, that the slightest anxiety on the part of any person, of any race or creed, that I do not acknowledge the Constitution as the fundamental and supreme law of the land is wholly groundless, or that I regard it otherwise than as the first duty of the judge to enforce and give scope and effect to all of its provisions. In the discharge of my duties as circuit judge, I have never hesitated, I hope and believe, to meet this obligation in the fullest degree.
>
> The unfair effort to interpret some statements made some 10 years ago in a speech in a political campaign in North Carolina as indicating a contrary disposition is wholly unjust. What I then said on the subject of the negro was said in an honest effort to place myself side by side with the best men of both races who, for 20 years, had been seeking to create friendly sentiments and peaceful relations between the races in that State, and to enter my protest, in my capacity as a citizen and as the candidate of the minority party for the office of governor, against the motives of those who, for selfish purposes, sought to stir up racial antagonisms inimical to both.
>
> As a judge of the circuit court of appeals I have tried to discharge my duties in such a way as to demonstrate to all persons having business with the court that I knew neither parties nor individuals in the decision of cases, but endeavored to pronounce the law as I found it, to all alike. Such would be my effort if I were a member of the Supreme Court.

Mr. President, Judge Parker stands for the entire Constitution and all its amendments, from the first to the last. I am convinced that our 12,000,000 colored people will at least stand on an equal footing with the other races under the American flag so far as Judge Parker's influence will go in deciding any case affecting their rights and privileges as citizens.

In connection with the Red Jacket injunction case, which arose in my State, it can not be successfully questioned that his decision in that case was based upon and followed the decisions of the Supreme Court of the United States in like controversies. An application was actually made to the Supreme Court for a writ of certiorari to review his decision, but was denied, no doubt because that decision met with the approval of the Supreme Court, and it became thereby not only the decision of Judge Parker and his associates on the circuit court of appeals, but as well the decision of the Supreme Court itself.

Mr. President, it is said that if Judge Parker's nomination should be confirmed, he would hesitate to enforce the provisions of the fourteenth and fifteenth amendments to the Constitution of the United States in cases where the rights of colored people were involved, but his past conduct as a judge shows he has scrupulously given effect to the provisions of those amendments, and that, too, where the rights of colored people were involved. I refer again to the case of the City of Richmond *v.* Deans, Thirty-seventh Federal Reporter, second series, at page 712. In addition to this, those who know Judge Parker and have watched his judicial career must know that no man in the land would more scrupulously carry into execution and enforce in every detail the provisions of those two amendments.

The West Virginia counsel in the Red Jacket case, the Hon. Thomas C. Townsend, who has long been an acknowledged champion of union labor in West Virginia, who has had the complete confidence of labor for a long term of years, and who is recognized as one of the most able lawyers in the State and Nation, has told the subcommittee of the Judiciary Committee that Judge Parker's decision in the Red Jacket case was not to be criticized from the standpoint of his clients, the United Mine Workers. Mr. Townsend not only has the confidence of labor in West Virginia, but has the confidence of the people of the whole State. He is at present the tax commissioner of West Virginia, one of the most important offices under the State government. He has always championed the interests of the common people and endeavored to protect the small farm owner and the laborer from exactions and unnecessary burdens.

The adverse criticism made of labor lawyers generally by the senior Senator from Idaho surely does not apply to Mr. Townsend. He ranks high as a lawyer, and he has assured me personally that there is nothing in Judge Parker's judicial record that would justify the conclusion that as a Justice of the Supreme Court of the United States he would not in every respect be a just judge and a competent member of that great tribunal.

I am impressed with the feeling that Judge Parker's attitude of regard and reverence for the law as evidenced by his respect for the conclusions of the Supreme Court is in keeping with and supportive of stable government. Such integrity and devotion, Mr. President, on the part of the members of the Federal judiciary, constitute the foundation stone upon which this Government rests and which must be protected in all the years to come.

The VICE PRESIDENT. The question is, Shall the Senate advise and consent to the nomination of John J. Parker to be Associate Justice of the Supreme Court of the United States?

Mr. FRAZIER. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Fess	McCulloch	Smoot
Ashurst	Frazier	McKellar	Steiwer
Baird	Gillett	McNary	Stephens
Barkley	Glass	Metcalf	Sullivan
Bingham	Glenn	Norris	Swanson
Black	Goldsborough	Nye	Thomas, Idaho
Blaine	Gould	Oddie	Thomas, Okla.
Blease	Greene	Overman	Townsend
Borah	Hale	Patterson	Trammell
Bratton	Harris	Phipps	Tydings
Brock	Harrison	Pine	Vandenberg
Broussard	Hastings	Pittman	Wagner
Capper	Hatfield	Ransdell	Walcott
Caraway	Hawes	Robinson, Ark.	Walsh, Mass.
Connally	Hayden	Robinson, Ind.	Walsh, Mont.
Copeland	Hebert	Robsion, Ky.	Waterman
Couzens	Howell	Schall	Watson
Cutting	Johnson	Sheppard	Wheeler
Dale	Jones	Shipstead	
Deneen	Kendrick	Shortridge	
Dill	Keyes	Simmons	

The VICE PRESIDENT. Eighty-one Senators have answered to their names. A quorum is present.

Mr. FESS. Mr. President, day before yesterday, when I was occupying some time on the floor, I referred to an incident that was alleged to have taken place between Henry Clay and Roger B. Taney. The Senator from Idaho [Mr. BORAH], who is always responsive to any matters historical, stated that while he appreciated the beautiful picture, he had never been able to verify the accuracy of it.

If there is any one thing that I should like to have to my credit it is a reputation for accuracy, and to avoid the charge that loose or incorrect statements are made; because I presume that one of the characteristics of the mind of anyone who has been identified with the youth of the country, especially in a historical manner, is that he gets into the habit of making statements that can not be inaccurate if he has any regard whatever for what he is saying or teaching.

That is one reason why I have the habit of not making statements unless I have some ground for them; so, quite naturally, I looked for the source of the story about Clay and Taney, and I ascertained the origin of it. It was due to a debate that took place in this Chamber on a matter relating to the Supreme Court at a time when Taney was very bitterly criticized. An address had been delivered by Henry Wilson, Senator from Massachusetts, and the debate had been participated in also by Charles Sumner, of the same State. The latter was very bitter in his criticisms; the former not so bitter.

One of the many great minds from the State of Maryland, domiciled at the city of Baltimore, was Reverdy Johnson. He was in his day one of the greatest lawyers of the country. By the way, Mr. President, I am impressed with the very high rank in other days of the bar of the State of Maryland, including such men as William Wirt, who was credited, and I think properly so, with being one of the greatest lawyers, as well as one of the greatest orators, of the country. William Wirt was also a biographer of Patrick Henry; and one of the most readable books of my memory is Wirt's life of this natural orator of the Republic.

In addition to Wirt, who had occupied the position of Attorney General and other high positions, there was at that bar William Pinkney, sometimes confused with the famous South Carolinian, Pinckney. As Senators will remember, there were two Pinckneys of great distinction from the State of South Carolina. They reached a very high plane not only as lawyers but as statesmen. But the great lawyer of the three was William Pinkney, of Baltimore. He is rated as one of the greatest lawyers who ever appeared before the Supreme Court; and in almost every great case that was tried for 15 years Webster was likely to be on one side and Pinkney on the other.

In addition to these two was the famous Roger B. Taney, not below either one in rank and ability; and while Sergeant was regarded equal to them, and much of the time in Baltimore, as you will recall, he came from Philadelphia. But this bar had the leading rank of the country; and I might also state that this being the fourth judicial circuit, it happens to be the Chief Justice's circuit, and was always so regarded during the time that a member of the Supreme Court presided over the circuit. It was assigned to the Chief Justice of the court.

I have looked over the list of great names that have been on the court from the fourth judicial circuit; and any Senator who will recall to his mind the men who have been on the court from this circuit will find that it ranks as high as, if not higher, than any other circuit. There was John Marshall, the Chief Justice for 34 years, from this circuit. There was Roger B. Taney, the second Chief Justice, who was at the head of the court for 28 or 29 years. There was P. P. Barbour, a very distinguished jurist from Virginia, on the bench. There was James Iredell, from North Carolina, who was regarded in his day—although he was on the bench but a short time, because of a premature death—as one of the most brilliant lawyers of the country; and Iredell is being quoted as much, for the short time he was on the bench, as any member who ever sat on that bench. Then there was Bushrod Washington, who had considerable rank.

I mention just a few of these. All of them gave great reputation to the fourth circuit; and I am of the opinion, from what I can glean, gathering information from those who know, that Judge Parker will make a fit successor of the judges who have been on the bench from this circuit. I happen to know that a great number of splendid lawyers, whose judgment I would take on any matter of this kind, give him the very highest praise as a judge to-day.

Mr. OVERMAN. Mr. President——

Mr. FESS. I yield to my friend.

Mr. OVERMAN. John J. Parker is a descendant of the great Judge Iredell.

Mr. FESS. That is a bit of very interesting information of which I was not aware—that Judge Parker is a descendant of the great James Iredell, who sat on the bench away back in Washington's time, and who, at the time of his appointment, was only 33 years of age.

Now, coming to the subject of the discussion that was conducted here in the Senate Chamber, I wish to read just a portion of the famous Reverdy Johnson's remarks. Reverdy Johnson, of Baltimore, was one of the country's greatest lawyers, and also was a great Senator. He said:

> Now, Mr. President, I think whatever may be the opinion of the honorable Member from Massachusetts—

That refers to Wilson—

> or of any other Member of the Senate, that if there is any department of the Government which, from the beginning of its organization to the present hour, the public in general, may be proud of, it is the judicial department of the Government as far as the Supreme Court constitutes a portion of that department. And I am not singular in that opinion. It is not necessary to advert to what was the impression of the people of the United States, the bar, and the public, during the days when that tribunal was presided over by Marshall, for the purpose of calling to the recollection of the Senate what I am sure is fresh in their remembrance, and to which, therefore, their recollection need not be specially called, that there was throughout the length and breadth of the land the most implicit confidence not only in the absolute integrity of every member of the bench but in the unequaled ability of all the members of the court, and especially of him who in public estimation towered above the rest, John Marshall. And although it would seem to be perhaps inappropriate, let me say to the honorable Member from Massachusetts that much as he may now disparagingly think of the venerable man who presides over the deliberations of that tribunal—

Referring there, of course, to Roger B. Taney—

> and has for the last 20 or 30 years, he is not alone in that particular. When his name was before the Senate of the United States for confirmation, first as Justice of the court, and secondly as Chief Justice, his confirmation was resisted steadily, zealously, by, among others, Clay, of Kentucky. There was hardly an opprobrious epithet which, as he told me himself afterwards, he failed to use against the nomination; and from a conviction that the nominee was unfit, and would prove to be unfit, for the discharge of the duties of the judicial station. But I say it, and it is due to the memory of the dead, and due to him who now survives, survives tremblingly, his life having been protracted much beyond, as we know, the ordinary period of human life, and who has devoted himself with untiring energy, and with exclusive devotion, and with unsurpassed ability, to the duties of his station, that after he had

been upon that bench some four or five years, and Mr. Clay had been the witness, from having practiced before him and read his decisions, of the manner in which his duties had been discharged, he, as he told me himself, after hearing an opinion delivered by the presiding judge, went to his quarters to see him, and found him alone; he said he felt the embarrassment necessarily incident to the object of his visit; and after exchanging the salutations suited to the occasion, and being about to leave him, he took him by the hand and said—

I quote now an address delivered by Johnson in this Chamber in 1864, and it was the same year that Taney died. I quote Reverdy Johnson's statement of the words of Henry Clay, as they appear on page 1363 of the Congressional Globe for March 31, 1864.

"Mr. Chief Justice, there was no man in the land who regretted your appointment to the place you now hold more than I did; there was no Member of the Senate who opposed it more than I did; but I have come to say to you, and I say it now in parting, perhaps for the last time, I have witnessed your judicial career, and it is due to myself and due to you that I should say to you what has been the result; that I am satisfied now that no man in the United States could have been selected more abundantly able to wear the ermine which Chief Justice Marshall honored."

Mr. Johnson goes on:

And with the tears trickling down the checks of both—I speak the words of Henry Clay—they parted; and that opinion he continued to hold up to the last moment that his life was a blessing to the country.

Mr. President, it is no light thing to assail the Chief Justice of the United States or that high tribunal. We have an interest, jurisprudence has an interest, justice has an interest, the Nation has an interest in maintaining the character of that tribunal against all unjust reproach. It is no light thing to pronounce a decision given by such a tribunal as that as a disgrace. I never deal in epithets, Mr. President, if I know myself. I am willing to give, and I always do allow, to him who differs from me upon any question about which it is possible for a difference of opinion to exist, the credit of sincerity and honest conviction, and I can not therefore stand still and hear a tribunal like that assailed, as I think, unnecessarily by anybody and particularly by the Honorable Member from Massachusetts, who stands, in the estimation of his friends, so high aloft that his voice is heard the land over, and is, in their impression, potential.

While it is true that that is only testimony, we have no documentary evidence other than this, yet Mr. Johnson gives it as a recital of the statement made to him by Henry Clay. However, I was not simply interested in making that statement for the accuracy of history. After reading it I thought it was a splendid estimate of the Supreme Court in that day.

Mr. President, when we recall the time that sentiment was uttered, right at the last of the Civil War, in 1864, with bitterness in the country which probably had never reached such a degree, it was quite natural that there would be extravagant statements; and in the midst of it there arose what we would call a Whig in politics, not agreeing with the radicals, who were then known as Republicans, who were assailing the Supreme Court because of its position on the fugitive slave law, and who were so extravagant that one of the leaders said that the Constitution was a covenant of hell and in league with the devil.

One of the great thinkers of the United States, one of the most brilliant orators we ever had, made that statement with reference to the Constitution. At that time the excitement had run so high that there was danger of the Supreme Court being sufficiently attacked to break it down. It was for Mr. Johnson to make this defense of it in the midst of the war.

Mr. President, I did not intend to occupy any time this afternoon, but while I am on my feet I will take a little time to indicate the rule of construction that was laid down by Marshall. I believe it is good yet. But before I do that I want to indicate the view of Washington as to the characteristics of the members of the court. Washington wrote this letter giving his view as to what should be the qualifications of members of the court. I quote:

Considering the judicial system as the chief pillar upon which our National Government must rest, I have thought it my duty to nominate for the high offices in that department, such men as I conceived would give dignity and luster to our national character, and I flatter myself that the love which you bear to our country and a desire to promote the general happiness will lead you to a ready acceptance of the inclosed commission which is accompanied with such laws as have passed relative to your office.

The only occasion for me reading that is to give a contemporary opinion of the value of the judiciary. Washington, the presiding officer of the convention, who knew the 55 members of that convention and their positions from the standpoint of political science as probably no other man knew them, believed that the judiciary was the chief pillar upon which our National Government must rest. I think that was not only true then, but that it is true at the present time.

Washington made another statement that is quite significant.

Mr. BORAH. Mr. President, to whom was that first letter addressed?

Mr. FESS. It was addressed to each one of the appointees on the court.

Mr. BORAH. At that time Washington was appointing John Jay Chief Justice, was he not?

Mr. FESS. John Jay was appointed Chief Justice, and this letter was sent to each member who went on the Supreme Court.

Mr. BORAH. It would be well to read the names of the entire membership as he appointed them under that rule.

Mr. FESS. I will do so. The entire membership was: John Jay, from New York, 44 years old; John Rutledge, of South Carolina, 50 years of age; William Cushing, of Massachusetts, 57 years of age, who, by the way, later on was rejected by a Senate which did not like him; James Wilson, who was regarded by contemporary opinion as the keenest jurist in the Constitutional Convention, from Pennsylvania, only 47 years of age; John Blair, of Virginia, 57 years of age; James Iredell, of North Carolina; Thomas Johnson, who was appointed, and who resigned in two years; William Patterson, another member of the Constitutional Convention; and then later John Rutledge was appointed Chief Justice, and was rejected by the Senate because of his speech on the Jay treaty, as the Senator will recall; then Samuel Chase was appointed just before Washington went out, in 1796; and Oliver Ellsworth was appointed Chief Justice when John Rutledge was rejected by the Senate.

Mr. BORAH. Mr. President, has the Senator a list of the Members of the Senate who rejected him?

Mr. FESS. No; I could find it, but I do not have it here.

Mr. WALSH of Montana. Mr. President, there seems to be running through the thought of the Senator from Ohio, if I grasp it aright, the idea that those who are supporting the nomination of Judge Parker are upholding the dignity, the honor, and the prestige of the Supreme Court, while those who are opposing him are assailing it and endeavoring to bring it into disrepute and disrespect. Have I correctly appraised the thought of the Senator?

Mr. FESS. No. The Senator who is now speaking is convinced that there has been an effort to break down the Supreme Court as it exists in history by attacking the nominees who do not fit in with the particular views of those who criticize in regard to the matter of the functions of the Supreme Court. The Senator is convinced that that is true at this time. Of course, I do not mean that every Senator who will vote for Parker is taking the view I take, and I do not mean at all that every Member who will vote against Parker is actuated or motivated by a desire to attack the Supreme Court. But I think the Senator will agree with me that I have reason for being concerned about the manufactured clamor looking to the defeat of this nominee. It is on a par, but not quite so distinguished, as opposition to Mr. Hughes.

Mr. BORAH. Mr. President, I could but wish the manufactured clamor would be as effective as some other manufactured things that are going on on the other side.

Mr. FESS. Mr. President, when I say "manufactured clamor," I refer to things like the telegram I hold in my hand. Let me say to the Senator from Idaho that he has no more respect for this thing than I have. Here is a wire which comes to me:

DEAR SIR: Through the colored press and the National Association of Colored Women's Clubs I am asking the colored women of Ohio to note your stand in the Parker case.

Yours very truly,

———— ————,

Chairman of the National Political Study Club, 1752 T Street NW.

I do not read the name, because I have too much respect for the person who wrote this. I happen to know who it is. Now, let me read another one.

Mr. BORAH. Mr. President, let me read one following that, which will fit right in there.

Mr. FESS. Very well.

Mr. BORAH. This telegram reads:

The Republicans of North Carolina deplore your attitude relative to the confirmation of Judge Parker as Associate Justice of the United States Supreme Court. We are building a great Republican Party in this State. The lack of Judge Parker's confirmation will destroy our hope. Why let a fanatic like Green or the negro element which we shall never tolerate prevail?

Mr. FESS. Mr. President, I am somewhat surprised that that telegram should have been sent to the Senator from Idaho.

Mr. JOHNSON. Oh——

Mr. FESS. I could understand how it might be sent to some Members of the Senate.

Mr. JOHNSON. The Senator from Idaho is not alone in receiving telegrams of that sort.

Mr. FESS. No.

Mr. JOHNSON. They have been received by many Members of the Senate, and the appeal has been made solely in the interest of a political party that we vote for the confirmation of Mr. Parker. So it would seem to me that in the matter of propaganda it is "horse and horse."

Mr. FESS. O Mr. President, the Senator from California is keen enough to appreciate the difference between expressing an opinion as to what would be the effect politically or otherwise, and a threat such as this telegram.

Mr. JOHNSON rose.

Mr. FESS. In just a moment. Will the Senator wait until I read another telegram?—

Press reports of your speech made yesterday seeking confirmation of Judge Parker show how little you regard the interests, wishes, and welfare of the colored people of the country and of Ohio. Your speeches and attitude shall not be forgotten by the colored people. Should you ever come before the people again seeking office we shall certainly do all in our power to defeat you.

Where does that telegram come from? It comes from Chicago.

Mr. JOHNSON. Does the Senator pay any attention to that sort of thing?

Mr. FESS. No!

Mr. JOHNSON. Does he think there is any difference in principle between that sort of a telegram and the telegram which is sent to Senators here that this confirmation must be had in order to bolster up a political party in North Carolina?

Mr. FESS. Mr. President, if somebody who might be a Republican down in the State of North Carolina would think that his fortunes would be benefited by having this man confirmed or that man defeated, we would permit him to express his opinion, although it is a very indiscreet thing for him to do. But that is not on a par with the statement that, "We will take care of you and defeat you," signed by an organization, and the Senator knows it is not.

Mr. JOHNSON. As a matter of principle and logic there is not the slightest difference.

Mr. FESS. Oh, yes; there is.

Mr. JOHNSON. Indeed, when the appeal is made to this side of the Chamber solely upon political grounds that a man shall be confirmed as a member of the Supreme Court, it is more reprehensible than when some poor benighted individuals may threaten the Senator with political extinction.

Mr. FESS. I am glad the Senator uses the term "poor benighted individuals." That is good, and I think I agree with him in what he said.

Mr. JOHNSON. On both sides there are poor benighted individuals.

Mr. FESS. Mr. President, I know the Senator's motive. The Senator is no more opposed to making an appointment to the Supreme Court one of a political nature than I am.

Mr. JOHNSON. Then we agree that much, anyway.

Mr. FESS. While heretofore that rule was universally applied, McKinley was the first President to break it. He appointed a Democrat. Taft appointed two Democrats, or three, I have forgotten which. Taft went out of his party in the matter of appointments to the Supreme Bench. The Senator and I thought it was a wise thing to do. The same thing was done by Harding.

Whatever else some enthusiastic Republican might do or say, I know that the one concern in the appointment of a man to the Supreme Court is to find a man of ability, of unquestioned integrity, a man of honor, of fair dealing, who will not be partial to any particular interest or race, whether it be a question of servitude, color, or what not. That is the desire on the part of those of us over here who are refusing to be bludgeoned, for whatever reason, to vote against a man because of some particular opposition that might be organized against him.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. PINE in the chair). Does the Senator from Ohio yield to the Senator from Idaho?

Mr. FESS. I yield.

Mr. BORAH. I am getting a little interested in the constant reiteration of the Senator about people who are "refusing to be bludgeoned," as if somebody else was consenting to be bludgeoned.

Mr. FESS. I do not mean that anybody is consenting to be bludgeoned. I mean that I will not be bludgeoned.

Mr. BORAH. Does the Senator mean to say that simply because Senators differ with him they are yielding to influences which the Senator characterizes as "bludgeoning" influences?

Mr. FESS. I am referring to the effort on the part of interested or disinterested people in demanding that I do this at the price of my remaining in this body. The Senator thinks of that thing just as I do.

Mr. BORAH. Let me say to the Senator that when Judge McClintic rendered his opinion in the Red Jacket case in the lower court and sustained this contract, some of us went on record at that time against the contract, believing that it was such a contract as ought not to find embodiment in American jurisprudence, and we have been fighting along that line ever since.

Mr. FESS. I give the Senator absolute freedom so far as I am concerned to continue his fight.

Mr. BORAH. I thank the Senator! [Laughter.]

Mr. FESS. The Senator is entirely welcome!

I want to read a statement in reference to this particular point of controversy:

In that respect Judge Parker's position was unassailable if the duty of inferior and intermediate courts is to apply the law to the facts as it is interpreted by the highest authority. That assumption limits the reviewing court to determining whether the trial judge had correctly applied the principle as enunciated by the court of last resort. But the question raised by the protest is one of personal attitude, which under the state of facts stated by the Department of Justice would presuppose some discretion on the part of the reviewing judge to disagree with the rule laid down for his guidance.

Judge Parker may or may not have expressed approval of the precedent; but he approved the action of the district judge in following it. Had he found it repugnant to his sense of justice and contrary to his construction of the fundamental law, what should have been his course? It was cited in the briefs and specifically referred to in the judgment of injunction as the reason for granting it. Should he have criticized the decision of the Supreme Court, indicated its fallacy, and sent the case up to the Supreme Court on appeal with a recommendation that the precedent be overruled, or should he have criticized the decision, while affirming the judgment, and allowed the defendants to take an appeal, supported by his sympathetic opinion?

It could be done; yet a judge would have to feel very strongly on the subject and be perfectly sure of his ground to do it, for a Supreme Court decision is as much the law of the land as a statutory enactment is. The decision can be overruled, the statute amended or repealed; but so long as either stands unchanged by the authority which made it no one else may challenge its validity. A reversal of the Red Jacket injunction case by Judge Parker would have been ineffectual unless he could have persuaded the Supreme Court by the cogency of his opinion that it had erred in a similar case.

That course isn't customary. Settled policy is a corner stone of jurisprudence.

That is a statement which ought to have some effect: "Settled policy is a corner stone of jurisprudence." If a decision of this court is not to stand until it is reversed by the same court when it is the court of last resort, the result would be chaos; it would be anarchy! What we insist upon is such respect for the judgment of the court of last resort that a lower court shall not ignore it. The lower court, of course, can express its opinion different from the upper court, and if the parties in litigation then desire that the upper court should hear it, there is a way under the law to have the upper court hear it. That way was open and was resorted to, and the upper court, studying the situation, declined to approve it. Yet now we are finding fault with Judge Parker for respecting the decision of the Supreme Court of the United States, which it is the duty of every citizen to respect until those decisions are reversed, for it is as much the law as if it were written in the law. We are finding fault here with a man because he did not do what, so far as I know, no one of any reputation for jurisprudence has done. It is wholly outside of the practice.

Mr. President, there has been some dispute as to what is to be the rule of construction. I had thought of reading the opinion of Washington, but I shall not take the time to do it.

Adams made the following statement:

Prophecies of division have been familiar in my ears for six and thirty years; they have been incessant, but have had no other effect than to increase the attachment of the people to the Union. However highly we may think of the voice of the people sometimes, they not infrequently see further than you or I in many great fundamental questions. Nevertheless, it was of high importance to the survival of the American Union that its judiciary at least should be so constituted as to prove a bulwark against the spread of such false constitutional doctrines.

If we have no respect for the decisions of this court of last resort, what shall be the effect of law in a country that is a country of law? There are men who want the matter of law to be a matter of men, but I insist that the Government is a government of law, and not a government of men. Law is sub-

stantial and looks to stability. Men's minds are as varied as there are numbers of men. No two people looking at the same thing inevitably come to the same conclusion. It is natural that they differ.

The father of the Constitution—James Madison—gave this suggestion of the rules of construction:

A supremacy of the Constitution and laws of the Union without a supremacy in the exposition and execution of them would be as much a mockery as a scabbard put in the hands of a soldier without a sword in it.

I wonder if we have that "without a supremacy in the exposition"? It is not alone a question of the Constitution and of the laws, but a supremacy of the Constitution and laws without a supremacy in the exposition of them—that is, in the Supreme Court—is like giving a scabbard without a sword to a soldier. So said James Madison.

Alexander Dallas, Secretary of the Treasury in Jefferson's Cabinet, later on a distinguished reporter for the Supreme Court of the United States and once Vice President of the United States, said:

The Constitution is the supreme law of the land, and not only this court but every court in the Union is bound to decide the question of constitutionality. They are bound to decide an act to be unconstitutional if the case is clear of doubt, but not on the ground of inconvenience, inexpediency, or impolicy. It must be a case in which the act and the Constitution are in plain conflict with each other.

So I might go on indicating the opinion of our fathers and those who followed them as to the qualifications of members of the Supreme Court Bench.

Fillmore, whose nominations were rejected, in pointing out the requisites of a member of the Supreme Court, says this:

A vigorous constitution, high moral and intellectual qualifications, a good judicial mind, and such age as give prospect of long service.

Those were the qualifications in the mind of a President. Then he wrote to Daniel Webster and asked his opinion of Benjamin R. Curtis, whom he was thinking of appointing. Before Webster had received the letter he had written the President a letter recommending Rufus Choate as the one most eminently fitted, but doubted whether or not he would accept.

In the same letter, although it was not in reply to President Fillmore's letter, because Webster had not then received it, Webster said in case of the refusal of Rufus Choate to accept, he recommended Benjamin R. Curtis as a man of suitable age, good health, excellent habits, sufficient industry, and love of labor, and in point of legal attainments and general character in every way fitting.

I mention this to indicate the qualities that should be possessed by members of the Supreme Court Bench. I am told by lawyers in whom I have confidence—and if I should name them there is not a Senator here who would not say he has confidence in them—that if Judge Parker shall be placed on the Supreme Court at the age of 45 there will be nothing to regret; that he will make a really great judge. I have that testimonial unsolicited from a number of sources, but especially do I have it from one or two men to whom I personally directed the question in order to get their reaction.

Speaking of the rule of interpretation, I want to take a brief time to indicate the rule laid down by Marshall. I am going to do it at the expense of taking the time of the Senate, although I should much prefer not to do so. As Senators will recall, the conduct of Aaron Burr in 1807 led Jefferson to believe that he was going to establish an empire in connection with what later became the Louisiana Purchase and Mexico. The President was very bitter over the act and was most desirous to bring Aaron Burr to justice. As will be remembered, Aaron Burr was arrested and brought to Richmond for trial. Marshall was on the bench and presided at the trial. There was a technicality in that case because the indictment had alleged the treason to have taken place on a certain island in the Ohio River which was known as Blennerhassett Island. It was demonstrated that Aaron Burr was not at that island at that time, whereas the allegation in the indictment was that the act was committed there, and upon that technicality the Chief Justice would not admit testimony to show what Burr was doing away from the island. On that technicality Marshall ruled in favor of Burr, which greatly angered the President.

Mr. BORAH. Chief Justice Marshall's ruling was that there was no such thing as constructive treason under the Constitution.

Mr. FESS. That was precisely his ruling; he ruled that there was treason, but that Burr had to be construed to be present, because he was not where he was alleged to be. The case did not really turn on what Burr had done, but on the allegation that he was at Blennerhassett Island.

I do not know that it is worth while for me to read the statement of the Chief Justice on that point. I can give the substance of it. As I recall, the Chief Justice said that no one willingly would do a thing which would bring criticism to him; that no one would be willing to drink the cup if it could be passed from his lips; but where there was no choice left to him except to act in accordance with the law of the land or to win the favor of the public a man fit to be on the bench would not hesitate as to the course he should pursue.

Jefferson wrote to James Bowdoin, jr., in 1807:

The fact is that the Federalists make Burr's cause their own and exert their whole influence to shield him from punishment. It is unfortunate that Federalism is still predominant in our judiciary department, which is consequently in opposition to the legislative and executive branches and is able to baffle their measures often.

That statement called forth this utterance on the part of Chief Justice Marshall:

If Burr's crimes were ten times greater than the bitterest of his enemies allege, we hope he will only suffer as the law directs. If once a law is subservient to motives of policy, or, what is worse, to suit the views of party, we may bid a long farewell to all our boasted freedom. The judge does not make the laws; he expounds them and is bound to see that the trial be conducted according to law. Such, we believe, has been the conduct of the court on the present occasion and such we hope it will ever be. The judge who permits reasons of state or popular opinions to influence his judgment would be a fit member for a star-chamber court or a revolutionary tribunal, but is wholly unqualified for a judge in a court which has been established by the Constitution and laws of a free and independent nation.

I think that statement is just as sound to-day as it was when it was uttered.

The predicament in which this court stands in relation to the Nation at large is full of perplexities and embarrassments. It stands in the midst of jealousies and rivalries of conflicting parties, with the most momentous interests consigned to its care. Under such circumstances it never can have a motive to do more than its duty; and I trust it will always be found to possess firmness enough to do that. It is not for judges to listen to the voice of persuasive eloquence or popular appeal. We have nothing to do but to pronounce the law as we find it; and, having done this, our justification must be left to the impartial judgment of our country.

So spoke John Marshall after the most bitter criticism because of a certain ruling made by him.

Who that knows and respects eminent abilities, the unsullied integrity, the great legal knowledge, and the most amiable character of Chief Justice Marshall will not resent the unwarrantable insinuations that in the trial of Burr, he abused the benignity of general maxims; witheld from the jury testimony sufficient for his conviction, and that in consequence of this suppression of evidence, Burr was acquitted? Again both the law and the judge are assailed.

That was the estimate of Timothy Pickering in 1808 of the decision rendered by John Marshall, who refused to yield to clamor, but held to the limitations of the law.

Craig against Missouri was a case in which constitutional supremacy as against State sovereignty was involved. In that case Marshall said this:

These are considerations which address themselves to those departments which may with perfect propriety be influenced by them. This department can listen only to the mandates of law, and can tread only that path which is marked out by duty.

That is just as true to-day as it was when it was uttered in this case. In the decision of judicial questions the moment courts shall employ the latitudinal privilege of personal opinions, determined by emotions, motivated by passions and without respect to the limitations of law, anarchy is going to be the result. That is why I do not appreciate a certain kind of criticism, whether directed against the Supreme Court or against a particular judge of the court or against a man who happens to be an appointee of the President to the court. What we should require of any man who goes on the Supreme Court Bench is to know the law, to ascertain the facts, and within the law and upon the facts to render a decision that is impartial. Any other standard is unsafe.

In argument we have been admonished of the jealousy with which various States of the Union view the revising power intrusted by the Constitution and laws of the United States to this tribunal.

To observations of this character the answer uniformly given has been that the course of the judicial department is marked out by law.





We must tread the direct and narrow path prescribed for us. As this court has never grasped at ungranted jurisdiction, so it will never, we trust, shrink from the exercise of that which is conferred upon it.

So spake Marshall in the case of Fisher against Cockerill. And yet that rule laid down by the builder of American nationality, which secured to us the stability that comes from uniformity of decisions in accordance with law, is criticized because it is within the limits of the law and does not go beyond the law. The moment the Supreme Court goes beyond the limitations of law that moment the court will be a usurping body, because the only way it can avoid the usurpation of which there is fear is by holding to the law.

Mr. President, this is the country of the written Constitution. While we are young, we are the oldest country that has a written constitution. The Constitution is the letter of the American people in the form of instructions to the Congress of the United States and to the President of the United States and to the Supreme Court of the United States. The legislature can not go beyond that letter of instructions, and the President can not go beyond the letter of instructions. Should he do it, impeachment awaits him; and the Supreme Court, which is to determine what the law is, must stay within the law and the Constitution, and not use its own opinions as the limit of its latitude. Otherwise there is not any protection at all.

One of the most difficult and heatedly discussed cases that called for a very pronounced decision was Cohens against Virginia. After stating the case, Marshall said this:

If such be the Constitution, it is the duty of the court to bow with respectful submission to its provisions. If such be not the Constitution, it is equally the duty of this court to say so, and to perform that task which the American people have assigned to the judicial department.

The complaint against this man or that man is that he did not use latitude. It is complained that he held too closely to the instructions of the law upon which he was making his decision. That that will not be done is the very thing I am afraid of. That is why I am reading these rules of constitutional interpretation.

Where is the man who would to-day declaim against the keen mind, the clear construction, the discerning interpretation of John Marshall? Yet, Mr. President, when John Marshall died some very reputable newspapers expressed relief over his death, because, they said, "Now we shall be relieved from the domination of the court by the type of man that John Marshall was." That is true, and I can quote it to you. The man who established nationality in a series of decisions unequaled in the history of jurisprudence in all the world was criticized all along the line; and even when he died relief was expressed that no longer would the Supreme Court be presided over by that sort of a man.

Marshall, in the Antelope case, had this to say:

In examining claims of this momentous importance, claims in which the sacred rights of liberty and of property come in conflict with each other, which have drawn from the bar a degree of talent and eloquence worthy of the questions which have been discussed, this court must not yield to feelings which might seduce it from the path of duty but must obey the mandates of the law.

That is the procedure, the conduct, that comes in for criticism here. What is it that we hear about the Supreme Court that certain individuals do not like? This was spoken back in 1825. It is heard in almost identical language to-day as a subject of criticism.

In examining claims of this momentous importance, claims in which the sacred rights of liberty and of property come in conflict with each other—

That referred to the conflict between property rights and human rights, which we hear so much about in these days—

which have drawn from the bar a degree of talent and eloquence worthy of the questions which have been discussed—

The talent that was drawn was such as Webster and Clay and William Pinkney and John Sergeant and Reverdy Johnson, and that type of man—

this court—

Hear me, Senators!—

this court must not yield to feelings which might seduce it from the path of duty, but must obey the mandates of the law. It is not wonderful that public feeling should march somewhat in advance of strict law. Whatever might be the answer of a moralist—

And we hear a good many of them in these days—

Whatever might be the answer of a moralist to this question, a jurist—

Not a moralist—

a jurist must search for its legal solution in those principles of action which are sanctioned by the usages, the national acts, and the general assent of that portion of the world of which he considers himself a part, and to whose law the appeal is made.

There is not any statement that is more pertinent than that statement to this criticism against Judge Parker. That was in 1825.

Marshall further said, in another case:

The court can be insensible neither to the magnitude nor delicacy of this question.

But he added:

On the judges of this court is imposed the high and solemn duty of protecting from even legislative violation those contracts which the Constitution of our country has placed beyond legislative control; and, however irksome the task may be, this is a duty from which we dare not shrink.

I am not going to pursue this further. I have examined the numerous decisions of John Marshall, and have taken certain excerpts that touch this particular duty of constitutional construction. Marshall, as I stated before, lived to 1835. One of the men who did not agree with Marshall, but who was the lieutenant of Andrew Jackson—and who, by the way, succeeded Andrew Jackson in the Presidency—was Martin Van Buren. Whatever else may be said about Martin Van Buren, he was a man who, while rather bitter politically, yet was fair and broad-minded. He had this to say, speaking of the Supreme Court:

They possess talents of the highest order and spotless integrity, and * * * the Chief Justice is in all probability the ablest judge now sitting upon any judicial bench in the world.

That is from a source opposite in politics to the Chief Justice. Wirt, who did not agree with Marshall in politics, said:

This power of analysis, the power of simplifying a complex subject and showing all its parts clearly and distinctly, is the forte of Chief Justice Marshall.

* * * * * * *

You will see the opinion by which Marshall stopped the trial for treason. The trial for misdemeanor will begin to-day. It will soon be stopped. The second prosecution of Burr is at an end.

So said a critic of Marshall.

A friend writing to Webster said:

What President has done as much for his country as John Marshall has in the station he has occupied? And who has secured for himself a more imperishable fame? So long as the judiciary shall remain unpolluted, and shall possess intelligence, the citadel will be defended against the machinations of the Executive or the sudden convulsions of the people.

The closest friend of John Marshall was Joseph Story. He was appointed to the bench away back in 1811. He remained on the bench until 1845—the year Jackson died, three years before the death of John Quincy Adams—during all that time constantly sitting on the bench delivering opinions, many of which I have here, that I may ask, some time later, to place in the RECORD. This is the man whose opinion of Marshall would be most appreciated:

Great, good, and excellent man! I perceive we must soon, very soon, part with him forever. * * * I shall never see his like again. His gentleness, his affectionateness, his glorious virtues, his unblemished life, leave him without a rival or a peer.

I am trying to get before the Senate the standards that we will require on the Supreme Court; but especially I am trying to refresh the minds of Senators that these men like Marshall and Story constantly had their critics, who were bitter—so bitter, indeed, that when Marshall died there were speeches that were not complimentary; and, Mr. President, when Roger B. Taney died in 1864 certain papers were unlimited in their sarcastic castigation; and when the time came to place his bust in the Supreme Chamber with the busts of the other Chief Justices it was denied and voted down, and the most bitter criticism was made that would startle the Senate, should I read the words of men like Charles Sumner, Ben Wade, and others; and yet later they recanted, when Congress changed, and the bust of Roger B. Taney went into the Supreme Court Chamber, where it now is.

I am mentioning these things to show that this attack on the Supreme Court is not new. It has always existed; and I want the people not to overlook that fact.

Mr. President, if John J. Parker were not a man who measures up to the qualifications required on the bench, I should not be here resisting these criticisms. If it were not for what I know to be true of the effort to undermine the judiciary of the country that is motivated by exactly the same motives that heretofore have assailed that body, I should not be here resisting the efforts to defeat this nominee through manufactured clamor, by working up the labor people and the colored people into thinking that they can defeat a man through fear of what they will do if we do not vote in accordance with their views.

I have only taken the time necessary to mention the rules of construction laid down by Marshall. I will pursue that later on with the rules laid down by Story and others whose judgment we to-day accept.

Mr. NORRIS obtained the floor.

Mr. McNARY rose.

Mr. NORRIS. Does the Senator from Oregon want to move a recess?

Mr. McNARY. I shall be very happy to yield to the convenience and pleasure of the Senator from Nebraska.

Mr. NORRIS. Of course, I can not finish what I have to say this evening, unless we run on quite late with the session. I would prefer, if it is agreeable to the Senator, that we take a recess now, and that I proceed in the morning.

The VICE PRESIDENT. The Senator from Nebraska will be recognized when the Senate meets to-morrow.

RECESS

Mr. McNARY. I move that the Senate take a recess in executive session until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 4 o'clock and 45 minutes p. m.) took a recess until to-morrow, Friday, May 2, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 1 (legislative day of April 30), 1930

COLLECTOR OF CUSTOMS

Jeannette A. Hyde, of Salt Lake City, Utah, to be collector of customs for customs collection district No. 32, with headquarters at Honolulu, Hawaii. (Reappointment.)

UNITED STATES MARSHAL

John P. Hallanan, of West Virginia, to be United States marshal, southern district of West Virginia, to succeed Siegel Workman, whose term expired April 20, 1930.

HOUSE OF REPRESENTATIVES

THURSDAY, *May 1, 1930*

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who hast made the day, the sunlight, and all that is blossoming and fair upon the earth, hearken unto us, for Thou art our Father. Dwell in our thoughts and give proof that Thou art against temptation, trial, and every besetment of this mortal life. Bless and direct us through the hours before us, and let none of us fail. O God of the nations, bring into the light all that dwell in darkness. Spread abroad everywhere the spirit of humanity, gentleness, and patience, and may our own country always lead the way. As servants of the public weal, give us restraint in the unguarded moment. Keep us true, quiet, and undaunted in our mission. Be with all—lift the burden, still the sigh, and awake the song. Amen.

The Journal of the proceedings of yesterday was read and approved.

PHOTOGRAPHIC MOSAIC MAPS

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent to proceed for two minutes to make an announcement.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. TEMPLE. Mr. Speaker and gentlemen of the House, in the cloakroom on both sides of the House the Members will find, one in each room, an air map of the District of Columbia and surrounding country, photographed from a height of 10,000 feet, making a map to the scale of about 6 inches to the mile. Members can identify their own houses on the map. It will not only be interesting but useful in any District legislation that may come before the House.

I ask unanimous consent that the Clerk may read a letter of Col. Glenn S. Smith, through whose interest in the matter, and by permission of the Speaker of the House the maps have been placed where they are.

The SPEAKER. Without objection, the Clerk will read the letter.

There was no objection.

The Clerk read the letter, as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY,
Washington, April 30, 1930.

Memorandum for Doctor TEMPLE, House of Representatives.

The two photographic mosaic maps which I am delivering to you for hanging in the House cloakrooms cover an area of 120 square miles, including the city of Washington, the District of Columbia, and adjacent country. This area is 12 miles east and west and 10 miles north and south. It is composed of 830 separate photographs 7 by 9 inches, taken at an altitude of approximately 10,000 feet. This whole area was photographed by the Army Air Corps in approximately four hours of flying time. The scale of the map is approximately 6 inches to 1 mile.

The photographs were taken at the request of the National Capital Park and Planning Commission for the use of the United States Geological Survey in revising the topographic map made by the United States Geological Survey of Washington and vicinity. The photographs were used for adding to the existing map the new streets and houses which had come into existence since the topographic map was originally surveyed. The use of these photographs saved the expenses of ground surveys and secured data in 4 hours which would have taken one engineer 12 months or approximately 2,400 hours field work to secure.

GLENN S. SMITH,
Chief Engineer (Topographic).

THE FARM SITUATION

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address which was delivered by Alexander Legge, chairman of the Federal Farm Board, at the annual meeting of the Chamber of Commerce of the United States in Washington, D. C., on April 20, 1930.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The address is as follows:

In talking to you about the work of the Federal Farm Board it is perhaps unnecessary to go into details and statistics to show that there is an agricultural problem, since that has been well established by the many studies and years of public discussion with which members of the Chamber of Commerce of the United States are familiar.

Nevertheless, if you will indulge me for a few moments I am going to delve into the record of the past, particularly as it reflects what information was before you on the agricultural problem and your efforts to help find a solution.

Back in 1925 the National Industrial Conference Board made rather an extensive study of the situation, and I believe that those of you who have read this report, which was published in 1926, will agree that it confirms the statement that the Nation was confronted with a serious problem in agriculture. That report, as you may recall, reached the conclusion that "American agriculture appears to have fallen out of step with the general economic development in the country."

A number of reasons were cited. A few of these in which we are particularly interested on this occasion were that farmers lacked national organization to deal with the surplus problem; lacked "organization and system in the marketing processes" that would give them a better return through adjusting supply to demand in the domestic markets; and also that there was "lack of organization, standardization, and grading in marketing," resulting in excessive costs of distribution which could be minimized by "a more systematic contact between producer and consumer."

Fiscal, tariff, and immigration policies, industrial efficiency, industrial, financial, trade, and labor organizations, transportation and credit were cited as other influences affecting agriculture adversely. Most of these ills, it was emphasized, were not new and go back of the World War period, even into the previous century.

"While it [agriculture] has become inseparably involved in a network of interrelationships with a more and more highly organized system of industry, trade, finance, transportation, and governmental activities," the report says, "it [agriculture] has so far not developed effective means for adjusting itself to this new situation."

The Industrial Conference Board reached the conclusion that the situation confronting agriculture could not be met by a political palliative. "If agriculture is confronted with fundamentally adverse conditions, making for a general and persistent inequity and maladjustment," it said, "they not only constitute a serious menace to the progress and prosperity of American industry, commerce, and trade but are equally of great significance for our national welfare, for they deeply affect the

future economic development, the social advancement, the political unity, and the national security of the United States."

In that report business men were urged to give the agricultural problem further study and suggest remedies, with the result that the chamber of commerce and the National Industrial Conference Board appointed the so-called Nagel commission, which made a long report, including numerous recommendations, that was published in November, 1927. Here is an outstanding bit of advice the Nagel report, agreeing fully with the one of the Industrial Conference Board as to the plight of agriculture and the causes, had to offer to business men: "In the meantime, suffice it to say, on the one hand, that no unrest as formidable as that witnessed among certain groups of farmers in recent years can be sustained without a real grievance; and, on the other, that sugar-coated political pills will provide no lasting relief for an ailment which has in some phases become more or less chronic."

And again, speaking of the views of the individual members of the commission: "They are forced to the conclusion that the accepted economic measures do not fit, at least do not cover the farmer's case; and that this situation presents a new challenge to economic and political advisers that can not be evaded or met with slogans."

On the subject of organized action by producers it was asserted that "cooperative movements which look to standardization of crops and more advantageous marketing may depend more immediately upon the farmer's own initiative; but here, too, private aid may prove to be effective, and certainly the State may give direction and stability by providing suitable authority and conditions."

The Nagel commission made a number of suggestions for giving assistance to agriculture. A major one of these called for "stabilizing agricultural income by Government aid." It was proposed that a Federal Farm Board be created to assist in doing this job somewhat in line with suggested legislation that had the approval of the Coolidge administration.

"The commission feels very strongly," the report said, "that all who are concerned in the improvement of the agricultural income, and in its possible benefits to the business community and the public at large, should give serious consideration to the desirability of devising means by which the fluctuations of agricultural prices from year to year may be mitigated. The farmer is in this matter a victim of circumstances which are largely beyond his control or responsibility and in a certain definite degree against the public interest, so that a measure of governmental effort to aid in protecting that interest may properly be invoked."

It was proposed that these stabilizing efforts should be through corporations financed jointly by farmers' cooperatives, private business interests, and the Federal Government.

Urging financial support from business, the report said it would "be in the interests of business men to provide not only a share of the initial capital but a part of the working credit because the successful operation of such corporations would tend to prevent sudden curtailment of the buying power of agriculture through unchecked price declines and so would tend to stabilize general business and credit conditions."

And the commission sounded this warning: "In any case, if private business and banking interests do not consider it necessary or worth while to aid in agricultural stabilization in this way, their objections to the entrance of Government into the banking business, serious as these are, will naturally lose much of their force."

I wish to remind you also that the Nagel commission recommended to the "business interests" of the country that they could "render a great and permanent service to agriculture and to the Nation" by setting up and endowing with adequate funds an agency to be known as "the national agricultural foundation." The first work of the foundation, it was suggested, would be classification of the Nation's land resources with the object of putting production on a sound economic basis, the first essential in any program for permanent agricultural betterment. In addition it was proposed that the foundation should study the industrial utilization of farm products and other subjects; cooperate with Federal and State Governments and be the agency for a variety of activities which for some reason or other could not be undertaken by governmental bodies or farmers' organizations.

With a winter to study the Nagel commission report, the chamber at its annual meeting two years ago discussed the agricultural problem at considerable length. A special committee was designated to prepare recommendations. On August 31, 1928, these recommendations were submitted to the members in referendum No. 52. That referendum committed the chamber to the creation of a Federal Farm Board with authority to investigate and make recommendations to Congress, but none to go ahead with the solution of the agricultural problem which had been characterized as such a serious one by both the Industrial Conference Board report and the report of the Nagel commission.

In addition to that, however, it did go on record very definitely in favor of "the principle of cooperative marketing based upon the established right of the producer of agricultural commodities 'to act together in associations corporate or otherwise, with or without capital stock, in collectively processing and manufacturing, preparing for market, handling, and marketing in interstate and foreign commerce such products of persons so engaged.'"

Results of the referendum were announced on November 14, 1928. The vote in favor of the cooperative principle was overwhelming, 2,816 to 117, and, as you all know, these were member associations and not individuals doing the voting.

I am sure that most of you will agree that you know more about the agricultural situation and how to meet it than I do. A considerable percentage of your membership has made that quite clear, and perhaps the best answer I can make is the statement that if this be true, and you really do know so much about it, that the situation presents a very severe indictment of the organization which, having full information of the facts, has made so little effort to remedy the situation. Certainly none of you have seen any evidence of constructive action on the part of the chamber of commerce or the part of any of its affiliated organizations, with the doubtful exception of taking a referendum two years ago, looking to a remedy for and permanent improvement in the situation, which, your own investigators had warned, required substantial assistance if not from you, then from the Government.

Perhaps I should mention the fact that, while your national organization did adopt a policy of silence when Congress was framing the agricultural marketing act, spokesmen of some of your member organizations appeared before the House Committee on Agriculture and indorsed the principles of that legislation.

One might find much justification in the statement that your attitude generally has been one of indifference if indeed not of antagonism; that you regarded the farm problem like the poor as something "we have with us always," and that you who are more fortunately situated, discussed it much along the same lines as the ladies are apt to refer to the household help question—something that had to be endured if one was to avoid having to do the work oneself.

It is true that there have been many public expressions of sympathy and feeling for the farmer, but let us be certain that in giving expression to this feeling that our hand reaches for the dollar in our own pocket and not the penny in his.

For a period of years following the deflation of 1920 and 1921 you probably had some justification for the belief that the rest of the country could go on being happy and prosperous, regardless of the wretchedness and misery of those who were producing your food supplies. Anyhow, other business did prosper to a measurable extent for a considerable period before there was any improvement in the agricultural position. In the present depression, however, there is evidence that one of the prime causes of unemployment and lack of business activity is the lack of farm purchasing power.

Many of the lumber mills of the country are closing down, others are operating part time, and few if any of them are breaking even on the proposition; all due to a very sharp decline in the consumption of lumber in the country. It is perhaps natural for us to think of this in the terms of steel, concrete, and other substitutes that have taken the place of lumber in many forms of construction, but the facts are that over 50 per cent of the decline in lumber buying, as compared to the higher records of years past, is represented in reduced farm purchasing. The farmer uses no substitute steel or concrete or anything else, lumber still being the cheapest material from which he can build a home for himself or shelter for his livestock.

Why does this curtailment amount to almost cessation in farm buying? The answer is that under conditions existing in recent years, and still prevailing, there is nothing to encourage the farmer to improve his property.

One modern improvement on which the farmer has kept strictly up to date is the farm mortgage. Most of them have that. The farmer's struggle has been one of meeting the payments on the mortgage, a struggle in which he has failed in a very large number of cases, and the record of foreclosures and forced sale of farm property is still running high. When his financial position is such that he can not tell whether it is going to be possible for him to retain the farm, why should he undertake to build improvements, even if it were possible for him to get the money or credit with which to do so?

The mortgages on farm land made 10 years ago are almost universally renewed on a lower appraised value, and cases are all too frequent that where a man borrowed 50 per cent of the then appraised value of the land he is now confronted with a new appraisal 50 per cent of the former one; which, with the same margin of safety to the lender, means that the amount of the loan is cut in half. Improvements have been limited largely to the class called "check-book" farmers, who spend their incomes on a piece of land instead of trying to derive incomes from it. One could go on indefinitely outlining this situation, and lumber is not the only illustration.

After many years of discussion and deliberation Congress finally passed the agricultural marketing act, which many of you people are now branding as socialistic or anarchistic, and complaining of interference with, or necessitating some readjustment in the present system of handling certain commodities.

You doubtless all remember the old story of the preacher who was called to fill another clergyman's pulpit. After being cautioned not to bear down on the liquor question, because Deacon Jones, who was one of their best supporters, was also very fond of his toddy, and not to attack racing, because Deacon Smith kept a racing stable, etc., he very naturally asked the question as to what it would be safe to talk about. The

reply was that he might attack the Mohammedans. It was safe to give them hell, because there were none of them in the congregation.

It is rather difficult for us to see how progress can be made toward improvement in the agricultural marketing situation without necessitating some readjustment of existing conditions.

Nearly 10 years of discussion, controversy, and compromise led Congress in its wisdom to declare that permanent solution of the agricultural problem lies in collective action on the part of the farmers. It created the Farm Board to help producers organize for such action, both as to production and marketing of their crops, the purpose being to enable them to put their industry on economic parity with other industries. In that legislation Congress definitely committed this country to the principle of cooperative marketing of farm products. The Farm Board believes that principle is sound and the only one that really will give the farmer a chance to get his fair share of the national income. The country generally and business men for the most part gave their approval of the agricultural marketing act before it became a law. I am sorry to say that there has been considerable evidence the past several months that entirely too many of your members were for the principle of cooperation only so long as it didn't work. When it became apparent that a means had been provided that really would help the farmer get organized cooperatively so that he, like other producers, would have some voice in determining the sale price of his commodity, the effort was branded as Government price fixing, putting the Government in business, etc. And all of this notwithstanding the fact they had declared unmistakably for the principle of cooperative marketing only a year previously.

I do not recall in years gone by of hearing you business men making any such complaint against Government aid that was extended to the manufacturing industry, to transportation, and to finance. And these all played their part in adding to the disadvantages of the farmer, as did also the preferential treatment to labor through immigration restriction and other measures.

We are not complaining about what the Government has done for others, but it does seem to us that these beneficiaries ought to be willing that the farmer also be given a helping hand from the same source, so that he, too, will be in position to take care of himself in the economic system that has been built up in this country so largely by special favors.

Farmers constitute nearly one-third of our population. For the most part they have been producing and selling blindly as individuals, with the result they have little or nothing to say about what their product brings. Costs of production can be passed along to the buyer by nearly everyone but the farmer. Unorganized, he has to take for his product what the other fellow is willing to give him.

Business men some time back came to understand that it was money in their pockets to pay wage earners more than barely enough to live on. High wages make the worker a better buyer. If the farmer's income is improved, it likewise will be of advantage to everyone who has something to sell, because his buying power will be increased by just that amount.

The agricultural marketing act supplies the means necessary to help the farmer help himself out of his present major economic difficulties. His success will depend largely on his own willingness to do his part. The Farm Board is going to give every assistance permitted by the law. Its purpose is to help agriculture, not to hurt some one else.

Strictly in accordance with the law, the board is assisting in organization of large-scale commodity cooperatives, made up of State, regional, and local farmers' cooperatives. Through these central commodity associations producers are expected to control a sufficient volume of the different products of the farm to have bargaining power in marketing them. These agencies are not being formed to set aside the law of supply and demand and artificially raise prices to the consumer but, rather, to engage in a merchandising program that reflects prices to their grower members that are in harmony with the actual value of the products based on the potential buying demand.

The most important function of this collective action by farmers is to bring production, both as to kind and amount, more nearly in line with normal marketing requirements.

How could any of you manufacturers hope to succeed on a basis of blindly producing commodities of any kind without regard to the quantity or quality for which there was a potential demand? Perhaps one of the most important forward steps general business has taken in recent years is the more extensive study of demand conditions and better regulation of production to meet that demand. This has been accomplished in part at least through centralization into a smaller number of producing units in most commodities.

Obviously it is impossible to accomplish similar results in agriculture where six and one-half million farm factories are producing entirely independent of each other, each without knowledge of what the total production is or should be on any particular commodity he raises. It is our judgment that effective results can only be accomplished through organization of these producing units to the end that they may have a collective view of the situation in dealing with any commodity in place of the isolated, individual action under which they have operated in the past.

It seems to us that in the years of discussion of the problem this fundamental proposition has not been given sufficient consideration by those who have sought to find a remedy for the unhappy agricultural producer. Even in organized industry it may be said that recognition of this fundamental factor came rather slowly, and certainly it is not a proposition that anyone could put forward as a vote getter, which may possibly have been a factor in it not having been given more prominence.

In place of squarely meeting this fundamental issue, the farmer has been led to believe that through some mysterious process a way might be found to dispose of surplus production without the operation adversely affecting his price level, and this notwithstanding the fact that none of you, who represent the most highly organized industries in the world, have been able to work out such a solution of the surplus problem.

All the farmers are trying to do, with Farm Board assistance, is, by acting together, to apply the same methods and business principles to their industry that were adopted in other lines long since. If they were good for you fellows, they are likewise good for the farmer.

One of the board's activities which has brought in a considerable volume of protest is the emergency policy of loans to wheat and cotton cooperatives and the subsequent emergency stabilization operation in wheat. The loans were made on a fixed-value basis in an effort to check further and unnecessary depression in wheat and cotton prices, which already had suffered serious declines sympathetic with the crash of the security market last fall. In measurable degree we were successful in steadying price levels covering a considerable period of time.

When this proved to be insufficient and the price of wheat took another sharp turn downward, the stabilization operation was requested by the advisory committee for this commodity, which request was approved by the board, and the stabilization efforts have been conducted well within the provisions of the act itself, temporarily, at least, having served to check further demoralization in wheat values.

Many of the most experienced men in the grain trade figured that wheat would have to go to a price of 75 or 80 cents a bushel at terminal markets in order that some of the surplus might be moved. In our judgment it is moving just as freely at a substantially higher figure. Because of the financial conditions existing in the three large competing countries in the export of wheat, it seemed to us that we as a nation were going to hold the bag for most of the surplus, regardless of price level, as in many cases competitive wheat was being marketed under conditions of forced liquidation.

There was much more involved when the stabilization operation was undertaken than merely the price of wheat. The whole farm-commodities market was threatened. I do not know why it should be the case, but other farm commodity prices are sympathetic to that of wheat. They go up and down in close relationship with the wheat price. Thus it was that the prices of other commodities in which the farmer has a vital interest—and every business man, too, for that matter—were in danger of a further demoralization that might easily have been of much more serious consequence to the country as a whole than the stock-market crash. The board was convinced there was no economic justification for such a collapse in commodity prices; that it was being brought on largely by a state of hysteria in which all sense of real values was lost.

The agricultural marketing act made possible the setting up of machinery, farmer owned and controlled, to meet this situation, and the Farm Board authorized its use to the benefit, I am sure, not only of agriculture but the general public.

For a period of time the board was subjected to severe criticism because of the enormous losses the taxpayers were expected to sustain through this stabilization operation. Strange to say, many of those who hollered the loudest are not among our heaviest taxpayers. Later on, when the condition changed to a point where any substantial loss seemed improbable, we were just as severely criticized because we had not made a loss. Perhaps it should be some satisfaction to know that in our case we do not have to turn the other cheek. When you hit us on one side, all we have to do is to stand pat and in the course of a little time some other group will balance the score by hitting just as hard on the other.

We have had numberless letters, briefs, the oral arguments offered in defense of the present grain marketing system which the dealers in the commodity extoll and describe as being the finest achievement in human progress, but giving the present system credit for all the good things which it does, it appears to us that one feature is lacking, to which perhaps few of you have given consideration. But under the present hedging system nobody has any interest in the price of wheat after it leaves the farmer's wagon, except the traders on the pit of the exchange, and then only one-half of these traders wish to keep it up. The local elevator, the terminal elevator, the miller, and the banker who finances it all are happy with a perfectly hedged market operation wherein they take no chance. Once the wheat gets to the local elevator, it does not make any difference to them whether the price goes up or down, so there may be some reasonable question as to whether the interest of producer, or consumer either, for that matter, is sufficiently represented in the operation of the present system of grain trading.

But to go back to the general problem, may I ask the question whether you people think you have any less interest in commodity prices than you have in security prices? We haven't heard any criticism from any section of the country of the efforts made to check the demoralization in the security market; nor have we heard of any of you making any effort to check the further demoralization that seemed impending in the market for agricultural commodities.

Through collective action bankers and other business men met the crisis in the securities market last fall, at a time declining prices threatened the country with a serious financial panic. They are said to have raised more than half a billion dollars to do the job.

When a few months later the commodities market faced a like crisis the farmers were neither organized nor had the money to go to the rescue. Those who did have the money failed to volunteer any aid, although by doing so they would have performed as important if not a more valuable service to the country than saving the stock market. Instead, there was criticism of the Farm Board for giving necessary assistance that could not be had from any other source.

The Farm Board hopes to help farmers organize so that in the future they will be able to protect themselves in the marketing of their crops. It asks the support of you business men, not as a generous act of charity to some one else, but because it is to your own best interests.

We hear much to the effect that these operations are putting the Government permanently into business. We wish to assure you that on this point every commodity organization is set upon a basis where, as it gains financial strength and experience, it can and will become entirely independent of Government aid or supervision. In all these organizations provision is make for the Farm Board having a voice in their policies only so long as they are indebted to it.

The natural opposition which so many of you have felt in the past against interference or dictation on the part of your banker or financial backer is quite as pronounced on the part of the farmer as in the case of those engaged in other lines of industry, thus affording constant incentive to work away from it as rapidly as possible.

Now it is needless for me to say anything about that, because you gentlemen, like myself, have borrowed a great deal of money in the past and you know that you discussed, during that period, your financial problems with your banker and you took such suggestions and orders from him as he saw fit to give you, and just the moment that your financial condition improved you went to your banker and told him where to get off. That is the first job you attended to.

Now, gentlemen, in all the quotations that I have read, and I have read a number of them, they have been taken from pages of your own books. I have not gotten any of them from the Book of Mormon or the Bible but from the documents of business organizations, representatives of the National Industrial Conference Board, and of this United States Chamber of Commerce all the way through.

If there is anything further making for any points that I have not covered you will not find them in the Bible or in the Book of Mormon but you will find them in your own business organization journals.

Read your own publications written by your own representatives and you will find the pertinent recommendations for practically everything that Congress has done during the last few years and in them you will find the answers through the questions that have been asked in your various publications.

THE TARIFF

Mr. HAWLEY. Mr. Speaker, I call up the conference report on the bill H. R. 2667, the tariff bill, and ask unanimous consent—the report and statement having been printed in the RECORD on Tuesday—that the reading of the report and statement be dispensed with.

The SPEAKER. The gentleman from Oregon calls up the conference report on H. R. 2667, and asks unanimous consent that the reading of the report and statement be dispensed with. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I want to say that the Committee on Ways and Means is a very large committee and in debate would consume considerable time. I would like to ask the gentleman if he can give assurance that the poor consumers are going to get some show in this debate?

Mr. HAWLEY. I will say to the gentleman that I intend to ask for four hours of general debate. I think there will be ample opportunity.

Mr. CRISP. Mr. Speaker, may I say that I conferred yesterday with the gentleman from Texas [Mr. GARNER], the minority leader, who will not be able to be here. I am glad to say that Mr. GARNER is much better. [Applause.] He expects to be out in a few days but under the advice of his physician he will not be present at this debate. Mr. GARNER is perfectly agreeable to dispensing with the reading of the conference report and the statement.

At his request the majority leader of the House had the House meet at 11 o'clock instead of 12 so as to have as much debate as possible.

While on my feet I may say that under the proposed plan of the consideration of this bill I have consulted Mr. GARNER about that and he acquiesces.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that there be four hours of general debate to be divided between the two sides of the House, one half to be controlled by the gentleman from Mississippi [Mr. COLLIER] and the other half by myself.

The SPEAKER. The gentleman from Oregon asks unanimous consent that debate be limited to four hours, to be controlled one-half by the gentleman from Mississippi [Mr. COLLIER] and one-half by himself. Is there objection?

Mr. COLLIER. Mr. Speaker, reserving the right to object, which I shall not, because I have agreed upon it, the consideration of this bill was begun about a year ago. Its consideration took nearly eight or nine months in one body and several weeks in another. The conferees have been for over three weeks considering it and the majority party a little over one week getting the Members in line to agree to the conference report, and I did think that on a bill which has taken so much time to formulate, when it came to the matter of discussing and considering in the House of Representatives 1,230 or 1,240 out of 1,253 items in disagreement, that we ought to have more than four hours of general debate; but over on this side we are always thankful for favors, and the larger they are the more thankful we are, and therefore I am glad to accept the four hours.

The SPEAKER. Is there objection?

Mr. MOORE of Virginia. Mr. Speaker, reserving the right to object, I suppose there will be no objection made to the pending proposal, but following the vote on that will the chairman of the committee kindly let us know the order in which the controverted matters will come along?

Mr. HAWLEY. As soon as the report is disposed of, the controverted matters will be taken up in the order in which they appear in the bill. Cement will be the first, but unanimous consent will be asked to consider related subjects at the same time for the purposes of debate, the votes to be taken separately.

Mr. MOORE of Virginia. And I understand that quite liberal debate will be allowed on the controverted items?

Mr. HAWLEY. There will be debate on each of the disputed items extended as may be agreed on.

Mr. RAMSEYER. Mr. Speaker, is it the thought of the chairman to get to the items in disagreement to-day?

Mr. HAWLEY. If possible, to reach cement to-day.

Mr. SWING. For vote or discussion?

Mr. HAWLEY. For discussion and vote if possible.

The SPEAKER. Is there objection to the request of the gentleman from Oregon? [After a pause.] The Chair hears none.

Mr. HAWLEY. Mr. Speaker, at this time I do not intend to make any extended remarks, leaving as much time as possible for use of the Members of the House. The conferees conferred, as the gentleman from Mississippi [Mr. COLLIER] has already stated, for nearly three weeks. When the conference met it was the plan of the House conferees to require the Senate, which proposed the amendments, to produce evidence justifying amendments proposed by that body, and after a free interchange of opinion we arrived at the conclusions that we have presented in this report. I will be very glad to answer inquiries concerning the conference report, thinking in this way I can best give the information desired by the Members. At this time, if any gentleman desires to ask a question on items in the report, I shall be very glad to make answer. If not, I yield the floor to the gentleman from Mississippi for the present.

The SPEAKER. Does the gentleman from Mississippi desire recognition at this time?

Mr. COLLIER. I do.

The SPEAKER. The gentleman from Mississippi is recognized for two hours. [Applause.]

Mr. COLLIER. Mr. Speaker, before I begin the discussion of this report I wish, first, to express my very sincere regret that the gentleman from Texas [Mr. GARNER] is not to be with us during the consideration of this conference report. After going through the long, tedious hearings, the study and discussion of this bill in committee and in the House, keeping up with it as it went through the Finance Committee of the Senate and in the Senate, and during the long three weeks' discussion in the conference, where we held sessions of seven and eight hours every day, we must all feel keen regret that the one man whom I believe is more familiar with all the provisions of the bill, and who knows more about it than any other, is not to be present. He is the one man whom I, as a fellow conferee, was depending upon.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. Yes.

Mr. TILSON. I am sure that I voice the sentiment of everyone on this side of the House when I join the gentleman in sincere regret that the gentleman from Texas can not be here. [Applause.]

Mr. COLLIER. Mr. Speaker, it is seldom that my good friend from Connecticut [Mr. TILSON] ever makes a statement that does not meet with my approval, and knowing the friendship that the Members on both sides of this House have for my colleague, I know the gentleman from Connecticut but expresses the feeling we all have about Mr. GARNER, and I know all of you will be delighted to learn that his condition is not serious and that he is on the road to recovery. [Applause.]

Mr. Speaker, I think you can search the pages of legislative history and never find a time in the consideration of a tariff report on a major tariff bill when the chairman on the majority side, the man who brought in the report, the Member whose name is attached as the author of the bill, did not attempt to explain one word of its indefensible provisions to the House. Why did not the gentleman from Oregon [Mr. HAWLEY] explain this report? Why did he not at least attempt to show us why he has raised many items nearly 1,000 per cent? Why has he not attempted to explain many of the unprecedented high rates in this report? Because Mr. HAWLEY knows that he can not do it. I make the charge here and now that this is the most indefensible tariff act ever attempted to be passed by an American Congress, and before I go into some of the mean things that I hope to say [laughter], I have in mind now, dimly, it is true, one or two good things that I might be able to say, and I shall get them out of my system so that I can then go ahead with the others. First, I want to talk about Mr. HAWLEY. I have been trying for the last half hour to think up something nice I could truthfully say about him, and I say this to him, as I have said so often in the past, that while all of us got mad a few dozen, more or less, times—and I know that I, perhaps, more than anyone else offended—he kept his head and never did get mad, or if he did, he did not show it. I thank him for the courtesy that he has always, in the conference and in the committee, showed to me. I take off my hat sincerely to the gentleman from Oregon in respect to one thing: Whether I was with him on a particular rate or not, whether I believed his position to be logical or not, I was with him in one thing, that notwithstanding the impressive dignity of those representing the other body he never did permit our senatorial conferees to overawe him.

Sometimes we would be there late in the afternoon ready to adjourn, we would be ready to vote on our side, when a distinguished member of the conference committee from the other body would think of a speech that he made on the Fordney bill nearly 10 years ago. All arguments had been exhausted, but that speech had not been heard. It would throw new light on the subject. We would wait until the record was searched. We would have the speech, consisting of any number of pages, brought in and read with great gusto by the conferee. Some of us were mean enough to get up and smoke and look out the window, but, with a look of rapt interest on his face, our chairman would patiently listen to every word of it. And then when the conferee would appealingly look into his face and ask what does the House want to do, the chairman would always quietly but firmly reply, "The House insists." [Laughter and applause.]

Mr. Speaker, I have a few goods things that I want to say about my friend BACHARACH. The best thing that anybody can say about Ike is that he would be honest if Mr. HAWLEY and Mr. TREADWAY would let him. Ike's instincts were always right, but his environment and associations were doubtful. [Laughter and applause.] But Mr. BACHARACH at that was way yonder the best one of all the majority conferees, and if they would let him alone he would do right nearly every time. BACHARACH was one of only two majority conferees who at times—not often, but occasionally—believed that a tariff rate should be a competitive instead of a prohibitive rate.

All three of our majority House conferees had different trends of political thought. Now, my good friend from Oregon believes in a prohibitive tariff on everything that is produced in this country which comes in competition with similar articles produced in other countries. One of our senatorial conferees—and I see many of his constituents here before me—was a man with as delightful and charming manners as is possible for one to have. He believes in a prohibitive tariff on everything that is raised in this country, on everything that is manufactured in this country, and on everything that is raised and manufactured in every other country whether it competes with us or not. [Laughter.]

My good friend from Massachusetts [Mr. TREADWAY] occupies a position that is different from anyone. He stands unique. He believes that everything in America or anywhere else on the top of God's green earth that can be manufactured or used in Massachusetts and made into a finished product should be brought in absolutely free, and everything that has been, or there is any likelihood may be, converted into a manufactured article in Massachusetts should have the highest prohibitive tariff that could be imposed. [Laughter.] But I want to say something nice about the gentleman from Massachusetts. You know I intended to say something nice about all three of them, and when it came to TREADWAY I had to do a heap of thinking. It was a hard job. I know some good things about him, however, and I am trying to think about something nice that I may—without stretching the truth too much—say about him. [Laughter.] He has a good disposition, provided you do not cross him and give him all he wants; and I want to say this about him, too, that I have never known since I have been a Member of Congress for a period of 20 years—I have never known any man who has been more faithful and more consistent in favor of everything that his constituents want and is more consistently and more faithfully against everything everybody else wants if it conflicts with anything in Massachusetts. He is a faithful servant of his district, he is their agent, and I suppose that is what they send him here for. [Applause.]

Now, I am very sorry that the gentleman from Oregon took me by surprise by not getting up and giving me the job of attacking the report that he has brought in here without his first defending it; a report consisting of over a dozen pages, nearly all of which are merely numbers, making it look like a Chinese puzzle, because it is a report with very little information as to what these amendments refer. I had hoped that he would at least state his side of the case so that I could answer him on some of his indefensible propositions. Generally when we have a case in court the plaintiff is expected to state his case so the defendant can answer it. He is very wise. He knows it can not be defended and he has got too much sense to even talk about it.

I thought the gentleman from Atlantic City [Mr. BACHARACH], the great friend of the farmer, would talk about the rates, and I am now going to say something mean about him. [Laughter.] He reminds me of a parallel case long ago in ancient history. He claims to be the farmers' friend. You know when the half dozen or more conspirators drew their daggers and rushed upon the unsuspecting Cæsar, the great man, who like my friend BACHARACH was somewhat of a fighter, gave a good account of himself. In fact some historians claimed that he almost had them licked or at least had them held at bay, so that assistance might have arrived in time to save him.

But when he saw his best friend, the noble Brutus, make at him with drawn dagger, "ingratitude worse than traitor's arms vanquished him," and when JACK GARNER and I, fighting with our backs to the wall the battles of the American farmer, saw that the Representative from the greatest farming district, as he claims it, in the United States, the great agricultural district of Atlantic City, Brother BACHARACH join HAWLEY and TREADWAY in their vicious assaults against them even as Cæsar of old gave way, so did GARNER and I bow beneath the Brutus-like stabs given by the gentleman from New Jersey, the modern Brutus, the friend of the American farmers. [Laughter.] May the good Lord save the farmers from any more friends like Mr. BACHARACH.

The gentleman from Oregon ought to have explained to the House the order of business, but he did not want to take any chances of getting on the floor. We are going on with the conference report and then take up the amendments. We will first take up silver and vote on the several amendments, then we will vote on cement, on which the Senate has placed a duty of 6 cents per hundredweight and the House a duty of 8 cents per hundredweight, and on a Senate amendment providing that all cement used for governmental purposes shall come in free; we will vote on lumber, on which the Senate places a duty of $1.50 per thousand feet, while the House admits it free; and on shingles, which the Senate admits free and on which the House places a duty of 25 per cent; and fourth, we will vote on sugar.

Then comes the debenture and the Tariff Commission amendments which are closely related to the flexible provision.

We spent three tiresome and tedious weeks in the conference room, and if the gentleman from Oregon had had prepared a simple resolution we could have finished within two hours' time, and gone to the baseball game that same afternoon. [Laughter.]

The resolution should have been that, where the rate is higher in the House bill than in the Senate bill, we will take the House rate, which is the highest rate. Whenever the Senate rate is higher than the House rate, we will take the Senate rate, which is the highest rate. And I make the statement

that practically every time the House rate or the Senate rate was highest, that was the rate which was accepted. I have the figures here from the Tariff Commission that will bear me out in this statement.

There were four schedules—manufactures of cotton; flax, hemp, jute; wool; and rayon—four schedules where the conference rate is higher on the average than either the House rate or the Senate rate.

I am not going to talk in my limited time about any principles of taxation here to-day. I am going to talk about specific rates, and I will try to explain to you what is in this report. There came to my office a few days ago a communication from one of the great banking institutions in New York City which I will refer to in my argument. What is the condition we find ourselves in, under the existing tariff that has been in effect for eight years?

Five million men out of employment; long bread lines in every large city in this Union; agricultural products selling below the cost of their production; industries in distress; and manufactures only operating four or five days out of each week.

Now, let us glance at this statement which came to my office two or three days ago. I am not saying this is due to the tariff, but I am saying this is not the time, in view of all these distressing conditions, to raise the tariff mountain high, as has been done. What were our exports in January, February, and March, 1930? They were $285,000,000 less than they were in January, February, and March, 1929. That shows that our manufactured articles and agricultural products are already piled up high. We can not sell the foreigners, and yet these protectionists tell us the foreigner comes rushing in and swamps us with his goods. But, let us look at the imports. The imports in those same three months were $2,500,000 less in 1930 than in 1929. Both exports and imports decreasing at the same time. We are burning the candle at both ends.

There is another matter that is subject for thought. The earnings of the railroads so far this year are the lowest of any year since 1923. During the month of March, 1930, they were $58,000,000 less than they were in March a year ago.

Residential and nonresidential construction has fallen off $264,000,000 during the first three months of 1930 over the first three months of 1929. There has been during the same three months of this year over $700,000,000 less money loaned in the financing of business than for the three months' period of last year. All of this general depression is under the highest tariff act in the history of the Republic, and one which has been in force over eight years.

I now want to give you the figures to show what was done by the conference report. I will take every schedule and show the comparison, by schedules, of actual or computed ad valorem rates under the act of 1922 and H. R. 2667 as passed by the House of Representatives, as passed by the Senate, and as reported by the conference committee.

Schedule No.	Title	Actual or computed ad valorem rate				
			H. R. 2667			
		Act of 1922	As passed by the House of Representatives	As passed by the Senate	As reported by the conference committee	
					With open items at House rates	With open items at Senate rates
		Per cent	*Per cent*	*Per cent*	*Per cent*	*Per cent*
1	Chemicals, oils, and paints	28.92	31.82	30.95	-------	31.07
2	Earths, earthenware, and glassware	45.52	54.87	52.96	53.77	53.45
3	Metals and manufactures of	33.71	36.34	32.35	-------	34.95
4	Wood and manufactures of	15.84	25.34	15.65	25.39	15.65
5	Sugar, molasses, and manufactures of	67.85	92.36	77.15	92.22	77.21
6	Tobacco and manufactures of	63.09	66.96	63.00	-------	64.78
7	Agricultural products and provisions of	22.29	33.37	35.81	-------	34.99
8	Spirits, wines, and other beverages	36.48	47.44	47.44	-------	47.44
9	Manufactures of cotton	40.27	43.19	40.72	-------	46.42
10	Flax, hemp, jute, and manufactures of	18.16	19.03	18.95	-------	19.14
11	Wool and manufactures of	49.54	58.09	57.38	-------	59.83
12	Manufactures of silk	56.56	60.17	58.03	-------	59.13
13	Manufactures of rayon	52.68	53.42	49.14	-------	53.62
14	Papers and books	24.51	25.14	25.91	-------	25.94
15	Sundries	20.98	28.63	20.06	-------	26.54
	Average for all schedules	34.59	43.16	38.97	42.93	40.97

You will observe that though the extra session was called for the benefit of agriculture, yet among the four schedules, to wit, manufactures of cotton; manufactures of flax, hemp, and jute; manufactures of wool; and manufactures of rayon, all of which in the conference report are higher than the average rate than either the Senate or House bill, yet the schedule on agriculture is not mentioned in this list, and it is considerably lower than the rate fixed by the Senate.

All 15 of the schedules are materially raised above the act of 1922, and yet, when President Hoover called this Congress together, he said:

> I have called a special session of Congress to redeem two pledges given in the last election—farm relief and limited changes in the tariff.

This schedule on agriculture does more for the American farmer than any tariff bill that I have ever seen in the history of the Republic. [Applause.] This schedule gives the farmer higher rates than any other, some of which I believe will be effective, especially in border States like California, Florida, and other States where tropical fruits are grown. I repeat that this schedule does more for the farmer than any other bill that has ever been passed by the American Congress, and at the same time, on account of raising the rates on everything else in this bill, it is going to prove more injurious, more harmful, and more deleterious to the farmer and is going to cost the farmer more than any other bill that has ever been passed by the American Congress. [Applause.]

My friends on the other side applauded me a little bit too soon, but I thank them just the same.

The way the farmer is treated is like this: A man who comes up to his friend and says, "I am in a bad way; I have only four or five dollars in my pocket." His friend puts $1 in his pocket and then reaches over and takes the $5 that he had away from him. That is what has been done in this bill, and that is what can be proven if we have fair and full discussion of this matter.

They gave the farmer a good tariff on skimmed milk, but on the little item of rope, less than one-half inch in diameter, rope that is used on every farm, they first raised it 300 per cent, and then afterwards the rope manufacturers saw the conferees, and after seven or eight days we had a reconsideration, and they put on 40 per cent more—340 per cent tariff on the small rope, like plow lines, and so forth.

Mr. BACHARACH. Will the gentleman yield?

Mr. COLLIER. I am always glad to yield to my friend from New Jersey.

Mr. BACHARACH. As I recall the rope schedule, it was changed by unanimous consent, and the gentleman from Mississippi [Mr. COLLIER] was there.

Mr. COLLIER. The gentleman's recollection is wrong. The only time I ever gave unanimous consent was the one time we adjourned to go to the ball game.

Mr. TREADWAY. And we started very promptly for the game?

Mr. COLLIER. We did, and it is the only one I have seen this year. I want to say that the gentleman from Massachusetts [Mr. TREADWAY] and I went to see the game together. I want to say the gentleman from Massachusetts [Mr. TREADWAY] is one of the nicest men outside of the committee, and one of the meanest men in the committee that I have every seen.

I do not want to attack my friend, the gentleman from Oregon [Mr. HAWLEY], but there is one thing that struck all of us as being very funny. The gentleman from Oregon [Mr. HAWLEY] never got excited but once and that was on cashew nuts. The gentleman from Oregon wanted a tariff on cashew nuts to keep them from interfering with filberts. The gentleman told us that his State was a great filbert growing country, and the wicked foreigner was bringing in filberts in such quantities that his filbert crop was about to be ruined, and if the cashew nuts came in, it would be ruined.

It was a pathetic story, the destruction of an American agricultural product by the wicked foreigner.

Let us see about Brother HAWLEY's filberts. Here are the facts I get from the experts:

> PAR. 755. (Con't.) Filberts. The duties on filberts unshelled and shelled have been doubled. This is absolutely extortionate, and can not be explained on any grounds except those of politics or speculation. Filberts are now being grown in Washington and Oregon and the production in 1928 was reported at 200 tons or 400,000 pounds. The imports were 12,743,000 pounds unshelled and 5,714,000 pounds shelled. If these duties stand we will have to pay about $1,000,000 duties each year to protect a domestic production which at high valuation is worth perhaps $60,000, and is about one-sixtieth of our imports.

This bill was intended to protect agriculture. Let us look at sodium chlorate.

160. SODIUM CHLORATE

Act of 1922	per pound	1½c
House	do	1½c
Senate finance	do	2c
Senate		Free.
Conference	per pound	1½c

One of the almost indispensable articles for the benefit of the farmer. Sodium chlorate is used principally for the purpose of killing noxious weeds. It is the best and most economical way to kill them. There is only one producer of sodium chlorate in this country. An English company, it is said, and if incorporated in this country, it is owned by English capital. In 1929 this concern made 4,792,000 pounds of sodium chlorate. There was imported in the country over 17,790,000 pounds. The average cost price of sodium chlorate is around 7 cents a pound. It requires from 200 to 500 pounds to kill the weeds on an acre. The House put a tax of 1½ cents a pound. The Senate made it free. All of us were willing to make this article free save our genial chairman, who stood out for the Senate to recede, which it finally did.

The House insisted, the Senate yielded, and 15,000,000 farmers are taxed 1½ cents a pound for the benefit of one concern in America which is not even an American concern.

Our chairman argued, and I know he was sincere, that he opposed taking the duty off of sodium chlorate, not for the benefit of the English manufactory but for fear that the imports would destroy the domestic production, if you may call an English factory in this country domestic production. Let us see about this. In Canada sodium chlorate is free and no sodium chlorate is manufactured in that country. The American-English plant is located at Niagara Falls, right on the Canadian border. Yet the importers in 1929 offered and sold to the Canadian farmers sodium chlorate at 5¾ to 6 cents a pound, while in America, notwithstanding the domestic so-called competition, it was sold, according to the Tariff Commission, to the American farmers at 7½ to 7¾ cents a pound; the Canadian price of 5¾ to 6 cents plus the tariff of 1½ cents per pound.

In order to protect an English manufactory on an essential farm necessity the American farmers are taxed according to the figures of the Tariff Commission $240,000 for an article to help them kill the noxious weeds which are choking their crops to death.

Let us contrast this rate with pineapples, one of the most delicious and common fruits and one not raised in an appreciable amount in this country. They do try to raise them in Florida, but without much success.

You know it was a matter of much speculation whether the Senate coalition would hold. It had to be broken. They needed all the votes they could get. There were 2,800,000 crates of pineapples coming into this country. By a careful computation, counting those that were wasted and those unfit for shipments, Florida managed to raise about 9,000 crates of pineapples, such as they were, and they put a tariff of 50 cents a crate on 2,800,000 crates of foreign pineapples to protect 9,000 bushels of Florida pineapples. It is as bad as a tax on bananas to help sell apples.

You know, the funniest thing in this bill was the aluminum rate. The Senate very materially reduced the aluminum rate, and it was reported next day that at the other end of the Avenue Uncle Andy got awfully mad and stayed mad for about two days. He then heard from the senatorial leaders and he commenced laughing, and, I understand, he has been laughing ever since. When that came up in the conference the Senate conferees turned about face on that so quick that we did not have time to ask them to recede. They would not have let us adopt their amendment if we had wanted to. Then after we had been in conference for some time and just the day before we adjourned they brought up the aluminum matter again. It was stated that the experts had found they could keep within the law and add a little more to it. I am going to put in some of the aluminum rates.

House rate on aluminum, 5 cents per pound.

Senate Finance Committee rate on aluminum, 5 cents per pound.

Senate rate on aluminum, 2 cents per pound.

House receded and made it 4 cents a pound and left coils, plates, sheets, rods, circulars, disks, blanks, strips, rectangles, and squares, 7 cents a pound, but that was only a part of it.

There is a rate of 5½ cents a pound on steel and iron-stove ranges, percolators, and enamel ware, but if you put any aluminum on them you just practically double the tariff.

My good friend from Oregon tells us that the reason for that was because you can get horsepower for $6 in Canada and it costs us $25 over here. Now, what happened. The disks and alloys out of which the aluminum ware is made were given a rate of 7 cents. Now, who owns the aluminum plant in Canada? Uncle Andy. So Uncle Andy makes it here in America free, but he makes aluminum over in Canada and brings it in at only 4 cents a pound, and then adds the tariff of 7 cents on the crude when it is made into disks and alloys.

We are protecting Uncle Andy in America against Uncle Andy in Canada, and he is getting the duty on both ends. Why, my friends, on these little flatirons, these little electric irons, if they are part aluminum, which nearly every girl uses to smooth out her dresses, there is a duty of 8½ cents a pound and 65 per cent ad valorem. Now, what is the excuse for this protection? There is no competition, about which my good friend Doctor CROWTHER is always getting up here and tearing his hair. What was the great foreign production and importation? There came in from every other country in the world in 1929 only 124 electric irons, which these young ladies use to smooth out their ribbons, dresses, and laces. While we are making millions of them in this country, yet they put on a tariff of 8½ cents a pound and 65 per cent ad valorem on these irons to protect us from the wicked foreigner. And I will tell you my friends I do not care whether it is for Uncle Andy or anybody else, it is absolutely indefensible to charge the women of America two prices for a flatiron when there is absolutely no competition.

I am going to insert one of the Government expert's reports on electrical household utensils:

294. HOUSEHOLD UTENSILS WITH ELECTRICAL ELEMENTS: PARAGRAPH 339

The articles coming under this heading are ranges, flatirons, percolators, waffle irons, and toasters, etc.

The House bill carried a provision placing an additional 10 per cent duty on all household utensils with electrical elements. This provision was stricken out by the conference committee.

The Tariff Commission says: "In 1927 United States production of household utensils with electrical heating elements amounted to $37,872,526. The items largest in value were ranges, flatirons, percolators, waffle irons, and toasters. Imports of these are very small in comparison with the value of domestic manufacture." In 1928 only 124 flatirons were imported, valued at $341; the total imports of the whole class were $9,838.

	Domestic production	Imports	Exports
1921	$17,917,931		$1,637,450
1922			596,895
1923	27,933,326	$19,422	984,471
1924		13,379	1,104,086
1925	35,131,054	6,233	1,339,894
1926		6,956	1,722,381
1927	41,296,947	7,416	1,557,884
1928		9,838	1,587,377
1929		1,753	1,741,650

Exports nearly 100 times imports in 1929, and yet the House wanted to levy an additional 10 per cent.

This is the kind of competition Uncle Andy and these other manufacturers had to justify these exorbitant rates on stoves, flatirons and waffle irons and coffee pots. According to the Tariff Commission in 1928 there were imported from foreign countries the immense number of 124 flat irons, valued at $341. The total amount of foreign importations on all of these electrical articles, stoves, flatirons, percolators, waffle irons and toasters in 1928 according to the Tariff Commission were valued at less than $10,000—to be exact $9,838. The domestic production was $37,872,526 or two thousand eight hundred and thirty-three times as much. Five and eight and one-half cents a pound and in addition 40 per cent ad valorem on household utensils when for every dollar's worth imported into this country the domestic manufacturers produced $2,333. While at the same time we exported $1,587,377 worth of these articles. For every dollar's worth that came into this country from the foreigner, we sent to him $161 and yet they attempt to console the farmer for these legislative outrages by giving him a cent and a half a pound on acorns, and a tariff on skimmed milk and cashew nuts, and other items equally important. But that is not all; let us see what Uncle Andy got on alluminum table, household, kitchen, and hospital utensils (par. 339):

The House bill retained the present law of 11 cents per pound and 55 per cent ad valorem.

The Senate reduced this rate to a flat 25 per cent ad valorem. The equivalent ad valorem rate under the present law ranged from 76 to 80 per cent.

Conference made it 8½ cents a pound and 40 per cent ad valorem.

Tariff Commission report:

There were frequent complaints before the passage of the present tariff law that foreign wares were underselling the domestic. The com-

mission made an informal study of the situation in 1923 after the present act went into effect, and nothing developed to show that imported ware, save in rare cases, was offered below the price of American ware.

	United States production	Imports	Exports
1919	$18,718,830	$1,855	
1921	37,211,775	672,239	
1923	39,344,062	291,756	$697,372
1925	30,643,895	126,404	629,417
1927	27,990,354	72,100	565,443
1928		75,156	643,205
1929		70,295	708,467

Look at the prohibitive rates in this paragraph, in which there is practically no foreign competition.

337. MACHINES NOT SPECIALLY PROVIDED FOR: PARAGRAPH 372

The machines covered in this paragraph are of many types, the larger of which are as follows:

Type	United States production	Imports	Ratio
			Per cent
Pumps	$129,126,667	$13,000	0.01
Bottling machinery	11,583,700	8,000	.07
Calculating machines	10,613,610	41,000	.40
Compressors	30,186,024	233,000	.80
Printing machinery, not presses	9,335,982	143,000	1.7
Bakery machinery	20,015,158	486,000	2.4
Chocolate and confectionery machinery	5,682,001	161,000	2.8

The analysis of imports was for two months' period of 1929.

	Per cent
House bill	30
Senate finance	35
Senate	25
Conference	27½

In 1927 the domestic production was $1,033,982,979; imports, $7,454,387; exports, $126,078,230; nearly seventeen times greater than imports.

House Republican conferees wanted to retain House rates, but finally compromised at 27½ per cent.

Look at the increase in the tariff on turbines. Only one turbine has been imported into the United States for several years, but Mr. Treadway tells us that there is no reason why in the dim and distant future they might not some day come in. The House increased the duty on turbines 100 per cent and the conferees finally compromised on 20 per cent, though all of the conferees, with the exception of the gentleman from Massachusetts thought the rate was ridiculous.

I will now insert the figures here on the manufactures of base metal, not specially provided for, if composed wholly or in chief value of iron, steel, lead, copper, brass, nickel, pewter, zinc, aluminum, or other metal.

	Per cent
Act of 1922	40
House bill	50
Senate finance	45
Senate	40
Conference	45

The Tariff Commission states:

The base-metal articles included here consist of a host of miscellaneous manufactured products not provided for elsewhere. Many of the articles are economically important and are in daily use in homes, factories, and offices. Thousands of varieties of articles fall within the provisions of this paragraph.

Total domestic production by the large group of industries here represented is estimated to be in excess of $4,000,000,000 per year.

Imports and exports

	Imports	Estimated exports
1923	36,837,106	$79,043,000
1924	6,840,465	73,048,000
1925	7,780,432	79,919,000
1926	8,774,220	86,181,000
1927	8,925,613	79,158,000
1928	8,922,943	85,996,000
1929 (11 months)	8,465,302	

I hold no brief for the users of textile machinery but a glance at the report of the Tariff Commission will show how ridiculous the high prohibitive rates are, especially when there are practically no imports, and in many instances the exports are sixty times as large as the imports.

305 AND 306. ELECTRICAL MACHINERY AND APPARATUS

PAR. 353. Electrical telegraph, telephone, signaling, radio, welding, ignition, wiring, X-ray apparatus, electric motors, fans, locomotives, portable tools, furnaces, heaters, ovens, ranges, washing machines, refrigerators, signs, etc.

	Per cent
Act of 1922	30
House bill	40
Senate Finance	30
Senate	30
Conference	35

Articles falling under this paragraph are chiefly the products of General Electric, Westinghouse Electric & Manufacturing, and Western Electric.

Tariff Commission reports that the production, imports, and exports of articles falling within this paragraph are as follows:

	Production	Imports	Exports
1923	$819,185,883	$281,095	$50,015,993
1927	1,392,635,022	1,770,115	68,536,153
1928		1,429,152	72,400,703
1929 (9 months)		942,352	71,359,043

Imports are about 1 per cent of the domestic production, and the exports are fifty and sixty times the amount of the imports.

The 30 per cent is too much. You are exporting in competition with the world. Where you have an industry in this country, exporting like they are in competition with the world you do not need 30 per cent.

House Republican conferees while insistent upon the 40 per cent rate finally agreed to compromise at 35 per cent.

335. TEXTILE MACHINERY, NOT SPECIALLY PROVIDED FOR

	Per cent
Act of 1922	35
Ways and means	35
House bill	40
Senate finance	35
Senate	35
Conference	40

These machines are manufactured in Massachusetts and Mr. TREADWAY insisted upon increased rate.

Many of the machines falling under this paragraph are not produced in this country, and some German machines imported are sold higher than domestic.

	Production	Imports	Exports
1923	$93,202,387	$4,728,800	$6,745,114
1927	85,886,958	2,487,879	5,971,960
1928		2,120,279	6,892,473

Imports less than 3 per cent of domestic production and exports three times amount of imports.

Mr. GARNER moved to take matter back to the House. The vote of house conferees showed all Democrats for taking same back and all Republicans against.

ELECTRICAL MACHINERY AND APPARATUS

Very important item and wholly unnecessary increase. In fact do not need over 10 per cent yet present law was increased by the House to 40 per cent. Senate restored present law which is 20 per cent, and entirely too much as imports and exports will show.

These articles are such as electrical telegraph, telephone, signaling, radio, welding, ignition, electric motors, electric fans, locomotives, portable tools, furnaces, heaters, oven, ranges, washing machines, and refrigerators.

These articles are for the most part made by three firms—General Electric, Westinghouse Electric Manufacturing Co., and Western Electric.

314. NEEDLES: PHONOGRAPHS, GRAMOPHONES, GRAPHOPHONES, DICTOPHONES, ETC.

Act of 1922	per cent	45
House bill	cents per thousand and 45 per cent	8
Senate Finance	per cent	45
Senate	do	45
Conference	cents per thousand and 45 per cent	8

Tariff Commission reports that "the average invoice value from 1925 to 1928 was 9.9 cents per thousand needles.

Equivalent ad valorem duty

	Per cent
8 cents per thousand	145
9 cents per thousand	133.8
10 cents per thousand	125
11 cents per thousand	117.6
12 cents per thousand	111.6

	Production	Imports
1923	$1,464,964	$22,694
1925	990,831	17,546
1927	1,321,729	28,260
1929		17,998

This is an increase of more than 145 per cent.

These needles are manufactured in Massachusetts.

This is a New England bill, and before I get through I will show you that practically 75 per cent of the substantial increases are for New England.

You know I could talk from now until 6 o'clock this evening about what my good friend from Massachusetts, Brother TREADWAY, got. And he is opposed to nearly every rate in the bill which does not apply to New England. Most of the cheap, costume jewelry is made in Massachusetts, and a great deal of it, I understand, is made in Brother TREADWAY's district. He succeeded in getting a rate of 110 per cent on this cheap, costume jewelry. Now, what is this costume jewelry? It is the little bracelets or rings or necklaces that have every constituent in them except precious stones and gold or platinum, and sells anywhere from a dime to four or five dollars. For a dollar or a dollar and a half you can buy these pretty little fancy necklaces. Mr. TREADWAY got the duty raised to 110 per cent, and Senator SMOOT stated on the floor of the conference—I want the House to listen to this—after remonstrating with Mr. TREADWAY, after we had tried to get him to agree to 90 per cent and then to even 100 per cent, Senator SMOOT said:

I do not care so much about it, but I hate to see a bill with my name on it go out with a tariff of 110 per cent on the cheap, costume jewelry that the poor people have to wear and only 10 per cent on the highly polished diamonds that the rich people wear.

This is not my statement, this is the statement of the chairman of the conference and the Finance Committee of the Senate [Senator SMOOT].

Now, gentlemen, let us look at the importations that frightened Mr. TREADWAY and made him do this. There are $164,000,000 worth of jewelry produced in the United States, and for every dollar's worth that is brought into this country there is over $80 worth manufactured in the United States or in New England. Consider the girl who works behind a counter, the waitress at the table, and the girls of limited means working for a living.

Implanted in the female breast there is a love of the beautiful found alike in the heart of the rich cultured daughter of civilization and refinement as well as in the heart of the uncultured daughter of the savage to bedeck herself with jewels and make herself look prettier and more attractive and to love the beautiful and the ornamental. These little cheap, two or three or four dollar jeweled bracelets sneered at by the gentleman from Massachusetts, are just as dear to the heart of the girl who is getting only ten or twelve dollars a week as a bracelet set with diamonds and sapphires and other precious stones on the daughter of the magnate or the millionaire. I can understand why Senator SMOOT hates to see a tariff bill bearing his name with 110 per cent rate fixed by law on cheap, costume jewelry for the poor and only 10 per cent on polished and finished diamonds for the rich.

They tell me that my good friend, Mr. TREADWAY, by reason of his prominence, his statesmanship, his ability, and his oratorical attainments, very frequently gets invitations on the Fourth of July, the Nation's birthday, to journey to that historic spot in Boston, that place so dear to the hearts of all lovers of human liberty, and there make patriotic addresses which hold spellbound immense throngs. I can vision this gentleman, standing in the sacred precincts of old Bunker Hill. I can see him throw back that massive chest, lift his leonine head, and with heroic demeanor and a voice trembling with patriotic fervor, say something like this: "On the spot where I now stand there were first set in motion those forces which made it possible to demonstrate for all time a complete manifestation of man's capacity for self-government. It was here where I now stand that liberty and freedom, with sword uplifted above the cradle of an infant republic, consecrated that sword to the imperishable principle of equality of opportunity for all mankind." [Applause.]

Equality of opportunity for all mankind—10 per cent by law, by congressional action, for the diamonds of the rich and 110 per cent by law, by congressional action, for cheap costume jewelry for the poor.

Shame on us as legislators that we permit such outrageous legislative distinction. The worst part of it is that there is no excuse for the rate, as there is no competition from abroad on this jewelry. The domestic production is $164,865,057, the imports were $1,852,839, a ratio of over 80 to 7, and yet 110 per cent on cheap costume jewelry.

The most ridiculous act of tariff inconsistency ever displayed since I have been a Member was that shown by the gentleman from Massachusetts in the item relating to carillons. I have never had the good fortune to hear the chimes of a carillon ringing in any church, but I have been told that the sacred music rendered by these carillons is wonderful. A true carillon consists of a great number of bells, some of them as high as 64 in number, each bell having a different tone. According to the Tariff Commission, no carillon has ever been made in America with over 23 bells. The reason is obvious. America goes in for mass production, whereas on some of these highly attuned bells only those whose fathers and whose fathers before them have been engaged are now engaged in the making such bells. The workmen themselves are musicians, and the knowledge of their manufacture has been handed down to them for generations. The sale of these bells is so limited that American industry has not found it profitable to manufacture them, and therefore, as the Tariff Commission reports, no bells except those of a larger type consisting of a group of 23 have ever been made in this country.

The gentleman from Massachusetts believes that there is a manufacturer in his district that some day in the far, dim, and distant future may manufacture more than 31 bells. The reason I say 31 bells is because the American manufacturer has been protected on all carillons coming into this country which have 31 or less bells.

The Senate provided that all carillons having 31 or more bells should come in free, and this greatly raised the ire of the gentleman from Massachusetts. Notwithstanding the fact that we were receiving appeals from churches from many parts of the country begging us to let these carillons of over 31 bells come in free, he stood firm. Only this morning my good friend Governor MOREHEAD, of Nebraska, came to my office with a protest from one of his churches, and he has asked for and been given time to discuss this subject.

These bells cost a good deal of money, and it generally takes a church several years' hard work by subscriptions, having little sociables, bazaars, and church fairs to raise enough money to buy these bells. But the gentleman from Massachusetts stood firm. He would not budge, and the churches now have to pay the tariff on carillon bells, which never have been and in all probability never will be made in this country.

Now, let us look at the ridiculous inconsistency of the gentleman from Massachusetts. I have been a member of the Ways and Means Committee since 1913, and, as far as I can recall, only one bill was ever called up before that committee asking that the tariff be taken off in a special instance and admit these carillon bells free of duty to a particular church.

Where was this church located? Surely not in the great State of Massachusetts, where Mr. TREADWAY is insisting on a duty on these bells. Yes; this bill provided for the taking off of a duty on a special church in the State of Massachusetts. My recollection is that the gentleman from Massachusetts [Mr. TREADWAY] introduced this bill and the church was in his district. I know that the gentleman from Massachusetts called up the bill and by the magic of his persuasive eloquence induced us to suspend the tariff and permit a church in his district in Massachusetts to get their carillon in free.

Oh, how he argued and raved and talked then about the outrage of taxing a church on the bells which called people to worship, and now after he has got the bells in the churches in his State free, he comes in here and insists on the churches in the other 47 States paying a tariff of 20 per cent on every set of bells they bring in, in the the faint hope that 15 or 20 years from now it will protect some industry in his own district when there is no competition now. I will yield to the gentleman from Massachusetts to say if I have not stated the facts.

Mr. TREADWAY. I will say in answer to the gentleman that it will take me so long to show that he has not stated the facts that I prefer to do it in my own time rather than in his.

Mr. COLLIER. I imagine it would take the gentleman from now until doomsday. [Laughter.] I was waiting for the gentleman's explanation or denial, for I have the papers right here. I have the bill.

Now let me show you the joke on granite. I want to say to you Massachusetts people that I believe you have a wonderful granite up there. We have a Massachusetts granite bowlder in my town, and if I had time I would like to tell you about it. It came from Massachusetts and is a wonderful bowlder. It is part of a monument erected by the State of Massachusetts to

the glory and heroism of Massachusetts' soldiers who fought at Vicksburg in the Civil War.

When the bill came up here the other day to appropriate $450,000—or was it a million—I can never recollect figures—to use Massachusetts granite in a public building for Boston instead of limestone from Indiana, I voted for Massachusetts granite because I believed the material from Massachusetts should be put in a Massachusetts building. I was one of the few who voted for granite.

They increased the tariff 10 per cent ad valorem and then increased the polished 10 cents more per cubic foot.

But look at the joker. They put in the word "pitched" which means only, cutting the rough edges off so it can be easily transported. Here is the memorandum on this from the Tariff Commission and the experts.

The House bill inserted the words "pointed, pitched, lined" in both provisions of paragraph 235. The Senate struck out the words "pitched, lined" wherever they occurred, and agreed to the rate of 25 cents per cubic foot for unmanufactured granite.

The word "pitching" as used in the granite industry means roughly chipping off the excess stone from the surfaces of the block as it comes from the quarry, largely to facilitate the transportation of the stone. Practically all of the rough granite (domestic or imported) is more or less pitched before it leaves the quarry.

The House conferees insisted upon the inclusion of these words and the conference committee agreed to same. The effect of the insertion of the word "pitched" transfers practically all rough unmanufactured granite to the provision for manufactured granite subject to a duty of 60 per cent. This rate of 60 per cent is equivalent to a specific duty on rough granite blocks, according to size and quality, from 75 cents to more than $2.40 per cubic foot. This would mean an increase for some types of 1,500 per cent or more above the existing rate of 15 cents per cubic foot.

Domestic production of unmanufactured granite is largely confined to Vermont and Massachusetts. Granite produced in Pennsylvania, Wisconsin, and Minnesota is practically all manufactured in connection with the quarries.

	Domestic production		Imports	
	Cubic feet	Value	Cubic feet	Value
1924	3,530,530	$8,167,630	146,728	$215,515
1925	3,195,250	8,020,176	156,767	228,753
1926	3,240,550	7,388,454	184,457	250,793
1927	3,197,910	7,383,805	132,722	213,387
1928	3,172,730	7,773,186	142,907	241,058

In 1924 the imports were approximately 2.6 per cent of production; in 1925 the imports were approximately 2.8 per cent of production; in 1926 the imports were approximately 3.3 per cent of production; in 1927 the imports were approximately 2.8 per cent of production; in 1928 the imports were approximately 3 per cent of production.

Granite is mainly found in only two States, Massachusetts and New Hampshire. If this tariff had gone into effect and you wanted to build that post office up there in Boston of granite, instead of $150,000 extra you would have had to ask for $200,000.

Mr. BRIGHAM. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. Yes.

Mr. BRIGHAM. I just rose to remind the gentleman of the fact that he overlooked the principal granite-producing State, which is the State of Vermont.

Mr. COLLIER. Oh, I apologize to the gentleman. I intended to say Vermont instead of New Hampshire. And I might say, also, that I have always found the gentleman fighting as hard as he could for those whom he so well represents, and I congratulate him. But I believe, my good friend, that if this bill goes into effect, even as hard up as some of the Vermont people may be, the good State of Vermont has better days in store for her.

Oh, the gentleman from Massachusetts is a very consistent gentleman. I thought he was going to have an apoplectic stroke when the tariff of 10 per cent on hides was adopted. He wanted them free, and yet he has demanded a rate of 20 per cent on the Massachusetts boots and shoes made from these hides that he wanted to come absolutely free.

I agree with him that the tariff of 10 per cent on hides will do the farmer no good, and I also believe that a tariff of 20 per cent on boots and shoes is an indefensible outrage.

The majority conferees finally, when they saw how much benefit they were going to get by the compensatory rate on leather, boots, and shoes, were eager to give the farmer 10 per cent on his hides, because that was the excuse for getting these outrageous rates on leather and shoes.

Let us analyze this tariff on hides, shoes, and leather. In the first place, the tariff of 10 per cent on hides will only in a few instances go to the farmer. Farmers do not sell hides. They sell cattle, and the 10 per cent rate on hides will have absolutely no effect on the price of the steer. Suppose a steer carried a hide weighing 40 pounds. If the packer should allow him for the hide, it will only be 40 cents on his 40 pounds. But the packer is not going to do this, and they are the only ones who will benefit by this tariff.

Suppose a farmer had 10 steers to sell, and their hides average 50 pounds, and he sold the hides himself and got 50 cents for each one of them, that would net him a profit on the 10 steers of $5 on account of the tariff on hides.

Suppose he should buy saddles and harness during the year costing $50, and it should bear the highest rate of duty on these articles, he would be taxed $17.50 on his $50 worth of saddles and harness. Suppose he should buy the cheapest kind, then on $50 worth he would be taxed $7.50, or $2.50 more than the tariff he got on his hides, which was only $5.

Suppose he should have a wife and four children and would have to buy each one of them two pairs of shoes during the year at $3.50 a pair. That would be $42. Let us take 20 per cent tariff on these shoes, which would be $8.40. Therefore, a farmer selling 10 steers would get a tariff profit of $5; $50 worth of saddle, harness, or belting or leather lines, and so forth, tariff cost to him would be $7.50; 12 pairs of shoes at $3.50 per pair, $8.40; total tariff received, $5; total paid on account of tariff, $15.90; total loss to farmer, $10.90. And how about the farmer who did not sell the hides, or did not raise cattle, and how about the one hundred and more million people who are not in the cattle business and would have to pay the tariff on shoes?

The tariff on shoes will not affect any pair of shoes costing over $5 a pair. It will only affect the cheaper grades, for only the cheaper grades come into the United States.

I am going to insert an interesting table showing the percentage of excess tariff in the compensatory tariff in these items.

Basis of duty on hides and a compensatory duty on leather (assumed duty on cattle hides and calfskins, 10 per cent ad valorem)

Leather classification	Units of quantity	Quantity of leather, pounds or square feet produced from 100 pounds of imported green cattle hides or calfskins [1]	Weighted average value of imported green cattle hides or green calfskins (1924–1928)	Amount of duty per 100 pounds of cattle hides or calfskins at assumed rate of 10 per cent ad valorem	Value per pound or square foot of imported leather (weighted average of imports 1924–1928)	Compensatory duty on leather		Per cent given in excess of compensatory duty
						Specific, column 4 divided by column 3	Computed ad valorem, column 6 divided by column 5	
	1	2	3	4	5	6	7	8
							Per cent	
Sole leather	Pounds	66⅔	$0.1713	$1.713	$0.3675	$0.026	7.07	5.43
Belting leather [2]	do	60	.1713	1.713	.7376	.029	3.93	8.57
Harness leather	do	70	.1713	1.713	.4174	.024	5.75	6.75
Bag, case, and strap leather	Square feet	90	.1713	1.713	.5111	.019	3.72	16.28
Upholstery leather	do	85	.1713	1.713	.3402	.020	5.88	14.12
Side upper leather	do	77	.1713	1.713	.2188	.022	10.19	4.81
Patent side leather	do	78	.1713	1.713	.3543	.022	6.04	8.96
Calf and kip upper leather [3]	do	110	.2048	2.618	.3349	.024	7.39	7.61

[1] On the basis of data furnished by tanneries on each of the leather classifications.
[2] Yield reduced from 70 to 60 pounds in accordance with revised information received from belting leather tanners.
[3] Corrected figure for weighted average value of imports.

My good friend, Doctor CROWTHER, got some pretty good tariff raises too. But I want to say this about Doctor CROWTHER. He is different from the gentleman from Massachusetts. He is anxious to get all the tariff he can get on every article in his State, but he is willing to give everybody else just as good a tariff as he gets himself. He is absolutely honest and consistent, and while I think his viewpoint is wrong, yet he is fair to others in that he is willing to put a tariff on articles in every section of the country.

He had charge of the sundry schedule. Let us look at some of the rates. I am going to take gloves, for instance. I am inserting here a table from the Tariff Commission on gloves:

797. GLOVES—MEN'S

Act of 1922, $5 dozen pairs not over 12 inches long, 50 cents dozen for each inch in excess.

House bill, $6.50 dozen pairs not over 12 inches long, 50 cents dozen for each inch in excess.

Senate Finance, $5.50 dozen pairs not over 12 inches long, 50 cents dozen for each inch in excess.

Senate, $6 per dozen pairs.

Conference, $6 per dozen pairs.

Comparison of imports with domestic production of leather gloves in 1928, according to types: Type, men's; production, 34,806,324 pairs; imports, 90,074 pairs; ratio of imports to production, 0.26.

The House rates increased some of this type gloves 110 per cent over the present law, notwithstanding the fact that the imports were 0.26 of 1 per cent of the domestic production.

Practically all men's gloves are not over 12 inches in length, and the conference action increases the duty from $5 per dozen pairs to $6 per dozen pairs with only 0.26 of 1 per cent imports.

On men's and boys' leather gloves Doctor CROWTHER got as high as $6 a dozen pairs. What was that killing foreign competition he has so eloquently raved about here in the House? Let us look at the report of the Tariff Commission. In 1928 there were produced in this country 34,806,324 pairs, while foreign countries brought in only 90,074 pairs. For every one pair of gloves brought in over 385 were made here in America. The importation of these gloves was less than $2,000; to be exact, $1,753, or 0.26 of 1 per cent of the domestic production. At the same time we exported to the other fellows' country 1,741,650 pairs of these gloves. In other words, every time the wicked foreigner imported one pair of these men's and boys' gloves to America to put Doctor CROWTHER out of business, Doctor CROWTHER's factory exported to the wicked foreigners' country 990 pairs to put the wicked foreigners' factories out of business.

393. PAINTBRUSH HANDLES

While there was no disagreement between the rates carried in the House bill and Senate, it is interesting to note that this is one of the articles on which the tariff was reduced by presidential proclamation.

President Coolidge, on November 13, 1926, issued a proclamation under the flexible provision of the act reducing the duty from 33⅓ per cent to 16⅔ per cent.

The bill places them back at the 33⅓ per cent rate.

I will now insert a table on umbrellas, parasols, and sunshades, which was taken from the Tariff Commission's report:

836. UMBRELLAS, PARASOLS, AND SUNSHADES

	Per cent
Act of 1922	40
House bill	60
Senate Finance	40
Senate	40
Conference	40

	Production	Imports	Exports
1923	$28,395,233	$65,919	$202,654
1925	27,299,431	81,546	214,910
1927	23,156,400	152,619	185,125

Imports are less than 1 per cent of domestic production in 1927, and exports were more than imports. Practically all of the imports are of the cheaper kinds not produced in the United States.

Senator SMOOT said in connection with House Republican conferees' insistence upon House rates: "There is no earthly need for more than existing law." "I do not think you want to make it ridiculous." "The House rates will be an absolute embargo."

House conferees finally agreed to retain rates of the present law.

I am going to insert without comment a number of tables which have been prepared showing the outrageous rates in this bill.

Linoleum is one of the most indefensible raises in the bill.

Rate, based on competition, exports, and imports, should have been reduced.

Every housekeeper uses linoleum on the floors in bathrooms.

Increase over 20 per cent.

Domestic production for 1928, $24,000,000 plus.

Imports less than $1,500,000.

In 1929 exports were $1,173,482 and imports less than $800,000.

	Per cent
The act of 1922	35
House bill	40
Senate	42
Conference	42

The rate on linoleum increased 20 per cent the present law, notwithstanding the fact that the United States is a large exporter of same.

Tariff Commission reports:

Linoleum is produced principally in Pennsylvania and New Jersey. Exports of linoleum from the United States are widely distributed, having gone to more than 50 countries in each of the six years ending with 1927. Australia, the United Kingdom, and New Zealand are the principal markets for United States exports.

Value of domestic production, imports, and exports

	Production	Imports	Exports
1919	$27,457,045	$123,577	
1921	32,628,917	310,533	
1923	44,588,995	1,657,982	$582,482
1925	44,512,515	1,824,402	412,088
1927	42,039,662	1,149,553	716,678
1928		785,587	1,173,482

Staples, for use in paper fastening: 3,000 per cent increase made by the Senate, but reduced to only 300 per cent by the conference.

292. STAPLES, IN STRIP FORM, FOR USE IN PAPER FASTENERS OR STAPLING MACHINES

	Cents per pound
Act of 1922	0.6
House	.6
Senate Finance	40
Senate	10
Conference	2

Tariff Commission has no statistics on production, imports, and exports.

Senate Finance Committee rate of 40 cents per pound was an increase of 6,000 per cent. Ten-cent rate adopted by Senate was an increase of 1,500 per cent. The conference rate of 2 cents per pound is a 300 per cent increase.

The conference committee first accepted the rate of 0.6 cent per pound, but was reopened and made 2 cents per pound.

You know the only thing that will sometimes save a man's life when he has a heart attack is digitalis. I am now talking about one of the most indefensible items in this bill. Digitalis is a necessary article, and we can not make an ounce of it in this country. The gentleman from Oregon put a duty on it. The gentleman from Oregon says there is a weed growing wild up in Oregon that is digitalis. Think of it! A lot of people now living may die because the gentleman from Oregon has taken digitalis off the free list in this bill. That will be on his conscience. [Laughter.]

The most indefensible rates in the bill are the cotton and wool schedules. Let us look at cotton shirts. The act of 1922 made the rate on them 25 per cent. Look what we have here, my friends. They have raised the rate on the common everyday cotton shirt over 100 per cent; the common shirt that the ordinary man wears. Here is where my good friend from New Jersey [Mr. BACHARACH] shows his hand. On the cheap shirt, where we produce thirty-four times as many as we bring into this country, he has raised the tariff over 100 per cent. The high rates all through this bill only go to the people who toil.

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. COLLIER. I will yield myself 10 additional minutes. The high rates are imposed on the people who toil, those people who are now out of a job, 5,000,000 of them.

Mr. GRIFFIN. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. Yes.

Mr. GRIFFIN. What was the increase on the more expensive shirts?

Mr. COLLIER. Only 25 per cent; on the cheap shirts over 100 per cent.

574: SHIRTS—COTTON, EXPORTS THIRTY-FOUR TIMES AS MUCH AS IMPORTS

	Per cent
Act of 1922	35
House bill	37½
Senate Finance	50
Senate	45
Conference	45

Tariff Commission reports:

New York, Pennsylvania, and New Jersey are the largest producers.

	Production	Imports	Exports
1927	$230,385,279		
1928		$28,803	
1929		61,203	$2,072,998

House Republican conferees readily agreed to the Senate rate of 45 per cent, although the House bill only carried 37½ per cent, notwithstanding the exports in 1929 amounted to $2,072,998—nearly thirty-four times the amount of imports, which were only about one-fourth of 1 per cent of the domestic production.

I will now insert some tables on blankets.

642–643. BLANKETS—WOOL, AND OTHER SIMILAR ARTICLES

Tariff Commission reports—Equivalent ad valorem rates on basis of imports in 1928

	Per cent
Act of 1922	61.65
House bill	66.29
Senate Finance	65.44
Senate	67.27
Conference	67.27

Domestic production of bed and horse blankets in 1927 amounted to 27,948,488 pounds, valued at $24,758,663.

The average annual imports of wool blankets and similar articles from September 22, 1922, to December 31, 1929, amounted to 446,689 pounds, valued at $480,999.

Average amount of imports are less than 2 per cent of the domestic production, and rate is increased from 61.65 to 67.27 per cent.

567. BLANKETS—COTTON

Equivalent ad valorem rates based on 1928 imports

	Per cent
Act of 1922	25.00
House bill	35.00
Senate Finance	60.44
Senate	52.20
Conference	52.20

The House Republican conferees accepted the Senate rates, which are more than double the present law.

Tariff Commission reports

	Production	Imports	Exports
1923	$24,712,877	$491,874	$970,258
1925	29,547,532	707,557	817,685
1927	29,452,248	277,122	925,766
1928		263,227	817,121
1929		469,553	885,311

In 1927, the last year domestic production figures are available, the imports were less than 1 per cent of production, and the exports were three times the amount of imports.

There has been a change of rate of only the difference between 61.65 and 67.27 on the expensive grades, the highest-priced blankets in the market. But on the cheap, cotton blankets they went up from 25 per cent to 52.20 per cent. They increased the expensive woolen blankets but slightly, the kind that very few of us buy, because, as you know, they cost $10 or $12 or $14 a pair. But on the cheap blankets for the 5,000,000 people out of a job, they have raised the rate over 100 per cent.

639–640. CLOTHS AND OTHER HEAVYWEIGHT FABRICS OF WOOL

Tariff Commission reports—Equivalent ad valorem rates on basis of imports in 1928

Act of 1922	70.71
House bill	82.51
Senate Finance	82.47
Senate	84.10
Conference	84.10

In 1927 domestic production of woolen and worsted piece goods was valued at $516,722,875.

The average annual imports of wool cloths from September 22, 1922, to December 31, 1929, amounted to $18,143,105. Imports in 1929 amounted to $17,265,807. Imports in 1929 were a little over 3 per cent of the domestic production.

One of the meanest and most inexcusable tariffs in this bill is the tax of $2.27½ a pound on Sumatra tobacco wrappers.

Up to several years ago the 5-cent cigar was put out of business by the increased cost of living. There are practically no wrappers in America save a few grown in Massachusetts in the shade and at great expense. These wrappers are grown, so I understand, by great corporations and not by farmers. There are also a few wrappers grown in Florida and Georgia, but not an appreciable number. There are about 1,200 people, so I am informed, engaged in Massachusetts in this business.

In order to make it possible to again have a 5-cent cigar the cigar makers represented to the Ways and Means Committee several years ago that if we would considerably reduce the revenue tax on the 5-cent cigar it would again be on the market. We did so, and immediately a great business sprang up.

In over 15 States 40,000 farmers are engaged in making fillers for the 5-cent cigar, and it gives employment to over 60,000 people. It seems that the foreign wrapper has a different flavor from the American wrapper and is the only one that can be used so the people will smoke them, though those grown in Massachusetts are very good imitations and good 5-cent cigars can be made from them, but only a limited number, as there are only 1,200 people engaged in the business.

Mr. TREADWAY held out for a number of days, insisting on $2.50 a pound on these wrappers. All the other nine conferees begged him to give way, stating that he would again destroy the 5-cent cigar. One of the majority conferees, the highest protectionist I have ever known, stated that this was a case where only part of one congressional district in the United States was antagonistic to the other 434 congressional districts in the United States. There was also much antagonism from the farmers in the gentleman's own district, but he stood firm, got a rate of $2.27½ a pound, and not only destroyed the 5-cent cigar, but will put out of business 60,000 workmen and reduce the earning capacity of 40,000 farmers, who through their organizations protested as strongly as they could against this rate.

If I had the time I could tell you how outrageously the tariff has been raised on surgical and dental instruments and all hospital supplies, but my time is nearly exhausted and I must hurry to a close.

This tariff bill will be a law in a few weeks, and next December at that season of the year when the merry Christmas bells are pealing the glad anthems of peace on earth, good will to men, we can look into the future and see a desolate home where want and privation dwell. Last year there was a Christmas tree in that home, but this year the only cheer to lighten up the darkness of privation and want are a few smoldering embers of fire around which were closely huddled the father, the mother, and several children.

"Father," said one, "why is it we have no Christmas tree? We had one last year, and Mary Jones told me that they had a beautiful one at their home."

"Yes, my child, I don't doubt it, for Jones is the superintendent of the factory and he has employment all the year round, while I have been out of a job for seven months. But I did intend to have a Christmas tree, but Mr. TREADWAY put a tariff on Christmas trees. The good Senate tried to strike it out, but Mr. TREADWAY was too strong for them."

"But father," said little Susie, "You are going to give me the imitation pearl necklace you promised me, ain't you?"

"I am sorry, Susie, but Doctor CROWTHER put a tax of over 4,000 per cent on imitation pearl necklaces, and I can not give it to you. We will have to wait for better times."

"Josie, I told you I was going to get you some of those pretty little celluloid dolls that the 5 and 10 cent stores keep, but Doctor CROWTHER raised the tariff 450 per cent on them, and I can not give them to you."

"Mary, you know I have been promising you a little electric flatiron for a long time, so you could iron your own clothes. As they were made in Massachusetts I felt a little uneasy, but I found that only 124 of them came in last year, so I was sure that it was all right. I went down to buy one to-day and found that Doctor CROWTHER and Mr. TREADWAY had put a tariff of 8½ cents a pound on them, and in addition 65 per cent ad valorem, so I had to pass them up. But I heard you say that you would like to have some of these little handmade embroidered handkerchiefs which sell for 20 and 25 cents, and I said to myself, Mary will have to be satisfied with the handkerchiefs; but I found that Doctor CROWTHER had put a tariff of 240 per cent on them, and I could not buy them either."

"You got me my little mechanical pencil didn't you, father?" asked Johnny. "Yes," replied the father, his face brightening. "I got you that, but we had a close shave. Doctor CROWTHER raised the tariff about 200 per cent ad valorem on them and then increased the specific tariff on a gross another 200 per cent, and then changed the word 'gross' to 'dozen,' and added 2,400 per cent; but the good Senate found it out and they struck out the word 'dozen,' and only let Doctor CROWTHER have the 400 per cent tariff; so I got you the pencil."

"I feel mean about that little imitation-jewelry bracelet I promised you, Susie." "Father, you don't mean to say that you did not get me that bracelet." "They put a tax of 110 per cent

on it daughter, and I could not afford it." "But," said little Susie, "Mary Jones, the manager's daughter, has got a diamond bracelet, and I couldn't even have an imitation-jewelry one."

"No, my little girl, you don't understand," patiently replied the distressed father, "these imitation jewel bracelets are made in Massachusetts, and Mr. TREADWAY insisted on 110 per cent. Besides Mr. Jones can afford a diamond bracelet for his daughter, for he is the superintendent, and then there is only 10 per cent on diamonds."

"This won't be much Christmas. I had hoped to give father a box of 5-cent cigars, for since the revenue tax had been reduced they were making fine ones. But Mr. TREADWAY got a tariff of $2.27 a pound on tobacco wrappers, and they have quit making nickel cigars.

"But there is no use crying over spilt milk. We will have to make the best of it. Maybe conditions will change after a while."

"Well," said little Josie, "I wish we could have got the tree anyhow. Then if we could not have bought anything maybe good old Santa Claus would have put something on it for us."

"No, Josie, Santa Clause can't come this year."

"What," said little Josie, "do you mean to say those wicked men have put a tariff on Santa Claus?"

"No; but they have stopped his transportation."

"How so?" demanded little Josie.

"Well, they put a tariff of 12 cents a pound on reindeer, and he can't bring them in." [Laughter.]

Mr. Speaker, I reserve the balance of my time.

Mr. HAWLEY. I yield five minutes to the gentleman from Pennsylvania [Mr. WATSON].

Mr. WATSON. Mr. Speaker, the appointed leader of the minority, who has just spoken to you, has followed the tradition of his party; but if the gentleman would consult the people of his Democracy individually, he would find that many of them are not in favor of his low-tariff policies.

I was amused because the gentleman spent most of his time in an attack upon the Republican conferees. He often, however, praised them. I also noticed that he opposed the tariff on many commodities, but all that he attacked were manufactured in the Northeast. Not one was manufactured in the South.

I have been a Member of the House during the consideration of three tariff bills, and on each one the Democratic Party has become more pacific. In not many years they will probably join the Republican Party in writing a high tariff bill, in favor of the commercial industries at large.

I want to speak upon cement for a few moments.

There are about 176,000,000 barrels manufactured in the United States. Of that number 39,000,000 are milled in the States along the coast. It is true about 3,000,000 barrels of cement was imported in 1929, but the few barrels affected the price of the 39,000,000 barrels that are manufactured along the coast.

Within the year Belgium has reduced the price of cement 9 cents a barrel. Cement can be manufactured in Belgium 46 cents less than it can be manufactured along the eastern coast.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. WATSON. I yield.

Mr. DICKSTEIN. Will the gentleman explain the quality of the two cements, the Belgium cement and the United States cement?

Mr. WATSON. The quality must be very good, because Senator BLEASE would contract for foreign cement in all the highways in his State. That probably explains to the gentleman from New York [Mr. DICKSTEIN] that the foreign cement is better than the domestic cement for highways. But that is not the reason why Senator BLEASE wanted the amendment. He wanted the amendment because he desires foreign cement brought into this State. Thirty-three per cent of all the cement is used in building highways, about 40 per cent in public buildings and if foreign cement is allowed on the free list there will be very little domestic cement used in public buildings along the Atlantic coast.

Mr. HASTINGS. Will the gentleman yield?

Mr. WATSON. I yield.

Mr. HASTINGS. Will the gentleman advise the House how much cement is imported to this country, and how much is exported? Perhaps the gentleman has already given the figures, but I did not catch them.

Mr. WATSON. Last year there were 2,986,000 barrels of cement imported, which affected the output of cement principally along the coast, New York and as far south as Charleston. Only about 800,000 barrels of cement were exported last year.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania [Mr. WATSON] has expired.

Mr. WATSON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. WATSON. Foreign cement can not be imported beyond 100 miles from the seaboard with profit because of the freight rates.

There are 158 cement mills in 32 States.

The allegation that 6 cents per 100 pounds will be added to the price of cement because of the duty is absurd. Not even along the coast will this duty affect the price of cement.

In 1928 the price of foreign cement was reduced 9 cents per barrel, and domestic producers were obliged to meet this reduction.

Every barrel of cement manufactured requires 55 pounds of coal, which means that 82,500 tons of coal were consumed abroad when it should be at home.

It is estimated that 30,000 men are employed in cement plants along the coast, and imported cement of course must limit the number of American workers.

The seaboard manufacturer must also compete with Belgium cement, as the foreign production is less by 46 cents per barrel than that of domestic. It is only along the Pacific and Atlantic coasts that mills are affected by the importation, for reasons I have already mentioned.

The imports of hydraulic cement into the United States in 1928 show an increase of 11.4 per cent over 1927.

In writing a tariff bill to meet the industries of the United States, which are so varied because of the climate and resources, it is rather difficult to equalize rates. The West must take into consideration the industries of the East, and vice versa; otherwise there will be commercial jealousies, which might lead to very serious industrial development. For this reason the cement plants and other industries along the coast that are directly affected by free entry should be protected, as the agricultural products of the West should receive similar consideration by the industries of the East.

If we are to penalize industries and favor foreign production and the foreign laborer it will be a very long time before we can reduce our national debt, which must largely be met from industrial taxes.

The cement manufacturers are satisfied with the rate of 6 cents per 100 pounds, providing the Blease amendment is eliminated. Should this amendment remain in the bill 33 per cent of foreign cement could be used in the building of highways, and probably 40 per cent or more in the construction of public buildings, which would not only affect the 30,000 men employed in cement mills along the coast, but would to a degree be the elimination of $600,000,000 now invested in cement industries.

Cement used by "a State, county, parish, city, town, municipality, or political subdivision of government thereof, for public purposes," in accordance with the Blease amendment, would practically close the cement mills in the States along the coast line, but it would not so much affect the Middle West, as the freight rates would to a degree force the use of domestic cement for public buildings.

Under the present law a contractor for public buildings may have authority to stipulate foreign commodities under certain conditions. Therefore, a contractor making a bid for a municipal building would be obliged to stipulate whether or not he would use domestic or foreign cement. If foreign it would of course be a commercial injury to our domestic production, and in the event that the contractor should have a surplus of several hundred barrels of foreign cement there would be some difficulty in the Government collecting the duty. It does not seem just that the country should erect public buildings in the interest of all at the expense of the American laborer.

Mr. HAWLEY. Mr. Speaker, I yield 30 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Speaker and Members of the House, it had been my intention to devote the time granted me by the chairman of the committee to a general discussion of the conference report that is before you to-day, and particularly the items having to do with the personnel of the Tariff Commission and the flexible provision of the tariff law, but, my genial colleague and friend, the gentleman from Mississippi [Mr. COLLIER], whom I do not see present, was finding fault with another gentleman for not being present a moment ago and I can reciprocate the compliment. I suppose after the wonderful address he has just made, he is seeking the seclusion which the cabin grants and refreshing himself as he deserves to do. But he has given me such a splendid theme and opening I am disposed to cast aside the remarks I had prepared in rather a hurried manner for use at this time, and devote myself

to the remarkable speech of the gentleman from Mississippi. I am very sorry the gentleman is not here. He is such a devoted attendant on sessions of the House that it is with extreme regret I shall refer to him in his absence.

The gentleman from Mississippi [Mr. COLLIER] made one remark that I regarded as especially complimentary, namely, he said that I was a good fellow off the committee, but the meanest man in conference of the whole bunch. I appreciate those kind words from my friend Mr. COLLIER, because if I was a mean man in the conference it was because I was in direct opposition to the things that he was most interested in and anxious to secure from the conference, things contrary to the best interests, as I saw them, of the country and the whole Nation. He also said I was particularly solicitous for the interests of Massachusetts. That is why I was mean, in the judgment of the gentleman from Mississippi [Mr. COLLIER], and why I regard his remarks as most complimentary.

The gentleman from Mississippi was particularly anxious to introduce industries into my district.

Mr. COLLIER entered the House.

Mr. TREADWAY. I greet you, my friend, most cordially. I am glad the gentleman from Mississippi has returned to the floor.

I did not suppose there were in the first congressional district of Massachusetts anything like the number of industries which the gentleman gave me credit for, nor did I suppose the geography of the State was anything like the gentleman pictured it. The gentleman made a most eloquent address relative to Bunker Hill and saw me orating at its base and shaking its top with my powerful oratory, or words to that effect. At any rate, the gentleman was most complimentary.

Just as a matter of correction of geography, I might inform the gentleman from Mississippi that my home is about 175 miles from Bunker Hill, and while in Mississippi or in Texas or some of the other States 175 miles is not a very great distance, in our thickly populated sections of New England it is way beyond the confines of any one district, and therefore I must ask the gentleman not to confuse the western section of Massachusetts, of which I am so proud, with the extreme east.

Mr. COLLIER. Will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. COLLIER. Of course, I knew where the gentleman lived, but I did not know it was the custom to allow only people who lived in Boston to speak on the Fourth of July at Bunker Hill. I thought they had men from all over the State there.

Mr. TREADWAY. Well, I will accept that weak apology or weak excuse. It is good as far as it goes.

Mr. COLLIER. Of course, I admit the gentleman would have made a mighty good speech, because I have heard him make good ones here.

Mr. TREADWAY. One very interesting statement the gentleman made was about a set of carillon bells, the gentleman stating that many years ago I introduced a bill in the House admitting a carillon into this country free of duty for the use of a church in my district. I think he said a wealthy church, and I hope he did, because most of them are fairly well off. However, that was as far from the facts of the case as most of the rest of the statements he gave in his hour's speech. The only bill with which I had anything to do in connection with carillons in the Ways and Means Committee was one that the late lamented Senator Lodge first introduced in the Senate for a poor Portuguese church in the city of Gloucester, represented here so ably to-day by our colleague, Mr. ANDREW. No church having a carillon is located in my district. The only other carillon set of bells that I know of which were admitted free of duty was through a suspension of the rules, cleverly sneaked in by the former Democratic Senator from Rhode Island, Mr. Gerry, and now a candidate, I understand, to return to the Senate.

That bill got through under a suspension of the rules, and the Ways and Means Committee did not have a thing to do with it, and the committee was angry about it when it found out the kind of a trick our Democratic friend had performed. When the gentleman comes here and says he wants carillons admitted free of duty for churches, what is the situation? There has been a large tower built, a memorial tower, in Florida, by Mr. Bok, who recently died and is buried beneath it. He was one of the richest men in his day in the city of Philadelphia. A carillon of bells has been donated to the richest church on Park Avenue, New York, by Mr. Rockefeller. Those are the bells the gentleman from Mississippi would have admitted free of duty, when factories at home capable of making carillon bells stand idle. I submit the gentleman comes a long way from proving his case in relation to carillons, and I would add in passing that there is no factory which makes them in my district, even though the gentleman said there is. Let the bell makers of this country have the benefit of manufacturing carillons here and employ our citizens in their foundries, or else pay proper duties for importing carillons which are no better than the domestic product.

Another interesting item the gentleman touched on was cheap jewelry. He said I helped get a 10 per cent duty on diamonds and a 110 per cent rate on children's and costume jewelry, because that was made in my district. Well, friend COLLIER, the only factories I know of making costume jewelry are located in the district represented on this floor by our distinguished friend, Mr. MARTIN, who represents the city of Attleboro. So far as I know, cheap jewelry is made only in that neighborhood. The gentleman, however, would prefer to have the employees of those factories in Mr. MARTIN's district idle and great loads of imitation pearls, cheap jewelry, and stones brought into this country from China. That is the difference between his position and mine.

Referring to the jewelry item, the only reason there is not a high duty on diamonds and other precious stones is that the Treasury Department asks that they be not taxed unduly in order to help the administrative features and in order to prevent the smuggling of stones into this country. It is not a question of revenue nor a question of competition.

We do not produce them and we acknowledge it, and we do not charge high rates of duty on precious stones in order that the administrative part of the customs department may be carried on.

So that is in line with the other errors made by the gentleman from Mississippi. I only noted a few of them. He made so many errors that I could not keep track of them as he went along. Most of the errors he made are exactly identical with his reference to Bunker Hill. He put the bunk into Bunker Hill in the speech he made a few moments ago.

There is one industry to which he referred that does do business in my district or wants to do business under a protective tariff. The gentleman speaks of cheap cotton blankets. The Senate added a provision of 14¼ cents per pound in addition to the 20 per cent ad valorem rate for cotton blankets. What is the history of that senatorial amendment, from which the House receded and accepted? Here is the story, and it comes direct from the concern to which the gentleman was referring as doing business in my district. I read from a letter recently received from the Springfield Blanket Co., of Holyoke, Mass.:

> From 1919 to 1922 there were imported into this country 307,000 pairs of blankets at $3.45 each. From 1923 to 1929 there were imported 6,746,564 blankets at 44 cents each. It is the 44-cent blanket which has made it impossible for our industry to compete, our cost for a comparable blanket being 77 cents each.

Then the gentleman from Mississippi pictured the poor people, the poor families, not being able to buy these cheap blankets, owing to our high rates of duty, another indication of ignorance on the part of my good friend from Mississippi. The blankets to which he refers, according to the letter from the manufacturer himself, are not used in any family home in this land. They are sold in lumber camps by the contractors getting out lumber in the Western States and similar sections. In no sense are they a family blanket used in our homes, and, if they were, let me say to the gentleman, and possibly some of them do drift into those homes—which is better, to let that blanket come in here at 44 cents from Germany, for home consumption, and meaning the unemployment of our people, or have our industries prospering at home, giving employment at good wages and the ability to buy the blanket at 77 cents with our home label on it?

This is a question that can be answered by every man supporting this conference report and voting for its adoption during the next few days.

Mr. COLLIER. Will my friend from Massachusetts yield?

Mr. TREADWAY. Certainly.

Mr. COLLIER. Of course, I can understand how the gentleman from Massachusetts would feel that it would not matter what the price of a blanket was to the poor devil who is working in a lumber camp; but what I want to bring out and what I want the House to know is that it is just a question of where we get our facts. I got my statements and my figures from the Tariff Commission, while the gentleman said he got his from letters of the manufacturers.

Mr. TREADWAY. And the manufacturer supplies the information that the Tariff Commission uses in every instance. That is where the Tariff Commission gets its information—from the producer back home. We go to the source for our information, the practical person, manufacturing the goods, who provides the information on which the Tariff Commission bases the information it hands out to us.

The gentleman was particularly complimentary of me in relation to my defense of the industries in New England, and, as I have already said, he very widely spread the geography both of my district and of my State; but did he tell you anything about long-staple cotton, gentlemen?

Let me add to the story he did not tell on that subject. We had long consideration of the subject of a duty on long-staple cotton which the Senate had added. I am free to say that not one of the majority members of the House conferees wanted a duty on long-staple cotton, and if it had not been for one of the majority on the Senate side they would not have gotten it. Now, I am going to make a little confession about what happened behind the closed doors of the conference room, because at the very beginning of the conference it was announced that everything we did must be made public. I personally believed in these meetings being executive until we had something to bring back to the House and to the Senate as a result of our work, and then explaining it in full, and not doing it piecemeal as has been done under the circumstances of this conference. Here is what happened with respect to long-staple cotton, my friends: We happen to have on our conference two members of the minority from Mississippi, one the eloquent gentleman who preceded me [Mr. COLLIER], and the other the dignified and excellent Democratic Senator—I say "excellent" advisedly, because as a Democratic Senator he is excellent—the Hon. Senator PAT HARRISON, as we all know him and love him—two conferees from Mississippi, understand.

Last year the total production of long-staple cotton in this country was 660,526 bales. Where did it come from? Mississippi provided 386,000 bales of this total amount. The next largest source of production was Arkansas, with 90,000 bales, and so on down the list. Mississippi produced four times as much long-staple cotton as any other State in the Union. And what happened? The Senator from Mississippi, backed by his colleague, the House Member from Mississippi, sat back in the harness there and said, "No more conference unless you give us a duty on long-staple cotton." [Laughter and applause.] This is exactly what the gentlemen from Mississippi did. They positively refused to allow the conference to proceed unless we yielded and granted a 7-cent duty on long-staple cotton, of which there is four times as much grown in the State of Mississippi as in any other State of the Union.

Was my good friend COLLIER defending the interests of his own State at that time? It looked to me as though he was, friends. The State of Mississippi produces 58.45 per cent of the total production of long-staple cotton raised in this country. More than half is produced in the State of the gentlemen from Mississippi, who refused to allow the conference to proceed unless they got a duty on this article which is used so extensively in our New England mills.

I insert here a list of the States growing long-staple cotton and the quantities of such cotton produced in each of these States:

Long-staple cotton

States:	Bales
Mississippi	386,061
Arkansas	90,356
Texas	35,572
South Carolina	35,491
Louisiana	35,456
Arizona	32,229
Oklahoma	12,372
California	10,772
North Carolina	7,616
New Mexico	5,652
Missouri	2,118
Tennessee	2,082
Georgia	2,039
Alabama	714
Florida	137
All other	1,859
Total	660,526

Mississippi=58.45 per cent of total.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. SCHAFER of Wisconsin. Are they going to support the bill since they got the duty on their product?

Mr. TREADWAY. Why, that is the funny part of the whole thing, and I am pleased that the gentleman has asked me the question. Everything that came up in the conference for the States represented by this gentleman and his associates, particularly the Senator from North Carolina [Mr. SIMMONS], was done by them to write tariff rates in a bill that they did not intend to support themselves and have not supported and will not support.

Let me ask the gentleman from Mississippi, whether in view of the fact that long-staple cotton, of which you produce in your State four times as much as in any other State, is now well protected, are you going to vote for this bill?

Mr. COLLIER. No, sir; I am not.

Mr. TREADWAY. No; but you want the benefits of the bill for your own industry, do you not?

Mr. COLLIER. Well, I did not want New England to have everything in the bill.

Mr. TREADWAY. Yet the gentleman is not going to vote for the bill.

Mr. COLLIER. I did not want the New England manufacturers to have a tariff on their articles and not have a tariff on any of their raw materials.

Mr. TREADWAY. Some one has suggested here that the gentleman would vote for the bill if we needed his vote, but he would not. He would try to punch all the holes he could into the bill. He would try to get all the benefit he could for Mississippi cotton and then vote against his own interests.

Mr. COLLIER. You could put double the tariff on cotton that you now have and I would not vote for this bill.

Mr. TREADWAY. Now, one other thing, inasmuch as I am now referring to this sort of thing, one of the gentleman's Democratic associates, the honorable Senator from North Carolina, wanted to repeat our interesting apple-and-banana yarn. For two days we debated, fussed, and fumed whether we should have a duty on bamboo poles.

Has anybody here ever seen a bamboo pole grown in this country? You can not do it, but the gentleman from North Carolina, if he had had the votes, would have done what these two gentlemen from Mississippi did—tie up the conference in order to get a duty on bamboo poles to substitute for these bamboo poles a gum-tree pole on which our carpets are wrapped that go out to the country at large, and stick the gum or resin of those poles onto the carpets. [Laughter and applause.]

Mr. BYRNS. Will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. BYRNS. I would like to ask the gentleman a question as to the manner of procedure in the conference. I understand there were 10 members of the conference, 5 conferees from the House and 5 from the Senate. The gentleman has made the statement several times that the Senator from Mississippi and our colleague from Mississippi [Mr. COLLIER] refused to let the conferees proceed unless the conferees agreed to a tax on long-staple cotton.

Mr. TREADWAY. That is absolutely correct.

Mr. BYRNS. How could those two members control the conference when there were eight others?

Mr. TREADWAY. The gentleman has been on conference committees many times, and of course he knows that we vote by branches.

Mr. BYRNS. I understand.

Mr. TREADWAY. Therefore there are five on a side. The Senator from California, a State where they raise 10,000 bales of long-staple cotton, as against 386,000 in Mississippi, was advocating a duty on long-staple cotton.

Now, the gentleman from Tennessee has asked a question which I think is likely to embarrass him rather than me. I will tell the gentleman a little of the inside of our conference. The Senator from California [Mr. SHORTRIDGE] was very insistent on a duty on long-staple cotton. He combined with the two Senators on the Democratic side, Mr. SIMMONS and Mr. HARRISON, neither of whom will vote for the bill, and they admit that they will not, and held up the Senate conferees, following which the Senator from Mississippi sat back in the harness like a balky horse and refused to go ahead until he had his way.

He said the conference is through; I am going back on the floor of the Senate and tell them that the conference is through; I am going to explain everything that has been done up to this time. There will be no more business done in the Senate and there will be no more done in conference until we get what we want for Mississippi.

Mr. BYRNS. And the conferees yielded?

Mr. TREADWAY. What else could we do? The three Republicans, Mr. HAWLEY, Mr. BACHARACH, and I did not want to break up the conference.

Mr. BYRNS. And the gentleman from Massachusetts seriously says that this Democratic Senator and our colleague controlled the conference?

Mr. TREADWAY. And I reiterate it.

Mr. GREEN. Will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. GREEN. In relation to bamboo poles. We have the stock bamboo and the junior bamboo poles for fishing.

Mr. TREADWAY. Oh, yes; I believe in fishing; but you do not raise any poles with resin in them to wind carpets on.

Mr. GREEN. No; but we raise these poles for fishing.

Mr. TREADWAY. Now, the gentleman from Mississippi said something about the duty on steam turbines. We had only one steam turbine imported in the last year. Do you know how





much that steam turbine used by the electric company in New York City—the New York Edison Co.—cost? One million one hundred thousand dollars, and the lowest bid in this country was $1,600,000. Which would be better—to have employed American labor in building that steam turbine, used for supplying electric power at the Hellgate plant in New York City and paying out in wages the better end of that million and a half dollars, or letting those workmen be idle and importing a steam turbine at a saving of $500,000?

I shall insert in my remarks under permission granted me what that holdup of the conference by the two gentlemen from Mississippi will cost the American users of cotton. Long-staple cotton, such as is imported from Egypt, is not raised in this country. The kind of long-staple cotton that would be usable to-day in this country was long since killed by the boll weevil down on the coast of Georgia and South Carolina. It was known as sea-island cotton. Therefore, every bit of long-staple cotton brought into this country at the 7 cents per pound rate of duty put into this bill by the holdup process which I have accurately and truthfully described, will be just that much of a gift to those people who do not raise a competitive article in this country, and will add that much to the cost of the products where long-staple cotton is used.

Mr. HASTINGS. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. HASTINGS. Does the gentleman state that we raise no long-staple cotton that is 1⅛ inches in length?

Mr. TREADWAY. No; I did not say that. I said that we did not raise the kind of cotton that our manufacturers must use of the long-staple variety. I have that on the authority of the thread makers, on the authority of the tire makers and other lines of business that must use one particular kind of cotton which can not be raised now, namely, the sea-island cotton, and, therefore, they import it from Egypt.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. COLLIER. Simply to make one statement. The statement came out in the hearings last year that during the war when the importations of Egyptian cotton could not come into this country for three years, the American manufacturers made the same articles that the gentleman is talking about out of American cotton.

Mr. TREADWAY. The total importation of cotton of 1⅛-inch staple and over in the year 1928–29 was 315,225 bales of 500 pounds each, valued at $44,831,772. The duty at 7 cents per pound, calculated by the experts of the Tariff Commission, would be $11,032,875. The total production of 1⅛-inch cotton in the United States during the same period was 660,526 bales. Adding these together, we get a total importation and production of 975,751 bales.

Estimating at 5 cents per pound the probable increase in price of the domestic long-staple cotton, by reason of the 7-cent duty placed on the importations, we get an increase in the price of the domestic production of $16,613,150, which, added to the duty on the foreign cotton, increases the cost of long-staple cotton to the users in this country by not less than $27,645,000.

As the State of Mississippi, represented so ably by my colleague on the conference, Mr. COLLIER, and in the Senate by Senator HARRISON, raises more than one-half of the domestic crop of long-staple cotton, or 386,061 bales, the users of long-staple cotton are contributing to the cotton growers of that State not less than $9,651,200 per annum, and still the gentleman from Mississippi boasts that he will not vote for the bill.

In addition, the compensatory duty placed in the bill against the long-staple content of imported fabrics will, according to the estimates of the Tariff Commission, amount to $1,438,117, which is an additional burden to the users of cotton fabrics levied in order to pay this tribute to Mississippi and other States represented here by men opposed to the bill.

I want now to touch on another item, and that is the schedule of percentages of increases in the rates. The gentleman from Mississippi particularly spoke about tobacco, and the 5-cent cigar. He again complimented me when he said that the kind of tobacco that gets $2.27½ a pound was raised in only a few towns in my district.

I wish my district were as extensive as is the State of Connecticut, a portion of Massachusetts, a large section of Pennsylvania, and practically the whole of Florida, because that is where that type of tobacco is raised, and that is one of the reasons why you will see the gentlemen from Florida and the lady from Florida voting for this bill when the time comes. They are not going to desert their local people the way the gentleman from Mississippi will on the long-staple cotton matter. The raise in tobacco rates is from 63.09 to 64.78, an increase of 1.75 per cent, and the gentleman has the audacity to tell this House that that increase applies only to the one type of tobacco to which he refers and that it is going to put out of business the 5-cent cigar. He made another incorrect statement when he said that is the kind of cigar that he smokes. Perhaps he does, but I have never seen him smoke anything but cheap cigarettes when he sits next to me in committee. I get the benefit of the cigar smoke from the chairman's cigar and Mr. COLLIER's cigarette smoke from his cigarette when they sit down one on each side of me.

I am surprised that my friend did not bring up the subject of hides, leather, and shoes and put all the shoe factories of Massachusetts in the first congressional district. However, there are many shoe factories in Massachusetts, and I was glad to be able to assist them in securing a fair duty on their finished product. In doing so the producers of the hides and the tanners of leather were not overlooked. The House paragraphs on these shoes were adopted in conference, and will prove beneficial to this very important industry, now badly handicapped by importations from Czechoslovakia. Let me add that appreciation for this duty will, I am confident, be shown by the vote which the Democratic Representative from the shoe section, my friend and colleague, Mr. CONNERY, will cast in favor of the bill. Evidently he has a better conception of appreciation for benefits that may accrue to the people he represents by voting for the bill with a tariff on shoes than has the gentleman from Mississippi, who boasts that he will not vote for the bill even though long-staple cotton is properly protected.

The increase on agricultural products is from 22.39 to 34.99 per cent. We agreed to increase agricultural tariff rates, and that is exactly what we have done under that schedule. Wool shows one of the largest increases—from 49.54 per cent to 59.83 per cent—an increase of 10 per cent. What section does that increase benefit? The gentleman from Mississippi told you it is for the benefit of the manufacturer in New England. On the contrary, practically the whole of it is the 3 cents specific rate that we added to the duty on raw wool raised in the West—an agricultural project. And so I can go through this schedule prepared by the Tariff Commission of the difference in rates on the various schedules and find that four-fifths and probably more of the entire increase is for the benefit of agriculture in accordance with the promises of the Republican Party and the addresses and pledges of President Hoover. We are going to support and defend and vote for the conference report, even without the support of the gentleman from Mississippi and his colleague, who are great beneficiaries under the bill. [Applause on the Republican side.]

I attach hereto a summary prepared by the Tariff Commission showing a comparison, by schedules, of actual or computed ad valorem rates under the act of 1922 and under H. R. 2667 as passed by the House, as passed by the Senate, and as reported by the conference committee:

Ad valorem rates under act of 1922 and H. R. 2667

Schedule No.	Title	Actual or computed ad valorem rate				
		Act of 1922	H. R. 2667			
			As passed by the House of Representatives	As passed by the Senate	As reported by the conference committee	
					With open items at House rates	With open items at Senate rates
		Per cent	*Per cent*	*Per cent*	*Per cent*	*Per cent*
1	Chemicals, oils, and paints	28.92	31.82	30.95	31.07	31.07
2	Earths, earthenware, and glassware	45.52	54.87	52.95	53.77	53.45
3	Metals and manufactures of	33.71	36.34	32.35	34.95	34.95
4	Wood and manufactures of	15.84	25.34	15.65	25.39	15.65
5	Sugar, molasses, and manufactures of	67.85	92.36	77.15	92.22	77.21
6	Tobacco and manufactures of	63.09	66.96	63.09	64.78	64.78
7	Agricultural products and provisions	22.29	33.37	35.81	34.99	34.99
8	Spirits, wines, and other beverages	36.48	47.44	47.44	47.44	47.44
9	Manufactures of cotton	40.27	43.19	40.72	46.42	46.42
10	Flax, hemp, jute, and manufactures of	18.16	19.03	13.95	19.14	19.14
11	Wool and manufactures of	49.54	58.09	57.38	59.83	59.83
12	Manufactures of silk	56.56	60.17	58.03	59.13	59.13
13	Manufactures of rayon	52.68	53.42	49.14	53.62	53.62
14	Papers and books	24.51	26.14	25.91	25.94	25.94
15	Sundries	20.98	28.63	20.06	26.54	26.54
	Average for all schedules	34.59	43.16	38.97	42.93	40.97

Mr. COLLIER. Mr. Speaker, I yield 35 minutes to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to attach to my speech some explanatory tables of the bill. I believe they will be very informative and illuminating to the House as to the character of this conference report.

The SPEAKER pro tempore (Mr. LEAVITT). Without objection, it is so ordered.

Mr. CRISP. Mr. Speaker, I was requested by the minority leader to define his position relative to this bill. Sickness prevents him from being present in person. Mr. GARNER, if present, would vote against the conference report. Mr. GARNER would vote for the 2-cent rate on sugar. He would vote for the 6-cent rate on cement, and he would vote in favor of the Blease amendment letting cement in free for public purposes. He would vote for the House provision against a tariff on lumber and he would vote against a tariff on silver. He would vote for free shingles and would support the debenture and the flexible provision put on by the Senate.

I have been associated with this House, both as a boy and as a Member for 28 years, and I think to-day that we witness the most remarkable spectacle I have ever seen in my life. We are called upon to vote on a bill which it is estimated will tax the American people $1,000,000,000 in addition to what they already pay. The mere words "a billion dollars" do not carry the magnitude of the amount. Let me give you this illustration: There have been only 1,000,000,000 and about 20,000,000 minutes since the birth of Christ. Therefore this bill adds to the burden of the American people an amount equal practically to $1 for every minute that has elapsed since the birth of Christ. Notwithstanding that, what do we behold? The chairman of the committee did not offer to explain the bill, he offered no excuse for it, he gave you no information regarding it. It could not be defended and he was wise enough to keep silent. The only other man who had anything to say is the gentleman from Massachusetts [Mr. TREADWAY]. He discussed Bunker Hill and the geography of Massachusetts, but illuminated the bill in no way whatever. It is remarkable. The only excuse that I can see is that they could not defend it, and they thought it the part of wisdom to keep silent.

I am going to endeavor to discuss this bill, and may I say at the very beginning that I favor tariff duties levied in sufficient amount to furnish reasonable protection for American products, and to equalize the difference in cost of production here and abroad, and if a tariff bill is written on that basis it protects the American manufacturers.

If they are given a duty sufficient to equalize the difference in cost of production, to maintain their standards of wages in this country—and I favor their maintaining them—if, under these conditions, they can not compete in their own country against foreign competition, they are not entitled to continue in business. And if labor receives protection to an amount equal to the difference in the cost of production at home and abroad, which means the present American standard of wages, labor is given the full protection that labor has the right to ask; and a bill written on that formula protects American industry, protects labor, and protects the consumer by giving a competitive market, and prevents monopoly that can extract the last cent on the necessities of life.

I had hoped that a bill would be written on that formula, for I was anxious to support such a bill. But this bill is not written on that formula. This bill is protection run mad, protection carried to an absurdity. The bill is intended to create—or if not intended will create—monopolies and trusts that will crush an already burdened consuming public under added cost of the necessities of life. It in no wise squares with the formula I have outlined, and, of course, I am not going to support it.

Now, I am aware, of course, that I am talking to deaf ears here in what I am going to say, but I do hope that the business people of this country will give some thought to the poor words that I am now going to utter. This tariff bill, in my judgment, is fraught with great danger to the happiness and prosperity of this country, and it is liable to cause economic and agricultural chaos. I do not believe 10 per cent of the Members of this House in their hearts favor this bill. I believe I could sit down with 50 or 75 per cent of my Republican colleagues and write a tariff bill that we could all support.

This bill is the product of six men, as I am going to show later, and you gentlemen who support it are simply rubber-stamping their acts. You, as individuals, do business with your friends, or with the man who does business with you; you do not do business with your enemies. Nations are but aggregations of individuals, and they are influenced by that same principle. You can make your tariff laws so high that foreign countries can not sell you anything; and they will not buy from you anything that they can buy elsewhere.

What would become of agriculture if it could not sell abroad its surplus products, cotton, wheat, and manufactured goods? What would become of your industries if they could not sell their surplus, as, with their high speed in mass production, they all produce a surplus? If they had not a foreign market, what would they do? They would shut down or run on short time, and put thousands and thousands of American workmen out of employment.

Gentlemen, do you know that 36 nations of the world have protested this tariff bill and are threatening to put into effect reprisal tariffs? And you can not blame them. The following nations have officially protested to our State Department:

Austria; Belgium; Czechoslovak Republic; Denmark; Dominican Republic; France; Great Britain; Australia, Bahamas, Bermuda, India, Scotland, West Indian Colonies; Greece; Guatemala; Honduras; Irish Free State; Italy; Japan; Mexico; the Netherlands; Norway; Paraguay; Persia; Rumania; Spain; Sweden; Switzerland; Turkey; Uruguay; Union of South Africa; Germany; Canada; Egypt; Finland; and Hungary.

For the last six weeks 28 of the leading nations of the world have been holding conferences in Geneva to arrange an economical trade agreement to boycott American imports in retaliation for the high tariff rates proposed in this bill.

Foreign governments owe the United States, due to the World War debts, $22,000,000,000. How are they going to pay it? There are only four or five ways to transmit credits. One way is by shipments of gold, but they have no gold. Another way is by sale of securities; they have not our securities. Still another way is by exchange of goods. This bill is seeking to stop every crevice in your tariff wall to keep out goods. Another way is by personal service of the nationals making remittances to their home country. We have stopped that by our immigration laws. Still another is through tourists, and that is about the only way, when this bill goes into effect, that foreign nations will have means of transferring credits to purchase our goods.

Is not that a foolish and unwise economic policy for the United States to pursue? It is worthy of being seriously pondered and considered by the beneficiaries of this high protective tariff.

Let me remind you of a boyhood adage: "You can kill the goose that lays the golden egg." They have gone mad after high tariffs. They have written the highest tariff bill ever written in the history of any country. It is designed to stop all importations. And when you stop them, you need not be surprised if you find that foreign nations will not buy our goods.

Mr. Marvin, of the Tariff Commission, in a letter dated April 9, 1930, states that 33⅓ per cent of all our importations for consumption in 1928 were of commodities not produced in continental United States. These imports consisted of raw silk, coffee, rubber, cocoa beans, carpet wool, nitrate of soda, bananas, tea, coconut oil, copra, spices, varnish gums and resins, jute and jute butts, coconut meat, crude chicle, vegetable fibers not including cotton, emeralds, and diamonds. Mr. Marvin further states that only 30 per cent of our imports in 1928 were finished manufactured goods. The further astounding statement is made by him that, including all articles used in the United States not raised here, together with all items on the free list, only 4.75 per cent of the goods consumed in the United States were imported in 1927. Eliminating goods not grown or manufactured in the United States, our total imports from all foreign nations of the world are only about 3 per cent of the consumption of goods in the United States. Surely this negligible importation under the present high tariff law should satisfy the avarice and greed of our manufacturers.

Now most of our imports are all of commodities that we do not raise or manufacture. Therefore they have to come in, for the American public must have them.

It is interesting to note, gentlemen—and I am talking seriously; I am only talking with the hope that the country will ponder this suggestion—a report from the Department of Commerce, dated April 16, 1930: Exports decreased $285,000,000 in the first three months of this year, compared with the first three months of last year. Imports decreased $229,000,000 in the first three months of this year as compared with the first three months of last year.

That is a total decrease in value of foreign trade in the last three months of $515,310,000. At that rate the decrease of foreign trade in 12 months would be $2,000,000,000. My friends, you are already beginning to feel the effect of the contemplated enactment of this outrageous, unconscionable, inequitably high tariff law. [Applause.]

Now think about it. How was the bill drawn? I want the country to know how this bill was drawn. Fifteen Republican

Members sat behind closed doors, drafted a bill, brought it in here, passed it through the House under the gag rule, and it went to the Senate. The Senate Finance Committee Republicans pursued the same course there. They reported it to the Senate. They had liberal debate in the Senate. Many amendments were adopted. It came back here with 1,253 amendments, and, under the gag rule, was put in conference. Up to to-day the Members of this House have had no opportunity to express their views on any of the rates in this bill, and you will be permitted to express them only on the few things that are in disagreement.

Ladies and gentlemen of the House, all of the hearings and preliminary actions by the committees and the House and Senate were simply a barrage, preparing the way for action by six Members of Congress, three Senators and three Members of the House. All of the other was a smoke screen. Not a Democrat was permitted to sit in committee, notwithstanding a representative of the Connecticut Manufacturers' Association sat in with them behind closed doors. [Applause.]

But, when all of this barrage was over and the "six guardsmen" met for action, action followed. I want to refer to one thing that the gentleman from Massachusetts [Mr. TREADWAY] said. The country does not know it. In conference each conferee does not have a vote, so far as being influential in conference is concerned. In conference each House of Congress has one vote, and a majority of the conferees can control the vote of that House. The gentleman from Massachusetts [Mr. TREADWAY] talked about what happened in conference. I was not there, but I know this to be the fact: That on one schedule—the tobacco schedule—7 conferees of the 10 wanted to adopt a lower rate. The five Senate conferees were unanimous for a lower rate. The 2 minority Members of the House were for a lower rate, making 7 to 3, but the 3 Republican conferees of the House who had the vote of the House in their hands refused to yield, and finally the Senate yielded. It is paying too much honor to two minority Members of the conference to say that they could break up a conference. Anybody with an ounce of sense knows that in the conference the three Republican Senators and the three Republican House conferees control the votes of their respective Houses; they can confer as long as they want to, they can bring in a report, and this report is brought in with those six gentlemen signing it and not a minority man having approved it.

Mr. COLLIER. Will the gentleman yield?

Mr. CRISP. I yield.

Mr. COLLIER. I want to say in regard to that particular item, and I hope I am not divulging any confidences, that for 4 or 5 days it was 9 to 1 instead of 7 to 3.

Mr. CRISP. Then what followed. After those six gentlemen had written the bill, under the ordinary parliamentary procedure, this report should first be considered in the Senate. What happened? There was a White House breakfast. The leaders of the Republicans conferred with the President as to which body should act first. They knew that under the rules it should come up in the Senate. The House is pliant to the will of the powers that be; very subservient.

Therefore an unprecedented thing was agreed to, that the Senate should turn the papers over to the House and the House should act, and you are here to carry out that decree.

The President called Congress in extra session for two purposes: First, to pass farm legislation, and, second, for limited revision of the tariff, so as to equalize tariff benefits to agriculture with those to industry.

We have passed a farm bill, and to-day farm products are selling lower than they have sold in 10 years. Under the excuse of giving agriculture a parity with industry in tariff matters this bill was prepared. I grant you that you have higher rates on agricultural products in this bill than were in any bill which ever passed or was written, but they are a joke, and you gentlemen know it. You know a tariff is ineffective on a commodity where you have a large exportable surplus, which is the case with nearly all of the agricultural products. Agriculture was simply used to boost industrial rates that are effective. As evidence of that fact, wheat, one of our basic commodities, depressed, selling lower than ever before, under the existing law has a tariff of 42 cents. They did not attempt to raise that tariff at all. They knew 42 cents would do no good. They knew a dollar would do no good. They did not raise it. The same with cotton and other things. But there are in both branches of Congress some men who are interested in agriculture, and they do want agriculture to get at least one-half of the benefits of the tariff given them under the rates in the agricultural schedule. Therefore they proposed the debenture scheme, which simply makes effective not the whole rate in the agricultural schedule, but only 50 per cent of it. I have no doubt the "six musketeers" who wrote the bill laughed in their sleeves when the debenture was adopted by the Senate, knowing they were going to have it eliminated and leave the farmers high and dry and that they would receive no benefit on account of the increased rates. Not one of the six conferees will vote for the debenture.

Gentlemen, for every dollar of benefit that the farmer will receive from this increased rate on his products he will pay ten or fifteen dollars more to the industries for the essentials which he has to buy.

Mr. BRAND of Georgia. Will the gentleman yield?

Mr. CRISP. I yield.

Mr. BRAND of Georgia. The gentleman has not stated the names of those six gentlemen. Would it be agreeable to the gentleman to let the RECORD show their names?

Mr. CRISP. I never indulge in personalities. The conference report shows who they are.

Mr. BRAND of Georgia. If the gentleman will yield, your constituents and the people throughout the United States want to know whom you are talking about. Few of them will ever see its conference report.

Mr. CRISP. I will name them. They are Senator SMOOT, Senator WATSON, Senator SHORTRIDGE, Mr. HAWLEY, Mr. TREADWAY, and Mr. BACHARACH.

Mr. BRAND of Georgia. Now the country will know who these "six musketeers" are.

Mr. CRISP. Now, ladies and gentlemen, how limited is this tariff provision? I challenge any Republican to name a single item in the present Fordney-McCumber law that is not included in this bill. I grant you that some of the rates are the same as in the Fordney bill. There may be a few of the rates that are lower but they are as scarce as the proverbial hen's teeth.

But every one of them is dealt with, and the Tariff Commission has furnished a statement showing that every single schedule, except the schedule dealing with wood, is greatly increased over the act of 1922, and the difference in the wood schedule is a fraction of 1 per cent lower, but every other one is higher.

In this conference report which you are going to vote on the rates on the manufactures of cotton, the manufactures of flax, hemp, jute, and wool, and the manufactures of rayon are higher than the rates in the existing law, higher than the rates in the House bill, higher than the rates in the Senate bill, and higher than the rates in any bill ever enacted in the history of our country; that is, the average is higher.

The way in which it was done was that the conferees would take the highest rating of the item, whether it was proposed by the Senate or the House, and when you add them up the average of the schedule is higher than the rates proposed by either body, and the sum total is that the average is higher than in the bill as it passed the House or Senate. That is your limited tariff revision. Many thousand items in the present law are greatly increased and that is your so-called farmers' bill. In this farmers' bill for the first time they have taken hoes, forks, and rakes, which have heretofore been on the free list, and put on a 30 per cent ad valorem duty. They have increased the tariff on shoes, harness, and everything else the farmers use. The farmers are just simply being buncoed.

Now, gentlemen, let me call your attention to a few of the schedules. You take cotton blankets. Under the existing law the duty is 25 per cent. In this bill it is increased to 52.20 per cent. Only 1 per cent of our production is imported and our exports are three times as much, yet the duty is doubled. Take wool blankets. The present rate is 61; it is increased to 67. The average importation of wool blankets amounts to $480,000 out of a production of $27,000,000. Take cloths and other heavyweight fabrics of wool, in the 1922 act 70 per cent, and in this bill 84 per cent. We produce $516,000,000 worth of these worsteds and the importations amount to $17,000,000, yet an 84 per cent tariff is placed on them. Gloves. Thirty-four million pairs of men's gloves are produced in this country; we import 90,000, one-fourth of 1 per cent of our consumption, and they have raised the tariff on them to $6 a dozen. Cotton shirts. We produce about $240,000,000 worth; we import $61,000 worth and export to the amount of $2,000,000. They have increased the tariff from 35 to 45 per cent. Linoleums, which the Tariff Commission says we sell to 50 nations in the world, they have raised the tariff from 35 per cent to 42 per cent. Our production is $42,000,000, our imports last year $785,000, and our exports $1,173,000. Slate, used for roofing and by school children. Our production, $11,000,000, imports $44,000, exports $417,000. They have increased the tariff from 15 to 25 per cent.

Steam turbines. Mr. COLLIER has referred to them and stated that only one has been imported for a number of years, yet they increase the tariff from 15 per cent to 20 per cent. Umbrellas and parasols: Production, $23,000,000; imports, $152,000; exports, $185,000, and they have increased the tariff. Mr. COLLIER has re-

ferred to jewelry, and I will not refer to it again. Manufactures of base metals: They have increased the tariff from 40 per cent to 45 per cent. Our imports were $9,000,000, our exports $85,000,000, and our production $4,000,000,000, the exports being nearly ten times the amount of the imports, and the imports being only 2 per cent of the production; yet they have increased the tariff. Mechanical machinery and apparatus: Production, $1,392,000,000; imports, $1,770,000; exports, $68,000,000, the imports being about one-tenth of 1 per cent; and yet they have increased the tariff to 35 per cent from 30 per cent. Textile machinery: Production, $93,000,000; imports, $4,000,000; exports, $6,000,000; and they have increased the tariff, although the imports are less than 3 per cent, and the Tariff Commission says that some of the textile machines which come into the country from foreign countries are sold at a higher price than the American-made machines, and yet they increase the tariff. Take clothespins. They have increased the tariff from 90 per cent to 121 per cent, and the imports have dropped from 1924, when they were $19,000, to $10,000 in 1929. Notwithstanding that, they have raised the rate to 121 per cent. This is a true picture of the so-called limited tariff revision. It could not have been more general.

The average rate for all schedules in the present law is 34.59 per cent, whereas in the pending bill it is increased to 40.97 per cent.

Now, gentlemen, under this bill there will be an increase in sugar that will cost the American people, even if we accept the 2-cent rate, $32,000,000 in addition to the $216,000,000 they are now paying. The tariff on hides and shoes will cost the farmers and the American people, it is estimated, $250,000,000. The differential for manufacturers of shoes is two or three times as high as a proper differential would be on a 10 per cent duty on hides.

It is proposed to add an additional burden by increasing the duty on cement. They will make an attempt to put a tariff on lumber, which is used by the farmers and the poor people of the country for building homes. The whole scheme is to tax, tax, tax, and keep out any foreign goods from this Nation.

The President called Congress together for a limited tariff revision. I say, with all sincerity and with the highest respect, that the President of the United States can not keep faith with the American people and sign this tariff bill. [Applause.] But what did the framers of this bill care for the consuming public? Nothing. The only use they have for them is to be drawers of water, hewers of wood, and to pay out of their hard-earned stipend, earned by the sweat of their brow, tribute to the favored few, the beneficiaries of this law. [Applause.]

There was one provision in this bill designed to look after the consumers. That was the provision for a consumers' counsel, a consumers' lawyer, to represent the consumers before the Tariff Commission when the flexible provision was being dealt with. It is eliminated. Senator NORRIS, of Nebraska, had a splendid amendment adopted, known as the Norris antimonopoly amendment. It provided that if the Customs Court found that any American company was a monopoly and was charging monopolistic prices, upon that fact being proved in the Customs Court, the comparable merchandise which they produced was to be admitted free, in order to prevent monopoly.

This went by the board because the "six musketeers" who wrote this bill cared nothing for the consumers. This is the history of the bill.

I happened to pick up yesterday the Scripps-Howard paper, the News, and I was very much impressed with one of its editorials. It is entitled "Maybe You Like Beans," and is as follows:

When the Irish were too poor to afford anything else to eat, they always could live on potatoes. Some Americans are like that. Quite a few Americans are like that since unemployment set in.

But they had better fill up on potatoes while they can. Pretty soon they won't be able to buy potatoes—not if the Grundy billion dollar tariff bill passes. The potato tariff will be raised 50 per cent.

The people with little money for food then can go on a bean diet. Beans always have been cheap. That is why they are fed to section hands and soldiers. Beans for breakfast, beans for dinner, beans for supper.

Not much of a meal—beans. But you can live on them, if you have to.

And if you can get them.

The Grundy bill almost doubles the rate on beans.

Well, if a poor family can not afford to buy potatoes or beans, what can it live on?

Doubtless the tariff makers will have a chance to answer when the voters tighten up their belts and start for the polls in November.

Now, I would not be so unkind as to intimate that the "six musketeers" who drew this bill desired the American people to live on the articles I am going to mention, but I could not refrain from calling attention to the editorial of the News, the paper that is standing up for the rights of the American consuming public, and to the fact that these "six musketeers" have on the free list the following:

Dried blood; bone; cuttlefish bone; fishskin, raw or salted; fossils; grasses; horses and mules imported for immediate slaughter; leeches, intestines, truffles; worm gut; and impure tea. [Laughter and applause.]

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

Mr. COLLIER. Mr. Speaker, I yield the balance of the time allotted to me to the gentleman from Georgia.

Mr. CRISP. Gentlemen, I have about concluded. I do not want to take all the time remaining.

Mr. LAGUARDIA. Will the gentleman yield before he concludes?

Mr. CRISP. Yes.

Mr. LAGUARDIA. Under the parliamentary situation is there any way we can get a vote—not on the Senate sugar rate or the House sugar rate, but on the present sugar rate?

Mr. CRISP. I think not.

Mr. LAGUARDIA. I was afraid not.

Mr. CRISP. It is my understanding that under the parliamentary situation the rate must be between 2 and 2.40.

Mr. LAGUARDIA. Which means the use of saccharine for the masses of the cities.

Mr. CRISP. Gentlemen, I have about concluded. Regrettable as it is, it is true that predatory wealth, the large captains of industry, the large corporations, through lobbies or otherwise, are completely dominating legislation. The result is, the rich are becoming richer, the poor poorer. God grant that this travesty upon popular government in a free, intelligent, enlightened country shall soon cease, and hasten the day when the Jeffersonian doctrine of equal rights to all and special privileges to none shall be enacted on the statute books of this country and practiced throughout its domain. [Applause.]

I reserve the balance of the time, Mr. Speaker.

Under leave specifically granted me to extend my remarks, I attach hereto statement prepared by the Tariff Commission showing the average rate of duty on the various schedules in the present tariff law, as the pending bill passed the House, as it passed the Senate, and the rate agreed to in conference, which the House will to-day vote to enact into law; also informative statements as to the rates in the act of 1922, as the bill passed the House, passed the Senate Finance Committee, the Senate, and the rate agreed to in conference. These statements were prepared by the efficient clerk to the minority members of the Ways and Means Committee—Mr. Price. The statements are most instructive and shed full light on the conference report on the pending Hawley-Smoot bill.

SUMMARY

Comparison, by schedules, of actual or computed ad valorem rates under the act of 1922 and H. R. 2667 as passed by the House of Representatives, as passed by the Senate, and as reported by the conference committee

Schedule No.	Title	Actual or computed ad valorem rate				
			H. R. 2667			
		Act of 1922	As passed by the House of Representatives	As passed by the Senate	As reported by the conference committee	
					With open items at House rates	With open items at Senate rates
		Per cent	*Per cent*	*Per cent*	*Per cent*	*Per cent*
1	Chemicals, oils and paints	28.92	31.82	30.96	.....	31.07
2	Earths, earthenware, and glassware	45.52	54.87	52.95	53.77	53.45
3	Metals and manufactures of	33.71	36.34	32.35	.....	34.98
4	Wood and manufactures of	15.84	25.34	15.65	25.39	15.65
5	Sugar, molasses, and manufactures of	67.85	92.36	77.15	92.22	77.21
6	Tobacco and manufactures of	63.09	66.96	63.09	.....	64.78
7	Agricultural products and provisions [1]	22.29	33.37	25.81	.....	34.99

[1] Data upon the imports of cattle, amounting to about $20,000,000 in 1928, are not included in this tabulation because rates of duty upon the different weight brackets can not be applied to the statistics of imports. The estimated ad valorem equivalent duty upon cattle is approximately the same as for the agricultural schedule as a whole; therefore the results would not be substantially different if the data on cattle were included in the tabulation.

Comparison, by schedules, of actual or computed ad valorem rates under the act of 1922, etc.—Continued

Schedule No.	Title	Actual or computed ad valorem rate				
		Act of 1922	H. R. 2667			
			As passed by the House of Representatives	As passed by the Senate	As reported by the conference committee	
					With open items at House rates	With open items at Senate rates
		Per cent	*Per cent*	*Per cent*	*Per cent*	*Per cent*
8	Spirits, wines, and other beverages	36.48	47.44	47.44	.....	47.44
9	Manufactures of cotton	40.27	43.19	40.72	.....	46.42
10	Flax, hemp, jute, and manufactures of	18.16	19.03	18.95	.....	19.14
11	Wool and manufactures of	49.54	58.09	57.38	.....	59.83
12	Manufactures of silk	56.56	60.17	58.03	.....	59.13
13	Manufactures of rayon	52.68	53.42	49.14	.....	53.62
14	Papers and books	24.51	26.14	25.91	.....	25.94
15	Sundries	20.98	28.63	20.06	.....	26.54
	Average for all schedules	34.59	43.16	38.97	42.93	40.97

Imports of cotton having a staple of 1⅛ inches or more in length, estimated at more than $30,000,000 in 1928, are not included in the tabulation because statistics of imports of this length of staple are not separately reported. The ad valorem equivalent of a duty of 7 cents per pound on this cotton is estimated at about 24 per cent ad valorem. If cotton were included in the tabulation the ad valorem equivalent duties for the agricultural schedule under the present act, and under H. R. 2667 as passed by the House, by the Senate, and as agreed to in conference, would be 19.98, 29.91, 34.59, and 33.86 per cent, respectively. The ad valorem equivalent rates for the average of all schedules would be 33.88, 42.28, 38.66, 42.54 (conference rates with open items at House rates), and 40.63 (conference rates with open items at Senate rates).

567. BLANKETS, COTTON

Equivalent ad valorem rates based on 1928 imports.

	Per cent
Act of 1922	25.00
House bill	35.00
Senate Finance	60.44
Senate	52.20
Conference	52.20

The House Republican conferees accepted the Senate rates, which are more than double the present law.

Tariff Commission reports:

	Production	Imports	Exports
1923	$24,712,877	$491,874	$970,258
1925	20,547,532	707,557	817,685
1927	20,452,248	277,122	925,766
1928	.....	263,227	817,121
1929	.....	409,553	885,311

In 1927 the last year domestic production figures are available the imports were less than 1 per cent of production, and the exports were three times the amount of imports.

Tariff Commission states: "Imports for consumption of cotton blankets under the act of 1922 to the end of the calendar year 1929 averaged in value 47.5 cents per blanket."

642–643. BLANKETS, WOOL, AND OTHER SIMILAR ARTICLES

Equivalent ad valorem rates on basis of imports in 1928

	Per cent
Act of 1922	61.65
House bill	66.29
Senate Finance	65.44
Senate	67.27
Conference	67.27

Tariff Commission reports:

"Domestic production of bed and horse blankets in 1927, amounted to 27,948,488 pounds, valued at $24,758,663.

"The average annual imports of wool blankets and similar articles from September 22, 1922, to December 31, 1929, amounted to 446,689 pounds, valued at $480,999."

Average amount of imports are less than 2 per cent of the domestic production, and rate is increased from 61.65 to 67.27 per cent.

639–640. CLOTHS AND OTHER HEAVY-WEIGHT FABRICS OF WOOL

Equivalent ad valorem rates on basis of imports in 1928

	Per cent
Act of 1922	70.71
House bill	82.51
Senate Finance	82.47
Senate	84.10
Conference	84.10

Tariff Commission reports: "In 1927 domestic production of woolen and worsted piece goods was valued at $516,722,875."

"The average annual imports of wool cloths from September 22, 1922, to December 31, 1929, amounted to $18,143,105. Imports in 1929 amounted to $17,265,807." Imports in 1929 were a little over 3 per cent of the domestic production.

797. GLOVES—MEN'S

Act of 1922, $5 dozen pairs not over 12 inches long; 50 cents dozen for each inch in excess.

House bill, $6.50 dozen pairs not over 12 inches long; 50 cents dozen for each inch in excess.

Senate Finance, $5.50 dozen pairs not over 12 inches long; 50 cents dozen for each inch in excess.

Senate, $6 per dozen pairs.

Conference, $6 per dozen pairs.

Tariff Commission reports: "Comparison of imports with domestic production of leather gloves in 1928 according to types. Type, men's; production, 34,806,324 pairs; imports, 90,074 pairs; ratio of imports to production, 0.26 per cent."

The House rates increased some of this type gloves 110 per cent over the present law, notwithstanding the fact that the imports were twenty-six one-hundredths of 1 per cent of the domestic production.

Practically all men's gloves are not over 12 inches in length, and the conference action increases the duty from $5 per dozen pairs to $6 per dozen pairs, with only twenty-six one-hundredths of 1 per cent imports.

574. SHIRTS—COTTON

	Per cent
Act of 1922	35
House bill	37½
Senate Finance	50
Senate	45
Conference	45

Tariff Commission reports: "New York, Pennsylvania, and New Jersey are the largest producers."

	Production	Imports	Exports
1927	$230,385,279	.....	.....
1928	.....	$28,803	.....
1929	.....	61,203	$2,072,998

House Republican conferees readily agreed to the Senate rate of 45 per cent, although the House bill only carried 37½ per cent, notwithstanding the exports in 1929 amounted to $2,072,998, nearly thirty-four times the amount of imports, which were only about one-fourth of 1 per cent of the domestic production.

597. LINOLEUM, INLAID

	Per cent
The act of 1922	35
House bill	40
Senate	42
Conference	42

The rate on linoleum increased 20 per cent of the present law, notwithstanding the fact that the United States is a large exporter of same.

Tariff Commission reports: "Linoleum is produced principally in Pennsylvania and New Jersey. Exports of linoleum from the United States are widely distributed, having gone to more than 50 countries in each of the six years ending with 1927. Australia, the United Kingdom, and New Zealand are the principal markets for United States exports."

Value of domestic production, imports and exports

	Production	Imports	Exports
1919	$27,457,045	$123,577	.....
1921	32,628,917	310,633	.....
1923	44,588,996	1,657,982	$582,482
1925	44,512,515	1,824,402	412,088
1927	42,039,062	1,149,853	716,678
1928	.....	785,587	1,173,482

251. SCHOOL SLATES

Slate, slates, slate chimney pieces, etc., and all manufactures of slate, not specially provided for

	Per cent
Act of 1922	15
House bill	15
Senate Finance	15
Senate	25
Conference	25

Tariff Commission reports: "Imports of slate consist for the most part of electrical, blackboard, and roofing slate."

This type of slate, according to the Tariff Commission, is produced in the following States:

Electrical: Vermont, Maine, and Pennsylvania.

Blackboard: Practically all in Pennsylvania.

Roofing: Pennsylvania and Vermont are largest producers.

1928: Production, $11,472,291; imports, $44,778; exports, $417,781.

Imports are less than one-half of 1 per cent of domestic production and exports are nearly ten times amount of imports.

The following are types of slate covered in this paragraph: Roofing, electrical, structural and sanitary, blackboards, billiard-table tops, school slates, flagstones.

332. STEAM TURBINES

	Per cent
Act of 1922	15
House bill	30
Senate finance	15
Senate	15
Conference	20

Imports of steam turbines are not reported separately. Tariff Commission reports only one imported since 1928.

The House increased the duty 100 per cent, and the House conferees finally compromised on 20 per cent, which is a 33⅓ per cent increase over the present law.

336. UMBRELLAS, PARASOLS, AND SUNSHADES

	Per cent
Act of 1922	40
House bill	60
Senate finance	40
Senate	40
Conference	40

	Production	Imports	Exports
1923	$28,395,233	$65,919	$202,654
1925	27,299,431	81,546	214,910
1927	23,156,400	152,619	185,125

Imports are less than 1 per cent of domestic production in 1927, and exports were more than imports. Practically all of the imports are of the cheaper kinds not produced in the United States.

773. JEWELRY

Paragraph 1527 (2) costume jewelry made of metal other than gold or platinum and known as novelty jewelry

The act of 1922, 80 per cent.

House bill, 110 per cent equivalent ad valorem.

Senate finance, 110 per cent equivalent ad valorem.

Senate, 80 per cent.

Conference, 110 per cent equivalent ad valorem.

Total domestic production of jewelry

1923	$174,033,912
1925	166,816,370
1927	164,865,057

The Tariff Commission reports: "Although domestic production of jewelry in 1927 was $164,865,057, it is estimated that not more than $45,000,000 was jewelry comparable to that dutiable under this paragraph 1527 (a) (2), that made of metal other than gold or platinum and known as novelty jewelry."

Imports of comparable jewelry

1923	$1,957,605
1925	1,048,017
1927	1,852,838
1928	3,495,973

This jewelry is manufactured in Massachusetts.

368. MANUFACTURES OF BASE METAL

Not specially provided for, if composed wholly or in chief value of iron, steel, lead, copper, brass, nickel, pewter, zinc, aluminum, or other metal

	Per cent
Act of 1922	40
House bill	50
Senate finance	45
Senate	40
Conference	45

The Tariff Commission states: "The base-metal articles included here consist of a host of miscellaneous manufactured products not provided for elsewhere. Many of the articles are economically important and are in daily use in homes, factories, and offices. Thousands of varieties of articles fall within the provisions of this paragraph.

"The total domestic production by the large group of industries here represented is estimated to be in excess of $4,000,000,000 per year."

Imports and exports

	Imports	Estimated exports
1923	$6,837,106	$79,043,000
1924	6,840,465	73,048,000
1925	7,780,432	79,919,000
1926	8,774,220	86,181,000
1927	8,925,613	79,158,000
1928	8,922,943	85,998,000
1929 (11 months)	8,465,302	

Exports are nearly ten times the amount of imports.

Imports are about 2 per cent of domestic production.

305 AND 306. ELECTRICAL MACHINERY AND APPARATUS

Par. 353. Electrical telegraph, telephone, signaling, radio, welding, ignition, wiring, X-ray apparatus, electric motors, fans, locomotives, portable tools, furnaces, heaters, ovens, ranges, washing machines, refrigerators, signs, etc.

	Per cent
Act of 1922	30
House bill	40
Senate Finance	30
Senate	30
Conference	35

Articles falling under this paragraph are chiefly the products of General Electric, Westinghouse Electric & Manufacturing, and Western Electric.

Tariff Commission reports that the production, imports, and exports of articles falling within this paragraph are as follows:

	Production	Imports	Exports
1923	$819,185,883	$281,095	$50,015,993
1927	1,392,635,022	1,770,115	68,536,138
1928		1,429,152	72,400,706
1929 (9 months)		942,352	71,359,043

Imports are about one-tenth of 1 per cent of the domestic production, and the exports are fifty and sixty times the amount of the imports.

388. CLOTHESPINS

Equivalent ad valorem

	Per cent
Act of 1922	90.81
House bill	90.81
Senate Finance	121.21
Senate	121.21
Conference	121.21

Tariff Commission reports: "Seven domestic factories reported production of spring clothespins in 1924. Three were located in Vermont, two in Minnesota, and one each in Maine and West Virginia.

"The production of five companies (out of seven) in 1924 was 843,570 gross, valued at $339,000."

The value of the imports are as follows:

1924	$19,312
1925	14,484
1926	12,672
1927	8,453
1928	11,534
1929	10,519

Notwithstanding the imports are nearly one-half of what they were in 1924, the tariff duty has been increased from 90.81 per cent to 121.21 per cent.

Four of these factories are located in New England.

335. TEXTILE MACHINERY, NOT SPECIALLY PROVIDED FOR

	Per cent
Act of 1922	35
Ways and Means	35
House bill	40
Senate Finance	35
Senate	35
Conference	40

These machines are manufactured in Massachusetts. Many of the machines falling under this paragraph are not produced in this country, and some German machines imported are sold higher than domestic.

	Production	Imports	Exports
1923	$93,202,387	$4,728,800	$6,745,114
1927	85,886,958	2,487,879	5,971,960
1928		2,129,279	6,892,473

Imports less than 3 per cent of domestic production, and exports three times amount of imports.

Paintbrush handles, 33⅓ to 16⅔, back to 33⅓.

293. ALUMINUM TABLE, HOUSEHOLD, KITCHEN, AND HOSPITAL UTENSILS—PARAGRAPH 339

The House bill retained the present law of 11 cents per pound and 55 per cent ad valorem.

The Senate reduced this rate to a flat 25 per cent ad valorem. The equivalent ad valorem rate under the present law ranged from 76 to 80 per cent.

Tariff Commission reports: "There were frequent complaints before the passage of the present tariff law that foreign wares were underselling the domestic. The commission made an informal study of the situation in 1923 after the present act went into effect, and nothing developed to show that imported ware, save in rare cases, was offered below the price of American ware."

	United States production	Imports	Exports
1919	$18,718,830	$1,855	
1921	37,211,775	672,239	
1923	39,344,082	291,755	$697,372
1925	30,643,805	126,404	620,417
1927	27,990,354	72,100	565,443
1928		75,156	643,205
1929		70,295	705,467

Senate receded and accepted House rates.

294. HOUSEHOLD UTENSILS WITH ELECTRICAL ELEMENTS—PARAGRAPH 339

The articles coming under this heading are ranges, flatirons, percolators, waffle irons, and toasters, etc.

The House bill carried a provision placing an additional 10 per cent duty on all household utensils with electrical elements. This provision was stricken out by the conference committee.

The Tariff Commission says: "In 1927 United States production of household utensils with electrical heating elements amounted to $37,872,526. The items largest in value were ranges, flatirons, percolators, waffle irons, and toasters. Imports of these are very small in comparison with the value of domestic manufacture." In 1928 only 124 flatirons were imported, valued at $341; the total imports of the whole class were $9,838.

	Domestic production	Imports	Exports
1921	$17,917,931		$1,637,450
1922			506,595
1923	27,933,326	$19,422	984,471
1924		13,379	1,104,086
1925	35,131,064	6,233	1,339,894
1926		6,956	1,722,381
1927	41,296,947	7,416	1,557,884
1928		9,838	1,587,377
1929		1,753	1,741,650

Exports nearly one hundred times imports in 1929, and yet House wanted to levy an additional 10 per cent.

292. STAPLES, IN STRIP FORM, FOR USE IN PAPER FASTENERS OR STAPLING MACHINES

	Cents per pound
Act of 1922	0.6
House	.6
Senate Finance	40.0
Senate	10.0
Conference	2.0

Tariff Commission has no statistics on production, imports, and exports.

Senate Finance Committee rate of 40 cents per pound was an increase of 6,000 per cent. Ten-cent rate adopted by Senate was an increase of 1,500 per cent. The conference rate of 2 cents per pound is a 300 per cent increase.

344. BRONZE, DUTCH METAL, OR ALUMINUM POWDER IN LEAF

Act of 1922, 6 cents per 100 leaves, equivalent to 5 per cent.

House, 6 cents and 25 per cent, equivalent to 30 per cent.

Senate Finance, 6 cents per 100 leaves, equivalent to 5 per cent.

Senate, 6 cents per 100 leaves, equivalent to 5 per cent.

Conference, 10 per cent.

Three domestic manufacturers. No figures on production, imports, or exports.

345. NEEDLES, PHONOGRAPHS, GRAMOPHONES, GRAPHOPHONES, DICTAPHONES, ETC.

Act of 1922, 45 per cent.

House bill, 8 cents per thousand and 45 per cent.

Senate Finance, 45 per cent.

Senate, 45 per cent.

Conference, 8 cents per thousand and 45 per cent.

Tariff Commission reports that the average invoice value from 1925 to 1928 was 9.9 cents per thousand needles.

Equivalent ad valorem duty

	Per cent
8 cents per thousand	145
9 cents per thousand	133.8
10 cents per thousand	125
11 cents per thousand	117.6
12 cents per thousand	111.6

	Production	Imports
1923	$1,464,964	$22,694
1925	960,831	17,546
1927	1,321,729	28,260
1929		17,995

This is an increase of more than 100 per cent.

These needles are manufactured in Massachusetts (Mrs. ROGERS's district).

337. MACHINES NOT SPECIALLY PROVIDED FOR—PARAGRAPH 372

The machines covered in this paragraph are of many types, the larger of which are as follows:

Type	United States production	Imports	Ratio
			Per cent
Pumps	$129,126,667	$13,000	0.01
Bottling machinery	11,583,700	8,000	.07
Calculating machines	10,613,610	41,000	.40
Compressors	30,186,024	233,000	.80
Printing machinery, not presses	9,335,982	143,000	1.70
Bakery machinery	20,015,158	486,000	2.40
Chocolate and confectionery machinery	5,682,001	161,000	2.80
Tobacco machinery	4,967,976	305,000	6.20

The analysis of imports was for two months' period of 1929.

	Per cent
The act of 1922	30
House bill	30
Senate Finance	35
Senate	25
Conference	27½

In 1927 the domestic production was $1,053,982,979; imports, $7,454,387; exports, $126,078,230, nearly seventeen times greater than imports.

393. PAINTBRUSH HANDLES

While there was no disagreement between the rates carried in the House bill and Senate, it is interesting to note that this is one of the articles on which the tariff was reduced by presidential proclamation.

President Coolidge on November 13, 1926, issued a proclamation under the flexible provision of the act reducing the duty from 33⅓ per cent to 16⅔ per cent.

The bill places them back at the 33⅓ per cent rate.

73. DIGITALIS

Act of 1922	per cent	25
House bill	do	25
Senate Finance		Free.
Senate		Free.
Conference	per cent	20

The Tariff Commission says:

"Digitalis is a leaf drug which is chiefly used in certain diseases of the heart. It is considered an indispensable drug.

"During the war digitalis was commercially produced in this country, but at present the only known commercial production is by one or two drug houses for use in their own products."

246. GRANITE

The House bill inserted the words "pointed, pitched, lined" in both provisions of paragraph 235. The Senate struck out the words "pitched, lined" wherever they occurred, and agreed to the rate of 25 cents per cubic foot for unmanufactured granite.

The word "pitching," as used in the granite industry, means, roughly, chipping off the excess stone from the surfaces of the block as it comes from the quarry, largely to facilitate the transportation of the stone. Practically all of the rough granite—domestic or imported—is more or less pitched before it leaves the quarry.

The House Republican conferees insisted upon the inclusion of these words, and the conference committee agreed to same. The effect of the insertion of the word "pitched" transfers practically all rough unmanufactured granite to the provision for manufactured granite subject to a duty of 60 per cent. This rate of 60 per cent is equivalent to a specific duty on rough granite blocks, according to size and quality, from 75 cents to more than $2.40 per cubic foot. This would mean an increase for some types of 1,500 per cent or more above the existing rate of 15 cents per cubic foot.

Domestic production of unmanufactured granite is largely confined to Vermont and Massachusetts. Granite produced in Pennsylvania, Wisconsin, and Minnesota is practically all manufactured in connection with the quarries.

	Domestic production		Imports	
	Cubic feet	Value	Cubic feet	Value
1924	3,520,530	$8,167,630	146,728	$215,515
1925	3,196,250	8,020,176	156,767	228,753
1926	3,240,550	7,388,454	184,457	250,793
1927	3,197,910	7,383,805	132,722	213,387
1928	3,172,730	7,773,186	142,907	241,058

In 1924 the imports were approximately 2.6 per cent of production.
In 1925 the imports were approximately 2.8 per cent of production.
In 1926 the imports were approximately 3.3 per cent of production.
In 1927 the imports were approximately 2.8 per cent of production.
In 1928 the imports were approximately 3 per cent of production.

160. SODIUM CHLORATE

		Cents
Act of 1922	per pound	1½
House	do	1½
Senate Finance	do	2
Senate		Free.
Conference	per pound	1½

Farm organizations, including the Farm Bureau and Grange, desired this article to be placed on the free list.

It is used extensively as a weed killer, and requires from 200 to 500 pounds per acre.

There is only one plant making sodium chlorate in the United States, being located in New York. This plant is said to be of English capital, and only produces about 60 per cent of the domestic consumption. The consumption of this as a weed killer is increasing rapidly.

In 1929 the plant at Niagara produced 4,792,000 pounds; has been enlarged so that they can now produce 8,000,000 pounds.

Imports: In 1928, 2,595,107 pounds; in 1929, 7,738,862 pounds. (Preliminary.)

214. GRAPHITE—CRYSTALLINE LUMP, CHIP, OR DUST

Act of 1922, 20 per cent.
House, 25 per cent.
Senate Finance, 20 per cent.
Senate, 2 cents per pound, equivalent to 61 per cent.
Conference, 30 per cent.

Crystalline flake

Act of 1922, 1½ cents pound, equivalent to 34 per cent.
House, 1¼ cents pound, equivalent to 28 per cent.
Senate Finance, 1¼ cents pound, equivalent to 28 per cent.
Senate, 2 cents pound, equivalent to 45 per cent.
Conference, 1.65 cents pound.

Production: Tariff Commission reports domestic production of crystalline graphite in each of the years 1926, 1927, and 1928 was about 2,500 short tons, but trade reports indicate a decrease in 1929. It is reported that largest domestic producer has gone into hands of receiver.

Imports: Imports of combined crystalline grades supply from 75 to 85 per cent of domestic consumption.

Mr. HAWLEY. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker and gentlemen of the House, what is a tariff bill for? Do manufacturers get all the profit that comes from the advantage given to those who employ their money in industry in the United States, or does that money reach out and make happy the homes of contented workmen here? I ask you gentlemen who are finding fault with this tariff bill to answer this question. Does the money that you want to spend for foreign-manufactured goods do any good to workmen in America?

Getting right down to brass tacks, a tariff bill is intended primarily to help the toiling masses of America to maintain American standards of living and American wages. The gentleman who has just left the floor spoke as though America was poor. America, with more telephones than all the rest of the world combined, America with more children in colleges and universities than all the other countries of the world combined, America with more automobiles than all the rest of the world combined—poor America. Let us keep America where she now is, in the forefront of world commerce and world prosperity. [Applause.]

This is what we want to do with this tariff bill, and the tariff rates that are being written into this bill that are higher than those that were written into the Fordney bill are made necessary by reason of the wide spread between the decent American wage that is received and the wage that is paid to produce in other countries.

Why, some men of wealth in America are investing their dollars elsewhere now to employ this low-paid labor. We have Henry Ford, if you please, employing 6,000 men in Ireland to build tractors that come into America free of duty to help the farmers; and where will the American farmers sell their produce if the American workmen are not employed? Are you going to send it abroad and let these 6,000 men spend the money over there in buying American produce? How ridiculous it is.

Let us build the tariff walls in America so high that American labor can always expect to get its share, and this is what we want to do with this tariff bill.

Money invested by manufacturers in efforts to produce knows no flag. It goes where it can buy the cheapest. It goes where it can produce the cheapest and get the biggest return, and so some American capitalists to-day want to manufacture and make use of the low-paid labor of other countries. Two billion seven hundred million American dollars are engaged in the manufacture of products that are shipped into America to compete with American workmen. If that money had been spent in America there would be very little distress.

I say, gentlemen, the tariff bill that is before us to-day is intended not only to take care of capital, not to take care of Mr. GRUNDY, as some one has said, but is intended to hold up American standards of living and to protect and bring back jobs for our working people. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. HAWLEY. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, I can not follow the gentleman from Ohio. He complains that the American capital is establishing factories abroad, thereby cutting down employment in this country, and in the same breath he justifies taxing the American workingman's breakfast, dinner, and supper.

It will not be long if the provisions in the agricultural schedule of this bill are carried out before the American workman in the industrial centers of the East will be on the meatless diet of the Russian peasants if not compelled to go to the rice diet of the Chinese cooley.

I can not for the world see how you are going to do any good to agriculture if you put such a tariff on food products as to make them prohibitive. When prices are too high, as they will be as soon as this tariff goes into effect, the consumers will not be able to buy as much as they do now.

You have not forgotten a thing on the poor man's table—potatoes, onions, tomatoes, sugar, meat, cheese, butter, fruit—in fact, everything that goes on the table. I am not objecting to a duty on truffles or pâté de foie gras and other delicacies that the average workman would not recognize even by name. I am protesting on the increase tariff on the very necessaries of life.

I am concerned when the new tariff rates commence overtaxing the consumers early in the morning with the first spoonful of sugar which goes into the cup of coffee, the sandwich for his lunch, and the meat for his supper table, and the fruit he may have on a Sunday—potatoes, onions, tomatoes, flour, everything that he eats—necessaries, not luxuries. Gentlemen, there is no justification for that.

What good is it going to do the industrial workers of the East if you give a tariff on the difference between the cost of production here and abroad, and, on the other hand, take all his wages away from him in artificial high prices for what he has to buy to live.

Mr. MURPHY. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. MURPHY. The gentleman does not want the American workman to be placed on the same level with the workmen of all other countries that compete with the American workmen?

Mr. LAGUARDIA. No; but in this bill you are going to put them on the same level. The increased cost of living will be greater than any advantage which might be obtained in increased wages.

Mr. MURPHY. You will not, if you give the American manufacturers a chance to employ the workman and pay him the wages he now gets—give him a chance to employ more workmen and have more pay. You will give him a better chance to employ workmen and give the workmen better pay than you will under your theory of free trade.

Mr. LAGUARDIA. I am not advocating free trade. I have consistently stood for an honest protective tariff where and when it is needed.

Mr. MURPHY. It is a mighty thin line.

Mr. LAGUARDIA. Not at all; I am willing to go along with a duty on manufactured products where there is danger of competition, but how can you justify a duty on meat when we import no meat? How can you justify a duty on tomatoes when we import a very small amount? How can you justify a duty on olive oil when we produce little olive oil? How can you justify an increased duty on potatoes when we do not import even one-half of 1 per cent of our production?

Mr. SIMMONS. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. SIMMONS. The gentleman does not want the RECORD to show that we are not importing meat?

Mr. LAGUARDIA. The percentage is so trifling that it would not affect the cost.

Mr. SIMMONS. And I trust it will be less when we get this bill passed.

Mr. MANLOVE. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. MANLOVE. The hearings before the committee will show that the tomato industry under the present tariff, without an increase of duty, will be killed. The importation of tomatoes from Italy is sure to put out of business the tomato grower as time goes on.

Mr. LAGUARDIA. I do not think that is so. How about onions? How about potatoes?

Mr. MANLOVE. We raise more tomatoes in our State than in any other State.

Mr. LAGUARDIA. How about onions? How about potatoes?

Mr. SNOW. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SNOW. Does not the gentleman from New York know that potatoes have been pouring in from Canada for months and have depressed the price not only in New England but as far west as Chicago?

Mr. LAGUARDIA. The gentleman knows that the importation of potatoes is less than one-half of 1 per cent of the output in the whole country.

Mr. SNOW. It does not make any difference whether it is 1 per cent or 50 per cent, enough potatoes have come in from Canada during the last few months to seriously interfere with the movement of the potatoes of our eastern potato growers.

The United States can and does produce within its own borders a sufficient quantity of potatoes to supply its entire needs. About 40 States raise potatoes, and the competition between

these States will always be sufficient to keep the price at a fair level. Under these conditions, our tariff rates should protect our American potato growers who can not compete with potatoes from foreign countries where labor costs and costs of living are greatly below ours.

Mr. LaGUARDIA. Why, the gentleman bears out what I say. We produce sufficient potatoes for our own use and therefore there should be no tariff. The indifferent and negligible amount which filters in does not justify the tariff rate proposed.

Mr. MURPHY. Mr. Speaker, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. MURPHY. I am curious to know what the gentleman thinks about conditions that affect the garment workers in New York. Are they not more prosperous under the protection of a tariff duty than they would be if everything was free. Do not they have more money with which to buy their food?

Mr. LaGUARDIA. Yes, certainly. There is a typical case where the tariff is justified. I am not arguing for free trade, and the gentleman can not put any such words into my mouth. Your garment schedule is all right, and so are many of the other schedules, but meat, and potato, and onion, and tomato, and oil schedules are all wrong, and anything that you can say can not justify them. Neither is the sugar schedule justifiable.

Mr. STRONG of Kansas. Then we understand the gentleman is for a tariff to protect his garment workers but wants free trade for the things they eat.

Mr. LaGUARDIA. I go along with the tariff on anything where the difference in cost of production is such as to make importation in such quantities destructive of American industry. That is the real principle of an honest protective tariff policy. Such is not the case in the schedules I here mentioned.

Mr. STRONG of Kansas. And helps the men who produce it?

Mr. LaGUARDIA. I am not so sure of that. I think it is going to help the jobber and the middlemen in my city. Perhaps my friend from Kansas who is a farmer and a producer and who raises corn and bulls and other things——[Laughter.]

Mr. STRONG of Kansas. We get some of them from New York, too.

Mr. LaGUARDIA. Yes; and they are prize ones, like the gentleman's bull. What is the gentleman going to do with the increased tariff on cement?

Mr. STRONG of Kansas. I am going to do just as the gentleman will.

Mr. LaGUARDIA. Vote against it?

Mr. STRONG of Kansas. Vote against it. That is the gentleman's policy?

Mr. LaGUARDIA. There you are. The gentleman twits me for taking the floor and trying to keep down artificial, unnecessary, unjustifiable increases in the tariff on food products, and I know that he is going to vote against the tariff on cement. For once the gentleman is right.

Mr. SIMMONS. Mr. Speaker, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. SIMMONS. I take it that you are perfectly willing that we should vote for a tariff on manufactured articles?

Mr. LaGUARDIA. Yes.

Mr. SIMMONS. But you are not willing to let the American farmer in the production of food take the place of the manufacturer.

Mr. LaGUARDIA. The gentleman is solicitous for the farmer. Is the gentleman going to vote for the debenture?

Mr. SIMMONS. We will reach that bridge, I understand, on Saturday, and I shall vote when the time comes, and I shall vote on the first roll call. And that is not what I am talking about.

Mr. LaGUARDIA. But that is what I am talking about. [Laughter.]

The SPEAKER pro tempore. Will the gentleman desist until the House is in order?

Mr. LaGUARDIA. O Mr. Speaker, it can not be in order when we are considering a bill of this kind. That is impossible. I submit to my friend from Nebraska that I have gone along the whole way on farm relief. I voted for the equalization fee, and I would vote for it again. I can justify my vote on that.

Mr. SIMMONS. We are in accord on that.

Mr. LaGUARDIA. Then the gentleman should not come and tell me that I have not the interest of the farmer at heart, when the gentleman can not say right now that he is not going to vote for the debenture. I am going to vote against it.

Mr. SIMMONS. I will say this to the gentleman: He does not have the interest of the farmer at heart if he wants to put a tariff rate on manufactured articles that the farmer buys and then tell them that he is unwilling to meet them halfway on the things that the gentleman's people buy from the farmers. [Applause.]

Mr. LaGUARDIA. There is a reasonable limit.

Mr. SIMMONS. And the thing that the gentleman complains of is that we have not reached that reasonable limit in this bill, but if you city people want to play fair with the farmer you can not take the stand you are taking on this matter.

Mr. LaGUARDIA. I certainly can.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. HAWLEY. Mr. Speaker, I yield 15 minutes to the gentleman from New York [Mr. CROWTHER].

Mr. CROWTHER. Mr. Speaker, ladies and gentlemen of the House, I regret that I had to be away from the Hall for a few minutes while my good friend and colleague from Mississippi [Mr. COLLIER] was addressing the House. I have not had an opportunity to see a transcript of his remarks, so I have no knowledge whatever as to what it was he wanted to interrogate me about. I yield to him now for that purpose.

Mr. COLLIER. How much time has the gentleman?

Mr. CROWTHER. Fifteen minutes.

Mr. COLLIER. The questions that I had in mind to ask the gentleman would take more time than that. [Laughter.]

Mr. CROWTHER. It might take longer than that for the gentleman to ask him, but I do not think it would take half that time to answer them satisfactorily to the people of this country. [Applause.] I have looked over very carefully all Democratic criticisms that have been made of tariff bills here for a great many years. They have been called "robber baron" bills, "unconscionable, outrageous monstrosities," and all such titles. I think a very fair average was one I took from the RECORD regarding the 1922 bill, made by a very distinguished Senator. The tendency toward ethical complications between the two Houses, of course, will prevent me from using his name at this time, but it seems to me that it is a pretty fair composite description and it is quite in line with the way that our friends the Democrats criticize Republican tariff bills. He said regarding the bill of 1922, the Fordney-McCumber bill, now the law, and which has been perhaps the best bill that we have ever had for the country, as follows:

> This bill is the apotheosis of robbery and infamy.

And when I have finished the quotation I think there will be some applause from the Democratic side.

> Of all the damnable tariff bills ever passed by the Congress of the United States, this will stand preeminent because of its multitudinous infamies.

The interesting fact is that the pessimistic predictions have always failed to materialize, but facts are never given consideration when Democrats attack a tariff bill written by Republicans.

Away back in 1894 many interesting speeches were made on the Wilson bill, including one by the very distinguished Speaker of the House at that time. He was the father of my very distinguished colleague on the Committee on Ways and Means, Mr. CRISP, of Georgia, and I was impressed with the plea that he made to the Democratic side of the House. If you have never read those speeches, I hope you will read the two closing arguments on the Wilson bill, one by the late lamented Thomas B. Reed, of Maine, previously Speaker of the House, and the other by Mr. Crisp, of Georgia, who was Speaker of the House at that time.

During all the intervening years nothing new has been said, nothing new has been discovered, as to the merits or the demerits, if there are any, of the policy of a protective tariff. You will find the speakers on both sides used arguments closely akin to the arguments that are used in Congress to-day.

Now, of course, I do not think the present occasion is the time to quarrel and argue about the merits of the policy. Both political parties were so close on the tariff issue last year that it would seem there was not much opportunity for Democratic criticism of this bill. Your party declarations and your party platform and the statements made on the stump and the declarations made by your party leaders all naturally gave the country the impression that you were real protectionists. I must again refer to the telegrams from you all to Mr. Raskob, the Democratic manager, and his statement, in which he said that he had 90 per cent of the Democratic candidates for Congress on record; that he had messages from them to the effect that they had agreed to the tariff plank in the platform laid down at Houston, Tex.

And you will remember that a very distinguished citizen of New York, who was a candidate for President on the Democratic ticket, went even further, and said that he thought possibly that we ought to have a tariff revision; but, if any, it ought not to be a general revision; and whatever kind of revision it was he would see to it that it would be such that it would not take a single nickel out of the pay envelope of an

industrial worker in the United States. [Applause.] And your party leaders told the people of the country that there was no danger, no cause for being afraid of Democratic success; that they had been at least partially wedded to the principle of protection, and business need not fear free trade or low tariff legislation if Democrats were successful.

Of course, you would not go as far toward the policy of protection as we would have liked. In 1908, in the Republican platform, and it has never been embodied in any platform since then, I do not know why; but that platform made this statement, "That the duties should represent the difference between the production cost here and abroad together with a reasonable profit to American industry." That was our declaration in 1908, and nothing less than that is really protection. [Applause.] Nothing less than that. If you leave out that phraseology, then you have both parties fairly pledged to what might properly be termed a competitive tariff. I do not believe in a competitive tariff. I am a protectionist.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield there?

Mr. CROWTHER. Yes.

Mr. JOHNSON of Oklahoma. The gentleman pleads for reasonable profits for big industries. Let me remind him that under the Fordney-McCumber Tariff Act some of the big steel companies made as much last year as 182 per cent on capital invested. Does the gentleman consider 182 per cent a reasonable return on an investment?

Mr. CROWTHER. I will say to the gentleman that business success is not a crime in this country. You strive for success as an individual, and so does big business. To be successful is not a crime. A distinguished group in another body set out to show the connection between high profits in industry throughout the country and a protective duty. Of course, that was impossible. There are dozens of things that enter into the subject besides the customhouse rates—good will, good advertising, efficient machinery, well-paid help, and quantity production. We ought to be proud of the fact that an industry in this country made a profit of $182,000,000. They paid high wages. They were large consumers of thousands of other commodities produced in the country. They paid taxes, corporation and income, and contributed to the success of our transportation lines.

Mr. COLLIER. Mr. Speaker, will the gentleman yield there?

Mr. CROWTHER. Certainly; I shall be glad to yield to my colleague.

Mr. COLLIER. I would like the gentleman to tell me what kind of a protective duty this is: Take one of these mechanical pencils, where the former rate was so much for each kind by the gross, and your committee erased the word "gross" and inserted the word "dozen," making an increase of 48 per cent.

Mr. CROWTHER. I will answer that. These mechanical pencils were originally classed under the metal schedule, the schedule in charge of the gentleman from New Jersey [Mr. BACHARACH]. They were transferred to the sundries schedule, and the witnesses appearing before us stated that mechanical pencils such as this one that I have in my hand—a much better one than the one that the gentleman offered me here [laughter]—ought to be included in the paragraph with fountain pens.

If you put even a small specific duty on articles that cost 2 cents apiece, the ad valorem, of course, runs very high, but that can not be helped. That occurred in a number of other instances in the sundries schedule, on beads, jewelry, and several other commodities, where the initial cost on cheap grades was very low; articles that were delivered here for 2 cents and were selling in the 10-cent store for a dime. No matter what the specific duty figures in ad valorem, the pencil is sold still in the 10-cent store for a dime. On the higher-priced mechanical pencils the duty is not too high.

Mr. MANLOVE. Will the gentleman yield?

Mr. CROWTHER. I yield.

Mr. MANLOVE. I just wanted to say to my friend from Oklahoma [Mr. JOHNSON], who lives close to me down in southwest Missouri, that in that section of the country we produced last year and will produce again this year something like 4,000 cars of strawberries, and practically every car of those strawberries is sold in the industrial section, and the strawberries are eaten and paid for by the employees of the steel mills. Further along that line, the result would be that if we did not have this tariff on steel those mills would be closed, and therefore no market for our product.

Mr. CROWTHER. I now return the evidence to my colleague from Mississippi. [Applause and laughter.] I know he is glad to get his pencil back.

Not mentioning who he was, I notice another distinguished Member of the Senate a few weeks ago made the statement, in connection with the discussion on the tariff bill, that the House of Representatives was formerly the body to which the people came to plead their cause, and that the Senate was where the interests came to do likewise, in the olden days. He said further, in this statement, that the condition had now reversed itself, and that the House of Representatives was the spokesman of the interests and the Senate was the body to which the people looked for an adjudication of their rights.

Of course, if the distinguished body at the other end of the Capitol is now the representative group, and if they are the voice of the people of the country, if they truly represent the body politic, then I think there should be a new constitutional amendment that will permit the United States Senators to go before the people every two years for election, and elect the Members of the House for a term of six years. [Applause and laughter.]

I remember that Senator Lodge a number of years ago, I think it was in 1922, spoke about the difficulties which they encountered whenever a duty was suggested on any new commodity. He was referring to a duty which the Democrats were interested in, a duty on a commodity called rice, a food product of the United States. Senator Lodge said that never had there been such criticism as when they attempted to put a duty on rice. That was in the discussion in connection with the Mills bill many years ago, the first bill with which Senator Lodge had anything to do. Rice has been on the protective list ever since, and it is one thing that was particularly taken care of in the Underwood bill. Do you mean to tell me it was for revenue? Of course not. It came under the head of what was termed "incidental protection," and made Texas, Louisiana, and Arkansas happy. [Applause and laughter.]

There is a lot of discussion going on about the consumer. I hope I shall be able to get a little more time, as my time has about expired.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. HAWLEY. Mr. Speaker, I yield 10 additional minutes to the gentleman from New York.

Mr. CROWTHER. I want to refer to a speech which my friend and colleague, Judge HARE, of South Carolina made, in which he prophesied that the present tariff bill now under discussion will cost the ordinary farm family of five between $250 and $1,000 more per annum.

Of course, that is in line with the sort of statements with which the RECORD is filled by the Free Trade League, the so-called Fair Tariff League—the H. E. Miles Fair Tariff League. They take retail prices and multiply them by the ad valorem duty and then multiply that by the Department of Commerce record as to total production; in fact, the methods of computation that they employ are about as logical as those which Amos 'n' Andy would use in figuring up their tax return in the Fresh Air Taxicab Co. [Applause and laughter.]

Mr. HARE says, among other things, that a set of wagon harness will be increased $3.50 per year. You do not buy a set of wagon harness every year.

Aluminum products, $10; additional cost, $6. You do not buy aluminum ware every year.

One clock, additional cost $1. You do not buy a clock every year.

One woolen blanket, $3; additional cost, $1.40. You do not buy a woolen blanket every year.

One safety razor, $2; duty added, 70 cents. They are giving safety razors now with a package of blades. [Applause and laughter.] You do not have to pay $2 for a safety razor, and one will last all your life.

One wool shirt, $2. Who wants to wear a wool shirt? [Applause and laughter.] Who wants to live in South Carolina and be compelled to wear a woolen shirt?

Plows, $20. The farmer does not buy a plow every year.

One pair of scissors, 50 cents; added duty, 42 cents. You can buy them at the 10-cent store, an extra good pair for a quarter.

One cross-cut saw and $10 worth of nails every year at an additional cost of $3.50.

A tombstone, $100. [Applause and laughter.]

If the Democratic Party was in power constantly, I do not know but what he might feel like dying every year in despair. [Applause.]

But the fact of the matter is that he only dies once. And my friend, Mr. HARE, alleges that there is an additional duty of $50 on the tombstone, but he neglects to inform his people that it must be an imported tombstone. [Laughter and applause.]

That is a fair description of the method that is used. They used the same plan with sugar, telling the housewife what sugar will cost her, but the average American housewife knows that in order to buy sugar there must be a pay envelope on Saturday night, and you do not fool her very extensively with Democratic propaganda. If we are going to be protectionists, and live up to the fundamentals of our party faith, we can not

play hop, skip, and jump with the policy and apply it here and not apply it somewhere else. [Applause.] If it does not apply all long the line, if it is not just as good on hides, leather, and shoes as it is on wood, finished lumber, and shingles; as good on milk, cream cheese, and butter; as good on raw wool and yarn and your sweater or your suit of clothes—if it will not apply all along the line, then there is something economically unsound about the project. But I do not believe there is. I believe it can be applied all along the line. There is no honest reason why it should not be done.

The gentleman from Georgia, my good friend, Mr. CRISP, said in one of his speeches in discussing the rule, that there was not a single man from the great South that was on this committee of 15 who wrote this tariff bill. You will remember how they were allocated on Mr. GARNER's map, and I showed at the same time how they were allocated in 1913. There was not a man west of the Mississippi on the committee at that time. Geographical location has nothing to do with the allocation of membership on the Ways and Means Committee.

But, let me say to my colleague Mr. CRISP, I honor you because you are conservative, and you are eminently fair. Let me ask the gentleman if there has been the least prejudice or the least injustice done to the South in writing this bill, the South which the gentleman so splendidly represents.

Mr. CRISP. I would not say any injustice was done intentionally. I do say that behind closed doors when 15 members were preparing the bill and there was no voice from the South to present the claims of the South, some injustices were done. I recall one instance, where Georgia and Florida were interested in an increased tariff on tobacco wrappers. Of the 15 men who wrote the bill there were 2 members from Pennsylvania, 1 from New York, 1 from Ohio, 1 from Wisconsin that were opposing the duty, and not a voice on the committee to present the views of the South. When the bill came out there was no increase on tobacco wrappers. [Applause.]

Mr. CROWTHER. Of course, you can not expect a bill to be 100 per cent perfect. I was not altogether happy as to some of the rates.

You can not expect a perfect bill under any circumstances. I think we have a good bill as it comes from the conferees, and I think we have been eminently fair. We have not allowed our judgment to be warped by our prejudices, which had a tendency to be developed or overdeveloped because of the constant attitude of you Democratic folks in voting against the bill. After you have come and begged and pleaded with us to take care of the things which you grow or are manufactured in your districts, then you stand up here and vote no on final passage of the bill. Of course, we all know you vote no with your fingers crossed, all the time praying to the Lord that the bill will pass, because you know your constituencies will benefit by it.

After all, the industrial activities of this country are not lodged wholly with the Republican Party. There are hundreds and thousands of Democrats in the country who are in business. The textile business, the steel business, the lumber business, the coal business, and the sugar business are not confined to members of one political party.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. SCHAFER of Wisconsin. Is not Mr. Raskob, the Democratic national committeeman, in the rayon business?

Mr. CROWTHER. Well, the rayon business is protected in this bill and properly so. According to a dispatch from a British newspaper it appears that since they put the new duties on two years ago the price of rayon yarns in their own country has dropped from 20 to 25 per cent, the price of gloves from 3 to 8 per cent, and the price of chinaware from 7 to 10 per cent.

In 1922, on the floor of this House and in the Senate, the prophecy was made that the housewives of this country, as the result of the duties that were being asked by the pottery manufacturers of the United States, would be called upon to pay $36,000,000 in addition for the dishes they bought for their homes. In 1929, nearly seven years afterwards, when Mr. Wells, of Wellsville, Ohio, appeared before us, evidence was presented to show that the housewives of the United States, the hotels, and the other people using that material, were buying their dishes for the table for 25 per cent less than the price was in 1922. [Applause.] We did not have brought to our attention in all the evidence submitted one single commodity that had been raised in price as the result of the duties placed upon them in the 1922 tariff act.

Sugar prices have been on a gradually declining scale ever since 1923 with a fairly decent duty on it. In America we buy sugar cheaper than in any country of the world. It is 5 cents a pound on the average and England pays 8 cents, and the price runs from that up to 21 and 22 cents in various parts of Europe. It seems as though we are not willing to pay a fair price for a commodity that is the most valuable food product in the world, and keep the industry alive in this country. We have millions invested in sugar refineries in the United States. Seventy-five thousand people, directly and indirectly, work in the sugar refineries, and the pay roll is $80,000,000 a year. There are three or four in New York and New Jersey, three in Philadelphia, one in New Orleans and San Francisco. If we do not take care of those engaged in the sugar-refining business and give them a duty on refined sugar which will enable them to live, sooner or later the refineries will have to go out of business. Mr. Hershey and two or three other manufacturers already refine their sugar in Cuba with the cheapest labor that can be employed. We ought to take care of the American industry and foster employment of American labor, and that is the fundamental with which we are concerned at this time. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has again expired.

Mr. HAWLEY. Mr. Speaker, I yield the gentleman 10 additional minutes.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. CROWTHER. For a question; yes.

Mr. O'CONNOR of New York. Will not, in the gentleman's estimation, the price of sugar go up if this new increase goes into effect?

Mr. CROWTHER. It might.

Mr. O'CONNOR of New York. If it does not, what purpose does a protective tariff serve—if it does not tend to increase the price?

Mr. CROWTHER. Well, the gentleman knows that when you had no duty, when we were at the mercy of Cuba and refused to buy their crop they afterwards charged us just what they pleased. We ought to carry a duty on this product because we ought to do everything we can in the world to develop the beet and cane sugar industries in the United States. There are many sources from which it may be possible to take care of our entire sugar necessities. The Bureau of Standards says to us that in a few years it may be possible to produce our entire sugar necessities from what is known as the Jerusalem artichoke and without being dependent upon the beet production of the country. But millions of dollars are invested in the beet-sugar industry. It is a help to agriculture, and that is vital at this time. It is a healer of sick soil; it is a crop which is of vital importance in certain sections of this country, and we ought to take care of it. It provides for the use of land that otherwise would be used in growing the grains, of which we raise too much at the present time, and the surplus of these crops is what is giving us concern at this time. The beet-sugar industry is a farm-relief project in more ways than one.

Mr. CRISP. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. CRISP. The gentleman referred to the time when we did not have a duty on sugar—will the gentleman say how long it has been since there was not either a duty or a bounty on sugar?

Mr. CROWTHER. Oh, you had a very low duty in the Underwood bill, and you prescribed the time when it should end altogether, but it did not work very well, and when your President refused to buy the sugar crop of Cuba on the advice of an economist, whose name I do not now recall, the gentleman knows we were at the mercy of those people, and we had to pay just exactly what they demanded for their sugar.

Mr. CRISP. That was during the World War, when prices the world over were high.

Mr. CROWTHER. The gentleman's party has used the World War to cover a great many shortcomings and has used it as an excuse in a great many instances.

Mr. SLOAN. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. SLOAN. Is it not the fact that the high prices of sugar were not during the World War but in the two or three years following the World War, beginning with 1919 and ending with 1921?

Mr. CROWTHER. I thank the gentleman for his contribution.

Mr. CRISP. If the gentleman will permit me, I think my friend is mistaken. During the World War sugar was high, and the peak of high prices was reached a year or two after the war.

Mr. CROWTHER. There has been a great deal said about the consumer. I want to call attention to the fact, ladies and gentlemen of the House, that there is no sharp line of demarcation in this country between the producer and the consumer. They are synonymous terms, interchangeable terms. The agriculturalist disposes of and consumes a great deal of what he

raises and the men and women working in the shops wear and use the materials that they make. So you can talk about 200,000 people in the steel industry and ask whether the consumers, numbering 120,000,000, ought to be exploited on their account; or about the 150,000 textile workers and ask whether the consuming public ought to be exploited on their account. Why, they are all a part of the 120,000,000 of our population. The consumer is a producer and the producer is a consumer, and there is no sharp line of demarcation in this country of ours.

Mr. O'CONNOR of New York. Will the gentleman yield again?

Mr. CROWTHER. Yes.

Mr. O'CONNOR of New York. But for every manufacturer there are thousands or hundreds of thousands of real consumers, are there not?

Mr. CROWTHER. Yes; and there are hundreds of thousands of real employees who are producers. We are all consumers, and we benefit by the keen business competition that exists. No group in this country is independent. We are all interdependent, and we can not be prosperous except as a unit. [Applause.]

Mr. MOUSER. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. MOUSER. But you can not consume unless you are employed by industry.

Mr. CROWTHER. Absolutely. You have got to get a pay envelope every Saturday night. That is the important thing—keep up the purchasing power of the body politic of this country. That is the thing that makes for prosperity. The trouble is we have not now the degree of this purchasing power that we ought to have.

There is not a wide enough distribution of pay envelopes. There are many reasons for this, but I will tell you now that one of the reasons is because in every department store of this city and in every department store of every one of the thousands of cities in the United States there are too many goods on the shelves and on the counters and on display that were not made in the United States of America. [Applause.] Go down and look at the silks and satins and the chinaware and glassware and shoes from Czechoslovakia, and the hats from Italy, and the various products of England and of Japan, including baskets and novelties of every description, and gloves and dresses from France. Your stores are crowded with them, and they displace just that many dollars' worth of American products and reduce the size of the American pay roll.

There is a great deal of criticism here about the industrial East. Let me say to you, I am going to put in the RECORD the value of the agricultural products in a group of States that certainly can not be called the industrial East.

In Alabama, for 1927, the value of manufactured products was $551,000,000; Arkansas, the State of my good colleague Mr. RAGON, $183,000,000; Florida, $218,000,000; Georgia, $610,000,000 of manufactured products for 1927; Kentucky, $448,000,000; North Carolina, $1,155,000,000; Texas, with $1,207,000,000 of manufactured products—and oh, how I regret that my genial, enthusiastic friend from Texas [Mr. GARNER] is not here to-day. I regret he is ill, and I know the sympathy of this House goes out to him and hopes for his speedy recovery, just as I do [applause], because I want him here to battle with. He is a worthy foe and he is always on the job. I had a special speech prepared to-day if he had appeared, but that is in my pocket, useless for the time being. [Laughter.]

A summary of Exhibit A showing the value of the manufactured products in each of the aforesaid 13 States for the year 1927 is as follows:

Alabama	$550,372,000
Arkansas	182,751,000
Florida	218,790,000
Georgia	609,918,000
Kentucky	447,765,000
Louisiana	638,361,000
Mississippi	196,641,000
North Carolina	1,154,647,000
South Carolina	358,334,000
Tennessee	614,041,000
Texas	1,206,580,000
Virginia	671,347,000
West Virginia	455,217,000
Total	7,304,763,000

So I say that this diatribe, this criticism, this vitriolic reference time and time again to the industrial East is uncalled for. It is unworthy and has no place in any fair criticism of the tariff bill. [Applause.]

I want to tell you what I think is the danger we are now facing. I think our people, especially our people who work, should look with a great deal of distrust and with a great deal of concern on the condition that is developing, which is sending very rapidly American capital out of the United States to establish American industry in foreign countries. This is something that ought to make our people who work stop, look, and listen. When American capital goes abroad and takes advantage of the lowest wages paid in those countries and then comes to the doors of the Finance Committee, as they did in regard to automobiles, and asks that the duty be removed because of the tractors and pleasure cars they hope to bring in here, to me this is a very serious danger.

Gentlemen, I know we are going to have separate votes on the various amendments, and I wanted to have time to say something about lumber and shingles, something about cement, and something about sugar. I will try to put in the RECORD here the way Great Britain takes care of its cement industry. The advertisements used in the Daily Mail read as follows:

Foreign cement stands for and contributes to unemployment. It diverts revenue that should benefit British labor. Coal mines, railways, British machinery makers, engineers, and so forth, should always specify British cement and provide directly and indirectly employment for thousands of British workmen.

On the letters that come here and on the envelopes is stamped, "Buy goods made in the British Empire."

Should we be less concerned than England as to the necessity of using domestic cement?

Mr. ALLGOOD. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. ALLGOOD. The gentleman spoke about too many foreign goods being on the shelves of the stores in this country, does the gentleman advocate other countries of the world, China, Japan, England, and France, raising tariff barriers to prevent the influx of American goods into those countries, just like you have in the pending tariff bill?

Mr. CROWTHER. Every country has raised its tariff rates since the war except Canada; Canada is the only one that has not. England has raised her duties until she is the highest protectionist country, per capita in the world, but we continue to trade with them all as our annual customshouse returns of over $600,000,000 will show. [Applause.]

The present rates have not retarded the importations but have vastly increased them. Our stores are piled high with foreign merchandise which is sold to American consumers at a fine profit even after the importer pays the duty. Every dollar of American money spent on imported goods feeds cheap foreign labor, deprives skilled American labor of wages, reduces American labor's ability to buy from American retailers, and undermines the American living standards of which we as Americans are justly proud.

Mr. HAWLEY. Mr. Speaker, as far as I know there is no other Member who has requested time on this side, and there will be but one other speech.

Mr. COLLIER. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Georgia has 14 minutes remaining.

Mr. CRISP. I yield the remainder of my time to the gentleman from Illinois [Mr. HENRY T. RAINEY].

Mr. HENRY T. RAINEY. Mr. Speaker, and ladies and gentlemen of the House, I have listened with a great deal of interest to the speeches which have just been made in support of this bill. And I have listened with considerable interest to the speech made by the gentleman from Ohio [Mr. MURPHY] and by my colleague on the committee from New York [Doctor CROWTHER].

They are the old-fashioned Republican high-tariff speeches. [Applause]. The kind of speeches that were made at the close of the last century, the kind of speeches that were made just before the defeat for the Presidency of William Howard Taft. [Applause.]

After that historic defeat for which the Payne-Aldrich bill and its high rates were largely responsible, the flow of oratory such as we have just listened to stopped. It had been stopped by the tremendous majority of votes against the high rates of the Payne-Aldrich bill. William Howard Taft on his platform of high tariff and the Payne-Aldrich bill, which carried an average ad valorem rate of 36 per cent, succeeded in carrying only two little States in the Union—Vermont and Utah—as I remember it.

And so the high-tariff propaganda died except in the little States of Utah and Vermont. Years have passed since then, another generation has made its appearance, and again these gentlemen hark back to the high tariff-wall speeches. The gentleman from Ohio wants a tariff wall built around this country so high that nothing can come in. He wants that in the interest of American labor. Well, you have practically got that now in the Fordney-McCumber law. The gentleman from Ohio ought to be satisfied with the law we now have.

Why, we import now only 4.77 per cent of our entire consumption in this country. That includes articles that come in on the free list. It includes wool, and we must bring in wool or freeze in the winter time in this North Temperate Zone. That includes also tropical products—pepper, spices, which we do not produce at all in this country.

Leaving out the things that we do not produce in this country, and must import, the gentleman from Ohio will find that we import considerably less than 4 per cent of the amount we consume, including the free list. Leaving out the free list the gentleman will find that we import into this country of articles upon which we impose a tariff less than 3 per cent of the amount that we actually consume.

These gentleman want a tariff law now that will keep out that 3 per cent—$3 out of every $100 of consumption—because that is too much for them. Well, you have got a bill here that will almost do it.

Now, the Payne-Aldrich bill, which disrupted the Republican Party and left them with only two little States, imposed a tariff of 36 per cent. That, of course, was followed by the Underwood bill, which imposed an average ad valorem of 21 per cent. That was not a low tariff compared with the other tariffs in the world at that time. The Underwood bill, with an average ad valorem of 21 per cent, was the highest in the world, higher than Russia, which was second. Then there followed a period of real prosperity.

During the time the Underwood bill was in operation the farmers saved up some money. They have spent it now, under the Fordney-McCumber Act, and are moving away from the farms, and the farms are being abandoned. We got the Republican régime in again, and they imposed, in the present law, the Fordney-McCumber Act, a tariff of 34.61 per cent, or almost as high as the Payne-Aldrich bill, and that is the tariff which they want now to make still higher, and when this present Grundy tariff bill passed the House it imposed an average ad valorem duty of 43.15 per cent. The Senate pared it down until it imposed a tariff of 40.34 per cent, and according to the speeches made to-day nobody knows what this tariff bill means at the present time. The conferees have gone through both bills and have picked out the highest rates—these gentlemen for whom the clock of progress has stopped—and have worked them into this bill, and we are asked to vote for it to-day. It may be higher, when reduced to an equivalent ad valorem average, than the bill was when it left the House. All the nations of the world, and dependencies—135 of them—authorized to impose tariffs have raised their rates, and they have all raised them since the Fordney-McCumber tariff act went into effect. They all raised them in order to retaliate against us, and to shut out our goods if they could. They have been doing it, and after this present bill passes—and, of course, you are going to pass it and, of course, it is going to be signed by the President; he will not veto it, although it grossly violates his instructions to the Congress at the opening of the extra session—they will be authorized to raise their tariff rates still higher. They have done it until our exports are decreasing and our imports are decreasing and our factories are closing, while 3,000,000 unemployed walk the streets of our cities. For the first time since the Republican administration went out of business with the beginning of the Wilson administration, we have in our streets ever-lengthening bread lines of unemployed.

Mr. MANLOVE. Mr. Speaker, will the gentleman yield?

Mr. HENRY T. RAINEY. Yes.

Mr. MANLOVE. That is the first time probably since the Wilson administration, because, outside of the period of the war, we had it practically all of the time during the Wilson administration.

Mr. HENRY T. RAINEY. Mr. Speaker, I did not quite get that inquiry, but I have no doubt it is a very apt remark. I did not hear it and so can not reply to it. There were no bread lines when the Wilson administration was in control. In response to a suggestion from one of my colleagues that some of these protected industries had been profiting to the extent of 182 per cent a year under the present tariff, my colleague from New York, Doctor CROWTHER, vigorously replied, "What if they did? They have a right to prosper, no man can be the enemy of successful business, their prosperity is due to labor-saving machinery and good will and to the excellent management the companies have received." If that is true, if that is the occasion for these tremendous dividends and stock dividends which occurred in recent years, then why add to the profit by giving them this additional opportunity to levy their oppressive taxes further upon the consumers of the country? Because they have prospered to the extent of 182 per cent on account of the elements to which the gentleman calls attention, why help them further by this artificial method in their effort to weld the shackles of slavery upon the consumers of the country?

Take sugar. I understand that the gentleman from New York [Mr. CROWTHER] wants to keep up the high tariff on sugar and make it higher and higher until we have had an opportunity to make sugar in this country out of artichokes. I have heard that a chemist has discovered that you can make sugar out of wood pulp, and I have heard that another chemist has discovered that you can make sugar out of weeds. Why not keep up this oppressive tariff, this levy on the breakfast and dinner table of the people, until we can make sugar out of weeds a hundred years from now or a thousand years from now. Our sugar tariff in this country increases the cost of living to an unbelievable degree. Divide the total increase in the cost of living occasioned by the sugar tariff in this country by 800,000, which is the number of acres in sugar beets and sugarcane, and you find the levy on the people of the United States is $300 per year for every acre in sugarcane and sugar beets.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. HAWLEY. Mr. Speaker, we will vote in a few minutes on the adoption of that part of the conference report upon which the conferees have agreed. This conference report covers nearly all of the items of importance that were in dispute between the two Houses. Several items were reserved for a special vote by the House and several by the Senate, but the number all together of such items is small. I make this statement for those who may be new in the House, that this vote we are about to take covers all the schedules. Every schedule is affected—agriculture, earthenware, wool, metals, and all the others—and a vote against the conference report is a vote against each and every schedule on which we have reported a conference agreement.

The purpose of this tariff readjustment as it was originally planned has been carried out. It was to make an all-American protective tariff, covering every section of the United States without respect to political affiliation, character of products, or anything else. It was to make a law that would maintain a uniform and even prosperity throughout the country, to make us a self-contained and a self-sustaining Nation.

Never before in the history of this country, not even under the administrations of our friends the Democrats, has the South, both for its agriculture, its industry, its labor, and every other activity producing wealth and enjoyment, received that degree of protection which is contained in this bill.

There is another element that received our very deepest and most careful consideration, namely, the employment of our people. That is a growing problem. We are increasing in numbers very materially from decade to decade. A government would be remiss in its duty that did not, so far as legislation may, protect the people in obtaining that employment necessary for their subsistence, comfort, and betterment. [Applause.]

In all the things that we buy and consume, from this desk before me to the clothing we wear and the food we eat, the houses in which we dwell, and every other material thing that we possess or use—in all these things the greatest factor in their production is the labor cost. [Applause.] Protection to the manufacturer is one item only in the tariff consideration. Protection to the men who work and support their families by their work is a more material consideration—2 to 1. [Applause.]

There are some 27,000,000 of our people who derive their daily livelihood by being on some one's pay roll, and with their families they make up more than one-half of our population. They are dependent on things done in this country. [Applause.] They are dependent on things grown in this country, things made in this country; and everything that is brought in from abroad that we could make here reasonably is a diminution of their opportunity in obtaining a saving wage.

Moreover, the agricultural interests are bound up with the interests of labor. The laborers in the mines, factories, shops, and in the mills consume the greater proportion of what the agriculturist produces. Their heavy work, demanding physical strength, requires them to eat more of food, and more substantial food. The agriculturist sells about 85 per cent of his product in this country, and of that 85 per cent which he sells here he probably sells more than 80 per cent of it to labor; and if labor is not employed, the farmers, as a general class, have lost their best market, their cash market, their immediate market. [Applause.]

We have taken better care of agriculture in this bill than in any other bill. The interests of agriculture have been taken into consideration in the agricultural—tobacco, wool, sugar, and cotton—schedules, and the rates on the products enumerated in them are the highest ad valorem rates in the bill, and higher than in any previous tariff act. [Applause.]

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. HAWLEY. Certainly.

Mr. CRISP. The gentleman from Oregon is always frank, and I agree with him that in this bill agriculture has the highest rates we ever had in a tariff bill. Does my friend claim that the tariff on a commodity of which there is an exportable surplus is effective?

Mr. HAWLEY. In my judgment in most cases it is. The degree will vary.

Mr. CRISP. Is it so in the case of wheat and cotton?

Mr. HAWLEY. Some years ago I made a careful study of the question, and as to wheat for the year under investigation I found that the farmer derived the advantage of the full amount of the tariff as against imports of wheat from Canada. It is not possible to make any general answer without an investigation of the conditions and the course of the markets. I would like first to carefully collate the facts and figures and examine the economic conditions. Generalizations made for cursory examinations or inadequate data are usually incorrect or misleading. But as the market fluctuates the effectiveness of the tariff increases or decreases. There are times when the tariff is temporarily not effective and then there are other times when it is fully effective. It depends on the state of the market. But, generally speaking, taking into consideration the observations I have just made, farmers have realized very material benefits from the tariff, even on their surplus products.

Mr. CRISP. Would it interfere with the gentleman's argument if I asked him another question?

Mr. HAWLEY. No; I yield to the gentleman.

Mr. CRISP. If the tariff is effective, what objection is there to the debenture, which proposes to make only 50 per cent of the tariff? If the tariff is effective, then the debenture would not apply, because it is simply optional with the President to utilize the debenture.

Mr. HAWLEY. In the brief time at my disposal I will not attempt any observations on the debenture.

Mr. CRISP. I think the gentleman is wise not to attempt any discussion of the debenture.

Mr. LEAVITT. Mr. Speaker, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. LEAVITT. Is it not true that the tariff reduces the importation of wheat from Canada, interfering with our own market?

Mr. HAWLEY. There is no doubt of it.

Mr. LEAVITT. As to the hard wheat of the Northwest, of which there is no exportable surplus, the tariff has been of great benefit to our producers, has it not?

Mr. HAWLEY. Yes; and there are many other cases that might be cited.

Mr. TUCKER. Mr. Speaker, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. TUCKER. Can the gentleman give us an idea of the revenue expected to be derived from this bill?

Mr. HAWLEY. The revenue varies, of course, with quantities and values of dutiable articles. But I imagine that the revenues will be somewhat increased under the pending bill. That it will have the same effect as the present law has. The nations of the world can not afford to overlook this immense cash market, which absorbs goods, wares, and commodities in infinite variety.

Mr. TUCKER. I asked the question because I have been listening to the tariff discussion since about a year from now. The tariff bill being, as I understand it, a revenue bill, I have not heard the revenue mentioned during that year.

Mr. HAWLEY. The tariff from the Republican standpoint is a legislative policy for the protection of American industry and the American laborer and the American farmer, and in the execution of that policy we necessarily collect revenue. But that is not the principal purpose of the bill.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. GREEN. I was wondering about the percentage. As to the approximate percentage of benefit to the farmer from this bill, as compared with existing law, it is my understanding that agriculture will realize 20 or 25 per cent greater advantage under this bill than under existing law.

Mr. HAWLEY. Until this bill is finally enacted into law there will be undetermined factors, and I have not yet undertaken that analysis. However, the ad valorem protection given agriculture in the pending bill is materially increased.

In conclusion, let me say ours in the greatest market in the world. We trade among ourselves every year to the extent of approximately $96,000,000,000. Our yearly trade would buy some of the greatest nations on earth. It is divided among the various occupations of our country, in proportion to their products, of course; but it has built up in this country under a protective-tariff system the richest of people, the most commercial of people, the most industrious of people—inventive, progressive, constantly making improvements for the comfort and benefit of mankind. With the brain of Edison lighting the world, and with the genius of our scientists and our leaders in labor and capital and all forms of public activity, we have attained a place in the world that accords us without a dissenting voice the greatest of all the nations. [Applause.] It was so made, so far as public policies can make a country great, by the protective tariff. [Applause.]

Under the permission given me I will later extend these remarks into a more general discussion.

I am now asking for a vote to continue that great policy to the better interest and benefit of our people. [Applause.]

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

Mr. CRISP. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—years 241, nays 151, not voting 35, as follows:

[Roll No. 29]

YEAS—241

Ackerman	Eaton, Colo.	Kendall, Ky.	Seiberling
Adkins	Eaton, N. J.	Kendall, Pa.	Shaffer, Va.
Aldrich	Elliott	Ketcham	Short, Mo.
Allen	Ellis	Kiefner	Shott, W. Va.
Andresen	Englebright	Kiess	Simmons
Andrew	Estep	Kinzer	Sinclair
Arentz	Esterly	Knutson	Sloan
Aswell	Evans, Calif.	Kopp	Smith, Idaho
Bacharach	Fenn	Korell	Snow
Bachmann	Finley	Langley	Sparks
Bacon	Fitzgerald	Lankford, Va.	Speaks
Baird	Fort	Lea	Spearing
Barbour	Foss	Leavitt	Sproul, Ill.
Beedy	Free	Lehlbach	Sproul, Kans.
Beers	Freeman	Letts	Stafford
Blackburn	French	Luce	Stalker
Bohn	Garber, Okla.	McClintock, Ohio	Stobbs
Bolton	Garber, Va.	McCormack, Mass.	Stone
Bowman	Gibson	McCormick, Ill.	Strong, Kans.
Brand, Ohio	Gifford	McFadden	Strong, Pa.
Brigham	Golder	McLaughlin	Summers, Wash.
Brumm	Goodwin	McLeod	Swanson
Buckbee	Granfield	Magrady	Swick
Burdick	Green	Manlove	Swing
Burtness	Guyer	Mapes	Taber
Butler	Hadley	Martin	Taylor, Colo.
Cable	Hale	Menges	Taylor, Tenn.
Campbell, Pa.	Hall, Ill.	Merritt	Temple
Carter, Calif.	Hall, Ind.	Michaelson	Thatcher
Carter, Wyo.	Hall, N. Dak.	Michener	Thompson
Chalmers	Hancock	Miller	Thurston
Chindblom	Hardy	Montet	Tilson
Clague	Hartley	Moore, Ohio	Timberlake
Clancy	Haugen	Mouser	Tinkham
Clark, Md.	Hawley	Murphy	Treadway
Clarke, N. Y.	Hess	Nelson, Me.	Turpin
Cochran, Pa.	Hickey	Newhall	Underhill
Cole	Hill, Wash.	Niedringhaus	Vestal
Colton	Hoch	O'Connor, La.	Vincent, Mich.
Connery	Hogg	O'Connor, Okla.	Wainwright
Connolly	Holaday	Owen	Walker
Cooke	Hooper	Palmer	Wason
Cooper, Ohio	Hope	Parker	Watres
Cooper, Wis.	Hopkins	Perkins	Watson
Coyle	Houston, Del.	Pittenger	Welch, Calif.
Crail	Hudson	Pratt, Harcourt J.	Welsh, Pa.
Cramton	Hull, Morton D.	Pratt, Ruth	White
Crowther	Hull, William E.	Pritchard	Whitley
Culkin	Igoe	Purnell	Wigglesworth
Dallinger	Irwin	Ramey, Frank M.	Williamson
Darrow	Jenkins	Ramseyer	Wilson
Davenport	Johnson, Ind.	Ransley	Wolfenden
Dempsey	Johnson, Nebr.	Reece	Wolverton, N. J.
Denison	Johnson, Wash.	Reed, N. Y.	Wolverton, W. Va.
De Priest	Johnston, Mo.	Reid, Ill.	Wood
De Rouen	Jonas, N. C.	Robinson	Woodruff
Doutrich	Kading	Rogers	Wurzbach
Dowell	Kahn	Sanders, N. Y.	Yon
Drane	Kearns	Schafer, Wis.	
Dunbar	Kelly	Sears	
Dyer	Kemp	Seger	

NAYS—151

Abernethy	Byrns	Crosser	Garrett
Allgood	Campbell, Iowa	Cullen	Gasque
Almon	Canfield	Davis	Gavagan
Arnold	Cannon	Dickstein	Glover
Auf der Heide	Carley	Dominick	Goldsborough
Ayres	Cartwright	Doughton	Greenwood
Bankhead	Celler	Douglas, Ariz.	Gregory
Bell	Christgau	Douglas, Mass.	Griffin
Black	Christopherson	Doxey	Hall, Miss.
Bland	Clark, N. C.	Drewry	Halsey
Box	Cochran, Mo.	Driver	Hammer
Boylan	Collier	Edwards	Hare
Brand, Ga.	Collins	Eslick	Hastings
Briggs	Cooper, Tenn.	Evans, Mont.	Hill, Ala.
Browne	Corning	Fisher	Howard
Browning	Cox	Fitzpatrick	Huddleston
Brunner	Craddock	Fuller	Hull, Tenn.
Buchanan	Crisp	Fulmer	Hull, Wis.
Busby	Cross	Gambrill	Jeffers

Johnson, Okla.	McSwain	Patman	Somers, N. Y.
Johnson, S. Dak.	Maas	Patterson	Steagall
Johnson, Tex.	Mansfield	Peavey	Stevenson
Jones, Tex.	Mead	Pou	Sullivan, N. Y.
Kennedy	Milligan	Prall	Sumners, Tex.
Kincheloe	Montague	Quayle	Tarver
Kvale	Moore, Ky.	Quin	Tucker
LaGuardia	Moore, Va.	Ragon	Underwood
Lambertson	Morehead	Rainey, Henry T.	Vinson, Ga.
Lanham	Nelson, Mo.	Ramspeck	Warren
Lankford, Ga.	Nelson, Wis.	Rankin	Whitehead
Larsen	Nolan	Rayburn	Whittington
Lindsay	Norton	Romjue	Williams
Linthicum	O'Connell, N. Y.	Rutherford	Wingo
Lozier	O'Connor, N. Y.	Sabath	Woodrum
McClintic, Okla.	Oldfield	Sanders, Tex.	Wright
McDuffie	Oliver, Ala.	Sandlin	
McKeown	Oliver, N. Y.	Schneider	
McMillan	Palmisano	Selvig	
McReynolds	Parks	Smith, W. Va.	

NOT VOTING—35

Beck	Garner	Lampert	Simms
Bloom	Graham	Leech	Sirovich
Britten	Hoffman	Ludlow	Snell
Chase	Hudspeth	Mooney	Stedman
Curry	James	Morgan	Sullivan, Pa.
Dickinson	Johnson, Ill.	O'Connell, R. I.	Wyant
Doyle	Kerr	Porter	Yates
Fish	Kunz	Rowbottom	Zihlman
Frear	Kurtz	Shreve	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Snell (for) with Mr. Garner (against).
Mr. Shreve (for) with Mr. Mooney (against).
Mr. Ludlow (for) with Mr. Bloom (against).
Mr. Dickinson (for) with Mr. Kunz (against).
Mr. Porter (for) with Mr. Sirovich (against).
Mr. Britten (for) with Mr. Stedman (against).
Mr. Beck (for) with Mr. Kerr (against).
Mr. Graham (for) with Mr. Hammer (against).

General pairs until further notice:

Mr. Wyant with Mr. O'Connell of Rhode Island.
Mr. Johnson of Illinois with Mr. Doyle.
Mr. Leech with Mr. Hudspeth.

The result of the vote was announced as above recorded.

CONFERENCE REPORT—TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATIONS

Mr. WOOD, chairman of the Committee on Appropriations, submitted the following conference report on the bill (H. R. 8531) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1931, and for other purposes.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8531) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1931, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 16, 21, and 22.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, and 23, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert $1,634,480; and the Senate agree to the same.

WILL R. WOOD,
M. H. THATCHER,
JOSEPH W. BYRNS,
Managers on the part of the House.

L. C. PHIPPS,
T. L. ODDIE,
W. B. PINE,
LEE S. OVERMAN,
WM. J. HARRIS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8531) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1931, and for other purposes, submit the following statement explaining the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

TREASURY DEPARTMENT

On Nos. 1, 2, and 3, relating to the purchase of typewriters: Provides for the purchase of typewriters distinctively quiet in operation at the price limitations proposed by the Senate and eliminates the restriction proposed by the House bill that purchase of such machines during the fiscal year 1931 shall not exceed 5 per cent of the total number of standard typewriters bought during the year by any department or establishment.

On No. 4: Strikes out the appropriation of $50,000, inserted by the Senate, for allowances to officers and employees of the Customs Service stationed abroad for living quarters, heat, and light.

On No. 5: Makes a technical correction in the text of the bill.

On Nos. 6, 7, and 8, relating to the mints and assay offices: Restores the offices at Carson City, Boise, Helena, and Salt Lake City, which had been left out of the House bill, but in so restoring them makes the following eliminations in the allocations for each office: Carson City, a watchman at $1,440; Boise, a helper at $1,560 and a laborer at $1,080; Helena, a helper-janitor at $1,440.

On No. 9: Increases the limit of cost for the Denver (Colo.) customhouse, etc., from $1,060,000 to $1,235,000, as proposed by the Senate.

POST OFFICE DEPARTMENT

On Nos. 10, 11, 12, and 13, relating to salaries for the offices of Assistants Postmaster General: Appropriates $526,860, as proposed by the Senate, instead of $525,860, as proposed by the House, for the First Assistant's office; appropriates $409,180, as proposed by the Senate, instead of $408,180, as proposed by the House, for the Second Assistant's office; appropriates $752,010, as proposed by the Senate, instead of $751,010, as proposed by House, for the Third Assistant's office, and appropriates $314,270, as proposed by the Senate, instead of $313,270, as proposed by the House, for the Fourth Assistant's office.

On No. 14: Appropriates $2,370,000, as proposed by the Senate, instead of $2,300,000, as proposed by the House, for miscellaneous items in connection with first and second class offices.

On No. 15: Appropriates $1,375,000, as proposed by the Senate, instead of $1,350,000, as proposed by the House, for car fare and bicycle allowance.

On No. 16: Appropriates $130,500,000, as proposed by the House, instead of $131,455,000, as proposed by the Senate, for pay of letter carriers, City Delivery Service.

On No. 17: Appropriates $9,500,000, as proposed by the Senate, instead of $9,750,000, as proposed by the House, for fees to special-delivery messengers.

On Nos. 18, 19, and 20, relating to foreign air mail contracts: Increases the appropriation for carrying foreign mail by aircraft from $5,100,000 to $6,600,000, as proposed by the Senate, and limits to $7,000,000, as proposed by the Senate, the amount of obligations for the fiscal year 1932 which may be created under all contracts to be entered into during the fiscal year 1931 under such sum of $6,600,000.

On Nos. 21 and 22, relating to equipment and furniture for post offices in leased quarters: Makes the appropriation for equipment and supplies available for the purchase of equipment and furniture without limitation, as proposed by the House, instead of limiting the amount to be available for purposes of purchase, as proposed by the Senate.

On No. 23: Appropriates $18,710,000, as proposed by the Senate, instead of $18,770,000, as proposed by the House, for rent, light, and fuel for first, second, and third class post offices.

WILL R. WOOD,
M. H. THATCHER,
JOSEPH W. BYRNS,
Managers on the part of the House.

STATEMENT OF MR. GARNER

Mr. COLLIER. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this time a statement of less than four lines by the gentleman from Texas [Mr. GARNER], stating how he would vote on the tariff matters.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COLLIER. The statement is as follows: The gentleman from Texas [Mr. GARNER] would vote for the Senate amendment on sugar, cement—both instances—shingles, flexibility, and debenture. Vote for House provision on lumber. Against the conference report.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8531) entitled "An

act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1931, and for other purposes."

THE TARIFF

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that amendments 195 and 893, both pertaining to the duty on cement, may be considered together and at the same time; that there be two hours' debate on these two items, one half to be controlled by the gentleman from Mississippi [Mr. COLLIER] and the other half by myself.

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] asks unanimous consent that amendments 195 and 893, pertaining to cement, may be considered together, and asks at the same time that there be two hours' debate on these items, one half of the time to be controlled by himself and the other half by the gentleman from Mississippi [Mr. COLLIER]. Is there objection?

Mr. COLLIER. Mr. Speaker, reserving the right to object, I am going to ask a question concerning which I have already spoken to the gentleman from Oregon [Mr. HAWLEY]. Is it the intention of the gentleman from Oregon to finish the cement schedule this afternoon?

Mr. HAWLEY. We are going to endeavor to finish it to-night. There will be two votes, one on the dutiable item and another vote on the so-called Blease amendment.

Mr. COLLIER. Is it the intention of the gentleman from Oregon to finish the debate and then vote whenever we meet again?

Mr. HAWLEY. We will endeavor to pass it to-night.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the two amendments.

The Clerk read as follows:

Amendment 195: Page 40, line 10, strike out "8 cents" and insert "6 cents."

Amendment 843: On page 266 insert a new paragraph after line 2, reading as follows:

"PAR. 1642. Cement or cement clinker: Roman, Portland, and other hydraulic, imported by or for the use of, or for sale to, a State, county, parish, city, town, municipality, or political subdivision of government thereof, for public purposes."

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] is recognized for one hour, and the gentleman from Mississippi [Mr. COLLIER] is recognized for one hour.

Mr. RAMSEYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAMSEYER. Are these two hours to be taken up in the way of general debate, or are we to have the motions made now and be pending?

The SPEAKER. The Chair understands from the request of the gentleman from Oregon that the two amendments will be debated for two hours, after which it will be in order to make the suitable motions, and the motions will not be debatable.

Mr. CRISP. The Speaker has answered the question I was going to ask. We have an agreement to debate the two amendments for two hours. Would it not be more orderly and better parliamentary procedure to have the respective motions entered now so that the motions would be pending while the debate is going on?

The SPEAKER. The Chair is inclined to think that would be the better procedure, but that was not the request of the gentleman from Oregon. The Chair thinks it would be in order to recognize the gentleman from Oregon to make such motion as he pleased, and then the Chair would recognize the gentleman from Mississippi to make a motion which might or might not be of higher precedence. The Chair will request the gentleman from Oregon to make the motions he intends to make and then the two propositions will be debated for two hours.

Mr. HAWLEY. Mr. Speaker, on behalf of the majority of the House members of the conference, I move that the House recede from its disagreement on amendment 195 and concur in the Senate amendment.

The SPEAKER. The gentleman from Oregon moves that the House recede and concur in Senate amendment No. 195.

Mr. HAWLEY. On amendment 893, I move that the House insist on its disagreement to the Senate amendment.

The SPEAKER. The gentleman from Oregon moves that on amendment No. 893 the House insist on its disagreement to the Senate amendment.

Mr. COLLIER. Mr. Speaker, I offer a preferential motion. I move that the House recede from its disagreement to Senate amendment 893 and concur in the same.

The SPEAKER. The gentleman from Mississippi moves that the House recede and concur in Senate amendment No. 893, which is a motion of higher precedence and will be voted on first. These motions will now be considered as pending, and debate will be limited to two hours.

Mr. RAMSEYER. Mr. Speaker, I desire to make an inquiry of the Chair, which may be in the nature of a parliamentary inquiry. The gentleman from Oregon [Mr. HAWLEY] controls one hour, and the gentleman from Mississippi [Mr. COLLIER] controls another hour. I think we should have an open and public understanding as to how this time is to be divided.

Mr. HAWLEY. Mr. Speaker, I will say that on this and all other motions that may be made on these disputed items, I intend to divide the time equally between those who favor the motions that the conferees present and those opposed to the motions the conferees present, but if the time is not consumed on one side or the other of the question the other side, of course, would be allowed that time, so as to use the hour. But so far as this side is concerned I propose to divide the time equally between the pros and cons.

Mr. COLLIER. Mr. Speaker, I expect to do the same thing. I expect to divide the time equally between those for and against.

The SPEAKER. The gentleman from Oregon is recognized for one hour.

Mr. HAWLEY. Mr. Speaker, I yield 10 minutes to the gentlemen from New Jersey [Mr. BACHARACH]. [Applause.]

Mr. BACHARACH. Mr. Speaker and Members of the House, now that you have heard that the conferees have agreed on the Senate rate of 6 cents it is of very little use to discuss that particular part of this amendment.

Mr. RAMSEYER. Will the gentleman yield for an inquiry?

Mr. BACHARACH. Yes.

Mr. RAMSEYER. When the gentleman says the conferees have agreed does he mean that the three persons who served as conferees have agreed as conferees or as three Members of the House?

Mr. BACHARACH. We agreed as conferees.

Mr. RAMSEYER. Well, you did not agree with the other conferees.

Mr. BACHARACH. We did not agree over there but we have agreed since.

Mr. RAMSEYER. That is, you three men got together and agreed?

Mr. BACHARACH. Yes.

Mr. RAMSEYER. I wanted that clear.

Mr. BACHARACH. The gentleman has it clear, I hope. I want to call attention to the fact that the imports of cement come from Belgium. While the imports do not amount to a great deal in percentage, yet taking the country as a whole, they do amount to a great deal, in that they affect the seaboard cities. The cities of New York, Philadelphia, Boston, Charleston, S. C., Jacksonville, and Miami are seriously affected by the imports of cement into this country. The cement industry in this country is not making the progress it did make, nor is the industry prospering, from the very fact that cement from Belgium comes into this country at a substantially lower price than it can be manufactured in this country.

Before discussing the Blease amendment, as I have stated, the imported cement comes principally from Belgium, and I am going to quote to you the price of skilled labor in Belgium as contained in this document called the Monthly Labor Review, gotten out by the United States Department of Labor, for April, 1930. This shows the wage scale of machinists, electricians, plumbers, plasterers, carpenters, and men who are generally engaged in the industry. The scale of wages in Belgium for high-priced, skilled labor, computed on the basis of an 8-hour day for December, 1929, and for January of last year, when the wages were materially increased, runs from $1.40 per day to $1.60 per day. You can understand that where they have unskilled labor, such as they use in the manufacture of cement, certainly the unskilled labor must be paid about one-half of the wages of skilled mechanics. This information as to unskilled labor has not been furnished me.

In this country the men working in the cement plants get on the average $4.48 per day. Assuming the wage scale in Belgium is about one-half the scale for skilled mechanics, it would be about 80 cents per day.

For this reason, of course, it is impossible for the seaport towns to compete with a foreign merchandise such as cement.

The important matter which I think we are to discuss in this connection will be what is called the Blease amendment.

In the first place, I can not see any reason why a municipality, a county, or a State, or the Government should purchase cement and have it imported free when you and I would have to pay a duty if we should use imported cement.

The statement has been made that the cost of road building would be greatly decreased provided they used this imported cement. As a matter of fact, the amount of cement that goes



into a first-class road amounts to about 3,500 barrels, and if a duty of 6 cents a hundred for a 380-pound barrel of cement were added, it would amount to $700 or $800 per mile, and certainly it should be worth this much to have this merchandise protected, when there are 35 States affected by this particular Blease amendment, especially when we can produce and will produce an ample amount of this material for use by the Government and the cities and the counties if we provide proper protection.

The export business of this industry has been practically eliminated.

After very careful consideration on the part of the subcommittee of the Ways and Means Committee handling the free-list schedule it was recommended that Portland cement should be placed on the dutiable list. The matter was then referred to the subcommittee handling the earth and earthenware schedule, and after due consideration by that committee the rate agreed upon was 8 cents per hundred. This was agreed to by the full committee and finally adopted by the House.

The Senate finally agreed upon a rate of 6 cents per hundred, but also accepted what is known as the Blease amendment, which puts cement on the free list when imported for the use of or for sale to a State, county, or political subdivision thereof for public purposes.

The majority conferees on the part of the House agreed to accept the Senate rate of 6 cents per hundred but refused to agree to the Blease amendment, and we therefore come to the House for concurrence in the action of the majority conferees.

Since we have agreed upon the lower rate, it is not necessary for me to dwell upon the action of the conferees in that respect, but I do want to take up a few minutes on the Blease amendment, which your conferees have refused to agree to.

The distinction embodied in this amendment between cement imported for private uses and cement imported for public uses presents a new principle in tariff legislation never before attempted—a principle which is subversive of the policy of a protective tariff, and fraught with consequences which can not be foreseen or foretold at this time—and to my mind it is highly objectionable from every standpoint.

It is illogical in the extreme to require a private consumer to pay a duty on cement—or any other article—which would be admitted free if it were imported by the Federal Government or a State government or any political subdivision thereof. The public improvements for which cement would be imported under this amendment are paid for by the taxes levied on American industries and American workers.

The same distinction between public and private purposes might equally well be applied to other imports. If cement imported for public purposes is to be admitted free, why should not all other articles imported by the Government be relieved of duty—such articles as structural steel for public buildings, cloth for military uniforms, or farm produce for the Army and Navy and public institutions?

The only distinction of this character that has been made in tariff laws in the past was the provision which permitted the importation of certain scientific utensils and instruments when used for educational purposes, and that provision was eliminated in the act of 1922 because it took away from American manufacturers and American workmen about 60 per cent of the domestic market. Under the present law we do admit certain objects of art free of duty when they are more than 100 years old and come under the classification of antiques. There is absolutely no precedent for the exception contemplated by the Blease amendment for the application of the duty-free privilege when applied to commercial products for commercial uses.

The adoption of this amendment would result in taking away from the domestic industry a considerable part of their business. There is no way by which this could be avoided under the almost universal requirement covering all public contracts that such contracts shall be given to the lowest bidder. The domestic companies would have to underbid the importers for the discretion allowed officials in determining the responsibility of bidders is not sufficiently broad to permit the giving of contracts to American companies solely because of their nationality. I think it is generally well known and understood that the domestic industry can not meet the price of imported cement.

I am reliably informed that for the past several years from 33 per cent to 35 per cent of imported cement has been used in the building of roads, streets, and alleys, and from 17 per cent to 20 per cent additional is used in public work of various kinds, make the total of imported cement used in public work between 50 and 55 per cent. This does not take into consideration the cement used in semipublic work; that is, in work where the expense is divided between railroads and municipalities, and so forth.

There is a further objection to the adoption of this amendment from the standpoint of administration. No power is given to the Secretary of the Treasury to make regulations for the proper administration of this provision of the act should it become law. To my mind, it opens up a new "racketeering" game, and we will soon have a new addition to the "bootlegger" family—the "cement bootlegger."

There is no way, so far as I have been able to determine, just how cement which has been admitted free for public purposes can be earmarked and followed through to its final destination, and it would be a very easy matter to divert cement ostensibly imported for public purposes free of duty into private channels.

The Blease amendment vitiates the relief which we seek to give to the domestic industry under paragraph 205, where we impose a duty of 6 cents per hundred pounds. The effect of the Blease amendment would be to make this rate of little or no value whatever, so far as protection to the domestic industry is concerned. If you want to give protection to the cement industry there is only one way to do it under the circumstances which confront us, and that is to vote down the Blease amendment.

Mr. McSWAIN. Will the gentleman yield for a question?

Mr. BACHARACH. Yes.

Mr. McSWAIN. Did I undestand the gentleman to say that, as a matter of fact, if the so-called Blease amendment was adopted, it would save about $800 per mile in road construction?

Mr. BACHARACH. Provided they used the imported cement.

Mr. McSWAIN. Yes; I thank the gentleman.

Mr. BACHARACH. I do not say they would save that unless they used the imported cement.

Mr. WILLIAM E. HULL. And that would apply only to the seaboard States and would not apply to the inland States.

Mr. BACHARACH. It could not apply to those States, because it is almost impossible to take cement a farther distance than 150 miles without coming in competition with some inland plants.

Mr. LANKFORD of Virginia. If the gentleman will permit, I would like to call the gentleman's attention to a clipping which I cut from a Norfolk paper a few days ago, stating that the Norfolk cement plants have suspended operations for two months as a direct result of the foreign importation of cement into that seaboard city.

Mr. KETCHAM. Will the gentleman yield?

Mr. BACHARACH. Yes.

Mr. KETCHAM. Will the gentleman please take a moment to indicate to the House how this tariff could possibly affect the price of cement in the interior of the country by reason of the very heavy freight rates that would naturally prevent its importation to any great extent into the inland part of the country?

Mr. BACHARACH. Of course, personally, I do not believe it would affect the price of cement, no matter what the rate of duty might be, if it was inland, because, as I have said, farther than 150 miles from the seaboard I believe it is impossible for them to ship cement to any advantage.

Mr. KETCHAM. The freight rate would more than counterbalance any increase of the tariff?

Mr. BACHARACH. Yes.

Mr. LaGUARDIA. But it will affect the price of cement along the coast.

Mr. BACHARACH. Of course, it is a question whether it does or not. Of course, my own theory about such imports and protection is different from that of the gentleman.

Mr. PERKINS. Will the gentleman yield?

Mr. BACHARACH. Yes.

Mr. PERKINS. The suggestion has been made that it will save a certain amount of money per mile in the building of roads if we bring in cement free; why not bring in the labor free and save a lot more?

Mr. BACHARACH. I think the gentleman's point is well taken.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. BACHARACH. Yes.

Mr. O'CONNOR of New York. Is it not a fact that in this tariff bill many of your rates, and especially the big ones, are for certain sections of the country and for certain industries in certain sections of the country?

Mr. BACHARACH. Yes; affecting particularly the gentleman's own section of the country.

Mr. COLLIER. So, when they talk about this not being worth while it will affect 35 States.

Mr. BACHARACH. That is correct. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New Jersey has expired.

Mr. COLLIER. Mr. Speaker, ladies and gentlemen of the House, let us get this matter settled in our heads as to what the situation is. There are three amendments in regard to cement. The House put 8 cents a hundred pounds on cement. The Senate changed 8 cents to 6 cents a hundred pounds. The gentleman from Oregon has asked the House to recede from 8 cents and accept the 6 cents per hundred put on by the Senate. So in the vote on the motion offered by the gentleman from Oregon, the ayes will be for 6 cents and the noes will be for 8 cents. I shall vote with the gentleman from Oregon on the first amendment and for 6 cents per hundred pounds, though I would like to vote for free cement.

Then I have offered an amendment to recede on amendment 893 and concur in the Senate amendment.

Let us see what this means. I am for the Senate amendment. What is this Senate amendment? It is that cement or cement clinker—Roman, Portland, and other hydraulic—imported by or for the use of, or for sale to, a State, county, parish, city, town, municipality, or political subdivision of government thereof, for public purposes, should be on the free list and the tariff of either 8 or 6 cents will not apply.

What is the Senate amendment? It affects over 85 to 90 per cent of the cement in the United States. I would take off my hat in grateful acknowledgment to my good friend from Oregon for his efforts in behalf of the people of the country, thanking him for his generosity in giving us a reduction from 8 cents to 6 cents, did I not know that down in his heart he is for 8 cents and that it is a deep-laid scheme. After long consultation and many caucuses the majority members of the committee, who want 8 cents, have come to the conclusion that they are more likely to defeat the Senate amendment 983, which puts 90 per cent of the cement free, if they give in to 6 cents instead of 8 cents.

When it comes to taxing cement 6 or 8 cents a hundred pounds, I am talking to-day for every class of American citizens. I am talking in the interests of those great corporations who build railroads, who build bridges, who build skyscrapers, and I am also talking in the interest of the humbler citizen who is trying to build a modest home for his wife and his children. I am talking for the community that is raising funds to build a church and which is heavily taxed for the building and upkeep of their county highways. I am talking in the interest of city and town in America where the citizens are taxed in keeping up their streets. I am talking in the interest of the public where it has to build State institutions, such as hospitals, institutions for the blind, the indigent, and the insane, and other State buildings. I am talking in the interest of the Federal Government, for we have a building program that will run up into the hundreds of millions of dollars. I am speaking to-day, my friends, for every class and condition of our people.

It will be contended that this amendment does not affect the man who builds a home.

But when that man goes to the courthouse to pay his taxes, after they have taxed every road $870 to $1,250 a mile because of this increase on cement, when that man who has to build a house with cement foundation goes to the courthouse to pay his taxes he will find how much extra he has had to pay on that house because of the additional cost of the roads and streets which have to be built and paid for by his taxes.

I want to answer one thing that has been argued here by my good friend from New Jersey [Mr. BACHARACH] and several others.

I feel sorry for Mr. BACHARACH, because he seems to be the only man in the House for 8 cents instead of 6 cents. I think he has been left out of the secret conference which has been going on.

I want to answer the argument made by him and others, why should the Federal Government, why should a State or county or parish or any municipality be permitted to have an exemption from duty on a specific article when a citizen will have to pay the duty?

Mr. BACHARACH. Will the gentleman yield?

Mr. COLLIER. I will yield.

Mr. BACHARACH. The gentleman wants to be accurate?

Mr. COLLIER. I certainly do.

Mr. BACHARACH. The gentleman said that the difference in cost would be $850 to $1,250 a mile—it is only about $750.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. COLLIER. I yield.

Mr. WILLIAM E. HULL. Would it make any difference in the cost of a road in Mississippi?

Mr. COLLIER. Eight hundred and some-odd dollars on each mile.

Mr. WILLIAM E. HULL. In Mississippi?

Mr. COLLIER. Why do you put this tariff on if it will not raise the price of cement?

Mr. WILLIAM E. HULL. I contend that it does not raise the price, except on the coast.

Mr. COLLIER. And I contend that it does. There is an issue joined between us right there. Here is one answer to the question as to why it is that the Government gets it free and the individual does not. There is precedent for it. It has in many instances been the law. In the Thirty-eighth United States Statutes at Large, page 389, title 34, section 568, there is the following provision:

That hereafter the Secretary of the Navy is hereby authorized to make emergency purchases of war material abroad: *And provided further*, That when such purchases are made abroad they shall come in free of duty.

If the Federal Government has been given this exemption, why not the State, the county, the municipality? The finance of all these political divisions and subdivisions are raised by taxing the people.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. Yes.

Mr. JOHNSON of Washington. And that law which permits the Navy to do that is supposed to be an emergency law, but I would like to have the Navy stopped from buying Argentine beef for sailors, and we are going to do it, I hope.

Mr. COLLIER. I trust the gentleman in his lifetime will have one of his hopes realized. In the act of 1922 cement was free. Let us see something about the domestic production of cement. We will go back to 1923.

Domestic production of cement

	Production	Imports	Exports
	Barrels	*Barrels*	*Barrels*
1923	137,460,238	1,678,481	1,001,688
1924	149,358,109	2,010,936	878,543
1925	161,658,901	3,655,067	1,019,597
1926	161,530,170	3,232,386	974,326
1927	173,206,513	2,049,930	816,726
1928	176,195,488	2,286,177	824,657
1929	[1] 170,198,000	1,720,273	885,321

[1] Portland cement only.

Ratio of imports to domestic production

	Per cent
1923	1.21
1924	1.35
1925	2.26
1926	1.56
1927	1.18
1928	1.30
1929	1.01

Let us analyze these figures for the last three years. In 1927 the ratio of imports to domestic production was 1.18 pounds for every 100 pounds produced in this country, and in 1928, 1.30, and in 1929, 170,000,000 barrels of cement were produced in this country, and the ratio to that of cement that was brought into the country was 1.01 pounds for every 100 pounds produced in this country.

Mr. LANKFORD of Virginia. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. Yes.

Mr. LANKFORD of Virginia. The gentleman's figures are for the production of the whole country?

Mr. COLLIER. My figures came from the Bureau of Public Roads.

Mr. LANKFORD of Virginia. Can the gentleman separate the seaboard production from the whole country?

Mr. COLLIER. We might as well settle that right now. The Lehigh Portland Cement Co. sold about 85 to 90 per cent of the cement sold in the State of New York, and the freight rates on the Lehigh Co. are less to the city of New York, where the bulk is sold, from the Lehigh plant, according to the figures that I have here, than are the freight rates from Belgium to New York, and it costs Belgium more to bring cement to the port of New York than it does the Lehigh Co., and yet they say they want to tax all the rest of the country on account of the Lehigh Co. being unable to compete with Belgium on account of cheap freight rates. Let me say this to those people who seem to be so disturbed about the cement companies and think that they are going to be ruined. I shall read you here some of the stock dividends. The Lehigh Portland Cement Co. was organized in 1899, and it paid, including 1928, on an average 6 per cent on its common stock, and during the same period it has also paid a surplus of 473 per cent in common stock, equal to $17,748,150, and in 1928, 100 per cent in 7 per cent cumulative or preferred stock, equal to $22,517,000, and yet they want

a tax of 6 cents per 100 pounds for cement, so as to increase the dividends of that tremendous organization.

Let us now take the Atlas Co. During the years 1920–1924 they did not do so well, because their stock dividends in those years amounted to only 92½ per cent. The dividends have also been paid regularly since 1928, and during the years 1920 to 1923, inclusive, the Atlas Cement Co. has paid a total of 150 per cent in stock dividends. I think that answers the gentleman on those figures. The price of cement is fixed. The cement plants should be investigated. They all offer the same price and agree among themselves as to what they will charge.

I will read a letter that I have received, or an extract from a letter, from my own State which was given me. It was not sent to me:

As I understand, the new tariff bill proposes a duty of 30 cents per barrel on cement. When we came to buy our cement for our work on the Gulf coast the American companies were all very firm in their price, all quoting exactly the same price, which was considerably higher than I could import it from Europe. They held the price very firm, thinking I would not use foreign cement, until they found that I had asked the engineer to make preparations to test foreign cement. Within a few hours after learning this I had wires and phone calls from different mills quoting a price enough lower than they had been asking so that I could not afford to bother with the hindrances and delays that might occur in importing cement in shiploads. The price made at that time was some 60 cents per barrel lower than they were selling cement for within a few miles of their plant at Birmingham, Ala.

The cement industry is now controlled by a very few groups, and prices are arbitrarily fixed through a "gentlemen's agreement" between the heads of groups.

I see no reason why the State of Mississippi or other tidewater States should pay tribute to the cement people. My work takes me into many different parts of the United States, and I have had opportunity to see the working of the cement business at many different points and ways. While as a contractor it does not affect me particularly, as we would simply add in the extra cost of material on the work we bid on, I see no reason why the industrial groups should benefit so greatly at the expense of the rest of the people of the United States.

Mr. BURTNESS. Mr. Speaker, will the gentleman yield there?

Mr. COLLIER. Mr. Speaker, how much time have I?

The SPEAKER pro tempore (Mr. ACKERMAN). The gentleman has 15 minutes.

Mr. BURTNESS. I will say to the gentleman that I am in thorough sympathy with his position, but what bothers me is whether the Blease amendment can be administered. Will it be possible for the department to administer that amendment so as to carry out its full intent?

Mr. COLLIER. I think I can answer that.

Mr. BURTNESS. I hope you can.

Mr. COLLIER. Ever since 1921–22 I have heard from the Republican Members on the floor of this House that, second to Alexander Hamilton, the greatest Secretary of the Treasury that ever lived was Uncle Andy Mellon. I may add that when it comes to business if he wants to administer this law, if he is honestly in favor of this law, may the Lord help these cement fellows on the other side trying to beat it. [Applause.]

Mr. BURTNESS. I assume that the amendment is put in on the theory that our roads and public buildings would be benefited. What will be the effect on the jobs which are let out by contract? What position is the contractor in who is going to submit a bid on a cement highway or a courthouse or something like that? What knowledge will he have at the time that he submits the bid whether he can obtain foreign cement without duty at a specific price so that the public can get the advantage of that lower price?

Mr. COLLIER. He will have the same advantage that everyone else will have as to the price of cement.

Mr. BURTNESS. If the contractor makes a bid, say, on a highway of 30 miles, when he submits his bid to the highway commission, will he deduct 6 cents a hundred pounds from the domestic price?

Mr. COLLIER. Ninety per cent of the cement that will be used will probably come under this provision. Of course, the price will be fixed. One Member told me that if a man starts to build a road, and a railroad runs across it twice, and there would have to be a few yards of cement paving at those crossings. Suppose that would happen. Suppose it would. It would amount to nothing if it did.

Mr. PARKER. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. Yes.

Mr. PARKER. I would like to ask the gentleman if he considers it good public policy to use a product produced in a foreign country which may be produced in this country, and let industries in our own country come to a standstill?

Mr. COLLIER. I am going first to let Judge CRISP answer the gentleman from South Dakota. I say that with all due respect to the gentleman. I will try to answer him later.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. Yes.

Mr. CRISP. I would like to attempt to answer the question of the gentleman from North Dakota. I would like to have the gentleman's attention. I want to attempt to answer the question he propounded to the gentleman from Mississippi. I do not know whether it will be a satisfactory answer or not. In the framing of a tariff bill we always follow this practice. The law does not prescribe the manner or method in which goods shall be imported to the United States or cleared from the customhouse.

The law simply prescribes the rates. The Treasury Department makes the rules and regulations governing the admission of goods. For instance, for years there has been a provision in the tariff bill under which antiques come in free from abroad, and in such cases the importer has to meet the requirements of the Treasury Department proving they are over 100 years old before he can clear the goods from the customhouse and have the goods come in free. I understand the same policy will be pursued here, and that the Treasury Department will make rules and regulations and see to it that no cement comes in free of duty except in accordance with the law, and will see to it that that cement will be used only for public purposes.

Mr. PARKER. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. Yes.

Mr. PARKER. I want to ask the gentleman if he subscribes to this general principle, that all public buildings and public improvements shall be built with foreign-made material if it is cheaper than the domestic material? That is a fair question under the circumstances, perfectly fair.

Mr. COLLIER. I want to say to the gentleman that I hope I am as patriotic as he is. But I want to say to him that I am not going to burn up all the people in the United States in order to allow you people to get away on a platitude like that.

Mr. PARKER. I ask you that question in all fairness.

Mr. COLLIER. Of course I am for my country first, last, and all the time. [Applause.]

Mr. BOWMAN. Will the gentleman yield for a question?

Mr. COLLIER. I yield.

Mr. BOWMAN. Is there any commodity or article now admitted free under the present tariff law for the Government which has a duty for the individual?

Mr. COLLIER. I do not know whether there is or not, but I hope there will be by this time to-morrow.

Mr. BOWMAN. The Blease amendment, then, would establish a precedent?

Mr. COLLIER. As far as I know, it may. I do not know.

Mr. SABATH. Will the gentleman yield?

Mr. COLLIER. I yield to my friend from Illinois.

Mr. SABATH. I have listened carefully to the report which the gentleman has read as to the dividends of the various corporations manufacturing cement. In some instances the dividends amounted to 400 or 500 per cent in addition to the regular payment of dividends. I have also listened to the letter which the gentleman has read, showing that when they quoted prices, whether one company or the other, they always quote the same price.

Mr. COLLIER. The gentleman said he believed that they did.

Mr. SABATH. So that there is a perfect understanding on the part of all these corporations to charge whatever price they feel the country will stand. Now, is it not believed on the part of the proponents of this amendment that if the cement for public improvements is placed on the free list there will be very little importation, but that the combination will reduce the price a few per cent to prevent importation, and that in general the country will have the benefit of that reduction?

Mr. COLLIER. Of course, it will. That will give them an excuse to put up the price.

Now, I must ask not to be interrupted further, as I want to show you what this will cost in the building of roads. I have a statement from the Bureau of Public Roads, in which it is stated that the average road in the United States, built by the State and county highway systems is 20 feet wide and 7 inches thick. On such a road there will be 3,422 barrels of cement per mile. In 1928, which is the last year for which we have the figures, there were 1,145 miles of road built by the county system and 5,908 miles built by the State and county authorities together, making a total of 7,053 miles of road. If, on every one of those roads the tariff is added to the cost of the cement on the basis of 8 cents, it will cost $1,026 per mile, and on the basis of 6 cents $769 per mile.

My friends, I am going to weaken my case to say in answer to some of you that I doubt whether the traffic will stand so

tremendous an increase, but the increase in price of cement will be great. I am going to ask you why it is, if this cement only affects the companies on the coast, that every cement company in the United States, thousands of miles away from the coast, is besieging us with letters and telegrams and asking us to vote for 8 cents, if it does not do them any good. I say that we will use on a road 20 feet wide and 7 inches thick cement which will cost $1,026 more a mile. Why are my good friends from the districts where these cement plants are located so interested, if it is not going to have any effect? That does not take into consideration a single bridge or a single curb, and that does not take into consideration a single foot of paving in any city in the United States. The streets are from 60 to 100 feet wide, and will cost from three to five times as much.

The Bureau of Public Roads of the Department of Agriculture reports that in 1928 there were constructed by the State highway systems 5,908 miles of concrete roads, and by the local county systems 1,145 miles of concrete roads, or a total of 7,053 miles.

The Bureau of Public Roads has compiled a table showing the approximate quantity of cement required per mile for concrete pavements of various widths and average depths on the basis of a mix containing 1½ barrels of cement per cubic yard of concrete, which is the approximate average mixture. The table is as follows:

Quantity of cement, in barrels, required for a mile of concrete pavement of various widths and average thicknesses

[Based upon a mix employing 1½ barrels per cubic yard of concrete]

Average thickness of pavement	Barrels of cement per mile of pavement of width—					
	16 feet	18 feet	20 feet	24 feet	30 feet	40 feet
6 inches	2,347	2,640	2,933	3,520	4,400	5,866
7 inches	2,738	3,080	3,422	4,107	5,133	6,844
8 inches	3,129	3,520	3,911	4,693	5,866	7,822
9 inches	3,520	3,960	4,400	5,280	6,600	8,800
10 inches	3,911	4,400	4,889	5,867	7,333	9,778

A barrel of cement weighs 376 pounds.

At 8 cents per 100 pounds the tariff would be 30.08 cents per barrel.

At 6 cents per 100 pounds the tariff would be 22.56 cents per barrel.

In the following tables 30 and 22½ cents is used.

This does not include curbing or bridges nor city streets. If the streets are 80 and 100 feet wide, it would cost $5,000 per mile.

I hold in my hand a letter from a great man, and one whom I believe is one of the most efficient officials in the Federal Government. I hold in my hand a letter from the Chief of Engineers of the United States Army, in which he gives some figures and statistics. He says that for the fiscal year ending June 30, 1929, for work in the engineering department of the United States alone, there was used 1,180,000 barrels of cement, which, at an average price of $1.80 per barrel, amounted to $2,125,000. I want to tell you gentlemen from the banks of the Missouri and the Arkansas, those living on the reaches of the Mississippi River, the Ohio River, and other rivers where you are troubled with floods, that the Chief of Engineers tells us that approximately 50 per cent of all the cement was used in connection with flood-control work. The Budget gives as much money as the engineers declare can be economically used, the President of the United States passes upon it, and the Appropriations Committee pare these estimates down to the last dollar, and then Congress comes in and puts on a duty of 6 cents per 100 on every barrel of that cement, and it cuts down the work which the President of the United States and the Budget Bureau and the Chief of Engineers have given to us.

The following table shows the additional cost per mile of concrete pavement of various widths and thicknesses, based upon a mix of 1½ barrels of cement per cubic yard of concrete under the 8-cent rate and under the 6-cent rate.

Additional cost per mile

Thickness	Width of pavement					
	16 feet	18 feet	20 feet	24 feet	30 feet	40 feet
6 inches:						
8 cents	$704.10	$792.00	$879.90	$1,055.00	$1,320.00	$1,759.80
6 cents	528.07	594.00	659.92	792.00	990.00	1,319.85
7 inches:						
8 cents	821.40	924.00	1,026.60	1,232.10	1,539.90	2,053.20
6 cents	616.05	693.00	769.95	924.07	1,154.92	1,539.90
8 inches:						
8 cents	938.70	1,056.00	1,173.30	1,407.90	1,759.80	2,346.60
6 cents	704.02	792.00	879.97	1,055.92	1,319.85	1,759.95
9 inches:						
8 cents	1,056.00	1,188.00	1,320.00	1,584.00	1,980.00	2,640.00
6 cents	792.00	891.00	990.00	1,188.00	1,485.00	1,980.00
10 inches:						
8 cents	1,173.30	1,320.00	1,466.70	1,760.10	2,199.90	2,933.40
6 cents	879.97	990.00	1,100.02	1,320.07	1,649.92	2,200.05

Now, my friends, I am going to call on you to-day to vote for this amendment. I do it as honestly and as sincerely as anything I ever did in my life. We have an outrageous tariff on everything. They have taxed a little necklace 4,000 per cent; blankets, clothing, and other necessary articles in many instances over 100 per cent; some other things 1,500 per cent. This commodity is something that enters into the conduct of every man's life. This is something that goes into every man's home. The man on the farm who buys a little cement may think that he is not affected by it, but he is affected when he is taxed to death. The great Secretary of the Treasury has repeatedly said to our committee that one of the troubles with this country was the overbonding of the various States, counties, and municipalities, for municipal improvements which they had to have. With the amount of bonds which they have outstanding, with the amount of bonds they will have to issue to build their roads, if Congress now comes in and takes cement from the free list and places a tax of 8 or 6 cents per 100 pounds on that article it will cost the American people millions of dollars. [Applause.]

Mr. LOZIER. Will the gentleman yield?

Mr. COLLIER. I yield.

Mr. LOZIER. Is it not true that the inevitable result of the imposition of a duty on cement will be a substantial increase in the price of cement all over the United States, and, as evidence of that, is it not a fact that practically every cement-manufacturing plant in the Mississippi Valley and throughout the Nation generally has flooded the mails with letters and propaganda in support of this tariff on cement, realizing that they will ultimately receive a direct benefit from the imposition of this duty? The existence of a Cement Trust, or "gentlemen's agreement," among the cement manufacturers to maintain prices at a high level and on a noncompetitive basis can not now be seriously questioned. If this tariff is placed on cement, the builders and buyers of cement will be at the mercy of the Cement Trust. This tariff on cement will add to the cost of every building in which cement is used, and this cement tax is absolutely indefensible.

Mr. COLLIER. That is true. I want to say just this. I have here from the Bureau of Public Roads, based on 1928, a statement showing what it would cost any State in this Union to build roads. I see my good friends from California, and I want to say to them that if they build as many miles of roads in 1931 as they did in 1928 the additional tax on those roads will be $186,000,000. I want to say to the State of Illinois that if they build as many miles of roads in 1931 as they built in 1928 it will cost the State of Mr. SABATH, Mr. RAINEY, and my good friend Mr. HULL, and others $1,168,270. I want to say to you fellows from Michigan that it will cost Michigan $536,911; and where is my good friend TREADWAY?

Here is where he gets his again. It will cost Michigan $556,000, Illinois, one million and something, South Carolina, $202,000, but Massachusetts only $20,420. Mr. TREADWAY and Massachusetts and New England gets theirs coming and going. Of course, Mr. TREADWAY is for it, because it does not cost Massachusetts anything. If any Member wants to know what it will cost his State, I will give it to him. I am going to put it in the RECORD. He will find it at the end of my remarks.

Mr. KORELL. Will the gentleman yield?

Mr. COLLIER. Yes.

Mr. KORELL. The gentleman has a great deal of information upon this subject, and the House has been listening to him with a great deal of interest, but before he concludes his remarks, I want to call his attention to the fact that he still has not answered the question that the gentleman from Montana asked him a few moments ago, and which he promised the gentleman from Georgia [Mr. CRISP] would answer for him.

Mr. COLLIER. I thought he was asking another question. I will try to answer the question. It is whether I would prefer a foreign concern to do something in this country. I would not. I want Americans to do it.

Mr. PARKER. The gentleman is subscribing to the theory that we use a foreign-made article in public improvements. I ask him whether he subscribes to that principle right straight through in every respect. That is a fair question.

Mr. COLLIER. I am for the American-made product; but I will tell the gentleman this: I am not going to sting and burn the life out of my people because some fellow talks about a foreign-made product. I am not going to be like a prominent firm out in Illinois, one of the biggest farm machinery concerns, which sells certain farm machinery for $143 in Chicago to the American who brings his wagon to the door and gets it, and then ships that same machinery 3,000 miles across the water and sells it to a foreigner for about $80 or $90, and then prates patriotism and tells us we also ought to be patriotic and give him the opportunity of stinging the American people un-

der the guise of patriotism. I am not going to do that. [Applause.]

These figures are what 8 or 6 cents a barrel would cost these States in road building if they built the same number of roads in 1931 that they built in 1928. This does not take into account bridges or curbing.

State	Miles	8-cent rate	6-cent rate
Alabama	136	$139,617.60	$104,713.25
Arizona	1	1,026.60	769.95
Arkansas	50	51,330.00	38,497.50
California	182	186,841.20	140,130.90
Colorado	61	62,622.60	46,966.95
Connecticut	73	74,941.80	56,206.35
Delaware	41	42,090.60	30,567.95
Florida	28	28,744.80	21,558.60
Georgia	111	113,952.60	85,464.45
Idaho	5	5,133.00	3,849.70
Illinois	1,138	1,168,270.80	876,203.10
Indiana	392	402,427.20	301,820.40
Iowa	748	767,896.80	575,922.60
Kansas	97	99,580.20	74,685.15
Kentucky	60	61,596.00	46,197.00
Louisiana	14	14,372.40	10,779.30
Maine	12	12,319.20	9,239.40
Maryland	111	113,952.60	85,464.45
Massachusetts	20	20,532.00	15,399.00
Michigan	523	536,911.80	402,683.85
Minnesota	111	113,952.60	85,464.45
Mississippi	100	102,660.00	76,995.00
Missouri	144	147,830.40	110,872.80
Montana	4	4,106.40	3,079.80
Nebraska	5	5,133.00	3,849.75
New Hampshire	31	31,824.60	30,868.45
New Jersey	190	195,054.00	146,290.50
New Mexico	1	1,026.60	769.95
New York	705	723,753.00	542,814.75
North Carolina	313	321,325.80	241,094.35
Ohio	247	253,570.20	190,177.65
Oklahoma	118	121,138.80	90,854.10
Pennsylvania	58	59,542.80	44,657.10
Rhode Island	14	14,372.40	10,779.30
South Carolina	197	202,240.20	151,680.15
South Dakota	6	6,159.60	4,619.70
Tennessee	82	84,181.20	63,175.90
Texas	431	442,464.60	331,484.45
Utah	12	12,319.20	9,239.40
Vermont	52	53,383.20	40,037.40
Virginia	76	78,021.60	58,516.20
Washington	49	50,303.20	40,037.40
West Virginia	78	80,074.80	60,054.10
Wisconsin	226	232,011.60	174,008.70
Wyoming			

Mr. HAWLEY. Mr. Speaker, I yield eight minutes to the gentleman from New York [Mr. PARKER]. [Applause.]

Mr. PARKER. Mr. Speaker, while I believe that the duty on cement should be at least 8 cents per 100 pounds, I am going to support the suggestion of the chairman of the Ways and Means Committee to accept the Senate amendment of 6 cents per 100 pounds, not concurring in the Blease amendment, which, as you know, allows cement to come in free that is to be used in public works.

This question is entirely a local question, and I am going to try and prove to the House, for I think it can be easily demonstrated, that the freight differential makes it impossible for foreign cement to be economically used west of 200 miles from the Atlantic seaboard.

The most of the cement made in New York State is made in the districts along the Hudson River, one of which I have the honor to represent. For the sake of comparison and to prove my argument that it is a local question, I am going to use the figures from a point in my own district where there is a large cement mill, namely, Glens Falls.

The commodity rate on a carload lot of cement from Glens Falls to Boston is 15½ cents per 100 pounds. There is no commodity rate from Boston to the West on cement, and to ship that same cement back to Boston it would cost 28½ cents per 100 pounds, or on the differential of 13 cents. When you compare that with the tariff of 6 cents you will see that no cement could be shipped from Boston back to the Hudson River district for use. There is no commodity rate from New York to any point on cement.

Now, let us look at the question from Chicago: The commodity rate from Glens Falls to Chicago per carload lot is 28 cents per 100 pounds. The rate from Boston to Chicago is 47½ cents per 100 pounds; that makes a differential of 18½ cents per 100 pounds, which certainly makes a 6-cent tariff of no particular advantage to the eastern manufacturer who is shipping to Chicago in competition with foreign cement. The rate from New York to Chicago is just the same—47½ cents per 100 pounds.

The commodity rate from the large mills south of Albany is 28 cents to Chicago, and the class rate from Boston to Chicago, as I have said, is 47½ cents, so you will see in all these cases there is a differential in freight rate which entirely overcomes the 6 cents per 100 pounds that we propose to put on. The figures that I have used are not figures supplied by the cement manufacturers but figures that I secured from the Interstate Commerce Commission, my object being to try and prove that the tariff on cement meant nothing to people living more than 100 miles away from the coast—the price on cement to people living more than 100 miles from the coast will not be affected in the slightest way by the proposed tariff.

I started out by saying that this is a local issue, which it is. The cement manufacturers who are interested in this tariff are the cement manufacturers along the eastern seaboard within easy range of the seaboard cities.

For the last few years the average importation of cement has been 2,500,000 barrels, mostly from Belgium, brought in under cheap freight rates, lots of it as ballast. The total consumption along the Atlantic seaboard has been about 20,000,000 barrels, which is about 14 per cent of the cement used along the seaboard. It is very readily seen that if these manufacturers do not get some relief that the plants will have to shut down.

Foreign cement can be had in Boston for about $1.85 a barrel, and it costs the American producer in my district $2.55. The American producer has been selling cement in Boston at $2.05 per barrel, 50 cents under what it cost him to make it, believing that he would get some relief on account of the revision of the tariff; and to use Boston as an example, about one-third of all cement used in Boston last year was foreign cement.

A cement plant to be run economically must be run practically at capacity, and these eastern manufacturers have been selling cement in competition with the Belgium cement at less than cost so as to keep their plants running, and, as I have said, hoping for relief in the tariff revision.

While the 18 cents which we propose to give them will not make up all the differences, it will be a decided help.

It is illogical to require a private consumer to pay a duty on certain imports which when imported by the Government are admitted free. The public improvements for which the Government would import cement are paid for by taxes levied on American industries and American workers, including the domestic cement companies and the people employed by them. Probably the greater part of the cement used or to be used in this country in the future is for public purposes, including the construction of public buildings and highways. To facilitate the use of cheaper foreign cement in this work would inevitably result in serious injury to the American cement industry. The fallacy of the distinction between public and private purposes goes further than the mere creation of a favorite importer, since the beneficiary of the amendment passes on to the public a benefit which results paradoxically in killing or seriously harming a domestic industry which the tariff aims to protect, and in aggravating an unemployment situation which the tariff is designed to relieve.

The same distinction between public and private purposes might equally well be applied to other imports. If cement imported for public purposes is to be admitted free, why should not all other articles imported by the Government be relieved from duty? For example, structural steel for public buildings, cloth for military uniforms, or farm produce for the Army, Navy, and public institutions. Such a distinction in the past has been limited to a narrow field, including such things as works of art, books, scientific instruments, and so forth, when imported for educational, scientific, or religious purposes. The exception contemplated by the amendment is without precedent when applied to commercial products for commercial uses.

That the amendment would inevitably result in taking away from American cement companies a great part of the seaboard business and in giving it to foreign competitors is apparent from the almost universal requirement with reference to public contracts—that such contracts shall be given to the lowest bidder. American companies would be unable to meet the prices which foreign companies could quote if they wish to maintain the quality of their product and keep the wage scale of their workers at its present level. The discretion allowed to officials in determining the responsibility of bidders is not sufficiently broad to permit the giving of contracts to American companies solely because of their nationality.

Cement which has been admitted free as being for public purposes can not be earmarked as readily as can works of art or similar articles whose free admission is conditioned upon the use to which they will be put.

For the reasons outlined the amendment defeats the very purpose of the tariff, tends to create unemployment, is without precedent, and is well-nigh impossible of practical execution. [Applause.]

Mr. HAWLEY. Mr. Speaker, I yield 20 minutes to the gentleman from Iowa [Mr. RAMSEYER].

Mr. RAMSEYER. Mr. Speaker, ladies and gentlemen of the House, I may not take all of the time allotted me.

Every commodity in a tariff bill has a story of its own. I do not think the story of the cement situation in this country, from my standpoint at least, has yet been told, although there have been able speeches made both for and against the cement duties.

I want to tell you another thing. We have had a hard and uphill fight for separate votes on some of these items, and the way the votes go here in the next few days on these items is going to in some degree at least determine the palatability of this bill.

If the House had voted on some of these items, as some of us contended, when the matter was first up, the bill might have been law months ago instead of becoming law weeks hence, if ever. This bill is going back to the Senate. According to the statement of the chairman of the Senate Finance Committee, the bill will be in the Senate at least two weeks. Depending upon our votes here, the bill may be over in the Senate for the next two months, and I doubt whether it gets through the Senate in less than a month.

Now, what is the situation as to cement? When the bill was up before I spoke both against a duty on brick and against a duty on cement. The brick affects the Hudson River area and they say that the cement affects the Atlantic seaboard and New Orleans somewhat. For the purpose of argument I am willing to take these statements as accurate, but what is the difference in the situation relative to the brick industry and the cement industry?

No Republican here or no Democrat will contend that a protective duty is ever justified to foster monopoly. In the brick industry there is competition; there is no community of understanding among the brickmakers from the Atlantic to the Pacific. In the cement industry there is monopoly, or, to say the least, there is a community of understanding among cement companies, so that the experience of municipalities and those who buy cement time and again is the experience which I noticed in a news item from the Birmingham News in a dispatch from Nashville, Tenn. This is the item:

> Three times has the State of Tennessee advertised for bids for 117,000 barrels of cement for highway purposes and three times have bids been received. Thrice also have the bids been promptly rejected, each bid being exactly the same every time.

There is not a business man in this House who has had to buy cement or who knows of people who buy cement or of Government units that buy cement, who does not know that this is the common experience from the Atlantic to the Pacific.

Mr. SPROUL of Illinois. Will the gentleman yield?

Mr. RAMSEYER. In a moment.

This dispatch further states:

> Charles M. McCabe, commissioner for finance and taxation, announced: "We can not do business until somebody makes us a reasonable price."

The gentleman from New Jersey [Mr. BACHARACH] let the cat out of the bag when he admitted that if this duty were put on, it would cost $700 or $800 more per mile to build roads.

Mr. PARKER. Where?

Mr. RAMSEYER. I do not know where, but the gentleman said that.

Mr. BACHARACH. Will the gentleman yield?

Mr. RAMSEYER. In just a moment. When we first took up this question of a duty on cement before the Ways and Means Committee, when the first man appeared there asking for a duty on cement, I thought the gentleman from New Jersey was going to scratch his eyes out, but after he got into the subcommittee with the other gentleman from Pennsylvania who was on that subcommittee [Mr. WATSON], the Little Corporal of Pennsylvania politics, the subcommittee came out unanimously for a duty on cement of 8 cents per hundred pounds.

If I have misstated anything the gentleman said, certainly, I yield.

Mr. BACHARACH. I did not make that statement. I said it would cost $700 or $800 more per mile provided they used imported cement.

Mr. RAMSEYER. The gentleman concedes then that the duty will tend to raise the price?

Mr. BACHARACH. Oh, no; the gentleman well knows my position. The gentleman is a member of the Ways and Means Committee, and he knows the evidence before the committee was that along the seaboard this foreign cement comes in, and the statement was made that it comes in practically without any expense, coming in as ballast.

Mr. RAMSEYER. Oh, no, no.

Mr. BACHARACH. That statement was made.

Mr. RAMSEYER. We have not any cost of production at all from the local cement companies.

The tariff men tried to get the figures but there has never been any cost ascertainment of the cement mills in this country. There has been no investigation of the cost of production here and abroad. It is only guesswork. We have the statement of the fellows who want a duty on cement from abroad in order to permit them to have a monopoly on cement.

Mr. SPROUL of Illinois. Will the gentleman yield?

Mr. RAMSEYER. I yield.

Mr. SPROUL of Illinois. I want to say, Mr. Speaker and gentlemen, that I probably use as much cement as any firm in the United States, and when the gentleman makes the statement that there is a combination between the cement manufacturers in this country I deny that statement. I have taken the figures and my son has this last week bids from several hundred bidders on Portland cement, and there is a difference of 20 cents a barrel between the highest and the lowest. That does not show that there is any combination on cement as far as Chicago is concerned.

Mr. RAMSEYER. Well, Chicago may be a favored district, but that is not the experience of other users of cement.

Now, I want to go on, for I have only a few minutes left, and I have some other matters I want to discuss.

In regard to the cement monopoly, it has been the experience of those who have advised me that you can get bids from the cement companies, and as a general rule they have the experience that others have had, that those bids are exactly the same, just as the experience of Tennessee was recently.

Now, the United States Steel Corporation is going into the cement business. The United States Steel Corporation recently absorbed the Atlas Portland Cement Co. The United Steel Co. has had for some time the Universal Portland Cement Co. The Atlas Portland Cement Co. has an output of 19,000,000 barrels a year. The Universal Portland Cement Co. has an output of 17,300,000 barrels a year. The two together, now owned by the United States Steel Corporation—and I do not know how many others they control—have an annual output of 36,300,000 barrels, or 21 per cent of the entire production in the United States.

We hear a good deal about the Lehigh Valley Portland Cement Co., which they say feels the competition from abroad.

Mr. CROWTHER. Will the gentleman yield?

Mr. RAMSEYER. No; I have so short a time I can not yield further, and I want to get before the House the situation in the cement industry in this country.

Here is a writer in one of the New York papers in the last few weeks, and the heading is: "Brighter Outlook This Year for Lehigh Portland Cement." The last paragraph of the article is:

> But the company, through its persistently plowing back of a liberal part of earnings into the business, has proceeded to pay large and frequent back dividends. Since 1900, when the first stock dividend of 128 per cent was paid, a total of 519 per cent has been received in stock by shareholders in addition to the regular cash payments. The smallest stock disbursement was made in 1907, amounting to 6 per cent; and the last melon, one of 100 per cent, was cut for stockholders in 1928, with the $2.50 annual cash dividend rate then in force having since been maintained on the increased total of stock. Regular, preferred, and common payments at the prescribed rates were paid in January and February last.

Now, here you have a situation, a community of understanding, a monopolistic situation, that is coming in here and asking us to protect this district along the Atlantic seaboard.

Now, let us see about the importation of cement.

I have the figures here for the production, importation, and exportation of cement for the last 30 years. The use of cement has greatly increased within the last 10 or 15 years. It is being used more and more for building purposes, more and more for road purposes. Here we are in a state of depression. There is no question about it. We are starting out on a program of building, and the industry most depressed is agriculture. The farmers in 1921 consumed $899,000,000 worth of lumber, and in 1928 only $363,000,000 worth. Why? Because they did not have the capital to buy.

We are trying to liven things up a little and are going to build, and here comes a proposal which the gentleman who first spoke for the amendment admitted is going to increase the price of an essential building material. In 1900 the total consumption of cement in this country was 8,000,000 barrels. It gradually grew and in 1922 it was 114,000,000 barrels. In the last three years it has been over 170,000,000 barrels. In 1925 the importation of cement was a little over three and a half million barrels. Last year, 1929, the importation was 1,700,000 barrels, or 1.01 per cent of the production in this country. There was a falling off of nearly 2,000,000 barrels of importation of cement from 1925 to 1929. To be exact the imports in 1925 were 3,655,067 barrels and in 1929, 1,720,273 barrels. We have decreasing importation, and the evidence before us,

and especially before the Senate, all tended to show that these large cement companies were all paying large dividends, making a profit.

Mr. PARKER and BACHARACH rose.

Mr. RAMSEYER. How much time have I left, Mr. Speaker?

The SPEAKER pro tempore. Five minutes.

Mr. RAMSEYER. Then I ask the gentleman to hurry his questions.

Mr. BACHARACH. The gentleman was speaking about profit made by the Lehigh Portland Cement Co. That is probably accounted for by the fact that it has a plant in Iowa.

Mr. RAMSEYER. Fine, fine!

Mr. PARKER. The gentleman said the importations were 1,700,000 barrels last year.

Mr. RAMSEYER. Yes.

Mr. PARKER. Does the gentleman contend that those were used all over the United States?

Mr. RAMSEYER. Oh, no; of course, I do not. I admitted in the beginning that they are used along the Atlantic seacoast, but here we have this close community of understanding, this monopolistic arrangement among the cement companies, and the only thing we have left to keep them on their good behavior, and so that they will not boost prices on the principle of all the traffic will bear, is this little threat that is coming in of 1.01 per cent of the entire consumption. [Applause.] Withdraw that threat, and you let the monopoly in the country go the limit, on the basis of charging all that the traffic will bear. Some sport has been made about the Blease amendment. Cement ought never to have been taken off the free list. [Applause.] I would like to make a motion to put it all on the free list if the rules would permit. The Blease amendment is the only thing that we have here that will in any way keep the cement companies in this country halfway decent. They talk about not being able to administer it. We have provisions in the law that are just as indefinite as this is, where, under the general power, the Secretary of the Treasury issues regulations to govern the importations. To those of you who fear that it can not be administered I assure you I would have no objection to an amendment giving the Secretary of the Treasury power to issue proper regulations. That would be an easy matter, but the Secretary of the Treasury has that power and, of course, he will exercise that power if the Blease amendment is agreed to.

Mr. PARKER. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. How much time have I left?

The SPEAKER pro tempore. One minute.

Mr. RAMSEYER. Well, make it snappy.

Mr. PARKER. The gentleman was talking about the Blease amendment, and also he talks about the United States Steel Corporation. Does he believe that structural steel used in public buildings should come in free?

Mr. RAMSEYER. Oh, that is a question not in point.

Mr. PARKER. No; it is a fair question.

Mr. RAMSEYER. It is not; and has nothing to do with cement. The gentleman can not divert me from the cement issue. I do not yield to the gentleman further. The fundamental here is, as I said before, that cement ought to be on the free list. The only thing that we have left here to keep the cement monopoly on halfway decent behavior is the threat that comes in here, and if you do not like it this way I will agree that the gentleman may ask unanimous consent to strike out everything after the word "hydraulic" so that it may be put on the free list for private individuals as well as governmental units of the country. [Applause.]

Mr. BACHARACH. Mr. Speaker, I yield two minutes to the gentleman from New Jersey [Mr. FORT].

Mr. COLLIER. Mr. Speaker, and I yield the gentleman three minutes.

Mr. FORT. Mr. Speaker, ladies and gentlemen of the House, the gentleman from Iowa [Mr. RAMSEYER] has just concluded a very eloquent speech in favor of putting cement on the free list—a thing which it is now impossible for this House to do. We are confronted only with the choice between 6 cents and 8 cents as the rate of duty. I would prefer to vote for the 8-cent rate, but in order that there may be some assurance of some protection for an industry which radically needs it, I believe we should accept the 6-cent rate.

Last summer it was my privilege while abroad to talk with one of the leading cement manufacturers of the world, a foreigner, who tried for an hour to persuade me that we should not put a tariff on cement. When he found it useless, with a beautiful smile he said, "Well, frankly, I wish I could get one myself against Belgium," and, added that if he were in the place of the American Congress he would put on a duty to prevent Belgian importations. There is not the slightest question but that the Belgian cement industry is a threat to the cement industry of the rest of the world.

So much on the question of duty. What about the Blease amendment? First, it is absolutely and utterly unenforceable in form. If you will look at it as it is on page 266 of the bill, you will find that it provides for placing on the free list—

> Cement or cement clinker:
>
> Roman, Portland, and other hydraulic, imported by or for the use of, or for sale to, a State, county, parish, city, town, municipality, or political subdivision of government thereof, for public purposes.

Just what does this language do or fail to do?

First, it does not apply to any importations for the use of the Federal Government. That is left out. Any statement that free cement would come in for Government work is untrue.

Second, it applies not only to cement imported by a governmental unit but also cement imported—

> For sale to a governmental unit.

Now, what happens? In most towns they advertise for such supplies as they want. They advertise for bids for cement, for the supply of a minimum and maximum number of barrels within a given period. There will be no stock of foreign cement, tariff free, in this country, for it can not come in free unless certificated to be for public use. So all bidders will have to figure on domestic cement in case they should be called on for an early delivery. But if the delivery should be delayed in whole or in part, the successful bidder can then, if he chooses, import, under this language, the foreign cement, although he and the others have made their bids on the basis of using domestic cement. The profit, the savings on the tariff, will go, not to the municipality, but to the successful bidder for the contract to supply.

Now, gentlemen will say that there will be others who will bid on the basis of the foreign cement. If the figures of the gentleman from Iowa are correct, there will not always be foreign cement available in the market, for he says there are only 1,700,000 barrels a year coming in.

But the bidder who has got the contract can bring in the foreign cement free of duty if he chooses and can get it, and put the profit in his own pocket. The amendment is absurd unless it contains some guaranty that the tariff saving will accrue to the public body which purchases it.

I hold in my hand a document which quotes the following language spoken in the Parliament of Great Britain:

> The general contract policy of His Majesty's Government is to give a preference to the home market over foreign manufacturers. Departments are instructed to explore every possibility of obtaining home supplies before placing orders with foreign manufacturers and, generally speaking, such orders are only placed for special articles which can not be obtained in this country.

When great foreign nations, which might be powerful competitors in our markets were it not for our tariff, adopt so drastic a rule as to the purchase of home products, it would be a strange practice for us to levy tariff on all imports except those purchased for public use. Only a year or two ago I joined Members from cattle-raising States like Iowa in a protest against the use by our Army and Navy of foreign-grown meats. The identical rule should apply here. Whatever the ordinary citizen may do, our governmental agencies should buy at home. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New Jersey has expired.

Mr. HAWLEY. Mr. Speaker, may I ask the status of the time?

The SPEAKER pro tempore. The gentleman from Oregon has 20 minutes remaining and the gentleman from Mississippi [Mr. COLLIER] has 19 minutes remaining.

Mr. HAWLEY. I yield two minutes to the gentleman from Pennsylvania [Mr. COYLE].

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for two minutes.

Mr. COYLE. Mr. Speaker and my colleagues of the House, I am presenting to you a plea for a vote in support of that suggestion which comes from the managers for the House in response to the expressed wish for a separate vote on the cement item. I am not asking for the higher rate, because those of us who represent districts and States which produce cement are in agreement that the lower rate—that is, the 6 cents per hundred pounds rate—put into the bill in the Senate is the rate which seems advisable to accept. The advisability, as you will all realize, is a distinct move and offer made on our part in fair consideration for your good will and support for the elimination of the very difficult amendment added in the Senate, gen-

erally known as the Blease amendment. Those of us who represent cement districts frankly are offering to support the lower rate to gain from those of you who do not represent cement States or districts, but who do want to see a low tariff on cement, some cooperation in the elimination of this Blease amendment.

The Blease amendment, as perhaps you do not all know, is intended to exempt from the duty all cement which is "imported by or for the use of, or for sale to, a State, county, parish, city, town, municipality, or political subdivision of government thereof, for public purposes."

This Blease amendment, if it becomes a law, can not, in any event, in any way, at any point, lower the price to any farmer, but it does open the door on the seaboard both to a considerable importation, estimated at from ten to twenty million barrels annually for legitimate use in public works and probably another ten to twenty million barrels, which, while originally imported into the country for sale to some political subdivision, may ultimately find its way out of those channels and into the general channels of trade.

In any event, in order to enforce this amendment if it were enacted into law, it would be necessary to build up an additional Federal policing bureau for the purpose of determining whether cement earmarked for State, county, or city use goes ultimately into that State, county, or city use for which it has been imported free of duty.

The administrative difficulties of this provision will, I think, appeal to every one of you. The logic of its inclusion has not yet been advanced by anyone who has spoken on the subject, and since we, who represent cement-producing districts, have offered to you, who want cheap cement, the lowest of the two rates, instead of suggesting a compromise between those two rates, I think it but fair in return from you to give cooperative support in exclusion of the Blease amendment.

As historical precedent, I would cite that the Blease amendment, according to the legislative reference service of the Congressional Library, has not been paralleled in any previous tariff bill, with the single and possible exception of provisions occasionally included regarding books, statuary, and works of art destined for State or public libraries, and occasionally where imported for art educational purposes only.

Presentation copies for municipalities or State archives, where produced by American artists temporarily residing abroad, have also been occasionally exempted. But there is on record no case at any time where any Congress has exempted an ordinary bulk commodity in common use, which can not in any sense be earmarked through to its destination. There is, gentlemen, in this motion on the cement item, a resolution which can be fairly supported, both by the high-tariff advocate, and, if there be any left, even the free trader.

There are a number of things about the pending tariff bill wh'ch do not entirely suit me in their application to the industries of the district that I represent. For me, however, this cement item is the crucial one. If you are interested in the personal factor in the proposition, I would say that my prime interest in this item comes because for every thousand barrels of foreign cement that comes into the country on the Atlantic seaboard, 250 men in the Lehigh Valley in Pennsylvania lose one day's work in the cement mills and quarries; and certainly not less than 250 men in allied lines of transportation, coal mining, textile mills, paper mills also lose one day's work.

The raw material in the ground which goes into a barrel of cement is valued by the cement companies at about 1 cent per ton for the limestone and cement rock and about 3 cents per ton for the coal. All other value which is put into this commodity is put into it by virtue of the labor of man, and if the present one and one-half million barrels imported is going to be increased to from ten to twenty million barrels with the inclusion of this Blease amendment, then the man-day's work lost in my district is going to run into millions instead of thousands, as at present. This is the vital issue, the one amendment that will directly put men to work or keep them from working, and so I ask you to join with me in supporting 6 cents, the lower rate, and at the same time support with me the motion to exclude the Blease amendment. [Applause.]

Mr. HAWLEY. Mr. Speaker, I yield three minutes to the gentleman from New Jersey [Mr. LEHLBACH].

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for three minutes.

Mr. LEHLBACH. Mr. Speaker, I can understand how one who vaunts himself as a protectionist, who asserts allegiance to that traditional policy of the Republican Party, can differ with his colleagues as to the proper rate of duty on a commodity, or even as to whether certain commodities are properly the subject of a tariff duty or not. But the issue here this afternoon is not whether cement shall come in free or come in at 6 cents or 8 cents. That is beyond our determination. We can only determine that it shall come in at 6 cents or at 8 cents.

The heart and soul of the doctrine of protection is that the American market should be preserved to American-grown and American-made products, made by American labor, and that inasmuch as our prosperity depends upon that doctrine, it is the patriotic duty of every citizen, whenever possible, to patronize home industries to the exclusion of foreign importations. [Applause.]

Now, what does the Blease amendment do? The Blease amendment in effect does this: It offers a pecuniary inducement to the States, counties, and municipalities along the Atlantic seaboard to import their cement instead of using the American product, and we have protectionists proposing to vote for the proposition. We urge our citizens to patronize home industries and then bribe their local governments to spurn the product of American labor and buy abroad. That is neither patriotism nor protection. I would rather be a dog and bay the moon than such a protectionist. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New Jersey has expired.

Mr. COLLIER. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, the gentleman from New Jersey [Mr. LEHLBACH] had better start baying the moon right now, for this cement tariff, indeed, is something new in the theory of a protective tariff system. It is boldly proclaimed here that the tariff on cement is imposed to affect only consumers on the coast line of the country. That is not a protective tariff; that is rank sectional discrimination. There was never any such doctrine as that enunciated or followed by real protectionists. It is not disputed that the only purpose of this tariff is to increase the price of cement along the Atlantic coast. The gentleman from New Jersey [Mr. BACHARACH] frankly so stated. The gentleman from Pennsylvania [Mr. COYLE] and everyone who has spoken in support of the cement schedule has so stated. Sponsors of the cement tariff shamelessly tell Members representing farm districts that only New York will pay increased cost of cement.

Cement is not any more remote from the consumer than potatoes. The increased cost will affect every rent payer, every taxpayer, and every subway rider in the city of New York. We are building $400,000,000 worth of subways in the city of New York, and cement is a big item in subway construction. The increased cost of cement will reflect in the cost of subways. The life of a building in New York City is only 20 or 25 years. Several sections of the city of New York are now being rebuilt, a great deal of cement is used in the foundation and structure of our large buildings, and this tariff will add materially to the cost. Yet gentlemen favoring this change from the free list to 6 cents a barrel, or 100 pounds, have the audacity to come here and tell us brazenly that the sole purpose of this is to increase the price of cement in the city of New York and along the Atlantic coast line, promising no extra or increased cost elsewhere. I say right here that if this tariff becomes a law the cost of cement will increase all over the country in every city and every State and every county.

Now, with reference to the Blease amendment. I concede that the Blease amendment is novel. I concede that it is unscientific. I concede that it is faulty in its construction, but let me tell you farmers, if you want to do away with the tariff on cement and retain cement on the free list, vote for the Blease amendment, because that will do away with it. [Applause.]

The gentleman from Iowa [Mr. RAMSEYER] referred to the United States Steel Co. There is a new group going into the cement business. It is the Pennsylvania Mellon group. Here again you see the influence of the Pennsylvania tariff lobbyists.

A new Mellon group, headed by Mr. Davison, former president of the Gulf Oil Corporation, a Mellon oil company, and formerly of the Davison Coal & Coke Co., another Mellon company, has now started a plant at Neville Island, near Pittsburgh. It is a well-equipped plant which has just started. It produced 1,250,000 barrels last year. Of course, they are anxious for the opportunity to increase prices. Road construction looks good to them, and the tariff means just so much more profits to them and so much more burden to the consumer and taxpayer.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. COLLIER. I yield to the gentleman one additional minute.

Mr. LAGUARDIA. Now, if the Blease amendment is adopted, you will strike at the heart of this unnecessary and unjustifiable tariff on cement. Why, public works provide the largest market for cement. As the gentleman from Iowa [Mr. RAMSEYER] said,

the negligible amount of cement imported, only 1,700,000 barrels, is just enough to prevent exorbitant and monopolistic prices. I submit, as I said before, cement is just as near the consumer as potatoes, because it goes into the building of roads, homes, buildings, and subways. There is no justification for this tariff, and the way to get the tariff out of the way is to vote for the Blease amendment and put cement back on the free list where it belongs. [Applause.]

Mr. PERKINS. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. PERKINS. Every specification in the city of New York requires domestic cement.

Mr. LAGUARDIA. At exorbitant prices it would not, with all of the political propaganda of some cement firms.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. COLLIER. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Speaker and Members of the House, I want to discuss only the Blease amendment.

It may not be as scientifically written as some people who have spent their lives studying how to draw tariff bills so as to fool the folks might be able to draw it, but it is drawn for the purpose of giving absolute protection to the people of the municipalities and State governments of this country. [Applause.]

My State has just embarked upon a $65,000,000 road-building program. It has advertised 250 miles of highways to be built within the next few months, the bids to be let during this month, and with a 6-cent tariff it will cost $192,000 additional, and it will cost that, not for the benefit of the Treasury of the United States, but for the benefit of the cement manufacturers along the eastern seaboard. That is the entire proposition. If you defeat this amendment, you propose to tax the State of South Carolina, each municipality in the State, and each county for the privilege of building roads, constructing public buildings of every kind. It is contrary to the genius of our Government for the United States Government to tax and take out of the treasury of any State any of the money which it raises and raises properly; yet that is what this will do.

More than that, it not only does that, but it takes it out and puts it into the pocket of the manufacturers of cement; not the pocket of the United States. It may be a very nice thing to do for the manufacturer, but he seems to be getting along pretty well anyway. Certainly, when we are straining every nerve to build up our great internal improvements and to build roads which will make highways of commerce for this country, and straighten out the rough places and give people roads upon which to get their produce to market, to say that the State can tax you to lay that road, and when it does it it has to tax you so much a mile for the cement manufacturer who manufactures the cement to lay upon your road, is not right. That is the whole thing in a nutshell. And whether you take the tariff off of cement altogether or take it off by the Blease amendment merely for the municipality and State and other public activities, you should at least take the hand of the manufacturer off of the taxes of the State and the city and the county and the municipality. [Applause.]

Mr. COLLIER. Mr. Speaker, I yield four minutes to the gentleman from Oklahoma [Mr. GARBER].

Mr. GARBER of Oklahoma. Mr. Speaker and Members of the House, I regret that the short time allotted me will not permit me to yield for interruptions, and I therefore request to be permitted to proceed so that I may more fully bring to your attention the subject matter which I desire to present.

When this bill was pending before the House during the month of May, 1929, in an address then delivered I stated:

> There are certain features of the bill of which I do not approve. The rates given to building material of 25 cents per thousand on shingles, 8 cents per hundred pounds on cement, $1.25 per thousand on brick, 25 per cent ad valorem on cedar lumber, and the proposed increase of rates on sugar are wholly unjustified and without warrant of authority from the people and were not included in the purposes for which this Congress has been convened.

A brief reference to the President's message convening this Congress in special session will clearly show that the items mentioned should not be included within the limitations and restrictions of the revision proposed.

> The Government has a special mandate from the recent election—

Said President Hoover in his message to Congress. The President's interpretation of that mandate was—

> to further develop our waterways, create and empower a Federal agency to aid in the solution of farm problems and revise the agricultural tariff, including some limited changes in the industrial rates where insurmountable competition had occasioned a substantial slackening of activity during the past few years, with a consequent decrease of employment in the industry.

In the absence of a platform declaration the President was commissioned to interpret that mandate. No one had the temerity to deny on this floor the correctness of that interpretation. It voiced the opinion and expectations of the people throughout the entire country. It was accepted and approved by the distinguished Speaker of the House as the legislative program of the Hoover administration and the Republican Party.

Had the revision of the tariff in this House been limited, as the President and the Speaker requested, the items named would have been left on the free list, with the exception of sugar, which would have carried the rate in the Fordney-McCumber Act. If the revision had been limited, as the President directed, a tariff law satisfactory to the party and the country would have long since been enacted and settled conditions restored.

The loyal support of the Hoover program was the test of party loyalty. Those who opposed a limited revision were the irregulars and insurgents in the first instance, and they are such to-day. They are the ones who are directly responsible for the delay in the enactment of the pending bill and the unjustifiable rates referred to, imposing increased burdens upon agriculture. Those who insisted on a general revision are they who refused to stand by the Hoover program of limited revision. They are the ones who now seek to divert attention from their irregularity by charging those who have steadfastly stood for the Hoover program with being "pseudo Republicans." Theirs is the cry of "Stop thief!" But it will not deceive the farmers of the country nor shake their confidence in the representatives who have stood steadfastly in defense of their interests and in support of the Hoover program.

Mr. Speaker, ladies and gentlemen of the House, an increased tariff of approximately 23 cents per barrel on cement imposed by a Congress called specifically for farm relief would be ludicrous in the extreme if it were not for the increased exactions from the tax moneys of the people. It simply illustrates one of the grotesque results of the political manipulations of Grundyism.

It is incredible that anyone should seriously believe the cement industry to be in need of protection, however dramatically it may limp into our midst, swathed with figures and facts giving every indication of an early collapse.

Even the most casual and superficial survey of its activities will reveal that the industry has enjoyed a most wonderful period of development, growth, and prosperity, and can neither fairly nor decently claim injury as the result of cement importations.

CAPITAL INVESTED AND PROFITS REALIZED

With a combined capital investment of $600,000,000 no industry in the United States has expanded by leaps and bounds as has the cement industry. Out of $393,000,000, the total value of domestic production in 1929, $120,000,000 of this amount was left for profits and overhead expenses, which can not be equaled by any other industry in the United States, unless it be the steel industry.

Moody's Index reports for 1928 give a list of 45 domestic cement manufacturing establishments of sufficient importance to attract investors. Ten of these are not covered by sufficient data upon which to base any conclusions, while 35 are completely reported. Of the 35, only 2 companies report a loss, 1 of which was occasioned by the Mississippi flood, and the other is a new plant which had just begun operations. Ten plants reported only moderate profits, while 10 others, or 28 per cent of the total reported, made profits up to the expectation of business investment, and 14, or 40 per cent of the entire number, showed unusual and extraordinary profits.

The Lehigh Portland Cement Co., the largest cement company in the world, and largest also in the group of mills which is clamoring most loudly for protection, from the time of its incorporation, in 1889, until 1928, has paid dividends regularly on their common stock averaging about 6 per cent. During the same period they paid 473 per cent in common stock dividends, equal to approximately $17,750,000. In 1928 the total dividends paid were $1,125,870 on their common stock. Their cash on preferred stock for the same year was $1,537,465 and the total cash dividends $2,663,300. The preferred stock dividend was $22,517,400, the total stock dividends being $25,180,703 for 1928. All of these profits were made from production, sale, and marketing of cement exclusively.

One of the other large units, the Atlas Portland Cement Co., has regularly paid 8 per cent on their preferred stock and in some years 4 per cent on their common. They have paid in stock dividends since they have been in operation 92½ per cent.

The Whitehall Cement Co. doubled their cash dividends between 1922 and 1927, paying $4 per share in 1927, and in addi-

tion extra cash dividends of $16.50 per share in 1927, as against extra cash dividends of $3 per share in 1922.

EXPANSION OF INDUSTRY, EMPLOYMENT AND WAGES

There are more cement plants in the United States now than ever before in the history of the country, totaling 178 in 1929, as against 161 in 1927. With cement on the free list, 41 new mills have been put into operation since 1922.

As to employment, we find that where the industry employed 26,231 workers in 1921, in 1927 they were employing 36,292, an increase of 10,261 under free trade. This, in spite of the fact that cement, from the time it leaves the quarries until it is loaded for shipment, is a machine-made product, requiring less and less labor from year to year, with the addition of new labor-saving equipment.

During the same period, the amount of the pay roll of the industry increased from $34,416,000 in 1921 to $53,211,000 in 1927. In this connection, Mr. James A. Farrell, president of the United States Steel Corporation, which owns, controls, and operates the Universal Portland Cement Co., one of the largest units in the industry, stated, in an interview published in the Washington Herald of December 23, 1928:

We can meet foreign competition because we manufacture more cheaply in spite of—or perhaps because of—high wages.

GROWTH OF DOMESTIC PRODUCTION UNDER FREE TRADE

In 1922, at the time the present tariff act became effective, the domestic production of cement in the United States was 117,701,216 barrels. In 1928, six years later, domestic production had increased to 175,455,000 barrels—an increase of 57,753,784 barrels, or 45 per cent, under free trade.

Twenty-five per cent of this total production was produced and shipped out from the mills in the district which most persistently is demanding "protection."

IMPORTS

The total imports from 1923 to 1928, inclusive, were slightly under 15,000,000 barrels.

During this same period the total shipments from the American mills amounted to 950,000,000 barrels.

The imports of 1922 were 600,000 barrels and the imports for 1928, 2,278,000 barrels, or an increase of 26 per cent in imports as against a 45 per cent increase in domestic production during the same period.

The actual facts are, then, that the cement imports into the United States for 1928 were just 1½ per cent of the total production of the United States. Nor have they ever exceeded that figure.

The percentage of imports into the United States from various foreign countries for the years 1924 to 1928, inclusive, was as follows:

Percentage of total imports into the United States from various foreign countries

[Based on U. S. Department of Commerce tables]

Year	Total	Belgian		Denmark		Norway	
	Barrels	*Barrels*	*Per cent*	*Barrels*	*Per cent*	*Barrels*	*Per cent*
1924	2,011,000	1,018,000	50.64	313,000	15.56	526,000	26.14
1925	3,655,000	1,919,000	52.51	352,000	9.63	594,000	16.24
1926	3,232,000	2,407,000	74.47	415,000	12.83	47,000	1.47
1927	2,050,000	1,484,000	72.39	238,000	11.59	209,000	10.21
1928	2,278,000	1,724,000	75.67	331,000	14.55	61,000	2.68

Year	United Kingdom		Germany		France		All other countries	
	Barrels	*Per cent*	*Barrels*	*Per cent*	*Barrels*	*Per cent*	*Barrels*	*Per cent*
1924	29,000	1.43	12,000	0.58	5,000	0.27	108,000	5.37
1925	6,000	.17	20,000	.55	12,000	.34	752,000	20.57
1926	85,000	2.64	9,000	.28	74,000	2.28	195,000	6.02
1927	55,000	2.68	8,000	.37	6,000	.29	50,000	2.46
1928	97,000	4.25	9,000	.40	10,000	.43	46,000	2.02

The 2,278,000 barrels, which were delivered into the United States in 1928, were distributed at ports in the various districts and areas as follows:

Areas and ports	Imports (barrels)	Per cent of total imports
New York and Lehigh:		
Maine and New Hampshire	50,535	2.21
Massachusetts	470,340	20.64
Rhode Island	54,036	2.37
New York	222,830	9.78
Philadelphia	167,522	7.35
Southern and Gulf district (excluding Texas):		
North Carolina	177,160	7.78
South Carolina	413,055	18.13
Florida	72,806	3.20
New Orleans	15,584	.68
Texas district:		
Galveston	105,637	4.64
Sabine	6,420	.28
Southern Pacific district:		
Los Angeles	15,188	.67
San Francisco	380	.02
Northern Pacific district:		
Washington	57,479	2.52
Oregon	71,999	3.16
Territorial:		
Hawaii	37,444	1.64
Porto Rico	317,500	13.93
United States	2,278,580	

I ask you to observe the fact that of the very small amount which entered our ports, 354,944 barrels were absorbed by the territorial possessions.

MARKET FOR IMPORTED CEMENT

The market for imported cement is extremely limited. Prohibitive freight rates constitute a physical impediment to shipping it inland, consequently it never penetrates the interior farther than it can be hauled by truck, which is of no appreciable distance, in many instances not farther than the city limits and in no event more than 200 miles.

The high freight rates completely protect the American manufacturer, and for the country as a whole foreign competition does not exist. We find it confined exclusively to the seaboard markets.

EFFECT ON DOMESTIC MARKET OF SEABOARD COMPETITION

And what is the effect on our seaboard manufacturers of the competition they face in the form of this imported cement?

The figures of the Bureau of Mines show that the only districts which did not increase their production and shipments in 1927 were those located in the central part of the country, where there is no possibility of foreign competition.

In 1927 the shipments from the American mills in the North, South, Gulf, and Pacific coast districts, which meet the competition of the imported cement, were 91,448,525 barrels. This is more than half of the entire production of the United States for that year.

Of this total, the mills in Pennsylvania, New York, New Jersey, and Maryland, the district which claims to be so nearly on the verge of collapse as the result of free trade, shipped 52,187,581 barrels.

The production of one district alone, mind you, was 52,187,581 barrels as against the total imports into the United States for that year of 2,065,730 barrels, including Porto Rico and Hawaii.

Disastrous slackening of activity, is it not?

The construction of new mills throughout the country has progressed without interruption, and during the past few years new mills have been built and put into operation in Maine, Pennsylvania, Virginia, Florida, Louisiana, Texas, California, Washington, and Oregon, with production on the steady upcurve.

In the Philadelphia district alone two new mills, with a combined production of 4,000,000 barrels, have been erected and are operating 100 per cent. Four million barrels, if you please, is the output in one year of two new plants erected during the period in which the industry has been "suffering" from free trade, which figure is double the imports to all American ports, including the Territorial possessions.

CONSUMPTION OF CEMENT IN UNITED STATES AND USES

Greater New York City alone absorbs in excess of 12,000,000 barrels of cement annually, six times the amount of all the imports from all countries into all ports of the United States in one year.

During the year 1928 the United States consumed 175,000,000 barrels of cement, distributed approximately as follows:

Consumption of cement in United States in 1928

	Barrels	Per cent
Structural concrete: Commercial, industrial, public, and private buildings of all types, bridges, river and harbor work, dams and water-power projects, storage tanks and reservoirs, etc	60,000,000	34
Paving and highways: Roads, streets, alleys, curbs, and gutters, and concrete bases	57,000,000	32.5
Farm uses exclusively: Including products and all farm structures of concrete	30,000,000	17
Concrete products: Including building products, pipe and drain tile, and specialties, but not products used on farms	12,000,000	7
Railways: Including street railways	10,000,000	6
Miscellaneous	6,000,000	3.5
Total	175,000,000	100

Immediately cement is removed from the free list it is reasonable to anticipate an advance in selling price of the American mills to include at least the amount of the duty 23 cents per barrel.

On the basis of the 1928 consumption of cement the farmers of the country alone will pay an additional $13,800,000 for cement in the building of such common, everyday, necessary items as barn floors, hen nests, hog-feeding troughs, hog houses, troughs, cisterns, coal bins, cribs, dairy barns, fertilizer bins, footings, gate posts, garden walls and fences, incubator cellars, clothesline poles, driveways, garages, well curbs and platforms, grapevine supports, mail-box posts, manure pits, and milk-cooling tanks.

Gentlemen, I ask you, however this figure and this fact may be manipulated, is there any conceivable way in which it can be given even the semblance of farm relief?

It will be noted that 57,000,000 barrels, or very nearly one-third of this total consumption for 1928, were used by the streets and highways of the United States. Keep in mind that this was two years ago. Each year the road-building program has expanded tremendously, and it is estimated that at least a quarter of a billion dollars more will be expended for road building in 1930 than was similarly expended in 1929.

States, counties, and cities are floating bonds to raise money for a greater highway program than ever before undertaken by the taxpayers of the United States. Are we going to add new burdens to shoulders that already are overtaxed by levying a tribute upon our highways?

Reports from State highway departments to the Bureau of Public Roads show that State and local authorities plan to spend $1,601,167,455 for highway improvements in the present year. Of this vast sum it is estimated that $937,500,455 will be spent for construction and maintenance of State highways, while $663,667,000 will go into the building, replacement, or repair of local roads or bridges. Early reports indicate that 45 States will build during the next 10 months 32,532 miles of roads, an increase of 3,126 over the 1929 program.

As to maintenance, during 1930 the States will supervise the upkeep of 281,393 miles of highway, a gain of 32,381 miles of road over last year.

The demands made upon our highways by the ever-increasing droves of motor cars, which increased in numbers from 10,463,295 registered cars in 1921 to 26,500,000 in 1929—an increase of 250 per cent—have forced the road-building program upon us, and the demands of the future will be no less great.

Greater and greater will be the consumption of cement in the United States and at a greater price. The State of Maryland, already anticipating the tariff on this product, has in advance purchased a large percentage of her supply of cement for the coming year. The advance in price is a foregone conclusion.

The road-building program has been planned largely with a view to relieving the unemployment situation, and the States of greatest population and industrialization, with which this problem is the most acute, report the highest contemplated road expenditures. New York, New Jersey, and Pennsylvania, the outstanding industrial Commonwealths, plan to spend $374,835,310 on road building and maintenance during the year.

Ohio, Indiana, Illinois, Michigan, and Wisconsin, another great industrial district, closely approaches this figure, with an anticipated road expenditure of $302,696,000. While Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas rank third, with their contemplated expenditure of $236,461,727.

Along with the great road-building program of the United States comes the huge program for public buildings and improvements, likewise motivated by the desire and effort to relieve the labor situation.

The Department of Labor, being a fairly accurate authority as to the situation of unemployment, informs us that the largest percentage of unemployment in the United States exists among the building-trades unions—bricklayers, joiners, plumbers, carpenters, and others engaged in constructive building.

Yet we are asked to make the cost of building—road building, home building, public building—even more expensive by putting a tariff on cement and lumber, and thus make the cost of building even more prohibitive than now.

All this in the name of farm relief!

If cement is removed from the free list, subject to countervailing duties, it will utterly preclude further importations of this highly important and necessary commodity, and will automatically create an even stronger monopoly than already exists and which can benefit no one other than the American manufacturers who now control, and who always have controlled, over 98½ per cent of the American market. [Applause.]

Mr. COLLIER. Mr. Speaker, I yield the remainder of my time to my colleague the gentleman from Mississippi [Mr. QUIN.] [Applause.]

Mr. QUIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to insert a report.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. QUIN. Mr. Speaker, I want to brush aside some of this folderol that has been injected into this debate. No man on this floor has any excuse for misunderstanding the real facts that appear in this amendment. Of course, we can not vote for free cement under the parliamentary situation. We ought to have that right, but we do not have it. Your vote will be between 6 and 8 cents on a 100-pound barrel of cement. However, you have a chance to cast an honest vote for the American people when we vote on the Blease amendment. If your vote sustains the Senate on this amendment, it will be in the interest of the people and not a vote giving the cement industry the special privilege of robbing and plundering the people. That will be a straight vote.

My good friend from Chicago rose up and said there is no Cement Trust in Chicago. I am happy to know there is one place in the United States where men can get different bids from different companies which want to sell cement to the same community. If my good friend had gone a few hundred miles west he would have found a different situation. I hold in my hand an official report of the special committee appointed to investigate concerning the existence of a reputed Cement Trust in California, and I wish every Member from the State of California could hear me. I intend to put this report in the RECORD in connection with my remarks.

As I have said, if he had gone west we would have found a different situation, because this report shows that in the State of California all the public institutions received bids for cement in the same amount. I am putting this in the RECORD so that every person can inform himself about it. This report shows that bids to the same cent were received from the different cement concerns selling to the cities, municipalities, and counties and State of the State of California. This is a report made this year concerning an investigation made in 1929 of the Cement Trust in California, and it shows the robbing and plundering they performed on the people of the State of California.

You heard my colleague from Mississippi tell you what they were doing in his State. You heard him say what they were doing in the State of Tennessee, right where they manufacture cement. Understand me now. It is the men and women in every town, in every county, and in every State of this Union who will be plundered and robbed if you gentlemen cut out the Senate amendment, known as the Blease amendment. [Applause.] No man need to deceive himself. You are voting on whether you will permit this trust to rob the people of your States and your counties. The Blease amendment exempts from duty every pound of cement used in any public work in this country.

My State is about to spend $88,000,000 on hard-surfaced cement roads. I do not want the Cement Trust of Tennessee, Alabama, and the rest of this country to rob my people. The gentleman from Virginia [Mr. LANKFORD] said something about this bill. Does he want them to rob the people of Virginia in the building of its roads? You have a chance here to keep the people protected on every sidewalk, to keep the people protected on every street in every town and city in the country; you have a chance to keep the people protected from the long-handed plunderers in road construction in every county in the United States. Are you going to do it? This is a test of your vote and whether you will vote for the granting of a special privilege to the cement manufacturers to reach out and rob the people or whether you will vote for the interests of your constituents.

The gentleman from North Dakota [Mr. BURTNESS] wanted to know about enforcement. He ought not to display his lack of knowledge. You have in this same bill, for which the gentleman voted as it left the House, several different constructions just exactly like this. You had it on lumber, and so on. So why appear to be ignorant?

And as to what my friend from New Jersey [Mr. FORT] said; he argues in a circle, and a man of his abilities should not attempt to fool us. The Cement Trust operates in New Jersey and in Pennsylvania; it has 27 different mills. My friend from New York [Mr. PARKER] talked himself hoarse, and there are 11 cement mills in New York.

We have a chance here to protect all of the people who use the roads, who walk the sidewalks and on the paved streets. [Applause.] Are you going to give them your vote? Or are you going to give it to the men engaged in the cement industry? Are you going to give them the opportunity of reaching their sticky hands down into the pockets of the people and robbing them when they start to build roads, schoolhouses, courthouses, State capitols, or bridges for the public to ride over? [Applause.]

No matter what your views may be, here is one time you have the chance of voting for the American people. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

The report referred to follows:

SUPPLEMENTAL REPORT BY HON. HERBERT C. JONES, OF THE SPECIAL COMMITTEE APPOINTED TO INVESTIGATE CONCERNING THE EXISTENCE OF A REPUTED CEMENT TRUST—SUBMITTED TO THE SENATE OF THE STATE OF CALIFORNIA, MAY 15, 1929

Two reports have been filed by the special committee of the senate appointed to investigate the existence of a reputed cement trust in this State. Both of these reports dealt with matters incidental to or apart from the main purpose for which the committee was appointed. The first report, dated March 8, 1929, dealt with the refusal of certain witnesses to testify or produce records, and was the basis for subsequent proceedings before the Senate for contempt. These proceedings in turn were reviewed by the supreme court of the State, which upheld the jurisdiction of the Senate but discharged the witnesses upon the ground that the commitment by the senate was void because of the lack of certain averments therein. (Application of Battelle for writ of habeas corpus, 77 Cal. Dec. 663, May 14, 1929.)

The second report, dated May 14, 1929, recited that the decision of the Supreme Court was rendered too late to take further testimony before the adjournment of the Legislature, and that it was therefore impossible for the committee to compel the companies to disclose their records, for the purpose of establishing the existence or nonexistence of an illegal combination in restraint of trade.

As I was unable to attend the meetings of the committee in the second period of the session when the contempt proceedings were considered, I did not feel it would be proper for me to sign either report, and hence did not join in the reports filed by the other four members of the committee.

PURPOSE OF INVESTIGATION

This third report, which I now present, seeks to deal with the main purpose for which the committee was appointed, namely, the practice of price fixing in the cement industry. It is based upon the hearings which took place in San Francisco on January 24 and 25, 1929, and in Los Angeles on February 4, 5, and 6, 1929, at which all of the members of the committee were present.

Notice of these hearings was sent to all the cement companies in the State of whom the committee had any knowledge, namely:

California Portland Cement Co.
Riverside Portland Cement Co.
Southwestern Portland Cement Co.
Monolith Portland Cement Co.
Pacific Portland Cement Co.
Henry Cowell Lime & Cement Co.
Santa Cruz Portland Cement Co.
Yosemite Portland Cement Co.
Calaveras Cement Co.
Old Mission Cement Co.
Western Lime & Cement Co.
Nicoll & Co. (agent for foreign cement).
Wilbur-Ellis Co. (agent for foreign cement).

The procedure that was followed, both at the hearings in San Francisco and in Los Angeles, was first to hear the testimony of those officials who represent the State, the counties, the municipalities, the irrigation districts, and other public bodies that purchase cement. Thereafter the testimony of the cement companies was taken.

The main purpose for the appointment of the committee was to ascertain whether there exists uniformity of prices among cement producers, and whether this uniformity arises by reason of some agreement or understanding which would constitute an illegal combination or conspiracy.

UNIFORM BIDS TO STATE

The testimony of representatives of the State department of finance, the State purchasing department, and the highway commission, shows that there has existed uniformity of price on bids to the State over a period of many years. For the year 1927 (the last on which bids for purchasing cement for State institutions had been taken by the State previous to the hearings) the prices were identical by all northern California companies on all northern California bids, and by all southern California companies on all southern California bids. The single exception (other than San Diego) was in the case of bids for the Santa Barbara State Teachers College, where northern and southern territories apparently overlapped.

The 1927 bids for State institutions are as follows:

	Per barrel
Agnews:	
Henry Cowell Lime & Cement Co	$2.71
Calaveras Cement Co	2.71
Pacific Portland Cement Co	2.71
Santa Cruz Portland Cement Co	2.71
Yosemite Portland Cement Co	2.71
Ukiah:	
Henry Cowell Lime & Cement Co	3.35
Calaveras Cement Co	3.35
Pacific Portland Cement Co	3.35
Santa Cruz Portland Cement Co	3.35
Yosemite Portland Cement Co	3.35
Imola (Napa):	
Henry Cowell Lime & Cement Co	2.86
Calaveras Cement Co	2.86
Pacific Portland Cement Co	2.86
Santa Cruz Portland Cement Co	2.86
Yosemite Portland Cement Co	2.86
Norwalk:	
California Portland Cement Co	2.84
Monolith Portland Cement Co	2.84
Southwestern Portland Cement Co	2.84
Riverside Portland Cement Co	2.84
Stockton:	
Henry Cowell Lime & Cement Co	2.74
Calaveras Cement Co	2.74
Pacific Portland Cement Co	2.74
Santa Cruz Portland Cement Co	2.74
Yosemite Portland Cement Co	2.74
Patton:	
California Portland Cement Co	2.76
Southwestern Portland Cement Co	2.76
Riverside Portland Cement Co	2.76
Eldridge:	
Henry Cowell Lime & Cement Co	2.93
Calaveras Cement Co	2.93
Pacific Portland Cement Co	2.93
Santa Cruz Portland Cement Co	2.93
Yosemite Portland Cement Co	2.93
Yountville:	
Henry Cowell Lime & Cement Co	2.93
California Cement Co	2.93
Pacific Portland Cement Co	2.93
Santa Cruz Portland Cement Co	2.93
Yosemite Portland Cement Co	2.93
San Quentin:	
Henry Cowell Lime & Cement Co	2.90
California Cement Co	2.90
Pacific Portland Cement Co	2.90
Santa Cruz Portland Cement Co	2.90
Yosemite Portland Cement Co	2.90
Folsom:	
Henry Cowell Lime & Cement Co	3.16
Calaveras Cement Co	3.16
Pacific Portland Cement Co	3.16
Santa Cruz Portland Cement Co	3.16
Ione:	
Yosemite Portland Cement Co	3.16
Henry Cowell Lime & Cement Co	2.99
Calaveras Cement Co	2.99
Pacific Portland Cement Co	2.99
Santa Cruz Portland Cement Co	2.99
Yosemite Portland Cement Co	2.99
Ventura:	
California Portland Cement Co	3.14
Monolith Portland Cement Co	3.14
Southwestern Portland Cement Co	3.14
Riverside Portland Cement Co	3.14
Whittier:	
California Portland Cement Co	2.78
Monolith Portland Cement Co	2.78
Southwestern Portland Cement Co	2.78
Riverside Portland Cement Co	2.78
Spadra:	
California Portland Cement Co	2.78
Monolith Portland Cement Co	2.78
Southwestern Portland Cement Co	2.78
Riverside Portland Cement Co	2.78
Arcata:	
Henry Cowell Lime & Cement Co	3.28
Calaveras Cement Co	3.28
Pacific Portland Cement Co	3.28
Santa Cruz Portland Cement Co	3.28
Yosemite Portland Cement Co	3.28
Chico:	
Henry Cowell Lime & Cement Co	3.18
Calaveras Cement Co	3.18
Pacific Portland Cement Co	3.18
Santa Cruz Portland Cement Co	3.18
Yosemite Portland Cement Co	3.18
Fresno:	
Henry Cowell Lime & Cement Co	3.16
Calaveras Cement Co	3.16
Pacific Portland Cement Co	3.16
Santa Cruz Portland Cement Co	3.16
Yosemite Portland Cement Co	3.16
San Francisco:	
Henry Cowell Lime & Cement Co	2.61
Calaveras Cement Co	2.61
Pacific Portland Cement Co	2.61
Santa Cruz Portland Cement Co	2.61
Yosemite Portland Cement Co	2.61
San Jose:	
Henry Cowell Lime & Cement Co	2.69
Calaveras Cement Co	2.69
Pacific Portland Cement Co	2.69
Santa Cruz Portland Cement Co	2.69
Yosemite Portland Cement Co	2.69

	Per barrel
San Luis Obispo:	
Henry Cowell Lime & Cement Co	3.12
Calaveras Cement Co	3.12
Pacific Portland Cement Co	3.12
Santa Cruz Portland Cement Co	3.12
Yosemite Portland Cement Co	3.12
Los Angeles:	
California Portland Cement Co	2.78
Monolith Portland Cement Co	2.78
Southwestern Portland Cement Co	2.78
Riverside Portland Cement Co	2.78
San Diego:	
California Portland Cement Co	2.93
Pacific Portland Cement Co	2.94
Southwestern Portland Cement Co	2.93
Riverside Portland Cement Co	2.93
Santa Barbara:	
Henry Cowell Lime & Cement Co	3.12
Santa Cruz Portland Cement Co	3.12
Yosemite Portland Cement Co	3.12
California Portland Cement Co	3.01
Monolith Portland Cement Co	3.01
Southwestern Portland Cement Co	3.01
Riverside Portland Cement Co	3.01
Pacific Portland Cement Co	3.02
San Francisco Harbor:	
Calaveras Cement Co	2.61
Henry Cowell Lime & Cement Co	2.61
Pacific Portland Cement Co	2.61
Santa Cruz Portland Cement Co	2.61
Yosemite Portland Cement Co	2.61

(Printed transcript, pp. 11–21.)

The uniformity of these bids is evident at a glance. Not only does this hold true for the year 1927, but a study of bids made in previous years to the State purchasing department for State institutions reveals a similar uniformity. (Printed transcript, pp. 32–37.)

This uniformity of prices was such that on April 3, 1925, the State purchasing agent addressed a letter to the chief of division of purchases advising that all bids had been—

"Rejected for the reason, first, that the price * * * for the 12 months' business is not any better than the price we can secure on small lots. * * *

"Second, that the prices indicate an understanding of the cement companies as to the prices to be charged for all cement." (Printed transcript, p. 40.)

SAN FRANCISCO'S EXPERIENCE

The bids to the city of San Francisco for a period of 15 years, with only one exception in one year, were identical from all bidders. The figures furnished to the city of San Francisco from years 1913 to 1928 are as follows:

	Price per barrel	
	Car lots	Less than car lots
1913–14:		
Santa Cruz Portland Cement Co	$2.30	$2.55
Western Lime & Cement Co	2.30	2.55
Pacific Portland Cement Co	2.30	2.55
Henry Cowell Lime & Cement Co	2.30	2.55
Standard Portland Cement Co	2.30	2.55
1914–15 (names abbreviated):		
Santa Cruz	2.30	2.55
Pacific	2.30	2.55
Cowell	2.30	2.55
Standard	2.30	2.55
1915–16:		
Santa Cruz	2.30	2.55
Western	2.30	2.55
Pacific	2.30	2.55
Cowell	2.30	2.55
Standard	2.30	2.55
1916–17:		
Santa Cruz	2.30	2.55
Western	2.30	2.55
Pacific	2.30	2.55
Cowell	2.30	2.55
Standard	2.30	2.55
1917–18:		
Santa Cruz	2.30	2.55
Western	2.30	2.55
Pacific	2.30	2.55
Standard	2.30	2.55
1918–19:		
Santa Cruz	2.80	----------
Western	2.80	----------
Pacific	2.80	----------
Cowell	2.80	----------
Standard	2.80	----------
1919–20:		
Santa Cruz	3.03	3.35
Western	3.03	3.35
Pacific	3.03	3.35
Cowell	3.03	3.35
Standard	3.03	3.35
1920–21:		
Santa Cruz	3.63	4.00
Western	3.63	4.00
Pacific	3.63	4.00
Cowell	3.58	4.25
Standard	3.63	4.00
1921–22:		
Standard	$3.69	$4.20
Santa Cruz	3.69	4.20
Western	3.69	4.20
Pacific	3.69	4.20
Cowell	3.69	4.20
Standard	3.69	4.20
1922–23:		
Standard	3.03	3.55
Santa Cruz	3.03	3.55
Western	3.03	3.55
Pacific	3.03	3.55
Cowell	3.03	3.55
1923–24:		
Standard	3.03	3.55
Santa Cruz	3.03	3.55
Western	3.03	3.55
Pacific	3.03	3.55
Cowell	3.03	3.55
Oct. 1, 1924, to Dec. 31, 1924:		
Santa Cruz	3.01	----------
Cowell	3.01	----------
Old Mission	3.01	----------
Western	3.01	----------
Pacific	3.01	----------
Jan. 1, 1925, to Mar. 31, 1925:		
Santa Cruz	2.71	----------
Cowell	2.71	----------
Old Mission	2.71	----------
Western	2.71	----------
Pacific	2.71	----------
Aug. 13, 1925:		
Santa Cruz	2.71	----------
Cowell	2.71	----------
Old Mission	2.71	----------
1925–26:		
Santa Cruz	2.71	----------
Western	2.71	----------
Pacific	2.71	----------
Cowell	2.71	----------
Old Mission	2.71	----------
1926–27:		
Santa Cruz	2.71	3.20
Western	2.71	3.20
Pacific	2.71	3.20
Cowell	2.71	3.20
Old Mission	2.71	3.20
Golden Gate Atlas Materials	2.71	----------
James E. Lennon	2.71	----------
1927–28:		
Santa Cruz	2.71	3.20
Western	2.71	3.20
Pacific	2.71	3.20
Cowell	2.71	3.20
J. S. Guerin & Co	2.71	3.20
Calaveras Cement Co	2.71	3.20
Eclipse Lime & Cement Co	2.71	3.20
1928–29:		
Santa Cruz	2.71	2.81
Western	2.71	2.81
Pacific	2.71	2.81
Cowell	2.71	2.81
Yosemite	2.71	2.81
Guerin	2.71	2.81
Calaveras	2.71	2.81
Eclipse	2.71	2.81

(Printed transcript, pp. 317–321.)

EXPERIENCE OF ALL PUBLIC AGENCIES

The experience of the city of Los Angeles and of irrigation districts, counties, other municipalities, and public bodies reveals much the same identity of bids. This is indicated, as one example, by the testimony of the Los Angeles city purchasing agent, who presented the bids received by the city on 25 jobs, extending over a period from 1925 to 1929. These bids occupy 11 pages of the printed transcript and show the same practical uniformity for all 25 projects. (Ex. L. A. No. 1, transcript, pp. 396–406.)

From these bids to the State and its political subdivisions it appears that the companies made identical bids irrespective of whether they were close to the job and would have a low freight charge, or were remote from the job and would have a heavy freight charge. The purchaser was left without any choice so far as price was concerned. Therefore, the business was often awarded equally between all the companies; sometimes it was rotated; and sometimes, as one witness facetiously remarked, it was placed by drawing lots.

HOW UNIFORMITY ASSURED

The testimony showed that to obtain this uniformity one of the companies acts as the "bellwether." In northern California this "bellwether" is the Davenport plant, and in southern California the Riverside plant.

These respective plants issue printed circulars about once a month, giving the price at which cement will be delivered by them at various destinations. (Printed transcript, pp. 295, 694.) These destinations include every town of any consequence in California. These circulars

are sent out to the other cement companies and to the trade. The prices listed are computed on the base price at the Davenport plant and the Riverside plant, respectively, plus transportation to the respective towns. The base price, or "mill base" as it is called, includes cost of production and profit—that is to say, the selling price at that particular mill. (Printed transcript, p. 294 ff.)

The testimony disclosed that whenever bids were called for by the State for cement, say at San Quentin, or at the Agnews State Hospital, or at the Chico State College, the Davenport company would put in its bid in accordance with its own printed list; and all other northern California companies who bid would put in the exact figure taken from the list published by the Davenport company. (Printed transcript, p. 150.)

The same procedure prevailed in southern California. All the companies there followed the figures contained in the list published by the Riverside company as its prices for delivery at its particular destination. The price list issued by the Riverside company, on October 5, 1928, fixed its price at 258 points in southern California. (Exhibit L. A. No. 7; see reporter's transcript.)

RETAILERS COMPELLED TO CONFORM

In addition, the "bellwether" company issued a list to retailers, or dealers, which set out the price which the company felt proper for dealers to quote. The price list for dealers issued by the Riverside company on October 22, 1927, "suggested" the dealer's price at 4 cents a sack above the carload prices shown on the company's printed list. In other words, the company specified the profit that the retailer was to make. Lest any retailer have the temerity to underbid his competitor in the retail field by reducing his profit, or otherwise departing from strict uniformity of price, a warning was set forth in the circular, which warning he would have no difficulty in construing.

To give point to its suggestion the circular states:

"It is very important for this company, to its dealers and to the public generally, to maintain permanent means of distributing our cement in an efficient and businesslike manner.

"This policy provides very liberal margins and terms for dealers, and unless southern California dealers handling Riverside and Bear brands of cement are able to resell at a minimum price 4 cents per sack above our carload list prices to consumers, it would be unreasonable to consider them a safe and permanent means of distribution." (Exhibit L. A. No. 7, printed transcript, pp. 590–593.)

The cement companies testified that they were not bound by contract to follow the list price set by the "bellwether" but that they had learned by bitter experience the consequences of cutting prices, and feared the retaliation of the other companies if they started a price war. Their testimony was that their self-interest dictated that they maintain uniform prices.

"GARY DINNERS" IMPROVED UPON

The method followed by the cement companies is an advance over the day of the "Gary dinners," when a group of executives around a banquet table each vigorously protested that what he said was not to be binding but that he felt that a certain price or a certain procedure would be followed by all parties who used good judgment. This method was abandoned in 1911 in anticipation of an inquiry by the Stanley House committee, or possible adverse ruling by the courts. The Trust Problem in the United States (Eliot Jones, p. 225 ff).

The method followed by the cement companies of California, as disclosed by the committee's investigation, is the same as that followed by the coal operators in the issuance by one company of a price list which the others implicitly follow. The Anthracite Coal Combination in the United States (Eliot Jones, pp. 170–173).

COLLAPSE OF ANTITRUST LAWS

Further, they claimed that there was nothing illegal in maintaining uniform prices; that there was nothing reprehensible in uniform prices, unless such prices were unreasonable. In this they are merely taking advantage of the collapse of our State antitrust law, known as the Cartwright Act.

As first passed in the year 1907, this act outlawed all combinations for price fixing. Within two years, apparently yielding to a widespread business custom toward price fixing, that act was amended so as to outlaw price fixing only if such prices were "unreasonable." (Stat. 1909: 594.) And finally it has been declared unconstitutional in this way:

The Supreme Court of the United States, in passing upon language identical with that of the amended Cartwright Act, which had been used in a Colorado statute, held the Colorado statute unconstitutional, saying that a merchant or dealer could not be required to determine at his own hazard whether his profit was unreasonable; that the business man did not have to face the possibility of going to jail because he was wrong in his judgment as to whether his price was reasonable or not; that the statute did not specify whether a profit of 5 per cent or 10 per cent or 25 per cent or 50 per cent constituted the limit of reasonableness, and that on account of the vagueness of the expression "unreasonable profit," one could not be held responsible for guessing as to whether he was or was not violating the law. (Cline v. Frink Dairy Co., 274 U. S. 445.)

The history of the Federal antitrust laws (Sherman and Clayton Acts) shows a similar breakdown. Probably the net result of several decades of antitrust legislation by the Federal Government has been merely the goading of lawyers to invent bomb-proof supertrusts.

UNISON OF ACTION AND ESTABLISHED PROCEDURE

The fact that identity of bids has prevailed for so many years may be accepted as satisfactory evidence that it is an established procedure of the cement companies to maintain uniformity. Two questions now naturally arise:

1. Whether the practice is reprehensible.
2. What can be done about it.

With regard to the first question, obviously, the vice of price fixing does not lie in the fact of uniformity, but depends upon whether the consumer is compelled to pay an unfair, unreasonable, and exorbitant profit. The refusal of the cement companies to produce their books or income-tax returns, or to testify in regard to their earnings, precludes the committee from reporting on the question of whether the companies are earning unreasonable profits. The companies had the opportunity to dispel the popular impression that they are "making millions" in exorbitant profits. Their refusal to testify leaves them open to the adverse inference that they can not disprove this general belief.

DAY OF FREE COMPETITION PAST

Irrespective of whether or not it is reprehensible, price fixing exists and is increasing. Probably the most conspicuous example is the uniform price of gasoline. Distributors fix the price of milk; printers fix the price of printing.

The modern tendency is toward consolidations, mergers, and monopolies, whether in the field of production, distribution, or finance. This is the day of the branch bank, the chain store, the industrial monopoly. This development has come in spite of legislative fiat, in spite of decisions by our courts, in spite of flaying by the press. In fact, the Government itself is to-day furthering combinations. It looks with favor upon the consolidation of railroads. It is fostering associations of agricultural producers. Through the Federal Farm Board it is fixing the price of wheat. The Federal Trade Commission permits the issuance and following of price lists such as practiced by the cement companies of California. (Printed transcript, pp. 805, 968.) The day of free competition is past.

As to the second question, namely, what is to be done about this price fixing by monopolies, it is not the purpose of this report to attempt to solve this perplexing and far-reaching economic and social problem.

FIGHT LOST BY AMERICAN PEOPLE

The realization that we have entered on a new economic era can not but be viewed with serious thought. We have to recognize that with the passing of free competition the American people have lost the fight which they have been conducting for at least two generations. We have to recognize that a system, a culture, almost a civilization—that which has brought America to its present pinnacle of achievement and which has been based upon individual initiative—is being swept into the discard.

NEW PROTECTION REQUIRED

The result of the committee's investigation merely confirms a widespread feeling that the Cartwright Act is to-day not even a pitiful protection to the consumer. While economists and prosecutors still differ as to the worth of antitrust laws, the view among students is rapidly prevailing that they fail wretchedly in their avowed purpose. We seem to be compelled to face frankly the economic facts and realize that we are in an era of consolidations, price fixing, and monopolies.

The new movement toward consolidation gives inconceivable power to the monopoly; the individual consumer stands helpless before it. The public must have protection. The two forms of protection that have been most frequently counted on or advocated in the past are antitrust laws and the regulating of monopolies as public utilities. Both of these avenues of relief we now find closed. Our State antitrust law fails utterly as a protection. The attempt by the State to make the cement companies public utilities is blocked by decisions of the United States Supreme Court holding that the distributors of such commodities as gasoline and meat (and presumably cement) can not be regulated as utilities. (Wolff Packing Co. v. Court Indus. Rel. of Kans., 265 U. S. 522, 67 L. Ed. 1103; Williams v. Standard Oil Co. of La., Nov. 23, 1928, 278 U. S. 235, 73 L. Ed. 287.)

With the protection of our antitrust law swept aside and with the door to regulation as utilities closed, some other and newer protection must be found. Whatever the solution, it will have to be obtained by looking forward, not backward. The wheels of economic progress do not travel the roads of yesterday.

Whether that protection shall be in the form of some yet untried and increased governmental regulation and control, it is not my purpose to recommend. It is my purpose, however, to point out that with the establishment of monopoly some form of protection must be given to the consumer against its vast, uncontrolled, and autocratic power.

HERBERT C. JONES.

Mr. HAWLEY. Mr. Speaker, I yield two minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD. Mr. Speaker, ladies and gentlemen of the House, I think that this affords a fine concrete example of the value of a protective tariff. I have always contended that the protective-tariff idea is an economic proposition in which labor is more interested than capital. Seventy-five per cent of the cost that goes into the manufacture of cement is the result of labor. Twenty-five per cent represents the cost of the raw material, the major portion of which is the stone down deep in the quarry. It takes the hand of labor to dig it out; it takes the hand of labor to pulverize it; it takes the hand of labor to mix it; it takes the hand of labor to make it fit for use in construction. So I say to those here who have subscribed to the theory that we should do something to relieve the unemployment in the United States, here is a fine opportunity for all of us to show whether or not we are true to this principle.

Forty thousand workmen in the United States are to-day dependent for their livelihood and for the keep of their families upon the success of the cement factories of the United States; and if we are true Republicans and true to the policy of a protective tariff for the basic industries of this country, and if you Democrats are true to the platform to which you subscribed in the last campaign, there should not be a dissenting vote against the proposal offered by the gentleman from Oregon [Mr. HAWLEY]. [Applause.] I thank you.

Mr. HAWLEY. Mr. Speaker, I yield five minutes to the gentleman from Maine [Mr. WHITE]. [Applause.]

Mr. WHITE. Mr. Speaker and Members of the House, I must speak very briefly. I am going to illustrate what I have to say by the situation which obtains with respect to a cement plant in my own congressional district. There is in my congressional district a plant representing an investment of $3,000,000, with a capacity of 1,000,000 barrels of cement a year. This plant in the last year operated at 55 per cent of its capacity and sold to 45 per cent of its capacity. Its product found its way into the markets of the eastern seaboard, Portland, Providence, Boston, and other points along the Atlantic coast. It cost this cement plant $1.30 a barrel to make its cement which went into these markets of the East in competition with Belgian cement laid down in Portland, laid down in Boston, and laid down in Providence at $1.20 a barrel—foreign cement, Belgian cement, laid down on this Atlantic coast of ours cheaper than a cement plant in New England could produce the commodity.

Now, whatever the facts may be with respect to the United States as a whole, it is true beyond the possibility of contravention that these foreign importations of cement coming into these ports of the United States, constitute at least 30 per cent of the domestic supply of cement sold in these communities.

This gives you a clear indication of the seriousness of this foreign importation, and illustrates the force, the impact of the competition which this American industry of ours must face.

I agree with the gentleman from New York [Mr. PARKER] that this is largely a problem of the Atlantic seaboard, but if there is no harm done to the rest of the United States by the imposition of this duty—and the figures which the gentleman from New York has given, demonstrate that the people of the Middle West will suffer none at all by this duty—I see no reason why we of New England or we of the Atlantic seaboard should be denied this protection for our industry.

We have in the United States some 157 of these cement plants employing, as the gentleman from Indiana [Mr. WOOD] has said, more than 40,000 American workmen. Do you know that on the Atlantic seaboard there was sold of American production more than 18,000,000 barrels of cement in the last year, and at least 15,000,000 barrels of this cement was sold at a loss to the American manufacturers because of his efforts to meet this foreign competition.

I say to you that if you permit this foreign importation to continue, if you permit this foreign cement to come in here and drive out of business this single cement plant of New England and of Maine, and if you drive out of business the cement plants located in New York and elsewhere, then we of the Atlantic seaboard must face either the necessity of buying foreign cement altogether or the necessity of buying cement from the interior of the country, which will cost us not only the production cost but the heavy charge for the freight haul from the middle of the country to the Atlantic seaboard. There is no possible justification for subjecting us to this choice. There is no possible justification for forcing us either to buy these foreign cements or to pay this freight haul from the middle of the country to the Atlantic seaboard. Here is an opportunity to make application of the principle of protection, to which we profess loyalty. [Applause.]

The SPEAKER. The time of the gentleman from Maine has expired.

Mr. HAWLEY. Mr. Speaker, I move the previous question on the motion to recede and concur in the Senate amendment No. 195.

The SPEAKER. The gentleman from Oregon moves the previous question.

The previous question was ordered.

Mr. COLLIER. Mr. Speaker, I would like to know what the first vote will be.

The SPEAKER. The Chair will announce that the first question is on the motion of the gentleman from Oregon to recede and concur in Senate amendment 195. The second vote will be on the motion of the gentleman from Mississippi to recede and concur in the Senate amendment 893.

The first question is on the motion of the gentleman from Oregon to recede and concur in amendment 195.

The question was taken, and the motion was agreed to.

The SPEAKER. The question now is on the motion of the gentleman from Mississippi to recede and concur in Senate amendment 893.

Mr. COLLIER, Mr. CRISP, and others demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 167, nays 222, not voting 39, as follows:

[Roll No. 30]

YEAS—167

Abernethy	Douglass, Mass.	Kendall, Ky.	Quin
Allgood	Dowell	Kerr	Ragon
Almon	Doxey	Kincheloe	Rainey, Henry T.
Andresen	Drewry	Knutson	Ramseyer
Arnold	Driver	Kopp	Ramspeck
Aswell	Edwards	Kvale	Rankin
Auf der Heide	Eslick	LaGuardia	Rayburn
Ayres	Evans, Mont.	Lambertson	Robinson
Bankhead	Frear	Langley	Romjue
Bell	Fuller	Lanham	Rutherford
Bland	Fulmer	Lankford, Ga.	Sabath
Box	Gambrill	Larsen	Sanders, Tex.
Brand, Ga.	Garber, Okla.	Lea	Sandlin
Brand, Ohio	Garrett	Linthicum	Schneider
Briggs	Gasque	Lozier	Selvig
Browne	Glover	McClintic, Okla.	Sinclair
Browning	Goldsborough	McCormack, Mass.	Somers, N. Y.
Brunner	Goodwin	McDuffie	Sparks
Buchanan	Green	McKeown	Sproul, Kans.
Busby	Greenwood	McMillan	Stafford
Campbell, Iowa	Gregory	McSwain	Steagall
Canfield	Griffin	Maas	Stevenson
Cannon	Hall, Miss.	Milligan	Summers, Wash.
Cartwright	Hall, N. Dak.	Montague	Swanson
Christgau	Hammer	Montet	Tarver
Christopherson	Hare	Moore, Ky.	Taylor, Colo.
Clague	Hastings	Moore, Va.	Thurston
Clark, N. C.	Hill, Ala.	Morehead	Underwood
Cochran, Mo.	Hoch	Nelson, Mo.	Vinson, Ga.
Collier	Hope	Nelson, Wis.	Walker
Connery	Howard	Nolan	Warren
Cooper, Tenn.	Huddleston	Norton	Welch, Calif.
Cooper, Wis.	Hull, Morton D.	O'Connor, Okla.	Whitehead
Cox	Hull, Tenn.	Oldfield	Whittington
Craddock	Hull, Wis.	Oliver, Ala.	Williams
Crisp	Jeffers	Oliver, N. Y.	Williamson
Cross	Johnson, Okla.	Palmisano	Wilson
Crosser	Johnson, S. Dak.	Parks	Wingo
Davis	Johnson, Tex.	Patman	Woodrum
DeRouen	Jones, Tex.	Patterson	Wright
Dominick	Kading	Peavey	Yon
Doughton	Kemp	Pou	

NAYS—222

Ackerman	Clancy	Evans, Calif.	Houston, Del.
Adkins	Clark, Md.	Fenn	Hudson
Aldrich	Clarke, N. Y.	Finley	Hull, William E.
Allen	Cochran, Pa.	Fisher	Igoe
Andrew	Cole	Fitzgerald	Irwin
Arentz	Colton	Fitzpatrick	Jenkins
Bacharach	Connolly	Fort	Johnson, Ind.
Bachmann	Cooke	Foss	Johnson, Nebr.
Bacon	Cooper, Ohio	Freeman	Johnson, Wash.
Baird	Corning	French	Johnston, Mo.
Barbour	Coyle	Garber, Va.	Jonas, N. C.
Beedy	Crail	Gavagan	Kahn
Beers	Cramton	Gibson	Kearns
Black	Crowther	Gifford	Kelly
Blackburn	Culkin	Golder	Kendall, Pa.
Bohn	Cullen	Granfield	Kennedy
Bolton	Dallinger	Guyer	Ketcham
Bowman	Darrow	Hadley	Kiefner
Boylan	Davenport	Hale	Kiess
Brigham	Dempsey	Hall, Ill.	Kinzer
Brumm	Denison	Hall, Ind.	Korell
Buckbee	De Priest	Halsey	Lankford, Va.
Burdick	Dickstein	Hancock	Leavitt
Burtness	Doutrich	Hardy	Lehlbach
Butler	Drane	Hartley	Letts
Byrns	Dunbar	Haugen	Lindsay
Cable	Dyer	Hawley	Luce
Campbell, Pa.	Eaton, Colo.	Hess	McClintock, Ohio
Carley	Eaton, N. J.	Hickey	McCormick, Ill.
Carter, Calif.	Elliott	Hill, Wash.	McFadden
Carter, Wyo.	Ellis	Hogg	McLaughlin
Celler	Englebright	Holaday	McLeod
Chalmers	Estep	Hooper	McReynolds
Chindblom	Esterly	Hopkins	Magrady

Manlove	Perkins	Simmons	Treadway
Mapes	Pittenger	Sloan	Tucker
Martin	Prall	Smith, Idaho	Turpin
Mead	Pratt, Harcourt J.	Smith, W. Va.	Underhill
Menges	Pratt, Ruth	Snow	Vestal
Merritt	Pritchard	Speaks	Vincent, Mich.
Michaelson	Purnell	Spearing	Wainwright
Michener	Quayle	Sproul, Ill.	Wason
Miller	Ramey, Frank M.	Stalker	Watres
Moore, Ohio	Ransley	Stobbs	Watson
Morgan	Reece	Strong, Pa.	Welsh, Pa.
Mouser	Reed, N. Y.	Sullivan, N. Y.	White
Murphy	Reid, Ill.	Swick	Whitley
Nelson, Me.	Rogers	Swing	Wigglesworth
Newhall	Sanders, N. Y.	Taber	Wolfenden
Niedringhaus	Schafer, Wis.	Taylor, Tenn.	Wolverton, N. J.
O'Connell, N. Y.	Sears	Temple	Wolverton, W. Va.
O'Connor, La.	Seger	Thatcher	Wood
O'Connor, N. Y.	Seiberling	Thompson	Woodruff
Owen	Shaffer, Va.	Tilson	Wurzbach
Palmer	Short, Mo.	Timberlake	
Parker	Shott, W. Va.	Tinkham	

NOT VOTING—39

Beck	Free	Leech	Snell
Bloom	Garner	Ludlow	Stedman
Britten	Graham	Mansfield	Stone
Chase	Hoffman	Mooney	Strong, Kans.
Collins	Hudspeth	O'Connell, R. I.	Sullivan, Pa.
Curry	James	Porter	Summers, Tex.
Dickinson	Johnson, Ill.	Rowbottom	Wyant
Douglas, Ariz.	Kunz	Shreve	Yates
Doyle	Kurtz	Simms	Zihlman
Fish	Lampert	Sirovich	

So the motion of Mr. COLLIER was rejected.

The following pairs were announced:

Mr. Garner (for) with Mr. Snell (against).
Mr. Strong of Kansas (for) with Mr. Ludlow against).
Mr. Simms (for) with Mr. Britten (against).
Mr. Mooney (for) with Mr. Shreve (against).
Mr. Lampert (for) with Mr. Porter (against).
Mr. Stedman (for) with Mr. Graham (against).
Mr. Dickinson (for) with Mr. Bloom (against).
Mr. Kunz (for) with Mr. Sirovich (against).

Additional general pairs:

Mr. Beck with Mr. Collins.
Mr. Leech with Mr. Hudspeth.
Mr. Free with Mr. Mansfield.
Mr. Johnson of Illinois with Mr. Doyle.
Mr. Wyant with Mr. O'Connell of Rhode Island.
Mr. Yates with Mr. Douglas of Arizona.
Mr. Sullivan of Pennsylvania with Mr. Curry.
Mr. Chase with Mr. Rowbottom.
Mr. Kurtz with Mr. Zihlman.
Mr. James with Mr. Hoffman.

The result of the vote was announced as above recorded.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. The House having refused to recede and concur in Senate amendment 893, is not that tantamount to the House insisting on its disagreement to the Senate amendment and another vote on the Hawley motion would be unnecessary?

The SPEAKER. The Chair thinks the vote is tantamount to the House insisting on its disagreement.

Mr. TILSON. Mr. Speaker, a parliamentary inquiry. Will it delay the messaging of the conference report if a motion to reconsider and lay on the table is not made?

The SPEAKER. The Chair thinks that that motion ought to be made as a matter of safety.

Mr. HAWLEY. Then, Mr. Speaker, I move that all the votes that have been taken to-day be reconsidered and that motion lay on the table.

The motion was agreed to.

LEAVE OF ABSENCE

Mr. BECK, by unanimous consent (at the request of Mr. DARROW) was given leave of absence on account of an injury sustained in an accident.

NAMING CRUISER NO. 32 THE "BROOKLYN"

Mr. QUAYLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the proposition of naming cruiser *No. 32* the Brooklyn.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. QUAYLE. Mr. Speaker, it is my privilege to represent the seventh congressional district of the State of New York. It is my good fortune that the seventh district is located in Brooklyn; and it is my distinction that the United States Navy Yard is located within the bounds of my particular district. These circumstances and my assignment of the past eight years to the Committee on Naval Affairs, I am sure will justify your indulgence of my brief remarks.

The United States Navy will be augmented in the near future by the addition of a new cruiser, temporarily designated as *No. 32*. I do not hesitate to say that no more fitting name than the "Brooklyn" could be selected for this vessel. It is many years now since the roster of the naval force carried that name "Brooklyn," but the honorable record of the old ship, if nothing more, would warrant perpetuating its name.

The Brooklyn Navy Yard, whose history is the history of our Nation, might well be accorded the recognition of having a naval vessel so named. The people of Brooklyn who gave without stint on every occasion of their country's call are entitled to have their city recognized in this way. And Brooklyn is a city by herself, even though the technical structure of government has incorporated her with her four sister boroughs into the great federation of the present city of New York. Such consolidation has not destroyed the individuality of Brooklyn any more than our Federal Union has destroyed the individuality of the States.

We have a population of over 2,000,000 people in Brooklyn; we have the greatest docking facilities in the world, as witness the docking of the great liners *Bremen* and *Europa*, Brooklyn's industries are greater in extent than those of many States, and include almost every kind of diversification. Newtown Creek, in the improvement of which my good friend, the gentleman from the third New York district [Mr. LINDSAY], has been so active, is the most amazing waterway in the world.

Along its tortuous course are transported barge load upon barge load of brick, cement, coal, coke, oil, lumber, and raw and manufactured goods of every kind conceivable. Its banks are lined with great oil refineries, sugar refineries, gas ovens, and innumerable other plants producing a portion of our national wealth. This is a cross section of American industry, and is repeated in other sections of our city-borough. I think no city has more churches, schools, libraries, museums, and like cultural buildings. From the beginning Brooklyn has been known as a city of homes. Brooklynites live in Brooklyn, in which they show excellent judgment.

I could give you page on page of impressive statistics, but the House has heard much of these this session. Let me rather rely on a bit of sentiment, which is not an objectionable thing at times. Old Brooklyn is always distinguished. In the Revolution her soil was sanctified by the blood of embattled patriots; in our Fort Greene Park the bones of the prison-ship martyrs rest under a fitting memorial shaft; in that period of the Civil War, when it looked for a time that our brethren of the South might win on the seas with their iron-clad *Merrimac*, out of Brooklyn sailed the *Monitor*, built in the Greenpoint section of Brooklyn, to save the day, and perhaps the war, for the Union. In the Spanish-American War the old *Brooklyn* took her place with the other ships of the line; and who can forget 1917 when our boys, our factories, our materials, and our ships, all that we had, were offered to the Nation.

Let these things be remembered forever. Let all who lived and loved in Brooklyn be honored by this graceful tribute to an old and honorable city. Hail! the U. S. S. *Brooklyn*.

THE TARIFF

Mr. PEAVEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the tariff bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PEAVEY. Mr. Speaker, the Hawley-Smoot tariff bill now before the House is, to my mind, the most unfair, unjust, and indefensible piece of legislation to come before this Congress in the past 10 years.

I am a firm supporter of the principle of a protective tariff as advocated by President Lincoln; a tariff to cover the actual difference in cost of production in this country and foreign nations. Such a tariff law protects American labor and raw products as well. This stimulates business and makes prosperity.

Not a single proponent of this bill has proved that it will raise wages or is in the interest of labor. Its whole support comes from those who would increase profits and dividends, regardless of its effect upon the Nation.

This bill is indefensible, because it is a direct violation of the promises made to agriculture in the platform of the Republican Party adopted at the Kansas City national convention in 1928. Here is the platform plank:

> The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industries to insure its prosperity and success.

It is true that the Hawley-Smoot bill increases the tariff on farm products, but for every nickel the farmer will ever receive





from such tariff increases he will be required to pay out 50 cents in increased costs of everything he buys, due to the extortionate rates given industry and manufacturers in this bill.

Mr. Speaker, farmers know that the price of most farm products will not be affected by a tariff; first, because farm products like wheat and flax and cotton are sold in world markets. We export a surplus of these crops and must accept the London or Liverpool price. No effective tariff can be applied.

Tariffs on some farm products, such as milk, cream, butter, casein, and eggs, can be made effective to the extent of keeping out the small importations now coming into this country, but it is common knowledge that no tariff can be fixed that will affect a raise in price on farm products.

On the other hand, under the provisions of the Hawley-Smoot bill everything the farmer buys from a pin to a threshing machine is given from 10 to 140 per cent protection.

Particularly is this true on the articles most necessary to the ordinary family. Shoes, clothes, hats, gloves and mittens, household utensils, dishes, farm tools and machinery and equipment, even the wife's stockings and hairpins, her corsets, and children's dolls and playthings, all are protected by the new tariff bill at average rates of 25 to 50 per cent ad valorem, and the price of all these articles will go up when this bill becomes a law.

Manufactured products are now sold and distributed through organizations and trade associations which remove all the elements of price competition. Therefore the average rates of 25 to 50 per cent ad valorem placed on the things the farmer buys will for the most part be made 100 per cent effective and the farmers will pay a 25 to 50 per cent increase in price. Watch and see.

The passage of the Hawley-Smoot bill is not only a betrayal of the American farmer and the promises made to agriculture by the Republican Party, but it is a gross misuse of congressional authority. It legislates money out of the pockets of the American farmer and gives it to those who manufacture the necessities of life.

IT TAKES FROM THE POOR AND GIVES TO THE RICH

If President Hoover signs the Hawley-Smoot bill, he likewise will betray every farm owner in upper Wisconsin and the Nation, for as President he not only subscribed to the farm-relief planks in the last Republican platform but he called Congress into special session last summer to enact legislation that would place agriculture on a parity with industry and thereby made the iniquitous Hawley-Smoot bill possible. President Hoover, if he is to keep faith with the farmers of this Nation, has a solemn obligation to perform when the new tariff reaches the White House. In the interests of labor and agriculture he should veto this bill without hesitation.

Most farmers are finding it difficult now to produce enough to meet the family living costs. There is no way to increase the family income, hence most of them will be required to go without.

It will be a sad day for the future prosperity and welfare of this Nation when American fathers and mothers on the farms and in the cities are forced to cut down on the necessities of life in order to balance the family budget.

Ill fares the land, to hastening ills a prey,
Where wealth accumulates and men decay.

The great issue facing us as a people to-day is the concentration of wealth in the hands of a few. Wealth carries political power and control of government. The growth of chain banks in Wisconsin, where the strongest and soundest banks in the State are rapidly being absorbed by a single institution headed by the First Wisconsin National Bank of Milwaukee, brings this lesson right to our doors. The future prosperity of the United States will depend upon the determination of the people themselves to retain control of their Government or let it pass to those who would buy. If, in the words of Lincoln, "Government of the people and by the people shall not perish from this earth," human rights and human freedom must be kept superior to the rights and privileges of property.

A tariff on any product must be effective in order to help the producer. A tariff on farm products must be effective in order to aid the farmer. A tariff can be effective only on those goods and products which come into the United States; so that on those farm products like wheat, flax, cotton, and so forth, which are shipped out of this country, a tariff is not effective; it does not do the farmer any good.

Below is a list of 12 principal commodities which farmers produce and the tariff rates fixed by the Hawley-Smoot bill as passed by the House and the estimated per cent these rates will be effective:

	Rate fixed by Hawley-Smoot bill	Estimated rate effective
		Per cent
Wheat	42 cents per bushel	None.
Corn	50 cents per hundred	None.
Oats	80 cents per hundred	None.
Barley	40 cents per hundred	None.
Butter	14 cents per pound	10
Cheese	5 to 8 cents per pound	10
Milk and cream	50 per cent ad valorem	5
Beef, veal, and pork	2 to 6 cents per pound	5
Horses and mules	20 per cent ad valorem	1
Eggs and poultry	30 per cent ad valorem	5
Fruit	do	5
Seeds, roots, bulbs, etc	25 per cent ad valorem	5

Percentage effective, about 2 per cent.

A glance at the above table will show that the rates on farm products are not effective, nor can they be made so.

On the contrary, glance at the industrial schedules where production and price are regulated and controlled alike and it will be seen that in the Hawley-Smoot tariff bill industry and organized wealth have sold the farmers another gold brick.

Twelve principal commodities which farmers buy and tariff rates fixed by the Hawley-Smoot bill as passed by the House and estimated per cent they will be effective. These rates were reduced less than 2 per cent by final passage of the tariff bill.

	Average rates of Hawley-Smoot bill	Estimated rate effective
	Per cent	*Per cent*
Earthenware and glassware	54.87	100
Steel, aluminum, etc	36.34	100
Chemicals, oils, paints	31.82	100
Manufactured wood	25.34	100
Sugar and molasses	92.36	100
Tobacco, cigars, and cigarettes	66.96	100
Wool and woolen goods	58.09	100
Rayon and rayon goods	53.43	100
Silk and silk goods	60.17	100
Books and paper	26.14	100
Machinery and equipment	36.34	100
Sundries	28.57	100

Percentage effective, 100 per cent.

The rates on virtually everything man uses, wears, eats, drinks, warms his home with, toils with, plays with, educates himself with; nearly every article produced by man in the United States, and many that are not produced here, have been raised. The cost of living is to be boosted by this bill. For every penny the farmer benefits in this bill in the way of a tariff on his products, he will pay out dollars for increased costs of the things he uses through these high rates on manufactured goods.

Consumers of muzzle-loading muskets will be pleased to learn that this article has been put on the free list.

The growth of the oleomargarine industry in the United States has become a menace to the dairy farmer. Coconut oil produced in the Philippines with cheap native labor and shipped into the United States duty free, is here manufactured into oleomargarine which sells in the American markets for about one-half of what it costs the farmer to produce butter. In 1923, 209,000,000 pounds of oleo were manufactured in the United States and sold at an average price of 21 cents. The American people consumed an average of 1.85 pounds of oleo. Coconut oil from the Philippines to the amount of 181,000,000 pounds were imported with which to manufacture this oleo.

What has happened? Importing coconut oil from the Philippines with no tariff duty, American oleo manufacturers produced 257,000,000 pounds of oleo in 1927 and sold it at an average price of 22.3 cents per pound. They brought 286,000,000 pounds of coconut oil into this country in that year without paying a duty. But the duty on the manufactured oleo is set in this bill at 14 cents per pound, so that the manufacturer of oleo buys his raw product, coconut oil, in an open market without paying a duty and sells in a protected market.

Who can produce butter and compete with 22-cent oleo? If this competition continues it will eventually mean the destruction of the dairy business.

The reason given for not putting a tariff on coconut oil is that the Philippine Islands are Territories of the United States; that a tariff can not be put on products entering this country

from its own Territories. I have always urged and supported the granting of independence to the Philippines to the end that this problem might be solved. In my judgment, the only way to put an end to this unfair competition of oleo with dairy products is to stop the importation into this country of coconut oil and copra, the raw products from which oleo is made.

In Europe the peasant farmers are kept poor through high taxes and exorbitant land rentals. In the United States the farmers' taxes are higher still and monopoly control, aided by exorbitant tariffs to enforce it, exacts from the American farmer all he can raise or earn in order to live.

Are the people of the United States going to sit by and allow organized wealth and privileged industry to reduce the farmers to peasantry?

GENERAL LEAVE TO EXTEND REMARKS

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that all Members of the House may have five legislative days after the conclusion of the conference report to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Oregon asks unanimous consent that all Members may have five legislative days in which to extend their remarks after the final determination of the conference report. Is there objection?

There was no objection.

Mr. CHINDBLOM. That will include the final vote on matters undisposed of?

The SPEAKER. The Chair thinks that it would be five days after the final disposition of all matters connected with the conference report.

MASSACHUSETTS TERCENTENARY ANNIVERSARY—AMERICAN LEGION NATIONAL CONVENTION

Mr. McCORMACK of Massachusetts. Mr. Speaker, I ask unanimous consent to include in the Appendix my remarks on the tercentenary celebration of Massachusetts Bay Colony and sundry remarks in connection with the coming American Legion convention, together with a letter which I have received in connection with that convention.

The SPEAKER. The gentleman from Massachusetts [Mr. McCORMACK] asks unanimous consent to extend his own remarks in the manner indicated. Is there objection?

There was no objection.

Mr. McCORMACK of Massachusetts. Mr. Speaker, the annual convention of the American Legion for the year of 1930 will be held in the historic city of Boston on October 6, 7, 8, and 9. At the same time Massachusetts will be celebrating the three hundredth anniversary of the settlement of Massachusetts Bay in New England, which happened in 1630, and the city of Boston and adjoining communities will be likewise celebrating the three hundredth anniversary of their establishment. The history of the Western Hemisphere and the progress of representative government and of education, borne by the taxpayers, records no more important event than the founding and establishment of what in history is known as the Massachusetts Bay Colony.

It was there that representative government as we enjoy it to-day was first experimented upon successfully; it was in Boston that the first public school in the New World was provided for and established by law. It was in Massachusetts Bay Colony that the first legislative system, comprised of two branches or bodies, each with a negative or veto upon each other, was brought into existence and experimented upon successfully, the legislative system which we enjoy to-day. In addition to the many historical places of the Colonial days are those of the days immediately preceding and during the Revolutionary War—Lexington, Concord, Bunker Hill, Dorchester Heights, the Cradle of Liberty, the spot where the Boston Tea Party took place, the scene of the Boston Massacre, and many other places where events happened that are enshrined in the hearts of Americans—all within a few miles of the city of Boston, old in history and tradition, but ever abreast with the progress of time. While some of the commemorative events in connection with the three hundredth anniversary have already taken place, the real features of the celebration will commence around July 1 and extend for several months, probably until some time in November. This anniversary presents an excellent opportunity for Americans to visit Massachusetts and its many historical places. The celebration comes at a time of the year when the attractiveness of a New England summer will be best evident. Within a few miles of Boston is the sandy beaches of what is called the South Shore, because it is to the south of Boston, and a short distance to the north of Boston is where the rocky coast line starts, called the North Shore. Desirable accommodations of all kinds are plentiful for tourists and visitors. This presents an excellent opportunity to couple vacation with a visit to historical Massachusetts.

During the coming summer, a large number of conventions will be held in Boston.

THE AMERICAN LEGION

As already stated, the American Legion convention will take place in Boston, October 6, 7, 8, and 9, 1930. A 1930 National Convention Corporation has been organized by Massachusetts legionnaires the honorary president of which is Hon. Calvin Coolidge, former President of the United States. The president of the corporation is one of the most active and well-known legionnaires in the United States, Col. Carroll J. Swan, with Judge Frank J. Good, vice president; Ralph Eastman, treasurer; Bazil B. Mulligan, clerk; Gen. Clarence R. Edwards, honorary chairman of the board of directors; and a board of directors, which is composed of some of the most prominent legionnaires and citizens of Massachusetts. The chairman of publicity, around which position is largely centered the success or nonsuccess of the convention, is Maj. Paul H. Hines, an outstanding World War veteran, holder of the distinguished-service cross, and recognized as one of the men best qualified for the position assigned to him. Complete and elaborate plans have been made by Massachusetts legionnaires, and other veteran organizations, together with the State, and its subdivisions, particularly Boston, to receive and entertain visiting legionnaires and their friends and other visitors during the convention period. I am informed that a parade is planned, which will take at least eight hours to pass in review. This indicates the spirit of enthusiasm that prevails in Massachusetts. It is the expectation that the coming convention will be the greatest that will ever be held by the American Legion.

Another indication of the enthusiasm is the sending of an ambassador by the Massachusetts department to 65 or more cities throughout the United States, conveying the special invitation of the department, the governor of the Commonwealth, Hon. Frank G. Allen; the mayor of Boston, Hon. James M. Curley; and Col. Carroll J. Swan, president of the convention corporation, to veterans and their friends to be the guests of the State, city, and of the American Legion. This voyage of good will, which started April 19, is being made by airplane, the ambassador of good will being Col. Alfred J. L. Ford, an outstanding veteran, legionnaire, citizen and prominent reporter, and the owner of several weekly papers. The pilot of the plane is Russell Boardman, known as the cowboy aviator, accompanied by a radio engineer and a mechanic.

In connection with the flight there will also be a national broadcast, the first to be made from the air. This broadcast will come from the plane while it is at an altitude of several thousand feet. The trip will cover thousands of miles, and will take about four weeks to complete. The title of the good-will airplane is the *New Arabella* (named after the *Arabella*, the vessel upon which Winthrop, the first governor of the colony, sailed to New England shores), and the trip is sponsored by the Boston Herald, one of the leading newspapers of New England. In connection with this flight and all activities relating to preparing the plans for the convention, the national headquarters of the American Legion is cooperating to its fullest extent. Within the past few days a resolution was passed by Congress authorizing the War Department to loan certain property of the Government, consisting of 20,000 cots and other equipment, to the American Legion, thereby assuring sleeping accommodations and quarters for all visiting members and their friends.

In one of the weekly bulletins sent out by Major Hines, acting for the committee, it stated:

> One note of assurance the committee wishes to convey in return [for the wonderful reception that the flight of the *New Arabella* had received to date] not that it has not always been our intention, but at this time it is especially appropriate to mention it—we aim to be true hosts and from this viewpoint one of the first rules of our committee was to the effect that during the convention week no Massachusetts legionnaire would be housed in any Boston hotel. Reservations under the rules must be made through the housing committee and this committee will provide housing for no Massachusetts legionnaire in Boston hotels.

This clearly shows that legionnaires from outside of Massachusetts will receive, as they should, first consideration. The bulletin further stated that—

> Not only in housing will this condition be carried out, but visiting legionnaires will be given precedence in parade stands and at all social functions and gatherings during the convention.

This particular bulletin concludes with the following:

> Boston, Mass., is the host. All legionnaires are guests of honor to us. They will be treated as such.

In one of the bulletins received from Major Hines it is suggested that all persons interested, particularly legionnaires, who

desire information may obtain the same by writing to Room 603, Statler Building, Boston, Mass. By writing to the National Convention Corporation, Statler Building, Boston, Mass., accommodations for visiting legionnaires will be arranged for.

The interest outside of New England in the coming convention is best indicated by a quotation from a communication from Major Hines, in which he stated—

That departments outside of New England are showing great interest in this convention is apparent at the convention headquarters. For instance, William C. Mundt, department adjutant of Illinois, visited the headquarters during the past week to discuss convention matters. Another visitor was Col. Elgan C. Robertson, of Arkansas. He greatly surprised and pleased the convention committee by his report that the Arkansas delegation was raising $150,000 with the aid of their State and business men. This delegation plans not only to engage headquarters in Boston for a display of its cotton, oil, and other products during the convention week but promises a truck parade featuring these at various stops en route to Boston and on their return to Arkansas.

Major Hines further stated that—

Prospects for entertainment of visiting legionnaires are growing daily. Reports are received of towns and cities appropriating money for the entertainment of the visitors in these places during the convention. Each city and town is arranging its own particular program.

It is very apparent that the coming convention will be the greatest ever held or that will ever be held by the American Legion. It should be the ambition of every person at some time or another to visit historic Boston, around which the history of Massachusetts and this country, to a great extent, is centered. Massachusetts and Boston welcomes every visitor as their guests. The national convention of the Legion this year will be so outstanding, coupled as it is with the tercentenary celebration, that every legionnaire who possibly can should attend and participate in what will be the greatest convention of all time for the Legion.

The following letter received from Colonel Swan shows some of the plans already prepared for the entertainment of the legionnaires and other visitors:

APRIL 21, 1930.

MY DEAR COMRADES: Boston, Massachusetts, New England, which pride themselves on their ability to entertain royally, welcome you to the twelfth annual national convention of the American Legion, to be held in Boston, October 6 to 9, inclusive, this year.

We plan at this convention to present a program of entertainment which, we hope, will surpass in variety and quality any offered in the annals of the Legion.

The outstanding events, apart from the regular Legion features, such as parade, band contest, reunions of State and war-time organizations, etc., include a stupendous aerial demonstration over the city; outboard motor races on the Charles River; a football game; a big golf tournament, offering many valuable prizes; two boxing carnivals as well as wrestling matches; a big naval display of battleships; an illuminated water festival, featuring a "night air raid" on Boston; and a sail down Boston Harbor, with a real old-fashioned New England clambake thrown in.

Open house will be held at Revere Beach (the Coney Island of New England). Then there will be an historical costume ball and pageant, special theatrical performances of war-time movies and plays, and a "grand and glorious" midnight frolic.

There will be sightseeing tours of historic Boston, with 1,000 trained guides for group tours or personal trips.

These will furnish the opportunity of a lifetime for you to climb Bunker Hill Monument, sit in Faneuil Hall, the "cradle of liberty," overlook the harbor from Dorchester Heights, see where the tea was dumped overboard at the Boston Tea Party, tread the battle fields of Concord and Lexington, gaze upon Plymouth Rock, visit the scene of the Boston Massacre, see Paul Revere's house, and a host of other historic spots where American history was made.

Such is the specified program. But in personal service we hope to show that New England hospitality surpasses your greatest expectations. We hope you will come to Boston for the convention.

Yours for the biggest convention ever,

CARROLL J. SWAN,
President 1930 National Convention Corporation.

REREFERENCE OF A BILL

Mr. DENISON. Mr. Speaker, I ask unanimous consent that Senate bill 3898, which was referred by error to the Committee on Irrigation, be re-referred to the Committee on Interstate and Foreign Commerce. I have spoken to the chairman of that committee, Mr. SMITH, and he approves of the motion.

The SPEAKER. The gentleman from Illinois [Mr. DENISON] asks unanimous consent that Senate bill 3898, which was erroneously referred to the Committee on Irrigation, be re-referred to the Committee on Interstate and Foreign Commerce. Is there objection?

Mr. CRISP. Mr. Speaker, reserving the right to object, has the gentleman from Illinois [Mr. DENISON] spoken to the minority members?

Mr. DENISON. No, I did not do that; because I did not think it was necessary. I will state to the gentleman from Georgia [Mr. CRISP] that this is a bill to authorize the construction of a dam across navigable water. There is a similar House bill, and the House bill has been referred to the Committee on Interstate and Foreign Commerce. A report is being made on that bill. The Senate passed a similar bill and by error it was referred to the Committee on Irrigation.

Mr. CRISP. I think the Committee on Interstate and Foreign Commerce has jurisdiction. I withdraw the reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT

Mr. HAWLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 12 minutes p. m.) the House adjourned until to-morrow, Friday, May 2, 1930, at 11 o'clock a. m.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, May 2, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE NO 3

(10 a. m.)

To amend section 79 of the Judicial Code (H. R. 10415).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To reorganize the Federal Power Commission, and to amend the Federal water power act (H. R. 11408).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON THE JUDICIARY

(10.30 a. m.)

To license and regulate the business of making loans in sums of $300 or less, secured or unsecured, prescribing the rate of interest and charge therefor and penalties for the violation thereof, and regulating assignments of wages and salaries when given as security for any such loans (H. R. 7628).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

432. A communication from the President of the United States, transmitting four supplemental estimates of appropriation for the Navy Department for the fiscal year ending June 30, 1930, and prior years, amounting in all to $1,325,607.61 (H. Doc. No. 373); to the Committee on Appropriations and ordered to be printed.

433. A communication from the President of the United States, transmitting two estimates of appropriations for the Navy Department for the fiscal year ending June 30, 1931, amounting in all to $175,000, together with a draft of proposed legislation, which are supplemental to the estimates transmitted in the Budget for 1931 (H. Doc. No. 374); to the Committee on Appropriations and ordered to be printed.

434. A communication from the President of the United States, transmitting a draft of proposed legislation affecting an existing appropriation of the Department of Agriculture (H. Doc. No. 375); to the Committee on Appropriations and ordered to be printed.

435. A communication from the President of the United States, transmitting a draft of proposed legislation to reappropriate $3,500,000 of the unexpended balance of the appropriation "Military and naval insurance, Veterans' Bureau, 1930, and prior years," and $800,000 of the unexpended balance of the appropriation "Salaries and expenses, Veterans' Bureau, 1930" (H. Doc. No. 376); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. R. 2903. A bill to provide for the appointment of two additional justices of

the Supreme Court of the District of Columbia; without amendment (Rept. No. 1348). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 7926. A bill to provide for terms of the United States District Court for the Eastern District of Pennsylvania to be held at Easton, Pa.; with amendment (Rept. No. 1349). Referred to the House Calendar.

Mr. BLOOM: Committee on Foreign Affairs. H. J. Res. 311. A joint resolution for the participation of the United States in an exposition to be held at Paris, France, in 1931; with amendment (Rept. No. 1351). Referred to the Committee of the Whole House on the state of the Union.

Mr. NELSON of Wisconsin: Committee on Invalid Pensions. H. R. 12013. A bill to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases; without amendment (Rept. No. 1353). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SUTHERLAND: Committee on the Territories. H. R. 644. A bill for the relief of Casey McDannell; with amendment (Rept. No. 1347). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 6113. A bill for the relief of Gilbert Grocery Co., Lynchburg, Va.; with amendment (Rept. No. 1350). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 11418) granting a pension to Sabra Osage, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRAND of Georgia: A bill (H. R. 12055) to amend section 7 of the Federal reserve act; to the Committee on Banking and Currency.

By Mr. MOORE of Virginia: A bill (H. R. 12056) providing for the waiver of trial by jury in the district courts of the United States; to the Committee on the Judiciary.

By Mr. O'CONNELL of New York: A bill (H. R. 12057) to authorize the construction and use of underground pneumatic-tube service; to the Committee on the Post Office and Post Roads.

By Mr. SWING: A bill (H. R. 12058) granting pensions to certain soldiers who served in the Moro wars in the Philippine Islands from 1903 to 1906, and for other purposes; to the Committee on Pensions.

By Mr. BACON: A bill (H. R. 12059) to provide for the appointment of an additional judge of the District Court of the United States for the Eastern District of New York; to the Committee on the Judiciary.

By Mr. BRAND of Georgia: A bill (H. R. 12060) to authorize the Comptroller of the Currency and the Federal Reserve Board to approve or disapprove the entry of any member bank in the Federal reserve system into group or chain banking, and for other purposes; to the Committee on Banking and Currency.

By Mr. BRUMM: A bill (H. R. 12061) to provide for a prohibition upon the importation into the United States of certain anthracite coal; to the Committee on Ways and Means.

By Mr. McFADDEN: A bill (H. R. 12062) to amend section 202 of Title II of the Federal farm loan act by providing for loans by Federal intermediate credit banks to financing institutions on bills payable and by eliminating the requirement that loans, advances, or discounts shall have a minimum maturity of six months; to the Committee on Banking and Currency.

Also, a bill (H. R. 12063) to amend section 16 of the Federal farm loan act; to the Committee on Banking and Currency.

By Mr. CONNERY: A bill (H. R. 12064) to incorporate the National Yeomen F; to the Committee on the District of Columbia.

By Mr. JOHNSON of South Dakota: A bill (H. R. 12065) authorizing an appropriation for the construction of officers' quarters at the United States Naval Academy, Annapolis, Md.; to the Committee on Naval Affairs.

By Mr. BACON: A bill (H. R. 12066) to amend an act entitled "Settlement of war claims act, 1928"; to the Committee on Ways and Means.

By Mr. PORTER: A bill (H. R. 12067) for compensation to the owners of the Danish motor ship *Indien* for damages sustained as the result of a collision with the United States Coast Guard cutter *Shawnee* at San Francisco on April 5, 1925; to the Committee on Foreign Affairs.

By Mr. McFADDEN: A bill (H. R. 12068) to amend section 13 of the Federal reserve act, and for other purposes; to the Committee on Banking and Currency.

By Mr. BEERS: Joint resolution (H. J. Res. 323) authorizing the printing with illustrations and binding in cloth of 120,000 copies of the Special Report on the Disease of Cattle; to the Committee on Printing.

Also, joint resolution (H. J. Res. 324) authorizing the printing with illustrations and binding in cloth of 62,000 copies of the Special Report on the Disease of the Horse; to the Committee on Printing.

By Mr. PORTER: Joint resolution (H. J. Res. 325) to provide for the payment of an indemnity to Li Ying-Ting (Li Ing Ding) for the deaths of four members of his family who were drowned as a result of a collision between a Chinese junk and a United States naval vessel and for medical and burial expenses incurred as a result of the collision; to the Committee on Foreign Affairs.

By Mr. ANDRESEN: Joint resolution (H. J. Res. 326) for the amendment of the acts of February 2, 1903, and March 3, 1905, as amended, to allow the States to quarantine against the shipment thereto or therein, of livestock, including poultry from a State or Territory or portion thereof where a livestock or poultry disease is found to exist, which is not covered by regulatory action of the Department of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. CABLE: Joint resolution (H. J. Res. 327) authorizing the presentation of medals to the officers and men of the Byrd Antarctic expedition; to the Committee on Coinage, Weights, and Measures.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. OLIVER of New York: Memorial of the Legislature of the State of New York, advocating the acquisition and development of that portion of the Barge Canal system of the State of New York, which formerly was the Erie and Oswego Canals; to the Committee on Rivers and Harbors.

By Mr. CULLEN: Memorial of the Legislature of the State of New York, memorializing the Federal Government to build a ship canal across the State of New York following the historic route of the Mohawk River and the Erie and Oswego Barge Canals to the head of tidewaters in the Hudson River at Troy, and to make deeper channel in such river between Troy and Albany; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 12069) granting an increase of pension to Elvira Long; to the Committee on Invalid Pensions.

By Mr. BACHMANN: A bill (H. R. 12070) granting an increase of pension to Mary E. Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12071) granting an increase of pension to Hannah Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12072) for the relief of W. E. Sturgeon; to the Committee on Military Affairs.

By Mr. CONNERY: A bill (H. R. 12073) for the relief of Harold F. Jones; to the Committee on Naval Affairs.

By Mr. CRAIL: A bill (H. R. 12074) granting a pension to Mary T. Marks; to the Committee on Pensions.

By Mr. ESTERLY: A bill (H. R. 12075) granting an increase of pension to Emma L. Ermentrout; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 12076) authorizing the Postmaster General to credit the account of Postmaster A. E. White, at Payette, Idaho, with certain funds; to the Committee on Claims.

By Mr. GAMBRILL: A bill (H. R. 12077) for the relief of P. Jean des Garennes; to the Committee on Naval Affairs.

By Mr. HALL of North Dakota: A bill (H. R. 12078) granting an increase of pension to J. E. Robinson; to the Committee on Pensions.

By Mr. HASTINGS: A bill (H. R. 12079) granting an increase of pension to Rosa A. Keeth; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 12080) granting an increase of pension to Lovenia H. Bryne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12081) granting a pension to Jessie Murdock; to the Committee on Pensions.

By Mr. KIESS: A bill (H. R. 12082) granting an increase of pension to Hannah C. Trump; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 12083) granting an increase of pension to Margaret Heiman; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 12084) for the relief of W. M. Cornett; to the Committee on Claims.

By Mr. MAGRADY: A bill (H. R. 12085) granting an increase of pension to Celestia Trivelpiece; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 12086) granting an increase of pension to Amanda Mann; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 12087) granting an increase of pension to Harriet E. Sims; to the Committee on Invalid Pensions.

By Mr. PRITCHARD: A bill (H. R. 12088) for the relief of Sallie E. Hall; to the Committee on the Civil Service.

By Mr. SMITH of Idaho: A bill (H. R. 12089) granting a pension to George W. Musser; to the Committee on Pensions.

By Mr. SUTHERLAND: A bill (H. R. 12090) for the relief of William V. Perry; to the Committee on the Territories.

By Mr. WOLVERTON of West Virginia: A bill (H. R. 12091) granting an increase of pension to Anna Madden; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 12092) granting a pension to Estella Unger; to the Committee on Invalid Pensions.

By Mr. WOODRUM: A bill (H. R. 12093) for the relief of the City Developing Corporation of Roanoke, Va.; to the Committee on Claims.

By Mr. NELSON of Wisconsin: Resolution (H. Res. 215) to pay M. Katherine Reinburg $200 for extra and expert services to the Committee on Invalid Pensions; to the Committee on Accounts.

Also, resolution (H. Res. 216) to pay Amy C. Dunne $200 for extra and expert services to the Committee on Invalid Pensions; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7177. By Mr. BLACKBURN: Memorial of the Fayette County Woman's Club, signed by Frances Coleman, president, and Mrs. Charles A. Asbery, secretary, memorializing Congress to enact a law for the Federal supervision of the distribution and manufacture of motion pictures; to the Committee on Interstate and Foreign Commerce.

7178. Also, memorial of the Epworth Auxiliary of the Women's Missionary Society of Lexington, Ky., signed by Mrs. W. K. Naive, president, and Mrs. Leslie Rue, secretary, memorializing Congress to enact a statute for the Federal regulation of the production and distribution of motion pictures; to the Committee on Interstate and Foreign Commerce.

7179. By Mr. COLTON: Petition of United Indian War Veterans, urging Congress to speedily pass the Manlove bill, H. R. 8976, for the relief of veterans and widows and minor children of veterans of Indian wars; to the Committee on Pensions.

7180. By Mr. ENGLEBRIGHT: Petition of Sacramento Chamber of Commerce, indorsing joint service pay bill for the entire personnel of the Army, Navy, Marine Corps, Coast Guard, Geodetic Survey, and Public Health Service; to the Committee on Military Affairs.

7181. Also, petition of Southern Forestry Congress, Memphis, Tenn., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

7182. By Mr. FISHER: Petition of 101 citizens of the tenth congressional district of the State of Tennessee favoring the passage of House bill 6603, known as the Kendall 44-hour week bill, and House bill 3087, known as the Kelly bill, granting sick and annual leave to substitute employees of the Railway Mail Service, etc.; to the Committee on the Post Office and Post Roads.

7183. By Mr. HUDSON: Petition of citizens of Detroit, Mich., urging the passage of the so-called Stalker amendment, which provides that aliens shall be excluded in counting the whole number of persons in each State for apportionment of Representatives among the several States according to their respective numbers; to the Committee on the Judiciary.

7184. By Mr. LINDSAY: Petition of the Carl H. Schultz Corporation, Brooklyn, N. Y., protesting against increase of the tariff on sugar above the 2 cents per pound recommended by the Senate; to the Committee on Ways and Means.

7185. By Mr. MANLOVE: Petition of J. H. Cox, 675 Harold Avenue, and 65 other citizens of Portland, Oreg., urging Congress to speedily pass the Manlove bill, H. R. 8976, for the relief of veterans and widows and minor orphan children of veterans of Indian wars; to the Committee on Pensions.

7186. By Mr. OLIVER of New York: Petition of Tremont Lodge, No. 386, Independent Order of Brith Abraham, protesting against the enactment of proposed legislation providing for the registration of aliens; to the Committee on Immigration and Naturalization.

7187. By Mr. QUAYLE: Petition of Abraham & Straus Co., Brooklyn, N. Y., opposing the Vestal copyright bill; to the Committee on Patents.

7188. Also, petition of Frederick Loeser & Co. (Inc.), Brooklyn, N. Y., opposing the Vestal copyright bill; to the Committee on Patents.

7189. By Mr. WATRES: Petition of citizens of Clarks Summitt, Pa., favoring the enactment of House bill 8976, for the relief of veterans and widows and minor orphan children of veterans of Indian wars; to the Committee on Pensions.

SENATE

FRIDAY, *May 2, 1930*

(Legislative day of Wednesday, April 30, 1930)

The Senate met at 12 o'clock meridian in open executive session, on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Fess	Keyes	Smoot
Ashurst	Frazier	McCulloch	Steck
Baird	George	McKellar	Steiwer
Barkley	Gillett	McNary	Stephens
Bingham	Glass	Metcalf	Sullivan
Black	Glenn	Norris	Swanson
Blaine	Goldsborough	Nye	Thomas, Idaho
Blease	Gould	Oddie	Thomas, Okla.
Borah	Greene	Overman	Trammell
Bratton	Hale	Patterson	Tydings
Brock	Harris	Phipps	Vandenberg
Broussard	Harrison	Pine	Wagner
Capper	Hastings	Ransdell	Walcott
Caraway	Hatfield	Robinson, Ark.	Walsh, Mass.
Connally	Hawes	Robinson, Ind.	Walsh, Mont.
Copeland	Hayden	Robsion, Ky.	Waterman
Couzens	Hebert	Schall	Watson
Cutting	Howell	Sheppard	Wheeler
Dale	Johnson	Shipstead	
Deneen	Jones	Shortridge	
Dill	Kendrick	Simmons	

Mr. BLAINE. I desire to announce that my colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is necessarily absent. I ask that this announcement may stand for the day.

Mr. SHEPPARD. I announce that the Senator from Florida [Mr. FLETCHER], the Senator from Utah [Mr. KING], and the Senator from South Carolina [Mr. SMITH] are all detained from the Senate by illness.

Mr. BLACK. I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

The VICE PRESIDENT. Eighty-one Senators have answered to their names. A quorum is present.

ORDER FOR RECESS TO MONDAY

Mr. McNARY. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it recess until 12 o'clock noon Monday.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIAL

As in legislative session,

The VICE PRESIDENT laid before the Senate the memorial of sundry leading Moros, being property owners residing in Mindanao and Sulu, P. I., remonstrating against the granting of independence to the Philippine Islands, if the granting of such proposed independence should include Mindanao, Sulu, and the southern islands occupied by the Moros and other non-Christian tribes, which was referred to the Committee on Territories and Insular Affairs.

Mr. SHIPSTEAD presented resolutions of the Common Council of the City of Two Harbors, Minn., favoring the passage of

legislation dedicating October 11 of each year as General Pulaski's memorial day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, Revolutionary War hero, which were referred to the Committee on the Library.

Mr. BLAINE presented a resolution adopted by the Woman's Christian Temperance Union of Darlington, Wis., favoring the passage of legislation for the supervision of motion pictures and the establishment of higher standards in the production of films that may be licensed for interstate and foreign commerce, which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES

As in legislative session,

Mr. CUTTING, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 9895) to establish the Carlsbad Caverns National Park in the State of New Mexico, and for other purposes, reported it with an amendment and submitted a report (No. 589) thereon.

Mr. BLACK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 4119) to extend the provisions of section 2455 of the Revised Statutes of the United States (U. S. C., title 43, sec. 1171), as amended, to coal lands in Alabama, reported it without amendment and submitted a report (No. 590) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 4222. A bill to authorize the Commissioners of the District of Columbia to sell by private or public sale a tract of land acquired for public purposes, and for other purposes (Rept. No. 591); and

S. 4226. A bill to authorize the Commissioners of the District of Columbia to sell at public or private sale certain real property owned by the District of Columbia, and for other purposes (Rept. No. 592).

Mr. CAPPER, also from the Committee on the District of Columbia, to which were referred the following bills, reported them severally without amendment, and submitted reports thereon:

S. 4221. A bill for the disposal of combustible refuse from places outside of the city of Washington (Rept. No. 593);

S. 4224. A bill to provide for the operation and maintenance of bathing pools under the jurisdiction of the Director of Public Buildings and Parks of the National Capital (Rept. No. 594);

S. 4243. A bill to provide for the closing of certain streets and alleys in the Reno section of the District of Columbia (Rept. No. 595); and

H. R. 9758. An act to authorize the Commissioners of the District of Columbia to close certain portions of streets and alleys for public-school purposes (Rept. No. 596).

REPORTS OF NOMINATIONS

As in executive session,

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

Mr. GREENE, from the Committee on Military Affairs, reported the nominations of sundry officers in the Army, which were placed on the Executive Calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

As in legislative session,

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. RANSDELL:

A bill (S. 4336) to provide for the appointment of one additional district judge for the eastern and western districts of Louisiana; to the Committee on the Judiciary.

By Mr. SMOOT:

A bill (S. 4337) to suspend the requirements of annual assessment work on mining claims during the years 1929 and 1930; to the Committee on Mines and Mining.

By Mr. SWANSON:

A bill (S. 4338) for the relief of Roscoe McKinley Meadows; to the Committee on Naval Affairs.

By Mr. KENDRICK:

A bill (S. 4339) granting a pension to Truman H. Wilkinson; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 4340) granting an increase of pension to Lellie Dowdney; to the Committee on Pensions.

A bill (S. 4341) for the relief of Grace K. Barber; to the Committee on Claims.

By Mr. WALSH of Montana:

A bill (S. 4342) authorizing the Court of Claims to investigate and determine the facts in connection with the claim of the First National Bank of Billings, Mont.; to the Committee on Claims.

By Mr. SHIPSTEAD:

A bill (S. 4343) for the relief of Howland & Waltz Co. (Ltd.); to the Committee on Claims.

By Mr. METCALF:

A bill (S. 4344) granting an increase of pension to Sarah Shepard (with accompanying papers); to the Committee on Pensions.

A bill (S. 4345) for the relief of Lillian G. Frost; to the Committee on Foreign Relations.

By Mr. DILL:

A bill (S. 4346) granting a pension to Joseph M. Harris; to the Committee on Pensions.

By Mr. THOMAS of Oklahoma:

A joint resolution (S. J. Res. 173) authorizing an investigation of the business and industrial affairs of the various Indian tribes; to the Committee on Indian Affairs.

CHANGE OF REFERENCE

As in legislative session,

Mr. JONES. There was referred to the Committee on Appropriations the bill (S. 2588) authorizing the payment for the attendance of the Marine Band at the Confederate veterans' reunion to be held at Biloxi, Miss. This is a legislative bill authorizing a certain appropriation, and I think it should go to the Committee on Naval Affairs. I therefore move that the Committee on Appropriations be discharged from the further consideration of the bill, and that it be referred to the Committee on Naval Affairs.

The motion was agreed to.

AMENDMENT TO LEGISLATIVE APPROPRIATION BILL

As in legislative session,

Mr. THOMAS of Idaho submitted an amendment proposing to increase the compensation of the superintendent of the Senate document room from $3,960 to $5,400 per annum, intended to be proposed by him to the bill (H. R. 11965) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1931, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

THE UNEMPLOYMENT SITUATION

As in legislative session,

Mr. NYE. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Unemployment, Its Cause and Cure," by Will Atkinson.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

UNEMPLOYMENT, IT'S CAUSE AND CURE—BEING AN OUTLINE OF HENRY GEORGE'S PROGRESS AND POVERTY

By Will Atkinson

"It is the thorough fusion of insight into actual facts and forces, with recognition of their bearing upon what makes life worth living, that constitutes Henry George one of the world's great social philosophers." (John Dewey, professor of philosophy, Columbia University, New York.)

"There was a man sent from God, whose name was Henry George." (Rev. Dr. Edward McGlynn.)

"Henry George lived only to benefit his fellow men." (John Russell Young, former editor New York Tribune, New York Herald, etc.)

"The teaching of George is irresistibly convincing in its simplicity and clearness." (Leo Tolstoy.)

The cause of unemployment and its cure are clearly shown in this brief outline of Henry George's Progress and Poverty. It is intended to induce you to read the book itself. So verbatim extracts are given in Henry George's own language that you may realize what a rich intellectual feast he has provided.

Henry George dipped his pen in life; his words throb with sympathy for suffering and thrill with the logic of truth. He taught that men's miseries are due to man-made laws, never to divine law. That the ignorance which shelters in schools, the crime which lurks in the shadow of churches, famine amid full granaries, poverty in plenty, are all due to men's laws which ignore and defy the divine intent. That to abolish poverty and tame the ruthless passions of greed we need only align men's laws with the laws of nature and of nature's God.

The lines from Milton which Henry George uses for one section of Progress and Poverty indicate the aim and intent of the whole book.

"What in me is dark
Illumine; what is low, raise and support;
That to the height of this great argument
I may assert eternal Providence
And justify the ways of God to men."

INTRODUCTORY

(Quoted verbatim from Progress and Poverty, by Henry George)

The problem

The present century has been marked by a prodigious increase in wealth-producing power. The utilization of steam and electricity, the introduction of improved processes and labor-saving machinery, the greater subdivision and grander scale of production, the wonderful facilitation of exchanges, have multiplied enormously the effectiveness of labor.

At the beginning of this marvelous era it was natural to expect, and it was expected, that labor-saving inventions would lighten the toil and improve the condition of the laborer; that the enormous increase in the power of producing wealth would make real poverty a thing of the past. Could a man of the last century—a Franklin or a Priestley—have seen, in a vision of the future, the steamship taking the place of the sailing vessel, the railroad train of the wagon, the reaping machine of the scythe, the threshing machine of the flail; could he have heard the throb of the engines that in obedience to human will, and for the satisfaction of human desire, exert a power greater than that of all the men and all the beasts of burden of the earth combined; could he have seen the forest tree transformed into finished lumber—into doors, sashes, blinds, boxes, or barrels—with hardly the touch of a human hand; the great workshops where boots and shoes are turned out by the case with less labor than the old-fashioned cobbler could have put on a sole; the factories where, under the eye of a girl, cotton becomes cloth faster than hundreds of stalwart weavers could have turned it out with their hand looms; could he have seen steam hammers shaping mammoth shafts and mighty anchors, and delicate machinery making tiny watches; the diamond drill cutting through the heart of the rocks, and coal oil sparing the whale; could he have realized the enormous saving of labor resulting from improved facilities of exchange and communication—sheep killed in Australia eaten fresh in England, and the order given by the London banker in the afternoon executed in San Francisco in the morning of the same day; could he have conceived of the hundred thousand improvements which these only suggest, what would he have inferred as to the social condition of mankind?

It would not have seemed like an inference; further than the vision went it would have seemed as though he saw; and his heart would have leaped and his nerves would have thrilled as one who from a height beholds just ahead of the thirst-stricken caravan the living gleam of rustling woods and the glint of laughing waters. Plainly, in the sight of the imagination, he would have beheld these new forces elevating society from its very foundations, lifting the very poorest above the possibility of want, exempting the very lowest from anxiety for the material needs of life; he would have seen these slaves of the lamp of knowledge taking on themselves the traditional curse, these muscles of iron and sinews of steel making the poorest laborer's life a holiday, in which every high quality and noble impulse could have scope to grow.

And out of these bounteous material conditions he would have seen arising, as necessary sequences, moral conditions realizing the golden age of which mankind have always dreamed. Youth no longer stunted and starved; age no longer harried by avarice; the child at play with the tiger; the man with the muck rake drinking in the glory of the stars. Foul things fled, fierce things tame; discord turned to harmony! For how could there be greed where all had enough? How could the vice, the crime, the ignorance, the brutality that spring from poverty and the fear of poverty exist where poverty had vanished? Who should crouch where all were free men; who oppress where all were peers?

More or less vague or clear, these have been the hopes, these the dreams born of the improvements which give this wonderful century its preeminence. They have sunk so deeply into the popular mind as radically to change the currents of thought, to recast creeds and displace the most fundamental conceptions. The haunting visions of higher possibilities have not merely gathered splendor and vividness, but their direction has changed—instead of seeing behind the faint tinges of an expiring sunset all the glory of the daybreak has decked the skies before.

It is true that disappointment has followed disappointment, and that discovery upon discovery, and invention after invention, have neither lessened the toil of those who most need respite nor brought plenty to the poor. But there have been so many things to which it seemed this failure could be laid that up to our time the faith has hardly weakened. We have better appreciated the difficulties to be overcome, but not the less trusted that the tendency of the times was to overcome them.

Now, however, we are coming into collision with facts which there can be no mistaking. From all parts of the civilized world come complaints of industrial depression; of labor condemned to involuntary idleness; of capital massed and wasting; of pecuniary distress among business men; of want and suffering and anxiety among the working classes. All the dull, deadening pain, all the keen, maddening anguish, that to great masses of men are involved in the words "hard times" afflict the world to-day. This state of things, common to communities differing so widely in situation, in political institutions, in fiscal and financial systems, in density of population, and in social organization, can hardly be accounted for by local causes. There is distress where large standing armies are maintained, but there is also distress where the standing armies are nominal; there is distress where protective tariffs stupidly and wastefully hamper trade, but there is distress where trade is nearly free; there is distress where autocratic government yet prevails, but there is also distress where political power is wholly in the hands of the people; in countries where paper is money and in countries where gold and silver are the only currency. Evidently, beneath all such things as these, we must infer a common cause.

That there is a common cause, and that it is either what we call material progress or something closely connected with material progress, becomes more than an inference when it is noted that the phenomena we class together and speak of as industrial depression are but intensifications of phenomena which always accompany material progress, and which show themselves more clearly and strongly as material progress goes on. Where the conditions to which material progress everywhere tends are most fully realized—that is to say, where population is densest, wealth greatest, and the machinery of production and exchange most highly developed—we find the deepest poverty, the sharpest struggles for existence, and the most of enforced idleness.

It is to the newer countries—that is, to the countries where material progress is yet in its early stages—that laborers emigrate in search of higher wages and capital flows in search of higher interest. It is in the older countries—that is to say, the countries where material progress has reached later stages—that widespread destitution is found in the midst of the greatest abundance. Go into one of the new communities where Anglo-Saxon vigor is just beginning the race of progress; where the machinery of production and exchange is yet crude and inefficient; where the increment of wealth is not yet great enough to enable any class to live in ease and luxury; where the best house is but a cabin of logs or a cloth and paper shanty, and the richest man is forced to daily work—and though you will find an absence of wealth and all its concomitants, you will find no beggars. There is no luxury, but there is no destitution. No one makes an easy living nor a very good living, but everyone can make a living, and no one able to work is oppressed by the fear of want.

But just as such a community realizes the conditions which all civilized communities are striving for and advances in the scale of material progress—just as closer settlement and a more intimate connection with the rest of the world and a greater utilization of labor-saving machinery make possible greater economies in production and exchange, and wealth in consequence increases, not merely in the aggregate, but in proportion to population—so does poverty take a darker aspect. Some get an infinitely better and easier living, but others find it hard to get a living at all. The "tramp" comes with the locomotive, and almshouses and prisons are as surely the marks of "material progress" as are costly dwellings, rich warehouses, and magnificent churches. Upon streets lighted with gas and patrolled by uniformed policemen beggars wait for the passer-by, and in the shadow of college and library and museum are gathering the more hideous Huns and fiercer Vandals of whom Macaulay prophesied.

This fact—the great fact that poverty and all its concomitants show themselves in communities just as they develop into the conditions toward which material progress tends—proves that the social difficulties existing wherever a certain stage of progress has been reached do not arise from local circumstances, but are, in some way or another, engendered by progress itself.

And, unpleasant as it may be to admit it, it is at last becoming evident that the enormous increase in productive power which has marked the present century and is still going on with accelerating ratio has no tendency to extirpate poverty or to lighten the burdens of those compelled to toil. It simply widens the gulf between Dives and Lazarus, and makes the struggle for existence more intense. The march of invention has clothed mankind with powers of which a century ago the boldest imagination could not have dreamed. But in factories where labor-saving machinery has reached its most wonderful development little children are at work; wherever the new forces are anything like fully utilized, large classes are maintained by charity or live on the verge of recourse to it; amid the greatest accumulations of wealth men die of starvation and puny infants suckle dry breasts; while everywhere the greed of gain, the worship of wealth, shows the force of the fear of want. The promised land flies before us like the mirage. The fruits of the tree of knowledge turn, as we grasp them, to apples of Sodom that crumble at the touch.

It is true that wealth has been greatly increased, and that the average of comfort, leisure, and refinement has been raised; but these gains are not general. In them the lowest class do not share. (It is true that the poorest may now in certain ways enjoy what the richest a century ago could not have commanded, but this does not show improvement of condition so long as the ability to obtain the necessaries of life is not increased. The beggar in a great city may enjoy things from which the backwoods farmer is debarred, but that does not prove the condition of the city beggar better than that of the independent farmer.) I do not mean that the condition of the lowest class has nowhere nor in anything been improved, but that there is nowhere any improvement which

can be credited to increased productive power. I mean that the tendency of what we call material progress is in nowise to improve the condition of the lowest class in the essentials of healthy, happy, human life. Nay, more, that it is still further to depress the condition of the lowest class. The new forces, elevating in their nature though they be, do not act upon the social fabric from underneath, as was for a long time hoped and believed, but strike it at a point intermediate between top and bottom. It is as though an immense wedge were being forced, not underneath society, but through society. Those who are above the point of separation are elevated, but those who are below are crushed down.

This depressing effect is not generally realized, for it is not apparent where there has long existed a class just able to live. Where the lowest class barely lives, as has been the case for a long time in many parts of Europe, it is impossible for it to get any lower, for the next lowest step is out of existence, and no tendency to further depression can readily show itself. But in the progress of new settlements to the conditions of older communities it may clearly be seen that material progress does not merely fail to relieve poverty—it actually produces it. In the United States it is clear that squalor and misery, and the vices and crimes that spring from them, everywhere increase as the villages grow to the city, and the march of development brings the advantages of the improved methods of production and exchange. It is in the older and richer sections of the Union that pauperism and distress among the working classes are becoming most painfully apparent. If there is less deep poverty in San Francisco than in New York, is it not because San Francisco is yet behind New York in all that both cities are striving for? When San Francisco reaches the point where New York now is, who can doubt that there will also be ragged and barefooted children on her streets?

This association of poverty with progress is the great enigma of our times. It is the central fact from which spring industrial, social, and political difficulties that perplex the world, and with which statesmanship and philanthropy and education grapple in vain. From it come the clouds that overhang the future of the most progressive and self-reliant nations. It is the riddle which the Sphinx of Fate puts to our civilization, and which not to answer is to be destroyed. So long as all the increased wealth which modern progress brings goes but to build up great fortunes, to increase luxury, and make sharper the contrast between the House of Have and the House of Want, progress is not real and can not be permanent. The reaction must come. The tower leans from its foundations and every new story but hastens the final catastrophe. To educate men who must be condemned to poverty is but to make them restive; to base on a state of most glaring social inequality political institutions under which men are theoretically equal is to stand a pyramid on its apex.

All important as this question is, pressing itself from every quarter painfully upon attention, it has not yet received a solution which accounts for all the facts and points to any clear and simple remedy. This is shown by the widely varying attempts to account for the prevailing depression. They exhibit not merely a divergence between vulgar notions and scientific theories but also show that the concurrences which should exist between those who avow the same general theories breaks up upon practical questions into an anarchy of opinion. Upon high economic authority we have been told that the prevailing depression is due to overproduction; while the wastes of war, the extension of railroads, the attempts of workmen to keep up wages, the demonetization of silver, the issues of paper money, the increase of labor-saving machinery, the opening of shorter avenues to trade, etc., are separately pointed out as the cause by writers of reputation.

And while professors thus disagree, the ideas that there is a necessary conflict between capital and labor, that machinery is an evil, that competition must be restrained and interest abolished, that wealth may be created by the issue of money, that it is the duty of government to furnish capital or to furnish work are rapidly making way among the great body of the people, who keenly feel a hurt and are sharply conscious of a wrong. Such ideas, which bring great masses of men, the repositories of ultimate political power, under the leadership of charlatans and demagogues, are fraught with danger; but they can not be successfully combated until political economy shall give some answer to the great question which shall be consistent with all her teachings and which shall commend itself to the perceptions of the great masses of men.

It must be within the province of political economy to give such an answer. For political economy is not a set of dogmas. It is the explanation of a certain set of facts. It is the science which, in the sequence of certain phenomena, seeks to trace mutual relations and to identify cause and effect, just as the physical sciences seek to do in other sets of phenomena. It lays its foundations upon firm ground. The premises from which it makes its deductions are truths which have the highest sanction; axioms which we all recognize; upon which we safely base the reasoning and actions of everyday life, and which may be reduced to the metaphysical expression of the physical law that motion seeks the line of least resistance, viz, that men seek to gratify their desires with the least exertion. Proceeding from a basis thus assured, its processes, which consist simply in identification and separation, have the same certainty. In this sense it is as exact a science as geometry, which, from similar truths relative to space, obtains its conclusions by similar means, and its conclusions when valid should be as self-apparent. And although in the domain of political economy we can not test our theories by artificially produced combinations or conditions, as may be done in some of the other sciences, yet we can apply tests no less conclusive, by comparing societies in which different conditions exist, or by, in imagination, separating, combining, adding, or eliminating forces or factors of known direction.

I propose in the following pages to attempt to solve by the methods of political economy the great problem I have outlined. I propose to seek the law which associates poverty with progress, and increases want with advancing wealth; and I believe that in the explanation of this paradox we shall find the explanation of those recurring seasons of industrial and commercial paralysis which, viewed independently of their relations to more general phenomena, seem so inexplicable. Properly commenced and carefully pursued, such an investigation must yield a conclusion that will stand every test, and as truth, will correlate with all other truth. For in the sequence of phenomena there is no accident. Every effect has a cause and every fact implies a preceding fact.

That political economy, as at present taught, does not explain the persistence of poverty amid advancing wealth in a manner which accords with the deep-seated perceptions of men; that the unquestionable truths which it does teach are unrelated and disjointed; that it has failed to make the progress in popular thought that truth, even when unpleasant, must make; that, on the contrary, after a century of cultivation, during which it has engrossed the attention of some of the most subtle and powerful intellects, it should be spurned by the statesman, scouted by the masses, and relegated in the opinion of many educated and thinking men to the rank of a pseudo-science in which nothing is fixed or can be fixed—must, it seems to me, be due not to any inability of the science when properly pursued, but to some false step in its premises, or overlooked factor in its estimates. And as such mistakes are generally concealed by the respect paid to authority, I propose in this inquiry to take nothing for granted, but to bring even accepted theories to the test of first principles, and should they not stand the test, freshly to interrogate facts in the endeavor to discover their law.

I propose to beg no question, to shrink from no conclusion, but to follow truth wherever it may lead. Upon us is the responsibility of seeking the law, for in the very heart of our civilization to-day women faint and little children moan. But what that law may prove to be is not our affair. If the conclusions that we reach run counter to our prejudices, let us not flinch; if they challenge institutions that have long been deemed wise and natural, let us not turn back.

HENRY GEORGE.

WAGES, CAPITAL, POPULATION, AND THE DISTRIBUTION OF WEALTH

"Why in spite of increase in productive power, do wages tend to a minimum which will give but a bare living?" Current political economy says wages are fixed by the ratio between the number of laborers and the amount of capital devoted to the employment of labor, and constantly tend to the lowest amount on which laborers will consent to live and reproduce; because the increase in the number of laborers tends naturally to follow and overtake any increase in capital. This argument is inconsistent with the general fact that wages and interest rise and fall together. Wages, instead of being drawn from capital, are drawn from the product of the labor for which they are paid.

The three factors in production are land, labor, and capital, and that part of the produce which goes to the second of these factors is wages. Land embraces all natural materials, forces, and opportunities, and therefore nothing that is freely supplied by nature can be properly classed as capital. Labor includes all human exertion, and hence human powers, whether natural or acquired, can never be properly classed as capital.

Capital consists of those things which are neither land nor labor, but which have resulted from the union of these two original factors of production. Nothing can be capital which is not wealth; only such things can be wealth the production of which increases, and the destruction of which decreases, the aggregate of wealth. Increase in land values does not represent any increase in the common wealth, for what land owners gain by higher prices, the renters or buyers of land lose.

All wealth is not capital. Capital is only that part of wealth which is used to produce more wealth. It is wealth in the course of exchange, for production includes both making things and bringing them to the consumer. Wherever we analyze the facts we find that without production wages would not and could not be paid. As labor precedes the payment of wages and as labor in production implies the creation of value, the employer receives value before he pays out value so he but exchanges capital of one form for another form. Hence the payment of wages in production never involves the advance of capital or even temporarily lessens capital.

Nor is it true that the maintenance of labor is drawn from capital, and that therefore population regulates itself by the funds which are to employ it, for that would involve the idea that labor can not be exerted until the products of labor are saved, thus putting the product before the producer, which is absurd. Capital, therefore, does not limit industry, the only limit to industry being the access to natural raw mate-

rial. Capital may limit the form of industry, and the productiveness of industry by limiting the use of tools and the division of labor. The functions of capital are to assist labor in production with tools, seeds, etc., and with the wealth required to carry on exchanges.

All remedies, whether proposed by professors of political economy or working men, which look to the alleviation of poverty either by the increase of capital, or the restriction of the number of laborers, or efficiency of their work, must be condemned as useless and ineffective.

The argument that wages are determined by the ratio between capital and labor finds its strongest support in the Malthusian doctrine, and on both is based the theory that past a certain point the application of capital and labor to land yields a diminishing return. The Malthusian doctrine is that the tendency to increase in the number of laborers must always tend to reduce wages to the minimum on which laborers can reproduce.

When subjected to analysis this theory is untenable.

Everywhere are striking and conclusive evidences that the production and consumption of wealth have increased with even greater rapidity than the increase of population, and that if any class obtains less than its due share it is solely because of the greater inequality of distribution. The denser the population the more minute becomes the subdivision of labor and the greater the economies of production and distribution, and hence, the reverse of the Malthusian doctrine is true.

The following is quoted verbatim from Progress and Poverty:

"Of all living things, man is the only one who can give play to the reproductive forces, more powerful than his own, which supply him with food. Beast, insect, bird, and fish take only what they find. Their increase is at the expense of their food, and when they have reached the existing limits of food, their food must increase before they can increase. But unlike that of any other living thing, the increase of man involves the increase of his food. If bears instead of men had been shipped from Europe to the North American continent, there would now be no more bears than in the time of Columbus, and possibly fewer, for bear food would not have been increased nor the conditions of the bear life extended by the bear immigration, but probably the reverse. But within the limits of the United States alone there are now 45,000,000 of men where then there were only a few hundred thousand, and yet there is now within that territory much more food per capita for the 45,000,000 than there was then for the few hundred thousand. It is not the increase of food that has caused this increase of men, but the increase of men that has brought about the increase of food. There is more food simply because there are more men.

"Here is a difference between the animal and the man. Both the jayhawk and the man eat chickens, but the more jayhawks the fewer chickens, while the more men the more chickens. Both the seal and the man eat salmon, but when a seal takes a salmon there is a salmon the less, and were seals to increase past a certain point salmon must diminish; while by placing the spawn of the salmon under favorable conditions man can so increase the number of salmon as more than to make up for all he may take, and thus no matter how much men may increase, their increase need never outrun the supply of salmon.

"In short, while all through the vegetable and animal kingdoms the limit of subsistence is independent of the things subsisted, with man the limit of subsistence is, within the final limits of earth, air, water, and sunshine, dependent upon man himself. And this being the case, the analogy which it is sought to draw between the lower forms of life and man manifestly fails. While vegetables and animals do press against the limits of subsistence, man can not press against the limits of his subsistence until the limits of the globe are reached. Observe, this is not merely true of the whole but of all the parts. As we can not reduce the level of the bay or harbor without reducing the level not merely of the ocean with which it communicates, but of all the seas and oceans of the world, so the limit of subsistence in any particular place is not the physical limit of that place, but the physical limit of the globe. Fifty square miles of soil will in the present state of the productive arts yield subsistence for only some thousands of people, but on the 50 square miles which comprise the city of London some three and a half millions of people are maintained, and subsistence increases as population increases. So far as the limit of subsistence is concerned, London may grow to a population of a hundred millions or five hundred millions or a thousand millions, for she draws for subsistence upon the whole globe, and the limit which subsistence sets to her growth in population is the limit of the globe to furnish food for its inhabitants.

"But here will arise another idea from which the Malthusian theory derives great support—that of the diminishing productiveness of land. As conclusively proving the law of diminishing productiveness, it is said in the current treatises that were it not true that beyond a certain point land yields less and less to additional applications of labor and capital, increasing population would not cause any extension of cultivation, but that all the increased supplies needed could and would be raised without taking into cultivation any fresh ground. Assent to this seems to involve assent to the doctrine that the difficulty of obtaining subsistence must increase with increasing population.

"But I think the necessity is only in seeming. If the proposition be analyzed it will be seen to belong to a class that depend for validity upon an implied or suggested qualification—a truth relatively, which taken absolutely, becomes a nontruth. For that man can not exhaust or lessen the powers of nature follows from the indestructibility of matter and the persistence of force. Production and consumption are only relative terms.

"Speaking absolutely, man neither produces nor consumes. The whole human race, were they to labor to infinity, could not make this rolling sphere one atom heavier or one atom lighter, could not add to or diminish by one iota the sum of the forces whose everlasting circling produces all motion and sustains all life. As the water that we take from the ocean must again return to the ocean, so the food we take from the reservoirs of nature is, from the moment we take it, on its way back to those reservoirs. What we draw from a limited extent of land may temporarily reduce the productiveness of that land, because the return may be to other land, or may be divided between that land and other land, or, perhaps, all land; but this possibility lessens with increasing area, and ceases when the whole globe is considered. That the earth could maintain a thousand billions of people as easily as a thousand millions is a necessary deduction from the manifest truths that, at least so far as our agency is concerned, matter is eternal and force must forever continue to act. Life does not use up the forces that maintain life. We come into the material universe bringing nothing; we take nothing away when we depart. The human being, physically considered, is but a transient form of matter, a changing mode of motion. The matter remains and the force persists. Nothing is lessened, nothing is weakened. And from this it follows that the limit to the population of the globe can be only the limit of space.

"Now, this limitation of space—this danger that the human race may increase beyond the possibility of finding elbow room—is so far off as to have for us no more practical interest than the recurrence of the glacial period or the final extinguishment of the sun. Yet remote and shadowy as it is, it is this possibility which gives to the Malthusian theory its apparently self-evident character. But if we follow it, even this shadow will disappear. It, also, springs from a false analogy. That vegetable and animal life tend to press against the limits of space does not prove the same tendency in human life.

"Granted that man is only a more highly developed animal; that the ring-tailed monkey is a distant relative who has gradually developed acrobatic tendencies, and the humpbacked whale a far-off connection who in early life took to the sea—granted that back of these he is kin to the vegetable, and is still subject to the same laws as plants, fishes, birds, and beasts. Yet there is still this difference between man and all other animals—he is the only animal whose desires increase as they are fed; the only animal that is never satisfied. The wants of every other living thing are uniform and fixed. The ox of to-day aspires to no more than did the ox when man first yoked him. The sea gull of the English Channel, who poises himself above the swift steamer, wants no better food or lodging than the gulls who circled round as the keels of Cæsar's galleys first grated on a British beach. Of all that nature offers them, be it ever so abundant, all living things save man can take and care for only enough to supply wants which are definite and fixed. The only use they can make of additional supplies or additional opportunities is to multiply.

"But not so with man. No sooner are his animal wants satisfied than new wants arise. Food he wants first, as does the beast; shelter next, as does the beast; and these given, his reproductive instincts assert their sway, as do those of the beast. But here man and beast part company. The beast never goes further; the man has but set his feet on the first step of an infinite progression—a progression upon which the beast never enters; a progression away from and above the beast.

"The demand for quantity once satisfied, he seeks quality. The very desires that he has in common with the beast become extended, refined, exalted. It is not merely hunger but taste that seeks gratification in food; in clothes, he seeks not merely comfort but adornment; the rude shelter becomes a house; the undiscriminating sexual attraction begins to transmute itself into subtle influences, and the hard and common stock of animal life to blossom and to bloom into shapes of delicate beauty. As power to gratify his wants increases, so does aspiration grow. Held down to lower levels of desire, Lucullus will sup with Lucullus; 12 boars turn on spits that Antony's mouthful of meat may be done to a turn; every kingdom of nature be ransacked to add to Cleopatra's charms, and marble colonnades and hanging gardens and pyramids that rival the hills arise. Passing into higher forms of desire, that which slumbered in the plant and fitfully stirred in the beast, awakens in the man. The eyes of the mind are opened, and he longs to know. He braves the scorching heat of the desert and the icy blasts of the polar sea, but not for food; he watches all night, but it is to trace the circling of the eternal stars. He adds toil to toil to gratify a hunger no animal has felt; to assuage a thirst no beast can know.

"Out upon nature, in upon himself, back through the mists that shroud the past, forward into the darkness that overhangs the future, turns the restless desire that arises when the animal wants slumber in satisfaction. Beneath things he seeks the law; he would know how the globe was forged and the stars were hung, and trace to their origins

the springs of life. And, then, as the man develops his nobler nature, there arises the desire higher yet—the passion of passions, the hope of hopes—the desire that he, even he, may somehow aid in making life better and brighter, in destroying want and sin, sorrow and shame. He masters and curbs the animal; he turns his back upon the feast and renounces the place of power; he leaves it to others to accumulate wealth, to gratify pleasant tastes, to bask themselves in the warm sunshine of the brief day. He works for those he never saw and never can see; for a fame, or maybe but for a scant justice, that can only come long after the clods have rattled upon his coffin lid. He toils in the advance, where it is cold, and there is little cheer from men, and the stones are sharp and the brambles thick. Amid the scoffs of the present and the sneers that stab like knives he builds for the future; he cuts the trail that progressive humanity may hereafter broaden into a high road. Into higher, grander spheres desire mounts and beckons, and a star that rises in the east leads him on. Lo! the pulses of the man throb with the yearning of the god—he would aid in the process of the suns!

"Is not the gulf too wide for the analogy to span? Give more food, open fuller conditions of life, and the vegetable or animal can but multiply; the man will develop. In the one the expansive force can but extend existence in new numbers; in the other, it will inevitably tend to extend existence in higher forms and wider powers. Man is an animal; but he is an animal plus something else. He is the mythic earth tree, whose roots are in the ground, but whose topmost branches may blossom in the heavens!"

THE LAW OF WAGES

To find why while population increases and the productive arts advance, there is an increase in poverty of the lowest class, we must find the law which determines what part of the produce is distributed to labor as wages, what part to capital as interest, and what to landowners as rent.

Rent is the price of monopoly arising from the reduction to individual ownership of natural elements which human exertion can neither produce nor increase. Interest is not properly a payment made for the use of capital. It comes from the power of increase which the reproductive forces of nature and the analogous capacity for exchange give to capital. Men seek to gratify their desires with the least exertion, and this effects an equilibrium between wages and interest.

This relation fixed, it is evident that interest can not be increased without increasing wages nor wages lowered without depressing interest. The law of interest is that the relation between wages and interest is determined by the average power of increase which attaches to capital from its use in reproduction. The law of wages is that they depend upon the margin of production, that is upon the produce which labor can obtain at the highest point of natural productiveness open to it without the payment of rent.

This law of wages accords with and explains universal facts. Where land is free, and labor is unassisted by capital, the whole produce will go to labor as wages. Where land is free and labor is assisted by capital, wages will consist of the whole produce, less that part necessary to induce the storing up of labor as capital. Where land is subject to ownership and rent arises, wages will be fixed by what labor can secure from the highest natural opportunities open to it without the payment of rent. Where natural opportunities are all monopolized, wages must be forced by the competition among laborers to the minimum at which laborers will consent to reproduce. The failure of wages to increase with increasing productive power is due to the increase of rent.

The value of land depending wholly upon the power which its ownership gives of appropriating wealth created by labor, the increase of land values is always at the expense of labor. Increase in productive power does not increase wages because it does increase the value of land. It is universally true that where the value of land is high the greatest luxury is associated with the most piteous destitution. Three things cause material progress—increase in population, improvement in production, and exchange and improvement in knowledge, government, and morals.

The effect of increase of population upon the distribution of wealth is to increase rent, and consequently to diminish the proportion of the produce which goes to capital and labor in two ways: First, by lowering the margin of cultivation and, second and more important, by bringing out in land special capabilities otherwise latent, and by attaching special capabilities to particular land.

Inventions and improvements in productive arts, including division of labor between individuals, save labor—that is, enable the same result to be secured with less labor, or a greater result with the same labor, and hence increase production of wealth.

Without any increase in population the progress of invention constantly tends to give a larger and larger proportion of the produce to the owners of land, and a smaller proportion to labor and capital; and therefore, to decrease wages and interest. And, as we can assign no limit to the progress of invention, neither can we assign any limits to the increase of rent short of the whole produce.

Another cause of the influence of material progress upon the distribution of wealth is the confident expectation of the future enhancement of land values which arise in all progressive countries from the steady increase of rent. This leads to speculation; to holding land for a higher price than it would otherwise bring. This force tends to increase rent in a greater ratio than progress increases production, and tends to reduce wages, not merely relatively but absolutely.

THE COMMON RIGHT TO LAND

The fact that the speculative advance in land values cuts down the earnings of labor and capital, and checks production, leads irresistibly to the conclusion that this is the main cause of those periodical industrial depressions to which every civilized country seems increasingly liable.

Robbed of all the benefits of the increase of productive power, labor is exposed to certain effects of advancing civilization which, without the advantages that naturally accompany them, are positive evils, and of themselves tend to reduce the free laborer to the helpless and degraded condition of the slave. As land is necessary to the exertion of labor in the production of wealth, to own land is to command all the fruits of labor save enough to enable labor to exist.

But there is also an active, energetic power, a power that in every country writes laws and molds thought, the power of a vast and dominant pecuniary interest. The great cause of the inequality of the distribution of wealth is the inequality in the ownership of land. The ownership of land is the great fundamental fact which ultimately determines the social and political, and consequently the intellectual and moral condition of a people. The tendencies and measures at present relied on or advocated as calculated to relieve poverty and distress among the masses are insufficient. The true remedy is to substitute for individual ownership, common ownership of land through taxing land values.

As man belongs to himself, so his labor when put in concrete form belongs to him. As nature gives only to labor, the exertion of labor in production is the only title to exclusive possession. When nonproducers can claim as rent a portion of the wealth created by the producers, the right of the producers to the fruits of their labor is to that extent denied.

The equal right of all men to the use of land is as clear as their equal right to breathe the air; it is a right proclaimed by the fact of their existence. The right of individual proprietorship of land is the denial of the natural rights of other individuals; it is a wrong which must show itself in the inequitable division of wealth. Ownership of land always gives ownership of men to a degree measured by the necessity, real or artificial, for the use of land. And when that necessity is absolute, when starvation is the alternative to the use of land, then does the ownership of men involved in the ownership of land become absolute.

Private ownership of land is the nether millstone. Material progress is the upper millstone. Between them, with an increasing pressure, the working classes are ground. Historically, as ethically, private property in land is robbery. It has everywhere had its birth in war and conquest and in the selfish use which the cunning have made of superstition and law.

THE REMEDY FOR SOCIAL ILLS

Private property in land is inconsistent with the best use of land. What is necessary for that is security for improvements. Where land is treated as public property it will be used and improved as soon as there is need for its use or improvement, but, being treated as private property, the individual owner is permitted to prevent others from using, or improving, what he can not, or will not, use or improve himself. I do not propose to purchase or to confiscate private property in land. The first would be needless, the second unjust. It is only necessary to confiscate rent.

The sovereign remedy which will raise wages, increase the earnings of capital, extirpate pauperism, abolish poverty, give remunerative employment to whoever wishes it, afford free scope to human powers, lessen crime, elevate morals and taste and intelligence, purify government, and carry civilization to yet nobler heights is to appropriate rent by taxation and to abolish all taxation save that upon land values.

The great class of taxes from which revenue may be derived without interference with production are those upon monopolies. But all other monopolies are trivial in extent as compared with the monopoly of land. Taxes on the value of land not only do not check production but tend to increase it by destroying speculative rent.

The whole value of land may be taken in taxation, and the only effect will be to stimulate industry, open new opportunities to capital, and to increase the production of wealth. A tax on land values does not add to prices, and is thus paid directly by the persons on whom it falls. Land is not a thing of human production and taxes upon rent can not check supply. On the contrary, by compelling those who hold land on speculation to sell or rent it for what they can get a tax on land values tends to increase the competition between owners and thus to reduce the price of land.

A tax on land values, while the least arbitrary of taxes, possesses in the highest degree the element of certainty. It may be assessed and collected with a definiteness that partakes of the immovable and unconcealable character of the land itself. It is the most just and equal

of all taxes, because it falls only on those who receive from society a peculiar and valuable benefit, and upon them in proportion to the benefit they receive. The division of land now held on speculation would much increase the number of landowners.

A single tax on the value of land would so equalize the distribution of wealth as to raise even the poorest above that abject poverty in which public considerations have no weight, while it would at the same time cut down those overgrown fortunes which raise their possessors above concern in government.

The following is quoted verbatim from Progress and Poverty:

THE CANONS OF TAXATION

"The best tax by which public revenues can be raised is evidently that which will closest conform to the following conditions:

"1. That it bear as lightly as possible upon production, so as least to check the increase of the general fund from which taxes must be paid and the community maintained.

"2. That it be easily and cheaply collected and fall as directly as may be upon the ultimate payers, so as to take from the people as little as possible in addition to what it yields the Government.

"3. That it be certain, so as to give the least opportunity for tyranny or corruption on the part of officials and the least temptation to law-breaking and evasion on the part of the taxpayers.

"4. That it bear equally, so as to give no citizen an advantage or put any at a disadvantage as compared with others.

"Let us consider what form of taxation best accords with those conditions. Whatever it be, that evidently will be the best mode in which the public revenues can be raised."

EFFECTS OF THE REMEDY

This remedy would lift the whole enormous weight of taxation from productive industry. It would open new opportunities, for no one would care to hold land idle, and land now withheld from use would everywhere be thrown open to improvement. The selling price of all land would fall. The bonus that wherever labor is most productive must now be paid as rent before labor can be exerted would disappear. Competition in the labor market would no longer be one-sided. Rent instead of causing inequality would promote equality. Labor and capital would receive the whole produce, minus only that portion taken by the state in the taxation of land values, which, being applied to public purposes, would be equally distributed in public benefits. The equalization in the distribution of wealth would react upon production, everywhere preventing waste, everywhere increasing power.

Simplicity in the legislative and executive functions of government would become possible. It would at the same time and in the same degree become possible for it to realize socialist dreams, not through governmental repression but because government would become the administration of a great cooperative society—merely the agency by which the common property will be administered for the common benefit. Give labor a free field and its full earnings, take for the benefit of the whole community that fund which the growth of the community creates, and want and the fear of want would be gone.

The following is quoted verbatim from Progress and Poverty:

"That under present circumstances men are not more grasping, more unfaithful, more selfish than they are proves the goodness and fruitfulness of human nature, the ceaseless flow of the perennial fountains from which its moral qualities are fed. All of us have mothers; most of us have children; and so faith and purity and unselfishness can never be utterly banished from the world, howsoever bad the social adjustments.

"But whatever is potent for evil may be made potent for good. The change I have proposed would destroy the conditions that distort impulses in themselves beneficent and would transmute the forces which now tend to disintegrate society into forces which would tend to unite and purify it.

"Give labor a free field and its full earnings; take for the benefit of the whole community that fund which the growth of the community creates, and want and the fear of want would be gone. The springs of production would be set free and the enormous increase of wealth would give the poorest ample comfort. Men would no more worry about finding employment than they worry about finding air to breathe; they need have no more care about physical necessities than do the lilies of the field. The progress of science, the march of invention, the diffusion of knowledge would bring their benefits to all.

"With this abolition of want and the fear of want the admiration of riches would decay and men would seek the respect and approbation of their fellows in other modes than by the acquisition and display of wealth. In this way there would be brought to the management of public affairs and the administration of the common funds the skill, the attention, the fidelity, and the integrity that can now be secured only for private interests, and a railroad or gas works might be operated on public account, not only more economically and efficiently than as at present under joint-stock management but as economically and efficiently as would be possible under a single ownership. The prize of the Olympian games, that called forth the most strenuous exertions of all Greece, was but a wreath of wild olive; for a bit of ribbon men have over and over again performed services no money could have bought.

"Shortsighted is the philosophy which counts on selfishness as the master motive of human action. It is blind to facts of which the world is full. It sees not the present and reads not the past aright. If you would move men to action, to what shall you appeal? Not to their pockets but to their patriotism, not to selfishness but to sympathy. Self-interest is, as it were, a mechanical force, potent, it is true, capable of large and wide results. But there is in human nature what may be likened to a chemical force, which melts and fuses and overwhelms, to which nothing seems impossible. 'All that a man hath will he give for his life'—that is self-interest. But in loyalty to higher impulses men will give even life.

"It is not selfishness that enriches the annals of every people with heroes and saints. It is not selfishness that on every page of the world's history bursts out in sudden splendor of noble deeds or sheds the soft radiance of benignant lives. It was not selfishness that turned Gautama's back to his royal home or bade the Maid of Orleans lift the sword from the altar; that held the 300 in the pass of Thermopylæ or gathered into Winkelried's bosom the sheaf of spears; that chained Vincent de Paul to the bench of the galley or brought little starving children during the Indian famine tottering to the relief stations with yet weaker starvelings in their arms.

"Call it religion, patriotism, sympathy, the enthusiasm for humanity, or the love of God—give it what name you will; there is yet a force which overcomes and drives out selfishness, a force which is the electricity of the moral universe, a force beside which all others are weak. Everywhere that men have lived it has shown its power, and to-day, as ever, the world is full of it. To be pitied is the man who has never seen and never felt it. Look around among common men and women, amid the care and struggle of daily life, in the jar of the noisy street and amid the squalor where want hides, every here and there is the darkness lighted with the tremulous play of its lambent flames. He who has not seen it has walked with shut eyes. He who looks may see, as says Plutarch, that 'the soul has a principle of kindness in itself, and is born to love, as well as to perceive, think, or remember.'

"And this force of forces—that now goes to waste or assumes perverted forms—we may use for the strengthening and building up and ennobling of society if we but will, just as we now use physical forces that once seemed but powers of destruction. All we have to do is but to give it freedom and scope. The wrong that produces inequality, the wrong that in the midst of abundance tortures men with want or harries them with the fear of want, that stunts them physically, degrades them intellectually, and distorts them morally is what alone prevents harmonious social development. For 'all that is from the gods is full of providence. We are made for cooperation—like feet, like hands, like eyelids, like the rows of the upper and lower teeth.'"

If the conclusions at which we have arrived are correct, they will fall under a larger generalization. However man may have originated, man as man, no matter how low in the scale of humanity, has never yet been found destitute of the power of improvement. Everywhere and at all times he has made some use of this power. The varying degrees in which the faculty is used can not be ascribed to differences in original capacity. They are evidently connected with social development. A survey of history shows diversities in improvement, halts, and retrogression; and the law which will explain all these is that association in equality is the law of human progress; that men tend to progress as they come together, and by cooperation with each other increase the power that may be devoted to improvement.

But just as conflict is provoked or association develops inequality of condition and power, this tendency to progression is lessened, checked, and finally reversed. As society develops there arise tendencies which check development. The process of the specialization of functions and powers is accompanied by a constant liability to inequality and lodges collective power and wealth in the hands of a few, which tends to produce greater inequality, since aggression grows on what it feeds.

The following is quoted verbatim from Progress and Poverty:

"The poverty which in the midst of abundance pinches and imbrutes men, and all the manifold evils which flow from it, spring from a denial of justice. In permitting the monopolization of the opportunities which nature freely offers to all, we have ignored the fundamental law of justice, for, so far as we can see, when we view things upon a large scale justice seems to be the supreme law of the universe. But by sweeping away this injustice and asserting the rights of all men to natural opportunities we shall conform ourselves to the law—we shall remove the great cause of unnatural inequality in the distribution of wealth and power; we shall abolish poverty, tame the ruthless passions of greed, dry up the springs of vice and misery, light in dark places the lamp of knowledge, give new vigor to invention and a fresh impulse to discovery, substitute political strength for political weakness, and make tyranny and anarchy impossible.

"The reform I have proposed accords with all that is politically, socially, or morally desirable. It has the qualities of a true reform, for it will make all other reforms easier. What is it but the carrying out in letter and spirit of the truth enunciated in the Declaration of Independence—the 'self-evident' truth that is the heart and soul of the Declaration—'That all men are created equal; that they are en-

dowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness.'

"These rights are denied when the equal right to land—on which and by which men alone can live—is denied. Equality of political rights will not compensate for the denial of the equal right to the bounty of nature. Political liberty, when the equal right to land is denied, becomes, as population increases and invention goes on, merely the liberty to compete for employment at starvation wages. This is the truth that we have ignored. And so there come beggars in our streets and tramps on our roads, and poverty enslaves men whom we boast are political sovereigns; and want breeds ignorance that our schools can not enlighten; and citizens vote as their masters dictate; and the demagogue usurps the part of the statesman; and gold weighs in the scales of justice; and in high places sit those who do not pay to civic virtue even the compliment of hypocrisy; and the pillars of the Republic that we thought so strong already bend under an increasing strain.

"We honor liberty in name and in form. We set up her statues and sound her praises. But we have not fully trusted her. And with our growth so grow her demands. She will have no half service!

"Liberty! It is a word to conjure with, not to vex the ear in empty boastings. For liberty means justice, and justice is the natural law—the law of health and symmetry and strength, of fraternity and cooperation.

"They who look upon liberty as having accomplished her mission when she has abolished hereditary privileges and given men the ballot, who think of her as having no further relations to the everyday affairs of life, have not seen her real grandeur—to them the poets who have sung of her must seem rhapsodists, and her martyrs fools! As the sun is the lord of life, as well as of light; as his beams not merely pierce the clouds but support all growth, supply all motion, and call forth from what would otherwise be a cold and inert mass all the infinite diversities of being and beauty, so is liberty to mankind. It is not for an abstraction that men have toiled and died; that in every age the witnesses of liberty have stood forth, and the martyrs of liberty have suffered.

"We speak of liberty as one thing, and of virtue, wealth, knowledge, invention, national strength, and national independence as other things. But, of all these, liberty is the source, the mother, the necessary condition. She is to virtue what light is to color; to wealth what sunshine is to grain; to knowledge what eyes are to sight. She is the genius of invention, the brawn of national strength, the spirit of national independence. Where liberty rises there virtue grows, wealth increases, knowledge expands, invention multiplies human powers, and in strength and spirit the freer nation rises among her neighbors as Saul amid his brethren—taller and fairer. Where liberty sinks there virtue fades, wealth diminishes, knowledge is forgotten, invention ceases, and empires once mighty in arms and arts become a helpless prey to freer barbarians!

"Only in broken gleams and partial light has the sun of liberty yet beamed among men, but all progress hath she called forth.

"Liberty came to a race of slaves crouching under Egyptian whips, and led them forth from the house of bondage. She hardened them in the desert and made of them a race of conquerors. The free spirit of the Mosaic law took their thinkers up to heights where they beheld the unity of God, and inspired their poets with strains that yet phrase the highest exaltations of thought. Liberty dawned on the Phoenician coast, and ships passed the Pillars of Hercules to plow the unknown sea. She shed a partial light on Greece, and marble grew to shapes of ideal beauty, words became the instruments of subtlest thought, and against the scanty militia of free cities the countless hosts of the great king broke like surges against a rock. She cast her beams on the 4-acre farms of Italian husbandmen, and born of her strength a power came forth that conquered the world. They glinted from shields of German warriors, and Augustus wept his legions. Out of the night that followed her eclipse, her slanting rays fell again on free cities, and a lost learning revived—modern civilization began, a new world was unveiled; and as liberty grew, so grew art, wealth, power, knowledge, and refinement. In the history of every nation we may read the same truth. It was the strength born of Magna Charta that won Crecy and Agincourt. It was the revival of liberty from the despotism of the Tudors that glorified the Elizabethan age. It was the spirit that brought a crowned tyrant to the block that planted here the seed of a mighty tree. It was the energy of ancient freedom that, the moment it had gained unity, made Spain the mightiest power of the world, only to fall to the lowest depth of weakness when tyranny succeeded liberty. See in France all intellectual vigor dying under the tyranny of the seventeenth century, to revive in splendor as liberty awoke in the eighteenth, and on the enfranchisement of French peasants in the great Revolution, basing the wonderful strength that has in our time defied defeat.

"Shall we not trust her?

"In our time, as in times before, creep on the insidious forces that, producing inequality, destroy liberty. On the horizon the clouds begin to lower. Liberty calls to us again. We must follow her furthest; we must trust her fully. Either we must wholly accept her or she will not stay. It is not enough that men should vote; it is not enough that they should be theoretically equal before the law. They must have liberty to avail themselves of the opportunities and means of life; they must stand on equal terms with reference to the bounty of nature. Either this or liberty withdraws her light! Either this or darkness comes on, and the very forces that progress has evolved turn to powers that work destruction. This is the universal law. This is the lesson of the centuries. Unless its foundations be laid in justice the social structure can not stand.

"Our primary social adjustment is a denial of justice. In allowing one man to own the land on which and from which other men must live we have made them his bondsmen in a degree which increases as material progress goes on. This is the subtle alchemy that in ways they do not realize is extracting from the masses in every civilized country the fruits of their weary toil; that is instituting a harder and more hopeless slavery in place of that which has been destroyed; that is bringing political despotism out of political freedom, and must soon transmute democratic institutions into anarchy.

"It is this that turns the blessings of material progress into a curse. It is this that crowds human beings into noisome cellars and squalid tenement houses; that fills prisons and brothels; that goads men with want and consumes them with greed; that robs women of the grace and beauty of perfect womanhood; that takes from little children the joy and innocence of life's morning.

"Civilization so based can not continue. The eternal laws of the universe forbid it. Ruins of dead empires testify, and the witness that is in every soul answers that it can not be. It is something grander than benevolence, something more august than charity—it is justice herself that demands of us to right this wrong. Justice that will not be denied; that can not be put off—justice that with the scales carries the sword. Shall we ward the stroke with liturgies and prayers? Shall we avert the decrees of immutable law by raising churches when hungry infants moan and weary mothers weep?

"Though it may take the language of prayer, it is blasphemy that attributes to the inscrutable decrees of Providence the suffering and brutishness that come of poverty; that turns with folded hands to the All-Father and lays on Him the responsibility for the want and crime of our great cities. We degrade the Everlasting. We slander the Just One. A merciful man would have better ordered the world; a just man would crush with his foot such an ulcerous ant hill! It is not the Almighty, but we who are responsible for the vice and misery that fester amid our civilization. The Creator showers upon us his gifts—more than enough for all. But like swine scrambling for food, we tread them in the mire—tread them in the mire, while we tear and rend each other!

"In the very centers of our civilization to-day are want and suffering enough to make sick at heart whoever does not close his eyes and steel his nerves. Dare we turn to the Creator and ask Him to relieve it? Supposing the prayer were heard, and at the behest with which the universe sprang into being there should glow in the sun a greater power; new virtue fill the air; fresh vigor the soil; that for every blade of grass that now grows two should spring up, and the seed that now increases fiftyfold should increase a hundredfold! Would poverty be abated or want relieved? Manifestly no! Whatever benefit would accrue would be but temporary. The new powers streaming through the material universe could be utilized only through land. And land, being private property, the classes that now monopolize the bounty of the Creator would monopolize all the new bounty. Landowners would alone be benefited. Rents would increase, but wages would still tend to the starvation point!

"This is not merely a deduction of political economy; it is a fact of experience. We know it because we have seen it. Within our own times, under our very eyes, that Power which is above all, and in all, and through all; that Power of which the whole universe is but the manifestation; that Power which maketh all things, and without which is not anything made that is made, has increased the bounty which men may enjoy, as truly as though the fertility of nature had been increased. Into the mind of one came the thought that harnessed steam for the service of mankind. To the inner ear of another was whispered the secret that compels the lightning to bear a message round the globe. In every direction have the laws of matter been revealed; in every department of industry have arisen arms of iron and fingers of steel, whose effect upon the production of wealth has been precisely the same as an increase in the fertility of nature. What has been the result? Simply that landowners get all the gain. The wonderful discoveries and inventions of our century have neither increased wages nor lightened toil. The effect has simply been to make the few richer; the many more helpless!

"Can it be that the gifts of the Creator may be thus misappropriated with impunity? Is it a light thing that labor should be robbed of its earnings while greed rolls in wealth—that the many should want while the few are surfeited? Turn to history, and on every page may be read the lesson that such wrong never goes unpunished; that the nemesis that follows injustice never falters nor sleeps. Look around to-day. Can this state of things continue? May we even say, 'After us the deluge!' Nay; the pillars of the State are trembling even now, and the very foundations of society begin to quiver with pent-up forces that

glow underneath. The struggle that must either revivify, or convulse in ruin, is near at hand, if it be not already begun.

"The fiat has gone forth. With steam and electricity, and the new powers born of progress, forces have entered the world that will either compel us to a higher plane or overwhelm us, as nation after nation, as civilization after civilization, have been overwhelmed before. It is the delusion which precedes destruction that sees in the popular unrest with which the civilized world is feverishly pulsing only the passing effect of ephemeral causes. Between democratic ideas and the aristocratic adjustments of society there is an irreconcilable conflict. Here in the United States, as there in Europe, it may be seen arising. We can not go on permitting men to vote and forcing them to tramp. We can not go on educating boys and girls in our public schools and then refusing them the right to earn an honest living. We can not go on prating of the inalienable rights of man and then denying the inalienable right to the bounty of the Creator. Even now, in old bottles the new wine begins to ferment, and elemental forces gather for the strife!

"But if, while there is yet time, we turn to justice and obey her, if we trust liberty and follow her, the dangers that now threaten must disappear, the forces that now menace will turn to agencies of elevation. Think of the powers now wasted; of the infinite fields of knowledge yet to be explored; of the possibilities of which the wondrous inventions of this century give us but a hint. With want destroyed; with greed changed to noble passions; with the fraternity that is born of equality taking the place of the jealousy and fear that now array men against each other; with mental power loosed by conditions that give to the humblest comfort and leisure; and who shall measure the heights to which our civilization may soar? Words fail the thought! It is the golden age of which poets have sung and high-raised seers have told in metaphor! It is the glorious vision which has always haunted man with gleams of fitful splendor. It is what he saw whose eyes at Patmos were closed in a trance. It is the culmination of Christianity—the City of God on earth, with its walls of jasper and its gates of pearl! It is the reign of the Prince of Peace!"

THE PROBLEM OF INDIVIDUAL LIFE

Behind the problem of social life lies the problem of individual life. Properly understood, the laws which govern the production and distribution of wealth show that the want and injustice of the present social state are not necessary, but that, on the contrary, a social state is possible in which poverty will be unknown, and all the better qualities and higher powers of human nature would have opportunity for full development.

Further than this, when we see that social development is governed neither by a special providence nor by a merciless fate, but by law, at once unchangeable and beneficent, a flood of light breaks in upon the problem of individual life. If we look merely at individual life we can not see that the laws of the universe have the slightest relation to good or bad, to right or wrong, to just or unjust. By a fundamental law of our minds we can not conceive of a means without an end. But unless man himself may rise to, or bring forth something higher, his existence is unintelligible. For it is as certain that the race must die as it is that the individual must die.

The following is quoted verbatim from Progress and Poverty:

"What, then, is the meaning of life—of life absolutely and inevitably bounded by death? To me it seems intelligible only as the avenue and vestibule to another life. And its facts seem explainable only upon a theory which can not be expressed but in myth and symbol, and which, everywhere and at all times, the myths and symbols in which men have tried to portray their deepest perceptions do in some form express.

"The scriptures of the men who have been and gone—the Bibles, the Zend Avestas, the Vedas, the Dhammapadas, and the Korans; the esoteric doctrines of old philosophies, the inner meaning of grotesque religions, the dogmatic constitutions of ecumenical councils, the preachings of Foxes, and Wesleys, and Savonarolas, the traditions of red Indians, and beliefs of black savages, have a heart and core in which they agree—a something which seems like the variously distorted apprehensions of a primary truth. And out of the chain of thought we have been following there seems vaguely to rise a glimpse of what they vaguely saw—a shadowy gleam of ultimate relations, the endeavor to express which inevitably falls into type and allegory. A garden in which are set the trees of good and evil. A vineyard in which there is the Master's work to do. A passage—from life behind to life beyond. A trial and a struggle, of which we can not see the end.

"Look around to-day.

"Lo! here, now, in our civilized society, the old allegories yet have a meaning, the old myths are still true. Into the Valley of the Shadow of Death yet often leads the path of duty, through the streets of Vanity Fair walk Christian and Faithful, and on Greatheart's armor ring the clanging blows. Ormuzd still fights with Ahriman—the Prince of Light with the Powers of Darkness. He who will hear, to him the clarions of the battle call.

"How they call, and call, and call, till the heart swells that hears them! Strong soul and high endeavor, the world needs them now. Beauty still lies imprisoned, and iron wheels go over the good and true and beautiful that might spring from human lives.

"And they who fight with Ormuzd, though they may not know each other—somewhere, sometime, will the muster roll be called.

"Though truth and right seem often overborne, we may not see it all. How can we see it all? All that is passing, even here, we can not tell. The vibrations of matter which give the sensations of light and color become to us indistinguishable when they pass a certain point. It is only within a like range that we have cognizance of sounds. Even animals have senses which we have not. And, here? Compared with the solar system our earth is but an indistinguishable speck, and the solar system itself shrivels into nothingness when gauged with the star depths. Shall we say that what passes from our sight passes into oblivion? No; not into oblivion. Far, far beyond our ken the eternal laws must hold their sway.

"The hope that rises is the heart of all religions! The poets have sung it, the seers have told it, and in its deepest pulses the heart of man throbs responsive to its truth. This, that Plutarch said, is what in all times and in all tongues has been said by the pure hearted and strong sighted, who standing, as it were, on the mountain tops of thought and looking over the shadowy ocean, have beheld the loom of land:

"'Men's souls, encompassed here with bodies and passions, have no communication with God, except what they can reach to in conception only, by means of philosophy, as by a kind of an obscure dream. But when they are loosed from the body, and removed into the unseen, invisible, impassable, and pure region, this God is then their leader and king; they there, as it were, hanging on him wholly, and beholding without weariness and passionately affecting that beauty which can not be expressed or uttered by men.'"

INDEX OF TARIFF ITEMS

As in legislative session,

Mr. NYE. Mr. President, I ask unanimous consent to have printed in the RECORD an index of tariff items as they will be found in the CONGRESSIONAL RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The index is as follows:

The tariff situation, especially as respects agriculture

INDEX TO 17 TARIFF STUDIES OF THE FAIR TARIFF LEAGUE (FOR FAIR PROTECTION), INSERTED IN CONGRESSIONAL RECORD BY LEADING COALITION SENATORS; 200 EXPERTS ASSISTING

The East robs the West and South. The tariff permits the six Northeastern States below, who dictate the tariff, to add the following sums to their sales prices:

	Congressional Record	Page	Column
Connecticut, $386,000,000	Oct. 26, 1929	4025	2
Pennsylvania, $1,376,000,000	Nov. 7, 1929	5298	2
Massachusetts, $814,000,000	do	5300	1
New Jersey, $747,000,000	Nov. 11, 1929	5411	2
New York, $1,768,000,000	Dec. 10, 1929	1032	2
Rhode Island, $207,000,000	Feb. 25, 1930	4197	1
What some collect others must pay—What the tariff costs certain farm States annually:			
Nebraska, $66,000,000	Nov. 11, 1929	5408	1
Iowa, $119,000,000	Nov. 12, 1929	5439	1
Texas, $177,000,000	Feb. 25, 1930	4195	2
Georgia, $109,800,000	do	4195	2
Florida, $41,800,000	do	4195	1
North Dakota, $21,800,000	Mar. 24, 1930	6009	1
South Dakota, $31,000,000	Nov. 22, 1929	5628	2
Southern States, $1,247,000,000	Feb. 25, 1930	4193	1
14 farm States and farmers in Pennsylvania, Indiana, and Illinois, $1,128,738,000	do	4197	1
Farmers lose, net, in—			
Nebraska, $22,133,000			
Iowa, $39,218,000			
Texas, $66,602,000			
Georgia, $45,820,000			
Florida, $5,587,000			
North Dakota, $16,303,000	As above		
South Dakota, $13,000,000			
Pennsylvania, $41,862,000			
Illinois, $43,440,000			
Indiana, $36,665,000			
Total, 10 States, $321,770,000			
How it happens—A moral issue—Character of Senate Finance Committee—Congress stalled	Nov. 22, 1929	5932	2
The future of agriculture:			
Findings Bureau of Agricultural Economics—Outlook unfavorable	Mar. 24, 1930	6008-6012	
Production increasing amazingly, 50 per cent in 30 years, 22 per cent in 10 years	do		1
Milk and pork: Same food value from 2½ acres as from 15 acres in beef cattle	do	6008	2
32 per cent more milk in 10 years: Only 2 per cent more cows—Creamery butter increased 93 per cent in 6 States	do	6008	2
National consumption and birth rate declining, relative to production	do	6008	2
Birth rate stationary in 1960 at 140,000,000, and never above 160,000,000	do	6008	2
A consequent abandonment of large farm areas—500,000,000 additional acres still available for crops. Agriculture forever on an export basis	do	6008	2
Agricultural tariff of 1922-1929, amply high, but ineffective; worth only 10 per cent of face value; face value, $3,000,000,000; cash value, $300,000,000; no value on most products	Feb. 25, 1930	4193	2

The tariff situation, etc.—Continued

	Congressional Record	Page	Column
Effect on farm land values	Feb. 25, 1930	4194	1
The tariff on agricultural products: Five-sixths of all products analyzed; miscalculation and misery; letter to Senator NORBECK	Nov. 22, 1929	5933	1
Speech of Senator BROOKHART	June 18, 1929	3024	1
The way out: Inform the public; stop grafting manufacturers. Present tariff commissioners, dishonest or obsessed, costing American farmers three to five billion dollars in 7 years. Contemplated reorganization must secure members absolutely known in advance to be best possible	Feb. 25, 1930	4194	2
Farmers in all nations that export farm products largely, except Denmark, suffer greatly from tariffs. They sell "Europe minus," at European prices less heavy freight. They buy "Europe plus," at European prices, plus freights, plus heavy tariff charges	Nov. 22, 1929	5929	1
A Farmer's Tariff Lesson	Jan. 11, 1930	1415	1
The East robs the West and South. Manufacturing: East, West, and South. A contrast: Iowa, Nebraska, Kansas, Oregon, Illinois, Indiana, etc., versus Connecticut, New Jersey, Massachusetts, and Pennsylvania. Sectionalism of the worst sort.	Nov. 12, 1929 Mar. 24, 1930	5441–5443 6011–6012	--- ---
Distribution of tariff benefits to wage earners, the Government, and manufacturers; tables	Nov. 19, 1929	5779	---
High lights in tariff rates, tables:			
Connecticut	Nov. 12, 1929	[1] 5443	1
Massachusetts	Nov. 7, 1929	[2] 5302	---
New Jersey	do	[3] 5413	1
New York	Dec. 21, 1929	[2] 1033	---
President Hubbard, Connecticut Manufacturers' Association, "We got more than we ever bargained for"	Oct. 26, 1929	4925	2
President GRUNDY, Pennsylvania Manufacturers' Association, "You have enjoyed much. You must contribute liberally"	Nov. 7, 1929	5299	2
The tariff and revenue: 23 metal products. For each dollar collected by the Government on competing imports, 7 heavy steel products collect $59; 16 finished steel products are allowed $280; hardware, $1,726; electrical machinery, $466; cash registers, $3,879, etc. The Government collects $9,502,000; allowance to manufacturers, $1,190,000,000	Nov. 11, 1929	5407	2
Consumers: Manufacturers' tariff rates doubled in retail prices	Nov. 22, 1929	5932	1
Profits of certain overprotected industries	do	5 32	1
26 metal industries:			
Marvelous efficiency; huge profits; minimum wage costs; price fixing; each industry analyzed	Jan. 23, 1930	2187–2202	---
The trusts greater than the Government	do	2189	2
The tariff bonus—			
To 6 heavy steel products $335,000,000			
To 20 light steel products 1,029,000,000			
Total 1,364,000,000			
Revenue to Government 16,200,000	do	[3] 2200	---
Imports and exports—			
Imports virtually prohibited, 0.8 of 1 per cent of production—Exports 10 times greater than imports	do	2199	2
Duties carelessly granted, no proof required	do	2199	1
Large tables, exhaustive analysis of above 26 industries	do	2201–2202	---
Senator SMOOT assails Fair Tariff League, its methods and figures	Nov. 19, 1929	5777	1
Chairman Miles replies to Senator SMOOT, letter to Senator NORBECK	Nov. 22, 1929	5933	1
Wage earners and the tariff:			
Tariffs not written for wage earners	Jan. 11, 1930	1414–1417	2
The miracle of American production	do	1415	1
Efficiency of labor increased 58 per cent from 1914 to 1925	do	1415	1
Labor less than one-half the factory cost	do	1415	2
Our wage costs the lowest in the world in standardized industries	do	1416	1
Labor leaders approve the league's findings	Jan. 11, 1930	1416	1
Wages and tariff rates compared, table	do	1416	2
Why is American labor so cheap?	do	1417	1
A labor tariff committee needed	do	1417	2
Relation of wages to tariff rates and to production	Jan. 23, 1930	[2] 2200	---
Wool tariff	Mar. 24, 1930	[4] 6010	1
Sugar	do	6010	2

[1] Table. [2] Second table. [3] First table. [4] Last paragraph.

NOTE.—In preparation: Analysis of $16,000,000,000 of general-store merchandise; retail value, $30,000,000,000; tariff cost to consumers of, estimated $5,000,000,000.

LAKE CHARLES DEEP WATERWAY

As in legislative session,

Mr. RANSDELL. Mr. President, I ask unanimous consent to have printed in the RECORD a very interesting statement by the Hon. Leon Locke, mayor of the city of St. Charles, La., in regard to the Lake Charles deep waterway.

The VICE PRESIDENT. Without objection, it is so ordered. The statement is as follows:

[From the Lake Charles (La.), Press, April 30, 1930]

LOCKE GIVES HIS VIEWS ON STATUS OF SHIP CHANNEL—SAYS FEDERAL GOVERNMENT OWNS WATERWAY—ALSO RESPONSIBLE FOR MAINTENANCE—UNITED ACTION IS NECESSARY TO SECURE RELIEF FROM CONGRESS

To make it clear to local citizens that the Federal Government owns the Calcasieu Ship Channel; that it is responsible for the maintenance of the channel without any action on the part of Congress for that purpose, and to impress upon the minds of Calcasieu and Lake Charles taxpayers that united action is necessary to secure from Congress an assumption of the remaining indebtedness incurred locally for improvement work, Mayor Leon Locke, special representative of the Calcasieu police jury for securing Government relief, made the following statement to-day:

"A misapprehension of the status of the ship channel and its relationship to the Government seems to exist in Lake Charles, and is held in the minds of the Members of Congress.

GOVERNMENT OWNS WATERWAY

"It should be understood that the Government now owns this canal and no formal action is necessary by Congress relative to its ownership or its maintenance beyond a mere recital of the fact and a resolution declaring governmental ownership, thus removing all doubt or danger of controversy. Official records contained in House Document No. 238, Sixty-eighth Congress, first session, is conclusive evidence of Government ownership. It reads as follows:

"'SEC. 5. Calcasieu River to Sabine River, Louisiana and Texas: The report on which the original authorization was based provided that the rights of way for the waterway should be furnished free of cost to the United States. A strip of land 300 feet wide has been deeded to the United States by local owners. Local interests desired that the location of the canal on this section be changed from that of the adopted route, and consented to bear the difference in cost. In view of this, the route was changed, and they contributed $27,450, of which only $13,266.97 was used, the remainder reverting to the contributors.

"'The acts of August 8, 1917, and July 18, 1918, require that local interests contribute $260,000; that they obtain consent from the landowners for the necessary depositing on their land of the excavated material in both the construction and maintenance of the canal; that they protect the United States from any damages which may be claimed on the part of the riparian owners due to such dumping, and that they assume the cost of removing the present bridges in advance of the dredging and that of providing any new bridges required.

"'Local interests have deposited with banks in Lake Charles, La., $260,000, the amount required by the acts of August 8, 1917, and July 18, 1918, guaranteed by satisfactory bonds to be available as needed in the progress of the work. These deposits were approved by the department January 30, 1918, and September 24, 1918. Privileges for depositing of excavated material were secured and a bond in the sum of $2,000 for the removal of present bridges was furnished, all of which papers were approved by the department on July 12, 1918.

"'Under date of January 5, 1922, a permit was granted by the Assistant Secretary of War to the police jury of Calcasieu Parish to enlarge this waterway to a depth of 30 feet with a bottom width of 125 feet.'"

THE ORIGINAL CANAL

"The language, as will be observed, shows that the original intracoastal canal, of which this section is a part, was constructed by the Government right of way, consisting of a strip 300 feet wide, was deeded by local owners to the United States. It can not, therefore, be argued that any construction or improvement contained in this original 300-foot strip could possibly belong to any other agency or authority than the owner of the land, which is the United States.

"The amount of $13,266.97 was used by the Government, and the language contained in the above quotation from the records confirms that, and specifically refers to it as a contribution. Likewise, the $260,000, composed of the bond issue of December 30, 1916, of $250,000 plus an extra $10,000, raised outside the bond issue, are referred to as contributions and are so designated in the acts of August 8, 1917, and July 18, 1918.

TO ENLARGE WATERWAY

"The enlargement of the ship-channel dimension enlisted governmental interest through an appeal to the Secretary of War by the police jury of Calcasieu Parish to enlarge this waterway to a depth of 30 feet with a bottom width of 125 feet.

"If the United States had not had title to this section, no appeal to the Government would have been necessary. In other words, by reason of the United States owning this land and canal, it was necessary for the police jury to obtain the consent of the Government to improve it. By no stretch of law or imagination can it be held that the expenditure of even so vast a sum of $2,750,000, the amount of the bonds voted by the parish for its improvement, could we claim ownership of the canal. Acting upon these facts, my argument before the Rivers and Harbors Committee in February, 1928, was based upon the belief, entertained by me, that, by reason of the ownership and title being vested in the United States, our efforts must be directed toward petitioning Congress to reimburse us for the money we locally expended on the Government's waterway.

A JUST CLAIM

"The Government owns the ship channel, but, with the exception of approximately $700,000, our community—that is, Calcasieu navigation district No. 1, consisting of wards 3 and 4 of the parish, and the parish itself in its later bond issue—paid for the canal. Our claim, therefore,

to the restoration by the Government of the amount we locally expended in the interests of the Government, totaling approximately $3,000,000, is a just one.

I have been, I think, unfairly criticised by various people for championing, in the manner I have, this return of money through appropriation by Congress. The bill of 1928, that was not acted upon by Congress in that year by reason of the early adjournment of Congress, due to the political conventions of that year, and the subsequent stand of President Coolidge against any river and harbor legislation when the Congress reconvened in December, 1928, contained the following language which was incorporated in the bill through my presentation in February of that year:

PROVISIONS, 1928 BILL

"'Lake Charles Deep Water Channel, La.: With a view to maintaining said channel to its enlarged dimensions; also, with view to reporting the character and quantity of work done by local interests in making the enlarged channel, and the cost of same; and as to the advisability of the United States reimbursing said local interests for all or any of the funds so expended.'

"The pending bill, which has passed the House, contains merely this reference, authorization for examination of the Lake Charles Deep Water Channel of Louisiana, with a view to maintaining said channel to its enlarged dimensions,' omitting all references to reimbursement. This bill will soon reach the Senate, and we are now engaged in an effort to have the language of the 1928 bill restored to the pending bill by Senator RANSDELL, who is in a position to greatly aid us, by reason of his being a very prominent member of the Commerce Committee of the Senate, to which the river and harbor bill will be referred. The United States must maintain the channel by reason of its ownership of the channel, and of its constant use by boats belonging to the Government.

APPEALS FOR SUPPORT

"I appeal, therefore, to the citizenship of Lake Charles to give this matter careful study. In the continuation of this work, I am entitled to the support of our entire community. If the people of Lake Charles feel that my course is wrong, they should either apprise me of my errors, or authorize in another manner and through other agencies the carrying on of the work that I undertook by the request of the Calcasieu Parish police jury."

EXECUTIVE MESSAGES

Sundry messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries.

NOMINATION OF JUDGE JOHN J. PARKER

The Senate in open executive session resumed the consideration of the nomination of John J. Parker, of North Carolina, to be an Associate Justice of the Supreme Court of the United States.

The VICE PRESIDENT. The Senator from Nebraska [Mr. NORRIS] is entitled to the floor.

Mr. BLACK. Mr. President, before the Senator begins his remarks will he yield to me for a moment to have something inserted in the RECORD relating to the pending question?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Alabama for that purpose?

Mr. NORRIS. I yield.

Mr. BLACK. I desire to insert in the RECORD the facts with reference to the fourth restraining order in this case that it may be properly discussed hereafter. Probably the Senator from Nebraska will desire to refer to it. It has not been mentioned in the previous debate.

The fourth restraining order, which was affirmed by the United States court of appeals, was as follows:

FOURTH RESTRAINING ORDER

4. From aiding or abetting any person or persons to occupy or without right, any house or houses or other property of the plaintiffs, or any of them, by sending money or other assistance to be used by such persons in furtherance of such unlawful occupancy or holding.

That was based on the nineteenth finding of fact, and there was an especial assignment of error in the circuit court on the nineteenth finding of fact as to the court's restraining order. The nineteenth finding of fact was as follows:

10. That it is part of the policy and plan of said international organization and of said districts and local subdivisions thereof, to have members of said union who are unwilling to work under nonunion conditions, obtain, keep, and hold possession of dwelling houses of said plaintiffs, which were constructed and are maintained by them for the use of their employees as incidental to such employment and the business of the plaintiffs, and are absolutely necessary to the operation of said mines and the conduct of said business; that said defendants have instigated, encouraged, and maintained said members of said union in the occupation of such houses in disregard of plaintiff's notices and requests to them to vacate the same—

The next is the important part—

by feeding them and furnishing them money and supplies, knowing that if they can keep plaintiff's houses occupied by members of the union who will not work, they can in this way prevent plaintiffs from filling their places with men who are willing to work, and can also harass plaintiff's nonunion employees, and by force, threats, intimidation, and other unlawful means attempt to make them violate their said contracts of employment.

I went to the original record in the Supreme Court to find out what the evidence was as to the uses to which this money was put which was being spent for the miners and which this restraining order would prevent, and I found this to be the fact as to the money which was raised by special assessment paid by the employees themselves.

The purpose of said assessment—

According to the evidence—

was to take care of the men, women, and children in the strike districts during the disturbances then in existence, and to provide the unemployed with food, doctors, necessary supplies of all kinds, and undertakers in case of death, and also to provide such unemployed with homes in which to live.

At another place the evidence shows that the money was provided for—

store supplies, food, clothing, medical supplies and attention.

Since this has not had the attention of the Senate heretofore, and the Senator from Nebraska [Mr. NORRIS] is prepared to speak——

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield to me for a moment?

Mr. BLACK. I yield.

The VICE PRESIDENT. The Senator from Nebraska has the floor. Does he yield to the Senator from Massachusetts?

Mr. NORRIS. I yield.

Mr. WALSH of Massachusetts. Did the restraining order extend to the prevention of the use of this fund for food for the families of the unemployed?

Mr. BLACK. The restraining order prevented the sending of "money or other assistance to be used by such persons in furtherance of such unlawful occupancy or holding." The finding of facts was that they were instigating and encouraging them to keep the houses and were aiding them by feeding them and furnishing them money and supplies. The restraining order was based upon the finding of facts.

Mr. WALSH of Massachusetts. Indirectly it affected the families of the unemployed?

Mr. BLACK. They were feeding them and furnishing them money and supplies, and the money was spent for the purposes, as I said, of sending food, doctors, necessary supplies of all kinds to them and their families.

Mr. OVERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. NORRIS. I yield.

Mr. OVERMAN. Mr. President, I have been criticized somewhat for not putting into the RECORD all the letters and telegrams I have received. As I said at the outset of my argument the other day, I have received thousands of protests against the confirmation of Judge Parker and thousands of letters in favor of his confirmation. I could not encumber the RECORD with all those communications. I simply stated to the Senate that I had received them. I have, however, received this morning three telegrams and a letter which I will ask the clerk to read.

The VICE PRESIDENT. Does the Senator from Nebraska yield for that purpose?

Mr. NORRIS. I yield.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read as follows:

DURHAM, N. C., *May 2, 1930.*

Hon. LEE S. OVERMAN,
Senate Office Building, Washington, D. C.:

Your continued support of Judge Parker indicates your desire to assist Republican Party in its master political stroke to keep North Carolina in the Republican column. We deeply deplore your position.

DURHAM CENTRAL LABOR UNION,
R. M. TAYLOR, *Secretary.*

GREENSBORO, N. C., *April 29, 1930.*

Senator LEE S. OVERMAN,
Senate Office Building, Washington, D. C.:

This organization takes notice of your statement in the Senate of receiving hundreds of letters and telegrams from labor organizations

protesting Parker confirmation, but you did not read them. However, you did read numerous communications indorsing Parker. We note with sorrow that, despite the numerous protests from your constituency, you persist in support of Parker.

GREENSBORO CENTRAL LABOR UNION,
CHARLES M. GASKILL,
Business Representative.

CHICAGO, ILL., *April 30, 1930.*

LEE S. OVERMAN, of North Carolina,
Senate Office Building, Washington, D. C.:

The delegates to the eighth convention of the railway employees' department of the American Federation of Labor, assembled in Chicago, representing practically all railroad workers of their classes, urgently and respectfully request you oppose the confirmation of the appointment of Judge Parker to the Supreme Court Bench.

By order convention.

B. M. JEWELL, *President.*
J. M. BURNS, *Secretary-Treasurer.*

CHICAGO, ILL., *April 30, 1930.*

Senator LEE S. OVERMAN,
United States Senate, Washington, D. C.:

Greetings from a North Carolina girl! All my life I have known you and your family, and I know of your aristocratic principles and fairness to all people. I know how my people love you, and I know how fair and just you have always been, so now I can not understand your attitude in continuing to sponsor the confirmation of Judge Parker as a Supreme Court judge. I know that you realize the importance of such a great office and that you must realize that a person holding it with such narrow views as Mr. Parker can not administer justice fairly and with an unprejudiced mind. If he is confirmed, the hopes of 15,000,000 negroes will be shattered, because they will know that the democracy for which they fought in the World War and that their efforts to be good American citizens by defending the flag upon every occasion have all been in vain.

So I am appealing to you to withdraw his name and to name a man who believes in all of the American principles of Jefferson and Washington and who realizes that the framers of the Constitution were men of superior knowledge and patriots who had in mind the forming of a true America which would bring happiness to all of its citizens were right in their ideas, and this great Constitution is one of the greatest documents ever penned by men; and until it is enforced no American, however rich or powerful, can enjoy the full blessings and glories of this great country. I hope you will not think I am presumptuous, but I do want you to know how my people feel; and knowing that you have always been interested in justice and a square deal to all, I am making this appeal to you.

Sincerely yours,

JENNIE E. LAWRENCE,
4207 South Michigan Avenue.

Mr. NORRIS. Mr. President, much has been said during the course of this debate in the way of criticism of those who are opposing the confirmation of Judge Parker on the ground that they were not treating the Supreme Court of the United States with proper respect, and that they were indulging in a debate that was in reality detrimental to the principles of our Government and to the highest power within the Government. For myself I want—and I believe I can speak for all those who are opposed to Judge Parker's confirmation—to deny any such insinuation; I want to deny that we have any lack of respect for Judge Parker, for the Supreme Court, or for any other judge, or that we have any lack of respect for the appointing power. I deny that any man, either in the Senate or outside of it, has a higher ambition to be just and fair to the Supreme Court and to treat it with the proper respect which is due it than have I.

I am moved in my opposition to the confirmation of Judge Parker because I want to preserve that great judicial tribunal, the Supreme Court of the United States, and keep it on a higher plane than, in my judgment, it would be if we permitted it to be filled with men who have the one idea, that wealth, big business combinations, are prime considerations, and who believe in the virtue of large aggregations of wealth. I am opposed to Judge Parker, I am frank to admit, because I do not believe in his ideas. I have no personal animosity toward the nominee in this case; I will not say a word that by any possible construction could be considered as disrespectful of him as a citizen or as a public official. I am proceeding on the theory, Mr. President, that he is moved by what to him seem to be proper motives, and that he is performing what he believes to be his duty. In anything that I shall say about other judges I concede that same thing.

I conceive it to be the duty of a citizen constructively to criticize any public official, whether he be on the bench or in the legislature. Not only is it his duty to make such criticism but it will redound to the preservation of the principles of our Government; such criticism will help to keep the fires of liberty burning upon the altar of human freedom.

I want to say a word about our friends who are following precedent and who say that Judge Parker was following precedent. Let me give them a dose of their own medicine. Let me follow the precedents for a little while. If we are subject to criticism in this debate for what we have said and the action we are trying to take, I want to cite to the Senate the fact that we have had a precedent heretofore made in the Senate by the same interests that are in favor of Judge Parker.

The Senator from Montana [Mr. WALSH] a few days ago had printed in the RECORD the roll call upon the confirmation of Mr. Justice Brandeis, now on the Supreme Court of the United States. I was rather amazed, Mr. President, when I discovered that I am the only Member of this body on the Republican side now in the Senate who voted for the confirmation of Judge Brandeis. I remember very well that contest; I remember that it was carried on much longer than this contest has been carried on, and it was not conducted on the high plane on which we have carried on the present discussion.

A search was made of Judge Brandeis's life, and wherever anything could be found that pointed to what the investigator thought might not be to his credit, it was brought out into the open. The real substance of the opposition to Judge Brandeis's confirmation was so well summed up by a report submitted by a member of the Judiciary Committee, the Senator from Montana [Mr. WALSH], that I want to quote from it. I shall read from it, Mr. President, because I was here when the fight was made, and I took a deep interest in it. I looked into many of the charges which were then made against Judge Brandeis, and while I had but little to say, perhaps nothing, I bemoaned the fact in my own heart that those who were opposed to that great jurist have taken what to me seemed such an unfair method of trying to cultivate a doubtful public sentiment against him. Because I believe, from my own knowledge, that the Senator from Montana has summed the case in almost a sentence, I propose now to read from his report. In the course of that report the Senator from Montana said:

> The real crime of which this man is guilty is that he has exposed the iniquities of men in high places in our financial system. He has not stood in awe of the majesty of wealth. He has, indeed, often represented litigants, corporate and individual, whose commercial rating was high, but his clients have not been exclusively of that class. He seems to have been sought after in causes directed against the most shining marks in it. He has been an iconoclast. He has written about and expressed views on "social justice," to which vague term are referred movements and measures to obtain greater security, greater comfort, and better health for the industrial workers—signifying safety devices, factory inspection, sanitary provisions, reasonable hours, the abolition of child labor, all of which threaten a reduction of dividends. They all contemplate that a man's a man and not a machine. A letter addressed to me by Hon. DAVID I. WALSH, concerning his activities in a public way in the State of Massachusetts, affords some light on the opposition to this nomination. It is made an appendix hereto.

That, I think, sums up the opposition that went on for weeks and weeks. So powerful and so great was the opposition that before the fight was over those who opposed Judge Brandeis, by the wonderful fight that they had made, gathered into their ranks many progressives—men who in reality agreed with Judge Brandeis, but who were led astray by the awful onslaught that was made. The most prominent men in the country were enlisted in that fight. Ex-President Taft was one who opposed confirmation; Elihu Root; Simeon E. Baldwin, of Connecticut; Francis Rawle, of Philadelphia; Joseph H. Choate; Moorfield Storey; and so I might go on. A long list of prominent men, most of them engaged in various kinds of industries that were in their way the greatest of the country, were all opposed to this man, and they summed up their opposition with the reasons that I have read you.

Time has passed, Mr. President; and now every liberty-loving man, woman, and child, not only in this country but the world over, prays nightly to God to spare the lives of Justices Brandeis and Holmes, members of our Supreme Court, famous for their dissenting opinions, famous because they are carrying out the ideas that were so well expressed in the quotation from the report of the Senator from Montana that I have just read.

The Senator from Delaware [Mr. HASTINGS] the other day, in a very eloquent speech in favor of the confirmation of Judge Parker, said that he cared nothing for minority views; he looked to the majority; he cared nothing for the sentiments expressed by the judges in the minority.

Mr. President, if the leaders of our civilization had followed that doctrine, we would be slaves to-day. Every step that this old world has ever taken in the advancement of civilization has





been due to the fact that somebody in the minority had the wisdom and the courage to step out into the open and blaze the trees through the wilderness of doubt and superstition. If no voice had been raised against ignorance and lust, superstition still would rule the world, and guillotines decide our least dispute. The few who dare must speak, and speak again, to right the wrongs of many.

The minority of to-day, in the advancing trend of civilization, becomes the majority of to-morrow. Minorities are not always right, but they are not wrong simply because they are minorities; and the thing that has made Justice Brandeis dear to every liberty-loving soul is the minority opinions that he has written, expressing the heart throbs of one who loves his fellow man, and has the courage against all odds to stand up for his rights.

We listened yesterday, Mr. President, to a very able and lengthy lecture upon history by the senatorial professor of history, the Senator from Ohio [Mr. FESS]. He indulged in a long discussion in praise of John Marshall. Nobody has attacked John Marshall in this debate or elsewhere, as far as I know. John Marshall is dead. He is not a candidate for a position on the Supreme Bench; but the professor of history, in searching among the misty pages of the past, has become so interested in Marshall that it seemed to me yesterday that he was laboring under the impression that President Hoover had nominated John Marshall to a place on the Supreme Bench.

But what about John Marshall? His opinions and the opinions of other men of him were read at length. Let me read you something about John Marshall that will stand out in contradistinction to the allusions that have been paid him by the Senator from Ohio—something that will not increase in the heart and mind of the professor his opinion of John Marshall:

> In 1924 the Progressive candidates urged that a legislature should have the power to reenact a law which had been nullified by a court merely because it conflicted with the political, social, or economic theories of the judges. Thereupon the candidates of the "party of Lincoln" denounced LA FOLLETTE and WHEELER exactly as Stephen A. Douglas had denounced Abraham Lincoln 65 years before for "assailing the judiciary—

That is the charge made against us. I am following precedent now—

> and "undermining the Constitution."

That is a quotation from Stephen A. Douglas. What was he saying? He was denouncing Abraham Lincoln. We are in a pretty good class, after all, even though we are criticized by those who say that we do not follow precedent with sufficient accuracy.

> Worshipers of Chief Justice Marshall shouted their horror at such "attacks upon the courts" in 1912 and 1924.

Now, listen:

> Yet more than 100 years before, when his colleague Justice Chase had been impeached, this same John Marshall wrote Chase in these words: "I think"—

Says Marshall—

> "the modern doctrine of impeachment should yield to an appellate jurisdiction in the legislature. A reversal of those legal opinions deemed unsound by the legislature would certainly better comport with the mildness of our character than a removal of the judge who has rendered them unknowing of his fault."

Those are the words of John Marshall:

> "I think the modern doctrine of impeachment should yield to an appellate jurisdiction in the legislature."

Mr. President, this was the Chief Justice writing to one of the judges of the court over which he presided. He claimed, which I assume was true, that the objectionable decisions were rendered conscientiously, and yet he said we ought to have a method to have the legislature reverse opinions of the court.

O Mr. President, that doctrine is dangerous in our day, when these believers in following strict precedent have been crying out against those who have advocated the same thing, and denouncing them as assailing the judiciary and undermining the Constitution.

Let me take another case that was passed on by the Supreme Court.

Congress passed, and the State legislatures agreed to, an amendment to the Constitution. There was a two-thirds vote in the Senate and a two-thirds vote in the House and it was approved by the legislatures of three-fourths of the States. That amendment provided that the Congress should have power, under the Constitution, to levy and collect an income tax. It was proposed when an income tax law was held to be void by the Supreme Court of the United States by a vote of 5 to 4.

What was charged when that case went to the Supreme Court? When it was argued in the Supreme Court, one of the attorneys representing those who were trying to bring about a declaration from the Supreme Court to declare the law unconstitutional said that the law was populistic, that it was the start of a communistic march against property. That was the argument. I did not know they used the term "communist" back in those days, but the argument made against the income tax law by the attorneys was that an income tax law was communistic, populistic. That appears in the records of the Supreme Court of the United States.

After argument the court held, by a vote of 5 to 4, that the law was unconstitutional. Is the dissenting opinion entitled to any respect when it lacks only one of being a majority? Are we going to follow the doctrine advocated now by these followers of strict precedent, that a minority opinion is not entitled to weight or respect?

Let us go further. Let us see what one of the judges said in his opinion when he held that the law was unconstitutional. He said:

> The present assault upon capital is but the beginning.

I have no doubt of the honesty of these men. I am not criticizing their sincerity, but when Justice Field from the Supreme Court bench used that language, he was probably speaking from his heart.

Is there any man who in this day and age believes that the majority was right and the minority wrong? The world has gone on, and precedents established in the days of barbarism will not be accepted in this enlightened, civilized day.

Said the Justice:

> The present assault upon capital is but the beginning.

I am reading these quotations from a book entitled "Tents of the Mighty," written by Donald Richberg, who, while I speak now, is standing before the Supreme Court of the United States making an argument in favor of sustaining a law which Congress passed a few years ago, providing for the settlement of disputes between employees and the railroads of the country.

Minority? Yes. But history will go behind the bare opinion. Civilization, as it advances, will analyze the language that is used and the reasons that are given, and it will be found that some of the opinions will not stand in the advancing age of civilized society.

In one of the labor disputes, the records from several of which I will soon quote, one case went to the Supreme Court of the United States, where an injunction was sustained against the laboring man, which was passed on, from the time it commenced until it reached final decision in the Supreme Court, by 13 Federal judges. We commence with the district judge, then go to the courts of appeal and the Supreme Court, and when we analyze the decisions and take the votes of all of them, we find that of the 13 judges 6 were in favor of denying the vicious injunction and 7 of them supported the injunction.

After the act of Congress, by a vote of 5 to 4, had been declared unconstitutional, we brought about an amendment to the Constitution. That majority of 5 to 4, I think, required 16 or 17 years of work before an amendment to the Constitution was finally adopted which made such a law constitutional.

What happened? Just think of recent history. That amendment to the Constitution, giving Congress the right to pass an income tax law, became part of the Constitution shortly before the World War. One of the first things we did was to resort to it to raise money to carry on that war. We exhausted the power of the American people to absorb bonds. We had great difficulty in selling the last bonds, and if it had not been for the fact that we were empowered to pass an income-tax law to collect revenue, we could not have raised the money we raised to carry on the war.

God only knows what the result might have been. Everybody, however, does know that it would have been an impossibility for us to raise the money we did raise had it not been for that amendment to the Constitution, which, to a great extent, perhaps, went far in bringing victory instead of defeat to our soldiers upon the field of battle. Yet such a law was denounced from the bench of the Supreme Court as being only the beginning in the destruction of property.

Property rights! That is the contest that has gone on ever since the world became civilized. In every battle that has been fought, in the various steps we have taken from barbarism, it was a contest between human beings and dollars, and it is going on yet.

Men are crying aloud in denunciation of men as communistic, denouncing believers in an income tax law as populistic, as enemies to the country, destroyers of property rights, and we have now seen, and we now see, that had it not been for the progressive-minded people of the United States, who tenaciously clung to the idea and finally brought about that constitutional amendment, we would have seen the suffering and the dying of thousands and thousands of our men upon the battle field and a prolonged contest, which, by the use of that amendment, was undoubtedly shortened.

Shall we abstain from criticism? I mean no disrespect to Justice Field. I honor his memory, and the attorney who used the language I have quoted was one of the greatest lawyers in the United States, Mr. Choate. I have no fault to find with them. I only claim the right to disagree. I claim the right to show by history that those of us who are making this fight have been found right in the progress of the civilized world.

Thomas Jefferson criticized the courts, Andrew Jackson criticized the courts, Abraham Lincoln criticized the courts, Theodore Roosevelt criticized the courts. I hold in my hand what Roosevelt said. Let me read it:

Under our forms of government no other body of men occupy a position of such far-reaching importance as the Justices of the Supreme Court. Neither the executive nor the legislative branch of the Government, under ordinary conditions, does as much in shaping our constitutional growth as does the Supreme Court.

Senators have been talking about the fact that the judges do not make law. Every student of economics, every student of history, knows that judges do make law. Every student of our Government and of history must know that the ideas which were considered proper 100 years ago do not always fit present-day conditions, and that is what Roosevelt was saying here. Let me repeat that sentence:

Neither the executive nor the legislative branch of the Government, under ordinary conditions, does as much as shaping our constitutional growth as does the Supreme Court.

Who will deny that? Where is the man anywhere on earth who can find fault with those sacred words of Theodore Roosevelt? He said:

This is not true of any other country.

That is apparent to every student.

In every other country the judges, though they exercise a great and decisive influence in civil contests between individuals, have little or no power to shape the governmental course of development—that is, the course of national development, the course of affairs that affect the people not individually but as a whole.

That is part of the reason why we are opposing the confirmation of Judge Parker; and I will show later the truth of Roosevelt's words, that the greatest power in shaping our governmental course, so far as the Constitution is concerned, is the Supreme Court, and with the Supreme Court, the inferior courts. Let me read on:

In our country, however, a number of causes which were not in evidence during the first decade after the establishment of the Constitution have combined to render the Supreme Court in many ways the most important governmental body in the land, and to give it a position which places it infinitely above any other court in the entire world. Power so great is, of course, because of its very greatness, equally capable of working harm and of working good.

How true! How prophetic!

And exactly as he is no true patriot who fails to uphold the judge who is a far-seeing and fearless public servant, so is he no true patriot who hesitates to point out the facts when the judge does not serve the people.

That is Roosevelt. Where is the historian, the Senator, or anybody else who will deny those statements? He said further:

Ours is a government of the people, and no man has a right to be in public life who is not in a high and true sense the servant of the people; and the doctrine that there shall be no honest, fearless and temperate criticism of any judge is not only unworthy of being held by any free man who respects himself but is a betrayal of the cause of good government; for only thus can there be proper discrimination in the public mind between the wise judge who serves the people and his equally honest brother who, because he lacks the statesmanlike qualities or clings to outworn—that is, fossilized—political theories, does damage to the people. * * *

We are now entering on a period when the vast and complex growth of modern industrialism renders it of vital interest to our people that the court should apply the old essential underlying principles of our Government to the new and totally different conditions in such fashion that the spirit of the Constitution shall in very fact be preserved and not sacrificed to the narrow construction of the letter.

That is what we hold Judge Parker might have done in the famous decision in the Red Jacket case.

Much of the future of this country depends upon the direction from which the judges of the Supreme Court approach the great constitutional questions that they will have to decide.

There is another reason from Roosevelt why our fight is right. We want to know the viewpoint of the man who is going to sit on the Supreme Court. We want to know, as Roosevelt said, from which side he is going to approach the great questions that must come before him for decision.

Further, Roosevelt said:

It is impossible to overestimate the services which may be rendered on this court by the judge who is really a far-sighted statesman, who has the modern type of mind, who is alive to the great governmental needs of the times, and to the far-reaching importance which the decisions of the court may have, and who in dealing with the problems that confront him never forgets that, in addition to being a lawyer on the bench he is also an American citizen in a place of the highest responsibility, who owes a great duty not only to the people of this country to-day but to the people of this country to-morrow.

I wish those words could sink deep into the heart of every Senator who has to pass on the qualifications of Judge Parker to become a member of the Supreme Court. It is no reflection upon his honesty, his ability, or his motives if we are opposed to him on the ground that has been so well specified and set out by the great ex-President from whom I have quoted. I have quoted from an article by Roosevelt in the Outlook, dated November 5, 1910.

It is said that Judge Parker had to follow the Supreme Court in the Hitchman case. It is even said that that was a part of his oath. Of course, no judge takes such an oath. Thank God that is not in a judge's oath. But it is said he had to follow the Supreme Court and he did follow the Hitchman case. It was shown very conclusively, I think, by the Senator from Idaho [Mr. BORAH], the Senator from Montana [Mr. WALSH], and the Senator from New York [Mr. WAGNER] that it was not necessary for him to follow the Hitchman case. There was a way around it. The Hitchman case had been decided many years before the Red Jacket case came before Judge Parker. There were some things in the Hitchman case that did not exist in the Red Jacket case.

But I concede very frankly that Judge Parker had a right to follow the Hitchman case. I am not accusing him of an ulterior motive in doing it; but it does show the bent of his mind. It does show, as Roosevelt said, from which side of this question he was approaching. That is shown conclusively. He decided to follow the case that would bring about the affirmation of the injunction. I concede, let me say again, that he had a right to do it, but when he did it he was falling far short of the ideas laid down by President Roosevelt.

Let me digress to say that while I have given some evidence here of others greater than I and whose shoes I am not worthy to lace, criticising the Supreme Court of the United States, I could follow it up with criticisms from all of the great statesmen I have named. But I am not basing my criticism upon the fact that somebody else has criticised the courts. I am free to say that I would criticize them if I thought they deserved criticism even if none of these eminent men who have preceded me had criticised them. I conceive it to be a duty which the citizen owes and it is a double duty which the Senator owes upon whose shoulders rests the responsibility of giving his approval in every case before a man can go upon the Supreme Bench.

But if Judge Parker had not desired to follow the Hitchman case, but felt that he was compelled to follow the Hitchman case, he might have used a sentence or a word showing what his real sentiments were. Senators here have said that would not have been proper; that it was his duty to find out what the Supreme Court had decided and then follow it, making no comments. Let me call the attention of Senators to a very eminent precedent, since we are following precedents—a precedent in our own day from our own Supreme Court, where an apology was made from the bench by a judge of that court who agreed to a decision against his idea of what it ought to be because, as he said, he felt bound by a prior opinion of the court. That was Mr. Justice Stone. I quote from his opinion:

As an original proposition, I should have doubted whether the Sherman Act prohibited a labor union from peaceably refusing to work upon material produced by nonunion labor or by a rival union, even though interstate commerce were affected. In the light of the policy adopted

by Congress in the Clayton Act, with respect to organized labor, and in the light of Standard Oil Co. v. United States (221 U. S., 1); United States v. American Tobacco Co. (221 U. S., 106, 178–180), I should not have thought that such action as is now complained of was to be regarded as an unreasonable and therefore prohibited restraint of trade. But, in Duplex Printing Press Co. v. Deering (254 U. S., 443) these views were rejected by a majority of the court and a decree was authorized restraining in precise terms any agreement not to work or refusal to work, such as is involved here. Whatever additional facts there may have been in that case, the decree enjoined the defendants from using "even persuasion with the object or having the effect of or causing any person or persons to decline employment, cease employment, or not to seek employment, or to refrain from work or cease working under any person, firm, or corporation being a purchaser or prospective purchaser of any printing press or presses from complainant."

These views—

Says Justice Stone—

which I should not have hesitated to apply here, have now been rejected again, largely on the authority of the Duplex case. For that reason alone I concur with the majority.

So, Judge Parker, who, it has been stated, always follows precedent, had a precedent in the Supreme Court if he had had the heart and the inclination to go in that direction.

Mr. President, I am not belittling the value of precedent; I am not saying that a precedent should not have its weight; I realize that it should have; but the judge who is only a case lawyer and who never goes into the reasoning behind an opinion is not fulfilling my idea of what a judge ought to be; he is not complying with the definition of Roosevelt which I have read.

Justice Brandeis in that same case rendered a dissenting opinion.

Says Justice Brandeis:

If, on the undisputed facts of this case, refusal to work can be enjoined, Congress created by the Sherman law, and the Clayton Act an instrument for imposing restraint upon labor which reminds of involuntary servitude.

One can not reach any other conclusion, Mr. President, as I think I shall be able to show by referring to some of the injunctions to which I am going to call attention.

Mr. FESS. Mr. President, will the Senator from Nebraska yield to me?

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair). Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. NORRIS. I yield.

Mr. FESS. Is the Senator now speaking of the Hitchman case?

Mr. NORRIS. No; I am not speaking of the Hitchman case.

Mr. FESS. The dissenting opinion by Mr. Justice Brandeis to which the Senator has referred was rendered in what case?

Mr. NORRIS. In the Bedford Cut Stone case.

Mr. FESS. The Senator knows on what basis Mr. Justice Brandeis wrote his dissenting opinion in the Hitchman case. It did not turn on the same question which is involved in the contest now before us.

Mr. NORRIS. It did not involve the question that I have referred to, either. The Senate appointed a committee under a resolution duly adopted which instructed the Interstate Commerce Committee to make an investigation of conditions in the coal mines where some of these injunctions were in force at the time. The head of that subcommittee was the then Senator from Idaho, now deceased, Mr. Gooding. Nobody ever charged him with belonging to the so-called progressive group, and yet every Senator ought to read what Senator Gooding said of the conditions found by the subcommittee.

There were several injunctions in force in that region into which the subcommittee went. They went into West Virginia also. Some of those injunctions had been issued by Federal judges; one in Pennsylvania had been issued by a State judge. Let me read concerning the report of that subcommittee:

Recently a subcommittee of the United States Senate Committee on Interstate Commerce, after investigating conditions in the Pennsylvania coal fields, reported as follows:

"We took the evidence of a number of witnesses assembled there, all of whom told the same story about the rough treatment of the coal and iron police, and some of them exhibited ugly scars that they will carry to the grave. * * *

"Everywhere your committee made an investigation in the Pittsburgh district we found coal and iron police and deputy sheriffs visible in great numbers. In the Pittsburgh district your committee understands there are employed at the present time between 500 and 600 coal and iron police and deputy sheriffs. They are all very large men, most of them weighing from 200 to 250 pounds. They all are heavily armed and carry clubs designated as a blackjack.

"Everywhere your committee visited they found victims of the coal and iron police who had been beaten up and were still carrying scars on their faces and heads from rough treatment which they had received."

The committee found some other evil conditions existing in the Pennsylvania district. In that particular locality a State judge—and State judges are prone to follow Federal judges—had issued an injunction which, among other things, restrained the miners from meeting on a lot which they owned and from meeting in a church and singing songs so near to the entrance to the mine that the workers could hear the songs. I will quote further in reference to the report of the subcommittee:

The Senate investigation into the bituminous-coal strike brought out details concerning an injunction—

And so forth.

Mr. Musser, vice president and general manager of the complainant corporation—

That is the coal company—

was then asked just how far the church and the lots in and upon which the singing had been prohibited by the injunction were located from the company's property. Mr. Musser replied that the distance was about 1,500 feet from where the men had to pass to go to and from the mine.

Mr. Musser further said: "The people are not restrained from congregating on that particular lot alone but on all other lots. It so happens that those are the only lots and the only surface which we do not own on which they could congregate, and from which point they could see the operation down here by means of field glasses. It is across this ravine here, and they can see men going in and out; and by singing—whatever it was—it was intended to intimidate our men."

The injunction issued in that case restrained the miners from meeting on their own property and singing songs, because the judge thought such actions intimidated the men who were going to and coming from the mine.

Let me read a little further:

The committee found so much bitterness in its tour of inspection through the coal fields of Pennsylvania against Judge Langham's injunction, especially that part prohibiting the singing on property owned by the local union at Rossiter, that they decided to visit the church and try to find out just what manner of hymns the miners had been enjoined from singing.

The miners were not allowed to sing hymns. Let us see the kind of hymns they sung and which they were enjoined from singing.

The committee, accompanied by Vice President and General Manager Musser; Superintendent Welsh, of the Clearfield Bituminous Coal Co.; Messrs. Murray, Fagan, and Mark, of the United Mine Workers of America, proceeded to the church on the ground where the miners had been enjoined from singing hymns.

Your committee found the church crowded with union miners, and proceeded at once to interview Rev. A. J. Phillips. Reverend Phillips was asked to give the title of the hymns that were sung in the open by the miners and was asked to sing some of them.

The first hymn was No. 166, entitled "The Victory May Depend on You."

The next hymn was No. 66, entitled "Sound the Battle Cry."

The next hymn was No. 268, entitled "Nearer, My God, to Thee."

I suppose when the miners ran up against United States marshals and the coal and iron police armed with clubs and guns, that Nearer My God to Thee was a very appropriate hymn, because the truth is that some of them were beaten to death; some of them were murdered, I believe, in cold blood.

The committee then listened to the singing of hymn 44—Stand Up for Jesus.

Reverend Phillips admitted they had changed the title of hymn No. 10 from I'm on the Winning Side to We Are on the Winning Side. This was the only hymn that was changed, the committee was advised.

Reverend Phillips said he was a regularly ordained minister of the Church of God, having its headquarters at Anderson, Ind.

The committee then adjourned to the grounds back of the church, where these hymns had been sung, from which point they could view the offices of the coal company and the entrance to the mine, and it was considered very doubtful by the committee that the singing could be heard so as to distinguish the words of the song in the company's office unless the winds were very favorable.

I am wondering if the judge who issued that injunction would not contemplate seriously amending his injunction, because of the statement of the committee that the words of the hymn could

be heard if the wind was right, and issue an injunction against God Almighty so that he could not change the direction of the wind.

Mr. President, most of the judges who issue injunctions against labor say, "We are in favor of union labor. We are in favor of organization of the workmen. We want them to organize. They have a lawful right to organize." But if you will follow their injunctions you will find that after they are organized they will not permit them, under those injunctions, to do anything.

What is the use of an organization unless you have a right to meet and discuss things with each other? It makes me think of the father who was importuned by his little boy, who wanted in the spring of the year to go swimming; and he said to the boy, "Yes, my child; you can go swimming, but if you get wet I will thrash you when you come back."

I want to read what President Taft said. In an address accepting the nomination for President on July 28, 1908, Mr. Taft thus expressed his sympathy with the early Federal practice in the case of a lawful strike:

> In the case of a lawful strike the sending of a formidable document restraining a number of defendants from doing a great many different things which the plaintiff avers they are threatening to do, often so discourages men always reluctant to go into a strike from continuing what is their lawful right. This has made the laboring man feel that an injustice is done in the issuing of a writ without notice. I conceive that in the treatment of this question it is the duty of the citizen and the legislator to view the subject from the standpoint of the man who believes himself to be unjustly treated, as well as from that of the community at large. I have suggested the remedy of returning in such cases to the original practice under the old statute of the United States and the rules in equity adopted by the Supreme Court, which did not permit the issuing of an injunction without notice. In this respect the Republican convention has adopted another remedy, that, without going so far, promises to be efficacious in securing proper consideration in such cases by the courts by formulating into a legislative act the best present practice.

Mr. President, it has been practically an impossibility to get proper legislation. I want to read you what the recent Democratic candidate for President said when he was a Member of the House of Representatives.

Mr. Davis, afterwards a candidate for President on the Democratic ticket, was a Member of the House of Representatives at the time the Clayton Act was passed, and he enumerated in debate the benefits that were coming. He said that the passage of this bill would prohibit the following:

> The issuance of injunctions without notice.
> The issuance of injunctions without bond.
> The issuance of injunctions without detail.
> The issuance of injunctions without parties.
> And in trade disputes, particularly, the issuance of injunctions against certain well-defined and indispensable rights.

Messrs. Frankfurter and Greene, after quoting that speech in their book on The Labor Injunction, at page 185, say:

> Sections 17, 18, and 19 of the Clayton Act were intended to correct the first four abuses enumerated by Mr. Davis. They have now been "the law of the land" for 14 years. What have they accomplished? More restraining orders without notice have been granted by Federal courts within that period of time than in any period of time of like duration. Since 1914 we find among reported cases alone more than 15 such instances. And in most of them the orders remained effective without hearing of any kind for a longer period than the normal 10 days allotted by section 17.
>
> The other statutory safeguards have likewise been ineffective. Disregard of the statutory requirement of setting forth the reasons for the order has been held merely improper, and not to invalidate the order of the preliminary injunction; an injunction against "interfering in any respect" with the complainant's business has been held as definite a way of expressing the conduct restrained "as it is possible to make it"; a stranger to an injunction suit may still be punished for contempt of the injunction. And the unreported decrees issued by the Federal courts within the last three years, so far as available for examination, pay little heed to the purpose of the Clayton Act that the "defendants should never be left to guess at what they are forbidden to do."

Mr. President, the head of union labor in the United States, when that act was passed, hailed it as a declaration of labor's independence. Mr. Davis, who was a member of the committee that reported it in the House, thought it would accomplish the five things enumerated. They would have made a great step in advance. Not one of them has been accomplished. That act, instead of being a declaration of freedom for human labor, has become a millstone fastened to the neck of labor, and it has been because of the injunctions of courts.

We have been talking here about the courts not legislating; and yet, I assert, without any fear of successful contradiction, not only from the evidence that I have read but from other evidences that I will refer to later, that the greatest legislative institution in the world is the Federal judiciary of the United States of America. They have not only legislated, but their decrees have been unfair. I can fill a volume with these injunctions that I have here. One of them up in Pennsylvania—I think I can give you the title of it—was a model. They are all very much alike.

This injunction decree contained 10 or 12 pages, every paragraph setting up a new crime, not made a crime by the legislature, not made a duty by any legislative tribunal, but made by the court.

Let me read from an injunction of a Federal court in the case of Pittsburgh Terminal Coal Corporation against the United Mine Workers of America, and others. Among a large number of other things, they were prohibited from doing this:

> From hereafter detaining or occupying any mining house or houses of plaintiff by causing the same to be occupied against plaintiff's will by persons not employed by plaintiff; excepting that this decree shall not affect any cause now instituted and pending in the State courts of Pennsylvania at the time of the commencement of this action and affecting the possession of such houses.

Mr. President, I suppose every Senator knows that in every State, I think without exception, the legislatures have provided a method by which a landlord can get possession of real estate held by a tenant. Where the landlord claims that the occupant of his house has no legal right to remain in it any longer he commences an action in forcible entry and detainer. These acts provide that they shall be commenced before a justice of the peace. The justice of the peace passes upon them, and, if he decides that the defendant is wrongfully holding the house, issues an order of ejection. The law then provides that the defendant can take an appeal; but in taking that appeal he must give a bond not only to pay the costs but to pay a reasonable rental, to be fixed by the appellate court, if it shall later be decided that he had no right to the premises. So, when the landlord commences an action in forcible entry and detainer, he commences it in the State courts.

Here is a case up in Pennsylvania. It was the same thing in the Red Jacket case, I might say incidentally in passing, that I will come to later. The miners were living in houses owned by the coal company. When the strike came on the coal company undertook to eject these miners from these houses. They had to commence actions in forcible entry and detainer before a justice of the peace. The miners, through their union, were supplied with attorneys to fight these cases. They raised money to pay bondsmen, when they got beaten in the lower court, to take the case up to the next court. That was going on. Along comes this injunction, and the judge says, "Excepting as to the cases that are already pending, you can not supply these men with money, with food, with appeal bonds, with attorneys, with anything to defend their rights in the State courts."

Let me read the next section of this particular injunction:

> From disbursing any funds for any further appeal bonds, attorney services, court costs, or otherwise for the purpose of enabling, aiding, encouraging, or procuring any person to occupy against the plaintiff's will any such mining houses of plaintiff; from signing any further appeal bond or depositing, providing, or furnishing security for such appeal bond to prolong or aid in litigation respecting the possession of said houses—

Now, here is the only exception made to that paragraph:

> But nothing herein shall prevent Oliver K. Eaton and William H. Coleman, or either of them, representing as attorneys and counsel the individual occupants of miners' houses in the appeals in the Superior Court of Pennsylvania.

Those were the cases that were already pending and that were excepted from the clause I read just before I read this one.

Senators, what does that injunction mean? It means that these men, trying to hold possession of the houses in which they lived, for which they were paying rent to the coal company, were deprived of the right to appeal their cases to the higher court by a Federal judge issuing an injunction. Not only that; it applied, as the words will show, to all persons whomsoever. No one had a right to furnish them money. No one had a right to furnish them food. No one had a right to advise them. With the exceptions noted, no lawyer would dare take their cases pending in a civil court, in a State court, civil cases for the possession and occupancy of houses where they lived.

The Federal judge said, "You can not appeal those cases. You can not do anything which the law says you have a right to do."

What do you call that? What kind of a decree is that? Can such a condition exist in a free country? These conditions run through practically all these cases. This particular one runs into the Red Jacket case.

Mr. FESS. Will the Senator yield?

Mr. NORRIS. I yield.

Mr. FESS. I happened to be on the committee which made an investigation with reference to the coal strike. I was not on the subcommittee which went out into the field, but was on the committee which held hearings here, and the information which came to our committee touching the subject about which the Senator is talking was to the effect that the strike was called, and for weeks the coal company was without the use of the houses in which the strikers lived, and decided at last that they would require that the houses be vacated in order that the employees they were bringing in could have the houses.

Mr. NORRIS. That is true.

Mr. FESS. As I listened to it, it seemed to me there was some legal basis for their complaint, although it seemed to be quite hurtful.

Mr. NORRIS. Mr. President, the judge thought there was some legal basis. I do not believe it is possible, as I look at it, for any unbiased mind to see that there is a possibility of rightfully issuing such an injunction. Here is a man living in a house and paying rent for it. The State law provides how you shall get him out. But that law was not expeditious enough to suit the coal company. They want him to get out to-day, but the law governing those cases provided for a trial before a justice of the peace, and either side could appeal to the next higher court. This judge on the Federal bench issued an injunction restraining anybody from furnishing an appeal bond. He issued an injunction restraining anybody from supplying any money to pay attorney's fees or other legal expenses. He absolutely deprived the defendants of the right to go into the State courts, or to remain in the State courts and defend what they claimed to be their rights in the State courts, given to them by the State law.

You would not have been allowed under that injunction to take any food to those miners' houses. A physician would have had no right to go there to wait on the sick. I am not sure whether it was in this case, but in a case of similar nature if not this one, a woman was confined in one of those houses, and there was no coal, there was no food, and people were enjoined from furnishing food and coal. In a matter entirely outside his jurisdiction, what right had a Federal judge to say that a citizen of Pennsylvania should not defend his rights to the possession of property in the courts of Pennsylvania? That is what was done, though.

Think of these families, in the dead of winter, living in hovels, where their friends could not come to see them. They could not get a scuttle of coal. They were starving in many instances, and were starved out because of this injunction. No lawyer dared to give them advice; no father or mother could advise a son or daughter. No grocery man could carry food to satisfy the children's appetites. In such a hovel, Mr. President, the broken-hearted mother clasps her moaning, starving babe to her trembling bosom, where it seeks in vain to get food and sustenance from the shriveled and unfed breasts.

O Mr. President, it is too horrible to think of, it seems to me. That has been going on in all this coal country as a result of these injunctions. No man is claiming that a coal company has not the right to say that it will not employ a man because he belongs to a union if it wants to do so. It can say it will not employ anybody who has red hair. It has a right to do that. It ought to have a right to do it in every free country. But when we go further and say that judge-made law—there is no law for that injunction, no law for this picketing—when we go further and say that the judge shall issue an injunction which will either uphold these unconscionable contracts or will prevent men and women from following their legal rights in State courts, then we are going beyond freedom, then we are enslaving humans. Abraham Lincoln struck the shackles of slavery from 4,000,000 of the colored race, but Federal judges have gathered the broken chains and reforged them, placing them upon the hands of white men.

Do not think that men who live in mines are the only ones who will suffer. If this doctrine is carried to its logical conclusion, it will reach the stenographer in the office, it will reach the clerk in the counting house, it will reach into the dry-goods store, it will reach to the man who follows the plow handles upon the farm. There will be no end to it. There is no logical stopping place until all those who toil are enslaved. There is no other outcome.

I wonder if a suffering people, whose forefathers fought for liberty, are going to give up the idea of it in this day and age, in this civilized day, and are going to submit to injunction-made law.

In this case, or one of the other cases—they are all about alike—there was a law made by the Federal judge on picketing. This injunction provided for picketing, just how it should be carried out, fixing the qualifications of pickets. Did the legislature do anything of that kind? Congress had not passed any law about it. The judge fixed the law. He put a law in his decree in all detail. He showed just how it should be done. Let me read an extract:

> Each picket post established shall be not to exceed 100 feet in length along the highway, and its limits shall be indicated by a sign, flag, or marker.

Is not that legislation? A legislature did not pass that law. Congress did not pass that law. The judge passed it from the bench. A violation of that was made a crime, and when it was violated where did the defendant go for trial? Before a jury? No. Before another court? No. He went before the judge who made the law. He was tried without a jury, and when he was tried the judgment was entered by the man who made the law and the offender went to jail.

Here is another part of the injunction:

> A list containing the names of the picket details as soon as chosen will be delivered to the United States marshal, southern district of Ohio, accompanied by a rough plat or plats showing the designation and location of each picket post.

Who made that law? The judge on the bench. Where was his authority? Where? Let echo answer.

> The list shall also show the assignment and post location of each individual picket. In case of change of picket personnel or location of picket posts at any time, the fact of such change will be reported to said United States marshal at the time made.

That is a statute, is it not? It was made by a judge, often made without notice to anybody—

> The president of subdistrict No. 5 is charged with the duty and responsibility of seeing that the information and reports herein mentioned are promptly given to the United States marshal—

Suppose a change were made, and the information were not given to the marshal. The change might have been made in good faith. A picket might have been killed, by the club of a policeman, perhaps, and somebody put in his place. If this president of subdistrict No. 5 knew nothing about it, and hence did not report it to the marshal, what would happen to him? He would have violated the law. What law? The legislature had not passed it, Congress had not passed it. But the judge on the bench had passed it. What is the penalty? God and the judge only know, and perhaps God does not; I do not know. If the party does not give this information, he is cited for contempt, and the judge can sentence him to jail, deprive him of his liberty without a jury, without an opportunity to make any good and legal defense against the charge that is made by the judge.

Here is another part of that "statute":

> Each picket shall be a citizen of the United States, and shall be able to speak the English language.

That may be a good qualification for a picket out in Ohio, I do not know; but if I were a professor of history, I would look it up and find out, especially if I lived in Ohio.

Mr. FESS. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. FESS. That injunction was issued by Judge Hough, of the southern district of Ohio, operating under the authority of Congress permitting picketing. The Senator and I both voted on legislation on that subject. When the Senator speaks about the statement as to the conditions under which picketing shall be carried on, he says that is the law. On the contrary, it is merely the practice of the court, indicating how the picketing shall be done.

Mr. NORRIS. I am going to read that right from the law.

Mr. FESS. This authority was properly exercised, and it is not the judge making law, it is the judge simply administering the law.

Mr. NORRIS. The Senator is entitled to that opinion, of course.

Mr. FESS. That matter was up before us, and Judge Hough was before our committee.

Mr. NORRIS. I can not help that. Judge Hough may be good enough to go to heaven with his clothes on, I do not know. I do not charge him with having a motive that is wrong. He may be like the Senator from Ohio, living in a rut, and only seeing the sun a little while at noontime. The world has passed on,

civilization has gone beyond him, he has fallen away behind, he has been following precedents, technically. He has not taken into consideration present-day civilization.

Mr. FESS. He has not taken the opinion of the Senator from Nebraska.

Mr. NORRIS. No; he has not.

Mr. FESS. That is the whole offense.

Mr. NORRIS. No; that is not an offense, although I think he might improve himself very much if he would do it.

Mr. FESS. No doubt the Senator so believes.

Mr. NORRIS. Let us see about the publication of this law. This lawmaker on the bench, this judge, I presume was doing honestly what he thought ought to be done. He, as Roosevelt said, was approaching this thing from one side. I am approaching it from another. I admit that.

Here is something further that he said about his publication. He wanted to be fair, he wanted to give notice to everybody that he had passed that kind of a statute. So he ordered this publication:

It is further ordered that the marshal cause this preliminary injunction to be published in a newspaper of general circulation in each of the following counties of Ohio, to wit: Belmont, Harrison, Jefferson, Tuscarawas, Stark, and Guernsey, for at least one issue, and that he cause this order, together with a certificate of authenticity of the clerk of this court, to be printed in English, Italian, and Polish languages, and to be posted in at least 25 conspicuous places in each of said counties save Stark and Tuscarawas, adjacent to the aforesaid mines and elsewhere, and that the clerk of this court issue to the marshal of the northern district of Ohio 50 of said printed and certified orders to be by him posted in conspicuous places in the counties of Stark and Tuscarawas adjacent to the said mines of intervenor, and elsewhere; and all persons—

Not only the defendants but all persons—

are forbidden under the penalty of contempt of this court from destroying, defacing, or mutilating any such poster wherever the same is being lawfully displayed.

Mr. FESS. Mr. President, will the Senator yield on behalf of Judge Hough?

Mr. NORRIS. Yes.

Mr. FESS. I hope the Senator has in the pamphlet the information that Judge Hough forbade as a matter of humanitarian motive the expulsion of the miners who were then occupying those tenant houses.

Mr. BORAH. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. NORRIS. Certainly.

Mr. BORAH. That is, of course, important. To what law did he have reference in connection with picketing?

Mr. FESS. I do not recall the particular statute; but we have legislation on the privileges of labor permitting them the privilege of picketing. I do not recall the exact statute.

Mr. NORRIS. I asked the Senator the other day, when he was positive about a rule of the Senate, if he would get the rule and read it. In the same spirit I ask the Senator to get the law to which he refers and read it.

Mr. FESS. I shall have to take some time to look it up.

Mr. NORRIS. All right; I am going to talk for some time. I will keep on talking, and if the Senator can get it in the next day or two and read it I would like to have him do so.

Mr. FESS. Does the Senator state that there is no law permitting picketing?

Mr. NORRIS. No; and I did not state there was no rule.

Mr. FESS. I did not say rule. I am talking about the law.

Mr. NORRIS. The Senator said the other day that we had a certain rule, and I asked him to find it; but he has not found it yet.

Mr. FESS. Does the Senator mean by that that there is no such law?

Mr. NORRIS. I am taking the Senator's word for it. I would not dare deny the statement of such an eminent historian by saying that he has not told us the truth. That would violate a rule of the Senate, and the Senator from Ohio would immediately call me to order under our rule. I ask him to find the law and bring it here and read it.

Mr. FESS. If the Senator should call the Senator from Nebraska to order, he would be ruled out of order.

Mr. NORRIS. Oh, probably!

Mr. BORAH. Mr. President, there may be such a law, but I should really like to see the law which authorized this legislative function which the court was performing.

Mr. FESS. I think there is no doubt, under the rights of picketing which are not unlawful, but which have been made lawful, that the court has the right to state under what conditions the picketing shall be done.

Mr. NORRIS. If we enacted such a law, what penalty did we place in the law for its violation?

Mr. FESS. I do not recall.

Mr. NORRIS. I wish the Senator would find that, too, because if he can find that he will run into a conflict with his favorite judge. The judge fixed the penalty. The judge was going to hold them for contempt.

Mr. FESS. It is quite evident that the penalty of the law is limited to what the judge may say. That would be law.

Mr. NORRIS. I wish the Senator would find that law. I wish the Senator would show that we enacted the law and said in the law that the penalty for the violation of it should be whatever the judge might say. I would like to have him find that law.

Mr. FESS. I do not assert that that is the law, but evidently there is some authority or Judge Hough would not have so decreed.

Mr. NORRIS. Oh, this same injunction has been issued dozens of times. The language is almost identical in every one of the cases. I say there is no law under which they have a right to issue these injunctions. They have made the law themselves.

Mr. FESS. Then why is not legislation the remedy instead of attacks upon the courts?

Mr. NORRIS. I will tell the Senator why. The Senator stands in his place as an emblem of the reason why.

Mr. FESS. What is that?

Mr. NORRIS. We can not overcome the influence and the power of such men as the Senator from Ohio. We can not get that kind of a bill passed. We passed one once after years of struggle and it was nullified by the courts. We have been trying ever since to pass one and we can not do it. There is one now pending in the Judiciary Committee. It has been there for two years. Those of us who have tried to get it out have been unable to do so.

Mr. FESS. If the Senator can not get it out and enact it into law, then we will usurp the power, will we?

Mr. NORRIS. No; we will not usurp the power, but we will object to somebody else usurping the power.

Mr. FESS. In other words, the Senator will demand that the judge shall do what Congress itself should do.

Mr. NORRIS. I demand that the judge shall stop legislating. I think that, at least, is plain enough.

Mr. FESS. The judge does not legislate.

Mr. NORRIS. Oh, every student of history knows that he does. I could fill the CONGRESSIONAL RECORD with statements of scientific students of history who realize, as Roosevelt said, that the Supreme Court of the United States has more to do with the shaping of our constitutional destiny than Congress and the President put together.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. NORRIS. Certainly.

Mr. BORAH. The Supreme Court only a few days ago, in rendering an opinion and reversing itself upon a previous case, assigned as the reason for doing so that it thought a sounder policy would be supported by the later decision.

Mr. FESS. The Senator will recall that that involved a question such, for example, as the new question of valuation where the court itself exercises judgment as to matter of fact and not law. For instance, when we say there shall be a fair return and the rule of reason shall be used, there is a latitude permitted on the part of the court which, of course, gives opportunity for abuse. The same is true, for example, in the prohibition legislation where the question is what is intoxication, which might be a matter of dispute. There is where the court might exercise a function of finding in fact without much reference to law. That, I think, is opening the field for just the dangers against which the Senator from Idaho is protesting.

Mr. NORRIS. Mr. President, the next chapter of this statute issued by this judge in this injunction proceeding said:

The marshal for the southern district of Ohio is directed to see that this injunction is enforced within the limits of said district—

That is where this statute varies from the statutes of the State of Ohio or of Congress. It is limited in geographical scope. It covered in this case only the judicial district—

and to arrest and cause to be arrested any person or persons caught in the act of disobeying any of the provisions of this injunction—

It does not make any difference whether that person be a defendant or not—

and to bring such person or persons forthwith before the United States commissioner or the court, and to report to the court each such other act of disobedience of this order as may otherwise come to his attention.

The marshal is authorized and directed to call to his assistance such persons, either as deputy marshals or otherwise, with compensation allowed by law, as he may deem necessary and is empowered by law to do, for the purpose of securing early and prompt obedience to the provisions hereof within his jurisdiction, and for that purpose the marshal with such assistants as he shall deem necessary and so appoint shall attend the premises of plaintiffs and the intervenor within his jurisdiction from time to time, and especially at such times as plaintiffs or intervenor shall be ready to engage in mining operations in said respective mines; and said marshal is authorized to make service of copies of this order upon any and all persons within his jurisdiction who may be in or about said mines, or in the vicinity thereof, whether or not named as defendants herein.

Mr. FESS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. NORRIS. I yield.

Mr. FESS. I would like to have the Senator's opinion as to what is the province of the authority in a State or Federal Government in a case like the one about which he is reading where in a mining section a conflict arose, the result of which was a strike followed by a good deal of danger of riot, not only in the destruction of property but also in the breakdown of law, so much so that the governor of the State felt called upon to call out the State troops. It happened to be a Democratic governor in our State at that particular time. The situation interfering with the mails and interstate commerce, what would be the Senator's attitude toward the conduct of the governor and also the conduct of the Federal judge who intervened in the matter of the protection of property and life?

Mr. NORRIS. Mr. President, the Senator certainly does not care for my opinion, as he showed a little while ago. I am not going to express any opinion even as to whether the injunction ought to have been issued. I am calling attention to the fact that the judges are making laws and enforcing them. They are self-made laws. The judges sit as a legislature, they sit as an executive authority, and they sit as a judicial authority to render judgment in their own cases, to pass upon their own acts. There is no doubt that the things I have been reading are not sustained by any legislative authority.

The Indianapolis street-car strike involved another case where the judge issued an injunction against laboring men. These men had signed what is known as the "yellow-dog" contract. They sent for officials of some labor union. The movement was initiated with the men themselves. They wanted to organize a union, and they wrote a letter and asked the head of the union to come there and organize them. The union sent two men there to do it. Those two men were arrested. There was great detail about it. They were not employees of the street-car company. They had come there at the request of the employees. They were officials of the union which the men wanted to join. There was an injunction issued restraining them from advising the men to quit their employ, restraining them from asking anybody to join the union, restraining them from persuading in any way any of the employees from joining the union on the ground of the "yellow-dog" contract, which the men had signed.

The two union men were arrested and put in jail for contempt of court, tried by the judge who issued the order, and tried without a jury. They claimed that they had not even advised the men to strike or to join the union. They claimed that they had not violated the injunction. The evidence was produced before the Committee on the Judiciary, and I believe that any man who will read the evidence will reach the conclusion that the men had not advised the employees. On the contrary, they said in a public speech at a meeting of the men that they were going to obey the order of the court, that they were enjoined, and they advised the men to obey it. The court, however, held that because of the crowd being in the hall, the delivery of the speeches there was really intended to excite them, and so the court sent them to jail for advising the men to abide by the injunction.

As I said a while ago, that the courts have not been fair to labor; that the "yellow-dog" contract, in my judgment, is void. It is void for three reasons: First, it is without any consideration; second, it is signed under coercion; third, it violates public policy. I admit, Mr. President, that the court has decided otherwise. I am going to have something to say a little further on in regard to the "yellow-dog" contract, but I have given it as my conclusion, and it seems to me it is the only conclusion that can be reached, that it is void. Even the able Senator from Rhode Island [Mr. HERBERT], while he advocated the confirmation of Judge Parker in a very able speech, was fair enough and honest enough to say to the Senate after he read the "yellow-dog" contract, that he would not sign such a contract, even if his family were suffering from the want of food.

Let us see what the court does when it has before it a case between two corporations. The case which I have mentioned was a case where one corporation was supplying light and power to the citizens of a municipality who had entered into contracts to buy electricity at so much per kilowatt-hour for a certain length of time. Then another corporation entered the field. It ran its wires into the town and undertook to secure customers. It endeavored to induce the customers of the first corporation to cut their wires and to attach them to its wires and to become its customers. In this case a valid contract had been entered into for a good consideration, but the customers of the first company violated their contract when they signed up with the second company and disconnected their wires from the wires of the first company. If a "yellow-dog" contract may be enforced by an injunctive process, an honest contract ought to be able to be enforced by an injunctive process when such contract is violated; but what did the court say in that case? It said, "This is not a case for an equity court to issue an injunction."

The trader who has made a contract with another person has a right, which the law will protect, to have that other keep it. Other traders have the correlative right to solicit the custom to which the contract relates. Whatever damage results to the first trader by the mere solicitation is privileged, so far as the solicitor is concerned, in the interest of proper freedom of competition. Were the law otherwise, the first person occupying the field of public service in many localities, by procuring long contracts to take water, light, and the like from him, might intrench himself in a monopoly there for years, because another thereafter could not solicit customers, thus bound, to change their patronage to him, and thereby enable a rival enterprise to enter the field.

So the court left them to their action at law; and the first company, which had lost its customers, if it had a valid contract with any customers and was damaged because they violated it and broke it, had a right to sue them in court and collect whatever damages could be proven. So, in the case of the "yellow-dog" contract, even if we waive its cruelty, if we waive its inhumanity, and say it is legal, the court ought to say, "You have a contract; the law will enforce it; you can collect damages if it is violated; but we will not issue an injunction to prevent a third party from advising anyone to violate the contract, to break it, or to breach it."

The miners would be prohibited from consulting a lawyer in order to obtain advice as to whether they had a right to violate that "yellow-dog" contract.

Mr. President, I will now come to the Red Jacket case. I have not covered the field by any means; I can give the Senate hundreds of other cases; I have only been giving some illustrations; they are all alike; the Red Jacket is no exception. I told the Senate about the Pennsylvania injunction that was issued in dozens of cases, restraining men from following out their rights in State courts in order to retain possession of their property.

Let us consider the Red Jacket case. The Senator from Alabama [Mr. BLACK], just before I took the floor, put into the RECORD the particular part of that injunction to which I now wish to call the attention of the Senate. As the Senator from Alabama said, it has not previously been discussed in this debate.

First, I will read a provision of the injunction in the Red Jacket case that has been discussed. The injunction, among other things, enjoined the members of the United Mine Workers—

(2) From trespassing upon the properties of the plaintiffs, or either of them, or by themselves, or in cooperation with others, from inciting, inducing, or persuading—

They were enjoined from "persuading"—

the employees of the plaintiffs to break their contract of employment with the plaintiffs.

(3) From aiding or assisting any other person or persons to commit or attempt to commit any of the acts herein enjoined.

(4) From aiding or abetting any person or persons to occupy or hold without right any house or houses or other property of the plaintiffs, or any of them, by sending money or other assistance to be used by such persons in furtherance of such unlawful occupancy or holding.

It is true that the court used the word "unlawful," but what had that Federal judge to do with the right of a man to live in a house where he had his family? What did he have to do with the right of that man to defend in the State courts under the State law his right to live in that house? This injunction prohibited him in effect from doing that; it prohibited anybody from assisting him in doing that. He could not protect his rights to retain possession of the house for himself and his family unless he had the right to defend himself in court. He does not commence in court an action of forcible entry and

detainer; such action is commenced by the landlord when the landlord undertakes to put him out. The State law gives him a right to defend himself; it gives him a right to appeal. This injunction, sustained by Judge Parker, denies that right, although it would be exercised in another court, a State court. How can such a proceeding be defended?

Mr. President, that is one of the effects of the "yellow dog" contract. It means, as I look at it, an interference with the liberties of the American people. As I said a moment ago, such injunctions are now applied mostly to miners who work in the bowels of the earth, but there is no reason why they should not be applied to everybody who toils. It would be just as logical to apply them also to the man on the farm, the man in the store, the man anywhere who is laboring to sustain himself and his family. If carried to the logical conclusion that is where they will go, and then the cry against "government by injunction" will become universal, instead of being local or perhaps confined to judicial districts or to counties and to States which are affected by the injunctions themselves. There is no reason why a judge should not issue this kind of an injunction against a clerk as well as a miner, against a farmer as well as a miner, and that will be the result if such proceedings shall be allowed to continue.

So when a man signs that kind of a contract, he has become, for the time being, the slave of the master, and the judge denies him his right to freedom. Such a contract is void because it has no consideration. The Senator from Rhode Island read such a contract the other day. I have before me the copy of another one which is very similar to that read by the Senator from Rhode Island. According to the copy I have the man who signs the contract agrees as follows:

> I accept the company's right, at its option, to operate its plants and mines such number of hours each shift as the requirements of the business demand.
>
> I reserve the right to leave the company's employ at any time—

That is fair, is it not? But let us read the remainder of the sentence—

> upon such reasonable notice to the superintendent of my department as will afford him time to fill my place.

And that is not unreasonable; but it only works on one side. The very next sentence gives the employer full liberty to discharge the employee, without notice, at any time and without reason. So reciprocity only goes half way.

Then the employee agrees in another provision that he will not join a union, and so forth.

Such contracts ninety times out of ninety-one are signed under duress, and they mean a denial of the liberty of the citizen. Such contracts, as Justice Brandeis said in his dissenting opinion, smack of involuntary servitude.

I want to quote one of the most beautiful things I ever read on the preciousness of human liberty:

> We speak of liberty as one thing, and of virtue, wealth, knowledge, invention, national strength, and national independence as other things. But, of all these, liberty is the source, the mother, the necessary condition. She is to virtue what light is to color; to wealth what sunshine is to grain; to knowledge what eyes are to sight. She is a genius of invention, the brawn of national strength, the spirit of national independence. Where liberty rises, there virtue grows, wealth increases, knowledge expands, invention multiplies human powers, and in strength and spirit the freer nation rises among her neighbors as Saul amid his brethren—taller and fairer. Where liberty sinks, there virtue fades, wealth diminishes, knowledge is forgotten, invention ceases, and empires once mighty in arms and arts become a helpless prey to freer barbarians!
>
> Only in broken gleams and partial light has the sun of liberty beamed among men, but all progress hath she called forth.
>
> Liberty came to a race of slaves crouching under Egyptian whips, and led them forth from the house of bondage. She hardened them in the desert and made of them a race of conquerors. The free spirit of the Mosaic law took their thinkers up to heights where they beheld the unity of God and inspired their poets with strains that yet phrase the highest exaltations of thought. Liberty dawned on the Phœnician coast, and ships passed the Pillars of Hercules to plow the unknown sea. She shed a partial light on Greece, and marble grew to shapes of ideal beauty, words became the instruments of subtlest thought, and against the scanty militia of free cities the countless hosts of the great king broke like surges against a rock. She cast her beam on the 4-acre farms of Italian husbandmen, and born of her strength a power came forth that conquered the world. They glinted from shields of German warriors, and Augustus wept his legions. Out of the night that followed her eclipse, her slanting rays fell again on free cities, and a lost learning revived, modern civilization began, a new world was unveiled; and as liberty grew, so grew art, wealth, power, knowledge, and refinement. In the history of every nation we may read the same truth. It was the strength born of Magna Charta than won Crecy and Agincourt. It was the revival of liberty from the despotism of the Tudors that glorified the Elizabethan age. It was the spirit that brought a crowned tyrant to the block that planted here the seed of a mighty tree. It was the energy of ancient freedom that, the moment it had gained unity, made Spain the mightiest power of the world, only to fall to the lowest depth of weakness when tyranny succeeded liberty. See, in France, all intellectual vigor dying under the tyranny of the seventeenth century to revive in splendor as liberty awoke in the eighteenth, and on the enfranchisement of French peasants in the great Revolution, basing the wonderful strength that has in our time defied defeat.
>
> Shall we not trust her?
>
> In our time, as in times before, creep on the insidious forces that, producing inequality, destroy liberty. On the horizon the clouds begin to lower. Liberty calls to us again. We must follow her further; we must trust her fully. Either we must wholly accept her or she will not stay. It is not enough that men should vote; it is not enough that they should be theoretically equal before the law. They must have liberty to avail themselves of the opportunities and means of life; they must stand on equal terms with reference to the bounty of nature. Either this, or Liberty withdraws her light! Either this, or darkness comes on, and the very forces that progress has evolved turn to powers that work destruction. This is the universal law. This is the lesson of the centuries. Unless its foundations be laid in justice, the social structure can not stand.

Mr. President, I agree with the Senator from Ohio [Mr. FESS] that Judge Parker is only an incident. I go further than that, and say that the Supreme Court is only an incident. The thing that is important and the issue that is here is the preservation of human liberty. It is to keep burning the fires of human freedom that our forefathers laid upon the altars of our country. It is not the Supreme Court. It is something greater than the Supreme Court. As Roosevelt says, it is not only our liberty of to-day but it is the liberty of the men to-morrow. It is the liberty that we ought to endow upon the children that are yet in the womb of time. Human liberty is at stake. Human slavery is showing its hideous face in front of our institutions. We can not permit such things to continue. The very stability of our Government will not permit it.

Mr. President, we wonder why in these strikes there is turmoil. We wonder why there is bloodshed. We wonder why there are attacks made upon citizens—wrongful, lots of them—from both sides. They can not be defended upon any idea of justice. But can anything be different from that if we permit these inhuman, these wicked, these unfounded, these illegal, these illogical injunctions, these injunction-made laws to send men to prison without a jury trial, tried before the man who makes the law?

Mr. President, I have here a cartoon taken from a newspaper. It is the picture of a man applying for a job. He is standing before the rich manufacturer. He is out of work. He wants to be able to support himself and his family, and as he presents himself before the mahogany-top table of the employer he is presented with a "yellow-dog" contract. In substance, that contract says, "I agree not to organize for my own protection."

What does he do? In the mists that seem to surround him and that pervade the atmosphere of the room he sees a picture. Dimly behind the scenes in his mind's eye he looks into his own home. He sees the wife of his bosom standing there, holding to her shriveled breasts her babe, his child, and beside the pleading mother stands at her feet a little boy, the image of his father, his son, grasping the tattered fragments of the torn skirt of the mother and looking up into her face through blinding tears, pleading with that mother for bread. When he sees that picture, what does he do? What would you do, my brothers? What would I do? What would the professor of history do? What would you do, Mr. President?

I know, and you know, and God knows, that there is only one escape. We must sign on the dotted line, and so this man signs. He goes, perhaps, down into the bowels of the earth. The coal king's slave he is, digging there the coal. He has signed a contract by which he has agreed not to join a union, not to consult with his fellows about bettering his condition. He has signed a contract that says that the employer can change the hours of labor, the conditions of labor, and the price of labor without his consent. He has agreed to it all in advance to save the wife and babe and boy. But as time goes on the hours are lengthened. He has to work longer. He has to commence earlier. He has to work later. The wages, perhaps, are cut down; and after a while he realizes that he is losing his physical strength. He sees that he is being ruined; that he can not live and keep up the pace. So he consults his fellow workmen—men in the same condition, with the same kind of a family. He violates his contract when he does it, and he does it stealthily.

He is afraid he will be caught; and after he has consulted with the men, his companions, they come to the conclusion that they can not stand the labor that they are doing; they can not put up with the inhumanity; they can not remain the slaves of this coal king without a protest. So they organize, so that combined they may demand better working conditions and better wages. But when they do it they violate this sacred "yellow-dog" contract, and they know it. They are afraid. They are cowed. They must do something to save their own lives and to protect their wives and families, and yet the very thing they are doing they have agreed not to do.

What would you do? What would I do? What would the professor of history do? What would any man do? We would do just what they have done. We would organize regardless of this wicked contract; and when the court came on, it would enjoin our own wives from giving us assistance! It would enjoin our own friends from giving food to our children! It would enjoin anyone from coming to our aid, from furnishing an appeal bond if we wanted to stay under the shelter of the roof where we were paying rent to a landlord. We would be enjoined from all that.

Would we feel like obedient citizens? Would we feel like law-abiding citizens? Would it be any wonder if we broke some law, if we violated some rule? Would it not be human to find wrongdoing, to find destruction of property, and all that follows those things?

Mr. President, I want to read you one more injunction. I could read you 50. They are all about alike; but there is a new one, one that is not 30 days old, issued by a Federal judge in the great State of Iowa; and the "yellow-dog" contract in its usual form comes in there. I have the contract here. It is just the same as the one the Senator from Rhode Island [Mr. HERBERT] read, I think, word for word, with the exception of the names of the parties. I am going to read you, Senators, the important part of that injunction. This is the case of the United States Gypsum Co. against John Heslop and others. This is the permanent injunction issued on the 5th day of April, 1930, less than 30 days ago:

Here is law I am going to read, which covers a part of the State of Iowa. It was not made by the Legislature of Iowa, it was not made by the Congress of the United States; it was made by a Federal judge in an injunction proceeding.

When I first read this injunction I did not believe it; I said, "It can not be true. The man who sent this to me is trying to impose on me. He wants to get me into a false position." I wired the clerk of the court to send me a copy, and here it is from the clerk. I will read from that instead of the other copy. They are just the same, word for word. Nobody had deceived me at all.

Now, therefore, you and each of you are permanently enjoined—

That means forever. That is not for a week. That is a statute which no legislature can repeal, which no Congress can repeal. If Congress passes a law which the people do not like, they can defeat the men who passed it and get men who will pass the right kind of a law. But when a judge passes a law you can not repeal it. He is there for life. He makes the statute, and this judge has made one in this case—

Now, therefore, you and each of you are permanently enjoined from directly or indirectly, by yourselves or your agents, servants, attorneys, confederates, and all persons acting in aid of, or in conjunction with you, or any of you, or under your authority, suggestion, or direction—

You are permanently enjoined from—

combining and conspiring together to injure complainant's interstate business, trade, and good will; and/or to restrain, deter, and destroy the interstate commerce of complainant in selling and delivering its products; and/or compel the complainant to operate its Fort Dodge plant on a closed-shop basis; and from doing any and all acts whatsoever in furtherance thereof to accomplish any of the aforesaid purposes, and in particular—

Now, we are coming down to particularities—

from doing any of the following acts in furtherance thereof.

Now, listen to this:

From printing, publishing, issuing, circulating and distributing, or otherwise communicating directly or indirectly, in writing or verbally to any person, association of persons, or corporation, any statement or notice of any kind or character whatsoever, stating or representing—

If there is anything that is not contained in that, this judge would give a premium if you would suggest it to him, no doubt.

1. That there is a strike at the mill or plant of complainant at Fort Dodge, Iowa.

Think of that! You can not tell your wife that there is a strike. You can not tell your father or your son. You could not tell it to a minister of the gospel to whom you went for spiritual advice in the premises. You could not tell it to a lawyer if you thought you had some right that was invaded and wanted legal advice. You can not tell anybody that there is a strike on at the plant of complainant.

Or that the strike of 1921 is still in existence; or that there is a controversy over wages or conditions of employment between complainant and its employees.

You can not tell anybody that there has been a disagreement. You will not dare advise with a single soul, directly or indirectly, that there is anything whatever wrong. All those things may be true; as a matter of fact, all of them are true. But you will not dare tell them, and I am about to read the first provision by which you are enjoined from making a false statement. There might be some reason for that.

Or any false statement with reference to conditions of employment at complainant's plant.

2.—

Here are some more of the things you are enjoined from doing. You will see these as they are printed. This is paragraph 2, and this is one of the things you are enjoined from telling—

That complainant is unfair to organized union labor, or that its products are or were unfair to organized labor, or are on an unfair list.

You can not tell that to anybody. You will see farther on that the organization can not even do it in the lodge room. Listen to this one:

3. That complainant forces or requires its employees to sign or subscribe to the so-called "yellow-dog" contract.

That is in the injunction, just as I have read it. You will not dare tell a soul that this company requires its men to sign this contract before it will give them employment.

Think of it! Think of it! This is the United States, and Iowa is one of the great States of the Union, and that decree came without a statute, came without any legislative enactment, came like a thunderbolt from the bench, issued by a Federal judge, whose job lasts him for life.

Next:

From inducing, or attempting to induce, by persuasion, threats, or intimidation, any person, association of persons, or corporation to refrain from the purchase of or labor upon any of complainant's products; and from stating or representing, directly or indirectly, by any combination of words or phrases that complainant should not be patronized or dealt with, or its products purchased, handled, worked upon, or dealt in.

That is the injunction. So many people read that and say, "I do not believe in that." Very well; suppose they are doing something of that kind that is a violation of the law. They are liable in civil courts, and the right to sue them exists. But this judge issues an injunction restraining—

From using any and all ways, means, and methods of doing any of the aforesaid forbidden acts and from doing through by-laws—

You see, they will not let them do it by passing a by-law. A union can not pass a by-law at its meeting that they will do any of these things—

by-laws, orders, directions, or suggestions—

You will not even dare make a suggestion—

suggestions to committees, associations, officers, agents, or otherwise.

"Otherwise" takes in the whole world, any other way you think of. You could not do it, that is all, without being liable to be sent to jail for contempt of court.

Witness the Hon. George C. Scott, judge of the District Court of the United States for the Northern District of Iowa this 5th day of April, 1930.

LEE MCNEELY,
Clerk United States District Court,
Northern District of Iowa.
By VIOLA MARTIN,
Deputy Clerk.

Senators, it seems to me that when such things are done, I think without law, by the judiciary it is time for us to heed the words of Theodore Roosevelt when he called attention to what we ought to have on the bench. Remember that these men are put on the bench for life. We ought to know from which side they approach these questions. We ought to know whether they have a feeling for the liberty of their fellow men, or

whether they are willing to issue injunctions that shall enthrone the men who want to bear down upon those who toil.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER (Mr. PATTERSON in the chair). Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. NORRIS. I yield.

Mr. GLASS. Was Judge Scott formerly a Member of the House of Representatives?

Mr. NORRIS. I do not know.

Mr. FESS. Yes; he was.

Mr. NORRIS. Mr. President, I want to conclude as I began. I have no personal feeling against any judge, nor, for that matter, against anybody else in the entire world. I have not disputed any man's conviction in following either side, whether he be in the Senate or out of it. I have tried to show the picture as I see it.

The Senator from Ohio has criticized me, saying, "That is your idea." Of course it is my idea. I am not seeing through somebody else's glasses. I am no man's Friday, and there can be no edict, political or otherwise, coming from anywhere that will cause me, if I know it, to violate my conscientious convictions.

I have no ill will against this nominee or against the judges who have issued these unkind, these cruel decrees. They have a different viewpoint from mine. They believe that we should enthrone men in power with great wealth, and that when they use their wealth to carry on, with the use of their wealth, from their mahogany-top tables, there will be some crumbs brushed off, and those who toil can grovel at their feet and get their sustenance there.

I believe we ought to put more humanity into the courts. We ought to have judges who would have the humanitarian viewpoint. That is my view. If some one else has a different view and thinks we ought to have a different kind of judges, men who will follow precedents regardless of anything and everything, that is his right; I do not criticize him.

I have tried to make my case. I concede others have the same right to make theirs. But I can not get away from the idea that if we will not some time, somewhere, put a curb upon the injunctive process of the Federal judges the time will come when our boasted liberty will fade away, when chains of human slavery will be fastened upon every man who toils. I believe that; and how can we reach it? At the present time this may not be a logical way; it may not be a good way; but, as I see it, it is the only way to pass upon these judges before we give them an opportunity to pass on the people of the country. It may not be the desirable procedure. We perhaps ought to have the way marked out by Judge Marshall. Perhaps it would be better if we could overrule a decision of the Supreme Court by legislative enactment. But everybody knows we can not do that. Everybody knows that that is not a practical proposition now, at least. We have not the constitutional authority to do it, and it would be perfectly futile to try to get the constitutional authority. So we are down to this one thing.

When we are passing on a judge, therefore, we not only ought to know whether he is a good lawyer, not only whether he is honest—and I admit that this nominee possesses both of those qualifications—but we ought to know how he approaches these great questions of human liberty. This is the great tribunal that Roosevelt said and that everybody knows leads the way in constitutional questions for the change of our Government, the greatest lawmaking body on earth, with power that no one can overrule or override, whose word is final, whose decrees are final, and from whose word and judgment there is no appeal. Therefore we ought to know that everyone who ascends to that holy bench should have in his heart and in his mind the intention of looking after the liberties of his fellow citizens, of construing every question of law on the basis of present civilization, of discarding if necessary the old precedents of barbarous days, and construing the Constitution and the laws in the light of a modern day, a present civilization.

I am not apologizing, I will say particularly to my friend from Ohio, because I am following my ideas. I can not follow anybody else's ideas. I want everybody else to follow his own ideas. I am going to follow mine, and I am going to follow wherever they lead, no matter what may be the outcome.

Mr. President, I close as I began. Judge Parker is only an incident. The Supreme Court is only an incident. Human liberty is the issue. The preservation of our Government is the issue.

Mr. FESS. Mr. President, I shall occupy only a very few minutes this afternoon. The junior Senator from Colorado [Mr. WATERMAN] had intended to address the Senate to-day, but he desires to occupy some time and therefore would prefer not to proceed this afternoon. Consequently, I shall speak briefly with reference to some things the Senator from Nebraska [Mr. NORRIS] has stated, and then, unless some one else wants to take the floor, I shall move a recess until Monday.

Mr. President, I am of the opinion that every fair-minded person having listened to the Senator from Nebraska must come to the conclusion that his entire argument against Judge Parker is because of the power of injunction which now exists under the laws of the Federal Government. There was nothing said by him about the fitness of Judge Parker other than that he had respected a decision of the upper court. The criticism went to his refusal to resist what had been done by the upper court. I do not care to take a minute on that criticism. It has been dealt with heretofore, and it does not demand, it seems to me, any further attention.

But the Senator from Nebraska, in developing what he calls the inhuman side of the effective injunction, used as an example cases which came up in Pennsylvania and Ohio. I am intimately acquainted with both of those cases. I regret what took place. It seems to me now and it seemed to me when I was on the committee which made the investigation of the situation there that there ought to be some way to relieve the unfortunate situation in the bituminous coal fields, not alone in Pennsylvania and Ohio but in other sections. All of my sympathies, quite naturally, would be for those who are employed in the mines.

In the particular case in Ohio, a strike was going on, danger was threatened, riots were inevitable, and destruction not only of property but of life was threatened, so much so that the governor of the State considered whether it would be necessary for him to call out the National Guard in order to protect the lives of people in the unhappy dispute which then involved a life and death struggle, as it seemed.

The Federal judge was appealed to, and, operating under the statute permitting injunctions to be granted, granted a temporary restraining order in order that the facts might be ascertained. The judge was humane. He did not belong to what my friend from Nebraska would call the capitalistic class or the conservatives in politics. On the other hand, he was a progressive and a great supporter of Colonel Roosevelt. But he was faced with a duty and as Federal judge was called upon to act, to issue a restraining order until the facts could be established.

He did the unusual thing in saying that he would not permit within the limits of his authority the forcible expulsion of miners living in the houses of the companies until at least the winter days were over. I think that Judge Hough was to be commended most heartily for that order. Whether it was within the province of the law may be questioned, but I should say it was, because every lawyer knows that the injunction is a proceeding in which the details as to what can be done are not enumerated in the law, but there are certain general limitations which are contained in the law. That is what I want to call to the attention of the Senate, especially since both the Senator from Nebraska [Mr. NORRIS] and the Senator from Idaho [Mr. BORAH] seemed to indicate that there was no such authority.

Paragraph 1029 of Barnes's Federal Code, dealing with the judiciary, is in the following words:

> Writs of injunction may be granted by any Justice of the Supreme Court in cases where they might be granted by the Supreme Court and by any judge of a district court in cases where they might be granted by such court, but no Justice of the Supreme Court shall hear or allow any application for an injunction or restraining order in any cause pending in a circuit to which he is allotted elsewhere than within such circuit or at such place outside of the same as the parties may stipulate in writing, except when it can not be heard by the district judge of the district.

There is the authority for Judge Hough's action and for Judge George Scott's action, the latter a very distinguished former Member of the House of Representatives.

Paragraph 1030 has to do with injunctions and proceedings in State courts and is not involved here.

Paragraph 1031 has to do with injunctions based upon alleged unconstitutionality of State statutes. That question is not involved here and consequently I shall not take the time to read it.

Paragraph 1032 has to do with preliminary injunctions and temporary restraining orders, pointing out what the order shall contain and the basis upon which the injunction can be issued.

Paragraph 1033 deals with security on issue of restraining orders or interlocutory injunctions. That is not involved here.

Paragraph 1034 specifies what the order of injunction shall contain, as follows:

> Every order of injunction or restraining order shall set forth the reasons for the issuance of the same, shall be specific in terms, and shall describe in reasonable detail, and not by reference to the bill of

complaint or other documents, the act or acts sought to be restrained, and shall be binding only upon the parties to the suit, their officers, agents, servants, employees, and attorneys, or those in active concert or participating with them.

Section 1035 has to do with limitations of injunctions, and that is especially pertinent here:

No restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employee, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment unless—

This is specific on the case being discussed—

unless necessary to prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney—

That is specific as the guide to the law for the author of the writ—

And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do—

There is the right to quit work and also the right to have others peacefully attempt to persuade to quit work—

or from attending at any place where any such person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information, or from peacefully persuading any person to work or to abstain from working.

There comes the element of picketing, not only on behalf of the employees but it might be on behalf of the employer if he wished to resort to it, for it deals with the limitation of interference with those who attempt peacefully to persuade one to quit work or persuade peacefully some one to accept work. Immediately the question came up whether or not, if the employees desired to picket the property on behalf of their own coworkers, such action was a violation of law, and whether or not it would be a peaceful act.

The question of picketing has been before Congress; I have more than once listened to debate on the question of whether or not picketing is lawful, and I have always assumed that peaceful picketing is lawful, and it certainly has been so recognized.

Unfortunately, in view of the fact that the language of the statute does not include the word "picketing," the decision that picketing is lawful came from the court in construing the law; and we are told, because the word is not in the law and the court permits picketing, that the court makes law. I can not imagine anybody straining a point like that, and saying that, because Judge Hough, when it was on behalf of the employees, allowed picketing, set forth the conditions under which it would be permitted, and fixed the distance where pickets could walk back and forth. The court, and not Congress, was making the law. Congress made the law permitting injunctions. Here, however, is a restriction on the injunctive power. One of the restrictions is that pickets may be permitted peacefully to attempt to persuade this way or that way. Although picketing is not mentioned in the law, that does not mean that it is not lawful.

Mr. SHIPSTEAD. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. FESS. I yield.

Mr. SHIPSTEAD. Does the Senator interpret that statute as limiting the jurisdiction of courts in the issuing of injunctions?

Mr. FESS. I so interpret the particular paragraph I read.

Mr. SHIPSTEAD. It is a limitation of jurisdiction?

Mr. FESS. In the case of restraining orders or injunctions in cases between employers and employees it is an interpretation of how far they may go.

Mr. SHIPSTEAD. The statute tells them how far they may go, does it not, or tells them where they shall not go?

Mr. FESS. It is negative, and reads:

No restraining order or injunction shall be granted—

And so on—

unless——

Mr. SHIPSTEAD. "And beyond this," it is stated, "you shall not go"? It limits the jurisdiction.

Mr. FESS. That is correct.

Mr. SHIPSTEAD. Does the Senator from Ohio believe that, within the Constitution, Congress has the right to limit the jurisdiction of courts in the issuing of injunctions?

Mr. FESS. I do. The Senator from Minnesota is the author of the bill relating to injunctions which has been before a certain committee of which I am not a member. He has introduced a measure with which I have very much sympathy, affecting a great principle, but I am not a member of the committee having the bill under consideration and have not as yet been able to study it. It has to do with a subject, however, as to which I have a very open mind. I do not know how general we should permit under the law the process of injunction to be; I confess it is a question with me. The law provides:

And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do, or from attending at any place where any such person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information; or from peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful and lawful means so to do; or from paying or giving to, or withholding from, any person engaged in such dispute, any strike benefits or other moneys or things of value; or from peacefully assembling in a lawful manner and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held to be violations of any law of the United States.

It seems to me that provision permits the employment of pickets. Despite the views of the Senator from Nebraska, I contend that if Judge Hough or any other judge in permitting picketing should specify under what conditions such picketing might be carried on, that would not be judge-made law; it would simply be permitting what the law allows; but the judge issuing the writ, in the interest of order, must specify the conditions. I insist that there is no basis for the statement in the many cases cited that it is judge-made law, instead of being statutory law.

Mr. President, in confirmation of that statement, I want to indicate very briefly what is permitted in picketing. Remember, that the Senator from Nebraska and I were engaged in controversy as to whether or not picketing was lawful and whether it could be prevented on the basis that the law did not permit it. The decision on that subject was this:

Restraint of picketing.—While this section does not mention picketing, it is held that it recognizes peaceable picketing.

That goes without saying.

In * * * the court said that "it is not believed that the act bans the mere name. Labels go for nothing, and still does a rose by any other name smell as sweet. So-called militant terms are invoked by the church and all noble enterprise, not to arouse belligerency but to inspire necessary enthusiasm. Why deny to workmen equality in their use? Strikes and agents to observe or watch and persuade being lawful and beyond the power of courts to forbid, in recognizing the fact it is hardly seemly to censor mere names or to quibble over them."

That has a bearing on the controversy as to picketing and the fact that the term is not used in the law. The decisions all along have been uniformly in favor of permitting picketing.

The question came up whether under the law of injunction the court could limit the number of pickets, and it was decided it could.

Mr. President, what is the purpose of the injunction? It is used at the approach of a crisis, and it seems to me that the power necessary ought to rest somewhere in case of emergency. How far it should go is an open question. At any rate the power is being used and it is being used in accordance with law. While the term "picketing" is not used in the law, a judge can permit it, can name the conditions, and can even name the numbers who may be allowed to participate in the picketing.

The next paragraph gives the penalty, which is that imposed in cases of contempt of court.

The Senator from Nebraska would have us believe, I fear from what he said, that Judge Hough in attaching a penalty was making a law. There is no basis for that statement. The law specifies that the offense is contempt of court, and contempt of court carries with it such penalty as is permitted in the particular jurisdiction in which the court sits.

Mr. SIMMONS. Mr. President, if it will not disturb the Senator in the course of his argument, I should like to interrupt him for the purpose of having read resolutions adopted by the Bar Association of North Carolina, now in session at Pinehurst, with regard to Judge Parker. They were unani-

mously adopted by this great gathering of the lawyers of my State.

The VICE PRESIDENT. Does the Senator from Ohio yield for the purpose of having the resolutions read?

Mr. FESS. I am very glad to yield to the Senator for that purpose.

The VICE PRESIDENT. The clerk will read, as requested.

The legislative clerk read as follows:

PINEHURST, N. C., *May 2, 1930.*

Senator F. M. SIMMONS,
United States Senate:

The North Carolina Bar Association to-day unanimously adopted the following resolution recommending the confirmation of Judge John J. Parker:

"Whereas the president of the North Carolina Bar Association appointed a committee of five members, consisting of Aubrey L. Brooks, William M. Hendren, Thomas C. Guthrie, Thomas S. Rollins, and Paul C. Whitlock, to investigate the judicial decisions rendered by Judge John J. Parker involving labor, and has found and reported, which report is in conformity with the findings of the Department of Justice, that there is no basis for the criticism asserted against Judge Parker on account of the decision rendered in the Red Jacket coal case, in which he correctly followed the decisions of the Supreme Court of the United States.

"*Resolved*, That the North Carolina Bar Association does ratify and approve the action of the President, and fully indorses, approves, and concurs in the report of the committee.

"*Resolved by the North Carolina Bar Association in annual meeting assembled*, That it is the sense of this association that the Hon. John J. Parker, who has been nominated by the President of the United States as an Associate Justice of the Supreme Court of the United States, is eminently well fitted by training, character, and ability to fill that high office with credit to his Nation and his State.

"*Resolved further*, That it is the opinion of this association, whose members have associated with and practiced before Judge Parker, that he has dealt fairly and without prejudice with all litigants that have come before him, without regard to race, color, or previous condition of servitude.

"*Resolved further*, That this association respectfully memorializes the Senate of the United States of America to confirm the nomination of Judge Parker by the President to be an Associate Justice of the Supreme Court of the United States.

"*Resolved further*, That this resolution be wired immediately to Senator OVERMAN and Senator SIMMONS."

NORTH CAROLINA BAR ASSOCIATION,
By KENNETH C. ROYALL, *President.*
HENRY M. LONDON, *Secretary.*

Mr. FESS. Mr. President, I am very much pleased that the Senator from North Carolina has had read the telegram from the bar association of his State, for it is in conformity with the information I am receiving from eminent lawyers. A similar testimonial came from Richmond, Va. I can not imagine that such men, without regard to political affiliations or class interest, would indorse Judge Parker, as they have done, if their action did not represent their sincere convictions.

If I do not know what the ability of an individual is, I am inclined to accept the opinion of the people who are capable of judging and in whom I have confidence; and I frankly say, appraising Judge Parker from that standpoint, that he appears to me to be admirably equipped for the position to which he has been nominated.

Mr. President, at this point I ask unanimous consent that paragraphs 1037 and 1038 of Barnes's Judicial Code of 1919 be inserted in the RECORD, because they deal with contempt of court and penalties therefor.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

1037. Power to administer oaths and punish contempts: The said courts shall have power to impose and administer all necessary oaths, and to punish, by fine or imprisonment, at the discretion of the court, contempts of their authority: *Provided*, That such power to punish contempts shall not be construed to extend to any cases except the misbehavior of any person in their presence, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said courts in their official transactions, and the disobedience or resistance by any such officer, or by any party, juror, witness, or other person to any lawful writ, process, order, rule, decree, or command of the said courts. (R. S., sec. 725; J. C., sec. 268; act March 3, 1911, c. 213, sec. 268, 36 Stat. 1163.)

1038. Criminal contempt; procedure: Any person who shall willfully disobey any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia by doing any act or thing therein, or thereby forbidden to be done by him, if the act or thing so done by him be of such character as to constitute also a criminal offense under any statute of the United States, or under the laws of any State in which the act was committed, shall be proceeded against for his said contempt as hereinafter provided. (Act October 14, 1912, c. 323, sec. 21, 38 Stat. 738.)

Mr. FESS. Mr. President, I only want to make one further statement before taking my seat in reference to what the Senator from Nebraska said. He inveighed continually against the power of injunction. I raised the question at that time whether the remedy for what he is trying to reach is not by legislative action, rather than by judicial decision. If it should be desired to amend the law, here is the place to make the change. It is law, written in the statutes by the two bodies of Congress, and signed by the President. If we want to eliminate it, there is one way to do it, and that is for the lawmaking body which made the law to repeal it. If we do not conclude to repeal it, then it might be amended.

It is not logical, it is not a rational procedure, to ask the court to do what the law-making body refuses to do. The court is an interpreting body. It is not a law-making body. The Congress is the law-making body; and if a statue dealing with the injunction is the offense, then let the body that committed that offense repeal it or modify it, and not demand that a court exercise extrajudicial power in undertaking to modify it or repeal it.

As I have stated over and over, the court is guided by the law and not by its sympathies or its emotions; and when my friend continually speaks about the lack of sympathy of the court with human rights, the difficulty is that the term "human rights" has no limitation. It is as broad as the sea. It means one thing to my friend from Minnesota [Mr. SHIPSTEAD], another thing to my friend from New Hampshire [Mr. KEYES], and another thing to me. There is no guide under the law. If the Senator from Nebraska says, "I propose to follow my own view," does he mean by that, "I will not be guided by what is the law?" If he does, that is anarchy, because if you follow your own opinion that means that we will have 120,000,000 opinions. There is no stability or continuity or uniformity or settled policy if we take such a position as that.

Mr. SHIPSTEAD. Mr. President——

Mr. FESS. I yield to my friend from Minnesota.

Mr. SHIPSTEAD. Does the Senator mean to say that when a judge sitting in a court of equity issues an injunction restraining an individual from doing things that are in themselves lawful when not considered in the light of the controversy, when he is restraining the individual from performing acts that he has a right to perform under the bill of rights and under the Constitution of the United States, the judge in so restraining him does not suspend the provisions of the Constitution and the bill of rights?

Mr. FESS. If the person is engaged in a lawful pursuit, the judge certainly would not be justified in issuing an injunction. The judge might be revolutionary in time of war, when he might issue an injunction that in peace times would not be at all regarded in order.

I do not know whether I got what the Senator had in mind or not.

Mr. SHIPSTEAD. Let me state it again.

It is said, in this Red Jacket case, that the miners were enjoined from peaceful persuasion. As I understand, under the law and under the Constitution, "peaceful persuasion" means freedom of speech. A man is permitted to talk to his neighbor and peacefully persuade him to come over to his point of view. That in itself, under the laws of the United States and under the Constitution, he has a right to do.

Now, when a judge sitting in a court of equity enjoins a man from doing what under the Constitution he has a right to do, if he violates that injunction he becomes a criminal. He is not a violator of the law of the land; he is a violator of the injunction issued by the judge. If the Senator means to convey the idea that the judge has the right to issue an injunction of that kind, where is the authority for it?

Mr. FESS. No; I do not mean that an injunction can be issued against a person for doing in a peaceful manner that which he has a right to do. I do not raise that question, because that is quite specifically stated here in the statute.

Mr. SHIPSTEAD. I find, or at least my conception of the objective of so many of these injunctions is, that they enjoin a person from doing things that under the law he has a perfect right to do.

Mr. FESS. Evidently there would be more or less dispute as to the thing he is doing being lawful. Sometimes there is a question as to whether freedom of speech should be extended to licentiousness of language. Some people say "Yes." Others say "No." These are qualified terms.

I will say to my friend from Minnesota that my contention is that it is not safe to allow the judge, without the limitation of

law, to be his own law in what he does. If he is operating under or construing a statute, he is limited within the terms of that law, although he may not like the law at all. I think he is not subject to criticism; and what I fear is, if we say we are going to decide a case upon human rights, the socialist would say that human rights means the abolition of private property. I would never agree to that. The communist would have human rights meaning still another thing, and the capitalist would have human rights wholly different.

I think it is unsafe to criticize the court on the ground that it does not respect the term "human rights" unless we specifically know what it is. I would rather hold the court to the law in the case. I think that is the safe way.

Mr. SHIPSTEAD. I am very glad to hear the Senator say that he is not in favor of having a judge sitting with unrestrained power to issue these injunctions.

Mr. FESS. No; I am not in favor of that.

Mr. SHIPSTEAD. I am very glad to hear him say that, because, when a judge sits in a court of equity, where is there any restraining power upon him?

Mr. FESS. He has the common law to guide him.

Mr. SHIPSTEAD. But the history of equity courts shows that it has always been contended that a judge sitting in a court of equity supplements the common law and can override it, and there is no one to say him nay.

Mr. FESS. I think the Senator and I differ somewhat on how far we should go on the question of injunction. I am not yet ready to say that it is a process that we must forbid, though I think it is abused.

Mr. SHIPSTEAD. I am not, either.

Mr. FESS. I am very glad to hear the Senator say that. It seems to me that that power ought to remain for the sake of an emergency that might not be expected, that might come on us suddenly, and we ought to have some way by which the Government itself can protect life and property; but I am willing to discuss that question when we come to the Senator's bill, which involves this principle.

Mr. President, does the Senator want to take the floor to-night?

Mr. SHIPSTEAD. No. Is the Senator through?

Mr. FESS. I was about to make a motion to recess.

Mr. BLACK. Mr. President——

Mr. SHIPSTEAD. I should like to have the Senator yield for a moment.

Mr. FESS. Very well; I yield.

Mr. SHIPSTEAD. I am very glad the Senator has made the statements that he has made. I will say, with all due respect—and I have great respect for the constitutional lawyers in the Senate—that I think they have done us laymen a great injustice in this debate. All through the debate, all through the arguments, it seems to me there has been a deplorable failure on the part of constitutional lawyers to distinguish between courts of law and courts of equity.

We hear constant statements and reiteration of statements that we must confine ourselves to law and we must confine ourselves to what the courts of law tell us. On the other hand, we seem to have lost sight of the fact that when these injunctions are issued they are not issued in courts of law. They are issued by judges sitting in courts of equity; and I have not the time or desire this afternoon to go into the history of the development of equity courts in the United States. I hope before this debate is through that some one else, better qualified than I, will do so; but, in view of the statements that have been made this afternoon, and with the indulgence of the Senator from Ohio, I should like to read the definition of equity given by Lord Selden.

Mr. FESS. I yield.

Mr. SHIPSTEAD. He says:

> Equity is a roguish thing. For law we have a measure; we know what to trust to. Equity is according to the conscience of him that is chancellor, and as that is larger or narrower, so is equity. 'Tis all one as if they should make the standard for the measure a chancellor's foot. What an uncertain measure would this be! One chancellor has a long foot, and another a short foot, a third an indifferent foot; 'tis the same thing in a chancellor's conscience.

Of course, one chancellor, or a judge sitting in equity, has one conscience; another judge has another conscience; a third one has an indifferent conscience. A court of equity is a court of conscience; and when a judge has sat in courts of equity for several years his conscience has been put to the test. I think the Senate must decide whether Judge Parker acted in "good conscience" when he issued an injunction to sustain the "yellow-dog" contract.

If the Senator will permit me, I should like to point out Webster's International Dictionary's definition of equity. Of course, I can let this go until Monday; but, in view of the colloquy that has taken place, I thought it well to put it in now.

Mr. FESS. I gladly yield to the Senator.

Mr. SHIPSTEAD (reading):

> DEFINITION OF EQUITY
>
> 1. State or quality of being equal or fair; fairness in dealing with or deciding between others; impartiality.
>
> 2. That which is equitable or fair; what is right or due according to impartial dealing or decision.
>
> 3. Equality of rights; natural justice or right; the giving, or desiring to give, to each man his due, according to the natural law.
>
> 4. Law. In England (and Ireland) and the United States the system of law which originated in the extraordinary justice formerly administered by the King's chancellor and was subsequently developed into a body of rules supplementary to or aiding the common or statute law. The original purpose of the extraordinary justice of the chancellors was to overcome or avoid some of the impediments to justice arising from the rigid formality and limitations that rested upon the common-law procedure and administration of justice, and the justice administered was at first understood to accord with natural justice or right (sense 3 above).

So it will be seen that Webster's Dictionary differentiates between courts of equity and law courts. I read further:

> With the development into a system of law hardly less rigid and definite than that of the law courts, whose jurisdiction it supplements and often overrides, the notion of abstract justice became of minor importance in theory and practice, and the term "equity" came to designate the settled and formal system of legal and procedural rules and doctrines according to which justice would be administered within certain well-defined limits of jurisdiction. In England the body of rules and doctrines of equity were incorporated into the law of the land by the judicature act of 1873, and in the United States the same merging of law and equity has taken place more or less completely in most of the States. (See Chancery, n. 2 and 3.)

If I may be permitted to say so, I think that the nullification of law and the Constitution has been accomplished more than is realized through decisions of equity courts; and, if I may say further, I consider it one of the most dangerous trends in the American system of government to-day. I know many lawyers will not agree with this view. They believe equity a better remedy than law. I ought to apologize for speaking of constitutional law and our judicial system in this distinguished body, where there are so many able lawyers; but when I find in this debate that all these lawyers disagree on points not only of law but of fact, I am impelled, as a mere layman, to inject a few remarks.

I read further:

> The judges of the common-law courts of England for many years bitterly opposed the exercise of the equity functions of the chancellor and equity courts, and at times censured the equity system as uncertain and arbitrary; and the fictions of the common law were to some extent due to the endeavor to avoid the necessity for the equity courts.
>
> 5. Hence any body of legal doctrines and rules similarly developed to enlarge, supplement, or override a system of law which has become too narrow and rigid in its scope, especially that developed by the Roman praetors into the jus honorarium.

The right of a judge to issue an injunction was originally held to be a right which could only be used when there was no remedy at law. It came originally from the Roman system of law, a system under which 10 per cent of the people who were free and owned property could live in perfect safety in a country where 90 per cent of the people were slaves.

Of course we inherited from Great Britain our judicial system. But at this late hour I do not care to continue this discussion.

Mr. FESS. Mr. President, I would be very glad to have the Senator when the time is more appropriate—it is rather late now—to trace the evolution of our present system, with which he is acquainted, I recognize.

Of course I admit that the equity system is to supplement the legal system. The law specifically provides limitations; equity is broader. I would be very glad to hear what the Senator has to say on that, and I am sure he need not fear committing an offense, as I have committed one in having gone into the history of the country. I seem to have offended some Members of the Senate because I related some facts about the establishment of the Supreme Court. I regret that, but, nevertheless, I probably will have to do more of it before the debate is over.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. FESS. I yield.

Mr. BLACK. I want to ask the Senator a question. It is rather late, however, to propound the question I was about to ask, because I want the Senator to discuss it.

I agree with a good deal the Senator says about the necessity of uniformity of judicial opinion. I do not believe that an inferior-court judge should have held against him the fact that he followed a superior court.

This is the question I was going to ask the Senator: The fourth subdivision of the restraining order restrains any person or persons from occupying without right any house or houses or other property of the plaintiff or from sending money or other assistance to be used by such person in the furtherance of that unlawful occupation.

The finding of facts showed that the only thing they were seeking to restrain was the encouragement in the holding of those houses.

The finding of fact was that they were doing that by feeding them and furnishing them money and supplies. The evidence in the case, which I have found, showed that this money was being sent and used for the men, women, and children, to supply them with food, with doctors, with necessary supplies of all kinds, and with undertakers in case of death.

The Supreme Court has not upheld any such injunction as that, and that has not been discussed. I simply was going to call it to the attention of the Senator from Ohio a few moments ago, with the idea that he might give his expression as to it. But I imagine he would not want to do it so late in the evening.

Mr. FESS. I would prefer not to go into a matter with the details of which I am not familiar.

Mr. BLACK. Of course, it was a manifest effort to starve the miners into leaving the houses. There is no question about that.

Mr. FESS. Quite naturally I do not see how I can come to the conclusion that that would be a justifiable thing.

Mr. BLACK. I felt sure the Senator could not. But it was the object to keep them from getting food and money, and it restrained anyone from sending them food and money, the theory being that if any persons could be kept from sending food and money they would have to get out of the houses.

Mr. FESS. That would appear to me to be an inhuman thing.

Mr. BLACK. I think so, too.

Mr. FESS. I have no sympathy with it.

Mr. BORAH. Mr. President, I was about to ask that an editorial I hold in my hand be read at the desk, but Senators are anxious to get away, and I ask to have printed in the RECORD an editorial from the Wheeling Intelligencer entitled "The Parker Case." This paper is perhaps the leading journal in the State where this controversy arose.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wheeling Intelligencer, Wednesday, April 30, 1930]

THE PARKER CASE

The debate on the proposed confirmation of Judge Parker to the Supreme Bench promises to be of historical importance. Not in recent years has there been a discussion in the United States Senate that has touched more closely the vital interests of the American people.

No question is raised as to Judge Parker's personal life or personal integrity.

No serious question has been raised as to his legal ability, although some critics have pointed out his relatively short length of judicial service.

It might even be said that no question has been raised as to his judicial decisions, although the notorious "yellow-dog" contract case is the main cause of contention in the present controversy.

The real question at issue, and the one in which the large majority of intelligent Americans are concerned, is the character, the trend of thought, the economic and the social views of the proposed new Supreme Court justice, and finally whether or not the Supreme Court should receive the addition to its membership of another member supposed to have ultra conservative leanings.

These questions have been raised by Judge Parker's decision sustaining the so-called "yellow-dog" labor contracts in the Red Jacket mine case coming up from West Virginia.

Several weeks ago, when Parker's nomination was made, and before the present controversy developed, the Intelligencer pointed out the questions involved in the Red Jacket mine case, and predicted that Judge Parker would find his path to the Supreme Bench a very thorny one. The Supreme Court of the United States is the most powerful judicial body in the world. It is perhaps not too much to say it is the most powerful body, judicial and legislative, in the world. In recent years, in many important cases, the Supreme Court has invaded the field of legislation, and has developed interpretations of the Federal Constitution far beyond the conception of the framers of that document and, in many cases, utterly repugnant to the economic and social views of large bodies of our citizens.

To many it has easily seemed that the recent decisions of the Supreme Court have tended to put property and property rights above citizenship, and above individual rights. It has been found easy by the court, for instance, to hold that the individual States could not legislate to tax interstate activities, or to control interstate utilities, although such activities, and such utilities, in the very nature of things, could only exist through the authority granted them by the individual States. While on the other hand, it has been found equally easy for the Supreme Court to forbid State legislation, or national legislation, such as the child labor law, designed to elevate the character of American citizenship, to protect American children, and to limit their exploitation by industrial operation.

The real question involved in the Red Jacket mine case and the "yellow-dog" labor contracts is this:

Is it public policy in a democratic republic to sustain and validate a contract by which an applicant for work is required to sell and surrender individual rights and activities that have no direct relationship either to the quality or the amount of work he does or to the wages he receives?

If a contract forced upon a needy workingman, by which he is required to waive his right to join a union is valid, and is in accordance with sound public policy, why may not a similar contract, by which the needy employee is forced to surrender or to contract away his right to join a church, a political party, or to get married and maintain a family, be equally valid and in accord with sound public policy?

How far in a state, in which equality of opportunity is loudly boasted of, as the ideal before all our citizenship, may the temporary holder of a financial advantage over a fellow citizen compel him to relinquish his personal and his social rights as the price of employment?

These are the fundamental questions that are involved in the Parker discussion.

It is well that this discussion has come up. It was inevitable that it would come up sooner or later. It is well that this discussion is in the hands of lawyers and statesmen who can speak freely and whose voices will be heard with respect.

Mr. FESS. I ask unanimous consent that the Senate proceed with the balance of the Executive Calendar before we take a recess.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will report the first nomination on the Executive Calendar.

THE JUDICIARY

The legislative clerk announced the nomination of William Lee Brand to be United States marshal, western district of Virginia.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I do not see the chairman of the Committee on Post Offices and Post Roads in the Chamber, and I ask unanimous consent that the postmasters be confirmed en bloc, and the President notified.

The VICE PRESIDENT. Without objection, the nominations are confirmed, and the President will be notified. This completes the Executive Calendar with the exception of the unfinished business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States making nominations, which were referred to the appropriate committees.

W. BATEMAN CULLEN

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and ordered to lie on the table:

To the Senate:

In compliance with the request of the Senate of April 30, 1930, I return herewith the resolution of the Senate of April 28, 1930, advising and consenting to the appointment of W. Bateman Cullen to be postmaster at Clayton, Del.

HERBERT HOOVER.

THE WHITE HOUSE, *May 2, 1930.*

RECESS

Mr. FESS. In compliance with the unanimous-consent agreement entered into earlier in the day, I move that the Senate stand in recess, the recess to be until 12 o'clock Monday.

The motion was agreed to; and the Senate (at 4 o'clock p. m.), under the order previously entered, took a recess until Monday, May 5, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 2 (legislative day of April 30), 1930

COAST GUARD

The following-named officers in the Coast Guard of the United States, to rank as such from May 1, 1930:

To be lieutenants

Lieut. (Temporary) William L. Foley.
Lieut. (Temporary) Philip A. Short.
Lieut. (Temporary) Arthur W. Davis.
Lieut. (Temporary) George W. McKean.
Lieut. (Temporary) William J. Austermann.

To be lieutenants (junior grade)

Lieut. (Temporary) Glenn E. Trester.
Lieut. (Junior Grade) (Temporary) Julius F. Jacot.
Lieut. (Junior Grade) (Temporary) Chester A. A. Anderson.
Lieut. (Junior Grade) (Temporary) Edward E. Hahn, jr.
Ensign (Temporary) Emmanuel Desses.

To be ensigns

Lieut. (Junior Grade) (Temporary) Gordon P. McGowan.
Ensign (Temporary) Donald D. Hesler.
Ensign (Temporary) Marvin T. Braswell.
Ensign (Temporary) John W. Malen.
Ensign (Temporary) Petros D. Mills.

APPOINTMENT, BY TRANSFER, IN THE ARMY

TO FIELD ARTILLERY

First Lieut. Leslie Furness Young, Air Corps, with rank from November 1, 1928.

PROMOTIONS IN THE ARMY

To be lieutenant colonel

Maj. John McClintock, Quartermaster Corps, from April 28, 1930.

To be major

Capt. Edison Albert Lynn, Ordnance Department, from April 28, 1930.

To be captain

First Lieut. James Edward Dooley, Infantry, from April 28, 1930.

To be first lieutenants

Second Lieut. George Edward Isaacs, Infantry, from April 25, 1930.

Second Lieut. Harold Francis Chrisman, Infantry, from April 26, 1930.

Second Lieut. George Cooper Reinhardt, Corps of Engineers, from April 28, 1930.

MEDICAL CORPS

To be lieutenant colonels

Maj. Glenn Irving Jones, Medical Corps, from April 25, 1930.

Maj. Charles Carroll Demmer, Medical Corps, from April 27, 1930.

Maj. William Herschel Allen, Medical Corps, from April 30, 1930.

CHAPLAIN

To be chaplain with the rank of lieutenant colonel

Chaplain Louis Augustus Carter, from April 29, 1930.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 2 (legislative day of April 30), 1930

UNITED STATES MARSHAL

William Lee Brand, western district of Virginia.

POSTMASTERS

ALABAMA

John H. McEniry, Bessemer.
Charlie S Robbins, Good Water.
Annie M. Stevenson, Notasulga.

ARKANSAS

Addie Gilbert, Decatur.
Jesse L. Russell, Harrison.
Ida Burns, Heber Springs.

COLORADO

Roy H. Horner, Wiley.

CONNECTICUT

Oliver M. Bristol, Durham.
William N. Manee, Moodus.

HAWAII

Edward Akui Heu, Kaunakakai.

LOUISIANA

Esther Boudreaux, Donner.
Harry J. Monroe, Elton.
Dennis M. Foster, jr., Lake Charles.

MASSACHUSETTS

William F. O'Toole, South Barre.
Cleon F. Fobes, Stoughton.
James H. Jenks, jr., West Dennis.

MICHIGAN

Martin S. Markham, Alanson.
Benton H. Miller, Cement City.
Selma O'Neill, Rockford.
George K. Hoyt, Suttons Bay.

MONTANA

Arthur T. Ruehrwein, Columbus.
David Craig, Conrad.

NEBRASKA

James E. Schoonover, Aurora.
Harold Hjelmfelt, Holdrege.
Isaac T. Samuelson, Polk.

NEW HAMPSHIRE

Herbert Perkins, Hampton.

NEW YORK

Donald M. Dickson, Andes.
Edna Glezen, Blasdell.
May L. McLaughlin, Blue Mountain Lake.
C. Blaine Persons, Delevan.
Frank D. Gardner, De Ruyter.
Raymond H. Ferrand, Gardenville.
Denton D. Lake, Gloversville.
Joseph A. Colin, Johnstown.
John C. Jubin, Lake Placid Club.
Darwin E. Hibbard, North Collins.
Lewis L. Erhart, Pleasant Valley.
Michael H. Mangini, Selkirk.
James McLusky, Syracuse.

NORTH DAKOTA

Cassie Stewart, Butte.
T. H. Hulbert Casement, Fordville.
Blanche Huffman, Oberon.
Ovidia G. Black, Werner.

OHIO

William S. Burcher, Beallsville.
Herman W. Davis, Bedford.
Harold A. Carson, Bergholz.
Elizabeth P. CarSkaden, Castalia.

OKLAHOMA

Ulysses S. Markham, Caddo.
Lincoln C. Mahanna, Headrick.

OREGON

Ida M. Clayton, Rockaway.

PENNSYLVANIA

Sylvester D. R. Hill, Charlerol.
Christian D. Doerr, Colver.
Margaret Patterson, Langeloth.
Charles W. Schlosser, Waterford.

SOUTH CAROLINA

Hobson B. Taylor, Kershaw.
Clifton O. Crosby, Walterboro.

TENNESSEE

James G. McKenzie, Big Sandy.
George B. Beaver, McMinnville.
George W. Thompson, Morrison.
Hugh B. Nunn, Ripley.

TEXAS

Lewis E. Wigton, Alamo.
Hubert L. Ford, Bellevue.
Jacob Bennett, Bremond.
Florence M. Geyer, College Station.
Jasper M. Brooks, Copperas Cove.
Hazle B. Thomas, Gause.
Sidney R. Smith, Gorman.
James F. Rodgers, Harlingen.
Neppie Rutherford, Lexington.
Ada H. Worley, Malone.
Fred M. Carrington, Marquez.

Sam G. Reid, Oglesby.
Robert E. Slocum, Pharr.
Thomas B. White, Rogers.
Merrida E. Ware, Seagraves.
Royce E. Dowdy, Trent.
John F. Warrington, Valley Mills.

WEST VIRGINIA

John O. Stone, Davy.

WISCONSIN

Frank E. Shults, Baraboo.
Elmer Carlson, Brantwood.
Oliver R. Weinandy, Cochrane.
William H. Goldthorpe, Cuba City.
Eugene F. Stoddard, Downing.
Samuel M. Hogenson, Ephraim.
James C. Taylor, Gilman.
Mae F. Harris, Goodman.
James N. Godsell, Hales Corners.
Simon Skroch, Independence.
Charles Pearson, La Valle.
Carrie B. Carter, Lyndon Station.
Henry A. Elmer, Maribel.
Edward Stackman, Ontario.
Emmet W. Zimmerman, Phelps.
Alvin E. Hafer, Roberts.
Andrew Bock, Stockholm.
Harry Bradley, Taylor.
Edmund O. Johnson, Warrens.
George E. Bogrand, Wausaukee.
Hartvig J. Elstad, Whitehall.
Winfield J. Kyes, White Lake.
George E. King, Winneconne.
Thomas E. Noyes, Winter.

NOMINATION RECALLED

Executive nomination returned to the Senate May 2 (legislative day of April 30), 1930

POSTMASTER

In compliance with the request of the Senate of April 30, 1930, the President returned the resolution of the Senate of April 28, 1930, advising and consenting to the appointment of W. Bateman Cullen to be postmaster at Clayton, Del.

HOUSE OF REPRESENTATIVES

FRIDAY, *May 2, 1930*

The House met at 11 o'clock a. m., pursuant to adjournment.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, each day and in many circumstances we need that covert against which the storms beat in vain. May we realize, in some little way, that Thou dost rise above thrones, principalities, and powers. Do Thou more and more invigorate the purposes of our souls. Add sincerity to earnestness and earnestness to endeavor. O give us strength in all that is good, aversion to whatever is evil, and power to resist all the approaches of sin. O remember every heart, and be unto all like music floating softly among the hills, like a sweet fragrance wafted among the highlands, and like a soft shaft of light breaking through the clouds above us. When the day is over and we are alone with our thoughts, as we look back with a steady gaze, may we feel that it was worth while. In the name of Jesus we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendment of the House to the bill (S. 3249) entitled "An act to repeal section 4579 and amend section 4578 of the Revised Statutes of the United States respecting compensation for vessels for transporting seamen."

FEDERAL POWER COMMISSION

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein an article of my own appearing in Public Utilities Fortnightly.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The article is as follows:

THE PROPOSED REVAMPING OF THE FEDERAL POWER COMMISSION

(Everybody seems to agree that something ought to be done about the Federal Power Commission. While the Senate Commerce Committee occupies the public prints with its consideration of a bill by Senator COUZENS, of Michigan, to reorganize the commission, perhaps too little has been said or heard of a bill that was introduced in the House of Representatives far back in January to create a full-time commission with a competent personnel by Representative CELLER, of New York. This measure is very similar to the Couzens bill and will have practically the same effect, if enacted. In this article Representative CELLER tells what he thinks is the matter with the present Federal Power Commission, and what he proposes to do about it.)

By EMANUEL CELLER, Representative from New York, United States Congress

Criticism is being leveled at the prevalent practice of creating commissions.

The President criticizes the number of commissions appointed by Congress, and prominent Members of the Senate have in turn made disparaging remarks about the number of so-called "Hoover commissions."

Meanwhile both branches of our Government go on grinding out commissions. Scarcely a day passes that we do not learn that a new commission has been created to look into this or to look after that.

Why this multiplicity of commissions? Is there a trend in the modern practice of Government toward commission regulation to supplement the inadequacy of the three constitutional branches to look after public affairs?

The answer to this question may be found in the honest recognition of the single factor that there are some problems of their very nature so technical that neither the courts nor the legislatures are competent to handle them—problems such as utility rate making—that require specialized knowledge by trained experts.

It is because both courts and legislatures have singularly failed in their attempts to regulate and adjust technical matters that we have to-day realized the need for these tribunals of trained experts.

It was over 20 years ago when Dean Pound, the juristic oracle of Harvard, viewed with alarm the advance of commission regulation. He said:

"Executive justice is an evil. It always has been and it always will be crude and as variable as the personalities of officials. * * * Nothing but rule and principle, steadfastly adhered to, can stand between the citizen and official incompetence, caprice, or corruption. Time has always imposed a legal yoke upon executive justice and incorporated its results into law. The only way to check the onward march of executive justice is to improve the output of judicial justice until the adjustment of human relations by our courts is brought into thorough accord with the moral sense of the public at large."

But in these 20 years commissions have sprung up everywhere. To-day we have public-utility commissions, power commissions, tariff commissions, workmen's compensation commissions, and a hundred other fact-finding bodies to attend to those details of government which are beyond the ken of the average jurist or legislator.

My bill in Congress introduced on January 25, 1930, has to do with the Federal Power Commission. It does not create any new commission. It merely seeks to change the character of the Federal Power Commission. This body was created by Congress in the Federal water power act of June 10, 1920; its alleged purpose was to safeguard the national water-power resources of the American people in their navigable streams. The original bill provided for the creation of the Federal Power Commission. This seemed a logical step to take in view of the technical character of the subject matter involved.

But the fault I find and the fault which I am attempting to remedy in my proposed bill is that the power commission is now composed of the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of War. My principal contention is that these Cabinet officers, already overburdened with the arduous and restricting duties of their own offices, are not able to give the proper time and attention to the important work of the Federal Power Commission.

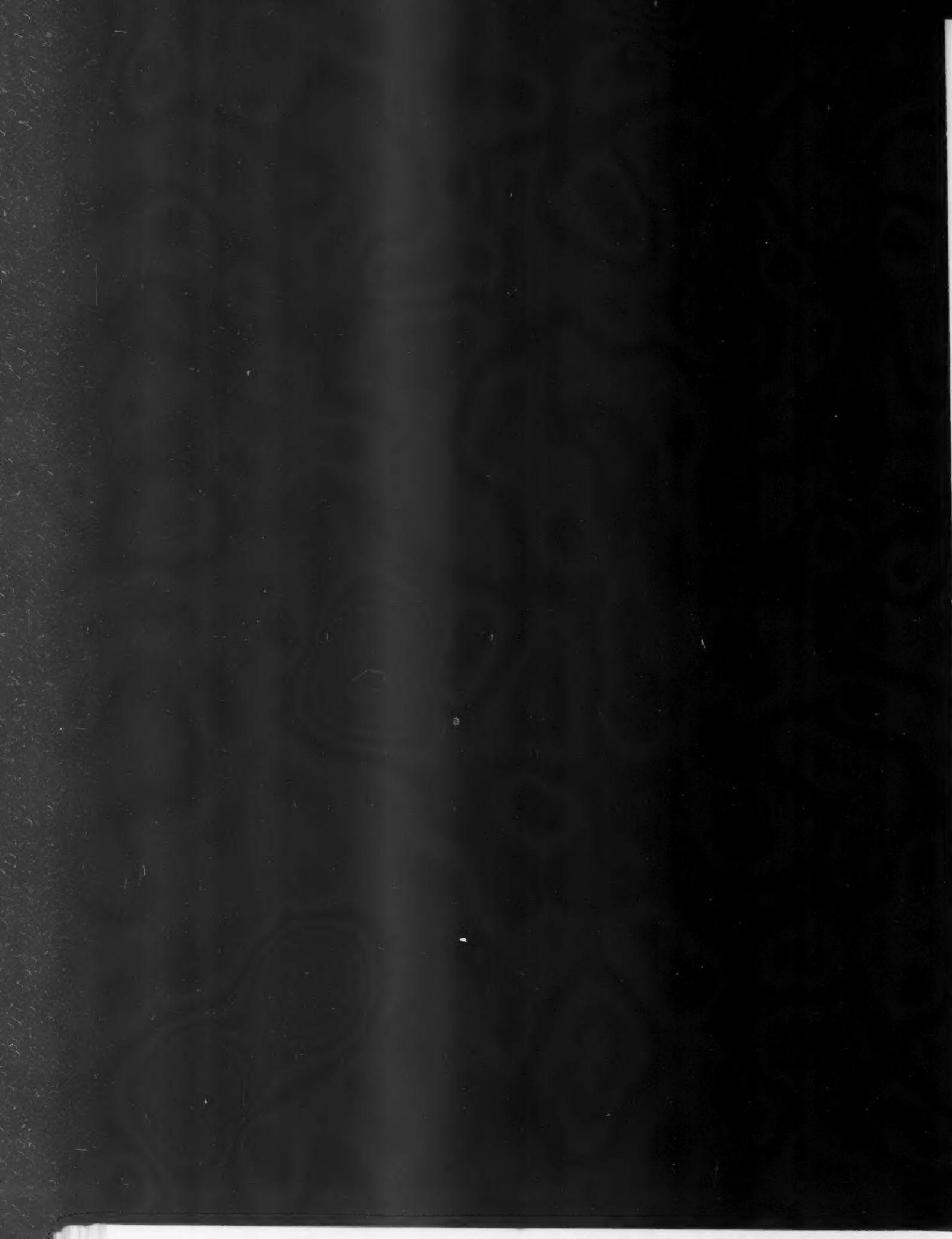
We have seen that the original idea of commission regulation was to delegate quasi-judicial powers to trained fact-finding tribunals with sufficient time and knowledge to exercise them. Congress recognized in the 1920 act its own inability to cope with the constantly increasing amount of controversies arising over the exploiting of Federally owned power sites. Congress sits only a few months a year. During that time it has plenty to do and usually goes home without doing half of it.

What this field of regulation needed was an independent, full-time commission of trained men, and Congress, instead, pushed it over on three overworked Cabinet officers, who had neither time nor special training to look after it properly.

What has been the result?

Under the present inadequate provisions of the Federal water power act there have crept in grave abuses. Time and again the Federal Power Commission has (unwittingly, I hope) played Esau to the power corporation's Jacob and bartered away the water-power birthright of





the American people for messes of regulatory pottage. The weaknesses in the structure of the act make it possible for the larger companies to impose handicaps upon a commission already hamstrung by its own limitations. The intention of Congress as enacted in the 1920 law has been evaded and perverted by the juggled accounts by these same companies before a commission that is inadequately manned and unable to check up on the deficiencies.

To show that I am not merely indulging in glittering generalities, here are a few specific examples of what I think have been miscarriages of administrative justice by the Esau-Jacob combination:

The bulk of the work of the Power Commission is really carried on by the subordinate officers. The harassed commissioners, themselves Cabinet officers, have little time to do more than to consider the general recommendations of these commission employees. This actually throws more responsibility upon the shoulders of these subordinates than Congress ever intended that they should assume. In addition to this, the commission does not have an adequate accounting system to prevent the padding of capital accounts of the larger companies. Such a system is needed to check up on excessive claims for operating expenses and land values.

Now, the 1920 act provides that rates much be based on actual investment. Instead, through these loopholes which I have mentioned, companies are in a position to base rates on inflated values and overcapitalization of hoped-for earnings.

Let us consider the Clarion River Power Co., for example, created for the purpose of developing the Pennsylvania power site of that name.

The commission figured that not less than $4,000,000, and possibly much more, of the alleged book cost of the project is inflated; it contends that in excess of $6,000,000 of purported "costs" have no further evidentiary basis than the figures in the company's books.

The company asserts that its total claim of $11,031,816.57 is legitimate—but it refuses to allow the commission's accountants access to its records. As a result of this attitude on the part of the company, the case has never been settled and at this writing it still hangs fire while the commission's solicitor, Charles A. Russell, limited by law, restricted by appropriations, and inadequately advised and directed by his superiors, is attempting to prosecute in some way what he deems to be the company's lack of compliance with the law.

Going further northward we find the Niagara Falls Power Co., in which J. P. Morgan & Co. is so heavily interested, claiming a "fair value" of $77,000,000. According to the commission's report, this company's actual investment did not amount to more than $20,500,000.

Coming nearer to Washington we find the Conowingo hydrodevelopment on the Susquehanna River in Maryland. Out of a total prelicense cost of $7,246,832.07 claimed by the participating companies a joint auditing committee, appointed by the Federal, Maryland, and Pennsylvania Commissions, disallowed $3,443,708.35 and was very doubtful about $712,870.58 more.

A typical example of what I think are at least questionable claims by one of these companies was a charge made by Drexel & Co., of Philadelphia, Pa., of a $1,170,000 fee (or 42½ per cent) for transferring stock of the Susquehanna Power Co., amounting to $2,741,500, to the Philadelphia Electric Co. The Conowingo Co., I am told, also imitated the Clarion River Co., already mentioned, in placing obstacles in the way of the commission's accountants, so that the prelicense cost of the Conowingo project has never been established.

Drew Pearson, the Washington correspondent of the Baltimore Sun, called attention to the case of the Lexington Water Co., at Saluda, S. C. The commission's accountants found that a fee of $700,000 was paid to the W. S. Barstow Association for engineering work. The Barstow Association, however, is the holding company for the Lexington Water Power Co., and the accountants' report says the association is to be reimbursed for any amounts actually expended by it in connection with the work. In other words, the fee of $700,000 is chiefly for the services of the executive officers.

Many other cases of alleged overvaluation could be mentioned. There is an evident necessity for putting more teeth into the Federal water power act. This can only be done by giving some independence to the commission, and by giving the commission power to appoint a suitable and adequate accountancy force.

What the Federal Power Commission needs first of all is three full-time competent commissioners. The present members are out-and-out figureheads. With all due respect to them, Congress might just as well have put the King of England, Mussolini, and Albert Einstein on the commission as far as any spontaneous, decisive action originating with the commissioners is concerned. Nor is this statement made to cast any reflection on the ability or integrity of the respective Secretaries of War, Interior, and Agriculture; I am simply making the point that these officials have more than they can do in their own departments. Piling more work on them solves problems no better than if Congress tried to solve them itself in the first instance.

My bill provides for the appointment by the President for a period of seven years of three commissioners, two getting salaries of $10,000 a year and the chairman receiving $12,500.

Next, the commission plainly needs a strong and trained accounting force to prevent the padding of capital accounts, already mentioned. My bill provides that there shall be set up by the commissioners an expert accountancy service to conduct the necessary audits of the books of the licensees of projects under the jurisdiction of the commission.

It also provides that the commission shall have the right to hire the necessary technical and clerical personnel, so as to fulfill and carry out the purposes of the Federal water power act and to safeguard the rights of the public in the granting of licenses.

Last, but not least of the crying needs of the present commission, is an adequate legal department.

Due to the inactivity of the commissioners themselves, a lion's share of the work has in the past fallen on shoulders of the former commission's counsel, Maj. C. W. Call, and the present solicitor, Mr. Charles A. Russell. Both of these officials have, no doubt, worked long and faithfully to combat the ever-increasing resistance of the power companies. But fighting the power companies under the present set-up is like attempting to kill a tiger with a penknife.

Much important litigation now pending may be decided upon the ability of the legal counsel for both sides to assemble and present facts in proper order.

For instance, despite the fact that the present act provides for punishment for false statements of valuation of property for rate-making purposes, nevertheless, I know of no case where the penalties prescribed in the act have been invoked. There is even provision in the present act for injunction and other penalties for noncompliance with the terms of the act; yet these penalties have never been invoked. This is solely due to the fact that great pressure is brought to bear on the Secretaries of the Interior, Agriculture, and War to prevent them from doing their duty as water-power commissioners; a type of pressure made all the more potent because of the arduous duties that these men have in presiding over their own departments. They must of necessity leave their work as commissioners to be done by others. Their actual personal supervision over water-power sites, dams, and reservoirs becomes practically nil.

To give special relief to the legal department I am going to amend my bill to provide:

That the commission may employ such attorneys as it finds necessary for proper legal aid and services of the commission or its members in the conduct of its work or for proper representation of the public interest in investigations made by it on cases or proceedings pending before it, whether at the commission's own instance or upon complaint, or to appear for and represent the commission in any case in the courts, and the expense of such employment shall be paid out of the appropriation for the commission.

I think this measure is entitled to the support of all those who believe in real scientific commission regulation. I feel that the present criticism of commissions is in part due to defects in the formation of these commissions, and that the present Federal Power Commission is an outstanding example of a commission deficiently formed.

If commissions were so constructed as to bear out the fundamental theory of their existence—to wit, fact-finding tribunals of trained experts—there would be no need for commissions to investigate other commissions; furthermore, I believe that under such conditions there would be fewer nominal commissions, more real commissions, and less criticism of commissions.

THE TARIFF

The SPEAKER. The unfinished business is the consideration of the tariff bill. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 364. Page 119, insert a new paragraph, as follows: "PAR. 394. (a) Silver-bearing ores and mattes of all kinds, 30 cents per ounce on the silver contained therein: *Provided*, That on all importations of silver-bearing ores and mattes of all kinds the duties shall be estimated at the port of entry and a bond given in double the amount of such estimated duties for the transportation of the ores or mattes by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores or mattes at such establishments they shall be sampled according to commercial methods under the supervision of Government officers, who shall be stationed at such establishments, and who shall submit the samples thus obtained to a Government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample and report the result to the proper customs officers, and the import entries shall be liquidated thereon. And the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this subparagraph.

"(b) Silver bullion or base bullion, silver dross, reclaimed silver, scrap silver, all alloys or combinations containing more than 5 ounces of silver per ton, not specially provided for, 30 cents per ounce on the silver

contained therein: *Provided*, That this subparagraph shall not apply to minted coins of the United States, or circulating minted coins of a foreign government in the possession of an individual not in excess of $100 in exchange value.

"(c) Silver-bearing ores, mattes, base bullion, silver dross, reclaimed silver, scrap silver, and all alloys or combinations of silver imported into the United States for the purpose of processing, refining, or minting for export to a foreign country and not for use, sale, or disposition within the United States or any of its possessions, may be imported for such purpose free of duty upon the execution of a bond given in double the amount of the estimated duties that would be charged upon such silver contents so imported if for use, sale, or disposition in the United States, conditioned that such silver contents will not be used, sold, or otherwise disposed of in the United States prior to export therefrom, and upon further compliance with such regulations and guaranties as the Secretary of the Treasury may by regulations require."

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that amendments Nos. 364, 885, 903, 904, 1004, and 1006, all relating to silver, be considered at the same time for both debate and vote.

The SPEAKER. Is there objection?

Mr. COLLIER. Mr. Speaker, reserving the right to object, which I do not intend to do, how is the time on this to be allotted?

Mr. HAWLEY. Thirty minutes will be yielded to the gentleman from Mississippi, and 30 minutes will be used on this side.

Mr. COLLIER. I have promised half of my time to gentlemen on the other side. I have been very liberal to them because I think those gentlemen represent views with which I am not in sympathy. I understand the chairman of the committee is not in sympathy with the Senate amendments, and I am in hearty sympathy with the chairman on that and shall vote with him.

Mr. HAWLEY. I shall divide the time on this side equally between those for and against the amendments.

The SPEAKER. The gentleman from Oregon asks unanimous consent that all the amendments relating to the subject of silver be considered together for the purposes of debate and for the purpose of vote. Is there objection?

There was no objection.

The other amendments are as follows:

Amendment No. 885, page 265, line 9, strike out the words "or silver."

Amendment No. 903, page 268, line 6, strike out the word "silver."

Amendment No. 904, page 268, line 7, strike out the period, insert a semicolon, and the words "silver coins dutiable under subparagraph (b) of paragraph 394."

Amendment No. 1004, page 279, line 16, strike out the comma and the word "silver,".

Amendment No. 1006, page 279, line 18, strike out the words "and silver."

Mr. HAWLEY. Mr. Speaker, I move that the House further insist upon its disagreement to these Senate amendments.

Mr. ARENTZ. Mr. Speaker, I move that the House recede and concur in the Senate amendments.

The SPEAKER. The gentleman from Oregon moves that the House further insist upon its disagreement to the Senate amendments, and the gentleman from Nevada moves that the House recede and concur in the Senate amendments. Both motions will be considered as pending.

Mr. HAWLEY. Mr. Speaker, the Senate proposes to impose a duty of 30 cents a troy ounce on silver imported into this country. The majority members of the House conferees, and I understand one of the minority members, oppose the amendment as not practicable. Briefly I shall state the reasons. We import into the United States, on a 5-year average, 107,000,000 ounces of silver yearly, chiefly from Mexico, coming in to be smelted and refined and part of it to be coined, but it will all be exported. We produce in this country, of new silver, some 4,000,000 ounces.

We get from scrap and recovered silver over 9,700,000 ounces more, making a total annual production on 5-year averages of about 74,000,000 ounces. We export 34,000,000 ounces of our own production. Consequently we leave in this country for use in the art and sciences and for coinage approximately 40,000,000 ounces of silver. We export 141,000,000 ounces. If this duty is imposed, under the drawback system it will be brought into this country, smelted, refined, and exported, retaining in the Treasury only 1 per cent of the duty. Consequently the silver will continue to come in and be smelted and be exported. It has been argued in behalf of the duty that if this duty be imposed and enforced the smelters of this country would not be employed in smelting this imported silver, and, therefore, there would be more opportunity for smelting our own ore; but that is not a tariff problem. Under the situation, not discussing at this time the economic factors further than I have, your conferees can not find in this a justification for the imposition of a duty of 30 cents per ounce on imported silver.

I reserve the balance of my time and yield four minutes to the gentleman from Utah [Mr. COLTON].

Mr. COLTON. Mr. Speaker, mining is one of the basic industries of this country. It has contributed and is now contributing very greatly to the material prosperity of our country. Mining as an industry is languishing, particularly silver mining. If there is anything the Government can do to help this great industry it should not hesitate to do it.

Personally I want to be perfectly frank in saying that the levying of a duty on silver of 30 cents an ounce is perhaps more or less of an experiment. But this country is committed to the principle of a protective tariff. It must be considered as a policy, and therefore if an industry is languishing and if it has met and is meeting with keen and detrimental competion from other countries, this country is justified in adopting the policy of protection for that industry. That is the exact situation with reference to silver. We have not hesitated to place other commodities on a protective basis, even though we are producing an exportable surplus.

In addition to the general mining industry being in a languishing condition at the present time, silver especially is faced with a serious problem. Great Britain is forcing India to a gold-standard basis. Silver has been the accepted coin and medium of exchange in India since the dawn of civilization. But now Great Britain is forcing a situation over there which not only demonetizes silver but which forces it from that country. It is destroying silver and dumping it upon our market. Whenever a rupee or any other silver coin finds its way into a bank in India it is melted and sent out of the country, so that the policy of dumping foreign silver upon our market has created an acute situation which this country must face. The problem is before us for solution. Something must be done.

In 1928, 55,000,000 ounces of silver were dumped on the markets of the world in this way by the British Government. Silver is being taken out of circulation in India. It has been argued that if a tariff rate is placed upon silver it will increase the price to the consumer. It is said the manufacturer will have to pay more, and consequently will pass it on to the consumer. Let us discuss the facts for a moment in connection with this statement. In 1922 we placed a duty of 60 per cent ad valorem upon manufactured silver articles coming into this country. This bill imposes a duty of 65 per cent ad valorem on manufactured silver articles. This means an increase of 5.

In 1922 silver was worth about 75 cents an ounce. Now it is worth about 42 cents. If the tariff is 100 per cent effective, the cost of silver to the manufacturer would be less than in 1922. During this period of decline has the price of manufactured articles had a corresponding decline? We all know it has not.

The SPEAKER. The time of the gentleman from Utah has expired.

Mr. COLLIER. Mr. Speaker, I yield one minute to the gentleman.

The SPEAKER. The gentleman has not the power to grant time. The time is in the control of the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. I stated yesterday, I think, that I would divide the time. I yield 30 minutes to the gentleman from Mississippi.

Mr. COLLIER. I thought the gentleman got time from that side, and the same here. I wanted to yield one minute to the gentleman from Utah.

Mr. COLTON. Thank you; I appreciate it. With an increased protection for the producer there would be none of the extra cost passed on to the purchaser. Besides, you will realize that the difference between the cost of production in this country and abroad is very great.

Where the miners of the southern republics are receiving from $1.21 to $1.60 per day in the mines, our men are receiving from $4.50 to $5 a day for the same labor. In fact, the mining industry has always paid its labor good wages. It is one of the best wage-paying industries in the country. [Applause.] With the difference between the cost of production here and in other countries, we can not keep up the high wage scale in the mining industry unless we receive help from some source. We therefore appeal to-day for an adequate tariff for this great industry.

Mr. COLLIER. Mr. Speaker, I yield four minutes to the gentleman from Idaho [Mr. FRENCH].

The SPEAKER. The gentleman from Idaho is recognized for four minutes.

Mr. FRENCH. Mr. Speaker and Members of the House, in four minutes it is possible merely to sketch the justification for

the Senate amendment placing a duty of 30 cents per ounce on the silver contained in silver-bearing ores and mattes imported into the United States from foreign countries.

The justification of a protective tariff is that the producers within our country may be safeguarded against cheap labor and cheap conditions of production in foreign countries. This is true whether a tariff be imposed upon an article wherein we produce less than we consume or upon an article wherein we produce more than we consume and as to which the tariff serves the purpose of stabilizing the market to some extent and serving as an automatic safeguard in event production within the United States shall drop below the line of consumption.

The total amount of silver, measured in ounces, produced in the world runs from 242,000,000 ounces in 1925 to about 260,000,000 ounces in 1929.

Of this amount the United States, during the last five years, has produced approximately fifty-eight to fifty-nine million ounces. Mexico has produced during that same time from ninety-three to one hundred million ounces per year; Canada from twenty to twenty-three millions; Peru, an average of 21,000,000 ounces annually.

The United States during that period has imported from one hundred to one hundred and twenty million ounces annually, with a value of approximately $59,000,000.

Mr. BARBOUR. Mr. Speaker, will the gentleman yield there?

Mr. FRENCH. Yes.

Mr. BARBOUR. There is no question about our ability to fill our own requirements?

Mr. FRENCH. No. But we are asked to compete with a wage scale that in the country from which we import most of our silver is about one-fourth of the wage scale for the United States. Last night's papers carried a dispatch from Arizona to the effect that the wages of metalliferous miners had been reduced to $4.84 per day from a slightly higher rate.

Mr. CLARKE of New York. Mr. Speaker, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. CLARKE of New York. Was not that reduction due to a reduction in the price of copper?

Mr. FRENCH. Yes, immediately; but silver in most places in the United States is produced in mines where lead and copper are produced.

Mr. CLARKE of New York. In other words, it is a by-product?

Mr. FRENCH. Yes; it is produced largely in the operation of mines where the greatest values are in lead and copper.

The labor reports indicate that, generally speaking, in the United States miners engaged in metalliferous mining are paid not far from the figure that I have recited.

Turn to Mexico, the wages paid are from 71 cents to $1.21 per day and the hours of labor are as much as 10.

The bare recital of the facts is the greatest argument that can be made in support of an adequate duty upon silver imported into the United States from foreign countries where cheap labor prevails and where the scale of living is far below the standards of living of our American workmen.

I am for the amendment.

Mr. BURTNESS. Will the gentleman yield?

Mr. FRENCH. I yield.

Mr. BURTNESS. Has our production been increasing or decreasing in recent years?

Mr. FRENCH. For the last five years it has remained approximately the same. I have the figures. In 1925 we produced 61,000,000 ounces. In 1929 we produced 60,000,000 ounces, approximately the same. [Applause.]

The SPEAKER. The time of the gentleman from Idaho has expired.

Mr. COLLIER. Mr. Speaker, I yield five minutes to the gentleman from Nebraska [Mr. MOREHEAD].

Mr. MOREHEAD. Mr. Speaker and Members of the House, a tariff bill always reminds me of the good merchant who discovered a transient donning one of his coats without settling for it and trying to escape. The merchant followed him to the door, crying, "Stop thief." When he got outside the policeman was ready to use his .44 Colt on him, and the merchant said to the policeman, "Shoot him in the pants, the coat is mine."

Small industry placed in a State and only affecting a local community has changed the votes of the entire delegation of the State on tariff schedules that are detrimental to a large per cent of the people of the United States. This is what I call politics and logrolling.

In the few minutes allotted to me I can make but a few remarks. Political parties writing tariff bills, their principal argument is to protect the American standards of living of the laborers. In my own estimation at least, I am second to none in support of legislation that will be of benefit to the average American citizen. Most of the contentions have at least some merit, if not some justification.

One schedule which the Senate sent to conference pertained to the importation of carillon bells which are not manufactured in the United States. The Senate recommended them duty free to all religious organizations—no religious organization excepted. Its benefits would affect every section of the United States without encroachment upon any selfish or private interests, and as I have been reliably informed, was favorably accepted as the Senate had reported it by three-fourths of the conference committee and yet they allowed one member to have his way in preventing the importation of duty free.

These chimes are a great addition to our present state of civilization and will become more and more in demand and I can see no good reason that can be advanced for a high duty to be placed on this particular commodity and thereby deprive many religious organizations from acquiring something so beneficial to all the people in every section of the country.

Mr. Speaker, I ask unanimous consent to insert some correspondence and a resolution from one of my home churches that makes an appeal to me that is well justified as far as the matter of these chimes being brought into this country is concerned.

The SPEAKER. The gentleman from Nebraska [Mr. MOREHEAD] asks unanimous consent to extend his remarks by printing the letter and resolution. Is there objection?

There was no objection.

The letter and resolution are as follows:

FIRST PLYMOUTH CONGREGATIONAL CHURCH,
Lincoln, Nebr., April 29, 1930.

MY DEAR FRIEND: The First Plymouth Congregational Church of Lincoln, Nebr., is seeking to buy a carillon of 35 bells from England and to import it free from tariff duty.

The United States Senate unanimously passed bill S. 1777 exempting all churches and educational carillons from paying that tariff duty. We feel that was just.

The House of Representatives, however, in its tariff bill, proposes a duty of 20 per cent. That bill is now in conference where the issue will be settled whether the churches and educational institutions are to pay 20 per cent duty or receive their carillons duty free.

We ask you to support the plea of the church for free carillons. The carillon is distinctly and peculiarly a religious instrument. It has always hung in the towers of cathedrals and churches for centuries. It is not a commercial instrument in any sense. Whenever these bells play their music is for the entire community. It is a community service to all men. Why should the church, in this, its work for society, be so heavily taxed?

Special legislative exemptions have been granted individual churches with enough influence to secure relief. But we ask you to pass legislation that embraces all creeds, all religions, all alike.

Sincerely,

REV. BEN F. WYLAND.

APRIL 26, 1930.

Be it resolved by the State Conference of the Congregational Churches of Nebraska, now in session at Lincoln, Nebr., That the action of the Senate conferees in receding from the exemption of church and educational carillons from tariff duty is uncalled for.

Furthermore, the exemption from tariff duty of four church carillons by the United States Senate was a favoritism only recently rectified by the adoption of an amendment exempting all churches and educational carillons.

We, therefore, protest the return of the United States conferees from a position that gave relief to all churches to that inexcusable position of exemption held by a favorite few; be it also

Resolved, That we likewise seek the assistance of Nebraska Senators and Representatives in righting this wrong.

REV. CHARLES R. LICHTE, *Moderator.*

Mr. HAWLEY. Mr. Speaker, I yield three minutes to the gentleman from Virginia [Mr. LANKFORD].

Mr. LANKFORD of Virginia. Mr. Speaker, before voting on this measure I hope each Member of the House will give this matter his most careful consideration.

The silver mines and miners of our country are in a most deplorable condition. Metal that for all time has been considered a precious metal is now so cheap that it is simply a commodity like copper, brass, or wheat, and, strange as it may seem, is so plentiful and cheap on account of large foreign importations that we can not operate our mines paying the United States scale of wages with a profit.

The following statistics are most significant:

The United States production of silver has decreased 10 per cent in the last 10 years, although our supply is abundant.

The price of silver in the United States has fallen from 61 cents per ounce in 1913 to 40 cents to-day, and every indication

is that it will go still lower. The situation has changed very rapidly for the worse in the last year, due to the fact that Great Britain has demonetized silver in India and she is melting up all silver coins and dumping it on the market in great quantities—55,000,000 ounces last year. She has also imposed a 10 per cent duty to keep it from coming back. China is in a desperate condition on account of the fall in value and is asking the powers to allow her to place an embargo on it. We are the great silver market. It will be years before another tariff bill will be written, and our mines will be closed in all probability before we can help them.

Many of our silver mines have been closed within the last six months.

The United States scale of wages is 4.79. Mexico sends us the greatest supply, and the average wage scale there is 1.21.

Farm commodities have increased, since 1913, in value 35½ per cent. Silver has dropped in that time 33⅓ per cent.

I am not impressed with the objection of the silver manufacturers to this 30 cents per ounce protection, when they receive 65 per cent protection ad valorem.

We produce 58,000,000 ounces. We import 114,000,000. It is now a commodity. The tariff of 30 cents is sound and logical, both from a revenue measure, and absolutely necessary from a protection standpoint, if we are to save the thousands of silver miners from disaster. [Applause.]

Mr. HAWLEY. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. MARTIN].

Mr. MARTIN. Mr. Speaker, the chairman of the Committee on Ways and Means has sounded the true note in the proposal for a 30-cent duty on silver when he says it should be rejected because it has no place in a tariff bill.

Tariff duties are imposed and justified when they prevent foreign goods being dumped into this country to the demoralization of home industries. There is no such issue here. There is no silver ore being imported into this country for home consumption. The ore which figures in our imports comes to the smelters from Canada and Mexico and is immediately reshipped out of the country. That would continue even if the duty went into effect, and under the drawback clause it would yield the Government little revenue, as only a nominal charge is made where the ore comes in under bond and can be identified when reshipped.

The bogey of silver imports from India has been raised. There is nothing to justify any such contention.

Go back as far as 1924 and the records of the Department of Commerce will not show any Indian imports. But the records will show that in that period we have exported 320,500,000 ounces to India. India imported in 1928, 89,000,000 ounces, and 81,000,000 last year, and it is still importing silver. If no silver ore is being imported into the country and we are exporting two-thirds of all the ore taken out of the earth in the United States, why a duty? That is a question which every disinterested person might well ask and the answer is plain as the noonday sun.

Mr. STAFFORD. Will the gentleman yield for a brief question?

Mr. MARTIN. Yes.

Mr. STAFFORD. I understand silver is a by-product of the copper mines. That being true, will not this increased price inure to the benefit of the large copper interests?

Mr. MARTIN. The gentleman is correct. Silver is a by-product of copper and that is the reason why there is constantly an overproduction in silver.

Those who are back of this tax on the American public are really attempting a vicious effort at price-fixing. And they want the American Congress to be a party to this raid upon the American people. They propose to dump two-thirds of the silver ore produced in this country abroad, and then through manipulation of the balance, lift the price of ore in America to 70 cents an ounce. In only this way can the duty be made effective.

If the Member of another branch of Congress who launched this raid upon the American people was really anxious to help his silver miners, I wonder why he did not provide compensatory duties for the great silverware industry, which is a valuable customer of the American miners. That has been the policy of tariff legislation not only in this bill but in every other bill, to give the manufacturer a compensatory duty where a levy has been made upon his raw material. In no other way could we have proper protection.

As a result of the oversight on the part of the Senator who proposed this duty, he really is adopting a policy which would give his own miners less work instead of more employment.

If the silverware industry is not given proper protection, and it will not be if this duty is established, the American markets will be turned over to the silversmiths of England, Germany, and Belgium.

Does the Senator or anyone else believe for a moment the silver ore would be bought from an American mine? The idea is too ridiculous for consideration for a moment.

Furthermore, if a high artificial price is created, it will be the means of compelling people to buy more goods of silver plate or substituting pewter, which would mean a lessened demand for silver.

The value of this industry, with its skilled workmen, to the country can not be underestimated, particularly as a part of any plan for industrial preparedness in event of war. When the World War broke out these great plants were readily converted to the manufacture of necessary ordnance. They became beehives of industry in turning out articles needed to prosecute the war. I may well ask why they should now be unfairly treated.

The Senator who inspires this proposed duty says he doubted whether it would do his miners any good. I am sure it would not.

In fact, I am sure he would be doing a real harm to the men he wishes to help. And I know it would be inflicting an unnecessary burden upon a great industry which extends into a dozen of the larger States of the Union.

The silver market is suffering from overproduction, like many other industries in the country. The only way to help the industry is to find some way to increase consumption. The proposal before us would be a step in the other direction and would merely add greater confusion.

With these facts before us, I trust the House will refuse to become a party to this uneconomic and price-fixing raid upon the American public and will reject the proposed duty, which, as Chairman HAWLEY has aptly stated, has no place in a tariff bill.

As an injustice to thousands of men and women engaged in the manufacture of silverware products, I register a protest against this duty without compensatory rates to protect the American workmen from a lower foreign wage scale. I protest the duty in behalf of thousands of retail jewelers, whose business will be affected; I protest it in the name of the silver miners, who I would save from the folly of their friends; I protest it in behalf of the moving-picture industry, which would be assessed several million dollars; and finally I protest the duty in the name of the American public, which will be called upon to pay unnecessarily millions of dollars in tribute to political buncombe.

Mr. COLLIER. Mr. Speaker, I yield six minutes to the gentleman from Colorado [Mr. EATON].

Mr. EATON of Colorado. Mr. Speaker and gentlemen of the House, to make a case for silver in six minutes might be impossible, but I do not think so. I noticed that one man from Nebraska used his voice here to-day in mentioning silver, but the shades of Bryan are not here. I do not know why.

Now, what is it the mountains have done that you want to make a stepchild of silver? The gentleman from Massachusetts talks about a vicious attempt at price fixing. Of all the commodities covered by this tariff not one is the subject of such vicious price fixing as silver is to-day. Not one can have the benefit of the tariff as silver can have if that price fixing is interfered with, if only by a tariff.

The propaganda against a tariff on silver is all set forth in circulars, letters, a brief, and a copy of an editorial from the Engineering and Mining Journal of April 7, 1930, all sent to each Member of Congress by the Jewelers' Vigilance Committee. The editorial has been characterized in the Senate as having been published in a one-time reputable magazine which is now owned and published by a publishing company engaged in lobbying for special interests of this country and publishing 11 publications with various names, using the words "Electrical," "Power," "Railway," "Bus," "Radio," "Food," "Textile," and others. The brief appears to have been written by lawyers, and is submitted over the printed name of the chairman of the Jewelers' Vigilance Committee, who protest on behalf of manufacturers of silverware and other silver products.

No one complained until the last speaker spoke about the question of a compensatory duty for articles manufactured from silver. You all know that a change was made in this rate. Whether compensatory or not was not mentioned in any of the propaganda received up to this moment.

An answer to the eight arguments and conclusion of the brief will cover all points made in all of the propaganda submitted. Not one statement in the several subjects or conclusion is a logical conclusion from any authentic or proven facts. On the contrary, every one is based on inference, invention, and imagination.

Not one proposition submitted ought to be considered seriously by any person who has even an iota of belief in any kind of a tariff, whether it be for protection of an industry or merely for the purpose of raising revenue.

If there is any justification for a tariff on wheat, iron, or cotton, then there is even more justification for a tariff on silver. The production of each of these commodities has many parallel elements. In each there is an exportable surplus produced each year. In each, the producers find themselves this year in a worse financial position. In each the price is fixed by some foreign trader or group of traders, upon costs of production under working conditions and wage scales that are not tolerated in this country.

Some may say that a tariff upon wheat will make every loaf of bread cost more money; that a tariff upon cotton will make every piece of cotton cloth cost more; that a tariff upon silver will make every silver teapot cost more. But practically speaking, the individual cost is so small and the resulting benefit to the producer is so justifiable, that you stop figuring the fractions of a cent to the consumer and put on to wheat and cotton every penny the markets will stand, and then provide a further flexible provision so that the rates may be carried up or down as required by the world trade. Remember that this complaint is not by the consumers, but by the jewelers.

In one respect silver is more at the mercy of foreign manipulation of price than either wheat or cotton or iron.

Within the past month the Department of Commerce has completed its investigation of silver and has printed its monograph under the title of "The Price of Silver," and from that authoritative source you can confirm the statements I am about to make to you. The price of silver is fixed every day by four brokers in London, who meet every business day at 2 p. m. and compare their orders in hand for purchase and sale and alter the previous day's price enough to move the largest amount of silver necessitated by that day's demand and supply. The only interest these brokers have is the commission which each makes upon the transactions of the day. They are not concerned with the cost of production or transportation. They also do business in options or futures, basing the price on local stocks, market outlook, and similar factors. The commission upon each transaction is divided, one-half going to the broker for the seller and the other half going to the broker for the buyer. The entire commission is paid by the buyer, and the seller takes for his product whatever the commission man pays him.

The silver market is an absolute closed monopoly as it is now conducted, controlled by these four brokers in London.

Every day, after the London price is announced, an "official" price is stated or posted by just one firm in New York City, based upon this London price. This is late in the afternoon and covers the day's transactions. This "official" price is, in fact, but a basis for actual commercial transactions. These are made at a "market" price always higher than the "official" price, varying from three-sixteenths of a cent to 6 cents at different times. But the "official" price is the one used by the smelters as the settlement basis for payment for the silver content of ores to the producers.

This "official" price is lower than the London price on which it is based. The New York broker will tell you that this is due to the fact that the silver purchased from the producer is still in the ore and will not be available for delivery in refined form for some time. But it is frequently said by silver producers that this differential, which is not constant, is an arbitrary exercise of the monopolistic control of this New York broker, who names the price and sets his own profit day by day. True, they also charge, at times, that the smelters have something to do with the "official" price, but you will find in the pamphlet, The Price of Silver, on page 20, that the price of silver as named by the New York broker is the price at London plus the theoretical cost of transporting to the United States silver purchased in London.

That is the theory. But what is the fact? For the purpose of this answer I will take the figures submitted by the Jewelers' Vigilance Committee. They state that the annual exportable surplus of silver produced in the United States averages 30,000,000 ounces. And that the United States imports an average of 115,000,000 ounces more. This makes a New York market of 145,000,000 ounces of silver right there in New York, ready for export, every ounce of which is paid for on the basis or theory that it is in London and must be transported to the United States, with all the additional cost of transportation, insurance, handling, interest, and other charges. But it is not. It is actually in New York.

Let me say to those of you who have complained about the "Pittsburgh plus" prices that here you have a monopolistic controlled price which suffers no discount, no equalization of freight to common points, or any other excuse or subterfuge to confound you in figuring for yourself the reason why the silver producer claims this situation is unfair, and is violative of every rule or theory of economics, fair trade, or decent business.

Is it abetted by the smelting monopoly? The silver producer thinks it is. No industry in this country has more successfully curtailed production to control its markets than the smelting monopoly. Go out into any Western State and see the dismantled smelters. In my State I can see the ruins of the 7 largest smelters in the State—3 in Denver, 3 in Pueblo, 1 at Salida. There are only two operating smelters in Colorado to-day and they are of very limited capacity. The representatives from the other silver States may tell you their own stories of the dismantling of smelting plants.

There is no information I can get in the departments here or in the encyclopedias showing that there is any commodity in the world on which the price is fixed like it is on silver.

The question is asked:

> As we export 30,000,000 ounces of silver in excess of our import of 115,000,000 ounces—that is, as we export all of our imports and practically half of our domestic production and recovery—how will a tariff be of any benefit to the silver producer?

The Jewelers' Vigilance Committee scoff at the comments made in the Senate upon this question and the answers made to it, but I say to you that the man who can find any relief for the farmer of wheat and cotton in any tariff rate will find in a tariff for silver a beginning for an adjustment of the present conditions which have caused the silver production of this country to fall down from 73,300,000 ounces in 1923 to 58,400,000 ounces in 1928. No wonder the jewelers say that silver has become simply a by-product of lead and copper.

No wonder that the miners in Colorado have decreased from 23,000 in 1913 to 8,000 in 1928. And while the number of wage earners have decreased, every element of cost has increased. In 1913 there were 993 mines reporting their output in Colorado. In 1928 there were only 352, of which 134 reported silver as one of the minerals mined. Again I say the other silver States can furnish like information of the closing of mines producing silver if there is time for them to be heard.

In 1913 we had to pay from $3 to $4.50 per day as miner's wages. Now we pay from $4.50 to $6 per day. Powder cost then 12 cents per pound delivered at a mine; to-day it costs 18½ cents per pound at the mine. Transportation has increased over 50 per cent, and the cost of boarding the miners has increased 60 per cent.

What is the reason that causes so much silver importation into New York and exportations out of there? You all know the answer—it is the lower cost of production where the living conditions and wage scale of every miner engaged in silver production outside of the United States is so much below the American standard—the cheap labor of Mexicans where the average wages for miners is less than $1.25 per day, and the day is generally not less than 10 hours. (See CONGRESSIONAL RECORD, p. 5610.)

Is not one of the elements entering into a tariff rate the placing of a sufficient amount in the duty to cover the difference between the cost of living conditions and wage standards between our people and the working men of foreign countries? And where such conditions exist as you all know exist in silver-producing countries like Mexico, why should any Member of this House hesitate about voting for a tariff on silver?

Some one says that a tariff on silver will result in reducing the requirements for the existing smelters of the United States. The answer is that if the smelter capacity used for the imported ores were available for ores produced in the United States, the production of our own ores would be encouraged, and the imported silver would then be produced here, furnishing employment for thousands of miners, and actually not reducing the employment in the smelters a single man.

Another says perhaps the smelting monopoly will close more smelters. I have no answer to that except to say that they are in the business of smelting ores, and will continue to run the existing smelters just as long as they can make a profit out of them, and no one has yet said that the smelting monopoly is intending to reduce either its charges or its dividends.

The same monopoly which produces the silver in Mexico handles the refining in the United States, and the smelting is done there. The gentleman here asked if putting a tariff upon silver would not help the copper industry. Maybe incidentally, yes; but it is the real silver production from silver mines, not as a by-product of other ores that has been stopped. The jewelers say, and their statement is true, that silver that is now being produced is practically a by-product, but the reason is because the market for our own silver has been stopped by the importation by Americans, using American money for their investments in Mexico and bringing the silver back to El Paso and Perth Amboy and there holding the silver and sending it into the commerce of the world. The United States controls the largest amount of the export silver business, but our own production is also a part of our silver requirements.

Mr. STAFFORD. Will the gentleman yield?

Mr. EATON of Colorado. Yes.

Mr. STAFFORD. Then the increased price of silver, if there is going to be any increased price, will redound to the benefit of the copper interests, so far as silver is a by-product thereof.

Mr. EATON of Colorado. The total amount in money would be, possibly, a few million dollars spread over the entire industry, which would be infinitesimal, on a percentage basis.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. EATON of Colorado. Yes.

Mr. CLARKE of New York. The gentleman does not mean to say that the price of silver has anything to do with the wages of the miners in the West?

Mr. EATON of Colorado. No; what I say is the reason the refining only is done in this country, while the reason the mining of silver is encouraged in Mexico, is because of the wages paid there.

Mr. CLARKE of New York. The wages paid the miners is by agreement, upon a sliding scale depending upon the price of copper taken from the quotations appearing in the Mining and Engineering Journal, and the price of silver has nothing to do with it.

Mr. EATON of Colorado. We are not talking about the same thing at all. I am talking about the difference in the cost of actual production of silver from silver mines as silver, and not about the difference whether it comes with copper, lead, or zinc.

Mr. ARENTZ. That misstatement of the gentleman should not be allowed to pass unchallenged. The wages paid to miners in Utah, Nevada, and every other place in the West depend upon the price of silver, lead, and zinc, and the low price of silver at the present time has sent down the wages paid in Utah 50 cents per man per day.

Mr. EATON of Colorado. Answering categorically the arguments of the Jewelers' Vigilance Committee:

Jewelers' point 1: "Silver is not a commodity in the accepted sense, and a duty thereon involves complications not germane to ordinary commodities."

In April, 1930, William L. Cooper, Director of the Bureau of Foreign and Domestic Commerce of the United States Department of Commerce, states in his foreword in The Price of Silver:

The following exposition of factors which determine the price of silver emphasizes that silver is a commodity.

On page 5613 of the CONGRESSIONAL RECORD you will find other authoritative statements to the same unequivocal effect.

The jewelers' argument on the monetary use of silver is taken care of by the very words of the Senate amendment, so I will not dwell on that feature.

Being a commodity and subject to the fluctuations of commodities, notwithstanding the monopolistic control of the price paid to the producer, we ought to regard silver as other commodities in considering tariff rates upon it.

Jewelers' point 2: "There is every reason to believe that the proposed measure will yield no revenue whatsoever."

The jewelers have no present reputation as prophets. They are salesmen and their brief writers, apparently, are lawyers. Let us prophesy to-day and merely say, "We will impose a tariff rate." Then, after we have confirmed a 30-cent duty on silver, we will make our prophecy an existing fact, and if any further steps are necessary in connection with the monopolistic control of prices or smelting charges or practices, we may consider them at another time. And what is to be desired? A revenue where there is no revenue now? Or shall we encourage the production of silver out of our own mines?

Jewelers' point 3: "Even if the proposed measure should yield revenue, it will not achieve its avowed purposes, but will operate harmfully."

This is another prophecy. To support it, the brief writer states that its effect will obviously be to increase production. If that statement be true, then the exporters will have the burden, and the production end will follow the usual course of supply and demand. The prophecy also points out that manufactured articles are already covered by a duty, and whether it is compensatory or otherwise will bear just as much analysis and comment as many other raw materials and manufactured articles which we have heard discussed.

And if the last prophecy under this argument should become a fact in the years to come, is it not better to learn the lesson after every governmental aid has been given? Have I not heard on this floor complaint that wheat and cotton and steel and automobiles and other commodities are exported and sold in foreign countries at prices lower than the prices received in the United States?

Jewelers' point 4: "Irrespective of whether or not revenue will be obtained, the proposed measure is objectionable because it will levy a bounty on the consumer in favor of the producer without any regard to foreign competition."

To support this, the prophet states that a tariff on silver will result in a monopoly among silver miners so as to boost the price to the extent of 30 cents per ounce. The absurdity of any charge of monopoly among the silver miners is of the same caliber as the charge that the farm relief measures will produce a monopoly among the farmers. If it be true that every tariff rate will make an increased cost to the consumer, let the ultimate purchaser of manufactured silver articles compare his present-day prices with the prices paid for his sterling-silver teapot when the price of silver was higher and see how much difference it has made.

Jewelers' point 5: "Regardless of its obvious failure to raise revenue or afford protection, the proposed measure is objectionable because of its essential inconsistencies."

Since most of the language commented upon is the exact language that is used in the provision which applies to a tariff duty on zinc and lead (see CONGRESSIONAL RECORD, p. 5610), I will not use any further time in discussing this criticism.

I have not time to discuss the threatened flood of silver said to be imminent from India and China, but it is a sufficient answer to the last paragraphs of this criticism to state that it is hoped that a tariff upon silver will in some manner protect this country from at least some part of any economic disaster if such exports come into the world's markets.

Jewelers' point 6: "The proposed measure is fraught with innumerable difficulties by way of practical application."

Here are some of them: (a) the bankers and dealers will have to keep separate cost figures of silver and records of imports; (b) bond premiums will have to be paid on silver imports held in bond; (c) smuggling will be encouraged. This last suspicion makes it unnecessary to answer any of the conjectures, except, possibly, to comment that these occurred near the end of the brief and the writer's imagination was waning.

Jewelers' point 7: "The contention of the proponents of the measure are unsound and contrary to facts."

Here they are:

Dumping of silver into the United States.

It is not so contended in the Senate debates, nor do the figures so show:

Shipment of silver coins from India to the United States.

I have no doubt that the Senators who referred to this had as good authority for their affirmation as the brief writer has for his negation. The latter cited no authority to support his statement. In the Price of Silver the statement is found of sales by China. What difference does it make if the silver is from China or India?—

The India duty is 9 cents an ounce, not 10 cents.

This is splitting a very fine hair.

Jewelers' point 8: "The proposed measure has received no consideration by the House and has elicited apprehension from important Members of the Senate."

Since that statement was true, and the matter is now being considered, this argument is effectually answered.

Jewelers' point 9: "The statement is not warranted that silver mines shut down, because the production in 1929 was 3,400,000 ounces more than in 1919."

According to the figures in The Price of Silver, that statement of the brief writer is approximately correct, in comparing the years 1919 with 1929. And so is the statement that the production of silver declined from 73,300,000 ounces in 1923, to 58,400,000 ounces in 1928, which is a decline of 14,900,000 ounces, or 20 per cent.

Jewelers' point 10: "The bill as drafted will shift the world market to London."

There is so much authoritative material available showing without any dispute that the world market is at London now, and that it is a closed monopoly——

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. EATON of Colorado. My time is up, so I stop here and ask you to concur in the Senate rate of 30 cents as a tariff on silver.

Mr. COLLIER. Mr. Speaker, from the time allotted me I yield such time as he may desire to the gentleman from Colorado [Mr. TAYLOR].

Mr. TAYLOR of Colorado. Mr. Speaker, ladies and gentlemen of the House, there are over 28,000 items in this tariff bill. There is only 1 item out of the entire 28,000 that applies exclusively to the West and that is this Senate amendment of a tariff of 30 cents an ounce on silver. Silver mining is a basic industry in the 12 great Western States of this Union. Silver to-day is at the lowest price in our history. Silver mining

throughout the Rocky Mountain region is at practically a dead standstill. The closing down of those mines greatly reduces the production of lead, zinc, and copper, that are so vitally necessary in our industries. Foreign silver mines are being rapidly developed by Government aid and cheap labor. When our mines are being worked it benefits our farmers and the manufacturers everywhere. A tariff bill which protects manufacturers and farmers should also protect the silver miner. Why should the silver-mining industry be discriminated against? A revival of the mining industry throughout the West would employ tens of thousands of men and women at good wages and enormously benefit the entire country. If American standards of living should be maintained, our silver miners should not be required to compete with the lower standards of living in other countries. Other countries are shipping—in fact, dumping—enormous quantities of silver into this country; and much of it is mined by peons who actually get about 30 or 40 cents a day. American labor can not and will not compete with that kind of work. If protection is a national policy, as both political parties now say it is, if its benefits are to be extended to all industries that need it, if all our people are to be treated fairly and alike throughout our country from Plymouth Rock to the Golden Gate, then Congress should be consistent and honest and grant this relief to the West. [Applause.]

Mr. COLLIER. Mr. Speaker, I yield to the gentleman from Washington [Mr. HILL] such time as he may desire.

Mr. HILL of Washington. Mr. Speaker, the silver mines of the West are idle. They need this protection. They are a unit in asking for it. They know the problem better than those who are not engaged in the industry.

Great opportunities await the silver mines of the West if given protection adequate to enable them to operate. They are profitless if not given protection.

I can not, in the short space of time allotted me, go into a detailed discussion of the merits of the case. I desire, however, to extend my remarks in the RECORD, Mr. Speaker, by printing therein a short letter from E. K. Brown, of Ellensburg, Wash., a telegram from the president of the Northwest Mining Association, and a telegram from the secretary of that association setting out the necessity for this protection. I ask that you vote for the amendment.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to follows:

ELLENSBURG, WASH., *April 16, 1930.*

Hon. SAM B. HILL,
Washington, D. C.

MY DEAR JUDGE: The Senate inserted in the pending tariff bill a clause imposing a duty of 30 cents per ounce on foreign silver. As one deeply interested in the mining resources of the State of Washington, I can not forbear writing you in this matter. I sincerely trust that the duty may remain in the bill and become a law. I don't know how you stand on it, but should we be able to secure such a duty it would be of tremendous benefit to the entire West. But no part of the country would benefit more than your own district. It would enable the owners to reopen the old mines at Ruby and Conconully, the Deer Trail in Stevens County, and the entire Sheridan district in Ferry and Okanogan Counties. The last named is most important, and a real asset to the State. The falling price of silver has resulted in shutting down these properties, and their resumption would be of high industrial importance.

I sincerely hope that you can see your way clear to work for the retention of the Senate provision.

Very truly yours,

E. K. BROWN.

SPOKANE, WASH., *April 19, 1930.*

Hon. SAM B. HILL,
House of Representatives, Washington, D. C.:

Reply to your letter of 7th has been delayed owing to my absence from office. Thank you for your efforts thus far and trust that we can rely upon you to use your utmost diligence in fight which has developed in House. Owners of silver mines in Mexico and Silversmiths' Guild are behind opposition to Senate amendment. Unless increased demand for silver can be created in United States tariff will be inoperative, therefore those responsible for creating additional demand should be protected.

F. CUSHING MOORE.

SPOKANE, WASH., *April 21, 1930.*

Hon. SAM B. HILL,
House of Representatives, Washington, D. C.:

Northwest Mining Association regards silver tariff essential in plans for western quantity manufacture of silverware. Curtailment of lead and copper mines with silver by-product cuts domestic surplus, possibly making duty immediately effective. Steps for popularization can not be taken under threat of hoarded silver of Orient being dumped on American market. Please use every endeavor to restore silver tariff which Senate adopted.

LEON STARMONT,
Secretary Northwest Mining Association.

Mr. HAWLEY. Mr. Speaker, I yield four minutes to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Speaker and Members of the House, the question before us now is whether or not we are in favor of protecting the producers of a raw material that could be produced in sufficient quantities in the United States, under proper protection, to supply the American industries.

The situation now is this: We are producing in the United States 58,000,000 ounces of silver. We are consuming 40,000,000 ounces of silver. We are importing from Mexico 77,000,000 ounces, from South America 18,000,000 ounces, and that is being done under conditions of wages in Mexico averaging $1.21 a day, as opposed to wages in similar mines in the United States of $4.97 a day.

Back in 1922, when the present tariff law was enacted into law, the price of silver was 75 cents an ounce. At the present time it is only 40 cents an ounce. The manufacturers of silverware came before the Ways and Means Committee in 1922 and made a case for the present ad valorem of 60 per cent on foreign silverware. That was on the basis of the price of silver at 75 cents. At the present time it is 40 cents. If you add the present price of silver and the proposed tariff of 30 cents, you would only restore the price of silver to below where it was in 1922, when the present tariff was given on silverware to the manufacturers of the country.

What we are asking for, those of us who do come from States that now produce silver largely as a by-product of copper, but which could reopen many silver mines which are now closed because of the low price, which could furnish work for many hundreds of men at the American standard of wages, which could reopen communities which have become impoverished on account of the low price of silver—when we come and ask for a tariff on silver these men who come from the manufacturers' section seek to apply a different rule to the tariff than that which you apply when it is used for the manufacturers.

Mr. MARTIN. Will the gentleman yield?

Mr. LEAVITT. I will.

Mr. MARTIN. Does not the gentleman think that when we put a duty of 30 cents on silver there ought to be a compensatory duty?

Mr. LEAVITT. That question was not raised in the committee and it can not be raised now. The question here is whether or not we are going to agree to what was done in the Senate by a vote of 55 Senators after they had listened to the situation in regard to the silver industry. After a statement by Senator FESS that it was justified and after the argument made when the case was presented it resulted in 55 Senators voting in favor of the duty. That is all we are considering here.

Mr. MARTIN. Will the gentleman yield?

Mr. LEAVITT. I am not going to yield to discuss something that is not before the House. [Applause.]

The SPEAKER. The time of the gentleman from Montana has expired.

Mr. HAWLEY. Mr. Speaker, how does the time stand?

The SPEAKER. The gentleman from Oregon has 11 minutes remaining, and the gentleman from Mississippi 10 minutes remaining.

Mr. COLLIER. Mr. Speaker, I yield five minutes to the gentleman from Montana [Mr. EVANS].

Mr. EVANS of Montana. Mr. Speaker, we produce in this country at the present time 59,000,000 ounces of silver per annum. It has dropped off in price about 25 per cent since 1923. We consume in this country 40,000,000 ounces of silver. We have 115,000,000 ounces of this cheap silver coming into the country free to compete with us in our home market, where we consume 40,000,000 ounces of silver. We can not compete with it. Foreigners have started in and beaten the price down in their contracts with the consumers of this country until they have taken all of the business.

But we are met with the argument that we export 100,000,000 ounces of silver every year. Yes; that is true; but what silver is that? There is brought into this country 115,000,000 ounces every year, and with that we produce 40,000,000 ounces of our domestic silver, and the balance of that imported silver not consumed here is exported, as we export all of ours into the markets of the world.

The export trade of the United States is more seriously threatened by the unprecedented depression in the value of silver than from any other cause that has arisen in years. Financial magazines have been discussing the subject for

weeks. They all agree upon the disastrous effect that this depression must have upon our exports.

Over half of the people of the world use silver as a medium of exchange and value. The contraction of the value of this medium of purchase affects the purchasing power of the people whose assets are measured in silver and whose purchasing power depends upon its value.

The value of silver has reached the lowest level in all history. In 1913 its average price was 62 cents an ounce. To-day the market price is quoted at 42 cents an ounce.

This tremendous depreciation in value to be fully realized must be considered in connection with the rise in the cost of all commodities since the pre-war date of 1913. The average rise in all commodities, according to the commodity index, is approximately 38.3 per cent, while the decrease in the commodity price of silver since 1913 to the present time is 30 per cent.

Let us take China simply as an illustration of the effect of this unnatural and grave depreciation of the price of silver upon this export trade in China. Our trade with China amounts to $300,000,000 a year. China is one of our best markets. In fact, China is the natural export market for the United States and should remain so.

The question has been asked as to whether or not it would be better if we had a compensatory duty. I am willing to say that I think it might have been better, but conditions are such that you have not got it and you can not put it in this bill. We must vote for or against the item as the bill is now written. The question now is whether you will allow any protection for an item for the West. All my political life I have heard speakers for the prevailing party in the House argue to the American people that the tariff was for the protection of American labor. They have argued that the tariff is for the benefit of the American laborer in order that he might have a living wage, and that he might have the American standard by which to live. In the West our silver mines are idle, our silver mills are closed down. If silver were a reasonable price, we could put two or three hundred thousand men to work. You have closed them down, and therefore those men must go into some other industry; they must compete with some other men in some other business; they must tend to pull down wages of those men. If it be right that you should legislate to pay the shoemakers and the manufacturers of Massachusetts a living wage, why should you not legislate to pay the silver miners a living wage?

Mr. COLTON. Mr. Speaker, will the gentleman yield?

Mr. EVANS of Montana. Yes.

Mr. COLTON. The present bill carries a 65 per cent ad valorem duty on manufactured silver.

Mr. EVANS of Montana. Yes.

Mr. MARTIN. What does the present tariff law carry?

Mr. EVANS of Montana. Sixty per cent.

Mr. MARTIN. Would that compensate for a 75 per cent in cost?

Mr. EVANS of Montana. I would rather think so.

Mr. MARTIN. But the gentleman does not know?

Mr. EVANS of Montana. No; I do not know, and I venture to say that the gentleman from Massachusetts does not know.

Mr. MARTIN. I am sure it would not. How many people are actually engaged in silver mining? Is not the number about 3,000?

Mr. EVANS of Montana. I expect it is 3,000 or less in actual silver mining, because legislation has been long in the interest of manufacturers in the East, and it has closed down the West. That is the reason. The question has arisen as to whether or not silver is a by-product. Of course it is. The price is so low and the conditions are so abnormal that you have closed down silver-mining properties, and silver is getting largely to be a by-product from copper mines.

Mr. MARTIN. If England and Germany sell the silverware in this country how much will your mines sell us?

Mr. EVANS of Montana. Possibly they would not sell you very much; but you will produce less silver from year to year as long as you allow silver produced at a dollar a day to come in and compete with silver produced in mines where the men are entitled to draw four or five dollars a day. No one will say that a man working in a silver mine is not entitled to four or five dollars a day. Yet you take away his occupation and allow silver to come in, the result of peon labor in Mexico, and the result of cheap labor in South American countries, and then you come in and say that you are legislating in the interest of the wage-worker of this country. Mr. Speaker, it is a travesty, just as the gentleman from Colorado [Mr. TAYLOR] said. There is but one item in this bill about silver, and the West is primarily interested in it, and no sane man will say that in your tariff legislation in the last 50 years you have paid any attention to the West. You have not paid any attention to agricultural schedules until this time, and not very much now. You go out and ask us to vote for the bill, and some of us will vote for a good many items in the bill.

Mr. MARTIN. Is the gentleman going to vote for it?

Mr. EVANS of Montana. Not for the bill as a whole; but I am going to vote for the duty on silver.

Mr. MARTIN. The gentleman is going to vote for his own products.

Mr. EVANS of Montana. Yes; just as the Representatives from Massachusetts and New England and these other States have been voting for their own products all of their lives. Now you come along and we want to share the thing with you.

Mr. MARTIN. We are going to vote for the products of other people too.

Mr. EVANS of Montana. Are you going to vote for silver?

Mr. MARTIN. I would vote for it if you would give me a compensatory duty on manufactured silver. Would the gentleman from Montana vote for the bill if silver comes in?

Mr. EVANS of Montana. Mr. Speaker, we have been for 14 months in the consideration of this tariff bill. It is going to pass. I do not think I shall vote for the bill as a whole, but I shall vote for some of the items, in order to make the bill the best bill that I can. I know that it is going to pass, and I beg of you gentlemen who are voting your own items in this bill that you take into consideration the great western country. You outnumber us 10 to 1. You have the power to give or to deny. I ask you to give some consideration to the people who come from that country, and to place the workmen there on some sort of an equal footing with the manufacturers and the workmen in your shoe industry and in other industries along the Atlantic coast. [Applause.]

The SPEAKER. In order that there shall be no misunderstanding, the House having granted all Members five legislative days in which to extend their remarks, the Chair thinks that that does not include the privilege of printing letters, telegrams, or extraneous matter. That privilege must be granted in each individual case, if it is requested.

Mr. HAWLEY. Mr. Speaker, I yield four minutes to the gentleman from Nevada [Mr. ARENTZ].

Mr. ARENTZ. Mr. Speaker and ladies and gentlemen of the House, you can not say very much in four minutes. I have a letter here which I think you will all be interested in, written by a man who has the welfare of the American worker in mind, a man who knows that a 30-cent tariff will give work, and continued work, to men located throughout the western country who are not only producing silver but who are producing lead, zinc, and copper. That letter reads as follows:

NEW YORK CITY, *April 30, 1930.*

Hon. SAMUEL S. ARENTS,
House of Representatives, Washington, D. C.

HONORABLE SIR: On behalf of the membership of the International Union of Mine, Mill, and Smelter Workers, affiliated with the American Federation of Labor, employed in the mining and smelting of silver, we ask that you make known to the House of Representatives our strong appeal for the adoption of the Senate amendment of 30 cents per ounce on silver.

The American workers engaged in the mining and smelting of silver are forced to compete in America with silver produced by the peon and forced labor of the South and Central America and Asiatic countries.

The difference in labor costs is so great that while we know that this duty of 30 cents per ounce will not equal the difference in costs of production, it will greatly help those American workers dependent for their livelihood on the ability to dispose of the products of their labor in the mining and smelting of silver.

With Great Britain withdrawing the silver coinage used for centuries in India and placing the silver content thereon in the American market, the price of silver has dropped to 42 cents per ounce, a figure which makes it impossible for the product of the American silver miners and smelters to compete with in America.

In 1922, when the Congress enacted a tariff duty of 60 per cent on fabrications of silver, the price of silver was 75 cents per ounce. Therefore the adoption of a tariff rate of 30 cents per ounce in addition to the present price of 42 cents per ounce will not even place the price of silver where it was when the duty of 60 per cent was placed on fabrications of silver in 1922.

American workers realize that when workers engaged in the mining and smelting of silver are unable to secure profitable employment in the mining and smelting sections of our country that they are forced, in order to live, to migrate to the larger cities, where already there are millions of American workers unable to obtain employment.

We sincerely trust that the membership of the House of Representatives will answer the appeal of the men engaged in the mining and smelting of silver and agree to the Senate amendment placing a duty of 30 cents per ounce on silver.

Sincerely yours,

AMERICA'S WAGE EARNERS' PROTECTIVE CONFERENCE,
MATTHEW WOLL, *President.*
M. J. FLYNN, *Executive Secretary.*

In this tariff bill the gentleman from Oregon [Mr. HAWLEY] and his colleagues—and I have the utmost faith and kindly feelings toward them, regardless of their feeling for silver—added 5 per cent on the tariff on fabricated silver, so that the duty now is 65 per cent.

The SPEAKER. The time of the gentleman from Nevada has expired.

Mr. ARENTZ. I ask unanimous consent, Mr. Speaker, that I may extend my remarks and include this letter that I have just read.

The SPEAKER. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. ARENTZ. In the discussion of the silver amendment with members of the conferees on the tariff bill and with Members of the House who are not certain of the advantages to be derived from a tariff on silver they make the statement that we produce in this country silver far in excess of our needs; in other words, that we are exporters of silver. This statement is true, we are exporters of silver and likewise we are exporters of wheat, of steel products, and of other manufactured goods too numerous to mention, which are fully protected in the present tariff bill.

Every Member of Congress has recently received a brief from the Jewelers' Vigilance Committee, so called—propaganda of the most vicious sort—containing statements of which the following is an example: "A tariff on silver will be a considerable inconvenience to domestic smelters and refineries treating base-metal ore or bullion that contains silver." An "inconvenience" is to be set up as against the destruction of an important industry by the free importation of silver contained in ores produced by labor in Mexico and South America, labor which receives but a fraction of the wage paid for the same work in the United States.

The same provision pertaining to silver in this paragraph pertains in an equal degree to lead, zinc, and other ores as well as to bullion coming into the United States. There is a tariff on lead and zinc ores coming into the United States, hence these ores come in under a bond under the same provision as silver ores, mattes, and bullion would come in under this paragraph.

The silver manufacturers of this country in 1922 obtained a duty of 60 per cent ad valorem on their manufactured silverware, at which time silver cost them 75 cents an ounce. To-day silver costs them only 42 cents an ounce. If the whole duty became effective, the cost of silver would be only 72 cents an ounce, 3 cents an ounce less than what they were paying for it in 1922, when they got an ad valorem duty of 60 per cent on value of manufactured articles; but in the present act they are given a higher duty. This Congress has raised that duty 5 per cent and given them an ad valorem duty of 65 per cent. There is not any excuse whatever for increasing the price of silverware even if this duty were entirely effective and the cost of silver were increased.

Now, as to the moving-picture industry. Is it possible that even if this tariff increased the cost of the total silver of the United States $12,000,000 it would affect the cost of a ticket in a moving-picture show? Do you think it would be possible to compute an additional $12,000,000 out of the billions it costs to produce and present pictures in the moving-picture theaters of the United States and add it to the cost to the consumer? That is a hypocritical argument; but it is the hypocritical argument used by the Jewelers' Vigilance Committee.

It is not intended to charge any duty whatever on the importation of silver-bearing ores, silver bullion, or silver in any other form that comes into this country for the purpose of smelting, refining, or minting, and export. It is provided that in such case a bond shall be given. In other words, it is the exact language that is used in the provision which applies a tariff duty on zinc and lead. It is not intended that the smelters or the refiners or the mints shall be in any way affected or influenced by this duty, and they would not be. The 30-cent tariff on silver is to protect the American miners, the workers in silver, lead, and zinc mines, and the operators who have vast sums of money invested in these enterprises from the dumping of silver from India.

Great Britain has demonetized silver. Every time a silver rupee comes into a bank in India it is immediately sent to the mint and melted up and silver is sent out of the country—it is dumped on the markets of the world without regard to price, because, it is said, Great Britain would rather throw the silver into the sea than to have it in India. Great Britain has determined that India shall not use silver for money. The dumping of silver from India is the most serious thing we now have to face. Great Britain came to the United States during the World War, and, as a war measure, got a law passed to melt up our standard silver dollars so as to give her 200,000,000 ounces of silver to prevent a revolution in India. Great Britain does not want that to happen again—she believes it is impossible to control India unless she gets rid of all the silver in that country. To-day I am speaking, not for Great Britain nor for India, but I am speaking for the American miners and the American producers of lead, zinc, and silver.

We need to be perfectly frank in this matter for we will get nowhere by being otherwise. In the first place, silver is a commodity; this has been acknowledged for years by economists in this country and abroad; its variable price would indicate this if nothing else did; it is used as a medium of exchange in many countries of the world for obvious reasons which need not be discussed here.

I have read with great interest the statements in the CONGRESSIONAL RECORD made by Senator SWANSON, of Virginia, during the discussion of the Pittman silver amendment in the Senate. Senator SWANSON says:

> I look on silver now as absolutely a commodity; it is no longer money; it is like wheat, corn, oats, iron, and other things. It is—

Says the Senator—

> liable to taxation even from a Democratic standpoint.

He further says:

> Inasmuch as silver has become a commodity, from a revenue standpoint I do not see why it should not pay a tariff like any other commodity.

Further on the Senator says:

> When I saw that India was dumping silver here, that China will dump it here, and that this is the dumping ground of silver from all over the world, and it is coming in here in sufficient quantities to put silver down to 30 cents an ounce here, why should not the Government collect some revenue from it?

Silver is produced to the extent of only about 10,000,000 ounces from mines which in a strict sense of the word are silver mines—the balance of the silver produced in the United States is derived from lead, zinc, lead-zinc, and lead-zinc-copper mines.

According to the report of the Director of the Mint for 1928 the annual domestic production in ounces of silver since 1917 is as follows:

1917	71,740,362
1918	67,819,139
1919	56,682,445
1920	53,361,575
1921	53,052,441
1922	56,240,048
1923	73,335,170
1924	65,407,186
1925	66,155,424
1926	62,718,746
1927	60,438,441
1928	58,462,507
1929	60,937,600

Most of the silver produced in the United States is derived from base ore—ore valued principally for lead, zinc, and copper. In the treatment of such ores the silver content, in most instances, represents the operating profit. In 1927 the following tonnages of silver-bearing base ores were treated:

Lead ore, 2,004,729 tons; value in gold and silver, $4.89 per ton.

Zinc ore, 452,490 tons; value in gold and silver, $2.18 per ton.

Lead-zinc ore, 3,134,942 tons; value in gold and silver, $2.99 per ton.

Copper-lead-zinc ore, 418,601 tons; value in gold and silver, $2.18 per ton.

From the above data it is thus seen that the present low price of silver has not only caused the closing down of silver mines of the United States but it has brought about the closing down of lead, lead-zinc, and other base metals mines. The present low price of silver has thus affected thousands of workmen and their families at many points throughout the West. The unemployment has affected other industries in an ever-widening circle which will in its turn affect industry in the East. This problem thus presents itself to me as a national problem, one deserving of my attention because I am a Member of Congress, because I represent one of the important silver-producing States of the Union, and because indirectly I happen to be in intimate touch with mining conditions throughout the entire West. I am interested in anything affecting mining, anything that tends to disrupt this important industry, anything that has such an important bearing upon so many scattered communities, communities which are considered at the present time as only affected temporarily but which, if the silver industry is not protected by an adequate tariff, will be affected permanently, if not entirely abandoned.

I know of one mine in particular, treating 300 tons of ore per day, in which each ton of ore contains but 3 ounces of silver. From the silver content of this ore is derived the only profit of the mine—the cost of mining, crushing, treatment, and general

expenses is all absorbed by the lead-zinc content of the ore leaving the value of the silver as the only profit.

The following editorial, which was clipped from the Carson City News, Carson City, Nev., under date of April 15, sums up the situation as it affects my State much better than I could myself. I quote:

If the silver mines of Nevada are to survive and continue production the vast amount of silver produced in Mexico as well as that held by India and China must be barred from the United States.

The item of 30 cents an ounce duty on silver given a place in the tariff bill by the Senate is threatened with elimination by the conference committee with which the final form of the legislation now rests.

Nevada to-day, as never before, needs protection for her silver-mining industry. Unless the duty is retained, the silver mines of this State, as well as of the entire West, will decline and be compelled soon to close.

The President has outlined a program of governmental and business activities designed to increase employment and restore the country to normal prosperity. A duty on silver would have an important effect in that respect in nearly all Western States, says the Age (Las Vegas, Nev.).

India, under the policy adopted by Great Britain, is beginning to dump the vast and unestimated stock of silver held by the people of India on the markets of the world. We can see no advantage should the people of the United States be compelled to buy foreign silver instead of that produced in our own mines.

These are changing times, to be sure. Silver bids fair to become a common commodity like lead or zinc. But Nevada, which has given to the world so many millions of wealth, can not submit tamely to the closing of one of her chief industries, especially at this time when every means of employment should be given encouragement.

It costs money to close down a mine, and it is costly, too, to any mining enterprise to have to lay off for any length of time its personnel of trained men, who quickly desert mining camps and take up residence in cities, thus making it almost impossible for the enterprise to start up again without great expense for the training of men and rebuilding of the community. Silver as a commodity, and it is a commodity, should be treated as such, and the silver industry should be helped and encouraged through suitable tariff to the same extent as we have lent encouragement to other industries brought into competition with foreign labor.

The average wages paid for labor in the mines of the United States producing silver are at least three times the wages paid in similar mines in Mexico. The 8-hour law has not been universally adopted in the mines of Mexico as it has in the mines which are the chief producers of silver in the United States. In many cases, and I may say in most cases, in Mexico the day's labor is 10 hours. The averages paid for labor in the leading mines producing silver in the United States, as shown on page 1 of Bulletin No. 394 of the United States Bureau of Labor Statistics for 1924, is 59.9 cents per hour, or for an 8-hour day $4.79.

It is a well-known fact that wages of miners in the Western States where the metalliferous mines exist were recently increased above this figure by the rise in the price of copper and the wages of miners in lead mines were increased in sympathy, so it is safe to say that the average wage is nearer $5 per day than $4.79. Averages paid for labor in the leading mines producing silver in the other countries exporting to the United States, other than Canada, are $1.21 per day. According to the special report obtained by the Engineering and Mining Journal of January 14, 1928, the average wages paid in Mexico are as follows:

Northern Sonorn, 5.27 pesos daily; Chihuahua, 4; Coahuila, 2.85; State of Mexico, 1.65; and Oaxaca, 1.68. These figures are given in pesos. The peso is the standard silver money of Mexico. Its price varies in accordance with the price of silver. At the present time it is worth in our money about 35 cents. The highest daily wage paid miners in Mexico is in Sonora, which is 5.27 pesos.

No discussion of the silver situation is complete without a consideration of the importations of silver-bearing ores, bullion, and silver in any other form that comes into this country for the purpose of smelting, refining, or export. It is not intended by this silver duty to harm in any way the smelters or refiners, as stated at the outset of these remarks; neither shall the mints be in any way affected by this duty. A reading of the Senate amendment, which follows, clears up any ambiguity on this point. It reads:

PAR. —. Silver-bearing ores, mattes, base bullion, silver dross, reclaimed silver, scrap silver, and all alloys or combinations of silver imported into the United States for the purpose of processing, refining, or minting for export to a foreign country and not for use, sale, or disposition within the United States or any of its possessions, may be imported for such purpose free of duty upon the execution of a bond given in double the amount of the estimated duties that would be charged upon such silver contents so imported if for use, sale, or disposition in the United States, conditioned that such silver contents will not be used, sold, or otherwise disposed of in the United States prior to export therefrom and upon further compliance with such regulations and guaranties as the Secretary of the Treasury may by regulations require.

The price of silver has varied from 61 cents per ounce in 1913 to 54 cents per ounce in 1924, 57 cents per ounce in 1928, exclusive of the high price during the war, and 42.2 cents per ounce to-day.

The bullion value of the silver dollar—371¼ grains of pure silver—at the 10-year average price of silver since 1837 is as follows:

1837	$1.009
1847	1.011
1857	1.046
1867	1.027
1877	0.92958
1887	.75755
1897	.46745
1907	.51164
1917	.69242
1927	.43838
To-day	.3495

This depreciation in price is having a very destructive effect in all countries where silver is used as money. This destructive effect is upon us in America to-day—we can not destroy values in any industry without such destruction having a widespread influence on other industries. This breaking down of the price of silver it simply breaking the silver, lead, and zinc miners of America. When wages are cut the purchasing power of our people is decreased. When mines and mills are closed, purchases of all kinds are curtailed to the very minimum, savings are used up, and the effect is felt from coast to coast in industry of all kinds. [Applause.]

Mr. COLLIER. Mr. Speaker, I would like to know if my good friend from New York, Doctor CROWTHER, wishes to consume some time in support of the motion of the chairman?

Mr. CROWTHER. Do you want to yield me some time?

Mr. COLLIER. Yes.

Mr. CROWTHER. I want to say to the gentleman that the silver people are presenting a very good case, and they deserve to win out.

Mr. COLLIER. That bears out what I have often said, that you can corner the doctor, but you can never get him in a hole. [Laughter.]

Mr. Speaker, I yield two minutes to the gentleman from California [Mr. ENGLEBRIGHT].

The SPEAKER. The gentleman from California is recognized for two minutes.

Mr. ENGLEBRIGHT. Mr. Speaker, ladies and gentlemen of the House: The silver-mining industry of the United States is at the lowest ebb of operation in its entire history. When I say silver-mining industry, I mean by that, mines that are operated chiefly for the silver contents of their ores. At the present time, we are producing in this country about 58,000,000 ounces of silver per year.

Silver, in 1913, sold for 60 cents an ounce. At the present time silver has dropped to 42 cents an ounce; or in other words, from 1913 to the present time the metal has dropped 33⅓ per cent of its former value. This great decrease in price has resulted in the closing of the silver mines in all of the Western States. In some localities the flourishing silver-mining camps which existed a few years ago are now abandoned, and the mining plants and buildings turned into desolate ruins.

Mr. BOWMAN. Mr. Speaker, will the gentleman yield?

Mr. ENGLEBRIGHT. Yes.

Mr. BOWMAN. Would you give to the Members of the House the reason or cause for this depression in the silver business?

Mr. ENGLEBRIGHT. Yes; I will be glad to.

Silver, since 1873, has been recognized as a commodity and is treated as such by the Secretary of the Treasury and by the Secretary of Commerce. According to the index number, every commodity has increased up to the present time, an average of 35½ per cent. Under the pending tariff bill, protection has been given to various commodities of industry which are threatened with competition in foreign production, yet the industry of silver mining under the House rates has been left upon the free list.

We, as a nation, are importing silver into this country at the rate of 114,000,000 ounces per year—77,000,000 ounces from Mexico, 18,000,000 ounces from South America, and the remainder from miscellaneous other countries.

The American miner and the American silver producer are placed in competition with cheap foreign labor and with the advance in price of other commodities. The silver mining operator of this country has reached a point where he no longer can make a profit except in cases where ore values are exceed-

ingly high. The average wage of Mexico and South America for miners of 10 hours per day is $1.21, while the average wage paid to silver miners in the United States is $4.79 per 8-hour day. These figures in themselves indicate the difference in the cost of production of silver in Mexico, South America, and the United States.

India has been the great storehouse and hoarding place of silver for centuries and is now rapidly being placed by the British Government on a gold basis. India is dumping upon the world market her silver at an enormous rate, and in 1929 fed into the silver market of the world 55,000,000 ounces. The whole world production of silver on an average is only 256,000,000 ounces, so that it can readily be understood what the effect is going to be upon the silver market as the result of the British policy in India. The rupee is the circulating medium of India, and they use silver almost exclusively for money. The Government of Great Britain feels that it is to its best interests to have gold as the basis of money in India. Every time a silver rupee is placed in a bank in India it is at once sent to the mint, melted up into bullion, and the silver shipped out of the country. It is placed upon the market of the world without regard to price, and England has placed a duty of 10 cents an ounce to prevent it from being returned to India.

If the silver-mining industry of the United States is to survive and American miners and working men are to be protected from the cheap labor of Mexico and the South American countries, and the industry given an opportunity to live, the Senate rate of 30 cents per ounce must be placed upon silver.

The SPEAKER. The time of the gentleman from California has expired.

Mr. COLLIER. I have not much time remaining, not as much as I thought I had, and most of the time I have yielded has been given to those on the other side. Can the gentleman from Oregon give me a little of his time out of the generosity of his heart?

Mr. HAWLEY. How many speakers have you?

Mr. COLLIER. One.

Mr. HAWLEY. I yield to the gentleman two minutes.

Mr. COLLIER. Mr. Speaker, I yield all the time remaining to me, together with the two minutes generously given to me by the gentleman from Oregon, to the gentleman from Illinois [Mr. HENRY T. RAINEY].

The SPEAKER. The gentleman from Illinois is recognized for three minutes.

Mr. HENRY T. RAINEY. Mr. Speaker and ladies and gentlemen of the House, this proposed tariff on silver is simply tariff run mad. In order to be perfectly consistent with the positions they have taken, I am assuming that the Republican side of this House will find it necessary to vote for a tariff on silver. But no nation in the world ever imposed a tariff on silver.

Mr. LANKFORD of Virginia. Mr. Speaker, will the gentleman yield there?

Mr. HENRY T. RAINEY. Yes.

Mr. LANKFORD of Virginia. Does not India have a tariff on silver of 10 cents to-day?

Mr. HENRY T. RAINEY. I do not know whether she has or not. It was recently imposed, if there is any.

Mr. LANKFORD of Virginia. Recently imposed.

Mr. HENRY T. RAINEY. Well, that is no reason why we should go wrong because India does. Out there in India they are not supposed to have much enlightenment on any subject, and a tariff on silver is consistent with the other policies of the Indian princes and the Indian Parliament. It does not surprise me at all. But it does not constitute any precedent, nor if it did ought we to follow it.

Silver has been a money metal since the dawn of civilization. Silver was the money metal of the world when the shepherds at Bethlehem watched their flocks by night. Christ was betrayed for 30 pieces of silver. Silver is the money metal of one-half the population of the world to-day, and it is a money metal of the United States.

We have increased our supply of circulating coined silver in the last four or five years by $55,000,000. It constitutes all our subsidiary circulation, practically, our circulation of money under $1, and a large part of our dollar circulation consists of silver.

Now, I know of no proposed tariff which will so quickly defeat its objects as this tariff on silver. The cause of the low price of silver is evidently overproduction. It has been stated that silver sold at 62 cents in 1913, but silver sold for 46⅝ cents in 1902, for 50¼ cents in 1910, for 51⅝ cents in 1911, for 47⅝ cents in 1914, and for 46¼ cents in 1915. Therefore, silver has sold at approximately its present price several times in recent years.

Silver is largely a by-product. More than one-half of the world's silver production comes from mines which are operated for their lead, copper, and zinc output. The world must have these basic metals, and as long as they are mined silver will continue to be a by-product. In this country four-fifths of our production of silver comes as a by-product from these other metal industries and is not dependent in any way on the world price for silver.

If the proposed tariff is effective, the result will be a larger stimulation of copper, lead, and zinc mining.

The recent high price of copper resulted in such a large production that copper producers resorted to many methods of holding up the market, but they failed in their efforts, and the collapse in the price of copper followed. Therefore if a tariff on silver will operate still further in the direction of a larger copper output, the result will be more disastrous than the recent collapse in copper.

If the tariff accomplishes what they claim for it, it will quickly defeat itself.

But silver is essentially a money metal and not a commodity. If we increase the price of silver we might compel the users of silver nitrates to import nitrates even at a duty of 25 per cent rather than submit to the 30 cents an ounce increase in the price of domestic silver. This would tend to remove from the United States a very large silver-consuming industry, therefore, in the end if the proposed measure unfortunately accomplishes what is claimed for it, it will again in this particular defeat itself.

We import silver, but we export more silver than we import. In 1924 we exported 55,000,000 ounces of silver more than we imported. Every year from 1924 until the present time our exports have greatly exceeded our imports of silver. In 1928 we exported 31,400,000 ounces of silver more than we imported. Our exports of silver have declined about in proportion as our production of silver has declined. In 1924 we produced 65,400,000 ounces of silver—in 1928 we produced 58,400,000 ounces of new silver.

We always reclaim a large amount of silver and the amount we reclaim has averaged about 8,000,000 ounces to 10,000,000 ounces per year for the last 5 or 6 years.

We consume in the United States every year about one-half of our production of silver, leaving the other half as surplus for export or for stock. The net surplus after export evidently goes largely into increasing our stock of silver for monetary reserve. About one-fifth of our production of virgin silver only is produced from mines which would not be operated except for their silver content and whose operation is dependent upon the price of silver—the other four-fifths is by-product from the treatment of complex ores mined on account of their lead, copper, and zinc content, and the continuance of this production does not depend upon the price of silver.

If we export more silver than we import, it will follow as a matter of course that the price of silver in the United States will depend upon its world price, and the tariff proposed in this bill can have no effect whatever upon its price.

It has been seriously contended that India is dumping silver in this country at the present time, but the United States Department of Commerce, Statement No. 61, which goes back as far as January, 1902, shows no importation whatever of silver bullion from India; but during that period of time we exported to India 320,500,000 ounces of silver. The imposition of this duty, if it is effective, will seriously injure the very large manufacture in this country of silver utensils and silver objects of art.

From no conceivable standpoint can the imposition of this tariff be sustained. The proposal is absurd in the extreme; it is protection run mad; and I can not conceive that the Republican majority in this House will stand for a proposition so preposterous.

The SPEAKER. The gentleman's time has expired.

Mr. HAWLEY. Mr. Speaker, I yield the balance of my time, with the exception of a quarter of a minute to the gentleman from New Jersey [Mr. LEHLBACH].

The SPEAKER. The gentleman from New Jersey [Mr. LEHLBACH] is recognized for five minutes.

Mr. LEHLBACH. Mr. Speaker, if this proposed tariff on silver would do one iota of good to the silver-production industry of this country, there might be reason to give it serious consideration. But it will not. If it has any effect at all, it will be to harm the silver industry of this country. We export more silver than we use in the United States.

Mr. ENGLEBRIGHT. Will the gentleman yield?

Mr. LEHLBACH. I yield.

Mr. ENGLEBRIGHT. Will the gentleman tell us how much we import? Did we not import 114,000,000 ounces per year?

Mr. LEHLBACH. We export over one-half of our own silver production. The balance of it goes into domestic use.

Mr. LEAVITT. Will the gentleman yield?

Mr. LEHLBACH. I yield.

Mr. LEAVITT. Would it not be better to use that in our own industries than to export it?

Mr. LEHLBACH. There is no imported silver to speak of, used in our industries. The great bulk of the silver that is imported is imported for the purpose of refining and is exported again.

Mr. LEAVITT. Would it not be better to refine our own silver rather than silver that is imported from other countries?

Mr. LEHLBACH. But we do refine our own silver and a lot of other silver as well. Do you want to take this extra opportunity for employment in refining foreign silver away from us, when it will do nobody any good?

Mr. LEAVITT. I do not. I want to aid the employment of American miners in American mines instead of Mexican miners in Mexican mines.

Mr. LEHLBACH. The price of a commodity that is used throughout the world, and the greater portion of its production in this country is exported, will not be enhanced to its American producers by a tariff duty. This proposition we have heard reiterated countless times in the course of this debate. Thus the proposed duty on silver would not result in higher prices to the miner. But assuming it did, what would be the result? It would make the cost of manufacture of silverware and commercial articles into which silver enters so high that we could not compete with the foreigners, and the market which the silver producers now have in this country, the silversmiths and the silver manufacturers would be depressed and decreased. With this cut in the demand the price would necessarily fall, and the silver miner would be worse off than before. The silver people have to be saved from their own folly in bringing forward this fallacy.

Another proposition is that silver in India, in China, and in Mexico is used as a medium of exchange, and their currency is based on it.

Mr. LEAVITT. Will the gentleman yield?

Mr. LEHLBACH. I only have one minute remaining.

When they buy our manufactures in China they pay in their money, and their money comes in not as coin but as a commodity. It is worth exactly what the silver in it is worth, and if you place a duty on it you decrease the purchasing power of China and Mexico and India of the manufactures and farm products of the United States.

Furthermore, you depreciate the currency of silver countries when you make their money worth less at the ports of this country, thereby depreciating the cost of production of those countries and increasing the competition of the cheapest kind of pauper labor with American manufacture.

This proposition has no merit whatsoever, and as I stated before, it is up to this House to save the deluded silver miners from themselves. [Applause.]

The SPEAKER. The time of the gentleman from New Jersey [Mr. LEHLBACH] has expired.

Mr. HAWLEY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Nevada [Mr. ARENTZ] to recede and concur in the Senate amendments.

The question was taken; and on a division (demanded by Mr. ARENTZ) there were—ayes 72, noes 202.

So the motion to recede and concur in the Senate amendments was rejected.

Mr. HASTINGS. Mr. Speaker, what becomes of the motion of the gentleman from Oregon [Mr. HAWLEY]?

The SPEAKER. The Chair will state that it was not necessary to put the motion of the gentleman from Oregon, as the motion to recede and concur having been defeated, that is tantamount to agreeing to a motion to further insist.

On motion of Mr. HAWLEY, a motion to reconsider the vote by which the motion to recede and concur was rejected was laid on the table.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 369: Page 122, strike out all of lines 11, 12, 13, 14, and 15, being the language:

"PAR. 401. (a) Logs of fir, spruce, cedar, or western hemlock, $1 per thousand feet board measure, except that such logs imported to be used in the manufacture of wood pulp shall be exempt from duty under regulations prescribed by the Secretary of the Treasury."

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that amendments 369, 370, 371, 372, 373, 376, 1035, 1091, 1092, 1093, and 1095 be considered together for the purpose of debate, as they all relate to the subject of lumber or shingles, and that the time be limited to two hours, one half to be controlled by the gentleman from Mississippi [Mr. COLLIER] and the other half by myself.

The amendments referred to are as follows:

Amendment 370: Page 122, line 16, strike out lines 16, 17, and 18, being the language:

"(b) Cedar, except Spanish cedar: Boards, planks, deals, laths, siding, clapboards, ceiling, flooring, ship timber, and other lumber and timber, 25 per cent ad valorem."

Amendment 371: Page 122, line 19, add a new paragraph reading as follows:

"PAR. 401. Timber hewn, sided, or squared, otherwise than by sawing, and round timber used for spars or in building wharves; sawed lumber and timber not specially provided for; all the foregoing, if of fir, spruce, pine, hemlock, or larch; railroad ties, and telephone, telegraph, trolley, and electric-light poles of any wood; all the foregoing, $1.50 per thousand feet board measure, and in estimating board measure for the purposes of this paragraph no deduction shall be made on account of planing, tonguing, and grooving: *Provided*, That there shall be exempted from such duty boards, planks and deals of fir, spruce, pine, hemlock or larch, in the rough or not further manufactured than planed or dressed on one side, when imported from a country contiguous to the continental United States, which country admits free of duty similar lumber imported from the United States."

Amendment 372: Page 123, line 9, strike out lines 9, 10, 11, and 12 and insert in lieu thereof the following:

"PAR. 402. Maple (except Japanese maple), birch, and beech: Flooring, 8 per cent ad valorem."

Amendment No. 373: Page 123, line 15, strike out lines 15 and 16, being the language:

"PAR. 403. Shingles of wood, 25 per cent ad valorem."

Amendment No. 376: Page 123, line 25, strike out line 25, and on page 124, lines 1 and 2 down to and including the word "timber" and insert the following: "and Japanese maple: In the form of sawed boards, planks, deals, and all other forms not further manufactured than sawed, and flooring, 15 per cent ad valorem."

Amendment 1035: Page 283, line 5, insert the following language:

"PAR. 1764. Shingles of wood."

Amendment 1091: Page 290, line 10, strike out all of lines 10, 11, 12, 13, 14, 15, 16, 17, and 18 and insert the following:

"Wood: (1) Timber hewn, sided, or squared, otherwise than by sawing, and round timber used for spars or in building wharves; sawed lumber and timber, not further manufactured than planed, and tongued and grooved; all the foregoing not specially provided for: *Provided*, That if there is imported into the United States any of the foregoing lumber, planed on one or more sides and tongued and grooved, manufactured in or exported from any country, dependency, province, or other subdivision of government which imposes a duty upon such lumber exported from the United States, the President may enter into negotiations with such country, dependency, province, or other subdivision of government to secure the removal of such duty, and if such duty is not removed he may by proclamation declare such failure of negotiations, and in such proclamation shall state the facts upon which his action is taken, together with the rates imposed, and make declaration that like and equal rates shall be forthwith imposed as hereinafter provided; whereupon, and until such duty is removed, there shall be levied, collected, and paid upon such lumber, when imported directly or indirectly from such country, dependency, province, or other subdivision of government, a duty equal to the duty imposed by such country dependency, province, or other subdivision of government upon such lumber imported from the United States."

Amendment 1092: Page 291, line 20, strike out the words "There shall," in line 20, and all of lines 21, 22, and 23, being the language:

"There shall not be classified under this paragraph any form of cedar or of any wood enumerated in paragraph 402 or 405, except maple and birch logs."

Amendment 1093: Page 291, line 24, insert a new paragraph, to read as follows:

"(2) Logs; timber, round, unmanufactured; pulp woods; firewood, handle bolts, shingle bolts; gun blocks for gunstocks, rough hewn or sawed or planed on one side; and laths; all the foregoing not specially provided for."

Amendment 1095: Page 292, after the word "Posts," strike out the following: "railrond ties and telephone, trolley, electric light, and telegraph poles."

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] asks unanimous consent that amendments 369, 370, 371, 372, 373, 376, 1035, 1091, 1092, 1093, and 1095 be considered together for the purpose of debate, and that the time be limited to two hours, one half to be controlled by the gentleman from Oregon [Mr. HAWLEY] and the other half by the gentleman from Mississippi [Mr. COLLIER]. Is there objection?

Mr. RAMSEYER. Mr. Speaker, reserving the right to object—and I may object—this is a problem that peculiarly interests the Middle West, and the division of time under unanimous consent proposed by the gentleman from Oregon [Mr. HAWLEY] will be controlled by the South and the far West. I think there should be a different division of time. There are a few of

us from the Middle West who want to be heard on this proposition, and we want to be heard in our own time and have control of such time as the House sees fit to give us.

I hope the gentleman from Oregon [Mr. HAWLEY] will suggest some other arrangement for controlling the time.

Mr. CRISP. Will the gentleman yield?

Mr. RAMSEYER. I yield.

Mr. CRISP. Has it ever been the practice of this House in dividing time to take into consideration the geographical sections of the country in determining who is to control the time?

Mr. RAMSEYER. In dividing time the House usually meets the peculiar situation that exists at the time. There is no hard and fast practice in allotting time. I do not know what the attitude of the gentleman from Mississippi is on these amendments. He may be for some and against some, or for all or against all. I am for practically all of the Senate amendments, and I think that side ought to have full opportunity to be heard. The practice of the House in dividing time is to divide it equally between those who are in favor of and those who are opposed to a proposition and it is not always divided on party lines.

Mr. COLLIER. Mr. Speaker, reserving the right to object—which I shall not—I wish to state that I think perhaps I can obviate the geographical objection which the gentleman from Iowa has brought forward. I will state first, though, that I am against any tariff on lumber, if the gentleman wants to know what my position is. [Applause.] However, I want the gentleman from Oregon to change his request, and strike out the words "Mr. COLLIER" in his request and insert the words "Mr. RAINEY." I want the unanimous-consent request of the gentleman from Oregon to read that all the time on the minority side on the lumber schedule shall be controlled by and in charge of the gentleman from Illinois [Mr. RAINEY]; and as he is from the great Middle West, that may obviate the difficulty which is now confronting the gentleman from Iowa.

Mr. RAMSEYER. Mr. Speaker, further reserving the right to object, it might clarify matters if the gentleman from Oregon [Mr. HAWLEY], in charge of the bill, would at this time indicate the motions he intends to make on each of the amendments. Then we will know better just what the issues are and what length of time may be required.

Mr. HAWLEY. If the unanimous-consent request just preferred is granted, I will then ask that amendment No. 371, the Senate amendment imposing a duty on lumber, be taken up first and voted on first; that amendment No. 373, the amendment relating to shingles, be voted on second; and that the rest of the amendments in the lumber paragraph be disagreed to and sent back to conference.

Mr. RAMSEYER. Then do I understand that on amendment No. 369 the gentleman from Oregon proposes to make a motion to nonconcur?

Mr. HAWLEY. Yes.

Mr. RAMSEYER. And on amendment No. 372 a motion to nonconcur?

Mr. HAWLEY. Yes; the same motion.

Mr. RAMSEYER. On amendment No. 371 a motion to concur?

Mr. HAWLEY. With an amendment.

Mr. RAMSEYER. What amendment?

Mr. HAWLEY. Making the duty 75 cents a thousand instead of $1.50, and striking out the words "railroad ties and telephone, telegraph, trolley, and electric-light poles."

Mr. RAMSEYER. We are progressing and getting enlightenment. On amendment No. 372 there is simply a difference between the House rate and the Senate rate?

Mr. HAWLEY. Yes.

Mr. RAMSEYER. On the shingle amendment, No. 373——

Mr. HAWLEY. On that I propose to recede and concur in the Senate amendment, with an amendment making the rate 15 per cent instead of 25 per cent.

Mr. RAMSEYER. On Senate amendment No. 1035 I presume the gentleman intends to move to nonconcur?

Mr. HAWLEY. On all the others, except the two I have mentioned, on lumber and shingles, I intend to move to nonconcur and send them back to conference, and to be considered in view of the action taken by the House on amendments No. 371 and No. 373.

Mr. RAMSEYER. That, of course, presents as intense and as vital an issue as could be presented here to-day, and I think we ought to have more debate. I will tell the gentleman from Oregon and the House that two of us on this side would, together, like to have 45 minutes. In view of the attitude of the gentleman from Oregon, which probably will be the attitude of the majority of the House, if the gentleman from Oregon will modify his unanimous-consent request so that we can get time to present our views, I shall not object. The idea is that when we get through with the debate we will take up one amendment right after the other and vote on them.

Mr. HAWLEY. May I ask the gentleman a question?

Mr. RAMSEYER. Certainly.

Mr. HAWLEY. It has been my intention, as stated yesterday, if the hour were conceded to this side, to reserve half of it for the duty on lumber and shingles and to give the other half of it to the gentleman from Iowa and one or two others, who are opposed to these duties, on this side of the aisle.

This is an equal division of the time. In view of the statement made by the gentleman from Mississippi [Mr. COLLIER] that all the time on that side of the aisle will be controlled by some one opposed to the duties, would the gentleman not be satisfied if he could obtain 15 minutes from the other side?

Mr. RAMSEYER. If we can have that agreement and the gentleman from Oregon will yield the time—I hope I am not immodest when I say to myself—and the gentleman from Illinois [Mr. RAINEY] will yield me 15 minutes——

Mr. HAWLEY. I would like to have it understood that the gentleman from Massachusetts [Mr. TREADWAY] is to have five minutes on the opposition side. I understood the gentleman from Mississippi to say a moment ago that the time on his side would be in the control of the gentleman from Illinois [Mr. RAINEY], who is opposed to the duty.

Mr. COLLIER. Yes.

Mr. HAWLEY. Would the gentleman be willing to yield 15 minutes to the gentleman from Iowa [Mr. RAMSEYER]?

Mr. COLLIER. I would be willing to yield any amount of time to the gentleman from Iowa provided it meets with the approval of the gentleman from Illinois. I have turned over all the time to him and I have nothing more to do with it.

Mr. HENRY T. RAINEY. I will be pleased to yield the gentleman five minutes.

Mr. TILSON. Would the gentleman from Illinois object to adding 15 minutes to the total amount of time and put it in the control of the gentleman from Iowa?

Mr. HENRY T. RAINEY. I would be willing to have that done. Does the gentleman mean 15 minutes on a side?

Mr. TILSON. No; instead of the gentleman yielding any of his time, let us add 15 minutes to the total amount of time and put it at the disposal of the gentleman from Iowa.

Mr. HENRY T. RAINEY. I am willing to do that.

The SPEAKER. The Chair understands that the request of the gentleman from Oregon now is that the two hours of time be equally controlled by himself and the gentleman from Illinois, and that the additional 15 minutes be given to the gentleman from Iowa [Mr. RAMSEYER].

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that the time be limited to 2 hours and 15 minutes, 1 hour to be controlled by the gentleman from Illinois [Mr. RAINEY] and 1 hour and 15 minutes by myself, with the understanding that I will yield 45 minutes to the opposition on this side; the extra 15 minutes to go to the gentleman from Iowa [Mr. RAMSEYER].

The SPEAKER. The gentleman from Oregon asks unanimous consent that debate on the amendments be limited to 2 hours and 15 minutes, 1 hour to be controlled by the gentleman from Illinois, 1 hour and 15 minutes by the gentleman from Oregon, with the understanding that the additional 15 minutes will be yielded to the gentleman from Iowa [Mr. RAMSEYER] by the gentleman from Oregon. Is there objection?

There was no objection.

Mr. HAWLEY. Mr. Speaker, I present the following motion on amendments 371 and 373.

Mr. RAMSEYER. Mr. Speaker, a point of order——

The SPEAKER. The Chair does not think that motion is in order at this time unless consent is given to take the amendments up out of order.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that, at the conclusion of the debate, we vote on amendment 371 first and follow that by a vote on 373.

The SPEAKER. What disposition does the gentleman intend to make of amendments 369, 370, and 372?

Mr. HAWLEY. I will then ask unanimous consent that all the other amendments be disagreed to and returned to conference.

The SPEAKER. The gentleman from Oregon asks unanimous consent that the vote first be taken on amendment 371, and, second, on 373, and states he will then offer a motion with regard to the rest of the amendments.

Mr. CHINDBLOM. And then take up the remaining amendments in order?

The SPEAKER. The gentleman also asks unanimous consent that the House insist on its disagreement to the remaining amendments regarding wood.

Mr. CHINDBLOM. The gentleman is not now asking for a disagreement. I understand he is asking that a vote be taken first on amendment No. 371 and then on No. 373 and then upon the remaining amendments in order. Then he may make whatever motion he likes.

Mr. RAMSEYER. Mr. Speaker, reserving the right to object, I think we can expedite this matter. The logical way to take this up is, first, beginning with logs, and for the present at least I shall object to any unanimous-consent request to take a vote on these various items in any other order except as they appear in the conference report.

The SPEAKER. As the Chair understands, the request of the gentleman from Oregon is only to take up out of order amendments Nos. 371 and 373 and that the others be voted on in their order.

Mr. RAMSEYER. For the present I object to any unanimous-consent request to consider any of them out of their order.

The SPEAKER. Does the gentleman from Iowa object to amendment No. 371 being taken up out of its order?

Mr. RAMSEYER. Yes; Mr. Speaker, I object.

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent that the chairman of the committee may now present his proposed amendments or his proposed action upon amendments Nos. 371 and 373 for information.

The SPEAKER. The Clerk will read the amendments proposed by the gentleman from Oregon, which will be considered as pending.

The Clerk read as follows:

Amendment by Mr. HAWLEY: Amendment No. 371: Mr. HAWLEY moves that the House recede and concur in the Senate amendment No. 371 with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"PAR. 401. Timber, hewn, sided or squared, otherwise than by sawing, and round timber, used for spars or in building wharves; sawed lumber and timber not specially provided for; all the foregoing if of fir, spruce, pine, hemlock, or larch, 75 cents per thousand feet, board measure, and in estimating board measure for the purposes of this paragraph no deduction shall be made on account of planing, tonguing, and grooving: *Provided*, That there shall be exempted from such duty boards, planks, and deals of fir, spruce, pine, hemlock, or larch, in the rough or not further manufactured than planed or dressed on one side when imported from a country contiguous to the continental United States, which country admits free of duty similar lumber imported from the United States."

Mr. RAMSEYER. Reserving the right to object, was this read for information or is it being offered?

The SPEAKER. The Chair thinks that under the circumstances debate should take place before the amendments are offered. While it is true that consent was refused to vote on amendment 371 first, the Chair thinks it would be proper to consider the amendments having been offered and a motion to amend would be in order.

Mr. COLLIER. Mr. Speaker, I would like to ask the gentleman from Oregon a question. Boiled down your amendment simply does this: Where the duty on lumber is $1.50 you put it at 75 cents and your amendment cuts out the duty placed on railroad ties and telephone, telegraph, and electric light, and other poles?

Mr. HAWLEY. Yes.

Mr. HENRY T. RAINEY. Mr. Speaker, I move that the House recede and concur in Senate amendments 369, 370, and 373.

The SPEAKER. The gentleman from Illinois moves to recede and concur in Senate amendments 369, 370, and 373.

Mr. HENRY T. RAINEY. And I move that the House insist on its disagreement to amendment 371.

Mr. RAMSEYER. Will the gentleman yield to me?

Mr. HENRY T. RAINEY. Yes.

Mr. RAMSEYER. If the gentleman is offering an amendment to concur, why does he not move to concur in Senate amendments 1035, 1091, 1092, 1093, and 1095?

Mr. HENRY T. RAINEY. That will follow as a matter of course.

Mr. RAMSEYER. The Speaker has indicated that the motions ought to be made now.

Mr. HENRY T. RAINEY. Then I will include that in my motion.

The SPEAKER. The Chair is inclined to think, on reflection, that perhaps the best method in this particular case is to debate the amendments en bloc and after debate is over for the various motions to be made, and, of course, no debate would be had following the motions.

Mr. RAMSEYER. The motions will be made as the Senate amendments are called up?

The SPEAKER. Yes; except by unanimous consent.

Mr. CHINDBLOM. Then, Mr. Speaker, I renew my request that the several motions be made now for the information of the House.

The SPEAKER. The Chair thinks that that might defeat the purpose the Chair is trying to accomplish.

Mr. CRISP. I object to that request, Mr. Speaker. I think the way the Speaker has outlined it is the best way out of this complicated case.

The SPEAKER. The Chair will state without objection that debate upon these various amendments will cover all the amendments, that it be limited to 2 hours and 15 minutes, 1 hour to be controlled by the gentleman from Illinois [Mr. RAINEY], and 1 hour and 15 minutes by the gentleman from Oregon, with the understanding that he yield 15 minutes to the gentleman from Iowa [Mr. RAMSEYER]; after which time the various motions will be offered.

Mr. HAWLEY. Mr. Speaker, when this matter came up, in reply to inquiries by the gentleman from Iowa, I stated that I would call up for vote amendments 371 and 373, and we would have debate on them, and agreed to the proposal that we have 2 hours and 15 minutes' debate, which would be 135 minutes. We only reserved to those who were favorable to the proposition of a duty on lumber and shingles 30 minutes, and by this refusal to consider them the opponents have 105 minutes, which is manifestly unfair.

Mr. CRISP. Mr. Speaker, may I say to the gentleman from Oregon that we have no disposition whatever to limit debate. We are willing to extend the time so as to give the gentleman all of the time that he desires.

The SPEAKER. Is there objection to the request the Chair just made, with the understanding that it was the original request of the gentleman from Oregon?

Mr. WINGO. Mr. Speaker, reserving the right to object, as I understand it, and possibly the interpretation of the gentleman from Oregon will be different, his suggestion is that we vote on two of these amendments together.

The SPEAKER. Objection was made to that.

Mr. HAWLEY. We would debate them together but vote on them separately.

Mr. WINGO. That is the point. I want to vote separately on some of these amendments.

The SPEAKER. This is only as to the question of debate.

Mr. WINGO. The gentleman said that he would agree to that, with the understanding that they would vote on 371 and 373 first. I do not care when they vote on them, just so long as there is a separate vote on 371 and 373. That is the point that I had in mind.

The SPEAKER. Is there objection?

Mr. RAMSEYER. Mr. Speaker, I do not know just what the request is.

The SPEAKER. The Chair will state again his understanding and ask if there is objection—that the debate on these amendments be limited to 2 hours and 15 minutes, that debate to cover all of the amendments in their order; that one hour of the time be controlled by the gentleman from Illinois [Mr. RAINEY] and one hour and a quarter by the gentleman from Oregon [Mr. HAWLEY], with the understanding that he will grant 15 minutes to the gentleman from Iowa [Mr. RAMSEYER], after which time the amendments may come in their proper order or in any order that the House may determine, but that there shall be no debate on these motions when made. The debate is to cover the merits of the whole proposition.

Mr. HAWLEY. Mr. Speaker, reserving the right to object, when I made that suggestion it was in view of having votes on 371, the lumber paragraph, and 373, the shingles paragraph, at first, at the conclusion of the debate. There will be under the arrangement of 60 minutes on the other side of the aisle against the proposition, 45 minutes on this side against these two items, and 30 minutes in favor of them. Now, take only 30 minutes allotted in favor and 105 minutes to the opposition makes a nullification of any opportunity to present the case, and it seems to me manifestly unfair.

Mr. CRISP. Mr. Speaker, I do not get the logic of the gentleman's position. As I understand, the sole thing we are considering now is to how much debate we shall have on all the amendments dealing with lumber and shingles, and the agreement was, when the time was agreed upon, that gentlemen who were recognized would debate any of the amendments dealing with all of this subject matter. Therefore, when the gentleman asks for an hour on this side and an hour for himself and 15 minutes for the gentleman from Iowa, I can not conceive how which amendment you vote on first has anything to do with the time that you are willing to devote to debate on all of them.

Mr. HAWLEY. It was my understanding that the proposal was to have two hours for general debate—and that was changed to 2 hours and 15 minutes—on amendments 371 and 373, and that when we disposed of them we were to take up the other amendments.

Mr. CRISP. And accord additional time for debate upon them?

Mr. HAWLEY. If the House would not agree to send the other amendments to conference without discussion, then they could be taken up and discussed and voted on subsequently, but these two are the key amendments in the proposition.

Mr. CRISP. If the gentleman's idea was to have the two hours of debate for those with a subsequent understanding that there should be additional debate on the others, of course, that presents a different proposition, but I thought the proposition was that the 2 hours and 15 minutes debate was to be on all amendments dealing with the subject of wood.

Mr. HAWLEY. I said, if I remember correctly, that after 371 and 373 were disposed of I would then ask unanimous consent that the others be disagreed to and sent to conference, but that any Member could prevent that by an objection, so that no right of the House would be impaired.

Mr. CRISP. Is it the intention of the gentleman that debate shall be extended on the other amendments?

Mr. HAWLEY. It is for the House to decide. I am willing to send them to conference, to work them out in conference, but if the House desires to vote on them now, that could be done under the proposal I have submitted.

Mr. CRISP. Personally I shall not object to any plan the gentleman wishes, but the understanding was for 2 hours and 15 minutes to embrace all of them.

Mr. RAMSEYER. Why not ask for a half hour more? I think those in favor of the duty are entitled to as much time as those opposed to it.

Mr. SABATH. Mr. Speaker, in view of the statements that have been made I feel that there should be an arrangement made by which these six other amendments would be explained, say, for five minutes on a side. I recognize that the Ways and Means Committee is familiar with each and every amendment, but I venture to say that a great majority of the Members of the House do not quite comprehend all of the other amendments, outside of amendments 371 and 373, and when we reach the other amendments I think the chairman owes it to the House to explain at least to the extent of five minutes what each and every amendment is, and especially in view of the fact that we will have a separate vote on them.

Mr. HAWLEY. This proposition can be easily solved if the opposition would agree to take up 371 and 373 first and debate on and decide them now and then take the others up afterwards.

Mr. RAMSEYER. I think that is not the logical way. My objection to the gentleman's suggestion that we take up first Senate amendments 371 and 373—371 is the Senate amendment on hewn logs and sawed lumber, and so forth.

Senate amendment No. 371 is an amendment on hewn timber and one thing and another. I stated that I did not think that is a logical order in which to proceed. We ought to take up No. 369, which is logs. Then the other, No. 370, is cedar lumber; then the next, No. 371, is the Jones amendment. That is my reason for objecting a while ago to considering the amendment on timber and telephone poles and shingles and then going back to your logs. I think I shall continue to object to requests of that kind.

Mr. BANKHEAD. Mr. Speaker, in view of the statement just made by the gentleman from Oregon [Mr. HAWLEY], I imagine it is his purpose to object to a unanimous-consent arrangement, for the reason that it does not now appear to the gentleman that it will carry out his original intention as to fairness in the distribution of time. I demand the regular order.

Mr. RAMSEYER. Mr. Speaker, I think the request for unanimous consent has been agreed to, but I ask that the time already allotted to the gentleman from Oregon be increased by 30 minutes. I make this further suggestion that as each amendment is proposed, 10 minutes on a side, for and against the amendment, be allowed.

Mr. HAWLEY. What amendment?

Mr. RAMSEYER. All the amendments. First, we closed general debate. My request goes to the giving to the gentleman from Oregon 30 additional minutes. Then I suggest that as section 369 comes first, 10 minutes on a side be allowed on that particular amendment, or 5 minutes, to comply with the suggestion of the gentleman from Illinois [Mr. SABATH].

Mr. HENRY T. RAINEY. Reserving the right to object, Mr. Speaker, I understood the gentleman's proposition is now to give the gentleman from Oregon 1 hour and 45 minutes and this side 1 hour. I do not think that would be fair.

Mr. RAMSEYER. What part of the hour does the gentleman intend to use on free lumber and logs? Does the gentleman propose to divide his time?

Mr. HENRY T. RAINEY. I do not know how it will be divided, but I will yield to everybody on this side, for or against it.

Mr. RAMSEYER. The suggestion was that the gentleman from Illinois should have an hour and I have 45 minutes, and the gentleman from Oregon half an hour. I do not think that would be fair. My suggestion goes on the assumption that the gentleman from Illinois is going to use his time for free logs and free lumber, and I ask that the gentleman from Oregon be given 30 minutes additional.

Mr. HENRY T. RAINEY. I will yield to gentlemen, for or against free logs on this side.

Mr. BANKHEAD. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order has been changed very much by recent developments. Has the gentleman from Oregon a proposition to make?

Mr. HAWLEY. I ask unanimous consent that debate on all the items in dispute in this schedule be limited to two hours and a half; that one hour be given to the gentleman from Illinois [Mr. HENRY T. RAINEY], one-half hour given to the gentleman from Iowa [Mr. RAMSEYER], and one hour given to myself.

The SPEAKER. The gentleman from Oregon asks unanimous consent that in the debate on all the wood items the time be limited to two hours and a half; one hour to be controlled by the gentleman from Illinois, one hour by the gentleman from Oregon himself, and one-half hour by the gentleman from Iowa. Is there objection?

There was no objection.

Mr. HAWLEY. Mr. Speaker, I move that the House further insist on its disagreement to Senate amendment 369.

The SPEAKER. That comes after the debate is over.

Mr. HAWLEY. I understood the Speaker to say it should be before.

The SPEAKER. That is not in accordance with the general order.

Mr. HAWLEY. I yield 10 minutes to the gentleman from Washington [Mr. JOHNSON].

The SPEAKER. The gentleman from Washington is recognized for 10 minutes.

Mr. JOHNSON of Washington. Mr. Speaker and Members of the House, it must be apparent to all, from the difficulties just experienced in the efforts to fairly divide the time for and against these several items in the wood schedule—four or more—that we have not received a fair division for the reason that one schedule involves more or less another. The first schedule to be considered, if the order is to be strictly followed, is that in the paragraph with regard to the duty on logs. This tariff, in my opinion, is important, in that it carries out the fundamental principle of the protective tariff system. We have a log tariff now under certain conditions. I favor the continuance of that duty. To vote for Chairman HAWLEY's motion will be to keep that small tariff. But, Mr. Speaker, the lumber manufacturers of Puget Sound import a very small percentage of duty-paying logs from British Columbia, not over 2 per cent, according to the statement of Mr. Ripley, of the Wheeler-Osgood Co., Tacoma, page 2685 of the House hearings, January 17, 1929. He says that this importation does not in any way disturb the log market or affect log prices in Washington. So to vote for the $1 log tariff should not disturb anyone, even though this particular item is more peculiarly a State-of-Washington matter than other items in the wood schedule, for the South, the Gulf States, and the Atlantic States have vital interests in the others.

But the question of a log tariff is up; it must be voted on. Some economists would treat the log as a raw material. But it is not, strictly speaking. The felling of the log in the woods, the trimming of it, the cutting of it into lengths, and the carrying of it to the market all involve labor cost, all of which must be added to the original cost of the timber. Now, the original tree in the forest has costs, too—taxes, fire protection, and all that. It is not a free gift.

The question of the tariff on the log is as old as the question of the tariff on the hide, that makes the leather, that makes the saddles and the shoes. We have all heard the arguments for tariffs on hides, combined with the arguments by the same people for no tariff on leather. Well, that will not work, and we have those out in the Pacific Northwest who argue for free logs and ask for a tariff on the manufactured lumber. Each and all of you have received dozens and dozens of letters along that line. But please do not let those letters confuse the situation. The manufacturers need the protection badly, as we hope to show.

We feel that even the small tariff of 75 cents a thousand feet on lumber is vitally necessary because of the seriously depressed condition of the lumber industry, the lower-cost foreign competition, the impending heavy increase in lumber imports from Russia, and the necessity of maintaining continuity of employment of labor in localities where no other employment is available.

In this connection I call attention to the letter of the National Lumber Manufacturers' Association of April 28 and their resolutions, which I can only mention but will append. They call attention to the fact that lumber manufacture is the third greatest industry; to the lower costs of production in both Canada and Russia, and to our restrictions under coastwise shipping laws. Gentlemen, our costs and handicaps are considerably greater, all of the charts and tables that will be presented to the contrary notwithstanding.

You will be shown a lot of charts and tables in an effort to make you believe that on the United States side of the line, in the Pacific Northwest, we are giants and that our Canadian competitors are mere pigmies. Well, competitive conditions are somewhat the same, except that there is a very much larger population in western Washington than there is in British Columbia. We have 10 big mills for every 2 over the line. British Columbia, everything else being equal, would like to keep its logs at home and have them manufactured there into lumber, and then send that lumber into the great markets of the United States without any duty. So Canada checks the export of logs by an export duty. Canada wants more big mills, and can only maintain them if she can enjoy the benefits of our great market without a tariff. That is why this great fight. That is why this great Canadian-abetted lobby has been maintained here in Washington for months and months, working day and night. That is why there has been more mail sent to all the Members on this item than on any other 10 items in the whole tariff bill. I will state it more simply. To me it is clear that those who are making this fight for free importation of these items in the log and lumber industry are those who have got their bread buttered on the wrong side—American capital invested in Canada to the extent of almost $500,000,000.

Once they are there with that capital, how fine for them if they can have a free market in the United States, with its 120,000,000 people. Uncle Sam is their Santa Claus.

Do not delude yourselves, you Members from the big agricultural districts. Your constituents will get neither lumber nor shingles 1 cent cheaper. Free trade all these years has about put the Pacific Northwest out of competition in your localities. You lose. We lose. We must go more and more into the foreign-cargo business, and from the charts hanging out there in the Speaker's corridor, that Iowa and Minnesota even begrudge us that great and increasing export business. But not so—not Minnesota and Iowa—but Americans with interests in Canada making a big noise by way of the upper Mississippi Valley. For these investors in Canada it is a practical proposition. Their investment is over in Canada. Their market is over here in the United States. Canada has 10,000,000 people; we have more than 120,000,000. Why, it is better than reciprocity. It is the whole works, with none of the drawbacks or offsets.

How would it be if four or five hundred million dollars of American capital should go up north of Minnesota or north of Wisconsin, into Canada and organize a great dairy industry for the making of butter, cheese, dried milk, and fresh milk, and once having that organization and the industry building and advancing, then organize great propaganda to demand the free import of that product into the United States?

What would Wisconsin say? What would Minnesota say? What would the Dakotas say? Locate it across from Buffalo and what would New York say? They would protest just as all of us on both sides of the aisle now protest when we hear that Henry Ford has gone to Ireland to make automobiles and parts to send back here, or when we hear that some great Chicago department-store industry has gone to Japan and set up American machinery there to make shirts and caps and other articles to send back to this country, made with that cheaper outside labor. And the Shevlins, the Carpenters, the Bloedels, and others with their money invested in Canada have actually asked our Pacific Northwest manufacturers of lumber to write the letters they have sent to all of you asking for free logs to butter their Canadian bread for them. What do they care if the Washington and Oregon manufacturers jeopardize their chances for a tariff on manufactured lumber? Can not the lumber then come in free? They can not lose. Our American citizens, owners, workers, taxpayers can lose, and if they do lose they should know that they have been cat's-paws and nothing else.

You have read the charts out in the hall. You noticed that they called attention to the great exports from the State of Washington—Japan, China, Australia, South America, and to other foreign countries—as compared with similar exports to these foreign countries from Canada. They ask why. They print on their Canadian-inspired charts that our costs are less. That is not the reason. The true answer is simple. In Washington and Oregon we have many times the population of British Columbia; many times the number of mills. Our industry is older.

In the hard competition, the North Pacific has lost more and more of the Middle West market. It has been driven more and more into the great world competition. Having more mills, more men, and more necessity, we have earned foreign business. Do they begrudge us that? It seems so. The fight has become so personal, so bitter that they want us to starve to death.

Mr. Speaker, it is stated on these charts that inasmuch as Canada is one of our best buyers, we should be "open house" for Canada—that open house for lumber, but not for anything else. They say Canada will retaliate. Why Canada has lumber tariffs now, and every other kind of tariff that she can put on against the United States. My friends, I am firmly of the belief that the great trouble with Canada is that while that friendly neighbor of ours has tried its best to carry its protective tariff laws as far as it can, Canada, by being required to hold free-trade relation with its mother country, England, can not get well under way as a manufacturing country. Year by year Canada will grow in general manufacturing; will grow away from free trade with England, and will compete more and more with United States manufactures. That being the case, I think it is our right to try to keep the lumber and all other industries on this side of the line. In the district in which I live, and which I have the honor to represent, in the last 15 years hundreds of shingle mills have gone down and out. As many have opened up in Canada. In the little city where I live, a little city of 14,000 people, there are to-day hundreds of heads of families who have had no work since Christmas. And the mills are still shutting down. Overproduction, loss of markets, collapse of the lumber industry. It is not pleasant.

Telegrams indicate that in an effort to curtail overproduction there will be in a few weeks' time many thousands out of work in western Washington. Must we continue to divide a shattered market? But we have struggled through other greater depressions. We have been badly treated by the protectionists in the past, but still we know the advantages of the protective-tariff theory. We want you to prosper, but if you drive us on to the verge of bankruptcy and unemployment we can not buy the Iowa hams, the Massachusetts blankets, or the Connecticut hardware. You do not realize it, but as we sink you get the backwash sooner or later, and as you have more population in the factory cities, you get the greatest political kick-back. Your people can not go to the fields and fisheries. We have done it before and can do it again. We suffer in a land of opportunity and plenty. Take your protective tariffs, give us none, and you are the loser in the long run.

My studies have led me to believe firmly that all the protective tariff bills ever enacted by the Congress have been good, more or less. British economists admit that the principle of the protective tariff has advanced the United States not less than 50 years ahead of every competing country, including Great Britain and Germany.

Mr. KORELL. Will the gentleman discuss comparative costs between the United States and British Columbia?

Mr. JOHNSON of Washington. Canada has the best of it on that. I hope the gentleman from Oregon [Mr. KORELL] will get time to discuss that in detail. I am so limited for time.

There came two weeks ago to Olympia Harbor in the district I represent a ship from Vladivostok, Russia, loaded with lumber for France. It was making a 12,000-mile trip to dump that Russian lumber onto France cheaper than France can get it from Sweden. The ship took on a few heavy timbers at Olympia, Wash., of a kind larger than easily found in Russia, as the timber there is more of the size of southern pine. That ship is a Pacific coast forerunner of the new competition. You will hear more of it in many lines—wheat, among others. Russian lumber is now in the New York market, unloaded at the Poughkeepsie yards which the West set up. What you pay for Russian lumber will buy nothing in the United States except some sawmill machinery with which to make more lumber to throw into the market against Pacific coast and against southern lumber.

In conclusion, it is my observation and belief that 70 per cent of all the logs, all the lumber, and all the shingles manufactured in British Columbia have at some time in the process of the work been handled more or less by Oriental labor. In Washington and Oregon we have stood from the beginning against Oriental labor of any kind, until at last we are practically without it. Once the Chinese, later the Hindus flocked in on us. They are now in British Columbia. They have become proficient, and better paid than formerly, but they work longer hours, they work cheaper, they live cheaper, and they help neither the community nor the industry. If this Canadian competition goes on, as it has been outlined and apparently desired by many, the industry in British Columbia will in-





crease rapidly, while the industry in Oregon, Washington, Idaho, and California will decline; more of our capital and more of our population will follow industry into British Columbia. Once there they will buy from London and Liverpool, and not from Minneapolis, New York, and New England. [Applause.]

I ask as a fair deal and as a general equity that you give us these tariffs, which are very modest and almost nothing as compared with the whole list. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. JOHNSON of Washington. Under permission granted I append in full the resolutions of the National Lumber Manufacturers' Association, to which I referred, and I regret that I can not use at this time other important resolutions from the labor and other organizations:

RESOLUTION IN FAVOR OF A TARIFF ON LUMBER IMPORTS

Whereas imports of lumber from Canada and Russia are contributing to the present universal, recognized depression in our industry; and

Whereas woods labor of western Canada is found by the United States Tariff Commission to be largely Oriental and therefore cheaper than American labor; and

Whereas Russian labor is practically forced labor, Russian timber has been taken from the owners without payment, and the Communist Soviet government operate without regard to any law or rule of God or man; and

Whereas our industry, the third largest in the United States, is entitled to equal treatment with all other industries; and

Whereas everything our industry buys is bought in a protected market; and

Whereas we ought not to be compelled to buy in a protected market and to sell our product without similar tariff protection; and

Whereas the cost of production is less in both Canada and Russia than in the United States; and

Whereas the United States coastwise laws place an additional burden on our industry and its products in the shipment of lumber from Washington, Oregon, and California ports to our Atlantic ports in competition with British Columbia; and

Whereas the farmers own more than 100,000,000 acres of forest land and are suppliers of timber and logs to the lumber industry to the extent of billions of feet annually: Therefore be it

Resolved, That the directors of the National Lumber Manufacturers' Association indorse and urge the adoption of the duty on lumber and lumber products in the tariff bill now before Congress; and be it further

Resolved, That a copy of this resolution be sent to each Member of the Senate and the House of Representatives of the Congress of the United States.

APRIL 25, 1930.

Mr. HENRY T. RAINEY. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Speaker and my colleagues, I have given considerable thought to the question now before the House. I have had more communications and more telegrams from my own district requesting me to support a duty on lumber than for everything else in the tariff bill combined. Of course, I understand how those telegrams and letters originate. Propaganda from the lumber organizations.

I do not believe a tariff on lumber is required by the business, and I know if it might benefit one of my constituents it would injure hundreds. I appreciate the gravity that is going to confront the country when this tariff bill becomes a law. Therefore I am not going to vote for a duty on lumber or vote to add any other burden to the American people through this bill. It is crushingly burdensome to them as it is now.

I called attention yesterday as forcibly as I could to the danger to this country by these prohibitory tariff walls, stopping the importation of any goods into the United States. To-day only 4.7 per cent of all the goods consumed in this country are imported, and the greater part of those are things we do not produce in this country.

I called attention yesterday to the protests being made by the foreign nations, and in the press to-day you will read where the Government of Canada in its budget yesterday raised its tariff rates and raised them to be retaliatory equal to the rates in the present bill, with the statement that if this law goes into effect they will be raised to be on a parity with this law.

Canada is our best customer. One of the things we do get from Canada is lumber, and when you stop buying anything from Canada you are going to lose one of your best customers. You can not blame them for the action they have taken, because that is human nature. Under their budget they are to give preferential tariff rates to other nations that give them preferential rates. Consequently commerce will go from those other nations to Canada, and America will lose one of her very best customers.

Gentlemen, you are carrying the tariff to a fanatical stage. You have got to think. Are we now having great Republican prosperity? If you would listen to the Members of this House talk about the unemployment in their districts you would not think we had much of the boasted Republican prosperity in this country.

Gentlemen, I fear this: If you stop all foreign market for your surplus goods, whether agricultural or manufactured goods, you are going to have more men out of employment in this country, because the factories are going to shut down.

With American efficiency and American mass production we are producing, agriculturally and industrially, more goods and commodities than we consume and selling them abroad. Our exports and imports have been reduced $500,000,000 in the last three months of this year compared with three similar months in the last year. Gentlemen, stop and think. Stop and think.

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

Mr. HENRY T. RAINEY. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. CRISP. Mr. Speaker, there is only one other thought and I am talking seriously. I am going to vote against the duty which some of my constituents have asked me to support. But I am not going to do it because I do not believe it best for them or best for the country. I was surprised at the silver vote a moment ago. I was surprised they did not give protection to silver. I voted against it, but when I consider what the Republican majority did with cement and everything else, I am surprised they took that one item and left it without a duty.

I will give you another instance of how high this tariff is and how wild the majority has gone with reference to the tariff. One of the three items which the Tariff Commission reduced was paintbrush handles under Mr. Coolidge's administration.

After an investigation by the Tariff Commission under the flexible clause the President reduced the duty from 33⅓ per cent to 16 per cent; but do you know that in this bill the Republican conferees have run it back up to 33⅓ per cent, notwithstanding the fact that Mr. Coolidge, after an investigation by the Tariff Commission, had reduced it to 16 per cent. That is but an illustration of it. Oh, my colleagues, one swallow does not make a summer, and a few months in business does not mean that there is prosperity in business. If you stop all importations of all commerce into this country, you will get the enmity of all the nations of the world; they will not deal with you, and business will be in a chaotic state. Thousands of our workmen now with jobs will be thrown out of employment and our economic condition will be made more intolerable than it is at present. Stop and think. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Georgia has again expired.

Mr. HENRY T. RAINEY. Mr. Speaker, I yield two minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, I am opposed to this proposed tariff on lumber. There are several reasons it seems to me to be unwise, and one particular reason is because we should conserve as far as possible the lumber supply of our country. If Canada is willing to cut her timber and send it in for our use, it seems to me we should let her do it. All the lumber that comes in from Canada saves our timber interests to that extent.

Lumber is used these days primarily in the construction of the homes of our people, mostly the homes of people of small means. This duty would add about $138 to the lumber bill of the medium home. The great buildings and the homes of the rich are constructed mostly of fireproof material and substitutes for lumber, but the homes of the men of small means are constructed entirely of lumber. This is, therefore, no time to place an additional charge upon the bread-winner.

You speak of high wages and prosperity on the one hand, and then you endeavor by high protection to take away from the wage earner a large part of his salary. Lumber has been free for many years. We have been doing business with Canada in lumber and other products to the extent of $948,440,000. While we have bought from Canada only $503,447,000, showing an exact difference between what we have sold them and what we have bought of $445,000,000 in our favor, we even export more lumber to Canada than she does to us. We sell to

Canada $2 for lumber to every 60 cents Canada sells us, and yet these ultraprotectionists would place a duty on lumber.

Why should we strike at a country of our own blood, and our best customer? Moreover, there has been a constant cry for conservation, for reforestation, and other methods of prolonging our timber supply. To place a duty on lumber will mean the increased cutting of our forests and the rapid devastation of our timber.

We were called here to pass legislation in the interest of the farmer, and this bill is diametrically against it. The farmer buys 50 per cent of all our lumber and 75 per cent of all our shingles, so whatever duty is placed upon lumber will be more than half borne by the farmers, and the other half practically borne by the small home owner.

CEMENT

Yesterday we discussed the duty on cement. The House had placed a duty of 8 cents per 100 on cement, and the Senate reduced this to 6 cents. The agreement to concur in the Senate agreement making it 6 cents was agreed to. Thus you see that the ultraprotectionists have placed a duty on one of the great necessities of building and one of the ingredients which goes into so many things in the building of a home.

There are about 176,000,000 barrels of cement manufactured in the United States yearly, 39,000,000 of which are manufactured along the Atlantic coast. Only 3,000,000 barrels of cement was imported in 1929, so these ultraprotectionists propose to increase the price on 176,000,000 barrels of cement in order to keep out 3,000,000 barrels which were imported.

Cement at 70 cents per 100 pounds with a duty of 6 cents will likely increase the cement cost to the home builder more than 10 per cent. I am perfectly satisfied that there should be sufficient duty to equalize the difference in cost of production to maintain the standard of wages in this country, which I am in favor of maintaining, and if labor receives protection in an amount equal to this difference, I am sure it will be satisfied, but to place a duty on articles far in advance of this necessity of equalization is to take from the pockets of the people a tax which does not go into the Treasury of the United States to any extent, but rather into the hands of the manufacturers. For instance, it will not be the 176,000,000 barrels which will pay a duty to the Government, but only the 3,000,000 which were imported; the increase on the cost of the 176,000,000 by virtue of the duty will be velvet in the hands of the cement makers.

SUGAR

One of the most important articles in the tariff bill is sugar, because that touches the pocketbook of everyone. The House placed a duty of 2.40 cents on sugar. The Senate reduced it to 2 cents. The conference committee recommended a compromise of 2.20 cents. The House under the vote taken upon the conference report has instructed the conferees to agree upon 2 cents per pound for sugar. This reduction was accomplished by the Democrats and the Progressives of the House and will save the people $60,000,000 per annum; and, even at the 2-cent rate, it will cost the people $32,000,000 additional, which, together with the $216,000,000 they are paying under the Fordney-McCumber tariff, will cost them $248,000,000.

Surely it is an expensive proposition to keep the sugar bowl filled under the ultraprotectionists' tariff act. There has been no reason for this increase. The Government did not need this additional revenue because it has just lopped off $160,000,000 on income tax early in the present session. This tax on the necessities of life is one which should be avoided whenever and wherever possible. It is a terrific burden upon the consumers who are hard pressed as it is.

BILLION DOLLAR BILL

It is estimated the bill in its entirety will cost the American people $1,000,000,000 in addition to what they already pay. My colleague [Mr. CRISP] has well stated—

> The mere words, a billion dollars, do not carry the magnitude of the amount. Let me give you this illustration: There has been only 1,020,000,000 minutes since the birth of Christ. Therefore, this bill adds to the burden of the American people an amount equal practically to $1 for every minute that has elapsed since the birth of Christ.

Mr. CRISP is a member of the Ways and Means Committee and highly informed on the question of tariff taxation. Let me therefore give some further figures from his remarks:

> Now, gentlemen, let me call your attention to a few of the schedules. You take cotton blankets. Under the existing law the duty is 25 per cent. In this bill it is increased to 52.20 per cent. Only 1 per cent of our production is imported and our exports are three times as much, yet the duty is doubled. Take wool blankets. The present rate is 61; it is increased to 67. The average importation of wool blankets amounts to $480,000 out of a production of $27,000,000. Take cloths and other heavyweight fabrics of wool, in the 1922 act 70 per cent, and in this bill 84 per cent. We produce $516,000,000 worth of these worsteds and the importations amount to $17,000,000, yet an 84 per cent tariff is placed on them. Gloves. Thirty-four million pairs of men's gloves are produced in this country; we import 90,000, one-fourth of 1 per cent of our consumption, and they have raised the tariff on them to $6 a dozen. Cotton shirts. We produce about $240,000,000 worth; we import $61,000 worth and export to the amount of $2,000,000. They have increased the tariff from 35 to 45 per cent. Linoleums, which the Tariff Commission says we sell to 50 nations in the world. They have raised the tariff from 30 per cent to 42 per cent. Our production is $42,000,000, our imports last year $785,000, and our exports $1,173,000. Slate, used for roofing and by school children. Our production, $11,000,000, imports $44,000, exports $417,000. They have increased the tariff from 15 to 25 per cent.
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> Steam turbines: Mr. COLLIER has referred to them and stated that only one has been imported for a number of years, yet they increased the tariff from 15 per cent to 20 per cent. Umbrellas and parasols: Production, $23,000,000; imports, $152,000; exports, $185,000; and they have increased the tariff. Mr. COLLIER has referred to jewelry, and I will not refer to it again. Manufactures of base metals: They have increased the tariff from 40 per cent to 45 per cent. Our imports were $9,000,000, our exports $85,000,000, and our production $4,000,000,000, the exports being nearly ten times the amount of the imports, and the imports being only 2 per cent of the production; yet they have increased the tariff. Mechanical machinery and apparatus: Production, $1,392,000,000; imports, $1,770,000; exports, $68,000,000, the imports being about one-tenth of 1 per cent; and yet they have increased the tariff to 35 per cent from 30 per cent. Textile machinery: Production, $93,000,000; imports, $4,000,000; exports, $6,000,000; and they have increased the tariff, although the imports are less than 3 per cent, and the Tariff Commission says that some of the textile machines which come into the country from foreign countries are sold at a higher price than the American-made machines, and yet they increase the tariff. Take clothespins. They have increased the tariff from 90 per cent to 121 per cent, and the imports have dropped from 1924, when they were $19,000, to $10,000 in 1929. Notwithstanding that, they have raised the rate to 121 per cent. This is a true picture of the so-called limited tariff revision. It could not have been more general.
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> The average rate for all schedules in the present law is 34.59 per cent, whereas in the pending bill it is increased to 40.97 per cent.

I am sorry the Republican Party feels the necessity for increasing tariff rates. I fear that party has become obsessed with the idea that an increase of tariff duties is a panacea for all ills. If we would have our people fully employed, we must have access to the markets of the world. If we would bring home the wealth of the Indies, we must take with us the wealth of the Indies; in other words, we must trade with the world in order to increase our commerce.

If we would have the nations pay off the debts they owe us; we must allow them to have fair trade relations with us. We can not by prohibitory tariff rates do business with the world. Mr. Marvin, of the Tariff Commission, cites the fact that our exports and imports during the last three months have decreased $500,000,000. Unless this is remedied, it means $2,000,000,000 less business with the nations of the world. A tariff to equalize the cost of production at home and abroad is a fair basis, and should be adhered to. [Applause.]

Mr. RAMSEYER. Mr. Speaker, I yield myself 15 minutes, and I hope the Speaker will notify me when my time is up.

The gentleman from Washington [Mr. JOHNSON] stated this agitation against the duty on lumber is inspired by those who have invested in timber lands in Canada to the extent of $500,000,000.

Now, I do not know to what extent investments have been made in Canada. The gentleman then tried to draw a parallel with Ford manufacturing cars abroad and some other things of that kind. I have tried to tell this House several times that every commodity, from a tariff standpoint, stands on its own bottom and has its own peculiar situation, which is usually different from that of any other commodity.

We hear fellows get up here and say, "Yes; I am a Republican protectionist. I am for protection on everything produced in America." We hear them say this one day and the next day they oppose a duty on silver. [Laughter.] Well, the day before they ought to have stated why they were for protection on one item outside of the fact they are Republicans, and then the next day they ought to have given the reason why, as Republicans, they were not for a duty on silver. Republican protection does not mean a tariff duty on everything.

The lumber situation is different from any other situation we have. The gentleman refers to the shingle mills having gone broke. There are shingle mills that have gone broke. Lumber mills have gone broke. Out in the hallway there are charts showing the ownership of the stumpage or the timberlands. I could not bring all those charts in here, but they will show you how the ownership of the timberland is concentrated in

the hands of a few large lumber companies. The story before the Ways and Means Committee as to the prosperity or distress of the lumber and shingle industries simply resolves itself to this: The lumber companies that had their own stumpage and bought it years ago, before the high timber market period of 1922 and 1923, have been making money during the last 10 years. I have charts here showing the percentage of profits they have made. These charts have gone into the Senate record and I shall not take the time to either insert them in the RECORD or advert to them.

The secret of the success or failure of the lumber companies is that those companies that had their own stumpage have been making money. The companies that have mills only and must buy their stumpage are at the mercy of the timber lords, and a duty on logs and a duty on timber, according to the best expert advice I could get, would simply enable the timber owners to charge more for their stumpage and would not change the situation at all as to the independent mills that have to buy their stumpage or their logs; and the most propaganda you have received in the last 10 days has been from Tacoma, Wash., Bellingham, Wash., Spokane, Wash., and Seattle, Wash., from mills asking that logs be permitted to come in free. These are the mill owners who have to buy logs to operate their mills. They want logs to come in free, so they will not be at the mercy of the timber owners of their own State. Now, this is all there is to it, so far as——

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. RAMSEYER. May I go on now? I did not interrupt the gentleman when he spoke. The gentleman can answer me in his own time.

Mr. JOHNSON of Washington. The gentleman has more time than I had. Will the gentleman allow me to make this statement? It is interesting to know that a majority of those letters written by the manufacturers who do not own logs were written because they were instigated by Mr. Bloedell, who owns Canadian timber.

Mr. RAMSEYER. Bloedell is a very high-class lumberman and he is an intelligent lumberman. He is a constituent of the gentleman's colleague [Mr. HADLEY]. I remember his testimony before the committee very well, and his attitude on free lumber and free shingles is the attitude of hundreds of lumber mill and timber owners in the United States. I doubt whether there is a more intelligent lumberman in the United States than Mr. Bloedell.

Mr. JOHNSON of Washington. The gentleman means in Canada.

Mr. RAMSEYER. No; not in Canada. Mr. Bloedell has lumber mills and shingle mills in the United States. He has no shingle mills in Canada.

Mr. KORELL. Then may I ask his reason for spending the amount of money he has spent in sending out this propaganda against a tariff?

Mr. RAMSEYER. I can not yield to the gentleman. I do not mean to be discourteous, but I want to go on now and give you some reasons why we should continue to have free logs and free timber and free shingles. I will tell you another reason the lumber mills are in distress and the lumber industry in the dumps, and it is the same reason that many other industries are now in the dumps. Right here is a tale I want you to hear. In 1921 the farmers of the United States used in construction material of the value of $899,000,000. In 1928 the same number of farmers, with the same need for construction of buildings then as in 1921, only bought $363,000,000 worth of construction material.

We have a live-wire chairman of the Federal Farm Board. Day before yesterday he went before the chamber of commerce and told its membership where to head in on the agricultural marketing act, and he also told them why the lumber industry is in the dumps. Nearly 50 per cent of the lumber is used on the farm; 70 per cent of the shingles is used on the farm.

Mr. Legge knows that. Let me read you a paragraph from Mr. Legge's address. In yesterday's CONGRESSIONAL RECORD, on page 8129, I inserted his speech before the chamber of commerce and what he said on lumber.

I regret to state that I never met Mr. Legge, but I am going to make myself an opportunity to get acquainted with that gentleman some time soon. Now, listen. This is supposed to be a farm tariff bill, and I will later show you another reason why the conferees think it is a farm tariff bill.

In the last column on page 8121 Mr. Legge says—and remember that there is no better business man in the United States than Mr. Legge. He says:

> Many of the lumber mills of the country are closing down, others are operating part time, and few, if any, of them are breaking even on the proposition—

That is as strong as the gentleman from Washington could make it—

> all due to a very sharp decline in the consumption of lumber in the country. It is perhaps natural for us to think of this in the terms of steel, concrete, and other substitutes that have taken the place of lumber in many forms of construction, but the facts are that over 50 per cent of the decline in lumber buying, as compared to the higher records of years past, is represented in reduced farm purchasing. The farmer uses no substitute steel or concrete or anything else, lumber still being the cheapest material from which he can build a home for himself or shelter for his livestock.
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> Why does this curtailment amount to almost cessation in farm buying? The answer is that under conditions existing in recent years, and still prevailing, there is nothing to encourage the farmer to improve his property.

Bring us into a condition to increase the purchasing power of the farmer, so he can increase the consumption of lumber 100 per cent, and our lumber industry will get back on its feet, and it will not get back on its feet until you bring about a condition like that. [Applause.] The farmer has a low purchasing power; he uses lumber, and you propose to help him by increasing the price of lumber, without, on the other hand, increasing his purchasing power. [Applause.]

That is the proposition. That is why I am following Mr. Legge for free lumber and against the Jones amendment. I am for free shingles and free lumber, and those who have the interest of agriculture at heart and are concerned about the welfare of the farmer ought not to vote to put 1 cent of duty on lumber and shingles.

Mr. KORELL. Will the gentleman yield?

Mr. RAMSEYER. No. I am going to refer to the Jones amendment and show you how the conferees love the farmer. It is in the Jones amendment, numbered 371. You ought to familiarize yourself with it. That amendment proposes to put a duty of $1.50 on timber and sawed lumber, and it includes telegraph poles, railroad ties, trolley poles, electric-light poles of any wood.

Now, who uses telegraph poles and the railroad ties? The public-utility corporations. Who uses sawed lumber and lumber not specially provided for? The farmers use 50 per cent of it. They propose to offer an amendment to agree to the Senate amendment, striking out railroad ties, telegraph poles, and so forth, which will cheapen the material to the public utilities, but to leave on the dutiable list the hewn and sawed timber and lumber that the farmer has to buy. Great goodness, to what extent we are going to give relief to the farmer in this bill!

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Certainly.

Mr. CRISP. In other words, the farmer asked for fish and they are giving him a serpent, so far as farm benefit is concerned.

Mr. RAMSEYER. So far as this wood schedule is concerned, I agree with the gentleman. We hope to change that before the day is over.

I call attention now to these charts which have been brought into the Chamber.

The first shows the export of logs (softwood) to Japan in 1929. The total exports from British Columbia, Washington, and Oregon amounted to 316,023,000 board feet, of which British Columbia sent only 16.9 per cent and Washington and Oregon 83.1 per cent. The inevitable conclusion from that is that Washington and Oregon logs must have a lower production cost.

The next shows the export of softwood lumber to Japan in 1929 from British Columbia, Oregon, and Washington. The total amount was 667,349,936 board feet, of which British Columbia exported 28.9 per cent and Washington and Oregon 71.1 per cent.

Next we have the exports of softwood lumber to China in 1929. The total amount from the Pacific coast was 377,975,457 board feet, of which British Columbia exported only 11.7 per cent and Washington and Oregon 89.3 per cent.

Next we have the softwood-lumber exports to Australia in 1929. Total amount from the Pacific coast, 266,125,448 board feet, of which British Columbia exported 15.6 per cent and Washington and Oregon 84.4 per cent.

Next are the softwood-lumber exports to the west coast of South America in 1929. From the Pacific coast there were exported a total amount of 146,390,679 board feet, of which British Columbia exported seven-tenths of 1 per cent, and the rest of it was exported by Washington and Oregon.

Here we have the total water-borne shipments of softwood lumber, domestic and foreign, for 1929 from the Pacific coast. The total was 5,536,184,720 board feet. Of that amount British Columbia exported only 14.4 per cent and the remaining portion is accountable to Washington and Oregon.

Softwood lumber exports to the United Kingdom and Europe for 1929: The total amount from the Pacific coast was 354,287,704 board feet, of which British Columbia exported only 19.5 per cent, the remainder being exported by Washington and Oregon.

I wish now to call especial attention to the next chart, which shows the balance of trade with Canada in 1929. Canada is our best customer. We exported to Canada during that year goods to the amount of $948,440,000. The imports from Canada during that year amounted to $503,447,000, which left a balance of trade in our favor of $444,993,000. The source of this chart is the Department of Commerce.

This next chart shows the balance in trade of the United States in wood and manufactures of wood for 1928. Exports amounted to $162,107,549, imports $80,139,475, leaving an excess of export to the amount of $81,968,074.

As I said before, Canada is the best customer that we have in the world, and now we propose to put up this barrier. Canada is especially sensitive, as I have said on other occasions, over our proposed duties on lumber and shingles, and the increased duties on feeder cattle. This may jeopardize the great waterway on the St. Lawrence River. The President of the United States is doing his best now to negotiate an agreement with Canada in regard to the Great Lakes-St. Lawrence waterway. That agreement is not going to be negotiated, as I understand it, until Canada knows how we are going to treat her in regard to the tariff. That, of course, is only an incidental argument.

From the standpoint of competition, labor cost, the charts which are outside in the lobby show you all about shingles. Shingles in Canada, capital cost and every other kind of cost, are all higher than in this country. They pay as much to labor there as we do here.

Mr. CROWTHER. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. I am going to close now.

Mr. CROWTHER. I ask the gentleman to yield in order that I may ask him a question.

Mr. RAMSEYER. Very well. I yield for a question.

Mr. CROWTHER. What authority has the gentleman for the statement that an agreement in respect to the St. Lawrence Canal is contingent upon our tariff procedure in this bill? What is the gentleman's authority for making that statement?

Mr. RAMSEYER. That is beside the main issue I am discussing. I will not disclose to the gentleman my authority at this time, but I have the authority.

Mr. CROWTHER. I think such a statement would warrant the gentleman disclosing his authority to the Congress of the United States.

Mr. RAMSEYER. That is just where the gentleman from New York and I differ. I am not going into that matter further, and I am not yielding to the gentleman. Mr. Speaker, I reserve the balance of my time.

Mr. HAWLEY. Mr. Speaker, I infer from the remarks of the gentleman from Iowa [Mr. RAMSEYER] that there is no lumber produced in the State of Iowa, and I also infer from the reports in the press this morning that Canada's objection is not to a duty on lumber but to what we have done with respect to increased rates of duties on agricultural products.

In the short space of time at my disposal I intend to show that the arguments advanced against a duty on lumber are not well founded. These may be briefly summarized as follows:

First. That a duty on lumber is not needed by that industry.

Second. That Canadian costs of production are higher than these in the United States.

Third. That such a duty would materially increase the cost of building homes, barns, and so forth, for farmers and others. This appears to be the objection most generally made.

Fourth. That conservation requires the indefinite reservation of our forests. In opposition to this we propose the utilization of matured timber and the regrowth of new forests.

Fifth. We maintain that the charts exhibited by the opposition to a duty on lumber have no tariff significance but that they do show that the American manufacturers have diligently sought markets in every part of the world for their timber products in an endeavor to secure prosperity for their industry.

Sixth. That the departure from the policy of protecting this industry is a material factor in its growing depression in this country.

Seventh. That the labor employed is entitled to the benefits of a protective tariff as much as labor otherwise employed in the United States.

The proposed amendment places a duty of 75 cents a thousand on lumber further advanced in manufacture than by planing on one side or edge; and not including all rough lumber or lumber planed only on one side or on one edge from contiguous countries, which will come in free. I shall speak concerning the American industry generally, and the Pacific Northwest in particular. I understand there is another gentleman who will represent the southern interests more specifically, who will speak also on imports of lumber from Russia. I am to speak particularly on the Canadian competition.

IMPORTANCE OF LUMBER INDUSTRY

The lumber industry is one of the largest in the United States. Biennial census figures for 1927 show: "Lumber and its allied products" (including remanufactures) as third in the list of 16 general industrial groups in number of wage earners, fourth in amount of wages paid, and eighth in the value of products. It is exceeded only by "textiles and their products" and "machinery" in number of wage earners, and by the textile, iron and steel, and machinery groups in wages paid.

According to Government figures, in 1928, 13,268 mills reported manufactured product, which at the mill had a value of over $874,000,000. The census figures of employment for 1927 show 552,787 men employed, who received in wages a total of $581,689,478, or 66½ per cent of the money received by the mills for the product.

A large number of the smaller mills did not report. The industry states the total number of mills is approximately 20,000.

Based upon its information, the Department of Commerce in 1929 estimated that 886,889 persons were employed in this great industry at an annual average wage of $1,052. (This annual wage would have been larger except for unemployment.) The probable actual total pay roll is $1,000,000,000, and the total value of the product should be increased in proper relation.

According to Government figures, the annual production in Oregon, Washington, Idaho, and Montana is $326,219,099. Normally the wages paid in the Pacific Northwest in this industry exceed $231,000,000 annually.

According to census figures of 1925, this means that $40 out of every $100 coming into Oregon from the sales of products comes from lumber and allied products, or 40 per cent; and in Washington, 43 per cent; that 60 per cent of all wage earners in Oregon and 62 per cent of those in Washington were employed in the lumber industry. This industry is vital to these States and of great importance to others.

Under normal conditions in the industry about 160,000 men are employed in Oregon and Washington.

Officers of the Federation of Labor in these States state over their signatures that 80,000 of this 160,000, or 50 per cent, are unemployed.

Government publications show that in 1928 and 1929 unemployment in the lumber industry over the entire United States exceeded 20 per cent; that is, some 175,000 persons were in enforced idleness. This condition we are asking Congress to ameliorate. The situation is not improving.

During the past six years wages paid to labor have diminished $73,000,000 per year, due to slackening in the industry.

The production not only in the Northwest but in other States has decreased many billions of feet.

Evidently there is a slackening in the industry and a serious unemployment situation, and this is not of sudden occurrence, but has been developing over a period of years.

Forestry records show that 946,871 farmers, located in every State in the Union, including also the District of Columbia, own 35,270,527 acres of timberlands, from which they derive revenue from the sales of logs. The closing down of mills has caused a serious situation to them in several States.

These facts are worthy of special emphasis. Including that portion of the industry that did not report for various reasons the number of mills is estimated to be about 20,000. The value of their product reported in 1928 was $874,000,000. The census figures show for 1927—the census being taken only in the odd-numbered years—the employment of 552,787 men, who received a total wage of $581,689,478. That is, out of every $3 that a mill man gets for his lumber he pays about $2 in wages to his employees—men in the woods, in the mills, in the yards.

Taking into consideration the later figures, the total number of men engaged in this industry is 887,000, and the total pay roll is approximately a billion dollars.

Evidently it is one of the largest industries in this country. It is the one industry that has not yet had recognition as to its needs of a protective tariff, so that it can adjust itself to a normal basis and proceed in the production of this necessary material for our public use. If any industry can prove the need for a protective duty and the justice of its imposition, the lumber industry can fully do so.

In the Pacific Northwest the value of the annual production of lumber and lumber products is $326,000,000. Forty dollars out of every $100 that comes into the State of Oregon and $43 out of every $100 that comes into the State of Washington from the sales of products comes from lumber. The wages normally

paid in this section of the country amount to $231,000,000, the largest pay roll we have. Sixty per cent of all the wage earners in the State of Oregon and 62 per cent of all the wage earners in the State of Washington are engaged in the lumber and allied industries.

No wonder this industry is so important to our people, who are asking you for this very moderate relief. The result we desire to attain is the stabilization of prices and the restoration to our pay rolls of about 80,000 men in the different employments in connection with the industry. Normally 160,000 men are employed in Oregon and Washington in the lumber business.

The Federation of Labor officials in those States state over their signatures that 50 per cent of those men are now out of employment—that is, 80,000 men are out of employment—and in the whole United States at least 175,000 men are out of employment in the lumber industry.

There is a decided cessation in the industry and a large unemployment problem.

I have here a list of the mills in the States of Washington and Oregon—hundreds of them—which, on account of economic conditions, have been forced out of business. In addition to those which have closed, many others are operating on part time or have greatly reduced their output, so that their output at present is about 37 per cent under normal. Also, the output of the industry has so decreased that in the country now it is about 10,000,000,000 feet less than it was in 1923. The price of lumber at the mill has declined in that period of years; that is, from 1923 to the present time. There is no effort on the part of the industry to maintain a high price for lumber. They can not even get a remunerative price.

I have given careful consideration to a great volume of facts and figures and found out what they show, although in 15 minutes I can not present them in detail but can only present the conclusions that everyone who studies them must inevitably reach.

In brief, I may say, speaking generally, that out of every dollar that the consumer pays for lumber the railroad gets 30 cents, the retailer gets 30 cents, and the mill gets 40 cents, and 27 cents of that 40 cents the millman pays to labor. That is, out of every dollar that the consumer pays for his lumber the millman gets only 13 cents for his ownership of the timber, for his taxes, for his overhead, for his management, for manufacture, and for his investment and profit, if any; 13 cents out of every dollar. Gentlemen, there is no other industry in this country that is compelled to operate on such a margin.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. SABATH. In view of the fact that 30 cents out of every dollar is paid to the railroad for hauling the lumber, why do we go on and give the railroads free poles?

Mr. HAWLEY. Railroad ties, trolley, telegraph, telephone, and electric-light poles are eliminated by the amendment.

Mr. SABATH. You propose to put them on the free list, do you?

Mr. HAWLEY. I propose to put them on the free list.

LOG COSTS

The production of lumber begins with the cutting of the trees in the forests and the removal of the logs. This is the major cost in the production of lumber, including as it does the price of stumpage. The United States Tariff Commission in 1929 made an extensive investigation into the costs of producing logs, and in their "Log report," pages 11 and 21, state the following conclusions:

Cost of production per thousand board feet:	
United States	$16.63
Canada	14.97
Lower cost in Canada	1.66

That is, the single item of log costs alone is more than twice the rate of duty asked.

In the same report, on page 7, the commission finds that if the costs of producing logs is extended to their delivery at tidewater, the cost in the United States per thousand board feet, is $19.10, and in Canada is $16.97, or a difference of $2.13 in favor of Canada.

LABOR COSTS

Since labor in our camps and mills receives $2 out of every $3 which the mills receive from sales of their output, the comparative labor costs between our country and Canada are of the first importance. If time were available, I could present a very detailed study with corroborating evidence that white labor is paid $1.20 more in logging camps and $1.14 more in mills in our section of the country than are paid for such labor in Canada.

I have here comparative tabulated lists of all employees in camps and mills in the United States and Canada, giving the description of the employment and the wages paid in each of the several occupations which prove the accuracy of the statement just made. Moreover, while Canadian camps and mills employ only 55 per cent of white labor, our mills employ 99.9982 per cent white labor; Canadian camps and mills employ 45 per cent oriental labor, our mills employ only 0.0018 of 1 per cent of such labor.

We earnestly urge that our American labor is entitled to consideration by the American Congress.

ADVANTAGES TO CANADIAN OWNERS

The advantages are stated in part by the Campbell River Timber Co. (Ltd.), in their prospectus, circulated through the bond department of the Detroit & Security Trust Co. for the sale of bonds, dated January 1, 1927. I quote as follows from this prospectus:

> The timber covered by this mortgage is held under lease and is subject to royalties fixed by the act of Parliament dated December 19, 1924. These royalties are payable on lease timber as and when logged at rates ranging from 75 cents per thousand feet to $1.65 per thousand feet. In addition to these royalties, the company pays an annual fee of $140 for each 640 acres.
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> Among the advantages of Canadian-owned timber are: (1) The owners pay only a small annual fee in lieu of taxes, which is much less than the taxes on timberlands in the United States; (2) the royalties are payable only as the timber is cut, at definite rates fixed for a 10-year period by the Government; (3) lumber may be shipped to American ports in foreign vessels at lower freight rates than the rates of American vessels plying between American ports.

This prospectus states that in addition to the severence tax varying from 75 cents to $1.65 per thousand feet, which is less than the average stumpage charge in the Pacific Northwest, the company pays an annual fee of $140 for each 640 acres.

Tax records on 31 typical sections in 10 counties of Oregon show an average annual tax per section of $1,732.44, while 50 typical sections in 6 counties of Washington show an average annual tax per section of $3,211.02, with an average for the two States of $2,645.14 per 640 acres. British Columbia tax averages 1.7 cents per thousand feet of stumpage; Oregon tax averages 6.8 cents per thousand feet of stumpage.

The quotation from the prospectus also states that—

> Lumber may be shipped to American ports [from Pacific Canadian ports] in foreign vessels at lower freight rates than the rates of American vessels plying between American ports.

That is, Canadian shippers can ship by tramp vessels to American ports, while American shippers must use American vessels only, with their higher standards of living and American rates of wages. On account of this difference in opportunity, the Canadian shippers have an advantage of from $1 to $3 per thousand in the shipment of lumber from Pacific to Gulf and Atlantic ports over the American shippers.

The general result is that (exclusive of transportation) British Columbia costs are $2.61 per thousand board feet less than the costs to our producers in the Pacific Northwest.

Prices at which Canadian mills offer lumber in their published circulars or price lists, as well as the prices shown by invoices, do not truly indicate the prices at which they actually sell in this country. Their practice is to quote by private information material reductions below the advertised or invoice prices.

Prices quoted in circulars or invoices may indicate that the prices charged are higher than ours, but private information materially reduces them to purchasers.

As to labor, I have a statement containing every occupation in the camps and mills in the United States and in Canada. The American wage earner is paid $1.20 more in the United States than in Canada, and in the mills $1.14 more in the United States than in Canada. The mills have advanced their wages, rather than reduced them, maintaining the American standards of living for the American workmen at their own expense. Our labor is white labor. Out of every 10,000 workmen employed in this country, and especially in my State, only 18 are orientals.

Out of every 10,000 workmen employed in Canada, 4,500 are orientals—nearly one-half. We have 0.0018 per cent, and they have 45 per cent. I have here affidavits concerning the employment of oriental labor in Canada which I will not have time to read.

Mr. WOOD. Will the gentleman yield?

Mr. HAWLEY. I will yield for a question.

Mr. WOOD. Suppose a dwelling house were built entirely of lumber——

Mr. HAWLEY. Answering the question of the gentleman from Indiana concerning any cost a duty might add to the construction of a dwelling, I have heard the most extravagant statements made, and the only way I can excuse them is on

account of ignorance. I think I can best answer this inquiry by concrete instances of buildings commonly built in various parts of the country.

Here is the picture of a house which cost from $1,900 to $2,000, containing 10,592 board feet of lumber. If that was all planed on more than one side, all dutiable, and the entire house was made of lumber, the duty on that lumber at the rate we propose would be $7.95.

Here is another house costing from $2,500 to $2,700. The lumber in that house amounts to 12,622 board feet, and the duty on that would be $9.47, if it was all made of lumber and all dutiable. I have the bills for the lumber used in the construction of the houses to which I am calling attention attached to each illustration.

Here is a house costing $3,000 to $3,500, containing 14,885 feet of lumber. The duty on that would be $10.66.

Where would so small an item appear in the building of a house as an added cost? What contractor would take account of that item in a bid on a house costing $3,000 or $3,500? Also, to whatever extend rough lumber or lumber planed only on one side or edge is used, the duty will be reduced correspondingly.

Here is another containing 12,208 board feet of lumber. The duty on that lumber, if the house were all built of lumber, and it was all dutiable lumber, would be $9.16.

Here is a very comfortable house costing $3,500, containing 13,260 feet of lumber. The duty on that would be $9.90.

Here is another one costing $3,600, containing 10,899 board feet of lumber. The duty would be $8.17, if all made of lumber and all dutiable lumber. In every house the rough lumber, or lumber planed only on one side or edge, would not be dutiable, and so reduce the duties given. I am giving the highest amounts.

Here is one costing from $4,000 to $4,500, containing 15,060 feet of lumber. The duty on that would be $11.05.

Here is a house costing from $4,000 to $5,000, containing 13,825 board feet. The duty would be $10.37.

Houses are built once in a lifetime, and, even if a duty of $10.37 could by any possibility be added to the cost of a house which would last at least 30 years, it would only be 30 cents a year and would in no sense be a burden in building a house costing from $4,000 to $5,000. It would never be noticed. In fact, so small an amount would not appear in the cost.

The retailer, who gets 30 cents out of every dollar that the consumer pays, would absorb it.

Here is another house costing from $5,000 to $5,500, containing 20,043 feet of lumber. The duty on that would be $15.03.

Here is a house costing from $5,000 to $5,500, containing 19,655 feet of lumber. The duty would be $14.74. How could an item of $14.74 appear as an added cost in a house like that?

Mr. RAMSEYER. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. RAMSEYER. Will the gentleman state what amendment he refers to?

Mr. HAWLEY. The one I have proposed—75 cents per 1,000 feet.

Mr. RAMSEYER. But it also has cedar lumber and logs.

Mr. HAWLEY. But these houses do not contain cedar lumber or logs.

Mr. RAMSEYER. But lumber is made out of logs.

Mr. HAWLEY. But when the duty is paid on lumber it is to be only 75 cents per 1,000 feet.

Here is a house costing from $5,500 to $6,000. It requires 20,127 feet to construct, on which the duty would be $15.10.

Here is an excellent house costing $6,000. There are 17,252 feet of lumber in it, on which the duty would be $12.94.

I have here in all pictures of 15 houses, varying in size and in cost from $1,900 or $2,000 to $8,000 or $9,000. Many of these are accompanied by floor plans. All have attached to them the bills for the lumber used in their construction, and each house is to be built entirely of lumber. In computing the amount of duty in the lumber in each house all the lumber is considered to be imported and dutiable, but as a matter of fact it will not be all dutiable. But by considering it all to be dutiable the amount of the duty will be the largest amount that could possibly be added to the cost of each house. It will, however, be readily apparent that the amount of the duty on the lumber used on each house is so small that it will not appear as an item added to the cost of a home. In other words, the pending motion provides a duty of 75 cents per thousand, board measure, from contiguous countries when such lumber is planed or surfaced on two or more sides or edges, and this duty is so small that it will not be reflected in or added to the cost of any house.

Let me say again that the duties are computed on the basis that each house is constructed entirely of lumber and all of such lumber is dutiable. The tabulation I now present gives further details.

Size of house in feet	Cost	Board feet	Duty
22 by 24, with garage added	$1,900-$2,000	10,592	
22 by 30	2,500- 2,700	12,622	$7.95
24 by 26	3,300	12,208	9.47
24 by 36	3,000- 3,500	14,885	9.16
22 by 32	3,500	13,206	10.66
24 by 30	3,600	10,899	9.90
24 by 36	4,000	14,625	8.17
24 by 34	4,000- 4,500	15,060	10.97
26 by 32	4,000- 5,000	13,825	11.05
28 by 36½	5,000- 5,500	20,043	10.37
28 by 28	5,000- 5,500	19,655	15.03
28 by 28	5,500- 6,000	20,127	14.74
30 by 40	6,000	17,252	15.10
24 by 36	6,300	18,654	12.94
28 by 35	7,000	21,815	14.03
33 by 35	8,000- 9,000	24,445	16.11
			18.33

These comprise houses of many designs, of the kinds being generally built, 1 story, 1½ stories, and 2 stories high, attractive in appearance, and substantially constructed. An examination of the duties on the lumber in the several houses will convince anyone that these duties will not add to the cost.

I now submit plans of barns and outbuildings with pictures of them and the bills for the lumber used in their construction.

Size in feet	Cost	Board feet	Duty
30 by 36	$1,380	14,338	$10.75
30 by 48	1,470	19,073	14.30
32 by 40	2,070	18,923	14.19
54 by 65	2,000	30,896	15.67
36 by 50	2,525	23,800	17.85

These are typical barns, well constructed, commodious, and high proportional to their width and length.

This last illustration I have is of a combined cornerib and granary, 26 feet by 32 feet, costing $1,200, using 9,398 feet of lumber, on which the duty would be $7.05.

As in the case of the houses the duties are computed on the assumption that the barns and cribs will be all of dutiable lumber, although a great deal of free lumber will be used in their construction.

I think these practical illustrations demonstrate the fact that the proposed duty on lumber will not add to the costs of buildings, and will leave the opponents of the duty without any reasonable ground for their opposition.

Also, buildings last for many years—say from 30 to 50 years. Any duty, if it were paid on the lumber contained in them, would not be a yearly cost, but should be divided by the number of years the building will last. That is, even if the duty were added to the cost, the average yearly cost would be negligible. The average amount of lumber used on farms for purposes other than buildings is 400 feet per capita, and the duty paid, if all such lumber were dutiable, would be about 30 cents yearly. It is frequently alleged that a duty on lumber will increase the cost of buildings, but no one has shown from the practical standpoint that this will be the result.

The rate on lumber in the Payne Act of 1909 was reduced from $2 to $1.25 per thousand, and the duty was entirely removed in the Underwood Act of 1913. In neither instance was the price reduced to the consumer because of these reductions in rates of duty.

If reduced rates of duty did not reduce prices to the consumer, the small duty now proposed will not increase them. This is further shown by the fact that prices now fluctuate in amounts much greater than the proposed duty and yet prices to the consumer do not change with the fluctuations.

LUMBER INDUSTRY LARGE PURCHASER OF PRODUCTS OF OTHERS WHO ENJOY TARIFF PROTECTION

The lumber industry necessarily is a purchaser of great quantities of products of American producers who have tariff protection, such as engines, cables, chains, machinery, repair parts, saws, tools, electrical machinery, and a long list of mill supplies; and dutiable clothing; and dutiable agricultural products, meats, cereal products, vegetables, including a varied list of food supplies; and dutiable canned goods.

Its prosperity benefits directly and indirectly the great industries and various communities in many parts of our country, especially the agricultural and industrial sections. They have been given at least fair rates of duty on their products. In all fairness and justice, we are warranted in urging their support

for the duty on lumber, in a bill providing expressly for protection to American industry and labor.

RAILROAD FREIGHTS

For the year 1928 the products of forests represented 12.55 per cent of total tonnage originating in western districts and paid $184,014,176, or 9.79 per cent of the freight revenue arising in such districts.

In the entire United States forest products paid to roads originating tonnage 7.53 per cent of the revenue and supplied 7.52 per cent of the freight, which amounted to $363,617,993. This revenue and tonnage is not only important to the railroads, but because of the magnitude of both items, affecting 46 States, it influences the freight structure of the entire country.

VARIATION IN MILL PRICES

As is the case in the marketing of any highly competitive commodity, the mill prices of lumber are subject to continual change. They vary continually. Prices may fall or rise as much as $2.50 per thousand for common and up to $5 for higher grades without corresponding change in retail prices. I do not wish to be understood as making an attack on the retail yards. Theirs is largely a seasonal business, and they offset higher prices of one shipment against lower prices for another. But what I am urging is this: That the retail price paid by the consumer is no index of the prosperity or disadvantage of the mills. The problem of the mill man is one of vigorous competition in the domestic market with other American mills, complicated to his disadvantage by imports at lower costs of production than our own.

COSTS TO THE CONSUMER

The following statistics compiled from the actual figures of a large number of yards in the States named show that out of every dollar paid by the consumer the mills retain only 13 cents on the average for stumpage, investment, taxes, marketing, and other charges, and that the 13 cents includes profit, if any.

North and South Dakota, 4½-year averages, 1926–1930, on fir and pine lumber of the kinds used in building houses and barns

	Mill prices	Freight	Retail prices	Excess of retail prices over delivered costs
Fir	$20.18	$13.50	$48.80	$15.12
Pine	23.32	12.00	53.47	18.15

Fir: Mill gets 41 per cent, railroad 27 per cent, and retailer 31 per cent of retail price which the consumer pays.

Pine: Mill gets 43.6 per cent, railroad 22.4 per cent, and retailer 34 per cent of retail price which the consumer pays.

Southern Minnesota and northern Iowa, 4-year averages, 1926–1930, on fir and pine lumber of the kinds used in building houses and barns

	Mill prices	Freight	Retail prices	Excess of retail prices over cost delivered
Fir	$17.68	$16.75	$46.92	$12.59
Pine	22.18	14.83	53.50	16.49

Fir: The mill receives 37.6 per cent, the railroad 35.7 per cent, and the retailer 26.7 per cent of what the consumer pays.

Pine: The mill receives 41.7 per cent, the railroad 27.7 per cent, and the retailer 30.6 per cent of what the consumer pays.

That is to say, generally, out of every dollar the consumer pays for lumber the railroad takes 30 cents, the retailer takes 30 cents, the mill receives 40 cents out of which the mill pays labor 27 cents, leaving the mill 13 cents.

The interests especially opposing a duty on lumber are American owners of Canadian timber, amounting to 1,011,084 acres valued at $443,806,000, the Canadian interests and lobby, the agricultural interests largely, and certain others commonly called "conservationists."

We can not understand why those who favor a protective tariff on their products, as indicated by the several schedules in the tariff, should oppose a duty on lumber, which is the basic industry of large sections of our country, which is now in distress, where great unemployment exists, which has a steadily decreasing output, whose depressed condition adversely affects the prosperity of millions engaged in businesses associated with the production of lumber, and in which prices have steadily declined.

I offer, in corroboration of the price decline, the following from the Report of the Forester, United States Department of Agriculture, for 1929, page 5:

Average prices at mills

	1923	1928	Decline
Douglas fir	$28.93	$20.01	$8.92
Southern pine	30.81	25.32	5.49

There is no combination among operators in an endeavor to maintain prices. This is a highly competitive industry. Mill prices materially declined in recent years, as these official figures show. The Bureau of the Census, Department of Commerce, on Forest Products for 1928, page 17, presents the following statement of the decline in mill prices per thousand feet on several varieties of soft lumber.

	1923	1928	Decline
Douglas fir	$26.90	$19.02	$7.88
Spruce	31.44	26.50	4.94
Western yellow pine	23.84	20.00	3.84
White pine	34.85	28.71	6.14
Yellow pine	30.82	24.62	6.20

CONSERVATION

One of the arguments against a duty on lumber is that we should conserve our timber resources. I believe the greatest authority on this subject is the Forest Service. For years the Forest Service has advocated as the true policy the cutting of timber when it is mature, as we do any other crop. The service sells annually large quantities of timber that it may be used when best suited for use and ripened and depreciating timber give place to new growth; that is, their policy is based on utilization and regrowth.

In the Pacific Northwest regrowth proceeds rapidly when protected against fire. I know of tens of thousands of acres of splendid new forest that have sprung up within my memory. I know of second-growth Douglas fir approximately 80 years old that is 4 feet in diameter (breast high) and 175 feet high. I know of vast areas where the timber is yearly deteriorating. This mature timber should be cut in the near future and so conserved for use. The proposal to keep our timber standing for future use while we use imported timber is not sound; it is wasteful. We would best serve another generation by using our own timber which is ready for use and then import timber while our crop is regrowing.

A public policy proposing that private citizens should of necessity hold their private property at their own expense, protect it from waste and fire, and pay taxes and interest on the investment is unfair. If the public desires to hold our timber uncut it should be purchased by the Government and held at the expense of all the people.

The American lumber industry is depressed and declining, and the labor naturally employed by it is out of work and must seek employment in other industries, so increasing the pressure for remunerative toil. One of our most serious national problems is that of so administering our affairs that opportunities for employment may be given to our rapidly increasing population. Our historic policy has been to give employment to American rather than to foreign labor. While our lumber camps and mills are forced to close, our competitors are increasing their business, giving employment to Chinese, Japanese, and Hindus. We feel no unkindness toward the labor of other countries, but their employment is not our responsibility.

Unless we grant the protection asked, we are not pursuing a consistent policy in the matter of building materials. Cement, brick, steel, roofing materials, stone, and other articles are on the dutiable list. They are competitors of wood products which it is proposed to make free. On what theory of a protective tariff can this be justified?

A duty on lumber is indorsed by the board of directors of the National Lumber Manufacturers' Association, by the Southern Pine Association, the Lumber Industry Tariff Committee, the White Pine Association of the Tonawandas, the North Carolina Pine Association, the Roofers Manufacturers' Club of Georgia, South Carolina, and Alabama, and by the industry generally, as well as by business institutions and industries associated with or dependent on lumbering operations. The National Retail Lumber Dealers' Association has repudiated the letter of Mr. Frank Carnahan of April 7 relating to profits to lumber manufacturers and to the supposed added costs in the construction of average houses on the ground that his statements are not correct.

The people engaged in the production of timber products buy immense quantities of the articles made by other manufacturers

and producers whose goods, wares, and commodities are on the protected lists. On what theory of justice and fair treatment can a duty on lumber be denied?

CONCLUSION

In conclusion, we are proposing one of the lowest rates in the bill. It will afford some much-needed relief. This major industry is entitled to fair and equal treatment in a country where we apply the principle of protection to both major and minor enterprises. [Applause.]

The SPEAKER pro tempore. The gentleman from Oregon has consumed 15 minutes.

Mr. BANKHEAD. I would like to ask the gentleman two or three questions.

Mr. HAWLEY. I would be glad to answer them if I had time.

Mr. BANKHEAD. If the gentleman will yield, the gentleman is chairman of the committee. This is an important item. Will the gentleman not yield himself a little more time?

Mr. HAWLEY. If I did, I would be violating arrangements made with some others, to whom I have agreed to yield time on this side of the question.

Mr. BANKHEAD. I regret very much the gentleman can not do it.

Mr. HAWLEY. I do, too. [Applause.]

Mr. HENRY T. RAINEY. Mr. Speaker, I yield myself 15 minutes.

Mr. Speaker and ladies and gentlemen of the House, I do not know from what source the gentleman from Oregon [Mr. HAWLEY] obtained his figures as to the additional cost of lumber in a house of ordinary size, occasioned by the duties proposed by this bill, but the National Retail Lumber Dealers' Association has figured the matter out, and I think that is a reliable authority. The National Retail Lumber Dealers' Association say, and I quote from their statement:

> It has been conservatively estimated that a duty of $1.50 per 1,000 board feet, when pyramided, will mean an additional cost of at least a minimum of $112 on an average house, and it is estimated that the proposed duty on shingles would further add to the cost from $25 to $100 more.

Now I am inclined to think that the National Lumber Dealers Association has figured the matter out approximately correctly.

Mr. HAWLEY. Will the gentleman yield a moment?

Mr. HENRY T. RAINEY. Yes; I yield.

Mr. HAWLEY. I have a letter from the secretary-manager of the National Retail Lumber Dealers Association under date of April 26, 1930, in which they repudiate the statement made by their secretary, which misled the gentleman from Illinois [Mr. RAINEY].

Mr. HENRY T. RAINEY. I have only this statement: I did not know it had been changed in any way by the organization. I am surprised to know that it has been. It would be interesting to know what this final estimate is. I think the gentleman from Oregon [Mr. HAWLEY] is basing his estimates on rough lumber; we do not use rough lumber in building houses, and he is overlooking the duty when pyramided.

Members of Congress have received an enormous number of telegrams on this subject, and I want to advise the Members why they have received in the immediate past such a tremendous influx of telegrams favoring these duties.

The Emergency Committee, Lumber and Shingle Tariff, issued a statement recently under date of April 18, 1930, which brought all this flood of telegrams.

I quote from that statement:

> There are two things which we want you to do immediately: First, send a wire to each of your Congressmen, whose names you will find on a list already sent, calling their attention to the inconsistency of the stand of the retailers, pointing out that they are being coached by the Canadian lobby, and that they can be proven to have no interest in the consumer by their past actions, and that some of the statements they have made are absolutely untruthful. Make your wire pointed, emphasizing the seriousness of the situation, mentioning unemployment and the gloomy prospects, and be sure and get it off so that it will arrive in Washington not later than Wednesday morning, April 23. This is vastly important. Send a good, long wire.

That is the end of the quotation; that is the reason why you have all received so many telegrams, all of them following this suggestion. I do not know who is responsible for this communication. I do not know who the Emergency Committee, Lumber and Shingle Tariff, is.

No names were given but this communication was sent generally to the members of the West Coast Lumbermen's Association, to the Southern Pine Association, to the California Redwood Association, to the North Carolina Pine Association, to the California White and Sugar Pine Association, and to the Western Pine Manufacturers' Association. All the members of all these organizations received this emergency request, which comes from some lobbyist here in Washington, who does not even have the courage to subscribe his name to it. That is the reason for this vast flood of telegrams intended to indicate in their number a sentiment in favor of these proposed tariffs.

Now, I want to submit, first, that the President, in calling the extra session of Congress, did not anticipate a further revision upward of the lumber tariffs. In his special message, read at the opening of the extra session, he said:

> It is not as if we were setting up a new basis of protective duties. We did that seven years ago.

Then he goes on to say:

> In determining changes in our tariff we must not fail to take into account the broad interests of the country as a whole, and such interests include our trade relations with other countries.

The chart displayed here just a moment ago by the gentleman from Iowa shows that Canada is our best customer and indicates the tremendous balance of trade in our favor with Canada. Yesterday, as the gentleman from Georgia has said, Canada indicated her intention to impose retaliatory tariffs against the United States. From the moment we pass this bill her tariffs against us are going to be just as high as our tariffs are against her.

We even export lumber to Canada. We export to Canada $2 per capita of all the lumber she consumes. She exports to the United States 60 cents per capita of all the lumber we consume in the United States. Therefore our exports to Canada, from a per capita standpoint of lumber consumption, are more important and are greater than her exports to the United States.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. HENRY T. RAINEY. Yes.

Mr. JOHNSON of Washington. Does not Canada have a tariff now against American lumber?

Mr. HENRY T. RAINEY. Oh, yes; but it will be higher than ever as soon as we pass this bill.

Mr. JOHNSON of Washington. Why would it be higher?

Mr. HENRY T. RAINEY. She intends to make it exactly what our tariff is.

Mr. JOHNSON of Washington. What they have now is even higher than our proposed 75 cents.

Mr. HENRY T. RAINEY. It evidently is not high enough to interfere with importations from the United States. In examining into the necessity for tariff protection on any article ordinarily we take into consideration whether or not we are able to compete in the markets of the world with the country whose exportations we fear on that particular article. It is interesting in this connection to look into our exportations of lumber. During the year 1928 the State of Washington alone shipped to Australia 126,876,993 board feet of lumber. During that same year the State of Oregon shipped to Australia 55,079,494 board feet, a total for the two States of 181,956,487 board feet of lumber.

All this entered the Australian market in competition with exports from British Columbia, and during that year British Columbia exported to Australia only 29,843,132 board feet of lumber. We shipped the enormous amount I have just indicated and British Columbia shipped the small amount I have just indicated to Australia.

Mr. MORGAN. Will the gentleman yield?

Mr. HENRY T. RAINEY. Yes.

Mr. MORGAN. Has the gentleman figures showing the percentage of the lumber we consume that is imported from Canada?

Mr. HENRY T. RAINEY. I will put that in the RECORD later. In other words, the shipments of lumber to Australia from the United States were six times greater than from British Columbia.

Let us look at some of the other world markets. South America imports lumber from the United States. From the State of Washington alone the South American countries imported in 1928, 96,665,247 board feet of lumber. The State of Oregon shipped 71,915,965 board feet of lumber. As against this total of 168,581,212 board feet of lumber shipped from these two States to South America only 10,304,032 board feet were shipped from British Columbia. In other words, from these two States alone we shipped to South America fifteen times as much lumber as they shipped from British Columbia. We were able to compete there.

In 1928 we shipped to China fourteen times as many board feet of lumber from these two States as were shipped from all of British Columbia. To Japan in the same year we shipped from these two States four times as much as was shipped from all of British Columbia.

To Mexico and Central America we shipped from the State of Washington in 1928, 10,051,717 board feet of lumber. From Oregon we shipped 1,341,354 board feet. As against this total of 11,393,071 board feet of lumber shipped from the States of Washington and Oregon to Mexico and Central America there were 333,660 board feet shipped from British Columbia.

To the United Kingdom and Europe in 1928 the State of Washington shipped 156,805,202 board feet of lumber. The State of Oregon shipped 78,707,003 board feet, or a total of 235,512,205 board feet, as against 67,075,872 board feet from British Columbia, so that the shipments of lumber from the two States in question were three and a half times greater than the shipments from British Columbia. [Applause.]

To all other foreign ports the States of Washington and Oregon shipped one-fourth more lumber than the shipments from British Columbia amounted to.

The grand total of foreign shipments in 1928 from the States of Washington and Oregon amounted to 1,629,512,100 board feet as against only 381,301,533 board feet from British Columbia, or, in other words, the total shipments from the States of Washington and Oregon in 1928 to all the rest of the world were about five times greater than those from British Columbia. We, therefore, seem to have been able to compete quite successfully with British Columbia in the markets of the world, and I am wondering why we can not as successfully compete here in the United States where freight rates from our mills to the points of consumption are much less than from British Columbia. From every standpoint the argument in favor of a duty on lumber and shingles has failed.

RUSSIA

It is seriously contended that exports of lumber and shingles from Russia to our own markets, if admitted free, would seriously handicap our own industry.

The Russian timber development is possible only in the most rugged part of that country, where there is a small population—her timber is produced in a sub-Arctic climate, with frost in the ground practically the entire year. The difficulties connected with harvesting her lumber are increased by the absence of suitable ports. Archangel and Leningrad are practically the only two available ports of shipment. Riga is no longer a Russian port and is practically inaccessible. Archangel lies only 150 miles south of the Arctic Circle, and open water prevails there for only about one-third of the year. The lumber mills in the vicinity of Archangel have been sawing for many generations. Near-by available timber has been cut, and to-day it is necessary to float logs for hundreds of miles from inland points along rivers to Archangel.

To-day there is an acute housing situation in Russia, and the available lumber supplies will all be needed there. Even such large cities as Moscow depend upon frame construction. It is not at all likely that Russia will be able to build up any considerable American trade. Russian timber is practically inaccessible to American markets. There are only a limited number of working-days in the lumber-producing sections in northern Rusisa—the working-days possible there in that climate do not exceed 30 days per year. I am indebted for this information to Russian Economic Notes No. 26, United States Department of Commerce, April 19, 1929.

PROFITS

Our lumber industries are not losing any money—some of them may be in trouble. The returns of 53 companies are available for the 7-year period preceding the year 1928, as well as for 1928. These companies show a percentage of profit of sales for the 7-year period on the average of 3.6 per cent. For the year 1928 these companies show a profit of 2.16 per cent. These companies, however, do not own their own timber. Twenty timber-owning companies had sales twice as great as all the rest—the profit of these 20 timber-owning companies in one year equaled approximately the profits of the 53 log-and-timber buying companies for the entire 7-year buying period. None of these companies are losing money, and the log and timber owning companies are making as much in profits as they can conscientiously make.

COSTS

According to estimates made by our Tariff Commission, the labor cost of producing lumber in British Columbia is greater than the labor cost of producing lumber in the United States. Hindu labor is employed in British Columbia, but it is paid no less than other labor is paid. Hindu labor is employed also in the United States—our lumber companies employ as much of it as they can get and they would employ more if it were available. The total costs, including labor cost, of producing lumber in British Columbia are greater than the total costs of producing lumber in Washington and Oregon. Our Tariff Commission reached this conclusion. The same facts are available from other sources.

SHINGLES

Shingles are largely a by-product of the lumber business in the United States. We make shingles in the United States largely out of the waste parts of logs.

Shingles imported into the United States from British Columbia sell on the market for a much larger price than our shingles for the reason that they are much better shingles, and in the construction of the better class of houses our builders use shingles from British Columbia. Over 80 per cent of the shingles manufactured in this country are by-product shingles. The Tariff Commission shows that it costs more to produce shingles in British Columbia than it does in the United States.

I could continue the argument along these lines almost indefinitely—the further we go into the subject the less the necessity appears for the enormous burden upon home builders of this country proposed by this bill. Shingles ought to be free; lumber ought to be free. We ought to conserve our own forests as much as possible. The imposition of these tariffs would quickly deplete our forests. If it is at all valuable to preserve forests, legislation ought not to be enacted which will result in their destruction. We have placed already in this bill enough burdens upon the farmer and upon the home builder of this country—the proposed tariffs on lumber do not alone affect that part of our population which proposes to engage in building operations—timber enters into every activity of life. The man who never expects to buy a splinter of timber will be affected injuriously by this proposed tariff. We can not operate our coal mines without the use of timber; we can not operate our river transportation systems without the use of timber; we can not operate our railroads without the use of timber; we can not build a fireproof building without the use of large amounts of timber; our telegraph and telephone companies can not operate without the use of timber. There is no activity connected with modern life which could exist without the use of timber, therefore, the plea I am making applies not only to farmers and home builders but it applies to every citizen who lives to-day in the United States, and it applies also to future generations. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. HAWLEY. Mr. Speaker, I yield eight minutes to the gentleman from Washington [Mr. HADLEY].

Mr. HADLEY. Mr. Speaker, of course there is not adequate time to discuss the various amendments. I will direct my remarks principally to the item of shingles, which is amendment numbered 371, but before touching upon that I want to discuss another item—amendment numbered 370—cedar lumber, which is not now under consideration during the discussion of the motion now pending. The motion that is pending or that was read for information does not touch cedar lumber at all, but deals wholly with other classes of lumber. I will not have the time to discuss it, but I want to get into the minds of the Members present this distinction. Cedar lumber embraces only about 2 per cent of the domestic production of lumber. It is a small quantity of a special class of lumber that is manufactured from cedar and used principally in beveled and bungalow siding in the higher classes of homes.

The motion that will be made with respect to cedar lumber will be on the same basis as the motion with respect to shingles. When the shingle amendment is offered it will provide for 15 per cent instead of 25 per cent which the House originally approved. The bill as it comes from conference carries 25 per cent, and the motion will provide for 15 per cent. The motion on cedar lumber, which will subsequently be made, will be upon the same basis, because cedar lumber and shingles are made from the same raw material under the same general labor conditions, the same general differentiations as to costs of production, and therefore they ought to both be put upon the same basis.

I think, perhaps, one of my colleagues will discuss this point, but I wanted to make it clear at the moment so this thought will not be lost sight of in the minds of the Members when they come to vote upon the item of cedar lumber, which is No. 370, appearing immediately before the general lumber item, which is No. 371.

Now, with respect to shingles, the situation of this great industry in the States of Washington, Oregon, and Idaho is desperate, but this is not a new story. It is an old story. It is not the result of mere temporary conditions which have come upon the country and upon industry generally within the last year. It is a situation which originated way back in the background of our tariff legislation.

I have lived 40 years in the heart of the cedar industry of this country, some in foreign territory and some in our domestic territory. I am familiar with its history and with the competitive conditions that have existed. I have studied the hearings. I sat in the committee seven weeks and heard the story of all industries as presented there, and I have also read the briefs. I served on three subcommittees when the committee was preparing the bill. I served with the committee when it reviewed all the subcommittee reports, and I say here without hesitation that from my knowledge not only of the record and of the official data in the record of the hearings upon this bill but backed by my personal knowledge of competitive conditions there is not an industry in America to-day that is in more distress or that needs more relief from the standpoint of protection than the red-cedar shingle industry of Washington, Oregon, and Idaho.

If this is so, and I assert it is so, because I know it to be true, then we are in the strange situation here of dealing with a separate industry in the maximum of distress when many items in this bill have been safely tucked away in the conference report for which I voted, and cheerfully voted, that do not contain a farthing of the equitable ground for relief that exists in the case of the shingle industry.

I have twice seen this industry rise and fall. Way back in the nineties, under the operation of the free list of the Wilson bill it declined, and then under the protection afforded by the dutiable list of the Payne bill, as well as the Dingley bill, it prospered, and continued to prosper until in 1913 the Underwood law again put shingles upon the free list. Then began our trouble. Mills began to grow in number in British Columbia where they had been reduced under our protective system until there was only one red-cedar shingle mill of which we have any record at that time in foreign territory.

The mills multiplied there and ours diminished. This has continued from that day until this good hour. Their increase in production in British Columbia for the period since the Underwood law has been 399 per cent, and, on the other hand, on this side mills have declined from an original peak of some 600 down to a point of 200 or fewer to-day.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. HADLEY. Yes.

Mr. JOHNSON of Texas. I just wanted to ask the gentleman whether the Fordney-McCumber bill put shingles on the free list?

Mr. HADLEY. Yes; and that was a great mistake. This House put a duty on shingles in 1921 and sent the bill to the Senate and the Senate struck it out. This is exactly what has happened again, and this suffering and distress with which I am so familiar in my State has gone on during these eight long years. Our people are waiting anxiously to-day to hear from this vote and appealing to this House for relief. Ten thousand laborers employed in the shingle industry are anxiously praying for your help. Thousands are idle and mills are closing. We have $50,000,000 of invested capital engaged in this industry, exclusive of timber holdings, with a pay roll of $10,000,000 or $12,000,000.

The SPEAKER pro tempore. The time of the gentleman from Washington has expired.

Mr. HAWLEY. Mr. Speaker, I yield the gentleman seven additional minutes.

Mr. HADLEY. And what is the reason for this situation? The placing of shingles on the free list. It is just the ordinary case of being overrun by importations. From 550,000,000 shingles, or thereabouts, which we imported in 1913, this amount had increased to nearly 3,000,000,000, or multiplied 5.6 times, by the end of 1928.

It is the ordinary case of being swamped by importations in the absence of a necessary duty. That has continued until now, except for a little while last fall when British Columbia was anticipating the enactment of this law. Then accumulated orders were sprung on the country in anticipation of a duty, which temporarily slowed down importation until the law is enacted and until our market absorbs the unusual importations. So these importations have crushed the industry. Not only that, but the hard part of it is that these products are shipped through our territory to eastern markets. I know, because I live only 17 miles from the international boundary line.

The Tariff Commission has reported that in the shingle mills of British Columbia 45 per cent of the labor employed is oriental. Our domestic labor is 100 per cent American. I have not time to go into the wage scale. That is one of the many things that can not be analyzed in this brief time. The fact is the products of oriental labor are passed through our State to our eastern market. Foreign labor is fully employed, and American labor is idle.

The question presented to you here is whether you will continue by your vote to-day to maintain that situation or protect American capital and American labor against the products of oriental labor.

Mr. FOSS. Will the gentleman yield?

Mr. HADLEY. I yield.

Mr. FOSS. Would the gentleman be willing to exempt from the paragraph the white-cedar shingles of the East?

Mr. HADLEY. I do not remember that as an issue in the hearings; to my recollection it was not stressed before the committees. I have no recollection of it in subcommittee. I do not believe that that commodity competes with our industry or in any substantial way with any American production; if it does not, I would be in favor of it.

Mr. FOSS. I do not think it would.

Mr. HADLEY. I would not object to excluding it, along with Spanish cedar, from the operation of the bill. We are all protectionists on this side of the aisle, believing in the traditional policy, and yet there is objection in some minds because of the fear of added cost to the consumer.

God knows that I do not wish to add unnecessary or unreasonable burdens or additional cost to the consumers, but it will not add to the cost of the consumer in my opinion. I have studied the subject, and studied it fairly and deeply. Substitutes have controlled prices for years, and they are controlling prices to-day.

The fact is that only 11 per cent of the roofing values of the country to-day lies in wooden shingles. Only 11 per cent are wooden shingles. There you have 89 per cent in competition, which controls the price and any rise in cost is necessarily absorbed and can not reach the consumer. So that this fear that an increase in price of shingles would ever be visited on the consumer in any appreciable amount is without foundation. Prices to-day are only 50 per cent of what they were a year ago, according to advices which I have recently received. If I were to bring here telegrams and communications appealing to the Congress for relief, which I have received, I would not have time to present them, even if you gave me all of the remaining time. They are not sent here for propaganda purposes. I know propaganda when I see it. We learn to know and recognize that. They are representations of fact that come to me—come from the hearthstones and firesides of both capital and labor.

The SPEAKER pro tempore. The time of the gentleman from Washington has again expired.

Mr. HENRY T. RAINEY. Mr. Speaker, I yield now to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Speaker and Members of the House, coming as I do from one of the great industrial centers of the country, representing a district where hundreds of great manufacturers are located and a constituency 85 per cent or more being employees, naturally I am interested in this tariff bill which means so much to the American people.

I am one who pledged myself in the campaign of 1928 to support the Democratic nominee's tariff policy. That now famous telegram read as follows:

Republican campaign management is trying to frighten business with the claim that country can only be prosperous under Republican rule. They willfully misrepresent the Democratic Party's attitude on tariff. We are asking every Democratic candidate for Senate and House to permit us to sign his name to following declaration: "We, the undersigned Democratic candidates for the House and Senate, reaffirm the allegiance of our party to a nonpartisan Tariff Commission as enunciated in the Democratic platform adopted at Houston, and declare our approval of the constructive interpretation placed on the tariff plank by our standard bearer, Governor Smith, in his Louisville speech, when he said, 'I definitely pledge that the only change I will consider in the tariff will be specific revisions in specific schedules, each considered on its own merits on the basis of investigation by an impartial Tariff Commission and a careful hearing before Congress of all concerned. That no revision of any specific schedule will have the approval of the Democratic Party which in any way interferes with American standard of living and level of wages. In other words, I say to the American workingman that the Democratic Party will not do a single thing that will take from his weekly pay envelope a 5-cent piece. To the American farmer I say that the Democratic Party will do everything in its power to put back into his pocket all that belongs there, and we further say that nothing will be done that will embarrass or interfere in any way with the legitimate progress of business, big or small. With this prescription honestly put forth with a clear-cut and definite promise to make it effective, I assert with confidence that neither labor nor industry nor agriculture nor business has anything to fear from Democratic success at the polls in November.' And we hereby pledge our cooperation in carrying out the principles and policies therein set forth." Will you please wire immediately, telegram collect, permission to sign your name?

I stand ready now and will always be ready, as long as I am a Member of this House, to carry out that pledge. I do not

propose to violate that pledge and feeling that this bill will disturb the American standard of living and level of wages, that it does not put back in the pocket of the farmer all that belongs there, because while you intend to give the farmer an increase in the price of his products you provide that he must pay an additional amount for his necessities, putting money in his pockets with your right hand, but extracting it and more besides with your left, and, further, it is my opinion that this bill will disturb legitimate business, both large and small. Therefore it is in direct contrast to the policy I agreed to support.

If, as the proponents of a prohibitive tariff proclaim, the higher the tariff the higher the standard of living, why do we find millions of our citizens out of employment at the present time with the highest tariff rates in the history of the country being charged at our ports of entry? If, under the present tariff act, we find our people suffering, many actually deprived of the necessities of life, where is the justification for increasing the rates?

If the measure offered any encouragement to the unemployed, promised a higher standard of living, or an increase in wage to toilers, criticism would not be in order. To me the new tariff bill presages further unemployment and suffering among the people of the large cities and no indications of better conditions for the farmer.

Gangsters and racketeers have never made a raid upon the family pocketbook such as this bill will accomplish if in the end it becomes a law.

The law will be welcomed with open arms by those who have sought special privileges at the hands of the Republican Party. Running true to past performances you have looked after the interests of the special classes.

True, the agricultural interests have been recognized more liberally by the Senate than by the House, but how dearly those who till the soil will pay for the so-called protection afforded products of the farm in the bill. I predict that for every dollar of benefit the farmer receives he will pay ten for the necessities of life he must buy in a protected market, higher by far than ever in tariff history.

While the industrial leaders have seen to it that they were not overlooked, the representatives of the farmers have done well for their constituents, but what has been done for the great masses who reside in the urban centers? Overburdened as they are by the high cost of living, they are asked to pack an additional load that will swell their tariff contribution nearly a billion dollars annually.

While practically every article that appears on the family table will increase in price if the increase in tariff means what is intended, the outstanding example is the increase in the duty on sugar. The House bill carried a rate of 2.40 cents per pound while the Senate reduced this to 2 cents. Therefore the rate on sugar will be between 2 and 2.40 cents. Regardless of the result it is an increase, as the prevailing rate is 1.70 cents per pound. And why? To protect the small cane and sugar beet industry of this country. The additional cost to the American people that will result in the increase in the tariff on sugar for a few years would, according to experts, be sufficient to purchase every beet and cane sugar plantation in the United States.

Starting at the breakfast table, the housewife will find that the price of fruit advances because you recognize it in the bill. This with the sugar for the coffee, the bacon, butter, and even eggs all will require more money when the purchases are made.

When the children come home to lunch for their vegetable soup the housewife again finds her budget increased for every vegetable as well as the meat advances in price.

And what happens at the evening meal? Tired from a hard day's toil, the husband looks forward to a plate of Irish stew. The potatoes, the onions, the meat, and other ingredients all up in price due to the increases in this bill.

Passing from the family table to the furnishings of the home, a review of the bill shows an increase on every article used by the housewife from the foot mat at the front door to the garbage can at the back gate. The carpets and the furniture, the sewing machine, and even the thread, the radios and pianos, the silverware and kitchen utensils as well as the laundry equipment, all have been recognized and an increase provided. Following this it is impossible to find an article classed as wearing apparel that will not go up in price, including shoes, heretofore on the free list. On top of this, for the first time in history, there has been placed a tariff on bricks, cement, lumber, and shingles, which are necessary to construct the homes. If this prevails in the end, it will cost the working man more to construct a house than it does to-day.

While there has been no additional tariff placed on automobiles—that is, the finished product—still every part that enters into the manufacture of an automobile has been granted an increase.

In considering the flexible provisions it must be borne in mind that it will be several years, at least, surely not during the present administration, before there is another general revision of the tariff law. I am unwilling to continue to place in the hands of any one man the power now extended to the President to raise or lower existing duties 50 per cent. Should the country be so unfortunate as to have in the White House a President who entertained extreme views on the tariff question, he would be in a position to shake the very foundation of the country if he so desired by either raising or lowering all existing rates.

I feel that the amendment of the Senate is much more desirable as it places the responsibility upon Congress to adjust rates, thus following out the thought of the framers of the Constitution. I shall therefore support the Senate amendment when the vote is taken.

The prosperity of this country to a very large extent depends upon its ability to find a market to absorb its surplus. This applies not only to industry but also to the farmer. There has been a continuous reduction in our exports for the past year, as shown by the figures of the Department of Commerce. What is the ultimate result when there is no market abroad for American-made goods? There is but one answer. Slow up in production, which means shorter hours for the workman. When you reduce the hours of labor you curtail the earning power and likewise curtail the purchasing power, lowering the standard of living.

The decline in exports results from a reduction in the purchasing power of the people abroad. In order to retain their purchasing power foreign countries must have a market for their products. When you throw a tariff wall around the United States, building it so high that you practically eliminate foreign competition, you automatically affect the purchasing power of foreign countries, thus seriously affecting the export business of this country, which is so necessary to our welfare.

The great corporations of this country enjoying prosperity are practically given a free hand to raise the price of their products to the American people by the increase in tariff rates which all but shuts out foreign competition.

Improved machinery, resulting in lower price of production, has affected the laboring man. Compare the average number of men employed in industry and the production 20 years ago with the average number employed in the same industry, together with the production to-day and you will find while the production has doubled or trebled, the number of men employed has in some instances been cut in half. Still rather than a reduction in price of the product you will find it has steadily increased, although there has been a marked reduction in cost of operation. This condition continues, and the end is nowhere in sight.

I yield back the remainder of my time.

Mr. HENRY T. RAINEY. Mr. Speaker, I yield now two minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker, I attempted to interrogate the chairman of the committee with reference to one feature of the bill, and I think that we are entitled to some explanation concerning it. The gentleman has indicated that at the proper time he will move to concur in Senate amendment No. 371, with an amendment reducing the tariff to 75 cents per 1,000 feet and striking out from the present provisions of the Senate amendment the words "railroad ties, and telephone, telegraph, trolley, and electric-light poles of any wood." Do I understand the gentleman correctly that that is his purpose?

Mr. HAWLEY. That was the statement that I made.

Mr. BANKHEAD. In other words, Mr. Speaker, the gentleman proposes to put a tariff on the importation of lumber which would have a tendency, I think, to increase the cost to the cotton farmer in the South who wanted to build a cotton shed or the potato grower in Maine who wanted to build a potato shed, but the gentleman deliberately proposes to exempt from the provisions of the tariff and leave upon the free list hundreds of thousands of dollars' worth, if not millions of dollars' worth, of material to be used by the great railroad companies and telegraph companies of the country. They are to come in free of tax, free of duty. I think the gentleman owes it to the House to let us have some explanation, if he can, of the theory that justifies an exemption such as he has indicated.

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. HENRY T. RAINEY. Mr. Speaker, I yield five minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Speaker and gentlemen of the House, the old order changeth, yielding place to the new. That was in a measure evidenced by the statement made by our distinguished friend from Georgia [Mr. CRISP], in reference to

telegrams and letters that he was receiving in regard to the lumber schedule of the tariff bill. Many other Members from the South have received telegrams and letters urging them to vote for a tariff on lumber. I did not need such a telegram or letter. I am a protective-tariff Democrat. [Applause.] I belonged to that school long before the Houston convention declared for it. The only reason in years gone by that the Democratic Party protested against the tariff, so far as I could see, was that it was in derogation of the principle of equal rights to all and special privileges to none; but when the Congress broadened out a restrictive principle and applied the tariff to all American products, then it became consistent with the Democratic platform at Houston, and every Democrat on this floor can vote for the tariff that is before us. [Applause.]

I have no desire to criticize those who differ with me upon this subject. Notwithstanding my apparent difference from those on the Democratic side, I can not forget that I was born and reared among them and that their traditions and history are mine; but I believe, even though I may subject myself to the charge of vanity as a result of this statement, that my eyes are opened to the coming day and that they are still laboring under the memory of the past and struggling in the dead but still mighty grasp of Mortmain. The gentleman from New York [Mr. CROWTHER] on the floor yesterday spoke of the wonderful transformation in the Southern States, showing manufactured products of Texas alone of over a billion dollars, and other States in a commensurate way.

This all shows tremendous, giant strides on to prosperity. I have no criticism to offer of those who believe we ought to ask for protection for the industries of their own States and then vote against a tariff bill, but so far as I am concerned, if I ask for protection to the industries and the products of my State. I am willing to go through and give protection to the products of other States that stand at least upon an equal basis with the products of my own State. [Applause.]

If the rest of the world were upon a free-trade basis, we too might be for free trade, but that is utterly impossible, because there is no country on the face of the globe that pretends to civilization which does not enjoy tariff protection to-day. It is institutional with us, it is almost like the Constitution of the United States; it is impregnably intrenched in the fabric of our affairs. If I may be pardoned for it, I ask my colleagues from the South to turn their eyes to the rising sun and view the coming day, because it is the South that is looking for protection more and more every day. The man is blind to the facts of human existence who does not know that the lumber industry of the South gives employment to thousands and thousands of men who are asking us for the protection that we are going to give them in this bill to-day. [Applause.]

Mr. HENRY T. RAINEY. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. CLAGUE].

Mr. CLAGUE. Mr. Speaker and ladies and gentlemen of the House, for the past year I have given very careful consideration to the question of a tariff on logs, lumber, and shingles. I have always been opposed to a tariff on these items. I opposed it before the Ways and Means Committee of the House, the Senate subcommittee, and am now opposed to this tariff. My constituents are a unit in opposition to the proposed tariff on these items. It would not only be an additional heavy burden upon our farmers, but also upon every home builder in the United States.

The chairman of the committee [Mr. HAWLEY] a few moments ago called attention to the extra cost that would be added to the expense of constructing a frame building with the proposed tariff of 75 cents on logs and lumber instead of $1.50, and stated that on a building where only 8,000, 10,000, or 12,000 feet of lumber were used the extra cost would be very small. For instance, he stated that in a building using 12,000 feet of lumber the additional cost would be only $9.

I take issue with that statement. In the district which I represent, and I dare say in most other parts of the United States, they use only a small amount of rough lumber for building. It is shipped to our section of the country as dressed lumber. Most of our lumber comes from the west coast, and if it were shipped in the rough the additional freight rate would be at least $1 a thousand, and after it has been rehandled and dressed it adds a further expense, and for that reason it is not shipped in the rough, but it mostly comes in as dressed lumber.

A few moments ago I talked with a very prominent builder who has had wide experience in the construction of all classes and kinds of buildings during the past 20 years and who is a Member of this House, the gentleman from Chicago [Mr. SPROUL]. I asked him what proportion of lumber used in the construction of buildings in the Middle West was rough lumber. He stated that there is practically none, and, further, that instead of only adding 75 cents a thousand feet this would be pyramided several times, and the extra freight for having it shipped in the rough and then dressed would mean an additional $4 or $5 per thousand.

Mr. HAWLEY. The kind of lumber that I referred to was entirely rough lumber.

Mr. CLAGUE. There is not one building in a thousand that is built in our section of the country entirely of rough lumber.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. CLAGUE. Yes.

Mr. CRISP. The effect of the speech of the gentleman from Oregon would be to create the impression on the part of the House that such a tariff would entail an additional cost of only $9 on a house.

Mr. CLAGUE. Yes. There could not be any other impression. If we did not have that lumber dressed, the freight rate would be much higher.

Mr. CROWTHER. What is the duty on the undressed?

Mr. CLAGUE. If it were not dressed in sizes under 4 inches there would be no duty, and if it is undressed before shipment the freight will cost more than the 75 cents for the reason that if it is hauled in the rough into the United States it has to be unloaded, dressed, and rehandled. We pay freight on the wastage, and therefore, the increased freight rate and extra cost would mean an additional expense to the consumer of $4 to $5 per thousand.

Mr. CROWTHER. Will the gentleman yield for one question?

Mr. CLAGUE. I am sorry, I can not for want of time. Unemployment has been mentioned as existing in the lumber and shingle sections in Washington and Oregon. I am sorry that you have unemployment, but if we could purchase lumber and building material at a more reasonable price so that the farmers and home builders of this country could do more building and make other needed improvements, then you could sell your lumber and building material, which would not only give employment to your people who work in the lumber and shingle mills, but would also give employment to hundreds of thousands of men in the construction of new buildings, and making needed improvements. If you put a tariff on these items, unemployment conditions will be worse than they are to-day.

I now wish to call your attention to these charts. I would like to have some of the proponents of this proposed tariff explain this.

Mr. JOHNSON of Washington. I can explain it.

Mr. CLAGUE. You can do it in your own time. Look at this chart. It is very illuminating. This chart shows the "water-borne" shipments of softwood lumber to all ports of the world from the Pacific coast for the year 1929. The total amount was 5,536,184,720 board feet. British Columbia only exported 14.4 per cent of the total amount. All the balance was shipped from Washington and Oregon. In other words, about seven times as much softwood lumber was shipped from Washington and Oregon as from British Columbia. During the same year Washington and Oregon shipped about three times as much lumber and logs to China and Japan as British Columbia. This being true, how is it that the log and lumber dealers in Washington and Oregon can outbid the dealers in British Columbia if it costs more in the United States?

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. CLAGUE. I regret I can not yield.

Mr. JOHNSON of Washington. I can answer that question.

Mr. CLAGUE. I ask that you explain that in your own time.

Mr. CRISP. Mr. Speaker, I make the point of order that the gentleman from Washington is out of order. The gentleman from Minnesota declined to yield, and he is entitled to protection.

The SPEAKER. The gentleman will proceed in order.

Mr. CLAGUE. Is not that peculiar? These water-borne shipments were about seven times as much from Washington and Oregon than shipments from British Columbia. More than three times the lumber and logs were shipped from Washington and Oregon to Japan and China than from British Columbia.

The gentleman from Iowa [Mr. RAMSEYER] called your attention to this second chart, and to which I wish to call your attention. It shows the softwood lumber that was shipped to Europe in the year 1929; from British Columbia, 69,000,000 feet; from Washington, 196,000,000 feet; and from Oregon, 88,000,000 feet. Four times as much was shipped from Washington and Oregon to Europe as from British Columbia. How could that be done if it costs more to produce this lumber in the United States than in British Columbia? How could Washington and Oregon dealers outbid dealers in British Columbia?

Now, I wish to call your attention to this third chart, which shows the trade between the United States and Canada for the year 1929.

The total value of the goods exported from the United States to Canada was $948,440,000.

We imported from Canada during the same year $503,447,000.

This shows a balance of trade in favor of the United States for the year 1929 of $444,993,000.

These are not my figures. They are the official figures from the Department of Commerce. The total lumber shipments imported from Canada the past year have been a trifle under 5 per cent.

The gentleman from Washington [Mr. JOHNSON] asked how we would like to have the farmers in Canada, just across from Minnesota, ship butter, cream, potatoes, and other farm crops into the United States, and compared these things with the imports of lumber. This is not a fair comparison. The imports of logs, lumber, and shingles can not be compared with farm products, for the reason that farm products are produced annually. The lumber and shingles that we import from Canada are from trees that have taken from 75 to 100 years to grow.

We are rapidly depleting our timber supply in the United States. We have to use a large amount of white pine and spruce in this country, and in order to get the needed supply we have to import from other countries. Owing to the rapid cutting and consumption of our timber in the United States it will only be a few years until our entire supply is exhausted. There is no denying the fact that we have in the past greatly wasted much of our good timber. Forty years ago we had an abundant supply of white pine and other valuable timber in Minnesota, Wisconsin, and Michigan. A large part of this was owned by the State and the United States. If this had been carefully conserved we would have had a supply for many years to come. Large lumber companies induced the United States and the States to sell its stumpage at low prices, and as a result the timber companies who purchased the same cut off all the good timber as quickly as possible and wasted hundreds of millions of feet of timber that should have been conserved. Little has been done in the way of reforestation. Softwood timber is being depleted nine times as fast as it is now replaced, and at our present consumption pace our timber supply in the United States will be exhausted in a very few years.

Something has been said about timber imported from Russia. Nearly all the lumber imported from Russia is spruce. It only comes in competition with similar wood from eastern Canada. It is a wood nearly identical in appearance and texture with the spruce formerly grown in the Eastern States. This imported spruce from Russia is very expensive and too costly for building construction. It sells in the United States at $10 to $15 per thousand feet higher than similar sizes and grades of yellow pine, Douglas fir, or western hemlock. The imports from Russia for the year 1929 were less than 39,000,000 feet board measure, as reported by the Department of Commerce. This is less than one-fifth of 1 per cent of the total lumber production in this country. The amount imported is so small, and owing to its high quality, it can never be a menace to the lumber industry of the United States.

What I have said regarding free logs and lumber applies equally to free shingles. Practically all our good shingles come from British Columbia. According to the report of the Tariff Commission, the cost of manufacturing shingles in British Columbia is practically the same as it is in the States of Oregon and Washington. According to the best statistics available, about 75 per cent of the wood shingles sold are used upon the farms and in small villages. Substitute shingles are used in large quantities in the cities. If a tariff is placed on wood shingles, it not only means a higher price for wood shingles but also an increased price for all substitutes. It is estimated that 46 per cent of the lumber used in the United States is used in the construction of farm buildings.

It is my judgment that if these tariffs are placed upon logs, lumber, and shingles it will mean an additional burden to the consumers of the United States of at least $150,000,000 per year, with no increased benefit except to the large timber owners. It is reported that 2 companies own over 60 per cent of the standing timber in Montana, 11 companies own over 70 per cent of the timber in Idaho, 1 company owns over 36 per cent of the standing timber in western Washington, and 8 companies own nearly 70 per cent of the standing timber in Washington. A few large timber owners own the great bulk of the standing timber in the United States. These large timber owners would be benefited by a tariff.

Since 1913 lumber in the United States has been on the free list. The price of lumber to-day is nearly 100 points higher than in the year 1913. This means that lumber that would cost $100 in 1913 will now cost nearly $200. The agricultural States of the Mid-Northwest are now wholly dependent for their supply of lumber and shingles on outside sources, and while the price of lumber has nearly doubled, the increased freight rates since 1913 have greatly added to the cost of both lumber and shingles.

Between the years 1920 and 1928 practically all the lumber mills on the Pacific coast were prosperous. Income-tax reports for the year 1929 show that a large number of lumber and shingle mills in Washington and Oregon that own their own timber have prospered, and they are now prospering. The cost of producing lumber and shingles in Washington and Oregon is practically the same as in British Columbia.

Logs, lumber, and shingles should be left on the free list and sold at a price that farmers can afford to pay. This will help place agriculture on a parity with other industries. Let us help to place agriculture on its feet, and when this is done there will be a demand for lumber and shingles that will give employment to your people in the West and also to hundreds of thousands of people throughout the country.

Mr. HENRY T. RAINEY. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, ladies and gentlemen, during the debate on the tariff bill and now again on the conference report the Republican Members have, in the hope of influencing the Democrats to support some of the outrageously high provisions embodied in this bill, frequently called our attention to the last Democratic platform and Governor Smith's declaration that we are pledged to the principle of protection. As one of the Democrats who has pledged himself on the so-called Raskob telegram, I am satisfied, speaking not only for myself, but for the majority of the Democratic Members, that we have been and are ready now to carry out our pledge to the fullest extent; but, nevertheless, that is not the case with you Republicans.

We have promised to vote for a tariff bill that will protect the American wage earner and will help those industries that actually require protection, but we did not promise to build a Chinese wall around our country by voting unjustifiably high duties on commodities manufactured by monopolies and trusts whose reports show that they have paid dividends in cash and in stock in many instances amounting to two and three hundred per cent and sometimes as high as a thousand per cent, notwithstanding the paralyzed condition of the rest of the Nation.

In your arguments you do not mention these facts, but advocate and plead for these increased duties for these colossal trusts and monopolies on the pretext of protecting the American laboring man. You talk of low wages paid to labor in foreign countries and the high wages paid to labor in the United States, but you do not give the reduction of wages during the last few years and the 6,000,000 unemployed, and this notwithstanding the present high tariff law; nor do you call attention to the fact that you have failed in these crises to protect the American laborer from cheap Mexican, Canadian, and West Indian labor that is permitted to enter the United States without restriction by the thousands for no other reason than that these very prosperous industries want them and can hire them at much lower wages, and still you have the temerity to proclaim that you are endeavoring to protect the American wage earner. I have pleaded to restrict Mexican, Canadian, and West Indian immigration to the same extent as now forced upon European immigration, but the railroad companies, the Sugar Trust, the Lumber Trust, the power companies, the cotton planters, have such control and influence over you and your party that I have been thwarted in every move and effort.

Mr. Speaker, ladies and gentlemen, I concede that statements made on the floor of this House concerning the unfortunate large unemployment are true and appalling, and I assure you that no one regrets these deplorable conditions more than I do, but I feel that this legislation will not relieve the situation nor remedy conditions.

Ever since 1922 we have had the Fordney-McCumber tariff law, the highest protective tariff in the history of the United States. I recall the promises of prosperity that were made and held out to the American wage earners and the great benefit to be derived by the Nation if the Fordney-McCumber bill would pass. It did pass and what are the facts? Have wages been increased? Is the country prosperous?

For years these overfavored industries have, in violation of law, merged and combined, thereby throwing out of work thousands of men and women, who, if fortunate enough to be reemployed, are rehired at greatly reduced wages, and now you are giving these selfish, grasping monopolies additional protection. The records of these industries show that by their tremendous accumulated wealth and profits they have been able to invest millions and millions of dollars in various foreign countries and have built plants and factories there and are manufacturing their products which they formerly manufactured in the United States with American labor. This policy should be condemned, and I am ready to vote for as high a tariff as possible on all

articles manufactured by American companies in foreign lands as you will dare place on them in this bill.

This is but one of the many reasons for the vast unemployment. The main reason, however, is due to the shortsightedness of the policy of the Republican administration, which is destroying the friendship and confidence which our country has enjoyed with the nations of the world and who are now boycotting American goods, thus making it impossible for us to export our tremendous surpluses of manufactured as well as agricultural commodities, forcing the suspension of many of our industries, and robbing the farmer of an opportunity to export his surplus wheat, corn, and other products, thereby destroying his potential purchasing power, which naturally depresses all the business of the country.

Just now you are trying to force through a schedule placing a heavy duty on all kinds of lumber that is intended for the construction of small homes in the city as well as in the country, but you place on the free list railroad ties, telegraph, telephone, and power poles to help the railroads, public utilities, and the Power Trust. This is not the only schedule of this type that places an additional burden on the consumers and the masses, and places on the free list articles used and required by the industries that are highly protected. How it is possible for you gentlemen to get away with such injustice is beyond my comprehension.

This afternoon we will vote on the sugar schedule, and I am satisfied that under existing conditions it will be only possible for us to vote for the lesser of two evils and not for a reduction, as we should. We will be compelled to choose between the Senate amendment of $2 per hundred pounds or the original House rate of $2.40 per hundred pounds, notwithstanding the fact that the commission that investigated the sugar duty reported the present rate of $1.76 should be reduced. Instead of that you are increasing it.

I wish to insert as part of my remarks the statement of Congressman CRISP, a recognized authority, and I know that no one can deny his knowledge of that schedule or could question the correctness of same:

> Among the tax burdens which bulge the pending tariff bill the proposed increase of duty on sugar stands as the least justified and the most indefensible. For over 100 years the Government by bounties in tariff acts has attempted to build up a hothouse sugar industry. Today, in continental United States, we produce only one-sixth of the sugar consumed. The American people are compelled to pay millions of dollars in tribute to the sugar producers. A tariff of 2 cents or more a pound will simply enrich Americans operating in the Philippines and our other possessions at the further expense of the American consuming public. There are 23,000,000 families in the United States consuming 80 per cent of the sugar used, and upon these will fall the burden of the increased tax proposed for the benefit of a flourishing monopoly.

As I said before, I am ready, willing, and eager to vote for protection for the American laboring man and the worthy industries, but I do not vote for this bill because, instead of protecting the American wage earner, you are protecting from competition the trusts and monopolies who, under the present law, have been able to mulct, yes rob, the American consumer of millions, as shown in their reports, whenever they desire to unload millions of additional shares of watered stock on the public on the strength of tremendous profits and large dividends, while on the other hand, they appeal here for a high protective tariff on the showing of a weak financial report and threatened bankruptcy.

I also wish to insert a statement of a great tariff student, the lady from New Jersey, who has the interest of the ladies at heart:

> While it is impossible at this time to name all of the 20,000 items contained in the bill, and include in the conference report submitted to the House, a few of the outstanding items relating to the necessities of life and of particular interest to women are in order. Handkerchiefs, a necessity, will be increased 3½ each. There has been placed a 10 per cent tax on hides, which should have remained on the free list, 12½ to 30 per cent on leather and 20 per cent on shoes. This means that a $5 pair of shoes will cost $1 a pair more and a $10 pair of shoes $2 a pair more. This bill is an outrage and the people of the country should rise up against a condition that will permit a majority party to not only tax the clothes they wear but also upon their table.

The charges, made in former years that these inequities are made possible and that these specially protected industries are securing this unwarranted high protection because of the large contributions to the Republican campaign fund which made possible the buying of elections, have been denied. But these charges can no longer be dismissed with a grand gesture as GRUNDY, the chief lobbyist, has been obliged to confess that protection was granted according to contributions made to the Republican campaigns.

It is indeed unfortunate that the people of the country are obliged to suffer for the Republican Party's machinations and double-dealings. In order to secure the support and vote of the agricultural communities in the West and Middle West they pledged special protection to them. But on the other hand, they pledged to the New England interests, in restitution for the millions needed to elect Hoover, special protection which has been embodied in this bill and which will increase the profits of New England's industries to the detriment of not only the farmer but all the people of America.

Due to the duplicity and double-dealing to secure the election, the country finds itself hamstrung and practically prostrate because the uncertainty of a year's dillydallying with this tariff legislation has played havoc with every industry and business in the United States and has added to the depression and ruinous situation and the unemployment of millions of American citizens.

Mr. HAWLEY. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER of Wisconsin. Mr. Speaker, ladies and gentlemen of the House, I am going to support and vote for the amendment offered by the distinguished chairman of the Ways and Means Committee, to recede and concur in Senate amendment No. 371 with an amendment. [Applause.]

I am one of those who favor a restrictive immigration quota and a protective tariff to protect the industries and labor of the American people from unfair competition with cheap foreign products.

I am amazed to find now in the great Southland Members who will stand on the floor of this House and advocate the principle of voting to keep out all aliens from entering our country, who also stand up repeatedly and advocate that the product of alien labor and industry should come here unchecked, in unfair competition with our American workmen and industry.

I remember not many months ago when nearly every Member of the delegation in the House from the great State of Wisconsin sat in solemn conference and signed a request to the Ways and Means Committee to have changes made in the bill as originally reported. We asked for a protective tariff to protect the calf-tanning industry in our great State, which has been driven to the wall through the excessive importation of cheaply produced foreign leathers. We asked for an increased tariff in the dairy and other farm-products schedules. This protection for the calf-tanning industry and much of the increase for dairy and farm products was included in the tariff bill and was incorporated in the portion of the conference report which the House recently adopted. Yesterday many of those who requested protection for the calf-leather tanning industry and the additional protection for products of my State were on the opposite side of the roll call voting against the very things that our delegation asked for. I am very grateful that Members of the House, including those Members from the States which need protection for the lumber industry, stood up in their places and voted to accept that conference report and help the farmers, industrial workers, and industries of my great State. [Applause.]

The problems of the industrial worker and the farmer are closely interwoven, and I am surprised to find advocates of protection for the farmer, like the gentleman from Iowa [Mr. RAMSEYER], opposing this needed tariff to protect the workers in our lumber industry, and calling attention to the fact that said tariff will result in unfavorable relations with Canada with reference to the proposed St. Lawrence waterway. If we would follow the position of the gentleman from Iowa [Mr. RAMSEYER], we could not but reach a conclusion that the gentleman from Iowa should also stand on the floor of the House and advocate that we leave Canadian cheese, Canadian butter, other Canadian dairy products, and all Canadian farm products come over our border without any tariff and compete with the products of the American farmers. [Applause.]

It is remarkable that many of our southern Democratic friends, particular in another body, weep crocodile tears while expounding and advocating a high protective tariff for the products of their own State, and then oppose as bitterly as they can protection for the products of other States. I can not understand the Representatives from the great Southland who advocate that all immigration be stopped in the name of protecting American workmen standing on the floor of the House and opposing a tariff which is necessary to prevent unfair competition of the products of those aliens while residing in their own country. I am one of those who voted against the Blease amendment to the cement schedule. We were told that if the Blease amendment was not adopted the costs of the subways

in New York and of roads in the Southern States would be higher.

If that is a good reason for bringing the cheap foreign cement, produced by alien labor, to this country, to lower the cost of subways in New York City and the roads in South Carolina, I submit the cost could be further reduced if legislation would be enacted to exempt alien workers for those projects from the immigration quota, and have each ship that brings in the foreign cement also transport the alien workers. [Applause.]

The motion of the gentleman from Oregon [Mr. HAWLEY] properly retains telephone, trolley, electric-light, and telegraph poles of cedar or other woods on the free list.

These poles are not manufactured, only the limbs and outer bark being removed, all other processes of manufacture, such as shaving, roofing, gaining, and creosoting, being done in this country by American labor; there is, then, no question of competition with manufactured lumber.

Mr. HENRY T. RAINEY. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri [Mr. LOZIER].

The SPEAKER pro tempore. The gentleman from Missouri is recognized for 20 minutes.

Mr. LOZIER. Mr. Speaker and Members of the House, until I shall have completed my statement I will decline to yield, after which I will be pleased to answer any question which may be propounded to me. I opposed and voted against placing a tariff tax on cement and I will vote against putting a tariff tax on lumber.

I desire to preface my remarks with a quotation from a speech made by a very distinguished American, a former Member of this House and subsequently a Member of the Senate of the United States, and in my time I will ask the Clerk to read what this outstanding American publicist had to say about placing a tariff tax on lumber.

The SPEAKER pro tempore. Without objection, the Clerk will read the quotation.

There was no objection.

The Clerk read as follows:

> During the entire war, when we were seeking everything on the earth, and in the skies, and in the waters under the earth, out of which taxation could be wrung, it never entered into the conception of Congress to tax breadstuffs—never. During the most pressing exigencies of the terrible contest in which we were engaged, neither breadstuffs nor lumber ever became the subject of 1 penny of taxation. * * * Now, as to the article of lumber, I again remind the House that there has never been a tax upon this article. The gentleman from Ohio may talk on this question as he pleases; but I say that wherever the western frontiersman undertakes to make for himself a home, to till the soil, to carry on the business of life, he needs lumber for his cabin, he needs lumber for his fence, he needs lumber for his wagon or cart, he needs lumber for his plough, he needs lumber for almost every purpose in his daily life.

Mr. LOZIER. You have listened to a statement made by one of the greatest American statesmen. That is not the language of Thomas F. Bayard, Allen G. Thurman, John G. Carlisle, Daniel W. Voorhees, George G. Vest, Woodrow Wilson, William J. Bryan, William R. Morrison, Frank Hurd, or Oscar Underwood; it is not the language of any Democrat, Progressive, or pseudo-Republican, but it fell from the silver tongue of a man who for more than a generation was the idol and high priest of the Republican Party, James G. Blaine, the Plumed Knight of the Republican Party. [Applause.]

Had it not been for his caustic remarks comparing Roscoe Conkling to a proud, strutting turkey gobbler, Mr. Blaine would undoubtedly have been President of the United States. His Republicanism has never been and can not be questioned. During three or four of the most important decades in the history of our Nation he was undeniably the most popular and brilliant Republican leader, and his commanding genius won the admiration of Democrats as well as Republicans. He was one man that the rank and file of the Republican Party permitted to enter its party's holy of holies and eat its political shewbread without let or without hindrance. Mr. Blaine called the attention of his party and the country to the fact that when the great Civil War was raging, when the life of our Nation trembled in the balance, when we were seeking every possible subject and object of taxation in order to raise revenue to carry on the great Civil War, no one ever had the temerity to suggest that a tax be laid upon lumber, which would be a tax upon every familiy in the United States. The present leadership of the Republican Party, in trying to impose a tax on lumber, are disregarding the wise counsel of their great Republican leader, Mr. Blaine, who vigorously opposed any tariff tax on lumber as an unnecessary burden on every family, rich and poor.

I want to quote from another eminent Republican, Representative John A. Kasson, of Iowa, who years ago in opposing a tariff on lumber said:

> And now what does this bill do? It raises the tariff on lumber, which is so necessary to the western prairie farmer; on nails, without which he can not drive his boards on his house or build his fence; and on salt, without which he can not preserve his beef and pork. There is hardly a thing we consume which this bill forgets to raise the duty upon. Every prominent necessity of life—fuel, shelter, and clothing—is embraced and made more expensive to the consumer throughout the country. Even on boys' pocket knives the duty is increased about three times, 600 per cent, and yet it is said this is a tariff for mere protection.

I might quote statements from scores of eminent Republicans who, while believing in the policy of protection, opposed a tariff on lumber, sugar, and many other commodities which the masses are compelled to buy. With your indulgence, I will bring to you the views of a few men who occupied high and influential positions in the Republican Party and whose party zeal and loyalty have never been questioned. As my Democratic colleagues are almost unanimously opposed to a tariff on cement and lumber, I am going to try to convert some of my Republican colleagues to vote in favor of their constituents and against a lumber tariff. I shall not quote from any Democrat, but I shall endeavor to establish my case by the testimony of Republicans of nation-wide influence. I do this in order to demonstrate that the present Republican leaders have traveled far from the faith and ideals of their political party, and in the pending bill have abandoned the platform and teachings of the men who guided and controlled the Republican Party during the most brilliant period of its history.

Representative (afterwards Senator) Knute Nelson, the old Republican war horse of Minnesota, in discussing a similar tariff bill said:

> In the face of the fact that so many of the barest necessities of life are loaded down with the highest kind of tariff taxes, it makes me sick at heart to think that there are leading Members on this side of the Chamber who can find at this juncture and under these circumstances no other field for tax reduction than the internal-revenue taxes. * * * Surely these things are not the diet on which the poor laboring man keeps his family.
>
> Worthier, better, and juster, it seems to my mind, would it be to give our people, the toiling masses, cheaper food, cheaper fuel, cheaper clothing, and cheaper shelter—cheaper because released from the heavy and unnecessary bondage of high tariff taxes. I will put free sugar, free coal, free salt, and free lumber against free whisky and free tobacco under all circumstances, and so will the great mass of the American people.

May I, in this connection, quote the language of James A. Garfield, another orthodox Republican, one of our three martyr Presidents.

When the average tariff rate was 47 per cent, in discussing the necessity of revising and reducing the tariff schedules, Mr. Garfield said:

> Unless the tariff men take heed, unless they consent to a rational and considerate adjustment of the tariff such as only can be made by the full light that a careful statistical study of the subject will bring, I fear from them, more than from any other source, a reaction which will bring us by-and-by into free trade and all its consequences of evil to the manufacturing interests of the country. I desire to say that, in my judgment, it is not the best mode of defending a tariff to denounce every man who does not pronounce the shibboleth after our fashion as an enemy of the tariff.

Although life-long Republican, Mr. Garfield realized that the excessive tariff rates were established as war measures and at that time it was not contended that these high war tariffs would continue very long after the end of the war that called them into existence. Indeed, the act of July 14, 1862, stated in its title that it was "an act increasing temporarily the duties on imports and for other purposes."

Garfield realized, as many thoughtful Republicans now realize, that the manufacturing classes will take control of the Republican Party and completely dominate it unless the rank and file of the party assert their power and keep tariff taxes within reasonable limits. By their inordinate greed and excessive demands, the industrial classes have made it almost impossible for the Republican Party to write a tariff bill that will be fair to the agricultural classes and the consuming public generally.

On another occasion Mr. Garfield again called attention to the fact that the Republican Party was going too far and fixing tariff taxes too high for the good of the Nation. He said:

We have seen that one extreme school of economists would place the price of all manufactured articles in the hands of foreign producers by rendering it impossible for our manufacturers to compete with them; while the other extreme school, by making it impossible for the foreigner to sell his competing wares in our market, would give the people no immediate check upon the prices which our manufacturers might fix for their products. I disagree with both these extremes.

I hold that a properly adjusted competition between home and foreign products is the best gage by which to regulate international trade. Duties should be so high that our manufacturers can fairly compete with the foreign product, but not so high as to enable them to drive out the foreign article, enjoy a monopoly of the trade, and regulate the prices as they please. This is my doctrine of protection. If Congress pursues this line of policy steadily, we shall year by year approach more nearly to the basis of free trade, because we shall be more nearly able to compete with other nations on equal terms. I am for a protection which leads to ultimate free trade.

Mr. Chairman, examining the possibilities of the situation, I believe the true course for the friends of protection to pursue is to reduce the rates on imports wherever we can justly and safely do so, and accepting neither of the extreme doctrines urged on this floor, endeavor to establish a stable policy that will commend itself to all patriotic and thoughtful people.

On another occasion Mr. Garfield said:

I am for a protection which leads to ultimate free trade. * * * Modern scholarship is on the side of free trade.

Now, no one will question the Republicanism of Benjamin Harrison. While representing Indiana in the United States Senate, when the average ad valorem tariff rate was 42 per cent, and there was a nation-wide demand for a reduction of the tariff downward, Mr. Harrison recognized the necessity of reducing tariff taxes, and in discussing this question, said:

The creation of the Tariff Commission was a confession that the tariff needs revision. If the report comes in it should be promptly acted upon. My opinion is that no time should be lost, after Congress assembles, in bringing forward these measures.

Well, the Tariff Commission mentioned by Senator Harrison recommended a reduction in the average rate of duty of 20 per cent, but notwithstanding this recommendation the Republican Party immediately proceeded, not to lower, but to increase the tariff. And, as an evidence of Senator Harrison's eagerness to reduce tariff taxes, he immediately voted to put perfumery and playing cards on the free list.

Mr. Benson J. Lossing, the venerable historian, was a lifelong Republican, but late in life he declared that the high-tariff group in the Republican Party was a clog upon the wheel of American progress, and that the extreme point to which the protective system has been carried has brought riches and gigantic fortunes to the few and poverty to the many. In discussing the protective system he said:

During the past 25 years of high protection the small shopkeeper and the artisan have been driven out of the country. We are a Nation of workers without an apprentice system, and a generation without a trade. We teach our boys to make a rivet or last a shoe, but never to make an entire article or a piece of machinery. The man with a few hundred dollars can no longer enter into business. Protection has placed the industries and the shops of the land in the hands of the wealthy, and made the masses contributors, but never beneficiaries.

Henry Clay, the great exponent of the so-called American or protective system, said:

No one, in the commencement of the protective policy, ever supposed that it was to be perpetual.

Justin S. Morrill, the father of the modern protective system and the author of the Civil War tariff, known as the Morrill Act, said:

The tariff was intended to be revised so that there should be some reduction in the cost of living. It was obvious from the first that woolens and wools would have to submit to their fair, equitable, and just share.

Kansas has had no more brilliant son than John James Ingalls, Republican Senator from that great agricultural State. He saw that the manufacturing classes were getting a strangle hold on the Republican Party, dictating tariff schedules that were indefensibly high, and at every session of Congress demanding more and more bounties and spoils. He realized that the industrial classes were not satisfied with reasonable tariff protection but sought to use the taxing power of the Nation to augment their unearned bounties and swell their constantly growing profits. He sympathized with the masses and his eloquent tongue vehemently upbraided the leaders of his party for their surrender to the special-privileged classes. In a speech in the United States Senate, in discussing the greed, growth, and cynical power and influence of the capitalistic and special-privileged classes, Senator Ingalls said:

We can not disguise the truth that we are on the verge of an impending revolution; the old issues are dead. The people are arraying themselves upon one side or the other of a portentous contest. On one side is capital, formidably intrenched in privilege, arrogant from continued triumph, conservative, tenacious to old theories, demanding new concessions, enriched by domestic levy and foreign commerce, and struggling to adjust all values to its own standard. On the other hand is labor, asking for employment, striving to develop domestic industries, battling with the forces of nature, and subduing the wilderness; labor, starving and sullen in cities, resolutely determined to overthrow a system under which the rich are growing richer and the poor are growing poorer; a system which gives to a Vanderbilt the possession of wealth beyond the dreams of avarice and condemns the poor to a poverty which has no refuge from starvation but the prison or the grave.

Though uttered four decades ago, these words were prophetic. Senator Ingalls foresaw the triumph of the privileged classes and the control of our executive and legislative departments by the selfish, sordid, and cynical economic freebooters who fatten on governmental bounties and use the agencies and instrumentalities of our Nation to profiteer and build up enormous fortunes by picking the pockets of the consuming public.

William McKinley, the Chevalier Bayard of protection, while an aggressive advocate of high tariffs, realized that the beneficiaries of protection were often greedy and unreasonable in their demands and that Congress should not allow them to dictate our tariff laws. In 1882 he said:

The free list might be enlarged without affecting injuriously a single American interest.

When Mr. McKinley made this statement the average ad valorem tariff rate was 42 per cent. The free list has not been enlarged, but gradually reduced by the Republican Party. On many commodities much used by the general public the duties have been raised and are higher than they were in 1882. At that time the Republican Party had not sold its body and soul to the tariff lords. At that time the protected manufacturers were not invited to write our tariff laws. In those days the leaders of the Republican Party represented the people and had too much self-respect to allow the beneficiaries of our tariff laws to write our tariff schedules and fix the rate of duty. Now, when a tariff bill is being considered, the buccaneers of big business appear like a Macedonian phalanx before the Committee on Ways and Means and arrogantly demand that this or that duty be raised, and the present leaders of the Republican Party grant their requests.

As far back as 1871 we had a Salt Trust that controlled our domestic market and earned enormous profits. At that time the Onondaga Salt Works had a monopoly on this article of universal use. Now, we have a large group of producers of salt, sheltered under an indefensibly high tariff on salt, earning large profits, and enjoying a bombproof monopoly. In discussing this question in this Chamber in 1871 Representative Eugene Hale, a Republican, said:

I believe there is no one question about which the reflection of millions of people, day by day, is so decided as it is in declaring that there should be no tax on this article of salt. I believe this article should go upon the free list; that the monopoly which has obtained heretofore for the Onondaga Salt Works, as great and complete as any monopoly ever granted by the Tudors in England's most despotic times—ought to cease.

But for 58 years since Senator Hale made this appeal, the Salt Trust has been able to control legislation and keep salt on the dutiable list, except from 1913 to 1922, when the Underwood Act was in force. The pending bill carries a duty of 11 cents per hundred pounds on salt in bags, sacks, barrels, or other packages, which duty was also imposed by the Payne-Aldrich and Fordney-McCumber Acts.

In discussing the tariff from the standpoint of agriculture, Senator William B. Allison, of Iowa, said:

The agricultural interest, it will be seen, is much the largest interest in its aggregate product, as well as in the number of persons employed. I believe that no one will claim that this large interest is directly protected. It is true that under customs laws there is a small duty upon wheat, barley, oats, and other agricultural products, but it does not afford any protection to the great wheat and grain producing regions of the country.

And at the present time I do not think any well-informed student of economics or agricultural conditions will contend that the present tariff on agricultural products is effective. While we have a tariff of 42 cents a bushel on wheat, wheat has recently been selling for about 10 or 15 cents a bushel more in Winnipeg, Canada, than the same grade of wheat brings in the



United States. As we produce an exportable surplus of wheat, wheat prices in America are determined by the price of wheat in Liverpool and other open markets of the world. Mr. Allison recognized this situation and said:

Unfortunately for the farmer the market price of wheat is fixed by the price which the surplus will bring abroad or the price of wheat in London or Liverpool. At that market, where the surplus is sold and which fixes the value of the whole crop, he comes in competition with the grain produced in the Crimea, in Hungary, and in the region of the Baltic from fields cultivated by what is known in comparison with our own as pauper labor.

A few years ago our Republican friends denied that the price of wheat in our domestic markets was regulated or determined by the price abroad, but no well-informed Republican will now deny that the price of wheat in the United States is determined by the price we get for our exportable surplus in the markets of the world. President Coolidge, Secretary of Agriculture Wallace, in official documents have made this admission, and its truth is self-evident.

In answering the "home-market" argument, and the suggestion that we should not produce a surplus of agricultural products, Senator Allison said:

But I am told we must so legislate as to furnish a home market for all our agricultural products, and this can only be done by high tariff. Anyone examining the subject will see that our agricultural products increase more rapidly than our population, so that if we do not export these products in their natural condition, we must do so by converting them into manufactured articles and export these articles. But this can not be done under a high tariff, for all nations will buy manufactured products where they are the cheapest, and the nation selling the cheapest will control the market. This rule excludes our highly taxed manufactures, made from highly taxed material, from the markets of the world, although we have natural advantages possessed by no other nation.

It is interesting to note that many of the tariff schedules are now much higher than they were 59 years ago when Senator Allison made the statements to which I have referred.

Hon. Charles J. Folger was a Republican Secretary of the Treasury. In 1883 he said in his annual report:

It is conceded by all that a substantial reduction should be made upon nearly all imported articles subjected to duties.

Forty-five years have elapsed since Secretary Folger called attention to the nation-wide demand for a reduction of tariff duties, but the tariff on many of the articles in most general use by the common people has been materially raised, and in many cases doubled and trebled.

Hon. John D. Long, of Massachusetts, said:

There are only two ways to reduce the tariff: One, by raising the tariff to a prohibitory height, which nobody advocates; the other, the free list. The free list is the honest revenue reformer's hope.

And yet, after nearly half a century, we find the Republican Party continues to transfer from the free list to the dutiable list many of the articles in universal use, which means a tremendous increase in the cost of living to millions of people in America, generally designated the masses or common people.

I am quoting from these eminent Republican authorities to show that the present leaders of the Republican Party have abandoned the principles of the men who founded and nurtured that party. The reactionary leaders who are in the saddle and controlling the Republican Party have departed far from the old trails and abandoned the faith and ideals of the men under whose leadership it achieved its most splendid accomplishments.

In his annual message in 1882 Chester A. Arthur, a Republican President, said:

The present tariff system is in many respects unjust. It makes unequal distribution both of its burden and its benefits. * * * I recommend an enlargement of the free list and a substantial reduction of the duties upon manufactures of cotton, iron and steel, sugar, molasses, silk, wool, and woolen goods.

The tariff at that time was much less than under the present law or the pending bill. If these great Republican leaders could return to this old earth they would be amazed to find that instead of the tariff being reduced, as they recommended 30, 40, or 50 years ago, it has been very substantially increased, in many instances doubled, trebled, or quadrupled.

Senator James W. Grimes, a Republican, of Iowa, in a speech in the Senate called attention to the fact that the protectionists had opened the vials of their indignant wrath upon the heads of those who would not consent to grant them extortionate tariff rates on their commodities. Even at that early date the industrialists had succeeded in suborning or subsidizing portions of the public press, through which they viciously assailed every Member of Congress who refused to accede to their unconscionable demands. Senator Grimes said:

Large manufacturing interests of the country, not satisfied with the enormous profits they have realized during the past six years, are determined, at whatever hazard, to put more money in their pockets; and to this end they have persuaded some and coerced other manufacturing interests to unite with them in a great combination demand for what they call protection to American labor, but what some others call robbery of the American laborer and agriculturist.

It is the fashion to denounce every man who does not favor a prohibitory tariff as a free trader. * * * We disagree as to how much money shall be taken from the pocket of Peter to support and enrich his brother Paul.

Gen. John A. Logan, a Republican candidate for Vice President, a Representative, and Senator, while speaking in the House, denied that the high tariff benefited the laboring men who were not skilled laborers employed in the protected industries. He said:

And when a gentleman stands upon this floor and tells me that this high, extraordinary high tariff is for the protection of the laboring men of this country who are not skilled laborers, I tell him I do not understand how he can possibly substantiate such a theory.

I have before me numerous quotations from outstanding leaders of the Republican Party who believed in a policy of protection, but opposed an unreasonable and unfair extension of this policy, as is proposed in the pending bill. The Republican Party can stand by the protective policy without turning our Government completely over to the manufacturing classes. In their zeal to favor the manufacturer the Republican Party should not forget its duties and obligations to the agricultural classes and the great consuming public. The tariff rates carried by the pending bill are unreasonable, excessive, and absolutely indefensible.

President Hoover called an extra session of Congress for the express and specific purpose of enacting legislation to place agriculture on an equality with other industries. He did this in order to fulfill his pledge and to relieve agriculture from the economic handicaps under which it is laboring. He suggested only a limited revision of the tariff. The President did not contemplate any general upward revision of the industrial schedule. The Republican Party leaders in Congress have ignored the recommendations of President Hoover and are railroading through Congress a tariff law carrying the highest rates of any bill since the foundation of our Government. The manufacturing classes have been given increased bounties in every schedule. The tariff rates have been boosted out of sight.

Under the pending bill the increased rates on manufactured commodities will widen the spread between what the farmer gets for his products and what he pays for his supplies. This bill imposes a tariff on cement, lumber, and many other articles that the farmer uses and that are now on the free list. The cost of everything the farmer buys will be substantially increased under this bill.

The tariff on lumber is outrageous. Those who understand the agricultural situation know that the farmers of the Nation, as a class, are on the verge of bankruptcy. Their farm buildings are in poor repair; dwellings, barns, sheds, and outhouses are in need of repairs; roofs are leaking; and the farm buildings more or less dilapidated. The farmer is unable to build fences, cribs, and granaries. The economic distress from which the American farmers are suffering is the result of legislative favoritism extended to other vocational groups at the expense of agriculture.

The Government has come to the aid of the industrial classes, stabilizing their business, granting them bounties, and enacting high tariff schedules, which give them unreasonable and excessive profits, and which profits come out of the pockets of the American farmer.

My colleagues from Washington and Oregon told you that many lumber mills and corporations have gone into bankruptcy in the last two years and that many thousands of lumber-mill workers are out of employment. Listen to me. For every lumber company that has become insolvent in the last 10 years, 500 farmers have gone bankrupt. For every mill worker that has suffered from unemployment in the last 10 years, 100 farmers have lost all of their earthly possessions.

The buying power of the American farmer has been reduced to such an extent that he is unable to buy the commodities that come from the mills and factories. For years the agricultural classes have been compelled to use their old harness, old machinery, old implements, old vehicles for the reason that they are

not able to replace this worn-out equipment. He needs new equipment and would buy the products of mills and factories if his financial condition would permit. There are approximately 6,000,000 idle spindles in the United States, most of them in the New England States. Why are these spindles idle; why are these factories working one-half or two-thirds of the time? The reason is obvious. Through the operation of high tariff laws you have, from year to year, increased the price of your industrial products, and by these ever-increasing tariff rates you have reduced the buying power of the American farmer to such an extent that he can not purchase and pay for the commodities from your mills and factories. Every time you increase tariff rates you correspondingly reduce the purchasing power of the American farmer, your best customer.

The American farmer sells his products in a free market and buys his supplies in a market protected and boosted by high tariff laws. By these unreasonable tariffs, the manufacturer is killing the goose that lays the golden egg. The purchasing power of the farmer has been practically destroyed. He can not balance his budget, pay his taxes and interest, and have anything left to buy the products that come from your mills and factories. He can not buy your harness; he is not able to buy your woolen goods, your metal products, your chemicals, or the other output of your factories because of discriminatory legislation which constantly increases the spread between what he gets for his commodities and what he pays for his supplies.

By this lumber tariff you increase the cost on every shingle, lath, board, or other lumber the farmer buys to repair his buildings. If he wishes to repair his fences, by this lumber tariff you increase the cost. If he wishes to remodel his dwelling or outbuildings, by this proposed tariff you dig deeper and deeper into his pockets. This bill will add a tremendous burden to the farmers of this Nation, notwithstanding the fact that Congress was called into extraordinary session to enact legislation to relieve the farmer of some of his burdens, which are the result of legislative favoritism.

By this bill you are not granting the farmer any relief whatsoever but you are placing additional burdens upon him. You are slapping your President in the face by passing a tariff bill that will drop a dime in one pocket of a farmer and take a dollar out of the other pocket. This tariff bill does not fulfill the promises made by either of the great political parties. You are passing a tariff bill the President of the United States never asked or expected you to pass. By this bill you are increasing the burdens of the American farmer, and it signally fails to equalize agriculture with the other vocational groups.

This bill is absolutely indefensible. It robs the many to enrich the few. Let me say to my colleagues who come from the agricultural districts, "You can not defend your vote in favor of a tax on cement; you can not defend your vote in favor of a tariff on lumber or sugar. When you go home and look your constituents in the face, how can you defend your action in voting for a bill that increased the price of everything your constituents buy?"

By voting for a tariff on cement, lumber, sugar, and other articles of general consumption by your constituents you are placing a burden, an unnecessary burden, on the people you represent, because by voting for this bill you increase the cost of every fence post, shingle, lath, cement block, plank, or stick of lumber that your constituents buy. By your vote you will increase the price of every building, shed, fence, cement block, water tank, or other article used in building.

If you vote for this bill, be frank with your constituents. Go home and look them in the face and tell them that you voted to increase the profits of the Cement Trust; that you voted to increase the price of lumber, sugar, and practically everything else your people buy; and tell them that by your vote, instead of granting substantial relief to the American farmer, you increased his burdens. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. HENRY T. RAINEY. Mr. Speaker, how much time does the gentleman yield back?

The SPEAKER. Two minutes.

Mr. HENRY T. RAINEY. I yield that to the gentleman from Georgia.

Mr. CRISP. Mr. Speaker and colleagues, I want to address you for a moment about the parliamentary situation, because there seems to be some confusion with reference to it.

As to the amendment proposing a duty on lumber of $1.50, Chairman HAWLEY says that he is going to move to agree to that amendment, with an amendment making the duty 75 cents. If that motion is lost, then it will be in order to move that the House further insist on its disagreement to the Senate amendment, the effect of that being to send the bill back to conference with the conferees having knowledge that the House is standing for free lumber.

If the Hawley motion prevails and you agree to 75 cents, that disposes of the Senate amendment, so far as the House is now concerned.

On the shingle amendment, the motion will be made to concur in the Senate amendment, which places shingles on the free list. If that motion prevails, the matter is disposed of and out of the hands of the conferees, and shingles are to be free. If that motion is lost, then it goes back to conference.

I make the statement for some Members seem to be of the impression that if the Hawley amendment is lost they would have no chance to express themselves on free lumber. If the Hawley amendment is voted down, the House will have an opportunity to express itself on free lumber.

Mr. BURTNESS. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. BURTNESS. What is the parliamentary situation with reference to amendments 369 and 370?

Mr. CRISP. If amendment 369, which strikes out the provision of a duty on logs—if you concur in the Senate amendment it puts logs on the free list.

Mr. BURTNESS. When will the vote come on these amendments?

Mr. CRISP. As far as I am concerned, I am willing to accommodate the chairman of the Ways and Means Committee as to which one is voted on first. I do not think it makes any difference.

Mr. MONTAGUE. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. MONTAGUE. If the Hawley amendment is not adopted, we are thrown back to the $1.50 duty.

Mr. CRISP. No; the House disagrees to the Senate amendment, which throws the subject matter back to conference. The conferees are duty bound to stand in conference for the views of the House. The vote notifies the conferees the House is for free lumber. If they should agree to a duty under these conditions, when they report back the House can repudiate their agreement. The House will have full control of the matter. We do not have to accept any report or agreement of the conferees unless a majority of the House approves of their action.

Mr. RAMSEYER. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has eight minutes remaining.

Mr. RAMSEYER. Mr. Speaker and ladies and gentlemen of the House, in the few minutes I have remaining I want to sum up some of the issues. When I appeared earlier in the afternoon I had before you a number of charts, with figures from the Tariff Commission and other authentic sources showing you that the United States is the greatest exporter of lumber in the world and that almost altogether from the States of Washington and Oregon; that we sell much more lumber out of the States of Washington and Oregon than Canada to Japan, to China, to South America, and to the rest of the world. The only conclusion that can be drawn from this is that we can undersell Canada in the lumber markets of the world. I also showed you that from Washington and Oregon we in 1928 exported 269,003,000 feet of logs, chiefly to Japan, while the Canadian exports of logs to Japan for the same year were only 122,701,000 feet.

While the gentleman from Washington [Mr. HADLEY] was speaking he said something about the costs of production of shingles in British Columbia and in Washington and stated that it was too complicated a matter to go into. I have before you now a chart showing the differences in costs of production in British Columbia and Washington on shingles. It is a very simple matter and easily understood. The chart is based on figures from the Tariff Commission, which made a very exhaustive study a few years ago of costs of producing shingles in British Columbia and in the State of Washington. The only justification for a protective duty is to equalize differences in cost of production here and abroad. The chart before you demonstrates conclusively that the costs of production of shingles in British Columbia are higher than in Washington. Every element of cost is higher there than here, including material cost, labor cost, mill cost, and interest cost. From any standpoint of the protective theory there is absolutely no justification for a duty on shingles.

Every farm organization in the country has petitioned Members of Congress for free logs, free lumber, and free shingles. The gentleman from Oregon [Mr. HAWLEY] and other gentlemen urging duties on logs, lumber, and shingles have left the farmers clear out of the picture. In my speech earlier in the day I told you what Chairman Legge, of the Federal Farm Board, had to say in regard to the trouble with the lumber industry. He did not say that the lumber and shingle industries needed duties. He called attention to the fact that the purchasing power of the farmers is less now than it was eight or nine years ago, and that what the lumber industry needed

was not duties but an increase in the farmers' purchasing power. As I called to your attention earlier in the day, the farmers consume about 50 per cent of the lumber and 70 per cent of the shingles. In 1928 the farmers paid out only a little over one-third as much for construction material as they did in 1921, and nearly every bit of the construction material used by the farmers is lumber and shingles.

Although the gentleman from Alabama [Mr. BANKHEAD] asked the gentleman from Oregon [Mr. HAWLEY] why, in his proposed amendment to the Jones amendment, he intended to leave a duty on the farmers' lumber and to take off the duty on railroad ties, telephone and telegraph poles, and put such ties and poles on the free list for the benefit of the public utilities which use the ties and poles, the gentleman from Oregon, nor anyone else, to this moment has undertaken to give an answer to the question of the gentleman from Alabama. Furthermore, no one has undertaken to refute what Mr. Legge said was the matter with the lumber industry. Of course, such an undertaking would be hopeless. I also stated that duties on logs, lumber, and shingles, according to the testimony of lumbermen and lumber experts, would inure to the benefit of the owners of standing timber and not to the mill owners or the mill workers. That has not been denied by anyone.

Some reference has been made to the employment of oriental labor in British Columbia. I understand there is some oriental labor employed in the shingle mills there, but according to the findings of the Tariff Commission they are paid the same wages as white labor.

Southern lumber companies have urged a duty on lumber, claiming that lumber from British Columbia comes into the South in large quantities. There seems to be no foundation for this. This morning one of the lumber experts got from the records of the United States Forest Service tables of distribution of lumber for 1928, showing the consumption of lumber in Texas for that year. For your information I read:

Consumption: Texas consumes annually 1,500,000,000 feet of lumber.

Source: This lumber comes from—

	Feet
1. Southern pine region (yellow pine)	1,382,170,000
2. California (redwood and California white and sugar pine)	33,747,000
3. Idaho (Idaho white pine)	8,626,000
4. Oregon and Washington (Douglas fir and a small quantity of western yellow pine)	126,256,000
5. Canada (Douglas fir)	1,184,000
6. Other foreign countries (largely from Mexico)	9,000,000

It is suggested that a duty should be imposed on lumber in order to exclude imports from Russia. Let us see what the situation is in regard to the importation of lumber from Russia.

Russian lumber competes with no American wood. Practically all imports of lumber from Russia are spruce, and its competition is with eastern Canadian spruce. The small remaining stand of spruce in this country is being used almost solely for paper and the supply is very limited.

Russian lumber is expensive lumber. The average price received by the principal importer on all his sales of Russian lumber over a period of three years was $38.74 per thousand feet. Douglas fir and southern pine are selling in the same market at approximately $25 a thousand feet wholesale.

The actual importations of lumber from Russia last year were only 37,936,000 feet on a contract which called for a minimum of 51,000,000 feet, with a maximum allowance of 69,000,000 feet. This quantity is equivalent to the cut of one fair-sized American sawmill, and is only one-eighth of 1 per cent of total domestic consumption.

Russia, with a population of 160,000,000, has a lumber production of 5,000,000,000 feet, and the United States, with 125,000,000 people, has a production of 35,000,000,000 feet. Russia is entering a program of expansion and reconstruction which will, if successful, require the use of large quantities of lumber. If her plan is successful, any increased production she may have will be needed for home consumption. If she is not successful, she will have no increased production available for export. Russia has never yet been able to come up to her expectations either as to production or export, and any fear that she will in the future achieve her aims is ungrounded.

A final factor which will serve to render impossible any greatly increased shipments of Russian lumber is the fact that the ports of Russia are icebound eight months out of the year and stocks of lumber must be carried over for a year or more before being disposed of to the consumer in the United States. The cost of such carrying will be prohibitive.

We should not forget that we sell Russia four times as much merchandise as we buy from her. Our exports to her of cotton alone amount to from $39,100,000 to $47,560,000 annually, according to Commerce Department figures. This is more than fifty times the value of imports of lumber from Russia, which in 1929 were valued at only $768,465.

In conclusion, permit me to say a few words of a personal nature. There are rumors of some understandings having been entered into in regard to votes on lumber and shingles. I do not know whether actual trades have been made. I want to say to my friends from the East that inasmuch as the farmers consume 50 per cent of the lumber and 70 per cent of the shingles, that the attention of the farmers of the country is centered on the votes that will be taken this afternoon to place logs, lumber, and shingles on the free list. I do not want the Members of this House this afternoon to impose this unnecessary burden on the farmers of the country. If you sacrifice the interests of the farmers to accommodate some one for past favors and vote upon the farmers of the country this additional burden, the responsibility will be on you. This is the place where you ought to stop, look, and listen.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. No. Just one further statement as to procedure. I shall insist that the amendments be voted on in the order that they appear in the conference report. The first amendment will be on logs. That is the raw material out of which lumber and shingles are made. Your vote should be to keep logs on the free list. The next vote will be on cedar lumber. There, too, your vote should be to keep lumber on the free list. A vote to disagree to the next Senate amendment will place all softwood lumber on the free list. Another important vote will be on shingles. That vote also should be to keep shingles on the free list.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. Mr. Speaker, under unanimous consent to extend my remarks in the RECORD I submit for printing in the RECORD a letter from the Department of Commerce on the Russian lumber situation. It reads as follows:

NATIONAL COMMITTEE ON WOOD UTILIZATION,
DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, April 18, 1930.

The NEW YORK LUMBER TRADE ASSOCIATION,
Room 5624, Grand Central Terminal, New York, N. Y.

DEAR SIRS: Replying to your letter of April 17, in which you asked me for information in regard to the importation of Russian lumber into the United States, I am pleased to give you a brief synopsis of the situation as we see it. You will, of course, realize that we do not have any representative in Russia at the present time, and for this reason the information which we have on this subject has been drawn from other sources, but we believe them to be reliable.

According to the Economic Review of the Soviet Union, dated April 1 and published by the Amtorg Trading Corporation of New York City, it appears that the program for the procurement of lumber in Russia was only 87 per cent completed during the month of March. This tallies with the information which we have received from other sources, and the unsatisfactory showing must be attributed to the low efficiency of the Russian laborers and the difficulty which the soviet has with conscript and convict labor.

You will undoubtedly hear a great deal said about the low wages paid in Russia, and this will perhaps lead you to conclude that their cost of production must be very low. This is not necessarily so, because their laborers are not so efficient as American sawmill operators, and it is my belief that our cost of labor figured per 1,000 feet of lumber produced may not be very far from the Russian figures in some instances. This is largely due to the fact that so many sawmills in Russia are antiquated and the machinery is very old and inefficient.

We have also learned that in their desire to raise money to pay for imported supplies the soviet has in many instances ruthlessly cut their forests, particularly in districts adjacent to "floating" rivers. This means that the loggers will have to go farther and farther inland for their supplies, and this naturally will bring up the cost of logging in the future.

Personally, I do not believe that the soviet will be able to increase its present exportation of lumber for some time to come. They have their hands full in building up their own country, and there is a great demand for lumber for industrial developments going on in several parts of Russia, and also for the building of homes. In support of our belief that a great deal of building and construction will be started in the near future, I may mention that we have a report that about 100 American architects have been engaged by the soviet for service in Russia, and that a considerable number of engineers have also left for that country on similar work.

With specific reference to the exportation of Russian lumber to the United States, there are several important facts that should be kept in mind:

First of all, the Russian lumber received so far has been very well manufactured. The quality of the lumber itself is excellent. There is

no better lumber in Europe than Russian pine and spruce. So far, we have only received very small quantities of Russian lumber, hardly exceeding one-tenth of 1 per cent of our total lumber production in this country. It has surprised us that this lumber has brought such relatively high prices in this country. In fact, quality for quality, I believe that more money has been paid for Russian lumber than for corresponding species from eastern Canada. I do not believe that this Russian lumber comes into direct competition with the majority of American woods.

We are importing large quantities of spruce from Canada, and from our point of view we do not see that it makes much difference which country this spruce comes from so long as it is imported. I am frank to say that the Russian lumber is superior, both in quality and manufacture, to much of the Canadian spruce imported so far.

The American market presents considerable difficulty to the soviet, because our standard sizes are entirely different from those prevailing in the markets to which the Russians have catered heretofore. If the Russians are to expand their business in America, it will mean that their mills must cut to our requirements, and since we only take certain sizes and certain grades, the Russians will be up against it in disposing of the lumber which the American market can not take and which is unavoidably produced. I am referring particularly to odd widths and odd lengths, and in addition the short lengths less than 8 feet, which in the American market can only be disposed of with difficulty. These are questions which have baffled the Russians for several years, and the problem has not yet been solved.

In this connection it may also be interesting to note that we are indirectly shipping millions of feet of our own lumber to Russia in the form of packing boxes and wooden parts of machinery, automobiles, and other commodities in which wood is used. As a matter of comparison, I may state that we have recently estimated that between one billion and one billion and a half feet of American lumber is used in the manufacture of packing boxes and crates used for the shipment of American commodities destined for foreign markets.

To sum it up, the lack of authentic information in regard to Russian conditions, and the frequent changes in the political situation in Russia, have led to considerable guesswork on the part of the American public. Naturally, exaggerated ideas have been advanced in regard to the so-called Russian menace relating to the exportation of Russian lumber to this country. We must not forget that most of the Russian ports are closed during several months of the year, that the transportation of logs from the forests to the mills is largely done on the rivers, and that nature places certain difficulties in the way of unlimited expansion of the lumber industry, which only an excessive expenditure of money would overcome. It hardly seems likely that the soviet would, at least at the present time, consider such steps, and for this reason we are not greatly exercised about the possibilities of Russia flooding this market with lumber, for a considerable time to come, at least.

It is granted, however, that the soviet has evidently deprived their own citizens of much-needed lumber supplies in order to export as large quantities as possible, thereby raising the necessary money for the purchase of supplies from abroad.

Very truly yours,

AXEL H. OXHOLM, *Director.*

Mr. HAWLEY. Mr. Speaker, I yield three minutes to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Speaker and gentlemen, you have been shown many lumber and shingle charts this afternoon by opponents of a tariff of these articles, but this one now before you is the only official chart that has been brought to you. If you observed closely, all of the others were labeled with the name of the private company that prepared the charts. They were not official charts, and many of them do not agree with official figures.

The chart now before you is based on a tariff investigation; but notwithstanding that investigation as to the cost of shingle production in Canada it does not agree with the reports of the Canadian Government. These charts and figures are misleading. Bear this in mind, there is a difference in the kind of shingles. If you manufacture in Canada a large quantity of 24-inch shingles and 18-inch shingles, and in the United States a larger quantity of 16-inch shingles, then, of course, the cost of producing shingles in America is less than the cost of the 24-inch shingles in Canada. The same thing applies in regard to the material cost. But here is something that you can not get by, and that is that the lumber industry in Canada in the last few years has increased 160 per cent, and the shingle industry in Canada has increased 400 per cent, while the lumber industry in the United States and the shingle industry in the United States during the same period have gone down, down, down until to-day in the far West one-half to three-fourths of the lumber mills and the shingle mills are idle.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. SUMMERS of Washington. I have not the time. About 400,000 lumber workmen throughout the United States are idle to-day. This is a strange doctrine that has been brought before you by my friend from Iowa [Mr. RAMSEYER], a free-trade doctrine, a doctrine in favor of Canada as against America. What are you going to do about it? On that basis you can rule out every item that you are protecting—everything from Florida, everything from the South, everything from New England, everything from the West. I have a farming district, and so far as I know there is not a shingle produced in my district, but we recognize the distress of the shingle and lumber industries and the workmen, and we favor reasonable and proper protection.

WAGE SCALE LOWER IN CANADA

A survey of wages being paid in Canada which was obtained during the months of September and October, 1929, and is substantiated by affidavits as to the dates the various plants were visited, shows that, on identical occupations covering practically all of the ordinary skilled and unskilled work in and around both camps and mills, the concerns in Oregon and Washington were paying on an average of $1.20 per day more for white help in the logging camps and an average of $1.14 per day more for white labor in the sawmills than was paid in Canadian mills.

ORIENTALS EMPLOYED

In 18 mills visited in British Columbia in September and October of this year, out of a total of 2,946 employees, 1,956 were orientals. All throughout the industry in British Columbia orientals are being worked on skilled and semiskilled jobs at wages greatly below those being paid white men for similar work either in the United States or Canada, and the advantage in production costs thus gained is even greater than the comparison in the wage scale for the various occupations by white men indicate.

To the employees of the American mills and camps this means a practical evasion of our oriental exclusion act, as it permits the product of oriental labor to come into the United States and take work away from American citizens, while the fact that we have an oriental exclusion act is sufficient evidence that it is impossible for American citizens to live up to American standards and compete with oriental labor. No opponent of a lumber and shingle tariff can justify these conditions.

RUSSIAN LUMBER

The Bureau of Foreign and Domestic Commerce, United States Department of Commerce, gives much interesting information on Russian lumber.

In the fiscal year 1927–28 lumber exports from the Soviet Union were 55 per cent of the value of similar exports in 1913. In 1928–29 the value of lumber exports increased 54 per cent over the preceding year, amounting to 82 per cent of the value of lumber exports in 1913.

In 1928–29 lumber advanced to first place among all Russian exports, which for several past years was held by petroleum. The share of lumber in the total value of soviet exports is now higher than before the war. Exports of Russian lumber to the United States, while as yet comparatively small, increased from 12,000 metric tons in 1927–28 to 33,000 tons in 1928–29, an increase of nearly 300 per cent.

The Soviet Union forest lands, as all land, are the property of the state, and exploitation of forests constitutes one of the state industries which is operated in accordance with an annual plan prepared by the government. The plan is said to have been executed to the extent of 98.7 per cent during the year 1928–29. The 5-year plan contemplates a continuous increase of from 40 to 50 per cent each year.

New sawmills are to be built and the 3-shift day and uninterrupted work week introduced.

A further quotation from the report:

It is felt that the desire to force timber exports and to make them the foundation of the country's foreign trade in place of grain, is the main motive behind the whole new timber-production program.

The Moscow Soviet Trade of November 20, 1929, reads as follows on this subject:

That market (the United States), with its enormous annual capacity of 15,000,000 standards, should become in the course of the next few years one of the large consumers of our timber. This should be made the most urgent task of our export trade for the expansion of which new markets must be conquered.

We are further advised that—

the efforts of the authorities to recruit peasants for logging work in the forests, judging by the Moscow press, is meeting with strong reluctance to accept such employment in view of the low wages, the inadequate food supply, and shortage of housing accommodations prevailing in those parts. In fact, the situation has become so serious that last July it was made a subject of a special hearing in the central committee of the Communist Party. * * * The resolution dated July 26, 1929, adopted by the central committee on that occasion de-

manded that the opposition of the peasants be broken down at any cost and that, with that end in view, the labor recruiting work should be "turned into a political campaign" (Moscow investia of the central committee of the Communist Party, No. 22, August 10, 1929). The latter means that henceforth the refusal of the peasants to do logging work on the terms offered by the authorities is to be regarded as a political offense and subject to punishment.

The report to the National Lumber Manufacturers' Association further states:

Purely from the point of view of natural resources Russia appears to have almost unlimited possibilities for the expansion of its timber exports. Possessing forests many times larger than those of any other country in Europe, it exports at present merely an insignificant part of its annual yield of lumber, as may be seen from the soviet statistics given below.

Three things are evident from advices from the Department of Commerce:

First. That the soviet intends to make lumber its chief article of export.

Second. That its "most urgent task" is the expansion of the export trade to the United States.

Third. That it has unlimited timber resources for carrying out this purpose.

Shall we open wide our gates for Russian lumber, produced from confiscated forests and by forced labor paid 50 cents a day and clothed and fed in Soviet Russia, or shall we protect our markets for American lumber and restore to employment 400,000 free American working men, who in turn, will spend their money and house, clothe, and feed their families in America?

Shall we use Canadian products manufactured by 45 per cent oriental labor, fed and clothed by a foreign country, or shall we use American products manufactured in American mills by American workmen fed and clothed from our own farms and factories?

Your votes for or against a lumber and shingle tariff this day will answer these questions.

Mr. HAWLEY. Mr. Speaker, I yield six minutes to the gentleman from Washington [Mr. MILLER].

The SPEAKER. The gentleman from Washington is recognized for six minutes.

Mr. MILLER. Mr. Speaker, ladies and gentlemen of the House, I am asking my colleagues to stand by the recommendation of the chairman of the committee and sustain the 15 per cent ad valorem duty on wooden shingles. The Ways and Means Committee which prepared this bill after long and extended hearings and going into every element of production cost and ascertaining the condition of the industry placed this item on the protected list. The Senate struck it out but, paradoxical as it may be, left every other form or character of roofing on the protected list. If this is not a discrimination against the American wooden-shingle industry then the word has lost its meaning. It can be nothing else, it can be intended as nothing else, it is nothing else. It seems to me a living contradiction to place this original American form of roofing—and by the way, the best form of roofing ever made—on the free list, leave it and the industry to die through foreign competition and then put every form of substitute on the protected list. It is just about as sensible as putting a duty on a beer keg and admitting the bunghole free. If you want to protect the beer keg place a duty on the bunghole. Let us place a duty on this Canadian bunghole shingle importation.

Nobody in America is opposed to a tariff on shingles except the Canadian manufacturer and those who think they can get a roof a little cheaper. Personally I care nothing about the Canadian manufacturer of shingles nor his welfare, except I do not want him to have the benefit of the American market to the exclusion of the American producer simply because he can make a shingle cheaper than we can. These Canadian makers of shingles at the present time are principally Americans who, having made their fortunes out of American timberlands, out of American lumber, out of American shingles, have gone into Canada, invested their millions, and now come back to our country and fight our tariff policies, under which they became rich. This is about the raggedest form of Americanism that one can imagine. It is the same old story of the foreign manufacturer and the local importer against the American producer and in addition the element of self-expatriated industry for the sake of the almighty American dollar.

Now, let me say a few words to the man who thinks he will get a roof a little cheaper if shingles are on the free list. This is an old argument and one that can be made against everything produced in America. The argument of the free trader. America is not a free-trade country, it never has been and I hope never will be. The principle of free trade is now abandoned by every political party in the country; nevertheless, we see certain Republicans and certain Democrats in this body advocating free trade in shingles—cedar shingles—but these same gentlemen seem to be content to have every other kind of roofing on the protected list.

I repeat that free trade in any article never built up or sustained any American industry to which it applied. Its application is to kill American production and put American hands out of work. Protection is the American national policy. It employs American capital and places and keeps every pair of American hands at work; that is progress and applied common sense.

I am a protectionist in the full sense of the word. I believe in protecting everything made or produced in America, every American workman, from foreign competition to the extent that our industries be healthy and our workmen employed at high wages. Of course, a Chinese, a Japanese, or a Hindu can, so far as workers go, make a shingle in Canada for less than an American can make the same shingle on the American side. Forty-five per cent of the men engaged in making shingles in Canada are these foreigners who are not employed in America. It is American labor that is employed in American mills.

I am the kind of a protectionist that believes in the fundamental philosophy.

Let me say to you gentlemen from the Middle West, you gentlemen from Iowa, Wisconsin, Minnesota, the Dakotas, Nebraska, Kansas, and Oklahoma, to you who are opposing the shingle tariff, you want a protective tariff on everything you produce. You want it; you deserve it; and I want to help you get it. I want to see you have a necessary tariff on your wheat, your corn, your rye, oats, and barley, your cattle and your hogs. I want to see you have the necessary tariff to protect your dairy and your poultry interests and everything else you produce and sell. My constituency is a consuming people. My people do not produce a thing you produce and sell. We buy and consume.

Nevertheless, I am standing for and voting for the protection of your production for I believe in the principle. If I did not believe in the universal doctrine—in its nation-wide scope—to protect everything produced in every part of the Republic that needs protection, I would be against your lines of production. You produce the things we eat and use. Perhaps if we took the tariff off wheat, flour, corn, oats, beef, pork, poultry, eggs, butter, cheese, cream, and milk, it would reduce the cost of living to my folks. Suppose I should apply the same argument against you and your productions that you apply toward my folks and their lumber and shingles? What would you think of me as a protectionist? Put the shoe on your foot and what would you think and say? I am willing, indeed anxious, to help you and your people. All I ask is for you to help me and my people in return. Ninety per cent of the exchange is to your benefit. If you are protectionists and broad enough to look at it from the other fellow's viewpoint with the same sort of eyes as you look at yourselves, you will do it. You help my shingle and wood manufacturers and I will be more than pleased to help your farmers. We use your beef and pork, your butter and cheese, now you use some of our lumber and some of our shingles, and we will have something in common. Let us not be selfish, let us look at the other fellow the same as we look at ourselves. We are the same kind of people as you and we are deserving of the same kind of treatment. We deserve and have the right to expect the same application of the national policy of production.

To you of New England, who long have had the benefits of protection—for a hundred years—in your great factories on everything you make and sell, your workmen, and we have voted for it, now it is your turn to help us in the far Northwest. Give us the same kind of support we give you. Protection to fabrics, both wool and cotton—to everything you make—has made and now keeps your country prosperous. Free trade in shingles has brought us to bankruptcy and ruin, and our men out of work. We ask for the same kind of help you have been receiving for a century.

To you of the South, you deserve protection on your tobacco, your rice, your sugar, and the things you produce, and I want to and will help you, all I ask in return is to help us so we can live.

To the sugar interests everywhere—north, south, and west—I want to say right here I am with you at $2.20, and I would still stay with the industry if it should be $2.40. We want the industry prosperous. We want America to be self-sustaining, or as near that as possible in this great household necessity, though it costs our people more. How would you sugar people feel on a free-trade basis as our shingle industry is now? We of the far West are standing shoulder to shoulder with you in every part of the country on this national policy of protection, now you stand with us on our few things—as vital to us as yours are to you.

Protection is a principle that should apply to the productions of every locality of the country without reference to geographic boundaries. You need it and ought to have it, and we need it and ought to have it. It is just as necessary to the shingle industry as it is to all others in which there is killing foreign competition.

Cedar logs and cedar lumber go hand in hand with cedar shingles. They are inseparable. A cedar log may be clear on one side and have knots on the other. Our mills saw the clear side into clear cedar lumber, cut out the knots on the other, cut it into proper lengths and send it to the shingle mill. Hundreds of mills, however, take the clear cedar log especially in shingles of the high-grade vertically sawed. In the State which I in part represent $100,000,000 capital and 100,000 men are waiting for the decision of the Congress. To us it means we will be saved, our capital safe, and our men employed, or, on the other hand, we face the assignee or the receiver and our men on the streets looking in vain for work.

It makes one often feel embittered to see 50 or more shingle mills in his own home city closed down because we can not keep going in the face of Canadian competition when every day over the railway tracks running past these idle mills we see 6 and 10 trainloads of British Columbia shingles roaring past to the American markets in the Middle West. We feel the same as you would feel if your industries in New England were closed down, idle or bankrupt, and your farms in Iowa or Nebraska or Kansas or Dakota were abandoned because the people could buy of the foreigner for a less price the identical things you produce. The American shingle industry can not meet the Canadian competition, with cheaper raw material and cheaper labor, unless we have the same degree of protection all other American production is now receiving.

Prior to the Underwood Tariff Act in 1913 there was a specific duty of 50 cents per thousand. The industry was healthy and the men well paid. Canadian mills were not competing—there was protection in this American industry. In 1913 there were only 643,000,000 shingles coming into the United States. In 1925 Canadian shingles came into the United States to the extent of 2,685,000,000, an increase of 317 per cent. In 1926 the importation ran up to 3,200,000,000, and in 1929 over 4,000,000,000, and our production dropped off 46 per cent, notwithstanding a general increase of the use of shingles throughout the country of 25 per cent.

At the present time 33 per cent of the American market is supplied by Canadian shingles. Not another American industry records such a tragedy.

I am aware of the fact that many use shingles and that comparatively few are engaged in the industry, but that is no argument against the application of the principle of protection. Thousands of articles are made by the few but used by the many. Watches are made in not to exceed a dozen places in the United States, yet a watch is in use by 98 per cent of our people, including men, women, and children, and under either the Senate amendment or the House amendment adopted yesterday the duty is $10.75 on a high-grade watch movement alone. I only cite this to illustrate the principle involved.

I hold in my hand an advertisement sent broadcast throughout Iowa and Missouri River points. It is dated Cedar Rapids, Iowa, March 16, 1930, showing a cut of $1 per 1,000 on British Columbia shingles below the normal commercial rate, dropping the price on 5-2-16 XXXXX air-dried British Columbia shingles to $4.19 per 1,000 in Missouri River territory, $4.29 in central and eastern Iowa, and $4.36 at most Illinois and Wisconsin points. This is what is killing us—this murderous Canadian competition. No American producer can live in the face of lower raw material and lower labor cost. It is the old, old story of an American industry going down before foreign competition.

All we ask, gentlemen, is a reasonable protection, one that will let us live, a protection that will keep us alive, and if you will do that we will be everlastingly grateful to the American Congress. [Applause.]

Mr. HAWLEY. Mr. Speaker, I move that the House further insist on its disagreement to Senate amendment No. 369.

The SPEAKER. The gentleman from Oregon moves that the House further insist on its disagreement to Senate amendment 369.

Mr. HENRY T. RAINEY. Mr. Speaker, I have a preferential motion.

The SPEAKER. The Clerk will report the paragraph.

The Clerk read as follows:

Senate amendment No. 369, page 122, after line 10, strike out the paragraph, as follows:

"PAR. 401. (a) Logs of fir, spruce, cedar, or western hemlock, $1 per thousand feet board measure, except that such logs imported to be used in the manufacture of wood pulp shall be exempt from duty under regulations prescribed by the Secretary of the Treasury."

Mr. HENRY T. RAINEY. Mr. Speaker, I move that the House recede from its disagreement to the Senate amendment No. 369 and concur in the Senate amendment.

The SPEAKER. The gentleman from Illinois moves that the House recede from its disagreement and concur in the Senate amendment.

Mr. HAWLEY. Mr. Speaker, on that I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Illinois to recede and concur in the Senate amendment. Those in favor of the motion will answer "aye"; those opposed will answer "no."

The question was taken.

The SPEAKER. In the opinion of the Chair, the ayes have it.

Mr. HAWLEY. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 290, noes 105.

So the motion to recede and concur was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 370: Page 122, line 16, strike out the paragraph, as follows:

"(b) Cedar, except Spanish cedar: Boards, planks, deals, laths, siding, clapboards, ceiling, flooring, ship timber, and other lumber and timber, 25 per cent ad valorem."

Mr. HAWLEY. Mr. Speaker, I move that the House recede and concur with an amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAWLEY: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following:

"(b) Cedar, except Spanish cedar: Boards, planks, deals, laths, siding, clapboards, ceiling, flooring, ship timber, and other lumber and timber, 15 per cent ad valorem."

Mr. HENRY T. RAINEY and Mr. RAMSEYER rose.

Mr. HENRY T. RAINEY. Mr. Speaker, I offer a preferential motion.

The SPEAKER. The gentleman from Illinois [Mr. HENRY T. RAINEY] offers a preferential motion.

Mr. HENRY T. RAINEY. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate, amendment No. 370, and concur in the same.

The SPEAKER. The gentleman from Illinois [Mr. HENRY T. RAINEY] moves that the House recede and concur in the Senate amendment.

Mr. HAWLEY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Illinois to recede and concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. HAWLEY) there were 289 ayes and 108 noes.

So the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 371: Page 122, after line 18, insert a new paragraph, as follows:

"PAR. 401. Timber hewn, sided, or squared, otherwise than by sawing, and round timber used for spars or in building wharves; sawed lumber and timber not specially provided for; all the foregoing, if of fir, spruce, pine, hemlock, or larch; railroad ties, and telephone, telegraph, trolley, and electric-light poles of any wood; all the foregoing, $1.50 per thousand feet, board measure, and in estimating board measure for the purposes of this paragraph no deduction shall be made on account of planing, tonguing, and grooving: *Provided*, That there shall be exempted from such duty boards, planks, and deals of fir, spruce, pine, hemlock, or larch, in the rough or not further manufuactured than planed or dressed on one side, when imported from a country contiguous to the continental United States, which country admits free of duty similar lumber imported from the United States."

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] will state the parliamentary inquiry.

Mr. CRISP. Mr. Speaker, I understand the gentleman from Oregon [Mr. HAWLEY], the chairman of the committee, is going to move to concur in this amendment with an amendment. We of the minority desire to enter a motion that the House further insist on its disagreement to the Senate amendment. Of course, the motion of the gentleman from Oregon [Mr. HAWLEY] will be preferential. After the gentleman makes that motion, would the Chair then entertain a motion from us to further insist, the reason being that if our motion did not get in and the previous question should be ordered, it might cut out a request to have

that motion pending. I understand if this motion is pending, and the motion of the gentleman from Oregon [Mr. HAWLEY] prevails, that would dispose of the matter.

The SPEAKER. The Chair thinks the gentleman from Georgia [Mr. CRISP] is correct. It must be disposed of. Therefore, it would be in order in case the motion of the gentleman from Oregon fails, to make a motion to concur.

Mr. HAWLEY. Mr. Speaker, I move that the House recede and concur in Senate amendment 371, with an amendment——

Mr. RAMSEYER. Mr. Speaker, a parliamentary inquiry. If the previous question is ordered on the motion just presented, and the motion which the gentleman from Georgia [Mr. CRISP] suggests is not filed, will it be in order, after the previous question has been ordered and the vote on this motion has been taken, assuming it is voted down, to then make a motion?

The SPEAKER. The Chair thinks the previous question would only operate on the original motion.

Mr. O'CONNOR of Louisiana. Mr. Speaker, would it be in order to ask the chairman of the Ways and Means Committee a question at this time?

The SPEAKER. The Chair thinks not.

The gentleman from Oregon [Mr. HAWLEY] offers a motion, which the Clerk will report.

The Clerk read as follows:

Motion by Mr. HAWLEY: I move that the House recede and concur in Senate amendment No. 371 with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"PAR. 401. Timber hewn, sided, or squared, otherwise than by sawing, and round timber used for spars or in building wharves; sawed lumber and timber not specially provided for; all the foregoing, if of fir, spruce, pine, hemlock, or larch, 75 cents per 1,000 feet, board measure, and in estimating board measure for the purposes of this paragraph no deduction shall be made on account of planing, tonguing, and grooving: *Provided*, That there shall be exempted from such duty boards, planks, and deals of fir, spruce, pine, hemlock, or larch, in the rough or not further manufactured than planed or dressed on one side, when imported from a country contiguous to the continental United States, which country admits free of duty similar lumber imported from the United States."

Mr. HAWLEY. Mr. Speaker, I move the previous question.

The previous question was ordered.

Mr. HENRY T. RAINEY. Mr. Speaker, I offer the following motion, which I ask to have pending.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] asks unanimous consent that he may offer a motion, which shall be read and considered as pending. Without objection the Clerk will read the motion.

There was no objection.

The Clerk read as follows:

Motion by Mr. HENRY T. RAINEY: Amendment 371: That the House insist on its disagreement to the amendment of the Senate No. 371.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Wisconsin will state the parliamentary inquiry.

Mr. COOPER of Wisconsin. I wish, first, to direct the attention of the Chair to the dual character of the motion made by the gentleman from Oregon [Mr. HAWLEY]. It contains two entirely separate and distinct propositions, one to put a tariff on hewn, sided, squared, and so forth, lumber, and the other to put railroad ties, telephone and telegraph, trolley, and electric light poles, all of wood, on the free list. Now some Members of the House, including myself, are in favor of one of these propositions and against the other. And yet, as they are both in one motion, on which we can vote only once and only "aye" or "no," we will be compelled, if we vote at all, to vote either for something to which we are opposed, or against something that we favor.

As I have said, these are separate and distinct propositions, one putting a tariff on certain specified articles and the other placing certain other articles on the free list, and they should not be combined in one motion.

The SPEAKER. But they are combined in one motion.

The question is on agreeing to the motion of the gentleman from Oregon [Mr. HAWLEY].

The question was taken; and on a division (demanded by Mr. HAWLEY) there were—ayes 178, noes 230.

Mr. HAWLEY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken and there were—yeas 144, nays 250, answered "present" 1, not voting 33, as follows:

[Roll No. 31]

YEAS—144

Abernethy	Drewry	Kemp	Sandlin
Ackerman	Driver	Kerr	Schafer, Wis.
Adkins	Eaton, Colo.	Kiess	Seger
Arentz	Eaton, N. J.	Kinzer	Shaffer, Va.
Aswell	Edwards	Korell	Smith, Idaho
Bacharach	Elliott	Langley	Smith, W. Va.
Barbour	Ellis	Lankford, Ga.	Spearing
Beers	Englebright	Lankford, Va.	Steagall
Bell	Estep	Larsen	Strong, Pa.
Bohn	Evans, Calif.	Lea	Summers, Wash.
Bowman	Evans, Mont.	Lehlbach	Swick
Box	Finley	Letts	Swing
Briggs	Fish	McLaughlin	Taber
Brigham	Fort	Magrady	Taylor, Tenn.
Brumm	Free	Mapes	Thatcher
Butler	French	Mead	Thompson
Cable	Garber, Va.	Merritt	Tilson
Campbell, Pa.	Garrett	Michener	Timberlake
Carter, Calif.	Gibson	Miller	Turpin
Carter, Wyo.	Golder	Murphy	Vestal
Clarke, N. Y.	Green	Montet	Vincent, Mich.
Collins	Hadley	Nelson, Me.	Watres
Colton	Hall, Ind.	O'Connor, La.	Watson
Connolly	Hall, Miss.	Owen	Welsh, Pa.
Cooke	Hancock	Parker	Whitley
Cooper, Ohio	Hardy	Parks	Whittington
Coyle	Hawley	Perkins	Wilson
Crail	Hickey	Pittinger	Wingo
Cramton	Hill, Wash.	Pou	Wolfenden
Crowther	Hoffman	Pratt, Harcourt J.	Wolverton, N. J.
Culkin	Hooper	Purnell	Wolverton, W. Va.
Darrow	Hudson	Ransley	Wood
Dempsey	Hull, William E.	Reece	Woodruff
DeRouen	Johnson, Wash.	Reed, N. Y.	Wurzbach
Doutrich	Jonas, N. C.	Reid, Ill.	Yon
Drane	Kahn	Sanders, N. Y.	Zihlman

NAYS—250

Aldrich	Doughton	Kading	Pratt, Ruth
Allen	Douglas, Ariz.	Kearns	Pritchard
Allgood	Douglass, Mass.	Kelly	Quayle
Almon	Dowell	Kendall, Ky.	Quin
Andresen	Doxey	Kendall, Pa.	Ragon
Andrew	Dunbar	Kennedy	Rainey, Henry T.
Arnold	Dyer	Ketcham	Ramey, Frank M.
Auf der Heide	Eslick	Kiefner	Ramseyer
Ayres	Esterly	Kincheloe	Ramspeck
Bachmann	Fenn	Knutson	Rankin
Bacon	Fisher	Kopp	Rayburn
Baird	Fitzgerald	Kvale	Robinson
Bankhead	Fitzpatrick	LaGuardia	Rogers
Beedy	Foss	Lambertson	Romjue
Black	Freeman	Lampert	Rutherford
Blackburn	Fuller	Lanham	Sabath
Bland	Fulmer	Leavitt	Sanders, Tex.
Bolton	Gambrill	Lindsay	Schneider
Boylan	Garber, Okla.	Linthicum	Sears
Brand, Ga.	Gasque	Lozier	Seiberling
Brand, Ohio	Gavagan	Luce	Selvig
Browne	Gifford	McClintic, Okla.	Short, Mo.
Browning	Glover	McClintock, Ohio	Shott, W. Va.
Brunner	Goldsborough	McCormack, Mass.	Simmons
Buchanan	Goodwin	McCormick, Ill.	Sinclair
Buckbee	Granfield	McDuffie	Sloan
Burdick	Greenwood	McKeown	Snow
Burtness	Gregory	McLeod	Somers, N. Y.
Busby	Griffin	McMillan	Sparks
Byrns	Guyer	McReynolds	Speaks
Campbell, Iowa	Hale	McSwain	Sproul, Ill.
Canfield	Hall, Ill.	Maas	Sproul, Kans.
Cannon	Hall, N. Dak.	Manlove	Stafford
Carley	Halsey	Mansfield	Stalker
Cartwright	Hammer	Martin	Stevenson
Celler	Hare	Menges	Stobbs
Chalmers	Hartley	Michaelson	Strong, Kans.
Christgau	Hastings	Milligan	Sullivan, N. Y.
Christopherson	Haugen	Montague	Sumners, Tex.
Clague	Hess	Moore, Ky.	Swanson
Clancy	Hill, Ala.	Moore, Ohio	Tarver
Clark, N. C.	Hoch	Moore, Va.	Temple
Cochran, Mo.	Hogg	Morehead	Thurston
Cochran, Pa.	Holaday	Morgan	Tinkham
Cole	Hope	Mouser	Treadway
Collier	Hopkins	Nelson, Mo.	Underhill
Connery	Houston, Del.	Nelson, Wis.	Underwood
Cooper, Tenn.	Howard	Newhall	Vinson, Ga.
Cooper, Wis.	Huddleston	Niedringhaus	Wainwright
Corning	Hull, Morton D.	Nolan	Walker
Cox	Hull, Tenn.	Norton	Warren
Craddock	Hull, Wis.	O'Connell, N. Y.	Wason
Crisp	Igoe	O'Connor, Okla.	Welch, Calif.
Cross	Irwin	O'Connor, N. Y.	White
Crosser	Jeffers	Oldfield	Whitehead
Cullen	Jenkins	Oliver, Ala.	Wigglesworth
Dallinger	Johnson, Ind.	Oliver, N. Y.	Williams
Davenport	Johnson, Nebr.	Palmer	Williamson
Davis	Johnson, Okla.	Palmisano	Woodrum
Denison	Johnson, S. Dak.	Patman	Wright
De Priest	Johnson, Tex.	Patterson	Yates
Dickstein	Johnston, Mo.	Peavey	
Dominick	Jones, Tex.	Prall	

ANSWERED "PRESENT"—1

Chindblom

NOT VOTING—33

Beck	Curry	Graham	Kurtz
Bloom	Dickinson	Hudspeth	Leech
Britten	Doyle	James	Ludlow
Chase	Frear	Johnson, Ill.	McFadden
Clark, Md.	Garner	Kunz	Mooney

O'Connell, R. I.	Simms	Stone	Wyant
Porter	Sirovich	Sullivan, Pa.	
Rowbottom	Snell	Taylor, Colo.	
Shreve	Stedman	Tucker	

So the motion to recede and concur with an amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Beck (for) with Mr. Garner (against).
Mr. Graham (for) with Mr. Dickinson (against).
Mr. Simms (for) with Mr. Stedman (against).
Mr. Shreve (for) with Mr. Ludlow (against).
Mr. Hudspeth (for) with Mr. McFadden (against).
Mr. Britten (for) with Mr. Tucker (against).
Mr. Chindblom (for) with Mr. Bloom (against).
Mr. Leech (for) with Mr. Doyle (against).
Mr. Wyant (for) with Mr. Mooney (against).
Mr. Kurtz (for) with Mr. Kunz (against).
Mr. Clark of Maryland (for) with Mr. Sirovich (against).

Until further notice:

Mr. Porter with Mr. Taylor of Colorado.
Mr. Snell with Mr. O'Connell of Rhode Island.
Mr. Johnson of Illinois with Mr. Stone.
Mr. Curry with Mr. Rowbottom.
Mr. Chase with Mr. James.
Mr. Frear with Mr. Sullivan of Pennsylvania.

Mr. CHINDBLOM. Mr. Speaker, the gentleman from New York [Mr. BLOOM] wanted a pair on this vote. I have a pair with the gentleman, and I ask, therefore, to withdraw my vote and answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the motion of the gentleman from Illinois.

The Clerk read as follows:

Motion by Mr. HENRY T. RAINEY: That the House insist on its disagreement to the amendment of the Senate No. 371.

The SPEAKER. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 372: On page 123, after line 8, strike out paragraph 402, which reads as follows:

"Maple (except Japanese maple) and birch: Boards, planks, deals, laths, ceiling, flooring, and other lumber and timber (except logs), 15 per cent ad valorem."

And insert:

"PAR. 402. Maple (except Japanese maple), birch, and beech: Flooring, 8 per cent ad valorem."

Mr. HAWLEY. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment.

Mr. HENRY T. RAINEY. Mr. Speaker, I offer a preferential motion.

The SPEAKER. The gentleman from Illinois offers a motion, which the Clerk will report.

The Clerk read as follows:

Motion by Mr. HENRY T. RAINEY: That the House recede from its disagreement to the amendment of the Senate No. 372 and concur in the same.

Mr. CRISP. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 373, page 123, strike out:

"PAR. 403. Shingles of wood, 25 per cent ad valorem."

Mr. HAWLEY. Mr. Speaker, I move that the House recede and concur with an amendment.

The SPEAKER. The gentleman from Oregon offers a motion, which the Clerk will report.

The Clerk read as follows:

Motion by Mr. HAWLEY: I move that the House recede and concur in Senate amendment No. 373, with an amendment, as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following:

"PAR. 403. Shingles of wood, 15 per cent ad valorem."

Mr. HENRY T. RAINEY. Mr. Speaker, I offer a preferential motion.

The SPEAKER. The gentleman from Illinois offers a motion, which the Clerk will report.

The Clerk read as follows:

Motion by Mr. RAINEY: That the House recede from its disagreement to the amendment of the Senate No. 373 and concur in the same.

Mr. HAWLEY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Illinois to recede and concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. HAWLEY) there were—ayes 280, noes 102.

Mr. HENRY T. RAINEY. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 279, nays 110, answered "present" 1, not voting 38, as follows:

[Roll No. 32]

YEAS—279

Abernethy	Douglass, Mass.	Jones, Tex.	Pritchard
Allen	Dowell	Kading	Quayle
Allgood	Doxey	Kelly	Quin
Almon	Drewry	Kendall, Ky.	Ragon
Andresen	Driver	Kendall, Pa.	Rainey, Henry T.
Andrew	Dunbar	Kennedy	Ramseyer
Arnold	Dyer	Kerr	Ramspeck
Auf der Heide	Eaton, N. J.	Ketcham	Rankin
Ayres	Edwards	Kiefner	Rayburn
Bachmann	Elliott	Kincheloe	Robinson
Bacon	Eslick	Knutson	Rogers
Baird	Esterly	Kopp	Romjue
Bankhead	Evans, Mont.	Kvale	Rutherford
Beedy	Fenn	LaGuardia	Sabath
Bell	Fish	Lambertson	Sanders, N. Y.
Black	Fisher	Lampert	Sanders, Tex.
Blackburn	Fitzgerald	Lanham	Sandlin
Bland	Fitzpatrick	Lankford, Ga.	Schafer, Wis.
Bolton	Foss	Larsen	Schneider
Box	Freeman	Leavitt	Sears
Boylan	Fulmer	Lindsay	Selberling
Brand, Ga.	Gambrill	Linthicum	Selvig
Brand, Ohio	Garber, Okla.	Lozier	Short, Mo.
Briggs	Garrett	Luce	Shott, W. Va.
Brigham	Gasque	McClintic, Okla.	Simmons
Browne	Gavagan	McClintock, Ohio	Sinclair
Browning	Gibson	McCormack, Mass.	Sloan
Brunner	Gifford	McCormick, Ill.	Smith, W. Va.
Buchanan	Glover	McDuffie	Snow
Buckbee	Goldsborough	McKeown	Somers, N. Y.
Burdick	Goodwin	McLeod	Sparks
Burtness	Granfield	McMillan	Speaks
Busby	Greenwood	McReynolds	Sproul, Ill.
Byrns	Gregory	Maas	Sproul, Kans.
Campbell, Iowa	Griffin	Manlove	Stafford
Canfield	Guyer	Mansfield	Stalker
Cannon	Hale	Martin	Steagall
Carley	Hall, Ill.	Mead	Stevenson
Cartwright	Hall, Ind.	Menges	Stobbs
Celler	Hall, Miss.	Merritt	Strong, Kans.
Chalmers	Hall, N. Dak.	Michaelson	Sullivan, N. Y.
Christgau	Halsey	Milligan	Sumners, Tex.
Christopherson	Hammer	Montague	Swanson
Clague	Hare	Moore, Ky.	Taber
Clancy	Hartley	Moore, Ohio	Tarver
Clark, N. C.	Hastings	Moore, Va.	Temple
Cochran, Mo.	Haugen	Morehead	Thatcher
Cochran, Pa.	Hess	Morgan	Thompson
Cole	Hill, Ala.	Mouser	Thurston
Collier	Hoch	Nelson, Mo.	Tinkham
Collins	Hogg	Nelson, Wis.	Treadway
Connery	Holaday	Newhall	Underhill
Cooper, Ohio	Hope	Niedringhaus	Underwood
Cooper, Tenn.	Hopkins	Nolan	Vinson, Ga.
Cooper, Wis.	Houston, Del.	Norton	Wainwright
Corning	Howard	O'Connell, N. Y.	Walker
Cox	Huddleston	O'Connor, N. Y.	Warren
Craddock	Hull, Morton D.	O'Connor, Okla.	Wason
Crisp	Hull, Tenn.	Oldfield	Welch, Calif.
Cross	Hull, Wis.	Oliver, Ala.	White
Crosser	Igoe	Oliver, N. Y.	Whitley
Cullen	Irwin	Palmer	Whittington
Dallinger	Jeffers	Palmisano	Wigglesworth
Davenport	Jenkins	Parks	Williams
Davis	Johnson, Ind.	Patman	Williamson
Denison	Johnson, Nebr.	Patterson	Wingo
De Priest	Johnson, Okla.	Peavey	Woodrum
Dickstein	Johnson, S. Dak.	Pou	Wright
Dominick	Johnson, Tex.	Prall	Yates
Doughton	Johnston, Mo.	Pratt, Ruth	

NAYS—110

Ackerman	Cramton	Hardy	Magrady
Adkins	Crowther	Hawley	Mapes
Aldrich	Culkin	Hickey	Michener
Arentz	Darrow	Hill, Wash.	Miller
Aswell	Dempsey	Hoffman	Montet
Bacharach	DeRouen	Hooper	Murphy
Barbour	Doutrich	Hudson	Nelson, Me.
Beers	Drane	Hull, William E.	O'Connor, La.
Bohn	Eaton, Colo.	Johnson, Wash.	Owen
Bowman	Ellis	Jonas, N. C.	Parker
Brumm	Englebright	Kahn	Perkins
Butler	Estep	Kearns	Pittenger
Cable	Evans, Calif.	Kemp	Pratt, Harcourt J.
Campbell, Pa.	Finley	Kiess	Purnell
Carter, Calif.	Fort	Kinzer	Ransley
Carter, Wyo.	Free	Korell	Reece
Clarke, N. Y.	French	Langley	Reed, N. Y.
Colton	Garber, Va.	Lankford, Va.	Reid, Ill.
Connolly	Golder	Lea	Seger
Cooke	Green	Lehlbach	Shaffer, Va.
Coyle	Hadley	Letts	Smith, Idaho
Crail	Hancock	McLaughlin	Spearing

Strong, Pa.	Timberlake	Welsh, Pa.	Woodruff
Summers, Wash.	Turpin	Wilson	Wurzbach
Swick	Vestal	Wolfenden	Yon
Swing	Vincent, Mich	Wolverton, N. J.	Zihlman
Taylor, Tenn.	Watres	Wolverton, W. Va.	
Tilson	Watson	Wood	

ANSWERED "PRESENT"—1

Chindblom

NOT VOTING—38

Beck	Fuller	McFadden	Snell
Bloom	Garner	McSwain	Stedman
Britten	Graham	Mooney	Stone
Chase	Hudspeth	O'Connell, R. I.	Sullivan, Pa.
Clark, Md.	James	Porter	Taylor, Colo.
Curry	Johnson, Ill.	Ramey, Frank M.	Tucker
Dickinson	Kunz	Rowbottom	Whitehead
Douglas, Ariz.	Kurtz	Shreve	Wyant
Doyle	Leech	Simms	
Frear	Ludlow	Sirovich	

So the motion to recede and concur in the Senate amendment was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. Bloom (for) with Mr. Chindblom (against).
Mr. Stedman (for) with Mr. Simms (against).
Mr. Ludlow (for) with Mr. Shreve (against).
Mr. McFadden (for) with Mr. Hudspeth (against).
Mr. Tucker (for) with Mr. Britten (against).
Mr. Whitehead (for) with Mr. Leech (against).
Mr. Dickinson (for) with Mr. Graham (against).
Mr. Mooney (for) with Mr. Wyant (against).
Mr. Kunz (for) with Mr. Kurtz (against).
Mr. Garner (for) with Mr. Beck (against).
Mr. Sirovich (for) with Mr. Clark of Maryland (against).

Until further notice:

Mr. Porter with Mr. Taylor of Colorado.
Mr. Snell with Mr. O'Connell of Rhode Island.
Mr. Johnson of Illinois with Mr. Douglas of Arizona.
Mr. Curry with Mr. Fuller.
Mr. Frear with Mr. McSwain.
Mr. James with Mr. Doyle.
Mr. Chase with Mr. Rowbottom.
Mr. Stone with Mr. Sullivan of Pennsylvania.

Mr. CHINDBLOM. Mr. Speaker, I am recorded as voting. I have a pair with the gentleman from New York, Mr. BLOOM. I desire to withdraw my vote and answer "Present."

Mr. McSWAIN. Mr. Speaker, I wish to vote "aye."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. McSWAIN. If I had been present, I would have voted "aye," but I was not present, Mr. Speaker.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 376: On page 123, after line 24, strike out "Japanese maple, and all cabinet woods (except teak): In the log, 10 per cent ad valorem; boards, planks, deals, flooring, and other lumber and timber," and insert "and Japanese maple: In the form of sawed boards, planks, deals, and all other forms not further manufactured than sawed, and flooring."

Mr. HAWLEY. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. There are several amendments on the free list numbered 1035, 1091, 1092, 1093, and 1095, that were placed on the free-list paragraph by the Senate on account of the duties on lumber which have just been disposed of by the House. Of course, these amendments on the free list should be disposed of to conform with the action of the House that has been taken on the various motions in the last few minutes. The control of the House on these amendments having changed from the majority to the minority, I ask whether I or some one on the minority would not be entitled to make motions to properly dispose of these amendments on the free list.

The SPEAKER. The Chair would be willing to recognize the gentleman to ask unanimous consent, but thinks the gentleman from Oregon is entitled to recognition.

Mr. CRISP. Then I ask unanimous consent, Mr. Speaker, that I may make the motion dealing with these amendments on the free list.

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, will the gentleman again state what he is proposing to do?

Mr. CRISP. All right; I propose to dispose of the amendments on the free list that deal with the articles which the House has just disposed of. On amendment 1035 my motion will be to recede and concur in the Senate amendment, on amendment 1091 it will be that the House insist on its disagreement to the Senate amendment, on amendment No. 1092 a motion to recede and concur in the Senate amendment, on amendment 1093 a motion that the House insist on its disagreement to the Senate amendment, and on amendment No. 1095 that the House insist on its disagreement to the Senate amendment.

Mr. JOHNSON of Washington. I will say that I have no objection to that parliamentary procedure.

Mr. HENRY T. RAINEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. HENRY T. RAINEY. Mr. Speaker, I move to reconsider the votes just taken on the lumber and timber amendments and to lay that motion on the table.

The motion was agreed to.

Mr. CRISP. Mr. Speaker, I accept the suggestion of the Speaker and ask unanimous consent that I be permitted to offer motions relative to the amendments that I have referred to—1035, 1091, 1092, 1093, and 1095.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. RAMSEYER. Reserving the right to object, Mr. Speaker, I do not see the necessity of asking unanimous consent. They are on the list and are the next in order.

Mr. CRISP. This disposes of the matter.

Mr. RAMSEYER. Does the gentleman want to consider them together?

Mr. CRISP. No; if this request is granted, I will make the motions separately.

Mr. RAMSEYER. Very well.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. CRISP. Mr. Speaker, I move that the House recede and concur in Senate amendment No. 1035.

The motion was agreed to.

Mr. CRISP. Mr. Speaker, I move that the House further insist on its disagreement to Senate amendment No. 1091.

The motion was agreed to.

Mr. CRISP. Mr. Speaker, I move that the House recede and concur in Senate amendment No. 1092.

The motion was agreed to.

Mr. CRISP. Mr. Speaker, I move that the House insist on its disagreement to Senate amendment No. 1093.

The motion was agreed to.

Mr. CRISP. Mr. Speaker, I move that the House insist on its disagreement to Senate amendment 1095.

The motion was agreed to.

Mr. CRISP. Mr. Speaker, I move to reconsider the votes by which the action just taken was had and to lay that motion on the table.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 394, page 127, line 8: Strike out "1.5625 cents" and insert "1.7125 cents."

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that the three amendments be considered together, both for purpose of debate and vote.

The SPEAKER. The gentleman from Oregon asks unanimous consent that Senate amendments 394, 395, and 396 be considered together both for the purpose of debate and the purpose of amendment. Is there objection?

There was no objection.

The Senate amendments 395 and 396 are as follows:

Senate amendment 395, page 127, line 10, strike out "but not above 94 sugar degrees, 625" and insert "375."

Senate amendment 396, page 127, line 13, strike out the following language: "; testing by the polariscope 94 sugar degrees, 2.75 cents per pound, and for each additional sugar degree shown by the polariscopic test, 0.125 of 1 cent per pound additional, and fractions of a degree in proportion."

Mr. HAWLEY. Mr. Speaker, I yield one-half of my hour to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Speaker, I suggest that we have 30 minutes debate on a side on the three amendments.

Mr. HAWLEY. That would be the rule. I have an hour, and I would yield one-half of that hour to the gentleman from Georgia.

The SPEAKER. The gentleman from Oregon asks unanimous consent that debate on the three amendments be limited to one

hour, one half to be controlled by himself and the other half by the gentleman from Georgia. Is there objection?

Mr. CRAMTON. I suppose that carries with it the understanding that the half hour controlled by the gentleman from Oregon [Mr. HAWLEY] will be divided between those who are opposed and those who are in favor on this side, and the half hour yielded to the gentleman from Georgia will be divided between those who favor and oppose the proposition on that side?

Mr. CRISP. It is my intention if I control one-half of the time to give to those favoring a duty on sugar 15 minutes.

Mr. COLLIER. Reserving the right to object, which, of course, I shall not do, I wish to say that the entire disposition of the time on sugar has been placed in the hands of my friend from Georgia, and I express the hope that he will have the 1,000 per cent success that my good friend from Illinois had a few moments ago. [Laughter and applause.]

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

Mr. HAWLEY. Mr. Speaker, I make the following motion: The Clerk read as follows:

Mr. HAWLEY moves that in amendment No. 394 the House recede from its disagreement to the amendment of the Senate numbered 394, and concur in the same.

Amendment numbered 395: That the House recede from its disagreement to the amendment of the Senate numbered 395, and concur in the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "but not above 86 sugar degrees, 0.0375 of 1 cent per pound additional, and fractions of a degree in proportion; testing by the polariscope 86 sugar degrees, 2.125 cents per pound, and for each additional sugar degree shown by the polariscopic test but not above 96 sugar degrees, 025."

Amendment numbered 396: That the House recede from its disagreement to the amendment of the Senate numbered 396, and concur in the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert a semicolon and the following: "testing by the polariscope 96 sugar degrees, 2.75 cents per pound, and for each additional sugar degree shown by the polariscopic test, 0.125 of 1 cent per pound additional, and fractions of a degree in proportion."

Mr. CRISP. Mr. Speaker, I offer a preferential motion to concur in all three Senate amendments.

Mr. HAWLEY. Mr. Speaker, the amendment that I have just offered provides a schedule by which the duty against world sugar will be 2.75 cents per pound and against sugar imported from Cuba at 96°, 2.20 cents per pound. The Ways and Means Committee held long and careful hearings on this subject. Every possible investigation to obtain information as to the industry and its needs and the relief the tariff ought to afford it was made. The experts of the Tariff Commission and of various other departments of the Government were summoned and inquired of, and as a conclusion, from the standpoint of the needs of the industry and the justice that ought to be done it, the House reported a rate of 2.40 cents as against Cuban sugar. The Senate, however, has made the rate 2 cents against Cuban sugar, and the proposed amendment is a compromise exactly halfway between the proposal of the Senate and the proposal of the House, and in my judgment it is the least the industry can receive and enjoy the prosperity to which it is entitled. On this essential commodity of life we ought to be a self-sustaining and self-providing nation. It is the cheapest food commodity in the market. No matter where you go, into the poorest restaurant, there are three things that are free—sugar, pepper, and salt. In my judgment, the duties proposed will greatly benefit this essential industry and not be felt in the purchases made by consumers, and sugar will continue to be the cheapest food commodity on the market.

I yield 30 minutes to the gentleman from Georgia.

Mr. CRISP. Mr. Speaker, I know the House is tired, and I shall detain it but a few moments. Nothing that I can say will change anyone's vote on this question. It is the most controversial item in the tariff bill. Every Member of the House has made up his mind as to how he will vote. The gentleman from Oregon offers a motion, the effect of which will be to impose a duty of 2.20 cents a pound on sugar coming from Cuba. The effect of the motion I have made to concur in the three amendments is to have a duty of 2 cents a pound against Cuban sugar, and that is the only sugar that really affects the American market. From a parliamentary point of view the House, having passed a bill for 2.40 cents and the Senate for 2 cents, we can not go below 2 cents nor above 2.40 cents. The matter must be disposed of within those bounds. My motion is to take the lowest possible rate that can be voted on from a parliamentary viewpoint under existing conditions. It is more than ample protection for the sugar industry, and further taxes the American consumers $32,000,000 in addition to what they are now paying sugar producers under existing law. I am not going to argue the question of the merits or demerits of the situation. As I said, you are all familiar with it. I do say this, however, that gentlemen on the Republican side are great believers in the Tariff Commission and the flexible provision of the Tariff Commission.

When Mr. Coolidge, an able man, a conservative man, was President the Tariff Commission made an exhaustive study as to what rate would equal the difference between the cost of production of sugar here and elsewhere, and the Tariff Commission recommended that the rate of 1.76 cents as against sugar be reduced. The President did not act on that.

Mr. FREE. Mr. Speaker, will the gentleman yield?

Mr. CRISP. No.

Mr. FREE. Is it not a fact that the President turned down the recommendation of the Tariff Commission?

Mr. CRISP. My recollection is that the public was guessing for over a year, until after the election, as to what the action of the Tariff Commission was; and when it came out it was a recommendation that that rate be reduced. The President did not approve the recommendation of the Tariff Commission. I do not yield any further. That is the situation before you. If you favor 2 cents duty on sugar instead of a higher duty, you should vote for the motion that I have made, to recede and concur in the Senate amendment.

I reserve the remainder of my time.

Mr. HAWLEY. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. PURNELL].

Mr. PURNELL. Mr. Speaker, I seriously appeal to every friend of American agriculture on the floor of this House to support the motion of the gentleman from Oregon, not only in the interest of the sugar farmers themselves but in the interest of agriculture. I heartily approve the action taken thus far on the agricultural schedules, in which we have made adequate increases, but I submit that the American producer of sugar is also engaged in agriculture. [Applause.]

Do not lose sight of the fact that sugar is a product of the American farm and is just as much a part of agriculture as is wheat, cotton, and livestock. During the past 10 years our Committee on Agriculture has been seriously dealing with the question of surplus production. We are agreed that one of the surest methods of solving the question of farm surpluses is through diversification, and no single industry so lends itself to diversified farming and adds as much wealth to the community as does the growing of sugar beets. We speak of a balanced agriculture. You have heard it in every debate in this House. Here is one sure way to get it. An adequate tariff on sugar will encourage and increase production of American sugar and render us less dependent on foreigners and foreign production. Every acre turned to the production of sugar beets will take out of production an acre of land now devoted to the growing of some crop of which we have an exportable surplus. Failure to grant such protection will mean an increased production of from 75,000,000 to 100,000,000 bushels of wheat. This is not only the judgment of the members of the Committee on Agriculture but is also the judgment of the great farm organizations through which the farmers of this Nation have spoken time and time again. Last September, 12 of the leading organizations representing farmers in this country made a statement to the Senators in which they said:

Without a material increase in the duties above the Fordney-McCumber rates, the sugar industry of this country will suffer severe hardships.

At the head of that list of 12 organizations we find two of the foremost farm organizations of the Nation, namely, the American Farm Bureau Federation and the National Grange. Their position to-day is unchanged. Only this morning Members of the House received a communication addressed to Hon. WILLIS W. HAWLEY, chairman of the Ways and Means Committee, signed by Mr. Chester H. Gray, Washington representative of the American Farm Bureau Federation, in which it is stated that while the House rate of 2.40 cents per pound as contained in the House bill is none too high to promote a domestic sugar production, nevertheless the rate of 2.20 cents per pound will be helpful and is necessary to protect the industry and benefit agriculture generally. The letter is as follows:

WASHINGTON, D. C., *May 1, 1930.*

Copy to all Members of Congress.

Hon. WILLIS W. HAWLEY,

Chairman Ways and Means Committee,

House of Representatives, Washington, D. C.

MY DEAR CHAIRMAN HAWLEY: It is understood from press reports and otherwise that you at the proper time will introduce an amendment proposing a 2.20-cent-per-pound rate of duty on sugar from Cuba.

This proposed action on your part deserves to be commended, even though the rate which is contemplated in your amendment is not adequate to give the sugar producers of the Nation that protection which they justly should have. With the difference, however, in the Senate and House bills relative to the rate on sugar, it is reasonable to strike an average which brings us to the 2.20-cent rate. All legislation, as is so often stated, is a matter of compromise, and the compromise at 2.20 cents per pound will secure a rate on sugar of some material assistance to the growers and of no particular burden to the other groups in our Nation.

On September 8, 1929, 12 farm organizations sent a letter to the Members of the Senate, in which it was stated: "Without a material increase in the duty (on sugar) above the Fordney-McCumber rate the sugar industry of this country will suffer severe hardships. It has been shown by the growers that rates of duty such as have been asked for by the farm organizations would lead to profitable cane and beet production and would adequately increase the cane and beet acreages." In the list of commodities attached to this letter, upon which higher rates of duty were asked by the dozen organizations signatory thereto, sugar was included at "not less than House rates."

Sugar presents an ideal tariff problem. Its production is now demonstrated to be practicable in our Nation, both from cane and beets; its present amount of production within our Nation classifies it as an infant industry compared to the total sugar consumption of our Nation; its extent of production can be greatly magnified before any evidence of surplus appears; and there are citizens, both producers and refiners, willing and ready to put money and energy into the greater production of sugar if only more reasonable protection is given.

The reverse of the above-described tariff problem on sugar will assuredly be true if reasonable protection such as is to be proposed in your amendment is not given. It will not be possible to supplant surplus producing acreages of other crops by the substitution of sugar acreages, even though such sugar production is climatically possible; it will be wholly impossible to increase the percentage of our domestically produced sugar compared to foreign importations; and instead of money and activity going into the sugar business, both of production and refining, they will be withdrawn therefrom. In other words, Congress is at the point now of deciding whether the United States is to render itself more nearly self-sufficing in its sugar supply or is to become more and more dependent upon foreign supplies.

The House rate of 2.40 cents per pound is none too high adequately to promote a domestic sugar production. The rate of 2.20 cents per pound will be helpful in accomplishing this goal and appears to be a happy medium upon which all who are interested in benefiting agriculture, and in securing the production within our own boundaries more nearly of a national supply of sugar, might agree.

Very respectfully,

AMERICAN FARM BUREAU FEDERATION,
CHESTER H. GRAY,
Washington Representative.

Much has been said in this debate about the consumer. Let me remind you that the American farmer is also a consumer of sugar just the same as the man who works in a factory. He is willing to pay his proportionate part of any increase in price that may be passed on to him as a consumer, knowing that at most it can add little more than 20 cents per year per capita to his budget. After all, sugar is America's cheapest food. The individual consumer has little to complain of when he can buy 10 pounds of sugar for a half dollar.

I make no plea for preferential treatment of sugar. I ask merely that the sugar farmers of the Nation be given the same degree of intelligent consideration that we have extended to those of our farmers who grow other crops. I am not half as much concerned about the beet-sugar industry as I am about our agriculture as a whole, but simple justice to the sugar farmers demands the 2.20 rate as a minimum of protection. I submit that the sugar farmer is entitled to the same consideration as his neighbor who grows onions or produces beef.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. CRISP. Mr. Speaker, I yield 15 minutes of the time under my control to the gentleman from Louisiana [Mr. O'CONNOR] and ask him to divide it among his colleagues from Louisiana.

Mr. O'CONNOR of Louisiana. Mr. Speaker, on behalf of the Louisiana delegation I thank the gentleman from Georgia for his very generous attitude toward Louisiana on this and on other occasions. I yield five minutes to the gentleman from Louisiana [Mr. MONTET].

Mr. MONTET. Mr. Speaker, it is utterly impossible to enter into a detailed discussion of any phase of the proposed sugar tariff within the time allotted for the discussion of this schedule; however, there are a few observations that I want to submit in the limited time allotted me.

Some time ago I called the attention of the House to what I believed was the necessity of maintaining a sugar industry in continental United States. I called attention to the fact that sugar was and still is the cheapest food commodity on the American market.

No later than yesterday one of the local papers carried an item from New York, reporting that July sugar futures sold for 1.53 cents a pound, the cheapest price at which sugar has been quoted in over a quarter of a century. You gentlemen who are interested in helping the farmers, let me tell you that sugar is the product of the farm; that the people growing sugar beets and sugarcane in this country are farmers, and entitled to the name of farmers just as much as the farmers who grow wheat, corn, and other crops. We are entitled to as much assistance as any other farming activity in the United States. And I grant that others are entitled to the same measure of protection we are asking for here.

What are we asking for here? Simply an increase of two-tenths of a cent over the Senate rate.

The average family consumption of sugar in this country is 60 pounds per capita. The total annual consumption is 104 pounds per capita, but that includes sugar used in confections, pops, soft drinks, candies, and so forth.

The average consumption for family use is 60 pounds per capita.

The increase proposed by the gentleman from Oregon [Mr. HAWLEY] is an increase of one-fifth of 1 cent a pound, which means an annual increase in the cost of living of 12 cents per capita. Just think, 12 cents per capita! That 12 cents per capita will probably mean the saving of the sugar industry in this country, and I earnestly hope that none who are solicitous for the well-being of the farmer are going to turn a deaf ear to the appeals of the sugar farmers of this country. We are not asking for anything more than simple justice.

We know the propaganda that has been carried on by the confectionery, candy, and soft drink people of this country. We should remember that in every 120 bottles of 5-cent pop 6 pounds of sugar are used, and if the proposed amendment prevails, the 120 bottles of pop will bear an additional cost of 3 cents. Do you believe they are going to reduce the size of the pop bottle? We all know the size and contents will remain the same.

Another propaganda, in behalf of the candy people, is headed by the Hershey interests, who have admitted they have an investment of $50,000,000 in the sugar industry of Cuba. They had the temerity to send out to-day propaganda against the sugar industry on account, as they say, of the class of labor used in the sugar-beet fields. The Hershey people themselves employ the cheapest kind of Cuban labor in their Cuban factories, so how can they complain of the labor used in this country with any degree of propriety?

I am sorry that the time allotted me does not permit that I enter into a full discussion of this tariff schedule, but let me say that I do hope that the Members of this House will bear in mind that this is a final appeal for a languishing but most worthy and necessary industry. [Applause.]

The SPEAKER. The time of the gentleman from Louisiana has expired.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I yield two minutes to the gentleman from Florida [Mr. GREEN].

The SPEAKER. The gentleman from Florida is recognized for two minutes.

Mr. GREEN. Mr. Speaker and Members of the House, I shall vote for a tariff duty on sugar because I believe that it is in the interest of agriculture, because throughout my State sugarcane growing is increasing, and because in the vicinity of the Florida Everglades alone there is an investment of $17,000,000 in sugar plantations. This investment, I understand, will soon be raised to $72,000,000. This single concern now has employed 2,500 persons. As the plant is enlarged, of course, more persons will receive employment. These employees are farmers the same as farmers in other sections of the country and are entitled to benefits and protection.

We likewise voted for a tariff on lumber, because in Florida alone there are approximately 30,000,000 acres of forest lands. This industry is one of the greatest in Florida and desires and needs protection.

It is time, my friends, that not only the East and the North and the West join in measures of protection but also the South when it can be benefited. [Applause.]

I shall cast my vote for sugar as I have cast my vote for lumber; as I cast my vote for the general tariff protective bill several months ago. [Applause.]

This tariff bill carries great benefits to Florida. Many Florida items have been written into the bill at the insistence of the Florida congressional delegation; therefore we have and will support the bill. In this I believe we are justified.

Thousands of farmers in my district are making a surplus of sirup from their sugarcane; this sirup is offered on the market

now at a sacrifice; therefore the sugar tariff will help them and will not injure in actuality anyone. [Applause.]

The SPEAKER. The time of the gentleman from Florida has expired.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I yield four minutes to the gentleman from Louisiana [Mr. SPEARING].

The SPEAKER. The gentleman from Louisiana is recognized for four minutes.

Mr. SPEARING. Mr. Speaker and colleagues, it seems to me that if there is one product which is entitled to be considered in a tariff bill in the interest of agriculture it is sugar, because that is an agricultural product pure and simple. The industry is growing; it is extending all over the country. It used to be said that it was only known down South, in Louisiana. But now we have it in the North, and in the Middle West, and in the extreme West.

This whole tariff agitation is presumably in the interest of the farmers and of the planters.

The fact that the House first fixed a tariff on sugar and the Senate has concurred that a tariff on sugar higher than the present rate should be levied, and that the pending motion is to concur demonstrates that it is recognized by the Congress that sugar is entitled to be protected. If you are going to give it protection, you should give it real, genuine protection, and not half-hearted protection. Two cents, or a raise from 1.76, is only slight protection. That is such a slight increase that it does not amount to a very great deal. Sugar is entitled to full protection the same as you have given to other agricultural products. You have provided for wheat and cotton and corn and all agricultural products. You should give ample protection to sugar.

It has been urged that the increase on sugar will hurt the breakfast table. There is no foundation for that suggestion. When the matter was considered last summer during the special session I demonstrated by statistics that even if you give them the proposed 2.40 on sugar, the increased cost to each family would only be 60 cents per year. The statistics and facts demonstrate that. If you accept the proposition proposed by the chairman of the committee, the gentleman from Oregon, of 2.20, that is only one-half of the increase provided in the House bill, and therefore the increased cost to each family under the rate now proposed will only be 30 cents per year. It will not hurt the family at all and it will give protection to this agricultural product that is increasing all over the country.

We should encourage the raising of sugar products, whether it be cane or beets, because it gives employment to a number of people and encourages American industry, especially agriculture.

We should rely upon our own country for the products which we consume. In the present situation we do not supply the country with sugar. We have to import a large quantity of sugar. If you will encourage the industry, not only will it increase the use of farm lands and put them into cultivation but it will necessitate a greater number of sugar mills, thus giving employment to a large number of laborers. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Louisiana has expired.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I yield to myself the balance of the time allotted to me.

Mr. Chairman, ladies and gentlemen of the House, not a stalk of cane is grown in the district that I have the honor to represent. The people of that district live largely in about one-half the city of New Orleans. The balance of the district is made up of two parishes, which correspond to your counties, one the parish of St. Bernard and the other the parish of Plaquemines. At one time those parishes were given over to sugar culture. To-day it is more profitable to breed muskrats and mink. That is a growing industry. It is growing, and is more profitable than sugar would be on account of the very low and poor protection given sugar by the Federal Government. In other words, I am standing before you as an American who would ask you to give protection to sugar if he never saw a stalk of cane in his State. [Applause.] The sugar area of Louisiana is probably one of the most romantic sections of the United States of America. Anybody who wants to see America at its best should journey down there and, during the cane-cutting season, witness how people can live in amity and in accord. But I have not much time, and I will have to journey on as rapidly as possible, leaving to your imagination the story I have not the time to tell.

Let me tell you what first attracted my attention to the needs of our country from the standpoint of protection for sugar. During the war 16 vessels went down off New York, torpedoed by a submarine. We gave it out to the world that those vessels were empty. Toward the close of the war we acknowledged that they were loaded to the guards with sugar. Do you believe that that day may not come again when we will be at grips with some nation across either one of the oceans?

Do you realize that we must make the United States of America a self-sustaining country to the fullest of our power? Is it not incumbent upon every American in peace time as in war times to make his country a little better off for his presence in it than if he had never stepped upon the stage of life? You owe it to yourselves and to the generations which will follow to keep sugar a continental product, and not to transfer it to alien lands and alien people. Give the work to Americans rather than to transfer it to men that are living under despotic agricultural conditions and men who are almost serfs of the land. I speak of them more in sorrow than in anger. But if you are for America, vote for the motion of the chairman of the committee [Mr. HAWLEY], vote for the American workingman, work for the building up of a great industry that will make us a self-sustaining independent people rather than a people that will have to look across the waters for that which we need daily upon our tables and is essential to the physical welfare of Americans in youth and in old age. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Louisiana [Mr. O'CONNOR] has expired.

Mr. HAWLEY. I yield two minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, Members of the House, I too, want to appeal to the friends of the farmers, the same as the gentleman from Indiana has done, not to go too far in this tariff. You have here 500 pages of tariff schedules and increased rates. There is no necessity or justification for the rate proposed by the House on sugar. I submit to the chairman of the committee that this country is self-sustaining in its production of sugar, with our unlimited supply from Porto Rico, Hawaii, and the Philippines. It is not necessary to produce a pound of sugar in continental United States. We can not destroy Cuba economically after having given her a new birth and political independence. This increased duty on sugar is simply the result of a contagious epidemic to get a prohibitory tariff on anything that you have the votes for, or need, to trade for other unconscionable increases regardless of results. Again, gentlemen, I want to remind the House that we can not expect to export unless we do some importing. We can not expect other countries to continue buying from us unless they can do some selling of their goods to us.

Actual statistics of the earnings of the well-managed companies producing beet sugar in this country have been submitted and are in the RECORD. The beet companies that are well managed are making money. There has been considerable discussion about it and the large earnings and profits have not and can not be contradicted. The beet-sugar growers are making money. They are anything but model employers, but I will not go into that now. As I said, the well managed and administered beet-sugar companies in the country are making money.

Mr. COLTON. Only one of them.

Mr. LAGUARDIA. Mr. Speaker, your own figures bear me out. It surely is a new theory in protective tariff to provide duties for poorly financed, over financed, and badly managed industries. We can not subsidize those which are improperly managed, and, while an appeal may be made here for home industries, I appeal for the American children and the American women. The American Congress is too big to take a stick of candy from the American children. [Applause.] We are more fortunately situated in regard to our supply of sugar than any country in the world. First, we have an abundant supply from our own insular Territories, Porto Rico and Hawaii and then from the Philippines. In addition to that a reserve supply, right at our door from Cuba, which next to one of our own States or Territory is closer to us than any other foreign country in the world. There is now a tariff on sugar; it is sufficient. If we are to increase the tariff on sugar it is only to provide an unnecessary subsidy to a few beet-sugar factories at the expense of millions of dollars to the American people, including the farmers, if you please. I remind my colleagues from farm districts right now that they will soon hear from their farmer constituents if the tariff on sugar is increased. It is one of the first which will be felt by the consumers. Again, I say we must not cause the financial ruin of Cuba. We owe Cuba a duty. What good is it if the American people who sacrificed their sons and spent millions to give Cuba her political freedom if 32 years later we cause her economic ruin? The consumers simply can not bear this additional burden. I am against any increase on sugar.

The SPEAKER pro tempore. The time of the gentleman from New York [Mr. LAGUARDIA] has expired.

Mr. HAWLEY. Mr. Speaker, I yield three minutes to the gentleman from Michigan [Mr. WOODRUFF].

Mr. WOODRUFF. Mr. Speaker, ladies, and gentlemen, reference has been made by the gentleman from Georgia [Mr. CRISP] to a certain investigation and report that was made on sugar by the Tariff Commission, the report recommending the reduction of the present tariff on this commodity. The gentleman from Georgia reflected somewhat upon the former President of the United States because he did not quickly approve the recommendation for lowering the tariff. Subsequent events have fully justified the refusal of President Coolidge. The gentleman from New York [Mr. LAGUARDIA] has made certain statements which, in my opinion, are not justified by the facts. He stated, among other things, that all well-managed sugar-beet concerns in the country are now on a prosperous basis, but I think he will find, upon investigation, that there is only one sugar-beet company in the country to-day that can pay dividends in the future unless the recommendation of the gentleman from Oregon [Mr. HAWLEY] is finally written into law. The company I refer to is the Great Western Sugar Co., which for the past four years has, according to the best information obtainable, paid but 4 per cent on the investment. Undoubtedly this company can continue to exist. But, Mr. Speaker, this does not by any means indicate that is because it is the only well-managed beet-sugar company in the country. The reason why this company shows a profit while all others show a loss is due to two things. First, because it has the protection of freight rates, and sugar from other sections can not be brought into competition with its product. Second, this company is in a position de luxe agriculturally. Practically every acre of its beets are raised on irrigated land. Sunshine is with them nearly every day of the crop year. When water is needed, the farmer goes to the irrigation ditch and turns it on. The soil is exceedingly rich, and as a result the beet grower of that section does not know the meaning of a crop failure.

Conditions in Michigan and other beet-growing sections are very different. While our soils are rich, we can not turn on sunshine or water at will. We can not, in times of excessive rainfall, turn off the water when the crops have had enough. It must be plain to everyone that these things which handicap, to some small extent, the beet raiser and thereby cause an increase in the cost of production, can not be charged to mismanagement. Further, it is hardly fair to charge practically all of the excellent business men who have invested their money in these sugar companies with mismanagement because a combination of circumstances, over which they have no control, have made the business unprofitable.

It will surprise my friend from New York [Mr. LAGUARDIA] to know that in Michigan, Indiana, and Ohio there have been in the past three months nine different sugar-beet companies go into the hands of receivers. Naturally, the mind inquires. "Why?"

I propose, in the short time at my disposal, to inform the House. How many of you know that to-day the American people are buying their sugar for 1 cent a pound less than they paid, as an average price, over the period of 10 years preceding the World War? How many Members of this House know that prior to the war the sugar-beet factories, to whom the farmer must of necessity sell his beets, paid only from 15 cents to 35 cents per hour for the labor they employed? How many of you know that to-day those same factories are compelled to pay from 35 cents to 75 cents per hour? How many Members of this House know that prior to the war the sugar-beet factories bought from the farmers of the country their sugar beets for approximately $2 per ton less than they now have to pay? It does not require a mathematical mind to realize the situation in which the domestic sugar companies find themselves. Without the increase of tariff asked for it is utterly impossible for those companies to continue to operate.

During the debates on this question it has been shown time and again that the United States exacts the lowest tariff on sugar of any nation in the world. It has been shown repeatedly that the people of this country buy their sugar at a lower cost than the people of any other country. It is known that no necessity of life is sold to the consumer at so narrow a margin. The average merchant who handles sugar sells it at or near cost, so it reaches the ultimate consumer at very little above actual cost of production plus the freight charges. I have stated that while the cost of production has greatly increased since the war, the price paid to the farmer and the sugar companies has decreased.

There are Members of this body who are willfully closing their eyes to facts in connection with this subject which should cause them to unhesitatingly vote for the increase asked for. There is not a Member present who does not know that in 1920, due to a world shortage in sugar, when the domestic sugar was off the market in May, the Cubans raised the price of their product until the consumers of this country were compelled to pay as high as 35 cents per pound for granulated sugar, and that the average price to the consumer throughout that entire year was 15½ cents, 10 cents per pound more than we are compelled to pay at this time. Everyone should know from this experience that the only protection the American people, including the children mentioned by the gentleman from New York, have from the greed and the price gouging of the Cuban and the Wall Street-Cuban producer is the domestic cane and beet sugar industries which are on trial for their very lives here to-day.

If these industries are here crucified, they will be so crucified by men who profess to believe in proper protection to American industry. The deciding votes will be cast by men and women who were candidates for election upon a platform pledging such protection. Your constituents have the right to expect; yes, they have a right to demand of you the protection given to them by a successful domestic sugar industry, which the rates recommended by the gentleman from Oregon [Mr. HAWLEY] will insure.

It must not be forgotten that the question involved is whether the tariff shall be 2 or 2.2 cents per pound. The parliamentary situation is such that the rate can not be made lower than 2 cents. It can not be made higher than 2.2 cents. This does not seem to be a great difference, and yet it is great enough to determine whether the domestic-sugar industry is to survive or perish. This difference means to the sugar companies 20 cents per bag of 100 pounds. On a production of 500,000 or 1,000,000 bags per year the higher rate spells success, the lower rate failure. What does it mean to the consumer? The average family buys not to exceed 200 pounds of refined sugar per year. Many of them buy much less than this. The additional cost per family if the higher rate prevails will be but 40 cents per year, and I am sure the American housewife will be glad enough to pay this modest sum and in this way write for herself an insurance policy against a return of the conditions of 1920.

The argument that the sugar used in the manufacture of carbonated beverages, candy, and so forth, is passed on to the consumer is idle chatter. This theory was exploded long ago. Every well-informed person knows that the additional tariff on sugar used for these purposes will be absorbed by the manufacturer, and that the only additional cost to the consumer will be the additional tariff on that sugar carried home and used for domestic purposes. I have just stated what this cost will be. Surely not a serious matter for a people as favored in other ways as ours.

While I have not the time to go fully into the value to agriculture involved in this measure, I will state that 97,000 farmers in eight States produce sugarcane. There are 100,000 farmers in 19 States who produce sugar beets. In order to have a market for this cane and these beets it is necessary that there be refiners to whom the farmers can sell. The farmers can not continue to grow beets or cane without a prosperous refining industry. The refiners can not continue to do business unless in a condition to pay the farmer a price for his product which will net him a profit. The success of one is dependent upon the success of the other.

This brings me to the question of whether the Michigan farmer participates in the benefits of a prosperous sugar industry. For the past three years the farmers have been guaranteed a minimum of $7 per ton for their beets. This year the sugar companies, depending upon the promises of the Republican platform and the Republican majorities in both the House and the Senate to give them the necessary tariff protection, have increased the minimum price to $7.75 per ton. The contracts always provide that the farmer can exercise the right of taking the guaranteed minimum price or one-half the profits from the sale of the sugar in the beets he produces. That the farmer does participate in the benefits from an increase in the price of sugar is shown by the following table:

Average farm price of beets per ton

[From reports of Department of Agriculture]

MICHIGAN

	Per ton
1911–12	$5.74
1912–13	5.69
1913–14	5.93
1914–15	5.23
1915–16	5.91
1916–17	6.14
1917–18	8.04
1918–19	10.08
1919–20	12.52
1920–21	10.08
1921–22	6.10
1922–23	7.22
1923–24	9.38
1924–25	8.85
1925–26	7.05
1926–27	7.00
1927–28	7.16
1928–29	7.22

The facts as disclosed by the Department of Agriculture should put an end to the argument that all tariff benefits are absorbed by the refiners and that the increase asked for will not help the farmer.

Mr. Speaker, it has been clearly shown that the domestic sugar industry must have not less than the 2.2 tariff recommended by the conferees if it is to survive. It has been shown that the American housewives must have the protection of a prosperous and expanding domestic industry if they are to be preserved from a repetition of their expensive experience of 1920, and I hope that when the vote is cast the confidence of our beet and cane growing farmers, our factory owners, and our housewives in the courage and fairness of our Republican Members of this House will not have been misplaced. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HAWLEY. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. CROWTHER]. [Applause.]

Mr. CROWTHER. Mr. Speaker, ladies and gentlemen of the House, of course it is unnecessary for me to state that I am for a duty on sugar and would prefer the House rate of 2.40. [Applause.] I want to say to the gentleman from New York [Mr. LAGUARDIA], my genial colleague, that owing to the protective-tariff policy which prevails in this country the children of the folks who labor in the United States are not limited to one stick of candy; they can get their full ration of sugar, and they get it cheaper than it can be procured anywhere in the world.

Mr. LAGUARDIA. I do not want to curtail their supply.

Mr. CROWTHER. And I do not want to curtail their supply, and we will not do so by voting this duty of 2.20. We hear gentlemen about the House say, "Watch the price go up as soon as this increased duty is put on sugar," yet the price of sugar has gradually gone down ever since the duty was put on in 1922. [Applause.] You can buy 10 pounds of sugar to-day for 49 cents.

The production of sugar is an important thing in a great many sections of this country. The beet industry should be encouraged from an agricultural point of view, as has been thoroughly explained to you by the gentleman from Indiana [Mr. PURNELL]. It has a value as a cure for sick soil; it has a value in using soil on which wheat and other grains have heretofore been grown, and of which we have a surplus; it has a value to the refiners of this country.

We have 3 great refineries in New York, 1 on the New Jersey shore, 3 in Philadelphia, 1 in San Francisco, and 1 or more in New Orleans. We have hundreds of millions of dollars invested in sugar refineries; there are 75,000 people directly employed in those refineries, with a pay roll of $80,000,000 a year. Therefore it is necessary that we should have a tariff rate which will take care of the refineries so that refined sugar shall not come into the country at a lower rate than raw sugar.

They take their message to the housewives of the country and tell them how much more it is going to cost if an additional rate is put on sugar. However, the average American housewife, whether she be of the Democratic or Republican faith, has more good common sense than all the free trade propagandists in the country. [Applause.] And let me tell you gentlemen on the Democratic side that the American housewife is more concerned about her husband having a steady job than she is regarding the 60 cents a year that you claim this duty will add to her budget expense. I urge you to support the chairman by voting for a reasonable duty on sugar. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. HAWLEY. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. SCHAFER]. [Applause.]

Mr. SCHAFER of Wisconsin. Mr. Speaker, ladies and gentlemen of the House, I agree with almost everything that our able colleague from Indiana [Mr. PURNELL] has said with reference to the farm situation. I have the honor to represent a city district, but I am going to vote for the amendment on the sugar schedule offered by the chairman of the Ways and Means Committee [Mr. HAWLEY] because I realize that the problems of the laborers in city districts and the problems of the farmers are closely interwoven. [Applause.] I believe in protecting the American farmer's products from unfair competition of cheaply produced foreign products. I am in favor of having the American farmer prosperous rather than to have the sugar planters in Cuba, who employ cheap peon labor, prosperous at the expense of the American farmer. [Applause.]

There recently came to the office of each Member of the House a statement issued by the Hershey Corporation in opposition to this sugar tariff. This corporation admits it owns a refinery in Cuba, and urges that the proposed increase in the sugar tariff rates be not adopted. This Hershey Corporation pleads in the name of cheap candy for the children and the rest of the American people. The candy products of the Hershey Corporation are now protected with a 40 per cent ad valorem tariff. If we would remove that tariff, of course, we would be able to bring in foreign candy to compete with their product and furnish the American people with such candy at prices much lower than paid for the Hershey Co. product. Before the Hershey Co. protests against a protective tariff on sugar in the interest of fair play it should advocate a reduction of the tariff on its competing manufacture of products.

An article appears in the Milwaukee Journal, April 28, 1930, the headline of which states: "Hershey Co. earns $2.65 in quarter." Then the article goes on to say:

> Net profits of the Hershey Chocolate Co. for the first quarter of 1930 were the largest for any quarter in the history of the company.

Further on it indicates that the sales for the quarter ending March 31, 1930, totaled $11,450,059 and that the operating profits totaled $2,761,299. It further indicates that during said quarter the company purchased 4,443 shares of preferred stock, reducing the total outstanding to $8,248,200.

The consolidated balance sheet showed current assets of $16,243,964 and current liabilities of $2,875,887. Surplus at organization totaled $2,389,282 and earned surplus on March 31, 1930, was $10,680,282.

It is significant that the main opposition to the sugar tariff has come from those who, in all conscience, have none but selfish interests to satisfy. I will now refer to the National City Bank of New York and to the Coca-Cola Co. of Atlanta. Both these opponents have made their absurd protests in the name of the consumer, but it requires no great amount of argument to show that they are particularly interested in drawing their own chestnuts from the fire.

The attitude of the National City Bank is an extremely arrogant one, as befits an institution with $2,000,000,000 of capital. It has tens of millions invested in Cuban sugar properties and its only purpose in fighting the tariff is to kill off the domestic industry, or to maintain it in a languishing condition, so that its own opportunities in the United States may be widened.

It might very well be contended that the motives which led the National City to make its investments in Cuba are open to question. Its millions were sent to the island at a time when sugar was selling at an exorbitant level and housewives of the Nation were forced to pay five or six times as much for it as they are paying at this moment. There can be no doubt that the bank believed that the high prices would be continued over a period of years and that it anticipated tremendous returns from the exploitation of cheap and tropical labor. Eventually, and through no fault of Cuba or the bank, sugar prices returned to normal, and the National City was left with a bundle of almost worthless collateral. As a consequence, it was forced to take over and operate many of the Cuban sugar properties. Then came a second piece of bad judgment. The bank decided that the only way out of the financial mire was to increase the Cuban sugar production.

And so the output was stimulated—stimulated beyond the limits which sanity should have dictated. The result is that Cuba has flooded the markets of the world with sugar, and that prices have been depressed to a point where it is impossible for domestic companies to continue. Briefly, the choice of the House lies between the sugar farmers of the United States and the capitalists who have invested their money in a tropical industry in a foreign nation.

The position of the Coca-Cola Co., and the fight which it has carried on is even less defensible. They object to a tariff which would increase the cost of the sugar in a bottle of Coca-Cola or pop by a small fraction of a mill, because, we are given to understand, it would be a burden on the consumer. Everyone knows that pop and Coca-Cola is made of sugar and water, some flavoring, and coloring. When the health-giving qualities of sugar have been vitiated by the mixture of these nonnutritious elements, pop becomes protected under our tariff at the rate of 15 cents a case. That is, the pop bottlers object to a duty on sugar when it is in crystal form, but no one in the House has heard it suggested that the duty on sugar, when it is dissolved and placed into a bottle, should be eliminated. And that duty-in-the-bottle amounts to 12 cents a pound.

The plain truth of the matter is that the Coca-Cola Co. is entirely too ambitious. The headquarters of the company are in Georgia, and it has a political influence in that State which none of us should like to see duplicated in the national scheme of affairs. In Georgia, this great corporation has watched the enactment of a law in the legislature which forbids the sale of any beverage which "foams like beer." Near beer is contraband. Only one step seems to be lacking. To be consistent, the Legislature of Georgia should enact a law making it illegal

to drink anything but Coca-Cola. That, too, one imagines, might be explained as something noble accomplished in the interests of the consumer by the same gentlemen who are now trying to convince us that the duty on sugar is an iniquitious proposal. Certainly the explanation of the one could be no more fantastic than the explanation of the other.

Sworn statements have been presented to Congress which demonstrate and prove that 18 of the 19 sugar-beet companies in the United States are operating at a loss. What is the condition among the Coca-Cola magnates? They are making money hand over fist, and since they are a self-righteous crowd, it may be supposed that they look upon their profits as a divine reward for making it illegal to drink near beer as well as real beer. I read from the Wall Street Journal of February 27, as follows:

> Increase in the Coca-Cola dividend to $6 from $4 a share a year was forecast in several quarters in Wall Street. Action was justified by the persistent growth of the company. Since 1922 sales have increased approximately 86 per cent, and in the same period there was a gain in net income of more than 103 per cent, indicating economies practiced in the distribution of its product.

The Wall Street guessers were right. The Coca-Cola dividend is now $6 a share, and the stock which sold for $148 less than three months ago is now quoted around $180. Prosperity certainly descended in full force on the savior of the consumers.

What have the actual profits of Coca-Cola been? I quote from a recent issue of Printers' Ink:

> Net profits of the Coca-Cola Co., Atlanta, for 1929 amounted to $12,758,276, after all charges, against $10,189,120 for the previous year. Sales for the year amounted to $39,260,813, against sales of $34,745,758 for 1928, an increase of 12.9 per cent.

Sugar farmers need the protection of an increased duty. It is only justice that the House extend to them the same degree of solicitude that it has extended to every other agricultural enterprise.

You must choose between these selfish, prosperous American interests and the cheap foreign labor and foreign interests on one side and the American labor, farmer, and sugar industry on the other.

I shall take my stand on the American side and vote for the amendment submitted by the chairman of the Ways Committee [Mr. HAWLEY]. [Applause.]

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. CRISP. Mr. Speaker, I desire to use one minute of my time.

When it comes to a high protectionist, the gentleman from New York [Mr. CROWTHER] is the noblest Roman of them all, and I have a great respect for the gentleman from New York. He is honest, sincere, consistent, and is for protection for all parts of the country. Whenever a tariff is proposed I know the attitude of the gentleman from New York.

The gentleman from New York has frankly said that if he had his way he would build a tariff wall so high that nothing could get in unless a fellow broke his neck getting over the wall. The Hawley-Smoot bill should be a joy and delight to his soul. [Laughter and applause.]

Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. BLACK].

Mr. BLACK. Mr. Speaker and gentlemen, in the last campaign the Republicans had Hoover's picture in every kitchen, I suppose, with his eye on the sugar bowl.

Now, what a country we have to-day as the result of the surrender of governmental functions by the Republicans to the lobby. Invisible government has brought about invisible prosperity. We expected a business government and we got a monkey-business government. Irresolution prevails in Washington and unemployment fills the land. Leadership is lacking and so are good times. The Republican idea of leadership is to steal candy from the children. The Republicans have depressed the banks, the stock market, and the farm, and now they are flocking like so many vultures over the kitchen. [Applause.]

Mr. CRISP. Mr. Speaker, I yield the remainder of my time to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Speaker, ladies and gentlemen of the House, the sugar schedule before us is the most controverted of all items in the bill. The House rate is $2.40 per 100 pounds on Cuban preferential duties; the House conferees' proposal is now $2.20; the Senate amendment is $2, and existing law is $1.76. I am in favor of existing law, but we are limited by the House rates and Senate rates, so I am urging you to accept the Senate rate as proposed by the Crisp motion. That means the $2 rate per 100 pounds.

Let me say that in my State we have four sugar mills entitled to any legitimate aid and we also have 3,000,000 consumers. In my own district we have a sugar mill that has been closed for some time and we also have over 200,000 consumers of sugar in that district. The consumers who pay the bills will be heard from later.

I can well believe that ordinarily the only chance to protect consumers who are most interested must come from holding the price of sugar as low as we can. We have not been permitted before to vote in the House on this sugar item.

The sugar mill in my district is closed. The sugar mills in the States of Michigan and Minnesota are closed, and they are to stay closed permanently if we strive to keep them going with a high tariff. Every effort to raise the tariff, however high, only serves to stimulate production with free island imports from the Philippines, Hawaii, and Porto Rico, with which we can not compete.

The result you are trying to bring about by a tariff will fail, because you can only save the domestic sugar industry by a direct bounty. That, it is estimated, can be secured by a bounty of about $30,000,000 annually, whereas the public is now paying over eight times that amount under the existing tariff law and without results. I have discussed the sugar situation in this country several times in the House since this bill has been under consideration and have placed facts before you that are sustained by the best tariff experts. So I do not care to take your time now with useless repetition. We have a situation with respect to our domestic sugar industry that is different from any other product or any other item in the bill. Keep in mind that we use annually 6,000,000 tons of sugar, or 12,000,000,000 pounds, and the average per capita consumption of 120,000,000 people is slightly over 100 pounds every year.

INCREASING FREE SUGAR IMPORTS CAUSE DOMESTIC MILLS THEIR DISTRESS

The Philippines have increased their production of sugar 140 per cent within the last six years, and they have exported practically all that sugar to the United States free of duty. In the last 10 years Philippine free sugar has increased 600 per cent. In the last 20 years the increase in our domestic production of beet sugar has not been important, and in the last 6 years has remained stationary. To be exact, that increase has been about 2 per cent. In six years the Louisiana cane-sugar production, due to cane disease, has decreased from 260,000 tons in 1922 to 145,000 tons in 1928, a loss of nearly one-half, and yet that cane sugar ties Louisiana to this entire tariff bill with fetters of steel. In the Philippines during the same period sugar-free imports to us have increased, as I have said, 140 per cent to 637,000 tons, or nearly 450 per cent more than the entire Louisiana crop. Remember, Philippine cane sugar comes in free and is certain to displace our cane because of better climatic conditions. Porto Rico sugar imports have increased 80 per cent in the last six years and now reach over 620,000 tons. Hawaiian Islands cane-sugar imports in six years increased about 80 per cent and now reach 830,000 tons. While our beet-sugar production has remained stationary and Louisiana cane has lost nearly 50 per cent under existing high-tariff rates, our island possessions have more than doubled their free-sugar imports, all within six years. These free imports already reach double our combined beet sugar and Louisiana cane domestic sugar production. How can you expect States like Michigan, Minnesota, Wisconsin, or any of the Northern States, by a tariff, however high, to compete with free sugar from these islands? These islands are rapidly driving our own mills into bankruptcy. The cause is free-sugar imports and not tariff rates.

The situation to-day is that after a half century or more we produce only one-sixth of the sugar we consume, and any higher tariff rates will raise the price to consumers on the entire 12,000,000,000 pounds we use annually. Stated differently, our entire domestic sugar production in a half century has reached only a little over 1,000,000 tons out of the 6,000,000 tons we use annually. This free island sugar in recent years has gained so rapidly it now furnishes over 2,000,000 tons and has doubled its imports in six years. Only a little over six years ago the beet-sugar mills and cane mills in this country were producing about the same amount of sugar as the free island imports, but the production and imports from these islands has increased 100 per cent, while the domestic production within that brief time has remained stationary. These islands are going to drive out domestic sugar unless you put that business upon a bounty basis. No tariff will be of aid, but on the contrary it stimulates free island sugar importations that compels American consumers to pay under present tariff laws about $250,000,000 annually, of which only one-sixth reaches domestic producers and two-sixths goes to the islands that send us free sugar. I will submit official tables that are unanswerable.

WHY THE TARIFF CAN NOT PROTECT AGAINST FREE IMPORTS

Unless the sugar tariff increases the price to the consumer it is of no benefit to domestic mills. In other words, the intention and purpose of this tariff increase is simply to put up the price of sugar, and this affects every consumer in the land. I submit that nowhere in the entire tariff bill will be found a tariff rate designed to protect an industry, not against foreign competition but to give increased dividends to stockholders, and where the consumer pays the bill, with no permanent benefit to the industry, to labor, or the consumer. The proposition is unconscionable.

A well-known economist made the statement several days ago that the estimated tariff cost of sugar to the people of the United States under existing law is about $250,000,000 annually. That is based on the increased cost of sugar to the consumer due to the tariff. If this amendment for a 2.20 rate is adopted over the present 1.76 rate it will mean an increase in our sugar bill of over $60,000,000. That amounts to $300,000,000 annually in round numbers, and is a direct sales tax levied on the consumers of the country to aid a few weak sugar mills, because over one-half of our domestic sugar is produced by the Great Western Co., that makes a profit of over 40 per cent annually.

How does this proposed $300,000,000 sugar-tariff cost annually affect your district and mine, because this is a simple economic proposition for us to consider. If this statistician is right in his estimates, $500,000 is about the amount the average district pays under existing tariff law to help a few weak sugar factories. A 2.20 rate will increase the amount of sugar costs $100,000 more to the consumers of every one of these districts. You can figure it out for yourselves. That is about $600,000, due to the sugar tariff, on the average, for every congressional district. I advise any Member who votes for this high increased sugar tariff to remember he must answer to his constituents, every one of whom is a consumer.

I talked with a gentleman the other day from the Philippines, who knows the situation, and he predicted free sugar from the islands alone would exceed our total domestic production within two or three years, and this does not include either Porto Rico or the Hawaiian Islands, that are in the same game. Here is my friend, the gentleman from Colorado, Mr. TIMBERLAKE, chairman of the sugar schedule, sitting directly before me. He introduced a resolution to restrict Philippine sugar imports, and stated that the basis for it was a verified report that American capitalists are going to put $20,000,000 in the Philippines upon the passage of this bill to increase their production of sugar, and will send it over here free of duty. He was right about it. If greater profits are assured by an increased tariff, I predict it will be a far greater investment than that amount.

NO LIMIT TO FREE ISLAND PRODUCTION

A gentleman from the Philippines said the other day that they can produce 5,000,000 tons of sugar in the Philippines within a very few years, and will be able to compete with the world because it comes in free, and they will do it just as rapidly as they can put in sugar mills. This proposed increase in tariff rates will stimulate their production. The Hawaiian Islands are doing the same thing now, and so is Porto Rico. I have been through the mills in Porto Rico, one at Guanica is among the largest in the world. I have been through sugar mills in Louisiana, small weak mills, comparatively, and I know what they are doing down there, just as I have visited sugar mills in the Philippines and in the Hawaiian Islands. The largest in the world, I believe, is on the Island of Maui, which I went through several years ago.

It is the chief industry of all these islands, and they are able to drive out our mills because they grow ratoon cane, crops that do not have to be reseeded every year. Their climate is uniform and ideal for sugarcane. We can not compete with their sugar or banana or pineapple production.

I am interested in sugar as it affects both the consumers and sugar industry of our country to-day, and the consumer in my district is the one I am particularly interested in, for he has to pay the bills without any adequate return to the mills he would help maintain, but I want, also, to build up the industry in the only possible way that will maintain it, and that is by a direct bounty. It is the only system to reach the situation and afford any protection. The gentleman from Iowa [Mr. RAMSEYER], who is a student of this subject, has said the same thing to you in the House. I have talked with some of the best tariff experts in the United States, and they have said the same. Beet-sugar manufacturers have agreed with me as to the real remedy, but fear they can not get Congress to pass a sugar bounty law. Not one student of the subject have I met who has claimed that a tariff, however high, will be of permanent benefit because of the islands that float our flag and ship their sugar to us free of duty.

A 2-cent bounty, it has been estimated, if conditioned against child labor, would enable the mills to meet competition, pay reasonable wages for beet-sugar field work, and give fair returns on the investment, enabling our mills to compete with Cuba and all the free-sugar islands. If any mill can not succeed with that aid it is in the position of a Wisconsin or Michigan banana raiser, and should change its business. Efficient mills in Colorado and other States can prosper at that figure, and it is estimated that $30,000,000, as stated, would pay the bounty annually. As we collect many times that amount from Cuba annually in sugar duties, we could afford to reduce the tariff duty to $1.23 per hundred duty, the rate found by the Tariff Commission to be a difference in cost of production. Cuban collections would then pay the domestic-sugar bounty with a wide margin for the Public Treasury.

HOW SUGAR AFFECTS THE FARMER

Dr. Philip Wright, of the Institute of Economics, former expert of the United States Tariff Commission, has stated that for every 5 farmers who will be benefited by an increased sugar tariff 995 farmers will be burdened by the increased rate. If so, it means that to benefit these 5 beet growers using Mexican labor, not only 995 other farmers will be burdened but four times that number of other families, all consumers, will also pay the bill. Not one acre in a thousand now cultivated goes to sugar beets, whereas 995 farmers' families will pay the increased sugar price to maintain the 5 families who raise sugar beets by employing Mexican women and children to do the work.

BEET-SUGAR LABOR CONDITIONS

I understood Chairman HAWLEY to say he was in favor of sugar with free salt and free pepper—I do not know that he used the word free, but that is what he could well have said. Free salt and free pepper we do not manufacture or grow no more than tea or coffee. Why should we hopelessly attempt, by a high tariff, to manufacture sugar in competition with free island sugar? Talk about labor and the kind of labor employed to grow sugar beets. You get that labor from Mexico. The House to-day was asked to protect silver from the cheap labor of Mexico, and yet the beet-sugar mills are bringing labor in from Mexico, for the Mexican women and children do most of the work in our sugar-beet fields. I have put page after page in the RECORD, statements from Federal and State official sources, showing the kind of labor and how it worked. Women and children, that is the kind of labor Congress is called upon to protect for the sugar-beet fields.

In Colorado there is one organization, the Great Western Sugar Co., that made an investment of $15,000,000 in sugar. It has taken out profits on that investment in 25 years of $156,000,000—or 43 per cent annually. This one company has done it because of efficient management, location, soil, and cheap Mexican labor, with local markets. But what is the situation with my friends in Michigan, including my own district where sugar mills fail to succeed?

The free island ratoon sugar crop drives our mills out of business. Only by a direct bounty can the domestic beet sugar be maintained. The present annual tariff cost of $250,000,000 on sugar, with the proposed 44 cents per hundred increase of $60,000,000, is ten times the cost of a bounty and is hopelessly ineffective. Later I shall submit some figures as to refiners' profits under existing law.

My friends, it is immaterial to me, personally, what is done here to-day, excepting as a Member responsible for his vote, but I want to say that I voted against the heavy cement duty yesterday, against taking cement from the free list for that notorious monopoly. I do not believe the tax on cement can be justified and have so stated in prior speeches. I say to you the sugar proposition will reach the American people more quickly than any other item in this bill, and it is one of the most indefensible. You can talk about a tariff on anything else, but increases in this bill on sugar, clothing, and shoes reach the people quicker than all else because a direct sales tax, and the worst of all items is sugar. Remember, after 20 years' nursing we only produce one-sixth of what is consumed and the increased tariff price will be paid on all we consume. Are you going to raise the price to the consumer with full knowledge that it will do no permanent good? I ask you not to do so. [Applause.]

TARIFF BURDENS AND BENEFITS

Mr. Speaker, I discussed in the House on March 24 excessive and added costs placed upon agricultural and other consumers under the proposed tariff bill compared with benefits likely to accrue under the bill. Statements and tables presented at that time need not be repeated.



I have the honor to represent in part an agricultural State, a great dairy State, and also a large manufacturing State. Some industries of my State may be aided by tariff rates contained in the 1930 bill, but many increased burdens are laid on agriculture and on every other industry, as well as on all the State's consumers, by a tariff bill which, in my judgment, must be fully and fairly considered when determining burdens or benefits to be received.

Members of Congress represent more than those in their own State, for 120,000,000 consumers in the United States are equally dependent upon our action here. It is not my purpose to analyze the bill, but to point out several objectionable items that go to make up what has been alleged by tariff students to be a billion dollar annual increased burden to the American consumer.

It has been loosely stated this is an administration bill. I do not believe the President would attempt to defend the bill as at present drawn, although he may not veto it. I predict he will not waste adjectives in its praise.

I have already briefly discussed sugar because we are about to vote upon that schedule. I may refer to it later to disclose other factors that make our domestic sugar production hopeless if we attempt longer using the tariff oxygen treatment. The disease of free island sugar is the cause of financial illness for the domestic industry, but I desire to present other features of the tariff bill that concern the House at this time.

Members of the House were not permitted to vote on over a thousand schedules reported by the committee until either the House or Senate in conference placed a stop-light rate below which the House can not go. Chairman HAWLEY and the committee are among the very able men of the House. Without criticizing the committee or any action whereby any eight members of the majority party on that committee could thus determine tariff duties, let us see what has occurred when various blocs asserted their right to a vote on several items out of a thousand or more, many of which were equally important to those who pay the bills.

WHEN THE HOUSE DID VOTE

Five items have been returned to us by the conferees under an agreement to permit the House to vote. These were silver, cement, lumber, shingles, and sugar. We have voted on four of these items and are about to vote on sugar. The motion for a tariff on silver was knocked out overwhelmingly by a viva voce vote. Next, cement was given the lowest Senate rate in preference to the House rate. If an original proposition, it would be returned to the free list.

Next, lumber and shingles received separate votes and were both rejected by the House, and now, although the conferees have lowered the House committee rate from $2.40 per hundred pounds to $2.20, I predict the rate will be placed at $2, as it passed the Senate, and lower, if permitted by the parliamentary situation.

Is it not significant that when action was permitted the House radically differed from the House committee?

Scores of rates in the pending tariff bill are unpopular and believed to be unwarranted, from sugar to shoes and Portland cement to pig iron. They would be changed if the House did not tie its hands with the thongs of party regularity that cannot be remotely connected with the President's policy as expressed in his message to Congress.

I submit we have gone the limit in higher embargo rates in order to prevent any imports, thereby creating a domestic monopoly that will not fail to improve the opportunity by increasing prices in every case. A protective tariff, but not a prohibitive tariff is helpful to the country.

Again we have saddled heavy tariff rates to protect products that will never reach far beyond the stage of banana production, and among these items that have been cited by different speakers to the House are sugar, nuts, olive oil, and many others. This bill, more than any other in all tariff history, seeks to protect inefficient, poorly financed, poorly located, and otherwise weak industries by tariff rates, with a result that in doing so it raises the price of commodities, thereby giving to efficient industry unwarranted profits. Cutthroat competition or absorption of weaker institutions was never more keen and such matters will never be reached by tariff rates.

An argument by favored industries is that this tariff bill becomes an administration measure only after their inclusion in the bill at increased rates, irrespective of other provisions. Many Members on both sides of the aisle oppose the bill until some home industry is satisfied with its tariff rates, then the bill receives their support. Let me again express my appreciation for generous consideration extended by the distinguished chairman and members of the Ways and Means Committee. I highly respect them, one and all, but in this discussion am presenting results and tariff methods that, to my mind, are far removed from the legitimate purpose of a protective tariff.

A BIPARTISAN TARIFF BILL

Welcoming with open arms our Democratic friends from Louisiana and Florida, who now support the bill from A to Z after its heavy boost in sugar rates, cement, and citrus fruits, the test of party regularity seemingly depends on acquiring increased tariff rates for local industries. Every Member soon learns that with sugar blocs, raw and refined; cement blocs, lumber and other blocs, any test of party regularity rests with the inclusion or exclusion of those items in the bill by the committee.

Let me say further that a man's political belief is no more connected with the pending tariff bill than is the hundred million dollar omnibus waterway pork barrel just passed by the House connected with the Federal Constitution. In both measures the bad may predominate over the good, and such legislation is not even distantly related to Lincoln's belief in a government of, by, and for the people when the rights of consumers are forgotten.

These bipartisan bills have ceased to retain any political or economic character when they represent combinations of sections and industries that are controlled by the greatest bloc of votes. I speak of this in an impersonal way, because both measures have become a congressional habit for which no individual or party is alone responsible.

Loyalty to congressional action, not always reciprocated, may bring President Hoover's signature without personal approval for a tariff bill so far removed from his expressed desires because of its raised items and manner of preparation. In a modest offer of services I sought to aid his election, as is known by Leader TILSON, but in over 20 years' public service, let me say, not one dollar for political support has ever been asked for or received by me from any company or organization, political or otherwise. My political views are not to be tested by this tariff bill.

Right to independent judgment is now and ever has been claimed, particularly on a subject solely economic and nonpolitical. Let us briefly examine the bill as now reported and the circumstances that brought it forth.

EMBARGO TARIFF RATES PROHIBIT IMPORTS

When the 1922 Fordney bill was reported, I actively protested in the House against what then amounted to an embargo proposal on chemical rates. Members of Congress may remember the contest. The House then defeated any embargo. This pending bill embraces embargos on numerous items, on none of which separate votes were permitted in the House.

Embargo rates on items throughout the bill can be cited, none of which, as stated, were submitted to the House. Any proposed amendments at this late day compel acceptance of rates between and within limits now governing conferees and give no relief from rates that would never have been adopted if first submitted to the House. Among these I cite votes yesterday and to-day as indicating the judgment of the House.

President Hoover called Congress together in special session last year primarily to aid agriculture. His message so stated. Two measures were proposed, one a Federal Farm Board to aid cooperatives and the other limited proposed tariff increases to protect agricultural products.

FARM RELIEF

The Farm Board bill was passed without delay, but the limited tariff bill designed to aid agriculture has traveled the entire field of 16 tariff schedules for over a year, and now appears with over 1,000 changes from existing law reported by House and Senate committees, of which possibly not over 10 to 15 per cent relate to agriculture. Some of these latter rates, like a 42-cent duty per bushel on wheat, are ineffective and examples of tariff absurdity, because wheat tariff rates give no benefit to the American producer, whereas the House duty of $2.40 per hundred on Cuban sugar, or nearly 100 per cent increase over rates recently found by a majority of the Tariff Commission to represent the difference in cost of production, if adopted, is a direct sales-tax burden placed on every consumer, including every farmer.

Of all objectionable governmental taxes, a sales tax on the necessities of life is the worst. Congress has ever refused to adopt a sales tax in time of peace, and yet a high tariff on sugar contained in this bill is a direct sales tax on an important necessity, because we import between 80 and 85 per cent of all the sugar we use. The only purpose of a high tariff on sugar is not to shut out foreign competition, but to raise the price of sugar. By that means alone can the domestic beet-sugar in-

dustry receive aid and make a greater profit. It is not distantly related to the usual argument of protection of infant industries against foreign imports. A sugar tariff is a farm burden far distant from farm relief.

Like an 8 cent per hundred or 32 cents per barrel duty in the House bill on cement, which has been taken from the free list, the cement and sugar burdens become immediately laid upon distressed agricultural consumers who were promised aid through tariff relief.

DOES AGRICULTURE GAIN OR LOSE BY THE BILL?

Experts will find it hard to explain how a correct balance sheet will disclose any real aid to agriculture, compared with increased cost burdens that affect every farmer and all other consumers in the land.

No complaint need be lodged against committees. The bill was prepared in the usual manner; and Congress, not the committees, is responsible for the method pursued that differs little from river and harbor omnibus procedure with similar results.

Farmers' families in the country include around 25,000,000 men, women, and children dependent on agriculture. It is a matter of concern requiring explanation when we learn that prices of grain here are below the prices in Canada and Liverpool and below pre-war prices, and that a 42-cent wheat tariff in this bill is without value unless aided by the debenture amendment, the only direct relief proposed, that is destined to defeat. I will discuss the debenture later. It would have given relief to grain farmers.

Few products of the farm have advanced in price compared with other industries, so that in this debate it has been asserted economists find a farmer's dollar will only be worth 82 cents compared with other industries. For sake of argument, if the farmer's dollar will only buy about 80 per cent of what it would under normal conditions, what is he to receive by way of return when this House bill proposes an increase of about 36 per cent in the sugar tariff; of 20 per cent increase in the tariff cost of shoes; of around 40 per cent increase in the cost of innumerable sundries running from gloves to low-priced jewelry, that members of the family may buy; of general increased costs in clothing and hats? Increase in cement is to be found in taxes for road construction, which it has been stated in debate will reach an increase of $1,000 per mile. Frankly, in a bill drafted to aid agriculture I am wondering what we have to offer for immediate relief to our greatest industry when there is quoted to the farmer increases in costs of his machinery, not claimed to be due to this bill but to be paid for by depressed and unorganized agriculture, among which I note the following offered by Mr. GREENWOOD in this discussion:

Implements	1914	1928
Hand corn sheller	$8.00	$17.50
Walking cultivator	18.00	38.00
Riding cultivator	25.00	62.00
1-row lister	36.00	89.50
Sulky plow	40.00	75.00
3-section harrow	18.00	41.00
Corn planter	50.00	83.50
Mowing machine	45.00	95.00
Self-dump hayrake	28.00	55.00
Wagon box	16.00	36.00
Farm wagon	85.00	150.00
Grain drill	85.00	165.00
2-row stalk cutter	45.00	110.00
Grain binder	150.00	225.00
2-row corn disks	38.00	95.00
Walking plow, 14-inch	14.00	28.00
Harness, per set	46.00	75.00

It has been stated that hoes, rakes, and forks have been given a 30 per cent duty for the first time, under this bill. The factory but not the farmer is thus protected.

GRAY-HEADED TARIFF INFANTS

Tariff bills were originally designed to protect infant industries, not to prohibit imports by embargo rates. In olden days our Democratic friends charged Republicans with taxing the consumer from the cradle to the grave under the guise of protection to infant industry.

With this 1930 bill our Democratic friends from Louisiana, Florida, Texas, Massachusetts, New York, and elsewhere are found among its bipartisan supporters on many items, although I believe it can be shown this bill gives unlimited protection to some monopolies that have grown hoary headed by long nursing with high-tariff rates.

As stated, no party cleavage issue exists over this tariff bill, for it represents a general scramble by powerful industries from many States to get out of the tariff grab bag all that these local constituents demand without regard to the old Mason and Dixon line.

INEFFICIENCY TO BE CURED BY TARIFF RATES

This pressure I believe the House and Senate committees have tried to withstand, but lobbyists and propagandists have deluged Congress with demands that ignore the interests of consumers or of efficiently conducted industries. Poorly located factories have joined hands with mills whose financial records often disclose stock split-ups and improvident financing, all seeking a tariff embargo to cure their own poor business judgment or mismanagement. To save these industrial failures we are now asked to erect embargo tariff barriers that may enable them to prosper but at the same time permit the great mass of efficiently conducted producers to maintain a monopoly with unconscionable increased profits extorted from the vast army of consumers.

By refusing to permit amendments in the House the committee was subjected to this tremendous outside pressure by special interests. The report of a majority of 15 committee members then became the decision of the House. Log rolling may produce an irresistible force, but even that course is better than to refuse the House permission to vote until after a committee rate binds the conferees and the House to accept increased rates.

THE PUNY PIG-IRON WAIF

Let me offer two or three illustrations taken from the bill of tariff results thus obtained. Pig iron enters into every avenue of the steel industry and closely affects the necessities of life. Who can explain to the farmers of my State and other States in financial distress why on April 8 Senate conferees surrendered the Senate rate on pig iron to accept an increased duty of 50 per cent, the House committee rate on which the House had never been allowed to vote?

By a coincidence the press announced on the same day, April 8, that a consolidation of Bethlehem Steel and other companies has taken place so that another billion-dollar steel mendicant is among those urging tariff protection, while President Grace's modest salary of $1,000,000 annually can now be directly or indirectly increased to double that amount by his company.

On the same day, April 8, by a coincidence, the Republic Steel merger of $335,000,000 offered larger profits to its stockholders by a new issue of $60,000,000 of stock, while from the financial pages we find United States Steel common stock, originally a creation of water, reached $198 per share on its 8,500,000 shares and split-ups, the highest point in its history, although farm-machinery prices to the farmer are more than 100 per cent over pre-war prices, with grain prices in 1929 and 1930 the lowest recorded in many years. This is an example of cause and effect in a bill to help agriculture.

NO DANGER FROM IRON OR STEEL IMPORTS

A protective tariff to protect American labor has been advanced as an argument to justify this pig-iron tariff increase, but quoting from page 18 of the United States Department of Commerce, census 1927, on iron and steel, the country is advised that while Pennsylvania, the greatest iron and steel State, produced $244,501,253 in these products in 1927, the latest census statistics available, that wages amounted to only $14,018,331 in that year, or for every $1 in iron and steel products 5.6 cents were paid in wages. To be fair in the discussion, "salaries" aggregated nearly $2,500,000 in 1927 were also reported, but again referring to President Grace's modest salary alleged to be $1,000,000 annually, it is apparent that those who fix their own salaries should not be permitted to charge that item to wages paid workmen who receive less than $6 on every hundred dollars of iron and steel they produce.

Returning to iron and steel companies that have raised $200,000,000 in watered stock to $198 per share and that speak of $1,000,000 steel salaries and billion dollar steel combinations with the same ease with which they ask Congress for a 50 per cent raise on pig-iron tariff against less than 1 per cent of imports.

No connection is claimed in these coincidences beyond saying that giant industrial combinations will reap profits from the $1.12 per ton tariff rate on pig iron, placed there by this bill to help a few small, weak companies always leading in such demands.

It is significant that the Tariff Commission reports American pig-iron mills produce 45 per cent of the entire world's output of pig iron, and yet comparatively slight imports have created this outcry for a pig-iron embargo.

In 1927, the latest full reports at hand, our mills produced 35,858,233 long tons of pig iron, or about 40 per cent increased output in less than a decade—80 per cent of which is used in steel making. Total pig-iron imports that same year from all countries of the world reached 111,333 tons, or only one-third of 1 per cent of the total supply. To save these great steel

concerns from threatened disaster (?) due to this shadow of three-tenths of 1 per cent imports, the companies may now add 50 per cent to the cost of their pig-iron products over the Fordney tariff rates, whether manufactured for their own use or for public sale. All foreign shipments are now to be barred by a $1.12 per ton embargo rate.

Imports of pig iron when compared to that offered here for sale in open market were less than 2 per cent, or practically an embargo also in that limited field. If this bill becomes law, no sane man will question that pig iron has been rightly named.

ANOTHER PUNY COMBINE WAIF

United States Steel alone owns or controls 20 per cent of the American cement monopoly, according to common report. Cement is used in every permanent road that now gridirons all the States and adds to the heavy taxes of the average farmer, who furnished these roads to the public.

Meeting competition of the world and free imports without duty under existing law the cement industry in this country had built up by 1929 a production of 170,198,000 barrels, an increased output of over 100 per cent in the last 10 years. Few businesses can show that result. Last year only 1,720,273 barrels of cement were imported, or 1 per cent of domestic production.

The cement monopoly that controls the market and charges Federal, State, and municipal governments and every other consumer a fixed price has now brought sufficient pressure on Congress to remove cement from the free list and fix an embargo rate in the House of 32 cents a barrel and in the Senate of 24 cents per barrel on cement imports, imports that only amount to 1 per cent of domestic production.

The Cement Trust, owned in part by United States Steel, now extorts a uniform price from all consumers and under House rates may increase its cost on domestic products practically 24 cents more per barrel, the lowest rate the House could vote, and did vote yesterday, on the entire one hundred and seventy million and odd barrels, thereby increasing the cost of construction and taxes to the already heavily burdened farmers, who pays road taxes, and to consumers generally, because of a practical cement embargo rate fixed by this tariff bill. With no imports the sky is the limit to prices that may be charged.

The Senate Blease amendment offered to soften the blow was stricken out by the House through the aid of Democratic Members from Louisiana to New York as desired by the cement interests in those States.

It proposed to save municipalities from the cement holdup but cement champions have said municipalities should pay as much as any other contractor and they controlled the situation when the vote to strike out occurred.

HOUSE WAS NEVER PERMITTED TO VOTE ON CEMENT

It should be remembered the House has never had opportunity to prevent this cement rate or any other rate by amendment or otherwise, and permission to vote on a limitation of either 32 cents or 24 cents per barrel now contained in the bill is legislative mockery when the real issue is 32 cents or 24 cents per barrel against free cement imports.

I have quoted in prior speeches where cement concerns like the North American, Penn Dixie, and others, through stock split-ups or clever 100 per cent watered financing have made large profits under existing law with no tariff protection, but due to split-ups have apparently shown small profits, so that it is evident the cement issue presented is not one of protection to American industry but of extortionate profits to be collected by the cement monopoly from American consumers to aid a few mills located near the seaboard.

No monopoly is more closely formed for price fixing than the Cement Trust that never varies its price but levies its tax on every farmer in the land who contributes to public-highway building and who builds a sidewalk or barn floor. In the Senate it was stated this cement tariff would place an additional burden of $53,000,000 annually upon the American people. So said Senator McMASTER, a leading Republican. Any supposed exemption for public improvements, if it had been carried, would be prevented from enforcement by a trust that is far above Government and court regulations. It has successfully prevented the House and Senate from voting cement back on the free list. That discloses its powerful influence and is an outstanding item in the tariff bill.

Many heavy increases in the conferees bill over existing law are reported, reaching from 60 per cent to 80 per cent on surgical and dental instruments and like rates on hats, gloves, and other items, are designed to prevent any imports through embargo tariff rates placed in the bill.

Embargoes are a standard of measurement when the sundries schedule on everything from dolls to fishing tackle and aggregating $312,000,000 in all sundries imported in 1928 finds an average increase in House rates contained in the bill of about 40 per cent over high protective rates in the 1922 Fordney bill. Consumers must pay increased prices on the items so raised and agreed upon by the conferees, although none of these rates were ever submitted to the House for its consideration.

THE SUGAR BABY STILL IN ARMS

The vote about to be had on the sugar schedule has been briefly discussed. Before the bill was reported by the committee, proposals then urged by the sugar lobby were repeatedly discussed by me in the House. These arguments will not be repeated, but at the risk of reiteration I am giving a brief summary of the sugar situation.

The American public of more than 120,000,000 consumes about 12,000,000,000 pounds of sugar yearly or an average of slightly more than 100 pounds per capita. Under existing law it has been estimated these sugar consumers pay $250,000,000 extra cost because of the present tariff on sugar. One-half of our sugar which is dutiable comes from Cuba; one-third that is free of duty comes from the Philippines, Hawaii, and Porto Rico, and the balance of about one-sixth is from the beet sugar mills of this country. Consumers now pay $250,000,000 extra costs to "protect" mills that produce only about one-sixth of our sugar. This I have heretofore alluded to.

An insignificant, varying amount of sugar, about 2 per cent of all we use, comes from Louisiana cane. For many years under overly generous tariff aid, reaching about 40 per cent, the beet-sugar interests have remained practically stationary in production, and we are still compelled to import annually for our use five-sixths or 10,000,000,000 pounds of sugar, 4,000,000,000 pounds of which now comes from the Philippines, Hawaii, and Porto Rico, all free island imports. Where our flag controls island governments they enjoy the same privileges as States without reference to State lines.

Free imports doubled within the last six years from 1922–23 to 1928–29. As shown in prior speeches, free island imports have increased in 6 years in round numbers from 2,000,000,000 pounds to 4,000,000,000 pounds, or to practically double the total amount of our domestic beet-sugar production. To aid one-sixth of our sugar output by a tariff rate we are compelled to give added profits to all the free island sugar mills that will thus increase their present large profits and stimulate their production.

At past rate of increase these free island sugar imports, as disclosed, will drive out our domestic beet-sugar interests within one or two decades, and any increased tariff rate will then benefit them alone.

HERE IS THE COST OF FEEDING OUR GLUTTONOUS SUGAR INFANT

As stated, Cuba furnishes one-half of our sugar. This we must buy for our own needs, and any tariff rate to aid beet sugar and used to increase the price of sugar is not against Cuban sugar alone, for the American consumer will pay an increased price on the entire 12,000,000,000 pounds consumed, in addition to the $250,000,000 extra sugar cost he now pays under existing sugar tariff laws.

If the 36 per cent, or even 25 per cent, sugar tariff increase should be finally adopted and become equally effective, sugar duties must jump approximately $60,000,000 to $100,000,000 more in order temporarily to aid mills producing only one-sixth of the sugar we consume. We place this burden on the consumers' sugar bowl with full knowledge that one-half of our domestic production, furnished by the Great Western Co., already reaps profits of over 43 per cent annually under existing tariff rates. That is a balance sheet of sugar extortion gone mad.

During President Coolidge's administration, tariff rates on Cuban sugar were recommended at $1.23 per hundred pounds by a majority of the Tariff Commission as a just rate. This $1.23 rate by the present House bill has been increased practically 100 per cent, or to $2.40 per hundred pounds, if the House bill rate is accepted. The increase is also about 36 per cent over $1.76 per hundred, the present tariff rate. Such increase, or even a proposal of a $2.20 rate suggested by the motion, will stimulate our free island imports that increased 100 per cent during the past six years and that now reach double the production of our domestic mills. This tariff boost unquestionably hastens the end by stimulating free imports.

A PRIZE $156,000,000 FAT SUGAR BABY

Leaving sugar to write its own future history, we have a chapter of present extortionate sugar profits to consider. Under present tariff rates, previously small free island imports and Mexican women and child labor, the Great Western Sugar Co. has become a producer of practically one-half of all beet sugar manufactured in this country, or 1,000,000,000 in round numbers, of the 2,000,000,000 pounds of beet sugar we produce.

By disgraceful conditions surrounding women and child Mexican labor, according to Government and State labor reports,

aided by favorable climatic and soil advantages this company reports profits and assets of $156,000,000 taken from American consumers from an original investment of $15,000,000 during 24 years of production, or over 43 per cent profit annually on the original investment. Exact figures properly tabulated have been repeatedly quoted, and appear in my speech of March 24. I repeat only enough to make clear these enormous profits that are to be increased under the pending bill for a company that produces one-half of all our domestic sugar:

EXTORTIONATE PROFITS AND VILE LABOR CONDITIONS

Mr. Speaker, in support of my statement regarding the sugar schedule, I offer a detailed statement of extortionate profits made by the Great Western Sugar Co. under existing tariff rates.

Attention is also invited to labor conditions in this same company's contracts with Mexican beet growers. I submit they will be found nowhere worse in the entire country. And this company asks 36 per cent increase in tariff rates, with proportionately increased profits, under the House bill.

A study of the financial operations of the Great Western Sugar Co. reveals an amazing story of profits and dividends of a company protected by an unduly high tariff.

When the company was organized in January, 1905, its authorized capital stock consisted of $30,000,000, composed of $15,000,000 of 7 per cent preferred stock and $15,000,000 common stock of a par value of $100 per share.

Of the preferred stock, $13,630,000 was sold at the time the company was formed in 1905; the balance, $1,370,000, was not sold until July, 1922. The company has never failed to pay 7 per cent per annum regularly on the preferred stock since its initial dividend in 1905.

No common stock was sold. One hundred and five thousand four hundred and forty shares were issued as a bonus to purchasers of preferred stock at time of organization. In December, 1916, the outstanding common stock was increased from 105,440 shares to 150,600 shares by a stock dividend of 42 per cent. In October, 1922, the par value of the common stock was reduced from $100 to $25 per share, and the stock split up on the basis of four new shares for one of the old. In July, 1927, the $25 par value of the stock was changed to no-par-value stock and again split up on the basis of three shares for one. In other words, the original holder of one share (bonus) common stock would have 1.42 shares in December, 1916, 5⅞ shares in October, 1922, and 17 shares in July, 1927. At around to-day's price ($40, May 7, 1929) the market value of these 17 shares amounts to $680.

Total dividends paid per share	$577.10

The above dividends are exclusive of the 7 per cent that was paid regularly on the preferred stock.

In the period of 24 years since the company was formed it has paid out on its preferred stock a regular annual dividend of 7 per cent, or a total of	$23,521,750
In the same period it has paid out to the holders of its common stock (who received this stock as a bonus and paid nothing for it) dividends of	60,850,660
Or total dividends of	84,372,410
The original 105,440 shares common stock, which were given as a bonus to preferred-stock holders, have been converted into 1,800,000 shares by stock dividends and "split ups." This new stock has a market value of $40 per share (May 7, 1929), or a total value of	72,000,000
Making a total profit (on an investment of $15,000,000) of	156,372,410

Or approximately $1,042.48 for each $100 invested, equivalent to an average yearly return and appreciation of $43.43 for each $100 invested for the past 24 years since the company was started.

Under the conference rates in the pending bill an increased tariff will occur, even if the $2 rate is voted. From that fact I ask how any Member acquainted with the facts can justify such increase in sugar tariff rates and Great Western profits?

I am informed the 1929 profits of the Great Western Co. will reach more than in past years, and with the proposed tariff increase, conservatively stated, these profits may reach 50 per cent annually on the original investment. This statement is so illuminating that every farmer and every other sugar consumer in the land should have hung on the kitchen wall, surrounded by a guilt frame, the motto, "God bless Congress for raising the sugar tariff so that the Great Western Sugar Co. may still live." It might be hung next a picture of boots and shoes taken by this bill from the free list and given a tariff rate of from 20 per cent in order to aid the farmer and his family who are alleged to recoup through a duty on hides. That, again, is a heavy sales tax enforced through the medium of the tariff.

Heretofore I have given many pages in the Record of testimony from official reports of miserable labor conditions in the Great Western Co.'s beet fields, as well as of labor conditions in beet fields generally of our domestic mills. They will not be here repeated.

HERE IS THE SUGAR TARIFF HOLDUP IN A NUTSHELL

This bill increases the consumer's sugar burden 36 per cent. One company that furnishes half of all our domestic sugar has extorted 43 per cent annually in sugar profits paid by consumers for 24 years. The sugar industry is largely maintained by poorly paid Mexican women, children, and convict labor, and does not protect American labor. The profits are only for stockholders.

The futility of trying to "protect" this industry by a tariff is demonstrated by the Tariff Commission (Tariff Information, 1930, p. 273.) It discloses the rapid substitution of free island sugar imports for the domestic industry.

Sugar we use and source of supply—Furnished by percentage used during 1919, 1928, and 1929

	1919	1928	1929	
	Per ct.	*Per ct.*	*Per ct.*	
Cuba	50.82	47.05	51.58	Dutiable.
United States	26.07	20.82	17.47	Loss 33 per cent.
Hawaii and Porto Rico	19.91	23.01	20.40	Duty free.
Philippines	1.78	8.59	10.40	Duty free; gain 600 per cent.
Total				

In 10 years domestic sugar production lost 33 per cent and lost over 8½ per cent of our total supply because of lower cost production of sugar in the Philippines, Hawaii, and Porto Rico.

In 10 years Philippine sugar production gained 600 per cent and gained nearly 9 per cent of our total supply.

Other sources remained practically stationary.

The heavy tariff is to protect an industry that lost 33 per cent in 10 years and that now furnishes only 17½ per cent of our total supply. A Philippine gain of 600 per cent and free island imports gives the reason.

The higher the tariff the greater the stimulation for all free island imports.

Who does this $250,000,000 plus $100,000,000 sugar cost hit hardest?

From the Tariff Commission's Thirteenth Annual Report, 1929, page 131, I quote:

Sugar users in the United States

	Tons	Percentage used	Pounds per capita
Household	4,136,673	66.5	68.87
Bakery products	654,206	10.5	10.84
Beverages	340,187	5.5	5.70
Candy	512,897	8.2	8.50
Miscellaneous	578,841	9.3	9.73
	6,222,804	100.0	103.64

Two-thirds of all sugar consumed is by the household through the family sugar bowl. Ninety per cent consumed is covered by the first four items that affect every consumer.

Who can defend the tariff rate increase in this bill on sugar as disclosed by the above reports? I am making a brief reference later to the refiners' plea for their share of plunder from the consumers' sugar bowl.

The sugar tariff is not to protect American labor, for little American labor is employed. The tariff increase will fatten profits of those who have more than doubled their original investment every three years by child and women labor. It is not a tariff to protect labor or industry but by higher sugar prices to give a short breathing spell to weak factories that were improvidently organized and are now subject to the destroying competition of free island imports.

INDUSTRIES THAT DEMAND A CHINESE WALL

Among hundreds of rates increased, some to embargo proportions, I have named several that seemed among the most important. Metals, including aluminum and an endless variety of cooking utensils, earthenware, chemicals, glass, sugar, cotton and woolen clothing, hats, boots and shoes, and a fairly long list from different schedules furnish additional examples.

Embargo tariff rates are based on a new tariff theory, that a Chinese wall is the only means of protection.

Oils that would have laid a heavy tax burden upon American consumers received a defeat by the close vote of 37 to 36 in the Senate, but this vote was against the embargo tariff theory that would give the field exclusively to domestic concerns. A strong oil bloc was not as strong as the sugar bloc in this attempt to control oil rates. That shows the power of Standard Oil and other holders of foreign oil fields when Greek meets Greek.

No expert can accurately compute the additional cost under this bill that will be exacted by profitably conducted industries from the vast army of consumers. It has been loosely estimated at a billion dollar increase annually. No one knows how much, but everybody understands these increased tariff rates will reach hundreds of millions of dollars annually increased prices in the aggregate and about one-quarter of this increase based on population will be paid by farmers, with an equal or greater proportion by wage earners in the mills, mines, and railways that always help foot the bills. Embargo tariff rates bring retaliation and restricted markets for agricultural products. Increased rates on what the farmer buys far outweighs the products he sells.

Let me say that I fully appreciate the efforts of the committee and conferees to obtain a reasonably satisfactory tariff bill. Few people realize the difficulty of constructing a bill that will approach that result, but I find so many causes for complaint by the average constituent that in its present form the bill challenges unanswerable criticism. Not casual criticism easily answered, but complaints that I fear will grow when the bill is put into operation, if it becomes law.

As stated at the outset, some benefits may accrue to certain industrial interests under the bill, but it is a brave or reckless man who will predict agriculture or business generally will be any gainer through its provisions.

HOW AN EMBARGO TARIFF BILL WORKS ABROAD

We can not live by ourselves alone. If we build an embargo tariff wall around our country, other nations will retaliate. No country is more dependent upon neighboring countries for the repayment of enormous international debts than our own. Eleven billion dollars war indebtedness due the United States may mean prosperity, or if unpaid by European countries business distress in the near future, to be bridged over by sacrifices that eventually rest heaviest on those least able to stand the burden.

England, Australia, France, Germany, Belgium, Switzerland, Canada, and a score of other governments are watching this effort of a great nation to pass a prohibitive importation bill. Their press is alert to the situation that affects them under this bill. They will greet us so far as practicable by a retaliatory prohibitive export situation, both by legislation to raise like tariff bars against us and also by beating us at our own game by employing American capital to furnish their people with like goods through local production in those countries with modern machinery, using their own cheap labor. They are doing so now through Ford and other industrialists in various parts of Europe and South America.

The wheels of commerce must turn fairly, for governments that have no money to pay can only offer trade to meet their debts. If no trade, then no payments. Can we doubt that result is invited by this tariff embargo bill, and if so can we afford to destroy foreign markets that have been secured by large expenditures and infinite labor in order to furnish an outlet for our own efficiently managed industries?

Our foreign exports increased over 100 per cent from 1913 to 1929, and last year reached $5,241,000,000. However, our excess of exports decreased about $200,000,000 from 1928 to 1929. With the passage of this bill we may look for a greater reduction of foreign trade that will affect every avenue of domestic business. That is the logical result of any embargo tariff law intended to prohibit imports. Reduced exports will mean more idle labor for us. This bill carries that threat.

It is unnecessary to dwell on this phase of the case. Personal interests may sway Members to "protect" to the limit their industrial constituents back home, however weak the case, but aside from consumers' rights more than ever before this bill, I believe, will strain commercial relations with other countries and bring retaliation through loss of markets which will more than offset its supposed advantages.

A DEBENTURE AMENDMENT TO HELP AGRICULTURE

Apart from embargo tariff rates, other amendments will be considered by the conferees before the final bill comes before us. It is contended that the Senate debenture amendment will give substantial aid to agriculture, that it will give to grain a portion of tariff rates written into the bill, rates that are now a mere gesture. If so, they are well worth considering, because the proposal to give one-half the tariff rates in surplus has been enacted in the Senate by friends of agriculture. No other relief is proposed for the grain farmer and although questioned by high authority other reputable economists support it.

Congress fixed 42 cents as the difference in cost of wheat production here and abroad. That rate is not enforceable because of wheat surplus, and so American grain accepts the Liverpool market price in direct competition with grain grown at 42 cents per bushel less. Without a surplus it is admitted that the 42 cents wheat tariff would become effective in the home market and the American consumer would pay the full difference in cost of grain production as fixed by the tariff.

The United States Tariff Commission has estimated total possible debenture payments on wheat, flour, cotton, corn, hogs, and 50 other items at around $135,000,000 annually, or less than customs receipts on sugar. That is the outside figure. An experiment to aid several million farmers is held by some students of the subject to be uneconomic and who yet approve an extortionate sugar duty or cement duty or pig-iron duty to aid a few scattering mills. That seems to be the situation presented, but not in the interest of agriculture.

No system can be devised for determining in advance the exact crop to be grown, climatic conditions, or exact exports or imports of wheat needed for the home or world market. Those who have closely organized industries able to maintain their home-market price are opposed to any Government intervention in behalf of agriculture, but until a better or more just plan can be devised for maintaining a semblance of protection, why not give the grain producer at least one-half of the protective-tariff rate under the debenture plan. If unworkable as contended, then those urging its adoption will have to present a different plan to relieve the wheat farmer and others producing a surplus who, although compelled to pay protective-tariff prices for all they consume, are themselves bereft of protection.

A SELFISH LEGISLATIVE FOOTBALL

Briefly I have sought to present in a dispassionate way a few objectionable features of the pending bill. It confers special favors on a limited number of industries, many of which are prosperous under existing law. This aid generally is paid for by every consumer. A bipartisan tariff bill is supported in its entirety by many Democrats when a higher tariff is promised to the few sugarcane mills of Louisiana and fruit growers of Florida, for a support not based on the general effect of the bill but depending on inclusion of their particular items.

So much for its political character. Will any reputable authority claim it meets with the President's call to aid agriculture, when it compels agriculture to pay far more than is received through unjust burdens imposed and tends to close the markets of the world to our products because of embargo rates?

HOW ABOUT SUGAR REFINERS?

To disclose methods used by sugar-refining companies through their workmen to influence Congress, I quote brief extracts from a 7-page pamphlet put out by the National Sugar Refining Co., that made net profits on its investment in 1928 of 15 per cent. This is not as large as the Great Western Co.'s 43 per cent annual profit, and apparently has excited the jealousy of the National Co., that only made 15 per cent profit that year by soaking the consumers, including over 6,000,000 farmers who help pay the sugar bills. These profits, it is hoped by refiners, will be largely increased under the rates contained in the pending tariff bill. I quote briefly from a letter prepared by the company for its workmen to sign, including among the latter two very estimable women, who lend character to a pathetic plea for more profits than 15 per cent.

WORKING MEN AND WOMEN,
NATIONAL SUGAR REFINING CO. OF NEW JERSEY,
New York, N. Y., February 10, 1930.

To the Honorable the Members of the Senate of the United States and of the House of Representatives.

GENTLEMEN: The undersigned, representing the working men and women employed by the National Sugar Refining Co. of New Jersey, respectfully show to your honorable Members:

That they represent and speak for approximately 3,000 working men and women employed by the National Sugar Refining Co. of New Jersey, which company owns and operates three sugar refineries located in two States—New York and New Jersey—with an annual production of about 2,000,000,000 pounds of refined sugar. Under the right which we and our coworkers enjoy by virtue of Amendment I of the Constitution of the United States to petition the Government, we hereby present to your honorable bodies this petition, and pray for a hearing thereon as a matter of simple justice to American labor, and as a test of the sincerity with which the principles of a protective tariff are applied in the actual operation of tariff making.

* * * * * * *

In three refineries located in and about the city of New York there are paid to the working men and women between five and six million dollars a year. The lowest class of labor receives $5 a day, and mechanics or skilled labor receive from $8 to $11 a day. Taking into account shipping and transportation, it is fair to say that this company is responsible, directly and indirectly, for the distribution of from twelve to fifteen million dollars a year among labor in and about the port of New York.

The employees of this company represent the best type of American labor. Many of them have been with the company for years, some for more than 25 years. Almost without exception they are married, have families, and live adjacent to their place of employment. A very large proportion of them own their own homes. They represent in the highest degree working men and women who are well fed, well clothed, and well housed, citizens, taxpayers, and owners of property who contribute in every way to the welfare and prosperity of the respective communities in which they live.

* * * * * * *

And we especially call to our aid at this hearing the representatives in your respective bodies from the States of New York, New Jersey, and Pennsylvania. In the House of Representatives these three States have 62 Republican Members. Within these States are the largest sugar refineries in the Nation. If they act in obedience to the principle of protection, upon which they went before the people of their respective congressional districts last year, they can compel by their united action the measure of justice which we seek. In addition they can give by such action the most signal vindication of the sincerity of their party in upholding the doctrine of protection, unequivocally assailed as it is by the situation now existing in the industry which we represent.

Respectfully submitted.

(Signed by several workmen.)

HERE IS THE ANSWER TO THE SUGAR COMPANY'S APPEAL

Let every farmer in the country who is striving to make ends meet study this tale of wage suffering wherein the lowest class of labor in the sugar refinery receives $5 a day and skilled labor receives from $8 to $11 a day, all of which is enjoyed by employees who style themselves as "the best type of American labor."

These generous wages they get under the present tariff law, and yet they call loudly on their Representatives in Congress, 62 in number, from the States of New York, Pennsylvania, and New Jersey to get more for them. Of course, these workmen are not paying for the heavily calendered paper and postage on which the letter is printed. That is paid for by the National Refining Co. that reported net profits in 1928 of more than 15 per cent on its investment. Without recalling stock split ups through profits that go to some of these companies and are covered up by their present reports, I call attention to companies, some of which report their excessive profits.

The Pennsylvania Sugar Co. refinery that also calls on the Pennsylvania Congressmen to keep it out of the poorhouse, in 1928 reports 27 per cent profits, the Henderson Co. nearly 22 per cent profits, and other companies in various amounts. The Great American Sugar Refining Co., with nearly $64,000,000 investment, earned over 7½ per cent profits, possibly like some others on watered stock, a few years ago plead guilty in the United States Court for the Southern District of New York to defrauding the Government of the United States by false weights and paid a heavy fine. I submit the refiners' statement of 1928 earnings which I happened to have when the $11-a-day workmen's wail was received. The statement follows:

Sugar refinery statistics, year 1928

1928	Fiscal year ended—	Investment on plant and property (net)	Funded debt	Net worth			
				Preferred stock		Common stock	
				Shares	Amount	Shares	Amount
American Sugar Refining Co.	Dec. 31, 1928	$63,839,490.62	$29,700,000.00	450,000	$45,000,000.00	450,000	$45,000,000.00
California & Hawaiian Sugar Refining Co.	Nov. 30, 1928	11,748,721.00	6,300,000.00			100,015	10,001,500.00
Godchaux Sugars (Inc.)	June 30, 1929	8,790,250.26	3,698,500.00	30,500	3,050,000.00	A 57,000	2,850,000.00
						B 70,000	1,672,983.11
Imperial Sugar Co.	Dec. 31, 1928	4,810,690.00	1,370,000.00	25,000	2,500,000.00	25,000	2,500,000.00
W. J. McCahan Sugar & Molasses Co.				35,000	3,500,000.00	35,000	3,500,000.00
National Sugar Refining Co.[1]	Dec. 31, 1928	19,444,628.00	4,615,400.00			600,000	15,000,000.00
Pennsylvania Sugar Co.		5,128,913.00				50,000	5,000,000.00
Savannah Sugar Refining Co.	Dec. 31, 1928	2,372,267.00		33,444	3,344,400.00	28,272	234,000.00

1928	Fiscal year ended—	Net worth		Earnings available for dividends	Dividends paid per share		Earnings per share on common stock	Per cent of earnings to net worth	Earnings per share on common stock for 1929
		Surplus	Total		Preferred	Common			
American Sugar Refining Co.	Dec. 31, 1928	$19,975,208.22	$109,975,208.22	$6,568,611.62	$7.00		$7.59	5.97	$7.77
California & Hawaiian Sugar Refining Co.	Nov. 30, 1928	8,691,750.00	18,693,250.00	1,077,749.00	None.	None.	10.77	5.77	
Godchaux Sugars (Inc.)	June 30, 1929		7,572,983.11	1,005,665.00	None.	None.	A 6.24	13.28	
							B 6.24		
Imperial Sugar Co.	Dec. 31, 1928	622,307.00	5,622,307.00	719,745.00	7.00		21.79	12.80	
W. J. McCahan Sugar & Molasses Co.					7.00				
National Sugar Refining Co.[1]	Dec. 31, 1928	7,385,804.00	22,385,804.00	3,372,986.00		2.00	5.62	15.07	4.92
Pennsylvania Sugar Co.		5,552,926.00	10,552,926.00	1,360,521.00		10.00	27.21	12.89	
Savannah Sugar Refining Co.	Dec. 31, 1928	1,200,316.00	4,778,716.00	571,200.00	7.00	6.00	11.92	11.95	

[1] The National Co. reports 15 per cent net profit and yet asks for more through a letter drawn up by the company but signed by workmen who receive from $5 to $11 per day.

Under existing law these companies receive 14.7 cents per hundred pounds differential for refining. Under the pending sugar amendment of $2.20 per hundred that refining rate is increased to 40 cents, or nearly 200 per cent increase. Need anything be added to this illustration of efforts to grab excessive profits from the American consumer?

SUGAR HYPOCRISY

The National Co. has used its workmen as a cloak for this sugar tariff gouge. If the 6,000,000 farmers of the country could listen in to the hypocritical plea of the National Sugar Refining Co. through its $8 to $11 a day employees as the company is about to collect from these same farmers and all other consumers of sugar by lining up Congressmen from New Jersey, Pennsylvania, and New York for a higher sugar tariff, then there would be a country-wide explosion from the tillers of the soil. A majority of this farm labor does not average $2 a day from 12 to 14 hours' daily work on the farm, and the farmer is fortunate if he averages that amount in addition to interest on his investment.

Another picture of labor to be protected, before mentioned, is that given by the hordes of Mexican women and children in the sugar-beet fields of the country, a majority of whom do not receive and will not receive under any high sugar tariff much more than 10 per cent of the lowest wages paid laborers in the National Sugar Refining Co., as shown by official statistics frequently quoted.

All the profits to be made by this increased sugar tariff will go to swell the 15 per cent annual profits of the National Refining Co. and the 27 per cent profits of the Pennsylvania Refining Co. and the 43 per cent annual profits of the Great Western Sugar Co., that produces one-half of all our domestic beet sugar by employing Indian and Mexican women and children at the lowest wages known to any industry in the country. Additional profits are to be extorted from consumers to go to stockholders under this tariff bill and not to labor.

LABOR IN SUGAR-BEET FIELDS

I have quoted many extracts from official documents heretofore to show degrading labor conditions in American beet fields. These appear in previous speeches, based on Federal and State official reports. A brief extract is submitted to show in two or three paragraphs the kind of labor the American sugar consumer is now protecting in the beet fields compared with the $11 per day paid by refiners who ask for a 200 per cent jump in rates to increase their 15 per cent net profits.

WHAT LABOR IS PROTECTED BY AN INCREASED SUGAR DUTY?

It has been claimed that increased costs of labor require a rate of 3 cents per pound over the Cuban producers' price. That, then, is the difference claimed in labor standards. Quoting from a brief before the committee, it says:

"In 1926 in Costs of Producing Sugar Beets, Part X, United States Tariff Commission, page 16: '* * * That 30 per cent of the contract labor in the domestic sugar-beet industry is Mexican, 1 per cent Japanese, and 19 per cent other foreign labor.' Page 17 states that '50 per cent of the labor in Michigan, Ohio, Iowa, Kansas, and Minnesota is Mexican; 22 per cent in Nebraska, Colorado, Idaho, Utah, and Montana is Mexican; 42 per cent of the Californian labor is Mexican.'"

The percentage, it is alleged, has increased since 1926. The Department of Labor so finds, and it is further said that witnesses from Colorado before the House committee stated that three-fourths of the farmers employed Mexican labor. Child labor is impressed into the beet-sugar fields wherever permitted.

The United States Department of Labor further reports:

"The earnings and number of Mexicans engaged in tending sugar-beet fields during the season of 1926 covered by this report is as follows:

	Number of workers	Average per person
Michigan	6,720	$143.75
Ohio and Oklahoma	3,264	143.70
Minnesota	1,506	146.90
North Dakota	1,270	152.27
Iowa	2,018	147.73
	14,778	145.34

Of the Michigan workers, 3,048, or nearly one-half were shipped from Texas by one company. That statement should be noted. Other Western States not here named, I understand, are included in the total average of 75 to 90 per cent Mexican beet-sugar workers, and a large part of the remaining 10 to 25 per cent of labor is child labor, drawing down the munificent average sum of $145 annually. Why raise barriers against desirable European immigration when 90 per cent of the beet workers are shipped north from Mexico, with the balance supplied by child labor? This sugar tariff is to "help the farmer." Every farmer who pays an increased cost for his sugar should be proud of Mexican peonage imported from the country of many revolutions.

That is the "labor" this tariff bill would protect with a 40 per cent tariff to consumers of sugar. No more scandalous or degrading competition of child and Mexican labor can be found anywhere in the world. America's high labor standards are debased by sugar-mill operators, who permit such conditions and yet demand that the 120,000,000 consumers, including 30,000,000 farmers with 90,000,000 others, shall pay more annually to advance sugar so as to maintain this public scandal. If the facts recited are measurably true—and they are from the highest authority—then labor conditions in the sugar-beet business are worse than scandalous, for in many States such cruel treatment of children would bring free board at the county jail for the responsible parties.

Hurriedly these tariff matters have been presented, but I believe they have been accurately stated. Every Member must act on his own responsibility and for the interests of his constituency so far as can properly be done. I am not disturbed by the criticisms of others on the bill, but by my own study that has indicated its character, much of which could have been avoided if the House had been permitted to legislate on the bill. Probably no tariff bill has ever before received like criticism from economists and tariff students throughout the country, or by many countries that now threaten retaliatory laws. Needless to say, I would have been glad for many reasons to support its provisions if some net agricultural benefits asked for by the President had been granted. Possibly the bill may be improved by the Senate or conferees. It is their responsibility to make it, if possible, meet promises made when the extra session was called to aid agriculture. No one will discount the size of their task. (On the vote to substitute a 2-cent sugar duty for the 2.20 amendment under discussion the House adopted the 2-cent rate, the lowest offered by the conferees, by a vote of 229 to 160.)

Mr. HAWLEY. Mr. Speaker, I yield three minutes to the gentleman from Nebraska [Mr. SIMMONS].

Mr. SIMMONS. Mr. Speaker, ladies and gentlemen of the House, should the House adopt the proposed rate, it will be the lowest tariff on sugar levied by any country in the world, and sugar is selling in the American market to-day at the cheapest price of any country in the world.

I am interested in the statement of the gentleman from Wisconsin [Mr. FREAR] who claims that he knows all about the sugar industry. He indicates that it is all done by foreign labor. Sugar beets are raised on American farms, and the labor is performed by American farmers. Beets go into American factories where the labor in producing sugar is American labor, paid American wages. There is but one stage in the manufacture where labor of foreign extraction is in part used, and that is in the handwork in the beet fields. Many Americans do that work. Mr. FREAR carries the idea that in beet culture in the fields the children are crippled physically and mentally by labor out in the open.

If the gentleman from Wisconsin [Mr. FREAR] thinks that labor in the beet fields is detrimental physically, or possibly mentally, to American children, then I offer myself as exhibit No. 1. [Applause and laughter.] I have worked in the beet fields of western Nebraska, and no one will contend that I am stunted, physically, at least.

The best guarantee of a reasonable price for sugar in America, is an American sugar industry. What happened in 1920 when the same people that now claim they plead for the American housewife had control of the sugar output of Cuba and the sugar prices in the United States. They squeezed and squeezed until sugar in Nebraska went from 32 cents to 40 cents a pound, and those are the people who now ask for mercy for the American housewife? What broke the price of sugar in 1920? Not Cuba, not the people who now plead for the Cuban sugar industry. The price of sugar broke in 1920 when the American beet sugar came on the domestic market. [Applause.] If you want to guarantee a reasonable price for sugar, the way to do it is to encourage the domestic industry.

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. HAWLEY. Mr. Speaker, I yield three minutes to the gentleman from New Jersey [Mr. FORT].

Mr. FORT. Mr. Speaker, ladies and gentlemen of the House, when the sugar tariff was under discussion here before the bill passed the House, I supported the rate of 2.40 upon the ground that the United States of America some 40 years ago in a tariff bill—which I believe was passed under the Cleveland administration—had induced men to invest their money and enter the industry by the offer of a bounty; and that whenever this or any other Government has induced its citizens to enter an industry by the offer of a bounty or subsidy, an obligation rests upon the Government and upon the citizens to see that industry through a time of trouble such as now faces the sugar industry of America. In that connection, may I call to your attention, incidentally, the fact that this rule of governmental morals has a direct bearing upon a question on which we are to vote to-morrow—the debenture plan.

Apart from that moral obligation, my constituents have no real interest at stake. They raise no sugar—have no interest in sugar. What does this motion mean to them? It means at the outside the difference between a duty of $2 and one of $2.20 a hundred pounds—and that means a difference of 60 cents a year to a family of five in its purchases of sugar. We who come from industrial districts in the East, who have enjoyed the benefits of tariff protection for years, whose wages and incomes are largely the result of protective tariffs, have no right, and can not with any pretensions to justice, deny to an industry approaching bankruptcy our contribution of 60 cents a year from the family. [Applause.]

There is nothing in this bill at my request to raise the duty on anything produced in my district. Past tariff legislation has enabled it to prosper. Its industries are in good shape. And I will not stand here to-day—I hope I never shall as a Member of this House—and I do not believe my constituents want me to deny protection to those industries elsewhere which do need it. [Applause.]

The SPEAKER. The time of the gentleman from New Jersey has expired.

Mr. HAWLEY. Mr. Speaker, I yield three minutes to the gentleman from North Dakota [Mr. BURTNESS].

Mr. BURTNESS. Mr. Speaker and gentlemen of the House, the immediate question involved in this particular amendment, which simply increases the duty on sugar one-fifth of 1 cent per pound—that is, from 2 cents to 2.2 cents—is whether the individual consumer of the United States is willing to pay 12 cents a year for the purpose of assisting agriculture to get to a more balanced system within the United States. Involved in that proposition is also the question of whether or not the 400 men, approximately, who in this House voted for the farm act last year for the purpose of aiding agriculture, and who gave the Farm Board a tremendous problem to solve, are willing now to assist the Farm Board materially in making its job of administering the farm act just that much easier by making it possible to divert some surplus acreages out of some crop and put it into a crop which works ideally under a proper tariff situation and in which there is no surplus problem. This argument

of taking candy away from babies by this rate, and all that sort of tommyrot, is ridiculous. It is on a par with the "pop" argument that the sugar tariff will put the "pop" industry out of business, when a penny takes care of all of the increased duty in a hundred bottles of "pop," and my friend from New York [Mr. LAGUARDIA] knows as well as anyone that when candy has a tariff of 40 per cent ad valorem, an additional one-fifth of 1 cent on a pound of sugar will not be reflected to the public, to the consumer in any way, but will be absorbed by the industry, and can not be a serious matter for such industry.

But more important than all of this, more important than the fact that it will not cost the consumers anything to speak of, and as the most important thought I want to leave with you is the one that if you increase sugar production in the United States you will stabilize the price of sugar for the future, and the permanent stabilization of the price of sugar is far more important to the consumers than the addition of one-fifth of 1 cent per pound that might be the result for a few months. If you stabilize it by increasing American production, you will have returns not tenfold but a hundredfold in the years to come. I believe you all agree that the safest way to stabilize any price within the United States is to have a reasonable production of that product within our own borders.

Remember also that the interests of agriculture and of industry are reciprocal. Increase the buying power of agriculture and every industry in the United States will be relatively assisted.

Farm organizations are unanimous for this increase. The case is well put in the letter addressed to Mr. HAWLEY by the American Farm Bureau Federation which reads as follows:

WASHINGTON, D. C., *May 1, 1930.*

Hon. WILLIS W. HAWLEY,
Chairman Ways and Means Committee,
House of Representatives, Washington, D. C.

MY DEAR CHAIRMAN HAWLEY: It is understood from press reports and otherwise that you at the proper time will introduce an amendment proposing a 2.20 cents per pound rate of duty on sugar from Cuba.

This proposed action on your part deserves to be commended, even though the rate which is contemplated in your amendment is not adequate to give the sugar producers of the Nation that protection which they justly should have. With the difference, however, in the Senate and House bills relative to the rate on sugar, it is reasonable to strike an average which brings us to the 2.20-cent rate. All legislation, as is so often stated, is a matter of compromise, and the compromise at 2.20 cents per pound will secure a rate on sugar of some material assistance to the growers and of no particular burden to the other groups in our Nation.

On September 8, 1929, 12 farm organizations sent a letter to the Members of the Senate in which it was stated: "Without a material increase in the duty (on sugar) above the Fordney-McCumber rate the sugar industry of this country will suffer severe hardships. It has been shown by the growers that rates of duty such as have been asked for by the farm organizations would lend to profitable cane and beet production and would adequately increase the cane and beet acreage." In the list of commodities attached to this letter upon which higher rates of duty were asked by the dozen organizations signatory thereto sugar was included at "not less than House rates."

Sugar presents an ideal tariff problem. Its production is now demonstrated to be practicable in our Nation, both from cane and beets; its present amount of production within our Nation classifies it as an infant industry, compared to the total sugar consumption of our Nation; its extent of production can be greatly magnified before any evidence of surplus appears; and there are citizens, both producers and refiners, willing and ready to put money and energy into the greater production of sugar if only more reasonable protection is given.

The reverse of the above-described tariff problem on sugar will assuredly be true if reasonable protection, such as is to be proposed in your amendment, is not given. It will not be possible to supplant surplus-producing acreages of other crops by the substitution of sugar acreages, even though such sugar production is climatically possible; it will be wholly impossible to increase the percentage of our domestically produced sugar compared to foreign importations; and instead of money and activity going into the sugar business, both of production and refining, they will be withdrawn therefrom. In other words, Congress is at the point now of deciding whether the United States is to render itself more nearly self-sufficing in its sugar supply or is to become more and more dependent upon foreign supplies.

The House rate of 2.40 cents per pound is none too high adequately to promote a domestic-sugar production. The rate of 2.20 cents per pound will be helpful in accomplishing this goal and appears to be a happy medium upon which all who are interested in benefiting agriculture and in securing the production within our own boundaries more nearly of a national supply of sugar, might agree.

Very respectfully,

AMERICAN FARM BUREAU FEDERATION,
CHESTER H. GRAY, *Washington Representative.*

Lack of time prevents further argument. Help agriculture get upon a scientific and balanced basis by voting for this duty, and at the same time properly protect the American consumers against the greed of foreign producers in the future.

The SPEAKER. The time of the gentleman from North Dakota has expired. The question is on agreeing to the motion of the gentleman from Georgia to concur in the Senate amendments.

Mr. O'CONNOR of New York. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. O'CONNOR of New York. Is there any parliamentary method by which a vote could be taken for free sugar or for any rate less than 2 cents a pound?

The SPEAKER. The Chair will answer that there is not.

Mr. CRISP. Mr. Speaker, I move the previous question on my motion to concur.

The SPEAKER. The question is on the motion of the gentleman from Georgia for the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Georgia to concur.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. CRISP. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 196, noes 204.

Mr. CRISP. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. As many as favor the motion of the gentleman from Georgia will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 229, nays 160, answered "present" 1, not voting 38, as follows:

[Roll No. 33]

YEAS—229

Abernethy	Doutrich	Kennedy	Pou
Allen	Dowell	Kerr	Prall
Allgood	Doxey	Kiefner	Pratt, Ruth
Almon	Driver	Kincheloe	Pritchard
Andrew	Edwards	Kinzer	Quayle
Arnold	Elliott	Kopp	Quin
Auf der Heide	Eslick	Korell	Ragon
Ayres	Esterly	Kvale	Rainey, Henry T.
Bachmann	Fenn	LaGuardia	Ramseyer
Bacon	Fisher	Lambertson	Ramspeck
Bankhead	Fitzgerald	Lampert	Rankin
Bell	Fitzpatrick	Langley	Rayburn
Black	Foss	Lanham	Rogers
Blackburn	Frear	Lankford, Ga.	Romjue
Bland	Freeman	Larsen	Rutherford
Bolton	Fuller	Lea	Sabath
Bowman	Fulmer	Lindsay	Sanders, Tex.
Box	Gambrill	Linthicum	Selberling
Boylan	Garber, Okla.	Lozier	Shaffer, Va.
Brand, Ga.	Garrett	Luce	Short, Mo.
Briggs	Gasque	McClintic, Okla.	Shott, W. Va.
Browne	Gavagan	McClintock, Ohio	Smith, W. Va.
Browning	Gibson	McCormack, Mass.	Somers, N. Y.
Brunner	Gifford	McDuffie	Sparks
Buchanan	Glover	McKeown	Speaks
Burdick	Goldsborough	McLeod	Sproul, Kans.
Busby	Goodwin	McMillan	Stafford
Byrns	Granfield	McReynolds	Steagall
Campbell, Iowa	Greenwood	McSwain	Stevenson
Canfield	Gregory	Maas	Stobbs
Cannon	Griffin	Mansfield	Sullivan, N. Y.
Carley	Guyer	Martin	Summers, Wash.
Cartwright	Hall, Miss.	Mead	Sumners, Tex.
Celler	Halsey	Menges	Swanson
Christgau	Hammer	Michaelson	Tarver
Christopherson	Hare	Milligan	Taylor, Tenn.
Clancy	Hartley	Montague	Thatcher
Clark, N. C.	Hastings	Moore, Ky.	Thurston
Cochran, Mo.	Hess	Moore, Va.	Tinkham
Collier	Hill, Ala.	Morehead	Treadway
Collins	Hill, Wash.	Morgan	Underhill
Connery	Hoch	Nelson, Me.	Underwood
Cooper, Tenn.	Howard	Nelson, Mo.	Vinson, Ga.
Corning	Huddleston	Nelson, Wis.	Wainwright
Cox	Hull, Morton D.	Newhall	Walker
Craddock	Hull, Tenn.	Nolan	Warren
Crisp	Hull, Wis.	Norton	Welch, Calif.
Cross	Igoe	O'Connell, N. Y.	White
Crosser	Irwin	O'Connor, N. Y.	Whittington
Cullen	Jeffers	Oldfield	Wigglesworth
Dallinger	Jenkins	Oliver, Ala.	Williams
Davenport	Johnson, Ind.	Oliver, N. Y.	Wingo
Davis	Johnson, Okla.	Palmer	Wolverton, W. Va.
Dickstein	Johnson, S. Dak.	Palmisano	Woodrum
Dominick	Johnson, Tex.	Parks	Wright
Doughton	Jones, Tex.	Patman	
Douglas, Ariz.	Kading	Patterson	
Douglass, Mass.	Kendall, Ky.	Peavey	

NAYS—160

Ackerman	Baird	Brumm	Carter, Wyo.
Adkins	Barbour	Buckbee	Chalmers
Aldrich	Beedy	Burtness	Clague
Andresen	Beers	Butler	Clarke, N. Y.
Arentz	Bohn	Cable	Cochran, Pa.
Aswell	Brand, Ohio	Campbell, Pa.	Cole
Bacharach	Brigham	Carter, Calif.	Colton

Connolly	Hall, Ill.	McLaughlin	Simmons
Cooke	Hall, Ind.	Magrady	Sinclair
Cooper, Ohio	Hall, N. Dak.	Manlove	Sloan
Cooper, Wis.	Hancock	Mapes	Smith, Idaho
Coyle	Hardy	Merritt	Snow
Crail	Haugen	Michener	Spearing
Cramton	Hawley	Miller	Sproul, Ill.
Crowther	Hickey	Montet	Stalker
Culkin	Hoffman	Moore, Ohio	Strong, Pa.
Darrow	Hogg	Mouser	Swick
Dempsey	Holaday	Murphy	Swing
Denison	Hooper	Niedringhaus	Taber
De Priest	Hope	O'Connor, La.	Taylor, Colo.
DeRouen	Hopkins	O'Connor, Okla.	Temple
Drane	Houston, Del.	Owen	Thompson
Dyer	Hudson	Parker	Tilson
Eaton, Colo.	Hull, William E.	Perkins	Timberlake
Eaton, N. J.	Johnson, Nebr.	Pittenger	Turpin
Ellis	Johnson, Wash.	Pratt, Harcourt J.	Vestal
Englebright	Johnston, Mo.	Purnell	Vincent, Mich.
Estep	Jonas, N. C.	Ramey, Frank M.	Wason
Evans, Calif.	Kahn	Ransley	Watres
Evans, Mont.	Kearns	Reece	Watson
Finley	Kelly	Reed, N. Y.	Welsh, Pa.
Fish	Kemp	Reid, Ill.	Whitley
Fort	Ketcham	Robinson	Williamson
Free	Kiess	Sanders, N. Y.	Wilson
French	Knutson	Sandlin	Wolfenden
Garber, Va.	Lankford, Va.	Schafer, Wis.	Wolverton, N. J.
Golder	Leavitt	Schneider	Woodruff
Green	Lehlbach	Sears	Wurzbach
Hadley	Letts	Seger	Yon
Hale	McCormick, Ill.	Selvig	Zihlman

ANSWERED "PRESENT"—1

Chindblom

NOT VOTING—38

Beck	Garner	McFadden	Stone
Bloom	Graham	Mooney	Strong, Kans.
Britten	Hudspeth	O'Connell, R. I.	Sullivan, Pa.
Chase	James	Porter	Tucker
Clark, Md.	Johnson, Ill.	Rowbottom	Whitehead
Curry	Kendall, Pa.	Shreve	Wood
Dickinson	Kunz	Simms	Wyant
Doyle	Kurtz	Sirovich	Yates
Drewry	Leech	Snell	
Dunbar	Ludlow	Stedman	

So the motion of Mr. CRISP was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. McFadden (for) with Mr. Simms (against).
Mr. Shreve (for) with Mr. Curry (against).
Mr. Britten (for) with Mr. Clark of Maryland (against).
Mr. Drewry (for) with Mr. Chase (against).
Mr. Garner (for) with Mr. Leech (against).
Mr. Dunbar (for) with Mr. Graham (against).
Mr. Dickinson (for) with Mr. Wyant (against).
Mr. Tucker (for) with Mr. Kurtz (against).
Mr. Ludlow (for) with Mr. Beck (against).
Mr. Bloom (for) with Mr. Chindblom (against).

Additional general pairs:

Mr. Snell with Mr. O'Connell of Rhode Island.
Mr. Porter with Mr. Whitehead.
Mr. Johnson of Illinois with Mr. Doyle.
Mr. Kendall of Pennsylvania with Mr. Stedman.
Mr. Strong of Kansas with Mr. Kunz.
Mr. Wood with Mr. Mooney.
Mr. James with Mr. Sirovich.
Mr. Rowbottom with Mr. Hudspeth.
Mr. Stone with Mr. Sullivan of Pennsylvania.

Mr. CHINDBLOM. Mr. Speaker, I have a pair with the gentleman from New York, Mr. BLOOM, and I ask to withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

On motion of Mr. CRISP, a motion to reconsider the vote by which the motion was agreed to was laid on the table.

EXTENSION OF REMARKS—THE BEET-SUGAR INDUSTRY IN THE UNITED STATES

Mr. GARBER of Oklahoma. Mr. Speaker and Members of the House, in a consideration of the merits of a tariff on sugar the first essential is a knowledge of the industry in whose name it is advocated. What is its place in our industrial and economic structure? More particularly, what place does it occupy in our agricultural industry for the relief of which this Congress was called in special session by the President a year ago? Let us measure its significance in actual figures.

In 1928 there were 100,761,000 acres of corn in cultivation in the United States; 45,326,000 acres of cotton; 57,724,000 acres of wheat; 1,912,000 acres of tobacco; 41,733,000 acres of oats; 3,825,000 acres of potatoes; 12,000,000 acres of barley; 1,777,000 acres of beans; 750,000 acres of buckwheat; 965,000 acres of rice; 720,000 acres of timothy seed; 1,388,000 acres of cowpeas; 3,444,000 acres of rye; 2,721,000 acres of flaxseed; 6,497,000 acres of grain sorghum; 57,775,000 acres of tame hay; 13,144,000 acres of wild hay (making a total of 70,919,000 acres devoted to the cultivation of hay); 713,000 acres of clover seed; 1,910,000 acres of soybeans; 1,541,000 acres of velvet beans; 810,000 acres of sweetpotatoes; 138,000 acres of sugarcane; 348,000 acres of sorghum cane; and 646,000 acres of sugar beets.

In other words, for every acre utilized in the production of sugar beets in 1928 there were approximately 156 acres in corn, 70 in cotton, 89 in wheat, 64 in oats, 6 in potatoes, 5 in rye, 10 in grain sorghum, 110 in hay, and so on.

A recent estimate by Dr. Philip G. Wright, a distinguished economist and a student of the sugar situation for many years, shows that the total beet and cane acreage in the continental United States and in its insular possessions is only about one-half of 1 per cent of that devoted to the 19 principal agricultural crops. Continental production of beet sugar is five or six times as great as that of cane sugar, and yet, according to the 1925 census of agriculture, the farms upon which sugar beets were grown in 1924, a year of normal production, constituted but three-fourths of 1 per cent of the total number of farms, or 47,543 of the total of 6,371,640.

There are 640 acres in a square mile. One thousand square miles would be 640,000 acres, or the amount of acreage in sugar beets in 1928—a strip of territory ten times the size of the original dimensions of the District of Columbia.

Estimating that one person can cultivate about 13½ acres of beets, it follows that there are actually about 47,000 people engaged in the cultivation of this product. But 67 per cent of these are only tenants, renting the land—so that only about 16,000 farm owners till their soil for sugar-beet production and less than 25 per cent of the farm holdings of this number are used for beet culture since it is employed in many instances, primarily to prepare the soil for other crops.

How does the proposed increase in the tariff on sugar fit into the plan for farm relief? Based upon the value of their land, the cost of their labor, and their production and the returns which they have received from the 640 000 acres in sugar beets, the growers of this product have received a higher return on their investment and upon their cost of production and the value of their lands than have any other farmers in the United States. And yet, in order to "protect" them, we are asked to increase the cost of living on an essential commodity not only to our entire farm population of something like 30,000,000 people but to an additional 90,000,000 not engaged in agricultural pursuits. And the fallacy of the proposition lies in the fact that the alleged benefits to beet growers in the United States, as a result of such a policy, have been proven to be chimerical.

CONDITION OF THE INDUSTRY UNDER PROTECTION—POSSIBILITIES FOR ITS FUTURE DEVELOPMENT

Measured on basis of acreage and number of persons engaged therein, the size of the shadow cast by the industry does not seem warranted by its actual stature. But if its condition to-day is not convincing, what are its possibilities for development?

We have had 20 years of protection for sugar, during which time it has received more consideration than any other agricultural interest. Like the weakling among a family of healthy children, it has been pampered and coddled and fed upon delicacies denied to the others, treatment which has proven about as effective in promoting its sturdy growth as the overindulgence of a sick child in its taste for sweets.

Of the 6,200,000 tons of sugar which we consume annually, about one-third, or an amount double the domestic output, comes from our insular possessions—the Philippines, Porto Rico, and Hawaii—free of duty, and the remaining half of what we consume from Cuba, where a preferential tariff of 20 per cent is in effect. In a commodity five-sixths of which we must necessarily import, the price is controlled by the imported product, in which it is estimated the amount of the tariff is reflected practically 100 per cent.

General Wood, after being in the Philippines some years, stated that the Filipinos were capable of producing 5,000,000 tons of sugar per annum if they had a market for it. Such an assertion on the face of it appears extravagant. If made upon a sound hypothesis, however, it may well be the basis for alarm. The islands, importing their products free of duty into our markets, are in direct competition with our domestic producers. With every increase in the tariff rate on sugar, spelling increased profits in the American markets, they, along with our other insular possessions, are stimulated to still greater production. They receive the benefit of the increased prices due to the tariff with no additional cost to themselves, while our own producers bear their share of the tariff burden imposed upon 120,000,000 consumers. In order to insure the production of one-fifth of our domestic need of this essential commodity we are taxing the American people on a basis of 6,200,000 tons annually—and we now propose to increase that burden! It is the most preposterous, unconscionable travesty on the tariff principle ever promulgated!

In 1903 the Philippines produced 93,000 tons of sugar. In 1928–29 they produced more than six times that amount, or

637,000 tons, yet the total land occupied is only about one-seventh of the total land area in the islands, most of which is cultivable, and in 1926 less than 600,000 acres were devoted to sugar out of a possible 9,000,000 acres available for that purpose if desired. These islands constitute the richest and most-favored group of tropical islands in the world. They have increased their production 330 per cent since 1921 and their possibilities for development in the industry are almost unlimited. Moreover, they have the additional advantages of climate and low labor costs, with which we can not compete.

A comparison of the production in this country and in our insular possessions for the years 1922–23 and 1928–29 shows that the production of sugar in continental United States has remained practically stationary, while the Philippines have increased their production 140 per cent, Hawaii nearly 75 per cent, and Porto Rico more than 80 per cent.

Duty free	Productive ton	
	Years 1922–23	Years 1928–29
Domestic beet	911,190	925,000
Louisiana	263,478	145,000
Porto Rico	338,456	620,000
Philippines	263,437	637,000
Hawaii	479,456	830,000
Total	2,256,017	3,157,000

Consider, in addition, the records of imports from the Philippines since 1921—and can we escape recognition of the fact that we are in effect nourishing a competition that will eventually and inevitably destroy our domestic industry?

Year:	Imports, tons
1921	147,212
1923	212,398
1925	439,977
1927	473,674
1929	637,000

1928–29 are production figures.

CONSUMPTION OF SUGAR IN THE UNITED STATES

The average annual sugar consumption in the United States during the period 1922–1928 was 12,158,608,000 pounds. Assuming that the duty, somewhat enhanced, was passed on to the consumer, the Nation's sugar bill was enlarged $280,000,000 annually during this period. Based upon the consumption of 12,518,488,000 pounds in 1928, the additional sugar bill due to the tariff in that year amounted to $289,000,000, and in 1929 Oklahoma alone, with a total consumption of 262,008,000 pounds of sugar, shared in the burden to an extent of something like $5,240,000.

We might view this heavy tax with some equanimity if the profits were actually paid to the producers of sugar beets and cane in this country. But such is not the case. The records for the years 1922–1928 show that of the $280,000,000 annually contributed by sugar consumers, 48 per cent was paid into the National Treasury as customs receipts. About 5,250,000,000 pounds were produced on an average during those years behind our tariff barrier, and of this the greater part, more than 3,000,000,000 pounds, was produced in Hawaii, Porto Rico, the Virgin Islands, and the Philippines. Assuming then that the tariff was fully effective, the advantage to the insular producers amounted to $57,000,000 annually, or 20 per cent of the amount contributed by the consumers. More than 15 per cent more was lost through pyramiding of the price on the part of the middlemen who distributed the sugar from the refineries to the consumers. In that period, sugar growers within the United States produced an average of 2,247,000,000 pounds of sugar annually. Had they been actually benefited to the full extent of the tariff, our continental sugar producers would have received $42,500,000, or hardly more than 15 per cent of the enormous sum paid out by consumers of sugar. But even that small per cent of the costs does not accrue to the benefit of our home producers. The amount realized because of the tariff goes to the Sugar Trust, the most powerful trust in this country to-day—with such indirect benefits to the 16,000 producers as it may apportion in contracts for their sugar beets.

THE GREAT WESTERN SUGAR CO.

It is that powerful interest, gorged with the profits it has already enjoyed under the guise of protection to the American beet growers, whose black shadow now darkens the discussion of the tariff on this essential commodity, and which by its loud, insistent demands for a still higher rate to "save the domestic industry" seeks to deafen us to the real issues at stake.

The Great Western Sugar Co. controls more than one-half of the entire sugar-beet production in this country. It was organized in 1905 with an authorized capital of $15,000,000 of preferred stock and $15,000,000 of common stock, and took over a number of sugar factories, exchanging for the properties thus taken over its capital stock. In the 25 years since it was formed it has paid on its preferred stock a regular annual dividend of 7 per cent, or a total of $23,521,750. For the first four years it paid no dividends upon its common stock, but since 1910 it has paid dividends regularly aggregating during that time $60,850,660, or a total in dividends of $84,372,410. Including the four years in which no dividends were paid, then, the company's dividends were on an average of $2,533,444, or about 17 per cent annually on its common stock, which was given as a bonus and cost the holders nothing. It reported profits on common stock of more than 40 per cent for 1928.

For each $100 invested $1,042.48 has been received, a yearly return of $43.43. It has increased its physical properties out of earnings about twenty times, while paying dividends amounting to nearly six times the original investment of $15,000,000. In 1918, from an average dividend of about $5 on shares of $100 for the preceding eight years, they skyrocketed to $68.28, practically maintaining that figure for the next four years, or until 1922, when they dropped again, this time to $8.53. The Great Western Sugar Co. was in the infamous first-line trenches of war profiteers. In 1923 it paid only $5.69 dividend on $100 shares, but the following year, apparently under the operation of the additional duty imposed by the Fordney-McCumber Act and the reviving conditions of industry generally, they were increased to $22.76, the next year to $45.53, and this standard has been consistently maintained.

For the fiscal year ended February, 1927, it had net assets of $66,517,056; for the year ended February 29, 1928, assets of $64,077,624; and for the year ended February 28, 1929, $65,773,324 in assets. In other words, in addition to paying 7 per cent dividends regularly upon its preferred stock and 17 per cent average on its common stock, on a basis of capital stock of $30,000,000 upon its organization, it has salted away a surplus of $35,773,324, representing average net earnings of $4,025,999, or 26.8 per cent on its capitalization, $15,000,000 of which was pure water!

Even the most ardent supporter of the tariff on sugar will not insist that this powerful trust, producing more than half of all the beet sugar in this country, is in need of additional protection. The tariff now is nearly twice as large as the average of tariff rates on all other dutiable articles coming into the country. It is costing the American people more than $285,000,000 annually, and if the proposed increases are adopted, they will add millions to the annual contribution of the consumers of the country to further feed the insatiable appetite of the greedy Sugar Trust!

LABOR AND THE SUGAR TARIFF

Affording no protection in reality to the domestic producers of sugar beets, adding millions of additional cost to the consumers of the country annually, and millions in additional profits to the swollen accounts of the Sugar Trust, the tariff on sugar is advocated and supported on yet another basis. There are those among its enthusiastic proponents who say, "Oh, but what of labor? We must have a high tariff on sugar for the protection of American labor against the competition of cheap oriental labor employed in the islands' beet fields."

Gentlemen, the tariff on sugar can not be justified on a basis of protection to American labor. Most of the labor employed consists of Mexican peons, women and child labor, the ruthless exploitation of which in a desperate effort to meet the low costs of oriental labor, is among the blackest pages in American history. Labor has spoken through its president, William Green. Listen to what he has to say:

> In my opinion, the increase in the sugar schedule is unjustifiable and indefensible. If passed in its present form, it would levy an unfair tax on millions of workers whom I have the honor to represent for the purpose of protecting an industry which, the facts show, employs women, children, and Mexican labor at indecent wages and under intolerable conditions of employment. The great masses of our working people in the United States are unwilling to be taxed for the purpose of protecting an industry which resorts to such uncivilized practices. I register my protest against the proposed increase in the sugar schedule in behalf of the men and women affiliated with the American Federation of Labor.

The gentleman from Colorado [Mr. TAYLOR] has stated in regard to the class of labor employed in the beet fields of the United States:

> Our American labor does not do this kind of work. I never in my life have known any member of organized labor going into a sugar-beet field * * *. The American laboring people will not get down on their hands and knees in the dirt and pull weeds and thin these beets and break their backs doing that kind of work.

Labor conditions in the sugar-beet industry are a disgrace to an enlightened civilization. And it is this type of labor—the labor of Mexican peons, of women and children working long hours, housed in small and ill-ventilated quarters—that we are asked to protect with an increased tariff on sugar, the type of labor that has made possible the excessive profits of the Great Western Sugar Co.

There is no question of protection to American labor involved in the tariff on sugar. By the insistence upon its continuance—yes; though it seems almost unthinkable—by our consideration of its increase, we are not only burdening 120,000,000 consumers with increased costs of an essential commodity, we are not only fostering the continuance of labor conditions, which should be outlawed in every State in the Nation; we are not only adding millions of dollars annually in profits to a trust whose greedy tentacles embrace the entire domestic industry, but we are sucking the very lifeblood of that industry by maintaining a system which is, in effect, a bounty to our insular possessions, and which directly stimulates and encourages their ever-increasing competition in American markets.

REPLACE THE TARIFF WITH A BOUNTY FOR THE HOME PRODUCERS!

In opposing the tariff on sugar, and especially any move to increase the rates, I do not wish to be understood as disparaging the American sugar industry. On the contrary, I believe our home growers are entitled to every possible consideration; that they are entitled to have mythical advantages replaced by real, genuine aid and assistance. Let us place their interests in the foreground; face them in the light of the indisputable facts at hand and meet the problem and solve it in a way that will be economically sound.

Sugar should be on the free list. Every penny of so-called protection given it in the form of tariff duties defeats its alleged purpose. By the initiation of a system of bounty, similar to that which England has had since 1925, paid to American sugar growers direct—upon condition of their conformity with certain standards of labor—with equally free imports from all countries, including Cuba, we would afford genuine assistance direct to the farmer, at the same time saving millions of dollars annually to the consumers. A bounty of 0.44 cent per pound on the amount of our production, instead of a tax on the entire 6,200,000 tons which we consume annually, would cost us about $10,600,000.

Among the most objectionable provisions of the tariff bill as it passed the House was the increase in the rate on sugar from 1.76 cents per pound on Cuban sugar and 2.2 cents per pound on world sugar to 2.4 cents and 3 cents, respectively. The Senate Committee on Finance reduced the rates to 2.2 cents per pound on the Cuban product and 2.75 cents on the world product and in the vote in the Senate those proposed rates were further reduced, due to the organized efforts of the coalition, to 2 cents on the Cuban and 2.5 cents on the world product.

In the light of the facts at hand, in consideration of the effect of the tariff on the home industry through 20 years of so-called protection, how can we seriously contemplate an increase in existing rates in the name of aid to the American beet growers? Such a course is the proposed multiplication of a minus quantity—and the result will inevitably and eternally be in the negative, though the multiplier be increased a thousand times!

The substitution of a system of bounty for mythical protection would afford direct benefits to our producers. It offers the shortest path to them to security and profits. The longest way around, viz, by the circuitous byways of the sugar tariff, is undoubtedly the "sweetest way home" for the Sugar Trust, but there is no room on the road for the American producers of sugar beets. It is time the issue was squarely faced and the vagaries of imputed benefits replaced by actual value received! This would be a solution of the problem to the advantage not only of the industry in the United States but to 120,000,000 consumers as well who are required to "pay the bills" and whose interests can not be overlooked.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. TUCKER (at the request of Mr. BLAND), on account of sickness.

To Mr. PORTER (at the request of Mr. DARROW), on account of sickness.

ADDRESS OF HON. HAMILTON FISH, JR., OF NEW YORK

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent to extend my remarks by printing a speech delivered by my colleague [Mr. FISH] yesterday at New York.

The SPEAKER. The gentleman from New York [Mr. BOYLAN] asks unanimous consent to extend his remarks by printing a speech delivered by his colleague [Mr. FISH]. Is there objection?

There was no objection.

Mr. BOYLAN. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following address of Representative HAMILTON FISH, Jr., at monster Americanization patriotic rally and parade under the auspices of the Department of the State of New York, Veterans of Foreign Wars of the United States, at Union Square, New York City, May 1, 1930, at 12.30 p. m., broadcast over station WOR:

IRREPRESSIBLE CONFLICT BETWEEN AMERICANISM AND COMMUNISM

We have met here this afternoon to testify, by our presence, to our faith in American institutions and to our republican form of government. Ours is a government by the consent of the governed, wherein each citizen is sovereign and supreme. The United States of America, although only 150 years of age, is the oldest republic in existence, and represents the ideals and aspirations of countless millions of oppressed people throughout the world.

We Americans believe that it is an inheritance worth preserving. It is only in the morning of its glorious destiny and we propose to see that it is not impaired or endangered by false or vicious propaganda and revolutionary activities of communists, taking their orders from Soviet Russia.

I am speaking here to-day, by request, on the specific subject of "Communism and Its Cure," and my remarks will be strictly confined to the subject and to showing the irrepressible conflict between Americanism and communism.

I care not what course others may take, or what they may say in regard to socialism, pacifism, or liberalism; as for me, I believe in the freedom of speech, guaranteed by the Federal Constitution as one of our most precious rights and inheritances, which should be safeguarded by all public officials. Every American citizen, whether he be socialist or pacifist, has a right to criticize the domestic or foreign policies of the United States in time of peace to his heart's content, but no citizen, and particularly no alien, has the right to advocate the use of force and violence to undermine or overthrow our form of government and substitute a foreign system of government in its place. Nor has any citizen or alien the right to incite riots, sabotage, or revolutionary disorders without being held strictly liable under the law.

We are not here to protest against the soviet form of government in Russia—that is not a matter which concerns the American people. We have no right to interfere with the kind of government set up in any foreign land, and we resent any alien interference with our own.

The United States has very properly not recognized Soviet Russia, nor will it do so as long as the Third International—the creature of Lenin—with its headquarters at Moscow, continues to send its paid revolutionary agents into this country to sow the seeds of class hatred, atheism, and world revolution.

The Communist Party of the United States is merely a section of the Third International, and obeys implicitly the orders and mandates that originate in Moscow. The Russian Communist Party, the Soviet Government, and the Third International are all a part of the same house. The Russian Communist Party is the foundation, the Soviet Government the walls, and the Third International the roof of the same building. They are all three one and inseparable, directed by Stalin and a small political bureau and supported by a government of terror and by terror through force and bayonets. The so-called dictatorship of the proletariat is nothing more than a drastic dictatorship over the proletariat by a handful of self-constituted and self-perpetuating revolutionists. The Third International is the agency for the spread of insidious and diseased propaganda and revolutionary activities, and its paid agents are operating in every one of the larger nations, inciting disturbances, riots, disorders, that often lead to bloodshed.

There can be no possible basis of compromise between our Republican form of government and communism. There is an irrepressible conflict between Americanism and communism. No communist can be a loyal American citizen. He can not give allegiance to the red flag and to the American flag at the same time. Communism seeks to destroy American democracy and all forms of private property.

The great outcry of the communists is directed against what they term our capitalistic government, but what is really meant is the right guaranteed to American citizens by the Constitution to acquire and own private property. It is one of our most cherished rights and the palladium of our liberties. Deprive the American people of the right to own their homes, their lands, and other private property, and you immediately destroy the incentive that has caused the wonderful development in the United States during the last 150 years. The tremendous increase in wealth and population in the United States calls for the enactment of legislation to promote social and industrial justice.

There should be no cause of complaint for the American wage earners, who have helped to build the prosperity of the Nation. Old-age pension laws and adequate retirement provisions should be enacted to care for our needy aged in the declining days of their lives. Child labor laws should be adopted in all the States and a constitutional amendment

passed that no boy or girl should be withdrawn from school and compelled to labor under the age of 16, in mines or factories.

Adequate laws should be passed dealing with the unemployment situation and a vigorous effort made by Congress to help the honest and willing American wage earner to get a job. The unemployed American workingman can place no hope in the communists, who would destroy the high standard of living and wages in this country and make slaves of the working class as they have done in Russia, where they receive pitiful wages and live in filthy government-owned rooms and are not even allowed to strike. The American Federation of Labor is the most consistent and bitterest opponent of communism, as it sees through its false propaganda and realizes the menace of its revolutionary activities to the best interests and welfare of American wage earners.

There is no room in the United States for any person affiliated with the Third International. If they do not like the conditions here, let them depart or return to Russia, where they can enjoy the fruits of communism and the low-wage scale and deplorable living conditions and learn to appreciate the difference between the blessings of a government based on justice and humanity and such a one as Soviet Russia, based on terror and the most brutal despotism ever instituted among men.

Communism is not liberalism but its direct opposite. Liberalism advocates the extension of democracy, while communism loathes and abhors the rights and liberties of the American people and demands rigid obedience to an alien dictatorship. Communism represents autocracy rampant and is upheld not by the ballots of the people but by a secret police that arrests secretly, condemns secretly, and executes secretly and thereby maintains a veritable reign of terror.

It is estimated that approximately one-half of the communists in the United States are aliens. If they do not like our form of government, let them depart; let them go back to their native lands. They are merely guests here, and the Federal Government will not tolerate their vicious propaganda or insidious attacks against American institutions.

It is not only the right but the duty of loyal American citizens to protest and demand that the Congress of the United States take appropriate steps to enact legislation to deport all alien agitators or communists affiliated with the Third International. Only 14 communists have been deported in the last four years, due to the fact that the Congress has been asleep and has not provided sufficient authority to the Department of Labor or to the Department of Justice to investigate the revolutionary propaganda and activities of the communists in the United States.

The American people are not blind to the facts; they know by simply reading the newspapers that communism has its revolutionary fangs in all our great industrial cities, waiting the time and occasion to incite disorders, sabotage, and bloodshed.

If the communists are the enemies of our form of government, and they will not deny it, they should be driven out into the open and their seditious plots exposed so that they can be dealt with by the enactment of necessary legislation. The American Congress can not afford to continue any longer to be blind to a situation menacing the institutions and liberties of our people.

There are 11 daily communist newspapers, in 9 different languages, and 12 weekly publications, besides a number of papers and magazines, over which the party has a big influence. The total circulation of the communist press, according to their own statement, is over 170,000 There are dailies and weeklies in Hungarian, Ukranian, Russian, Yugo slav, Polish, Lithuanian, Italian, and three dailies in the Finnish language. In addition, there are scores of factory papers. The largest is the Ford Worker, issued semimonthly, with a circulation, claimed by the communists, to be at least 10,000.

Let the communists in the United States cease to seek the overthrow of our Government or depart to countries more congenial to them and their doctrine. We have tolerated them and their criminal activities too long; let them go forth or be deported or confined in some penal colony as far as possible away from the United States, where they can try out their communistic ideas to their heart's content.

A large part of the communists in the United States are aliens and can hardly speak the English language. Why should men or women urging the destruction of our form of government by force and violence, be afforded the protection of our Bill of Rights? Or be permitted to enjoy the benefits of American naturalization? How can an American citizen be loyal if he adheres to the Code of the Third International for World Revolution, and takes an oath to defend the Soviet Union? Why, if the Soviet Union should be defended, don't they go over there and defend it?

The life of one American policeman is more important and worth more than all the communists combined.

In spite of the malicious falsehoods and appeals by communists to class hatred, the spirit of American democracy is marching on and is still the dream and the hope of the oppressed and the struggling masses the world over.

Here in our State, we have recently seen an American boy, born in poverty on the East Side, rise from the sidewalks of New York City to be elected four times by the people as Governor of the Empire State. Another example of our spirit of democracy was the election of Herbert Hoover, left an orphan without funds in childhood, to the highest office in the gift of the American people.

Let us give thanks that we are American citizens, and live in a country that affords equal opportunity to all. Let us rededicate ourselves to the proposition that a government of the people, by the people, and for the people, shall not perish from the earth because it is the fairest, safest, soundest, and most honorable government devised by the mind of man.

REPATRIATION OF AMERICAN WOMEN

Mr. CABLE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. The gentleman from Ohio [Mr. CABLE] asks unanimous consent to extend his own remarks. Is there objection?

There was no objection.

Mr. CABLE. Mr. Speaker, in the report of the Committee on Elections of the William C. Lawson-Ruth Bryan Owen contested-election case, filed March 24, 1930, the majority reaches the conclusion that the contestee now stands as a naturalized, as distinguished from a natural-born, citizen of the United States.

I beg leave to suggest that apparently the committee overlooked the fact that section 4 of the act of September 22, 1922, applies not only to the natural born but also the naturalized citizen of the United States. For example, prior to September 22, 1922, if an alien woman married an American citizen or her alien husband became an American citizen through naturalization, such alien woman, by reason of such marriage or naturalization, likewise became an American citizen, but her status was that of a naturalized as distinguished from a natural-born citizen.

Assume, then, that a naturalized woman, upon the death of her husband or upon her divorce from him, married a citizen of Great Britain prior to September 22, 1922. Under the act of March 2, 1907, she lost her American citizenship and acquired that of her alien husband. Assume that a natural-born woman, as in the case of Mrs. OWEN, likewise married a citizen of Great Britain prior to September 22, 1922. She also lost her American citizenship.

The Committee on Immigration and Naturalization and Congress, in passing the act of September 22, 1922, wished to give to any woman who had thus lost her United States citizenship the same citizenship status upon repatriation that she held prior to her marriage to an alien. Section 4 of the act provides:

> That a woman who, before the passage of this act, has lost her United States citizenship by reason of her marriage to an alien eligible for citizenship may be naturalized as provided by section 2 of this act: *Provided*, That no certificate of arrival shall be required to be filed with her petition if during the continuance of the marital status she shall have resided within the United States. After her naturalization she shall have the same citizenship status as if her marriage had taken place after the passage of this act.

This clearly distinguishes between the natural born and the naturalized citizen who married an alien and thereby lost her citizenship, and gave to each the same citizenship status that she had prior to her marriage, namely, to the natural-born woman a natural-born citizenship status and to the naturalized woman a naturalized citizenship status.

The woman who married after the passage of the act of September 22, 1922, did not lose her American citizenship and continued a natural-born citizen, or a naturalized citizen, as the case might be, the act providing:

> That a woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after the passage of this act, unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens.

The right of Congress to obliterate the alien-citizenship status of a natural-born woman who had lost her citizenship by her marriage to an alien is fortified by article 3 of the convention between United States and Great Britain, ratified July 19, 1870, and relating to naturalization. Article 3 provides:

> If any such citizen of the United States as aforesaid, naturalized within the dominions of Her Britannic Majesty, should renew his residence in the United States, the United States Government may, on his own application and on such conditions as that Government may think fit to impose, readmit him to the character and privileges of a citizen of the United States, and Great Britain shall not in that case claim him as a British subject on account of his former naturalization.

Congress has seen fit to grant to a woman upon repatriation the same citizenship status she had prior to her marriage to a citizen of Great Britain, natural born or naturalized as the case may be.

That Congress had full power to enact retroactive laws affecting citizenship, so far as the American status is concerned, is not only evidenced by the above treaty but also by the fact that there is no provision in the Constitution of the United States prohibiting such a law.

It therefore appears to me that if the Elections Committee had considered the fact that section 4 of the act of September 22, 1922, was intended to apply to naturalized as well as natural-born citizens, the majority (as did the minority) would have reached the conclusion that Mrs. OWEN does now enjoy the status and privileges of a natural-born citizen such as is defined in section 1 of Article II of the Constitution of the United States.

EXTENSION OF REMARKS

Mr. WELCH of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address made by the national commander of the American Legion at San Francisco, Calif., on April 18, 1930.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks by inserting in the RECORD an address by the commander of the American Legion. Is there objection?

Mr. UNDERHILL. Mr. Speaker, I shall have to object.

SUPPLEMENTAL REPORT

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to file a supplemental report on the bill H. R. 11286.

The SPEAKER. The gentleman from Iowa [Mr. HAUGEN] asks unanimous consent to file a supplemental report on the bill H. R. 11286. Is there objection?

There was no objection.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3249. An act to repeal section 4579 and amend section 4578 of the Revised Statutes of the United States respecting compensation of vessels for transporting seamen.

ADJOURNMENT

Mr. HAWLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Saturday, May 3, 1930, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

436. A letter from the Acting Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Everett Harbor, Wash., and Snohomish River, Wash. (H. Doc. No. 377); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

437. A communication from the President of the United States, transmitting deficiency estimate of appropriation for the Post Office Department for the fiscal year 1925, $42.54; supplemental estimates for the fiscal year 1930, $2,735,000; and supplemental estimates for the fiscal year 1931, $43,220; in all, $2,778,262.54; also, a draft of proposed legislation affecting an existing appropriation (H. Doc. No. 378); to the Committee on Appropriations and ordered to be printed.

438. A communication from the President of the United States, transmitting supplemental estimate of appropriations for the Treasury Department, indefinite as to time and amount, within certain conditions and limitations, to cover payment of the awards of the war claims arbiter authorized by the settlement of war claims act of 1928 (H. Doc. No. 379); to the Committee on Appropriations and ordered to be printed.

439. A communication from the President of the United States, transmitting supplemental estimate of appropriations for the Department of Agriculture for the fiscal year 1931, amounting to $100,000 (H. Doc. No. 380); to the Committee on Appropriations and ordered to be printed.

440. A communication from the President of the United States, transmitting supplemental estimate of appropriations for the National Home for Disabled Volunteer Soldiers for the fiscal year ending June 30, 1930, amounting in all to $773,520 (H. Doc. No. 381); to the Committee on Appropriations and ordered to be printed.

441. A communication from the President of the United States, transmitting supplemental estimate of appropriations for the Department of Justice for the fiscal year 1930 and 1931, amounting to $1,374,053.33; also draft of proposed legislation affecting an existing appropriation (H. Doc. No. 382); to the Committee on Appropriations and ordered to be printed.

442. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1930, to remain available until expended, amounting to $10,660,000 (H. Doc. No. 383); to the Committee on Appropriations and ordered to be printed.

443. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the War Department for the fiscal year ending June 30, 1930, amounting to $695,757 (H. Doc. No. 384); to the Committee on Appropriations and ordered to be printed.

444. A communication from the President of the United States, transmitting deficiency and supplemental estimates of appropriations, and a draft of proposed legislation affecting an existing appropriation, for the Department of Commerce for the fiscal year ending June 30, 1927, amounting to $594.42, and for the fiscal year ending June 30, 1930, amounting to $236,500; in all, $237,094.42 (H. Doc. No. 385); to the Committee on Appropriations and ordered to be printed.

445. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the fiscal year 1931, in the sum of $250,000, to continue during the fiscal year 1931, the inquiry into the problem of the enforcement of the prohibition laws of the United States, together with enforcement of other laws (H. Doc. No. 386); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. COLTON: Committee on the Public Lands. H. R. 11698. A bill to provide for the addition of certain lands to the Bryce Canyon National Park, Utah, and for other purposes; without amendment (Rept. No. 1356). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. H. R. 11699. A bill to add certain lands to the Zion National Park in the State of Utah, and for other purposes; without amendment (Rept. No. 1357). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEA of California: Committee on Interstate and Foreign Commerce. S. 3898. An act granting the consent of Congress to the Mill Four Drainage District, in Lincoln County, Oreg., to construct, maintain, and operate dams and dikes to prevent the flow of waters of Yaquina Bay and River into Nutes Slough, Boones Slough, and sloughs connected therewith; with amendment (Rept. No. 1358). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 11591. A bill to amend the act entitled "An act authorizing the construction of a bridge across the Missouri River opposite to or within the corporate limits of Nebraska City, Nebr.," approved June 4, 1872; without amendment (Rept. No. 1359). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 11680. A bill granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Dandridge-Newport Road, in Jefferson County, Tenn.; without amendment (Rept. No. 1360). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 11700. A bill to extend the times for commencing and completing the construction of a bridge across the Mahoning River at or near Cedar Street, Youngstown, Ohio; with an amendment (Rept. No. 1361). Referred to the House Calendar.

Mr. PARKER: Committee on Interstate and Foreign Commerce. H. R. 11703. A bill granting the consent of Congress to the city of Olean, N. Y., to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Olean, N. Y.; without amendment (Rept. No. 1362). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 11719. A bill to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Carrollton, Ky.; with an amendment (Rept. No. 1363). Referred to the House Calendar.

Mr. CORNING: Committee on Interstate and Foreign Commerce. H. R. 11729. A bill to legalize a pier and wharf at the southerly end of Port Jefferson Harbor, N. Y.; without amendment (Rept. No. 1364). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 11779. A bill granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Pecatonica River northwest of Rockford, Ill., in section 5, township 27 north, range 11 east, fourth principal

meridian; without amendment (Rept. No. 1365). Referred to the House Calendar.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. H. R. 11780. A bill granting the consent of Congress to Louisville & Nashville Railroad Co. to construct, maintain, and operate a railroad bridge across the Ohio River at or near Henderson, Ky.; without amendment (Rept. No. 1366). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 11786. A bill granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a toll bridge across the Arkansas River, at a point suitable to the interests of navigation, at or near the town of Ozark, Franklin County, Ark.; with amendment (Rept. No. 1367). Referred to the House Calendar.

Mr. HOOPER: Committee on the Library. H. J. Res. 289. A joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes; without amendment (Rept. No. 1368). Referred to the Committee of the Whole House on the state of the Union.

Mr. BEERS: Committee on Printing. H. J. Res. 323. A joint resolution to authorize the printing with illustrations and binding in cloth of 120,000 copies of the Special Report on the Diseases of Cattle; without amendment (Rept. No. 1369). Referred to the Committee of the Whole House on the state of the Union.

Mr. BEERS: Committee on Printing. H. J. Res. 324. A joint resolution to authorize the printing with illustrations and binding in cloth of 62,000 copies of the Special Report on the Diseases of the Horse; without amendment (Rept. No. 1370). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 6806. A bill for the appointment of an additional circuit judge for the fifth judicial circuit; without amendment (Rept. No. 1371). Referred to the Committee of the Whole House on the state of the Union.

Mr. VESTAL: Committee on Patents. H. R. 11852. A bill amending the statutes of the United States to provide for copyright registration of designs; with amendment (Rept. No. 1372). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. H. R. 3394. A bill to amend section 19 of the immigration act of 1917 by providing for the deportation of an alien convicted in violation of the Harrison narcotic law and amendments thereto; without amendment (Rept. No. 1373). Referred to the House Calendar.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. PEAVEY: Committee on War Claims. H. R. 3726. A bill for the relief of New Milford Consolidated School District No. 123, of Illinois; adverse (Rept. No. 1354). Laid on the table.

Mr. PEAVEY: Committee on War Claims. H. R. 4228. A bill for the relief of Rock River Consolidated School District No. 125, of Illinois; adverse (Rept. No. 1355). Laid on the table.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9253) granting an increase of pension to Melissa E. Bemis; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11356) granting a pension to Mexico Shelton; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALLGOOD: A bill (H. R. 12094) to provide for conveyance of certain lands in the State of Alabama to vocational or other educational uses, rather than to park or game preserve purposes or to dispose of the lands upon condition that they shall be used for educational purposes only; to the Committee on the Public Lands.

By Mr. BACHMANN: A bill (H. R. 12095) to amend section 113 of the Judicial Code as amended; to the Committee on the Judiciary.

By Mr. BRAND of Georgia: A bill (H. R. 12096) to amend section 7 of the Federal reserve act; to the Committee on Banking and Currency.

By Mr. McSWAIN: A bill (H. R. 12097) to authorize the leasing of the Muscle Shoals property upon certain terms and conditions to provide for the national defense and for the regulation of interstate commerce, and for other purposes; to the Committee on Military Affairs.

By Mr. WALKER: A bill (H. R. 12098) to provide for the erection of a suitable monument to memory of the first permanent settlement of the West at Harrodsburg, Ky.; to the Committee on the Library.

By Mr. KNUTSON: A bill (H. R. 12099) to apply the pension laws to the Coast Guard; to the Committee on Pensions.

By Mr. GARBER of Oklahoma: A bill (H. R. 12100) to authorize the Postmaster General to give substitute watchmen, messengers, and laborers in first and second class post offices and substitute laborers in the Railway Mail Service credit for actual time served on a basis of 1 year for each 306 days of 8 hours served as substitute; to the Committee on the Post Office and Post Roads.

By Mr. SHORT of Missouri: A bill (H. R. 12101) to amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes," approved May 15, 1928; to the Committee on Flood Control.

By Mr. REED of New York: A bill (H. R. 12102) to provide for the construction of a vessel for the Coast Guard for rescue and assistance work on Lake Erie; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWLEY: Joint resolution (H. J. Res. 328) authorizing the immediate appropriation of certain amounts authorized to be appropriated by the settlement of war claims act of 1928; to the Committee on Ways and Means.

By Mr. FULMER: Joint resolution (H. J. Res. 329) to authorize and direct the Secretary of Agriculture to provide additional facilities for the classification of cotton under the United States cotton standards act, and for the dissemination of market news information; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUSBY: A bill (H. R. 12103) granting a pension to Missouri L. Clark; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 12104) granting a pension to Earl L. Matthews; to the Committee on Pensions.

By Mr. CRAIL: A bill (H. R. 12105) granting a pension to Hiram E. Morrill; to the Committee on Pensions.

By Mr. GRAHAM: A bill (H. R. 12106) for the relief of Michael Francis Washington; to the Committee on Naval Affairs.

By Mr. HICKEY: A bill (H. R. 12107) granting compensation to John M. Whitley for injuries sustained by him while employed under the name of John Madison by the United States Government in the Philippine Islands; to the Committee on Claims.

Also, a bill (H. R. 12108) granting a pension to Lydia A. Grove; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 12109) granting an increase of pension to Emily F. Frazey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12110) granting an increase of pension to Amanda J. Lusk; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 12111) granting a pension to Sarah Williams; to the Committee on Invalid Pensions.

By Mr. McSWAIN: A bill (H. R. 12112) for the relief of Frank D. Whitfield; to the Committee on Military Affairs.

By Mr. MANLOVE: A bill (H. R. 12113) granting a pension to William Thomas Dean; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12114) granting a pension to Sue E. Shipman; to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 12115) granting an increase of pension to Susan M. Linton; to the Committee on Invalid Pensions.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 12116) granting a pension to Anderson Lane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12117) granting a pension to Sarah Reed; to the Committee on Invalid Pensions.

By Mr. HENRY T. RAINEY: A bill (H. R. 12118) granting a pension to Lily V. Durham; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 12119) granting a pension to Elizabeth Cook; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 12120) granting a pension to James W. Hussey; to the Committee on Pensions.

By Mr. SUTHERLAND: A bill (H. R. 12121) to provide for a survey of the Salmon River, Alaska, with a view to the prevention and control of its floods; to the Committee on Flood Control

By Mr. UNDERWOOD: A bill (H. R. 12122) granting an increase of pension to Julia Ann Kerns; to the Committee on Invalid Pensions.

By Mr. WELSH of Pennsylvania: A bill (H. R. 12123) granting a pension to Julia M. Wark; to the Committee on Pensions.

By Mr. WILLIAMSON: A bill (H. R. 12124) granting a pension to Clara M. Schneider; to the Committee on Pensions.

By Mr. WOLVERTON of New Jersey: A bill (H. R. 12125) granting an increase of pension to Eliza Elwell; to the Committee on Invalid Pensions.

Br. Mr. ZIHLMAN: A bill (H. R. 12126) for the relief of Ada B. (Gould) Golian; to the Committee on Claims.

By Mr. BACHMANN: A bill (H. R. 12127) for the relief of Andrew Boyd Rogers; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7190. By Mr. ANDREW: Petition from town of Essex, Mass., urging Congress to acquire and maintain the John Wise House, so called, and some 100 acres of adjoining land located in the town of Essex, to be known as the John Wise national memorial; to the Committee on the Public Lands.

7191. By Mr. CRAIL: Petition of many citizens of Los Angeles County, Calif., favoring increased pensions for Spanish War veterans; to the Committee on Pensions.

7192. By Mr. DEMPSEY: Petition signed by 835 citizens of the city of Niagara Falls, N. Y., urging the early passage of the Kendall bill (H. R. 6603); to the Committee on the Post Office and Post Roads.

7193. By Mr. GARBER of Oklahoma: Petition of citizens of Dubuque, Iowa, in opposition to rivers and harbors bill as reported out of committee; to the Committee on Rivers and Harbors.

7194. Also, petition of Jewelers' Vigilance Committee (Inc.), New York, N. Y.; to the Committee on Ways and Means.

7195. By Mr. KVALE: Petition of 45 residents of Yellow Medicine County, Minn., urging enactment of House bill 1410; to the Committee on Irrigation and Reclamation.

7196. By Mr. MANLOVE: Petition of Charles W. Morgan and 263 other citizens of Onamia, Minn., urging Congress to speedily pass the Manlove bill (H. R. 8976) for the relief of veterans and widows and minor orphan children of veterans of Indian wars; to the Committee on Pensions.

7197. By Mr. SIMMS: Petition of Spanish War veterans of New Mexico, protesting against the use of the word "inmate" to describe a member of the National Home for Disabled Volunteer Soldiers; to the Committee on Pensions.

7198. By Mr. SUMMERS of Washington: Petition signed by M. D. Tewalt, Ernest Johnson, A. M. Masters, George Walters, and other citizens of Benton County, Wash., in support of legislation proposed to increase the pension of Spanish War veterans and widows of veterans; to the Committee on Pensions.

HOUSE OF REPRESENTATIVES

SATURDAY, *May 3, 1930*

The House met at 11 o'clock a. m.

The Rev. Edmund A. Walsh, S. J., vice president Georgetown University, offered the following prayer:

Almighty and Eternal Father, Creator of all things, we pray continuance of Thy sustaining favor so largely bestowed on them that, under Thee, didst erect on this continent a blessed haven for the oppressed and persecuted of all climes. Grant, we beseech Thee, that neither the teeming bounties of the earth nor the fruits of industry nor the gains of trade may ever obscure the Heavenly Giver thereof nor blind our eyes to the inner light of that enduring truth and eternal purpose to which all creation moves. Save us forever from the depths of spiritual degradation to which men and nations sink who wantonly spurn Thy law and ignore Thy revelation. Power and wealth and length of days are from Thy hand, and to that same tribunal must be rendered back for judgment. Teach us—for Thou alone canst teach us—how liberty within equal law does best emancipate, how justice above force worketh unto a peaceful earth, and how temporal power is best measured by its degree of service to the common good of human kind. Upon the President of the Republic, as upon all other appointed agents of the people here and wherever gathered in discharge of public trust, we invoke the saving light of Thy countenance and the support of Thy grace. A blessing we beseech of Thee in the name of Him whom Thou didst send, Jesus Christ our Saviour. Amen.

The Journal of the proceedings of yesterday as read and approved.

SPEECH OF HON. HARRY G. LESLIE, GOVERNOR OF INDIANA

Mr. PURNELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech delivered by Hon. Harry G. Leslie, Governor of the State of Indiana, before the chamber of commerce on Wednesday evening last upon the subject of State Control of Local Expenditures—The Indiana Plan.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks by printing an address recently delivered by the Governor of Indiana. Is there objection?

Mr. JONES of Texas. Mr. Speaker, reserving the right to object, and I shall not object, would the gentleman mind putting in the RECORD the speech delivered by the Secretary of Agriculture on the "wild men" of the Senate?

Mr. PURNELL. I am in favor of it, but I would not want to ask consent to do that.

The SPEAKER. Is there objection?

There was no objection.

Mr. PURNELL. Mr. Speaker, under the leave granted me to extend my remarks in the RECORD I include a speech delivered by the Hon. Harry G. Leslie, Governor of the State of Indiana, before the midyear dinner of the National Association of State Chambers of Commerce, held at the Washington Hotel in Washington, D. C., on Wednesday evening, April 30.

The speech is as follows:

STATE CONTROL OF LOCAL EXPENDITURES—THE INDIANA PLAN

The subject assigned me for discussion involves and is directly connected with the problem of taxation, which is universally recognized as our country's greatest economic problem. I assume I shall not be expected to enter into a discussion of the fundamentals of this greatest science of government, nor to discuss at any considerable length the intricacies involved in its administration. I assume I shall be expected to confine my discussion to the Indiana plan of State control of local expenditures in the few minutes I am to occupy your time.

A very brief account of our experiences in Indiana should be somewhat interesting and would probably reflect the experience of some of the other States represented in this presence.

Some years ago Indiana, as well as some other States, realized the great danger in permitting the cost of our government in many of our subdivisions becoming so excessive in many instances as would largely confiscate the income of our people.

Investigation disclosed there were many taxing units in our State where the grossest sort of mismanagement and extravagance were being practiced and many of our poorer units of government were being subjected to real hardship as a result of unwarranted public expenditures due to exaggerated ideals of appropriate public improvements and excessive costs of administration because of inexperienced and incompetent local officials.

We realized fully the inclination of many taxing officials to expend public funds generously, and further appreciated that every dollar so expended for all public purposes must be met by the citizens going into their pockets privately and meeting the bill through some system of taxation.

We further realized the great difficulty of any division of government, whether it be National, State, or a local subdivision in maintaining the loyal and patriotic support of its subjects if the burden of the cost of their government reached the point of excess and real hardship.

In view of the major portion of the cost of government being local in its character, the great need of some influence to control local expenditures was readily recognized.

Through legislative enactment a law was passed centralizing authority over local expenditures, giving the State tax commission the right and responsibility to pass upon local tax levies to be made as well as proposed local bond issues for public improvements.

The law as first enacted requiring the tax commission to pass upon these questions of local concern was unpopular in that it was considered an interference with and a violation of the rights of local control and local self-government.

It must be agreed in the final analysis that bonds issued by any municipality for public improvements or any other purpose amount simply to a tax levied for a term of years, as the maturities of bonds and the interest thereon must be met through levies made for that purpose each year for the number of years for which the bonds are issued until finally retired.

You should be interested in knowing that due to the unpopularity of this principle that at a subsequent session of our legislature this statute was repealed, and you should be further interested in knowing that during the year immediately following the repeal of this law the cost of local government in our State was increased from $75,615,798 to $111,459,765, or an increase of 47.5 per cent, or, in other words, an increase of approximately $36,000,000.

This increase in the cost of our local government was so startling and impressive that it was recognized as imperative that some relief and protection must be afforded the taxpaying public.

A statute was then devised, generally known as our budget law, providing that taxing officials must give the taxpaying public notice through publication of the amounts proposed to be expended for various specific governmental purposes. This law also provided that the notice should set out a time and place for public hearing at some reasonably convenient point to the taxpayers of the unit involved, at which time free and open public discussion should be had of the expenditures proposed for certain specific purposes, as set out in the notice. This law also provided that no levy should be made which when applied to the value of all the property of the unit involved would raise more money than the total amount of the budget adopted for this purpose.

A statute was also enacted providing that when 10 or more property taxpayers felt themselves aggrieved by the action of the local taxing officials in proposing to expend more money for any purpose than in their opinion their government economically administered would require, such taxpayers might appeal from the action of the local taxing officials to the State tax commission, whose duty it was to set a date for a formal hearing and determine the merits of the controversy as to whether local officials were proposing extravagant practices or otherwise.

Another provision of this law was to the effect that whenever public improvements of any kind were proposed for which local bonds of the municipality affected were to be issued, notice of such intention to issue bonds setting out the specific purpose for which the funds should be used and the character of the improvement must be given to the taxpayers by publication, and if, in their opinion, such proposed expenditure was unwarranted or excessive and extravagant, the same right of appeal from the action of the local officials was provided as was in the case of proposed tax levies.

Under the provisions of this law the tax commission is empowered only to affirm the proposed action of local taxing officials, reduce the amount of the proposed expenditures for which bonds are to be issued, or make such reduction in the levies proposed for local purposes as is in their judgment consistent with the needs of the unit involved, or deny the bond issue proposed in its entirety, but under no circumstances under our law is the tax commission authorized to increase a proposed public expenditure through bond issues or local tax levies.

You will observe that under the terms of this law the tax commission is wholly without any original jurisdiction in the matter of local control, and only acquires such jurisdiction or control by the affirmative action of the property taxpayers who must pay the bill and who feel themselves aggrieved by the action of the local officials.

You will also observe that the provisions of this law do not in any way transgress, violate, or interfere with the rights of home rule, but is an enlargement of this principle to the point of extending the right of appeal to the requisite number of interested taxpayers who must pay the bill and who feel aggrieved at the action of local officials in their practice of either extravagance or incompetence.

The question has been raised by the opponents of this law as to the constitutional right of the legislature to delegate this authority to the tax commission. In passing upon this question in a well-considered case our Supreme Court said among other things: "This court has decided that such power and authority can be delegated to the State board of tax commissioners by the general assembly, and that such a statute is not unconstitutional."

During the eight years this law has been operating in our State there have been reductions in proposed bond issues and local tax levies by the tax commission in the sum of approximately $80,000,000, as a direct saving to our local units of government. However, in my opinion, by far the greatest value of this law to our people has been through its intangible or indirect influence by reason of its existence as a deterrent to extravagant practices, and I believe it to have saved in this respect many times more than the $80,000,000 to which I have just referred.

Our policy in Indiana is to employ the same standards of good business practices in the administration of public affairs that are employed in the administration of well-regulated and successful private business enterprises.

Strange as it may seem, through political and other local influences, this practice is not approved by many of our local politicians of both the major parties, who believe in the principle, "To the victor belong the spoils."

The State tax commission, a nonpartisan body, is far removed from political or other local influences of the communities affected, and the members are selected with due regard for their honesty, integrity, and business capacity. Its members in the past have been some of our most outstanding patriotic and capable citizens, who have reflected signal credit upon our State through their wise administration.

I would not be giving credit where credit is due if I did not advise you that much of the successful achievement of the Indiana plan of tax supervision has been due to the intelligence and honesty of those who have been charged with its administration. Through the years Indiana has been particularly fortunate in the type of men who have been members of this commission. Broad-minded and public-spirited, they have yet been mindful of public need but careful of public expenditure. As a result of this policy, the tax-rate increase in Indiana through a period of souring tax-rate increase has been remarkably retarded.

They are provided with competent engineers for their guidance in advising them as to reasonable costs of the various public improvements with which they come in contact. The services of these schooled and skilled engineers are furnished wholly without cost to the taxpayers of the local units appealing to the State tax commission.

I believe the Indiana plan of State control of local expenditures, more than any other, realizes and exemplifies the practical operation of the principle of home rule in the control of local budgets, tax levies, and bond issues, which are the basis of taxation. The origin of this control is with the interested taxpayers, who must pay the bill.

It gives the taxpayer opportunity for intelligent understanding of the processes of his government and the necessity therefor, and thereby makes of him a more loyal and patriotic supporter thereof. It affords the taxpayer an opportunity to oppose unwise, imprudent, and extravagant administration of his government. It affords the people more intimate connection and more definite understanding of the most vital function of their government, which is taxation. It creates in the taxpayer a greater and more definite interest and a fuller realization of his responsibility of citizenship.

This right of State control of local expenditures was never intended to impose parsimonious restraint in the matter of wise or necessary expenditures for needed public improvements. Its results have been to procure more nearly value received to the taxpayers for public money expended for public purposes.

In closing may I again urge upon you that the success of any taxing system is largely dependent upon the type of men selected for its administration? These must be men whose honor and integrity are unquestioned and whose belief in the system they are to administer amounts to almost a religion.

REREFERENCE OF A BILL

Mr. FINLEY. Mr. Speaker, I ask unanimous consent that H. R. 11231 be rereferred from the Committee on Rivers and Harbors to and be considered by the Committee on Flood Control.

The SPEAKER. Will the gentleman state to the Chair that he has conferred with the chairmen of these committees?

Mr. FINLEY. I have conferred with both chairmen.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that House bill 11231 be rereferred from the Committee on Rivers and Harbors to the Committee on Flood Control. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, has the gentleman conferred with the ranking minority members of those two committees?

Mr. FINLEY. No; I have only conferred with the chairmen of the two committees.

Mr. RANKIN. Until the gentleman confers with the ranking Democrat on both committees, I will object for the time being; but I will not object if they agree to this request.

THE TARIFF

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 1128.

The SPEAKER. Without objection, the amendment will be considered as having been read and printed in the RECORD.

There was no objection.

The amendment is as follows:

SEC. 321. EXPORT DEBENTURES

(a) Whenever the board provided for in the agricultural marketing act approved June 15, 1929, finds it advisable, in order to carry out the policy declared in section 1 of said agricultural marketing act, with respect to any agricultural commodity, to issue export debentures with respect to such commodity, said board shall give notice of such finding to the Secretary of the Treasury. Upon the receipt of such notice it shall be the duty of the Secretary of the Treasury, commencing and terminating at such time as the board shall prescribe, to issue export debentures to any farmer, cooperative association, stabilization corporation, or other person with respect to such quantity of the commodity or any manufactured food product thereof or any product manufactured from cotton or tobacco, if the cotton or tobacco out of which it is manufactured if exported in the raw material would have been entitled to receive a debenture therefor, as such person may from time to time





export from the United States to any foreign country. The export debenture shall be in an amount to be computed under the direction of the Secretary of the Treasury, in accordance with such regulations as he may prescribe, at the debenture rate for the commodity or product that is in effect at the time of exportation. Any such computation shall be final.

(b) In order to procure the issuance of an export debenture, the farmer, cooperative association, stabilization corporation, or other person shall, in accordance with such regulations as the Secretary of the Treasury may prescribe, make application for such debenture and submit satisfactory proofs either (1) that the commodity to be exported was produced in the United States and has not previously been exported therefrom, or (2) that the commodity used in making the manufactured food product or any product manufactured from cotton or tobacco if the cotton or tobacco out of which it is manufactured if exported in the raw material would have been entitled to receive a debenture therefor, to be exported was produced in the United States and the agricultural commodity and the manufactured food product or any product manufactured from cotton or tobacco if the cotton or tobacco out of which it is manufactured if exported in the raw material would have been entitled to receive a debenture therefor, have not previously been exported therefrom.

(c) An export debenture, when presented by the bearer thereof within one year from the date of issuance, shall be receivable at its face value by any collector of customs, or deputy collector of customs, or other person authorized by law or by regulation of the Secretary of the Treasury to perform the duties of collector of customs, in payment of duties collectible against articles imported by the bearer. Title to any export debenture shall be transferable by delivery. In order to prevent any undue speculation in the handling of such export debentures, the Secretary of the Treasury is authorized and directed, under such rules and regulations as he may prescribe, to provide for the redemption of such export debentures from any money in the Treasury derived from the payment of duties collectible against articles imported into the United States at a rate of not less than 98 per cent of the face value of such export debentures.

(d) Debenture rates in effect at any time with respect to any agricultural commodity shall be one-half the rate of duty in effect at such time with respect to imports of such commodity, except that so long as no import duty is imposed on cotton the debenture rate thereon shall be 2 cents per pound. The debenture rate in effect at any time with respect to any manufactured food product of any agricultural commodity or any product manufactured from cotton or tobacco if the cotton or tobacco out of which it is manufactured if exported in the raw material would have been entitled to receive a debenture therefor, shall be an amount sufficient, as nearly as may be, to equal the debenture that would be issuable upon the exportation of the quantity of the agricultural commodity consumed in the manufacture of the exported manufactured food product, or any product manufactured from cotton or tobacco if the cotton or tobacco out of which it is manufactured if exported in the raw material would have been entitled to receive a debenture therefor, as prescribed and promulgated from time to time by said board.

(e) Regulations requiring that metal tags or other appropriate markings be placed on all bales of cotton produced in foreign countries and allowed transit through the United States for exportation may be prescribed by the Secretary of the Treasury. Every person who violates any such regulation of said board shall be liable to a civil penalty of $100 for each such offense. Such penalty may be recovered in a civil suit brought by said board in the name of the United States.

(f) The Secretary of the Treasury shall prepare and issue all export debentures. Export debentures issued under authority of this act shall be obligations of the United States within the definition in section 147 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, as amended (U. S. C., title 18, sec. 261).

(g) Any person who shall make any false statement for the purpose of fraudulently procuring, or shall attempt in any manner fraudulently to procure, the issuance or acceptance of any export debenture, whether for the benefit of such person or of any other person, shall be fined not more than $2,000 or imprisoned not more than one year, or both.

(h) In order to prevent undue stimulation in the production of any debenturable agricultural commodity, whenever said board finds that the production of any debenturable agricultural commodity during any crop year has exceeded the average annual production of such debenturable agricultural commodity for the preceding five years said board shall by proclamation prescribe that during the next succeeding year the export debenture rates for such commodity shall be reduced by the percentage hereinafter fixed. Such reductions shall become effective on the date fixed in such proclamation, not less than 60 days from the date of the issuance thereof, and shall remain in effect throughout such succeeding crop year. The term "crop year," as used in this section, means a 12 months' period beginning at a time designated by said board.

Reductions in debenture rates under this section shall be made in accordance with the following percentages:

(1) For an increase in production of less than 20 per cent, there shall be no reduction.

(2) For an increase in production of 20 per cent but less than 40 per cent, there shall be a reduction of 20 per cent.

(3) For an increase in production of 40 per cent but less than 60 per cent, there shall be a reduction of 50 per cent.

(4) For an increase in production of 60 per cent but less than 90 per cent, there shall be a reduction of 75 per cent.

(5) For an increase in production of 90 per cent or more, there shall be a reduction of 99 per cent.

Mr. HAWLEY. Mr. Speaker, I move that the House further insist on its disagreement to Senate amendment No. 1128.

The SPEAKER. The gentleman from Oregon moves that the House further insist on its disagreement to Senate amendment No. 1128.

Mr. HAWLEY. Mr. Speaker, pending that motion, I ask unanimous consent that the time for general debate be limited to two hours, one-half to be controlled by the gentleman from Mississippi [Mr. COLLIER] and one-half by myself.

The SPEAKER. Pending that motion, the gentleman from Oregon asks unanimous consent that the time for general debate on this amendment be limited to two hours, one half to be controlled by himself and the other half by the gentleman from Mississippi [Mr. COLLIER]. Is there objection?

Mr. GRIFFIN. Mr. Speaker, reserving the right to object, the division proposed seems to be purely a political one. The time is divided between the member of one party on one side and the member of the other party on the other side, without regard to the main issues and as to their attitude on the debenture proposition.

It seems to me that on a question as important as this the time ought to be divided with some regard to the attitude of the Members on the question. It seems to me a certain amount of time ought to be allowed upon each side against the proposition.

Mr. HAWLEY. We have been proceeding so far on this plan: On this side of the House I have given half the time to those who are for the motion and half of the time to those who are against any motion I may have made. The gentlemen on the other side have proceeded in the same way, giving half the time—if there was a sufficient number asking for time—to those who are for and those who are against, so in that way the opposition on both sides is provided for.

Mr. COLLIER. If the gentleman will permit right there, on one amendment I gave nearly one-half of my time to those on the majority side and they differed from me in their views on the amendment. We have tried to be fair about it.

Mr. GRIFFIN. I will say to the gentleman that I noticed that yesterday in the allotment of time—that the gentleman from Mississippi threw a part of his time over on the other side of the aisle. I am informed to-day by the gentleman to whom the time is to be allotted on our side that he has made no arrangement for any allotment of time to those opposed to the debenture plan.

Mr. HAWLEY. The gentleman from Mississippi can answer that for himself, but I am sure he will say that on his side he will give half of the time to those opposed to the debenture plan.

Mr. COLLIER. We are for the debenture plan over here.

Mr. Speaker, reserving the right to object, and I shall not object, I would like to propound a few inquiries to my good friend from Oregon. In the first place, out of the generosity of his heart, which is very big, I am going to ask him if he will not extend the time from 2 hours to 2 hours and 20 minutes and give us 10 minutes more on the side. We have had a number of requests from both sides of the House for two or three minutes. This has been a long debate and all the Members would like to get their views in the RECORD. Can the gentleman give us 20 minutes more?

Mr. HAWLEY. Then I modify my request, Mr. Speaker, and ask that the time be fixed at 2 hours and 20 minutes, to be divided as already stated.

The SPEAKER. The gentleman from Oregon asks unanimous consent that time for debate upon this amendment be limited to 2 hours and 20 minutes, one half to be controlled by himself and the other one half by the gentleman from Mississippi [Mr. COLLIER]. Is there objection?

Mr. COLLIER. Mr. Speaker, I knew I was going to have that request granted, because I have never appealed to the generosity of the gentleman from Oregon in vain. Now, a great many Members want to know the order of procedure. I know it personally because I have talked over the phone with the gentleman from Oregon. Does the gentleman intend to conclude the consideration of the conference report to-day?

Mr. HAWLEY. Yes.

Mr. COLLIER. A number of the Members have asked me that question. There is one other matter and then I am through. May I ask the gentleman from Oregon to so amend his motion that on this amendment all the time allotted to the minority side may be given to the gentleman from Washington [Mr. HILL], who will have charge on our side. I will ask the gentleman to change the name COLLIER to that of HILL.

Mr. HAWLEY. I have no objection to that.

Mr. CHALMERS. Mr. Speaker, reserving the right to object, I did not hear a fair answer to the question of the gentleman from New York [Mr. GRIFFIN] as to a fair division of the time on that side. I would like to know about that.

Mr. GRIFFIN. The request has been modified so as to increase the time to 2 hours and 20 mintues.

Mr. CHALMERS. I understand that.

Mr. HILL of Washington. Mr. Speaker, I ask unanimous consent that of the time allotted to the Democratic side and under my control I may be permitted to allot to the gentleman from New York [Mr. CULLEN] 20 minutes, to be allocated as he may see fit.

The SPEAKER. If the substitute unanimous-consent request prevails, the gentleman would have that right.

The gentleman from Oregon now asks unanimous consent that the time be limited to 2 hours and 20 minutes, one half to be controlled by himself and one half by the gentleman from Washington [Mr. HILL]. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Oregon if sufficient time will be allowed in the debate on the flexible provision of the tariff bill?

Mr. HAWLEY. I anticipate three hours will be allowed on the Tariff Commission amendment and the flexible tariff amendment, because they are one general subject.

Mr. LAGUARDIA. Yes; that is satisfactory.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. HILL of Washington. Mr. Speaker, I offer a preferential motion.

The SPEAKER. The gentleman from Washington offers a motion, which the Clerk will report.

The Clerk read as follows:

Mr. HILL of Washington offers the following:

I make the preferential motion that the House recede from its disagreement to Senate amendment No. 1128 and concur in the same.

The SPEAKER. The gentleman from Oregon is recognized for 1 hour and 10 minutes and the gentleman from Washington for 1 hour and 10 minutes.

Mr. HAWLEY. Mr. Speaker, I intend to speak very briefly on this subject. It has been debated for several years in the House, and the House has expressed a uniform conclusion against the proposal.

I have brief comments to make. In general, the debenture proposal of the Senate provides for the issuance of debentures under the provisions of the section, equal in amount to one-half of the duty imposed by the then existing tariff law. These debentures can be used at the customhouse in the payment of customs duties, or if the debentures outstanding at time are not used for this purchase and the value of them depreciates, the Secretary of the Treasury is directed to redeem them at not less than 98 per cent of their value.

Under existing treaties between this country and foreign nations, goods exported under the debenture would be subject to countervailing duties, and the general result would be, according to the figures of the Tariff Commission recently computed, based upon the rates in the pending bill and the amount of production for the last year, that this would cost the Treasury the sum of $280,000,000. Foreign nations taking advantage of the countervailing provisions in their law would exact from those exporting debentured articles $280,000,000, thus transferring it from the Treasury of the United States to the treasuries abroad.

That would lead probably to an increase in public taxation to meet the requirements of the situation and place an additional burden on our people. The result would then be that we, in effect, would levy taxes upon our people to be paid in the exchequers of other nations. Moreover, after very careful consideration of this proposal, I can not see that it will result in any benefit to our farmers. It violates one of the most distinctive features of the pending bill in that we have provided for the stimulation of the production of deficiency crops to take the place of the surplus crops, so that the farmers instead of growing large surplus crops will grow crops of which we do not raise enough for our requirements, thus using a very large acreage for this purpose that would otherwise be used in raising excess crops.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. SUMNERS of Texas. Will the gentleman indicate what additional crop agriculture would turn to?

Mr. HAWLEY. A great many forage crops used by the dairy people and various other crops, a list of which I do not have time to present now. It would absorb a considerable acreage now used in producing surplus crops. [Applause.]

Mr. Speaker, in order to meet agreements with other Members I reserve the balance of my time.

Mr. HILL of Washington. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, ladies and gentlemen of the House, we are presenting to you to-day a test as to whether you are to redeem your pledges to the farmers of this country or whether you are to disregard those pledges.

The debenture is a protective provision. In order to enable the farmers to receive the benefits under the protective tariff on a commodity two things are necessary: First, the farmers must control the market of the commodity; and, second, the commodity must not be produced in such quantities as to carry a substantial export surplus.

We have a great many tariff duties in this bill on farm commodities. Many if not all of these duties will be ineffective unless under the agricultural marketing act the farmers can organize in a cooperative capacity to control the market of such commodities.

Personally I am gratified at the progress that is being made by the Federal Farm Board in bringing about local, regional, and national cooperative associations among the farmers. When they have completed this work, when they have so enabled the farmers to organize that they will be in control of not only the local markets but the terminal markets as well, then they will be in such control of the markets as will make the tariff effective on the dutiable farm products grown in this country and of which there is no substantial exportable surplus.

There are, however, certain standard crops in the country of which an exportable surplus is produced which will receive no protection from tariff duties laid upon them.

We have at this time a tariff of 42 cents a bushel on wheat, one of the largest crops of this country and of which we export about 25 per cent of the production. The tariff duty is ineffective. Regardless of what the statistician may say, the farmers know and you know and I know that the tariff on wheat is ineffective.

Now the same situation occurs with reference to tobacco and cotton. There is no protective tariff on cotton. This debenture provision provides protection for cotton, which can not have any protection from a tariff duty. No effort has been made to give it protection except as to long-staple cotton, but we come here and ask you to adopt this provision in order to give this large staple crop which carries an exportable surplus the benefit of protection.

If the industrial associations of this country had not been able to organize and had not been able to control the market for their products, the tariff on manufactured products would also be unavailing. But, fortunately for them, they have their trade associations and organizations. They can control the flow of their products to the market and can fix the market price of their products. Hence, they receive protection from tariff duties. We are asking the same thing for these agricultural commodities which do not now receive any benefit under this protective policy.

Mr. CLARKE of New York. Mr. Speaker, will the gentleman yield?

Mr. HILL of Washington. Yes.

Mr. CLARKE of New York. Is not exactly the same privilege afforded the farmers, the producers, of this country under the cooperative marketing act, when they are willing to evidence enough interest in the commodity they produce, by joining a cooperative and then through the Farm Board get the protection they are entitled to, with $500,000,000 of Federal money now appropriated for that definite purpose?

Mr. HILL of Washington. When they have organized they can control their markets, yes, but they do not get any protection because surpluses must go abroad and the price is fixed in the markets abroad.

Mr. CLARKE of New York. Then, if they are not willing to evidence enough interest in the commodity they produce, and in their own proposition, why should they expect the Federal Government to do something for them that they are unwilling to do for themselves?

Mr. HILL of Washington. They expect the Federal Government to give them protection that will protect, and that is the thing that has been done for the industrial interests of the country. [Applause.]

It does not make any difference whether it is a bonus or a tariff duty, they are entitled to protection, and they can not get it under the tariff duty, and hence we are demanding it under the export-debenture provision. We simply ask for protection. I do not care whether it comes in the form of a tariff duty or in some other form, but it has been demonstrated and everyone who has studied the question from the standpoint of the farmer knows that he can not get protection under the tariff duties. I am talking now, of course, about those crops that export large surpluses to foreign markets, where the price is fixed for those commodities. To you men who are here from the agricultural districts I appeal. I earnestly ask you to stand up for the interest of your districts and vote for this export debenture. The big business interests of this country themselves recognize the fact that the farmers can not get protection under the tariff duties under the conditions that I have detailed, and in a report issued in 1927 by the Business Men's Commission on Agriculture and published under the auspices of the Chamber of Commerce of the United States and the National Industrial Conference Board of New York that fact is recognized.

I desire to quote some extracts from that report which I find are pertinent to the discussion of the export-debenture provision of the tariff act. On page 15 of the report we find the following:

As has been said, the country can not march with one leg crippled. It is too clear for argument that the farmer can not be counseled to cut down his man power or soil capacity in order that he may escape the dangers of his own achievement and survive the consequences of his own success. It is equally clear that if the farmer is advised and urged in the public interest to carry his opportunities to the highest point of development, then it must be for that public, through its government or otherwise, to devise some method for his ultimate security. Some means must be found to ameliorate the consequences of destructive crop surpluses and disastrous price fluctuations.

I quote again from page 7 of the report, as follows:

It may be admitted that the triumphs which the Department of Agriculture has achieved since its organization in furthering and protecting the pursuit of agriculture are quite equal to those of the Department of Commerce in the promotion of industry and business. The pursuit of agriculture, however, has at no time enjoyed protection such as was extended from the very beginning to commerce and industry through national legislation. It was, therefore, long after the natural evolution of economic relations had been shifted—even dislodged—by direct legislative interference that we came to suspect the inevitable effect upon the system as a whole. Only now have we come to recognize the need of more equitable conditions if agriculture is to sustain its position of relative importance in the entire system.

From page 11 of said report I quote again:

If agitation for price-fixing legislation is to be avoided, may it not become necessary to revise our economic policy? If we are unwilling or unable to do that, will we not be challenged to find for the farmer an economically true equivalent of industrial protection? Is it not obvious that for agriculture in years of abundance protection alone can not operate successfully? If, then, the policy of protection is to stand, the pressure for like protection, although by varying measures, for the whole people's activities would seem to be altogether natural. It is assumed, therefore, that no consideration of the farmer's problem can be adequate without a discussion of the tariff policy in its bearings upon the prosperity of the entire Nation.

I desire also to call your attention to the following statements found on page 170 of the report in connection with the discussion as to what our protective policy has done toward the stimulation and development of manufactures in this country:

This policy was wise, and it was successful. It enabled us to develop what is perhaps the greatest industrial system in the world, but it inevitably reduced the relative importance of agriculture in our national economy. The great question of the future, in the view of this commission, is whether this policy has not fully served its purpose and whether, indeed, it has not been pushed so far as to endanger the balance between agriculture and industry and so warrant such readjustment as may distribute its advantages and its burdens more fairly. In answering this question there are three distinct aspects of the tariff problem to be considered: First, the influence of tariff and trade restrictions upon the extent of the foreign market for farm products; second, their influence upon the domestic market for farm products; and third, their influence upon production costs in agriculture.

I find another statement in that report, on page 16, that describes in apt phrase the treatment which agriculture has received under our national economic policy. The members of the investigating commission say:

They have seen and heard the real farmer, and they are in no danger of sharing the patronizing sympathy which is so liberally broadcast for the farmer's consumption. On the contrary, they feel that the farmer's cause is their own from both the humanitarian and the economic point of view. They are forced to the conclusion that the accepted economic measures do not fit, at least do not cover the farmer's case; and that this situation presents a new challenge to economic and political advisers that can not be evaded or met with slogans. Agriculture has been given an abundance of surface treatment, and too often offered something like first-aid doles to allay the rising suspicion of the toiler on the land.

This commission even outlined in this report the very bill that we have now as the agricultural marketing act, for the purpose of stabilizing the price in this country, in the home market. But the agricultural marketing act does not purport to, and can not, stabilize prices fixed in Liverpool and in the outside world.

The protective policy of this country is claimed and has been used as the exclusive privilege and property of the industrial interests of the country. It started out as a protective policy for them, and they feel that it is their exclusive right and privilege, and every inch of advance that agriculture has made in order to get protection has been fought bitterly by every resource and power that the industrial interests could bring against it.

This is in line with the attitude of the manufacturing interests since the beginning of the protective tariff policy in withholding the benefits of that policy from other interests. In this connection I call attention to an article that appeared in the Century Magazine in the issue of May, 1928, written by William E. Dodd on the subject "Shall Our Farmers Become Peasants?" Mr. Dodd called attention in that article to a letter written by one Abbott Lawrence, a business man of Massachusetts, about 1828, the letter being addressed to Daniel Webster, in which he stated, in effect, that if the then pending tariff bill should be adopted it would keep the South and West in debt to New England for a hundred years. That prophecy came true. We even find evidence that they are not willing to let the policy spread out over the entire country to embrace all manufacturing industries. They want to confine it to certain sections of the country, and make it impossible to protect the industries of various other sections of the country. We had an illustration of that yesterday, and the very men who stand here as the sponsors of the protective policy, when they get outside of their own particular interests and sections of the country are against protection. They are for protection for themselves and for free trade for the rest of the country and the world. They are especially opposed to protection for agriculture. That is not a wholesome policy, and we are here to-day demanding that you come to the rescue of the farmers of this country. There are about 30,000,000 farm people in this country, about 10,000,000 of whom are voters, and they are so distributed over the country that they control the elections in practically 80 per cent of the congressional districts of the country. They are awake, you are not fooling them. You may vote export debenture down to-day, but others will succeed you here who will vote it up. The farmers know that they are not getting a square deal, and my good friend from Iowa [Mr. RAMSEYER], in his speech of an hour and a half on last Wednesday setting up an alibi as to why he would not vote for this export-debenture provision, is not putting anything over the farmers. If I know anything about the mentality and temper of the farmers of this country they will know that he is placing the expediency of loyalty to party organization above the vital interests of the farmers.

Mr. COLE. Mr. Speaker, will the gentleman yield?

Mr. HILL of Washington. No; I have not the time. He put in an hour and a half laying the foundation for his alibi, and then said that he would not support the export-debenture provision because it is opposed to the President's plan of farm relief under the agricultural marketing act. That is the effect of what he said. But the agricultural marketing act is not a protective measure, it is a marketing act. It simply proposes to put the markets in the control of the farmers, stabilize the prices in this country. It gives them no protection as against the prices fixed in the outside world. The same interests that are now opposing the export debenture are also trying to break down the agricultural marketing act and the work of the Federal Farm Board.

The marketing act is a necessary basis for the effective operation of the export debenture in the interest of the farmers. The two measures supplement each other. They are not antagonistic. You will recall that when the agricultural marketing act was being considered by the Congress no opposition was expressed to it by the nonproducing dealers in agricultural commodities. On the other hand they rather encouraged the legislation. They believed then that the act, if passed, would not be workable because they believed that it would be impossible to so organize the farmers as to make it effective. They have now discovered that it is working and that it is working effectively. They have, therefore, set up a great cry of distress. The grain and cotton exchanges and dealers in other

agricultural commodities petitioned the Chamber of Commerce of the United States to pass resolutions condemning the agricultural marketing act and demanding its repeal. If you have followed the proceedings in the Chamber of Commerce of the United States during its convention this week as reported by the newspapers you will have observed the efforts made to have such act discredited. In this connection I quote the following from the Washington Post of May 1, 1930:

ALLEGATION BY BARNES

The business survey chairman said he believed a "great marketing structure was being steadily undermined" by present policies. Earlier, under a 5-minute rule of discussion, members of the chamber representing various industries had voiced condemnation of the marketing act and urged the chamber to take steps for its repeal or modification.

W. C. McCabe, of Duluth, representing the grain exchange and dealer trade, contended the act had visited more ills upon his industry than any other business.

"The independent grain merchant can not hope to meet this situation," McCabe said. "It is the ruination of his business. It is unfair and un-American and we demand that the marketing act be modified."

GOVERNMENT INTERFERENCE HINTED

Harrison Jones, Chicago, said he represented poultry, butter, and egg merchants who handled a commodity having an aggregate farm value of about $4,000,000,000. He urged a "policy of modification whereby American citizens may remain in business without outlawry by Government interference."

Likewise criticizing the act, W. F. Jensen, of Chicago, representing the American Association of Butter Manufacturers, said his industry recognized the right of producers to cooperate, but believed "that genuine cooperation comes from the heart and not from subsidies or legislative force."

Representatives of the coal and woolen industries also asserted the marketing act was injuring their business through putting the Government in competition with private concerns.

The enemies of the marketing act succeeded in securing from the Chamber of Commerce of the United States the desired resolution condemning such act. The particular resolution referring to the agricultural marketing act is as follows:

The anticipated benefits to the farming interests as a whole have not been realized. On the contrary, there has been impairment of the marketing structure and prevention of support which otherwise would have been given to the marketing of agricultural products which were affected by the use of public moneys. Without benefit to agriculture, there has been imposed unbearable hardship upon business enterprises unable to maintain their position against discriminatory competition from the Government.

We accordingly express our continued opposition to the use of Government funds in providing capital for the operation of agricultural cooperatives, and for the buying and selling of commodities for the purpose of attempted stabilization.

The interests that are now seeking to discredit the agricultural marketing act are opposed to any legislation that will benefit agriculture. Of course, they are opposed to the export debenture provision in this bill and are the sources of the opposition to the provision in this House to-day.

The National Grange of this country is supporting this measure for the export debenture. They are supporting it unanimously, and they reach throughout the entire continental United States. They have their eyes upon this Congress to-day and will know whether you have shown your colors and come to their standard and protected their interest, or whether you have betrayed that interest. I appeal to you to-day in the interest of agriculture and of economic conditions all over this country to give this relief to the farmer that he may by virtue thereof and the aid of the agricultural marketing act be placed on a parity with other industries. [Applause.]

Mr. HAWLEY. Mr. Speaker, I yield 10 minutes to the gentleman from Connecticut [Mr. TILSON].

The SPEAKER. The gentleman from Connecticut is recognized for 10 minutes.

Mr. TILSON. Mr. Speaker, for more than a year Congress has worked assiduously in either one branch or the other on the tariff bill. It has now well-nigh reached the final stage. To my mind the vote on this amendment to-day practically determines whether or not our labor has been in vain—that is, whether or not we shall have a tariff bill at all. In my opinion if the so-called debenture provision remains in the bill it will never become a law.

Some question has been raised as to the attitude of the President toward the debenture plan. Of course, no one is authorized or pretends to be authorized to speak for the President. He speaks for himself. A year ago, however, he wrote a very strong letter addressed to Senator McNARY, chairman of the Committee on Agriculture in the Senate, in which he gave at some length his views in opposition to this plan. A few days ago, having received inquiries from a number of my colleagues as to whether or not I knew of any change of views on the part of the President in relation to this question, I addressed an inquiry to him, and in response he sent the following letter:

THE WHITE HOUSE,
Washington, May 1, 1930.

The Hon. JOHN Q. TILSON,
House of Representatives.

MY DEAR MR. TILSON: I have your letter of inquiry as to whether I see any reason to change the views which I expressed on April 20 last year upon the so-called debenture plan introduced by the Senate into the tariff bill. I do not.

Some minor alterations have been made in the plan which do not go to the essential fact that the practical working of it will depress and not elevate prices to the farmer. The plan in the present bill presents an additional objection in that the export subsidies proposed vary with different agricultural products and thus are widely different to different farmers. They vary from about 9 per cent upon the cost of production of rye to apparently near 100 per cent on tobacco. In the latter case growers could apparently afford to raise their product and export it for the subsidy alone.

Since my previous statement the Tariff Commission has estimated the cost of the plan to the Treasury, if put into operation and on the basis of present exports, at about $280,000,000 per annum.

Yours faithfully,

HERBERT HOOVER.

The amount that this plan would cost the Treasury is, you will note, as stated by the gentleman from Oregon in his opening remarks, $280,000,000 per annum.

What did the President state in the letter of April 20 of last year? I shall read some extracts, as follows:

I am aware of the arguments put forward in favor of the plan by some of our agricultural organizations, and the arguments of other farm organizations in opposition to it. The proposers advance it in the utmost good faith and earnest desire to assist in solution of a great problem, and I regret deeply that I can not agree that this provision would bring the results expected. On the contrary, I am convinced that it would bring disaster to the American farmer.

The weakness of the plan as set forth in the Senate bill may be summarized as follows:

1. The issue of debentures to export merchants and their redemption in payment of import duties amounts to a direct subsidy from the United States Treasury. If the plan proposed be generally applied it would cost in excess of $200,000,000 a year, as it would decrease the Treasury receipts by such an amount.

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5. Although it is proposed that the plan should only be installed at the discretion of the Farm Board, yet the tendency of all boards is to use the whole of their authority, and more certainly in this case in view of the pressure from those who would not understand its possibility of harm and emphatically from the interested dealers in the commodity.

* * * * * * *

10. The plan would require a substantial increase in taxes, as no such expenditure or depletion of revenues as this plan implies could be paid from marginal income of the Government.

Altogether, from the above reasons, it is my belief that the theoretical benefits would not be reflected to the American farmer; that it would create profiteering; that it contains elements which would bring American agriculture to disaster.

The introduction of such a plan would also inevitably confuse and minimize the much more far-reaching plan of farm relief, upon the fundamental principles of which there has been general agreement.

Yours faithfully,

HERBERT HOOVER.

I said at the outset that I believed our vote on this question to-day would determine whether or not this bill shall become a law. I ask every fair-minded man who will read these extracts if he can fairly say that there is any question in his mind as to what the President will do with this bill if it should reach the other end of the Avenue with this provision in it? These and other statements equally strong made by the President form the basis for my saying that, in my judgment, so far as the President is concerned, he could not and would not approve a bill with such a provision in it.

Mr. MONTAGUE. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. MONTAGUE. Does the gentleman mean it to be inferred from his statement that the President would veto the bill if this provision is inserted?

Mr. TILSON. I can not imagine any other course on his part.

Mr. MONTAGUE. Does not this give him the discretionary power to veto the plan; that is, to put it into operation if he sees fit? He has a continuing veto power to all effect.

Mr. TILSON. As the President says, as soon as the power is given to the board, the pressure would begin at once, especially from the dealers and others interested, and the pressure would go on unceasingly so long as those who would profit by it had a ghost of a chance of winning their point.

Mr. OLIVER of Alabama. Mr. Speaker, will the gentleman yield?

Mr. TILSON. I regret that I can not yield now. The pressure would go on, and instead of solving the troublesome situation we should simply have to begin all over again.

If the Members will read the scholarly address of the gentleman from Iowa [Mr. RAMSEYER] made a few days ago, when he analyzed the economics of this bill, I do not think anyone could believe for a moment that this provision would serve the purpose that it is claimed it would serve.

This tariff bill, whatever anyone may say, has been framed with great consideration for the agricultural interests. There has been friendly sympathy all over the country, among the industrial people as well as everybody else, for the condition of agriculture, and this sympathy has extended to the point of approval of the granting of many material increases in agricultural rates of duty. I have been agreeable to these increases. I think everything should be done that can properly be done for agriculture, but, in my judgment, this debenture provision would not only do agriculture no good but, in the words of the President, it would prove disastrous.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. O'CONNOR of New York. Does the gentleman apply this attitude as a principle in Congress to all legislation, that in case the President threatens to veto a measure the Congress will abdicate its rights?

Mr. TILSON. Not at all; but the President has not threatened to veto this bill.

Mr. O'CONNOR of New York. For what purpose did the gentleman read this threat?

Mr. TILSON. It is not a threat. It is simply a statement of the attitude of the President.

Mr. O'CONNOR of New York. If that is the attitude which Members of Congress take, they might just as well abolish the legislative department.

Mr. TILSON. Nobody takes that attitude. The question had been raised as to the President's position, and I have tried to explain his position by quoting from his letters to Senator MCNARY and myself.

Mr. O'CONNOR of New York. Then, do I understand the gentleman to say that if the gentleman believed in the debenture plan, he would vote for it, even though he knew the President would veto the bill? Is that true?

Mr. TILSON. If I thought the placing of the debenture plan in this bill would kill an otherwise meritorious bill, even though I favored the debenture plan, I should urge that it be kept out of this bill and passed in a separate bill, so as not to endanger this bill. That is my attitude. [Applause.]

If it ever becomes desirable or wise to put this debenture plan into effect, it can be done when that time comes without the necessity of an optional clause in this bill. We are never out of session longer than nine months at a time; therefore, instead of placing an encumbrance like this in a tariff bill, let us consider it separately on its own merits. By so doing we shall not endanger a very important bill in order to pass a proposition that might not be able to pass upon its own merits.

This is a tariff bill. Its purpose is to protect industry and labor. It is a good bill. It is a reasonably protective bill. It is admitted that it is not a sectional bill. It should be speedily enacted into law, and we should not put anything into it that will endanger or delay it even though it might be a sound and meritorious provision, which I am sure this debenture proposition is not. [Applause.]

Mr. HILL of Washington. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Speaker and Members of the House, this is an interesting conference report, at least in one particular. It proposes to lodge discretion with the President and a board in two particulars. One, with reference to whether or not this debenture plan, if adopted, shall be put into operation, and the leader of the majority side of the House suggests that the first proposition, the debenture plan, ought not to be opposed, because the President would not be able to resist the pressure, fighting against power to raise the price of farm products and fighting for the power to raise the price of the products of the great industries, and that the President should have the discretion to raise tariff rates.

There is another provision in this bill, the flexible tariff provision. Do we understand that it is proposed to put discretion with reference to the flexible tariff provision in the hands of a gentleman who happens to be the President of the United States, who can not resist pressure?

Mr. CLARKE of New York. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. CLARKE of New York. Do I understand the pressure is to be upon the President and the decision in the President, or in the Farm Board?

Mr. SUMNERS of Texas. The pressure is upon the board, but the answer of the gentleman who is the leader of the majority was with reference to the President's ability to resist pressure, and the gentleman said he did not have it.

Mr. TILSON. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. TILSON. I think the gentleman from Texas unintentionally made a misstatement. The gentleman, as I understand it, indicated that I had said the President would not be able to resist pressure. I did not say that at all. I said in effect that pressure would be strong and it would be brought to bear upon him.

Mr. SUMNERS of Texas. It would not hurt anything to bring pressure to bear if it was not effective.

Mr. TILSON. In any event, it is the President's duty to execute the law.

Mr. SUMNERS of Texas. Very well. I am sorry I do not have time to yield further.

Agriculture has two problems. One is the problem of sale and distribution. The other grows out of the protective tariff system. The farm relief bill passed by this Congress only deals with the first problem only. I submit to the Members of this House that it is essential to pass some such legislation as is proposed by this debenture plan in order to make candid and truthful the declaration that we proposed to put agriculture on an equal footing with industry. I do not see how anybody can challenge that statement. I realize that a protective-tariff system is established in this country, but I do not see how any candid person can question that the protective-tariff system is a bounty. Under that system the might of Government compels a bounty to be given certain classes provided for in the law.

I submit the further proposition that the Government owes no higher duty than to be just among its citizens. This is a paternalistic proposition. There is no use to deny it. The tariff is as paternalistic as it can be. Suppose a parent, if we put Uncle Sam in the place of a parent, should provide for a bounty to go to only a part of his children. That would be partiality. Unquestionably no benefit can come from the protective-tariff system to producers of cotton, grain, tobacco, and of other surplus-producing crops. That is a proposition which no human being can challenge.

The protective tariff system is a bounty. It is a bounty, the benefits of which accrue to only a part of the citizens of the country.

That part of the citizens of the country, the farmers who produce cotton, grain, and tobacco, excluded from the benefit of the provisions of the protective tariff system, are compelled out of their poverty to contribute to the bounty which the Government compels to be paid to part of its citizens. That is a double discrimination against these farmers.

I would like the gentlemen who follow me to answer any of those propositions.

Now, what this bill proposes to do is to give back to the farmers, who are on their backs, to agriculture, which is in depression, a part of what this Government compelled them to give to industry. That is all. [Applause.]

I now yield to anybody who desires to ask me a question. If anyone wants to ask me a question, I will yield.

I make the further suggestion, and I address this to the serious consideration of the men and women of America: I do not believe that anybody who is a student of present conditions, who reads the signs of the times, who knows anything of history, who does not appreciate that we are approaching stormy times. I do not believe anybody who has any sense can question that. I do not believe anybody can question that agriculture is not getting a fair deal. [Applause.] This is no appeal to prejudice. When you came to look for the great mansions, for the great fortunes, for the evidences of prosperity, you do not go to the farmers of this country.

This sort of thing can not go on indefinitely. Some time the morale of the farmers will break.

Everybody knows that in the great crises of the past, when governments and civilizations have been put to the supreme test, that if they stood, it has been largely because of the conservative strength of the men and women who live in the fields of the country.

I do not believe the American farmers will stand or can stand much more of what is happening in this country. If the things were happening to industry or happening to the people who live

in the city where I live that are happening to the farmers of this country, we would be on the verge of a revolution. Those words are not too strong. The men and women producing the elements which make food and clothing for this Nation, unable to make enough money to pay their taxes and educate their children, are being compelled by this Government to pay more to the people who live in my city and manufacture than they would have to pay but for the exercise of that governmental power. Yet they get no relief when they come here and ask the Congress of the United States to give back to them a part of what this Government is compelling them to pay out of their poverty in order to make these millionaires and billionaires. These great captains of industry are not wise in opposing justice for the farmers of this country. [Applause.]

Gentlemen who represent the party in power indicate that even though we give to the President's board a discretion with regard to whether they will put this debenture into operation, that he will not permit his board to have that discretionary power, but will veto this tariff bill if this debenture provision is put in the bill. Let him kill it. He could do a whole lot worse things than to kill this tariff bill. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. HAWLEY. Mr. Speaker, I yield 10 minutes to the gentleman from Kansas [Mr. SPROUL]. [Applause.]

Mr. SPROUL of Kansas. Mr. Speaker and Members of the House, when I came to Congress, nearly eight years ago, we had before us the farm problem in the midwestern agricultural States. It had been conclusively determined by expert agricultural economists that the prices received for our farm products were approximately 20 cents on the dollar below the prices received for manufactured products. To illustrate: When wheat was selling for approximately $1 per bushel it should have been selling for about $1.20 per bushel. From that time on until now there has been continuously with us the problem of enacting legislation to secure for the midwestern farmers prices for their products on a parity with the prices of manufactured goods. This problem is with us yet to-day as it was nearly eight years ago.

During all this time, I have been supporting every measure considered by Congress for giving the farmers what was conceded to be due them in the way of legislation. I have never deserted them; neither them nor their cause, but have been talking and voting for measures designed to make our tariff laws effective in Kansas as they are in the manufacturing States. I am still talking and voting for such measures.

The facts, we think, not only clearly show that there has been and is a farm problem, but also show where; that is, in what States it exists, what produces the farm problem, and its extent. It is a well-known fact that the great staple food and clothing products are produced in an exportable surplus in the Mississippi Valley agricultural States. The leading products of these States are wheat and cotton, wool, beef, pork, and mutton; but, of course, the chief products are wheat and cotton. These products are the ones produced greatly in excess of the market needs in the United States. A surplus is shipped abroad and sold on foreign markets where the price of the home-sold product is largely determined. The Liverpool market for wheat, less the freight from the United States, is about the same price as the United States market price.

And so it is with cotton, which also is produced in exportable quantities in the Mississippi Valley States. Wheat and cotton, therefore, are sold on a world competitive, free-trade market. These great staple farm products bring into the Mississippi Valley a large part of the money for the support of the whole population of that country. These products get substantially no protective tariff benefit in prices. While there is a substantial tariff duty of 42 cents per bushel on wheat, yet the fact that wheat is produced in an exportable surplus, which goes to a free-trade competitive market, makes the tariff duty on it ineffective. The tariff does no good as to this product the farmer produces and sells on a free-trade market. Due to this situation the Mississippi Valley agricultural States during the past 15 years have made slow progress in the increase of wealth, compared with the progress made by the manufacturing States where the protective tariff is beneficially effective. For illustration the following table is submitted showing the increase of wealth of a number of Mississippi Valley agricultural States compared with a number of manufacturing States:

Increase of wealth in 15 years

	Per cent
Agricultural States:	
North Dakota	18
Iowa	40
Nebraska	48
Minnesota	64
Kansas	41
Oklahoma	31
Texas	66
Agricultural States—Continued.	
Illinois	49
Missouri	83
Arkansas	57
Manufacturing States:	
Maine	109
New Hampshire	121
Massachusetts	115
Rhode Island	106
Connecticut	137
New Jersey	107
Pennsylvania	86
Delaware	118
Ohio	113
Michigan	129

Thus we see where the real agricultural problem exists, and what has brought it about, and the extent of it. The price received for wheat products compared with the prices paid for manufactured products is about 80 per cent of the manufactured product. In other words, the Mississippi Valley farmer receives for his wheat an 80-cent dollar, whereas the manufacturer receives a 100-cent dollar for his product. Think, then, of the wheat farmer paying his taxes and his debts, and making his purchases with an 80-cent dollar, whereas the manufacturer uses a 100-cent dollar to do the same character of work. To even up the price of Kansas wheat, or to put it on a parity with the prices at which manufactured goods are sold where the tariff is effective, our wheat producers should receive 25 cents more for each bushel of wheat. Kansas produces on an average 140,000,000 bushels of wheat annually. Twenty-five cents per bushel on the 140,000,000 bushels of wheat produced annually would mean $35,000,000 more money to be left in Kansas every year. This would mean, on an average, about $350,000 for each county in the State. This is the amount of money which represents the difference between what Kansas does receive, and what Kansas should receive every year to put her farm product of wheat on a parity or equality with the prices at which manufactured goods are sold. Thirty-five million dollars annually represents what the protective tariff law lacks and fails in effectiveness.

Thirty-five million dollars annually as shortage on wheat produced caused by the tariff not being effective is what every Senator and every Congressman should endeavor at every session of Congress to have righted by appropriate legislation. In my opinion, it is our duty to work and vote unceasingly to secure equal and just protection for the agricultural products of the Midwestern States as compared with the protection afforded manufactured products. Every industry in Kansas would have 25 per cent more prosperity than it now has if the tariff on wheat was made halfway effective. The farm lands of Kansas would be increased in value 25 per cent over the values they now have. The burdens of taxation would be 25 per cent lighter than they now are if our wheat had an effective tariff duty. We could pay our debts and our taxes 25 per cent cheaper than we now can pay them. We could have 25 per cent more of the luxuries of life to which we are entitled if we had an effective tariff law in Kansas. If the tariff on wheat were effective there would be 25 per cent more prosperity for every business and every profession located in the State. The merchants, the bankers, the lawyers, the doctors, the ministers, and all the laboring men would share in the prosperity which would come to the State from an effective working tariff law. The State then would make progress in the accumulation of wealth, and as its wealth would increase its tax burdens would diminish. Our population would cease leaving the farms and the small cities. Our representation in Congress would not be reduced. Why it is that the Representatives and Senators from the Midwestern States do not courageously work together to secure to our States what is justly due them I can not understand. While the farm property has no market value, yet it must bear a heavy tax burden.

This condition has existed for a number of years. In June, 1928, the National Republican Convention recognized this condition of the farmers in its national platform. Following that recognition, the farmers were given the following platform pledge:

> The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industries to insure its prosperity and success.

The Democratic platform, made a little later, recognized the same conditions, and made substantially the same pledges to the farmers for the enactment of legislation placing agriculture on a parity with manufacturing. However, this unfair relationship of agriculture to manufacturing has been recognized by Congress and the fair-minded leading thinkers of the country for the past 10 years. During the past eight years, since it has been my privilege to be a Member of the House of Representatives, the McNary-Haugen farm bill has been voted upon three

different times. Twice it received a majority of the votes of both Houses of Congress, but each time it was vetoed by the President.

On the 15th of April, 1929, Congress was convened in special session for the purpose of enacting farm legislation which would make the protective tariff law somewhat effective as to the farm products produced in an exportable surplus. But notwithstanding a recognition of the farm problem and the party platform pledges, and that Congress has been in session almost continuously for more than one year; yet no legislation has been enacted to make the tariff effective on wheat; but instead a bill called the "cooperative stabilization, and surplus controlling law" was enacted.

This bill was not enacted to make the tariff law effective. It was more for the purpose of stabilizing the prices of farm products; to prevent influences of speculators that might be injurious to the farmers. At most, it could only guarantee to the farmers the Liverpool free trade competitive prices. It could not offer them, and does not offer now anything more. It went into effect about July 1, 1929, when wheat was $1.08¾ per bushel and cotton was 17.55 cents per pound in the United States. On May 1, 1930, wheat on the United States market was 95 cents per bushel and cotton was 15½ cents per pound; thus showing that under 10 months of the stabilization law wheat dropped 13¾ cents per bushel in the United States and cotton dropped 2 cents per pound. On May 1, 1930, wheat in London was about $1.11 per bushel and cotton 17.24 cents per pound. Thus we have an illustration of 10 months of the stabilization bill. It should be understood that the present law was created only to stabilize prices; to make them uniform and regular. It was not made to give the farmers better prices on an average, except as they would be better through stabilization and uniformity. In other words, the law is intended to secure an average price between the high and the low during the marketing season. It is intended to get rid of market fluctuations. It was intended to destroy the influence of the "bears" on the market. In my opinion, the farmer or other person had a vain hope when he expected the present law to make the tariff on wheat and cotton to be effective, or even partially so.

THE HAWLEY-SMOOT TARIFF BILL

Now, Mr. Speaker, and ladies and gentlemen of the House, we have under consideration tariff bill H. R. 2667. This bill contains increased duties on hundreds and hundreds of different commodities which are used in everyday life by our citizens in Kansas. There is no doubt in the minds of any reasonable persons that in a great majority of cases the hundreds of articles which we use and upon which there is an import duty are sold to us at higher prices because of the import duties than they would be without the duties. In other words, the tariff is effective on manufactured goods as to our midwestern consumers. It is effective on practically everything except on wheat and cotton. Why is it not effective on wheat and cotton? We are told that it is because we produce these products in exportable quantities which go forth to foreign free-trade and competitive markets. We accept the explanation as being true; but, Mr. Speaker, there are millions on top of millions of dollars' worth of manufactured goods on which there are protective tariff duties that are effective, and which manufactured goods, like our wheat and cotton, go forth to foreign markets, and go into competition with similar products. But the manufactured goods have an effective working protective tariff duty on them, while wheat does not. This is a fact that every informed person well knows. So that our wheat and cotton farmers can see their manufacturing brothers, who also produce an exportable surplus, go forth on the same merchant ship to Liverpool markets with a consciousness that the manufacturer gets protection while the farmer does not, and yet we live in the same country, under the same laws. Such is the kind of protective tariff we now have in operation. This kind of protective tariff is recognized in both branches of the National Congress, and this is the kind of unfair situation the "debenture measure" is offered to remedy.

The Senate has passed the debenture plan to make the protective tariff on wheat and cotton to be effective as it is on manufactured goods. There is surely something wrong with a protective tariff law when it will not do what it was made to do; when it functions only to an extent on wheat and cotton; when it does but little if any good at all; whereas it functions 100 per cent as to manufactured goods.

DEBENTURE

What is the debenture plan, and what does it propose to do, and how would it work? The measure proposes that there shall be issued under Government authority to exporters of American produced wheat, debentures, or written promises to pay, to the extent of 21 cents per bushel for all the wheat that is billed for export. These debenture certificates are receivable as cash by any importer of foreign-produced goods. They may be sold to the importer of any foreign-made goods at a discount of 2 per cent, as an inducement to get the importer to purchase them with which to pay import duties. They are later redeemable by the Government at their face value. There is no one who can intelligently doubt that this 21 cents per bushel which is one-half of the tariff duty of 42 cents, would immediately raise the price of wheat 21 cents per bushel all over the country. If the wheat is worth 21 cents more for export, then all the marketable wheat would start for a foreign market if the domestic market was 21 cents less. Inasmuch as the United States consumes between 500,000,000 and 600,000,000 bushels of wheat annually, such home market would immediately have to meet the export market, and thus the debenture measure would advance the price of wheat 21 cents per bushel all over the United States.

The proposed law gives the Farm Board power to apply the debenture to any particular agricultural product offered for export. It is not necessary to apply it upon all products offered for export but only whenever the price of the exported product is not sufficiently high. These debentures are receivable in payment within one year after their date for import duties due to the Government and are likewise cashable out of any moneys received as import duties to the Government. In short, it really amounts to a payment by the Government of 21 cents a bushel, which would be one-half the duty on wheat, and would also mean the payment by the Government of one-half the duty on cotton. This would make the tariff on wheat and cotton half way effective and would have a great tendency to fulfill the promises of the Republican Party platform made in June, 1928, and to do justice to the wheat and cotton farmers.

But, Mr. Speaker, we are told to-day that it is the opinion of our leader that if the "debenture plan" in the aid of agriculture is passed and adopted by the Congress, the President will veto the tariff bill. We are expected to act upon this opinion. It is told to us as an inducement for us to oppose the "debenture plan." We are virtually asked to give the farmers nothing to make the tariff on wheat and cotton effective. We were told the same thing as to the McNary-Haugen bill. Three times within the past eight years have our leaders from the manufacturing States offered inducements to the Representatives from the wheat and cotton country to vote against measures for the relief of agriculture.

Well do we remember some of the nice things said concerning the McNary-Haugen bill. Here are some of them: "Commerce will be thrown out of its normal adjustment into helpless confusion." "It is a price-fixing bill." "It is unconstitutional." "It is paternalistic." "It offers possibilities for graft and corruption." "It deprives the President of his constitutional powers." "The Attorney General says it is unconstitutional." "It would not work." "The constitutional questions involved have already been held unconstitutional." Three times was this character of criticism lodged against the farm bill.

STABILIZATION LAW

But when the so-called stabilization bill was perfected and brought before the House of Representatives last July we heard a different story. Those who represented the manufacturing interests and were so bitterly opposed to the McNary-Haugen bill, told us that the stabilization bill, under the Federal Farm Board, was an ideal bill; that it was perfectly all right; that it was one that the Representatives of the manufacturing States could recommend wholeheartedly. "Greeks were bearing gifts." No wonder they gave it such a recommendation. Giving it to the farmers to make the tariff effective was like giving a drop of water as a panacea to a person afflicted with a serious disease. In view of the fact that the bill could not possibly do any more than make uniform a free-trade price the farmers were not being fooled. They accepted the bill under protest and as a buck-passing makeshift.

Oh, yes, we are told that the manufacturing interests are sympathetic with the cotton and wheat farmers. We are wondering what kind of sympathy they have for the farmers. Such sympathy as they have to mete out to the farmers reminds us of the kind of faith that St. James referred to in one of his Epistles, as being without works, wherein he said:

> What doth it profit, my brethren, though a man say he hath faith, and have not works? Can faith save him? If a brother or sister be naked and destitute of daily food, and one of you say unto them, Depart in peace, be ye warmed and filled; notwithstanding ye give them not these things which are needful to the body, what does it profit? Even so faith, if it hath not works is dead, being alone. Yea, a man may say, Thou hast faith and I have works; shew me thy faith without thy works, and I will shew thee my faith by my works.—(James, chap. 2, 14–18.)

The wheat and cotton farmers would rather see some real talking and voting for the McNary-Haugen fee bill or the debenture plan than a mere word expression of sympathy. We are told by the enemies of the farm debenture, the representatives of the manufacturing States, that if the debenture plan to aid the farmers was adopted and the wheat farmers should receive 21 cents per bushel for their exports, that foreign countries to which the wheat would be shipped would retaliate by placing on our exported wheat an import duty equal to the amount of our debenture, and that no gain to us would result.

In other words, they claim that if our wheat producers should export 100,000,000 bushels of wheat to Liverpool, and that a debenture of 21 cents per bushel should be paid our wheat exporters, that the English Government would require our wheat exporters to pay that Government 21 cents per bushel to allow the wheat to go into England, and that if so, there would be no gain whatever to our wheat producers. This is merely another bluff, another threat, another scare to the Representatives of the great agricultural States, which comes from the same source that all past opposition to effective farm legislation has come. Our Congress does not hesitate to pass laws raising the tariff duties on foreign imports which practically ruin the foreign markets of various countries shipping products here. We hear threats of retaliation by raising the tariff laws of the foreign countries affected, but we pay no attention to those threats. And why? Because those who are benefited in this country are the manufacturing industries in the manufacturing States. Our manufacturers have no fears of foreign-country tariff-law retaliations, and yet in effect to the industries of the foreign countries there is no difference between the application of the debenture duty on an export on the one hand, and an increase of an import tariff duty on the other hand. The only real difference is that the representatives of the manufacturing States succeeded in putting an effective scare into the minds of the representatives from the States producing agricultural exports.

What our agricultural States need most is to have Members of the Congress to realize what our States really need, and who will have the courage to work and fight for what our States are entitled to receive.

THE TARIFF BILL

The tariff bill, H. R. 2667, provides a few meritorious duties for farm products of the Mid West. In my judgment, there is no question but that we need higher duties on a few products, the like of which are being imported in too large quantities. However, in considering the value of a tariff bill to a section of the country, it is important to consider the extra cost made to the consumer by the raises in duties on the hundreds of things he has to buy. If the total raises in prices of what we have to buy is more than the gain from duties on what we produce, then we lose. A close examination of the bill under consideration makes it of doubtful value to our midwestern farmers without effective duties on wheat and cotton. When most everything the citizen has to buy—the material in his residence, the furnishings of his home, all of his clothing, and much of his food, and practically everything used on the farm—bears a tariff duty, and in a great per cent of the cases a resulting higher price, it behooves him to see to it that the material and leading products of his farm which he sells will receive an effective working tariff duty also.

CONCLUSION

I feel that it is the duty of the Members of Congress to vote courageously for the enactment of just and fair laws—those which will apply in equal effectiveness to the people in all parts of the country. And this duty we should discharge without reference to what the President may or may not do in the matter of applying his veto. The Congress does not seek to influence the President to use or not use his veto, because such is exclusively the President's constitutional duty. Likewise the President should not interfere with the Congress in the discharge of its special constitutional duty in enacting law. Nor should the Congress be swerved from the discharge of its duty by fears of a presidential veto.

I hope the time will come when the Representatives in Congress from the wheat and cotton producing States will as one individual on every occasion demand by their words and votes that the Federal protective tariff laws be made effective in that section of the country as they are elsewhere.

Mr. CULLEN. Mr. Speaker, I yield five minutes to my colleague the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, the Democratic Party has never been a free-trade party. It does not stand for free trade at this time. It stands for a tariff for revenue. We all recognize the fact that protection, at least during and under this administration, is the policy of the Government.

I was interested in the remarks of the gentleman from Connecticut [Mr. TILSON] who quoted the President as saying, in his letter from which he read, that the debenture plan would cost the Treasury $200,000,000 a year. This is probably so, but who is to get this $200,000,000? Where does it go? It goes to the farmers. That is where it will go and that is who it will benefit.

You Members on the Republican side, when the farm relief bill was up in the extra session of this Congress and the farmers throughout the country, from one end of it to the other, were clamoring for relief, said to those of us who then favored this debenture plan and were earnestly trying to give real relief, "Wait; this is not the place to tack on the debenture plan. This is not the place for the debenture. Wait until the tariff bill comes before the House and we will put it on the tariff bill where it belongs."

I call on you to keep faith to-day with the farmers on this proposition. We are in a tariff bill discussion and we are soon to vote on the debenture plan. This is the time and this is the place to really give the farmers something that will be of great help to them.

Mr. JONES of Texas. Will the gentleman yield?

Mr. EDWARDS. Not just now.

I will tell you where some of the $200,000,000 the gentleman from Connecticut [Mr. TILSON] spoke of will go and who it will help.

Georgia, the State from which I come, is a great cotton State. We raise from 1,000,000 to 1,500,000 bales of cotton a year. Call the debenture a "bounty," or whatever else you may want to call it, it will increase the price of cotton about $10 per bale, which means help to Georgia cotton growers, by reason of the debenture, from $10,000,000 to $15,000,000 per annum. There are approximately 15,000,000 bales of cotton grown per annum in this country. This means from $125,000,000 to $150,000,000 of that money the gentleman from Connecticut spoke of would go to the cotton producers. This is one reason I am afraid many of you who have been promising the farmers relief will not permit the debenture plan to go into effect, because it will bring great relief to the South. It will not only benefit cotton which is largely a southern crop but it will help many other products all over the country.

It would not only benefit cotton but many other products of the South, like naval stores and other articles produced in that section which would be taken care of under the debenture.

We are led to believe by the gentleman from Connecticut, the Republican leader, that if we put this proposition into the bill, the President, perhaps, will not stand for the bill, that he will veto it. I want to tell you, unless we get this or something else in the bill worth while for the farmers I would be pleased to see the President veto it, and the farmers of this country would welcome his veto as a relief against the high rates levied in this bill on everything the farmer has to buy for use in his home and on his farm. [Applause.]

Mr. RANKIN. Will the gentleman yield?

Mr. EDWARDS. I yield.

Mr. RANKIN. This plan, if put into effect, would also raise the price of wheat $160,000,000 to the wheat farmers of the country.

Mr. EDWARDS. I thank the gentleman for his contribution. I had not expected to discuss wheat, because we do not grow wheat in Georgia, and I was leaving that to the wheat growers to discuss.

I now yield to the gentleman from Texas.

Mr. JONES of Texas. I just wanted to discuss in connection with what the gentleman has said about the situation when the farm relief bill was up, that when the Senate put this amendment on the farm relief bill they even talked about questioning the jurisdiction of the Senate, because it was a revenue matter.

Mr. EDWARDS. The House is familiar with all those things and there are only two ways to vote. One is to meet the issue frankly, break faith with the farmer, and vote it down, and the other is to be honest, keep faith with the farmers of the country, and vote it up, and give the farmers the great relief it will mean to them. [Applause.]

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. BACHARACH. Mr. Speaker, I yield seven minutes to the gentleman from Ohio [Mr. BRAND].

Mr. BRAND of Ohio. Mr. Speaker, ladies and gentlemen of the House, it is extremely difficult to-day to be for this debenture plan in this bill when the President of my party is advising against it; but I have had a conviction during all the time I have been in this Congress that the only way we will ever help agriculture is to make these tariffs effective on surplus products, and I am not going back on that conviction to-day even under extreme pressure. [Applause.]

I will vote this afternoon to carry out my pledge at the Kansas City convention to give equality to agriculture.

The farmers of America are selling their hogs for less than the Danish farmers are getting for theirs. They are selling their butterfat and milk for less than the Danish farmers are getting for theirs. They are selling their barley, oats, wheat, and corn for less than the European farmer is getting for his because we have to ship our products over there before we get the European price.

That is not true with industry. American industry is selling its products here for more than similar industry is selling the same products in Germany, England, France, or any of the European countries because industry is getting the benefit of the tariff and agriculture is not on surplus products.

The farm organizations have gotten up a rallying cry and a slogan, "We demand equality for agriculture." At the national convention the Republican Party took up that slogan and agreed to comply with and fulfill that demand, and I am going to vote the Republican ticket this afternoon and what it meant following that platform adopted. If anybody here on this side of the House votes otherwise they will show that they did not mean what they said in their platform, because there is no way to give agriculture equality and no way ever been talked except to make the tariff effective on agricultural products, and that is what this debenture plan does. [Applause.]

There are some excuses offered for not voting for this debenture plan. The main one is that other countries will oppose this plan if adopted by the United States and retaliate by placing a tariff on our products equal to this debenture and call it a countervailing duty. Will we be the first country to adopt this debenture idea? Not by any means. I am told there are eight different countries now with the debenture idea enacted into law, and I want to refer to Germany.

Germany raises a lot of wheat in a certain section of the country that is not the kind of wheat the Germans want to use, and if those German farmers ship it out over the world they will get a very small price for it in the open market. Germany has a duty of 80 cents per bushel on wheat, and the German farmer gets a good price for wheat, but here is about 12,000,000 bushels per year that Germany wants to ship out of Germany and she wants to protect the farmer that produces that wheat and give him some kind of equality, and she pays them in the debenture 40 cents per bushel on every bushel shipped out of the country.

Now, you say that all the other countries will retaliate. England did think about retaliating, and this matter was brought up in her Parliament, and if you will go over to the Congressional Library you can get the full debate on the subject and the record vote, and you will find that more than two-thirds of the members of Parliament voted against any retaliation and admitted that Germany was within her rights. That is the test on this question, and anyone who votes against the debenture fearing that other countries will retaliate is offering an excuse, not a reason.

Another excuse for not voting for this measure is that it is not mandatory upon the Farm Board to put it into effect. Well, the McNary-Haugen bill was not mandatory. It became effective upon certain conditions only. It did not apply to all products unless the board controlling it so desired.

Wheat sometimes sold, in the last 12 years, at 75 cents per bushel and sometimes at $4 per bushel. Sometimes you would want the debenture in effect. Other times you would not. This is no new proposition to us in the United States. I would prefer to apply it with discretion.

I have heard, too, in the cloakrooms and on the floor of the House that the farmer will not get this debenture, but anyone who has any vision at all must know that this Farm Board is at work organizing the American farmers for marketing their products, and anyone with just a little imagination can see that they are going to succeed in doing that and that the American farmer is going to be organized, and, gentlemen, when they are organized they will be exporting their own wheat, and that will probably occur this year. That is what is the matter with the chamber of commerce, because some of their members are losing their jobs.

Now, when the American farmer exports his own wheat through his organization, he will collect the debenture and dispose of it to somebody importing sugar or some other product and there will be three, four, or five times as many people wanting those debentures as there are debentures and the American farmer will get through his organization every penny of the debenture.

That is not all the good he gets out of those debentures. If any farmer gets 21 cents per bushel more for the wheat that is exported on account of the debenture, every other farmer selling wheat in America will get the same price as the man who sells his wheat for export, and every bushel of wheat in America that is sold by the farmer will get the 21 cents advance. When you apply the debenture plan to other items you will get the same result.

I will vote for the debenture this afternoon because it is the only means before us of granting equality to agriculture, and my party agreed to do that.

I will vote for the debenture this afternoon because agriculture in America is bankrupt.

I will vote for the debenture this afternoon because agriculture in America to-day is in a worse shape than it has ever been since the Cleveland administration in the nineties.

I will vote for the debenture this afternoon because agriculture in America is entitled to the American standard of living, and because we must prevent the American farmer from becoming a serf, a peasant, and a cheap, despised servant of industry. [Applause.]

Mr. HILL of Washington. Mr. Speaker, I yield three minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. CULLEN. I yield two minutes to the gentleman from Mississippi [Mr. QUIN].

The SPEAKER pro tempore (Mr. DARROW). The gentleman from Mississippi [Mr. QUIN] is recognized for five minutes.

Mr. QUIN. Mr. Speaker, this, in my judgment, is a grave situation to Members of this House, because the platform of both parties promised the farmers that they should be placed on an equality with industry. The Republican majority ought to recognize that it is responsible for all legislation that passes this House. In this very bill that we have up now, the conference report on the tariff bill, the House and the Senate give to special-privilege industries in this country the right to collect from all of the people of the United States through what they call a tariff or bounty.

One gentleman, the leader of this House [Mr. TILSON], said that we could take it up in a different bill. Why, when we had the McNary-Haugen bill up, what did they do? They killed it. And they said that we are going to put it on the tariff. The gentleman from Kansas [Mr. STRONG] made that statement to me, and I said, "Do you believe your leadership is going to allow a debenture to come in on the tariff bill?" He said, "Yes." And yet, gentlemen, they had no more intention of doing it than I have.

The test of that very proposition is this debenture; it is for the benefit of certain agricultural products in this country.

Think what it means to the wheat growers if it passes—and if it passes it is to be done through the Republicans. All you Republicans that belong in the territory where they produce wheat and corn certainly can not vote against the farmer. If you are for him, you are going to vote for this great debenture plan in this bill.

I do not care what the leadership may say—they have already provided for the Steel Trust and all these big concerns that burglarize the people. [Laughter.]

Day before yesterday 28 Democrats joined with this bunch of Republicans and they put a tariff on cement by a vote of 55 majority. They turned down the Blease amendment and thus robbed the farmers all over the United States. The record shows that they will have to pay $316 to $800 a mile more for concrete roads.

And yet you have the temerity to say that you have sympathy for the farmer. You know what it will mean for the wheat farmer and the cotton grower of the country. Yes; it is a subsidy; it is a bounty. Steel has a bounty and cement has a bounty—there are a thousand items in this bill, ad valorem taxes from 5 per cent up to 150 per cent, which you are taking away from the people, and it is nothing more than a bounty.

They claim that the President will veto the bill. It would be a mighty good thing if he does veto it. I hope he will veto it. Let us put the debenture plan in here, and, if he signs it, we know we are helping the farmer, and it is the only chance you are going to get to give the farmer the benefit of any tariff. You have given it to the protected industries. Now give it to the helpless farmer of this country, so that he can be put on an equality with industry. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. BACHARACH. Mr. Speaker, I yield 10 minutes to the gentleman from New Jersey [Mr. FORT].

Mr. FORT. Mr. Speaker and gentleman of the House, since I have been a Member of this House it has been my effort to give to all proposals for farm relief a sympathetic consideration, and to vote for anything that was in the real interest of American agriculture. But I never have voted and I never will vote for a gesture alleged to be in the interest of agriculture, but actually to its detriment. [Applause.] Before going any further may I call to the attention of the gentleman on the Democratic side of the aisle, who are going to follow their vote for the debenture with votes against the delegation of authority to the Tariff Commission, that the debenture proposal as it passed the Senate is a straight delegation to an executive commission

of the power to appropriate and spend $280,000,000 of the tariff revenues of this Government without reference back to Congress. I shall put into the RECORD, if I may be permitted, a statement of the Tariff Commission verifying my figures of $280,000,000. In a few minutes you are going to vote not to delegate authority to an executive commission to affect individual tariff rates, and yet, if your vote here carries, you are going to delegate power to an executive commission to take out and spend one-half of the entire revenue raised by the tariff. Next, this is a straight subsidy proposal. I took occasion yesterday, in connection with the duty on sugar, to call to the attention of the House the danger that resulted from an initial adoption of a subsidy policy. Once adopted, such a policy is not morally or easily repealable, even where its cost runs, as this will, into hundreds of millions of dollars. It is not, however, in the first instance, a subsidy to the American farmer. Who owns the wheat and the cotton to-day? Not the farmer. The trade does. I had a telephone call this morning from interests connected with the Chicago Board of Trade, asking me if I did not think there was a chance of the debenture being added to the bill. The Chamber of Commerce of the United States indicated this week a preference for the export debenture over the present farm bill, because the present farm bill interferes with their business.

This proposal in its present form, if adopted, amounts to a direction to the executive branch of the Government to make it operate whenever the price of the commodity gets low. Wheat is to-day at $1.02 a bushel, which is low. Immediately it should be the duty of the Farm Board, if we put the stamp of our approval on this legislation, to give to the trade in wheat, which to-day owns, perhaps, 200,000,000 bushels of last year's crop, a present of $42,000,000. It would also operate, under its language, for the benefit of the manufacturer far more than for the farmer. May I say also to the gentlemen from the South that they had better read this bill with some care before they vote to concur, because in its present form, since the adoption of the 7-cent duty on long-staple cotton, the 2-cent rate on short staple would not apply. If they vote for the bill in its present form, they are voting for a subsidy to every exportable product of agriculture except short-staple cotton.

The purpose of this legislation is to raise the price of agricultural commodities, and yesterday the House fought for two hours over an increase of 20 cents a hundred pounds on sugar, and Members voted against a duty which justice to the sugar producers demanded. This proposal, if it means anything, should mean an increase of a cent a pound on sugar, since the debenture rate would be half the duty of 2 cents; that is, of course, if it were not the fact that it can not possibly help any producer of articles of which we do not raise a surplus. Our eastern farmers, also, can gain nothing from this subsidy, as, of course, they can not export their perishable products.

What is the effect of a subsidy or a bonus? Universally, world-wide, it is that a countervailing duty is put on, equivalent in amount to the bonus. Even Canada, when Australia put a bonus on exports of butter, put a countervailing duty equal to the export bonus, even on the products of her sister Dominion. What is the effect of that? The effect is that the export bonus is used to pay the taxes in some other country. The moment we put an export bonus on something to be imported into Germany, Germany puts on a countervailing duty equal to the bonus. Then we would take out of our Treasury, if it be wheat, 21 cents a bushel, and the exporter pays it to Germany as an import duty on wheat going into Germany. We would pay the taxes of the German nation out of the Treasury of the United States and tax ourselves to get the revenue.

Economic chaos has followed this proposal wherever it or anything like it has been adopted. The gentleman from Ohio [Mr. BRAND] referred to certain countries having a bonus on export system. Australia has it, and as a result Australia is in absolutely the worst economic condition of its entire existence. Australian exchanges are at a discount, I think it is, of 17 per cent from par. Why? Because she has raised so much wool, because she has raised so much wheat, that she has depreciated the world market in both of them, and she can not export at a profit. You can not put export bounties on any commodity without increasing the production.

The Senate recognized that fact by providing that, if this thing was put on, it should be reduced as production increased, but it made no provision to take care of any increase less than 20 per cent. What is 20 per cent? Twenty per cent in cotton is 3,000,000 bales, and 3,000,000 bales of cotton would break the world price 5 cents a pound, and then they would get an export debenture of 2 cents, provided they did not have the tariff on long staple. They would break the world price 5 cents to get 2 cents. On wheat an increase of 20 per cent is 180,000,000 bushels, and 180,000,000 bushels is more than the entire visible supply of wheat that drove the price of wheat down 35 cents per bushel a year ago. Here they are ready to vote for a proposal which will produce such an increase in production with a certain resultant break in world price that will be far greater than the export debenture subsidy.

My friends, it will cause only a debacle and economic chaos if the American Congress accedes to the amendment of the Senate. We are sitting here and hearing pleas coming in the name of agriculture from those, many of whom are at heart its friends but who have not studied the merits of this proposition. We are asked to give the American farmer, in the guise of aid, a thing which more than any other of the many fanciful proposals offered by his misguided friends promises him total, complete, and final ruin. [Applause.]

Mr. Speaker, I yield back the balance of my time, and I ask unanimous consent that in the revision and extension of my remarks I may include a report from the Tariff Commission on the cost of the debenture.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The report of the Tariff Commission referred to is as follows:

SOME CALCULATIONS RESPECTING EXPORT DEBENTURES AS PROVIDED IN SECTION 321, H. R. 2667

UNITED STATES TARIFF COMMISSION,
Washington, D. C., April 18, 1930.

SOME CALCULATIONS RESPECTING EXPORT DEBENTURES

The Tariff Commission has received a number of requests for statistical information in regard to export debentures as provided for in section 321 of H. R. 2667 as passed by the Senate March 24, 1930.

The calculations in the attached tables are based upon the export statistics for a selected group of commodities which the Federal Farm Board would be empowered to make debenturable should the provisions of the Senate bill become a law. These tables include as nearly as possible all the debenturable commodities (because of lack of export statistics corresponding with the tariff classification, cattle are omitted from the tabulations. Exports of cattle are small and the effects of the omission negligible) for which export figures are available for the calendar year 1929. It is, of course, impossible to predict for any future period the quantity of exports. The grand totals, therefore, represent the maximum total of debentures payable under section 321, calculated on the basis of exports for the year 1929.

In accordance with section 321 (d), the debenture rates for agricultural products, except cotton, are one-half the tariff rates fixed in the bill on such products. In Table I–A the tariff rates in the bill as passed by the House of Representatives are used as the basis of calculating the debenture rates; in Table I–B, the tariff rates in the bill as passed by the Senate; and in Table I–C, the tariff rates as tentatively agreed upon by the conference committee as of April 18, 1930. For cotton, the debenture rate of 2 cents per pound, provided in section 321, is used. Section 321 (d) provides that the debenture rate upon a manufactured food product of an agricultural commodity or upon a manufacture of cotton or tobacco shall be an amount sufficient, as nearly as may be, to equal the debenture that would be issuable upon the exportation of the quantity of the raw material consumed in the manufacture of such product. In the accompanying tables the attempt has been made to estimate roughly for cotton and for tobacco manufactures, as well as could be done on the basis of the statistics available, the amounts of the debentures according to the rule in section 321. But for manufactured food products, because of lack of necessary statistics and because of the difficulties encountered when the attempt is made to apply the rule to joint products of a raw material, there has been used as the debenture rate in each case one-half the tariff rate provided for such food product in H. R. 2667. In Table I–A, the House rates were used; in Table I–B, the Senate rates; in Table I–C, the conference rates (as of April 18, 1930).

As appears in the notes on the table, the lack of sufficiently detailed statistics has necessitated the making of a number of assumptions and estimates in converting cotton and tobacco products back to the unmanufactured cotton and leaf tobacco. In some cases where the basket clause of the export classification did not correspond with the basket clause of the tariff classification, information was not available upon which to estimate the amount of the debenture.

As indicated in the note on the table, deduction has been made for exports of wheat flour made in bonded mills from foreign wheat. No attempt has been made to account similarly for any other manufactures of foreign raw material.

The estimated debentures on agricultural commodities (except cotton and tobacco) and manufactured food products total $89,000,000 on the basis of the House rates, $90,600,000 on the basis of the Senate rates, and $90,900,000 on the basis of the conference rates; on cotton and cotton manufactures, $86,700,000; and on tobacco and tobacco manufactures, $104,000,000. The grand total of the estimated debentures on all products included amounts to $279,700,000 on the basis of the House rates, to $281,300,000 on the basis of the Senate rates, and to $281,600,000 on the basis of the conference rates.

EXPORT DEBENTURES, SECTION 321, H. R. 2667

I. Proposed export debenture rates applied to exports of agricultural products (except cotton and tobacco) and manufactures thereof, calendar year 1929[1]

A. AT DEBENTURE RATES EQUAL TO ONE-HALF THE TARIFF RATES OF H. R. 2667 AS PASSED BY THE HOUSE OF REPRESENTATIVES

Commodity	Unit of quantity	Paragraph No., H. R. 2667	Tariff classification of commodity	Tariff rates in H. R. 2667 as passed by the House	Exports, 1929		Debenture cost	Notes
					Quantity	Value		
Hogs	No.	703	Hogs	2c per lb.	27,017	$464,998	$67,542	On assumption of average weight of 250 pounds per head.
Sheep	No.	702	Sheep	$3 per head	15,431	211,770	23,146	
Poultry, live	Lbs.	711	Poultry, live	6c per lb.	448,611	301,301	13,458	
Beef and veal, fresh	Lbs.	701	Beef and veal, fresh	6c per lb.	2,917,859	661,669	87,536	
Beef and veal, pickled or cured	Lbs.	706	Meats preserved	6c per lb. but not less than 20%.	10,824,870	1,321,002	324,746	
Pork, fresh	Lbs.	703	Pork, fresh	2½c per lb.	13,539,070	2,169,025	169,238	
Wiltshire sides—shoulders, sides, and hams.	Lbs.	703	Other pork, prepared or preserved.	3¼c per lb.	5,039,034	717,892	818,843	
Hams and shoulders, cured	Lbs.	703	Hams and shoulders	3¼c per lb.	125,796,826	26,461,981	2,044,198	
Bacon	Lbs.	703	Bacon	3¼c per lb.	138,423,370	20,850,928	2,249,380	
Cumberland sides	Lbs.	703	Other pork, prepared or preserved.	3¼c per lb.	5,858,054	1,123,875	95,193	
Pickled	Lbs.	703	Other pork, prepared or preserved.	3¼c per lb.	44,787,116	6,403,050	727,791	
Mutton and lamb	Lbs.	702	Mutton, fresh Lamb, fresh	5c per lb. 7c per lb.	835,411	210,807	27,569	On assumption that 80% of exports are lamb, 20% mutton.
Sausage, not canned	Lbs.	706	Meats, preserved	6c per lb. but not less than 20%.	3,724,042	1,124,153	112,415	Calculated on the ad valorem rate.
Canned meats:								
Beef	Lbs.	706	Meats, preserved	6c per lb. but not less than 20%.	2,606,162	945,462	94,546	Calculated on the ad valorem rate.
Pork	Lbs.	703	Pork, prepared or preserved.	3¼c per lb.	10,239,914	3,694,820	166,399	
Sausage	Lbs.	703	Pork, prepared or preserved.	3¼c per lb.	2,139,100	706,424	34,760	
Other	Lbs.	706	Meats preserved	6c per lb. but not less than 20%.	2,266,448	614,887	67,993	Calculated on the specific rate.
Poultry and game, fresh	Lbs.	712	Chickens, ducks, geese, guineas. Turkeys	8c per lb. 10c per lb.	2,472,574	842,303	98,903	Assuming exports are all chickens.
Other meats (including edible offal)	Lbs.	706	Meats preserved	6c per lb. but not less than 20%.	41,422,103	4,610,789	1,242,663	Calculated on the specific rate.
Sausage casings:								
Hog casings	Lbs.	1756	Sausage casings	Free	12,905,125	3,490,267		
Beef casings	Lbs.	1756	Sausage casings	Free	16,820,424	2,365,785		
Other casings	Lbs.	1756	Sausage casings	Free	2,911,194	441,335		
Oleo oil	Lbs.	701	Oleo stearin	1c per lb.	68,208,850	7,501,270	341,044	
Oleo stock	Lbs.	701	Tallow	½c per lb.	8,095,202	859,633	20,238	
Tallow	Lbs.	701	Tallow	½c per lb.	3,840,020	326,851	9,600	
Lard	Lbs.	703	Lard	3c per lb.	847,867,918	107,976,396	12,718,019	
Lard compounds containing animal fats.	Lbs.	703	Lard compounds and lard substitutes.	5c per lb.	3,632,219	457,229	90,805	
Oleo and lard stearin	Lbs.	701	Oleo stearin	1c per lb.	3,930,682	440,075	19,653	
Oleomargarine of animal or vegetable fats.	Lbs.	709	Oleomargarine	14c per lb.	901,625	152,401	63,114	
Milk and cream:								
Fresh and sterilized	Gal.	707	Whole milk	5c per gal.	180,217	103,571	4,505	
Condensed, sweetened	Lbs.	708	Milk, condensed or evaporated, sweetened.	2¾c per lb.	41,242,812	6,459,419	403,982	
Evaporated	Lbs.	708	Milk, condensed or evaporated, unsweetened.	1½c per lb.	68,942,613	5,844,208	482,598	
Dried	Lbs.	708	Dried whole milk	4¾c per lb.	5,342,301	1,366,794	126,880	
Butter	Lbs.	709	Butter	14c per lb.	2,724,245	1,750,278	210,697	
Cheese	Lbs.	710	Cheese	7c per lb., but not less than 35%.	2,646,099	735,333	128,683	Calculated on the ad valorem rate.
Infants' foods, malted milk, etc.	Lbs.	708	Malted milk and compounds or substitutes for milk or cream	30% ad valorem	2,120,135	655,844	98,377	
Eggs in the shell	Doz.	713	Eggs of poultry in the shell.	10c per doz.	12,074,830	4,081,363	603,742	
Eggs and yolks, frozen, dried and canned.	Lbs.	713	Whole eggs, egg yolk & egg albumen frozen.	8c per lb.	325,706	61,644	13,028	
Meat extracts and bouillon cubes	Lbs.	705	Extract of meat, including fluid.	15c per lb.	185,116	400,077	13,884	
Gelatin	Lbs.	42	Edible gelatin, valued at 40c or more per lb.	20% and 7c per lb.	269,620	168,696	26,306	
Hides and skins, raw—								
Cattle hides	Lbs.	1530	Hides, cattle	10%	22,544,535	3,516,494	175,825	
Calfskins	Lbs.	1530	Hides, cattle	10%	6,977,438	1,539,559	76,978	
Sheep and goat skins	Lbs.	1761	Skins of all kinds, raw and hides n. s. p. f.	Free	1,864,136	577,629		
Other hides and skins	Lbs.	1761	Skins of all kinds, raw, and hides n. s. p. f.	Free	6,358,641	1,161,949		
Horses other than breeding	No.	714	Valued at not more than $150 per head.	$30 per head	7,358	722,202	110,370	Assuming all exports valued at not more than $150 per head.
			Valued at more than $150 per head.	20% ad valorem				
Mules, asses, and burros	No.	714	Valued at more than $150 per head.	$30 per head, 20% ad valorem	15,295	1,812,965	229,425	Assuming all exports valued at not more than $150 per head.
Barley	Bu.	722	Barley	20c per bu. (48 lbs)	29,523,077	24,154,866	2,952,308	
Malt	Bu.	722	Barley malt	40c per 100 lbs.	3,380,783	3,334,439	229,893	Exports in bu. converted at 34 lbs. per bu.
Buckwheat	Bu.	723	Buckwheat	25c per 100 lbs.	191,141	212,981	11,468	Exports in bu. converted at 48 lbs. per bu.
Corn	Bu.	724	Corn	25c per bu. (56 lbs)	33,745,270	34,958,510	4,218,159	
Corn meal	Bbl.	724	Corn meal	50c per 100 lbs.	267,121	1,330,468	130,889	Exports in bbls. converted at 196 lbs. per bbl.
Hominy and corn grits	Lbs.	724	Corn grits	50c per 100 lbs.	14,383,857	304,761	35,960	
Corn breakfast foods ready to eat	Lbs.	732	Cereal breakfast foods	20% ad valorem	6,157,114	525,341	52,534	
Oats	Bu.	726	Oats	15c per bu. (32 lbs)	6,608,727	3,389,111	495,655	
Oatmeal, flaked and rolled oats	Lbs.	726	Oatmeal and rolled oats	80c per 100 lbs.	81,245,501	4,220,140	324,982	
Rice	Lbs.	727	Rice	1¼c per lb.	315,441,412	12,129,669	1,971,509	
Rice flour, meal and broken rice	Lbs.	727	Broken rice, rice meal, flour, polish, and bran.	⅝c per lb.	70,593,596	1,980,679	220,605	

[1] The debenture rates upon manufactured food products have been calculated at one-half the duty on such products in H. R. 2667 as passed by the House instead of on the basis of the rates on the basic raw material as proposed in sec. 321, H. R. 2667 as passed by the Senate.

EXPORT DEBENTURES, SECTION 321, H. R. 2667—Continued

I. Proposed export debenture rates applied to exports of agricultural products (except cotton and tobacco) and manufactures thereof, calendar year 1929—Continued

A. AT DEBENTURE RATES EQUAL TO ONE-HALF THE TARIFF RATES OF H. R. 2667 AS PASSED BY THE HOUSE OF REPRESENTATIVES—continued

Commodity	Unit of quantity	Paragraph No., H. R. 2667	Tariff classification of commodity	Tariff rates in H. R. 2667 as passed by the House	Exports, 1929		Debenture cost	Notes
					Quantity	Value		
Rye	Bu.	728	Rye	15c per bu. (56 lbs)	3,433,576	$3,612,596	$257,518	
Rye flour	Bbl.	728	Rye flour and meal	45c per cwt	14,764	84,699	6,511	Exports in bbls. converted at 196 lbs. per bbl.
Wheat	Bu.	729	Wheat	42c per bu. (60 lbs)	90,129,600	111,500,615	18,927,216	
Wheat flour	Bbl.	729	Wheat flour	$1.04 per cwt	13,663,457	80,788,765	10,633,038	Exports in bbls. converted at 196 lbs. per bbl. Obtained by deducting $3,292,757 debenture on exported wheat flour made from foreign wheat from original total of $13,925,795.
Biscuits and crackers:								
Plain	Lbs.	733	Biscuits, etc	30% ad valorem	6,743,348	1,114,887	167,233	
Sweetened	Lbs.	733	Biscuits, etc	30% ad valorem	3,874,556	916,221	137,433	
Macaroni, etc	Lbs.	725	Macaroni, etc., containing no eggs.	2c per lb	10,740,479	925,004	107,405	
Wheat breakfast foods ready to eat	Lbs.	732	Cereal breakfast foods	30% ad valorem	1,961,627	181,511	18,151	
Wheat breakfast foods to be cooked	Lbs.	732	Cereal breakfast foods	30% ad valorem	1,242,040	140,740	14,074	
Cereal foods n. e. s	Lbs.	732	Cereal breakfast foods, etc.	30% ad valorem	4,638,529	496,361	49,636	
Other grains and preparations	Lbs.	732	Cereal preparations	30% ad valorem	12,373,749	952,442	95,244	
Hay	Ton	777	Hay	$4 per short ton	11,073	267,046	24,804	
Kaffir and milo	Bu.	1557	Raw product n. s. p. f.	10%	2,694,978	2,337,928	116,896	
Beans, dried	Bu.	763	Beans, dried	2½c per lb	291,218	1,162,488	218,414	Exports in lbs. converted at— 60 lbs. per bu.
Peas, dried	Bu.	767	Peas, dried	1¾c per lb	114,320	483,963	58,017	58 lbs. per bu.
Potatoes, white	Bu.	769	Potatoes, white or Irish	75c per 100 lbs	2,734,530	3,223,436	615,289	60 lbs. per bu.
Onions, white	Bu.	768	Onions	2c per lb	880,273	786,307	330,756	57 lbs. per bu.
Other fresh vegetables	Bu.	772	Vegetables, all other	50%	199,043,905	6,340,092	1,585,023	Exports and tariff classifications not identical, but it is believed rates would average at least 50%.
Vegetables, canned:								
Asparagus	Lb.	773	Vegetables, prepared or preserved, n. s. p. f.	35% ad valorem	22,834,475	3,544,726	620,327	
Baked beans and pork and beans.	Lb.	763	Beans	3c per lb	7,664,894	667,013	114,973	
Corn	Lb.	773	Vegetables, prepared or preserved, n. s. p. f.	35% ad valorem	8,366,230	629,133	110,098	
Peas	Lb.	767	Peas, prepared or preserved.	2c per lb	8,384,573	739,789	83,846	
Soups	Lb.	773	Soups	35%	28,751,205	2,722,575	476,451	
Tomatoes	Lb.	770	Tomatoes, prepared or preserved.	40%	4,674,113	340,078	68,016	
Other canned vegetables	Lb.	773	Vegetables, prepared, n. s. p. f.	35%	13,126,129	808,444	141,478	
Pickles	Lb.	773	Vegetables, prepared, n. s. p. f.	35% ad valorem	4,136,192	386,367	67,614	
Catsup and other tomato sauces	Lb.	773	Vegetables, prepared or preserved.	35%	11,014,301	1,490,084	200,765	
Other sauces and relishes	Lb.	773	Vegetables, preserved, n. s. p. f.	35%	3,732,241	769,847	134,723	
Vinegar	Gal.	738	Vinegar	6c per gal	318,511	167,680	9,555	
Yeast	Lb.	1557	Unenumerated mfd. article.	20%	3,584,074	652,894	65,289	
Other vegetable preparations	Lb.				2,969,034	411,648		No corresponding rate.[1]
Grapefruit	Box	743	Grapefruit	1⅛c per lb	976,264	3,619,743	512,539	Exports in boxes converted at— 70 lbs. per box.
Lemons	Box	743	Lemons	2c per lb	266,358	1,410,485	197,105	74 lbs. per box.
Oranges	Box	743	Oranges	1c per lb	5,510,514	18,745,561	1,928,680	70 lbs. per box.
Pineapples	Box	746	Pineapples per crate of 2.45 cu. ft.	35c per crate	50,791	149,126	8,888	
Apples:								
In boxes	Box	734	Apples	25c per bu. of 50 lbs.	9,452,988	20,671,242	992,522	42 lbs. per box.
In bbls	Bbl.				2,467,948	12,467,077	1,011,859	Exports in bu. converted at 3.28 bu. per bbl.
Berries	Lb.	736	Berries	1½c per lb	14,728,517	1,424,832	92,053	Exports in lbs. converted at 38.4 lbs. per cu. ft.
Grapes	Lb.	742	Grapes	25c per cu. ft	47,306,879	2,463,724	153,747	
Pears	Lb.	748	Pears	½c per lb	60,995,885	4,831,872	174,990	
Peaches	Lb.	745	Peaches	½c per lb	19,947,316	806,111	49,868	
Other fresh fruit	Lb.	760	Other fresh fruit	35%	58,955,119	2,070,470	362,332	
Dried evaporated fruits:								
Pears	Lb.	748	Pears, dried	2c per lb	4,576,466	573,302	45,765	
Raisins	Lb.	742	Raisins	2c per lb	140,686,659	8,390,051	1,406,857	
Apples	Lb.	734	Apples, dried	2c per lb	37,889,187	4,633,108	378,892	
Apricots	Lb.	735	Apricots, dried	2c per lb	21,204,616	3,515,207	212,046	
Peaches	Lb.	745	Peaches, dried	2c per lb	7,785,907	842,091	77,859	
Prunes	Lb.	747	Prunes, dried	½c per lb	197,227,583	14,837,915	493,069	
Other dried and evaporated	Lb.	750	Fruits, dried, n. s. p. f.	35%	13,568,690	1,489,398	260,645	
Canned fruits:								
Berries	Lb.	736	Berries, edible, prepared or preserved.	35% ad valorem	12,684,141	1,307,719	228,851	
Apples and applesauce	Lb.	734	Apples, otherwise prepared or preserved.	2½c per lb	22,963,281	1,185,349	287,041	
Apricots	Lb.	735	Apricots, otherwise prepared or preserved.	35% ad valorem	30,246,105	2,947,925	515,887	
Cherries	Lb.	737	Cherries, prepared or preserved in any manner.	5½c per lb. and 40%	2,009,091	353,039	127,508	
Prunes	Lb.	747	Prunes, otherwise prepared or preserved.	35%	2,616,486	264,293	46,251	
Peaches	Lb.	745	Peaches, otherwise prepared or preserved.	35%	90,040,995	8,315,560	1,455,223	
Pears	Lb.	748	Pears, otherwise prepared or preserved.	35%	56,075,297	6,241,697	1,092,297	

[1] "All other" class in export classification does not correspond with "all other" class in tariff classification, so that it is impossible to determine debenture rate which should be used.

EXPORT DEBENTURES, SECTION 321, H. R. 2667—Continued

I. Proposed export debenture rates applied to exports of agricultural products (except cotton and tobacco) and manufactures thereof, calendar year 1929—Continued

A. AT DEBENTURE RATES EQUAL TO ONE-HALF THE TARIFF RATES OF H. R. 2667 AS PASSED BY THE HOUSE OF REPRESENTATIVES

Commodity	Unit of quantity	Paragraph No., H. R. 2667	Tariff classification of commodity	Tariff rates in H. R. 2667 as passed by the House	Exports, 1929		Debenture cost	Notes
					Quantity	Value		
Canned fruits—Continued								
Pineapples	Lb	746	Pineapples, otherwise prepared or preserved.	2c per lb	46,153,359	$4,557,493	$461,534	
Fruits for salad	Lb				33,874,645	5,139,561		No corresponding rate.[1]
Other canned fruits	Lb				10,643,848	1,051,967		No corresponding rate.[1]
Preserved fruits, jellies, and jams	Lb	749	Jellies, jams, marmalades.	35%	2,413,139	455,325	79,682	
Other fruit preparations	Lb	750	Fruits, otherwise prepared or preserved.	35%	23,915,146	1,225,209	214,412	
Peanuts	Lb	757	Peanuts (shelled) / Peanuts (unshelled)	7c per lb / 4¼c per lb	4,880,038	408,004	154,026	Assuming an average of 75% shelled, 25% not shelled, the ratio of imports into Canada from United States fiscal year 1929.
Other nuts	Lb				6,020,135	1,072,886		No corresponding rate.[1]
Cottonseed oil:								
Crude	Lb	55	Cottonseed, oil	3c per lb	19,172,131	1,542,241	287,582	
Refined	Lb		Cottonseed, oil	3c per lb	6,902,890	845,415	103,543	
Corn oil	Lb	54	Oils, n. s. p. f.	20%	315,255	42,329	4,233	
Vegetable-oil lard, compounds	Lb	703	Lard compounds and lard substitutes.	5c per lb	6,342,631	866,597	158,566	
Other edible vegetable oil and fats	Lb				3,893,049	616,804		No corresponding rate.[1]
Molasses	Gal	502	Testing not above 48% total sugars. / Testing above 48% total sugars.	3.3c per gal / 6c add. each per cent total sugars.	8,577,399	768,897	450,313	Assuming an average of 60%.
Honey	Lb	716	Honey	3c per lb	8,675,707	775,340	130,136	
Glucose (corn sirup)	Lb	503	Dextrose	2c per lb	118,523,086	4,412,137	1,185,231	
Grape sugar (corn sugar)	Lb	503	Dextrose	2c per lb	7,238,983	268,664	72,390	
Sirup, including maple	Lb	503	Maple sirup	5c per lb	3,175,595	972,814	79,390	
Corn starch and corn flour	Lb	85	Starches, n. s. p. f.	1½c per lb	235,041,590	8,857,751	1,762,812	
Other starch	Lb	83	Potato starch	2½c per lb	3,779,129	181,513	47,239	
Broomcorn	Long ton	777	Broomcorn	$10 per short ton	4,371	597,292	24,478	
Hops	Lb	778	Hops	24c per lb	7,677,157	1,383,841	921,259	
Wool and mohair, unmanufactured	Lb	1102	Wool in the grease or washed per pound of clean content.	34c per lb	239,336	87,592	19,123	Assuming exports are of 47% clean content.
Total—Agricultural products (except cotton and tobacco) and manufactures thereof.							89,063,140	

[1] "All other" class in export classification does not correspond with "all other" class in tariff classification, so that it is impossible to determine debenture rate which should be used.

B. AT DEBENTURE RATES EQUAL TO ONE-HALF THE TARIFF RATES OF H. R. 2667 AS PASSED BY THE SENATE

Commodity	Unit	Paragraph No., Senate bill, H. R. 2667	Tariff classification of commodity	Tariff rates in H. R. 2667 as passed by the Senate	Quantity or value of exports, 1929	Debenture cost	Notes
Hogs	No.	703	Hogs	2c per lb	27,017	$67,542	On assumption of average weight of 250 lbs. per head.
Sheep	No.	702	Sheep	$3 per head	15,431	23,146	
Poultry, live	No.	711	Poultry, live	8c per lb	448,611	17,944	
Beef and veal, fresh	Lb	701	Beef and veal, fresh	6c per lb	2,917,859	87,536	
Beef and veal, pickled or cured	Lb	706	Meats, preserved	6c per lb. but not less than 20%	10,824,870 / $1,321,002	324,746	Calculated on the specific rate.
Pork:							
Fresh	Lb	703	Pork, fresh	2½c per lb	13,539,070	169,238	
Wiltshire sides, shoulders, sides, and hams.	Lb	703	Other pork, prepared or preserved	3¼c per lb	5,039,034	818,843	
Hams and shoulders, cured	Lb	703	Hams and shoulders	3¼c per lb	125,796,826	2,044,198	
Bacon	Lb	703	Bacon	3¼c per lb	138,423,370	2,249,380	
Cumberland sides	Lb	703	Other pork, prepared or preserved	3¼c per lb	5,858,054	95,193	
Pickled	Lb	703	Other pork, prepared or preserved	3¼c per lb	44,787,116	727,791	
Mutton and lamb	Lb	702	Mutton, fresh	5c per lb / 7c per lb	835,411	27,569	On assumption that 80% of exports are lamb, 20% mutton.
Sausage, not canned	Lb	706	Lamb, fresh / Meats, preserved	6c per lb. but not less than 20%	3,724,042 / $1,124,153	112,415	Calculated on the ad valorem rate.
Canned meats:							
Beef	Lb	706	Meats, preserved	6c per lb. but not less than 20%	2,606,162 / 2945,462	94,545	Calculated on the ad valorem rate.
Pork	Lb	703	Pork, prepared or preserved	3½c per lb	10,239,914	166,399	
Sausage	Lb	703	Pork, prepared or preserved	3½c per lb	2,139,100	34,760	
Other	Lb	706	Meats, preserved	6c per lb. but not less than 20%	2,266,448 / $614,887	67,993	Calculated on the specific rate.
Poultry and game, fresh	Lb	712	Chickens, ducks, geese, guineas, turkeys.	10c per lb	2,472,574	123,629	
Other meats (including edible offal)	Lb	706	Meats, preserved	6c per lb. but not less than 20%	41,422,103 / 4,610,789	1,242,663	Calculated on the specific rate.
Sausage casings:							
Hog casings	Lb	1758	Sausage casings	Free	12,905,125		
Beef casings	Lb	1758	Sausage casings	Free	16,820,424		
Other casings	Lb	1758	Sausage casings	Free	2,911,194		
Oleo oil	Lb	701	Oleo oil	1c per lb	68,208,850	341,044	
Oleo stock	Lb	701	Tallow	½c per lb	8,095,202	20,238	
Tallow	Lb	701	Tallow	½c per lb	3,840,020	9,600	
Lard	Lb	703	Lard	3c per lb	847,867,918	12,718,019	

EXPORT DEBENTURES, SECTION 321, H. R. 2667—Continued

I. Proposed export debenture rates applied to exports of agricultural products (except cotton and tobacco) and manufactures thereof, calendar year 1929—Continued

B. AT DEBENTURE RATES EQUAL TO ONE-HALF THE TARIFF RATES OF H. R. 2667 AS PASSED BY THE SENATE—continued

Commodity	Unit	Paragraph No., H. R. 2667	Tariff classification of commodity	Tariff rates in H. R. 2667 as passed by the Senate	Quantity or value of exports, 1929	Debenture cost	Notes
Lard compounds containing animal fats	Lb.	703	Lard compounds and lard substitutes.	5c per lb	3,632,219	$90,805	
Oleo and lard stearin	Lb.	701	Oleo stearin	1c per lb	3,930,682	19,653	
Oleomargarine of animal or vegetable fats.	Lb.	709	Oleomargarine	14c per lb	901,625	63,114	
Milk and cream:							
Fresh and sterilized	Gal.	707	Whole milk	6½c per gal	180,217	5,857	
Condensed, sweetened	Lb.	708	Milk, condensed or evaporated, sweetened.	2¾c per lb	41,242,812	567,089	
Evaporated	Lb.	708	Milk, condensed or evaporated, unsweetened.	1 5/16c per lb	68,942,613	620,484	
Dried	Lb.	708	Dried whole milk	6½c per lb	5,342,301	162,495	
Butter	Lb.	709	Butter	14c per lb	3,724,245	260,097	
Cheese	Lb.	710	Cheese	8c per lb. but not less than 42% ad valorem.	2,646,009 $735,333	154,420	Calculated on the ad valorem rate.
Infants' foods, malted milk, etc	Dol.	708	Malted milk and compounds or substitutes for milk or cream.	35% ad valorem	$655,844	114,773	
Eggs in the shell	Doz.	713	Eggs of poultry, in the shell	10c per doz	12,074,820	603,742	
Eggs and yolks, frozen, dried, and canned	Lb.	713	Whole eggs, egg yolk, and egg albumen, frozen.	11c per lb	325,706	17,914	
Meat extracts and bouillon cubes	Lb.	705	Extract of meat, including fluid	15c per lb	185,116	13,884	
Gelatin	Lb.	41	Edible gelatin, valued at 40c or more per lb.	20% and 7c per lb	269,620 $168,696	26,306	
Hides and skins, raw:							
Cattle hides	Dol.	1691	Hides, cattle	Free	$3,516,494		
Calfskins	Dol.	1691	Hides, cattle	Free	$1,539,559		
Sheep and goat skins	Lb.	1769	Skins of all kinds, raw and hides, n. s. p. f.	Free	1,864,136		
Other hides and skins	Lb.	1769	Skins of all kinds, raw and hides, n. s. p. f.	Free	6,358,641		
Horses other than breeding	No.	714	Valued at not more than $150 per head.	$30 per head	7,358		Assuming all exports valued at not more than $150 per head.
Mules, asses, and burros	No.	714	Valued at more than $150 per head	20%	$722,202	110,370	
				$30 per head	15,295		
				20%	$1,812,965	229,425	Assuming all exports valued at not more than $150 per head.
Barley	Bu.	722	Barley	20% per bu. of 48 lbs.	28,523,077	2,952,308	
Malt	Bu.	722	Barley malt	40c per 100 lb	3,380,783	229,893	Exports in bu. converted at 34 lbs. per bu.
Buckwheat	Bu.	723	Buckwheat	25c per 100 lb	191,141	11,468	Exports in bu. converted at 48 lbs. per bu.
Corn	Bu.	724	Corn	25c per bu. of 56 lbs.	33,745,270	4,218,159	
Cornmeal	Bbl.	724	Cornmeal	50c per 100 lbs	267,121	130,889	Exports in bbls. converted at 196 lbs. per bbl.
Hominy and corn grits	Lb.	724	Corn grits	50c per 100 lbs	14,383,857	35,960	
Corn breakfast foods ready to eat	Dol.	732	Cereal breakfast foods	20% ad valorem	$525,341	52,534	
Oats	Bu.	726	Oats	16c per bu. of 32 lbs.	6,608,727	528,698	
Oatmeal, flaked and rolled oats	Lb.	726	Oatmeal and rolled oats	80c per 100 lbs	81,245,501	324,982	
Rice	Lb.	727	Rice	1¼c per lb	315,441,412	1,971,509	
Rice flour, meal, and broken rice	Lb.	727	Broken rice, rice meal, flour, polish, and bran.	⅝c per lb	70,593,596	220,605	
Rye	Bu.	728	Rye	15c per bu. of 56 lbs.	3,433,576	257,518	
Rye flour	Bbl.	728	Rye flour and meal	45c per 100 lbs	14,764	6,511	Exports in bbls. converted at 196 lbs. per bbl.
Wheat	Bu.	729	Wheat	42c per bu. of 60 lbs.	90,129,600	18,927,216	
Wheat flour	Bbl.	729	Wheat flour	$1.04 per 100 lbs	13,663,457	10,633,038	Exports in bbls. converted at 196 lbs. per bbl. $3,292,757 debenture on export of wheat flour made from foreign wheat deducted from original total of $13,925,795.
Biscuits and crackers:							
Plain	Dol.	733	Biscuits, etc	30% ad valorem	$1,114,887	167,233	
Sweetened	Dol.	733	Biscuits, etc	30% ad valorem	$916,221	137,433	
Macaroni, etc	Lb.	725	Macaroni, etc., containing no eggs	2c per lb	10,740,479	107,405	
Wheat breakfast foods:							
Ready to eat	Dol.	732	Cereal breakfast foods	20% ad valorem	$181,511	18,151	
To be cooked	Dol.	732	Cereal breakfast foods	20% ad valorem	$140,740	14,074	
Cereal foods, n. e. s	Dol.	732	Creal breakfast food, etc	20% ad valorem	$496,361	49,636	
Other grains and preparation	Dol.	732	Cereal preparations	20% ad valorem	$952,442	95,244	
Hay	Ton.	779	Hay	$5 per short ton	11,073	31,004	
Kaffir and milo	Dol.	1558	Raw product, n. s. p. f.	10% ad valorem	$2,337,928	116,896	
Beans, dried	Bu.	765	Beans, dried	3c per lb	291,218	262,096	Exports in bu. converted at 60 lbs. per bu.
Peas, dried	Bu.	769	Peas, dried	1¾c per lb	114,320	58,017	Exports in bu. converted at 58 lbs. per bu.
Potatoes, white	Bu.	771	Potatoes, white or Irish	75c per 100 lbs	2,734,530	615,269	Exports in bu. converted at 60 lbs. per bu.
Onions	Bu.	770	Onions	2½c per lb	580,273	413,445	Exports in bu. converted at 57 lbs. per bu.
Other fresh vegetables	Dol.	774	Vegetables, all other	50% ad valorem	$6,340,092	1,585,023	Export and tariff classifications not identical but it is believed rates would average at least 50%.
Vegetables canned:							
Asparagus	Dol.	775	Vegetables, prepared or preserved, n. s. p. f.	35% ad valorem	$3,544,726	620,327	
Baked beans and pork and beans	Lb.	765	Beans, prepared or preserved	3c per lb	7,664,894	114,973	
Corn	Dol.	775	Vegetables, prepared or preserved, n. s. p. f.	35% ad valorem	$629,133	110,098	

EXPORT DEBENTURES, SECTION 321, H. R. 2667—Continued

I. Proposed export debenture rates applied to exports of agricultural products (except cotton and tobacco) and manufactures thereof, calendar year 1929—Continued

B. AT DEBENTURE RATES EQUAL TO ONE-HALF THE TARIFF RATES OF H. R. 2667 AS PASSED BY THE SENATE—continued

Commodity	Unit	Paragraph No. Senate bill, H. R. 2667	Tariff classification of commodity	Tariff rates in H. R. 2667 as passed by the Senate	Quantity or value of exports, 1929	Debenture cost	Notes
Vegetables, canned—Continued.							
Peas	Lb.	769	Peas, prepared or preserved	2c per lb.	8,384,573	$83,846	
Soups	Dol.	775	Soups	35% ad valorem	$2,722,575	476,451	
Tomatoes	Dol.	772	Tomatoes, prepared or preserved	50% ad valorem	$340,078	85,026	
Other canned vegetables	Dol.	775	Vegetables, prepared or preserved, n. s. p. f.	35% ad valorem	$808,444	141,478	
Pickles	Dol.	775	Vegetables, prepared or preserved, n. s. p. f.	35% ad valorem	$386,367	67,614	
Catsup and other tomato sauces	Dol.	775	Vetetables, prepared or preserved, n. s. p. f.	35% ad valorem	$1,490,084	260,765	
Other sauces and relishes	Dol.	775	Vegetables, prepared or preserved, n. s. p. f.	35% ad valorem	$769,847	134,723	
Vinegar	Gal.	738	Vinegar	8c per pf. gal.	$318,511	12,740	
Yeast	Dol.	1,558	Unenumerated mfg. article	20% ad valorem	$652,894	65,289	
Other vegetable preparations	Lb.				2,969,034		No corresponding rate.
Grapefruit	Box	743	Grapefruit	1½c per lb.	976,264	512,539	Exports in boxes converted at 70 lbs. per box.
Lemons	Box	743	Lemons	2½c per lb.	266,358	246,381	Exports in boxes converted at 74 lbs. per box.
Oranges	Box	743	Oranges	1c per lb.	5,510,514	1,928,680	Exports in boxes converted at 70 lbs. per box.
Pineapples	Box	747	Pineapples	50c per crate	50,791	12,698	Per crate of 2.45 cu. ft.
Apples—							
In boxes	Box	734	Apples	25c per bu. of 50 lbs.	9,452,588	992,522	Exports in boxes converted at 42 lbs. per box.
In barrels	Bbl.				2,467,948	1,011,859	Exports in bbls. converted at 3.28 bu. per bbl.
Berries	Lb.	736	Berries	1¾c per lb.	14,728,517	92,053	
Grapes	Lb.	742	Grapes	25c per cu. ft.	47,306,879	153,747	Exports in lbs. converted at 38.4 lbs. per cu. ft.
Pears	Lb.	749	Pears	½c per lb.	69,995,885	174,990	
Peaches	Lb.	745	Peaches	½c per lb.	19,947,316	49,868	
Other fresh fruit	Dol.	752	Other fresh fruit	35% ad valorem	$2,070,470	362,332	
Dried and evaporated fruits:							
Pears	Lb.	749	Pears, dried	2c per lb.	4,576,466	45,765	
Raisins	Lb.	742	Raisins	2c per lb.	149,686,659	1,496,867	
Apples	Lb.	734	Apples, dried	2c per lb.	37,889,187	378,892	
Apricots	Lb.	735	Apricots, dried	2c per lb.	21,264,616	212,646	
Peaches	Lb.	745	Peaches, dried	2c per lb.	7,785,897	77,859	
Prunes	Lb.	748	Prunes, dried	2c per lb.	197,227,583	1,972,276	
Other dried and evaporated fruits	Dol.	752	Fruits, dried, n. s. p. f.	35% ad valorem	$1,489,398	260,645	
Canned fruits:							
Berries	Dol.	736	Berries, edible, prep. or preserved	35% ad valorem	$1,307,719	228,851	
Apples and applesauce	Lb.	734	Apples, otherwise, prep. or preserved.	2½c per lb.	22,963,281	287,041	
Apricots	Dol.	735	Apricots, otherwise, prep. or preserved.	35% ad valorem	$2,947,925	515,887	
Cherries	Lb.	737	Cherries, prep. or pres. in any manner.	9½c per lb. and 40% ad valorem.	2,069,091 / $353,039	168,890	
Prunes	Dol.	748	Prunes, otherwise prep. or pres.	35% ad valorem	$264,293	46,251	
Peaches	Dol.	745	Peaches, otherwise prep. or pres.	35% ad valorem	$8,315,560	1,455,223	
Pears	Dol.	749	Pears, otherwise prep. or pres.	35% ad valorem	$6,241,697	1,092,297	
Pineapples	Lb.	747	Pineapples, otherwise prep. or pres.	2c per lb.	46,153,359	461,534	
Fruits for salad	Lb.				33,874,645		No corresponding rate.
Other canned fruits	Lb.				10,643,848		No corresponding rate.
Preserved fruits, jellies, and jams	Dol.	751	Jellies, jams, marmalades	35% ad valorem	$455,325	79,682	
Other fruit preparations	Dol.	752	Fruits, otherwise prep. or pres.	35% ad valorem	$1,225,209	214,412	
Peanuts	Lb.	759	Peanuts, shelled	7c per pound	4,880,038	154,026	Assuming an average of 75% shelled, 25% not shelled the ratio of imports into Canada from United States fiscal year 1929.
			Peanuts, not shelled	4¼c per pound			
Other nuts	Lb.				6,020,135		No corresponding rate.
Cottonseed oil:							
Crude	Lb.	54	Cottonseed oil	3c per lb.	19,172,131	287,582	
Refined	Lb.	54	Cottonseed oil	3c per lb.	6,202,890	103,543	
Corn oil	Dol.	53	Oils, n. s. p. f.	20% ad valorem	$42,329	4,233	
Vegetable-oil lard compounds	Lb.	703	Lard compounds and lard substitutes.	5c per lb.	6,342,631	158,566	
Other edible vegetable oils and fats	Lb.				3,893,049		No corresponding rate.
Molasses	Gal.	502	Testing not above 48% total sugar	¼c per gal.	8,577,309	152,249	Assuming an average of 60%.
			Testing above 48% total sugar	0.275c additional each % of total sugar.			
Honey	Lb.	716	Honey	3c per lb.	8,675,707	130,136	
Glucose (corn sirup)	Lb.	503	Dextrose	2c per lb.	118,523,086	1,185,231	
Grape sugar (corn sugar)	Lb.	503	Dextrose	2c per lb.	7,238,983	72,390	
Sirup, including maple	Lb.	503	Maple sirup	5½c per lb.	3,175,595	87,329	
Corn starch and corn flour	Lb.	83	Starches, n. s. p. f.	1½ per lb.	235,041,590	1,762,812	
Other starch	Lb.	83	Potato starch	2½c per lb.	3,779,129	47,239	
Broomcorn (long ton)	Ton.	779	Broomcorn	$20 per short ton.	4,371	48,955	
Hops	Lb.	780	Hops	24c per lb.	7,677,157	921,259	
Wool and mohair, unmanufactured	Lb.	1102	Wool in the grease or washed, per pound of clean content.	34c per lb.	239,336	19,123	Assuming exports are of 47% clean content.
Total, agricultural products (except cotton and tobacco) and manufactures thereof.						90,658,358	

EXPORT DEBENTURES, SECTION 321, H. R. 2667—Continued

I. Proposed export debenture rates applied to exports of agricultural products (except cotton and tobacco) and manufactures thereof, calendar year 1929—Continued

C. AT DEBENTURE RATES EQUAL TO ONE-HALF THE TARIFF RATES OF H. R. 2667 AS TENTATIVELY AGREED UPON BY THE CONFERENCE COMMITTEE AS OF APRIL 18, 1930

Commodity	Unit of quantity	Paragraph No., Senate bill, H. R. 2667	Tariff classification of commodity	Tariff rates in H. R. 2667 as agreed upon by conference committee	Exports, 1929		Debenture cost	Notes
					Quantity	Value		
Hogs	No.	703	Hogs	2c per lb	27,017	$464,998	$67,542	On assumption of average weight of 250 lbs. per head.
Sheep	No.	702	Sheep	$3 per head	15,431	211,770	23,146	
Poultry, live	Lb.	711	Poultry, live	8c per lb	448,611	301,301	17,944	
Beef and veal:								
Fresh	Lb.	701	Beef and veal, fresh	6c per lb	2,917,359	661,669	87,536	
Pickled or cured	Lb.	706	Meats, preserved	6c per lb. but not less than 20%	10,824,870	1,321,002	324,746	
Pork:								
Fresh	Lb.	703	Pork, fresh	2½c per lb	13,539,070	2,169,025	169,238	
Wiltshire sides, shoulders, sides, and hams	Lb.	703	Other pork, prepared or preserved	3¼c per lb	5,039,034	717,892	818,843	
Hams and shoulders, cured	Lb.	703	Hams and shoulders	3¼c per lb	125,796,829	26,461,981	2,044,198	
Bacon	Lb.	703	Bacon	3¼c per lb	138,423,370	20,550,928	2,249,380	
Cumberland sides	Lb.	703	Other pork, prepared or preserved	3¼c per lb	5,858,054	1,123,875	95,103	
Pickled	Lb.	703	Other pork, prepared or preserved	3¼c per lb	44,787,116	6,403,050	727,791	
Mutton and lamb	Lb.	702	Mutton, fresh Lamb, fresh	5c per lb 7c per lb	835,411	210,807	27,569	On assumption that 80% of exports are lamb, 20% mutton.
Sausage, not canned	Lb.	706	Meats, preserved	6c per lb. but not less than 20%	3,724,042	1,124,153	112,415	Calculated on the ad valorem rate.
Canned meats:								
Beef	Lb.	706	Meats, preserved	6c per lb. but not less than 20%	2,606,162	945,402	94,546	Calculated on the ad valorem rate.
Pork	Lb.	703	Pork, prepared or preserved	3¼c per lb	10,239,914	3,694,820	166,399	
Sausage	Lb.	703	Pork, prepared or preserved	3¼c per lb	2,139,100	705,424	34,760	
Other	Lb.	706	Meats, preserved	6c per lb. but not less than 20%	2,266,448	614,887	67,993	Calculated on the specific rate.
Poultry and game, fresh	Lb.	712	Chickens, ducks, geese, guineas, turkeys	10c per lb	2,472,574	847,303	123,629	
Other meats (including edible offal)	Lb.	706	Meats, preserved	6c per lb. but not less than 20%	41,422,103	4,610,789	1,242,663	Calculated on the specific rate.
Sausage casings—								
Hog casings	Lb.	1,758	Sausage casings	Free	12,905,125	3,490,267		
Beef casings	Lb.	1,758	Sausage casings	Free	16,820,424	2,365,785		
Other casings	Lb.	1,758	Sausage casings	Free	2,911,194	441,335		
Oleo oil	Lb.	701	Oleo oil	1c per lb	68,208,850	7,501,270	341,044	
Oleo stock	Lb.	701	Tallow	½c per lb	8,095,202	809,633	20,238	
Tallow	Lb.	701	Tallow	½c per lb	3,840,020	326,851	9,600	
Lard	Lb.	703	Lard	3c per lb	847,867,918	107,976,396	12,718,019	
Lard compounds containing animal fats	Lb.	703	Lard compounds and lard substitutes	5c per lb	3,632,219	457,229	90,805	
Oleo and lard stearin	Lb.	701	Oleo stearin	1c per lb	3,930,682	440,075	19,653	
Oleomargarine of animal or vegetable fats	Lb.	709	Oleomargarine	14c per lb	901,625	152,401	63,114	
Milk and cream:								
Fresh or sterilized	Gal.	707	Whole milk	6½c per gal	180,217	103,571	5,857	
Condensed, sweetened	Lb.	708	Milk, condensed or evaporated, sweetened	2¾c per lb	41,242,812	6,459,419	567,089	
Evaporated	Lb.	708	Milk, condensed or evaporated unsweetened	1 9/10c per lb	68,942,613	5,844,208	620,484	
Dried	Lb.	708	Dried whole milk	6½c per lb	5,342,301	1,366,794	162,495	
Butter	Lb.	709	Butter	14c per lb	3,724,245	1,750,278	260,697	
Cheese	Lb.	710	Cheese	8c per lb. but not less than 40%	2,646,009	735,333	147,067	Calculated on the ad valorem rate.
Infants' foods, malted milk, etc	Lb.	708	Malted milk and compounds or substitutes for milk or cream	35% ad valorem	2,126,136	655,844	114,773	
Eggs in the shell	Doz.	713	Eggs of poultry, in the shell	10c per doz	12,074,830	4,081,363	603,742	
Eggs and yolks, frozen, dried, and canned	Lb.	713	Whole eggs, egg yolk, and egg albumen, frozen	8c per lb	325,706	61,644	13,028	
Meat extracts and bouillon cubes	Lb.	705	Extract of meat, incl. fluid	15c per lb	185,116	400,077	13,884	
Gelatin	Lb.	41	Edible gelatin, valued at 40c or more per lb	20% ad val. and 7c per lb	369,629	168,696	26,306	
Hides and skins, raw:								
Cattle hides	Lb.	1691	Hides, cattle	10%	22,544,535	3,516,494	175,825	
Calfskins	Lb.	1691	Hides, cattle	10%	6,977,438	1,539,559	76,978	
Sheep and goat skins	Lb.	1709	Skins of all kinds, raw, and hides, n. s. p. f.	Free	1,864,136	577,629		
Other hides and skins	Lb.	1709	Skins of all kinds, raw, and hides, n. s. p. f.	Free	6,308,641	1,161,949		
Horses other than breeding	No.	714	Valued not more than $150 per head. Valued at more than $150 per head.	$30 per head 20% ad valorem	7,358	722,202	110,370	Assuming all exports valued at not more than $150 per head. Statistics do not segregate horses for immediate slaughter.
Mules, asses, and burros	No.	714	Valued at not more than $150 per head. Valued at more than $150 per head.	$30 per head 20% ad valorem	15,295	1,812,965	229,425	Assuming all exports valued at not more than $150 per head. Statistics do not segregate mules for immediate slaughter.
Barley	Bu.	722	Barley	20c per bu. of 48#	29,523,077	24,154,866	2,952,308	
Malt	Bu.	722	Barley malt	40c per 100 lbs	3,380,783	3,334,438	229,893	Exports in bu. converted at 34 lbs. per bu.
Buckwheat	Bu.	723	Buckwheat	25c per 100 lbs	191,141	212,981	11,468	Exports in bu. converted at 48 lbs. per bu.
Corn	Bu.	724	Corn	25c per bu. of 56#	33,745,270	34,058,510	4,218,159	
Cornmeal	Bbl.	724	Cornmeal	50c per 100 lbs	267,121	1,330,468	130,889	Exports in bbl. converted at 196 lbs. per bbl.
Hominy and corn grits	Lb.	724	Corn grits	50c per 100 lbs	14,383,857	354,761	35,960	





EXPORT DEBENTURES, SECTION 321, H. R. 2667—Continued

I. Proposed export debenture rates applied to exports of agricultural products (except cotton and tobacco) and manufactures thereof, calendar year 1929—Continued

C. AT DEBENTURE RATES EQUAL TO ONE-HALF THE TARIFF RATES OF H. R. 2667 AS TENTATIVELY AGREED UPON BY THE CONFERENCE COMMITTEE AS OF APRIL 18, 1930—con.

Commodity	Unit of quantity	Paragraph No., Senate bill H. R. 2667	Tariff classification of commodity	Tariff rates in H. R. 2667 as agreed upon by conference committee	Exports, 1929		Debenture cost	Notes
					Quantity	Value		
Corn breakfast foods ready to eat	Lb.	732	Cereal breakfast foods	20% ad valorem	6, 157, 114	$525, 341	$52, 534	
Oats	Bu.	736	Oats	16c per bu. of 32 lbs.	6, 608, 727	3, 389, 111	528, 698	
Oatmeal, flaked and rolled oats	Lb.	726	Oatmeal and rolled oats	80c per 100 lbs.	81, 245, 501	4, 220, 140	324, 982	
Rice	Lb.	727	Rice	1¼c per lb	315, 441, 412	12, 129, 009	1, 971, 509	
Rice flour, meal, and broken rice	Lb.	727	Broken rice, rice meal, flour, polish, and bran.	½c per lb	70, 593, 596	1, 980, 679	220, 605	
Rye	Bu.	728	Rye	15c per bu. of 56 lbs.	3, 433, 576	3, 612, 596	257, 518	
Rye flour	Bbl.	728	Rye flour and meal	45c per 100 lbs.	14, 764	84, 699	6, 511	Exports in bbls. converted at 196 lbs. per bbl.
Wheat	Bu.	729	Wheat	42c per bu. of 60 lbs.	90, 129, 600	111, 500, 615	18, 927, 216	Statistics do not segregate wheat unfit for human consumption.
Wheat flour	Bbl.	729	Wheat flour	1.04 per 100 lbs.	13, 663, 457	80, 788, 765	10, 633, 038	Exports in bbls. converted at 196 lbs. per bbl. $3,292,757 debenture on export of wheat flour made from foreign wheat deducted from original total of $13,925,795.
Biscuits and crackers:								
Plain	Lb.	733	Biscuits, etc	30% ad valorem	6, 743, 348	1, 114, 887	167, 233	
Sweetened	Lb.	733	Biscuits, etc	30% ad valorem	3, 874, 556	916, 221	137, 433	
Macaroni	Lb.	725	Macaroni, etc., containing no eggs.	2c per lb	10, 740, 479	925, 004	107, 405	
Wheat breakfast foods:								
Ready to eat	Lb.	732	Cereal breakfast foods	20% ad valorem	1, 961, 627	181, 511	18, 151	
To be cooked	Lb.	732	Cereal breakfast foods	20% ad valorem	1, 242, 040	140, 740	14, 074	
Cereal foods, n. e. s.	Lb.	732	Cereal breakfast foods, etc.	20% ad valorem	4, 638, 529	496, 361	49, 636	
Other grains and preparations	Lb.	732	Cereal preparations	20% ad valorem	12, 373, 749	952, 442	95, 244	
Hay	Ton	779	Hay	$5 per short ton	11, 073	267, 046	31, 004	
Kaffir and milo	Bu.	1558	Raw products, n. s. p. f.	10% ad valorem	2, 694, 978	2, 337, 928	116, 896	
Beans, dried	Bu.	765	Beans, dried	3c per lb	291, 218	1, 162, 488	262, 096	Exports in bu. converted at— 60 lbs. per bu. 58 lbs. per bu. 60 lbs. per bu. 57 lbs. per bu.
Peas, dried	Bu.	769	Peas, dried	1¾c per lb	114, 320	483, 963	58, 017	
Potatoes, white	Bu.	771	Potatoes, white or Irish	75c per 100 lbs.	2, 734, 530	3, 223, 436	615, 269	
Onions	Bu.	770	Onions	2½c per lb	580, 273	786, 507	413, 445	
Other fresh vegetables		774	Vegetables, all other	50% ad valorem	199, 043, 905	6, 340, 092	1, 585, 023	Export and tariff classifications not identical, but it is believed rates would average at least 50%.
Vegetables, canned:								
Asparagus	Lb.	775	Vegetables, prep. or pres., n. s. p. f.	35% ad valorem	22, 834, 475	3, 544, 726	620, 327	
Baked beans and pork and beans	Lb.	765	Beans, prepared or preserved.	3c per lb	7, 664, 894	667, 013	114, 973	
Corn	Lb.	775	Vegetables, prep. or pres., n. s. p. f.	35% ad valorem	8, 366, 230	629, 133	110, 098	
Peas	Lb.	769	Peas, prepared or preserved.	2c per lb	8, 384, 573	739, 789	83, 846	
Soups	Lb.	775	Soups	35% ad valorem	28, 751, 205	2, 722, 575	476, 451	
Tomatoes	Lb.	772	Tomatoes, prepared or preserved.	50% ad valorem	4, 674, 113	340, 078	85, 020	
Other canned vegetables	Lb.	775	Vegetables, prep. or pres., n. s. p. f.	35% ad valorem	13, 126, 129	808, 444	141, 478	
Pickles	Lb.	775	Vegetables, prep. or pres., n. s. p. f.	35% ad valorem	4, 136, 192	386, 367	67, 614	
Catsup and other tomato sauces	Lb.	775	Vegetables, prep. or pres., n. s. p. f.	35% ad valorem	11, 014, 301	1, 490, 084	260, 765	
Other sauces and relishes	Lb.	775	Vegetables, prep. or pres., n. s. p. f.	35% ad valorem	3, 732, 241	769, 847	134, 723	
Vinegar	Gal.	736	Vinegar	8c per proof gal.	318, 511	167, 680	12, 740	
Yeast	Lb.	1558	Unenumerated mfr. article.	20% ad valorem	3, 584, 074	652, 894	65, 289	
Other vegetable preparations	Lb.				2, 969, 034	411, 648		No corresponding rate.[1]
Grapefruit	Box.	743	Grapefruit	1½c per lb	976, 264	3, 619, 743	512, 539	Exports in boxes converted at 70 lbs. per box.
Lemons	Box.	743	Lemons	2½c per lb	266, 358	1, 410, 485	246, 381	74 lbs. per box.
Oranges	Box.	743	Oranges	1c per lb	5, 510, 514	18, 745, 561	1, 928, 680	70 lbs. per box.
Pineapples	Box.	747	Pineapples	50c per crate	50, 791	149, 126	12, 698	Per crate of 2.45 cu. feet.
Apples:								
In boxes	Box.	734	Apples	25c per bu. of 50 lbs.	9, 452, 588	20, 671, 242	992, 522	Exports in boxes converted at 42 lbs. per box.
In barrels	Bbl.	734	Apples	25c per bu. of 50 lbs.	2, 467, 948	12, 467, 077	1, 011, 859	Exports in bbls. converted at 3.28 bu. per bbl.
Berries	Lb.	736	Berries	1¼c per lb	14, 728, 517	$1, 424, 832	$92, 053	
Grapes	Lb.	742	Grapes	25c per cu. foot	47, 306, 879	2, 463, 724	123, 747	Exports in lbs. converted at 38.4 lbs. per. cu. ft.
Pears	Lb.	749	Pears	½c per lb	69, 995, 885	4, 531, 872	174, 990	
Peaches	Lb.	745	Peaches	½c per lb	19, 947, 316	806, 111	49, 868	
Other fresh fruit	Lb.	752	Other fresh fruit	35% ad valorem	58, 955, 119	2, 070, 470	362, 332	
Dried and evaporated fruits:								
Pears	Lb.	749	Pears, dried	2c per lb	4, 576, 466	373, 302	45, 765	
Raisins	Lb.	742	Raisins	2c per lb	149, 686, 659	8, 390, 051	1, 496, 867	
Apples	Lb.	734	Apples, dried	2c per lb	37, 889, 187	4, 633, 108	378, 892	
Apricots	Lb.	735	Apricots, dried	2c per lb	21, 264, 616	3, 515, 207	212, 646	
Peaches	Lb.	745	Peaches, dried	2c per lb	7, 785, 897	842, 091	77, 859	
Prunes	Lb.	748	Prunes, dried	2c per lb	197, 227, 583	14, 837, 915	1, 972, 276	
Other dried and evaporated fruits	Lb.	752	Fruits, dried, n. s. p. f.	35% ad valorem	13, 568, 690	1, 459, 398	260, 645	
Canned fruits:								
Berries	Lb.	736	Berries, edible, prepared or preserved.	35% ad valorem	12, 694, 141	1, 307, 719	228, 851	

[1] "All other" class in export classification does not correspond with "all other" class in tariff classification, so that it is impossible to determine debenture rate which should be used.

EXPORT DEBENTURES, SECTION 321, H. R. 2667—Continued

I. Proposed export debenture rates applied to exports of agricultural products (except cotton and tobacco) and manufactures thereof, calendar year 1929—Continued

C. AT DEBENTURE RATES EQUAL TO ONE-HALF THE TARIFF RATES OF H. R. 2667 AS TENTATIVELY AGREED UPON BY THE CONFERENCE COMMITTEE AS OF APRIL 18, 1930—con.

Commodity	Unit of quantity	Paragraph No., Senate bill H. R. 2667	Tariff classification of commodity	Tariff rates in H. R. 2667 as agreed upon by conference committee	Exports, 1929		Debenture cost	Notes
					Quantity	Value		
Canned fruits—Continued.								
Apples and apple sauce	Lb	734	Apples otherwise prepared or preserved.	2½c per lb	22,963,281	$1,185,349	$287,041	
Apricots	Lb	735	Apricots otherwise prepared or preserved.	35% ad valorem	30,246,105	2,947,925	515,887	
Cherries	Lb	737	Cherries, prepared or preserved in any manner.	9½c per lb. and 40% ad valorem.	2,069,091	353,039	168,890	
Prunes	Lb	748	Prunes otherwise prepared or preserved.	35% ad valorem	2,616,486	264,293	46,251	
Peaches	Lb	745	Peaches otherwise prepared or preserved.	35% ad valorem	90,040,895	8,315,560	1,455,223	
Pears	Lb	749	Pears otherwise prepared or preserved.	35% ad valorem	56,075,297	6,241,697	1,092,297	
Pineapples	Lb	747	Pineapples otherwise prepared or preserved.	2c per lb	46,153,359	4,557,493	461,534	
Fruits for salads	Lb				33,874,645	5,139,561		No corresponding rate.[4]
Other canned fruits	Lb				10,643,848	1,051,967		No corresponding rate.[4]
Preserved fruits, jellies and jams	Lb	751	Jellies, jams, marmalades.	35% ad valorem	2,413,139	455,325	79,682	
Other fruit preparations	Lb	752	Fruits otherwise prep. or pres.	35% ad valorem	23,915,146	1,225,209	214,412	
Peanuts	Lb	759	Peanuts, shelled Peanuts, not shelled	7c per lb 4¼c per lb	4,880,038	468,004	154,026	Assuming an average of 75% shelled and 25% not shelled, the ratio of imports into Canada from the United States, fiscal year 1929.
Other nuts	Lb				6,020,135	1,072,886		No corresponding rate.[4]
Cottonseed oil:								
Crude	Lb	54	Cottonseed oil	3c per lb	19,172,131	1,542,241	287,582	
Refined	Lb	54	Cottonseed oil	3c per lb	6,902,890	845,415	103,543	
Corn oil	Lb	53	Oils, n. s. p. f.	20% ad valorem	315,255	42,329	4,233	
Vegetable oil lard compounds	Lb	703	Lard compounds & lard substitutes.	5c per lb	6,342,631	866,597	158,566	
Other edible vegetable oils and fats	Lb				3,893,049	616,804		No corresponding rate.[4]
Molasses	Gal	502	Testing not above 48% total sugar. Testing above 48% total sugar.	¼c per gal 0.275c additional each % of total sugar.	8,577,399	768,897	152,249	Assuming an average of 60%.
Honey	Lb	716	Honey	3c per lb	8,675,707	775,340	130,136	
Glucose (corn sirup)	Lb	503	Dextrose	2c per lb	118,523,086	4,412,137	1,185,231	
Grape sugar (corn sugar)	Lb	503	Dextrose	2c per lb	7,238,983	268,664	72,390	
Sirup, including maple	Lb	503	Maple sirup	5½c per lb	3,175,595	972,814	87,329	
Cornstarch and corn flour	Lb	83	Starches, n. s. p. f.	1½c per lb	235,041,590	8,857,751	1,762,812	
Other starch	Lb	83	Potato starch	2½c per lb	3,779,129	181,513	47,239	
Broomcorn, long ton	Ton	779	Broomcorn	$20 per short ton	4,371	597,292	48,955	
Hops	Lb	780	Hops	24c per lb	7,677,157	1,383,841	921,259	
Wool and mohair, unmanufactured	Lb	1102	Wool in the grease or washed, per pound of clean content.	34c per lb	239,336	87,592	19,123	Assuming experts are of 47% clean content.
Total, agricultural products (except cotton and tobacco) and manufactures thereof.							90,898,922	

[1] The debenture rates upon manufactured food products have been calculated at one-half the duty on such products in H. R. 2667 as passed by the House instead of on the basis of the rates on the basic raw material as proposed in sec. 321, H. R. 2667 as passed by the Senate.

[2] "All other" class in export classification does not correspond with "all other" class in tariff classification so that it is impossible to determine debenture rate which should be used.

II. Proposed export debenture rates applied in accordance with section 321, H. R. 2667 (as passed by the Senate) to exports of leaf tobacco and manufactures thereof, calendar year, 1929[1]

[Debenture rates equal one-half the tariff rates of H. R. 2667. (House and Senate bills have identical rates on these paragraphs)]

Commodity	Unit of quantity	Paragraph No. (House bill)	Tariff classification on commodity	Tariff rate on H. R. 2667	Conversion factor	Exports, 1929		Equivalent exports of raw materials (pounds)	Debenture cost
						Quantity	Value		
Leaf tobacco	Lbs	601	Filler tobacco, if unstemmed	35c per lb		555,415,451	$145,810,570		$97,197,704
Stems, trimming and scrap tobacco	Lbs	601	Filler tobacco, if unstemmed	35c per lb	1.0	10,549,278	318,904		1,846,124
Cigarettes	M	601	Filler tobacco, if unstemmed	35c per lb	2.85 lbs. per 1,000.	8,455,851	16,706,421	24,099,175.35	4,217,356
Chewing tobacco, plug and other	Lbs	601	Filler tobacco, if unstemmed	35c per lb	.750	3,885,754	1,944,027	2,949,287.29	516,125
Smoking tobacco	Lbs	601	Filler tobacco, if unstemmed	35c per lb	.750	1,120,235	733,565	850,258.36	148,795
Other tobacco manufactures	Lbs	601	Filler tobacco, if unstemmed	35c per lb	.750	197,734	111,273	150,080.11	26,264
Tobacco, total									103,952,368

[1] Debentures on tobacco products have been calculated on the basis of equivalent exports of leaf tobacco at the leaf tobacco debenture rate.

III. Proposed export debenture rates applied in accordance with section 321, H. R. 2667 (as passed by the Senate) to exports of cotton and manufactures thereof, calendar year 1929[1]

Commodity	Unit of quantity	Debenture rate	Conversion factor	Exports, 1929		Equivalent exports of raw materials	Debenture costs	Notes
				Quantity	Value			
Cotton, unmanufactured	Lbs	2c per lb	1.0	3,981,509,485	$770,830,254	3,981,509,485.00	$79,630,190	
Cotton mill waste	Lbs	2c per lb	1.1	59,129,559	6,744,096	65,042,514.90	1,300,850	
Cotton rags, except paper stock	Lbs	2c per lb	1.18	21,095,634	1,541,930	24,892,848.10	497,857	

[1] Debentures on cotton products have been calculated on the basis of equivalent exports of raw cotton at the raw cotton debenture rate.

III. Proposed export debenture rates applied in accordance with section 321, H. R. 2667 (as passed by the Senate) to exports of cotton and manufactures thereof, calendar year 1929—Continued

Commodity	Unit of quantity	Debenture rate	Conversion factor	Exports, 1929		Equivalent exports of raw materials	Debenture costs	Notes
				Quantity	Value			
Cotton batting, carded cotton, and roving	Lbs.	2c per lb.	1.05	446,301	$85,812	468,616.05	$9,372	
Cotton yarn:								
Carded yarn, not combed	Lbs.	2c per lb.	1.18	13,919,250	4,681,954	16,424,715.00	328,494	
Combed yarn	Lbs.	2c per lb.	1.43	13,571,962	10,843,493	19,407,905.66	388,158	
Cotton thread and cordage:								
Sewing thread	Lbs.	2c per lb.	1.43	1,053,882	1,149,515	1,507,051.26	30,141	
Crochet, darning, and embroidery cotton.	Lbs.	2c per lb.	1.43	82,825	96,781	118,439.75	2,369	
Twine and cordage	Lbs.	2c per lb.	1.18	4,588,069	1,811,740	5,413,921.42	108,278	
Cotton cloth, duck, and tire fabric:								
Tire fabric—								
Cord	Sq. yd.	2c per lb.	1.25	4,969,963	2,217,421	6,212,453.75	124,249	
Other	Sq. yd.	2c per lb.	1.25	1,355,239	472,945	1,694,048.75	33,881	
Cotton duck—								
Heavy filter paper dryer, hose and belting duck.	Sq. yd.	2c per lb.	2.36	688,618	421,641	1,625,138.48	32,503	
Unbleached—								
Ounce	Sq. yd.	2c per lb.	1.18	6,045,770	1,712,012	7,134,008.60	142,680	
Number	Sq. yd.	2c per lb.	1.18	4,249,118	1,720,523	5,013,959.24	100,279	
Bleached	Sq. yd.	2c per lb.	1.18	2,293,417	743,777	2,706,232.06	54,125	
Colored	Sq. yd.	2c per lb.	1.18	1,842,948	631,575	2,174,678.64	43,494	
Cotton cloth, unbleached (gray):								
Drills and twills	Sq. yd.	2c per lb.	.22	12,469,675	1,580,059	2,743,328.50	54,867	
Sheetings, 40 inches and under	Sq. yd.	2c per lb.	.30	82,174,153	7,166,814	24,652,245.90	493,045	
Sheetings, over 40 inches	Sq. yd.	2c per lb.	.30	1,561,372	170,747	468,411.60	9,368	
Osnaburgs	Sq. yd.	2c per lb.	.60	22,581,106	2,202,148	13,548,663.60	270,973	
All other unbleached	Sq. yd.	2c per lb.	.30	19,050,636	1,235,158	5,715,190.80	114,304	
Cotton cloth, bleached:								
Drills and twills	Sq. yd.	2c per lb.	.22	4,507,030	678,925	991,546.60	19,831	
Pajama checks	Sq. yd.	2c per lb.	.20	10,421,548	1,076,341	2,084,309.60	41,686	
Sheetings, 40 inches wide and under	Sq. yd.	2c per lb.	.30	33,575,043	3,849,494	10,072,512.90	201,450	
Sheetings, over 40 inches	Sq. yd.	2c per lb.	.30	12,960,689	1,712,039	3,888,206.70	77,764	
All other bleached	Sq. yd.	2c per lb.	.20	27,839,039	3,273,673	5,567,807.80	111,356	
Cotton cloth, colored:								
Voiles	Sq. yd.	2c per lb.	.13	56,378,646	8,048,951	7,329,223.98	146,584	
Percales and prints—								
32 inches and less	Sq. yd.	2c per lb.	.20	29,991,139	3,114,296	5,998,227.80	119,965	
Over 32 inches	Sq. yd.	2c per lb.	.20	11,595,083	1,610,203	2,319,016.60	46,380	
Flannels and flannelettes	Sq. yd.	2c per lb.	.30	4,451,811	684,812	1,335,543.30	26,711	
Khaki and fustians	Sq. yd.	2c per lb.	.22	4,526,474	904,219	995,824.28	19,916	
Denims	Sq. yd.	2c per lb.	.60	17,229,538	3,152,250	10,337,722.80	206,754	
Sultings (drills, etc.)	Sq. yd.	2c per lb.	.60	30,343,950	4,927,983	18,206,370.00	364,127	
Gingham	Sq. yd.	2c per lb.	.22	14,001,954	1,466,375	3,080,429.88	61,609	
Chambrays	Sq. yd.	2c per lb.	.22	16,447,828	1,751,199	3,618,522.16	72,370	
All other printed fabrics 7½ yds. per lb. and lighter.	Sq. yd.	2c per lb.	.16	27,556,474	4,451,922	4,409,035.84	88,181	
Heavier than 7½ yds. to a lb.	Sq. yd.	2c per lb.	.22	20,847,631	3,691,987	4,586,478.82	91,730	
All other piece dyed fabrics:								
5 yds. per lb. and lighter	Sq. yd.	2c per lb.	.18	24,717,573	3,704,941	4,449,163.14	88,983	
Heavier than 5 yds. per lb.	Sq. yd.	2c per lb.	.36	19,201,400	2,808,208	4,992,364.00	99,847	
All other yarn-dyed fabrics	Sq. yd.	2c per lb.	.22	19,807,137	2,963,458	4,357,570.14	87,151	
Cotton and rayon mixtures (chief value cotton).	Sq. yd.	2c per lb.	.22	18,766,787	5,174,491	4,128,693.14	82,574	
Other cotton fabrics:								
Blankets	Lbs.	2c per lb.	1.25	1,569,156	885,311	1,961,445.00	39,229	
Damasks	Sq. yd.	2c per lb.	.37	780,072	244,629	288,626.64	5,773	
Pile fabrics, plushes, velveteen, corduroys.	Sq. yd.	2c per lb.	.74	494,061	412,193	365,605.14	7,312	
Tapestry and other upholstery goods	Sq. yd.	2c per lb.	1.00	293,125	305,280	293,125.00	5,862	
Cotton fabrics sold by the pound	Lbs.	2c per lb.	1.17	10,129,620	3,756,248	11,851,655.40	237,033	
Cotton wearing apparel:								
Knit goods—								
Gloves	Doz. prs.	2c per lb.	1.20	125,563	$219,413	$150,675.60	$3,014	
Hosiery—								
Women's	Doz. prs.	2c per lb.	1.80	1,941,831	3,442,369	3,495,295.80	69,906	About 1½ lbs. per doz. finished weight, 20% waste allowed.
Children's	Doz. prs.	2c per lb.	1.80	751,213	1,143,977	1,352,183.40	27,044	About 1½ lbs. per doz. finished weight, 20% waste allowed.
Men's socks	Doz. prs.	2c per lb.	1.20	1,084,490	1,855,703	1,301,388.00	26,028	About 1 lb. per doz. finished weight, 20% waste allowed.
Underwear	Doz.	2c per lb.	12.00	610,616	$2,194,452	7,327,392.00	$146,548	Only rough estimate possible.
Sweaters, shawls, and other knit outerwear.	No.	2c per lb.	1.50	504,912	419,844	757,368.00	15,147	Only rough estimate possible.
Other wearing apparel:								
Collars and cuffs	Doz.	2c per lb.		231,206	311,029			Statistics for estimates not available.
Cotton overalls, breeches, and pants	Doz.	2c per lb.		53,965	662,670			Statistics for estimates not available.
Underwear, not knit	Doz.	2c per lb.		116,511	538,583			Statistics for estimates not available.
Shirts	Doz.	2c per lb.	8.00	236,450	2,072,998	1,891,600.00	37,832	
Dresses, skirts, and waists	No.	2c per lb.	[1] $1.50	610,126	596,177	397,451.33	7,949	
Other cotton clothing		2c per lb.	[1] $1.25		1,310,938	1,048,750.40	20,975	
Other cotton manufactures:								
Handkerchiefs	Doz.	2c per lb.	[2] $1.40 [3] $1.25	213,752	145,355	76,423.02	1,528	Assuming 75% of imports to be men's handkerchiefs 3 sq. yds. per doz.; 25% women's, 1.361 sq. yds. per doz.
Laces, embroideries, and lace window curtains.	Yd.	2c per lb.	[1] $3.00	4,264,710	215,750	71,916.67	1,438	
Woven belting for machinery	Lbs.	2c per lb.	1.18	424,119	242,368	500,460.42	10,009	
Cotton bags	Lbs.	2c per lb.	1.17	5,906,326	1,209,801	6,910,401.42	138,208	
Quilts, comforts, counterpanes, and bedspreads.	No.	2c per lb.	4.00	184,803	272,529	739,452.00	14,789	
Bed sheets, pillow, bolster, and mattress cases.	Doz.	2c per lb.	18.00	36,803	276,563	662,454.00	13,249	
Towels, bathmats, and washcloths	Doz.	2c per lb.	4.00	907,073	1,328,797	3,628,292.00	72,566	
Other cotton manufactures					4,686,196	(4)	(4)	
Cotton, total							86,725,885	

[1] Per pound. [2] Men's. [3] Women's. [4] Statistics for estimates not available.

III. Proposed export debenture rate applied in accordance with section 321, H. R. 2667 (as passed by the Senate) to exports of cotton and manufactures thereof, calendar year 1929—Continued

Commodity	Unit of quantity	Debenture rate	Conversion factor	Exports, 1929		Equivalent exports of raw materials	Debenture costs	Notes
				Quantity	Value			
Other cotton manufactures—Continued.								
Grand total, using debenture rates equal to one-half tariff rates of H. R. 2667 as passed by House of Representatives I(A)†II†III.							$279,741,393	
Grand total, using debenture rates equal to one-half tariff rates of H. R. 2667 as passed by Senate I(B)†II† III.							281,336,611	
Grand total, using debenture rates equal to one-half tariff rates of H. R. 2667 as tentatively agreed upon by the Conference Committee as of Apr. 18, 1930—I(C)†II†III.							281,577,175	

Mr. HILL of Washington. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. JONES].

The SPEAKER pro tempore. The gentleman from Texas is recognized for five minutes.

Mr. JONES of Texas. Mr. Speaker and gentlemen of the House, I have before me the platform promises of both political parties. I will read their provisions on the subject of agriculture:

Republican platform, 1928: The Republican Party pledges itself to the enactment of measures which will place agricultural interests of America on a basis of economic equality with other industries to insure its prosperity and success.

The Democratic platform of 1928 provides:

Farm relief must rest on the basis of an economic equality of agriculture with other industries.

You will observe that both promise equality to agriculture. This takes this question out of the realm of politics and makes it one of economic remedies. This is a national question, one in which the whole United States is interested; and I would like for some one who has the gift of prophecy, who understands all knowledge and all mysteries, to tell me just how the surplus products of the farmer are going to be placed upon an equality with industry unless you enact the debenture provision or some similar proposal.

I shall not comment on the efforts of the Farm Board. I wish them every success. But if they were able to establish perfect marketing machinery they would still not be able to restore full equality. The trouble lies deeper than the question of marketing. The tariff increases the price of the farmers' supplies. He must sell his products in the markets of the world. Here lies the trouble and here must be the remedy.

In the brief time I have at my disposal I am going to answer several objections that have been offered. The floor leader of the majority party said it would provoke countervailing duties. My colleague from Georgia [Mr. CRISP] has put into the RECORD a list of 36 countries that are threatening countervailing duties on the tariff. Every day brings new threats of this character. Does that keep them from advocating the passage of a tariff bill?

As a matter of fact, the debenture is much less likely to cause retaliation on the part of foreign governments than a tariff is.

If Brazil should put an export premium upon coffee, when we do not produce coffee, would that cause us to retaliate? Of course not. We would say, "Let them sell it to us just as cheaply as they want to. The countries which buy our products and do not produce cotton and wheat are not going to impose countervailing duties on account of an export duty on either of those commodities.

I have in my hand the daily record of the British Parliament for October 30, 1929. The discussions arose on a motion by Sir Edwin Iliffe, "That immediate steps should be taken by the Government to counteract the injurious effects upon British agriculture of the dumping of German wheat and other cereals upon the markets of that country."

That refers to Germany operating under the debenture system. The gentleman from New Jersey [Mr. FORT] says it will produce havoc among the farmers. On the other hand, German economic writers say the immediate effect of it was to increase the price of those products substantially the amount of the debenture. In England they voted down the motion which I referred to by a vote of 266 to 157; that was on the effort to issue a countervailing duty in England. The floor leaders intimated that our surplus crops should be discontinued or restored to our domestic needs. If that should be done, what would industry do for raw materials when the seasons produced a shortage? We produce an annual average wheat surplus of 200,000,000 bushels. If we are to do away with a 200,000,000-bushel wheat surplus, what are the 400,000 wheat farmers who produce it going to do? Shall they go into dairying? We are already near a surplus of dairy products. What are the 600,000 farmers who produce our cotton surplus going to do? Shall they go into the already overcrowded industries of our country, with their 5,000,000 of unemployed men?

Mr. PURNELL. Mr. Speaker, will the gentleman yield?

Mr. JONES of Texas. I regret I can not.

Another proposition expressed by the floor leader was sympathy for distressed agriculture. What a beautiful sentiment! But sympathy is not what we want. Gentlemen can bottle up their sympathy. What we want is a better price for the farmers' products. [Applause.]

Mr. BACHARACH. Mr. Speaker, I yield six minutes to the gentleman from Iowa [Mr. CAMPBELL].

The SPEAKER pro tempore. The gentleman from Iowa is recognized for six minutes.

Mr. CAMPBELL of Iowa. Mr. Speaker and ladies and gentlemen of the House, in my six minutes of time I am not going to talk on the question of the debenture, but I am just going to present to the House a map that came from the Department of Agriculture.

This map shows the condition of industry as related to the farmer. We find that from 1910 to 1915 industry and the farm were on a par. We find that in 1915, and subsequently, the prices of farm products went up over 200 per cent. Now a good many people wonder why during the time of the war the farmers of America did not get rich. The truth is that when they came to sell their products at a high price the things they had to buy in the support and comfort of themselves and their families went up in price.

Then the drop came following the war. I just want to take one minute to pay a compliment to the people who voted for the emergency tariff. I have looked up their records, and I found Democrats and Republicans who voted at that time for the emergency tariff bill. We find that during the entire period, and at present it is 3 per cent lower than when this chart was made, the farmer is below industry. In other words, the farmer's dollar is worth 82 cents, as against 100 cents industry, and for the things that he buys.

Now, taking into consideration the campaign promises made by both the Republican and Democratic Parties, the question is, What method are we going to use at this time? How are you going to keep those campaign promises? When and how are we going to bring the line from down here, where the farmer's dollar is worth 82 cents, up to the industrial dollar, worth 100 cents?

It has been said by the gentleman from New Jersey [Mr. FORT] that the debenture is not the thing to have. I believe if we could give our Farm Board either the optional debenture or if we could give it the optional equalization fee then we will have at least a chance to try it out. [Applause.] I will say with reference to the board that I have stood by them in this fight from one end to the other. I have confidence in the board, but I am afraid that when they go to scoop the grain they will use a teaspoon in place of a scoop. I want to give them all the utensils possible to carry out the plan that was provided in the platforms of both the Republican and Democratic Parties. So I say to you that if we give them the debenture and they put it on and they find the result is just as was said by the gentleman from New Jersey, then there is only one thing to do. If

you have a bad thing, do not carry it on; but if you have a good thing, then carry it on.

I just wanted to bring this to your attention at this time, and that is all the time I will use.

I yield back the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. CAMPBELL] yields back one minute.

Mr. CULLEN. Mr. Speaker, I yield the balance of my time to my colleague from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Speaker and my colleagues, "he that would bring home the wealth of the Indies must carry the wealth of the Indies with him." That maxim, chiseled on the pediment of the Union Terminal in the Capital of our Nation, puts in beautiful diction a great truth—a permanent lesson in the fundamental principles of political economy. It means that he who wishes to buy must take something with him to barter with and that he who would sell must be willing to buy.

We seem to have lost sight of that fundamental principle. For 140 years we have been building up an artificial tariff system in contradiction of that basic truth. While erecting barriers against the commodities of other nations, we strangely cling to the delusion that they may be forced, in some mysterious way, to purchase our commodities. That is inconsistent—for commerce must always be mutual.

Where you want to sell you must be willing to buy. No nation can be evenly, uniformly, and consistently prosperous where it deliberately builds about itself a barrier to harass and obstruct commerce with other nations. Some countries are content to follow this course and take the inevitable consequences, but we think, apparently, that we can both eat our cake and have it. We deny our markets to the outside world and yet expect the world to open its markets to us.

140 YEARS OF TARIFF TINKERING

There are two ways of ascertaining the efficiency of a given economic device. We can work it out by the mere power of logical deduction, or we can take historical experience. Fortunately, or perhaps unfortunately, we have an historic experience to enable us to tell precisely how far we have succeeded in promoting our trade and commerce through the medium of artificial customs duties.

In 140 years we have had 42 different tariff acts. The first, the tariff act of 1789, was barely cold before revisions were demanded. Between 1789 and 1816 there were 17 amendments to the original tariff bill. In the act of 1823, we might note in passing, the protective policy was given the euphonious title of the "American system."

In 1828 came the tariff of abominations that nearly brought on civil war and gave impetus to the nullification idea. I have not the time to run down the list. I made an elaborate study of the subject in my speech of May 27 last year, when this present bill was under consideration. My remarks were entitled "One Hundred and Forty Years of Tariff Tinkering," and I shall be glad to send a copy to any Member desiring to refresh his recollection. I gave a history of our tariff legislation from 1789. The roster is appalling—32 tariffs in 140 years. Figure it out for yourselves. An average duration of 4½ years.

Does not all of this teach some lesson? Does it not show how utterly futile artificial tariff barriers are bound to be, in the very nature of things? No sooner are high prices, following an increase of the tariff, distributed throughout the economic system than those who demanded the tariff find that they are in no better position than they were in before. Everything in the meantime has adjusted itself, true to the laws of nature, even as water seeks it own level.

THE HAWLEY-SMOOT BILL

Here we have a bill of 535 pages, containing over 4,000 specific items, ranging through every industry from machinery, textiles, raw materials, down to rare, unpronounceable chemicals—4,000 items. And to top that the Senate made 1,253 amendments.

As I said in my remarks last year:

> It is quite obvious that no human agency is capable of handling such a program of revision in a few months and do justice to all. It is certain that neither this Congress nor any other Congress is competent, either in experience, in knowledge of the details, or in physical strength, to pass upon such a measure intelligently in the few days given to its consideration. The membership on the other side of the aisle are taking it on faith, while we on this side must bow our heads to the inevitable.

TARIFFS SIMPLY INDIRECT TAXATION

But the worst feature of this protective tariff bill is that it handles the subject topsy-turvy. Fundamental principles are forgotten—if ever understood at all. The framers of this bill fail utterly to recognize that a tariff on imports comes under the head of indirect taxation. While an indirect tax is the easiest to collect it is the hardest to distribute justly and equitably. It falls inevitably upon the ultimate consumer. But, as every form of taxation falls upon those who have nothing to sell but their labor, you would think that it behooves those imposing such taxes to see that they are made as light as possible. That point seems to be forgotten.

In the very nature of things, a tariff tax does not lend itself to a simple disposition on those intended perhaps to be taxed, for in every step in its progress, as the impost is shifted from one to another, the load is pyramided by fractional increments, consequently every raise in the general average of tariff rates increases disproportionately the burden on the ultimate consumer.

NO PROTECTIVE TARIFF HAS EVER BEEN A SUCCESS

Past experience shows that no tariff involving the protection idea as its main purpose has ever been a success.

That is the record. There are reasons for it, of course, if we are not too mentally lazy to dig for them, but some lie on the surface.

Let us examine this first. The protective theory involves the purpose of putting an embargo on foreign competition. If it is carried out, it necessarily gives a monopoly in the commodities affected to the domestic producer and entails an increase of cost to the consumer.

Where the tariff embraces a large range of products, the increase becomes general, and very soon is reflected over the whole range of commodities. Then follows an inflation of prices.

When that condition is reached there is a reaction. The consumer, who is at the bottom of the pyramid, begins to squirm from the pressure on top of him. He has no goods to sell upon which enhanced prices may be demanded to equalize his condition—nothing but his labor. He demands more for that, and eventually he gets it.

Then the vicious circle of inflation is complete. The increased cost of everything means a diminished purchasing power for the dollar. The unit of exchange is depreciated. When this stage is reached we find everything in the same relative position as it was before the increased tariff went into operation.

Nature has done its part in adapting itself to artificial instrumentalities. All that we have for our pains is a depreciated dollar.

The greed of those who sought special protection is defeated by the economic forces of nature. The tariff, that was yesterday sufficient to insure large profits, is insufficient to-day, because all other industries and activities have fought for their share of the booty and have gotten it.

The next step, of course, is to demand a still higher tariff. When that is granted the processes of exchange go through the same ferment and result, as before, in a general inflation of prices, so that producers are placed in the same relative situation.

We have been going through this fermentation every few years from the moment that the first ingenious demagogue invented the euphonious term "protection" as a bait for the greedy and a sop for the simple.

TARIFFS DO NOT PROTECT LABOR

It is a hollow mockery and a sham to say that protective tariffs are imposed for the protection of labor. Labor does not need protection in that way. Its natural state is not pauperism. As a matter of fact, it is labor that is the producer of all wealth and of all capital. It is those men who labor who feed and clothe all others.

The ones who are asking protection are those who are exploiting labor. It is a well recognized fact that the most highly protected industries in the United States are the very ones in which labor has always been receiving the lowest comparative wages.

And the reason for that is obvious. If the laborer happens to get a little more wages, it is simply a reflected result due to the general increase of prices in the effort of nature to readjust itself to the new tariff rates, but he pays for the benefit doubly in the general increase in the cost of living and in the depreciated purchasing power of his dollar.

BANEFUL RESULTS OF OUR TARIFF TINKERING

Next to Spain, we have the highest average tariff rates in the world, and the baneful results of this vicious policy are shown in the present precarious situation of our farmers and the lessening productiveness of our industries, with its inevitable inverse growth of unemployment. We are simply standing in our own light—even as Spain is doing. We are tying our own hands and closing our eyes to the almost infinite resources of our country.

At the international economic conference in May, 1927, figures were presented to show the comparative height of various European and American tariffs.

The ratios were as follows:

Index or comparative height:	
Spain	41
United States	37
France	21
Netherlands	6
Great Britain	5

Since the Fordney-McCumber tariff went into operation in 1922 our imports from Europe increased 29.8 per cent, while our exports have only increased 10.8 per cent.

During this time our total imports have increased 42.5 per cent, while our total exports only increased 25.5 per cent.

The deduction, therefore, is that increased tariffs have the effect of relatively decreasing our exports.

Since we are seeking foreign trade, why put this shackle on our intercourse with the world?

STATE AND SECTIONAL RIVALRIES

But by far the worst feature of our tariff system is the unfortunate influence it is perceptibly showing in disintegrating the harmony between the States of our Federal Union. In former days we were content to discriminate against the commodities of foreign countries. As this bill is written to-day we behold a very disturbing manifestation of hostility between the States and different sections of the country. The agricultural sections complain of tariff favors to the industrial States, but their representatives here, instead of fighting for a reduction of the abominable discriminations, bite like fish at the glittering bait of tariff favors begrudingly thrown out to them. And this, of course, leads to the most pitiable, if not reprehensible, methods of logrolling. If this keeps up longer, instead of being a united Nation we will fall into groups of snarling sections.

In attempting to equalize the discrimination Congress has imposed tariff rates on agricultural products—on wheat, rye, and other products. What has been the result? A dead, flat failure. Of course, no tariff in the world will ever avail in helping the farmer, because his products have their prices fixed in the markets of the world. Everybody recognizes that.

EFFECT OF TARIFF ON RECIPROCAL TRADE

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. GRIFFIN. I yield.

Mr. SUMMERS of Washington. In the early part of the gentleman's address he referred to the effect of the tariff on reciprocal trade. Is it not a fact that our imports and exports have been greater during the last eight years than ever before in the history of the country.

Mr. GRIFFIN. Yes; the country is very much larger than it was.

Mr. SUMMERS of Washington. Have they not been larger than in any other country in the history of the world, and larger in proportion than they have been before in this country?

Mr. GRIFFIN. It is not the mere magnitude of exports and imports that counts. The per capita rates of exports and imports is what determines the relative value of economic systems.

The following is a table which shows the relative standing of the United States in trade activity. You will note that we stand last on the list—which shows that we are not taking an effective advantage of our almost boundless resources. New Zealand heads the list with exports of $186.50 and imports of $148.90 per capita, respectively. Canada, our next-door neighbor, comes next, with exports of $142.30 and imports of $126.60. The United States in contrast stands nineteenth, with exports per capita of $42.10 and imports per capita of $33.60.

Foreign trade of the United States compared with other countries

Countries	Per capita	
	Exports	Imports
1. New Zealand	$186.50	$148.90
2. Canada	142.30	126.60
3. Denmark	126.60	132.80
4. Malaya	123.40	126.40
5. Australia	106.40	107.50
6. Netherlands	103.30	139.60
7. Switzerland	101.60	127.50
8. Belgium	100.90	105.60
9. Argentina	91.00	80.60
10. United Kingdom	90.00	127.70
11. Cuba	77.30	58.90
12. Sweden	59.10	75.00
13. Chile	55.10	32.80
14. France	49.20	51.20
15. Union of South Africa	48.90	47.30
16. Austria	46.40	67.00
17. Germany	46.00	52.30
18. Czechoslovakia	43.50	39.30
19. United States	42.10	33.60

EUROPEAN PROTESTS

A question was asked by the gentleman from Texas as to whether there was any danger of reprisals on the part of European governments. I want to assure the gentleman there is such a danger; that there have been innumerable cartels established by European countries and the movement is still going on. The newspapers are full of reports of protests by France, Spain, and other countries and threats of retaliation are made against us because of our efforts to keep their products out of our markets. There is no doubt about it, and if we put this proposed debenture plan into operation it is practically certain that the countries which we propose to invade with the aid of the debenture subsidy will resort to retaliatory measures to offset it.

THE DEBENTURE PLAN

This is what it amounts to: Having failed to obtain a market for our surplus agricultural products, we are now asked to tax the consumers of the Nation by handing over to the agricultural producers several hundred millions of dollars a year in the form of debenture certificates. These are to be issued to the agricultural producers in an amount equivalent to one-half the rate of tariff duty in effect at the time on such products as they may export. In other words, it is proposed to grant the agricultural producers a subsidy for producing a surplus for export. It may be recalled that when the McNary-Haugen bill was under consideration surpluses were characterized as undesirable. Now, the producers are to be rewarded for doing the undesirable. This is certainly fine logic.

Why do they want the debenture plan? Because it is quite obvious that the tariff has been a failure. They frankly admit it. One of the speakers here to-day, speaking in behalf of the debenture plan, asks, "What is the sense of putting a duty on wheat if we will do nothing to make it effective?"

Why, I did not think it would be necessary to do anything further after they got President Coolidge to raise the duty on wheat to 42 cents a bushel. They made us believe that the glorious protective tariff was such a magnificent mechanism that it worked wonders—all by itself. Now they want another panacea to put it into effect, or, as the speaker said, "Make it do what it is supposed to do." There their whole argument is betrayed: "What is the use of a tariff unless you do something to put it into effect," thereby confessing that the tariff in itself will not be effectual in the case of agricultural products.

The surest way to make the tariff effectual is not by constructing additional artificial devices but to strike boldly and ruthlessly at the unconscionable special tariff rates with which the bill is packed for the benefit of favored industrial interests.

The farmer should spurn efforts such as this to hand out to him a mere dole when all that he needs is a fair field that will enable him to get honest value for every dollar he puts out in the purchase of his necessities. Restore the purchasing value of his dollar and the intelligent farmer will be content.

But this subsidy, this additional tax upon the taxpayers of America will do the farmer no good and only make worse the condition of his toiling countrymen. Why impose this experiment, why risk this untried device which promises only foreign reprisals, without the faintest hope of helping those for whom the costly venture is made?

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. HAWLEY. Mr. Speaker, I yield four minutes to the gentleman from Minnesota [Mr. CHRISTGAU].

Mr. CHRISTGAU. Mr. Speaker, ladies and gentlemen of the House, it is rather difficult for me to speak on this subject on the side I am speaking in view of the remarks of our majority leader, in which he presented the opposition of the President to the debenture. I prefer not to speak as a Republican or as a Democrat, but as a farmer. The views I am going to express this afternoon are the result of my experiences on the farm all my life, and also the result of a study of agriculture in Europe, which I made during the last summer, in which I visited the countries of England, Holland, Denmark, Sweden, Germany, Austria, Finland, Poland, Belgium, Czechoslovakia, and Russia. I want to say, first, in regard to the economic soundness of this bill, that I spent six years in studying agricultural economics at the University of Minnesota prior to my entrance into the political arena, and I am somewhat familiar with economic principles. Dr. J. D. Black, who is now professor of agricultural economics at Harvard University, and at one time was the head of the department of agricultural economics at the University of Minnesota, testified before the Senate Committee on Agriculture on the farm-relief problem. Let me say in passing that in the Committee on Agriculture in the Senate there was very little interest in the debenture until some of the leading economists of the Nation testified before that committee. As the result of that testimony, the Committee on Agriculture of

the Senate reported out the debenture, and as the result of that same testimony, I am certain, the Senate adopted that feature.

Doctor Black has made a very close study of all agricultural-relief problems that have been submitted to the Congress ever since farm relief has become a problem, and, among other things, he said this:

Clearly, no one plan is best for all products. For sugar, wool, flaxseed, lemons, beef, and possibly dairy products, surely import duties are to be preferred. For wheat and cotton and cottonseed oil and several types of canned fruits and vegetables and dried fruits the transferable-rights plan has most to recommend it. For corn, pork and lard, poultry products, and possibly dairy products, the export-debenture plan is to be preferred, with rigorous checks on expansion of production. These three methods of raising prices of farm products fit well together. The income receipts from the first two lists of products can be used to pay the bounties on the third list, especially the increase in receipts from the first list from the higher duties that are likely to be imposed.

As the result of this debenture being made a part of the tariff bill in the Senate, a certain newspaper polled the presidents of the land-grant colleges and scientists of this country who are interested in the problems of agriculture. No one can say that the presidents of these land-grant colleges and these scientists were motivated by partisan politics, by sympathy for the farmer or sympathy for industry. They are impartial scientists and, as I recall, over 60 per cent of the presidents of the land-grant colleges polled testified that this plan would be effective for agriculture, and most of them stated that the only question involved is the question of public policy—as to whether or not this country is going to launch out on the policy of paying money direct from the Treasury of the United States in the solution of this particular problem. I am, therefore, not the least bit disturbed over the suggestion made that the debenture is economically unsound.

I interviewed the various officials of the countries of Europe I visited. I had a long interview with the Premier of Sweden. Sweden has the export debenture and among other things the Premier said, "We are having the same problem in Sweden you are having in America. The manufacturers of Sweden are getting greater protection benefits than are the farmers and that seems to be true all over the world." Sweden has invoked the debenture plan in an effort to solve that problem. The plan was adopted in Sweden in 1926, and in 1928 the Government extended the time for five years more as the result of the effectiveness of it. [Applause.]

The most interesting feature of the debenture plan, as applied to wheat and rye, is that it became a great stimulus to the development of cooperation. Before the plan was invoked the farmers of Sweden were at the mercy of the Flour Trust. Following its adoption the farmers organized cooperative export corporations and, through them, regained control of their markets. Following the adoption of the plan, the farmers of Sweden received an increased price for their wheat during the same period that prices had fallen practically everywhere else. The fact that it was continued for a period of five years after the 2-year period is sufficient evidence of the effectiveness of the plan.

I firmly believe that if the Farm Board of this country had the power to invoke the debenture it would have the same stimulus to cooperative effort in America that it had in Sweden, and that, through the use of it, the farmers would retain control over the prices of their commodities from the producer to the consumer.

In Sweden the holder of an export certificate, upon its surrender to the customs, has the right within six months after its date to either import, free of duty, ground or unground wheat in a quantity sufficient to equal the value of the certificate, according to the rates of duty under the Swedish customs law; or to receive payment in cash for its face value minus 2 per cent upon presentation to the customs authorities, provided that a sufficient amount in import duties to cover such payments has been collected on importations of wheat, ground or unground, during the 6-month period during which the certificate is valid.

Czechoslovakia adopted the export-certificate plan in 1926, the same year that it was adopted in Sweden, and, likewise, has continued it as a part of its farm policy. And in Czechoslovakia the plan has been broadened to include swine and swine products. In the 11 countries I visited Czechoslovakia and Sweden appeared to be the most prosperous. In Czechoslovakia they told me that they had no farm problem and that agriculture was on a parity with industry, which was due, I concluded, to the fact that the farmers were in control of the Government.

The gentleman from New Jersey [Mr. FORT] cited the economic condition of Australia as an example of possible evils resulting from the debenture. On the other hand, Australia is one of the countries where the export bounty plan is exceptionally effective. Doctor Black, in his testimony before the Senate Committee on Agriculture, submitted the following information on the Australian plan:

The Australian butter-stabilization plan: This is also known as the Paterson plan, after the name of its author, Mr. T. Paterson. It went into operation on January 1, 1926. It operates like the Noyes plan, except that the tax is paid to the exporters by the stabilization committee, which has charge of the administration of the scheme. This procedure is possible because fully 90 per cent of the butter in Australia is manufactured by cooperatives, and all of the cooperatives have combined to put the plan in operation. Creamers refusing to join the scheme are threatened with boycott by the farmers. The plan is essentially a cooperative monopoly, but it has been authorized by the Government, and in order to make it work successfully the Government has had to raise the duty on butter to 12 cents per pound, in order to keep out imports from New Zealand. Only about one-fifth of the butter production of Australia is exported. The bounty paid at first was 6 cents per pound. On January 1, 1929, it was raised to 9 cents per pound. The tax collected during the first year was 3 cents per pound, but 1 cent of this was afterwards returned. It has raised the price of butter in Australia by the full amount of the export duty.

Anyone familiar with the situation in Australia knows that that country is struggling with other grave economic problems besides the problem of making the tariff effective on its surplus crops.

Austria, another country that I visited, is a nation now suffering from many serious economic problems, among which is also the agricultural problem. I discussed her problems at length with officials of that nation. An export-bounty plan was adopted during the month in which I visited that country. In that country, cattle-import bonds are good only for reimportation of cattle by the Vienna Cattle and Marketing Finance Corporation, and by the head organization of eight designated agricultural cooperative associations. I understand that this provision was made in an effort to improve the type of livestock in that country by importing superior breeds of animals. All other Austrian import certificates have interchanging privileges. In addition to live cattle, the system applies also to wheat, rye, and oats.

The agricultural situation in Germany closely parallels that of the United States. Germany grew to be a strong nation through Bismarck's policy of governmental aid to agriculture. Following the war, however, the new German Government laid greater stress on developing industry than it did on agriculture. As a result of that she faced an agricultural problem similar to ours in many respects. The import certificate system of agricultural export bounties was adopted in 1925, effective on grain and legumes. The system was extended to include buckwheat in 1927 and hogs and hog products in 1928. In connection with this system increased tariff duties and bounties were made effective in July, 1929. The export-bounty system appears to be a very definite part of the protective-tariff policy of Germany.

Holland and Denmark are both low-tariff countries. The farmers of those countries took considerable pride in stating that they were able to maintain parity between agriculture and industry in their respective countries by preventing excessive tariff rates on the manufactured products that they had to purchase. These two countries were relatively prosperous. In fact, in those countries that I visited I noticed that where agriculture was prosperous the country was prosperous generally.

To pass a tariff bill that places many additional burdens upon the surplus-crop producers without giving them any benefits of tariff protection, I feel, would be a grave injustice. It would not be keeping faith with that splendid group of agricultural leaders who crystallized sentiment throughout the Nation in favor of economic equality between agriculture and industry. I feel that making the debenture provision optional with the Farm Board is a splendid feature in this measure. No one will contend that the Farm Board's instructions under the agricultural marketing act would cause them to immediately apply the debenture to all surplus crops. The Farm Board is going through a period of experimentation, and I sincerely believe that it would redound to the best interests of the Nation for the Farm Board to invoke the debenture on one or several surplus crops. Congress in the future could then legislate much more intelligently on this surplus problem. The problem will never be settled as long as we refuse to accept any of the possible remedies.

Mr. HILL of Washington. Mr. Speaker, I yield three minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Speaker, a little more than a year ago we were called into extra session because of the very widespread distress of agriculture. Congress has been attempting to enact legislation to solve the question for two or three years.

Two remedies for agriculture were proposed: One was through the creation of a farm board, giving it broad powers, and the second was through the tariff bill.

We must, therefore, not lose sight of the fact that the President recommended the enactment of the farm bill and a "limited tariff revision" in aid of agriculture, and we should keep this picture before us in the consideration of this conference report.

With reference to the several separate votes to be had upon the tariff bill, permit me to say that I have voted for the lowest duty on sugar that the conference report would permit. The duty is now 1.76 cents per pound. The House raised it to 3 cents per pound, and the Senate lowered it to 2 cents per pound. If an opportunity were offered, I would have voted to lower the duty even below that rate, because the Tariff Commission in 1924 recommended that this duty be reduced to 1.23 cents. President Coolidge withheld action upon the report until after the 1924 election, and finally refused to promulgate it. Failure to follow the Tariff Commission's recommendation to reduce the sugar duty to 1.23 cents per pound has cost the country approximately $75,000,000 annually, according to the commission's own statistics. Less than 2 per cent of the farmers raise sugar beets.

I have voted for the lowest duty on cement and to bring it in duty free for public use, as I believe that cement is controlled by a trust. In fact, that is conceded. No one denies it. Cement is extensively used in building and highway construction, and it is in general use in paving and the building of sidewalks in cities and towns and in practically every home throughout the country.

I voted against any duty on lumber. Lumber is now so high that practically all building construction throughout the Middle West has been terminated, and I do not feel that I am justified in adding an additional burden to the consuming public.

I would have voted for a lower duty on wool if the opportunity had been afforded. The higher the duty the more the cost of clothing is to the consuming public.

I voted against the duty on silver, as I do not believe any duty on it is justified.

Now, with reference to the debenture: The only way to make the duty applicable to those agricultural products of which we annually raise an exportable surplus, such as wheat, corn, and cotton, is through the debenture. Last year, 1929, we raised 806,508,000 bushels of wheat and imported, upon which duty was paid, 37,321 bushels, or less than one two-hundredths of 1 per cent of the amount of wheat we produce. We regularly export about one-fourth of the wheat we produce, and hence we are trying to find a foreign market, and an import duty will be of no benefit whatever to the wheat producers. The records show that, notwithstanding Canada has no tariff on wheat, the price of wheat every day during the past two years has been higher in Canada than in the United States.

The duty of 42 cents per bushel on wheat is therefore ineffective to raise the price of wheat, and the debenture would enable the wheat producers to realize 50 per cent of the tariff duty.

There is no duty on cotton, except that there is retained in this bill the Senate amendment on long-staple cotton, not a lock of which is grown in my State of Oklahoma, and a duty, therefore, on cotton would not benefit the cotton growers of the ordinary staple such as is grown in Oklahoma.

The same is true of corn. I do not have the figures before me for 1929, but in 1928 we produced 2,839,959,000 bushels of corn and imported approximately one-fiftieth of 1 per cent of the corn we produced. A tariff of 25 cents per bushel will not aid the corn producer. The only way to make a tariff effective on these products is through the debenture. You may argue around it and about it all you will, but the only sure way to make the tariff effective as to these products is through the debenture. Let us quit trying to deceive the farmer into the belief that a tariff on wheat or corn will assist him in securing a better price.

For this reason I favor the debenture as long as we have high tariff rates on the manufactured articles which the farmers, laborers, and consuming public throughout the country must purchase.

The great trouble is that too many representatives who plead they are friends of the farmer are partisans first, and find every kind of technical excuse to support the program of the big interests instead of keeping their pledges. They use every sort of ingenious argument to find a way not to help the farmer. They vote for special rules to send the tariff bill to conference, and then try to satisfy the farmers by telling them that under the rules they are not permitted to vote for amendments in their interest. No man, I do not care how ingenious he is, can satisfy the farmers of the country that 42 cents per bushel tariff duty on wheat or 25 cents per bushel tariff duty on corn is effective when we regularly raise an exportable surplus and when we export to Canada ten times as much wheat as we import, and when the price of wheat in Canada is always higher than in the United States, though there are no tariff duties on wheat exported from this country into Canada.

This debenture amendment is optional, and is an additional authority given to the Farm Board to be exercised only in the discretion of the board.

The provision is as follows:

(a) Whenever the board provided for in the agricultural marketing act approved June 15, 1929, finds it advisable, in order to carry out the policy declared in section 1 of said agricultural marketing act, with respect to any agricultural commodity, to issue export debentures with respect to such commodity, said board shall give notice of such finding to the Secretary of the Treasury. Upon the receipt of such notice it shall be the duty of the Secretary of the Treasury, commencing and terminating at such time as the board shall prescribe, to issue export debentures to any farmer, cooperative association, stabilization corporation, or other person with respect to such quantity of the commodity or any manufactured food product thereof or any product manufactured from cotton or tobacco, if the cotton or tobacco out of which it is manufactured if exported in the raw material would have been entitled to receive a debenture therefor, as such person may from time to time export from the United States to any foreign country. The export debenture shall be in an amount to be computed under the direction of the Secretary of the Treasury, in accordance with such regulations as he may prescribe, at the debenture rate for the commodity or product that is in effect at the time of exportation. Any such computation shall be final.

As to those agricultural products where there is a tariff the debenture certificate is to be 50 per cent of the tariff, but as to cotton it is provided that the certificate is to be 2 cents per pound, or $10 per bale.

I can not see how any representative of the farming section can justify his vote not to permit the Farm Board to have the optional right to use the debenture provision for the benefit of the farmers when deemed necessary.

Now, with reference to the so-called flexible clause of the tariff bill, I am opposed to it. The records show that during the last administration this provision has been used for political purposes. The day the McNary-Haugen farm bill was vetoed by President Coolidge he increased the duty on pig iron 50 per cent. Members of the Tariff Commission are appointed in sympathy with the views of the administration. When the term of former Congressman Lewis was about to expire as a member of the Tariff Commission, in 1924, his colleague, Mr. Culbertson, conveyed to him the information that the President would reappoint him, conditioned that he give him a letter of resignation in advance, which Mr. Lewis very properly declined to do. President Coolidge then called Mr. Lewis before him when he was to deliver him his new commission, and asked for the letter, which Mr. Lewis declined to give. In order to satisfy the low-tariff people throughout the country until after the 1924 election, he reappointed Mr. Lewis and then refused to send his name to the Senate for confirmation, and he therefore ceased to be a member of the commission on March 3, 1925. Mr. Culbertson was a low-tariff Republican, and in order to get rid of him he was given a diplomatic post, and in the place of Culbertson, Lewis, and others, high-tariff Republicans and Democrats were appointed.

The result is that tariff rates are seldom lowered but are always increased. The record shows that the rates have been lowered upon phenol, long-handled paintbrushes, bobwhite quail, and mill-feed bran. The appropriation for the Tariff Commission is $785,000 per annum, to prepare data so as to make it possible for the President to issue proclamations to increase the prices of the necessities which must be purchased by the consuming public.

When the Tariff Commission was first provided for it was hoped that the tariff would be taken out of politics, but instead of that it has been used as a political football. The record of the efforts to control the Tariff Commission, particularly as to its report on sugar in 1924, is the most nauseating chapter in our political history.

For my part, I feel that the President should not have the authority to raise or lower tariff rates, and shall so cast my vote.

If this bill is approved, containing the highest rates ever placed in a tariff bill, and if the flexible clause is retained, the President, through appointment of the members of the Tariff Commission, will be enabled to raise the high rates in the present bill an additional amount of 50 per cent and pass the burden on to the consuming public.

In my judgment, Congress should control the methods of raising revenue, including the tariff duties, as well as all expenditures through appropriations from the Public Treasury. It is just as defensible to open the doors of the Treasury and permit the President of the United States to expend any sum of money he may choose as it is to permit him, without the sanction or approval of Congress, by proclamation to fix the tariff duties on any commodity.

The people of the country are already overburdened. Congress was called in special session to lighten the burden of the farmer. It was to be done in two ways: First, by the so-called farm relief bill. Congress created a board, authorized an appropriation of $500,000,000 as a revolving fund, and then only actually appropriated $150,000,000, later making available $100,000,000 more, and gave the board power to recognize or create stabilization corporations, and gave it other broad powers, all of which have not been exercised, and the result so far has been a disappointment to the farmers of the country. We are still suspending judgment to give its administration a fair trial.

The second method to relieve the farmer was to be by means of the tariff, but the duty on practically everything the farmer buys has been raised, and little or no compensating benefits given to him. He is made to pay more for his sugar, cement, building material, farm machinery, and for every article which he wears and uses without any compensating benefits.

This bill is properly known as the Grundy bill, because he and those whom he represents and typifies constructed it. Surely, you can not convince the farmer that by raising the duties and making him pay more for everything he buys that this can be of any benefit to him. It is a novel argument to urge that the road to prosperity for the farmer is to increase his tax burdens or make him pay more for the necessaries he must purchase.

On the other hand, it is urged that the high tariff rates do not raise the prices of any manufactured product to the consumer. If not, why do the representatives of the special interests infest the Capitol pleading for higher duties? Repeat for emphasis this confusing question to every advocate of a high tariff rate.

I have frequently taken occasion to say that if the people of my district and State really studied and understood the provisions of this bill, that in my judgment not 1 per cent of them would be in favor of it.

It is estimated that the present tariff bill will enable the manufacturing interests to add an additional billion dollars' burden to the consuming public.

Recently 1,000 economists, heads of our leading universities and educational institutions, representing every section of our common country, East and West, North and South, have prepared and submitted a protest against the enactment of this tariff bill. The leading metropolitan newspapers and magazines of the country have criticized it. Thousands of men who do business on a large scale, among them Henry Ford, appreciating that other governments are preparing to retaliate against our products, openly condemn the bill as unwise.

There is no farm relief whatever in this tariff bill to the people in Oklahoma whom I represent. You can not relieve the depressed, overburdened farmers by placing additional burdens of taxation upon them. You can assist them in only two ways: First, by enabling them to realize more for the products which they raise, and, second, by lowering the price of the products which they consume and must purchase. These two bills, the farm bill and the present tariff bill, do not do either. I have already indicated how I shall vote on each of the questions brought back to the House for consideration, and will finally vote against the bill.

The farmers know they must depend upon a foreign market for those products such as wheat, corn, and cotton, of which they regularly raise an exportable surplus and that their home market is governed almost entirely by Liverpool prices.

We can not raise tariff duties on manufactured articles so high as to practically amount to an embargo against the importation of manufactured products from Europe and still hope to sell to Europe our agricultural products.

If the manufactured products of Europe, because of our high-tariff duties, are diverted to other countries, they in turn will buy agricultural products of those countries that come in competition with ours and we will measurably lose that much of the foreign markets for our agricultural products to the detriment of the farmers. In order to sell our farm products to European markets we must exchange them for their products and the high tariff rates, therefore, divert our foreign trade, lessens the demands for our surplus agricultural products, and result in a depression of farm products in our domestic markets. [Applause.]

Mr. HAWLEY. Mr. Speaker, I yield two minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER of Wisconsin. Mr. Speaker, I shall vote against the debenture. If some of our good Democratic friends who are now sobbing for the poor farmers, when advocating the debenture, had thought about the sugar-beet and sugar-cane farmers and the other farmers whose problems are closely related and had voted for the increase in the tariff on sugar yesterday they would have done something constructive in the farmers' interest.

The only requests which I have received, asking me to support this debenture, are from the National Grange and from grain speculators who, I know, will profit more than the farmers if we adopt the debenture plan of our Democratic colleagues who are claiming that its adoption will prevent those engaged in agriculture from going to the poorhouse. The National Grange, if you please, which is strongly advocating the debenture and raising the argument that agriculture is on the way to the poorhouse, talks quite differently when it advances argument in favor of prohibition. The April issue of the National Grange publication contains this statement:

> Ten years' experience with a saloonless nation has convinced the American farmer that economically, socially, financially, and morally our country is much improved under the operation of prohibition legislation.

The article from which I have just quoted describes at length the great prosperity of the country and the farmers as the result of prohibition.

Mr. SABATH. Well, does the gentleman believe it?

Mr. SCHAFER of Wisconsin. I absolutely do not believe it. I believe that the Grange is just as wrong on the debenture as it is on prohibition.

Mr. SABATH. That is what I wanted to know.

Mr. SCHAFER of Wisconsin. And if the gentlemen who want to follow the Grange in the interest of the farmer on the debenture really want to help the farmer, step up to the clerk's desk and sign the LaGuardia petition to discharge the Judiciary Committee from consideration of the bill to modify the prohibition laws. [Applause.]

Mr. HILL of Washington. Mr. Speaker, I yield one minute to the gentleman from Alabama [Mr. ALLGOOD].

Mr. ALLGOOD. Mr. Speaker, ladies and gentlemen of the House, the extra session of Congress was called for the purpose of farm relief and for a modified revision of the tariff, so as to place agriculture upon an equal basis with industry. This was more than a year ago. Instead of Congress confining its work to farm relief and a modified revision of the tariff, it has run wild without any positive leadership whatsoever from the President. He has only indicated that he opposed the debenture clause, which was for the benefit of the farmer and favored the flexible clause, which was for the benefit of the manufacturing interests. Thus without guidance or direction Congress has fussed over this tariff measure for all these months.

A new tariff law changes the values of hundreds of commodities. In the change from an old to a new tariff measure the business interests of the country are unsettled, and as a result there is a slowing down of business throughout the country. During the past 12 months while this tariff measure has been under consideration there has been the greatest break in the prices of stocks on the New York Stock Exchange ever known in the history of this country. Billions of dollars of values faded away. This loss was reflected in business throughout the Nation and also has affected financial conditions in foreign countries. The price of farm products has decreased. Thousands of men in the industrial centers are out of employment. Hundreds of banks have closed their doors. It has been almost impossible for the small business man and farmer to secure money from any source. If the leaders had confined their activities to farm relief and a modified revision of the tariff, so as to equalize agriculture with industry, we could have passed this measure in three months' time and could have adjourned by August 1 of last year, and in that event I doubt if the country would have experienced the dreadful panic through which we are passing. The leading Republican Senator who was responsible for President Hoover calling the extra session of Congress for farm relief introduced a resolution early in the session confining the schedules of the tariff to be acted upon to farm relief. If President Hoover had favored this resolution, it would have carried, because it only failed to carry by one vote. If this resolution had carried, the business interests of this country would not have been disturbed by the revision of the tariff, and I doubt if we would now be experiencing the panic, that is nation-wide. To-day in attempting to complete this tariff legislation the question that stands uppermost in my mind is this: Will this tariff measure equalize agriculture and industry?

A study of the measure shows that where one agricultural schedule has been given protection under this measure that three industrial schedules have been given protection. Therefore, while you are placing a dollar in one of the farmer's pockets under this bill, you are taking $3 out of his other pocket. Apply this rule to the 30,000,000 of farm people who are now sorely burdened with the high cost of living and I ask you in all fairness how can you expect them to continue to produce the raw products which are needed to feed and clothe the peoples of the world? This tariff bill was not written for the farmer nor by the friends of the farmer. We are dissatisfied with the measure and are trying to get this Congress to accept at least one section that will aid agriculture. This section contains the export debenture clause. This clause simply turns the tariff around and gives the cotton farmer an export tax or tariff of $10 a bale on every bale of cotton shipped out of this country. This money is to be paid by the Government out of moneys the Government collects upon tariffs for foreign goods shipped into this country. Ten dollars a bale increase in price would amount to $60,000,000 each year, because we ship abroad 6,000,000 bales of cotton annually. With the price of cotton increased $10 a bale the farmer, I believe, would receive at least $5 more per bale, which would mean $30,000,000 on the export cotton alone. The other $30,000,000 received from the increase due to the debenture would doubtless be used by cotton exporters in expanding their sales in foreign markets. Therefore by working under this measure we would encourage the exportation of cotton year by year and increase our sales in foreign countries while at the same time there would be a decrease of surplus cotton for consumption in this country. This condition would have the effect of increasing the price paid for cotton consumed here, which would tend to raise the price paid for the entire cotton crop.

This provision of the tariff bill is most vital to the cotton farmer. It is the only real hope that you have left him. Without the debenture provision this Congress will burden instead of relieve the farmer. The other provisions of this bill will force him to pay a greater price for the shoes on his feet; for the shirt, whether woolen or cotton, that goes on his back; for the suit on his body and hat on his head. He will be forced to pay more than he has been paying for furniture, agricultural implements, hardware, harness, and sugar, which are actual necessities of life.

Tariff means taxes and those who consume manufactured articles are the ones who pay the taxes. Therefore, the cost of living will not be confined to any one class, but will be heaped upon people in all walks of life in cities, towns, hamlets, countryside, and farms. On the farms to-day, under the present tariff law, men, women, and children are all forced to work to make a living. In the cities and industrial centers in times of depression, such as we are having now, there are thousands of people who can not get employment. This tariff measure will add to their burdens. President McKinley, an outstanding Republican President, in a memorial address which was delivered at the Pan American Exposition at Buffalo on the day preceding his assassination, said:

> We cannot repose in fancied security that we can forever sell everything and buy little or nothing. If such things were possible, it would not be best for us or for those with whom we deal. If, by chance, some of our tariffs are no longer needed for revenue or to encourage and protect our industry at home, why should they not be employed to extend and promote our markets abroad?

President McKinley's idea is the export-debenture plan exactly, and if he were President to-day, I dare say the farmers of this Nation would be benefited by its inclusion in this tariff bill. Before Mr. Hoover was elected President, in speaking of the Republican platform in his acceptance address as it pertained to agriculture he said:

> Objections have been made that this principle, as laid down by the party platform, may require several hundred millions of dollars to be advanced by the Federal Government without obligation upon the individual farmer.

He further said:

> A nation which is spending $90,000,000,000 a year can well afford to spend a few hundred millions for a workable program that will give one-third of its population a favorable share of the nation's prosperity.

He further said the working out of agricultural relief constituted the most important obligation of the incoming administration.

Mr. Hoover was elected and is now at the helm of state, but is opposing a farm-relief measure that has been successfully tried out in Sweden, Germany, and other foreign countries. He holds that it will cost the Treasury some two hundred million dollars annually, but he fails to consider that at the same time it will benefit the farmers of this Nation several hundred million dollars annually. The President seems to know how to take care of big business all right. At the beginning of this session he advocated the passage of a bill, and signed it when it passed, which reduced the income taxes of the well to do of this Nation $160,000,000.

I believe that if the farmers of this Nation knew what the debenture would mean to them that nine out of ten of them would favor its passage. For the farmer to exist he must have an equity in trade values. His dollar must be worth as much as is the manufacturer's dollar. The manufacturer has always had the advantage and will have the advantage even with the debenture in this bill. The high protectionists in this House want to force the farmer to sell in the open markets of the world and at the same time require him to buy the manufactured products in a highly protected market. The ex-service men who went overseas will tell you that they could buy American-made articles cheaper in Europe than in America. This is the reason. Our tariff laws in many instances practically place an embargo against foreign manufactured goods, and the foreign manufacturer has to sell his product in his home market because the American manufacturer has the American market protected. When the American manufacturer produces more than he can sell at home he ships his surplus abroad and takes whatever he can get for it. By law the American manufacturer forces American people to pay more for manufactured goods than he receives for similar goods he sells in foreign lands with additional freight and carrying charges added. Henry Ford claims to be a Republican, but he is not a high-tariff Republican. He holds that competition is the life of business, and, although he pays his labor good wages, yet he produces cars that he can sell in competition with the manufacturers in the entire world.

My good friend, the gentleman from New York, Doctor CROWTHER, stated in a discussion with me on the floor of the House a few days ago that he was in favor of building the tariff wall so high that no foreign product could come into our country in competition with our manufacturers. This policy, if enacted, will force other nations to pass tariff laws which will prevent the shipment of American goods into their country. In fact, this condition is arising to-day. The leaders in 23 countries met a few weeks ago for the purpose of raising the trade barriers to prevent the importation of American-made goods. This will bring about a serious condition in this country. We now are suffering from an overproduction of cotton, wheat, and corn on the farms. Many people are out of employment in the factories because the manufacturers have no market for their products. If the foreign nations of the world retaliate by forbidding the shipment of our products to their ports, we will witness a panic which will make this panic seem like the golden era. Ten years ago the South had a monopoly on the world production of cotton. During this period we have not increased our production, but the other countries of the world are now producing 12,000,000 bales of cotton, as against 6,000,000 bales 10 years ago. At this rate of increase foreign countries will soon be able to produce all the cotton they can consume. Therefore, instead of trying to pass laws that will break down our trade with foreign countries, we should attempt to pass laws that will help us increase our foreign trade. We are producing 6,000,000 bales of cotton more each year than can be sold in this country, and if it all had to be consumed in the United States cotton would not bring more than $25 a bale. This is a dark and gloomy picture that confronts the cotton farmer of the South, and I claim that under the conditions that are confronting him he is entitled to the advantage that this debenture clause will give him.

Let us contrast the conditions of the farmers with that of some of the big business interests of this country. The National City Bank of New York made a statement that the earnings of 375 manufacturing corporations during the first quarter of 1929 were 37 per cent above the corresponding period of 1928. The Bethlehem Steel Co. showed 160 per cent earnings in 1929. The Youngstown Sheet & Tube Co. 145 per cent in earnings. The Republic Iron & Steel Co., 208 per cent increased earnings. Who is paying these enormous increases in earnings? It is the consumer in the United States, because the export products of these concerns are sold to foreigners in foreign countries at a cheaper price than they are sold to our own people.

Mr. Speaker, ladies, and gentlemen of the House, do the following concerns need more protection? For every thousand dollars invested in 1922 in the capital stock of the Case Threshing Machine Co. the value of the stock to-day is $9,970, or a profit of 150 per cent. For every thousand dollars invested in the Deer Implement Co. in 1927 the value of the stock is now $8,770, or a profit of 333 per cent in two and one-half years. Thus, you can see that the manufacturers need no further protection. The fact of the business is, they have already been

overprotected with the results that this country has become over-industrialized. New manufacturers have sprung up in great numbers and are producing articles faster than they can be consumed. The factories are working on short time and in some instances are shutting down. These manufacturers do not need further protection. They should give employment to the idle men and increase their output, and, like Henry Ford, they should cheapen their products so that they can compete with manufacturers the world around.

Any sensible person knows that if you reduce the price of a necessity that this encourages the people to buy it, thereby increasing the sale and demand for that product.

A leading Republican Senator, in speaking against the passage of this tariff bill, said it is no help to farmers to give them something and then conspire with some one else to take it away from them. This Senator was speaking in behalf of the export-debenture plan.

Equality is one of the bedrock principles of free government. Our laws should be so equalized that every citizen would receive equal rights. The passage of this measure without the debenture clause will give several billions of dollars additional protection to the manufacturers, a protection they do not need. * * * At the same time it will add increased burdens to a class that is struggling at great odds for an existence to-day. This bill will cost the American consumer many millions of dollars in the increased cost of living, and with the President and his leaders in this House opposed to the debenture clause and with agriculture being unjustly discriminated against, I will refuse to vote for this tariff bill. I do not believe that I am any more biased or prejudiced in behalf of the farmers than the high protectionists in this House are biased and prejudiced in behalf of the manufacturer. The leaders are determined to pass this bill just like they want it to be. This tariff bill will add increased costs of living and extra burdens of government, and I expect to see a reaction and resentment of our people against those who force these unjust burdens upon them. [Applause.]

Mr. HAWLEY. Mr. Speaker, I yield four minutes to the gentleman from Kansas [Mr. STRONG].

Mr. STRONG of Kansas. Mr. Speaker, as the Representative of a great agricultural district of one of the best agricultural States of the Nation, I have always voted for all legislation that I believe would help to give agriculture a fair price for its products, just as I have always voted for all just legislation for the men who served our country in time of war; but since we have been assured that the President will veto the tariff bill if the Senate amendment for the debenture remains in the bill I feel that it is insincere to vote for the debenture amendment knowing that if it is adopted it will defeat both the debenture and the tariff bill.

I agree with the statement recently made by the American Farm Bureau Federation:

> Farm rates in tariff bill highest ever enacted.

I will not cast a vote to defeat those high rates which we have been successful in writing into the tariff bill, and will therefore vote against the debenture amendment, so that the bill may be enacted into law and the farmers have the advantage of such favorable tariff rates. [Applause.]

Mr. HILL of Washington. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, I was amused at the speech of the distinguished gentleman from New Jersey [Mr. FORT] in opposition to the debenture. I must say, in all frankness, that it was about the most illogical, the most unsound, and the most unreasonable speech I have heard in the House since his recent notorious, and more or less ridiculous, utterance on the manufacture of home brew, with which no man, in or out of Congress, wet or dry, seemed to agree, and which was repudiated at the White House before the sun went down. [Laughter.]

In the first place he misquoted the provisions of the bill. He told you—trying to scare you southern Members—that the debenture could not apply to short-staple cotton. Look on page 329 of the bill and you will find a provision that "so long as no import duty is imposed on cotton, the debenture rate thereon shall be 2 cents per pound."

Not only that, but he went so far as to say that it would provoke retaliatory duties in foreign countries, overlooking the fact that the protective tariff on industrial articles may also provoke retaliatory duties.

Mr. Speaker, this is a sad day for agriculture in America. A year ago Congress was called together for the purpose of bringing about farm relief. It has utterly failed. The party in power is not only attempting to side-step the question of farm relief but is attempting to kill it entirely by voting down the only proposition that has been brought to light that will give agriculture any of the relief promised, and that is this export debenture. Be not deceived. Every man who votes against the debenture registers his vote against farm relief.

Instead of relieving agriculture, and as you preached for years, raising it up to a level with industry, you are piling more loads on the farmer's back and denying him relief.

Take the corn growers to-day. Corn is selling far below the cost of production. The cotton growers are selling their cotton below the cost of production. The dairymen to-day have millions of pounds of products which can not be sold, and without the benefit of the export debenture they can never hope to get a reasonable price for them. Wheat to-day, with your tariff, which you boast of, of 42 cents a bushel, is selling for a higher price in Winnipeg, Canada, than in any market in the United States. To-day wheat is selling in Kansas, Iowa, Nebraska, Missouri at the same price it sold at 30 years ago, far below the cost of production, and yet you come in here and vote against the debenture, and deny the farmer any relief at all from his distressed condition which your high tariff has produced.

Where is Mr. DICKINSON? Will somebody page Mr. DICKINSON, of Iowa, and also Mr. HAUGEN, and the rest of those men from the agricultural States of the West who were avowedly very much in favor of the McNary-Haugen bill? Yet when the Senate inserts an amendment by which we can raise the price of agricultural products, corn and wheat and cotton and dairy products, and thus remove a part of the disparity now existing between agriculture and industry, you men from those States vote against it.

Now, Mr. Speaker, I want to say to the Members from the South and the West that I am for the debenture no matter what class of farmers it aids—whether it be the cotton farmers of the South, the wheat and corn farmers of the West, or the dairymen of the whole country. Their interests are interlocked and interwoven. The debenture would relieve them all.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. RANKIN. No; I can not yield. The gentleman from Wisconsin ought to be satisfied, because he saved the "cement farmers" on yesterday. [Laughter.]

Now, Mr. Speaker, this debenture, if carried into effect, would probably raise the price of wheat $160,000,000 annually, corn $360,000,000, cotton possibly $150,000,000, to say nothing of the millions it would raise the price of dairy products.

Let us see what are the conditions of agriculture now. A year ago we met here, called together to aid agriculture. To-day you are selling wheat in Kansas City and every other wheat market for 10 cents a bushel less than you did a year ago. You are selling wheat for practically the same price that it sold for 30 years ago.

On yesterday some of you Members who have been clamoring for farm relief, and who are going to vote against the debenture, voted to impose upon the farmers of this country a tax of from $800 a mile to $1,500 a mile for concrete roads built by taxation on their lands through the tariff on cement.

Let us read the RECORD.

Here is our distinguished chairman of the Committee on Agriculture [Mr. HAUGEN]. I see he voted with the cement people yesterday. I wonder if he will come out and represent agriculture in the State of Iowa to-day by voting for the debenture?

Why, the pathetic gentleman from the West [Mr. HAWLEY], who was doubled-crossed on yesterday by the crowd he had been training with, voted for the tariff on cement. I wonder if he will come across and help us on the debenture, and give some relief to the farmers who are to be taxed at the rate of from $800 to $1,500 a mile on the roads to be built in their communities as a result of the tariff on cement for which he voted.

I want to remind you men from the dairy sections that there is a surplus of 60,000,000 pounds of butter on hand in this country now, and this debenture will help us to get rid of it at increased prices to the dairy farmers.

Will you not be as liberal with them as you were with the Cement Trust on yesterday?

You need this debenture to help bring your dairy farmers to a level with industry. Not only that, but I may put the entire list in my remarks, so that the distinguished gentleman from Indiana [Mr. PURNELL], and the gentleman from North Carolina [Mr. PRITCHARD], and the gentleman from Missouri [Mr. HOPKINS], and the others who voted for the tariff on cement, but, above all, the farm-relief gentleman from New Jersey, the expert on home brew [Mr. FORT], so they may see their names in the parallel columns when this vote for the benefit of the Cement Trust comes out along with the vote on farm relief under this debenture plan. [Applause.]

Mr. HAWLEY. Mr. Speaker, I yield two minutes to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Speaker, I think my position on this matter has been very consistent, and in a word it is this, if any

of you are interested: If I were assured that the President of the United States would veto this bill with the debenture provision in it, I would not vote to recede and concur.

I believe that so far as agriculture is concerned that the rates carried in this bill are by all odds the most favorable that have ever been provided in the history of tariff legislation. The rates are particularly favorable to the cash crops upon which our Michigan farmers depend most largely. Consequently it will be readily understood that I am deeply interested in the final passage and approval of this bill, but I have not been convinced by anything that has been said this afternoon that the bill will be vetoed by the President if it contains the debenture provisions. It is doubtless true that any tariff bill that might go to the desk of the Chief Executive would not meet his views in every particular, but I can not bring myself to believe that the President's opposition to the debenture plan is so violent that he would fail to give his approval to the measure were it included. For that reason I shall cast my vote for it. [Applause.]

Ever since I have been in Congress I have supported legislation which I thought would be of advantage or help to agriculture, and I conscientiously believe that the debenture plan is a proper complement of the protective tariff system, making it possible to bring farm commodities having an exportable surplus within the benefits justly provided by Congress for other industries and I can see no other way of accomplishing the desired results in these particular crops.

Before I conclude I desire to meet the argument that is presented with great earnestness by opponents of the debenture that it would be of no effect because retaliatory measures would be taken by countries into which the debenturable crops would naturally flow. I hold in my hands a volume containing the debates in the English Parliament of October 29 last year, when this very issue was being discussed, having particular relation to the so-called dumping of German wheat. I will not have time to read from the debates but will simply include the motion which was offered by Sir Edward Iliffe, as follows:

> That immediate steps should be taken by the Government to counteract the injurious effect upon British agriculture of the dumping of German wheat and other cereals upon the markets of this country.

After a debate running through several hours and participated in by representatives of all parties, the motion of Mr. Iliffe was defeated by a vote of 266 to 157.

Mr. Blindell summarized the controlling argument very ably in these words:

> I have no room for taxation on food and I really believe, as I think honorable gentlemen opposing believe, that any solution along the line of a tax upon wheat or cereals of any description would be a very dangerous step to take, and this house is not very likely to take.

It seems to me quite clear that no government actually in the market for debenturable products from the United States would be apt to adopt retaliatory measures if there was a real demand for these products, and no ministry would last very long that would urge such measures. Neither the Conservative Party nor the Labor Party of England have looked with favor upon such a proposition.

The limit of time will not permit an extended argument on this whole problem but will simply permit me to state my convictions. I do not know the nature of the correspondence received by many of the Members of Congress living in agricultural sections with reference to present conditions, but one recent report has given me a great deal of concern. I am advised that the percentage of unpaid taxes returned this year upon farms in various sections of Michigan is greater than in any other recent year. This alarming situation strengthens my determination to do everything possible in the way of securing a larger income for the farmers of the United States.

The argument presented in opposition to the supposed debenture cost of $280,000,000 this afternoon is abundant proof to me that its opponents are actually concerned that it will produce a greater income for farmers. A great deal has been said about the lack of prosperity in industrial sections. In my opinion, one of the surest and speediest ways of restoring activity in commercial and industrial lines is to put agriculture upon a satisfactory economic basis. When the farmers, who represent 35 per cent of the buying power of the country, are out of the market to the extent they are at the present time, it is inevitable that bread lines will form in the cities. Believing that the debenture plan would be of very material assistance to the farmer, to labor, and to industry, I shall give it my support.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. HILL of Washington. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. HENRY T. RAINEY].

Mr. HENRY T. RAINEY. Mr. Speaker, ladies and gentlemen of the House, I expect to vote for the debenture plan, whether the President vetoes the bill or not. I expect to vote for the debenture plan, although its operation is made possible only at the initiative of a board which is against it now. I do not expect this board to put this plan into operation this year, but they are going to put it into operation next year.

On the 1st day of May, in the city of Chicago, May wheat sold for $1.01½, and in Kansas City on that day it sold for 95 cents a bushel. In Duluth on the same day May wheat sold for $1.01. The Agricultural Department recently estimated that it cost the farmer $1.50 to raise a bushel of wheat. Therefore wheat is selling at from 50 cents to 55 cents per bushel less than it costs to produce it.

I have become finally convinced, whether anyone else is convinced or not, that the Federal Farm Board up to the present time has registered in its operations the most tremendous and expensive economic failure in the history of this country, and they are not going to do any better than they have done. All they have done is to hold an umbrella over the rest of the wheat-producing sections of the world until they have marketed their wheat, and here in this country and in Canada we have a carry-over. Nobody seems to know how much it is, because nobody knows how much the stabilization corporation holds. On the 1st day of May on the Chicago market alone 12,000,000 bushels of wheat were tendered, and the stabilization corporation took in most of it. It may have taken in nearly all of it, so far as we know. Next year the United States and Canada may start in with a carry-over of 400,000,000 bushels of wheat, and that is about as much wheat as is exported from these two countries to the markets of the world. Ninety-five cents a bushel for wheat in Kansas City, the heart of the wheat belt of Missouri, Kansas, and Nebraska, means how much to the farmer? The farmer, if he endeavors now to sell his wheat, if he has it stored there in an elevator and is paying storage, could not get in that section 85 cents a bushel for the wheat which has cost him $1.50 to produce. Unless we have in the United States a tremendous wheat-crop failure this year, the wheat farmer of Illinois and all these middle western States is going to get a maximum of 75 cents a bushel for his wheat, and that is all.

Whenever wheat sells for 75 cents a bushel the failure of the Farm Board will be so evident that it will be necessary for them to adopt a measure of relief which will raise the price of wheat, and the debenture plan will do it. It is generally admitted that it will, but the objection to it so far as this debate has proceeded seems to be that the issuing of the debentures will cost the Government $280,000,000 a year. We have already given the Farm Board $500,000,000, a large part of which they have evidently already squandered in perfectly ineffective and useless ways. If we export next year 200,000,000 bushels of wheat, and that is the amount of our usual exportation, and if export debentures are issued covering every bushel of exported wheat, the charge on the Treasury would not be over $40,000,000. But an important element in the whole proposition has so far been overlooked. Much of the distress in this country at the present time can be traced to the loss in buying power to the farmer. At the present time he is buying as little as possible and economizing in every possible way. Restoring prices for agricultural products would mean a restoration of the farmer's buying power and would mean that he would buy more goods, both imported and of domestic manufacture, and if he buys more imported goods he increases the Treasury receipts, and it is not impossible to assume that the debenture system, if applied to all farm commodities, would bring into the Treasury much more money than it takes out. Restoration of the buying power of the farmer means the restoration of the buying power of other classes, and customs receipts depend upon the buying power of the Nation as a whole.

I introduced in Congress the very first debenture bill and tried to substitute it for the first McNary-Haugen bill. I think the plan will work. It ought to be given its chance. We are imposing tremendous burdens on the farmer in this bill. The pledges of both parties to give equality with industry to agriculture ought to be redeemed.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. HAWLEY. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. ADKINS].

Mr. ADKINS. Mr. Speaker, I think it is well recognized in this House that if there was a scheme proposed here which would permit the farmer legitimately to get his hands into Uncle Sam's pockets, I would be for it, because I think he has it coming to him, largely because of the deal Uncle Sam handed to him in 1920, when he was deflated. I do not think there is anyone in this House who has looked into this debenture scheme any more carefully than I. First of all, if we expect to go into the debenture business we must take out of our tariff law our countervailing duty clause and repeal our antidumping law.

We can not expect or hope that other people will permit us to dump our products on their markets with a debenture or a subsidy of any kind when we do not let them dump theirs on our markets. [Applause.] So I have made up my mind that we could not afford to do either. If we took out the countervailing clause, any nation could nullify our tariff law.

Another phase of the question here is about our retaliatory tariff. There is a vast difference between putting on a protective duty to protect our home market and the giving of a bounty to encourage our people to dump their surplus on other countries and break their markets.

I remember when New Zealand was going to ship her butter in here and pay a bounty, and President Coolidge issued a statement to the effect that if that were done we would add to the duty the amount of the bounty and put that additional bounty in our Treasury instead of it going into the pocket of the New Zealand dairy farmer.

I once urged you gentlemen to pass a law that we knew the President was opposed to, on the ground that it was optional whether there should be an equalization fee or not, and he vetoed it; and thus we deferred the great experiment of disposing of our surplus for two years by forcing on the President something he did not want. How is the President going to preserve his self-respect in the face of his public statements and letters if we send him a bill to sign which contradicts all that he has said? [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. HAWLEY. Mr. Speaker, how does the time stand between the two sides?

The SPEAKER pro tempore. The gentleman from Oregon has 10 minutes, and the gentleman from Washington has 6 minutes remaining.

Mr. HAWLEY. We have just one more speech on this side. Will the gentleman from Washington use some of his time?

Mr. HILL of Washington. Mr. Speaker, I yield six minutes to the gentleman from Missouri [Mr. CANNON].

The SPEAKER pro tempore. The gentleman from Missouri is recognized for six minutes.

Mr. CANNON. Mr. Speaker, seldom—if ever—in the history of the American Congress has any legislative enactment failed so signally to achieve the purposes for which it was formulated and to alleviate the evils it was intended to remedy, as the agricultural marketing act has failed.

Passed after 10 years of debate on this floor, in response to one of the most imperative needs ever called to the attention of Congress by presidential message—in alleged compliance with unequivocal platform pledges of both political parties—the farm relief bill proposed five distinct and specific adjustments—first, to prevent and control exportable surpluses of agricultural products; second, to stabilize the market for farm products; third, to give the farmer a price which would insure a reasonable wage above the cost of production; fourth, to place agriculture on a basis of economic equality with labor and industry; and fifth, to extend to the farmer the benefits of the American protective tariff system. The agricultural marketing act was signed by the President and became a law practically a year ago, and judged in the court of last resort—the actual administration of the act—it has proved to be a failure, not on one or two or three of the major purposes for which it was passed but in all of them.

It has not disposed of the agricultural surplus. It has not stabilized the market. It has not given the farmer a fair price for his product. It has not given agriculture equality with industry. And it has not extended to the farmer the benefits of the tariff. In brief, the law for which so much was promised has proven an utter and complete failure in every particular.

All doubt as to whether the farm relief bill provided authority under which the exportable surplus could be controlled was dispelled when the Farm Board as a last resort issued to the farmers of the Nation a plea to reduce acreage. In every battle for agriculture waged on this floor the opponents of farm relief have insisted that the farmer ought to go to work. They have repeated and reiterated that if the farmer would just take off his coat and get out in the field and go to work the farm problem would be solved. And now comes the Farm Board and finds that the real difficulty is that the farmer has worked too much, and that he must slow down and stop work and let his fields lie idle and retire from business in order to make that business prosperous!

I wish there was time in this debate to discuss the proposal to limit production and to demonstrate that—as desirable as reduction may be—the hopeless futility of the proposition to secure voluntary reduction of acreage. But it suffices to show beyond the peradventure of a doubt the utter failure of the agricultural marketing act to prevent or control agricultural surpluses.

And the law has proven just as ineffective in the stabilization of the price of farm products. Circumscribed by the limited authority granted under the law, the Federal Farm Board has failed ignominiously in every attempt to control the disastrous fluctuations in farm prices which have for time immemorial exposed the helpless farmer to the rapacity of speculators and gamblers on the boards of trade. Millions of bushels of imaginary wheat have been thrown into the market and the price of the farmer's product has rocketed up or down without rhyme or reason and always at the expense of the farmer. Last fall the Farm Board prepared to control this situation. They established a loan basis on wheat of $1.25 a bushel. Immediately—demonstrating the impotence of the board under the law—the price of wheat began to fall and on December 20 dropped to $1.15¾ a bushel on the Chicago exchange. The board then attempted to fix the basis for loans at $1.18, but wheat continued to fall until it sold below a dollar a bushel. The farmers of the country lost millions of dollars in complying with the advice of the Federal Farm Board to hold their grain off the market. One member of the Committee on Agriculture of this House finally sold his wheat at 20 cents per bushel less than he could have got for it had he not relied on the recommendation of the board. Notwithstanding the assurance last May by sponsors in the House that the farm bill would stabilize prices, it has failed whenever invoked, and the price of wheat has fluctuated since the passage of the law from $1.38 per bushel to less than a dollar per bushel.

And the Federal agricultural marketing act has failed to increase the price of farm products. During the national campaign in 1928 the one plank most stressed in both the Republican and Democratic platforms was the plank promising agricultural rehabilitation. The platforms and the candidates of both parties were emphatic and enthusiastic in their promises of farm relief. Now what was meant by farm relief? It could not have meant lower prices for farm products. Prices were already too low. It would have availed nothing to have promised to maintain current prices for farm products. It was current prices which precipitated the emergency session of Congress. No; by farm relief they meant better prices for farm products. And those who promised the McNary-Haugen bill as well as those who promised the mysterious Hoover bill promised higher prices for farm products. Every farmer who went to the polls believed he was voting for a party which had pledged itself to pass a law which would give him a higher price for his products—a decent American standard of living for his family. Has the agricultural marketing act fulfilled that promise? Let us consult the market reports.

The daily market reports show that every surplus farm product is selling at a lower price to-day than it sold for the day the President signed the farm bill. Practically all farm products fluctuate more or less regularly with wheat. Wheat sold last summer while the Farm Board was organizing at $1.38 per bushel, and it was quoted on the market yesterday at $1.01. Not only has the farm bill failed to increase the price of farm products—so low at the time the bill passed that the President called Congress in extra session to relieve the situation—but it has failed even to maintain farm prices at the low level at which they stood when the bill was passed. The cost of producing a bushel of wheat is $1.50 per bushel. Under the agricultural marketing act they are paying the farmer $1.01 for the wheat it cost him $1.50 to produce. And the price of bread to consumers is precisely the same to-day with wheat at $1.01 that it was a year ago when wheat was selling at $1.35. Never in the legislative history of any country has a bill failed so completely as the so-called farm bill has failed. And never since the organization of political parties in America has the pledge on which a party was elected to office been so ruthlessly repudiated as the pledge made in the last election to give the farmer a fair price for his products, a fair wage for his labor, and a fair return on his investment.

And the agricultural marketing act has failed to restore agriculture to a plane of economic equality with other industries. In the last political campaign no slogan was more strongly emphasized than the slogan for agricultural equality. In party platforms, in the newspapers, and over the radio, agricultural equality was the most persistently promised of all political panaceas. And yet disparity was never so great and inequality was never so pronounced as it is to-day. To appreciate this disparity it is only necessary to compare the prices the farmer must accept with the prices he must pay; to compare the meager standard of living on the farm with the swollen profits of the factory; to drive along country roads past deserted fields

and abandoned farm houses and contrast them with the teeming opulence of the city, where industry is receiving the largest returns since the war and organized labor is enjoying the highest wage in the history of the world. For the first time since the adoption of the Federal Constitution the decennial census is showing a loss in rural population. The unprecedented exodus of the farm population to the cities in every State in the Union is conclusive evidence, if evidence were needed, that the farm bill has failed to carry out the pledge to place agriculture on a basis of economic equality with other industries.

And last, and most pertinent of all in its relation to the pending question, the agricultural marketing act has failed to give the farmer the benefit of the tariff. High protectionists claim to give the farmer a tariff of 42 cents on wheat. That claim is a mendacious deception of such shameless infamy that the most abandoned swindler would blush to repeat it. A glance at the wheat markets of the world on any day of the year will demonstrate its fallacy.

Minneapolis and Winnipeg are two of the great wheat markets of North America. Winnipeg is just over the line in Canada and Minneapolis is a few miles away on this side of the line in the United States. When the market closed last night No. 1 northern wheat sold in Minneapolis at $1.02½, while precisely the same grade of wheat sold in Winnipeg at $1.05¼ per bushel. Over in Canada, where they have no tariff, where they are without the beneficent advantage of an agricultural marketing act, and where they have no Federal Farm Board, the price of wheat is actually higher than it is in the United States, where we have a tariff of 42 cents on wheat and the Hoover bill to make it effective. This was the situation from the time a tariff on wheat was originally enacted. It remained so following the hypocritical increase to 42 cents by presidential proclamation. And it has remained so ever since the enactment of the agricultural marketing act as indicated by the following prices supplementing the tabulation appearing in the CONGRESSIONAL RECORD of May 24, 1929:

Comparative prices of No. 1 northern spring wheat at Minneapolis and Winnipeg, as reported in the Chicago Tribune

Date	Minneapolis	Winnipeg
1929		
May 22	1.04⅛	1.12⅝
May 23	1.05½	1.13⅞
May 24	1.05½	1.13⅞
May 25	1.03⅞	1.12⅝
May 28	1.01	1.10¾
May 29	.98⅝	1.08⅜
May 30	.98⅝	1.09½
June 1	.94⅞	1.03¼
June 2	.96	1.07¾
June 5	1.03¾	1.14½
June 6	1.05⅞	1.13¾
June 7	1.06⅞	1.15¾
June 8	1.08¾	1.16¾
June 9	1.07¾	1.17½
June 11	1.03⅞	1.14
June 12	1.06½	1.15¾
June 13	1.04⅜	1.13⅜
June 14	1.05⅜	1.15½
June 15	1.05⅜	1.15⅜
June 16	1.07⅛	1.16⅜
June 18	1.05	1.14
June 19	1.05⅞	1.14⅞
June 20	1.08⅜	1.16¼
June 21	1.11⅛	1.18½
June 22	1.12⅞	1.19⅝
June 23	1.15¼	1.23¾
June 25	1.16½	1.26⅝
June 26	1.15⅝	1.24½
June 27	1.15⅜	1.24¼
June 28	1.13¾	1.22⅞
June 29	1.16⅝	1.26¾
June 30	1.18½	1.29½
July 3	1.23⅝	1.34½
July 4	1.25½	1.39⅝
July 6	1.29½	1.43⅝
July 7	1.26¾	1.41⅝
July 9	1.27⅜	1.43¾
July 10	1.25	1.41⅞
July 11	1.26	1.43
July 12	1.27⅝	1.44¼
July 13	1.30⅜	1.47¾
July 14	1.36¼	1.55⅛
July 16	1.45¾	1.66⅞
July 17	1.43½	1.67½
July 18	1.51⅛	1.76⅜
July 19	1.46⅜	1.73½
July 20	1.42¼	1.68
July 21	1.39⅜	1.62
July 23	1.48⅜	1.69¾
July 24	1.45¾	1.70
July 25	1.44⅛	1.68½
July 26	1.48¾	1.76½
July 27	1.48⅜	1.76⅝
July 28	1.50	1.78¾
July 30	1.48⅛	1.78⅝
July 31	1.45⅜	1.72
Aug. 1	1.48¾	1.72
Aug. 2	1.49¾	1.73⅝

Comparative prices of No. 1 northern spring wheat at Minneapolis and Winnipeg, as reported in the Chicago Tribune—Continued

Date	Minneapolis	Winnipeg
1929		
Aug. 3	1.44⅞	1.70⅝
Aug. 4	1.42	1.68½
Aug. 7	1.31⅛	1.55⅝
Aug. 8	1.34⅛	1.56⅝
Aug. 9	1.34¼	1.55⅞
Aug. 10	1.34⅜	1.55⅛
Aug. 11	1.34⅜	1.56⅞
Aug. 13	1.32⅞	1.52½
Aug. 14	1.31⅜	1.52½
Aug. 15	1.33⅛	1.54⅝
Aug. 16	1.35⅛	1.56¾
Aug. 17	1.39⅝	1.64
Aug. 18	1.41⅞	1.67⅜
Aug. 20	1.37⅝	1.65⅛
Aug. 21	1.34⅜	1.62⅛
Aug. 22	1.29⅝	1.58¾
Aug. 23	1.28	1.54⅛
Aug. 24	1.31⅝	1.57⅝
Aug. 25	1.29⅝	1.56
Aug. 27	1.28½	1.53⅝
Aug. 28	1.29⅝	1.55¼
Aug. 29	1.27⅝	1.51⅝
Aug. 30	1.29⅝	1.52½
Aug. 31	1.29⅜	1.51⅜
Sept. 1	1.32⅛	1.52⅜
Sept. 4	1.32⅞	1.52⅞
Sept. 5	1.30¾	1.50⅞
Sept. 6	1.31½	1.50⅝
Sept. 7	1.32⅞	1.51⅞
Sept. 8	1.35⅛	1.52⅛
Sept. 10	1.35⅝	1.53⅝
Sept. 11	1.34¾	1.53
Sept. 12	1.37⅝	1.55⅝
Sept. 13	1.39½	1.57⅛
Sept. 14	1.39⅝	1.55⅝
Sept. 15	1.37¾	1.53⅝
Sept. 17	1.35½	1.50
Sept. 18	1.34⅝	1.49¾
Sept. 19	1.34½	1.50
Sept. 20	1.33¾	1.49⅝
Sept. 21	1.32⅝	1.48
Sept. 22	1.31⅝	1.38
Sept. 24	1.30⅞	1.46¼
Sept. 25	1.29¼	1.42⅞
Sept. 26	1.31¼	1.43
Sept. 27	1.33⅞	1.46
Sept. 28	1.33½	1.44
Sept. 29	1.31¾	1.41¼
Oct. 1	1.34⅝	1.43½
Oct. 2	1.34⅛	1.45¾
Oct. 3	1.34⅞	1.44⅝
Oct. 4	1.33¾	1.42½
Oct. 5	1.35½	1.44½
Oct. 6	1.36⅝	1.45⅝
Oct. 8	1.35¼	1.45⅝
Oct. 9	1.36⅜	1.46¾
Oct. 10	1.36⅝	1.47½
Oct. 11	1.35⅜	1.46½
Oct. 12	1.35¼	1.46¼
Oct. 15	1.33⅞	1.45⅛
Oct. 16	1.33⅛	1.45⅞
Oct. 17	1.29⅝	1.41⅜
Oct. 18	1.29⅜	1.42¼
Oct. 19	1.28¼	1.40½
Oct. 20	1.26¾	1.37½
Oct. 22	1.27¾	1.38⅜
Oct. 23	1.28¾	1.40
Oct. 24	1.24⅜	1.37⅛
Oct. 25	1.18¾	1.31½
Oct. 26	1.21¾	1.32¾
Oct. 27	1.24⅛	1.34⅝
Oct. 30	1.25⅞	1.34⅞
Oct. 31	1.29½	1.39
Nov. 1	1.29¾	1.38⅛
Nov. 2	1.30⅛	1.38¾
Nov. 3	1.30⅜	1.38½
Nov. 5	1.28⅜	1.34⅝
Nov. 6	1.25⅜	1.31½
Nov. 7	1.24	1.30
Nov. 8	1.27½	1.32½
Nov. 9	1.25¾	1.30⅛
Nov. 10	1.24¾	1.29⅜
Nov. 13	1.19⅝	1.23½
Nov. 14	1.20⅝	1.27⅜
Nov. 15	1.22⅞	1.26⅞
Nov. 16	1.23⅝	1.28½
Nov. 17	1.27⅞	1.32¾
Nov. 19	1.27	1.31⅝
Nov. 20	1.31½	1.36⅜
Nov. 21	1.28¾	1.33¾
Nov. 22	1.30	1.35⅝
Nov. 23	1.29	1.34½
Nov. 24	1.31½	1.35⅝
Nov. 26	1.29½	1.34⅝
Nov. 27	1.29½	1.34⅝
Nov. 28	1.30⅛	1.35⅞
Nov. 30	1.33	1.39
Dec. 1	1.35⅝	1.41½
Dec. 3	1.36⅛	1.40⅝
Dec. 4	1.38½	1.44¼
Dec. 5	1.35¾	1.43½
Dec. 6	1.31⅞	1.40⅝
Dec. 7	1.33¼	1.42
Dec. 8	1.31½	1.40
Dec. 10	1.29⅛	1.36⅝
Dec. 11	1.29⅝	1.37⅝
Dec. 12	1.27½	1.35⅝
Dec. 13	1.28½	1.36

Comparative prices of No. 1 northern spring wheat at Minneapolis and Winnipeg, as reported in the Chicago Tribune—Continued

Date	Minneapolis	Winnipeg
1929		
Dec. 14	1.27⅞	1.35⅛
Dec. 15	1.25⅛	1.32⅝
Dec. 17	1.26⅛	1.34⅝
Dec. 18	1.28⅜	1.36½
Dec. 19	1.26⅜	1.36
Dec. 20	1.24⅝	1.32½
Dec. 21	1.21⅝	1.29⅝
Dec. 22	1.26⅛	1.35
Dec. 24	1.26¾	1.35⅛
Dec. 25	1.30⅞	1.40½
Dec. 27	1.31½	1.40⅝
Dec. 28	1.30⅛	1.36⅝
Dec. 29	1.32	1.40⅝
Dec. 31	1.32½	1.40¾
1930		
Jan. 1	1.34⅛	1.41⅝
Jan. 3	1.33⅛	1.39½
Jan. 4	1.31⅜	1.38⅝
Jan. 5	1.30½	1.37⅛
Jan. 7	1.30⅜	1.36⅞
Jan. 8	1.29¼	1.34⅜
Jan. 9	1.29⅞	1.35⅝
Jan. 10	1.30½	1.35½
Jan. 11	1.27⅜	1.32½
Jan. 12	1.28⅛	1.33¼
Jan. 14	1.25⅜	1.31½
Jan. 15	1.25⅜	1.31⅞
Jan. 16	[1] 1.22	1.29¼
Jan. 18	[1] 1.20	1.26⅞
Jan. 21	[1] 1.22¼	1.28⅛
Jan. 23	[1] 1.24	1.30⅝
Jan. 24	[1] 1.22¾	1.29⅛
Jan. 26	[1] 1.22½	1.27⅛
Jan. 29	[1] 1.20½	1.25⅝
Jan 30	[1] 1.20	1.22⅝
Jan. 31	[1] 1.18½	1.20⅝
Feb. 2	[1] 1.18¾	1.24½
Feb. 4	[1] 1.18	1.20⅝
Feb. 5	[1] 1.18	1.21⅛
Feb. 6	[1] 1.18	1.20½
Feb. 7	[1] 1.18	1.20⅛
Feb. 8	[1] 1.18	1.21⅜
Feb. 9	[1] 1.18	1.21¾
Feb. 11	[1] 1.17½	1.22⅝
Feb. 12	[1] 1.20	1.24⅛
Feb. 14	[1] 1.18	1.23⅝
Feb. 15	[1] 1.18	1.20⅝
Feb. 16	[1] 1.18	1.19
Feb. 18	[1] 1.18	1.14½
Feb. 19	[1] 1.18	1.16
Feb. 22	[1] 1.18	1.12⅝
Feb. 25	[1] 1.18	1.07⅞
Feb. 26	[1] 1.18	1.07⅞
Feb. 28	[1] 1.18	1.13⅝
Mar. 1	1.12⅝	1.13¾
Mar. 2	1.25	1.12⅝
Mar. 4	1.09	1.08¾
Mar. 5	1.11½	1.10⅛
Mar. 6	1.08⅞	1.07¾
Mar. 7	1.09⅛	1.08⅝
Mar. 8	1.09⅛	1.07⅝
Mar. 9	1.09⅞	1.06⅝
Mar. 11	1.08⅜	1.05⅝
Mar. 13	1.05⅞	1.01⅝
Mar. 14	1.04⅛	1.00⅞
Mar. 15	1.03⅞	1.01
Mar. 16	1.03½	1.02⅝
Mar. 18	1.04¼	1.04½
Mar. 19	1.04⅜	1.04⅝
Mar. 20	1.05⅝	1.06½
Mar. 21	1.07¼	1.08
Mar. 23	1.08¼	1.06½
Mar. 25	1.07⅜	1.07⅝
Mar. 26	1.06½	1.06½
Mar. 27	1.06⅞	1.06¼
Mar. 28	1.06⅜	1.06⅛
Mar. 30	1.08⅞	1.08⅛
Apr. 1	1.07⅛	1.06⅛
Apr. 2	1.09	1.08⅛
Apr. 3	1.09⅛	1.08½
Apr. 4	1.13½	1.13½
Apr. 5	1.11½	1.12½
Apr. 6	1.13⅛	1.15½
Apr. 8	1.13½	1.14⅝
Apr. 9	1.10¾	1.14⅝
Apr. 10	1.10⅞	1.14
Apr. 11	1.11⅝	1.14½
Apr. 12	1.11½	1.14½
Apr. 13	1.09½	1.12⅝
Apr. 15	1.06¾	1.07⅝
Apr. 16	1.04⅜	1.06⅝
Apr. 17	1.06⅜	1.09⅝
Apr. 18	1.05⅜	1.08⅝
Apr. 22	1.03	1.07⅝
Apr. 23	1.01⅞	1.06⅝
Apr. 24	1.04⅛	1.08⅝
Apr. 25	1.03	1.08
Apr. 26	1.03¼	1.06¾
Apr. 27	1.02	1.05⅞
Apr. 29	1.06¾	1.07⅝
Apr. 30	1.06⅜	1.05⅝
May 1	1.04⅜	1.06½
May 2	1.02½	1.03¾

[1] No. 2 wheat at Chicago.

Here is irrefrageable evidence, so plain that he who runs may read. Here is proof positive that the farm act has failed to stabilize the market, has failed to increase farm prices, and has failed to effectuate farm tariffs. And all the sophistries of the plausible apologists who urged its passage can not explain away this patent proof of its impotence.

The McNary-Haugen bill, twice passed by both Houses of Congress, would have made the tariff effective. The agricultural marketing act has failed to effectuate it in the slightest degree. Under the present tariff law American industry and labor are protected from competition with foreign manufacturers and the pauper labor of Europe, while the farmer must compete with the cheap lands of Argentina, India, Australia, and Russia and with the pauper labor of the world. The farmer must pay high prices for what he buys to support the high standard of living enjoyed by industry and labor and he must accept the low prices on his products fixed by a competition with coolie and peon labor from every quarter of the globe. The agricultural marketing act has failed to give him the benefits of the protective tariff system enjoyed by industry and labor and has failed to give him a penny of the 42 cents promised when they placed a tariff on wheat to justify their own unconscionable tariffs.

The failure of the agricultural marketing act is in nowise a reflection on either the personnel or the policies of the Federal Farm Board. They are, without exception, men of unusual ability and the highest patriotism and are entitled to the support and cooperation of all friends of farm relief. They have tried to keep faith with the farmer. They have sought to achieve the purposes for which the law was enacted. But they can not make bricks without straw.

The law must be supplemented. And the debenture embodied in this bill is the only supplementary legislation on which there will be opportunity to vote in this Congress. Some may prefer other methods of effectuating the marketing act. Personally, I prefer the equalization fee. But the fact remains that we must adopt the debenture or abandon all hope of amending the law during this Congress. It is the debenture or nothing. And a vote to eliminate the debenture is a vote for free trade—free trade for the farmer and the highest protection ever enacted for industry. To consent to leave farm legislation in its present form is to adopt the ethics of an economic racketeer—to connive at the perpetuation of an economic system which is taking from the farmer the products of his toil and sacrifice at less than the cost of production.

To pass this bill without the debenture is class legislation of the most radical character. It confers the benefits of the tariff on the favored classes and leaves the farmer without compensating benefits. It protects American labor and industry and leaves the farmer defenseless against foreign competition. The adoption of the debenture will bring the farmer into the protective system. It will supplement the farm act. It will increase the price of farm products without increasing the cost to the consumer. And to that extent it will contribute to the prosperity of the farmer and of the Nation at large. [Applause.]

Mr. HAWLEY. Mr. Speaker, I yield the remainder of my time to the gentleman from Indiana [Mr. PURNELL].

Mr. PURNELL. Mr. Speaker, ladies and gentlemen of the House, I want to discuss for a few minutes some of the practical aspects of this question.

I want to say, in the first place, that every single vote cast for the debenture plan can serve but one purpose, and that is to hamstring the newly created Federal Farm Board and nullify the agricultural marketing act. [Applause.]

I have no quarrel with gentlemen in this Chamber or elsewhere who honestly favor the proposed debenture plan. On the other hand, I have the highest regard for them. No finer organization has ever come before the Agricultural Committee of the House than the National Grange, the father of this plan. No man stands higher among agricultural leaders than does the Hon. L. J. Taber, the head of the National Grange. [Applause.] He has been perfectly fair and honest at all times and in every capacity; but this is not the time to take any step that will in anyway impede the progress of the Farm Board. Too many are already engaged in that pastime; various groups with no other thought in mind than to destroy this newly created Federal marketing act before it has actually begun to function. This is the last place in the world, here in this Chamber where the marketing act was created, that encouragement should be given to its destruction.

Ladies and gentlemen, the ink is hardly dry on the agricultural marketing act, which we created and which was signed less than a year ago. What do you expect in a few months? We are attempting to change the entire marketing system of this country in a last desperate effort to put American agriculture upon a basis of equality with industry and labor, as we

have sought to do for the last 10 years. If we were attempting to change the marketing system of some minor commodities, such as muskrats, ginsing, or whatnot, it would be a comparatively easy task; but we are attempting to revolutionize and improve the marketing conditions of all of our agricultural commodities. Let me remind you, ladies and gentlemen, that these commodities belong to a basic industry, agriculture, the greatest industry in the world, and one the value of which approaches the combined value of all the railroads, all the manufacturing plants, all the coal mines, plus the capital, surplus, and undivided profits of all the banks and trust companies in the United States. It can not be done overnight. I have no sympathy with any group, whether it be the United States Chamber of Commerce or any other group, which attempts to destroy this great agricultural marketing act before it has had an opportunity to begin. [Applause.]

Do not be deceived. The farmers of this country have confidence in Herbert Hoover. [Applause.] The farmers of this country, and I know whereof I speak, have confidence in the Federal Farm Board. [Applause.] In stressing the fact that the debenture plan is optional with the board and waving aside the suggestion that its adoption will bring immediate pressure upon that body, my beloved friend from the State of Texas [Mr. SUMNERS] said, "What does it matter if you do put on pressure if nothing happens?" Well, pressure may be applied and the board may or may not yield. But let me tell you where the pressure will hurt. It will tend to destroy the morale and awaken the suspicion of the American farmer, without whose wholehearted cooperation this thing never will succeed. Do not destroy his faith in the marketing act until it has been thoroughly tested and found wanting. The very heart of the act is cooperation. Without it there can be no success.

I voted for the equalization fee. I say now that if after we have given the agricultural marketing act an opportunity to be thoroughly tested and tried out we then find it inadequate. I, as one member of the Committee on Agriculture, stand ready to give a sympathetic ear to the debenture plan, the equalization-fee plan, or any other plan that anybody can suggest that may serve to solve this problem, but this is not the time.

Now, there is one element in this program to which I have only a minute to refer, and that is an element against which you can not legislate—human selfishness. I direct your attention to the tremendous possibilities of further surpluses if we add this debenture plan. If by the acceptance of this plan we announce to the farmers of the Nation that by some mysterious means we are going to guarantee an adequate return upon their investment and insure a profitable price for their products by meeting the losses from the Federal Treasury, there are some who will plow up their barnyards and fence corners in an effort to increase production. The inevitable result of such course will be to create still greater surpluses, the very thing we have been trying to prevent throughout all of these years.

I appeal to you ladies and gentlemen to set aside this debenture plan for to-day; reject it; hold it in abeyance; give this Farm Board an unhampered opportunity to function, and in so doing we shall, in my humble judgment, be performing a great service to American agriculture and likewise the Nation.

Let me say just this word in conclusion. I tried to say it yesterday, but found that the hardest thing to do is to make any sort of a speech in three minutes. I want to say this in conclusion to those of you who come from consuming centers. We hear much to-day about unemployment. Yes; there is unemployment in the country; it is to be regretted, but let me tell you Representatives from the consuming centers how to reduce that unemployment to a minimum: Help us restore the purchasing power of the American farmer [applause], and we will send back into your mills and your factories 95 per cent of the men who are walking the streets to-day out of employment.

The American farmer is your best customer when he has the money with which to buy. [Applause.]

The SPEAKER. All time has expired. The question is on the motion of the gentleman from Washington to recede and concur in the Senate amendment.

Mr. CRISP. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 161, nays 231, not voting 36, as follows:

[Roll No. 34]

YEAS—161

Abernethy	Bankhead	Browne	Campbell, Iowa
Allgood	Bell	Browning	Canfield
Almon	Bland	Buchanan	Cannon
Andresen	Box	Burtness	Cartwright
Arnold	Brand, Ga.	Busby	Christgau
Ayres	Brand, Ohio	Butler	Christopherson
Baird	Briggs	Byrns	Clague
Clark, N. C.	Hall, Miss.	McFadden	Robinson
Collier	Hall, N. Dak.	McKeown	Romjue
Collins	Halsey	McMillan	Rutherford
Cooper, Tenn.	Hammer	McReynolds	Sabath
Cooper, Wis.	Hare	McSwain	Sanders, Tex.
Cox	Hastings	Magrady	Sandlin
Crisp	Haugen	Mansfield	Schneider
Cross	Hill, Ala.	Milligan	Selvig
Davis	Hill, Wash.	Montague	Sinclair
DeRouen	Howard	Montet	Smith, Idaho
Dominick	Hull, Tenn.	Moore, Ky.	Sproul, Kans.
Doughton	Hull, Wis.	Moore, Va.	Steagall
Dowell	Irwin	Morehead	Stevenson
Doxey	Jeffers	Morgan	Summers, Wash.
Driver	Johnson, Okla.	Mouser	Sumners, Tex.
Edwards	Johnson, S. Dak.	Murphy	Tarver
Eslick	Johnson, Tex.	Nelson, Mo.	Taylor, Colo.
Esterly	Jones, Tex.	Nelson, Wis.	Taylor, Tenn.
Evans, Mont.	Kading	Nolan	Thompson
Fisher	Kemp	O'Connor, La.	Thurston
Frear	Kerr	Oldfield	Underwood
Fuller	Ketcham	Oliver, Ala.	Vinson, Ga.
Fulmer	Kinzer	Oliver, N. Y.	Warren
Gambrill	Kvale	Parks	Whittington
Garber, Okla.	Lambertson	Patman	Williams
Garrett	Lampert	Patterson	Williamson
Gasque	Lanham	Peavey	Wilson
Glover	Lankford, Ga.	Pou	Wingo
Goldsborough	Larsen	Quin	Woodrum
Goodwin	Leavitt	Ragon	Wright
Green	Linthicum	Rainey, Henry T.	Yon
Greenwood	Lozier	Ramspeck	
Gregory	McClintic, Okla.	Rankin	
Hall, Ill.	McDuffie	Rayburn	

NAYS—231

Ackerman	Denison	Johnson, Wash.	Reece
Adkins	De Priest	Johnston, Mo.	Reed, N. Y.
Aldrich	Dickstein	Jones, N. C.	Reid, Ill.
Allen	Douglass, Mass.	Kahn	Rogers
Andrew	Doutrich	Kearns	Sanders, N. Y.
Arentz	Drane	Kelly	Schafer, Wis.
Aswell	Dyer	Kendall, Ky.	Sears
Auf der Heide	Eaton, Colo.	Kennedy	Seger
Bacharach	Eaton, N. J.	Kiefner	Sieberling
Bachmann	Elliott	Kiess	Shaffer, Va.
Bacon	Ellis	Kincheloe	Short, Mo.
Barbour	Englebright	Knutson	Shott, W. Va.
Beedy	Estep	Kopp	Simmons
Beers	Evans, Calif.	Korell	Sloan
Black	Fenn	LaGuardia	Smith, W. Va.
Blackburn	Finley	Langley	Snow
Bloom	Fish	Lankford, Va.	Somers, N. Y.
Bohn	Fitzgerald	Lea	Sparks
Bolton	Fitzpatrick	Lehlbach	Speaks
Bowman	Fort	Letts	Spearing
Boylan	Foss	Lindsay	Sproul, Ill.
Brigham	Free	Luce	Stafford
Brumm	Freeman	McClintock, Ohio	Stobbs
Brunner	French	McCormack, Mass.	Strong, Kans.
Buckbee	Garber, Va.	McCormick, Ill.	Strong, Pa.
Cable	Gavagan	McLaughlin	Swanson
Campbell, Pa.	Gibson	Maas	Swick
Carley	Gifford	Manlove	Swing
Carter, Calif.	Golder	Mapes	Taber
Carter, Wyo.	Graham	Martin	Temple
Celler	Granfield	Mead	Thatcher
Chalmers	Griffin	Menges	Tilson
Chase	Guyer	Merritt	Timberlake
Chindblom	Hadley	Michaelson	Tinkham
Clancy	Hale	Michener	Treadway
Clark, Md.	Hall, Ind.	Miller	Turpin
Clarke, N. Y.	Hancock	Moore, Ohio	Underhill
Cochran, Mo.	Hardy	Nelson, Me.	Vestal
Cochran, Pa.	Hartley	Newhall	Vincent, Mich.
Cole	Hawley	Niedringhaus	Wainwright
Colton	Hess	Norton	Walker
Connery	Hickey	O'Connell, N. Y.	Wason
Connolly	Hoch	O'Connor, N. Y.	Watres
Cooke	Hoffman	O'Connor, Okla.	Watson
Cooper, Ohio	Hogg	Owen	Welch, Calif.
Corning	Holaday	Palmer	Welsh, Pa.
Coyle	Hooper	Palmisano	White
Craddock	Hope	Parker	Whitley
Crail	Hopkins	Perkins	Wigglesworth
Cramton	Houston, Del.	Pittenger	Wolfenden
Crosser	Huddleston	Prall	Wolverton, N. J.
Crowther	Hudson	Pratt, Harcourt J.	Wolverton, W. Va.
Culkin	Hull, Morton D.	Pratt, Ruth	Wood
Cullen	Hull, William E.	Pritchard	Woodruff
Dallinger	Igoe	Purnell	Wurzbach
Darrow	Jenkins	Ramey, Frank M.	Yates
Davenport	Johnson, Ind.	Ramseyer	Zihlman
Dempsey	Johnson, Nebr.	Ransley	

NOT VOTING—36

Beck	Garner	McLeod	Snell
Britten	Hudspeth	Mooney	Stalker
Burdick	James	O'Connell, R. I.	Stedman
Curry	Johnson, Ill.	Porter	Stone
Dickinson	Kendall, Pa.	Quayle	Sullivan, N. Y.
Douglas, Ariz.	Kunz	Rowbottom	Sullivan, Pa.
Doyle	Kurtz	Shreve	Tucker
Drewry	Leech	Simms	Whitehead
Dunbar	Ludlow	Sirovich	Wyant

So the motion to recede and concur in the Senate amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Whitehead (for) with Mr. Shreve (against).
Mr. Garner (for) with Mr. Britten (against).
Mr. Dickinson (for) with Mr. Ludlow (against).
Mr. Tucker (for) with Mr. Simms (against).





Mr. Drewry (for) with Mr. Beck (against).
Mr. Hudspeth (for) with Mr. Mooney (against).
Mr. Stedman (for) with Mr. Quayle (against).
Mr. Kurtz (for) with Mr. McLeod (against).

Until further notice:

Mr. Dunbar with Mr. Douglas of Arizona.
Mr. Wyant with Mr. Kunz.
Mr. Sullivan of Pennsylvania with Mr. Sullivan of New York.
Mr. Porter with Mr. Doyle.
Mr. Kendall of Pennsylvania with Mr. Sirovich.
Mr. Snell with Mr. O'Connell of Rhode Island.
Mr. Burdick with Mr. James.
Mr. Curry with Mr. Johnson of Illinois.

The result of the vote was announced as above recorded.

On motion of Mr. HAWLEY, a motion to reconsider the vote by which the motion was rejected was laid on the table.

The SPEAKER. The vote just taken is tantamount to agreeing to a motion that the House insist on its disagreement to the Senate amendment, and the Clerk will report the next amendments in disagreement.

The Clerk read as follows:

Amendment No. 1129, page 332, line 23, strike out the word "seven" and insert the word "six."

Amendment No. 1130, page 333, line 2, after the word "office," insert the words "provided his successor is appointed and takes office within 90 days after the effective date of this act."

Amendment No. 1131, page 333, line 4, strike out the words "No person shall be eligible for appointment as a commissioner unless he is a citizen of the United States, and, in the judgment of the President, is possessed of qualifications requisite for developing expert knowledge of tariff problems and efficiency in administering the provisions of part 2 of this title," and insert: "Not more than three of the commissioners shall be members of the same political party, and in making appointments members of different political parties shall be appointed alternately as nearly as may be practicable. It is hereby declared to be the intention of Congress to provide that the Tariff Commission, in all its official functions, shall act judicially, and that in the determination of any matter submitted to it, no consideration whatever shall be given to partisanship or party policy."

Amendment No. 1132, page 333, line 23, strike out the word "seven" and insert the word "six."

Amendment No. 1133, page 333, line 25, strike out the word "seven" and insert the word "six."

Amendment No. 1134, page 334, line 9, after the word "commission," insert the words "In designating the chairman and vice chairman, commissioners of different political parties shall be designated alternately."

Amendment No. 1135, page 334, line 17, strike out the figures "$12,000" and insert the figures "$10,000."

Amendment No. 1138, page 340, line 12, after the yord "year," insert a colon and the words "*Provided further*, That when Congress shall have under consideration a tariff measure, the Tariff Commission, upon request of any Member of Congress, shall furnish to such Member all information hereafter obtained at its command pertaining to the cost of production of any article under consideration manufactured in the United States."

Amendment No. 1139, page 340, line 19, insert the following:

"(h) In investigating differences in costs of production for any purpose, the commission shall obtain such costs for a normal and representative period. In connection with any such investigation of differences in costs of production, the commission shall inquire into the following matters and shall include in its report upon such investigation a summary of the facts with respect to such matters:

"(1) The efficiency and economic operation and location of the domestic industry under consideration;

"(2) The conditions of such domestic industry with respect to profits and losses, the extent to which productive capacity is utilized, and the extent of unemployment;

"(3) The extent to which adverse conditions of production may be due to foreign competition or to other specified factors;

"(4) The extent to which adverse conditions of production may be remedied by adjustments in the tariff laws, taking into consideration the substitution of articles used for the same purposes as the articles under consideration, and taking into consideration any other pertinent competitive factors; and

"(5) The effects of any proposed increase or decrease in rates of duties on other domestic industries and on the export trade of the United States."

Amendment No. 1140, page 346, strike out the balance of the page after line 5, all of page 347, all of page 348, all of page 349, all of page 350, all of page 351, and all of page 352, and insert the following:

"SEC. 336. Recommendations for adjustment of duties: (a) Upon its own motion or upon application of any interested party showing good and sufficient reason therefor, the commission shall investigate and ascertain the differences in the cost of production of any domestic article and of any like or similar foreign article. If the commission finds it shown by the investigation that the duty imposed by law upon the foreign article does not equalize the differences in the cost of production of the domestic article and of the foreign article when produced in the principal competing country or countries, then the commission shall report to the President and to the Congress such increases or decreases in the duty upon the foreign article as the commission finds to be necessary in order to equalize such differences in the cost of production. Any such increased or decreased duty may include the transfer of the article from the dutiable list to the free list or from the free list to the dutiable list, a change in the form of duty, or a change in classification. The report shall be accompanied by a statement of the commission setting forth the findings of the commission with respect to the differences in costs of production, the elements of cost included in the cost of production of the respective articles as ascertained by the commission, and any other matter deemed pertinent by the commission.

"The President upon receipt of any such report of the commission, shall promptly transmit the report to the Congress with his recommendations, if any, with respect to the increase or decrease in duty proposed by the commission.

"Any bill having for its object the carrying out, in whole or in part, of the recommendations made by the commission in any such report shall not include any item not included in such report; and in the consideration of such bill, either in the House of Representatives or in the Senate, no amendment thereto shall be considered which is not germane to the items included in such report.

"(b) No report shall be made by the commission under this section unless the determination of the commission with respect thereto is reached after an investigation by the commission during the course of which the commission shall have held hearings and given reasonable public notice of such hearings, and reasonable opportunity for the parties interested to be present, produce evidence, and to be heard. The commission is authorized to adopt such reasonable rules of procedure as may be necessary to execute its functions under this section.

"(c) In ascertaining the differences in costs of production under this section the commission shall take into consideration, in so far as it finds it practicable—

"(1) The differences in conditions of production, including wages, costs of materials, and other items in cost of production of like or similar articles in the United States and in competing foreign countries;

"(2) Costs of transportation;

"(3) Other costs including the cost of containers and coverings of whatever nature and other charges and expenses incident to placing the article in condition, packed ready for delivery, storage costs in the principal market or markets of the United States and of the principal competing country or countries, and costs of reconditioning or repacking wherever incurred;

"(4) Differences between the domestic and foreign article in packing and containers, and in condition in which received in the principal markets of the United States;

"(5) Differences in wholesale selling prices of domestic and foreign articles in the principal markets of the United States in so far as such prices are indicative of costs of production, provided such costs can not be satisfactorily obtained;

"(6) Advantages granted to a foreign producer by a foreign government or by a person, partnership, corporation, or association in a foreign country; and

"(7) Any other advantages or disadvantages in competition which increase or decrease in a definitely determinable amount the total cost at which domestic or foreign articles may be delivered in the principal market or markets of the United States; and

"(8) Definition of costs of transportation: Costs of transportation for the purposes of this section shall be held to include, in so far as applicable:

"First. Freight charges and all other charges incident to transportation, including transit insurance, costs of loading and unloading, and port charges and landing charges. These costs shall be computed to such principal market or markets of the United States as may most nearly insure equal competitive opportunity to domestic articles and like or similar foreign articles in the principal consuming region or regions of the United States. If this purpose may be best accomplished thereby, such costs on domestic articles and on like or similar foreign articles shall be computed to different principal markets of the United States.

"Second. (A) In the case of an imported article, the cost of transporting such article from the areas of substantial production in the principal competing country to the principal port of importation of such article into the United States; and (B) in the case of a domestic article, the cost of transporting such article from the areas of substantial production that can reasonably be expected to ship the article thereto, to the principal port of importation into the United States of the like or similar competitive article."

Amendment No. 1141, page 357, after line 8, insert the following:

"(d) In the case of natural resources and products of manufacture therefrom the commission shall take into consideration the question of depletion and shall consider the facts both as to the available remaining

supply of the natural resource in question and of its various important grades, species, or varieties, and give due weight to the necessity of reaching such conclusions as will conform to wise and sound policies of conservation."

Amendment No. 1151, page 366, strike out all of lines 23, 24, and 25, and on page 367, strike out lines 1, 2, and 3, and insert the following:

"SEC. 339. Effect of reenactment of existing law: Nothwithstanding the repeal by section 651 (a) of the laws relating to the United States Tariff Commission and their reenactment in sections 330 to 338, inclusive, with modifications, the unexpended balances of appropriations available for the commission at the time this act takes effect shall remain available for the commission in the administration of its functions under this act; and such repeal and reenactment shall not operate to change the status of the officers and employees under the jurisdiction of the commission at the time this act takes effect. No investigation or other proceeding pending before the commission at such time (other than proceedings under sec. 315 of the tariff act of 1922) shall abate by reason of such repeal and reenactment, but shall continue under the provisions of this act."

Mr. HAWLEY. Mr. Speaker, all of these amendments relate to the organization of the Tariff Commission and its functions. It seems to me they should be considered together for the purpose of debate. I ask unanimous consent that there be three hours of general debate, one half to be controlled by the gentleman from Mississippi [Mr. COLLIER], or some one appointed by him, and the other half by myself. At the end of the debate I intend to ask that all of these amendments be referred to the conference.

This is an involved subject and the conference ought to consider it as a committee and report back a consistent line of policy for all the matters; otherwise, if the matters are debated and amended here without opportunity for investigation of all the items carefully, we might do that which we would not intend to do.

Mr. CRISP. Will the gentleman from Oregon yield?

Mr. HAWLEY. With pleasure.

Mr. CRISP. The gentleman, of course, does not include in that statement the flexible tariff amendment.

Mr. HAWLEY. Yes; the whole subject of the Tariff Commission and its work, including the flexible tariff provision.

Mr. CRISP. We would have to object to that. Upon this side there will be a motion to concur in the Senate amendment providing for the flexible tariff.

Mr. HAWLEY. Let me ask the gentleman if he would be willing to refer without debate all the amendments relating to the Tariff Commission other than the flexible provision?

Mr. CRISP. Personally, yes.

Mr. HAWLEY. Then, Mr. Speaker, I ask unanimous consent that on the amendments 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1138, and 1139 the House insist on its disagreement to the Senate amendments.

Mr. COLLIER. Mr. Speaker, reserving the right to object, and I think I shall object, my understanding from my conversation with the chairman was that we would discuss all these questions together, amendments 1129, 1130, 1131, 1132, 1133, and so on, one of them relating to whether or not there will be six or seven members of the Tariff Commission, another relating to whether or not there will be a nonpartisan commission or whether there will be three of one party and three of another party, and several of the other amendments depend upon the success of these amendments.

Mr. HAWLEY. That was the request I preferred, and the gentleman from Georgia [Mr. CRISP] objected to considering all the amendments together and indicated he would have no objection to sending the ones I mentioned to conference and having the debate at this time on amendments 1140, 1141, and 1151.

Mr. COLLIER. I want to say that in no conversation with the chairman of the committee did I gather that we would not have an opportunity to have a roll-call vote this afternoon on the flexible tariff provision, as the gentleman from Georgia [Mr. CRISP] has suggested.

Mr. HAWLEY. That would come up under the suggestion of the gentleman from Georgia [Mr. CRISP].

Mr. COLLIER. And, so far as I am concerned, it will be agreeable to give us a vote on the flexible tariff provision and let us debate all of these amendments. I have no doubt the major portion of the debate will be on the flexible tariff provision. We have expected this and our Members have been waiting here to vote on the flexible tariff provision.

Mr. HAWLEY. There is no intention on this side of preventing a vote on the flexible tariff provision at any time.

Mr. CRISP. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. CRISP. I think I have demonstrated throughout this debate that I am very anxious to cooperate with my friend the distinguished chairman of the committee in every way I can as to the method he desires the amendment considered, except where I thought there was a vital issue that I wanted the House to vote on. I have no objection whatever to sending the perfecting amendments the gentleman speaks of back to conference, but the amendment of the Senate outlining the Senate plan of a flexible tariff is separate and distinct from the others and there is no reason why the conferees should have the consideration of that. It is a concrete, distinct, substantive proposition that the House can vote on, and the minority desires to vote to recede and concur in that amendment, and should we prevail that would end the matter.

So far as I am concerned, I have no objection whatever to the other matters going back to conference.

Mr. HAWLEY. Let me submit another unanimous-consent request.

I ask unanimous consent, Mr. Speaker, that the amendments already stated be considered together for the purposes of debate for three hours, one-half to be controlled by the gentleman from Mississippi [Mr. COLLIER] and the other one-half by myself; and that at the end of that time it will be agreed that the amendments relating solely to the Tariff Commission—Nos. 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1138, and 1139—be sent to conference, and that a vote be taken on the flexible-tariff provision—amendments Nos. 1140, 1141, and 1151.

Mr. CRISP. And vote on those en bloc.

Mr. HAWLEY. Yes; and vote on the last three en bloc.

Mr. COLLIER. Mr. Speaker, reserving the right to object, and I shall not object, I wish the gentleman would substitute for my name the name of the gentleman from Arkansas [Mr. RAGON], who is to have charge of the flexible tariff provision.

Mr. HAWLEY. At the suggestion of the gentleman from Mississippi, Mr. Speaker, I modify my request to give one-half of the time to the gentleman from Arkansas [Mr. RAGON].

The SPEAKER. The gentleman from Oregon now asks unanimous consent that for the purposes of debate amendments Nos. 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1138, and 1139, and amendments Nos. 1140, 1141, and 1151 be considered together, and that debate shall continue for three hours, one-half to be controlled by himself and the other one-half by the gentleman from Arkansas [Mr. RAGON]; and at the conclusion of the debate all the amendments up to but not including 1140, 1141, and 1151 be disagreed to and sent to conference. Is there objection?

Mr. WINGO. Mr. Speaker, reserving the right to object, as I understand, those that are sent to conference are the ones with reference to the Tariff Commission and do not affect the flexible tariff provision at all.

Mr. HAWLEY. That is true.

Mr. WINGO. Are we going to have three hours of debate and talk about these other matters? Why confuse the debate and talk about something that you have already agreed shall go back to conference? I am perfectly willing to stay here all night, if necessary, but you have just one substantive proposition before the House, and that is the flexible-tariff provision. If somebody wants to talk about salaries, why not let him extend his remarks in the RECORD and save us the trouble of having to sit here and listen to it? I shall not object, but I hope that gentlemen will try to confine their debate to what we are to vote on, and extend their remarks on the other matters.

Mr. CRISP. Mr. Speaker, may I submit this parliamentary inquiry?

I think I understand it, but some one called my attention to the fact that the Speaker did not include my proposition. The way the Speaker stated the proposition at the end of the debate it was understood the House insisted on its disagreement, and the amendments were to go to conference except the three amendments dealing with the flexible-tariff provision, and that they would be voted on en bloc.

The SPEAKER. The statement of the Chair was complete except for the last few words. The three amendments relating to the flexible tariff are to be voted on en bloc.

Mr. CRISP. And I presume the gentleman from Oregon [Mr. HAWLEY] will move that the House insist on its disagreement, and a preferential motion to recede and concur will be made on this side.

The SPEAKER. The Chair so understands the procedure. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The SPEAKER. The gentleman from Oregon is recognized for one hour and a half and the gentleman from Arkansas [Mr. RAGON] for one hour and a half.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. I understand that a motion to further insist, and a motion to recede and concur are to be made should they be entered after debate, or should those motions be entered now?

The SPEAKER. Either way, but under the circumstances the Chair thinks it will be in order to submit them immediately after debate.

Mr. CRISP. That is satisfactory to us.

Mr. HAWLEY. Mr. Speaker, I yield 20 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Speaker, ladies, and gentlemen, when the tariff bill was before the House in May, 1929, I made some remarks at that time relative to the organization of the Tariff Commission. It may not be out of place to repeat what was then said. In the President's message to Congress on April 16, 1929, he used the following language:

> I am impressed with the fact that we also need important revision in some of the administrative phases of the tariff. The Tariff Commission should be reorganized and placed upon a basis of higher salaries in order that we may at all times command men of the highest attainments.

The House bill carries out this suggestion of the President and therefore we ask that the House insist on the language in section 330, as written by this body.

The authority for the present Tariff Commission appears in section 700 of the revenue act of 1916, except certain provisions which appeared in the act of 1922. It is proper that we should carry the authorization of the Tariff Commission and all references thereto in this bill which has to do with the purposes for which the commission was appointed.

The difference between the House provisions and the Senate amendments are very apparent.

The House bill authorizes a board of seven. The Senate reduces it to six.

The House fixes the salary at $12,000. The Senate reduces it to $10,000.

The House makes the tenure of office seven years. The Senate reduces it to six.

The House provides for an absolutely nonpartisan board and, in the words of the House bill, a man to be eligible for the position of commissioner shall be a person who—

> In the judgment of the President is possessed of qualifications requisite for developing expert knowledge of tariff problems and efficiency in administering the provisions of part 2 of this title.

In all the amendments to the tariff bill submitted by the Senate I doubt if there is more peculiar language used anywhere than in the amendment the Senate offers to this section, particularly amendment 1131, by which it strikes out the language I have just read in the House bill and substitutes the following:

> Not more than three of the commissioners shall be members of the same political party, and in making appointments members of different political parties shall be appointed alternately as nearly as may be practicable. It is hereby declared to be the intention of Congress to provide that the Tariff Commission, in all of its official functions, shall act judicially, and that in the determination of any matter submitted to it no consideration whatever shall be given to partisanship or party policy.

In other words, the Senate would continue the present arrangement of the commission, which has been so severely criticized, making it bipartisan, three members from each party. However, in setting up such organization, the Senate states—

> That in the determination of any matters submitted to it no consideration whatever shall be given to partisanship or party policy.

Whoever was responsible for the insertion of that language in the amendment must have visualized a Utopia. To appoint these men because they belong to the two political parties, and then tell them they must have no political opinions nor give any consideration to partisanship or party policy is the height of absurdity. Such a man is yet to be born. Which method of selection does this House prefer? A man who, in the judgment of the President, has the qualifications irrespective of his politics to deal judicially with information submitted in a scientific way, or a man who knows that he holds the position to which he has been appointed because he happens to be either a Republican or a Democrat?

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Briefly.

Mr. GREEN. Does not the gentleman realize that in each political party there are men big enough for the Tariff Commission, and that a well-balanced government is a nonparty form of government?

Mr. TREADWAY. Mr. Speaker, I do not want to be discourteous, but I decline to yield further.

I know it will be said that under the House scheme partisanship prevails. The contrary is the fact. Partisanship will continue in the commission if it is made an evenly numbered body and is equally divided between the two parties. Whenever a presidential election is held, whether the successful candidate be a Republican or a Democrat, he becomes the President of all the people and is entitled to the respect of all citizens. I have such a high opinion of the electorate of this country that I can not conceive of any man being selected as the candidate of either of the great parties for the exalted office of President whose opinions and judgment in the selection of men should not be respected.

In addition to that, when he is selected by the electorate for the position the responsibility of successful administration of government is his. He should have the privilege of selecting men who in his judgment will properly fill the positions to which they are to be assigned, and the President should not be hamstrung by such language as the Senate has inserted in the bill.

I have absolute confidence in the judgment of the gentleman now occupying the White House. I have the same opinion of the judgment of the gentleman who was his Democratic opponent at the election two years ago. If he had been selected President by the people of this country, he would have gone to that great office well equipped as a judge of men, well equipped by his executive training as Governor of the great State of New York. As a Republican against him in politics, I would have trusted to his judgment in the selection of candidates for positions who are responsible to him, exactly as I am to-day satisfied to accept the judgment of President Hoover. In that connection, let me read these few lines:

> In the belief that provision for a bipartisan tariff commission promotes rather than eliminates politics, I would ask Congress to give me authority to appoint a commission of five members from among the best qualified in the country to deal with the problem, irrespective of party affiliations, with a salary sufficiently large to induce them to devote themselves exclusively to this important work.

That is an extract from an address delivered by the then Gov. Alfred E. Smith, candidate for President of the United States, at Louisville, Ky., October 13, 1928. It is simply confirmatory of the position he would have asked his party associates to have taken in the formation of this commission had he been in the White House to-day, so that President Hoover and ex-Governor Smith are in accord in the form of a Tariff Commission that President Hoover has asked for, and Governor Smith would have asked for if he had been in a position to do so.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. LINTHICUM. I know the gentleman is criticizing the Senate amendment. Is it the intention to refer that amendment back to the conference?

Mr. TREADWAY. That is the agreement already entered into. The agreement is that these amendments all go back to conference.

Mr. LINTHICUM. Including this one?

Mr. TREADWAY. Everything except the flexible provision. The matter I am now discussing is not to be voted on this afternoon, but will be referred back to conference.

Mr. LINTHICUM. Yesterday the chairman of the committee submitted and had read amendments which he wanted, for our instruction. To-day nothing of that kind has been done.

Mr. TREADWAY. No. My understanding is that there will be no vote on anything this afternoon except the flexible tariff provision, which will come at the end of three hours' discussion, and that debate in the meantime has to do with all the amendments. Therefore, I am discussing the personnel of the Tariff Commission.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. CELLER. The gentleman speaks of an accord between Mr. Smith and President Hoover. Of course that accord is only limited to the structure of the Tariff Commission and does not refer in any way to the flexible provision.

Mr. TREADWAY. Oh, no. I simply meant in the language that I quoted from him that Mr. Smith is in accord with the suggestion of the House bill, that there be an odd number of members of this board, and that they should be appointed because of their qualifications as tariff students or experts rather than because of the fact that they are Democrats or Republicans.

A further indication of the Senate's desire to have the commission a political one appears in amendment 1134, which provides that the President, in designating the chairman and vice chairman, must appoint commissioners of different political parties alternately. We have the examples of other commissions and boards which are successfully functioning without political requirements. In this list are the Federal Farm Board, the Federal Reserve Board, and the Board of Tax Appeals. There are two outstanding commissions where political requirement appear, namely, the Interstate Commerce Commission and the Federal Trade Commission. The Interstate Commerce Commission has such a large membership, being composed of 11 members, that it can very well be divided along political lines, but you will note that it consists of an odd number of members. The Federal Trade Commission is, of course, a political body, as it was created during the first administration of President Wilson. If there was any chance to show political favoritism that was the time when it operated at 100 per cent on high.

The desire has long been expressed to take the tariff out of politics. No one thing will serve to keep it in politics more than the provision inserted in the bill by the Senate in the amendment requiring the board to be bipartisan.

Although I strongly favor the House provisions and hope they will eventually be adopted by the two branches, I nevertheless agree that the question is one of such vital importance that, not having been discussed in conference, these amendments should be referred to the conference at the present time in order that a practical and suitable provision may be carefully studied and report made to the branches.

I shall pass on now from the consideration of the organization of the Tariff Commission to the item on which a vote is to be taken this afternoon, namely, the flexible-tariff provision.

In order to have a complete understanding of the details of the flexible-tariff provision it is necessary to give consideration to the language of the present law, the corresponding language in the bill as it passed the House, and the language of the Senate amendment.

The language of section 315 (a) of the tariff act of 1922 is as follows:

TARIFF ACT OF 1922

SEC. 315. (a) That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended, whenever the President, upon investigation of the differences in costs of production of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that the duties fixed in this act do not equalize the said differences in costs of production in the United States and the principal competing country, he shall, by such investigation, ascertain said differences and determine and proclaim the changes in classifications or increases or decreases in any rate of duty provided in this act shown by said ascertained differences in such costs of production necessary to equalize the same. Thirty days after the date of such proclamation or proclamations such changes in classification shall take effect, and such increased or decreased duties shall be levied, collected, and paid on such articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila): *Provided*, That the total increase or decrease of such rates of duty shall not exceed 50 per cent of the rates specified in Title I of this act, or in any amendatory act.

H. R. 2667 AS PASSED BY THE HOUSE

SEC. 336. Equalization of competitive conditions.

(a) Change of classification or duties: In order to put into force and effect the policy of Congress by this act intended, the President shall investigate the differences in conditions of competition in the principal market or markets of the United States between domestic articles and like or similar competitive imported articles. If the President finds it thereby shown that the duties expressly fixed by statute do not equalize the differences in such conditions of competition in the principal markets of the United States between a domestic article and a like or similar competitive article imported from the principal competing country, he shall proclaim such changes in classification or such increases or decreases in rates of duty expressly fixed by statute as, in his judgment, are shown by an investigation to be necessary to equalize such differences. In no case shall the total increase or decrease of such rates of duty exceed 50 per cent of the rates expressly fixed by statute.

H. R. 2667 AS PASSED BY THE SENATE

SEC. 336. Recommendations for adjustment of duties: (a) Upon its own motion or upon application of any interested party showing good and sufficient reason therefor, the commission shall investigate and ascertain the differences in the cost of production of any domestic article and of any like or similar foreign article. If the commission finds it shown by the investigation that the duty imposed by law upon the foreign article does not equalize the differences in the cost of production of the domestic article and of the foreign article when produced in the principal competing country or countries, then the commission shall report to the President and to the Congress such increases or decreases in the duty upon the foreign article as the commission finds to be necessary in order to equalize such differences in the cost of production. Any such increased or decreased duty may include the transfer of the article from the dutiable list to the free list, or from the free list to the dutiable list, a change in the form of duty, or a change in classification. The report shall be accompanied by a statement of the commission setting forth the findings of the commission with respect to the differences in costs of production, the elements of cost included in the cost of production of the respective articles as ascertained by the commission, and any other matter deemed pertinent by the commission.

The President, upon receipt of any such report of the commission, shall promptly transmit the report to the Congress with his recommendations, if any, with respect to the increase or decrease in duty proposed by the commission.

Mr. CELLER. Mr. Speaker, will the gentleman yield there, briefly?

Mr. TREADWAY. Yes.

Mr. CELLER. I notice that the provision in the act we are voting on precludes the right of appeal by any one aggrieved from the Court of Customs Appeals to the Supreme Court, and the conferees on our side receded from their proposition, that there should be such an appeal as now exists in the present law. Will the gentleman be willing to disclose the reasons for that recession?

Mr. TREADWAY. I have not given that particular attention. I am only covering the flexible provision matter in a general way, not in the detailed way the gentleman indicates.

I want particularly to call to the attention of the House the language in which the President is directed to investigate—

the differences in conditions of competition in the principal market or markets of the United States between domestic articles and like or similar competitive imported articles.

The Senate amendments restores the unwieldy language of the present law, whereas the House broadens the comparisons by making the difference to consist of an inquiry between the domestic article and a like or similar competitive article imported from the principal competing country.

The practical result of the language in the present law is that in such investigations as have been conducted by the Tariff Commission inquiries have been necessary on the ground of foreign countries producing the articles imported in competition with the domestic product. On the other hand, the language of the House bill would permit the Tariff Commission to secure its facts not necessarily upon the identical article but upon "a like or similar competitive article imported from the principal competing country."

Another practical result of the present law has been to prevent representatives of the Tariff Commission from conducting inquiries in the principal competing markets as to the cost of production of linseed or flaxseed. Italy, through its embassy, expressed such objection to an inquiry regarding cherries that we sent no agents there. France has done the same. Switzerland and Sweden have likewise shown opposition to our tariff agents making inquiries on the ground. This is one of the underlying causes for the failure of the Tariff Commission to conduct more hearings and to arrive at results in a briefer period of time. Take, for instance, the item of onions. We were more than two years in securing any report from the Tariff Commission, so that the entire onion market could very well have been completely changed by this delay.

Under the House bill the President is authorized to take into consideration (1) the cost of production, (2) the prices of domestic and foreign articles and the invoice prices of the costs of foreign articles, (3) other costs, (4) costs of transportation, and (5) advantages granted to a foreign producer. This is much broader in scope than the present law.

Owing to this unpleasant and natural situation whereby competitive countries do not want us to be prying into their home affairs, the work of the Tariff Commission has been more or less impracticable to carry out. Therefore, the House has asked that there be a much broader permission given as to the manner of procuring such information, and we recommend that most highly.

It has always been the theory of the flexible tariff provision that the power to increase or decrease a rate by not more than 50 per cent did not constitute a delegation of authority from Congress to an administrative body. The Senate provision, however, would permit the exchange of articles between the free list and the dutiable list. In other words, an article could

be taken from the free list and put on the dutiable list, or vice versa, without congressional action. Arithmetic alone shows that that would constitute a delegation of power to change a rate more than 50 per cent to the Tariff Commission or to the President acting under its advice. The Senate provision, therefore, goes beyond any intent that Congress has ever shown in the delegation of authority.

This has never been a method of which we approve. Although I am not a lawyer and am naturally unable to express a legal opinion, it does not seem to me that a privilege like that would come within the scope designated by the Supreme Court as constitutional.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. TREADWAY. May I have five minutes more?

Mr. HAWLEY. I yield to the gentleman two minutes.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. MOORE of Virginia. Under the Senate provision Congress alone may determine whether or not an article may be shifted from the dutiable list to the free list?

Mr. TREADWAY. The most serious defect of the Senate bill is the nature of the language which would require the Tariff Commission to report to the President and to the Congress. There may be no serious objection to having the President transmit the report of the Tariff Commission to Congress, but to require action on the part of Congress in order to make the recommendations of the commission effective would be a complete overthrow of the purposes of the flexible provision.

In other words, the entire purpose of the Senate amendment is to take from the hands of the President any authority whatsoever other than a recommendation, simply making him a rubber stamp or a transmitting agency to act as the intermediary between the commission and Congress.

The second paragraph of section 336 (a) of the bill as passed by the Senate reads as follows:

> The President, upon receipt of any such report of the commission, shall promptly transmit the report to the Congress with his recommendations, if any, with respect to the increase or decrease in duty proposed by the commission.

We need no better illustration of the fallacy of such a provision as this than the history of the bill we are to-day considering. The Ways and Means Committee started work on this measure in November, 1928. It passed the House on May 28, 1929. It passed the Senate on March 24, 1930. Since March 24 it has been in conference. It is now being taken up for consideration in the House, and after a few days here in this branch it may be interminably discussed in the Senate.

We are frequently asked when, if ever, this bill will become a law. Perhaps you can read the answer in the stars or consult a soothsayer. Certainly no Member of Congress can prophesy with any degree of accuracy when this conference report will be disposed of in the Senate. Items then remaining in disagreement will be again considered in conference and more time will be consumed.

The business of the country has been in an uncertain and chaotic condition for nearly two years while this bill has been in the making. Anyone wanting a duplication of such a condition as that should vote for the Senate provision and take from the hands of the President his authority to proclaim, after due consideration, his approval or disapprovel of the findings of the Tariff Commission on an application for a change in some rate.

I know our Democratic friends will represent, as they have done in the past, that under the flexible provision we are abrogating the rights of Congress to write tariff rates. This is absolutely incorrect and incapable of proof. Whether a Republican or a Democrat holds the exalted position of President of the United States, he is chosen for that position by the will of the majority of the people, and the confidence of the country must be reposed in his judgment. To ask him to become simply a transmitting agency to the House of Representatives of the action of the Tariff Commission is a denial of the confidence of the people in his judgment and capacity.

The great clamor has been to get the tariff out of politics and to place it on a scientific basis. The flexible-tariff provision is one of the principal instrumentalities toward that end. The House bill contains a provision for a more practical use of the authority vested in the Tariff Commission to make investigations into the cost of production and comparisons of costs of competitive articles. So far, so good. If by the next step we deprive the President of the exercise of his authority under the present law and under the House provision by substituting the Senate idea of a report to Congress, we will more than nullify the merit of the changes the House has suggested in methods of securing comparative prices. Instead of taking the tariff out of politics, the Senate provision puts it into politics 12 months in a year. Just as rapidly as the commission could make a report and the President transmit the same to Congress, just so fast would the merits of the item be discussed by one or the other of the two branches.

I do not agree with the able speaker who some time ago offered a compromise between the two positions and suggested that after 60 days, I believe it was, rates should become effective if not acted upon by Congress, or that if Congress was not in session that the rates should become effective upon proclamation by the President. It seems to me there can be no compromise between the two ideas of trusting the President or making him a rubber stamp and transmittal officer. I am strongly for the House provision, and I think every Member of this House anxious to see a scientifically arranged tariff without political bias or influence will agree with me that the House provision is practical, workable, and sensible.

The definite and positive result of the proposal to submit the findings of the Tariff Commission to Congress is equivalent to stating that Congress believes in a continuous tariff debate and has no interest whatever in scientific correction of inequalities in particular rates which have been ascertained by a fact-finding and quasi judicial body. Such inequalities are bound to arise between the periods of tariff revisions. The lesson of the present tariff revision will long be remembered. If each tariff revision is to consume a year and a half in accomplishment with resulting business turmoil and uncertainty, the fewer complete revisions we have the better for the country. We, therefore, must have a system of interim modification of particular items in order either to correct inequalities or to care for new conditions which arise in the business world from time to time due to inventive genius and new discoveries. On this point, Vice Chairman Dennis, a Democratic member of the Tariff Commission, stated in the hearings before the Senate investigating committee as follows:

> The suggestion has been made that the commission should report to Congress rather than to the President. That emasculates the entire act. The commission reported to Congress before the flexible tariff was ever set up. What does the report to Congress mean? It means either that the report is going to be pigeonholed or that it is going to be taken up in a serious way in a session of Congress, but the moment Congress takes up a change in a particular duty affecting a particular item, don't you suppose there will be clamors and demands for a hundred other cases? Don't you suppose there will be speeches to be made on the tariff by hundreds of Members of Congress who have ideas on the tariff which they wish to express in behalf of their constituents? I can not see anything in that.

Another result would be that every time a Member of Congress was appealed to by constituents for a change in rates to care for a particular commodity or to protect some special industry, speeches galore would be made and such pressure brought to bear upon the Tariff Commission that it would be obliged to make hasty and immature findings, very likely unfair to the industry as a whole, in order that one Member of Congress might become more popular with a particular group of constituents. This would mean a nearly constant general revision with continuous business uncertainty. In order to correct one so-called error Congress would consider it had a right to open an entire schedule or the entire law to revision when the item in question was brought up.

Another disadvantage is this: We recognize that a tariff bill when written by Congress itself can not be based upon either quasi-judicial decisions or scientific investigations. Hundreds of items in the present bill represent compromises between extreme views. This is done first in committee, later in the two Houses, and finally in conference. Note the differences between rates contained in the present conference report and those approved by the Tariff Commission and proclaimed by the President. I attach hereto a statement showing these differences.

Take, for instance, mill feeds. The rate in the present law is 15 per cent; proclaimed by the President, 7½ per cent; reported by the conference committee, 10 per cent.

Under the present law butter carries a rate of 8 cents; under presidential proclamation it was increased to 12 cents, and the conference committee has recommended 14 cents. And so on.

In other words, the scientific findings of the Tariff Commission, combined with the President's judgment, as embodied in a proclamation, can equalize these differences and make the rates harmonious in accordance with the latest information obtainable as to values and foreign costs.

There has been criticism of the Tariff Commission, and there have been frequent statements to the effect that the commission has not lived up to the expectations of its sponsors. This can be said of any governmental body. The Interstate Commerce

Commission struggled for years to establish the confidence of the people in it. The Federal Trade Commission has not entirely reached that stage. There have been unfortunate features in connection with the Tariff Commission, but if its functions and its findings do not meet with the approval of the people let us manfully say so and wipe it off the statute books entirely, but not try to destroy its value by indirect methods. I doubt if there is a Member of Congress, who has had experience with the Tariff Commission and its experts even in a small degree as compared to the experience of members of the Ways and Means Committee, who would ask to have the commission abolished. In the Senate amendment, however, you are striking below the belt and destroying its usefulness, so far as the making of tariff rates is concerned.

It is much more logical and proper to correct defects by improved methods than to completely destroy the entire structure. Such destruction is the purpose and intent and will be the result of the Senate provision if adopted. There have been two attacks upon this provision on the floor of the House. It would be very unbecoming and impossible for me to debate the Constitution with the eminent authority on the subject from Pennsylvania, but in spite of the argument he so plausibly put before the House, the fact remains that the highest judicial authority in this land, the Supreme Court of the United States, whose opinions still govern this country, has held the flexible provision to be constitutional, and so far as I am concerned that ends the argument.

A just criticism was brought forward at one time by our esteemed colleague the gentleman from Georgia [Mr. CRISP] regarding the nature of the decisions of the commission.

The flexible provision has been approved by the American Farm Bureau Federation, by the American Federation of Labor, by the United States Chamber of Commerce, by the International Association of Manufacturers, by business people throughout the country, and by public sentiment generally. So we to-day representing those people are called upon not to destroy by indirection the functions of the commission, but where we have found inconsistencies or irregularities in the law to make such changes as will both liberalize the provision, make it more workable, more practical in operation, and, above all things, to so add to its value in the minds of the American people and so increase their confidence in its decisions that another tariff revision need not occur during the lifetime of any of those now participating in the present revision. [Applause.]

Mr. RAGON. Mr. Speaker, I yield to myself 30 minutes.

The SPEAKER pro tempore. The gentleman from Arkansas is recognized for 30 minutes.

Mr. RAGON. Mr. Speaker and Members of the House, I think in all the deliberations that we have had with reference to the tariff we at this very moment come to the most important feature of the entire bill. I think it is the one feature that we can get together on without any display or show of partisanship whatever, because personalities should not and do not enter into this debate. The question as to who is the President now or who will be 10 years from now should not enter into it. It brings itself down to the question of policy, and I do not think I can find a better text than was given to me a while ago by our distinguished leader from Connecticut, in answer to a question from the gentleman from Virginia [Mr. MONTAGUE]. Mr. MONTAGUE asked:

> Does the gentleman mean to infer from this statement that the President would veto this bill if this provision is inserted?

Referring to the debenture provision.

> Mr. TILSON. I can not imagine any other thing.
>
> Mr. MONTAGUE. Does this or does it not give him the right to veto the plan or put it in operation if he sees fit?
>
> Mr. TILSON. As he says, as soon as the power is given to the board the pressure would begin, especially from the dealers and others. * * * The pressure would go on, and instead of solving the situation, we would simply have to begin again.

That presents the strange anomaly of being in one instance fearful of giving the Farm Board the optional use of the debenture for the benefit of the American farmer, and then in the next breath giving the President the discretionary power to increase the rates on all articles 50 per cent.

Now, my friends, we need not fool ourselves. On most of these agricultural products, as you know, and as I know, the tariff will be ineffective.

There are a few upon which it may be effective. But the benefit given to the farmers of this country under this bill will be more than taken away by the overhead that you give them in the increase that will go in effect upon the industrial rates.

So to-day we find ourselves in the position of denying to the American farmers the benefits of the President's optional use of the debenture, and then turning around and giving the President the power for his optional use of the flexible clause, that will increase the rates upon the manufacturing industries of this country 50 per cent, and every cent of it will be effective.

There is more than merely a tariff rate involved in this present amendment.

Mr. CRISP. Will the gentleman yield?

Mr. RAGON. I yield.

Mr. CRISP. Does not giving the President the power to raise or lower the tariff bring upon him the pressure from industry to have it increased, equal with the pressure that would be brought to put the debenture into effect?

Mr. RAGON. Absolutely. And as a glowing example of that, let us refer to pig iron. As I will show you later on, one of the big voices of the Senate, when the question of the flexible clause was being debated, answered Senator Underwood and said there would never be any consideration given to any increase on pig iron; and yet only two years ago, as I recall it, the President of the United States, under pressure brought to bear upon him, gave to the pig-iron industry a 50 per cent increase. So, if we are going to take into consideration in defeating the debenture the question of the pressure that will be brought to bear upon the Federal Farm Board and upon the President, let us treat them all alike and take into consideration the pressure that will be brought to bear upon the President of the United States and the Tariff Commission in giving higher rates under the flexible clause. My friends, as old as the Anglo-Saxon government is the history of taxation being placed in the representative branches of the government. I can not recall that, from the earliest dawn of Anglo-Saxon governments, there is a single exception to the history that taxation in every instance has been placed in the legislative branch of those governments. There is some good reason for that. Taxes are onerous; they are hurtful; they are painful. There is not a taxpayer anywhere who takes delight in paying taxes.

So it was the natural scheme of things in the governments set up by the Anglo-Saxon people for the people to retain, as much as possible, in their direct control the power of taxation. When the framers of the Constitution got together they had the history of the Anglo-Saxon science of government in mind. Not only that, they had just come out of the Revolutionary War, where this principle had been fought out. The Revolutionary War was fought upon the proposition that we would not stand for taxation without representation in the English Parliament. It was not the size of the tax; it was not particularly the method of collecting the tax, but the big fact was the proposition of taxation without consent or without representation upon the part of the taxpayer.

So the American people to-day, as a result of the inclusion in our Constitution of that power of taxation placed in the Congress of the United States, look to you and to me as Members of this House of Representatives as an expression of their direct views upon any manner or kind of taxation. As a result of these conditions and as a result of their knowledge of Anglo-Saxon history the fathers said that Congress should alone have the power to levy taxes, impose duties and excises. Then they went further and said that in the House of Representatives alone would be lodged the power of raising revenue for this Government.

What are we called upon to do to-day? We are called upon to make the boldest stroke in a quarter of a century; to surrender that prerogative of the congressional branch of this great Government. I say "the boldest" and I said it advisedly. When the Fordney-McCumber Tariff Act was passed and this flexible clause was written into it, we thought that was a bold stroke. When you analyze the clause that is put into this present bill, which was incubated down in the Tariff Commission, you have the broadest and boldest stroke to take away the prerogative of this House of Congress that was ever written in the statutes since the reconstruction period. [Applause.]

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. RAGON. I yield.

Mr. MOORE of Virginia. It is an historical fact that when the Fordney-McCumber law was enacted it was asserted on both sides of the Capitol by responsible leaders that the flexible provision was intended only as an emergency provision, to take care of conditions consequent on the war, and that there was no intention of making it permanent.

Mr. RAGON. The gentleman is correct. I want to say, my friends, that we of the House of Representatives, in the light of these historical facts, are in the position of inviting an invader into our ranks and receiving him with a warm heart and hospitable hand, to take away some of the prerogatives that were placed exclusively in Congress and made directly the responsibility of Members of this House. Are we going to

shoulder that responsibility like men or will we evade it? That is the question. I address it to both sides of the House.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. RAGON. I yield.

Mr. O'CONNOR of New York. Was the constitutionality of the flexible provision ever tested out?

Mr. RAGON. Yes; and it was sustained. That matter will be discussed later by another speaker.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. RAGON. I yield.

Mr. STRONG of Kansas. Then it is constitutional?

Mr. RAGON. Unquestionably; and I will be frank with the gentleman from Kansas, I am afraid it will be held that this law is constitutional also. So there is every reason why the gentleman should be careful with his vote.

Now, I come to the question raised by the gentleman from Virginia [Mr. MOORE]. You will remember the conditions that fell upon this country and other countries of the world succeeding the World War. The economic conditions, the peril that labor was put into, the condition of manufacturers, and all of those things fell upon the Congress of the United States, and Congress took cognizance of those things. What did the Congress do?

It was with fear and trembling that the Senate, the House, and the President of the United States entered upon that scheme. As suggested a moment ago, it was simply to meet an emergency, and I say this—and the records will bear me out—that the flexible clause was included in the Fordney-McCumber tariff bill upon the solemn promise that it would be temporary and upon the solemn promise that it would be used for no other purpose than to trim down the rates which were written into the Fordney-McCumber tariff bill. [Applause.]

Am I right? Did these conditions exist? Was this what prompted the United States Senate and the lower House to adopt this clause?

Let us look at the expressions of the leaders of that day. President Harding, in a letter addressed to Senator McCumber, the Senate author of this clause, said:

> It has seemed to me that the varying conditions in the world and the unusual conditions following the World War make it extremely essential that we have this means—

That is, the flexible tariff clause—

> of adapting our tariffs to meet the new conditions.

Now, Senator McCumber, in enlarging upon that letter, said, in the RECORD of August 10, 1922—and I invite your careful attention to this as a historical background for the flexible tariff clause:

> I agree with the Senator entirely—

Referring to Senator Underwood—

> that the policy of levying tariffs and the rates on each particular matter is a policy that should always be left to the good judgment of Congress, and we can lay down no general rule under which it would be safe to place the tariff rate-making power in a commission. But the exigencies of the chaotic condition that now confronts us in the commercial world are the only justification for the added power that is to be given the President, and I want to take it away just as soon as those exigencies no longer exist.

Who is that speaking? The one who gave utterance to that is the author of the present tariff law. He is the author of the present flexible clause in the tariff law, and he was the man who had charge of the bill upon the floor of the United States Senate. He tells you unequivocally that when the conditions justifying its existence cease then he is for taking that power away from the President. Mr. McCumber further said on May 8:

> If we had normal conditions to-day, I would be absolutely opposed to this provision in our tariff bill. I think we need a new tariff law, but, as I stated in the beginning of the debate, the present is probably the worst time in the history of the country to fix the duty upon any one article because of fluctuating prices, due to abnormal conditions throughout the world.

Well, let us go to even a still greater authority—the gentleman who at present is the head of the Finance Committee of the United States Senate, the distinguished senior Senator from Utah [Mr. SMOOT]. What does he have to say about the flexible clause in the debate? He says:

> If we want those few industries—and they are very few—to cease to exist in the United States, then well and good; do not put this provision in the law, although I think it ought to be there, because of the unsettled conditions of the world, authorizing the President of the United States to decrease some of the rates which we know are necessary to-day, but which, when things get back to normal, perhaps may not be necessary.

That was the plea Senator SMOOT made for the inclusion of the flexible clause in the tariff law. He says further:

> The only difference is that the rates themselves provide that, and the President never will be called upon to exercise this power in regard to pig iron.

But, gentlemen, the highest and most effective increase that has been made by the President in the last seven years was the 50 per cent increase made on pig iron.

Mr. FORT. Will the gentleman yield?

Mr. RAGON. With pleasure.

Mr. FORT. Was that any more effective than the increase given on butter and cream?

Mr. RAGON. I can not say. I do not know, but I would say that any increase made on butter and cream would amount to a child's toy compared with the colossal sum given to the pig-iron industry of this country in this 50 per cent increase.

Mr. FORT. I think if the gentleman will examine the figures he will find that the value to the butter and cream industry is far in excess of the value to the pig iron.

Mr. RAGON. The gentleman can not tell me a thing about butter and cream, because I happen to come from a butter and cream country.

Mr. FORT. I am talking about the statistics involved.

Mr. RAGON. And I happen to know something about the effectiveness of the tariff on those articles.

Mr. BRAND of Ohio. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. BRAND of Ohio. I will say that there is no benefit whatever to butter by the tariff now.

Mr. RAGON. I do not think there is one single penny of benefit.

Mr. BRAND of Ohio. The gentleman is correct.

Mr. WINGO. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. WINGO. The significant thing about Senator SMOOT'S plea at that time was that abnormal conditions required rates higher than he said would be necessary when normal conditions were restored, and that they needed this flexible provision for the purpose of decreasing the rates when normal conditions returned.

Mr. RAGON. That is exactly it. Senator SMOOT and Senator McCumber, each of them a leader in this debate upon the flexible tariff, said in substance what the gentleman has just repeated, that on account of the abnormal times we had, it was necessary to put in an arbitrary rate, and in order to give the Tariff Commission, with the President, the power to reduce these rates to a reasonable amount, the flexible provision was written in that tariff bill.

All right; let us see what has been done. Senator BORAH last September made a speech in the Senate in which he said that he was an opponent of the flexible clause in 1922. He said also that at that time it was the consensus of opinion of every man in the Senate that the only reason the flexible clause was put in the bill was for the purpose of reducing and trimming down the rates at that time. This is the testimony. How effective has it been?

My friends, admittedly, these were the most abnormal times in the history of this country from an economic standpoint. Rates were put in here that were "horse high, hog tight, and bull strong," and yet on all these innumerable rates we have had the pitiful reduction by the Tariff Commission and the President of only five rates. Upon the other hand, the flexible clause has been used as an instrumentality to increase rates and the increases have amounted in number to somewhere between 30 and 35.

This is the history of your flexible clause to-day, put in there as a temporary factor, and now we are called upon by the Tariff Commission—this is the real truth of the matter—to broaden even the power that was given to the President under the act of 1922.

Mr. CRISP. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. CRISP. Is it not a fact that of those decreases one was on the importation of quail from Mexico, another on wheat chaff, and a third on paint-brush handles, which was reduced to 16⅔ per cent, and in this tariff bill, notwithstanding that action, is again increased to 33⅓ per cent. I am not familiar with the other two decreases the gentleman has referred to.

Mr. RAGON. There are two others. I do not recall them now; but that is correct, and here we are in this anomalous position. I know it was like swallowing sulphur for some of

you to vote upon the question of cement. I know that some of the men on the Democratic side had great difficulty in swallowing the cement item. What are you going to do in regard to your vote on the flexible clause if you objected to the rate on cement?

You are voting to give the President of the United States and his Tariff Commission, appointed by him with power of removal, the additional authority of increasing the rate 50 per cent on cement.

There are many of you who manifested yesterday your intention to vote against a tariff of any kind on lumber, and yet you are sitting here to-day fixing to put authority in the hands of the President of the United States and his Tariff Commission to increase the rate on lumber 50 per cent.

Many of you objected to the increases upon sugar that has to do with every household in America and every family dining table, and many of you reluctantly gave your assistance to that schedule, and yet to-day you are fixing to blindly walk in and authorize the President of the United States, without any say so upon your part, to increase that to the still greater amount of 50 per cent.

Let us now look into the different provisions and compare the House and Senate amendments. I have heard a great deal said by some of the gentlemen about the Senate amendment, and I think I have studied as closely as I could the different amendments that have been suggested—the Davenport amendment, the pending House amendment, and the Senate amendment. Let us look at them.

The pending House amendment in its authorizing section does not mention a single, solitary soul save and except the President of the United States. Some one has said that he is to make this investigation through the Tariff Commission. The amendment does not say so, although it has been the custom to use the commission. There is no change in this respect from the present law.

All right, who may instigate this investigation under the present law and also under this amendment? The President of the United States. What, do you tell me that the Tariff Commission can not instigate it? I tell you that under the pending House bill the President of the United States is the only one who has any voice whatever in the instigation of an investigation with reference to the rates upon any particular item.

Well, what is the difference between that and the Senate amendment? I would say to my friends on both sides of this House, I think the men in the other body are just as patriotic as we are. We will admit that many of them are just as wise as we are. I think they are impelled by the same disposition to fairly represent their constituencies are we are, and there must have been some good reason for them to inject this amendment into this bill.

How do you instigate an investigation under the Senate amendment? It can either be done by the Tariff Commission or it can be done by an interested party in bringing about an investigation as to whether any rate should be increased or decreased.

Let us pass on to the field of jurisdiction. What does the present law proclaim? I call your attention to this because it was put there to protect you and me as Representatives of the American people. It brings down the jurisdiction, in a small circle, for the President and the Tariff Commission to operate in arriving at a proper rate—a small circle "as to the difference in cost of production" here and abroad. In other words, the "difference in cost of production" between a foreign article and a domestic article. That is the yardstick laid down there. That is the present law.

What is the yardstick pending here? I say here again that this thing had its birth not in the Ways and Means Committee but this entire proposal had its birth in the Tariff Commission, it did not have even the blessing of the White House. They ask you to adopt a yardstick, not "the difference in the cost of production" here and abroad but the difference in "conditions of competition" here and abrond.

Well, that is a big thing. I am not going to undertake, and neither will the gentlemen on the other side, undertake to define what that really means. They have stated in the House bill that four factors might be taken into consideration in arriving at this "difference in condition of competition." They do not say how many more but they do say that the President, if he finds it practical, may use these four. Anyone who has had any experience in the construction of legal phrases will say that these four factors are not exclusive but the President may go beyond these in determining what the conditions of competition are.

The danger of this bill is right there and nowhere else. You are absolutely surrendering the prerogatives of this House, and this Congress, in a way that it was never surrendered before, to the executive branch of this Government.

Now, are you ready to say that you will surrender the voice of your people in saying what onerous taxes shall be put upon them? Are you prepared to say that you are ready to surrender up the voice of your people for any tax that is beneficial to them? That is the question involved in this. It is nonpartisan, it is simply a question of adhering to a policy of Government that has prevailed with success for 150 years—and we are called upon this evening to absolutely renounce that policy.

Mr. DENISON. Will the gentleman yield?

Mr. RAGON. I will yield.

Mr. DENISON. As I understand the parliamentary situation, the vote will be to send this back to the conferees. There are many in the House who do not approve of the principles the gentleman is talking about, but we want to get the question back into conference.

Mr. RAGON. I am happy to get the gentleman's statement. That represents three-fourths of the common sense and good judgment of this House.

The SPEAKER pro tempore. The gentleman has consumed 30 minutes.

Mr. RAGON. Mr. Speaker, I will take 10 minutes more.

You do not know what the conferees will do. I can only lift my feeble voice against what we have in this House bill. If the conferees can go on with a combination of the Davenport bill and the Senate amendment and incorporate the best features of each into the House bill, that is a different question entirely.

Mr. DENISON. I think the vote will be that we further insist on our disagreement to the Senate amendment on the flexible tariff, and then that will leave the whole matter open for the conference.

Mr. RAGON. Of course, I can not say what the motion will be. So, you see that in this new bill the crux of the whole situation is this extended power, this expanded power that is given to the President and to the Tariff Commission under the terms of this new provision.

Mr. LEA. Mr. Speaker, will the gentleman yield?

Mr. RAGON. Yes; with pleasure.

Mr. LEA. Does the gentleman not think it is a menace to the political welfare of the United States that such power should be concentrated in any one man, a man who holds a political office, and who may seek further promotion in a political way, to have control of tariff rates of the great industries of the country? To have that is to be able to compel those industries to be subservient to him or to comply with his purposes and to face either reward or punishment.

Mr. RAGON. There is no question about that. It was never intended in framing the Constitution of this country that we should make surrender of the powers of Congress to the President of the United States, because the fathers saw the dangers of this very thing. I can not agree to certain parts of the Davenport amendment, although I think it would be an improvement over what we have in the House bill. I can not agree that it was in the thought of the fathers that the President should instigate an investigation before the Tariff Commission and then bring it back to the President, and that the President should make a proclamation of an increase of rates, and then send it over to the House and give the House the power, if it wanted to, by concurrent resolution to either annul or ratify the proclamation of the President. It seems to me that that is contrary to the institutions of our Government. We say that we are giving this in an emergency. If there is an emergency which justifies a 50 per cent increase, why should not we just as well recognize an emergency which grants 100 per cent increase? If there is such an emergency as to recognize the power of the President to grant an increase, why should not we just as sensibly give the President the power to take from the free list or to put on the free list, independent of Congress?

As suggested by the gentleman from Georgia some months ago, if you give the President of the United States this power, then let us give him the power through the Internal Revenue Bureau to increase the rates of the income tax of this country. If you are not satisfied with that, then let us go a step further and set up a bureau of Army officers, and let the President of the United States increase or decrease the size of our Army or Navy. Let us go the whole limit. If there is sense in one of these things, there is sense in another. It is impossible in good conscience to sustain the flexible clause. It is undemocratic; it was never written into the Constitution that such a policy should exist, and I say that regardless of the fact that the Supreme Court has passed on the constitutionality of the 1922 act. If the present members of the Supreme Court were sitting where we are to-day, they would not by their vote say such a thing.

I think the Senate amendment is infinitely better than the pending amendment or the present law. For instance, under the Senate amendment the Tariff Commission would make an investigation and they would report back to the President and to the Senate, and they would have the authority to recommend the taking from the free list or putting on the free list of any article. Then when that recommendation was brought into the Senate or the House, it would not be subject to any amendment, except through germaneness of the particular article. If the recommendation of the Tariff Commission were brought in here for consideration, under the Senate amendment you could not attach to it a single other article. I am not well enough versed in parliamentary rules to know whether it could not be done at present under House rules, but the Senate has provided that it could not. When the Tariff Commission has made a report to the House and to the President, and the President has transmitted that report to the Senate and to the House, he can either recommend or fail to recommend the adoption of that recommendation. Then, what do you have? We pass on it in the parliamentary procedure that I have just related. So I think that in view of giving the President this authority to increase or decrease by 50 per cent without your consent, without your vote, without any consideration of what the attitude of the House is, that any level-headed man could not fail to select the Senate amendment in preference to the House amendment. Some one has said that deliberations in the House and the Senate are rather cumbersome. That was the mountain my friend RAMSEYER wanted us to climb. That is ridiculous, when you reduce the matter to facts.

You have seen bills pass through this House appropriating millions and millions of dollars, as in the case of the bonus, in 40 minutes' debate and one roll call. You have seen appropriation bills pass the Senate almost in the snap of your finger. When this House and the Senate make up their minds to do something you know how quickly they can do it.

Is this rambling talk or is it correct? Let us look at the record. In 1911 a tariff bill providing a free list passed both Houses and was vetoed in four months and seven days. In 1911 a tariff bill on wool was introduced and passed both Houses and was vetoed by the President during the period of 75 days. In 1911 a tariff bill on cotton was introduced, passed both Houses, and was vetoed by the President in the short time of 26 days. In 1920, and that is within the memory of most of you, we had the agricultural emergency bill.

That bill was introduced and passed both Houses and was vetoed by the President in 71 days. In 1921 the emergency tariff bill was introduced. I do not know exactly, but it incorporated, as I recall, something like 28 or 32 different articles. That bill, my friends, was introduced and passed both Houses and was signed by the President of the United States within a month and 15 days, or in all 45 days.

Mr. CHINDBLOM. A similar bill a year before that was vetoed by President Wilson, was it not?

Mr. RAGON. I believe so. I have not examined that bill carefully, but I understand there were many controversial items in it.

Mr. CHINDBLOM. It was a good bill.

Mr. RAGON. Yes; but when the House and Senate get down to business they can do business, and they did it in both instances.

The result that I am afraid of this afternoon is that you will let the commission send back the reports of their investigations to the President to be acted upon by him without regard to any action by Congress. My suggestion is that you should adopt the Senate amendment and then amend the rules of the House and the Senate, if necessary, so as to pass upon these bills speedily; and let us have then in every 10 or 15 years a general tariff revision, if necessary. But remember this, that all the power unqualifiedly is placed by the Constitution in the House and Senate in levying tariff duties. Do not forget that. [Applause.]

Under the pending House amendment all emergency cases, I am not afraid to say, all the tariff legislation of the future, will be in the hands of the President of the United States, and the House will not have even a veto power, not even so much as the right of consideration. That is what you are confronted with.

My friends, I am going to submit this matter to you, and if it follows the course suggested by the gentleman from Illinois and is amended in conference so as to incorporate the principal parts of the Senate amendment, well and good. But by all means let us not bring this House or the Senate of the United States to the point of abjectly surrendering all the prerogatives of this Congress. [Applause.]

I have just shown here by irrefutable testimony that conditions after the war gave us the flexible provision. Do not let us continue the mistake of extending this abdication of authority to the Chief Executive of the country.

Mr. CLARK of Maryland. Mr. Speaker, will the gentleman yield there?

Mr. RAGON. Yes.

Mr. CLARK of Maryland. The gentleman does not mean to take the position that the flexible provisions of this law waive or abdicate any constitutional power on the part of Congress? There is no delegation of that power.

Mr. RAGON. There is delegation of our authority, which was given to us exclusively, as I hold.

Mr. CLARK of Maryland. If there should be a delegation of legislative power, would the proposition have received the approval of the Supreme Court.

Mr. RAGON. I do not think that question should be brought up now, because it has been covered by able men in both bodies, particularly, I may say, by speeches by Mr. BECK, Mr. CRISP, and the Senator from Idaho, Senator BORAH. While we do not exactly dehorn ourselves, yet we abdicate our power and give it to the President.

The gentleman remembers the economic condition of 1922, and remembers the spiritual heights to which the nations of the earth ascended during the World War, to an extent never known before; and you also remember how the civilized forces of the world broke ranks, and they slipped from the sublime to the ridiculous, as is usual. They did not return to normalcy, but we retreated back to subnormalcy; they broke the pitchers of their golden hopes at the feet of the great god of mammon; they stopped talking in the high terms of humanity and flew into a mad scrimmage for the spoils of war. The Allies went first to picking the pockets of Germany, and next they fell to picking the pockets of each other.

So the economic conditions of Germany and the rest of Europe were demoralized to a worse extent than at any time heretofore in the history of mankind. The political and economic conditions of the world in such a turmoil may have justified the extremes to which Congress went in 1922 to protect American business and American labor, but with a rehabilitated Europe and a rehabilitated American industry, then why continue, with the emergency gone, this arbitrary power in the Executive's hand. I know you do not want that to continue. [Applause.]

As this vote will come on I hope you will see the light, and if my motion does not prevail, then I hope the compromise attitude of the gentleman from Illinois [Mr. DENISON] will be successful when we get the bill back in conference.

Mr. LEA. Mr. Speaker, will the gentleman yield?

Mr. RAGON. Yes.

Mr. LEA. Was it not held under a recent decision of the Supreme Court that in the flexible provision of the tariff the President was created an agency of Congress? The President has no function whatever in doing such a thing as fixing a tariff rate. It can only be done through making him the agent of Congress.

Mr. RAGON. That is the theory of the constitutionality of it, as entertained by the Supreme Court. [Applause.]

Mr. HAWLEY. Mr. Speaker, I yield 20 minutes to the gentleman from New York [Mr. DAVENPORT].

The SPEAKER pro tempore. The gentleman from New York is recognized for 20 minutes.

Mr. DAVENPORT. Mr. Speaker and Members of the House, I have a few comments to make, not a speech.

I think there is no question that in the matter of this flexible provision we are at the heart of the tariff controversy. When you consider what we have been through for the last year and a half, anything that will lengthen the period between general tariff revisions will be a matter of great comfort to Congress and to the country, and particularly to the business of the country. This is the time to consider what we are to do in the future. I think that as far as possible consideration of this provision should be without partisanship. Even if I felt as strongly, and perhaps I do, and were as jealous of the power of Congress as the gentleman from Arkansas [Mr. RAGON] who has just spoken, and perhaps I am, I do not see how any man in this House can vote intelligently for the Senate proposal. It seems to me in its present form to be arrayed in the garb of freedom and progress, and yet to be thoroughly reactionary and backward looking as compared with the House provision.

You understand the history of the flexible provision of tariff making with the aid of a commission. At first the commission simply reported findings of fact. It was a fact-finding body and nothing else. Then in 1922 we introduced the executive into the administrative process. When we did that we did it advisedly, and we did it for a very practical and necessary reason. As some Members of the House know, in line with the belief that Congress should have final control of tariff making, and especially if we were to give extended and adequate authority

to the executive Tariff Commission, I believe it may be necessary to employ the veto power of Congress in the whole process; but whether you employ that veto power or not, the Executive has an important function in the interim between general revisions.

For example, it may be that at the time a matter is being considered which involves a tariff relation with some other country, a trade negotiation agreement may be under consideration, a treaty may be under consideration, and the actual putting into effect of the findings of the Tariff Commission at the moment might be contrary to the general welfare. The President of the United States is closely related to the diplomatic and international relations of the country, and he is the natural person to say whether the findings of the moment should be put into operation or not.

It is so with our domestic tariff relations. When the halibut case was before the Tariff Commission some years ago, the commission found that 85 per cent of the catch was on the Pacific coast, where there were no important differences in cost of production between Canada and this country, but that 15 per cent was on the Atlantic coast, where there were considerable differences in the cost of production, and the mathematical findings indicated a lower duty on halibut. Who had the discretion to say whether that rate should be put into operation; whether a body of men in this country like the Gloucester fishermen should be injured or not? Questions like that come up frequently, and the question of sensible human discretion enters into the whole problem.

Not only that, but there are items connected with agriculture which are peculiar. The commission must work at agricultural rates over a series of years to provide against seasonal variations in its findings. It may be that when you get to the time to lay the rate it is perfectly clear that the rates should be lower than long-drawn-out investigation would warrant. It should be some other rate than the one actually, mathematically arrived at by the commission. Who is to decide? Who is to have the authority under the law to decide whether there shall be a somewhat lower rate than the investigation indicates?

Then there are questions relating to the matter of majority and minority opinions. The Tariff Commission has minority opinions and majority opinions, like the Supreme Court of the United States. It has happened, and it must happen. Somebody, like the President, should have authority under the law to determine whether the findings of the minority are not, perhaps, sounder on the whole for the country than the findings of the majority. In fact, on one occasion the President of the United States followed the findings of one man on the commission, and he was probably right, because the Congress of the United States has backed him up at this time of general revision.

Mr. DENISON. Will the gentleman yield?

Mr. DAVENPORT. I yield.

Mr. DENISON. The gentleman has discussed the question of discretion, but his discussion so far has had reference to when the new rate shall or shall not be put into effect. The gentleman does not carry that principle far enough to authorize the President to use his discretion in fixing rates, does he?

Mr. DAVENPORT. I carry it so far as to say that the President should be given authority, as he is in the present law, to disregard the findings of the commission and make his own investigation and decision. That amounts to a very important and necessary discretion, and it is not the kind of a discretion that should all the time be put up to the Congress of the United States.

Mr. O'CONNOR of Louisiana. May I ask the gentleman if he remembers the case in which the President found that the findings of one man on the commission were correct?

Mr. DAVENPORT. The cotton hosiery or gloves case, one or the other.

Mr. CELLER. Will the gentleman yield?

Mr. DAVENPORT. I yield.

Mr. CELLER. If the President has a right to withhold the carrying into effect of an opinion or decision of the Tariff Commission, is not that vesting in the President some sort of discretion that would, in a sense, make him a legislating body, which is contrary to our Constitution?

Mr. DAVENPORT. In the law we have made the President a part of the administrative process just as we have made the Tariff Commission a part of the administrative process, and the President acts as a part of the administrative process.

Mr. CELLER. But I go a step farther and I say that if in acting as a part of the administrative processes the gentleman says the President has a right to withhold something, therefore you give him the right of discretion, the right of choice, and if you give him the right of choice, then the conclusion, to my mind, is inescapable that he is legislating.

Mr. DAVENPORT. I would not say he is legislating at all if he withheld something, because he has not changed any law, has he?

Mr. CHINDBLOM. And he is always acting upon facts that are brought before him.

Mr. DAVENPORT. Yes.

Mr. CELLER. But if a man withholds and he says that something should not happen he thwarts, to that extent, the decision of the Tariff Commission. In that sense I am sure he must be legislating.

Mr. DAVENPORT. No. The Tariff Commission is not legislating. He is not thwarting legislation when he thwarts the Tariff Commission for a moment.

Mr. CELLER. Let us take a concrete case. Let us take the case of sugar, where the President held up for one year a decision following a conclusion by the Tariff Commission. Then he said that—

> In view of the fact that there was some necessity to give protection to the beet-sugar growers, I am not going to carry the mandate or carry the conclusions of the Tariff Commission into effect.

When he said he was going to give protection to the beet-sugar growers, was he not, in a sense, legislating?

Mr. DAVENPORT. I am glad the gentleman used that illustration, because it enforces what I am contending for. What happened was that there was a tremendous slump in the price of sugar between the time when the findings of the commission were completed and the time when the rate was to be put into operation, and the President did exactly what should have been done under the circumstances.

Mr. CELLER. I might sympathize with the gentleman's point of view in the sense that the President may have been right in what he did, but, nevertheless, I say he was legislating when he did that.

Mr. DAVENPORT. No; he was not legislating. He was using authority conferred upon him in connection with something that the Tariff Commission, an inquiry body, had done, and it is important that he should have that power in connection with the problem.

Mr. RAMSEYER. Will the gentleman yield?

Mr. DAVENPORT. Yes.

Mr. RAMSEYER. Of course, under existing law the Tariff Commission does not decide rates. The power is in the President to raise and lower rates, but the President has not the right to exercise that power until the Tariff Commission investigates, makes a finding of fact and returns its finding of fact to the President. However, the President is not bound by that finding of fact. He can on his own initiative investigate and arrive at an entirely different conclusion from his own investigation than from the investigation made by the Tariff Commission. That is probably what the gentleman means by the President exercising discretion. We can not, of course, confer upon the President the power of discretion. We must give him a rule to follow, and he acts under that rule when he finds the facts to be along the line that Congress intended they should be.

Mr. DAVENPORT. All of which is permitted in the present law.

Mr. RAMSEYER. Yes; that is it.

Mr. DAVENPORT. Now, it seems to me that under the Senate proposal, about which we are talking to-day, all flexibility is destroyed; that you may have under the Senate proposal a steady stream of tariff business, without let or hindrance, clogging the course of legislation; that under the Senate proposal you may thresh over individual items weeks at a time or not take any action at all. As a result you will have decisions constantly confused and political.

Mr. RAGON. Will the gentleman yield?

Mr. DAVENPORT. Yes.

Mr. RAGON. If you were to take the harness which you use in your bill and put it on the Senate amendment, relating to the parliamentary procedure of the House, what would the gentleman think about it in that event?

Mr. DAVENPORT. I would be very glad if the representatives of the House and Senate, when we disagree—as I am sure we will—would take this bill into conference again, and consider the whole question in the light of the proposal I made a few weeks ago in the House.

Mr. RAGON. The Committee on Ways and Means and the Committee on Appropriations are frequently called in session in advance of the meeting of the Congress; the Committee on Ways and Means to consider tax reduction bills and the Committee on Appropriations to consider appropriation bills; so why could we not have an advance meeting of the Ways and Means Committee for the purpose of acting upon the different items that would come up from the Tariff Commission? Then

when Congress met all we would have to do would be to vote upon the action taken by the Ways and Means Committee.

Mr. DAVENPORT. We would under the pending Senate provision then have the mass action of 435 Members—such as we have had here for a year and a half—on everything that might come along.

Mr. RAGON. Not if you had the provision you make in your suggestion.

Mr. DAVENPORT. No; that is true. I would be very glad, of course, if the proposals I recently made were considered in conference; but I am busy now with this pending Senate proposal. In tariff making under the flexible provision time is of the very essence. We should not have long periods of discussion over individual items, as you could have, and probably would have, under the Senate proposal. The pace of modern business is too rapid for that. One year Germany sent into the United States only 48 gallons of wood alcohol. The next year she sent in 1,700,000 gallons. The synthetic process for making methanol or wood alcohol had been discovered. If the commission had not been in a position to act at once, and the President had not been in a position to act at once, the wood-alcohol industry of this country would have gone to pieces.

Mr. STAFFORD. Will the gentleman yield?

Mr. DAVENPORT. Yes.

Mr. STAFFORD. We all recognize that when this flexible provision was proposed in the last tariff act it was openly stated that it was an experiment. It originated in the Senate, I believe. Now, we have progressed for over 100 years under the old system without this proposal, and the country did not apparently suffer.

Mr. DAVENPORT. Suppose I just reply to that by saying something I was going to say a little later. In the past and in the old days to which, perhaps, the gentleman from Wisconsin may refer, the tariff problem was largely wool, sugar, clothing, steel rails, and tin plate. To-day the tariff problem is an aggregation of thousands of detailed items, many of which require careful adjustments of one rate with another in order not to disturb the whole structure.

The problems, except the major issues which must always be decided by Congress, should be approached by a limited body of unprejudiced investigators who go into the details of chemistry, as they must, of metallurgy, as they must, of animal industry, of textile design, and of ceramic engineering, with all the care of true scientific workmen.

This can not be done any longer by the Congress of the United States. It has to be done by technicians and experts. This is the reason we should not follow the old process.

Mr. STAFFORD. We followed the old procedure when the Speaker of this House led the fight for higher duties on the products of the chemical industry without having conferred such power upon the President.

Mr. DAVENPORT. I will say to the gentleman from Wisconsin that business and tariff making to protect certain kinds of business are growing constantly more complex. Whatever happened in 1922, the time has arrived when it can no longer be done in the old way, in view of the great complexity of the problem.

Mr. REED of New York. If the gentleman will permit a question right along that line, approximately how many items are there in the pending tariff bill?

Mr. DAVENPORT. Twenty-two thousand or twenty-three thousand, I believe.

Mr. HAWLEY. Twenty-five thousand, including all the items that are in the basket clause.

Mr. REED of New York. We could not hope to legislate on all those items individually.

Mr. DAVENPORT. It would be impossible.

Let me return to the matter of the Senate proposal, because I have a little time left. Suppose the House and the Senate differed in political complexion and yet you wanted to carry through important matters in connection with tariff revision. Suppose there is a split report from the Tariff Commission. If you present these matters constantly before Congress, as of right, regularly, in due form, as the Senate proposal does, you put the whole burden back upon the Congress of the United States.

Mr. STAFFORD. Will the gentleman yield for a further question?

Mr. DAVENPORT. Yes.

Mr. STAFFORD. Assume the converse, that there is in the Presidency a person who is in opposition to the views of the Congress. Do we not vest in the President then a very dangerous power to cut down the rates perhaps 50 per cent? Would this Congress be willing to yield that power to a President who was in opposition to the position of the Republicans who believe in a protective tariff?

Mr. KORELL. May I suggest to the gentleman that the President already has the power to veto the acts of the Congress?

Mr. DAVENPORT. Oh, yes; there is no doubt about that. [Applause.] Have I any more time to answer further the question of the gentleman from Wisconsin or to continue the discussion?

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. HAWLEY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. CHINDBLOM].

Mr. CHINDBLOM. Mr. Speaker, the issue which we shall determine by our vote at the conclusion of this debate will be whether we shall accept the Senate amendment or send the Senate amendment, as well as the House provision, to a conference for further consideration there. If we accept the Senate amendment we have, of course, closed the matter, and we will then proceed hereafter in regard to future tariff revision in the manner provided in that amendment.

My good friend from Arkansas [Mr. RAGON] made considerable argument, as I understood him, out of the fact that the Senate amendment simplifies the procedure in both the House and the Senate; that when the commission makes a report and sends it to Congress, Congress shall then immediately proceed to consider the single item which is in that report; and the gentleman called attention to a paragraph in the Senate amendment which I shall read now:

> Any bill having for its object the carrying out, in whole or in part, of the recommendations made by the commission in any such report shall not include any item not included in such report; and in the consideration of such bill, either in the House of Representatives or in the Senate, no amendment thereto shall be considered which is not germane to the items included in such report.

The Senate, realizing that sending such a report of the commission to the Congress, either to the House or to the Senate, might open up—and probably eventually would open up—the whole question of tariff revision, has sought in this paragraph to limit the consideration by the House or the Senate, and by both branches, to the matter contained in the commission's report.

Now is this possible? I say it is absolutely impossible. I say that that provision is a nullity. I say it is absolutely unconstitutional, but its constitutionality will probably never come before the Supreme Court, because the House and the Senate themselves will determine that issue as a matter of their own right.

The attempt is made here to determine rules of procedure for the House and the Senate. The Senate amendment provides that any bill that is intended to carry out the recommendations of the commission shall not include any item not included in the report. How can Congress limit a Member of Congress in the bill which he introduces in the House or in the Senate for consideration?

Then the amendment goes on and lays down rules for the action of both the House and the Senate in the consideration of the bill.

Now what does the Constitution say? The Constitution provides, in section 5 of Article I, that "each House may determine the rules of its proceedings." When the Constitution says "may" in this instance it means "shall"—that each House shall determine, that it has the power to determine.

The House determines its rules of procedure and the Senate determines its rules of procedure.

More than this, the Constitution says that legislation in the matter of raising revenue shall originate in the House of Representatives and not in the Senate, and further on it says, and I will read the whole of section 7, article 1:

> All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

The Constitution gives the Senate the right to concur with amendments, and yet the Senate, by its amendment to this bill, would try to curtail its own power in the matter of proposing amendments to a bill originating in the House.

The whole provision, if enacted into law, might be held to have the effect of a rule of each House during the current Congress, subject to change by each House at any time. It has been held in the House repeatedly that "the power of each House of Representatives to make its own rules may not be impaired or controlled by the rules of a preceding House" (Hinds' Precedents I, 187, 210; V, 6002, 6743–6747), "or by a law passed by a prior Congress (Hinds' Precedents I, 82, 245; IV, 3298, 3579; V, 6765, 6766; House Manual, 1920, p. 19).

I will say deliberately—and I do not think there can be any possibility of contradiction—that each House adopts its own

rules, and even if we adopt a law in which we try to regulate the rules and procedure in the House or the Senate, the House or the Senate alone can change it. Even if this law should be passed, we could the next day adopt a rule of this House which would violate that procedure, because the Constitution says that each House has the power to adopt its own rules.

We know how this thing came about. The Senate found itself in the predicament of having proposed an amendment in the matter of the flexible provision under which there was danger, apparent to everybody, that the whole question of tariff revision would arise every time the commission submitted a report to Congress. So they tried to close the door by such a provision as this. If we adopt the Senate amendment, we have adopted that procedure which is absolutely futile. [Applause.]

Mr. Speaker, let us vote to disagree to this Senate amendment and then send the matter to conference, in the hope that the present law, with the changes proposed in the House bill, may be retained, continuing the power of the President, after investigation by the Tariff Commission, to proclaim changes in the tariff rates, as he may find proper under the safeguards and limitations of the law, with the same salutary and beneficient effect which has attended the work, in this regard, of the Tariff Commission and the President since the enactment of the tariff act of 1922.

Mr. RAGON. Mr. Speaker, I yield two minutes to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Speaker, when this tariff bill originally passed the House I spoke against the flexible provision. In my judgment it is an abject surrender of the functions of Congress to the Executive.

I am not going to attempt to reiterate what I then said, but I desire to call your attention to this one thing. Think of the potentialities for destroying popular government if any Executive has the right to make the tariff, and in my judgment, under the House provision, the President can make tariff laws.

I have the highest respect for President Hoover, but I would not vote to grant this power to any president, be he Democrat or Republican. [Applause.]

Just think, before election some manufacturers interested in a higher tariff might contribute $10,000,000 or $20,000,000 for political campaign purposes, if given tariff benefits. I do not think this power should be lodged with any President.

But I rose specifically to answer the question that the gentleman from Maryland [Mr. CLARK] propounded to the gentleman from Arkansas [Mr. RAGON], in which he stated that the Congress would have a veto over the act of the President. If you pass the House bill the Congress does surrender the power to the Executive, and the President could fix such rates as he pleased. If he raised a rate the only way it could be lowered would be by Congress passing an act. The President could veto it and it would require a two-thirds vote over his veto and it is the rarest thing in the world that a party has two-thirds to override a veto. [Applause.]

Mr. RAGON. Mr. Speaker, I yield 15 minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Speaker, there are undoubtedly those who favor the transfer from Congress to the President of such authority as the House bill provides simply because of their opinion that it is the only means of escaping the evil which attaches to the usual process of framing tariff laws. While wholly disagreeing with that opinion I, of course, concede the existence of the evil which is largely due to the fact that at intervals more or less uncertain there is a wholesale revision of the law then in effect. That the practice is pernicious has long been proclaimed by outstanding leaders, and in reaching that conclusion they did not need to read books treating of the tariff or consult experts familiar with its technical details, or the representatives of business who take part in the struggles when the entire area is opened up for exploration and change. They only needed to apply common sense in the light of accumulated experience. On this point, numberless witnesses of the highest ability and patriotism might be called, but I ask you to listen to only two of them. Years ago Mr. Roosevelt had this to say:

> It should surely not be necessary to dwell on the extreme unwisdom from a business standpoint or from the standpoint of national prosperity of violent and radical changes amounting to direct upsetting of tariff policies at intervals of every few years.

And again this:

> The practice of undertaking general revision of all the schedules at one time and of seeking information as to conditions in the different industries already themselves directly benefited from the rates they enjoy has been demonstrated to be not only iniquitous but futile. It has afforded an opportunity for practically all of the abuses which have crept into our tariff making and our tariff administration. The day of the logrolling tariff must end.

That is the language of a leading Republican, who, however, nowhere indicated his belief that a remedy should be found by transferring authority to the President. In his campaign in 1928, Governor Smith, who had been watching from a distance the painful scenes now and then staged here, had this to say:

> I state definitely that the Democratic Party, if intrusted with power, will be opposed to any general tariff bill. Personally, I regard general tariff legislation as productive of logrolling, business confusion, and uncertainty. I consider the method of general tariff revision to be inherently unsound.

That is the language of a leading Democrat, who nowhere indicated his belief that a remedy should be found by transferring authority to the President. Hardly anyone will dispute that logrolling is a pretty mild term to apply to the general revision which has been going on now for more than 12 months and is still in progress. We can imagine how vehemently it would be characterized by Mr. Roosevelt if he were living, how picturesquely he would employ his rich stock of adjectives and adverbs in describing some of the occurrences which have recently taken place.

During the last 12 months, the present wholesale revision, to a greater extent than any previous revision, has caused widespread resentment and condemnation, and we who bear the direct responsibility should be concerned to think it has lowered Congress in the estimation of the country and bred distrust of the legislative branch of the Government to carry on its work with the caution and wisdom attributed to it by the founders.

We are soon to vote on the question as to how a practice so confessedly bad as to find few defenders is to be superseded by some other policy. We are to vote on the question as to whether the House plan of vesting in the President very great authority to raise or lower duties and thus substantially affect the revenue of the Government shall be approved, or on the other hand, approval given to the alternative plan formulated by the Senate.

Some time ago, the gentleman from Pennsylvania [Mr. BECK], in an unforgettable address, argued against any transfer by Congress to the Executive of its power to raise revenue as a perilous sacrifice of a principle which for centuries has been regarded as fundamental. Although sharing the opinion expressed by Mr. Roosevelt and Governor Smith, I am one Member who would unhesitatingly prefer to bear all of the ills which characterize the practice of wholesale revision, rather than violate the principle for which the gentleman from Pennsylvania so vigorously contended. It is true, as Mr. BECK pointed out, that the Supreme Court has upheld the flexible provision of the Fordney-McCumber Act, which furnishes the President a definite standard for the exercise of the authority conferred on him, namely, the difference in costs of production. No one can predict what the court would do about the new and much less definite standard; that is to say, unrestricted consideration of competitive conditions as provided by the House bill. It is easy to believe that the court having held that where there is a fairly definite standard provided, the President is to be regarded as acting as the mere agent and spokesman of Congress might hold that where the standard is completely lacking in definiteness, the President is not to be regarded as acting in that sense, but as doing things which, according to the design of the fundamental law, can be performed only by the Congress itself. But however that may be, it is no more than the function of the court to pass on the validity of legislation, whereas unless in some instance the Constitution compels Congress to legislate, it is the primary function of Congress to decide whether it is wise to legislate, wise to enact such legislation as the provision now under discussion. When we are told by those who are sanguine of what would be the court's attitude in respect to the new flexible provision, we should not take comfort from that, but rather think of the words of St. Paul, the statesman of the New Testament:

> All things are lawful unto me, but all things are not expedient.

When we are asked to accept the legalistic view that there can be no misgiving about what the Supreme Court would decide, we may think of the words of the great English statesman, Edmund Burke, who, in discussing the right of the British Crown to tax the Colonies, said:

> It is not what a lawyer tells me I may do, but what my conscience tells me I must do.

England has no written constitution, and Parliament can divest itself to any extent it may think proper of the taxing power by transferring that power to the Crown. But, as stated by the gentleman from Pennsylvania, in one of the most memorable contests that ever occurred in that country, in which King Charles I lost his life, it was finally and forever determined that the power of taxation should remain in and be exclusively

exercised by Parliament. That was a contest waged not for or against the construction of a constitution but a contest in support of a principle deemed an essential guaranty of civil liberty. The Crown engaged in raising revenue by ship-money writs independently of Parliament. Commenting upon the beginning of the struggle, Lord Nugent in his work on John Hampden says:

> The first ship-money writ may be considered as the foundation, though laid by no friendly hand, on which was afterwards to be reared the stoutest buttress of our English system, the entire and undisputed control of Parliament over the supplies.

There was no written constitution fixing the rights of the American Colonies when the Government of the mother country attempted to impose and collect the stamp tax, but, nevertheless, Patrick Henry, in spite of all the reactionary hostility he encountered as the champion of a principle which he was not willing to yield to the slightest extent, secured the passage of a resolution in Virginia declaring—

> That the general assembly of this Colony have the only and sole exclusive right and power to levy taxes and impositions upon the inhabitants of this Colony, and that every attempt to vest such power in any person or persons whatsoever other than the general assembly aforesaid has a manifest tendency to destroy British as well as American freedom.

That event in the little town of Williamsburg, just 165 years ago this month, within a decade led to the Revolution and ultimately to the formation of our Union. In the Colonies, as in England, the struggle was for the sanctity and preservation of a principle which does not spring from or depend upon any written constitution but is a corner stone of the structure of representative government.

It seems to me that too little attention has been paid to the fact that one of the capital achievements of those who founded our Government is the distinct separation of the three great departments, and that this conception is ignored whenever the taxing power is handed over to the Executive. We have boasted to the world of that achievement. It represented the conception of the framers of the Constitution and of the greatest men who have served in the Presidency. You will remember that it was insisted on by the first President when the Jay treaty was under consideration. I can not imagine that anything like the so-called flexible provision would have received his sanction or the sanction of any of his successors in many of the years that followed. They were not only acquainted with business conditions and methods but with theories of government and with the history and fate of nations.

I do not understand that in any of the States of our Union there has been any abandonment of the principle by vesting in a governor or any agency outside of the State legislature of any scintilla of the power to lay taxes and raise revenue, or any thought or suggestion of such a thing.

An ominous feature of the surrender or relaxation in any degree of a supreme governmental principle is that a step once taken so often leads to other and rapid steps in the same direction. Says Junius, the most famous of all letter writers:

> One precedent creates another. They soon accumulate and constitute law. What yesterday was fact to-day is doctrine; examples are supposed to justify the most dangerous measures, and where they do not suit exactly the defect is supplied by analogy.

It was insisted when the Fordney-McCumber law was enacted that the flexible provision was intended for temporary use, but now it is urged as a permanent policy.

There has been some statement heretofore of the practical objections to the flexible provision. It has been correctly stated that a flexible provision can not be modified or repealed except by a bill which the President in his discretion may veto, and that when under the provision a duty is established by the President it has the effect of a statute and can only be modified or repealed by a bill which is subject to veto. It may further be stated if the expectations of those who favor the plan are realized that there will be almost continual action by the Executive in changing and varying duties, and we can not help knowing that the President, whose time is so fully occupied, will after a while, if not at once, completely defer to the Tariff Commission and accept the findings which the commission presents to him. Are we so enamored of the commission form of government as to be willing to enact legislation which will inevitably bring about that condition? I am not, even if I could be certain of the Tariff Commission being always composed of men of the very highest ability, equipment, and integrity. But there can be no such certainty. Distrust, no less than vigilance, is the price of safety. All of us who have been in Congress for a decade have witnessed with shame too much official corruption and maladministration, and during one administration very close to the highest office, to feel any assurance that a commission might always be trusted to do the work which Congress itself should perform.

The argument might be protracted, but the sum of all of it is this: The power to raise revenue does not belong to the White House at the other end of the Avenue but to the Capitol at this end of the Avenue. It is a power residing here about which a sacred circle should be drawn which no one should be permitted to invade.

I should not omit to refer to the opinion of another statesman. I have come across an address delivered by the very able and experienced Speaker of the House, for whom I have a most warm regard, in 1911, when he was discussing a proposal to establish a tariff commission. He was unreserved in criticizing the habit of wholesale tariff revision. Among other things he said:

> The trouble with our system is that the witnesses who appeared before the committee of Congress were not in all cases unprejudiced. We have had on the one hand the producer, to whose interest it is that the duty shall be as high as possible, and on the other hand we have had the importer, to whose interest it is that the duty should be as low as possible. I believe that both of these two classes have meant and intended to state only the facts, but, after all, those facts could not escape being tinged with bias on one side or the other, and it has been my experience as a member of the Ways and Means Committee that we have been frequently left between the two horns of a dilemma and the duty resulting has been largely guesswork.

He further said:

> Under our legislative practice it is impossible to change one item without opening up every other to change an amendment. The time has come when these rules should be so modified as to make it possible to pass through the House of Representatives the needed amendment to the tariff, if it only be the duty on a single item, without throwing open the entire discussion.

Thus he perceived just as clearly as Mr. Roosevelt and Governor Smith the evil of the habit of wholesale revision to which Congress has become addicted. But he was very far from suggesting as a remedy that authority to deal with the duty should be devolved upon the President. Taking exactly the contrary position, Mr. LONGWORTH made this emphatic declaration:

> As a Member of the House of Representatives intrusted by the Constitution with the origination of revenue legislation, I am very jealous of those powers and I am opposed to the delegation of even a shadow of that power to any other body of men, and it would be the delegation of at least a shadow of that power to give them [referring to a Tariff Commission] the right to recommend specific changes in an existing schedule.

Like Mr. LONGWORTH I am resolutely in favor of Congress reserving to itself every shadow of the power to raise revenue. It should not yield that power or any shadow of it to the President. It should not yield that power or any shadow of it to a Tariff Commission. But disagreeing with him that to make much greater use of the Tariff Commission involves any delegation of congressional power, I profoundly believe that the remedy we are seeking is to be found along the line of the proposal which the Senate submits as a substitute for the flexible provision of the House bill. As I understand, at the heart of that proposal is the suggestion that the Tariff Commission should be authorized not only to make thorough investigations but to recommend duties which in its judgment should be adopted, it being clear, however, that the recommendations are in no sense final so far as the commission is concerned, and not to be made final by the action of the President, the final decision in every instance to remain with Congress.

Though convinced that the Senate has rightly rejected any plan of transferring power to the President and by the main feature of its plan suggested the remedy which is being sought, I will take the liberty of discussing some of the matters which will be further considered in conference.

If the commission is to have a maximum of vigor and impartiality, and therefore of usefulness, the tenure of office of its members should be lengthened instead of diminished and their compensation increased, so that there will be the opportunity of obtaining the services of the best men available, who will be enabled to detach themselves, as do the Supreme Court justices, not only from their other employment but from the prospect or hope of other employment. On this point Mr. Hoover, in his message at the beginning of the extra session last year, said:

> The Tariff Commission should be reorganized and placed upon a basis of higher salaries, in order that we may at all times obtain men of the broadest attainments.

If it is to be of maximum value to Congress, it should not only be intrusted with the duty and given the means of constantly making thorough investigations of all the multitude of facts and

circumstances hardly capable of being enumerated in any statute which should be taken into account in determining duties, but it should be vested with the further authority to recommend directly to the House from time to time as it may deem necessary, or may be called on by Congress or its committees to do so, what, in its judgment, the duties in any schedule or on any group of products or the duty on any products should be. Any such recommendation should be accompanied by a full explanation of the reasons on which it is based, and it will be for Congress to determine whether those reasons are valid. Of course, there will sometimes be divided opinions both among members of the commission and among Members of Congress regarding the true significance of the reasons set forth. But a lucid and impartial presentation of the merits in each case will enable the representatives of the people to determine what rates of duty will best serve the interest of the country as a whole.

It is a strange fact that up to this time the Tariff Commission has been confined to furnishing Congress technical and statistical information and prevented from recommending what the duties should be. While a corporation, an individual, a magazine, or a newspaper can make such a recommendation, the commission is unauthorized to do so.

If it is to have a desirable maximum of freedom and reliability, it should not in any case be limited to ascertaining the difference in costs of production here and abroad, nor should that requirement be made pivotal, but it should be authorized to report what it believes, in the light of all relevant evidence, to be the reasonable duties to apply, just as the Interstate Commerce Commission is given the broad power to determine in like manner what are reasonable rates for the transportation of freight and passenger traffic. The law sets reasonableness as the rule and standard for the latter commission, and that should be the rule and standard for the Tariff Commission.

All of this would place upon a President responsibility which he could not escape without lasting discredit of making appointments which would command the respect and approval of the country. He would be charged with the obligation to appoint "men of the broadest attainments" and of uncontested ability, character, and fairness, men deserving universal respect and confidence, and any President for any reason failing to do this would not only incur condemnation but lead to an effort to sweep the commission out of existence.

Should it be objected that the tariff is necessarily a party question, whereas the public issues dealt with by the Supreme Court lie outside of the range of partisanship, the reply is that this was once true but that it is no longer true. There was once party advocacy of free trade or approximate free trade; there was once party advocacy of a tariff for revenue only. But that day has passed. Now both major political parties subscribe to the doctrine of protection, and the only desire of just and honest men in both parties is that the degree and measure of protection shall be reasonable. Those who are impelled by any other desire can not claim to be intellectually or morally just and honest.

Should there be objection to the idea of the difference in costs, which, in my judgment, is unwisely made predominant, being abandoned as the chief factor, the reply is that while that factor should not be overlooked, there is hardly anything more difficult in the field of economics, and even when a foreign country is not involved, than to arrive at the actual costs of production. Some years ago, I believe, the Department of Agriculture embarked on the task of finding the cost of producing wheat in one of the important counties of Iowa and failed to reach a satisfactory result. They found, of course, that farms are not the same in fertility; that they are not equally equipped with capital and machinery; that they are operated by individuals of diverse capacity and energy; and that thus, while the cost of production may be a given figure on one farm and in one limited locality, it is another figure on another farm and in another locality, and nothing is possible except to make an average which counts for little. The Representatives of farming districts here, whatever the main product of their communities, will not deny that such is the case, and without question there is hardly any industry in which the cost of production does not in the same manner fluctuate from nation to nation, from section to section, State to State, and factory to factory. The limit of difficulty and uncertainty is reached in the effort to ascertain costs in this country and costs in other countries for the purposes of comparison and the ultimate purpose of fixing customs duties. At this time, as I understand, there is no representative of the commission working along that line in Europe. It might be noted that at every revision of the tariff Congress has in some instances even expressly refused to consider differences in costs of production and in other instances has tacitly ignored them. The House, when considering the bill now in conference, declined to put a duty on cotton of extralong staple in spite of the lower costs in Egypt; both Houses refused to levy a duty on petroleum; and other instances might be enumerated. Congress has thus acknowledged that other considerations should be weighed in fixing duties in addition to the difference between foreign and domestic costs of production. The efficiency of an industry in supplying the needs of the country, the effect of duties on our foreign trade, the dependence of employment in one industry upon the products of another, the practice of discrimination and unfair treatment of our commerce by foreign countries, the existence of monopoly and extortion among our own industries—these and many other facts should receive attention by the commission and should be fully set forth in its reports to Congress. Let me emphasize that a strongly organized and independent commission should extend its investigation in every direction, including production costs when ascertainable, with a view to the one purpose of ascertaining and recommending reasonable rates.

Should it be objected that undesirable delay would result, the reply is that there would be no such delay as now occurs when a tariff law is enacted and then laid aside for several years awaiting another wholesale revision. A few months delay in Congress acting on a schedule or an item would not be disastrous, and a little delay is better than to strike at the principle which Mr. BECK has discussed by authorizing quick action by the President, on the basis of data supplied by the commission.

Should it be objected that it is easier for the committees of Congress to do most of their work during a number of months at long intervals than to keep steadily at work on schedules and items, the reply is that they would be in no worse position than other standing committees which work without intermission. In the constant or frequent study of individual schedules and items, rather than now and then studying the whole tariff fabric, the committees would be pursuing the course of the astronomer who nightly trains his telescope on the separate stars instead of trying to examine the entire planetary system all at once.

Incidentally it can be said that a general revision of a tariff law is somewhat of an anomaly in legislation. There is nothing in the nature of a tariff law differentiating it from any other law, so as to cause a legitimate demand for a wholesale general revision. There can be no such demand by anyone who stops to consider that the specific schedules and the specific items are largely unrelated to the other. For example, it will not be claimed that there is any essential or even remote relationship between the schedules providing duties on metals and manufactures of metals, the schedule providing duties on wool and manufactures of wool, and the schedule providing duties on tobacco and manufactures of tobacco. Nor will it be claimed that there is any such relationship between possible duties on boots and shoes on the one hand and lumber and shingles on the other, or sugar on the one hand and oil on the other. There never has been and never can be a scientific tariff any more than there can be a scientific government, but no economist who deals with the tariff in the effort to give it a nearer approach to a scientific status can believe that any such relationship does or can exist.

I am not proposing that Congress shall be compelled to wait on the recommendations of a tariff commission which it may approve or disapprove, for, of course, it will retain authority to initiate action, but nevertheless I do urge that any law which may be enacted should carry a provision preventing any bill having reference to an individual schedule or an individual rate or regulation from being subjected to any amendment which can not be regarded as germane. The observance of such a law would not be compulsory, but it would, at least, have a persuasive effect. It would tend toward any tariff bill being considered under such a rule of procedure as was enforced when the so-called popgun tariff bills and the farm emergency tariff bills were considered several years ago, and when the proposal to open up all the schedules was rejected.

No legitimate remedy except the substantial proposal of the Senate will prevent or quiet the storm which breaks over the Capitol and the country every few years when there is a sweeping revision of all the schedules and all the administrative provisions. It is a storm in which deserving interests are hopelessly confused with undeserving interests. It is a storm marked by endless lobbying, bickering, bargaining, and trading, in which all of the most sordid elements of greed find the opportunity for aggrandizement and profit. It is nothing less than a menace to the standards and ideals of government we are supposed to cherish. That remedy impresses me as being the only alternative short of abandonment by Congress of the power which it should insist on retaining and should alone exert.

I am not speaking as a party man, or as an ultraconservative or as a radical, or with any sectional prejudice. I am trying

to speak as a Representative, anxious, as you all must be, to preserve from any weakening and disarrangement of our political institutions, and to improve the legislative processes upon which so largely depends the welfare of all the people.

If the House insists upon the flexible provision written in the bill reported by the Committee on Ways and Means, then the appeal should be to the Senate, which has so often proved the value to the country of careful and deliberate consideration under liberal rules, to adhere to its proposal, which is of such vital importance, and save us from the inevitable transfer to the President in the days to come of a very much more extensive authority in imposing taxes and raising revenue than now contemplated. It would be better that there should be no legislation whatever than that the Senate should yield to the House. In defeating the bill, if circumstances should require that to be done, the Senate would be holding the Government upon its ancient ways instead of continuing it upon a new and dangerous course. [Applause.]

Mr. HAWLEY. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, I had not intended to take part in the debate until I heard Member after Member rise here to-day and say that if Congress should vote to pass the amendment which was then pending the bill would be vetoed by the President, and that therefore they did not propose to vote for it. As I listened it occurred to me that I had read somewhere what the English House of Commons thought of a statement of that kind, and I sent to the Congressional Library for John Fiske's Critical Period of American History and found that my memory had served me well. I will read from page 46 of this volume:

> Four days later the House of Commons by a vote of 153 to 80 resolved—
>
> That to report any opinion or pretended opinion of His Majesty upon any bill or other proceeding depending in either House of Parliament, with a view to influence the votes of the members, is a high crime and misdemeanor, derogatory to the honor of the Crown, a breach of the fundamental privileges of Parliament, and subversive of the constitution of this country.

In England the reporting to the House of Commons of the opinions of the King, with a view to influence the votes of members, is a high crime and misdemeanor; and yet just such reporting of the opinions, or pretended opinions, of the President, with a view to influence the votes of Members of this House, has been heard repeatedly to-day on this floor.

That sort of thing, this talk of a veto, is not argument; it is a mere threat.

I did not hear the letter of the President when it was read this morning by the gentleman from Connecticut, but I did a little later hear the speeches to which I have referred.

I have the utmost respect for President Hoover, a very able man, earnestly and honorably striving to serve the country. But we must remember that the author of that letter is the man who directly or indirectly appoints all the postmasters, all the Federal judges, all the heads of departments and many of their subordinates, all the United States marshals and district attorneys, all the officers of the Army and of the Navy, and that he is the most powerful dispenser of patronage in the world.

Mr. Speaker, it is a serious thing for the Congress of the United States to be confronted by threat of a veto as it tries to legislate. We are elected by honorable constituencies. We are supposed to do our duty, as we understand it, under our oaths to support and defend the Constitution of the United States. There ought never to be the slightest attempt to coerce our votes. The Constitution provides a way in which the President may communicate with Congress, and that is by message. And here I am reminded of a great truth uttered by Daniel Webster in his speech on, I think, the presidential protest:

> During the ages the contest has been to rescue liberty from the grasp of Executive power.

Mr. Speaker, I close by again inviting your attention to the resolution of the House of Commons:

> To report any opinion or pretended opinion of His Majesty upon any bill or other proceeding depending in either House of Parliament, with a view to influence the votes of the members, is a high crime and misdemeanor, derogatory to the honor of the Crown, a breach of the fundamental privileges of Parliament, and subversive of the constitution of this country.

I do not say that the President did wrong. Not at all. I simply direct attention to the great difference in the views of the British Parliament and those of the American Congress as to what is proper in legislative discussion.

Mr. CLARK of Maryland. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. CLARK of Maryland. The gentleman has made a very interesting address. Is not our President constantly criticized for failure to indicate his attitude on pending legislation?

Mr. COOPER of Wisconsin. Not by people who really think.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. DENISON. In another legislative body when the debenture plan was under discussion, the President was criticized over and over again by a supposed statesman because he would not indicate whether he would approve the bill with the debenture in it or not.

Mr. COOPER of Wisconsin. I prefer to abide by the provision of the Constitution, which declares that the President of the United States may communicate from time to time by message to the Congress—and that means both Houses—and recommend for their consideration such measures as he may wish to recommend; but I do not think that that provision rightfully interpreted would permit a private letter from the President to be read during debate on the floor of the House. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. RAGON. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. SUMNERS].

The SPEAKER pro tempore (Mr. MERRITT). The gentleman from Texas is recognized for five minutes.

Mr. SUMNERS of Texas. Mr. Speaker and Members of the House, the proposition now being considered, in my judgment, is one of the most important which has confronted representative government in 200 years. When we pass legislation of this sort we ought to run down the flag that floats up there [indicating] and run up one that is snow white—the flag of surrender.

In recent years we have been engaged often in this body in a surrender by the Congress to the President and to boards and bureaus of legislative powers for which our ancestors shed their blood on a hundred battle fields. We confronted a somewhat difficult problem; yes, in this tariff matter. Instead of creating an agency controlled by Congress and clothed by Congress with power to aid it, and responsible to Congress, we make a cowardly surrender to the Executive of the taxing power. That is the truth.

When we do that we violate not merely the written Constitution of the United States, which puts the power to legislate concerning revenue in the hands of this body, and puts the responsibility here, and puts upon us a sacred obligation, but we violate the laws of nature, which govern everything. It is not an accident that the power to raise revenue has been vested in the legislative branch of the Government. In this thing we violate, as I say, not only the Constitution but we violate the natural laws of government in every particular. I challenge the history of the ages to prove the contrary. Every attempt to lodge in the Executive the power to deal with revenue has met with disaster.

Mr. CLARK of Maryland. Mr. Speaker, will the gentleman yield there?

Mr. SUMNERS of Texas. No; I regret I can not yield.

This provision does two bad things. One is that it takes from the legislative branch of the Government the responsibilities which it must exercise in order to preserve its virility and grow stronger and more capable to meet the greater duties of to-morrow, and it places too much power in the hands of one human being. It is the power of economic death over industries dependent upon the protective tariff, which we place in the hands of the President and of his board. It is only a question which President will abuse that power. Nature compels the observation of its laws as much by the limitation which it puts upon human capacity as by the capacity which it gives to human beings.

This proposition continued for any length of time in effect would be hurtful both to the legislative and to the executive branches of the Government; to the legislative because it would relieve it of a natural responsibility which it must exercise if it is to retain its virility and efficiency as a coordinate branch of the Government. Power will not remain where it is not used. Nature will not waste its energies. The surrender by the Congress of this responsibility is a suicidal act. It would be equally hurtful to the executive because it would give to it an unnatural, too great, and therefore dangerous power. Aside from the unnatural location of the taxing power involved, this provision puts the head of every individual of every interest affected by the tariff schedule in this flexible tariff vise with the President's hand at the screw, with the power, he and his board, which he nominates, and may discharge at will, to move the

schedule 50 per cent up, or 50 per cent down, and which power, by the way, heretofore exercised in every important instance, has been to move the rates upward.

The history of governments and a correct estimate of human nature leave no question that this is too much, too arbitrary a power, too susceptible of abuse, for any human being to possess in a free government. There is too much involved for us to hesitate to face the situation. Let us take an extreme case: Suppose a President should be a candidate for reelection, and at that time there should be at the head of his political party organization a political racketeer with the fact known that this person was the personal friend of the President, hand picked by him for the head of the organization. Do you suppose this person, regardless of the actual fact as to the President's attitude, would have any trouble getting all the money and all the help he wanted as contributions from these American citizens whose heads were in this flexible tariff vise, or that he would fail out of any sense of delicacy to do it, especially if it afforded him an opportunity to use, with no scruples to prevent, the funds collected for some side ventures, in the stock market for instance?

The President is fighting for this power. He has no business with it. It would inevitably destroy public confidence in that magistracy. Too much power is dangerous—even more so than too little.

This proposed shift would leave the legislature with too little power, bereft of a natural responsibility; the Executive with too much power, possessed of an unnatural responsibility.

If such an agency with such a power as is proposed by this provision is to be set up it should be an agency of the Congress, created and controlled by the Congress, and responsible to the Congress, which under the Constitution and under the most fundamental natural laws, as the legislature, is responsible to the people for policies and schedules of taxation.

Mr. HAWLEY. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

The SPEAKER pro tempore. The gentleman from New York is recognized for five minutes.

Mr. LAGUARDIA. Mr. Speaker, I have asked for this time in order to read to the House a statement from one of our colleagues who is unable to be here to-day owing to illness. His statement is of great importance in this matter, because he is a friend of the bill; he is a protectionist; and because every Member of this House has great admiration and respect for his learning and ability. He is a recognized and outstanding authority on the Constitution, and an able legislator.

With the permission of the House, I shall read a statement from our colleague, JAMES M. BECK, of Pennsylvania. I read:

"It is a great disappointment to me that an unfortunate injury, which I sustained on Wednesday last, will prevent me from attending the House to-day and joining with those of both parties who, in the matter of the flexible tariff, will defend the ancient prerogative of this House to originate revenue measures and the exclusive power of Congress to impose taxes. I am indebted to my esteemed colleague from New York for this privilege of reaffirming the views that I expressed in this House on May 22 last and my belief that the House flexible tariff provision, if finally enacted, would mean a momentous and indefensible change in our form of government.

"If it should unhappily prevail, then in this important matter of taxation, the Congress, in the last 14 months, has only been engaged in the futile task of suggesting minimums and maximums within which the tariff duties may ultimately be imposed by the President. In that event, the Congress has now only nominated a duty of 2 cents per pound on sugar and it is for the President to say whether the real duty shall be 1 cent or 3 cents. In most cases this discretionary margin will measure the difference between a truly protective tariff and a tariff for revenue only. It is certain that all American industries which are dependent upon a tariff to protect them from foreign competition will exist subject to the hazard that the Executive, with the aid of the Tariff Commission, may deprive them of the protection which the Congress intended they should have.

"I fully recognize that nothing would be farther from the purpose of the present President of the United States. He believes in a high protective tariff, and I recognize the probability that he would be more disposed to raise the duties than to lower them. But no one can now say with any certainty who the next President of the United States will be, and the man is blind who can not see that, with the disruption of both political parties on the prohibition issue, any result is possible. If, in the coming upheaval in politics, a free-trade President should be elected in 1932, he can, with a subservient Tariff Commission, at once reduce duties upon manufacturing products by one-half under the pretense that he is thus aiding the farmer.

"Therefore, as a believer in the policy of protection, I am opposed to putting it to the hazard of one-man power, but, apart from this economic objection, I can not believe that our form of government can be preserved if, in defiance of the plain letter of the Constitution, we transfer, to a large extent, the taxing power of Congress to the Executive. In this country, as in every country, political institutions are in a state of flux. The idea that a written Constitution can preserve them is the great illusion. It is certain that the founders of the Republic never intended to vest the taxing power in the President. They did not believe that one man, with or without the aid of a few tariff commissioners, could determine questions of economic policy, upon which the welfare of the entire country depends. They believed that, as the House of Representatives was the most recent expression of the will of the people, revenue measures should originate there, and that the Congress, composed of Representatives from every section of the States, and of Senators who represent all the States as political entities, could best determine what taxes should be imposed upon the American people. Such is our constitutional duty, and we shirk it if we, for example, merely nominate a duty of 2 cents a pound on sugar and leave to the President the determination of the question whether the real duty shall be 1 cent or 3 cents.

"I feel so deeply on the subject that I have dictated these views, and if I were present in the House I should vote for the Senate flexible-tariff provision, which vindicates the constitutional prerogatives of Congress, and against the House provision, which virtually surrenders the taxing power to the President and against any suggested compromise which vests a power in the President to impose a tax."

That is from the gentleman from Pennsylvania [Mr. BECK]. [Applause.]

Mr. RAGON. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. CELLER].

The SPEAKER pro tempore. The gentleman from New York is recognized for five minutes.

Mr. CELLER. Mr Speaker, ladies and gentlemen of the House, I am opposed to the delegation of the flexible tariff provision to the President; first, because I do not believe in that policy; and secondly, because I have the temerity to maintain that the law in that regard is unconstitutional.

I say that in spite of the Hampton case, wherein the Supreme Court held that the flexible provisions of the tariff act of 1922 were constitutional. But the Supreme Court has often reversed itself. I maintain that if a case ever comes before the Supreme Court again the court would change its attitude and declare the statute unconstitutional.

The Supreme Court in the case of Miller against Oregon has recognized that situation. It has a right to change its mind, and on this point has stated:

> When a question of fact is debated and debatable, and the extent to which special constitutional limitation goes is affected by the truth in respect to that fact, widespread and long-continued belief concerning it is worthy of consideration. We take judicial cognizance of all matters of general knowledge.

In other words, the court said that it could upset a decision; it could change its opinion. And for that purpose must take judicial cognizance of all facts and circumstances, and therefore I maintain that after eight years of trial of the flexible provisions of the tariff act of 1922 a new set of circumstances has arisen which justifies such a change of opinion. There is at the present time a new set of facts which would prompt the court to reverse itself.

In the Hampton case the court said, as follows:

> What the President was required to do was merely to execute the act of Congress. It was not the making of law. He was the mere agent of the law-making department, to ascertain and declare the event upon which its expressed will was to take effect.

It was thought by the Congress, when it enacted those provisions, that the difference between the cost of production here and abroad was actually and easily ascertainable. It was thought that there were reliable guideposts to gage those differences in cost. But eight years of operation of the act have shown anyone with understanding that there are unlimited differences of opinion, and that, therefore, the difference between the two costs can not actually be ascertained.

The Tariff Commission investigated the costs of 21 different commodities, and they could not agree among themselves as to the actual differences between the costs of production here and abroad. In other words, there have been eight years of constant controversy, eight years of unlimited discretion; and





where there is controversy, where there is discretion, I maintain there is legislating. Therefore, the Supreme Court undoubtedly would hold, in the light of the history of the flexible-tariff provision, that the President has been given by the Congress the right to legislate, which is a right we can not delegate, and the provision therefore would be declared unconstitutional.

Sugar is a case in point. Two commissioners offered an opinion to decrease the duty; two commissioners dissented; one failed to participate. The President, thwarting the expressed will of Congress, refused to abide by the majority view of the commission. Instead of promulgating a decrease of duty, he refused—using the language of the Supreme Court in the Hampton case—to execute the will of Congress; refused to act as a "mere agent"; refused to recognize the "event" upon which the duty was to be changed.

In his opinion he reveals that he took the following matters into consideration:

That the farmer is entitled to share with the manufacturer benefits under the protective-tariff system.

The need for the revenue arising out of the sugar tariff.

That it is desirable that sugar beet be grown as a substitute for wheat in order to reduce wheat acreage; and also that sugar beet is a desirable diversifier of crops.

The desirability of becoming independent of foreign sources for an article of food supply.

The danger of foreign combinations to manipulate prices.

Concerning costs of production, he said that a wide variety of conclusions could be obtained by alternative methods of interpretation of the same basic data.

He had no right to inject these matters of policy. He was legislating, and when we give him the right to legislate we delegate something which we have no right to delegate—power to legislate.

The Supreme Court would recognize the practice that now obtains concerning the flexible provisions. It would recognize that the President is no "mere agent," that the President usually refuses to recognize the "event" upon which he must act in order to reduce the duty. It would recognize that the President really legislates. It would recognize that there are no fixed standards, no definite signposts, and that in the light of present-day circumstances the delegation of tariff flexible powers is unconstitutional.

The SPEAKER pro tempore. The time of the gentleman from New York [Mr. CELLER] has expired.

Mr. HAWLEY. Mr. Speaker, I yield 15 minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. It is with regret, shared, I am sure, by all Members of the House, that I have heard that the gentleman from Pennsylvania [Mr. BECK] is detained by reason of illness. It had been my hope that in his presence I might lay before the House views opposing those that, in the matter at issue here, the gentleman from Pennsylvania holds in respect to constitutionality. Courtesy will preclude me from proceeding with that frankness in which I might have indulged had the gentleman from Pennsylvania been in attendance, but inasmuch as his views have been voiced on the floor this afternoon, and reference has been made to them with the use of his name by certain gentlemen who have spoken, I shall feel at liberty to address myself to some of their arguments, even though they coincide with those of the gentleman in question.

Mr. GOLDER. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. GOLDER. In order to relieve the gentleman from some possible embarrassment, I desire to make this commentary, that the gentleman from Pennsylvania [Mr. BECK] found it necessary to go outside of the entire Pennsylvania delegation to have his views expressed in his absence.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. LUCE. I think what my friend might have to say would hardly be relevant to what I am about to reply to the last speaker, who voiced similar views.

The gentleman from New York [Mr. CELLER] had resort, as have had other speakers, to the contention that is raised not only in this but in other fields, notably one where grazes assiduously the gentleman from New York who read the statement [Mr. LAGUARDIA].

In various directions gentlemen confronted with the language of the Constitution and its interpretation through more than a hundred years, have found no escape except to say that the courts were wrong, and if they considered the matter again they would have a glimmer of reason. Such gentlemen go beyond that in one of these other fields, and say that under such circumstances it is the privilege, the right of every citizen to go where and do what he chooses, that the rule of his conduct shall be what he thinks the law ought to be, not what it is. Remembering the oath we took when the deliberation of the term began, it seems to me that I am more wisely adhering to the old ways in pleading rather that the words of the Supreme Court shall guide our actions and be accepted as our faith until there is some change in the Constitution itself. I am quite aware that elsewhere at the present time, men are proclaiming that no man shall be made a judge of the Supreme Court unless in advance he pledge himself to vote as this or that faction says is right, unless he promises to disregard his conscience, to disobey his oath of office, and become the subservient slave of any group which at the moment chances to have political power. To such doctrine I will not subscribe, and I am not subscribing to-day to the theory that the unanimous views of the Supreme Court in the Hampton case have no binding effect upon our judgment or our consciences.

Let me address myself, however, chiefly to some of the inconsistencies that crop up in this matter, leading us to doubt whether the gentlemen who have discussed it in the past or who are discussing it to-day are quite sincere in their contentions.

I believe I am within parliamentary rules—although they have of late become somewhat uncertain—in referring to what the Senate has actually done. The Senate has submitted to us an amendment that will be the first thing upon which we are to vote at the end of this debate. I would point out to you that whoever elsewhere concocted this amendment and the gentlemen in this body who now support this amendment have neglected to carry their constitutional principles a few pages farther in the bill, where I find no suggestion to modify the words in relation, for example, to unfair practices in import trade; where no stalwart defender of the misinterpreted Constitution rises and objects to the language "when found by the President to exist," or, a little farther on, "established to the satisfaction of the President," which gives him the power absolutely to exclude articles from the United States, a greater power than that contemplated by the House provision that is questioned in the matter of the flexible tariff. Let me call the attention of the critics to these words, under the heading Discrimination by Foreign Countries:

> The President, when he finds that the public interest will be served thereby, shall by proclamation specify and declare new or additional duties.

I am going to repeat that for the benefit of my friends on the right who with practical unanimity are now taking a position which they did not think to take some eight years ago, when the present law was enacted:

> The President, when he finds that the public interest will be served thereby, shall by proclamation specify and declare new or additional duties.

Will some gentleman rise on the right-hand side of this House and tell me why he did not protest against that? No gentleman has questioned this language.

Mr. McKEOWN. I am questioning it now.

Mr. LUCE. I am glad there is one righteous Democrat who is consistent in his views upon this subject.

I have referred to the powers given to the President. On the 15th of last June we passed what is known as the agricultural marketing act. I find in that act that the Farm Board may make such regulations as are necessary. That is natural. There are six permissions to act if the board "finds" a certain state of affairs. Nine times the law uses the expression "in the judgment of," twice the word "deems," and once "in the opinion of." There are 19 instances of this sort of delegation of power in this one law. Will some gentleman on my right rise and say he objected to any one of those 19 delegations of power? He comes here to-day and says it is unconstitutional, but last year, when the farm bill was up in the interest of the agricultural classes, not one of the 19 of these provisions was objected to by the Democratic Party.

I say "the Democratic Party," because evidently the opposition to the pending measure, as far as solidarity goes, is on the Democratic side. So I would like to remind our Democratic friends and the public that the last Democratic platform expressed the desire for a Tariff Commission that should be "quasi judicial." If that does not mean a delegation of judicial power, what does it mean?

I further find that they pledged themselves to give to the country, if put in power, duties that would "permit effective competition." They said the—

> Actual difference between the cost of production at home and abroad, with adequate safeguard for the wage of the American laborer, must be the extreme measure of every tariff rate.

To-day they rise and say they object because it will prove impossible to determine the difference between competitive conditions here and abroad. They insist that cost of production should be the yardstick. Yet the experience of eight years has taught us that simply to try to determine the difference in costs of production does not suffice.

Mr. Speaker, each day when I come across from the House Office Building to this edifice I pass under two trees whose limbs are almost bare. They are ancient, gnarled, decaying trees, and their limbs have just shown an indication of bearing leaves. All about are other beautiful trees, full of leaves and glorious in the May sunshine, but these two trees are about a month behind the others. I am inclined to think they must be Democratic trees [laughter]—always behind. These gentlemen, failing to watch the experience of the Tariff Commission, are still at the point the Republicans reached eight years ago—that of comparing costs of production. They complain because, profiting by experience, we wish to go beyond that and add to costs of production other tests of competitive conditions.

In this matter of the delegation of power I know there are men who still demur. My friend from Virginia voices the arguments, and in the same strain in which they were presented so eloquently on this floor about a year ago by the gentleman from Pennsylvania [Mr. BECK]. They have been voiced by other gentlemen. They start off with an incorrect premise. They have not observed the language of the Constitution itself, which gives to the Congress the power to lay and collect "taxes, duties, imposts, and excises"—four different things. These gentlemen argue as if "taxes" covered the whole matter. The tariff, however, does not come under the head of taxes. It comes under the head of "duties," which are a distinctly different affair. A tax is levied with some degree of proportionality, bears upon all in a given class, and must be paid by everybody in that class, whether he will or not, while a duty is levied upon those who choose to exercise a certain privilege put within their reach by the Government, the privilege of importing merchandise. It need not be paid by anybody for nobody is obliged to import or buy goods made abroad. It is a fixed, absolute, and direct charge without any regard to the amount of property belonging to those upon whom it may fall, or to any supposed relation between money expended for a public object and a special benefit occasioned to those by whom the charge is paid.

If, then, any especial sanctity attaches to what are genuine taxes, enforced contributions that take from a man the fruits of his labors, whether he will or no, surely no such sanctity attaches to what are no other than license fees, payments for what the law stamps as merely a privilege, that of importing or buying goods made beyond our borders. Patriots get somewhat unduly rhetorical when they proclaim the delegation of fee making to be an invasion of some fundamental human right.

Mr. MOORE of Virginia. Will the gentleman allow me to suggest that it seems to me the logic of his argument is that Congress could pass a statute authorizing the President of the United States to fix all duties just as he might think proper.

Mr. LUCE. The Congress has already put corresponding power in the hands of the Interstate Commerce Commission, and with less limitation than it is here proposed to place on the President. Let me read the language of the court so the gentleman may have it exactly. I am reading from the opinion in the case of Hampton against United States, a unanimous decision, which my friend from New York [Mr. CELLER] thinks will be upset next week if only the court gets a chance at this new bill. Here is what Chief Justice Taft, in rendering the decision, said:

> The same principle that permits Congress to exercise its rate-making power in interstate commerce by declaring the rule which shall prevail in the legislative fixing of rates, and enable it to remit to a rate-making power created in accordance with its provisions the fixing of such rates, justifies a similar provision for the fixing of customs duties on imported merchandise.

Now, sir, if the Supreme Court was right, if the unanimous decision of the Supreme Court, headed by the revered Chief Justice Taft, was right, we could, if we chose, transfer the making of duties to the Tariff Commission within the limitations of a declared rule as set out in the decision of the court.

Note, however, that we propose no such broad delegation as in the case of the Interstate Commerce Commission. That body is restricted only by the requirement that the rates it imposes shall be "just and reasonable." With tariff rates we propose no authority to exercise judgment or discretion. We lay down a definite rule that does not go beyond the ascertainment of a fact. We tell the President of the United States that when a certain state of affairs is found to exist, then certain action shall follow. This is the basis of all the power of delegated authority. Gentlemen have, perhaps, thought that in addressing myself to this question I have not taken the pains to learn something about the history of this thing. Sir, I have read the case of the brig *Aurora*, decided in 1813, for 117 years the law of this land. I am not wholly unfamiliar with the case of Luther against Borden, that of Field against Clark, and many other cases bearing on the subject.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. HAWLEY. Mr. Speaker, I yield the gentleman one more minute.

Mr. LUCE. This minute will suffice for me to express to my friend from Virginia the belief that when he refreshes his memory he will agree that I could from the Federal and State reports cite to him at least a hundred judicial decisions justifying in principle such delegation of power as is here proposed. Upon such delegation depends the operation of government. Without the power to delegate administrative functions, the Government could no longer live. It is vital that the Government shall be able to have administrative agencies exercise its authority as set forth in anticipation of defined contingencies. Because the application of the principle as here proposed will bring relief to Congress, will conduce to wiser and prompter action, will lessen the uncertainties of industry and commerce, will encourage prosperity and so benefit all the land, I trust the House will not accept the amendment of the Senate. [Applause.]

Mr. HAWLEY. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Speaker, I believe in the principle of protection for the American producer. A study of our Nation's history discloses that we have enjoyed our greatest development and prosperity under protection, and other countries are fast adopting the same principle. One of the latest to do so being England, which has always been a free-trade country.

Each time we seek to enact a protective tariff law we meet with greater opposition, due to the fact that many of our large manufacturers have established plants abroad where labor and raw materials are cheaper. It therefore becomes increasingly important that we maintain tariff rates that are up to date and sufficient for our needs. The interests opposed to protection are rich and powerful, and they spend untold sums in propaganda to defeat the enactment of ample protective rates.

Every tariff bill ever enacted by Congress has been assailed and maligned and the Hawley-Smoot bill is no exception to the rule. We all recall the vicious attacks that were made upon Schedule K of the Payne-Aldrich bill. That was the woolen schedule, and the American people were led to believe that its enactment would increase the cost of living by hundreds of millions of dollars, when, as a matter of fact, Schedule K merely imposed such rates upon wool and woolen goods as afforded a fair measure of protection to the American sheep grower and woolen manufacturer. Its operation placed sheep growing upon a prosperous basis and there was no foundation whatever for the attacks that were made against it.

The Hawley-Smoot bill has been similarly attacked. While I do not contend that it is a perfect tariff bill, I do say that it is the best tariff bill for agriculture ever enacted by an American Congress.

Let us see what it does for the farmer. It starts out by giving a rate of 14 cents per pound on butter, 6½ cents per gallon on whole milk and 56.6 cents per gallon on cream. It imposed a rate of $3 per head on sheep, lambs, and goats; 5 cents per pound on dressed mutton and 7 cents per pound on dressed lamb. Cattle on the hoof, weighing less than 700 pounds, carry a rate of 2½ cents per pound, and 3 cents for cattle weighing over 700 pounds. Swine, 2 cents per pound; dressed pork, 2½ cents per pound; bacon, hams, and shoulders, 3¼ cents per pound; lard, 3 cents per pound; lard substitutes, 5 cents per pound; dressed meats, 6 cents per pound; dry whole milk, 6½ cents per pound; dried cream, 12½ cents per pound; butter substitutes, 14 cents per pound; live poultry, 8 cents per pound; dressed poultry, 10 cents per pound; eggs in shell, 10 cents per dozen; whole eggs dried, 36 cents per pound; egg albumin, 36 cents per pound; egg yolk, 30 cents per pound. It imposes a tariff rate of $30 per head on horses and mules, when valued at not more than $150 per head; where the value exceeds $150 per head, the rate is 20 per cent ad valorem; wool carries a rate of 34 cents per pound; casein, 5½ cents per pound; and potatoes, 75 cents per hundred.

You may recall that I predicted more than a year ago that the Senate would greatly improve the bill which the House then passed, and my prediction has been sustained. The Senate has removed the tariff on lumber and shingles. The rate on cement has been fixed at 6 cents per barrel, which will not be reflected in the price 200 miles back of the seaboard. The Senate also increased the rates on farm products. It is true that the industrial rates are high, but we must bear in mind

that wages and living conditions in foreign countries are at a low ebb, and high rates are necessary if we are to prevent enormous importations that will close down our factories and destroy the farmer's market.

The American Farm Bureau recently issued a weekly letter from its Chicago office commending the rates for agriculture which are carried in the bill, and I believe that with the operation of the new tariff law employment conditions will rapidly become normal and the unemployment slack will be taken up.

I opposed the debenture clause in the bill that came back from the Senate because it is unscientific and could not possibly benefit the producer. To my mind it was merely a piece of political demagoguery such as we might expect on the eve of an election. It would have cost $280,000,000 per year and would have helped no one but the exporter. Had the debenture remained in the bill we would have been obliged to repeal the antidumping clause and we could have also expected retaliatory measures from competing nations. The debenture is an export bonus. You will recall that New Zealand gave an export bonus of 8 cents per pound on her butter several years ago, and the American market became flooded with butter made in that country. President Coolidge increased the tariff on butter from New Zealand by 8 cents per pound, thus destroying the effect of the bonus. The bonus would merely have inaugurated a vicious circle that could have helped none but exporters. I am glad that it was defeated, for to my mind it was nothing but a cheap piece of politics designed to line up the farmer vote at home. I say this knowing that the President would have vetoed the bill had the debenture clause remained, and that would have meant no tariff legislation in this Congress. Agriculture needs the new rates now, not next year. [Applause.]

In closing I want to make the prediction that when the new tariff law gets into operation it will stimulate business by opening factories that will make work for everyone. That in turn will bring the American market back to a point where we will again consume 85 or 90 per cent of our own production. I have no doubt but that the long delay in passing this tariff bill has contributed very much to the present economic depression, and we should all look forward to the early enactment of the measure so that normal times may be restored.

DISTINGUISHED VISITORS

Mr. RAGON. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK of Massachusetts. Mr. Speaker, in connection with the coming national American Legion convention to be held in Boston on October 6, 7, 8, and 9, to which you and your constituents are all invited—we will see they all get back in time to vote for you—the American Legion has been conducting a good-will trip throughout the United States, conveying message from the Governor of Massachusetts and the mayor of Boston to the mayors of the various cities and to the governors of the several States visited. This trip is sponsored by the Boston Herald.

We have in the gallery the pilot of this trip and we also have the ambassador of good will, and I have the pleasure of presenting to the membership of this House the pilot, Russell Boardman, and Col. Alfred J. L. Ford, the ambassador of good will. [Applause, the Members rising.]

THE TARIFF

Mr. RAGON. Mr. Speaker, I yield 10 minutes to the gentleman from Indiana [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Speaker, the most sacred duty delegated to the Congress of the United States is the exclusive power given in the Constitution over taxation, including the fixing of imposts, which are tariff taxes.

This sacred duty is one that is exclusively ours as the legislative department. I am not willing to surrender this duty to the executive department.

Regardless of the fact that the Supreme Court of the United States has sanctioned the delegation of such power in a former law, it still rests with us, as the representatives of the people, to decide whether it is expedient, to decide whether it destroys the balance of power in the departments of Government for us to surrender this authority to the President in the imposition of tariff duties.

The Senate, by its provision, which we are soon to vote upon, gives power to the Tariff Commission to investigate and report its findings of fact as to the cost of production of commodities, elements of foreign competition, earnings of domestic industries, and other facts, but the Tariff Commission reports to the Congress of the United States, as well as to the President. The President, upon such report, has no authority to fix the duty, but must come with his recommendation, as he does on all matters pertaining to the state of the Union, to the Congress, where the Constitution has placed the power to fix the duties, and where I think it should remain.

The Tariff Commission is the child of the Congress of the United States, and should report to the Congress. I am not willing to center power in the Executive of the United States to fix taxation. Power to tax is the power to destroy. Power to tax is power to show favoritism. Power to tax or to fix duties is authority to give privilege. I think the Executive of the United States should not, as one man, be clothed with this supreme power. [Applause.]

I believe it is your duty and mine to consider these tariff matters. I am in favor of the Tariff Commission reporting on different schedules and different items every year. I am in favor of the Congress taking up the matter of fixing duties a schedule at a time. This consideration may group items related to each other. When we let the tariff law run for six or seven years and then take up a general revision it offers an opportunity for trading and juggling of duties between one commodity or one schedule and another and between men who represent different interests and hence the great body of consumers, many times an unrepresented class in the conferences of the committee, go unrepresented; and the law that comes forth is one that is unjust and unfair to the great body of consumers of America.

We have had eight years of tariff tinkering under the present law. The President of the United States has raised many duties and has lowered but a few. We have had eight years now of a protective tariff, first an emergency tariff and then the Fordney-McCumber tariff; and on top of this the President has had the power of tinkering with tariff duties, and yet we are in the midst of one of the greatest business depressions we have ever known, and to-day the stock market of the United States has taken another tumble and is in another slump.

If a protective tariff is a guaranty of prosperity and if the authority of the President to modify rates under that law is a guaranty of prosperity, I say, in the name of high heaven, why do we not have prosperity to-day? [Applause.]

The President has the power to recommend legislation and will have it if we adopt the Senate amendment. The Congress of the United States has the power to fix duties and will have it on the recommendation of the Tariff Commission if we adopt the Senate amendment.

The President having the power to veto, along with the authority to recommend legislation, has all the power our fathers, who built the Constitution, thought he should have. I for one am going to stand on the traditions of the country and limit his power as it is limited in the Constitution. The executive duties of the President are becoming multiplied and more intricate each succeeding year. He should be relieved of all legislative functions. Congress has the constitutional duty to regulate tariffs and we should retain this all-important duty as the elected representatives of the people.

I asked this allotment of time principally to register a protest against this proposed unfair discriminating tariff bill. The President called this special session of Congress to fulfill a campaign pledge to grant adequate relief for agriculture. The farmer constituency of the Central States and of the Nation believed Mr. Hoover would keep that promise. In the campaign he took them on a trip down to Jericho, which he said would be a city of refuge, but he knew that there were thieves by the way, and, sure enough, the farmer has fallen among thieves, and the priests of high protection and the Levites of special interest are passing him by on the other side. It is true that they have raised some of the schedules that will help the farmer in some particulars, but unless he has some advantage from the tariff law there will be no relief. They could not stop with the agricultural schedule, although this special session of Congress was called for the relief of agriculture, and in the other schedules relating to industry they had to raise the rates of tariff taxation so that whatever little benefit they may grant the farmer under the agricultural schedule would be taken away from him in the chemical schedule, in the metal schedule, and in many of the others which I shall discuss more at length in the time allotted to me.

The farmer has been facing bankruptcy for eight years. He has been promised relief. We have reached the parting of the ways, and he expects this Congress to keep the promise made to him for the last eight years or pay the penalty of duplicity. This tariff bill can not be calculated to bring that relief to the farmer. The Republican Party proposes to increase the burden of the prices that he has to pay on these commodities so necessary upon the farm that are covered by these high schedules of tariff taxation, and, while the farmer asks that his yoke might be made lighter, he receives the reply that was given by old King Rehoboam in the days of the kings of Israel: "Whereas we chastised you with whips, now we will chastise you with scorpions." This tariff bill, from the standpoint of the farmer, is the worst tariff bill that has ever been proposed in the history of this Nation. [Applause on Democratic side.] What has the farmer

done to merit this treatment at the hands of the administration? Oh, he has produced a surplus—yes; a surplus that is needed to feed this Nation and clothe this Nation, and without which the Nation would be in distress and in hunger at times when there is a failure of crops or in time of need. We should have legislation that would conserve that surplus rather than criticize the farmer or penalize him for producing the surplus needed to feed the Nation. When this Congress passes a bill with an "equalization fee," in which the farmer undertakes to assume responsibility for marketing his surplus abroad and to bear that burden himself, the legislation is vetoed.

And when, as a substitute for that, the debenture plan is proposed to make the tariff partially effective to farm surpluses, then the friends of superprotection attack it on the ground that it is a subsidy. The truth is that the underlying philosophy of the debenture plan is the underlying philosophy of the protective tariff. It is using the taxing power of this Government to help some man or some group in the process of economic welfare for the benefit of his business. Compare, if you please, the prohibitive tariff and debenture plan. Under the debenture plan these Government certificates are to be issued in order to help the farmer export the surplus products of his farm and to relieve him of damaging competition in the domestic market. Both embargo tariffs and debentures deprive the Treasury of revenue. Neither is proposed to raise revenue, but are alike in principle, based upon the use of the taxing power of the Federal Government. The embargo rates of the present tariff permits the home market to be monopolized by these favored industries. The debenture plan also deprives the Treasury of revenue to save the domestic market to the home producer by helping the farmer export his surplus products. The only difference is this: An embargo is in restraint of trade, and the debenture plan promotes trade with foreign nations.

The protective tariff is a subsidy which has favored industry for years, and it has systematically robbed the farmer, the wage earner, and other consumers in order to provide a better price for the products of manufacturing industry. We have come to the parting of the ways. The tariff has to be reduced so as to equalize the rates that the farmer has to pay for the things he buys and the price he receives for what he produces. There must be legislation that will take into consideration the general welfare of all the people; legislation that considers human rights of the man who works on the land, as well as the rights of the man whose capital is invested in industry. We should look to legislation that favors the producer of the raw material, as well as the man who uses the raw material and makes of it his finished product. This tariff takes care of the highly finished product, and in many instances leaves the producer of raw material with either a small rate of duty or places it on the free list.

My friend from New Jersey also spoke about the fact that the free list used to be longer than it is now. This was in favor of the farmer. He was able to hold his own, because many articles that he had to buy were then on the free list and he could purchase them then on the basis of the price that he received for his own product.

I think that this bill is a manufacturers' bill rather than a farmers' bill. [Applause.] I think it has the same selfishness, and the same greed is found in this proposed tariff as appears in similar tariff bills for years past. These extortions have been robbing the farmers systematically, robbing him not only of his income and his wealth but robbing him also of his man power. It has driven his children away from the farm and sent them to the centers of industry.

This tariff is spoken of as being a tariff to protect labor. In the preamble of this bill this language is used:

> To encourage the industries of the United States, to protect American labor, and for other purposes.

I am not willing to concede that these extortionate, these extreme, these unreasonable schedules written in this bill are necessary in order to protect American labor. There have been many tariff crimes committed in the name of American labor, and if we pass a tariff bill on the theory that special privilege is to be granted to some man in industry in order to pay labor a better wage it is the duty of this Congress, through a committee or some other instrumentality, to follow the profits arising from that tariff and see that it is paid to American labor. If we are creating a tariff system in favor of labor in manufacturing industries, we should follow it and see that its beneficiaries carry it into effect. [Applause.]

What is the situation with reference to the textile industry, a highly protected industry? It is one showing the lowest scale of wages found in America, and people employed in textile mills are striking because of intolerable conditions, low wages, long hours, and poor housing conditions. Here is a protected industry that has enjoyed a tariff privilege for years, and yet it is paying a wage that ought to receive the criticism of every honest American as not maintaining any standard of American living or any fair treatment of American labor.

I have been astounded in my studies of wages paid to labor in this country to find that the highest wages are paid in the nonprotected industries and the lowest wages are paid many times in the highest protected industries. The workers are constantly receiving a decreasing portion of the value added in manufacturing to the products of industry. While capital comes to Congress with honeyed words asking increase of tariff duties in order, as they say, to pay higher wages and maintain the American standard of living, statistics show that having received the protection in high duties and reaped the profits thereby, they do not pay it out in wages, but take it unto themselves in salaries to higher officials and profits.

In a study of the percentage ratio of wages and workers' salaries to new values added by manufacture, 1899–1925, I insert the following table from page 58 of the American Labor Yearbook:

Year	Wages	Total salaries	Workers' salaries	Total workers' share
1899	41.6	7.9	3.9	45.5
1904	41.5	9.1	4.6	46.0
1909	40.2	11.0	5.6	45.8
1914	41.9	13.1	6.6	48.5
1919	42.2	11.6	5.8	48.0
1921	44.7	14.0	7.0	51.7
1923	42.6	11.7	5.8	48.4
1925	40.1	11.8	5.9	46.0

You will note that by the table wages had risen in 1919 to 42.2 per cent and in 1921 to 44.7 per cent of the value added by manufacture. These percentages were under the lower duties of the Underwood tariff and that since that period under the higher duties of Fordney-McCumber tariff the percentage of wages to total value added has decreased to 40.1 per cent of value added by manufacture and that this is the lowest percentage recorded for over 25 years, since 1899. What must be the just conclusion, either that high duties do not produce high wages, or that capital receiving the privilege of high tariff duties in the name of labor is not fulfilling their trust to labor by paying to them the money collected in their name. I have discovered there is a great deal of duplicity, hypocrisy, and false representation used in obtaining high tariff duties. The consumers of America are paying this tariff tribute into the coffers of industry under the taxing clause of the Federal Constitution, supposing that they are thereby creating a fund out of which to pay labor a better living wage and yet Congress is not pursuing the distribution of these funds to see that the trust is performed and the pledge to so pay these funds is not violated. It has been an astounding surprise to me since becoming a Representative, in making a comparative study of wages paid in various industries, to discover that the highly protected industries pay the lower wages while the unprotected industries pay the higher wages. This convinces me that the tariff has but little to do with the payment of wages.

The American wage-earner's average share in the so-called prosperity is between $25 and $30 a week, which includes salaried officials and those that are professionally trained. There are the high-wage group at the top who run trains, build skyscrapers, repair plumbing, printers and pressmen, and tailors, who make suits and dresses. These command higher pay by virtue of their unions and collective bargaining and at the other extreme is the so-called millions of common labor, some of whom receive wages yet as low as 15 cents per hour.

Among the low-wage groups we call your especial attention to the facts that many highly protected manufacturing industries make a showing of an annual wage of less than $1,000 to the worker. Among these are the workers in the lumber industry composing 561,541; textile and textile products other than clothing composing 548,538; the clothing industry composing 305,269; food canning and processing industry composing 201,718; tobacco industry with 132,132; chemical industry with 46,284; and with many smaller and scattering industries making novelties with 35,386. These groups make a grand total according to figures compiled in 1925 of 1,830,868 workers receiving less than $1,000 per annum on the average and most of them working in highly protected industries during the period of the Fordney-McCumber tariff containing the highest duties of any tariff law excepting only the present proposed monstrosity now under consideration which proposes also to raise duties, place a

greater yoke on the neck of the consumers of America, and hypocritically proposes to levy this tribute in the name of "labor."

Yet that figure now exists under the highest protective tariff law that America has ever seen, and you will observe that the highest percentage they received was in 1921, under the Underwood tariff law. This study convinces me that tariff protection has very little to do with the question of the amount of wages employees receive who are working in the industry. American labor receives for its efforts what it is able to get by reason of the union and by collective bargaining, and because of the great genius in industry and ability to produce.

American labor is entitled to all the wages it has ever received, and it receives them because it is able to force recognition of its rights and not because of the extreme rates of duty which are placed upon products. I know that these tariff beneficiaries come to us with honeyed words and say, "We must have this protection in order to pay better wages and in order to maintain American standards," but after they receive such protection the wages are forgotten and the benefits received from such protection are paid out in salaries and in dividends.

The sugar industry is an example of this. This, perhaps, is one of the sorest spots in this bill. Why should we lay an additional tribute on every consumer of sugar in America, when the statistics show that every sugar refinery, practically every one, that is well managed is making handsome profits, and some of them enormous profits, at least, of such a high degree that they could pay a higher price to the growers of sugar beets.

But perhaps sugar is the most galling imposition and most brazen proposal that is written into this bill. They ask me to vote an additional tribute of a quarter of a million dollars upon the farmers and wage earners of my district in order to increase the profits of a few people who are admitted to own the sugar-refining business of this country, on the theory that if they receive this advantage they will pay the producers of the raw materials—the growers of sugar beets—a little better price for their product.

If we increase this duty on sugar, what assurances have we that it will be reflected in the price of the raw material produced by the farmer who raises beets or cane? With every well-managed sugar refinery in the country making acceptable dividends and some excessive earnings they should pay employees a living wage. In this connection I want to insert an article published in the Hoosier Farmer dated May 1, 1929, entitled "Little Children Slave in Industrialized Farming." It is a severe indictment of the sugar-beet industry, as follows:

The Children's Bureau of the Department of Labor recently published the result of a remarkable survey of child labor in agriculture. Labor, published in Washington, D. C., summarized the report in a March issue, as follows:

The survey covered considerable sections of 14 States, including the employment of children in raising cotton, grain, tobacco, onions, fruit, and hops, sugar beets, and in truck farming.

Sugar beets, by common consent, appear to be the worst of all; which is of special interest, since this industry is created and maintained by tariff protection.

What may be called the "family-contract system" prevails in beet raising. A family, always with several child workers, will take the contract of making a beet crop on a given number of acres.

IN COLORADO BEET FIELDS

In Colorado, where much of the survey was carried on, these contract workers are mainly Mexicans or "Russian Dutch," this being the common term for the German colonists who went to Russia centuries ago but have been coming to the United States as fast as possible for many years past.

Even the smallest children in these families help in thinning the beets, while youngsters of 12 go through the list of operations—hoeing, pulling, cutting off the tops, etc. The survey says:

CONTRACT FOR ENTIRE FAMILY

"Often the thick beet tops, heavy with frost, which comes early in the mountain regions, soak the workers from the knees down. 'Fall is the meanest time,' declared a Colorado contract laborer. 'Women are wet up to their waists and have ice in their laps and on their underwear. Women and children have rheumatism.'"

But while sugar beets were the worst of all crops covered by the survey, truck farming, onion growing, and tobacco raising made heavy physical demands on the child workers. So did strawberry growing, on account of the stooping posture in which all the work must be done.

SCHOOL TERM IS CUT SHORT

Farm hours are long, almost never less than 10 hours for a day's work; and in all crops and all sections the survey found that farm work interfered seriously with school attendance.

ALIEN CHILDREN SUFFER MOST

The housing conditions of these contract workers are always bad and often frightful. They are working at an industrialized agriculture, on farms which have been turned into factories, with little protection from the laws designed to safeguard factory workers in cities.

Beet-field workers describe their quarters as not fit for chickens to live in, as "nothing but a dog house." Overcrowding is extreme.

I do not intend to vote this additional tax upon the consumers of sugar in America and place a tribute upon every cup of coffee and every soft drink, with the canning season coming on in the agricultural districts, where the housewives are wondering where the money is to come from in order to procure sufficient of this great necessity in order to preserve the fruits and the vegetables which constitute a great item of food upon the farm. I am not willing to vote this excessive duty upon my farmer constituency when the Tariff Commission of the United States, after an unbiased investigation, said there was no justification for it. I think it is the most brazen proposal in this entire tariff bill. It will cost the consumers of America $125,000,000, and some say $300,000,000, additional.

I know that sugar is a great revenue producer. I know that it puts a great deal of money in the Treasury, but that is not my idea of taxation—to tax a great necessity like this that is needed as a food and is so essential in every home. Let us give the consumer the advantage of sugar at a reasonable price.

The chemical schedule is a fair example with an extreme tariff on household necessities. The rates on drugs and component parts of medicine go to the very life and health of every home. These increases in their evil effect are only equaled by the increase in the next schedule on surgical and dental instruments. To many people in poor or moderate circumstances surgical, dental, and medical services are already prohibitive. The Republican Party proposes to relieve them by making their tax burden heavier on these dire and vital necessities. It is a heartless disregard of the most basic principle of government to thus take advantage of the poor, the sick, and the helpless. In this same schedule appear the rates on oils and paints, which are kept at the same high level as under the Fordney-McCumber bill. One way to have relieved the farmer would have been to reduce these extreme rates. The prices of paints have been prohibitive to the farmers, and their buildings are going unpainted because of the fancy prices maintained heretofore on oils and paints.

Likewise in the metals schedule steel, iron, and aluminum products are yielding their makers unparalleled dividends and the farmers and other consumers are paying the price. The President took care of pig iron by a 50 per cent raise under the flexibility clause and they were relieved of having to ask for an increase. They are beautifully satisfied with the present embargo rate. The Government is deprived of the revenue upon imports to any great extent and the great steel combinations bask in the special privilege of having had a President that took care of their interests at the same time that he vetoed the farm-relief measures enacted by Congress.

It was my hope on behalf of a depressed constituency on the farms, who are a part of the great consuming class, to see a downward revision of the tariff. This bill, however, continues the profiteers' prices on many farm commodities like structural iron and steel, all woven wires, iron pipe and fittings, chains, rivets, horseshoes, knives, saws, and practically every tool in the workshop or in the kitchen, and whatever escaped specific mention is captured in the dragnet of the basket clause.

While agricultural implements are listed as coming free, there is much sham in this pretension. The truth is that there are few, if any, foreign-made implements to be found on the farms in America. I have never yet discovered one foreign-made implement in my district. However, the farmer pays dearly for the tariff on the metal component parts of all implements. I have noted this significant fact, that implements are much higher in price under a high tariff than they are under a low tariff. I am inserting a table showing the comparative prices of the same implements under the Underwood tariff in 1914 and showing the increases under the present Fordney-McCumber bill, which carries a rate similar to the pending bill.

Implements	1914	1928
Hand corn sheller	$8.00	$17.50
Walking cultivator	18.00	38.00
Riding cultivator	25.00	62.00
1-row lister	36.00	89.50
Sulky plow	40.00	75.00
3-section harrow	18.00	41.00
Corn planter	50.00	83.50
Mowing machine	45.00	95.00
Self-dump hayrake	28.00	55.00
Wagon box	16.00	36.00

Implements	1914	1928
Farm wagon	$85.00	$150.00
Grain drill	85.00	165.00
2-row stalk cutter	45.00	110.00
Grain binder	150.00	225.00
2-row corn disks	33.00	95.00
Walking plow, 14-inch	14.00	28.00
Harness, per set	46.00	75.00

There can be no relief to farmers for implements under the pending bill.

It is a source of regret that most of the material so sorely needed by the farmers for improving and repairing their houses and buildings are still maintained on the dutiable list. This is a tax on the comfort, appearance, and efficiency of their homesteads. As we travel over the countryside we deplore the unpainted and unrepaired appearances of farm homes. But with farm products low in price, and with paint, glass, lumber, nails, wire, brick, cement, hardware, all so sorely needed and bearing a prohibitive price, how can the farmer be expected to purchase what he needs? This tariff bill is not a farmers' bill. It is another instrument of extortion. The farmer will resent the hypocrisy and duplicity of the party in power, and, I firmly believe, will rebuke them at the polls.

FREE LIST

The manufacturers wanting cheap raw material have also engineered the free list against the farmer. As one farmer put it, we have been "skinned again as to our hides." The manufacturers of leather goods had their way, and the farmers furnish a cheap raw material for the makers of better-priced harness, saddles, suit cases, sporting goods, gloves, brief cases, pocketbooks, and all leather goods except boots and shoes. Many cloth shoes with leather soles are protected. There is little competition on shoes except special types. The shoe combine owns the patents and inventions that make machine production possible, and unless they have changed their policy they lease these machines and name the conditions of their operation. Why did not the Ways and Means Committee go into this possibility of monopoly? Let us not be alarmed about an increase in the price of shoes. They now have the price as high as the buying public will stand.

Vegetable and nut oils are admitted free in competition with those grown domestically and as a competitor of dairy products and animal fats grown by our farmers. Yet this bill was brought out for farm relief. A duty here would have been a great help to the farmers but the soap manufacturers did not want it. The soap makers won.

Here is the discrimination and hypocrisy of these schedules, arranged as they are for giving protection for the finished manufactured product and keeping raw material free. It is truly a tariff bill amended by its friends. The old combination of buccaneers commercial and political are operating as in the past. The farmers and the wage earners are the victims. Indeed, what a sorry fulfillment of a pledge made in campaign times to corral the farmer vote.

Everyone knows that with the farmer producing surplus of cotton, wheat, and other products that have to be exported that the schedules fixed upon his products can help him but little. If a tariff will help the price of wheat, in the name of high Heaven why leave the rate at 42 cents per bushel? Why not raise it now? With May wheat quoted at $1.05 per bushel, the lowest it has been for years, it is a good time to swing your protective theory into action. Come now, boost the farmer's price by a little more tariff.

There are capitalists in America who believe in free trade. While the farmer in the House bill pays a duty on cedar shingles, lumber, and fence posts the railroads, telephone companies, and other public utilities were given cedar piling, crossties, and telephone poles on the free list. They are free traders when it means "rubles" in their pockets.

Some have ridiculed the fruit farmers for asking a duty on bananas, yet if labor costs are considered, then a small duty would allow the American fruit growers a chance to pay wages according to American standards and still meet the competition of fruit grown by the pauper peon labor of Central and South America. Here again the great fruit corporations who grow and transport fruit, especially bananas, won the day and the American farmer lost. Bananas remain on the free list.

The Republican platform of 1908 recited a new version of the protective principle and which they broadcast as the "true principle" or the long-established doctrine. However, it was not new but just another step in the evolution of the party toward the favoritism of monopoly. It read as follows:

In all protective legislation the "true principle" of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries.

The platform of the same party in 1904 contained a similar statement but did not propose to guarantee a profit to the manufacturer. In fact, however, the tenor of Republican tariff laws were such previously to 1904 to indicate that the party was more interested in industrial dividends than they were in raising revenue or producing a general and wholesome prosperity for the whole people. Since the open declaration of 1908, proposing to guarantee a reasonable profit to American industry, the anchorage of decency has been lifted, the sky is the limit, and they have been sailing around in the upper air of inflated dividends. Stocks and bonds of industrial concerns have likewise been soaring high, while the consumers of America, composed mostly of the farmers and small wage earners, have been down in the lower stratas fighting the storms of hard times and bankruptcy. The Republican Party has prostituted itself to the privilege seeker and the profiteer.

Now, just two matters with reference to the administrative features of the bill. There is, first, the so-called flexible clause which delegates to the President of the United States the power to raise or lower rates. This is delegating the legislative powers of Congress with respect to the taxing power of the Federal Government.

I am in favor of keeping the three departments separate and inviolate. I think it is better for the rights of the people for Congress to act in matters of legislation rather than delegating that power to the President. [Applause.] We have seen that with a President inclined to superprotection that he knows how to raise a rate, but he does not know how to lower one. I am in favor of lowering duties instead of putting them on stilts all around the farmer. I would like to see the duties on commodities that have excessive profits brought down to a level so that there will be less inequality with the farmer. [Applause.]

In this bill there is another delegation of power to the Secretary of the Treasury to fix valuation. There are two vital factors in all taxation; one is fixing the valuation, and the other the rate, so this bill proposes to delegate practically all the power that there is in tariff taxation. I am not in favor of going that far. I am not willing to rob the judiciary of its power to decide judicial questions, and I do not believe in depriving the Congress of the power to legislate on legislative questions.

All they need, to have a permanent system of superprotection, is in this bill. It delegates to the Executive the power of the Congress of the United States to fix duties and the valuation of imports. Furthermore, this could be changed by Congress only when a two-thirds majority overrides the veto of the President, which is never likely to happen on a tariff question. [Applause.] I am not willing to give my support to such a diabolical scheme. I shall not vote to destroy our balanced system of constitutional government.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. HAWLEY. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from Oregon has 10½ minutes remaining, and the gentleman from Arkansas has 4½ minutes remaining.

Mr. HAWLEY. Will the gentleman from Arkansas yield his time?

Mr. RAGON. Mr. Speaker, I yield the balance of my time to the gentleman from Oklahoma [Mr. McKEOWN].

Mr. McKEOWN. Mr. Speaker, I voted against the Budget system when my party was in power because I thought it was a surrendering of the functions of Congress. I also voted against surrendering our power in the allocation of public buildings. I have been a constant advocate to retain in Congress the determination of matters that Congress ought to decide.

This is the first opportunity the House has ever had to vote on the flexible provisions in a tariff bill. They did not have that chance in 1922, when the McCumber-Fordney Tariff Act was passed. Now, the flexible provision under this bill is very different from what it was in that act. By this you change the method of ascertaining the conditions so that it permits the President to legislate, because he can set aside his own proclamation. He can make a proclamation and then later set it aside. You give him unlimited power. If I was going to leave the power to any President, I would leave it with the present President as soon as any man I know of. But I say it absolutely surrenders the power of Congress in matters that I

think should not be surrendered, matters where the legislation is vital to the country.

But go ahead; you are in power; you have the majority; you surrender the power. This provision in the bill goes much further than the provision in the act of 1922.

The Hampton case says in that act it was nothing more than a turning over to the President the right to do a ministerial act, but in this bill you are giving him the power to set aside his own proclamation. If he makes a proclamation, he can subsequently set it aside.

Now, there is something else I want to call to your attention. It was decided in the Court of Customs Appeals that the infringement of a patent was unfair competition. If in this country it is unfair practice, then you will be taking the matter to the Tariff Commission, and they will say that an infringement of a patent is unfair competition, so as to take jurisdiction.

I do not see how without any law the customs and patent court could declare an infringement of patents is unfair practice. There was a dissenting opinion in the case. With all due deference to the opinion in the Hampton case, which I have studied carefully, that if I had been a member of that court there would have been one dissenting opinion in that case. If you take this bill and look at its provisions, you will see that you have changed the yardstick, the difference between the cost of production here and abroad, the question of competition. Although I am not a prophet, and I have no right to say what the Supreme Court of the United States will do, yet I say this: If the Democrats elect a man who believes in lower tariff rates and less protection in this country, it is sure that some of you fellows or your constituents will be taking it up to the Supreme Court and asking to have it declared unconstitutional. It is going to work both ways in this country. It will work for you when you high-protective men are in power, but when you get somebody there who is not so strong for protection, then you fellows will come in and say that the President is usurping the powers of the Congress and that the statute is unconstitutional, and that we ought to put him out of office. [Laughter and applause.]

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

Mr. RAGON. Mr. Speaker, I yield one minute to the gentleman from Oklahoma [Mr. McCLINTIC].

(Mr. McCLINTIC of Oklahoma addressed the House, and by unanimous consent he was permitted to have his remarks inserted in the RECORD after the conclusion of the consideration of the tariff bill, where they appear.)

Mr. HAWLEY. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. CROWTHER].

Mr. CROWTHER. Mr. Speaker, ladies and gentlemen of the House, this flexible clause has been the cause of considerable discussion ever since it was made a part of the 1922 tariff act. It has been suggested that the reason for its adoption was due to the failure to incorporate American valuation in the bill. However, I have reason to believe that perhaps that was not so. You know the reason it was put in as well as I do, and you know the circumstances in Europe that made such a provision necessary. European industry was paralyzed and their currency hopelessly depreciated. It was impossible to procure production costs abroad, and the committee realized that established rates might become wholly inadequate to protect American labor when European industries resumed normal activities. It has been severely criticized, and my good friends the Democrats have said that the only value it has been in reducing rates was in its application to bobwhite quail and to paintbrush handles. But the rates raised under this provision have been largely for the benefit of agriculture. Producers of wheat, peanuts, onions, butter, and cheese have been benefited by this section, and rates have been reduced on several kinds of feed products that the farmers use from 15 per cent ad valorem to 7½ per cent ad valorem. So that the flexible clause has been of material benefit to the agricultural interests of the country.

The suggestion was made a few moments ago by the gentleman from Indiana [Mr. GREENWOOD] that we ought to have the Tariff Commission report only to the Congress, and that we ought to revise the tariff bill every year by taking one schedule up at a time. Of course that is impossible, ridiculous, and absolutely impractical. That method was suggested by a distinguished Senator who is renowned for his inquisitorial activities. He was quoted by Mark Sullivan in a New York newspaper as suggesting that the Congress take one schedule up at a time. But suppose the commodity upon which you wanted to adjust the duty was not in the schedule that you were considering that year? What would you do about it—just let it ride and let the industry suffer materially until you were finished with this other schedule? I do not know what the gentleman from Indiana was thinking about when he suggested such an impractical method of revising the tariff as to take one schedule at a time. To complete all the schedules would take 16 years, and when you were halfway through you would probably have to start all over again.

Mr. GREENWOOD. I also inserted the word "item"—one schedule or item. I mean to act on the recommendation of the Tariff Commission and have their information come to the Congress.

Mr. CROWTHER. Has the gentleman given the matter of the method of procedure any consideration, or is this just a haphazard suggestion?

Mr. GREENWOOD. I have considered it quite a while, and I suspect as much as the gentleman from New York has.

Mr. CROWTHER. I hope the gentleman will give it more serious consideration than he evidently has up to this time. Mr. Speaker, there is a great deal of criticism here regarding the delegation of authority to the President. Of course, I am not a lawyer, and I am not qualified to discuss the constitutionality of this provision. But this is not a new question. In 1890 in the McKinley bill the power was vested in the President to take from the free list certain articles and place them on the dutiable list, as against any nation imposing duties on certain American articles which he deemed "reciprocally unequal and unreasonable." This provision was exercised by the President and assailed as an unconstitutional delegation of power. The Supreme Court of the United States in Field against Clark held this paragraph was constitutional.

Now, those of us who are not lawyers can understand this language, found on page 10129, volume 16, of the hearings.

Of the delegation of this function in that act the Supreme Court in Field against Clark, supra, said:

> What the President was required to do was simply in execution of the act of Congress. It was not the making of law. He was the mere agent of the lawmaking department to ascertain and declare the event upon which its expressed will was to take effect.

Further, and I quote from the brief:

> While Field v. Clark approves and announces the doctrine supporting the power of Congress to so levy an import duty as by this amendment provided, express declaration, in that many words, to sustain a grant of power to the President "to fix rates" is not therein had. Nor is that by this amendment attempted. Nor would anyone conversant with the law upon the subject so attempt. What is here done by Congress is not to delegate a power "to fix rates" but to itself fix or levy a duty, not in terms of fixed figures but in terms of certain prescribed "facts" or "state of things," and authorize and empower the President to ascertain and proclaim the duty or rate thereby fixed by Congress.

That language seems to be applicable to the subject matter under discussion, and I think it is well to quote it at this time.

Now, in regard to this question of the delegation of authority to the President, my friends on the Democratic side of the House seem to be terribly exercised and concerned about delegating this power to the President of the United States. They assert that it is not the right thing to do, that in spite of the Supreme Court having passed favorably upon it, they declare it is still unconstitutional.

I know we all appreciate the modesty of some of these lawyer colleagues of ours, who declare that the Supreme Court is wrong and they are right.

But some of my Democratic friends who complain of this delegation of power to the President were almost unanimously in favor of the delegation by Congress to the Farm Board of the power to handle $280,000,000 of debenture certificates. [Applause.] You were almost unanimous for that, and yet you could not see your way clear to delegate this authority to the President of the United States. "Consistency, thou art a jewel."

Now, I realize that everybody is tired of debate and ready to vote. I hope you will support this provision, and that you will leave it in the bill as the Ways and Means Committee wrote it. May I in closing congratulate our able chairman [Mr. HAWLEY] for the masterly manner in which he has handled this important measure. [Applause.]

The SPEAKER. There is no motion pending; and before a formal motion is made the Chair will state that, without objection, on Senate amendments Nos. 1129, 1130, 1131, 1132, 1133, 1135, 1138, and 1139, the House will insist on its disagreement. Is there objection?

There was no objection.

The SPEAKER. Now, a motion is in order for the disposition of amendments 1140, 1141, and 1151, on which the House insists on its disagreement.

Mr. HAWLEY. Mr. Speaker, I move that the House further insist on its disagreement to the amendments of the Senate Nos. 1140, 1141, and 1151.

The SPEAKER. The gentleman from Oregon moves that the House further insist on its disagreement to Senate amendments Nos. 1140, 1141, and 1151.

Mr. RAGON. Mr. Speaker, I make a preferential motion to recede and concur in the Senate amendments.

The SPEAKER. The gentleman from Arkansas offers a preferential motion to recede and concur in the Senate amendments. The question is on agreeing to that motion.

Mr. RAGON. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 154, nays 236, not voting 38, as follows:

[Roll No. 35]

YEAS—154

Abernethy	Cullen	Jones, Tex.	Parks
Allgood	Davis	Kading	Patman
Almon	DeRouen	Kemp	Patterson
Arnold	Dickstein	Kennedy	Peavey
Aswell	Dominick	Kerr	Pou
Auf der Heide	Doughton	Kincheloe	Prall
Ayres	Doxey	Kvale	Quin
Bankhead	Driver	LaGuardia	Ragon
Bell	Edwards	Lambertson	Rainey, Henry T.
Black	Eslick	Lampert	Ramspeck
Bland	Evans, Mont	Lanham	Rankin
Bloom	Fisher	Lankford, Ga.	Rayburn
Box	Fitzpatrick	Larsen	Romjue
Boylan	Fuller	Lea	Rutherford
Brand, Ga.	Fulmer	Lindsay	Sabath
Briggs	Gambrill	Linthicum	Sanders, Tex.
Browne	Garrett	Lozier	Sandlin
Browning	Gasque	McClintic, Okla.	Schneider
Brunner	Gavagan	McDuffie	Sinclair
Buchanan	Glover	McKeown	Smith, W. Va.
Busby	Goldsborough	McMillan	Somers, N. Y.
Byrns	Green	McReynolds	Spearing
Canfield	Greenwood	McSwain	Stafford
Cannon	Gregory	Mansfield	Steagall
Carley	Griffin	Mead	Stevenson
Cartwright	Hall, Miss.	Milligan	Sumners, Tex.
Celler	Hammer	Montague	Tarver
Christgau	Hare	Montet	Taylor, Colo.
Clark, N. C.	Hastings	Moore, Ky.	Underwood
Cochran, Mo.	Hill, Ala.	Moore, Va.	Vinson, Ga.
Collier	Hill, Wash.	Morehead	Warren
Collins	Howard	Nelson, Mo.	Whittington
Cooper, Tenn.	Huddleston	Norton	Williams
Cooper, Wis.	Hull, Tenn.	O'Connell, N. Y.	Wilson
Corning	Hull, Wis.	O'Connor, N. Y.	Wingo
Cox	Igoe	Oldfield	Woodrum
Crisp	Jeffers	Oliver, Ala.	Wright
Cross	Johnson, Okla.	Oliver, N. Y.	
Crosser	Johnson, Tex.	Palmisano	

NAYS—236

Ackerman	Dallinger	Hoffman	Moore, Ohio
Adkins	Darrow	Hogg	Morgan
Aldrich	Davenport	Holaday	Mouser
Allen	Dempsey	Hooper	Murphy
Andresen	Denison	Hope	Nelson, Me.
Andrew	De Priest	Hopkins	Newhall
Arentz	Douglass, Mass.	Houston, Del.	Niedringhaus
Bacharach	Dowell	Hudson	Nolan
Bachmann	Drane	Hull, Morton D.	O'Connor, La.
Bacon	Dyer	Hull, William E.	O'Connor, Okla.
Baird	Eaton, Colo.	Irwin	Owen
Barbour	Eaton, N. J.	Jenkins	Palmer
Beedy	Elliott	Johnson, Ind.	Parker
Beers	Ellis	Johnson, Nebr.	Perkins
Blackburn	Englebright	Johnson, S. Dak.	Pittenger
Bohn	Estep	Johnson, Wash.	Pratt, Harcourt J.
Bolton	Esterly	Johnston, Mo.	Pratt, Ruth
Bowman	Evans, Calif.	Kahn	Pritchard
Brand, Ohio	Fenn	Kearns	Purnell
Brigham	Finley	Kelly	Ramey, Frank
Brumm	Fish	Kendall, Ky.	Ramseyer
Buckbee	Fitzgerald	Ketcham	Ransley
Burtness	Fort	Kiefner	Reece
Butler	Foss	Kiess	Reed, N. Y.
Cable	Free	Kinzer	Reid, Ill.
Campbell, Iowa	Freeman	Knutson	Robinson
Campbell, Pa.	French	Kopp	Rogers
Carter, Calif.	Garber, Okla.	Korell	Sanders, N. Y.
Carter, Wyo.	Garber, Va.	Langley	Schafer, Wis.
Chalmers	Gibson	Lankford, Va.	Sears
Chase	Gifford	Leavitt	Seger
Chindblom	Golder	Lehlbach	Selberling
Christopherson	Goodwin	Letts	Selvig
Clague	Graham	Luce	Shaffer, Va.
Clancy	Granfield	McClintock, Ohio	Short, Mo.
Clark, Md.	Guyer	McCormack, Mass.	Shott, W. Va.
Clarke, N. Y.	Hadley	McCormick, Ill.	Simmons
Cochran, Pa.	Hale	McFadden	Sloan
Cole	Hall, Ill.	McLaughlin	Smith, Idaho
Colton	Hall, Ind.	McLeod	Snow
Connery	Hall, N. Dak.	Maas	Sparks
Connolly	Halsey	Magrady	Speaks
Cooke	Hancock	Manlove	Sproul, Ill.
Cooper, Ohio	Hardy	Mapes	Sproul, Kans.
Coyle	Hartley	Martin	Stalker
Craddock	Haugen	Menges	Stobbs
Crail	Hawley	Merritt	Strong, Kans.
Cramton	Hess	Michaelson	Strong, Pa.
Crowther	Hickey	Michener	Summers, Wash.
Culkin	Hoch	Miller	Swanson
Swick	Timberlake	Wason	Wolfenden
Swing	Tinkham	Watres	Wolverton, N. J.
Taber	Treadway	Watson	Wolverton, W. Va.
Taylor, Tenn.	Turpin	Welch, Calif.	Wood
Temple	Underhill	Welsh, Pa.	Woodruff
Thatcher	Vestal	White	Wurzbach
Thompson	Vincent, Mich.	Whitley	Yates
Thurston	Wainwright	Wigglesworth	Yon
Tilson	Walker	Williamson	Zihlman

NOT VOTING—38

Beck	Frear	Ludlow	Snell
Britten	Garner	Mooney	Stedman
Burdick	Hudspeth	Nelson, Wis.	Stone
Curry	James	O'Connell, R. I.	Sullivan, N. Y.
Dickinson	Johnson, Ill.	Porter	Sullivan, Pa.
Douglas, Ariz.	Jonas, N. C.	Quayle	Tucker
Doutrich	Kendall, Pa.	Rowbottom	Whitehead
Doyle	Kunz	Shreve	Wyant
Drewry	Kurtz	Simms	
Dunbar	Leech	Sirovich	

So the motion to recede and concur in the Senate amendments was rejected.

The Clerk announced the following pairs:

Mr. Beck (for) with Mr. Simms (against).
Mr. Whitehead (for) with Mr. Dunbar (against).
Mr. Sirovich (for) with Mr. Kendall of Pennsylvania (against).
Mr. Garner (for) with Mr. Wyant (against).
Mr. Mooney (for) with Mr. Shreve (against).
Mr. Stedman (for) with Mr. Porter (against).
Mr. Kunz (for) with Mr. Kurtz (against).
Mr. Quayle (for) with Mr. Dickinson (against).
Mr. Ludlow (for) with Mr. Leech (against).
Mr. Drewry (for) with Mr. Jonas of North Carolina (against).
Mr. Nelson of Wisconsin (for) with Mr. Doutrich (against).
Mr. Tucker (for) with Mr. Johnson of Illinois (against).
Mr. Sullivan of New York (for) with Mr. Britten (against).
Mr. Douglas of Arizona (for) with Mr. Sullivan of Pennsylvania (against).
Mr. O'Connell of Rhode Island (for) with Mr. Snell (against).

The result of the vote was announced as above recorded.

The SPEAKER. The action on this motion is tantamount to agreeing to the motion of the gentleman from Oregon [Mr. HAWLEY] to insist on the disagreement of the House to the Senate amendments.

On motion of Mr. HAWLEY, a motion to reconsider the vote by which the motion to recede and concur was rejected, was laid on the table.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that on all remaining Senate amendments which deal only with paragraph numbers or references, and which can not be determined until after the amendments upon which we have been voting for the last three days have been finally acted upon, the House disagree to the amendments and send them to conference.

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] asks unanimous consent that the House insist on the disagreement to the balance of the amendments, which are of a clerical nature. Is there objection?

There was no objection.

The clerical amendments referred to are as follows:

Amendments Nos. 40, 41, 42, 43, 48, 49, 65, 66, 67, 374, 375, 377, 379, 380, 381, 383, 385, 386, 387, 895, 896, 897, 898, 899, 901, 902, 905, 906, 907, 908, 909, 910, 911, 913, 914, 915, 916, 917, 919, 920, 921, 922, 923, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 940, 942, 945, 946, 947, 948, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 987, 989, 992, 993, 995, 997, 999, 1002, 1003, 1008, 1009, 1010, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1031, 1032, 1033, 1034, 1036, 1037, 1038, 1039, 1040, 1041, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1055, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1066, 1067, 1068, 1070, 1071, 1072, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1085, 1086, 1087, 1089, 1090, 1094, 1096, 1098, 1099, 1102, 1103, 1104, 1105, 1109, 1111, 1112, 1156, 1157, 1171, and 1179.

EXTENSION OF REMARKS—THE TARIFF

Mr HAUGEN. Mr. Speaker, not desiring to impose upon the limited time allotted to others, I shall avail myself of the privilege granted to extend my remarks to briefly discuss the tariff debenture, and to call attention to the operations of the Federal Farm Board. Not with a view of criticizing the make-up of the board, but on the contrary, in my opinion, President Hoover undoubtedly exercised great care and good judgment in the selection of energetic men of high standing and experience, to constitute the Federal Farm Board.

Notwithstanding the wise selection, all that was expected may not have been accomplished. I believe that the board has been helpful in maintaining prices over what they would otherwise have been. I believe it is fair to assume with the depressed condition of the stock and money markets last December, had it not been for the board stabilizing the price of wheat, the price would have gone lower, which I believe is also true in the case of cotton, butter, and other commodities.

Why the failure of the board to "maintain advantageous domestic markets and to prevent surpluses from unduly depressing the prices received for the commodity," as directed in the agricultural marketing act? Evidently, the board was assigned a big task—to do the impossible.

Evidently the experience of the board, and all who have tried it, has demonstrated to the satisfaction of the board that in order to carry out the declared policy of the agricultural marketing act, to "maintain advantageous domestic markets and prevent the surplus from unduly depressing the price received for the commodity," can only be accomplished through control of the whole production or curtailment of production, or through a subsidy.

The board was given the task to make the provisions of the agricultural marketing act effective. The act gives the board power, and it makes $500,000,000 available to carry out the declared policy, and directs specifically to "maintain advantageous domestic markets and prevent speculation and waste and prevent surpluses from causing undue and excessive fluctuations or depressions in the price of the commodity," but it did not provide the board with a yardstick, or a specific plan, for making the tariff effective, as was specifically provided in the McNary-Haugen equalization fee bills, passed in the House three times and in the Senate two times and vetoed by the President.

Due to pressure brought to bear by many who contended that the all-essential, 100 per cent voluntary cooperation in the marketing of agricultural commodities could be effected by the board and the producers, and after being led to believe that if it, or another plan to make the tariff effective was not found by the board, that the cost of making the tariff effective would be borne by the Federal Treasury, although the bills under consideration, with exception of phraseology, were identical in principle with the provisions of previous McNary-Haugen bills, and everything that could have been accomplished under previous bills could be accomplished under the agricultural marketing act except the authorization for the collection and withholding of the equalization fee, the elimination of the equalization plan provision, thus making the required cooperation compulsory, was most reluctantly agreed to by representatives of farm organizations and Members of Congress, advocates of the equalization plan.

It is up to the board in conjunction with the producers to adopt its own plan to do the job as directed. It is the same as giving a contractor a check book, the dimensions of a structure, and an order to make his own plans, specifications, and blue prints. Not the best way of doing it, but many contended and believed it could be done, and therefore it was reluctantly agreed to, and as a result the board was charged with the responsibility of making out its own plan and in conjunction with the producers to effect the required 100 per cent cooperation and control of the commodity necessary to maintain advantageous domestic markets—in other words, to make the tariff effective.

Unfortunately experience has demonstrated beyond a doubt that because of the large number of producers of agricultural commodities voluntary cooperation to effect a balanced production, or the pooling of the whole production of agricultural commodities, can not be accomplished. Either of the two is, of course, absolutely essential to carry out the declared policy of the act—that is, "To maintain advantageous domestic markets and to prevent surpluses from causing undue and excessive fluctuations or depressions in prices for the commodity." In other words, to make the tariff effective as directed in the agricultural marketing act.

Mr. C. C. Teague, president of the California Fruit Growers' Exchange and California Walnut Growers' Association, the most successful of all organizers, tried it out in organizing the citrus and walnut growers and succeeded in controlling about 75 per cent of the production of citrus fruit and 85 per cent of the walnuts; and when asked the question, "Did you have any trouble with the other 25 per cent?" Mr. Teague's answer was, "Yes; they are out fighting us all the time." And when asked if he had any suggestions to offer whereby it might be possible to make the other 25 per cent cooperate he answered frankly, "No, sir; I do not think that would be possible." (See Hearings, Serial A, part 9, April 4 and 5, 1929, Agricultural Relief.)

No; practically all recognize that, because of the large number of producers, voluntary pooling of the whole production can not be accomplished. Many excellent men have put forth their best efforts to secure voluntary pooling in wheat and other commodities, in fact, all have failed in their efforts, and given up in despair.

On the other hand, organized industry, with fewer numbers, has succeeded in pooling its whole production, and taking benefit of the tariff. Labor, through its strong organization and the Adamson Act, has been enabled to influence the wage scale, and the Federal reserve banks, through the Federal Reserve Board through its control of the volume of flow of currency, has, and is, in position to influence the rate of interest.

What is true in respect to the ability of the producers to organize to pool the whole production, is equally true in respect to the curtailment of production. It is an old story. To my certain knowledge, the curtailment of crops has been discussed privately and publicly, in the red schoolhouses, at the corner stores, at the forks of the roads, in fact, at the county, State, and national conventions, in connection with agricultural problems. It is common knowledge that producers in large numbers have gathered at places of assemblage, solemnly resolving to reduce acreage and curtail production, returning home with the firm determination to increase acreage and speed up production.

Mr. C. C. Teague, a gentleman of experience in the marketing and pooling of agricultural commodities, and now a member of the board, due to his experience, recognizing the fact that a hundred per cent voluntary pool can not be accomplished, has proposed for the California grape growers a program involving in effect the equalization-fee plan. The plan, as outlined by Mr. Teague, provides that the owners of the vineyards representing 85 per cent of the grape production of California, sign a 10-year contract, to pay the control board, through their local cooperatives, a stabilization fee of $1.50 a ton on the entire production of their vineyards. It is estimated that the capital or stabilization fund so created would produce an annual fund of $2,550,000, or more than $25,000,000 in 10 years. With this fund, the control board would buy surplus grapes wherever and whenever they were interfering with the maintenance of reasonable market conditions with respect to the sale of the balance of the crop.

I hold in my hand a copy of Wallace's Farmer and Iowa Homestead, issue of April 12, 1930, and on page 6 thereof will be found on article entitled "Equalization Fee Revived by Board," which I ask may here be inserted, and which gives in greater detail the information in regard to the plan.

EQUALIZATION FEE REVIVED BY BOARD—FARM BOARD'S PLAN FOR GRAPES USES OLD MCNARY-HAUGEN PRINCIPLE

WASHINGTON, D. C.—Within eight months of its inception, the Federal Farm Board has proposed for the California grape growers a program almost identical with the surplus-control measure Congress tried eight years to enact.

It involves, in effect, the equalization-fee principle of the old McNary-Haugen bill.

The board takes no official cognizance of the similarity, but the facts speak for themselves. It was the essence of McNary-Haugenism that "the commodity served pay for the removal of its own surplus." The board proposes that a fee of $1.50 a ton be collected on grapes as they pass through the "bottle necks" of trade, the accumulated sum to be used to buy surplus grapes and hold them off the market until it will absorb them at a profitable price.

TEN-YEAR CONTRACT TO BE SIGNED

C. C. Teague, board member representing fruits and vegetables, outlined the scheme in an address before a mass meeting of grape growers at Fresno. It provides that the owners of vineyards representing 85 per cent of the grape production of California sign a 10-year contract to pay to a control board, through their local cooperatives, a "stabilization" fee of $1.50 a ton on the entire production of their vineyards. On option of the signer, withdrawal from the contract would be permitted after the third year.

It is estimated that the capital or stabilization fund so created would produce an annual fund of $2,550,000, or more than $25,000,000 in 10 years. With this fund, the control board would buy surplus grapes wherever and whenever they were interfering with the maintenance of reasonable market conditions with respect to the sale of the balance of the crop.

There is an average annual surplus of about 300,000 tons of grapes. The proposed fee system would create sufficient funds each year, the board believes, to remove and control a surplus of 350,000 tons.

Whereas Government funds are being used to effect stabilization of the grain market, it is proposed that the smaller and more compact grape industry finance its own stabilization. It is the first time the celebrated principle of McNary-Haugenism has entered Farm Board operations, and it is applied to the commodity of a State that never was very receptive to the equalization fee.

Evidently a balanced production is beyond the power of the producers, or of the Congress, or of any human instrumentality. It can only be accomplished through the elimination of bugs and pests and through an alliance with Providence, the controlling factor in the control of the sun, rain, heat, cold, droughts, storms, floods, and the many other items that affect production or yield.

Being the proud possessors of the bread basket of the world, the responsibility is upon us, being humane and charitably in-

clined, to supply not only our 150,000,000 people but people of the world not so fortunate as we are. Even though it were possible, to reduce our production in order to eliminate crop surplus would be nationally unwise, economically unsound, and impossible in practice.

No; better try out some workable plan less expensive and hazardous. Judging from reports the board's expense in its operations in wheat, if closed at this time, would cost the Government many millions of dollars. Had the board and producers been in control of the marketing of the whole production of wheat, instead of stabilizing the price at $1.25 Minneapolis and taking a loss of many millions of dollars, it could have stabilized the price at the competitor—Winnipeg, Canada—price last November at $1.33 plus 42 cents tariff and freight of 3 cents, or a total of $1.79. If so, the producers would have received $1.78 instead of $1.32, a gain of 46 cents per bushel minus the cost of the equalization fee of less than 12 cents, or, in order to play safe, if it had collected or withheld 16 cents per bushel to pay the cost of equalizing the price, the producers would then have been 30 cents a bushel ahead, and, if applied to the whole crop or production, it would have been two hundred and forty millions ahead for the 1929 crop, and not only would the producers have been two hundred and forty millions ahead but also the revolving fund would have undoubtedly been millions of dollars ahead.

Had the board stabilized the price of butter last November, at the competing price (Copenhagen) $0.3872, plus the tariff of 12 cents and freight of 1 cent, the producers would have received $0.5172 instead of the New York price of $0.4238, a gain of $0.0936 per pound, minus the cost of equalizing the price, amounting to a small fraction of 1 mill. The producers, after paying the equalization fee, would have been more than 9 cents per pound ahead. If applied to the whole 1928 production, or more than 2,000,000,000 pounds, they would have been ahead some one hundred and eighty million dollars.

In case of corn, our competitor (Buenos Aires) price is $0.824, plus the tariff of 15 cents, export tax of 2 cents, ocean freight $0.1125, or a total of $1.1065, instead of the Chicago price of 88 cents, or a difference of $0.2265, or a net gain, after deduction of the cost of equalizing the price, of less than 2 mills per bushel, of more than 22½ cents per bushel, and if applied to the 1929 production of two and a half billion bushels, they would have been more than $500,000,000 ahead.

Better try a more effective plan, the equalization-fee plan, one tried and found fruitful of good results.

Balanced production on wheat and corn can better be accomplished through giving proper tariff protection, to production of sugar beets, blackstrap molasses, casein, and vegetable and animal oils or food oils, and to thus devote corn and wheat acreage to the planting of beets, and to pay the millions of dollars annually into the pockets of the American beet growers, rather than to pay the $161,191,100 for 6,651,892,703 pounds of sugar now paid to Cuba and the Philippines and foreign countries.

If 40 000,000 bushels of corn is substituted for 240,000,000 gallons of blackstrap molasses imported and used in the manufacture of commercial alcohol, to say nothing of the 92,500,000 gallons used in the manufacture of feed, it would dispose of our 25,000,000 bushels surplus corn problem. Substitute casein made out of American milk, now going into the sewers, for the imported casein, and substitute domestic butter, milk, and cream for ingredients produced outside of the continental limits of the United States; apply the equalization-fee plan, and make the tariff effective and establish an embargo whenever necessary to carry out the plan, then you have solved not only the domestic surplus problem in the corn and dairy industry but in a degree also the surplus in wheat.

Unfortunately, it is not provided for in the tariff bill. Also another bill, H. R. 6, introduced by me, which passed the House on February 6, 1930, to bring the so-called cooking compounds within the definition of oleomargarine, subjecting them to regulation and tax, is still pending, and now that only a few days remain before adjournment, there may be some doubt about its passage. The manufacture of butter substitutes out of coconut oil, etc., may continue without regulation or taxation, and the dairyman will continue in competition with the Filipino up the tree.

In this connection I shall avail myself by inserting a portion of my remarks while the bill was under discussion.

Recently a new substitute for butter and oleomargarine has been placed upon the market—sold in large quantities—disguised and sold under numerous and various names, and generally referred to as cooking compounds, made largely from coconut oil, imported from outside the continental limits of the United States, mixed with a small portion of peanut oil, salted, and colored, sold in pound, half-pound, and quarter-pound packages of the same size and appearance as butter and oleomargarine.

The purpose of it, the so-called oleomargarine bill, is to do away with an unjust practice, and to permit the manufacture and sale of one product, the so-called cooking compounds, scot-free of tax and regulation, over another taxed product subject to Federal sanitary regulations and to remove the discrimination in favor of one product composed of ingredients produced outside of the continental limits of the United States, as against products composed of ingredients produced within the United States. In other words, to do away with an apparent rank injustice to worthy and legitimate domestic industry, the cottonseed industry and the dairy industry of our country.

The so-called cooking compounds are largely made of the same materials as oleomargarine, except that they are mixed and emulsified in water instead of in milk or cream. The processing and equipment used in the manufacture of oleomargarine and the so-called cooking compounds are identical. Any plant equipped to manufacture oleomargarine can be changed over, without expense, to manufacture these cooking compounds. All the equipment that is required is a mixing machine and a molding machine. The fats are heated and then mixed in cold water in a comparatively inexpensive machine, which agitates the fats in the cold water.

A firm in Kansas City started in making these products in an old barn and has developed a good-sized business, more than 100,000 pounds a month.

The substitute is made and sold free of taxes, sanitary regulations, and supervision, and no license required.

This butter substitute is composed principally of coconut oil, with a market price of 10 cents a pound, produced outside of the continental limits of the United States and, as stated, free from payment of tax—not subject to sanitary regulations in its manufacture, and no license required for the sale.

There are two competing articles or products—colored oleomargarine and butter.

Production of oleomargarine in 1929, as shown in September report, was 16,305,863 pounds colored and 316,815,588 pounds uncolored.

Butter, the competing article, is made under supervision and sanitary regulations, and so forth. Production in the United States in 1927 was 2,097,712,000 pounds.

Renovated butter is also taxed and supervised.

Notwithstanding that the materials and processing and equipment used in the manufacture of oleomargarine and the so-called cooking compounds are identical, the courts have held that the cooking compounds are not clearly within the definition of the oleomargarine law.

Oleomargarine is defined by Federal and State statutes, and is subject to one-quarter of 1 cent per pound uncolored and 10 cents per pound colored.

Butter, adulterated butter, and processed and renovated butter are defined in the amendment of May 9, 1906, to the original oleo act of August 2, 1886.

Adulterated butter is taxed 10 cents per pound, about $500,000,000, the same as oleo.

Wholesalers are required to keep books and render returns to the Commissioner of Internal Revenue, and renovated-butter factories are subject to sanitary regulations.

Processed or renovated butter is subject to one-quarter of 1 cent per pound tax.

Manufacturers of oleo are subject to $600 license.

Wholesale dealers in oleo are subject to $480 license for colored and $200 for uncolored.

Retail dealers in oleo are subject to $48 license for colored and $6 for uncolored.

Manufacturers of processed butter are subject to $50 license, and dealers are not licensed.

A pound of yellow oleomargarine, a pound of yellow butter, or a pound of yellow nut products "cooking compounds" can not be distinguished from each other in appearance or in texture by the ordinary buyer.

Cooking compounds have no regulations of any kind, such as are imposed upon oleomargarine or butter.

The purpose of the bill is to classify cooking compounds "nut products" as oleo and place it under the Internal Revenue and Department of Agriculture regulation and supervision.

It is estimated that production has increased to 30,000,000 pounds of these so-called cooking compounds, which if taxed at 10 cents per pound would have enriched the Federal Treasury to the extent of $3,000,000 in taxes alone, not to mention the great amounts which would have been paid in licenses to manufacture and sell.

The current price of butterfat throughout the country recently is approximately 43 cents per pound.

The price of oleomargarine varies, according to the amount of cream or milk used, ranging from 20 to 40 cents per pound.

These cooking compounds, supposed to be for the purpose of shortening and to take the place of lard, sell here in Washington for from 25 to 35 cents per pound.

Lard, a much superior shortening, ranges from 11 to 13 cents per pound.

Undoubtedly much of these compounds are sold as oleo or butter at exorbitant prices and at enormous profits. Not because they are better than lard, but by virtue of their being made to imitate butter and oleo and consumers made to believe that they are butter or oleomargarine.

As previously stated, to me it seems a rank discrimination to permit the manufacture and sale of a product composed of ingredients produced outside of the continental limits of the United States tax free, and free from supervision or regulation of any kind, and to tax products composed of ingredients produced in the United States and subject them not only to taxes, but Federal and State regulation.

It is unnecessary to say it is unfair that the American dairyman, setting out early and late 365 days in the year with lantern in hand, feeding his cows, milking, churning, and hauling his cream to the market, and selling it in competition with foreign products produced by underpaid labor, as for instance the coconut picked by the Filipino in the tree, and selling it on the American market free of duty. It seems a rank injustice to put the American farmer on his milking stool up against the half naked, underpaid Filipino in the coconut tree.

The difficulties of agriculture are acute, and of long standing, and most difficult to overcome, and considering the short space of time since the board was created, naturally all has not been accomplished that might have been expected. However, with the authority vested in the board, and the funds placed at its command, and the make-up of the board, and if the producers will cooperate as provided in the act, and if all do their part, which is absolutely essential to carry out the purposes of the act, the rehabilitation of agriculture will have taken a long step forward, and much will have been accomplished to bring about the promised restoration of equality between agriculture and industry. In short, the outcome rests with not only the board but also the producers—in other words, the responsibility of carrying out the declared policy of Congress rests with the board—the responsibility of 100 per cent cooperation, essential to effectively carry out the policy, rests with the producers.

If the board and producers fail in the all-essential to accomplish the 100 per cent pool, it can be accomplished by granting the board the power and directing it to collect or withhold an amount to cover the cost of equalizing the price and to pay each producer his ratable share of the profits therefrom, as provided in the previous McNary-Haugen bills. The question, then, is, Will Congress relieve the board and the producers of the responsibility of effecting the 100 per cent pool, the all-essential, and prescribe a workable plan—one that has been tried and proven effective by organized industry, labor, and other activities, or will it, as suggested in the Senate amendment to the tariff bill, authorize the payment of debentures?

If so, and if made mandatory on the board to apply the debenture plan, and the tariff rates were to be paid in full, instead of one-half as suggested, and assuming that the debenture paid would advance the price of commodities to the full extent of the tariff rate, it would, of course, make the tariff effective and redeem party platform pledges in that respect. If producers of wheat were paid the present rate of duty of 42 cents per bushel on wheat, and assuming the price of the whole production of 806,000,000 bushels would advance 42 cents per bushel, then the producers would receive $338,000,000 more, and if paid 15 cents a bushel on corn on the two and one-half billion bushels produced they would receive $375,000,000 more, and the producers of butter, if paid the tariff rate of 15 cents on the whole production of butter, would have received $300,000,000 more, or a total on the three commodities of $1,013,000,000. If only paid one-half the tariff rates as suggested, it would be $506,500,000. But according to the Tariff Commission's report of debentures payable under the Senate amendment to the tariff bill, H. R. 2667, printed in the CONGRESSIONAL RECORD, page 6960, April 11, 1930, the cost of debentures payable on corn would be $2,530,895, and on corn products such as corn meal, hominy, and corn grits, and so forth, $452,672, or a total of $2,983,567; the cost on wheat would be $18,927,216; wheat flour, $13,925,795; or a total of $32,853,011. No report on butter, as there were no exports during that year. All of which would be at the expense of the Federal Treasury.

The question is, Why should the Government be put to the expense of paying out in debentures on these three commodities $35,000,000 and the producers receive $1,011,000,000, if under the equalization plan the producers would receive $920,000,000 more and the Federal Treasury be ahead $35,000,000?

In my opinion, the equalization-fee plan is much to be preferred. The producers and their representatives testifying before the committee, with one exception, have not asked for a subsidy. All have made it clear that they were not asking for charity. They simply asked for what they have been promised by practically all the political parties, their just dues, that they be placed on an equality with other industries; that they be given the benefit of our protective laws. Their demand has been that the pledges made be redeemed.

In the agricultural marketing act the board and the producers were given the necessary funds and power by Congress to give the producers the benefit of the protective laws; but instead of providing the board with a specific plan, a yardstick, as provided in the previous McNary-Haugen bills, Congress placed the responsibility upon the board to adopt its own plan, and upon the producers the responsibility to effect 100 per cent cooperation. If 100 per cent voluntary cooperation required can not be accomplished, and the board fails in its efforts to adopt a workable plan to carry out the declared policy to make the tariff effective, then Congress should supply, as was done in the previous McNary-Haugen equalization fee bills, a plan to effect 100 per cent cooperation and to make the tariff effective.

Any amendment to the pending bill to amend the agricultural marketing act would be subject to a point of order. Evidently nothing by way of further farm relief legislation can be brought about, at least at this session of Congress. The only thing before Congress, and the only thing likely to come up, at least this session, is the debenture plan, now before us.

Although it is not the most advantageous and equitable plan, and though it is the most expensive plan, it will, in a degree, redeem party platform pledges and give the board the power to invoke the debenture in case the board and the producers fail in their efforts to effect the required voluntary cooperation and curtailment of production, and if the board fails in its effort to adopt a workable plan to carry out the declared policy to make the tariff effective on agricultural commodities, and as the debenture plan is the only plan before us, and the only one likely to come before us now or in the near future, there seems only one thing to do—to vote for it.

If adopted as presented, it will be optional with the board to adopt the proposed debenture plan, or if it succeeds in working out an equalization plan, a more equitable and less expensive plan, to adopt it. It should, of course, select the best plan of all plans suggested.

Acting upon the suggestion that a list of bills reported by the Committee on Agriculture, of which I have the honor to be chairman, and which have been enacted into law in the 11 years in which the Republican Party have been in the majority, be printed in the RECORD for the information of those inclined to believe that Congress has been derelict in its duty in legislating in the interest of agriculture, I append hereto such list:

FIRST, A LIST OF 17 IMPORTANT BILLS, INTRODUCED AND SPONSORED BY ME, AND WHICH HAVE BECOME PUBLIC LAW

H. R. 7893, Public, No. 450, by Mr. HAUGEN, Sixty-sixth Congress, a most important amendment to the food control act, to permit collective bargaining by any cooperative association of farmers, which relieved farmers from persecution and unwarranted prosecution so unjustly imposed upon them from coast to coast; relieving them from fighting lawsuits at great expense, to justify or defend their right to make collective sales.

H. R. 7413, Public, No. 22, by Mr. HAUGEN, Sixty-sixth Congress, which required the marking of the net weight on wrapped hams and bacon, thus guaranteeing full weight to the consumer and obviating deception.

H. R. 8624, Public, No. 63, by Mr. HAUGEN, Sixty-sixth Congress, the District of Columbia rent act, establishing a rent commission to regulate rents in the District of Columbia.

H. R. 444, Public, No. 109, by Mr. HAUGEN, Sixty-sixth Congress, dealing with the supply and price of sugar.

H. R. 12272, Public, No. 234, by Mr. HAUGEN, Sixty-sixth Congress, the Agricultural appropriation bill for 1921 eliminated and reduced many useless appropriations; it carried a reduction of $2,185,327 under the bill of 1920.

H. R. 12053, Public, No. 519, by Mr. HAUGEN, Sixty-seventh Congress. To define butter, and to p rovide standards therefor. Sets up a single standard of butter for the enforcement of the food and drugs act.

H. R. 6320, Public, No. 51, by Mr. HAUGEN, Sixty-seventh Congress, the packers and stockyards act, to place under Government regulation and supervision of the Secretary of Agriculture, giving exclusive jurisdiction over the stockyards as well as the packers.

H. R. 5791, Public, No. 89, by Mr. HAUGEN, Sixty-eighth Congress. To free certain Southern States from the cattle tick.

H. R. 5946, Public, No. 87, by Mr. HAUGEN, Sixty-eighth Congress. For the protection of wild game.

H. R. 7113, Public, No. 156, by Mr. HAUGEN, Sixty-eighth Congress. To establish a dairy bureau in the Department of Agriculture.

H. R. 7893, Public, No. 450, by Mr. HAUGEN, Sixty-ninth Congress. Establishes a division of cooperative marketing in the Department of Agriculture, which renders assistance to cooperative associations through the dissemination of crop and market information.

H. R. 7818, Public, No. 180, by Mr. HAUGEN, Sixty-ninth Congress. Amending the packers and stockyards act, so that the weighing of livestock at a stockyard is conducted by a duly authorized agency of the State.

S. J. Res. 78, Public Resolution No. 14, by Mr. HAUGEN, Sixty-ninth Congress. To allow the States to quarantine against shipment therein or through the States of plants or plant products and other articles found to be diseased or infected.

H. R. 484, Public, No. 327, by Mr. HAUGEN, Seventieth Congress. To amend section 10 of the plant quarantine act, which gives authority to stop in movement quarantined articles which are pest carriers.

H. J. Res. 127, Public Resolution 127, by Mr. HAUGEN, Sixty-eighth Congress. Transfers to the Department of Agriculture control of reindeer in Alaska, which have become the chief source of food supply.

H. R. 1, Public, No. 10, by Mr. HAUGEN, Seventy-first Congress. Establishes a Federal Farm Board to aid in the orderly marketing, and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce. The act is similar in principle to the farm relief bill passed in the House three times and Senate twice, and the aim of the bill is to enable the farmer to market his commodities in his own way, at an American price level.

To relieve the depressed condition in agriculture. To do for the farmers what was done for others by the enactment of the Federal reserve act, the railroad act, the Adamson law, the restricted immigration act, and the many acts extending aid, assistance, and relief to numerous other activities; to afford the farmer the advantages, aid, and opportunities extended to others. In short, a fair and square deal to all; nothing more, nothing less.

H. J. Res. 215, Public Resolution 25, by Mr. HAUGEN, Seventieth Congress. To authorize the Secretary of Agriculture to accept a gift of certain lands in Clayton County, Iowa, enabling the Secretary to accept a gift of 488 acres, which embraces the famous Pikes Peak, an excellent lookout point, for the purposes of the upper Mississippi River wild life and fish refuge act, Public Resolution 25.

SECOND, A LIST OF IMPORTANT BILLS, INTRODUCED AND SPONSORED BY ME, WHICH HAVE PASSED THE HOUSE

H. R. 487, by Mr. HAUGEN, Seventieth Congress, passed House March 14, 1928. To amend pure food and drugs act.

H. J. Res. 140, by Mr. HAUGEN, Seventieth Congress, passed House March 7, 1928, which provides for the inspection, safe handling, and safe transport of horses, sheep, goats, and swine.

H. R. 6, by Mr. HAUGEN, Seventy-first Congress. To amend the definition of oleomargarine to clarify the language of the act, so as to bring a third class of fat compounds made from coconut oil, imported, and peanut oil, under names and disguised as cooking compounds within the definition of oleomargarine, and therefore within the taxing and regulating power of the Bureau of Internal Revenue.

H. J. Res. 153, Seventy-first Congress, correcting section 6, act of August 30, 1890, as amended. Passed House April 7, 1930.

H. R. 9521, Sixty-sixth Congress, by Mr. HAUGEN, passed by the House, limited the time foods could be held in cold storage to one year, also regulating the sanitary conditions of cold-storage warehouses, and requiring report on all foods held in cold storage.

Also, H. R. 8, by Mr. HAUGEN, Seventy-first Congress. To prevent the use of slack-filled packages, which has passed the House four times. A bill to protect against the use of containers misleading to the consumers.

H. J. Res. 200, Seventy-first Congress, by Mr. HAUGEN. Authorizing acceptance of donation of land, buildings, etc., in Caddo Parish, in Louisiana.

THIRD, A LIST OF THE IMPORTANT BILLS INTRODUCED AND SPONSORED BY ME, REPORTED BY THE COMMITTEE, AND AWAITING ACTION IN THE HOUSE

H. R. 7, by Mr. HAUGEN, Seventy-first Congress. Amend United States warehouse act. Reported to House May 1, 1929.

H. R. 10464, by Mr. HAUGEN, Seventy-first Congress. To facilitate and simplify national forest administration.

H. R. 10350, by Mr. HAUGEN, Seventy-first Congress. To transfer certain lands to the Ouachita National Forest, Ark.

H. R. 10782, by Mr. HAUGEN, Seventy-first Congress. To facilitate and simplify work of the Forest Service.

H. R. 11514, by Mr. HAUGEN, Seventy-first Congress. To define preserve, jam, jelly and apple butter, and provide standards therefor.

H. R. 11789, by Mr. HAUGEN, Seventy-first Congress. To aid in maintenance of engineering experiment stations.

FOURTH, OTHER IMPORTANT AGRICULTURAL BILLS WHICH HAVE BECOME PUBLIC LAW

H. R. 11768, Public, No. 625, Sixty-ninth Congress. To regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry.

H. R. 15649, Public, No. 594, by Mr. PURNELL, Sixty-ninth Congress. To provide for the eradication or control of the European corn borer.

H. R. 9396, Public, No. 802, Sixty-ninth Congress. To insure farmers' cooperative associations, comprised of producers, the right to own seats on board of trade and exchanges.

H. R. 16470, Public, No. 657, by Mr. O'CONNOR, Sixty-ninth Congress. Amends United States cotton futures act.

H. R. 3890, Public, No. 799, by Mr. LUCE, Sixty-ninth Congress. Establishes a national arboretum, of special benefit to the agricultural interests, horticulture, and forestry.

H. R. 4088, Public, No. 268, Sixty-eighth Congress. To establish the upper Mississippi wild life and fish refuge, comprising 300 miles of bottom lands, along the upper Mississippi, as a breeding place for migratory birds, wild birds, game animals, fur-bearing animals, and for the conservation of wild flowers and aquatic plants.

S. 4224, Public, No. 565, by Mr. Lineberger. For the protection of forest lands, for reforestation of denuded lands, for the extension of national forests in order to promote the continued production of timber on lands suitable therefor.

H. R. 14302, Public, No. 539, by Mr. FULMER, Sixty-seventh Congress. Establishes and provides for the use of official cotton standards.

Also, H. R. 8086, Public, No. 513, Sixty-seventh Congress. To prohibit the shipment of filled milk in interstate and foreign commerce.

Also, H. R. 11396, Public, No. 293, by Mr. HAUGEN, Sixty-seventh Congress. To regulate foreign commerce in the importation into the United States of honeybees.

Also, H. R. 11843, Public, No. 331, by Mr. Tincher, Sixty-seventh Congress. Grain futures act.

S. 2569, Public, No. 178, by Mr. Warren, Seventieth Congress. Providing for horticultural experiment and demonstration work in the semiarid or dry-land regions of the United States.

S. 3194, Public, No. 304, by Mr. COLTON, Seventieth Congress. To establish the Bear River migratory bird refuge.

H. R. 14302, Public, No. 539, Sixty-seventh Congress. Establishes and provides for the use of official cotton standards.

H. R. 271, by Mr. WOODRUFF, Sixty-ninth Congress, passed Senate and House. Making appropriations for carrying out the Weeks Act.

H. R. 10510, Public, No. 712, by Mr. HARE, Sixty-ninth Congress. To prevent the destruction or dumping without good and sufficient cause of farm products by commission merchants and others.

H. R. 405, Public, No. 278, by Mr. GARBER, Seventieth Congress. Providing for horticultural experiment and demonstration work.

H. R. 9495, by Mr. KETCHAM, Seventieth Congress. To provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of prior acts.

H. R. 1424, Public Resolution No. 56, Seventy-first Congress. Eradication of Mediterranean fruit fly.

S. J. Res. 117, Public Resolution No. 47, by Senator SMITH, Seventieth Congress. Relief of farmers in storm and drought stricken areas.

H. J. Res. 232, Public Resolution No. 42, by Mr. DOUGLAS, Seventieth Congress. Eradication of pink bollworm.

H. R. 10173, Public, No. 160, Seventy-first Congress. For investigations in cotton ginning.

It has reported and passed numerous bills extending loans to aid farmers and for purchase of seed in drought and storm stricken sections.

It has reported and passed numerous bills authorizing the acquisition of experiment stations.

FIFTH, 16 OTHER IMPORTANT AGRICULTURAL BILLS WHICH HAVE PASSED THE HOUSE

H. R. 10374, by Mr. WOODRUFF, passed House March 14, 1928, passed Senate May 10, 1928, Seventieth Congress. For the acquisition of lands for an addition to the Beal Nursery at East Tawas, Mich.

S. 1181, by Mr. WOODRUFF, passed House and Senate, Seventieth Congress, and through conference. Authorizing appropriation to be expended under the provisions of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States for the protection of the watersheds of navigable streams."

H. J. Res. 200, by Mr. ANDRESEN, passed House April 11, 1928, Seventieth Congress. Amending section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge."

H. R. 7459, by Mr. MORGAN, passed House March 7, 1928, Senate May 10, 1928, Seventieth Congress. To authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes.

H. R. 8130, by Mr. REED, reported to House April 11, 1928, Seventieth Congress. Authorizing the creation of game refuges on the Ouachita National Forest.

H. J. Res. 26, by Mr. HAUGEN, passed House April 2, 1928, Seventieth Congress. Authorizing Secretary of Agriculture to dispose of real property located in Hernando County, Fla., known as Brooksville Plant Introduction Garden.

H. J. Res. 112, passed House January 16, 1928, Seventieth Congress. Amends the act of May 29, 1884, as amended, the act of February 2, 1903, act of March 3, 1905, as amended, to include poultry within their provisions.

H. R. 53, by Mr. Gilbert, Seventieth Congress, passed House March 7, 1928. To provide for the collection and publication of statistics of tobacco by the Department of Agriculture.

H. J. Res. 237, by Mr. BUCHANAN, Seventieth Congress, passed House and Senate May 12, 1928. To provide for eradication of the pink bollworm.

S. 757, passed House May 8, passed Senate March 14, 1928. To extend the benefits of certain acts of Congress to the Territory of Hawaii.

H. R. 12632, by Mr. PURNELL, passed House April 11, 1928, passed Senate April 24, 1928. To provide for the eradication or control of the European corn borer.

H. R. 730, by Mr. MAPES, Seventy-first Congress. Passed House. Amending pure food and drugs act, providing for standards of canned foods, etc.

H. R. 5410, by Mr. KNUTSON, Seventy-first Congress. Passed House. Tree planting in national forests.

H. J. Res. 179, by Mr. ANDRESEN, Seventy-first Congress. Printing 320,000 copies of Special Report on the Diseases of Cattle.

H. R. 2152. By Mr. KETCHAM, Seventy-first Congress. Expanding foreign field service of Department of Agriculture.

S. 108, by Mr. BORAH, Seventy-first Congress. To suppress unfair and fraudulent practices in marketing perishable agricultural commodities.

SIXTH, 15 OTHER IMPORTANT AGRICULTURAL BILLS REPORTED BY COMMITTEE AND AWAITING LEGISLATIVE ACTION

H. R. 12878, by Mr. WOODRUFF, reported to House April 21, 1928. To insure adequate supplies of timber and other forest products for the people of the United States.

H. R. 13646, by Mr. VINSON of Kentucky, reported to House May 11, 1928, Seventieth Congress. For regulating transactions on cotton futures exchanges.

S. 2030, by Mr. COPELAND. Reported to House May 11, 1928, Seventieth Congress. Provides for research into the causes of poultry diseases, feeding, experimentation, and educational programs.

Also, H. R. 14667, Sixty-sixth Congress, reported out. To regulate grain exchanges, to require grain exchanges to admit to membership on reasonable terms cooperative societies.

H. R. 8981, by Mr. BRAND, Sixty-eighth Congress. Reported out of committee a bill to establish standard weights for loaves of bread, and to prevent fraud in respect thereto.

Also, H. R. 7401, by Mr. STEVENSON, Sixty-seventh Congress. Wheat grades, prescribing standards and grades for spring wheat.

H. R. 13352, by Mr. Little, Sixty-seventh Congress. Reported by committee. Authorizes the Secretary of Agriculture to purchase, store, and sell wheat and secure and maintain to the producer a reasonable price for wheat.

H. R. 7111, by Mr. Kitchin, reported out of committee and passed the House, making more extensively available and expanding the service rendered by the Department of Agriculture in gathering and disseminating information regarding agricultural production, supply, and demand in foreign countries.

H. R. 252, by Mr. SUTHERLAND, Seventy-first Congress. To facilitate work of Agriculture Department in Alaska. Reported April 21, 1930.

H. R. 9630, by Mr. HAWLEY, Seventy-first Congress. Fire trespass in national forests.

H. R. 10823, by Mr. CHRISTGAU, Seventy--first Congress. Granting right of way for bridge through upper Mississippi wild life and fish refuge.

H. R. 10877, by Mr. CLARKE of New York. For protection of watersheds.

H. R. 11285, by Mr. SUTHERLAND. To amend Alaska game law.

S. 1959, by Mr. FLETCHER, Seventy-first Congress. To create game sanctuaries in Ocala National Forest.

H. J. Res. 307, by Mr. HOPE. Authorizing appropriations for migratory bird conservation act.

In addition 184 bills have been referred to the Committee on Agriculture in this Congress; 37 bills have been reported, of which 18 bills have passed the House, 8 of which have also passed the Senate.

Mr. EDWARDS. Mr. Speaker, to-day I spoke in favor of the debenture and voted with 160 other Members from agricultural districts to put it on as an amendment to the tariff bill. It was voted down, and its defeat in this House, which has a Republican majority of something like 104 Members, is the hardest blow given agriculture in many years.

When the President called the extra session of Congress to consider farm relief the debenture was then urged. The Republicans had the votes, and they wrote the bill. That it has not been administered so as to give the relief agriculture had expected there is no question. It was pointed out a year ago by some of the ablest men of the country that the trouble with agriculture is that the farmers North, East, South, and West are being bled to death with the superprotective high tariff rates on everything they have to buy and use without any compensating increases on farm products. It is well known that a tariff rate on wheat, cotton, or any other largely exportable surplus crop is not and can not be effective without something like the debenture to bring about the boost in rates. In my speech I pointed out that the debenture would mean an increase of $10 per bale on cotton and that it would increase the price of all our raw farm products and that it would go directly to the farmers.

You say it would be a "bounty." The tariff is nothing but a bounty. You swallow it without any sugar coating, and in this bill you have inflicted upon the people the highest rates ever put into a bill. It will add an enormous cost to necessary living expenses, and it will be that much harder on the great toiling masses of this country, who are being literally enslaved into poverty by such special privileges to the favored few of this country. The wealth of this country is now owned and in the hands of only 5 per cent of the population. This is a serious condition. We need another Andrew Jackson, imbued with a flaming love of the people and of free government, to come on the scene and drive the "money changers" and the "money grabbers" out of their strongly entrenched "special privilege" position and restore this Government to the people, to be administered for the people, by the people, as Washington, Jefferson, and the founders intended it should be.

When and where will this tariff-tax increasing stop? What will it lead to? It has helped a few as compared to the whole, but because of the great inequality between the manufacturers and agriculture it has all but bankrupted the farmers all over the country. Our agricultural population is carrying the big end of the burden with no compensating relief in the tariff. The debenture has been figured out to give relief and in a measure establish equality of agriculture with the other industries. You, who had the votes and the power to grant the farmer this relief which you promised, have broken faith with the man who plows, and you have again tied another knot in the noose that special interests have about the neck of agriculture. What a foolish, short-sighted performance this is for industry to strangle agriculture to death! It is an act that will live to plague you and your offspring, unless this injustice, this reckless wrong to the millions on the farms, is soon corrected. It seems with some it is not how can we help the farmer but how can we best afflict him with additional burdens that the tariff-favored group may grow richer and richer regardless of the misery and absolute suffering of the farm population. Such unfair policy is "sowing to the wind," and you may rest assured you will sooner or later reap an uncontrollable cyclone. Justice is as eternal as the hills. Justice has been denied the agricultural industry in this tariff bill, as in all Republican tariff bills, which are made largely for the manufacturer.

As soon as the farmers of this country learn of this injustice they will take hold of the thing, stand by their real friends, and there will yet, soon I hope, be a tariff bill, just to agriculture, written by a Democratic Congress. The Democratic Party stands for justice to all the people. This Government can not long endure if we depart from the sacred old Jeffersonian doctrine of "equal rights to all and special privileges to none." We must come back to this doctrine and bind it to our hearts and practice it in all phases of our national life, if we would have the "house of our fathers" endure.

FARMERS FOR THE DEBENTURE

The National Grange, which is the oldest and perhaps the strongest farm organization of the country, as well as many other farm organizations, have fought for the enactment of the debenture plan. I have received many letters from farmers, cooperatives, and other farm organizations throughout the country commending my course in supporting the debenture. I want to quote one I received under date of May 5, 1930, from the National Grange, which is as follows:

MAY 5, 1930.

Hon. CHARLES G. EDWARDS,

House of Representatives, Washington, D. C.

DEAR MR. EDWARDS: Allow me to commend you for voting in support of the debenture amendment to the tariff bill. I assure you that the farmers of the Nation feel that the export debenture is a necessary complement to the tariff structure. It is the only sure way of bringing some tariff benefits to the producers of our staple agricultural crops.

It is interesting to note that the longer the debenture has been debated and discussed, the stronger it has become. The first time it was voted upon it received little support. A year ago it received 113 votes. Last Saturday 161 supported it, indicating a growing sentiment that the debenture program is as defensible as the tariff itself, is in harmony with the present drawback provisions of the tariff, and is no more a subsidy than high or prohibitive tariff rates.

The National Grange has a sincere desire to support legislation that will benefit the agricultural producers in all parts of the Nation and give them equality of opportunity and reward commensurate with those engaged in other callings.

Again assuring you of our appreciation, I remain

Yours sincerely,

L. J. TABER,

Master, National Grange.

It is good to know our efforts are appreciated. I have always done what I could for the distressed farmers. My sympathies are with them. They need help, but it seems they are doomed to get a "stone" when they asked this administration for "bread." The unhappy conditions of the great toiling masses on the farms must be remedied. It must not be postponed. It is dangerous to the very vitals of our Government for this great industry to remain in its deplorable condition. With wheat selling at $1 per bushel and cotton lower than it has been in years, with the industry bankrupt, taxes higher than they have ever been, the cost of living high, it presents a sad outlook. As agriculture fails, so will other businesses fail. They are failing fast, all over the country, and it is due to the deplorable condition on the farms. It will grow worse, unless conditions on the farms improve. It is the part of wisdom that we do all we can to remedy this inequality, this gross wrong, this intolerable injustice to agriculture, such as is carried in this tariff bill, just as quickly as it can be done.

THE FIGHT MUST CEASE

The fight on agriculture's claims for relief must cease. This fight has come from the high protection centers like New England. Instead of fighting the debenture and other things that would help distressed agriculture, the manufacturing industries that have long fed upon agriculture ought to join hands, in a constructive way, and help reestablish this crippled and almost broken-down industry, without which none of the industries can successfully exist. In asking for the debenture the farmers are asking for only half the benefit that the manufacturers get out of the tariff, yet we find great lobbies here opposing that, and we find courageous Congressmen (?) going through the hoop on the pop of the whip by the tariff bosses. The rate of protection given the special-interest group, as against the consuming masses of this country in the present Hawley-Smoot-Grundy tariff bill, will run from 34 to 40 per cent. There are increases in the present tariff bill on ropes, harness, plows, pitchforks, and almost every other conceivable article used on the farm and in the American home, carrying a tax of from 34 to 40 per cent which is levied upon the consumers for the benefit of the few.

In the South we have to stand that "bounty" with no boost or benefit in return to the people who have to pay it. Our lumber is left, as is nearly every other southern product, without any rate for revenue or otherwise. As I said before on the floor of the House, the Democratic Party has never been a free-trade party but it has always stood for a tariff for revenue, with whatever incident of protection that might result.

TAXES MUST BE REDUCED

Not only must the highly protective, super rates, imposed by the tariff, which is a tax, be reduced, but all other taxes must be reduced. The people are too sorely burdened now with municipal, State, and county taxes, as well as with the tariff tax and income taxes, of all kinds and descriptions. Homes are being sold for taxes, which the people are unable to pay. The cost of Government must be reduced, and the cost of living must be reduced. The people can not and will not stand these intolerable conditions that so sorely afflict them. If this was a Democratic administration it would be called a panic. What are we to call it under the Republican administration? I guess the best name for it is a "superpanic"; since the Republicans are responsible for these depressed conditions.

CHIEF QUANAH PARKER

Mr. McCLINTIC of Oklahoma. Mr. Speaker, in a little lonely cemetery called Post Oak Mission, situated near the heart of the Wichita Mountains, close by the old home of Chief Quanah Parker, which is the last resting place of this grand old warrior, will be unveiled to-morrow a monument erected in his honor by the United States Government. Participating at this exercise and delivering the principal address will be the speaker of the house of representatives, J. C. Nance, and Supt. J. A. Buntin, representing the Indian agencies for the Government, and a number of prominent members of both the Comanche and Kiowa Indian Tribes.

Some time ago Congress passed a special law providing for the construction of a beautiful 18-foot granite spire, which has been quarried from the Wichita Mountains near Mountain Park, Okla., some 2 or 3 miles from my home, and I think it is fitting that such a memorial tribute should be placed over the grave of this great Indian character, as he represented a type of the early aborigine, who always did that which he thought best for his own people and later for the United States Government. This monument will be unveiled by his two granddaughters, Alberta Clarke and Rowena Aesnap, in the presence of all his relatives and a number of friends from various sections of the State and Nation.

Quanah Parker's mother was Cynthian Parker, a white woman, captured when a little girl at old Fort Parker, which was formerly located 1 mile from the town of Groesbeck, Tex. I lived within 1 mile of this fort for over 20 years, and it was my privilege to attend school with the white relatives of his mother, and on one occasion I camped the entire summer at the exact spot where the old fort was located while engaged in agricultural pursuits. When I moved to Oklahoma Territory some 28 years ago I became acquainted with this great chief when he was in his prime of life. I knew him as a friend, and on one occasion was instrumental in getting him to bring a number of his people to my home city—Snyder, Okla.—for the purpose of assisting us in a Fourth of July celebration. I know that after he realized that it was useless to further oppose the soldiers of this Government in their efforts to bring about peace between the Indians and the white settlers that he took the right viewpoint of the situation and advised his people to lay down their arms and live with their white neighbors in peace. He was not only faithful to his country but was loyal to his family and the members of his tribe, always striving to bring about conditions that would cause a betterment of those he ruled over.

The old home, which is located at the foothills of the main ridge of the Wichita Mountains, was picturesque from many standpoints. The roof of the old house had stars painted on it in sufficient size so that they could be seen at a great distance. Around the yard was a stockade constructed of 25 or 30 strands of closely stretched barbed wire, thereby providing a refuge for any of those needing help in the days before the country had become properly civilized. Living in the old home is the chief's delightful daughter, who is married to Mr. A. C. Birdsong. Nearly every year I make a pilgrimage to this home, as to me it is one of the prettiest spots in these beautiful mountains, and their hospitality is of the kind that makes any person feel happy.

The chieftain was the father of 21 children, 10 of whom are living. They are Mrs. Emmett Cox, Lawton; Mrs. Weryodah Tam-ek-era, Cache; Wanada Page, Oklahoma City; White Parker, Phoenix, Ariz.; Mrs. A. C. Birdsong, Cache; Len Parker and Tom Parker, both of Cache; and Mrs. E. H. Clark and Mrs. Earl Pardy, both of Lawton.

There are 56 grandchildren and 24 great-grandchildren living.

As a part of history that has never been written and in addition to that which has been published so many times relative to

the recapture of this white girl, Cynthian Parker, the mother of the deceased chief, in whose honor the ceremony will be held to-morrow, I will state that soon after coming to Washington some 16 years ago I located an ex-soldier by the name of Loeffler who was attached to the company of soldiers that accompanied Ex-Governor Ross on his famous expedition which brought back Cynthian Parker as a prisoner captured near the present city of Quanah, Tex. I took a stenographer and went to his home for the purpose of getting his story, and the facts as given to me on that occasion were these: This soldier while riding with his company under General Ross in pursuit of the Comanche Indians raced ahead and overtook an Indian who was riding on horseback with a child on her arm. Seeing that she was a woman, he called back to those behind to not shoot. Then he circled around her and caught the horse and led the same back to the rear, thus resulting in her capture. Cynthian Parker had blue eyes, and it was not but a little while until Governor Ross was apprised of the fact that she was a white woman, and then it dawned upon him that she must be the long-lost child who was captured at old Fort Parker many years ago.

In conclusion, I am pleased to say that during the more than a quarter of a century that I have resided among the Indians in western Oklahoma, I have always found them to be a superior class of citizens in many respects. When it comes to the violation of our laws, I am sure that they are the most observant of any class of people that we have to deal with. Also is this true with respect to sobriety. It is true that they have had to undergo many changes in adapting themselves to the ways of the white people. Yet they have persevered without complaint, striving to adopt the ways of the white man, hoping that their children could be educated in such a way as to take up the responsibilities in the same capacity as others. I am pleased that our Government has seen fit to make it possible that such a monument be erected in honor of this great chief, and to the memory of him and his family I am offering these few words as a last tribute. [Applause.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. TUCKER (at the request of Mr. BLAND), for the day, on account of illness.

To Mr STEVENSON, for two weeks, on account of illness in his family.

ADJOURNMENT

Mr. HAWLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock p. m.) the House adjourned until Monday, May 5, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Monday, May 5, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON INSULAR AFFAIRS

(10.30 a. m.)

To provide for the independence of the Philippine Islands (H. R. 5182).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To reorganize the Federal Power Commission and to amend the Federal water power act (H. R. 11408).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

446. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," more generally known as the Criminal Code; to the Committee on the Judiciary.

447. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Agriculture amounting to $1,000,000 for the fiscal year 1931 for additional cooperative extension work (H. Doc. No. 387); to the Committee on Appropriations and ordered to be printed.

448. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Treasury Department for the fiscal year 1930, $272,550, and for the fiscal year 1931, $1,522,170; in all, $1,794,720; also drafts of proposed provisions pertaining to existing appropriations (H. Doc. No. 388); to the Committee on Appropriations and ordered to be printed.

449. A letter from the secretary of the Board of Visitors, United States Naval Academy, transmitting report of the Board of Visitors to the United States Naval Academy, 1930, Annapolis, Md.; to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. KNUTSON: Committee on Pensions. H. R. 12099. A bill to apply the pension laws to the Coast Guard; without amendment (Rept. No. 1374). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRAND of Georgia: A bill (H. R. 12128) providing for the erection at Crawford, Oglethorpe County, Ga., of a suitable memorial to the memory of William H. Crawford; to the Committee on the Library.

By Mr. SHORT of Missouri: A bill (H. R. 12129) for the control of the destructive flood waters of the United States, and for other purposes; to the Committee on Flood Control.

By Mr. ZIHLMAN: A bill (H. R. 12130) to authorize the transfer of funds from the general revenues of the District of Columbia to the revenues of the water department of said District, and to provide for transfer of jurisdiction over certain property to the Director of Public Buildings and Public Parks; to the Committee on the District of Columbia.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 12131) granting the consent of Congress to the Commonwealth of Pennsylvania, to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Kittanning, Armstrong County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. DALLINGER: A bill (H. R. 12132) relating to the procurement of materials, supplies, equipment, work, and services by departments, establishments, bureaus, and offices of the Government, and for other purposes; to the Committee on Expenditures in the Executive Departments.

By Mr. STOBBS: A bill (H. R. 12133) to amend the act entitled "An act to amend the national prohibition act," approved March 2, 1929; to the Committee on the Judiciary.

Also, a bill (H. R. 12134) to amend the national prohibition act as amended and supplemented; to the Committee on the Judiciary.

By Mr. TAYLOR of Tennessee: A bill (H. R. 12135) to authorize the erection of a monument in memory of Admiral David Glasgow Farragut; to the Committee on the Library.

By Mr. LEHLBACH: A bill (H. R. 12136) to regulate leaves of absence of employees of the navy yards, gun factories, naval stations, and arsenals of the United States Government; to the Committee on the Civil Service.

By Mr. TIMBERLAKE: Joint resolution (H. J. Res. 330) authorizing the restoration of a limitation on the importation, free of duty, of Philippine sugar; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRESEN: A bill (H. R. 12137) granting an increase of pension to Isabelle Lansing; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 12138) granting an increase of pension to Maria Briggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12139) granting an increase of pension to Henrietta B. Morse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12140) granting an increase of pension to Olive Newton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12141) granting an increase of pension to Luca F. Orr; to the Committee on Invalid Pensions.

By Mr. CABLE: A bill (H. R. 12142) granting a pension to Sarah Anna Jones; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 12143) granting a pension to Lucy Manis; to the Committee on Invalid Pensions.

By Mr. EATON of New Jersey: A bill (H. R. 12144) granting an increase of pension to Sarah V. Sharp; to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 12145) granting a pension to Virgil L. Davis; to the Committee on Pensions.

Also, a bill (H. R. 12146) granting a pension to Roy Webb; to the Committee on Pensions.

Also, a bill (H. R. 12147) granting an increase of pension to Alice Roberts; to the Committee on Pensions.

By Mr. HAMMER: A bill (H. R. 12148) for the relief of Charles C. Bennett; to the Committee on Claims.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 12149) for the relief of Ralph E. Williamson for loss suffered on account of the Lawton, Okla., fire, 1917; to the Committee on Claims.

By Mr. KIESS: A bill (H. R. 12150) granting a pension to Hazel Stover; to the Committee on Pensions.

By Mr. KINZER: A bill (H. R. 12151) granting an increase of pension to Rachel Harlan; to the Committee on Invalid Pensions.

By Mr. MAAS: A bill (H. R. 12152) for the relief of May Dorwin; to the Committee on Claims.

By Mr. MANLOVE: A bill (H. R. 12153) granting an increase of pension to Mary Antle; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 12154) granting an increase of pension to Nettie Pixley; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 12155) for the relief of John F. Buckner; to the Committee on Claims.

By Mr. MOUSER: A bill (H. R. 12156) granting an increase of pension to Ida B. Holdridge; to the Committee on Invalid Pensions.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 12157) authorizing the President of the United States to posthumously present in the name of Congress a congressional medal of honor to Capt. William P. Erwin; to the Committee on Military Affairs.

By Mr. PALMER: A bill (H. R. 12158) authorizing the Secretary of the Treasury to refund to the so-called assistant directors in the public schools of the District of Columbia, divisions 10–13, all that portion of their salaries erroneously and illegally deducted and withheld under the provisions of the act of June 20, 1906; to the Committee on the District of Columbia.

By Mr. PARKER: A bill (H. R. 12159) granting an increase of pension to Sarah I. Winchel; to the Committee on Invalid Pensions.

By Mr. HARCOURT J. PRATT: A bill (H. R. 12160) granting an increase of pension to Elsie E. De Graff; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 12161) granting an increase of pension to Mary A. Cromie; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 12162) for the relief of Ned Bishop; to the Committee on the Territories.

By Mr. THOMPSON: A bill (H. R. 12163) granting an increase of pension to George Sheffield; to the Committee on Pensions.

By Mr. WELSH of Pennsylvania: A bill (H. R. 12164) for the relief of Walter B. Megee; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7199. By Mr. BRUNNER: Petition of the Central Queens Allied Civic Council (Inc.), Jamaica, N. Y., urging Congress to pass favorably at an early date House bill 712, commonly known as the 44-hour bill; to the Committee on the Civil Service.

7200. By Mr. CAMPBELL of Iowa: Petition of the common council of the city of Cherokee, Iowa, memorializing Congress to enact House Joint Resolution 167, directing the President of the United States to proclaim October 11 of each year a General Pulaski memorial day; to the Committee on the Judiciary.

7201. By Mr. CULLEN: Petition of the Members of the House from Brooklyn, N. Y., and the two New York Senators for the authorization to proceed with the completion of naval work at the Brooklyn Navy Yard in order to speedily relieve the unemployment situation for the workmen of the Brooklyn Navy Yard who have been discharged pending the continuing of this work; to the Committee on Naval Affairs.

7202. By Mr. FULMER: Resolution passed by the South Carolina Bar Association, J. M. Cantey, jr., secretary, in behalf of hospital bill, H. R. 9411; to the Committee on World War Veterans' Legislation.

7203. By Mr. GARBER of Oklahoma: Petition of Local Order Branch 858, National Association of Letter Carriers, Enid, Okla., urging consideration of House bill 6603; to the Committee on the Post Office and Post Roads.

7204. By Mr. MANLOVE: Petition of John M. Graeve, 2629 South Lloyd Street, Philadelphia, Pa., and 33 other citizens of Pennsylvania and New Jersey, urging Congress to speedily pass the Manlove bill, H. R. 8976, for the relief of veterans and widows and minor orphan children of veterans of Indian wars; to the Committee on Pensions.

7205. Also, petition of E. H. Barstow and 113 other citizens of Novato, Calif., urging Congress to speedily pass the Manlove bill, H. R. 8976, for the relief of veterans and widows and minor orphan children of veterans of Indian wars; to the Committee on Pensions.

7206. By Mr. SUMMERS of Washington: Petition signed by Nesmith Ankeny, E. L. Yeager, H. A. Brockman, George Roff, and other citizens of Walla Walla, Wash., in support of legislation proposed to increase the pension of Spanish War veterans and widows of veterans; to the Committee on Pensions.

7207. Also, petition signed by Anton Bednarz, Russell W. Larson, Charles Hammer, Albert Elliott, and other citizens of Yakima County, Wash., in support of legislation proposed to increase the pension of Spanish War veterans and widows of veterans; to the Committee on Pensions.

SENATE

MONDAY, *May 5, 1930*

(Legislative day of Wednesday, April 30, 1930)

The Senate met at 12 o'clock meridian in open executive session, on the expiration of the recess.

The VICE PRESIDENT. The Senate, as in legislative session, will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate Nos. 195, 369, 370, 372, 373, 376, 394, 395, 396, 1035, and 1092 to the said bill, and concurred therein; that the House insisted upon its disagreement to the amendments of the Senate to the said bill relating to matters of substance Nos. 364, 371, 885, 893, 903, 904, 1004, 1006, 1091, 1093, 1095, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1138, 1139, 1140, 1141, and 1151; and that the House insisted on its disagreement to the amendments of the Senate to the said bill of a clerical nature Nos. 40, 41, 42, 43, 48, 49, 65, 66, 67, 374, 375, 377, 379, 380, 381, 383, 385, 386, 387, 895, 896, 897, 898, 899, 901, 902, 905, 906, 907, 908, 909, 910, 911, 913, 914, 915, 916, 917, 919, 920, 921, 922, 923, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 940, 942, 945, 946, 947, 948, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 987, 989, 992, 993, 995, 997, 999, 1002, 1003, 1008, 1009, 1010, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1031, 1032, 1033, 1034, 1036, 1037, 1038, 1039, 1040, 1041, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1055, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1066, 1067, 1068, 1070, 1071, 1072, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1085, 1086, 1087, 1089, 1090, 1094, 1096, 1098, 1099, 1102, 1103, 1104, 1105, 1109, 1111, 1112, 1156, 1157, 1171, and 1179.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 3249) to repeal section 4579 and amend section 4578 of the Revised Statutes of the United States respecting compensation of vessels for transporting seamen, and it was signed by the Vice President.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Cutting	Hatfield	Overman
Ashurst	Dale	Hawes	Patterson
Baird	Deneen	Hayden	Phipps
Barkley	Dill	Hebert	Pine
Bingham	Fess	Howell	Ransdell
Black	Frazier	Johnson	Robinson, Ark.
Blease	Gillett	Jones	Robinson, Ind.
Borah	Glass	Kendrick	Schall
Bratton	Glenn	Keyes	Sheppard
Brock	Goldsborough	McCulloch	Shipstead
Broussard	Gould	McKellar	Simmons
Capper	Greene	McNary	Smoot
Caraway	Hale	Metcalf	Steck
Connally	Harris	Norris	Steiwer
Copeland	Harrison	Nye	Stephens
Couzens	Hastings	Oddie	Sullivan





Swanson	Trammell	Walsh, Mass.	Wheeler
Thomas, Idaho	Tydings	Walsh, Mont.	
Thomas, Okla.	Vandenberg	Waterman	
Townsend	Walcott	Watson	

Mr. BAIRD. I wish to announce that my colleague the senior Senator from New Jersey [Mr. KEAN] is unavoidably detained from the Chamber on account of illness. I ask that this announcement may stand for the day.

Mr. NORRIS. I desire to announce that the junior Senator from Wisconsin [Mr. BLAINE] is necessarily absent in attendance upon the funeral of the late Judge Crownhart, of the Supreme Court of Wisconsin. I ask to have this announcement stand for the day.

Mr. SHEPPARD. I announce that the Senator from Florida [Mr. FLETCHER], the Senator from Utah [Mr. KING], and the Senator from South Carolina [Mr. SMITH] are all detained from the Senate by illness.

Mr. BLACK. I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. A quorum is present.

OFFENSES AGAINST THE CURRENCY OF FOREIGN COUNTRIES

As in legislative session,

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," more generally known as the Criminal Code, for the purpose of cooperating with foreign countries in the suppression of counterfeiting currency by increasing the penalties provided in such code for offenses against the currency of foreign countries to conform to the penalties provided therein for offenses against the currency of the United States, which, with the accompanying paper, was referred to the Committee on the Judiciary.

CLAIM OF BALTIMORE CITY, MD.

As in legislative session,

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States reporting further in reference to his report of February 28, 1929, under Senate Resolution 246, Seventieth Congress, first session, authorizing and directing the Comptroller General of the United States to readjust the claim of the city of Baltimore for amounts advanced to aid the United States in the construction of the works of defense of the city in 1863 and to allow reimbursement for interest paid on its bonds issued to raise amounts advanced to the United States, etc., which was referred to the Committee on Claims.

PETITIONS AND MEMORIALS

As in legislative session,

The VICE PRESIDENT laid before the Senate a communication from Samuel Colcord, of New York City (indorsed and signed by sundry other citizens), relative to the nomination of Mrs. MCCORMICK for the Senate in the recent Republican primary in the State of Illinois and expressing the belief, with reasons therefor, that adherence to the World Court on the part of this Government should not be prejudiced or influenced on account of that nomination, which, with the accompanying paper, was referred to the Committee on Foreign Relations.

He also laid before the Senate resolutions unanimously adopted by the Grand Council Fire of American Indians, at Chicago, Ill., favoring an impartial investigation into certain charges "that unmerciful and outrageous cruelties have been inflicted upon young Indian children in the Indian school at Phoenix, Ariz.," with a guaranty to employees and others who shall testify that they will not in any way be penalized or discharged for giving testimony, which were referred to the Committee on Indian Affairs.

Mr. DILL presented a petition of sundry citizens of the State of Washington, praying for the passage of the so-called Capper-Robsion bill to establish a Federal department of education, which was referred to the Committee on Education and Labor.

Mr. JONES presented resolutions adopted by Sinclair Inlet, Chapter No. 80, of the National Sojourners, at Bremerton, Wash., favoring the passage of legislation for the preservation of the U. S. S. *Olympia*, Admiral Dewey's historic flagship at the Battle of Manila Bay as a memorial, which were referred to the Committee on Naval Affairs.

Mr. TYDINGS presented a petition of sundry citizens of the States of Maryland, Massachusetts, Arizona, California, Tennessee, Virginia, West Virginia, and of Washington, D. C., praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which was ordered to lie on the table.

THE TARIFF AND AMERICAN ECONOMISTS

As in legislative session,

Mr. HARRISON. Mr. President, I ask unanimous consent to have printed in the RECORD and to lie on the table, with the names, a statement signed by 1,028 economists who are known throughout the Nation protesting against the tariff bill.

The VICE PRESIDENT. Without objection, the statement will lie on the table and be printed in the RECORD.

The statement is as follows:

The undersigned American economists and teachers of economics strongly urge that any measure which provides for a general upward revision of tariff rates be denied passage by Congress, or if passed, be vetoed by the President.

We are convinced that increased protective duties would be a mistake. They would operate, in general, to increase the prices which domestic consumers would have to pay. By raising prices they would encourage concerns with higher costs to undertake production, thus compelling the consumer to subsidize waste and inefficiency in industry. At the same time they would force him to pay higher rates of profit to established firms which enjoyed lower production costs. A higher level of protection, such as is contemplated by both the House and Senate bills, would therefore raise the cost of living and injure the great majority of our citizens.

Few people could hope to gain from such a change. Miners, construction, transportation and public utility workers, professional people and those employed in banks, hotels, newspaper offices, in the wholesale and retail trades, and scores of other occupations would clearly lose, since they produce no products which could be protected by tariff barriers.

The vast majority of farmers, also, would lose. Their cotton, corn, lard, and wheat are export crops and are sold in the world market. They have no important competition in the home market. They can not benefit, therefore, from any tariff which is imposed upon the basic commodities which they produce. They would lose through the increased duties on manufactured goods, however, and in a double fashion. First, as consumers they would have to pay still higher prices for the products, made of textiles, chemicals, iron, and steel, which they buy. Second, as producers, their ability to sell their products would be further restricted by the barriers placed in the way of foreigners who wished to sell manufactured goods to us.

Our export trade, in general, would suffer. Countries can not permanently buy from us unless they are permitted to sell to us, and the more we restrict the importation of goods from them by means of ever higher tariffs the more we reduce the possibility of our exporting to them. This applies to such exporting industries as copper, automobiles, agricultural machinery, typewriters, and the like fully as much as it does to farming. The difficulties of these industries are likely to be increased still further if we pass a higher tariff. There are already many evidences that such action would inevitably provoke other countries to pay us back in kind by levying retaliatory duties against our goods. There are few more ironical spectacles than that of the American Government as it seeks, on the one hand, to promote exports through the activity of the Bureau of Foreign and Domestic Commerce, while, on the other hand, by increasing tariffs it makes exportation ever more difficult. President Hoover has well said, in his message to Congress on April 16, 1929, "It is obviously unwise protection which sacrifices a greater amount of employment in exports to gain a less amount of employment from imports."

We do not believe that American manufacturers, in general, need higher tariffs. The report of the President's committee on recent economic changes has shown that industrial efficiency has increased, that costs have fallen, that profits have grown with amazing rapidity since the end of the war. Already our factories supply our people with over 96 per cent of the manufactured goods which they consume, and our producers look to foreign markets to absorb the increasing output of their machines. Further barriers to trade will serve them not well, but ill.

Many of our citizens have invested their money in foreign enterprises. The Department of Commerce has estimated that such investments, entirely aside from the war debts, amounted to between $12,555,000,000 and $14,555,000,000 on January 1, 1929. These investors, too, would suffer if protective duties were to be increased, since such action would make it still more difficult for their foreign creditors to pay them the interest due them.

America is now facing the problem of unemployment. Her labor can find work only if her factories can sell their products. Higher tariffs would not promote such sales. We can not increase employment by restricting trade. American industry, in the present crisis, might well be spared the burden of adjusting itself to new schedules of protective duties.

Finally, we would urge our Government to consider the bitterness which a policy of higher tariffs would inevitably inject into our international relations. The United States was ably represented at the World Economic Conference which was held under the auspices of the League of Nations in 1927. This conference adopted a resolution announcing that "the time has come to put an end to the increase in tariffs and to move in the opposite direction." The higher duties proposed in our pending legislation violate the spirit of this agreement and plainly invite other nations to compete with us in raising further barriers to trade. A tariff war does not furnish good soil for the growth of world peace.

ORIGINATORS AND FIRST SIGNERS

Paul H. Douglas, professor of economics, University of Chicago.
Irving Fisher, professor of economics, Yale University.
Frank D. Graham, professor of economics, Princeton University.
Ernest M. Patterson, professor of economics, University of Pennsylvania.
Henry R. Seager, professor of economics, Columbia University.
Frank W. Taussig, professor of economics, Harvard University.
Clair Wilcox, associate professor of economics, Swarthmore College.

ADDITIONAL SIGNATURES

Alabama

University of Alabama: James Halloday.

Arizona

University of Arizona: Robert B. Pettingill.

Arkansas

University of Arkansas: Truman C. Bingham, Walter B. Cole, Kenneth Sharkey, C. C. Fichtner, A. W. Jamison, C. O. Branner, B. M. Gile.
Hendrix Henderson College: Ivan H. Grove, O. T. Gooden.

California

University of California: Ira B. Cross, Gordon S. Watkins, Stuart Daggett, M. M. Knight, Robert A. Brody, E. T. Grether, E. J. Brown, Lonn T. Morgan, Henry F. Grady, E. W. Braun, N. L. Silverstein.
Claremont College: Horace Secrist.
University of Southern California: Reid L. McClung.
University of Redlands: H. C. Tilton, Arthur D. Jacobson.
California Institute of Technology: Horace N. Gilbert.
Mills College: Glenn E. Hoover.
Stanford University: Dean W. E. Hotchkiss, Eliot Jones, Holbrook Working, Helen Cherington Farnsworth, Ada Fay Wyman, L. Elden Smith, Murray S. Wildman.
Pomona College: Kenneth Duncan, George I. Burgess, Norman Ness.
Armstrong College of Business Administration: Frank A. Haring, W. W. Diehl, J. Evan Armstrong, John H. Goff, George A. Letherman, J. Frank Day.
College of the Pacific: Robert C. Root, Luther Sharp, Laura M. Kingsbury.
Pasadena Junior College: Roscoe Lewis Ashley, Earl D. Davis, Leland M. Pryor, Fred G. Young, Louise H. Murdock, Henry P. Melnikow, Louis J. Hopkins, K. F. Berkeley, Walter W. Cooper, Howard S. Noble, L. S. Samrn, Philip J. Webster, Claire Soderblom.

Colorado

University of Colorado: Dean Elmore Peterson, Frederick J. Bushee.
Colorado College: A. P. R. Drucker, J. G. Johnson, Edna Rose Groth.
University of Denver: H. W. Hudson.
State Agricultural College: D. N. Donaldson.
Colorado Wesleyan University: Clyde Olin Fisher, K. M. Williamson, Norman J. Ware.

Connecticut

Yale University: Ray B. Westerfield, Fred R. Fairchild, Withrop M. Daniels, Jerome Davis, C. H. Whelden, jr., Hudson B. Hastings, Ralph A. Jones, A. Barr, jr., William W. Wernts, Triston R. Barnes, H. Beroizheimer, Geoffrey Crowther, Francis W. Hopkins.
Connecticut Agricultural College: Albert E. Waugh, Edward H. Gumbart, Cecil G. Tilton.
Trinity College: G. A. Kleene, George A. Suter, Henry W. Farnam, Curtis M. Geer, Charles A. Tuttle.

Delaware

University of Delaware: Claude L. Bonner, Harry S. Gabriel, J. Sidney Gould.

District of Columbia

Horace B. Drury, Frank J. Warne, Herbert O. Rogers, Arthur Sturgis, Boris Stern, Lester D. Johnson, Edith S. Gray, Arthur S. Field, W. H. Rowe, Glen L. Swiggett, John H. Gray, Jesse E. Pope, Harold Van V. Fay, Kurt Schneider, Charles E. Purans, Agnes L. Peterson, C. E. Clement, George B. L. Arner, William G. Elliot, 3d, George B. Galloway, R. M. Boeckel.
Brookings Institution: C. C. Hardy, Leverett S. Lyon, Philip G. Wright, Lynn R. Edminster, W. M. Blaisdell, Gustavus A. Weber, Frank Tannenbaum, Freda Baird.
George Washington University: Harold G. Sutton, Richard N. Owens, Belva M. Owens.
American University: Charles F. Marsh, D. A. Kinsman.
Catholic University: The Rev. John A. Ryan.

Florida

Francis M. Williams, H. Clay Armstrong, Isaac W. Bernheim.
Rollins College: Glen E. Carlson, Leland H. Jenks.
University of Florida: Harwood B. Dolbeare, Howard M. Dykman, Rollin S. Atwood, W. T. Hicks, J. G. Eldridge, J. P. Wilson, P. C. Scaglione, Huber C. Hurst.

Georgia

University of Georgia: Dean R. P. Brooks, Glenn W. Sutton, James B. Summers, Malcom H. Bryan, John W. Jenkins.
Agnes Scott College: James M. Wright.
Emory University: Edgar H. Johnson, Clark Warburton, Mercer G. Evans.

Idaho

University of Idaho: Irwin Crane.
College of Idaho: Robert Rockwood McCormick.

Illinois

University of Illinois: Merlin H. Hunter, D. H. Hoover, M. A. Weston, D. Philip Locklin, Simon Litman, George U. Sanford, Paul E. Alyer, Paul M. Vanarsdell, Edward Berman, Donald R. Taft, Horace M. Gray, Daniel Barth, jr., D. M. Dailey, R. F. Smith.
Northwestern University: Earl Dean Howard, Spencer W. Myers, Arthur J. Todd, Charles A. R. Wardwell, A. D. Theobald, Harold A. Frey, Coleman Woodbury, Robert J. Ray, E. W. Morehouse, Helen C. Manchau.
James Milliken University: Jay L. O'Hara.
Monmouth College: J. S. Cleland.
University of Chicago: H. A. Millis, J. Laurence Laughlin, Henry Schultz, Garfield V. Cox, Chester W. Wright, Stuart P. Meech, H. G. Shields, Hazel Kyrk, James L. Palmer, Paul W. Stone, Martin Taitel, Helen R. Jeter, S. H. Nerlove, F. W. Clower, John U. Nef, Howard A. Baker, Charles J. Coe, Sara Landau, Arthur M. Weimer, Hilding B. Jack, Mary V. Covey, Leo McCarthy, May I. Morgan, R. W. Baldwin, Esther Essenshade.
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Indiana

Indiana University: Thomas S. Luck, William C. Cleveland, Guy E. Morrison, James E. Moffat, Edwin J. Kunst.
Butler University: M. G. Bridenstein, Earl R. Beckner, Chester B. Camp, M. F. Gaudian.
Evansville College: Dean Long, Heber P. Walker, Paul G. Cressey.
Goseh College: Roland Yoder.
DePauw University: William R. Sherman, A. H. Woodworth.

Iowa

University of Iowa: E. B. Reuter, Richard W. Nelson, George W. Mitchell, J. L. Miller, J. E. Partington.
Drake University: David F. Owens, L. E. Hoffman, W. N. Rowlands, Herbert W. Bohlman, Herbert R. Mundhenke.
Iowa State College: Elizabeth Hoyt, John E. Brindley.
Penn College: President H. L. McCracken.
Grinnell College: Laetia M. Conard.

Kansas

University of Kansas: John Ise, Jens P. Jensen, Eugene Maynard, Domenico Gagliardo.
Kansas State Agricultural: Leo Spurrier, J. E. Karnmeyer, T. J. Anderson, jr.
Kansas Wesleyan: David Dykstro.
Southwestern College: E. R. McCartney.
Bethel College: Robert G. O. Grovewald, J. F. Moyer, H. W. Guest, W. M. Biach.

Kentucky

University of Kentucky: Edward Weist, James W. Martin, J. Catron Jones, C. A. Pearce, J. Phillip Glenn, Harry Best, Esther Cole, Chester W. Shull, G. W. Patton, John Kimper, Dana G. Card, Saul K. Walz, H. Bruce Price, Walter W. Jennings.

Louisiana

Tulane University: Robert W. Elsasser; J. H. Stallings, National Fertilizer Co.

Maine

John W. Bowers.
Bowdoin College: Walter B. Catlin, Phillips Mason, Morgan B. Cushing, William W. Lockwood, jr., Wilfred H. Crook.

Maryland

Theodore Marburg, Dexter M. Keezer.
Goucher College: Mollie Ray Carroll, Elinor Pancoast.
St. John's College: V. J. Wyckoff.
Johns Hopkins University: Broadus Mitchell.
Western Maryland College: W. B. Sanders, W. Scott Hall.

Massachusetts

Harvard University: G. B. Roorbach, John D. Black, Carl F. Taeusch, N. S. B. Gras, Albert P. Usher, M. L. McElroy, Lawrence C. Lockley, T. H. Sanders, S. E. Harris, J. E. Dalton, Arthur W. Hanson, Donald H. Davenport, Scott Warren, Malcolm P. McNair, Murray R. Benedict, Albert O. Greef, P. T. Ellsworth, James A. Ross, jr., George P. Baker, S. S. Stratton, Robert L. Masson, Edmund P. Learned, Joseph L. Snider, Karl W. Bigelow.

Amherst College: Willard L. Thorp, George R. Taylor, A. K. Eaton.

Williams College: President H. A. Garfield, W. W. McLaren, Albert Sydney Bolles, Walter B. Smith, David Clark, Rosnell H. Whitman.

Wellesley College: Elizabeth Donnan, Lucy W. Killough, Emily Clark Brown, Mary B. Treudley.

Massachusetts Institute of Technology: James C. MacKinnon, B. A. Thresher, Carroll W. Doten.

Tufts College: President John A. Cousens.

Smith College: Frank H. Hankins, Harold U. Faulkner.

Simmons College: Sara S. Stites.

Mount Holyoke College: Alzada Comstock.

Babson Institute: James M. Matthews.

Boston University: Charles T. Andrews.

Northeastern University: Milton J. Schlagenhauf, Julian E. Jackson, B. Gabine.

Clark University: Arthur F. Lucas, S. J. Brandenburg.

Wheaton College: Edith M. White.

Herman F. Arentz, John W. Boldyreff, Dickinson W. Leavens, Francis G. Goodale, L. H. Hauter, George M. Peterson, Samuel Sigilman, E. M. Winslow, A. S. Kingsmill, Prentice W. Townsley, Gilbert A. Tapley, L. H. L. Smith, John D. Willard, Lauchlin Currye, A. E. Monroe, C. L. McAleer, Arthur M. Moore, Harry Wood, Edward S. Mason, Lucile Eaves.

Michigan

Lawrence H. Seltzer, Arthur E. Erickson, Clifford E. King.

Battle Creek College: W. E. Payne.

Western State Teachers' College: Floyd W. Moore.

University of Michigan: Dean C. E. Griffin, G. S. Peterson, Roy G. Burroughs, Carroll H. May, Robert J. Henry, Ruth M. Engle, Nathaniel H. Engle, C. F. Remer.

Michigan State College: Herman Wyngarden.

Minnesota

Carleton College: J. S. Robinson, O. C. Helwig, Paul R. Fossum, Gordon H. Ward.

University of Minnesota: Roy G. Blakey, Alvin H. Hansen, B. D. Mudgett, O. B. Jesness, R. A. Stevenson, Carl C. Zimmerman, Roland S. Vaile, Peter L. Stagswold, Glen R. Treanor, A. C. Haskin, Arthur W. Marget, O. W. Behrens, Richard L. Kozelka, J. Ross McFayden, John J. Reighard.

Mississippi

Agricultural and Mechanical College: Lewis E. Long.

Missouri

Chester W. Bigelow, S. F. Rigg.

Washington University: G. W. Stephens, J. Ray Cable, Orval Bennett, Ralph Carr Fletcher, Joseph M. Klamow, Joseph J. Senturia.

Westminster College: W. S. Krebs, Frank L. McCluer.

University of Missouri: Harry Gunnison Brown, James Harvey Rogers, Charles A. Elwood, F. L. Thomsen, B. H. Frame, C. H. Hammar, Preston Richard, D. C. Wood, H. C. Hensley, Morris D. Orten, Howard S. Jensen, Arthur S. Ennis, R. E. Curtis, George W. Baughman, O. R. Johnson.

Montana

University of Montana: Mattheas Kast.

Nebraska

Edward L. Taylor, W. G. L. Taylor, D. M. Halley.

Doane College: J. Harold Ennis, J. E. Taylor.

University of Nebraska: J. E. Lerossignol, G. O. Virtue, J. E. Kirshman, Vernon G. Morrison, Oscar R. Martin, J. C. Rankin.

Nevada

University of Nevada: Edward G. Sutherland, M. J. Webster, W. R. Blackhed, Ernest S. Brown.

New Hampshire

George W. Raynes.

University of New Hampshire: Claire W. Swonger, Carroll M. Degler, John D. Hauslein, H. J. Duncan, H. W. Smith.

Dartmouth College: Malcolm Kier, Ray V. Leffler, Robert E. Riegel, Russell D. Kilborne, W. A. Carter, Bruce W. Knight, Everett W. Goodhue, H. V. Olsen, Robert P. Lane, Louis W. Ingram, Archie M. Peisch, Stephen J. Navin, Herman Feldman, H. S. Raushenbush, Stacy May, H. F. R. Shaw, Earl R. Sikes, Lloyd P. Rice, Harry Purdy, J. L. McDonald, Nelson Lee Smith, Arthur Howe, G. Reginald Crosby, W. H. McPherson.

New Jersey

Walter H. Steinhauser, Edmund W. Foote, Augustus Smith, Franklin W. Ryan, Charles W. Lum, A. J. Duncan, Robert L. Smitley, Peter Fireman, Robert F. Foerster.

Princeton University: Frank A. Fetter, Frank Dixon, James J. Smith, Richard A. Lester, Vernon A. Mund, Denzel C. Cline, James M. Garrett, Stanley E. Howard, Donald L. Kemmerer, Frank W. Fetter, J. Douglas Brown, George F. Luthringer, Howard S. Piquet, George W. Modlin, J. W. Blum.

Rutgers University: E. R. Agger, Harry D. Gideons, Thomas W. Holland, E. L. Fisher.

New York

Columbia University: Wesley C. Mitchell, J. M. Clark, J. Russell Smith, James C. Bonbright, R. G. Tugwell, R. M. MacIver, Frederick M. Mills, Paul F. Brissenden, Robert E. Chaddock, Edward L. Thorndyke, Robert L. Hale, K. N. Llewellyn, A. H. Stockder, Edith Elmer Wood, William E. Dunkman, George Fillipetti, Edward J. Allen, Harold F. Clark, E. J. Hutchinson, B. H. Brechart, Addison T. Cutler, George Mitchell, Robert L. Carey, Elizabeth F. Baker, C. C. Williamson, Margaret Eagelson, Ralph H. Blanchard.

New York University: Wilford I. King, Myron W. Watkins, J. D. Magee, Walter E. Spahr, Maruc Nedler, Corwin D. Edwards, William E. Atkins, D. W. McConnell, A. A. Frederick, Richard A. Girard, Louis S. Reed, John J. Quigley, Carl Raushenbush, Irving Glass, Lois Maeslenold, Edith Ayres, Arthur Weeburg, Willard Friedman, Loyle A. Morrison, Randolf M. Binder, John H. Prime, John W. Wingatex, Arthur Wubnies.

Cornell University: Sumner Slighter, Walter F. Willcox, Morris A. Copeland, Paul T. Homan, S. S. Garrett, M. Slade Kendrick, James E. Boyle, Paul M. O'Leary, Lewis A. Froman, Harold L. Read, Donald English, Julian L. Woodward, W. Ross Junkin, William R. Leonard, Leonard P. Adams, John H. Patterson.

Syracuse University: Harvey W. Peck, H. E. Bice.

Colgate University: Freeman H. Allen, Albert L. Myers, E. Wilson Lyon, Sherman M. Smith, T. H. Robinson, N. J. Padelford, Everett Clair Bancroft, J. Millbourne Shortliffe.

Vassar College: Mabel Newcomer, Ruth G. Hutchinson, Kathleen C. Jackson, Herbert E. Mills.

University of Buffalo: Niles Carpenter, T. L. Norton, Newlin R. Smith, Raymond Chambers.

Union College: W. M. Bennett, Donald C. Riley, Daniel T. Selks.

Wells College: Mabel A. Magee, Jean S. Davis.

Hobart College: W. A. Hosmer.

Hunter College: Eleanor H. Grady.

University of Rochester: Roth Clausing.

Brookwood Labor College: Daniel J. Saposs.

Taylor Society: H. S. Person, managing director.

The Business Week: Virgil Jordan, editor.

The Annalist: Bernard Ostrolenk, editor.

International Telephone Securities Co.: M. C. Porty.

Second International Securities Corporation: Leland R. Robinson.

Social Science Research Council: Meredith B. Givens.

American Electric Railways Association: Leslie Vickers.

Russell Sage Foundation: Mary Van Kleeck.

Tariff Board: N. I. Stone, formerly chief statistician.

Federal Council of Churches of Christ in America: Arthur E. Suffern, Benson Y. Landis.

New York School of Social Work: John A. Fitch.

Clarkson College: Charles Leese.

Industrial Relations Counselors (Inc.): Mary B. Gilson, Murray Lattimer, W. Bert, S. Regalo, James W. Zonsen, Jeanne C. Barber.

Skidmore College: Coleman B. Cheney.

College of the City of New York: Ernest S. Bradford.

St. Lawrence University: Whitney Coombs.

Alfred University: Paul Rusby.

American Management Association: Mary Rogers Lyndsay, Leona Powell.

American Association for Labor Legislation: George H. Trafton, John B. Andrews.

Carl Snyder, Leo Wolman, George Soule, Stuart Chase, Herbert Feis, Edward T. Devine, George P. Auld, Fabian Franklin, Lawson Purdy, Gorton James, Paul W. Faustian, Warren W. Persons, Paul Tuckerman, Charles B. Austin, Donald R. Belcher, H. T. Newcomb, Lester Kirtzleb, A. W. Kattenhous, W. W. Cumberland, M. L. Jacobson, R. D. Fleming, Dudley M. Irwin, George B. Hill, William Church Osborne, Robert F. Binkled, E. B. Patten, Wendell M. Strong, Ida Craven, Elizabeth Todd, A. D. Noyes, Robert E. Corradini, Samuel M. Dix, W. C. Wishart, Edward E. Hardy, Ernest G. Draper, M. Leo Gitelson, Harold Fields, Henry Israel, Asher Achenstein, F. L. Patton, Stanley B. Hunt, R. L. Wiseman, Shelby M. Harrison, Rufus S. Tucker, John J. Wille, R. D. Patton, William E. Johnson, Albert W. Russell, Robert T. Hill, D. J. Cowden, W. D. Gann, Melbourne S. Moyer, Herbert Fordham, Owen

Ely, Roger H. Williams, Robert M. Woodbury, May Lerner, Elsie Gluck, Paul Bonwit, Robert D. Kohn, V. Kelley, J. C. Meeder, Cyrus L. Sulzberger, Charles S. Bernheimer, Ephriam A. Karelsen, Henry C. Hasbrouck, Robert Whitten, P. M. Tuttle, F. Lewis Corser, Jeanett Kimball, Francis H. McLean, John M. Glenn, C. P. Fuller, Emily Barrofs Weber, Richard Kramer, Montefiore G. Kahn, Mary A. Prentiss, L. R. Gottlieb, Charles R. Fay, Martin Clark, John P. Munn, Otto S. Whitelock, Victor Morawetz, Clinton Collver, Helen Sumner Woodbury, William Seagle, Helen Sullivan, Bettina Sinclair.

North Carolina

Selma Rogas, C. K. Brown, A. Currie, Maxwell G. Pangle, Carl J. Whelan.

North Carolina State College: Joseph G. Knapp.

University of North Carolina: Dean D. D. Carroll, J. Gilbert Evans, W. F. Ferger, C. T. Murchison, G. T. Schwenning, E. D. Strong.

North Carolina College for Women: Albert S. Keister.

Duke University: R. A. Harvill, J. P. Breedlove, J. H. Shields, William J. H. Colton, Christopher Roberts, E. R. Gray, B. U. Ratchford, Robert S. Smith.

Elon College: Ralph B. Tower.

North Dakota

Dana G. Tinnes, James Forgerson.

University of North Dakota: Dean E. T. Towne, J. Donald Pymm, A. G. Rowlands, Daniel J. Schwieger, J. Perlman, Spencer A. Larsen, J. J. Rellahan, Roy E. Brown, Carmen G. Blough, E. C. Koch, V. A. Newcomb, Daniel James.

Ohio

Ohio State University: Matthew B. Hammond, Milo Kimball, J. J. Spengler, Clifford L. James, E. L. Bowers, Henry J. Butterman, W. M. Duffas, Louise Stitt, Wilford J. Eiteman, Paul N. Lehocyky, N. Gilbert Riddle.

Antioch College: William M. Leiserson, Rudolf Broda, Algo D. Henderson.

Lake Erie College: Olive D. Reddick.

Wooster College: Alvin S. Testlebe, E. E. Cummins.

University of Cincinnati: Harry Henig.

Miami University: Warren S. Thompson, P. K. Whelpton, Edwin S. Todd, H. H. Beneke, Henry P. Shearman, C. H. Sandage, Howard White, Howard R. Whinson, John F. Schreiner, Wilfrid G. Richards, Carroll B. Malone, James H. St. John, F. B. Joyner, W. J. M. Neff, J. R. Dennison, J. M. Gersting, Read Bain.

Heidelburg College: Ossian Gruber.

Hiram College: J. E. Smith.

Denison University: Hiram L. Jome, Harold H. Titus, Leo A. Thaake, Charles West, Frederick E. Detweiler.

Western Reserve University: Claude Stimson, O. J. Marsh, Louis O. Foster, C. C. Arbuthnot.

Oberlin University: C. C. Bayard, Paul S. Peirce.

Case School of Applied Science: Frank T. Carleton.

Kenyon College: George M. James.

Municipal University of Akron: W. W. Leigh.

University of the City of Toledo: Clair K. Searles, Dr. I. M. Rubino, Edward D. Jones, John A. Zangerle, I. W. Appleby, Amy G. Maher, Homer H. Johnson, E. L. Oliver, Thomas M. Wolfe, Grover P. Osborne, Eugene H. Foster.

Goodyear Tire & Rubber Co.: H. L. Flanick, Royal E. Davis.

Oklahoma

Oklahoma Agricultural and Mechanical College: Orman W. Hermann, P. H. Stephens, J. T. Sanders.

University of Tulsa: A. M. Paxson, W. M. Maurer.

University of Oklahoma: Dean Paul L. Vogt, Leonard Logan, jr., John P. Ewing, Ivar Axelson, N. Grady Sloan.

Northeastern State Teachers' College: Dean Sobin C. Percefull.

Oregon

Oregon State College: E. B. Mittelman, F. L. Robinson, Alfred C. Schmidt, Curtis Kelley, Bertha Whillock, Leila Hay, E. E. Farnsworth, J. H. Irvine, H. K. Roberts.

Reed College: Clement Akerman, Blair Stewart.

Pacific University: Harold N. Burt, Harold Harward.

University of Oregon: Vernon G. Sorrell.

Pennsylvania

University of Pennsylvania: Emory R. Johnson (dean), Raymond T. Bye, Paul F. Gemmill, William C. Schluter, Stuart A. Rice, W. E. Fisher, William N. Loucks, Karl, Scholz, Clyde M. Kahler, Raymond T. Bowman, Weldon Hoot, William J. Carson.

Temple University: Russell H. Mack, William J. Douglas, S. S. Hoffer.

Wilson College: Henrietta C. Jennings.

Lehigh University: E. A. Bradford, Elmer C. Bratt.

University of Pittsburgh: Francis D. Tyson, Marion K. McKay, Colston E. Warne, Donald D. Kennedy, Vincent W. Lanfear, Hugh M. Fletcher, P. N. Dean.

Washington and Jefferson: Carl W. Kaiser.

Bryn Mawr College: Hornell Hartz.

Franklin and Marshall: Horace R. Barnes, Edward L. Iancaster, Wesley Gadd, Noel P. Laird, Harold Fischer.

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Pennsylvania State College: Earl V. Dye, W. E. Butt, H. W. Stover.

Drexel Institute: Edwin J. Kaschenbach, A. E. Blackstone, C. L. Nickels, Earl Spargee, W. N. McMullan.

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J. Henry Scattergood, Hugo Bilgram, Carl W. Fenninger, Louis N. Robinson, M. S. D'Essipri, Charles L. Serrill, John C. Lowry, Herbert S. Welsh, Raymond Symestvadt, Alexander Fleischer.

Rhode Island

Brown University: C. C. Bosland, Willard C. Beatty.

Rhode Island State College: Andrew J. Newman.

South Carolina

Furman University: A. G. Griffin.

South Dakota

A. I. Osborne.

Tennessee.

E. P. Aldredge.

University of Chattanooga: C. W. Phelps.

Southwestern University: M. H. Townsend, Horace B. Davis.

University of the South: Eugene M. Kayden, William S. Knickenbacker, W. H. MacKellar, J. J. Davis, I. Q. Ware, George W. Nicholson, J. P. Jersey, C. B. Wilmer.

Texas

University of Texas: R. H. Montgomery, A. S. Lang.

A. and M. College: F. B. Clark, G. C. Vaughn, Thomas A. Hamilton.

Southern Methodist University: William F. Hanhart, Donald Scott, Frank K. Rader, Laurence H. Fleck.

Texas Technological College: John C. Granbery, Ormond C. Corry, Harold R. Nissley, B. F. Coldray, jr.

Utah

Latter Day Saints' College: Feramorz Y. Fox.

Vermont

University of Vermont: George C. Groat, Claude L. Stineford, L. Douglas Meredith.

Virginia

William H. Stauffer.

College of William and Mary: Shirley D. Southworth, A. G. Taylor.

Randolph-Macon: Langdon White.

Washington and Lee: Robert H. Tucker, E. E. Perebee, M. C. Robaugh, M. Ogden Phillips, R. G. Lausgobel, Dean G. D. Hancock.

University of Virginia: Wilson Gee, Charles N. Hulvey, G. R. Snavely, Abraham Berglund, A. J. Barlow, E. A. Hiniard, G. S. Starnes, William H. Wendel.

Washington

Arthur B. Young.

University of Washington: Theresa S. McMahon.

State College of Washington: Lawrence Clark.

West Virginia

University of West Virginia: E. H. Vickers, A. J. Dadisman.

Marshall College: C. E. Carpenter.

Wisconsin

Charles E. Brooks, Eldred M. Keayes, Alice E. Belcher, Ethel Wynn, R. Beckwith, J. Roy Blough, A. R. Schnaitter, Mary S. Peterson, William D. Thompson.

Lawrence College: R. H. Lounsburg, W. A. McConacha, M. M. Bober, M. M. Evans.

Beloit College: Lewis Severson, Lloyd U. Ballard, Dwight L. Palmer.

Marquette University: Lyle W. Cooper, William H. Ten Haken, Leo A. Schmidt, Oscar F. Brown, N. J. Hoffman, George W. Knick.

University of Wisconsin: Frederick A. Ogg, Edward A. Ross, William H. Kiekhofer, Selig Perlman, Alma Bridgman, Elizabeth Brandeis, Arthur Hallahan, Philip G. Fox, H. Rowland English, J. C. Gibson, Stanley Rector, George S. Wehrwein, William A. Scott, Paul A. Rauschenbush, M. G. Glaeser, I. A. Hensey, Arnold Zempel, J. L. Miller, Russell H. Baugh, J. Marvin Peterson, Harold M. Groves, Alfred W. Briggs, Margaret Pryor.

DRAINAGE AND ITS FINANCIAL OBLIGATIONS

As in legislative session,

Mr. HAWES. Mr. President, the subject of drainage and its financial obligations imposed upon certain sections of our country has been very ably discussed by Mr. Julien N. Friant, business man and farmer, student and investigator, who lives at Cape Girardeau, Mo. As there are some bills relating to this subject before the Senate, which I hope will soon receive its earnest consideration, I ask permission to insert in the RECORD Mr. Friant's statement, which is the statement of an able and well-informed authority upon this subject, made before the

Committee on Agriculture and Forestry of the Senate, and I ask also that the statement may be referred to that committee.

There being no objection, the statement was referred to the Committee on Agriculture and Forestry, and it was ordered to be printed in the RECORD, as follows:

Mr. Chairman and gentlemen of the Committee on Agriculture and Forestry, my name is Julien N. Friant. I am a farmer and a business man. In southeast Missouri I am often referred to as a civic worker. It is in that capacity I appear before you to-day, and I am happy to do it, for I honestly and sincerely feel I never advocated a more worthy cause or one that will do more good and be of greater benefit to so many of our people.

I was asked to represent the drainage districts in Missouri. I live in Cape Girardeau, in the southeastern corner of our State, and I am not personally familiar with conditions in districts in other parts of our State, but as two million of the two and one-half million acres of drained land in Missouri are located in the eight alluvial counties of southeast Missouri, I am sure an accurate statement of conditions as they exist in our section will cover the situation for our State.

In southeast Missouri we look upon this as a community matter because we understand the public nature of drainage districts and because ours is strictly a farming section. Agriculture is our basic industry. Our merchants, bankers, and professional men are all affected by it and the welfare of all our people is so dependent upon agriculture that we are all interested in this legislation.

Thirty years ago all of southeast Missouri, except the north portion of it that is in the hills and a few ridges, was an impenetrable swamp. It was subject annually to overflow from the Mississippi River and from hill streams, rivers, and creeks, draining onto the flat, level country where they lost their identity in a general overflow.

In those days the death rate from malaria was enormous and chills and ague took a terrible toll each year from our population.

About the only towns or settlements in our territory at that time which were not located either in the hills or on the ridges were little sawmill towns along the railroads. During wet spells, which usually lasted for months, logs were floated or moved to the mills on mud boats and lizards, drawn principally by oxen. That method had to be used because the softness of the ground caused wagons to mire so deep when they were loaded that teams could not pull them.

Those, gentlemen, are the conditions which obtained in southeast Missouri in 1903, when the first drainage ditch was dug. That drainage district, like all others which have been organized since that date, complied with the law by meeting the requirements of our State governing the organization of drainage districts, a part of which I quote. It is section 4477 of the Revised Statutes of Missouri, 1919, and is as follows:

COUNTY COURTS MAY CAUSE DITCHES AND DRAINS TO BE CONSTRUCTED

"When it shall be conducive to the public health, convenience, or welfare, or when it will be of public utility or benefit, the county court of any county in this State shall have the authority to organize, incorporate, and establish drainage districts."

That proves beyond the question of a doubt the public nature of drainage districts as distinguished from private enterprises. In Missouri in addition to helping agriculture they must be organized for the purpose of improving health conditions and benefiting the public generally.

I am sorry our State has no records relating to health conditions in southeast Missouri previous to 1916, but the following figures from a letter from Dr. James Stewart, State health commissioner, on this subject testify to the great benefit drainage has been to public health in our section:

Death rate per 100,000 population

	1917	1927	Percentage decrease
			Per cent
Malaria	100	32	68
Dysentery	25	5	80
Diarrhea and enteritis	53	12	77

Doctor Stewart concludes his letter as follows:

"In conclusion it might be said that while the death rate from malaria is still considered excessive in these counties, there has been a most marked reduction, largely due to the drainage and reclamation of areas in the counties considered. It is logical to conclude that there has been also a marked and uniform decrease in filth-borne diseases due to better sanitation and health organizations in this area. Obviously the reclamation and drainage of many areas in these counties has been indirectly responsible for higher standards of living, better sanitation, and official organized health endeavors, which in turn have promoted improved health conditions."

Since 1903 112 different drainage districts have been organized in southeast Missouri, ranging in size from 1,000 acres to 347,000 acres. In carrying out that program our people have dug over 3,000 miles of drainage canals, in the excavation of which they moved more dirt than was handled in the construction of the Panama Canal. In the accomplishment of that great undertaking we also voted tax burdens on ourselves which we now find we are unable to bear.

From 1903 to 1925 our drainage districts in southeast Missouri issued bonds to the extent of $29,496,408.33 and interest coupons on these bonds to the amount of $23,873,441.90, the total of which amounted to $53,369,449.52. During that time we paid off $7,126,476.42 in bonds and $12,878,885.84 in interest coupons, or a total of $20,005,362.46 in both bonds and coupons, leaving a net drainage indebtedness against the land in southeast Missouri of $33,885,087.26.

During that time there was a default on only $70,000, or approximately one-third of 1 per cent of the bonds and interest coupons that matured. Those figures are of November 15, 1925, and are taken from the report of the St. Francis and Black River Commission. They are the last official figures available. They disclose a record of which we are justly proud, and show what we can do under anything like normal conditions. I haven't the exact figures on the number of districts that have defaulted and the total amount of delinquencies since that date, but do know that at this time considerably over three-fourths the drained land in southeast Missouri is in districts that are now in default.

Our fine record of payment previous to November, 1925, does not mean either that our farmers did not encounter difficulties previous to that date. On the other hand, like farmers everywhere, they suffered terrible losses after the agricultural depression in 1921, but as long as they could sell part of their land or mortgage their farms they met their obligations in a most admirable manner. I shall refer to these difficulties in another part of my statement.

Originally southeast Missouri was covered with a heavy growth of timber, which it was necessary to clear off and remove from the land before it could be cultivated. It is conservatively estimated that from 1903 to the present time, in addition to our drainage indebtedness, our people spent $75,000,000 in clearing, fencing, and developing the land they drained. That, together with the $53,000,000 of drainage indebtedness, makes a total of $128,000,000, the amount we spent in good faith reclaiming and developing the land in southeast Missouri. It also represents a greater amount than you are being asked to appropriate under this bill for all the drainage and levee districts in the whole United States.

The above figures do not include the mortgage indebtedness against the land in southeast Missouri which, at this time, is conservatively estimated to be about $40,000,000, or two-thirds as much as all the districts are asking for under the bill you are considering.

The amount of that mortgage indebtedness, however, will not interfere in any way with our people repaying the money loaned to us by the Government if this measure becomes a law. On the other hand, it is an indication of the security back of the money that will be advanced because the drainage indebtedness will be a prior lien.

In verification of that statement and to show you it is recognized as a first lien by loan agencies, I wish to put into the record a letter on that subject. I wrote the Federal land bank in St. Louis, telling them I knew that they, like other loan companies, had practically discontinued making loans on land in drainage districts, but asked them how they appraised the land when they did make an exception and considered loans in special assessment districts. The letter reads as follows:

ST. LOUIS, MO., *February 1, 1930.*

MR. JULIEN N. FRIANT,
Cape Girardeau, Mo.

DEAR SIR: In response to your recent inquiry concerning our policy with respect to making loans in drainage or other special assessment districts, will say that inasmuch as we consider the unpaid bonded indebtedness as a first lien, such indebtedness is, therefore, deducted from the total amount loanable.

In other words, if the appraised valuation of a farm is $12,000, the approximate total amount loanable would be approximately 50 per cent, or $6,000. If the total unpaid bonded indebtedness against the land amounted to $2,000, then we would deduct that amount from the total amount loanable of $6,000 and be able to consider a loan of $4,000.

Yours very truly,

C. E. MAXWELL,
Chief Appraiser.

Since the agricultural depression caused such a great shrinkage in land values, we have been criticized sharply for spending our money so freely and going in debt so deeply to develop our country so rapidly; however, those who censure us should consider conditions existing at the time that was done. During the years in which we were developing southeast Missouri, agriculture was on a firm foundation and expanding and developing everywhere. The Department of Agriculture was encouraging production in every way possible and spending millions to bring it about.

The United States was, at that time, the world's greatest debtor nation. Our industries were not developed as they are now, and agricultural products made up the bulk of our exports. Our country needed every pound of beef, pork, and cotton, and every bushel of wheat, rye,

etc., to pay our annual invisible trade balance to Europe at that time. The horse had not yet been displaced by the tractor, the truck, and the automobile, and the power for most outdoor work was still generated from corn, oats, and hay instead of from gasoline; in fact, during those years agriculture was on a basis of equality with other economic groups in this country.

In addition to that, I want to remind you also that a large amount of our expansion took place, and a large amount of our indebtedness was contracted, during the world conflict. At that time we were told that food and fats would win the war. The Food Administrator, backed by the press, urged, and public opinion demanded, that we produce to the limit of our ability and the capacity of our land. Our people responded to that appeal, and I want to remind you, gentlemen, that in 1917, while in the midst of the greatest war in history, the little section of the country I represent practically saved the seed-corn situation for the Nation.

A late spring, which delayed planting, permitted an early frost in 1917 to catch practically all the corn over the great Corn Belt in the milk and ruined it for seed purposes. Hundreds of cars of southeast Missouri corn were shipped out of our section that year to supply the Nation with seed corn for the 1918 crop. I want to add, also, that our farmers didn't profiteer at the expense of the balance of the country, but sold it at regular farm prices. That one service alone should justify the favor we are asking of a wealthy and grateful nation which is doing so much in so many ways to reward those who came to its assistance in that great crisis.

Since the war, however, conditions have changed. America has become the world's greatest creditor nation. There has been a post-war reversal in trade balances which is causing foreign nations to seek goods to send us in payment of their debts instead of receiving them from us. After the war a high tariff was passed for the benefit of industry. The immigration law was passed for the benefit of labor. It accomplished its purpose, but decreased the demand for farm products and increased the farmer's labor costs. The railroads, the telephone and telegraph companies, and in fact, all public utilities, through laws and commissions, both State and national, that have been appointed to regulate them, have been placed upon a solid and sound financial basis. The Federal reserve system does for the banks what the Interstate Commerce Commission does for the railroads. The farmer alone of all the great economic groups is still in the slough of depression.

Do not think from what I have said that I am criticizing Congress, the Government, or any administration for coming to the rescue of large groups of its citizens as it has done for those I have mentioned. We are not asking you to undo any of those things, for those acts have not only helped the particular people they were designed to protect but have also helped the country and our people as a whole. Anyone who is unprejudiced, however, will admit they have worked an injustice on agriculture. If anyone doubts that, the following figures taken from an article by Stewart Chase in a recent issue of The Nation should be convincing, as they tell the sad story in a most striking way:

	Prices received for products	Prices paid by farmers for supplies	Wages of farm labor	Taxes on property
1914	100	100	100	100
1918	200	178	176	118
1919	209	205	206	130
1920	205	206	239	155
1921	116	156	150	217
1922	124	152	146	232
1923	135	153	166	240
1924	134	154	166	249
1925	147	159	168	250
1926	136	155	171	253
1927	131	154	170	258

They tell why the farmers' part of the national income decreased from 20 to 8 per cent; why farm bankruptcies increased over 1,000 per cent; why land values decreased more than $20,000,000,000, and why the farm debt of the Nation increased from four to fourteen billions of dollars, the latter figure being a larger amount than the war debt of European nations to this country which our Government allowed them to refund over a longer time than we are asking in this bill. They prove also why the early returns of the census enumerators are disclosing such startling losses in population by rural communities.

Prominent public men have on several occasions, when discussing the agricultural situation, stated the farmers' troubles were not caused by any one particular thing, but by a combination of various conditions, and that their difficulties were numerous and that their troubles could not be solved by any one piece of legislation, but that each problem would have to be considered and solved on its merits. The legislation we are asking for will not bring complete relief to our farmers. However it will solve the biggest and most difficult problem confronting the 5,000,000 farm people who had to undergo the expense of draining their lands which has resulted in such a great public benefit.

During the last campaign both of our great political parties promised to place agriculture on a basis of economic equality with industry. If that ever happens and the happy day comes when the farmer is permitted to sell on the same market on which he is forced to buy; when agriculture is placed under the American protective system in reality as well as in theory, in substance as well as in form, in fact as well as in fancy, and the farmer is given a protected price for that part of his crop consumed in the home market—the farmers on drained lands can then enjoy their full measure of prosperity, for this bill gives them an equality of opportunity with other American farmers.

Being a new country and importing large amounts of capital, southeast Missouri naturally suffered more severely from the the depression than the older sections of the country which have been accumulating wealth for many years. As I mentioned before, we seemed to be getting along fairly well up to 1925. Previous to that time, however, there was lots of shifting. Many farmers, unable to meet their taxes and other obligations, borrowed money on their farms; others sold part of their property in an effort to retain the balance, and did this so well that, as previously stated, there was a default of only $70,000 in their maturing drainage obligations during the time they paid off over $20,000,000 of indebtedness. During that time the farmers' taxes and other expenses continued to mount rapidly, but their income did not increase proportionately. About 1925 some of the loan companies withdrew from our section, especially from the lands in drainage districts which carry high drainage taxes.

Following 1925, weather conditions became very adverse. In 1926 we had a wet fall which caused a large part of our crops to rot in the fields and so saturated the ground, not only in southeast Missouri but throughout the Mississippi Valley, that it laid the foundation for the 1927 flood—one of the greatest in history, which swept over our country. That caused practically all the loan companies to withdraw from our section and destroyed the loan as well as the sales value of our land in drainage districts.

Notwithstanding these things, our farmers made a desperate attempt to raise a big crop in 1928. The prospects were fine up to June 1, but 22 inches of rain during that month—nearly one-half the amount of our average annual rainfall—blasted their hopes, and put them in such a desperate condition that it was difficult for them to even provide for farming their lands in 1929.

When I returned home in February, 1929, after appearing before the House Irrigation and Reclamation Committee in the interests of this bill, I found conditions even worse than I pictured them to that committee. The situation was desperate. Merchants and banks were either afraid to, or unable to finance the 1929 crop. The farmers were without feed or food. Hundreds of them were abandoning their land and moving to other places where they could be financed to make a crop.

The Cape Girardeau Chamber of Commerce, worried over the situation, asked me to go to St. Louis to see what could be done toward helping those farmers who were in such dire need. I laid the matter before Mr. Paul Bestor, then president of the St. Louis Federal Land Bank and who recently succeeded Mr. Eugene Meyer, and is now chairman of the Federal Farm Loan Board here in Washington. He asked how much credit our farmers would need to make a crop. I told him it looked like a million dollars would be required. He recommended the organization of an agricultural credit corporation with a capital of $250,000, stating on the basis on which we desired to obtain credit, the Federal Intermediate Credit Bank of St. Louis, of which he was also president, would advance a million dollars to a credit corporation of that size and that it could distribute the credit to our farmers.

I told him we could not raise that amount of money and he suggested that the St. Louis business interests would likely advance it if they were properly approached. We took the matter up with the St. Louis Chamber of Commerce which is vitally interested in agriculture. That organization was just completing the great arena to house the National Dairy Show which is now permanently located in St. Louis, and is doing more perhaps than any other chamber of commerce in the United States to advance the interests of agriculture and to cooperate with the farmers in its trade territory.

Mr. Walter Weissenberger, president of the St. Louis Chamber of Commerce, stated it was a worthy undertaking; that he would assist us, and that he believed the St. Louis business interests would put up a large percentage of this money. The matter was presented to them and they agreed to raise $200,000 of the capital stock if we would raise the other $50,000 in southeast Missouri. Through numerous subscriptions, some amounting to only $25, we raised our quota in southeast Missouri, then went back to St. Louis. The business interests of that city, including the railroads, the banks, the manufacturers, the wholesalers, and the insurance companies, subscribed $150,000. The time was short and we were anxious to get started so we secured our charter and began business with a capital stock of $200,000.

The effect was like magic, for in addition to the money loaned by the credit corporation, local merchants who were being pressed by the wholesale houses, were extended additional credit which they passed on to the farmers. Local banks, with the credit corporation to fall back

on, went into their reserves which previously they were afraid to touch and they also made loans. Outside interests, such as cotton factors, commission merchants, etc., also began advancing money, and while we did not get all our lands cultivated, it restored the confidence of our people and was a great benefit to everybody in southeast Missouri, because it stimulated business all over our section. I would like to mention also that every dollar loaned was collected, the corporation has been liquidated, and the capital stock paid back to those who subscribed it. This bill will, in a big way, do what that corporation did in a small, local way, and I will try to develop that point later on in my statement.

The accumulation of these difficulties that have confronted our farmers has caused the tax delinquencies in our drainage districts to mount to very high figures. A statement of tax collections in the Little River drainage district embracing 547,000 acres, the largest area contained in any district not only in southeast Missouri but in the entire country, should prove to you the inability of landowners to continue to meet these high drainage assessments in addition to their other taxes. The record is as follows:

Year of levy	Amount of annual levy	Amount delinquent	Per cent delinquent
1910	$122,492.98	$1,934.92	1.6
1913	277,124.68	2,583.37	.9
1914	287,682.89	2,782.72	1.0
1915	287,425.40	2,602.86	.9
1916	287,100.16	2,003.65	.7
1917	287,334.32	2,100.90	.7
1918	519,819.85	4,346.32	.8
1919	632,903.09	5,964.27	.9
1920	632,898.29	7,783.68	1.2
1921	698,367.92	10,005.47	1.4
1922	698,367.92	10,943.97	1.5
1923	698,367.92	23,745.82	3.4
1924	698,369.47	35,746.41	5.1
1925	957,391.36	64,710.43	6.7
1926	956,838.07	144,439.24	15.0
1927	956,835.70	310,926.91	32.5
1928	956,085.84	509,826.36	53.3
1929	956,088.23	764,389.12	79.9

Our newspapers are full of advertisements of tax suits and foreclosures. Hundreds of farmers have lost their homes and others are being closed out every month. If that process goes on much longer, most of the farmers on our drained lands will be sold out and will lose the homes they have worked so hard, so long, and under such great difficulties and hard living conditions to build. The number of tax sales each year is sure to increase unless you come to our assistance.

Some of our farmers are still able to pay their taxes and do the necessary improvement but they are helpless, because they are merely a part of a public enterprise and can not function as an individual.

In addition to being a crime against our civilization and a rank injustice to the thousands of people who have given their energy, their ability, their money, and the best part of their lives to developing this country, it would be a great economic waste to allow these districts to go back to swamps.

We, however, are at the end of our row. We have exhausted our resources. We are helpless in the matter and are at your mercy. As the representatives of a great and wealthy Government, we do not believe you are going to permit such an enormous public waste and private loss to take place. Neither do we think you will tolerate the menace of a great swamp in the very heart of our Nation.

Those, gentleman, are the general conditions that now confront our farmers and force us to do what others have done in the past—come to our Government for help. Our heaviest burden is our drainage tax. It ranges from $1 to $2.80 per acre per year, averaging about $1.50 per acre. Our State, county, and school taxes, of course, vary, but range from 50 cents to $1.50 per acre, making our total taxes run from $1.50 to $4.25 per acre. Interest on our mortgage indebtedness averages from $1.25 to $3 per acre, making the total carrying charges on our land from $3 to $7 per acre, which, under the depressed condition of agriculture, we can not pay.

Taxation is like water in a flood period—it is not the first 9 feet of water on a 10-foot levee, but the last foot, that causes the overflow which floods the land and destroys the property. The drainage tax is our last foot of water. It is the straw that breaks the camel's back with us, and is causing our farmers to lose their homes, representing in most cases their lifetime savings and in many instances the sacrifices of hard-working and thrifty parents ahead of them.

It is true our general taxes are high, but we can and we will pay them if we can be relieved from the excessive drainage tax burden by getting a moratorium over a period long enough for us to catch up with the maintenance work on our ditches and pay off our bond issues for schools and roads and then be permitted to refund the principal of our bonded indebtedness in smaller installments over a long period of years.

In that connection I wish to add also that our heavy tax burden absolutely prevents our farmers from cooperating with the Federal Farm Board in its program to reduce the acreage of grain and cotton crops, for, irrespective of the effect that increased production may have on the general agricultural situation, the farmer on land that has heavy drainage taxes on it is forced, whether he desires to do so or not, to make every acre produce all it is capable of doing. If he does not, either the tax collector or the company that holds the mortgage on his land will soon own it. In the interest of permitting our farmers to cooperate with the Federal Farm Board by placing them in a position where they can do so, we think your committee is justified in recommending this legislation.

Our Government has been generous to other groups of its citizens who appealed to it when they were confronted with great crises. It has been kind to the settlers on the great irrigation districts of the West, as it should have been. It made liberal settlements with the railroads for the use of their property during the war, even though many people feel that it turned the railroads back to the owners in better condition than when it received them. At your last regular session Congress advanced money at a low rate to the shipping interests, and at the same session, with full approval of the entire public of the United States, initiated the greatest flood-control program ever undertaken in the history of the world, which, in many instances, will do for other farmers what ours have had to do for themselves at their own expense.

We are not asking for a gift—just a loan. We do not desire a donation, but credit. We are not seeking charity or trying to evade or repudiate our responsibilities. On the other hand, we want to pay every penny of our debts, and are merely asking our Government to put us in a position where our farmers can meet their obligations and save their homes.

There may be a doubt in some of your minds about our ability to repay this money if it is loaned. I think, however, your fears are groundless on that score. The bill provides that the money advanced shall be a first lien. The letter I read from Mr. C. E. Maxwell, chief appraiser of the Federal land bank, shows it is recognized as such by the farm-loan branches of the Treasury Department.

The bill also provides that if the bonds outstanding against a drainage district amount to more than the Secretary of the Interior, after a thorough investigation by his department, decides should be loaned the district, the bondholders must agree to take a second lien for all the bonds they hold in excess of the amount the Secretary of the Interior is willing to loan. That is an absolute safeguard, and with that provision in the bill the only way the Government could lose is for the Interior Department to make a serious mistake, which is very unlikely to happen.

I am not familiar with drainage districts in other States, but so far as southeast Missouri is concerned you need have no fear about every dollar that is loaned to our farmers being repaid to the Government. Our security is excellent. Our soil is fertile, as I have shown you. Our growing season is long and our rainfall is ample. We are located only a short distance from the geographical center of the United States and near the center of population, which moves closer to us each census. We are accessible to towns, railroads, and markets, and the State is now constructing as fine a system of hard-surfaced roads, including feeder or farm-to-market roads, as will be found in any agricultural section of the United States. These roads are being built and are to be maintained by the State from automobile licenses and gasoline taxes and not by a direct tax on the land.

We produce every crop that grows in the Temperate Zone; in fact, in southeast Missouri the three staple crops on which both man and beast depend—corn, wheat, and cotton—grow side by side in the same field and each produces excellent yields. We get a crop of wheat or oats, also a crop of cowpeas or soybeans, off of the same land the same year, which not only gives us two money crops a year but permits us to rotate our crops and increases the fertility of our soil each year.

Since our swamps are drained, the stagnant water removed, and the sanitary conditions improved, our people have become as healthy as they are most any place in the Mississippi Valley. We are well supplied with schools as our educational advancement has kept pace with our physical development. Grade schools are available to children in all of our newly developed sections, and each town of any consequence has a consolidated high school.

Our past performance in meeting our obligations should be your assurance of what you can expect from us in the future, for any group of people who can pay off $20,000,000 over a period of 22 years while they are developing their country and default in only $70,000, can certainly be classified as reliable. Very few business enterprises of any kind or character can show a better record. It is the best guaranty we can offer you of our future performance with a lightened load and under anything like normal conditions.

Looking at it from another angle, if in the early stages of our development, when our drainage enterprises were in the experimental stage, when our land was in timber and we had no roads, schools, or churches; when health and social conditions were bad and educational facilities were lacking, private investors were willing to accept our lands as security, are they not now, in their present developed condition, worth many times their bonded indebtedness?

There is another point I want your committee to consider. Since the crash in the stock market last fall and the resultant slowing down of

all commercial enterprises which brought about a large amount of unemployment, every branch of our Government has been doing everything it could to stimulate business. Industrial conferences have been called, income taxes have been reduced, and hundreds of millions of dollars have been appropriated for building enterprises. Has it occurred to you that this bill and the amount of money you appropriate under it will perhaps do more to stimulate all lines of business than the same amount of money spent in any other way or for any other purpose?

The farms of those who are cultivating drained lands are in a bad condition all over the country. The houses, barns, and other buildings need repairs or replacement. The fences are in bad shape and the farm equipment has been allowed to run down. The farmers themselves are discouraged, depressed, and despondent. If this tax burden is even temporarily removed from their shoulders, it will restore not only their own confidence but the confidence of investors in their ability to make good and meet their obligations. That will restore their credit. Business is based upon credit, and credit is based upon confidence. If the drainage tax burden is lifted or lightened, reservoirs of credit that are now closed to farmers on land in drainage districts will again be open to them.

Their renewed confidence will cause them to catch up on their delayed improvements. They will repair their houses, their barns, their fences, and other improvements, or replace them with new ones. They will buy modern farm equipment, and many of them will also purchase necessities and conveniences for their homes which for many years they have been denying themselves and their families while most other American citizens have been enjoying them. It will have the same effect in the drainage areas over the country everywhere which the establishment of the credit corporation I referred to had on southeast Missouri.

The bill you are considering, gentlemen, is practical and helpful farm relief. There is no doubt about its economic soundness. It can be put into operation at once and its beneficial effects will be felt immediately. It is applicable to all drainage and levee districts which can qualify and it will bring real relief. Its enactment would be like lifting a wet blanket off the shoulders of farmers in drainage districts everywhere and it would put new life, hope, and enthusiasm into those who are farming these lands.

We are asking for it as a farm relief measure, but as I have tried to show you, we feel you are justified in doing it from the standpoint of bettering public health, improving transportation, preserving a national asset, and in stimulating business for which so much money is being appropriated in other directions; also from the standpoint of doing justice to 5,000,000 American citizens who have exhausted their resources in undertakings of tremendous benefit to the public.

What other appropriation could Congress make that would reach as far, benefit as many people, and do as much good as the money appropriated under the terms of this bill?

Before closing, I want to quote the words of our only living ex-President which are most appropriate at this time. On March 5, 1930, less than 60 days ago, the San Carlos irrigation project which is to reclaim 80,000 acres in the Florence-Casa Granda Valley of Arizona at a cost of $5,500,000 was dedicated.

Standing on the parapet of the huge dam which impounds the waters of the Gila River and which has been named for him, President Coolidge dedicated the project to the "advancement of religion, education, better homes, and a better country."

President Coolidge was speaking of land which was being supplied with water at a cost of $70 per acre. We are pleading for land which has been reclaimed at an average cost of less than $10 per acre.

President Coolidge had a vision of a development that is to take place on land reclaimed from a stubborn but healthy desert. We are trying to protect a development that has taken place on land reclaimed from a treacherous and sickly swamp.

President Coolidge was thinking of happy homes yet to be built, and we are appealing for once happy homes about to be lost.

All, however, are part and parcel of our great American Nation which is interested in all of its citizens.

We, therefore, appeal to you to treat us as you have treated others; do for drainage and levee districts what you have done for irrigation districts, and without any risk or cost to the Government, give us an opportunity to save our homes.

REPORTS OF COMMITTEES

As in legislative session,

Mr. CONNALLY, from the Committee on Banking and Currency, to which was referred the bill (S. 3171) for the relief of Edward C. Compton, reported it with an amendment and submitted a report (No. 597) thereon.

Mr. FRAZIER, from the Committee on Pensions, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 319. A bill granting an increase of pension to Irene Rucker Sheridan (Rept. No. 598); and

S. 3646. A bill granting an increase of pension to Mary Willoughby Osterhaus (Rept. No. 599).

Mr. COPELAND, from the Committee on the District of Columbia, to which was referred the bill (S. 4242) to fix the salaries of the Commissioners of the District of Columbia, reported it without amendment and submitted a report (No. 600) thereon.

Mr. BRATTON, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 497) to provide for the erection and operation of public bathhouses at Hot Springs, N. Mex., reported it with amendments and submitted a report (No. 601) thereon.

Mr. McNARY, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 3717) to add certain lands to the Fremont National Forest in the State of Oregon, reported it without amendment and submitted a report (No. 602) thereon.

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 4259. A bill granting the consent of Congress to the Louisville & Nashville Railway Co. to construct, maintain, and operate a railroad bridge across the Ohio River at or near Henderson, Ky. (Rept. No. 603); and

H. R. 11046. An act to legalize a bridge across the Hudson River at Stillwater, N. Y. (Rept. No. 604).

Mr. STEIWER, from the Committee on the Judiciary, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 1792. A bill to provide for the appointment of an additional district judge for the southern district of California (Rept. No. 605);

S. 1906. A bill for the appointment of an additional circuit judge for the fifth judicial circuit (Rept. No. 606);

S. 3229. A bill to provide for the appointment of an additional district judge for the southern district of New York (Rept. No. 607); and

S. 3493. A bill to provide for the appointment of an additional circuit judge for the third judicial circuit (Rept. No. 608).

Mr. STEIWER also, from the Committee on Claims, to which was referred the bill (S. 1299) for the relief of C. M. Williamson, C. E. Liljenquist, Lottie Redman, and H. N. Smith, reported it with amendments and submitted a report (No. 609) thereon.

Mr. HEBERT, from the Committee on the Judiciary, to which was referred the bill (H. R. 8574) to transfer to the Attorney General certain functions in the administration of the national prohibition act, to create a bureau of prohibition in the Department of Justice, and for other purposes, reported it with amendments and submitted a report (No. 610) thereon.

He also, from the same committee, to which was referred the bill (H. R. 9557) to create a body corporate by the name of "Textile Foundation," reported it without amendment and submitted a report (No. 611) thereon.

Mr. NYE, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1183) to authorize the conveyance of certain land in the Hot Springs National Park, Ark., to the P. F. Connelly Paving Co., reported it without amendment and submitted a report (No. 612) thereon.

Mr. ROBINSON of Indiana, from the Committee on Pensions, to which was referred the bill (H. R. 11588) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 613) thereon.

Mr. GOULD, from the Committee on Immigration, to which was referred the bill (H. R. 10960) to amend the law relative to the citizenship and naturalization of married women, and for other purposes, reported it with amendments and submitted a report (No. 614) thereon.

ENROLLED BILL PRESENTED

As in legislative session,

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day, May 5, 1930, that committee presented to the President of the United States the enrolled bill (S. 3249) to repeal section 4579 and amend section 4578 of the Revised Statutes of the United States respecting compensation of vessels for transporting seamen.

REPORTS OF NOMINATIONS

As in executive session,

Mr. HASTINGS, from the Committee on the Judiciary, reported the nomination of Robert M. Vail, of Pennsylvania, to be United States marshal, middle district of Pennsylvania, which was placed on the Executive Calendar.

Mr. HALE, from the Committee on Naval Affairs, reported the nominations of sundry officers in the Navy, which were placed on the Executive Calendar.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

OPERATIONS OF THE FEDERAL RESERVE SYSTEM

As in legislative session,

Mr. DENEEN. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably Senate Resolution 71, submitted by Mr. KING on May 24, 1929, which was referred to the Committee on Banking and Currency, reported by that committee with an amendment, and referred then to the Committee to Audit and Control the Contingent Expenses of the Senate. I ask for the immediate consideration of the resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported originally from the Banking and Currency Committee with an amendment to strike out all after the word "*Resolved*," and insert:

That in order to provide for a more effective operation of the national and Federal reserve banking systems of the country the Committee on Banking and Currency of the Senate, or a duly authorized subcommittee thereof, be, and is hereby, empowered and directed to make a complete survey of the systems and a full compilation of the essential facts and to report the result of its findings as soon as practicable, together with such recommendations for legislation as the committee deems advisable. The inquiry thus authorized and directed is to comprehend specifically the administration of these banking systems with respect to the use of their facilities for trading in and carrying speculative securities; the extent of call loans to brokers by member banks for such purposes; the effect on the systems of the formation of investment and security trusts; the desirability of chain banking; the development of branch banking as a part of the national system, together with any related problems which the committee may think it important to investigate.

For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold hearings, to sit and act at such times and places during the sessions and recesses of the Seventy-first and succeeding Congresses until the final report is submitted, to employ such clerical and other assistants, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony, and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $15,000, shall be paid from the contingent fund of the Senate, upon vouchers approved by the chairman.

The amendment was agreed to.

The resolution as amended was agreed to.

INVESTIGATION RELATIVE TO ADDITIONAL NATIONAL PARKS

As in legislative session,

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported back favorably without amendment the resolution (S. Res. 252) reported by Mr. NYE from the Committee on Public Lands and Surveys on April 23, 1930, which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That Resolution No. 316, agreed to February 26, 1929, authorizing and directing the Committee on Public Lands and Surveys to investigate the advisability of establishing certain additional national parks, hereby is continued in full force and effect until the end of the Seventy-first Congress.

BILLS INTRODUCED

As in legislative session,

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENDRICK:

A bill (S. 4347) granting a pension to Dora Ivey (with accompanying papers); to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 4348) for the relief of Charles C. Bennett; to the Committee on Claims.

A bill (S. 4349) granting an increase of pension to Eliza J. Surles; to the Committee on Pensions.

A bill (S. 4350) to provide for the commemoration of the Battle of Fort Fisher, N. C.; and

A bill (S. 4351) to amend the act entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," approved March 2, 1929, as amended; to the Committee on Military Affairs.

By Mr. BARKLEY:

A bill (S. 4352) to amend paragraph (4) of section 1 and paragraph (3) of section 3 of the interstate commerce act; to the Committee on Interstate Commerce.

By Mr. CONNALLY:

A bill (S. 4353) for the relief of the Orange Car & Steel Co., of Orange, Tex., successor to the Southern Dry Dock & Ship Building Co.; to the Committee on Claims.

By Mr. TYDINGS (for Mr. NORBECK):

A bill (S. 4354) granting an increase of pension to Caroline Brunson; to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 4355) granting a pension to Catherine M. Hayward; to the Committee on Pensions.

By Mr. HATFIELD (for Mr. GOFF):

A bill (S. 4356) granting a pension to Columbia A. Dumire (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 4357) to limit the jurisdiction of district courts of the United States; to the Committee on the Judiciary.

By Mr. CAPPER:

A bill (S. 4358) to authorize transfer of funds from the general revenues of the District of Columbia to the revenues of the water department of said District, and to provide for transfer of jurisdiction over certain property to the Director of Public Buildings and Public Parks; to the Committee on the District of Columbia.

By Mr. McNARY:

A bill (S. 4359) for the relief of Frederick R. Sparks; to the Committee on Civil Service.

A bill (S. 4360) for the relief of Michael E. Gaffney; to the Committee on Claims.

By Mr. GLENN:

A bill (S. 4361) for the relief of Clarence Joseph Deutsch; to the Committee on Naval Affairs.

By Mr. FRAZIER:

A bill (S. 4362) granting an increase of pension to Emma Bascom (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 4363) granting a pension to Mary A. Daniel (with accompanying papers); and

A bill (S. 4364) granting an increase of pension to Emily Tillison (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO RIVER AND HARBOR BILL

As in legislative session,

Mr. BLACK submitted an amendment and Mr. McNARY submitted three amendments intended to be proposed by them, respectively, to the bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were severally referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS TO INTERSTATE BUS BILL

As in legislative session,

Mr. GLENN submitted three amendments intended to be proposed by him to the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways, which were ordered to lie on the table and to be printed.

AMENDMENT OF OLEOMARGARINE ACT

As in legislative session,

Mr. GOLDSBOROUGH submitted an amendment intended to be proposed by him to the bill (H. R. 6) an act to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, which was ordered to lie on the table and to be printed.

STANDARDS FOR FOODS

As in legislative session,

Mr. COPELAND submitted an amendment intended to be proposed by him to the bill (S. 1133) a bill to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, which was ordered to lie on the table and to be printed.

THIRTEENTH ANNUAL REPORT OF FEDERAL FARM LOAN BOARD

As in legislative session,

Mr. McNARY submitted the following resolution (S. Res. 257), which was referred to the Committee on Printing:

Resolved, That 3,000 additional copies of House Document No. 212, Seventy-first Congress, second session, entitled "Thirteenth Annual Report of the Federal Farm Loan Board for the Year Ended December 31, 1929," be printed for the use of the Senate Document Room.

BARONIAL ESTATES IN GEORGETOWN COUNTY, S. C.

As in legislative session,

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the South Carolina Gazette, Columbia, S. C., written by Mr. Charles S. Murray, headed "Baronial Estates in Old South Setting in Georgetown."

There is mentioned in this article much interesting history, including a reference to the home of Governor Alston, the son-in-law of Vice President Aaron Burr.

The home mentioned as being moved from Newberry, S. C., to the plantation of Mr. Sage, formerly belonged to one of my mother's brothers, Mr. J. D. Smith Livingston, and in this home I have enjoyed many a pleasant occasion.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the South Carolina Gazette, Columbia, S. C.]

BARONIAL ESTATES IN OLD-SOUTH SETTING IN GEORGETOWN

By Charles S. Murray

At the head of the Winyah Bay, 14 miles from the Atlantic Ocean, lies the little city of Georgetown. Caressed by the warm air currents from the Gulf Stream, which provides the region with a climate almost subtropical in its nature, Georgetown and its environs bask in the rays of a friendly sun when its sister citys of the Northland are shivering under blankets of ice and snow.

Where the Black and Sampit Rivers meet and pour their waters into the placid bay nature has provided an ideal setting for a winter resort. Here the yachts of the restless tourists can find a sheltered haven; here hunting expeditions can be staged under the most favorable conditions; here gather thousands of ducks to feed on the wild rice; and here is found exquisite scenery which rivals any on the Atlantic seaboard.

Hoary oaks draped with festoons of Spanish moss, queer twisted grapevines, occasional palmettos, winding paths leading through dense green forests of pine, burnished copper rivers, pale-green marshland, and fine old colonial homes and grounds are a constant delight to the stranger who has only known the coast of South Carolina by reputation, and who admits at once that "the half has never been told."

Described often as a hunter's paradise, Georgetown County has much to offer the sportsman who is looking for new fields in which to display his prowess. Here ducks, quail, wild turkey, doves, rice birds, rail, fox, deer, and other game is found in abundance, and the disciple of Nimrod seldom returns from a day's hunt disappointed.

Deer drives begin the 1st day of September and continue throughout the season; the ducking period is from November to February, while the laws give the hunter an ample opportunity to seek other game. 'Possum hunts are great sport, as attested by members of the winter colony, several of whom have spent the entire night on the trail of these queer little animals. Regular fox hunts are staged from time to time, and turkey and bird shooting have their ardent devotees. The creeks are full of oysters, clams, turtles, fish, and other sea foods.

Georgetown has splendid facilities for boating, tennis, golfing, and motoring. The golf course, situated just outside the city limits, is splendidly laid out and is said to be one of the best in this part of the country. Bridle paths through the pleasant forests beckon the horseman on and on, while graded dirt and sand-clay roads furnish the motorists who are wearied with traffic-jammed highways a welcome diversion.

An airport has recently been established near the city, and although it has not been fully equipped, it provides a landing place for the planes that visit Georgetown occasionally.

A commodious and well-protected seaplane base is located on the bay near the city docks. The thousand miles of navigable streams provide a playground for those interested in water sports. A speed boat can be given full rein around Georgetown.

Georgetown County is rich in romance and history. The town itself is the second oldest in the Carolinas, being settled about 1700 by a band of Englishmen holding grants from the lords proprietors. The city was laid off in 1721 and soon became a port of much activity for the planters in the district, whose indigo and cattle, followed by rice and turpentine, developed a large trade with Great Britain.

Among the old plantations in the county are Belle Isle, now an azalea garden of rare beauty, opened to the public three years ago; Hopsewee, the home of Thomas Lynch, a signer of the Declaration of Independence; Arcadia, where Washington was once entertained, now the home of Isaac E. Emerson; Windsor, once the home of Governor Alston and owned by Paul D. Mills, of New York; and Brook Glenn, the scene of Julia Peterkin's Scarlet Sister Mary.

For the past 15 years or more a number of wealthy northerners have spent the winter months in Georgetown County, many of whom own estates which compare in size to some of the smaller principalities of Europe. Every year several new members are added to the colony, and now the news that some wealthy man has acquired five or six thousand acres of land in this section is no longer regarded as anything out of the ordinary.

Bernard M. Baruch, noted New York financier and native South Carolinian; Isaac E. Emerson, known far and wide as the Bromo Seltzer king; Jesse Metcalf, of New York; and Thomas A. Yawkey, New York millionaire, are counted as the largest landholders in the county. Mr. Baruch holds title to over 20,000 acres, Mrs. Emerson to 33,000, Mr. Yawkey to 15,000, and Mr. Metcalf about the same. These tracts, made up of ante bellum plantations, are all used primarily as hunting preserves, and include highlands, swamps, and abandoned rice fields.

On these preserves are found old plantation homes, remodeled to suit the needs of the new owners, or handsome hunting lodges furnished with every comfort and luxury imaginable.

A list of the winter colonists includes H. L. Smith, of Philadelphia; Mrs. Emory, of Baltimore; Dr. Henry Norris, of Bryn Mawr, Pa.; William E. Ellis, also of Bryn Mawr; R. M. Reeves, of New York; Mrs Susan B. Reeves, of New York; Mrs. Caroline Ramsley, of Wilmington, Del.; John A. Miller, of New York; Allan Wood, 3d, of Bryn Mawr; J. K. Hollis, of New York; Paul D. Mills, of New York; C. W. Tuttle, of Auburn, N. Y.; Don E. Kelley, of New York; E. G. Chadwick, of New York; Willis E. Fertig, of Titusville, Pa.; E. C. Seibles, of New York; J. S. Holliday, of Indiana; D. L. Pickman, of Boston; Vincent Mulford, of New York; B. G. McIntyre, of Edwood, Mo.; and Henry M. Sage, of New York.

Among the newcomers in the community are listed Don M. Kelly, who recently purchased 8,000 acres on the Black River; E. G. Chadwick, who owns "The Wedge"; and Vincent Mulford, who bought the property known as "Bates Hill," containing 10,000 acres, and who has turned his holdings over to the Winyah Gun Club, of which he is a member.

Mrs. Caroline Ramsey, of Wilmington, Del., holds title to part of a large island near the Santee River. She has recently built an airport on her property and frequently makes trips from Wilmington to her southern home in her Bellancha plane. Mrs. Ramsey's plane was the first to alight on the airport at Georgetown.

The four large hunting clubs which control thousands of acres of the finest hunting preserves in the county are widely known, since their membership rolls include some of the wealthiest men in America. John Philip Sousa, Tris Speaker, and other notables have been entertained at these clubs in recent years. Among the members are William N. Beach, Marcus Dailey, C. C. Meyer, and W. J. Knapp, all of New York.

The Santee Club, situated in the heart of the Santee section, the Winyah Club, near the Peedee River, and the Kinlock Gun Club, near the Santee, conclude the list of hunting clubs in the section. The lodges are the last word in comfort and are equipped with everything that a sportsman could possibly need. Furnished in rustic style, with heavy crossbeams, and fireplaces that can burn 4 or 5 foot logs, these lodges compare in magnificence with any in the South. They all have their own electric and refrigerating plants.

Mr. Baruch arrived in Georgetown several weeks ago and will probably spend the entire winter at "Hobcaw Barony." Only the most urgent business can make Mr. Baruch tear himself away from his estate during the months of December, January, and February. He never tires of talking about the climate of the South Carolina coast, which he styles "the best in the world."

Mr. Emerson has been at "Arcadia" since the 1st of December. He seldom visits Georgetown for he finds his plantation home too engrossing. He entertains constantly and on a lavish scale.

Last year Mr. Emerson brought his million-dollar yacht to Georgetown and for a month or more it plied between his home on the Waccamaw River and Georgetown on errands for its owner. This craft was built in Germany during the spring of 1928, and was used by Mr. and Mrs. Emerson while cruising the waters of southern Europe last summer.

Mr. and Mrs. Paul D. Mills took up their abode in their Georgetown dwelling after the Thanksgiving holidays. They had as their guests for a few days Mr. and Mrs. Ector Munn, of New York.

About a year and a half ago Mr. Mills purchased the old Mills house, in which legend has it Washington was once entertained. The house, which had fallen into ill repair, was remodeled and enlarged, but Mr. Mills was careful to preserve every board that could be salvaged. The wainscoting in the mansion is particularly fine, and every piece has been replaced.

Mr. Mills is also owner of "Windsor" plantation on the Black River.

Mr. and Mrs. Henry M. Sage, who have leased Belle Isle Garden for a period of 10 years, have moved a century old colonial house from Newberry, S. C., to the garden site. They have been spending the holidays at Belle Isle with a number of friends.

The Taylor property, situated in the city near the Mills residence, has been acquired by Paulding Fosdick and Harold Sands, of New York. The house has been remodeled and Mr. Fosdick has made extensive improvements on the water front.

Mr. and Mrs. Jesse Metcalf are now occupying their hunting lodge at Hasty Point, located a few miles south of Georgetown. Last season

Mr. and Mrs. Metcalf had as their guests Dr. Henry Chapman, of the American Museum of National History; Dr. Gilbert Parsons, president of the Audubon Society, and Miss Rachel Rouser, of New York.

NOMINATION OF JUDGE JOHN J. PARKER

The Senate in open executive session resumed the consideration of the nomination of John J. Parker, of North Carolina, to be an Associate Justice of the Supreme Court of the United States.

Mr. OVERMAN. Mr. President, very little has been said about the remarkable career of Judge Parker on the Court of Appeals. It has not been mentioned much except by the able Senator from Rhode Island [Mr. HEBERT], who discussed it somewhat when there was a very small attendance of Senators. A lawyer has made a statistical analysis of the decisions by Judge Parker which I think Senators ought to hear. Out of 184 cases heard by the court, he wrote 100 of the opinions. I ask that the statement may be read at the desk.

The VICE PRESIDENT. Without objection, the statement will be read, as requested.

The Chief Clerk read as follows:

JUDGE PARKER'S DECISIONS—SOME OF THE IMPORTANT CASES IN WHICH HE HAS WRITTEN OPINIONS

To the EDITOR OF THE NEW YORK TIMES:

It has been suggested by a few that the judicial career of Judge Parker has not been sufficiently "outstanding." It is worth while, therefore, to consider it briefly.

Appointed by President Coolidge to the bench of the United States Circuit Court of Appeals for the Fourth Circuit in October, 1925, the first decision in which Judge Parker participated was handed down November 23 of that year, and the first case in which he wrote the opinion of the court was decided January 12, 1926. In a little over four years he has participated in the decisions of hundreds of cases, having actually written the opinions of his court in no less than 150 litigations. They cover a large and varied field of legal subjects. These include such topics as admiralty, adverse possession, bankruptcy banks, bills and notes, carriers, colleges (liability of for torts), contracts, corporations, counties, courts, criminal law, eminent domain, fraudulent conveyances, injunctions, insurance, interstate commerce, labor litigation, municipal corporations, negligence, patents, police power, practice and procedure, principal and agent, prohibition, railroads, rate regulation, sales, search and seizure, suretyship, taxation, trespass.

Judge Parker was the author of the opinion in the case of Ettlinger against the Trustees of Randolph-Macon College, in Virginia, in which had been asserted the liability in damages of that institution for injuries to a student who had jumped from the window of a burning building, involving the responsibility of educational institutions generally for the negligence of their officers and employees. In this case Judge Parker decided that a nonstock corporation, operating an educational institution without expectation of profit, acquiring the property through charitable gifts and bequests and charging less than cost for board and tuition, was an eleemosynary organization, and as such was not liable for injuries to a student because of the negligence of the officers, agents, or servants of the institution.

Another interesting case, involving originality in the application of old principles to new conditions, turned upon the contention that the death of one insured under an accident policy, which resulted from drinking what was supposed to be an ordinary gin cocktail, but which in reality contained wood alcohol, was a consequence of an accidental cause within the purview of the policy. The affirmative of this proposition was sustained by Judge Parker.

In a prosecution for selling intoxicating liquor pursuant to a plan for entrapment, the defendant, informed of the designs of the prohibition-enforcement officers, accepted the money, but delivered a jar of water instead of liquor. It was urged on the part of the United States that because the defendant had accepted the money which was paid, agreeing to deliver intoxicating liquor in return, he was guilty of a violation of law, though liquor was not in fact delivered. But "the offense of illegally selling liquor," ruled Judge Parker, "is not committed by a bargain or executory contract for a sale."

In his opinion in "search and seizure" cases Judge Parker has frequently upheld the liberty of the individual. "The rights guaranteed by the fourth amendment are not to be encroached upon or gradually depreciated by the imperceptible practice of courts or by well-intentioned but mistakenly overzealous executive officers," announced Judge Parker.

But where the evidence has fairly shown a violation of the national prohibition act Judge Parker has been for strict enforcement. Thus in a case which arose in West Virginia, Judge Parker sustained the forfeiture of an automobile proved to be the property of a wife living with her husband, where the vehicle had been used in the transportation of intoxicating liquor by the husband under circumstances which were suspicious as to the wife's knowledge or connivance.

Then, too, Judge Parker's court, in judgments in which he has concurred, has decided cases for as well as against organized labor. In one such case it was held that the officers of a labor union would not be bound by a decree of injunction issued some years previously against their predecessors in office, determining the rights of parties as of that time. In this case (decided in 1926) it was also declared that an injunction against labor-union officials would not be deemed to prohibit the use of lawful propaganda to increase union membership.

It is interesting also to consider that the official reports of decisions indicate a surprisingly small number of cases in which Judge Parker wrote the opinions for his court which have been reversed on appeal to the United States Supreme Court. In fact, only two such examples have been noted, and of these one was not reversed on the merits but because, though the controversy had become academic, an injunction was still in existence and, as the Supreme Court said, "to dismiss the appeals would leave the injunction in force." The only other reversal of a case in which Judge Parker wrote which has come to my attention was where Judge Parker had decided that a Federal intermediate credit bank could not maintain an action in a district court of the United States, the act of Congress under which the bank was organized providing that the bank, for the purposes of jurisdiction, should be deemed a citizen of the State where it is located. There was strong analogy from decided cases for this position.

Judge Parker's judicial record is significant in another respect. There have been extremely few dissenting opinions by the other members of the circuit court of appeals in cases in which Judge Parker has written the opinion of the court. In fact, only one such example has been observed, and on this occasion, on appeal to the United States Supreme Court, Judge Parker's opinion was sustained.

Judge Parker also wrote for a unanimous court the opinion in the very important case of the United States against Virginia Shipbuilding Corporation, sustaining a judgment in favor of the United States and against that corporation and one of its subsidiaries for an amount which, including interest, was over $16,000,000.

LAWYER.

NEW YORK, *April 28, 1930.*

Mr. BLEASE. Mr. President, I ask to have read at the desk the telegram which I send forward.

The VICE PRESIDENT. Without objection, the Secretary will read, as requested.

The Chief Clerk read as follows:

DETROIT, MICH., *May 2, 1930.*

COLE. BLEASE,

Care United States Senate:

You were right when you said Parker last hope of South because colored people have blocked his appointment, and we will defeat every other office seeker from States who deny our people full racial equality. We demand judges who will repeal election laws like those in South Carolina.

DETROIT COLORED PEOPLES' UNION.

Mr. BLEASE. Mr. President, in connection with the nomination of Judge Parker I desire to read a brief extract from an editorial in the New Leader of the issue of April 26, 1930, as follows:

When the leadership of the National Association for the Advancement of Colored People stirred the negro voters in every corner of the country with an exposé of Parker's enmity to the political freedom of their race the G. O. P. leaders wrung their hands. The 10-6 vote in the Senate Judiciary Committee rejecting Parker was made inevitable by the protest of these two elements.

I had inserted in the RECORD April 18, 1930, a letter addressed to President Hoover in reference to Judge Parker. I now ask that letter of Carl Murphy, president of the negro paper, Afro-American, be published in the RECORD.

BALTIMORE, MD., *April 25, 1930.*

Senator COLEMAN BLEASE,

Senate Office Building, Washington, D. C.

SIR: I am sending you under separate cover this week the April 29 issue of the Afro-American containing excerpts of editorials on the Parker confirmation from 13 negro weeklies and a list of 36 individuals and organizations throughout the country who have sent in protests against Judge Parker.

We have also marked an editorial in the Afro-American on the subject.

We sincerely hope the Parker confirmation will be voted down.

Very respectfully yours,

THE AFRO-AMERICAN CO.,
CARL MURPHY, *President.*

I also ask unanimous consent to have printed in the RECORD a few newspaper articles and editorials. The first is an article from the Afro-American headed "Whole Country Stirred Against Judge Parker"; another is an editorial from the New Leader, a socialist newspaper published in New York, headed "The Parker Battle; a Fine Fight"; also an editorial from the same paper headed "Judge Parker," of the issue of Saturday,

April 26, 1930; and an editorial from the Detroit Free Press of Friday, April 25, 1930, entitled "Senatorial Courtesy."

Mr. President, I wish to call especial attention to the statement in the article herein inserted from the Afro-American, a negro paper, page 3, column 4, April 26, 1930, which says:

DE PRIEST busy. Representative OSCAR DE PRIEST has been busy all the week lining up Senate votes against Judge Parker.

The VICE PRESIDENT. Without objection, the article and editorials will be printed in the RECORD.

The article and editorials are as follows:

[From the Afro-American of April 26, 1930]

WHOLE COUNTRY STIRRED AGAINST JUDGE PARKER—BARRAGE OF PROTESTS DESCENDS UPON CONGRESS FROM ALL QUARTERS—DE PRIEST BUSY—CONGRESSMAN LINES UP VOTES IN SENATE

NUTTER ASKS WATSON FOR PUBLIC VOTE

Senator JAMES WATSON,

Washington, D. C.:

The negroes of New Jersey are unalterably opposed to the confirmation of Judge Parker. If confirmed, we will seek revenge at the polls in the next general election. A Republican Senator can not be elected in New Jersey with the negro vote against him, particularly when he is dry.

President Hoover read the negro out of the party, tried to imprison Perry Howard and other negro leaders, and now he is trying to condone disfranchisement and lynching by the appointment of Judge Parker on the United States Supreme Bench.

We appeal to you to vote against his confirmation because you have been our friend and a friend of justice. Give us a public vote so we may count noses. We await your verdict.

ISAAC H. NUTTER.

ATLANTIC CITY, N. J.

WASHINGTON.—The Senate Judiciary Committee voted 10 to 6 Monday to report unfavorably the nomination of Judge John J. Parker, of North Carolina, to be Associate Justice of the United States Supreme Court.

After a long debate the committee voted 10 to 4 to reject Senator OVERMAN'S motion to invite Judge Parker to explain his labor decision and alleged utterances concerning negroes.

The vote on the report was as follows:

THEY VOTED RIGHT

Republicans: Borah, Idaho; Blaine, Wisconsin; Deneen, Illinois; Robinson, Indiana; Steiwer, Oregon; Norris, Nebraska.

Democrats: Ashurst, Arizona; Caraway, Arkansas; Dill, Washington; Walsh, Montana.

THEY VOTED WRONG

Republicans: Hastings, Delaware; Gillett, Massachusetts; Hebert, Rhode Island; Waterman, Colorado.

Democrats: Overman, North Carolina; Stephens, Mississippi.

NEW YORK.—What has developed into one of the bitterest of nationwide political struggles is being led by the National Association for the Advancement of Colored People against President Hoover's surrender to the South in the name of Lily White Republicanism by insisting upon his nomination of Judge John J. Parker, of North Carolina.

The National Association for the Advancement of Colored People opposition to Judge Parker is based squarely upon his flouting of the fourteenth and fifteenth amendments to the United States Constitution, and on his being unfit therefore to sit on the highest tribunal of the Nation.

The New Telegram Saturday published a pool showing that the present line-up of Senators is 45 against to 44 in favor of Parker.

QUAKERS PROTEST

The Society of Friends in Philadelphia (Quakers) have officially notified the National Association for the Advancement of Colored People that they have written to President Hoover and to all Senators opposing the Parker nomination.

Many thousands of telegrams and letters are pouring in upon Washington from all parts of the United States denouncing the attempt to make appointment to the United States Supreme Court the football of partisan politics. Every branch of the National Association for the Advancement of Colored People throughout the country, particularly those in the northern and border States, is actively enlisting all possible aid.

Speaking of the National Association for the Advancement of Colored People campaign, the Washington correspondent of the Christian Science Monitor writes: "This is the first time that the negro in an organized campaign is making himself felt in a powerful political manner. That this influence will be exercised in many other matters henceforth is regarded as inevitable."

RAISE CRY OF COMMUNISM

An attempt is now being made by those forces in the South who are supporting President Hoover to raise the cry of "Communism among negroes" in order to discredit those who are seeking to uphold the standards of the United States Supreme Court and the sanctity of the Federal Constitution by opposing the seating on the Nation's supreme tribunal of a man who, like Judge Parker, would advocate disfranchising the negro for political advantage.

WHAT PARKER SAID

Judge Parker is quoted as having made statements in 1920, which he has not yet denied or repudiated. The Greensboro Daily News of April 19, 1920, quotes him as follows:

PARKER'S VIEWS IN 1920

"The Republican Party in North Carolina has accepted the amendment in the spirit in which it was passed and the negro has so accepted it. I have attended every State convention since 1908 and I have never seen a negro delegate in any convention that I attended. The negro as a class does not desire to enter politics. The Republican Party of North Carolina does not desire him to do so.

"We recognize the fact that he has not yet reached that stage in his development where he can share the burdens and responsibilities of government. This being true, and every intelligent man in North Carolina knows that it is true, the attempt of certain petty Democratic politicians to inject the race issue into every campaign is most reprehensible.

"I say it deliberately, there is no more dangerous or contemptible enemy of the State than men who for personal or political advantage will attempt to kindle the flame of racial prejudice or hatred * * * the participation of the negro in politics is a source of evil and danger to both races and is not desired by the wise men in either race or by the Republican Party of North Carolina."

WARNING ISSUED

The National Association for the Advancement of Colored People issued a warning that reliable informants have given information of pressure being brought on negroes, officeholders, and others to indorse Judge Parker.

Every negro church, lodge, woman's club, and individual is urged to telegraph at once to his United States Senators urging a vote against Judge Parker.

SENATOR FESS CHALLENGED

The National Association for the Advancement of Colored People to-day telegraphed Senator FESS, of Ohio, administration spokesman, asking him what negroes of any importance had indorsed Judge Parker, pointing out that Doctor Shepard is president of a State school supported by State funds, and citing 181 affidavits of outstanding negro citizens of North Carolina opposing Judge Parker, and directly challenging Senator FESS whether he believes in enforcement of all amendments to the Constitution.

SEVEN STUDENTS WIRE PROTEST

Seven southern colored and white students from the Brookwood Labor College, at Pocana, N. Y., wired Senator NORRIS Monday protesting the Parker appointment on the ground of his labor record and race prejudice.

WHITE IN WASHINGTON

Walter White, secretary of the National Association for the Advancement of Colored People, was in Washington this week and said that protests from all parts of the country against the Parker nomination were coming in.

He also announced the receipt of a telegram from Senator NORRIS asking for a photostat copy of the newspaper report of the speech made by Judge Parker 10 years ago when he cast aspersions upon negroes as voters.

DE PRIEST BUSY

Representative OSCAR DE PRIEST (Republican, Illinois) has been busy all the week lining up Senate votes against Judge Parker.

It is understood that Senator OTIS F. GLENN (Republican, Illinois) is opposed to the Parker nomination and that Senator CHARLES S. DENEEN (Republican, Illinois), a member of the Judiciary Committee, has not committed himself.

JUDGE PARKER IS 44

Judge Parker, of the fourth United States circuit district, is 44 years old and weighs 200 pounds. He was a Democrat until 1908, when he changed over into the Republican Party. He was defeated for Congress and defeated for governor in 1920, announcing in all his speeches that he never wanted any negro votes and he would be happy if they would vote the Democratic ticket.

His Democratic opponent was an organizer of the Red Shirts, the antinegro institution founded by Senator SIMMONS, whose business it was to frighten all colored people away from the polls.

He lost the governorship by more than 77,000 votes, but President Coolidge gave him a commission as judge.

WHITE PRESS DIVIDED

Washington newspapers are divided. The Washington Post favors Parker. The Washington Daily News is opposing Parker, and the Washington Star, as usual, is neutral.

HARD SUMS UP SITUATION

William Hard, white news man, described the situation this week as follows:

First. The Republican presidential campaign managers of 1928 discarded all efforts to please negroes in favor of efforts to please southern whites.

Second. The existing Republican administration has appointed virtually no negroes to office.

Third. The negro division of the national committee under John R. Hawkins has been closing down.

Fourth. John J. Parker, of North Carolina, accused of opposing negro participation in politics, has been nominated to be a justice of the Supreme Court of the United States.

According to Hard, the Parker appointment is of minor importance and yet is significant because it is a match which sets a heap of previous discontent on fire. In other words, it is the straw which breaks the camel's back.

PRESS ON PARKER

INSULTS TO THE NEGRO

"Mr. Hoover seems to have gone far afield to add insult to injury to the negro, most loyal supporter of his party.

"In his zeal to compensate the white South for its recent wholesale entry into Republican ranks, and his endeavor to hold them, the President has stopped at nothing short of contempt toward the negro wing of the party."—Boston Chronicle.

DARE NOT CONFIRM

"We dare not confirm Judge Parker. We must seek another man whose mind is free from racial and religious prejudices."—Chicago Bee.

HIS OWN RACE

"Not only negroes are demanding the rejection of Parker but a vast number of citizens of his own race are raising a protest against him."—Indianapolis Recorder.

PRESIDENT'S DISREGARD

"If ever there was evidence of a President's disregard for opinion and welfare of a great number of his constituents, it is being shown in this particular case."—Chicago Defender.

TAKEN FOR A RIDE

"It begins to look as though the North Carolina politician might be taken for quite a ride before he is firmly seated on the Supreme Bench. Perhaps after a few more trys President Hoover may come to consider the desirability of nominating to the Supreme Court a genuinely intelligent and liberal jurist."—New York Nation (white).

WOULD NULLIFY FIFTEENTH AMENDMENT

"The nomination of Judge Parker acquires special importance from the fact that if he is confirmed Republicans will have openly condoned the nullification of the fifteenth amendment."—Philadelphia Record (white).

WHOSE AMENDMENT IS GORED

"It all depends upon whose amendment is gored. President Hoover has hardly strengthened his appeal for observance of all laws, willy-nilly, by nominating for the Supreme Bench a gentleman who has openly advocated the practical nullification of the fourteenth and fifteenth amendments."—Heywood Broun (white), Scripps-Howard newspapers.

SOCIAL EQUALITY

"For Judge Parker to be defeated because of his common-sense view on the subject of complete social and political equality between the races would be in the nature of a disgrace."—Richmond (Va.) Times-Dispatch (white).

HELL-RAISING VAMPIRE

"The qualified negro voters of North Carolina do not appear to have resented the views of Judge Parker but are reported to have voted strongly for him as the Republican candidate for governor.

"It is the hell-raising political vampires of New York and Boston who are fighting the Parker combination purely on color-line contention."—Atlanta Constitution (white).

TWO GREAT MINDS

"Judge John J. Parker, of North Carolina, does not think the negro has reached the stage in his development where he should participate in politics.

"Two great minds seem to be running in the same channel. The negro does not think that Judge Parker has reached the place in his development where he should be allowed to sit on the Supreme Bench."—Black Dispatch, Oklahoma City, Okla.

DEMAND A SHOWDOWN

"Yes; the negro must have a showdown with President Hoover. Yes; the President wants to pay North Carolina for her electoral vote. What about the electoral vote made possible by the negro in Missouri, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, and New York? We have not as yet heard of any reward."—Kansas City American.

UNCLE TOMS

"Dr. James E. Shepard, of Durham, N. C., indorses Judge Parker for the Supreme Court in spite of the fact that Parker is opposed to negroes participating in politics.

"This is so much like Prof. Kelly Miller's apology for the President's failure to appoint an Afro-American member to the Haitian commission that the two ought to be known as 'Uncle Toms.'"—Cleveland Gazette.

SOUTHERNERS AS JUDGES

"Because of their deep-seated racial prejudice and bias, very few southern men have been made members of the United States Supreme Court; for a judge must be free from racial antipathy and intolerance as it is humanly possible to be, and the southern atmosphere does not breed this species of jurists to any marked degree."—Houston (Tex.) Informer.

BADLY ADVISED

"President Hoover, we believe, has been taking some very bad advice on racial matters. Some one has evidently persuaded him that the southern way of handling colored people is the better way. Nothing is more plain from the trouble and turmoil that attend race relations in the South than that the southern way is the wrong way.

"We can not help believing that the Quaker and engineer is sound at heart on the race question. We are convinced, however, that he should get a new set of friends and consultants."—New York News.

JUDGE PARKER IS UNFIT

"In the confirmation of Judge Parker the United States Senate will say to the 15,000,000 or more negroes in America that it does not believe in that part of the Constitution which gives the negro a right to participate in politics."—The Carolina Times, Durham, N. C.

THE NEGRO TREMBLES

"It does not take a United States Senator to know or believe that such a man as Judge Parker has not the proper judicial temperament for a seat on the Supreme Court Bench. The most ignorant and illiterate negro would tremble to think his case lay in the hands of the author of such sentiments."—Louisville News.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ON THE JOB

"More power and influence to the National Association for the Advancement of Colored People, the guardian of our citizenship rights. Join the local branch to-day, and thereby help answer your prayers."—St. Louis (Mo.) Argus.

PARKER IS UNFIT

"A Lincoln lost the Senatorship from Illinois for principle's sake, and became President. A Parker sought a governorship by subverting principle and will lose a Supreme Court judgeship."—Kansas City Call.

NATIONAL BAR ASSOCIATION FIGHTS PARKER

PHILADELPHIA.—Senator JOSEPH R. GRUNDY has been asked by the National Bar Association, composed of 300 colored attorneys, to vote against confirmation of Judge John J. Parker, of the North Carolina Supreme Court, as Associate Justice of the United States Supreme Court. Raymond Pace Alexander is president of the association.

Mr. Alexander wrote:

"Pennsylvania is now waging a great political battle in which the Senate seat, of which you are now the holder, is in dispute. The colored people of Pennsylvania are anxiously awaiting your decision and your vote on the confirmation of Judge Parker's name. We trust you will give due respect to the 300,000 negroes of Pennsylvania, your constituents."

Mr. GRUNDY, in reply, which also was made public by Alexander, said:

"When this nomination comes up in the Senate any opposition that may develop to it will, of course, be discussed pro and con, and, in casting my vote, I shall be guided by the facts as brought out in the discussion at that time, and as disclosed by such study and consideration as I may be able to give the matter in the meanwhile.

"I am very glad to have the views of your association, and shall bear them in mind in reaching a conclusion."

WHY LABOR IS OPPOSED TO JUDGE PARKER

Organized labor is opposed to Judge John J. Parker for the United States Supreme Court because he granted an injunction which the United Mine Workers of America opposed.

This injunction declared in effect that a so-called "yellow-dog" contract is valid. A "yellow-dog" contract, in the language of organized labor, is one under which men are employed on condition that they will join no labor union.

The employer thus takes advantage of a job-seeker's distress to force a surrender of his rights. Labor claims that a "yellow-dog" contract is signed by the worker who is forced to do it in order to gain employment and assure food and shelter for himself and family.

While labor has fought Judge Parker, the New York Evening Post says that the negro opposition and the balance of power which the

negro vote in several States have caused the opposition to grow to a point that led William Green, president of the American Federation of Labor, to say that a canvass of the Senate showed that Judge Parker would be defeated.

COMMITTEE GETS 36 PROTESTS AGAINST PARKER, ONLY THREE BOOSTS

WASHINGTON.—In addition to the letter of indorsement from Doctor Shepard, president of the North Carolina College for Negroes, only two other negroes hastened to the defense of Judge Parker, filing letters urging his confirmation with the Senate Judiciary Committee.

The first is from one M. K. Tyson, who signs himself as the national executive secretary of the National Association of Negro Tailors, Designers, and Dressmakers, Raleigh.

The other is from Dr. Hubert H. Craft, of Monroe, was sent to Senator OVERMAN, and claims to carry with it the prayers of the colored people of Monroe for the confirmation of Judge Parker.

Among the protestants are the following:

National Association for the Advancement of Colored People, Walter White, acting secretary.

William T. B. Hill, American Legion, Philadelphia.

East End Political Club, Cleveland, Ohio, Claybourne George, president.

Committee on race relations, Society of Friends, Ruth Verlenden Poley and Robert Gray Taylor, cooperating chairmen, Philadelphia.

Independent Order of Elks of the World and the civil liberties committee, by Robert J. Nelson.

Judge Haynes Holmes, Community Church, New York City.

Kansas City (Mo.) branch National Association for the Advancement of Colored People, John L. Love, president.

Baltimore African Methodist Episcopal Preachers' Meeting, J. E. Lee, chairman.

Parsons (Kans.) branch National Association for the Advancement of Colored People, Scott Williams, president.

Park Street African Methodist Episcopal Church and citizens of Marion, Ohio, by Rev. G. F. Cooper.

W. M. Trotter, Boston, Equal Rights League.

The Afro-American Co., Carl Murphy, president.

William H. Harris, Athens, Ga.

Roxbury Civic Club, George L. Gordon.

Brookwood Labor College, Katonah, N. Y.

The Bloomington and Normal branch National Association for the Advancement of Colored People, P. Henderson, secretary.

Roberts Deliberating Club, Youngstown, Ohio.

Chicago branch National Association for the Advancement of Colored People, Dr. Herbert A. Turner, president.

H. H. Taylor, chairman Negro Republican Party, on behalf of 750,000 North Carolina negroes.

Communist Party of the United States Majority Group, Benjamin Gitlow, secretary.

Massachusetts Women's Club, Mrs. Minnie T. Wright, president.

Henry F. Arnold, Baltimore.

Heman F. Whaley, superintendent New York State Department of Labor.

Lodis E. Austin, editor Carolina Times, Durham, N. C.

Elizabeth Glendower Evans, Brookline, Mass.

R. McCants Andrews, Durham, N. C.

International Labor Defense, national office, J. Louis Engdahl, general secretary.

Bishops, general offices, finance board and church extension board of the African Methodist Episcopal Church.

John L. Finch, Lexington, N. C.

Calvin Lane, New York.

Miss Mary W. F. Speers, Washington, D. C.

A. J. Bradley, Troy, N. Y.

Edward H. Butts, Huntington, W. Va.

Robert N. Owens, St. Louis, Mo.

L. E. Graves, president Raleigh Emancipation Society.

E. D. W. Jones, bishop seventh Episcopal district, African Methodist Episcopal Zion Church.

Hulett S. Pankey, Brooklyn, N. Y.

Helen Foss Wood, Wynnewood, Pa.

Murray Schwager, New York.

Omaha Guide, representing 30,000 colored citizens of Omaha, Nebr.

More than 100 affidavits filed with the committee that Judge Parker, in 1920, made speeches, and was quoted in the press of the State in utterances inimical to the political rights and prerogatives of qualified negro electors, which statements have never been denied. Signed by J. H. Johnson, Hercules Smith, W. H. Hannum, Charles L. Rouse, Le Roy Cheshire, J. D. Richards, Walter J. Hughes, John W. Haygood, of Salisbury, and 114 others from Durham, Evansville, Halifax, New Hanover, Orange, and Wilson Counties, N. C.

Quite a large number of other protests have been filed by colored citizens and organizations with the several Senators, which to date have not been assembled in the files of the committee, and are therefore not included in this list.

[From the New Leader, of April 26, 1930]

THE PARKER BATTLE—A FINE FIGHT

Not for a long time has there been anything in Washington more encouraging than the piling up of public, and hence of senatorial sentiment, against the confirmation of John J. Parker to the Supreme Court Bench which has usurped to itself such enormous powers of social legislation. Every shade and faction of labor is united on this issue. The colored citizens of America have found their voice. If the thing keeps up the man who wanted to exclude negroes from the political life of his State, * * * will not be confirmed. May not this success hearten us to further efforts and show once more what solidarity of action can do?

[From the New Leader, of Saturday, April 26, 1930]

JUDGE PARKER

Rejection by a Senate committee of the nomination of Judge Parker to the Supreme Court is a distinct victory for the forces opposed to present reactionary trends. Those who share in this victory are the trade unions, the socialists, and organizations for the protection of negroes against discrimination. Whether President Hoover will risk a fight for his choice by forcing the issue in the Senate is doubtful as certain reactionary Senators are against him.

We wish that we could say that the adverse report against Parker was prompted by opposition to his reactionary views, but a candid consideration of the facts makes this impossible. Political considerations, not disagreement with Parker's reactionary views, induced the reactionary members of the committee to vote against Parker. This is a year of congressional elections, and with the prosperity bladder sadly deflated G. O. P. leaders have no desire to invite special opposition from two sources.

* * * * * * *

[From the Detroit Free Press of Friday, April 25, 1930]

SENATORIAL "COURTESY"

In reporting adversely on the nomination of Judge John J. Parker to be Associate Justice of the Supreme Court of the United States without offering the judge a chance to appear and reply to the attacks of his foes, the Judiciary Committee of the Senate lays itself directly open to a charge that it has been guilty of cowardice and gross unfairness.

The finding of the committee is made on the basis of ex parte testimony, the person under scrutiny being denied his day in court and shunted aside as one beneath consideration. Such treatment would not be given the most wretched criminal in any responsible court in the United States. We doubt whether any company of legislators except a company of Senators would be guilty of such gross violation of decency and individual rights.

Beside being unfair to Judge Parker the conduct of the Judiciary Committee is an affront to the whole body of the Senate. We do not see how Members having a sense of duty and a realization of what they owe to themselves as men can do otherwise than demand that its report be ignored in disposing of the nomination at issue unless the committee consents to withdraw its present findings and give Judge Parker the courtesy and opportunity to which he is entitled.

Mr. GLENN. Mr. President, I send to the desk a telegram which I have received from John L. Lewis, president of the United Mine Workers of America, and a letter from Van A. Bittner, chief representative of the United Mine Workers of America in northern West Virginia, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the telegram and letter were ordered to lie on the table and to be printed in the RECORD, as follows:

HAZLETON, PA., *May 1, 1930.*

Hon. OTIS F. GLENN,

Senate Office Building, Washington, D. C.:

Our country is the only civilized Nation where citizens are prevented by judicial decree from joining the trade union of their choice. Under the Red Jacket decision, written by Judge Parker, 312 coal companies in southern West Virginia successfully prevent their 50,000 employees from joining the United Mine Workers of America. Even under English law, so freely quoted by many of our jurists, such an outrageous application of the injunctive writ would be impossible. It is no defense of Judge Parker for Senators to assert that in writing the Red Jacket decision he merely followed the precedent created by the Supreme Court in the Hitchman decision, which validated "yellow-dog" contracts. No Senator has justified either the Hitchman decision or the "yellow-dog" contracts. If the Hitchman decision is subversive of human rights and intrudes wantonly upon the privileges of citizens, it does not necessarily follow that Judge Parker should be confirmed because he blindly adheres to this principle. Both the "yellow-dog" contracts and the Red Jacket decision of Judge Parker are repugnant to millions of Americans who have every earnest desire to preserve our American institutions. One of the best ways to preserve those institutions is to have them

function in a manner that accords justice and extends protection to all of our citizens. The workers of this country recognize in Judge Parker a judicial enemy, and with every respect to the United States Senate I assert that the confirmation of Parker will be in the highest degree destructive of confidence and harmful to the influence of the judicial and legislative branches of our Government.

JOHN L. LEWIS.

WASHINGTON, D. C., *May 2, 1930.*

Hon. OTIS F. GLENN,
United States Senate, Washington, D. C.

DEAR SENATOR GLENN: In a speech made yesterday by Senator HATFIELD, of West Virginia, urging the confirmation of Judge Parker as Associate Justice of the Supreme Court, the attitude of the United Mine Workers of America bringing the miners of West Virginia in the union and the position of our organization against the so-called "yellow-dog" contract was attacked.

Senator HATFIELD said: "There has never been any major labor controversy between the miners of West Virginia and the producers of West Virginia coal, except such controversies as have been incited by competitors and producers of coal from other States. The mine workers and operators of West Virginia entered into a contract providing that the employees in the West Virginia mines would not join the union during their term of employment. This situation was brought about, I am told, by the reported coalition between the United Mine Workers and the central competitive operators in an effort to curtail the mining industry of the State of West Virginia, and because of this combination the nonunion coalition developed, which furnished the basis for the Red Jacket case."

The best evidence to refute this statement is a report of the committee of the United States Senate that investigated conditions in the coal mines of West Virginia in 1913, and again the investigation of the Interstate Commerce Committee of the United States Senate as to conditions in the West Virginia coal fields in 1928.

The records of the United Mine Workers of America, since the inception of the organization, prove beyond peradventure of doubt that the only purpose of the United Mine Workers of America in organizing the mine workers of West Virginia is to improve the standard of living of the miners and their dependents.

Referring to the wages of the miners of West Virginia, Senator HATFIELD said: "The coal miner in West Virginia is the highest paid mine worker in America, notwithstanding the handicap of the industry, according to statistics I have which I will discuss briefly."

This contention is disproven by the facts developed during the investigation of conditions in the coal-mining industry by the Interstate Commerce Committee of the United States Senate in 1928.

Under nonunion conditions enforced by the "yellow-dog" contract, protected by injunctive writ upheld by Judge Parker in the Red Jacket case, the miners of West Virginia are virtually enslaved. A starvation wage basis is in effect. Just a few weeks ago in a public school in the Scott's Run coal field in West Virginia, out of a total of 52 school children, it was necessary to dismiss 28 pupils due to the fact that they were undernourished to such an extent that it was impossible for them to pursue their studies.

The prevailing wage rates for the larger coal fields of West Virginia are $4 per day for work inside the mines and $2.08 per day for workmen employed on the outside and for labor around coal mines. The 8-hour day has been destroyed.

Notwithstanding the law of West Virginia gives miners the right to elect checkweighmen for the purpose of protecting the weight of the coal which they mine, there are practically no checkweighmen on the mine tipples, and coal companies take the definite position that if the miners elect checkweighmen they will close the mines.

Accident rates in the mines of West Virginia are mounting at an awful rate, due to the demoralized condition of the coal-mining industry as a result of the destruction of the stabilizing influence of the United Mine Workers of America. On January 16, 1930, addressing the Panhandle Coal Mining Institute, Robert M. Lambie, chief of the West Virginia Mining Bureau, said:

"The mine accident rate in West Virginia was mounting, and ascribed the condition to the fact operators were prevented from providing proper supervision and inspection because of the economic situation confronting the industry. Coal mining is the only major industry in the world that was not on a stable basis, with no set price for coal and no set price for labor."

Violence, intimidation, and starvation were the very forces used to compel the miners of West Virginia to sign the "yellow-dog" contracts. The injunction upheld by Judge Parker in the Red Jacket case in effect legalizes this form of violence, intimidation, and starvation.

Coal miners of this country have faith in our American institutions. Ours is the greatest Government on the face of the earth, but we must remind you that industrial liberty is destroyed in the mining fields by the enforcement of the "yellow-dog" contract.

Therefore, in the name of the miners and their dependents in West Virginia, we urge upon the Senate of the United States the refusal of the confirmation of Judge Parker for associate justice of the Supreme Court.

Very truly yours,

VAN A. BITTNER,
Chief Representative United Mine Workers of America in Northern West Virginia.

Mr. STEPHENS. Mr. President, in order that I may not occupy the time of the Senate unduly, I now ask to be permitted to insert in the RECORD, at appropriate places in my remarks, certain excerpts from the decisions of the Supreme Court taken from the record of the testimony before the subcommittee, and also some extracts from newspapers, and other appropriate quotations.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. STEPHENS. Mr. President, it occurs to me that when the name of a person is sent to the Senate by the President of the United States, and it becomes the duty of the Senate to pass upon his confirmation, in a very large sense the procedure here should be that of a trial in court. President Hoover has sent to the Senate the name of Judge John J. Parker, of North Carolina, for a position on the Supreme Court Bench. The question of his confirmation is now before us. The issue, as I see it, is his fitness and his qualifications for that high office. Such considerations are legitimate matters for discussion; but, Mr. President, the debate in this instance has gone far beyond what I deem to be the legitimate issues in the case.

Never was such effort made to find, not a reason but an excuse, to vote against the confirmation of an appointee as have been made in this instance. I regret to say that all the bias and blindness that partisan warfare produces have been in evidence. Charges which reflected on the integrity of Judge Parker have been made, when an investigation of the record would have disclosed their falsity. The fact that the charges thus made did not have the slightest basis of truth is evidence of the malignant spirit of their author.

Conclusions have been drawn from the language of the opinion of Judge Parker in the Red Jacket case as indicating his views with reference to union labor, which were wholly unwarranted. It is surprising to me that some of those conclusions should have been reached by those who have announced them. In some instances, Mr. President, severe strictures have been passed upon Judge Parker. Words that blister and burn have been used; words that stung like a blow or cut like a lash have been uttered. His high character has been besmirched, only to bring him into contempt, and thereby further the efforts to defeat his confirmation.

Mr. President, as I have already suggested, many arguments have been made that are not really relevant to the subject, that are not pertinent to the issue. I shall call attention to some of them before reaching what I consider to be the main point at issue.

Mr. President, a few days ago when the Senator from Tennessee [Mr. MCKELLAR] was addressing the Senate in opposition to the confirmation of Judge Parker he directed attention to, and had inserted in the RECORD, a letter written by Hon. Joseph M. Dixon. I desire now to send to the desk and have the clerk read a letter with reference to the matter referred to by the Senator from Tennessee.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., May 3, 1930.

Hon. HUBERT D. STEPHENS,
United States Senate.

MY DEAR SENATOR: In view of the discussion as to the extent political considerations entered into the nomination of Judge Parker, it is desirable that the facts should be stated. This discussion seems to have been aroused by publication of a letter from ex-Governor Dixon to one of the President's secretaries, advancing political reasons for the nomination. As to this letter, I can assure you that, prior to its recent publication, the President never saw it and knew nothing of it. It seems to have been sent over from the Executive Offices and placed in the files of this department as a matter of routine. Because one out of many hundreds of letters of indorsement gave political reasons for the appointment, the assumption is hardly justified that such reasons brought about the nomination.

Upon the death of Justice Sanford, in response to the President's request for suggestions as to a successor, I undertook an inquiry into the qualifications of a number of judges and lawyers, particularly from the third, fourth, fifth, and ninth circuits, which are not represented on the Supreme Court. An impressive showing was made as to the quali-

fications of Judge Parker. He has been indorsed by 2 United States circuit judges, 10 United States district judges, a large number of State judges, the president and 5 former presidents of the American Bar Association, 22 presidents of State and county bar associations, a number of United States Senators, including the Senators from his home State, and the governor and former governors of that State, and by hundreds of members of the bar and prominent citizens, not only from the fourth circuit, but from the country at large. These indorsements come alike from members of both political parties and are evidence that no narrow politics entered into the matter.

I made a painstaking inquiry into Judge Parker's judicial work and examined all of the opinions he has written as a circuit judge, numbering over 125. No fair-minded lawyer could read these opinions without being satisfied that Judge Parker has legal ability of the highest order, qualifying him to sit on the highest court. They show him to be a lawyer of sound judgment, fair-minded and sincere to a high degree, without any egotism or affectation, with a wide and accurate knowledge of legal principles, and a prodigious worker. They disclose all the qualities which, added to his vigorous youth, should enable him to serve with distinction on the highest court of the land. A study of Judge Parker's decisions reveals him as one of the outstanding circuit judges of the country. His personal character was shown to be above reproach and his integrity unquestioned.

This information was laid before the President with the recommendation that Judge Parker be nominated. Justice Sanford was from the South and a Republican. While locality is not controlling, it is never ignored, and the fourth circuit had not been represented upon the court for 60 years. It seemed that the appointment of Judge Parker to succeed Justice Sanford would be in accordance with tradition and should be well received throughout the country.

With respect to the political faith of a successor to Justice Sanford, the tradition which requires that the Supreme Court be kept nonpartisan was fully satisfied by the presence of three Democrats upon the bench, and under these circumstances it was considered entirely appropriate and in accordance with tradition and historical practice for the President to nominate a member of his own party who possessed the necessary qualifications. Beyond this, no State or National politics entered into the matter.

Respectfully yours,

WILLIAM D. MITCHELL,
Attorney General.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Arkansas?

Mr. STEPHENS. I yield.

Mr. CARAWAY. Did the Senator ask the Attorney General what he meant by the remarkable statement that a recommendation made to the President never reached the President?

Mr. STEPHENS. I never discussed the letter with the Attorney General.

Mr. CARAWAY. Did not the Senator have some curiosity to know by what process a recommendation in the files addressed to the President was withheld from the President?

Mr. STEPHENS. I do not know whether it was purposely withheld or not. I made no inquiry about that. I noticed, of course, what the letter said.

Mr. CARAWAY. If it was not purposely withheld, how does the Attorney General know that it did not reach the President?

Mr. STEPHENS. It may have been that the Attorney General knew that such a suggestion should not have been made.

Mr. CARAWAY. But it was not addressed to the Attorney General. It must have gone to the President before it reached him.

Mr. STEPHENS. Ah, no; the record shows that the letter was sent by Mr. Newton, to whom it was addressed, to the Department of Justice.

Mr. CARAWAY. But it was sent to Mr. Newton with a direct request that it be laid before the President and called to his attention.

Mr. STEPHENS. That may be; but there is nothing in the record to show or to suggest that it was ever brought to the attention of the President. In fact, he states here that it was not; why, I can not answer.

Mr. CARAWAY. It is a curious thing if the President is not allowed to see the recommendations of judges he is expected to nominate.

Mr. STEPHENS. I presume that he saw perhaps all of them, unless it be this particular letter. This was not a legitimate suggestion—not at all. The Attorney General recognized that it was not. He states that it was not considered; that he acted in this matter solely upon the information that he had with regard to the character and the capacity and the qualifications of Judge Parker.

Mr. CARAWAY. Oh, no; he said more than that. He said that Judge Parker was a Republican, and it was thought well to name a Republican, and that he was from the fourth circuit, and he thought it well to give the nomination to the fourth circuit; so he was himself passing upon a political reason for an appointment, and withholding from the President a letter addressed to him.

Mr. STEPHENS. No; not a letter addressed to the President or to the Attorney General, but one addressed to one of the President's secretaries. It was very proper, as I see it, for the Attorney General to look to the fourth circuit. For 60 years no man had been appointed to the Supreme Court from that circuit. There were men of intelligence and ability and character there who were entitled to be considered for this high position; and it happened that Judge Parker was believed by the people of that circuit to be the outstanding man for the place. Therefore he was considered; and one reason why he was considered was that both of the Senators from the State of North Carolina indorsed him as to qualifications and as to fitness. Other United States Senators indorsed him. Two circuit judges indorsed him. A large number of State judges indorsed him. Ten United States district judges indorsed him. The president of the American Bar Association and five ex-presidents of that association indorsed him. The present Governor of the State of North Carolina indorsed him. Two or three ex-governors indorsed him. He was largely indorsed from various sections of the country; so it was not surprising that he should be seriously considered for appointment and finally appointed to this position.

May I say, with reference to the fact that Judge Parker is a Republican, that we understand the situation. We know that the party in power usually sees to it that the majority of the members of that court are members of that party. That is done by both parties, Democratic and Republican; so that there is nothing in that that is subject to criticism, in my judgment.

Mr. WHEELER. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Montana?

Mr. STEPHENS. I yield.

Mr. WHEELER. Does the Senator think that these indorsements that were made were not shown to the President of the United States?

Mr. STEPHENS. I presume they were, except for what has been said about this particular matter.

Mr. WHEELER. It is inconceivable to me that some of these indorsements were withheld from the President and others were not, particularly when Mr. Dixon—who is the Assistant Secretary of the Interior, and very close to the President of the United States—wrote a letter to Secretary Newton and asked him to call the matter to the President's attention. To say that that letter, particularly, was not called to the President's attention, when other letters were, on the face of it does not look reasonable.

Mr. STEPHENS. It may not look reasonable to the Senator from Montana, but I am entirely willing to accept the statement contained in the letter because of the character of the man who wrote it—Attorney General William D. Mitchell—a man whose integrity and whose high character, so far as I know, have never been questioned. I am entirely willing for any Senator who desires to do so to challenge the statement of the Attorney General, Mr. Mitchell; but so far as I am concerned, it is entirely accepted by me. It is entirely likely that the Attorney General made an investigation, as he stated, that he satisfied himself as to the qualifications of Judge Parker, submitted his report to the President, and gave him a list of those who had indorsed Judge Parker. I do not know what course the Attorney General pursued, but it is probable that he followed the course which I have suggested.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. STEPHENS. I yield.

Mr. BLACK. The Senator made one statement that I imagine he probably would limit. I understood him to say that the investigation showed that Judge Parker was the outstanding man of the fourth circuit. I imagine the Senator meant that the investigation showed that he was the outstanding Republican of the fourth circuit. I do not think the Senator meant that the investigation showed him to be the outstanding man for the position in either party in that circuit.

Mr. STEPHENS. What I intended to say was that the investigation showed that Judge Parker is one of the outstanding lawyers and one of the greatest jurists in that circuit.

Mr. BLACK. I called the Senator's attention to the matter because the statement made was that the investigation showed that he was the outstanding man for the position in the fourth circuit.

Mr. STEPHENS. I think that is absolutely true with reference to those who were actually considered for appointment.

Mr. BLACK. That is what I thought.



Mr. STEPHENS. That is what I had in mind when I made the remark.

Mr. BLACK. That is what I thought the Senator meant—that only Republicans were considered, and that the investigation, in the Senator's judgment, showed that Judge Parker was the outstanding man of the fourth circuit who was considered for the place. I understood that because I understood no Democrat was considered.

Mr. STEPHENS. I understand not; no, sir. Naturally, my remarks were directed to those who were considered for the position.

I have no criticism of President Hoover because he followed the policy that has been the policy of Presidents who were members of the other party—the Democratic Party—my party. Judge Sanford was a Republican. The President was appointing a Republican to succeed him. It may happen in the near future that a Democrat on the bench will retire; and I have no doubt that the same policy will be followed by President Hoover when that shall happen—that a Democrat will be appointed. I think, if he should not follow that policy, he would be subject to very severe criticism.

Mr. FESS. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Ohio?

Mr. STEPHENS. I yield.

Mr. FESS. If the Senator will permit an interruption——

Mr. STEPHENS. Certainly.

Mr. FESS. The Senator will recall that upon the death of Salmon P. Chase, President Grant appointed Caleb Cushing. I make this statement with apologies to the Senator from Nebraska. Caleb Cushing had been the outstanding Democrat in the country. As the Senator will recall, he was the chairman of the Democratic convention in Baltimore, and also when it adjourned to meet in Charleston, S. C.; but he was regarded as one of the great lawyers of the country. When he was appointed as Supreme Court judge, to take the place of Salmon P. Chase, there was an outbreak of opposition on the part of radical Republicans on the ground that Grant was going out of the party to select a man. The result, however, was changed by this incident:

There had been found in certain documents that had been in the possession of the Confederacy, among other letters, a letter that Caleb Cushing had written to Jefferson Davis. All that he had written was a recommendation of a young man who had been educated up here somewhere, and had gone back to Texas. Caleb Cushing had been a personal friend of Jefferson Davis, both having been in the Cabinet, and this was a friendly letter. When that letter came to light in this body, it created such a storm that Caleb Cushing was not rejected, but they did not reach a vote and the President withdrew his name.

There is a very remarkable incident of a letter that meant nothing being the determiner in the appointment of a Chief Justice—and we lost the service of Caleb Cushing on that bench.

Mr. STEPHENS. I thank the Senator for his contribution.

Mr. President, since Judge Parker's name has been sent to the Senate I have heard expressions like this one:

"I am unwilling to help President Hoover pay his political debts because North Carolina went for him."

I have no interest in Mr. Hoover's political debts, nor have I any desire to lend him assistance in making payments of such debts. But it occurs to me that if Judge Parker is to be rejected because he comes from a State which went for President Hoover in 1928 in the Southland, he will be restricted and limited in the territory from which he may make his selection.

I am unwilling to allow any such thing to influence me. The logic of it is that South Carolina is the only State in the fourth circuit which could furnish a judge, the other four States having gone for the President. If the President should go to the State of Texas, to the State of Florida, or to the State of Tennessee, the same thing might be said.

I recall that in 1928 Tennessee voted for President Hoover. Yet when President Hoover appointed Judge Tate to a place on the Interstate Commerce Commission, I heard no charge that he was paying any political debt. I remember how active my good friend the senior Senator from Tennessee [Mr. McKELLAR] was in his support of Judge Tate.

While I am on this subject I want to direct attention to the fact that in making this selection the President appointed a real Republican. He did not go off and seek to find a "Hoovercrat," thereby lending encouragement, perhaps, to some who had left the Democratic Party to stay out of it. The oft-repeated statement that Hoover is seeking to retain North Carolina in the Republican column is a severe criticism of the people of that great State in that it insinuates that they can be bought; that they can be swept away from the Democratic faith simply because a citizen of their State, and a lifelong Republican at that, was appointed to high office.

I give President Hoover credit for having great intelligence. He realizes that what happened in the Southland in 1928 was the result of a political spasm, the result of abnormal conditions, the result of a situation that will not soon present itself again. Not for many years, if ever, will the deciding issues of the 1928 campaign be presented to the American people. I shall not, of course, enter into a discussion of those things now. The President knows what happened in the State of Virginia. On the first opportunity it went back to the Democratic fold, and I can not believe he is so lacking in intelligence that he would endeavor in such a manner as has been suggested to hold North Carolina in the Republican ranks. He knows that is absolutely impossible.

A few days ago in the debate here in this Chamber my good friend the senior Senator from Arizona [Mr. ASHURST] referred to Judge Parker as a weakling. I feel that my good friend, fair-minded and well-intentioned as he is, really did not mean to use the word "weakling" in the sense in which it was taken to have been used. I hope he did not.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Mississippi yield to the Senator from Arizona?

Mr. STEPHENS. I yield.

Mr. ASHURST. I always listen with instruction to the able Senator from Mississippi. He and I have collaborated on various public measures, and I have found him to be a tower of strength for the right upon many occasions. I honor him, I respect him, I admire him for standing by his guns in defense of this nomination, which he approves.

So far from apologizing for calling the nominee a weakling, I repeat it, and say that new and additional evidence has been supplied convincing me that his nomination is an injustice to the American people.

I said in my remarks the other day that that measure of due caution which should cause the President to send to the Senate the names of high-class men was not employed upon this occasion. When I said that, I did not know of the letter which has been written by the Assistant Secretary of the Interior, and I now say, call the lobby committee together and you will find that Federal judgeships or other appointments to office are being offered for votes for this nominee.

So far from withdrawing my charge, I assert that many of his supporters are approaching the frontier line of culpability.

Mr. STEPHENS. Mr. President, of course, I knew my good friend would become most vehement and eloquent in any reply he might make.

Mr. ASHURST. Mr. President, will the Senator yield again?

Mr. STEPHENS. I yield.

Mr. ASHURST. Yes; and a Senator is a spineless cactus who would sit silent when he sees that upon the United States Supreme Bench there is about to be placed a man, who may serve for a generation, who will do more to weaken the Federal judiciary than anything that has been done in 140 years, is too weak to serve the public greatly.

The Constitution of the United States is what the judges say it is. Never with my vote will a man be put on the Supreme Bench who has such a cluster of odium about his nomination as surrounds this whole transaction.

Call the lobby committee together and see what strange fish you will bring up from the depths, that are working to put over the Parker nomination.

Mr. STEPHENS. Mr. President, so far as I am concerned, I should be very glad to have the lobby committee make any investigation it cares to make. I have noticed that this lobby committee has not been inactive, it has not laid down on the job, it has been going out in search of those things which should be investigated, and, in many ways, has been doing splendid work. I trust that they will not lose interest in the investigation of any matter that is a proper subject of investigation, and if there is anything in connection with the appointment of Judge Parker or his confirmation that is improper, let it be investigated.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. STEPHENS. I yield.

Mr. CARAWAY. Does the Senator think it is becoming that men who are candidates for office, or expect to be, should make it almost impossible for one to walk the corridors of this Capitol without being lobbied with in the interest of the confirmation of Judge Parker? I know the Senator has not escaped that lobby. Two ex-governors of North Carolina, if not three, have haunted

the corridors here and the rooms of Senators until it became almost intolerable. The Senator is aware of that.

Mr. STEPHENS. I have seen one ex-governor.

Mr. CARAWAY. How did the Senator shut his door to keep the other one out? I do not know.

Mr. STEPHENS. Neither of them has ever been to my office, so far as I know. I saw one as he was leaving the Senate Office Building the other day and as I was entering. We chatted two or three minutes about the matter. I also saw the same person for a few minutes in the reception room of the Senate.

Mr. CARAWAY. Any minute the Senator looked out he would see one of them.

Mr. STEPHENS. I think that only three men from the State of North Carolina, men who are not in public life here in Washington, have mentioned this matter to me, and I shall be very glad to refer to them. I shall refer to one of them right now.

Judge Yates Webb, a judge in the State of North Carolina, talked to me perhaps 5 or 10 minutes about this man. I served for several years with Judge Webb when we were Members of the House of Representatives. He was an outstanding figure in that body, the chairman of the Judiciary Committee, really the man who handled the legislation in the House which is commonly known as the Clayton Act. He is as fine a character as I have ever met, as honest as any man I ever knew.

Judge Webb—and I cite him as a Democrat—refutes, in my mind, the charge that has been made that Judge Parker is a weakling. I recall what Judge Webb said to me. He said, "STEPHENS, there is not a finer character in the State of North Carolina, there is not a better lawyer in the State of North Carolina, there is not a man better fitted for this high position than Judge Parker."

It may be that he is included here in the 10 United States district judges who indorsed Judge Parker to the President of the United States.

Mr. SIMMONS. Mr. President, will the Senator yield that I may make a suggestion to him in connection with his comments on the statement of Judge Webb as to the qualifications of Judge Parker?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from North Carolina?

Mr. STEPHENS. I yield.

Mr. SIMMONS. The fact is that the bar of North Carolina, composed largely of Democratic lawyers, met at Pinehurst last week and passed resolutions unanimously indorsing his qualifications, his character, his impartiality, his fitness, and indorsing his appointment.

Mr. STEPHENS. I might state in the same connection that only a few days ago in the city of Richmond, Va., 318 lawyers met and gave Judge Parker the highest indorsement as to character and qualifications.

Mr. SIMMONS. Virginia is one of the States in Judge Parker's circuit.

Mr. STEPHENS. Yes. I am told that the lawyers in South Carolina, another State in that circuit, have indorsed him almost unanimously, and so throughout the other States in the fourth circuit men in all walks of life, judges, lawyers, business men, men in more humble stations than some possess, have given him the highest indorsements with reference to character and qualifications.

Ah, Mr. President, when I remember all those things I am willing to stand in this body and to deny that Judge Parker is a weakling. It is so easy to use an epithet. It is so easy to characterize a person harshly. But I ask now where is the evidence in the record or elsewhere that Judge Parker is a weakling?

Mr. ASHURST. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Arizona?

Mr. STEPHENS. Certainly.

Mr. ASHURST. I am not retreating from or in any sense withdrawing my statement. I do not, of course, reflect upon the private life of the nominee. When I use the word "weakling" I refer to his deficiencies as a man of great strength of character, great learning, and great intellect so far as applies to the Supreme Court of the United States. Possibly the Senator would appoint this nominee to a judgeship in the State of Mississippi, but I am convinced that the Senator as governor would never appoint the nominee to a life judgeship in the State of Mississippi.

When we reflect, as the Senator does, that the Supreme Court of the United States is the most powerful tribunal in the world, because what that court says is the law, and properly so, therefore, in my judgment, we should use much care in scanning the merits, the record, the attainments—intellectual, legal, and otherwise—of a nominee for that tribunal.

Measured by the judges of the past who have sat on that great bench, measured by the judges of the present who now sit upon that bench, the Senator would become ridiculous to pretend to compare this nominee with any judge now on that bench or who has sat on the bench in the Senator's lifetime.

Where is the evidence of his being a weakling? Sir, when a man, following precedent or giving precedent as his excuse, is too indolent intellectually to write an opinion of his own, but, following precedent, puts his hand to a paper, the legal effect of which would be a most odious form of slavery for working men who are unable to protect themselves, I can not support his nomination. The practical effect of the "yellow-dog" decision is to make slaves of the workingmen. Surely, the Senator does not want any other evidence of weakness than what Judge Parker has written himself down to be. It seems to me, in the language of a Biblical quotation often used by another Senator, "By their fruits ye shall know them."

Mr. STEPHENS. That is a very familiar quotation in this Chamber.

Mr. ASHURST. In this morning of the twentieth century, when mankind is asking for a larger degree of liberty, the "yellow-dog" decision is a rank injustice; it is an angry scar upon American jurisprudence. A capable judge, a man of great intellectual capacity, would have said, "Precedent or no precedent, I shall be a maker of precedents and I shall never follow a precedent that would tend to enslave men who are unable to help themselves." I thought we fought that out a decade ago. I did not think that in this time we would have to stand in the Senate and fight with stubborn courage to keep such decisions from being galvanized into existing law.

Mr. STEPHENS. Mr. President, of course I am in thorough accord with my friend the Senator from Arizona with reference to the great importance of the judiciary. I also agree with him with reference to what he said about the great care that the Senate should observe in considering a man for a place on the Supreme Court of the United States. I am glad that the Senator has defined himself in the use of the word "weakling." As I understand him it comes down to the single proposition that Judge Parker followed precedent. I shall not discuss that matter at this time; I shall do so later.

But while I have my good friend the Senator from Arizona in mind I want to say that although I feel that his reference to Judge Parker as being a weakling is unkind and unjust and erroneous, yet he has been no more unjust or unkind to Judge Parker than he has been with regard to the present members of the Supreme Court and many others who have sat on that bench. I think immediately following his characterization of Judge Parker as a weakling he discussed the "yellow dog" contract, so called. I shall not discuss that contract now. As I view the situation, it is not a legitimate matter for discussion with reference to the confirmation of Judge Parker. What I am getting at is that the Senator from Arizona said:

> No one is fit to sit as a Justice of the United States Supreme Court, where are involved the destinies of 120,000,000 people and the ever-present and complex propositions of State and National sovereignty, who upholds the "yellow dog" contract.

I repeat, Mr. President, that in that language he declared the present members of the Supreme Court and many others who have been on that court as being unfit to sit on that bench. In the Hitchman case, which has been discussed at length during this debate, and for following which Judge Parker has been severely criticized, we find the utterance of a man now on the Supreme Bench, the utterance of a man who is regarded as one of the greatest friends of labor in the United States, the man for whom the Senator from Nebraska [Mr. NORRIS] said the other day that many millions of men, women, and children pray each night. I quote the language of that great judge. I know that my friend from Arizona admires him greatly and agrees with me when I say that he is indeed a great judge. What did Mr. Justice Brandeis say in his dissenting opinion in the Hitchman case? The Senator was talking about "yellow dog" contracts. Let me read again his expression as it is found in the RECORD:

> No one is fit to sit as a Justice of the United States Supreme Court, where are involved the destinies of 120,000,000 people and the ever-present and complex propositions of State and national sovereignty, who upholds the "yellow dog" contract.

The "yellow dog" contract was involved in the Hitchman case, and yet there Mr. Justice Brandeis declared that it was a legal contract.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. STEPHENS. Let me first read what Mr. Justice Brandeis said. I quote:

In other words, an employer, in order to effectuate the closing of his shop to union labor, may exact an agreement to that effect from his employees.

What kind of an agreement? An agreement not to join a labor union.

The agreement itself—

Says Justice Brandeis—

being a lawful one, the employer may withhold from the men an economic need—employment—until they assent to make it.

Now I yield to the Senator from Arizona.

Mr. ASHURST. Mr. President, no matter who should render a decision the effect of which would be to enslave men, I should not retreat from my position. The Senator from Mississippi is an able lawyer; he is a member of the Judiciary Committee, but if he can not refine and distinguish the cases, I am powerless to help him. The Senator knows as well as I know that Mr. Justice Brandeis does not judicially uphold the "yellow dog" contract.

Mr. STEPHENS. I have only his words here.

Mr. ASHURST. I ask the Senator to read all of them. If the Senator will read all the opinion, he will see that I do not need to and shall not retreat from my position. I do not want to interrupt or destroy the symmetry of the Senator's speech and I never should have arisen had he not directly referred to me.

Mr. STEPHENS. I am not interested so much in symmetry as I am in facts, and I am entirely willing to discuss any facts which are pertinent to the issue.

Mr. ASHURST. I am perfectly willing, if the Senator is anxious to have me, to prolong the controversy.

Mr. STEPHENS. I am not requesting it. I am submitting myself to the will and wishes of the Senator.

Mr. ASHURST. If the Senator wishes, I shall sit here during his speech, and such of his thrusts as I am unable to parry he will find I have the fortitude to endure; but I reassert that there is nothing that has been shown to me that would convince me that the Supreme Court of the United States has ratified or upheld "yellow dog" contracts.

Mr. STEPHENS. Of course, Mr. President, lawyers, like other men, differ in their construction of circumstances and of decisions.

Mr. ASHURST. May I make a last interruption of the Senator?

Mr. STEPHENS. I yield to the Senator.

Mr. ASHURST. Will the Senator permit me to say that I end the colloquy as I entered into it, with sincere admiration for the Senator's zeal, and the ability with which he puts forth his case. As he has well said, lawyers may differ. If it had not been that people differ, the Senator and I would not have made a living as lawyers.

Mr. STEPHENS. That is quite true.

Mr. President, I can not understand how anyone can seriously controvert the statement that the Supreme Court has time and time again upheld what is commonly known as the "yellow dog" contract. There are many decisions of the Supreme Court wherein this matter has been discussed and wherein the so-called "yellow dog" contract has been held to be valid. If this were not true, why the language of Mr. Justice Brandeis? I am not defending that contract here; I am not discussing its provisions; I am not saying whether or not a contract of that kind should be prohibited. I shall, perhaps, within the very near future have an opportunity to give my views upon that subject, because there is now pending before the Judiciary Committee, which doubtless will report it very soon, a bill commonly known as the anti-injunction bill, in connection with which this particular question will be considered. However, Mr. President, let me pass to another subject.

I have referred to the character of some of the statements that have been made with regard to Judge Parker and some of the criticisms of him that have come to the Judiciary Committee and to Members of this body. I hold in my hand a letter from International Labor Defense, which is located in New York City. There are stated in it bluntly certain propositions the advancement of which causes me to say in this connection that the Senator from Ohio [Mr. FESS] and the Senator from Delaware [Mr. HASTINGS] are both, in a large measure, correct when they state that the fight now being waged is not an assault upon Judge Parker, the individual, but upon the integrity of the Supreme Court itself. I read from this letter as follows:

Our objections to Judge Parker grow out of our ceaseless struggle against the whole capitalist judicial tyranny.

Again they say this:

Judge Parker's selection—

Now, mark the language—

as all previous appointments to the United States Supreme Court, is a class appointment to an important instrument of the capitalist class government.

The letter makes a sweeping charge against every man who has ever been appointed to that high office.

May I suggest, Mr. President, that the very tenor of the statement refutes its validity as an argument? I want to say further that, in my view, such attacks upon the courts of the land act as a kind of ferment to generate contempt, distrust, and hate. It is a part of the effort to overthrow a great tribunal, which is one of the great bulwarks protecting the liberties and rights of all the people.

Now, Mr. President, I wish to proceed to discuss what I believe to be a legitimate issue in this case. If there is anything in the decisions of Judge Parker which would justify his rejection for a position on the Supreme Court Bench, it is entirely proper that it should be brought to the attention of the Senate for discussion; and if the facts warrant a denunciation of the man on that account there should be a declaration that he is unfit to serve in that position. I have not been able to reach the same conclusion with reference to the Red Jacket case that has been reached by able Senators who are opposing the confirmation of Judge Parker.

I think the Senator from Idaho [Mr. BORAH] suggested two or three times in the course of his discussion of this question that if Judge Parker's decision in the Red Jacket case were to rest solely and alone upon the Hitchman case, then he would not be inclined to criticise it; but he suggested two points which I desire to challenge. The first is that Judge Parker went further in the Red Jacket case with regard to one particular matter, the question of the right of employees to persuade their coworkers to join the union, than any other judge had ever gone. In this connection, I desire to call attention to the petition for certiorari in the Red Jacket case.

The questions presented by the petition for writ of certiorari were twofold:

First. Did the District Court of the United States for the Southern District of West Virginia and the circuit court of appeals have jurisdiction in the cases above set forth under the Sherman Antitrust Act and the Clayton Act, on the ground that the petitioners were engaged in a conspiracy in restraint of interstate trade and commerce?

Second. Did the district court of the United States and the circuit court of appeals err in enjoining and restraining the officers and members of the United Mine Workers of America from persuading the employees of respondents to become members of the union and cease their labor in the production of coal?

In the discussion of the second question, the petitioners' brief set forth two suggestions of error:

First. The district court and circuit court of appeals erred in holding that the petitioners were engaged in a conspiracy in violation of the Sherman and Clayton Acts.

Second. The error in enjoining petitioners from peaceably persuading respondents' employees to cease work and join the miners' union.

Surely, if Judge Parker had gone further than any judge had ever gone, Judge Brandeis, although the writ was denied, would have called attention to this fact and he would have put in a vigorous protest and would have denounced the opinion of Judge Parker. But he was silent. Why? My conclusion is that he recognized that Judge Parker had followed the law.

Mr. President, practically the same holding was made in the Hitchman case; and, again, I think it will appear that in Two hundred and eighty-second Federal Reporter and Two hundred and eighty-eighth Federal Reporter the exact language used by Judge Parker in the Red Jacket case had been used in the case of injunctions passed upon in those two cases; and they were decisions, if I mistake not, which were made by Federal courts in the Fourth Judicial Circuit. As to the question of precedent, as I recall the rule of law, individual judges on the circuit bench are bound by precedents of their own circuit. So Judge Parker in the Red Jacket case was simply following not only what the Supreme Court of the United States had approved, but he was following also what had been approved by the court in the very circuit in which he was serving.

Lest I forget it, let me say in this connection that it was thrown out in the hearings by Mr. Green that the Red Jacket decision was really a two-judge decision; that one of the judges died before the opinion was read from the bench.

It is true, Mr. President, that one of the judges died, but it was stated in connection with the delivery of the opinion that

he had concurred in it except for some slight reference to a matter of jurisdiction in regard to one or two individuals. More than that, the judge who died was one of the judges who had held to the same rule in one of the cases to which I have referred. That statement was merely thrown out by the witness in order to weaken, if possible, the argument in behalf of Judge Parker, just as was the suggestion that Judge Parker had been appointed special district attorney to try a case or two when the notorious Harry M. Daugherty was Attorney General. There were many gentlemen of the highest character who were connected with him and against whom no criticism was ever directed. Judge Parker's connection related only to a few special cases.

Mr. President, the able Senator from Idaho based his criticism of Judge Parker upon the fact, as he says, that he did not follow the holding of the Supreme Court in the Tri-City case. He is not inclined to criticize him for following the Hitchman case, but he does criticize him for ignoring, as he says, a later holding of the Supreme Court in the Tri-City case.

It has already been pointed out in this debate that one difference between the Tri-City case and the Hitchman and Red Jacket cases is that there were contracts in the Hitchman and Red Jacket cases, and that no contract was involved in the Tri-City case. I shall not argue that point; but it is an important distinction. It occurs to me, however, that there is another very great distinction between the Red Jacket case and the Tri-City case.

In the Hitchman case an international organization, the United Mine Workers of America, was the defendant. In the Red Jacket case the same international organization was the defendant. What is this international organization, the United Mine Workers of America? It is an organization that comes from Canada and reaches down to the Gulf. It covers both the United States and Canada. It has a membership of hundreds of thousands of men.

The labor organization involved in the Tri-City case was a local organization. The purposes of the international organization and the local organization were not the same. Their efforts were not directed to the same end, nor along the same exact lines.

Chief Justice Taft recognized this distinction between the two situations. He rendered the opinion in the Tri-City case. He uttered what is a well-understood rule of law—that each case must turn on its own circumstances. I have already pointed out the difference between the two situations. Now, let us see what Chief Justice Taft had to say in the Tri-City case.

He was discussing there two situations. He discussed at length the Clayton Act, the rights of employers and employees. He made a specific holding with reference to two men, Cook and Churchill, who had abandoned their employment and who were endeavoring to cause trouble there. He made a specific holding as to those two men. Then he passed on to the labor-union side of the matter. He says here:

> The counsel for the steel foundries rely on two cases in this court to support their contention.

That is, the contention that had been approved in the Hitchman case.

> The first is that of the Hitchman Coal & Coke Co. * * * The principle followed in the Hitchman case can not be invoked here. There the action was by a coal-mining company of West Virginia against the officers of an international labor union, and others, to enjoin them from carrying out a plan to bring the employees of the complainant company and all the West Virginia mining companies into the international union, so that the union could control, through the union employees, the production and sale of coal in West Virginia, in competition with the mines of Ohio and other States.

Mark you, it is admitted that the effort of those who were made defendants in the Red Jacket case was an effort to interfere with, to restrain interstate commerce.

> The plan thus projected was carried out in the case of the complainant company by the use of deception and misrepresentation—

And so forth.

It is argued that because of the fact that reference was made in the Hitchman case to unlawful conduct, to violence, and so forth—things that gave evidence of malice—the case is not on all fours with the Red Jacket case; but let us see. Chief Justice Taft says:

> This court held—

He is talking now about the situation that existed when the Hitchman case was before it—

> This court held that the purpose was not lawful, and that the means were not lawful, and that the defendants were thus engaged in an unlawful conspiracy which should be enjoined. The unlawful and deceitful means used were quite enough to sustain the decision of the court without more.

But he does not stop there. He gets back to the large membership of this organization and the purposes of the international organization, and he says:

> The statement of the purpose of the plan is sufficient to show the remoteness of the benefit ultimately to be derived by the members of the international union from its success, and the formidable, country-wide, and dangerous character of the control of interstate commerce sought. The circumstances of the case make it no authority for the contention here.

Ah, Mr. President! Three or four times in this decision Chief Justice Taft stressed the proposition that he was dealing in the instant case with a local union. He discussed the right of men to organize in order that they might benefit by an increase in wage. He referred to the fact that different individuals in the same community have the right to organize in order that there may be an equality of wage in that community; but, as I have just said, he pointed out, in the language which I have read, the remoteness of any benefit that could come through this international organization.

So he says:

> The Hitchman case was cited in the Duplex case, but there is nothing in the ratio decidendi of either which limits our conclusion here—

Why not? Because the conditions of the parties were different; the situations were not the same.

> There is nothing in the ratio decidendi of either * * * which requires us to hold that the members of a local——

Mark the language—

> of a local labor union and the union itself—

What union? The local union, of course—

> do not have sufficient interest in the wages paid to the employees of any employer in the community to justify their use of lawful and peaceful persuasion to induce those employees to refuse to accept such reduced wages and to quit their employment.

Mark you, he says the benefit is remote where an international union is involved, but that there is nothing in their holding in that case to require them to say that the local men can not organize, can not engage in peaceful persuasion and other conduct of like character.

> For this reason we think that the restraint from persuasion included within the injunction of the district court was improper.

Ah, Mr. President! It seems to me that there is the broadest distinction between the Red Jacket case, the Hitchman case, and the Tri-City case. I think that Judge Parker recognized that, because, as I recall, in some portion of the decision in the Red Jacket case he said that the Tri-City case had no application to the case upon which he was passing.

Mr. President, there is another thing in connection with the Red Jacket case to which I want to call attention now. I regret that the Senator who made use of the expression is not present, but I shall quote from the RECORD where he was discussing Judge Parker and his decision in the Red Jacket case. I can see him now, in that characteristic manner of his, saying:

> His every expression in the Red Jacket decision shows his enthusiastic belief in the decision which he rendered.

The author of the language just quoted was laboring under the impression that Judge Parker in the Red Jacket case showed savage opposition to organized labor. Let me call attention to certain parts of the opinion in the much-discussed Red Jacket case:

> It may be conceded that the purposes of the union, if realized, would affect wages, hours of labor, and living conditions, and that the power of its organization would be used in furtherance of collective bargaining, and that these things would incidentally affect the production and price of coal sold in interstate commerce. And it may be conceded further that by such an extension of membership the union would acquire a great measure of control over the labor involved in coal production. But this does not mean that the organization is unlawful. Section 6 of the Clayton Act (38 Stat. 731; Comp. St. sec. 8835f), provides:
>
> "That the labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws."

It is said, however, that the effect of the decree, which of course operates indefinitely in futuro, is to restrain defendants from attempting to extend their membership among the employees of complainants who are under contract not to join the union while remaining in complainants' service, and to forbid the publishing and circulating of lawful arguments and the making of lawful and proper speeches advocating such union membership. They say that the effect of the decree, therefore, is that because complainants' employees have agreed to work on the nonunion basis defendants are forbidden for an indefinite time in the future to lay before them any lawful and proper argument in favor of union membership.

If we so understood the decree, we would not hesitate to modify it. As we said in the Bittner case, there can be no doubt of the right of defendants to use all lawful propaganda to increase their membership. On the other hand, however, this right must be exercised with due regard to the rights of complainants. To make a speech or to circulate an argument under ordinary circumstances dwelling upon the advantages of union membership is one thing. To approach a company's employees, working under a contract not to join the union while remaining in the company's service, and induce them, in violation of their contracts, to join the union and go on a strike for the purpose of forcing the company to recognize the union or of impairing its power of production, is another and very different thing. What the decree forbids is this "inciting, inducing, or persuading the employees of plaintiff to break their contracts of employment"; and what was said in the Hitchman case with respect to this matter is conclusive of the point involved here. The court there said:

"But the facts render it plain that what the defendants were endeavoring to do at the Hitchman mine and neighboring mines can not be treated as a bona fide effort to enlarge the membership of the union. There is no evidence to show, nor can it be inferred, that defendants intended or desired to have the men at these mines join the union, unless they could organize the mines. Without this the new members would be added to the number of men competing for jobs in the organized districts, while nonunion men would take their places in the Panhandle mines. Except as a means to the end of compelling the owners of these mines to change their method of operation, the defendants were not seeking to enlarge the union membership. * * * Another fundamental error in defendants' position consists in the assumption that all measures that may be resorted to are lawful if they are 'peaceable'—that is, if they stop short of physical violence or coercion through fear of it. In our opinion, any violation of plaintiff's legal rights contrived by defendants for the purpose of inflicting damage, or having that as its necessary effect, is as plainly inhibited by the law as if it involved a breach of the peace. A combination to procure concerted breaches of contract by plaintiff's employees constitutes such a violation."

What was the controversy in the Red Jacket case?—

The controversy involved in the several suits is not a controversy between complainants and their employees over wages, hours of labor, or other cause, but is a controversy between them as nonunion operators and the international union, which is seeking to unionize their mines.

In reference to this Judge Parker said:

[13] The inhibition of section 20 of the Clayton Act (Comp. Stat. sec. 1243d) against enjoining peaceful persuasion does not apply, as this is not a case growing out of a dispute concerning terms or conditions of employment, between an employer and employee, between employers and employees, or between employees, or between persons employed and persons seeking employment, but is a case growing out of a dispute between employers and persons who are neither ex-employees nor seeking employment. In such cases section 20 of the Clayton Act has no application. American Foundries *v.* Tri-City Council (257 U. S. 184, 202, 42 S. Ct. 72, 66 L. Ed. 189, 27 A. L. R. 360); Duplex Printing Press Co. *v.* Deering (254 U. S. 443, 471, 41 S. Ct. 172, 65 L. Ed. 349, 16 A. L. R. 196); Bittner *v.* West Virginia-Pittsburgh Coal Co. (C. C. A. 4th, 15 F. (2d) 652, 658).

Mr. President, I have read many times Judge Parker's language in the Red Jacket case, and I have been unable to find anything there which indicates that he displayed any enthusiasm, any passion, in the consideration of this matter. He dealt with it as a judge should have dealt with it, in a calm, cool, dispassionate way, discussing the facts and applying the law to those facts. There is not a single line, indeed, there is not a single word in the entire decision which indicates what his personal views may be upon the matters at issue.

Ah, the Senator from Nebraska [Mr. NORRIS] said the other day, "I do not criticize him especially for following that Hitchman case. There is no special criticism about that." But in effect he said, "Oh, if he had only uttered a sentence or two in order to show his sympathy."

Mr. President, occupying the position he did, I feel that it would have been highly improper for Judge Parker to do anything more than he did, discuss the facts and apply the law to those facts. I am going a little further and be very frank; I can not see how there was anything in that record and in the history of that litigation that called for any expression of sympathy from him in passing upon the case. It appeared in the record that from five to seven thousand of those strikers went down into a certain county, defied the officers of the law, and violated the law in many respects. Then is this man to be criticized because he did not go out of his way to express sympathy?

When the able Senator was speaking the other day, calling attention to the fact that it appeared in one of the reports that there were five or six hundred husky policemen, weighing 200 pounds or more, down there protecting property, these 5,000 or 7,000 men to whom I have referred came to my mind, and it occurred to me that those policemen would not have been there if it had not been necessary in order to prevent the law from being defied and trampled under foot in the way attempted.

Mr. President, I have the greatest sympathy with the man who labors. I recognize, as does Judge Parker, that human labor is not a commodity, that man is a personality and not a machine, that men have a right to organize in order to advance their own conditions. I believe in all those things, but I believe, further, that the law must be upheld, and that the rights of others must be protected, as well as the rights of union labor.

On many occasions in the House and in this body I have gladly supported measures of interest and importance to labor unions. I voted against the Esch-Cummins law, and things of that kind. I am glad to support labor unions where I believe their demands are based upon right and reason, and when I do not believe that their demands are based on right and reason I shall, without the slightest hesitation, oppose their wishes.

Mr. President, we must stand for the institutions of government. We must have respect for law and for those who announce the law. When the fathers of the Constitution wrote that great instrument they devised a system of checks and balances. I believe that one thing they had in mind was that the Supreme Court of the United States should stand as a check against the unreasonable demands of men.

Ah, Mr. President, it has happened more than once that fanaticisms have become national epidemics. It has happened that able men in the United States have stood for the recall of judicial decisions, in effect advocating that the principles and policies of law should be decided by a primary election. I can not agree with any such doctrine.

I have already occupied too much time, but I want to say a word or two about the man Judge Parker. Even those who are opposing him have uttered certain words of commendation and have paid certain compliments to Judge Parker as a man. They have been careful to say, "I cast no aspersion upon his character." But it occurs to me that these are but frostbitten compliments; they are really an insult when taken in connection with what almost invariably follows, that he is so devoid of human sympathy, that he is so unacquainted with political conditions, with economic conditions, with a line of thought followed by many of our people and of interest to them, that he is unfitted, incapacitated, or unwilling to do justice between man and man or to decide these questions without following along after some other man, and announcing, as one Senator said, "I am a me-too judge."

In that connection I shall insert some language from Chief Justice White upon the question of precedents. He used the expressions:

Settled rules of law.

Established construction.

The injustice and harm which must always result from overthrowing a long and settled practice sanctioned by the decisions of this court.

He said:

If rules and maxims of law were to ebb and flow with the taste of the judge, or to assume that shape which in his fancy best becomes the times; if the decisions of one case were not to be ruled by, or depend at all upon former determinations in other cases of a like nature, I should be glad to know what person would venture to purchase an estate without first having the judgment of a court of justice respecting the identical title which he means to purchase? No reliance could be had upon precedents; former resolutions upon titles of the same kind could afford him no assurance at all. Nay, even a decision of a court of justice upon the very identical title would be nothing more than a precarious temporary security; the principle upon which it was founded might, in the course of a few years become antiquated; the same title might be again drawn into dispute; the taste and fashion of the times might be improved, and on that ground a future judge might hold himself at liberty (if not consider it his duty) to pay as little regard to the maxims and decisions of his predecessor

as that predecessor did to the maxims and decisions of those who went before him. Fearne on Contingent Remainders (London ed. 1801, p. 264). * * *

* * * * * * *

The conservation and orderly development of our institutions rests on our acceptance of the results of the past and their use as lights to guide our steps in the future.

* * * * * * *

In the discharge of its function of interpreting the Constitution this court exercised an august power. It sits removed from the contentions of political parties and the animosities of factions. It seems to me that the accomplishment of its lofty mission can only be secured by the stability of its teachings and the sanctity which surrounds them. If the permanency of its conclusions is to depend upon the personal opinions of those who, from time to time, may make up its membership, it will inevitably become a theater of political strife and its action will be without coherence or consistency.

* * * * * * *

By the foresight of the fathers the construction of our written Constitution was ultimately confided to this body, which, from the nature of its judicial structure, could always be relied upon to act with perfect freedom from the influence of faction and to preserve the benefits of consistent interpretation. The fundamental conception of a judicial body is that of one hedged about by precedents which are binding on the court without regard to the personality of its members. Break down this belief in judicial continuity, and let it be felt that on great constitutional questions this court is to depart from the settled conclusions of its predecessors, and to determine them all according to the mere opinion of those who temporarily fill its bench, and our Constitution will, in my judgment, be bereft of value and become a most dangerous instrument to the rights and liberties of the people.

Mr. President, precedent must have a binding force or there will be a hodgepodge of judicial thought, an olio of judicial rules and procedure. There must be the constant in the current of the changing. The law must have a definite crease—not a zigzag one, turning this way and that. Everyone seems to recognize this except some of the persons who criticize Parker for following precedent.

Mr. President, it has been said that this man is a weakling, that he is unfit to serve upon the bench, that he is not friendly to certain classes of people in the Nation. I feel very sure that these statements came as a surprise to those people who have known Judge Parker for many years.

From the Governor of the State of North Carolina there comes a splendid letter with reference to the character of this man, and I imagine it is typical of the opinion held by those people in North Carolina who have known him so long. I read from a letter from O. Max Gardner, Governor of North Carolina:

I have absolute confidence in the integrity and essential soundness of his intellectual processes, and I can not believe for an instant that he would be unfair to either the most powerful or the most humble citizen of this country. His whole outlook and philosophy as a man and as a judge could not, in my opinion, be more accurately epitomized than by the inscription over the entrance of the chapel at the University of North Carolina.

Then he quotes it:

What doth the Lord require of thee but to do justice and love mercy and walk humbly with thy God?

Ah, Mr. President, from every section of the five States comprising that circuit court district there come letters of commendation, letters which praise Judge Parker in the highest way.

I have reached the conclusion from listening to what has been said to me in person, and from what has been said through these communications, that whether you enter the doorways of Judge Parker's intellect or look through the windows of his spirit you will find full proof that John J. Parker is a man.

He is a man who has felt the hand of poverty, one who has come up through many trials and tribulations, a prodigious worker, as has been said, a man of ambition, a man of ability, a man of the warmest sympathies, the broadest outlook, and the highest integrity. Yet we are asked to reject him simply because some class or other in our country feel that he would be unfair to them.

Mr. President, I shall not discuss at any length one phase of opposition to Judge Parker. I shall not give my personal views upon the so-called negro question. I am going to say—and I regret that the Senator is not in his seat now—that only a day or two ago the junior Senator from New York [Mr. WAGNER] offered the grossest insult to the people of the South that has been offered in a generation. I shall not characterize it in his absence.

I can not see how any Senator from the Southland would have the "gall" to go to the President of the United States and ask him to appoint some southern man to a position on the Supreme Court Bench if Judge Parker is to be rejected either because he is a citizen of a State that voted for President Hoover or because of opposition to Judge Parker because of his views on the negro question.

There is not an honest, decent, respectable white man in the South who does not hold the same views on that question that Judge Parker holds, and yet, Mr. President, I want it thoroughly understood that that would not disqualify a real man from sitting on the Supreme Court Bench. I recall that Chief Justice White, an ex-Confederate soldier, sat on and presided over that great tribunal; I recall that L. Q. C. Lamar, from my own State, a soldier and an officer in the Confederate Army, sat there. Mr. Justice McReynolds is there now. Other men from the Southland have sat on that bench, and I defy any man to point out where anyone of those men from the South who ever graced that bench has ever been anything but entirely fair to all classes and to all races, whether they were rich or poor, whether they were employers of labor or members of a labor union, or whether they were white or black.

If southern Senators cause the rejection of Judge Parker, it will be a Samsonian victory. They will pull down the temple of hope and opportunity upon every lawyer in the great Southland, who has an ambition to serve on the Supreme Court of the United States. Many of the Nation's greatest lawyers reside in that section. The South is still a part of the Nation, and I shall not, by my vote, virtually declare her citizens ineligible for service on our highest tribunal. In this connection and under the permission granted to me by the Senate I shall have printed as an appendix to my remarks an article by Frank R. Kent, the correspondent of the Baltimore Sun, which appeared in the April 28 edition of the Sun concerning the Parker case.

Mr. President, I must conclude. I want to say in conclusion that I have studied the situation from every angle. If I believed that Judge Parker would be unfair to any class of our citizens, if I believed that he would deny them their full rights under the law, I would think him unfitted for this high position; but the whole course of his life—social, professional, judicial—indicates to me that he is qualified in every respect for the place, and that even-handed justice will be dealt out by him, no matter who might apply to his court. Therefore, Mr. President, I shall with great pleasure cast my vote for the confirmation of Judge Parker.

[From the Baltimore Sun, Monday, April 28, 1930]

THE GREAT GAME OF POLITICS

By Frank R. Kent

THE PARKER CASE

WASHINGTON, April 27.—* * * Although it is not quite certain, the chances are the appointment will be rejected. If it is, it will be because Republican Senators in the border States and the Middle Western States and Northern States, where the negro is a big factor in their party, and in some the dominant factor, fear that a vote for Judge Parker will damage or destroy them politically. The other reasons urged against him, plus the disposition of some to oppose anything or anybody Mr. Hoover offers, would be enough to insure opposition from a considerable number of Democrats and Progressives, but not nearly enough to prevent his confirmation. His rejection—if he is rejected—will be due solely to negro fear of regular Republican Senators who have to vote openly. No one denies this. No one denies that if the vote could be taken in executive session Parker would be confirmed. No one denies that if it were not for the opinion he expressed on the subject of negro suffrage, an opinion in which most Republican Senators who will vote against him privately concur, he would be confirmed in open session.

These being the facts, it is interesting to speculate on the logical result of rejection. What it seems to mean is that from now on the entire South will be barred from representation on the Supreme Court. It will be agreed generally that no President can find a man of either party in that section qualified to serve as a Supreme Court judge who does not share Judge Parker's views on the question of the negro in politics. If the negro leaders in the States outside the South can prevent Senate confirmation of Parker, they can prevent confirmation of any future presidential selection who feels the same way on this subject.

With the Parker rejection a matter of record, any President would feel it futile to nominate any man from the South for the highest court. It amounts to Republican Senators from the North saying, in effect, "You must not nominate any man who does not feel that the negro in politics is a beneficent influence, or, if he feels that he is not a beneficent influence, has successfully hidden the feeling." This would let the South out for all time. Certainly, when Justice McReynolds retires a year hence, as he has indicated, it would be absurd for Mr. Hoover to consider southern men for that vacancy. The Parker rejection would compel him to limit himself to States where the Republican material

was acceptable to the negro leaders, and if that would not be playing politics it is hard to think what would be.

It will be interesting to watch this roll call, interesting to see the votes of the southern Democrats as well as the regular Republicans. It will be a revealing affair. Nearly 20 years ago Senator BORAH, who will vote against Judge Parker for other reasons, stood up in the Senate and in a magnificent address told his Republican colleagues they were a lot of hypocrites on the negro question; that they felt one way in their hearts and talked one way in private, but voted and talked the other way in public.

There have been few truer words spoken in the Senate. There has never been a better demonstration of their truth than in the present situation. And when the debate on the Parker appointment occurs this week there will be much oratory about his alleged conservative or reactionary trend, about his unfairness to labor, about his political and judicial record, and about Mr. Hoover, but there will be remarkably little about his attitude toward the negro in politics, although that will be uppermost in the minds of every regular Republican on the floor. That is the tender spot. That is the one thing they walk around as if it were a swamp. It is hypocrisy at its height.

Mr. WATERMAN obtained the floor.

Mr. BORAH. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Fess	Keyes	Steck
Ashurst	Frazier	McCulloch	Steiwer
Baird	Gillett	McKellar	Stephens
Barkley	Glass	McNary	Sullivan
Bingham	Glenn	Metcalf	Swanson
Black	Goldsborough	Norris	Thomas, Idaho
Blease	Gould	Nye	Thomas, Okla.
Borah	Greene	Oddie	Townsend
Bratton	Hale	Overman	Trammell
Brock	Harris	Patterson	Tydings
Broussard	Harrison	Phipps	Vandenberg
Capper	Hastings	Pine	Walcott
Caraway	Hatfield	Ransdell	Walsh, Mass.
Connally	Hawes	Robinson, Ark.	Walsh, Mont.
Copeland	Hayden	Robinson, Ind.	Waterman
Couzens	Hebert	Schall	Watson
Cutting	Howell	Sheppard	Wheeler
Dale	Johnson	Shipstead	
Deneen	Jones	Simmons	
Dill	Kendrick	Smoot	

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. A quorum is present.

Mr. WALSH of Montana. Mr. President, will the Senator from Colorado yield to me for a few moments?

Mr. WATERMAN. I yield to the Senator.

Mr. WALSH of Montana. Mr. President, the remarks of the Senator from Mississippi [Mr. STEPHENS], to which the Senate has just listened, prompt me to take the floor this afternoon. The criticism of the conduct of Judge Parker in the so-called Harness case originated with a letter from Mr. Ralph E. Hayes, a highly reputable gentleman who was private secretary to the Hon. Newton D. Baker when he was Secretary of War. He charged among other things that the attorneys representing the Government had endeavored to secure oaths from witnesses appearing before the grand jury that they would not disclose the character of their testimony before the grand jury.

Mr. Merrick, speaking for the attorneys for the Government, he being one of them, sent the memorandum which was inserted in the RECORD by the Senator from Ohio [Mr. FESS] on April 29, in which he denied that any effort was made to exact an oath from the witnesses before the grand jury, but admitted that they endeavored to secure the same effect by injunctions to them. In his letter Mr. Merrick says:

> As to Mr. Hayes's statement that Government counsel were trying to obtain oaths of secrecy from the witnesses who appeared before the grand jury, permit me to state that this is not true. The witnesses were advised that the deliberations of the grand jury were confidential, and they were asked not to publish or discuss anything that occurred in the grand-jury room.

Accordingly, Mr. President, the admission is that, while an oath was not exacted, the jurors were charged not to disclose anything that transpired. The matter was brought to the attention of the judge then presiding in the court in which the proceedings were pending, Judge William E. Baker, and what transpired in that connection is disclosed by an article appearing in the Hagerstown Globe of July 28, 1923, from which I read, as follows:

> United States District Judge William E. Baker, at Elkins, W. Va., delivered a new charge to the special grand jury which, it is said, has been investigating the contract between the Government and the United States Harness Co., of Charles Town for the past three weeks. When the grand jury was empaneled on July 2, Judge Baker delivered a charge on the law of conspiracy. Much surprise was expressed when he called the grand jury into the court and again instructed them.
>
> This unusual event was explained by some of the points emphasized in Judge Baker's charge.

It was complained by the attorneys representing certain of the defendants that, at the instigation of the special assistants to the Attorney General who had been sent down from Washington to conduct this case, every witness who appeared before the grand jury was warned that he must not, under penalty of the law, disclose to the attorneys for the harness company officials any testimony given before the grand jury. The court in respect to the matter took occasion to say this:

> This grand jury is composed of men of affairs who are familiar with the procedure of the courts. Court proceedings are controlled by law, and none of us can be too often reminded of that fact. The grand jury is one of the greatest constitutional bodies ever established for the protection of the citizens. The most powerful officer of the Government has no right to require a citizen to answer any accusation until and unless the grand jury is convinced by legal evidence that the citizen should be called into court to answer. The grand jury ought not to hear anything but legal evidence and should not pay any attention to hearsay, mere opinion, report, rumor, or suspicion. You ought not to indict any citizen unless the evidence is so strong that, unexplained and uncontradicted, it in your opinion would warrant a conviction on an open trial. The attorneys for the Government who attend your session should assist you in developing facts known to the witnesses, but they have no right to take any part in, or be present at, your deliberations, and they have no right to comment on the testimony before you. While members of the grand jury should observe the rule of secrecy, I instruct you that this rule of secrecy does not extend to citizens who testify before you. If you have mistakenly undertaken to administer an admonition of secrecy to those citizens, you will desist from such practice.

Mr. President, I call attention to the fact that Mr. Merrick admits that is what they did; they admonished the witnesses that they were to observe secrecy with respect to the testimony which they gave. The court said further:

> Citizens don't come here as witnesses because they want to. When a citizen is subpœnaed he is required to leave his home to attend this court and testify to all facts known to him. When he has so testified he is discharged and his right to communicate with whomsoever he pleases, on whatever subject he pleases, is not one which changed from what it was before subpœna was served on him. You are further charged that it is the right of the attorney for persons whose conduct may be investigated by your body to seek to obtain the names of witnesses who may appear before you and to learn from such witnesses any facts within their knowledge. There is no rule requiring the names of witnesses who appear before a grand jury to be kept secret. It has been the practice in this court to have grand jury witnesses sworn by the clerk in open court, which fact itself indicates that there is no secrecy about this matter. The attorney for any citizen whose conduct has been under investigation before you has a legal right to inquire of witnesses, whether subpœnaed by the Government or not, as regards any facts known to those witnesses. Indeed, it is the duty of a lawyer who has been employed to represent citizens of this country to diligently and carefully seek to obtain all the information that any witness might have about his client's case. This particular charge is given you upon the request of a member of this bar, to the end that no injustice may result from any impression you may have received that an attorney could not legally and properly seek to ascertain any facts which any witness may have knowledge of.

So, Mr. President, it appears that these attorneys were rebuked twice by the court for their conduct in this case, and not only were they rebuked twice but they were rebuked by two different judges concerned in the trial of the controversy. This article continues:

> It was noticeable that Judge Baker's charge created quite a sensation.
>
> It is recalled that nearly two years ago Judge Baker held that the President of the United States had no power to cancel the Harness Co. contract and, although President Harding had declared the contract void, Judge Baker upheld an injunction which prevented the Government from taking harness from the company's premises at Charles Town. This injunction had been originally issued by Judge W. M. Wood, of Jefferson County, in July, 1921, when a body of armed soldiers had entered Charles Town and attempted to take harness which the Government claimed from the company's factory at that place. It was said at the time that Judge Wood's injunction was issued within less than an hour after the soldiers, led by an attorney from the Department of Justice and an Army colonel, had started to take out harness over the protest of the harness company's officers. Under Judge Baker's ruling, after the case had been taken by the Government from the Jefferson County Circuit Court to the United States district court,

his injunction was held in effect for nearly two years. It was recalled at Elkins that Judge Baker's opinion in this case was a particularly vigorous one and that it upheld the right of the citizen to appeal to the courts even against an order signed by the President of the United States himself.

I want to advert to another paragraph of this memorandum thus put in the record as a defense of the acts and omissions of Judge Parker. It concludes as follows:

While the trial judge directed a verdict of acquittal after all the evidence was in, both for the prosecution and for the defense, that is not the final test of whether or not the Government made out a case. It was the judgment of one man against many, including a number of Members of Congress and several attorneys in the Department of Justice and quite a number of Army officers and former Army officers who knew the facts. It is easier to conceive how one man might be mistaken than it is for a dozen or more. The members of the jury were not given an opportunity to make their finding, but, as above stated, were directed by the court to acquit the defendants. From that verdict the Government had no right of appeal. It was, therefore, a 1-man verdict which foreclosed the Government's rights after more than a dozen persons, many of them of considerable eminence, both as lawyers and as legislators, had expressed the view that the defendants had violated the law.

I call attention to the fact that it is urged the several Members of Congress believed the defendants to be guilty. It will be recalled that an extensive investigation of this subject was had before a committee of the House of Representatives, and it would not be surprising at all if several Members of the House should think that they had violated the law; but notice, the letter says "several attorneys of the Department of Justice" believed the defendants had violated the law.

That indicates, Mr. President, as the fact is, that there was a divergence of opinion among the lawyers of the Department of Justice even as to whether there was any ground for the prosecution. Finally several Army officers thought they were guilty.

Mr. President, I call attention to the fact that this gentleman who was one of the lawyers for the prosecution undertakes to say that in this case there was a 1-man verdict; that it was contrary to the judgment of some other men. That is not the case at all. When the judge directs a jury to return a verdict for the defendant he does not express any opinion about the question as to whether the defendant is guilty or is not guilty. He directs a verdict only when he reaches the conclusion that no reasonable man could reach the conclusion that the defendant is guilty. If the evidence is in any wise doubtful, if different persons might fairly reach a separate and distinct conclusion with respect to the matter, he has no right to instruct the jury to return a verdict but must submit the case. So it is not a question of the judgment of one man against that of some other men at all; it is the declaration of one man that, under the evidence adduced in the case, no reasonable man could fairly reach a conclusion that the defendant was guilty.

Mr. WATERMAN. Mr. President, I have some doubt whether I have any justification or excuse for trespassing upon the time of the Senate after so wide a discussion of the pending question. I have rather profound convictions with reference to the Constitution of the United States and to the courts constructed under its authority. It seems to me that the discussion upon the pending question, which is, as I understand, Shall the Senate confirm the nomination of Judge Parker? has gone very wide and has resulted in confusion in the minds of many Senators, and in the public press the whole tenor and effect of the editorial system has been torn asunder. There is no common understanding in the press with reference to exactly what the pending question is. Sometimes they refer by means of opprobrious terms to a contract supposed to be the pivot upon which certain litigation turned.

I do not propose to attempt to make any particular argument on constitutional law, or any particular argument upon the jurisdiction of courts of equity in this country under the authority of the Constitution; but I do propose to lay the foundation upon which I may build an argument which, I think, will support the conclusions which I shall ultimately reach.

In the first place, we start with certain things that are definite, that are certain, that were declared by the fathers of the Republic.

Section 1 of Article III of the Constitution provides:

The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Section 2 relates to the subjects over which the judicial authority of the United States under the Constitution has jurisdiction:

SEC. 2. The judicial power shall extend to all cases, in law and equity—

There is no limitation whatsoever upon that clause—

all cases, in law and equity—

There is no exception. Whatever was understood to be a case at law or a suit in equity at the time this Constitution was adopted was drawn within the jurisdiction of the Federal courts—

in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority—

If there is any limitation, the limitation is embraced within the language which I have last quoted—

to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned—

And I have read them—

the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

And then it goes on to certain other things with reference to crimes, of treason and the punishment of treason, which are not, I think, material to anything that may be said under the pending proposition.

Immediately upon the adoption of the Constitution, or shortly thereafter, 10 amendments to the Constitution, as adopted originally, were proposed. Those 10 amendments were ratified by the necessary number of States, and became a part of the Constitution as though originally contained therein.

Amendment No. 5 provides:

No person shall be held to answer for a capital, or otherwise infamous crime, * * * nor be deprived of life, liberty, or property, without due process of law.

That is a prohibition upon the supreme authority of the United States. That amendment came from the people of America. It came from the then existing 14 States; and that prohibition extended to every function of the Federal Government, bound the Federal Government in every department, continues to bind the Federal Government in every department, including all of its judicial structure, and can not be legitimately overthrown except by a constitutional amendment.

Do not forget that, Senators. Those of you who are lawyers will remember it well enough. You have it in mind anyhow; but those of you who are not lawyers, please bear that in mind as you proceed with the consideration of the question now before the Senate.

Early in the law, a right of action existed at law whenever a third party intervened as between the two parties to a contract, and, by intervening, inflicted any injury upon either of the contracting parties.

I said "a right of action at law"—in other words, a legal right—but that does not tie the execution of the legal process to an action at law. Whenever there comes into being a situation where the facts under consideration are susceptible of invoking the principles of equity jurisdiction in such form that the jurisdiction of the court may be drawn to attach itself to the subject matter of the proposal, then, whenever there is an inadequate remedy at law, or whenever there is a multiplicity of suits involved, equity may draw to itself jurisdiction of the entire subject matter, no matter what it may be; and when it draws to itself the subject matter as laid in that form it will draw to itself every controversy that is incident to and interwoven with the main controversies of the proceeding. No lawyer, I dare say, will question that proposition.

Contract rights are property. No court has ever declared, so far as I know, that a legitimate, binding contract between parties is not susceptible of enforcement and is not the subject of property and property rights under the fifth amendment to the Constitution. I shall draw the Senate's attention first in that connection to the Angle case, in One hundred and fifty-first United States Reports, at page 1.

On page 10 the court said:

That which attracts notice on even a casual reading of the bill * * * is the fact that while Angle was actively engaged in executing a contract which he had with the Portage Co.—a contract whose execution had proceeded so far that its successful completion within the time necessary to secure to the Portage Co. its land grant was assured, and when neither he nor the Portage Co. was moving or had any disposition to break that contract or stop the work—through the direct and active efforts of the Omaha Co. the performance of that contract was prevented.

There is the subject matter of this suit.

On page 25 the court said:

Passing now to the other of the two objections, it may be conceded that an action at law would lie for the damages sustained by the Portage Co. through the wrongful acts of the Omaha Co. Indeed, that is a fact which underlies this whole case. Yet, while an action at law would lie, it does not follow that such remedy was either full or adequate.

The mere fact that a remedy at law exists under a particular situation is not of itself a denial of equity jurisdiction of the subject matter of the controversy. The question then is whether or not, under the circumstances appearing in the case, the remedy at law is full, sufficient, and will settle all of the controversies nestled about the main controversy in the suit at bar.

Again, the court cites Pomeroy on equity jurisdiction with reference to certain situations; but I do not consider it important enough for me to waste the time of the Senate to read it.

More than 20 years ago it happened that I became enlisted by the railroad companies doing business in the Rocky Mountain territory over a situation which grew out of what was known as the scalping of tickets sold by railroads with a nontransferable provision in the ticket contract. I proceeded, or thought I did, to work out a scheme—because at that time the law in connection with that subject matter had not been well settled—by which that offense against the nontransferable tickets of railway companies could be stopped.

I thought I could spell out equity jurisdiction upon the basis that there was no remedy at law adequate, and, further, to avoid a multiplicity of suits, because thousands and thousands and thousands of similar tickets were issued to individual purchasers and found their way into the hands of ticket scalpers in large numbers, who advertised them, as most of us remember, upon the sidewalks and in the windows along the streets of the different cities throughout the country. So I began some suits upon that theory. While I was making a little progress, the Supreme Court of the United States came into the controversy and handed down a decision in 1907, entitled Bitterman *v.* The L. & N. Railroad Co. (207 U. S. 205).

In that case the parties were represented by some very prominent lawyers of the country. The case was ably briefed and well argued, and the opinion was written by Mr. Justice White, to my mind one of the most humane of men, one of the men who had judicial equilibrium equal to that of any of the judges of recent years, a man who was impartial to the last, utter limit, a man who spoke firmly when he spoke, but always justly, and whose decisions were founded upon what he thought was the proper construction of the Constitution and the laws of his country. I could, if my tongue were eloquent enough, pay a tribute to that great Chief Justice like the tributes which have been paid in days gone by to John Marshall, the first great Chief Justice of the Supreme Court, but I do not imagine any tribute I might pay to Mr. Chief Justice White would help very much in determining the issues as they are here framed.

In the case to which I have referred, which involved the right of ticket scalpers, so-called, to invade the contract relations between railroads and individual purchasers of tickets, which sounds back into the very constitutional proposition with which I started out, and upon which the so-called Red Jacket case ultimately finds its basis, Mr. Justice White, then a Justice, and not the Chief Justice, as appears on page 222 among other things said:

Any third person acquiring a nontransferable reduced-rate railroad ticket from the original purchaser, being therefore bound by the clause forbidding transfer, and the ticket in the hands of all such persons being subject to forfeiture on an attempt being made to use the same for passage, it may well be questioned whether the purchaser of such ticket acquired anything more than a limited and qualified ownership thereof, and whether the carrier did not, for the purpose of enforcing the forfeiture, retain a subordinate interest in the ticket amounting to a right of property therein which a court of equity would protect.

Certain cases were referred to and authorities were cited, and then the justice said:

We pass this question, however, because the want of merit in the contention that the case as made did not disclose the commission of a legal wrong conclusively results from a previous decision of this court. The case is Angle *v.* Chicago, St. Paul, etc., Railway Co. (151 U. S. 1)—

To which I have just adverted—

where it was held that an actionable wrong is committed by one who "maliciously interferes in a contract between two parties and induces one of them to break that contract to the injury of the other." That this principle embraces a case like the present—that is, the carrying on of the business of purchasing and selling nontransferable reduced-rate railroad tickets for profit to the injury of the railroad company issuing such tickets—is, we think, clear. It is not necessary that the ingredient of actual malice in the sense of personal ill will should exist to bring this controversy within the doctrine of the Angle case. The want and disregard of the rights of a carrier causing injury to it, which the business of purchasing and selling nontransferable reduced-rate tickets of necessity involved, constitute legal malice within the doctrine of the Angle case.

Mr. President, I shall divert my argument for a moment right there, a little prematurely, perhaps. The contract which has been bandied around here and characterized in opprobrious terms is not a vicious contract, and I shall demonstrate that later on, I think. That contract, as was said in the Red Jacket case, is substantially as follows:

It is recognized by a large percentage of the mines of the United States which are known as union mines and are operated on the "closed union shop" basis; that is to say, no laborers are employed in or about such mines who are not members of the union. Complainants operate their mines nonunion on the "closed nonunion shop" basis; that is, their employees are notified that the company will not employ union men and accept employment with that understanding, and in the case of most of them the employees have entered into contracts that they will not join the union while remaining in the service of the employer.

That is what is called a "yellow dog" contract. The union miners in this country have been for years—and they have the right to do it—forcing employers to make a contract that they will not employ in any department of their works any man, woman, or child who is not union affiliated. Nobody finds any fault with that. They have a right to do that. The proposition is, what were the means and methods of bringing about that contract, not what the contract is?

Mr. President, let me say right now that the controversy in the Red Jacket case was not a controversy between the employees of the Red Jacket Co. and the Red Jacket Co. There is not a scintilla of evidence in this record that any employee of the Red Jacket Co. was asking more wages or complaining about wages. There is no evidence in the record anywhere that any employee of the Red Jacket Co. was complaining about working conditions in any respect. There is nothing in the record, from beginning to end, which discloses anywhere that there was any controversy between the employees of the Red Jacket Co. and the Red Jacket Co. itself. The employees of the Red Jacket Co. were not parties to the litigation, directly or indirectly. So far as the record shows, there might not have been any employees at that time. Undoubtedly, if the record speaks the truth, the unions would not have permitted the Red Jacket Co. to have had a peaceably employed employee within its works.

The defendants in the Red Jacket case were not employees, any of them, of the Red Jacket Co., not one. The defendants in that suit were not even attorneys for the employees of the Red Jacket Co. They had no relation of agency to the employees of the Red Jacket Co. any more than I have. They were interlopers, at the best. They were interested none whatsoever in the interrelations of the company and the employees. They could not be, in the very nature of things, because they were not parties; they did not represent the parties; they were not connected in any way with the output of the mines; they were not contractors, even, in connection with the mines or the works, or otherwise.

What legal connection did the defendants, who were intervening and interfering with the contract relations between the Red Jacket people and their employees have that authorized them to invade the processes being carried on under and by force of contracts which were peaceably made and, so far as we know from this record, no one on earth was objecting to, so far as those who were interested in the contract were concerned?

There was no controversy whatever between the employees and the complainant, the employer, none whatsoever. There was no basis upon which an interference could be predicated. The only thing these outsiders who were made defendants to the suit were seeking to bring about was to compel or to require or to persuade, if you please, the employees of the Red

Jacket Co. to default their contract and sever relations with their employer and join the union.

Right there I might say that very able Senators, for whom I have the highest personal regard and respect, whose abilities are recognized not only by my feeble self but by others better able to recognize them, have said that this contract was void, not as a fiat but as a judgment of the speaker that, in his opinion this "yellow dog" contract, so called, was void.

This contract or contracts similar in form, or perhaps better, have been upheld as to their legality, if I can read the English language, by a unanimous decision of the Supreme Court of the United States. I refer to no other case than the so-called Hitchman case. There was a dissent by three judges and an opinion written by Mr. Justice Brandeis. I am not quarreling with Mr. Justice Brandeis. I have no opprobrious terms to use in connection with him. I think his mental processes are among the keenest the country affords. I have no doubt of his integrity and his honesty. But when he came to write that dissent in the Hitchman case he did not say that a contract of the kind about which I am talking was not a valid contract if properly made and for a proper consideration.

In the Bitterman case, to which I shall recur for the time being and approach in another way the subject which I have just left, the Supreme Court, through Mr. Justice White, said:

> The wanton disregard of the rights of a carrier causing injury to it, which the business of purchasing and selling nontransferable reduced-rate tickets of necessity involved, constitute legal malice within the doctrine of the Angle case. We deem it unnecessary to restate the grounds upon which the ruling in the Angle case was rested or to trace the evolution of the principle in that case announced, because of the consideration given to the subject in the Angle case and the full reference to the authorities which was made in the opinion in that case.
>
> Certain it is that the doctrine of the Angle case has been frequently applied in cases which involved the identical question here at issue—that is, whether a legal wrong was committed by the dealing in nontransferable reduced-rate railroad excursion tickets. * * *
>
> Indeed, it is shown by decisions of various State courts of last resort that the wrong occasioned by the dealing in nontransferable reduced-rate railroad tickets has been deemed to be so serious as to call for express legislative prohibition correcting the evil.

On page 225 the court said:

> The contention that, though it be admitted for the sake of the argument, that the acts charged against the defendant "were wrongful, tortious, or even fraudulent," there was no right to resort to equity because there was a complete and adequate remedy at law to redress the threatened wrongs when committed is, we think, also devoid of merit.

I may refer again right here to the Red Jacket case. This contract was not the great pivotal point of the decision in the Red Jacket case in the Circuit Court of Appeals of the Fourth Circuit. The great question involved in the circuit court of appeals was a question of jurisdiction of the case at all. The question of the contract was a mere incident to the general litigation of the propositions involved in the case, as also was that portion of the decree which went against the shipping of food, and so forth, to the union people who were occupying the houses of the complainant within the complainant's property. These were not the pivotal questions in that case. These particular questions might have been able to invoke the jurisdiction of a court of equity. There were other things that were involved in that case.

The great question of invasion of the rights of people to do business, to strike, the destruction of property, picketing, and various other things were involved when that suit was begun, and, of course, any lawyer useful for any purpose called upon to address himself to the court by petition for injunction to relieve the situation would put within the confines of his complaint allegations bearing upon every proposition going to any right which was incident to the controversy anywhere or under any conditions. If he did not do that, he would not be fit to practice law, in my opinion.

I say again the great question in the Red Jacket case was whether the court had jurisdiction of the subject matter at all. That question was resolved by the lower court—that is, by the district judge—in favor of the jurisdiction. The case went to the circuit court of appeals, before Judge Parker was ever thought of as a judge upon that court, upon a review of an interlocutory injunction, and in that case, in Two hundred and eighty-eighth Federal Reporter, it will be found that those questions were first threshed out, jurisdiction upheld, and the law for the future progress of that suit practically laid down. That is what anyone will find if he will go back to the Two hundred and eighty-eighth Federal Reporter.

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER (Mr. BLEASE in the chair). Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. WATERMAN. I yield.

Mr. SHIPSTEAD. Where did the question of jurisdiction arise and upon what ground?

Mr. WATERMAN. As to whether or not the complaint stated facts sufficient to bring the subject matter of the bill within equitable principles and equity jurisdiction.

Mr. SHIPSTEAD. It was not based upon section 4 of the Sherman antitrust law?

Mr. WATERMAN. It was not. As I said, it was based upon the elementary general principles which have existed for hundreds of years in English and American law, which would be sufficient to attract the jurisdiction of the Federal court in equity.

Mr. SHIPSTEAD. The reason why I asked the question is because I have not seen the petition filed for equity jurisdiction.

Mr. WATERMAN. It is not in any record that I have yet seen.

Mr. SHIPSTEAD. I was told that jurisdiction was conceded because of section 4 of the Sherman antitrust law.

Mr. WATERMAN. The record here is not sufficient to say that that is not so. The question of jurisdiction was fought from the beginning to the very end, even by an application for a writ of certiorari in the Supreme Court of the United States. It was always in contest, and when that question was resolved in favor of jurisdiction, the other questions were immediately drawn within the compass of the jurisdiction so predicated, and the court was bound to settle the entire controversy which the parties had placed before it.

That is the rule in equity, always has been, and always will be. Whenever we can invest a court of equity with jurisdiction on the ground that there is not an adequate remedy at law, or whenever we can invest it with jurisdiction on the ground that it will prevent a multiplicity of suits—that is, prevent suing a thousand people in a thousand different suits—that couples with it also the question, if we undertake to sue individually people by the thousand for the same cause of action, whether or not the remedy will be adequate for any purpose whatsoever. There are other grounds of equity jurisdiction, of course; but I am speaking of those two particularly.

Mr. SHIPSTEAD. As a rule, the judge decides whether he has jurisdiction?

Mr. WATERMAN. Of course, he has to do so. There is no one else to decide it.

Mr. SHIPSTEAD. Does not the Senator think Congress changed that rule when it enacted the Sherman antitrust law, in section 4, placing jurisdiction in courts of equity?

Mr. WATERMAN. There are certain things that Congress can do in connection with the courts, no doubt. Congress has a right to regulate, to some extent at least, the method of practice. But the Senator will note that whenever we come to proceedings in equity the Supreme Court of the United States itself lays down the full and complete regulations and rules for practice in a court of equity in the Federal courts. It is the outgrowth of law, and that is about the size of it. It is the outgrowth of the honest judgment of judges who have gone before. They have built up this system. But the Constitution of the United States sanctioned that thing and declared that a contract for a consideration and valid as between the parties was a property right and could not be taken away by legislation.

Mr. SHIPSTEAD. The right of contract?

Mr. WATERMAN. The right of contract.

Mr. SHIPSTEAD. The sacred right of contract?

Mr. WATERMAN. Yes; it may be called sacred.

Mr. SHIPSTEAD. But it is usually based on the freedom of contract.

Mr. WATERMAN. A contract entered into, of course, is a free contract or else it is entered into under duress Any contract that is procured by fraud or duress is a useless thing.

The Senator from Nebraska [Mr. NORRIS] the other day, in addressing himself to the pending question, inadvertently stated and then corrected himself that in relation to the levying of an income tax the Constitution had been amended and the amendment was declared unconstitutional. Of course the moment he bethought himself he knew the statement was wrong and that he had erred in it, unfortunately, and then he stated what the fact was. The fact was that the Congress attempted to levy an income tax not in conformity with the constitutional manner then existing, and the Supreme Court declared the legislation void because it contravened the Constitution of the United States.

What happened? What happened was that which should happen always under the same conditions; it should happen in this case, if the people want to correct or to change the situation. Congress immediately proposed an amendment to the Constitution of the United States, known now as the sixteenth amendment—the income-tax amendment. It was ratified by the necessary number of States and became a part of the Constitution. In other words, there was an amendment to the Constitution itself in which everybody acquiesced.

On the other hand, there was a 5 to 4 decision on the question whether or not Congress could enact legislation levying an income tax under the then constitutional provision. Five judges said Congress could not do so; four said Congress could; but the people solved the difficulty by adopting an amendment to the Constitution which is satisfactory to everybody. So I think I shall be able to demonstrate shortly that the so-called "yellow-dog" contract which is complained about is a legitimate and valid contract.

The brilliant Senator from Idaho [Mr. BORAH] said that, in his opinion, the contract was void. I think he went pretty strong on that, but that may be his judgment and his belief.

Mr. BORAH. Not "may be" but is.

Mr. WATERMAN. Very well, we will put it that way. If the fifth amendment means what it says, and what the court says it means, unless the contract was without consideration, or invalid for some other reason—and I know there are things about which people can not contract; every lawyer recognizes that—it was valid. However, the Senator from Idaho and I differ right there. I think it is a valid contract if it is not brought about by duress or fraud; and as to the consideration, a person may grant a consideration by putting himself alone under an obligation. If I am right about it, then the way to get rid of this kind of a contract is to amend the fifth amendment, and so frame it that everybody will know that a contract is nothing; that it is not enforceable; that it may be broken up by disinterested outside parties, notwithstanding the protests of its makers on both sides. All I ask is that it shall be done in a constitutional manner; and if the people of America shall say that such a contract is constitutional, nobody will get on the band wagon and ride along with the proposition any more joyfully than will I, because I am a believer in the ability and good faith and the hopes and the aspirations of the American people, and also in the Constitution of the United States and the method by which it must be changed.

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. WATERMAN. I yield.

Mr. SHIPSTEAD. I do not want to interfere with the Senator's argument; I do not want to break the continuity of his remarks in the RECORD unless it shall be agreeable to him. Sometimes it breaks up a Senator's argument to be interrupted, and I do not want to do that.

But I agree with the Senator as to the contract he mentioned, under which railroad companies secured an injunction to enjoin people who had bought tickets under contract at a reduced rate from selling them to third parties. I never previously heard of the case, but it seems that would be reasonable.

Mr. WATERMAN. That is the law.

Mr. SHIPSTEAD. On the other hand, if it is convenient to the Senator, I wish he would now explain why the contract in controversy in the Red Jacket case can be placed upon the same basis of legality in morals and in law as the contract to which he has referred.

Mr. WATERMAN. If the Senator will be patient with me for a little while, I think I can satisfy, so far as I am able to satisfy, the Senator's inquiry.

Mr. BORAH. Mr. President——

Mr. WATERMAN. I yield to the Senator from Idaho.

Mr. BORAH. As I am compelled to leave the Chamber in a few moments, I am going to ask to interrupt the Senator. Does he agree with me that if this contract were wanting in consideration it would be void, notwithstanding the fifth amendment?

Mr. WATERMAN. It is not a contract under those conditions, of course.

Mr. BORAH. Exactly. Well, calling it a contract we say the contract is void for want of consideration. The Senator will also agree with me, will he not, that if it is such a contract as is contrary to the public welfare or to public policy it would also be void notwithstanding the fifth amendment?

Mr. WATERMAN. Yes; with certain limitations. There is not any doubt about that proposition. The Senator from Idaho and I can not make a contract to run a gambling institution, start it running under a contract, and get under cover—either one of us or both of us—on the ground that we have a valid contract. We can not do that. That outstandingly is a contract that is not protected by the law. No gambling contract is considered by the law.

Mr. BORAH. Well, let us assume a different kind of contract than that of gambling, because I would rather get in better company than that. A railroad company can not make a contract relieving itself from liability for negligence.

Mr. WATERMAN. Certainly it can not.

Mr. BORAH. Such a contract is void, notwithstanding the fifth amendment.

Mr. WATERMAN. It is not a contract. A railroad company can not, of course, make a contract relieving itself from liability on account of its own negligence.

Mr. BORAH. No; nor can it make a contract against the public welfare.

Mr. WATERMAN. I am not so certain as to what the Senator may declare or what I may declare to be the public welfare.

Mr. BORAH. The Senator and I perhaps differ now about what is the public welfare, but if we were agreed that this kind of a contract was contrary to the public welfare we would both agree that it was void notwithstanding the fifth amendment.

Mr. WATERMAN. When the Senator says the "public welfare" does he use that term in the same sense that he would use the term "public policy"?

Mr. BORAH. Yes; in this discussion I do.

Mr. WATERMAN. I thought the Senator did. If a contract is against public policy—and by that I mean a declared public policy, declared, it may be, legislatively or it may be judicially, but declared somewhere authoritatively—if it is against public policy the Senator and I can not enter into such a contract and get away with it; that is all.

Mr. BORAH. The Senator will recall that Justice Day in his dissenting opinion in the Coppage case——

Mr. WATERMAN. That is the Kansas case?

Mr. BORAH. Yes; held that the contract was void because it was contrary to public policy. It was a dissenting opinion, but he cited a number of authorities, including the Supreme Court, as to what constitutes public policy, when a contract is void, and so forth. So the discussion between the Senator and myself would resolve itself into a question of trying to agree upon what would be against public policy.

Mr. WATERMAN. Exactly; but the decision of the Justice to whom the Senator refers in the Coppage case amounts to just about as much in determining what is public policy as the expressions of the Senator and myself in this Chamber.

Mr. BORAH. I think more than that.

Mr. WATERMAN. I do not think so.

Mr. BORAH. I think more than that, for the reason that several times in the history even of the Supreme Court of the United States the minority opinion has become the majority opinion.

Mr. WATERMAN. That is true; there is no doubt about that.

Mr. BORAH. So we will hope while the light holds out to burn.

Mr. WATERMAN. But when the Supreme Court has trenched itself about as it has by its declarations in connection with contracts and the fifth amendment, and has said that it is beyond the power of legislation to change it, what can be done about it except to amend the Constitution?

Mr. BORAH. Amend the court.

Mr. WATERMAN. I do not like that way; I do not like to have it go out to the inferior judges of this country nor to the Justices of the Supreme Court that the Senate of the United States, which is not a judicial body, which is not vested with the power of judicial authority, having nothing whatsoever to do with it except in the form that we are doing it now—I do not want it to go out as a threat that any man who comes up for appointment or for promotion upon the Federal bench of this country has got to get his ear to the Senate Chamber to find out what Senators want him to do.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield further to the Senator from Idaho?

Mr. WATERMAN. I yield.

Mr. BORAH. There have been a number of objections made to nominees for the Supreme Bench, but objections have never been made in our history, so far as I know, on the ground that the nominee was a man lacking in character or lacking in integrity. The objections have always been raised because of the views he entertained with reference to some public question. Take, for instance, the great fight which was made upon Taney. Nobody doubted his intellectual capacity; he was a lawyer of extraordinary ability; he was a classical scholar, and in every sense a gentleman; and no one assailed him in those respects; but the reason why Webster and Clay and Calhoun and Ewing and other men of the time opposed him was because of his views upon certain public questions.

Mr. WATERMAN. I am aware of that.

Mr. BORAH. And that is the only reason we are opposing the nominee in this instance; at least, it is the only reason why I am opposing him.

Mr. WATERMAN. I know very well the Senator has declared upon the floor here that Judge Parker is an utter and absolute impersonality, so far as he is concerned. That is likewise true so far as I am concerned. I do not know the gentleman; I know nothing about him except what has been brought out in this debate. I am speaking, however, from a little different platform than is the Senator from Idaho. I look upon the Constitution as a document that is amendable only in a certain way provided in the instrument itself, and I think that is the way in which it should be amended.

Mr. BORAH. I agree with that.

Mr. WATERMAN. I do not think it should be amended by the method of importuning or threatening any candidate for office or by criticizing the courts or by criticizing a judge or by criticizing a decision or by bringing about a changed opinion in a political forum, as I think we are doing at the present time.

Mr. BORAH. But the Senator will agree with me that there is a limit. For instance, if a nominee should entertain communistic views——

Mr. WATERMAN. I would certainly be against him.

Mr. BORAH. Yes. So there is a limit. It is just a question as to what shall be the limit.

If the Senator will permit me further, I think that the sustaining of this contract, maintaining, and enforcing it through the process of injunction, is a very serious matter, and I think a court which entertains that view must necessarily come under legitimate discussion. The Senator differs with me as to that and thinks that it is not so serious; in fact, he thinks the contract is valid; but if I should go a step farther and present a nominee here who said that he did not believe in the Constitution or who was a communist the Senator would be as much opposed to him as I would be.

Mr. WATERMAN. I think I would be more violent in opposition to him than would the Senator from Idaho.

Mr. BORAH. Possibly the Senator would be more violent, but not more in earnest. [Laughter.]

Mr. WATERMAN. Mr. President, as the Senator is compelled to leave the Chamber in a few moments, I will somewhat change the course of my argument and discuss further the question which we have been talking about. I was not here when the nomination of Mr. Justice Brandeis was sent to the Senate, but I know that there was a storm of protest against his nomination. The Senator was here, and knows all about it, and probably participated in the contest.

Mr. Justice Brandeis, in the Hitchman case, considering a contract substantially like the Red Jacket contract, does not quarrel with the contract. He quarrels more with the consideration—that is, if there was a consideration for it—more with the consideration, possibly, but more particularly still on the ground that what was done did not breach the contract, assuming that there was one. The Senator will agree with me on that; and I think his whole discussion and his conclusion turns upon the proposition that there was not in any sense of the word a breach of the contract actually by the employees.

Now, I want to go ahead a little with the Hitchman case, because I can not but feel that there has gone forth to the country from this debate an erroneous notion about what is at stake in the discussion of this confirmation. I think that has arisen more from the use of an unwarranted and contemptuous adjective in describing this contract than anything else. It has become a shibboleth among the people of the country and the newspapers of the country; and when they characterize it as a "yellow-dog" contract they think that takes the place of all argument in condemnation of the instrument itself. It does not; but it would seem from newspaper comments and conversations that I hear among people who are not lawyers that they have become completely obsessed with the notion that there is something vicious about this contract, something dirty about it, something contemptible about it, something that should not be permitted to exist in American jurisprudence.

That is what I think about it.

Now I am coming to the discussion of the Hitchman case. I had intended to quit long before this; but before I proceed I am going to say this much: I am sorry the Senator from Idaho did not remain here. I think he would have liked to remain and listen to what I have further to say. The little colloquy that took place between us shows that we are fundamentally not so far apart. He believes this so-called "yellow-dog" contract is a contract without consideration and void as against public policy. I consider it to be a contract for a consideration and one perfectly legitimate to be made without duress as between an employer and an employee. There is where we finally land. I say, if you want to take away the power to make that sort of a contract, amend the Constitution of the United States; put it in such form that it will meet with the approval of the American people as a whole, or as a majority.

Mr. SHIPSTEAD. Mr. President, do I understand the Senator to say that he does not think it is a bad contract?

Mr. WATERMAN. I do not. I can not for the life of me understand why it is different in spirit or different in purpose or different in morals than a contract which is required by a union to be made by an employer that he will not employ anybody but union men; that if he does, they will strike. If the Senator can picture any difference, any differential, by means of which it can be said that one is moral and the other is immoral, I want him to take my time to do it.

Mr. SHIPSTEAD. The reason why I asked the Senator the question is because, as far as I know, he is the first man who has risen on the floor of the Senate to defend that contract.

Mr. WATERMAN. That is the reason why I am in this argument this afternoon—to defend it from the legal standpoint; nothing else.

Mr. SHIPSTEAD. Not from the moral standpoint?

Mr. WATERMAN. I do not know what a moral contract is. My training from youth up has been along the lines of trying to determine what was a legal, binding, enforceable contract. I think I can understand, and the Senator as well as I, what is meant by moral turpitude, what is meant by moral uprightness, what is meant by doing unto others what we want them to do unto us. Those are the moral aspects of things; but when I make a contract with you that I will serve you for a year in a given capacity at a certain place for so much money, and then John Jones comes along and threatens me and tells me that I have not any business to go on with Senator SHIPSTEAD under that contract, and I had better break it, or something will happen to me, does the Senator think that that outsider has a right to come in and break up our relations that are satisfactory to both of us; that we both approve; that each entered into for a consideration and intending to carry out? Does he think that third man has a right to intervene as between him and me, who are peaceable and satisfied by reason of our contract relations, and break up our contract? Now, that is illegal, and it is immoral for him to do it besides.

Mr. SHIPSTEAD. If all the things that the Senator enumerates as entering into the making of the contract were true—that it was agreeable to all parties; that there was no duress used, and so on—I would agree with the Senator.

Mr. WATERMAN. The record shows that what I say is true; and the Senator may read the record from beginning to end, and he can not call me down on a single statement that I make with reference to those contracts.

Mr. SHIPSTEAD. We have heard a great deal about these "yellow-dog" contracts.

Mr. WATERMAN. I know it. They have just been called "yellow-dog" contracts, with all the following of immorality that can be gathered out of that opprobrious term. That is all there is in it.

Mr. SHIPSTEAD. The history of them in general, so far as I am familiar with them, is very bad. In this case the Senator says there was not any duress.

Mr. WATERMAN. There was not.

Mr. SHIPSTEAD. There was free will on both sides.

Mr. WATERMAN. There was.

Mr. SHIPSTEAD. There was a consideration on both sides.

Mr. WATERMAN. There was.

Mr. SHIPSTEAD. If all those things were true, I would agree with the Senator; but I have not convinced myself that all those things are true.

Mr. WATERMAN. That is why I wish the other Senators in this body would listen to what I have to say, and read this RECORD, and not condemn an inoffensive, innocent, moral man because they fasten upon the thing upon which he passed this contemptuous term, and then let the people carry it over and besmirch him with it.

I am not afraid of this. This is "easy pickings" so far as I am concerned. I am not disturbed about it at all. As I said to the Senator from Idaho, if a man came in here, nominated for public office, and you could bring the evidence here to show me that he was for the subversion of this Government or of any proposition in the Constitution of the United States, I should be one of the first, and I should be as gallant as I could, to stop him from being confirmed.

Mr. President, I am not going to get through as quickly as I thought I was.

In the Hitchman case, in Two hundred and forty-fifth United States Reports, at page 229, the opinion was written by Mr. Justice Pitney, speaking for the Supreme Court. He spoke for

himself and five other judges. Mr. Justice Brandeis, in dissenting, spoke for himself and two other judges. On page 233 Mr. Justice Pitney said, among other things, referring to the bill upon which this case was predicated:

The general object of the bill was to obtain an injunction to restrain defendants from interfering with the relations existing between plaintiff and its employees in order to compel plaintiff to "unionize" the mine.

There is the gist of the whole case.

What happened?

It seems that the miners of the Hitchman Co. were nonunion. They had agreed similarly in the form that I refer to in connection with the Red Jacket case. The Hitchman Co. was working in that part of West Virginia where they were all nonunion, closed mines. They were producing in that section of the country a far better and a far more desirable coal than the coals that entered into competition with it. The union men in Ohio and Kentucky and elsewhere felt the sting of the competition arising from this better coal produced in West Virginia. They thought there might be some remedy for it somewhere, and so they conceived the notion that the only thing to do was to unionize West Virginia, and they set about to do it. Then trouble began.

They had an emissary that they sent out by the name of Hughes; and on page 245 it is said, referring to Hughes.

He arrived at that mine—

Of the plaintiff—

some time in September, 1907, and remained there or in that vicinity until the latter part of October, conducting a campaign of organization at the Hitchman and at the neighboring Glendale and Richland mines.

The evidence shows that he had distinct and timely notice that membership in the union was inconsistent with the terms of employment at all three mines and a violation of the express provisions of the agreement at the Hitchman and Glendale.

Notwithstanding that, he proceeded to unionize, in a sense, by taking away nonunion people who had contracted to remain such, and getting them to join the union.

On page 248, it is said:

In short, at the time the bill was filed—

That is, the suit begun—

defendants, although having full notice of the terms of employment existing between plaintiff and its miners, were engaged in an earnest effort to subvert those relations without plaintiff's consent, and to alienate a sufficient number of the men to shut down the mine, to the end that the fear of losses through stoppage of operations might coerce plaintiff into "recognizing the union" at the cost of its own independence. The methods resorted to by their "organizer" were such as have been described. The legal consequences remain for discussion.

Omitting some, on page 249:

The facts we have recited are either admitted or else proved by clear and undisputed evidence and indubitable inferences therefrom.

The proceedings of the international and subdistrict conventions were shown by the introduction of official verbatim reports, properly authenticated. It is objected that these proceedings, especially in so far as they include the declarations and conduct of others than the answering defendants, are not admissible because the existence of a criminal or unlawful conspiracy is not made to appear by evidence aliunde. The objection is untenable. In order that the declarations and conduct of third parties may be admissible in such a case, it is necessary to show by independent evidence that there was a combination between them and defendants, but it is not necessary to show by independent evidence that the combination was criminal or otherwise unlawful.

Omitting the citation of authorities and some other matters, I proceed to page 250.

What are the legal consequences of the facts that have been detailed?

That the plaintiff was acting within its lawful rights in employing its men only upon terms of continuing nonmembership in the United Mine Workers of America is not open to question. Plaintiff's repeated costly experiences of strikes and other interferences while attempting to "run union" were a sufficient explanation of its resolve to run "nonunion," if any were needed. But neither explanation nor justification is needed. Whatever may be the advantages of "collective bargaining" it is not bargaining at all, in any just sense, unless it is voluntary on both sides. The same liberty which enables men to form unions, and, through the union, to enter into agreements with employers willing to agree, entitles other men to remain independent of the union and other employers to agree with them to employ no man who owes any allegiance or obligation to the union. In the latter case, as in the former, the parties are entitled to be protected by the law in the enjoyment of the benefits of any lawful agreement they may make. This court repeatedly has held that the employer is as free to make nonmembership in a union a condition of employment as the workingman is free to join the union, and that this is a part of the constitutional rights of personal liberty and private property, not to be taken away even by legislation, unless through some proper exercise of the paramount police power.

That is what the Supreme Court said.

Plaintiff, having in the exercise of its undoubted rights established a working agreement between it and its employees, with the free assent of the latter, is entitled to be protected in the enjoyment of the resulting status as in any other legal right. That the employment was "at will," and terminable by either party at any time, is of no consequence. In Truax v. Raich (239 U. S. 33, 38) this court ruled upon the precise question as follows: "It is said that the bill does not show an employment for a term, and that under an employment at will the complainant could be discharged at any time for any reason or for no reason, the motive of the employer being immaterial. The conclusion, however, that is sought to be drawn is too broad. The fact that the employment is at the will of the parties, respectively, does not make it one at the will of others.

That is the crucial point in this great contest.

The employee has manifest interest in the freedom of the employer to exercise his judgment without illegal interference or compulsion, and, by the weight of authority, the unjustified interference of third persons is actionable, although the employment is at will.

In short, plaintiff was and is entitled to the good will of its employees, precisely as a merchant is entitled to the good will of his customers, although they are under no obligation to continue to deal with him. The value of the relation lies in the reasonable probability that by properly treating its employees, and paying them fair wages, and avoiding reasonable grounds of complaint, it will be able to retain them in its employ and to fill vacancies occurring from time to time by the employment of other men on the same terms. The pecuniary value of such reasonable probabilities is incalculably great and is recognized by the law in a variety of relations.

The right of action for persuading an employee to leave his employer is universally recognized—nowhere more clearly than in West Virginia—and it rests upon fundamental principles of general application, not upon the English statute of laborers.

The case involves no question of the rights of employees. Defendants have no agency for plaintiff's employees, nor do they assert any disagreement or grievance in their behalf. In fact, there is none; but, if there were, defendants could not, without agency, set up any rights that employees might have. The right of the latter to strike would not give to defendants the right to instigate a strike. The difference is fundamental.

So I might continue, but I do not consider this important. The rule, as laid down in the English law, is that whenever a third party without excuse interferes in the contract relations of two other parties, that is evidence of malice enough upon which to found an action, and to proceed either at law or in equity, as the conditions may permit.

Now, I want to come in this case to Mr. Justice Brandeis's dissent, at page 207. Mr. Justice Brandeis said:

It is urged that a union agreement curtails the liberty of the operator. Every agreement curtails the liberty of those who enter into it.

Giving up of a liberty by a contractee is sufficient consideration in and of itself to support the contract, as far as he is concerned. Therefore I say that when an employee, in consideration of getting a job, agrees that he will not join a union, the consideration on the one hand is the giving him of a job, to which he is not entitled except as the employer sees fit to give it to him, and also when he, in turn, for the getting of that employment, gives up a part of his personal liberty, to wit, his ability to join a union. Nothing clearer was ever brought forth in a legal discussion that these questions, as they appear to me.

Continuing the dissent, Mr. Justice Brandeis said:

The test of legality is not whether an agreement curtails liberty, but whether the parties have agreed upon something which the law prohibits or declares to be otherwise inconsistent with the public welfare.

That is just the proposition which the Senator from Idaho and I were discussing a little while ago.

The operator by the union agreement binds himself: (1) To employ only members of the union; (2) to negotiate with union officers instead of with employees individually the scale of wages and the hours of work; (3) to treat with the duly constituted representatives of the union to settle disputes concerning the discharge of men and other controversies arising out of the employment. These are the chief features of a "unionising" by which the employer's liberty is curtailed. Each of them is legal. To obtain any of them or all of them men may lawfully strive and even strike. And, if the union may legally strike to obtain

each of the things for which the agreement provides, why may it not strike or use equivalent economic pressure to secure an agreement to provide them?

It is also urged that defendants are seeking to "coerce" plaintiff to "unionize" its mine. But coercion, in a legal sense, is not exerted when a union merely endeavors to induce employees to join a union with the intention thereafter to order a strike unless the employer consents to unionize his shop. Such pressure is not coercion in a legal sense. The employer is free either to accept the agreement or the disadvantage. Indeed, the plaintiff's whole case is rested upon agreements secured under similar pressure of economic necessity or disadvantage. If it is coercion to threaten to strike unless plaintiff consents to a closed union shop, it is coercion also to threaten not to give one employment unless the applicant will consent to a closed nonunion shop. The employer may sign the union agreement for fear that labor may not be otherwise obtainable; the workman may sign the individual agreement for fear that employment may not be otherwise obtainable. But such fear does not imply coercion in a legal sense.

In other words, an employer, in order to effectuate the closing of his shop to union labor, may exact an agreement to that effect from his employees. The agreement itself being a lawful one, the employer may withhold from the men an economic need—employment—until they assent to make it. Likewise an agreement closing a shop to nonunion labor being lawful, the union may withhold from an employer an economic need—labor—until he assents to make it.

Then he proceeded, under the fifth heading, as found on page 272, and this is where he goes off. He does not say that the contract is bad, he does not denominate it a "yellow-dog" contract, he does not characterize it in any way as disreputable, he does not say it is illegal, but he says here, and this is the ground of his dissent:

The contract created an employment at will; and the employee was free to leave at any time. The contract did not bind the employee not to join the union; and he was free to join it at any time. The contract merely bound him to withdraw from plaintiff's employ if he joined the union. There is evidence of an attempt to induce plaintiff's employees to agree to join the union; but none whatever of any attempt to induce them to violate their contract.

What did they attempt to do? Whenever a body of men try to bring about an agreement that certain things will not be done, what is the difference between that and carrying it out, as far as their engagements are concerned?—

Until an employee actually joined the union he was not, under the contract, called upon to leave plaintiff's employ. There consequently would be no breach of contract until the employee both joined the union and failed to withdraw from plaintiff's employ. There was no evidence that any employee was persuaded to do that or that such a course was contemplated.

That is where Mr. Justice Brandeis goes wrong. He does not declare that these contracts are wrongful, or immoral, or unjust, or illegal, or unfair; he declares that what was done in the Hitchman case by these interlopers, as between the employee and the employer, was not a breach of the contract. That is where the court split, and that is the condition upon which the dissent is founded.

I shall not consume any time further with that. For a few moments before quitting I shall go to the Tri-City Council case.

In the Hitchman case the contract between the employees and the employer that the employees would not join the union was not dissimilar from the contract in the Red Jacket case. The legal effect was practically the same; the phraseology might differ a little.

Very able lawyers in this body have attempted to differentiate the Hitchman case and to draw it out of this controversy by referring to the Tri-City case (257 U. S. 184). I shall not spend a great deal of time on the Tri-City case. I think I can make Senators understand it by a brief reference.

In the Tri-City case there was no contract whatever between the employers and the employees. The employees, for a consideration, worked so many hours a day in certain places for the employers. There was no contract of any such kind or character as existed in the Hitchman case or the Red Jacket case. It was brought within the terms of the twentieth section of the Clayton Act by reason of conditions which had developed in the case. The opinion of the court was written by Mr. Chief Justice Taft. It was concurred in by Mr. Justice Holmes; it was specially concurred in by Mr. Justice Brandeis; and it was dissented from by Mr. Justice Clarke. So we have Mr. Justice Holmes in the Tri-City case going over body and soul to the opinion of the Chief Justice, who was speaking for the court, and we have Mr. Justice Brandeis going over to the extent of saying, "Mr. Justice Brandeis concurs in substance in the opinion and the judgment of the court." I do not know whether that would be called a special concurrence or not.

Bear in mind always that there was no contract between employees and employers in the Tri-City case, nothing that could be breached or trenched upon by outside parties. There was a strike, and an injunction was applied for. Jurisdiction was founded, as I recollect it, upon diversity of citizenship. At page 195 the court said that there were assignments of error in the circuit court of appeals. The principal one, about which discussion has ranged here, was that the court of appeals, approved by the Supreme Court, modified the lower court's injunction with reference to picketing and with reference to getting people to leave the employer and join the strike or become members of the union. There was no contract violated. But the situation was so radically different from what we have been discussing that it is useless to go into a refined discussion of the distinctive features of the different cases. However, I am going to call attention to page 202, where the court said:

It has been determined by this court that the irreparable injury to property or to a property right, in the first paragraph of section 20 [of the Clayton Act], includes injury to the business of an employer, and that the second paragraph applies only in cases growing out of a dispute concerning terms or conditions of employment between an employer and employee, between employers and employees, or between employees, or between persons employed and persons seeking employment, and not to such disputes between an employer and persons who are neither ex-employees nor seeking employment. * * * The prohibitions of section 20, material here, are those which forbid an injunction against, first, recommending, advising, or persuading others by peaceful means to cease employment and labor.

That is, where there is no contract between employer and employee; and when the Hitchman case and the Duplex case were cited and called to the attention of the Supreme Court of the United States as having a bearing upon this case in which there was no such contract, the Supreme Court clearly stated that the Hitchman case and the Duplex case had no bearing whatsoever upon the Tri-City case. It must have been because of the difference between the first two cases and the Tri-City case in the fact that in the first two cases the contract was with relation to engaging to be members of the union, and in the third case, the Tri-City case, there was no such contract. At page 210 the court said:

The elements essential to sustain action for persuading employees to leave an employer are, first, the malice or absence of lawful excuse; and, second, the actual injury.

They used the terms "malice or absence of lawful excuse." Those two terms are are absolutely synonymous or they refer to two different and distinct things. If they are synonymous the conclusion is that malice in the sense of ill will does not have to exist at all; but if they refer to two different things, then the absence of lawful excuse, if it appears, in trying to break up an employment between an employer and an employee, is malice in and of itself and does not have to be express.

Every proposition in the Hitchman case on the question, so far as it refers, of breaking into and breaking up the relations of employer and employee, remains uncriticized in the Tri-City case.

I shall leave that case now, though I do want to say before I do so that some days ago the Senator from Alabama [Mr. BLACK]—I believe it was he, though I am not sure—referred to the injunction in the Red Jacket case which restrained the union and people associated from sending food and money to employees of the Red Jacket Co. who had broken their contract with the Red Jacket Co. and still maintained themselves in the Red Jacket houses. As a matter of fact, all that attorneys for the defendants in that case devoted to that particular proposition in their brief covers 1 printed page out of 235 pages, and so I ask that that portion of the brief which I shall indicate may be inserted in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

IV. THE DISTRICT COURT ERRED IN THE FOURTH PARAGRAPH OF ITS DECREE

In the final decree the court enjoined the defendants "from aiding or abetting any person or persons to occupy or hold without right, any house or houses or other property of the plaintiffs, or any of them, by *sending money or other assistance to be used* by such persons in furtherance of such unlawful occupancy or holding." [Italics ours.]

In the several bills in these cases it is charged that former employees of the plaintiffs were in possession of houses owned by the plaintiffs which are necessary to the operation of their mines, and that such former employees declined to vacate their houses. What the agreement was by which the said houses were occupied by these persons does not appear, nor does it appear by what right such persons claimed to occupy the houses, but we submit that a Federal court of equity had no jurisdiction to determine the question of right of possession, and especially to make such an indefinite order enjoining the defendants "from aiding

or abetting any person" from occupying or holding "without right, any house or houses or other property of the plaintiffs." Under such an injunction, the defendants might, thinking that a person occupying a house had a just right to do so, aid him in defense of his right, and if it should be adjudged that the person had no right to occupy the house, the defendant might find himself in violation of the indefinite injunction granted by the district court.

The men occupying these houses were members of the union and on a strike and were entitled to their union *benefits*, and section 20 of the Clayton Act provides that no injunction shall prohibit any person "from paying or giving to or withholding from any person engaged in such dispute, any strike benefits or other moneys or things of value."

We submit that this question of the right of possession of houses should have been left to the State courts where the property is situate and where the rights of the parties could be properly determined.

Mr. WATERMAN. The injunction complained of in that feeble way is not an injunction which forbade the furnishing of money, food, and supplies to the employees of the Red Jacket Co. in the possession of those houses. It was an injunction restraining the feeding and supplying of people who had ceased to be employees of the Red Jacket Co. and who were living under the auspices of the union and were trespassers under the laws of West Virginia by continuing to exist in the houses of the company.

That is all I care to say about that matter. I want to comment now upon some cases cited by the junior Senator from New York [Mr. WAGNER] in his argument the other day, which appear in the CONGRESSIONAL RECORD of April 7 last at pages 6574 et seq. I did not hear the able Senator's argument, but I read some portions of it. I think he did not clearly state what happened in the New York cases, the opinions which he caused to be inserted in the RECORD, as I have stated, because it is said in the opinion of the court, in speaking of the situation, that it was not a quarrel between the employees and the employer but was a quarrel between the employees and a brotherhood created by the employees or some of them from the ranks of the employers' service. Out of that situation the litigation arose, and the court said:

The relations of the plaintiff and its employees are based on consent. Each has freedom of contract. The plaintiff has not entered into any contracts with the individual workers which binds the plaintiff to employ them for any definite period. The employees are not bound to continue in the plaintiff's employ longer than they desire. Employment is terminable at the will of either party at a moment's notice. We speak now only of those relations which, according to the allegations of the moving papers, existed at the time the injunction was granted. We do not pass upon the effect of new arrangements which, the plaintiff's brief suggests, have been made since that time. Possibly they might present other questions than those which may be raised upon the present record.

The court said further:

The plaintiff may doubtless determine for itself the conditions of employment upon its railways which will in its opinion best assure its own interests and the interests of the public, provided it can induce sufficient workers to accept these conditions. It may refuse to employ workers who will not accept a condition or make an agreement that they will not join a particular union or combination of workers while in the plaintiff's employ. Doubtless such a condition, if imposed and accepted, lessens the power of the workmen to compel an employer to meet demands of the workers. The workmen may refuse to accept employment based on such conditions or on any other conditions which the employer chooses to impose. Demands of workmen may sometimes be fair and sometimes unfair. Combinations give the workmen a power of compulsion which may work harm to their employer, the public, and even to themselves. Where the workmen do not combine they may be compelled by force of economic circumstances to accept unfair terms of employment. Such conflicting considerations of economic policy are not primarily the concern of the courts. Freedom of contract gives to workers and employers the right to fix by individual or collective bargaining the terms of employment acceptable to both. Unless the workers have by agreement, freely made, given up such rights, they may without breach of contract leave an employment at any time separately or in combination, and may demand new terms of employment which in turn must be fixed by bargain.

* * * * * * *

The union may argue the greater effectiveness of its own methods, the validity of its own principles. Where employees have freedom of choice a labor union may not be accused of malicious interference when it urges the employees to make that choice in its favor, even though that choice may involve termination of present employment and consequent disruption of a business organization. This court has not yet been called upon to decide whether employees may lawfully be urged to make a choice in breach of a definite contract.

In the other case it is apparent that the New York court entertained the same opinion for which Judge Parker is here criticized, for—quoting from page 6579, first column of the RECORD—the court says:

The court at special term is bound to follow the decisions of the court of appeals.

That is a principle which is recognized in all civilized communities where the English principles of the common law and of equity exist.

Mr. President, I think I have now covered about all that I care to cover in connection with this matter except two points: First, after Judge Parker wrote the opinion for the circuit court of appeals in the Red Jacket case the parties applied to the Supreme Court of the United States, as the statute provides, for what is known as a writ of certiorari, which empowers the Supreme Court to go down into the lower court and secure the entire record and bring it up before it, the Supreme Court thus possessing itself of the whole case and being able to determine whether it has been rightfully or wrongfully decided. The writ of certiorari is issued for the purpose of giving the Supreme Court of the United States the power to correct any errors that may be pointed out in the proceedings of the lower court and to keep the various circuit courts of appeal and the various district courts of the country in a uniformity of decision. That is what the writ of certiorari is for. It is to compel by the force of that writ the courts inferior to the Supreme Court to follow the principles enunciated and the decisions laid down by the Supreme Court of the United States. It appeals to me when this writ was applied for in the Supreme Court to review the Red Jacket case that if the lawyers for the respondents put up any sort of a plea showing that the Circuit Court of Appeals of the Fourth Judicial Circuit had either contravened any decision of the United States Supreme Court or had departed from the law in a single jot or tittle, they would have brought the record of the case to the Supreme Court and had it reviewed, because if it had been pointed out that a lower court—the Parker court—was attempting to subvert and overturn the Supreme Court of the United States and its decisions, the Supreme Court would have asked no further questions but would have brought up the record, reviewed it, and corrected it, if necessary.

The presumption is altogether to the end that the Supreme Court of the United States, when the application was made for the writ of certiorari, was satisfied with the decision in the Red Jacket case as conforming to the previous decisions of the Supreme Court of the United States; and its action can not be construed in any other way, unless it be said that the Supreme Court of the United States was itself in default.

Mr. FESS. Mr. President, will the Senator from Colorado yield to me?

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. WATERMAN. I yield.

Mr. FESS. If the Senator will permit me, I made an inquiry of a judge of the circuit court whether under the circumstances the decision of Judge Parker was subject to criticism, and he frankly said that from the facts that are admitted he did not suppose that there was any circuit judge in the United States who would have acted differently from the way in which Judge Parker acted; and it was a Democratic judge with whom I talked.

Mr. WATERMAN. In writing the opinion of the court in the Red Jacket case, in my judgment as a lawyer of some experience, Judge Parker was compelled, in good morals, in good conscience, by the sanctions of the law, and the decisions of the Supreme Court of the United States, to follow the judgment of the superior court.

There is one other question that I advert to, because it might be regarded as peculiar if I did not refer to it. Certain challenges of Judge Parker's fitness have come to me on the ground that he is opposed to the negro and to the fourteenth and fifteenth constitutional amendments. Wherever those have come to me, I have telegraphed back asking for the reasons upon which those making the challenge predicated their opposition, and I never as yet have had an answer setting forth a reason. I have examined everything that I could get hold of in connection with the charges against Judge Parker emanating from the negroes, and I have not found that he has given expression to any view at all at any time which is subversive of any interest or legal right or constitutional right that the negroes may have. I prefer that others who have given this particular phase of the question more attention than I have and are probably more familiar with it should discuss it, but it is certain that in no judicial opinion ever rendered by Judge Parker or in which he has concurred has any assault ever been made upon any right

of the negroes in the United States, who are citizens of the United States, or upon any constitutional right accorded them by the fourteenth and fifteenth amendments.

The VICE PRESIDENT. The Chair lays before the Senate for reading the following telegram.

The legislative clerk read as follows:

NEW YORK, N. Y., *May 3, 1930.*

Hon. CHARLE CURTIS,

United States Senate, Washington, D. C.:

Kindly inform the honorable Senate that the directors and advisers of the National News Service throughout the United States reiterates its indorsement of the confirmation of Hon. John J. Parker for United States judge. This is the sentiment that we have found through our correspondence throughout the country. We are as Americans opposed to dictation from any union, society, or clique from all angles, favoring at all times the independence of our judiciary.

HENRY W. ROSE,
Manager National News Service,
FRANKLIN BALLARD,
Secretary.

UNAUTHORIZED ENTRY OF SENATORS' OFFICES

Mr. McKELLAR. Mr. President, I shall detain the Senate for only a few moments on another matter than that which is now pending.

Mr. President, on Saturday night last some one entered my offices and went through all my desks, files, and papers. Of course, I do not know what was wanted, but probably some Secret Service agents or somebody else desired to get something for their benefit and to my detriment. It seems to me to be quite unnecessary to "pull off" raids of this kind in the Senate Office Building. If the raiders would notify Mr. Alden which offices they wanted to enter, I have no doubt Mr. Alden, who is a very delightful gentleman, would arrange with Senators so that their offices could be examined by such Secret Service agents. Fortunately, so far as I know, there was nothing in my office that would interest anybody, and I am quite sure whoever raided it got a water haul; but I can not help but wonder, in these days of Secret Service agents, when Secret Service agents are set upon Federal judges, when Secret Service agents are set on Members of the Senate—for this is not the first time such an incident has occurred; I believe the office of the Senator from Arkansas [Mr. CARAWAY] was entered some time ago—and when Secret Service agents are entering into every department of Government, I am just wondering where it is all going to end and whether any good is accomplished by the activities of Secret Service agents. I myself am opposed to secrecy. I think the Government's business ought to be done in the open. It ought to be done in the open by the legislative branch, by the judicial branch, and by the executive branch. Secrecy in government means bad government.

At any rate, Mr. President, all I desire to say now is that I can see no reason for the raiding of Senators' offices, and I hope such raids may cease by whomsoever they are conducted. I am told that we have a very efficient Secret Service. How true it is I do not know. It may be efficient, but certainly it leaves a man's office in a very disorderly looking condition, as I found out on Sunday morning.

I may say to the Secret Service agents of the Government, if they were the ones who raided my office, that if they will apply to me I shall be happy to let them go through all my papers and desks. I ask only that they will give me a little notice in advance and agree to put the papers back where they found them and leave the desks and files in proper shape. Indeed, I invite them, when they want to find out something about my office, instead of coming in the nighttime, to come in the daytime, get my consent, and go through all the files and desks regardless. Speaking seriously, Mr. President, if we had a cheka, as they have in Russia, there might be some excuse for such a proceeding. I hope it will not occur again.

Mr. SMOOT. Mr. President, about three weeks ago I had the same experience as the Senator from Tennessee has had. The only articles which were stolen, so far as I know, were two new pens lying upon my desk, which I had just purchased a short time before. I never thought, however, that it was done by Secret Service agents; I thought it was done by some employees of the building.

Mr. McKELLAR. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. SMOOT. I yield.

Mr. McKELLAR. So far as I know, nothing was stolen from my office, but it presented a scene of great disorder. The desks were all open, the drawers open, the files were open, and the papers disarranged. The office was in such a condition that things had to be restored to their places, of course; but I do not know that anything was stolen. It just looked as if somebody had been going through the files and through the desks to find something.

Mr. SMOOT. I have not missed anything from my office except the pen and penholder. I still believe that they were taken by employees in the building rather than Secret Service men. I do not think Secret Service men would have stolen the pens. They may have done it, but I doubt it. I think, though, since attention has been called to the matter, that some steps ought to be taken to see that it shall not happen again.

Mr. McKELLAR. Yes; I hope that will be done. It seems to me that such an occurrence as this is utterly without excuse.

Mr. SMOOT. It is.

Mr. McKELLAR. I am not blaming any of the officials for it, because I do not think they are to blame. The superintendent can not be kept there all the time; but surely, with this public notice, whoever is interested in going through Senators' rooms or desks and papers ought to be willing to let them alone.

Mr. BROCK. Mr. President, I had a similar experience in my office. I lost my desk pad and a couple of pens, as the Senator from Utah [Mr. SMOOT] did, about two weeks ago.

Mr. McKELLAR. It is getting to be a common occurrence.

NOMINATION OF JUDGE JOHN J. PARKER

The Senate in open executive session resumed the consideration of the nomination of John J. Parker, of North Carolina, to be an Associate Justice of the Supreme Court of the United States.

Mr. FESS. Mr. President, a little earlier in the day, just about 1 o'clock or thereabouts, the senior Senator from Arizona [Mr. ASHURST], in a colloquy with the Senator from Mississippi [Mr. STEPHENS], made a statement that is run in the papers—I see it in the Star—as follows:

The Arizonian said "Judgeships are being promised in return for a vote for Parker.".

I deeply regret that a statement of that kind should be made by a Senator. I can understand how people outside who might be interested in the matter might say it; but when my friend from Arizona says it, it disturbs me greatly.

Mr. ASHURST. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Arizona?

Mr. FESS. I yield.

Mr. ASHURST. I said Federal judgeships are being offered—I will not say to Senators—but to a Senator if he will vote for confirmation. I stand on that statement and challenge you to call the lobby committee on that statement. I do not retreat one inch, but reassert that around this nomination and contest for confirmation there clusters an odium almost unparalleled in American history.

Mr. FESS. Mr. President, the statement was made in the press yesterday or the day before to the same effect, that ambassadorships were offered, and names were even mentioned of persons to whom offers were said to have been made.

Mr. ASHURST. Mr. President, I did not mention ambassadorships.

Mr. FESS. No; I am speaking of the newspapers.

Mr. ASHURST. I have not heard that any ambassadorships have been offered. I am speaking of Federal judgeships.

Mr. FESS. Whenever any one makes the statement on his own authority that judgeships are offered, and makes it in connection with the Senate debates, the insinuation—and I can not understand any other inference than that—is that the one who makes the appointments made the offer. Otherwise, the statement would not have any meaning at all.

If the Senator means by this statement that the President, who makes these appointments, is offering judgeships, I shall want to have that statement contested; and I here and now state to him that I think it is incompetent that any one should make that statement in reference to the President.

Mr. ASHURST. Mr. President, I did not say that the President was making offers. The Senator will search the RECORD in vain for any such statement from me. I said that some of those who are urging confirmation are offering appointments. I did not say "the President." All that the President did on this matter, so far as I know, was to nominate an unfit person for this judicial office and then refuse to divulge the names of those who recommended such person. I hope the Senator will not attempt to read into my remarks something I did not say.

Mr. FESS. Mr. President, will the Senator permit me to have a little time?

Mr. ASHURST. In the Senator's own time, certainly.

The VICE PRESIDENT. The Senator from Ohio declines to yield further.



Mr. FESS. The Senator has made an explanation which is satisfactory to me; but when he said that judgeships were being offered, since no one can offer a judgeship outside of the appointing power, the natural inference must be that the President was making such offers.

Mr. ASHURST. Mr. President, will the Senator yield?

The President has been brought into this controversy, not by the Senator from Arizona, but by my able friend the Senator from Ohio. Senators will bear me out that I did not bring into this contest the name of the President. I said, "those seeking confirmation." The Senator, however, is too ingenuous and is too frank a man, to pretend that there are not in this administration and in this Capitol men who are able to make promises and have them complied with in that regard.

Mr. FESS. No, Mr. President; I would not accept that statement. I do not believe that it is credible or possible that any promise of this character binding the President could be made, because the Senator believes, as I believe, that that could not be done with the President of the United States.

Mr. ASHURST. The Senator then is such a babe in the woods that I do not perceive how he could have advanced so far in American politics. [Laughter.]

Mr. FESS. Mr. President, it is not a question of the exact language, whether the pronoun "he" or the term "President" is used, in order to get at the meaning of the sentence. The statement was made that judgeships were being offered. Now, if somebody is saying to somebody else that "a judgeship might be given to you," what does that mean? The Senator himself would not accept that as being at all significant unless the statement was on behalf of some one else who had authority; and what I am deploring is the ease with which we in the Senate make statements that can be thus interpreted, that there is something corrupt in the administration's interest in having this nomination confirmed.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. FESS. I yield.

Mr. ASHURST. I repeat that it was not I, but the able Senator from Ohio, who brought into this controversy the name of the President.

Mr. FESS. The Senator will let me state that the Senator from Ohio was justified in doing it in order to have the statement of the Senator himself that he did not refer to the President.

Mr. ASHURST. The able Senator has performed a duty in that regard. Surely some one ought to speak for the President in that behalf; and the Senator, so far as I am concerned, is exempt from any criticism from me.

Mr. FESS. I am very much obliged to the Senator.

Mr. ASHURST. I have assured the Senator that I did not use the term "the President." I said, "some of those who are interested"; and I do not mean all of those interested, because many good men, many worthy men, in the Senate and out of the Senate, are in favor of this confirmation and would reject with indignation and scorn any offer of any kind.

Mr. FESS. Certainly.

Mr. ASHURST. My challenge stands. Call your lobby committee and put Senators on the witness stand. I assert that around this nomination and around this contest for confirmation there clusters an odium heavier than I have heretofore seen in my 18 years in the Senate; and when the truth gets a hearing history will tell of these events. I am not making a wholesale charge against those who are in favor of this confirmation. There is my able friend from North Carolina [Mr. OVERMAN], who sits with me on the Judiciary Committee. I believe his motives are as high and as pure as those actuating any Senator. Of course he is exempt, and likewise his colleague [Mr. SIMMONS] is exempt, from criticism. I believe the North Carolina Senators would be the first to reject any improper influence, but I repeat: Call your lobby committee and ask Senators "Who has tried to induce you to vote for this nominee and what have you been offered to vote for confirmation?"

I am not a member of the lobby committee. I have been offered nothing, and nobody has tried to influence me; but Senators have told me that they have, and I believe them; and have told me with a circumstantiality of detail that would preclude the possibility of an error that lobbying for this nominee is in progress. Why not, then, call the lobby committee?

Mr. FESS. If the Senator exempts the Senators from North Carolina, will he exempt the Senators from Ohio?

Mr. ASHURST. I certainly will and do. The general condemnation of the lobby existing in behalf of Judge Parker did not embrace nor include any Senators. I do not believe that one single Senator has offered anybody anything to vote for the nominee, and I do not believe there is a Senator here who would fail to reject with contempt any offer made to him.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. ASHURST. Certainly; but I do not think I have the floor.

Mr. FESS. I yield to the Senator.

The VICE PRESIDENT. The Senator from Ohio has the floor. Does he yield to the Senator from Indiana?

Mr. FESS. I do.

Mr. WATSON. I have had a little something to do with the fight that is on; and I am wondering if the Senator by any sort of innuendo or insinuation refers to me?

Mr. ASHURST. Mr. President, I have known the Senator from Indiana many years. I have known him since his hair was as black as the raven's wing, in his young days. I of course exempt the Senator from Indiana from all criticism, and I do not appreciate being placed into the position of having said that any Senator is culpable. I repeat, if need be, for the RECORD and for the public that I here publicly exculpate every Senator, and I here say that I have not even heard a whisper that any Senator has offered anybody anything or has succumbed to any offer made to him. Can I make my statement more sweeping? I can not.

Mr. WATSON. No; that is very sweeping.

Mr. ASHURST. I believe that if the Senator from Indiana took a position on any public question, and somebody should approach him even in jest on such a matter, he would not entertain it, but would repulse it hastily and angrily, as he should.

Mr. WATSON. I thank the Senator. That is a very full and frank statement. I feel that I might say this, if the Senator will yield to me.

Mr. FESS. I yield.

Mr. WATSON. In all my conferences with Senators, or with persons that I have asked to see Senators, there has never at any time been any suggestion of anything of that kind, nor have I heard of it except from the lips of my dear friend from Arizona.

Mr. ASHURST. I hope the Senator now believes that I have not included him or any other Senator in my statement that lobbying was going on for Judge Parker.

Mr. WATSON. Oh, no.

Mr. ASHURST. I trust I am understood.

Mr. WATSON. I understand that thoroughly; and I thank the Senator. At the same time I should be very glad indeed, so far as I am concerned, to have any kind of an investigation made of the matter.

Mr. ASHURST. Let me say further that the last attitude I want to assume in the Senate is that of the Pharisee, who, whilst pointing to the width of his phylacteries, tells how good he is and how bad other men are. That is the last attitude I want to assume; and I hope that neither the Senator from Indiana nor any other Senator would attribute that attitude to me.

Mr. WATSON. Not at all; under no circumstances.

Mr. ASHURST. But this high judicial office is as important a matter as ever can come before the Senate; and in controverting the assertion that I am actuated by some partisan spirit, let me say that I have been no small factor in aiding to confirm a long line of judges, Democratic and Republican, and that in my 18 years of service here this is the first time I have ever seen fit to oppose the confirmation of a judge of the Supreme Court of the United States. I do not even recall that I ever opposed the confirmation of a nominee for circuit judge, or even for district judge; and you can count on the fingers of one hand the nominees for important offices whom I have opposed in my service. So, therefore, the charge that I am moved by any partisanship falls harmless against the record I have offered.

Mr. FESS. Mr. President, I think the Senator has made it perfectly clear that what was said had no reference to the head of the Government and none to any Senator. If men are talking here and there, we can not control what they are saying. In times of contest some things may be said which ought not to be said, but in this debate I think there has been very fine poise and very little personality. I think the debate has been held on a fairly high plane.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. FESS. What I wanted to get before the Senate was that the statement made that judgeships were being offered in return for a vote for Parker, at a time of heated contest, that statement being made in the Senate, was a very serious statement, it semed to me. I was in the chair when the statement was made, and it impressed me that it was a very serious state-

ment to be made here by a responsible Senator, and by one with the respect of the country which the Senator from Arizona enjoys.

Mr. ASHURST. Will the Senator yield?

Mr. FESS. I yield.

Mr. ASHURST. It was a serious statement, the most serious statement I ever made in the Senate. I learned of the matter on Friday. I reflected Friday afternoon, and I reflected Saturday and yesterday. I conversed with one of the ablest Senators in this body about it. I informed the members of the press, but said to them that I hoped they would withhold it until I could make a further investigation.

Surely, after reflecting on it all these hours, and having had it related to me by a Senator whom I believed, I was driven to the necessity of divulging it to the Senate, or of withholding it. The Senator, under similar circumstances, would reveal it.

Let me say further as to our debates in the Senate, when I was somewhat younger and possibly more hot-blooded, and not so tranquil and calm in debate as I am now, I probably said things which rasped the sensibilities of Senators and other persons. But I have always held in view the privilege which Senators have. I felt and realized how helpless a citizen is who can not enter here and make a denial. I realized how helpless the ordinary individual is, and I myself have on not a few occasions been among the first to deplore statements reflecting on persons who, under our rules, could not reply.

Therefore I have used in my senatorial career punctiliousness with respect to what I say about third persons who can not be heard here to make reply.

When on a certain date I announced that the Executive had not used that care in making this nomination which other Executives have observed, I was not aware of the letter which was later read by the Senator from Tennessee. It was confirmation of what I had said.

Mr. FESS. Mr. President, will the Senator permit me there——

The VICE PRESIDENT. The Senator from Ohio has the floor.

Mr. FESS. I have the floor, but I have yielded to the Senator. If the Senator will permit, the Senator does not mean by that that since the President has been making known the indorsements of the various nominees, he failed to do it in this case because of some particular letter?

Mr. ASHURST. No; I do not say that. I say circumstances running through a case gather strength as they go. Every lawyer here knows that it is the small things which make the great things; the circumstances which go through a case gather strength as they go.

Mr. FESS. The Senator will agree with me, will he not, that the President doubtless never saw the letter which has been offered here?

Mr. ASHURST. I assume that if the President had seen it, we would never have had it here.

Mr. FESS. That is my assumption.

Mr. ASHURST. It would never have reached the light of day if the President had seen it.

Mr. FESS. It was an indiscreet letter, one the Senator would not write, and one I would not write.

Mr. ASHURST. I am not going to be put into the attitude of making severe strictures as to the gentleman who wrote the letter.

Mr. FESS. We are referring now to the Dixon letter.

Mr. ASHURST. Yes. I am not going to be put into the attitude of singling out the gentleman who wrote the letter and making him the target of all our shafts. It just so happens that through an unfortunate misadventure his letter came to the surface. That there are others more incriminatory, that there are other letters and communications on the same nomination more damnable than that letter, I have no doubt. It just so happens that this came to the surface. When you go out upon the ocean and see strange fish bobbing up on the surface, by the doctrine of probabilities there are others more peculiar hidden under the surface.

Mr. FESS. Does the Senator mean that the more damnable letters had anything to do with the appointment?

Mr. ASHURST. The letters were written and the appointment was made. They mortise in together.

Mr. FESS. The appointment was made after consulting with more Democrats than with Republicans.

Mr. ASHURST. Would the fact that Democrats were consulted make this nomination sacrosanct? Is that what the Senator is trying to argue?

Mr. FESS. It would be an answer to the Senator's political argument.

Mr. ASHURST. The President had a right to appoint a Republican, a good Republican. That does not offend me. If the President had appointed a man of great learning, well known, of high character, and great intellectuality, I think we could disregard the letters and the circumstances surrounding the appointment. It is the nominee's lack of judicial ability, the lack of courage, the lack of talent, the lack of training, the lack of experience against which I inveigh.

Mr. FESS. Mr. President, we have the opinion of the Senator from Arizona as to the lack of integrity, the lack of ability, the lack of competency, on the one side, and we have the president of the American Bar Association and ex-presidents of the American Bar Association, the bar associations of the various States, of the district, individual men, great lawyers, of great renown, men for whose talent the Senator from Arizona has the highest respect, the very highest respect, as I know he has; we have those opinions on the other side, and I am perfectly willing to let the matter rest right there.

Mr. ASHURST. If the Senator will yield, the able Senator has brought in the President to align me against the President.

Mr. FESS. No; the Senator has exculpated the President.

Mr. ASHURST. He is now going to align me against the bar associations. All right. Since the Senator has brought the bar association into this issue, let me say that it required enormous pressure to get the committee of the bar association to consent to recommend and indorse this nominee. Ask for the particular members of the bar association, and ascertain from them the enormous work it required to induce them to recommend this nominee, and you will see that that indorsement does not stand up as it should. Since the Senator has brought in the bar association, I say that the nominee is persona non grata with the bar association. Call the roll of the bar association and you will find out the facts.

Mr. FESS. Mr. President, the executive committee of the American Bar Association was in the gallery to-day for two hours. I had the pleasure, as well as the opportunity, of talking with different officers of the executive committee. The statement of the Senator is a very strange statement in comparison with what they have said to me, which is to the effect that while they do not care to take any part in any nomination, their statement in reference to the character of this man is just as fine as you would want made about your own or I would want made about mine.

Mr. ASHURST. With the Senator's consent, I propound to him a question. I believe in his ingenuousness and his frankness; I believe that he, in his able way, has defended this administration when it was right as well as when it was wrong—and all administrations are here entitled to be defended—I will ask the able Senator from Ohio if he believes that if the American Bar Association had been asked to name an appointee for this judgeship it would ever have named this nominee?

Mr. FESS. Under the circumstances, I think they would have, being here in the fourth circuit district, known as the Supreme Court justice district, and not having had an appointment for 60 years, I should think the bar association would have named this man.

Mr. ASHURST. In reply, I do not think the American Bar Association would have, in a remote excursion of its imagination, ever thought of naming this man.

Mr. FESS. Mr. President, the Senator from Arizona is entitled to his opinion as I am entitled to mine. I rose simply to get an expression as to what he meant by judgeships being offered in exchange for a vote. I was afraid that that was a reflection on the administration, a charge that would go over the country, that appointments or confirmations are bought.

Just the other day I read in the paper that ambassadorships were offered and that judgeships were offered, and the names of men were mentioned. I talked with one of the men whose name was mentioned and he said, "There is absolutely not a scintilla of basis for that statement." Yet that goes all over the country as a sensational statement, that here is a contest in which there is such an ambassadorship offered. Nobody can appoint an ambassador except the President, and nobody can appoint a Federal judge except the President. When such a statement is made it does have a bad effect on public opinion.

Mr. ASHURST. I do not attempt to escape the criticism implied by the Senator.

Mr. FESS. I accept the statement the Senator has made.

RECESS

Mr. FESS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock p. m.) took a recess in open executive session until to-morrow, May 6, 1930, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, *May 5, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Father of us all, we thank Thee for the open door of this new week. How wonderful the knowledge that Thou hast never left nor forsaken Thy children. In light and in darkness, in pleasure and in pain Thou art there. May we approach our duties with that understanding that is wrought in wisdom and knowledge. If in our lives there is hate or any lack of consideration for others, O may they be dismissed as the things of the night. Bring us all to the high level of our truest and best manhood. In this Chamber, whose walls resound so much with the history of the Republic, may we be in deed and in truth Thy servants ministering in sacred things. Through Christ our Savior. Amen.

The Journal of the proceedings of Saturday, May 3, 1930, was read and approved.

PERMISSION FOR A COMMITTEE TO SIT DURING THE SESSIONS OF THE HOUSE

Mr. COLTON. Mr. Speaker, I ask unanimous consent that to-morrow afternoon the Committee on the Public Lands may sit during the session of the House.

The SPEAKER. The gentleman from Utah asks unanimous consent that to-morrow afternoon the Committee on the Public Lands may sit during the session of the House. Is there objection?

Mr. COLTON. I have conferred with the ranking Democratic member of the committee, and it is agreeable to him.

The SPEAKER. Is there objection?

There was no objection.

REREFERENCE OF A RESOLUTION

Mr. COLTON. Mr. Speaker, I ask unanimous consent that Senate Joint Resolution 56, which was referred to the Committee on the Public Lands, be rereferred to the Committee on Claims. I have conferred with the chairman of that committee, and it is agreeable to him.

The SPEAKER. The gentleman from Utah asks unanimous consent that Senate Joint Resolution No. 56 be rereferred from the Committee on Public Lands to the Committee on Claims. Is there objection?

There was no objection.

REREFERENCE OF A BILL

Mr. FINLEY. Mr. Speaker, I ask unanimous consent that H. R. 11231, which was referred to the Committee on Rivers and Harbors, be transferred to and considered by the Committee on Flood Control. I have ascertained that is agreeable to the chairmen of both committees and to the ranking Democratic members of both committees.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that House bill 11231, which was referred to the Committee on Rivers and Harbors, be rereferred to the Committee on Flood Control. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, did the gentleman say he had consulted the ranking minority members?

Mr. FINLEY. Yes; on both committees.

Mr. EDWARDS. Who was consulted on the Democratic side?

Mr. FINLEY. Both of the ranking members, the gentleman from Louisiana [Mr. WILSON] and the gentleman from Texas [Mr. MANSFIELD].

The SPEAKER. Is there objection?

There was no objection.

INTERNATIONAL FINANCE

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by myself in Philadelphia last Friday.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by printing an address delivered by himself in Philadelphia last Friday. Is there objection?

There was no objection.

Mr. McFADDEN. Mr. Speaker, under leave to extend my remarks in the RECORD, I present an address delivered by me at the thirty-fourth annual meeting of the American Academy of Political and Social Science, Bellevue Stratford Hotel, Philadelphia, Pa., May 2, 1930, as follows:

Nations evolved from fragments of emotional political organisms, such as the people of the United States, are bound by the principles and nature of their organic being. Subject to inherited characteristics they respond usually to the explosive forces of their racial origins. Thus, the phenomena of the domestic yearning for recognition of our make-believe devotion to European aspirations for reciprocal attentions is explained. It is the mutual attraction of mutually dissatisfied egoists mutually engaged in discovering resemblances that maintain perfect harmony when kept apart.

This clan instinct, so apparent, that seems like the love of angels in a Wagnerian opera, and which repels by the same energies which attracts, is the harmonizing discord that draws deaf Americans toward their European origins while impelling the full-orbed and self-sustaining individualists to remain apart. The family tie that binds the strongest parts is, consequently, but a mutual disposition among all parts to sympathize with the imperfections of the rest. We see Europe precisely as Europe sees us. The blind neither see nor are seen. Their emotional hysteria only is heard.

This explains why the diseased of Europe are prone to believe that our local diseases are men and women of real flesh and blood. They mistake the delusions which afflict the weak; and, blind to the deformities of our insane, imagine the United States as a paradise for propagandists and quacks.

Knowing the United States to be a mosaic formed from each sadistic fragment of the 33 feudal units which broke up into mutually hating states during the religious saturnalia known as the Thirty Years' War, knowing that the most poisonous of these religious warriors fled in droves from neighbors they despised to North America during this religious hurricane from 1618 to 1648, knowing that the fanaticism and self-interest promoted by these emotional volcanoes, which emitted such petty sizzling, and explosive nationalities as cooled down into organized hostilities would follow the migration hither, each puny despot who sprouted from the treaty of Westphalia kept his eye on his departing subjects with feelings akin to those of the rival Carthaginians who hoped their colonists would perish if their expeditions proved unprofitable to the oligarchy which exiled them. It was a splendid bond of mutual forbearance that thus united us to the "mother country" of our sadistic origins!

Yet so self-approving grew this maternal hope for our well-being that it exploded into epic majesty when Pitt had himself carried into the House of Commons to denounce with his last breath the impudence of Lord North for presuming to recognize the United Colonies as a free and independent Republic. Beaten, yet remembering the religious fervor which animated Tory loyalists amongst us—whose descendants would in time repatriate America—the dying statesman gave utterance to this recipe for our recapture:

> "Be to their faults a little blind,
> Be to their virtues very kind,
> But clamp your padlock on their mind,
> And thus you will subdue them."

How well this worked during the World War is too well known to require extended amplification. We became volcanic. So sure of our return to the "mother country" were British statesmen that their Premier wrote Lord Reading, at Washington, that "Colonel House can better be spared in Washington than in London," when Britain was planning to fill up its decimated ranks with our young American soldiers in order to avoid drafting Englishmen for such defensive purposes! He depended on Colonel House, the personal adviser of our President, to help him transform this free Republic into a source of cannon fodder for "the mother country!" So perfectly repatriated did he esteem this eminent American citizen that he could not think of him otherwise than as a useful subject who could no longer be "spared" from the ranks of other Americans in London who had grown "more royal than the King," who was fighting to make the whole world "safe for democracy!"

After the United States had involved itself in a debt of over $50,000,000,000 in saving England from the fate of Carthage, and before Woodrow Wilson had recovered from the surprise element in the treaty of Versailles, we find Lloyd George writing to our President to cancel Great Britain's debt to the people of the United States, in which letter he threatened, if we failed to do so, that—

"It would not fail to estrange and eventually embitter the relations between the American and British peoples, with calamitous results to the future of the world. * * * I would like to make it plain that * * * Great Britain * * * can not bind itself by any arrangement which would prejudice the working of any interallied arrangement which may be reached in the future."

He doubtless had in mind the naval victory Britain would gain at the Washington disarmament conference and the interallied financial victory to be achieved in the Bank for International Settlements which he would not "prejudice" in its war upon our financial resources after the debt was canceled!

To sober and enlightened minds it would seem that such a threat by any nation, or by the whole body of our European debtors, would inflame the patriotism and inspire the dignity of American bankers to resent such an abuse of our philanthropy and patience. For it is as plain as language can make it that the United States is threatened

by war, in this letter, if our Government does not remit the debt due from England to the American people!

Yet, in the face of this threat, we have been engaged in a plan of reducing our Navy to the helpless condition which would make it impotent to defend this Nation in the event of Great Britain ever following up its threat with a joint naval invasion of debtor nations against the American creditors of Europe. And we discover the always interested Thomas W. Lamont rushing to our defense with an expression of resistless logic:

"Let us remit the European debts! Unless we do so, Europe can not buy the surplus of our United States farmers for the next 62 years."

Strangely enough, this echo of the advice given Washington by the Tory Parson Gordon after Clinton had evacuated Philadelphia, the advice of Mr. Lamont is only what might be expected from one so definitely wedded to international finance.

I shall not dwell upon the effect of such advice upon such peaceful races as the Chinese, except to say that China had been at peace for ages until the interference of the "consortium" of international bankers who visited and proposed to stabilize China. Nor do I intend to refer analytically to the effect of this activity upon the British except to say that the cool heads of the Britishers were startled by the boldness of this undertaking and pursued their American creditors until they forced them to take their notes in order to avoid further complicating situations. Remembering the Royalist Gordon, whose advice to Washington made the Father of his Country determined to exterminate British influence in America, these polite British debtors were utterly dismayed on reading this Lamont threat against the harmonious cooperation among members of the British Empire. On our part, we can remember the strange behavior of our own Charles Lee who, when a prisoner of Howe, gave Howe the Chesapeake plans for conquering Washington which Clinton used to bring Cornwallis into Yorktown, where Washington could capture him and secure the independence of this country. Even the people we fear and suspect do sometimes perform signal services to their countrymen.

The Bank for International Settlements, known as the Young plan for the Allies to sell German reparation bonds to Americans and get immediate cash for their claims against Germany, while allowing the Americans to wait 59 years for repayment of their advances, is another thing which the international bankers favor.

The immediate result of their eulogy of this new device for adding another burden of $9,000,000,000 on the savings and the earnings of the American people was to cause trust officers in our financial centers to ask questions respecting the legality of the reparation bonds which this new bank may substitute for the good securities held in trust for the benefit of widows and orphans by our trust companies throughout the United States.

I have pointed out the more serious aspect of this bank's trusteeship for the allied creditors of Germany in several addresses made recently in and out of the House of Representatives. In my analysis of the activities proposed by the Bank for International Settlements, it is not only evident that trust funds are liable to be diverted, but the depositor's money in national banks which finds its way into the Federal reserve system for the benefit of our commercial institutions is equally threatened by practices already initiated of transferring gold from the Federal reserve to the central banks of European nations that expect to sell us German reparation bonds in cancellation of the debt they already owe for the gold confided to them in expectation of such reparation bonds being delivered by the Bank for International Settlements. This means that if Germany should default in its payments to a private bank in Switzerland on any of the reparation bonds it delivered to the Allies in payment of its debt to them, the people holding the bonds have recourse to no one but the bank while the bank itself has no recourse against Germany, since it has already discharged its debt to the Allies; and the Allies, in their turn, have discharged their debt to the United States with the cash received from the sale of the bonds to the American people by this Bank for International Settlements.

It is a 3-card-monte game. The principal beneficiary of the 3-cornered game will be the banking house of Morgan & Co. And, by the invention of this Young Bank for International Settlements, it does seem that Lloyd George and J. P. Morgan & Co. will have succeeded in canceling the debt Europe owes us by substituting reparation bonds that the League of Nations Court may hold to be void ab initio and not a just charge against the German people who replaced the Kaiser in the armistice on which is based the treaty of peace between the Allies and its former enemy—the Imperial German Government. And, since there is abundant evidence to prove to the court that the Allies had no quarrel with the "innocent German people," the international rule of law, that past considerations do not constitute legal grounds for future promises to pay the debt of a third person, will have no difficulty in persuading the court of its soundness when, by its decision, it gets rid of all the debts Europe owes to the American people. In other words, we buy the illegal reparations bonds from the bank—which is responsible to no government on earth—and we can keep them. With the gold we pay the bank, the bank gives the Allies and the Allies hand back to us in full payment of the billions they owe us at present. And we still keep the bonds by which the bank discharges every debt that Europe owes infatuated Americans.

The laws of war make a government responsible to its people for losses sustained by enemy depredations, whether covered or uncovered in the treaty of settlement; but the United States Government, aware of the doubt respecting the legality of these reparation bonds, pretends to take no official part in bringing the bonds into existence while unofficially allowing the house of Morgan & Co. to act as fiscal agent for its Federal reserve transactions with European bankers; aside from the close diplomatic relations with the Washington administration, the whole conduct of the Government concerning these debt settlements can equitably be held as a fraudulent concealment of the United States Government from its own citizens, who must in consequence look to their own Government for a redress of grievances when the court decrees these reparation bonds illegal. Furthermore, the very decision which clothes our Government in fraud respecting its own citizens puts our Government out of a Court of International Justice if it should attempt to get a judgment against Germany or the Allies, on the equitable principle which denies relief to a litigant which goes to court against its coconspirators. Such a decision, perfectly sound in morals and sanctified by universal practice, is not difficult to imagine from a court made up entirely by the nationals of debtor states who have paid us with our own money freely handed over to them. Thus all Europe in that decision will be arrayed against us, and the only recourse left to us is to again go to war after our military and naval strength has been annihilated by our own Government at the behest of its enemies.

It sounds incomprehensible. But ask any country lawyer if the principles here enunciated are not universally recognized, even in domestic tribunals, where the strictly legal responsibilities are less binding than the moral sanctions which sustain the relations between sovereign states in international society. Here the solemn force of national good faith enters into the controversy, and if perfidy shows its head in any Court of International Justice the nation or nations which seeks to take advantage of the perfidy will not only lose its cause but be denounced as an outlaw from civilized society. It is on this question of good faith that the enormities inflicted in the treaty of Versailles have their origin; and this Bank for International Settlements, with all its bonds for German reparations, grows out of the ultra vires sections of that treaty and the authority of the secretariat of the League of Nations.

Postponing for the moment the question of an ultra vires excess of avarice amounting to perfidy rather than a strategical inducement allowable in actual warfare, let us ask what will be the position of our Government in any future action it might decide to take before the League of Nations court for the collection of the purchase price of these reparation bonds in the event of their repudiation or cancellation?

Manifestly our Government will have no standing at court: First, for the reason that the administration have waived the Senate reservation giving our Government a voice in matters it "claims to have" an interest in and founding this right entirely on the league's limitation to "matters in which the United States has an interest"; second, for the reason that our Government is estopped from asserting an interest in the bond cancellation or repudiation by the conduct of the Government, through the State Department, declaring that the Government has and had no official interest in the development of the bank, its officers, its fiduciary relations to Germany and the Allies, or the commercialization of German reparation bonds, which forms the subject of the controversy. In neither event can the United States sit idle and see a fraud committed on its citizens without official protest and later ask a court to remedy its negligence by setting aside contractual settlements in which it disclaimed an interest. Error qui non resistitur, approbatur—an error not resisted is approved; nor will a litigant, alleging its own negligence, be heard—allegans suam turpitudinem non est audiendus. In affairs of state a more delicate maxim applies, since it is an "unfriendly act" that may lead to war to meddle in affairs in which a state can not even "claim an interest"—culpa est immiscere se rei ad se non pertinenti.

Whether the present German Government, after it has settled the claims of the Allies against the former imperial government, can justly ask the League of Nations court to cancel bonds in the hands of citizens of an associated power, such as the United States, on the ground that such bonds grew out of an act of perfidy and subsequent acts of duress committed by that government against the German people it induced to enter an armistice on definite guaranties which would have excluded this bond issue had these guaranties been respected is largely a question of fact which the court, when settling its findings, can render incontrovertible.

To clear the ground for a clear view of the present situation, it may be asserted that, after all nations have adopted the Kellogg pact renouncing war as an instrument of national policy, no civilized state will return to the barbarous principles practiced by the Greeks, Hebrews, Carthaginians, Romans, and Turks previous to the seventeenth century of the Christian era. Nor is it necessary to support the Kellogg doctrine by the rules first enunciated by Vitoria in 1495, outlawing wars of conquest on any principle whatever. The failure of Grotius to have all his theories accepted during the religious wars

which terminated in the pious hopes of the truce of Westphalia in 1648 does not change the fact that good faith among warring states, from the days of Arbelo to that of Sedan, is a sovereign attribute in peace negotiations that binds all civilized powers. As observed by Grotius, "Good faith must be observed in all truces." Even the firebrand Bynkershock concedes, "I allow any kind of deceit, perfidy alone excepted; because when our faith is pledged to the enemy he ceases to be an enemy." Hence, the second rule of Vattel is universally accepted in the interpretation of armistices, that "neither party can take advantage of a truce to execute, without peril to himself, what the continuance of hostilities might have disabled him from doing." This is cited by our own Wheaton with approval; and he agrees with all the modern European authorities that the doctrine of uti possidetis, which comes into being by signing an armistice, "leaves everything in the state in which it found it, unless there be some express stipulation to the contrary" in the final treaty of peace which obliterates the causes which lead to the war and never deprives an enemy of his private rights or private property. Furthermore, under the force of the above humane doctrine accepted by all civilized nations willing to end warfare, "unless specifically excepted in the armistice, the victor is bound to restore even the ships captured by his officers in ignorance of the armistice as well as all prizes that are made in contravention of the armistice." (See Wheat. p. 686, sec. 21.)

The right to make either armistice or treaty is an adjunct of full sovereign power. Both armistice and treaty rest on mutual consent between the powers; and when a commander in chief on the field does not exceed his full powers in dictating an armistice to his enemy his government is bound in good faith by that armistice to observe its limitations in the treaty of peace which is founded on the armistice.

If his state fails to do so, it is guilty of bad faith, which avoids the whole settlement. This doctrine runs through all the authorities—Gentilis, Grotius, Puffendorf, Bynkershock, and Vattel—and is sustained by the common practice of all states of modern Europe. This is so elementary that even the sophs at Poictiers or Eton can read in F. E. Smith's Handbook of International Law the declaration of Lord Stowell that the invariable practice leading up to the definitive treaty of peace is by an armistice which determines its conditions, and where it is silent on other matters the doctrine of uti possidetis applies. Nowhere outside the Twelve Tables is the doctrine of eternal rapacity revered.

The question now arises, Are the German people liable for the reparation bonds sold to American investors by the League of Nations bank? This depends on whether Foch and Wemyss exceeded their powers in dictating the terms of the armistice; next, whether the Germans signed it under duress, which destroyed the essential element of mutuality in the document; finally, whether the victors did not themselves go outside the terms and conditions of the armistice and introduce new conditions in the final treaty of peace.

That this armistice does full justice to the military genius of its authors, Foch and Wemyss, will never be denied. But the absence of the name of Pershing from that document is notice to all Americans that it exceeded the bounds of pure strategy and deceit, and stood on no surer foundation than positive bad faith when the document was signed. This in itself makes the armistice null and void as a legal basis for the treaty of Versailles, out of which both the bonds and the Bank for International Settlements grew. And the document itself contains convincing evidence of this bad faith: The declaration of the German plenipotentiaries, attached to and made a part of the armistice, makes the terms of November 9 and 10 "an essential condition of the whole agreement," and when forced to sign these representatives of the German people declared their determination to maintain their freedom, whatever they might then be forced to do, ending in the prophesy, "A people of 70,000,000 suffers, but does not die!"

The basis of the armistice, as stated by President Wilson on April 2, 1917, was to put an end to the Imperial German Government. "Our object now is," he said, "to vindicate the principles of peace and justice * * * against autocratic power and to set up amongst really free and self-governed peoples of the world such a concert of purpose and action as will insure the observance of these principles." In a word, we entered the war to get rid of the Kaiser and his great general staff of militarists. "We have no quarrel with the German people," he added. "We have no feeling toward them but one of sympathy and friendship. It was not upon their impulse that their Government acted in entering the war. It was not with their previous knowledge and approval. * * * It was a war determined upon * * * in the interest of dynasties and little groups of ambitious men who were accustomed to use their fellow men as pawns and tools. * * * We are glad to fight for the peace of the world and for the liberation of its peoples, the German people included. * * * We must have no selfish ends to serve. We desire no conquests, no dominion. We seek no indemnities for ourselves, no material compensation for the sacrifices we shall freely make." On May 26, 1917, in his telegram to Russia, the President said: "We are fighting for the liberation of peoples everywhere from the aggressions of autocratic power. * * * We are fighting for the liberty, the self-government, and the undictated development of all peoples, and every feature of the settlement that concludes this war must be conceived and executed for that purpose." He then added, "No people must be forced under sovereignty under which it does not wish to live. No territory must change hands except for the purpose of securing to the people who inhabit it a fair chance of life and liberty." In his Flag Day address he included the German people themselves in this sweeping benefaction. In his reply to the Pope he asserted that peace must rest on the rights of the people, not the rights of governments, * * * and to a fair participation in the economic opportunities of the world, the German people, of course, included if they will accept equality and not seek domination."

The German people were listening in on these "peace feelers." Finally, they bit. In January, 1918, their government asked Wilson what terms he would agree upon; and the celebrated 14 points fluttered before our Congress, with the full knowledge and consent of the Allies, on January 8, 1918. This, of course, stipulated the territorial integrity of all states, the equality of economic opportunities among all parties to the peace pact, the right of the people in all colonies to chose their own government and be free from dictated control. Nothing is said in it to imply that what he had said to the Pope had been withdrawn. Indeed he went further in his next "feeler" in the Liberty loan speech of September 27. Here he indicated that the Kaiser would have to get out so as to allow the German people the impartial terms due to victor and to vanquished alike. There would be no discrimination between friend and foe. The peace that came must be just with a justice that plays no favorites. And all this would come, as indicated in his final reply to the German people, whenever the Imperial Government was succeeded by a government by the German people themselves.

If this was intended to break the morale of the reserve power of the German Armies, it was very good strategy. But that it was not so intended is clear from the President's dispatch to the German Government on October 14, 1918, and his speech to Congress announcing the terms of the armistice on November 11, 1918. The whole thing, so far as the pour parlers before the armistice was signed is concerned, rested entirely on justice and the then situation of the battle field. So far as the United States was concerned, no perfidy, no bad faith, was ever intended or displayed. Pershing knew our motives. He did not join the Allies in the armistice, because it violated a number of principles announced by President Wilson, which brought it about. This was a perfidy we escaped by never ratifying the treaty of Versailles.

But in justice to Marshal Foch and General Wemyss it is proper to say that the President, in his dispatch to the German Government on October 14, 1918, left the process of evacuation and the conditions of an armistice "which provided absolutely satisfactory safeguards and guarantees of the maintenance of the present military supremacy of" our armies "in the field" entirely to the "judgment" of Foch. As a condition precedent, however, the demand for the suppression of the Kaiser's government, made in his Fourth of July address, was to be complied with "if peace is to come by the action of the German people themselves." This, be emphasized, was a fundamental condition of the truce. Furthermore, the benefits, principles, and policies for a general restoration of international government set out in his two other addresses—to Labor on September 1, and on the opening of the fourth Liberty loan on September 27—were to be open to the German people in the settlement authorized by the victors if the German people accepted these conditions; and the German people did accept the conditions unconditionally, and thus ripened the offers into a binding contract that neither Wemyss nor Foch could overthrow by any armistice conditions for security or supremacy on the field.

Inevitably the generous conditions set out in the President's addresses, his grant of plenary discretion to Foch to secure guaranties of permanent securities in his armistice conditions, his subsequent coupling the Kaiser's suppression with the 14 points that enumerated, specifically, everything intended to be embraced in the final settlement, led directly to opposite conclusions that no definitions can reconcile. Foch took advantage of this situation to invoke Article XI of Chapter XXII of Grotius, which reads: "An absolute surrender implies that the party capitulating submits to the pleasure and discretion of the conqueror."

Hence, on the general principle of international law which merges antecedent proposals into the written stipulations of an armistice, or open treaty, the whole basis for a legal consideration to support the reparations bond issue now offered by the Bank for International Settlements emerges from the financial clause found in Article XIX of the armistice. One pauses, fascinated, in reading this short, crisp, clear-cut but superinvesting statement of a soldier which condenses a whole constitution in a few energetic phrases of tragic importance! Not to be caught by the statesmen who will later overhaul his covenant, Foch makes a "reservation" for every kind of "future concessions and claims by the Allies and the United States" as well as for "reparations for damages done," while he disbands the German forces everywhere, provides for the Saar and Ruhr occupation, indicates the Rhine bridgeheads as proper frontiers for permanent security, and, with an eye almost omnipotent, subjects even "the ships and prisoners [of his emeny] to allied care—without reciprocity!" Nothing

is overlooked. It is a clean-up! And as the armistice was extended from time to time under expanded conditions, the slate was clean for the diplomats who gathered in the hall of mirrors to write any kind of treaty that suited them. The only obstacle that stood in their way was the altisonant declaration of President Wilson that "the treaty of Vienna which tossed human beings from one government to another like handballs will not be imitated in this settlement."

The legality of the reparation bonds, from the standpoint of international law, rests therefore on the question—"Was there bad faith concealed in these armistice conditions which was crystallized into coercive measures by the treaty of peace which grew out of it?" If so, it violates every principle evolved since the days of Cicero to bring warfare to a peaceful conclusion; and it lays a foundation for the renewal of a dozen wars that are, legally, justifiable.

The treaty of Versailles, or the peace treaty, signed at 4.50 o'clock p. m. French time January 10, 1920, was really evolved from things both inside and outside of the armistice. Every implication necessary to authorize the diplomats to make good their secret agreements to avoid Wilson's specifications eliminating land grabs, indemnities, occupations, dismemberment of nations, and penalizing penetrations was taken advantage of to expand this treaty into six different treaties of Vienna and plant 39 different sore spots at convenient distances to constitute continuous invitations for intervention by the Allies to suppress the wars they are bound to occasion. In the very nature of the 15 different parts of this treaty of 440 articles, covering 221 quarto pages of 6-point type, difficulties evolve where they are not purposely invented to make force and warfare indispensable to hold the fragmentary rearrangement of disorganized society together. Races are shifted from their bases, whole nations disemboweled, and even small cities are carved up into fragments and divided among three or four converging nations!

From this general aspect, if we descend to particulars, we are confronted with the covenant of the League of Nations, with its well-known explosive characteristics. Then we meet the Metternichian question of boundaries, the purely Castlereagh inventions of political clauses for the balance of power that make war inevitable. Next we are startled with the appearance of a new Nesselrode-Wellington-Sick-Man-of-Europe part, in which Lloyd George and Clemenceau perform a surgical operation on 1,070,000 square miles of German colonies and divide territory worth $20,000,000,000 between them. Permanent occupation assumes the pen name of mandatories to save the faces of these missionaries intent on bringing civilization to German colonists "according to the stage of their development * * * and similar circumstances." Then there are the military and naval clauses, after the fashion of Buckingham coquetting with the Colignys and Condés at Rochelle, but in this instance to induce Americans to scrap their Navy and tempt Italy into maritime rivalry with Marianne at future "conferences."

The prisoners of war are next attended to, strangely forgetting the American soldiers still under the command of British officers in the 40° below zero weather at Archangel. Then, in a rush of enthusiasm, we find bunched under increasing pressure such parts of the treaty as relate to penalties, to reparations, and to economic strategems coupled with the financial clauses that shoot through everything from the exploitation of mines to railroads, labor organizations, and the guaranties of eastern and western Europe. To make sure of keeping the powder dry in this furnace of mutually inflaming passions, there are miscellaneous provisions regulating everything forgotten in the general grab, from the cable on the Isle of Yap to the morals of the Yappi Indians. It is a marvelous piece of diplomatic engineering.

One looks in vain for the freedom of the sea, the right of races to self-government, the suppression of indemnities, the denial of territorial expansion, or any of the fundamental sociological prerequisites announced by Wilson in his 14 points, or other addresses, as the basis of the lasting peace to which the German people were pursuaded only to be forced at the point of the bayonet to sign a contract on which these reparation bonds is founded.

We do not need the admissions of an international banker, whether it be a Mr. Lamont, a Mr. Young, or any of the numerous myrmidons of the Bank for International Settlements, to show its circuitous peregrinations from the financial clauses of the armistice into the "penalties," the "financial clauses," the "reparations" parts of the treaty of Versailles, and from these on into the versatile and ubiquitous "commissions" invented by the able secretary general of the League of Nations, whose name is actually immortalized in the covenant itself!

All these "commissions" were invented in London by the secretary general before the treaty itself was finally signed; they were brought to Paris by the secretary and actually adopted before article 240, or Annex IV, of the treaty was shaped up. When this article fell into the treaty, on January 10, 1920, a "reparations commission" bloomed into being. And it was then provided, in article 238 of the "reparations" sections, that it could "handle the debt settlements and reparations otherwise" than specified in the article "in such manner as the allied and associated governments * * * shall determine."

In the process of international reorganization, the secretariat of the league, with an eye on all existing international bodies—official and unofficial—and noting the dismal failures of the regular "official" reparations commission, began, in the course of conferences with British bankers, to evolve a Dawes "commission" to take the part of the regular "commission." As this introduced Mr. Owen D. Young into the "society" of European financiers he and his methods were carefully studied; and he was finally induced to become the "father" of the "Young plan" known as the "Bank for International Settlements" empowered to market in America, and elsewhere if possible, the whole "reparation bonds" which Germany was forced to issue to liberate itself from the enforced bondage it was subjected to in both the armistice and the treaty of Versailles.

A peculiar circumstance, which does full justice to their knowledge of international practice, is that none of the German statesmen offer these bonds direct to any investor. Nor do any of the statesmen of England, France, Italy, Belgium, or Rumania touch these bonds with a 10-foot pole. No responsible bank in any of the allied countries offer them directly to any of their American customers. The Bank for International Settlements is to do this piece of shadow boxing. Organized under special exemptions of the laws of Switzerland and exempted by the league powers from responsibility to any government on earth, this "bank" is to take the German "reparation bonds," sell them to Americans, turn over this American money to the Allies who will then discharge their claims against whom? The Imperial German Government which caused all the damage for which the Allies exacted these bonds. They have no claim, at law, against the German people who, some people are simple enough to believe, will pay the kaiser's debt!

In the event of a default on the payment of these bonds who will the American buyer sue? The Allies? No. The Allies did not sell them. The German people? You can't make the German people, against whom we had no quarrel, responsible on a past consideration to pay another's debt. The Imperial German Government? Hardly. It no longer exists. The Bank for International Settlements? Where? Before the League of Nations court? Absurd! Only a government has any standing in the court. And governments rarely enter into diplomatic relations with a bank—or with another government, for that matter—to collect a debt due to its citizens. This has been the rule of international practice since 1848, when Lord Palmerston dodged the clamors of British speculators in foreign bonds by the announcement that intervention in such a case rested on the sound discretion of the government.

If our Government, which insists it has had no official connection with this bank, should perform the Homeric feat of nodding and awaken with the resolution to protect its foolish citizens, would it be so rash as to commit an "unfriendly act" against the Government of Switzerland by jumping on a corporation under Swiss protection? And will it go to war to collect this speculator's debt after it has spent so much in "conferences" to make itself unfit for war, and after making war an undignified recreation in its Kellogg anæsthetic? If ever there was an occasion for innocent investors to recall the rule, "Let the buyer beware," it is when he or she is confronted with those reparation bonds. Nowhere and never has it been made more plain that this is an occasion for courts to affirm the rule of damnum absque injuria—each sucker is damaged without any remedy whatever!

Applying the uniform rule of international law respecting such a governmental attempt to collect the speculative debts of its citizens against foreign governments we find it never applied for other than very strong domestic considerations. Even if the foreign government should confiscate the debts, harsh and unmannerly as this might be, still no domestic emergency will arise justifying our Government to make such an absurd gesture. Even supposing the Government could induce the German Government to bring suit against itself, or its citizens, in its own courts—the only forum open to it—the German domestic laws to be applied will find these debts based on either force or fraud, without consideration, and void from their beginning.

What could be the motive for foisting such a scheme on civilized society? The promoters expect to realize eventually $9,000,000,000 in the enterprise. That will pay for a lot of propaganda and advertising. It will buy one-third the railroad communications of this country. It will pay for a merchant fleet of 30,000 dead-weight tons, or enough to dominate the foreign trade of the entire world. It is enough to enter the New York market and, with it, gain control of our coal and steel industries, and, being possessed of our internal and external communications, control the future destiny of the American people. Any military man will tell you that control of an enemy's communications puts that enemy in your power; any commercial expert will tell you that if you can gain control of a competitor's delivery system you have him completely tied beyond recall. One marvels at the illusions of grandeur which can tempt an American to invent such a device to put $9,000,000,000 of his own people's money into the hands of Europeans when knowing all along that Europe wanted us to cancel the debt she owes the American people.

It is well known that the cancellation idea had been in the mind of Europeans from that day when Lloyd George wrote Woodrow Wilson to have it done, from the day when the international bankers saw our farmers growing rich on the earnings of such cancellations, to the day when, suddenly from mysterious sources, an invasion of European finan-

ciers with no visible means of support flew into this country, like a cloud of locusts, and began writing articles for the metropolitan press in favor of cancellation—to the very day when our statesmen did remit a debt of billions which was due us for advances in money and credits from these same debtors. It ought to be worth a banking concession, at least, to a group of philanthropists who can induce a creditor to cancel a debt of $6,000,000,000 and pay the debtor nine billion more for "securities" that no lawyer of repute would accept as valid. Manifestly, some people will make a lot of money—if they have not already done so. Equally manifest does it appear that others will lose their entire fortunes if they do not keep their eyes on the trust estates confiding fathers and husbands left in trust to provide incomes for their heirs who are too international-minded to be trusted with the management of money.

How wide is the threat of such a bank against the accumulated wealth of the country it is difficult to imagine. When such "experts" as those who manage some of our investment trusts are too gullible to avoid being swindled on our own markets, and by purely domestic thimble-rigging, what guaranty have our widows and orphans that foreign investments, of doubtful legitimacy, will translate their present incomes into anything better than lovely "Mississippi Bubbles"? The safest course for those with money to lend, is to lend it to responsible borrowers they can keep an eye on—and where they can immediately hail their debtors into court with some prospect of collecting a judgment. The German "reparation" bonds furnish no such opportunity.

Let buyers beware.

WORLD WAR VETERANS' LEGISLATION

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered over the radio last evening by the commander in chief of the American Legion.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD by printing an address delivered last night over the radio by the commander of the American Legion. Is there objection?

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, I want to say to the House that I heard this address myself over the radio last night and as it refers directly to pending legislation and defines so correctly and absolutely the position of the American Legion, I think it is a contribution that ought to go into the RECORD. Consequently I do not object.

The SPEAKER. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, I desire to say that while the speech does not reflect the position of the majority of the members of the American Legion on the subject of veterans' relief, I have no objection to its going in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. WOODRUFF. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following remarks of O. L. Bodenhamer, national commander the American Legion, delivered from the Capitol Theater, New York City, over station WEAF, at 7.50 o'clock p. m., Sunday, May 4, 1930. Remarks in part:

I am grateful for this opportunity to speak to the radio world in behalf of an organization which I love and which I believe deserves the confidence and support of every public-spirited citizen in America. This organization is known as the American Legion and is composed of 800,000 of the same men who fought for America 12 years ago and in whom the American people had confidence at that time. The members of the Legion seek to serve in time of peace with the same courage and with the same unselfish spirit as that with which they served in time of war.

The American Legion, since its inception, has sought to render a conservative and constructive service in behalf of our disabled comrades and in behalf of the country for which they fought. We have believed in the justice of every piece of legislation which we have supported. We have advocated earnestly but unselfishly the program of the Legion. In this spirit we have supported certain pieces of legislation having to do with our disabled and with the conduct of our Government.

At the Louisville Convention of the American Legion we passed certain resolutions with reference to our disabled men's legislation. These recommendations were embodied in a bill and presented to Congress for its consideration. This bill, together with other bills dealing with this type of legislation, was sent to the Veterans' Committee of the House. In due course of time, and as a result of conferences between representatives of the United States Veterans' Bureau, the Veterans' Committee of the House, the American Legion, and other interested groups, a bill—known as the Johnson bill—was reported favorably to the House of Representatives.

Some 10 or more days ago the House of Representatives passed a measure for the relief of the disabled, after adding amendments, which greatly increased the expenditures requested in the original Johnson bill as reported by the Veterans' Committee and as supported by the American Legion. This legislation is now pending in the Senate.

The Legion has been and still is in favor of a conservative and constructive piece of legislation in keeping with the known needs of our disabled and at the same time in accordance with the principles of economy. Likewise the Legion is in favor of a practical plan of procedure with reference to our disabled men's legislation. We believe in supporting legislation that can and will be enacted and approved, and thus become of benefit to the disabled. Proposed legislation, as attractive as it may be, is of no benefit to the suffering comrade unless it becomes effective by presidential approval.

Our disabled are in need of immediate relief. Because of this need the Legion supported the Johnson bill as it came originally from the Veterans' Committee of the House. It would have benefited some 84,000 disabled men. It would have cost, according to estimate, less than $100,000,000. It would likely have met with the approval of the President. We were willing to go so far as to amend this bill in order to reduce the cost if necessary to receive presidential approval. We want immediate relief for these veterans. What the disabled need is immediate and material assistance and not a lot of idealistic proposals which have no chance of maturing for years to come. The original Johnson bill is not perfect, but it would give needed assistance. Perfecting amendments could have been offered later without endangering the present approval of the basic provisions of the Johnson bill.

The Legion is a practical and unselfish organization, interested in our disabled and our country alike and desirous of rendering service in keeping with a conservative and constructive program.

It is our hope, therefore, that a splendid piece of legislation will be agreed upon as a result of senatorial consideration, and thus make it possible for our disabled to receive immediately the benefits of such legislation.

ADDRESS BY HON. JOHN LORD O'BRIAN, ASSISTANT TO THE ATTORNEY GENERAL OF THE UNITED STATES

Mr. SNELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by John Lord O'Brian, assistant to the Attorney General, and head of the antitrust division of the Department of Justice. This address was made before the United States Chamber of Commerce, and it sets forth the position of the Department of Justice with reference to antitrust activities. I think it is of importance to the Congress and should be printed in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing an address delivered before the Chamber of Commerce by John Lord O'Brian, assistant to the Attorney General. Is there objection?

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, does the address include a list of the prosecutions which the Department of Justice has engaged in?

Mr. SNELL. No; it does not give any list.

Mr. BANKHEAD. I did not think so, because none probably exists. However, I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The address was as follows:

The invitation to address you to-day was coupled with the statement that trade associations would like to obtain a better understanding of the attitude of the Department of Justice toward their activities. Every clear-headed lawyer understands the changing conditions which must constantly accompany progress in the world of business. Every experienced lawyer knows how much trade associations have contributed and are contributing to the development of a sound public opinion in the special fields of industry. No one understands this better than the law officers of the Department of Justice, and I can assure you that that department is not in the slightest degree hostile to the proper activities and healthy growth of trade associations.

The best service I can render you is to make clear the attitude of the Department of Justice and the legal limitations which encompass its activities and affect the exercise of its powers. There is nothing to be gained by indulging in vague generalities on an occasion like this.

The Attorney General of the United States is not and can not be an arbiter in the field of economic interests. His powers and his duties relate solely to the enforcement of law. It is not within his power to change the legal standards of business conduct as defined by Congress and the courts, and if you stop to reflect upon this you will not wish him either to have or to attempt to exercise any such power. The conduct of business should be guided by standards of law and not by the discretion or caprice of any official. All of us know only too well that difficulty and often danger arises when officials of government undertake to regulate by their individual standards of discretion the intricate problems of the business world.

In dealing with the subject of monopoly and combination the powers of the Attorney General are clearly defined. He alone is vested with power to enforce the Sherman Act. It is his duty to act when practices unduly restrain or interfere with the free flow of interstate commerce

His powers in respect to the trust laws are limited to this special field of business activity. He has neither the express nor the implied power to interfere with or attempt to guide the internal affairs of business organizations or trade associations, nor has he any desire to do this.

The Department of Justice is, therefore, interested only in the acts and conduct of individuals and corporations. It deals with groups of individuals only in those cases where the individuals are alleged to have combined for some illegal purpose. It is not within the power of the Attorney General affirmatively to approve trade rules or practices. A practical reason for not attempting this is that neither he nor any other law officer can accurately forecast what individuals may undertake to do in a particular industry pursuant to trade rules. In short, the Department of Justice is not concerned with "codes of ethics" or codes of "trade rules" or "trade plans" unless illegal practices result from their operations or unless (as in rare cases) the rules on their face obviously contemplate action which, if taken, would be unlawful.

The Federal Trade Commission is in a somewhat different case. While it has no jurisdiction to enforce the Sherman Anti-trust Act it has jurisdiction to investigate unlawful practices and to enforce provisions of the Clayton Act. In the exercise of its jurisdiction to deal with unfair practices the commission has not confined its activities to investigations and prosecutions, but, in the desire to aid business, has developed the practice of holding conferences. Out of this has come the Federal trade practice conference which, started as an experiment, has now become recognized as a valuable institution. The Department of Justice has no hostility to the Federal trade practice conferences. On the contrary it approves these conferences, and believes that within their legitimate field they afford valuable opportunity for education and for constructive progress in industry. It also recognizes that these conferences belong to the province of the Federal Trade Commission, with whose activities the department has not interfered and with whose aims it is in harmony.

Trade associations are, as you know better than others, the result of similar natural evolution and business necessity. The courts have long since recognized their legitimate functions and have fully appreciated their powerful influence in American trade and industry. As I have already stated, the law officers of the Department of Justice are well aware of these facts and they have no interest and no point of view adverse to the proper activities of trade associations. In fact, they have no concern with the affairs of those associations except as individual members through the use of these associations or their rules may adopt practices which lead to violation of the antitrust laws.

Perhaps it is only reasonable to expect that certain excesses of zeal are bound to occur in the experimentations with business practices which are a feature of the evolution of the trade association. Candor, however, compels the statement that here and there such illegal practices do come to light. Fortunately, they are not characteristic of the work of the great body of trade associations. Some of these practices are unlawful, because discriminatory or because they aim at monopolization of channels of distribution, or for other reasons. But the complaint most often made is that of price fixing, and in certain quarters convincing evidence of this practice has been found by the Department of Justice.

For many, many years the fixing of arbitrary prices by the agreement of competitors has been viewed as contrary to sane public policy. The courts have long since declared it to be illegal. There is nothing vague, intangible, or difficult to understand about this practice. Everyone knows that it is illegal. No one can be engaged in this practice without knowing it, and no one needs a lawyer to tell him whether he is in fact fixing prices by means of understandings or agreements with competitors.

On this as on similar questions the Trade Commission and the Department of Justice are, so far as I know, entirely in harmony. Neither one has ever sanctioned or intended to sanction this practice. There have, nevertheless, been recent instances where this practice of price fixing has been attempted by the misuse of so-called codes of ethics or trade rules. Fortunately, the number engaged in these practices is relatively inconsiderable, and their conduct has not been imitated or approved by trade associations generally. In this one respect, at any rate, when individuals violate the law they must not expect to justify or excuse their illegal conduct by the adoption of formal resolutions or trade rules. Where these illegal practices exist the Attorney General intends to check them by appropriate legal action. That is his duty. Fairness to the other trade associations and justice to other business interests, as well as to the public generally, require that this duty be firmly and impartially performed.

But in all this there is no cause for anxiety or uncertainty in the business world. There are no revolutionary law policies impending. The number who take chances are relatively few, and those who take chances should not complain of the consequences. You will agree that no legal proceedings aimed at price fixing should give the slightest concern to the business world in general, and you need have no fear that any conflict of interests exists between the Trade Commission and the Department of Justice. There is no divergence in their aims. The Federal Trade Commission, as well as the Attorney General and his staff, desire sane administration of law as well as stability in business conditions. Surely you have the same desire.

I have endeavored to make clear to you the attitude of the Attorney General and at the same time to point out the very distinct limitations which encompass his official activities. With this frank statement to you we feel that we have a right to expect active cooperation from you. We ask that your numerous associations use their powerful influence to eliminate those business practices which result in price fixing by agreement and other practices which lead to illegality. The antitrust laws are primarily aimed to protect the economic opportunity of the individual and to promote steadily rising standards of fairness and justice. All of us believe this, and surely, both as lawyers and as business men, we ought to work together to realize this purpose.

COMPACTS BETWEEN THE STATES OF COLORADO AND WYOMING

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the calendar.

The first business on the Consent Calendar was the bill (H. R. 202) granting the consent of Congress to compacts or agreements between the States of Colorado and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TAYLOR of Colorado. Mr. Speaker, I ask that this bill may be stricken from the calendar, because of the objection of the gentleman from Nebraska who does not seem to be here. I may have it restored later.

The SPEAKER. Objection is heard, and the bill is stricken from the calendar.

MEMORIAL BUILDING AT CHAMPOEG, OREG.

The next business on the Consent Calendar was the bill (H. R. 7983) to authorize the construction of a memorial building at Champoeg, Oreg.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, and I am sorry, but I shall be compelled to object, first, the historical facts, I will say with all deference, are not sufficient to warrant a memorial of this magnitude, and I would refer the gentleman to the history of Willamette Valley, by R. C. Clark, of his own State, and, secondly, at Champoeg you have a park and a pavilion at this time, and it would certainly be establishing a very costly precedent if we spent $100,000 to put a memorial building there. There would be no purpose for doing it regardless of the historical facts involved.

Mr. HAWLEY. Does the gentleman reserve his objection?

Mr. LAGUARDIA. Yes; I reserve the objection.

Mr. HAWLEY. Mr. Speaker and gentlemen of the House, the facts in this case are these. This bill has been twice reported unanimously by the Committee on Public Buildings and Grounds.

On May 2, 1843, the settlers in the Willamette Valley, at that time without regard to national affiliation, met at this place called Champoeg for the purpose of establishing a government.

This land was in dispute between the United States and Great Britain and had been since the year 1818. The two countries had agreed on a modus vivendi by which neither would assert actual jurisdiction pending the conclusion of negotiations.

Our claim to this particular territory is based upon Gray's discovery of it in 1792, the Lewis and Clark expedition of 1803–1805, and actual settlement in the valley in the early thirties. Beginning early in the decade 1830–1840, a large number of people from the East went across the plains and settled in this valley. Employees of the Hudson Bay Co. had also gone into the valley and settled. They lived together there quite amicably without any laws to govern them. The United States had not extended its jurisdiction or the protection of its flag over the country, neither had Great Britain.

There occurred a death in the valley, and the distribution of the property of the deceased was in question. So these people, without any government of either nation, met to devise some means by which the heirs of this man could be secured in the property he had acquired. Following this they had a meeting in 1843 for the purpose of forming a provisional government. There was a general assemblage of the people there, and the question was that with a considerable population there was no reason why some form of government should not be adopted.

So they debated the question, and after considerable debate in the morning—they had the usual picnic lunch, which always occurred on such occasions in pioneer communities—and in the

afternoon they had the decisive vote. A man by the name of Joe Meek drew a line on the ground with his toe and proposed, in effect, that those in favor of United States sovereignty step over to one side with him and all those who are in favor of British sovereignty step over on the other side. The vote as at first taken was 50 to 50. Two members of the Hudson Bay Co. had not voted—F. X. Matthew and Etienne Lucier. These two gentlemen conferred and concluded that they would vote on the American side. So the vote finally stood 52 to 50, and all the people in the valley accepted this.

They then organized a government. They adopted the laws of the State of Iowa. They elected officers, including judges, and established a militia, which went over into eastern Oregon and punished the Indians who were implicated in the Whitman massacre. They established a government, with local officials and a legislature.

This Government continued in effect, and in 1846 the English Government conceded that the northern boundary of the Pacific Northwest should be the forty-ninth parallel, which is now the northern boundary of the State of Washington. In 1848, when the United States Government adopted laws for the government of the Territory they accepted the government provided by the provisional government with but one exception, and that was in the land laws which they supplanted by the donation and act of 1850.

Mr. MOUSER. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. MOUSER. I may say for the information of the gentleman from New York [Mr. LAGUARDIA] that the Committee on Public Buildings and Grounds held extended hearings upon this proposal, and after careful consideration and deliberation it was the unanimous opinion of the committee that this memorial ought to be established. There is just one opponent, some anonymous person, who has written the Members of Congress a letter protesting against such action. As I understand, the distinguished gentleman from Oregon has endeavored to check up on the matter and find out who is this man; but the gentleman's people out there do not even know him and have not heard of him.

Mr. LAGUARDIA. Have the people of Oregon and my colleague from Ohio ever heard of R. C. Clark and his history of the Willamette Valley?

Mr. KORELL. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. KORELL. Would the gentleman have any objection to stating to the House something relative to the extent of the territory that was brought in by this incident?

Mr. HAWLEY. I was coming to that.

Mr. KORELL. And also whether or not the information furnished the gentleman from New York [Mr. LAGUARDIA], and upon which he is apparently acting, has been examined by the accredited authorities of the State, and what decision has been rendered with respect to the accuracy of the point the gentleman will endeavor to make?

Mr. HAWLEY. This territory consists now of the States of Oregon, Washington, Idaho, part of Montana, and Wyoming. It comprises about 300,000 square miles of land. The purpose of this meeting on May 3, 1843, and the purpose of the parties on that day was to determine the national ownership, and both Great Britain and the United States recognized that in the treaty of 1846 and determined to abide by it.

The State of Oregon has acquired about 60 acres and has constructed a temporary building there for the convenience of the large numbers of people who yearly meet at Champoeg to commemorate the patriotic action taken by the early pioneers which determined that the old Oregon country should be a part of the United States. Great Britain, so far as I recall, made no attempt to set that decision aside, and shortly thereafter concluded a treaty conceding the severeignty over it to the United States.

I know. I am personally acquainted with men and women who were there on that great day. I know many of their children and other descendants of the people who were there at that time. It never has been disputed by any great historical person, including Harvey Scott, for many years editor of the Oregonian and the greatest authority on the Pacific Northwest, that that occasion determined the ownership of this area.

Now, if I can be allowed one more minute I desire to leave one further statement with the House. This was one of the greatest events in our history. It added 300,000 square miles of territory to the United States without question. It contains about one-quarter of all of the standing timber which this country possesses—probably more than one-quarter—of which vast areas belong to the national forests.

The people who went to Oregon when they traveled the Oregon Trail left four persons in their graves to a mile in their patriotic endeavor to establish the American status of that country. It was the result of patriotic fervor for the extension and reclamation of a land for the United States, and is an outstanding instance of patriotic devotion in the history of our country.

It has been determined by every authority in the State of Oregon, by all persons who are acquainted with the facts, that Champoeg is a proper site of this momentous action, and the United States would be doing itself honor in marking this spot of a great devotion and successful enterprise in extending our widespread domain. We have expended great sums in marking events of wars. This peaceful achievement, in which no one was harmed but out of which great States have arisen, is fully worthy of the recognition proposed.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I do not want to enter into any controversy with the learned and distinguished gentleman from Oregon as to the historical facts, but nevertheless at this meeting the question of boundary was not involved at all. It was a meeting to establish some form of government to guide them. I do not desire to detract in any way from the sturdy pioneers, but I do not think we ought to establish this precedent, and I am painfully constrained to object.

EXTENSION OF JURISDICTION OF WAR CLAIMS ARBITER TO INCLUDE CERTAIN PATENT CLAIMS

The next business on the Consent Calendar was the bill (H. R. 9142) to extend the jurisdiction of the arbiter under the settlement of war claims act to patents licensed to the United States pursuant to an obligation arising out of their sale by the Alien Property Custodian.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. GREENWOOD. Reserving the right to object, I want to say that I have consistently objected to the consideration of this bill because the amount involved is so large that I do not think that it ought to be passed by unanimous consent. I think it ought to come up under a special rule where it can be considered, debated, and amended. It ought to be considered in the regular way.

Mr. HAWLEY. If consent is given, this comes up in the regular way and will be debated and open to amendment. This does not add to the amount of the expenditures authorized. Congress has already authorized $100,000,000, and this would be only a part of that.

Mr. GREENWOOD. It is extending the jurisdiction, and, therefore, I object.

BENEFITS TO CERTAIN MEMBERS OF QUARTERMASTER CORPS

The next business on the Consent Calendar was the bill (H. R. 6997) granting pensions to the crews of vessels owned or chartered by the United States and engaged in the transportation of troops, supplies, ammunition, or materials of war during the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, when this bill was last under consideration some one other than myself asked unanimous consent to have it passed over without prejudice. At that time I called the attention of the House to what I regarded as a serious obstacle as far as I am personally concerned to having this bill passed in its present form. I could not see any justification for giving this character of relief to civilians who were employed on chartered vessels. I believe I then stated that if any civilian who was employed on vessels of the United States had incurred disability in the service, that necessarily created an obligation upon the part of the National Government to take care of them. I suggested then, and I suggest now anew, an amendment to strike out in line 6 of the committee amendment the words "90 days or more"; in line 10, the words "or chartered"; all of line 12 after the word "who"; all of line 13; and insert, after the word "in," in line 14, the words "such governmental." I wish the attention particularly of the gentleman from Ohio [Mr. MOUSER] because he laid stress upon the fact that this was a unanimous report from the Committee on Pensions. The very provisions of the bill which gave the Committee on Pensions jurisdiction have been stricken out, and in its present form it is a bill which should be considered by the Committee on Military Affairs. I am not seeking to raise an objection by reason of that phase of it. I now read for the consideration of the gentleman from Ohio who reported the bill, and particularly the gentleman from California [Mr. WELCH], the author of the bill, the language as it would read with the amendments that I suggest. I also ask the

attention of other Members of the House, especially those in the censorship class. It would read as follows:

That all persons who served in the Quartermaster Corps or under the jurisdiction of the Quartermaster General during the war with Spain, the Philippine insurrection, or the China relief expedition on vessels owned by the United States and engaged in the transportation of troops, supplies, ammunition or materials of war, and who were discharged for disability incurred in such governmental service, in line of duty, shall—

And so forth.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. LAGUARDIA. I have just one suggestion to make. I think the gentleman's suggestion in the early part of his proposed amendment, together with what he strikes out in the latter part of the paragraph, all right, if he would leave in there the words "or chartered." Some of these vessels were under the quartermaster under bare charter.

Mr. STAFFORD. Oh, then we would be opening up the whole field of relief to those civilians who were employed in the World War on land and on sea. I think I am yielding considerably in going this far.

Mr. LAGUARDIA. In 1898, 1899, and in 1900 the Government owned very few bottoms and it was necessary for the Government to go out and charter these ships. They were under the control, management, and command and were manned by the Quartermaster Corps men.

Mr. STAFFORD. Let me draw the attention of the gentleman to what the Secretary of War says about that contention. The Secretary of War says:

The owners provided the crew, equipment, and all running supplies, except water and fuel, which were furnished by the Government.

Those chartered vessels were not manned by or under the control of the Government.

Mr. LAGUARDIA. Will the gentleman insert "under bare charter"?

Mr. STAFFORD. No; I do not think we should recognize that policy, because when we do, we recognize an obligation of the Government to every kind of contractual relation arising out of war conditions. We should not establish such a precedent.

Mr. MOUSER. Mr. Speaker, we have discussed this proposed amendment with the gentleman who is offering it, and the proponents of the bill have no objection to it. Let the gentleman send up his amendment to the Clerk's desk.

Mr. STAFFORD. With that understanding I have no objection to the bill.

The SPEAKER. The Clerk will report the bill.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the Clerk read the committee amendment.

The SPEAKER. Without objection, the Clerk will read the committee amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That all persons who served 90 days or more in the Quartermaster Corps or under the jurisdiction of the Quartermaster General during the war with Spain, the Philippine insurrection, or the China relief expedition on vessels owned or chartered by the United States and engaged in the transportation of troops, supplies, ammunition, or materials of war, and who have been honorably discharged from such service, or who, having served less than 90 days, were discharged for disability incurred in the service in line of duty, shall—

"(1) Be entitled to the benefits provided for by paragraph (10) of section 202 of the World War veterans' act, 1924, as amended; and

"(2) For the purpose of receiving the benefits of the Soldiers' Home, the National Home for Disabled Volunteer Soldiers, and the Naval Home, be held to have been honorably discharged from the military or naval forces of the United States."

Mr. STAFFORD. Mr. Speaker, I offer the following amendment.

Mr. EDWARDS. Mr. Speaker, consent has not yet been given. A reservation has been made.

Mr. STAFFORD. I stated that I had no objection, with that understanding.

Mr. EDWARDS. I reserve the right to object. Is the chairman of the Pension Committee [Mr. KNUTSON] in the Chamber?

Mr. KNUTSON. Yes.

Mr. EDWARDS. I think the chairman of the Committee on Pensions ought to be heard on this matter, because this involves a lot of civilian employees and excludes a great many others. There is just as much merit in nurses who were employed in the hospitals.

Mr. STAFFORD. This bill does not refer to nurses at all.

Mr. EDWARDS. My colleague [Mr. RUTHERFORD] says that he has considered it and that the committee has carefully considered it. I shall not urge any objection.

The SPEAKER. Is there objection?

Mr. GREENWOOD. Mr. Speaker, reserving the right to object, I do not understand why such relief is offered to civilian employees merely on vessels. Suppose a blacksmith or a teamster had trouble arising from his connection with troops and was disabled in connection with the service. Why should we have legislation to confine this relief to those who were on vessels?

Mr. KNUTSON. The crews of these vessels were in a number of instances obliged to land armed forces in the face of fire, and they were subjected to all military rules and regulations. They received honorable discharges. Now, a blacksmith aboard ship, I assume, at the time of landing would be safely placed down in the hold of the ship, out of the way of danger.

Mr. GREENWOOD. Will the gentleman tell me what is the reason why his committee would not take in all classes of civil employees that received disabilities connected with the service, whether by wounds or disease, and grant them relief? There were many such cases in the Spanish-American War, blacksmiths and cooks and others, who received disabilities and have never yet received any relief. Under these circumstances it seems their situation requires relief just as much as these other people, because they operated under fire many times the same as those covered in this bill.

Mr. KNUTSON. That phase has not been called to the attention of the committee. When the gentleman from California [Mr. WELCH] first introduced his bill it contemplated granting a pension as well as hospitalization. The committee, having given careful consideration to the measure, eliminated the pension feature, but felt that we could in full justice grant hospitalization. If the gentleman will appear before our committee and make his statement we will be glad to give what he has to say our careful consideration.

Mr. GREENWOOD. I do not want to see any such persons excluded from the benefits of legislation like this. It appears to me that we are passing legislation piecemeal, and picking out little groups here and there, when we ought to have general legislation covering them all.

Mr. O'CONNELL of New York. You can not get everything disposed of at once.

Mr. KNUTSON. It is impossible in a general bill to cover all particular and special cases unless you pass a general blanket.

Mr. GREENWOOD. I make this suggestion in order that the gentleman's committee may consider the question.

Mr. KNUTSON. We shall be glad to do so if the gentleman will come before our committee.

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker—and I do not intend to object—I would like to ask the gentleman from Minnesota [Mr. KNUTSON] if he can give the House any idea as to whether we can expect speedy consideration of the bill for the benefit of the Coast Guard?

Mr. KNUTSON. That bill has been reported, after hearings held by the subcommittee.

The SPEAKER. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Speaker, I move to amend the committee amendment by striking out, in line 6, page 3, the words "ninety days or more," and on line 10, striking out the words "or chartered," and on page 3, line 12, after the words "honorably discharged from such service," the words "or who, having served less than ninety days," and on page 3, line 14, after the word "in," striking out the word "the" and inserting the words "such governmental."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD to the committee amendment: Page 3, line 6, strike out the words "ninety days or more"; and on page 3, line 10, strike out the words "or chartered"; and on page 3, line 12, after the word "who," strike out the words "have been honorably discharged from such service"; and on page 3, line 14, after the word "in," strike out the word "the" and insert the words "such governmental."

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Wisconsin to the committee amendment.

Mr. KNUTSON. Mr. Speaker, will the gentleman please tell me in a few word what his amendment will do?

Mr. STAFFORD. This restricts it to those who served on Government-owned vessels during the war, not on chartered vessels.

Mr. KNUTSON. I accept that amendment.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Wisconsin to the committee amendment.

The amendment to the amendment was agreed to.

The SPEAKER. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

COMPACTS BETWEEN COLORADO, NEW MEXICO, UTAH, AND WYOMING

The next business on the Consent Calendar was the bill (H. R. 200) granting the consent of Congress to compacts or agreements between the States of Colorado, New Mexico, Utah, and Wyoming with respect to the division and apportionment of the waters of the Colorado, Green, Bear or Yampa, the White, San Juan, and Dolores Rivers, and all other streams in which such States or any thereof are jointly interested.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TAYLOR of Colorado. Mr. Speaker, this bill, H. R. 200, involves very large and valuable water rights in four States. There is some diversity of opinion on some provisions of the bill and we expect to have a conference in the near future of the Representatives of those States to come to an understanding as to the language of the bill; and inasmuch as there is nobody else affected except the States of Utah, Wyoming, Colorado, and New Mexico, I ask unanimous consent that we be given further time, and that the bill be passed over without prejudice and retain its place on the calendar. Later on I hope to call it up on the calendar.

Mr. Speaker, I also ask unanimous consent to have the next bill, H. R. 201, of which I am also the author, stricken from the calendar without prejudice. I do this because of the objection of the gentleman from Nebraska [Mr. SIMMONS] to this bill and to H. R. 202. I hope that objection may be withdrawn later on.

The SPEAKER. The gentleman from Colorado asks unanimous consent that this bill be stricken from the calendar without prejudice. Is there objection?

There was no objection.

COMPACTS BETWEEN COLORADO, NEBRASKA, AND WYOMING

The next business on the Consent Calendar was the bill (H. R. 201) granting the consent of Congress to compacts or agreements between the States of Colorado, Nebraska, and Wyoming, with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to have this bill also stricken from the calendar without prejudice.

The SPEAKER. Is there objection?

There was no objection.

PROFESSIONAL PRIZE FIGHTING AND AMATEUR BOXING IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 9182) to prevent professional prize fighting and to authorize amateur boxing in the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object——

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice. I do so at the request of the gentleman from Texas, who is unavoidably absent from the Chamber.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] asks unanimous consent that the bill H. R. 9182 may be passed without prejudice. Is there objection?

There was no objection.

STATE AID—RURAL POST ROADS

The next business on the Consent Calendar was the bill (H. R. 7585) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLTON. Mr. Speaker, I ask unanimous consent that this bill may be passed without prejudice.

The SPEAKER. The gentleman from Utah [Mr. COLTON] asks unanimous consent that the bill H. R. 7585 be passed without prejudice. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I do not want to do, I ask unanimous consent that I be permitted to extend in the RECORD at this place a suggested amendment to the bill, in order that it may have consideration.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CRAMTON. I suggest the bill be amended so as to read as follows:

That the Federal highway act, approved November 9, 1921 (42 Stats. L. 212), as amended or supplemented, be further amended by amending the second paragraph of section 3 of said Federal highway act to read as follows:

"The Secretary of Agriculture is authorized to cooperate with the State highway departments and with the Department of the Interior, in the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations. Such sums as the Congress may hereafter authorize to be appropriated under the provisions of this section shall be apportioned among those States having more than 5 per cent of their area in the lands hereinbefore described and shall be prorated and apportioned to said States in the proportion that said lands in each of said States is to the total area of said lands in the States eligible under the provisions of this section, and no contribution from the States shall be required in the expenditure thereof: *Provided*, That in the allocation of any such funds authorized to be appropriated under this section or any subsequent act preference shall be given to those projects which are located on the Federal aid highway system as the same are now or may hereafter be designated.

"The Secretary of Agriculture shall publish information, at least annually, showing the progress made in the expenditures of the funds authorized under this section."

SEC. 2. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

The SPEAKER. Is there objection to the request of the gentleman from Utah [Mr. COLTON]?

There was no objection.

ADMINISTRATION OF THE NATIONAL PARKS OF THE UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 8163) to facilitate the administration of the national parks by the United States Department of the Interior, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

CONSTRUCTION OF A BRIDGE ACROSS THE OHIO RIVER AT OR NEAR CANNELTON, IND.

The next business on the Consent Calendar was the bill (H. R. 10258) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cannelton, Ind.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, has the gentleman from Indiana [Mr. DUNBAR] now inserted in the RECORD all of the affidavits which he has?

Mr. DUNBAR. All of the affidavits that I have have been inserted in the RECORD, and they cover two pages of the RECORD.

Mr. LAGUARDIA. Mr. Speaker, I think the record now is clear and certain that the objectionable connections with this project have been removed, and therefore I have no objection.

The SPEAKER. Is there objection.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Ohio River at or near Cannelton, Ind., authorized to be built by the Hawesville & Cannelton Bridge Co., by the act of Congress approved March 1, 1929, are hereby extended one and three years, respectively, from March 1, 1930.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

INVALID PENSIONS

The SPEAKER. The Chair will say for the benefit of the Members that he has in contemplation only one motion to suspend the rules. This is on the bill to increase pensions of soldiers and sailors of the Civil War, the bill H. R. 12013. The time for this will probably be about 4.15 this afternoon.

DEFERRING COLLECTION OF CONSTRUCTION COSTS AGAINST INDIAN LANDS WITHIN IRRIGATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 5282) authorizing the deferring of collection of construction costs against Indian lands within irrigation projects, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Michigan [Mr. CRAMTON] asks unanimous consent that the bill H. R. 5282 be passed over without prejudice. Is there objection?

There was no objection.

ACQUISITION OF BRIDGE, HAZARD, KY.

The next business on the Consent Calendar was the bill (H. R. 10037) to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes," approved May 16, 1928.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, there are several of these relief bills on the Consent Calendar to-day. This is only $31,000, but, the State of Georgia has several hundred thousand. It seems to me it is hardly the place to consider and pass such bills on the Consent Calendar unless we know exactly what the policy is going to be.

Mrs. LANGLEY. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mrs. LANGLEY. For the information of the gentleman from New York [Mr. LAGUARDIA] I may suggest that the appropriation has already been made for this and is waiting to be expended in Kentucky.

Mr. LAGUARDIA. Who made the appropriation?

Mrs. LANGLEY. It was made in the flood relief bill for the State of Kentucky in 1928. The Federal road act prohibits the use of it because it was built immediately after the disaster, and under the language of the flood relief act it is impossible to take over the bridge.

Mr. LAGUARDIA. But, when the gentlewoman says the appropriation has already been made, does the gentlewoman refer to the State appropriation?

Mrs. LANGLEY. Both Federal and State, $1,889,994, the Robsion bill carried for flood relief for Kentucky, passed in 1928. This was the major disaster in Perry County.

Mr. LAGUARDIA. And what is the necessity for this bill?

Mrs. LANGLEY. Because the bridge was built while the Robsion bill was pending by a bridge committee. It connects the railroad with the town.

Mr. LAGUARDIA. Then the fact is that the project has been approved?

Mrs. LANGLEY. Yes.

Mr. LAGUARDIA. The money has been appropriated?

Mrs. LANGLEY. Yes.

Mr. LAGUARDIA. And by reason of some defect in the existing law this is an enabling act.

Mrs. LANGLEY. That is exactly the situation. The Secretary of Agriculture has approved this bill.

Mr. LAGUARDIA. Mr. Speaker, I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the item "Flood relief, Vermont, New Hampshire, and Kentucky" in the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, approved May 16, 1928 (45 Stat. L. 570), be, and the same is hereby, amended by adding at the end thereof the following:

"*And provided further*, That the Secretary of Agriculture may cooperate with the State of Kentucky in acquiring the bridge built and now operated by the Citizens Bridge Co., of the city of Hazard, Ky., over the North Fork of Kentucky River from Main Street in said city to the Louisville & Nashville Railroad right of way and depot, and out of the funds herein appropriated for the relief of said State he may pay one-half of the cost of acquiring said bridge, such payment in no event to exceed $31,000, and the other one-half of such cost shall be paid by the State of Kentucky."

With the following committee amendment:

On page 2, line 11, after the word "Kentucky," insert the words "after acquiring said bridge no tolls shall thereafter be charged."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

NATIONAL PROHIBITION ACT

The next business on the Consent Calendar was the bill (H. R. 11199) to amend sections 22 and 39, Title II, of the national prohibition act.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object.

Mr. SCHAFER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SCHAFER of Wisconsin. This bill has for its purpose the amendment of the national prohibition act. I desire to inquire if this bill is considered whether a motion to repeal the national prohibition act and supplemental acts thereto would be in order.

The SPEAKER. The Chair does not quite get the force of the gentleman's inquiry. The gentleman from New York reserves the right to object. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, we have a number of bills coming from the Committee on the Judiciary, after several months' study of the report of the crime commission. We have also had a special message from the President, and I believe this bill should go over for two weeks in order that we may consider all of the bills together.

Mr. CHRISTOPHERSON. If the gentleman will permit, this bill stands independently of the other commission bills.

Mr. LAGUARDIA. I think it should go over two weeks.

Mr. STOBBS. If the gentleman will reserve his objection——

Mr. LAGUARDIA. I reserve it.

Mr. STOBBS. It may happen, of course, that the legislation coming out of the committee may not be related to the commission's program and it may. We do not know.

Mr. LAGUARDIA. But it will be related to the subject matter.

Mr. STOBBS. But this is entirely unrelated to it.

Mr. LAGUARDIA. I would like to have it go over for two weeks. This is a part of the commission's report.

Mr. STAFFORD. A very minor part.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

DELINQUENT LANDS ON IRRIGATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 11200) to provide for the acquisition, sale, and closer settlement of delinquent lands on irrigation projects by the Government to protect its investment.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I would like to have time to go over this bill with the author of it. I ask unanimous consent that it may be passed over without prejudice.

Mr. STAFFORD. Mr. Speaker, reserving the right to object to the gentleman's request, I wish to notify the gentleman that after he gets through with the author I ask him to refer him to me, because I have some serious question as to whether we should pass this character of legislation.

Mr. CRAMTON. I think it is desirable that something along this line should be done, but from such examination as I have made of the bill I am not sure we want to pass a bill just as this is written.

Mr. STAFFORD. Is not the gentleman going into the business of buying up tax liens under the provisions of this bill?

Mr. CRAMTON. Well, that would not be the worst crime the Government could commit under some conditions.

Mr. STAFFORD. With the revenues of the Government being depleted and the gentleman being on the Committee on Appropriations, I thought that would be a rather potential argument against consideration at this time.

Mr. CRAMTON. We have a situation as to our reclamation lands that is a condition and not a theory, and because it is complicated I have asked that this bill go over without prejudice, so that we may study it.

Mr. STAFFORD. I have no objection to the bill going over without prejudice for all time.

Mr. ARENTZ. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. ARENTZ. In view of the statement of the gentleman from Wisconsin, that after the gentleman from Michigan gets through with his study of the bill he would like to have something to say regarding this bill, I wish to say to the gentleman from Idaho, the chairman of the Committee on Reclamation, that it would be apropos at this time to suggest to the gentleman from Wisconsin that it would be very well for him to address a communication, in the way of some insertion in the RECORD, as to his objection to this legislation, because it is establishing a policy, so that the gentleman from Idaho and myself might know the objections of the gentleman from Wisconsin. It would be well if the gentleman from Wisconsin would insert such a statement in the RECORD.

Mr. STAFFORD. It is my policy never to insert out of order anything in the RECORD.

Mr. ARENTZ. It would be a whole lot better if the gentleman would do that rather than to get up here and suggest that after the gentleman from Michigan gets through with his study of this bill he wants to go into it himself.

Mr. STAFFORD. I will debate the question with the gentleman now. I have examined the bill and the report and I have considered the proposition very seriously, maybe more so than the gentleman from Nevada.

Mr. ARENTZ. I do not think the gentleman has.

Mr. STAFFORD. I do know about this, although I may not know about the depleted silver mines to the same extent as the gentleman from Nevada knows about them out in that dry climate.

Mr. SMITH of Idaho. Is the gentleman from Wisconsin aware that this money comes out of the reclamation fund and not out of the Treasury?

The regular order was demanded.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

CHARLES J. HARRAH

The next business on the Consent Calendar was the joint resolution (H. J. Res. 248) authorizing an appropriation for the expenses of the arbitration of the claim of Charles J. Harrah against the Government of Cuba.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LEHLBACH). Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, when this bill was before the House on last consent day I reserved the right to object and asked to have the bill go over, because I wanted to ascertain the attitude of the State Department in dealing with all claims of American citizens now pending against the Republic of Cuba.

I took the matter up with the Acting Secretary of State, and I will state frankly to the House that I could not and did not receive an intelligent or a courteous reply. When I ask for information from a department for my official use I expect to get information. I will say that in this question of arbitration with Cuba I called attention of the House the other week to the Barlow case. I want now to say that if the Harrah case goes to arbitration I hope he will be treated and protected better than Captain Smith was protected in his case. The Smith case went to arbitration, and I do not believe an appropriation was made; and, although the award was made by the arbitrators; Captain Smith, who is now a resident of the city of Washington, has been unable to collect his award by reason of conditions improperly imposed upon him since the award was made.

Now, gentlemen, I do not want to prejudice the Harrah case, but I say that we have a right to know whether the State Department is going to back American citizens in their claims against the Republic of Cuba, or whether they are going to pick one out and take up only such cases as they choose. I also believe we should know if the State Department will back citizens after an award is made. This deplorable condition exists particularly in the State Department in reference to claims against the Cuban Government.

Mr. O'CONNELL of New York. Will the gentleman yield?

Mr. LAGUARDIA. In just a moment. The Acting Secretary of State, during the absence of Mr. Stimson, of course, is new and inexperienced. He may think he can write letters to Members of Congress the same as he does to minority stockholders about to be frozen out when he is putting through a merger.

He must know that when information is desired for official use, Members of Congress, who are attending to their duties, will insist on getting the information we need.

Mr. O'CONNELL of New York. That is not the experience of the Committee on Foreign Affairs of the House. We find the State Department one of the greatest departments in the Government from which to get accurate information.

Mr. LAGUARDIA. Well, I did not get any. I do not believe the Committee on Foreign Affairs know all about the Barlow case or the Smith case.

Mr. O'CONNELL of New York. I do not know just what the gentleman asked for, and that has not been our experience. Why not let this be a precedent?

Mr. LAGUARDIA. Well, I am not going to let it go by.

Mr. EDWARDS. Regular order, Mr. Speaker.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice, retaining its place on the calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. LINTHICUM. Mr. Speaker, reserving the right to object, I should like to ask the gentleman what are his specific objections to this bill.

Mr. LAGUARDIA. I have already stated them.

Mr. LINTHICUM. I was unable to hear the gentleman.

Mr. LAGUARDIA. I want the Department of State to protect equally all citizens of the United States in their claims against the Republic of Cuba and to see that they get a square deal.

Mr. EDWARDS. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PRODUCTION AND DEVELOPMENT OF FOREST PRODUCTS, ETC.

The next business on the Consent Calendar was the bill (H. R. 6981) to promote the better protection and highest public use of the lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, the development and extension of recreational uses, the preservation of wild life, and other purposes not inconsistent therewith; and to protect more effectively the streams and lakes dedicated to public use under the terms and spirit of clause 2 of the Webster-Ashburton treaty of 1842 between Great Britain and the United States; and looking toward the joint development of indispensable international recreational and economic assets.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I am in hearty sympathy with the policy enunciated in this bill, but I have had difficulty in finding the sponsor for the incorporation of the last proviso granting the right of homestead entry in these forest reserves. I find no recommendation by any of the departments for this language. I would like to ask the author of the bill how this language came to be incorporated in the measure?

Mr. NOLAN. What is the language the gentleman refers to?

Mr. STAFFORD. The language incorporated in the proviso granting authority to the Secretary of Agriculture to list available lands for homestead entry.

Mr. NOLAN. That proviso was put in there at the request of the department, so that if any of these lands are found to be agricultural lands they may be opened for entry.

Mr. COLLINS. Is the property in the gentleman's congressional district?

Mr. NOLAN. It is not in my district. It is in the State of Minnesota.

Mr. COLLINS. How does the Congressman in whose district the land is situated feel about the bill?

Mr. NOLAN. The gentleman is here and can speak for himself.

Mr. STAFFORD. The gentleman says that this language, if the gentleman from Mississippi will permit, was recommended by the department?

Mr. NOLAN. It was recommended by the department; yes.

Mr. STAFFORD. In my reading of the report I did not find any such recommendation.

Mr. O'CONNELL of New York. Why not ask the author of the bill for some information about it?

Mr. NOLAN. I am the author of the bill.

Mr. O'CONNELL of New York. I mean the gentleman in whose district the land is situated.

Mr. PITTENGER. Well, that is quite a long story. I would say the bill is not a bill I look upon with favor in its present shape.

Mr. STAFFORD. I understood that most of this land was land suitable for forestry purposes.

Mr. NOLAN. Most of the land, and practically all of the land, included in this bill, is land that is suitable only for forestry purposes.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. NOLAN. Yes.

Mr. LaGUARDIA. If the gentlemen from Minnesota who are affected by this bill can not agree on it, certainly we from Manhattan do not know what to do about it, so the gentleman had better have it go over.

Mr. STAFFORD. Oh, no; there is no necessity for that. This bill has been strongly urged by all conservationists.

Mr. EDWARDS. Regular order, Mr. Speaker.

Mr. PITTENGER. Mr. Speaker, I object.

RELIEF OF RETIRED AND TRANSFERRED MEMBERS OF THE NAVAL RESERVE AND MARINE CORPS RESERVE

The next business on the Consent Calendar was the bill (H. R. 1193) for the relief of retired and transferred members of the Naval Reserve Force, Naval Reserve, and Marine Corps Reserve.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. JENKINS. Reserving the right to object, this bill is a matter of great importance, and I ask unanimous consent that it be passed over without prejudice.

Mr. GREENWOOD. There are several bills from the Naval Committee, and it seems to me that they ought to be considered in the regular way.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

REGULATING THE DISTRIBUTION AND PROMOTION OF COMMISSIONED OFFICERS OF THE MARINE CORPS

The next business on the Consent Calendar was the bill (H. R. 7974) to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LaGUARDIA. Mr. Speaker, I ask that this bill go over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

UNITED STATES NAVAL HOSPITAL, WASHINGTON, D. C.

The next business on the Consent Calendar was the bill (H. R. 9676) to authorize the Secretary of the Navy to proceed with certain public works at the United States Naval Hospital, Washington, D. C.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. McCLINTIC of Oklahoma. Reserving the right to object, I want to say that Members know my position on this subject. This is a bill to construct a new naval hospital in Washington. I am in favor of giving the Navy all the facilities they need in order to take care of naval patients.

At the present time the Navy has 7,284 beds in naval hospitals. The peak load for 1929, including 2,917 veteran patients, was 5,892. The $15,000,000 recently appropriated to construct additional hospitals for veteran patients will provide additional facilities for 3,900 patients. Therefore should the 2,917 veteran patients now being taken care of by the Navy be withdrawn, then there would be left 3,300 vacant beds in naval hospitals without patients to be taken care of.

When this matter came before the committee I suggested that we appropriate enough money to take care of the naval patients and specified the amount that I thought should be appropriated for the Washington hospital. I want to call attention to the fact that there are eight different places in the United States where recommendations have been made that naval hospitals be constructed. If we should construct naval hospitals in all the places that we are asked to do, we will have 10,000 vacant beds in naval hospitals without any patients to be put in same, provided the Veterans' Bureau completes its program and withdraws their patients from naval hospitals.

In view of the fact that this is a problem that should receive a good deal of discussion, I think the subject of naval hospitals ought to come up on some day when we can give it plenty of time. Therefore I am going to suggest that we do not consider bills of this kind at the present time but pass them over until a day can be set apart when we can give the matter full and careful consideration.

Mr. BRITTEN. Mr. Speaker, I understand the gentleman is reserving his right to object?

Mr. JENKINS. I reserve the right to object.

Mr. BRITTEN. Mr. Speaker, the gentleman is 100 per cent correct if you disregard his two "ifs." The first "if" was along this line, that if the Veterans' Bureau should take its patients out of the naval hospital there would be so many thousand beds vacant. That is literally true, but the Veterans' Bureau does not contemplate doing that thing or anything like it. On the contrary, the representative of the Veterans' Bureau told us in committee that all of their plans and calculations were based on doing just exactly what they are doing now—maintaining naval patients in all Government institutions to their fullest capacity. The gentleman from Oklahoma thinks there is too much money in this bill. He is entitled to that opinion. We are all of equal importance on the Naval Affairs Committee—no one is of more importance than another. I regard his opinion very highly. He thinks there is too much money involved in this bill. That is his way of looking at it. His other "if" was, if we proceeded to build naval hospitals at eight or nine other places in the United States we would have a surplusage of naval beds. He is entirely accurate there, but the Navy Department does not contemplate doing that little thing. We think that the Veterans' Bureau patients are being admirably housed in naval hospitals at a saving to the National Treasury. Let me give you a figure or two while I am on my feet. When these hearings took place there were 19,990 Veterans' Bureau patients scattered around the country. They cost the Veteran's Bureau $4.01 a day on the general average in Veterans' Bureau hospitals.

Mr. O'CONNELL of New York. Where does the gentleman get his information?

Mr. BRITTEN. From the Veterans' Bureau and the Navy Department.

Mr. COLLINS. But the gentleman does not count in his figures the salaries of medical officers and other naval employees, and it is well known that the cost per patient in naval hospitals, if you take into consideration salaries, is as large as they are in other Government hospitals.

Mr. BRITTEN. I was not talking about naval hospitals.

Mr. PATTERSON. Mr. Speaker, this is a very learned discourse the gentleman is making. I intend to object unless this is passed over without prejudice.

Mr. VINSON of Georgia. Will the gentleman withhold his objection?

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. McCLINTIC of Oklahoma. Mr. Speaker, I object.

NAVAL HOSPITAL, PHILADELPHIA

The next business on the Consent Calendar was the bill (H. R. 10166) to authorize the Secretary of the Navy to proceed with the construction of certain public works at Philadelphia, Pa., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JENKINS. Mr. Speaker, unless some one can show us there is any difference between this bill and the one preceding it, I shall have to object.

Mr. BRITTEN. There is no difference; they are both very necessary.

Mr. CRAMTON. Except that this is less necessary than the other?

Mr. BRITTEN. The Navy Department says it is more necessary.

Mr. COYLE. The Navy Department puts this at the head of the list.

Mr. CRAMTON. The report says that there are several others ahead of it.

Mr. COYLE. This is on the first of the list.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that it be passed over with prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. I object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Mr. Speaker, I object.

Mr. TABER. Mr. Speaker, will the gentleman withhold his objection while I make a statement?

Mr. PATTERSON. Yes.

Mr. TABER. Mr. Speaker, I think this hospital in Philadelphia is needed, but I think that the estimate of $5,000 a bed

is excessive. The Veterans' Bureau is getting along with $4,000. I wonder if the committee would accept an amendment reducing this to $4,000 a bed?

Mr. CRAMTON. Mr. Speaker, in connection with what my colleague says, I note from the report of the Acting Secretary of the Navy the following:

> The most recent report of the board to the Secretary of the Navy in regard to new construction carries a new naval hospital at Philadelphia. Inasmuch as other items on the list are deemed more necessary to the efficiency of the naval service, and have not yet been provided for, this item was not included in the list of projects provided for in the bill H. R. 1192, which has been favorably reported to the House, and therefore the Navy Department does not recommend that the bill H. R. 10166 be enacted at the present time.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, I object.

REGULATIONS RELATING TO FIRE TRESPASS ON NATIONAL FORESTS

The next business on the Consent Calendar was the bill (H. R. 9630) to make the regulations of the Secretary of Agriculture relating to fire trespass on the national forests applicable to lands the title to which revested in the United States by the act approved June 9, 1916 (39 Stat. 218), and to certain other lands known as the Coos Bay wagon-road lands.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I feel that I shall have to object to this bill. The report of the Secretary of the Interior says it carries with it, with approval, the report of the Commissioner of the General Land Office, and in that I find this statement:

> As a result of payments made pursuant to provisions of said act, and under the act of June 9, 1916, there is at present a deficit in the Oregon and California land-grant fund of approximately $6,000,000.

I understand that more has gone out than has come in to the extent of $6,000,000.

Mr. HAWLEY. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. HAWLEY. This bill has nothing to do with that at all.

Mr. CRAMTON. This is to put a further charge upon the Federal Treasury.

Mr. HAWLEY. At present the forest lands in the State of Oregon and elsewhere are protected against fire, and the privately owned lands in the State of Oregon are protected against fire by the State forest service or by the companies themselves protecting their land in accordance with the law of our State under the supervision of our forest service; but these lands in the Coos Bay wagon-road grant and the Oregon & California Railroad grant have a different status, and your Committee on Appropriations has for years been appropriating money for the protection of these separately, at a cost at first of $25,000 and now at an expense of about $100,000 per year. This bill simply provides a better method by which the properties can be protected than is at present provided, with no increased expense to the Government.

Mr. CRAMTON. Let me read further from the report of the Commissioner of the General Land Office:

> The field force of this department, both during the period the Interior Department had charge of fire protection and since that duty was delegated by Congress to the Department of Agriculture, has fully cooperated with all other active agencies in the protection of timber on the public domain as well as that on privately owned land. In the above-mentioned report from the chief of field division it is stated that during the five years next preceding March 6, 1929, he had only known of two fires upon the revested lands, which had resulted in a loss of $7,500, one of which was caused by a donkey engine and the other by the burning of slashing on the recently graded portion of a State highway. This would indicate that the practice heretofore followed with reference to fire protection on revested lands has been eminently successful.

I would be opposed, in view of that statement, to any legislation that would have any chance of involving a heavier charge upon the Federal Treasury on account of the protection of these lands in which the Government has a limited interest.

Mr. HAWLEY. So far as the Federal Government's interest is concerned, the cost of caring for them is a Federal charge, and, as I understand it, the money expended in their protection would be subtracted from the funds before the final adjustment is made under the act.

Mr. CRAMTON. What I understand is that we have put in $6,000,000 more than we have taken out, so that while these additional charges, as the gentleman says, can be charged up against the land and returned when we sell the land, we are not at all sure that the land when sold will ever bring back the cost.

Mr. HAWLEY. There is over 30,000,000,000 feet of timber on these lands. Under the law one-fourth of the proceeds from the sales of timber, and so forth, goes to the counties for roads, bridges, and schools.

Mr. CRAMTON. That is before we take out our cost of administration?

Mr. HAWLEY. The cost of administration is a continuing charge, and this money that has been paid, some $6,000,000, under the law results in the subrogation of the Government to the interest of the counties with the result that the interest of the Government, instead of being 10 per cent, is 10 per cent plus $6,000,000, and in addition thereto the 40 per cent that is to be paid into the reclamation fund.

Mr. CRAMTON. Let me be assured of this, because it affects my attitude toward the bill. We take out, first, the cost of administration and then the per cent goes to the county, and so forth?

Mr. HAWLEY. My impression is that the Government has already paid some of the administrative costs. It has settled with railroad company, the wagon-road company, surveyed and classified the lands, and done some other acts at the expense of the funds received or to be received, and on the final settlement, of the net sales, 25 per cent will go to the counties and 25 per cent to the State and 40 per cent to the reclamation fund. Ten per cent is reserved to the Government by the law.

Mr. CRAMTON. That is 10 per cent. If the expenses of administration are more than 10 per cent, the Treasury bears that, and hence I am opposed to this because of the increase of administration expense.

Mr. HAWLEY. The expense of administration will be taken out first, if my understanding is correct.

Mr. CRAMTON. That is what I am interested in.

Mr. HAWLEY. The Government is interested in having these lands with their enormous stands of lumber protected from fire. I have no objection to the gentleman's suggestion, but I want the facts to be known.

Mr. GREENWOOD. I understand these are certain detached pieces of forest land?

Mr. HAWLEY. They are lands formerly granted to the railroad and wagon-road company.

Mr. GREENWOOD. These are lands subject to entry?

Mr. HAWLEY. The timber is subject to be sold, and after that the land is subject to entry.

Mr. GREENWOOD. Does not this commit the Federal Government to take care of forest fires on removed and detached forest tracts?

Mr. HAWLEY. No. These are odd-numbered sections. The Government owns a large proportion of even-numbered sections. They are not detached, but checkered.

Mr. GREENWOOD. Is not the Government going to an expense in fighting forest fires on privately owned lands?

Mr. HAWLEY. No. They are all protected under State laws.

Mr. LEAVITT. Mr. Speaker, will the gentleman yield? I want to call the attention of the gentleman to the fact that the Secretary of Agriculture reports that the enactment of the legislation would not add to the cost of protection to the lands, but, rather, in the judgment of the department, would lessen that cost, so that any objection that there could be to this bill on account of the added cost would be removed.

Mr. HAWLEY. That is my understanding, but the gentleman from Michigan did not so understand that, as I infer.

Mr. CRAMTON. That is the point. All I was interested in was the protection of the Treasury.

Mr. HAWLEY. The Secretary of Agriculture says it will not increase the cost.

Mr. CRAMTON. In this case I shall not press my objection, in view of that statement.

Mr. LaGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. LaGUARDIA. Is not this affected by a case now pending in the Court of Appeals?

Mr. HAWLEY. Yes. I think the land is specifically designated.

Mr. LaGUARDIA. When that case is finally adjudicated, will it affect this land?

Mr. HAWLEY. No. That was in regard to the recapture of the land.

Mr. LaGUARDIA. You ought to have your citation there. It is important that it should be put in.

Mr. McCLINTIC of Oklahoma. Mr. Speaker, a parliamentary inquiry. What is the status now? I want to say that I have directed the attention of Members of this House on several occasions to the fact that this is part of the Oregon-California land

grant, and if this report is correct, then a part of the proceeds of this land will go to certain counties in Oregon, and, in addition, they are allowed to assess this land for taxes, or collect an amount equal to taxes.

Mr. HAWLEY. No. The counties do not have these lands in their tax rolls.

Mr. McCLINTIC of Oklahoma. According to this report there is a deficit now of $6,000,000 in this fund. I brought it to the attention of the House some time ago, that a few counties in Oregon had already obtained more than $7,000,000 because of the law passed in 1926. This is the only tract of public land in the entire United States that is assessed in favor of the counties where the land is located, and according to the Interior Department such assessments run as high as $100 an acre.

Mr. HAWLEY. They are not assessed by the counties. The law recapturing these lands and providing the disposition of them provided that 25 per cent of the moneys received from the sale should be distributed to the counties; 25 per cent to the State school fund; 40 per cent to the reclamation fund; and 10 per cent to the Government. The Government did not sell the land or timber as was anticipated, and the counties' interest was an interest in abeyance. So, the Congress by legislation provided that they would pay to the counties up to their interest and take over such interest the land and timber for the United States.

Mr. McCLINTIC of Oklahoma. I am sure it was never the intention of Congress to pass a bill which would allow the authorities of Oregon to assess these lands as high as $100 per acre.

Mr. HAWLEY. We do not have a dollar of assessment on the land.

Mr. McCLINTIC of Oklahoma. Well, the results are the same. You collect a certain amount of money and some of your counties have already received more than a million dollars because of the law of 1926.

Mr. HAWLEY. But that has nothing to do with this bill. The only thing involved in this bill is whether the Government, having a 40 per cent interest for the reclamation fund and 10 per cent in its own right, and other interests in these lands ought not to protect the land carefully from fire and loss. It is against its own interest not to do so.

Mr. McCLINTIC of Oklahoma. I made a certain investigation some time ago, and the reason I made the investigation is that I was a member of the Public Lands Committee when a law was passed which took these lands back from the railroad company. I know it was never the intention of that committee to cause the Government to pay these huge sums back to the counties of Oregon.

In view of this controversy, I do not think that we should pass by unanimous consent a bill of this kind. I think the entire subject ought to be opened up; and if the counties of Oregon are entitled to receive this money, then they should be paid, but I do not think anyone that has a proper understanding of the subject will say these counties are entitled to the amount they are now receiving.

Mr. HAWLEY. May I say to the gentleman from Oklahoma [Mr. McCLINTIC] that the bill of which he speaks was pending for a considerable time and was thoroughly discussed in the Interior Department and before the committee and prior to its passage by the House. But this particular bill that is now under consideration has nothing to do with that. The Government has certain property. It has an interest amounting to more than one-half in 30,000,000,000 feet of standing timber. Is it to the interest of the Government to protect this timber from fire, or is it to the Government's interest to let it burn without protection?

Mr. McCLINTIC of Oklahoma. As I understand it, your counties are beneficiaries of the act which was passed by the Committee on the Public Lands?

Mr. HAWLEY. Yes.

Mr. McCLINTIC of Oklahoma. And your counties are the only ones that are getting any money?

Mr. HAWLEY. Because that is the only place in which the land is located.

Mr. McCLINTIC of Oklahoma. Your counties have already received money sufficient to cause a deficit of $6,000,000 in the Treasury.

Mr. HAWLEY. Not a deficit.

Mr. McCLINTIC of Oklahoma. That is what the report shows.

Mr. HAWLEY. The Government has taken over $6,000,000 worth of this timber that belonged to the counties and has given the counties the money and taken over the interest of the counties.

Mr. LEAVITT. Will the gentleman yield?

Mr. McCLINTIC of Oklahoma. I yield.

Mr. LEAVITT. The situation is that over a considerable period of years the Government has been appropriating about $100,000 a year for the protection of this group of revested lands. I happen to know that section of the country because I lived there at one time, and the lands involved in these grants that have been revested are checkerboarded throughout other lands of the same character in the national forest area. For the protection of the national forest areas it is necessary that the same kind of protection be given to these checkerboarded lands lying within them. For that reason $100,000 a year has been appropriated for that purpose for some time, but the fire trespass laws that are applicable on national forest lands that enable the Government to protect its own investment, do not apply on these revested lands. All that is provided for in this bill is to make more effective the expenditure of funds already being expended by extending the trespass laws of the Forest Service to these land grants within the Federal lands.

Mr. McCLINTIC of Oklahoma. I want to thank the gentleman from Montana [Mr. LEAVITT] for the information he has given. I would not think it would be right for any Member of Congress to raise objection, provided the benefits accruing would come to the Government, but, none of the benefits spoken of here will come to the Government. The citizens of certain counties are being benefited because of assessments as high as $100 per acre on this land, when it can be homesteaded and the Government will only receive $1.25 per acre.

Mr. LEAVITT. That money is being spent now, but the effectiveness is not what it should be because the trespass laws of the Forest Service can not apply to these checkerboarded lands within the national forests. All that this bill provides is to make them applicable to such lands. It does not increase the cost by 1 cent. In fact, it will decrease the cost, because it will make more effective the expenditure of money. It will not increase what we are now spending, but will make what we are expending more effective in the protection of our own lands, and in that way the Federal Government will receive a benefit.

Mr. McCLINTIC of Oklahoma. In view of the fact that the more money that will be expended the less the United States Government will get, I shall have to object.

The SPEAKER pro tempore. Objection is heard.

PAY CLERKS AND ACTING PAY CLERKS

The next business on the Consent Calendar was the bill (H. R. 1194) to amend the naval appropriation act for the fiscal year ended June 30, 1916, relative to the appointment of pay clerks and acting pay clerks.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JENKINS. Mr. Speaker, reserving the right to object, I should like to ask the chairman of the committee a question. From a reading of the bill it would appear to me that this bill would provide for an increase of pay, but I notice the report indicates there will be no increase. I would like to know how the gentleman can explain that.

Mr. MILLER. Why there will be no increased cost to the Government?

Mr. JENKINS. Yes.

Mr. MILLER. Simply because it opens up a greater field to the enlisted man. He can apply for this position and go into the examination for appointment as pay clerk or acting pay clerk, which he can not do under existing law. This bill was passed unanimously by the Naval Affairs Committee.

Mr. JENKINS. How many persons does the gentleman think will be affected by this bill?

Mr. MILLER. When the last examination for pay clerk and acting pay clerk was held, there were 14 vacancies and 18 applicants, and out of the 18 only 12 passed, so they were unable to fill the positions. This bill provides for enlarging the area and giving a better and greater opportunity to the enlisted men.

Mr. JENKINS. The Navy Department recommends this legislation?

Mr. MILLER. Yes.

Mr. PATTERSON. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. PATTERSON. What will be the expense?

Mr. MILLER. Not a cent.

Mr. PATTERSON. Then what is the purpose of the bill?

Mr. MILLER. The bill explains it to you.

Mr. PATTERSON. I have read the bill.

Mr. MILLER. Then the gentleman must understand it.

Mr. BRITTEN. If the gentleman will permit, this bill merely widens the scope for the selection of pay clerks and acting pay



clerks from the enlisted personnel. It gives the department a greater opportunity of selection in that class, and that is all.

Mr. PATTERSON. Then the change made in existing law does not raise the pay at all?

Mr. BRITTEN. No; because the pay is based on length of service.

Mr. COLLINS. But you will have more clerks.

Mr. BRITTEN. No more clerks, but a greater area from which to make a selection. Up to the present moment, under existing law, there are only three classifications in the enlisted personnel from which these clerks may be selected. This will widen that selection area and put in the enlisted personnel who are not in now; that is, the warrant and petty class.

Mr. STAFFORD. You will secure a higher grade of pay clerks if you provide a larger circle from which to make the selection.

Mr. BRITTEN. That is true.

Mr. COCHRAN of Missouri. It will be in the interest of the men who start at the bottom.

Mr. BRITTEN. Yes; and gives a greater opportunity of selection in what you and I might call an unimportant grade.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That so much of the act approved March 3, 1915, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes" (38 Stat. L. 942; U. S. C. title 34, sec. 131), as provides: "The title of paymaster's clerk in the United States Navy is hereby changed to pay clerk, and hereafter all pay clerks shall be warranted from acting pay clerks, who shall be appointed from enlisted men of the Navy holding acting or permanent appointments as chief petty officers, who have served at least three years as enlisted men, at least two years of which service must have been on board a cruising vessel of the Navy" is hereby amended to read as follows: "The title of paymaster's clerk in the United States Navy is hereby changed to pay clerk, and hereafter all pay clerks shall be warranted from acting pay clerks, who shall be appointed from enlisted men in the Navy holding acting or permanent appointments as chief petty officers, or appointments as petty officers, first class, who have served at least three years as enlisted men, at least two years of which service must have been on board a cruising vessel of the Navy."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

INCREASED CHARGE FOR RETURN RECEIPTS

The next business on the Consent Calendar was the bill (H. R. 8649) to authorize the Postmaster General to collect an increased charge for return receipts for domestic registered and insured mail when such receipts are requested after the mailing of the articles.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I desire to call the attention of every Member of the House to the fact that not only does this bill provide an increased fee for return receipts, entirely under the jurisdiction of the Post Office Department and Post Office Committee, but this startling provision is sought to be written into the law:

Which receipt shall be returned to the sender and be received in the courts as prima facie evidence of such delivery.

Gentlemen, that indeed is very far-fetched. You can readily imagine all sorts of circumstances under which a signature might have been forged or nondelivery effected, and to provide in a Federal law that the production of a receipt, without proving the signature and without proving the circumstances under which it was given shall be prima facie evidence of delivery, I submit, is going too far.

Mr. HOGG. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HOGG. I can readily understand the objection of the gentleman from New York. However, I want to assure him and the Members of the House that the identical clause to which he has called attention is at the present time, and has been for many years, a part of the law. This bill does not enlarge the present law in that particular in the least. The bill is written to provide increased revenues for the Post Office Department, and merely restates the clause to which the gentleman from New York has called attention. The gentleman from New York, being an able lawyer, knows that prima facie evidence is not conclusive evidence, and that the testimony of the sendee can be introduced in court to rebut the same.

Mr. LAGUARDIA. Exactly. Take the case where the receipt is offered in evidence, that is prima facie proof of delivery, and this being so, the case may rest right there. You could not prove payment to a bank in such a simple manner.

Mr. HOGG. But that is present law.

Mr. LAGUARDIA. Well, we will change it.

Mr. HOGG. If the gentleman will yield further, I would like to explain the purpose and operation of this bill. Many times after a person has sent a registered package or an insured package, he returns to the post office and asks for a return receipt. This bill makes the return receipt cost him 5 cents instead of 3 cents, which is all it would have cost him at the time he had his transaction with the Post Office Department in the first instance.

Mr. STAFFORD. Will the gentleman yield in that particular?

Mr. HOGG. Yes.

Mr. STAFFORD. Does the gentleman think the payment of the additional 2 cents will compensate the Government for the extra service required by the afterthought of the sender? Why should not the sender originally determine whether he wants a receipt or not?

Mr. HOGG. He has that service now and will have the same privilege under this bill.

Mr. STAFFORD. Why should he be given the privilege of demanding it as an afterthought, imposing a greater burden upon the Postal Service, and one which I do not believe will be compensated by the payment of the extra 2 cents.

Mr. HOGG. If the gentleman please, the officials of the Post Office Department believe that 2 cents additional will compensate them.

I desire to explain a further provision of this bill. If instead of paying 3 cents for the return receipt, the sender is willing to pay 20 cents, the Government will answer three questions on the return receipt for him. It will tell him where the package was delivered, when it was delivered, and the exact person to whom it was delivered. This is the service which this bill proposes that the department shall offer for sale. It will produce additional revenue.

Mr. GREENWOOD. If the gentleman will yield, it strikes me that the payment of 20 cents is out of all proportion to the service to be rendered. While I think the Government ought to have some additional compensation for this service, yet as a correct business transaction, in order to furnish this information, I think the recommendation ought to be 10 cents instead of 20 cents.

Mr. SPROUL of Illinois. If the gentleman will yield, I want to say that the people who are interested appeared before our committee and were willing to have the charge made 40 cents, instead of 20 cents, in order to get the correct address of people who are trying to beat their bills. That is about what it amounts to.

Mr. GREENWOOD. This bill does not apply only to the people who appeared before the gentleman's committee. We are legislating here for all the people, including those who appeared before the committee.

Mr. SCHAFER of Wisconsin. Regular order, Mr. Speaker.

Mr. LAGUARDIA. I hope the gentleman will not do that.

Mr. SCHAFER of Wisconsin. I am going to object to the bill, but I withdraw the demand for the regular order.

Mr. LAGUARDIA. We must at least get some information, even if this is to come up two weeks from now. As I understand, the purpose of this bill is to obtain additional information other than the fact that the letter or package that was registered was delivered.

Mr. HOGG. Yes.

Mr. LAGUARDIA. And the additional information is when, where, and to whom it was delivered.

Mr. HOGG. The gentleman is correct.

Mr. LAGUARDIA. It does not provide the service of locating people who have moved unless a registered package or letter has been mailed?

Mr. SPROUL of Illinois. Has been delivered. Then they find out the address of the party to whom the package was delivered.

Mr. LAGUARDIA. And you provide for return receipts at 5 cents.

Mr. HOGG. Three cents. The present rate is continued in this bill. The bill authorizes an additional service.

Mr. LAGUARDIA. Three cents if requested at the time of mailing and 5 cents if requested subsequently.

Mr. HOGG. Yes.

Mr. LAGUARDIA. If he asks at the time of mailing to have these additional questions answered, you are going to charge him 20 cents instead of 3 cents.

Mr. HOGG. There is a demand for such service.

Mr. GREENWOOD. If the gentleman will yield right on that point, the present charge is 10 cents extra for carrying a special delivery and now you are proposing to charge the sender 20 cents extra for obtaining this information, and it seems to me that is too much.

Mr. HOGG. You get no return information at all in the special-delivery service. It is entirely another matter. There is a bill H. R. 11096, which will come up following this one, wherein the Government will furnish this information in the case of an ordinary letter for 5 cents. The object of these three additional questions covered by the present bill is to establish beyond doubt where, to whom, and when an insured or registered article is delivered.

I want to assure the gentlemen from Indiana the department believe 20 cents is the right fee for this service. Many of the large users of the mail appeared before the committee and were willing to pay, as my colleague from Illinois [Mr. SPROUL] has said, 40 cents for the service.

Mr. BRIGGS. Will the gentleman yield?

Mr. HOGG. Certainly.

Mr. BRIGGS. Why do they not give that information on the regular registry receipt? Why should the public have to pay 20 cents additional for information that ought to be given on the original receipt? Is not this really a revenue measure intended to get some more money for the Post Office Department?

Mr. HOGG. That is not the prime purpose, although the gentleman from Texas should have in mind that for the additional revenue the department will give an additional service.

Mr. BRIGGS. Does the gentleman mean that the public owes this additional charge for the registry service?

Mr. HOGG. No. It is for an additional service. The present fee and service remain the same.

Mr. BRIGGS. And they are going to provide an additional charge of 20 cents?

Mr. HOGG. No; the statement of the gentleman from Texas is altogether unfair and is not borne out by the facts.

Mr. LAGUARDIA. If the gentleman from Texas will give me his attention, there are several bills pending increasing fees in every conceivable way. It would seem to me they are going out of the way to drive business away from the Post Office Department. At the last consent day I objected to a bill wherein they provided for a charge of 5 or 10 cents if you went to the post office and asked a question.

Mr. SPROUL of Illinois. The gentleman is aware of the fact that we had a deficit this year in the Postal Service of $98,000,000, and last year the deficit was more than $100,000,000?

Mr. LAGUARDIA. It is a paper deficit.

Mr. SPROUL of Illinois. No; it is not.

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

Mr. SCHAFER of Wisconsin. I object to that request, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. I object, Mr. Speaker.

POSTAGE CHARGE FOR DIRECTORY SERVICE

The next business on the Consent Calendar was the bill (H. R. 11096) to provide a postage charge for directory service.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, here is another of these bills. Here is a 5-cent additional charge that must be paid for directory service.

Mr. COCHRAN of Missouri. They do not have such a service in the rural districts.

Mr. EDWARDS. Mr. Speaker, I object.

PROVIDING FOR DEPOSITING CERTAIN MONEYS INTO THE RECLAMATION FUND

The next business on the Consent Calendar was the bill (H. R. 5662) providing for depositing certain moneys into the reclamation fund.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That any amounts collected from defaulting contractors or their sureties, including collections heretofore made, in connection with contracts entered into under the reclamation law, either collected in cash or by deduction from amounts otherwise due such contractors, shall be covered into the reclamation fund and shall be credited to the project or operation for or on account of which such contract was made.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL LINCOLN MUSEUM

The next business on the Consent Calendar was the bill (H. R. 10554) to establish a national Lincoln museum and veterans' headquarters in the building known as Ford's Theater.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. I object.

EXTENSION OF THE NATURAL HISTORY BUILDING

The next business on the Consent Calendar was the bill (H. R. 11094) to authorize the extension of the Natural History Building of the United States National Museum.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. I object.

VETERINARY CORPS OF THE REGULAR ARMY

The next business on the Consent Calendar was the bill (H. R. 2755) to increase the efficiency of the Veterinary Corps of the Regular Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. I object.

CONGRATULATIONS TO THE REPUBLIC OF GREECE

The next business on the Consent Calendar was House Resolution 193, extending congratulations to the Republic of Greece on the one hundredth anniversary of that nation.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I think some of the facts set out here are historically exaggerated. The principle is good, but I do not think it is necessary to go into the extent of the liberty that the people of Greece have enjoyed for the last 100 years. I do not object to congratulating them on their one hundredth anniversary.

Mr. STAFFORD. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. STAFFORD. I was curious when I read this to know why they minimize this by making it a House resolution. Why not make it a congressional resolution?

Mr. FISH. As the sponsor for House Resolution 193, I shall be glad to enlighten the gentleman from Wisconsin. My purpose was not to minimize but rather by this unusual procedure to emphasize its significance and importance. The House of Representatives was closely identified with the heroic struggle waged by the people of Greece between 1821 and 1830 to regain their freedom and independence from the Turks.

On the convening of Congress in December, 1823, President Monroe made the revolution in Greece the subject of a portion of his annual message, and on the 8th of December of the same year Daniel Webster, then a Member of the House of Representatives, introduced a resolution for the appointment of a commissioner to Greece, and on January 19, 1824, he delivered his famous oration on the floor in behalf of his own resolution. The speech of Daniel Webster was not only a eulogy of the cause of the Greeks but a bitter arraignment of the Holy Alliance as a league of despotic governments against all popular aspirations toward constitutional government. Henry Clay ably supported the resolution on the floor of the House of Representatives. Both Representatives, Henry Clay and Daniel Webster, respectively, later served with distinction as Secretary of State of the United States. Sympathy for the Greek cause was widespread among the American people between 1821 and 1830, partly because Greece was fighting for its independence and partly owing to a classical interest in the country of Homer, Pericles, Leonidas, Demosthenes, Phidias, and Aristotle. The real purpose of Representative Webster's speech was to set forth the true policy of the United States, which was not to interfere or take part in European affairs but to point out that at the same time we had an important duty to perform in exercising our proper influence on the public opinion of the world.

The speeches of Webster and Clay in behalf of liberty for the Greeks rank among the greatest of American orations and have identified the House of Representatives with the independence of Greece. These orations are an important part of the inheritance and history of the House of Representatives.

Mr. STAFFORD. Is there any feeling of sensitiveness on the part of the Senate because of our having recognized some great performance in the House, that would necessarily make the Senate oppose the resolution?

Mr. FISH. I am unable to answer for the Senate, but I think it is interesting to note that the House of Representatives

a hundred years ago played a much more important part in international affairs than it does at this time. Matters that affected our international relations were openly debated here just as they are to-day in the Senate. In fact the House took the lead at that time, particularly in regard to the independence of Greece and for that reason I have referred to the lost power or diminished influence of the House in discussing this resolution. In view of the traditions of the House of Representatives it seems to me that it would be most appropriate for the House to act alone on the resolution and thereby convey by such unprecedented procedure an additional mark of distinction and honor to our congratulations to the Republic of Greece on the one hundredth anniversary of that nation.

Mr. CRAMTON. I hope the gentleman is not overlooking the discussion of the naval pact by our colleague from Illinois [Mr. BRITTEN], as well as the activities of his own Committee on Foreign Affairs.

Mr. FISH. I think it most proper for the House to take some consideration of the naval pact, inasmuch as the House of Representatives has equal power and responsibility with the Senate under the Constitution to maintain a Navy.

It might be interesting to know that the Greek Government appointed a special representative to attend our centenary celebration held at Philadelphia in 1876. The people of Greek descent in the United States are also celebrating the centenary of the freedom of their motherland. The half million people in the United States of Greek origin have contributed loyally to the progress and development of the United States and have at all times shown a whole-hearted devotion to our republican form of government. Their sons fought with patriotic fervor in the armed forces of the United States during the World War, and American citizens of Greek origin contributed their full share of blood and treasure toward victory.

Mr. LAGUARDIA. Would the gentleman be satisfied in extending the congratulations of the House to the good people of Greece to merely provide that the House of Representatives of America extends to the Republic of Greece its best wishes and congratulations on the one hundredth anniversary of the independence of that country?

Mr. FISH. I am willing to accept the amendment.

Mr. GREEN. Does this have anything to do with Mussolini and that bunch?

Mr. FISH. Oh, no; I ask the gentleman to read the report. This has to do only with the one hundredth anniversary of the independence of Greece. The passage of House Resolution 193 would tend to perpetuate the traditional spirit of sympathy and friendship between the two nations and be appreciated by the people of Greek origin in the United States as an appropriate and friendly act.

Mr. CRAMTON. Mr. Speaker, in entire seriousness, having in mind the great part played in the World War by Greece, which was a great contribution to the success of the Allies, and the fact that Greece is again under the leadership of Venizelos, who was not only a great friend of the Allies but is a great friend of the United States, I think it would be highly undesirable for such a resolution as this to fail.

Mr. FISH. Oh, it is not going to fail. I will accept the suggestion of the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Then I shall offer that amendment at the proper time.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read as follows:

Whereas American citizens of Greek origin in the United States of America have contributed loyally to the progress and development of our Nation and the maintenance of our republican form of government; and

Whereas the United States of America, through President Monroe, was the first Nation to extend its sympathy to the Greeks fighting for their independence; and

Whereas the House of Representatives was the scene of the famous debates on the resolution moved by Daniel Webster on February 8, 1823, for "the appointment of an agent or commissioner to Greece whenever the President shall deem it expedient to make such appointment"; and

Whereas the people of Greek origin throughout the world are planning to celebrate the centenary of the independence of Greece, beginning March 25, 1930, and extending over several months: Therefore be it

Resolved, That the House of Representatives of the United States of America extends to the Republic of Greece its best wishes and congratulations on the one hundredth anniversary of the freedom and independence of Greece, won after a heroic struggle in the cause of liberty and justice, resulting in the resumption of its equal station among the nations of the earth.

With the following committee amendment:

Page 2, line 4, after the word "Greece," strike out the comma and the rest of the resolution.

The committee amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Strike out all of the preambles, and on page 2, line 4, strike out the words "freedom and."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. CHINDBLOM. Mr. Speaker, I have been about as insistent on the elimination of "whereas" clauses from resolutions in the House as any Member of it. I shall not oppose at this time the elimination of these clauses, but in excluding them it is thoroughly understood that there is intended no disparagement or disagreement as to the contents of the "whereas" clauses.

Mr. LAGUARDIA. Of course not. It is merely a matter of proper legislation. I do this for the purpose of uniformity.

Mr. CHINDBLOM. For the purposes of the RECORD I wanted it to appear that that is the only object in striking out the "whereas" clauses.

Mr. LAGUARDIA. I thank the gentleman for his suggestion.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. STAFFORD. Mr. Speaker, I think the resolution should have a title.

Mr. FISH. Mr. Speaker, I move that the following title be given to the resolution:

Extending congratulations to the Republic of Greece on the one hundredth anniversary of the independence of that nation.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

AMENDMENT OF THE PURE FOOD AOD DRUGS ACT

The next business on the Consent Calendar was the bill (H. R. 730) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. EDWARDS. Mr. Speaker, this bill having been objected to on April 7, I think it ought to go down below the bills that were not objected to on the calendar.

The SPEAKER pro tempore. It did. Under the consent rule it did go to the foot of the calendar.

Mr. SCHAFER of Wisconsin, Mr. STAFFORD, and Mr. COCHRAN of Missouri objected.

The SPEAKER pro tempore. The Chair hears three objections.

Mr. MAPES. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MAPES. Does not the objection come too late? Did not the gentleman from Georgia make a parliamentary inquiry before the objections were made?

The SPEAKER pro tempore. Yes. The Chair asked if there was objection to the present consideration of the bill.

Mr. MAPES. I did not hear anyone make a reservation.

The SPEAKER pro tempore. The Chair, by reason of the fact that there was a parliamentary inquiry addressed to him, answered it.

Mr. O'CONNELL of New York. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The regular order is demanded. The Clerk will report the next bill.

TITLE TO CERTAIN LANDS IN MINNESOTA

The next business on the Consent Calendar was the bill (H. R. 5178) ratifying and confirming the title of the State of Minnesota and its grantees to certain lands patented to it by the United States of America.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FORT SAN CARLOS, FLA.

The next business on the Consent Calendar was the bill (H. R. 4502) authorizing an appropriation for repairs to old Fort San Carlos, Fla., and for the procurement and erection of a tablet or marker thereon.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, I reserve the right to object.

Mr. YON. I ask the gentleman from New York to withhold his objection. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice, and I also ask unanimous consent to extend in the RECORD some remarks that I have prepared.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman asks unanimous consent to extend his remarks in regard to the bill at this place. Is there objection?

There was no objection.

Mr. YON. Mr. Speaker and ladies and gentlemen, H. R. 4502 is for the restoration of old Fort San Carlos, Pensacola. I have been just as patient as anyone could have been with the Membership of the House and also explaining the merits of this bill.

Old Fort San Carlos, for the restoration that the purpose of this bill is intended, is almost as sacred to the people of Pensacola and my district, as well as the historical interest it holds for all Americans that visit here, along with Yorktown and other historical spots or points in various parts of this Nation.

And why? The available records show that the site and reservation of Fort Barrancas has been occupied for military purposes since the cession of Florida from Spain to the United States in 1820, and which the Americans found as the only defense of Pensacola, a brickwork called Fort San Carlos de Barrancas. It still stands, forming the small semicircular work in front of Fort Barrancas, the present active fort built by the Americans between 1839 and 1844, directly in the rear of it. These works are connected by an underground passage.

The first settlement on the present military reservation was made by DeLuna with about 2,000 followers in 1557. That was eight years in advance of St. Augustine, and acknowledged oldest permanent settlement in the continental United States, when he founded Pensacola, about where Fort San Carlos and old Fort Barrancas now stands. The town, however, was later abandoned, and the inhabitants followed their leader to Mexico.

Now, Members of the House, can you visualize any undertaking more daring and adventurous than the undertaking of these early explorers and settlers, and even though this settlement was not permanent, yet came others, and in 1696, during the first century of the English in Virginia and New England came the Spaniard, DeAriola, with 300 followers, to found a fort and make a permanent settlement at old Fort San Carlos.

In 1719, the French and Spaniards being at war, Pensacola was captured by the French under Sieur de Bienville, whose name is famous in the early history of New Orleans and of Louisiana. But the fort was later taken by the Spanish—that year later recaptured by the French and burned.

In 1723, after the close of hostilities, Bienville relinquished possession. The Spaniards transferred the settlement to the west end of Santa Rosa Island, opposite San Carlos; but after a destructive hurricane the settlement was removed back to the mainland. In 1763 the Floridas were ceded to England, and Pensacola became the seat of government for West Florida.

During the Revolution this section became a refuge for many northern loyalists, and, of course, most Americans are familiar with the centering of British intrigue and the use made of Pensacola as a base of activities against the United States during the War of 1812 and later the capture of Pensacola by General Jackson in 1815, and again in 1818, and the final negotiations ending in the cession of Florida to the United States in 1820, and the final exchange of flags in the Plaza De Ferdinand, of Pensacola. I believe on July 21, 1821, when the Spanish flag was hauled down and the Stars and Stripes was strung up to the masthead, with Gen. Andrew Jackson as the first Govenor of the Territory of Florida, which after that was to become one among the great galaxy of States or our Union in 1845, and also later to have to suffer the humiliation of defeat along with her gallant sisters in the fall of the Confederacy.

Here stands an old historic fortification, one that harks back to the earliest dates of the colonization and settlement of this country, and during this march of development the flags of five nations have been fanned by the refreshing breezes that blow in from old Pensacola Bay; and these national colors were of Spain, France, Great Britain, the Stars and Stripes, the Confederacy, and again of the United States of America. I say, ladies and gentlemen, this is a worthy project, and this bill I hope you will pass.

HYDROGRAPHIC OFFICE AT HONOLULU, HAWAII

The next business on the Consent Calendar was the bill (H. R. 1222) to establish a hydrographic office at Honolulu, Territory of Hawaii.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA, Mr. STAFFORD, and Mr. COLLINS objected.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

RELIEF OF THE STATE OF MAINE

The next business on the Consent Calendar was the bill (H. R. 8583) for the relief of the State of Maine.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, I believe we ought not to pass this bill at this time. I ask unanimous consent that it be passed over without prejudice.

Mr. GREENWOOD. The United States has performed the duty imposed upon it, has it not?

Mr. LaGUARDIA. I think so. Let us pass it over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

TREE PLANTING IN NATIONAL FORESTS EAST OF THE ROCKY MOUNTAINS

The next business on the Consent Calendar was the bill (H. R. 5410) authorizing the Secretary of Agriculture to enlarge tree-planting operations on national forests east of the Rocky Mountains, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I do not want to object to the purpose of the bill, but I have an amendment to offer which I think is in harmony with its purpose and which would be desirable.

Mr. KNUTSON. If the gentleman would offer to restore the language of the original bill, it would be well. The committee has emasculated this measure.

Mr. CRAMTON. I would like to offer this amendment, to add to the committee amendment the following:

Provided further, That the Secretary of Agriculture is authorized, upon application of the Secretary of the Interior, to furnish seedlings and/or young trees for replanting burned-over areas in any national park.

Mr. KNUTSON. I have no objection to that——

Mr. CRAMTON. As in a case in Montana where a fire consumed part of a national park adjacent to a national forest. I think it would be very desirable to have established such a tree nursery.

Mr. KNUTSON. Is it the purpose of this legislation to permit the giving of trees to anyone who wishes to engage in reforestry work?

The SPEAKER pro tempore. The Chair would like to inquire of the gentleman from Minnesota [Mr. KNUTSON] if the gentleman knows whether a bill of similar import has passed the Senate and is on the Speaker's table?

Mr. KNUTSON. I will say to the Speaker that they were identical, but after the Committee on Agriculture got through with my bill it was an altogether different child

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized to establish forest-tree nurseries and do all other things needful in preparation for planting on national forests east of the one hundred and second meridian of longitude on the scale possible under the appropriations authorized by this act: *Provided*, That nothing in this act shall be deemed to restrict the authority of the said Secretary under other authority of law.

With the following committee amendment:

On page 1, line 5, after the word "forests," strike out "east of the one hundred and second meridian of longitude."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 2. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1932, $150,000; for the fiscal year ending June 30, 1933, $300,000; and for each fiscal year thereafter, $400,000, to enable the Secretary of Agriculture to establish and operate nurseries, to collect or to purchase tree seed or young trees, to plant trees, and do all other things necessary for reforestation by planting or seeding national forests east of the one hundred and second meridian of longitude and for the additional protection, care, and improvement of the resulting plantations of young growth.

With the following committee amendments:

Page 2, line 4, strike out "$150,000" and insert "not to exceed $250,000."

Page 2, line 6, insert at the beginning of the line "not to exceed" and after the word "and," strike out the words "for each fiscal year thereafter," and insert "for the fiscal year ending June 30, 1934, not to exceed"

And on page 2, line 12, after the word "forests," strike out the words "east of one hundred and second meridian of longitude."

The committee amendments were agreed to.

The Clerk read as follows:

SEC. 3. The Secretary of Agriculture may, when in his judgment such action will be in public interest, require deposits from purchasers of national-forest timber to cover the cost to the United States of planting, including the production or purchase of young trees, or of sowing with tree seeds, including the collection or purchase of such seeds, national-forest lands cut over in timber sales, or the costs of cutting, destroying, or otherwise removing undesirable trees or other growth on such areas to improve the future stand of timber; such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, to cover the cost to the United States of such work as the Secretary of Agriculture may direct and for refunds to depositors of amounts found by the Secretary of Agriculture not to be due the United States.

With the following committee amendment:

Strike out all of section 3 beginning on line 15, page 2, down to and including line 5, page 3, and insert in lieu thereof the following:

"SEC. 3. The Secretary of Agriculture may, when in his judgment such action will be in the public interest, require any purchaser of national-forest timber to make deposits of money, in addition to the payments for the timber, to cover the cost to the United States of (1) planting (including the production or purchase of young trees), (2) sowing with tree seeds (including the collection or purchase of such seeds), or (3) cutting, destroying, or otherwise removing undesirable trees or other growth, on the national-forest land cut over by the purchaser, in order to improve the future stand of timber: *Provided*, That the total amount so required to be deposited by any purchaser shall not exceed, on an acreage basis, the average cost of planting (including the production or purchase of young trees) other comparable national-forest lands during the previous three years. Such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, to cover the cost to the United States of such tree planting, seed sowing, and forest improvement work, as the Secretary of Agriculture may direct: *Provided*, That any portion of any deposit found to be in excess of the cost of doing said work shall, upon the determination that it is so in excess, be transferred to miscellaneous receipts, forest reserve fund, as a national-forest receipt of the fiscal year in which such transfer is made."

With an amendment to the committee amendment, offered by Mr. CRAMTON:

On page 4, line 5, after the word "made," insert "*Provided further*, That the Secretary of Agriculture is authorized, upon application of the Secretary of the Interior, to furnish seedlings and/or young trees for replanting of burned over areas in any national park."

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that the proceedings just had be vacated, and that everything after the enacting clause be stricken out, and the Senate bill substituted.

The SPEAKER pro tempore. That would not remedy the situation. A House bill would still be passed and would have to be sent to the Senate for action by the Senate.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to take up the Senate bill (S. 3531).

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. KNUTSON] asks unanimous consent to vacate the proceedings by which the bill H. R. 5410 was considered, and to substitute therefor Senate 3531, a bill of like import. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to ask, first, if the Senate bill is an identical bill; second, if the amendments which were offered to the House bill will be in order when the Senate bill is taken up? There is no use going through these proceedings and then having them vacated.

Mr. KNUTSON. The only difference is that the original bill is applicable to everything east of the Rocky Mountains. The Budget suggested that it be made applicable to the entire country.

Mr. BANKHEAD. Mr. Speaker, I am not going to consent to such procedure as has been suggested. I am not opposing the bill but I am opposing the procedure. I object.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF SURRENDER OF LORD CORNWALLIS

The next business on the Consent Calendar was the Senate joint resolution (S. J. Res. 135) authorizing and requesting the President to extend to foreign governments and individuals an invitation to join the Government and people of the United States in the observance of the one hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, Va.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate joint resolution?

Mr. SCHAFER of Wisconsin. I object.

Mr. CRAMTON. Will the gentleman from Wisconsin [Mr. SCHAFER] withhold his objection for a moment?

Mr. SCHAFER of Wisconsin. I will withhold it, but I will object unless the appropriation is stricken from the bill. When we take part in foreign conferences and celebrations the foreign governments do not pay the expenses of our representatives.

Mr. LAGUARDIA. This is not for expenses. If the gentleman invites me to his home for dinner, the gentleman does not expect me to pay for the dinner, does he?

Mr. CRAMTON. I am sure that my friend the gentleman from Wisconsin [Mr. SCHAFER] will remember that this was one of the greatest events of our history, and the one hundred and fiftieth anniversary is to be commemorated. It is an international event, of course. This resolution does not provide for payment of expenses of others to come here, but it does create a small fund for their proper entertainment. When we consider the importance of the event, the fund is not a large fund, and I hope that my friend from Wisconsin [Mr. SCHAFER] will not make objection.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. LAGUARDIA. I think the gentleman from Wisconsin [Mr. SCHAFER] is under a misapprehension. This resolution does not provide for payment of their fares here, nor the payment of their living expenses. It is simply a fund for their entertainment which the Government must expend when they have guests from other countries.

Mr. SCHAFER of Wisconsin. The appropriation of $25,000 is $25,000 of the people's money for the benefit of the State of Virginia. The State of Virginia seems to be able to support plenty of bills to appropriate Federal funds when communities in that State are benefited.

Mr. LAGUARDIA. The gentleman is ordinarily correct in his attitude toward such appropriations, but in this case it is a national proposition and not a State proposition.

Mr. SCHAFER of Wisconsin. But it is an event which will take place in the State of Virginia.

Mr. CRAMTON. It happens that this great historical event took place in Virginia, but every colony was represented at the surrender at Yorktown. It is a national event, for which we all have reverence.

Mr. SCHAFER of Wisconsin. I shall withdraw my objection with a sincere hope that Members of Congress from Virginia will in the future support worthy appropriations such as the one to expand the Federal appropriation for vocational rehabilitation.

Mr. O'CONNELL of New York. This is not for Virginia, but it is for the whole United States.

Mr. SCHAFER of Wisconsin. It has a tinge of Virginia on it.

Mr. O'CONNELL of New York. That is not a bad tinge.

Mr. GARBER of Virginia. Will the gentleman yield?

Mr. SCHAFER of Wisconsin. Yes.

Mr. GARBER of Virginia. I am astonished that the gentleman from Wisconsin, with all his historical knowledge, would presume to stand upon this floor and say that a bill which commemorates one of the greatest of military victories in the country, and one, as the gentleman from Michigan has well said, which touched every colony at that time, is tinged with Virginia. It is perfectly absurd.

Mr. SCHAFER of Wisconsin. I will say to the gentleman that we could commemorate many such notable events, and there are so many of them that we could spend millions of dollars each year to do so. In view of the gentleman's interest I withdraw my objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That when, in the opinion of the President of the United States of America, it shall be appropriate for him to do so, the President be, and he is hereby, authorized and requested to extend to such governments and individuals as the President may determine an invitation to unite with the Government and people of the United States in a fit and appropriate observance of the one hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, and in order to carry out the purposes of this resolution the sum of $25,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the same, or so much thereof as may be necessary, to be expended under the direction of the Secretary of State.

With the following committee amendment:

Page 2, line 4, after the word "resolution," insert the words "including the expense of entertaining the guests of the United States."

The committee amendment was agreed to.

The Senate joint resolution as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the Senate joint resolution was passed was laid on the table.

TREE PLANTING IN THE NATIONAL FORESTS EAST OF THE ROCKY MOUNTAINS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to return to the bill H. R. 5410, No. 381 on the calendar, and to vacate the proceedings that were had a few moments ago. I intend to move to take up the Senate bill and strike out everything after the enacting clause in the Senate bill and substitute therefor the provisions of the House bill, as amended.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent to vacate the proceedings by which the bill H. R. 5410 was considered and passed, to take up a Senate bill of like import for consideration, with notice given that if consent is granted he will move to strike out of the Senate bill all after the enacting clause and substitute in lieu thereof the bill H. R. 5410 as passed by the House. Is there objection?

Mr. BANKHEAD. Mr. Speaker, I shall not object to that request.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized to establish forest-tree nurseries and do all other things needful in preparation for planting on national forests on the scale possible under the appropriations authorized by this act: *Provided,* That nothing in this act shall be deemed to restrict the authority of the said Secretary under other authority of law.

SEC. 2. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1932, not to exceed $300,000; for the fiscal year ending June 30, 1933, not to exceed $450,000; for the fiscal year ending June 30, 1934, not to exceed $600,000; for the fiscal year ending June 30, 1935, not to exceed $1,000,000; for the fiscal year ending June 30, 1936, not to exceed $1,500,000; for the fiscal year ending June 30, 1937, not to exceed $2,000,000; and for each fiscal year thereafter such amounts as may be necessary, to enable the Secretary of Agriculture to establish and operate nurseries, to collect or to purchase tree seed or young trees, to plant trees, and to do all other things necessary for reforestation by planting or seeding on national forests, and for the additional protection, care, and improvement of the resulting plantations or young growth.

SEC. 3. The Secretary of Agriculture may, when in his judgment such action will be in public interest, require deposits from purchasers of national-forest timber to cover the cost to the United States of planting, including the production or purchase of young trees, or of sowing with tree seeds, including the collection or purchase of such seeds, national-forest lands cut over in timber sales, or the costs of cutting, destroying, or otherwise removing undesirable trees or other growth on such areas to improve the future stand of timber; such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, to cover the cost to the United States of such work as the Secretary of Agriculture may direct and for refunds to depositors of amounts found by the Secretary of Agriculture not to be due the United States.

Mr. KNUTSON. Mr. Speaker, I move to strike out of the Senate bill all after the enacting clause and to substitute the provisions of the House bill, as passed.

The SPEAKER pro tempore. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of Agriculture is hereby authorized to establish forest-tree nurseries and do all other things needful in preparation for planting on national forests on the scale possible under the appropriations authorized by this act: *Provided,* That nothing in this act shall be deemed to restrict the authority of the said Secretary under other authority of law.

"SEC. 2. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1932, not to exceed $250,000; for the fiscal year ending June 30, 1933, not to exceed $300,000; and for the fiscal year ending June 30, 1934, not to exceed $400,000, to enable the Secretary of Agriculture to establish and operate nurseries, to collect or to purchase tree seed or young trees, to plant trees, and to do all other things necessary for reforestation by planting or seeding national forests and for the additional protection, care, and improvement of the resulting plantations or young growth.

"SEC. 3. The Secretary of Agriculture may, when in his judgment such action will be in the public interest, require any purchaser of national-forest timber to make deposits of money, in addition to the payments for the timber, to cover the cost to the United States of (1) planting (including the production or purchase of young trees), (2) sowing with tree seeds (including the collection or purchase of such seeds), or (3) cutting, destroying, or otherwise removing undesirable trees or other growth, on the national-forest land cut over by the purchaser, in order to improve the future stand of timber: *Provided,* That the total amount so required to be deposited by any purchaser shall not exceed, on an acreage basis, the average cost of planting (including the production or purchase of young trees) other comparable national-forest lands during the previous three years. Such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, to cover the cost to the United States of such tree planting, seed sowing, and forest-improvement work as the Secretary of Agriculture may direct: *Provided,* That any portion of any deposit found to be in excess of the cost of doing said work shall, upon the determination that it is so in excess, be transferred to 'miscellaneous receipts, forest reserve fund,' as a national-forest receipt of the fiscal year in which such transfer is made: *Provided further,* That the Secretary of Agriculture is authorized, upon application of the Secretary of the Interior, to furnish seedlings and/or young trees for replanting of burned-over areas in any national park."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

MARKER AT NEW ECHOTA, FORMER CAPITAL OF CHEROKEE INDIANS

The next business on the Consent Calendar was the bill (H. R. 9444) to authorize the erection of a marker upon the site of New Echota, capital of the Cherokee Indians prior to their removal west of the Mississippi River, to commemorate its location and events connected with its history.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, reserving the right to object, and I shall not object, I ask unanimous consent to extend my remarks by inserting in the RECORD at this juncture the very excellent statement of facts of the gentleman from Michigan [Mr. HOOPER] in his report on this bill.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

The matter referred to follows:

STATEMENT OF FACTS

The Cherokee Indians, prior to their removal to lands west of the Mississippi in 1838, occupied certain territory in the States of Alabama, Tennessee, Georgia, and North Carolina. Their capital was New Echota, located at the junction of the Conasauga and Coosawattee

Rivers, a few miles above the present Calhoun, Ga. In 1832 it was held by the Supreme Court of the United States that—

"The Cherokee Nation is a distinct community, occupying its own territory, within boundaries accurately described, in which the laws of Georgia can have no force."

The nation at that time consisted of approximately 20,000 people. It had adopted in 1819 a republican form of government, modeled after that of the Government of the United States. The distinguished John Ross was the first president.

Upon the invention of the Cherokee Indian alphabet, consisting of 80 letters, by Sequoyah in 1821, Elias Boudinot within a short time began the publication at New Echota of the first newspaper published in the Indian language, and the only newspaper ever distributed by a nation at public expense to all its nationals, this being done by the Cherokee government. Boudinot was an educated Cherokee Indian, who had married Harriet Gold, of Cornwall, Conn. She lies buried with chiefs and other notables of the nation in the tribal cemetery at New Echota.

In 1802 the State of Georgia had ceded to the United States the territory now comprising the States of Alabama and Mississippi and had received in return the promise of the National Government to remove the Cherokees from her territory. A great deal of difficulty attended the efforts of the Government to comply with this agreement, and litigation resulted therefrom, as one result of which the decision of the United States Supreme Court above referred to was made.

Simultaneously with establishing a national press, the Cherokee Nation, in convention at New Echota, had adopted a national constitution, and, because of its system of home industries and home education, was considered a civilized nation.

While the National Government had agreed to remove the Indians, yet under the decision of the Supreme Court the removal could not legally be effected without their consent.

On December 29, 1835, a treaty was negotiated with the Cherokee Indians at New Echota, under which the whole remaining Cherokee territory east of the Mississippi was ceded to the United States for the sum of $5,000,000 and a common joint interest in the lands already occupied by the western Cherokees in what is now Oklahoma, with an additional smaller tract in what is now Kansas.

The removal of the Indians was to be had at the expense of the Government, the Government also to furnish sustenance for them for one year after their arrival in the new country. The treaty occasioned great dissatisfaction among the Indians, who insisted that the great majority of them did not agree to it and those who did were bribed.

The proposed expatriation of the Cherokees, and particularly the treaty entered into by the Cherokee Nation and the United States Government, aroused John Ross and caused him to make a number of trips to Washington. He also engaged in much correspondence, in which he expressed the injustice being done the Indians. During these days of unrest John Howard Payne, author of Home Sweet Home, visited John Ross, and for his sympathetic interest in the problems of the Indians was imprisoned at the Chief Vann House, at Spring Place, Ga., then an Indian mission just a few miles to the north of New Echota. Elias Boudinot's home and the old block house are still standing.

The removal of the Indians was accomplished in 1838, amid scenes that rival in pathos the story of the Acadians. Gen. Winfield Scott, in command of Federal forces, collected the Indians at various points, and the long journey to the West was begun. Many hundreds died on the way.

The proposed marker is to commemorate the existence of this "nation" which was of such preeminence among the Indian tribes of the Southeast and to-day, through its descendants, many of whom have been and are great leaders in Oklahoma, has an important part in the progress of that State, and to commemorate in connection therewith the many events of historical interest which occurred in and around the site of New Echota, the last capital east of the Mississippi.

Mr. STAFFORD. Mr. Speaker, further reserving the right to object, I wish to inquire of the chairman of the Committee on the Library as to the policy his committee is following in reporting out bills of this character, providing for the erection of monuments in memory of distinguished citizens of various States. On the Consent Calendar to-day we have, I believe, three such bills. This is something new in the National Government undertaking the erection of a marker, largely a matter of State concern. I rise largely to inquire as to the general policy, if the committee has one, in reporting out this character of legislation. In years back, so far as my State is concerned, we have attempted to look after this matter as a State function. I see that various Members are seeking to have the National Government bring forward for national attention matters of local moment and concern. As I view it, there will be no limit to the monuments that may be erected by the National Government if we launch upon this policy.

Mr. LAGUARDIA. Except what we can stop here on the floor.

Mr. CRAMTON. If the gentleman will permit, if the gentleman will look up the proceedings of the last Congress and note one or two that we authorized at that time, for instance, where some distinguished lady hung a few Tories, or something of that kind, I think the gentleman will find we have precedents for anything that any community may desire.

Mr. STAFFORD. I regret I have not the time to explore into some of the innocuous proceedings of the last Congress. I am busy enough with current matters, but I would like to have some explanation of the policy of the committee in this regard.

Mr. LUCE. Mr. Speaker, I am grateful to the gentleman from Wisconsin [Mr. STAFFORD] for asking this particular question, because it gives the opportunity to explain to Members of the House—and I wish that the explanation might reach them all—the attitude of the Committee on the Library in dealing with the many bills of this character that come to its doors.

Evidently, it was necessary and prudent to establish some rule, not a written rule but some principle that should guide us in selecting between these interesting measures. It seemed in the first place wise that we should not undertake here to contribute toward the commemoration of episodes, or of men concerned in episodes not having some national significance, and we try as best we can to pass judgment with that first in mind. Gentlemen often present bills that would commemorate men or episodes that have not been heard of outside the localities concerned, have found no place in the general histories of the country. Such commemoration we have thought should be left to the States concerned, to historical or patriotic societies, or to private generosity, and this may explain to various Members of the House why the committee has not looked with favor upon some of the proposals coming to it.

Of course, we may err at times in this determination as to whether the matter is of national interest or not. Some things are very clear. There is a bill farther down on the calendar relating to the heroic exploit of Sergeant Jasper. I know not how it may be with the school histories now in use, but when I was in school that most gallant exploit was impressed upon the memory of every child. Therefore I think it safe to say that was an episode of historical interest, of general historical interest, to all the country.

We were obliged, however, to go still farther, because some episodes in what may be called the second rank of significance and importance relate to localties where there is no considerable historical society in the neighborhood and where the State itself, perhaps, might not be expected to bear the expense.

This particular locality—New Echota—I confess, was foreign to me; but the occurrences that the marker will commemorate, as set forth in the admirable report of the gentleman reporting the bill, whether or not of great national significance, yet in their effect went far beyond the locality concerned and deserve a commemoration that perhaps the locality could not well of itself afford.

Occasionally when we are asked to commemorate episodes connected with Indian relations still farther west—for example, I may take the marker we put up at the place where Reno lost his life—we had marked the Custer episode but not the Reno battle field——

Mr. STAFFORD. In that particular, provision was made for the care of that particular marker, but in this bill no provision is made for the care of the marker after it is erected. If this acre of land is going to be allowed to grow up in weeds, and the like, and there is to be no one to take care of it, what is the use of going ahead with the initial expenditure?

Mr. LUCE. We often receive, Mr. Speaker, guaranties from the local chapter of the Daughters of the American Revolution or from some other patriotic society.

Mr. STAFFORD. There is no such provision here. In some bills provision is made for upkeep and care, that they shall be taken care of by a certain patriotic society or a municipality.

Mr. LUCE. There is no objection to such provision here. I may say for the benefit of the House that we have come now to the view that a bowlder with a bronze tablet placed upon it is perhaps the most appropriate type of marker that can be set up. A huge bowlder with a bronze tablet does not require so much care that the statute books should have additional lines inserted for that purpose. The gentleman makes a better point in the matter of the care of the ground that is to be required. While we of the committee have felt that the pride of the community concerned, the historical society, or the patriotic society would be quite sufficient guaranty for decent treatment; yet if the House thinks we ought to insert a provision to that effect in this bill, I see no reason why it should not be done.

Mr. CRAMTON. In connection with the general policy it occurs to me that in these communities with less capacity to

spend money the land would be the cheapest, and so it would not be a burden for the local community to furnish the site. But when it comes to the care and maintenance I note that in some bills there is a provision that it shall be done by the local chapter of the Daughters of the American Revolution. My suggestion is that, however deserving the patriotic organization, its life is uncertain and it would probably be more suitable to provide for the care by some public agency—a State, county, or town. These memorials are erected for a long time to come, and care would be more certain if left to a public agency.

Mr. O'CONNELL of New York. The regular order.

Mr. SCHAFER of Wisconsin. I ask that the bill be passed over without prejudice.

Mr. TARVER. Will the gentleman explain his objection to the bill?

The SPEAKER pro tempore. The regular order is demanded. Is there objection to the request of the gentleman from Wisconsin [Mr. SCHAFER]?

Mr. TARVER. I object to that. I will reserve the objection if the gentleman from Wisconsin will state his objection.

The SPEAKER pro tempore. The regular order is demanded.

Mr. O'CONNELL of New York. Mr. Speaker, I withdraw the demand for the regular order.

Mr. SCHAFER of Wisconsin. The gentleman from Massachusetts stated it was the plan to mark this with a bowlder and a bronze tablet. Now, if we only provide for a marker with a bowlder and a bronze tablet it seems to me that $2,500 of the taxpayers' money is not necessary.

Mr. TARVER. In reply to the gentleman, the bill does not say anything about a bowlder or a bronze tablet. There is nothing in the bill about a bowlder at all. The bill provides for the erection of a marker to be selected by the Secretary of War, and in accordance with a design to be decided on by him. The entire cost of the marker will be represented by the appropriation that is made.

Mr. HOOPER. Mr. Speaker, I have no personal interest in this. I think I can make it clear to my friend from Wisconsin that this is not a bad bill. There are some historical events which are of such outstanding importance that the location of the event ought to be preserved in public memory.

Mr. SCHAFER of Wisconsin. There are so many historical places that I believe the committee should bring in a pork barrel bill like the rivers and harbors bill and take care of them all at the same time, if it is the policy of the committee to provide markers for all historical places in the country. I want to find out the approximate size of these markers that the taxpayers are called upon to pay $2,500 for.

Mr. O'CONNELL of New York. That would depend very largely upon where it was to be erected.

Mr. SCHAFER of Wisconsin. The chairman of the committee reporting the bill indicated that it has been the policy in these marker appropriations to have a bronze marker placed on a bowlder. They ought to have some information which would indicate why $2,500 of the people's money is necessary to provide a bronze marker on a bowlder, which they can obtain for practically nothing.

Mr. BANKHEAD. Would the gentleman have the size and the description and the model of the memorial placed in the bill?

Mr. SCHAFER of Wisconsin. Oh, not at all, but I want to obtain some information as to the approximate size of these markers so that we can ascertain whether or not $2,500 is an exorbitant cost for them.

Mr. LAGUARDIA. Does the gentleman know the process of making a bronze marker? You can not get very much for $2,500 in bronze.

Mr. HOOPER. Mr. Speaker, although many of us do not remember it, New Echota was the site not only of the only Indian civilization that ever existed north of where the Aztec Indians lived but it also represented a very tragic event in the history of the Cherokee Nation. All of these lands they occupied at that time were taken from them and created into new States. They were sent out to new homes beyond the Mississippi River. They might have been broken up as a tribe, as a nation, but they protested, and they have a better civilization to-day than they had at that time. It is one of those events not as important as that represented by the Yorktown bill that the gentleman was inclined to object to a few moments ago, but it is outstanding in the history of a race that now numbers a quarter of a million in this Nation, whose former territory covered what is now two great States in the United States. I hope the gentleman will not object to the bill or require that it go over.

Mr. SCHAFER of Wisconsin. In view of the gentleman's statement, I shall withdraw my objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of War is authorized to erect upon some portion of the site of New Echota, last capital of the Cherokee Indians prior to their removal in 1838 west of the Mississippi River, a suitable marker commemorating said location, with adequate inscriptions relative to the principal facts of its history.

SEC. 2. The site for said marker shall consist of not more than one acre of land, which shall be selected under the direction of the Secretary of War, and shall be furnished free of cost for this purpose.

SEC. 3. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $5,000, or so much thereof as may be necessary, to carry out the provisions of this act.

With the following committee amendment:

Page 2, line 7, strike out "$5,000" and insert "$2,500."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BITTER ROOT IRRIGATION PROJECT, MONTANA

The next business on the Consent Calendar was the bill (H. R. 9990) for the rehabilitation of the Bitter Root Irrigation Project, Montana.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, this is a bill of a good deal of importance. I have not had a chance to study it. I ask unanimous consent that it be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

SALARIES OF PRESENT POSTMASTERS, ETC.

The next business on the Consent Calendar was the bill (H. R. 740) to increase the salaries of certain postmasters of the first class.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I think this bill should not be considered at this moment, because lower down on the calendar there is another bill relating to the post office. The two are companion bills in a sense. It would be greatly to the injury of the morale of the Post Office Department were we to pass this bill and then have objection made to the consideration of the other bill. I have reference to the Saturday holiday bill.

Mr. O'CONNELL of New York. Is it the gentleman's purpose to couple the two bills together now?

Mr. LAGUARDIA. No; but I am going to ask to have this bill passed without prejudice, and then when the other is agreed to, I shall ask to call this up immediately.

Mr. SPROUL of Illinois. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SPROUL of Illinois. I am just as much for the 44-hour week as the gentleman from New York is or any other gentleman in the House. I do not believe, however, that the two bills should be coupled together.

Mr. LAGUARDIA. I am not trying to couple them together.

Mr. SPROUL of Illinois. This bill passed by unanimous consent in the last Congress.

Mr. LAGUARDIA. I am not objecting to this bill. I am for it. However, I do not want to see this bill passed and then have objection made to the 44-hour week bill. When the 44-hour week bill gets by, then I shall certainly ask to call this up.

Mr. SPROUL of Illinois. Then, unless the 44-hour week bill passes the gentleman will object to this?

Mr. LAGUARDIA. Yes. I ask unanimous consent that this bill, H. R. 740, be passed over without prejudice for the present.

Mr. O'CONNELL of New York. Then, does the gentleman think we will turn back to it?

Mr. LAGUARDIA. I think the House will be in very good humor to go back to it.

The SPEAKER pro tempore (Mr. SNELL). The gentleman from New York asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. SPROUL of Illinois. Mr. Speaker, I object to that.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I am compelled to object to it.

SUBSTITUTES IN THE POSTAL SERVICE

The next business on the Consent Calendar was the bill (H. R. 3087) granting leaves of absences with pay to substitutes in the Postal Service.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, I note that there is no report here; no report from the Budget, and no report from the department, or any statement of what the cost will be.

This committee has sent in several bills to increase the revenues of the department by collecting a 2-cent fee or a 5-cent fee. Then, there are a number of bills from the Post Office Committee that will make heavy drains upon the Treasury. I do not believe that the department ought to expect the House, or that the committee ought to expect the House, to pass any bill of this kind without setting forth the report of the department, especially as to what the probable cost will be.

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. COCHRAN of Missouri. If the gentleman will look on page 2 of the report, he will find that the Second Assistant Postmaster General appeared personally before the committee and made an urgent request for the enactment of the bill.

Mr. CRAMTON. That is not a report from the department. I am going to ask unanimous consent that the bill be passed over without prejudice, with the hope that when the bill is reached again some one will have a letter or statement from the Postmaster or the Assistant Postmaster General, and an estimate of what it will cost.

Mr. COCHRAN of Missouri. Let me say to the gentleman that in St. Louis we have men who have been serving for five years as substitutes. They can not get a permanent position, because when there is a vacancy, the positions are not filled.

Mr. CRAMTON. The gentleman knows that when bills are introduced they are referred to the department concerned, and when a committee recommends legislation they extend in their report the report of the department, so that the House will know about it.

Mr. COCHRAN of Missouri. The department in this case appears in person.

Mr. CRAMTON. That is not a substitute for a report, and I am not going to agree to pass legislation on that kind of a report.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LAGUARDIA. The Post Office Department is the only department of the Government where men are employed, not month by month, but year by year, before attaining a permanent status. This bill simply provides that when they have served a certain length of time and are in fact permanently employed they shall be given a leave of absence with pay.

Mr. CRAMTON. I ask unanimous consent, Mr. Speaker, that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. I object.

The SPEAKER pro tempore. The gentleman from Wisconsin objects.

Mr. CRAMTON. I object to the present consideration of the bill.

SHORTER WORKDAY ON SATURDAY FOR POSTAL EMPLOYEES

The next business on the Consent Calendar was the bill (H. R. 6003) to provide a shorter workday on Saturday for postal employees, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MEAD. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

Mr. LAGUARDIA. Has the Speaker pro tempore put the question whether there is objection to the present consideration of the bill?

The SPEAKER pro tempore. Yes.

Mr. MEAD. Mr. Speaker, I will withdraw my request unless the gentleman from New York will withhold his objection for the present.

Mr. LAGUARDIA. I withdraw my objection.

Mr. MEAD. Mr. Speaker, I want to explain to the membership of the House the activities of the Committee on the Post Office and Post Roads to remove the impression that we are bringing bills in here without fair and deliberate consideration.

I know that those of you who are acquainted with the gentleman from New York [Mr. SANDERS], the chairman, and with the other members of the committee, will agree with me that such is not the case. We have a bill on this calendar to increase the salaries of 52 postmasters in the United States. That bill passed the House a year ago. We have another bill pending to grant sick leave and vacation allowance to substitutes in the Postal Service. That bill applies only to those substitutes that actually hold steady positions in the department—that is, to those that are employed at least six months of the year.

Mr. O'CONNELL of New York. This service will not cost the Government very much, will it?

Mr. MEAD. No. The Post Office Department has been commended by the comptroller and others for its ability to absorb such additional expense. The 44-hour bill which is next on the calendar passed the Senate practically by a unanimous vote in the last session. The Dominion of Canada recently granted the same privilege to the men engaged in its postal service. The Postmaster General has gone as far as he can to give the employees of the department a 44-hour week.

Mr. COCHRAN of Missouri. Is it not a fact that the hearings showed that practically in every city business was at a standstill on Saturday afternoons, and that there is little for these men to do on Saturday afternoon?

Mr. MEAD. The gentleman is correct, with the exception that in some of the smaller cities the stores and shops close down on Thursdays or Wednesdays, and we have so amended the bill as to permit the postmaster to determine what four hours of the week the men will be absented from work.

Mr. O'CONNELL of New York. I desire to commend my colleague the gentleman from New York [Mr. MEAD] for the consistent manner with which he and the members of the Committee on the Post Office and Post Roads have supported the legislation intended to pay suitable salaries to the postmasters at New York, Brooklyn, and the other large cities, as indicated in the bill now before the House, as well as the legislation affording a 44-hour week to all postal employees. No more salutary legislation has been proposed during the 10 years it has been my honor to be a Member of this House. I can not but criticize the attitude of certain Members of the House in their opposition to these bills which are in line with the conditions existing throughout the country in our large mercantile and business institutions. It is conceded and admitted that these postmasters occupying large executive and responsible positions are entitled to adequate remuneration and that the men and women of the Postal Service with a record of efficiency and loyalty are entitled to the consideration which the committee has unanimously recommended in the matter of shorter working hours. I have no patience with the economists that are consistently raising flimsy objections to this legislation, and it is unfortunate that under the rules of the House, or rather under the rules of the calendar upon which these bills are being considered, one Member can block the will of the rest of the House. May I suggest to the members of the Post Office Committee that they urge a rule under which the bills in question can be considered and thus give all our membership a chance to vote on the bills. That would prevent the extraordinary situation which now confronts us of having a single Member interfere with the enactment of meritorious legislation. It does not necessarily mean that the half holidays shall be on Saturday?

Mr. MEAD. It may be any day in the week, except Sunday.

Mr. PATTERSON. And that applies to the smaller post offices as well?

Mr. MEAD. Wherever they have city-delivery service.

Mr. PATTERSON. What about this provision for sick leave and vacation allowance? How does that affect the rural carriers?

Mr. MEAD. In most cases they have no substitutes that are on the post office roll. We find in the smaller post offices men are employed in some instances for from 5 to 20 years, listed as substitutes with no chance of promotion, and this bill would cover those men provided they are employed the required number of hours in a given year. In smaller offices where they have village-delivery service, there is seldom a vacancy to which they may be appointed.

Mr. Speaker, this statement is in support of a bill introduced into the Seventy-first Congress, second session, by Senator LA FOLLETTE and myself, entitled "A bill to provide a shorter workday on Saturday for postal employees, and for other purposes." A similar bill, introduced in the previous Congress, was passed by the Senate and favorably reported to the House from committee.

The hours of postal employees at present are governed by the "8 hours in 10" legislation. A shorter day on Saturday is permissive by an order of the Post Office Department.

The practice of permitting the shorter workday on Saturday was introduced five years ago. In order No. 493, of May 14, 1924, the Postmaster General declared:

Realizing that very general tendency of people toward relaxation from business during the heated season on Saturday afternoons, acknowledging the fact that this business cessation lessens to a limited extent the work in some of our post offices, desiring to be as considerate as possible of those who are serving faithfully in our great system, and unwilling that the regulations of the department should stand in the way of even very short and temporary respites, though they may be available to comparatively few, I am herein authorizing postmasters to take into consideration the situation which exists in their own jurisdictions during this season.

If any employees can be dismissed earlier or allowed an interval off duty on Saturday afternoons wholly because of having accomplished their usual work either by their own extra efforts or because of slackness of Saturday afternoon business, and in nowise directly or indirectly entailing extra expense to the Government, the postmaster, in his discretion, may permit this. The department does not contemplate any curtailment of the service. It is anticipated that only a small per cent of the employees may be able to benefit from this permission and that in many cities and towns none at all. It is intended solely to extend to postmasters that reasonable latitude which will enable them to grant such permissions in case they find that it can be done without loss to the Government and to the service.

By an order of September 3, 1924, the same practice was extended through the winter months.

In an explanation of the order, the Postmaster General had stated May 21, 1924:

The whole idea of a short Saturday workday was to go as far as the department had the legal authority in allowing such men to end the day's work at such times as would result in giving the men, under such equitable distribution as the postmaster might devise, the benefit of the slack work which happened to exist in a particular office on Saturday.

There are many places where business is quite fully suspended on Saturday afternoon and where men in post offices are almost obliged to stand around and soldier out their time. This seemed to be wholly unnecessary, and so we put it up to the postmasters to take advantage of this principle of slack work on Saturday and give the boys the benefit of it as equitably as they could.

The explanation made it clear that further action must await legislation by Congress. It stated:

If there is to be a definite universal shortening of Saturday of such a nature as to interfere materially with the service or increase the expense, then that becomes a question for Congress, and Congress alone. Our order was simply to go as far as we had the legal right to do, as above stated.

Postmasters who have no cessation of general business on Saturdays can not do anything. Others can do in proportion to the conditions as they find them. This may not seem to be wholly equitable, but it is as far as the department can go. It is so universal to have as much respite as possible from work on Saturday afternoons that we felt justified in going thus far. Clerks and carriers can often spring to their work with more energy and shorten up the day and do no injustice to anybody.

Since 1924 the practice of the shorter workday on Saturday has been rapidly extending throughout private and public business in the Nation. More and more employees of the Post Office have been enabled to take advantage of the permissive order, and as a consequence, any possible enlargement of expense or curtailment of service which might result from a universal application of the Saturday half holiday has been growing steadily less important. Nevertheless, there are still many letter carriers who do not derive an advantage from the order. It will be seen from the above quotations that the Postmaster General did not consider this situation equitable, but that he went as far as the law permitted. He plainly foreshadowed action by Congress making the practice universal and equitable.

This bill would not change the existing legislation, so far as the letter carriers are concerned, except to make mandatory the shorter Saturday working day, or in default of that, compensatory time on some other day. It provides that when carriers are required to perform service in excess of four hours on Saturday, they shall be allowed compensatory time on one of the five working days next following. An exception is allowed in the case of the last three Saturdays of the calendar year, when the holiday rush is felt. On these days, if necessary, the Postmaster General may authorize the payment of overtime for service in excess of four hours, in place of giving compensatory time.

It will be observed that this bill is not in any sense a measure calculated to increase the earnings of letter carriers by increasing the amount of necessary overtime payments. It is strictly a measure to extend to the Postal Service the Saturday half holiday which is now generally practiced in both public and private business.

OUTLINE OF FOLLOWING ARGUMENT

In support of the shorter workday on Saturday for letter carriers, the following facts are submitted:

(a) The letter carrier is a highly skilled and responsible citizen, entitled to the same consideration in the matter of working hours as other skilled workers, such as compositors, building-trades workers, and office employees.

(b) The health hazards of letter carriers are severe, and should be mitigated by time for rest and recreation.

(c) The Saturday half holiday is now extensively practiced in both public and private employment.

(d) Authorities agree on the value to industry and the public shorter hours and more leisure.

(e) Productivity and efficiency of letter carriers have so increased that much more work is now performed in less time than previously.

(f) Due to the widespread Saturday afternoon closing of establishments in localities served by the City Delivery Service it is wasteful to maintain this service on Saturday afternoon, and the cost of discontinuing or drastically reducing it would be small.

(g) Further increases in efficiency, to be normally expected, will be more than sufficient to absorb whatever small cost is entailed.

(h) The existence of a postal deficit should not be considered a bar to justifiable changes in working conditions, since the Post Office Department would have no deficit if it were not required by law to perform services which would not be performed by an ordinary commercial and profit-seeking enterprise.

SKILL AND DUTIES OF LETTER CARRIERS

The letter carrier is, by any test—whether physical and educational qualifications, apprenticeship and training, skill, hazard, or responsibility—the equal of any of the occupations which now enjoy shorter hours on Saturday. He can fairly be compared with the printing compositor, the building-trades journeyman, or the responsible office employee, all of whom have been granted the Saturday half holiday or better.

QUALIFICATIONS

Before he is permitted to take the required civil-service examination a man seeking a position as letter carrier must show that he possesses the following qualifications:

1. He must be a citizen of the United States.
2. He must be between 18 and 45 years of age.
3. He must file an application on a form furnished by the Civil Service Commission.
4. He must be not less than 5 feet 4 inches in height.
5. He must weigh not less than 125 pounds.
6. He must be physically sound and in good health.
7. He must give the names and addresses of five persons, preferably employers, who have knowledge of his character, experience, and ability.
8. His application must be signed by two vouchers.
9. He must be examined by a physician and furnish a medical certificate showing his physical qualifications before he is eligible to appointment.

Having met these requirements, the applicant for the position of letter carrier must pass an open competitive examination conducted by the Civil Service Commission, with an average percentage of not less than 70. The names of those so passing are placed on the eligible list in the order of the average percentages attained, the applicant with the highest average standing at the head of the list.

TRAINING AND APPRENTICESHIP

A man on the eligible list may be appointed in his regular order for work as substitute carrier whenever the need arises. A substitute must, if he wishes to continue in the service, be available at any time for such calls as may be made upon him, and is thus prevented from filling a regular position elsewhere. During the probationary period of six months at eight hours a day or its equivalent he may be dropped at any time for unsatisfactory service.

This may be characterized as the preliminary training period of the carrier. The substitute must become familiar with the duties of clerk, mechanic, and chauffeur. He is likely to be called on to do any part of the carrier's work.

The substitute may be appointed, when a vacancy occurs, as a first-grade carrier. Thereafter he may be promoted every year successively to the second, third, fourth, and fifth grades. The members of the first four grades have duties equivalent to those of apprentices and helpers in ordinary skilled trades. It is thus not until after a period of from four and one-half to

eight years that the applicant qualifies as a full-fledged carrier at the salary of the highest grade.

For the first two, three, or four years in the large offices the carrier is usually in the collection service, gathering mail from boxes. In the meantime he must be learning the duties of the carrier engaged in delivery.

THE JOB OF THE LETTER CARRIER

The regular letter carrier, engaged in delivery work, must take his mail from the clerks' department, including letters, advertising matter, periodicals, and parcels. Within a brief allotted time he must sort this mail according to sequence on his route, placing each piece in its proper compartment in a distribution case. He must fill in incomplete addresses, detect mail which has to be forwarded on account of removals and readdress it, discard any mail which has been incorrectly assigned to him by the clerk, and must call for registered letters, insured mail, postage-due letters, and C. O. D. parcels at special windows.

The letter carrier must be gifted with an accurate, retentive memory. He must assimilate for instant use the Postal Rules and Regulations, which are contained in a book of 800 pages. In this book are the rates of postage of the several classes of mail matter, rules pertaining to registered mail, special-delivery mail, insured mail, C. O. D. mail, pension letters, and money orders, and the characteristics peculiar to the mailing and delivery of each of those kinds of mail. He must know how to detect obscene mail, dunning notices, and all other prohibited kinds of mailing matter and be prepared at all times to answer the queries of the public. In this latter capacity such a variety of widely dissimilar questions is constantly directed to the carrier that in time he becomes a postal encyclopedia.

The carrier must learn the scheme of distribution for his route, which consists in memorizing upward of several thousand names of patrons of the Postal Service and associating those names with the labeled compartments in the post-office distributing case. This work must be done with infinite accuracy because the carrier is the last link in the chain of the post-office system of handling mail, and he is the man who is penalized for all errors of distribution. He must also memorize the names of patrons who formerly resided on his route, so that he will know instantaneously what mail is no longer deliverable on his route, in order that it may be transferred by the carrier to the route to which it now belongs.

On the physical side the tour of duty involves two to five trips daily on which the carrier walks 2 to 6 miles per trip, often necessitating a good deal of stair climbing, and on which he carries a satchel of mail up to 50 pounds weight. These trips must be made in all kinds of weather, with exposure to wind, rain, sleet, and snow, and to extremes of heat and cold. The carrier in charge of a motor vehicle must be a mechanic and chauffeur. He must know how to operate and repair the vehicle under his management.

TESTIMONY OF POSTMASTER GENERAL NEW

In the annual report of the Civil Service Commission for the fiscal year ending June 30, 1928, Postmaster General Harry S. New is quoted as follows:

> As to the knowledge of the public regarding their work, the postal employees are more favorably situated than other Government workers. There is a daily business contact with the post office and its employees and with the Railway Mail Service. Even so, I have sometimes thought that this close-up view tends, in a measure, to the popular acceptance of the service as a matter of course, and prevents a better appreciation of the wonderful organization conducting it and the punctilious efficiency of its army of employees and their supervisors and officers. * * *
>
> It is a common tradition in the service that loyalty to it has ever been a first consideration with workers. In my connection as Postmaster General with the service I have been impressed with this truth. The service has a tremendous appeal to its employees, something like the love of country to all, and so there is added to efficiency that element of faithfulness which raises it from labor to a pleasure in the doing and accomplishing.

HEALTH HAZARDS OF LETTER CARRIERS

The letter carriers are subject to an extraordinary risk of disease as well as to an appreciable risk of accident. The health hazard arises from numerous sources. There is, in the first place, the mental and nervous strain of performing such a variety of operations, with such a high degree of accuracy, in a limited time. There is the physical strain due to extremes of temperature, wet weather, variation between badly heated or ventilated offices, and exposure to the outside elements and laborious physical work. There is the contact with all classes of the population, bringing with it unusual exposure to contagion.

The United States Public Health Service, which compared the morbidity rates of 18,894 letter carriers with those of 71,728 industrial employees, discovered that the letter carrier's rate of sickness was 57.5 per cent above that of industrial workers. These figures are all the more significant, because letter carriers are subject to a strict physical examination before entering the service, while the industrial employees are for the most part hired indiscriminately, the figures coming from 27 industrial mutual associations.

This extraordinary health hazard is one of the most telling arguments for shorter hours on Saturday, which would provide more time for rest, recuperation, and recreation.

The number of accidents and injuries to which letter carriers are subjected is also large and increasing, due perhaps to the increased hazards from automobile traffic. Injuries to letter carriers, according to official statistics, increased 7.2 per cent between 1923 and 1927.

EXTENT OF SHORTER HOURS ON SATURDAY

The Saturday half holiday, which is now very widely practiced, is a part of the movement toward shorter working hours, which has continued for many years in the United States and other nations.

The average full-time hours in all manufacturing establishments in the United States were reduced, according to the United States Census, from 57.3 in 1909 to 51.1 in 1923—the last year in which the information was obtained. The National Industrial Conference Board reports a drop of the average number of hours in the factories covered by its survey to 49.6 in 1927. The average is undoubtedly less now.

In 1909 only 7.9 per cent of the manufacturing employees of the country were found in establishments operating 48 hours or less per week, but by 1923 the percentage working 48 hours or less had increased to 46.1 per cent.

It must be remembered that many concerns working a 48-hour week grant the Saturday half holiday. It may be assumed without question, however, that all concerns working 44 hours or less are either working only a half day, or not at all, on Saturday. Even by 1923, according to the census, almost 10 per cent of the factory workers had the 44-hour week or less. According to the United States Bureau of Labor Statistics, the average weekly hours for all unionized trades had fallen to 44.9 in 1928, while in the building trades the average was 43.5. Average hours in the men's clothing industry are now under 44, nearly half the workers having a 5-day week.

Shorter hours on Saturday are particularly prevalent among office workers. The American Management Association recently made a survey covering 304 establishments with a total of more than 174,000 office employees and discovered that the working day on Saturday averages slightly over four hours. Only 51 per cent of the offices worked longer hours in winter than in summer. Several reported closing all day Saturday in summer.

The Saturday half holiday is also general among Government offices—Federal, State, and local.

Meanwhile the most advanced employers and employees have gone on ahead of this condition—to the 5-day week.

A report just issued by the National Industrial Conference Board lists 270 industrial establishments, employing 216,921 workers, which were on the 5-day week schedule in 1928. This list is not complete. The American Federation of Labor reported in October, 1928, that 164,479 of its members were on the 5-day week, and of these only 5,500 were, according to the National Industrial Conference Board, included in its survey. On this basis the board estimates that over a year ago there were about 400,000 on the 5-day week schedule. The Monthly Labor Review of the United States Bureau of Labor Statistics for November, 1929, states: "During the last four months, 237,674 organized workers are reported to as having obtained a 5-day week." These were largely in the building trades. Making allowances for additional factories installing the 5-day week during the year, not covered in the figures of unionized trades, and for the large number of office workers who are on this schedule, the number enjoying the 5-day week must be now in the neighborhood of 1,000,000.

If Ford, Curtis Publishing Co., American Chicle Co., Eberhard Faber Pencil Co., Robert Gair Co., Joseph & Feiss Co., A. G. Spalding & Bros., J. Stevens Arms Co., Sweet Orr & Co., Wright Aeronautical Corporation, William Wrigley, Jr., and many other leading concerns can work the 5-day week, surely the post office can go as far as the 5½-day week.

QUOTATIONS FROM AUTHORITIES ON DESIRABILITY OF SHORTER HOURS

Hon. James J. Davis, Secretary of Labor, recently stated:

> Labor-saving machines are rapidly becoming leisure-producing machines. Our fast machines must be taken for what they are, creators of leisure as well as of wealth. They must be so taken if we are to

get from these machines what they have in them to give us, for leisure is necessary in order to develop new wants among our people. (The New York Times, November 24, 1928.)

John J. Raskob, former chairman of the finance committee of the General Motors Corporation and of the Democratic National Committee, referring to the 5-day week, states:

The knowledge that he had two days out of seven in which to enjoy life and family companionship would make every ambitious worker in the land more efficient. But, in addition, modern machinery, methods, and power have already developed a vast margin of unused production capacity, and there is literally no limit at present to be foreseen to further progress in this direction. In other words, America is in shape to produce in five days all she can consume in seven, with a lot left over for export. That being so, the 5-day week, in my judgment, should become the rule in America with as little delay as possible. (Quoted in the Literary Digest, November 16, 1929.)

Thomas A. Edison:

If for no other reason than that it would prevent overproduction * * * the hours of labor should be reduced to not more than eight per day and not more than five days a week. (The Typographical Journal, August, 1929.)

Excerpts from address of Miss Frances Perkins, State industrial commissioner, before Columbia University students at McMillin Academic Theater:

The 5-day week for factory workers is rapidly becoming one of the greatest forces in the humanizing of industry, and within a few decades will become a universally adopted system. The 6-day week is as surely doomed to pass as the 12-hour day was 25 years years ago.

In the next generation executives will know how to play and so will their employees.

Irving Fisher, professor of economics, Yale University:

In economic theory, labor-saving machinery (by increasing productivity) should reduce human toil and misery, and in actual fact it has done so to the extent of increasing real wages. It now promises to do so in increasing leisure. Perhaps labor is now getting enough to want more leisure even if it gets no more wages. After a certain point leisure is a substitute for more wages. If the wage earner can gain both more leisure and more wages (through greater productivity) by means of a 5-day week, then the sooner it can be generally introduced the better all round.

Wall Street Magazine:

Fear is expressed that the whole of industry is headed for shorter hours. What if it is? What's the use of having 30 mechanical slaves, soon to be 50, working for each of us if we all have to go on working as long hours as ever? The increased productiveness of the human labor unit, through the machine, must be accompanied by corresponding increase in consumption; or there will be no jobs for millions, if each job is to be as long in hours and days as now. We need more time to enjoy our machine-made wealth. Then we will consume more than ever, and the machines will have to work harder and more productively than ever. Business need not fear a 5-day week per se * * *. But we should not be foolishly excited over the gradual approach of one of the objectives our industrialism is headed for—more enjoyment of life for all.

Daily News Record, July 13, 1929—Ford's 5-day week aids retail sales:

DETROIT, July 12.—With the spread of the 5-day work week in the Ford plants here, retailers report marked benefits in increased purchases.

INCREASED PRODUCTIVITY OF LETTER CARRIERS

Because the productivity of modern industry has rapidly increased, say the authorities, the worker should have not only higher wages but shorter hours. Industry can produce all it needs to produce in the shorter time. The worker needs the leisure, both to enjoy the higher standard of living which larger productivity makes possible, and to recuperate from the strain of his working life, which efficient modern methods entail.

What is the case with the letter carriers? Here increases in productivity are not aided by complex automatic machinery. It is a job dependent almost entirely on the brain, nerves, and sinew of the individuals doing the work. Letter carriers should share in the general growth of production and leisure made possible by machinery, entirely aside from their own contribution.

But if they have themselves become more productive, there is redoubled compulsion to grant them shorter hours.

Productivity of letter carriers may be measured by comparing the growth of the volume of mail with the growth of their numbers. The total volume of mail has undoubtedly grown less rapidly than the mail handled by the letter carriers, who work in the cities and larger towns, because of the increasing concentration of the population in cities and the reduction of the numbers of people on farms. To compare the growth in the total volume of mail with the increase in number of carriers therefore will underestimate the advance of their productivity rather than otherwise.

The increase in volume of mail may be conservatively estimated by the increase in the postal receipts. Domestic letter postage is the same as before the war. Foreign letter postage has been decreased by the extension of domestic rates to most foreign nations. Second-class rates were somewhat increased, in effect, by the zoning law. But this could not much affect the total, since second-class mail receipts, according to the last report of the Postmaster General, make up but 4.4 per cent of postal revenues. Parcel post, which accounts for over 60 per cent of the total volume of mail and over 20 per cent of total receipts, is now being carried at lower revenue per pound than before the war, since the charge for the first pound is larger than that for additional pounds, and the weight and girth limits have been enlarged.

Further reductions in rates were made effective in the fiscal year ending June 30, 1929.

Postal receipts increased 141 per cent between 1914 and 1928, while the number of letter carriers increased only 59 per cent. The receipts per letter carrier increased 52 per cent in the same period. This means that the average carrier was handling at least 52 per cent more mail in 1928 than in 1914—an amazing advance in efficiency.

Another sign of the increase in productivity is that while the city post offices had grown appreciably in size and volume of business, the average post office having 46 per cent more receipts in 1928 than in 1914, there were actually fewer carriers per post office in 1928 than in 1914, the number being 17.7 carriers per post office in 1928 against 18.4 in 1914.

The public has received the benefit of this increase in productivity through lower costs and better service, while the carrier has borne its burden in increased work and nervous strain. He deserves shorter hours on Saturday, if for no other reason, as a reward and encouragement for his contribution to the growth of the national income through his harder work.

EXTENT OF SHORTER HOURS ON SATURDAY WHERE CARRIERS ARE REQUIRED

It should be noted that the growth of the Saturday half holiday not merely makes it just to grant shorter hours on Saturday to the letter carriers, but also makes it feasible. Offices which are not open and persons who are engaged in recreation neither send nor receive letters. It is pure economic waste for a carrier to make his rounds at a time when the majority of offices and homes which he visits have no need for his services. Such services as it may be necessary to maintain on Saturday afternoon may be carried out by a very greatly reduced force. This means that the expense of the change will be small and is continually being reduced.

CHANGE WILL FURTHER INCREASE EFFICIENCY AND SO ABSORB ANY INCREASED COST

The only objection to the change proposed in this legislation is its possible increased cost. On account of the rapid spread of Saturday closing, the necessity for postal service on Saturday afternoon is rapidly declining, and so no reliable estimate of increased cost can be made. It is likely that before long the vast majority of postal employees can be given a half holiday on Saturday without the necessity of employing others to fill their places.

Even stronger, however, is the consideration that the reduced hours themselves are likely to yield an increased efficiency which will more than make up any possible difference in time worked by each individual. They will reduce accumulated fatigue, thus improving the powers of those at work and decreasing the number of absentees through illness.

Indirectly the shorter week has increased the output of workers and decreased production costs by lessening the amount of lateness, accidents, and labor turnover and also by its effects on Monday's output.

Many employers say that with shorter hours "blue Monday" has almost disappeared and that men are more punctual * * *.

POSTAL DEFICIT SHOULD BE NO OBSTACLE TO SHORTER HOURS

There is no more illogical or unfair argument than that the existence of a postal deficit should prevent the granting of pay or working conditions, which are otherwise justified, to postal employees.

In the first place, we have shown that the shorter day on Saturday is not likely to lead to much, if any, additional expense. Even if it did so, however, the existence of the postal deficit should not weigh in the balance against it.

How does the postal deficit arise? The annual report of the Postmaster General for the fiscal year ended June 30, 1929, places the distributable loss of the so-called "postal deficit" for the year at $87,985,841.

Of this, $1,178,291.67 consisted of retroactive pay to railroad companies, an extraordinary item made necessary by the settlement of a long controversy.

Another group of expenses, totaling $31,232,906.52, represents a list of subsidies extended by the department for special purposes, as ordered by Congress. These subsidies would not be extended by any commercial organization. They are not losses incurred in the ordinary course of postal services. They are matters of public policy. If the representatives of the taxpayers believe these subsidies ought to be extended the taxpayers should pay for them—as they do. But the postal employees should not be expected to bear the burden of these subsidies as if they were employed by a losing commercial enterprise.

Among the subsidies in question are those for handling second-class matter free in counties, differentials in mail contracts favoring vessels of American registry, penalty and franked matter carried free for governmental agencies, support of the air mail, free mail for the blind.

The Postmaster General estimates that reduced rates of postage provided by the act of May 29, 1928, resulted in a loss of $21,527,896. These reductions in rates were not the result of a commercial policy calculated to make the Post Office Department a paying enterprise.

The subtraction of this item from the total so-called "postal deficit" brings it down to about $33,000,000—which is about the same as deficits of previous years.

Even the "normal" deficit is not attributable to the officers and employees of the post office, but to the policy of Congress in fixing the postal rates. Postal rates have not, in general, been increased since before the war, except for a temporary period in the year 1918 and 1919, for war-revenue purposes. Indeed, many of the rates have been reduced. This can be said of extremely few other goods and services. The general average of wholesale prices is now some 40 per cent above the pre-war level. The post office must now, like every other industry, pay more for what it buys. If the rates charged for its services had been allowed to increase, as they would have done in any commercial enterprise, it would have had no deficit.

If postal rates had been raised as much as the average of wholesale prices—if they had merely been allowed to float up with the price level, the department in 1928 would have had not a deficit but a surplus of $273,133,000.

SUMMARY AND CONCLUSION

This legislation would merely make universal and equitable the practice which is now permissive. The department has gone as far as it could in the matter.

The skill and duties of the letter carriers qualify them to rank in every way with the trades now enjoying the Saturday half holiday.

The spread of the shorter workday on Saturday is continual and rapid.

Authorities agree on the desirability of shorter hours, especially on Saturday.

Letter carriers deserve shorter hours because fewer carriers now handle more mail, the productivity of the average carrier having grown 52 per cent since 1914.

The cost of the proposed legislation would at most be small, because of the wide extent of shorter hours on Saturday in offices, where the bulk of mail originates or is delivered.

A further increase in efficiency would result from shorter hours on Saturday, which would neutralize any additional cost.

The postal deficit should be no bar to incurring whatever small cost might be involved in the change, since the deficit does not arise from the management or operation of the Post Office Department.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, the President has warned the Congress that expenditures must be retrenched. The Post Office Department, it has been stated this afternoon by members of the committee in urging other legislation, faces a deficit of something like $98,000,000 a year. There is uncertainty in the economic life of the country. There are many people in my district who would be very glad to work more than 44 hours a week if they could get a job. There are men who are working much more than that, but who are selling their products at such a price that it is a question whether they get paid for the time they put in. With those conditions confronting us I do not believe that on the Unanimous Consent Calendar we should pass bills recklessly which add burdens to the Treasury. I say it is passing legislation recklessly to act on a bill on the Consent Calendar without any report whatever from the department concerned. There is no report here from the Post Office Department. There is a quotation selected from something the Postmaster General has said. There is no report from the Post Office Department. The committee should be able to get a report and put it in the committee report so that every Member of the House can see it.

What is this going to cost the Treasury of the United States? The committee report says:

It is impossible to estimate the cost of this measure. The Post Office Department has given varying estimates, and many letters have been received from postmasters in large offices giving greatly differing ideas as to the cost. Many postmasters report that the cost can be absorbed in their own offices.

Evidently other postmasters have a different view.

Your committee believes that to a large extent this will apply over the entire service.

There is no statement of the Post Office Department that it can be so applied and that it could be absorbed.

With estimates ranging from $2,000,000 upward, your committee believes it is impossible to fix a definite estimate.

There is no statement from the Post Office Department as to how far upward the cost would probably go.

Mr. SPROUL of Illinois. Will the gentleman yield?

Mr. CRAMTON. I have not time to yield now. I will later.

Now, it is very easy to be for higher salaries. It is very easy to be for shorter hours. It is very easy to yield to demands on the Treasury, but somebody has got to pay the bills. As a member of the Committee on Appropriations, knowing that the sum total of our appropriations depends upon the size of the items in the bills I am going to be obliged to object to this bill being considered by unanimous consent.

Let me call to your attention, however, that the Committee on Post Offices and Post Roads will soon have its day in court. There are only three or four committees and then that committee will be reached.

Mr. O'CONNELL of New York. Not this session. The gentleman's objection will keep it out.

Mr. DENISON. Mr. Speaker, regular order.

The SPEAKER pro tempore [Mr. SNELL]. The regular order is demanded.

Is there objection?

Mr. CRAMTON. I object.

Mr. LAGUARDIA. There will not be a bridge bill passed this afternoon. If the gentleman demands the regular order, I will do it, too.

Mr. SCHAFER of Wisconsin. The regular order, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the next bill.

Mr. LAGUARDIA. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. STAFFORD. We might as well adjourn.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that we may return to Calendar No. 387.

The SPEAKER pro tempore. A point of no quorum has been made and is before the House.

Mr. CRAMTON. I hope the gentleman will withdraw it temporarily.

The SPEAKER pro tempore. Does the gentleman withdraw his point of order?

Mr. LAGUARDIA. I will withdraw it for a moment.

The SPEAKER pro tempore. The Clerk will report the next bill.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to return to Calendar No. 387.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CRAMTON] asks unanimous consent to return to Calendar No. 387. Is there objection?

Mr. CRAMTON. Mr. Speaker, there were some gentlemen to whom I promised to yield.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. CRAMTON]?

There was no objection.

The SPEAKER pro tempore. The Clerk will again report Calendar No. 387.

The Clerk read the title of the bill H. R. 6603.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, I want to yield to the gentleman from Illinois [Mr. SPROUL].

Mr. SPROUL of Illinois. I trust the gentleman from Michigan [Mr. CRAMTON] will withhold his objection.

Mr. CRAMTON. I have gone to all this trouble to yield to the gentleman from Illinois [Mr. SPROUL] for a short statement.

Mr. SPROUL of Illinois. Mr. Speaker, I did not know we were going to return to the bill. There has never been presented to this House a bill that is as just as the present bill.

The annual receipts of the postmaster in New York City amount to $84,000,000.

Mr. CRAMTON. I will say that is not the bill that is now pending.

Mr. SPROUL of Illinois. Well, I wanted the gentleman to yield to me on the 44-hour bill.

Mr. CRAMTON. I yield to the gentleman.

Mr. SPROUL of Illinois. That bill was passed unanimously in the Senate in the Sixty-ninth Congress and again in the Seventieth Congress, if my memory serves me right. It was put on the calendar too late to have consideration. It is a just bill.

You take the employers of labor throughout this whole land and for years they have been granting their employees a 44-hour week. To-day, right here in the city of Washington, in the building industries, the contractors and the real-estate men of the District have granted their men a 40-hour week. We have the same thing in Chicago. The Postmaster General appeared before our committee——

Mr. O'CONNELL of New York. That is what I wanted the gentleman to state to the House, that the Postmaster General himself did appear before the committee.

Mr. CRAMTON. But that does not answer the question. This House is entitled to his report.

Mr. COCHRAN of Missouri. It is in the hearings.

Mr. CRAMTON. I do not care if it is in the hearings. We should have his report before the House.

Mr. SPROUL of Illinois. The Postmaster General appeared before the committee, and he said if it were a straight half holiday on Saturday it would cost about $10,000,000. But it is not a straight half holiday on Saturday. The men get off on Tuesdays, Wednesdays, or Thursdays, and there are light days in every office in this country. I do not believe it will cost an additional $1,000,000 to give those 65,000 employees a Saturday half holiday.

Mr. CRAMTON. But my friend will remember that the Postmaster General said this measure, in his judgment, "is not justified at this time." I do not object to this bill coming up, and I do not know how I would vote if, after a proper showing of the facts, it were brought to a vote. But I want full information and the House was entitled to a report from the department, and such a bill should not come up on the Consent Calendar.

Mr. HOGG. If the gentleman will yield, I desire to say to the gentleman from Michigan that he is altogether mistaken in the statement of facts. He says there is a deficit of $98,000,000 in the Post Office Department. According to the cost ascertainment report of the Post Office Department, there is a $48,600,000 deficit in the rural-mail service. It is unfair to cite that as a reason against a 44-hour week. The Post Office Department gives $11,225,000 every year as a subsidy to the merchant marine; it gives $7,000,000 every year as a subsidy to air mail; it gives $14,000,000 every year as a subsidy to periodicals; franked and penalty mail amounts to $4,000,000. There is no reason of placing that contribution against postal employees. Why should these be charged against postal employees? No class of men working in a large body, as do the post-office employees, can be found in the United States who do not secure a half holiday on Saturday, or its equivalent. [Applause.]

The House has been liberal in all great park programs of the gentleman from Michigan and I trust he will not object to 360,000 postal workers getting a benefit which has been given to 85 per cent of the workers in the United States.

Mr. CRAMTON. I have never asked the gentleman from Indiana to support any bill of mine unless it appealed to his judgment and his conscience.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LaGUARDIA. I want to point out to the gentleman that I have guarded this Consent Calendar as jealously as he has. I have stood up and objected when it was difficult to object. There is nothing involved, complicated, or intricate in the bill now before the House. It is simply to extend to the postal workers the same week day that is enjoyed by all labor in this country. I might point out to the gentleman from Michigan the conditions under which our postal clerks and carriers work in the large cities. They work under pressure every minute of the time. They punch clocks from the moment they report; a certain amount of work is allotted to them and every minute must be accounted for. So it seems to me it would result in better service and greater efficiency if these men could get four hours a week off out of the 48 hours.

Mr. O'CONNELL of New York. And they work in insanitary surroundings practically all the time.

Mr. LaGUARDIA. In many instances.

Mr. MORGAN. Is it not true that the Government workers in the District work only 42 hours and get a half holiday from June to October?

Mr. LaGUARDIA. This is 1930, I will say to the gentleman from Michigan. This is not 1898. We have not only arrived at a 44-hour week but in this machine age we are arriving at the time when all workers will soon be given a 40-hour week.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. SCHAFER of Wisconsin. They talk so much about the millions of dollars' deficit in the Post Office Department. Does the gentleman or any member of the committee have figures indicating how many millions of dollars of that deficit are due to the use of the frank?

Mr. LaGUARDIA. We would have to pay the postage and then appropriate for it out of the funds of the Treasury.

Mr. SCHAFER of Wisconsin. They could reduce this deficit somewhat by curtailing the use of the frank.

Mr. HOGG. Last year franked mail cost the department $637,000, and penalty mail cost it $3,296,000.

Mr. CRAMTON. Mr. Speaker, it is apparent there is a great deal of interest in behalf of this bill, and it ought to be very easy to get a rule for its proper consideration. My objection does not necessarily defeat the bill but insures its coming up at a time when it can be considered without gentlemen getting quite so excited as they do on Consent Calendar day.

Mr. O'CONNELL of New York. The gentleman's action puts it off for a year.

Mr. CRAMTON. No; with such demand as has been exhibited on the floor to-day it ought to be easy to get a rule within the two weeks.

Mr. O'CONNELL of New York. Will the gentleman get a rule for us?

Mr. CRAMTON. I will not protest against it. It will be agreeable to me if a rule is given for its consideration.

Mr. O'CONNELL of New York. I think that is a real concession.

Mr. CRAMTON. I object, Mr. Speaker.

MECHANICS' HELPERS IN THE MOTOR-VEHICLE SERVICE

The next business on the Consent Calendar was the bill (H. R. 9227) to establish additional salary grades for mechanics' helpers in the motor-vehicle service.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LEHLBACH). Is there objection to the present consideration of the bill?

Mr. COLLINS. I object, Mr. Speaker.

MEMORIAL TO COL. BENJAMIN HAWKINS

The next business on the Consent Calendar was the bill (H. R. 10579) to provide for the erection of a suitable memorial to the memory of Col. Benjamin Hawkins at Roberta, Ga., or some other place in Crawford County, Ga.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I have in mind two amendments that I think will not be objectionable to the author of the bill. One is to insert a requirement for the furnishing of a free site and the other is to strike out the reference to the John Houston Chapter of the Daughters of the American Revolution for the reasons I stated in my colloquy with the gentleman from Massachusetts [Mr. LUCE], leaving it simply that there shall be an agreement with the city of Roberta.

Mr. RUTHERFORD. I accept those amendments, Mr. Speaker.

Mr. COLLINS. I have an amendment, Mr. Speaker, that I think will cover that.

Mr. GREENWOOD. I notice that has already been stricken out by a committee amendment.

Mr. BARBOUR. Should there not be another amendment fixing the amount of $2,500 as the maximum; that is, not more than $2,500, rather than a direct authorization?

Mr. CRAMTON. That is agreeable to me.

Mr. LaGUARDIA. Mr. Speaker, there are so many amendments proposed I will ask to have this bill go over without prejudice.

Mr. RUTHERFORD. Will the gentleman withhold that?

Mr. LaGUARDIA. Yes; but there are at least three amendments in course of preparation and I do not think any of them are ready.

Mr. CRAMTON. My amendments are ready. On page 1, line 6, after the word "Georgia," insert the words "upon a site to be furnished without expense to the Federal Government."

Mr. RUTHERFORD. I accept that.

Mr. CRAMTON. And on page 2, lines 9 and 10, strike out the words "or with the John Houston Chapter of the Daughters of the American Revolution."

Mr. RUTHERFORD. That is acceptable.

Mr. SCHAFER of Wisconsin. Will the gentleman accept another amendment to section 4, inserting the words "without cost to the Federal Government"?

Mr. RUTHERFORD. The gentleman wants that stricken from section 4?

Mr. SCHAFER of Wisconsin. The way section 4 reads now it provides that the Secretary of War is authorized to enter into an agreement with the city of Roberta, Ga., for the care of the memorial hereby authorized, and I want to insert the words "without expense to the Federal Government," so that the agreement will not mean a further drain on the Federal Treasury for the care of the memorial.

Mr. RUTHERFORD. That is acceptable.

Mr. COLLINS. Mr. Speaker, I have this amendment prepared—to strike out section 4 and provide that the title to the land deemed appropriate for the site of this monument shall be vested in the city of Roberta, Ga., and care of the site and monument shall be without expense to the Federal Government.

Mr. RUTHERFORD. I accept that.

Mr. LaGUARDIA. And the gentleman from Georgia is going to stand by the committee's amendment with respect to the National Commission of Fine Arts? The gentleman is not going to resist that amendment?

Mr. RUTHERFORD. No. Just pass the bill and it will be all right.

Mr. SCHAFER of Wisconsin. Will the gentleman yield for a brief question?

Mr. RUTHERFORD. Yes.

Mr. SCHAFER of Wisconsin. I notice this is another bill providing an appropriation out of the Federal Treasury for the State of Georgia. To-day seems to be a regular Georgia field day to obtain appropriations for markers.

Mr. BARBOUR. Mr. Speaker, reserving the right to object, will the gentleman accept an amendment, on page 2, line 1, after the figures "$2,500," to insert the words "or so much thereof as may be necessary"?

Mr. RUTHERFORD. That is all right.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to erect a suitable memorial at Roberta, Ga., or at some other place in Crawford County, Ga., commemorating the life and public service of Col. Benjamin Hawkins.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 to carry out the provisions of this act.

SEC. 3. That the plan and design of such memorial shall be subject to the approval of the John Houston Chapter of the Daughters of the American Revolution of Georgia.

SEC. 4. That the Secretary of War is hereby authorized to enter into an agreement with the city of Roberta, Ga., or with the John Houston Chapter of the Daughters of the American Revolution for the care of the memorial hereby authorized.

The following committee amendments were read:

Page 1, line 4, strike out the words "suitable memorial," and insert "marker or tablet."

Page 2, line 4, strike out the words "John Houston Chapter of the Daughters of the American Revolution of Georgia," and insert "National Commission of Fine Arts."

The committee amendments were agreed to:

Mr. BARBOUR. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, line 1, after the figures "$2,500," insert the words "or so much thereof as may be necessary."

The amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 6, after the word "Georgia," insert the words "upon a site to be furnished without expense to the Federal Government."

The amendment was agreed to.

Mr. COLLINS. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, line 7, strike out the paragraph and insert in lieu thereof the following:

"The title to the land deemed appropriate for the site of this marker shall be vested in the city of Roberta, Ga., and the care of the site and monument shall be without expense to the Federal Government."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider was laid on the table.

MEMORIAL AT JASPER SPRING, CHATHAM COUNTY, GA.

The next business on the Consent Calendar was the bill (H. R. 10209) authorizing the appropriation of $100,000 for the erection of a monument or other form of memorial at Jasper Spring, Chatham County, Ga., to mark the spot where Sergt. William Jasper, a Revolutionary hero, fell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LaGUARDIA. Reserving the right to object, may I ask the author of the bill if he is going to accept an amendment—it is only a difference of $97,500?

Mr. EDWARDS. I will say that in view of the fact that the city of Savannah erected a magnificent monument many years ago in the city of Savannah, we will accept the $2,500 reported by the committee, especially as that is all we can get. Of course, we would like a more expensive monument or memorial to mark this historic spot, but it seems $2,500 is all the Library Committee of the House is authorizing or recommending.

One of the patriotic organizations has erected a small marker at this spring, about a mile and a half from the city. There is a monument to Sergeant Jasper in one of the parks of our city. The spring where he fell is in the suburbs of the city, and we feel that the National Government should put up a marker at that spot.

Mr. CRAMTON. But if there is already a marker at the spot, what is the necessity of this bill?

Mr. EDWARDS. Well, it is rather a small one, and we feel that the National Government should put up one.

Mr. CRAMTON. I note that in the report of the committee, in addition to section 1 it is recommended that sections 2, 3, and 4 be added. In the bill as printed by the House those amendments do not appear.

Mr. EDWARDS. In connection with the proceedings here I shall ask that they be added to the bill.

Mr. CRAMTON. I have an amendment similar to the others that we have considered, providing for the care of the tablet or marker. It does not seem to me that we ought to contract with any organization, patriotic or otherwise, because, at best, those organizations are temporary when we look ahead to the long time that we hope this Government will endure. I was going to suggest the city of Savannah, but inasmuch as it appears that this is not in the city, we can not very well do that.

Mr. EDWARDS. I think it is best to leave it to the Daughters of the Revolution in this case.

Mr. CRAMTON. I shall not press that, but I want to add to section 4 this sentence:

The site for said marker shall be provided without expense to the United States.

Mr. EDWARDS. That is agreeable.

Mr. COLLINS. Does the gentleman not think that he ought to include in that the upkeep of the monument?

Mr. CRAMTON. I think there should be something of that kind.

Mr. EDWARDS. I have no objection to an amendment similar to that in the other bill which just passed that the gentleman from Mississippi [Mr. COLLINS] offered.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $100,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, to be expended under the direction of the Secretary of War, for the purchase of site and erection of a monument or other form of memorial at Jasper Spring, Chatham County, Ga., to mark the spot where Sergt. William Jasper, a Revolutionary hero, fell and to mark that battle field.

With the following committee amendments:

Page 1, line 3, strike out "$100,000" and insert "$2,500"; page 1, line 6, strike out "the purchase of site and," and at the end of the line the words "monument or other form of memorial" and insert "marker or tablet."

The committee amendments were agreed to.

Mr. COLLINS. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. COLLINS: Page 2, line 2, add a new section, as follows:

SEC. 2. The title of the land deemed appropriate for the site shall be vested in Chatham County, Ga., and care of the site and monument shall be without expense to the Federal Government.

Mr. LAGUARDIA. Has the county the proper machinery to enter into such an agreement?

Mr. EDWARDS. Yes; they have a board of county commissioners.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The amendment was agreed to.

Mr. EDWARDS. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS: Add two new sections as follows:

"SEC. 3. The Secretary of War is authorized to do all things necessary to accomplish said purpose, by contract or otherwise, with or without advertising, under such conditions as he may prescribe, including the engagement, by contract, of services of such architects, sculptors, artists, or firms or partnerships thereof, and other technical and professional personnel as he may deem necessary without regard to civil-service requirements and restrictions of law governing the employment and compensation of employees of the United States, and to spend in accordance with the provisions of this act such sum of money as may be placed in his hands as a contribution additional to the funds appropriated by Congress.

"SEC. 4. The plan and design of such tablet or marker shall be subject to the approval of the National Commission of Fine Arts."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Georgia.

The amendment was agreed to.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that section 2, the amendment I offered, be made section 4 and that the other sections of the bill be numbered appropriately.

The SPEAKER pro tempore. Without objection, it will be so ordered.

There was no objection.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill authorizing the appropriation of $2,500 for the erection of a marker or tablet at Jasper Spring, Chatham County, Ga., to mark the spot where Sergt. William Jasper, a Revolutionary hero, fell."

CERTIFICATES OF MAILING FOR OTHER THAN ORDINARY MAIL

The next business on the Consent Calendar was the bill (H. R. 8569) to authorize the Postmaster General to issue additional receipts or certificates of mailing to senders of any class of mail matter and to fix the fees chargeable therefor.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, what is the fee contemplated to be charged?

Mr. HOGG. Those fees are supposed to be 5 cents, the contrary to what I think the legislation ought to do; it does not set out what the fee is.

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

REIMBURSEMENT TO STATES FOR MILITARY PROPERTY ACQUIRED IN 1917

The next business on the Consent Calendar was the bill (H. R. 704) to grant relief to those States which brought State-owned property into the Federal service in 1917.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

FINES ON STEAMSHIP AND AIRCRAFT CARRIERS TRANSPORTING MAIL

The next business on the Consent Calendar was the bill (H. R. 8806) to authorize the Postmaster General to impose fines on steamship and aircraft carriers transporting the mails beyond the borders of the United States for unreasonable and unnecessary delays and for other delinquencies.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. JENKINS. Reserving the right to object, I take it that this is another bill in the program of the Postmaster General to increase the revenues of his department. Do any members of the committee know or was it brought out in the hearings whether it would be even possible to estimate how much would come into the Treasury by reason of this proposition?

Mr. HOGG. That is not the object of this bill. The object of the bill is to compel a better exercise of care on the part of the transportation companies in compliance with the terms of their written contracts.

Mr. JENKINS. Does the gentleman know whether in the Post Office Department itself there is any precedent for this procedure?

Mr. HOGG. At the present time the law gives this identical right to the department in cases of delay, but it does not reach, as this bill provides, to other delinquencies as the lack of the proper exercise of care. This bill merely extends the scope of the present existing law. It does for the foreign mail service what has been done for the domestic service for a long time?

Mr. JENKINS. Who will determine what are delinquencies?

Mr. HOGG. The Post Office Department will follow the general law and its regulations in this regard.

Mr. JENKINS. Is there any opposition in the gentleman's committee to this?

Mr. HOCH. No. The committee has caused to be printed in its report statements from the State Department, the Treasury Department, and the Department of Commerce concerning this legislation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. Reserving the right to object, does this bill provide that the Postmaster General shall levy fines upon the mail carriers for the rifling of the mail?

Mr. HOGG. This bill covers all delinquencies.

Mr. SCHAFER of Wisconsin. Does that provision now apply to the railroads when mail is rifled? Do the railroads have to pay the Government for the loss sustained?

Mr. HOGG. This bill applies only to the foreign-mail service or to domestic-foreign mail. It does not cover purely domestic mail.

Mr. SCHAFER of Wisconsin. Why should it not apply to the mail carried by railroad companies within the country when mail is rifled?

Mr. LAGUARDIA. The present law takes care of that.

Mr. SCHAFER of Wisconsin. Then, under existing law, if a mail car is robbed of $2,000,000 worth of mail, as in the case of the Rondout mail robbery, the railroad company would have to reimburse the Postal Service for that amount?

Mr. LAGUARDIA. That depends on the liability of the carrier at the time, covering cases of negligence.

Mr. SCHAFER of Wisconsin. This bill does not provide an exemption in case of negligence?

Mr. HOGG. No.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 4010 of the Revised Statutes (U. S. C., title 39, sec. 655) is hereby amended to read as follows:

"The Postmaster General may impose or remit fines on contractors or carriers transporting the mails by air or water on routes extending beyond the borders of the United States for any unreasonable or unnecessary delay to such mails and for other delinquencies.

With a committee amendment as follows:

Page 1, line 10, after the word "delinquencies," insert the words "in the transportation of the mails."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

ASSISTANT CHIEF OF NAVAL OPERATIONS

The next business on the Consent Calendar was the bill (H. R. 7933) to provide for an assistant Chief of Naval Operations.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That an officer of the active list of the Navy may be detailed as assistant chief of naval operations, and such officer shall



receive the highest pay of his rank, and in case of the death, resignation, absence, or sickness of the Chief of Naval Operations, shall, until otherwise directed by the President, as provided by section 179 of the Revised Statutes, perform the duties of such chief until his successor is appointed or such absence or sickness shall cease.

With a committee amendment as follows:

On page 1, line 4, after the word "assistant" insert the words "to the."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

Amend the title so as to read: "A bill to provide for an assistant to the Chief of Naval Operations."

The SPEAKER pro tempore. The Clerk will report the next bill.

PRESERVES, JAM, JELLY, AND APPLE BUTTER

The next business on the Consent Calendar was the bill (H. R. 11514) to define preserves, jam, jelly, and apple butter, to provide standards therefor, and to amend the food and drugs act of June 30, 1906, as amended.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LEA. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Iowa [Mr. HAUGEN] if he would be willing to accept an amendment which would extend the time when this bill would go into effect?

Mr. STAFFORD. Let me say to my friend, if the gentleman from Iowa will permit, that the Committee on Agriculture is going to have the call on Wednesdays for the next two weeks. This is an important bill. I think the bill should be passed over without prejudice. It will have consideration on Calendar Wednesday. I ask unanimous consent that it be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

WESTERN JUDICIAL DISTRICT OF OKLAHOMA

The next business on the Consent Calendar was the bill (H. R. 6347) to amend the act establishing the western judicial district of Oklahoma.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. McKEOWN. Mr. Speaker, that is a recitation of the entire Judicial Code. I ask unanimous consent that the reading be dispensed with.

The SPEAKER pro tempore. Without objection, it is so ordered. The Clerk will report the committee amendment.

There was no objection.

The Clerk read as follows:

Committee amendment: Strike out all after the enacting clause and insert the following:

"That section 101 of the Judicial Code, as amended (U. S. C., Supp. III, title 28, sec. 182), be, and the same is hereby amended to read as follows:

"'SEC. 101. The State of Oklahoma is divided into three judicial districts, to be known as the northern, the eastern, and the western districts of Oklahoma. The territory embraced on January 1, 1925, in the counties of Craig, Creek, Delaware, Mayes, Nowata, Osage, Ottawa, Pawnee, Rogers, Tulsa, and Washington, as they existed on said date, shall constitute the northern district of Oklahoma. Terms of the United States District Court for the Northern District of Oklahoma shall be held at Tulsa on the first Monday in January, at Vinita on the first Monday in March, at Pawhuska on the first Monday in May, at Miami on the first Monday in November, and at Bartlesville on the first Monday in June in each year: *Provided*, That suitable rooms and accommodations for holding court at Pawhuska, Miami, and Bartlesville are furnished free of expense to the United States.

"'The eastern district of Oklahoma shall include the territory embraced on the 1st day of January, 1925, in the counties of Adair, Atoka, Bryan, Cherokee, Choctaw, Coal, Carter, Garvin, Grady, Haskell, Hughes, Johnston, Jefferson, Latimer, Le Flore, Love, McClain, Muskogee, McIntosh, McCurtain, Murray, Marshall, Okfuskee, Okmulgee, Pittsburg, Pushmataha, Pontotoc, Seminole, Stephens, Sequoyah, and Wagoner. Terms of the district court of the eastern district shall be held at Muskogee on the first Monday in January, at Ada on the first Monday in March, at Okmulgee on the first Monday in April, at Hugo on the first Monday in May, at South McAlster on the first Monday in June, at Ardmore on the first Monday in October, at Chickasha on the first Monday in November, at Poteau on the first Monday in December in each year, and annually at Pauls Valley and Durant at such times as may be fixed by the judge of the eastern district: *Provided*, That suitable rooms and accommodations for holding said court at Hugo, Poteau, Ada, Okmulgee, Pauls Valley, and Durant are furnished free of expense to the United States.

"'The western district of Oklahoma shall include the territory embraced on the 1st day of January, 1925, in the counties of Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Major, Noble, Oklahoma, Payne, Pottawatomie, Roger Mills, Texas, Tillman, Washita, Woods, and Woodward. The terms of the district court for the western district shall be held at Oklahoma City on the first Monday in January, at Enid on the first Monday in March, at Guthrie on the first Monday in May, at Mangum on the first Monday in September, at Lawton on the first Monday in October, at Woodward on the first Monday in November, and at Ponca City on the first Monday in December or at such time as the district judge of such district may deem advisable: *Provided*, That suitable rooms and accommodations for holding court at Ponca City and Mangum are furnished free of expense to the United States: *And provided further*, That the district judge of said district, or in his absence, a district judge or a circuit judge assigned to hold court in said district, may postpone or adjourn to a day certain any of said terms by order made in chambers at any other place designated as aforesaid for holding court in said district.

"'The clerk of the district court for the northern district shall keep his office at Tulsa; the clerk of the district court for the eastern district shall keep his office at Muskogee and shall maintain an office in charge of a deputy at Ardmore; the clerk for the western district shall keep his office at Oklahoma City and shall maintain an office in charge of a deputy at Guthrie.'"

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

Amend the title so as to read: "A bill to amend section 101 of the Judicial Code, as amended (U. S. C., Supp. III, title 28, sec. 182)."

PLANT PATENTS

The next business on the Consent Calendar was the bill (H. R. 11372) to provide for plant patents.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Reserving the right to object, Mr. Speaker, this is a little fast.

Mr. STAFFORD. This is establishing a precedent to provide for a patent to those who develop a rare species of cattle or chickens.

Mr. LaGUARDIA. It does not provide a patent or copyright for anyone who devises a real farm-relief plan?

Mr. PURNELL. I never know when the gentleman from New York [Mr. LaGUARDIA] is serious and when he is not. Does the gentleman from New York believe that agriculture should not enjoy the same privileges, under the patent system, as industry?

Mr. LaGUARDIA. I do not see how you could possibly protect their rights. I am serious in this.

Mr. PURNELL. Well, I never know when the gentleman is serious.

Mr. LaGUARDIA. The gentleman will concede that this is rather novel, will he not?

Mr. PURNELL. I would not say it is novel. I would say it is extremely important in the general program that has been under way for a number of years, to give to agriculture the same rights that industry enjoys. Why should a man who invents a mouse trap or a jazz song have protection and enjoy the privileges that the patent system gives him, and a man like Luther Burbank, who spent his life developing new plants, get nothing?

Mr. LaGUARDIA. Luther Burbank did very well without protection. I have read the report. The gentleman does not suppose that I would stand here and talk about a bill without reading the report?

Mr. PURNELL. No; but will the gentleman allow me to take the time to read two telegrams?

Mr. LaGUARDIA. Yes; and the gentleman might read the quotation from Luther Burbank.

Mr. PURNELL. That is what I am going to read for the benefit of the House, because everybody here does not always have ample opportunity to read reports on bills. If the gentleman is going to object, I shall, of course, not press it seriously, but this will give the Members of the House some information on the matter.

Mr. LAGUARDIA. I think we should study this a great deal.

Mr. PURNELL. It is important. I agree with the gentleman. I want to read this telegram from Thomas Edison.

Mr. LAGUARDIA. It is in the report.

Mr. PURNELL. I know it is.

Nothing that Congress could do to help farming would be of greater value and permanence than to give to the plant breeder the same status as the mechanical and chemical inventors now have through the patent law. There are but few plant breeders. This [the bill] will, I feel sure, give us many Burbanks.

This is signed by Thomas A. Edison.

This telegram came a few days ago, unsolicited, from the widow of Luther Burbank, and it is very significant.

Have just received welcome news congressional activity looking to protection of plant breeders and producers of new fruits by patent. As you probably know, this was one of Luther Burbank's most cherished hopes. He said repeatedly that until Government made some such provision for insuring experimenter or breeder reasonable protection the incentive to creative work with plants was slight and independent plant breeding would be held back to the great detriment of horticulture. In one manuscript he writes, "I have been for years in correspondence with leading breeders, nurserymen, and Federal officials, and I despair of anything being done at present to secure to the plant breeder any adequate returns for his enormous outlays of time, energy, and money. A man can patent a mousetrap or copyright a nasty song, but if he gives to the world a new fruit that will add millions to the value of earth's annual harvests he will be fortunate if he is rewarded by so much as having his name connected with the result. Though the surface of plant experimentation has thus far been only scratched and there is so much immeasurably important work waiting to be done in this line I would hesitate to advise a young man, no matter how gifted or devoted, to adopt plant breeding as a life work until America takes some action to protect his unquestioned rights to some benefit from his achievements." If you think this statement useful in awakening interest or precipitating action, I am sure Mr. Burbank would have been glad to think that it would be so employed.

I agree with the gentleman that this is a matter of extreme importance. It has the indorsement of the Commissioner of Patents, the Secretary of Agriculture, the ex-Secretary of Agriculture, all of the national farm organizations, the secretary of the American Society for the Advancement of Science, and many others.

I do not mean that these are mere formal indorsements; they are couched in terms that indicate that those who have indorsed it understand the purposes of this bill.

Mr. SCHAFER of Wisconsin. Does it have the approval of the Director of the Budget?

Mr. PURNELL. I will say to the gentleman from Wisconsin [Mr. SCHAFER] that it does not cost anything, and I will also say to my friend from Wisconsin that it does not have anything to do with prohibition. [Laughter.]

Mr. LAGUARDIA. I want to say to my colleague from Indiana [Mr. PURNELL] that I think this should be studied by the Members themselves. The committee, of course, has given it a great deal of thought. I will say that yesterday I spent a great deal of time studying it. I can observe new ideas pretty quick, but the difficulties in carrying out the provisions of this bill appeared to me immediately.

For instance, suppose a plant is patented, or a tree is patented, certainly all that is required to reproduce that plant or that tree is the seed.

Mr. PURNELL. Seeds are not covered in this bill.

Mr. LAGUARDIA. That is just the point. Now, suppose one acquires the seed to reproduce that plant, would he be guilty of infringement of a patent? I think he would be under this law.

Mr. PURNELL. Of course, the gentleman is entering a realm that few are competent to discuss, but the Commissioner of Patents has given this very, very careful study.

Mr. JENKINS. Will the gentleman yield?

Mr. PURNELL. I yield.

Mr. JENKINS. Where in the report is that referred to?

Mr. PURNELL. It was his opinion, as stated before the Patents Committee before the matter was reported by the committee, that such objections and misgivings as the gentleman from New York [Mr. LAGUARDIA] may have can be taken care of. There is no reason why they should not be. The principle is sound. We have given certain rights and privileges to industry that insure protection during a period of 17 years under our existing patent laws.

Mr. LAGUARDIA. I do not believe that this bill should be arbitrarily brushed aside by objection. I am not in that frame of mind at all, but it is so far-reaching and so novel that I think we ought to study it.

Mr. CANNON. Will the gentleman yield?

Mr. PURNELL. I yield.

Mr. CANNON. I am certain the gentleman from New York [Mr. LAGUARDIA] will concede that there is no man who is a greater benefactor to the human race than the man who produces a new vegetable or a new fruit.

Mr. LAGUARDIA. I will go further and state that I consider Luther Burbank the outstanding American of his time.

Mr. CANNON. Then, does not the gentleman think that such a man is entitled to some reward; that he should be as generously compensated as the man who produces a new drug or devises a new machine or writes a new book?

Mr. LAGUARDIA. No; but I do not believe it is possible to protect him by patent rights.

Mr. CANNON. That question is answered conclusively by the Patent Office. The report of the office approves the bill and considers it eminently practical. The law can be applied as effectively to the creation of fruits and flowers and vegetables as to the production of automobiles or airplanes or any other mechanical device.

Mr. LAGUARDIA. I ask the gentleman to consider this suggestion: A man patents a new plant or tree and then the seeds get out into the market. The seeds are patentable in some way, and farmers plant those seeds. Then they are subject to all the penalties imposed by the patent law and they may be enjoined from harvesting their crops.

Mr. CANNON. The bill does not include seeds. Seeds have been exempted, for the reason that seeds resulting from hybridizing or crossbreeding usually produce plants varying in many respects from the parent plants. When you plant the seed of an experimental plant it does not always reproduce the hybrid from which it comes. The bill applies to asexual plants and not those propagated by seed. The gentleman's hypothetical case is not applicable.

Mr. STAFFORD. Would the gentleman object to having his bill passed over for two weeks?

Mr. PURNELL. I would rather have it passed, of course.

Mr. STAFFORD. This is a most important measure, and I wish to give serious thought to it during the next two weeks.

Mr. JENKINS. Will the gentleman yield?

Mr. PURNELL. Yes.

Mr. JENKINS. I asked a question which would indicate there was some question as to whether the report carried any intimation as to what the Commissioner of Patents says. For fear the gentleman has missed that, I would like to state that the report says:

The proposed legislation has been indorsed by former Secretary of Agriculture Jardine, the National Horticultural Council, the American Association of Nurserymen, the American Farm Bureau Federation, the National Grange, and many State commissioners of agriculture, experiment-station officials, and individual growers and nurserymen. The Commissioner of Patents approves the bill as amended by the committee.

Mr. PURNELL. That is correct.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

CONFERENCE REPORT—CONSTRUCTION OF CERTAIN PUBLIC WORKS BY THE SECRETARY OF THE NAVY

Mr. WOODRUFF, from the Committee on Naval Affairs, presented for printing the conference report on the bill (S. 549) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes.

LEASING OF TRIBAL LANDS OF THE CHOCTAW AND CHICKASAW NATIONS FOR OIL AND GAS PURPOSES

The next business on the Consent Calendar was the bill (H. R. 9939) authorizing the Secretary of the Interior to lease any or all of the remaining tribal lands of the Choctaw and Chickasaw Nations for oil and gas purposes, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

Mr. McKEOWN. Will the gentleman withhold his objection?

Mr. SCHAFER of Wisconsin. I will.

Mr. STAFFORD. This is a conservation measure.

Mr. McKEOWN. Yes; this is a conservation measure.

Mr. SCHAFER of Wisconsin. That is all right, but it has oil in it.

Mr. McKEOWN. Well, it is conserving oil. This land belongs to these Indians and the Government proposes to lease the land for the benefit of all members of the tribes.

Mr. SCHAFER of Wisconsin. I will state to my good friend from Oklahoma that if he would have a provision written into the bill providing for a minimum amount of royalty, such as other oil leases carry, or leasing under competitive public bidding, I would not object. This bill, as reported, gives the Secretary of the Interior authority, without limitation, to lease these oil lands as he sees fit, and in the future we may have a Secretary of the Interior like the late Secretary Fall. I want to protect the rights of the Indians.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. SCHAFER of Wisconsin. Yes.

Mr. LaGUARDIA. The purpose of this bill, as I understand it, is that in the event oil is found on adjoining lands, then these lands may be protected from being drained?

Mr. McKEOWN. That is one of the purposes. They have drilled in the vicinity of these lands. When they drill in the Red River this will give them a chance. The bill provides that it shall not be mandatory. The department recommended that it should not be mandatory and should be within its discretion.

Mr. LEAVITT. Will the gentleman yield?

Mr. SCHAFER of Wisconsin. Yes.

Mr. LEAVITT. The situation is that other Indian tribes, with the exception of the Five Tribes, have this sort of legislation in their behalf.

Mr. SCHAFER of Wisconsin. Is there not a provision in the general law providing the minimum amount of royalty which shall be received from Government oil lands?

Mr. LEAVITT. That is a matter of regulations. You can not write it in the law because of the changing conditions that would confront the Secretary of the Interior in administering the law.

Mr. McKEOWN. The royalty would be a certain amount, and then in order to receive a bonus, leases would be granted to the highest bidder?

Mr. SCHAFER of Wisconsin. The bill does not so provide. The bill provides that the Secretary of the Interior shall lease the oil rights as he sees fit, and if in the future we should have a Secretary of the Interior like Secretary Fall, he could go down to the quiet of his office and lease these oil rights to his friends without competitive bidding.

Mr. McKEOWN. I will say to the gentleman that under the present administration the leases are made by advertising and to the highest bidders. There is no disposition on the part of the Secretary of the Interior to do anything except to give everybody ample opportunity to bid. The present Secretary of the Interior will safeguard the interest of the Indian.

Mr. SCHAFER of Wisconsin. I shall object to the consideration of the bill unless the gentleman offers an amendment providing that leases shall be made only under competitive bidding.

Mr. McKEOWN. I am willing to accept an amendment like that but it is surplusage.

Mr. SCHAFER of Wisconsin. I will withdraw my objection if the gentleman will offer such an amendment.

Mr. GREENWOOD. Are there not departmental regulations covering that?

Mr. McKEOWN. They have regulations as to the lands the department lease, but the gentleman seems to think they will not carry them out, so I am willing to put that amendment in.

Mr. SCHAFER of Wisconsin. I believe that should go in and unless it goes in I shall object.

Mr. PALMER. Under the present law these lands are leased under competitive bidding?

Mr. McKEOWN. Yes; the department takes every precaution and I sometime think individual Indians lose by too strict regulations.

Mr. LaGUARDIA. Would this satisfy the gentleman from Wisconsin? On page 2, line 1, after the word "conditions," insert the words "after open competitive bidding," and strike out the words "and under such rules and regulations as he may prescribe."

Mr. SCHAFER of Wisconsin. That will satisfy me entirely.

Mr. LEAVITT. Would it not be better to include both, because he would have to prescribe rules and regulations in addition to the competitive bidding.

Mr. SCHAFER of Wisconsin. That would be satisfactory.

Mr. LaGUARDIA. After public competitive bidding.

Mr. McKEOWN. I will accept the amendment.

Mr. LEAVITT. The amendment is acceptable to the committee.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to lease for oil and gas purposes any or all of the remaining tribal lands of the Chickasaw and Choctaw Nations, including the lands lying south of the medial line of Red River to the south bank thereof, east of the ninety-eighth meridian, and down Red River to 3 miles below the mouth of Little River which empties itself into Red River on the north side, upon such terms and conditions and under such rules and regulations as he may prescribe: *Provided*, That nothing herein contained shall prevent the sale of any or all of said tribal lands in accordance with provisions of existing law.

With the following committee amendment:

Page 1, line 4, after the word "authorized," insert the words "in his discretion."

The committee amendment was agreed to.

Mr. LaGUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LaGUARDIA: Page 2, line 1, after the word "conditions," insert the words "after public competitive bidding."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THE TOMB OF THE UNKNOWN SOLDIER

Mr. RANSLEY. Mr. Speaker, owing to an emergency, I ask unanimous consent to consider at this time the bill (H. R. 9843) to enable the Secretary of War to accomplish the construction of approaches and surroundings, together with the necessary adjacent roadways, to the Tomb of the Unknown Soldier in the Arlington National Cemetery, Va.

The SPEAKER. The Chair understands this bill is on the Consent Calendar?

Mr. RANSLEY. It is on the Consent Calendar, No. 484.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take up out of order a bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Pennsylvania asserts he regards this as a matter of emergency?

Mr. RANSLEY. Mr. Speaker, this bill was introduced by the gentleman from Indiana [Mr. WOOD], who not only called my attention to the emergency that exists, but my attention was also called to it by the Acting Secretary of War, Mr. Davison.

The sole object of the bill is to confer upon the Secretary of War the same authority in constructing the approaches and surroundings as was given in the construction of the tomb proper. Unless we can pass the bill giving this authorization, the work will have to come to an end.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in carrying into effect the provisions of that portion of the act approved February 28, 1929 (45 Stat. 1378), providing for the construction of approaches and surroundings, together with the necessary adjacent roadways, to the Tomb of the Unknown Soldier, in the Arlington National Cemetery, Virginia, the Secretary of War is authorized to do all the things necessary to accomplish this purpoes, by contract or otherwise, with or without advertising, under such conditions as he may prescribe, including the engagement, by contract, of services of such architects, sculptors, artists, or firms or partnerships thereof, and other technical and professional personnel as he may deem necessary without regard to civil-service requirements and restrictions of law governing the employment and compensation of employees of the United States: *Provided*, That the plans for the approaches and surroundings, together with those for the necessary adjacent roadways, to the Tomb of the Unknown Soldier shall be approved by the Arlington Cemetery Commission, the American Battle Monuments Commission, and the Fine Arts Commission.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

INTERNATIONAL CONFERENCE ON LOAD LINES

Mr. KORELL. Mr. Speaker, owing to an emergency, I ask unanimous consent to consider at this time the joint resolution

(H. J. Res. 305) providing for the participation by the United States in the International Conference on Load Lines, to be held in London, England, in 1930.

The SPEAKER. The gentleman from Oregon asks unanimous consent for the present consideration of the joint resolution which the Clerk will report.

The Clerk read the title of the joint resolution.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, what is the amount of the appropriation named in the bill?

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the sum of $20,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for the expenses of participation by the United States in the International Conference on Load Lines, to be held in London, England, in 1930, including travel and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), compensation of employees, stenographic and other services by contract if deemed necessary, rent of offices, purchase of necessary books and documents, printing and binding, printing of official visiting cards, and such other expenses as may be authorized by the Secretary of State.

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, I will ask the gentleman from Oregon if this is a unanimous report from the committee?

Mr. KORELL. It is a unanimous report, and the situation is this: During the last Congress an act was passed authorizing the Secretary of Commerce to issue regulations governing the establishment of load lines on vessels, and he is bound to issue his regulations before September of this year. However, the different countries may adopt different sets of regulations to standardize the load lines of vessels sailing under their flags. If different countries should adopt different regulations, instead of the object of the legislation that we have passed being served there would be a tendency on the part of each foreign government to liberalize their load lines, at the expense of safety, in order to insure a greater financial return for the operators of their vessels. There would be limitations imposed upon American vessels not imposed upon foreign vessels. Therefore there is necessity of uniformity on the part of all the different nations and a congress to establish uniform load-line regulations is to be held on the 20th of this month at London.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. KORELL. Yes.

Mr. LAGUARDIA. The matter was taken up at the Conference for Safety of Life at Sea held in London, at which conference we also had a delegation. The gentleman from Maine was one of the delegates of the United States.

Mr. KORELL. That is true.

Mr. PATTERSON. If the gentleman will permit, this is a very important matter, and the gentleman from New York in a very exhaustive and a very able speech about nine months ago pointed out the importance of the matter; but is there any danger that we will liberalize rather than properly standardize the regulations with respect to load lines if we take part in this congress?

Mr. LAGUARDIA. We can not go lower than the standard provided in our bill, no matter what the delegation may do.

Mr. KORELL. There are certain minimum standards, but it is essential that we should not permit other nations to go below these standards at the expense of our shipowners and at the sacrifice of safety.

Mr. MOORE of Virginia. As I understand, the important thing is to have the foreign governments accept what we have done.

Mr. KORELL. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MARINE BAND AT THE CONFEDERATE VETERANS' REUNION, BILOXI, MISS.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to take up the bill (H. R. 6349) authorizing the attendance of the Marine Band at the Confederate veterans' reunion to be held at Biloxi, Miss., on account of the fact that the reunion of the Confederates is to be on the 3d of June, and if they are to be granted the privilege of hearing the Marine Band the legislation must be passed prior to that date. If consent is given, I will ask to substitute the Senate bill for the House bill.

The SPEAKER. The gentleman from Texas asks unanimous consent to consider the bill (H. R. 6349) authorizing the attendance of the Marine Band at the Confederates' reunion to be held at Biloxi, Miss. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, when the bill was before us the last time I objected. I took up the matter with the Musicians' Union and I found that the Musicians' Union has no objection to the Marine Band attending the meetings or conventions of certain patriotic bodies. Under the agreement with the Government that the military and naval bands will not accept engagements from private parties. Therefore I have no objection to the consideration of this bill.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to substitute the bill S. 2589 for the House bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2589

Be it enacted, etc., That the President is authorized to permit the United States Marine Band to attend and give concerts at the Fortieth Annual Confederate Veterans' Reunion, to be held at Biloxi, Miss., June 3 to 6, inclusive, 1930.

SEC. 2. For the purpose of defraying the expenses of the band in attending such reunion there is hereby authorized to be appropriated, out of any money in the United States Treasury not otherwise appropriated, the sum of $7,500, or so much thereof as may be necessary: *Provided*, That in addition to transportation and Pullman accommodations the leaders and members of the Marine Band be allowed not to exceed $5 per day each for actual living expenses while on this detail, and that the payment of such expenses shall be in addition to the pay and allowances to which members of the United States Marine Band would be entitled while serving at their permanent station.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

SENATE BILLS LAID ON THE TABLE

Mr. DENISON. Mr. Speaker, there are certain Senate bills on the Speaker's table—S. 3202, S. 3502, S. 3503, S. 3504, S. 3505, S. 3506. I ask unanimous consent that they may all be laid on the table and indefinitely postponed, similar House bills having been approved of by the Senate and House and become law.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

INCREASE OF PENSIONS OF THE CIVIL WAR SURVIVORS AND WIDOWS

Mr. NELSON of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12013) to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That every person who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the Civil War, and who has been honorably discharged from all contracts of service, or who, having so served less than 90 days, was discharged for a disability incurred in the service and in the line of duty, or is now on the pension roll as a Civil War veteran, under existing service pension laws, shall be entitled to and shall be paid a pension at the rate of $75 per month.

SEC. 2. That every person who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the Civil War and who has been honorably discharged from all contracts of service, or who, having so served less than 90 days, was discharged for a disability incurred in the service and in the line of duty, or is now on the pension roll as a Civil War veteran, under existing service pension laws, and who is now or hereafter may become, by reason of age or physical or mental disabilities, helpless or blind or so nearly helpless or blind as to require the regular aid and attendance of another person, shall be entitled to and shall be paid a pension at the rate of $100 per month.

SEC. 3. That the widow or remarried widow of any person who served in the Army, Navy, or Marine Corps of the United States during the Civil War for 90 days or more and was honorably discharged from all contracts of service, or regardless of the length of service, was discharged for or died in service of a disability incurred in the service and in the line of duty, or who has heretofore been allowed a pension as a Civil War veteran, under existing service pension laws, such widow having been married to such Civil War veteran prior to June 27, 1905, who is now or who may hereafter attain the age of 70 years, shall be entitled to and shall be paid a pension at the rate of $40 per month; and nothing herein shall be construed to affect the additional

allowance provided by existing pension laws for a helpless child or child under 16 years of age: *Provided*, That hereafter the service pension laws applicable to Civil War widows shall extend to the former widow of a Civil War veteran, such widow having remarried either once or more than once after the death of the veteran, if it be shown that such subsequent or successive remarriage has been dissolved either by the death of the husband or husbands, or by divorce on any ground except adultery on the part of the wife.

SEC. 4. That there should be no recovery of pension payments from any beneficiary of the Bureau of Pensions who in the judgment of the Commissioner of Pensions is without fault and when in the judgment of the Commissioner of Pensions such recovery would be contrary to equity and good conscience.

SEC. 5. That the increase of pension herein provided shall be effective from and after the fourth day of the month next after the approval of this act and, as to those then in receipt of pension and shown to be entitled to such increase, shall commence from such date; and, as to those not then entitled, the increase shall commence from the date when the requisite condition is shown: *Provided*, That as to those not now in receipt of pension and who may be entitled to pension under this act, such pension shall commence from the date of filing application therefor in the Bureau of Pensions, on and after the approval of this act, in such form as may be prescribed by the Secretary of the Interior: *Provided further*, That the pension paid under this act to any Civil War veteran for any period during which he was actually residing in the United States Soldiers' Home or in any national or State soldiers' home shall be reduced at the rate of $25 per month.

SEC. 6. That no claim agent or attorney or other person shall be recognized in the adjustment of claims under this act, except in claims for original pension, and in such cases no more than the sum of $10 shall be allowed for service in preparing, presenting, or prosecuting any such claim, which sum shall be payable only on the order of the Commissioner of pensions; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding $500 or be imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 7. That all acts and parts of acts in conflict with or inconsistent with the provisions of this act are hereby modified and amended only so far and to the extent herein specifically provided and stated.

The SPEAKER. Is a second demanded?

Mr. LOZIER. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. LOZIER. No, sir.

The SPEAKER. Is the gentleman a member of the committee?

Mr LOZIER. Yes, sir.

Mr. NELSON of Wisconsin. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. NELSON of Wisconsin. Mr. Speaker, beyond saying a few words in explanation of this bill I do not intend to take up the time of the House. This bill is self-explanatory. I desire only to express my gratification as chairman of the Committee on Invalid Pensions that we are able to do something for the veterans at this session, for at one time I almost despaired. We had about two dozen bills to which we gave much consideration and particularly two that gave us much thought.

The one, S. 477, which, by the way, was passed by the Senate and at their request was recalled, and the other, H. R. 8765, had a hearing. This bill was particularly urged by the Grand Army of the Republic, whose representatives were present at the hearing. Copies of both of these bills were transmitted to the honorable Secretary of the Department of the Interior for estimates as to the costs and analyses of the provisions.

I received a reply from the Secretary of the Interior on March 4, 1930, relative to the costs and provisions of S. 477, which is as follows:

THE SECRETARY OF THE INTERIOR,
Washington, March 4, 1930.

Hon. JOHN M. NELSON,
Chairman Committee on Invalid Pensions,
House of Representatives.

MY DEAR MR. CHAIRMAN: With further reference to your request of February 1 for a report on S. 477, which would increase the rate of pension for Civil War veterans, their widows and minor children, I transmit herewith a memorandum from the Commissioner of the Bureau of Pensions. I am advised by the Director of the Bureau of the Budget that the proposed measure is not in accord with the financial program of the President.

Very truly yours,

RAY LYMAN WILBUR.

UNITED STATES DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, February 15, 1930.

The honorable the SECRETARY OF THE INTERIOR.

DEAR MR. SECRETARY: Representative John M. Nelson, chairman of the House Committee on Invalid Pensions, has requested the Secretary of the Interior to furnish, for use of the committee in considering S. 477, a report as to the estimated annual cost of this bill (as amended) should it become a law.

The purpose of this legislation is to increase the rate of pension for Civil War veterans, their widows and minor children.

While it would not be proper for the department to interpret the provisions of the proposed legislation prior to its approval, yet a certain amount of preliminary interpretation must be made as a basis upon which to estimate the probable cost.

Section 1 would grant a pension of $72 per month, instead of the present rate of $65 per month, to persons having had 90 days or more of service during the Civil War, war with Mexico, or War of 1812, and who received an honorable discharge therefrom; or who, having so served less than 90 days, were discharged for a disability incurred in service and in line of duty. A rate of $72 per month is also provided by this section to anyone now upon the pension rolls as a Civil War veteran.

S. 477, as introduced, made no mention of veterans of the Mexican War and the War of 1812, and we can find no reason for those classes being included in the amended bill inasmuch as there are no veterans of those wars now living. Therefore section 1 of the bill would affect only Civil War veterans.

Section 2 provides a rate of $125 per month to any person having the service required in section 1 of the bill who may be now or hereafter may become helpless or so nearly helpless as to require the aid and attendance of another person.

Under existing laws a difference is made between those persons who "require the regular aid and attendance of another person," entitling them to $72 per month, and that class of veterans who are "blind or otherwise totally helpless," who receive the $90 per month rate. Apparently section 2 of the bill places both classes on an equal footing and gives them $125 per month. It may also be noted that former acts on this point include the words "regular aid and attendance" as defining the aid required, while in this bill "aid and attendance" is not qualified by the word "regular."

Section 3 grants a pension of $50 per month to the widow of a veteran who had 90 days or more service during the Civil War and was honorably discharged therefrom, or of a veteran who, having had less than 90 days' service, was discharged for disability incurred in the service in line of duty. Existing laws make it necessary for a widow to have married the veteran prior to June 27, 1905, to give her a pensionable status, while the bill under consideration moves the marriage date up to June 27, 1920. Remarried widows are included in this section, but no limitation as to the date of marriage to the veteran to create a pensionable status is contained in the bill. Evidently Congress will place them on an equal footing with other widows of this class.

Service in the War of 1812 and the war with Mexico, as mentioned in section 1 of the bill, is not carried into section 3 as applying to the widows. However, any widow whose husband had 60 days, or more, service in those wars may receive $50 per month pension by act of July 3, 1926.

Any widow or remarried widow coming within the provisions of section 3 of the bill may receive an additional $8 per month for "each minor child under 16 years of age." It is assumed that this applies only to the minor children of the veteran whose service furnishes the basis for the widow's pension, and a final draft of the bill should so state.

Former acts applying to widows and minor children have provided that should the widow be taken from the pension rolls through death or some other cause, the pension formerly paid to her would go to the minor child and be continued if the child is helpless upon reaching 16 years of age. As the bill does not grant a minor's pension, should a widow receiving a pension for herself and child under this section be taken from the rolls, the minor's pension application probably would have to be made under the act of May 1, 1920, providing rates of $30 plus $6 per month, instead of $50 plus $8 per month, which may have been contemplated by the author of this bill. Should the bill become a law in its present form we would have to assume that Congress did not intend to create a minor's right by the legislation.

Section 4 indicates that pension or increase of pension provided in the bill as to all persons whose names are now on the pension roll or who are now in receipt of a pension under existing law, shall commence from the fourth day of the month next after the approval of the act, or when the requisite condition provided in section 2 of the act is shown to exist after the approval of the act. As to those not now on the pension rolls, pension granted under the act shall date from the day of filing application therefor in the Bureau of Pensions.

On January 31, 1930, there were on the roll approximately 210,000 pensioners who, under this bill, would be entitled to certain increases, as follows:

Civil War soldiers

	Number on roll	Present monthly rate	Proposed monthly rate	Monthly increase to each	Annual increase to each	Total cost
Soldiers	305	$50	$72	$22	$264	$80,520
Do	22,159	65	72	7	84	1,861,356
Do	25,506	72	125	53	636	16,221,816
Do	5,657	90	125	35	420	2,375,940
Total	53,627					20,539,632

Civil War widows and minor children

	Number on roll	Present monthly rate	Proposed monthly rate	Monthly increase to each	Annual increase to each	Total cost
Widows	55,857	$30	$50	$20	$240	$13,405,680
Do	98,539	40	50	10	120	11,824,680
Minors	2,300	6	8	2	24	55,200
Total	156,696					25,285,560

The number of widows whose marriages to soldiers took place between June 27, 1905, and June 27, 1920, is not known, but it may be assumed that, compared to the total cost of this bill, this item would be of little significance. There may be 3,000 or 4,000 such widows. To pension them all at $50 would entail an annual expense of about $2,000,000.

It is conservatively estimated that losses by death among these pensioners will average about 18 per cent. This will reduce the gross cost by about $4,300,000, so that the net cost for the initial year would be approximately $43,500,000.

The administrative cost involved in putting such legislation into effect promptly would probably be offset by the decrease in work incident to the adjudication of claims for increase.

Very truly yours,

EARL D. CHURCH, *Commissioner.*

Relative to the bill H. R. 8765, under date of March 10, 1930, I received the following:

THE SECRETARY OF THE INTERIOR,
Washington, March 10, 1930.

Hon. JOHN M. NELSON,
Chairman Committee on Invalid Pensions,
House of Representatives.

MY DEAR MR. CHAIRMAN: With further reference to your request of February 1 for a report on H. R. 8765, which would revise the rate of pension to certain veterans of the Civil War, I transmit herewith a memorandum from the Commissioner of Pensions, to which attention is invited. I am advised by the Director of the Budget that this proposed legislation is not in accord with the financial policy of the President of holding expenditures within the probable income of the Government for the next fiscal year.

Very truly yours,

RAY LYMAN WILBUR, *Secretary.*

UNITED STATES DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, February 28, 1930.

The honorable the SECRETARY OF THE INTERIOR.

DEAR MR. SECRETARY: Representative JOHN M. NELSON, Chairman of the House Committee on Invalid Pensions, has requested a report upon H. R. 8765, introduced by Representative STOBBS, and proposing to increase the rates of pension for Civil War veterans and their widows.

Considerable difficulty has been experienced in trying to reconcile our interpretation as to the effect of the bill, if enacted into law, and estimates thereupon, with what appears to have been a different construction placed upon its terms by the author of the bill, Mr. STOBBS. Upon invitation of House Committee on Invalid Pensions we were present at a recent hearing on the bill. At such hearing Representative STOBBS and other proponents of the legislation declared it was their desire to fix Civil War rates as follows:

Seventy-two dollars per month for those now on the rolls as Civil War veterans at a lesser rate;

Ninety dollars per month for those now on the rolls at $72 per month (requiring the regular aid and attendance of another person);

One hundred and twenty-five dollars per month to those now on the rolls at $90 per month (being blind or otherwise totally helpless).

As H. R. 8765 apparently does not follow this idea by its terms, we think it best to report upon our construction of the bill and estimate its probable cost, and then furnish for the committee, in a second part of this memorandum, an estimate in conformity with the ideas of Representative STOBBS and other interested persons.

Section 1 of H. R. 8765 would allow $72 per month to all Civil War veterans now on the pension roll at a lesser rate. It also increases to $125 per month those now on the rolls at $90 per month because they are blind or otherwise totally helpless.

Section 2 creates a new class and allows $90 per month to any veteran who can prove he is in such condition as to require the aid and assistance of another person a majority of the time. As the average Civil War veteran is 86 years of age, we are assuming that nearly all of them could take advantage of this feature and prove they required the "aid and assistance of another person a majority of the time." Therefore, in the estimates on the bill it is considered any veteran on the pension roll at less than $90 per month would be entitled to that rate.

Section 3 allows $125 per month to those who are helpless or so nearly helpless as to require the aid and attendance of another person.

Under existing laws, a person who is in such condition as to require the "regular aid and attendance of another person" is entitled to $72 per month. The word "regular" is eliminated from section 3 of this bill. Therefore the $125 rate could be granted under H. R. 8765 for a lesser degree of disability than at present required for the $72 rate. If it is the intention of Congress to increase the rates of pension and not the fundamental requirements upon which the rates are based, it is suggested that the wording carried in previous acts on the subject be followed. By so doing the increase granted may be administered according to the present bureau routine.

Section 4 allows $50 per month pension to widows and remarried widows of persons who had the required service in the United States Army, Navy, or Marine Corps during the Civil War. Widows and remarried widows who married the veteran prior to the approval of the act are included. Under existing laws the marriage must have occurred prior to June 27, 1905. It is estimated there may be 5,000 widows who have married Civil War veterans since June 27, 1905. Section 1 of the bill would take in a class of beneficiaries now on the rolls—such as some of the Missouri State Troops who, strictly speaking, were not in the United States Army, Navy, or Marine Corps—by adding, "or is now upon the pension roll as a Civil War veteran." As this additional wording is not carried into section 4 of the bill, it is likely the widows of such "Civil War veterans now on the rolls" and who were not regularly mustered into the United States service would not receive the increase.

Section 4 also provides: "This section shall not apply to any widow or former widow in regard to whom it is affirmatively proved that her marriage was arranged merely for the purpose of securing a pension." While the theory is sound, its administration would be extremely difficult, as the intent of the widow when she married the veteran would be a determining factor in the adjudication of the claim.

The estimated cost of H. R. 8765, should it pass in its present form, is set forth as follows:

Civil War soldiers

	Number on roll	Present monthly rate	Proposed monthly rate	Monthly increase to each	Annual increase to each	Total cost
Soldiers	305	$50	$90	$40	$480	$146,400
Do	22,159	65	90	25	300	6,647,700
Do	25,506	72	125	53	636	16,221,816
Do	5,657	90	125	35	420	2,375,940
Total	53,627					25,391,856

Civil War widows

	Number on roll	Present monthly rate	Proposed monthly rate	Monthly increase to each	Annual increase to each	Total cost
Widows	55,857	$30	$50	$20	$240	$13,405,680
Do	98,539	40	50	10	120	11,824,680
Do	[1] 5,000		50		600	3,000,000
Total	159,396					28,230,360

[1] Married since June 27, 1905, and prior to passage of this act.

The gross total cost would be $53,622,216, but this would be reduced by an average decrease of 9 per cent in the roll on account of death. The net cost, therefore, would be approximately $48,790,000.

As stated in the foregoing, Representative STOBBS and other proponents of the bill have expressed a desire to have a law enacted establishing rates as follows:

(1) The Civil War veterans receiving less than $72 per month to be given that rate.

(2) Those now on the roll or who may hereafter require or need the regular aid and attendance of another person and entitled to $72 per month under existing laws to be increased to $90 per month.

(3) Those now on the roll or who may hereafter be blind or otherwise totally helpless and entitled to $90 per month under existing laws to be increased to $125 per month.

(4) A rate of $50 per month for all Civil War widows who married the veteran prior to the approval of the act.

The estimated cost of legislation substantially as set forth in the four propositions enunciated would be:

Civil War soldiers

	Number on roll	Present monthly rate	Proposed monthly rate	Monthly increase to each	Annual increase to each	Total cost
Soldiers	305	$50	$72	$22	$264	$80,520
Do	22,159	65	72	7	84	1,861,356
Do	25,506	72	90	18	216	5,509,296
Do	5,657	90	125	35	420	2,375,940
Total	53,627					9,827,112

Civil War widows

	Number on roll	Present monthly rate	Proposed monthly rate	Monthly increase to each	Annual increase to each	Total cost
Widows	55,857	$30	$50	$20	$240	$13,405,680
Do	98,539	40	50	10	120	11,824,680
Do	[1] 5,000		50		600	3,000,000
Total	159,396					28,230,360

[1] Married since June 27, 1905, and prior to passage of this act, not now on roll but probably eligible.

The gross total cost would be $38,057,472, but this would be reduced by an average decrease of 9 per cent in the roll on account of death. The net cost, therefore, would be approximately $34,630,000.

The administrative cost involved in putting such legislation into effect promptly would probably be offset by the decrease in work incident to the adjudication of claims for increase.

Very truly yours,

EARL D. CHURCH, *Commissioner.*

There was a unanimous desire on the part of all concerned to grant further relief to the veterans, but we were faced by a very definite situation. This Congress has authorized an extensive building program. We have increased the appropriation for roads. We have appropriated money for proposed farm relief, and numerous other important matters have made heavy demands upon the Budget. When we faced the cost of these two bills, the one being approximately thirty-four and one-half million dollars additional per annum and the other approximately forty-three and one-half million dollars per annum, we could not square it with the Budget. Another point that had heavy weight was the fact that whatever we do for the Civil War veterans will be regarded as a precedent to be followed in all other pension legislation. In view of this situation, we made an extensive research into the whole field of pension legislation in an endeavor to ascertain the effect present legislation may have on the future.

The administration, the leaders of the House, and the members of the committee were sympathetic toward granting further relief, and after a careful study of the whole situation, this bill is the result. In my opinion, it is just and equitable, and I feel very much gratified, for in the last analysis I feel that this is our last tribute to the veterans of the Civil War.

This bill increases the rate of pension of those receiving $65 to $75. We are also eliminating a very difficult and expensive administration feature. The present law provides $72 per month to those who require regular aid and attendance and $90 to those who are blind or totally helpless. Discrimination between these two classes has been at times almost impossible as their average age is 87 years. This situation has been met by placing them in the same class and granting all $100 per month, when, because of mental and physical disabilities, they require the regular aid and attendance of another person. So much for the old veterans.

The widows who are now receiving $30 per month will, under this bill, receive $40 per month when they attain the age of 70 years. This will effect approximately 27,000 widows.

This rate under the present law is granted only to those who attained the age of 75 years.

Mr. JENKINS. Is this new language in line 12, on page 2, in the hundred-dollar-a-month class, where you say?—

Helpless or blind or so nearly helpless or blind as to require the regular aid and attendance of another person.

Mr. NELSON of Wisconsin. Yes. We followed the language that has been construed by the legal department of the Bureau of Pensions, so that there will be nothing indefinite now.

Mr. JENKINS. In other words, if an applicant for a hundred-dollar pension shows that he is blind or helpless, or so helpless as to require assistance——

Mr. NELSON of Wisconsin. He would get $100 right away.

Mr. SLOAN. Mr. Speaker, will the gentleman yield?

Mr. NELSON of Wisconsin. Yes; certainly, with pleasure.

Mr. SLOAN. There is nothing, I think, in the bill which advances the date making it available for pension for widows from June, 1905.

Mr. NELSON of Wisconsin. We have not touched that. We had to get a bill through, and that is a question, I think, we were very much divided upon, and if you change that we would have difficulty and it would add more money to it. We will thrash it out when we change the committee rules.

Mr. SLOAN. So that where, for instance, the marriage took place a short time after June, 1905, the practice will not be against a private bill, as it might have been heretofore.

Mr. NELSON of Wisconsin. In certain cases we now consider private bills 10 years beyond that date, or June 27, 1915, but what further can be done is doubtful. I want to ask the gentleman a question, because he is a scholarly man. We send the soldiers to war. When a soldier is killed, obviously, we have to take care of the widow and his children. However, should the soldier come back and after 10, or 15, or 20, or 30, or 40 years marry a young girl, what equivalent has she rendered the country for its beneficence? And, as we have set that precedent, what about the 4,000,000 soldiers of the World War who will ask for the same legislative consideration?

Mr. SLOAN. It is many years since 1905 was fixed as a focal date. With the advance of time I suggest that it might be advanced fairly and equitably five years more, or, as the chairman suggests, it might be left to the liberal policy of the committee. For instance, I have two or three cases where marriage took place within a few months of the focal date, and I would urge and be satisfied with a liberal policy to be followed by the committee in taking care of those specially appealing cases.

Mr. NELSON of Wisconsin. I thank the gentleman for his views.

Mr. PATTERSON. Mr. Speaker, will the gentleman yield?

Mr. NELSON of Wisconsin. Yes; gladly.

Mr. PATTERSON. Does this affect those special bills that we are allowed to introduce for $30? Does it put them up to $40?

Mr. NELSON of Wisconsin. No; it leaves them as they are. That would cost millions and millions.

Mr. SNELL. What is the estimated cost of the present bill?

Mr. NELSON of Wisconsin. A little over $12,000,000. The soldiers are dying at a rapid rate.

Mr. TABER. How many soldiers are dying annually at the present time?

Mr. NELSON of Wisconsin. They are dying at the average rate of about 1,200 a month.

Mr. TABER. How many are there remaining on the roll?

Mr. NELSON of Wisconsin. Approximately 51,000. Five thousand are helpless, and there are about 46,000 in the other groups.

Mr. DENISON. It was stated the other day that there were only 30,000 remaining.

Mr. NELSON of Wisconsin. There are approximately 51,000 on the pension rolls.

Mr. JENKINS. And the same rate of decrease is supposed to continue?

Mr. NELSON of Wisconsin. Yes; and the rate will probably be accelerated.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting certain figures and other data on this subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The matter referred to above is as follows:

Conditions of title, based on 90 days' service or discharge for disability	Monthly rates	
	Under present laws	Proposed by this bill
Totally helpless or blind (soldiers)	$80	$100
Requiring regular aid and attendance of another person (soldiers)	72	100
Other veterans	65	75
70 years of age (widows)	30	40
Additional cost first 12 months (estimated)		[1] 12,199,360

[1] This estimate is based upon figures as of June 1, 1930.

ESTIMATED COST OF BILL

The following table indicates in detail the numbers affected, the changes in rates, the monthly and annual rates of increase, and the approximate additional cost. The number of soldiers, while now about 51,100, will be reduced to 49,500 by the time the bill is passed and put into effect.

Gross costs

	Number	Present rate	Proposed rate	Monthly increase	Annual increase	Additional cost
Soldiers	20,500	$65	$75	$10	$120	$2,460,000
	24,000	72	100	28	336	8,064,000
	5,000	90	100	10	120	600,000
Total	49,500					11,124,000
Widows (between 70 and 75 years of age)	27,000	30	40	10	120	3,240,000
Total gross cost						14,364,000

Less credits

(a) On account of death losses:

	Class	Annual death rate	Number deaths	Annual value of losses
		Per cent		
Soldiers	$65–$75	14	1,435	$172,200
	72–100	17	2,040	685,440
	90–100	45	1,125	135,000
Widows	30–40	10	1,350	162,000
Total				1,154,640

(b) On account of prospective increase under present laws:

	Average number	Present rate	Increase rate	Annual rate of increase	Annual value
Soldiers	1,500	$65	$72	$84	$126,000
	1,500	72	90	216	324,000
Widows	3,000	30	40	120	360,000
Total					810,000
(c) On account of reduction in rate while in soldiers' homes					200,000
Total credits (a), (b), (c)					2,164,640
Net additional cost first 12 months					12,199,360

Mr. LOZIER. Mr. Speaker, I am heartily in favor of this bill, H. R. 12013, to increase pension allowances to soldiers of the Civil War and their widows. The bill has been carefully considered by the committee. It has the approval of the Budget Bureau and the Commissioner of Pensions. Those close to the President are of the opinion that this measure will not meet with Executive disapproval.

Many Members of Congress think the measure should be more liberal, and I agree with them. But we have reason to believe that this is the best bill we can get this session. Under these circumstances we can accomplish nothing by insisting on a more liberal measure, for by that line of action I fear we will not get any bill whatsoever. By opposing this bill and demanding more, we would probably get nothing.

This bill grants reasonable and substantial increases in the pension allowances of Civil War veterans and their widows. Under its provisions, soldiers who are now drawing $65 per month will receive $75. Those who are now getting $72 and those receiving $90 per month will get $100. Under the pending measure, widows pensioned under the general law who are now receiving $30 per month, and who have reached or passed the age of 70 years will be entitled to $40 per month under the pending bill. The increase will amount to about $12,000,000 the first year, but the veterans and their widows are now dying off at such a rapid rate that this charge will be substantially reduced each year.

The Civil War pension rolls are being rapidly decimated, and in a few years all of the Civil War veterans will have stacked arms for the last time. When this bill becomes a law there will only be about 49,500 Civil War soldiers on the pension rolls. Twenty thousand five hundred are now drawing $65 per month. Under this bill their allowance will be increased to $75 per month. Twenty-four thousand of those now on the rolls require regular aid and attendance of another person. They now draw $72 per month. Under the pending bill they will get $100 per month. Five thousand soldiers now on the pension rolls are totally helpless or blind, and now get $90 per month, which allowance under the pending bill will be increased to $100 per month. The average age of those who will get $100 per month is now 87 years. So, it is very evident these old men will not last long, and in a very few years there will be no Civil War veterans on the pension rolls.

The old law gives soldiers who are totally helpless or blind $18 per month more than those who, while not blind or totally helpless, nevertheless require regular or periodical aid and attendance of another person; that is to say, the existing law recognized degrees of helplessness. I understand the Pension Bureau in administering this law and in determining the extent or degrees of disability, has found much difficulty in determining when a claimant is entitled to the $72 rate and when he should be given the $90 rate. In other words, there is a "twilight zone" between the two groups that shades so gradually, faintly, from one into the other, that the examiners, sitting as triers of both the law and the facts are frequently in grave doubt as to whether a claimant should be assigned to the $90 class or the $72 class.

After very thoughtful consideration of the subject, the committee has reached the conclusion that for practical purposes there is such a slight difference between the degrees of disability that these two classes should be combined for efficiency in administration, and to the end that no grave injustice be done any of these veterans. They are all so aged and infirm that if any do not now belong to the totally helpless class it will be an exceedingly short time until their rapidly advancing infirmities will certainly place them in that group.

Under existing law widows of Civil War veterans pensioned under the general law, and who are now drawing $30 per month, are not entitled to $40 per month until they reach the age of 75 years. This pending bill allows this $40 rate when they reach the age of 70 years. This will substantially increase the pensions of 27,000 widows.

As a member of the Committee on Invalid Pensions I should like to see all Civil War widows' pensions increased to $50 per month, as they now average 77 years of age, while many of them are nearer 90 years old. In a very large majority of cases these widows have no property and no income, except their pensions. They will not be with us long, and for one I am unwilling to deal with them parsimoniously.

Very few Civil War veterans have any property or income except their pensions. At best old age is pathetic, and a mighty Nation like ours should not be insensible to the obligations we owe those who, in the greatest crisis in our national history, risked everything and fought to perpetuate our Union, the blessings of which you and I now enjoy and which we hope to transmit undiminished to our posterity. These old pensioners will not be with us long, and while they linger with us, I for one, will not quibble over a few dollars or weigh their rights with an apothecaries' scale.

Mr. DENISON. There are 51,000 now on the pension roll?

Mr. LOZIER. Yes; but the number will be reduced by deaths to 49,500 by the time this bill becomes a law.

Mr. KIESS. Mr. Speaker, will the gentleman yield?

Mr. LOZIER. Yes.

Mr. KIESS. May I just call the attention of my colleague to the fact that the report says there are now actually 51,100, but that number will be reduced to 49,500 by the time the bill is finally passed?

Mr. LOZIER. Yes. There is no dispute as to these statistics.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. LOZIER. Yes.

Mr. DENISON. There are 20,500 who are now drawing $65 a month who will draw $75 a month, and 24,000 who are now drawing $72 and who will draw $100 a month, and only 5,000 who are now drawing $90 a month who will get $100 a month.

Mr. LOZIER. Yes; the statement of the gentleman from Illinois is quite accurate. Now I yield to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. May I inquire if those who are now getting $75 per month will have to make additional application or make an additional showing before they can get $100 a month?

Mr. LOZIER. Soldiers who are now drawing $65 per month will automatically be entitled to $75, as their allowance depends only on one thing, viz, their service, proof of which was filed in the bureau when their pensions were originally granted. Soldiers who are now totally helpless or blind, and those who are now so helpless as to require the regular aid and attendance of another person, have already filed satisfactory evidence showing their physical condition to be such as to entitle them to $90 in the one instance and $72 in the other. In these cases no additional evidence need be submitted, and this increase, in my opinion, becomes operative automatically. These parties have

already established all the facts the law requires to entitle them to the allowances carried by this bill.

In the case of a widow now drawing $30 per month under existing law, to obtain title to $40 per month under the pending bill, she would be required to submit satisfactory evidence that she has reached or passed the age of 70 years, unless her files in the Pension Bureau already show her age to the satisfaction of the bureau.

Mr. MAPES. The gentleman thinks that they will get the $100 automatically without any additional evidence?

Mr. LOZIER. I consider that is a fair, reasonable, and proper construction of the law, subject to the limitations I have just mentioned. If the bureau should, for the purpose of efficient administration, require a formal application in any case arising under this act, it would obviously be a short, formal declaration, largely for the purpose of identifying the applicant as the same person to whom the pension was originally granted. Now I yield to the gentleman from California [Mr. CRAIL].

Mr. CRAIL. This Congress a few years ago passed legislation placing emergency officers of the World War on the retired list with pay. Has the Pension Committee considered the advisability of placing the volunteer commissioned officers of the Civil War on retired pay?

Mr. LOZIER. To my knowledge that question has not been presented to or considered by the committee.

Mr. PALMER. Mr. Speaker, will the gentleman yield?

Mr. LOZIER. Yes; I yield to my colleague from Missouri.

Mr. PALMER. There is one thing that I think the committee has overlooked, and that is the dependent children of old soldiers who now, under the law, are getting only $20 a month. Think of it! I know a number of them in my district and in adjacent districts who are receiving only $20.

Mr. LAGUARDIA. How many of them are there?

Mr. PALMER. I do not know the exact number, but that ought to be taken care of in the Senate.

Mr. LOZIER. Under our general pension law, sons and daughters not over 16 years of age of a deceased Civil War veteran are entitled to a pension. If over that age they have no title to a pension under the general law. Helpless and dependent sons and daughters of a deceased Civil War veteran are eligible for a pension by private act of Congress, under the rules of the Committee on Invalid Pensions at the rate of $20 per month, provided the disability was congenital or existed before such son or daughter reached the age of 16 years and has been continuous since said date.

Mr. PALMER. Under the rules of the committee, you can not get them through the committee.

Mr. GREENWOOD. Mr. Speaker, while the bill is not liberal, yet I think it will give a greatly needed relief. It will give all soldiers of the Civil War an increase of $10 and in some cases an increase of as much as $28.

It is more liberal with reference to the widows, in that it reduced the period from 75 to 70 years in which the increase from $10 to $40 can be allowed.

There is one provision that I hope will be remedied some day, but I hesitate to make the amendment at this time. I want to apprise the House of it. That is with reference to the date of marriage of the woman to the old soldier. I think an amendment should be made not only in this law but in some future law—but I am not going to press it now—changing the date of marriage from June 27, 1905. That was an arbitrary date that was fixed some 10 or 15 years ago. If it was right at that time it certainly is not right some 10 or 15 years afterwards. I have always contended that a pension should be paid to the widow of an old soldier because of the period of time that she lived with the old soldier previous to his death and cared for him. It should be made a period of 15 years, or whatever seems to be right, but that should automatically follow along with the years in which the wife has taken care of the soldier. Nineteen hundred and five is 25 years ago, and if it was right at that time it is certainly not right now. And fixing it at an arbitrary date is not the way it should be done. It should be fixed on the period of time that the wife lives with the soldier previous to his death.

Mr. STAFFORD. Will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman.

Mr. STAFFORD. Does the gentleman favor bringing it down to date.

Mr. GREENWOOD. No. I said a period of 15 years.

Mr. STAFFORD. Is the gentleman aware of the fact that at the annual Grand Army of the Republic Convention held in 1887 at my home city Corporal Tanner made a fight against the practice of these promiscuous marriages with old soldiers, and that was the basis for putting into the pension laws a protecting date so that there would not be any incentive for certain women to become the wives of these old soldiers?

Mr. GREENWOOD. An arbitrary date is not a just date. A woman who lives with a man 15 years previous to his death, in old age, is no young woman who is striving to marry somebody to get a pension. I do not think an arbitrary date is correct, but it should be based on the time the wife has lived with the old soldier and cared for him.

Mr. GIBSON. There is a group of widows who are blind and helpless. Did the committee give consideration to their claims?

Mr. GREENWOOD. The committee did not. It merely accepted this as the best bill that could be passed with the sanction of the President, that would furnish the relief given, and it was the best that could be obtained.

Mr. GIBSON. Does the gentleman not think that group should be treated with great liberality?

Mr. GREENWOOD. Well, I agree with the gentleman. I am referring, of course, to war widows.

Mr. NELSON of Wisconsin. I yield five minutes to the gentleman from Missouri [Mr. HOPKINS].

Mr. HOPKINS. Mr. Speaker, I am heartily in favor of this measure granting additional relief for the veterans of our Civil War and their widows. I had hoped that other provision would have been placed in the bill, but the committee feels that this bill represents the best steps that can be taken at this time.

The number of Civil War veterans now surviving is a little less than 53,000, of an average age of 86 years. They are passing away at the rate of about 12,000 a year. The actual death rate for the month of March this year was 984, so that within three or four years more in all probability only a few will be with us.

The number of Civil War widows now living is a little over 150,000, of an average age of 75. They are also passing away at a rapid rate—about 21,000 a year, with the actual death rate for the month of March of 1,804.

If there is to be any additional relief furnished by this Government to these veterans and their widows, it must be passed at this session in order to be of any practical benefit.

The proposed bill embodies most of the legislative program of the Grand Army of the Republic and changes the law, as follows:

Those now drawing $65 per month will receive $75 per month; those now drawing $72 per month will receive $100 per month; those now drawing $90 per month will receive $100 per month.

The new law also provides $40 per month when widows reach the age of 70 rather than 75.

Surely if we are to do anything more for these few surviving Civil War veterans and their widows now is the psychological time to act, before it is too late for any such additional financial recognition to be of benefit.

No fair-minded person but must agree that this country has been generous to its veterans and their dependents. It has every reason to be, I think we will all agree, and gladly so.

Personally, I am in hearty accord with any plan which may be evolved for handling the whole question of our obligation to our veterans of all wars on a scientific basis, so that there may be no question ever raised of discrimination between veterans of different wars in respect to their individual treatment. All men who have fought for their country in any war and have hazarded their health, their opportunity of earning a livelihood, and their lives should be treated exactly alike. Until such a plan may be worked out we can not be unmindful of our obligation to these few remaining survivors of the war that was fought to save the very existence of this country.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin [Mr. NELSON] to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE OVER OHIO RIVER AT HENDERSON, KY.

Mr. KINCHELOE. Mr. Speaker, I would like to prefer a unanimous-consent request, and I will be brief in doing it.

I realize the temper of the House on unanimous-consent day, but there is a bill on this calendar that I consider an emergency bill. It is a bill seeking a permit from Congress to grant the Louisville & Nashville Railroad Co., which operates a railroad in my district, the right to construct a bridge across the Ohio River at Henderson, Ky. The vice president and general counsel of the Louisville & Nashville Railroad informs me that, if this permit is granted, this bridge, if a single-track bridge, will cost $5,000,000; if it is decided to build a double-track bridge, the cost will be $9,000,000. The result of either construction will give more employment to the people of western Kentucky than anything I know of, and as far as I know—

and I have consulted both sides of the House—there is no objection to it. The bill to which I refer is Calendar 511, on page 70—H. R. 11780.

Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11780), granting the consent of Congress to the Louisville & Nashville Railroad Co. to construct, maintain, and operate a railroad bridge across the Ohio River at or near Henderson, Ky.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, is the gentleman certain that the notorious private-toll-bridge speculator and racketeer, Mr. Elliott, has not entered into the negotiations looking toward the passage of this bill?

Mr. KINCHELOE. I will say that Mr. Elliott does not enter into this picture at all. The Louisville & Nashville are going to build this bridge. They have a bridge there now, but want a new one. That is all.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Louisville & Nashville Railroad Co., a corporation organized and existing under the laws of the Commonwealth of Kentucky, its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or near Henderson, Ky., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Louisville & Nashville Railroad Co., its successors and assigns; and any party to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such party.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

INCREASE OF PENSIONS OF THE CIVIL WAR SURVIVORS AND WIDOWS

Mr. PALMER. Mr. Speaker, I ask unanimous consent to extend my remarks on the pension bill just passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. PALMER. Mr. Speaker, ladies, and gentlemen, this question of relief for the veterans of the World War is one of the most important pieces of legislation that has come before us. Who or what is more deserving of consideration at this time than the defenders of our Nation?

Twelve years have elapsed since the close of the last great war. Many of our sons lie silently beneath the soil of a foreign country; many have returned and resumed their positions in the industrial world; and many, incapacitated, wholly or partially helpless, are literally incarcerated in Government hospitals, suffering the physical and mental consequences unfortunately attending their heroism.

It is to these young men that we owe a duty; it is to the veterans in industry, whose opportunities have been checked by sickness and disabilities of war connection, that we must well consider; and it is to the dependent relatives of our World War dead that we owe gratitude.

Ladies and gentlemen, we have turned our steps in the right direction when we accept a bill proposing to give relief in such a manner as the one before us now, proposing to amend the World War veterans' act of 1924. We have spent approximately $3,000,000,000 for the ex-service men of the World War to date, and within the next 10 years, under the present law, we will have spent $6,000,000,000 more.

That is a wonderful thing. But have all the deserving veterans received benefit from this great expenditure of money? May a disabled soldier show by reasonable means that he is now suffering disabilities arising out of his service in the war and receive his just consideration and relief? In many cases he can not. The red tape which attaches to his application for relief often causes a complete denial or refusal of his claim. In fact it has gone so far as to disallow further compensation after such had been allowed the claimant over a period of eight years. I have been working on such cases that have arisen in my own district, and I am sure others of you are acquainted with similar cases. The testimony of witnesses, the reports of doctors, and the facts from the veterans themselves are refuted upon grounds of technicality.

It is gratifying to me to know that under the Johnson bill there is a chance for these veterans to be taken care of. While this bill may not be all that many of us desire, it will go far in correcting the present evils surrounding service compensation. I wish at this time to congratulate Mr. JOHNSON upon the splendid work he has done for the ex-service men. He is, himself, a veteran of the World War, wounded in action, and I am sure he had every interest of the ex-service man at heart when he wrote this bill.

Those who have made every available effort to show their disabilities arising out of service connection, but because of technicalities have been unable to meet the essential requirements connected therewith, will now have a presumption in their favor that the disability was acquired between April 6, 1917, and January 1, 1930, provided such disability develops a 10 per cent degree or more; and such presumption, to be rebutted, must be by clear and convincing evidence. In cases of tuberculosis, paralysis, paresis, blindness, those permanently helpless or permanently bedridden, and spinal meningitis, the presumption is conclusive.

All past evidence pertaining to claims that have been denied should be disregarded; a new slate should be started in considering every claim, and merit and justness should prevail as against the impassable barrier of technicality and red tape.

The dependents of those who lost their lives in the World War have not been forgotten in this undertaking. This bill has been more liberal in fixing dependent rates, and I want to say that every person who is reached in this manner is highly deserving of all that is set apart for him. May I quote the rates as cited under subdivision (f) of section 11 of H. R. 10381:

(f) If there is a dependent mother or dependent father, $20; or both, $30. The amount payable under this subdivision shall not exceed the difference between the total amount payable to the widow and children and the sum of $75. Such compensation shall be payable, whether the dependency of the father or mother, or both, arises before or after the death of the person.

This compensation depending upon submission of proof of dependency. And also I wish to call to your attention the additions to subdivision (10) of section 202 of the World War veterans' act, 1924, now included in section 14 of H. R. 10381:

Where a World War veteran hospitalized under this section for a period of more than 30 days files an affidavit with the commanding officer of the hospital to the effect that his annual income, inclusive of compensation or pension, is less than $1,000, there shall be paid to the dependents of such veteran (commencing with the expiration of such 30-day period and to be payable) during the period of any further continuous hospitalization and for two calendar months thereafter, the following amount of compensation: (a) If there is a wife but no child, $30 per month; (b) if there is a wife and one child, $40 per month, with $6 for each additional child; (c) if there is no wife but one child, $20 per month; (d) if there is no wife but two children, $30 per month; (e) if there is no wife but three children, $40 per month, with $6 for each additional child.

From that data, ladies and gentlemen, you are aware that the dependents of the living veterans are provided for, and surely they deserve no less.

There are now 356,774 ex-service men and dependents receiving disability compensation, while approximately 1,145,000 claims for death and disability compensation have been filed. This is an unjust situation, and it is hoped that with the passage of the bill, from which I have just been quoting, this condition will be removed. Many claimants have come to me for assistance, but because of the refusal of the rating board and Veterans' Bureau to accept the affidavits secured from the claimants' doctors the cases have been turned down. The truth of the disability being caused from duty in service is a fact to us, but in the great number of instances the claimants are powerless to offer sufficient evidence conclusive to the proper authorities.

I appeal for a just interpretation of the law, a liberalization of the law, and then rapid progress can be made in rewarding the faithful. This is not the time, ladies and gentlemen, to quibble over bills and amendments because of the dollars involved in putting them into execution. If we can not afford to expend large sums to the cause of those who aided in preserving our Nation, in any and every way, surely, then, we can not afford to appropriate enormous sums to beautify our Nation.

At the call of Uncle Sam the young men of our country were swept from their homes and mustered into service. They freely gave up all that was so dear to them, knowing well the possi-

bilities of never returning. Little did they think of their sacrifice as being one for compensation. They would have resented the mention of such a word—compensation. And since their great experiences in the depths of the war they know, as do you and I, that there is no monetary reward sufficient to compensate them.

It is in a sense of gratitude that we strive to pass legislation for the war veterans. It is our desire that every ex-service man be given an opportunity to recover as nearly as possible the health possessed by him at the time he entered service. And this bill shows a manifestation of that desire. For those who endure greater afflictions, the Government shall furnish reasonable medical, surgical, and hospital services, including payment of court costs and other expenses incident to proceedings taken for commitment of mentally incompetent persons to hospitals for care and treatment, and shall furnish supplies, including wheel chairs, artificial limbs, trusses, and similar appliances. If a disabled veteran is so helpless as to be in need of a nurse or attendant, such additional sum shall be paid, not to exceed $50 per month. This is vital to the best care of such disabled soldier, and I am glad to see such a section included in this bill. And, furthermore, the director is authorized to secure necessary recreational facilities, supplies, and equipment for the use of patients in hospitals.

The passage of World War legislation is greatly to be desired, and I am voting for this bill as it comes before the House, whether with or without the adoption of other bills and amendments to be included in it, although such additions may not be considered by me as proper at this time, when anticipating final passage. As I have previously stated, prompt legislation is necessary to many disabled veterans, and I believe in accepting a bill that will prove a reality and not one in such a condition that will prove merely an effort.

We can not hope to perfect a system of compensation or pension in such a short time, comparatively speaking. Even yet, amendments to compensation and pension measures of the Civil War, the war with Spain, the Philippine insurrection, and the China relief expedition are being added.

Last month, S. 476, a bill effecting the veterans of the war with Spain, the Philippine insurrection, and the China relief expedition was passed. All persons, thereby, who served 90 days or more in either of these conflicts are entitled, upon proof of mental or physical disability of a permanent character incurred in line of duty, to receive a pension not exceeding $60 a month and not less than $20 a month, proportioned to the degree of disability, as follows: Twenty dollars a month for one-tenth disability; $25 a month for one-fourth disability; $35 a month for one-half disability; $50 a month for three-fourths disability; and $60 a month for total; provided, that any such person who has reached the age of 62 years shall, upon proof of such fact, be placed upon the pension roll and entitled to receive a pension of $30 a month; in case such person has reached the age of 68, $40 a month; in case such person has reached the age of 72 years, $50 a month; and in case such person has reached the age of 75 years, $60 a month.

Under section 2 of this bill any veteran or nurse, entitled to a pension under the act of June 5, 1920, or under that act as amended by the act of September 1, 1922, or under the act of May 1, 1926, or under this act, who is now or hereafter may become, on account of age or physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, shall be given a rate of $72 a month.

Section 3 of this act provides for those who do not have a service connection of 90 days, provided they served 70 days or more, and the rates, as in section 1, are proportioned to the degree of inability, the maximum rate being $30 a month. Any person who is so entitled to a pension under this section, and who may become, on account of age or physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, shall be given a rate of $50 a month.

This act will reach many who are now in great need of such assistance, and while it is not as liberal as I would like to have it, we must be reminded of the drain upon the Treasury of the Government and keep within the bounds of our income.

While speaking of the measures for the veterans of the different wars, I wish to say a word in regard to the bill to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases. This bill—H. R. 12013—was passed in the House of Representatives to-day.

These veterans and their widows are being taken from the stage of life in great numbers. They will not survive many years at the most, and it is certainly our duty to render what further assistance is possible. The number of soldiers, while now about 51,100, will be reduced to 49,500 by the time the bill is passed and put into effect. The surviving widows, between the ages of 70 and 75 years, who would be affected by this bill are somewhere near 27,000. The approximate cost of this increase will be $12,000,000.

The bill provides that all persons who served 90 days or more during the Civil War, or who, having served less than 90 days, was discharged for a disability incurred in the service and in the line of duty, shall be entitled to a pension at the rate of $75 per month; and if such person so entitled to a pension is now or hereafter may become, by reason of age or physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to require the regular aid and attendance of another person, he shall be paid a pension at the rate of $100 per month.

Section 3 of H. R. 12013 provides that the widow or remarried widow of any person so serving and so entitled to receive a pension as above set forth, if married to such Civil War veteran prior to June 27, 1905, and who is now or who may hereafter attain the age of 70 years, shall be entitled to and shall be paid a pension at the rate of $40 per month, such increase to be effective from and after the 4th day of the month next after the approval of this bill.

In closing my remarks, ladies and gentlemen, I wish to say that I am proud of the way the Members have manifested their feelings and regard for the veterans of all wars. And I am sure that if it had been possible under existing circumstances to have made these measures more liberal, it would have been our happy privilege to have done so. The authors of these bills are to be commended for their untiring efforts in behalf of so noble a class of people as war veterans.

EDUCATIONAL REQUIREMENTS OF APPLICANTS FOR CITIZENSHIP

Mr. TAYLOR of Tennessee. Mr. Speaker, by direction of the chairman of the Committee on Immigration and Naturalization I have reported H. R. 10669, and the gentleman from New York [Mr. DICKSTEIN] has filed minority views. I ask unanimous consent that the report and the minority views be separated and that the minority views be printed as part No. 2.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the report and minority views on House bill 10669 be printed as separate documents. Is there objection?

There was no objection.

HON. HUGH ANDERSON DINSMORE

Mr. FULLER. Mr. Speaker, with deep regret I announce that on the 2d day of May Hon. Hugh A. Dinsmore, a former Representative in Congress from the third district of the State of Arkansas, departed this life in St. Louis, Mo. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. FULLER. Mr. Speaker and Members of the House, it is with much regret I announce that on May 2, Hon. Hugh Anderson Dinsmore, a widely known resident of Fayetteville, Ark., and a former Representative in Congress from the third district of that State, departed this life at Barnes Hospital in St. Louis, Mo.

Mr. Dinsmore was born at Cave Springs in Benton County, Ark., on December 24, 1850, and was educated in the schools of Benton and Washington Counties. After graduation he took up the study of law under Samuel N. Elliott, of Bentonville, and was admitted to the bar in 1874. In the same year he resigned his position as circuit clerk, to which he had been appointed by Governor Baxter, and moved to Fayetteville where he was associated in the practice of law with United States Senator J. D. Walker from 1878 to 1884.

In 1878 he was elected prosecuting attorney of the fourth judicial circuit and served in that capacity for six years. In 1884 he was a presidential elector on the Democratic ticket of Cleveland and Hendricks, and in January, 1887, was appointed by President Grover Cleveland as minister resident and consul general to the Kingdom of Korea, serving until 1890. He was elected to Congress from his district, as a Democrat, in 1892 and served for a period of six terms. He retired from public life in 1905, giving some time to the practice of law at his home in Fayetteville, but devoting most of his time and attention to the management of his farming interests.

During his terms in Congress he was a member of the Board of Regents of the Smithsonian Institute and served during the term of Governor Thomas C. McRae as a member of the board of trustees of the University of Arkansas.

For the past several years he had been in ill health and was taken to the Barnes Hospital in St. Louis, where he underwent two operations from which he was unable to rally.

On May 25, 1883, he married Miss Elizabeth LeGrand Fisher, of St. Louis, Mo., who died on June 19, 1886, and Mr. Dinsmore

never remarried. A son, Hamilton Atwood Dinsmore, an attorney of El Paso, Tex.; a sister, Mrs. John McClure, of Oklahoma; and several relatives in northwest Arkansas survive him. He was buried in Fayetteville, his old home.

In the later years of his life Mr. Dinsmore was referred to as "colonel," but by his close friends he was always known as "Hugh." He was a man very strong in his likes and dislikes, always loyal, true, and faithful to the Democratic Party and every trust; he reflected credit upon each position to which he was honored. He was an able lawyer, an eloquent orator, and well known for his characteristics and his pleasing and charming personality. He was a man whose integrity was never impugned by his bitterest enemies; his life has stood the test of public scrutiny and to-day stands without blot or blemish. As a private citizen he was progressive and stood for the advancement and welfare of his community and the Nation; as a public official he not only well performed the duties of his office but accomplished great good for his constituency and the Nation. Perhaps his most outstanding characteristic was his indomitable courage; no threat or fear of consequences could deter him from a purpose he had concluded to be necessary and proper.

He possessed, to an extraordinary degree, the characteristics of the old-time southern gentleman, who have shown to the world a chivalry which esteemed stainless honor as a priceless heritage; a chivalry which taught the southern youth to esteem life worth nothing where honor was at stake; a chivalry which taught that the highest, noblest, and most exalted privilege of man was a defense of womanhood, family, and country. His life was the embodiment of honor, honesty, and loyalty to his party, his friends, and his country.

He was—

A man in whom the elements were so mixed that nature might stand up to all the world and say, "This is a man."

HON. ALEXANDER LEGGE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to proceed for two minutes. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, on what subject?

Mr. PATMAN. I desire to commend a man who has manifested rare and unusual courage, the Hon. Alexander Legge, chairman of the Federal Farm Board.

The SPEAKER. Is there objection?

There was no objection.

Mr. PATMAN. Mr. Speaker, the Hon. Alexander Legge, the chairman of the Federal Farm Board, is entitled to be commended by the farmers and working people of this Nation. Only a few days ago at a meeting of the United States Chamber of Commerce, where there were more than 3,000 delegates of that organization assembled from all sections of the United States representing business, the action of the Farm Board was challenged and many speeches made against the principle of the farm marketing act. Mr. Legge had the courage to face that assembly of big business men of our Nation and defend the farmers' rights. Mr. Legge said that many members of the Chamber of Commerce of the United States were for the principle of cooperation only so long as it did not work. Mr. Legge further criticized the chamber of commerce for having made so little effort to remedy the farm situation, and said that it had not taken any constructive action in the interest of the farmers, despite the fact that in 1928 its membership voted overwhelmingly in favor of the cooperative marketing principle. Mr. Legge further charged in his statement to that body that their attitude generally has been one of indifference toward the farm problem, if, indeed, not of antagonism; that they regarded the farm problem like the poor, as something we have with us always.

After the Chamber of Commerce of the United States passed a resolution which had for its effect a request for legislation for the destruction of the Federal Farm Board, Mr. Legge boldly told these gentlemen that he was, indeed, glad that they had come out into the open; that an enemy can always be dealt with better when known.

As a Member of Congress representing an agricultural district, I want to say that I appreciate the fact that we have as chairman of the Federal Farm Board a man of such courage and determination. [Applause.] Mr. Legge has demonstrated that he is willing to go the limit to help the people for whom the farm marketing act was created. He has further demonstrated that he has the intestinal fortitude to carry out the intent of Congress as expressed in the farm marketing act regardless of and notwithstanding the wishes of a prominent, influential group of business leaders. Mr. Legge's answer for the farmers has made manifest the rare courage of our great farm leader. My personal confidence in this board and its ability to substantially solve the problems of the farmers has increased 100 per cent since the chairman of this board has so admirably and ably defended the rights of the farmers, and convinced me that nothing will be left undone that is permitted under the marketing act to help this downtrodden class.

I believe Mr. Legge's commendable stand will cause the farmers to take an increased interest in the Farm Board. It is always a pleasure for people to follow men who exhibit intelligence, honesty, courage, and determination.

Mr. FORT, a Member of Congress from New Jersey, also laid down a pointed and important challenge to the members of the chamber of commerce when he said, when speaking of the proposed resolution to destroy the farm marketing act:

That you should have the courage to incorporate in the resolution a request for a revision of the Esch-Cummins railroad law.

It is not generally known, but nevertheless true, that the farmers are discriminated against in freight rates. Although of all the tonnage transported by railroad companies, only 10 per cent of it by volume represents products of the farm, 20 per cent of the gross income of the railroads is derived from the transportation of this tonnage. Another startling example of the gross discrimination against the farmers in railroad transportation is the special export and import rates. Two cars of oil can move from Houston, Tex., to Kansas City, Mo., one a car of coconut oil transported from a foreign country. The freight on this car will be $90. The other car is cottonseed oil, a domestic product grown by the farmers around Houston, Tex., and a competing product to coconut oil. The freight rate on a car of this product is $135. The two cars, pulled by the same engine over the same railroad, under the same conditions and exactly the same service being rendered for each. The Esch-Cummins law not only has caused a discrimination against the farmers but it has caused favoritism to be shown to a few and a discrimination against many. It has caused favoritism to be shown foreigners, to the detriment of American citizens.

The Secretary of Agriculture, Mr. Hyde, in speaking before the chamber of commerce, if correctly quoted, yielded to that body in a statement that I hope was inadvertently made. The chamber was interested in depriving the Farm Board of the use of public money, knowing that if the power to use money was taken away from the board it could perform no useful function other than giving out pamphlets on how to curtail acreage. Mr. Hyde is quoted as saying before the chamber that personally he did not see the need of the fund. Those of us who are intensely interested in agriculture and are behind Mr. Legge and his organization 100 per cent are hoping that Mr. Hyde was not quoted correctly. [Applause.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. SUTHERLAND, for five days, on account of private business.

THE CIVIL WAR VETERANS' AND WIDOWS' PENSION BILL

Mr. SLOAN. Mr. Speaker, I ask unanimous consent to extend my remarks on the pension bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SLOAN. Mr. Speaker, under leave I extend my remarks, thereby supplementing a colloquy held with the Hon. JOHN M. NELSON, chairman of the Invalid Pensions Committee, on the floor of the House, which appears in the CONGRESSIONAL RECORD of May 5, 1930, and on page 8397. I indicated my regret that the date of marriage of soldier and his—now—widow had not been advanced at least five years from June 27, 1905, in the general pension bill up for consideration. It seemed to me that the date referred to having been fixed in the act of 1920 that after the lapse of 10 years half that period should be added.

The colloquy referred to was as follows:

Mr. SLOAN. Mr. Speaker, will the gentleman yield?

Mr. NELSON of Wisconsin. Yes; certainly, with pleasure.

Mr. SLOAN. There is nothing, I think, in the bill which advances the date making it available for pension for widows from June, 1905.

Mr. NELSON of Wisconsin. We have not touched that. We had to get a bill through, and that is a question, I think, we were very much divided upon, and if you change that we would have difficulty, and it would add more money to it. We will thresh it out when we change the committee rules.

Mr. SLOAN. So that where, for instance, the marriage took place a short time after June, 1905, the prejudice will not be against a private bill, as it might have been heretofore.

Mr. NELSON of Wisconsin. In certain cases we now consider private bills 10 years beyond that date, or June 27, 1915; but what further can be done is doubtful. I want to ask the gentleman a question, because he is a scholarly man. We send the soldiers to war. When a soldier is killed, obviously we have to take care of the widow and his

children. However, should the soldier come back, and after 10, or 15, or 20, or 30, or 40 years marry a young girl, what equivalent has she rendered the country for its beneficence? And, as we have set that precedent, what about the 4,000,000 soldiers of the World War who will ask for the same legislative consideration?

Mr. SLOAN. It is many years since 1905 was fixed as a focal date. With the advance of time I suggest that it might be advanced fairly and equitably five years more, or, as the chairman suggests, it might be left to the liberal policy of the committee. For instance, I have two or three cases where marriage took place within a few months of the focal date, and I would urge and be satisfied with the liberal policy to be followed by the committee in taking care of those specially appealing cases.

In harmony with many Members I desired the most favorable legislation obtainable for our Union soldiers, all now living in the last score of their century; and widows, who a score of years ago married, lived with, cherished, comforted, and aided in the last sad rites of their veteran spouses, should be given a general pensionable status.

My criticism might have been stronger, but I know the high character of Chairman NELSON, his love of country, and devotion to its defenders. I felt, and now feel, that what he indicated as to the policy of the committee is in a large measure reassuring. I would not stay the progress of this bill carrying relief to so many. Nor would I jeopardize the passage of or provoke Executive disapproval by stubborn insistence. Too many veterans and widows are passing day by day for any act of mine to withhold, delay, or prevent their receiving the benefits of this bill. So I rely upon the justice and sympathy of this Invalid Pensions Committee and its distinguished chairman that specially deserving cases may be lifted from the iron limit of the fixed date.

One of the fine and gracious acts that the American people are permitted to perform is in alleviating the suffering and extending comfort to these Union preservers who are exchanging the "faded coat of blue" for the white robe of immortality.

We are honored by being made the instruments for administering the Government's bounty to their rapidly decreasing number.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3059. An act to provide for the advance planning and regulated construction of certain public works, for the stabilization of industry, and for the prevention of unemployment during periods of business depression; to the Committee on the Judiciary.

S. 3061. An act to amend section 4 of the act entitled "An act to create a Department of Labor," approved March 4, 1913; to the Committee on Labor.

ADJOURNMENT

Mr. SNELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 6, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, May 6, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Providing for participation in the dedication of a memorial park in commemoration of the ending of the western rebellion, generally known as the Whisky Insurrection of 1794, and establishing a commission to participate in said dedication (H. J. Res. 316).

COMMITTEE ON PUBLIC LANDS

(10.30 a. m.)

To provide for the creation of the colonial national monument in the State of Virginia (H. R. 8424).

COMMITTEE ON FLOOD CONTROL

(10.30 a. m., 2 p. m., and 8 p. m.)

To consider the economics involved in flood control in areas affected by backwaters of the Mississippi River.

To amend section 7 of Public Act No. 291, Seventieth Congress, approved May 15, 1928 (H. R. 8479).

To amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries, approved May 15, 1925" (H. R. 11548).

The committee will hear proposals to construct a spillway below New Orleans.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

450. A letter from the Acting Secretary of War, transmitting a draft of a bill to authorize certain activities of the Army pertaining mainly to the Medical Department; to the Committee on Military Affairs.

451. A letter from the Acting Secretary of War, transmitting a draft of a bill to authorize credit in the disbursing accounts of certain officers of the Army of the United States; to the Committee on Claims.

452. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State for the fiscal year 1931, amounting to $12,200, for the expenses of a meeting of the Mixed Claims Commission, United States and Germany, to be held in Hamburg, Germany, September, 1930 (H. Doc. No. 389); to the Committee on Appropriations and ordered to be printed.

453. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Labor, Bureau of Immigration, for the fiscal year ending June 30, 1930, amounting to $49,125, to remain available until June 30, 1931 (H. Doc. No. 390); to the Committee on Appropriations and ordered to be printed.

454. A letter from the American Legion national legislative committee, transmitting the financial operations of the national organization for the period ending December 31, 1929; to the Committee on World War Veterans' Legislation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HOUSTON of Hawaii: Committee on the Territories. H. R. 11051. A bill to amend section 60 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900; with amendment (Rept. No. 1375). Referred to the House Calendar.

Mr. TAYLOR of Tennessee: Committee on Immigration and Naturalization. H. R. 10669. A bill relating to educational requirements of applicants for citizenship; without amendment (Rept. No. 1376). Referred to the House Calendar.

Mr. O'CONNELL of New York: Committee on Foreign Affairs. H. R. 10826. A bill to provide for the renewal of passports; with amendment (Rept. No. 1377). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALMER: Committee on Coinage, Weights, and Measures. H. R. 11853. A bill to authorize the Secretary of the Treasury to prepare and manufacture a medal in commemoration of the one hundred and twenty-fifth anniversary of the expedition of Capt. Meriwether Lewis and Capt. William Clark; with amendment (Rept. No. 1378). Referred to the Committee of the Whole House on the state of the Union.

Mr. BUTLER: Committee on the Public Lands. H. R. 5404. A bill authorizing the exchange of land adjacent to the Santiam National Forest in the State of Oregon; without amendment (Rept. No. 1379). Referred to the House Calendar.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Department of the Interior (Rept. No. 1380). Ordered to be printed.

Mr. SWING: Committee on Flood Control. H. R. 5708. A bill for estimates necessary for the proper maintenance of the flood-control works at Lowell Creek, Seward, Alaska, with amendment (Rept. No. 1381). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BEERS: Committee on the District of Columbia. H. R. 3048. A bill to exempt from taxation certain property of the National Society Sons of the American Revolution in Washington, D. C.; with amendment (Rept. No. 1383). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 6361) granting a pension to Ada Rollins, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUCHANAN: A bill (H. R. 12165) to promote improvement in the spinning quality of cotton grown in the United States, to secure the correlation and the most economical conduct of cotton and other researches, and for other purposes; to the Committee on Agriculture.

By Mr. LARSEN: A bill (H. R. 12166) to provide payment to railway postal clerks and acting or substitute railway postal clerks, assigned to duty in railway post-office cars, for excessive layover time at outward terminals; to the Committee on the Post Office and Post Roads.

By Mr. VINSON of Georgia: A bill (H. R. 12167) to amend the United States cotton futures act of August 11, 1916, as amended, to provide for the prevention and removal of obstructions and burdens upon interstate commerce in cotton by further regulating transactions on cotton futures exchanges, and for other purposes; to the Committee on Agriculture.

By Mr. GIFFORD: A bill (H. R. 12168) to legalize an intake pipe in Warren Cove, at Plymouth, Mass.; to the Committee on Rivers and Harbors.

By Mrs. LANGLEY: A bill (H. R. 12169) to amend the meaning and intention of an act of Congress entitled "An act to regulate the practice of the healing art to protect the public health of the District of Columbia," approved February 27, 1929; to the Committee on the District of Columbia.

By Mr. JONES of Texas: A bill (H. R. 12170) to prevent the sale of cotton and grain in futures markets; to the Committee on Agriculture.

By Mr. SABATH: A bill (H. R. 12171) making unlawful the use of the mails, or any means of interstate communication, to offer for sale shares of stock not actually owned, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. IRWIN: Resolution (H. Res. 217) prohibiting the Postmaster General from discriminating between individuals, firms, corporations, and communities in the receipt, transportation, dispatch, and delivery of registered mail matter; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 12172) granting an increase of pension to Amelia Rhoads; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12173) granting an increase of pension to Annie Catharine Kauffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12174) granting an increase of pension to Sarah M. Houck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12175) granting a pension to Henry F. Moyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12176) granting an increase of pension to Marye A. Sassaman; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Iowa: A bill (H. R. 12177) for the relief of Oluf Volkerts; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 12178) to authorize the Secretary of War to donate two bronze cannon to the Veterans' Alliance of Vallejo, Calif.; to the Committee on Military Affairs.

By Mr. DENISON: A bill (H. R. 12179) granting a pension to Elizabeth Pitchford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12180) granting a pension to Mary Jane Phumphrey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12181) for the relief of Arthur Smith; to the Committee on Military Affairs.

By Mr. EVANS of Montana: A bill (H. R. 12182) granting a pension to Mary Buckley; to the Committee on Pensions.

By Mr. EDWARDS: A bill (H. R. 12183) granting a pension to Calhoun Shearouse; to the Committee on Pensions.

By Mr. EVANS of California: A bill (H. R. 12184) for the relief of C. B. Bellows; to the Committee on Claims.

By Mr. FREE: A bill (H. R. 12185) granting a pension to Zachary G. Jamison; to the Committee on Invalid Pensions.

By Mr. HUDSON: A bill (H. R. 12186) for the relief of Mary Orinski; to the Committee on Claims.

By Mr. MAPES: A bill (H. R. 12187) granting an increase of pension to Charles A. Halbert; to the Committee on Pensions.

By Mr. MENGES: A bill (H. R. 12188) granting an increase of pension to Elizabeth Brillhart; to the Committee on Invalid Pensions.

By Mr. MONTAGUE: A bill (H. R. 12189) for the relief of Roscoe McKinley Meadows; to the Committee on Naval Affairs.

By Mr. REID of Illinois: A bill (H. R. 12190) to authorize preliminary examination of sundry streams with a view to the control of their floods, and for other purposes; to the Committee on Flood Control.

By Mr. ROWBOTTOM: A bill (H. R. 12191) granting an increase of pension to Cyntha E. Patterson; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 12192) granting an increase of pension to Mary Moreton; to the Committee on Invalid Pensions.

By Mr. SOMERS of New York: A bill (H. R. 12193) for the relief of John J. Boyer, otherwise known as John J. Boyle; to the Committee on Military Affairs.

Also, a bill (H. R. 12194) for the relief of Isadore Abrahams, otherwise known as Irving Abrahams; to the Committee on Military Affairs.

By Mr. THOMPSON: A bill (H. R. 12195) granting an increase of pension to Sarah E. Abbott; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 12196) granting a pension to Ida Raphael; to the Committee on Pensions.

By Mr. WASON: A bill (H. R. 12197) for the relief of Alberto D. Huntoon; to the Committee on Claims.

By Mr. WYANT: A bill (H. R. 12198) granting an increase of pension to Hannah F. Black; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7208. Petition of International Union of Mine, Mill, and Smelter Workers, urging support of the present tariff duty as passed by the Senate Finance Committee; to the Committee on Ways and Means.

7209. By Mr. CRAIL: Petition of many citizens of Los Angeles County, Calif., favoring the passage of House bill 7884; to the Committee on the District of Columbia.

7210. By Mr. CULLEN: Resolution of the board of directors of the Merchants & Manufacturers' Association of Bush Terminal (Inc.), of Brooklyn, N. Y., favoring an increase in compensation paid to officers and enlisted men, both active and retired, of the Army, Navy, Marine Corps, Coast Guard, Public Health, and Coast and Geodetic Survey as recommended by the interdepartmental board; to the Joint Committee on Military Services Pay.

7211. Also, resolution of the Brooklyn section, a part of the National Council of Jewish Women, composed of 52,000 members, opposing bills H. R. 9100, H. R. 10207, and S. 1278, providing for the registration of aliens; to the Committee on Immigration and Naturalization.

7212. By Mr. HUDSON: Petition of the city council of the city of Dearborn, Mich., urging Congress to enact House Joint Resolution 167, directing the President of the United States to proclaim October 11 of each year as General Pulaski's memorial day; to the Committee on the Judiciary.

SENATE

TUESDAY, *May 6, 1930*

(Legislative day of Wednesday, April 30, 1930)

The Senate met at 12 o'clock meridian in open executive session, on the expiration of the recess.

The VICE PRESIDENT. The Senate, as in legislative session, will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed the bill (S. 2589) authorizing the attendance of the Marine Band at the Confederate veterans' reunion to be held at Biloxi, Miss.

The message also announced that the House had passed the following bill and joint resolution of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 3531. An act authorizing the Secretary of Agriculture to enlarge tree-planting operations on national forests, and for other purposes; and

S. J. Res. 135. Joint resolution authorizing and requesting the President to extend to foreign governments and individuals an invitation to join the Government and people of the United States in the observance of the one hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, Va.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 1194. An act to amend the naval appropriation act for the fiscal year ended June 30, 1916, relative to the appointment of pay clerks and acting pay clerks;

H. R. 5662. An act providing for depositing certain moneys into the reclamation fund;

H. R. 6347. An act to amend section 101 of the Judicial Code, as amended (U. S. C., Supp. III, title 28, sec. 182);

H. R. 6997. An act to confer to certain persons who served in the Quartermaster Corps, or under the jurisdiction of the Quartermaster General during the war with Spain, the Philippine insurrection, or the China relief expedition the benefits of hospitalization and the privileges of the soldiers' homes;

H. R. 7933. An act to provide for an assistant to the Chief of Naval Operations;

H. R. 8806. An act to authorize the Postmaster General to impose fines on steamship and aircraft carriers transporting the mails beyond the borders of the United States for unreasonable and unnecessary delays, and for other delinquencies;

H. R. 9444. An act to authorize the erection of a marker upon the site of New Echota, capital of the Cherokee Indians prior to their removal west of the Mississippi River, to commemorate its location and events connected with its history;

H. R. 9843. An act to enable the Secretary of War to accomplish the construction of approaches and surroundings, together with the necessary adjacent roadways, to the Tomb of the Unknown Soldier in the Arlington National Cemetery, Va.;

H. R. 9939. An act authorizing the Secretary of the Interior to lease any or all of the remaining tribal lands of the Choctaw and Chickasaw Nations for oil and gas purposes, and for other purposes;

H. R. 10037. An act to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes," approved May 16, 1928;

H. R. 10258. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cannelton, Ind.;

H. R. 11780. An act granting the consent of Congress to Louisville & Nashville Railroad Co. to construct, maintain, and operate a railroad bridge across the Ohio River at or near Henderson, Ky.;

H. R. 12013. An act to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases; and

H. J. Res. 305. Joint resolution providing for the participation by the United States in the International Conference on Load Lines, to be held in London, England, in 1930.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2589) authorizing the attendance of the Marine Band at the Confederate Veterans' reunion to be held at Biloxi, Miss., and it was signed by the Vice President.

PETITIONS AND MEMORIALS

As in legislative session,

Mr. VANDENBERG presented a resolution adopted by the city council of Dearborn, Mich., favoring the passage of legislation dedicating October 11 of each year as General Pulaski's memorial day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, Revolutionary War hero, which was referred to the Committee on the Library.

Mr. WALCOTT presented telegrams in the nature of petitions from the Chapter of Disabled American Veterans of the World War at Bridgeport, and Lieutenant Robinson Post, Veterans of Foreign Wars, of Hartford, both in the State of Connecticut, praying for the passage of the so-called Johnson bill with the Rankin amendment for the relief of certain classes of World War veterans, which were referred to the Committee on Finance.

He also presented the petition of Lacroix-Murdock Post, No. 585, Veterans of Foreign Wars, of Meriden, Conn., praying for the passage of the so-called Swick bill, for the relief of World War veterans, which was referred to the Committee on Finance.

He also presented a letter in the nature of a petition from Huguenot Division, No. 561, Order of Railway Conductors, of Stamford, Conn., praying for the passage of the joint resolution (S. J. Res. 161) to suspend the authority of the Interstate Commerce Commission to approve consolidations or unifications of railway properties, which was referred to the Committee on Interstate Commerce.

He also presented the petition of the League of Women Voters of Naugatuck, Conn., praying for the passage of the so-called Jones and Goodwin bills, relative to the financing of the maternity and infancy hygiene program, which was referred to the Committee on Commerce.

He also presented the petition of Union No. 897, Brotherhood of Painters, Decorators, and Paperhangers of America, of New London, Conn., praying for the passage of the bill (H. R. 9232) to regulate the rates of wages to be paid to laborers and mechanics employed by contractors and subcontractors on public works of the United States and of the District of Columbia, which was referred to the Committee on Education and Labor.

He also presented the petitions of Local No. 611, International Hod Carriers' Building and Common Laborers' Union of America, and Union No. 21, Brotherhood of Painters, Decorators, and Paperhangers of America, both of New Britain, Conn., praying for the passage of the bill (H. R. 10343) to provide quota limitations for certain countries of the Western Hemisphere, and for other purposes, which were referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Yalesville, Conn., praying for the passage of the so-called Stalker resolution, being House Joint Resolution 20, providing for an amendment to the Constitution to exclude unnaturalized aliens from the population count of the Nation for apportionment of the House of Representatives, which was referred to the Committee on Immigration.

He also presented a memorial of the Jewish Republican Club of Colchester, Conn., remonstrating against the passage of the so-called Blease bill, pertaining to the registration of aliens, which was referred to the Committee on Immigration.

THE TARIFF AND AMERICAN ECONOMISTS

As in legislative session,

Mr. HARRISON. Mr. President, I ask unanimous consent to have inserted in the RECORD two editorials which appeared in two of the New York papers this morning, the World and the Times, with reference to the protest of the 1,028 celebrated economists against the tariff bill.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I have no objection, but I do object to the word "celebrated"; that is all.

The VICE PRESIDENT. Without objection, leave is granted.

The editorials are as follows:

[From the New York World of Tuesday, May 6, 1930]

MR. HOOVER AND THE ECONOMISTS

There is no subject on which Mr. Hoover has spoken oftener or more eloquently than on the importance of substituting expert guidance for blind guessing in the management of American business. He is above all else the great apostle of economic research, of objective study, of trained judgment, and in preaching his gospel he has set up more committees and utilized more experts than any other President. For nearly a year he has beheld the making of an economic program which affects the whole economic life of the country and its foreign relations. For nearly a year he has seen his own party in Congress ignoring his own advice, and within a short time there will be placed before him for his approval or his veto a new general revision of the tariff upward to the highest averages of all time. By every ideal which Mr. Hoover has professed his decision to veto or to approve should be controlled not by political expediency but by the best expert opinion which the country affords.

That opinion is now before him. Over 1,000 American economists, an assemblage which is practically a Who's Who of the men who can qualify as the highest expert authorities on the subject, have unanimously and unequivocally asked him to veto the bill which is about to emerge from Congress. Mr. GRUNDY and Mr. SMOOT may feel able to dismiss this petition as the plea of a collection of unworldly professors. But Herbert Hoover can not take that view. He is committed by innumerable professions of faith to the idea that the opinion of the disinterested expert is of capital importance. He can not, without discrediting his own philosophy of life, ignore this petition.

That the present tariff bill does not represent Mr. Hoover's own views is certain. One has only to read his message to the special session last spring to see that the bill originated by Mr. HAWLEY and Mr. SMOOT and engineered by Mr. GRUNDY is an overwhelming repudiation of Mr. Hoover's leadership. The record of events will show, moreover, that this repudiation resulted directly from Mr. Hoover's indecision last June when he missed the concrete opportunity that was presented to him to hold Congress to the program he had outlined. By what process of the human mind can he, then, justify approval of this bill? It defies his own judgment. It breaks his party's pledges. It inflicts tremendous burdens on the majority of the people. It will create ill will throughout the world.

There is, we suspect, one ground on which he will seek to square a surrender with his conscience. That is by fixing his eye on the flexible provisions and telling himself that if Congress will only grant him this power he can undo whatever mischief may be in the bill. The

flexible provision is the one thing he has passionately desired. There can be little doubt that his insistence on it is due to a belief that with this power in his hands he can right everything.

If this is his view, it is a dangerous illusion. Apart from the fact that presidential tariff making is contrary to the constitutional principle of reposing the taxing power in the legislature, the notion of a Hoover revision to revise the Hawley-Smoot-Grundy revision is the fantasy of a politically inexperienced man. The President of the United States can not decide the infinitely intricate questions involved in each schedule of the tariff. He has not the wisdom and he has not the time. He ought not to put himself into the embarrassing position of making himself the focal point of a hundred lobbies.

Yet that is what presidential tariff making means. It means that he must listen to a thousand conflicting arguments, submit to pressure from innumerable interests and decide a thousand questions which he is not competent to decide. Mr. Hoover has made many serious mistakes since he went to Washington. He will make a most serious mistake if he signs this bad bill on the theory that he, in his own wisdom and power, can make it a good bill. The sound course is that indicated by the economists: To reject the bill and put squarely upon Congress, where the constitutional power resides, the duty of framing an honest and reasonable tariff.

[From the New York Times of Tuesday, May 6, 1930]

ECONOMISTS AND THE TARIFF

Already in many ways unexampled in our history of tariff legislation the pending bill has now achieved a new bad eminence. It has been made the object of a concerted and overwhelming attack by the leading political economists of the country. Over a thousand of them, representing all parties and all regions, have joined in a weighty protest against the measure, and in calling upon the President to veto it should it come to him for signature. Nor are these objectors merely a lot of college professors. In their number are included the skilled advisers of banks and great manufacturing companies. Taken together, they speak for a large body of specially educated opinion, which is massed against the tariff bill with a vigor of conviction and expression quite without a parallel in American experience.

What these economists affirm is that the upward revision of the tariff is ill advised and ill timed. They are certain that the ends aimed at by it will never be attained. It will not create or benefit labor. It will not aid the farmer. It will lay an additional handicap upon many forms of gainful occupation, and will make the lot of the consuming public harder than ever. Moreover, the bill, if it becomes a law, is bound to diminish and dislocate that foreign commerce which is now essential to the United States. It will provoke not only resentment abroad but reprisals. The action speedily taken by the Canadian Government is a hint of what will be done by others. Finally, allege these political economists, the whole theory of restricting overseas trade is a monumental piece of folly for this country just when it has become the leading creditor nation of the whole world.

Such are the mature conclusions of men who have long and impartially studied questions of taxation and manufacture and commerce. They are stated without any possible bias, whether personal or partisan. It may well be that most Members of Congress will listen with scorn to this unprecedented protest. They will describe it as the utterance of academic doctrinaires, out of all touch with practical affairs and the realities of business. But it is impossible to imagine President Hoover dismissing light-heartedly this solemn remonstrance. He himself is a university man. He knows with what impartiality and scientific authority these leading economists of the United States have pronounced judgment on the tariff bill. With many of them he is personally acquainted. For all of them he must feel respect. For him to toss aside their deliberate statement as if it meant nothing would be to deny those of his own household, for Mr. Hoover himself has rightful claims to be considered a political economist.

Another Republican President, brought up in the tradition of high protection, might sneer at the idea of economists having anything to say about a bill which touches our national economics at a thousand points—Herbert Hoover can not. He believes in trained men. He is committed to the scientific investigation of questions affecting government. So that it can not fail to give him pause when a thousand specialists in trade and taxation tell him that the tariff bill is wrong in principle and will prove harmful and perhaps disastrous if made law. The President may yet feel constrained to sign the bill if it reaches his desk. But he will frankly be influenced by political motives, not by economic. And we may be sure that if he does sign, it will be with a heavy heart and haunting apprehensions.

RELIEF OF THE CATAWBAS IN SOUTH CAROLINA

As in legislative session,

Mr. BLEASE. Mr. President, I present a letter from Chief Samuel T. Blue, of the Catawba Indians of South Carolina, together with my reply thereto, and ask that they may be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the correspondence was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

CATAWBA, S. C., *May 5, 1930.*

Senator COLE. L. BLEASE,
United States Senate, Washington, D. C.

DEAR SENATOR BLEASE: Can anything be done in behalf of my people during this session of Congress? Our condition is such that the prospects of making any corn or cotton is very grave. We drew the appropriation from the State, but when our debts are paid we won't have money left with which to purchase fertilizer and farm implements that we are so badly in need of.

Unless a way is provided, I see a serious time ahead for my people. Our only hope and salvation from the condition that we are now in is through the Federal Government.

We will be glad to furnish any information that you may desire. Thanking you again for the interest you are taking in our behalf, I am,

Very respectfully yours,

SAMUEL T. BLUE,
Chief of the Catawbas.

P. S.—If you desire a committee of two or three from the reservation to come to Washington, we will be glad to do so.

WASHINGTON, D. C., *May 6, 1930.*

Chief SAMUEL T. BLUE,
Chief of the Catawbas,
Catawba, S. C.

DEAR CHIEF: Your letter of the 5th received. I shall ask that your letter be printed in the CONGRESSIONAL RECORD to-day and referred to the Committee on Indian Affairs.

I think the committee was impressed with the necessity for some help for your people and that they will help us get assistance. You can rest assured that I will be glad to do all that I can.

With my best wishes for you and all in your tribe, I am,

Very respectfully,

COLE. L. BLEASE.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	King	Smoot
Ashurst	Gillett	McCulloch	Steck
Baird	Glass	McKellar	Steiwer
Barkley	Glenn	McNary	Stephens
Bingham	Goldsborough	Metcalf	Sullivan
Black	Gould	Norris	Swanson
Blease	Greene	Nye	Thomas, Idaho
Borah	Hale	Oddie	Thomas, Okla.
Bratton	Harris	Overman	Townsend
Brock	Harrison	Patterson	Trammell
Broussard	Hastings	Phipps	Tydings
Capper	Hatfield	Pine	Vandenberg
Caraway	Hawes	Pittman	Wagner
Connally	Hayden	Ransdell	Walcott
Copeland	Hebert	Robinson, Ark.	Walsh, Mass.
Couzens	Howell	Robinson, Ind	Walsh, Mont.
Cutting	Johnson	Schall	Waterman
Dale	Jones	Sheppard	Watson
Deneen	Kean	Shipstead	Wheeler
Dill	Kendrick	Shortridge	
Fess	Keyes	Simmons	

Mr. NORRIS. I desire to announce that both Senators from Wisconsin [Mr. LA FOLLETTE and Mr. BLAINE] are absent attending the funeral of a former justice of the Supreme Court of the State of Wisconsin, where Senator BLAINE on yesterday delivered the funeral oration. I should have made this announcement yesterday, but overlooked it.

Mr. SHEPPARD. I announce that the Senator from Florida [Mr. FLETCHER], the Senator from Utah [Mr. KING], and the Senator from South Carolina [Mr. SMITH] are all detained from the Senate by illness.

Mr. BLACK. I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

The VICE PRESIDENT. Eighty-two Senators have answered to their names. A quorum is present.

TREE-PLANTING OPERATIONS ON NATIONAL FORESTS

As in legislative session,

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3531) authorizing the Secretary of Agriculture to enlarge tree-planting operations on national forests, and for other purposes, which was to strike out all after the enacting clause and to insert a substitute.

Mr. McNARY. I move that the Senate disagree to the House amendment, ask a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. McNARY, Mr. NORRIS, and Mr. RANSDELL conferees on the part of the Senate.

INTERNATIONAL CONFERENCE ON LOAD LINES

As in legislative session,

The VICE PRESIDENT laid before the Senate the joint resolution (H. J. Res. 305) providing for the participation by the United States in the International Conference on Load Lines, to be held in London, England, in 1930, which was read twice by its title.

Mr. BORAH. Mr. President, a similar bill has been reported from the Committee on Foreign Relations and is now upon the Senate Calendar.

I ask unanimous consent that the Senate proceed to the consideration of the House joint resolution.

Mr. BLEASE. Mr. President, I object and I will state my reasons for objecting: I offered a resolution some time ago, and, at the request of the Senator from New Hampshire, did not object to its going to the Committee on Foreign Relations. The resolution sought information as to the necessity for the expenditure and for what the money was to be spent. I think the Senate has a right to know who are going to London to attend the conference, for what purpose they will go there, what their duties will be, and what their expenses will be before we appropriate in this general way the amount proposed. I object to the present consideration of the resolution.

Mr. BORAH. Mr. President, if the Senator from South Carolina will permit me, the joint resolution now before the Senate is wholly apart from and has nothing whatever to do with the conference which the Senator has in mind.

Mr. BLEASE. But I think the Senate, in a case like this, when it is asked to appropriate money, ought to know what the money is going to be used for and the object of the expenditure. Therefore I object. I think my resolution should long since have been reported back to the Senate, in which event it could have been acted upon. I do not think my resolution ought to be kept in cold storage and something else brought forward, while my resolution is postponed and the Senate is not given the information.

Mr. BORAH. Permit me to say, Mr. President, that the Senator's resolution has not been placed in "cold storage." On the other hand, it has had consideration at the hands of the committee, but, owing to the fact that there were many other matters ahead of it, we were unable to dispose of it at the session prior to the last session, and we did not have any session upon last Wednesday. We are to have a session on next Wednesday, that is to-morrow, and I will again bring up the resolution then for consideration. I wish, however, the Senator would permit the House joint resolution now before the Senate to be acted upon, as it has no relationship whatever to the other matter.

The VICE PRESIDENT. The Senator from South Carolina objects to the present consideration of the joint resolution.

Mr. JONES subsequently said: Mr. President, the Senator from South Carolina [Mr. BLEASE] has kindly consented to withdraw his objection to House Joint Resolution 305, which was laid down at the desk this morning. I, therefore, renew the request that the Senate proceed to the consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 305) providing for the participation by the United States in the International Conference on Load Lines, to be held in London, England, in 1930, which was read, as follows:

Resolved, etc., That the sum of $20,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for the expenses of participation by the United States in the International Conference on Load Lines, to be held in London, England, in 1930, including travel and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), compensation of employees, stenographic and other services by contract if deemed necessary, rent of offices, purchase of necessary books and documents, printing and binding, printing of official visiting cards, and such other expenses as may be authorized by the Secretary of State.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, the bill (S. 4104) authorizing an appropriation for expenses of delegates to attend the International Conference on Load Lines at London, England, will be indefinitely postponed.

ANNIVERSARY OF THE SURRENDER OF CORNWALLIS

As in legislative session,

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 135) authorizing and requesting the President to extend to foreign governments and individuals an invitation to join the Government and people of the United States in the observance of the one hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, Va., which was, on page 2, line 3, after the word "resolution," to insert "including the expense of entertaining the guests of the United States."

Mr. SWANSON. Mr. President, as the author of the joint resolution, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

OHIO RIVER BRIDGE NEAR HENDERSON, KY.

Mr. BARKLEY. As in legislative session, I ask unanimous consent for the present consideration of House bill 11780, which has just come over from the House of Representatives.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11780) granting the consent of Congress to the Louisville & Nashville Railroad Co. to construct, maintain, and operate a railroad bridge across the Ohio River at or near Henderson, Ky., which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Louisville & Nashville Railroad Co., a corporation organized and existing under the laws of the Commonwealth of Kentucky, its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or near Henderson, Ky., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Louisville & Nashville Railroad Co., its successors and assigns; and any party to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such party.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BARKLEY. There is a similar bill on the calendar, being order of business 609, Senate bill 4259, granting the consent of Congress to the Louisville & Nashville Railroad Co. to construct, maintain, and operate a railroad bridge across the Ohio River at or near Henderson, Ky., which I move be indefinitely postponed.

The motion was agreed to.

REPORTS OF COMMITTEES

As in legislative session,

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 4211) to amend the act entitled "An act to provide for the elimination of the Michigan Avenue grade crossing in the District of Columbia, and for other purposes," approved March 3, 1927, reported it with an amendment and submitted a report (No. 615) thereon.

He also, from the same committee, to which was referred the bill (S. 4223) to amend the act entitled "An act to provide for the elimination of grade crossings of steam railroads in the District of Columbia, and for other purposes," approved March 3, 1927, reported it with amendments and submitted a report (No. 617) thereon.

Mr. KENDRICK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 317) to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases, reported it with amendments and submitted a report (No. 616) thereon.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 543. A bill to increase the pay of mail carriers in the village delivery service (Rept. No. 618); and

S. 3599. A bill to provide for the classification of extraordinary expenditures contributing to the deficiency of postal revenues (Rept. No. 619).

REPORTS OF NOMINATIONS

As in executive session,

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

Mr. JOHNSON, from the Committee on Commerce, reported the nominations of sundry officers in the Coast Guard, which were placed on the Executive Calendar.

BILLS INTRODUCED

As in legislative session,

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TRAMMELL:

A bill (S. 4365) granting a pension to Sophie Alexander;

A bill (S. 4366) granting a pension to Elizabeth M. Bateman; and

A bill (S. 4367) granting a pension to Lillian M. Jennison; to the Committee on Pensions.

By Mr. HARRISON:

A bill (S. 4368) granting a pension to Missouri L. Clark; to the Committee on Pensions.

By Mr. CONNALLY:

A bill (S. 4369) for the relief of Mary Elizabeth Fox; to the Committee on Claims.

By Mr. VANDENBERG:

A bill (S. 4370) to authorize the design, construction, and procurement of one metal-clad airship of approximately 100 (long) tons gross lift and of a type suitable for transport purposes for the Army Air Corps; to the Committee on Military Affairs.

By Mr. THOMAS of Oklahoma:

A bill (S. 4371) authorizing the construction and equipment of a veterans' hospital at Claremore, Okla.; to the Committee on Finance.

A bill (S. 4372) for the relief of Ralph E. Williamson for loss suffered on account of the Lawton, Okla., fire, 1917; to the Committee on Claims.

By Mr. RANSDELL:

A bill (S. 4373) to amend the act entitled "An act to protect navigation from obstruction and injury by preventing the discharge of oil into the coastal navigable waters of the United States," approved June 7, 1924; to the Committee on Commerce.

By Mr. METCALF:

A bill (S. 4374) granting a pension to Emma M. Cornell (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO RIVER AND HARBOR BILL

As in legislative session,

Mr. TRAMMEL submitted an amendment, and Mr. JONES and Mr. McNARY each submitted two amendments, intended to be proposed by them, respectively, to the bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were severally referred to the Committee on Commerce and ordered to be printed.

EXECUTIVE MESSAGES

Messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries.

NINTH INTERNATIONAL DAIRY CONGRESS (S. DOC. NO. 143)

As in legislative session,

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I commend to the favorable consideration of the Congress the inclosed report from the Secretary of State, to the end that legislation may be enacted to authorize an appropriation of $10,000 for the expenses of participation by the United States in the Ninth International Dairy Congress, to be held in Copenhagen, Denmark, in July, 1931.

HERBERT HOOVER.

THE WHITE HOUSE, *May 6, 1930.*

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States making nominations, which were referred to the appropriate committees.

HOUSE BILLS REFERRED

As in legislative session,

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 1194. An act to amend the naval appropriation act for the fiscal year ended June 30, 1916, relative to the appointment of pay clerks and acting pay clerks; and

H. R. 7933. An act to provide for an assistant to the Chief of Naval Operations; to the Committee on Naval Affairs.

H. R. 5662. An act providing for depositing certain moneys into the reclamation fund; to the Committee on Irrigation and Reclamation.

H. R. 6347. An act to amend section 101 of the Judicial Code, as amended (U. S. C., Supp. III, title 28, sec. 182); to the Committee on the Judiciary.

H. R. 9843. An act to enable the Secretary of War to accomplish the construction of approaches and surroundings, together with the necessary adjacent roadways, to the Tomb of the Unknown Soldier in the Arlington National Cemetery, Va.; to the Committee on Military Affairs.

H. R. 8806. An act to authorize the Postmaster General to impose fines on steamship and aircraft carriers transporting the mails beyond the borders of the United States for unreasonable and unnecessary delays and for other delinquencies; to the Committee on Post Offices and Post Roads.

H. R. 9444. An act to authorize the erection of a marker upon the site of New Echota, capital of the Cherokee Indians prior to their removal west of the Mississippi River, to commemorate its location, and events connected with its history; to the Committee on the Library.

H. R. 9939. An act authorizing the Secretary of the Interior to lease any or all of the remaining tribal lands of the Choctaw and Chickasaw Nations for oil and gas purposes, and for other purposes; to the Committee on Indian Affairs.

H. R. 10037. An act to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes," approved May 16, 1928; to the Committee on Agriculture and Forestry.

H. R. 10258. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cannelton, Ind.; to the calendar.

H. R. 6997. An act to confer to certain persons who served in the Quartermaster Corps or under the jurisdiction of the Quartermaster General during the war with Spain, the Philippine insurrection, or the China relief expedition the benefits of hospitalization and the privileges of the soldiers' homes; and

H. R. 12013. An act to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases; to the Committee on Pensions.

RUSSIAN COMMUNISM

As in legislative session,

Mr. VANDENBERG. Mr. President, in view of new contemporary disclosures respecting subvertive communistic propaganda in the United States, I want to call the Senate's attention to a cogent and sustained editorial in the Detroit News respecting Russian realities. All that our American people need is the truth, and they will continue to scorn and to spurn all invitations to sink the United States in the awful welter of Bolshevism. I ask unanimous consent that this illuminating editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[Editorial from the Detroit (Mich.) News of May 3, 1930]

THE TRUTH ABOUT RUSSIA

Now that we are beginning to understand accurately how the money is raised we need not be particularly astonished at what is being accomplished in Russia, nor at what is being planned by the Soviet Government.

A railroad 1,700 miles long, constructed in four years by means of 400,000 men, 200,000 camels, and $100,000,000 in money? Certainly. A $250,000,000 irrigation system? To be sure. An automobile plant costing $100,000,000; a $100,000,000 hydroelectric plant; a $75,000,000 tractor plant; an industrialization program to cost $33,000,000,000? All comparatively easy if you have the power to do and are willing to do what the Soviet Government is doing.

But this also is true: Once the people of the world understand the methods by which the people of Russia are compelled to pay the bill for what is being done to them, not anywhere could you induce any people to submit to such a process.

We here in Michigan are beginning to understand that process. Thanks most largely to the researches and writings of Philip Adler, of the Detroit News staff, many people here have secured an inkling of the horrors attending the business of industrializing a nation by force.

When a man of Mr. Adler's sound education and high integrity, born in Russia and speaking the language, tells us what he found and what

he saw on his recent prolonged visit to Russia, we at least make a start at understanding. When such a man tells us that the billions the Soviet Government is expending are raised by grinding 150,000,000 people into abject poverty and unbelievable misery, that year after year the fruits of the labor of all these millions are virtually confiscated, then we begin to comprehend how it is that the radicals from England, from our own country, and from all other countries return so profoundly disillusioned from a visit to Russia. Then we begin to appreciate the heart-wringing narratives of such of the farmers and workingmen as have managed to escape from Russia.

An enormous standing army kept on the alert to suppress uprisings, the most comprehensive spy system ever maintained on this earth and reaching into the most remote parts of Russia, ruthless prosecutions and executions, beggars everywhere, and bands of homeless boys wandering about in every section of Russia are all a concomitant and inevitable part of the picture.

It is a land of anguish.

Nor is the horror of it at all relieved if we grant the sincerity of the theorists who have seized and who thus manhandle this people. Concede that they believe they will some day turn Russia into happyland, and still, what have you? Apply the lesson to your own land. To our own United States. Could any possible set of circumstances justify a government at Washington in robbing all the people of home and hope and faith and substance for the purpose of rolling up billions in Washington with which to build stupendous public works on the theory that at some distant day, somehow, the people were to be made happier?

The truth is that Russia is paying in blood and tears even as it did under Ivan the Terrible. For the Soviet apostles of the socialistic teachings of Marx and Lassalle are close adherents to the methods of Ivan.

The $33,000,000,000 represents but a small part of the cost of Russia's industrialization program. In order to raise this sum the Russian Government compels its 125,000,000 farmers to sell to the State every product of their farms, with soviet agents prescribing the quality, quantity, and price of the goods to be presented by the farmers. Part of the goods, virtually confiscated from the farmers, is exchanged abroad for machinery for the industrialization program. Part of it is sold at a profit to the cities, where the proletariat, through the communistic dictatorship, maintains its supremacy over the farmers.

In order to prevent an uprising of the farmers the Government maintains the red army, one of the most powerful military systems in the world; the G. P. U., a system of espionage even more powerful than the army; and its vast coterie of politicians and bureaucrats—all nonproductive bodies, living off the farmer. Criticism of this system is punishable by exile, if not by death. Twelve years after the revolution and seven years after Russia's civil war, Russia's population of 150,000,000 still lives in a state of appalling misery; black bread is rationed out to the soviet citizens on Government books; the books are issued to loyal supporters of the dictatorship only, and countless nameless graves and 100,000 living exiles to the marshes of Siberia, to the burning sands of Kazakstan, and to the hyperborean regions of the Solovetzky Island in the White Sea are a continuous threat to those who would dare raise their voice against the dictatorship.

The industrial achievements of the Soviet Government, as they are carried out, no doubt will arouse the admiration of the followers of Stalin, but will hardly arouse a feeling of envy among any enlightened democratic people or create an attempt at emulation in any representative republican government, among people who are aware of the price the Russian people are paying for them. Any nation could accomplish as much, if not more, in as short a time by adopting the methods of the soviet. But no sane government will. No self-respecting people would submit to a government that dared.

PHILIPPINE INDEPENDENCE

As in legislative session,

Mr. HAWES. Mr. President, I ask leave to insert in the RECORD an article upon Philippine Independence, by Raymond Leslie Buell. It is an impartial statement. I do not agree with all its conclusions, but it is illuminating; and the matter is one which will shortly be brought before the Senate for final action.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PHILIPPINE INDEPENDENCE

By Raymond Leslie Buell, with the aid of the research staff of the Foreign Policy Association

PART I

INTRODUCTION

With the return of the American delegation from the London Naval Conference the question of the Philippines is likely to confront the Government at Washington shortly. On March 12 the Senate Committee on Insular Affairs suspended hearings on the subject of Philippine independence, and Senator BINGHAM, of Connecticut, chairman, announced that the committee would make a report only after having conferred with Secretary of State Stimson and the Secretary of the Navy in regard to international aspects of the question. Meanwhile a large number of bills looking toward Philippine independence have been introduced into Congress. One bill (S. 3108), introduced by Senator KING, of Utah, on January 13, 1930, would authorize the Philippine Legislature to hold a constitutional convention to formulate a constitution for an independent government. Similar bills have been introduced into the House by Congressmen DYER and KNUTSON (H. R. 5652 and H. R. 5182) On January 6, 1930, Senator BINGHAM introduced a resolution authorizing the President of the United States to call a conference in Manila in September, 1930, including eight representative citizens of the United States and eight representative citizens of the Philippines, to deliberate and make recommendations as to the future of the islands. On March 31, 1930, Senator VANDENBERG, of Michigan, introduced a bill (S. 3379) providing for complete independence at the end of 10 years. A similar measure was introduced on March 5 by Senators HAWES, of Missouri, and CUTTING, of New Mexico (S. 3822). The last measure would authorize a Philippine constitutional convention to draft a constitution for a free and independent government of the Philippines. During a transitional period of five years the United States would be given the right to control the foreign affairs of the Philippines, and, if necessary, to intervene to maintain a stable government. In order to supervise the Philippine administration during this transitional period, the United States would maintain a commissioner in the islands. During this transitional period trade relations would be upon the following basis: During the first year no change would be made in the free trade régime, but during the second year the Philippines would levy upon imports from the United States 25 per cent of the duty levied on goods from other countries, while the United States would impose a similar duty on Philippine products. During the third year the proportion would be increased to 50 per cent, and in the fourth year to 75 per cent. During the fifth year full duties would be charged. Within six months of the fifth year a plebiscite would be held in regard to Philippine independence. If the Filipino people should vote in the affirmative, the United States would withdraw its jurisdiction over the islands, subject to the acceptance of certain provisions in the Philippine constitution, to be embodied in a permanent treaty with the United States. These provisions concern property rights and debts; they also would obligate the Philippine Islands to sell or lease to the United States lands necessary for naval stations.

Such are the various proposals now pending before Congress. What the Senate Committee on Insular Affairs will recommend is not publicly known. It is possible that the committee will report against any change in the present system; it is also possible that it will vote in favor of immediate independence, as in the King bill; or for independence within 5 years, as in the Hawes-Cutting bill; or for independence within 10 years, as in the Vandenberg bill. It may adopt Senator BINGHAM'S proposal for a commission of investigation or it may recommend the ultimate admission of the Philippines as a State in the American Union.

Filipinos in the United States

Events of a sensational character in California have recently caused the Philippine problem to enter upon a new phase. According to press reports a mob at Watsonville on January 23, 1930, killed a Filipino lettuce worker, and the next day two Filipinos were maltreated at San Jose, while on January 29 a Filipino clubhouse in Stockton was bombed. On the same day California barred Filipinos from boxing rings as a precaution against further racial demonstrations. Apparently these outbursts were caused by fear of competition from Filipino laborers entering the United States from Hawaii and by the fact that white girls were being employed as entertainers in Filipino dance halls.

Filipinos responded to the California disturbances by celebrating a national humiliation day at Manila. The Philippine Commissioner at Washington, Mr. GUEVARA, moreover, declared that the only remedy for the condition was to grant the Philippines independence. He added that if similar mobbing of Americans had occurred in Manila the American Government would have sent "battleships and armies to meet the situation."

At the present time Filipino laborers—not being aliens—may enter the United States from the Philippines and from Hawaii without any restriction. Although in 1922 only 339 Filipinos arrived in the United States, the number has steadily increased, until the high point of 11,360 was reached in 1929. Detailed immigration figures are as follows:

Filipino immigration to the United States

	From the Philippine Islands	From Hawaii	Total
1922	241	98	339
1923	457	937	1,394
1924	1,833	2,118	3,951
1925	1,352	835	2,187
1926	3,918	2,888	6,[illegible]06
1927	6,793	2,254	9,047
1928	4,681	1,515	6,196
1929	8,689	2,654	11,360
Grand total			41,280

At present it is estimated that there are about 50,000 Filipinos in continental United States, in comparison with 110,000 Japanese. A Filipino Federation of America has been established which has 12,000 members in the United States and 10,000 in Hawaii. It is declared that Filipino emigration to the United States is due to a lack of opportunities in the Philippines, and to the advertisements of American shipping interests.

Legal status

It is possible that Filipinos may come to occupy the same position in the eyes of the Pacific coast as have Chinese and Japanese laborers in the past. Several years ago American workers began to complain that Filipino immigrants were supplanting them as bellhops, elevator boys, culinary trade workers, and coastwise seamen on the Pacific coast. In order to check this "invasion" the California State Legislature in May, 1929, passed a resolution in favor of the restriction of Filipino immigration. The American Federation of Labor in 1927, 1928, and 1929 passed similar resolutions, as has the Seattle City Council. Several bills have recently been introduced into Congress providing in effect for Filipino exclusion.

Thus the Welch bill, introduced on January 16, 1930, provides that the term alien under the immigration act shall include "any individual not a native-born or naturalized citizen of the United States, but this definition shall not be held to include Indians of the United States not taxed, nor citizens of the islands (except the Philippine Islands) under the protection of the United States." The effect of the passage of this provision would be to exclude Filipino immigrants, since they belong to a race ineligible to American citizenship. It would also presumably bar them from acquiring land under the California alien land laws.

Already the status of the Filipino in the United States is inferior to that of the inhabitant of Porto Rico. All persons born in Porto Rico are ipso facto citizens of the United States. But the same is not true of a Filipino born in the Philippines. He is simply a citizen of the Philippines. He is not, however, an alien as far as the United States immigration laws are concerned, and he enjoys the protection of the United States when abroad.

There is some doubt as to whether or not a Filipino may become an American citizen by naturalization. Before 1906 the laws of the United States restricted naturalization to aliens who were "free white" persons and to those of African origin. The naturalization law of 1906 declared, however, that persons "not citizens, who owe permanent allegiance to the United States" could also be naturalized. It was assumed by some courts that this clause included Filipinos. Other courts, however, held that since Filipinos were not "free white" persons they could not generally be naturalized. This view was sustained by the Supreme Court in 1924 in a case which concerned a Japanese. As its view concerning Filipinos was only incidental to the decision of the case, and as the reasoning of the court is open to criticism, it is not impossible that this decision will be reversed in the future.

Since 1927 there has also been an organized movement to restrict the entrance of Philippine products, such as sugar, tobacco, hemp, copra, and coconut oil into the United States on the ground that these articles, produced by cheap labor, unfairly compete with American products. When these proposals to restrict Philippine imports were rejected on the ground that they were unfair to an American territory, many of the groups interested in their adoption began to advocate complete independence for the Philippines. For many years certain American business interests, for material reasons, have opposed Philippine independence, and it is only recently that groups such as the farm organizations have found it to their interest to support the other side. It is possible that liberal groups in the American Congress who have always believed in Philippine independence as a matter of principle, together with interested farm and labor organizations, may be strong enough to secure the passage of a Philippine independence bill during the present session of Congress.

While the movement within the United States against Filipino immigration and Filipino products has increased the possibility that the Philippines will be granted independence by the American Congress, it has also intensified the movement within the Philippine Islands for independence. As a result of this combination of circumstances, it seems that during 1930 the Philippine issue may be more acute than at any time since the famous Philippine insurrection.

This report will attempt to describe the general economic and social conditions in the Philippines, as well as the system of government; it will also present the arguments that are made for and against Independence.

The Philippines—Description and history

The Philippines consist of a group of 11 large islands and over 7,000 smaller ones, lying 300 miles southeast of Asia and about 7,000 miles from the United States. They nearly touch north Borneo and are only 300 miles from Japan. Their total area is about 114,400 square miles—which is three times the area of the State of Ohio and one-half the area of insular Japan.

Several centuries ago Malay immigrants entered the Philippines and displaced the aboriginal population. Although the Filipinos are, for the most part, racially similar to one another, they are divided into 43 ethnic groups and speak 87 different dialects, belonging, in general, to the Malay-Polynesian family. There are eight languages, each of which is spoken by at least 500,000 people. Tagalog is spoken by 1,800,000 people, or a larger number than those who speak English and those who speak Spanish combined.

The total population of these islands increased from 7,600,000 in 1903 to 10,300,000 in 1918, while at present it is estimated to be about 12,000,000. In 1918 the census recorded a foreign population of about 65,000, including about 8,000 Japanese, 6,000 Europeans (4,000 of these being Spaniards) and about 6,000 Americans. The largest foreign group, however, was that of the Chinese, which numbered about 45,000. Most of these, apparently, entered the Philippines before the American occupation when the Chinese exclusion laws of the United States were applied to the Philippines; but, according to the Governor General, a large number of Chinese still enter the country illegally. Chinese merchants control about 60 per cent of the trade of the islands.

According to the 1918 census, about two-thirds of the people are Roman Catholic. An additional million and a half belong to an independent Philippine church, organized at the time of the 1899 insurrection by a Filipino, Gregorio Aglipay, formerly a Roman Catholic priest. There are also about 500,000 Moslems and 500,000 pagans in the islands.

In 1565 Spain established a colony in the Philippines, and within a few years extended its control over the whole of the islands. For three centuries the Philippines remained under Spanish rule. In the Wood-Forbes report of 1921, the results of Spanish rule in the Philippines were briefly characterized as follows:

"Whatever may be said of Spain's methods (and too much is said without knowledge), the fact remains that she implanted the Christian religion and European ideas and methods of administration in these islands, and laid the foundations which have been of far-reaching value in our work here. From a number of warring tribes Spain succeeded in welding the Philippine people into a fairly homogeneous group, sufficiently allied in blood and physical characteristics to be capable of becoming a people with distinctive and uniform characteristics."

Overthrow of Spanish régime

The Filipino people themselves, however, complained against Spanish rule, their chief criticisms being leveled at the Catholic friars whose power was extensive. Religious orders acquired vast estates; priests were in control of local government; many friars were accused of immoralities.

The movement that culminated in temporary independence began as early as 1872. In 1896 organized fighting against Spain broke out under Don Emilio Aguinaldo. The Spanish authorities retaliated in December, 1896, by executing Dr. José Rizal, who had headed the independence movement for some time, and whose two books, Noli Me Tangere and El Filibusteriano, had had a wide influence. Peace was finally made in the so-called pact of Biac-nabato, in 1897. Spain agreed to pay Aguinaldo 800,000 pesos as an indemnity to the leaders of the rebellion, to widows and orphans, and to those who had lost property during the disturbances. The leaders promised to live in exile; and Aguinaldo went to live in Hong Kong. Moreover, according to Aguinaldo, the Spanish Government promised to expel the religious orders and to grant Filipinos participation in the government of the islands. Later the Spanish authorities denied that they had promised to make these reforms.

Annexation by the United States

In April, 1898, a few months after the pact of Biac-na-bato was signed, war broke out between Spain and the United States over the question of Cuba's status. In this conflict Admiral Dewey destroyed the Spanish squadron in Manila Bay (May, 1898), and American forces then occupied Manila. Spain was soon brought to terms, and in September President McKinley sent a commission to Paris to negotiate a peace treaty. Although President McKinley in his original instructions asked only for the cession of the Island of Luzon to the United States, in the next month he expressed the view that the whole Philippine Archipelago must be ceded. Accordingly, on November 21, the American commissioners presented an ultimatum demanding cession of the entire archipelago in return for a payment of $20,000,000 and a guaranty of the open door to Spain for a period of 10 years. These terms were embodied in the treaty of peace signed on December 10, 1898.

Thus, although (subject to the Platt amendment) the United States recognized the independence of Cuba, only a few miles from its own shores, it annexed the Philippines, located 7,000 miles away. In 1898 Admiral Dewey declared: "In my opinion, these people [the Filipinos] are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races." Apparently the United States insisted on the annexation of the Philippines because of the belief that if left independent they would be seized by European powers or Japan, which had already shown aggressive designs against China. An independent Cuba, lying only a few miles away, on the other hand, could easily be protected by the United States under the Platt amendment. Moreover, not everyone agreed with Admiral Dewey that the Filipinos were better prepared for self-government than the Cubans.

Following a bitter debate after the outbreak of hostilities between Filipino and American forces described below, the United States Senate

passed a resolution explaining that by the ratification of the treaty of peace it was not intended to annex the islands permanently but to "prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands."

The Philippine insurrection

At the time of the outbreak of the Spanish-American War Aguinaldo, the Filipino leader, was in Singapore on his way to Europe. Here he had a secret conversation with Consul General Pratt in which the latter apparently suggested that Aguinaldo cooperate with Admiral Dewey in taking Manila. Aguinaldo later claimed that Pratt had promised independence for the Philippines in return for his aid. This was denied; but Mr. Cameron Forbes, once Governor General of the Philippines, states that there is no doubt "that General Aguinaldo hoped to establish his own government with the assistance of the United States."

Aguinaldo returned to the Philippines and began operations against Spain. In June, 1898, he established a government which he asked foreign states to recognize. The Aguinaldo group, amid great popular enthusiasm, framed a republican constitution at Malolos, convened a congress, and appointed a cabinet. The United States, however, declined to recognize this government, or to allow a plebiscite on the question of the future of the Philippines, as had been requested in a Philippine memorial. Meanwhile, the situation on the islands soon grew tense, and on February 4, 1899, an exchange of shots between outposts started a war which lasted about two years. Peace was finally restored in 1901, after 120,000 American troops had been sent to the islands. The Philippine insurrection resulted in death of a total of 4,165 American officers and enlisted men, including those who were killed and those who died of wounds or disease. Reliable statistics on casualties among the Filipino forces are not available, but presumably they were much higher than among the American forces. The total cost of the insurrection to the American people was about $175,000,000.

PART II

NONPOLITICAL ACHIEVEMENTS OF THE AMERICAN ADMINISTRATION

Between August, 1898, and July, 1901, the Philippines were ruled by a military governor from the United States. But since then the United States has maintained a civil administration in the Philippines. What have been its accomplishments?

Public order

It was only in 1906 that American troops succeeded in suppressing the guerilla fighting that had started with the Philippine insurrection. Since then, except for recurrent disturbances in the Moro Provinces, and occasional fanatical outbursts of non-Christian tribes elsewhere, order has been maintained. The number of American troops in the islands has declined from 12,723 in 1904 to 4,946 in 1926. In addition, there are in the islands to-day about 7,000 Philippine Scouts. These form part of the United States Army and are supported by American funds, but are not subject to service outside the Philippines. In 1925 there were 29 Filipino officers (four of whom were majors) out of a total of 101 officers assigned to the Philippine Scouts.

The ordinary policing of the islands is undertaken by the Philippine constabulary. In 1928 this force consisted of 6,132 men and 394 officers. Of the officers 365 were Filipinos and 29 Americans. Between 1917 and 1927 the head of the constabulary was a Filipino-Spaniard, Brig. Gen. Rafael Crame. Since his death the constabulary has been commanded by an American. It maintains an extensive patrol system, furnishes quarantine guards for animal diseases and other epidemics, carries on operations against the Moro rebels, and furnishes first aid in typhoons, floods, and other catastrophes.

While the cost of the United States Army, including that of the Philippine Scouts, is borne by the United States, the cost of the constabulary is borne by the Philippine treasury. This averages about ₱5,000,000 a year, or 7.8 per cent of the 1930 budget.

Health

When the Americans arrived in the Philippines they found that pure water for drinking purposes was not available, and that even in the city of Manila no adequate provision for sanitation had been made. Smallpox was regarded as inevitable; cholera, beriberi, malaria, and other terrible diseases were widespread. There was not a modern hospital in the islands.

The American authorities immediately started a health campaign, which has made headway against many diseases during the last 25 years. Except for a period between 1914 and 1918, cholera, malaria, plague, and smallpox have become virtually nonexistent. In 1927, 37 government hospitals treated nearly 47,000 patients, while 1,036 dispensaries handled 994,000 cases. Under the direction of a public-welfare commissioner, maternity and child welfare work is being carried on. In 1928, 819,000 mothers were aided at 184 puericulture centers. Moreover, a notable leper colony has been established at Culion. General progress in promoting sanitation has also been made. Sewer systems have been installed in Manila and Baguio; and there has been a large increase in the number of water systems established during the last 10 years. A school of public hygiene has been established in the University of the Philippines for the training of public sanitation officers, and increased attention to the teaching of public health in the primary schools is being given. It is claimed that as a result of these various measures the death rate has declined materially during the American occupation, but the actual rate of decline is difficult to determine. The early statistics necessary for a basis of comparison are not generally regarded as wholly reliable.

While progress has been made in promoting public health, much remains to be done. Although the Philippines are kept practically free of quarantine diseases, other preventable diseases still cause a large number of deaths. Thus dysentery took a toll of about 9,300 in 1926 and about 5,800 in 1927; influenza, 6,200 in 1926 and 6,000 in 1927; tuberculosis, about 30,000 in 1926 and 25,000 in 1927; malaria, 24,000 in 1926 and 17,000 in 1927; beriberi, 19,200 in 1926 and 19,500 in 1927. It is also believed that between 70 and 90 per cent of the laboring population suffers from intestinal parasites.

Acting Governor General Gilmore summarized the difficulties in the health situation in 1927 when he said:

"The problem of improving public-health conditions still remains one of the most difficult tasks which confronts the government. There are still too few doctors and nurses; there are large areas without drug stores; many people are still uninformed with respect to the importance of public health and indifferent toward sanitary matters; local officials are too often ignorant as to the importance of sanitary regulations and indifferent to carrying them out. * * * The real solution lies along the lines of effective health education * * *."

The need of an improved diet is also frequently stressed. Moreover, complaints have been made that the Philippine Legislature is niggardly in its health appropriations. Appropriations for public health average about ₱4,000,000 a year, or about 8.9 per cent of total expenditures in 1930.

Education

One of the most important features of the American administration has been its educational work. During the occupation the number of pupils in the schools has increased from 227,600 in 1904 to 1,111,500 in 1928. At present there are about 26,500 school-teachers in the islands, of which 293 are still American. In 1930, 28 per cent of the total budget was devoted to education; this is in contrast to an expenditure of 4 or 5 per cent in the possessions of many other colonial powers. How much greater the emphasis on education has been in the Philippines than in other far eastern Territories may be seen from the following table:

School population, Far Eastern dependencies

Territory	Total population	Number of children in school	Percentage
Philippines	12,000,000	1,111,500	9.26
Dutch East Indies [1]	50,000,000	1,500,000	3.0
Korea [2]	19,000,000	515,000	2.7
French Indo-China [1]	20,000,000	200,000	1.0

[1] French and Dutch figures from G. Angoulvant, Les Indes Néerlandaises, Vol. I, p. 312.
[2] Japan Yearbook, 1929, p. 677.

As a result of this educational effort in the Philippines the rate of literacy has increased from 44.2 per cent in 1903 to 49.2 per cent in 1918. Filipinos assert that if those who can read and write native dialects were included, the rate of literacy would be 60 per cent. Nevertheless, it is estimated that only 35 per cent of the children of school age now attend school.

At the request of the Philippine Legislature, an American educational survey commission, the chairman of which was Prof. Paul Monroe, made a report in 1925 upon the educational system in the Philippines.

"For almost a generation," this report stated, "a school system patterned on the American plan and using English as its medium of instruction has been in operation. Through this system a Malay people which for more than three centuries lived under Spanish rule has been introduced to Anglo-Saxon institutions and civilization. Through this system an effort has been made to give a common language to more than 10,000,000 people, divided by the barriers of dialect into numerous noncommunicating groups. Through this system teachers have sought to bring to the Orient the products of modern scientific thought. Through this system both American and Filipino educational leaders have hoped to prepare a whole people for self-government and for bearing the responsibilities of effective citizenship."

In certain respects the commission found that results have not been successful. The medium of instruction in the schools has been English, and especially during the first few years the hours of instruction are occupied with the study of that language. On the average, Filipino pupils remain in school less than three years. After leaving school not 1 per cent of them speak English in their homes; and probably not more than 10 or 15 per cent use it in their occupations. As a result, the smattering of English acquired in three years at school soon disappears. At present not more than a million Filipinos have a knowledge of English—or 1 out of every 12.

Despite these criticisms, the commission recommended that from the beginning English should be continued as the language of instruction, but urged that methods of instruction should be improved. While there was no intention of replacing the dialects, a language for common intercourse was needed, and the commission believed that this common language should be English rather than Spanish, not only because the former was the language of the United States but also because it was the secondary language of the Orient.

There are some observers who feel, however, that it is a mistake to use English during the first three school years. They believe that while English should be taught as a subject, the language of instruction in the elementary years should be Tagalog, or some other widely spoken dialect, depending on the district. Instead of placing emphasis on a foreign language during this earlier period, the emphasis should be placed on subjects of value to the pupils in their daily village life. English, they believe, should be used as a medium of instruction only after the third year.

The Philippine public-school system has made provision for agricultural and industrial training, but the American educational commission found that many students were not interested in such opportunities, and that a far larger class of students having a purely academic training was being produced than could be absorbed. It found, moreover, that the textbooks were thoroughly American rather than Filipino. The whole course of study, it stated, "reflects American culture." It also declared that the standard of teaching was defective.

Finally, the Philippine educational system has been criticized on the ground that it is influenced by politics. The Monroe commission declared that "the appointment, tenure, and advancement of every division superintendent of schools and practically every high-school principal in the system is really subject to political control." The legislature, according to the commission, has placed the selection of textbooks in the hands of a board controlled by politicians; it has also been ungenerous in its appropriations for the bureau of education.

The Monroe commission recommended an increase in taxation for educational purposes, more adequate inspection, more thorough preparation of teachers, the concentration of American teachers in the normal schools, and a continuous and scientific revision of the curriculum, emphasizing a practicable type of instruction that would benefit the actual lives of the people.

The Monroe report was thoroughly analyzed by a joint legislative committee, which objected strongly to some of the observations of the Monroe report, although it accepted many of its recommendations. Moreover, a convention of division superintendents, American and Filipino, criticized statements attributed to members of the Monroe commission "as a campaign which has no precedent in the annals of contemporary pedagogy and which violates the most elementary principles of professional ethics; a campaign of vicious propaganda which under the veil of professional freedom of expression exposes the Philippine school, its pupils, its teachers, and its administrators to the ridicule of American and European educational circles. * * *."

In 1928 the director of education reported that there was an awakening interest in the study and practice of better English; that the courses of studies were being reconstructed; and that the standard of instruction had improved.

PART III

ECONOMIC DEVELOPMENT UNDER AMERICAN RULE

Believing that the establishment of communications is essential to economic development, the American administration has aimed to improve water transportation so as to connect the islands with one another; it has also established a large number of lighthouses and constructed a large number of roads. The mileage of first-class roads has increased from 305 in 1907 to about 3,955 at the present time. Moreover, a conservation system designed to protect the vast forest resources of the Philippines has been established. Sixteen Government irrigation systems have been put in operation, and 164 municipal and provincial water-supply systems have been created which, excluding Manila, serve drinking water to more than half a million people. Likewise postal, telegraph, and savings bank systems have been installed.

A department of agriculture and natural resources attempts to promote agricultural development by carrying on experiments, by maintaining a system of extension agents and rural credit associations, and by conducting other activities. In certain respects, these efforts have been criticized on the ground that they have not achieved the desired end. Thus Governor General Stimson states that in "the character and capacity of vessels," and the "safety and adequacy of service," the interisland shipping is "far behind the requirements of the islands and constitutes a most serious handicap to their development." Likewise the work of the rural credit associations has been criticized.

The Philippines are primarily an agricultural country. More than 72 per cent of total production takes the form of agricultural products. The remainder consists of lumber, metals, and manufactures. The leading product is rice, a chief food staple.

Sugar, manila hemp, and copra are other important products. The principal manufactures are cigars and cigarettes, followed by embroideries and hats. The total annual value of commercial production in the Philippines is put at about $2,000,000,000.

Foreign trade

One indication of economic progress in the Philippines under American rule will be found in an examination of foreign-trade figures. The increase of foreign trade may be seen from the following table:

Value of foreign trade

(In dollars)

	Imports	Exports
1901–1905	31,380,000	29,635,000
1906–1910	33,369,000	34,779,000
1911–1915	51,681,000	50,007,000
1916–1920	95,594,000	111,996,000
1921–1925	102,256,000	117,735,000
1926	119,299,000	136,844,000
1927	115,851,000	155,574,000
1928	134,657,000	155,055,000

Ever since 1915 there has been an excess of exports over imports. While in 1913 hemp was the leading export of the islands, sugar has now forged ahead to first place. The increase in the share of the United States in this trade, caused in part by the tariff policy discussed below, is shown in the following table:

Period	Average percentage of imports to the United States to total imports	Average percentage of exports to the United States to total exports	Average percentage of total trade with United States to total external trade of Philippine Islands
1899–1904, inclusive	11.3	20.5	20.0
1905–1909, inclusive	18.2	37.0	28.0
1910–1914, inclusive	43.6	42.2	43.0
1915–1919, inclusive	56.8	55.4	56.2
1920–1924, inclusive	59.8	67.2	64.0
1925–1928, inclusive	60.5	74.0	67.75

Although in 1913 the Philippines imported from the United States more than they exported to it, at present the Philippines sell more to us than they buy from us in return.

In 1900 about 55 per cent of Philippine exports went to Europe, 26 per cent to Asia, and 13 per cent to the United States. At the present time, however, about 75 per cent of Philippine exports go to the United States.

China's share in the Philippine trade has declined from 15 per cent in 1901 to 3.47 per cent in 1928. But, despite the present tariff régime, Japan has made progress in the Philippine trade. In 1908 only 0.03 per cent of the Philippine trade was with Japan, but in 1928 this had increased to 6.68 per cent.

The leading articles in Philippine overseas trade in 1928 were as follows:

Exports

Sugar	$47,500,000
Manila hemp	26,600,000
Coconut oil	23,500,000
Copra	22,500,000
Tobacco and cigars	16,400,000
Hats	6,600,000
Embroideries	4,400,000

Imports

Cotton and cloth	48,000,000
Foodstuffs	27,000,000
Machinery	22,000,000
Petroleum and coal	20,000,000
Iron and steel	11,500,000
Vehicles	11,000,000

Another sign of economic progress is found in the increase of the number of depositors in the postal savings banks from 2,331 in 1907 to 289,145 in 1928. The amount due to depositors at the close of the year increased from $255,000 in 1907 to $8,100,000 in 1928.

Finances

Government revenue also increased from $10,450,000 in 1906 to $38,800,000 (estimated) in 1930. This latter figure is slightly less than the average annual income ($39,500,000) between 1924 and 1928. In this period there has been an annual excess of income over expenditures of more than $1,000,000.

The American Congress has provided that the indebtedness of the Philippine government shall not exceed 10 per cent of the aggregate value of taxable real estate—a percentage which in 1928 represented about $86,000,000. The present net indebtedness of the insular and local governments, however, is only $58,400,000. The greater part of this debt was contracted in connection with the construction of public works. Philippine bonds are exempt from taxation, both in the Philippines and in the United States. Although these bonds are not guaran-

teed by Congress, they are regarded as a "moral obligation" of the United States. Consequently Philippine bonds have been issued at a rate which has averaged a little above 4 per cent. This rate is much lower than that which certain independent governments are obliged to pay on the New York market.

About 12.5 per cent of the total expenditure of the Philippine government goes to the public debt in comparison with 26.06 per cent in Haiti.

Although the Philippine budget has balanced during the last few years, Governor General Davis declares that "Government revenues are practically stationary, while the needs and proper demands are steadily expanding. * * * A steady increase in the wealth of the people, which in turn will steadily increase the revenues of the government, is essential.

Low standard of living

Despite the growth in foreign trade and other signs of economic progress, a number of Filipinos declare that living conditions of the Filipinos have improved but little under the American occupation. Señor Manuel Roxas recently said that the purchasing power of the Philippine people at the present time is "barely equal" to what it was under the Spanish régime. "Anybody intimately acquainted with the life of a Filipino laborer knows that if he is to depend exclusively on his earnings to support himself and his family, his difficulties are greater to-day than they were 30 years ago." He blames these conditions upon failure to build up an economic organization and also upon the régime of free trade.

Señor Rafael Palma, president of the University of the Philippines, declares that "very few of our people are moneyed people; the great rank and file of our citizens lead a life of abject poverty, of penury that inspires pity and commiseration. They do not have more than is necessary to supply their daily needs, the morrow is ever to them a question mark and a constant worry. To see people undernourished and poorly clad is a common sight in our barrios. Whoever would judge and grade our civilization on the social level of our peasants and laborers would form an idea not altogether complimentary to our people." Governors General Stimson and Davis have both declared that the islands are backward from the economic standpoint.

According to an investigation of the Philippine Bureau of Labor in 1925, the cost of actual necessities for a family of two adults and three minors amounts (outside of Manila) to 91 cents a day. But the average wage in the Philippines is only 37 cents a day; and so if both adults in the family work the total income would be only about 75 cents, which is considerably less than the budget.

Although the population density of the Philippines is only about 90 per square mile, which is much less than the density of population in Japan or China, there has been a considerable emigration of laborers from the islands to Hawaii—an indication that economic development in the Philippines is inadequate for the needs of the people. In 1906 the Hawaii sugar planters entered into an agreement with the Philippine government making possible Filipino emigration under certain safeguards. It was provided, for instance, that part of the wage should be deducted monthly and used to defray the cost of passage home. The Philippine government could maintain a supervisor of labor in the Hawaiian Islands. This emigration has frequently caused concern to Filipino leaders.

Causes of economic backwardness

Among the causes for the alleged backwardness of the Philippines are said to be first, the present tariff system which, while it gives them a privileged position in the distant American market, prevents the islands from developing reciprocal trading privileges with their neighbors; and second, the reluctance of foreign capital to enter the islands. This reluctance is said to be due to: (1) Restrictive land and corporation laws, and (2) the uncertain political status of the Philippines.

Despite assertions as to the economic backwardness of the Philippines, statistics show that per capita imports and exports in these islands are higher than in the Dutch East Indies and in French Indo-China.

An important factor in the economic development of the Philippines has been the tariff policy of the United States. The act of August 5, 1909, admitted Philippine products (with the exception of rice) into the United States free of duty; the free importation of sugar, however, was limited to 300,000 tons annually, while a similar limitation was placed upon the importation of tobacco products. The tariff act of 1913 removed all of these limitations. American products, moreover, enter the Philippines free of duty. Free trade was established between the United States and the Philippines in spite of a resolution of the Philippine Assembly in 1909 condemning the policy on the ground that it would lead to a reduction in revenue and would militate against Philippine independence. Although free trade thus exists between the Philippines and the United States, the American Congress has established a tariff of about 20 per cent upon foreign imports entering the Philippines.

In February, 1928, Congressman TIMBERLAKE introduced a bill which proposed to modify this free trade régime to the extent of limiting to 500,000 tons a year the amount of sugar that might enter the United States free of duty. Various farm organizations advocated the restriction of other duty-free products, such as copra, coconut oil, and hemp, on the ground that they compete with products of American farmers, especially cottonseed growers and butter producers. With the failure of these measures, many farm organizations declared for Philippine independence, in order to secure the same end.

ADVANTAGES OF "FREE TRADE"

The existing tariff régime has been praised by a number of American observers. They declare that under this régime Filipinos enjoy unrestricted access to the markets of a country having the largest purchasing power in the world; that despite the distance of this market from the Philippines, it is actually worth much more than any market in Japan and China which might theoretically be built up under a different tariff régime. They declare that before the establishment of free trade in 1909 there was little progress in the overseas trade of the Philippines; but because of the new tariff régime, this trade grew rapidly. Mr. Cameron Forbes states that "the result of this enlightened measure exceeded even the fondest hopes of the most sanguine of its supporters. Trade between the islands and the States increased by leaps and bounds."

One reason why certain American merchants support the present régime is because it tends to give them a monopoly of the Philippine market. Likewise, those who are opposed to independence for the Philippines favor the present system, since it tends to make the islands economically dependent upon the United States, thus increasing the difficulty of establishing political independence.

When measures were proposed in Congress to impose tariff restrictions upon Philippine imports into the United States in 1927–1929, they were vigorously opposed by former Governor General Stimson, and also by Filipino representatives. Mr. Stimson declared, "The American flag stands to-day not only for individual freedom but for freedom of trade for all people under the flag." He later said:

"Once it is known that the basis underlying their entire economic system is in danger and can be broken successfully by the efforts of protected industries in the United States the harm is done, and the people of the islands have lost their confidence in the people of America. * * *

"In this connection it must be remembered that the present standard of living throughout the Philippine Islands rests almost entirely upon the American market. The standard of living of the Filipino laborer is at least 300 per cent higher than that of his neighbor in China. It is much higher than that of any similar laborer in the other surrounding countries like Java or Singapore. Thirty years ago we offered the Filipino occidental civilization and he accepted it. We have given him western education, western schools, western improved roads, and other western physical advantages, and he has come to have a western outlook. This accounts for the sense of betrayal and wrong which is now produced by an attempt to take away the foundation to which we ourselves have led him."

Likewise Filipino leaders oppose any tariff restrictions on the ground that as long as American goods enter the Philippines freely, restrictions upon Philippine goods entering the United States would be unjust. They deny, however, that their desire to retain free trade means that they have surrendered their goal of independence. They simply do not wish to be discriminated against as long as they remain under the American flag.

Arguments against tariff régime

While Filipino leaders and many Americans thus support the present free-trade régime, it has been subjected to three main criticisms. The first is that tariff duties on non-American imports into the islands have been fixed so as to exploit the Filipino people for the benefit of American manufacturers. Before 1909 half of the flour consumed in the Philippines came from Australia; but to-day it comes—and probably at a higher price—from the United States. American shoes, dairy products, cigarettes, textile goods, agricultural machinery, and automobiles enter the Philippine market free of duty, while protective duties exclude such products entering from foreign countries, although none of them are produced in the Philippines. At the protest of American tobacco interests, the Philippine Legislature increased the tariff duty on tobacco wrappers for its cigars, which had formerly come from Sumatra. As a result of this increase, the Filipinos now purchase such wrappers, at a higher price, from Connecticut. Another example of the doubtful value of the tariff régime is furnished in the case of sugar. Before 1909 the Philippines exported large quantities of muscovado sugar to the near-by markets of China and Japan. With the establishment of free trade the centrifugal sugar industry sprang up, the output of which is exported solely to the United States.

As a result, the Philippines have lost a natural sugar market in China and Japan. Although they have gained a market in the United States it is based upon a political favor which may be withdrawn at any time. The free-trade régime has artificially created a sugar industry in the Philippines, and at a time when the world is suffering from an overproduction of this commodity. Both Americans and Filipinos testify to backward economic condition of the islands; and it is alleged that this backwardness is partly due to free trade, which has forced the islands to grow a few crops for the American markets, located 7,000 miles away, instead of diversifying agriculture and building up markets close at home.

The second argument advanced against the present tariff régime is that it prevents the Philippine government from collecting revenue upon imports from the United States. Had a duty of 20 per cent been imposed upon such imports in 1928 the Philippine government would have received an additional revenue of about 34,000,000 pesos, or about half the present budget. American authorities complain that the revenue of the Philippine government is low. One reason may be that the government can not tax what in other similarly situated countries is one of the most fruitful sources of income; namely, imports from every source.

The third argument is that the free-trade régime hampers the establishment of political independence. If the islands build up an economic system which depends for its existence upon free trade with the United States, this system would be overturned by the imposition of a protective tariff in the United States against the Philippines, which would inevitably follow the granting of independence. It has therefore been proposed that the Philippines be given tariff autonomy, so that by taxing American imports and by negotiating tariff agreements with neighboring countries they may gradually reorganize their economic system with a view to achieving political independence.

There are some students who do not believe that the cessation of free trade would have a disastrous effect upon Philippine foreign trade. They point out that while the American sugar market would be lost, the export of many materials to the United States would continue. For example, both copra and hemp, which now constitute 30 per cent of the total Philippine exports to the United States, are already on the general free list, and hence would presumably be allowed to enter this country free following the achievement of Philippine independence. In addition, markets in China and Japan would be built up.

Violation of the open-door principle

The final argument against the present tariff régime is that it is a violation of the open-door policy which the United States has requested that other governments should adopt. Practically every colonial system in the world imposes duties upon the trade between the mother country and the colonies. In some cases a preference is given to interimperial as compared with foreign trade; but in many colonies, as in territories under league mandate, the open door prevails. Under this latter régime an American may trade, for example, in British Nigeria upon exactly the same basis as a British trader. Where the open-door system prevails there is no economic incentive for one government to attempt to annex colonies governed by another. But when the closed door is established, as by the United States in the Philippines, neighboring powers tend to be excluded from the trade of the colony, and, consequently, they resent the occupation of the country by the power which imposes the monopolistic tariff régime. To remove this irritating factor in international relations, the extension of the open-door principle to the entire colonial world has frequently been advocated. In following the opposite policy in the Philippines the United States, it is argued, obstructs the movement. It is declared that the United States, from the commercial standpoint, has much more to gain from the universal application of the open-door policy than it has from maintaining a quasi monopoly of trade in the Philippines.

THE LAND SITUATION

A fundamental factor in the economic development of the Philippines is the land situation. The total area of the soil cover of the Philippines is about 72,000,000 acres. More than 25,000,000 acres are forest land and about 9,000,000 acres are already under cultivation. There remain about 34,500,000 acres of vacant cultivable land, all belonging to the public domain. At present only about 21 per cent of the land suitable for cultivation is being used. While from the absolute standpoint this percentage is low, it is high in comparison with certain undeveloped countries. Thus only about 5 per cent of the land in South Africa and Kenya, already alienated or surveyed, is under cultivation.

Although there are about 29,500,000 acres of public land available for alienation, only 77,800 acres on the average are being alienated or leased annually. These figures indicate that "nearly 400 years must elapse at the present rate of development before the Philippine Islands are cultivating all the land that can be cultivated here."

One reason for this supposedly slow rate of development is the restriction imposed upon the acquisition of land by corporations. Restriction was first imposed by the American Congress in the organic act of 1902. The Jones Act of August, 1916, authorized the Philippine Legislature to enact laws concerning public lands, subject to approval by the President of the United States. Accordingly, in an act of November 29, 1919, the Philippine Legislature declared that any citizen of the United States or the Philippines could take out homesteads of 24 hectares (60 acres); while any such citizen or any corporation, of which at least 61 per cent of the capital stock belonged wholly to citizens of the Philippine Islands or of the United States, could purchase any tract of public agricultural land not exceeding 144 hectares (355 acres) in the case of an individual, or 1,024 hectares (2,500 acres) in the case of a corporation.

Subject to the same nationality restriction, individuals or corporations might also lease land up to 1,024 hectares for a period of 30 years at an annual rental of not less than 3 per cent of the annual value of the land.

The object of this restrictive land legislation has been to prevent the resources of the islands from passing into foreign hands, or a return to the condition when the Catholic friars had land holdings.

Whether or not as a result of this legislation, the Philippines to-day are dotted with small farms, the average size being about 1.23 hectares (3 acres). The number of farms has increased from 815,500 in 1903 to 1,955,000 in 1918. About 96 per cent of the area under cultivation is owned by Filipino farmers. With the exception of some Japanese hemp plantations in the Gulf of Davao there are few foreign agricultural corporations in the islands.

In other words, the resources of the Philippines are for the most part in Filipino hands, in contrast to the situation in Porto Rico and Cuba, where these resources have passed in large part to American corporations.

The friar lands

In addition to enacting restrictive land legislation, the United States at the beginning of its occupation of the Philippines adopted a policy of promoting native small-farm agriculture in connection with the so-called "friar lands." These were vast holdings acquired under Spanish rule by the Catholic orders, who leased such lands to Filipino tenants. In some cases tenants refused to pay rents on the ground that they were exorbitant; and upon the establishment of American rule it was realized that the hold of the church upon the land must be relinquished. In 1902 the Secretary of War instructed Governor Taft to visit Rome to negotiate the purchase of the friar lands from the Vatican. An agreement was finally signed, in which the Philippine government secured about 410,000 acres for $7,000,000—a sum which was raised by a bond issue.

The Government, through the Bureau of Public Lands, has inaugurated a plan of allocating these lands to peasant farmers, giving preference to existing tenants. Ownership of a plot may be acquired by the annual payment of 8 per cent of the sale price over a period of 25 years. This sum is said to be less than the rent formerly exacted. Up to 1928 about 49,000 lots had been thus sold to Filipino farmers.

Peonage

While an effort has been made to exclude large foreign holdings and to develop peasant proprietorship in the Philippines, little has been done to eliminate the system of peonage, or debtor labor. Filipino landlords, called "caciques," frequently involve their tenants or laborers in debt. These tenants can not leave their employment until the debt has been paid, and as the clandestine interest rate is 10 or 20 per cent a month it is almost impossible to extinguish it. Dean C. Worcester has declared that peonage "lies at the root of the industrial system of the Philippines."

In 1912 the Philippine Commission, controlled by American members, agreed to an act which imposed a fine or imprisonment upon laborers who violated their contracts. The result of this law was to strengthen the peonage system, since if a laborer attempted to desert his employment before paying off his debt he could be imprisoned. In December, 1927, the Philippine Legislature repealed this law, thus removing the legal sanction of peonage.

Land reforms

Believing that existing land legislation is responsible in part for the economic backwardness of the islands, a number of American spokesmen have urged the Philippines to liberalize their land and corporation laws. Although such recommendations were made before the World War, they became particularly numerous during the Hoover campaign to find new sources of rubber, after the British placed restrictions on rubber production in their dependencies in the Orient. In 1925 the Department of Commerce declared, after an extensive survey, that "on the islands of Mindanao, Basilan, and Jolo there were located regions comprising more than 1,500,000 acres which were suitable for rubber planting." Its report declared that the land laws were too restrictive "for corporations wishing to undertake plantation projects on a large scale * * *" but pointed out that the Philippine Legislature had power to make grants of land on more favorable terms, subject to the approval of the President of the United States.

After referring to the rubber possibilities of the islands, Mr. Carmi Thompson in his report to President Coolidge in 1926 recommended that the Philippine Legislature amend the land laws "so as to bring about such conditions as will attract capital and business experience for the development of the production of rubber, coffee, and other tropical products, some of which are now controlled by monopolies."

Mr. Harvey Firestone desired to enter the Philippines for the purpose of growing rubber, but after investigation he declared that this could not be done until the Philippines had modified their laws so as to allow the acquisition of more land and the importation of contract labor. The legislature in its seventh session refused to adopt a bill making a special grant, and Mr. Firestone concentrated his attention upon Liberia.

In his inaugural address of March 1, 1928, Governor General Stimson emphasized the importance of the economic development of the Philippines. He declared that it was "the simple truth * * * that individual freedom and the practice of self-government are found to be most prevalent and firmly held in those communities and nations which have

a highly developed system of industry and commerce as their foundation * * *." He asked for opportunities for American capital in the Philippines, claiming that in the United States the "abuses of capital which excited criticism a generation ago have been curbed." In a message to the legislature, he also asked for the "wise and conservative revision" of the land laws, the corporation laws, and certain other measures. Mr. Stimson declared that "American capital has learned the unwisdom of attempting to exploit the land in which it enters." Senator Cabahug introduced a measure into the legislature extending the holdings which foreigners might acquire from 1,024 hectares (about 2,500 acres) to 5,000 hectares (12,350 acres). It was declared that Governor General Stimson favored some such bill.

Controversy over foreign capital

At first the proposals to encourage the entrance of foreign capital met with widespread opposition. Speakers called attention to the fate of Cuba, Porto Rico, and Hawaii. It was declared that the entrance of large plantations into the Philippines sooner or later would lead to a demand for imported labor from China.

Commenting on the Stimson program, Mr. OSIAS said:

"The supreme ambition of the Filipino people has never been that of being the richest people on earth. The thought, the ideal which has animated us in our individual and national life has always been the ideal of freedom and independence."

On September 15, 1928, Señor Manuel Roxas, speaker of the Philippine House of Representatives, declared that public opinion was demanding careful and close scrutiny of all proposals tending to amend laws governing business and agriculture. It feared the "stranglehold of the American economic octopus * * * which would leave our country lifeless and forever dependent on the United States." At a banquet given in honor of Mr. Stimson on September 27, 1928, Señor Quezon, president of the Philippine Senate, declared that while the policy of political cooperation had won approval, candor compelled him to admit that Mr. Stimson's economic policies had—

"aroused misgiving in certain quarters * * *. But there has been in recent years an apparently deliberate campaign to induce the United States to reverse its policy with regard to the Philippines and to have her follow the path of greedy and selfish imperialism. This, together with the suggestions to open up Mindanao for the production of rubber by large American corporations permanently holding unlimited tracts of land and the presentation of bills in Congress intended to segregate the rich island from the rest of the Archipelago could not but engender distrust and suspicion in the minds of our people. Thus, whenever anyone, whether in public or in private life, advocates economic development there is at once the fear that it might be a scheme behind which lurks a purpose of enslaving our people, both politically and economically."

In reply, Mr. Stimson denied that he wished to turn Mindanao over to American corporations. Nevertheless, he reiterated the importance of economic development. The Filipinos could not look to the government for salvation. They had to call to their assistance private capital "both here and in America." But it was unnecessary to place the resources of the country in foreign hands. What was necessary was a development of the cooperative idea already applied in the case of the sugar centrals, namely, the grouping of small farmers around a common central, operated by foreign capital, and expert advice, to aid the farmers in the production and marketing of crops. By such means the advantages of scientific production and the small-farm system could be combined. He believed that this cooperative method might be applied to the development of the rubber industry in Mindanao.

Reforms adopted

In order to obtain capital for agriculture it was necessary to resort to investment companies. But under Philippine laws it was illegal for a stockholder of a corporation engaged in agriculture to be in any way interested in any other corporation engaged in that industry.

As a result of Mr. Stimson's efforts, the legislature repealed this provision prohibiting an investor from being interested in more than one agricultural corporation. It also authorized no-par stock and stock dividends, and made certain amendments in the land act facilitating the distribution of lands by the government. It authorized the appointment of 10 new judges for the purpose of clearing up land titles. It did not, however, change the restrictions upon the amount of land that corporations might acquire.

In accordance with the plan to stimulate cooperative agriculture, the government in April, 1929, set aside 34,500 acres of land in Mindanao as an agricultural colony for the cultivation of pineapples. This land will be available in lots of 24 and 144 hectares (70 and 355 acres) to Filipino settlers who are willing to raise pineapples; and graduates of the College of Agriculture are given preference. The Philippine Packing Corporation, a private concern, has a factory and plantation adjoining this reservation, and it will finance and furnish seed to the settlers. Experts of the corporation will also supervise the work of inexperienced settlers.

Such is the system by which it is hoped to combine the merits of the small farm with scientific production. The only criticism which may be offered to this program is that unless the government closely watches the activities of the American corporation, which supervises the Filipino farms, the independence and initiative of the Filipino settler may become more nominal than real.

PART IV

THE POLITICAL PROBLEM—DEVELOPMENT OF SELF-GOVERNMENT

While the development of the material, educational, and physical welfare of the Filipino people is important, the most interesting objective of the United States has been to train them for eventual self-government. To achieve this aim the United States has established a system of local government, which is entirely in Filipino hands. Likewise it has gradually increased the powers of the people of the islands in the central government. The actual extent of the powers exercised by the Philippine parties in the central government, however, depends very much upon the Governor General for the time being in office. There is, therefore, an element of uncertainty in the present political system, which the Filipinos as well as many Americans wish to see clarified.

At present there are about 865 municipalities in the Philippines the officials of which are Filipinos. Each municipality has an elective council the members of which serve for three years. The president of each council—an elective official—fills all nonelective positions with the consent of the majority of the council, except in the case of the municipal treasurer, teachers, and justices of the peace, who are appointed by central or provincial authorities, usually in accordance with the civil service law.

Provincial government

The Philippines are divided into 40 regular provinces and 9 specially organized (non-Christian) provinces. The officials in the regular provinces are all Filipinos. Each of these provinces is administered by a governor and two other elective officials, who constitute the provincial board. In a number of cases this board can act only with the consent of the secretary of the interior, himself a Filipino. The other provincial officials are appointive. Thus the central government appoints the provincial treasurer, the provincial "fiscal" (district attorney), the provincial assessor, the provincial auditor, the provincial commander of the constabulary, and the district health officer. In the case of the provincial treasurer and the fiscal, appointments require the consent of the senate. But the other appointments are made by the central department or bureau concerned.

Each of the appointive officials is responsible to one of the six departments in the central government, while all of the provincial officials may be removed or suspended for misconduct by the Governor General. Moreover, the executive bureau of the department of the interior at Manila generally supervises the activities of municipal and provincial governments. It carries on inspections and receives complaints against officials. For example, in 1924 it heard 409 complaints; out of 65 elective municipal officials proceeded against 8 were removed. Conferences of the provincial governors and provincial treasurers are held annually.

In 1926 the secretary of the interior reported:

"On the whole the conduct, morality, and efficiency of provincial and municipal officials were excellent. * * * A high standard of morality was maintained by the officials intrusted with the custody of public funds."

Criticisms have been made that the system of government in the Philippines is overcentralized. In 1921 the secretary of the interior declared that "questions relating to assessment, issuance of bonds for public improvements by Provinces and municipalities, and other important undertakings require action of one sort or another from the central government." Moreover, private citizens have followed the practice of filing directly with the central government complaints against local officials "even for a minor dereliction of duty." The secretary of the interior declared, "If this practice is not checked in time, the Provinces and municipalities will, sooner or later, be absorbed by the central government." In 1924 the administration reported that local autonomy was being encouraged.

The non-Christian Provinces

Less than 1,000,000 of the 12,000,000 inhabitants of the Philippines are non-Christian peoples. About half of these are pagans, including the pigmy Negritos and the head-hunting Igorotes, many of whom live in the island of Luzon. About half are Moslem groups, collectively called Moros, who inhabit Mindanao and Sulu. These non-Christian peoples are distributed among nine specially organized Provinces and are under the jurisdiction of the bureau of non-Christian tribes, which is part of the department of the interior.

A particularly difficult problem of administration has been presented by the Moros, who have lived under tribal institutions and have had the reputation of being fierce fighters.

In 1899 the United States made the Bates agreement with the Sultan of Sulu, undertaking to respect his "rights and dignities." But in 1904 it abrogated the treaty on the ground that the sultan had not lived up to its terms. In spite of this, the sultan apparently wished to continue to exercise judicial power, at least in civil cases, and to enjoy other traditional rights of which the United States desired to deprive him. After a series of disputes, the United States made an agreement with

the sultan in 1915 whereby the latter admitted that the United States had full judicial power. In return the United States recognized the sultan as the spiritual head of the Moslems of the archipelago. He is paid by the Philippine government an annual subsidy which in 1930 amounts to 6,000 pesos.

Between 1903 and 1913 the island of Minadanao and the Sulu Archipelago—then known as the Moro Province—were administered by a military governor and other American officials. The Province was given a legislative council composed of these officials, while the provincial treasury was allowed to retain the customs and internal revenue collected in the territory. Filipinos were excluded from administration on the ground that traditional hostility had existed between the Christian and non-Christian peoples. Moreover, general legislative power over non-Christian people was reserved to the Philippine Commission, a body controlled by Americans. Thus before 1913 the Moro Province was kept separate from the Philippines proper. The principal task of the military administration during this period was to establish peace, stamp out piracy, and gradually assimilate the Moro people. While progress along many lines was made, the decade was marked by a series of punitive expeditions.

Commenting on the American administration of the Moro Province, Mr. Cameron Forbes declares:

"In the opinion of some careful observers, it is believed that progress would have been more rapid and these abuses would have been cured with much less bloodshed and open hostility had the early administrators made haste a little more slowly, won the confidence of the native rulers by first learning their language and dealing with them in their own tongue, and then explaining the necessity for these reforms."

Moro assimilation

With the advent of Governor General Harrison and the Democratic Party a change came. An American civil governor was appointed to administer the department of Mindanao and Sulu, as the Moro Province now came to be called, while the financial autonomy of the district was suppressed. During the next few years Filipinos supplanted Americans in nearly all positions. In 1915 the Philippine Commission drafted a new code of laws for the Moros, the preamble of which declared that its purpose was to accomplish the complete unification of the Moros with the inhabitants of other Provinces; and that although certain special provisions and limitations were for the time being necessary, its firm purpose was[8] "to abolish such limitations, together with the departmental government, as soon as the several districts of said region shall have been converted into regularly organized Provinces."

The Jones Act of 1916 transferred legislative authority over non-Christian tribes to the Philippine Legislature, in which non-Christian peoples were admitted to representation. As a result of this provision the Governor General for the time being appoints 2 of the 24 members of the senate and 9 of the 94 members of the lower house to represent the non-Christian Provinces. It is understood that at present 6 of the 9 representatives in the house are Christians. It is assumed, however, that eventually representatives from the non-Christian provinces will be elected upon the same basis as representatives from other parts of the Philippines.

The next step toward assimilation was the division of the department of Mindanao and Sulu into seven Provinces (1920), each responsible directly to Manila. These seven Provinces, together with two specially organized Provinces in Luzon, have continued to be supervised by the Bureau of Non-Christian Tribes in Manila. The policy of the government is gradually to give these Provinces the elective institutions found elsewhere. Thus in 1922 four of the specially organized Provinces elected their provincial governors. Each of the specially organized Provinces now elects one member to its provincial board.

In 1924 the council of state formally announced a policy of appointing non-Christian inhabitants to positions in the different bureaus and offices of the government in Manila as well as in the non-Christian Provinces. In 1927, 1,674 non-Christians were employed in the non-Christian Provinces in such positions as third members of provincial boards, deputy provincial governors, municipal and district presidents, policemen, teachers, treasurers, etc.

Unlike British policy in West Africa and Dutch policy in the East Indies, American policy in the Philippines has not tolerated tribal institutions and customs. Not only has the Sultan of Sulu been deprived of his traditional powers but the legislature has also enacted laws looking to the prohibition of polygamy and slavery, while an attempt has been made to establish compulsory education for Moslem girls. As has been indicated, the present policy is to prepare non-Christian people for the same system of government and administration as inhabitants of other parts of the country enjoy. This policy of assimilation has been criticized by a number of observers. They declare that as a result of destroying native institutions a situation of chaos, which is responsible for frequent disorder, has arisen. They believe that the Moros should be administered through their own sultans and datos and courts and councils until they themselves express a desire for change.

Others declare that the Moro sultans never had real authority, that Moro institutions are socially harmful, and that their perpetuation would mean a delay in the establishment of Philippine unity.

Señor Quezon declares that "the Moros do not want to be governed in their local affairs either by Filipinos or Americans, but by Moros, and they are right. If the Philippines were given independence, the Moros would have complete self-government in local affairs and would share in the general government on equal terms with the Filipinos."

The Moros and independence

In 1921 the Wood-Forbes Commission expressed the opinion that "the Moros are a unit against independence and are united for continuance of American control, and, in case of separation of the Philippines from the United States, desire their portion of the islands to be retained as American territory under American control."[9] It declared that the minor disturbances which had occurred in the Moro regions were due principally "to energetic and sometimes overzealous efforts to hasten the placing of Moro children, especially girls, in the public schools, and to the too sudden imposition upon the disarmed Mohammedans of what amounts to an absolute control by Christian Filipinos. It is also due in part to failure to give adequate representation in local governments to Moros."

In 1926 Congressman BACON introduced a bill providing for the separation of Mindanao and Sulu from the Philippines and for their administration by a commission under United States supervision. No action on this bill was taken by Congress.

Filipinos resent repeated American statements to the effect that the Moros are opposed to Philippine independence. Many complain that Americans attempt to stimulate Moro animosity against their neighbors in accordance with the principle of "divide and rule." In support of their view they point out that Moro representatives in the legislature vote for Philippine independence every year.

THE CENTRAL GOVERNMENT

This brief review indicates the extent to which Filipinos control the municipal and provincial governments. But in view of the fact that many officials in the municipal and provincial governments are appointed from Manila, and that the whole system of local government is under the immediate inspection of the Secretary of the Interior, the extent to which the Philippines are self-governing depends upon the extent to which Filipinos control the central government.

From the very beginning a chief executive, appointed by the President of the United States, has been responsible for administration of the central government. Before 1907, however, legislative power was vested in the Philippine Commission, which was composed of three Filipinos and four Americans, appointed by the Governor General. These four Americans were also heads of the four executive departments in the government. They supervised the work of a civil service which in 1903 contained 2,777 Americans and 2,697 Filipinos.

In 1907 the United States established the Philippine Assembly, a popularly elected body, and until the Jones Act was passed in 1916 legislative power was vested jointly in this assembly and in the Philippine Commission, which acted as an upper house.

In 1908 the assembly approved a declaration in favor of independence, which asserted that "through all the vicissitudes, difficulties, and reverses the ideal of the Filipino people has remained unalterable. * * * The Filipino people aspire to-day as before taking up arms for the second time against Spain, as thereafter in the din of arms and then in peace, for their national independence.

Between 1907 and 1913 the Philippine Assembly engaged in a series of conflicts with the American-controlled commission and the Governor General over appropriations and other matters. One of the matters in dispute was the appointment of two resident commissioners to represent the Philippines in Washington. The organic act of 1902 had provided that these commissioners should be selected by the assembly and the Philippine Commission, voting separately. Desiring that both commissioners should favor independence, the assembly contended in 1910 that it should have the right to elect them both. Although the Philippine Commission declined to surrender the right to name one of the Washington commissioners as in the past, it finally agreed to elect a commissioner who favored independence.

The conflicts between the American authorities and the Philippine Assembly came to an end after the accession to power of President Woodrow Wilson and the Democratic Party, which was pledged to grant independence to the Philippines.

The Jones Act

In 1914 the House of Representatives passed a bill the preamble of which favored independence for the Philippines as soon as a stable government could be established. It conferred large powers upon the Philippine government. The Senate failed to act at this time, but on February 2, 1916, by the deciding vote of Vice President Marshall, it adopted the Clarke amendment in favor of complete independence within not less than two nor more than four years.

The Clarke amendment was defeated in the House by a vote of 213 to 165. About 30 Democrats bolted the caucus and voted against the amendment, presumably because the Roman Catholic Church was then opposed to Philippine independence.

The Jones Act, as finally enacted on August 29, 1916, contained the following preamble:

"Whereas it was never the intention of the people of the United States in the incipiency of the war with Spain to make it a war of conquest or for territorial aggrandizement; and

"Whereas it is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein; and

"Whereas for the speedy accomplishment of such purpose it is desirable to place in the hands of the people of the Philippines as large a control of their domestic affairs as can be given them without, in the meantime, impairing the exercise of the rights of sovereignty by the people of the United States, in order that, by the use and exercise of popular franchise and governmental powers, they may be the better prepared to fully assume the responsibilities and enjoy all the privileges of complete independence, etc."

This preamble has always been regarded by the Filipinos as a promise of independence.

To determine the extent to which the Filipinos already govern themselves, it is first necessary to examine in some detail the organization of the executive, legislative, and judicial branches of government under the Jones Act.

Powers of the executive

The President of the United States, with the consent of the United States Senate, appoints the Governor General and the Vice Governor of the Philippines. The President also appoints the auditor and the deputy auditor. Although the salaries of these officials are paid out of insular funds, they are fixed in the organic act and hence can not be reduced by the local legislature. According to the organic act, the Governor General has "supreme executive power" and general supervision and control over all the departments and bureaus of the government. He is responsible for the faithful execution of the laws. With the consent of the Philippine Senate he appoints officials to local positions in accordance with law.

The Vice Governor acts as head of the department of public instruction, which includes the bureaus of education and health. Apparently the United States regards these two bureaus as the most important in the government departments, since they can not be abolished by the Philippine Legislature. The Vice Governor acts as Governor General in case of the latter's inability to serve.

The third and not the least important executive official appointed by the President of the United States is the auditor. He examines, audits, and settles all accounts pertaining to revenues and receipts and has the duty "to bring to the attention of the proper administrative officer expenditures of funds or property which in his opinion are irregular, unnecessary, excessive, or extravagant."

No insular warrant may be paid by the treasurer until it has been countersigned by the auditor and no contract involving 3,000 pesos or more may be authorized without a certificate from the auditor to the effect that an appropriation for the purpose exists. There have been many differences of opinion as to the extent of the auditor's power.

Organization of the legislature

The appointive second chamber (i. e., the Philippine commission) is superseded by a senate composed of 22 members elected every six years, together with 2 appointed senators representing the non-Christian areas. The house of representatives consists of 85 members, elected for three years, together with 9 members appointed to represent the non-Christian provinces. Suffrage is confined to men over 21 who own real property to the value of 500 pesos or who formerly exercised the suffrage, or who can read and write either Spanish, English, or a native language. It is understood that to-day less than 10 per cent of the qualified voters are illiterate.

Elections

The conduct of elections is in charge of three inspectors and one poll clerk for each precinct. Two inspectors must belong to the party receiving the largest number of votes, while the third comes from the second largest party. Ballots are counted publicly and watchers, who may witness the registration and voting and the counting of ballots, represent the opposing candidates. An illiterate voter may choose a friend who is not a candidate to assist him in the preparation of his ballot, accompanied by a watcher. The law provides for the establishment of a permanent registry of voters; and in 1925, 1,131,137 voters were registered. Between 81 and 92.5 per cent of those registered actually vote, a proportion much higher than is found in ordinary presidential elections in the United States. The general elections are held under the supervision of the executive bureau. The percentage of registered voters to voting population has increased from 11.14 per cent in 1909 to 44.89 per cent in 1928.

While there has been little or no violence in Philippine elections, charges of fraud have been made. From 1907 to 1926, 1,590 cases of alleged violation of the election law came before the courts and resulted in 566 convictions. During the same period there were 1,453 cases of contested elections, in which the plaintiffs won 47 per cent of the cases. In 1922 the Wood-Forbes commission declared that the "election machinery is practically in the hands of the dominant parties and the inspectors of election are too often their tools." Nevertheless, Governor General Wood declared that the general election of 1922 was conducted "with an absence of fraud and irregularity which would be a credit to any people. * * * The election was honest and fair." The system of giving the majority in power two inspectors at each booth has nevertheless been criticized. Some concern is also felt at the increase in campaign expenditures.

Legislative power

Under the Jones Act the Philippine Legislature enjoys general legislative powers, including the appropriation of money, subject to a number of specific restrictions. Thus it can not violate the bill of rights in the Jones Act; it can not diminish the jurisdiction of the supreme court or courts of first instance; it can not repeal the provisions in the organic act relating to the appointive senators and representatives; it can not legislate in regard to tariff relations between the United States and the Philippines. It can not abolish the bureau of education, the bureau of public health, or the bureau of non-Christian tribes. Nor may it impose export duties or exceed certain debt limits. Generally speaking, it has no power to make amendments to its constitution (the organic act), as have most of the British Dominions.

While the Philippine people elect all but 11 of the members of the legislature, the United States under the organic act exercises the following forms of control: It retains responsibility for the executive branch of the government; it has a veto over legislation; it is likewise responsible for the judiciary.

The veto power of the United States over acts of the Philippine Legislature takes three forms.

(1) Certain types of legislation, viz, bills relating to the tariff affecting countries other than the United States, or bills concerning public land, timber, mining, immigration, and currency, can not enter into effect without receiving the signature of the President of the United States.

(2) The Governor General may veto any bill of the legislature, including individual items in appropriation bills. In case the legislature passes the bill over such veto by a two-thirds vote it is sent to the President of the United States for a final decision. There does not seem to be any case where the President has overruled the Governor General.

(3) Congress has the power to annul any act of the Philippine Legislature—a power which does not seem to have been exercised.

Organization of the judiciary

The United States, as just indicated, is responsible for the Philippine judiciary. The Jones Act gave the Supreme Court of the United States jurisdiction over judgments of the Supreme Court of the Philippines in cases involving any constitutional question in which the value in controversy exceeds $25,000. In 1925 Congress passed an amendment granting appeals to the United States Supreme Court only on writs of certiorari. This increased the difficulty of appeal, and at present not more than two or three cases involving the Philippines reach the Supreme Court at Washington in any year.

The nine justices of the Supreme Court of the Philippines are appointed by the President of the United States with the consent of the United States Senate. At present the chief justice and three associate justices are Filipinos. The Supreme Court of the Philippines has two kinds of control over the inferior courts—i. e., the courts of first instance: (a) It may hear certain cases on appeal, and (b) it may ask the Governor General to remove a judge on the ground of serious misconduct or inefficiency.

The courts of first instance in turn supervise the work of the justices of the peace. Each justice of the peace makes an annual report to the court of first instance; and the judge of first instance may reprimand a justice or recommend to the Governor General that he be removed.

Despite the fact that the supreme court, which is responsible for the entire judicial administration, is appointed by the President of the United States, complaints have been made against the inferior courts. The Wood-Forbes report declared that "in the lower tribunals, generally speaking, the administration of justice is unsatisfactory, slow, and halting, and there is a widespread feeling among the people that political, family, and other influences have undue weight in determining issues." It was stated that the number of cases filed in the courts of first instance had steadily increased from year to year. It was added that the justices of the peace were the weakest part of the establishment. The unsatisfactory condition in the administration of justice in its opinion arose from "the lack of proper inspection and prompt, corrective action where inefficiency and negligence have been shown, and from an insufficient number of judges."

Filipinos do not agree with the opinions expressed in the Wood-Forbes report. They quote statistics to show that under Governor General Harrison the supreme court reversed about 5 per cent fewer cases than under the preceding Governor General, which in their opinion showed that the work of the inferior courts had improved under Filipino control.

It was General Wood's policy to increase the number of American judges in the courts of first instance; but by the end of 1926 only 2 out of the 55 judges of first instance were Americans.

In 1928 Governor General Stimson reported that "the administration in the justice of the peace courts has in the past been the weakest point in the entire system of the Philippine government." In that year

the responsibility for recommending the appointment of justices of the peace was imposed upon the judge of the district concerned. One difficulty in connection with the position of justice of the peace has been that the salary is low and that the position is usually accepted as a stepping stone to a higher political office. As a result the turnover is high; in 1927 there were 185 new appointments.

Checks and balances

Although the United States is responsible for the administration of the Philippines, the legislature may so exercise its powers as to influence this administration materially. Thus the legislature may decline to vote the appropriations desired by the Governor General. Subject to the veto of the Governor General, the legislature may also define the number and duties of the executive departments, and it may establish a new department or abolish an old one. Moreover, the senate may influence the administration of the Governor General through the constitutional provision whereby its consent is necessary to appointments.

The organic act authorizes the Governor General to break deadlocks over appropriations by continuing in force the appropriations of the last year. He may evade the necessity of obtaining senatorial consent to appointments by making ad interim appointments, which apparently may be renewed indefinitely. Nevertheless, the Governor General has no power to enact legislation to which the legislature is opposed; and generally the system created by the Jones Act, whereby the legislature is controlled by the Filipinos and by the Executive of the United States, is conducive of deadlocks. Whether these deadlocks occur depends largely upon the view of the Jones Act held by the American Governor General and by Filipino leaders. When the Governor General has been willing to allow the legislature to influence administration, harmony has usually prevailed; but when he has attempted to exercise his executive power without regard to the wishes of the political leaders of the country deadlocks have taken place.

Political parties

To understand the operation of the Jones Act, it is necessary to refer briefly to the political parties in the Philippines. There are two parties in the Philippines to-day, the Nationalist Party and the Democratic Party. Both demand immediate independence. The Nationalist Party was organized in 1907 by Sergio Osmeña, Manuel L. Quezon, Rafael Palma, and others, and it won every election until 1922. In the previous year a split occurred between Señor Osmeña, then speaker of the house, and Señor Quezon, president of the senate, as a result of which Señor Quezon formed a new group called the National Collectivist Party, also pledged to work for immediate independence.

Division among the Nationalists permitted the Democratic Party to make gains in the election of 1922. Apparently out of concern over these gains, the two Nationalist groups reunited in 1925 under the name of the Consolidated Nationalist Party. The new party won an overwhelming majority in the elections of that year and in the elections of June, 1928. At present 19 of the 24 members of the senate belong to the Nationalist Party, as do 68 of the 94 members of the house.

In 1926 the two parties established a Supreme National Council for the purpose of prosecuting an independence campaign. As a result of this alliance it was agreed that one of the two Resident Commissioners at Washington should come from the Democratic Party and the other from the Nationalist Party. Nevertheless, the two parties have subsequently disagreed on major issues, such as the Belo Act, which was supported by the Nationalists and opposed by the Democrats.

The Democratic Party is in part the outgrowth of the old Federal Party brought into existence through the influence of Governor Taft—a party which originally stood for admission as a State into the American Union. For the most part Governor Taft restricted his appointments to Filipinos from this party and hence it came to be dominated by office-holders. In 1907 it changed its name to the Progressive Party and dropped its demand for statehood in favor of independence. In 1916 the Progressives united with other groups to form the Democratic Party.

THE JONES ACT IN OPERATION

Since the adoption of the Jones Act three policies have been followed by the United States in the administration of the Philippines: (1) Gov. Gen. Burton F. Harrison (1913–1921) followed a policy that tended toward complete self-government; (2) Gov. Gen. Leonard Wood (1921–1927), adopting a literal interpretation of the Jones Act, established the independence of the American executive and attempted to deprive the Filipinos of the influence over administration which they had secured under the previous régime; (3) Governor General Stimson, returning to a certain extent to the Harrison régime, established a system of "cooperation" between the legislature and executive under which the Filipino political leaders have a certain influence over administration. This system is being followed by the present Governor General, Dwight F. Davis.

The first phase—The Harrison régime

The Democratic Party of the United States has from the beginning been pledged to Philippine independence; and with President Wilson's victory in 1913 and Governor General Harrison's appointment the Filipinos naturally believed the islands would be administered with this goal in view. Generally speaking, Governor General Harrison's régime was marked by three features: (1) The establishment of the principle of parliamentary responsibility in regard to administration; (2) the replacement of American officials by Filipinos; (3) the entrance of the Philippine government "into business."

Previously the Governor General had appointed Filipinos as heads of government departments for an indefinite term and these appointments were made without reference to the political situation. Although there were five departments in the government, administration was carried on through about 20 bureaus, some of which reported directly to the Governor General. Nearly all these bureaus, moreover, were headed by Americans.

Parliamentary responsibility

Following the passage of the Jones Act the Philippine Legislature enacted a reorganization law, the general purpose of which was to make the administration responsible to the legislature. Thus the various bureaus were grouped under six departments, as follows: Finance, justice, public instruction (under which is public health), interior, agriculture and natural resources, commerce and communications. The law provided that the Governor General should appoint department heads at the beginning of each new legislature rather than for an indefinite term. This meant that following each election the Governor General would submit new appointments, and the Philippine Senate, which approved such appointments, could insist that such department heads be chosen from the victorious party. Except for the department of public instruction, all departmental secretaries were to be Philippine citizens. It was also provided that secretaries of departments might be called before either house of the legislature. Moreover, executive orders by the Governor General "as a general rule" were to be promulgated upon the recommendation of the department concerned.

In 1919 the legislature declared that the power of the Governor General to supervise departments should be limited to "matters of general policy."

In a regular parliamentary government the leaders of the majority party assume the responsibility of administering the government, acting collectively as a cabinet. In the Philippines, following the passage of the Jones Act, the question arose as to whether Señor Osmeña, the leader of the Nationalist Party and speaker of the house of representatives, should become secretary of the interior and prime minister of a cabinet responsible to the legislature. After long deliberation Señor Osmeña decided that he preferred to retain his position as speaker. Whether or not as a result of this decision, observers state that with one or two exceptions none of the outstanding Filipino political leaders have held administrative positions in the Philippine government. They have therefore not acquired the administrative experience obtained by political leaders under the ordinary parliamentary régime. Moreover, the practice on the part of department secretaries of appearing before the legislature seems to have been used chiefly in connection with the budget.

Nevertheless, Governor General Harrison moved in the direction of parliamentary responsibility when he created the council of state in October, 1918. This body contained the six department heads called the cabinet, the speaker of the house and the president of the senate. The purpose of the council was to "advise the Governor General on matters of public importance." It held weekly meetings at which administrative questions were discussed. Thus it passed upon the budget before the Governor General submitted it to the legislature. In short, the council of state tended to become a cabinet whose advice Governor General Harrison usually followed. Legislation also required that the consent of the council of state be given to a number of executive acts.

Filipinization

In addition to the establishment of Filipino control over the administration, the second feature of the Harrison régime was the supplanting of Americans in the civil service by Filipinos. Some Americans were discharged while others were encouraged to resign by the Osmeña Act, which provided that any government employee who had served for six years could be retired upon application and receive an annual gratuity for three years, provided he resigned before June 30, 1916—or within five months after the passage of the act.

Although in 1913 all but two or three of the bureaus in the government were headed by Americans, in 1921, 30 such bureaus and offices were headed by Filipinos. Americans, however, continued to be heads of the bureaus of education, the mint, prisons, forestry, science, weather, the quarantine service, the coast and geodetic survey, and the metropolitan water district. Taking the civil service as a whole, the number of Americans declined from 2,148 in 1914 to 614 in 1921; the percentage declined from 23 to 4 per cent.

The government in business

The third feature of the Harrison administration was the so-called entrance of government into business. In 1914 the Philippine government bought the Manila Railway, an English enterprise, which, according to Mr. Harrison, had been conducted scandalously. Because of critical economic conditions created by the World War and the general need of capital, the government also established a National Coal Co., a Na-

tional Cement Co., a sugar central board, and the Philippine National Bank. In 1919 it organized a National Development Co., with a capital of $25,000,000, for the purpose of engaging in any commercial and agricultural enterprise necessary to the economic development of the country. The stock of these various companies was voted by a board of control consisting of the governor general, the speaker of the house, and the president of the senate—the two latter being Filipinos.

As a result of the system of autonomy established by Governor General Harrison, cordial relations between the American authorities and the Filipino leaders were developed and maintained. Material and social progress was likewise made. School attendance and the mileage of first-class roads doubled; irrigation works to serve 150,000 acres, and 949 wells were installed. The production of rice greatly increased, largely, according to the Governor General, because of the appointment of a Filipino as head of the agricultural department. Government revenue increased from 18,500,000 pesos in 1913 to 55,500,000 pesos in 1921.

The Wood-Forbes Commission

Criticisms of the Harrison administration, however, were numerous. In 1921 President Harding sent a commission, composed of Gen. Leonard Wood and Mr. Cameron Forbes, to investigate conditions; and it reported that the Harrison régime had resulted in a "deterioration in the quality of public service by the creation of top-heavy personnel." The commission declared that there had occurred "a slowing down in the dispatch of business, and a distinct relapse toward the standards and administrative habits of former days. This is due in part to bad example, incompetent direction, to political infection of the services, and above all to lack of competent supervision and inspection. This has been brought about by surrendering, or failing to employ, the executive authority of the Governor General, and has resulted in undue interference and tacit usurpation by the political leaders of the general supervision and control of departments and bureaus of the government vested by law in the Governor General."

Likewise the commission stated that there had been some lowering of standards in the constabulary; a steady increase in the number of preventable diseases; an undue increase in the cost of public works and deterioration of quality; and a deterioration of the bureau of lands and of the courts. Taxation and expenditure were greatly increased.

Mr. Cameron Forbes states:

"With the passage of the Jones law and control of both houses of the legislature placed in the hands of elective Filipinos, there was a marked falling off in legislative interest in health matters, which reflected itself in a decrease in the appropriation available for vaccine and vaccination against smallpox."

Vigorous criticism, often emanating from the local merchants, was likewise made against the "government in business." It was declared that in one year the government railway issued 80,000 free passes. But in defense it is stated that a large proportion of passes were issued to workmen to travel between their homes in Manila and the railway shops in a suburb.

The Philippine national bank

The greatest government failure was that of the Philippine National Bank, the story of which, according to the Wood-Forbes report, is "one of the most unfortunate and darkest pages in Philippine history." The Wood-Forbes report declared that the bank had used large sums held for the conversion of currency to make unwise loans. "Much of it was then loaned out to speculative concerns under circumstances which have led to grave doubt as to the good faith of the transactions." Loans were made largely to sugar centrals and coconut factories during the period of boom prices, "and minimum precaution in regard to security was taken, with the result that the bank has allowed its reserves to run down much lower than required by law, and is unable to meet its current obligations * * *. These losses have seriously involved the Philippine government, and the fact that it has not been able to meet its obligations has seriously impaired its credit." As a result, Philippine currency depreciated about 15 per cent.

While they do not deny that the Philippine bank was mismanaged, Filipinos declare that Americans were responsible for most of the losses—especially for improper speculation—and that the excessive loans of the bank were made, not to Filipinos, but to American corporations. Generally, they declare that the alleged increase in disease and inefficiency during the Harrison régime can not be fairly held against the Filipinos. This was an abnormal period, because of the World War, in which conditions in every country in the world were disorganized. Others declare that in view of past experience an independent Philippine government would not attempt to extend governmental activities in business. It is pointed out, however, that at present a number of these enterprises are making profits.

In his annual reports for 1918, 1919, and 1920 Governor General Harrison declared that the islands had achieved the stable government envisaged in the Jones Act and, having fulfilled this requirement, were entitled to independence. Because of the World War, the Filipinos suspended independence agitation; but on March 17, 1919, the Philippine Legislature approved a declaration of purposes which asserted that a stable government had been established and that independence should be granted. In 1919 a Philippine independence mission was sent to the United States. In his message of December 7, 1920, President Wilson declared it to be "our duty to keep our promise to the people of those islands by granting them the independence which they so honorably covet."

With the return of the Republican Party to power in the United States, these hopes for immediate independence were dissipated. The Wood-Forbes Commission sent to the islands by the new Republican President declared that the people were "not organized economically nor from the standpoint of national defense to maintain an independent government." Moreover, it said, the experience of the last eight years "has not been such as to justify the people of the United States relinquishing supervision of the government of the Philippine Islands, withdrawing their Army and Navy, and leaving the islands a prey to any powerful nation coveting their rich soil and potential commercial advantages."

The commission concluded by stating that "it would be a betrayal of the Philippine people, a misfortune to the American people, a distinct step backward in the path of progress, and a discreditable neglect of our national duty were we to withdraw from the islands and terminate our relationship there without giving the Filipinos the best chance possible to have an orderly and permanently stable government."

The second phase: General Wood and the Jones Act

Following the publication of the Wood-Forbes report President Harding appointed Gen. Leonard Wood as Governor General. General Wood's first objective was the financial rehabilitation of the islands. He set to work to restore the finances of the government, which had been shattered by the mismanagement of the bank. His second objective was to take the government out of business—an objective which he had not succeeded in realizing at the time of his death, in August, 1927. His third objective was to restore the executive independence of the Governor General. In other words, he attempted to curtail the control over the administration of the country established by the Filipinos under the Harrison administration, on the ground that such control was illegal and had resulted in inefficiency, if not corruption.

For the first two years the Filipino leaders, also desiring the financial rehabilitation of the country, cooperated with General Wood. By 1923 this aim had been to a large extent accomplished. And in July of that year the entire cabinet and the two legislative members of the council of state resigned over the so-called Conley incident.

In their letter of resignation the Filipino leaders declared that for some time past it had been the policy of General Wood "to intervene in and control even to the smallest details the affairs of our government, both insular and local, in utter disregard of the authority and responsibility of the department heads and other officials concerned." They declared that Governor General Wood's action in the Conley case was in violation of the law, a "backward step and a curtailment of Filipino autonomy guaranteed by the organic act and enjoyed by the Filipino people continuously since the operation of the Jones law."

Conflict with Filipino leaders

In a resolution of October, 1923, the Philippine Legislature asked for General Wood's resignation and declared that the only satisfactory remedy was "immediate and absolute independence." A special Philippine mission thereupon journeyed to Washington, and on January 8, 1924, protested against General Wood's policy and asked for independence. Meanwhile General Wood denied that he had violated any law, adding that he had never disapproved any recommendation of the Philippine secretaries of justice and agriculture. He believed the Filipino protest was simply a pretext to induce the Governor General to restrict his powers of supervision. President Coolidge supported General Wood in this view. He declared that General Wood had not exceeded his authority and that the grievances of the Filipino leaders were not supported by a very large proportion of the people.

The Philippine Legislature replied to this argument in 1925 and 1926 by enacting bills providing for a plebiscite upon the question of independence. The Governor General vetoed the bills. When the legislature passed the 1926 bill a second time it was sent to President Coolidge, who sustained General Wood's action on the ground that a plebiscite would not be convincing; he added that the Philippines were not yet ready for full self-government.

Governor General Wood declined to submit to the demands of the Filipinos, and as a result between 1923 and the coming of a new Governor General no Filipinos served as department heads except in the department of the interior. Although Governor General Wood did not abolish the council of state, it fell into disuse following the 1923 break. Thenceforth no department secretaries appeared upon the floor of the Philippine Legislature.

In order to supervise the administration of the country, General Wood relied upon a number of officers from the United States Army, assigned to him for this purpose. This so-called "military cabinet" was the object of adverse criticism, but Governor General Wood declared that he could not employ civilians as advisers because the legislature would not make appropriations for this purpose. In a number of cases he attempted to appoint Americans to places formerly held by Filipinos. One of General Wood's most important steps in asserting the independence of the executive power was taken in November, 1926, when he abolished

the board of control which had voted the government stock in government enterprises. The Governor General declared that the organic act vested supreme executive control in him and that it was unconstitutional for the legislature to compel him to share his power with the board of control. His position on this point was sustained by the Philippine Supreme Court.

Governor General Wood freely used his veto power, voiding 123 bills between 1922 and 1926, in comparison with 287 bills which he approved. In 1923 he vetoed a bill remitting the penalty for nonpayment of the land tax on the ground that conditions did not justify remission. In passing the bill again by a two-thirds majority, the Philippine Legislature declared that the Governor General had no right to veto a bill which was "not unconstitutional" and was of "mere domestic concern." President Coolidge upheld the veto, declaring that there was no ground for the contention that the veto power was limited to a particular class of bills.

The independence fund

Another dispute arose in 1924 when the American auditor asserted the independence of the American executive by holding unconstitutional the so-called independence fund of ₱1,000,000, which was a standing appropriation of the legislature. The auditor vetoed it on constitutional grounds and stated among other things that since members of the legislature had taken an oath of allegiance to the United States they could not legally appropriate money for the "express purpose of abrogating the existing form of government under which the sovereignty of the United States is exercised." The Filipinos replied by organizing a campaign for voluntary subscription to an independence fund, which by March, 1925, reached a total of nearly 636,000 pesos.

Not only did the Filipino leaders decline to act as department heads, as a means of showing their opposition to General Wood's policy, but the legislature also refused in some cases to pass legislation desired by the Governor General; thus in 1924, 1925, and 1926 it declined to make appropriations to pay salaries of certain American officials. In order to retain them, the administration had been allowing them to serve in two positions. Thus the insular auditor had also been allowed to be examiner of banks, receiving a salary for both positions. Americans in the Philippine health service had also been permitted to supplement their salaries by private practice. The legislature passed a law forbidding such practice in the case of persons drawing a salary of $2,000 or more, while it would have eliminated the salary of the bank examiner had the measure not been vetoed.

The legislature restricted the appropriations for the cutter *Apo*, thus "imperilling" the inspection work of the Governor General. In 1927 it protested against Governor General Wood's proposal for alienating government-owned properties without the previous approval of the Philippine Legislature. Likewise the senate declined in many cases to approve nominations of the Governor General.

Despite these obstacles General Wood continued to carry on the administration, sometimes resorting to ad interim appointments to avoid the senate veto. A tense political situation and a condition of deadlock resulted from this conflict. The Filipinos showed their feeling by naming a square in front of the Governor General's office "Independence Square."

Strengthening the American executive

In 1926 Mr. Carmi Thompson made an investigation in the islands for President Coolidge, and he reported that under existing conditions business was "practically at a standstill" and "no constructive legislation" was possible. He suggested that General Wood's military advisers be supplanted by civilians.

The Government at Washington attempted in 1926 and 1927 to strengthen the hand of the American executive of the Philippines. It proposed new legislation having three objects: (1) An increase in the salaries of the officials appointed by the President of the United States so as to attract and retain the services of able men; (2) the strengthening of the auditor's power, and the appointment of an additional assistant auditor; and (3) the appointment of a number of civilians to assist and advise the Governor General in such matters as banking, law, foreign affairs, trade, science, public health, and in the inspection of general administrative activities. In order to make these assistants independent of the Philippine Legislature, it was proposed to pay their salaries from the internal revenue collected upon Philippine products in the United States. Since 1902 the American Government had turned back this fund to the Philippines and had placed its expenditure in the hands of the Philippine Legislature. Within recent years this fund has realized to the Philippine treasury between $600,000 and $900,000 annually.

The War Department declared that this internal-revenue fund was an "unequivocal donation of the United States money to the Philippines" and that consequently Congress might withdraw it from the control of the Manila Legislature, for the payment of the salaries of the new assistants, or for any other purposes.

Mr. Henry L. Stimson, before taking up his duties as Governor General in succession to General Wood, made known that he favored this plan for civilian assistants. In February, 1928, the House Committee on Insular Affairs reported the Kiess bill, increasing the salaries of American officials in the islands and setting aside $125,000 out of the internal-revenue fund for the purpose of employing civilian advisers to the Governor General. In the following month Mr. Stimson, who had only recently assumed his duties as Governor General, issued a statement in Manila in support of the Kiess bill, but declared that its purpose was not the establishment of a supercabinet.

The Belo Act

From the beginning this proposal for a staff of civilian advisers, dependent not upon the local legislature but upon the American Congress, met the opposition of the Filipino leaders. They declared that any such system would reduce the Filipino department secretaries to the position of figureheads. Moreover, they declared that it was incorrect to say that the American Congress had refunded internal revenue to the Philippines as a "gift," and hence could freely take it away. They declared that this fund had been turned over to the Philippines in 1902 in return for the repeal of a Philippine export tax which certain American producers disliked. The fund therefore was an integral part of Philippine revenue. As a compromise the legislature itself appropriated a fund of 150,000 pesos for the employment of the new advisers. But believing that they should be removed completely from local control, the Acting Governor General vetoed the measure. Nevertheless the feeling of the Filipinos was so strong that the Kiess bill and other measures would result in a diminution of local autonomy that a compromise had finally to be arranged. In this compromise Governor General Stimson declared his willingness to accept a standing appropriation for the advisers from the local legislature. After a vigorous debate, in which the measure was opposed by the Democratic Party, the Philippine Legislature voted on August 8, 1928, the so-called Belo Act. This act provided for a standing appropriation of 250,000 pesos for the employment of civilian assistants to the Governor General and of the personnel needed in case of epidemics, public calamities, or other grave emergencies. Any unexpended balance would revert at the end of the year to the general funds. With the acceptance of the Belo Act by the Governor General, the Philippine proposals in Congress were abandoned.

In an effort to set at rest Filipino fears that the inspectors and technical assistants authorized in the Belo Act would encroach upon local self-government, Governor General Stimson declared in a statement of August 8:

"The evident purpose of the statute is to provide for the employment of men whose duties will not be administrative in character but will be limited to giving advice upon technical matters or assisting the Governor General in those informative and supervisory functions to accomplish which he is now without any adequate means. Administration is placed by law in other hands, namely, in the heads of the six executive departments and their subordinates. To attempt to form a supercabinet of administrators with this appropriation, in my opinion, would be not only contrary to public opinion both in the United States and in these islands but clearly illegal. It is inconceivable that it would be attempted."

The purpose of the statute was just the opposite—namely, to develop autonomy, subject to investigation and inspection when necessary. Mr. Stimson concluded: "I regard the measure as one of the most important forward steps which have been taken in the development of responsible government in the Philippines."

The third phase: The Stimson régime

In August, 1927, General Wood died and President Coolidge appointed Mr. H. L. Stimson as his successor. Governor General Stimson arrived in the islands in March, 1928, and remained about a year. His policy was (1) to bring about a program of economic development and (2) without committing himself to independence to reestablish cordial relations between the Philippine Legislature and the American authorities. His first act to achieve the latter aim was to abandon his former support of the Kiess bill in favor of the Belo Act.

At present there are about half a dozen advisers to the Governor General, popularly known as the "Belo Boys." These include legal, agricultural, and shipping experts, medical advisers, and an executive officer; their contracts are usually for one year. While Filipino department heads may possibly have had more discretion under Mr. Stimson than under General Wood, it is understood that, if anything, there was more inspection of the administration under General Wood than under his successor. It is believed that the value of the "Belo Boys" will depend upon their willingness to remain permanently in the islands.

Despite the appointment of these assistants, the Governor General indicated his intention of not interfering with the administration of departmental affairs intrusted to Filipino officials, except in serious matters. This became evident in the Cornejo case, when a Filipino appealed to the Governor General to suspend a sale which was being conducted by the bureau of lands. Mr. Stimson declined to do so on the ground that "the great power of supervision and control over the executive functions of government which [the] organic law imposes upon me should ordinarily not be invoked to interfere with the conduct of government by my subordinates unless they have been guilty of some misconduct or neglect deserving of grave reprehension or even removal from office."

The second step toward establishing "organized governmental machinery for cooperation" between the executive and legislative branches of the government was the appointment of the secretaries of five government departments from members of the party successful at the last election, after conference with the leaders of that party. Comparing the administration after the establishment of this cabinet with that existing under General Wood, Mr. Stimson declared that "the change wrought by their appointment was little short of revolutionary."

As a third step toward parliamentary responsibility, the practice was revived of giving members of the cabinet the privilege of speaking on the floor of both houses of the legislature on subjects relating to their departments.

Finally, in August, 1928, the council of state (composed of the six department heads—the president of the senate, the speaker of the house, and the majority floor leaders of the senate and the house) was restored. Although this council was not now given the administrative duties it had exercised under the Harrison régime, under which the Filipino members could outvote the Governor General, it was authorized to give its advice on legislative and administrative matters. Thus, bills reported by legislative committees or passed by either house were discussed at a meeting of the council of state; if any objections were offered by the Governor General the bill was usually amended or held for further consideration. The result of this form of cooperation was to do away with the veto of bills by the Governor General, except for a number of bills passed during the last day of the session.

Such were the four steps taken by Governor General Stimson to restore cooperation between the legislature and the executive, and to give the legislature an influence, or at least a right to be heard, in regard to administrative matters. As a result of these steps, Governor General Stimson declared that under the present organic act "there is sufficient flexibility for the working out of Filipino autonomy through the development of a responsible cabinet system which will be both satisfactory to the natural Filipino desire for such administrative autonomy and which, at the same time, will preserve the safeguards against possible mistakes and setbacks which may come in that process."

Actual extent of self-government

At the present time Filipinos occupy all positions in municipal and provincial governments in the Philippines except in three non-Christian Provinces, where there are American governors. But local administration is under the close supervision of the Filipino secretary of the interior in Manila, who in turn is responsible to the Governor General, an American. In the central government the Philippine electorate elects all but a few of the members of both houses of the legislature; five of the six department heads are Filipinos; all together there are about 20,000 Filipinos in the government service. The only department headed by an American is the department of public instruction, which includes the bureau of public health; this is headed by the vice governor. The auditor is also an American. A number of the thirty-odd bureaus grouped under the various departments are also headed by Americans now, as in the case of the bureaus of education, agriculture, forestry, science, public works, and coast and geodetic survey. Moreover, the chief of the constabulary, the head of the constabulary academy, and the district commanders in the districts of northern Luzon, Mindanao, and Sulu are Americans. In the past, however, a non-Caucasian held the position of commander of the constabulary.

Altogether there are 503 Americans and 20,147 Filipinos in the government service. Of the Americans, about three-fifths are employed, mostly as teachers, in the bureau of education.

Except for these positions, the actual administration of the entire Philippine government is in the hands of the Filipinos. But these Filipinos are subject to a series of checks, beginning with the courts. While all of the 800 justices of the peace and all but 2 of the 55 judges of the courts of first instance are Filipinos, the supreme court is now composed of a majority of Americans, and the court as a whole is appointed by the President of the United States. A second and more important check upon the administration is continuously exercised by the Governor General, the vice governor, the auditor, and the assistant auditor, appointed by the President of the United States. The Governor General's assistants—the "bolo boys," who are his "eyes and ears"—may inspect the administration of any Philippine department and report to the Governor General. The auditor maintains control over all expenditures of the local and central governments. In other words, while the Filipinos perform the daily work of the government in the islands, they are subject to the check of American judicial and executive authority. It is stated, however, that Americans are so few in number that the checks are not very effective, especially under a Governor General not familiar with conditions.

Despite this check, a number of "scandals" in administration have recently appeared. In August, 1928, a series of frauds in the conduct of the bar examinations conducted under the general supervision of the supreme court was revealed. As a result of investigations about 20 convictions were obtained, while several employees, including three private secretaries of the justices, were dismissed. Following an adverse judgment as to the extent of his powers in the Tan C. Tee case, Auditor Ben F. Wright resigned, declaring that the government "was honeycombed with graft and corruption." About this time administrative investigations into conditions in the bureaus of posts, commerce, and industry were undertaken. In December, 1929, an investigating committee reported that during the last five years the head of the bureau of posts had misappropriated several hundred thousand dollars; in the same month a court sentenced the chief of the stamp section of this bureau to 10 years' imprisonment for the misappropriation of postage stamps.

Following these various revelations it was announced that more rigorous auditing methods would be introduced, and that 28 additional assistant auditors would be employed.

Two views of these scandals have been expressed by local leaders. One view is that they have been the result of Mr. Stimson's policy of "cooperation." The Independent, a local paper, declares: "When there is cooperation in the country, the auditors are helpless to go after those guilty of prevarication, of malversation, and want of scruples in the management of public revenues."

An opposite view was expressed by Sr. Manuel Quezon, who declared that while these abuses had been going on a long time, they were discovered and brought to light only after Governor General Stimson invited the party leaders to become department heads. General Aguinaldo, moreover, declared that, "paradoxical though it may seem," he would "even venture to state that the quickest way to curtail the abuses, the graft, and corruption that now exist in the islands would be to set us free. Then everyone would realize the tremendous responsibilities upon our shoulders." It is asserted that most of these corrupt practices grew up during the Wood régime when there were no responsible secretaries in office.

The revival of the independence issue

Mr. Stimson's policy of "cooperation" and his insistence upon the necessity of economic development for a time led to a cessation of the demand for immediate independence. In an address to the Philippine Agricultural Congress, Sr. Manuel Quezon declared that the people should not abandon their efforts for material well-being. "The power to dominate the world," he told them, "is passing into the hands of nations most advanced industrially." In April, 1929, he declared that he was "getting tired" of the word independence. "If I can get actual independence by not using such a word, I will proceed to use the arguments in a new language." Likewise, another important leader, Speaker Osmeña, made a speech upon his return from the United States, in September, 1929, in which he cited the example of Canada as one which would give the Philippines "ample autonomy." While he added that independence would definitely solve Philippine problems, he intimated that such independence could only be gradually realized.

These statements at once led to criticism from various elements, such as the Independent, which accused the political leaders of having been won over "to the cause of foreign domination." Nationalist sentiment was strengthened by the agitation within the United States in favor of a duty on Philippine sugar and other products.

Failing in their effort to secure such a tariff restriction, a number of interested organizations, such as the American Farm Bureau Federation, the National Grange, the Southern Tariff Association, the Domestic Sugar Producers' Association, the Texas Cotton Oil Crushers' Association, the National Dairy Union, and the Beet Sugar Association, declared in favor of complete independence.

The King amendment

The strength of this movement was illustrated by the narrow defeat of the King amendment in favor of complete independence by the Senate on October 9, 1929. This was an amendment to the tariff bill, and while it was defeated by 45 to 36 votes, at least six Senators declared that they voted against the amendment not because they were opposed to independence but because they thought it should be granted as a separate measure. If these six had voted the other way, the proposal for Philippine independence would have carried the Senate by a vote of 42 to 39.

The vote on the King amendment, along with the agitation against Philippine products and Filipino laborers, at once aroused opinion in the islands. A number of Filipinos—outside of political circles—organized a league for Philippine independence—a body which seemed to duplicate the Philippine Independence Commission. The recognized Philippine political leaders, who for a time had accepted Mr. Stimson's attitude that political discussion should be postponed until after an economic program had been worked out, now revived the cry for complete independence; and an independence mission, consisting of Señor Manuel Roxas, speaker of the house, and Señor Pedro Gil, minority leader, journeyed to the United States, where, in 1930, they asked Congress "to recognize the independence of the Philippines at an early date."

Meanwhile an intensive independence campaign was organized in the Philippines. The first independence congress was held in Manila February 22–26, 1930, upon the initiative of private citizens. It was composed of representatives of business and agriculture, educators, students, labor leaders, non-Christian Filipinos, and elective officials.

PART V

ARGUMENTS FOR AND AGAINST INDEPENDENCE

Strength of the independence movement

The first argument in favor of independence for the Philippines is that the great majority of the Filipinos desire it. They fought a war against Spain for this purpose and they fought a similar war against the United States at the beginning of the American occupation. In 1910 Governor General Forbes referred to "the almost universal desire for independence" in the islands. In 1924 Governor General Wood declared that "the bulk of the people want independence at some future time and, generally speaking, under our protection." Moreover, the Philippine Legislature annually passes a resolution by unanimous vote in favor of complete independence. Philippine municipalities also pass such a resolution annually. In 1919, 1922, 1923, 1924, 1925, and 1930 independence missions were sent to the United States. In 1929 a convention of Filipino business men, which met for the first time, passed a resolution stating that whereas it had been said repeatedly that "only the politicians clamor for Philippine independence," the national convention of Filipino business men wished to state that they "strongly favor the national aspiration for independence and are ready to cooperate in the common task for the liberation of the country." In the same year an agricultural congress adopted a similar resolution. The Filipino Catholic priests and the Confederation of Evangelical Churches both have recently gone on record in favor of independence. In December, 1929, an Association of Veterans of the Revolution, of which General Aguinaldo is president, passed a resolution asking for "the immediate restoration of the Philippine Republic." Although the view of American officials usually has been that the Moro population is opposed to independence, Philippine leaders point out that the Moro representatives in the legislature invariably vote for the annual independence resolution.

On the other hand, it has been frequently contended that the silent mass of the people, fearing exploitation by a native oligarchy, secretly hope that the United States will not leave the islands. Filipinos reply that the way to test actual sentiment is by means of a plebiscite, the proposal for which the United States has vetoed. Moreover, it may be pointed out that history has often shown it to be the case that colonial powers underestimate the strength of the demand for freedom in their possessions.

American commitments

In the second place, it is argued that the Philippines should be granted independence in view of repeated promises made by spokesmen of the United States. Thus Presidents Taft, Roosevelt, and Wilson have all encouraged the Filipinos in their aspirations for independence, and the Congress of the United States in the preamble to the Jones Act of 1916 declared that it was the purpose of the people of the United States to "withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein." Even President Harding, who supported General Wood's efforts to overthrow Governor General Harrison's system of semiresponsible government, declared in 1922: "I can only commend the Philippine aspirations to independence and complete self-sovereignty." And again, "No backward step is contemplated. No diminution of your domestic control is to be sought."

Filipino competence

The third argument in favor of independence is that the Philippine people are able to maintain a stable government. For a number of years Filipinos have occupied all the positions in the local administrations and the vast majority of positions in the central government. All the members of the legislature are Filipinos. The interest of the people in politics—an essential of democracy—is shown by the fact that the percentage of voters actually going to the polls is sometimes twice as large in the Philippines as in the United States.

There are racial and linguistic differences among the people, but these differences, it is urged, should be no greater handicap to self-government than they are in such bilingual or multilingual countries as Egypt, Iraq, Switzerland, Yugoslavia, or Czechoslovakia. Mr. Cameron Forbes, although he is not in favor of independence at this time, writes of the Filipino people:

"It is, of course, true that the difference in language makes common understanding more difficult. But the fact is that the people are all reasonably similar in type, generally so in religion, have the same ideals and characteristics, and are imbued throughout with a great pride in their race and desire for its advancement which should make them capable, under a common language, of being welded into a united and thoroughly cohesive body politic. The tribal differences, marked mostly by language and also by geographic bounds, should not be in any way an insuperable bar to the development of a people capable of nationality. Those who question Filipino capacity should look for arguments against it in other directions than that of language or of tribal division."

While the proportion of literacy in the Philippines is only 50 per cent, it is nevertheless higher than in such independent countries as China, Colombia, Mexico, Brazil, Nicaragua, Portugal, Venezuela, Russia, Santo Domingo, Egypt, Haiti, or Guatemala.

Moreover, the history of many countries shows that widespread literacy has often followed rather than preceded self-government. Thus, although parliamentary government in England dates back to the time of Walpole, in 1845 an education committee reported that only 16 per cent of the children of school age were able to read the Bible, while the rest could not even spell their names. Moreover, the English elementary education act of 1870 was passed three years after rather than before the reform act of 1867, which added 1,000,000 voters to the electorate. It is interesting also to note that officials opposed granting responsible government to Cape Colony on the ground of lack of education among Europeans; and that the Durham report declared that the inhabitants of Canada were "almost universally destitute of the qualifications even of reading and writing."

It is stated that the United States is not justified in exacting perfection from the Philippines as a condition of independence. Corrupt or inefficient administrations exist in many independent countries in the world, including certain States and municipalities within the United States. The only sound criterion of independence, it is argued, is whether a Philippine government will be able to maintain a reasonable standard of law and order and live up to its international obligations. The New Republic recently expressed the opinion that the "Filipinos to-day are as competent to run their own affairs as are the Nationalists of China and, for that matter, most of the independent governments of Latin America and Central Europe." Filipinos admit that there has been graft in their administration, but they declare that conditions will be rectified only when Filipinos are fully responsible for the administration of their country. Generally they believe that freedom will release forces of energy and initiative which are now restrained by alien rule.

It is probable, moreover, that an independent Philippine government would be willing to follow the example of many other newly established governments and employ foreign advisers in such matters as finance, health, and education. The Filipinos realize that they can not hope to protect themselves from outside attack by force of arms any more successfully than the smaller States of Europe. Nevertheless they believe that their international safety would be guaranteed by the admission of the Philippines into the League of Nations. Others believe that since the United States is not a member of the league, it would be desirable for the United States, Japan, France, and the British Empire, and possibly Russia and China, to enter into an agreement to neutralize the Philippines. Should internal revolution then occur, foreign intervention presumably could not take place except by agreement among the treaty powers.

The Philippines a liability

The fourth argument in favor of the independence of the Philippines is that they are more of an economic and financial liability than an asset to the United States. The duty-free entrance of Philippine products into the United States is alleged to injure the American farmer, while the unrestricted immigration of Filipino laborers is causing trouble on the Pacific coast. From the standpoint of trade, only 1.43 per cent of our exports in 1927 went to the Philippines. In 1927, 35 foreign countries and each of our overseas territories purchased more from the United States in proportion to their population than did the Philippines. Dr. Rufus S. Tucker estimates that the total gain from the Philippines to all classes of American citizens, whether in profits from commerce, investments, or personal service, is less than $10,000,000 a year. On the other hand, the occupation of the Philippines, instead of bringing in additional income to the United States Government, subjects it to an annual charge of at least $4,000,000 a year, excluding interest upon the cost of acquisition. Independence would mean the saving of this sum, and about $22,000,000 now expended annually by American consumers upon Philippine products (not including sugar) which enjoy a protected position upon the American market. The net loss to the United States on account of the Philippines is therefore said to be at least $26,000,000 a year.

Others believe that the Philippines are also a moral liability to the United States. If we refuse to heed their request for independence at a time when subject races everywhere are demanding and receiving freedom, the United States will be charged with being an "imperialist" power. It is argued that if the United States, after proclaiming for 25 years that Philippine independence is its object, should now adopt an anti-independence attitude, it would injure American prestige among politically dependent people everywhere. On the other hand, it is stated that "an independent Philippines will be a monument to America's unselfishness," and an incentive to a more sympathetic attitude by colonial powers toward subject races in every part of the world. These races can not be indefinitely held in subjection, and an enlightened policy in the Philippines may prevent inter-racial difficulties in other territories in the Orient.

Strategic difficulties

The final argument in favor of independence for the Philippines is that it would terminate the strategic difficulty which the occupation of these islands imposes upon the United States. At present the American naval program is laid down with a view to the defense of the Philippines against outside attack. The Japanese, however, believe that in view of the distance of the Philippines from the United States an American





Navy large enough to defend the islands would be large enough also to attack Japan. Thus the problem of defending the Philippines has created a difficulty between the United States and Japan.

A large number of authorities believe that, regardless of the size of the American Navy, the Philippines could not possibly be defended by the United States at the outbreak of war. Former President Roosevelt wrote in 1914 that in case the United States were attacked by a foreign power the Philippines would be our "heel of Achilles." Secretary of War Garrison and Senator Henry Cabot Lodge in 1915–16 declared that the Philippines are a military liability to the United States. Gen. J. Franklin Bell declared in 1913 that "the possession of the Philippine Islands is not in the slightest degree necessary to the welfare of the United States in so far as the military or strategical requirements are concerned. They are an absolute military weakness to the United States." Secretary of War Weeks declared in 1924: "If I were going to view this question entirely from [the standpoint of] military or other benefits to the United States, I would say let the Philippines go." Gen. Enoch Crowder is reported to have declared: "The plans of the General Staff provide that in case of war any attempt to keep a traffic lane open between the Philippines and the United States would be promptly abandoned."

Alienation of territory unconstitutional

The first argument against independence is that it is unconstitutional to alienate territory of the United States. This argument seems to have been developed most fully by Judge Daniel R. Williams. He declares that the United States now possesses "complete and absolute sovereignty and dominion over the Philippines." In acquiring the Philippines the Federal Government acted simply as a trustee of the people of the United States. The only authority of Congress over the islands is to "make needful rules and regulations respecting the territory of the United States," and the alienation of sovereignty can not be regarded as incidental to this power—in fact, such alienation would destroy the "very thing over which legislation is authorized." The power to alienate sovereignty can therefore be exercised by Congress only after having been expressly authorized to do so by a constitutional amendment. Judge Williams cites in support of his contention a statement of Gov. Edmund Randolph in the Virginia State convention called in 1788 to ratify the Federal Constitution to the effect that "there is no power in the Constitution to cede any part of the United States." Moreover, there does not seem to be any clear-cut case where Congress has actually alienated territory.

An opposite point of view was expressed by the Attorney General of the United States in 1924, who declared that Congress had the power to grant complete independence to the Philippines, since under the Constitution it had complete control over territories. Moreover, he said, the Philippine Islands had never been incorporated into the United States. Judge Malcolm, of the Supreme Court of the Philippines, has come to the same conclusion. Prof. W. W. Willoughby, in his recent treatise on constitutional law, declared that "the United States is a sovereign power, and, except as expressly limited by the Constitution is to be viewed as possessing within the field of international relations all those powers which, by general international usage, sovereign and independent States are conceded to possess, and that, among such conceded powers is that of parting with, as well as acquiring, political jurisdiction over territory."

Economic and political dangers

In the second place, independence is opposed on the ground that it would be harmful to the Filipino people. The Filipino people, it is urged, lack a common language and religion—there is a wide gulf between the non-Christian and Christian peoples. They are said also to lack the educational basis for self-government. Less than half of the people are literate; the newspaper-reading public, upon whom the formation of an intelligent public opinion supposedly depends, is about 165,000 out of a literate population of about 6,000,000. The Filipinos are also lacking, it is declared, in administrative experience. As proof of this contention, the alleged inefficiency of the Filipinization period and the recent scandals in government bureaus are cited. It is also said that the Philippines do not have the financial resources necessary to maintain an independent government. The existing budget is not large enough to maintain an army, navy, and diplomatic service, which independence would supposedly require. Independence would probably mean a depreciation of the Philippine currency and a deterioration in public works, education, public health, and other activities of benefit to the people. Mr. Carmi Thompson reported to President Coolidge in 1926 that immediate independence might result in the establishment of an oligarchy or in splitting the islands "into warring factions led by chieftains of the various language groups." In an article in the Saturday Evening Post, written before becoming Governor General, Mr. Henry L. Stimson declared that independence would mean "political domination over the main population of the islands by an oligarchy of more politically competent mestizos." He also declared that independence would mean "an eventual foreign submersion and control by the more powerful races in the neighborhood." Apparently he had in mind the difficulty of controlling Chinese immigration and the fear that the resources of the islands would pass to Chinese and Japanese immigrants. This might be followed by the loss of political independence. Others fear that independence will mean an increase in the exploitation of tenant farmers by Filipino landlords, through the institution of peonage and otherwise.

Finally, it is urged that independence would be financially and economically harmful to the Filipino people, since a free American market would be closed to them. Mr. Carmi Thompson states that independence would mean "economic disaster"; Mr. Stimson declares independence would mean "almost total collapse of the sugar, tobacco, coconut oil, embroidery, and other principal commerce of the islands."

It has been estimated that the annual monetary value of the privileges received by the Philippines from the United States is $71,000,000. All these privileges, it is urged, the Philippines would lose upon becoming independent.

American interests involved

Independence, it is declared, would also be harmful to the commercial and political interests of the United States. Senator HIRAM BINGHAM has asked: "Do you think that the American people would have paid $20,000,000 for something that they knew they were going to give up in such a short time? Is that the way we do things?" Moreover, it is declared that American business men and investors have gone to the islands and built up a profitable trade upon the assumption that the Philippines would remain indefinitely under the American flag. The establishment of a tariff against American goods, which would follow upon the granting of independence, would interfere with this trade. In view of the doubtful stability of a purely Filipino government, independence would impair the value of commercial investments. Moreover, Philippine government bonds, which are practically all held by American investors, would, it is argued, immediately depreciate in value following independence. "This would constitute a species of moral repudiation both undignified and dishonorable." Many American business firms have protested against immediate independence for the Philippines.

From the standpoint of national interests, Mr. Carmi Thompson states: "We need the Philippines as a commercial base, and the retention of the Philippines will otherwise be of great benefit to our eastern situation." Admiral Hilary Jones has declared, "The Navy considers that we must possess bases in the Philippines. They are vital to our operations in the western Pacific—so vital that I consider their abandonment tantamount to abandonment of our ability to protect our interests in the Far East."

International dangers

A fourth argument against independence is the opinion that it would finally be harmful from the international standpoint. It would stimulate the desire for freedom in India, French Indo-China, the Dutch East Indies, Formosa, and Korea, where seditious or revolutionary movements are already smouldering. If all these countries should secure their freedom, widespread civil war would be bound to result; foreign intervention would become inevitable, naval reduction impossible, and the status quo in the Orient to-day would be upset—with disastrous results to world peace and international good will.

NOMINATION OF JUDGE JOHN J. PARKER

The Senate in open executive session resumed the consideration of the nomination of John J. Parker, of North Carolina, to be an Associate Justice of the Supreme Court of the United States.

Mr. ALLEN obtained the floor.

Mr. GLASS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Virginia?

Mr. ALLEN. I yield.

Mr. GLASS. I happened not to be present in the Chamber yesterday when a colloquy took place between two Senators while the Senate had under consideration in open executive session the nomination of Judge Parker. But I find in the Baltimore Sun of to-day on the front page what purports to be a quotation from the remarks of one of the Senators, to wit, the Senator from Arizona [Mr. ASHURST], to this effect:

> In my remarks the other day I did not know of the letter that had been written by the Assistant Secretary of the Interior, Mr. Dixon, and I now say call the lobby committee together and you will find that men with Judge Parker's consent are being offered Federal judgeships and other appointments to office if they will vote for this nominee.

Mr. President, I want to inquire of those on the other side of the Chamber—or on this side, either—who are responsible for the conduct of this case before the Senate, if it is proposed to proceed with the consideration of it in the face of a charge like that without first ordering an inquiry into the accuracy of the statement?

I may say for one, after very intent and careful consideration, that I have about come to the conclusion that I can not, in accordance with the promptings of my conscience and my judg-

ment, vote against this nominee; but if there is any semblance of truth in this statement I could not vote for him.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from North Carolina?

Mr. ALLEN. I yield.

Mr. OVERMAN. I have a similar article from the New York Times, which I intended to send forward to have read. In justice to my able and distinguished colleague the Senator from Arizona [Mr. ASHURST], and to Judge Parker, I had the RECORD searched this morning and there are no such words in it as that Judge Parker was using his influence to get judges appointed in order to capture the votes of Senators; but there are other charges which, I agree with the Senator from Virginia, ought to be investigated.

At this point I ask to have inserted in the RECORD a part of the article to which I just referred, appearing in the New York Times of this morning.

The VICE PRESIDENT. Without objection, it is so ordered.

[From the New York Times, Tuesday, May 6, 1930]

JUDGESHIP OFFER FOR VOTE FOR PARKER IS CHARGED; NO POLITICS, SAYS MITCHELL—ASHURST STIRS UP STORM—HE DEMANDS AN INQUIRY BY LOBBY COMMITTEE OF NOMINEE'S BACKING—FESS SEES SLUR ON HOOVER—BUT ARIZONIAN DENIES IT—PRESIDENT NEVER SAW THE DIXON LETTER, MITCHELL WRITES—SENATORS' OFFICES RIFLED—M'KELLAR ACCUSES SECRET SERVICE—SMOOT AND BROCK ROBBED, TOO, THEY ASSERT

WASHINGTON, May 5.—A charge that a Federal judgeship was offered a Senator in return for support of Judge John J. Parker, and that "men with Judge Parker's consent are being offered Federal judgeships and other appointments to office if they will vote for this nominee," was made by Senator ASHURST, of Arizona, in to-day's debate on the appointment of Judge Parker to the Supreme Court.

Senator ASHURST demanded an investigation of his charge by the Senate lobby committee, asserting that Judge Parker's supporters are "approaching the frontier line of culpability."

Mr. GLASS. I may say just at this point that I am very glad to know the distinguished Senator from Arizona made no such statement, because that would involve a degree of culpability which would cause me to hesitate not a second to vote against the nominee.

Mr. FESS. Mr. President, will the Senator from Kansas yield to me?

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. ALLEN. I yield.

Mr. FESS. I, too, read a statement in the New York Times similar to that which was read by the Senator from Virginia just now from another paper. I also read the RECORD and did not find the statement in the RECORD that was made in the Times; but I have the impression or the impression was made upon my mind that the Senator from Arizona did use the expression "with the consent of Judge Parker." I was trying to make some investigation as to whether I was mistaken or not, but I am inclined to believe that an examination of the stenographic report of the speech of the Senator from Arizona will disclose the fact that those words were used, and for that reason I was going to ask that some action be taken with reference to the statement to investigate the facts, unless the Senator from Arizona disclaimed the statement.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Arizona?

Mr. ALLEN. I think I will speak for a little while on this subject, if I may now proceed.

Mr. ASHURST. I hope the Senator will permit me to say a word at this point.

Mr. ALLEN. I will in due time. I will address myself to the question immediately.

Mr. ASHURST. Will the Senator just allow me to answer a question?

The VICE PRESIDENT. Does the Senator from Kansas yield for that purpose?

Mr. ALLEN. A question from whom?

Mr. ASHURST. A question propounded to me by the Senator from Virginia and by the Senator from Ohio.

Mr. ALLEN. Very well, Mr. President; I yield for that purpose.

Mr. GLASS. Mr. President, before we proceed further, I rose to ask a question which has not been satisfactorily answered. Aside from the use of these particular words which the Senator from Arizona disclaims, let me ask the Senators having charge of this case if they do not regard the accusation couched in the words used of such a grave nature as that we should not proceed with this case until the Judiciary Committee shall be instructed to make an inquiry?

Mr. FESS. Mr. President, so far as I am concerned—I have not consulted with the Senators from North Carolina or any other Senator—I think that the statement made on yesterday is of a sufficiently grave character that there ought to be an investigation.

Mr. GLASS. There ought to be one immediately, before we proceed with this case.

Mr. FESS. Yes; immediately.

Mr. WATSON. Mr. President, will the Senator from Kansas further yield?

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Indiana?

Mr. ALLEN. I yield.

Mr. WATSON. Mr. President, it occurs to me that these charges are of such gravity that an immediate investigation should be had. A number of Senators have spoken to me about it, and they insist that these charges shall be cleared up. So far as I know, nobody implicates Judge Parker in this matter.

Mr. GLASS. Judge Parker is implicated before the country in this matter.

Mr. WATSON. So far as I know, nobody has ever charged that anything was done with his assent, or even with his knowledge.

Mr. ASHURST. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Arizona?

Mr. ALLEN. For what purpose?

Mr. ASHURST. Just to clear this matter up.

Mr. ALLEN. Very well; I yield.

Mr. ASHURST. Mr. President, in the CONGRESSIONAL RECORD of this morning on this subject—and I have read it—is a very accurate report of what I said. It is a fact, as the Senator from Ohio says, that when I saw the transcript from the reporters it did say "with Judge Parker's consent." The reporters are accurate; I am not laying any blame on them; but I am quite sure Senators will bear me out that no such remarks were made, and, if they were heard, the auditors probably overlooked the statement I made, that undoubtedly it was "without Judge Parker's consent or knowledge." In all this controversy, which is one of the fiercest that has raged in my time, I have never said nor implied that Judge Parker had a part in making or knew of any offers being made to any Senator.

I want to be fair about the matter, and I here say, as I tried to say yesterday, that an offer was made to a Senator; but I do not charge and I never have charged or even believed that it was with Judge Parker's knowledge or consent. That is my statement; and, so far as an investigation is concerned, I am ready at any time that it shall be undertaken.

Mr. ALLEN. Mr. President——

Mr. GLASS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Virginia?

Mr. ALLEN. I yield.

Mr. GLASS. I am glad to have the disclaimer of the Senator from Arizona as to these particular words, but I, for one, am not willing to vote on this question while the grave charge remains that offers of judgeships and of other appointments to office are being made to Senators in order to control their votes on this proposition; and I do not think the Senate should be willing to proceed until that matter is cleared up.

Mr. ASHURST, Mr. BORAH, and Mr. WATSON addressed the Chair.

The VICE PRESIDENT. Does the Senator from Kansas yield; and if so, to whom?

Mr. ASHURST. I merely wish to utter another sentence.

Mr. ALLEN. I yield to the Senator from Arizona now, and I will yield to the Senator from Indiana later.

Mr. WATSON. I trust the Senator from Kansas will not proceed until we can clear this matter up, if it can be cleared up.

Mr. ALLEN. Very well.

Mr. WATSON. If the Senator will permit me, I should like to hear what the Senator from Idaho has to say.

Mr. BORAH. Mr. President, I was going to say that I do not understand that any charge has been made that expressly or impliedly involves Judge Parker, and therefore it does not seem to me that any inference should be drawn in any way, shape, or form as against Judge Parker in regard to this matter.

As to the charge that Senators have been approached, so far as I am concerned, Mr. President, I am perfectly willing to proceed upon the theory that if anybody was fool enough to approach a Senator on the matter his action did not have any

effect, and that we will proceed to vote upon the theory that whatever may have been the enthusiasm of some individual it has not affected the Senate of the United States in its vote.

Mr. WATSON. Mr. President, I want to ask whether or not that statement is satisfactory to the Senator from Virginia?

Mr. GLASS. Mr. President, it certainly is not; it brushes aside a charge that involves the integrity of the Senate. I have no enthusiasm for Judge Parker, but the charge involves the very integrity of the Senate.

Mr. WATSON. But the Senator from Arizona yesterday exculpated entirely the President of the United States and every Senator.

Mr. GLASS. No.

Mr. WATSON. That was his statement on the floor—he exculpated every Senator.

Mr. GLASS. He exculpated the Senator from Indiana and the Senator from Ohio.

Mr. WATSON. He went much further than that, and said that he was entirely willing to exculpate every Member of the Senate and say that no Member of the Senate had made such an offer to anybody.

Mr. ASHURST. Mr. President, if the Senator will yield, it is obvious that the Senator from Virginia either did not hear me or has not read the RECORD. The Senator from Indiana is correct. I stated, and I think I can repeat, that I did not believe and that no one believed that this offer of a judgeship made to a Senator had influenced or would influence a single Senator, and that each and all Senators would reject such an offer, if made to them, with indignation and contempt.

Mr. GLASS. Mr. President, the Senator added that the processes of securing the confirmation of this nomination were reeking with such odium as was never witnessed before in the history of America.

Mr. ASHURST. I stand on that.

Mr. GLASS. Then, if that be so, there ought to be an investigation to clear up the matter.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. ALLEN. I will yield in a moment, but I should like first to say a word, since I have the record of what was said. In addition to what the Senator from Arizona has stated, he also said that if we knew what he knew we would be ashamed to vote for this man. Therefore, I am sympathetic with the attitude of the Senator from Virginia. I now yield to the Senator from Idaho.

Mr. BORAH. Mr. President, I do not want to interrupt the Senator from Kansas any further, as he has the floor, but nothing has been said in connection with this matter that disturbs me either as to the effect which it has had or as to its relationship to Judge Parker.

Mr. WATSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Indiana?

Mr. ALLEN. I yield.

Mr. WATSON. Mr. President, I am decidedly of the opinion that an investigation should be made of the statement uttered by the honorable Senator from Arizona. He says that he is entirely willing that such an investigation shall be made, and I think there is a universal demand that it shall be made and made at once, in order that this whole matter may be cleared up before the vote shall be taken. It is due to the President of the United States, it is due to the Senate as a body, it is due to each Senator as an individual, and it is due to Judge Parker that this shall be done. Therefore, while the Senator from Kansas is making his speech, we shall see what arrangements can be made looking to that end.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from North Carolina?

Mr. ALLEN. For what purpose?

Mr. SIMMONS. For the purpose of making a brief statement about the matter of which the Senator from Indiana has just spoken.

Mr. ALLEN. I think I will not yield any further at this time, but will take the floor, if I may.

Mr. SIMMONS. I think, if the Senator will consider, he will come to the conclusion that under the circumstances he ought to extend the courtesy to me.

Mr. ALLEN. Very well; I yield to the Senator.

The VICE PRESIDENT. The Senator from Kansas yields to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, this matter involves a citizen of North Carolina. I have thought very seriously about the charges made by the Senator from Arizona since he uttered them upon the floor and if the Senator from Virginia [Mr. GLASS] had not made the protest that he did, I should have made it. I now wish to join that protest, and in the demand that there shall be a full and complete investigation of this matter, because it is perfectly apparent that the effect of this charge, if not answered by an investigation, will be very injurious to Judge Parker; and he is at least entitled to fair treatment and consideration at the hands of the Senate. As his supporter and friend and as a representative of the State from which he comes, I insist that there shall be a speedy, complete, and thorough investigation of the charge which has been made.

Mr. ALLEN. Mr. President, I am heartily in sympathy with the suggestion of the Senator from Virginia [Mr. GLASS] that we investigate the foundation for the statement made yesterday by the Senator from Arizona. This morning, when I read in three different newspapers that the Senator from Arizona had used this language—

> You will find that men, with Judge Parker's consent, are being offered Federal judgeships and other appointments to office if they will vote for this nominee.

Mr. ASHURST. Now, Mr. President——

Mr. ALLEN. Just a moment—I immediately visited the official reporters, taking the RECORD which the Senator from Arizona had changed to suit his afterthought, and find that this which has appeared in a thousand newspapers in the United States this morning is exactly what the Senator from Arizona said.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Arizona?

Mr. ALLEN. I yield to the Senator.

Mr. ASHURST. The Senator from Arizona disclaims saying, at any time or place, "with Judge Parker's consent." The reporters are usually very accurate. The language was, "doubtless without Judge Parker's knowledge or consent."

The Senator from Kansas is welcome to put any construction upon that he pleases. When I saw that in the transcript "with Judge Parker's consent," I struck it out, and was quite surprised, owing to the accuracy of the reporters, that that language was there.

Mr. ALLEN. May I ask the Senator from Arizona why he struck it out in the special fashion he did? How much more easy it would have been to have added the word "without," rather than to have changed the construction of the entire sentence.

Mr. ASHURST. Possibly the Senator from Kansas would have done that, and possibly I should have; but that remains the fact, just the same—that no such language was used.

Mr. ALLEN. I think if I had cast as wide an aspersion as that, I would not only have struck it out but after I had read the statement I would have seen that the press was acquainted with the fact that the meaning attributed to me was exactly opposite to that which I had in mind.

Mr. ASHURST. Will the Senator yield?

Mr. ALLEN. I have known many instances, Mr. President, in which Senators inclining toward the front page have attacked the President of the United States; but I have never read an attack upon the President of the United States as unbridled and as unconscionable as this attack is.

Mr. ASHURST. Mr. President——

Mr. ALLEN. The mere fact that the Senator from Arizona now says that he did not mean to include the President of the United States does not in any sense soften the real meaning of that which he said. Go across the country this morning, and in a thousand morning newspapers you will read the headlines that the President has been accused by the Senator from Arizona of trafficking in these offices.

Mr. ASHURST. Now, Mr. President, one word.

Mr. ALLEN. I will yield to the Senator when I get ready. In a dozen newspapers already I have read the headlines proclaiming the sinister thing that the Senator from Arizona desired to have them proclaim.

I am not going to continue my speech, Mr. President, because I desire to wait until this investigation shall have been closed; but I want to say now that this mud-throwing episode that has finally come into this fight is exactly what we might have expected when the fight started.

Mr. President, it is a very serious thing to accuse the President of the United States of bribery. In all of the history of this body I dare say there is not a single precedent for the remarkable attack which the Senator from Arizona made upon this floor yesterday; and I am glad that we are to have a thorough sifting of it. I am glad that we may possibly approach the moment when there may be some consideration given by unbridled Senators before they turn out loose statements that, if they were not made in a legislative assembly, would be characterized as cowardly and inexcusable.

Mr. BORAH. Mr. President——

Mr. ASHURST. Mr. President, may I claim the floor at this juncture?

The PRESIDING OFFICER (Mr. FESS in the chair). The Senator from Arizona.

Mr. ASHURST. Mr. President, of course, it may be true that other Senators do not have that strict regard for the proprieties that the Senator from Kansas [Mr. ALLEN] possesses. As to his charge of cowardice, I am sure the Senator from Kansas will never attribute to me any lack of intestinal stamina. He will find that out.

The able Senator from Ohio [Mr. FESS] yesterday afternoon directed attention to the fact that some newspaper has construed my remarks about 1 o'clock yesterday as meaning that I inferred that the President was concerned in or knew of this offer that had been made to a Senator of a Federal judgeship if he voted for confirmation; whereupon I, with the permission of the Senator from Ohio, claimed the floor and used language which I must repeat, owing to the nature of the controversy, which appears in the RECORD and which seemed to satisfy the able Senator from Ohio. I shall read it.

Mr. President—

This is yesterday evening, now. I ask the Senator from Kansas to listen to this—

Mr. President, I did not say that the President was making offers. The Senator will search the RECORD in vain for any such statement from me. I said that some of those who are urging confirmation are offering appointments. I did not say "the President." All that the President did on this matter, so far as I know, was to nominate an unfit person for this judicial office and then refuse to divulge the names of those who recommended such person. I hope the Senator will not attempt to read into my remarks something I did not say.

Mr. FESS. Mr. President, will the Senator permit me to have a little time?

Mr. ASHURST. In the Senator's own time, certainly.

The VICE PRESIDENT. The Senator from Ohio declines to yield further.

Mr. FESS. The Senator has made an explanation which is satisfactory to me; but when he said that judgeships were being offered, since no one can offer a judgeship outside of the appointing power, the natural inference must be that the President was making such offers.

Mr. ASHURST. Mr. President, will the Senator yield?

The President has been brought into this controversy, not by the Senator from Arizona, but by my able friend the Senator from Ohio. Senators will bear me out that I did not bring into this contest the name of the President. I said, "those seeking confirmation." The Senator, however, is too ingenuous and is too frank a man to pretend that there are not in this administration and in this Capitol men who are able to make promises and have them complied with in that regard.

Mr. FESS. No, Mr. President; I would not accept that statement. I do not believe that it is credible or possible that any promise of this character binding the President could be made, because the Senator believes, as I believe, that that could not be done with the President of the United States.

Mr. ASHURST. The Senator, then, is such a babe in the woods that I do not perceive how he could have advanced so far in American politics.

There is a great deal more; and one Senator this morning—I think it was the junior Senator from Virginia [Mr. GLASS]—wanted to know how far the Senate had been exculpated. Apparently I have satisfied the Senator from Ohio [Mr. FESS], whose conscience is equally as alert and whose scholarship, I think, may well compare with that of the junior Senator from Kansas. He seemed to be quite satisfied; but possibly the Senator from Kansas was not present, or did not take the pains to read the RECORD. I am not going to bandy epithets with the Senator. That is not my purpose.

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Kansas?

Mr. ASHURST. I yield.

Mr. ALLEN. I want to say, on the contrary, that I took the pains to read the RECORD; and, the RECORD being contrary to my memory, I then went to the official reporters, and I there was forced to the conclusion that the Senator from Arizona had either changed his mind or realized that his statement was too extreme.

Mr. ASHURST. I have said to the Senator that when I read my remarks—I am not going to lay this on the reporters. I am not going to be so cowardly, if a word of that kind slipped from me, as to lay it on the reporters. You can put any construction you please on it. When I found the remarks said "with Judge Parker's consent," I knew it was not what I had said or intended to say, and struck it out. I have dealt with that, and that is all I am going to say about it. If I said it, I say here that I have no evidence, I never have had any evidence, that Judge Parker knew of the attempts being made to force his nomination over this Senate. I have said that; but let me say that the Senator on this side who would pretend that there has been no lobby here to confirm Judge Parker ought to be sent home. The Senator here who will now rise and say he never heard of a lobby here to confirm Judge Parker had better go out of that door. Why, as the Senator from Arkansas [Mr. CARAWAY] said, two or three ex-governors from a certain State have been besieging and storming Senators for days at a time here in trying to lobby for this confirmation. I ask any Senator here to stand up and say, "I have been such a babe in the woods that I never knew there was a lobby here to confirm Judge Parker."

All right.

Now, let us see. I am not going to take much time of the Senate, except that I am ready now, at a moment's notice, to appear before the lobby committee and give the name of the Senator who told me he was offered a judgeship to vote for the confirmation of Judge Parker. I am ready.

Mr. GLASS. Mr. President, I have no doubt the Senator is, and I think he ought to be required to do it.

Mr. ASHURST. Required? I object to the use of the word "required." I yesterday said five times, "I challenge you to call me before the committee." Required?

Mr. GLASS. I know the Senator did, and I think the Senator's challenge should be accepted.

Mr. ASHURST. It ought to be.

Mr. GLASS. I think so.

Mr. ASHURST. That is the point I raised—that it ought to be. I am not in the habit of making challenges or statements unless I have some ground upon which to stand.

Mr. GLASS. I am not undertaking to say that the Senator is; and if the Senator has ground upon which to stand, I for one, do not intend to vote for Judge Parker.

Mr. ASHURST. That is just the kind of a statement I should expect from the Senator.

Mr. ALLEN. Mr. President——

Mr. ASHURST. Let me finish this. I will yield, though, to the Senator.

Mr. ALLEN. I should like to know what objection there is to a mind as bold as that of the Senator from Arizona to giving us the name of the Senator now.

Mr. ASHURST. All right. On Saturday at noon, in the presence of Senator BRATTON, of New Mexico, a Senator sitting in this Chamber told me that offers of office had been made to him if he would vote to confirm Judge Parker.

Mr. ALLEN. But that is the Senator we are looking for. Who was it?

Mr. ASHURST. All right; I will give him an opportunity to rise if he wants to: My learned friend the junior Senator from Washington [Mr. DILL].

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Washington?

Mr. ASHURST. I yield.

Mr. DILL. Mr. President, I have hesitated to inject myself into this discussion, for I had no way of knowing to whom the Senator from Arizona referred. I am sure that all he has said was in good faith; but when he says that he understood me to say that I was offered a judgeship, I must say that the Senator was badly mistaken as to my statement. I made no such statement.

Mr. ASHURST. Will the Senator restate what he did say?

Mr. DILL. If the Senator will allow me to make my statement——

Mr. WATSON. Will the Senator from Washington speak a little louder? We can not hear him.

The PRESIDING OFFICER. Let the Senate be in order. This applies to the occupants of the galleries as well.

Mr. DILL. I say I made no such statement. I did say that I was impressed with the pressure that was being brought to bear on Senators to vote for Judge Parker's confirmation, and that a gentleman from my own State had talked with me on the subject, and suggested that I would be in high favor with the administration if I would vote for Parker, and that I was rather amused at the suggestion, and that I attempted to draw him out and see how far he would go. Finally, when he said that he thought I could be rewarded with anything I wanted from the administration, I said, "The trouble is I do not want anything, even if I were inclined to trade." The talk went on and finally I said that I probably would decide that my next move should be to retire to private life; that I was trying to get enough courage to bring myself to the point of never run-

ning again for office. He said, "Well, in that case there will be judgeships always open." I laughed about it and said, "Well, I would rather be a private citizen than a judge."

I considered the matter in a somewhat jocular way, and did not at any time regard it a challenge to my honesty or my integrity as a Senator. I did not consider it went to the extent of justifying anything seriously being said about it, and in talking at the table, I simply talked with two Senators in a confidential room and never expected it to be even thought about to any extent afterwards, much less mentioned in this Chamber.

I would not believe, until this morning when newspaper men called me out and asked me about it, that I was the Senator referred to, because had I thought it was a challenge to me to change the position which I had taken in the Judiciary Committee, I certainly would have needed nobody to champion my conscience on this floor. I would have taken care of that myself. So there is no need of any investigation; there is no need of calling me before the lobby committee.

Mr. NORRIS. Mr. President——

Mr. DILL. Let me go further. The gentleman who talked with me is a personal friend of mine. He did not claim to come from the White House; he did not claim that the President had told him to talk as he did, but rather indicated he could do a lot for me at home. I do not think he has done anything politically for me in the past and I doubt if he would do anything in the future. I regret the matter should have been brought here and given all this attention and all this advertising in the newspapers.

I want to assure the Senate that I have not even been tempted in the matter, much less have I had any thought of yielding on the proposition.

Now I yield to the Senator from Nebraska.

Mr. NORRIS. I would like to say to the Senator from Washington—and I would not ask this question if it had not been that the matter had been taken as far as it has been—I rather agree with the Senator that it probably would have been better if nothing had been said about it, as similar things often happen. But since the matter has gone as far as it has, it seems to me that the Senator ought to tell us who that man was, whether he is connected in any way, politically or otherwise, where a person might reach a conclusion that he might have some reason to bring about a fulfillment of any promise he might make.

Mr. DILL. Well, I want to say to the Senator that this man is a private citizen. He has no connection with the administration, and I do not see any use in dragging his name into this, because, as I said before, I did not take it seriously enough to give it serious consideration from the standpoint of anything being done about it. I think the sooner it is forgotten, the better for everybody concerned. I certainly would never have even suggested it at the dining table if it had not been more or less a giving of my experience to my fellow Senators, as I thought, in a confidential discussion.

I do not want anyone to misunderstand me. I do not want anyone to think that if somebody came to me with a proposition to trade my vote for certain things in return, that I would not resent that, but, on the other hand, I am not so thin-skinned, nor am I so sensitive, that when political opponents or political and personal friends talk with me in a more or less joshing way, that I shall get angry and break off friendships and connections of long years' standing. So I say that it is ridiculous that the whole matter should have been given the attention it has been given here in the Senate.

Mr. GLASS. May I ask the Senator whether this particular man has any particular interest in the confirmation of Judge Parker, and if he is here in Washington for the purpose of bringing it about?

Mr. DILL. No; I do not think he has any interest, other than that he is a Republican, and anything that the Republican Party wants he is always for—good, bad, or indifferent.

Mr. GLASS. So that it was a purely personal conversation between the Senator and his personal friend?

Mr. DILL. I looked on it so. He was just passing through here, and the matter came up in our conversation.

Mr. GLASS. The Senator would not think, then, that the suggestion made to him in that way by the Senator's trusted personal friend invests this whole matter with a degree of odium never heard of before in the American Nation?

Mr. DILL. No; because I have often had men suggest to me that it would be to my political advantage if I would vote in a certain way, and I did not get excited and think my honor and integrity had been challenged, and I considered there was nothing sinister in this conversation.

Mr. WALSH of Massachusetts. Mr. President, I hope the Judiciary Committee will take cognizance of the atmosphere that has surrounded the consideration in the Senate of this nomination, and will adopt some rules or regulations that will prevent a recurrence of the suspicions and rumors and lobbying pro and con which have been attached to this case.

To that end I offer a resolution, which I will ask to have referred to the Committee on the Judiciary, which may suggest some action upon the part of the committee to improve present conditions and remove some of the pressure that may be attempted in the future in the confirmation of judges.

I ask that the resolution be read and referred to the Committee on the Judiciary.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 258), as follows:

Resolved, That it is the sense of the Senate that any person holding office as judge or justice of a Federal or State court who is nominated by the President for appointment to the Supreme Court of the United States should immediately tender his resignation from such office.

The PRESIDING OFFICER. The resolution will be referred to the Committee on the Judiciary.

Mr. WATSON. Mr. President, I move that this matter of the nomination of Judge Parker be referred to the Committee on the Judiciary of the Senate for the purpose of investigating the charges made by the Senator from Arizona, and——

The PRESIDING OFFICER. Does the Senator mean to refer the nomination to the Committee on the Judiciary?

Mr. WATSON. No; not the nomination.

Mr. OVERMAN. Mr. President, would it not be better to move that the consideration of the nomination of Judge Parker be deferred until Monday, and that in the meantime immediately the Judiciary Committee shall investigate the charges made, and call in the Senator?

Mr. WATSON. I was going to put that in the motion if the Senator would permit.

My motion is that further consideration of the nomination of Judge Parker in the Senate be suspended until next Monday, and that this matter be referred to the Committee on the Judiciary to investigate the charges made by the Senator from Arizona in the meantime.

Mr. ASHURST. Mr. President, the charge I made was that offers of office had been made to a Senator, and, upon the request of a Senator, I think the junior Senator from Kansas, I gave the name of the Senator who told me. I have no objection to the matter going to the Judiciary Committee. My testimony will be exactly what I said here, and I assume and believe that the Senator from Washington would testify to the same thing he stated here. So all the evidence I possess on that point is before the Senate now, and the statement or interpretation the Senator from Washington put upon it is before the Senate now.

Mr. ROBINSON of Arkansas. Mr. President, it is perfectly clear to me, in view of the proceedings which have just transpired on the floor of the Senate, that very little, if anything, would be accomplished by the proposal of the Senator from Indiana. The Senator from Arizona has stated that all the facts within his knowledge bearing upon the declaration he made, and which has been brought in question, have been brought to light on the floor of the Senate.

This nomination has been pending before the Senate for a very long time. There is no objection, of course, to obtaining any information which will reflect light upon the merits of the issue involved, but it seems to me it would be a very frivolous action, a fruitless course, in view of what has transpired here, to indulge in the favorite pursuit of the Senate and order an investigation.

If there is anything to be disclosed, in the opinion of any Senator, either the Senator from Indiana or any other Senator, which has not already been brought to light, I should be the very last Member of this body to interpose an objection, but we all owe something to the dignity of our positions. We should not pursue this matter unless it is expected that something will be accomplished by it. The only end I see in view, after the declaration made by the Senator from Arizona and the statement from the Senator from Washington, is to make ourselves ridiculous.

You could probably compel the Senator from Washington to name the individual who made the statement to him quoted on the floor of the Senate. You might embarrass the Senator from Washington in that way, and you might embarrass the individual who made the statement to him in that way. But you would not throw one flash of light on the real issues involved in this nomination, and you would commit an act which, in my judgment, would justify the establishment of some body to advise and consent to the question of your own fitness as a representative in the Senate.

Mr. NORRIS. Mr. President, I think I can safely say what I am about to say to the Senate without any possible danger of

anyone feeling that what I say or what I advocate has been moved by anything I have said in this long controversy.

I have been one of the Senators who have abstained entirely from any reference of any kind to any individual in which the motive, the character, or the ability of anyone has been called in question. I did that premeditatedly. It was not because I have not heard of rumors and read of rumors of various kinds, some of them very severe, which I did not believe, and never investigated, even; but, in a general way, I reached the conclusion all Senators must have reached, that in this particular case there has been a very consistent effort on the part of people, almost nation-wide, over the country, taking part on one side or the other of this controversy. We can not escape that. I do not believe we ought to try to escape it. Whenever a contest of that kind goes on to the extent this one has gone, there will always be serious charges made questioning the motives, political and otherwise, of various people.

Mr. President, I would like to avoid that if I could, but I do not believe there is any possible way of doing it.

I think I can speak plainly because, as I said, in this case at least, whatever might have been my belief or my conviction, I have refrained entirely from participating in anything of that kind. So that if we started to investigate we could probably unearth facts; we could put men on the stand and compel them to testify as to charges that probably in most instances would be unfounded and in others would be explained away. It seems to me we would be undertaking a task that we ought to let alone. So far as this particular controversy is concerned, everything has been developed that would be developed on an investigation with the exception of the identity of the man referred to by the Senator from Washington [Mr. DILL], and what other investigations the disclosure of that identity might lead an investigating body to pursue.

I do not want to stand in the way of any investigation, if the Senate sees fit to have it made; but with the matter before us as we have it now, I would hate to see the Committee on the Judiciary charged with the making of such an investigation, because it seems to me I can see just where we would land. Anyway, taking everything that is now before us at 100 per cent, why should it have anything to do with the confirmation or the rejection of Judge Parker? It is not claimed that he is guilty. It is not claimed that he is at fault in the particular charge that is made, or that he knew anything about it. It probably would result in the fact that somebody, out of overzealousness in partisanship, had gone farther than he ought to have gone. It seems to me we ought to reach a conclusion on what is before the Senate, vote on Judge Parker's confirmation, and let us have done with it.

Mr. President, I ask unanimous consent——

Mr. SIMMONS. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. NORRIS. Yes; I yield to the Senator.

Mr. SIMMONS. If we should leave it upon the statements which have been made, as the Senator suggests, might there not be left a lurking suspicion that the gentleman who spoke to the Senator from Washington with reference to a possible judgeship spoke with authority from somebody, and, leaving that question open, might it not create a situation which would be unfavorable to Judge Parker?

Mr. NORRIS. I do not think so.

Mr. SIMMONS. Would it not be better to let us call that gentleman before the committee and ask him whether in making the suggestion he was doing so of his own initiative and without any suggestion from any higher source, thereby removing all possible suspicion that anyone with authority had indicated to him that he might use that sort of an argument in favor of the confirmation of Judge Parker?

Mr. NORRIS. I will say in answer to the question of the Senator from North Carolina that I can not see a possibility of it connecting Judge Parker. Some gentleman here from the State of Washington——

Mr. SIMMONS. I did not mean to connect Judge Parker with it. The Senator misunderstood me. But there might be a suspicion that the party who made the suggestion to the Senator from Washington had authority, not from Judge Parker, but from some one who could control judgeships, and that he was authorized to make a suggestion of that kind.

Mr. NORRIS. Even if there were such a person, we would never get that person to admit it. We would lack proof of being able to fasten it upon him. He would not admit it, of course. I have not the remotest idea who this gentleman could be, but I take it that it was some prominent Republican, perhaps in an outburst of enthusiasm for his party, wanting the confirmation of a man that a Republican President had named. Such people get enthusiastic, and if we put one of them on the stand he would not say, and probably we would not believe him if he did say, that he had been sent by the President of the United States to make that kind of a proposition. No one thinks that. I do not think anyone for a moment harbors such a thought. But if that be true—and let us assume now that it is all true—why stop further consideration of the matter now before the Senate to make such an investigation? There is only one reason that I can see why we should prolong the debate on account of such an investigation, and that would be something that pertains to Judge Parker, and it is conceded that this charge does not pertain to him.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. NORRIS. Certainly.

Mr. ALLEN. Before I vote upon the motion presented by the Senator from Indiana [Mr. WATSON], I would like to have the Senator from Arizona tell us what was in his mind in reference to the sentence which seems so full of meat, to wit——

Mr. NORRIS. Oh, Mr. President, I am not going to yield for that purpose. The Senator can do that when I yield the floor.

Mr. ALLEN. I thought it would be helpful to the Senator to get the information now.

Mr. GILLETT. Mr. President, will the Senator from Nebraska yield to me?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. NORRIS. I yield.

Mr. GILLETT. I quite agree with what the Senator says if the only evidence before us is what the Senator from Arizona [Mr. ASHURST] said; but the Senator from Arizona said within a half an hour—though I can not quote his exact words—that this case is so reeking with scandal that if Senators knew about it nobody would vote for Judge Parker. There is a statement by the Senator. I understood him to say that.

Mr. SIMMONS. The Senator does not think he said it in those words?

Mr. GILLETT. No; not in those exact words, but that was the purport of his statement.

Mr. NORRIS. Nobody will deny that in this case there has been a tremendous lot of influence which has been attempted on both sides of the proposition. It has gone to the extreme. Many men have said that it is disgraceful that it should go so far. I am not denying that it is, but it is something that I do not see how we can escape. A man in public office must meet somewhat with these things, and the Senate will always be the center of a storm of that kind when something of this sort happens, and it would not do any good to investigate it.

Mr. GILLETT. But should not the Senator from Arizona disclaim the statement which I understood him to make within a half an hour that there was scandal connected with it which, if Senators knew about it, would mean nobody would vote for Judge Parker?

Mr. BORAH. What he said was that every Senator knew there had been a great lobby and great pressure, and if he did not know it he ought to have a guardian. I do not say that there was, but that is what he said.

Mr. NORRIS. My own idea is that there has been a great lobby.

Mr. GILLETT. Of course there has been.

Mr. NORRIS. I do not believe anybody would deny it. We can not have that kind of a lobby without finding men in it who go farther than they have an honorable right to go. I do not think there is any doubt about that. I know there has been very great pressure on some Senators who have told me so; but that is always so, and it will always be so.

Mr. GILLETT. There has been on me.

Mr. NORRIS. There has not been on me. I can stand a lot more pressure than anybody has attempted to put on me. [Laughter.] So I am free from it, and I am glad that I am. Nevertheless, if we investigate from now until doomsday we can not change that condition. In a free country we ought not want to change it. Anyone who wants to come here to presuade his Senator ought to have the right to do it. When we have a great many people doing that we will find here and there one who will go farther than he has any authority to go, who will go farther than he ought to go. He will do things sometimes that are disgraceful. We can find that in connection with almost any confirmation where there is a contest. It seems to me the Senate ought to proceed to consider the confirmation and vote on it, and then investigate if they want to do so.

Mr. GLASS. Mr. President, inasmuch as I seem to have been responsible for the situation which has arisen, I feel some obligation upon me to say that after hearing all that has transpired here I myself am perfectly willing to proceed with the consideration of the case. If there is no other evidence available to sustain the sweeping statement which my very genial and

able friend from Arizona [Mr. ASHURST] made than that which has been presented on the floor of the Senate, I am perfectly willing to retire to the cloakroom to discuss with him whether he is the babe in the woods or whether I am. [Laughter.]

Mr. SIMMONS. Mr. President, I did not hear all of the speech of the Senator from Arizona [Mr. ASHURST], but the Senator from Massachusetts [Mr. GILLETT] has just alluded to something which the Senator from Arizona said to the general effect, as I understood the Senator from Massachusetts, that if the Senate knew what he, the Senator from Arizona, knew about this case no Senator here would be disposed to vote for Judge Parker. I would like to have the Senator from Arizona read to the Senate what he did say about it.

Mr. ASHURST. Does the Senator mean this morning?

Mr. SIMMONS. No; in his speech of yesterday.

Mr. ASHURST. First, as to what I said this morning, the notes of the official reporters are the eligible medium of my statement to the Senate.

Mr. SIMMONS. I am speaking of what the Senator said yesterday. I understood the Senator from Massachusetts was speaking about something the Senator from Arizona said on yesterday when I was not here.

Mr. ASHURST. I read the remarks this morning and, of course, I am willing to read them again.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. SIMMONS. Certainly.

Mr. COUZENS. The Senator from Massachusetts said "within 30 minutes." The Senator from Massachusetts did not refer to what the Senator from Arizona said yesterday, but said that the Senator from Arizona had made these statements within 30 minutes.

Mr. SIMMONS. Possibly I misunderstood the Senator from Massachusetts.

Mr. COUZENS. I wanted to point out that fact.

Mr. ASHURST. The official reporters' notes are the most eligible record. I stand on the reporters' notes.

Mr. SIMMONS. I ask that the reporter read what the Senator from Arizona stated with respect to that matter.

The VICE PRESIDENT. The official reporter will be requested to read his notes.

Mr. BORAH. Mr. President, while we are sending for the reporter's notes let me say that the Senator from Arizona stated over and over again that he knew no facts which in any way implicated Judge Parker. He has also said that he knew nothing which implicated the administration or anyone that had appeared to control it. It seems to me that with these statements uncontroverted by anyone and asserted by the Senator from Arizona we ought to be able to proceed here.

Mr. SIMMONS. I have no disposition to prevent or interfere with proceeding here, but I wanted to know whether the Senator from Arizona had, outside of the charge with reference to the judgeship, made a statement in effect that if the Senate knew what he knew about this matter no Senator here would vote for Judge Parker. I want to know if the Senator from Arizona made that statement.

Mr. ASHURST. I say that the official reporter's notes are the eligible record disclosing what I said. The matter has grown to such serious proportions that I rely on the reporter's notes, and if when they are ready they are not a fair transcript of what I said I will make some comments thereon. But while the notes are being transcribed, let me say that I said—and surely there could have been no misunderstanding as to my remarks—that this nomination from its inception down to this hour is clustered around with an odium rarely paralleled in American annals. I said that and I stand on it.

When before did a high executive officer, such as an Assistant Secretary of the Interior, before the eyes were closed upon one judge who had gone to his long reward, before the funeral obsequies had been had, say "Now the master political stroke"! If that does not surround and cluster the matter with odium, what else does the Senate want?

I said and I now repeat, no matter what construction may be placed upon the nomination—and Senators are entitled to such construction as they see fit to place upon it—I do not charge and did not charge that the President was offering anything of value to induce Senators to vote for the confirmation, and that I was quite certain that no Senator would succumb to any such offer if it were made to him.

Mr. SIMMONS. All I wish to know of the Senator is whether he had made any insinuation that he was in possession of some information which he had not disclosed to the Senate which, if disclosed to the Senate, would discredit Judge Parker.

Mr. ASHURST. I have disclosed to the Senate this morning all the legally admissible evidence I know of, and I am not going to disclose hearsay evidence, immaterial and incompetent evidence, although in a parliamentary forum the Senator knows and I know that there are many evidences, many facts, that lead to a conclusion satisfactory in one's own mind that could not be established when in a court of justice. In a parliamentary forum we do not resort to the rules of evidence.

In the parliamentary forum many things must be taken for granted; in a way we take parliamentary judicial notice of them. I have seen fit to take parliamentary judicial notice of some matters that are not to be supported or proved by legal evidence; but I have disclosed to the Senate all of the legal evidence of which I am possessed.

Mr. SIMMONS. Mr. President, I have no feeling about this matter at all. I had the impression that possibly the Senator from Arizona had intimated that he had some facts with reference to this question which he had not brought to the attention of the Senate, which, if brought to the attention of the Senate, would discredit Judge Parker. I simply wanted to know whether he had made any statement of that kind. I understand the Senator now says he has not, and therefore I entirely dismiss that phase of the subject.

However, I want to say, Mr. President, before I sit down that as to the suggestion that there has been a great lobby here in behalf of Judge Parker's nomination from my State, so far as I am concerned, I know but little about any lobby on the part of people from North Carolina. A great many letters have been written, and I understand that a great many citizens have come to this city for the purpose of advising with the President and with Senators. I have been absent from the Senate, and I did not see many who came; but, so far as lobbying in this case is concerned, we might differentiate lobbying into several different categories. There is the lobbying of an individual character which is carried on about the corridors of the Senate and of the Capitol, in the Senate Office Building, and in the city of Washington, and there is the lobbying which is carried on from the outside by means of communications which we receive—protests, letters of indorsement, threats, and things of that character. I agree with the Senator from Nebraska that there has been a great deal of that kind of lobbying on both sides. Organizations have sent resolutions, many of them of the most threatening character, intended to affect the position of Senators. Many letters of that character have been written. They are as much in the nature of lobbying, probably, as are the activities of people who come here to express their individual views and convictions with regard to the merits or demerits of a candidate.

However, I do not see any necessity of an investigation for the purpose of looking into these matters. They happen not only in this case but they happen in many other cases that have come before the Senate. They happen in connection with nearly all the important legislation that is presented to this body, and they will hereafter continue to happen. Nothing we can do will prevent it. The greater part of it is a just exercise of the rights of the people of the country, and I have no criticism to make of it unless it is accompanied with intimations that are suggestive of something in the nature of bribes or compensation or something in the nature of a threat.

The VICE PRESIDENT. Does the Senator from North Carolina desire to have read the transcript of the reporter's notes for which he called a few moments ago?

Mr. SIMMONS. No; I do not ask for that after having heard the statement of the Senator from Arizona [Mr. ASHURST].

Mr. BRATTON obtained the floor.

Mr. FESS. Mr. President, will the Senator from New Mexico yield to me for just a moment?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Ohio?

Mr. BRATTON. I yield.

Mr. FESS. I have just received a telegram which I think ought to be read to the Senate, and I ask unanimous consent to have it read.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

RICHMOND, VA., *May 6, 1930.*

Hon. SIMEON D. FESS,
United States Senator:

I have just sent Senator ASHURST the following telegram: "The New York Times and the United States Daily of this morning quote you as saying in the Senate yesterday 'You will find that men with Judge Parker's consent are being offered Federal judgeships and other appointments to office if they will vote for this nominee.' This statement is absolutely untrue and I resent it as an attack upon my character. I trust you will take steps to correct it and will give the correction publicity equal to that given the statement."

JOHN J. PARKER.

Mr. OVERMAN. Mr. President, I desire to say that I, myself, have received a telegram similar to the one which the Senator from Ohio has just had read from the desk.

Mr. BRATTON. Mr. President, the motion made by the distinguished Senator from Indiana [Mr. WATSON] is dual in character, the first phase of it being that the Judiciary Committee shall investigate the charges made by the Senator from Arizona [Mr. ASHURST] in the course of his remarks yesterday afternoon, and the second being that further action upon the confirmation of the nomination of Judge Parker be deferred until Monday, in order that such an investigation may be completed in advance. In my opinion, Mr. President, the motion is entirely unnecessary and will serve no useful purpose, because the Senator from Arizona has told the Senate frankly this morning that the only tangible evidence in his possession——

Mr. ASHURST. Legal evidence.

Mr. BRATTON. The only legal evidence in his possession is the conversation had between himself and the Senator from Washington [Mr. DILL] in my presence Saturday, it having taken place in the Senate restaurant at noon. I heard the conversation from start to finish. The Senator from Washington has detailed it with remarkable accuracy. I think he has told the Senate virtually word for word what he said on Saturday, and the Senator from Arizona has given the Senate his interpretation of it. What could an investigation accomplish? Nothing, except to effectuate delay in acting on the confirmation of the nominee in question. I regarded the circumstance related by the Senator from Washington as merely incidental and paid no further attention to it until it was brought to the attention of the Senate yesterday afternoon. An investigation would be fruitless; it would accomplish nothing; it would cause the Senator from Washington to repeat what he has told the Senate to-day, and the Senator from Arizona to repeat what he has already said.

Mr. ALLEN. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Kansas?

Mr. BRATTON. Yes; I yield to the Senator from Kansas.

Mr. ALLEN. I merely wish to ask the Senator if it is his understanding that the Senator from Arizona has in effect withdrawn the request he made yesterday that this matter be taken up by the lobby committee.

Mr. BRATTON. I do not so understand.

Mr. ALLEN. Let me quote from the remarks made by the Senator from Arizona on yesterday:

> And I now say—

This was a statement made by the Senator from Arizona to the Senator from Mississippi [Mr. STEPHENS]—

> And I now say, call the lobby committee together and you will find that Federal judgeships or other appointments to office are being offered for votes for this nominee.

Do I understand that the Senator from Arizona has now disclosed all the evidence he has in support of that statement?

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Arizona?

Mr. BRATTON. I yield.

Mr. ASHURST. I have disclosed to the Senate all the legal evidence that could be brought forward on that particular point.

I ask unanimous consent now—and I do this at the request of the Senator from Mississippi [Mr. STEPHENS]—to make a correction for the permanent RECORD. The RECORD now reads:

> When I said that, I did not know of the letter which has been written by the Assistant Secretary of the Interior, and I now say, call the lobby committee together and you will find that Federal judgeships or other appointments to office are being offered for votes for this nominee.

I ask that the permanent RECORD may be corrected so that it will read:

> And you will find that a Federal judgeship or some other appointment—

Making it in the singular rather than in the plural—

> a Federal judgeship or some other appointment is being offered for votes for this nominee.

Mr. STEPHENS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Mississippi?

Mr. BRATTON. I do.

Mr. STEPHENS. I should like to have the attention of the Senator from Arizona for just a moment. He has just suggested a change in the permanent RECORD that is entirely in line with what he has stated this morning, that he had in mind only one; but it seems to me that his attention should be directed to the sentence immediately following the one he has read wherein he said:

> So far from withdrawing my charge, I assert that many of his supporters are approaching the frontier line of culpability.

Mr. ASHURST. Mr. President, does the Senator want to go into that?

Mr. STEPHENS. I am asking the Senator——

Mr. BRATTON. Mr. President, I decline to yield for that purpose.

The VICE PRESIDENT. The Senator from New Mexico declines to yield further.

Mr. BRATTON. I decline to yield further.

Mr. STEPHENS. Mr. President, does the Senator prefer not to yield?

Mr. BRATTON. Yes; I would prefer that the Senator from Mississippi and the Senator from Arizona settle that matter between themselves in their own time.

Mr. President, I rose simply to say that everything relating to the conversation had in the restaurant last Saturday has been disclosed fully to the Senate. Obviously an investigation, ever so short or ever so long, will develop no additional facts relating to that incident. An effort to postpone a vote on the confirmation of the nominee in order to investigate that incident would be without any justification. The Senator from Kansas must be conscious of that fact.

Mr. WATSON. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Indiana?

Mr. BRATTON. I yield to the Senator.

Mr. WATSON. I do not want to ask a question. I am going to withdraw my motion.

Mr. BRATTON. I yield for that purpose.

Mr. WATSON. Mr. President, everything that possibly could have been accomplished has been accomplished by the making of the motion. It has developed a statement by the Senator from Arizona that he in no wise involved the President of the United States in his charges, or Judge Parker, or anybody in authority. It has also developed the source of the only information the Senator says he had that he could take before a committee to substantiate the charge. Yesterday he said that it involved no United States Senator.

Therefore, all of these disclaimers having been filed, and all of these acknowledgments having been made, and all of these statements having been given to the public, I am entirely satisfied that no good end would be subserved by an investigation. I am delighted that all of these speeches have been made and that all of these statements have been given to the press, because it shows that we are in the clear on the whole proposition. Therefore, I desire to withdraw my motion.

Mr. JONES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. JONES. As I understand, this motion is before the Senate. Can the Senator withdraw it without unanimous consent?

The VICE PRESIDENT. The Senator may withdraw his motion.

Mr. BRATTON. Mr. President, I conclude by saying that the Senator from Washington [Mr. DILL] detailed with perfect accuracy this morning what he stated in the course of his conversation with the Senator from Arizona last Saturday.

Mr. JONES. Mr. President, I desire to ask the Senator from Arizona [Mr. ASHURST] a question.

I find that on yesterday, on page 8359 of the RECORD, he made this statement:

> My challenge stands. Call your lobby committee and put Senators on the witness stand. I assert that around this nomination and around this contest for confirmation there clusters an odium heavier than I have heretofore seen in my 18 years in the Senate; and when the truth gets a hearing history will tell of these events.

Then, after referring to the Senator from North Carolina, and so on, he says:

> But I repeat: Call your lobby committee and ask Senators: "Who has tried to induce you to vote for this nominee and what have you been offered to vote for confirmation?"
>
> I am not a member of the lobby committee. I have been offered nothing, and nobody has tried to influence me; but Senators—

Not "a Senator"—

> but Senators have told me that they have, and I believe them.

I just want to ask the Senator whether the substantial facts upon which those statements are based have been brought out on the floor to-day?

Mr. ASHURST. Mr. President, I am surprised at the accuracy of my own language when I hear it read. The only error—and doubtless it is not the fault of the reporters but my own—the only error I perceive is that that should be in the singular number; instead of "Senators," it should be "a Senator." Otherwise, I am really surprised at the accuracy with which I use language.

Mr. JONES. But I ask the Senator whether or not the substantial facts upon which those statements are based have been brought out on the floor of the Senate to-day.

Mr. ASHURST. All of the facts that could be proved by legal evidence.

Mr. JONES. We are not confined in the Senate to legal evidence. I want to ask the Senator whether or not all of the substantial facts have been brought out.

Mr. ASHURST. All of the substantial facts that any lawyer, I believe, could bring out before a senatorial committee have been brought out.

Mr. JONES. Anything can be brought out before a senatorial committee.

Mr. ASHURST. I have not quite finished.

When I went to college they hazed me the first day I went, but the hazers remembered the hazing longer than I did. I have been hazed a little this morning, and I probably brought it on myself.

Mr. JONES. I am not trying to haze the Senator.

Mr. ASHURST. I was not quite as accurate as I might have been, and for that I am willing to endure the punishment that is due to me; but I do not retreat one inch, sir—not at all—from the statement that enormous pressure, sinister and proper pressure, has been brought upon Senators to induce them to vote for this nominee. Make the most of that.

When I said "Call Senators" I had in mind what we did in the early days of the Wilson administration. Beginning alphabetically, from Ashurst to Zimmerman, we put them on the witness stand and said, "Who has approached you to lobby with you on the tariff?" and, under the leadership of my good friend from North Carolina [Mr. OVERMAN] and former Senator Reed, great disclosures were made.

I am not going to be led into any entrapment. If you want to put Senators on the witness stand, the leader, the alphabetical leader—the only sort of leadership to which he pretends—the alphabetical leader of the Senate will be called first, Senator ALLEN, and I will be next. If you want to resort to that procedure, all right; but I have disclosed to the Senate all the legal evidence which I possess.

Now as to my good friend from Washington [Mr. DILL], I do not blame him for trying to avoid, if possible, in an honorable way, the full force and effect of his own statement. I do not blame him. I do not conceive it to be a light matter, however; and I do not think I am any more sensitive on this subject than any other. When a Senator tells me that something has been offered to him in the way of an appointment to vote for a nominee, I am going to consider that, and I have a right to do so.

In conclusion, the Senator from Mississippi [Mr. STEPHENS] indicates that he is not quite satisfied with another sentence in these remarks of mine, and he asks me if I am able to correct them or explain them. Will the Senator please give me the page?

Mr. STEPHENS. Page 8343; it is marked.

Mr. ASHURST. I thank the Senator.

On page 8343, near the center of the page, in the right-hand column, it reads as follows:

So far from apologizing for calling the nominee a weakling, I repeat it, and say that new and additional evidence has been supplied convincing me that his nomination is an injustice to the American people.

I said in my remarks the other day that that measure of due caution which should cause the President to send to the Senate the names of high-class men was not employed upon this occasion. When I said that, I did not know of the letter which has been written by the Assistant Secretary of the Interior, and I now say, call the lobby committee together and you will find that Federal judgeships or other appointments to office are being offered for votes for this nominee.

Did I tell the truth? The Senator from Washington has verified what I stated. Now—

So far from withdrawing my charge, I assert that many of his supporters—

I did not mean Senators—

So far from withdrawing my charge, I assert that many of his supporters are approaching the frontier line of culpability.

Do you want me to tell about that? Culpability, I mean, with reference to violating our rule as to lobbying. Do you want me to give the names of the lobbyists? I can not give them all, but I think the chairman of the Senate committee on lobbying can give you a few—the names of some ex-governors who have, in season and out of season, blocked the passageways of the Senate and the Senate Office Building in lobbying with Senators in behalf of this confirmation.

That is what I mean when I said that some of his supporters had approached the frontier line of culpability. I did not mean to indicate that any supporter had offered anything of value to any Senator.

Now, I hope the Senator is satisfied.

Mr. STEPHENS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Mississippi?

Mr. JONES. I yield to the Senator.

Mr. STEPHENS. My reason for calling attention to the language was simply that it was used in connection with the preceding sentence, in which it was stated that Federal judgeships or other appointments had been offered, and so forth; and I desired to inquire of the Senator whether he intended, by the sentence that I read and which he has just read, to indicate or suggest that any supporter of Judge Parker had approached the frontier line of culpability in the way of offering offices of any kind or character.

Mr. ASHURST. No, no!

Mr. STEPHENS. That is what I wanted cleared up.

Mr. ASHURST. Now, Mr. President, have I responded fully to the interrogatory of my able friend from Washington?

Mr. JONES. When the Senator is through I should like to make a brief statement.

I want to say to my good friend that I had no idea of hazing him at all. I simply wanted the matter made clear. I gathered from other statements he had made, that he had stated on the floor of the Senate to-day substantially all the facts upon which these statements were based. Those were pretty strong statements that I read; and I thought I would ask the Senator, in all fairness, if he had stated substantially to-day the facts upon which those statements were based—not with the intention of hazing the Senator in any way, shape, or form.

Mr. ALLEN obtained the floor.

Mr. FESS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. ALLEN. I yield.

Mr. FESS. I ask unanimous consent that at the conclusion of the business of the Senate to-day it take a recess until 12 o'clock to-morrow, and vote on the Parker nomination at 12.30 without further debate after the close of to-day.

The VICE PRESIDENT. Is there objection?

Mr. WALSH of Massachusetts. Mr. President, will the Senator repeat his request, please?

Mr. FESS. The request was that at the conclusion of the business of the Senate to-day, we take a recess until 12 o'clock to-morrow, and that at 12.30 the vote be taken upon this nomination, closing the debate with our adjournment to-day.

Mr. WALSH of Massachusetts. I have no objection.

Mr. ROBINSON of Arkansas. Mr. President, reserving the right to object, may I ask the Senator what is the object in allowing 30 minutes of debate to-morrow? Why does not the Senator propose that a vote be taken immediately upon convening to-morrow?

Mr. FESS. There will not be any debate to-morrow. The debate is to close to-night, according to my request. I am making the hour 12.30 so as to give an opportunity to call the roll and transact other routine business.

Mr. ROBINSON of Arkansas. Why does not the Senator propose that immediately upon the convening of the Senate to-morrow, without further debate, the Senate proceed to vote? I do not know that I have any objection to any arrangement the Senator wishes to make about the matter.

Mr. FESS. I am following the suggestion of the Senator from Idaho.

Mr. SIMMONS. Mr. President, I do not like the suggestion of the Senator from Arkansas. I think the Senator ought to make his proposal that we vote at 1 o'clock, say, to-morrow. It may be that at the last minute some Senator will want to have something to say, and some time ought to be allowed in the morning for an emergency of that kind.

Mr. ROBINSON of Arkansas. May I interrupt the Senator? I am perfectly ready to vote upon the reconvening of the Senate to-morrow, or I am ready to vote at any hour to-morrow; but I merely wished to understand why a period of 30 minutes was allowed. It seemed to me that that should be explained. I have no objection to fixing the hour at any time that suits the convenience of Senators.

Mr. SIMMONS. I suggest that we fix it at 1 o'clock.

Mr. WATSON. Mr. President, will the Senator yield? I spoke to the Senator from Nebraska [Mr. NORRIS] about the matter down at the lunch table, and he said he was entirely willing that the vote should be taken at 1 o'clock to-morrow.

Mr. FESS. Make it 1 o'clock.

Mr. ROBINSON of Arkansas. Yes; make it 1 o'clock.

Mr. WATSON. There are two or three Senators who say they desire to leave shortly after that.

Mr. ROBINSON of Arkansas. Not later than 1 o'clock—is that the idea?

Mr. NORRIS. Mr. President, perhaps it would be well to have an understanding of this kind; I am not asking that this be done, but I suppose the Presiding Officer would carry it out, anyway, and I have no doubt but that he would do that as far as he could without its being put in the agreement. For instance, if we vote to-morrow, it ought to be understood that at least commencing at 12 o'clock to-morrow no Senator shall speak longer than five minutes, or something of that kind, and that the time shall be equally divided between those in favor of confirmation and those opposed to it.

Mr. FESS. I would accept that.

Mr. SIMMONS. Mr. President, I am not willing to agree to a 5-minute limitation to-morrow. I may want to make some observations myself to-morrow, but I should not want to be limited to five minutes.

Mr. NORRIS. The Senator would not think it would be quite fair for him to take up all the time to-morrow?

Mr. SIMMONS. I do not want to take up all the time.

Mr. NORRIS. I will not insist on the 5-minute limitation. I am willing to trust to the honor of Senators and say nothing about it, and trust to the Chair to do as well as he can.

Mr. FESS. Would the Senator from North Carolina indicate what time he would like to have?

Mr. SIMMONS. Not more than 15 or 20 minutes at the most.

Mr. WATSON. I ask unanimous consent that the vote be taken at 1.30 o'clock.

Mr. SIMMONS. I do not know whether I shall want to make any speech, but I think it very likely I will.

The VICE PRESIDENT. The Senator from Ohio asks unanimous consent that at the conclusion of business to-day the Senate take a recess, as in executive session, until 12 o'clock to-morrow, and that at not later than 1 o'clock a vote be had, and that no Senator be permitted to speak more than once or longer——

Mr. ROBINSON of Arkansas. Mr. President, I did not understand that there was any request for a limitation.

Mr. BLACK. Mr. President——

Mr. FESS. I did not put in the words "not later than." I said "at 1 o'clock."

Mr. BLACK. Why should it not be at not later than 1? Suppose those who want to speak finish this afternoon; why wait until to-morrow to vote? Why not get through with it?

Mr. FESS. There is objection to making it "not later than."

Mr. BLACK. I will object if it simply fixes the time when we are to vote to-morrow. I see no reason why we should not vote this afternoon if those who want to speak conclude.

Mr. FESS. The Senator from Idaho and the Senator from Nebraska requested——

Mr. NORRIS. I will not consent to a vote to-day.

Mr. FESS. That is what I understood.

Mr. BLACK. If there is objection to a vote to-day, I wanted to know it.

Mr. FESS. I am ready for a vote to-day, but some Senators do not want it.

Mr. BLACK. If the vote is to be taken at 1.30 to-morrow——

Mr. FESS. I amend the suggestion, then, and make it 1.30.

Mr. BLACK. I think the time ought to be divided, and let each Senator who wants to speak have 10 minutes. I do not think it would be right to let one Senator take the entire time.

Mr. FESS. And the time to be equally divided between the two sides.

The VICE PRESIDENT. Is there objection?

Mr. SIMMONS. What is the suggestion?

Mr. FESS. That when the business of the day is concluded the Senate take a recess, in executive session, until 12 o'clock to-morrow, and that at 1.30 o'clock a vote be taken upon the Parker nomination, the debate to be equally divided between the two sides.

Mr. NORRIS. The debate to-morrow.

Mr. FESS. The debate to-morrow.

Mr. BLACK. I understood no Senator was to be allowed to speak more than 10 minutes.

Mr. FESS. No; I did not put that in.

Mr. BLACK. I object unless that is put in.

Mr. FESS. And that no Senator be permitted to speak longer than 10 minutes.

Mr. JONES. Mr. President, I do not think, under the circumstances, in view of the suggestion of the Senator from North Carolina, a limitation to 10 minutes should be included.

Mr. NORRIS. Mr. President, will it help matters any if we put in the unanimous-consent agreement that the Senator from North Carolina to-morrow, if he so desires, be allowed 15 minutes? Would that suit the Senator from North Carolina?

Mr. SIMMONS. Just leave it out altogether.

Mr. NORRIS. I am willing to do that, but there is objection to leaving it out. The Senator from Alabama objects unless we limit the time.

The VICE PRESIDENT. Is there objection?

Mr. BLACK. How does it read now?

The VICE PRESIDENT. The Senator from Ohio will state his unanimous-consent agreement again.

Mr. FESS. That at the conclusion of the business of the session this afternoon the Senate take a recess, as in executive session, until 12 o'clock to-morrow, and that at 1.30 a vote be taken on the nomination of Judge Parker, the time of debate to be equally divided to-morrow. The Senator from Alabama wanted a limitation of debate, and I will amend the suggestion so as to provide that no Senator shall be permitted to speak longer than 10 minutes.

Mr. NORRIS. Make it 15 minutes.

Mr. WATSON. That is the part to which the Senator from North Carolina objects, and I hope the Senator will amend the request by making it 15 minutes instead of 10 minutes.

Mr. FESS. Let it be 15 minutes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The agreement was reduced to writing, as follows:

Ordered, by unanimous consent, That when the Senate concludes its business to-day it take a recess in executive session until 12 o'clock m. to-morrow (May 7, 1930); that at 1.30 o'clock p. m. to-morrow the Senate proceed to vote upon the question of the confirmation of John J. Parker to be an Associate Justice of the Supreme Court of the United States; that the time between the convening of the Senate and the hour of 1.30 o'clock be equally divided between the proponents and opponents, and that no Senator shall speak more than once or longer than 15 minutes upon the question of confirmation.

Mr. ALLEN. Mr. President, I wish there might be completely revealed to the country the little foundation that existed for the sensational statements of Senator ASHURST that were in the papers this morning, and which we have spent the morning discussing, which now, by the admission of the Senator, are rendered void. We have been debating this nomination for 10 days. We have discussed one issue with our minds rather generally fixed on the other, because there are two issues in this case. One is the racial issue and the other is that involved in the Red Jacket case, embracing the "yellow-dog" contract.

The real question is as to whether we in the Senate shall decide memberships upon the Supreme Court or let outside minorities decide them for us, whether we shall continue to function under our oaths or to obey class-minded influences in the make-up of the United States Supreme Court.

The Senator from Nebraska, with admirable frankness, has revealed his meaning in this controversy. He is for a class-minded court. In response to a question from me, he stated that he desired judges—this was the meaning of his answer—whose minds would go along with his mind; in other words, he said he wanted "a modern court." He clarified this by admitting that he wanted men who thought as he did.

I can not accept as being historically accurate the conditions in which these peaceful persuasions of the West Virginia mining field were carried on as presented by the Senator from Idaho. I have a very distinct recollection of that strike. We had just gone through a general coal strike. Kansas, West Virginia, and one or two of the Southern States were the only States which had been able to meet the emergency by mining coal, Kansas through strip mining on the part of volunteers; West Virginia because for a dozen years she had what she yet has, open-shop mining.

At that time President Lewis, of the United Mine Workers' Union, had conceived the intention of increasing, even beyond the war levels, the cost of coal and the wages of miners, and had called a general strike. President Lewis spoke sadly of the necessity of bringing to bear upon the situation "economic pressure."

Mr. President, economic pressure is this sort of an arrangement: At the top, capital; at the bottom, labor; or probably at the top, labor, and at the bottom, capital; but on one side less than 1 per cent of the population, on the other side less than 4 per cent of the population, and in between the submerged 95 per cent of the people, and as the top and the bottom come together to squeeze us for a larger cost of coal, they call that "economic pressure."

The strike had not been as successful as President Lewis had desired it to be, and so immediately there arose the desirability,

in his judgment, of unionizing the West Virginia mines, which are still open mines, where mining labor is better cared for, and where the wages are just as good as in the union territory. But it was natural, of course, that, the West Virginia mines having contributed more to the failure of the strike than any other influence, the president of the United Mine Workers' Union should have desired to unionize the West Virginia fields. So his peaceful persuaders crossed the Ohio River and appeared in West Virginia, bringing with them their instrumentalities of peace.

I was familiar with the situation, because I had learned that I could get up every morning and read the list of the casualties which came out of that peaceful persuading. I came to know that every morning there would be the names of those to whom the peace of death had brought testimony of the effectiveness of the peaceful persuasion.

I hold in my hand here statements of more than 25 killings, mounting up to more than 40 people, these statements taken from the news reports of that day, because the harbingers of peace in that peaceful persuading were high-powered rifles and dynamite, and another contraption of death and terror which appeared afterwards at Herrin, Ill., and later in Chicago, known finally in newspaper phraseology as the "pineapple." All these blossomed first in the peaceful persuadings of the West Virginia district. The messengers of peace inaugurated the strike out of which the Red Jacket case came by the massacre of seven men.

Mr. President, there has been such a thorough discussion of the merits of the decision of Judge Parker that I will not go into it. I am willing to take the judgment of great lawyers who have preached the philosophy that Judge Parker had no other course to take in deciding the "yellow-dog" contracts, and I have, in addition to all this, the decision of the Supreme Court upon the subject, because at the conclusion of the trial of these cases, after Judge Parker's decision and the decision of his associates had been announced, there was a petition from the miners' union in the Red Jacket Mining Co. and the 12 companies associated with them in the case for a writ of certiorari from the Supreme Court; that appeal was received by the Supreme Court on October 3, 1927.

I have the attested certificate of the petition from the clerk of the United States Supreme Court. I have certified copies of the decision of the Supreme Court 14 days later, denying these writs of certiorari.

I went over and looked at the evidence as it was stacked in the office of the clerk of the United States Supreme Court. Every line of evidence upon which Judge Parker and his associates decided this case is there in two volumes, each volume 5 or 6 inches thick, as well as a brief written by the miners' counsel. The Supreme Court of the United States unanimously, including Judge Brandeis and these other justices to whom attention has been called to-day because of their reputed liberality, joined in the refusal to grant a review of the case decided by Judge Parker and his associates. So I say that if there was fault in Judge Parker's following the law and the reasoning, there was ample opportunity for the Supreme Court of the United States to correct that fault when they received these petitions.

I am opposed, Mr. President, to the "yellow-dog" contract. I am opposed to every act of tyranny which capital places upon labor, to every act of tyranny which labor places upon capital, and to every act of tyranny which capital or labor may place upon the public.

In the argument of one of the Senators here it was said that we might search the record of Judge Parker from beginning to end without finding a single instance or a single sentence which indicated on his part a human or kindly relationship to labor. I did that searching. I found the case of Manly against Hood, decided only last January 14, and reported in Thirty-seventh Federal (2d), 212. Hood, on behalf of himself and other laborers, filed claims against Manly, who was receiver for the Reliable Furniture Manufacturing Co. This corporation went into the hands of a receiver February 6, 1928, and on the 19th of May proceedings in bankruptcy were started. The law provides that wages due for the three months prior to bankruptcy shall have priority over other debts, but in this case the receiver contended that the period from February to May would be counted in the three months, and therefore defeat the rights of the laborers. In writing the opinion Judge Parker said:

> There can be no question that it was the purpose and intent of Congress by the provision in question to protect wages of laborers due them by insolvents whose assets had been taken over by the courts under the act. The laborer is generally dependent upon his wages for livelihood and the support of his family, and he has little means of judging of the solvency of his employer. Every consideration of morality, as well as of public policy, demands, therefore, that his wages be preserved to him and be given priority over ordinary commercial claims.
>
> * * * * * * *
>
> If the interpretation for which the trustee contends is to prevail, the laborer in cases such as this is caught between the upper and nether millstones of the State and Federal laws. Although given priority by the State, he can not enforce it, because the State insolvency proceedings were followed by bankruptcy. Although given priority by bankruptcy law, he can not enforce it, because the bankruptcy followed insolvency proceedings. And thus, although the favorite of both the State and Federal laws and given priority by both, he is to be denied priority under either simply because the courts of both jurisdictions have had a hand in the administrations of the insolvent estate. We need not multiply words to prove that Congress intended no such absurdity.

Judge Parker was joined by one of his associates upon the bench in that opinion which he wrote, while the other associate dissented.

Judge Parker is not new before this body. He was confirmed here in December, 1925, for his present position upon a court, which, next to the Supreme Court, is the greatest judicial body in the United States. I can not relate just what the circumstances were surrounding his confirmation unless I may be given unanimous consent to quote from the Executive Journal of that date, and accordingly I ask for that consent.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. ALLEN. The record shows that the name of Judge Parker, having received a favorable report from the Committee on the Judiciary, several of the present members of that commitee being then upon the committee, was presented to the Senate; and that on December 5, 1925, Judge Parker was confirmed by unanimous vote of the Senate.

That, Mr. President, was before we made a political field day of judicial confirmations. At that particular time no one was baiting the President; no one was seeking to make politics out of appointments. At that time President Coolidge was believed to possess the ability and the capacity and the proper motives when choosing Supreme Court justices.

There was not any reason why at that time the racial question, which underrides the present controversy and is of deeper concern than any other issue in it, should not have been brought out. It was only five years after Judge Parker's now famous speech in the Republican campaign in North Carolina, and yet no reference was made to it. I would not be in favor of the confirmation of Judge Parker if I thought he believed in "grandfather" clauses. That was not an issue in North Carolina. The "grandfather" clause had been declared five years before to be unconstitutional in the case of the Oklahoma amendment. But in 1908, 12 years previously, the provisions of the North Carolina constitution had reached the point at which the qualifications of a voter as to poll tax and as to education applied alike to the white man and to the black man. What Judge Parker was discussing at the moment was a political effort to introduce the racial issue into the campaign which he was then making. I hold in my hand a copy of the front page of the Greensboro Daily News dealing with that situation. Amongst other things, Judge Parker said:

> The Republican Party in North Carolina has accepted the amendment in the spirit in which it was passed.

What was the amendment? The amendment provided that before any man, white or black, might be registered to vote he must comply with exactly the same qualifications. Then, having discussed the efforts being made to introduce the race issue into the campaign, he said:

> The negro as a class does not desire to enter politics.

He did not mean the negro as an individual voter. He meant the negro en masse did not desire to be introduced into politics by politicians. Then he said later:

> I say it deliberately, there is no more dangerous or contemptible enemy of the State than the man who for personal or political advantage will attempt to kindle the flame of racial prejudice or racial hatred.

Mr. President, I am from the State of John Brown. My father was a Pennsylvania soldier and fought at Spotsylvania and in the Wilderness and at Gettysburg and wherever the Army of the Potomac met the brave soldiers of General Lee; and yet I stand here to reaffirm what Parker said: I think there is no more contemptible man in the world than the man who will introduce racial issues into political causes.

I have always realized that no greater problem was ever delivered into the moral stewardship of any people than that

problem created by the necessity of the Southern States to take over at the close of the Civil War and assimilate into citizenship the great mass of those who had been set free from slavery. Without reverting to any bitterness of the period, we did not help them with their problem at that particular moment. I have been glad to see every evidence from that time to this of the constant growth in the appreciation of the colored man, touching his rights as a citizen. So I am comforted to-day to have in my possession from leading black men of the South their affirmations touching Judge Parker, the expression of their faith in him, the expression of their patient understanding of the problem which has seemed to make it necessary for the South to wait upon better education for the fuller recognition in Southern States of the rights of the black man.

When I look at this particular problem I realize that all we need to do is to appeal from Parker the candidate for governor in North Carolina to Parker the judge. Only four months ago he was under the necessity of deciding a case which involved not only the fourteenth but the principle of the fifteenth amendment. He had been called upon to decide a case under the segregation law of Virginia, where a colored man had bought a house in an unsegregated district, and had attempted to move into the house. The city of Richmond, under a segregation ordinance, had dispossessed him. The case had been prophesied for some time. Oswald Garrison Villard, who is now in support of the movement to deny confirmation to Judge Parker because of his statement in North Carolina, said in a letter in his magazine:

> That Judge Parker should be defeated admits of no question. There are constantly coming before the Supreme Court of the United States questions vitally affecting the liberty and the pursuit of happiness of our colored Americans. The city of Richmond, for instance, recently enacted an ordinance segregating the negroes residentially despite the fact that the Supreme Court of the United States has repeatedly held such ordinances unconstitutional and invalid. * * * Such cases will ere long come before Judge Parker if he is confirmed.

That was the gloomy prophecy of Villard. Well, a case—Richmond against Deans—did come before Judge Parker four months ago on the 30th of January, and Judge Parker held that the Richmond ordinance was a violation of the fourteenth amendment.

Mr. President, there is another evidence in the record of Judge Parker's normal friendship for all races and all peoples and particularly for the colored race. The Deans case is not the only evidence we have. The American Eagle Fire Insurance Co. six months ago had a case before Judge Parker and his associate judges. A colored church had burned. The contract of insurance provided that that church should not be insured for a larger sum than that agreed upon, without the consent of the insurance company; but the pastor of the church, not realizing the purport of the contract, had taken added insurance without consulting his congregation. The church burned and the insurance company set up the fact that the pastor of the church, by his action in increasing the insurance without the company's consent, had annulled the contract. Judge Parker, deciding the case, held that the congregation which owned the church could not be held responsible for the unauthorized action of the pastor.

The colored people, Mr. President, have come to realize that much of the furor against Judge Parker is unjust and undeserved. I have here quotations from the St. Luke's Herald, a colored paper of Richmond, Va., discussing Judge Parker's confirmation. The St. Luke's Herald said:

> We hope that the association for the advancement of our race, in its zeal to uncover harmful propaganda, will not lose sight of the present advantages which have accrued to our racial group through this same Judge Parker.

The Baltimore (Md.) Commonwealth, one of the great publications of the colored race, in discussing the question which we are debating to-day, says:

> It is to be remembered that one of the fairest and most impartial judges who ever sat on the Supreme Bench was a southerner who was selected while holding a political office, an ex-Confederate soldier and trained in politics in the hotbed of prejudice against our race in Louisiana.
>
> As a politician, Senator White, of Louisiana, stood for white supremacy * * *.
>
> As a judge he was just, impartial, and fearless, loyal to his Government and true to his oath of office to uphold and defend its Constitution and laws.

That is testimony by the colored race to the former Chief Justice from Louisiana. Here is a quotation from the Topeka Plain Dealer, the oldest colored newspaper of the Middle West, a leading publication. Nick Chiles, its editor, for 30 years fought the battles of his race in Kansas and the adjacent territory. He having passed on, his daughter is now editor of the paper. She says this in an editorial which I received on yesterday:

> While we do not uphold Judge Parker in ignoring the National Association for the Advancement of the Colored People, the mouthpiece of the Negro race, or his public statement during the campaign, we feel that his decision in the Deans case is worthy of serious thought. This was an unusual decision for a southern judge to make in a southern district. I have lived in Virginia, and I know that type of segregation. This act would have been noticeable in a northern community under a northern judge. Have we forgotten the famous Detroit segregation case? In the heart of the North the negroes almost lost their rights for nonsegregated residence. When we think of the segregated districts in all our cities, the black belt of Chicago, the difficulty that negroes have in purchasing property in white neighborhoods, the insults they receive in such districts, we can better appreciate Judge Parker's decision.
>
> Parker is at least not a pharisee. If he was big enough to defend the black man's rights in old Virginia, he is bigger than a great many northerners in John Brown's country.

Here is a telegram, Mr. President, from Mr. W. S. Scales, president of the Colored Business League of Winston-Salem, N. C.:

WINSTON-SALEM, N. C., *April 28, 1930.*

Senator ALLEN,

Washington, D. C.:

We are sending this telegram to inform you the reports that were circulated by Mr. White through the press of the country that the colored citizens of this city were being threatened and forced to sign a petition in behalf of the Hon. Judge Parker, I wish to state that there is not a word of truth in the false report and that said report is misleading and unfair to our city. The relationship here between the two races are the best to be found in the United States. I take great pleasure in indorsing the Hon. Judge Parker, and trust you will stand by him.

W. S. SCALES,

President Colored Business League, Winston-Salem, N. C.

Mr. President, what are we going to do if we raise against the confirmation of Judge Parker the race barrier? The application of the principle that is advanced by certain colored leaders in opposition to Judge Parker's confirmation will deprive the South through all future time of the opportunity of having a representative sit upon the Supreme Court Bench of the United States. If such a theory had been in vogue in past years, there never would have been upon the Supreme Court Bench a Harlan from Kentucky, or a Lamar from Mississippi, or a Jackson from Tennessee, or an Edward D. White from Louisiana, or a Horace Lurton from Tennessee, or a Lamar from Georgia, or a McReynolds from Tennessee, or a Sanford from Tennessee, because it stands to reason that any man who has lived in the Southern States and who has taken any part in the politics of those States has at some time placed himself under the interdiction that any man who introduces racial prejudice into politics is contemptible.

Mr. FESS. Mr. President, will the Senator yield at that point?

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. ALLEN. I yield.

Mr. FESS. There have been made some assertions which would indicate that there is some kind of political phase to this appointment. The Senator has named, I think, eight distinguished men from the Southland, all but two of them Democrats, most of whom were appointed by Republican Presidents.

Mr. ALLEN. Exactly so; and in urging the appointment of Judge Parker there is a list which includes every United States district judge in the fourth circuit, now being served by Judge Parker, and in that list of judges there are the names of men who were appointed by Roosevelt, one man who was appointed by Taft, two men who were appointed by Wilson, one who was appointed by Harding, one who was appointed by Coolidge, and one who was appointed by Hoover. They have all come forward, saying that there is not a blurred line in the judicial record of this man.

There are, in addition, the indorsements of seven former presidents of the American Bar Association, including the present president of the American Bar Association.

Mr. FESS. And that gentleman is from Alabama.

Mr. ALLEN. Yes; he is from Alabama.

I do not know, Mr. President, where you would go to find a richer tribute to the capacity of a man than exists in the recommendations which have been provided indorsing Judge Parker.

Mr. FESS. Mr. President, will the Senator yield there?

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. ALLEN. Yes.

Mr. FESS. We have heard read a resolution offered by the Senator from Massachusetts [Mr. WALSH] providing that if a Federal State judge be nominated to a position on the Supreme Court Bench he shall resign his inferior judgeship. Has the Senator any idea, if such a law had been enacted, how many judges of the Supreme Court who have been appointed in the past would have had to have resigned?

Mr. ALLEN. If I were to hazard a guess, I should say that 75 per cent of them.

Mr. FESS. That is far below the real number; the percentage would be even greater than 75.

Mr. ALLEN. I dare say that 75 per cent is below the actual number, because there is nothing more natural in the world, Mr. President, than that a President, earnestly seeking a man to serve on the Supreme Court Bench, should look at the records of the judges of the district courts and the circuit courts. In this particular instance I contend that it was perfectly natural that the President should have wanted a judge from the fourth circuit, it having been 70 years since that circuit has been recognized upon the Supreme Court Bench. So the President went thoroughly into the attributes of this candidate; and all of the indorsements without exception justified the appointment.

I am sorry, of course, for the voice that comes from the wards and the voting precincts from two minorities touching this matter; I am sorry, of course, to disappoint any of my political friends of any class or race; but, Mr. President, I can afford to be defeated for the United States Senate, while I can not afford to be afraid. I am getting along in years, Mr. President; I can not afford to endanger an aging heart by running foot races with my fears; and I am going to vote for Judge Parker's confirmation because I believe it is my conscientious duty thus to do.

Ah, what kind of a Supreme Court shall we have presently if we are going to select judges to sit upon that bench according to the class they represent or the label they wear or the preconceived notions we possess touching the doctrines we should like to have them believe?

What are we going to do in this body presently when a nomination for the Supreme Court comes in and we are told, "The future of the eighteenth amendment depends upon the interpretation of the Supreme Court, and this man is not wet enough or that man is not dry enough"?

I think we have all been touched by the history of Judge Parker which was given by his friend, the Senator from West Virginia [Mr. HATFIELD]. What a typical history it is of the best type of manhood which our free institutions develop! A young man, without any backing, going to the university of the State of his nativity, ambitious to pay his way through college by his own efforts, and, by that consecrated devotion which youth can inspire, making a success by the use of his own energy, his own courage, and his own industry, graduating an honor student, taking the honor medal, the Phi Beta Kappa pin. We are told that this man has no human sympathy for labor. Was the background in which he labored in order that he might make his way through college calculated to develop in his breast a lack of sympathy for labor? Mr. President, that is the type of training out of which there comes the fullest realization on the part of the citizen of his duties to every element in life.

I have thought it was peculiarly wise that the early fathers should have so fashioned the Supreme Court that popular emotions should not at any time beat upon its members. This view may not be as modern as the Senator from Nebraska would ask for, but the Supreme Court thus constituted has safeguarded us for more than six generations; God grant that it may safeguard us in the years to come.

I notice that whenever anybody tries to show how newspapers stand upon a subject, there is generally a question as to whether it makes any difference to us; and yet I do notice that every time a controversy arises here of general interest, we fill the CONGRESSIONAL RECORD with what the editors have said.

For two weeks I have been making a survey of the press of America. I have here a digest of the newspapers the country over; and this morning the circulation of those papers that have indorsed Judge Parker amounts to 13,000,000 subscribers, while the circulation of those in the same survey that have opposed his confirmation amounts to less than 2,000,000.

It may be of no moment to you; but there sit these men, in their editorial sanctums, subject to normal reactions. Moreover, that they are peculiarly human and definitely trained to study public reactions. They understand us rather well, as is developed by their constant observations. So I do submit this aggregate of editorial expressions to be of some importance touching the reaction that has come from this debate.

Mr. FESS. Mr. President, will the Senator yield before he concludes his remarks?

The PRESIDING OFFICER (Mr. MCCULLOCH in the chair). Does the Senator from Kansas yield to the Senator from Ohio?

Mr. ALLEN. I yield.

Mr. FESS. Has the Senator ever examined the directorate of the association that has been so much opposed to the confirmation of Judge Parker on the ground of his attitude toward the colored race?

Mr. ALLEN. I have given it only casual notice. I should not be able to express myself upon the character of its directors.

Mr. FESS. My first contact with that organization was on the Marcus Garvey deportation case. It was quite bitter, not unlike the present opposition. Knowing that the opposition was bitter, and originated in New York, I tried to ascertain just what part of the colored people they represented. I find a very pronounced division stating that the real American patriots would prefer to follow such men as Booker T. Washington rather than Doctor DuBois.

Doctor DuBois, as the Senator knows, is a very brilliant man, a great editor; but he has written some very radical utterances recognizing class consciousness and race consciousness, as the Senator knows.

Mr. ALLEN. I think I will discuss frankly my reactions touching the Senator's question.

Mr. FESS. Will the Senator permit me to name a few more?

Mr. ALLEN. Certainly.

Mr. FESS. I made some investigation, and I have here a letter from a lady whose husband is an Ohio man. The lady herself is from Alabama, and she has a brother in this city who is one of the most distinguished lawyers to-day in the city. She is a very intelligent woman and she has given me in a letter her views, stating that there are a great many fine people with the best intentions who are on the directorate, and some who would do honor to any group of people. In fact, one of my very warmest friends is on the directorate, because his ambition is to help anything that tends to advance the cause.

I find, however, that Doctor DuBois, editor of the Crisis, the official organ of the national association, and a member of the executive committee, is a self-confessed Bolshevist. He calls himself so, and I have here the exhibit that I could show to the Senator if he desired.

William Pickens is the field secretary and a member of the executive committee. He has visited communist Russia, is a communist and a defender of communism, as well as an ardent advocate of social equality. I have attached here Exhibit 2 to demonstrate that.

Mary White Ovington, chairman of the board of directors, is also a socialist, promoting the revolutionary spirit among negroes. Evidence is attached.

Rev. John Haynes Holmes (white), vice president and member of the board of directors, is an extreme radical preacher who made the statement that "We don't need the Bible"; that the "religion of the future" will have "nothing to do with Christ," and that no religious man can conscientiously be a soldier. I have the evidence of that statement here.

Oswald Garrison Villard the Senator has just mentioned.

Then there is the distinguished, well-known Chicago attorney, Clarence Darrow, who took such a prominent position, as the Senator knows, in the strike in Cleveland's time.

Then there is Prof. Felix Frankfurter, member of the national legal committee, well-known defender of revolutionary radicals, denounced by the late President Roosevelt as "engaged in excusing men precisely like the Bolsheviki in Russia, who are murderers and encouragers of murder"—that is the language of Colonel Roosevelt—and others along that line.

I do not mean, of course, that everybody identified with the organization believes as these men do. We know better than that. In fact, I know Senators who were invited to go on this directorate, who did not go on, but it appealed to them. What I wanted to suggest to the Senator is that the propaganda against Judge Parker from this particular organization is not in accordance with the views of the best colored people of my section, representative of the colored people. On the other hand, it is the radical element that wants to use the colored vote or influence for certain purposes; and if the Senator will permit me, and the Senate will permit it, I should like to insert in the RECORD the letter of this distinguished lady.

Mr. ALLEN. I shall be very glad to have it done.

Mr. FESS. I ask unanimous consent to insert the letter in the RECORD.

The PRESIDING OFFICER (Mr. DALE in the chair). The Senator from Ohio asks unanimous consent to insert a communication in the RECORD. Is there objection? The Chair hears none.

The letter is as follows:

(Data regarding Mrs. Lewis C. Lucas: Husband is from Marietta, Ohio, old Ohio family; father was William Russell Smith, of Alabama—member of Alabama Legislature when State seceded, member of Confederate Congress, Member of United States Congress)

WASHINGTON, D. C., *May 2, 1930.*

Senator SIMEON D. FESS,
United States Senate, Washington, D. C.

DEAR SIR: As a southern woman, an Alabaman, a friend of the negro, acquainted with the colored race through generations of association and contact with them, and also as an American citizen interested in preserving the independence and integrity of the Supreme Court, free from all class, race, or political bias, I deem it a duty to submit to you documentary evidence of the following facts:

1. The opposition to Judge Parker's confirmation outside of the United States Senate comes from organizations and publications which, since 1922, have openly attacked the decisions and sought to abolish the power of the Supreme Court itself.

2. The interlocked lobby groups fighting confirmation of Judge Parker (with the exception of the American Federation of Labor, which has failed to show Judge Parker's decision in the Red Jacket case contrary to the decision of the Supreme Court in the Hitchman case, or even contrary to the dissenting opinion of Justice Brandeis and Justice Holmes in the Hitchman case on the validity of these contracts) are the same groups which, in 1924, failed in their attempt to secure a mandate from the people to "put the ax to the root" of the Supreme Court.

3. The real issue and question to-day in the case of Judge Parker is the same issue which former President Calvin Coolidge discussed in his speech of September 5, 1924, at Baltimore, upholding the judicial power of the Supreme Court:

"The question is whether America will allow itself to be degraded into a communistic and socialistic state or whether it will remain American. * * * In this contest there is but one place for a real American to stand."

4. The opposition to Judge Parker which pretends to represent the American negro is more red than either white or black, as proved by their own statements quoted hereafter and the documentary exhibits herewith attached.

You have already quoted on the floor of the Senate the editorial confession of the Washington Daily News, April 23, 1930:

"Parker is an incident. The Supreme Court is the issue."

You have also remarked, "It is a socialistic movement." (CONGRESSIONAL RECORD, April 29, 1930.)

Herewith submitted is the actual proof in detail that "it is a socialistic movement," and that the chief leaders of the so-called National Association for the Advancement of Colored People are self-confessed communists or socialists!

This complete and documented information is herewith submitted because it has been publicly alleged that the opposition to Judge Parker's confirmation comes from "negro leaders," which is not true, and the Senate and the country have a right to know the whole truth about the radical leadership of some of the organizations opposing Judge Parker's confirmation.

Frank R. Kent, in the Baltimore Sun, April 30, writes:

"A considerable number of regular Republicans are frightened by the negro politicians and negro newspapers. Parker could be a much better known and far abler man than he is and the result would be the same. In effect it serves notice on the President that if he wants support from the regulars of his party sufficiently solid to overcome the consistent Progressive-Democratic opposition, he must name a man acceptable to the negro leaders. Admittedly this is an ugly fact."

Hence this appeal to you, sir, to give the Senate and the public the facts as to the true nature of the present attack upon the Constitution and the Supreme Court, with Judge Parker serving as an "incident" for its manifestation.

Why did former President Coolidge, in his speech of September 5, 1924, defending the judicial power of the Supreme Court, which the Democratic candidate, Hon. John W. Davis, also publicly defended, seriously declare that the question raised in that campaign by the "liberal" and radical elements, was a question of "whether America will allow itself to be degraded into a communistic and socialistic state"?

Undoubtedly because he knew much of the radical leadership and revolutionary designs of the groups then attacking the Supreme Court, and the inevitable results to the country if their objectives were achieved.

The late Senator La Follette himself was surprised at the radicalism of some of the elements that wished to make him President. It will be recalled that he promptly rejected and repudiated the nomination offered him by the communists directly affiliated with Moscow, but in several States ran upon the socialist ticket.

He had made an address, June 14, 1922, to the American Federation of Labor, in which he attacked a number of Supreme Court decisions, and proposed to "put the ax to the root" of the power of the Supreme Court. (Full text in CONGRESSIONAL RECORD, June 21, 1922.) By 1923 the movement had grown into a proposed "crusade" to "curb the court's power." (See Federated Press, May 26, 1923, and American Federation of Labor News Letter, June 2, 1923.) By 1924 the late Senator La Follette was persuaded to carry that issue to the people at a presidential election.

The late Senator, however, did not in fact introduce his proposal in Congress. In this respect, he was less radical than Senator WILLIAM E. BORAH, for example, who did introduce a bill (S. 1197, December 15, 1923) to hold anything constitutional which a majority of a quorum in Congress, plus one-third of the justices of the Supreme Court, might so declare! The late Senator La Follette preferred to take the issue to the people, which he did in 1924.

The Socialist Party, the People's Legislative Service, and many other groups now opposing confirmation of Judge Parker, including some leaders of the American Federation of Labor, did their utmost, in 1924, to elect Senator La Follette President on that issue. They failed. And they failed even to get Senator La Follette, after the American people had spoken, to introduce that proposal in Congress.

Their attack upon Judge Parker now, as the Washington Daily News admits, is "an incident." Having failed, in 1924, to convince the people that the power of the Supreme Court should be taken away; having failed, in 1928, to persuade any respectable statesman to lead another third party on that issue; they now use the "incident" of Judge Parker's nomination as a revival of their effort to control the personnel appointed to the Supreme Court by organized class, group, and race lobby pressure. This amounts to an organized radical effort to "pack" the Supreme Court with judges they believe to be "liberal" or "radical" precisely because they have failed to persuade the people at large, or the Democratic or Republican Parties, to "put the ax to the roots" of the Supreme Court's power by constitutional amendment.

Of course, many members of the organizations fighting Judge Parker's confirmation are sincere and misled. They do not know that "Parker is an incident" of the much more revolutionary "drive" against the Supreme Court which began in 1922.

The National Association for the Advancement of Colored People, like the People's Legislative Service, includes some prominent citizens who are not radical, who serve as a "whitewash" and screen for revolutionary leaders whose records are hereafter given. For example, the late Moorfield Storey, distinguished Boston lawyer, still appears as president of the National Association for the Advancement of Colored People, although dead several years. But living leaders of that organization have been in closer touch with Moscow than with the broad masses of either white or negro American citizens, as shown by their own appended statements and records.

A movement must be judged by its own chosen leaders, its official organs, and public record.

As the late Samuel Gompers, president of the American Federation of Labor, wisely said in another connection: "Fact must take the place of opinion and selfish interest."

Consider these facts, Senator:

Dr. W. E. B. DuBois (negro), editor of The Crisis, official organ of the National Association for the Advancement of Colored People, and member of its executive committee, is a confessed "Bolshevik." (See The Crisis, November, 1926, and Exhibit 1, attached.)

William Pickens, field secretary and member of the executive committee, who, like DuBois, has visited communist Russia, is a communist and defender of communism as well as an ardent advocate of "social equality." (See Exhibit 2, attached.)

Mary White Ovington, chairman of the board of directors, is a confessed socialist, promoting "the revolutionary spirit" among negroes. (See Exhibit 3, attached.)

Rev. John Haynes Holmes (white), vice president and member of the board of directors, is an extreme radical preacher who holds that "We don't need the Bible"; that the "religion of the future" will have "nothing to do with Christ"; and that no religious man can conscientiously be a soldier! (See Exhibit 4, attached.)

Oswald Garrison Villard, vice president and member of the board of directors, is editor of The Nation, radical New York magazine, and advocate of "social equality." (See Exhibit 5, attached.)

Clarence Darrow, member of the board of directors and of the national legal committee, has legally defended revolutionary radicals since 1894, when he argued in the Supreme Court that Grover Cleveland had no constitutional power to suppress the Pullman strike led by the late Eugene V. Debs. Darrow, in his speeches to negroes, says, "When I meet a colored man I feel as if I ought to apologise for my race, and I do." (See Re Debs, 158 U. S. 564, and Exhibit 6, attached.)

Prof. Felix Frankfurter, also member of the national legal committee, and well-known defender of revolutionary radicals, was denounced by the late President Theodore Roosevelt as "engaged in excusing men precisely like the Bolsheviki in Russia, who are murderers and encouragers of murder." (See Exhibit 7, attached.)

Mrs. Florence Kelley (formerly Florence Kelley Wischnetetzky), member of the board of directors, who has often represented the National Association for the Advancement of Colored People at congressional hearings, is probably the only living communist leader who was personally trained by Friedrich Engels (coauthor and financial backer of

Karl Marx in publishing "The Communist Manifesto," Das Kapital, and other communist works, and "sole guardian of the world revolution after the death of Marx.") Mrs. Kelley's attacks upon the Supreme Court have been notorious. In a signed article in Good Housekeeping, February, 1923, Mrs. Kelley wrote:

"'We have not time to amend the Federal Constitution every time the Supreme Court throws out a good law,' said an eminent Senator in a significant speech. [Mrs. Kelley here referred to Senator La Follette's speech of June 14, 1922.] * * * Congress has done all that ingenuity could suggest to lawmakers hampered by a Constitution older than the first American cotton mill, interpreted by men appointed for life and responsible only to their consciences with none to fear save the grim reaper death."

Mrs. Kelley, in the American Labor Legislation Review for September, 1924, wrote:

"Of all the obstacles to labor legislation for women and children, none equals in effectiveness the judicial obstacle, using the word 'judicial' in its widest possible sense."

Mrs. Kelly was one of the three members of the committee appointed at the "conference" of liberal and radical organizations at Washington, May 15, 1923, to draw up a "program of action" for:

"1. Restriction of the power of the Supreme Court.

"2. Amendment of the Federal Constitution to insure 'protection of social legislation and the rights of labor.'

"3. Amendment to the Federal Constitution giving specific power to the States and to Congress to enact minimum wage laws." (See Federated Press, May 26, 1923; American Federation of Labor News Letter, June 2, 1923.)

Mrs. Kelley, in the Woman Citizen, April 21, 1923, under the title "Women Wanted on the Bench," wrote:

"No court of last resort can, henceforth, be justly regarded as a twentieth century institution, which consists exclusively of men. The decision of a case as important as the present one is to millions of women by a court composed of men, should not be allowed to happen again."

In short, the Communist-Feminist Mrs. Kelley holds that the Supreme Court should be "packed" to "represent" a class, a group, or a sex, and has been vigorously campaigning for years to overthrow Supreme Court decisions by constitutional amendments, or to change its personnel to harmonize with her own "program of action," which she derived originally from Friedrich Engels.

So important were the instructions of Friedrich Engels to Mrs. Kelley that the Moscow communists themselves are still taking lessons in promoting "Revolution in America" from this correspondence between Friedrich Engels and Mrs. Kelley 40 years ago. (See text of Engels-Kelley correspondence in Marx and Engels on Revolution in America, Little Red Library No. 6, issued by Communist Workers Party of America; Workers Monthly, November, 1925, December 1925, December, 1926.)

The Communist, official American communist organ, May, 1928, declares:

"The correspondence between Engels and his translator (Mrs. Kelley) connected with the entire project, are of the utmost importance to present-day Marxists in America" (p. 308). "It is 40 years since Engels gave this advice to American Marxists; it might just as well have been given to us to-day" (p. 311).

Samples of the communist strategy Engels taught Mrs. Kelley are included in Exhibit 8, attached.

"More interlocking directorates than business has."

Mrs. Florence Kelley, the Engels-trained communist, boldly told the House Agricultural Committee in 1921:

"We have the votes, and we are now organized with a thousand ramifications; we have more interlocking directorates than business has." (Meat packer hearings, May 2, 1921, p. 59.)

There have been many investigations by Congress, but there has been no investigation whatever of these radical groups of lobbyists who admit they have "more interlocking directorates than business has," and have been working for years to control congressional legislation by lobby pressure, and to overthrow the power, or to "pack," the membership of the Supreme Court of the United States!

Roger L. Baldwin, director of the so-called American Civil Liberties Union (which is interlocked with communist organizations, socialist organizations, and pacifist organizations, as well as with the National Association for the Advancement of Colored People), also states:

"To many of us interlocking directors and to many of us interlocking contributors it is pretty difficult to tell from whom to bring greetings and to whom to give greetings. It is sometimes difficult for me to tell whether I am in a meeting of the League for Industrial Democracy or a meeting of the American Civil Liberties Union." (L. I. D. dinner, December, 1918; see Twenty Years of Social Progress.)

The so-called League for Industrial Democracy itself is only a new name for the former "Intercollegiate Socialist League, of which Mrs. Florence Kelley was president for many years, and changed its name only in order to promote socialism more subtly in American schools and colleges.

The so-called National Association for the Advancement of Colored People, as shown by the exhibits attached, has many "interlocking directors" with these other radical organizations.

And it is respectfully submitted that these radical communist and socialist leaders of the National Association for the Advancement of Colored People no more represent any appreciable number of the colored race than their white colleagues on these interlocked radical organizations represent the white race, or than Mrs. Florence Kelley, the communist-feminist trained by Frederich Engels, represents American women.

Much of the other agitation in opposition to Judge Parker's confirmation comes from members of the so-called People's Legislative Service, which was represented before the Senate Judiciary Committee by Mercer G. Johnson, director, who declared in his testimony that his organization was dedicated to the perpetuation of the principles expounded by the late Senator La Follette—another proof that the present opposition to Judge Parker's confirmation is an "incident" of the old campaigns of 1922 and 1924 conducted by these groups to "curb the power" of the Supreme Court.

Fully half of the individuals and organizations which have protested against the confirmation of Judge Parker are connected by these "interlocking directorates" with the People's Legislative Service. And among the officers of the People's Legislative Service are radicals who are also officials of the American Civil Liberties Union, the National Association for the Advancement of Colored People, the League for Industrial Democracy, the League for Independent Political Action, the National Popular Government League, the Public Ownership League, the Anti-Imperialist League, the Indian Independence League, the Committee on Militarism in Education, the People's Reconstruction League, the American Society for Cultural Relations with Russia, the People's Lobby, and the American Civil Liberties Union, which in turn has "interlocking directors" directly with the Communist Party of the United States of America and the Socialist Party of America.

Typical of the opponents of Judge Parker is Norman Thomas, Socialist candidate for President in 1928. Behind him are arrayed many out-and-out socialists not afraid to profess publicly their political faith and to attempt at every opportunity to carry out the Socialist platform of 1908 to abolish the power and change the character of the Supreme Court, as well as many other socialists masquerading as "liberals" or "progressives" but by belief and affiliations known to be a part of the general socialist movement to subvert the American Government through the substitution of State socialism for the United States Supreme Court.

These radical elements constitute the backbone of the Parker opposition to-day. They made no protest against him whatever when he was appointed to the circuit court of appeals, proving again that "Parker is an incident" and "the Supreme Court is the issue" in their opposition now.

The purpose and effect of their present campaign against Judge Parker is to serve notice on the Government that the President must not appoint and the Senate must not confirm any justice to the Supreme Court who has not the approval of these former "third party" and present Socialist Party groups, who have organized "with a thousand ramifications" to "put the ax to the root" of the United States Supreme Court.

Former Senator James A. Reed, in the Senate September 27, 1918, said:

"I have said before on this floor, and say again, that the man who would undertake to interfere with the decisions of the Supreme Court of the United States would be as bad an enemy of this Republic as an anarchist, because he would strike at the very citadel of human liberty; he would tear down one of the great pillars that sustain it; that pillar torn out, the entire structure will fall."

It is respectfully submitted that practically all the opposition to confirmation of Judge Parker by lobbies and groups outside of the United States Senate comes from those who, by their own admissions, "would undertake to interfere with the decisions of the Supreme Court of the United States" by restricting its power to decide constitutional questions, or by trying to "pack" the Supreme Court with judges they believe to be in sympathy with class, group, or socialist legislation contrary to the present provisions of the Constitution of the United States.

Will you not, therefore, consider the facts as to this radical campaign against the Supreme Court and the Constitution enumerated in this letter and the attached exhibits? And if further facts in this connection are desired, would it not be worth while to have a thorough congressional investigation to determine by sworn testimony the true nature and objects of those radical interlocked lobbies that pretend to represent "colored people" and other American citizens in race, class, or other groups, without any political mandate whatever, either from the large groups of citizens they pretend to represent, nor from the American people at large, to substitute lobby, bloc, or group government for the Government of the United States.

Respectfully submitted by—

PAULA EASBY-SMITH LUCAS.
(Mrs. Lewis Clarke Lucas.)

Mr. ALLEN. Mr. President, I know a great many of the members of the Society for the Advancement of the Colored Race. I know them to be entirely in earnest and of the highest devotion; but I also realize that the crowd that is behind the Chicago Crisis answer the impulses which the Senator from Ohio has just pointed out. I know that the colored crowd in New York that pushes forward the Bolshevik idea either answers to the Bolshevist impulse or to the impulse of Tammany Hall, one of the two—sometimes both. I know, moreover, that the fact that the colored people in the heavily unionized districts have been much more frantically concerned about this nomination than the colored people elsewhere is not due to an accident. It is due to the close working harmony between radical leaders of labor and radical leaders of the colored folk.

Mr. FESS. Mr. President, will the Senator yield there?

Mr. ALLEN. I yield.

Mr. FESS. I think it is quite important that we make that emphasis—the radical leaders of labor and the others—because union labor to-day, as led by Mr. Green, is, I think, far from the radical element that at one time the organization possessed. I think President Green is exercising a tremendous influence against these radical movements.

Mr. ALLEN. I agree with the Senator from Ohio touching Mr. Green and touching the officers of the American Federation of Labor. I could not agree, touching the miners' organization, that it had lost its radical impulses; but it is a matter of great comfort to us all that there is growing constantly a better relationship between capital and labor, a less radical color on the part of the labor leader, and a less ruthless color on the part of the employing capitalist.

Mr. JONES. Mr. President, during my service in the Senate prior to this session two bitter contests have occurred over nominees to the high office of Justice of the Supreme Court of the United States. Charges were made against one that he was of a reactionary disposition and under capitalistic influences, and against the other that he had extreme socialistic tendencies. After lengthy discussion they were confirmed and are to-day both ranked among the best and ablest of our judges. The one is more liberal than many thought him to be and the other less socialistic than many feared. The rights and interests of the American citizen, whatever his station may be, are safe in their hands.

When the President makes an appointment to the Supreme Court of the United States we have the right to assume that he has made a careful selection and named a good and competent man.

The primary qualities of a judge of the highest court in the world are high character, unquestioned honesty and integrity, fine ability, good educational fitness and legal training, fair-mindedness, impartiality, a high sense of justice, fearlessness in the discharge of his responsibility, and devotion to the fundamental principles of our Government.

Judge John J. Parker meets these requirements, according to the testimony of those who know him personally and intimately, and according to the record he has already made by his service on the court next in authority and power to our Supreme Court.

Some charges are made now that, if they are worthy of consideration, should have been made when he was named to the high office he now holds. Reports are sent broadcast to the country that he is against the fourteenth and fifteenth amendments to the Constitution. No proof is submitted to support such a charge. In my judgment, such a charge is not only unfounded, but it is so baseless as to be malicious. Judge Parker says in his letter to Senator OVERMAN:

> I regard the Constitution and all of its amendments—

Note this language—

> as the fundamental and supreme law of the land, and I deem it the first duty of a judge to give full scope and effect to all of its provisions.

There is no equivocation or ambiguity about this statement. He points to his record to sustain this assertion, and no one can controvert it.

Among the decisions showing his fair and just attitude toward the colored people and his devotion to the provisions of the Constitution he declared null and void an ordinance of the city of Richmond discriminating between white and colored citizens, and that, too, in spite of a strong feeling in favor of such an ordinance. This is only a part of his record as a judge. What better guaranty can the colored man have than this as to the protection of his rights by this man as a judge of the highest court in the world? This is more than a promise—it is a positive assurance to every colored man that Judge Parker will protect his rights to the utmost.

It is urged that he said something derogatory of the colored man in a campaign in North Carolina over 10 years ago. No charge of this kind was made when his nomination came up for confirmation for the high judicial office he now holds. If he said what is alleged, I do not indorse it; I do not agree with it. It is fair to say that he was only a little over 30 years of age at that time, was in the midst of a political campaign, and I put over against this alleged statement the decision to which I have already referred. I think the good colored people of my State will feel that he has demonstrated his devotion to law and to duty. I have always been the friend of the colored man. I always expect to be. I have marveled at the amazing progress he has made during the last half century. I expect to continue to be his friend and to help him advance and have the rights to which he is entitled under our Government. I think I am helping to do this when I vote to confirm Judge Parker. If my vote for him cancels all I have done in the past for the welfare of the colored people, I can not help it. I know, however, that they are not an ungrateful people.

Furthermore, the colored people of Judge Parker's home and of his State voted for him in the past and indorse him now. That should appeal most strongly to the colored people elsewhere. The home colored people who know him personally are more to be trusted than any socialistic or other organization that may have some special end to serve, no matter where it may be located.

The leaders of organized labor oppose Judge Parker's confirmation. They are able men. They are honest and sincere. They are looking after the rights and interests of labor. What leads them to feel that Judge Parker is unfriendly to them? They point to his opinion in a certain case sustaining an injunction against some of their people. They feel that this injunction went entirely too far. I think so, too. They hold Judge Parker responsible for it, and are sustained in this by Senators who are friendly to labor and lawyers of unsurpassed ability. I am just as friendly to labor as these Senators, but I do not presume to compare with them in legal ability or attainment. I do, however, have the temerity to differ from them as to Judge Parker's responsibility for the decision complained of.

I have been unable to hear any of the speeches made, except a good part of that of the able and learned senior Senator from Idaho, who is the equal of any of the learned lawyers of the past as well as of the present. He sought to show that Judge Parker was not justified in relying on what is known as the Hitchman case for his decision in what is known as the Red Jacket case. Judge Parker, in his letter to Senator OVERMAN, referring to his decision in the Red Jacket case, says, referring to the decision of the Hitchman case:

> In view of this it must be obvious to any that as a member of this court in the Red Jacket case I had no latitude or discretion in expressing any opinion or views of my own, but was bound by these decisions to reach the conclusion and to render the decision that I did.

There is an attempt to show that the Hitchman decision did not bind him to render the decision he felt he must render. It is also sought to show that there were other decisions of the Supreme Court justifying a different decision by him. Be that as it may, I most humbly beg to call attention to certain facts which to my mind wholly exonerate Judge Parker from any blame for the Red Jacket decision and put the blame, if any blame there be, upon the Supreme Court of the United States itself.

This statement may be surprising, but I think it is based upon plain, simple facts.

If there was error in Judge Parker's decision, an appeal in the nature of a writ of certiorari could be made to the Supreme Court of the United States, the court of final resort. Such a writ was applied for at the hands of the Supreme Court and filed on June 28, 1927. The Supreme Court had the power to grant such a writ. If there was error in Judge Parker's decision, it should have done so. The Supreme Court on October 17, 1927, denied the writ, continued the injunction, and in effect affirmed Judge Parker's decision and made it its own. According to the record, that decision was unanimous.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. I yield.

Mr. BORAH. The Senator does not mean to say that by reason of the fact that the Supreme Court denied the writ, therefore they affirmed the holding of Judge Parker?

Mr. JONES. It seems to me that if they thought there was error in Judge Parker's holding they should have granted the writ and brought the case up to them for review.

Mr. BORAH. The Supreme Court has said many times that in the refusal of a writ they do not pass upon the merits of a controversy at all.



Mr. JONES. I do not think that excuses the Supreme Court in its responsibility in denying the writ asked for in a case where the decision of the court below was based on a decision rendered by the Supreme Court.

I understand that Justice Brandeis dissented in the Hitchman case. He was on the court when the writ of certiorari was denied in the Red Jacket case, and no dissent was made. As a matter of fact, if any Justice on the bench at that time had questioned the basis of that decision, the writ of certiorari, in my judgment, would have been granted and the case brought up to the Supreme Court for review.

Judge Parker followed what he thought was the law as laid down by the highest court in the land. He could not overthrow the decision of the Supreme Court. That court, however, could have overthrown his decision. It did not do it. Hence I say in all humility that blame, if blame there is, for the decision in the Red Jacket case, rests upon the Supreme Court of the United States.

But this is not all. I join with the Senators who condemn the scope of the injunction issued in the Red Jacket case and affirmed by the Supreme Court. It went too far. It enjoined the doing of that which ought not to be enjoined. Every citizen should have the right to talk peacefully with other citizens and seek in a peaceful way to have them take peaceful action.

The Supreme Court evidently felt that under the law as it now exists such acts should be enjoined and should have been enjoined in the Red Jacket case.

Where does the blame really rest for the continuance of such a state of the law? The Supreme Court, of course, can reverse itself. It can annul its decisions. But in my judgment the real duty and responsibility rests upon the lawmaking power of the Government, upon the Congress of the United States.

Mr. BORAH. Mr. President, in view of the fact that Congress has twice tried to change that proposition and the Supreme Court has held that it could not do so, I do not know what Congress could do.

Mr. JONES. Mr. President, we can pass a resolution, as we should, and submit to the people of the country the question of amending the Constitution of the United States, under which, apparently, the Supreme Court says it has no authority to change this ruling. Would the Senator have the Supreme Court, notwithstanding its ruling as to the unconstitutionality of action by Congress, say "Congress can not act, Congress can not legislate, but we can"? This is the legislative body of this Government, and the court is not. The judge of every court in the land takes an oath that he will stand by the law and by the Constitution, and the only power to change it rests with the people of the country.

Mr. BORAH. We would have to get a view of the Supreme Court as to whether or not it would be effective before we passed a constitutional amendment.

Mr. JONES. O Mr. President, I can not appreciate that remark of the Senator from Idaho. We do not call upon the court to pass upon the effectiveness of a constitutional amendment. Surely the Supreme Court would not say that the people of this country can not amend the Constitution in the way provided by the Constitution.

Mr. BORAH. Certainly not, but a number of able judges, just as able as those who have held the contrary, have held that the Constitution already, as it stands, is ample.

Mr. JONES. The Supreme Court of the United States apparently held in the case for which Judge Parker is criticized that his decision was right. There was nothing in his decision to indicate that if he were a member of the Supreme Court of the United States he would sustain that view of it. In my judgment, we have a right to infer, from the suggestion Judge Parker made when he decided that case, that if he were upon the bench where he had supreme power to pass on this question his judgment might be different.

This must not be overlooked, and I think it ought to be considered, that an inferior court is bound by the decisions of the superior court, just the same as any citizen is bound by the law of the land. Until the Supreme Court reverses its ruling, or declares that this or that is not the law, the inferior courts are bound in law and by their oaths to sustain the law as it has been declared by the Supreme Court of the United States.

It was suggested that Judge Parker might well have expressed his opinion that he did not approve this decision It is true he might have done that, but in following the decisions of superior courts, inferior courts may not have the opinion that that is really correct law, but they do not express that opinion. We find oftentimes dissent made by judges of the Supreme Court itself. They merely express their dissent, without stating the particular reasons upon which it is based.

Why is it—and I ask it in all sincerity—that when the questions involved in the Red Jacket case came up, the judges who had dissented in the Hitchman case did not dissent in that case upon the refusal of the writ? It seems to me that if those judges felt that the Red Jacket case was decided erroneously they should have disagreed with the denial of this writ.

I do not criticize them for not doing so. I do not know what their reasons were. They may have felt that the law had been passed upon; that the law had been declared by the Supreme Court of the United States; and that it is better to allow that to stand than to disturb it, or dissent. I say that in my judgment there is not any just ground for criticizing Judge Parker for what he did as an inferior court, in the face of the decisions rendered by the Supreme Court of the United States.

Mr. BLEASE. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. BLEASE. Does not the Senator think a judge who would attempt to do other than that would lay himself liable to impeachment?

Mr. JONES. I would not go that far, but he would be defying the law of the land as laid down by the highest court, and what would be the law until that high court declared it otherwise.

Mr. President, let the Senator from Idaho, a member of the Committee on the Judiciary of the Senate, prepare a bill that will meet the situation by changing the law as laid down by the Supreme Court, and have that committee report it to the Senate. No one will more cheerfully vote for it than I. At any rate, let us not put the blame upon Judge Parker. Let us not place upon Judge Parker the judicial blame, if there be any, which rests upon the Supreme Court and which really rests upon Congress.

We have passed legislation prohibiting the issuance of injunctions in certain cases. If that is good, why can we not extend that limitation? Why can we not emphasize that restriction? Why can we not lay down the law ourselves, the real, legislative body, as to what the action shall be with reference to these injunctions? The courts construe and declare the law. We, at any rate, are supposed to make it. If the law should be changed, we should do it and not depend upon the courts to do it.

Mr. President, it is claimed that there should be more humanity in the courts. True enough! We can not have really too much of it there. But what about humanizing Congress, the legislative body, the lawmaking body of this Government? If humanizing is necessary, it should begin here in this body which helps to make the laws and to legislate for the people of the country.

What kind of a man is Judge Parker? I will only repeat briefly what has already been said. He was a boy with humble parents. They were not blessed with much of this world's goods. He had to work with his hands in every way that he could to help his parents and to help himself. He worked his way through college, doing what he could find to do. That was only forty-odd years ago. Mr. President, since he has grown to manhood, since he has been working for himself, since he has been practicing law, he has not allied himself with great corporations, he has not been under capitalistic influences, he has not had the character of practice which makes him forget his humble origin and takes away from him the humanity which I am satisfied he had and has to this day. Talk about humanizing the courts! How can we better humanize them than to put upon them men who have come up from the humblest circumstances, the humblest beginnings, and made their way in life?

Mr. President, I may be accused of having been lobbied with; I do not know. I have always taken the position that any citizen of the United States has a perfect right to talk with a Senator or a Representative about matters in which he is interested. No man has ever suggested any improper thing to me. I would feel that the time had come for me to get out of this body if I could not talk with and permit a citizen of my State to talk with me.

I met Judge Webb of the United States district court the other day. Judge Webb served in the House of Representatives with me. I knew him personally and well. I have the very highest regard for him. I asked him about Judge Parker, because I knew he was from down in that territory. He told me many things about Judge Parker.

Judge Webb is a Democrat, has always been a Democrat, but he has dropped partisanship on the bench. When he votes he no doubt votes according to his Democratic beliefs. He spoke in the very highest terms of Judge Parker not only as a man but as a judge. Judge Webb had known his people; he knows him personally; he knows the feeling which the people of his home town and his community and his State and his churches

have about him. I asked Judge Webb to give me a written statement with reference to Judge Parker. I have here the statement which he mailed to me. I shall read it. Probably it is not necessary for the Senators who are here, but I know that some of my colleagues know Judge Webb personally. I think they have confidence in his honesty and in his sincerity. Judge Webb is talking about things about which he knows personally. He said:

Judge Parker was born in the little town of Monroe, N. C., in the year 1885. His father was a small merchant of very limited means. His mother, a woman of fine mind and good education, was a daughter of a clergyman. She was a firm believer in education, and her influence had much to do with her son's ambition to go to college and enter the legal profession. Through his mother, who was Frances Johnston, of Edenton, Judge Parker is related to James Iredell, one of the first Justices of the Supreme Court.

Judge Parker's youth was one of struggle. When he was only 13 years of age it became necessary for him to drop out of school and go to work. He clerked in a grocery store of the little town for a year and a half, but again entered school and graduated from the public schools of Monroe when he was 16 years of age. His father was not able to send him to college, and he got a job as salesman in a clothing store in order to earn money to carry on his education. His course of study in the public schools had not equipped him to enter college, and he studied Greek at night under another young man of the town to prepare himself to meet the college requirements. He has always been proud of the fact that, with no more preparation than this, he won the Greek prize in his second year at the university.

After working for something more than a year in a clothing store, he had saved up enough money to begin his college education; and he accordingly entered the University of North Carolina in the fall of 1903. He had little money and immediately began looking around for an opportunity to earn something while carrying on his education. Having had experience in selling clothing, he decided that there was an opportunity to make money at this; and he accordingly obtained the agency for a made-to-measure clothing house. He sold clothing for this concern during the entire time he was at the university, and made sufficient profit therefrom to pay his expenses.

While at the university, notwithstanding the fact that it was necessary for him to earn a livelihood, Judge Parker entered fully into the life of the institution. He led his class in scholarship and was president of Phi Beta Kappa. He was president of his class both in its freshman year and in its senior year. He won the prizes in economics and law, as well as in Greek, and was awarded the Greek fellowship. He represented the university in two intercollegiate debates and was awarded the Mangum medal in oratory, at that time the most coveted honor at the university. He was president of the student council and judge of the court of the law school. The university gave him the degress of A. B. in 1907 and LL. B. in 1908. In 1927 it gave him the honorary degree of LL. D.

After graduating at the university Judge Parker found that his struggles had just begun. He worked for a year in the office of a lawyer at Greensboro, and then decided to go back to his home town and try his fortunes among his own people. He began practicing there alone in 1909. He had no influential connections, but he had many friends among the people of the town and county and practice soon came to him. In 1910 he was taken into partnership by Hon. A. M. Stack, now a judge of the superior courts of North Carolina, with whom he practiced until 1922, when he moved to Charlotte and became the head of one of the leading law firms of that city.

Judge Parker's practice prior to his appointment to the bench in 1925 was the varied practice of a lawyer in the rural South. He was not retained by any of the great corporations but his services were in demand where cases of importance were to be tried and he succeeded in building up a practice extending over a considerable part of the States of North and South Carolina. He appeared in the State and Federal courts of both States as well as in the Circuit Court of Appeals for the Fourth Circuit and in the Supreme Court of the United States. His clients were drawn from all classes of the people, including laboring people and farmers, white people and colored people. Laboring people and colored people who know nothing of him may protest his appointment, but it is significant that the laboring people and colored people of his home town have borne the highest testimony as to their absolute confidence in his fairness and integrity.

Although Judge Parker's primary interest has always been the law, he has always taken a deep interest in public affairs. He was a great admirer of President Roosevelt, and in 1908 cast his lot with the Republican Party in a State which was overwhelmingly Democratic. In 1910 he was nominated by his party for Congress and made a campaign against the veteran and distinguished Congressman, Hon. Robert N. Page. It is a tribute to his ability as well as to his personality that Mr. Page has had the highest regard for him ever since that campaign and has recommended his appointment to the circuit court of appeals as well as to the Supreme Court of the United States. This is true also of Governor Morrison, against whom Judge Parker campaigned for governor in 1920.

Judge Parker was nominated for attorney general by his party in 1916 and for governor in 1920. While defeated for governor he received the unprecedented vote of 230,000, which was 63,000 more votes than had ever before been cast for Governor of North Carolina. He was defeated by Governor Morrison but made a campaign which is universally recognized as having contributed much to the progress and development of the State. In 115 speeches made from the mountains to the seashore of North Carolina he advocated an improved system of education, a State system of highways, and a modern taxing system based on the income tax. He advocated also a system of rural credits and a program of progressive labor legislation, including laws for the protection of women and children in industry and a workmen's compensation act. It is significant that he advocated the passage of the workmen's act eight years before it was adopted by the Legislature of North Carolina. The year 1920 was a year of industrial conflict in North Carolina, but Judge Parker's speeches rang clear on the right of labor to organize, to bargain collectively, and to strike. He said that the power of the State should not be used to deprive labor of the exercise of these fundamental rights.

Judge Parker was appointed judge of the circuit court of appeals by President Coolidge in 1925.

Judge Webb sent me also a copy of a letter from Leon M. Nelson, president of the Richmond Bar Association, to the New York World, calling attention to certain matters that he had seen in that paper and giving his high opinion of Judge Parker. I ask that that letter may be printed in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

The WORLD,
Pulitzer Building, 63 Park Row, New York, N. Y.:

I have read the editorial appearing in your paper of the 23d instant, and as president of the Richmond Bar Association, the bar of which city has unanimously indorsed Judge Parker's appointment, I am wiring to protest against your estimate of Judge Parker, and ask that you give this protest some prominence in your newspaper.

In the five years' period Judge Parker has been on the bench the Richmond bar has recognized him as a capable and able judge.

During this period Judge Parker has heard and participated in the decision of more than 450 cases and has written the opinion of the court in 184 of those cases. Many of these opinions involved questions of far-reaching importance and have invariably shown thorough preparation and sound judicial judgment.

A careful examination of his work on the circuit court of appeals will convince any unbiased mind that he does possess abilities as a jurist which entitle him to rank with the able judges of this country. He has discharged the duties of his present high judicial position with untiring industry, courage, and impartiality, and the lawyers of Virginia regard him as possessing in a remarkable degree all the qualifications necessary for service on the Supreme Court.

Mr. Mark Sullivan was unquestionably right in his statement appearing in the New York Herald Tribune on April 23 that his name would certainly be included in any list of 5 circuit judges out of the 40 of the whole country who are best equipped for elevation to the Supreme Court.

We feel that if Judge Parker is confirmed by the Senate he will fully sustain the dignity and purity, ability, and learning of the Supreme Court Bench, and the bar of this city feels that his defeat on the grounds on which the attack against him is based would be a blow at the independence of the judiciary.

LEON M. NELSON,
President Richmond Bar Association.

APRIL 26, 1930.

Mr. JONES. Judge Webb also sent me a quotation from a speech made by Judge Parker in the campaign of 1920, which I shall not take the time to read, but which shows very clearly and very concisely Judge Parker's humanity, if you please. It shows his interest in agriculture, in the farmer. It shows his interest in labor. It shows his interest in legislation to promote the interests and the welfare of the farmer, of the laborer, of the women of the South and of his home State. I do not believe there could be found clearer evidence of the humanity of the man than this statement as to what his attitude was away back yonder when he was only 35 years of age. I ask that the statement may be printed in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

SYNOPSIS OF SPEECH OF JOHN J. PARKER ON ACCEPTING NOMINATION FOR GOVERNOR IN 1920

It is a shame that an agricultural State has done so little for agriculture. The farmer has been asking us to revise our antiquated and unjust laws, but he has asked for bread and has been given a stone.

Instead of creating a new taxing system in the light of the experience of our sister States, we have revalued the farmer's property at a time and in a manner which has aggravated the evils of the old system. I do not criticise the theory that property should be placed on the tax books at its real value. I criticize the provision which requires personal property to be listed when the merchants' shelves are empty and the farmers' barns are full. I criticise the administration of the law under which real estate has been listed—not at its true but at its inflated value due to abnormal conditions and real-estate speculation. The farmer sees that the inevitable result is to throw upon his shoulders a greater share of the burden. We must have a new system. We can not put "new wine in old bottles," and we can not, by patching and tinkering, make a revenue system of 50 years ago meet the conditions of to-day. Until the new system can be formulated and put into operation the farmer must be given relief from the unjust features of the present act.

We must encourage home ownership. We must aid the young man and the tenant to buy a home. The Federal land bank is a good thing, but it has failed to help us solve the problem because it demands security that the young man and the tenant can not give. We must develop a system of rural credits which will give help to the man who needs help, and whom we need as a producer on the farm. Incidentally we should exempt from taxation not the notes given to purchase a home but the home to the extent of the debt against it.

The warehouse system is a good thing for the farmer and must be encouraged. The act of the last legislature must not be allowed to become a dead letter. If South Carolina can successfully operate a warehouse system, there is no reason why we should not do so also.

Nothing causes the farmer to leave the farm like bad roads and bad schools. We have a highway commission that raises a great noise but builds no roads. We have an educational system under which it develops that 25 per cent of our young men are illiterate according to Army standards. The great State of North Carolina, which pays over $200,000,000 annually in Federal taxes, is rich enough to lift the veil of ignorance from the minds of her children. We must have a State system of schools. We must give to the boy on the country hillside the same educational advantage of the boy in Greensboro or Charlotte. We must pay our teachers higher salaries and modernize our educational methods. We must also build a State system of highways. Experience shows we can not depend on the counties to build a State system. This system can be built by a tax on motor vehicles and gasoline, and will wonderfully improve the life of the farmer and add to the commercial prosperity of the State.

I favor the industrial development of North Carolina. Every factory means employment for labor, investment for capital, and a market for the farmer's products. The time of the anticorporation demagogue is past. Our people and our government must give a square deal to the man who invests his money in the development of our State.

But with the growth of industry comes the factory problem. Labor must be protected from the evils of the factory system. The protection of women and children, the limitation of hours of labor, insurance for the benefit of the employee against industrial casualties are too important to leave to private judgment. We must enact adequate labor legislation. We must remember that the future of North Carolina, in which your child and my child will live, depends upon the chance which we give to-day to the man in the mill and his child.

Adequate labor legislation will remove the causes of industrial conflict, but when industrial conflict arises it must be met intelligently. We should not in fear destroy the right of either labor or capital or surrender the rights of the public. Labor has the right to organize. The right to strike can not be denied. But labor and capital have no right to fight out their differences to the danger and inconvenience of the public. The right of the public is superior to the right of any individual or any class. We must have a compulsory arbitration law for public-service corporations and an industrial commission with power of investigation and mediation for other cases. The law must be impartially enforced. The power of the State shall not be used to intimidate labor, neither shall the power of the State be withheld when necessary to uphold the majesty of the law.

The time has come for us to improve the political morality of North Carolina. No State can hope to be a great State which condones dishonesty in the very source of public power. We demand the Australian ballot, and we demand that the absentee voter law be either repealed or safeguarded.

The vote should be extended to women. The perennial officeholders of North Carolina oppose woman suffrage because the women would clean up the State and would sweep them from power; but I am ashamed that the men of the North and West should confer upon our wives and mothers the privileges which we have denied to them.

Mr. JONES. Mr. President, I am not going to take further time of the Senate. It seems to me that the Congress of the United States should not seek to fasten upon the courts the blame for a failure to enact legislation to put the injunctive process in the condition in which it ought to be; that we ought not to try to put it off upon the judges, whether the circuit judges or the judges of the Supreme Court. We have sought to limit to some extent the issuance of injunctions. If we can do that, then we can go further and we can enact legislation to take care of the situation of which he complains.

Mr. President, the Congress of the United States should not shirk its duty. It is unjust, it is unfair, for us to denounce the courts of the land after they have rendered decisions which they believe to be just, which they believe to be in accordance with the law by which they are governed and controlled the same as we are, rather than that we should take up the responsibilities which are thoroughly upon us to lay down to the courts the limits beyond which we think they should not go, that we should lay down the law to limit what they have declared to be the law if we think they have gone too far.

Mr. President, instead of rejecting nominees for the bench of high character, splendid ability, high standing among their people, showing a high standing before the courts of the land by their own actions, by their own decisions, instead of condemning them for not restricting the law, for not limiting the writs of injunction, let us do our duty and enact legislation going as far as we think we ought to go in defense of the liberties and the peaceful rights of the people of the country.

Mr. President, I ask permission to print in the RECORD a letter which I have sent to several labor organizations which have telegraphed urging me to oppose the nomination of Judge Parker.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

MAY 5, 1930.

GENTLEMEN: I have your telegram opposing the confirmation of Judge Parker. You give no reasons for your opposition. I assume, however, that it is because of the charges that have been made to the effect that he is unfriendly to labor.

I have the interests and welfare of labor at heart. I think the record that I have made proves this. I know that I have been a laboring man myself and I have always resolved doubts in connection with legislation in favor of the laboring man and have sought to aid, so far as I could in a legislative way, in promoting his welfare.

I have looked into these charges against Judge Parker. I believe they are unfair, unjust, and without any basis in fact. He is of humble parentage. He worked with his hands as a boy and worked his way through school. His early environment was that of a laboring man, and he has never been tied up with corporations or wealthy interests.

Labor of his own State, labor that knows him, is for him. What better recommendation to labor elsewhere could he have than this?

It is said that he showed his unfriendliness to labor by his decision in what is known as the Red Jacket case. That, in my judgment, is an unfair charge. The Supreme Court of the United States had, in another case, decided the question involved in that case. Its decision is supreme and binding upon every inferior judge as the law of the land until it is reversed by the Supreme Court itself. Judge Parker based his ruling solely on that decision, clearly indicating that he might rule differently if he were free to do so and that decision had not been made by the Supreme Court. If his decision was wrong, that could have been so declared by the Supreme Court. His critics seem to proceed on the theory that his decision was final. They either purposely or maliciously ignore the real facts regarding the matter. An application was made to the Supreme Court for a writ of certiorari. This was in the nature of an appeal. What did the Supreme Court do? It unanimously denied the writ, in effect affirming his decision. If blame there is, it rests on the Supreme Court and not on Judge Parker. That court declared the law of the land. If it is to be changed, it should be done by Congress, the law-making body; not by the courts; and if blame should attach to anybody, it should attach to Congress.

I will frankly say to you that I am in favor of Congress, in the proper way, limiting or defining how far the courts may go in issuing injunctions. Injunctions have gone too far, but it is for Congress to limit the power of the Supreme Court in this regard rather than to give blame to inferior courts for following the decisions of the superior body.

I may be wrong in this, but I can not think so. From my study and investigation I can not conscientiously take a different course. I would rather be conscientiously wrong than cowardly right. I can not believe that you would have me take a different course.

Believe me to be very sincerely yours,

W. L. JONES.

Mr. McCULLOCH. Mr. President, I was very much impressed by the opening statement of the Senator from Rhode Island [Mr. HERBERT] on the nomination of Judge Parker to be Associate Justice of the United States Supreme Court. The Senator from Rhode Island is a member of the Judiciary Committee, which committee investigated and reported to the Senate on the nomination of Judge Parker, and his statement in regard to the qualifications of a judge seemed to me to be sound.

A nominee for this exalted judicial office should have ability of a high order, legal training, and judicial experience, but, above all, he should be fair and impartial. A judge who is not fair and impartial is unfit.

I have been supporting the President's legislative program, and I am opposed to any effort which will embarrass the President. The President, exercising his constitutional power, having nominated Judge Parker for this important post, in the absence of convincing proof of his unfitness, his nomination would receive my support on the vote for confirmation.

I am out of sympathy and vigorously opposed to any effort to control the judiciary in the interest of any class or group. The Supreme Court of the United States must be above politics, above personal, political, social, or economic prejudices and fair to all classes.

I have received many letters and telegrams from citizens of Ohio opposing the confirmation of Judge Parker because he is alleged to have been unfair to labor and to have expressed himself as unfriendly to the participation of colored people in politics, rights which are guaranteed every citizen by the Constitution of the United States. These charges seemed to me to be so important and far-reaching that I felt I should reserve my decision as to my vote until the conclusion of the debate and until the facts were fully disclosed. I announced this as my attitude some days ago.

It has been charged that Judge Parker has shown himself to be unfair to labor, placing property rights above human rights, because of his decision in the Red Jacket case, which involved the so-called "yellow dog" contracts.

The debate has disclosed the fact that Judge Parker, in the decision complained of, followed a decision of the United States Supreme Court, and that Judge Parker was bound by the decision of the Supreme Court in rendering his decision in the Red Jacket case.

A judge should not be criticized for following the law, but might be severely criticized for not following it, and, of course, would be subject to reversal. If there is a decision in point on any question of law in a case, every lawyer knows that it is the prerogative and duty of the judge to decide the vital question as to whether or not a prior decision of the court of last resort is a precedent. The refusal of the Supreme Court of the United States to review the decision of Judge Parker in the case complained about would seem to settle the question as to whether or not he was following the law as laid down by the Supreme Court.

A careful examination of Judge Parker's decision in the Red Jacket case discloses no expression of prejudice toward labor, and the opinion is free from expressions of any kind which are not directly related to the legal questions at issue.

Mr. President, I desire to incorporate in the RECORD as a part of my remarks some excerpts from Judge Parker's opinion in the Red Jacket case, and excerpts from other decisions, which were printed in connection with the speech of the Senator from Rhode Island [Mr. HEBERT], and which indicate, in my opinion, the attitude of mind of Judge Parker toward labor.

The VICE PRESIDENT. Without objection, it is so ordered.

The excerpts referred to are as follows:

Early in the opinion Judge Parker states:

"In the first place, we do not think that the international organization, United Mine Workers of America, constitutes of itself an unlawful conspiracy in restraint of interstate trade and commerce because it embraces a large percentage of the mine workers of this country or because its purpose is to extend its membership so as to embrace all of the workers in the mines of the continent. It may be conceded that the purposes of the union, if realized, would affect wages, hours of labor, and living conditions, and that the power of its organization would be used in furtherance of collective bargaining, and that these things would incidentally affect the production and price of coal sold in interstate commerce. And it may be conceded further that by such an extension of membership the union would acquire a great measure of control over the labor involved in coal production. But this does not mean that the organization is unlawful."

Later Judge Parker quotes from the opinion in the case of American Foundries v. Tri-City Council (257 U. S. 184), as follows:

"Labor unions are recognized by the Clayton Act as legal when instituted for mutual help and lawfully carrying out their legitimate objects. They have long been thus recognized by the courts. They were organized out of the necessities of the situation. A single employee was helpless in dealing with an employer. He was dependent ordinarily on his daily wage for the maintenance of himself and family. If the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and to resist arbitrary and unfair treatment. Union was essential to give laborers opportunity to deal on equality with their employer. They united to exert influence upon him and to leave him in a body in order by this inconvenience to induce him to make better terms with them. They were withholding their labor of economic value to make him pay what they thought it was worth. The right to combine for such a lawful purpose has in many years not been denied by any court. The strike became a lawful instrument in a lawful economic struggle or competition between employer and employees as to the share of division between them of the joint product of labor and capital. To render this combination at all effective, employees must make their combination extend beyond one shop. It is helpful to have as many as may be in the same trade in the same community united, because in the competition between employers they are bound to be affected by the standard of wages of their neighborhood."

Judge Parker then said:

"What is said in this case as to the effect of the standard of wages on competition between employers applies in the coal industry, not to a restricted neighborhood but to the industry as a whole; for in that industry the rate of wages is one of the largest factors in the cost of production and affects not only competition in the immediate neighborhood but that with producers throughout the same trade territory. The union, therefore, is not to be condemned because it seeks to extend its membership throughout the industry. As a matter of fact, it has been before the Supreme Court in a number of cases, and its organization has been recognized by that court as a lawful one. We have no hesitation, therefore, in holding that the defendants are not guilty of a conspiracy in restraint of trade merely because of the extent and general purpose of their organizations."

Near the close of the opinion Judge Parker states:

"It is said, however, that the effect of the decree, which, of course, operates indefinitely in future, is to restrain defendants from attempting to extend their membership among the employees of complainants who are under contract not to join the union while remaining in complainants' service, and to forbid the publishing and circulating of lawful arguments and the making of lawful and proper speeches advocating such union membership. They say that the effect of the decree, therefore, is that because complainants' employees have agreed to work on the nonunion basis, defendants are forbidden, for an indefinite time in the future, to lay before them any lawful and proper argument in favor of union membership."

Then Judge Parker goes on to say:

"If we so understood the decree, we would not hesitate to modify it. As we said in the Bittner case, there can be no doubt of the right of defendants to use all lawful propaganda to increase their membership."

The final quotation in the opinion, the insertion of which reveals the absence of any attitude prejudicial to the interests of the laboring man, is found toward the bottom of page 850. This quotation is taken from the opinion in the case of Gasaway v. Borderland Coal Co. (278 Fed. 56), and reads as follows:

"So far as the contracts themselves and this record disclose, the check-off is the voluntary assignment by the employee of so much of his wages as may be necessary to meet his union dues and his direction to his employer to pay the amount to the treasurer of his union. In that aspect the contract provision is legal, and quite evidently there are many lawful purposes for which dues may be used."

In Hitchman Coal & Coke Co. v. Mitchell (245 U. S. 229), upon which Judge Parker relied and which he believed to be controlling in the Red Jacket case, the Supreme Court said in its decision:

"Another fundamental error in defendants' position consists in the assumption that all measures that may be resorted to are lawful if they are 'peaceable'—that is, if they stop short of physical violence or coercion through fear of it. In our opinion, any violation of plaintiff's legal rights contrived by defendants for the purpose of inflicting damage, or having that as its necessary effect, is as plainly inhibited by the law as if it involves a breach of the peace. A combination to procure concerted breaches of contract by plaintiff's employees constitutes such a violation, that is, a violation of the plaintiff's legal rights."

In its opinion (245 U. S. 250) the Supreme Court declared:

"That the plaintiff was acting within its lawful rights in employing its men only upon terms of continuing nonmembership in the United Mine Workers of America is not open to question. * * * The same liberty which enables men to form unions, and through the union to enter into agreements with employers willing to agree, entitled other men to remain independent of the union and other employers to agree with them to employ no man who owes any allegiance or obligation to the union. In the latter case, as in the former, the parties are entitled to be protected by the law in the enjoyment of the benefits of any lawful agreement they may make. This court repeatedly has held that the employer is as free to make nonmembership in a union a condition of employment as the workingman is free to join the union, and that this is a part of the constitutional rights of personal liberty and private property, not to be taken away even by legislation unless through some proper exercise of the paramount police power. (Adair v. United States, 208 U. S. 161; Coppage v. Kansas, 236 U. S. 1.) * * *

"Plaintiff, having in the exercise of its undoubted rights established a working agreement between it and its employees, with the free assent of the latter, is entitled to be protected in the enjoyment of the

resulting status, as in any other legal right. That the employment was 'at will' and terminable by either party at any time is of no consequence."

Mr. Justice Brandeis wrote a dissenting opinion in the Hitchman case, but his dissent was not based on a suggestion that the contract between the employer and its employees not to join the union was unenforceable or void. On the contrary, he said (p. 271):

"In other words, an employer, in order to effectuate the closing of his shop to union labor, may exact an agreement to that effect from his employees. The agreement itself being a lawful one, the employer may withhold it from the men an economic need—employment—until they assent to make it."

Mr. McCULLOCH. Mr. President, the other charge made against Judge Parker is that the made the following statement when he was a candidate for Governor of North Carolina 10 years ago:

The participation of the negro in politics is a source of evil and danger to both races and is not desired by the wise men of either race or by the Republican Party of North Carolina.

It has not been denied that Judge Parker made this statement. It has been disclosed, however, in the debate that while sitting as a member of the circuit court of appeals in a southern district, as a judge with a life tenure, his decisions clearly indicate that he would not, sitting as a judge, nullify the fourteenth and fifteenth amendments, or prejudice the rights of any citizen.

That the decisions of Judge Parker are accepted by colored people who are familiar with the facts as a complete answer to the charge made against him is evidenced by the following statement from the St. Luke Herald, leading colored newspaper of Richmond, Va.:

In this decision we feel inclined to accept the opinion expressed by the North Carolina jurist in his official capacity less than six months ago, rather than a tawdry bit of political balm uttered as a bait for votes in his fight for the gubernatorial seat 10 years ago. We hope that the association for the advancement of our race, in its zeal to uncover harmful propaganda, will not lose sight of the present advantages which have accrued to our racial group through this same Judge Parker.

The two points about which I have been in doubt have been sufficiently cleared in my own mind, and I intend to support President Hoover's nominee and vote for his confirmation.

Mr. WALSH of Massachusetts. Mr. President, I have here a communication from the Shoe Workers' Protective Union of Massachusetts. Attached to this communication are some sample "yellow-dog" contracts that are now in effect in Massachusetts and in the neighboring State of New Hampshire.

I ask that this letter, which explains these "yellow-dog" contracts and which has attached to it copies of two of them, be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The letters are as follows:

SHOE WORKERS' PROTECTIVE UNION,
Boston, Mass., May 2, 1930.

Hon. DAVID I. WALSH,
United States Senator, Washington, D. C.

MY DEAR SENATOR: I have read with a great deal of interest and pleasure your statement that you would be unable to vote for the confirmation of Judge Parker as Justice of the United States Supreme Court, and note that in your statement you have made reference to the "yellow-dog" contracts. I am accordingly taking the liberty of forwarding the inclosed copies of "yellow-dog" contracts as an example of some of those that are in effect in our own State of Massachusetts and in the neighboring State of New Hampshire.

I desire to call your particular attention to the George B. Leavitt Co.'s contract of Farmington, N. H., which, to distinguish it from the others, I have had typewritten on white paper. There are several outstanding features in this agreement that I would like to call your attention to, to show how far some of these contracts go.

First, I would like to call your attention to the first paragraph of this contract, that is, that part of it which states, among other things: "I will give my best efforts and so much of my time as may be designated by said company to the work assigned me by said company." My impression of this particular part of the contract is that the employee must work as many hours as the company desires, including Sundays as well as week days, or it might be well considered in the event he refused to do so that he committed a breach of contract. In the same paragraph you will also find, "less such sums as the company shall determine as will compensate them for damages done to the stock, goods, and equipment used by me in performing the work assigned me by the company," which could well be interpreted to mean that the employee would be required to pay for repairing any breakage in the machines used by him in performing his work, regardless of whether or not it was his fault. Might even go so far as to compel him to pay for replacement of parts worn out by the ordinary wear and tear of machinery.

In the second paragraph the following language appears: "And I will not coerce, induce, or force in my individual capacity or by combination with others, the said George B. Leavitt Co. to vary the terms of this contract or make any attempt whatever in any manner to do so." It might be held under the language "in any manner" that were the workers to approach the owner to discuss changes in the contract he would be liable for breach of contract.

In the third paragraph there appears what seems to me as the most vicious of all conditions in the contract, namely: "That the said George B. Leavitt Co. shall have the right to terminate this contract without notice to me at any time that said company may determine that I have or any member of my family has committed or attempted to commit any act above referred to." This language seems very clear that a worker signing this contract not only signs away his own personal rights and liberties, but, at the same time, signs away the rights and liberties of all the members of his family, or at least he is binding himself to be responsible for the acts of his family, and the language following this condition of the agreement says: "That all questions that may arise relative thereto and to my said employment shall be determined by the company in such a manner as they may designate and the company's decision with reference thereto shall be final." It is also further provided that "I will accept all money then due under the terms of the contract in full for all claims and demands that I have against the said company." It might be that under this section, regardless of what amount the worker had earned he would have nothing to say under the contract as the company might well claim that it would take whatever he had coming in wages to fix the machine he had been operating in replacing the parts worn by the ordinary usage of the machine in performing his work.

Of the many individual contracts, or "yellow-dog" contracts as they are commonly called, that have come under my observation I am frank to say that without a doubt this is the most vicious contract that I have ever seen and after reading your discussion of "yellow-dog" contracts it struck me that you might be interested in reading the inclosed contract that I have explained my impression of in this communication.

This contract was actually signed by many of the employees of this concern and to the best of my knowledge and belief is still in effect in that factory at the present time. It seems hard to believe that a free-born American citizen would sign any such an agreement, but it is harder to believe that any American employer would present any such an agreement to an American worker as the condition of his employment.

Trusting that the inclosed agreements in this communication will be of interest to you, I am,

Very truly yours,

DANIEL M. FITZGERALD,
General Secretary-Treasurer.

CONTRACT OF EMPLOYMENT

This contract made between ——— ——— of ——— and George B. Leavitt Co., of Farmington, in the county of Strafford and State of New Hampshire. Witnesseth:

That whereas ——— ——— is desirous of obtaining employment in the said George B. Leavitt Co. in the capacity of ——— ———, now therefore, I, the said ——— hereby contract and agree with the said George B. Leavitt Co. to perform the labors and duties assigned to me by said company in a workmanlike manner and to the satisfaction of said George B. Leavitt Co., and that I will give my best efforts and so much of my time as may be designated by said company to the work assigned me by said company; that I will accept therefore the sum of ——— per day, or, in case of piecework, to accept the current prices therefor as paid in said factory for performing said work, less such sums as the company shall determine as will compensate them for damages done to the stock, goods, and equipment used by me in performing the work assigned me by the company.

And I further contract and agree not to enter into any combination or association with any person or persons whomsoever for the purpose of injuring the said George B. Leavitt Co. or its property, and I will not coerce, induce, or force, in my individual capacity or by combination with others, the said George B. Leavitt Co. to vary the terms of this contract, or make any attempt whatever in any manner to do so; that I will not be a party to any hostile act which may obstruct, hinder, or delay the operations of said company.

And I, the said ——— ———, further contract and agree that the said George B. Leavitt Co. shall have the right to terminate this contract without notice to me at any time that said company may determine that I have, or any member of my family has, committed or attempted to commit any act above referred to. That all questions that may arise relative thereto and to my said employment shall be determined by the company, in such manner as they may designate, and the company's decision with reference thereto shall be final. The company shall have the right to terminate this contract upon the breach of any condition thereof by me without notice to me, but that under all other conditions I will accept and give six workingdays' notice in writing of the inten-

tion to terminate this contract. And in case of termination of said contract on notice or otherwise, as provided herein, I will accept all money then due under the terms of this contract in full for all claims and demands that I have against the said company. At the expiration of such notice, given or received by me, this contract shall be null and void.

Dated at Farmington, N. H., the ——— day of ———, 192—.

Witness:

[SEAL.] ----------

AGREEMENT

This agreement made the 21st day of October, 1927, by and between L. M. Block & Sons, party of the first part, hereinafter called the company, and August Chass, party of the second part, hereinafter called the operative.

Witnesseth that—

1. The operative agrees to work for the company to the best of his (her) skill and ability and in accordance with factory regulations, receiving for his (her) services compensation as hereinafter provided, and that he (she) will not attempt to leave the employment of said company because of any dissatisfaction on account of compensation or conditions surrounding said employment or conduct of the business of said company without first submitting in writing to said company his (her) grounds for grievance, and giving reasonable opportunity to said company to change or remedy the same.

2. The company agrees to employ the operative and to pay him (her) for services during the time that he (she) remains in such employment ——— dollars ——— cents per week, ——— hour ———, or the prevailing piece rate, all upon the terms and conditions of this agreement.

3. The operative, for the consideration aforesaid, agrees that during the period of his (her) employment by said company he (she) will not join or become a member of or participate in the purposes of any labor organization or union.

This contract may be terminated by either party hereto by giving three days' written notice to other party; or by said company, in lieu of such written notice, paying to said operative the equivalent of three days' average wages of said operative.

In witness whereof the said parties have signed the above instrument the day and year first above written.

L. M. BLOCK & SONS,
By IRENE CAREY,
Operative.

AGREEMENT

Date ——— ———, 192—.

I hereby apply for employment as ———, and in consideration of employment by you I agree that:

1. I will perform all work assigned to me to the best of my ability and I will comply with such rules as you may put into effect for the conduct of your business.

2. I will not take part in any strike or in any concerted cessation of work or in any effect or plan to hinder the conducting of your factory as an "open shop" or as a nonunion shop.

3. I agree that during the period of employment by you I will not join or become a member of or participate in the purpose of any labor organization or union.

4. My employment may be terminated by you or me upon and by written notice (notice to me to be sufficient if mailed to my address as given below).

5. In case my employment is terminated, I will for one year thereafter, in no way annoy, molest, or interfere, directly or indirectly, with your customers, property, business, or employees.

(Signed) ——— ———.

Resident: Street ——— City ——— State ———

Mr. SHORTRIDGE obtained the floor.

Mr. FESS. Mr. President, will the Senator from California yield to me in order that I may suggest the absence of a quorum?

The VICE PRESIDENT. Does the Senator from California yield for that purpose?

Mr. SHORTRIDGE. I yield.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Cutting	Hatfield	Nye
Ashurst	Dale	Hawes	Oddie
Baird	Deneen	Hayden	Overman
Barkley	Dill	Hebert	Patterson
Bingham	Fess	Howell	Phipps
Black	Frazier	Johnson	Pine
Blease	Gillett	Jones	Pittman
Borah	Glass	Kean	Ransdell
Bratton	Glenn	Kendrick	Robinson, Ark.
Brock	Goldsborough	Keyes	Robinson, Ind.
Broussard	Gould	King	Schall
Capper	Greene	McCulloch	Sheppard
Caraway	Hale	McKellar	Shipstead
Connally	Harris	McNary	Shortridge
Copeland	Harrison	Metcalf	Simmons
Couzens	Hastings	Norris	Smoot
Steck	Thomas, Idaho	Vandenberg	Waterman
Steiwer	Thomas, Okla.	Wagner	Watson
Stephens	Townsend	Walcott	Wheeler
Sullivan	Trammell	Walsh, Mass.	
Swanson	Tydings	Walsh, Mont.	

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present. The Senator from California [Mr. SHORTRIDGE] is entitled to the floor.

Mr. SHORTRIDGE. Mr. President, duties have called me out of the Chamber during the last four or five days, and I have been denied the advantage, and I am sure the pleasure of listening to the several addresses and arguments which have been delivered for or against our consenting to the nomination of John J. Parker, now one of the judges of the Circuit Court of Appeals of the Fourth Circuit, to be a Justice of the Supreme Court.

The discussion has taken a very wide range. It has been carried on with proper senatorial courtesy and very commendable urbanity by the participants. Divergent and opposing views have been expressed by thoughtful Members of this body. These divergent and opposing views have had to do with legal principles and as to the precedents of our courts, some State, some Federal, of inferior and of courts of last resort. Different views have been expressed as to public policy involving the welfare of our people; and assuredly we all appreciate that there have been divergent and perhaps directly opposing views expressed as to the function, the duty, of our Federal courts, inferior and supreme.

Suffer me to emphasize the last thought—that learned Members of this body, lawyers of established reputation and scholars who have studied government, entertain and, I think, have expressed opposing views as to the function and the duty of our Federal courts, inferior and supreme, under the supreme law of the land, which is the Constitution and treaties and laws made in pursuance thereof; and certainly, if not intentionally, these contending or opposing and divergent views have drawn in question the very framework of our Government as designed by the Constitution under which we live. I beg to say—though I have not had the pleasure of listening to these several addresses, I have glanced through most of them as they appeared in the RECORD—that the discussion thus far has been highly creditable to the learning, to the industry, to the sincerity of those participating; and those who know me know full well that if I differ from a brother Senator, it is not that I have the less respect for his ability or his integrity of purpose or his high and worthy ambition to serve his State and his country.

I do not differ from much that has been said during this debate, for such it has been—a debate. I agree with much that has been uttered. I may differ as to certain conclusions reached, and as to what our duty is in respect of the matter immediately before us.

I beg to add that I am not disposed at this hour, partly because of my physical condition, to prolong unduly the discussion; and I would not now claim the attention of the Senate if I did not consider it my duty to place of record my dissent from certain propositions advanced and certain arguments made which, it is argued, disqualify the nominee for a seat on the Supreme Bench. We have, indeed, sir, a duty to perform, and in the performance of that duty we are bound to consider all the elements that, combined, in our conscientious judgment, make a man fit and worthy to participate in administering justice under the Constitution and the law in the Nation's court of last resort.

Mr. President, our fathers builded wiser than they knew. What was their purpose? They declared their purpose in the preamble to the Constitution. Those immortal words are these:

> We, the people of the United States, in order to form a more perfect union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

It is interesting to note that the words "justice," "tranquility," "welfare," "blessings of liberty" are capitalized, as if to give them emphasis or as if to arrest the attention of the men and women of that hour and their posterity.

Mr. President, how were these priceless purposes to be achieved? How were these inestimable blessings to be secured to them and to their posterity? By a written constitution. That Constitution divides the Government to be operated under it into three great branches or departments. Observe: Power—not discretion, not inclination, but power—is assigned to each of these departments or branches of our Government.

That, of course, is known to all Senators; but it is well to remind our people to-day that the Constitution framed by the fathers divided the Government into three great departments, and assigned to each department certain power.

Article I of the Constitution says:

All legislative powers—

With the word "powers" capitalized—

herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

All legislative power is granted to the Congress, is vested in the Congress.

Article II of the Constitution vested and vests all executive power in a President of the United States. That article provides:

The executive power shall be vested in a President of the United States of America.

Article III provides for the vesting, the lodging of judicial power. It provides:

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

Observe, therefore—and the minds of Senators will run along and see why I am emphasizing these thoughts—that the Constitution, by express terms, divides the Government into three departments, and by express language vests in these different departments certain power; the legislative power being in the Congress, the executive power being in the President of the United States, and the judicial power being in the Supreme Court and in such inferior Federal courts as Congress may from time to time ordain and establish.

If these fundamental facts are clearly borne in mind, the solution of many problems is very easy; and I venture to think and to say that it is because, as a result of pique or disappointment, the result of prejudice or passion, men sometimes forget these simple, plain facts and distribution of powers that so much confusion results and so much acrimonious debate is indulged in, here and elsewhere, as to the powers and duties of those charged with administering our Government.

This Constitution further provides, in Article VI, as follows—and by this we are guided, we are bound, under our oaths recorded here and up yonder:

This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution.

Then follow these words, which should never, never be lost sight of, ignored, or disregarded:

But no religious test shall ever be required as a qualification to any office or public trust under the United States.

I beg to remind the Senate, though it is, of course, quite unnecessary to do so, that to this Constitution, so framed, there were speedily added 10 amendments, and later others, making up 19 in all. This Constitution, with these added 19 amendments, is the supreme law of this land, and laws which are made in pursuance thereof are similarly the supreme law of the land.

Under this Constitution we have grown from weakness unto strength, from a little, feeble Republic to the mightiest Republic that has ever existed on this earth. We have thus grown and expanded and stand to-day under this Constitution which we, honored by speaking in part for our State and Nation, are obligated to uphold. I do not pause to do myself the pleasure of paying tribute to this great instrument. It is enough for me to say that if it had not been framed, if it had not been adopted, if it had not been defended by the learning and the sacrifices of our ancestors, we would not now be the Republic of the United States of America, and you would not be sitting there, sir, in that high place, presiding over a Senate of the United States.

To this Constitution as framed, construed, administered, we owe whatever makes us to-day proud to be American citizens, and I would rather have this arm paralyzed, I would rather drop dead on this floor, than consciously to do anything to impair the rightful power of any of the great departments of our Government.

I hasten now to add, and to anticipate, that if I thought the nominee before us would be unfaithful to his oath—that sacred oath which each Supreme Court Justice takes—if I thought he would be unfair to any poor and struggling man or woman or boy in this land, if I thought he would be unfair or unjust to the colored man or woman or child, I would rather die this minute than cast an approving vote for him.

I need not say so to those who know me; it may not be improper or indelicate on my part, however, to add that I have always had a sympathy with and a desire to assist in all proper and possible ways the man or woman, native or naturalized, poor, white, or black citizen of the United States, who has to toil with hand or brain, and I conceive it to be my duty, as I know every honored Senator thinks it is his, never to put in high place of power and authority in the legislative or the executive or the judicial branch of our Government any official who feels otherwise or who would not lend an attentive ear to the demands of those who labor or would not guard and uphold the rights of those who labor to organize and to present their views to the legislative, to the executive, to the judicial branch of our Government.

Right here I anticipate by saying that the gravamen of the attack upon Judge Parker is that he mistook the rulings of the Supreme Court of the United States, for my learned friend from Idaho, in his opening address, which was clear and logical, undertook to point out that the Circuit Court of the Fourth Circuit, in the opinion written by Judge Parker, followed the Hitchman case rather than the Tri-City case, which, he argued, qualified and modified the earlier decision. The gravamen of the offense of the fourth circuit was that they committed error, that they erred in this that they looked to an earlier decision and overlooked the later decision, which later decision they should have followed.

Ah, who of us is entirely guiltless of error? Who of us has not so offended? But I will refer to these cases and discuss them briefly in a few moments.

Mr. President, I do myself the pleasure, however, of repeating that whatever we have to-day which makes us proud as American citizens we owe to the Constitution under which we live and which we are bound in honor and in duty in this or other place to defend and uphold, and which the Federal judge is similarly bound to defend and uphold.

Mr. President, to borrow a thought from Macaulay, if a visitor from some strange and remote and unknown part of the world should come and sit in this gallery and listen to the addresses of certain of our Members, he might conclude that we were the most downtrodden, oppressed, poverty-stricken, unhappy people on the earth, whereas we are the best-fed, the best-clothed, the happiest people on the earth to-day. If that be an imaginative picture I have drawn, let me ask you, sir, why it is that all the poor men and struggling women of all the European nations and all the oriental Asiatic nations are hoping and praying that they may some time come to the United States, why they are striving to come to blessed United States. So I wish to dissent from the pictures which have been drawn touching the conditions in our country to-day.

The powers to which I have referred as granted amount to this: That the Congress legislates, the President executes, and the judiciary decides in all cases in law and equity mentioned in the Constitution. I read but a part of Article III, where it is provided that all judicial power is delegated to the Supreme Court and the inferior courts created by Congress, and, I repeat, that the judges of the Supreme Court and of the inferior courts established by Congress decide in all cases in law and equity mentioned in the Constitution.

The courts do not legislate. The learned Senator from Nebraska and possibly others have again and again and yet again used the phrase "the courts legislate." I speak as a member of the legal profession, and my mind runs back to some forty-odd years ago, when I was admitted to the bar of the Supreme Court of California, and to some 30 years ago, when admitted to practice before our Supreme Court here. Speaking, therefore, for a moment, as a lawyer to lawyers, scholarly Senators, I say that no judge ever "legislates," no Federal judge, no State judge, inferior or supreme, "legislates." In respect to our Federal Government, all "legislative powers" are lodged in the Congress, as all executive power is lodged in the President, while the judicial power is vested in the Supreme Court and inferior Federal courts.

The Supreme Court does not "make law," it does not "legislate." It is a misuse of terms, it is misleading, it is confusing, and it does injury throughout the Nation to say that it does, in this, that it conveys the idea that the Federal courts usurp power, usurp authority, and "legislate," "make laws," for the people.

To speak accurately, the court interprets statutes, the court construes contracts, the court determines the right and the duties of litigants in cases before it. The court, I repeat—and if everything else, I say, is forgotten, I hope this will be remembered—does not legislate; the court does not make laws; the court interprets statutes, construes contracts, and determines

the rights of litigants. It construes contracts entered into between parties and it determines the rights and the duties of litigants in cases before it.

What has our Supreme Court said, Mr. President, as to its power and duty? It has answered my question in language which was written by the hand of the great—perhaps the greatest of our Chief Justices—John Marshall in the never-to-be-forgotten and often-cited case of Marbury against Madison. I would gladly read it, but time is on the wing, and I shall ask, therefore, that I may hereafter have incorporated in the RECORD the language of the Supreme Court of the United States in the case mentioned, wherein John Marshall laid down principles which have ever since been adhered to, principles which have preserved us as a Nation.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. SHORTRIDGE. Mr. President, of those immediately present and of those who may read let me ask, What if that battle waged by John Marshall in that case had been otherwise decided? What if the people of the United States had not approved and acquiesced in that decision as they have? That decision, indeed, preserved us as a Nation.

It is true, Mr. President, that individual men soon pass away From the dimpled cradle to the quiet grave is a brief journey. "We are such stuff as dreams are made of, and our little life is rounded with a sleep." Men pass away, but great principles of government, great policies of government endure, and they endure to bless or to blast a nation. I claim that the principles laid down by Marshall and thus far acquiesced in by the American people have blessed our fathers, blessed us, and if we are faithful to them, if our children are faithful and devoted to them, will bless posterity as long as this Republic lasts—and let us hope that it may last forever.

Mr. President, speaking of the past, I invite the thought of my countrymen to the personnel of the Supreme Court from John Jay down to Charles Evans Hughes. I invite the world to look at that array of great men, our Chief Justices from the beginning to this hour. Similarly and in like confidence I invite our own people—my sons, your sons, our daughters—to look at the Associate Justices who have adorned the Supreme Court from the days of Washington until this hour. I need not go back to the days of the Tudors or the Plantagenets or the Stuarts, though I have studied the history of that great people. I need not go back and draw comparisons specifically; but having in mind the great chancellors of England, having in mind the great jurists of Rome, and being more or less acquainted with the great judges who sat in Athens in her hour of glory and power, I say that there is not a series of men to be found in the record of all Greece or Rome or Great Britain—and I would include France and other European nations—which exceeds in learning, in character, in service to humanity—there is not a series of judges to be compared with and certainly not to excel the Chief Justices and the Associate Justices of our Supreme Court of the United States.

It is to that bench and for a seat upon that bench that the great President of the United States—Herbert Hoover—has named a great native son of the great old North Star State of North Carolina. Our great President, with no other desire than to serve his country, has submitted for our consideration the name of a great native son of the dear old State of North Carolina, for which for personal reasons I have a sincere affection.

The President has nominated a man of unblemished character, of unquestioned ability, commended by his neighbors who love and honor him, indorsed by the people of the State in which he was born, indorsed by men of different and divergent political beliefs, indorsed by great judges with whom he has served, indorsed by the great Senators who speak for that State, indorsed by men of high and low conditions, by the poor and the affluent, by distinguished and obscure; a man who has come up through toil and through service even as some of our Senators have come up through toil and service to their high positions, a man born in poverty, but who by his God-given gifts has risen to high place, to a seat on the circuit court; a man without a stain upon his character, without a word breathed against him as to his ability. It is such a man that is before us and as to whose fitness or worthiness to sit on the Supreme Court we are asked to advise.

Mr. President, we ought as Senators to forget partisanship. As for me, I do. Certainly we should forget geography, and we should think merely of the character and fitness of the man for the position in question. The question is whether the man is fit and worthy. He has been submitted to us by President Hoover. He has been indorsed by the many to whom I have referred. The record here is overcrowded with letters and telegrams vouching for his ability and his worthiness as man and as judge.

I recall a certain libel case I tried years ago in San Diego, Calif. During the trial a reporter for a New York paper who was there covering the case passed to me a slip of paper on which he wrote: "Reputation is what men say of us. Character is what God knows us to be." True indeed, and beautifully expressed. But if we may judge character by reputation and by acts done then we may conclude concerning this man, whom I have never met, who has never addressed me, and as to whose nomination no one has approached me to persuade or convince or intimidate me other than by letters and telegrams which have come, the receipt of which I have not resented—concerning this man we may conclude that his reputation is a true reflection of his character.

Wherein has he offended? Why has he offended many good men and women in the country who are organized under terms known as unions and who think that he entertains views and would join in decisions hostile to their best interests? Why is it the colored men and women of the Nation have been led to think that he would join in any decision inimical to their interests or deny to them all their rights under the Constitution and the laws of the United States? The answer is very simple.

I listened in part and read in whole of the address of the Senator from Idaho [Mr. BORAH] in respect of certain decisions of our Supreme Court and I have heretofore inquired of him, and will inquire now and of other Senators, what is the offense from a legal standpoint of which Judge Parker is guilty? What is the decision which he rendered which shows him unfit or unworthy to be a member of the Supreme Court? He is now a member of the United States circuit court and will continue to be, I assume, if not approved here, as long as God gives him to live. He will still be a member of the Circuit Court of the Fourth Circuit.

But what is the offense, what is the gravamen or the burden of the offense with which he is charged? Of course his associates agreed with him in the decision under discussion. It was not a solitary 1-judge decision in the Red Jacket case. The court, made up of himself and associates, joined in the decision which is criticized. As to some portion of it I criticize; and what I say here I would stand up without fear before those nine judges yonder in the Supreme Court and say to them, with respect but with earnestness, and with entire confidence that my position now here taken, and which would be taken there is and would be absolutely sound—sound under the law of this land.

If what my friend from Idaho says is true, the law against which some gentlemen here are complaining is not the law, for he argues that the Supreme Court has turned away from the earlier case and laid down a better and more humane and more correct rule of procedure and law in respect to the court's power to grant injunctions in labor trouble cases. In other words, in the Hitchman case the several courts that dealt with it had under consideration a certain contract, also the acts or the alleged acts of certain defendants complained of, and also the scope of the injunction which was issued against the defendants. The Tri-City case, which came on later, dealt with the same subject matter. In that case there was a contract; there were acts of defendants complained of; and there was the injunction which followed. In the Red Jacket case there was the contract so often referred to; there were acts of defendants complained of; and there followed the injunction concerning which so much has been said.

In other words, Mr. President, here are the three cases around which most of the discussion has flowed—the Hitchman case, the Tri-City case, and the Red Jacket case.

In each of those three cases the contract complained of so justly by many, the acts of defendants, and the injunction were necessarily involved.

My friend from Idaho, of course, has no complaint against the injunction issued in the Red Jacket case in so far as it restrained defendants from acts of violence, from intimidation, and from threats, from physical assertions of overruling power in the nature of threats; he has no objection to such an injunction nor has anyone who has spoken; and no one in this body has complained of such an injunction, if thus limited as in these words described.

It is argued, Mr. President, that in the Hitchman case there was an injunction against physical acts of violence or threats, and that also there was an injunction against the breaching of a contract, the contract therein involved, by deceit or misrepresentation, coupled with, if you please, what may be called peaceful persuasion. But my friend from Idaho, as a result of a logical analysis, argues that in the Tri-City case there was no deceit, misrepresentation, or fraud about the arguments or the persuasion of the defendants in their effort to induce the violation or breach of the agreement, but only peaceful persuasion, and therefore an injunction should not run against it—peaceful persuasion.

Mr. President, if that be so, then why this attack upon the Supreme Court? That court has then modified the scope of injunctions as issued in the Hitchman case in respect of peaceful persuasion leading to a breach of a contract, and has, as argued, decided that it was not unlawful to attempt by peaceful persuasion to bring about the breach of the contract entered into between the mining company, for example, and the individual miners, and, therefore, if that be so, then the offense of the Fourth Circuit Court was in following, as claimed, the Hitchman case instead of the rule as laid down in the Tri-City case. For the moment I pass from that thought to add that after the decision in the Red Jacket case——

Mr. BORAH entered the Chamber.

Mr. SHORTRIDGE. I am glad my friend from Idaho has come into the Chamber. After the decision in the Red Jacket case the attorneys representing the defendant sought a writ of certiorari from the Supreme Court of the United States. The writ was denied, unaccompanied by any written opinion. I do not know and the record has not disclosed whether the court was unanimous or whether it was divided in declining to issue the writ; I do not know whether some of the Justices thought the writ should issue, that the petition be granted, and others thought that it should be denied; I do not know whether it was a mere majority conclusion; I do not know how the judges individually stood on that question, but the record fact is that the petition for the writ was denied.

Whether that action amounted to an affirmance of all that was in the injunction against which the petitioning defendants complained I am not now to pause curiously to consider. I do say, however, that there are those who claim that the denial of the writ amounted to an affirmance of the decision of the circuit court, including the injunctive feature of the decision complained of, and particularly that portion of the injunction which enjoined peaceful persuasion by a third party to bring about the breach, if you please, the breaking, of an unconscionable contract, of a contract which is not, under a decision of the Supreme Court, void ab initio, but a decision the violation of which, it has been argued with great power and great persuasive logic, should not be protected by injunction restraining the members of the union in their own interest and, as they may think, in the interest of the miner who had entered into that contract from seeking to break it. It is against that portion of the injunction that serious and earnest complaint has been made. I repeat what I said a moment ago that, with perfect confidence, I would stand yonder in the room of the Supreme Court, where long years ago I was admitted to practice, and contend that it is not within the judicial power of the Federal Government delegated under Article III of the Constitution, or within the judicial power of any State government to destroy free speech or crush down and utterly annihilate a free press in America. You will see in a moment, Mr. President, why I would thus argue and with perfect confidence, but with the utmost respect for all men who may differ with me.

I said a while ago—it was a platitude to Senators, but I look outside of this Chamber—I should like to have the people of this country bear ever and steadily in mind the distribution of powers under our Constitution—the legislative power under Article I, the executive power under Article II, the judicial power under Article III, and the scope and extent of those several powers. Therefore, I say that, just as we, as the legislative branch, are incompetent to destroy free speech in America, just as we are incompetent to destroy a free press in America, so the executive department is impotent, or would be impotent in any such attempt, to destroy free speech or a free press, and so is the judicial department of our Government restrained, enjoined, from destroying free speech or a free press.

Why do I say this now with such apparent confidence, and why with equal confidence would I say it to Mr. Chief Justice Hughes and his honored associates? Why do I say it, my brother Senators, with such confidence? It is because I do not overlook the first amendment to the Constitution of the United States. I sometimes think it is forgotten or overlooked, and I think it has been overlooked in respect to these injunctions against peaceful persuasion or argument by word of mouth or by letter or by print when the courts have been led to enjoin peaceful persuasion, and treat it, if engaged in, as a high contempt of court, punishable by fine and imprisonment.

I have but to repeat that none of us complains against an injunction restraining acts of violence or threats of violence endangering life or property. We recognize that as necessary in a land of liberty regulated by law. This is not a land of license. It is not a land of anarchy. It is not a land of unregulated liberty. It is a land of liberty regulated and guarded by law; but no court has the right to close our lips or silence the press of America.

The first amendment reads:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press—

Since they are all great guaranties, let me finish the sentence—

or the right of the people peaceably to assemble—

Peaceably to assemble—

and to petition the Government for a redress of grievances.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Idaho?

Mr. SHORTRIDGE. I yield.

Mr. BORAH. Does not the Senator think the Tri-City case respected that amendment pretty well?

Mr. SHORTRIDGE. I said a moment ago, in the Senator's absence, that the Senator from Idaho had made a very persuasive and logical argument to the effect that the Tri-City case differentiated from the Hitchman case, and did seem to hold that peaceful persuasion was not unlawful and should not be enjoined. I then hastened to add that the gravamen of the offense of the Fourth Circuit Court was in not following that decision rather than the one they apparently did follow—namely, the earlier case, the Hitchman case—though I said that lawyers of eminence had argued with great power that perhaps there was no differentiation, and that perhaps, in view of the fact that the Supreme Court had denied the petition for the writ of certiorari in the Red Jacket case, the conclusions the Senator reached may have been somewhat erroneous, or did not reach a sound legal interpretation or conclusion.

Mr. HEBERT. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Rhode Island?

Mr. SHORTRIDGE. I yield.

Mr. HEBERT. I have before me the language used by Mr. Justice Parker in the Red Jacket case, in which he refers to the effect of the decree. If I may be permitted, I should like to read it for the information of the Senator:

It is said, however, that the effect of the decree, which, of course, operates indefinitely in futuro, is to restrain defendants from attempting to extend their membership among the employees of complainants who are under contract not to join the union while remaining in complainants' service, and to forbid the publishing and circulating of lawful arguments and the making of lawful and proper speeches advocating such union membership. They say that the effect of the decree, therefore, is that because complainants' employees have agreed to work on the nonunion basis defendants are forbidden for an indefinite time in the future to lay before them any lawful and proper argument in favor of union membership.

Judge Parker continues:

If we so understood the decree, we would not hesitate to modify it. As we said in the Bittner case, there can be no doubt of the right of defendants to use all lawful propaganda to increase their membership.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Idaho?

Mr. SHORTRIDGE. I yield, with pleasure.

Mr. BORAH. The next sentence modifies the statement:

On the other hand, however, this right must be exercised with due regard to the rights of complainants. To make a speech or to circulate an argument under ordinary circumstances dwelling upon the advantages of union membership is one thing. To approach a company's employees, working under a contract not to join the union while remaining in the company's service, * * * is another and very different thing.

In other words, Judge Parker held specifically that where the contract existed, the liberty of persuasion or the liberty of speech ended.

Mr. HEBERT. Mr. President, will the Senator yield to me for one further quotation?

The VICE PRESIDENT. Does the Senator from California further yield to the Senator from Rhode Island?

Mr. SHORTRIDGE. Certainly.

Mr. HEBERT. Mr. Justice Parker, in using that language, relied on the language in the Hitchman case, in which the Supreme Court said:

Another fundamental error in defendants' position consists in the assumption that all measures that may be resorted to are lawful if they are "peaceable"; that is, if they stop short of physical violence or coercion through fear of it. In our opinion, any violation of plain-

tiff's legal rights contrived by defendants for the purpose of inflicting damage, or having that as its necessary effect, is as plainly inhibited by the law as if it involved a breach of the peace.

Mr. BORAH. Mr. President, I do not wish to interrupt further than to say that I should have no objection to an injunction which sustained that proposition. Where an act was such as was calculated to injure the party in the way of destroying his property or injuring his rights, that would be one thing; but what I contend is that where a person is approached for the purpose of a peaceful discussion, the inference of injury can not arise.

Mr. HATFIELD. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from West Virginia?

Mr. SHORTRIDGE. I yield to the Senator.

Mr. HATFIELD. There is no evidence of peaceful persuasion in the Red Jacket case, but, to the contrary, a massacre which took place 42 days before the strike became effective, July 1.

Mr. SHORTRIDGE. Mr. President, we have here an immediate illustration of how learned lawyers differ in respect of the decisions of our courts. I, of course, have in mind the colloquy which has just gone on as between the Senator from Rhode Island [Mr. HEBERT] and the Senator from Idaho [Mr. BORAH]. We have here three cases—the Hitchman case, the Tri-City case, the Red Jacket case—and Senators learned in the law, of well-established reputation and of great earnestness and power, present their views and appear to differ radically as to the meaning of these cases; the Senator from Idaho, arguing that the Tri-City case materially modified, so to speak, the decision in the Hitchman case, and therefore that Judge Parker and his associates should have followed the decision as by the Senator now interpreted in the Tri-City case, and that his error was in not doing so; whereas the Senator from Rhode Island argues that there was no change in the rulings, and that the circuit court of appeals for the fourth circuit in the Red Jacket case followed properly the law as interpreted in both the preceding cases.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Tennessee?

Mr. SHORTRIDGE. I do.

Mr. McKELLAR. Of course the Senator has read the entire opinion of Chief Justice Taft in the Tri-City case.

Mr. SHORTRIDGE. I think so.

Mr. McKELLAR. Can not the Senator see that in that opinion the Chief Justice very greatly modified the holding in the Hitchman case? It seemed to me that he came very near repudiating the principal thing in it.

Mr. SHORTRIDGE. The Senator perhaps has not heard me. I have quite agreed with him as I see his position to be; and I myself think that the decision was materially modified in the Tri-City case in respect to the power of the court to enjoin what we now call peaceful persuasion, the object of the persuader being to bring about, perhaps, the breach of an existing contract between an employer and an employee. I have said, and I repeat, that I do not think the Congress would have any power to pass a law against such peaceful persuasion; I do not think the executive department would have any Cæsarian power to issue a decree making it a crime upon the part of a citizen to engage in peaceful persuasion; and I do not think there is vested in the judicial power of the Supreme or any inferior Federal court which we may establish the power to destroy free speech and a free press when that free speech and that free press expresses itself in an endeavor to benefit itself, and to assist and possibly benefit the party who had entered into the given contract.

Mr. SHIPSTEAD. Mr. President, will the Senator yield for a moment for a question?

Mr. SHORTRIDGE. Yes.

Mr. SHIPSTEAD. Does the Senator also think that the constitutional prohibitions in that respect cover a court of equity as well as a court of law?

Mr. SHORTRIDGE. Certainly; because the injunctive jurisdiction falls within what are called the equity powers of the court.

Mr. SHIPSTEAD. And it is controlled by the provisions of the Constitution?

Mr. SHORTRIDGE. Unquestionably.

Mr. SHIPSTEAD. May I ask the Senator another question? Would the Senator place that opinion within the provisions of a phrase we hear very often here in the Senate—a phrase that is often used with which to preface a statement by Senators when they say, "This is something that lawyers understand"?

Mr. SHORTRIDGE. I do not quite grasp the force of the question. Lawyers differ, and men have the ability to make the worse appear the better cause; and division and differences of opinion are expressed by eminent lawyers in respect of matters which seem to the layman to be very simple and very plain.

But to be serious, the judicial power speaks, of course, through courts of law and equity, and we understand generally what that means.

Mr. SHIPSTEAD. Mr. President, if I understood the Senator correctly, he expressed, if not concern, at least he observed that eminent lawyers had disagreed on questions of law involved in these various decisions. That, of course, is very embarrassing to us laymen. The phrase is so often used as a preface to a statement made by a Senator, when some so often say, "This is something which lawyers will understand." I wanted to call to the Senator's attention the fact that we laymen are embarrassed sometimes and not a little concerned about this difference of understanding among eminent lawyers on questions of law and decisions.

Mr. SHORTRIDGE. If the Senator did me the honor to be present in the Chamber a few moments ago, he may have heard me express myself in this fashion, to lawyers and scholars in the Senate, and learned gentlemen here familiar with history. I have not assumed for one moment that the lawyer in this body was superior in his knowledge of law or history or philosophy or government, science, or what not. We are all equal, and some of us are far inferior to the noble Senator from Minnesota.

So, Mr. President, the complaint against Judge Parker is that he failed to understand the decisions of the Supreme Court; that he and his associates failed to understand those decisions.

Who, I repeat, has not erred, and, as has been pointed out here again and again by Senators, if he joined in the Red Jacket case believing that he was following a decision of the Supreme Court, that is no evidence whatever that he believed in that Supreme Court decision. Under our system of government it was his duty to follow that decision as he understood it. So that, at most, the offense is that he misunderstood what the Supreme Court had decided.

The Senator from West Virginia [Mr. HATFIELD], making a remark a moment ago, recalled to my mind that former Senator Kenyon and I went over to West Virginia soon after all those distressful and tragic events growing out of the great and prolonged strike in the mines of West Virginia, and I visualize those hills, those mountains, those valleys, and the river running between the two States of West Virginia and Kentucky.

I turn from this legal discussion, if it be so, in seeking to make it plain to everybody, present or elsewhere, that the only fault of this particular judge, if it be fault, is that he misunderstood certain decisions of the Supreme Court.

If error of that kind is to deny inferior judges promotion, there is not a superior judge in any of our States who would ever reach the supreme court of his State. We have inferior tribunals, we have superior and supreme tribunals, in our several States in the Union, and men serve in those different courts, and a given case is tried in an inferior court and a ruling is made, a decision is rendered, an appeal is taken to the supreme court, and the decision is reversed. But does anybody thereafter oppose forever the promotion of that judge sitting in the inferior court whose judgment has been reversed by the supreme court?

I have here a book containing a case which, you will see, I shall not soon forget. It happens to be entitled "In re Shortridge," and is reported in Ninety-ninth California.

Mr. BORAH rose.

Mr. SHORTRIDGE. Not I. That Shortridge was my brother, Charles M. Shortridge. There is a later one, however, concerning my own poor self, in the supreme court, both cases involving the question of contempt of court; and I may say, with propriety, that in both cases the ruling of the superior court was unanimously reversed by the Supreme Court of California.

I mention this in connection with what I said in respect to amendment 1 of the Constitution, which guarantees and protects free lips and a free press in the United States.

In that connection I said, and I say now, that there is a right to persuade, the right to speak, the right to print, and attempt to persuade 1 man or 40 men to breach a contract where, if I am the speaker or the writer, I have a direct interest in the subject matter, and where I think that it will advance the welfare of one of the parties to that contract. I say that no State legislature, no Congress, no court, State or Federal, can make it a crime on my part to exercise that right of free speech and of free press.

Mr. BORAH rose.

Mr. SHORTRIDGE. I yield.

Mr. BORAH. Do I understand, then, that the Senator was in contempt of court for peaceable persuasion?

Mr. SHORTRIDGE. The case did not arise exactly in that way. In one case, yes, I happened to be attorney of record in the latter case, wherein my own poor self was involved, and I had made some observations which the court construed as contempt of court, and ordered me to be confined in a dungeon vile for 24 hours.

Mr. SHIPSTEAD. I think the Senator was highly honored.

Mr. SHORTRIDGE. My friends wanted to give me a banquet and have a brass band and serve some H_2O and celebrate. But my mind turned to habeas corpus, and so I had to send for the sheriff to put me in custody, whereupon a number of eminent lawyers of California, former judges, one of them dear Judge Robert Farrell, for so long on our bench there, and others, filed a petition for a writ of habeas corpus, and the hearing came on.

During the hearing one of the judges, Judge Cooper, leaned over and inquired whether the petitioner was an attorney of record in the case, and a certain attorney answered emphatically, "Yes." "Well," said the judge, "then very likely it was his duty to say exactly what he said. Proceed with your argument."

It was my duty to say what I said, and I said it on behalf of a hated and despised defendant, who was then on trial, and against whom there was a great and, perhaps, just outcry.

I come back to this case in the ninety-ninth volume of the California Reports as illustrative of what I have been attempting to say in support of this proposition, that nature gives us minds to think and lips to speak and hence that the right to speak is said to be a natural right.

Constitutions do not give us the right to speak. The Constitution of the United States does not give us the right to speak, nor does it give us the right to print or publish our thoughts. The Constitution protects those rights, guarantees those rights, and when you strike down the right of a free press, you strike down the right of free speech, and if they perish, they will lie in the same grave.

I repeat and emphasize, as bearing upon this whole case, and this injunctive feature in these cases, that the right to speak and the right to print and to publish are natural rights. They are not delegated rights; they are protected rights, hedged around and protected by the Constitution of the United States.

That was the decision in this California case to which I have referred, reported in Ninety-ninth California. I remember that that case attracted the attention of every newspaper in the United States. My brother happened to be the editor and publisher of the San Jose Mercury, a daily morning newspaper. A certain divorce case came on for hearing before the superior court. The judge of that court—my great friend, and I was his—was sitting in the trial. He ordered the case tried within closed doors, because it was felt that there would be features in the testimony which should not be made public.

The case attracted some attention because a young, giddy girl of 75 years of age sued her gallant husband of about 80 for divorce. They had lived together happily for 50 or 60 or 70 years, but finally the parting came, and it was a case such as attracted the newspapers. Then the judge made a further order, that no publication of the testimony be made by any newspaper.

It so happened that my brother telephoned to me in respect to the matter, and I told him that the court probably had the power to order the case tried within closed doors, but that the court had no power whatever to prevent a fair and truthful report of the judicial proceedings. Upon my advice he took the liberty next morning of publishing all that had taken place during the trial, for which he was cited for contempt of court in this, that he violated that order of the court.

We appeared before the judge, who was somewhat angry. He lacked judicial poise, and was in error, as you will see, for he found the contemnor guilty of contempt, and fined him $100.

I sought a writ of certiorari in our supreme court, a writ of review, as we term it, which was granted, and the case came on for argument in the Supreme Court of California, and that high court, by unanimous decision, held this, that the order which had been violated was utterly null and void; that the court had no power to interfere with the publication in question, and, of course, dismissed the petitioner, and the case was at an end.

I cite that case, which has been cited by practically all of the courts of the land and quoted from by practically all the newspapers of the country, in support of the proposition that the right to print, the right to publish, is not a delegated right, not a given right, but that it is a natural right, as much so in law as the right to speak is a natural right. Therefore our Federal Constitution in the amendment mentioned specially provides that "Congress shall make no law abridging the freedom of speech or of the press," and my argument is that the Congress may not do so and that the courts may not do so.

Of course, there is the law of slander. I may not slander my neighbor. There is the law of libel. I may not libel my neighbor. But there are actions at law for any damage done if I slander or libel my neighbor. The law of slander and the law of libel is in each instance well known and although there is a case or two where it has been argued that injunction might lie against a continuing and persistent libel, yet it is not the generally accepted law. That view has been thrown out by the Supreme Court either of Georgia or Alabama, but ordinarily as a general fundamental proposition, while speech is not to be licensed in the sense of slander or printing in the sense of libel, if slander is complained of or libel is complained of it must be by way of an action at law for the damage incurred.

Mr. SHIPSTEAD. The remedy has been provided by legislative authority in defining the crime and fixing penalties for its commission.

Mr. SHORTRIDGE. Exactly.

Mr. SHIPSTEAD. Is not that also true of trespass, destruction of property, and threats of violence?

Mr. SHORTRIDGE. Yes; except there are cases where threats of violence may be enjoined. Where there is a threat of violence, an act of violence may be enjoined in proper cases; but that is not in harmony with what we have just been agreeing touching slander and libel.

Mr. SHIPSTEAD. Originally the equity power was not used to punish crime or to enjoin crime.

Mr. SHORTRIDGE. No. I catch the Senator's thought now. Where there is a specific act done which is of itself a crime, the law punishes the guilty.

Mr. SHIPSTEAD. Would the Senator believe that it would be an efficacious remedy to enjoin murder or to enjoin theft or arson or other crimes for which the legislative authority has provided a punishment?

Mr. SHORTRIDGE. I can not imagine how a case could go before a court of a threatened murder or a threatened crime such as the Senator has in mind. I do not quite grasp what the Senator is trying to develop.

Mr. SHIPSTEAD. If a petitioner should come before a judge sitting in a court of equity, claiming that the remedy furnished at law was neither adequate nor complete, and asking for an injunction, the Senator does not feel that the judge would be justified in issuing an injunction against a threat to murder, does he?

Mr. SHORTRIDGE. If I understand the Senator, if the law itself has fixed the penalty by way of physical punishment or penalty by way of money fine for the doing of a given act which is inhibited by the law, the law then has anticipated, and in such case a court of equity has nothing to do with it.

Mr. SHIPSTEAD. I am very glad to hear the Senator say that.

Mr. SHORTRIDGE. I think that is so.

Mr. President, I must apologize. I set out with the best of intentions and then forget them or violate them. I promised others that I would not speak long and certainly I did not intend to do so, but I have yielded to others and that consumes some time, and by yielding perhaps I have strayed from the path I intended to follow and have thus wandered over too wide a field.

Much more might be said. I had intended to devote some time to the question of the colored men and why it is that they have come to think that Judge Parker is hostile to them. I listened with much interest to the remarks of the Senator from Washington [Mr. JONES] in respect to that feature of the matter.

It may not be known here, but far off it is known that all my life, in court and elsewhere, I have been the champion and the defender of the rights of the colored man. I have volunteered to defend, and have defended, a number of them when charged with offenses against the law. I have been their champion and their friend, and I avow myself their champion and friend now.

I repeat what I said, that if I thought for one moment Judge Parker, as a member of the Supreme Court, would join in any decision denying to any colored man or woman his or her rights under the Constitution and the laws of the country, I would rather die here and now than to cast a vote for his confirmation. I can not express myself more earnestly. I know that when the colored men of my State of California listen to me touching the attitude of Judge Parker concerning the colored man, I will have no fear of any alienation on the part of their affections. I am very proud and happy to say that they are my friends, they have been my ardent friends, my overzealous friends all my life, for I have inherited the views of my father, who was a personal friend of Abraham Lincoln.

With the utmost regard and high respect for many Senators who may not feel as ardently as I do and in the same way, I have inherited certain views and I have expressed them on many occasions, on public and quasi-public occasions, in courts of the lower and higher degree in my State, touching the rights of the rich and the poor and lowly, the white and the black. While it so happens that while at the bar for a great many years the great corporations of my State have never seen in my abilities anything which brought about my employment, and perhaps they were right in assuming that I could not efficiently represent them, they know and the people know that I bear no prejudice against men, rich or poor, white or black, native or naturalized, and therefore I feel that Judge Parker would be a just judge.

There are Senators in this Chamber who will vote against Judge Parker for reasons which they entertain, for whom I would gladly vote to confirm as a member of the Supreme Court of the United States. Why? Why would I do so? Because I know that as judges they would join in such decisions as they thought were in conformity with the Constitution and the laws made in pursuance thereof. I know they would strip themselves and empty their hearts of all prejudices and passions and preconceived notions and render just decisions according to their conscientious and matured and final belief and conclusion.

I feel that way in respect to this nominee. The fact that he hails from the State of North Carolina is neither here nor there. The fact that he has allied himself with the Republican Party is neither this nor that with me in this instance. If he came here as a member of the historic great Democratic Party of Tennessee, and was a pronounced partisan of that great political organization, and possessed character and learning, I would believe that if placed upon the Supreme Court and the rich or the poor came before him, he would forget his partisanship even as the great Democratic justices and even as great Republican justices forget their partisanship when they come to render decisions affecting the rights of men. I am satisfied that our decision should be in favor of approving the choice of President Hoover.

I hope I will be forgiven for taking so much of the Senate's time. I have endeavored, however, to impress one or two thoughts upon the Senate and upon Senators who differ from me, and that is that the gravamen of the complaint against this nominee is that he erred in joining with his associates in a certain decision, that he erred in not following a later, but adopting the principles which he thought were announced in an earlier decision of the Supreme Court of the United States.

If I may, without irreverence, refer to the most celebated case in all history, if I may do so with reverence, I quote the sacred words of the Master, "Let him who is without sin cast the first stone." Nobody has accused Judge Parker of a sin. At most he has been accused of an error.

Mr. President, I earnestly hope that Senators will approve and advise the confirmation of the nomination of Judge Parker.

Mr. SHIPSTEAD obtained the floor.

Mr. McNARY. Mr. President, is it the desire of the Senator from Minnesota to address the Senate now.

Mr. SHIPSTEAD. It is pretty late to do so now.

Mr. McNARY. It is my desire to move a recess, if the Senator does not care to proceed to-night.

Mr. SHIPSTEAD. There will hardly be time to say much to-morrow, but I would not like to keep the Senate in session longer at this late hour.

Mr. McNARY. Would the Senator have any objection to the Senate now taking a recess until 12 o'clock to-morrow?

Mr. SHIPSTEAD. I have no objection.

RECESS

Mr. McNARY. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate, in executive session, took a recess until to-morrow, Wednesday, May 7, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 6 (legislative day of April 30), 1930

COAST GUARD

The following-named officers in the Coast Guard of the United States, to rank as such from July 13, 1929:

To be commanders (engineering)

Lieut. Commander (Engineering) Charles J. Odend'hal.
Lieut. Commander (Engineering) Henry C. Roach.
Lieut. Commander (Engineering) Clinton P. Kendall.

PROMOTIONS IN THE NAVY

Commander Russell Willson to be a captain in the Navy from the 10th day of November, 1929.

Commander William A. Hall to be a captain in the Navy from the 6th day of April, 1930.

Lieut. Commander Donald B. Beary to be a commander in the Navy from the 6th day of April, 1930.

Lieut. Seldon L. Almon to be a lieutenant commander in the Navy from the 10th day of February, 1930.

Lieut. (Junior Grade) Leon J. Manees to be a lieutenant in the Navy from the 19th day of January, 1930.

Lieut. (Junior Grade) Robert A. Knapp to be a lieutenant in the Navy from the 30th day of January, 1930.

Lieut. (Junior Grade) Beverly E. Carter to be a lieutenant in the Navy from the 1st day of March, 1930.

Ensign Robert B. Ellis to be a lieutenant (junior grade) in the Navy from the 3d day of June, 1929.

Ensign Benjamin Katz to be a lieutenant (junior grade) in the Navy from the 3d day of December, 1929.

Passed Asst. Surg. Joseph B. Logue to be a surgeon in the Navy, with the rank of lieutenant commander, from the 7th day of January, 1930.

Passed Asst. Paymaster Arthur Rembert to be a paymaster in the Navy, with the rank of lieutenant commander, from the 7th day of January, 1930.

Lieut. (Junior Grade) Alexander Sledge to be an assistant naval constructor in the Navy, with the rank of lieutenant (junior grade), from the 4th day of June, 1928.

Lieut. (Junior Grade) Edmund M. Ragsdale to be an assistant naval constructor in the Navy, with the rank of lieutenant (junior grade), from the 3d day of June, 1929.

The following-named ensigns to be assistant naval constructors in the Navy, with the rank of ensign, from the 2d day of June, 1927:

Charles M. Tooke.
Henry T. Koonce.
Allen M. Zollars.

The following-named ensigns to be assistant naval constructors in the Navy, with the rank of ensign, from the 7th day of June, 1928:

Charles R. Watts.
William E. Howard, jr.
Raymond O. Burzynski.
Ralph K. James.
John Zabilsky.

The following-named radio electricians to be chief radio electricians in the Navy, to rank with but after ensign, from the 8th day of November, 1929:

John E. Ferree.
Francis J. Hall.

POSTMASTERS

ALABAMA

Knox McEwen to be postmaster at Rockford, Ala., in place of Knox McEwen. Incumbents' commission expires June 3, 1930.

Leonard F. Underwood to be postmaster at Shawmut, Ala., in place of L. F. Underwood. Incumbent's commission expires June 3, 1930.

ARIZONA

Ezbon E. Cooper to be postmaster at Chandler, Ariz., in place of W. W. Jett, resigned.

ARKANSAS

Nannie L. Connevey to be postmaster at Bauxite, Ark., in place of N. L. Connevey. Incumbent's commission expires June 12, 1930.

CALIFORNIA

Ralph H. Read to be postmaster at Middletown, Calif., in place of R. H. Read. Incumbent's commission expired December 21, 1929.

CONNECTICUT

Francis W. Chaffee, jr., to be postmaster at Eagleville, Conn., in place of F. W. Chaffee, jr. Incumbent's commission expires June 3, 1930.

Edward F. Schmidt to be postmaster at Westbrook, Conn., in place of E. F. Schmidt. Incumbent's commission expired December 16, 1929.

FLORIDA

Daniel H. Bishop to be postmaster at Mount Dora, Fla., in place of D. S. Simpson. Incumbent's commission expired December 18, 1929.

GEORGIA

Edwin R. Orr to be postmaster at Dublin, Ga., in place of E. R. Orr. Incumbent's commission expires May 21, 1930.

ILLINOIS

Frederick H. Meyer to be postmaster at Deerfield, Ill., in place of F. H. Meyer. Incumbent's commission expires June 8, 1930.

Frank W. Squire to be postmaster at Godfrey, Ill., in place of F. W. Squire. Incumbent's commission expires May 28, 1930.

Harry W. Smart to be postmaster at Herrick, Ill., in place of Elmer Beck. Incumbent's commission expired January 30, 1930.

Arno R. Mebold to be postmaster at Marine, Ill., in place of A. R. Mebold. Incumbent's commission expires May 28, 1930.

Edward J. Wise to be postmaster at Troy, Ill., in place of F. S. Edwards. Incumbent's commission expired December 18, 1929.

William A. Kelly to be postmaster at West Frankfort, Ill., in place of W. A. Kelly. Incumbent's commission expires May 14, 1930.

INDIANA

Ella S. Shesler to be postmaster at Burnettsville, Ind., in place of E. S. Shesler. Incumbent's commission expires June 7, 1930.

Rexford F. Hinkle to be postmaster at Hymera, Ind., in place of R. F. Hinkle. Incumbent's commission expired March 3, 1929.

Lee Roy Calaway to be postmaster at La Fontaine, Ind., in place of Lee Roy Calaway. Incumbent's commission expired April 20, 1930.

Hugh A. Fenters to be postmaster at Macy, Ind., in place of H. A. Fenters. Incumbent's commission expires June 7, 1930.

Earl R. Shinn to be postmaster at Mentone, Ind., in place of E. R. Shinn. Incumbent's commission expired March 25, 1930.

IOWA

Gus J. Walters to be postmaster at Alta Vista, Iowa, in place of John Daly. Incumbent's commission expired December 18, 1929.

Gust A. Hall to be postmaster at Colo, Iowa, in place of G. A. Hall. Incumbent's commission expires June 7, 1930.

Samuel J. Stites to be postmaster at Crawfordsville, Iowa, in place of S. J. Stites. Incumbent's commission expires June 7, 1930.

Robert B. Light to be postmaster at Deep River, Iowa, in place of R. B. Light. Incumbent's commission expired December 18, 1929.

George A. Redenbaugh to be postmaster at Tabor, Iowa, in place of G. A. Redenbaugh. Incumbent's commission expires June 7, 1930.

Walter H. Vance to be postmaster at Winterset, Iowa, in place of W. H. Vance. Incumbent's commission expires June 7, 1930.

KANSAS

Walter Holman to be postmaster at Sharon, Kans., in place of Walter Holman. Incumbent's commission expired January 28, 1930.

MAINE

Henry W. Bowen to be postmaster at Chebeague Island, Me., in place of H. W. Bowen. Incumbent's commission expired February 26, 1930.

Lillian L. Guptill to be postmaster at Newcastle, Me., in place of L. L. Guptill. Incumbent's commission expires June 3, 1930.

George O. Carr to be postmaster at Norridgewock, Me., in place of G. O. Carr. Incumbent's commission expires May 14, 1930.

Carroll H. Clark to be postmaster at Ogunquit, Me., in place of C. H. Clark. Incumbent's commission expires June 8, 1930.

Alfonzo F. Flint to be postmaster at West Buxton, Me., in place of A. F. Flint. Incumbent's commission expired February 26, 1930.

MARYLAND

Robert H. Lancaster to be postmaster at Frostburg, Md., in place of R. H. Lancaster. Incumbent's commission expires June 10, 1930.

Raymond R. Russell to be postmaster at Reisterstown, Md., in place of R. R. Russell. Incumbent's commission expired April 3, 1930.

MASSACHUSETTS

Harold E. Cairns to be postmaster at Bernardston, Mass., in place of H. E. Cairns. Incumbent's commission expired May 4, 1930.

Albert W. Haley to be postmaster at Rowley, Mass., in place of A. W. Haley. Incumbent's commission expires June 10, 1930.

Frances C. Hill to be postmaster at Templeton, Mass., in place of F. C. Hill. Incumbent's commission expired March 11, 1930.

MICHIGAN

Milo E. Blanchard to be postmaster at Hersey, Mich., in place of M. E. Blanchard. Incumbent's commission expires June 8, 1930.

Eugene E. Hubbard to be postmaster at Hudsonville, Mich., in place of E. E. Hubbard. Incumbent's commission expires May 6, 1930.

Minnie E. Allen to be postmaster at Leslie, Mich., in place of M. E. Allen. Incumbent's commission expires June 1, 1930.

Otto L. Wickersham to be postmaster at Onaway, Mich., in place of O. L. Wickersham. Incumbent's commission expires May 12, 1930.

John W. Barton to be postmaster at Otsego, Mich., in place of F. W. Walker, deceased.

MINNESOTA

Alice G. Doherty to be postmaster at Byron, Minn., in place of A. G. Doherty. Incumbent's commission expired December 18, 1929.

MISSOURI

May Carpenter to be postmaster at Burlington Junction, Mo., in place of May Carpenter. Incumbent's commission expires June 3, 1930.

John M. Gallatin to be postmaster at Chillicothe, Mo., in place of J. M. Gallatin. Incumbent's commission expires June 7, 1930.

Leonard Ancell to be postmaster at Higbee, Mo., in place of Leonard Ancell. Incumbent's commission expired March 16, 1930.

Hugh Terry to be postmaster at Jamesport, Mo., in place of J. R. Wiles. Incumbent's commission expired December 18, 1929.

Mary E. Blackburn to be postmaster at Malta Bend, Mo., in place of M. E. Blackburn. Incumbent's commission expires May 29, 1930.

MONTANA

Chauncey R. Fowler to be postmaster at Lewistown, Mont., in place of C. R. Fowler. Incumbent's commission expires June 2, 1930.

Burr A. Davison to be postmaster at Roundup, Mont., in place of B. A. Davison. Incumbent's commission expires June 2, 1930.

NEBRASKA

Herbert M. Hanson to be postmaster at Clay Center, Nebr., in place of H. M. Hanson. Incumbent's commission expires June 3, 1930.

Andrew E. Stanley to be postmaster at Loomis, Nebr., in place of A. E. Stanley. Incumbent's commission expires June 3, 1930.

NEW HAMPSHIRE

Harriet A. Reynolds to be postmaster at Kingston, N. H., in place of H. A. Reynolds. Incumbent's commission expires June 3, 1930.

NEW JERSEY

Joseph M. Evans to be postmaster at Maple Shade, N. J., in place of J. M. Evans. Incumbent's commission expires June 8, 1930.

Charles H. Mingin to be postmaster at Mays Landing, N. J., in place of C. H. Mingin. Incumbent's commission expires June 3, 1930.

Matilda M. Hodapp to be postmaster at Spotswood, N. J., in place of M. M. Hodapp. Incumbent's commission expires June 8, 1930.

NEW MEXICO

Lydia C. Harris to be postmaster at Mesilla Park, N. Mex., in place of L. C. Harris. Incumbent's commission expires June 8, 1930.

NEW YORK

Albert C. Stanton to be postmaster at Atlanta, N. Y., in place of A. C. Stanton. Incumbent's commission expires June 10, 1930.

Harry L. Carhart to be postmaster at Coeymans, N. Y., in place of H. L. Carhart. Incumbent's commission expires June 3, 1930.

DeWitt C. Talmage to be postmaster at East Hampton, N. Y., in place of D. C. Talmage. Incumbent's commission expires June 10, 1930.

Clarence F. Dilcher to be postmaster at Elba, N. Y., in place of C. F. Dilcher. Incumbent's commission expired May 6, 1930.

John A. Rapelye to be postmaster at Flushing, N. Y., in place of J. A. Rapelye. Incumbent's commission expired May 4, 1930.

Clarence M. Herrington to be postmaster at Johnsonville, N. Y., in place of C. M. Herrington. Incumbent's commission expires June 3, 1930.

Emma P. Taylor to be postmaster at Mexico, N. Y., in place of E. P. Taylor. Incumbent's commission expires June 1, 1930.

William V. Horne to be postmaster at Mohegan Lake, N. Y., in place of W. V. Horne. Incumbent's commission expired December 21, 1929.

LeRoy Powell to be postmaster at Mount Vernon, N. Y., in place of S. L. Happy, deceased.

Dana J. Duggan to be postmaster at Niagara University, N. Y., in place of D. J. Duggan. Incumbent's commission expires June 3, 1930.

Henry C. Windeknecht to be postmaster at Rensselaer, N. Y., in place of H. C. Windeknecht. Incumbent's commission expired May 4, 1930.

NORTH CAROLINA

Roscoe C. Jones to be postmaster at Manteo, N. C., in place of R. C. Jones. Incumbent's commission expires June 8, 1930.

NORTH DAKOTA

Ole T. Nelson to be postmaster at Stanley, N. Dak., in place of J. N. Campbell, resigned.

OHIO

Bolivar C. Reber to be postmaster at Loveland, Ohio, in place of B. C. Reber. Incumbent's commission expired December 21, 1929.

Solomon J. Goldsmith to be postmaster at Painesville, Ohio, in place of W. R. Meredith, deceased.

OKLAHOMA

William C. Yates to be postmaster at Comanche, Okla., in place of W. C. Yates. Incumbent's commission expires June 3, 1930.

Ben F. Ridge to be postmaster at Duncan, Okla., in place of B. F. Ridge. Incumbent's commission expires June 8, 1930.

PENNSYLVANIA

Elwood S. Rothermel to be postmaster at Fleetwood, Pa., in place of E. S. Rothermel. Incumbent's commission expired April 28, 1930.

William H. Scholl to be postmaster at Hellertown, Pa., in place of W. H. Scholl. Incumbent's commission expires June 8, 1930.

Andrew L. Coffman to be postmaster at Phoenixville, Pa., in place of A. L. Coffman. Incumbent's commission expires June 10, 1930.

George F. Klinefelter to be postmaster at Shrewsbury, Pa., in place of G. F. Klinefelter. Incumbent's commission expires June 8, 1930.

John E. Showalter to be postmaster at Terre Hill, Pa., in place of J. E. Showalter. Incumbent's commission expires June 3, 1930.

Emma K. McLean to be postmaster at Weiser Park, Pa. Office became presidential July 1, 1928.

RHODE ISLAND

William L. Simonini to be postmaster at Conimicut, R. I., in place of W. L. Simonini. Incumbent's commission expires June 2, 1930.

SOUTH CAROLINA

Ralph W. Wall to be postmaster at Campobello, S. C., in place of R. W. Wall. Incumbent's commission expires June 3, 1930.

SOUTH DAKOTA

Florence M. Hausman to be postmaster at Chester, S. Dak., in place of F. M. Hausman. Incumbent's commission expires June 3, 1930.

Clarence J. Curtin to be postmaster at Emery, S. Dak., in place of C. J. Curtin. Incumbent's commission expires June 3, 1930.

Robert C. Gibson to be postmaster at Geddes, S. Dak., in place of R. C. Gibson. Incumbent's commission expires June 3, 1930.

Theresa R. Harrington to be postmaster at Montrose, S. Dak., in place of T. R. Harrington. Incumbent's commission expires June 3, 1930.

Charles P. Decker to be postmaster at Roscoe, S. Dak., in place of C. P. Decker. Incumbent's commission expires June 3, 1930.

Paul F. W. Knappe to be postmaster at Tripp, S. Dak., in place of P. F. W. Knappe. Incumbent's commission expires June 3, 1930.

TENNESSEE

John B. Elliott to be postmaster at Athens, Tenn., in place of J. B. Elliott. Incumbent's commission expires June 8, 1930.

John S. Wisecarver to be postmaster at Mohawk, Tenn., in place of J. S. Wisecarver. Incumbent's commission expires June 8, 1930.

TEXAS

Ferman Wardell to be postmaster at Avery, Tex., in place of Ferman Wardell. Incumbent's commission expires May 12, 1930.

Annie B. Causey to be postmaster at Doucette, Tex., in place of A. B. Causey. Incumbent's commission expired March 15, 1930.

William W. Sloan to be postmaster at Falfurrias, Tex., in place of W. W. Sloan. Incumbent's commission expires May 12, 1930.

Thomas L. Bryan to be postmaster at Matador, Tex., in place of T. E. Williams, removed.

Walter E. Shannon to be postmaster at North Zulch, Tex., in place of F. M. Bell, deceased.

John W. Waide to be postmaster at Paint Rock, Tex., in place of J. W. Waide. Incumbent's commission expired May 5, 1930.

Mamie Milam to be postmaster at Prairie View, Tex., in place of Mamie Milam. Incumbent's commission expired April 20, 1930.

Billie W. Sorey to be postmaster at Refugio, Tex., in place of C. E. Simpson, deceased.

Claud C. Morris to be postmaster at Rosebud, Tex., in place of C. C. Morris. Incumbent's commission expires June 7, 1930.

Lee W. Harris to be postmaster at Seymour, Tex., in place of L. W. Harris. Incumbent's commission expired May 5, 1930.

Ada A. Ladner to be postmaster at Yorktown, Tex., in place of A. A. Ladner. Incumbent's commission expires June 7, 1930.

UTAH

Claude C. McGee to be postmaster at Lewiston, Utah, in place of C. C. McGee. Incumbent's commission expires May 6, 1930.

VIRGINIA

Emma B. Snow to be postmaster at Clover, Va., in place of E. B. Snow. Incumbent's commission expires June 8, 1930.

Bertha Thompson to be postmaster at Ferrum, Va., in place of Bertha Thompson. Incumbent's commission expires June 8, 1930.

Mary C. Lewis to be postmaster at Fort Eustis, Va., in place of M. C. Lewis. Incumbent's commission expires June 8, 1930.

Jesse R. Skinner to be postmaster at Kenbridge, Va., in place of J. R. Skinner. Incumbent's commission expires June 8, 1930.

P. Edgar Lineburg to be postmaster at Stephens City, Va., in place of P. E. Lineburg. Incumbent's commission expires June 8, 1930.

WASHINGTON

Sylvester G. Buell to be postmaster at Arlington, Wash., in place of S. G. Buell. Incumbent's commission expires June 8, 1930.

WEST VIRGINIA

Shirley H. Mitchell to be postmaster at Elizabeth, W. Va., in place of S. H. Mitchell. Incumbent's commission expired May 5, 1930.

Charles J. Parsons to be postmaster at Sabraton, W. Va., in place of C. J. Parsons. Incumbent's commission expires June 3, 1930.

Archie J. Frazier to be postmaster at Triadelphia, W. Va., in place of Walter Thomas. Incumbent's commission expired April 5, 1930.

WYOMING

Ralph R. Long to be postmaster at Gillette, Wyo., in place of R. R. Long. Incumbent's commission expires June 3, 1930.

HOUSE OF REPRESENTATIVES

TUESDAY, *May 6, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Ever-blessed God, we can not understand Thee; by searching we can never compass Thy being. Thou art infinite in truth, infinite in purity, and infinite in goodness. Touch, O touch, the best springs of our beings and let us draw near to Thee. Shield us from the poor imperfections of life and inspire us with a larger manhood, nobler generosity, purer affection, and allow us to pass into the higher realm of spiritual power and beauty. O Thou, before whom all suns, moons, stars, constellations, galaxies, immensities, and eternities wheel and blaze in triumph, yet Thou dost stoop to kiss the earth with Thy glory and claim man as Thy child. How we thank Thee, Almighty God, for this marvelous and unspeakable condescension. Amen.

The Journal of the proceedings of yesterday was read and approved.

RESIGNATION OF A MEMBER

The SPEAKER. The Chair lays before the House the following communication.

The Clerk read as follows:

PROVIDENCE, R. I., *May 1, 1930.*

Hon. NICHOLAS LONGWORTH,
Speaker of the House of Representatives,
Washington, D. C.

DEAR SIR: I beg leave to inform you that I have this day transmitted to Norman S. Case, Governor of the State of Rhode Island and Providence Plantations, my resignation as a Representative in the Congress of the United States from the third district of said State of Rhode Island and Providence Plantations, said resignation to take effect on May 9, 1930. A copy of said letter of resignation is inclosed herewith.

Cordially yours,

JEREMIAH E. O'CONNELL.

The SPEAKER. The Clerk will read the letter to the Governor of Rhode Island.

The Clerk read as follows:

PROVIDENCE, R. I., *May 1, 1930.*

Gov. NORMAN S. CASE,
Statehouse, Providence, R. I.

MY DEAR GOVERNOR CASE: Having been appointed by you as an associate justice of the Superior Court for the State of Rhode Island and Providence Plantations and said appointment having been confirmed by the Senate of said State of Rhode Island and Providence Plantations, in accordance with law, I hereby tender my resignation as a Representative in the Congress of the United States for the third district of said State of Rhode Island and Providence Plantations, said resignation to take effect on May 9, 1930.

Cordially yours,

JEREMIAH E. O'CONNELL.

The SPEAKER. The communications will be spread upon the Journal.

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. UNDERHILL. Mr. Speaker and Members of the House, in connection with the resignation you have just heard read by the Clerk of the House, I think it is most appropriate that some Member should pay a word of tribute to JERRY O'CONNELL. [Applause.]

All of us who have known him well here love him. Those of us who were privileged to know his sweet wife loved her also. This elevation to the bench came within 24 hours of the death of that beautiful character who had been such a help to him ever since their wedding morn.

I think it would not be out of place for the House, through the Clerk, to express to our colleague who has sent in his resignation to-day our sympathy in his affliction, our hope for his bright and brilliant future, and our congratulations upon his advancement to the bench of the State which he served so well while in the Congress. [Applause.]

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent that the Clerk be instructed to send a message as indicated by the gentleman from Massachusetts [Mr. UNDERHILL].

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ANNOUNCEMENT

Mr. SIROVICH. Mr. Speaker, ladies, and gentlemen, in the realm of science, art, literature, philosophy, music, and drama the world invariably pays the tribute of its respect to those who try to improve the conditions of their fellow men. With that object in view, I have just concluded a serious drama which I trust will be instrumental in curing an evil that afflicts our country. Its action, characterization, dialogue, and motivation will, I trust, entertain the theater-loving public who are interested in the spoken drama, and later its adoption for motion pictures.

This play has been accepted, and America's foremost and greatest motion-picture actor and star, George Bancroft, will appear in the leading part. When the play comes to Washington to open in December I expect to invite the entire membership of the House as my guests on this auspicious occasion. [Applause.]

NAVAL DISARMAMENT

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Without objection, it is so ordered.

Mr. LAGUARDIA. Mr. Speaker, there is nothing before the country at this time that is of greater interest than the naval pact which has just been brought back by our delegates.

This brings to mind what happened after the Geneva conference, when a great deal of misinformation was sent throughout the country. The misinformation was so startling that the other body of Congress created a committee to investigate. The committee was appointed on September 12, 1929, commenced its hearings on September 20, 1929, and closed the hearings on January 11, 1930.

From what some of us have gathered from the press, we have learned that shipyards had paid agents to create propaganda against any sort of a pact and had sent misinformation throughout the country to create sentiment against any sort of naval disarmament and in favor of large navies.

The information which this Senate committee obtained is of vital importance at this time. We have been unable to obtain the hearings for some reason. I think I know the reason. The chairman of this committee was Senator SHORTRIDGE, of California. The committee consisted of three members. The personnel of the committee has been changed, and with the exception of Senator SHORTRIDGE I believe the committee is inactive.

Now, the information obtained is public property; it is useful at this time. I should like to know what pressure is being brought on Senator SHORTRIDGE that he is improperly withholding this information.

Mr. SNELL. Mr. Speaker, I make the point of order that my colleague from New York is not proceeding in order when he criticizes an individual Senator in connection with his legislative capacity. Mr. Speaker, I would like to be heard on that.

Mr. LAGUARDIA. And I would like to be heard, Mr. Speaker, at the proper time.

Mr. SNELL. Mr. Speaker, as every Member of the House knows, our proceedings in the House are governed entirely by the Constitution, Jefferson's Manual, the rules of the House itself, and decisions by the Speaker and Chairman of the Committee of the Whole.

It is always understood that where there is no definite rule of the House itself applying to the case, Jefferson's Manual is to control on the subject.

In this matter before us at this time I would like to call attention to some sections in Jefferson's Manual. I would like to call the attention of the Speaker to section 301 of Jefferson's Manual:

It is highly expedient, for the due preservation of the privileges of the separate branches of the legislature, that neither should encroach on the other, or interfere in any matter depending before them, so as to preclude, or even influence, that freedom of debate which is essential to a free council. They are, therefore, not to take notice of any bills or other matters depending, or of votes that have been given, or of speeches which have been held, by the members of either of the other branches of the legislature until the same have been communicated to them in the usual parliamentary manner.

I want also to call the Speaker's attention to sections 364, 365, and 367. Section 364 reads as follows:

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there, because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other, and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

Section 367 is very pertinent in this case; it says it is the duty of the Speaker of the House himself, if not otherwise called to his attention, to sustain the point of order along this line.

Section 367 reads as follows:

Where the complaint is of words disrespectfully spoken by a Member of another House, it is difficult to obtain punishment, because of the rules supposed necessary to be observed (as to the immediate noting down of words) for the security of Members. Therefore it is the duty of the House, and more particularly of the Speaker, to interfere immediately, and not to permit expressions to go unnoticed which may give a ground of complaint to the other House, and introduce proceedings and mutual accusations between the two Houses which can hardly be terminated without difficulty and disorder.

Now there are some definite decisions that are mentioned in section 365.

While the Senate may be referred to properly in debate, it is not in order to discuss its functions or criticize its acts, or refer to a Senator in terms of personal criticism, or read a paper making such criticism; and after examination by a committee a speech reflecting on the character of the Senate was ordered to be stricken from the RECORD, on the ground that it tended to create unfriendly conditions between the two bodies—obstructive of wise legislation and a little short of a public calamity.

Now the House has always been very zealous of its own procedure and at all times to do its part and maintain friendly relations with the Senate.

In my judgment, such reference as has been made by my colleague from New York on the actions of an individual Senator, acting in his legislative capacity as a United States Senator, does not tend toward that friendly relation that should exist between the two Houses, and it does not make for the general comity of action between the two Houses that is supposed to exist. In my judgment, it is the duty of the Speaker to insist that the gentleman proceed in order if he continues his speech.

Mr. LAGUARDIA. Mr. Speaker, I always endeavor to follow the rules of the House. I am familiar with the rule cited by my colleague from New York [Mr. SNELL]. I have not in my 12 years' service at any time violated the particular rule to which the gentleman referred. May I call the attention of my colleague to the fact that we are bound by precedent in this House, and that rules have been changed by construction from time to time? I particularly call the attention of the Speaker to the genesis of Jefferson's Manual. It was prepared by Thomas Jefferson for his own guidance as President of the Senate. That being so, originally Jefferson's Manual was prepared as the rules of the Senate and the provisions therein as to criticism of a Member of another body have been ours by adoption and custom for well over 140 years. Recently, by a rule of the gavel in the other body, the provisions cited by my colleague from New York in Jefferson's Manual were wiped out. Shortly thereafter a Member of this body sought to strike out of the RECORD objectionable utterances made by a Member of the other body. If my memory serves me correctly, the Speaker refused to strike out the objectionable language. That being so, the Speaker will readily see that as a matter of self-defense, if one body is going to abolish the provisions contained in Jefferson's Manual, it is absolutely necessary that the rule apply to both bodies.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. My utterances were no slip of the tongue. I said what I did having in mind the changed rules, and to emphasize the point I was trying to make, when the point of order was made by my colleague from New York. I yield to the gentleman from New York.

Mr. SNELL. In making my point I had nothing in mind whatever in connection with the rules of the Senate, because this is a separate body and, as far as the House is concerned and as far as my experience in the House has been, we have always followed Jefferson's Manual in such cases as this, where there are no rules in the House definitely to the contrary. I made the point of order definitely on the rules and procedure that have always existed in the House, and so far as I know they have never been changed.

Mr. LAGUARDIA. Mr. Speaker, I await the ruling of the Chair. If I was out of order, I shall yield back the remainder of my time, because I can not properly express myself on the subject otherwise.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. CRAMTON. The situation, of course, for some time in the Senate has been that the customary comity between the two bodies has been ignored. I have myself on numerous occasions in the Senate hearings and on the floor of the Senate been most unfairly and unjustly attacked, but I may say also that I think it has done me no injury whatever. [Laughter.]

The SPEAKER. Since the ruling of the Vice President just referred to by the gentleman from New York [Mr. LAGUARDIA] on April 21 of this year, in which he specifically overruled the decision of the President pro tempore of the Senate made on July 31, 1917, on the subject, the Chair has regarded it as inevitable that a situation would speedily arise of which this House must take cognizance. A comparatively recent decision of the Senate is directly in point as to whether the rules of Jefferson's Manual do or do not, impliedly at least, govern the proceedings of that body, certainly with reference to matters spoken in derogation of the actions or attitude of Members of another body, or of that body itself.

The Chair has taken the pains to look up a number of these decisions, some of which he will quote, because, as the Chair has already said, he was morally certain that a situation would speedily arise in which a final, definite ruling might have to be made in the House.

On August 26, 1912, in the Senate during the consideration of the conference report upon the deficiency appropriation bill, Mr. Charles A. Culberson, of Texas, having the floor in debate, said:

> I ask that the Secretary may read from the RECORD the marked paragraph which I send to the desk, from page 13016, in the debate in the House of Representatives.

The Secretary read as follows:

> "Mr. FITZGERALD. Mr. Speaker I move the House adhere"——

At that point Mr. John Sharp Williams, of Mississippi, made the point of order that under the rules of the Senate it was not permissible to animadvert upon the proceedings of the other House. The President pro tempore, Mr. Jacob H. Gallinger, of New Hampshire, said:

> The Chair thinks it will be found in Jefferson's Manual, not in the rules of the Senate.

Mr. Culberson submitted that Jefferson's Manual, while persuasive in determining proceedings, was not in fact, part of the rules of the Senate. The President pro tempore ruled:

> The Chair has always been of opinion that Jefferson's Manual, so far as it is pertinent, is, and has been recognized as a part of the rules of this body, and the Chair finds in Jefferson's Manual this statement—

And here he quotes from the precedent referred to by the gentleman from New York [Mr. SNELL]:

> It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

He then proceeded with his decision:

> While undoubtedly in debate in this body, and perhaps in the other body, that rule has not always been strictly adhered to, yet, the point of order having been made, the Chair feels constrained to sustain it.

On July 31, 1917—and this is the last decision of the Senate that the Chair has been able to find, and he is not aware that there has been any other decision on the subject up to the one recently made on April 21 of this year—the Senate, as in Committee of the Whole, had under consideration the joint resolution proposing an amendment to the Constitution prohibiting the sale, manufacture, and transportation of intoxicating liquor.

Mr. Joseph B. Thompson, of Oklahoma, being recognized for debate, proposed to have read at the desk a letter certifying that Jacob E. Meeker, a Representative from Missouri, was formerly a Congregational minister and had resigned under censure. Mr. LEE S. OVERMAN, of North Carolina, made the point of order that the rules of the Senate did not permit the introduction of matter reflecting upon a Member of the House of Representatives.

The Presiding Officer (WILLIAM H. KING, of Utah), President pro tempore, sustained the point of order and said:

> There is a rule that would make it improper and out of order to refer to a Member of the House of Representatives in opprobrious terms and to impute to him unworthy motives. No Senator ought to make any statement that would be a reflection upon any Member of the House or impute to him improper conduct or an unworthy motive. He is not here to defend himself. It would seem to the present occupant of the chair unfair for any Senator to make any comment upon the life or character or political conduct of a Member of the House of Representatives that would reflect upon his honor or his integrity or his good faith. The point of order is sustained.

Mr. Thompson submitted that Mr. Meeker had himself, on a previous occasion, violated the privileges of debate by inserting in the RECORD an extension of remarks reflecting on the State of Kansas. The Presiding Officer said:

> The Chair will say that an infraction of the rules of the House by a Member of the House would not, in the opinion of the Chair, warrant an infraction of the rules of the Senate by an attack upon a Member of the House. In the opinion of the Chair, nothing should be stated by Senators that would be a reflection upon the integrity or moral character of a Member of the House, or impute to him improper or unworthy motives. (RECORD, 65th Cong., 1st sess., 5597.)

On April 21, 1930, the Senate was considering a resolution (S. Res. 245) which provided that the Vice President should appoint a committee of five Senators to investigate the delay of the Speaker of the House of Representatives in not referring S. J. Res. 3 to a committee of the House and to report to the Senate what action, if any, should be taken in the premises.

Mr. GEORGE W. NORRIS, of Nebraska, in speaking on the resolution, criticized the Speaker and imputed to him unworthy motives in not referring the joint resolution to a committee.

Mr. SIMEON D. FESS, of Ohio, made the point of order that under section 17 of Jefferson's Manual it was not in order for a Member of the Senate to criticize the actions of the Speaker of the House or of any Member of the House.



The Vice President (Charles Curtis, of Kansas) overruled the point of order and said:

The Chair is willing to rule on the question. The Senate has not adopted Jefferson's Manual as a part of the rules of the Senate. It is left to the discretion of Senators as to what they may or may not say about the proceedings of the House in connection with the resolution under consideration.

Mr. FESS objected to the ruling and said:

That is not a rule.

The Vice President replied:

The Chair makes that ruling now.

The Chair has no hesitation in quoting these decisions in extenso, because it is a recognized principle that one House may refer to the parliamentary decisions of the other House in deciding questions of order (sec. 9442, Cannon's Precedents).

So far as the Chair knows, the decision of Mr. President pro tempore KING is the last decision up to the recent one by Vice President Curtis which involves the question of how far the Senate is bound by Jefferson's Manual, and while it is true that the Senate never by express rule has made Jefferson's Manual a part of the Senate rules, as the House has done, nevertheless it has been fair for the House to assume, certainly up to 1917, and, if the Chair is not greatly in error, up almost to the present moment, that in the absence of a specific rule to the contrary Jefferson's Manual did wherever applicable govern the proceedings of the Senate.

In the note of introduction to Jefferson's Manual of Parliamentary Practice it is stated, on page 93 of the House Rules and Manual, as follows:

Jefferson's Manual was prepared by Thomas Jefferson for his own guidance as President of the Senate in the years of his Vice Presidency, from 1797 to 1801. In 1837 the House, by rule which still exists, provided that the provisions of the manual should "govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House." In 1880 the committee which revised the rules of the House declared in their report that the manual "compiled as it was for the use of the Senate exclusively and made up almost wholly of collations of English parliamentary practice and decisions, it was never especially valuable as an authority in the House of Representatives, even in its early history, and for many years past has been rarely quoted in the House" (V, 6757). This statement, although sanctioned by high authority, is extreme, for in certain parts of the manual are to be found the foundations of some of the most important portions of the House's practice.

But that was back in 1880. That statement or sanction by high authorities is strengthened, for certain parts of the manual are found to be the f ndation of our parliamentary practice, and the Chair thinks that is daily growing more important as time goes on.

The parliamentary practice of the House of Representatives emanates from four sources: First, the Constitution of the United States; second, Jefferson's Manual; third, the rules adopted by the House itself from the beginning of its existence; and, fourth, the decisions of the Speakers of the House and decisions of the Chairmen of the Committee of the Whole.

Scarcely a day passes in this House when Jefferson's Manual is not a basis for some of our legislative proceedings. On all matters relating to appointment of standing committees and designation of duties of chairmen, the Committee of the Whole, risings of the Committee of the Whole for various reasons, reports from the committee, and amendments of the committee, most of the provisions relating to the decorum and debate, many matters relating to bills and committees, to amendments in the House, to amendments between the Houses, and particularly to all matters dealing with amendments and conferences between the two Houses, the provisions of Jefferson's Manual are basic.

There is no doubt then that even if the House had not specifically provided that Jefferson's Manual should govern in all cases where applicable, it could be safely laid down as a general proposition that Jefferson's Manual should so govern.

In fact, it must be conceded that Jefferson's Manual is the primary authority for all parliamentary proceedings in this country, and the Chair thinks that if Thomas Jefferson had never done anything except to write this monumental manual he would merit the thanks of his countrymen. [Applause.]

The Chair will not attempt to comment upon any phase of this question except that which relates to the rules of comity between the two Houses. There are three provisions, at least, of Jefferson's Manual which are particularly relative to this question. I read:

SEC. 301. It is highly expedient, says Hatsel, for the due preservation of the privileges of the separate branches of the Legislature that neither should encroach on the other, or interfere in any matter depending before them, so as to preclude, or even influence, that freedom of debate which is essential to a free council. They are, therefore, not to take notice of any bills or other matters depending, or of votes that have been given, or of speeches which have been held, by the Members of either of the other branches of the Legislature, until the same have been communicated to them in the usual parliamentary manner (a Hats., 252; 4 Inst. 15; Seld. Jud. 53.)

SEC. 364. It is breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses. (8 Grey, 22.)

SEC. 367. Where the complaint is of words disrespectfully spoken by a Member of another House it is difficult to obtain punishment, because of the rules supposed necessary to be observed (as to the immediate noting down of words) for the security of Members. Therefore it is the duty of the House, and more particularly of the Speaker, to interfere immediately and not to permit expressions to get unnoticed which may give a ground of complaint to the other House, and introduce proceedings and mutual accusations between the two Houses, which can hardly be terminated without difficulty and disorder. (3 Hats. 51.)

The effect of the recent decision of the Vice President is to hold that the three sections of Jefferson's Manual just quoted do not govern the proceedings of the Senate, and that Senators may use their own discretion in making any comment, insinuation, or attack upon any Member of the House or any proceeding of the House.

The Chair makes no criticism whatever of the decision of the Vice President. He wants that clearly understood. But he thinks it is clear that under these changed conditions relating to the comity of the two Houses the House must take some action one way or the other.

Concerning those precedents in Jefferson's Manual, Mr. Speaker Clark went so far as to say that it is not in order even to compliment Members of the Senate. [Laughter.] From Cannon's Precedents I quote the following:

SEC. 9444. It is not in order to refer to a Member of the other House even for the purpose of complimenting him.

On June 27, 1918, Mr. Ben Johnson, speaking by unanimous consent, in discussing the bill H. R. 9248, the antiprofiteering rent bill, referred to Mr. Atlee Pomerene, a Member of the Senate from Ohio.

Mr. Oscar William Swift, of New York, made the point of order that it was not permissible to refer to a Senator in debate.

Mr. Johnson argues that the rule applied to criticism only, and was not applicable to his remarks in praise of the Senator.

The Speaker ruled:

The rule is that a Member of the House can not discuss a Senator at all, not even compliment him, because if you do compliment him somebody might jump up and say he was the grandest rascal in the country, and you would then have on your hands a debate of a very acrimonious nature.

[Laughter.]

There would seem to be but two alternatives for us to adopt in dealing with this situation. If the House desired to retaliate, it might, by rule, provide that these rules in Jefferson's Manual relating to comity between the two Houses should not apply to proceedings in the House. In other words, to say that Members of the House should be guided solely by their own discretion in making any comment, insinuation, or attack upon any Senator, or any proceeding of the Senate.

The other alternative is to rigidly insist upon strict adherence to both the spirit and letter of Jefferson's Manual.

In the opinion of the Chair, the adoption of the first alternative would be violative of the spirit in which the House for 140 years has followed the precepts of Thomas Jefferson in our manner of association and dealing with the other legislative body. [Applause.] After all, Jefferson's general precepts are but a restatement of the manner in which all legislative bodies, particularly the British Parliament, have dealt with each other for centuries. They are but a restatement of what is and ought to be true sportsmanship in the dealings between the legislative branches of great governments.

The Chair is firm, and he believes that the House will remain firm in our adherence to the rules of sportsmanship and comity as laid down in Jefferson's Manual. [Applause.]

A situation arose sooner than the Chair expected where he was called upon to rule upon at least one phase of this question. On April 28, one week after the decision of the Vice President, the gentleman from Massachusetts [Mr. LUCE] offered, as a matter of privilege, a resolution providing that a respectful message be sent to the Senate calling attention to certain remarks of a Member of the Senate in which he criti-

cized certain proceedings in the House. The debate upon this resolution, and the ruling of the Chair, are to be found on pages 7877 and 7878 of the RECORD, and the Chair will not quote them here.

Having had no notice in advance that such a resolution was to be brought up, the Chair had not then been able to give such investigation to this question as he has since. Nevertheless, he ruled that the resolution was not privileged in that the House, under Jefferson's Manual, had not the right to criticize the remarks of any Senator or occurrence on the floor of the Senate. Since then the Chair has had the opportunity to make more careful investigation of the principles and precedents governing this question, in anticipation that the question might again be brought up, and has already quoted what he believes to be the general rules underlying.

The remarks of the gentleman from New York [Mr. LAGUARDIA] raise a question which, while it differs in form from that upon which the Chair has previously ruled, pertains to the same general governing principles.

The question raised by the gentleman from New York is whether a Member may reflect in any way on the floor of the House against the actions, speeches, or proceedings of another Member or of the body itself.

To put it in another way, Shall the House, notwithstanding any adverse action by the other body, adhere to the provisions laid down in Jefferson's Manual, which have always governed?

The answer of the Chair is emphatically "Yes." Indeed, it appears to the Chair that it has become all the more necessary, if the rules of comity between the two Houses are to be at all preserved, that Members of the House should be limited even more rigidly than ever by Jefferson's rules prohibiting reference in terms of the slightest disparagement of the remarks or actions of Members or any of the proceedings of the other body.

If no rules of comity are to be followed in either House, then legislation may become chaos indeed.

In conclusion the Chair will say that so long as he remains Presiding Officer of this body he will see to it that the rules of Jefferson's Manual, in so far as they apply to the friendly relations between the Members of the two Houses and the Houses themselves, shall be enforced with the utmost rigidity, not only in the letter but in the spirit.

The Chair therefore sustains the point of order. [Applause, the Members rising.]

Mr. LAGUARDIA. Mr. Speaker, I bow to the Speaker's ruling, which has spoiled a perfectly good speech, and I yield back the balance of my time. [Laughter and applause.]

Mr. CRISP. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. CRISP. Mr. Speaker, I simply desire to say that I thoroughly concur in the ruling just made by the Speaker. It was a statesmanlike ruling in the interest of good legislation and the welfare of this country. [Applause.]

I am sure any other course pursued by the coordinate legislative branches of the Government would not be in the interest of orderly procedure so essential to good legislation. I wanted to express my unqualified approval of the Speaker's able ruling. [Applause.]

STOCK SPECULATIONS

Mr. SABATH. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Illinois [Mr. SABATH] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SABATH. Mr. Speaker and ladies and gentlemen of the House, I, too, join in congratulating the Speaker upon his able ruling, and recognize that it is in the interest of the House and in the interest of the country. But I wish to call your attention to something which to my mind is of still greater interest to the people of the Nation than friendly relationship between the House and the Senate.

Some months ago I introduced in the House a bill placing a tax of 5 per cent upon all short sales on the stock exchanges. I have made several efforts to secure consideration, but have failed, and for that reason I yesterday introduced a bill, H. R. 12171, which provides—

that it shall be unlawful for any person to deliver or cause to be delivered for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication, any offer of sale of any shares of stock in any corporation, joint-stock company, or association, unless the person so offering said stock for sale shall have the ownership or possession, actual or constructive, of such shares of stock.

SEC. 2. That it shall be unlawful for any person to execute or cause to be executed any orders for the sale of any shares of stock in any corporation, joint-stock company, or association which have been transmitted through the mails or through interstate commerce by telegraph, telephone, wireless, or other means of communication, unless such person shall first have ascertained that the person ordering or communicating such offer of sale had at the time of the ordering or communicating of such offer of sale the ownership or possession, actual or constructive, of said shares of stock.

SEC. 3. Any person who violates any provision of this act shall be deemed guilty of a felony, and upon conviction thereof shall, if a corporation, be punished by a fine of not more than $10,000 for each offense, and all other persons so convicted shall be punished by a fine of not more than $1,000 or by imprisonment of not more than two years, or both.

SEC. 4. For the purposes of this act the term "person" shall mean any individual, association, partnership, or corporation and/or any agent, factor, or broker thereof.

SEC. 5. This act shall take effect on the sixtieth day after the date of its approval—

and as this bill was referred to the Committee on Interstate and Foreign Commerce, I feel that I will have better chance of securing favorable consideration from that committee than was accorded me on the tax bill in the Ways and Means Committee.

I am of the opinion, Mr. Speaker and ladies and gentlemen, that it is manifestly unjustifiable for us and for the Nation to permit a few designing safety gamblers to bring destruction to the business of the Nation. No one who is familiar with conditions and knows anything about the present deplorable situation can deny the fact that short selling on the stock exchange brought the havoc and created the crash last November.

At that time I wired the stock exchanges, demanding cessation of short selling, and they responded by asking their members for a report on all loanings and borrowings of stock, which action was helpful, because the most influential of the destructive short sellers did not wish their names to become known and to be held responsible for the ruination of millions of men and women.

After the issuance of this questionnaire conditions and confidence were partially restored, but business on the exchanges was reduced. The avaricious appetites that the "shorts" had worked up during the two preceding weeks were not satisfied, as there were still some investors who had escaped the slaughter, and so on Monday, November 25, the questionnaire was withdrawn, and immediately on Tuesday the attacks were renewed, and another crash followed.

I feel satisfied that the country is convinced by this last attack that short selling of commodities or stock which one does not own or possess are responsible for the destruction of actual values and for the crash and the havoc that usually follows:

Last Friday and Saturday, again, the "shorts," known commonly as "bears," at about the time the country had started rehabilitating itself, and with conditions beginning to readjust themselves, have started another crusade by throwing upon the market, as reported by the press, thousands upon thousands of shares of stock, and thus undoing all the good that the well-meaning financial and industrial leaders of the Nation have been trying to accomplish. I feel it is the duty of the House to see to it that short selling, this unjustifiable gambling, should cease. We have it in our power to bring this about.

Are we going to be courageous enough to legislate against this plunderbund in the interest of the Nation, to bring about prosperity and confidence in the Nation, or are the high-finance racketeers powerful enough to stop any action on our part? The country is looking to the House for action. I feel that legislation should be enacted which will preclude or prevent in the future these unjustifiable, yes, criminal manipulations on the part of a few men against the interests of the entire nation. [Applause.]

The SPEAKER. The time of the gentleman from Illinois [Mr. SABATH] has expired.

Mr. SABATH. In pursuance of the leave granted me to extend my remarks, I take the privilege of inserting an extract from a statement prepared by one of the best-posted men in America on this question, a man who has had years of experience and who has studied the problem thoroughly, Mr. Albert Newton Ridgely. He states that his motive—

Is simply the desire to do one good deed, one good action for the lasting benefit of ordinary men before the final dusk shall gather and the final darkness fall.

Prohibit the sale of the property of a third party (without his consent) to a second party by a first party, i. e., "short selling."

This is not at all experimental. It has been enforced not only in London and Paris with most satisfactory results, but was done by the New York Stock Exchange some dozen years ago at the time of impending threatened demoralization, with complete success—after favored banking groups and insiders had accumulated their full lines and really wanted to avert further pressure.

"Selling short" is, briefly, to sell stock you do not own, trusting that you will be able to buy lower at some later date and then make the delayed delivery. Whatever the short seller gains, obviously, either the original owner or the buyer must lose. But if outsiders sell short, as they did heavily late in 1926 and throughout 1927, the penalty usually is drastic. The manipulators at that time, knowing the income tax law would keep investment stock off the market, proceeded to mark prices upward, higher, and still higher, until the margins of those venturesome outsiders—the public—were exhausted. Thus at least was initiated the period of wild inflation, a direct result of the wrong people selling short. Similarly, later, the extreme record highs of many stocks were made by forced short covering.

Of course, short selling widens the range of fluctuations and adds to commissions and is claimed by brokers and traders to act as a cushion or stabilizer in declining markets. All Wall Street (self-interestedly) is impressed with this monstrous fallacy. So far from being a "stabilizer," except on very rare occasions, it steadily depresses prices in a weak market and brings panics to their acute stage.

Manipulation and collusive bear raiding explain the repeated violent attacks in the November collapse, and the forcing of the market to new low levels until the investing public had no available money to buy. Then, after favored capitalists had replaced their stocks and acquired their complete lines, the stock exchange issued a much belated warning against short sales; and the mere rumor that these were to be stopped ended the panic and sent stocks up 10 points that day.

Another specious and superficial argument is that investors should have the right to sell short against their safe-deposit holdings. They should have no such "right" in justice or equity. An eminent financier and esteemed "philanthropist" is said to have garnered two hundred millions within three months by actually selling short against long investment stock. He was within his present legal rights.

But having sold a vast quantity of stocks to the gullibles, would this "financier" have been logical or human had he not desired those stocks to fall, and to fall sharply, for the obvious reason that he might repurchase them on a cheap investment basis? In any case, selling short instead of long stock substantially reduced his income tax and—doubtless of more importance to him—kept his activities obscured. This is the pernicious type. At present it is any man's right and privilege under the law. But it is a wholly unfair status which permits transactions of such magnitude, affecting the actual welfare of the country, to be done in strictest secrecy and under cover.

Prohibit short sales and you will surely block destructionists; you will deal a heavy blow to ruinous manipulation—and you will go very far toward preventing future depression and panics.

ALCOHOLIC LIQUOR TRAFFIC

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent that I may address the House for three minutes.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Chairman, Members of the House, as is well known to all of you, we have had a very long hearing on the question of the repeal of the eighteenth amendment or the modification of the eighteenth amendment, lasting four or six weeks.

None of the bills before the committee have been reported either favorably or unfavorably. Therefore two of our Members have taken advantage of the rule of the House in asking that the Judiciary Committee be instructed to report their resolutions.

I wish to call the attention of the Members to the petition of the gentleman from New York [Mr. LAGUARDIA], who asks that his bill, H. R. 130, be reported by the Judiciary Committee. This is a bill providing for the modification of the Volstead Act and which, if passed, would allow 2.75 per cent beer.

Then there is another petition on the part of the lady from New Jersey [Mrs. NORTON], asking that her resolution, House Joint Resolution 219, be reported by the Judiciary Committee. That resolution proposes an amendment to the Constitution of the United States and provides for a referendum to the voters on the eighteenth amendment.

I call this to the attention of all those who are in favor of either the modification of the Volstead Act, as is provided for by the resolution of the gentleman from New York [Mr. LAGUARDIA], or the repeal of the eighteenth amendment through a referendum of the voters of the country, as provided for in the resolution of the lady from New Jersey. I ask all of those who are in favor of these propositions to sign these petitions instructing the Judiciary Committee to report these resolutions.

I call this to the attention of those friendly to the modification of the Volstead Act and to those in favor of the repeal of the eighteenth amendment. I hope they will make their wishes known by signing the petitions which rest on the Clerk's desk. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. LETTS. Mr. Speaker, I ask unanimous consent that on Thursday, after the disposition of business on the Speaker's table, I may be permitted to address the House for 20 minutes.

The SPEAKER. The gentleman from Iowa asks unanimous consent that on next Thursday, after the disposition of matters on the Speaker's table, he may be permitted to address the House for 20 minutes. Is there objection?

Mr. MURPHY. Mr. Speaker, reserving the right to object, on Thursday we expect to go on with the legislative bill. We will have some time in general debate, and I will be very glad to yield the gentleman the time he desires.

Mr. LETTS. I will say to the gentleman from Ohio that I have been requested to make some remarks on Mother's Day, and I would like to have them in the proceedings of the House.

The SPEAKER. Is there objection?

There was no objection.

PHILIPPINE INDEPENDENCE

Mr. GUEVARA. Mr. Speaker, I ask unanimous consent to print in the RECORD a statement made by the majority floor leader of the Philippine House of Representatives, Hon. Manuel C. Briones, before the Senate Committee on Territories and Insular Affairs.

The SPEAKER. The Commissioner from the Philippines asks unanimous consent to extend his remarks in the RECORD by printing a statement made by the majority floor leader of the Philippine House of Representatives before the Senate Committee on Territories and Insular Affairs. Is there objection?

There was no objection.

The statement is as follows:

Mr. Chairman and gentlemen of the committee, having arrived in Washington only a few days ago to join the other members of the Philippine delegation who preceded me to Washington, it has not been possible for me to be present at the previous hearings held by this committee. For this reason I am appearing only at this time to submit my views on the question of the independence of my country pending consideration by this committee.

There is already on file in the records of the committee the concurrent resolution adopted by the Philippine Legislature on October 29, 1929, creating a committee composed of six members, who, jointly with the Resident Commissioner, shall petition the Government and Congress of the United States for the early granting of independence to the Philippines, and submit to them from time to time the views of the legislature on any matter concerning the Philippines under consideration by the Government at Washington.

My delayed departure from the Philippines gave me an opportunity to witness a good portion of the work of organization of the first independence congress of the Philippines recently held in Manila. It would not, therefore, be presumptuous for me to say that I bring first-hand information about this congress.

The outstanding feature of this great national convention is that the intiative came entirely from a large group of private citizens acting independently of partisan considerations. The call for the congress was made by this group and addressed to the entire nation without distinction as to class, creed, or political affiliation, and the people responded readily and enthusiastically, all the vital elements of the country joining the congress.

It can be stated that never since the inception of American sovereignty has a congress of this kind assembled with such a varied and large representation from every conceivable sector of the nation for the purpose of voicing once more the desire of the people for freedom and of deliberating upon the problems which independence would bring to them. That this congress was truly national in scope may be inferred from the members representing the different elements that constitute it; representatives of agriculture, of commerce, and of industry, directors of the various civic associations, leaders in the various professions, publicists, educators, leaders of labor, religious and student organizations, municipal presidents, Moro leaders, associates of Dr. Jose Rizal and

Marcelo H. del Pilar in their struggles against Spanish misrule; veterans of the revolution, elective members of the provincial governments, officials of the former Philippine Republic, past and present members of the Philippine Legislature, and Filipino members of the council of state.

If any additional proof were necessary to show the unity of the Filipino people in their desire to be free and independent, the Philippine independence congress held recently in Manila precisely for that purpose, on February 22, 1930, the birthday of George Washington, furnished that proof. In that Congress the people met for common counsel on a common cause and all party and other differences disappeared to voice only one sentiment and to formulate only one appeal—an appeal to the sense of justice, generosity, and magnanimity of the American people for the redemption of the sacred promise to grant independence to the Philippine Islands—a promise spontaneously made in repeated declarations by the authorized officials and by the Congress of the United States.

This new appeal for freedom is embodied in the declaration approved by the Philippine independence congress in its last session on February 26, 1930, which also urges the people and Government of the United States to grant immediate, complete, and absolute independence to the Philippine Islands. The declaration breathes the appreciation and gratitude of the Filipinos toward America for all the generous and altruistic efforts displayed by her on behalf of the Filipino people, but at the same time it maintains the firm vigor and the simple dignity of the great declarations of human liberty. The full text of this declaration is as follows:

We, the members of the first independence congress convened at the city of Manila, P. I., from February 22 to February 26, 1930, upon the initiative of private citizens and composed of representatives of business and agriculture, directors of civic organizations, leaders in the various professions, publicists, educators, labor, religious and student leaders, municipal presidents, Moro chiefs, coworkers of Rizal and Del Pilar in Spain, veterans of the revolution, elective officials of the provincial governments, high officials of the former Philippine Republic, past and present members of the Philippine Legislature, and Filipino members of the council of state, after deliberating upon the problems of independence including national defense, finance, and economics as well as political, social, and educational questions which would be faced by an independent Philippines, hereby makes the following declaration:

"While fully conscious of the debt of gratitude we owe to America for her benevolent policy in the Philippines, we are convinced that immediate independence is the only solution in consonance with the unalterable desires of the Filipino people.

"No matter how lightly an alien control may rest on a people, it can not, it will not make that people happy.

"The genius and potentialities of the Filipino people can only be developed in an atmosphere of freedom unrestrained by foreign rule.

"Differences in race, history, and civilization render difficult, if not impossible, a common life under one flag between the American and Filipino peoples.

"The uncertainty of our future political status hampers the economic development of the country.

"Our present trade relations with the United States are not conducive to the economic independence of the Philippines and whatever may be the temporary advantages of such relations we are willing to forego them for the sake of freedom.

"The longer we remain under America the harder it will be for us to be freed from our political and economic dependence upon her.

"We are now better prepared for nationhood than many independent states of to-day, and we are ready to assume the risks and responsibilities of independence.

"We are not unmindful of the fact that in the final solution and settlement of the Philippine problem, American and foreign interests must be adequately safeguarded.

"The establishment of a Philippine republic to-day will be but the logical and just outcome of our long struggles for freedom and will be in keeping with American history and traditions.

"Independence will make for close friendship and better understanding between America and the Philippines, while retention fosters distrust and ill feeling.

"In our solemn constitutional covenant with America she has promised to grant us independence as soon as a stable government can be established. This condition has long been fulfilled.

"Therefore in the name and in behalf of the Filipino people we solemnly affirm with full realization of the consequences and responsibilities of political independence that our people should be allowed to live an independent life and to establish a government of their own without any further delay and without any condition which makes its advent uncertain; hence we respectfully reiterate our petition to the people and Government of the United States to grant the Philippines immediate, complete, and absolute independence."

But the independence congress did more than merely voice anew the demand of the Filipino people for independence. The Filipinos are frequently charged with being exceedingly too idealistic, but the critics forget that our people possess practical qualities which have been strengthened and developed by contact with the eminently practical American civilization and culture. Thus the independence congress, while reaffirming the moral right of the Filipinos to be free, also took cognizance of the practical problems which independence entails. Conscious of the importance of these problems, the Congress appointed committees for the study of national defense, finance, economic readjustment, and growth, as well as political, social, and educational development under a government completely free and independent. All this demonstrates that the Filipino people regard their independence not only in the abstract, based upon moral reasons beyond controversy, but also as a living reality, and as the best means to develop the genius of our race and to fulfill our destinies as a people with a history, ideals, traditions, and a personality distinctly their own.

There seems to be a school of thought which believes that independence would add nothing to the well-being and individual liberties now enjoyed by the Filipino people under the American flag, and that on the other hand independence would endanger the progress already attained. This reasoning seems convincing at first sight, but a deeper study of the question reveals its superficiality.

Besides satisfying the natural yearning of our people for freedom, independence would make the individual liberties that we now enjoy our very own to be exercised by us of our own free will and not as mere concessions from a foreign power which may withdraw them at any time. It is not enough to have personal liberties; what really and truly satisfies an individual or a people is the feeling that they possess these liberties by virtue of their own power, worth, and sufficiency, as something which of right belongs to them and not merely as a simple privilege granted by another, however good and magnanimous the source from which it may come. Existence in man of the natural feeling of dignity and self-respect has been the force which impelled all sentient peoples to struggle for their liberties and to defend them at any cost once acquired.

With respect to the alleged benefits which the mass of the Filipino people now enjoy under the American flag, the stabilizing influence of independence is the only real factor that can insure the permanence of those benefits. The present undefined, uncertain, transient political status of the Philippines can not and can never lead to the establishment of a solid economic structure. Capital, foreign or domestic, always seeks a clear and defined situation which permits normal and progressive development. Such a situation, it is admitted by all, does not obtain to-day in the Philippines. But the present political uncertainty is not the only factor that is preventing greater economic development of our country, and consequently the growth of our material well-being. The uncertainty of our economic relations with the United States is a contributing factor to this slow growth. The strong agitation which has been carried on in this country during the last few years to restrict the free entry of our principal products to the American market clearly demonstrates the fragile nature of these relations, which are already giving way to conflict and controversy. Such a situation has but one result—stagnation if not retrogression.

The argument that independence would have a disastrous effect upon our agriculture and certain Philippine industries, such as sugar, coconut oil, tobacco, embroidery, rope, is in reality an argument in favor of our cause. The reason is simple. If our political association with the United States has the effect of tieing us up permanently with the economic system of this country, and that is what this argument amounts to, then the sooner we withdraw from that dependence the better it would be for us. The longer we remain under the United States the stronger our economic dependence will be and the more disastrous the effect of separation later when independence is at last granted. To-day, at least the shock that would follow the severance of relationship would only be temporary and after the necessary readjustments have been made the situation would again become normal.

Our assertion that independence is the only satisfactory solution to the present uncertainty is predicated upon America's policy of emancipation and not upon permanent retention against the express will of the Filipino people. It is not necessary to repeat here the pronouncements of the Presidents of this Great Republic, commencing with President McKinley, which clearly establishes the granting of independence as the final solution of the Philippine problem, if such were the wishes of the Filipinos, setting thus aside any thought of retention and exploitation. Much less is it necessary to recall the solemn pledge embodied in the preamble of the Jones law, a promise around which our faith in America has been built. Any solution, therefore, that deviates from this path of honor which America herself, of her own violition, has traced out, would be repugnant to American sense of justice and fairness and unjust to the Filipino people who have been made to believe that independence would be the final goal.

The question of independence, thus, as we see it, has reduced itself to a matter of time. While some maintain that independence should be granted when the Filipinos have reached a degree of development sufficient to insure political and economic stability, we, on the other hand, affirm that the time has come. The only condition required to the granting of independence, as set forth in repeated authoritative pronouncements culminating in the preamble of the Jones Act, is the establishment of a stable government, able to guarantee security of life and of property, nationals as well as foreigners, and the fulfillment of international obligations. A stable government has been established in the Philippines long ago. Elihu Root, when he was Secretary of

War, added to the above prerequisite of a stable government the existence of the orderly and peaceful suffrages of the people. This we have also met satisfactory, the Wood-Forbes mission which reported against independence having recognized the effectiveness of our elections and the orderly manner in which they are conducted.

The Philippine government to-day, from the bottom up, is in reality a government by Filipinos with hardly any assistance from Americans. Its various branches are filled and directed by Filipinos. True, a few positions, those requiring technical skill, are held by Americans, especially in the bureau of education where Americans are needed to teach the English language to the Filipino children. But even independent countries employ foreign experts.

When the Philippines become independent it could continue to utilize the services of such technical men. Among the higher officials of our government there are practically no Americans other than the Governor General, the vice governor, who acts as secretary of public instruction, the insular auditor, and five of the nine members of the Philippine Supreme Court. With a practically responsible cabinet such as we have, closely identified with the legislature, which is entirely Filipino, it may be stated that the Governor General exercises his functions as chief executive through the secretaries of departments, who are all Filipinos, with the exception of the secretary of public instruction. It is for this reason that a Secretary of War of a past administration properly depicted the situation when he said that between the government of the Philippines and American sovereignty there exists only the tenuous connection of the Governor General.

The only logical and justifiable conclusion from these premises is that the Philippine government is fully organized and constituted and that the granting of independence to-day would be nothing more than the nominal and formal transfer to the people of the Philippines of the principal instruments of self-government already in their hands, together with the other attributes of sovereignty which America still reserves to herself.

All fear that an independent government would be, by revolution or by internal act of violence overthrown, should be set aside. The Filipino is naturally and temperamentally peaceful, and his respect for law and order is admitted even by those opposed to independence.

The efficient civil and political training that we have received, which gave us an opportunity actually to handle the instruments of democracy, has taught us that it is not necessary to resort to violence to change an undesirable government or the men that direct it. Furthermore, the Filipinos know too well the sacrifices which the achievement of freedom has required and they will not endanger it by suicidal strife. They have demonstrated in the course of their history that they possess innate qualities of discipline and readiness to follow social and political guidance even under circumstances less conducive to self-control than under a government of their own. There is no reason to believe that they would lose these deep-rooted qualities precisely when the goal of their aspirations has been attained.

A tribute to the peaceful nature of the Filipinos has come from the late Governor General Wood in his annual report to the Secretary of War for the year 1923, as follows:

"With a few minor exceptions, conditions of public order have been excellent throughout the archipelago. No disturbances have occurred beyond the control of the municipal and insular police. There has been no organized resistance to authority. Life and property have been reasonably secure and travelers have gone unmolested without arms or escort wherever they cared to go. Parties of women unescorted and unattended have traversed the most remote portions of the mountain provinces without suffering any discourtesy or annoyance."

It is asserted that an independent Philippines would be endangered by aggression from without for purposes of exploitation. Those who advance this argument consider it absolutely necessary for the Philippines to have an army and navy and fortifications sufficient to withstand attack even from the most powerful nation on earth. But we ask, what small nation would be able to stand alone if that were made a condition for an independent existence? Even the relatively large nations would be unable to maintain their independence. Only four or five countries would be able to assert their sovereignty and the rest would be nothing but mere colonies.

In the past, this argument was taken a little more seriously than at present, and even then it was regarded merely as a bugaboo. To-day, it is given a lesser importance. For a new order has come out of the old as the contribution of the World War to international security. With the instrumentalities which have been and are being created to secure permanent world peace and to insure the observance of international morality as high and as pure as that which governs the relations between individuals, we can not believe that this alleged danger to an independent Philippines is a real menace. At any rate, it is not any greater than that which has menaced the weak nations which have been enjoying their independence for centuries and those that have recently become independent.

We are not blinded by stupid optimism. Our optimism is based upon the belief that at this stage of the world's development no nation can simply devour another, especially when the latter, like the Philippines, is composed of 13,000,000 souls that have learned the meaning of liberty, not from theory but from the sacrifice of their very lives and their very fortunes. We believe that this is the propitious time to launch an independent Philippines, when the horrors of the great war are still fresh in the minds of men and international conscience for justice and righteousness is spreading and taking root everywhere under the leadership of the most powerful nations, including the United States. If the Philippines must wait until she is absolutely invulnerable from external aggression before she can be granted independence, we would have to wait for centuries, if not for all time.

In conclusion, we maintain that the only feasible solution to the Philippine problem is the granting of immediate, absolute and complete independence. All admit that something must be done to remove the present uncertainty. It is also admitted that this uncertainty, from which no one derives any benefit, can not be removed either by the adoption of reactionary measures or by the granting of larger measures of self-government: The first, because it would be repugnant to the history, traditions, and honor of the American people, who are committed to independence, and whose promise has been accepted by the Filipino people in good faith; the second, because any intermediary solution, however liberal, would not only not appease the longing of the Filipinos for independence, which would mean continuation of the agitation for it, but also because any such solution would leave unsolved those controversial problems, especially those of economic nature, which only the severance of American-Filipino relations can eliminate. The only feasible solution, therefore, is the granting of independence.

It is true that the final solution that we propose will terminate our present political association with America, but the more precious bonds will remain—the bonds of appreciation and gratitude. When our freedom shall have been granted, our veneration for America will be second only to that of our own country. And when the day of separation comes America shall have added another brilliant page to the cause of liberty and human rights as brilliant as that written in the historic city of Philadelphia, in the hallowed grounds of Gettysburg, in the emancipated island of Cuba, and in the embattled fields of France.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On May 2, 1930:

H. R. 7356. An act for the relief of the American Foreign Trade Corporation and Fils d'Aslan Fresco.

On May 5, 1930:

H. R. 10379. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 305. Joint resolution providing for the participation by the United States in the International Conference on Load Lines, to be held in London, England, in 1930.

The message also announced that the Senate had agreed to the amendment of the House to Senate Joint Resolution 135, "Joint resolution authorizing and requesting the President to extend to foreign governments and individuals an invitation to join the Government and people of the United States in the observance of the one hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, Va."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3531) entitled "An act authorizing the Secretary of Agriculture to enlarge tree-planting operations on national forests, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McNARY, Mr. NORRIS, and Mr. RANSDELL to be the conferees on the part of the Senate.

LEGISLATIVE APPROPRIATION BILL

Mr. MURPHY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11965) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1931, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11965, with Mr. LUCE in the chair.

The Clerk read the title of the bill.

Mr. MURPHY. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I have asked for this time for the purpose of saying a few words relative to the "lame-duck amendment," so called, which has been somewhat under discussion this morning. Inasmuch as the proceedings in another body on April 21 have been often alluded to to-day, it seems a proper statement to make that the various measures referred to the Committee on the Election of President, Vice President, and Representatives in Congress last December, when the committees were organized, were on the table and before every member of that committee, including the amendment that was sent over from the Senate, but which had not at that time been referred. I have no criticism to make because that amendment had not been actually referred, for the reason that there was before the Rules Committee of the House a resolution providing that all matters affecting amendments to the Constitution should be referred to the Judiciary Committee in the future. However, it was found that there was no probability of that resolution being reported, so the matter was finally referred to our committee.

As the chairman of the committee, I want it thoroughly understood that our committee acted wholly independently. Neither the Speaker of the House nor the leader of the House knew what action was contemplated by the committee. After due and long consideration of all those matters—and the resolution from the Senate was considered with the others—we finally reported an amendment, which is now on the calendar. So the criticism made in another body on April 21, in my opinion, was entirely unjustified as far as the action of my committee is concerned. We had that amendment before us; it was considered with all the others, and when we were ready to vote we simply reported the amendment which we considered ought to have been reported.

I want to call the attention of the House to the fact that I have been a member of that committee for seven years, and when the amendment came to us originally it was simply the so-called "lame-duck amendment."

We thought if we were to amend the Constitution we had better take care of other mechanics of the Constitution and not lay so much stress on that particular amendment.

There had been before the committee for years 15 very important questions. For instance, what would happen to the country if the President and the Vice President elect, either one or both, should die after they were elected and before they were inaugurated? This is an extremely important question, and one that, to my mind at least, has by far the greater significance and importance, and personally I would have liked to have recommended separately that portion of the resolution relating to the succession to the presidency, but it was thought that if we were to simply amend the mechanics of the Constitution the two ideas ought to be incorporated, and while I think the succession idea is far more important I have been led now to believe that the other amendment ought to be included, and though it may not be so important it is highly desirable, and certainly the country as a whole is demanding the abolishment of the short session, the doing away with filibusters, and that sort of thing.

In 1928 we had three days of debate—March 6, 7, and 8—on this question, and we embodied this debate in a public document which I think it would be well for every Member to read.

Hastily, I may say that the objection given to the adoption of the proposed constitutional amendment were, particularly, we should not tinker any longer with the Constitution. This proposed amendment is not like the sixteenth, seventeenth, eighteenth, and nineteenth amendments. This has simply to do with the mechanics of the Constitution. It was also stated that our forefathers knew exactly what they were doing when they gave us this cooling-off period of 13 months and all that sort of thing.

It was not thought of in those days. It was purely an accident in those days. After the election of the First Congress in January it assembled as soon as possible, which date was March 4. I may remind the House that the reason this change has not been practicable before is because the seventeenth amendment to the Constitution had not been adopted. Senators formerly were elected by the legislatures of the various States which meet after the first day of January. Senators are now elected in November, and this change can now be made.

So, Mr. Chairman, I thought it was timely to take this opportunity of saying, that because of the preponderance of opinion over the whole country in favor of this proposed amendment we should take early action.

A certain clipping bureau found of the editorials from all over the country 97 per cent of the newspapers were greatly in favor of this amendment and are now demanding its adoption.

The vote taken two years ago showed that there was a good majority and the change of a few votes would have been sufficent for favorable action.

As chairman of the committee and acting under the orders of my committee, I am supposed to do everything possible to bring this proposed amendment to the floor of the House during this particular session. I do not want to be lax in my duty, and my chief motive in rising at this time, Mr. Chairman, is to say that this proposed amendment which has caused so much discussion, criticism, and ill feeling has been before our committee as filed by several Members, and that the Senate resolution has been before the committee at all times in the consideration of the question. Our own amendment we considered to be much better, and as it had been discussed here at so much length, we decided to introduce it in this session just as it was voted on by the House, obtaining a large majority therefor in May, 1928. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. MURPHY. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman and members of the committee, desiring briefly to supplement the able statement made by the chairman of the Committee on Election of President, Vice President, and Representatives in Congress, permit me to call your attention to some distinctive and controlling facts and dates.

The Congress of the United States convened in 1929, on April 15. That committee was not appointed or organized during the special session. It was organized on the 12th day of December, 1929. Up to that time there was no committee, with jurisdiction, to which there could have been referred a resolution touching the election of President of the United States or his succession or the beginning or ending of his term. Congress adjourned for the holiday season on the 21st of December, 1929, convening on the 6th day of the following January, 1930.

On the 13th day of January, 1930, Chairman GIFFORD called the committee together. There was a full attendance and an elaborate and complete discussion of the problems involved in the various resolutions and bills then before the committee, either these by due reference or as a physical fact; among these was Senate Joint Resolution No. 3. The difficult problem was to present a resolution which would appeal to the country, to another body, and would pass this body by a two-thirds majority. The time for mere gestures had passed. Authorships involving helps or handicaps were to be of less importance than results.

The distinguished chairman, a member of the committee for seven or eight years, was backed by four or five members who had served for a considerable time.

The membership of that standing committee was as follows:

Charles L. Gifford, Massachusetts; Randolph Perkins, New Jersey; Arthur M. Free, California; Frank L. Bowman, West Virginia; Charles H. Sloan, Nebraska; John L. Cable, Ohio; William I. Nolan, Minnesota; Vincent Carter, Wyoming; Lamar Jeffers, Alabama; Ralph Lozier, Missouri; Samuel Rutherford, Georgia; Patrick J. Carley, New York; D. D. Glover, Arkansas.

The first eight Republicans, the other five Democrats. It may be proper to say that in this committee since its organization there has been complete agreement.

This has been a mooted question for a number of terms and they were familiar with the demands of the country and the difficulties of presenting a bill and carrying it through the House of Representatives.

I raise no new question when I say that at the time I am covering there was considerable discussion before other committees, in the press and country, relative to the last two amendments which have been adopted by the Republic—credit and discredit being hurled at them, and their validity challenged. So it was not a popular proposition for the committee to undertake and evolve something that would pass the House by a two-thirds vote.

It might meet with the approval of a majority of the House, it might meet with the approval of the press of the country; but to obtain two-thirds majority of this great body, every man who is fairly well posted in political affairs knows it presents a difficult problem.

So the chairman ably brought before the committee the two commanding facts, the jurisdiction over which was being appealed to us for exercise. The more important was that which man can not control. The period at which our Congress shall end is fixed by the Constitution. The sectional views, distributed as they may be throughout the country can not change that. It is a fixed fact by the calendar and in the Constitution. It has served us well from the organization of our Government until now.

True, I believe the majority of the American people think that we should elect our Members of Congress so they will be more immediately responsive to American people than now waiting from November until the 4th of March for the presidential succession and for the activity of the Congress for 13 months.

The second proposition and most important, those changes and influences, including life, death, incapacity, and fickle public's facile whims.

Mr. KNUTSON. Will the gentleman yield?

Mr. SLOAN. I will yield to the gentleman from Minnesota.

Mr. KNUTSON. Does not the gentleman think that the provision to which he refers was put in for the special purpose of allowing the new Member to cool off and get back to the normal basis before Congress convenes?

Mr. SLOAN. Yes. Cold storage was not in vogue at that time.

Mr. KNUTSON. The gentleman will admit that the cooling process is not to be sneezed at.

Mr. SLOAN. As a conservative I quite agree with the gentleman.

Mr. SPARKS. Will the gentleman yield?

Mr. SLOAN. I yield.

Mr. SPARKS. At the time of the adoption of the Constitution when we were in an experimental stage, was not it necessary to take a longer time to figure out the proposed course of legislation than it has been when we have a definite course?

Mr. SLOAN. Quite true. That was an important fact. It was an important fact in reaching this seat of Government. Because the winds had to carry them up and down the ocean, bays, and rivers; while we have since that time railroad, steamboat, and airplane transportation. I think the country now believes that the period between the election and the activities of the President and the Congress should be materially shortened. What the country advisedly desires and which is in line with our representative government should be brought about and that through effective means.

But, as I said before, the old system has served us well, and in its continuance no great calamity could or did occur. A betterment, an improvement in our system, undoubtedly would follow the shortened period, but that was not the large consideration. The large consideration was that under our electoral system we are liable to have blocs instead of parties. There might be many candidates voted for under our electoral system. Many of those candidates may receive less votes than a majority and none more than a plurality.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. MURPHY. Mr. Chairman, I yield 10 minutes more to the gentleman from Nebraska.

Mr. SLOAN. Take the situation liable to occur at any election. There may be four or five candidates for the Presidency and no one receive a majority. Disease may sweep away the man for whom a plurality of votes were cast. The hand of the assassin may dispose of the second. In that case, under our system, there is but one course. The third man receives the votes, and when the election is turned into the House of Representatives is, perforce, elected President of the United States. It could well be wrought out—and Heaven forbid that it shall—we might have three candidates for the Presidency—one a Democrat, one a Republican, and one might be an anarchist. He might carry one of the small States of this Union. He might have the balance of power. But whether he had the balance or more than that and yet less than the others, the hand of an assassin might wipe out the leader and the second. In that event, under our system, this anarchist would, perforce, be the President of the United States, because he would be the only one for whom votes could be cast in the House of Representatives.

Many complications may arise. It is providential that they have not arisen thus far. It is of prime importance that this committee should make provision for these contingencies. I was reluctant to take a place upon this committee for a number of reasons, but I felt that it was my duty upon request to do so, with the understanding that the day of gestures in improving the mechanism of our Constitution should terminate and that the House of Representatives, orderly body that it is, reaching for results and not for advertisement, should work out a system that might save this Republic from chaos at some of our future elections. [Applause.] With that in view, I have followed our chairman, who made it plain to us new Members that what should be done would be to bring before this House and the country the large and controlling reasons why we should construct and submit such an amendment. I ask the chairman at this point whether in the seven years of his experience there have been extensive hearings on this proposition?

Mr. GIFFORD. There have been.

Mr. SLOAN. It did not come to my special notice. The chairman of the committee called before that body the eminent men who had resolutions before that committee, including, among others, the gentleman from California [Mr. LEA], the gentleman from Missouri [Mr. ROMJUE], the gentleman from Ohio [Mr. CABLE], the gentleman from New York [Mr. LAGUARDIA], the gentleman from Wisconsin [Mr. BROWNE], and others, to present the merits of several resolutions.

As I understand it, the committee meetings were open not only to the membership of the House and all other persons interested but to the membership of any other body that might be in existence here or elsewhere.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Yes.

Mr. GIFFORD. Formerly there were very extensive hearings under the leadership of the American Bar Association, which for years has fought for the passage of this amendment. I would remind the House that this year, while we had fairly exhaustive hearings, we had before us a public document presenting the three days' debate. The dates of those hearings were advertised in the CONGRESSIONAL RECORD, so that if anyone wished to come before the committee he could know that it was his privilege and that the opportunity was offered.

Mr. SLOAN. There were hearings held for five different days, covering 123 pages of printed matter. After that was done the chairman appointed a subcommittee of three, made up of the gentleman from Missouri [Mr. LOZIER], the gentleman from West Virginia [Mr. BOWMAN], and myself, to review the evidence and present, not the LaGuardia, Browne, Cable, Lea, Romjue resolution, or any other particular one, but to present that which we were convinced would appeal to the membership of this House and stand the best show of being carried by a two-thirds vote.

Just as soon as I could get those men together we considered the evidence and came to agreement that the resolution which would most strongly appeal to the membership of the House and command the most votes was that upon which debate had been had for three days in 1928 and which received a very large and commanding majority, but not a two-thirds vote, as the Constitution requires.

There were no differences in that subcommittee except what little difference there was between the others and myself when I suggested that perhaps the resolution should be a little more explicit in extending the power to Congress to meet some of these contingencies that experience had not pointed out. I had consulted the legislative draftsmen on the subject. But I was convinced from their statements and agreed with them that our strongest position in this House was to take that which had been fully debated and present it to the main committee and let that committee recommend what was to be done.

There appeared before that committee the Chairman of this Committee of the Whole, the gentleman from Massachusetts [Mr. LUCE], whose legal learning and forensic abilities are unsurpassed in this House. It should be said—and I can say it in his absence—that for close reasoning and "luce" speaking our Chairman of the Committee of the Whole is without a peer.

Congressmen STOBBS, SEARS, LAGUARDIA, CABLE, LEA, Clerk Tyler Page, and others, 14 witnesses in all, made their views known to the committee and they were placed in the record.

Speaking of my own State, three Members beside myself, namely, SEARS, JOHNSON, and SIMMONS, either spoke or gave written statements or otherwise made their interest manifest.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. SLOAN. If the chairman in charge of the pending bill has plenty of time, I should like another little section of eternity cut out for me.

Mr. MURPHY. I want to be courteous. The other side have four hours and five minutes. With the permission of my colleague, the gentleman from Missouri [Mr. CANNON], I will yield the gentleman from Nebraska five additional minutes.

Mr. CANNON. In view of the fact that the time is to be yielded to the gentleman from Nebraska, that will be entirely satisfactory.

Mr. SLOAN. I thank my chairman and the gentleman from Missouri.

I want to say that with all possible dispatch the subcommittee's report was made to the main committee. The main committee authorized the chairman to report the bill, and in my opinion it will receive vigorous support in this House.

I wish to speak of the reasonable speed that we made. We were not organized until December 12; our resolution was introduced into this House five days before criticism came from another quarter. I want to emphasize what the chairman has said about the Senate resolution, concerning which something had been heard. It was before our committee all the time, on a par with all the other resolutions that were being considered, so that each had its opportunity.

I desire to give to the country this significant fact: This resolution was reported to the House long before its calendar shall come. It has not lost a moment of time or one poor fraction of

proper speed. More than that, it is ready for application at any time to the Committee on Rules to be advanced; if that Committee on Rules, speaking for the majority of this House, grants our request.

Mr. LEA. Mr. Chairman, will the gentleman yield there?

Mr. SLOAN. Yes; I yield to the gentleman.

Mr. LEA. I want to take advantage of the opportunity that the gentleman has given me by yielding to compliment the committee for its sincere interest in these problems and its work in connection with them. For years your chairman has been a close student of this subject. It is easy to realize the importance of this legislation. It gives me pleasure to stand here to-day and pay a tribute, a well-deserved tribute, as I view it, to the committee and its chairman for their consideration of these problems.

Mr. SLOAN. I thank the gentleman. Concerning our chairman, I may say with the poet—

None know him but to love him,
None name him but to praise.

The compliment of the gentleman from California, a Democrat, is a high evidence of the nonpartisan work of this committee.

There are reasons why there has been delay in connection with this measure in other years. One is the flippant manner in which it has been referred to by its professed friends, making it more an object of derision than a great piece of constructive legislation. They call it the "lame duck" amendment. In harmony with that it was so referred to in another body, and that body accordingly referred it to the Committee on Agriculture, apparently on the theory that it concerned poultry. [Laughter.]

Mr. O'CONNOR of Louisiana. Mr. Chairman, I understood this was a privileged matter and therefore was not subject to the Rules Committee. Can the gentleman enlighten us upon that?

The resolution for an amendment to the Constitution is not a privileged measure under the House rules. A study of the hearings will show that men who favor this procedure have little sympathy with the "lame duck" designations. That derisive designation carries the implication that defeated Members of Congress in short sessions of Congress, after election are unmindful of their exalted duties and violate their trusts. As the average retirement every two years is about 15 per cent, and a large number of these are voluntary, and men either in defeat or voluntary retirement are just as liable to be pure patriots as those who succeed, the injustice will readily appear.

The committee took the view that now before either defeat or victory at the polls, all Members were and should be looking to their country's good and not to any transient distinction which might be attached to formal authorship. It is a fine tribute to the Members of the House, that not one has complained because his particular form of resolution was not selected upon which to go before the House.

A distinguished member of another body on an occasion outside of Congress said, "I have no reverence for the Constitution or any of its amendments." I do not agree. The Constitution and all its amendments have my reverence. Because, there is the symmetrical crystallization of the American will. It is the greatest prose document in the world since Holy Writ. Between its immortal lines is breathed the most magnificent poem of civilization. Catch its inspiring cadences and talk no more of the turbulent roll of Ossian or the majestic movement of Milton.

Its change should be wrought with a care and wisdom, matched only by the patriotism and zeal with which Americans will uphold and defend it.

Mr. MURPHY. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. LANKFORD].

The CHAIRMAN. The gentleman from Virginia is recognized for five minutes.

AVIATION

Mr. LANKFORD of Virginia. Mr. Chairman and my colleagues, a few days ago I had the pleasure of accompanying a congressional party to Hampton Roads, Va., and witnessing the aeronautical exhibitions that were performed there. We had our eyes opened by the wonderful strides that have been made in aviation. As we stood on the deck of that giant carrier and saw the airplanes circle about and swarm in the air like a flock of ducks we marveled at the great efficiency that has been attained in the art of aviation.

I wish especially to comment on the efficiency of the personnel, from the admiral down to the men. As I stood there and saw that wonderful exhibition I felt like taking off my hat to the Wright brothers, who made all of this possible at Kitty Hawk, N. C.

I have filed a bill, H. R. 7722, which is now pending before the Military Affairs Committee, providing for the construction by the Secretary of War of a road from Cape Henry, Va., to Kill Devil Hill, N. C. This road, aside from its military value, will make accessible the memorial to the Wright brothers at Kill Devil Hill, N. C. This memorial is now cut off from approach by vast expanses of sand and water, and the roadway when completed will not only open up to thousands and hundreds of thousands who would do honor to the Wright brothers as the years go by by visiting the shrine of the first birdmen but will lead through a section rich in early historical events and unsurpassed in wild and natural beauty.

You have often heard the expression and perhaps as often used it, "If the hill will not come to Mahomet, Mahomet will go to the hill." On this roadway you will see a hill to-day that literally would have come to Mahomet, if he had waited at the right place and for a sufficient length of time.

The name of this hill is Kill Devil Hill, located at Kitty Hawk, N. C., a vast mountain of sand, 97 feet in height, covering 26 acres, and which has moved 500 feet in the last 30 years. It is a strange coincidence that at this spot, where man first learned to fly, that even the mountains moved and this mountain would have continued its impetuous flight had it not been made world famous by the Wright brothers as the scene of the first successful flight of man. Having become world famed it became necessary to check its flight. The War Department, through its engineers, has accomplished one of the novel engineering feats of all time. They have literally anchored and chained this moving mountain. She has reached her journey's end. One of my old friends, Herman Drinkwater, a resident of Virginia Beach, and familiar with the pranks of shifting sea sand from boyhood, aided in the practical work of anchoring this mountain, and I learned of his death a few days ago with deep regret. It has been chained by covering its sandy slopes with wood mould and planting over this native grasses and shrubs that hold the shifting sand better than concrete.

The recent stabilization of Kill Devil Hill, the world's most famous moving mountain, and the determination of Congress to use it as the base of a national memorial to the Wright brothers, has convinced me of the wisdom of connecting this memorial with civilization by means of a concrete roadway leading from Fort Story at Cape Henry, which protects the entrance to Chesapeake Bay, along the ocean front and over the narrow strip of sand beach separating Back Bay and Currituck Sound from the ocean to the memorial at Kill Devil Hill, a distance of 60 miles.

This short roadway covers the scene of three great first events in American history. First comes Cape Henry—at its northern end where still stands the first lighthouse erected in America, and the scene of the first landing of permanent settlers in America—the John Smith expedition on April 26, 1607. John Smith himself, it is true, did not land, for he was in irons for insubordination on the way over, but when the sealed orders from the King were opened, several days later at Jamestown, it was found that he was placed in command of the expedition. This spot is the scene of an annual pilgrimage held on the 26th of each April, attended by men of national prominence and thousands of visitors.

Another first event occurred at the southern end of this roadway, on Roanoke Island—the birth of Virginia Dare, the first white child born in America. At this point also occurred the mysterious disappearance of the lost colony in 1585—a colony sent over by Sir Walter Raleigh 22 years before Jamestown. Part of the colony was left on Roanoke Island and the ship returned to England for supplies. Sir Richard Grenville, the commander of the expedition became more interested in privateering than he was in his friends left in America, and when he returned three years later not a trace of them could be found—only the mysterious word carved on a tree "Croatan."

The third great event occurred at Kill Devil Hill near Kitty Hawk, the scene of the first successful and sustained flight of man, made by Orville Wright in 1903, which marked the beginning of man's conquest of the air. Even now in its infancy it has enabled him to span the oceans, circle the poles, and circumnavigate the earth.

Along the brief span of roadway will be seen myriads of wild fowl in their native element, bent and twisted pines, lashed by northeast gales, spreading their limbs toward the land as if seeking protection from the fury of the gales, ever-changing colors of sand and sky, each scene an inspiration for the artist and lover of nature. Along this route was the haunt of Blackbeard, the most famous and ruthless of pirates; it is said that Nags Head, near Kitty Hawk, received its name from the practice of these buccaneers in tying a lantern on a horse's head and driving him along the beach to lure vessels to their doom. I have personally dug out of the sands in this barren area a tombstone bearing the date 1736, showing that it was occupied at that time by perhaps fisher folks by day and pirates by night.

At Virginia Beach, one of the most beautiful resorts on the Atlantic coast and connected by concrete road with Washington, can be found wonderful surf bathing, perfect golf, fishing, and ample accommodations; a duck hunter's paradise in winter and a haven of rest and recreation during the entire year; and within 50 miles lie Jamestown, Yorktown, Williamsburg, and Hampton Roads, the scene of the first conflict between ironclads—ironclads that perhaps in another generation will be singing their swan song to the hawks of the air, first flown by the Wright brothers at Kill Devil Hill.

Let me quote an account of the first flight given by Capt. William J. Tate, a former Coast Guard and eyewitness to the event:

At last the decision and the final hour arrived, and in the presence of J. T. Daniels, W. L. Dough, A. D. Etheridge, three members of the near-by Coast Guard station; W. C. Brinkley, of Manteo, N. C.; and an 18-year-old boy, John Moore, of Nags Head, N. C., the machine was taken out of the hangar and placed upon the track on the level plain near the hangar; the motor was started and allowed to run and warm up; Orville Wright stepped into this new vehicle, confidently took hold of the controls, clipped the restraining wire, and the machine began to run along the track. After a 40-foot run it arose of its own power in free flight, soared along a distance of 120 feet from where it left the ground, and alighted without mishap. Thus the most epoch-making event of all the human ages was accomplished.

Since this spot on which was achieved man's ambition to master the air and of which he has dreamed since time began will become more and more famous as time goes by and will become a mecca for generations yet unborn of those who would do honor to the first birdmen, it may be interesting to mention the manner in which these points, Kitty Hawk and Kill Devil Hill, received their unusual names. Of Kitty Hawk it is said that the Indian name for goose was honk, and in describing the period of a year to the early English settlers the Indians described it as from "Killy honk to killy honk," meaning from the time the first goose was killed in one season to the first in the next season was a year. This name now has geen gradually changed to Kitty Hawk. However, some of the old deeds on record to-day describe this area as Killy Honk.

As to Kill Devil Hill it is said that after the days of piracy, and when underwriters came into existence, watchmen placed on the beach to guard salvaged cargoes reported to their employers that during the night the devil walked off with bales of goods. A particularly shrewd watchman was employed, and one night he saw a bale of goods moving off apparently of its own accord. He investigated and found a rope attached to the bale, and following it for some 100 yards he discovered a man on a beach pony dragging it away. He reported to his employers the next day that he had killed the devil. Since that time this hill has been known as Kill Devil Hill.

Since time began man has longed for and dreamed of the conquest of the air. Icarus, in Greek mythology, sought to accomplish it with wings attached to his body by wax, but when he flew too near the sun he did a tail spin; Pegasus, the winged horse of Bellerophon, was the next dream of the ancients, and the dreamer came nearer to the truth than he knew, for there is a marked similarity between the ancients' conception of a winged horse and the metal-winged horse with which Colonel and Mrs. Lindbergh crossed the continent a few days ago.

But it remained for two quiet, determined American dreamers to make these dreams come true, and Orville and Wilbur Wright did this on December 17, 1903, at Kill Devil Hill, Kitty Hawk, N. C.

In conclusion, my colleagues, on the board outside the Chamber, there is a map giving a description of this entire territory and showing the course of the road. If you have an opportunity, I hope you will examine it before you leave. [Applause.]

Mr. CANNON. Mr. Chairman, I yield 35 minutes to the gentleman from Missouri [Mr. LOZIER].

PHILIPPINE INDEPENDENCE

Mr. LOZIER. Mr. Chairman, without further quibbling, equivocation, or delay the United States should grant unconditional independence to the inhabitants of the Philippine Islands. From every worth-while standpoint our national interests will be promoted by a speedy withdrawal of our sovereignty from these far-off Asiatic possessions. By the fortunes of war into which we were reluctantly drawn, these islands with their millions of brown-skinned men and women were left on our front doorstep. They are not the fruits of a war of conquest, or for territorial expansion, or for national aggrandizement. They are the residue of an adventure in the initiation of which we were undeniably actuated by altruistic, unselfish, and humanitarian motives. We assumed sovereignty over the Philippines only because American statesmanship could devise no scheme compatible with our national honor to avoid taking them, but at the time there was no substantial national sentiment in favor of permanently retaining them as provinces, admitting them to our sisterhood of sovereign States, or keeping them for all time under our flag. Subsequently, by a solemn legislative declaration, we, in no uncertain terms, made known to the world our deliberate purpose to grant full and complete independence to the Philippines.

If we were sincere in our professions, if the sentiment and wishes of the great majority of the American people are to be respected, if our solemn covenants are to be fulfilled, if our promises are to be 100 per cent performed, and if we are to keep faith with our own conscience, we should get out of the Philippines, for we must admit that we are now holding these islands not as owners but as trustees under an express trust, the plain terms of which not only permit but require us to withdraw from these regions in the Far East, over which an inscrutable Providence gave us temporary control. [Applause.] Moreover, this is not a dead, dry, passive, or inactive trust; it is not merely an implied, resulting, or constructive trust; it is a direct, express, and active trust, the clear intent, purpose, and provisions of which will never be consummated and in good faith performed until we grant the Philippines unconditional independence.

My conclusions have not been hastily formed. My zeal for Filipino independence is not of recent birth. I am not in any way or to any extent influenced by economic problems that have recently arisen in reference to tariff duties on imports from the Philippines. Nor am I moved by any selfish, sordid, or sinister appeal, or narrow nationalism. In framing the pending tariff bill we have been brought face to face with certain perplexing problems that tremendously emphasize the wisdom and necessity of our withdrawing from the Philippines in order to preserve some of our domestic commodity markets for the American farmer. These markets are now savagely menaced by imports of agricultural products from the Philippines. For economic reasons, the arguments in favor of relinquishing the Philippines are not only convincing but irrefutable. Undoubtedly the financial interests of the American people as a whole will be conserved and promoted by a speedy severance of our present relations with our insular wards. [Applause.]

But I do not predicate my demand for Philippine independence primarily on economic grounds. To my way of thinking these economic reasons are quite convincing, but they are not the prime factor in the equation. There are more persuasive and compelling reasons why we should heed this fervent prayer for independence. There are moral and ethical reasons that appeal mightily to the minds and consciences of men; reasons that are founded on solemn covenants and involve not only our national interests but our national honor; reasons that underlie and spring from a safe and sane national policy; potential reasons that have existed ever since we took over the Philippines following the treaty of Paris, which ended the Spanish-American War, and which reasons, with the flight of time have grown stronger and stronger, and each year make our stay in the Philippines more hazardous and indefensible.

A proper solution of the Philippine problem involves not only our own national interests and national dignity, but the destiny of more than 12,000,000 men and women, who in 1898 by the fortunes of war came under our flag and sovereignty. In this, and in subsequent addresses, I propose to analyze the Philippine situation, review the circumstances surrounding our assumption of sovereignty, consider the principal arguments against Philippine independence, and present some of the compelling reasons why we should speedily end our Philippine experiment.

Obviously it will serve no useful purpose to detail the events that culminated in the Spanish-American War, and which marked the passing of the last vestige of Spanish authority in the Orient and in the western world. It is sufficient to say this war involved primarily the problem of freeing Cuba from Spanish misrule, and was the inevitable fruitage of centuries of cruelty and oppression of her colonies by Spain. What a brilliant and glorious, yet cruel, bloody, and gruesome page Spain has written in the history of the western world. Controlling at one time the major portions of the continents of North and South America, for centuries the unchallenged mistress of the sea, rich and respected at home and abroad, for centuries the paramount power of Europe and the world, yet by shortsightedness, misrule, unspeakable tyranny, and pitiless exploitation, she lost all of her oversea empires, which in potential and actual wealth, staggered human comprehension and surpassed the most fantastic dreams of avarice. For a long time after Spain had been shorn of her other dependencies, she managed to hold Cuba, Porto Rico, and the Philippines, and, by the exercise of moderation, her sovereignty over these princely possessions might

have been prolonged indefinitely. But Spanish Bourbons, learning no lesson from their inglorious and melancholy experiences, selfishly continued to exploit and rule these colonies by methods typical of medieval absolutism.

The Philippine Islands, the largest group of the Malay Archipelago, were discovered in 1521 by Magellan, a Portuguese mariner in the service of Spain, and conquered by Spain in 1565, under the reign of Phillip II. Thus for more than three centuries the Filipino race lived under the baneful and depressing shadow of Spanish autocracy. The story of this people is one of the most pathetic in modern history. But an unfathomable Providence, with the slow-moving shuttle of destiny, was silently weaving a web of events that in the fullness of time would emancipate this enthralled race from age-long servitude.

Destiny imposed on the United States the unsought and unwelcome task of terminating the intolerable conditions in Cuba, and we found ourselves at war with Spain. In a surprisingly short time our Navy destroyed or drove the Spanish Fleet from the seven seas and our Army, composed largely of volunteers, carried our flag to a speedy and decisive victory. The valor of our military and naval forces in the Spanish-American War, as in all other contests in which we have engaged, brought to our soldiers, sailors, and marines imperishable glory.

Defeated on land and sea, the proud house of Asturias sued for peace. Spain, having by centuries of misrule, inexorable exploitation, and pitiless oppression forfeited her right to longer retain these rich insular possessions, and as an inevitable result of our victories, the United States assumed control of these islands and their many millions of inhabitants, not as chattels or pawns or as our absolute property, but we accepted them in trust, to keep or dispose of them in due time and in such manner as would best promote our and their national interests and honor.

While no other course was open to us, the assumption of sovereignty over these islands, marked a radical departure from our traditional policy. As modified by twentieth century conditions, the Monroe doctrine embodies our one outstanding national policy, which, with the approval of our people for over a century, has become a part of our accepted national creed. By that epoch-marking declaration, we, in effect, erected a barrier around the Western Hemisphere, and served notice on the greedy nations of the world that in their lust for power, and in their ambition for national aggrandizement and territorial expansion, they must not attempt to break through, tunnel under, or climb over this wall, which marked a sphere in which our interests and influence were paramount.

When fairly construed and intelligently applied, the Monroe doctrine means that, we will permit no European or Asiatic nation to acquire territory in the Western Hemisphere, because such acquisition might menace our interests and impair our influence as the dominant power in the western continent, and in consideration of other nations being excluded from the Western Hemisphere, we in turn, impliedly agree not to menace the security of other nations, by acquiring territory and establishing outposts in the Eastern Hemisphere where their interests and influence are predominant. If we, in order to safeguard our national interests, forbid European and Asiatic nations acquiring territory in the Western Hemisphere, where our interests are undoubtedly peculiar and preeminent, how can we consistently invade the Eastern Hemisphere and establish dependencies in regions where the interests and influence of other nations are paramount? [Applause.]

By announcing the Monroe doctrine we served notice on foreign nations that were annexing territory in strategic positions throughout the world, that they must keep their hands off the continents of North and South America and islands in adjacent waters. To justify and enforce this policy and be consistent, we are morally obligated not to acquire and hold far-distant territory in regions where other nations, by reason of their location, have a vital, peculiar, and preeminent interest. From the birth of our Nation there has been an overwhelming sentiment among our people to confine our activities to the western world, and to limit our territorial expansion, if any, to the areas within the walls, which we, by the Monroe doctrine, have thrown around the Western Hemisphere.

The American people have never given any mandate for the permanent retention of the Philippines, or sanctioned a policy that would make us a "Pacific power," as that term is now understood, or involve us in the complex Far East problems and intrigues, that must inevitably grow out of our permanent, or even protracted control of the Philippines. We are not an "empire-minded" people. We accepted these rich insular possessions, not gleefully, but because it was unthinkable that the astucious Spaniard should continue longer to exploit them, and because there was nothing else for us to do but to take them. But there has never been a substantial national sentiment in favor of permanently retaining them.

In unequivocal language we have proclaimed to the world that we were not permanently annexing these islands, that we had no thought of retaining them as colonial possessions, or incorporating them as integral or inseparable units of our Federal structure. In presidential messages, in congressional debates, from platform, forum, pulpit, and press, we, with seeming sincerity, announced to the world that our stay in the Philippines would be short, and that independence would be granted as soon as the inhabitants were capable of self-government. This did not mean that independence would come only after decades, generations, or centuries of tutorage under American Governors General, American Congresses, and American Presidents; nor that we would measure their capacity for self-government by such a high standard, that they could not possibly hope to meet our arbitrary and self-serving requirements.

Who will challenge the sincerity of our Government and the good faith of the American people when we assured the inhabitants of the Philippine Islands that we would grant them independence at no distant date? The rank and file of our citizenry, the great mass of right-thinking, right-living men and women in the United States are not to blame for our failure to keep faith with the inhabitants of the Philippines. The responsibility rests with Congress and our Presidents, who have sacrificed duty on the sharp edge of expediency, beguiled by the sophistry of those who for selfish ends have ceaselessly preached the spurious and sinister gospel of procrastination; who deep down in their hearts want us to permanently retain the Philippines, or prolong our stay there indefinitely, for the financial gain that would accrue to a very small group of our people interested in trade and commerce with these islands.

By longer listening to the siren son of those who dream of territorial expansion in the Orient, we will dull our national conscience, violate our national covenants and impair our prestige as a fair dealing, square-shooting, and self-respecting nation. In meeting this issue let us not be constrained by fear, swayed by passion or false pride, intoxicated by the hope of financial gain, misled by prejudice, or seduced by ambition. But let us cling tenaciously to the faith and ideals that actuated our far-seeing constitutional fathers when they wrote our national creed, formulated our safe and sane national policies, marked out our national trails and established our national landmarks.

Vain and fruitless will be our triumph at Manila, Santiago, and San Juan, if the pæans of victory are disturbed by the unanswered prayers of a captive race. Disappointing will be our songs of exultation if their echoes are mingled with the pathetic voices of millions of brown-skinned men and women reproaching us for not having kept faith with them. The policy I advocate may mean less territory and a few less dollars to a few Americans, but it will earn the lasting good will and benediction of liberated millions, ease our national conscience, fulfill our national covenants, and demonstrate to the world that our Republic will keep its promises, and be not only just, but generous in its dealings with an humble but deserving race that was cast into our lap by inexorable destiny and the whirligig of war.

Mr. LEA. Will the gentleman yield?

Mr. LOZIER. I yield.

Mr. LEA. I take it that the gentleman from Missouri [Mr. LOZIER] thinks we should free the Philippine Islands on the basis of keeping faith with a promise. Would the gentleman be in favor of their independence for that reason alone at this time?

Mr. LOZIER. I will say to my friend from California that it is undeniably our duty to keep faith with the inhabitants of the Philippines and fulfill in letter and spirit our promise to grant them independence. This promise, standing alone, would be a sufficient reason why the Congress of the United States should grant full and complete independence to the inhabitants of these islands, but there are many other reasons which appeal very strongly to the mind and conscience of the American people, which support and buttress the arguments in favor of relinquishing these Asiatic possessions. There are financial reasons, economic reasons, strategic reasons, and many other reasons why our permanent or protracted stay in the Philippines is unwise and, in my opinion, dangerous to our national interests. Undeniably we should keep faith with the Philippines and grant them the promised independence.

Mr. LEA. From the standpoint of keeping faith with that promise, what does the gentleman think that promise required, so far as time is concerned?

Mr. LOZIER. Our promise, not only implied but expressed, was to withdraw from these islands as soon as the inhabitants

were capable of self-government, or, to express it in another way, when they shall have established a stable government. This did not mean that they were to wait decades, generations, or centuries, or that they would be denied independence until they had acquired as much genius or capacity for self-government as the American people claim to possess. A reasonable construction of our promise is that we covenanted to withdraw our sovereignty as soon as the inhabitants had created a stable governmental structure which would be conclusive evidence of their capacity for self-government.

Our promise did not imply that we would measure their capacity for self-government by American or European standards, or that they had to establish and maintain as efficient and stable a government as that of the United States; and it was never understood that their government should be in all respects a duplicate of ours. The only conditions we imposed were that the native inhabitants were to establish and maintain a republic or representative form of government suitable to their needs, in harmony with their environment, and which would promote the interest and welfare of the population as a whole.

Mr. GUEVARA. Will the gentleman yield?

Mr. LOZIER. I yield to my friend, the honorable Commissioner from the Philippines.

Mr. GUEVARA. I wish to correct the statement that the promise to grant independence to the Philippine Islands is predicated upon the capacity of the people of the Philippine Islands for self-government. The only condition required, previous to the granting of independence, was that as soon as a stable government is established in the Philippine Islands then independence shall be granted to the Philippine Islands.

Mr. LOZIER. Answering my friend from the Philippines, I will say there is no disagreement between his and my construction of our obligation under our promise to grant independence to the Philippine Islands. We have promised this independence as soon as the inhabitants have established a stable government for the administration of their domestic and ultimately their international affairs, which is tantamount to saying that independence will be granted as soon as they are capable of self-government. I contend that that time has already come, and there is no substantial reason why they should longer continue under our trusteeship.

In this connection I want to say that the Filipinos have established and are now maintaining an efficient and stable government for the administration of their domestic affairs, 98½ per cent of all the civil officers in the Philippines being native inhabitants of those islands. The Filipino race has made marvelous progress in education, culture, social and civic affairs, and in the science of government in the last generation. They have demonstrated beyond the peradventure of a doubt that they have a genius for government. They are progressive and ambitious and animated by passion to qualify themselves for the duties and responsibilities of life and to have a part in the world's work and accomplishments.

Mr. LEA. I do not want to press the gentleman unless it is entirely agreeable to him.

Mr. LOZIER. Go ahead. I am glad to yield to the gentleman from California, who is always interesting and well informed, and who always contributes something worth while to every debate in which he participates.

Mr. LEA. Is it the gentleman's judgment that the Filipinos having established the reputation of having a stable government, we are now called upon to free them?

Mr. LOZIER. Undeniably, yes.

Mr. LEA. Assuming we have reached that conclusion, how soon does the gentleman think freedom should be granted?

Mr. LOZIER. We should withdraw our flag from the Philippine Islands just as soon as the inhabitants have created a republic or governmental structure patterned in a general way after our scheme of government. By this I mean that we should release these islands without unnecessary delay, within the next few years, and just as soon as they can rear a stable government. To do this, ample notice should be given to the inhabitants to the end that they may be advised as to the proposals and have a voice in formulating the institutions under which they are to live and work out their racial and national destiny. Ample time should be allowed for the selection of delegates to a constitutional convention, and all inhabitants, including all racial groups, should be given fair representation in that convention.

The members of this convention should proceed deliberately in writing the constitution of the Filipino republic, which, when completed, should be submitted to the inhabitants for ratification. While unnecessary delay should be avoided, ample opportunity should be allowed for full and free discussion, to the end that the organic act may reflect the wishes of the inhabitants. It is only necessary to delay our withdrawal long enough to allow the inhabitants, by the exercise of reasonable care and diligence to set up a governmental structure with which to take over the responsibilities and burdens incident to a self-governing state.

I am not able to state dogmatically just how long this would require, but, in my opinion, not more than five years would be required to formulate their scheme of government, write their constitution, and enact the necessary statutes to enable the inhabitants to take over the exclusive management and control of their domestic and international affairs.

Judging the future by the past, the inhabitants will be amply able to rear and maintain a stable republican form of government, and I believe the United States should proceed upon the theory that not more than five years will be required to enable the native inhabitants to set their house in order and be in a position to take over the administration of their own affairs.

In the last 30 years the Filipino race has made marvelous progress in education, the arts, and the science of government, and has developed a remarkable genius and capacity for politics and efficient administration of public affairs. The advancement of the Filipino race in the last three decades has no counterpart or parallel in the history of the world, considering that Spain never shared with her subjects the duties and responsibilities of government.

Mr. LEA. Assuming that period has arrived and we grant them full independence, what, if any, further obligations does America owe to the Philippine Islands different from any other nation?

Mr. LOZIER. It is my purpose to discuss this phase of the problem in a subsequent address. But for the information of my colleague and others I will take this occasion to say that our future attitude toward the Philippines after their liberation is a matter to be considered by the Congress as we approach the time when we will sever our present relations with our insular wards. In relinquishing the Philippines I believe we should make known to the world that the United States will not stand by and permit any other nation to make a war of aggression on the Philippine republic. I do not think that there is any danger of any European or Asiatic nation attempting a conquest of the Philippine Islands after the withdrawal of our flag.

I am further convinced that the great nations would willingly enter into a covenant for the neutralization, integrity, and independence of the Philippine Islands. The gentleman from California has raised an interesting question which I hope to discuss in detail in a subsequent address.

Mr. SLOAN. Will the gentleman yield?

Mr. LOZIER. I yield to my friend, the gentleman from Nebraska.

Mr. SLOAN. In the proposition to grant them full independence, does the gentleman's plan include all the islands and all the people, whatever lines of demarcation there may be among them, or is it to be limited territory and limited peoples or tribes, and I say that with the utmost respect for them?

Mr. LOZIER. Answering the gentleman from Nebraska, I will say that these 7,000 and more islands were intended by Providence to constitute one great state, and to have an important part in the development of the Orient. Practically all of the inhabitants belong to the Malayan race, although, of course, there are different tribes, dialects, and, I may say, groups of different or uncertain racial origin. But there is a similarity and cohesiveness which will justify the incorporation of all these islands and all these inhabitants in one nation. But in framing their organic act the rights and privileges of each and every racial group should be amply protected, to the end that all may enjoy the benefits and blessings of free government and have equality of opportunity.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. SANDLIN. Mr. Chairman, I yield the gentleman from Missouri 10 additional minutes.

Mr. LOZIER. Since the dawn of civilization, since the historic muse began to keep a record of all the dark hand of destiny weaves, can you point to many instances where a king or commonwealth has freely and willingly, without compulsion or adequate compensation, given up power, dominion, or territory, or restored independence and self-government to a conquered nation or subject race? When in all the annals of time has any nation voluntarily or without remuneration surrendered the fruits of conquest or rich possessions acquired by the fortunes of war?

The outstanding exception to this almost universal practice is found in the action of the United States Government, after the Spanish-American War, in giving Cuba independence and in solemnly promising autonomy to the Philippines. To this policy we were morally committed before we entered the war

that destroyed the last vestige of Spanish power in the Western Hemisphere. This pledge was made in good faith and not with crossed fingers. It had and has the sanction of the enlightened sentiment of an overwhelming majority of the American people. This solemn covenant is but half fulfilled. We have kept faith with the Cuban people, but our promise to grant the Filipinos independence is as yet unperformed. This obligation can not be evaded without a sacrifice of our national honor. By no process of reasoning, by no refined sophistry or doctrine of expediency, by no consideration of self-interest or financial gain, can we justify further delay on our part in keeping faith with our conscience and fulfilling our pledge to the Philippine people.

Mr. LEA. Will the gentleman yield?

Mr. LOZIER. I yield.

Mr. LEA. With reference to your statement that in consideration of our excluding European and Asiatic nations from the Western Hemisphere we are morally obligated not to invade the Eastern Hemisphere and establish dependencies in regions where other nations, by reason of their location, have a paramount interest, is there not this distinction? When we went to take the Philippines we did not invade or violate any rule established by the oriental countries so far as territorial relationships were concerned.

Mr. LOZIER. I do not contend that when we took over the Philippines we violated the legal right of any Asiatic nation or disregarded any announced policy of any nation in the Orient, but I assert that such action on our part violated the fundamental principle on which our Monroe doctrine is based. This doctrine is bottomed on the proposition that the United States is the dominant power in the Western Hemisphere; that by reason of our location we have a peculiar and paramount interest in the national life of North and South America and adjacent islands, which interest would be injuriously affected and seriously menaced if European or Asiatic nations should acquire territory in the Western Hemisphere and establish dependencies in our front or back yard.

That these nations, by acquiring territory in the Western Hemisphere, would thereby acquire a special, peculiar, and vital interest in affairs that are essentially Pan American, and sooner or later the interests of these nations, functioning through their American dependencies, would conflict with our national interests. They would automatically become our rivals and challenge our preeminence as the dominant power of the western world.

Once intrenched in North and South America, the influence of these Asiatic and European nations in purely American affairs would be tremendously augmented and precipitate intrigues and rivalries, now so common in Europe. If we are consistent, and if we honestly believe in the philosophy on which we predicated the Monroe doctrine, we can not logically invade the Eastern Hemisphere and establish dependencies which would make us an Asiatic power and inevitably embarrass or threaten the interests and influence of other nations in that remote region, and involve us in the complex Far East problems and intrigues.

There is the same reason for the Asiatic nations to declare an Asiatic Monroe doctrine, or for the European nations to declare a European Monroe doctrine as there was for the United States to promulgate our traditional Monroe doctrine.

If we can invoke this policy against Europe and Asia, by the same token the nations of those continents can invoke the same principle or policy against us. The Asiatic and European nations, in ethics and morals, have as much right to embarrass us by establishing dependencies in the Western Hemisphere as we have to embarrass them by establishing dependencies in the Orient. It is a poor rule that will work when we want protection from a possible danger, but which can not be invoked in fairness and justice against us by other nations that are interested in being protected from an invasion by us of their spheres of influence.

To speak frankly, we have no business in the Orient, and the sooner we relinquish the Philippines, the better it will be for us and for the Philippines.

By permanently holding the Philippines we violate the spirit and the principle upon which the Monroe doctrine was founded. We are undeniably inconsistent, if we, by the Monroe doctrine, throw a barrier around the Western Hemisphere and deny to other nations the privilege of acquiring territory within this area, because such acquisition might impair our interests and jeopardize our national security, and then ignore this principle and policy by invading the Eastern Hemisphere and establishing dependencies and outposts in regions where other nations, by reason of their location, have a peculiar and paramount interest.

Most persons who oppose immediate or early independence for the Philippines, predicate their opposition on the claim that the inhabitants are not yet qualified for self-government. By whose yardstick and by what standard are these qualifications to be measured? Must the Filipino have the same genius and capacity for self-government that we Americans are supposed to possess? Shall we demand that the Filipino demonstrate his capacity for self-rule before he has been given a fair trial and had an opportunity to prove his aptitude for efficient management of his own domestic and international affairs? Every race must crawl before it can walk, and it must walk before it can run. Efficiency in the administration of a government is the fruitage of opportunity and experience. Every great nation has passed through periods of infancy and adolescence. The capacity of the Filipino for wise and efficient self-government, which has already been developed to a remarkable degree, will improve as they take on themselves exclusively the burdens and responsibilities of enacting and administering their own laws. Talents grow with use. Skill in governmental matters will come with experience.

The realization by a people that they are free; that they are privileged in their own way to work out their own destiny; that they have no masters but their constitution, their laws, their conscience and sense of right; that they must solve their own problems, develop their own culture, rear their own institutions, enact and administer their own laws, and develop their own civilization, will sober them, inspire them, strengthen them, incite their patriotism, arouse their interest in public affairs, give them poise, discretion, and conservatism, and develop their faculty and talents for governmental affairs, which can never come to a people held in bondage, and on whom the duties and sole responsibilities of government have never been placed.

I have watched with interest and admiration the progress of the Filipino race since these islands came under our sovereignty, and in all the annals of time no record can be found comparable with that of the Filipinos, who, emerging from more than three centuries of pitiless oppression, quickly learned the ways of the western world, developed a passion for education, exhibited remarkable genius for governmental affairs, and proceeded to establish a culture and civilization suitable for their needs and local environment, all of which justify the opinion that this hitherto backward race is undoubtedly destined to play a prominent and important part, not only in the development of the Orient, but in the history of the world. [Applause.]

And the United States, as the outstanding Republic of the world, should ungrudgingly keep faith with these generous and confiding people and fulfill the promise that we have made to them in letter and spirit.

Our permanent or protracted stay in the Philippines is pregnant with very mischievous consequences. The lust for power is reprehensible when displayed by a monarchy, but it is especially odious when manifested by a republic and garbed in professions of sincerity and disinterestedness. It is a serious act for any nation, especially a republic, to throw itself across the path over which 12,000,000 people are traveling toward self-government, thereby blocking their progress. Only under the benign influence and stimulation of self-government, can any race capitalize its physical, intellectual, and spiritual powers, and reap the bountiful rewards Providence has ordained it should enjoy.

In the time at my command to-day, I have only been able to present a few preliminary observations on the Philippine problem. From time to time as I may find opportunity to be heard, it is my purpose to discuss every phase of this question, in the hope that I may contribute something to a speedy and just solution of what I consider one of the most important issues now confronting the American people. [Applause.]

Mr. SANDLIN. Mr. Chairman, I yield now to the gentleman from California [Mr. LEA].

Mr. LEA. Mr. Chairman, I ask this time in order to correct what perhaps is a wrong impression gained through the question I asked of the gentleman from Missouri [Mr. LOZIER]. I agree with the gentleman that the United States should keep its promise to the Philippines, and keep that promise in good faith. I do not agree with him that there is any injustice to oriental nations by the United States being in the Philippines. If there is any injustice in our remaining there, it is an injustice to the Philippine people and not to other Asiatic countries.

Mr. SANDLIN. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CULLEN].

UNEMPLOYMENT

Mr. CULLEN. Mr. Chairman and members of the committee, we are nearing the end of the second session of the Seventy-first Congress, and it is high time that we pause to review the business and labor situation of our country at this time fairly and

impartially, so that we may take back to our people some effective plan for relieving the present unemployment situation.

Senate bills 3059 and 3061, introduced by Senator WAGNER, of New York, to remedy unemployment were reported favorably by a unanimous vote of the Senate Committee on Commerce after an executive session held on April 3, and on April 30 were passed by the Senate and sent to the House. The Wagner bills provide for more comprehensive unemployment statistics, and for long-range planning of public works for the purpose of offsetting cyclical unemployment. A third bill, S. 3060, which provides for cooperation of Federal and State governments in the establishment of employment agencies, has been held up temporarily at the request of the National Association of Manufacturers to allow them to file a brief with the committee in regard to the bill.

We can not overlook the importance from a practical point of view, a means of ascertaining the extent of the distressing unemployment in the country at this time. As the result of the apparent indifference and shortsightedness of many men in public life, they find themselves to-day in a maelstrom of recrimination due to exaggerated guesses of unemployment. The arbitrary figures in regard to the number of people out of work and the Government's lack of any comprehensive statistics to show the present number of unemployed workers has been the result of a serious disturbance throughout the Nation, and it seems to me that Congress should throw its full and immediate support behind the Wagner bills, which will undoubtedly help to relieve the present period of depression, which has been so disastrous to capital and labor.

The first of the Wagner bills provides for an expansion of the Bureau of Labor Statistics that would permit it to gather figures on unemployment of a far more comprehensive character than those on which it must rely at present. The second would put in practice the policy of planning ahead for public projects, including river and harbors improvements, flood control, public buildings, and highways, so that work on any or all of these might be accelerated immediately when depression threatens the Nation. I believe that this legislation proposed by Senator WAGNER is sound in principle and should lead to immediate legislative action by Congress.

Let the Congress not forget that a warning against the possibility of trouble was issued a few days ago by William Green, president of the American Federation of Labor. His statement is deserving of our closest attention, when we consider that Mr. Green is one of the world's most conservative labor leaders, and incidentally one of the bitterest opponents of any type of red movements. When such a man speaks of the possibility of trouble as a result of widespread unemployment and hunger, it is time for Congress to take some definite action.

In urging the passage of the Wagner series of unemployment bills, Mr. Green stated to the Senate committee:

> Our people should be given the opportunity to earn money and not have it doled out to them without labor in return.

He further stated that—

> Unless employers change their tactics toward the unions we shall face either Federal unemployment insurance to take care of the jobless or have a revolution to contend with.

What has caused a conservative type of man like Mr. Green to issue such a statement? His answer in the form of statistics shows that one in every four men unemployed this winter; almost half the men in the building trades unemployed; an estimated national total of 3,700,000 men out of work in the country during the month of February, with a loss in wages of $400,000,000 for that month alone.

That nonunion labor has fared even worse seems to be indicated by the Federal Reserve Board production statistics just announced. Taking three outstanding unorganized industries, the automobile production index fell from 148 in February, 1929, to 103 in February, 1930; iron and steel from 128 to 118; textiles from 113 to 98, while industrial production as a whole dropped from 117 to 105.

The number of commercial failures in March was the largest since 1922, according to Dun's Review.

With the possible exception of the American Federation of Labor, the New York State Industrial Commission has probably the most complete facilities for obtaining data on unemployment of any organization in the country. Testifying before the Senate Commerce Committee on March 21, Miss Frances Perkins, New York State industrial commissioner, said that unemployment conditions in New York, the largest industrial State in the Union, were the worst in more than 15 years; that appeals for charity had increased 200 per cent in the last six months, the increase coming from persons normally employed; and that conditions were "striking and shocking."

Bread lines and soup houses were common sights in every important industrial center in the country. In New York City lines of hungry and destitute line up daily, two and three blocks long, at these bread and soup houses. The famous Little Church Around the Corner in New York established a bread line for the third time in its existence of approximately 80 years.

Governor Roosevelt, of New York, said in a statement that, while there is likely to be some easing of the unemployment situation with the coming of spring, it will not be sufficient to restore normal employment so necessary for stable business, and that if plans are not made now the slump of the autumn and winter of 1930-31 will be more distressing than ever.

The governor has taken the bull by the horns and has appointed a special committee of business men and labor representatives to work out such practical methods as can be devised for the future control of unemployment.

Ladies and gentlemen, in closing my remarks I wish to say to you that if it were not for the bread lines, the lodging houses, and the many charitable organizations the misery of the most serious unemployment crisis in many years would be even greater. In this crisis it appears to me that the Congress has been delinquent. Work must be created in such emergencies. It can only be created by united action of the Congress. It is a reasonable function of a humanitarian Federal Government to help provide or at least stimulate the leadership for united action to alleviate the existing privation and suffering of the horde of unemployed.

We have a wealth in dollars undreamed of and a staggering array of physical plants and vast natural resources, and it seems to me that the Congress should pledge itself to put forth its best efforts to keep our own people and our Nation prosperous, so that everyone may have an equal opportunity to be steadily employed at a living wage, and it is my sincere hope that the Wagner bills now before the Congress shall pass and become law before this session adjourns. [Applause.]

Mr. SANDLIN. Mr. Chairman, I yield 20 minutes to the gentleman from Washington [Mr. HILL].

EXPORT DEBENTURES

Mr. HILL of Washington. Mr. Chairman, the export debenture with organized agriculture under the agricultural marketing act would give protection to the producers of wheat and other surplus crops that can not be protected by tariff duties. The Senate put the debenture into the tariff bill by an amendment. If the House had accepted this amendment, the export debenture would become a part of our protection policy. On Saturday, May 3, the House had the debenture amendment up for consideration. As a member of the Ways and Means Committee, and favoring the debenture, I moved that the House concur in the Senate amendment and led the fight for the debenture plan. We made the hardest and best fight possible for it against the powerful forces of the administration leaders in the House. We lost. The vote stood 161 for and 231 against the debenture, and 36 not voting; 111 Democrats voted for and 36 Democrats voted against the debenture; 49 Republicans voted for and 195 Republicans voted against the debenture; 1 Farmer-Labor voted for it. In appreciation of the efforts made in behalf of the debenture, Mr. L. J. Taber, master of the National Grange, wrote me as follows:

WASHINGTON, D. C., *May 5, 1930.*

Hon. SAM B. HILL,
House of Representatives, Washington, D. C.

DEAR MR. HILL: Allow me to commend your leadership and support of the debenture amendment to the tariff act. I can assure you that the farmers of Washington, as well as the farmers of the Nation, feel that the export debenture is a necessary complement to the tariff act. It is the one sure way of bringing tariff benefits to wheat and similar staple crops.

It is interesting to note that the longer the debenture has been debated and discussed the stronger it has become. The first time it was voted upon it received little support. A year ago it received 113 votes. Last Saturday 161 supported it, indicating a growing sentiment that the debenture program is as defensible as the tariff itself, is in harmony with the present drawback provisions of the tariff, and is no more a subsidy than the high or prohibitive tariff rates.

The National Grange has a sincere desire to support legislation that will benefit the agricultural producers in all parts of the Nation and give them equality of opportunity and reward commensurate with those engaged in other callings.

Again assuring you of our appreciation, I remain,

Yours sincerely,

L. J. TABER,
Master National Grange.

The export debenture was defeated by 70 votes. The debenture is therefore eliminated for the present as a part of the

farm-relief program, and I shall not discuss it further at this time. The only farm relief possible now must be worked out under the agricultural marketing act of June 15, 1929. I want to talk to you to-day about that act.

To aid the farmers of America to take over and control their own markets is the sole purpose of the agricultural marketing act. I voted for it. It was not my first choice of legislation for the relief of agriculture and it was not the kind of relief legislation that the majority of the farmers had been demanding for eight years. It is, however, the legislation which President Hoover recommended and sponsored. It is his plan of farm relief—make no mistake about that. The farm relief act is President Hoover's idea. Congress passed the bill that he asked for and provided for a Federal Farm Board with broad powers to administer the act.

The President selected and appointed the members of the board. I supported the measure. I had faith in the President's sincere desire to formulate a system that would enable the farmers to set up and control their own markets as other industries control the markets of their products. I had faith in the President's wholehearted purpose to put his great influence and farvisioned business capacity back of the plan to establish agriculture as an independent and self-operating industry in the marketing of its products. Neither Mr. Hoover nor anyone else had any illusions as to the magnitude of the undertaking and the difficulties and opposition that would be encountered in carrying the plan into effective operation. It involves a nation-wide movement of the farmers into a close-knit business combine. To lift a continent of farmers out of their accustomed ways of individual marketing and place them in cooperative groups on the basis of commodity marketing challenges the highest intelligent action of the farmers themselves, aided by the Federal Farm Board with all its power and resources. It is a Herculean task but it can and must be done. There is a desperateness in the situation that compels this accomplishment. The average farmer is just as keen and capable a business man as the average man in other occupations, if not more so, but he has a more difficult problem to solve. There are 6,000,000 farms in the United States and about 30,000,000 farm people. The farms are operated independently by individualized farmers. To organize these independent thinking and independent acting men into cohesive sales-agency groups where individuality must be subordinated to the common purpose is extremely difficult, and the coordination of these groups through a nation-wide organization adds other if not greater difficulties. But how is the farm-marketing problem to be solved in the interest of the farmers unless cooperation is substituted for competition in selling their products, and how can this substitution be effected except through farmer owned and farmer controlled cooperative sales agencies that cover and embrace the terminal as well as the intermediate markets? What, then, is to be done? There is no choice. The farmers must organize under the plan of the Federal Farm Board and the agricultural marketing act. They have everything to gain and nothing to lose. If they do not so organize they are already lost. If they organize under this plan they will gain control of their markets and agriculture will step up to the marketing level of other industries.

The more I study this plan of President Hoover for the solution of the farm marketing problem and the work of the Federal Farm Board in putting it into operation the stronger is my faith in its practicability. My faith is further strengthened in the workability of the plan by the fear which has seized the Minneapolis Grain Exchange and has caused it to send out the distress call to have the Chamber of Commerce of the United States pass resolutions condemning the agricultural marketing act and demanding its repeal. The grain exchanges did not oppose but rather encouraged the passage of this act, because they believed the plan would not work. They felt sure that the farmers could not or would not organize to put the plan into operation. They are now convinced to the contrary and are in a panic of fright. They say that the scheme must be destroyed or they will lose control of the farmers' market. On the representations of the grain and cotton exchanges and other nonproducer dealers in farm commodities that they are being put out of business by the agricultural marketing act the Chamber of Commerce of the United States last week by resolution condemned the use of Government funds to aid agricultural cooperatives. Of course, they know that if this aid should be withdrawn the act would be utterly useless, but if continued the act will be effective.

The act provides a half billion dollars from the Federal Treasury to be used by the Federal Farm Board in financing farm marketing operations under the act. However, the act is not self-executing. Nor can the board put it into operation unless the farmers will organize producer-owned and producer-controlled cooperative marketing associations. The act does not automatically organize the farmers into cooperative marketing associations and does not compel them to organize themselves into such associations. It does invite them to voluntarily organize and withholds its benefits from them until they do.

The plan is entitled to a fair trial. It is a pioneering adventure, but no one doubts the efficacy of bargaining power in the commerce of marketing. The lack of it places either the buyer or the seller in a position of helpless disadvantage. For a half century and more far-seeing farmers have been trying with meager success to bring about cooperation of producers in the marketing of farm products. Many such organizations, local in scope of operation, have been formed which have brought actual advantages and presaged far greater potential advantages of cooperation. It is obvious, however, that lacking a nation-wide organization on a commodity basis, local cooperatives are in competition with each other instead of cooperating in marketing their commodities. Under such conditions there can be no cooperation among the individual cooperative marketing associations.

The plan of the Federal Farm Board under the farm marketing act is to coordinate marketing operations of the various individual and local cooperative associations; handling the same commodities, through an organized, nation-wide sales agency.

The agricultural marketing act is based on the recognized necessity of cooperative action of the farmers in marketing their products. It proceeds on the proven theory that the farmers, acting individually and separately in their marketing operations, are both helpless and hopeless in the matter of bettering their bargaining power in selling their commodities. The act does not provide for financial assistance to the individual farmer marketing his products individually, but it does provide for assistance to the individual farmer as a member of a cooperative marketing association. Such assistance, however, must come through the cooperative association of which he is a member, as the Federal Farm Board deals only with cooperative marketing associations and not with the individual members of such associations.

The day of the one-man marketing agency is past. The sooner this fact is accepted the quicker will come relief to agriculture.

The Federal farm act is not a lazy man's law. It points the way to marketing success for the farmer, but it does not haul him there. He must do his own traveling along the directed way to reach the goal pointed out to him. Success is based upon responsibility. The man who will not accept responsibility will not achieve success. Opportunities must be embraced when presented.

The farmers of America have the opportunity of a lifetime under the farm marketing act to form local, regional, and national cooperative marketing associations with the active help and financial backing of the Federal Government. I fully realize that the gigantic size of the undertaking staggers the imagination of the man unaccustomed to contemplate a personal part in a business organization of nation-wide scope, and taxes his faith in the possibility of its accomplishment.

The fact remains, however, that if the farmers of this country are to develop a system whereby they can control their own markets such system must include the operation of the terminal markets where the greatest influence is exercised upon control of prices and orderly distribution. This result can not be accomplished merely through local cooperatives for they can not force cooperation at terminal markets. Nothing short of a comprehensive organization of local, regional, and national cooperative marketing associations can give to the farmers the control of their markets. The heart and soul of the act is collective and cooperative marketing and its whole plan is to encourage and assist the farmers to organize themselves into cooperative marketing associations to accomplish such purpose.

Agriculture is on trial for its life as an independent industry. Does any man believe that it will ever reach the plane of parity with other industries until and unless the farmers gain control of their own markets?

We are faced with the alternative of whether we shall rise to the occasion and demonstrate our capacity to do the job or admit failure simply because the work of organizing agriculture on a nation-wide scale is a gigantic and difficult task to accomplish. Recognizing the large and peculiar difficulties of bringing the farmers throughout the Nation into cooperative effort in marketing their commodities, the Federal Farm Board has taken the leadership in initiating these organization movements. This work has progressed to a point of accomplishment that demonstrates that the farmers, with the assistance of the Federal board, can effect the necessary organizations of local, regional, and national cooperative marketing associations.

Under the guidance of the Federal Farm Board four national commodity sales agencies have been formed. They are Farmers' National Grain Corporation, National Wool Marketing Associa-

tion, American Cotton Cooperative Association, and National Bean Marketing Association. In addition to these four national agencies plans are well under way for the establishment of the National Livestock Marketing Association. Producers of dairy products, rice, tobacco, poultry and eggs, seeds, apples, and potatoes are also being encouraged to centralize their marketing activities in order that they will have a greater bargaining power.

The Farmers' National Grain Corporation was the first of the agencies to be established. It was incorporated October 29, 1929, with a capital stock of $10,000,000. Also on February 11, 1930, the Grain Stabilization Corporation was organized for the purpose of aiding in the stabilization of wheat prices, and the Federal Farm Board provided it with an initial credit of $10,000,000. Both corporations have their headquarters at 343 South Dearborn Street, Chicago, Ill. The Federal Farm Board has issued the statement that the Farmers National Grain Corporation will have adequate capital if given the support of existing farmer-owned grain marketing associations to handle annually more than 500,000,000 bushels of all grains.

The National Wool Marketing Corporation was incorporated November 20, 1929, with an authorized capital stock of $1,000,000. Last January the officers of this corporation, with the approval of the Federal Farm Board, signed a marketing contract with Draper & Co., of Boston, Mass., constituting that company the exclusive agent for the corporation in the sale of wool and mohair consigned for marketing to the woolgrowers' central agency by its member cooperative associations. The Federal Farm Board has loaned money and extended a line of credit to the National Wool Marketing Corporation.

The American Cotton Cooperative Association was the third central commodity marketing agency to be organized by cooperatives with the aid of the Federal Farm Board. This association was incorporated on January 13, 1930, with a capital stock of $30,000,000. This new association has brought almost the entire cotton cooperative marketing system of the South into one organization, and through it the cooperatives will be prepared in advance for the handling of the 1930 crop under the control of a tightly organized group. It will have back of it ample financial support of the Federal Farm Board.

The National Bean Marketing Association was recently incorporated with a capital stock of $1,000,000 as the central selling agency for the marketing of dry beans handled cooperatively. This association has been recognized by the Federal Farm Board as eligible for loans and credit from the board.

In addition to the four central commodity sales agencies set up under the guidance and with the assistance of the Federal Farm Board four advisory commodity committees have also been set up by cooperative associations on invitation of the board, as provided in the agricultural marketing act. These advisory committees consist of seven members each, and are for dairy products, wool and mohair, wheat, and cotton. The State of Washington has representation on two of these committees. F. J. Wilmer, of Rosalia, Wash., is a member of the advisory committee for wheat and A. G. Zeibell, of Marysville, Wash., is a member of the advisory committee for dairy products.

When we consider the enormous amount of work on the part of the farmers and the Federal Farm Board necessary to organize cooperative marketing associations for the various farm commodities and to establish central sales agencies for such cooperatives, I feel that the progress of the work to date is highly gratifying and encouraging.

It is true that wheat prices, especially, have been so low during the period of operation of the Federal Farm Board that many farmers have been led to doubt the efficacy of the agricultural marketing act. It must be borne in mind, however, that the organized nonfarmer dealers in agricultural commodities are doing everything in their power to discredit the act and the work of the Federal Farm Board in order to hold the control of the farm markets in their own hands and to prevent the farmers themselves from gaining such control. Every farmer and every friend of the farmer should rally to the support of the Federal Farm Board and to the organization movement to put the farmers in control of their own markets. The agricultural problem is not of concern alone to the farmers. There can be no real prosperity anywhere so long as the fundamental industry of agriculture is not showing a profit. The people of the cities can not be prosperous unless the farmers can buy. The cities should, therefore, lend every helpful effort and encouragement possible to bring buying power to the farmers.

Through the agricultural marketing act the Federal Government says to the farmers, "If you are interested enough to follow a plan which I suggest to solve your marketing problems, I will loan you the money and show you how to do it." I submit that that is a fair proposition. The act has potential farm relief in it. We can make it a success; we can also let it fail. It is our move. It is up to us to accept whole-heartedly the Government's offer or to reject it flatly. There is no middle ground—there is no twilight zone.

The Federal Farm Board recently issued a circular in the form of questions and answers, giving a detailed interpretation of the agricultural marketing act and information as to the work of the board. This circular is a valuable aid to an understanding of the act itself and of the program to carry it into operation. I will, therefore, embody it in my remarks without reading it. The circular follows:

QUESTIONS AND ANSWERS

GENERAL

1. Question. What is the Federal Farm Board?

Answer. The Federal Farm Board, created to administer the agricultural marketing act, is composed of eight members appointed by the President and confirmed by the Senate. The Secretary of Agriculture is ex officio member of the board.

2. Question. Is the Federal Farm Board a division of the United States Department of Agriculture or an independent unit?

Answer. The Federal Farm Board is an independent unit, but is cooperating with the Federal Department of Agriculture and other governmental agencies to avoid duplication of services.

3. Question. What is the length of term of the members of the Federal Farm Board?

Answer. Six years. The terms of the first board members expire as follows: Two at the end of the first year, two at the end of the second year, one at the end of the third year, one at the end of the fourth year, one at the end of the fifth year, and one at the end of the sixth year. In case of a vacancy the appointment is only for the unexpired term.

4. Question. When did the agricultural marketing act become a law?

Answer. June 15, 1929, when it was signed by President Hoover.

5. Question. When did the Federal Farm Board begin its work?

Answer. Members of the Federal Farm Board met for the first time on July 15, 1929. The President called them into this meeting, which was held at the White House.

6. Question. What general policy was laid down by Congress to guide the Federal Farm Board?

Answer. The Federal Farm Board is charged with carrying into effect the policy of Congress as expressed in the agricultural marketing act, which is as follows: "To promote the effective merchandising of agricultural commodities in interstate and foreign commerce, so that the industry of agriculture will be placed on a basis of economic equality with other industries." More specifically, the policy is expressed as follows: "To protect, control, and stabilize the currents of interstate and foreign commerce in the marketing of agricultural commodities and their food products—

"(1) By minimizing speculation.

"(2) By preventing inefficient and wasteful methods of distribution.

"(3) By encouraging the organization of producers into effective associations or corporations under their own control for greater unity of effort in marketing and by promoting the establishment and financing of a farm marketing system of producer-owned and producer-controlled cooperative associations and other agencies.

"(4) By aiding in preventing and controlling surpluses in any agricultural commodity through orderly production and distribution, so as to maintain advantageous domestic markets and prevent such surpluses from causing undue and excessive fluctuations or depressions in prices for the commodity."

7. Question. In what general way does the Federal Farm Board plan to help improve the farmer's marketing system?

Answer. First, by helping farmers organize into cooperative marketing associations. Second, by aiding in federating these associations into district or regional selling units and, wherever possible, into national sales agencies. Third, by assisting them through loans and in developing highly efficient merchandising organizations.

8. Question. What other major objectives does the Federal Farm Board have?

Answer. To assist farmers through collective action in controlling the production and marketing of their crops; to encourage the growing of quality crops instead of more crops; to aid in adjusting production to demand.

9. Question. What would be the effect on consumers of agricultural products if farmers limited production to harmonize with demand?

Answer. The Federal Farm Board is working on the theory that the production of farm products in excess of normal marketing requirements is a waste. It injures the producer without benefiting the consumer. The consumer requires and should have a normal supply of food and textile products of high uniform quality. The producer desires a supply which can be sold at prices that will assure him a reasonable profit on his farm business. The development and maintenance of a condition of stability with regard to production and price will benefit both producers and consumers. Such coordination of supply and demand is a problem to which the farmer cooperatives must give further attention, and in the solution of which the Federal Farm Board must render all possible assistance.

10. Question. Can farmers build up a cooperative system of marketing with the aid of the Federal Farm Board that will reduce fluctuations in prices of farm products, yield the farmers larger incomes, and yet not raise prices to consumers of farm products?

Answer. The Federal Farm Board believes this can be done.

ORGANIZATION

11. Question. Is there a blanket plan for the marketing of all kinds of farm products?

Answer. No. The cooperatives and the Federal Farm Board realized from the beginning that no stereotyped marketing plan could be used in the development of a system for the handling of all kinds of products. It is necessary to work out an individual plan for each commodity. For example, a plan has been developed for the marketing of grain, another separate and distinct plan for the marketing of wool and mohair, and still another for the marketing of cotton.

12. Question. What producers of farm products are to be aided by the Federal Farm Board?

Answer. The Federal Farm Board will help producers of recognized agricultural products, no matter where they live in the United States, provided they organize themselves into cooperative associations for the business of marketing their crops.

13. Question. Does the Federal Farm Board deal directly with the individual producer?

Answer. No. Congress realized that it would be impracticable for the board to deal directly with individual producers, and provided that the board should deal with farmers and ranchers through producer-owned and controlled organizations.

14. Question. Is it necessary for individual producers to join a cooperative marketing association to be benefited under the marketing provisions of the agricultural marketing act?

Answer. Yes.

15. Question. Is it necessary for a producer to join any organization other than his cooperative association?

Answer. No. It is not necessary for a producer to join any organization other than a commodity cooperative qualified to deal with the Federal Farm Board through a central marketing agency for the commodity or directly in the event there is no such central organization.

16. Question. Does the cooperative marketing plan fostered by the Federal Farm Board provide for an organization that will take care of all products grown on a farm located in a diversified agricultural region?

Answer. Yes. In some diversified agricultural regions where there is not enough of any one crop produced to justify the establishment of a local commodity organization to handle only one product, the board has found it necessary to encourage the organization of associations equipped to receive various kinds of farm crops and coordinate the sale of them through central sales agencies dealing in specific commodities.

17. Question. What must a farmer do in order to market his products through a central or national sales agency, owned and controlled by farmers and recognized by the Federal Farm Board?

Answer. He must join a local or regional cooperative marketing association that has been organized to meet the conditions of the Capper-Volstead Act. Where an association does not exist in the farmer's immediate locality he will have to help organize one. The State agricultural colleges, State extension services, State departments of agriculture, State departments of vocational agriculture, and other agencies in many States stand ready to assist farmers in their organization work.

18. Question. What is required of a cooperative association formed to meet the provisions of the Capper-Volstead Act?

Answer. The cooperatives must meet all of the provisions of the Capper-Volstead Act. The main provisions are:

1. That the members or stockholders shall be agricultural producers;

2. That the association must be operated for the mutual benefit of its members;

3. That the association shall be engaged in interstate commerce;

4. That the association shall not do more business with nonmembers than with members; and

5. The association must conform to one of the following: Either that it follow the principle of 1 vote per member or else dividends on capital stock must be limited to 8 per cent.

19. Question. Does the Federal Farm Board deal directly with the local cooperative associations?

Answer. The board deals with the national or central marketing organizations as soon as they are established. Through these organizations the board aids district and local associations. It is the policy of the board to request that all local, State, or regional cooperatives affiliate with the central as soon as it is formed.

20. Question. Will the marketing plan now being developed under the guidance of the Federal Farm Board eliminate existing cooperatives?

Answer. It is not the policy of the board to encourage the elimination of any cooperative association that is rendering an efficient and necessary service. The board will try to strengthen existing cooperative associations, help form new ones wherever they are needed, and bring them all into central marketing agencies.

21. Question. Does the Federal Farm Board buy or sell farm products?

Answer. No. The Federal Farm Board does not buy or sell farm products of any kind. It is helping farmers establish organizations to market their own products.

COMMODITIES

22. Question. What constitutes a commodity?

Answer. The agricultural marketing act directs the Federal Farm Board to designate as a commodity any farm product or group of products whose use and marketing methods are similar.

23. Question. How many commodities have been designated by the Federal Farm Board?

Answer. Eleven. (Up to March 15, 1930.)

24. Question. What are the commodities that have been designated by the Federal Farm Board?

Answer. The 11 designated commodities are:

1. Cotton.
2. Dairy products, including fluid milk, cream, cheese, condensed milk, butter, ice cream, evaporated milk, whole and skim milk powder.
3. Wheat.
4. Rice.
5. Livestock.
6. Wool and mohair.
7. Tobacco.
8. Poultry and eggs.
9. Seeds, including alfalfa, clover, timothy, redtop, and other field seeds.
10. Potatoes.
11. Coarse grains.

25. Question. Will other commodities be designated by the Federal Farm Board?

Answer. Yes. The Federal Farm Board is studying the uses and methods of marketing other farm products and later will designate additional agricultural commodities when sufficient information is available upon which to act.

26. Question. What is an advisory commodity committee?

Answer. Advisory commodity committees are provided for in the agricultural marketing act. These advisory committees are to represent commodities before the Federal Farm Board.

27. Question. Who selects the members of the advisory commodity committees?

Answer. They are selected by the cooperatives at the invitation of the Federal Farm Board. The manner of selection is prescribed by the board. Each advisory commodity committee is composed of seven members; the act requires that two members shall be specialized handlers or processors of the commodity.

28. Question. How often are the advisory commodity committees to meet?

Answer. At least twice a year upon call of the Federal Farm Board, and at other times upon call of a majority of the advisory commodity committee's members.

29. Question. Do members of the advisory commodity committees receive salaries?

Answer. No. The committee members are paid $20 a day and expenses when attending committee meetings called by the Federal Farm Board and doing other work ordered by the board.

STABILIZATION

30. Question. What is meant by a stabilization corporation as provided for in the agricultural marketing act and what is the position of the Federal Farm Board on the subject of stabilization?

Answer. According to the Federal Farm Board's interpretation, the process of stabilization divides itself into two rather distinct classes. The first class is what might be called normal operations, involved in almost everything the board is doing. Every measure taken to increase the effectiveness of cooperative organizations in any commodity, or improve their financial position, to centralize or correlate their activities so as to make their operations more effective, is in itself a process of stabilization. It is the hope that as time goes on this activity will in most cases prove to be all that is needed, the result, of course, depending on how successful cooperatives are in working out large, well-managed organizations, which will control a sufficiently large percentage of the product to make their influence felt on the market.

The second form of stabilization might be termed extraordinary or emergency operations, whereby, because of a large surplus of any commodity, the operation would consist of buying and taking off the market some considerable part of the tonnage so as to relieve the pressure and carrying the product until some future date in the hope there would be a more favorable opportunity of disposing of it. This second or emergency class of operation would, of course, be carried out strictly under the provisions of the agricultural marketing act with money advanced by the board, and if the final result of such operation shows a loss or deficit, such loss will be borne by the revolving fund as provided by the act. The Grain Stabilization Corporation, with headquarters in Chicago, is an example of the latter or emergency type. (See sec. 9 of the act.)



LOANS

31. Question. How much Federal Government money is available for loans to farmers under the provisions of the agricultural marketing act?

Answer. Congress authorized $500,000,000 to be used as a revolving fund. At the outset only $150,000,000 of this amount was appropriated. The board will ask for more money as it is needed.

32. Question. What rate of interest does the Federal Farm Board charge on loans made from the $500,000,000 revolving fund?

Answer. The money is loaned to cooperatives at a limited rate of interest—"in no case shall the rate exceed 4 per cent per annum on the unpaid principal." (See sec. 8 of the act.) Where national or central agencies exist the Federal Farm Board loans the money to them. These central or national agencies, in turn, loan the money to district or local cooperatives at a slightly higher rate of interest to cover handling charges and build up a reserve to the association against losses. Profits resulting from their operations will go to build up the reserves of the national or central, in which ownership is shared by members in proportion to their patronage.

33. Question. Can an individual farmer borrow money directly from the Federal Farm Board?

Answer. No. Money is being loaned by the board to producers through their cooperative organizations and not to individuals.

34. Question. Can individual cooperative associations borrow money directly from the Federal Farm Board?

Answer. It is a policy of the Federal Farm Board to make loans to farmer-owned cooperative central commodity marketing organizations as soon as they have been established instead of lending directly to local associations. The National Wool Marketing Corporation, the Farmers' National Grain Corporation, and the American Cotton Cooperative Association are examples of national commodity marketing organizations. In the absence of such central associations or corporations the board has advanced money directly to qualified cooperatives. Application blanks are furnished by the Federal Farm Board to prospective borrowers, with the necessary forms of exhibits which will develop the detailed information that should be before the board when it considers the application of an association for a loan.

35. Question. What associations are eligible to borrow money from the Federal Farm Board?

Answer. The organization applying for the loan must be a cooperative association meeting the provisions of the Capper-Volstead Act, marketing agricultural products and doing an interstate business. The organization must show satisfactory management and sound operating policies.

36. Question. Are there any restrictions on the power of the Federal Farm Board to loan money to associations?

Answer. No loan shall be made to any cooperative association unless, in the judgment of the board, the loan is in furtherance of the policy of the agricultural marketing act. The cooperative association applying for the loan must have organization, management, and business policies of a character that will insure the reasonable safety of the loan.

37. Question. Is the Federal Farm Board compelled to make a loan to an association merely because it is eligible for a loan?

Answer. No. The Federal Farm Board has complete discretion with respect to the making of any loan.

38. Question. May a cooperative association borrow money from the Federal Farm Board for the purpose of buying farm supplies?

Answer. No. There is no authority under the agricultural marketing act for the loaning of money to a cooperative association for the purchasing of farm supplies.

39. Question. In making loans, are there any restrictions for which the money may be used?

Answer. The purposes for which loans may be made are all specified in the act.

40. Question. For what purposes may money be loaned by the Federal Farm Board to qualified associations?

Answer. Loans may be made from the revolving fund to assist associations as follows:

1. In the effective merchandising of agricultural commodities and food products thereof.

2. In the construction or acquisition by purchase or lease of physical marketing facilities for preparing, handling, storing, processing, or merchandising agricultural commodities or their food products.

3. In the formation of clearing-house associations.

4. In extending membership of the cooperative association applying for the loan by educating the producers of the commodity handled by the association in the advantages of cooperative marketing of that commodity.

5. In enabling the cooperative association applying for the loan to advance to its members a greater share of the market price of the commodity delivered to the association than is practicable under other credit facilities.

41. Question. Are there any restrictions on loans which the board may make to cooperative associations?

Answer. Yes. The board is prohibited from making any loan that "is likely to increase unduly the production of any agricultural commodity of which there is commonly produced a surplus in excess of the annual marketing requirements."

In addition there are special restrictions on loans for acquiring physical facilities. They are: "No loan for the purchase or lease of such facilities shall be made unless the board finds that the purchase price or rent to be paid is reasonable."

Also: "No loan for the construction, purchase, or lease of such facilities shall be made unless the board finds that there are not available suitable existing facilities that will furnish their services to the cooperative association at reasonable rates; and in addition to the preceding limitation no loan for the construction of facilities shall be made unless the board finds that suitable existing facilities are not available for purchase or lease at a reasonable price or rent."

42. Question. Will the Federal Farm Board supervise the operations of a cooperative to which it has loaned money?

Answer. As long as the organization is indebted to the Federal Farm Board its management will be subject to the approval of the board and its records open to the board's inspection and audit.

43. Question. Does the Federal Farm Board have offices outside of Washington?

Answer. The Federal Farm Board has a regional office at 519 New Post Office Building, Portland, Oreg., and 419 Arctic Building, Seattle, Wash.

Mr. CANNON. Mr. Chairman, I yield now to the gentleman from South Carolina [Mr. GASQUE].

Mr. GASQUE. Mr. Chairman, under leave to extend my remarks in the RECORD I include a resolution adopted a few days ago by the Tobacco Cooperative Marketing Association of South Carolina in support of the work of the Federal Farm Board.

The resolution is as follows:

Whereas it appears that selfish interests representing at least a part of the industrial, commercial, and business groups of the United States are expressing their opposition to the Federal marketing act being administered through the Federal Farm Board; and whereas Federal Government has on many occasions come to the rescue of such interests at times when business conditions seemed to be depressed and no objection was raised to such action.

Therefore, we, the directors recently elected by the members of the Tobacco Cooperative Marketing Association of South Carolina, that has been organized in a large measure through the sympathetic and active support of the Federal Farm Board and the extension service of South Carolina, do hereby protest and earnestly call to the attention of the farmers of our State and the Nation to rally to the support of the Federal Farm Board and the President of the United States in their earnest effort to aid agriculture.

Resolved, That a copy of this resolution be sent to the President of the United States, chairman of the Federal Farm Board, the daily press of South Carolina, North Carolina, and Virginia, and the Members of Congress, both Senate and House, of South Carolina. This resolution passed the 2d day of May at a meeting of the full board of directors at Florence, S. C.

Mr. MURPHY. Mr. Chairman, I yield 20 minutes to the gentleman from Indiana [Mr. HOGG].

Mr. HOGG. Mr. Chairman and members of the committee, Hon. Louis W. Fairfield, whose recent death has been reported to the House of Representatives, was a kindly and affable gentleman, a sincere and conscientious public servant, an able scientist and educator, and a well-trained student of public affairs. Throughout the Nation he possessed a vast throng of devoted friends who mourn the loss of his outstanding and picturesque personality.

During his four terms as Congressman from the twelfth Indiana district, Mr. Fairfield was diligent in his championship of the fundamentals of republicanism, and scrupulously committed to keeping the faith as he found it in his constituency.

RESEMBLED LINCOLN

Even those who had occasion to differ with him politically were always conscious of Mr. Fairfield's sincerity of motive and conscientiousness of purpose. Resembling Lincoln in physical appearance and in the simplicity of his political philosophy, Mr. Fairfield was frequently called upon to deliver addresses at services held in Lincoln's memory. He lived a long, busy, and useful life. His memory will be cherished by all who knew him.

Hon. Louis W. Fairfield was the youngest son of George and Clarissa Garner Fairfield, pioneers in Ohio. He was born October 15, 1858, in Auglaize County, near Wapakoneta, in a log cabin. When he was 8 years of age his parents moved to a rural community near Lima, Ohio. At the age of 16 Mr. Fairfield passed the required examination and began in a district school his life profession as a teacher. For the next few years he taught school, worked on the Pennsylvania Railroad as a section hand, and earned money to begin his course in what is now Ohio Northern University at Ada. He supported himself

in this course by teaching in various communities near Ada. While teaching he regularly walked in to the college to take part in the evening debating society programs, in which he soon demonstrated his fine abilities as a speaker.

BEGAN HIS CAREER AS AN EDITOR

During 1881 and 1882 he was editor of the Kenton Republican at Kenton, Ohio. He then became editor of the county paper at Sandusky, Ohio, and from there went to Middlepoint as superintendent of schools.

While a student at Ada College he was in the classes of Prof. L. M. Sniff. A mutual friendship began between them, which in succeeding years resulted in the founding of Tri-State College at Angola, Ind.

FOUNDS A COLLEGE

Tri-State College was begun in 1884, when Prof. L. M. Sniff became president. There was only one frame building, with a heavy debt, and 34 students the first term. Soon Mr. Fairfield moved to Angola, joined President Sniff in the faculty, and became vice president. From the start it was, in the words of Mr. Fairfield, "a sacrificial service in obedience to great educational ideals." They sought to eliminate all extravagant social functions and all nonessentials in the college courses, to emphasize the essentials, and welcome all students who were willing to work. There never has been any financial endowment. The school has had to compete with endowed institutions and stand on its own merit. The smallness of their salaries and the greatness of their service was amazing. The story of their prodigious labors, their heroic sacrifices, and their success in the steady and sturdy growth of the college would make a most interesting chapter in the history of education. Tri-State College stands to-day unique in the demonstration of the liberty, economy, and efficiency that succeeds in harmony with these ideals, and it has put Angola on the map of the educational world.

LEFT DEEP IMPRESS AS TEACHER

For 32 years—1885 to 1917—Mr. Fairfield served as vice president, and his fame as a teacher, preacher, and lecturer spread through the adjoining States. His range of subjects was unusual, including history, science, mathematics, philosophy, and literature.

Thousands of alumni have gone out of Tri-State College to become leaders in all callings and professions of life.

A CHRISTIAN MINISTER

When he came to Angola in 1885 he was actively identified with the Christian Church and soon was ordained to the Christian ministry. As opportunity afforded, in connection with his other work, through all succeeding years he has preached the gospel with great power and blessing. He was an elder of the church until death.

SERVED LOYALLY IN CONGRESS

Mr. Fairfield was given a leave of absence from the college when he was elected to Congress from the twelfth district of Indiana in 1916, where he served for eight years, retiring in 1924. Few men in public life have enjoyed such fine tributes of praise from leaders of both political parties.

He was an earnest and useful Member of Congress and gained respect for his abilities in Washington. He had influential committee assignments and was a force to be reckoned with in the House when the vicissitudes of the political game brought his retirement.

Mr. Fairfield was uncompromising for those things which he thought were for the rights of the citizenship and for the honor of the Nation. He was not a quibbler nor a dissimulator. He had no hesitancy in stating his position on a question, and no amount of influence could deter him from that position unless he was convinced that another course was better. As he served young men and women in his teaching days, he served the whole Nation in his career as a statesman.

He was an upright man, a generous man, a kindly man, and wealthy—vastly rich, not in a wealth counted by gold and silver, but in the wealth of loving esteem of everyone who knew him and delighted to call him friend.

ESTIMATE OF HIS CHARACTER

The manner of this man was such that, in all the battles and controversies of life, his bitterest opponent could grasp his hand to eternal friendship.

If you glanced into his mind, you saw the balance wheel of humor, the rapier of logic and adroitness, justice's equal scales, and, over it all, the mellow light of tolerance.

His graciousness was such that those of different religious and social views and habits were at ease with him. He was not stilted, he was not strained, he was not dogmatic.

He had the genius to help the young to find themselves and the tact not to destroy their individuality. Countless beneficiaries all over this country bear witness to this.

Could all the inspiration he has furnished be brought back to him as lifeblood, hundreds of years might easily be added to his three score and eleven. [Applause.]

In addition to all of this he was nature's man. He loved the hills, the lakes, the streams, the flowers, and every living thing.

He retained his boyish enthusiasm and his youthful spontaneity. He was so molded that he was easily understood. There was no mystery in his make-up and no guile.

He was positive in his convictions and determined in his purposes. Yet he moved easily among men of every class. The meanest were not abashed by his presence, yet they respected him.

He never lost his usefulness because of any preconceived religious, social, or political convictions.

It never entered his mind to go about doing good. He went about being good. What the sunlight is to the earth, the life of such a man is to society in which he moves.

The nonessentials about which men differ occupied little space in his thought. He moved majestically toward the main purposes of life. He was graceful in thought and high in resolve. It would be a strange human that ever bore him malice. He left a priceless heritage. [Applause.]

Mr. MURPHY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LUCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11965) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1931, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT—NINTH INTERNATIONAL DAIRY CONGRESS (S. DOC. NO. 143)

The SPEAKER laid before the House the following message from the President, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered printed.

To the Congress of the United States:

I commend to the favorable consideration of the Congress the inclosed report from the Secretary of State, to the end that legislation may be enacted to authorize an appropriation of $10,000 for the expenses of participation by the United States in the Ninth International Dairy Congress, to be held in Copenhagen, Denmark, in July, 1931.

HERBERT HOOVER.

THE WHITE HOUSE, *May 6, 1930.*

CAPT. DRINKARD B. MILNER

Mr. SANDERS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2076) for the relief of Drinkard B. Milner, a similar House bill having been favorably reported from the committee and now on the calendar.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of a Senate bill, which the Clerk will report.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That in the administration of the emergency officers' retirement act Capt. Drinkard B. Milner shall be considered as coming within the provisions of said act and entitled to the benefits thereof.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2589. An act authorizing the attendance of the Marine Band at the Confederate Veterans' reunion to be held at Biloxi, Miss.

ADJOURNMENT

Mr. MURPHY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 12 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 7, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, May 7, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE POST OFFICE AND POST ROADS—SUBCOMMITTEE NO. 3

(10 a. m.)

To authorize the Postmaster General to investigate the conditions of the lease of the post-office garage in Boston, Mass., and to readjust the terms thereof (H. R. 4135 and S. 1101).

To vest in the Postmaster General authority to decide which bid is the most advantageous to the Government in connection with the purchase of motor trucks and motor-truck equipment in order that a reasonable standardization of motor trucks and equipment may be maintained throughout the Postal Service, and to purchase motor-truck parts from the manufacturers of the motor trucks under such arrangements as the Postmaster General may deem advantageous to the Government (H. R. 8772).

To authorize the Postmaster General to purchase motor-truck parts from the truck manufacturer (H. R. 9374).

To enable postmasters to designate one or more employees to perform duties for them during their absence, including the signing of checks in the name of the postmaster (H. R. 8773).

Authorizing the purchase and maintenance of passenger-carrying automobiles for use at post offices having gross receipts of $1,000,000 or more (H. R. 9561).

COMMITTEE ON EDUCATION

(10.30 a. m.)

To provide for the further development of vocational education in the several States and Territories (H. R. 10821).

COMMITTEE ON WAR CLAIMS

(10.30 a. m.)

For the relief of George B. Marx (H. R. 1611).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To amend section 4530 of the Revised Statutes of the United States (H. R. 6789).

To amend section 2 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea" (H. R. 6790).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider private bills in the subcommittee.

COMMITTEE ON WAYS AND MEANS

(11 a. m.)

To provide for a prohibition upon the importation into the United States of certain anthracite coal (H. R. 12061).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To exclude certain citizens of the Philippine Islands from the United States (H. R. 8708).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To reorganize the Federal Power Commission and to amend the Federal water power act, and for other purposes (H. R. 11408).

COMMITTEE ON FLOOD CONTROL

(10 a. m., 2 p. m., and 8 p. m.)

To consider the economics involved in flood control in areas affected by backwaters of the Mississippi River.

To amend section 7 of Public Act No. 391, Seventieth Congress, approved May 15, 1928 (H. R. 8479).

To amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries, approved May 15, 1925" (H. R. 11548).

The committee will hear proposals to construct a spillway below New Orleans.

EXECUTIVE COMMUNICATIONS, ETC.

455. Under clause 2 of Rule XXIV, a letter from the Acting Secretary of War, transmitting draft of a bill "to permit naval and Marine Corps service of Army officers to be included in computing dates of retirement," was taken from the Speaker's table and referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. CABLE: Committee on Immigration and Naturalization. H. R. 10672. A bill to amend the naturalization laws in respect of posting of notices of petitions for citizenship; without amendment (Rept. No. 1386). Referred to the House Calendar.

Mr. KVALE: Committee on the Territories. S. J. Res. 155. A joint resolution to provide for the naming of a prominent mountain or peak within the boundaries of Mount McKinley National Park, Alaska, in honor of Carl Ben Eielson; without amendment (Rept. No. 1387). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SCHAFER of Wisconsin: Committee on Claims. S. J. Res. 165. A joint resolution authorizing the settlement of the case of United States against the Sinclair Crude Oil Purchasing Co., pending in the United States District Court in and for the District of Delaware; without amendment (Rept. No. 1384). Referred to the Committee of the Whole House.

Mr. JOHNSTON of Missouri: Committee on Claims. H. R. 305. A bill for the relief of Northern Trust Co., the trustee in bankruptcy of the Northwest Farmers Cooperative Dairy & Produce Co., a corporation, bankrupt; with amendment (Rept. No. 1385). Referred to the Committee of the Whole House.

Mr. KNUTSON: Committee on Pensions. H. R. 12205. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; without amendment (Rept. No. 1388). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. KAHN: A bill (H. R. 12199) to authorize the design, construction, and procurement of one metal-clad airship of approximately 100 (long) tons gross lift and of a type suitable for transport purposes for the Army Air Corps; to the Committee on Military Affairs.

By Mr. McFADDEN: A bill (H. R. 12200) to amend the Federal farm loan act; to the Committee on Banking and Currency.

By Mr. ARENTZ: A bill (H. R. 12201) for the rehabilitation of private irrigation projects; to the Committee on Irrigation and Reclamation.

By Mr. JAMES (by request of the War Department): A bill (H. R. 12202) to authorize certain activities for the maintenance of the Army; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 12203) to prohibit the operation of motor propelled vehicles by Army post exchanges for hire for private gain without a certificate of convenience and necessity in States which require such certificate for the operation of motor-propelled vehicles; to the Committee on Military Affairs.

By Mr. WINGO: A bill (H. R. 12204) to amend section 7 of Public Act No. 391, Seventieth Congress, approved May 15, 1928; to the Committee on Flood Control.

By Mr. KNUTSON: A bill (H. R. 12205) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. FISH: Joint resolution (H. J. Res. 331) relative to The Hague Conference on the Codification of International Law; to the Committee on Foreign Affairs.

By Mr. IRWIN: Joint resolution (H. J. Res. 332) prohibiting the Postmaster General from discriminating between individuals, firms, corporations, and communities in the receipt, transportation, dispatch, and delivery of registered mail matter; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWMAN: A bill (H. R. 12206) for the relief of Freda Mason; to the Committee on Claims.

Also, a bill (H. R. 12207) for the relief of Lewis Clark; to the Committee on Claims.

By Mr. CARLEY: A bill (H. R. 12208) for the relief of Albert A. Ayuso; to the Committee on Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 12209) for the relief of the estate of Victor L. Berger, deceased; to the Committee on Claims.

By Mr. CRAIL: A bill (H. R. 12210) granting a pension to Robert M. Knippie; to the Committee on Pensions.

By Mr. DOUGLAS of Arizona: A bill (H. R. 12211) for the relief of John W. Miller; to the Committee on Military Affairs.

By Mr. GREENWOOD: A bill (H. R. 12212) granting a pension to Nancy Ann Scribner; to the Committee on Invalid Pensions.

By Mr. HOOPER: A bill (H. R. 12213) for the relief of Will A. Helmer; to the Committee on War Claims.

By Mr. HOPKINS: A bill (H. R. 12214) granting an increase of pension to Elizabeth J. Mumford; to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 12215) for the relief of Daisy Ballary; to the Committee on Military Affairs.

By Mr. JOHNSTON of Missouri: A bill (H. R. 12216) granting an increase of pension to Margaret C. Vitteto; to the Committee on Invalid Pensions.

By Mrs. KAHN: A bill (H. R. 12217) providing for the appointment of Roderick R. Strong as a warrant officer, United States Army; to the Committee on Military Affairs.

By Mrs. McCORMICK of Illinois: A bill (H. R. 12218) granting a pension to Bertie E. Williams; to the Committee on Pensions.

By Mr. McCLINTIC of Oklahoma: A bill (H. R. 12219) providing for the enrollment of William J. Cizek as a member of the Kiowa Indian Tribe of Oklahoma and providing for an allotment of land in the Kiawo, Comanche, and Apache Indian Reservations; to the Committee on Indian Affairs.

By Mr. MOREHEAD: A bill (H. R. 12220) granting a pension to Pearl Rounds; to the Committee on Invalid Pensions.

By Mr. NELSON of Wisconsin: A bill (H. R. 12221) granting an increase of pension to Christina Stiehl; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 12222) authorizing the Treasurer of the United States to pay to Henry F. Meyers the sum of $785.10 as full compensation for services rendered as a member of local draft board No. 1, Omaha, Nebr.; to the Committee on Claims.

By Mr. STALKER: A bill (H. R. 12223) granting an increase of pension to Jane Bronson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12224) granting an increase of pension to Ida E Saxbury; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 12225) for the relief of the heirs of James H. Jones; to the Committee on War Claims.

By Mr. STRONG of Pennsylvania: A bill (H. R. 12226) for the relief of Edward Deyarmin, otherwise known as Edward Miller; to the Committee on Naval Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 12227) granting a pension to Charles Farris; to the Committee on Pensions.

By Mr. TEMPLE: A bill (H. R. 12228) granting an increase of pension to Nancy Malone; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7213. By Mr. GUEVARA: Petition of Cepriano Gigata, of Guiuan, Samar; Pedro Bassig, of Ilagan, Isabela; and Agustin Ibus, of Laspinas, Rizal, all citizens of the Philippine Islands, to secure speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

7214. By Mr. JOHNSON of Washington: Petition and resolutions of various organizations and sundry citizens of South Bend, Wash., favoring the enactment of House bill 8976, for the relief of Indian war veterans and widows and minor children of veterans; to the Committee on Pensions.

7215. By Mr. SWANSON: Petition of C. C. Wilson and 53 others, urging increased Spanish War pensions; to the Committee on Pensions.

7216. By Mr. WELCH of California: Petition of all clerks of the post office of San Francisco, Calif., urging that a special rule be granted to permit early consideration of the Kendall bill, H. R. 6003; to the Committee on the Post Office and Post Roads.

SENATE

WEDNESDAY, *May 7, 1930*

(Legislative day of Wednesday, April 30, 1930)

The Senate met at 12 o'clock meridian in open executive session, on the expiration of the recess.

The VICE PRESIDENT. The Senate, as in legislative session, will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed the bill (S. 2076) for the relief of Drinkard B. Milner.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 10209. An act authorizing the appropriation of $2,500 for the erection of a marker or tablet at Jasper Spring, Chatham County, Ga., to mark the spot where Sergt. William Jasper, a Revolutionary hero, fell; and

H. R. 10579. An act to provide for the erection of a marker or tablet to the memory of Col. Benjamin Hawkins at Roberta, Ga., or some other place in Crawford County, Ga.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 305) providing for the participation by the United States in the International Conference on Load Lines, to be held in London, England, in 1930, and it was signed by the Vice President.

CALL OF THE ROLL

Mr. GLASS obtained the floor.

Mr. FESS. Mr. President, will the Senator from Virginia yield to me to enable me to suggest the absence of a quorum?

The VICE PRESIDENT. Does the Senator from Virginia yield for that purpose?

Mr. GLASS. I yield.

Mr. FESS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Fess	Keyes	Shortridge
Ashurst	Frazier	La Follette	Simmons
Baird	Gillett	McCulloch	Smoot
Barkley	Glass	McKellar	Steck
Bingham	Glenn	McNary	Steiwer
Black	Goldsborough	Metcalf	Stephens
Blaine	Gould	Norris	Sullivan
Blease	Greene	Nye	Swanson
Borah	Hale	Oddie	Thomas, Idaho
Bratton	Harris	Overman	Thomas, Okla.
Brock	Harrison	Patterson	Townsend
Broussard	Hastings	Phipps	Trammell
Capper	Hatfield	Pine	Tydings
Caraway	Hawes	Pittman	Vandenberg
Connally	Hayden	Ransdell	Wagner
Copeland	Hebert	Reed	Walcott
Couzens	Howell	Robinson, Ark.	Walsh, Mass.
Cutting	Johnson	Robinson, Ind.	Walsh, Mont.
Dale	Jones	Schall	Waterman
Deneen	Kean	Sheppard	Watson
Dill	Kendrick	Shipstead	Wheeler

Mr. SHEPPARD. I wish to announce that the Senator from Florida [Mr. FLETCHER], the Senator from Utah [Mr. KING], and the Senator from South Carolina [Mr. SMITH] are all detained from the Senate by illness.

Mr. BLACK. I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

Mr. WALSH of Montana. Mr. President, will the Senator from Virginia yield?

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Montana?

Mr. GLASS. I yield.

RECEPTION TO SENATOR DAVID A. REED

Mr. WALSH of Montana. Mr. President, I am advised that another Member of this body, returning from abroad after having rendered distinguished service as a member of the American delegation at the naval conference in London, is about to resume his duties in this Chamber. In token of the deserved esteem in which he is held by his colleagues in this body, I suggest that he be greeted upon his entrance to the Chamber by the Members of the Senate, led by the Vice President, in the well of the Senate. I move that a recess be now taken for such time as is necessary to carry out this order.

Mr. FESS. Mr. President, in behalf of my colleagues on this side of the Chamber, I wish to express our appreciation of the suggestion of the Senator from Montana. We think that the record which the Senator from Pennsylvania [Mr. REED] has made in this Chamber has been given additional luster by the service rendered by him on the important mission in which he has been engaged while out of the country.

I second the motion of the Senator from Montana.

The VICE PRESIDENT. The question is on the motion of the Senator from Montana.

The motion was unanimously agreed to.

The VICE PRESIDENT. The Chair appoints the Senator from Arkansas [Mr. ROBINSON] and the Senator from Indiana [Mr. WATSON] to escort Senator REED to the Chamber.

The Senate being in recess,

Mr. REED, escorted by Mr. WATSON and Mr. ROBINSON of Arkansas, entered the Chamber and stood with the Vice President in the area in front of the Secretary's desk and greeted the Members of the Senate as they advanced to greet him.

The reception having ended (at 12 o'clock and 15 minutes p. m.), the Vice President resumed the chair and called the Senate to order.

NOMINATION OF JUDGE JOHN J. PARKER

The Senate in open executive session resumed the consideration of the nomination of John J. Parker, of North Carolina, to be an Associate Justice of the Supreme Court of the United States.

Mr. STEPHENS. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Commercial Appeal, one of the leading newspapers of the South, published in Memphis, Tenn., regarding Judge Parker's confirmation.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Commercial Appeal, Memphis, Thursday morning, May 1, 1930]

JUDGE PARKER SHOULD BE CONFIRMED

If the nomination of Judge John J. Parker, of North Carolina, for the United States Supreme Court should be rejected by the United States Senate, it will be openly and brazenly because of political reasons. There will then be established the evil precedent that appointments to the highest judicial tribunal in the land are political pawns, just the same as nominations for postmasters, marshals, and even lesser Federal posts.

Never before have the party-first politicians stalked so boldly forward as in their opposition to Judge Parker. They have not produced a single thing against either the character or the ability of the North Carolina jurist. Nor have these elements of the appointee, which should be the vital factors in determining his availability, even been brought into question. Barefacedly he is being attacked because the politicians fear his appointment and confirmation may lose some votes of the colored brother in the North and East or of some workingmen in Republican districts.

We submit that never before has any attempt been made so deliberately to prostitute to political ends a tribunal that was sacredly set up as one body that should be removed entirely from any and all political attachments. If the move to reject the nomination succeeds, then will notice be served upon future Presidents of the United States that they must select judges to the United States Supreme Court with the sole aim in view of increasing the labor vote here, the colored vote there, the manufacturer's vote in another section, the mining vote in any one or two of the mining States of the country, or the dairy vote in Wisconsin.

In their political stampede the politicians of President Hoover's own party seem to have forgotten that as a careful Executive he studied the record of Judge Parker carefully and took into consideration all legitimate factors before making the nomination. Surely is President Hoover, as head of the Republican Party, as much interested in the success of that party as some of its lesser leaders. And just as sure is it that the Executive of the whole Nation is more concerned with the well being of the Republic than the Senator from Indiana or the Senator from Idaho, either.

President Hoover made a study of Judge Parker's decision concerning the so-called "yellow dog contracts" in the West Virginia mining case. He found that the jurist merely followed a ruling of the United States Supreme Court itself and applied that rule to the West Virginia case. It is a ridiculous objection, indeed, to an appointee to the United States Supreme Court to bring up against him that he is in agreement with that tribunal.

But this labor decision is not the real objection to the North Carolinian. It is merely a smoke screen to hide the compelling motive behind the opponents of the nominee. One must be frank about the matter and state that the Republican objection to the North Carolinian comes from those who would conceal efforts of that party in the South to attain to a higher standing. Those political objectors would, no doubt, accomplish the same thing that Judge Parker may have sought to accomplish, but they would do it secretly and hypocritically. Judge Parker was frank and honest and those virtues should commend rather than condemn him.

It is plainly unfair to assume that he has any race prejudice. And it is manifestly slanderous to assume that he would not give equal justice to negroes as well as to whites, if he were called upon to render any decision involving racial rights. But it is not his judicial fairness or his legal capabilities that are under question. The whole issue has been developed and it resolves itself down to the one point of whether or not it is politically expedient to confirm his nomination.

Under such conditions there should be but one course for Democrats as well as Republicans to follow. They should reject all objections that are frankly and almost brutally based upon partisan politics. Unless they do, the Supreme Court will be stained with the slime of political aggrandizement. What it will mean should it ever be established that our highest court of law is merely a political tribunal, lawyers and thinkers in all walks of life should tremble to contemplate.

Judge Parker should be confirmed. It is the only way in the present emergency to impress upon the Nation the fact that it has one body which is above political manipulation and is removed from all thoughts of partisan consideration.

Mr. GLASS. Mr. President, before I begin to address myself, if I shall do so, to the pending nomination, I wish to make an observation about the extraordinary nature of the unanimous-consent agreement under which the Senate is now operating. If its actual validity may not be questioned, certainly it is one of the unfairest agreements I have taken note of since I have been a Member of the United States Senate. That a Senator, who spent three hours in a historical narrative of this case, and quite a few other hours in discussing the case, in the absence of almost the entire membership of the Senate, and without the customary roll call, should have undertaken to limit his colleagues to-day to 15 minutes, upon a question of this importance, is to me an exhibition of discourtesy and inconsiderateness that I hope not to see repeated while I am a Member of the body.

I have no desire to speak 15 minutes on a question of this sort. While I had signified my intention and very much desired, as near as I ever come to entertaining such a desire to make some observations on the various aspects of this case, I shall have to discard entirely the address which, in my mind, I had intended to make, and merely indicate in a few minutes why I have reached the conclusion to cast my vote in favor of the confirmation of Judge Parker for a position on the Supreme Court Bench.

It is very much easier for a Senator situated as I am to vote against Judge Parker's confirmation than to vote for him, and, in all frankness, I may say that I have tried, and tried in vain, to discover some reason that would accord with my own conscientious convictions for voting against the nominee.

First, I inquired if he was fit; if he had the ability, the legal learning, that a man elevated to a position of such distinction and responsibility should possess. For not a little while I was greatly disturbed on that point by the receipt of a letter from one of the most accomplished and scholarly lawyers at the bar of my State, protesting that Judge Parker had not the legal requirements for a position of this kind; yet, over against that judgment, I find the almost unanimous sentiment of the bar of Virginia, and not only Virginia but of the five States composing the fourth judicial circuit, to be that Judge Parker has the requisite qualifications.

Not content with that, I interrogated a lawyer who, in any comparable period I venture to say, has had more appearances before the Supreme Court than has any other lawyer in America, and has won a greater number of cases before that court than any other practicing attorney. He seriously assured me that Judge Parker had the legal equipment for this place. Therefore my mind was set at rest on that point.

Then I considered the overwhelming protest of the labor leaders of Virginia and of the country. I sat here and listened intently to every word of the important discussion of that particular aspect of the case, as to whether or not Judge Parker had exhibited a lack of appreciation of the interests of the laboring classes of the country and had exhibited that degree of inhumanity that was imputed to him by speakers here. Not only did I listen to the discussion but I have read every word of the addresses made on the subject, and, if it were to save my life, I could not find in one of them a justification of the view taken on the subject. I came to the conclusion, by reading the cases and by hearing and reading those speeches, that Judge Parker had merely followed the decisions of the Supreme Court.

While it might seem an assumption on the part of a layman to entertain and to express a view on legal refinements, I found myself entirely unable to follow the distinctions that have been presented here as between the Tri-City case and the Red Jacket case and other cases.

Judge Parker simply did what, had he failed to do, he would have been overruled by the higher court, and he knew that he would have been overruled by the higher court. The only case cited here from a State court to sustain the view that Judge Parker should not have decided as he did decide in the Red Jacket case had no relevancy whatever, if I can understand the plain import of the English language. So I dismiss that objection to this confirmation of Judge Parker. I do it reluctantly; I do it after industriously trying to give the view entertained by the labor leaders the benefit of every doubt.

I think Judge Parker is a friend to the laboring interests. The whole background of the man suggests that he would feel obliged to be the friend of the laboring interests. Born of plain and modest parents, his whole life has been one of struggle, by his industry, by his exhibition of fine traits of character, by his clear conception of the obligation of life surmounting almost insuperable obstacles to attain the position which he holds in the affections of the people of his State and in the respect of all the people of the fourth judicial circuit who know him.

Then there have been suggested other considerations, somewhat extraneous, but inevitable—political considerations. I do not think it will ever be possible to divest Federal appointments from considerations of this kind; but a circumstance which has interested me here is to find gentlemen who, with almost sinister precipitancy, wanted us to confirm the nomination of Mr. Hughes to the position of Chief Justice without uttering one syllable about the political aspects of his case objecting to Judge Parker on that score.

There is—and I should like the time to develop it—protruding itself at every stage of this discussion here the disagreeable comment that those of us who opposed the nomination of Mr. Hughes are socialistically inclined; that we were engaged in an attack upon the Supreme Court of the United States as an institution rather than discharging our constitutional obligation under oath to "advise and consent" as to the qualifications of a nominee for the position of a Supreme Court justice.

Both appointments of Mr. Justice Hughes were political. A practitioner for 22 years at the bar of the most populous city of the Western Hemisphere, he never had one case before the Supreme Court of the United States before his first appointment. There is no record of his ever having entered the door of the Supreme Court room until he went to take office as an Associate Justice. He was identified with but one notable case in his own State, and that of a quasi-political nature, in which he acted as chief cross-examiner of the Armstrong insurance investigation. That activity was turned immediately into a political asset; he was nominated for the mayoralty in the city of New York, a distinction declined in order to accept later the greater distinction of nomination for Governor of New York; and then, after 47 speeches in a presidential campaign, he was elevated to the bench of a court the room of which he had never darkened as a practitioner of 22 years' standing in a populous city, where a greater business is carried on than in any other city of the world. It is true that we have heard the proud boast of his advocates here that he appeared in 72 cases during the interval of his resignation from the court and his return to it as Chief Justice; but that statement involves implications not altogether of a creditable nature.

I had expected, Mr. President, to discuss at some length this and other aspects of the debate upon the Senate's relation to the Supreme Court and its obligations with respect to nominations for that bench. Particularly, I wanted to remark upon the amazing circumstance that we are asked in this pending contest to constitute as practical arbiter of the personnel of the Supreme Court of the United States a northern negro association for the advancement of the black race. That is what we are warned to do, under penalty of political reprisal, and that is what the defeat of Judge Parker will mean. However, the paltry 15 minutes allotted for debate to-day precludes an intelligent or even orderly consideration of the various aspects of the case.

The VICE PRESIDENT. The time of the Senator from Virginia has expired.

Mr. SWANSON. I ask unanimous consent that my colleague may have 15 minutes longer.

Mr. GLASS. No, Mr. President.

Mr. JOHNSON. Mr. President——

The VICE PRESIDENT. The Senator from California.

Mr. JOHNSON. Mr. President, I do not understand that we are under a time limit—that the Senator from Virginia was limited to 15 minutes or that I am limited to 15 minutes.

The VICE PRESIDENT. The clerk will read the unanimous-consent agreement.

The legislative clerk read as follows:

Ordered, by unanimous consent, That when the Senate concludes its business to-day it take a recess in executive session until 12 o'clock m. to-morrow (May 7, 1930); that at 1.30 o'clock p. m. to-morrow the Senate proceed to vote upon the question of the confirmation of John J. Parker to be an Associate Justice of the Supreme Court of the United States; that the time between the convening of the Senate and the hour of 1.30 o'clock be equally divided between the proponents and opponents, and that no Senator shall speak more than once nor longer than 15 minutes upon the question of confirmation.

Mr. JOHNSON. Evidently the Chair was entirely correct. The latter part of the agreement I never heard when unanimous consent was asked yesterday. Very well, sir.

John J. Parker should be rejected as a judge of the Supreme Court, among other reasons, first because the background of the appointee is such that, while not in the least bit discreditable to him, it does not commend him as a judge of the Supreme Court of the United States; secondly, that the appointment is purely political in character, and for an office of this sort that kind of an appointment should not be made; thirdly, that the state of mind of Mr. Parker, as indicated by his decision in the Red Jacket case, is such as should preclude him from being a Justice of the Supreme Court, particularly in those fundamental economic questions concerning which the line of cleavage has been so sharply drawn in our country.

Mr. President, of course, in the ordinary appointee, many things might be passed over. In an appointment to the Supreme Court of the United States the most scrupulous care should be exercised by this body, and no man should be put upon that court unless, first, he has the requisite legal attainments; secondly, a character of the very highest; thirdly, vision and imagination; and, fourthly, a statesmanship which will enable him to pass in accord with progress, upon the ever-changing questions of public policy and government, concerning which the Supreme Court has made itself the final arbiter.

In the first instance, sir, his background, I assert, while I do not criticize it, and I say that it is not discreditable to him at all, does not commend itself to us in the appointment of a judge of the Supreme Court. A thumbnail sketch of that is this:

Perennially and biennially he has been a candidate exercising a laudable ambition to be the attorney general, the governor, and a Member of Congress from the State from which he comes. Biennially he has been a candidate thus for public office; and then, culminating his political career, an appointee of Mr. Daugherty. Nothing distinguished during that period in his career at all; no background which should, indeed, give him the requisite recommendation for judge of the Supreme Court.

You could go into any village, any town, or any city in this country, and among the profession you could find the replica of that kind of an appointee—all, of course, respectable, none to be criticized—but, sir, there is something more demanded and required for a judge of the Supreme Court of the United States than that one should have been a candidate for governor, for attorney general, for Member of Congress from a State, and then should have been an appointee of the Attorney General of the United States in certain specific prosecutions.

Thus much for his background. Time does not permit to discuss the political aspect of the appointment; but, sir, my credulity is strained to the utmost limit by the letter that was introduced here by the Senator from Mississippi [Mr. STEPHENS] from the Attorney General of the United States. I know Mr. Joseph Dixon, and I know him very, very well. He is a gentleman for whom I have the highest regard and with whom I fought the good fight in 1912. Mr. Dixon voices in his letter to the Secretary of the President perhaps only a personal view, but nevertheless a view unquestionably that has been held by many of those who were sponsors for this nominee.

Thirdly, sir, the last question arises as to the state of mind of the appointee, and whether or not, with our knowledge of that state of mind, evidenced by his work upon the circuit bench, he ought to be permitted to sit upon the highest judicial tribunal in all the world.

I read just a line from the "yellow-dog" contracts, so called. I assume that all are familiar with them; but, nevertheless, here let me read in order that it may be in juxtaposition to some words that I wish to read of a man whom it is unfashionable to quote nowadays here, or perhaps in this materialistic age to utilize as an authority upon any subject whatsoever.

These are the controlling provisions of the contracts that have been the subject of discussion:

That during his employment said employee will not become a member of any labor union and will have no dealings, communication, or inter-

views with officers, agents, or members of any labor union in relation to membership of such employee in any labor union, or in relation to the employment of such employee.

Again:

I agree, during employment under this contract, that I will work efficiently and diligently and will not participate in any strike nor unite with employees in concerted action to change hours, wages, or working conditions.

Words utterly fail me in characterization of contracts such as that. I care not whether they have been enforced by the one court or another. Legally, they are void as against public policy; socially, they are wicked and destructive of ordinary human relations; economically, they are unsound as resting upon necessity on the one side and coercion upon the other; and morally, sir, they are infamous, denying fundamental rights and disrupting the dearest human associations.

These contracts that are part of the discussion in this case, upon which the mind of this appointee has been indicated in the Red Jacket case, come before us now finally for our determination—at a tangent, it may be, and only incidentally—but finally come before us for ultimate determination.

"Socialistic," says my friend from Ohio [Mr. FESS], are assaults that are made upon the Supreme Court in this Chamber. "Socialistic," reechoes man after man in this body, in relation to what may be said about this applicant or another. "Socialistic," he says, to deal at all with the Supreme Court, or to be heard in opposition to any man or to any set of men who may seek to make of that court the reflection of their peculiar economic views. "Socialistic," sir, to stand here and denounce a contract such as that that has been upheld by Judge Parker in the Red Jacket case. "Socialistic"—and exactly the same epithet was hurled in the United States some years ago upon another case of like character, the Dred Scott decision, wherein human liberty was at stake; no more important than this, where industrial freedom is at stake. And I read, sir, with such haste as I may, what was said by Abraham Lincoln on the occasion when he discussed the denunciation of Stephen A. Douglas of his characterization of the Dred Scott decision and the United States Supreme Court.

How apt it is! How prophetic were the words then! No longer fashionable is it to quote Abraham Lincoln in this materialistic age. No longer, sir, is it apposite, in this era of ours, where everything apparently is devoted to exploitation and to the making of money—no longer, sir, is it the appropriate thing to speak of Lincoln and his humanity and his desire for equal opportunity for all men and for all women in this land.

Mr. Lincoln said, in answering Judge Douglas:

A little now on the other point—the Dred Scott decision. Another of the issues he says that is to be made with me is upon his devotion to the Dred Scott decision and my opposition to it.

I have expressed heretofore, and I now repeat, my opposition to the Dred Scott decision; but I should be allowed to state the nature of that opposition, and I ask your indulgence while I do so. What is fairly implied by the term Judge Douglas has used, "resistance to the decision"?

The same words echoed in this Chamber in the last 10 days in this debate.

I do not resist it—

Said Mr. Lincoln—

If I wanted to take Dred Scott from his master, I would be interfering with property, and that terrible difficulty that Judge Douglas speaks of, of interfering with property, would arise. But I am doing no such thing as that, but all that I am doing is refusing to obey it as a political rule. If I were in Congress, and a vote should come up on a question whether slavery should be prohibited in a new Territory, in spite of the Dred Scott decision, I would vote that it should.

That is what I should do.

I ask leave to print, as part of my remarks, what Lincoln said concerning the Dred Scott decision, because of its appropriateness at this particular hour.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Judge Douglas said last night that before the decision he might advance his opinion, and it might be contrary to the decision when it was made; but after it was made he would abide by it until it was reversed. Just so! We let this property abide by the decision, but we will try to reverse that decision. We will try to put it where Judge Douglas would not object, for he says he will obey it until it is reversed. Somebody has to reverse that decision, since it is made, and we mean to reverse it, and we mean to do it peaceably.

What are the uses of decisions of courts? They have two uses. As rules of property they have two uses. First, they decide upon the question before the court. They decide in this case that Dred Scott is a slave. Nobody resists that. Not only that, but they say to everybody else that persons standing just as Dred Scott stands are as he is. That is, they say that when a question comes up upon another person, it will be so decided again, unless the court decides in another way, unless the court overrules its decision. Well, we mean to do what we can to have the court decide the other way. That is one thing we mean to try to do.

The sacredness that Judge Douglas throws around this decision is a degree of sacredness that has never been before thrown around any other decision. I have never heard of such a thing. Why, decisions apparently contrary to that decision, or that good lawyers thought were contrary to that decision, have been made by that very court before. It is the first of its kind; it is an astonisher in legal history. It is a new wonder of the world. It is based upon falsehood in the main as to the facts; allegations of facts upon which it stands are not facts at all in many instances, and no decision made on any question—the first instance of a decision made under so many unfavorable circumstances—thus placed, has ever been held by the procession as law, and it has always needed confirmation before the lawyers regarded it as settled law. But Judge Douglas will have it that all hands must take this extraordinary decision, made under these extraordinary circumstances, and give their vote in Congress in accordance with it, yield to it, and obey it in every possible sense. Circumstances alter cases. Do not gentlemen here remember the case of that same Supreme Court some 25 or 30 years ago deciding that a national bank was constitutional? I ask if somebody does not remember that a national bank was declared to be constitutional? Such is the truth, whether it be remembered or not. The bank charter ran out and a recharter was granted by Congress. That recharter was laid before General Jackson. It was urged upon him, when he denied the constitutionality of the bank, that the Supreme Court had decided that it was constitutional; and General Jackson then said that the Supreme Court had no right to lay down a rule to govern a coordinate branch of the Government, the members of which had sworn to support the Constitution; that each member had sworn to support that Constitution as he understood it. I will venture here to say that I have heard Judge Douglas say that he approved of General Jackson for that act. What has now become of all his tirade about "resistance of the Supreme Court"? (Speech of Abraham Lincoln delivered at Chicago, Saturday evening, July 10, 1858, p. 54, vol. 3. Abraham Lincoln, Constitutional Edition.)

Now, as to the Dred Scott decision. I am opposed to that decision in a certain sense, but not in the sense which he puts it. I say that in so far as it decided in favor of Dred Scott's master and against Dred Scott and his family I do not propose to disturb or resist the decision.

I never have proposed to do any such thing. I think that in respect for judicial authority my humble history would not suffer in comparison with that of Judge Douglas. He would have the citizen conform his vote to that decision; the Member of Congress, his; the President, his use of the veto power. He would make it a rule of political action for the people and all the departments of the Government. I would not. By resisting it as a political rule I disturb no right of property, create no disorder, excite no mobs.

Then Mr. Lincoln quoted Jefferson:

"You seem, in pages 84 and 148, to consider the judges as the ultimate arbiters of all constitutional questions—a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. Our judges are as honest as other men, and not more so. They have, with others, the same passions for party, for power, and the privilege of their corps. Their maxim is, 'Boni judicis est ampliare jurisdictionem,' and their power is the more dangerous as they are in office for life and not responsible, as the other functionaries are, to the elective control. The Constitution has erected no such single tribunal, knowing that to whatever hands confided, with the corruptions of time and party, its members would become despots. It has more wisely made all the departments coequal and cosovereign with themselves."

Thus we see the power claimed for the Supreme Court by Judge Douglas, Mr. Jefferson holds, would reduce us to the despotism of an oligarchy.

Now, I have said no more than this; in fact, never quite so much as this; at least I am sustained by Mr. Jefferson. (Speech of Abraham Lincoln delivered in Springfield Saturday evening, July 17, 1859, vol. 3, Abraham Lincoln, Constitutional Edition, pp. 168–171.)

He says this Dred Scott case is a very small matter at most; that it has no practical effect; that at best—or, rather, I suppose, at worst—it is but an abstraction. I submit that the proposition that the thing which determines whether a man is free or a slave is rather concrete than abstract. I think you would conclude that it was, if your liberty depended upon it, and so would Judge Douglas if his liberty depended upon it. (Speech of Abraham Lincoln delivered at Springfield Saturday evening, July 17, 1858, Abraham Lincoln, Constitutional Edition, vol. 3, p. 172.)

I defy any man to find any difference between the policy which originally planted slavery in these Colonies and that policy which now prevails in our new Territories. If it does not go into them it is only because no individual wishes it to go. The judge indulged himself doubtless to-day with the question as to what I am going to do with or about the Dred Scott decision. Well, Judge, will you please tell me what you did about the bank decision? Will you not graciously allow us to do with the Dred Scott decision precisely as you did with the bank decision? You succeeded in breaking down the moral effect of that decision; did you find it necessary to amend the Constitution or to set up a court of negroes in order to do it? (Speech of Abraham Lincoln delivered at Springfield July 17, 1858, Abraham Lincoln, Constitutional Edition, vol. 3, p. 173.)

* * * but it is my opinion that the Dred Scott decision, as it is, never would have been made in its present form if the party that made it had not been sustained previously by the elections. My own opinion is that the new Dred Scott decision, deciding against the right of the people of the States to exclude slavery, will never be made if that party is not sustained by the elections. I believe further that it is just as sure to be made as to-morrow is to come if that party shall be sustained. I have said upon a former occasion and I repeat it now that the course of argument that Judge Douglas makes use of upon this subject (I charge not his motives in this) is preparing the public mind for that new Dred Scott decision. I have asked him again to point out to me the reasons for his first adherence to the Dred Scott decision as it is. I have turned his attention to the fact that General Jackson differed with him in regard to the political obligation of a Supreme Court decision. Jefferson said that "Judges are as honest as other men, and not more so." And he said, substantially, that whenever a free people should give up in absolute submission to any department of Government, retaining for themselves no appeal from it, their liberties were gone. I have asked his attention to the fact that the Cincinnati platform, upon which he says he stands, disregards a time-honored decision of the Supreme Court in denying the power of Congress to establish a national bank. I have asked his attention to the fact that he himself was one of the most active instruments at one time in breaking down the Supreme Court of the State of Illinois because it had made a decision distasteful to him—a struggle ending in the remarkable circumstance of his sitting down as one of the new judges who were to overslaugh that decision, getting his title of judge in that very way.

So far in this controversy I can get no answer at all from Judge Douglas upon these subjects. Not one can I get from him, except that he swells himself up and says, "All of us who stand by the decision of the Supreme Court are the friends of the Constitution; all you fellows that dare question it in any way are the enemies of the Constitution." (Lincoln's reply to Douglas, Galesburg, October 7, 1858. Abraham Lincoln, Constitutional Edition IV, pages 132–133.)

We oppose the Dred Scott decision in a certain way, upon which I ought, perhaps, to address you a few words. We do not propose that when Dred Scott has been decided to be a slave by the court, we, as a mob, will decide him to be free. We do not propose that, when any other one, or one thousand, shall be decided by that court to be slaves, we will in any violent way disturb the rights of property thus settled; but we nevertheless do oppose that decision as a political rule which shall be binding on the voter to vote for nobody who thinks it wrong, which shall be binding on the Members of Congress or the President to favor no measure that does not actually concur with the principles of that decision. We do not propose to be bound by it as a political rule in that way, because we think it lays the foundation, not merely of enlarging and spreading out what we consider an evil, but it lays the foundation for spreading that evil into the States themselves. We propose so resisting it as to have it reversed if we can and a new judicial rule established upon this subject. (Speech of Abraham Lincoln delivered at Quincy October 13, 1858, Abraham Lincoln, Constitutional Edition IV, pages 167–168.)

Can he withhold the legislation which his neighbor needs for the enjoyment of a right which is fixed in his favor in the Constitution of the United States, which he has sworn to support? Can he withhold it without violating his oath? And, more especially, can he pass unfriendly legislation to violate his oath? Why, this is a monstrous sort of talk about the Constitution of the United States! There has never been as outlandish or lawless a doctrine from the mouth of any respectable man on earth. I do not believe it is a constitutional right to hold slaves in a territory of the United States. I believe the decision was improperly made, and I go for reversing it. Judge Douglas is furious against those who go for reversing a decision. But he is for legislating it out of all force while the law itself stands. I repeat that there has never been so monstrous a doctrine uttered from the mouth of a respectable man. (Mr. Lincoln's reply to Mr. Douglas, Alton, October 15, 1858, Abraham Lincoln, Constitutional Edition, IV, pp. 270–271.)

Mr. JOHNSON. Mr. President, Lincoln dared criticize the Supreme Court. Lincoln dared criticize a decision of the Supreme Court. He said of the Dred Scott decision, coining a word, that it was an "astonisher," and that he "went for reversing it." I say to you, sir, paraphrasing what Lincoln said, this decision upon the "yellow-dog" contract is an "astonisher," and I "go for reversing it." I go for reversing it, as Mr. Lincoln said, in any fashion by which I may voice that endeavor to reverse; and here comes an opportunity finally for us, in the Senate of the United States, to voice our views upon this inhuman, this cruel, and this wicked contract that rests upon the necessity of human beings and the hunger of innocent and helpless children.

Mr. President, there is in English practice and jurisprudence little or no use of the injunction in labor disputes. We ape the English in some things. We follow them in others. They have blazed the trail in jurisprudence for us. Why not follow them in this that they do in behalf of humanity and in behalf of human association and human activities?

Through the ages, sir, has gone on the long contest for human rights, with ever a little progress. Retrogression alone has come in this country with the injunction's use. A few have ever sought control of the many for the few's profit. I reecho the words which Rumbold spoke upon the scaffold as he paid with his life his rebellion against James Stuart. The drums were beaten to drown from the populace his voice, but rolling down the centuries has come this sentence:

> I never will believe that Providence has sent a few men into the world ready, booted and spurred, to ride, and millions ready, saddled and bridled, to be ridden.

I never will believe that and neither directly nor indirectly to such a philosophy can I give my consent. Because of the attitude of Judge Parker in the Red Jacket case, because, among many other things, for the reasons I have given, I could not vote on this occasion or any other for his confirmation as a Supreme Court judge.

Mr. SIMMONS. Mr. President, but little can be said in the few minutes that are allotted to me. The obligation of the Senate to give careful investigation and study to the qualifications and fitness of a nominee of the President for the Supreme Court is very great. But in my estimation, it is not as great as the duty which rests upon the President in the selection of the man named by him for that high and exalted position. His duty is a duty to the people of the whole country, a duty which can be performed by nobody except himself, and the obligation to make the most thorough and searching inquiry and investigation available to him is imposed upon him in ascertaining the qualifications and the fitness of the person he nominates.

The President possesses the best facilities for conducting that inquiry in a thoroughgoing way. He has the aid of his Cabinet, taken from all parts of the country. He has the aid of such Senators and Representatives as he may see fit to call in to advise with him. He has his Attorney General, learned in the law, with a corps of United States attorneys and assistant United States attorneys scattered throughout the Nation, to make such inquiry and investigation as may be necessary. He has every means that could be desired in getting the facts upon which to act, and his duty is a solemn one.

In the exercise of that obligation and duty, the President has recommended to the Senate the name of Judge John J. Parker. It is to be supposed that he has made the most searching and thorough investigation as to his fitness and as to his qualifications, and, after mature deliberation upon his responsibilities and duty to the people, he has named him.

I do not say, Mr. President, that the President's nomination should constitute a prima facie case of fitness and qualifications, I do not say even that it constitutes a presumption of qualifications and fitness, although that is probably true; but I do mean to say to Senators that it is an act in the discharge of a solemn official duty on the part of the Chief Executive which ought to appeal powerfully to our judgment in the determination of this question.

Now, add to the duties of the President in this regard, and the influence and effect we should give to that, the supporting evidence in this case as to the qualifications of this man.

Judge Parker's name is not new to the Senate of the United States. This is not the first time his name has been presented to this body for a high office. Once before, by another President, noted for his scrutiny and his caution, Judge Parker was selected to fill an office only second in power and responsibility and duty to that of the one for which he is nominated to-day. He was nominated to fill an office which Senator Hoar once said to me should not be filled by anybody except a man of the largest mental and moral stature. His name was sent to the Senate to be a member of the United States circuit court of appeals five years ago by Mr. Coolidge. His fitness and his

qualifications were submitted to scrutiny by a committee of this body, and he was confirmed to that high position without a dissenting voice in this Chamber, as I remember.

Five years Judge Parker has been upon that bench. During that time, I am told, he has written the court's opinion in 115 different decisions, and of that 115 decisions, so far as I know, only one is to-day under question and criticism. The 114 were not obnoxious to labor or to any other element of the population, so far as I have heard, and the soundness of Judge Parker's construction of the law in those 114 cases is not by anyone attacked.

Mr. President, during that period of time Judge Parker, in the discharge of his exalted duties, has mingled with the bar of five great States in this Union, all of them industrial States, all of them States in which great numbers of laboring people were engaged, and during that period of five years he has won not only the respect and confidence of his associates upon that high tribunal, next in importance and power, as I have said, to the Supreme Court itself, but he has won the admiration and the respect of the bar, irrespective of party or of creed, in those five States. Their testimony, expressing their opinions gained from daily contact with him on the bench, is before this body speaking in trumpet tones and in no unmistakable terms their opinion as to the fitness and qualifications of Judge Parker.

I know it is said that in one case probably he is subject to criticism. Judge Parker claims, and it is claimed for him and for his associates, that that one case was decided in accordance with a decision of the Supreme Court of the United States which they had no power to overrule or to modify in the slightest degree. It is true, it is said by those opposing his confirmation, that if he had been a strong man, such a man as we think ought to be on the bench, he would have criticized that decision if he did not agree with it; that he probably would have attempted, by some subtlety, to have differentiated the case before him from the case decided by the Supreme Court, and in some way or other get around the force of that decision. There are strong men on the bench who might have pursued such a course, and there are other equally strong men on the bench who would not have pursued that course, who would have considered that course unseemly and in derogation of their duty and the relations which should obtain between the Supreme Court and the lower courts of this country.

Mr. President, that is the only criticism of his judicial record that the opposition offers. It is charged that Judge Parker is unfriendly to labor. I want to say that in the course of our lives there is probably no one influence which dominates our actions and the course of the processes of our thinking more than those things which happen during the period of our youth and early manhood. Influences of that period follow us and control us and dominate us, to a large extent, in all of our future lives.

This man, who it is now said is unfriendly to labor, and against whom labor has never before made and did not make in my State a murmur until it was started by the leaders higher up and outside North Carolina, was born among laboring people, among the people in the country, on a farm, and there he spent the first years of his life. He went to the high school and then up to college, working his way through by his own efforts, making a little money here and a little money there to pay his expenses. When he had finished, with the respect and admiration of his tutors and of all of his fellow students, he entered upon the practice of the law in a small town in his own county, where he likewise won the respect of his associates at the bar and of the masses of both political parties.

Then he went to the large city of Charlotte, one of the greatest manufacturing and industrial centers in the South to-day, surrounded by corporations and by laboring people who worked in the large factories. His law practice was general and not confined principally to representing corporations, as has been the case in some instances of nominees to the United States Supreme Court. His clientele embraced all classes of people and he was never known as a corporation lawyer. Poor people and people in moderate circumstances found in him a sympathetic friend as well as an able attorney.

Up to the time that Judge Parker was named as a candidate for governor in my State such had been the character of his practice. It had won him not only local reputation but reputation throughout the State. He was placed at the head of the Republican ticket, and I want to say now that although the candidate of the Republican Party he won the respect of the people of both parties by the high character of campaign he made. North Carolina is Democratic and he was beaten, but there was not involved in his defeat any lack of confidence in Judge Parker's ability, honor, or patriotism.

I want to say, in conclusion, that I know, and the laboring men of North Carolina know, that this man is not unfriendly to labor and human rights and has no bias in favor of capital or the rights of property.

It seems to me that against the strong evidence submitted as to the high fitness of this nominee the opposition makes a rebuttal that ought not to command the support of the Senate when they bring here a protest of doubtful strength laid against only 1 out of the 115 opinions he has written, with an additional protest on the part of a negro association touching some statement now in dispute which they allege that he made in political discussion years before he went on the bench.

The VICE PRESIDENT. The Senator's time has expired.

Mr. SHIPSTEAD. Mr. President, I want to say in the beginning that whatever accusations may be made about criticisms of the judiciary I hold to the belief that not only the Supreme Court of the United States but inferior courts as well can not lose any of their dignity or integrity except by their own acts. That applies not only to the Supreme Court of the United States but it applies equally as well to the legislative body and to the Executive.

I believe it is claimed that Hegel at one time said that humanity can not learn from history anything except that it can not learn from history. It has been customary at all times in human history that those who are concerned with the good or ill of humanity have gone back to the scrap piles, to the dump heaps of the past, very often, and taken an old discarded tin can in the form of an idea, given it a coat of paint and a nice label, and sold it to humanity as a container containing a hitherto unknown but benign cure for political and economic ills. Russia has such a tin can and it is labeled "communism." Italy has such a tin can and it is labeled "fascism." We have such a tin can and we call it "equity." All of these are repudiations of parliamentary government or government by law. Equity is covered with the mantle of the judiciary, and that mantle serves a dual purpose. It gives it a benign respectability and serves as a cover under which is concealed the sword which we call the power of injunction. This sword has been used by those to whom it has been intrusted. Its use could only be at the discretion of the judge sitting on the bench, and it has been used by many of those to whom it has been intrusted to nullify not only provisions of the Constitution but also the law of the land.

Associate Justice Holmes tells us in a volume called "A Collection of Early Legal Papers" that we got it with the common law from England. He tells us that England got it from the Germans and the Franks through the Normans, and the Germans and the French got it from the Roman Empire. When the Normans came to Normandy they met the Roman system of law traveling from the East to the West, a system of law that was formed for the purpose of making it possible for a few men to own all the wealth, free to live in perfect security in a land where most of the people were slaves. The Normans found it very useful. They adopted it and carried it to England with their arms and used it with their arms to dispossess the Saxons and the Celts of their property, as judges of the courts of equity are using it now to deprive American citizens of their liberties.

Through the royal prerogative of the King, as it was known, covered by the ermine of the King, this power was abused until the House of Commons gradually, through several hundred years of effort, curbed the use of that power. I want to read from a footnote found in this volume by Justice Holmes a short extract:

> The object of the repeated prayers of the commons from Richard II to Henry VI directed against the council and the chancellor was that common-law cases should be tried in the regular courts.

Under the constant hammering of the commons, courts of equity became divested of progressively more and more power in England until Lord Chancellor Ellsmere, who served under Queen Elizabeth, said, in describing his court and its functions:

> It is the refuge of the poor and afflicted. It is the altar and sanctuary for such as against the might of rich men and the countenance of great men can not maintain the goodness of their cause and the truth of their title.
>
> It became the basic principles of British chancery or equity courts that "it was to be exercised for the protection of property rights only."
>
> "He who would seek its aid must come with clean hands."
>
> "There must be no adequate remedy at law."
>
> "It must not be used to punish crime."
>
> "It must never be used to curtail personal rights."

After this power was curbed by Great Britain it came with the common law to the United States. Equity as then known came to the United States. It was not used in controversies between capital and labor until 1888, and it was not until the early nineties that a Federal judge found that his conscience

permitted him to use the sword of the injunction with which to deprive American citizens of the liberty guaranteed them under the first amendment to the Constitution. It has been said that in order to enforce the provisions of the fifth amendment to protect property, in order to furnish an adequate remedy at law, this power must be used, because under its use a judge can deprive American citizens of their constitutional rights, the right of free speech, the right of peaceful assemblage, and the right to a free press.

I can not believe that due process of law as understood in the fifth amendment includes the nullification of any other provision of the Constitution. I believe the first amendment or any other amendment or any other provision of the Constitution is as sacred as the fifth amendment. In fact, I believe that every provision of the Constitution, including the fifth amendment, rests upon the sacred protection of the first amendment. Let the legislature, the executive, or the judiciary permit a progressively frequent violation of the first amendment and there will be created a condition that will throw the fifth amendment and other provisions of the Constitution overboard. Permit the constant violation of provisions and the guaranties embodied in the first amendment and trial by jury and there will be created a condition that will destroy the entire Constitution.

I want to read a statement by Judge Henry Caldwell, at one time presiding judge of the Circuit Court of Appeals of the Eighth Circuit, who said in an address before the Missouri State Bar Association, explaining what courts of equity had become in recent years. I ask Senators to compare it with the definition of the court given by the distinguished English jurist quoted by Mr. Justice Holmes, and with Webster's International Dictionary definition of equity, and the definition of equity in Bouvier's Dictionary of Law, where it is called a court of conscience. Judge Caldwell said:

> The modern writ of injunction is used for purposes which bear no more resemblance to the uses of the ancient writ of that name than the milky way bears to the sun. Formerly it was used to conserve the property in dispute between private litigants, but in modern times it has taken the place of the police powers of the State and Nation. It enforces and restrains with equal facility the criminal laws of the State and Nation. With it the judge not only restrains and punishes the commission of crimes defined by statute but he proceeds to frame a criminal code of his own, as extended as he sees proper, by which various acts, innocent in law and morals, are made criminal; such as standing, walking, or marching on the public highway, or talking, speaking, or preaching, or other like acts. In proceedings for contempt for an alleged violation of the injunction the judge is the lawmaker, the injured party, the prosecutor, the judge, and the jury. It is not surprising that uniting in himself all these characters he is commonly able to obtain a conviction.
>
> The extent and use of this powerful writ finds its only limitation in an unknown quantity called judicial discretion, touching which Lord Camden said: "The discretion of a judge is the law of tyrants; it is always unknown; it is different in different men; it is casual and depends upon constitution, temper, and passion. In the best it is oftentimes caprice; in the worst it is every crime, folly, and passion to which human nature is liable."

Believing as I do, that the guaranties of the first amendment to the Constitution are as sacred, if not more so, and more important than any other provision of the Constitution, I am of the opinion than any man, be he either a legislator, a judge, or an executive, who lends himself to become an instrument to be used for the nullification of any part of its provisions, is not a fit man with whom to trust the responsibilities of either the support or defense of the Constitution, whether that be in law or in equity; and because Judge Parker, sitting in a court of conscience, found that, according to his good conscience, he could enjoin peaceful persuasion, and by so doing deprive American citizens of the right of freedom of speech and freedom of the press, I think by that act he has disqualified himself for sitting upon the Federal Bench of the United States. Therefore, I shall vote against him.

Mr. President, I ask unanimous consent to have printed in the RECORD, because there is not time for me to read it, a quotation from Mr. Justice Harlan on the sacred right of contract.

The VICE PRESIDENT. Without objection, it is so ordered.

The quotation is as follows:

> Harlan, J., in Adair *v.* United States (208 U. S. 161, 175 (1908)). These abstract conceptions concerning "liberty of contract" were long ago rejected by conservative English statesmen and English legislation as inapplicable to modern conditions. See, for instance, the statement of Lord Randolph Churchill to Mr. Moore Bayley in 1884: "In answer to your question as to my views on the rights of contract I beg to inform you that where it can be clearly shown that genuine freedom of contract exists I am quite averse to State interference, so long as the contract in question may be either moral or legal. I will never, however, be a party to wrong and injustice, however much the banner of freedom of contract may be waved for the purpose of scaring those who may wish to bring relief. The good of the State, in my opinion, stands far above freedom of contract; and when these two forces clash the latter will have to submit. If you will study the course of legislation during the last 50 years, you will find that the Tory Party have interfered with and restricted quite as largely freedom of contract as the Liberals have done." (2 Churchill, Lord Randolph Churchill (1906).)

Mr. FESS. Mr. President, how much time is there remaining?

The VICE PRESIDENT. The Chair will state that the 15 minutes remaining are to be divided equally between the two sides.

Mr. FESS. Mr. President, in view of the fact that the time is so limited I have prepared some memoranda which I desire to have inserted in the RECORD, because I can not take the time to read them. One of them deals with the interpretation of law according to the rule of Story; another is in reference to the position of an independent judiciary; a third is the value to the country in the maintenance of an independent judiciary; and the fourth is a cross-section of public opinion touching the subject of the judiciary. It will be universally conceded that no one, except Marshall, did a greater service to our country on the bench than Joseph Story.

I here submit some citations from his decisions on the rules of interpretation laid down by this great jurist.

The VICE PRESIDENT. Without objection, it is so ordered.

The memoranda are as follows:

MEMORANDA

Marshall's statement (in anticipating political opposition to the court's decision): "The court can be insensible neither to the magnitude nor delicacy of this question," he said, "but on the judges of this court is imposed the high and solemn duty of protecting, from even legislative violation, those contracts which the Constitution of our country has placed beyond legislative control; and, however irksome the task may be, this is a duty from which we dare not shrink."

Judge Story on same subject: "The predicament in which this court stands in relation to the Nation at large is full of perplexities and embarrassments. It stands in the midst of jealousies and rivalries of conflicting parties, with the most momentous interests confided to its care. Under such circumstances it never can have a motive to do more than its duty; and I trust it will always be found to possess firmness enough to do that. It is not for judges to listen to the voice of persuasive eloquence or popular appeal. We have nothing to do but to pronounce the law as we find it; and having done this, our justification must be left to the impartial judgment of our country."

Judges, all Federalist. Law was policy of antis. Party taint seldom contaminates judicial functions.

Judge Story:—"I can perceive a path which without a great sacrifice of what the world would deem equity might make me a very popular judge of the court at this moment; but I have great fears as to the character of a popular judge in these times. I prefer to meet the present prejudices, rather than hereafter to suffer the deepest regrets for judgments which I could not sustain upon principles of law or upon conscientious errors of reasoning." (Judge Story, in 1813, on the attempts to break down the national judiciary.)

"We must administer the laws as they exist, without straining them to reach public mischief, which they never were designed to remedy. It may be fit and proper for the jurist, in the exercise of the high discretion contributed to the Executive for great public purposes to act on a sudden emergency, or to prevent an irreparable mischief by summary measures, which are not found in the text of the laws. * * * But this court can only look to the questions, whether the laws have been violated; and if they were, justice demands that the injured party should receive a suitable redress." (Story in the Apollon case, 1824, 9 Wheat. 362.)

Judge Story (in letter to Chancellor Kent): "The vital importance to the well-being of society and the security of private rights are the principles on which that decision rested. Unless I am very much mistaken, these principles will be found to apply, with an extensive reach, to all the great concerns of the people, and will check any undue encroachments upon civil rights, which the passions or the popular doctrines of the day may stimulate our State legislatures to adopt."

Sir Henry Maine (on clause of Constitution forbidding State to impair obligation of contract): "It would prove to be 'the bulwark of American individualism against democratic impatience and socialistic fantasy.'"

Judge Story (in obituary notice on Todd): "That though bred in a different political school from that of the Chief Justice, he never failed to sustain those great principles of constitutional law on which the security of the Union depends. He never gave up to party what he thought belonged to the country."

"I shall never hesitate to do my duty as a judge under the Constitution and laws of the United States, be the consequences what they

may. That Constitution I have sworn to support, and I can not forget or repudiate my obligation at pleasure. You know full well that I have ever been opposed to slavery. But I take my standard of duty as judge from the Constitution." (Story on Prigg case (slavery) fugitives.)

When Judge Story died the most dire predictions were made by Clay, Kent, Peters, and most leading Whigs on disintegration of important stabilizing forces on the bench.

Yet, the case of Luther B. Borden, involving constitutional supremacy, totally disproved the dark forebodings in which all the judges but one decided in opposition to the views of the party, from whose ranks most of the judges had come. The significance of this fact is greater in view of the high political excitement as no case ever came before the Constitution in which the possibility of the court dividing along political lines was greater.

Commenting on the Dorr decision Justice White said: "The fundamental doctrines thus so cogently and candidly announced have never been doubted or questioned since, and have afforded the light guiding the orderly development of our constitutional system from the day of the deliverance of that decision to the present time." (Pacific States Telephone & Telegraph Co. *v.* Oregon.)

1. Taney—Jackson.
2. McLean—Jackson.
3. Wayne—Jackson.
4. Catron—Jackson.
5. McKinley—Van Buren.
6. Daniel—Van Buren.
7. Spencer—Tyler.
8. Woodbury—Polk.
9. Grier—Polk.

TEMPERING EFFECT OF JUDICIAL POSITION

"In Story's case, as in so many other instances in the history of the court, there was shown the utter futility of the expectations, frequently entertained by politicians, that the judicial decisions of a judge would accord with his politics at the time of appointment to the Supreme Bench. Time and time again it has been proved, and to the great honor, of the profession, that no lawyer, whose character and legal ability would warrant his appointment to that lofty tribunal would stoop to smirch his own record by submitting his judgment to the political touchstone; and no President has dared to appoint to that court a lawyer whose character and ability could not meet the test."

The position of an independent judiciary and the part it has and must play in the development of our American system of complete independence of this department of our National Government, Thomas Ewing, commenting upon the duty of the court in maintaining this great constitutional system of law, said:

"It is truly a system upon which we can rely as a foundation for securing the rights and independence of the States of this Union and our national liberty. Gentlemen of the bar, it is our part to maintain it, and if this shall be done with discretion, and with a spirit exempt from the corruptions of party, our country will again be what it was."

Mason (to Rufus King): "I confess I have long been of opinion that the vigorous exercise of the judiciary power, to the full extent now authorized by law, was absolutely necessary for the preservation of the Government."

Judge Baldwin: "While the area of the public lands of the United States might have been increased had the court construed the treaty more strictly against private claimants, the policy which the court adopted gave to the world conclusive proof of its devotion to the theory of the sanctity of treaties."

Baldwin: "The protection and maintenance of the rights of private property in the disputed territory may conduce more to the honor and interest of the United States than a contrary course, which, in my opinion, will cause injury to their fame and hazard to their power."

William Harper: "The independence of the judiciary is at the very basis of our institutions. It is in times of faction, when party spirit runs high, that dissatisfaction is most likely to be occasioned by the decisions of the Supreme Court. I do not believe that the Supreme Court or the Constitution itself will ever be able to stand against the decided current of public opinion. It is a very different thing from the temporary opinion of a majority, for a majority acting unjustly and unconstitutionally under the influence of excitement, a majority though it be, is nothing more than a faction, and it was the object of our Constitution to control it."

Buchanan wrote, July 18, 1857: "No Whig President has ever appointed a Democratic judge of the Supreme Court, nor has a Democratic President appointed a Whig; and yet the remark has been general that the Democrats appointed to this bench, from the very nature of the constitution of the court, have always leaned to the side of power and to such a construction of the Constitution as would extend the powers of the Federal Government." (Works of James Buchanan, (1909).)

Story to Taney (corporation cases): "Your opinion in the corporation cases has given very general satisfaction to the public, and I hope you will allow me to say that I think it does great honor to yourself as well as to the court." (Taney, 288, letter from Story, April 10, 1839.)

Judge Story, on Taney's opinion: "It is a masterly opinion and does his sound judgment and discrimination very great credit."

James Buchanan stated: "Had always entertained the highest respect for the present Chief Justice of the United States; but I must say, and I am sorry in my very heart to say it, that some portions of his opinion in the case are latitudinous and centralizing beyond anything I have ever read in any other judicial opinion.

(NOTE.—Taney, 290, letter of Story to Richard Peters, May, 1840; 27th Cong., 2d sess., App. speeches in the Senate of Buchanan, May 9, 1842, Robert J. Walker, of Mississippi, June 21, 1842.)

ATTACKS ON JACKSONIAN POLICIES

It is interesting to note, however, that so fully had Jackson's appointees on the court satisfied the country that political criticism of its decisions had already almost entirely disappeared.

Van Buren on Supreme Court: "* * * We might, perhaps, have expected that in such a calm even Mr. Jefferson's alarm, if he had lived to see, would, at least in some degree, have subsided; but this state of things can only be expected to last until a similar or equally strong interest is brought under discussion of a character to excite the whole country and to enlist the sympathies of a majority of the court, and requiring the intervention of that high tribunal to sustain its unconstitutional assumptions by unauthorized and unrestrained construction. Whether the institution of domestic slavery is destined to be such an interest remains to be seen."

(NOTE.—See Amer. Hist. Ass. Rep. (1918), 11,184.)

Reverdy Johnson on slavery and Supreme Court: "The appeal to the court is the only amicable mode of adjusting a question which threatened the honor and integrity of the South. * * * From the character of the Supreme Court I am sure the compromise in this particular will be acquiesced in by the country. * * * The members of the Supreme Court are not politicians. They are born in a different atmosphere and address themselves to different hearers. * * * It ought not to be expected that the South shall surrender all that is dear to her and do the bidding of the North. They are willing to adopt the appeal to the Supreme Court, and if the decision of that court be against them they will be satisfied. * * *"

Senator Reverdy Johnson, in speaking of Judge McLean, was forced to say: "The judgment of the public in its almost universal censure of the step will effectually guard against its repetition. A judge should be separated, not only while he is upon the bench, but forever, from all the agitating political topics of the day. Once a judge, he should ever be a judge. The ermine should never be polluted, not suspected of pollution; it should be the very type of justice herself—pure, spotless, faultless."

A Democratic Philadelphia newspaper said, in speaking of the Supreme Court: "They justly respect the high responsibilities of their position and the notorious feelings of the people by keeping themselves aloof from the altercations and animosities, the differences and the difficulties of party strife. Justice McLean is an exception."

Bowdon on public reliance on South Carolina: "The Supreme Court is elevated above the influence of popular clamor. That high tribunal is responsible to no local constituency, and would be swayed in the discharge of its great duties by none of the sectional prejudices which here prevail or the political interests which exert upon our deliberations so baleful an influence. A decision from this elevated source would exercise a commanding influence upon public opinion and go very far to restore harmony to the country. Should the decision of the much-mooted question be in accordance with either southern or northern opinion it would command both respect and acquiescence. * * * The Supreme Court would act under a high sense of duty, free from any immediate influences, to give direction to their action; its members come from the East, the West, the North, and the South; they have the confidence of the country; they have no party schemes to subserve, and their settlement of this question of constitutional law would appeal with irresistible force to the great body of the people, North and South."

Senator Herschell V. Johnson, of Georgia: "If the Constitution does not guarantee our rights as we contend, the court would certainly so decide. The Supreme Court has been established for the very purpose of giving it authoritative interpretation, and as a lover of the Union, I am willing to abide its solemn decision."

(NOTE.—Thirtieth Congress, 2d sess., February 27, 28, 1849; App. 187, January 25, 1849.)

Richard W. Thompson, of Indiana, said in the House: "Nothing can be more dangerous to our peace and prosperity as a Nation than these repeated attempts to appeal from the decision of our highest courts to the tribunal of party and of faction. * * * We have seen, more than once, in the last 10 years, both the Constitution and the law trodden under the feet of party. We have seen Dorrism, and other isms not less odious, ready to spring up upon their shattered fragments. * * * I hold that man, an enemy to the public welfare and the public peace, who, for political party purposes, seeks to array popular prejudice against that Constitution and law, thus settled and fixed."

Thomas Ewing, of Ohio, in the House: "The people of this great Union revere it as one of the institutions of our forefathers, illustrated

and adorned by the genius and erudition of a Marshall and a Story, and even now upheld and sustained by men scarcely inferior to those mighty masters of their profession. I shall, in the darkest hour of our Republic, look to the Supreme Court as a palladium of our institutions and as one of the brightest and purest ornaments of our system."

(NOTE.—Thirty-first Congress, 1st sess., February 13, 14, 1850.)

Thomas Ewing further says: "He had practiced long before the court and that he had never known a case in which he thought he 'had any right to impeach the motives, feelings, or bias of a single judge.' * * * I look upon that bench as above all political influence, above influence of every kind except the main object—right, justice, and truth."

William L. Dayton, of New Jersey, in repelling Hale's charges, said of the Supreme Court: "I look on them, as a sole and safe arbiter, and upon them I am willing to trust everything I have, and everything I feel, of interest in this country and its Constitution. It was important that the Senate should sustain the court 'in the high confidence that it has heretofore held in the minds of the American people.'"

Andrew P. Butler, of South Carolina, protests the thought that judges, "sworn to observe the Constitution, men who have the landmarks of precedent and law, and who have public opinion, the opinion of the whole bar and of the world, to guide, and control, could disregard those influences, would yield to the miserable and low suggestion of geographical lines."

Important opinion of Judge Curtis: "This power and corresponding duty of the court authoritatively to declare the law is one of the highest safeguards of the citizen. The sole end of courts of justice is to enforce the laws uniformly and impartially, without respect of persons or times, or the opinions of men. To enforce popular laws is easy. But when an unpopular cause is a just cause, when a law, unpopular in some locality, is to be enforced there, then comes the strain upon the administration of justice; and few unprejudiced men would hesitate as to where that strain would be most firmly borne. * * * Finding that no judge of any court of the United States had in any published opinion examined it upon such grounds that I could feel I had a right to repose on his decision without more, I knew not how to avoid the duty which was then thrown upon me. My firm conviction is that under the Constitution of the United States, juries in criminal trials have not the right to decide any question of law; and that if they render a general verdict, their duty and their oath require them to apply to the facts, as they may find them, the law given to them by the court."

New York Times (speaking of Judge John A. Campbell): "He will, doubtless, in his new estate, prove true to the Constitution and to the Union of States established by it. * * * Past experience has shown that, once in this exalted post and for life, the professions of the partisan soon give place to the convictions and sense of high responsibilities of the jurist. * * * It was so with the present Chief Justice, and so with Justices Catron and Daniel, both the nominees of President Jackson, on the score of warm party service or devotion. * * * The highest-toned Federalists on the bench have been taken from the Democratic ranks, and it will be strange if the views of a gentleman of first-rate legal talent like Mr. Campbell should prove less conservative."

(NOTE.—Compare this with Henry Adams's comment on judicial appointments at an earlier period: "Jefferson and his party raised one Republican lawyer after another to the bench only to find that when their professions of political opinion were tested in legal form the Republican judges rivaled Marshall in the Federalist and English tendencies of his law." History of the United States (1898), II, 195.)

Statement of Jeremiah S. Black (Conflict with States): "Such conviction for contempt must be final, otherwise courts totally unconnected with each other would be coming in constant collision. * * * There may be cases in which we ought to check usurpation of power by the Federal courts. * * * But what we would not permit them to do against us we will not do against them. We must maintain the rights of the State and its courts, for to them alone can the people look for a competent administration of their domestic concerns; but we will do nothing to impair the constitutional vigor of the general Government, which is the 'sheet anchor of our peace at home and our safety abroad.'"

Fine statement of Attorney General Caleb Cushing: "In the complex institutions of our country you are the pivot point upon which the rights and liberties of all, Government and people alike, turn; or rather, you are the central light of constitutional wisdom around which they perpetually revolve. Long may this court retain the confidence of our country as the great conservators not of the private peace only but of the sanctity and integrity of the Constitution."

Opinion of George E. Pugh, of Ohio (on Seward's charges of corrupt bargaining between the President and the court): "* * * Whatever may be my opinion as an individual, both as a Senator and a citizen, the judgment of the court must be carried into effect. We can not live an hour under any other doctrine. It is more important to the community, more important to the cause of good government that a judgment, once pronounced by the appropriate tribunal, should go into effect than that it should be decided rightly—far more."

Lincoln's position on Supreme Court in re constitutionality of acts of Congress: "Judicial decisions have two uses: First, to absolutely determine the case decided, and secondly, to indicate to the public how other similar cases will be decided when they arise. For the latter use they are called 'precedents' and 'authorities.'"

Lincoln, on the people's resignation of their Government into the hands of that eminent tribunal:

"Nor is there in this view any assault upon the court or the judges. It is a duty from which they may not shrink to decide cases properly brought before them, and it is no fault of theirs if others seek to turn their decisions to political purposes."

Taney (on the Booth case): "The Constitution accordingly provided, as far as human foresight could provide, against this danger," by conferring upon the Federal courts the supreme power and jurisdiction. "So long, therefore, as this Constitution shall endure," said Taney, "this tribunal must exist with it, deciding in the peaceful forms of judicial proceedings the angry and irritating controversies sovereignties, which in other countries have been determined by the arbitrament of force." And he added: "Nor can it be inconsistent with the dignity of a sovereign State to observe faithfully, and in the spirit of sincerity and truth, the compact into which it voluntarily entered when it became a State of this Union. On the contrary, the highest honor of sovereignty is untarnished faith."

Taney, when writing to the Secretary of the Treasury, said: "Not by any act or word of mine would I have it supposed that I acquiesce in a measure that displaces it [the judicial department] from the independent position assigned to it by the statesmen who framed the Constitution."

MILLIGAN CASE (1866)

Judge Davis delivered the opinion of the court. "No greater question was ever considered by this court nor one which more nearly concerns the rights of every American citizen when charged with crime to be tried and punished according to law. * * * The Constitution of the United States is a law for rulers and people equally in war and peace, and covers with the shield of its protection all classes of men at all times and under all circumstances. Its provisions can not be suspended during any of the exigencies of government. Such a doctrine leads directly to despotism. Martial rule can never exist where the courts are open and in the proper and unobstructed exercise of their jurisdiction."

LEGAL-TENDER CASES

Hepburn v. Griswold.

Legal tender act could not apply to contracts made before act was passed: Chase, Nelson, Clifford, and Field.

Dissenting: Swayne, Miller, and Davis.

February 7, 1870. Same day Strong and Bradley were appointed to court.

Hepburn case was reopened and argued April, 1871.

Legal tender act held constitutional: Swayne, Miller, Davis, Strong, and Bradley.

Dissenting: Chase, Clifford, Field, and Nelson.

The fear expressed that partisan bias will be regarded in the court is without foundation:

"The late renovation in the Constitution of this august body by the creation of seven of the nine members under the auspices of the present Democratic ascendency may be regarded as the closing of an old and the opening of a new era in its history." But as in every other instance in the history of the court, when it has been either feared or hoped that it would divide on party lines, the expectations of the politicians have been unfulfilled. The court continued to decide its cases without regard to party, and pursued its majestic course protecting the national sovereignty, the rights of the States, the rights of individuals, and the rights of property, uncontrolled by the political views of its members or by the desires of officials at whose hands the individuals, judges, had received their appointments.

Note opinion of court quoted by Baldwin in Olmsted case (Warren 11, p. 43).

"There is, we are sorry to perceive, a disposition sometimes apparent to undervalue its [court] high and commanding character. Because its decisions on some questions are not in unison with our general opinions, and because some principles are adopted which are not in harmony with the doctrines of our schools, and possibly because a majority of its members are of a political party in opposition to the one to which we belong, we are in danger of losing respect for its learning, its authority, and its power. But the members of this high court have as a body no superiors in all the great qualities of mind and heart, in honor, integrity, ability, and learning, which are the ornaments of the bench and the security of the people. (Law Register, 1847.)

"Many of its formerly supposed errors have become acknowledged truths by the silent yet sure operations of time; if some of its decisions are still regarded wrong (though very few, if any, are generally so), it is accepted that they were the result of an honest and enlightened judgment. For so it is that lawmakers as well as judges are not infallible, and that 'angels do not descend' to give us unerring legisla-

tive, executive, or judicial decision. Perfection is not hoped for, and all that can be expected is the honest judgment of independent and intelligent individuals who, in the frailty of human nature, are liable to error, however zealously they may strive to avoid." (Niles Register, 1834.)

VALUE OF INDEPENDENT JUDICIARY

A New York Whig paper said: "Important as is every election, and of the gravest importance as are sometimes the appeals to the ballot box, yet all dwindle into comparative insignificance when contrasted with some great principle now and then brought before that high tribunal, the Supreme Court, upon a proper and just settlement of which hang both the Constitution and the Union of the States."

James C. Jones, of Tennessee, speaking of the Supreme Court, said: "For purity, integrity, virtue, honor, and all that ennobles and dignifies, it stands unimpeached and unimpeachable."

Opposition against Taney is not unlike that against Marshall: "It is interesting to note that this Democratic diatribe, leveled against a Democratic court and a Chief Justice appointed by Jackson, is of almost exactly the same tenor as that previously made against a Federalist court and Chief Justice appointed by Adams. The incident affords again a striking proof that contentment with the court's decision did not depend upon the political composition of the court."

The New York Independent: "The reverence for the Supreme Court which has been so widely cherished, is a reverence for law. It is a reverence which assumes that the judges of a tribunal, so far removed from the shifting winds of popular excitement and so carefully guarded against the intrusion of factions and political influences, will be under no violent temptation to betray their trust."

Wade, of Ohio, the famous abolitionist, said: "I deny the doctrine that judges have any right to decide the law of the land for every department of this Government. You would have the most concentrated, irresponsible despotism on God's earth if you give such an interpretation to the decisions of that or any other court."

Ohio's attitude—Piqua branch decision: Great excitement was shown when the Supreme Court of Ohio refused to enter the mandate of the Supreme Court of the United States. Finally, late in 1856, three judges of the State supreme court decided to conform to the mandate which had been issued to it, stating that they were "not prepared to adopt the theory" on which a denial of the jurisdiction of the Supreme Court under the judiciary act was based.

A similar situation took place in California—Johnson v. Gordon.

Such an attack upon the supremacy of the United States Supreme Court, however, was not long tolerated in California, for the next year, on April 9, 1855, the legislature, by a nearly unanimous vote of both branches, passed a law to force compliance with the sections of the Federal judiciary act by judges and clerks of courts.

WISCONSIN—BOOTH CASE, 1854

The New York Evening Post: "Booth, when arrested and brought before the magistrate, stated that 'rather than have the great constitutional rights and safeguards of the people, the writ of habeas corpus and the right of trial by jury, stricken down by the fugitive law, I would prefer to see every Federal officer in Wisconsin hanged on a gallows 50 cubits higher than Haman.'"

An appeal of the American Law Register: "In such a crisis it is the duty of all honest thinking men to join in an endeavor to remove all those causes of controversy which are rankling and festering in the heart of the Nation by submitting them to the peaceful arbitration of the Supreme Court. * * * Admit that the Federal judiciary may in its time have been guilty of errors, that it has occasionally sought to wield more power than was safe, that it is as fallible as every other human institution. Yet it has been and is a vast agency for good; it has averted many a storm which threatened our peace and has lent its powerful aid in uniting us together in the bonds of law and justice. Its very existence has proved a beacon of safety. And now, when the black cloud is again on the horison, when the trembling of the earth and the stillness of the air are prophetic to our fears, and we turn to it instinctively for protection—let us ask ourselves, with all its imagined faults, What is there that can replace it? Strip it of its power, and what shall we get in exchange? Discord and confusion, statutes without obedience, courts without authority, an anarchy of principles and a chaos of decisions, till all law at last shall be extinguished by an appeal to arms."

An appeal of the Southern Quarterly Review: "Men whose whole political life has been marked by an undeviating opposition to domestic slavery have, in elaborate decisions from the bench of Federal justice, declared the constitutionality of the fugitive slave law. * * * The tempest of popular feeling against southern institutions seems to have overwhelmed in the North every political barrier against the invading flood of aggression. To the swelling tide nothing seems to be opposed but the barrier of judicial independence which the great architects of the Constitution have set up. Gloomy will that day be for the cause of constitutional order and State rights when the mighty structure is leveled before the rolling waves of that angry ocean."

Maintenance of principles of judicial control was well expressed by Judge Baldwin: "In the case of Olmstead this court expressed its opinion that if State legislatures may annul the judgments of the courts of the United States and the rights thereby acquired, the Constitution becomes a solemn mockery and the Nation is deprived of the means of enforcing its laws by its own tribunal. So fatal a result must be deprecated by all, and the people of every State must feel a deep interest in resisting principles so destructive of the Union and in averting consequences so fatal to themselves."

Judge Thompson in Kendall against United States: "* * * One spot where questions of constitutional law could be discussed with calmness of mind and liberality of temper—where it was usually deemed repugnant to good taste to offer as argument the outpourings of excited feeling or the creation of an inflamed imagination, and where vehement invective and passionate appeals, even though facts existed which in some other forum might justify their use, were regarded as sounds unmeet for the judicial ear. The court stated in a striking and dignified opinion that it did not think that the proceedings in the case interfered 'in any respect whatever with the rights or duties of the Executive, or that it involves any conflict of powers between the executive and judicial departments of the Government.' It held that the mandamus was properly issued to the Postmaster General 'to enforce the performance of a mere ministerial act, which neither he nor the President had any authority to deny or control'; that while 'there are certain political duties imposed upon many officers in the executive department, the discharge of which is under the direction of the President * * * it would be an alarming doctrine that Congress can not impose upon any executive officer any duty they may think proper, which is not repugnant to any rights secured and protected by the Constitution; and in such cases the duty and responsibility grow out of and are subject to the control of the law and not to the direction of the President.'"

The necessity of definite decision to give effectiveness to law and order: "Whenever any conflict arises between the enactments of two sovereignties, or in the enforcement of their asserted authorities, those of the National Government must have supremacy until the validity of the different enactments and authorities can be finally determined by the tribunals of the United States. This temporary supremacy until judicial decision by the national tribunals and the ultimate determination of the conflict by such decision are essential to the preservation of order and peace and the evidence of forcible collision between the two governments." (Field in United States v. Tarble.)

This opinion by a Democratic judge reasserting national supremacy voiced by a Democratic Chief Justice in Booth case while Republican Chief Justice dissented, strongly upholding State rights.

The effect upon legislation by the passions of war is obvious. The inevitable effect of the Civil War would be expansion of the nationalistic theory of our government. This trend could not well have been averted because of the character of contest and result. The courts' trend of decisions under Chase would be in that direction. A reaction to this trend set in about 1873.

From 1789 to 1869, 80 years, only four acts of Congress were declared unconstitutional: Marbury v. Madison (1803); Dred Scott v. Sandford (1857); Gordon v. United States (1865); Ex parte Garland (1867).

From 1870 to 1873 six acts of Congress were declared unconstitutional: Hepburn v. Griswold (1870); United States v. DeWitt (1870); Justices v. Murray (1870); Collector v. Day (1871)—can not impose income tax on salary of State officer; United States v. Klein (1872); and United States v. Baltimore & Ohio Railroad (1873).

Trend away from nationalism began with the Slaughter House cases. Retained in the States authority over matters of property belonging to the States.

American Law Review: "In its results it is of untold importance to the future relations of the different members of our complex system with the whole. The line which separates the Federal Government from the States, and which of late years has trenched on what are called the reserved rights of the latter, was never so precisely defined as to make trite interpretation of the thirteenth, fourteenth, and fifteenth amendments to the Constitution of the United States, which was called for by attempts to apply their letter, if not spirit, to new States of fact not contemplated by the Congress nor the legislatures that made them is the latest and one of the most important acts of government growing out of the war. It is noteworthy that, while the executive department keeps Casey in New Orleans and sends its soldiers to regulate the internal policies of Louisiana, the judicial department remits to the people of that State, to its courts and legislature, the custody of the privileges and immunities of its citizens." (American Law Review, July, 1873.)

Another southern statesman, John S. Wise, said at the celebration of the centennial of the court in reference to the value of an untrammeled court:

"That decision did more than all the battles of the Union to bring order out of chaos. * * * When war had ceased, when blood was stanched, when the victor stood above his vanquished foe with drawn sword, the Supreme Court of this Nation planted its foot and said: 'This victory is not an annihilation of State sovereignty but a just interpretation of Federal power.'"

Judge Moody in 1908 said: "Criticism of the case has never entirely ceased, nor has it ever received universal assent by members of this court. Undoubtedly it gave much less effect to the fourteenth amendment than some of the public men active in framing it intended and disappointed many others. On the other hand, if the views of the minority had prevailed, it is easy to see how far the authority and independence of the States would have been diminished by subjecting all their legislative and judicial acts to correction by the legislative and review by the judicial branch of the National Government."

Speaking of the trend to overburden the work of the Supreme Court, it was—

Chief result of the decision was: (1) Preservation of authority of the State rather than a province of the Federal Government; (2) prevented break down of Federal judiciary, over 800 cases involving State statutes under the due process clause of the Constitution.

Political features: Field (Democrat) and Chase (Republican) tending toward State rights join Swayne and Bradley (Republicans), and nationalistic in theory gave minority views against power of State.

In favor of State authority were (Republicans) Miller, Strong, and Hurst (Democrat); Clifford and (insurgent) Davis.

Death of Chase (1873). His eight years were notable in his poise of character, which held the court steady in a period filled with passion.

Clifford's comment: "From the first moment he drew the judicial robes around him, he viewed all questions submitted to him as a judge in the calm atmosphere of the bench and with the deliberate consideration of one who feels that he is determining issues for the remote and unknown future of a great people."

From 1850 to 1873 the court was the subject of constant attack and threat of legislation to curb its power. From 1873 to 1884 no attack is noticed. This is the period of industrial as well as political importance.

Decisions on political and industrial questions due to: The new phases of the regulation of interstate commerce, of the transcontinental railroads and the telegraph railroad receiverships, the Granger legislation, control of public utilities and rates, the relation of the States to the liquor traffic, strikes and anarchist riots, polygamy, anti-Chinese legislation, superintendence and status of the Indian wards of the Nation, repudiation of State and municipal debts, the constitutionality of Federal laws enacted for the protection of the negro, the right to sue State officials and the scope of the eleventh amendment, the liability of agents of the Federal Government to respond for tortious acts and Federal protection of such agents for acts done in pursuance of their duties.

During this period the trend was to uphold the power of the States, especially in cases involving the fourteenth amendment. The Slaughter-House case was adhered to in Miner *v.* Happerset in 1875 in holding that the fourteenth amendment did not add to privileges and immunities of citizens of the United States and a State did not infringe on such by refusing to allow a woman to register to vote.

Cases arising under the fourteenth amendment involved two questions: (1) Whether the State's action interfered with "due process" of law, and (2) whether act fell within the legal meaning of word "deprive" in connection with life, liberty, or property.

Under the latter term have arisen labor cases, but not until later. The first outstanding case of this character was under Fuller, who was called upon to decide cases arising out of corrective legislation of a progressive and experimental character.

The Chicago Anarchists case is one of the most historic (1887).

The fourteenth amendment involving cases arising under "due process" required judicial determinations as to limits of the term.

Judge Miller said (570): "Apart from the imminent risk of a failure to give any definition which would be at once perspicuous, comprehensive, and satisfactory, there is wisdom, we think, in the ascertaining of the intent and application of such an important phrase in the Constitution by the gradual process of judicial inclusion and exclusion, as the cases prosecuted for decision shall require, with the reasoning on which such decision may be founded." He admitted that "if it were possible to define what it is for a State to deprive a person of life, liberty, and property without due process of law, in terms which would cover every exercise of power thus forbidden to the State, and exclude those which are not, no more useful construction could be furnished by this or any other court to any part of the fundamental law."

But he warned suitors and counsel that the phrase clearly did not include a case where a party had, by the laws of the State, a "fair trial in a court of justice, according to the mode of proceeding applicable to such a case."

On the result of legislation due to amendments in a memorable decision, one of the landmarks of our law, Judge Matthews held that "due process" in the fourteenth amendment was intended only to secure "those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions."

In a series of cases, involving the police power of a State, the court held such State legislation did not violate the fourteenth amendment.

Bartemeyar *v.* Iowa held that a State could prohibit the sale of liquor as a proper exercise of police power.

Mugler *v.* Kansas (573): "The court practically asserted that statutes passed in the exercise of the State police power would be upheld in every case unless the statute 'purporting to have been enacted to protect the public health, the public morals, or the public safety has no real or substantial relation to these objects or is a palpable invasion of rights secured by the fundamental law.'"

Same view as anti-Chinese legislation on Pacific coast. Field held that liberty guaranteed by the Constitution was liberty regulated by just and impartial laws.

The Granger cases decided in 1877 limited to a narrow field the operation of the fourteenth amendment under which it was contended that it provided protection of civil rights against State aggression. These cases arose out of the transportation situation in which it was declared by grangers that if the State did not absorb the railroad the railroad would absorb the State. Then began agitation, legislation, which led to judicial determination that has had its mark on the course of our entire history.

Railroads protected as they asserted by Dartmouth College case were rather defiant toward the radical legislation in the West and Northwest, they instituted suits to determine the constitutionality of the legislation which they declared violated the principle of deprivation of life, liberty, and property without due process of law of the fourteenth amendment.

The first case was Munn *v.* Illinois (94 U. S. 113), in compliance with the State constitution looking to "the protection of producers, shippers, and receivers of grain and produce." The court, through Chief Justice Waite, decided (1877) in which it held:

That when property had become clothed with a public interest, the owner must submit to be controlled by the public for the common good; and the general test as to the character and status of property was stated to be that: "Property does become clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created."

Applying this test to a grain-elevator business in Chicago, the court pointed out:

"It is a business in which the whole public has a direct and positive interest. It presents, therefore, a case for the application of a long-known and well-established principle in social science, and this statute simply extends the law so as to meet this new development of commercial progress." That the power might be abused, the court said, was no argument against its existence. "For protection against abuses by legislatures the people must resort to the polls, not to the courts."

On the same day the court sustained laws of Illinois, Wisconsin, Iowa, and Minnesota fixing maximum rates on all railroads operating in those States as an exercise of police power not in violation of the Federal Constitution. Corporations engaged in a public employment affecting public interest were subject to legislative control as to rates.

This decision was received by many as the guaranty of protection against high rates. Their satisfaction expressed itself as follows:

"The time had come when either the people would govern the railroads or the railroads would govern the people. The Supreme Court had come to the rescue, and now both the public and the railroads are safe."

The fact was not overlooked that the decision had transferred the contest of rail property from the owners to the legislature, and it was urged that the latter bodies be limited in their rate making to the principles of the common law entailing reasonable compensation to be judicially ascertained.

The years immediately following the operation of the regulation legislation soon demonstrated the fears of transportation breakdown where, no matter how low the rate might be, it could not compensate for poor service. Efficient service was preferred by the farmer to lower rates. The repeal of the laws soon followed.

Those most active to pass the laws in 1870 to 1874 were foremost in repealing those in 1878. It was at that time the movement arose to create State railroad commissions with power over rates to avoid the dire consequences of political regulation. These commissions were to be empowered to fix rates after due investigation and to frame and administer other regulatory provisions.

The constitutionality of these commissions was attacked in the case of Stone *v.* Farmers Loan & Trust Co. (116 U. S. 307), in which validity of the statute of Mississippi providing for a railroad commission with full regulatory powers was sustained. The court further held that even though the railroad charter granted a specific power to the corporation to fix its tolls and charges, this provision was subject to the implied condition that such charges must be reasonable.

The decision continues: "From what has thus been said it is not to be inferred that this power of limitation or regulation is itself without limit. This power to regulate is not a power to destroy, and limitation is not equivalent to confiscation under pretense of regulating fares and freights. The State can not require a railroad corporation to carry persons or property without reward; neither can it do that which in

law amounts to a taking of private property for public use without just compensation, or without due process of law."

In the case of Chicago, Milwaukee & St. Paul R. R. v. Minnesota (1890) (134 U. S. 418), the court held that reasonableness of rates was for ultimate judicial decision as well as a legislative act depriving a railroad the right to judicial investigation of their reasonableness was within the province of the courts determining the validity of such acts.

X X Hadley declared that this decision repudiated the doctrine of uncontrolled rights on the part of the legislature to make rates, as emphatically it repudiates the doctrine of uncontrolled rights on the part of agents of the corporation in the Granger cases.

To this opinion Justices Bradley, Gray, and Lamar dissented.

How much did the court feel the touch of public opinion in these cases?

The court considered questions in the light of the doctrine of "business clothed with a public interest," involved in the Granger cases.

This doctrine rests on the principle that any business in which there was a natural monopoly might at any time be subject to regulation of its charges. Monopolistic condition might arise out of available supply, opportunities of access being restricted, place value, difficult distribution, and absence of substitutes—questions largely of fact.

How much attention the court should give to sympathy for hardship, Mo. Pac. Ry. v. Humes (115 U. S. 512), Justice Field held "its increased surprise at the continued misconception of the purpose of the provision"; and it again asserted that the "hardship, impolicy, or injustice of State laws is not necessarily an objection to their constitutional validity," and that "this court is not a harbor where refuge can be found from every act of ill-advised and oppressive State legislation." So long as the State's action is not purely arbitrary and the enforcement of the law is "attended with the observance of those general rules which our system of jurisprudence prescribes for the security of private rights, the harshness, injustice, or oppressive character of the law will not invalidate them as affecting life, liberty, or happiness without due process of law."

In U. S. v. *Reese*, Waite held that under the fifteenth amendment Congress had only power to enforce "by appropriate legislation" the right to exemption from discrimination in the exercise of the election franchise on account of race, color, or previous conditions of servitude; that the statute in question was not confined to such limited class of discrimination, but extended broadly to all discriminations and obstructions. That so construed it was an unconstitutional interference with the rights of the States. * * * While Congress was supreme within its legislative sphere, its courts when called upon in due course of legal proceeding must annul its encroachments upon the reserved powers of the States and the people" (Waite in U. S. v. Reese).

During reconstruction days many civil rights acts were enacted, which in time came to the Supreme Court for consideration.

Strander v. West Virginia upheld the validity of the section permitting removal into United States courts when equal rights of action were desired in a State court. (100 U. S. 303) (1880).

Neal v. Delaware (103 U. S. 370) the court held that "The refusal of the State court to redress the wrong by them committed was a denial of a right secured to the prisoner by the Constitution and laws of the United States." This reversed the judgment of the State court, which had restricted jurors to white persons qualified to vote.

In the case United States v. Harris (106 U. S. 629) the court held as invalid the Ku Klux act of 1871 as interfering with proper functions of the States over acts of private persons.

In the Civil Rights case (109 U. S. 3) (1883) the court, through Judge Bradley, held the laws without force, touching free and equal employment of accommodations of inns, public conveyances, etc., as interfering with proper functions of the States. This decision was strongly indorsed by such publications, strongly antislavery, as Independent and Harper's Weekly.

Ex parte Yarborough (110 U. S. 651) upheld the law against conspiracy "to injure, oppress, threaten, or intimidate any citizen in the free exercise of enjoyment in any right or privilege secured to him by the Constitution or laws of the United States." This was held valid as within the law to enforce the fifteenth amendment. In this case Judge Miller said: "If the recurrence of such acts as these prisoners stand convicted of are too common in one-quarter of the country and give omen of danger from lawless violence, the free use of money in elections, arising from the vast growth of recent wealth in other quarters, presents equal cause for anxiety. If the Government of the United States has within its constitutional domain no authority to provide against these evils, if the very sources of power may be poisoned by corruption or controlled by violence and outrage, without legal restraint, then, indeed, is the country in danger, and its best powers, its highest purposes, the hopes which it inspired, and the love which enshrines it are at the mercy of the combinations of those who respect no right but brute force on the one hand and unprincipled corruptionists on the other.

Waite was Chief Justice, and court was made up of appointments made by Lincoln, Grant, and Hayes.

"Now, after a lapse of years, when the temper and spirit in which the text of the amendments was penned have cooled and the views of men have matured, it is seen that the value of the court as the great conservative department of the Government was never greater than then." Samuel Shellaberger, of Ohio, on death of Chief Justice Waite (1889).

In the Lottery case (1877), Waite held: "That the existence of any contract which might be impaired depended on the authority of the legislature to bind the State; and that while the legislature might make irrevocable grants of property and franchises, it could not 'bargain away the public health or the public morals,'" i. e., its police power. "Government is organized with a view to their preservation, and can not divest itself of the power to provide for them. * * * The contracts which the Constitution protects are those that relate to property rights, not governmental."

In 18 years from 1892 on, only one case, Snyder v. Bettman (1903), did court divide where all Republicans were on one side and all Democrats on the other.

One other case where all Republicans approved and all Democrats disapproved—United States v. Shea (1894) (152 U. S. 178).

In the Insural and Northern Securities cases, no such divisions.

Mr. KEAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Jersey?

Mr. FESS. I will yield two minutes to the Senator from New Jersey.

The VICE PRESIDENT. The Senator can not divide his time, but the Senator from New Jersey can be recognized for two minutes.

Mr. FESS. The Senator from New Jersey understands that my time is limited.

The VICE PRESIDENT. The time is passing.

Mr. KEAN. Mr. President, I merely desire to ask that there be printed in the RECORD a telegram addressed by me to Judge Parker and the reply of Judge Parker thereto.

The VICE PRESIDENT. Without objection, the telegrams will be printed in the RECORD.

The telegrams are as follows:

[Telegram]

MAY 2, 1930.

Hon. JOHN J. PARKER,
Charlotte, N. C.:

Representing among my constituents 125,000 colored men and women who have risen from slavery and are now occupying positions as lawyers, doctors, clergymen, in fact, every position that their fellow white men occupy; and being very jealous of their rights, realizing that their bible of liberty is the fifteenth amendment, can you give me assurance that you would protect these people in the free exercise of their rights as citizens, and that if you take the oath of office that you will take it without any reservation, promising to support the Constitution of the United States; otherwise I will feel it my duty, in the protection of these people, to vote against your confirmation. I understand that you deny the statement attributed to you in reference to the colored people's rights under the Constitution.

HAMILTON F. KEAN,
United States Senate.

[Telegram]

RICHMOND, VA., *May 2, 1930.*

Hon. HAMILTON F. KEAN,
United States Senator:

In answer to your telegram inquiring whether as a member of the Supreme Court I would freely accord to colored people the rights to which they are entitled under the Constitution of the United States and its amendments, I assure you that as a member of the Supreme Court I would consider it my sworn duty to support and enforce the Constitution of the United States and enforce all of its amendments, and would protect all citizens of the United States regardless of race or color in the enjoyment of their rights thereunder. I do not believe in depriving any man, white or black, of his rights under the Constitution or the laws of our country, and have never advocated doing so. I would certainly take the oath of office promising to support the Constitution without any reservation whatsoever.

JOHN J. PARKER.

Mr. FESS. Mr. President, in listening to the objections to the confirmation of Judge Parker I find that there has been much said to the effect that his appointment might be regarded as a political one. In the first place, that suggestion is not sustained by the facts. The appointment is not a political one. The facts are that more Democrats were consulted about the appointment of Judge Parker than were Republicans. However, if it were a political appointment, which I deny, the fear which has been expressed that any particular shade of political opinion would be reflected in the decisions of the appointee is not borne out by the history of the Supreme Court. Time and time again have appointees of Presidents to the Supreme Court

bench rendered decisions which were quite out of current with the policy of the Chief Executive, who made the appointments.

It is well understood that the members of the Supreme Court appointed by Jefferson and Madison joined Chief Justice Marshall in his interpretations, and that the appointees of Andrew Jackson and of Martin Van Buren unanimously disagreed with Jackson in the Spanish land claims case which came before the court. Not only that——

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. FESS. Mr. President, I am afraid I can not yield, as I have only five minutes.

Mr. NORRIS. I merely desire to ask the Senator a question.

Mr. FESS. Very well; I will yield to the Senator.

Mr. NORRIS. I want to ask the Senator if he has complied with his promise he made to the Senate the other day that he would produce the statute enacted by Congress in regard to picketing?

Mr. FESS. I produced the statute, Mr. President, and read it into the RECORD on an occasion when the Senator was absent.

Mr. NORRIS. I have not been able to find it.

Mr. FESS. It was a case of hit-or-miss, I fear, for after the Senator spoke he left the Chamber, and I read the statute in his absence.

Mr. President, the truth is not to be controverted that the appointees of Jackson to the Supreme Bench did not reflect the political policies of that President in their interpretation of the law, and that the appointees of Lincoln did not reflect the policies of Lincoln. The truth about the matter is that three of the reconstruction laws, which were enacted during the years immediately following the Civil War, were pronounced by a majority of the court as unconstitutional, although the members of the court had been appointed by Lincoln and Grant. In spite of the fact, however, that they were appointed by Republicans, the statutes then enacted were pronounced unconstitutional. So it is not true that the appointee of a President of any particular party will reflect in his opinions when he comes to decide a case upon the facts involved the political views of the President who appointed him.

The opposition now manifested against the confirmation of the nomination of Judge Parker is not new. It was manifested in 1821 following the decision in the case of McCulloch against Maryland; it was apparent in 1833 when an attack on the Supreme Court was ended by a ringing proclamation of Andrew Jackson; it was in evidence in 1857 in the case of the Dred Scott decision; it was made plain in 1868 in the case of the reconstruction acts; also in 1885 when it came to a question involving the extension of the commerce clause; and in 1896 in the case of the populistic movement in the Western States.

I can indicate by history that the present opposition to Judge Parker is not unlike opposition which has been manifested to nominations to the Supreme Court Bench in the past. Therefore, in my judgment, the nomination of Judge Parker is not justly subject to the criticism that is being made on this ground.

Mr. President, a Senator sitting near me insists that Lincoln said he would undertake to secure a reversal of the decisions of the court. That is a perfectly legitimate procedure, but the reversal he had in mind was to be accomplished by legislation curing the defects, as he viewed them, in the decisions which had been rendered. His method was not to bludgeon the court because the court refused to reflect a particular sentiment or emotion that might have been expressed at the time; Lincoln never undertook to pack the court in order to reverse a decision; but his idea was to go to the root of the situation and by legislative enactment to remedy the evil against which complaint was made.

Let me state that if the issuance of injunctions is a matter of criticism, the place to cure the defect is not in the Supreme Court but is in the legislative body. We insist that the court shall follow its rules, in line with proper interpretation, and then, if we do not like the law, let the legislative department change it; but let not the court usurp power by itself changing the law.

For these, among other reasons, we ought not to permit the opposition to the confirmation of Judge Parker to succeed.

The VICE PRESIDENT. The time of the Senator from Ohio has expired.

Mr. BORAH obtained the floor.

Mr. GLASS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. GLASS. Mr. President, I merely wanted to submit a request for unanimous consent.

The VICE PRESIDENT. Does the Senator from Idaho yield for that purpose?

Mr. BORAH. I yield.

Mr. GLASS. I ask unanimous consent that the time of the Senator from Ohio be extended several hours in order that he may give us the history of the Supreme Court of the United States. [Laughter.]

The VICE PRESIDENT. The Senate will be in order.

Mr. BORAH. Mr. President, this debate is now drawing to a close, and perhaps nothing can be said that will have any effect whatever upon the ultimate result. There are, however, one or two observations which may appropriately be made.

It seems to me, generally speaking, that the debate has been conducted upon a very high plane, such as should characterize a discussion with reference to the membership of the Supreme Court of the United States. But there is one phase of the debate which, it appears to me, falls a little below the fair rule which should obtain in such cases. It has been constantly and insistently urged that those who assume to pass upon the fitness and capability of a particular individual to sit upon the court are by reason of that fact attacking the court itself; that we are here engaged in undermining the great tribunal which ultimately passes upon the vitally important constitutional questions which concern us as a people.

Mr. President, that is not in accord with either the facts here or the facts in history. In the case of the appointment of the first Chief Justice whose nomination was rejected by the Senate, the opposition to his confirmation was led by Mr. Ellsworth, than whom there was no greater figure in the Constitutional Convention when capacity is measured by legal learning and talent. Patriot, statesman, and jurist, he stands out as one of the masterful men of those eventful years. Mr. Ellsworth opposed the confirmation of the nominee for Chief Justice because of the views which he entertained, and he was successful in defeating him. This man, who was the author of the judiciary act under which we are in a large measure still acting in this country, thought it within his province, and properly so, to oppose the nominee for the Chief Justiceship of the Supreme Court of the United States. Will it be said he was attacking the court which he had helped to create and the machinery by which it was put in operation more than anyone else his great mind provided.

Again, Mr. President, when it came to Mr. Chief Justice Taney, Webster and Clay and Calhoun and Ewing and other great leaders of the Senate opposed Mr. Taney. Why? They opposed him for the same reason that some of us now oppose the present nominee, because they believed his views upon certain important matters were unsound. They certainly did not oppose him because of his lack of learning, or because of his incapability as a lawyer, for in no sense was he lacking in fitness except, in their opinion, that he did not give the proper construction to certain problems which were then obtaining.

The Senator from Ohio [Mr. FESS] takes refuge behind the fact as he says that Webster and Clay and Calhoun and Ewing and others were actuated by hatred. Those men, who were great leaders in their day, and one of them as free from personal hatred as any man who ever sat in the Chamber, are now characterized as having attacked a candidate for that high position by reason of their personal hatred or their personal dislike for him. Let us put it upon a higher plane. Let us put it upon the true plane. They felt as lawyers and as patriots that it was their duty to pass upon the fitness of the nominee, and in discharging that duty they did pass upon his fitness and measured it by his views upon public questions.

The Senator from Ohio referred to Mr. Lincoln, and said Mr. Lincoln was not going to bludgeon the court, but was going to reverse it by securing the enactment of legislation to effectuate the change. Mr. Lincoln said:

> We think the Dred Scott decision is erroneous. We know the court that made it has often overruled its own decision—and we shall do what we can to have it overrule this.

Was that a proposal to secure a reversal by legislation? Let the scholarly historian stick a little closer to the facts. Let us not bend historic facts to meet present emergencies. Mr. Lincoln advocated time after time and year after year the proposition that the proper way to deal with the subject was to place men upon the court who were in accordance with what he believed was sound policy. We are proposing to do the same thing to-day. We are insisting that here is a great problem involving human rights, a question of whether we shall embody into the jurisprudence of this country a principle which we believe to be at enmity with the welfare of not only the great working classes but with the public good, and we say that we are not willing to place a man upon that bench who is committed to the doctrine. We are on safe grounds, we are in company with great leaders and men whose fidelity to this Government no man dare challenge. They claimed and exer-



cised the right to pass upon the fitness of men for this supreme tribunal.

Is that an impeachment of the bench? Is it an attack upon the court? Why did the fathers make us advisers in regard to these appointments? Why were we placed here to pass upon the qualifications of the appointees? Was it merely to sit here, hear the names read, and as amanuenses of the President to record our votes, or were we, as sworn representatives of our States, to exercise our judgment in regard to the fitness and the capability of the men who should wear the ermine.

Again, Mr. Lincoln said:

> I have expressed heretofore, and I now repeat, my opposition to the Dred Scott decision. * * * We mean to reverse it. * * * It is based upon falsehood in the main as to the facts. The allegation of facts upon which it stands are not facts at all in many instances.

Those are the words of the man who sealed his devotion to his country with his blood. In all this debate no Senator has soiled his lips by defending the justice of the contract which is involved in this controversy. No Senator has undertaken to say that it is sound or humane; and, in my opinion, that of itself ought to weigh heavily in determining this question. We are asked in effect to approve and commend that which we are unwilling openly to justify. Individuals do not count; it is the principle which is involved that should determine our votes.

The VICE PRESIDENT (at 1 o'clock and 30 minutes p. m.) rapped with his gavel.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Fess	Keyes	Shortridge
Ashurst	Frazier	La Follette	Simmons
Baird	Gillett	McCulloch	Smoot
Barkley	Glass	McKellar	Steck
Bingham	Glenn	McNary	Steiwer
Black	Goldsborough	Metcalf	Stephens
Blaine	Gould	Norris	Sullivan
Blease	Greene	Nye	Swanson
Borah	Hale	Oddie	Thomas, Idaho
Bratton	Harris	Overman	Thomas, Okla.
Brock	Harrison	Patterson	Townsend
Broussard	Hastings	Phipps	Trammell
Capper	Hatfield	Pine	Tydings
Caraway	Hawes	Pittman	Vandenberg
Connally	Hayden	Ransdell	Wagner
Copeland	Hebert	Reed	Walcott
Couzens	Howell	Robinson, Ark.	Walsh, Mass.
Cutting	Johnson	Robinson, Ind.	Walsh, Mont.
Dale	Jones	Schall	Waterman
Deneen	Kean	Sheppard	Watson
Dill	Kendrick	Shipstead	Wheeler

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present. The question is, Will the Senate advise and consent to the nomination?

Mr. HARRISON and Mr. McKELLAR called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. TRAMMELL (when Mr. FLETCHER's name was called). I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] on account of illness.

Mr. ROBINSON of Arkansas (when Mr. GEORGE's name was called). The Senator from Georgia [Mr. GEORGE] is absent. If he were present, he would vote "nay."

Mr. GLENN (when his name was called). On this matter I have a special pair with the senior Senator from Florida [Mr. FLETCHER], who is unavoidably absent from the Chamber. I understand that if present he would vote "yea." If I were at liberty to vote, I should vote "nay."

Mr. BLACK (when Mr. HEFLIN's name was called). My colleague the senior Senator from Alabama [Mr. HEFLIN] is absent on important business. He is paired with the Senator from South Dakota [Mr. NORBECK]. If my colleague were present, he would vote "nay," and if the Senator from South Dakota were present I am informed that he would vote "yea."

Mr. LA FOLLETTE (when Mr. McMASTER's name was called). The junior Senator from South Dakota [Mr. McMASTER] is unavoidably absent. If present, he would vote "nay."

Mr. McNARY (when his name was called). On this question I have a pair with the senior Senator from South Carolina [Mr. SMITH]. If he were present, he would vote "yea." If I were at liberty to vote, I should vote "nay."

Mr. KEYES (when Mr. MOSES's name was called). My colleague [Mr. MOSES] is unavoidably absent. He is paired with the junior Senator from Oklahoma [Mr. THOMAS]. If present, my colleague would vote "yea."

Mr. PHIPPS (when his name was called). I have a pair with the Senator from Georgia [Mr. GEORGE], who is necessarily absent. If I were at liberty to vote, I should vote "yea."

Mr. STEIWER (when his name was called). On this question I have a pair with the junior Senator from Pennsylvania [Mr. GRUNDY], who is necessarily absent from the Chamber. I find that I can transfer my pair to the junior Senator from South Dakota [Mr. McMASTER], and I transfer the pair and will vote. I vote "nay."

Mr. THOMAS of Oklahoma (when his name was called). On this question I have a special pair with the senior Senator from New Hampshire [Mr. MOSES]. As stated, if present he would vote "yea." If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. HATFIELD. My colleague the senior Senator from West Virginia [Mr. GOFF] has a special pair with the junior Senator from Iowa [Mr. BROOKHART]. If my colleague were present, he would vote "yea," and I am informed that if the junior Senator from Iowa were present he would vote "nay."

Mr. FESS. I desire to announce that the junior Senator from Kentucky [Mr. ROBSION] is paired with the junior Senator from Utah [Mr. KING]. If the junior Senator from Kentucky were present and at liberty to vote, he would vote "nay," and the junior Senator from Utah would vote "yea."

The result was announced—yeas 39, nays 41, as follows:

YEAS—39

Allen	Gould	McCulloch	Steck
Baird	Greene	Metcalf	Stephens
Bingham	Hale	Oddie	Sullivan
Blease	Harrison	Overman	Swanson
Broussard	Hastings	Patterson	Thomas, Idaho
Dale	Hatfield	Ransdell	Townsend
Fess	Hebert	Reed	Walcott
Gillett	Jones	Shortridge	Waterman
Glass	Kean	Simmons	Watson
Goldsborough	Keyes	Smoot	

NAYS—41

Ashurst	Couzens	La Follette	Steiwer
Barkley	Cutting	McKellar	Trammell
Black	Deneen	Norris	Tydings
Blaine	Dill	Nye	Vandenberg
Borah	Frazier	Pine	Wagner
Bratton	Harris	Pittman	Walsh, Mass.
Brock	Hawes	Robinson, Ark.	Walsh, Mont.
Capper	Hayden	Robinson, Ind.	Wheeler
Caraway	Howell	Schall	
Connally	Johnson	Sheppard	
Copeland	Kendrick	Shipstead	

NOT VOTING—16

Brookhart	Goff	McMaster	Phipps
Fletcher	Grundy	McNary	Robsion, Ky.
George	Heflin	Moses	Smith
Glenn	King	Norbeck	Thomas, Okla.

So the Senate refused to advise and consent to the nomination.

Mr. GLASS. Mr. President, I ask to have inserted in the RECORD immediately following the vote on the nomination of Judge Parker an extract from a letter written by Oswald Garrison Villard.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

> MY DEAR SENATOR: I have your letter in regard to the revolt of various Senators, yourself included, against the nomination of Judge John J. Parker as Associate Justice of the Supreme Court. You say that it should improve my opinion of the Senate that so many of its Members are willing to look upon this question from the national point of view and are ready to refuse a seat on the highest bench to a man who has publicly evidenced his readiness to deny to an entire group of our fellow Americans participation in elections and in the administration of the country. Well, I can only reply that I am happy, of course, that more than 17 Senators are already on record as opposing the confirmation of Judge Parker because of his views on the colored race. But I should frankly take greater pride in this showing if it were not for the fact that many of these Senators are up for reelection next fall and that they come from States where the negro vote is now so large that they fear the loss of the election if the colored people should take it into their heads to rise in rebellion against the Republican Party. In other words, I shall be more impressed if men like BORAH, of Idaho, and NYE, of North Dakota, in which States there are few negroes, oppose confirmation.
>
> That Judge Parker should be defeated admits of no question. There are constantly coming before the Supreme Court of the United States questions vitally affecting the liberty and the pursuit of happiness of our colored Americans. The city of Richmond, for instance, recently enacted an ordinance segregating the negroes residentially, despite the fact that the Supreme Court of the United States has repeatedly held such ordinances unconstitutional and invalid. Other equally important decisions have been in regard to the right of negroes to participate in

primaries and of the political parties to restrict their membership on the basis of color. There are now several important cases on the way up to the Supreme Court which will settle the question whether private covenants arrived at by property owners binding themselves for a period of years, or in perpetuity, not to sell their property to negroes will or will not be upheld as constitutional. Such cases will ere long come before Judge Parker if he is confirmed. When Judge Parker stated that the colored people of North Carolina did not wish to participate in elections and were ready to be eliminated from politics he uttered a falsehood. When he committed the Republican Party in that State to the lily-white policy he led that party in a complete break with the traditions of its founders. He was certainly traitorous to the memory of Abraham Lincoln and what Lincoln and his war-time associates achieved. How could he conscientiously take the oath that would be administered to him by Chief Justice Hughes to support and uphold the Constitution when he is already on record, as a gubernatorial candidate, in favor of nullifying it in the case of negroes?

This issue is so vital that it would be a disgrace to the Senate if there were not men in plenty to rise up and protest against Judge Parker's nomination. Beside it the question of Judge Parker's upholding the so-called "yellow dog" contract is of small moment.

* * * * * * *

I repeat that every Senator who believes in the Constitution and in simple, elemental justice to every American citizen irrespective of race, creed, or color ought to vote against Judge Parker. * * * Personally, I am not sure that the colored people are united enough to make quite certain the punishment at the polls which the Senators from the border States and those having large masses of colored voters fear. But, more important by far than the willingness of some Senators to bolt in fear of punishment, is the fact, now established, that the Senate hereafter will take a different attitude toward nominations for the Supreme Court than the purely negative one it has held to heretofore, and the truth that the negroes for the first time since emancipation have demonstrated to the entire country that they propose to use their political power hereafter in safeguarding their rights. If they succeed in defeating Judge Parker, it will be an epoch in the history of the race.

Yours very truly,

OSWALD GARRISON VILLARD.

Mr. WALSH of Massachusetts. Mr. President, I make a request similar to that made by the Senator from Virginia, namely, that there be printed in the RECORD following the vote rejecting the nomination of Judge Parker an editorial printed in America on May 3 entitled "The New Supreme Court."

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

THE NEW SUPREME COURT

While the responsibilities of every President of the United States are grave, those which President Hoover faces with reference to the Supreme Court are unusually weighty and solemn. The President has already made two appointments to that bench. Considering the age and health of the older occupants, it is not unreasonable to suppose that other appointments will fall to the President. Mr. Hoover would almost certainly end a second term with a Supreme Bench of his own appointment.

We say that this is an unusually weighty and solemn responsibility, even omitting all reference to the possibility of a second term. Within the next few years problems which involve considerations far deeper than legal formulas and curial technicalities will be brought before the Supreme Court for such solution as may be there found. It is obvious that cases which embrace human as contrasted with corporation or property rights can not be satisfactorily reviewed in the feeble light afforded by precedents adopted at a time when social needs and social burdens differed widely from those of our day. All of us fall too readily into the rut of precedent as an easy escape from the brain-racking task of examining principles, and courts form no exception.

One hundred years ago ours was a country of rural communities. Its problems were those which naturally arise in such an environment. In the cities labor had begun to fight for its right to organize, usually without much success, but great cities were few and organized capital was but a mewling infant. To-day we are a Nation of cities, marked from coast to coast by factories and smokestacks. Capital has assumed proportions so gigantic that even half a century ago students could clearly foresee the impending conflict between capital and labor, and 20 years ago Wilson could tell his classes at Princeton that it would be fought on wider fields than those of the War between the States. Capital argued so well in its own cause that its pretensions were gradually accepted, and even men who were really better informed wrote and argued as though the highest and most sacred of all rights were the right to hold property. That fatal error continues to infect much of our social thinking and planning and is reflected in the decisions of our courts.

We make no plea for a packing of the Supreme Court with partisans of any school of thought. What we desire is men who understand and will fearlessly apply the dictates of essential justice. They should be jurists of distinction, whose rulings show that they are able to recognize the larger claims of those rights that are distinctively human. It was for the safeguarding of these rights that our first State paper was drawn, in 1776, and the framing of the Constitution was but an attempt to find a ready and easy method of protecting them. There is not the slightest reason to suppose that the rights of organized capital will be jeopardized by the rulings of the Federal courts as at present constituted. There is every reason to believe that by the inclusion of jurists whose philosophy presents a contrast the Federal courts, and especially the Supreme Court, will gain new respect and augmented authority among the people at large by making themselves undaunted protectors of rights wherever they exist.

Surely it is poor praise for a prospective member of the Supreme Court when his friends are forced to attribute his social philosophy to a legal precedent rather than to thinking and conviction. It is not easy to dissent from President Green, of the American Federation of Labor, who writes that "a mere dogmatic adherence to a judicial precedent established in a case decided during the World War" is not evidence that a man is fit to sit on the Supreme Bench. Not only labor, but the country, may rightly demand that the courts take into consideration human relations in industry and that they recognize and protect the rights of individuals and of communities menaced by the growth of organized capital. Otherwise government is not the protector of human rights, but their destroyer.

REPORTS OF NOMINATIONS

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

Mr. DILL, from the Committee on Patents, reported the nomination of Fred Merriam Hopkins, of Michigan, to be Assistant Commissioner of Patents, which was placed on the Executive Calendar.

Mr. BROUSSARD, from the Committee on Patents, reported the nomination of Paul Preston Pierce, of Maryland, to be an examiner in chief in the Patent Office, which was placed on the Executive Calendar.

Mr. BORAH, from the Committee on Foreign Relations, reported the nominations of sundry officers in the Diplomatic and Foreign Service, which were placed on the Executive Calendar.

Mr. HEBERT. Mr. President, from the Committee on Patents I report favorably the nomination of Frank Petrus Edinburg, of Kansas, an employee of the Patent Office, to be an examiner in chief. It was my wish to have consideration of the nomination to-day, but, I presume, owing to the desire to proceed with legislative business it will have to go to the calendar.

The VICE PRESIDENT. The nomination will be placed on the Executive Calendar.

W. BATEMAN CULLEN

Mr. PHIPPS. Mr. President, on April 28 the Senate confirmed the appointment of W. Bateman Cullen to be postmaster at Clayton, Del. I now ask that the vote by which the confirmation was had be reconsidered and that the nomination be referred back to the committee without prejudice.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. McNARY. Mr. President, I ask that we now proceed to the consideration of the Executive Calendar.

The VICE PRESIDENT. The first business on the Executive Calendar will be announced.

THE JUDICARY

The Chief Clerk read the nomination of Robert M. Vail to be United States marshal, middle district of Pennsylvania.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

COAST GUARD

The Chief Clerk proceeded to read sundry nominations for appointments in the Coast Guard.

Mr. LA FOLLETTE. Mr. President, in order to expedite business, I ask that the Coast Guard nominations be confirmed en bloc.

The VICE PRESIDENT. Is there objection? The Chair hears none. The nominations are confirmed, and the President will be notified.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. PHIPPS. I ask that the nominations of postmasters be confirmed en bloc and the President notified.

The VICE PRESIDENT. Without objection, the nominations are confirmed, and the President will be notified.

IN THE ARMY

The Chief Clerk proceeded to read sundry nominations for appointments and promotions in the Army.

Mr. ROBINSON of Arkansas. As I understand it, these are what are usually termed "routine nominations"?

Mr. BLACK. These are routine nominations, which have been passed on by the committee.

The VICE PRESIDENT. Without objection, the nominations are confirmed, and the President will be notified.

IN THE NAVY

The Chief Clerk proceeded to read sundry nominations for promotions in the Navy.

Mr. HALE. I ask that the nominations be confirmed en bloc and the President notified.

The VICE PRESIDENT. Without objection, the nominations are confirmed, and the President will be notified.

LEGISLATIVE SESSION

Mr. McNARY. Mr. President, I move that the Senate now proceed to the consideration of legislative business.

The motion was agreed to; and the Senate proceeded to the consideration of legislative business.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which is Senate bill 3060.

RELIEF OF UNEMPLOYMENT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3060) to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes.

PETITION

Mr. JONES presented a petition of sundry citizens of the State of Washington, praying for the passage of the so-called Capper-Robsion bill, providing for the establishment of a Federal department of education, which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 4169. A bill to add certain lands to the Zion National Park in the State of Utah, and for other purposes (Rept. No. 620); and

S. 4170. A bill to provide for the addition of certain lands to the Bryce Canyon National Park, Utah, and for other purposes (Rept. No. 621).

Mr. BORAH, from the Committee on Foreign Relations, to which was referred the joint resolution (H. J. Res. 270) authorizing an appropriation to defray the expenses of the participation of the Government in the Sixth Pan American Child Congress, to be held at Lima, Peru, July, 1930, reported it without amendment and submitted a report (No. 622) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 4196) to authorize the construction, maintenance, and operation of a bridge across the St. Francis River in Craighead County, Ark., reported it without amendment and submitted a report (No. 624) thereon.

Mr. FRAZIER, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 1234) to authorize the Postmaster General to impose demurrage charges on undelivered collect-on-delivery parcels, reported it with an amendment and submitted a report (No. 625) thereon.

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day, May 7, 1930, that committee presented to the President of the United States the enrolled bill (S. 2589) authorizing the attendance of the Marine Band at the Confederate Veteran's Reunion, to be held at Biloxi, Miss.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HOWELL:

A bill (S. 4375) for the relief of John L. Summers, disbursing clerk, Treasury Department, and for other purposes (with an accompanying paper);

A bill (S. 4376) for the relief of Dr. C. A. Falk and the St. Joseph Hospital, both of Eureka, Calif. (with accompanying papers); and

A bill (S. 4377) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death; to the Committee on Claims.

By Mr. VANDENBERG:

A bill (S. 4378) granting an increase of pension to Elizabeth Leonard (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 4379) to amend the Alaska game law; to the Committee on Agriculture and Forestry.

A bill (S. 4380) authorizing an appropriation for the construction of a marine hospital at Portland, Oreg.; to the Committee on Naval Affairs.

By Mr. COPELAND:

A bill (S. 4381) granting an increase of pension to Catherine Tully; to the Committee on Pensions.

A bill (S. 4382) for the relief of William Richard Sanford; to the Committee on Claims.

A bill (S. 4383) to authorize the appointment and retirement of Evelyn Briggs Baldwin in the grade of captain in the Navy in recognition of his patriotic and scientific services, and for other purposes; to the Committee on Naval Affairs.

By Mr. BARKLEY:

A bill (S. 4384) to provide for the erection of a suitable monument to the memory of the first permanent settlement of the West at Harrodsburg, Ky.; to the Committee on the Library.

By Mr. DILL:

A bill (S. 4385) granting an increase of pension to James G. Carmack; to the Committee on Pensions.

By Mr. REED:

A bill (S. 4386) to authorize credit in the disbursing accounts of certain officers of the Army of the United States (with accompanying papers); to the Committee on Claims.

By Mr. ROBINSON of Arkansas:

A bill (S. 4387) to further protect interstate and foreign commerce against bribery and other corrupt trade practices; to the Committee on the Judiciary.

By Mr. BRATTON (for Mr. GEORGE):

A bill (S. 4388) to aid the several States and Territories and the District of Columbia in combating illiteracy, and for other purposes; to the Committee on Education and Labor.

By Mr. CAPPER:

A bill (S. 4389) to authorize the use of certain land owned by the United States in the District of Columbia for street purposes; to the Committee on the District of Columbia.

By Mr. PHIPPS:

A bill (S. 4390) granting the consent of Congress to compacts or agreements between the States of Colorado, New Mexico, Utah, and Wyoming, with respect to the division and apportionment of the waters of the Colorado River and all tributary streams above Lee Ferry; to the Committee on Irrigation and Reclamation.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on the Library:

H. R. 10209. An act authorizing the appropriation of $2,500 for the erection of a marker or tablet at Jasper Spring, Chatham County, Ga., to mark the spot where Sergt. William Jasper, a Revolutionary hero, fell; and

H. R. 10579. An act to provide for the erection of a marker or tablet to the memory of Col. Benjamin Hawkins at Roberta, Ga., or some other place in Crawford County, Ga.

AMENDMENT OF WORLD WAR VETERANS' ACT

Mr. WALSH of Montana submitted an amendment intended to be proposed by him to the bill (H. R. 10381) to amend the World War veterans' act, 1924, as amended, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL

Mr. TRAMMELL submitted two amendments intended to be proposed by him to the bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were referred to the Committee on Commerce and ordered to be printed.

Mr. TRAMMELL (for Mr. FLETCHER) submitted an amendment intended to be proposed by Mr. FLETCHER to the bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

PROPOSED PHILIPPINE INDEPENDENCE

Mr. HAWES submitted an amendment intended to be proposed by him to the bill (S. 3822) to provide for the withdrawal of the sovereignty of the United States over the Philippine Islands and for the recognition of their independence; to provide for notification thereof to foreign governments; to provide for the assumption by the Philippine government of obligations under the treaty with Spain; to define trade and other relations between the United States and the Philippine Islands on the basis of a progressive scale of tariff duties preparatory to complete independence; to provide for the calling of a convention to frame a constitution for the government of the Philippine Islands; to provide for certain mandatory provisions of the

proposed constitution; to provide for the submission of the constitution to the Filipino people and its submission to the Congress of the United States for approval; to provide for the adjustment of property rights between the United States and the Philippine Islands; to provide for the acquisition of land by the United States for coaling and naval stations in the Philippine Islands; to continue in force certain statutes until independence has been granted, and for other purposes, which was referred to the Committee on Territories and Insular Affairs and ordered to be printed.

AMENDMENT TO WAR DEPARTMENT APPROPRIATION BILL

Mr. BLAINE submitted an amendment intended to be proposed by him to House bill 7955, the War Department appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 22, after line 8, to insert:

"*Provided*, That hereafter, except in event of emergency, no money appropriated by this or any other act for the transportation of the Army, Navy, Marine Corps, and/or their reserve services, including the National Guard, shall be available for payment for the transportation of parties of 10 or more members for distances not exceeding 200 miles unless bids shall have been previously requested of all carriers, including motor bus and electrical railways in the vicinity of the place of travel origin with service either direct or through connecting carriers to the vicinity of travel destination and the bid accepted making the lowest net charge for such transportation: *Provided further*, That the maximum fare paid shall not exceed the through published fares or legal combination of intermediate selling and/or basing fares or lower special fares such as round trip or certificate plan for like transportation performed for the public at large when the number of persons transported complies with the requirements of the tariff effective at the time of travel: *And provided further*, That hereafter troops of the United States shall be exclusively transported for distances exceeding 200 miles except in event of an emergency, for either the whole or part of the distance over land-grant railroads affording available routes at the lowest net fares and charges, determined from through published fares or combination of intermediate selling and/or basing fares, unless the carriers comprising other competitive routes shall agree to transport such troops at the lowest net fares and charges applicable over such land-grant railroads and unless it be practicable to use Government-owned facilities for such transportation.

GEN. ROBERT E. LEE—ADDRESS BY HON. WILLIAM CABELL BRUCE

Mr. CARAWAY. Mr. President, patriotic ladies of the Southern States have purchased Stratford, the home of the Lees, the most illustrious family of this continent, distinguished in peace and in war. In aid of the movement to raise funds to pay for Stratford and to restore it, former Senator William Cabell Bruce, of Maryland, on the evening of May 5 made a most interesting speech. I ask unanimous consent to have that speech printed in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Mrs. Gibson, ladies, and gentlemen, in addition to the reasons, common to us all, there are personal reasons why this occasion should be a highly interesting one to me.

I was born and bred in southern Virginia not far from the spot where General Lee sheathed his sword forever, and General Grant exhibited a degree of magnanimity that has conferred upon his name as much honor as any of his remarkable military achievements.

My father was a captain in the Confederate service. At the beginning of the Civil War he organized an artillery company, and few places are more deeply impressed upon my memory than the field on his plantation where this company engaged in artillery practice before it became a part of the Confederate Army. I have often heard him say that when he reported for service to General Lee, at his headquarters on the South Atlantic seaboard, it seemed to him that he had never before seen such a handsome and impressive figure. So far as I can recall, I did not have an able-bodied relation who was not either an officer or private in the Confederate ranks. Perhaps the earliest of my childish recollections is that of an open army wagon loaded down with great loaves of bread on its way through the streets of Richmond to the Confederate battle front. I remember, as if it were yesterday, the tribute of commingled sorrow, reverence, and love that General Lee's death elicited from everyone in my boyhood home who was mature enough fully to realize what the passing of his great spirit meant.

Nor have I forgotten that the night that the news of General Lee's death reached us the sky was lit up by a superb display of the aurora borealis. Perhaps that was God's way of glorifying the entrance of General Lee into the Kingdom of Heaven, which, from his earliest years to his last hour, had been to him such a vivid and ever-present reality.

Some years later, I attended a private school maintained by Colonel and Mrs. Thomas H. Carter, at Pampatike, their home in King William County, Va. Of Colonel Carter and his lovely wife, I can only say that, as types of all that manhood and womanhood should be, I would stake the whole worth of the old Southern social order upon them without a moment's hesitation. He was a cherished kinsman of General Lee, whose mother, you will remember, was Annie Hill Carter, the daughter of Charles Carter, of Shirley, on the James River, and he was one of the most gallant and efficient officers in the artillery service of the Confederacy.

Worn out by the incessant attentions that his fame brought him at Richmond, it was to Pampatike that General Lee repaired, shortly after the close of the Civil War, on his celebrated horse Traveller, which had borne him throughout that struggle, to spend some days of restful happiness with Colonel and Mrs. Carter.

They had three young children at that time, a son and two daughters, all of whom, as children were wont to do, soon became infatuated with General Lee; and it was to Pampatike, too, later on, that Robert E. Lee, jr., the youngest son of General Lee, went for a wife when he married Juliet Carter, one of the two daughters of Colonel Carter, whom I have just mentioned.

It makes us all, I am sure, feel nearer to General Lee when I recall the fact that Baltimore entered, in one way or another, into his life, also. Before the Civil War he was, as one of the Engineer officers of our Army, assigned to the task of supervising the construction of Fort Carroll, in the Patapsco, and, for some three years, while engaged in this task, he resided in a house on Madison Street, three doors above Biddle.

His sister, Anne, married a Baltimorean, William Marshall, who was an earnest Unionist during the War. Indeed, his son became an officer in the Union Army. Situated as Mrs. Marshall was, it is not surprising that she should have been subject, at times, to conflicting emotions. She felt that her husband and son, and the cause in which they were enlisted, had the first claim upon her sympathies, but, nevertheless, she is said to have responded, on one occasion, to the call of her brother's blood and her own admiration for him sufficiently to affirm, "After all, they will never whip Robert."

Both before and after the Civil War General Lee became closely enough associated with Baltimore to form many friendships among its people. One of his riding equipments was a present from Baltimore ladies. In a letter to his daughter Agnes, written in 1868, when she happened to be in Baltimore, he said: "You must remember me to all my friends—the Taggarts, Glenns, McKims, Marshalls, etc." In another letter, written to his wife in the succeeding year, he tells her as an item of interest to her that he had just met their friends, Mr. and Mrs. Charles Ridgely, of Hampton, at the White Sulphur Springs.

Rarely in his life was he ever accorded such a series of ovations as he received in Baltimore after the Civil War, when he visited our city in the interest of the Valley Railroad Co. Upon its becoming known that he was attending a Sunday morning service at St. Paul's Church, on Charles Street, a great concourse of human beings gathered in the streets about that church and waited patiently and silently until he issued from its portals. Then all heads were bared and kept uncovered until he passed out of sight.

And how can I permit this occasion to go by without referring to the gallant body of Marylanders who shared the fortunes of the Confederacy in hours of both victory and disaster and stand out from the canvas of the Civil War even more prominently than they would otherwise have done, because the State of Maryland never seceded from the Union, and their devotion to the Confederate cause consequently could be nothing but the pure, unselfish, voluntary offering of their own brave, zealous hearts? There were few more admirable officers in the Confederate service from Generals Arnold, Elzey, and Bradley T. Johnson, both men of Maryland birth. And what Baltimorean who is fortunate enough to have known such men as Harry Gilmor, Stuart Symington, McHenry Howard, Myer Block, Fielder Slingluff, and John Gill can doubt that the great majority of the individuals who found their way into the Confederate service from Maryland were representative of all that was best in her martial spirit?

And I say without hesitation that, among all the Confederate soldiers who left this ancient Commonwealth of ours to risk their lives on the battle field in behalf of a cause that they cherished more deeply than life itself, there was no braver paladin, no more generous or chivalrous preux chevalier than our aged friend and fellow townsman George C. Jenkins who, happily for us all, has lived long enough to lend to our Stratford movement the invaluable support of his honored name.

I lack the time this evening, of course, to speak fully of the military genius of General Lee. His supreme task was to defend Richmond, the capital of the Confederacy. This, with instinctive sagacity, he saw that he could not successfully do except by combined defensive and offensive operations; and it is hard for the military critic to say in which of these two fields of activity his leadership most excelled. When on the offensive his onset was so impetuous and unfaltering as to lead one of his lieutenants, Longstreet, to say that his failing as a general was "headlong combativeness." On the other hand, when on the defensive he was so wary and circumspect as sometimes to be charged with excess of caution.

What he was as an aggressive commander at his best Chancellorsville will testify; what he was as a defensive commander at his best Fredericksburg and the bloody terrain between Spotsylvania Courthouse and Petersburg. Suffice it to say that, before he was subdued by overwhelming numbers and resources, the brave and splendidly equipped Army of the Potomac had to undergo five changes of leadership and finally pass under the command of an able and resolute general who could not himself vanquish him except by adopting the settled policy of exchanging two lives for one.

But why pursue this line of observation further? To realize what General Lee was as a great military captain it is not necessary for us to turn to the partial estimates of southern writers or orators. What the Army of Northern Virginia became under his fashioning hand we have been told in highly graphic words by Swinton, the Federal author of the History of the Army of the Potomac: "Nor," he says, "can there fail to arise the image of that other army of the Potomac, and—who that once looked upon it can ever forget it?—that array of bright uniforms and bright muskets—that body of incomparable infantry, the Army of Northern Virginia, which for four years carried the revolt on its bayonets, opposing a constant front to the mighty concentration of power brought against it; which, receiving terrible blows, did not fail to give the like and which, vital in all its parts, died only with its annihilation."

Theodore Roosevelt, who was no friend of Lee's cause, affirms, in his Life of Thomas H. Benton, that Lee will undoubtedly rank as, without any exception, the greatest of all the great captains that the English-speaking people have brought forth. And only recently Major General Sir Frederick Maurice, the distinguished English soldier, in his book on Lee, the Soldier, has declared that to the names of Alexander the Great, Hannibal, Cæsar, Gustavus, Turenne, Eugène, and Frederick the Great, whom Napoleon deemed the most instructive masters of the military art, the name of Robert Edward Lee must be added.

When General Lee said to the soldiers, who gathered about him at Appomattox, after the surrender, "Men, we have fought through the war together. I have done my best for you," they heaped upon him the impassioned tributes of love and confidence that they did, because, knowing, as no one else could know, the direful odds against which he had contended, they felt in their heart of hearts that his best could not have been bettered by anyone, be he who he might.

One of the most striking proofs of Lee's genius for war is found in the fact that he was always regarded by his men with feelings little short of adoration. Thousands of them, as Colonel Marshall, his accomplished military secretary, has told us, adhered enthusiastically to the southern cause, not so much because it was the southern cause as because it was General Lee's.

Great as was General Lee as a soldier, he was equally great as a man. "He," Colonel Marshall testifies, "brought to the narration of his achievements a devotion to truth and an utter forgetfulness of self that made me lose my admiration of the great soldier in my reverence for the excellence of the man."

Of his social and moral traits, it is difficult to speak too highly. No one, it may be remarked, has certified to them in more striking terms than those two able and accomplished men, Charles Francis Adams and Gamaliel Bradford, both New Englanders.

His features were high-bred and noble. The general effect of his entire physique and carriage was such as to clothe him with every attribute of manly dignity and beauty. When on horseback he was, it has been said, the very picture of grace and power.

Col. William Preston Johnston, who was a member of the faculty of Washington and Lee when General Lee was its president, tells us that no matter how long or fatiguing a faculty meeting might be, he always preserved an attitude in which dignity, decorum, and grace were united. There was a certain reserve about his nature, but none that was not entirely consistent with the strictest measure of consideration for the rights of others, even the humblest, or with any demands, however notable, of human loving kindness or tenderness, or with the play of keen, humorous instincts. To his invalid wife he was a devoted husband, to his daughters a second loving mother, and to his sons an ever-present help in hours of distress or anxiety. What he meant to friendship has been attested by one of his friends, the illustrious southern commander, Joseph E. Johnston, in singularly beautiful words: "We had," General Johnston said of him after his death, "the same associates who thought, as I did, that no other youth or man so united the qualities that win warm friendship and command respect, for he was full of sympathy and kindness, genial, and fond of gay conversation, and even of fun, that made him the most agreeable of companions, while his correctness of demeanor and language, and attention to all duties, both personal and official, and a dignity, as much a part of himself as the elegance of his person, gave him a superiority that everyone acknowledged in his heart."

Robert E. Lee, jr., mentions with pride in his delightful recollections of his father the fact that when General Lee lived in Baltimore he once heard two ladies agree that everybody and everything—his family, his friends, his horse, his dog—loved General Lee.

No wonder that his horse loved him, for in a letter to his son Robert he wrote that he had just returned home from the Mexican War by way of the Mississippi River instead of a shorter route because he wished to spare his chestnut, Grace Darling, who had undergone much suffering in his service, as much annoyance and fatigue as possible. When he heard his whistle, Traveller, no matter how excited or frisky, wheeled in his tracks and came running to him.

The penchant of General Lee for children has been the subject of innumerable pretty stories by innumerable fond mothers.

He took the keenest interest in everything that related to the love affairs of his kinspeople, friends, and acquaintances. His relations to women, young and old, was marked by that attitude of chivalrous deference which, despite many profound social changes in our time, still betokens, as nothing else betokens, the character of a true gentleman. Many touching anecdotes evidence his quick sympathy with the sick and the miserable.

His nature was entirely free from the taint of fanaticism or ascetic austerity; yet, above everything else, his whole life, in peace and war, was ordered by a profound religious faith which even in his casual letters finds expression at times in those rich cadences which belong to the language of religious feeling alone.

Writing once to his daughter-in-law, the wife of his son Fitzhugh, who had been recently wounded, he requests her to ask him to join them in supplication that God might always cover him with the shadow of His almighty arm. Writing on another occasion to his wife from the battle field about a visit that he had just received from his nephews—Fitz, the famous Confederate cavalry officer, John, and Henry—he says: "As soon as I was left alone I committed them in a fervent prayer to the care and guidance of our Heavenly Father."

But even in his relations to the safety of his sons he never forgot the letter or the spirit of his own noble utterances: "Duty is the sublimest word in the language"; "Human virtue should equal human calamity." When his son Robert approached him on the terrible battle field of Sharpsburg and asked: "General, are you going to send us in again?" "Yes, my son," he replied with a smile, "you must all do what you can to help drive these people back."

All together, it would be hard to conceive a life that moved on a higher plane of duty or was kept more richly refreshed by all the genial currents of human affection and benevolence. Not even the faintest stain has been left on his fair fame by scandal. Indeed, scandal has never even attempted to stain his name. He abhorred debt and was scrupulously honorable and upright in all his commerce with his fellow creatures. He was so insensible to danger that more than once on the battle field his soldiers had to force him back from situations involving his precious life in deadly peril. He was irreproachably truthful.

After reading much that has been said about him by friend and foe, and making due allowance for southern idolatry, I can not find that he had any shortcoming except, perhaps, that of occasionally falling asleep in church; and as to that, it is well to remember, as I once heard one of my father's friends declare, that a faithful parishioner can not evidence, in any more convincing manner, his implicit faith in the soundness of his pastor's doctrines than by slumbering while he is preaching.

Perhaps, the crowning virtue of General Lee was his magnanimity. He had one of those rare natures that are superior to either the elation of victory or the dejection of defeat. After his marvelous triumph at Chancellorsville, he wrote to his stricken lieutenant, Stonewall Jackson, that the victory was due to his skill and energy, and when he was rallying his broken legions at Gettysburg, he, with even nobler self-effacement, exclaimed to one of his excited officers: "Never mind, General, all this has been my fault."

The statement has been made by General Maurice, one of the closest students of Lee's career, that never in a public dispatch did he blame any one under his command. His comment in such cases, we are told by Colonel Marshall, was, that the responsibility for everything connected with his army was his. But never did this wonderful elevation of character attain to such a high level as during the years that followed the surrender at Appomattox.

Hardly had it taken place before General Lee was earnestly advising the southern people to submit patiently to the authority of the United States, and doing everything in his power, by speech and example, to heal the wounds and allay the passions of the Civil War, and to bring together the alienated sections of our common country into reestablished relations of unity and fraternity. Within two months of the surrender, he even applied to the Federal Government for the restoration of his civil rights; and whenever the occasion arose, he did what he could to persuade his comrades at arms, who thought of expatriation, to remain at home and help to restore the shattered fortunes of the South.

Actuated by these sentiments, he did not hesitate to decline an offer made to him by one of his English admirers of a country seat in England, and an annuity of £3,000; and how powerfully his whole bearing, after the Civil War, tended to foster real peace in the United States, no one better understood than General Grant.

"All the people, except a few political leaders in the South," he asserted, "will accept whatever he does as right, and will be guided to

a great extent by his example." Was there ever such a tribute paid to the moral ascendancy of a single individual?

When General Lee, putting aside the country seat in England and the handsome annuity which went along with it, and offer after offer from great business enterprises which sought to capitalize his fame by even larger salaries than that annuity, accepted the presidency of Washington and Lee at a compensation of $1,500 a year, and addressed himself for the remainder of his life to the task of educating not more by academic agencies than by his own inspiring character and conduct the youth of the war-worn and impoverished South, he rose, perhaps, to a loftier height than he had ever done upon the battle field.

And here again I say in speaking of General Lee as a man what I said when speaking of him as a soldier. In estimating exactly what he was we need not rely upon southern panegyric. Some of you I am sure have not forgotten that Lord Wolseley, the celebrated English soldier, once declared that he had met many of the great men of his time, but that Lee alone impressed him with the feeling that he was in the presence of a man cast in a grander mold and made of finer metal than all other men.

Manifestly, to think of General Lee at this day merely as a southern military chieftain is to belittle him; to give him a lower place in human history than that to which be is justly entitled. Since the Civil War the blood streams of all parts of our dear reunited country have twice patriotically mingled upon the battle field. North, South, East, and West are now knit together by closer ties of affection and mutual dependence than ever before in our history; and Gamaliel Bradford chose a happy and truthful title when be termed his charming book on Lee, "Lee, the American."

Of all the great men who were associated with the Civil War, Lee is the one whose fame most quickly became the cherished possession of every portion of the United States. The reasons for this are obvious. He was devotedly attached to the Union. He had no faith in the dogma of secession. He had given freedom to all his slaves. He did not resign his commission in the Federal Army until he found himself confronted with the alternatives of either resigning it or lifting his hand against his relations, his friends, and his acquaintances in his own native State; and when he resigned his act was attended by every token of sincerity and generous self-sacrifice that could accompany such an act; separation from cherished comrades; the loss of his home; the loss of his livelihood; the loss of his professional standing; the loss of his chances of professional promotion; to say nothing of the fact that he resigned after his stern sense of duty had proved equal even to the trial of declining the command of the Union Army. Then when he waged war he waged it with a degree of sedulous regard to the claims of humanity almost unexampled in the history of war. Moreover when war ceased so unreserved was his vow of renewed allegiance to the Union that on one occasion he is reported to have said to a lady whose heart cherished bitterness more readily than his: "Madam, don't bring up your sons to detest the United States Government. Recollect that we form one country now. Abandon all these local animosities and make your sons Americans."

Lee meant much to the South during the Civil War. It may be questioned whether he did not mean almost as much to the Union during the Spanish-American and World Wars.

In conclusion, may I not well ask whether any man, outside of the pale of religious enthusiasm, was ever worthier than this great and high-minded man to be deemed "a thing enskyed and sainted," to use one of Shakespeare's lovely phrases? And if there never was, why should not the people of Maryland, too, help to establish, with grateful hearts and generous hands, some shrine in perpetual memory of him, to which men and women, age after age, may go in the hope of acquiring at least some portion of his spirit? And what more appropriate shrine could there be than that ancient mansion at Stratford in which General Lee's eyes first reflected the light of day and which he was always so eager to purchase? It comes down to us from a remote era. It has a social and civic background equal to that of any house in our land. Not to mention General Lee himself, its roof has sheltered more celebrated individuals than any other roof, perhaps, in our country—Richard Henry Lee and Francis Lightfoot Lee, two of the signers of the Declaration of Independence; Dr. Arthur Lee, the diplomatic colleague of Benjamin Franklin; and Lighthorse Harry Lee, the father of General Lee and one of our most brilliant and daring Revolutionary officers. Its foundations are deeply and firmly laid; its walls are thick and solid; its architecture is strikingly original. Not far from its site is the wide and beautiful river which flows by the sacred tomb of Washington at Mount Vernon; round about it are the spaces, once given over to gardens, vineyards, orangeries, and lawns which could easily, with the proper expenditure of money and loving care, be made to bloom and bear and charm again.

Some years ago I took an active part in the movement which, happily, resulted in the establishment of the Jefferson Memorial Foundation at Monticello. I trust that we shall all live long enough to see Stratford consecrated, in a similar manner, to the renown of the famous soldier and stainless citizen, of whom the London Standard said, many years ago: "The fatherlands of Sidney and Bayard never produced a nobler soldier, gentleman, and Christian than Gen. Robert E. Lee."

THE SMALL COLLEGE IN HIGHER EDUCATION—ADDRESS BY FORMER REPRESENTATIVE B. G. LOWREY

Mr. STEPHENS. Mr. President, my successor in the House of Representatives was Hon. B. G. Lowrey. He was a Member of that body for eight years, during which time he made a splendid record as a statesman. He was ranking minority member of the Committee on Education in the House.

Doctor Lowrey has been recognized for many years as one of the leading educators of the South. He comes from a family which has done more for the cause of education than has any family of which I have any knowledge. Sixty years ago his father, Gen. M. P. Lowrey, established a college for girls at Blue Mountain, Miss. It was operated as a private institution until a few years ago at which time it was taken over by the Baptists of Mississippi. To-day it is recognized as one of the best schools for women in the entire country. Several of General Lowrey's sons, his daughter, and some of his grandchildren have devoted their lives to the cause of education. It would require a large volume to contain the history of the magnificent work done by them.

Recently Dr. B. G. Lowery delivered an interesting address in Chicago at the Liberal Arts Conference. His subject was The Small College in Higher Education in the South. I ask that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

The best statement that I have seen as to the service rendered by the small college is contained in an illustration given by that patriarch of educational advocates, Dr. A. E. Winship. He puts it something like this: A great hydroelectric plant like that at Niagara or Muscle Shoals can send out a current whose power will carry a train of 100 loaded cars over a steep mountain grade. Yet this is not the highest service done by the electric plant. Its full beneficent achievement is attained when the transformers and the small wires have carried the current into the villages, the hamlets, the shops, the factories, and the rural homes—to light the way for lone travelers on the village streets and country highways, to operate the little mechanical apparatus, to run the sewing machine and carpet sweeper for the tired and care-worn woman, and to keep the food in the refrigerator wholesome and palatable for the laboring man and his family. The small colleges are doing this universal distributing work in the field of education.

The splendid university with its many millions in equipment and endowment—a Yale, a Harvard, a Columbia, or a Princeton—is a mighty power plant in our country's educational system. These institutions start great currents of thought and investigation and of educational activity. But we must have the small colleges to carry the service down to the plain people and to the common activities of our country. And those who labor or who contribute money to the great cause of education should remember that the transformers and the wires need to be maintained as well as the power plants.

But let us lay aside the figure and discuss this matter for a few minutes in plain, literal speech.

It is possible for only a few of the young people of our great country to attend the large colleges and universities. Especially is this true in the States that are mostly rural and agricultural, and in those sections that lie far away from the centers of wealth, population, and learning. Hence we have many thousands of fine, sturdy, aspiring young people for whom the small college is the only opportunity, and who, as the Boston Transcript says, "Attend college because they really want to learn, and not particularly to distinguish themselves in the athletic fields and on the rivers." Dr. William Lyon Phelps, of Yale, says: "The small college does work that can not be done elsewhere, because it furnishes education to young men and women in the same locality who would grow up without it, for they can not attend a distant university." Again, speaking of these small colleges, Doctor Phelps says: "I regard their endowment an absolute necessity for the cause of education. I believe every dollar spent in assisting these small colleges to be a magnificent investment for the future manhood and womanhood and for the welfare of America."

Guy M. Walker, of New York, says: "It has been the large number of these small colleges, poor and struggling, scattered all over our country, that has produced the extraordinary diffusion of higher education through the American people." He then expresses the conviction that we need 1,000 of these small colleges, with $1,000,000 endowment each, scattered throughout the country.

Of course, when we use this oft-repeated expression "The small college," we are speaking in relative terms.

The college interests of our whole country are under an obligation just now to Dr. Albert Norman Ward, president of Western Maryland College, for the compact fund of information which he has given us in his valuable little pamphlet, Making Provision for the College of Liberal Arts, the Small College. If I properly construe the facts and figures which Doctor Ward has given us I should say that about 700 colleges are carrying nearly three-fourths of the 1,000,000 students now attend-

ing college in America. Hence, these institutions would have something like an average of 1,000 pupils. They would all be small compared to those larger institutions which carry from 6,000 pupils up to 40,000 each.

But I should judge that half of these 700 colleges have student bodies numbering nearer 500 than 1,000, which brings us to a group of colleges to which the term small would be still more strictly applied.

But, without any effort at definite specifications, I should like to make my plea for those public benefactors to which the Literary Digest refers as "The innumerable little colleges which exist at the cost of struggle, but are the salt of education." These schools are to be found in all parts of the country, but they are especially numerous and especially indispensable in those States of the South and West where both private and public finances depend almost entirely on agriculture, where agriculture for some years has languished almost to the point of collapse, and where there are very few men of millions to whose philanthropy appeal may be made for the support of needy institutions.

But this study will be entirely inadequate if we fail to observe at least two other direct and important relationships which these small colleges bear to the general scheme of American education:

First. They must be depended on to furnish the fit material for our schools of professional and technical training and for our great universities and graduate schools. We have come more and more to recognize the need of liberal education for the young man—or woman—who is to enter the school of law, of medicine, of theology, of engineering, of business administration, and so forth. Every small town and rural community needs intelligent men trained for these activities and there is an ever-increasing demand for such men and an ever-increasing number who seek such training. But for our "innumerable small colleges," where would these schools get their students for professional and technical training? And how could society be adequately supplied with these specially trained men? And, again, how could our great universities be supplied with that splendid body of graduate students through whom they are now rendering such signal service to the cause of higher education? Surely every professor in the universities will join William Lyon Phelps, of Yale, in declaring the endowment of these small colleges "an absolute necessity to the cause of education." If the graduate school wants more students and better students, it should aid in strengthening the small colleges; for even away down in the deep South, from which this speaker hails, there is scarcely a small college that is not sending students annually to the graduate schools of the North and the East.

Second. These small colleges are the hope and the dependence of the high schools and of popular education generally in many sections of this country. Permit the use of Mississippi as an illustration. Twenty-five years ago that State knew nothing in the way of a rural public school except the little "Schoolhouse by the road, a ragged beggar sunning." Then came the school-consolidation move. In every county of the State groups of these little one-or-two-teacher schools were consolidated. Districts issued bonds, erected good school buildings, and in many cases comfortable teachers' homes. Thus they established good thorough graded schools which in addition to their direct educational work served as helpful community centers. The State now has 1,000 of these consolidated schools and the little one-room schoolhouse with the one-teacher school is a rare sight in that State. So Mississippi will have perhaps fifty boys and girls graduating from high school in the year 1930 where twenty-five years ago she had one. This looks like a bright picture—and so it is; but it brings another very difficult educational problem: This increase in the number of high-school graduates means a corresponding increase in the number of boys and girls ready and anxious to enter college, and hence a corresponding demand for college facilities. It also means a very largely increased demand for standard college graduates to teach in these high schools. Unless the high school is standard it can not enter its graduates in a standard college; unless there is the requisite number of standard college graduates in this high school it can not be rated as standard; and unless the college is standard it can not furnish the teachers for these important high school positions. Therefore if we do not standardize our colleges there is a serious interference with our system of popular education—a missing cog that throws the whole machinery out of adjustment. These conditions do not obtain in Mississippi alone; other States have a similar situation. And this is the occasion of our urgent appeal to the wealth and philanthropy of the nation for the money to standardize and strengthen the small colleges.

Within recent years the associations of colleges have fixed standards as to endowment and equipment prerequisite to a standard rating—generally not less than $500,000 invested endowment. When this was first promulgated comparatively few of the southern colleges could meet even that small demand. But in fairness let it be said that many of these schools were carrying on nobly and doing very valuable work with no endowment at all. Immediately all these institutions were brought to face the proposition "endow or die," and all had to go at once upon their constituency in money-raising campaigns. This came, too, in the agricultural States of the South and West just when agriculture was languishing almost to the point of collapse and when conditions for raising money were just about the worst possible. Some of these colleges have raised funds sufficient to standardize them. Others have made good progress but have not yet reached the goal and are still in the struggle.

Doctor Ward points out in his pamphlet that at least 70 colleges in the United States have reached an endowment of $250,000 and amounts varying between that and $500,000. Here is a challenge. It occasionally happens that some one man gives to education in amounts from $5,000,000 up. Evidently there are as many as 25 of these 70 colleges that could now be carried over the top to standardization by a gift of $5,000,000 to the whole group. And $15,000,000 would evidently standardize all of the 70. And we have evidently 100 such institutions, all of which could be standardized by a donation amounting to $25,000,000. What widespread blessing some man might thus bestow and what widespread gratitude and honor he would thus bring to himself!

Finally, there is one other phase of this small college situation that should perhaps be mentioned. Most of these institutions are located in the country or the small towns and are patronized largely by people from the villages, the small towns, and the rural communities. O. H. Benson, who has done great service in country-life problems, states that in the last eight years $17,000,000,000 have been given for philanthropy, and practically every dollar has been to the advantage of the cities and to the disadvantage of the country and the country village. Practically all philanthropy, as he says, is so organized that farm people must go away from home to get the service of institutions, progress, universities, hospitals, and organized recreation. For eight years more than $2,000,000,000 a year has been available through philanthropy for education, social service, charities, and programs of cities. And practically none of it for anyone who will not go to cities to enjoy it and profit by it.

Surely when this situation is properly brought to public attention some men of millions and of large hearts will heed the cry and will meet this the most appealing need in our educational program.

THE BANK FOR INTERNATIONAL SETTLEMENTS—ADDRESS BY HON. MELVIN A. TRAYLOR, PRESIDENT OF THE FIRST NATIONAL BANK OF CHICAGO

Mr. HARRISON. Mr. President, I ask to have inserted in the RECORD an address delivered by the Hon. Melvin A. Traylor, president of the First National Bank of Chicago, who was one of two representatives of this Government sent abroad recently to set up the Bank for International Settlements. The address was made before the International Chamber of Commerce on April 28 of this year.

The VICE PRESIDENT. Is there objection?

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Any prospectus of the Bank for International Settlements would be incomplete which did not review briefly the history of reparations negotiations covering the period from the armistice to the present time. Waiving consideration of the political aspects of the treaty of Versailles, it is now generally admitted that the economic features of the treaty, so far as they were definitive as to Germany's obligations, were entirely without the possibility of successful execution. In fact, the determination of the amount of the German indemnity was found utterly impossible at the time of the treaty, and that question was referred to the reparations commission appointed at the time, which was charged with the duty of making a careful investigation and report on the situation.

It was not until April 27, 1921, that the commission made its report, fixing the damages due from Germany at the total sum of 132,000,000,000 gold marks. By force of political circumstances Germany accepted this assessment on May 5, 1921. Her undertaking, however, to carry out this agreement was followed immediately by general disorganization of her economic life, resulting in the complete collapse of her currency and a consequent default in payments, which in turn was followed by the French occupation of the Ruhr. The situation had become so hopeless late in 1923 as to convince even the creditor powers that the question of reparations could never be settled exclusively in the field of politics. This decision was followed by the first agreement among the creditor powers to refer the entire subject to a committee of experts, to be as far removed from the influence of political life as possible.

Accordingly a group of economists and business men was assembled early in 1924 at Paris, which soon became known as the Dawes Commission, so named in honor of its chairman, Gen. Charles G. Dawes, of Chicago. Perhaps no clearer picture of the atmosphere in which this committee met, and the spirit in which they undertook their task can be found than is contained in their report wherein they said:

"We have approached our task as business men, anxious to obtain effective results. We have been concerned with the technical and not the political aspects of the problem presented to us. The aim of our plan is to take the question of what Germany can pay, out of the field of speculation and put it in the field of practical demonstration; to facilitate a final and comprehensive agreement upon all problems of reparations, and connected questions, as soon as circumstances make this possible."

Since our discussion is to concern itself primarily with the report of the Young committee and the Bank for International Settlements, it may be well here to quote from the report of the Young committee, whose task was not unlike that of the Dawes committee. The Young committee, quoting the above paragraph from the Dawes committee, said:

"It is in this spirit that the present committee have addressed themselves to the task of rounding off the work of their predecessors, which was advisedly left incomplete.

"We have attempted this completion by determining the number and amount of the annuities, and by providing for the conversion of the reparations debt from a political to a commercial obligation."

They further said:

"The Dawes report made no attempt to establish the causes leading up to the situation which its provisions sought to ameliorate. In adhering to this precedent, we have attempted to go further, and through the proposed creation of a machinery which we recommend, to set up an institution whose direction from the start shall be cooperative and international in character, whose members shall engage themselves to banish the atmosphere of war, to obliterate its animosities, its partisanships, its tendentious phrases, and to work together for a common end, in a spirit of mutual interest and good will."

Thus it will be seen that both the Dawes and the Young committees approached their task genuinely within the spirit of the mandate which brought them into being; that is, that the settlements they should recommend should be concluded wholly within the sphere of economic experience, divorced entirely from the passions and prejudices of political life.

How effectively these committees worked, and how sound was the program they evolved is clearly evident from the success which has attended their recommendations. It is true that the Dawes plan was incomplete in certain of its details, and in other respects not calculated in its operations wholly to satisfy the conditions of a final settlement. In fact, it was not considered by the committee, the creditors, or Germany as a final solution, but as the best—as it undoubtedly was—that could be evolved at the time. A short review of its provisions is essential as a background for the work of the Young committee, and the development of the Bank for International Settlements.

Under the terms of the Dawes plan, Germany agreed to pay by way of reparations a minimum annual sum of 2,500,000,000 marks by the end of the fifth year of the plan, or in 1929. To this sum might be added an additional amount based upon the operation of the so-called index of prosperity, set out in the plan. To secure payment of this annuity by Germany, the German railways were subject to a mortgage in favor of the creditors of 11,000,000,000 gold marks, German industries were likewise subject to a mortgage of 5,000,000,000 gold marks. In addition, German customs, including revenues from alcohol, tobacco, beer, and sugar, were pledged, together with a special transport tax. The Dawes plan also provided for the reorganization of the Reichsbank, the German bank of issue.

To effect the operation of the plan, there was imposed upon Germany what amounted in reality to what we understand as a creditors' committee receivership; that is, an agreed receivership outside of court. This committee, representing the creditors, included an agent general for reparation payments, who had entire charge of the enforcement of the provisions of the Dawes plan. Under the agent general was a railway commissioner in charge of the operations of the German railways; seven directors of the Reichsbank, represented by a bank commissioner with effective veto power in important directions; and a commissioner for the so-called controlled revenues. All these important positions were filled by foreigners, under the terms of the plan, and, in addition, the soldiers of certain of the creditor powers were to remain on German soil.

It requires no great stretch of the imagination to appreciate that such an organization—however skillful and diplomatic—could not long continue to conduct the important functions assigned to them in German economic life, on a basis compatible with the dignity and self-respect of a great nation of 60,000,000 people. We have only to consider what our own reaction under such circumstances would likely be to understand that Germany would become increasingly desirous of attaining at the earliest possible moment, freedom from these political controls, and the assumption again of her political and economic sovereignty and integrity.

The provisions of the Dawes plan were, however, unsatisfactory for other reasons, both to the creditor powers and to Germany. In the first place, the Dawes committee did not undertake to settle definitively the total sum which Germany should pay. This was unsatisfactory to both parties to the agreement. The plan necessarily further lodged arbitrary powers with the agent general for reparation payments with respect to the transfers of annuity payments from Germany to the creditors; and so long as this authority continued and so long as one of the duties of the agent general was the protection of the German currency and German economic life as a whole, the creditors were uncertain not only as to the total amount they would receive from Germany, but also as to the time of its payment. These conditions primarily, with collateral uncertainties, led to an agreement between the creditors and Germany in the fall of 1928 for the appointment of another committee of experts which should undertake the final liquidation of all matters concerned with reparations and kindred subjects of controversy.

This latter committee met in Paris in February, 1929, and were in continuous session until June 30, 1929, when their final report—now generally known as the Young plan, in honor of the chairman, Mr. Owen D. Young—was signed. As pointed out in the quotation from the Young committee's report, they approached their task in the spirit of the Dawes committee, and conceived their purpose to be the final settlement of reparations upon a basis of economic and commercial determinations. Their task, however, was not an easy one, as evidenced by the time required by the committee to reach their final conclusions. It is no longer a secret, I believe, that the committee early found that it was likely to be less difficult to reach an agreement upon the amount that Germany should pay than to set up the machinery necessary to effectuate the details of the plan. Naturally Germany's desire was to secure again her political and economic independence, which could only be accomplished by the complete liquidation of the political and economic controls provided in the Dawes plan, and by the withdrawal of foreign troops from her soil.

The first work of the committee, therefore, was to find a substitute for the agent general for reparation payments and his staff of commissioners and committees. This search led to the proposal for an international bank which should take over all of the work previously performed by the agent general and his organization, and not discarded in the general agreement representing the subsequent work of the committee. Before stating in detail the committee's proposal with reference to the bank it is necessary, in order to gain a clear picture of the bank's functions, to contrast the provisions of the Young plan in their more important features with those of the Dawes plan.

Whereas the Dawes plan left the total amount of annuities unsettled, the Young plan embodies a definitive amount which is set at an average annual sum for the first 37 years of approximately 2,050,000,000 marks; with annual payments for an additional 22 years at an average figure of approximately 1,600,000,000 marks. The annual amount to be paid was also divided into two categories—a so-called conditional amount and an unconditional amount. The latter item was fixed at 660,000,000 marks, Germany undertaking the payment of this sum without any condition of default whatever. Of the remaining, or conditional amount, a certain portion decreasing annually and terminating at the end of 10 years, may be satisfied by Germany with deliveries in kind; that is, by the sale of material, service, etc. Germany also enjoys further safeguards with respect to the conditional annuities such as postponement of transfer, which it is not necessary here to discuss. In addition, the new plan provides for the cancellation of both the railway mortgage of 11,000,000,000 marks, and the mortgage on German industries amounting to 5,000,000,000 marks. Provision is also made for the surrender of the control of the pledged German revenues as outlined in the Dawes plan; the office of Reichsbank commission is canceled.

Having, therefore, fixed definitely the amount that Germany should pay and the terms of its payment, and having provided machinery which should remove all political controls for the collection and distribution of annuities, it is obvious that to Germany the Young plan embodied, among others, these distinct advantages over the Dawes plan: A definite amount to be paid; relief from the pledge of security for payment; liquidation of political machinery; economic independence; and by collateral agreement a withdrawal of troops from German territory. By the terms of the plan the creditor governments also secured distinct advantages, which included not only fixed annuities with an unconditional amount well within the ability of Germany to pay without default, and decreasing amounts by way of deliveries in kind, terminating at the end of 10 years; but more important than all, perhaps, the right under the plan of anticipating a part of the annuities by the sale of German bonds in the general markets of the world. This privilege is what is generally known as mobilization or commercialization of German annuities.

With this background it seems we have effectually answered the persistent inquiries of "Why a Bank for International Settlements?" While it is true that economists and bankers interested in the international movement of credit and commerce have at various times since the war discussed the question of some sort of an international bank, it is doubtful if such an organization would have come into being at this time except for and only because of the situation encountered by the Young committee in the early days of their work at Paris. Personally I feel that it is perfectly safe to say that except for the problems involved in the collection and distribution of reparations there would not be at this time an international bank; and that therefore the bank should be accepted, as in reality I believe it to be, an integral and necessary part of the liquidation of the entire question of reparations and related subjects, and that it is in no sense a reflection of the desire of international bankers or politicial intriguers to involve the world, and especially the United States, in some kind of a mysterious financial

oligarchy, which is to work to the advantage of any group or any nation or to the detriment of any other group or nation.

If we are correct in assuming that we have answered the query as to "Why the bank?" now, what of the query as to "What is the bank and what will it do?"

It may be asked, "Why was it necessary to set up the elaborate machinery of an international bank for the purpose of effecting the collection and distribution of German annuities?" I have frequently been asked this question, and have had pointed out the availability of the many European financial institutions which might properly have undertaken the functions in connection with reparations which are to be performed by the Bank for International Settlements. To suggest such a solution is to ignore the fundamental natural human reactions of all parties and governments involved. The privilege of acting as agent or trustee for the creditors or Germany under the existing circumstances was not one that any of the parties could yield to another without a sacrifice of prestige and position which none would be willing to make.

It was, therefore, necessary to set up an instrumentality as far removed as possible from the atmosphere of all political and national influence, and I personally believe that the Young committee was extremely wise in its decision to lay upon the central banks, or banks of issue of the respective countries, the responsibility for the organization and management of the Bank for International Settlements. It is perfectly obvious, whether we will it so or not, that in effecting the payment of reparations and the liquidation of interallied debts, there is involved a definite problem of the international movement of large sums which can not be effected without consideration of the currency and exchange position of the various countries involved. No group in the world is so familiar with the subject as are the responsible officers of the various banks of issue in the respective countries; and since the Bank for International Settlements is to receive and disburse German annuities it is especially fitting that it should be managed under the direction of the governors of the banks of issue in the countries affected.

The plan, therefore, provided that the governors of the central banks of the six participating countries and representatives from the United States which was represented unofficially and by invitation both on the Dawes and Young committees should appoint a committee for the organization of the bank. This committee met at Baden-Baden, Germany, on October 3, 1929, and finally concluded their work at The Hague, January 20, 1930.

What of their work? After all, theirs was the responsibility for providing the charter and laws under which the bank may operate.

It is well to keep in mind that the Young plan outlined in rather complete detail the more important features of the bank's organization, such as the capitalization; the board of directors, their composition and manner of election; certain functions of the bank with respect to the handling of annuities; and other provisions. But it was the organization committee's responsibility to bring the bank into existence and to chart its course in such manner as to safeguard not only the future of the bank but also the integrity of existing financial institutions, and, further, protect the interests and vested rights of all those interested in international finance, commerce, and industry.

Briefly, therefore, the bank is to have a capitalization of an equivalent of $100,000,000. It is to be located at Basle, Switzerland, and the capitalization will, therefore, be expressed in Swiss francs; in shares of a value of 2,500 francs, or, in round figures, $500. The stock of the bank has been underwritten in equal proportions by the central banks of issue of Germany, Belgium, France, England, and Italy; and by a consortium of banks in Japan, whose laws forbid the Bank of Japan to engage in such underwriting; and by a syndicate of banks representing the United States, our Government having declined to permit the Federal Reserve Bank of New York, which, under the terms of the Young plan, is identified as the bank of issue in the United States, to participate in the underwriting.

According to the terms of the Young plan, 56 per cent of the total capitalization must be subscribed by the seven participating countries. The remaining 44 per cent of the stock may be subscribed by other nations desiring to participate in the bank, and who are able to meet the provisions of the laws of the bank with respect to qualifications; they must have either a gold or gold-exchange currency. According also to the terms of the Young plan, only 25 per cent of the subscribed stock will be paid in at the time of the organization of the bank. Therefore the bank will begin operations as soon as the seven countries have paid in $14,000,000, which is 25 per cent of their subscribed capital of $56,000,000. If at the end of the term of two years the remaining 44 per cent of the stock which has been underwritten by the seven countries is not sold to other countries, the underwriting group will subscribe and pay in 25 per cent of any remainder not so distributed. Hence at the end of two years the paid-in capital of the bank, if no further calls are made, will be, in round figures, $25,000,000.

The stock is entitled to 6 per cent cumulative dividends, and after certain reserves are set up to a further participation in earnings not to exceed an additional 6 per cent. The stock of the bank has no voting rights. The right of voting, irrespective of what distribution may be made of the stock, remains at all times in the underwriting groups, which means the central banks of issue of all countries save the United States. It is interesting to note that, although the American underwriting group has the right to vote, the right of veto is lodged with the Federal Reserve Bank of New York on any question involving the interests of the United States. Thus it will be seen that the countries responsible for bringing the bank into existence will continue indefinitely to exercise control of the bank through the board of directors, which is to consist in the first instance of two directors from each of the seven countries, with an extra director each allotted to Germany and France during the period of reparation payments, or a total board of 16. Of these directors, one from each country shall be the governor of the central bank of issue, or his substitute, and the other his appointee, except in the case of the United States, where the directors shall be men selected by the underwriting group and not objected to by the Federal Reserve Bank of New York.

When, as, and if the remaining 44 per cent of the capital stock is taken by other countries desiring to participate in the bank, nine additional directors shall be elected by the board of directors from lists of nominees proposed by the respective countries. It is natural to assume that these additional directors will be of the same type and caliber as the governors of the central banks and their nominees. Thus will be brought together perhaps the most outstanding group of financial and business men on the board of any banking institution in the world—a board of directors, you may well say, in experience and ability far out of proportion to the relative size in assets of the institution which they are to manage.

What of the bank's functions, and what is it likely to do?

A great deal has been written and spoken on these points, and if one may judge by some of the comments, they have been made without an accurate knowledge of the facts. In the first place, it is only natural that the principal and primary function of the bank is that of acting as agent and trustee for the creditor governments in the collection of German annuities. Reduced to its simplest form, the German Government executes a certificate of indebtedness covering its entire undertaking to pay annuities, attached to which are coupons covering each annual payment, and divided as to the conditional and unconditional amounts. This certificate of indebtedness, which is nothing more nor less than the note or bond of the German Government, is lodged with the Bank for International Settlements, which undertakes according to the terms of a trust agreement entered into by the creditor governments and the bank, to collect and distribute the payments to be made by Germany in exactly the same manner that any financial institution in America would undertake a similar duty. There is absolutely nothing mysterious or unusual, therefore, in the primary function of the bank. For its service as trustee for the creditors, an agreement as to compensation was reached which those familiar with the subject feel certain will enable the bank to earn its fixed charges and dividend requirements.

In addition to acting as trustee for the interested parties, the bank also will act as agent for the creditors in connection with the issuance of the so-called reparation bonds, the function of the bank in this particular being limited to advice to the creditor governments on the question of appropriateness as to the time of issue of such bonds and the markets in which such bonds may be sold. The bank also will supervise the preparation of the bonds, and, as agent of the creditors, the negotiation of their sale, to underwriting groups. The bank will not be an underwriting participant, and will have no financial interest in, or make any profit from, such transactions save a flat fee for the work it performs, which is to be agreed upon at the time of each transaction. The bank, therefore, is not, as has been charged, an institution for the issue of any kind of securities which may be offered in the markets of the world to the detriment of any country. Aside from its reparation functions, what will the bank do?

It is perhaps well to note, first, what it may not do. Most important of all, it may not issue its own notes payable at sight or to bearer; that is, it will not attempt to introduce an international currency into the world. Consequently, it has no power to inflate or contract the world's available credit. It may not accept bills of exchange nor other credit instruments which might lead to inflation. It may not make advances to governments, thereby removing any possibility of its facilities being abused for the purpose of assisting governments to balance budgets, or for any other purpose. It may not open current accounts in the names of governments, thus preventing the extension of credit to governments by way of overdrafts. It may not acquire a predominant interest in any business concern, again eliminating the possibility of the use of the funds of the bank in any manner which might operate to the advantage of one country and the disadvantage of another. And, finally, it can not own real estate except for its immediate and private use.

A careful study of these prohibitions will definitely reveal that the bank may not carry on operations in any field to the detriment of the stability of international commerce and finance; however, such a study does not seem appropriate or necessary here.

What, therefore, may the bank do other than to perform the functions of a trustee?

First of all, it must be operated in conformity with the policies of the central banks of issue concerned. It is limited in its investments to

such securities as are ordinarily available for purchase or discount by central banks of issue. These are described in more detail and are even more restricted than the securities available for purchase by our Federal reserve banks. It is further restricted as to the amount of obligations which it may purchase in the currencies of any one country. It may borrow from one central bank, and it may lend to another central bank, always within such restrictions as may be imposed by the board of directors. Considering the size of the bank in relation to the principal central banks of the world, it is not to be supposed that this function will be availed of frequently, or in any considerable degree. Although it may buy and sell gold, it does not seem likely that the bank will ever find any excuse for dealing in or holding any large amounts of the precious metal, for it does not have the right of issuing its own currency, its earning assets will be limited, its liabilities will be represented largely by demand deposits, and, moreover, gold itself is a non-earning and dead asset.

Under certain restrictions which I shall mention later, it may open accounts with central banks and bankers in other countries, who may in turn open accounts with the International Bank, and it may operate a gold settlement fund under rules and regulations to be approved by its board of directors. In my opinion, this last function offers the only field in which the bank is likely at any time soon, to undertake an important operation outside the sphere of reparations.

Those who are familiar with the operation of the so-called Federal reserve gold settlement fund will readily understand the effect of the operation of such a fund by the Bank for International Settlements. Whether its activity in that direction will benefit international commerce and finance may be a debatable question. Some have expressed doubt, even actual fear, of such an undertaking. It is generally admitted, I believe, that the successful functioning of a gold settlement fund would reduce the gold points—that is, would tend to stabilize the fluctuation in international exchanges. This would seem to be a desirable attainment, beneficial to all who are interested in world trade and world finance.

These in brief are some of the more important functions of the bank, aside from its reparations activities. But these, and all other activities of the bank are subject not only to the discretion of the board of directors but also to the veto clause upon the operations of the bank, which is lodged with the central banks of the countries concerned. This section of the statutes of the bank is of such significant and broad application that I believe it well to quote it here:

ARTICLE 20

"The operations of the bank shall be in conformity with the monetary policy of the central banks of the countries concerned.

"Before any financial operation is carried out by or on behalf of the bank on a given market or in a given currency the board shall afford to the central bank or central banks directly concerned an opportunity to dissent. In the event of disapproval being expressed within such reasonable time as the board shall specify, the proposed operation shall not take place. A central bank may make its concurrence subject to conditions and may limit its assent to a specific operation, or enter into a general arrangement permitting the bank to carry on its operations within such limits as to time, character, and amount as may be specified. This article shall not, however, be read as requiring the assent of any central bank to the withdrawal from its market of funds to the introduction of which no objection had been raised by it.

"Any governor of a central bank or his alternate or any other director specially authorized by the central bank of the country of which he is a national to act on its behalf in this matter shall, if he is present at the meeting of the board and does not vote against any such proposed operation, be deemed to have given the valid assent of the central bank in question.

"If the representative of the central bank in question is absent, or if a central bank is not directly represented on the board, steps shall be taken to afford the central bank or banks concerned an opportunity to express dissent."

Thus it will be seen that, no matter what may be the conclusion of the board with respect to any transaction to be effected in any country, such an operation can not be carried out if the central bank of the country affected signifies its objection. This is of especial importance at this time when it is being alleged that America is to be flooded with succeeding issues of German obligations in amounts so large as to threaten our credit structure, deplete our gold reserves, and otherwise destroy our economic prosperity. Assuming that it would be the disposition of the majority of the board of directors of the bank to carry on such operations, which assumption would not be warranted by the facts, we would have to assume, further, that the governor of the Federal Reserve Bank of New York would not object to such a program before we can believe that such a procedure is even within the realm of possibility. If the expressed language of the statutes means anything, and if the covenant of the world's leading governments who have ratified these provisions of the statutes is more than a scrap of paper, if the governor of the Federal Reserve Bank of New York should object to such a transaction or any other transaction, "then the proposed operation shall not take place." Probably never before in the history of international agreements has there been written such an all-inclusive veto power as is reserved to each and every participant in the international bank.

Therefore it seems to me that whatever may be the disposition or conclusion of the board in the years that lie ahead with respect to the functions or fields of operation of the bank, so long as article 20 of the statutes is preserved—and this section can only be amended by unanimous covenant between the contracting powers and Switzerland, which has chartered the bank—there can be no danger or threat of danger to the economic integrity or financial stability of any of the countries concerned because of any activity of the International Bank, which activity so far as it is applicable to such country may be by that country vetoed at any time.

I am making no attempt here to invade the realm of speculative possibility which has afforded the proponents and opponents alike of the bank a fertile field for prophecy as to what the bank may or may not do. I have endeavored to limit my statements to the development of the bank within the terms of the charter and statutes. I hope I have shown that the bank is not an international financial octopus, threatening the economy of any country, or of all the world; that by the nature of its organization and management it is not a part of or an adjunct to any other international group or association; that in fact it is at best a relatively small bank created by bankers to perform primarily a specific banking function, with powers lodged in its directorate for its development from time to time along well-defined and sound financial lines, and always subject to reservations and restrictions not imposed upon any other financial institution in the world. That the bank will in its growth and development become an important factor in our international life and secure for itself an abiding place in the hearts and affections of the peoples of the world I have a genuine faith.

I believe that if nothing more comes from its organization than the provision for a meeting place for the governors of the banks of issue of the principal countries in the world on whose shoulders rest the responsibility for the maintenance of sound financial structures within their own borders, and for the stability and free movement of the credit of the world, there will have been given to the world a guarantee which it has not had before—an assurance that the best intelligence in the world of finance and credit is being directed cooperatively toward the best interests of all concerned.

If I learned anything—and I learned much—from my association with the members of the committee for the organization of the bank, it was this: That whatever may be the differences in customs and practices; whatever may be the particular national viewpoint or the momentary national interest on subjects of banking, finance, and business, on underlying principles of economics, there is no difference in the viewpoint, or the conviction of an intelligent business man, no matter from what part of the globe he comes. And I shall always carry with me a conviction that each member of our committee was as sincere in his desire to accomplish for the whole the utmost good as was any other member; and that an intimate knowledge upon the part of the people of each nation of the problems and viewpoints of the people of other nations is a condition precedent to understandings and agreements between all peoples which shall have for their purpose the ultimate benefit and advancement of every one, everywhere. Without such understanding and appreciation of the elemental human reactions, international peace and good will is a dream impossible of realization. The international bank, through its board and its committees, is a forum for the development of such understanding.

REVISION OF THE TARIFF—CONFERENCE REPORT

Mr. SMOOT. Mr. President, I move that the Senate proceed to the consideration of the conference report on House bill 2667, to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. At what point will it be in order to make a point of order against the conference report?

The VICE PRESIDENT. After the motion to take it up has been agreed to.

Mr. HARRISON. Mr. President, of course I understand that the motion of the Senator from Utah is a preferential motion.

The VICE PRESIDENT. It is.

Mr. HARRISON. And that the Senator can make his motion. May I ask, What has the Senator in mind with reference to this matter?

Mr. SMOOT. Mr. President, the program I would like to carry out is as follows: The conferees have agreed upon all items with the exception of the amendments relating to silver; lumber; cement; the debenture; reorganization of the Tariff Commission; the McMaster amendment, providing that all information before the Tariff Commission be accessible to Senators; the cost of production investigation; and the flexible provision. Those eight amendments have not been agreed to in

conference. All the other amendments to the bill have been agreed to by the conferees, and I intended, and do intend, to ask, after the motion for the consideration of the conference report is agreed to, if it be agreed to, that all amendments concurred in by the House and by the conferees be agreed to by the Senate, and then I shall move that the Senate insist upon its amendments on the other eight items, and request a further conference with the House.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator a question?

Mr. SMOOT. I yield.

Mr. ROBINSON of Arkansas. Does the Senator from Utah intend to make the usual motion, to move to agree to the conference report?

Mr. SMOOT. Yes; that would be the substance of it.

Mr. ROBINSON of Arkansas. But the conference report does not embrace an adjustment on eight items.

Mr. SMOOT. That is correct.

Mr. SIMMONS. Mr. President, there were eight items upon which the conferees could not agree. It was agreed that those items should be submitted to the House for instructions to their conferees. I want to ask the Senator from Utah, since the House has acted, why can not the conferees meet again and see whether they can not come to an agreement upon these eight items? If we could do that, we might avoid two discussions of this report, and when we voted we would vote upon the whole conference report.

Mr. ROBINSON of Arkansas. Mr. President, may I say to the Senator from North Carolina that it is my understanding that there are certain items which, it has been understood for some time, will be brought back to the Senate.

Mr. SMOOT. I promised that, and that is what I am doing now; I am bringing them back.

Mr. SIMMONS. What I am desirous of doing is this: Those items are back from the House now, and we will see how many of them we may agree upon. Then there will be two which the conferees can not act upon until the report comes back. When it comes back to the Senate, let the Senate act, and then let the matter go back to the conferees for their action, so that when we discuss the conference bill we will discuss it with reference to all these items.

The conference bill might present a certain appeal if it had in it certain of these items which are disagreed to, which it does not present now. It might invoke opposition, if it had those in it, which it will not invoke now. I think we ought to try to see if we can not thresh the measure out in conference between the two Houses before we are called upon to vote upon the whole bill. Substantially we are called upon now to vote upon the whole bill with these items left out. After we have acted upon those items, it will come back here again and we will discuss the whole measure again.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator from North Carolina a question?

Mr. SIMMONS. Certainly.

Mr. ROBINSON of Arkansas. Is it the Senator's opinion that some of the eight items might be worked out in conference?

Mr. SIMMONS. That is exactly what I meant to say.

Mr. ROBINSON of Arkansas. And might not require a separate vote in the Senate?

Mr. SIMMONS. That is it exactly. After the report comes back to the Senate on these fundamental items and we have instructed our conferees on them, then it is ample time to consider the report which is now presented.

Mr. LA FOLLETTE. Mr. President, a point of order.

The VICE PRESIDENT. The Senator from Wisconsin will state the point of order.

Mr. LA FOLLETTE. The Senate is not in order. There is so much confusion in the Chamber that Senators are utterly unable to hear what is going on.

The VICE PRESIDENT (rapping for order). The Senate will please be in order.

Mr. SIMMONS. What I am insisting upon is that we shall agree upon all items upon which it is possible to agree before we have any discussion upon the conference report. My own judgment is that a large number of those items, probably all except two, we may settle in conference.

Mr. SMOOT. We have already tried that. We had all eight items in conference and we could not agree upon them.

Mr. SIMMONS. We had them up, but the conferees on the part of the House wished to take the views of the House upon those eight items. They have taken the views of the House upon them. Now the items come back to the conferees and it is possible that we can agree upon six of them, leaving only two that will have to be brought back to the Senate. Instead of having two discussions of the matter, I simply desire to have just the one.

Mr. SMOOT. What I want to do is this: If we can agree upon the report covering all the items with the exception of the eight which I have mentioned, then I shall move that the Senate insist upon those eight amendments and ask a further conference with the House, and that conference no doubt will be granted. We have discussed those items already in conference. I promised the Senate that I should never yield upon two of those items until they were brought back to the Senate.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Washington?

Mr. SMOOT. I yield.

Mr. DILL. Suppose the Senator's motion fails and the Senate refuses to agree to the report which has been submitted, what then will be the situation?

Mr. SMOOT. Does the Senator mean that part in which the House agreed to all but the eight items?

Mr. DILL. Yes.

Mr. SMOOT. The bill would be defeated.

Mr. DILL. The bill would be defeated?

Mr. SMOOT. I think so.

Mr. DILL. Would it not all go back to conference again?

Mr. SMOOT. Perhaps it would and perhaps it would not. I do not know whether we could appoint conferees if a majority of the Senate were against it.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Kentucky?

Mr. SMOOT. I yield.

Mr. BARKLEY. The vote on the entire bill may depend upon two or three Senate provisions. What is the object in rushing it in here and seeking to get an agreement on what the conferees have been able to agree upon up to this time, when the whole thing may depend upon the action of the Senate on two or three items in the bill which are to be considered hereafter?

Mr. SMOOT. The Senate and the House are not in disagreement on all the other items. The House has agreed to them, and now I have asked the Senate to agree to them.

Mr. BARKLEY. The Senate conferees and the House conferees are not in agreement.

Mr. SMOOT. They are on all items except the eight to which I have referred.

Mr. BARKLEY. In view of the importance of the amendments not yet agreed to by the conferees, on some of which there must be a separate vote in the Senate, and in view of the fact that there may be Senators whose vote on the bill as a whole will depend on the final action upon those amendments, what is the object in undertaking to have us agree to the items where there has been an agreement when the vote on the measure as an entirety may depend upon the vote on two or three items which have not yet been agreed to?

Mr. SMOOT. We will cross that bridge when we get to it. There is no disagreement between the conferees of the two Houses on all the items with the exception of the eight to which I have called attention. There is no disagreement otherwise than on those items.

Mr. BARKLEY. There can be no tariff bill passed until there is an agreement between the two Houses on the items now in disagreement.

Mr. SMOOT. That is true.

Mr. BARKLEY. Why not dispose of them at least in so far as it is possible to do so before taking up the bill as a whole?

Mr. SMOOT. Because of the fact that the House has disagreed to them and a further conference on those items will be asked.

Mr. BARKLEY. It may have been a wise piece of strategic maneuvering to get the House to vote on them first. It could only have been done by unanimous consent, and it was done in that way. The plan has been carried out in part by the House going on record and therefore putting the Senate in the attitude of being compelled to go along with the House or of undertaking to obstruct the passage of the bill. It strikes me we ought to make some effort to get together upon the obstruction to the passage of the tariff bill before undertaking to consider that part of it which is incorporated in the partial report now submitted to us.

Mr. SMOOT. What I am asking is that the Senate agree to the items which have already been agreed to by the House. So far as those items are concerned, they have been agreed to by the conferees on the part of the Senate and the House, and they have also been agreed to by the House.

Mr. BARKLEY. Suppose the Senate disagrees to the conference report which has been voted on by the House, in so far as it is complete; then later suppose the Senate and the House

could not reach an agreement on the two large items which are in dispute, what would be the parliamentary situation then?

Mr. SMOOT. The bill would fail. We have to agree in some way or other before the bill passes.

Mr. BARKLEY. So that Members of the Senate then will be confronted with a situation where their vote upon the two items will determine whether or not there will be any tariff bill, and that is to be held over their heads as a sort of sword of Damocles by which they are to be induced to vote one way or the other, not on the merits of the bill but on the mere possibility of securing or not securing legislation.

Mr. SMOOT. That has to be done in the House and it has to be done in the Senate, whether it is done now or later. If the Senate votes against it, that settles it. It has to be voted upon, and what I think and what the conferees thought ought to be done is to agree upon all the items upon which the two Houses could agree. We could not agree upon the other eight items.

Mr. BARKLEY. It is entirely possible that a vote upon the conference report now by certain Senators interested in certain matters in the bill would be determined by the fate of that portion of the bill not yet agreed upon.

Mr. SMOOT. If they vote against it, that settles the whole question.

Mr. BARKLEY. It may and may not settle it.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. I yield.

Mr. WALSH of Montana. I presume probably this is the same idea that has been advanced by the Senator from Kentucky, although I would like to put it in a little different way. I can see no purpose whatever in the Senator from Utah offering now the motion to agree to the conference report so far as the conferees of the two Houses are in agreement.

Mr. SMOOT. That is the usual way it is done.

Mr. WALSH of Montana. Yes; but it can be very readily understood that one would vote against that part of the report now, while if the Senate and the House agreed upon other items still in dispute he would be disposed to vote for it. I am in exactly that situation myself. If, for instance, the debenture and the flexible provisions as they were fixed in the Senate should be agreed upon by both Houses, I might vote for the conference report. If they are not, I shall vote against it. If they are excluded from consideration I shall be obliged to vote against the report. In other words, it is perfectly obvious that every man who votes upon a partial report votes without taking the whole measure into consideration.

I inquire of the Senator whether, in conformity with his pledge made to the Senate, the thing to do is to submit not the question of whether the partial report shall be adopted but whether the Senate shall insist upon those amendments?

Mr. SMOOT. The program I have mapped out would bring exactly the result the Senator wants.

Mr. WALSH of Montana. No; if the Senator will pardon me, he wants an expression from the Senate upon those items which are in agreement between the conferees, and of course that would entirely exclude consideration of the items that remain in disagreement.

Mr. SMOOT. It has been done in relation to every appropriation bill, I think, that has come up wherever there is a disagreement of any kind. The Senator remembers the Interior Department appropriation bill which was sent back to the House four times.

Mr. WALSH of Montana. Yes; I realize that that is the case, because as a general rule the Senate as a whole is not particularly interested in some particular items; but these are key items which are in dispute. They are so much in dispute that the Senator from Utah in charge of the bill pledged his word to the Senate that he would not change the attitude of the Senate with respect to that matter in the committee. That is a rare thing, and it is not done ordinarily; it does not ordinarily occur in connection with an ordinary appropriation bill or any other bill for that matter.

Mr. SMOOT. Oh, yes; they have that chance now. If the report now is agreed to and a request made for a further conference with the House to consider those eight items, I would not feel justified in agreeing to those eight items until I came here and had an expression of this body on the items.

Mr. WALSH of Montana. The strategy of this thing is perfectly apparent. Of course, individual Senators have particular items in the bill in which they are particularly interested. If we put up the bill without the controverted items in it, each one will be disposed to vote for the partial report now, and then when the other items come up they will be disposed, by reason of the vote before, to vote in such a way as will pass the bill; whereas now those who attach the greatest measure of importance to the disputed items will be obliged to vote against the partial report, whatever they may think about that particular part of it.

Mr. SMOOT. I can not see that at all.

Mr. WALSH of Montana. In order to get the right expression from the Senate with respect to this matter, and, as it seems to me, to carry out in good faith the pledge of the Senator, the thing to do is to take the attitude of the Senate now with respect to the disputed items.

Mr. BARKLEY. Will not the Senate have burned its bridges behind it if it votes now on this report as a partial report?

Mr. SMOOT. Not at all. This is done all the time here, and I can not see that a Senator would lose anything at all by it.

Mr. BARKLEY. We sometimes do things in the Senate that have not been done before.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me?

Mr. SMOOT. Certainly.

Mr. ROBINSON of Arkansas. May I make a suggestion to the Senator from Utah, as usual in the interest of facilitating the business of the Senate? I am satisfied that the motion he is making will be debated a very long time, and until some adjustment is reached at least respecting some of the excepted items. If the Senator wants to bring about a speedy conclusion of the already prolonged discussion respecting the tariff bill, the way to do it will be as suggested by the Senator from North Carolina [Mr. SIMMONS], namely, to take the sense of the Senate on the excepted items. I think he said there are eight of them. When that has been done, in all probability it will be easy to dispose of the motion which the Senator has now made or threatens to make.

Mr. SMOOT. My motion will be to that effect.

Mr. ROBINSON of Arkansas. I understand the Senator is pursuing the course that he usually pursues when a partial report is made, and that is to move an agreement to the conference report and then take up the other items; but it is made perfectly clear to the Senator from Utah by the Senator from Montana [Mr. WALSH] that the real gist of this controversy is in the excepted items, and that many Senators would be influenced in their votes respecting the final determination of the issue by the manner in which the excepted items are disposed of.

Now may I ask the Senator——

Mr. SMOOT. The Senate could vote against the conference report.

Mr. ROBINSON of Arkansas. I know what we have a right to do. We have a right to debate for 30 or 60 days the motion of the Senator from Utah to agree to the conference report, and then, if we defeat that motion, the bill is back in conference where it will probably be, if the Senator persists in the motion. I am wondering why the Senator objects to taking up the excepted items and reaching a conclusion concerning them before attempting to pass on the conference report?

Mr. SMOOT. I take it that the Senate has already reached a conclusion on those items; every one of them was put in the bill by vote of the Senate.

Mr. ROBINSON of Arkansas. That is certainly true; that is true of the hundreds of amendments that are already in the conference report, and that would be disposed of by the motion which the Senator has made. It is understood that at least two of the items have been reserved by the Senator for an expression of the Senate's opinion concerning them, and the other six constitute hotly disputed questions. I am wondering why the Senator does not accept the suggestion in the interest of facilitating the business of the Senate and getting a final conclusion of this bill, which has already been here so long that the memory of man runneth not to the contrary.

Mr. SMOOT. I am anxious only to hasten the conclusion of the legislation.

Mr. ROBINSON of Arkansas. The motion made by the Senator will not hasten the conclusion of the legislation; I am convinced of that.

Mr. SIMMONS. It will not; it will prolong it.

Mr. ROBINSON of Arkansas. If I may point it out to the Senator, the discussion on the motion he has made will be greatly prolonged by reason of the fact that behind it are these exceptions, the action on which will really determine the attitude of many Senators on the bill as a whole.

Mr. SIMMONS. Mr. President, many Senators do not desire to vote on the question of agreeing to those items until they know what action will be taken on the items which have been reserved.

We have not as yet reached an impasse in the conference. We were confronted by a rather stubborn disagreement in regard to eight propositions, and only eight propositions, but,

as the Senator from Arkansas has pointed out, they are the vital things in the bill.

The House had never voted upon those items separately; the House had never had any discussion upon those questions separately; and there was a demand for a separate vote and for discussion upon them. So they went back to the House for that purpose. The House has now acted; and there is not any trouble about the conferees getting together this afternoon and endeavoring to come to an agreement upon all of the items, except the two which have been reserved and which are so fundamental that the Senator promised to bring them back to the Senate before he would yield. We can advance that far. We have not reached an impasse. The question before the Senate will then be whether we shall stand by or recede from the two fundamental propositions; but do not let us in the meantime get into a general discussion as to the merits and the demerits of the bill. If the question is presented as proposed in the motion of the Senator from Utah we will have to discuss, and we will discuss at great length, I suggest to the Senator, the question of whether we will agree to the other amendments until we know what is going to be done as to the reserved items. I do not want to delay; I want to help the Senator to get through with this bill as quickly as possible, and I think he can call the conferees together and we can make progress.

Mr. SMOOT. Mr. President, after the House had voted upon these items it did not send the bill over here and ask for a conference at all. The House voted, but took no other action at all; and in order to secure action, the Senate must act, and that is what I am trying to do.

Mr. SIMMONS. My understanding does not agree with that of the Senator. My understanding is that the House acted upon the eight items, leaving the bill right where it was when it left the conference.

Mr. SMOOT. The Senator is mistaken. Mr. Beaman tells me that there was no action taken by the House other than voting on certain items.

Mr. HARRISON, Mr. COPELAND, and Mr. SWANSON addressed the Chair.

The VICE PRESIDENT. Does the Senator from Utah yield; and if so, to whom?

Mr. SMOOT. I yield to the Senator from Mississippi.

Mr. HARRISON. Mr. President, why can not the Senator carry out his pledge to the Senate and move that the Senate insist upon its amendments still in disagreement and ask for a further conference—that will send the items back to conference—and withhold his partial report, because the Senator can see that if he insists on the adoption of the partial report it will be here for six weeks or longer, for there are some of us who are not going to stand for a vote, if we can prevent it, until the other items shall have been agreed upon.

Mr. SIMMONS. And we will not make any headway by agreeing to a partial report.

Mr. SMOOT. Mr. President, I want the Senate distinctly to understand that I have no pride whatever as to how this bill should get back into conference. If the Senate prefers that I should proceed in that way, I will move now that the Senate insist upon its amendments still in disagreement, and ask for a further conference with the House. I am perfectly willing to do that, but I desired to secure some action, and I thought the method of procedure suggested was the proper way in which to secure it.

Mr. SIMMONS. I think the Senator now is suggesting a proper course.

Mr. SHORTRIDGE, Mr. COPELAND, and Mr. SWANSON addressed the Chair.

The VICE PRESIDENT. Does the Senator from Utah yield; and if so, to whom?

Mr. SMOOT. I yield to the Senator from California.

Mr. SHORTRIDGE. I wish to address a question to the Senator from North Carolina, who was one of the conferees. We understand that there remain some eight items in the bill still in disagreement?

Mr. SIMMONS. That is correct.

Mr. SHORTRIDGE. As to which the conferees can not or did not agree?

Mr. SIMMONS. As to which they have not agreed up to this time.

Mr. SHORTRIDGE. As to which they have not agreed, and as to two of them at least we were committed to bring them back to the Senate for further consideration.

Mr. SIMMONS. There is no reason why the conferees can not come to an agreement as to the others.

Mr. SHORTRIDGE. I am now about to come to my question. There are, then, at least six items as to which I infer the Senator thinks the conferees might——

Mr. SIMMONS. May.

Mr. SHORTRIDGE. Or may, without further instructions from the Senate, reach an agreement?

Mr. SIMMONS. That is true.

Mr. SHORTRIDGE. Which means, of course, that we would have to agree with the conferees on the part of the House.

Mr. SIMMONS. No; it would not mean that at all.

Mr. SHORTRIDGE. The House has spoken upon the subject.

Mr. SIMMONS. The Senate has also spoken.

Mr. SHORTRIDGE. I know, but as to the six amendments in question——

Mr. SIMMONS. On the six amendments in question both Houses have acted, and they are matters of controversy in the conference committee. I think the conferees probably might be or may be able to adjust those difficult problems.

Mr. SHORTRIDGE. But the House has not agreed to a further conference as to those six items; the House has spoken; and my immediate question is, merely to be advised, whether we can now go into a conference and agree to what the House has done?

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. I yield, if I have the right to do so.

The VICE PRESIDENT. The Senator from Utah has the floor. Does he yield to the Senator from Arkansas to ask a question?

Mr. SMOOT. Yes.

Mr. ROBINSON of Arkansas. The Senator from California says that the House has not asked for a further conference. That is true, as I understand, but it has not as yet refused a conference. It is just as competent for the Senate to ask for a conference as it is for the House, and if either body refuses a conference it will bring about a very extraordinary and surprising condition.

Mr. COPELAND and Mr. SWANSON addressed the Chair.

The VICE PRESIDENT. Does the Senator from Utah yield, and if so, to whom?

Mr. SMOOT. I yield first to the Senator from New York, because he has been on his feet for some time.

Mr. COPELAND. Mr. President, I want to know, if the Senate insists upon its position, what does the Senator take that to mean—that we are insisting only upon the eight items which are in dispute?

Mr. SMOOT. That is a question, I will say to the Senator; that is one of the things that has bothered me.

Mr. COPELAND. It bothers me, too. There is in section 651 a repeal of the statute about the importation of cigars. That question has become a very live one in my State, as it has in Florida and other States. I want to know if this bill shall be referred back to the conference committee will the conference committee feel free to discuss this item and any other in the bill except the six disputed items?

Mr. SMOOT. No; that could not be done. The only way to accomplish that result would be to defeat the conference report as a whole. There is no dispute on the item referred to between the House and the Senate; and that item could not be again opened up by the conferees.

Mr. COPELAND. Mr. President, I want——

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Let one Senator at a time speak.

Mr. SIMMONS. Mr. President, it is not proposed, I will say to the Senator from New York, to open up the controversy as to any of the items upon which the conferees have agreed.

Mr. COPELAND. Does it mean, then, that the question is closed; that the Senate has no further right to insist upon the position it has taken in a matter such as I have mentioned?

Mr. SMOOT. The Senate can vote against the report; that is all.

Mr. COPELAND. And is there no chance to secure a modification?

Mr. SIMMONS. None; the conferees are foreclosed as to those particular items, and only the eight items are left for further consideration.

The VICE PRESIDENT. It is impossible to hear with so many Senators talking at the same time. Will the Senate be in order? To whom does the Senator from Utah yield?

Mr. SMOOT. I yield further to the Senator from New York.

Mr. COPELAND. I want to be clear, if I may, in regard to this matter.

Mr. SMOOT. I will say to the Senator now that the items which have been agreed to can not be reopened.

Mr. COPELAND. Opportunity is ended, then, so far as they are concerned?

Mr. SMOOT. Yes. Mr. President, what I am going to do now is to move that the Senate insist upon its amendments still in disagreement, ask for a further conference with the House, and that the Chair appoint the conferees on the part of the Senate. That seems to be all we can do.

Mr. ROBINSON of Arkansas. That, I think, is what should be done.

Mr. SMOOT. I move that the Senate insist upon its amendments still in disagreement, ask for a further conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The VICE PRESIDENT. The question is on the motion of the Senator from Utah that the Senate further insist upon its amendments upon which the conferees of the House and the Senate have not agreed, and ask for a further conference, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to.

The VICE PRESIDENT. The Chair appoints the same conferees on the part of the Senate as have heretofore been appointed—Mr. SMOOT, Mr. WATSON, Mr. SHORTRIDGE, Mr. SIMMONS, and Mr. HARRISON.

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT

Mr. McNARY obtained the floor.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Washington?

Mr. McNARY. I yield.

Mr. JONES. I do not want to take the time of the Senator from Oregon, but I desire to present a conference report and move its adoption.

Mr McNARY. If the Senator will withhold the report for a few moments I am anxious to have a determination reached as to the course the Senate shall pursue during the afternoon.

Mr. JONES. Will not the Senator allow me to have the conference report laid before the Senate for consideration this afternoon; it is privileged.

Mr. McNARY. Very well.

Mr. JONES. I present the conference report on the Interior Department appropriation bill and move its adoption.

The VICE PRESIDENT. Does the Senator from Oregon yield for that purpose?

Mr. McNARY. I yield.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6564) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1931, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 5, 6, 7, 89, 95, 106, 107, and 126.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 76, 77, 78, 79, 83, 84, 85, 86, 87, 91, 92, 93, 94, 96, 99, 100, 103, 104, 105, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, and 124, and agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "For two hundred and fifty pupils, $76,250"; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$91,250"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,093,250"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided*, That this appropriation shall not be subject to the limitation in section 1 of the act of May 25, 1918 (U. S. C., title 25, sec. 297), limiting the expenditure of money to educate children of less than one-fourth Indian blood: *Provided further*, That not to exceed $1,800 of this appropriation may be expended in the printing and issuance of a paper devoted to Indian education, which paper shall be printed at an Indian school: *And provided further*"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: On page 59 of the bill, line 12, strike out "$256,700" and insert in lieu thereof "$266,700"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,297,538.46"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "thirty"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: ": *Provided further*, That the Secretary of the Interior is authorized to sell at not less than the appraised valuation transmission lines, substations, and so forth, no longer needed for construction, operation, and maintenance of the project"; and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,789,800"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment insert, after the word "monuments," the following: "evidence of title thereto to be satisfactory to the Secretary of the Interior"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 98 and 102.

W. L. JONES,
REED SMOOT,
L. C. PHIPPS,
WM. J. HARRIS,
KENNETH MCKELLAR,
Managers on the part of the Senate.

LOUIS C. CRAMTON,
FRANK MURPHY,
EDWARD T. TAYLOR,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. ROBINSON of Arkansas. Mr. President, I inquire of the Senator in charge of the conference report whether it represents a complete agreement?

Mr. JONES. There is one amendment which the House conferees have to take back to the House; but otherwise it is a complete agreement. Of course, the conference report shows the one item which is still in disagreement.

Mr. ROBINSON of Arkansas. It is a complete agreement with the exception of one item?

Mr. JONES. It is.

Mr. ROBINSON of Arkansas. I think the Senator should make a statement briefly explaining the conference report.

Mr. JONES. I shall do so, briefly.

Mr. President, this is in fact a complete agreement upon the part of the conferees; but there is one item with reference to a reclamation project in the State of Washington as to which, while the conferees agreed, under the rules of the House we have to report a disagreement. They will take the matter back to the House, and the House conferees will recommend its adoption there. That is the sense in which it is not a complete agreement. Then that involves a change in a total.

Those are the only two items upon which there is no agreement, according to the conference report. As a matter of fact, it is a full report, but with those two items having to go back to the House under their rules.

There was much interest, of course, in the item for food and clothing for the Indians. A supplemental estimate of $665,000 was sent down, and that has been agreed to by the House conferees.

Mr. BRATTON. Mr. President, may I ask the Senator a question?

Mr. JONES. I yield.

Mr. BRATTON. I have not had occasion to examine the conference report. I inquire of the Senator whether the amendment affecting some national monuments in New Mexico was accepted by the House?

Mr. JONES. The House receded from that amendment.

Mr. COPELAND. Mr. President, do I understand that the Indian children are going to be fed and clothed?

Mr. JONES. They are. We added $665,000 along that line.

Mr. COPELAND. I congratulate the Senator.

The PRESIDING OFFICER (Mr. Fess in the chair). The question is on agreeing to the conference report.

The report was agreed to.

INTERNATIONAL PETROLEUM EXPOSITION

Mr. BORAH. From the Committee on Foreign Relations I report back favorably House Joint Resolution 244, authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Okla., to be held October 4 to October 11, 1930, inclusive; and I call the attention of the Senator from Oklahoma [Mr. THOMAS] to it.

The PRESIDING OFFICER. Without objection, the report will be received.

Mr. THOMAS of Oklahoma. Mr. President, this joint resolution follows the form of joint resolutions heretofore passed each year. I think there can be no objection to it; so I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE CALENDAR

Mr. McNARY. Mr. President, it is my desire to adopt for this afternoon a program that will meet the convenience of the Senator from New York.

Mr. ROBINSON of Arkansas. Mr. President, we can not hear the Senator.

Mr. McNARY. The unfinished business has been laid before the Senate, and the Senator from New York, of course, desires to address the Senate upon his proposal. I was going to suggest, if it will suit his convenience better to start to-morrow at 12 o'clock, that I shall be glad to ask unanimous consent to take up the Calendar under Rule VIII for the consideration of unobjected bills. If there is objection to any bill, it will go over.

Mr. SHORTRIDGE. Beginning where?

Mr. JONES. Mr. President, I suggest to the Senator that I desire to take up the military appropriation bill to-morrow. I do not think it will take very long. I wanted the Senator from New York to understand that.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

Mr. GILLETT. I object.

Mr. McNARY. I am not asking to proceed under Rule VIII; only with unobjected bills.

Mr. GILLETT. I do not think it is fair to Senators who are not present, and who might wish to object, who had no suspicion that bills on the calendar were coming up at this time, to take them up without any opportunity on their part to object.

Mr. McNARY. I intended to suggest the absence of a quorum if matters were in question, or if objection were made.

Mr. SHORTRIDGE. Mr. President, may I inquire of the Senator from Oregon where it is proposed to resume the consideration of the calendar?

Mr. McNARY. May I not suggest the absence of a quorum?

Mr. GILLETT. If that is done, Senators will come in and answer to their names and go right out. Nobody has any suspicion that the calendar is to be taken up this afternoon.

Mr. McNARY. It is frequent practice to take up the calendar in this way.

Mr. GILLETT. I do not think it is fair to Members.

Mr. McNARY. It is fair if we have a roll call.

Mr. GILLETT. A roll call does not really give any idea of what is proposed to be done.

Mr. McNARY. Mr. President, the rule of the Senate has always been to proceed in this way. We usually find Senators alert, willing, and anxious to attend to business; and if unanimous consent is requested, and a roll call is had, I know that all will be here who desire to attend the session. If, however, the Senator from Massachusetts desires to persist in his objection, of course, we will not have the calendar under consideration. Probably, to comply with his request, a week's notice should be given.

Mr. JONES. Mr. President, I suggest that we might have a quorum call, and then I have no doubt the Senate will be fully advised.

Mr. ROBINSON of Arkansas. Mr. President, I demand the regular order, whatever that may be, and whatever it may bring.

Mr. JONES. I suggest the absence of a quorum. Then I think we can get an agreement along the lines proposed by the Senator from Oregon.

The PRESIDING OFFICER. The regular order is the suggestion of the absence of a quorum. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Fess	Keyes	Shortridge
Ashurst	Frazier	La Follette	Simmons
Baird	Gillett	McCulloch	Smoot
Barkley	Glass	McKellar	Steck
Bingham	Glenn	McNary	Steiwer
Black	Goldsborough	Metcalf	Stephens
Blaine	Gould	Norris	Sullivan
Blease	Greene	Nye	Swanson
Borah	Hale	Oddie	Thomas, Idaho
Bratton	Harris	Overman	Thomas, Okla.
Brock	Harrison	Patterson	Townsend
Broussard	Hastings	Phipps	Trammell
Capper	Hatfield	Pine	Tydings
Caraway	Hawes	Pittman	Vandenberg
Connally	Hayden	Ransdell	Wagner
Copeland	Hebert	Reed	Walcott
Couzens	Howell	Robinson, Ark.	Walsh, Mass.
Cutting	Johnson	Robinson, Ind	Walsh, Mont.
Dale	Jones	Schall	Waterman
Deneen	Kean	Sheppard	Watson
Dill	Kendrick	Shipstead	Wheeler

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present.

Mr. McNARY. Mr. President, I am going to propound the unanimous-consent agreement that I had previously suggested; that we proceed with the consideration of bills on the Calendar under Rule VIII, applicable only to unobjected bills, commencing with Order of Business No. 445.

Mr. DILL. Mr. President, I understand that under that proposal no Senator can move to take up a bill that is objected to?

Mr. McNARY. That is it.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Oregon? The Chair hears none.

VALIDATION OF TITLE TO CERTAIN INDIAN LANDS

The first business on the calendar under the unanimous-consent agreement was the bill (H. R. 5283) to declare valid the title to certain Indian lands.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

YANKTON SIOUX TRIBE OF INDIANS, SOUTH DAKOTA

The joint resolution (H. J. Res. 188) authorizing the use of tribal funds belonging to the Yankton Sioux Tribe of Indians in South Dakota to pay expenses and compensation of the members of the tribal business committee for services in connection with their pipestone claim was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDUCATION, MEDICAL ATTENTION, ETC., OF INDIANS

The bill (S. 3581) authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, to enter into a contract or contracts with any State having legal authority so to do for the education, medical attention, and relief of distress of Indians in such State through the qualified agencies of such State, and to expend under such contract or contracts moneys appropriated by Congress for the education, medical attention, and relief of distress of Indians in such State.

SEC. 2. That the Secretary of the Interior in making any contract herein authorized with any State may permit such State to utilise, for the purposes of this act, existing school buildings, hospitals, and all equipment therein or appertaining thereto, including livestock and other personal property owned by the Government, under such terms and conditions as may be agreed upon for their use and maintenance.

SEC. 3. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into effect.

SEC. 4. That the Secretary of the Interior shall report to Congress on or before the first Monday in December of each year any contract or contracts made under the provisions of this act, and the moneys expended thereunder.

Mr. HAYDEN. Mr. President, I offer the amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 10, after the word "State," it is proposed to insert:

Provided, That this act shall not apply to the State of Arizona.

Mr. LA FOLLETTE. Mr. President, may I ask the Senator if he thinks such an amendment will be necessary, in view of the fact that prior to any action being taken looking to the adoption of this proposal concerning the State of Arizona, or any other State, action by the State legislature would be required?

Mr. HAYDEN. I am offering this amendment because I consider the bill to be in the nature of an experiment. I desire that the innovation be undertaken elsewhere than in my State.

Mr. LA FOLLETTE. I wish to suggest to the Senator, however, that it would require action by the Arizona Legislature; and it seems to me that it would be unfortunate to attach an exception of this kind to the statute. If there is any objection to any action being taken in Arizona, it could not be taken until the State legislature had acted upon the matter.

Mr. HAYDEN. I have so little faith in the policy, although I am willing to let the experiment be conducted elsewhere, that I prefer to have the State of Arizona excepted from the terms of the act.

Mr. BLEASE. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator from South Carolina.

Mr. BLEASE. I should like to ask if this bill precludes the Congress from now helping Indians except by action of the legislature?

Mr. LA FOLLETTE. No; may I say to the Senator that all that this bill proposes is to authorize the Secretary of the Interior, in his discretion, to enter into contractual relations with certain State agencies where the legislature of the State has passed an enabling act providing for the extension of these services to the Indians through the agency of the State boards of health, education, and so forth.

As I pointed out to the Senator from Arizona, the act could not go into force and effect concerning any particular State until the legislature of the State had passed a bill providing for the inauguration of such service and the governor of the State had signed it.

Mr. BLEASE. In my State the legislature will not meet until next January. We have a situation down there amongst some of the Indians which should be met right away. Would the State be precluded from doing anything for those Indians until the governor and the legislature did act?

Mr. LA FOLLETTE. Oh, no, Mr. President; it would have no effect upon that at all and would not change the policy of the Government in handling any of these Indian matters in any State until and unless the legislature had acted and satisfactory negotiations had been conducted with the Secretary of the Interior. I hope, in the interest of properly drawn legislation, that the amendment offered by the Senator from Arizona will be rejected.

Mr. BRATTON. Mr. President, I inquire whether the Senator from Arizona will accept an amendment adding New Mexico along with Arizona?

Mr. HAYDEN. I shall be glad to accept that amendment.

The PRESIDING OFFICER. The Senator modifies the amendment.

Mr. McNARY. Do I understand the amendment now to include New Mexico?

Mr. HAYDEN. That is the fact.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona, as modified.

Mr. HAYDEN. Mr. President, in behalf of my amendment, permit me to say that there are more full-blood Indians in the States of Arizona and New Mexico than in any other two States in the Union. The Indians of Arizona and New Mexico are not educationally advanced, they are not rich Indians, they do not possess valuable lands containing oil and other minerals. They are a dependent people, and my judgment is that their future welfare can best be cared for under existing agencies of the Federal Government.

I further object to the passage of the bill, if the two States are not omitted from its terms, upon the ground that I fear the Federal authorities will apply pressure to the State authorities to induce them in some manner to come within the scope of the act.

This is in the nature of an experiment, admitted to be so. Let it be tried in California or elsewhere, and if it is successful, I have no doubt at all that the people of Arizona and New Mexico, through their legislatures, will petition Congress to change the law. But why force this kind of legislation upon two States which contain so large a number of full-blood Indians? I can not give my consent to the passage of this bill unless I have some assurance that the amendment will be included as a part of the measure as finally enacted into law.

Mr. BRATTON. Mr. President, I hope the Senator from California [Mr. JOHNSON], the author of the bill, and the Senator from Wisconsin [Mr. LA FOLLETTE], who reported it, will accept the amendment. Conditions among the Indians are different in different States. This experiment might be wholly feasible in one State and entirely unfeasible in another. I have no desire to interfere with the trial of the experiment in California or Wisconsin, and I appeal to the Senators to accept the amendment, and let the bill pass in the amended form.

Mr. JOHNSON. Mr. President, it is an impossibility for me to accept the amendment. The bill is wholly optional. I presume, under the unanimous-consent agreement, the passage of the bill may be stopped to-day by my friends on the other side objecting, but I can not consent to accepting the amendment suggested.

Mr. HAYDEN. I am most anxious that the Senator from California [Mr. JOHNSON] shall have every opportunity to secure the enactment of his bill which provides for carrying out a plan which has been suggested in his State. For that reason I am very reluctant to object to the passage of the bill.

Mr. JOHNSON. Permit me to say to the Senator from Arizona that the bill has no personal interest to me. The bill has been presented by the organizations in the State of California and the organizations in other States, which are interested in the Indians, in conjunction with the department itself. It is a bill which is thus presented, without any personal predilections on my part at all, and I do not feel that I am at liberty to accept the amendment.

Mr. HAYDEN. The Senator understands, of course, that the agitation for this bill originated in his State, that there are many worthy people in California who are anxious that his State shall have an opportunity to undertake this work. But, on the other hand, he should know that there is no demand for the enactment of this legislation in my State. I have never heard of anyone in Arizona asking for it, or of anyone who thought it would be applicable there. I may be actuated by an excess of caution, but if the Senator wants to place me in a position where I shall be compelled, in order to protect what I believe to be the best interest of the Indians of my own State, to prevent something being done which the people of his State are anxious to do, I shall reluctantly have to assume that position. I wish the Senator could see his way clear to accept the amendment and allow the bill to pass in the amended form. Then everyone would be accommodated. Legislation is enacted, as a rule, by compromise, and I am suggesting this to the Senator from California, in the nature of a compromise.

Mr. FRAZIER. Mr. President, will the Senator from New Mexico yield?

The PRESIDING OFFICER. The Chair will state to the Senator from New Mexico that we are now proceeding under the 5-minute rule.

Mr. BRATTON. I did not know I had the floor.

Mr. McNARY. I think it might be well for the Chair to also state that no Senator can speak longer than five minutes or more than once.

Mr. FRAZIER. Mr. President, I hope the Senator from Arizona will not insist on his amendment. This measure provides for what is in the nature of an experiment, as has been stated. California, I think, is about the only State that is in position to take advantage of it at the present time. If the experiment is not a success, if it does not work out satisfactorily, we will have plenty of time, it seems to me, to amend the measure before the State of Arizona or the State of New Mexico or any other State could possibly take it up.

Mr. HAYDEN. Mr. President, if the Senator will yield, under the statement of facts he has given, that the State of California is the only State which is prepared to undertake this experiment, why not accept my amendment and allow the bill to pass and see what the State of California can accomplish? Why insist upon rejecting the compromise I have offered, which would permit everything that is desirable or possible to be accomplished at once?

Mr. FRAZIER. Mr. President, there is a provision in the bill that no State can take advantage of it unless the legislature passes favorable legislation, and it seems to me that is a sufficient guaranty.



Mr. HAYDEN. I am most anxious to accommodate——

Mr. McNARY. Mr. President, in the interest of orderly procedure, permit me to say that the Senator has spoken five times, four times more than allowed by the rules. Will he not either object or let the bill go along? We want to proceed with the calendar.

Mr. HAYDEN. I am loath to do so, but if there is no other alternative, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will report the next bill.

R. A. OGEE, SR.

The bill (S. 3553) for the relief of R. A. Ogee, sr., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 2, line 2, to substitute the words "release from" for the words "receipt for," and on page 2, line 4, to strike out the word "receipt" and to insert in lieu thereof the word "release," so as to read:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to credit to the account of R. A. Ogee, sr., of Maud, Okla., the sum of $2,076, representing the amount of the assessment against the allotted lands of said R. A. Ogee, sr., paid by the United States and reimbursable in accordance with the provisions of the act entitled "An act for the approving and payment of the drainage assessments on Indian lands in Salt Creek drainage district No. 2, in Pottawatomie County, Okla.," approved July 21, 1914.

SEC. 2. The Secretary of the Interior is further authorized and directed to issue to said R. A. Ogee, sr., a release from the payment of the amount of such assessment, and such release, when duly recorded by the recorder of deeds of Pottawatomie County, Okla., shall operate as a satisfaction of the lien of the United States on the allotted lands of said R. A. Ogee, sr.

The amendments were agreed to.

Mr. JONES. Mr. President, I would like to have a brief statement indicating just what this bill is.

Mr. THOMAS of Oklahoma. Mr. President, Mr. Ogee is an Indian. His land, when a drainage district was formed down there, was assessed for benefits in the sum of about $2,000. When the drainage ditch was built it was found that his land was damaged instead of benefited. He appealed to the department, and they recommended that his land be released.

Mr. JONES. Very well.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SEARCY WATER CO.

The bill (S. 3466) for the relief of the Searcy Water Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 4, to strike out the word "across" and to insert in lieu thereof the word "under," and in line 5 to strike out the words "at or near" and to insert in lieu thereof the words "about 2 miles northeast of," so as to read:

Be it enacted, etc., That the water-pipe line of the Searcy Water Co., Searcy, Ark., constructed under the Little Red River, Ark., about 2 miles northeast of the town of Searcy, Ark., be, and the same is hereby, legalized to the same extent and with like effect as to all existing or future laws and regulations of the United States as if the permit required by existing laws of the United States in such cases made and provided had been regularly obtained prior to the erection of said water-pipe line: *Provided*, That any changes of said water-pipe line which the Secretary of War may deem necessary and order in the interest of navigation shall be promptly made by the owners thereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to legalize the water pipe line constructed by the Searcy Water Co. under the Little Red River near the town of Searcy."

WHITE RIVER BRIDGE, ARKANSAS

The bill (H. R. 10340) granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the White River at or near Calico Rock, Ark., was announced as next in order.

Mr. LA FOLLETTE. Mr. President, in view of the absence of the junior Senator from Arkansas [Mr. CARAWAY], I suggest that this measure go over.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

WHITE RIVER BRIDGE, ARKANSAS

The bill (H. R. 10474) granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the White River at or near Sylamore, Ark., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN HEFFRON

The bill (S. 1683) for the relief of John Heffron was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Navy John Heffron shall be held and considered to have served honorably as a cook (first class), United States Navy, for more than 90 days during the war with Spain: *Provided*, That no pension, pay, or bounty shall be held to have accrued by reason of this act prior to its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JUDSON STOKES

The bill (S. 3407) for the relief of Judson Stokes was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 5, after the word "Georgia," to insert the words "or to his wife in the event of his death," and in line 6 to strike out the figures "$5,000" and to insert in lieu thereof "$50 a month for 100 months from and after the approval of this act," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Judson Stokes, of Atlanta, Ga., or to his wife in the event of his death, the sum of $50 a month for 100 months, from and after the approval of this act, in full satisfaction of his claim for damages against the United States for injuries suffered when the vehicle which he was operating collided with a United States mail truck on October 30, 1928, near Atlanta, Ga.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHOCTAW AND CHICKASAW COAL AND ASPHALT DEPOSITS

The bill (S. 4140) providing for the sale of the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I ask the Senator from North Dakota to explain briefly the purpose of this bill.

Mr. FRAZIER. Mr. President, this is a so-called department bill, drawn and introduced at the request of the Department of the Interior.

There are some 374,468 acres of land which remain unsold, in so far as the asphalt and coal deposits are concerned, on the reservation of the Choctaw and Chickasaw Indians of Oklahoma. It is felt that the land should be sold. It is appraised now, and can not be sold, as I understand it, below the appraised valuation. It would bring in money to the Indians, who are in need of funds. The department recommends it very highly, and the committee unanimously agreed to report the bill.

Mr. LA FOLLETTE. Mr. President, can the Senator from Oklahoma tell me whether this bill has the approval of the business committee of the Choctaws and Chickasaws?

Mr. THOMAS of Oklahoma. Mr. President, just a word in addition to what has been said by the chairman of the committee.

The Chickasaws and Choctaws have a very large amount of coal lands undisposed of. In former times the coal was profitable; the Indians could lease their coal lands and get some revenue from them.

During recent years the demand for coal has fallen off, so that the mines have closed down; there is not much of a demand for coal. The Indians are unable to understand why they are not getting any revenue from the coal lands. They think the lands ought to be sold, they want them sold, and this bill is acceptable to the Indian organization.

Mr. President, in my judgment, the bill is only a gesture, however. I am for the bill, but I do not think the lands can be

leased, I do not think they can be sold, even if the bill passes. But the Indians think they can be, and this bill simply gives the department the right to proceed to sell the lands if they can, and satisfy the demands made by the Indians.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. LA FOLLETTE. In the Senator's opinion, in the long run, will the interests of the Indians be fully protected under the terms of this bill, if it is passed?

Mr. THOMAS of Oklahoma. The department will not sell the lands unless they receive a fair price for them, but at the present time the coal lands are very unprofitable. Twenty-five years ago there was a national conference held for the purpose of devising means of saving and conserving our coal lands for future use; and at that time it was thought that our coal lands would soon be depleted, and the coal supply depleted. I do not think the lands are worth very much. I do not think they could be sold for anything, but the Indians think otherwise, and this is an effort to do something to satisfy the demands of the Indians that something should be done. I do not think the lands can be sold. The bill is to authorize the department to make an effort to sell them, and to sell them if they can. I think the property of the Indians will be conserved by the supervision of the department, whatever happens.

Mr. LA FOLLETTE. Does not the Senator think it is a very poor time to sell coal lands of this kind, in view of his statement concerning the present price? It seems to me the interests of the Indians would be better conserved by holding the land for a better market.

Mr. THOMAS of Oklahoma. It is my judgment that coal will become less valuable in the future than it is now. I think the day of coal is practically over, at least until the oil supply is exhausted. We may come back to coal after a while when the oil is gone, but the oil industry is putting the coal industry out of business for the time being anyway. The Indians for years have tried to get the Government to take the lands off their hands, but the Government does not see its way clear to do that. In other words, the Government does not have sufficient confidence in the future of coal lands to become interested in taking them over and holding them for an advanced price.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to sell the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Okla., and belonging to said Indian nations, the sales to be made under such rules, regulations, terms, and conditions as the Secretary of the Interior may prescribe not inconsistent with this act.

SEC. 2. That said coal and asphalt deposits shall be offered for sale in tracts to conform to the descriptions of the legal subdivisions heretofore designated by the Secretary of the Interior, and except as otherwise herein provided the sales of the tracts shall be at public auction, after due advertisement, to the highest bidder at not less than the appraised value: *Provided, however*, That in the discretion of the Secretary of the Interior, the tracts may be offered together as a whole and sold to the highest bidder for the aggregate at not less than the total appraised value, or any two or more of the tracts may be offered together and sold to the highest bidder for the block at not less than the aggregate appraised value of the tracts constituting such block: *And provided further*, That no limitation shall be placed upon the number of tracts any person, company, or corporation may acquire hereunder.

SEC. 3. That where any tract of said coal and asphalt deposits has been or may be offered for sale at two or more public auctions after due advertisement and no sale thereof was made, the Secretary of the Interior may, in his discretion and under such rules and regulations and on such terms and conditions as he may prescribe, sell such tract at either public auction or by private sale at not less than the appraised value: *Provided, however*, That the Secretary of the Interior may, in cases where the tracts remain unsold and the facts are found to justify, cause reappraisements to be made of such tracts and reoffer and sell such tracts at not less than the reappraised value.

SEC. 4. That when the full purchase price for any property sold hereunder is paid, the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation shall join in executing to the purchaser an appropriate patent conveying to the purchaser the property so sold, said patent to be subject to approval of the Secretary of the Interior.

SEC. 5. That in cases where tracts of the coal and asphalt deposits belonging to the Choctaw and Chickasaw Nations have been sold subsequent to June 30, 1925, and prior hereto, under and in accordance with, or purporting to be under and in accordance with, the act of February 8, 1918 (40 Stat. L. 433), and the act of February 22, 1921 (41 Stat. L. 1107), and said sales have been approved by the Secretary of the Interior and the purchaser has paid or shall pay the full purchase price, the patents executed by the principal chief of the Choctaw Nation and governor of the Chickasaw Nation and approved by the Secretary of the Interior, conveying to the purchasers the tracts purchased and paid for by said purchasers, are hereby confirmed, approved, and declared valid.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CREDITS IN DISBURSING ACCOUNTS OF CERTAIN OFFICERS OF THE ARMY

The bill (H. R. 3527) to authorize credit in the disbursing accounts of certain officers of the Army of the United States for the settlement of individual claims approved by the War Department was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of the following-named officers of the Army of the United States in the sums herein stated, which now stand as disallowances on the books of the General Accounting Office:

Norman D. Cota, captain, Finance Department, the sum of $27.35, representing public funds for which he was accountable and being overpayments to citizens' military training camp students on account of travel pay to and from camp in August, 1922.

Herbert E. Pace, major, Finance Department, the sum of $1,145.67, representing public funds for which he was responsible and which he entrusted to one Waldo S. Ickes, late first lieutenant, Finance Department, as agent officer, and which funds were stolen from him on or about October 16, 1924.

Jacob R. McNeil, captain, Finance Department, the sum of $355, representing public funds for which he was responsible, and which were lost through the forgery of vouchers and other papers by one Max Saunders, late private, United States Army, who was convicted of the crime and sentenced to the penitentiary at Atlanta, Ga.

Emmet C. Morton, major, Finance Department, the sum of $429.09, representing public funds for which he was responsible; $156.67 of which represents payments of taxes on leased land near Mercedes, Tex., and the balance, $272.42, represents payment of expenses in returning deserters.

Joseph F. Routhier, first lieutenant, Finance Department, the sum of $379.01, representing public funds for which he was responsible and being payments made to the Logan Fuel Co. in December, 1922, and February, 1923.

Francis J. Baker, major, Finance Department, the sum of $218.52, representing public funds for which he was responsible, and being payments made to the S. V. Sherburn Sales Co., $133.90, and to the Seabrook Coal Co., $84.62, in June, July, and August, 1923.

Emmet C. Morton, major, Finance Department, the sum of $1,148.24, representing public funds for which he was responsible and being the amount paid to organisation commanders for their organizations on account of ration savings, and which organizations are now inactive.

Edward T. Comegys, major, Finance Department, the sum of $131.55, representing public funds for which he was responsible, and being the sum he paid to John W. Gaskell, former private, Company C, Ninth Regiment United States Infantry, for the loss of property while in the military service in France.

Walter D. Dabney, major, Finance Department, the sum of $33.44, representing public funds for which he was responsible, and being the amount paid by him to Ernest H. Agnew, colonel, Quartermaster Corps, United States Army, covering mileage on a War Department order, and which amount has been disallowed by the Comptroller General.

Francis J. Baker, major, Finance Department, the sum of $424.30, being public funds for which he was responsible; $139 paid for the purchase of medals for students at the Georgia School of Technology and $285.30 overpaid students at this school for commutation of rations.

SEC. 3. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Willie Lee Bryant, former private, Battery D, One hundred and thirteenth Regiment Field Artillery, United States Army, the sum of $100, being the amount due him for one second Liberty loan bond paid for by him and lost in the mails.

SEC. 4. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alexander Perry, former captain, Coast Artillery Corps, United States Army, the sum of $1,521.84, being the amount he has refunded to the United States to cover loss through theft of public funds from the United States transport *Princess Matoika*.

SEC. 5. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lawrence P. Worrall, captain, Finance Department, the sum of $239.81, being the amount refunded by him to the United States, covering the loss of this amount on July 15, 1926, while exchanging Philippine currency for United States currency for military personnel leaving the Philippine Islands for the United States.

SEC. 6. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to N. R. Sprinkle, former civilian employee on pack train No. 6, Quartermaster Corps, the sum of $50, being the amount due him for one second Liberty loan bond paid for by him and lost in the mails.

SEC. 7. Provided that the amounts otherwise due to said disbursing officers by reason of refunds of income taxes and which amounts have been credited by the Comptroller General of the United States to disallowances in their accounts with the United States shall be refunded to them.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE WASHINGTON MEMORIAL PARKWAY—BILL PASSED OVER

The bill (H. R. 26) for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital was announced as next in order.

Mr. PHIPPS. Mr. President, I would not have any objection at all to the present consideration of the amendments, but it seems to me there are so many important items included in the measure that it is hardly proper to consider it under the 5-minute rule. I think it might better go over.

The VICE PRESIDENT. The bill will be passed over.

RETIREMENT OF ACTING ASSISTANT SURGEONS OF NAVY

The bill (S. 1721) directing the retirement of acting assistant surgeons of the United States Navy at the age of 64 years was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That acting assistant surgeons of the United States Navy who, on the date of the passage of this act, have reached the age of 64 years shall be placed on the retired list of the Navy with pay at the rate of three-fourths of their active-duty pay.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CRUISER "SALEM" SILVER-SERVICE SET

The bill (H. R. 5726) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the city of Salem, Mass., and to the Salem Marine Society, of Salem, Mass., the silver-service set and bronze clock, respectively, which have been in use on the cruiser *Salem*, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, to deliver, for preservation and exhibition, to the custody of the city of Salem, Mass., the silver-service set, and to the Salem Marine Society, Salem, Mass., the bronze clock, which have been in use on the cruiser *Salem: Provided*, That no expense shall be incurred by the United States for the delivery of such silver-service set and clock.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GIFTS TO LIONS CLUB AND ROTARY CLUB OF SHELBYVILLE, TENN.

The bill (H. R. 6645) authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Lions Club of Shelbyville, Tenn., a bell of any naval vessel that is now or may be in his custody; and to the president of the Rotary Club of Shelbyville, Tenn., a steering wheel of any naval vessel that is now or may be in his custody, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized, in his discretion, to deliver to the president of the Lions Club of Shelbyville, Tenn., a bell of any naval vessel that is now or may be in his custody; and to deliver to the president of the Rotary Club of Shelbyville, Tenn., a steering wheel of any naval vessel that is now or may be in his custody: *Provided*, That no expense shall be incurred by the United States through the delivery of said bell and steering wheel.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SILVER SERVICE OF CRUISER "CHARLESTON"

The bill (H. R. 8973) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Charleston Museum, of Charleston, S. C., the ship's bell, plaque, war record, and silver service of the cruiser *Charleston* that is now or may be in his custody was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized, in his discretion, to deliver to the custody of the Charleston Museum, of Charleston, S. C., the ship's bell, war record, and silver service of the cruiser *Charleston* that is now or may be in his custody: *Provided*, That no expense shall be incurred by the United States through the delivery of said articles.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLEET NAVAL RESERVE AND FLEET MARINE CORPS RESERVE

The bill (H. R. 10674) authorizing payment of six months' death gratuity to beneficiaries of transferred members of the Fleet Naval Reserve and Fleet Marine Corps Reserve who die while on active duty was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the provisions of the act of June 4, 1920, as amended, which authorized the payment of an amount equal to six months' pay to the beneficiaries of personnel of the Regular Navy or Marine Corps and retired personnel of the Navy and Marine Corps when on active duty shall be extended to transferred members of the Fleet Naval Reserve and Fleet Marine Corps Reserve who die while on active duty and not as a result of their own misconduct, and transferred members of the Fleet Naval Reserve and Fleet Marine Corps Reserve shall be required to file with the Navy Department the name of beneficiary other than wife or child to which payment of the amount equal to six months' pay shall be made in the event of their death while on active duty and not the result of their own misconduct.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HYDROGRAPHIC OFFICE AT HONOLULU

The bill (S. 2834) to establish a hydrographic office at Honolulu, Territory of Hawaii, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to establish a branch hydrographic office at Honolulu, in the Territory of Hawaii, the same to be conducted under the provisions of an act entitled "An act to establish a hydrographic office in the Navy Department," approved June 21, 1866.

SEC. 2. That the Secretary of the Navy is hereby authorized to secure sufficient accommodations in said city of Honolulu for said hydrographic office and to provide the same with the necessary furniture, apparatus, supplies, and services allowed existing branch hydrographic offices, at a cost not exceeding $5,000, which sum, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for these purposes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK L. CAUDLE

The bill (S. 2721) to provide for the advancement on the retired list of the Navy of Frederick L. Caudle was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That Ensign Frederick L. Caudle, United States Navy, retired, shall have the rank and receive the pay and allowances of a lieutenant (junior grade) on the retired list of the United States Navy.

Mr. JONES. Mr. President, I would like an explanation of why this legislation is proposed.

Mr. PHIPPS. Mr. President, it is recommended by the Navy Department. It seems that this man developed tuberculosis in September, 1925, was sent to the Naval Hospital at Mare Island for treatment, and in 1928 was examined by the Navy rating board and pronounced incapacitated for service, but had retirement been delayed until after June 8, 1926, on which date he would have become due for promotion to the office of lieutenant, junior grade, he would have then been retired in the latter grade.

Mr. JONES. I have no objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM K. KENNEDY

The bill (S. 1571) for the relief of William K. Kennedy was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General be, and he is hereby, authorized and directed to adjust and settle the claim of William K. Kennedy for salary and expenses incident to transporting three prisoners from the Philippine Islands to the United States marshal at San Francisco, Calif., in the year 1921, and to allow not to exceed $539.09 in full and final settlement of any and all claims of the said William

K. Kennedy arising under and growing out of said service. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $539.09, or so much thereof as may be necessary, for payment of the claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS B. KENNEDY

The bill (S. 1849) for the relief of Francis B. Kennedy was announced as next in order.

Mr. WALSH of Montana. Mr. President, this seems to be a very remarkable kind of bill to reimburse a narcotic agent for money stolen from him. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

S. VAUGHAN FURNITURE CO.

The bill (S. 1851) for the relief of S. Vaughan Furniture Co., Florence, S. C., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of S. Vaughan Furniture Co., its legal successor or assign, on account of services rendered and expenses incurred on or about March 1, 1923, in connection with the burial of Rowland M. Curtis, at the request of the United States Veterans' Bureau, and to allow in full and final settlement of said claim not to exceed $85. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $85, or so much thereof as may be necessary, for payment of the claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRITISH COLUMBIA—YUKON TERRITORY—ALASKA HIGHWAY

The bill (H. R. 8368) providing for a study regarding the construction of a highway to connect the northwestern part of the United States with British Columbia, Yukon Territory, and Alaska in cooperation with the Dominion of Canada was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to designate three special commissioners to cooperate with representatives of the Dominion of Canada in a study regarding the construction of a highway to connect the northwestern part of the United States with British Columbia, Yukon Territory, and Alaska with a view to ascertaining whether such a highway is feasible and economically practicable. Upon completion of such study the results shall be reported to Congress.

SEC. 2. The sum of $10,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of carrying out the provisions of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY S. HOWARD AND OTHERS

The bill (S. 1406) for the relief of Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroidsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, Emil Kulchycky, and the Bethel Cemetery Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 2, line 10, after the numerals "$213," to insert "Harold S. Stubbs, $49.45," and in line 20, after the name "Kulchycky," to insert the name "Harold S. Stubbs," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mary S. Howard, $83; Gertrude M. Caton, $32.90; Nellie B. Reed, $182.96; Gertrude Pierce, $32.25; Katie Pensel, $75.28; Josephine Pryor, $50.50; Mary L. McCormick, $103.05; Mrs. James Blanchfield, $35.47; Sadie T. Nicoll, $125.61; Katie Lloyd, $25; Mrs. Benjamin Warner, $68.39; Eva K. Pensel, $38.70; Margaret Y. Kirk, $139.66; C. Albert George, $157.78; Earl Wroidsen, $19.20; Benjamin Carpenter, $23.85; Nathan Benson, $35; Paul Kirk, $50; Townsend Walters, $37.89; George Freet, $159.82; James B. Jefferson, $30; Frank Ellison, $175.62; Emil Kulchycky, $213; Harold S. Stubbs, $49.45; and the Bethel Cemetery Co., $106.51, out of any money in the Treasury not otherwise appropriated, by reason of the losses and damages caused, respectively, to the said Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroidsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, Emil Kulchycky, Harold S. Stubbs, and the Bethel Cemetery Co., by reason of the damages to the wells on the properties of the said claimants caused by the lowering of the water level of the Chesapeake & Delaware Canal at the town of Chesapeake City, in Cecil County, in the State of Maryland.

The amendments were agreed to.

Mr. JONES. Mr. President, I take it that this matter has been gone into very carefully by the committee, so I shall not object to the further consideration of the bill.

Mr. WALSH of Massachusetts. What is the total amount involved?

The VICE PRESIDENT. The clerks inform the Chair that the total is not given.

Mr. JONES. I note the absence of any member of the Committee on Claims. I would like to know why a claim of that kind is brought in for Federal legislation rather than that it should go to the Court of Claims or some judicial body? I think I shall ask that it go over.

The VICE PRESIDENT. The bill will be passed over. The amendments have been agreed to.

GABRIEL ROTH

The bill (S. 1072) for the relief of Gabriel Roth was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, in line 5, to strike out "$25,000" and insert in lieu thereof "$7,564.15," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Gabriel Roth the sum of $7,564.15, out of any money in the Treasury not otherwise appropriated, as compensation for and in full satisfaction of all of his claims against the United States on account of injuries sustained and the confiscation of his property when he was falsely arrested and imprisoned by officers employed by and acting under authority of the Department of Justice, said arrest having occurred at Jacksonville, Fla., on or about January 21, 1918.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH N. MARIN

The bill (S. 3866) for the relief of Joseph N. Marin was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws Joseph N. Marin, late of the U. S. S. *Solace*, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States as a third-class apprentice of said ship: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

S. DWIGHT HUNT

The bill (S. 2187) for the relief of S. Dwight Hunt was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws, or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army S. Dwight Hunt shall be held and considered to have been honorably discharged as a private, Battery K, First Regiment United States Artillery, on November 4, 1865: *Provided*, That no pension, pay, or bounty shall be held to have accrued by reason of this act prior to its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 76) authorizing the Secretary of the Treasury to purchase farm-loan bonds issued by Federal land banks was announced as next in order.

Mr. FESS. Let that go over.

The VICE PRESIDENT. It will be passed over.

MISSOURI RIVER BRIDGE, RANDOLPH, MO.

The bill (H. R. 8562) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo., was considered as in Committee of the Whole. The bill had been reported from the Committee on Commerce with an amendment on page 1, line 6, after the word "company" to insert "its successors and assigns," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Missouri River, at or near Randolph, Mo., authorized to be built by the Kansas City Southern Railway Co., its successors and assigns, by the act of Congress approved May 24, 1928, which times for commencing and completing the construction of the said bridge were extended one and three years, respectively, from May 24, 1929, by an act approved March 1, 1929, are hereby further extended one and three years, respectively, from May 24, 1930.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

TRAVEL PAY TO SOLDIERS OF SPANISH-AMERICAN WAR

The bill (S. 2567) granting travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine insurrection who were discharged in the Philippines was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That all persons who enlisted in the Regular Army of the United States in the year 1898 under special act of Congress for the duration of the war with Spain who were honorably discharged from such enlistment while serving in the Philippines, who did not there reenter the military service of the United States through commission or enlistment, who embarked at Manila within one year after such discharge for return to the United States, shall, upon application to the War Department under such regulations as the Secretary of War shall prescribe, be allowed and paid their actual necessary expenses, if any, for lodging and subsistence in the Philippines for the period, not exceeding three months, during which they respectively awaited transportation by Government transport, and, in addition, for the distance from Manila, Philippine Islands, to San Francisco, Calif., the travel pay and commutation of subsistence formerly allowed under section 1920, Revised Statutes of the United States, to soldiers of the Regular Army honorably discharged on expiration of enlistment, less any sum or sums of money actually paid by the Government to such persons, respectively, at time of such discharge or subsequent thereto by way of travel pay or allowances for transportation and subsistence between said places.

SEC. 2. There is hereby authorized to be appropriated such sums of money as may be necessary to carry out the provisions of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF UNEMPLOYED PERSONS

The joint resolution (S. J. Res. 149) for the relief of unemployed persons in the United States, reported adversely from the Committee on Education and Labor, was announced as next in order.

Mr. WALSH of Massachusetts. Mr. President, in the absence of the chairman of the Committee on Education and Labor the measure ought to go over. There is a division of opinion in the committee about it.

The VICE PRESIDENT. The joint resolution will be passed over.

COMMEMORATION OF END OF WAR BETWEEN THE STATES

The bill (S. 3810) to provide for the commemoration of the termination of the War between the States at Appomattox Court House, Va., was announced as next in order.

Mr. GREENE. Let the bill go over.

Mr. SWANSON. Mr. President, may I say to the Senator from Vermont that this is a bill recommended by the Committee on Military Affairs to provide for a monument in commemoration of the termination of the War between the States at Appomattox Court House, Va. The Military Affairs Committee reported it out with an amendment which reduces the amount involved from $150,000 to $100,000. I hope the Senator from Vermont will not object.

Mr. GREENE. I insist upon my objection.

The VICE PRESIDENT. The bill will be passed over.

JAMES W. SMITH

The bill (H. R. 3769) for the relief of James W. Smith was announced as next in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The bill will be passed over.

GEORGE CAMPBELL ARMSTRONG

The bill (S. 3586) for the relief of George Campbell Armstrong was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged seamen George Campbell Armstrong, who enlisted in the United States Navy as apprentice seaman on January 3, 1918, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States as seaman, second class, on or about the 6th day of March, 1919.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MAXWELL FIELD, MONTGOMERY COUNTY, ALA.

The bill (H. R. 8805) to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to acquire by donation approximately 75 acres of land in the county of Montgomery, State of Alabama, as an addition to the flying field designated as Maxwell Field: *Provided*, That in the event the donors are unable to perfect title to any land tendered as donation the Secretary of War is authorized to request condemnation proceeding to acquire such land in the name of the United States, and any and all awards in payment for title to such land as is condemned shall be made by the donors: *Provided further*, That the Secretary of War may accept donations in whole or in part of site selected as and when required.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXPERIMENTAL FARM, MOBILE COUNTY, ALA.

The bill (S. 3555) authorizing the purchase, establishment, and maintenance of an experimental farm or orchard in Mobile County, State of Alabama, and authorizing an appropriation therefor, was announced as next in order.

Mr. JONES. Mr. President, the bill carries a very large sum to be authorized for the purchase of the property. Does it contemplate the erection of buildings also?

Mr. McNARY. Mr. President, this involves a large tract of land suitable for the growth, cultivation, and culture of oranges and pecans. It is an authorization in law to the Secretary to acquire the property, but does not direct him, and it is likewise an authorization and not an appropriation of money.

Mr. JONES. But it is a large authorization.

Mr. McNARY. Rather than carry a matter of this kind in an appropriation bill, which has been the practice, as chairman of the committee I have always advocated that it should stand specially and alone.

Mr. JONES. What is the area of the land involved?

Mr. McNARY. About 400 acres.

Mr. JONES. Do they need that much land for experimental purposes?

Mr. McNARY. I think so. The Secretary is given discretion. He can take part or all or none of the land. The bill was reported out unanimously by the committee.

Mr. OVERMAN. Mr. President, as I understood the Senator, he stated that the Subcommittee of the Appropriations Committee, of which he is chairman, is not bound to follow the authorization.

Mr. McNARY. Oh, no; I made no such statement. I have stated frequently as chairman of the subcommittee that rather than attach such projects to appropriation bills, I believe they should come in the way of an authorization bill, where the whole subject matter could be given study; so in this case it was prepared in this way. The Government owns farms of an experimental nature. It was not my desire that it is to be attached as an item on an appropriation bill. I insisted that there should be an authorization bill so that we might study the project as such independent of the appropriation bill.

Mr. OVERMAN. I understand that if the $150,000 is not sufficient, the Senator would be willing to appropriate any more money that might be needed?

Mr. McNARY. I did not understand the Senator's suggestion.

Mr. OVERMAN. The authorization is for $150,000. Suppose that the department should find it could buy the land for $100,000, it would not feel obliged to expend $150,000, would it?

Mr. McNARY. If the Secretary should be successful in acquiring the land for a less sum of money, of course, he would not expend more. He may have thought, probably, from the facts ascertained that that would be the sum necessary; but if the purchase, so far as price is concerned, does not conform to his judgment, he, of course, would not buy it.

Mr. OVERMAN. That is what I wanted to know.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized to purchase and acquire the lands and improvements of the Mobile Plantation consisting of about 430 acres, in the county of Mobile, State of Alabama, and to establish and maintain thereon an experimental and demonstration farm. And there is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, the sum of $150,000 for the purchase of said property.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JULIUS VICTOR KELLER

The bill (H. R. 1301) for the relief of Julius Victor Keller was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Julius Victor Keller, who was a member of Company C, Seventh Regiment United States Infantry, and formerly assigned to Company G, Third Regiment United States Infantry, United States Army, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private and member of Company C, Seventh Regiment United States Infantry, on the 12th day of October, 1878, he having enlisted as Julius Keller: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARMADUKE H. FLOYD

The bill (H. R. 1444) for the relief of Marmaduke H. Floyd was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Marmaduke H. Floyd, who was a first lieutenant in the Three hundred and fourth Stevedore Regiment, Quartermaster Corps, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as an officer of said regiment on the 22d day of March, 1918: *Provided*, That no back pay, compensation, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS ADJOINING CATOOSA SPRINGS (GA.) TARGET RANGE

The bill (H. R. 4198) to authorize the exchange of certain lands adjoining Catoosa Springs (Ga.) Target Range was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized in his discretion to exchange, upon such terms and conditions as he considers advisable, with Benjamin F. Harris, of Ringgold, Ga., or his nominee, a tract of land containing approximately 70,000 square feet now occupied by said Harris, adjoining the Catoosa Springs (Ga.) Target Range, which said tract of land is no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf all contracts, conveyances, or other instruments necessary to effectuate the conveyance of the fee title thereof to said Benjamin F. Harris or his nominee; and in return for the said tract of land so conveyed by him the Secretary of War is hereby authorized to receive and take title thereto in the name of the United States and in its behalf a tract of land containing 3 acres owned in fee by Benjamin F. Harris, located on or near the summit of Sand Mountain, which tract upon its acquisition shall form part of said Catoosa Springs Target Range.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSTRUCTION OF BARRACKS AT FORT M'KINLEY, PORTLAND, ME.

The bill (H. R. 707) to authorize an appropriation for construction at Fort McKinley, Portland, Me., was considered as in Committee of the Whole and was read, as follows:

Be it endcted, etc., That there is hereby authorized to be appropriated not to exceed $50,000 for the construction of barracks at Fort McKinley, Portland, Me.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ERECTION OF HOSPITAL AT NATIONAL SOLDIERS HOME, TOGUS, ME.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6338) authorizing the erection of a sanitary fireproof hospital at the National Home for Disabled Volunteer Soldiers at Togus, Me., which was read, as follows:

Be it enacted, etc., That the Board of Managers of the National Home for Disabled Volunteer Soldiers be, and it is hereby, authorized and directed to cause to be erected at the eastern branch of said home at Togus, Me., on land now owned by the United States, a sanitary fireproof hospital of a capacity for 250 beds. Such hospital shall include all the necessary buildings with appropriate mechanical equipment, including roads and trackage facilities leading thereto, for the accommodation of patients, and storage, laundry, and necessary furniture equipment, and accessories, as may be approved by the Board of Managers of the National Home for Disabled Volunteer Soldiers.

SEC. 2. That in carrying the foregoing authorization into effect the Board of Managers of the National Home for Disabled Volunteer Soldiers is hereby authorized to enter into contracts for the construction of the plant, or to purchase materials in the open market or otherwise, and to employ laborers and mechanics for the construction of the plant complete at a limit of cost not to exceed $750,000.

Mr. COUZENS. Mr. President, I inquire what is the amount involved?

Mr. REED. The amount proposed to be appropriated is $750,000.

Mr. COUZENS. I should like to ask what the new building is to take the place of? Is it an entirely new structure?

Mr. HALE. Mr. President, at Togus, Me., is located a branch of the National Home for Disabled Volunteer Soldiers. A little over a year ago there was a fire in the hospital there, and one of the wings was destroyed. The hospital is a wooden building and is surrounded by other wooden buildings. It was felt by those connected with the branch home at Togus, and by the members of the board in charge of the National Homes for Disabled Volunteer Soldiers, that it was unsafe to allow this building to remain in use in the condition in which it now is. So the bill provides for the erection of a fireproof building to take its place.

I may add that this is the only hospital in the State of Maine for veterans; that it is constantly in use by veterans of the Civil War, the Spanish War, and the World War, and is very much needed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MOTOR TRANSPORTATION IN THE ARMY

The bill (S. 23) to regulate the procurement of motor transportation in the Army was announced as next in order.

Mr. BLAINE. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

WAR DEPARTMENT CONTRACTS

The bill (S. 4017) to amend the act of May 29, 1928, pertaining to certain War Department contracts by repealing the expiration date of that act was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I should like an explanation of the bill which has just been reported. Its language is very simple. It provides:

That so much of an act entitled "An act to require certain contracts entered into by the Secretary of War or by officers authorized by him to make them, to be in writing, and for other purposes," approved May 29, 1928 (45 Stat. L. 985), as provides that said act shall cease to be in effect after June 30, 1930, is hereby repealed.

I think the purpose of this proposed legislation ought to be explained to the Senate.

Mr. REED. Mr. President, the bill seeks to obviate a difficulty in connection with small contracts running, say, about $500, which have to be awarded after formal bidding, so that the cost involved in the preparation of specifications in many cases exceeds the total contract price of the article purchased.

The Senator from Arkansas will notice from the report of the committee that a quotation is made from the letter of the Secretary of War, as follows:

The objection that the War Department has to the formal contract is based solely on the time, labor, and expense involved in its execution. A formal contract requires about 60 days to complete its accomplishment. In the meantime, supplies such as subsistence may have been consumed, the contractor can not be paid, and the discounts for prompt payment are lost.

The report explains the bill in full.

Mr. ROBINSON of Arkansas. The point I am directing the Senator's attention to is the unusual provision in the bill that part of another act shall cease to be in effect. This bill does not repeal anything and it does not fix a definite time limitation, but provides that a portion of an act shall cease to be in effect.

Mr. REED. I did not get the Senator's point. Two years ago when the act to which the Senator has referred was reported by the Military Affairs Committee it provided that it should continue in force only for one year. The purpose of that was to test out the new method. The effect of the pending bill is to remove that time limit which was in the original act of 1928.

Mr. ROBINSON of Arkansas. If this bill shall be passed, will all contracts of the character designated be in writing?

Mr. REED. Oh, yes, Mr. President, they will all be in writing, but the 60 days' advertisement which is necessary in the preparation of formal bids will be avoided in the case of small contracts. The bill merely provides that the present law shall continue in effect; it removes the time limitation which was put on it when it was first passed.

Mr. ROBINSON of Arkansas. Why was it limited in the beginning?

Mr. REED. Because we wanted to make sure that it would be successful and would not be abused.

Mr. ROBINSON of Arkansas. And has it been successful?

Mr. REED. It has been successful; it has saved the Government a good deal of money. The bill was drawn in that way in the first place so that we would not have to pass a repealer act if it was found to be unnecessary and unwise.

Mr. McKELLAR. Mr. President, may I ask the Senator if he thinks that the contracts involving less than $25,000 should be made informally? Does not the Senator think that is a very large limit? Apparently, judging from the letter of the Secretary of War, Mr. Hurley, articles may be bought under contracts involving sums between $500 and $25,000 in this informal way? It seems to me that where the amount involved is more than $500 there ought to be some advertisement; otherwise there might be trouble.

Mr. REED. I can see the Senator's point. It is only where the amount is less than $25,000 and where the contract is to be performed within two months—60 days or some such period—that this measure can apply. It does not apply to long periodical deliveries. In many cases emergencies arise, and it is very much to the advantage of the Army that this should be done. It really causes a great saving, and so far as we can ascertain, the privilege has not been abused.

Mr. COUZENS. Mr. President, I want to point out that it is not infrequent for governmental departments by dividing up their purchases to come within such limitations as this and yet purchase largely in excess of what was intended by the Congress. In other words, in the case of a $100,000 contract for the purchase of equipment or material required, those desiring the material can divide it up into five $20,000 items and evade the requirements of the law. All I want to know is whether the Government is protected against such a procedure as that?

Mr. REED. I should think so; I should think that would be such a palpable fraud that the Comptroller General would stop it. There has been no suggestion of any such use of this act since it was passed. If there were, I would join with the Senator in the effort to discipline the person who was at fault and in trying to repeal the act.

Mr. COUZENS. The Senator must know that what I have suggested is done in State governments and municipalities and elsewhere in order to evade the clear intent of the law by dividing the contract.

Mr. REED. I can see the temptation.

Mr. McKELLAR. Mr. President, will the Senator object to allowing the bill to go over for a day?

Mr. REED. Certainly not.

Mr. McKELLAR. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

BILL PASSED OVER

The bill (S. 4108) to provide for reimbursement of appropriations for expenditures made for the upkeep and maintenance of property of the United States under the control of the Secretary of War used or occupied under license, permit, or lease was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I think this bill should be explained.

Mr. REED. The Senator who reported the bill from the committee is not present, and I am not familiar with it.

Mr. LA FOLLETTE. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

OHIO RIVER BRIDGE NEAR EVANSVILLE, IND.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1644) authorizing the county of Vanderburgh, Ind., to construct, maintain, and operate a toll bridge across the Ohio River at or near Evansville, Ind., which had been reported from the Committee on Commerce with an amendment, in section 1, page 2, line 1, after the word "navigation," to strike out "extending from some point in the county of Vanderburgh, Ind., across said river to a point opposite on the shore" and insert "at or near Evansville, Ind.," so as to make the bill read:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the county of Vanderburgh, Ind., or any board or commission of said county which may be duly created or established for the purpose, be, and is hereby, authorized to construct, maintain, and operate a highway bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation, at or near Evansville, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the said county of Vanderburgh, or such board or commission and the successors thereof, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said county of Vanderburgh, or such board or commission and the successors thereof, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGES WITHIN KENTUCKY

Mr. DALE. Mr. President, on account of a particular emergency I ask unanimous consent to submit a report from the Committee on Commerce.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. DALE. From the Committee on Commerce I report back favorably, with an amendment, the bill (S. 4269) authorizing the Commonwealth of Kentucky, by and through the State Highway Commission of Kentucky or the successors of said commission, to acquire, construct, maintain, and operate bridges within Kentucky and/or across boundary-line streams of Kentucky, and I submit a report (No. 623) thereon.

Mr. BARKLEY. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was, on page 2, section 1, line 5, after the figures "1906," to strike out "and acts amendatory and supplemental thereto," so as to make the bill read:

Be it enacted, etc., That in order to promote interstate commerce, improve the postal service, and more adequately provide for military and other purposes the Commonwealth of Kentucky, by and through the State Highway Commission of Kentucky, or the successors of said commission, be, and it hereby is, authorized to construct, maintain, and operate any or all of the following bridges and approaches thereto, at points suitable to the interests of navigation, in accordance with the

provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act:

A bridge across the Ohio River at or near Maysville; a bridge across the Ohio River at or near Ashland; a bridge across the Ohio River at or near Carrollton; a bridge across the Tennessee River at or near Eggners Ferry; a bridge across the Tennessee River near Paducah; a bridge across the South Fork of the Cumberland River at or near Burnside; a bridge across the North Fork of the Cumberland River at or near Burnside; a bridge across Cumberland River at or near Smithland; a bridge across Cumberland River at or near Canton; a bridge across Cumberland River at or near Burkesville; a bridge across the Kentucky River at or near Tyrone; a bridge across the Kentucky River at or near High Bridge; a bridge across the Kentucky River at or near Boonesboro; a bridge across the Kentucky River at or near Gratz; a bridge across the Green River at or near Brownsville; a bridge across the Green River at or near Rockport; a bridge across the Green River at or near Morgantown; and a bridge across Green River at or near Spottsville.

Said Commonwealth of Kentucky, by and through the State Highway Commission of Kentucky, or the successors of said commission, is hereby authorized to acquire any or all of the following bridges and approaches thereto and thereafter to maintain and operate same as toll bridges:

A bridge across the Ohio River at or near Milton; a bridge across the Ohio River at or near Paducah; a bridge across the Kentucky River at or near Carrollton; and a bridge across Green River at or near Calhoun.

SEC. 2. There is hereby conferred upon the Commonwealth of Kentucky and the State Highway Commission of Kentucky, or the successors of said commission, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, and/or operation of any and/or all such bridges and their approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in condemnation or expropriation of property for public purposes in such State.

SEC. 3. The Commonwealth of Kentucky, by and through the State Highway Commission of Kentucky, or the successors of said commission, is hereby authorized to fix and charge tolls for transit over any and/or all such bridges, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. The Commonwealth of Kentucky, by and through the State Highway Commission of Kentucky, or its successors, may unite or group all or such of said bridges into one or more separate projects for financing purpose, as in its or their judgment shall be deemed practicable to so unite or group. If tolls are charged for the use of a bridge or bridges in a project, the rates of toll to be charged for the use of such bridge or bridges embraced in the particular project shall be so adjusted as to provide a fund not to exceed an amount sufficient to pay the reasonable costs of maintaining, repairing, and operating the bridge or all of the bridges included in the particular project and their approaches under economical management, and not to exceed an amount sufficient, in addition to the foregoing, to provide a sinking fund sufficient to amortize the aggregate cost of the bridge or all of the bridges embraced in the particular project, and their approaches, including reasonable interests and financing costs, as soon as possible under reasonable charges, but within a period not exceeding 20 years from the date of approval of this act. The tolls derived from the bridge or bridges embraced in any particular project may be continued and paid into the appropriate sinking fund until all such costs of the bridges embraced in the particular project shall have been amortized. In any event tolls shall be charged on the basis aforesaid for transit over the bridge or bridges in each project for which revenue bonds of said Commonwealth are issued, and such tolls shall be continued and adjusted at such rates as may be necessary to pay such bonds with interest thereon and any lawful premium for the retirement thereof before maturity, subject only to the power of the Secretary of War or other authorized Federal authority to regulate such rates.

If the State Highway Commission of Kentucky or its successors shall in the exercise of its or their judgment deem it inexpedient or impracticable to construct or acquire any one or more of such bridges, or to unite or group any one or more with another or others for financing purposes, then the failure of the Commonwealth of Kentucky, acting by and through the State Highway Commission of Kentucky, or its successors, to construct or acquire any one or more of such bridges, or failure to unite or group any one or more with another or others for financing purposes, shall in no wise affect its authority or powers granted by this act as to such bridge or bridges or the remainder of such bridges which it may so construct, acquire, unite, or group, and operate.

After a sinking fund sufficient to amortize the cost of the bridge or bridges in any particular project shall have been provided to the extent hereinabove required, the bridge or bridges included in such project shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of such bridge or bridges embraced in the particular project and their approaches under economical management. An accurate record of the cost of the bridge or bridges in a project and their approaches, the expenditures for maintaining, repairing, and operating same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested. Tolls shall be uniform as between individuals and as between vehicles of the same class using any one of the bridges, but different rates of toll may be charged for the use of different bridges.

SEC. 5. The authority and powers conferred by this act are supplementary and additional to all other authority and powers heretofore granted by law in relation to such bridges and tolls for transit thereover, and such authority or powers as to any one or more of such bridges may be exercised either under the authority and provisions of this act or under the authority and provisions of any other law relating thereto; and nothing in this act shall be construed as requiring tolls to be charged for the use of any one or more of such bridges, except as hereinabove provided, and nothing herein shall be construed to prohibit the Commonwealth of Kentucky, acting by and through the State Highway Commission of Kentucky, or its successors, from paying all or any part of the cost of any one or more of such bridges and their approaches from the State road fund, or from paying all or any part of the cost of maintenance, repair, or operation of any one or more of such bridges from the State road fund of the Commonwealth of Kentucky.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OHIO RIVER BRIDGE AT EVANSVILLE, IND.

The bill (S. 3298) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Evansville, Ind., was considered as in Committee of the Whole. The bill had been reported from the Committee on Commerce with an amendment, on page 1, after line 9, to insert:

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Ohio River at or near Evansville, Ind., authorized to be built by the State of Indiana, acting by and through its State highway commission, by the act of Congress approved March 2, 1927, are hereby extended one and three years, respectively, from March 2, 1930.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HUDSON RIVER BRIDGE AT STILLWATER, N. Y.

The bill (S. 4009) granting the consent of Congress to the State of New York to construct, maintain, and operate a free highway bridge across the Hudson River at or near Stillwater, N. Y., was announced as next in order.

Mr. COPELAND. Mr. President, I ask unanimous consent that Order of Business No. 608, being the bill (H. R. 11046) to legalize a bridge across the Hudson River at Stillwater, N. Y., may be substituted for the Senate bill, and be considered at this time.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11046) to legalize a bridge across the Hudson River at Stillwater, N. Y.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. COPELAND. I now move that Senate bill 4009, being Order of Business 493, be indefinitely postponed.

The motion was agreed to.

VETERANS' GUARDIANSHIP ACT

The bill (S. 2816) to amend section 1125, chapter 31, of the District of Columbia Code was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, this is apparently an important bill, and I should like an explanation from the Senator from Kansas [Mr. CAPPER], who introduced

the bill and reported it. It appears that the bill has been reported from the committee with an amendment striking out its original phraseology and providing a complete substitute.

Mr. CAPPER. Mr. President, this bill came to the Committee on the District of Columbia from General Hines, of the Veterans' Bureau. Its purpose is to incorporate into the Code of the District of Columbia the uniform veterans' guardianship act which is now in effect in 29 States and which was drafted by a conference of commissioners on uniform State laws.

After the bill was introduced the committee asked the corporation counsel of the District and some of the officials of the District Supreme Court to confer with the counsel for the Veterans' Bureau. After two or three weeks' conference they evolved this revised bill, which is not materially different from the original bill, but puts it in line with the needs of the District of Columbia. As reported here now, it has the approval not only of the Veterans' Bureau, General Hines, and of the American Legion—I might say they have had an important part in drafting the bill—but also of the legal department of the District of Columbia.

Mr. ROBINSON of Arkansas. Did they object to the original bill? And in what manner was the original bill changed?

Mr. CAPPER. I will say principally as to the verbiage, and some provisions that were not required here in the District of Columbia.

Mr. BLAINE. Mr. President, I think I can answer the question propounded by the Senator from Arkansas.

The original bill was so framed as to permit the appointment of a guardian for any person residing anywhere in the United States who might receive money under the Veterans' Bureau. In other words, a person who was incompetent was to receive compensation under some of the veterans' acts; and a petition could be filed in the District of Columbia and the appointment of a guardian made in the District of Columbia.

Mr. ROBINSON of Arkansas. Without regard to the residence of the veteran?

Mr. BLAINE. Without regard to the residence of the veteran. To that I made serious objection. I was not present when the substitute bill was presented, and I have not had the time to examine the provisions of the substitute bill. The only requirement under the original bill for which this is a substitute was that the petitioner for a guardian should be a resident of the District; and, judging from the attitude of the person who appeared before the committee, I would rather assume that unless this bill is very carefully scrutinized we may still find in this bill the provision that would permit the appointment of a guardian of a veteran residing anywhere in the United States. I may be mistaken in that statement, because I have not had the time to go over the bill at all. My attention has just been called to it, and I have not even been able to read the bill.

Mr. WALSH of Montana. Mr. President, it will be recalled that the attention of the public was drawn in the most forcible way some time ago to abuses in the matter of the appointment of guardians of insane or other incompetent persons in the District of Columbia, involving, as will be recalled, one of the then commissioners of the District of Columbia. Has that matter had the consideration of the committee in drafting this particular measure?

Mr. BLAINE. The committee did not draft this bill. This bill was brought to the committee. The committee did have before it that situation, and the committee was very anxious to overcome that situation; but the committee was unwilling to have a provision whereby a guardianship proceeding in the District of Columbia might apply to a resident anywhere within the United States.

Mr. WALSH of Montana. My recollection about the matter is that one of the abuses to which the public mind was then directed was the appointment of one individual as guardian for a vast number of occupants of St. Elizabeths Hospital for the Insane, the appointee evidently having some kind of influence with the appointing power, so that being a guardian seemed to be his business.

Mr. BLAINE. I think this bill ought to go over.

The VICE PRESIDENT. The bill will be passed over.

RESOLUTION PASSED OVER

The resolution (S. Res. 245) providing for the appointment of a committee to inquire into the failure of the Speaker of the House of Representatives to take some action on Senate Joint Resolution 3, relative to the commencement of the terms of President, Vice President, and Members of Congress was announced as next in order.

Mr. FESS. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

BLACKFEET INDIANS OF MONTANA

The bill (S. 4098) to provide funds for cooperation with the school board at Browning, Mont., in the extension of the high-school building to be available to Indian children of the Blackfeet Indian Reservation was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $40,000 for the purpose of cooperating with the public-school board of district No. 9, town of Browning and county of Glacier, Mont., for the extension and betterment of a public high-school building at Browning, Mont.: *Provided* That the expenditure of any money so appropriated shall be subject to the express condition that the school maintained by the said school district in the said building shall be available to all Indian children of the Blackfeet Indian Reservation, Mont., on the same terms, except as to payment of tuition, as other children of said school district: *Provided further*, That such expenditures shall be subject to such further conditions as may be prescribed by the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OHIO RIVER BRIDGE, CANNELTON, IND.

The bill (S. 3713) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cannelton, Ind., was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I see on the calendar a notation that a similar bill has passed the House, Order of Business No. 621. I suggest that the House bill be substituted for the Senate bill, and that the Senate bill be indefinitely postponed.

The VICE PRESIDENT. Without objection, the House bill will be substituted for the Senate bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10258) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cannelton, Ind.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, Senate bill 3713 will be indefinitely postponed.

KENNETH M. ORR

The bill (H. R. 389) for the relief of Kenneth M. Orr was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF FEDERAL FARM LOAN ACT

The bill (S. 4028) to amend the Federal farm loan act as amended was considered as in Committee of the Whole and was read.

Mr. FESS. Mr. President, I should like to have some explanation about that bill.

Mr. SHEPPARD. Mr. President, this bill provides that about 58 per cent of the salaries and operating expenses of the Federal Farm Loan Board shall be paid by the Government.

When the system first went into operation in 1916, the entire expense of the Farm Loan Board, including the salaries of the members of the board, was paid by the Government. In 1923 this expense was put entirely upon the banks—the intermediate credit banks, the Federal farm-loan banks, and the joint-stock land banks. About 1927 a reorganization was had, and resulted in enlarged operations on the part of the board, and an enlarged expense. It is felt now by the Treasury and by the committee that it would be fair for the Government to resume the payment of at least a part of the expense of the board.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

Mr. METCALF. Mr. President, I should like to have that bill go over in order to enable me to study it a little. I have not had a chance to see it.

The VICE PRESIDENT. The bill will be passed over.

DETAIL OF ENGINEERS OF BUREAU OF PUBLIC ROADS

The bill (S. 120) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the Governments of the Latin American Republics in highway matters was considered as in Committee of the Whole, and was read.

Mr. COUZENS. Mr. President, the Senator from Nevada [Mr. ODDIE] is present. Perhaps he can explain this bill. I understand that there is a great deal of opposition to it.

Mr. ODDIE. Mr. President, I hope the Senator will not object to the consideration of this bill, because it is a very

important one. It will assist us in getting through to South America the great inter-American highway that we have been working on for so long.

There is a law now providing that the President can loan to various countries engineers from the Army and Navy, and this provision of the bill is drawn in the same language. It will allow the President, on request of various Latin American governments, to loan engineers to them for a certain time. An engineering organization raised an objection previously, but I think the objection was not well taken. The bill will create a better feeling with Latin America. It will help us get this road through.

Mr. PHIPPS. Mr. President, may I add to what the Senator has said this statement: Apparently there is a misapprehension among some members of the engineering societies who rather feel that this would be sending Government engineers to do highway construction work in South America instead of their being taken from the general profession. The fact is that the Government engineers are merely loaned in a consultative capacity, and they really pave the way for the employment of construction engineers who would be sent down here to take up the actual work of building these roads. All we can do to encourage the building of highways in the South American countries means that we are going to sell more and more automobiles to those countries, and other supplies as well.

Mr. ROBINSON of Arkansas. Mr. President, what is the number of Federal Government employees that may be loaned, as the Senator states, to foreign governments under this bill?

Mr. ODDIE. There is no limit, but there will be very few. One of the countries in Central America has already made a request for an engineer. There may be a few more, but the number would be very small.

Mr. PHIPPS. It would not be over 8 or 10.

Mr. ODDIE. In addition to what the Senator from Colorado has said, it will help United States industry in getting its road-building machinery used in the countries to the south of us.

Mr. ROBINSON of Arkansas. Mr. President, the United States is not selling road machinery.

Mr. ODDIE. I mean, industries in the United States.

Mr. ROBINSON of Arkansas. That is a very important proposition. Is it the policy of Congress, in order to stimulate sales of private property in foreign countries, to authorize public officers receiving compensation from the Federal Treasury to perform services in foreign countries?

I think this bill is rather an important measure. There is no limitation on the number of these employees that may be sent to foreign countries. It is, of course, desirable that our manufacturers of road machinery shall have the opportunity to sell their products in foreign lands; but they themselves have engineers employed. I am wondering why the people of the United States should be expected to compensate these agents who are to perform duty in foreign countries purely for private persons or corporations.

Let the bill go over.

Mr. ODDIE. Mr. President, I should like permission to make one statement in reply to the Senator.

Mr. ROBINSON of Arkansas. Certainly; I withhold the objection.

Mr. ODDIE. The comment I made in regard to road machinery is a very small incident, considering the benefits from and needs for this bill. That is a very small incident in connection with it.

Mr. ROBINSON of Arkansas. What is the material incident? Why does the Senator, when he is asked a question of that character, make answer of an irrelevant nature? Why does not the Senator tell us what is the important incident of the bill?

Mr. ODDIE. The important matter is to give professional advice, which the United States engineers are capable of giving to the various countries in South America that are asking for that advice in laying out their road systems, and in the construction of their roads.

Mr. ROBINSON of Arkansas. Mr. President, does the Senator suggest that foreign governments are unable to employ engineers to perform these functions? And is it the policy of Congress to provide foreign governments with officers and agents and pay their salaries whenever we think it may be helpful to them? Is it not true that there is a large amount of work to be done in the United States for which these employees have been trained? And, let me ask the Senator, why should we supply officers of this character to foreign governments at the expense of the people of the United States?

Mr. ODDIE. Because it is decidedly to the interest of the United States to encourage the building of the Inter-American highway through all of the Americas. It has been discussed for a long time, and the automobile associations and road associations and various other influential organizations all over the United States are very much in favor of this being done.

Mr. ROBINSON of Arkansas. Mr. President, on its face this bill has no relationship whatever to any particular project. It is a general bill, and I think it had better go over.

Mr. LA FOLLETTE. I call for the regular order.

The VICE PRESIDENT. The bill will be passed over.

AMENDMENT OF UNITED STATES CODE

The bill (S. 3044) to amend section 39 of title 39 of the United States Code was considered as in Committee of the Whole.

The bill had been reported from the Committee on Post Offices and Post Roads with amendments, on page 1, line 9, after the word "class," to insert "and by the Postmaster General when the office is in the fourth class"; and on page 2, line 16, after the word "period," to insert "which period in the continental United States shall not exceed 30 days," so as to make the bill read:

Be it enacted, etc., That section 39 of title 39 of the United States Code be, and is hereby, amended to read as follows:

"Whenever the office of a postmaster becomes vacant through death, resignation, or removal, the Postmaster General shall designate some person to act as postmaster until a regular appointment can be made by the President in case the office is in the first, second, or third class, and by the Postmaster General when the office is in the fourth class; and the Postmaster General shall notify the General Accounting Office of the change. The postmaster so appointed shall be responsible under his bond for the safekeeping of the public property pertaining to the post office and the performance of the duties of his office until a regular postmaster has been duly appointed and qualified and has taken possession of the office. Whenever a vacancy occurs from any cause the appointment of the regular postmaster shall be made without unnecessary delay and the Postmaster General shall promptly notify the General Accounting Office of the change. And if in any case it should become necessary for some person having proper access to the office to assume the duties thereof pending the designation by the Postmaster General of some person to act as postmaster as above provided, the person so assuming and properly performing such duties shall receive the compensation of the postmaster during the period, which period in the continental United States shall not exceed 30 days."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEFACING OF STAMPS ON GOVERNMENT-STAMPED POSTAL CARDS

The bill (H. R. 7395) to extend to Government postal cards the provision for defacing the stamps on Government-stamped envelopes by mailers was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNDELIVERED MAIL

The bill (H. R. 8650) to authorize the Postmaster General to charge for services rendered in disposing of undelivered mail in those cases where it is considered proper for the Postal Service to dispose of such mail by sale or to dispose of collect-on-delivery mail without collection of the collect-on-delivery charges or for a greater or less amount than stated when mailed was considered as in Committee of the Whole.

Mr. COUZENS. Mr. President, I would like to ask the Senator from Colorado what sort of circumstances arise where a postmaster may make charges for undelivered postal matter?

Mr. PHIPPS. It is in a case where packages contain perishable matter. The point is that if perishable goods arrive and the postmaster knows they will be spoiled if they can not be disposed of immediately, and he can not find the person to whom they are addressed, he has authority, in such a case, to sell to the best advantage and make an accounting, and he charges 10 per cent for that service. This is a department bill, which has already passed the House.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WAR-TIME RANK OF FORMER ARMY OFFICERS

The bill (S. 465) to give war-time rank to retired officers and former officers of the United States Army was announced as next in order.

Mr. DILL. Let the bill go over.

Mr. REED. Mr. President, will not the Senator withhold his objection?

Mr. DILL. Certainly.

Mr. REED. A bill similar to this measure was introduced by Senator Tyson in three successive Congresses. It has passed

the Senate four times. The first two times it passed in substantially the form in which it now stands. The next two times it passed as a section of the Army promotion bill.

The Committee on Military Affairs, at all the meetings at which I have been present, have been unanimous in support of this bill. It will not cost the Government of the United States one penny, either in active or retired pay. It recognizes, merely as a matter of courtesy and as a matter of inclusion in the list of retired officers, the highest rank attained by an officer during the World War.

There were many cases of officers who held temporary command as brigade commanders, and yet I know of one such officer whose permanent rank was that of a captain. He served with such distinction in the World War that he was promoted to the command of a brigade in France, and yet when he came back and his temporary rank was stopped, he went back to his permanent grade of captain, which could not be changed except by gradual promotion and seniority. The man to whom I have referred was retired from the Army, was carried on the list of captains, and there is nothing to show in his rank the distinguished service he performed during the war.

There are about 600 such persons. The bill merely recognizes, without cost to the Government, the distinction they attained during war-time service.

Senator Tyson had this measure at heart, and he pressed it, as I said, in Congress after Congress, because he knew of other cases of injustice like the one I have mentioned. It was warmly seconded by Secretary Good when he was Secretary of War. Both of them are gone now; both are in their graves; they can not be heard to speak in favor of it, and I wish, in some small measure, I might speak for them. So I urge the Senate again to pass this bill, because I believe that if we will persist the House eventually will give in and will pass it.

Mr. McKELLAR. Mr. President, may I add to what the Senator has said that I know Senator Tyson was probably more interested in this bill than in any other bill which came before the Congress while he was a Member of the Senate. Not even the retired officers' bill was so near to his heart, and unless Senators have something real against the measure, it seems to me that the statement made by the Senator from Pennsylvania is sufficient to cause the Senate to pass the bill, and I earnestly hope it will be passed to-day.

Mr. COPELAND. Mr. President, I am delighted to hear the words of commendation of this bill given by the Senator from Pennsylvania. I am sure that General Tyson was so beloved by every Member of the Senate that if, by passing this bill, we can pay a tribute to his memory, if will be done, and it will be a beautiful tribute to him.

Mr. DILL. Mr. President, this bill covers all wars; it is not merely a World War bill. It is amended so as to refer to all wars. Besides, it properly belongs on the Army promotion bill, and it was in that bill, as the Senator from Pennsylvania has said, and was stricken out in conference.

Mr. REED. I beg the Senator's pardon. The Army promotion bill is still pending in the House.

Mr. DILL. What promotion bill was it in?

Mr. REED. It is in the promotion bill which passed the Senate, but which the House Military Affairs Committee has not reported.

May I say just a word more about this bill? If it provided for some promotion to be given now, if it involved a process of selection now which might conceivably be used to favor some one to some one else's disadvantage, I would join with the Senator from Washington in not favoring it; but it does not do that. It is merely a recognition of a promotion attained during war time, all in the past, all won through merit, not to be given now as a favor through the caprice of any living official.

It is true that it does apply to other wars, but it ought to. There are very few men now living to whom it would apply.

Mr. DILL. Mr. President, I have had some letters about the bill. I did not know it was coming up to-day. So I shall object to its consideration at this time. I may be willing to let it pass the next time the calendar is called.

The VICE PRESIDENT. The bill will be passed over.

WEST PEARL RIVER BRIDGE, LOUISIANA

The bill (S. 3868) granting the consent of Congress to the Lamar Lumber Co. to construct, maintain, and operate a railroad bridge across the West Pearl River at or near Talisheek, La., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Lamar Lumber Co., its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the West Pearl River, at a point suitable to the interests of navigation, at or near Talisheek, La., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Lamar Lumber Co., its successors and assigns, and any party to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such party.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COLUMBIA RIVER BRIDGE, OREGON

The bill (H. R. 9434) to extend the times for commencing and completing the construction of a bridge across the Columbia River at or near Arlington, Oreg., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE, MISSOURI

The bill (S. 3873) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on line 7, after the figures "1928," to insert the words "heretofore extended by an act of Congress approved February 26, 1929," and on line 8, after the word "hereby," to insert the word "further," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo., authorized to be built by the Dupo Bridge Co., a Missouri corporation, its successors and assigns, by an act of Congress approved May 14, 1928, heretofore extended by an act of Congress approved February 26, 1929, are hereby further extended one and three years, respectively, from May 14, 1930.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MIGRATORY BIRD REFUGE, KANSAS

The bill (S. 3950) authorizing the establishment of a migratory bird refuge in the Cheyenne Bottoms, Barton County, Kans., was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, may I inquire the necessity for this special act? Has not the Department of Agriculture the authority to establish such a bird refuge? Why is it found necessary to pass special legislation?

Mr. CAPPER. Mr. President, I ask that the bill be passed over temporarily. The author of the bill will be in the Senate in a few minutes, and wants to be present when it is considered.

The VICE PRESIDENT. Without objection, the bill will be passed over.

Mr. ROBINSON of Arkansas subsequently said: Mr. President, referring back to the Senate bill 3950, which went over at the request of the Senator from Kansas, I have examined the report and find that the Department of Agriculture recommends the creation of this refuge, and that it is necessary to pass the legislation because the department has not the funds with which to provide the necessary area. I have no objection to recurring to the bill and considering it.

Mr. CAPPER. Mr. President, I may add that this is a very meritorious measure, and the Department of Agriculture is very strong for it. There is every reason why there should be favorable action.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized to acquire by purchase, gift, or lease not to exceed 20,000 acres of land in what is known as the Cheyenne Bottoms, in Barton County, Kans., or in lieu of purchase to compensate any owner for any damage sustained by reason of submergence of his lands.

SEC. 2. That such lands, when acquired in accordance with the provisions of this act, shall constitute the Cheyenne Bottoms Migratory Bird Refuge, and shall be maintained as a refuge and breeding place for migratory birds included in the terms of the convention between the

United States and Great Britain for the protection of migratory birds concluded August 16, 1916.

SEC. 3. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum of $300,000, or so much thereof as may be necessary, to purchase or otherwise acquire the land described in section 1 of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NICK RIZOU THEODORE

The bill (S. 2774) for the relief of Nick Rizou Theodore was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nick Rizou Theodore the sum of $25, representing the amount of allotment and allowance check No. 12999231, drawn January 2, 1919, for $25, over symbol 11234, in favor of said Nick Rizou Theodore.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OSCAR R. HAHNEL

The bill (S. 2811) for the relief of Oscar R. Hahnel was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 6, to strike out "$981.02, to reimburse him" and to insert in lieu thereof "$150, in full settlement of all claims against the Government," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Oscar R. Hahnel, the sum of $150, in full settlement of all claims against the Government for damages to his automobile caused by a collision with an Army truck near Bretton Woods, N. H., on August 10, 1927.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DIRECTORS OF FEDERAL RESERVE BANK

The bill (S. 4096) to amend section 4 of the Federal reserve act was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, this is apparently a bill providing for a change in the existing law, and it would affect the administration of the Federal reserve act. I think the Senator who sponsors the legislation should explain it.

Mr. LA FOLLETTE. Let the bill go over.

Mr. BINGHAM. Mr. President, I ask that the bill be passed over for a few moments without prejudice. My colleague [Mr. WALCOTT] is on his way to the Chamber now, and he will explain the bill.

The VICE PRESIDENT. The bill will be passed over, on objection.

Mr. ROBINSON of Arkansas subsequently said: Mr. President, a few moments ago, while the Senator from Connecticut [Mr. WALCOTT] was absent from the Chamber, Calendar No. 512, the bill (S. 4096) to amend section 4 of the Federal reserve act, was passed over at the request of his colleague. I should like to ask permission to recur to that order of business if the Senator from Connecticut desires to do so, with a view to having it explained.

The VICE PRESIDENT. Is there objection to recurring to the order of business referred to? The Chair hears none.

Mr. WALCOTT. Mr. President, the bill refers to the selection of directors of the Federal reserve bank. It is rather complicated and quite difficult to explain. There is a report from the department favoring the proposed amendment of the act which I should like to get before I undertake an explanation. It will take a few moments to get it. I would suggest, therefore, that the bill be passed over for the time being.

Mr. LA FOLLETTE. Let it go over.

The VICE PRESIDENT. The bill will be passed over.

A. J. MORGAN

The bill (H. R. 668) for the relief of A. J. Morgan, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 6, to strike out the words "as compensation," and to insert in lieu thereof the words "in full settlement of all claims against the Government," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to A. J. Morgan, out of any money in the Treasury not otherwise appropriated, the sum of $1,500 in full settlement of all claims against the Government for injuries received and expenses incurred by reason of having been struck by a mail sack thrown from a mail car at Fairmount, Ga., on the 21st day of August, 1926.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

NATIONAL HYDRAULIC LABORATORY

The bill (H. R. 8299) authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments.

The first amendment was, on page 1, line 9, after the word "flow," to insert the word "and."

The amendment was agreed to.

Mr. BLACK. Mr. President, I would like to have an explanation of that bill. Objection has been made to me about it, and I would like to have an explanation.

Mr. RANSDELL. Mr. President, a similar bill has passed the Senate twice, and this bill passed the House after very full hearings on the 9th of last month. It has been very fully considered by the Senate and by the House. It is a meritorious measure.

After the bill had passed the Senate twice, the House passed it in a very slightly amended form. This is an effort to have the House bill adopted, with an immaterial change, I would say, the substitution of the words "or any department or independent agency of the Government" for the words "or other bureau or department."

The measure has been before Congress since 1922, it is very strongly favored by the War Department, which did not favor it at first, but which is very strong for it now. It is also favored very strongly by the Department of Commerce. It would fill a real need of the Government, and it has passed the House.

Mr. BLACK. What is the necessity for it? I have been told that it would not have any effect on flood control, and that this work is done by a private company.

Mr. RANSDELL. It is considered very necessary because we have no national hydraulic laboratory in this country, and there are a great many needs which this hydraulic laboratory would answer. We want to study the various uses of water in many ways.

It does not interfere with the investigations which the War Department desires to make in the field in the study of flood control, or anything of that sort. It aids in all of these works, and there are many hydraulic problems which can not be studied successfully except in a national laboratory.

There is a comparatively small laboratory at the University of Michigan, and another one at Cornell University, in New York State. They are doing very good work, but there is nothing in the nature of a national laboratory, where the work can be carried on for all the different departments of the Government, and also for State agencies, when proper request is made by those authorities.

This has not been hastily gone into, I will say to the Senator. It has been gone into with very great care. Hundreds of pages of testimony have been taken, both by the House Committee on Rivers and Harbors and the Senate Committee on Commerce.

Mr. BLACK. Mr. President, the question in which I was interest was, What benefit would the Government receive from this laboratory which the Government does not now receive from the same kind of work performed by a private company?

Mr. RANSDELL. The Government would carry on this work independently for the various departments of the Government. There is no private laboratory carrying on the work in a broad way. We have a great Bureau of Standards where scientific research of every kind is carried on, and this is to establish another branch of that great bureau.

Mr. BLACK. What benefit does the Government receive? What is done? I am not sufficiently familiar with it to know.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McNARY. Has objection been entered?

The VICE PRESIDENT. Objection has not been entered.

Mr. McNARY. The rule is that no Senator may proceed longer than five minutes, is it not?

Mr. RANSDELL. I hope the Senator will not object.

The VICE PRESIDENT. The Senator's time is not quite up. He has about half a minute remaining.

Mr. BLACK. I would like to know what benefit we would receive from the establishment of the laboratory.

Mr. RANSDELL. It would provide for a bureau of scientific research. It is to assist us in studying problems connected with hydraulics. I might tell the Senator about one which was worked out at Cornell University which made the turbine 5 per cent more valuable than it ever was before. We think this would aid in problems of navigation, problems to some extent connected with flood control, and problems in irrigation and innumerable other problems. I hope the Senator will not object.

Mr. BLACK. Mr. President, I would like to have the bill go over until to-morrow.

The VICE PRESIDENT. Upon objection, the bill will be passed over.

NATIONAL SYSTEM OF EXPRESS MOTORWAYS

The joint resolution (S. J. Res. 58) creating a commission to study proposals for a national system of express motorways, and for other purposes, was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I ask the attention of the Senator from Colorado [Mr. PHIPPS]. This apparently is quite an important measure. Is it the purpose to establish a system of Government motorways?

Mr. PHIPPS. Mr. President, the purpose is to authorize a commission, largely composed of heads of governmental departments, with one or two others whose services would be donated, to study the plans which might be laid before them for a system of express motor roads, the idea being to point out to those interested, whether it be the States, the Federal Government, or private enterprises, that there should be a definite plan formulated with a view to avoiding loss of money which would undoubtedly occur if the highway system is developed in a haphazard manner. We have to-day in some of the Eastern States requests on file from individual enterprises to get rights of way or permits to construct express motorways, which would, of course, be toll roads.

It is a very large problem. The good roads associations, the automobile industry, and all those interested in transportation—and I may add freight as well as passenger—are looking upon this as a proper move to avoid the loss of money in working along in the wrong manner. Without having first studied out the problem in full, it is usually gone at in an inefficient way. We had some printed matter submitted on the subject, all of which was furnished members of the committee. The committee was unanimously in favor of the proposal. A similar measure has been introduced in the House, but has not yet been acted upon.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Post Offices and Post Roads with amendments, on page 1, line 5, after the word "each" to insert "of the"; in line 9, to strike out "seven" and insert "eight"; on page 2, line 5, after the word "department" to insert "one representing the Interstate Commerce Commission," and in line 23 to strike out "may" and insert "shall," so as to make the joint resolution read:

Resolved, etc., That a commission is hereby created to be known as the United States Motorways Commission, to be composed of two Members of the Senate, one from each of the two major parties, and appointed by the President of the Senate; two Members of the House of Representatives, one from each of the two major parties, and appointed by the Speaker of the House of Representatives; and eight individuals to be appointed by the President of the United States, one representing the Department of Agriculture, one representing the Department of Commerce, one representing the Post Office Department, one representing the Department of War, one representing the Department of Labor, one representing the Treasury Department, one representing the Interstate Commerce Commission, and one (not connected with any governmental agency) who is experienced in industrial, military, aviation, and traffic problems. Any vacancy occurring in the commission shall be filled in the same manner as the original appointment. No member of the commission shall receive any compensation for his services as such member.

SEC. 2. The commission is authorized and directed to study proposals for the establishment of a national system of express motorways, with a view to making recommendations to Congress with respect to the establishment and maintenance of such a system. The commission shall make a report to Congress on or before the first day of the first regular session of the Seventy-second Congress and annually after such day, and shall file a copy of each report so made with the President of the United States.

SEC. 3. Any officer or employee of the United States shall supply the commission with such information, relating to any matter under investigation or study by the commission and contained in the records of the office of such officer or employee, as the commission may request. In administering this resolution the commission is authorized to make use, so far as consistent with the best interests of the public service, of agencies, officers, and employees in the executive branch of the Government. It shall also have power to hold hearings, subpœna witnesses, and administer oaths to witnesses.

SEC. 4. The commission may make such expenditures, including expenditures for actual traveling and subsistence expenses, for personal services at the seat of government and elsewhere (without regard to the civil service laws or the classification act of 1923, as amended), and for printing and binding, as are necessary for the efficient administration of its functions under this resolution. All expenses of the commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman of the commission.

SEC. 5. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this resolution.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

EDNA B. ERSKINE

The bill (S. 969) for the relief of Edna B. Erskine was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, in line 6, to strike out "$10,000" and insert "$5,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Edna B. Erskine, widow of George Erskine, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in full settlement of all claims against the Government for the death of her husband, who died as a result of injuries sustained by falling down an open and unguarded elevator shaft in the United States appraisal store building in New York City, July 17, 1923.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JUAN ANORBE AND OTHERS

The bill (S. 1378) for the relief of Juan Anorbe was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Juan Anorbe, Charles C. J. Wirz, Rudolph Ponevacs, Frank Guelfi, Steadman Martin, Athanasios Metaxiotis, and Olaf Nelson, all former employees of the Isthmian Canal Commission, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, such compensation hereunder to commence from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Juan Anorbe, Charles C. J. Wirz, Rudolph Ponevacs, Frank Guelfi, Steadman Martin, Athanasios Metaxiotis, and Olaf Nelson."

HELEN F. GRIFFIN AND ADA W. ALLEN

The bill (S. 2892) for the relief of Helen F. Griffin and Ada W. Allen was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Helen F. Griffin, widow of Alfred A. Griffin, and to Ada W. Allen, widow of G. F. Allen, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, compensation to commence from and after the passage of this act.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator from Oregon [Mr. MCNARY] why it is necessary to pass

such a bill, and why the beneficiaries are not entitled to relief under the existing law.

Mr. McNARY. Mr. President, Mrs. Griffin and Mrs. Allen are widows, whose husbands lost their lives through food poisoning incurred while fighting forest fires. Mrs. Griffin is not only a widow, but an invalid with two small children. I am sure the case is such as to arouse the sympathy of anyone, but the department thought it did not come properly within existing law. The bill is simply to make it clear that their cases do come within the law.

Mr. ROBINSON of Arkansas. Very well.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF MERCHANT MARINE ACT

The bill (H. R. 7998) to amend subsection (d) of section 11 of the merchant marine act of June 5, 1920, as amended by section 301 of the merchant marine act of May 22, 1928, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 2, line 3, after the word "vessel" to strike out the words "for the foreign trade"; in line 7 to strike out "The lowest rate of yield (to the nearest one-eighth of 1 per cent) of any Government obligation bearing a date of issue subsequent to April 6, 1917 (except postal savings bonds), and outstanding at the time the loan is made by the board, as certified by the Secretary of the Treasury to the board upon its request. The rates of interest herein described shall also apply to advances hereafter made on contracts heretofore entered into" and to insert in lieu thereof "as fixed by the board, but not less than 3½ per cent per annum," so as to make the sentence read:

During the period in which a vessel is being constructed, equipped, reconditioned, remodeled, or improved; and/or, during any period in which such a vessel is operated in foreign trade the rate shall be as fixed by the board, but not less than 3½ per cent per annum.

The amendments were agreed to.

Mr. STEIWER. Mr. President, I do not know that I shall object to the consideration of the measure at this time, but I should like to call the attention of the Senate to one or two phases which are involved in it.

For 60 years our Government has entertained hope for the reestablishment of a merchant marine. Every attempt that was made met with failure. Following the war we established certain shipping lines and certain services with vessels which had been built incident to the war. Subsequent to that time Congress has given a great deal of attention to the very important matter of the establishment of the American flag and the American merchant marine upon the seas. The most effective step, indeed I feel the only effective step, in bringing about the construction of new ships and a forward-looking program with respect to this great enterprise is the Jones-White Act with the acts amendatory thereto. Those acts laid down a policy of loans for construction and a policy of interest rates with respect to those loans for construction. The amendment which the committee is recommending to us with respect to the bill now before the Senate changes the entire policy and takes away the rule under which the interest rate was to be figured. It will be observed that under the measure now before us the matter is to be left entirely to the Shipping Board subject to a minimum limitation of 3½ per cent.

May I say, and this is the only thing I had in mind when I took the floor, that some $60,000,000 has already been loaned by the Shipping Board under that act, and that numerous lines of American ships have been sold with conditions in the contract for replacement by building new ships and the old ships have been purchased and contracts made by the American operators in the belief that the Congress had adopted a policy with respect to the matter and had provided a basis upon which interest might be figured. At this time numerous agreements have been made by which the interdepartmental committee has arranged that the mails to be carried under the act and the Shipping Board has given its approval to the route. The formal contract in many instances have been made, and commitments have been made running into millions and millions of dollars.

Under those contracts for the construction of new ships the interest rate has not yet been formally or finally fixed. The law provides that a temporary adjustment be made, the assurance of a loan is given, and the owner then proceeds with the construction of the ship and in these numerous cases the American owners building in American yards under the provisions of the law, have relied upon the policy as declared by Congress. It seems to me it is almost bad faith for the Government of the United States to change the basis and thus increase the interest rates upon these loans.

I shall not object to the present consideration of the bill, but I hope the conferees when considering the interest rate amendment will observe care not to disturb existing agreements.

Mr. BLEASE. Mr. President, let the bill go over.

The VICE PRESIDENT. Objection is made and the bill will be passed over.

WABASH RAILWAY CO. EASEMENT OVER ST. CHARLES RIFLE RANGE

The bill (S. 3965) to authorize the Secretary of War to grant an easement to the Wabash Railway Co. over the St. Charles Rifle Range, St. Louis County, Mo., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to grant, under such terms and conditions as he may determine, to the Wabash Railway Co., an Indiana corporation, its successors and assigns, an easement 100 feet in width over and upon the property belonging to the United States known as the St. Charles Rifle Range, and located near St. Charles, in the county of St. Louis, State of Missouri, with full power to use said property for railroad purposes and to locate, construct, and operate thereon an approach, together with all necessary tracks, sidings, structures, and appurtenances, to the bridge authorized to be constructed by the act entitled "An act granting the consent of Congress to the Wabash Railway Co. to construct, maintain, and operate a railroad bridge across the Missouri River at or near St. Charles, Mo.," approved February 7, 1930: *Provided*, That the property herein granted shall not be used for other than railroad purposes, and whenever it ceases to be used for such purposes it shall revert to the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEFINITION OF FRUIT JAMS, ETC.

The bill (S. 3470) to define fruit jams, fruit jellies, and apple butter, to provide standards therefor, and to amend the food and drugs act of June 30, 1906, as amended, was considered as in Committee of the Whole. The bill had been reported from the Committee on Agriculture and Forestry with an amendment to strike out all after the enacting clause and insert:

Be it enacted, etc., That for the purposes of the food and drugs act of June 30, 1906, as amended (U. S. C., title 21, secs. 1–15; U. S. C., Supp. III, title 21, sec. 11a)—

(1) "Preserve" or "jam" shall be understood to mean the clean, sound product possessing definite characteristic flavor of the fruit or fruits used in its preparation, made only by cooking to a pulpy or semisolid consistency properly prepared fresh fruit, cold-pack fruit, canned fruit, or a mixture of two or all of these, with one or more saccharine substances, in the proportion of not less than 45 pounds of such fruit or mixture thereof to each 55 pounds of such saccharine substance or substances, and with or without spice and/or vinegar and/or pectin and/or pectinous preparations and/or harmless organic acids; except that when vinegar or pectin or a pectinous preparation or harmless organic acid is used the finished preserve or jam shall contain not less than 68 per cent by weight of water-soluble solids derived from the fruit and saccharine substances used in its manufacture.

(2) "Jelly" shall be understood to mean the clean, sound, semisolid, gelatinous product possessing definite characteristic flavor of the fruit or fruits used in its preparation, made only by concentrating to a suitable consistency the strained juice, or the strained water extract, from fresh fruit, from cold-pack fruit, from canned fruit, or from a mixture of two or all of these, with one or more saccharine substances, and with or without pectin and/or pectinous preparations and/or harmless organic acids; except that when pectin or a pectinous preparation or harmless organic acid is used, the finished jelly shall contain not less than 65 per cent by weight of water-soluble solids derived from the fruit and saccharine substances used in its manufacture, and its composition shall correspond to the proportion of not less than 50 pounds of pure fruit juice to each 50 pounds of one or more saccharine substances in the original batch.

(3) "Apple butter" shall be understood to mean the clean, sound product made only by cooking with one or more saccharine substances and/or apple juice, the properly prepared entire edible portion of apples, either fresh, cold-pack, canned, or evaporated, to a homogeneous semisolid consistency, with or without vinegar and/or salt and/or spice and/or harmless organic acids. Apple butter shall contain not less than 45 per cent by weight of water-soluble solids, and shall be prepared in the proportion of not more than 20 pounds of one or more saccharine substances to each 50 pounds of the properly prepared entire edible portion of fresh apples or the equivalent thereof in cold-pack, canned, or evaporated apples.

(4) "Honey preserve," "honey jam," "honey jelly," or "honey apple butter," shall be understood to mean preserve, jam, jelly, or apple

butter, respectively, as defined in this act, in the manufacture of which honey is the only saccharine substance used.

(5) "Imitation preserve," "imitation jam," "imitation jelly," or "imitation apple butter," shall be understood to mean food products, except those defined in paragraphs (1) to (4), inclusive, which resemble preserve, jam, jelly, or apple butter, respectively, as defined in this act; except that citrus-fruit marmalade, fruit-pie filling, fruit sauce, and fountain-crushed fruit, labeled and sold as such, shall not be held to be imitation preserve, imitation jam, imitation jelly, or imitation apple butter.

SEC. 2. (a) The term "saccharine substances," as used in this act, shall be understood to mean those products having a characteristic sweet taste, having nutritive value, and consisting wholly of the carbohydrates chemically known as sugars or of such sugars, together with harmless nonsugar substances commonly occurring with them in their natural production or commercial manufacture.

(b) For the purposes of any provision of section 1, the weight—

(1) Of fruit, in case of the use of cold-pack fruit or canned fruit, shall be the weight of the properly prepared fresh fruit cold packed or canned.

(2) Of pure fruit juice, shall be the weight of such fruit juice exclusive of added water, added saccharine substances, and other added substances.

(3) Of evaporated apples, shall be the actual weight of the evaporated apples, together with the weight of the water originally present in the properly prepared fresh apples and lost by evaporation in process of manufacture.

(4) Of saccharine substances, in case of the use of cold-pack fruit or canned fruit, shall include the weight of the added saccharine substances, if any, in such fruit.

SEC. 3. Section 8 of the food and drugs act of June 30, 1906, as amended (U. S. C., title 21, secs. 9, 10), is amended by adding at the end thereof the following paragraphs:

"Fifth. If it be preserve, jam, jelly, apple butter, honey preserve, honey jam, honey jelly, or honey apple butter, and (1) the fruit or fruits used in its preparation be not plainly and conspicuously named on the label in the order of their predominance by weight, or (2) the saccharine substances used in its preparation be not plainly and conspicuously named on the label in terms of common usage (for example, 'cane or beet sugar,' 'corn sugar,' and so on) and in the order of their predominance by weight, or (3) if it be made with pectin and/or pectinous preparations and/or acids and such fact be not plainly and conspicuously stated on the label."

"Sixth. If it be imitation preserve, imitation jam, imitation jelly, or imitation apple butter, and it be not plainly and conspicuously labeled 'imitation preserve,' 'imitation jam,' 'imitation jelly,' or 'imitation apple butter,' as the case may be, or the common names of the ingredients from which it was made be not plainly stated upon the label in the order of their predominance by weight."

SEC. 4. This act shall take effect on the 1st day of November, 1930, except that paragraph "Fifth" of section 3 herein shall not take effect until two years after the date of its enactment.

Mr. JONES. Mr. President, it has been found that under the decisions of the courts, jams, jellies, and other similar food products are not covered by the pure food act. It has been ascertained also that in many cases jams, jellies, and so forth, while not really adulterated, do not contain the quantity of fruit that they should contain, and the content of fruit gets less and less year after year, and yet when one looks at the product he can not tell the difference between it and the real article. The purpose of this bill is to meet a situation such as that.

There was a hearing before the Committee on Agriculture and Forestry, the matter was very carefully considered, and a similar bill, I understand, has been reported by the House committee and is now on the House Calendar. My understanding is that the amendment here proposed makes the Senate bill conform to the bill which has been reported to the House. It is a very important measure for the fruit industry and also the consumers. All that it proposes to do, in substance, is to require the container to have placed upon it a notation of its contents.

Mr. ROBINSON of Arkansas. I suppose it only applies, in any event, to a commodity which enters into commerce?

Mr. JONES. Oh, yes.

Mr. COPELAND. Mr. President, I wish the Senator might omit from this bill the necessity of putting the amount of saccharine substance upon the label. It is a great pity, in my judgment, that it is necessary when corn sugar is used for that fact to be labeled; but this bill requires that whatever the saccharine substance is shall be included in the label. It is an unfortunate discrimination against corn sugar.

Mr. JONES. I certainly think so.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STOCK SLOUGH DRAINAGE DISTRICT, OREG.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2896) granting the consent of Congress to the State of Oregon and the Stock Slough Drainage District to construct, maintain, and operate a dam and dike to prevent the flow of tidal waters into Stock Slough, Coos Bay, Coos County, Oreg., which had been reported from the Committee on Commerce with an amendment, on page 1, line 3, after the word "to," to strike out "Coos County" and to insert "the State of Oregon," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is granted to the State of Oregon, acting through its highway department, and to the Stock Slough Drainage District, organized under the laws of the State of Oregon, to construct, maintain, and operate, at a point suitable to the interests of navigation, a dam and dike for preventing the flow of tidal waters into Stock Slough, Coos Bay, Coos County, Oreg. Work shall not be commenced on such dam and dike until the plans therefor, including plans for all accessory works, are submitted to and approved by the Chief of Engineers and the Secretary of War, who may impose such conditions and stipulations as they deem necessary to protect the interests of the United States.

SEC. 2. The authority granted by this act shall terminate if the actual construction of the dam and dike hereby authorized is not commenced within one year and completed within three years from the date of the passage of this act.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BEAVER SLOUGH DRAINAGE DISTRICT, OREG.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2897) granting the consent of Congress to the State of Oregon and the Beaver Slough Drainage District to construct, maintain, and operate a dam and dike to prevent the flow of tidal waters into Beaver Slough, Coquille River, Coos County, Oreg., which had been reported from the Committee on Commerce with amendments, on page 1, section 1, line 3, after the word "to," to strike out "Beaver Slough Drainage District and" and to insert "the State of Oregon acting through its highway department; to the"; in line 5, before the word "drainage," to strike out the name "Coeledo" and to insert "Coaledo"; in line 7, after the word "Oregon," to strike out "acting through its highway department"; and on page 2, line 4, after the name "Beaver Slough," to strike out "drainage district," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is granted to the State of Oregon acting through its highway department; to the Coaledo Drainage District, organized under the laws of the State of Oregon, and to the Beaver Slough Drainage District, organized under the laws of the State of Oregon, to construct, maintain, and operate, at a point suitable to the interests of navigation, a dam and dike for preventing the flow of tidal waters into Beaver Slough, Coquille River, Coos County, Oreg. Work shall not be commenced on such dam and dike until the plans therefor, including plans for all accessory works, are submitted to and approved by the Chief of Engineers and the Secretary of War, who may impose such conditions and stipulations as they deem necessary to protect the interests of the United States.

SEC. 2. The authority granted by this act shall terminate if the actual construction of the dam and dike hereby authorized is not commenced within one year and completed within three years from the date of the passage of this act.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the State of Oregon and the Beaver Slough Drainage District to construct, maintain, and operate a dam and dike to prevent the flow of tidal waters into Beaver Slough, Coquille River, Coos County, Oreg."

LARSON SLOUGH DRAINAGE DISTRICT, OREG.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2898) granting the consent of Congress to the State of Oregon and the Larson Slough Drainage District to construct, maintain, and operate a dam and dike to prevent the flow of tidal waters into Larson Slough, Coos Bay, Coos County, Oreg., which was read, as follows:

Be it enacted, etc., That the consent of Congress is granted to the State of Oregon, acting through its highway department, and to the Larson Slough Drainage District, organized under the laws of the State of Oregon, to construct, maintain, and operate, at a point suitable to the interests of navigation, a dam and dike for preventing the flow of tidal waters into Larson Slough, Coos Bay, Coos County, Oreg. Work shall not be commenced on such dam and dike until the plans therefor, including plans for all accessory works, are submitted to and approved by the Chief of Engineers and the Secretary of War, who may impose such conditions and stipulations as they deem necessary to protect the interests of the United States.

SEC. 2. The authority granted by this act shall terminate if the actual construction of the dam and dike hereby authorized is not commenced within one year and completed within three years from the date of the passage of this act.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OIL AND GAS DEPOSITS ON RIGHTS OF WAY

The bill (H. R. 8154) providing for the lease of oil and gas deposits in or under railroad and other rights of way was announced as next in order.

Mr. BLEASE. I ask that that bill go over.

Mr. WALSH of Montana. If the Senator from South Carolina will withhold his objection to that bill for a brief time, I should like to make a statement about it.

The VICE PRESIDENT. Does the Senator from South Carolina withhold his objection?

Mr. BLEASE. I have not any objection to doing that, but I am going to renew the objection. I am opposed to any more oil leases in view of our past experience.

Mr. WALSH of Montana. I want to say this bill is designed to protect the interests of the United States.

Mr. BLEASE. That is what we thought before, but we were badly fooled.

Mr. WALSH of Montana. I should like to make a statement, if the Senator will indulge me.

Mr. BLEASE. I have not any objection to the Senator doing that.

Mr. WALSH of Montana. Leases have been made of oil lands in the western section of the country and they are now being operated and oil is being extracted from them. These lands lie immediately adjacent to lands which have been granted as rights of way to railroad companies, and the wells on the privately owned lands are draining the oil from underneath the land granted to the railroad company for a right of way. The Government still owns the mineral under the right of way; it does not belong to the railroad company; but the wells in the adjacent lands are draining that oil without any return at all to the Government of the United States.

The purpose of the bill is to authorize a lease of the lands included within the right of way for the purpose of withdrawing the oil from them. The only bidder for that oil must necessarily be either the railroad company or the owner of the adjacent land upon which a well can be sunk. As it is now, this is property that belongs to the United States; the oil belongs to the United States; it is being drained from under this land; and the Government is getting absolutely nothing at all for it.

I have no personal interest in the matter, and I have stated what the nature of the bill is. Indeed, the department reports that we are suffering constantly a very substantial loss of royalty by reason of that condition of affairs. I think most of the property is in the State of California; the railroad grant is to the Southern Pacific Railroad, and the Southern Pacific Railroad, as is quite well known, has transferred all of its oil wells or substantially all of its oil wells, at least, a very great portions of its oil wells, to the Standard Oil Co. of California, and the Standard Oil Co. of California is draining these lands and is really taking the oil that belongs to the Government of the United States.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BLEASE. I object.

The VICE PRESIDENT. The bill will be passed over.

WAR DEPARTMENT APPROPRIATIONS

The bill (H. R. 7955) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes, was announced as next in order.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The Chair will ask the Senator from Washington if he is desirous that this bill be taken up at this time, it being the Army appropriation bill?

Mr. JONES. No; I desire that that bill shall be taken up to-morrow.

The PRESIDING OFFICER. The bill will be passed over.

MISSISSIPPI RIVER BRIDGE NEAR M'GREGOR, IOWA

The bill (S. 4094) authorizing W. L. Eichendorf, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of McGregor, Iowa, was announced as next in order.

Mr. BLAINE. Mr. President, I have just received a telegram, which reads as follows:

Please object to McGregor bridge bill.

That is the bill, the title of which has just been stated by the clerk.

The PRESIDING OFFICER. Does the Senator from Wisconsin object to the consideration of the bill?

Mr. BLAINE. I want to conclude the reading of the telegram, as follows:

Passage of this bill at this time will seriously handicap the financing of Prairie du Chien bridge. This would authorize a competing toll bridge within a distance of only 1 mile, fatal to both projects. See Congressman NELSON for detailed information. Present outlook for Prairie du Chien bridge is fine. This bill is only obstacle in way of successful financing of our bridge. Financing is practically completed. Construction will be resumed within a few days.

JOHN H. PEACOCK,
Chairman Prairie du Chien Bridge Committee.

It is very evident, Mr. President, that there are conflicting interests respecting this matter; and I think, in fairness to both sides, the bill should be recommitted to the committee. However, in the absence of the author of the bill I merely ask that it go over at this time.

The PRESIDING OFFICER. On objection of the Senator from Wisconsin the bill will be passed over.

TENNESSEE RIVER BRIDGE, CHATTANOOGA, TENN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4157) to extend the times for commencing and completing a bridge across the Tennessee River at or near Chattanooga, Hamilton County, Tenn., which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 1, line 5, after the word "built," to insert "by the city of Chattanooga and the county of Hamilton, Tenn.," so as to make the section read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by an act of Congress approved March 2, 1929, to be built by the city of Chattanooga and the county of Hamilton, Tenn., across the Tennessee River at or near Chattanooga, Hamilton County, in the State of Tennessee, are hereby extended one and three years, respectively, from the date of approval hereof.

The amendment was agreed to.

The next amendment was in section 2, page 1, line 11, after the word "hereby," to strike out "granted" and insert "reserved," so as to make the section read:

SEC. 2. That the right to alter, amend, or repeal this act is hereby reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OHIO RIVER BRIDGE, CARROLLTON, KY.

The bill (S. 4173) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Carrollton, Ky., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Ohio River at or near Carrollton, Ky., authorized to be built by the State highway commission, Commonwealth of Kentucky, by the act of Congress approved February 26, 1929, are hereby extended one and three years, respectively, from the date of approval hereof.





SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRENCH BROAD RIVER BRIDGE, TENNESSEE

The bill (S. 4174) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Dandridge-Newport Road in Jefferson County, Tenn., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Highway Department of the State of Tennessee, its successors and assigns, to construct, maintain, and operate a free highway bridge and approaches thereto across the French Broad River, at a point suitable to the interests of navigation, on the Dandridge-Newport Road in Jefferson County, Tenn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAIUTE INDIAN RESERVATION LANDS, NEVADA

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 135) to provide for the payment for benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nevada, and for other purposes, which had been reported from the Committee on Indian Affairs with an amendment, on page 1, line 5, after the words "sum of," to strike out "$10,096.01" and to insert "$6,000," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $6,000, or so much thereof as may be necessary, for paying the Truckee-Carson irrigation district, Fallon, Nev., in 60 semiannual installments, as equally as may be, the proportionate share of the benefits received by 4,877.5 irrigable acres of Paiute Indian lands within the Newlands irrigation project, for necessary repairs to the Truckee Canal to restore said canal to its original capacity, said payments to be made at the same time and at the same rate per irrigable acre as that paid to the Reclamation Bureau by said district for other irrigable lands located therein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL PRISONS

The bill (H. R. 6807) to establish two institutions for the confinement of United States prisoners was announced as next in order.

Mr. BLEASE. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 7832) to reorganize the administration of Federal prisons, to authorize the Attorney General to contract for the care of United States prisoners, to establish Federal jails, and for other purposes, was announced as next in order.

Mr. BLEASE. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. COPELAND. Mr. President, I wish the Senator from South Carolina would withhold his objection for a few minutes in order that I may say a word about Federal prisons.

Mr. BLEASE. Mr. President, it would save time if I should not withhold the objection. I want to discuss these bills, and I want them to come up regularly.

Mr. COPELAND. I would be glad if the Senator would withhold his objection for a moment, because I should like to speak for about two minutes on the subject of prisons.

Mr. BLEASE. Very well; I do not object, if the Senator wants to take up the time of the Senate.

Mr. COPELAND. Mr. President, I think it is very significant that in his message to the Congress, which was transmitted on the 28th of April, and which passed without comment, in fact, without hardly being heard by the Senate, the President said:

There must be extension of Federal prisons with more adequate parole system and other modern treatment of prisoners. We have already 11,985 prisoners in Federal establishments built for 6,946.

Think of it! We have crowded into institutions erected for the accommodation of 6,000 persons between eleven and twelve thousand. The President proceeds:

The number of Federal prisoners in Federal and State institutions increased 6,277 in the nine months from June 30, 1929, to April 1, 1930. The Attorney General has stated that we can not hope to enforce the laws unless we can have some point of reception for convicted persons. The overcrowding of the prisons themselves is inhumane and accentuates criminal tendencies.

Mr. President, this is a matter of great importance to us. We are aware of the serious riot which recently occurred in the Ohio State Prison; we have had brought home to us in the case of many penal institutions in this country the effect of overcrowding, of the hopelessness of the prisoners, and it is time, in my judgment, that the Congress of the United States give some attention to the conditions which now exist in the Federal prisons of the country. There was in this month's Atlantic Monthly an article by George W. Alger on the subject of prison conditions. I feel that, for the sake of common decency, we ought to do something to take care of Federal prisoners.

We are attempting, I assume, to enforce an unenforceable law, but, nevertheless, as the result of that effort the prisons are being crowded with prisoners who are being kept in a most inhumane way. Present conditions constitute a crime against decency and against our civilization. If we are going to make prisoners of these people, we ought to keep them at least in a decent place.

I thank the Senator from South Carolina for permitting me to say this much. I have had it in my heart to say it for a long time. I think it is time we thought about the situation.

Mr. BLEASE. Mr. President, I agree very thoroughly with the Senator from New York, and I think I have shown about as much interest in and possibly I have done about as much for prisoners as any man who has ever served in this body. In the course of four years I pardoned 1,500 of them, as I now recall. The President of the United States has it in his power—and it is his duty—to relieve the situation. He can do it by having proper investigations made and releasing prisoners who have already served too long for the trivial offenses they have committed or who have been put in the penitentiary by prejudiced judges and perjured testimony. It is his duty to relieve the situation and not that of Congress. I object to the consideration of the bill.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7412) to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes, was announced as next in order.

Mr. BLEASE. Let that bill also go over.

The PRESIDING OFFICER. The bill will be passed over.

HOSPITAL FOR DEFECTIVE DELINQUENTS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7410) to establish a hospital for defective delinquents, which was read, as follows:

Be it enacted, etc., That the Attorney General is authorized and directed to select a site, either in connection with some existing institution or elsewhere, for a hospital for the care and treatment of all persons charged with or convicted of offenses against the United States, and who are in the actual custody of its officers or agents, and who at the time of their conviction or during the time of their detention and/or confinement are or shall become insane, afflicted with an incurable or chronic degenerative disease, or so defective mentally or physically as to require special medical care and treatment not available in an existing Federal institution.

SEC. 2. Upon the selection of an appropriate site the Attorney General shall submit to Congress an estimate of the cost of purchasing the same and of remodeling, constructing, and equipping the necessary buildings thereon. The Attorney General, at the same time and annually thereafter, shall submit estimates covering the expense of maintaining and operating such institution, including salaries of all necessary officers and employees.

SEC. 3. That the Secretary of the Treasury is hereby authorized, upon request of the Attorney General, to cause plans, specifications, and estimates for the remodeling and constructing of the necessary buildings to be prepared in the Office of the Supervising Architect of the Department of the Treasury, and the work of remodeling and constructing the said buildings to be supervised by the field force of said office: *Provided*, That if, in his discretion, it would be impracticable to cause such plans, specifications, and estimates to be prepared in the Office of the Supervising Architect of the Department of the Treasury, and such work to be supervised by the field force of said office, the Secretary of the Treasury may contract for all or any portion of such work to be performed by such suitable person or firm as he may select: *Provided further*, That the proper appropriation for the support and maintenance of the Office of the Supervising Architect be reimbursed for the cost of such work and supervision.

SEC. 4. That the control and management of the institution established hereunder shall be vested in the Attorney General, who shall have power to promulgate rules for the government thereof, and to appoint, subject to the civil service laws and regulations of the United States, all necessary officers and employees. In connection with such maintenance and operation the Attorney General is authorized to establish and conduct industries, farms, and other activities; to classify the inmates; and to provide for their proper treatment, care, rehabilitation, and reformation.

SEC. 5. That the inmates of said institution shall be employed in such manner and under such condition as the Attorney General may direct. The Attorney General may, in his discretion, establish industries, plants, factories, or shops for the manufacture of articles, commodities, and supplies for the United States Government; require any department or establishment of the United States to purchase at current market prices, as determined by the Attorney General or his authorized representatives, such articles, commodities, or supplies as meet their specifications. There may be established a working-capital fund for said industries out of any funds appropriated for said institution; and said working-capital fund shall be available for the purchase, repair, or replacement of machinery, or equipment, for the purchase of raw materials and supplies, for personal services of civilian employees, and for the payment to the inmates or their dependents of such pecuniary earnings as the Attorney General shall deem proper.

SEC. 6. There is hereby authorized to be created a board of examiners for each penal and correctional institution where persons convicted of offenses against the United States are incarcerated, to consist of (1) a medical officer appointed by the warden or superintendent of the institution; (2) a medical officer to be appointed by the Attorney General; and (3) a competent expert in mental diseases to be nominated by the Surgeon General of the United States Public Health Service. The said board shall examine any inmate of the institution alleged to be insane or of unsound mind or otherwise defective and report their findings and the facts on which they are based to the Attorney General. The Attorney General, upon receiving such report, may direct the warden or superintendent or other official having custody of the prisoner to cause such prisoner to be removed to the United States hospital for defective delinquents or to any other such institution as is now authorized by law to receive insane persons charged with or convicted of offenses against the United States, there to be kept until, in the judgment of the superintendent of said hospital, the prisoner shall be restored to sanity or health or until the maximum sentence, without deduction for good time or commutation of sentence, shall have been served.

SEC. 7. Any inmate of said United States hospital for defective delinquents whose sanity or health is restored prior to the expiration of his sentence, may be retransferred to any penal or correctional institution designated by the Attorney General, there to remain pursuant to the original sentence computing the time of his detention or confinement in said hospital as part of the term of his imprisonment.

SEC. 8. It shall be the duty of the superintendent of said hospital to notify the proper authorities of the State, District, or Territory where any insane convict shall have his legal residence, or, if this can not be ascertained, the proper authorities of the State, District, or Territory from which he was committed, of the date of the expiration of the sentence of any convict who, in the judgment of the superintendent of said hospital, is still insane or a menace to the public. The superintendent of said hospital shall cause to be delivered into the custody of the proper authorities of the State, District, or Territory the body of said insane convict.

SEC. 9. All transfers from penal and correctional institutions to or from the hospital for defective delinquents shall be made in such manner as the Attorney General may direct, and the expense thereof shall be paid from such appropriation as may be authorized.

SEC. 10. The expenses incurred in the necessary travel in the selection of a site, in making of surveys, the making of preliminary sketches, and the securing of options shall be payable out of appropriation "Support of prisoners" for the fiscal year in which such expense is incurred, not exceeding, however, the sum of $20,000.

SEC. 11. There are hereby authorized to be appropriated such funds as are necessary to carry out the purpose of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FEDERAL PROBATION OFFICERS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3975) to amend sections 726 and 727 of title 18, United States Code, with reference to Federal probation officers, and to add a new section thereto.

The bill had been reported from the Committee on the Judiciary with an amendment, on page 3, section 2, line 23, after the word "shall," to strike out "exercise general supervision over the administration of the probation system in all United States courts. He shall," so as to make the section read:

SEC. 2. That a new section be, and is hereby, enacted to follow section 727 of title 18, United States Code, to read as follows:

"SEC. 728. The Attorney General, or his authorized agent, shall investigate the work of the probation officers and make recommendations concerning the same to the respective judges and shall have access to the records of all probation officers. He shall collect for publication statistical and other information concerning the work of the probation officers. He shall prescribe record forms and statistics to be kept by the probation officers and shall formulate general rules for the proper conduct of the probation work. He shall endeavor by all suitable means to promote the efficient administration of the probation system and the enforcement of the probation laws in all United States courts. He shall incorporate in his annual report a statement concerning the operation of the probation system in such courts."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

PAROLE OF UNITED STATES PRISONERS

The bill (H. R. 7413) to amend an act providing for the parole of United States prisoners, approved June 25, 1910, as amended, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MEDICAL SERVICE IN FEDERAL PRISONS

The bill (H. R. 9235) to authorize the Public Health Service to provide medical service in the Federal prisons was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNITED STATES INDUSTRIAL REFORMATORY, CHILLICOTHE, OHIO

The bill (H. R. 973) to remove the age limit of persons who may be confined at the United States industrial reformatory at Chillicothe, Ohio, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAYMENT OF INTEREST ON INDIAN TRUST FUNDS

The bill (S. 4203) to amend the act approved February 12, 1929, authorizing the payment of interest on certain funds held in trust by the United States for Indian tribes was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the act approved February 12, 1929 (44 Stat. 1164), entitled "An act to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes," be, and the same is hereby, amended so as to read as follows:

"That all funds with account balances exceeding $500 held in trust by the United States and carried in principal accounts on the books of the Treasury Department to the credit of Indian tribes, upon which interest is not otherwise authorized by law, shall bear simple interest at the rate of 4 per cent per annum.

"SEC. 2. All tribal funds arising under the act of March 3, 1883 (22 Stat. 590), as amended by the act of May 17, 1926 (44 Stat. 560), now included in the fund 'Indian Money, Proceeds of Labor,' shall, on and after July 1, 1930, be carried on the books of the Treasury Department in separate accounts for the respective tribes, and all such funds with account balances exceeding $500 shall bear simple interest at the rate of 4 per cent per annum from July 1, 1930.

"SEC. 3. The amount held in any tribal-fund account which, in the judgment of the Secretary of the Interior, is not required for the purpose for which the fund was created, shall be covered into the surplus fund of the Treasury; and so much thereof as is found to be necessary for such purpose may at any time thereafter be restored to the account on books of the Treasury without appropriation by Congress.

"SEC. 4. The interest accruing on Indian tribal funds under this act shall be subject to the same disposition as prescribed by existing law for the respective principal funds."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 4066) to authorize the merger of the Georgetown Gas Light Co. with and into the Washington Gas Light Co., and for other purposes, was announced as next in order.

Mr. HOWELL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LANDS AND WATERS IN NORTHERN MINNESOTA

The bill (S. 2498) to promote the better protection and highest public use of lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Agriculture and Forestry with amendments.

The first amendment was, in section 1, page 2, line 6, after the word "laws," to insert "and subject to such permits and

licenses as may be granted or issued by the Department of Agriculture under laws or regulations generally applicable to national forests," so as to make the section read:

Be it enacted, etc., That all public lands of the United States situated north of township 60 north in the Counties of Cook, Lake, and St. Louis, in the State of Minnesota, including the natural shore lines of Lake Superior and of the lakes and streams forming the international boundary, so far as they lie within this area, are hereby withdrawn from all forms of entry or appropriation under the public land laws of the United States, subject to prior existing legal rights initiated under the public land laws, so long as such claims are maintained as required by the applicable law or laws and subject to such permits and licenses as may be granted or issued by the Department of Agriculture under laws or regulations generally applicable to national forests.

The amendment was agreed to.

The next amendment was, in section 2, line 13, after the word "any," to insert "other"; in line 14, after the word "area," to insert "which is now or eventually to be in general use for boat or canoe travel"; in line 22, after the word "infested," to insert "dying"; and in line 23, after the word "feet," to insert "except where necessary to open areas for banking grounds, landings, and other uses connected with logging operations," so as to make the section read:

SEC. 2. That the principle of conserving the natural beauty of shore lines for recreational use shall apply to all Federal lands which border upon any boundary lake or stream contiguous to this area, or any other lake or stream within this area which is now or eventually to be in general use for boat or canoe travel, and that for the purpose of carrying out this principle logging of all such shores to a depth of 400 feet from the natural water line is hereby forbidden, except as the Forest Service of the Department of Agriculture may see fit in particular instances to vary the distance for practical reasons: *Provided*, That in no case shall logging of any timber other than diseased, insect infested, dying, or dead be permitted closer to the natural shore line than 200 feet, except where necessary to open areas for banking grounds, landings, and other uses connected with logging operations.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 13, after the word "project," to insert "*Provided*, That nothing in this section shall be construed as interfering with the duties of the International Joint Commission created pursuant to the convention concerning the boundary waters between the United States and Canada and concluded between the United States and Great Britain on January 11, 1909, and action taken or to be taken in accordance with provisions of the protocol and agreement between the United States and Canada, which was signed at Washington on February 24, 1925, for the purpose of regulating the levels of the Lake of the Woods"; and on page 4, line 3, after the word "lands," to insert "and maximum water levels not higher than the normal high-water mark may be maintained temporarily where essential strictly for logging purposes in the streams between lakes by the construction and operation of small temporary dams: *Provided, however*, That nothing herein shall be construed to prevent the Secretary of Agriculture from listing for homestead entry under the provisions of the act of June 11, 1906 (34 Stat. 233), any of the above-described lands found by him to be chiefly valuable for agriculture and not needed for public purposes: *Provided further*, That the provisions of this section shall not apply to any proposed development for water-power purposes for which an application for license was pending under the terms of the Federal water power act on or before January 1, 1928," so as to make the section read:

SEC. 3. That in order to preserve the shore lines, rapids, waterfalls, beaches, and other natural features of the region in an unmodified state of nature, no further alteration of the natural water level of any lake or stream within or bordering upon the designated area shall be authorized by any permit, license, lease, or other authorization granted by any official or commission of the United States, which will result in flooding lands of the United States within or immediately adjacent to the Superior National Forest, unless and until specific authority for granting such permit, license, lease, or other authorization shall have first been obtained by special act from the Congress of the United States covering each such project: *Provided*, That nothing in this section shall be construed as interfering with the duties of the International Joint Commission created pursuant to the convention concerning the boundary waters between the United States and Canada and concluded between the United States and Great Britain on January 11, 1909, and action taken or to be taken in accordance with provisions of the protocol and agreement between the United States and Canada, which was signed at Washington on February 24, 1925, for the purpose of regulating the levels of the Lake of the Woods: *Provided*, That with the written approval and consent of the Forest Service of the Department of Agriculture, reservoirs not exceeding 100 acres in area may be constructed and maintained for the transportation of logs or in connection with authorized recreational uses of national-forest lands, and maximum water levels not higher than the normal high-water mark may be maintained temporarily where essential strictly for logging purposes in the streams between lakes by the construction and operation of small temporary dams: *Provided, however*, That nothing herein shall be construed to prevent the Secretary of Agriculture from listing for homestead entry under the provisions of the act of June 11, 1906 (34 Stat. 233), any of the above-described lands found by him to be chiefly valuable for agriculture and not needed for public purposes: *Provided further*, That the provisions of this section shall not apply to any proposed development for water-power purposes for which an application for license was pending under the terms of the Federal water power act on or before January 1, 1928.

Mr. SHIPSTEAD. Mr. President, there is a typographical error in the amendment on page 3. In line 20, before the word "protocol," the word "convention" should be inserted—it was in the original amendment, but was omitted through a stenographic error—and in the next line the word "was" should be changed to "were."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM TINDALL

The bill (S. 4244) authorizing the continuance of William Tindall in the service of the government of the District of Columbia was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to continue William Tindall in the service of the government of the District of Columbia notwithstanding the provisions of the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, as amended.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF HOMESTEAD ACT

The joint resolution (H. J. Res. 181) to amend a joint resolution entitled "Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry," approved February 14, 1920, as amended January 21, 1922, and as extended December 28, 1922, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Public Lands and Surveys with amendments, on page 2, line 9, after the word "war," to insert "military occupation, or military expedition," and in line 16, after the word "*Provided*," to insert "That for the purposes of this resolution the war with Spain shall be considered to include the period from April 21, 1898, to July 4, 1902: *Provided further*," so as to make the joint resolution read:

Resolved, etc., That a joint resolution entitled "Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry," approved February 14, 1920, as amended by joint resolution approved January 21, 1922, and as extended by joint resolution approved December 28, 1922, be, and the same is hereby, amended to read as follows:

"That hereafter, for the period of 10 years following February 14, 1930, on the opening of public or Indian lands to entry, or the restoration to entry of public lands therefore withdrawn from entry, such opening or restoration shall, in the order therefor, provide for a period of not less than 90 days before the general opening of such lands to disposal in which officers, soldiers, sailors, or marines who have served in the Army or Navy of the United States in any war, military occupation, or military expedition and been honorably separated or discharged therefrom or placed in the Regular Army or Naval Reserve shall have a preferred right of entry under the homestead or desert land laws, if qualified thereunder, except as against prior existing valid settlement rights and as against preference rights conferred by existing laws or equitable claims subject to allowance and confirmation: *Provided*, That for the purposes of this resolution the war with Spain shall be considered to include the period from April 21, 1898, to July 4, 1902: *Provided further*, That the same preference rights are hereby extended to apply to those citizens of the United States who served with the allied armies during the World War and who were honorably discharged, upon their resumption of citizenship in the United States, provided the service with the allied armies shall be similar to the service with the

Army of the United States for which recognition is granted in this joint resolution: *Provided further,* That the rights and benefits conferred by this joint resolution shall not extend to any person who, having been drafted for service under the provisions of the selective-service act, shall have refused to render such service or to wear the uniform of such service of the United States."

SEC. 2. That the Secretary of the Interior is hereby authorized to make any and all regulations necessary to carry into full force and effect the provisions hereof.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

UNIFORM ADMINISTRATION OF NATIONAL PARKS

The bill (S. 196) to provide for uniform administration of the national parks by the United States Department of the Interior, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment to strike out all of section 2, in the following words:

SEC. 2. That hereafter the location of mining claims under the mineral land laws of the United States is prohibited within the area of the Mount McKinley National Park, in the Territory of Alaska: *Provided, however,* That this provision shall not affect existing rights heretofore acquired in good faith under the mineral land laws of the United States to any mining location or locations in said Mount McKinley National Park.

And to insert:

SEC. 2. That hereafter the Secretary of the Interior shall have authority to prescribe regulations for the surface use of any mineral land locations already made or that may hereafter be made within the boundaries of Mount McKinley National Park, in the Territory of Alaska, and he may require registration of all prospectors and miners who enter the park: *Provided,* That no resident of the United States who is qualified under the mining laws of the United States applicable to Alaska shall be denied entrance to the park for the purpose of prospecting or mining.

So as to make the bill read:

Be it enacted, etc., That hereafter no permit, license, lease, or other authorization for the prospecting, development, or utilization of the mineral resources within the Mesa Verde National Park, Colo., or the Grand Canyon National Park, Ariz., shall be granted or made.

SEC. 2. That hereafter the Secretary of the Interior shall have authority to prescribe regulations for the surface use of any mineral land locations already made or that may hereafter be made within the boundaries of Mount McKinley National Park, in the Territory of Alaska, and he may require registration of all prospectors and miners who enter the park: *Provided,* That no resident of the United States who is qualified under the mining laws of the United States applicable to Alaska shall be denied entrance to the park for the purpose of prospecting or mining.

SEC. 3. That hereafter no permit, license, lease, or other authorization for the use of land within the Glacier National Park, Mont., or the Lassen Volcanic National Park, Calif., for the erection and maintenance of summer homes or cottages shall be granted or made: *Provided, however,* That the Secretary of the Interior may, in his discretion, renew any permit, license, lease, or other authorization for such purpose heretofore granted or made.

SEC. 4. That hereafter the acquisition of rights of way for steam or electric railways, automobile or wagon roads, within the Lassen Volcanic National Park, Calif., under filings or proceedings under laws applicable to the acquisition of such rights over or upon the national-forest lands of the United States is prohibited.

SEC. 5. That hereafter the acquisition of rights of way through the valleys of the north and middle forks of the Flathead River for steam or electric railways in the Glacier National Park, Mont., under filings or proceedings under the laws applicable to the acquisition of such rights over or upon the unappropriated public domain of the United States is prohibited.

SEC. 6. That the provisions of the act of March 2, 1899 (30 Stat. 993), granting rights of way, under such restrictions and regulations as the Secretary of the Interior may establish, to any railway or tramway company or companies for the purpose of building, constructing, and operating a railway, constructing and operating a railway or tramway line or lines, so far as the same relate to lands within the Mount Ranier National Park, Wash., are hereby repealed: *Provided, however,* That nothing herein shall be construed so as to prohibit the Secretary of the Interior from authorizing the use of land in said park under contract, permit, lease, or otherwise for the establishment and operation thereon of a tramway or cable line, or lines, for the accommodation or convenience of visitors and others.

SEC. 7. That the provision of the act of January 26, 1915 (38 Stat. 798), authorizing the Secretary of the Interior, in his discretion and upon such conditions as he may deem wise, to grant easements or rights of way for steam, electric, or similar transportation upon or across the lands within the Rocky Mountain National Park, is hereby repealed.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN WRANGELL, ALASKA

The bill (H. R. 8713) granting land in Wrangell, Alaska, to the town of Wrangell, Alaska, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

APOSTLE ISLANDS NATIONAL PARK

The bill (H. R. 8763) to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Apostle Islands National Park in the State of Wisconsin, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENLARGEMENT OF YOSEMITE NATIONAL PARK, CALIF.

The bill (H. R. 10581) to provide for the addition of certain lands to the Yosemite National Park, Calif, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISSUANCE OF RECEIPTS OR CERTIFICATES OF MAILING

The bill (S. 3273) to authorize the Postmaster General to issue additional receipts or certificates of mailing to senders of any class of mail matter and to fix the fees chargeable therefor was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the provisions of the act of February 14, 1929 (39 U. S. C., p. 260), authorizing the Postmaster General to furnish receipts showing the mailing of ordinary mail of any class and to prescribe the fee for such receipts, is hereby extended to include additional receipts or certificates of mailing covering registered, insured, and collect-on-delivery mail.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF CONGESTION IN DISTRICT PUBLIC SCHOOLS

The bill (S. 4227) to authorize the Board of Education of the District of Columbia to make certain provisions for the relief of congestion in the public schools of the District of Columbia was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That, upon the completion of the Roosevelt High School Building, in the District of Columbia, the Board of Education of the District of Columbia be, and it is hereby, authorized and directed to order the utilization of the building now occupied by the Business High School to relieve congestion in senior high, junior high, and elementary schools in adjacent territory.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2043) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, was announced as next in order.

Mr. HOWELL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LANDS IN OREGON

The bill (S. 4057) authorizing the Secretary of the Interior to extend the time for cutting and removing timber upon certain revested and reconveyed lands in the State of Oregon was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, empowered, at his discretion, to extend the period within which,

under the terms of the patent therefor, the timber may be cut and removed by the purchaser thereof, his heirs or assigns, from revested lands of the Oregon-California Railroad grant lands, and reconveyed lands of the Coos Bay Military Wagon Road land grants, either heretofore or hereafter sold by the United States; and the Secretary of the Interior is further hereby authorized to make such rules and regulations as he may deem proper governing the granting of extensions of time to such purchasers and the length of such extension and the method by which and terms upon which the same may be granted.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL HYDRAULIC LABORATORY

Mr. RANSDELL. Mr. President, I ask to return to Order of Business 514, H. R. 8299. The Senator from Alabama [Mr. BLACK] has examined the bill and tells me he has no objection to it.

The PRESIDING OFFICER. Is there objection to recurring to Order of Business 514? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8299) authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor.

The PRESIDING OFFICER. The amendment on page 1, line 9, has already been agreed to. The remaining amendments of the committee will be stated.

The remaining amendments were, on page 2, line 4, after the word "any," to strike out "other bureau or"; in the same line, after the word "department," to insert "or independent agency"; and in line 8, after the word "department," to strike out "or bureau" and insert "or independent agency," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be established in the Bureau of Standards of the Department of Commerce a national hydraulic laboratory for the determination of fundamental data useful in hydraulic research and engineering, including laboratory research relating to the behavior and control of river and harbor waters, the study of hydraulic structures and water flow, and the development and testing of hydraulic instruments and accessories: *Provided*, That no test, study, or other work on a problem or problems connected with a project the prosecution of which is under the jurisdiction of any department or independent agency of the Government shall be undertaken in the laboratory herein authorized until a written request to do such work is submitted to the Director of the Bureau of Standards by the head of the department or independent agency charged with the execution of such project: *And provided further*, That any State or political subdivision thereof may obtain a test, study, or other work on a problem connected with a project the prosecution of which is under the jurisdiction of such State or political subdivision thereof.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed $350,000, to be expended by the Secretary of Commerce for the construction and installation upon the present site of the Bureau of Standards in the District of Columbia of a suitable hydraulic laboratory building and such equipment, utilities, and appurtenances thereto as may be necessary.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LAND IN OREGON

The bill (H. R. 8052) authorizing the heirs of Elijah D. Myers to purchase land in section 7, township 28 south, range 11 west, Willamette meridian, county of Coos, State of Oregon, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3276) to enable the postmaster to designate employees to act for him, including the signing of checks in his name was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. PHIPPS. Mr. President, may I inquire who objected to the consideration of this bill?

The PRESIDING OFFICER. The Senator from South Carolina [Mr. BLEASE].

Mr. PHIPPS. I shall be very glad to discuss the matter with the Senator at some time.

Mr. BLEASE. I shall be glad to take it up with the Senator at any time.

The PRESIDING OFFICER. The bill will be passed over.

LAND IN MASSACHUSETTS

The bill (H. R. 2161) to convey to the city of Waltham, Mass., certain Government land for street purposes was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 10813) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes, was announced as next in order.

Mr. BINGHAM. Mr. President, I ask that this bill may go over. It is my purpose to call up the bill as soon as the War Department appropriation bill is disposed of.

The PRESIDING OFFICER. The bill will be passed over.

CHINESE WIVES OF AMERICAN CITIZENS

The bill (S. 2836) to admit to the United States Chinese wives of certain American citizens was announced as next in order.

Mr. BLEASE. Let that go over.

Mr. BINGHAM. Mr. President, will the Senator from South Carolina withhold his objection to that bill for a moment?

Mr. BLEASE. Yes, sir. Does the Senator mean to tell me that white men marry Chinese women?

The PRESIDING OFFICER. Does the Senator from South Carolina withdraw his objection?

Mr. BLEASE. Oh, yes—temporarily only.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BINGHAM. Mr. President, prior to 1924 there was no objection to a Chinese born in this country, and therefore an American citizen marrying in China a wife of his own race and bringing his wife to this country. By the act of 1924, however, he is not permitted to do that any longer; and the result is the separation of husbands and wives, the husband being an American citizen, the wife being an alien.

There are only a few of these cases existing. They can not increase under this law, since it does not apply to the marriage of any American citizen to a Chinese native after 1924. Therefore, the number of them will continually diminish. It is merely in the interest of humanity, since the present law prevents an American citizen of Chinese ancestry from bringing his wife into this country.

In view of this humanitarian situation, I hope the Senator will withdraw his objection. There is no letting down of the bars. It is merely in the interest of kindness and humanity to those who married prior to 1924.

Mr. BLEASE. As I understand the Senator, these are Chinese and Chinese women?

Mr. BINGHAM. Chinese-American citizens of Chinese ancestry.

Mr. BLEASE. I understand—Chinese-American citizens; not white people?

Mr. BINGHAM. No. There are annually about 400.

Mr. BLEASE. If they are not white people, I do not object; but I object to any white woman coming into this country and marrying a Chinese, or any white man marrying a Chinese woman. There are too many of them now.

Mr. BINGHAM. No; it applies merely to those who married Chinese women.

The PRESIDING OFFICER. Does the Senator withhold his objection?

Mr. BLEASE. Providing it applies only to Chinese men and women, I will not object. If it is broader than that, I will object.

Mr. BINGHAM. There may be one or two cases—I know of only one case—of an American citizen, long resident in China, who married a Chinese wife some 15 years ago and is, of course, unable to travel with her back to the United States, but out of the 400 cases that arise in the course of a year I doubt if more than one is a case of that kind. In fact, I will say to the Senator that I know of only one such case. The bill is intended to apply to American citizens of Chinese ancestry. It is they who are asking for it; it is they who appealed to me that families be not separated; and as it does not apply to any citizen marrying after 1924, I hope the Senator will withdraw his objection.

Mr. HOWELL. Mr. President, I think it will do no harm to have this bill go over.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over. The clerk will state the next bill on the calendar.

ISSUANCE OF CERTIFICATES OF ARRIVAL TO ALIENS BORN IN UNITED STATES

The bill (S. 226) authorizing the issuing of certificates of arrival to persons born in the United States who are now aliens was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the certificate of arrival required by the fourth paragraph of the second subdivision of section 4 of the act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, as amended, may be issued to any person eligible to citizenship if he makes a satisfactory showing to the Commissioner General of Immigration that he—

(1) Was born in the United States;
(2) Entered the United States prior to July 1, 1924;
(3) Has resided in the United States continuously since such entry;
(4) Is a person of good moral character; and
(5) Is not subject to deporation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

METERING OF CERTAIN MAIL MATTER, ETC.

The bill (S. 3272) to authorize the dispatch from the mailing post office of metered permit matter of the first class prepaid at least 2 cents but not fully prepaid and to authorize the acceptance of third-class matter without stamps affixed in such quantities as may be prescribed, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 273, title 39, United States Code, is hereby amended to read as follows:

"That the Postmaster General, under such regulations as he may prescribe for the collection of such postage, is hereby authorized to accept for delivery and deliver, without postage stamps affixed thereto, mail matter of the first class on which the postage has been fully prepaid at the rate provided by law: *Provided*, That such first-class matter on which the postage is paid in connection with a metered device set by the postmaster for a given number of impressions paid for at the time of setting and which automatically locks upon the exhaustion of such impressions may, if through inadvertence it is not fully prepaid but is prepaid at least 2 cents, be accorded the same treatment as is provided for such short-paid first-class matter mailed with postage stamps affixed: *Provided further*, That typewriting shall continue to be classed as handwriting as provided by the Postal Laws and Regulations: *Provided further*, That metered permit matter of the third class, except bulk mailings of such matter under the provisions of section 6 of the act of May 29, 1928 (ch. 856, 39 U. S. C. 291), may be mailed in such quantities as the Postmaster General may prescribe."

Mr. ROBINSON of Arkansas. Mr. President, I should like to ask the Senator from Colorado to explain the change in the law that this bill contemplates.

Mr. PHIPPS. Mr. President, this bill merely extends to third-class matter the use of the metered system of collecting postal revenues. It is now generally used for first and second class matter. Undoubtedly the Senator has received many envelopes marked "postage paid." The meter is set up for a certain number, and when it has stamped that number it is exhausted; it can not run any farther. The money is paid in advance. It is a saving to the Government. It saves the Government the postage stamps; it saves the Government the expense of canceling postage stamps; and it is a convenience to the mailers, who otherwise would have to affix stamps.

Mr. ROBINSON of Arkansas. I have no objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WITHHOLDING OF PAY OF CERTAIN EMPLOYEES

The bill (S. 3277) to provide against the withholding of pay when employees are removed for breach of contract to render faithful service was considered as in Committee of the Whole.

The bill had been reported from the Committee on Post Offices and Post Roads with an amendment, on page 1, line 9, before the word "Federal," to strike out "any" and insert "such," and on line 10, after the word "act," to strike out "may" and insert "shall," so as to make the bill read:

Be it enacted, etc., That from and after the passage of this act there shall be no withholding or confiscation of the earned pay, salary, or emolument of any employee of the United States removed for cause: *Provided*, That if at the time of such removal any such Federal employee is indebted to the United States any salary, pay, or emolument accruing to such Federal employee coming within the provisions of this act shall be applied in whole or in part to the satisfaction of any claim or indebtedness due to the United States.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF POST OFFICE, ETC., SITE, SYRACUSE, N. Y.

The bill (H. R. 7768) to provide for the sale of the old post office and courthouse building and site at Syracuse, N. Y., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 6, after "N. Y.," to insert "at public sale after due advertisement," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and empowered, in his discretion, to sell the old post office and courthouse building and site at Syracuse, N. Y., at public sale after due advertisement, at such time and upon such terms as he may deem to be to the best interests of the United States, and to convey such property to the purchaser thereof by the usual quitclaim deed, the proceeds of said sale to be covered into the Treasury as miscellaneous receipts.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. McNARY. Mr. President, a number of the Members of the Senate have been called out of the Chamber. We have passed a great many bills this afternoon, and I am about to ask for an adjournment so that we may continue to-morrow. I think probably that will suit the convenience of Members.

Mr. FESS and Mr. CONNALLY addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oregon yield; and if so, to whom?

Mr. McNARY. I yield to the Senator from Ohio.

LEASE OF POST-OFFICE BUILDINGS

Mr. FESS. Mr. President, some time ago I made a statement with reference to the lease of the post-office building at St. Paul. I evidently made an error. I have here a short letter from the Postmaster General, which I desire to have read.

The PRESIDING OFFICER. Without objection, the letter will be read.

The Chief Clerk read as follows:

THE POSTMASTER GENERAL,
Washington, May 6, 1930.

Hon. SIMEON D. FESS,
United States Senate.

MY DEAR SENATOR FESS: In my statement of April 9, 1930, concerning the two leases on the commercial station, St. Paul, Minn., I said:

"On completion of the building, April 8, 1922, the lease agreed upon was executed by Postmaster General Will H. Hays."

This statement was read into the CONGRESSIONAL RECORD by you. I find that, due to the fact that our files had not been available, this statement was in error.

Mr. Hays retired from office March 4, 1922, and the first lease actually was signed on April 28, 1922. Consequently Mr. Hays could not have signed it.

Sincerely yours,

WALTER F. BROWN.

FURTHER CONSIDERATION OF THE CALENDAR

Mr. CONNALLY. May I inquire of the Senator from Oregon if it is his purpose to go on with the calendar in the morning?

Mr. McNARY. I shall ask unanimous consent that the Senate do so.

Mr. CONNALLY. Will the Senator have that order made now or in the morning?

Mr. McNARY. I shall move to take an adjournment this evening, and will make the request to-morrow after the roll call.

Mr. CONNALLY. I very much hope the Senate will go on with the calendar.

Mr. McNARY. I promise that I shall make the request following the roll call to-morrow morning.

ADDRESS OF DR. NICHOLAS MURRAY BUTLER

Mr. CAPPER. Mr. President, last Wednesday, April 30, Dr. Nicholas Murray Butler, director of the Carnegie Endowment for International Peace and one of our best-known educators and thinkers, addressed the Reichstag at Berlin, Germany.

I understand he is the first American to be honored with a special invitation to deliver an address before the German Parliament. Others who have so addressed the Reichstag are Ramsay MacDonald; Count Albert Apponyi; H. G. Wells; Lord Robert Cecil; M. de Peyrimhoff, of France; and Ambassador Titulosque, former Rumanian Minister of Foreign Affairs.

Because of the unusual circumstances attending the delivery of this address, and because of its interest at home and abroad, I consider it well worth the careful reading of Senators and of the people of America. While I am frank to confess that I am unable myself to follow Doctor Butler in all his conclusions, I do consider this address on international relations a valuable and interesting contribution to public thought, and ask unanimous consent to have it printed in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

IMPONDERABLES

On this occasion and in this distinguished presence it is not possible to speak without deep feeling. Memory pictures as vividly as if it were yesterday the first arrival in Berlin more than 45 years ago of a young and eager American student, hungry to share the scholarship and the inspiration which the University of Berlin in those halcyon days had to offer to the stranger. The experience was one never to be forgotten.

The old and much-loved Emperor, symbol of an order that was one day to pass, seated at the window of his palace, graciously acknowledged the salute each morning of the American student who crossed the Opera Place to pass between the statues of the two Humboldts to his place in the university lecture halls. Bismarck was at the height of his fame and his influence was a familiar figure in the life of Berlin. Liebknecht, Windthorst, and Benningsen could be heard in the Reichstag, while the unique and bewitching figure of Mommsen was often to be seen on Unter den Linden. Great minds and great personalities surrounded one on every side. The historian Von Ranke was yet alive, but no longer gave university lectures. Curtius and Vahlen, Helmholtz and du Bois-Reymond, Wagner and Schmoller, Delbrück and Diels, Gneist and Von Treitschke, Zeller and Paulsen, were each and all objects of eager interest and captivated attention. Much has happened in the long and busy years that have followed, but from that day to this, the gratitude for what German scholarship and German inspiration then so freely gave, and a steadily growing appreciation of what that unique experience meant, remain dominant forces in the life and thought of that young American student. Memory is an intangible.

To-night, in this stately hall and in these noble surroundings, his first words must be of thanks and grateful appreciation for those student years in Berlin, now so long ago.

One hundred and twenty-three years ago there took place in the city of Berlin a really great happening. Following the calamities of the Napoleonic wars and the resulting disturbance to the life and thought of the Prussian people it was imperative that a new note should be sounded, a new blow struck, a new call to achievement heard. The philosopher Fichte seemed divinely appointed for the great task. On successive Sunday evenings from December, 1807, to March, 1808, he delivered before crowded audiences his famous Reden an die Deutsche Nation. Surrounded by spies and by enemies, his very life in danger, this great voice was raised in an immortal appeal to the German people to rise to new heights, to seek new means of endeavor, to tread new paths toward national reconstruction, national greatness, national accomplishment. The appeal contained in those Reden is one of the masterpieces of modern eloquence, and by them and through them the name of Fichte is written by the side of those of Pericles and Isocrates and Demosthenes, of Cato and Cicero, of Bossuet and Mirabeau, of Milton and Burke and Fox, of Jefferson and Hamilton and Webster and Lincoln, as that of one of the immortal voices of the human race in all that relates to the highest effort of men and nations.

Fichte well understood the fundamental difference between the nation and the state, and his searching and moving appeal was for the building of a German nation on spiritual and intellectual foundations so strong that they could not be moved. The effect of those addresses was quick and extraordinary. They had an immense popularity and exercised a prodigious influence. Not since Luther had any German voice been raised to speak so powerfully and so convincingly to the German people. Philosopher and patriot, Fichte insisted that all political differences, geographic divisions, and economic antagonisms should yield before the new and unifying spirit of one German nation for the whole German people, able and willing to reflect and to express all that was best in that people's history and ideals. It is to Fichte as prophet and to Bismarck as constructive statesman that we trace the upbuilding of a truly German nation and finally of a single federal government for that nation. In the case of the Italian people there were similar happenings as to which Mazzini played the part of Fichte and Cavour that of Bismarck.

If the American and French Revolutions, with all that they meant and all that they effected, were the outstanding political events of the eighteenth century, surely the building of a German nation and of an Italian nation were the outstanding political events of the nineteenth century.

As we contemplate these stupendous movements across the pages of history, we are witnessing once more the power of ideas. The hearts and the minds of men were gripped and moved by the eloquent appeals of these orators and philosophers, and human happenings were shaped precisely as these philosophers and orators had predicted and urged. The power of oratory and of statesmanship is an intangible.

Given a nation, conscious of itself, proud of its past, rich in power of every kind, abundant in contributions to letters, to the fine arts, to music, to philosophy, and to education, eager in the advancement of scientific inquiry, quick in harnessing new scientific truth, new scientific discovery, to the practical needs of men, what shall be its mode of life, what its measures for the greatest satisfaction and happiness of its people, what its relations with its neighbors and with all the world? We have learned to speak of races as the Teutonic, the Latin, the Slavic, the Mongolian, and others. We see mankind separated into groups, some of them of immense size, by differences of language and these groups again divided, regardless of their size or place, by differences of religious faith and worship. Where is to be found the guide to unity and peace through this labyrinth of diversity and conflict? Shall these diversities and conflicts be permitted to go their way unguided, unhampered, to a cataclysm that would mark civilization's end, and leave the planet earth to the still cold death of a body that has played its part in the heavenly system and could no longer do more than revolve about its central point as a mere makeweight among the stars? Or, on the other hand, shall there be found a path to unity, to companionship, to confidence, to constant consultation, to association in high endeavor, to the end that the supreme human unity which underlies and conditions all human diversities may find its just and beneficient expression?

The answer comes from a German voice and a German pen. It was the immortal essay of Immanuel Kant, Zum ewigen Frieden, published at Konigsberg in 1795, when the career of Napoleon was at its very beginning, when the Government of the United States of America was yet in its cradle, when a united Italy was still undreamt of, and when the policies of Talleyrand and of Metternich that were to carry the spirit of the eighteenth century far over into the nineteenth lay still in the future, that the commanding intellect and the superb vision of the philosopher of Konigsberg pointed with simple directness to that path of progress upon which the civilized peoples of the world have only just now begun to tread. What colossal cost in human life, in human savings, in human suffering, and in the satisfactions and happiness of four generations of men has been the penalty of waiting so long to hear that distant philosopher's voice!

"The practical politician," said Kant, "is accustomed to testifying as much disdain toward the theorist as he has complaisance for himself." This statement which was true in 1795 remains still true in 1930. The practical man who affects to despise thinking and who himself has little or no capacity for it, consistently sneers at those who do think and derides their counsels. All the while this practical man is himself quite unconsciously in the grasp of crooked, superficial, uninformed thinking. The more he supposes himself to be dealing with material things and with what he calls experience, the more he is really under the influence of intangibles, but of a wrong and harmful sort. Looking back across 135 years, it is perfectly plain that if the so-called practical men who have been governing the nations of the world had been able to understand and to apply the teaching of Kant's great essay, the world would to-day have been much farther onward in its progress than it really is.

It is literally astounding to find how much of the wisest and best philosophy of modern life is set forth in this essay by Kant so many years ago. He lays down in the principle that no treaty of peace shall be esteemed valid on which is tacitly reserved matter for future war. He insists that no state of whatever extent shall ever pass under the dominion of another state, since a state is a society of men over whom that state alone has a right to command and to dispose. "Standing armies [miles perpetuus]," says Kant, "shall in time be totally abolished," since being ever ready for action these armies incessantly menace other states and excite them to increase without end the number of armed men. Who in this twentieth century has put better or more simply the evil and the danger of competitive armaments, whether on land or on sea? "No state shall by force interfere with the constitution or government of another state" is a principle stated by Kant which might almost be regarded as a forerunner of the Monroe doctrine. If a state of peace is to be established the civil constitution of every state ought to be republican, and Kant's argument is that the only safe government is one established upon principles that are compatible with the liberty of all members of a society in their equality as men, with the submission of all to a common legislation as its subjects, and with a right of equality which all share as members of one and the same state. While the philosopher of Konigsberg was penning these prophetic sentences the people of the United States of America were learning them from the pen of Thomas Jefferson and the people of France were hearing them expounded with highly emotional emphasis by the architects of the French Revolution, whose uproar was at its

height. In Great Britain Pitt was Prime Minister and the career of Canning was still in the making.

Kant taught the very modern doctrine that it should be the citizens themselves who decide whether war shall be declared or not, thereby removing that power from monarchs or executives, from legislative bodies, or from specially selected groups which might easily be swept by emotion, by passion, or by ambition.

Nor is the thought of Kant restricted to national policy alone. "The public right," he continues, "ought to be founded upon a federation of free states." There, in a single sentence, is the prophecy of the League of Nations and the function of international law. A society of nations [civitas gentium] which would come to embrace all of the nations of the earth was the ideal of the great philosopher toward which our nations of to-day are steadily marching with increasing confidence and hope.

What shall be the guaranty of this arrangement for establishing and maintaining peace? "Nothing less," answers Kant, "than the great and ingenious artist, nature [natura daedala rerum]." Here he sweeps away with one splendid gesture the whole notion that men and nations must be compelled to keep their word through fear of economic reprisals and armed forces. He deals with realities. He looks facts in the face. He notes that unless the pledged word of a man or a nation is kept because it is pledged there can be no assurance that it will be kept at all.

"Finally," concludes Kant, "since civilization must rest upon and aim at morality, the reign of public right, perpetual peace, which will succeed to those mere suspensions of hostilities which have heretofore been called treaties of peace, is not a chimera but a problem of which time, probably abridged by the uniformity of the progress of the human mind, promises us the solution." What more can be said? This great German voice of 1795 speaks to the world of 1930 in tones of commanding leadership and highest practical sagacity. The voice of Immanuel Kant is an intangible.

For 10 years past the civilized world has been marching, now consciously, now unconsciously, toward that happy goal which Immanuel Kant so clearly saw and so clearly defined. In the League of Nations the era of consultation has found an organ of expression and in the pacts of Locarno the signatory powers have highly and finely resolved upon the peaceful settlement of their international differences, whether these be of long standing or have newly arisen. Finally, in the pact of Paris the world has renounced war as an instrument of national policy, that policy which Von Clausewitz defined as a policy which fights battles instead of writing notes. Hereafter we are to write notes, to confer together and to consult and to leave off fighting battles and preparing to fight battles. Those energies, those efforts, and those vast expenditures which have heretofore gone into preparations for war and into the conduct of war are now to be turned toward multiplying the satisfactions and increasing the happiness of the great mass of the people in every land. Better schools and systems of education, better conditions of labor and larger remuneration for the wage-worker, better protection of the public health, better housing for the masses of the people, better roads and other means of communication, better libraries and museums, and, in general, a raising everywhere of the level of life and its conditions. The world is rich enough for all this if it keeps its pledged word to renounce war as an instrument of national policy. This moral obligation is an intangible.

This twentieth century world abounds in problems that will tax the highest capacity of men to solve. Some of these are human problems, some are industrial problems, some are economic problems, some are financial problems, some are political problems, some are religious problems. The point upon which to insist is that they can never be solved by hate, by conflict, or by force. These problems may be suppressed in one of those ways but they can not so be solved.

If they are to be solved they must be solved in a spirit of kindly cooperation, of friendly association, and of consultation with the fixed purpose of doing justice and establishing liberty among men. These are the true and lasting foundations of peace. Peace, it must never be forgotten, is itself not an ideal at all; it is a state attendant upon the achievement of an ideal. The ideal itself is human liberty, justice, and the honorable conduct of an orderly and humane society. Given this, a durable peace follows naturally as a matter of course. Without this, there is no peace, but only a rule of force until liberty and justice revolt against it in search of peace. These are the fundamental facts never to be forgotten. It is liberty and justice of which we are instantly and directly in search, and this means that we must be ready with open minds to consider any question which is raised anywhere in the world involving these great principles and ends, and try to settle it fairly and justly that human content may follow and the foundation of peace be thereby rendered more secure.

There are various facts and happenings throughout the world which we must be prepared frankly to face. First, perhaps, is the very obvious fact that not all the organized groups of mankind are by any means on the same level of competence for self-government and for international responsibility. To force upon such people either by weight of numbers and greater capacity or in response to some visionary theory of the equality of men, the political and social institutions which are suitable and satisfactory for peoples that are much farther advanced and much more fully disciplined, is folly of the first order. Such peoples, through no fault of their own, are really to be treated as wards of those who are more advanced and better disciplined. As such they are under no circumstances to be exploited, to be treated as mere hewers of wood and drawers of water, but rather as children in the school of political and social understanding.

The whole theory of mandates now being worked out through the League of Nations is a sound and useful theory, and, if generously and broadly interpreted and applied, will through coming generations aid these less advanced peoples to come forward and climb still higher on the ladder of political and social organization. Each of the more advanced and more powerful nations should have its part in applying this system of mandates if it desires so to do. There is room for Great Britain, there is room for France, there is room for Germany, there is room for Italy, there is room for Japan, in caring for and developing less advanced peoples in other parts of the globe.

Nor must it be assumed that all existing geographical, political, racial, religious, and economic settlements are final. Each one of these is a fair and suitable subject for calm consideration and study in order that if there be ways by which justice can be better done and liberty advanced, those ways may be found. Among the older nations of western Europe, the process of nation-building is completed, but there are doubtless boundaries and discriminations in eastern and southeastern Europe which must in due time be restudied. There are also problems of national ambition and of minorities submerged under and surrounded by majorities of different race and different language. There are problems of religious controversy and there are problems of historic racial jealousies and antagonisms which must be resolved through the years with patience, with frankness, with open-mindedness and in a spirit of justice. Nothing is ever really settled until it is settled right. What is now before our world is to make sure that we do not attempt to settle things right by force, by violence, by war, but that we attempt to settle them right by study, by conference, by consultation. All these are among the intangibles that rule the world.

The peace of the world can not rest with permanence upon any theory of domination by force whether that domination be military or economic or racial or religious, for such domination is always a temptation to its disturbance and overthrow. Peace can only rest secure upon a liberal, enlightened, and convinced public opinion. That public opinion, having itself brought about the renunciation of war as an instrument of national policy, will now proceed to build for its own expression and for its own satisfaction institutions that will regulate and guide the contacts and relations of men organized in nations as a substitute for those suspicions and fears and displays of power which have been so common in years gone by. These institutions, it would seem safe to predict, will be of three kinds, each kind having a moral foundation and a moral purpose.

There will first be the intangible institution of intellectual international penetration, contact, and association. Already large progress has been made toward this end. Science is international and literature (though it always speaks with a nation's tongue) is increasingly international. Nowhere is Shakespeare more widely read, better understood, or more effectively presented on the stage than in Germany. The speech of Goethe was German, but his thought is familiar the world around. Music has a Russian, a Polish, a Scandinavian, a German, a French, an Italian, a Spanish, or an English cast, but its charm and its power are not stopped by the boundaries of any nation. The richness and the fertility of intellectual and aesthetic diversity are multiplied many times by the power of what these have in common. All that belongs to the intangible.

Then there are already building and well advanced the institutions, legal and semilegal, that are to be the reliance of nations in settling peaceably and justly those differences of opinion and those clashes of interest which must, of course, arise among them and between them from time to time. The Council and the Assembly of the League of Nations, with their growing authority and their steadily increasing prestige, are the symbols of the art and habit of consultation face to face as a substitute for the writing of formal notes, the sending of ultimatums, and the mobilization of armed force. Then there are the Permanent Court of Arbitration and the Permanent Court of International Justice. These are honorable and honored bodies which stand before all the world as representative of the principle that disinterested justice and not might must determine which of two contestants is right and which is wrong. Individual nations and groups of nations have, in addition, provided, by formal treaty for every sort of commission and tribunal of inquiry, of conciliation, and of arbitration. In reply to him who cynically asks, "To what are we to turn as a substitute for armed force?" we point to the League of Nations, to the Permanent Court of Arbitration, and to the Permanent Court of International Justice, and we point to them, not only, with hope for the future but with pride for what they have already done.

The third type of institution which must come into existence to meet present-day necessities is economic. Man lives by labor, nations thrive

by labor, and international relations may be made either more easy or more difficult according to the methods by which the fruits of labor are exchanged between one nation and another.

When life was very simple and wants were few, a relatively restricted territory and a substantially uniform climate might perhaps provide what was necessary to satisfy the simple wants of an undeveloped people. Times have changed. What were once the almost unattainable luxuries of life have become not only its comforts but its necessities. For the food supply of any considerable population, an extent of territory that is literally enormous must be drawn upon day by day and almost hour by hour. No industry can be maintained, much less flourish, without metal and rubber and lumber and oil and a dozen other natural resources that usually come from far beyond the boundaries of that nation whose industry it is. In other words, the economic life of any nation, however immense and however rich, has already ceased to be national and independent and has long since become international and dependent. The meaning of this is that the international commerce of the world must be set increasingly free from narrow, petty, prejudiced restrictions and administrative hindrances in order that the population of any nation may most easily and most favorably exchange their own products for those which they wish to import.

It is at this point that the significance of the principle of federation comes into view and that the experience of the United States of America has a lesson to teach to Europe. The stupendous economic development of the United States and the vast increase in its national wealth during the past two generations have been due to causes which may quickly and shortly be studied. First among these is the fact that by the terms of the Constitution of the United States itself, free and unrestricted trade prevails throughout the territory which that Constitution governs, which territory is so varied in climate and in soil and in product that it is a vast empire in itself. Had it been possible for the constituent States of the American Union to erect barriers against trade each with its neighbor, the people of the United States would to-day have been economically backward and relatively impoverished. That huge domestic trade, untaxed and untrammeled, is the foundation of American prosperity.

The protective-tariff policy, which owes its origin to the philosophic teachings of Alexander Hamilton and to men cast in the mold of Henry Clay and Abraham Lincoln and James G. Blaine and William McKinley, was never intended to destroy or unduly hamper international trade but merely to give the United States that measure of economic sufficiency and independence that a nation so placed ought to have, and to make sure that the diversification of industry and the rewards of labor were such as to strengthen the foundations of the social and political order. The true tariff for protection, however, is in no sense a tariff for prohibition. It is not a tariff to destroy international trade or to make impossible the settlement of international balances by shipment of goods but it is a tariff simply to guard the fundamentals which have just been named. To depart from those principles and to attempt to erect a tariff wall about the United States would be to attack the policy of protection in its citadel and to substitute for it a policy of commercial prohibition, which must surely do grave damage to the people of the United States themselves.

There are signs, not yet clear or wholly convincing, but yet signs, that the British Commonwealth of Nations, with its world-wide population and its vast variety of climates and soil and product, will in its own way and at its own time construct an economic institution of its own which will, mutatis mutandis, reflect and apply to that commonwealth of nations the conditions and principles which have done so much for the United States of America.

What of Europe? Has not the time come when the next long step forward in promoting national satisfaction and international comfort is the building of an economic United States of Europe which shall do for these teeming and highly civilized populations what has already been done on the other side of the Atlantic? Victor Hugo foresaw such a happening so long ago as 1848.

In framing an answer to that question one must have in mind both matters of principle and matters of administrative detail. There are national differences, distinctions, and opportunities to be protected, and there are international opportunities to be seized and developed. Fortunate it is that the constructive statesmanship of Europe has fixed its mind on the solution of this problem. The deeply lamented and sincerely mourned Doctor Stresemann understood it all and was ready to be a leader in marching toward the new goal. We have a Briand in France, a Masaryk and a Benes in Czechoslovakia, and others of large outlook and fine imagination who are animated by the same spirit. It can not be long before this splendid ideal, the attainment of which would mean so much for the economic prosperity and satisfaction of the peoples affected by it, will find its way to shape the policies of governments. This ideal is one of the intangibles that rule the world.

But what, we are asked, is to become of all these splendid institutions if some nation signatory to the pact of Paris breaks its pledged word and begins hostilities against its neighbor? What, then, is to punish the offender and to protect those against whom the offense is committed? The answer is quick and simple—public opinion, than which nothing is more powerful when it rises to heights of condemnation. How will public opinion act, how will it express itself? Precisely as society acts and expresses itself toward the liar, toward him who is guilty of a mean and despicable act, and no condemnation can be more severe or more conclusive.

Do not forget that by its terms the pact of Paris ushers in a new mode of thought and a new era in everything that relates to international relations. It is by the mere force of inertia that governments and journalists and admirals and generals are still talking in terms of the discarded past. Some ask for parity among the world's navies. The term is quite meaningless, for if that parity were agreed to on paper to-day and launched in the water to-morrow it could be destroyed the next day by some new discovery in a chemical laboratory of a distant land or by some new triumph of navigation through the air.

When men now talk of national security it means that they are still thinking in terms of war. Learn to think in terms of the pact of Paris, and national security is on the same plane with municipal security or personal security. It may occasionally need the assistance of armed police, but it can have no use for the old-fashioned protections which science and morals have both united to render not only quite useless, but obsolete. There is talk still, particularly in the United States, of neutrality and its implications, but that again is to think in terms of war and not in terms of the pact of Paris. If a nation signatory to the pact of Paris breaks its word, no other signatory can possibly be neutral in the old sense, simply because that signatory is one of those concerned directly in the pledge breaking. Therefore it must, of course, quickly come to be declared the national policy of every nation signatory to the pact of Paris that it will not help or assist its nationals to aid one which breaks the pledge which that pact records. This is no violation of neutrality, because when the pledge is broken it is broken against and in defiance of every other signatory nation. Once bring these fundamental facts clearly in view of public opinion and the policies of governments will quickly be shaped accordingly. Nor must we permit it to be forgotten that the limitation of armament imposed upon the German Nation by the treaty of Versailles was not intended to be an exception to the policy of other nations. It was M. Clemenceau himself who wrote that the requirements of that treaty in regard to German armament were also the first steps toward that general reduction and limitation of armaments which the allied and associated powers would seek to bring about as one of the most fruitful preventives of war and which it would be one of the first duties of the League of Nations to promote. It is high time that public opinion called upon the nations other than Germany to keep that promise, to pursue that policy, and to hasten the day when real limitation of armament shall not be characteristic of a few nations but something common to them all.

There are two different ways in which any great question which involves national pride and national interest may be approached. One is in a spirit of confidence and good feeling and hope. The other is in a spirit of suspicion and jealousy and fear. Both are intangibles, and the contest for the government of the world and for the heart of mankind is between these. In any case it will be an intangible that will rule the world, and it is for public opinion to determine whether the choice shall be of an intangible which is lofty and fine and noble and helpful to all mankind or whether it shall be an intangible that is low and mean and jealous and selfish and grasping. To-day the world stands at the crossroads and must quickly choose the road which it will travel toward one or the other of these two intangibles. Which way shall the German people turn? May not one who has drunk deep and long at the well of their scholarship, their learning, their literature, and their science answer that the German people, mindful of the great signposts which guide and represent them in their Lessing and Herder, in their Goethe and Schiller, in their Hegel and Schleiermacher, will answer in the spirit of the eloquent voice of Fichte and in that of the calm and constructive philosophy of Immanual Kant—

Deutsches Herz, verzage nicht,
Thu was dein Gewissen spricht.

German Heart, do not dismay,
But thy Conscience' voice obey.

ADJOURNMENT

Mr. McNARY. I move that the Senate adjourn until to-morrow at 12 o'clock.

The motion was agreed to; and the Senate (at 4 o'clock and 45 minutes p. m.) adjourned until to-morrow, Thursday, May 8, 1930, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 7 (legislative day of April 30), 1930

UNITED STATES MARSHAL

Robert M. Vail, middle district of Pennsylvania.

COAST GUARD

To be lieutenants

William L. Foley.
Philip A. Short.
Arthur W. Davis.
George W. McKean.
William J. Austermann.

To be lieutenants (junior grade)

Glenn E. Trester.
Julius F. Jacot.
Chester A. A. Anderson.
Edward E. Hahn, jr.
Emmanuel Desses.

To be ensigns

Gordon P. McGowan.
Donald D. Hesler.
Marvin T. Braswell.
John W. Malen.
Petros D. Mills.

APPOINTMENTS IN THE ARMY

Charles Edward Nagel to be first lieutenant, Medical Corps Reserve.

Roland Keith Charles, jr., to be first lieutenant, Medical Corps Reserve.

Rev. Herbert Frederick Moehlmann to be chaplain, with the rank of first lieutenant.

APPOINTMENTS, BY TRANSFER, IN THE ARMY

First Lieut. Charles Walter Hensey to Finance Department.
Second Lieut. Rogers Alan Gardner to Cavalry.
Capt. Maurice Rose to Cavalry.
Second Lieut. Richard Edward O'Connor to Field Artillery.
Capt. William Henry Halstead to Infantry.

PROMOTIONS IN THE ARMY

Gustave Adolphus Wieser to be colonel, Infantry.

William Torbert MacMillan to be lieutenant colonel, Adjutant General's Department.

Arthur Vollmer to be major, Cavalry.

Morris Barnett DePass, jr., to be captain, Infantry.

Charles Ennis to be captain, Infantry.

Herbert Joseph McChrystal to be captain, Infantry.

George Henry Decker to be first lieutenant, Infantry.

Conrad Lewis Boyle to be first lieutenant, Field Artillery.

Edward Joseph O'Neill to be first lieutenant, Infantry.

Albert Sidney Bowen to be lieutenant colonel, Medical Corps.

Ernest Robert Gentry to be lieutenant colonel, Medical Corps.

Howard Moore Williamson to be major, Medical Corps.

Francis Joseph Clune to be major, Medical Corps.

George Edward Lindow to be major, Medical Corps.

Thomas Pinkney Brittain to be captain, Medical Administrative Corps.

Otto Blaine Trigg to be major, Cavalry.

Auby Casey Strickland to be captain, Air Corps.

Robert Reinhold Martin to be first lieutenant, Infantry.

John Perry Willey to be first lieutenant, Cavalry.

John Vogler Tower to be first lieutenant, Signal Corps.

Harry Donald Eckert to be first lieutenant, Cavalry.

Roy Cleveland Heflebower to be lieutenant colonel, Medical Corps.

George Martin Edwards to be lieutenant colonel, Medical Corps.

George Burgess Foster, jr., to be lieutenant colonel, Medical Corps.

Joseph Casper to be lieutenant colonel, Medical Corps.

Condon Carlton McCornack to be lieutenant colonel, Medical Corps.

Jaime Julian Figueras to be major, Medical Corps, subject to examination required by law from April 20, 1930.

Furman Hillman Tyner to be captain, Medical Corps.

William Elder Sankey to be major, Dental Corps.

Seth Overbaugh Craft to be first lieutenant, Medical Administrative Corps.

APPOINTMENTS IN THE OFFICERS' RESERVE CORPS

Herbert Reynolds Dean to be brigadier general, reserve.

Wallace Ashton Mason to be brigadier general, reserve.

PROMOTIONS IN THE NAVY

William D. Leahy to be rear admiral.

Forrest P. Sherman to be lieutenant commander.

James Fife, jr., to be lieutenant commander.

Rudolf L. Johnson to be lieutenant.

Roland P. Kauffman to be lieutenant.

Hugh R. Alexander to be dental surgeon.

William A. Budding to be chief machinist.

Uriel H. Leach to be chief machinist.

Hugh L. Shaw to be chief machinist.

Jesse Meridew to be chief machinist.

Philip W. Snyder to be assistant naval constructor.

Robert A. Hinners to be assistant naval constructor.

Allan L. Dunning to be assistant naval constructor.

Herbert J. Pfingstag to be assistant naval constructor.

Robert D. Conrad to be assistant naval constructor.

Leroy V. Honsinger to be assistant naval constructor.

Joseph F. Jelley, jr., to be assistant civil engineer.

Thomas L. Davey to be assistant civil engineer.

John E. Faigle to be assistant civil engineer.

Wesley H. Randig to be assistant civil engineer.

Archibald D. Hunter to be assistant civil engineer.

Hunt V. Martin to be assistant civil engineer.

POSTMASTERS

CALIFORNIA

Charles C. McGonegal, Bell.
Inez M. Benson, Calipatria.
John B. Horner, Fullerton.
Josephine Costar, Greenville.
Harry A. Bradford, Hayward.
Percy H. Nordstrom, Kingsburg.
George M. Eaby, La Habra.
Bernard G. Larrecou, Menlo Park.
William F. Hanell, Patterson.
William P. Boyer, Reedley.
William L. McLaughlin, Sanger.
John W. G. Mauger, Standard.
Roy Bucknell, Upper Lake.
Francis R. Coleman, Weed.

FLORIDA

Clayton P. Bishop, Eustis.
Clyde D. Prine, Fort Meade.
Paul E. Mahan, Hobe Sound.
Fred A. Carnell, Ormond.
Joseph J. B. Taylor, Panama City.
Maggie M. Folsom, Port Tampa City.
Maude M. O. Park, Sebastian.

GEORGIA

John S. Lunsford, Elberton.
Jackson C. Atkinson, Midville.
Loyd W. English, Pelham.

ILLINOIS

Roger Walwark, Ava.
Lawrence D. Sickles, Bowen.
Henry E. Burns, Chester.
Nellie Mitchel, Mansfield.
Delta C. Lowe, Mason City.
Frank E. Whitfield, Medora.
Charles L. Oetting, Menard.
Joseph M. Donahue, Monticello.
Lloyd E. Lamb, Paris.
Anthony L. Faletti, Springvalley.
Glenn W. Weeks, Tremont.

INDIANA

Edgar H. Newlin, Bloomingdale.
Roscoe B. Conklin, Dana.
Benjamin F. Smith, Hamilton.
William H. Jones, Logansport.
John W. Rudolph, Montgomery.
Albert C. Heithecker, Plainville.
Katheryn L. Huckleberry, Whitestown.

KANSAS

William E. Ferguson, Latham.
Benson L. Mickel, Soldier.

MAINE

George H. Rounds, Naples.

MARYLAND

William R. Wilson, Hebron.

MINNESOTA

Clefton M. Krogh, Argyle.
Merton E. Cain, Carlton.
Johannes A. Bloom, Chisago City.
Ingebrigt A. Hanson, Frost.
Charles F. Whitford, Henderson.
Edith A. Marsden, Hendrum.
George M. Young, Perham.
William J. Colgan, Rosemount.
Harvey Harris, Vesta.
Francis H. Densmore, Wilmont.

NEW MEXICO

Ernest A. Hannah, Artesia.
John C. Luikart, Clovis.
Joseph H. Gentry, Fort Stanton.

NORTH CAROLINA

Charles N. Bodenheimer, Elkin.
Orin R. York, High Point.
Hettie B. Morgan, Seaboard.

PENNSYLVANIA

George H. Cunningham, Emaus.
Louis S. Matiska, Glassmere.

WASHINGTON

Joseph A. Dean, Castle Rock.
Arthur H. Eldredge, Colfax.
Carl J. Gunderson, East Stanwood.
Nelson J. Craigue, Everett.
Wayne L. Talk ngton, Harrington.
Amy E. Ide, Outlook.
Ernest C. Day, Palouse.
Lewis Murphy, Republic.
Thomas B. Southard, Wilsoncreek.
Herman L. Leeper, Yakima.

WISCONSIN

Paul W. Schuette, Ableman.
George E. Grob, Auburndale.
Leslie D. Jenkins, Bagley.
Leslie H. Thayer, Birchwood.
Henry C. Scheller, Cecil.
Hazel A. Fritchen, Franksville.
Carlton C. Good, Neshkoro.
Edith Best, Prairie Farm.
John E. Wehrman, Prescott.
Clara H. Schmitz, St. Cloud.
Charles A. Arnot, South Wayne.
Oscar M. Waterbury, Williams Bay.

REJECTION

Executive nomination rejected by the Senate May 7 (legislative day of April 30), 1930

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

John J. Parker, of North Carolina.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *May 7, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, our God, with the full consciousness of our demerits we come to Thee to obtain mercy and pardon. Forgive our sins and let disappointment and pain blossom into gladness. Teach us how to fulfill the vows which we have made, both in public and in private, and enable us to stand in the strength of God and in the fear of man. Bless the labors of this day and breathe a sweet satisfaction into our souls. Bring to the whole earth Thy glory, so that all men may learn peace founded upon national integrity and justice. Stir in our breasts aspirations for things noble and divine. O let flowers, reeds, and grasses, which are breaking through the earth, remind us of that eternal spring when we awake from dreams of God. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 11780. An act granting the consent of Congress to Louisville & Nashville Railroad Co. to construct, maintain, and operate a railroad bridge across the Ohio River at or near Henderson, Ky.

AMENDMENT TO THE UNITED STATES WAREHOUSE ACT

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

Mr. HAUGEN (when the Committee on Agriculture was called). Mr. Speaker, I call up the bill (H. R. 7) to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States warehouse act, approved August 11, 1916, as amended.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union for its consideration.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7) to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States warehouse act, approved August 11, 1916, as amended, with Mr. SIMMONS in the chair.

The Clerk read the title of the bill.

Mr. JONES of Texas. Mr. Chairman, I would like to ask the chairman of the committee the order in which it is proposed to bring up the bills to-day.

Mr. HAUGEN. In the order they were reported by the committee.

Mr. JONES of Texas. The gentleman proposes to follow that order?

Mr. HAUGEN. I intend to follow that order except where unanimous consent may be granted to take up other bills out of order.

Mr. JONES of Texas. Will the foreign-service bill be brought up as the second bill?

Mr. HAUGEN. That will probably be the third bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 244), is amended to read as follows:

"SEC. 4. That the Secretary of Agriculture, or his designated representative, is authorized, upon application to him, to issue to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this act and such rules and regulations as may be made hereunder: *Provided*, That each such warehouse be found suitable for the proper storage of the particular agricultural product or products for which a license is applied for, and that such warehouseman agree, as a condition to the granting of the license, to comply with and abide by all the terms of this act and the rules and regulations prescribed hereunder."

SEC. 2. That section 6 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 247), is amended to read as follows:

"SEC. 6. That each warehouseman applying for a license to conduct a warehouse in accordance with this act shall, as a condition to the granting thereof, execute and file with the Secretary of Agriculture a good and sufficient bond to the United States to secure the faithful performance of his obligations as a warehouseman under the terms of this act and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, subject to service of process in suits on the bond within the State, District, or Territory in which the warehouse is located, and shall contain such terms and conditions as the Secretary of Agriculture may prescribe to carry out the purposes of this act, and may, in the discretion of the Secretary of Agriculture, include the requirements of fire and/or other insurance. Whenever the Secretary of Agriculture, or his designated representative, shall determine that a previously approved bond is, or for any cause has become, insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked."

SEC. 3. That section 8 of the United States warehouse act of August 11, 1916, as amended (U. S. C., title 7, sec. 250), is amended to read as follows:

"SEC. 8. That upon the filing with and approval by the Secretary of Agriculture, or his designated representative, of a bond, in compliance with this act, for the conduct of a warehouse, such warehouse may be designated as bonded hereunder; but no warehouse shall be designated as bonded under this act, and no name or description conveying the impression that it is so bonded, shall be used, until a bond, such as provided for in section 6, has been filed with and approved by the Secretary of Agriculture, or his designated representative, nor unless the license issued under this act for the conduct of such warehouse remains unsuspended and unrevoked."

SEC. 4. That section 9 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 248), is amended to read as follows:

"SEC. 9. That the Secretary of Agriculture, or his designated representative, may, under such rules and regulations as he shall prescribe, issue a license to any person not a warehouseman to accept the custody of agricultural products, and to store the same in a warehouse or warehouses owned, operated, or leased by any State, upon condition that such person agree to comply with and abide by the terms of this act and the rules and regulations prescribed hereunder. Each person so licensed shall issue receipts for the agricultural products placed in his custody, and shall give bond, in accordance with the provisions of this act, and the rules and regulations hereunder affecting warehousemen licensed under this act, and shall otherwise be subject to this act, and such rules and regulations, to the same extent as is provided for warehousemen licensed hereunder."

SEC. 5. That section 10 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 251), is amended to read as follows:

"SEC. 10. That the Secretary of Agriculture, or his designated representative, may charge, assess, and cause to be collected a reasonable fee for every examination or inspection of a warehouse under this act when such examination or inspection is made upon application of a warehouse-

man, and for each license issued to a warehouseman or to any person to classify, inspect, grade, sample, and/or weigh agricultural products stored or to be stored under the provisions of this act, the Secretary of Agriculture, or his designated representative, may charge, assess, and cause to be collected a reasonable fee. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts."

SEC. 6. That section 11 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 252), is amended to read as follows:

"SEC. 11. That the Secretary of Agriculture, or his designated representative, may upon presentation of satisfactory proof of competency, issue to any person a license to inspect, sample, or classify any agricultural product or products, stored or to be stored in a warehouse licensed under this act, according to condition, grade, or otherwise, and to certificate the condition, grade, or other class thereof, or to weigh the same and certificate the weight thereof, or both to inspect, sample, or classify and weigh the same and to certificate the condition, grade, or other class and the weight thereof, upon condition that such person agree to comply with and abide by the terms of this act and of the rules and regulations prescribed hereunder so far as the same relate to him."

SEC. 7. That section 12 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 253), is amended to read as follows:

"SEC. 12. That any license issued to any person to inspect, sample, or classify, or to weigh any agricultural product or products under this act may be suspended or revoked by the Secretary of Agriculture, or his designated representative, whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing that such licensee has failed to inspect, sample, or classify, or to weigh any agricultural product or products correctly, or has violated any of the provisions of this act or of the rules and regulations prescribed hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatever. Pending investigation, the Secretary of Agriculture, or his designated representative, whenever he deems necessary, may suspend a license temporarily without hearing."

SEC. 8. That section 25 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 264), is amended to read as follows:

"SEC. 25. That the Secretary of Agriculture, or his designated representative, may, after opportunity for hearing has been afforded to the licensee concerned, suspend or revoke any license to any warehouseman conducting a warehouse under this act, for any violation of or failure to comply with any provision of this act or of the rules and regulations made hereunder, or upon the ground that unreasonable or exorbitant charges have been made for services rendered. Pending investigation, the Secretary of Agriculture, or his designated representative, whenever he deems necessary, may suspend a license temporarily without hearing."

SEC. 9. That section 29 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 269), is amended to read as follows:

"SEC. 29. That in the discretion of the Secretary of Agriculture he is authorized to cooperate with State officials charged with the enforcement of State laws relating to warehouses, warehousemen, weighers, graders, inspectors, samplers, or classifiers; but the power, jurisdiction, and authority conferred upon the Secretary of Agriculture under this act shall be exclusive with respect to all persons securing a license hereunder so long as said license remains in effect. This act shall not be construed so as to limit the operation of any statute of the United States relating to warehouses or to warehousemen, weighers, graders, inspectors, samplers, or classifiers now in force in the District of Columbia or in any Territory or other place under the exclusive jurisdiction of the United States."

SEC. 10. That section 30 of the United States warehouse act, approved August 11, 1916, as amended (U. S. C., title 7, sec. 270), is amended to read as follows:

"SEC. 30. That every person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the Secretary of Agriculture, or his designated representative, under this act, or who shall violate or fail to comply with any provision of section 8 of this act, or who shall issue or utter a false or fraudulent receipt or certificate, or change in any manner an original receipt or certificate subsequently to issuance by a licensee, or any person who, without lawful authority, shall convert to his own use, or use for purposes of securing a loan, or remove from a licensed warehouse contrary to this act or the regulations promulgated thereunder, any agricultural products stored or to be stored in such warehouse, and for which licensed receipts have been or are to be issued, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $10,000, or double the value of the products involved if such double value exceeds $10,000, or imprisoned not more than 10 years, or both, in the discretion of the court, and the owner of the agricultural products so converted, used, or removed may, in the discretion of the Secretary of Agriculture, be reimbursed for the value thereof out of any fine collected hereunder, by check drawn on the Treasury at the direction of the Secretary of Agriculture, for the value of such products to the extent that such owner has not otherwise been reimbursed. That any person who shall draw with intent to deceive, a false sample of, or who shall willfully mutilate or falsely represent a sample drawn under this act, or who shall classify, grade, or weigh fraudulently, any agricultural products stored or to be stored under the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof fined not more than $500, or imprisoned for not more than six months, or both, in the discretion of the court."

During the reading of the bill—

Mr. TILSON. Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with.

The CHAIRMAN (Mr. HOLADAY). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from New York [Mr. CLARKE] whatever time he may desire.

The CHAIRMAN. The gentleman from New York is recognized for one hour.

Mr. CLARKE of New York. Mr. Chairman, beloved colleagues all, Government in its final objects should render service to its people. Representatives, if true to their duty, should see to it that the departments of our Government are kept working to the "nth" power in rendering that service.

The one great unorganized branch of productivity amongst our people is agriculture. To give to the people upon the farms their fair meed of protection and their inalienable right to organize is fundamental.

The ultimate answer of agriculture, or the producers of any particular commodity to economic equality, lies in the cooperative movement, along with the orderly assembling at points of production of the particular commodities that shall be fed into the national and international markets of the world through a farm board knowing market conditions, and rationally shipping their products into those markets when needed, preventing gluts, and with measured production keeping surplus from destroying the advantages we are seeking to build.

In 1916 an act known as the Federal warehouse act was passed by the Congress and sent on its mission of helpfulness to agriculture. It has gradually developed into a great institution, where these warehouses not federally owned, are licensed and bonded and farm products can be stored, warehouse receipts issued, and money borrowed thereon at fair rates of interest.

In 38 different States, largely at points of production, these warehouses are established that feed into interstate business in their normal market these commodities when needed.

With the gradual growth of these supervised warehouses bankers have come to rely on them and the warehouse receipts issued on products therein, as well as the Federal reserve and the intermediate credit banks, so that the receipts have become an important part in the economic and financial machinery of the country sponsored by Uncle Sam in the great cause of agriculture.

For the last several years 13 different farm products aggregating about $1,000,000,000 in value were assembled at or near points of origin, stored in these supervised warehouses, and warehouse receipts issued thereon, and money borrowed on these receipts at a fair rate of interest.

This bill has been unanimously reported by the Committee on Agriculture for the simple purpose of amending the warehouse act and enlarging it in its mission of helpfulness to our farmers.

The sections 4, 8, 9, 11, 12, and 25 simply amend the act by inserting after the words "the Secretary of Agriculture" the words "or his designated representative." The object of these amendments is to relieve the Secretary of Agriculture of a multitude of details without weakening the act. All these amendments relate to routine actions in connection with the bonds, issuing of licenses, and so forth.

The purpose of the amendment to section 10 is that the Secretary of Agriculture shall be allowed to and authorized to charge such a license fee as he deems reasonable whenever a license is issued to a warehouseman, a sampler, inspector, weigher, or grader.

The only section of that bill that should raise any question at all in any Member's mind is the section 29 amendment. Under the present law, if the Federal act in any way conflicts with State laws, the Federal act becomes subservient to the State law in so far as there is conflict. The result is that the Federal law can be negatived by State legislation. This condition has put a severe limitation at times on Federal warehouse receipts attaining that degree of usefulness that they should have, and that the Congress intended they should have for collateral purposes. In fact, this very limitation can defeat the very intent of Congress and render worthless as collateral the receipts issued under the law. Any clause or phase in the law which raises a doubt in the banker's mind about the

receipts casts a cloud on their collateral value. As the one big purpose of the warehouse act was and is to convert the farm products into collateral value and as this act, during the past 10 years, has proved its value to the farmer and his cooperative associations we should not hesitate to perfect it and make the warehouse receipts issued thereunder above suspicion.

More than any other Congress this Congress has evidenced, irrespective of party, a sincere desire to give to agriculture that equality of opportunity that rightly belongs to her.

This bill, if enacted, promises a safe, economically sound step in that direction.

I respectfully present to you this bill in the hope again, that from the North, East, South, or West, there will be no discordant note in the effort of Uncle Sam and his representatives in their endeavor to give to the farmers a little larger chance to help themselves. [Applause.]

Mr. CRISP. Will the gentleman yield for a question?

Mr. CLARKE of New York. Yes.

Mr. CRISP. I am seeking information. I did not hear the first part of the gentleman's speech. Under the bill is it possible for a State warehouse to obtain the privilege of being bonded as a Federal warehouse and only be bonded for part of the products of the warehouse? In other words, where a State warehouse is bonded under this act, are all the commodities stored in that warehouse protected by the bond or can just a part of them be protected by the bond?

Mr. CLARKE of New York. All that goes into the warehouse is protected by the bond.

Mr. CRISP. I think that is the way it should be. There has been some criticism that the bonding has been limited. I do not think that is right. I think that where the warehouse advertises that it is a bonded warehouse all those dealing with it should have the right to presume that everything in it is bonded.

Mr. CLARKE of New York. I reserve the balance of my time.

Mr. ASWELL. Mr. Chairman, there is no request for time on this side and I think there is no opposition to the bill.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill for amendment.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SIMMONS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 7 and had directed him to report the same back with the recommendation that it be passed.

Mr. HAUGEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion by Mr. HAUGEN to reconsider the vote whereby the bill was passed was laid on the table.

COMMITTEE ON EDUCATION

Mr. REED of New York. Mr. Speaker, I ask unanimous consent that the Committee on Education may be permitted to sit to-morrow afternoon and for the balance of the week.

The SPEAKER. The gentleman from New York asks unanimous consent that the Committee on Education may, beginning to-morrow afternoon, sit for the remainder of the week. Is there objection?

There was no objection.

AMENDING THE FEDERAL FOOD AND DRUGS ACT

Mr. HAUGEN. Mr. Speaker, I call up the bill (H. R. 730) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended.

The SPEAKER. The gentleman from Iowa calls up the bill, which the Clerk will report.

The Clerk read as follows:

H. R. 730

A bill to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended

Be it enacted, etc., That section 8 of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," as amended, is amended by adding at the end thereof the following:

"Fifth. If it be canned food and falls below the standard of quality, condition, and/or fill of container, promulgated by the Secretary of Agriculture for such canned food and its package or label does not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that such canned food falls below such standard. For the purposes of this paragraph the words 'canned food' mean all food which is in hermetically sealed containers and is sterilized by heat, except meat and meat food products, which are subject to the provisions of the meat inspection act of March 4, 1907 (34 Stat. 1260), as amended, and except canned milk; the word 'class' means and is limited to a generic product for which a standard is to be established and does not mean a grade, variety, or species of a generic product. The Secretary of Agriculture is authorized to determine, establish, and promulgate, from time to time, a reasonable standard of quality, condition, and/or fill of container for each class of canned food as will, in his judgment, promote honesty and fair dealing in the interest of the consumer; and he is authorized to alter or modify such standard from time to time as, in his judgment, honesty and fair dealing in the interest of the consumer may require. The Secretary of Agriculture is further authorized to prescribe and promulgate from time to time the form of statement which must appear in a plain and conspicuous manner on each package or label of canned food which falls below the standard promulgated by him, and which will indicate that such canned food falls below such standard, and he is authorized to alter or modify such form of statement, from time to time, as in his judgment may be necessary. In promulgating such standards and forms of statements and any alteration or modification thereof, the Secretary of Agriculture shall specify the date or dates when such standards shall become effective, or after which such statements shall be used, and shall give public notice not less than 90 days in advance of the date or dates on which such standards shall become effective or such statements shall be used. Nothing in this paragraph shall be construed to authorize the manufacture, sale, shipment, or transportation of adulterated or misbranded foods."

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Speaker, the bill under consideration is the identical bill that passed the House in the Seventieth Congress under the number H. R. 15128. This bill passed the House February 25, 1929. At that time extended hearings were held on the bill, and the report of the committee, as I recall it, was practically unanimous.

Now, the purpose of the bill can be stated in a very few words. It is in the nature of an amendment to the general food laws, and it amends them to this extent: That it gives the Secretary of Agriculture the authority to require in the interest of the consuming public distinctive and informative labeling of canned goods below a certain minimum of requirement.

This legislation is approved by the Department of Agriculture and is presented for your consideration for two or three reasons, which I will state in a word. First, as a matter of the protection of the consumer. We have found that where canned goods are to-day coming to be a very prominent part of the food industry that they have been put on the market without uniform labeling: that men who have been in business a long time have established their own grade and we have accepted the trade and grade name of the article in lieu of well-established legislative standards and grades. Very naturally, of course, the label and the grade of a certain manufacturer depended upon his own notion with respect to it, but there seemed to be no definite standard that meant something to the people of the whole United States. Therefore, the Committee on Agriculture, considering this matter, deemed it advisable to provide that in canned goods there should be a certain legislative standard established, and that goods below this standard should be marked with a distinctive label so that when the individual purchaser went into the market to buy goods he would know that there had been a standard established by the Government itself and that the goods that he purchased without this particular label were above the minimum standard.

Following this if the individual manufacturers desire to establish higher grades above these standards and establish trade names in connection with them, all well and good. So this bill is presented with that idea in mind.

An additional thought is worthy of a moment's emphasis. The canning industry has come to be one of our very great and important industries, and to-day it is making use of the warehouse act, which we just amended, in this very interesting way. The canned goods to-day are taken to the bonded warehouses, and when they do have a distinctive grade which is indicated by the label and which under this legislation would be protected by the Government itself, then the warehouseman will know that

those goods are up to standard, and the facilities of the warehouse act can be made to apply very much more generally than they do at the present time. I am sure that all of you who are familiar at all with the canning business understand very well that it is necessary for them during the canning season to use tremendous sums of money, and this act will enable them to make use of the Federal warehouse act, and the warehouse certificates for the purpose of borrowing money to finance their operations.

As a matter of protection to the consumers, and as an advantage to those who are engaged in the canning business by enabling them to secure advances upon products which they can, we present this legislation and trust it will meet with the unanimous approval of the House of Representatives.

Mr. PALMER. Mr. Speaker, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. PALMER. Each State now has its board of food and drug inspectors. They have a standard, say, on a certain class of canned goods. Suppose the department prescribes a different standard. Is it liable to conflict with the canner who has a great supply on, and will it likely put his goods out of the market?

Mr. KETCHAM. I think not. The experience your committee has had is this, that many State authorities desire a modification of the act by providing grades above the minimum, but that is to be cared for in subsequent legislation; as I understand it, in a bill already introduced by a member of our committee, the gentleman from Kansas [Mr. HOPE]. That will cover the point the gentleman has in mind.

Mr. PALMER. Each State has its standard, of course.

Mr. KETCHAM. It would not interfere at all unless some of these standards put out by the State did not come up to the minimum standard provided here.

Mr. PALMER. I think this is a good bill and that the public needs protection.

Mr. KETCHAM. And, more than that, it would not affect at all unless the goods move in interstate commerce.

Mr. BRIGHAM. As a matter of fact, would not the Secretary of Agriculture probably give the canning industry time to work off the goods already on hand?

Mr. KETCHAM. Without any question.

Mr. MENGES. Mr. Speaker, I offer the following amendment which I send to the Clerk's desk.

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Pennsylvania for the purpose of offering an amendment?

Mr. HAUGEN. Yes.

The SPEAKER. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MENGES: Page 2, line 23, after the word "require" insert a colon and the following: "*Provided*, That the standards of quality and condition for any canned foods which have been or which in the future may be established by or under authority of any other act of Congress shall be and are hereby adopted for the purpose of this act as the official standards of the United States for canned foods."

Mr. CHINDBLOM. Mr. Speaker, I reserve the point of order on that.

The SPEAKER. The gentleman from Illinois reserves the point of order.

Mr. MENGES. Mr. Speaker, I told the committee that I was going to offer an amendment to this bill. I do not think that anybody was allowed to be under any delusion about it. At the present time the Department of Agriculture has established standards for the various kinds of canned goods. They have established a standard for peas, a standard for beans, and for any other canned product. The thing that I want to guard against with this amendment is that these standards shall not be interfered with. There is another thing to which the gentleman from Michigan [Mr. KETCHAM] referred, and that is that there is a bill in the hands of the committee now which establishes grades, and in order that this legislation may not interfere with the grades that are to be established in the bill now before the committee, and which has not been reported out, this amendment is offered.

There is no intention to interfere with the legislation here; only to safeguard what we now have and what we propose to have. That is the idea I have in mind. If the committee chooses to accept the amendment, I shall be glad.

Mr. BRIGHAM. Mr. Speaker, will the gentleman yield?

Mr. MENGES. Yes.

Mr. BRIGHAM. Does not the bill proposed contemplate permissive grades, and not compulsory grades?

Mr. MENGES. They are permissive now.

Mr. BRIGHAM. I understand the only grades that are promulgated by the Department of Agriculture are for the purpose of assisting the operation of the warehouse act.

Mr. MENGES. Answering the gentleman from Vermont, permit me to say that this amendment that I have offered is intended to protect the small canner, so that if he puts out a package of a superior character he can have it stamped by the Government, and then he can go and store these goods in the licensed warehouse of the Government and get a draft on them to finance him for the time being.

Mr. BRIGHAM. Will not the effect of the gentleman's amendment be this, that if the so-called Hope bill be passed, permitting the Government to promulgate permissive grades, the amendment he offers will then become compulsory?

Mr. MENGES. I think not, because the Hope bill states that the grades shall be permissive.

Mr. BRIGHAM. Does not your amendment provide that any grades promulgated by the Secretary of Agriculture shall become compulsory in effect?

Mr. MENGES. I do not read it so. I do not think so.

Mr. HALSEY. Mr. Speaker, will the gentleman yield there for a question?

Mr. MENGES. Yes.

Mr. HALSEY. Your amendment provides that canned goods going into interstate commerce must comply with this standard set up by the United States Government?

Mr. MENGES. If they are shipped in interstate commerce, if graded and stamped by the United States Government as the Hope bill requires, grading above the substandard here established.

Mr. HALSEY. That is, the goods shipped in one State must be of the same standard as those shipped in another State—for instance, canned goods in Missouri, as compared with those canned in Wisconsin, shall comply with a certain standard?

Mr. MENGES. Certainly. The Government requires the standard in Missouri to be the same as in Wisconsin.

Mr. HALSEY. Goods going from one State to another must be controlled by your amendment as fixed by the United States standard?

Mr. MENGES. That is the same thing as exists now. I do not see that there is any trouble in the amendment or that it would interfere with the act we are now about to pass. In fact, I feel that it will safeguard the present standards or grades that have been established by the Government and will safeguard future legislation so that it will not be interfered with by this bill. That is my idea about it.

Mr. CHINDBLOM. Mr. Speaker, I am ready to argue the point of order.

Mr. MENGES. I am not sufficiently familiar with points of order to know how to argue one. I am not a lawyer. I am simply offering this amendment to safeguard the small canners, such as those who live in my district.

Mr. HUDSON. Mr. Speaker, will the gentleman yield?

Mr. MENGES. Yes.

Mr. HUDSON. As I sense the gentleman's argument, he believes that later on, if we pass the so-called Hope bill, we shall have to amend this to provide for the provisions established in the Hope bill?

Mr. MENGES. Yes. This bill establishes only one standard, and that is a substandard; and it not only establishes a substandard but puts these goods under the food and drugs act, a penal law. Anybody who ships a carload of canned goods, say, from my district to Missouri may have a certain grade on them; but suppose some one finds a can in that shipment not poisoned, but damaged. He can condemn the whole car and give that canner all the trouble he is looking for. To prevent that I am offering this amendment.

I think this is a damaging and dangerous thing to put the canning industry definitely under the food and drugs act. You will find it out in your State later if you do not find it out now. My idea is that this is a bill to protect the big canner and put the small canner out of business. That is my idea about it.

If there are any other questions to be asked I shall be glad to try to answer.

Mr. BRIGHAM. If the bill introduced by the gentleman from Kansas [Mr. HOPE] shall become a law, providing for permissive grades above the standard grade, grades A, B, C, and so forth——

Mr. MENGES. But this bill does not provide for that.

Mr. BRIGHAM. It will enable the Secretary of Agriculture to promulgate such grades, and the canning factories can, if they choose, use those grades and label containers accordingly. Why will it be necessary to have additional legislation?

Mr. MENGES. To safeguard what we now have and to safeguard the future.

Mr. BRIGHAM. I do not see how it interferes with anything in the least as it is now.

Mr. MENGES. That is where I differ with the gentleman.

First. It will not and can not do what the proponents of the bill and those who testified before the House and Senate Agricultural Committees represent it will, namely: Enable the consumer to purchase canned fruits and vegetables more intelligently. It will fail in this respect because the bill provides for the establishment of but one standard by the Secretary of Agriculture, and eveything which falls below this standard shall be designed on the label as falling below the standard. Through this standard it is hoped to brand low-quality foods in the eyes of the public so as to limit their consumption and thereby force a reduction in the amount produced. But quite obviously the proponents of the bill do not expect that the standard that would be established would be any higher than the line that now marks the bottom of the commercially accepted standard grade. If the standard should be set at that point, then very obviously this bill will accomplish little, for not more than between 5 or 10 per cent of the present pack of canned fruits and vegetables now fall below this line. What happens with the other 90 to 95 per cent of the pack? This bill does not attempt to reach it. Yet within that 90 or 95 per cent there is just as much room and more for deceiving the public. Take tomatoes as an illustration to see how far this bill will really help the consumer. Approximately 20,000,000 cases of No. 2 cans of tomatoes are packed annually.

If 5 per cent of this amount would fall below the to be established standard, that would mean only 1,000,000 cases would be labeled. What about the other 19,000,000 cases? They go unlabeled. And yet in these 19,000,000 cases you will find plenty of tomatoes that just barely pass above the line but which will reach the consumer under fancy labels representing the product to be fancy, and at fancy prices. How, then, is the consumer—the housewife—enabled by this bill to buy more intelligently?

Second. This bill is just a make-believe. Framed to make Congressmen and Senators believe a certain result will follow when the very wording of the bill precludes such a result.

Third. If the proponents of this bill want to help the consumer to buy intelligently, why do they not provide for a complete system of standardization? Before the Agricultural Committees they have referred to work that has been done by the Department of Agriculture in standardizing raw fruits and vegetables and the benefits that have resulted therefrom. Very well, but that work is based upon a standardizing of the entire crop and not 5 or 10 per cent of it.

Fourth. This bill attempts to amend the Federal food and drugs act. That law is a mandatory and a criminal statute. The intent of that statute is to protect the public against poisonous, filthy, decomposed, and putrid matter and against the addition of deleterious ingredients. It has been admitted before the committees that the canned fruits and vegetables against which this bill is aimed are wholesome and do not fall in any sense under any of the classifications against which the food and drugs act is directed. This bill aims to create a standard—it is an entry into the field of standardization. If standardization of canned fruits and vegetables is what is wanted, then why not provide for a complete system of standardization and not a one-twentieth way measure? And if standardization has proved so beneficial in the raw fruit and vegetable field, why not make provision for standardizing of the canned fruits and vegetables in exactly the same manner that provision has been made for the raw product? That is done through the annual appropriation bill for the Department of Agriculture.

No one will question the benefits this service has conferred upon the fresh fruit and vegetable industry from the producer down to the final retailer and consumer. It has expedited and simplified commercial transactions. It has given the farmer and all handlers common standards or grades. It has laid the foundation for establishing a nation-wide market news service, thus enabling the farmer to know what his product ought to bring in different markets. It has also made a basis for the settlement of disputes. In fact, it has eliminated and reduced to a minimum the number of disputes, for the certificates which are issued by the Government become prima facie evidence as to the grade and condition of the product in all courts.

The need for common and official standards and an inspection service is just as pressing now in the canned-foods field as it was 15 years ago in the field of fresh fruits and vegetables. There are no common standards in the canned fruit and vegetable field. What one canner or broker or retailer may call a fancy product and ultimately sell as such to the consumer may not be a fancy or No. 1 product at all, but may be the lowest recognized quality, and not at all infrequently it is substandard. There are many canners who want to pack and who do pack a good product. They want to give the consumer his money's worth. There are hundreds of small canners throughout the country who are rendering a distinct service to hundreds of agricultural sections. They enable the farmers in those sections to diversify.

By adopting this amendment it will be possible to give the canner what the fresh fruit and vegetable industry, the hay industry, the tobacco industry, the cotton industry, the butter and egg and poultry industry, and other industries now enjoy. You will help many farmers financially and at the same time help just that much in holding down our unwieldy surpluses in staple crops. You will help canners to protect themselves and you will make it possible for the housewife ultimately to buy her canned foods on the basis of Government standards and not like buying a pig in a poke.

I am not speaking for Pennsylvania canners alone; other States are engaged more heavily in canning than Pennsylvania. I know what is happening to our Pennsylvania canners is happening to your canners in Maryland, Delaware, New Jersey, New York, Maine, Ohio, Indiana, Illinois, Wisconsin, Virginia, Tennessee, Michigan, Minnesota, Iowa, Nebraska, Kentucky, Missouri, Arkansas, Georgia, Mississippi, Colorado, Utah, Oregon, Washington, and California; in fact, in every State where fruits and vegetables are canned. Here is an opportunity to put an end to this kind of business.

Mr. ADKINS. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER. Does the gentleman from Iowa [Mr HAUGEN] yield to the gentleman from Illinois?

Mr. HAUGEN. I understand there is a point of order pending.

The SPEAKER. There is no point of order pending.

Mr. CHINDBLOM. Mr. Speaker, I reserved a point of order, and I now make it.

I wish to call the attention of the Speaker to the language in the proposed amendment to section 8 of the pure food and drugs act.

On page 2 of the pending bill, immediately preceding the sentence to which the amendment of the gentleman from Pennsylvania [Mr. MENGES] is offered, I read the following, beginning on line 7:

> For the purposes of this paragraph the words canned food mean all food which is in hermetically sealed containers and is sterilized by heat, except meat and meat food products, which are subject to the provisions of the meat inspection act of March 4, 1907 (34 Stat. 1260), as amended, and except canned milk.

Then, I call the attention of the Chair to the following words, which follow immediately:

> The word class means and is limited to a generic product for which a standard is to be established, and does not mean a grade, variety, or species of a generic product. The Secretary of Agriculture is authorized to determine, establish, and promulgate, from time to time, a reasonable standard of quality, condition, and/or fill of container for each class of canned food as will in his judgment promote honesty and fair dealing in the interest of the consumer; and he is authorized to alter or modify such standard from time to time as in his judgment honesty and fair dealing in the interest of the consumer may require.

All of these provisions are limited to class, and the term "class" is specifically defined to be limited to a generic product and does not include a grade, variety, or species of a generic product. The amendment offered by the gentleman from Pennsylvania [Mr. MENGES] is not limited to class. It includes grades, varieties, and species of classes; that is, of generic products; for the amendment offered by the gentleman reads as follows:

> *Provided*, That the standards of quality and condition for any canned foods which have been, or which in the future may be, established by or under authority of any other act of Congress shall be, and are hereby, adopted for the purpose of this act as the official standards of the United States for canned foods.

This amendment brings in every other act which has been passed by Congress relative to canned foods, aside from the pure food and drugs act, which alone is amended by the pending bill, and it is not limited in its operation to the class in a generic sense but may be applied to grades, varieties, and species of generic products. Therefore, it goes beyond the purposes of the bill as reported by the committee, and, it seems to me, is subject to the objection which I am making.

The SPEAKER. The gentleman from Illinois [Mr. CHINDBLOM] has made an argument which impresses the Chair in regard to the definition of class, but the Chair does not see where the word "class" is mentioned before.

Mr. CHINDBLOM. It is mentioned in the sentence beginning on page 2, line 7 of the bill, and the definition comes

farther down, in line 12—"the word 'class' means and is limited to a generic product for which a standard is to be established, and does not mean a grade, variety, or species of a generic product." That is the definition for the purposes of this bill. In fact, it is the definition for the purposes of the entire pure food and drugs act.

The SPEAKER. As the Chair understands, the gentleman from Illinois [Mr. CHINDBLOM] founds his point of order on the ground that the class is defined in this act and that the amendment of the gentleman from Pennsylvania [Mr. MENGES] goes beyond the class as defined in the bill?

Mr. CHINDBLOM. Yes, sir; that is correct, Mr. Speaker.

The SPEAKER. The Chair rather thinks that it does, and sustains the point of order.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Upon motion by Mr. PURNELL, a motion to reconsider was laid on the table.

PROMOTE THE AGRICULTURE OF THE UNITED STATES

Mr. HAUGEN. Mr. Speaker, I call up the bill H. R. 2152, to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes.

Mr. TILSON. Mr. Speaker, I hope the gentleman from Iowa [Mr. HAUGEN] will not call up that bill until next Calendar Wednesday.

Mr. HAUGEN. Is that agreeable to the gentleman from Michigan [Mr. KETCHAM]?

Mr. KETCHAM. I would say that while I am loath to have the bill go over, yet, to meet the wishes of the gentleman from Connecticut [Mr. TILSON] I would be very willing to accede to his request, if it is understood that it will be the first bill called up when the committee has its next Calendar Wednesday.

Mr. TILSON. The gentleman will have the right to call it up first.

Mr. JONES of Texas. Mr. Speaker, are we assured of another Calendar Wednesday? I think this is the most important bill the committee has reported.

Mr. TILSON. I think there is no question about having another Calendar Wednesday. I am quite sure that there is no question about it.

Mr. CANNON. Mr. Speaker, will the gentleman yield for a question? There seems to be a general demand for this legislation.

Mr. TILSON. But there seems to be some little difference of opinion in regard to it.

Mr. CANNON. The bill has the indorsement of the Federal Farm Board. It has been officially approved by the last three Secretaries of Agriculture. President Hoover, during his service as Secretary of Commerce, strongly urged its enactment. It has the unqualified support of every farm organization in America. It was passed in this form by the House in a former Congress by a practically unanimous vote. It is an essential part of the program for farm relief and apparently there is no opposition to the bill on the part of agricultural interests from any quarter. In view of the situation the request for delay is doubtless prompted by weighty considerations, and I wonder if the gentleman from Connecticut [Mr. TILSON] is in position to give some intimation as to the reasons which render it advisable to postpone consideration at this time?

Mr. TILSON. Because there seems to be some little doubt as to just what this bill provides, and whether it conflicts with some of the other activities of the Government. I wish the gentleman would let it go over another week.

Mr. CANNON. It is the general understanding that the Committee on Agriculture reported out the bill and recommended its passage without division and that the committee is unanimous in directing the chairman of the committee to call it up for consideration this afternoon.

Mr. TILSON. Oh, yes; I so understand.

Mr. CANNON. And we are assured that if postponed it will be brought up one week from to-day?

Mr. TILSON. The gentleman's committee has the right to bring it up on that day.

Mr. JONES of Texas. Is it the intention of the chairman of the committee to bring this bill up first on next Calendar Wednesday?

Mr. HAUGEN. I am calling up the bills according to the instructions given by the committee.

Mr. TILSON. It rests with the gentleman from Iowa [Mr. HAUGEN] entirely.

Mr. HAUGEN. It will rest with the gentleman from Michigan [Mr. KETCHAM], whenever he wishes to bring it up.

Mr. KETCHAM. It will be brought up first, then, on next Calendar Wednesday.

Mr. CANNON. We are glad to have that assurance.

The SPEAKER. Does the gentleman from Iowa [Mr. HAUGEN] withdraw his request for the present consideration of the bill H. R. 2152?

Mr. HAUGEN. Yes, Mr. Speaker; I withdraw that request.

Mr. Speaker, I call up the bill, H. R. 10877, authorizing appropriations to be expended under the provisions of sections 4 to 14 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended.

PROTECTION OF THE WATERSHED OF NAVIGABLE STREAMS

The SPEAKER. The gentleman from Iowa [Mr. HAUGEN] calls up the bill H. R. 10877, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10877, with Mr. HOCH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10877, which the Clerk will report.

Mr. CLARKE of New York. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the United States Treasury not otherwise appropriated, to be expended under the provisions of sections 4 to 14 of the act of March 1, 1911 (U. S. C., title 16, secs. 513–521), as amended by the acts of March 4, 1913 (U. S. C., title 16, sec. 518), June 30, 1914 (U. S. C., title 16, sec. 500), and June 7, 1924 (U. S. C., title 16, sec. 570), not to exceed $3,000,000 for the fiscal year beginning July 1, 1931, and not to exceed $3,000,000 for the fiscal year beginning July 1, 1932.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from New York [Mr. CLARKE]. [Applause.]

Mr. CLARKE of New York. Mr. Chairman, ladies and gentlemen of the committee, the purpose of this bill is to extend the purchasing program entered into by the Federal Government of lands that not only reach into the upper reaches and protect the watersheds of navigable streams but down into the lower parts, where it has been shown it is necessary as well to have a purchase program. This purchase program in its larger aspects takes in 32 particular units in regions northeast, south, west, and east of the Great Plains. The present authorization expires with the end of the present fiscal year.

This bill simply authorizes the expenditure of $3,000,000 per year for two years in this land-purchase program. We had hoped we could have a 10-year purchase program, and the National Forest Conservation Commission recommended such a program, that commission being composed of 3 members of the Cabinet, 2 Senators, and 2 outstanding Representatives of this House. But the Bureau of the Budget has felt we would have to hold ourselves down a little, so we have fallen into the spirit of that suggestion, and we now urge the Congress of the United States to go forward with this 2-year purchase program. That is all there is to the bill.

Mr. KINCHELOE. Will the gentleman yield?

Mr. CLARKE of New York. Yes.

Mr. KINCHELOE. This is really an extension of what is called the Weeks Act.

Mr. CLARKE of New York. The Weeks Act and the Clarke-McNary Act.

Mr. KINCHELOE. Does the gentleman know of any laws on the statute books of the United States to-day that are of greater use in conservation than these acts?

Mr. CLARKE of New York. They are outstanding acts, and the gentleman from Kentucky was one of the outstanding men in helping to get those bills through the House.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. CLARKE of New York. Yes.

Mr. COCHRAN of Missouri. Have the areas to be purchased with this money been selected or are they to be selected in the future?

Mr. CLARKE of New York. Thirty-two have been selected and I will put in my remarks a description of the further areas in the enlarged picture of the bill itself.

Mr. COCHRAN of Missouri. The reason I ask the question is that the Secretary of Agriculture advised me that two areas in the State of Missouri, one bordering the St. Francis and the other the Current River, of 200,000 acres each, would be recommended to the commission.

Mr. CLARKE of New York. They are included in the units right now.

Mr. COCHRAN of Missouri. Provided the Legislature of Missouri takes the proper action necessary under the Weeks law, and it is hoped our legislature will take that action next January, and if it does, the State of Missouri will have the opportunity of getting in under this bill?

Mr. CLARKE of New York. It would.

Mr. COLTON. Will the gentleman yield?

Mr. CLARKE of New York. Yes.

Mr. COLTON. I know the gentleman is a great authority on reforestation.

Mr. CLARKE of New York. I thank the gentleman for the compliment.

Mr. COLTON. In my State we have a movement, particularly among the ladies' clubs, looking to the planting of trees, not on lands, perhaps, that come strictly under this law but on lands that will do a great deal of good in the way of conservation and the protection of watersheds, but we have had trouble in getting the trees. Can the gentleman tell me whether there has been any provision made for the raising of trees or of any place where the ladies' clubs can get trees with which to do their planting?

Mr. CLARKE of New York. Under the original Clarke-McNary Act there was a provision included for the establishment of small nurseries, but that has not been enlarged and there has been no active cooperation, because some of the States themselves have had their own nurseries. Take the State of New York. This spring we are distributing over 20,000,000 trees, and in the fall there will be another distribution of some 5,000,000 or 6,000,000 trees. Those trees are taken from our own State nurseries and distributed to clubs such as the gentleman mentions and they are furnished to them at a cost of $1, $2, $3, or $4 a thousand. However, I do not believe the Federal Government should get into that phase of the conservation movement.

Mr. COLTON. Then there is probably no source from which these trees can be obtained unless a State itself goes into that work?

Mr. CLARKE of New York. State and private nurseries; yes.

Mr. KNUTSON. Will the gentleman yield?

Mr. CLARKE of New York. I yield to the distinguished son of Minnesota.

Mr. KNUTSON. The gentleman has given a great deal of time and effort to reforestation work, and I would like to have him explain to the committee just how much we can hope to do under the appropriations authorized in this measure in the way of reforestation work, and where it is contemplated to do the most of it.

Mr. CLARKE of New York. I will set out specifically in the extension of my remarks the particular work we intend to do. There are 32 established units in 17 States. Some of these units are in the State of Minnesota and in the Great Lakes region; 2 of them are in the New England country, 2 in the Ozark plateau, and 5 in the southern plateau. I think there are 10 units all together in and around the Great Lakes region.

Mr. KNUTSON. Does this legislation supplement the so-called Clarke-McNary Act?

Mr. CLARKE of New York. It does.

Mr. KNUTSON. What is the acreage in the country that has been denuded and should be reforested? Has the gentleman any figures on such lands that are peculiarly adapted to forestry?

Mr. CLARKE of New York. According to a survey made some three or four years ago there are practically 81,000,000 acres in the United States that ought to be reforested. In my own State of New York there are approximately 5,000,000 acres that ought to be reforested. These are just small steps we are taking in what ought to be an enlarged program.

You may take, for instance, the flood-control problem that is so menacing. Any man who knows anything about the control of the floods of the Mississippi Valley knows that at least 40 to 60 per cent of the volume of stuff that goes down the Mississippi is the soil. Now, why is it going down there? Because our great plains are not growing trees. And what effect have the trees on it? First, there are the root systems that prevent erosion and prevent this soil from getting into the flow of these floods; and more than this, the setting out of trees in the watersheds of these great streams means that you delay the melting of the snow, and if you delay the melting of the snow a week or 10 days you take off the crest of the wave which creates the damage and loss of life in these floods. Trees also slow up the "run off" of the rains, and so forth.

Mr. KNUTSON. Does not the gentleman think that the several States should supplement this work, and would it not be possible for the Federal Government to match money with the States as we do in road building?

Mr. CLARKE of New York. That is exactly the theory of the Clarke-McNary bill. When the States show a willingness to cooperate with the Federal Government, the Federal Government seeks to match appropriations with them and furnishes leadership and furnishes information with respect to taxation methods and various other matters. To-day one of the greatest black marks we have in the conservation movement is the attitude of the State legislatures in taxing the people that show a desire to set out trees. Along will come some unsympathetic assessor who notices that some one has taken an unadorned hundred acres of land and set it out with trees. He says that it is more valuable and proceeds to tax it. The enterprise and the public spirit of the man who sets out the trees is taxed, and then he says, "What's the use."

Mr. KNUTSON. I thank the gentleman for his very able explanation.

Mr. ANDRESEN. Will the gentleman yield?

Mr. CLARKE of New York. I yield.

Mr. ANDRESEN. I would like to say to my colleague from Minnesota that there is probably no man in the United States who has given more study to the conservation problem with respect to our forestry resources than the gentleman from New York.

Mr. CLARKE of New York. I thank the gentleman.

Mr. ANDRESEN. The gentleman has had broad vision. He has soared over the entire country, as the bald eagle would soar over the wide spaces, and has not confined his activities to any one particular locality. Therefore we are glad to follow his program.

Mr. CLARKE of New York. I thank the gentleman from Minnesota.

Mr. COLE. Will the gentleman yield?

Mr. CLARKE of New York. I yield.

Mr. COLE. I am very glad to hear we have with us a most eminent authority on conservation, the gentleman from New York.

Mr. CLARKE of New York. I thank you, sir.

Mr. COLE. I would like to ask a question of such a great authority. Have we in reforestation ever succeeded in growing timber from which we could cut saw logs?

Mr. CLARKE of New York. I can give the gentleman an example even now in the State of New York. Twenty-six or twenty-seven years ago a large estate in an adjoining county began a program of reforestation and in the last four years in a thinning process, because their trees were planted too thick originally, they have sold off in trees more than the original cost in trees, labor, and taxes. This was timber that could be used for poles and posts and things like that.

Mr. COLE. And for saw lumber?

Mr. CLARKE of New York. Not saw lumber; no.

Mr. COLE. Can the gentleman cite such an instance?

Mr. CLARKE of New York. No; because the reforestation program has not been established long enough. But here is what the history of the Old World demonstrates. Under forest management, countries like Switzerland, Germany, and the Scandinavian countries are having returned to them to-day through forest management $5 per acre per year on the average, which is looked upon as a harvest growth of timber.

Mr. COLE. The reason I am submitting these questions to this eminent authority is because the statement was made to me recently that there is no instance in the United States where reforestation had resulted in producing a crop of lumber from which saw logs could be cut.

Mr. CLARKE of New York. That is because the policy has not been established long enough.

Mr. ARENTZ. If the gentleman will pardon me, it has been established long enough. If you will ride on the Union Pacific or any of the other railroads passing through that area where settlers had the right to make a timber claim, you will notice

that adjoining the house or adjoining the farm lot sometimes as much as 20 acres of trees that were planted in the seventies and eighties. To-day they are saw-log trees. I think this is a visual demonstration of what can be accomplished on a large scale by showing what has actually been done on a small scale.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. CLARKE of New York. Yes.

Mr. O'CONNOR of New York. I was interested in the figures of 81,000,000 acres having been denuded. Are there any figures as to the proportion that was denuded by the cutting down of trees and that which was destroyed by fire?

Mr. CLARKE of New York. We have in the hearings an approximation of that, but I have not those figures in mind.

Mr. O'CONNOR of New York. What I have in mind, as the gentleman probably divines, is right now in our own State of New York we are losing during these days thousands of acres of timber by fire, which is one of the serious problems involved in such conservation.

Mr. CLARKE of New York. But we had in the State of New York one of the finest and most outstanding men as a leader in the forestry movement. Clifford Pettus was the second graduated forester in the United States. To-day he is really the father of the two great parks we have there, the Adirondacks and the Catskill Parks, that comprise, in their total area, probably three or four million acres. Alexander McDonald, the conservation commissioner, is also a fine, outstanding man in this work. These men have had the cooperation of the legislature and the governor; and I will say for Governor Smith that he maintained Aleck McDonald in office as conservation commissioner, although he is an outstanding Republican, because of his recognized work in this field.

Mr. O'CONNOR of New York. And the present governor has likewise done it.

Mr. CLARKE of New York. Yes.

Mr. BRIGHAM. Will the gentleman yield?

Mr. CLARKE of New York. I yield.

Mr. BRIGHAM. The gentleman is familiar with the proposal frequently made that the Government should buy submarginal land, not suitable for cultivation or which could only be cultivated at a loss, and reforest those lands. Will the gentleman give us his opinion as to the feasibility of a program of that kind as contributing to the solution of the problem of reducing the surplus of farm products, which are now resulting in unprofitable prices?

Mr. CLARKE of New York. Economically there is no question about that in my humble judgment. It is just growing a crop like any other crop—wheat or rye.

Mr. ARENTZ. If the local authorities would not levy tax assessments on it.

Mr. CLARKE of New York. One of the great difficulties with this program has been the unsympathetic attitude of the tax authorities, whether local or State. Under the Clarke-McNary Act we have had a complete study made, and while the Government has no jurisdiction it has made recommendations for sounder tax laws in relation to the planting of trees.

Mr. BRIGHAM. One further question: In the State of New York is it customary for banks in making appraisals of farms for loans to take into account the stumpage value of the timber?

Mr. CLARKE of New York. Within the last three or four years it has been, because the head of the Federal bank at Springfield, Mr. Thompson, was the pioneer of that movement and hoped to bring that about. We have had people come up from the hard-coal regions to take off the last stand of the little hardwood for timber for mines.

Mr. BRIGHAM. The Federal farm loan act does not permit the Federal farm loan banks, including the one at Springfield, Mass., of which Mr. Thompson is the able president, to take into account the stumpage value of the timber. Does not the gentleman think that the Federal farm loan act ought to be amended in that particular?

Mr. CLARKE of New York. I would want to ponder on that, but, offhand, I would think so.

Mr. LEAVITT. Will the gentleman yield?

Mr. CLARKE of New York. I yield.

Mr. LEAVITT. I consider this one of the most important bills before Congress. I am interested in the gentleman's statement regarding the reason why only a 2-year program is provided for in this authorization. It occurs to me that it may be necessary because of the Budget situation; but, looking into the future, it must also be realized that this appropriation will not be large enough, and the program will have to be extended as years go by.

Mr. CLARKE of New York. There is no question about it.

Mr. Chairman, I yield back the balance of my time, and I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

(The following is the extension of the remarks of Mr. CLARKE of New York:)

Mr. CLARKE of New York. Mr. Chairman, God Almighty made our land rich in forests—rich above any other land. In area our original forests exceeded 800,000,000 acres; in volume of saw timber, 5,000,000,000,000 board feet. In the eastern half of the country they covered approximately 675,000,000 acres with 3,400,000,000,000 board feet of saw timber.

From the earliest days of settlement forests have been indispensable to our economic life. The colonists not only drew upon them for their buildings, their fuel, and the material for fashioning the most varied articles of everyday use; they derived from them a large part of the products that sustained their foreign trade. The first cargo sent back from Jamestown, in 1608, included pitch, tar, soap ashes, wainscoting, and clapboards; the first from Plymouth, in 1621, was made up of clapboards and beaver skins. Ships, masts and spars, staves, lumber, naval stores, pearlash and potash, and furs constituted important items of commerce throughout the eighteenth century.

But the forests also stood in the settler's way. To conquer the continent for civilization it was necessary to drive back the forest; to open room for the plow. And so began the long story of antagonism and destruction.

Our eastern forest area has, it is true, not quite been cut in half; for, despite three centuries of abuse, neglect, and wasteful exploitation, the tree cover has clung stubbornly to the land not wrested from it by the plow. But from its remaining 350,000,000 acres has been mined or burned nearly all the original forest wealth, through destructive lumbering and the hand of indifference or hostility. Although remedial measures are being resorted to in limited regions, each year sees the process of depletion carried further. We are still abusing and devastating; still converting what might be productive land for all time into virtually idle waste. This physical and economic tragedy of forest neglect and forest abuse touches our life upon every hand.

The need of an adequate national policy of forestry has long been recognized; but progress in its attainment has been slow and halting. The reservation of the western public-domain timberlands began, after years of agitation, nearly 40 years since. In 1911 the Weeks Act inaugurated the purchase by the Federal Government of eastern forest lands at the headwaters of our principal rivers.

Deforestation of the mountains menaced navigation, therefore commerce; impaired beauty; laid waste the haunts of wild life, the paradise of hunters and recreation seekers; needlessly curtailed the supplies of timber for the use of industry; diminished power resources; placed on washing hillsides temporary and unprofitable farms, that add to our agricultural problem.

> Before these fields were shorn and tilled
> Full to the brims our rivers flowed,
> The melody of waters filled
> The fresh and boundless wood,
> And torrents dashed and rivulets played,
> And fountains spouted in the shade.

For 13 years the Weeks law alone governed the Federal acquisition policy. At the outset it was an experimental venture into a new field, entered upon by Congress with hesitancy and misgivings. To what extent its continuance would be sanctioned was for a time uncertain. With various ups and downs, however, the work went on. It was handicapped by inability to plan ahead with greater certainty and by the necessity to adjust its organization to fluctuating supplies of funds; but at the close of the fiscal year 1924 the area acquired under the Weeks law totaled 2,123,000 acres, of which the cost had been slightly less than $10,889,000. The purchased lands lay within 19 so-called purchase areas in 11 Eastern States, from Maine to Georgia, and in Arkansas. The purchase program under the Weeks law was confined to the acquisition of mountain lands at the headwaters of navigable streams, and its ultimate goal had been fixed at a total of 1,000,000 acres in the White Mountains of northern New England and 5,000,000 acres in the southern Appalachian region.

But in 1924, following an extensive inquiry into the whole forestry situation and needs, a new policy was established by Congress through enactment of the Clarke-McNary Act. Its objectives were comprehensive and designed to bring about a solution of the national problem of forestry in as large a degree as possible by public aid and encouragement to private timber growing. This was sought through provisions for greatly enlarged cooperative activities of the Federal Government and the States in fire protection, aid to forest planting, and other measures promotive of private forest management. But the law

recognized also the need for a broader policy of Federal acquisition and administration of forest lands in the East.

Private forestry needs the help of public example, to demonstrate sound practices. There is need, too, of public ownership to make productive forest areas that will not, under present conditions, attract private forestry. The forest problem of the country can not be solved solely through private forestry. It is too big and too urgent. It is of deepest national concern.

The National Forest Reservation Commission has studied the problem, with a view to applying to it most effectively the policy of acquisition enacted by Congress in the Clarke-McNary law. That law removed the limitation which under the Weeks law confined purchases to lands on the headwaters of navigable streams and necessary to regulate their flow. The National Forest Reservation Commission is composed of three members of the Cabinet, two Senators, and two Congressmen. It has formulated a program. The execution of that program, of course, is contingent upon the approval of Congress through appropriations to enable the purchases called for under the program to be made. The purpose of the program, it should be remembered, is to carry out the policy already laid down by Congress in the Weeks law.

The proposed program, in substance, contemplates four general proposals. The first is to consolidate Federal ownership within the 16 purchase units, in 12 States, hitherto established under the Weeks law primarily to protect navigable streams. Roughly, this will involve the further purchase of 4,000,000 acres of land. The second is to further extend the protection of the headwaters of navigable streams by the establishment of five additional purchase areas, in three States, primarily for watershed protection; this involving the eventual purchase of an additional 1,100,000 acres of land. So much for watershed protection as a major or dominant purpose of the program.

The Clarke-McNary Act of June 7, 1924, however, gave this Federal movement a new purpose and a broader field, by prescribing timber production as a major objective, still limiting the purchases to the watersheds of navigable streams, but removing the requirement that they be confined to the headwaters and definitely related to the maintenance of navigability. Since its enactment 13 additional purchase units have been established in the lake States and southern pine regions. Many of these contain lands reserved from the public domain, in addition to which the purchase of 500,000 acres already has been authorized by the National Forest Reservation Commission.

The third step, therefore, is to complete the consolidation of these approved units by the further purchase of approximately 1,500,000 acres of land. But there is need for still further units, some 22 or so, in 10 States, containing about 3,000,000 acres, consequently the fourth step is the eventual acquisition of so much as may be necessary of that acreage, the most, or probably all of it. This, in brief, is the program.

The National Forest Reservation Commission has indicated the need for authorization of a purchase program that can be prosecuted in an orderly manner as a definitely approvel plan It has recommended authorization of a rate of purchase that will complete the program in 10 years through an outlay of $5,000,000 annually. The Director of the Budget has recognized the desirability of authorization of an orderly program covering a period of years, subject, however, to the condition that the program is subject to readjustment should a future financial situation of the Government make advisable a retrenchment of the expenditures and a slackening of the pace.

A new authorization is a necessity for any continuance of the work beyond the end of the fiscal year, when the present authorization expires. That authorization was given by Congress in 1928. It provided for acquisition appropriations over a 3-year period, beginning in the fiscal year 1929 with $2,000,000 and increasing to $3,000,000 for the fiscal years 1930 and 1931.

The high purpose of H. R. 10877, that I introduced in the House of Representatives March 18, 1930, is to provide for the continuance of this important work without retraction from the present rate. It does not authorize the 10-year program that the National Forest Reservation Commission has recommended, nor does it authorize prosecution of that program at the recommended rate. In the soundness of the commission's proposed program and the desirability of providing for its execution I heartily concur; but with the present financial requirements of the Government as they are, and in order to cooperate with the Bureau of the Budget, I have compromised by introducing a bill that authorizes only continuance of the work at the present rate of $3,000,000 a year for two years, instead of at the recommended rate of $5,000,000 a year for 10 years.

This bill has the unanimous support of the great Agricultural Committee. It is your high privilegg, as it is mine, to speed it on its way toward the making of better to-morrows for the children who shall follow us—of a fairer land and a nation more prosperous and secure.

Mr. MICHENER. Mr. Chairman, I would like to ask the chairman of the committee if he is going to call up the bill H. R. 11389?

Mr. HAUGEN. These bills were ordered to be called up by the committee in their order, but a number of gentlemen have asked that that bill go over. That is agreeable to me, to let it go over to-day and call it up next Wednesday.

Mr. ASWELL. Mr. Chairman, there is no objection to this bill, and I have no requests for time. So, I will not use my hour.

Mr. HAUGEN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill for amendment.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. MICHENER having assumed the chair as Speaker pro tempore, Mr. HOCH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10877 and had directed him to report the same back to the House with the recommendation that it do pass.

Mr. HAUGEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAUGEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

TO SUPPRESS UNFAIR PRACTICES IN MARKETING PERISHABLE COMMODITIES

Mr. HAUGEN. Mr. Speaker, I call up the bill S. 108, to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce, which I send to the desk and ask to have read.

The SPEAKER pro tempore. The gentleman from Iowa calls up the bill S. 108. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union, and the gentleman from Montana [Mr. LEAVITT] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 108, with Mr. LEAVITT in the chair.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I now yield to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman, ladies and gentlemen, S. 108—the Borah-Summers bill—is to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce. It passed the Senate many months ago. At a little earlier date I introduced H. R. 5063, which was amended very generously by the House Committee on Agriculture, and was then substituted for Senate bill 108.

The bill defines unfair practices on the part of dealers, commission merchants, and brokers in handling perishable agricultural commodities.

Every one familiar with the situation knows that the farmers have suffered from the unscrupulous handlers for ages. Of the many men who handle these fruits and vegetables, the great majority are honorable, upright men, but unfortunately there are some unscrupulous people mixed in all trades and professions, and these take advantage when the market declines, or when there is a long distance intervening between the point of shipment and the point where the goods are received, and insist on discounts before they will accept the goods or make settlement.

The bill declares that it shall be unfair conduct for them to misrepresent the quality of the product, or the market price or conditions or to dump the product and do several other things which no honorable dealer or broker would be supposed to do.

The bill provides that the handlers of perishable farm products shall be licensed by the Secretary of Agriculture, and shall pay a license fee of $10 a year, which will make the bill self-supporting, so that it will not cost the Federal Treasury any-

thing. This measure will benefit the producers and the consumers and honest dealers.

It undertakes to secure fair dealing all the way between the farmer and the consumer's table. It does not propose to accomplish anything which might not be accomplished under existing law, but it does eliminate the necessity of going into court before a jury at a long distance and at great expense in order to secure an adjustment of a hundred dollars or two or three hundred dollars difference. It is a common custom among the unscrupulous to make claim of from one to three hundred dollars. The Department of Agriculture says the average claim in these unwarranted cases is about $196.50—not enough to go into court for.

The bill provides that when complaint is made the department may make an investigation and hear both sides of the case. If the dealer, commission merchant, or broker is guilty of unfair conduct as defined in the bill, then his license may be suspended for 10 days and the unfair conduct may be published to the trade. On second or subsequent offenses the suspension may be for 90 days or complete forfeiture in case of gross injustice being done.

The bill has been three times approved by the Secretary of Agriculture, twice by the present Secretary under a little different form, and once by the previous Secretary. It has been studied and approved by 25 or 30 commissioners of agriculture in the different States of the Union. It is approved by the Federal Farm Bureau Federation and the National Grange. It has been approved by a very large number of individual producers of fruits and vegetables, and by all the reputable handlers so far as I know over the United States.

Mr. PURNELL. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. I yield.

Mr. PURNELL. When the gentleman says the bill has been approved by these various groups, does he mean the bill in its entirety as it applies now to poultry and eggs?

Mr. SUMMERS of Washington. No. I am very glad the gentleman called attention to that. The bill originally covered fruits and vegetables, and did not cover poultry and eggs. The approval of these many different agencies to whom I have referred was of the bill in its original form, covering fruits and vegetables only.

Mr. PURNELL. And in its very essence it is a fruit and vegetable bill, is it not?

Mr. SUMMERS of Washington. That is what it was intended to be when it was introduced on three different occasions, and when it was presented to the Senate, and as I presented it on several occasions to the House and to the Agriculture Committee. The provision covering poultry and eggs is an amendment inserted by the House Committee on Agriculture.

Mr. PURNELL. Of course the gentleman understands that the poultry and egg people have not asked to be included in this, and they have not had an opportunity to be heard, because the gentleman was a regular attendant at all of these hearings and instrumental in bringing about the progress that has been made up to date.

Mr. SUMMERS of Washington. That is correct. My own position was that I did not oppose the inclusion of anything else, but I thought nobody should be included without a hearing, and that the inclusion of too many commodities would overload the administrative bureau.

Mr. WILLIAMSON. If the gentleman will permit, I have received a good many protests from my State, from poultry and egg dealers. They claim that they have had no hearing on this matter and that the bill deals unfairly with them. I have not had an opportunity to study the substitute bill. I did read the gentleman's bill and am familiar with its provisions. How does this affect the poultry and egg dealers?

Mr. PURNELL. If the gentleman will permit, I want to say that at the proper time I shall move to strike that from the bill, and I am glad to know that I shall have the support of the gentleman from South Dakota.

Mr. SUMMERS of Washington. This in a general way covers the bill. As I said, in its original form it has been indorsed East, West, North, and South.

My files show indorsements from practically every State in the Union. Local and Pomona granges, and county and State farm bureaus are strongly urging it.

The President of the United States in his special message to Congress recommended legislation "to provide for licensing of handlers of some perishable products so as to eliminate unfair practices. Every penny of waste between farmer and consumer that we can eliminate, whether it arises from methods of distribution or from hazard or speculation, will be a gain to both farmer and consumer."

Alexander Legge, chairman Federal Farm Board, says:

There appears to be no conflict between the operations proposed under this bill and the work of the Federal Farm Board. The board is working toward the development of cooperative associations for the marketing and distribution of fruits and vegetables and other agricultural products. The bill provides primarily for the regulation of and the suppression of unfair practices, among dealers handling such products in the terminal markets. The elimination of unfair practices should enable cooperative associations handling perishable products to obtain greater returns for their members, and the proposed legislation, therefore, should supplement the work of the Federal Farm Board.

This statement was considered and indorsed at a regular meeting of the board.

The Department of Agriculture made an investigation a few years ago of the cost of these unfair practices to the producers of apples in the State of Washington, and it reached a total of $812,000 in one year. That loss has to be reflected back to the producer because the handler of the product does not have a separate bank account to provide for such losses. Another year the loss was $435,000. Another year, $235,000.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. MILLER. How does this bill affect the unfair practices in connection with the apple crop of our State?

Mr. SUMMERS of Washington. The apple crop of our State is shipped under a Federal shipping point inspection certificate, and this law would undertake to have the man who agrees to ship and the man who agrees to buy to carry out the contract they have made. It would be very beneficial to the producers of apples, peaches, pears, cherries, potatoes, grapes, citrus fruits, lettuce, beans, cabbage, berries, melons, and all other perishable products. There are more than a million fruit and truck growers in the United States.

Mr. BRIGHAM. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. BRIGHAM. The gentleman referred to contracts of purchase.

Mr. SUMMERS of Washington. I was speaking in a broad way.

Mr. BRIGHAM. Let us assume a commission man has made a contract with a producer of apples in the gentleman's State for a car of apples of a certain grade at a certain price. Now, during the transit of those apples across the continent several days must elapse, and during that time the market might go down. Is it not the practice of unscrupulous dealers to turn down such a shipment under those circumstances on the ground that it does not come up to the specified grade, and the shipper is compelled to accept some reduction in order to save a greater loss?

Mr. SUMMERS of Washington. Yes; exactly so. I have in mind a 2-car shipment of apples—twice federally inspected and found up to contract, but refused; the case was taken into court, and after three years it has not yet come to trial because a shrewd lawyer in some way secured postponement. The loss is charged back to the shipper and the farmer. These crooks have been robbing farmers and honest dealers right and left. This legislation is an honest attempt to stop them.

Mr. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. ANDRESEN. I call the gentleman's attention to paragraph 8 on page 18. My construction of the language would be that the Federal Government would have the right to control intrastate shipments of commerce if the product was ultimately to go into interstate commerce. For instance, a dealer would raise a carload of peas. Suppose they were picked and loaded and delivered to the processing plant within the State, and then they would go into interstate commerce. Does the gentleman think that the Congress should legislate in cases of that kind that are purely intrastate?

Mr. SUMMERS of Washington. This applies to interstate commerce. This measure was given careful and long consideration by the drafting service of the House and of the Senate, and also by the legal adviser of the Department of Agriculture, so that I could only answer in a general way that they have considered the matter and have not put anything in the bill that is not proper to be put there, or anything that would conflict with other established law.

Mr. ANDRESEN. It might be a good and desirable provision in the bill, but as a matter of principle I am opposed to the Government interfering with intrastate transactions.

Mr. SUMMERS of Washington. It is not intended to do that, and in the opinion of those who have examined it I say it does not.

Mr. ANDRESEN. If the product does go into interstate commerce it concerns interstate commerce.

Mr. SUMMERS of Washington. This applies only to those articles going into interstate shipments.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. BURTNESS. Will the gentleman state what is contemplated by this rather technical provision? I must confess I do not fully understand it.

Mr. SUMMERS of Washington. It is a bill referring to interstate commerce, and in many parts of the bill reference is made to interstate commerce.

Mr. BURTNESS. I understand that; but if it attempts to control intrastate commerce by any of its language, to the extent it did that the legislation would simply be void. As I read it, I think I would be inclined at first blush to agree with the construction given by the gentleman from Minnesota [Mr. ANDRESEN], but I know we have had a number of decisions from the Supreme Court of the United States which, in defining interstate commerce, go very far in so far as concerns commerce moving only within one State but where the ultimate intention is to move it eventually into another State.

I was wondering how far this language conforms to the decisions of the Supreme Court, such decisions as we have in connection for instance, with the stockyard legislation and Federal grain grades. Of necessity, the language is technical.

Mr. SUMMERS of Washington. I am glad to say that the drafting service of the House and of the Senate and the attorneys of the Department of Agriculture and other attorneys have given it their careful consideration, and it is their opinion that it applies to interstate and foreign commerce, and not to intrastate commerce.

Mr. ANDRESEN. I will say this to the gentleman from North Dakota, that the intention is to provide so that the Federal Government will have control over interstate shipments when the processed product ultimately goes into interstate and foreign commerce.

Mr. BURTNESS. Then that may raise a constitutional question.

Mr. HOPE. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. HOPE. Is it not a fact that this paragraph is the usual provision in all of our laws on such subjects? I am quite sure that this bill is drawn in accordance with other acts on the same subject.

Mr. ANDRESEN. I think the gentleman is correct, and if the producer and retail merchant were not exempted under the provisions of this bill I would move to strike this paragraph from the bill.

Mr. HAUGEN. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Louisiana [Mr. ASWELL] is recognized for one hour.

Mr. ASWELL. Mr. Chairman and members of the committee, this is the worst bill that has come before the Committee on Agriculture during this session. It is the most indefensible and undesirable, in my opinion. The bill to follow it is a little worse, but that has not come up yet.

This bill has two specific purposes. One is to eliminate competition among commission men. That is the primary purpose. The other is to make the Government a collection agency, to interfere with the operations of the Federal Farm Board.

The commission men of the country were on record before our committee in opposition to this measure for years. The farm marketing act was enacted, as you know. Clearing-house provisions were provided in the farm marketing act and the Farm Board was ready to start. There was a great gathering in Detroit about January 18 of this year. They had the gentleman from Washington [Mr. SUMMERS] there and gave him a great ovation. During this ovation, in this annual national convention of the commission men of America, they had a conversion equal to that of Saul of Tarsus. They said among themselves "that the clearing-house provisions of the Farm Board will likely create an instrumentality that will interfere with our business; so, let us take up this so-called Summers bill and get the Government to do our collecting, and at least 60 per cent of the men who buy and sell fruits and vegetables will never join the cooperatives and never join the Farm Board."

Mr. CLARKE of New York. Will the gentleman yield?

Mr. ASWELL. I yield.

Mr. CLARKE of New York. If you go along with the Summers bill, is there any reason in principle why every industrial activity, every agricultural activity, every other financial activity, has not the right to expect the same treatment from the Federal Government?

Mr. ASWELL. They will have that right.

Mr. CLARKE of New York. And therefore we establish a national collection agency for every branch of industry in the world?

Mr. ASWELL. There is no reason why we should not if we pass this bill. There is no reason why poultry and eggs should not be included in this bill. There is no reason why muskrats in my State should not be included in this bill, because when the producers ship them they do not always collect for them. There is no reason why every farm commodity should not be included in this bill. Yet these commission men had a conversion at Detroit, and they started a campaign that has stampeded the Members of the Congress in some cases, and has made them afraid. It is not a bill that proposes to increase the price of fruits and vegetables one penny to the producer; not one penny. There is no proposition to do that. This is a bill directly created, stimulated, and supported and ruled by the commission men of America, and the poor fruit and vegetable grower is to be put into the hands of this organization so that they can not compete. It lets the commission men have a free hand among themselves.

Mr. ABERNETHY. Will the gentleman yield?

Mr. ASWELL. I yield.

Mr. ABERNETHY. Does the gentleman not think we need something to curb the commission men that do not treat the producers fairly? Do you not think we should have something to protect them? That seems to be the idea in our country. I usually follow the gentleman——

Mr. ASWELL. I will answer the gentleman if the gentleman will not make a speech.

Mr. ABERNETHY. I am not making a speech.

Mr. ASWELL. I can answer that. I say "yes," emphatically. The gentleman is right. But we have labored in this Congress for eight long years to get something in the nature of farm relief legislation that would be at least partially effective. It is now on the statute books, and the act provides a clearing house; an ample provision for the Farm Board to take charge and do what the gentleman is talking about, and familiarize the producers everywhere with the merchants who are doing the buying. This bill steps in and takes the place of the Farm Board, and encourages 60 per cent of the vegetable producers in America to stay out of the cooperatives, and therefore out of the Farm Board.

Mr. ANDRESEN. Will the gentleman yield?

Mr. ASWELL. I yield.

Mr. ANDRESEN. Could the dealers become members of the cooperatives? The gentleman said this bill will keep the dealers from going into the cooperatives.

Mr. ASWELL. I intended to say it would keep the producers out.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. ASWELL. I yield.

Mr. CLARKE of New York. Therefore, it would be one of the greatest blows at the cooperative movement that we could possibly have?

Mr. ASWELL. Without doubt it will, and allow me to explain further that in the farm marketing act there is a provision for educational purposes. There is money appropriated liberally to induce the farmers to come back into the cooperatives. This bill that is now before this body provides that the cooperative shall pay a license of $10 a year. Do you believe you will get many cooperatives who come in under the new law, abide by these regulations, pay a $10 license fee, subjecting themselves to having the license taken away and destroyed, and still join the cooperatives? This is a thrust at the cooperative movement of America.

I know what some gentleman is going to say, and I want to speak of it first. The gentleman from Washington [Mr. SUMMERS] had a letter sent to Chairman Legge, of the Farm Board, asking him something about this bill, when it was first introduced at this session, several months ago. The bill has been now amended until it would not know itself if it met it in the road. The farm cooperatives were not touched then. The letter went to a subordinate in the Farm Board. It had no Farm Board action. A subordinate wrote a letter and brought it to Mr. Legge, saying he did not think this bill would do any harm, and Chairman Legge signed it. That is the letter on which they are basing everything here.

Now, this is the proposition that is clearly set forth, and I speak with authority when I say what I have said about Chairman Legge. It was simply a letter written by a subordinate, and Mr. Legge signed.

Now, if this Congress wishes to embark upon a policy of this kind—to have this Government become a collection agency and chase down every crook in America—you should do it with every other commodity. It is a bad precedent that you are trying to

establish. It is a dangerous movement. In my humble opinion, it should be stricken from the records, and the enacting clause should be stricken out.

Mr. ABERNETHY. Will the gentleman yield?

Mr. ASWELL. I yield.

Mr. ABERNETHY. I understand the Secretary of Agriculture, who is a member of the Farm Board, has unqualifiedly indorsed the bill. What is the gentleman's answer to that?

Mr. ASWELL. I will answer the gentleman. I have great respect for the Secretary of Agriculture. I like him personally. He is a charming gentleman. But the Department of Agriculture—or any other department of the Government, for that matter—will support and indorse any measure if it has one of three things in it: First, if it provides more money for that department they will be for it. If it provides more jobs in the department they will be for it. If it provides more authority for the department they will be for it. Those three things are all in this bill—and, of course, the Department of Agriculture is for it.

Mr. ROMJUE. Will the gentleman yield?

Mr. ASWELL. Yes.

Mr. ROMJUE. I will ask the gentleman if the bill as written does not empower the department to put commission merchants out of business if it desires to do so?

Mr. ASWELL. Yes.

Mr. ROMJUE. It seems to me to be a very vicious piece of legislation.

Mr. Chairman, I reserve the balance of my time and yield five minutes to the gentleman from South Carolina [Mr. FULMER].

Mr. FULMER. Mr. Chairman and gentlemen of the committee, I am supporting this bill with fear and trembling, not that we do not need legislation to take care of certain fraudulent trade practices on the part of commission merchants and dealers in handling perishable fruits and vegetables, but because of the hearty support given this bill by dealer associations. Of course the proponents of this bill, as well as dealer associations, have much to say about crooked dealers and the benefits that will be carried back to the producers of these commodities under the bill.

I have witnessed the passage of so many bills that were sponsored for farmers and in the interest of the public that turned out under the administration of the law to be in the interest of everybody else except the farmers and the public. This bill is indorsed by cooperatives and dealers of these commodities in my State; also by the South Carolina Produce Association, which is the largest in the Carolinas and is located at Meggetts, S. C. I am going to quote their letter written on March 12, 1929, in behalf of this legislation:

MEGGETTS, S. C., *March 12, 1929.*

Subject: Summers bill (H. R. 16796).

Hon. GILBERT N. HAUGEN,
Chairman Committee on Agriculture,
Member of Congress, Washington, D. C.

HONORABLE SIR: As the largest distributors of vegetables in the Carolinas, we are writing to strongly urge favorable consideration to bill H. R. 16796.

The abuses that shippers are obliged to suffer in the handling of perishables on account of the dishonest practices of certain dealers is beyond your imagination, and legislation such as is proposed in the bill referred to above will go a long way to drive this type of fellow out of business or force him to change his methods, all to the benefit of the shipper.

Thanking you, yours very truly,

SOUTH CAROLINA PRODUCE ASSOCIATION,
T. W. BENNETT,
General Manager and Treasurer.

Mr. PURNELL. Will the gentleman yield?

Mr. FULMER. Yes.

Mr. PURNELL. The gentleman states that a number of organizations are for this bill. Does he mean that these organizations are for this bill with the inclusion of poultry and eggs?

Mr. FULMER. I understand these organizations are against the inclusion of poultry and eggs.

Mr. PURNELL. Their original indorsement went to what we know as the original Summers bill, which dealt with fruits and vegetables?

Mr. FULMER. That is right.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. FULMER. Yes.

Mr. CLARKE of New York. Does not the gentlemen think it is fair to include poultry, eggs, and other agricultural products?

Mr. FULMER. I will say to the gentleman that, inasmuch as this bill has been worked out for fruits and vegetables, I do not think we should at this time include poultry and eggs or any other products. I believe that ought to come in later in a separate bill.

Mr. ABERNETHY. Will the gentleman yield?

Mr. FULMER. Yes.

Mr. ABERNETHY. I understand the gentleman is in favor of the bill as now amended. He is supporting this measure, as I understand it.

Mr. FULMER. That is right, except I will vote for an amendment to strike out poultry and eggs, which these organizations do not want.

Mr. JONES of Texas. Will the gentleman yield?

Mr. FULMER. Yes.

Mr. JONES of Texas. Does not this bill cover in some measure the same ground covered by the bill proposed by the gentleman from South Carolina [Mr. HARE]?

Mr. FULMER. It covers some of the ground, but I understand it will not interfere with the operation of Mr. HARE's bill.

Mr. JONES of Texas. Will it cause any duplication?

Mr. FULMER. I do not think so.

It is the purpose of this bill to suppress unfair and fraudulent practices in marketing perishable agricultural commodities. I am absolutely for this because my people are being robbed of thousands of dollars annually by unfair and fraudulent practices by the handlers of these commodities. They need the protection that this bill, if properly interpreted and administered, will give them.

UNFAIR CONDUCT

SEC. 2. It shall be unlawful in or in connection with any transaction in interstate or foreign commerce—

(1) For any commission merchant or broker to make fraudulent charge in respect of any perishable agricultural commodity received in interstate or foreign commerce.

I can see how commission merchants and brokers could charge items in making returns that could not be recovered by the shipper except in an expensive lawsuit. Under this bill a complaint could be made to the Agriculture Department and satisfactory results obtained promptly and without so much expense.

(2) For any dealer to reject or fail to deliver in accordance with the terms of the contract without reasonable cause, any perishable agricultural commodity bought or sold, contracted to be bought or sold in interstate or foreign commerce by such dealer.

Some years ago a party shipped two cars of sweet potatoes to a dealer here in Washington. On the arrival of the potatoes, the dealer wired the shipper, as follows:

The potatoes do not come up to the grade as bought. Can offer you so much for them.

The price offered was much lower than what they were bought for. The shipper immediately came to Washington and found that the cars had not been opened. They opened the cars then and found the potatoes O. K. in every respect, and the shipper was paid full price for them. Shippers can not always follow up their shipment as in this case. Fruits and vegetables can not stand any delay for adjustment of these matters. If this shipment had come from a distance of a thousand or fifteen hundred miles perhaps the shipper would have accepted the offer and therefore would have been robbed out of the difference. A number of cases similar to this one were given in the hearings. For instance, Congressman BURTNESS gives one case in his statement:

A concern in Iowa ordered a car of seed potatoes and when they arrived they rejected them on the ground that they were very very dirty, large amount of small potatoes, wet, and moldy. We sent C. L. Fitch, of the Agricultural College of Ames, to inspect the car and he wired us that they were strictly U. S. 1, no small potatoes, no wet potatoes, and no mold, and stock bright and clean, all of which was directly opposite to the statement made to justify the buyer's rejections.

(3) For any commission merchant to discard, dump, or destroy without reasonable cause any perishable agricultural commodity received by such commission merchants in interstate or foreign commerce.

The Elloree Sweet Potato Association, which is located in my district, shipped two cars of potatoes to a commission merchant here in Washington on consignment. After about two months this association, composed of some of the best farmers in the district, requested me to call on this firm and ascertain why they could not get a settlement for this shipment. I went down to see these people and was given a very pleasant reception. After referring to their books they stated that the potatoes came in bad condition and that they had to dump most of them. They further stated that they did not sell enough to pay freight on the two cars. You see, my people not only lost their potatoes but the expense of loading and the price of the barrels in which the potatoes were shipped. Farmers of South Carolina and

Georgia have been robbed out of millions of dollars on watermelons and cantaloupes because of the dumping or fraudulent reports of dumping. In a great many instances dealers come back on the shippers for freight. These requests for freight not being paid by the shipper in a great many instances caused the railroads to refuse shipments unless freights were prepaid by the shipper. I hope this bill will take care of these fraudulent practices.

(4) For any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement concerning the condition, quality, quantity, or disposition of, or the condition of the market for, any perishable agricultural commodity which is received in interstate or foreign commerce by such commission merchant, or bought or sold or contracted to be bought or sold in such commerce by such dealer; or the purchase or sale of which in such commerce is negotiated by such broker; or to fail or refuse truly and correctly to account promptly in respect of any such transaction in any such commodity to the person with whom such transaction is had.

(5) For any commission merchant, dealer, or broker, for a fraudulent purpose, to represent by word, act, or deed that any perishable agricultural commodity received in interstate or foreign commerce was produced in a State or in a country other than the State or country in which such commodity was actually produced.

(6) For any commission merchant, dealer, or broker, for a fraudulent purpose, to remove, alter, or tamper with any card, stencil, stamp, tag, or other notice, placed upon any container or railroad car containing any perishable agricultural commodity, if such card, stencil, stamp, tag, or other notice contains a certificate under authority of any Federal or State inspector as to the grade or quality of the commodity contained in such container or railroad car or the State or country in which such commodity was produced.

(7) For any commission merchant, dealer, or broker to conspire, combine, agree, or arrange among themselves to manipulate or control prices of any perishable agricultural commodity in interstate or foreign commerce; provided this does not apply to cooperatives.

This subsection was placed in the bill as an amendment offered by me, and I think it is as important as any other part of the bill.

This is a day of merging, combining, and price fixing. We read and hear Members and the public talking about this daily, and various investigations are now going on by the Federal Trade Commission and special committees. During and since the Harding administration it seems that these combinations and centralized monopolies are being encouraged by the party in power.

The Federal Trade Commission, an agency of the Federal Government, used to investigate and report to the Department of Justice fraud and the formation of monopolies, but during the past few years this commission apparently has sold out. At any rate, they are the prime movers in holding trade conferences and helping to organize industry and trade corporations, as well as giving them their indorsement to their rules and trade practices.

Under the indorsement of the Federal Trade Commission the cottonseed-oil mills industry has absolutely shut out competition, and to-day have a hog-tied monopoly in price fixing, buying, and selling cottonseed and their products, which is costing cotton producers millions of dollars annually. I have the facts to prove these statements and propose to give them to you and the public later. In subsection 7 I am trying to give a second check to the Department of Agriculture, who will administer this law. This section only applies to commission merchants, dealers, and brokers, not to cooperatives and producers. Here are the concerns that are sponsoring this legislation:

International Apple Association, Rochester, N. Y.

National League of Commission Merchants, Indianapolis, Ind.

American Fruit and Vegetable Shippers' Association, New York, N. Y.

They stated before the committee that they have been working on this bill for several years. Listen to the statement made by Mr. Fraser in answer to a question of my colleague, Mr. ANDRESEN, of Minnesota:

Mr. ANDRESEN. How many dealers in the country would come within the provisions of this act if it becomes a law?

Mr. FRASER. Probably—I do not know; somewhere between 20,000 and 40,000.

At the present moment we have 2,500 firms in the organization represented here. The organization which Mr. Keach represents, the Western Fruit Jobbers, the International Apple Association combined, probably represent 2,500 firms, cooperatives, growers, and distributors.

There are probably 20,000 up to 40,000 men who handle fruits and vegetables in car-lot quantities, and they are floating around and giving the rest of the dealers trouble, while doing only at the most 10 to 15 per cent of the business, the 2,500 represented here do 75 to 90 per cent of the business of the country.

With this statement I can see the great need of subsection 7. These dealer associations control 75 to 90 per cent of the fruit and vegetable business of the country. As stated by Mr. Fraser, they are deeply concerned about the twenty-odd thousand dealers, whom they claim are floating around and giving them trouble. It will be an easy matter for the Federal Trade Commission to get these highly organized dealer associations together in a trade-practice conference and do as they did with the cottonseed-oil industry. These dealer associations are the ones that object to subsection 7. It is my intention, under this section, to safeguard the interest of cooperatives, producers, and consumers and not allow those controlling 90 per cent of the country's business to combine, monopolize, and fix prices.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. ASWELL. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. JONES].

Mr. JONES of Texas. Mr. Chairman, I would like to have a little further explanation from the gentleman from South Carolina. I tried to get it, Mr. Chairman, when the measure was before the committee for hearing. I would like to ask the gentleman from South Carolina [Mr. HARE] if this measure does not undertake to cover at least in some degree the ground covered by his measure or the ground intended to be covered by his measure, which has already been enacted into law and which is now being administered by the same department that would administer this proposed law.

Mr. HARE. I can say to the gentleman that this measure, as I understand it, is almost identical with existing law except it takes in or includes brokers or dealers, whereas existing law applies only to commission merchants. An amendment has been asked to the existing law to include dealers and brokers or those who purchase outright when making fraudulent representations, and so forth, and this amendment is now pending before the Agricultural Committee.

Mr. JONES of Texas. Would it not have been simpler then, and I am asking this for information, to take the present law and amend it so as to make it cover what the gentleman had intended it should cover in the beginning and thus simplify not only the law but the administration of the law?

Mr. HARE. If the gentleman is asking for my individual opinion I would say yes, and I say yes for the following reason: Under the existing law, where a man violates any of its provisions, it is made a misdemeanor and a fine not to exceed $3,000, or imprisonment not to exceed one year, may be imposed, whereas under the proposed bill there is no penalty further than the taking away of the license of the man who holds it.

Mr. JONES of Texas. I would certainly like to have an explanation of that.

Mr. ADKINS. May I ask the gentleman from South Carolina if he knows of any person who has ever been sent to prison for violating the law to which he refers?

Mr. HARE. Yes; in several cases that have been tried since March 3, 1927, the Department of Justice has secured convictions. I may say to the gentleman that I do not want to be placed in the position of opposing this bill, because if there is anything not taken care of by existing law I am anxious to see some legislation passed to take care of it, and while I think the bill is quite imperfect it is my purpose to support it.

Mr. JONES of Texas. I am not in position to argue with gentlemen on that proposition. I do not have any appreciable amount of this character of shipments, or at least not in commercial quantities in the district I represent, but just as a matter of orderly procedure and in the interest of good government, I can not see any reason for having any sort of duplication here. I can not see any reason for complicating administration for those who will have the business of administering the matter by having two separate laws that at least partially overlap, or appear to do so. It seems to me as we have a law which covers a portion of the proposal that is sought to be covered in the proposed measure, it might be much simpler for the department to administer if we simply enlarged the operation of that law in so far as that may be necessary in order to make it cover what is sought to be covered by the pending measure; and if I read this bill aright it provides a complete, different, and independent administration in and of itself and does not in any way refer to or provide for collaboration with the measure of the gentleman from South Carolina.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. JONES of Texas. Yes, I yield.

Mr. SUMMERS of Washington. This proposed legislation is not meant in any way to interfere with the other law, which is a criminal statute and necessitates going into court for relief. This bill sets up a licensing system whereby you may get relief in a shortage of $100 or $200, where you can not afford

to go into court. An unscrupulous dealer or commission merchant at a distance will not take chances on forfeiting his license in order to inflict a fraud of $100 or $200 against his customer.

Mr. JONES of Texas. But they both strike at the same problem.

Mr. SUMMERS of Washington. Yes; and there was general law before either one of them was enacted, I dare say, covering the question, but it necessitated going into court, and a trial by jury, maybe a thousand or two thousand miles away from where one of the parties to the suit resided.

Mr. JONES of Texas. I have not read recently the act of which the gentleman from South Carolina is the author, but I was on the committee when hearings were had, and it seems to me it provided a means whereby Government agencies would see that the matter was searched out and that some sort of relief was granted.

Mr. SUMMERS of Washington. Under the Hare bill?

Mr. JONES of Texas. Yes. Of course, there is a penal provision in it also; but, as I remember, it set up certain machinery for administration.

Mr. SUMMERS of Washington. There is no licensing under that law.

Mr. JONES of Texas. There is no licensing, but it provides a penalty and also provides that the Government shall undertake to see that fraud is not practiced in operating under the contracts.

Mr. SUMMERS of Washington. Let me say just this, and I will not argue the matter further. This bill undertakes to adjust the small infractions where they can not afford to go into court, and they constitute 90 per cent of the offenses.

Mr. ASWELL. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. NELSON].

Mr. NELSON of Missouri. Mr. Chairman and gentlemen of the committee, I dislike to oppose this bill. It comes from the Committee on Agriculture, of which I am a member, yet I can not indorse it.

In the main, as I see it, the question is whether or not the Government is going further into the licensing business. Speaking for myself, I believe the people are fed up on licenses at this time. On the other hand, I want to read from the official proceedings of the National League of Commission Merchants of the United States at their thirty-eighth annual convention, held at Detroit, Mich., on January 16 to 18, 1930, Mr. J. J. Castellini speaking:

> Personally I hope to see the day when every line of business will be licensed. When every individual, regardless of his profession, will receive a license to do business in that line and in no other line until he qualifies for something else. I think we have reached that point. It has taken a good many years for us to think that way, but we are traveling fast, gentlemen.

Yes, we are traveling fast, gentlemen, very fast, if we pass this bill to-day—traveling in a dangerous direction. Commission merchants of this country, numbering, according to the testimony offered before our committee, from 20,000 to 40,000, would take out licenses at a cost of $10 each, while many other thousands, small operators, would go out of business, thus reducing competition.

For myself, I believe we have gone far enough in this licensing system. We require licenses for too many things now. I hope that this bill will be very carefully considered before it receives the approval of this committee.

Mr. SLOAN. Will the gentleman yield?

Mr. NELSON of Missouri. I yield.

Mr. SLOAN. Can the gentleman conceive of any reason, as poultry and eggs are now marketed, for including dressed poultry and eggs in this bill?

Mr. NELSON of Missouri. I can not; and, furthermore, many people in Missouri, a leading poultry-producing State, are against it.

Mr. ANDRESEN. Can the gentleman explain why so many commission men appeared before the committee in favor of the license system?

Mr. NELSON of Missouri. No; unless it were to have the Government make them be good. I can not believe that the first interest of the commission men is to protect farmers.

Mr. ANDRESEN. The original bill provided that the farmers should be licensed, and I was of the opinion that when we removed the farmers the commission men would not be so keen for this bill.

Mr. LEA. Will the gentleman yield?

Mr. NELSON of Missouri. With pleasure.

Mr. LEA. Does not the gentleman recognize that if a man is engaged in a commission business, if he is an honest dealer, he suffers a great deal at the present time on account of the fraudulent practices of other men engaged in the same business, and that he may desire to clean up a business and get the confidence of the people with whom he deals, and so would be in favor of the system?

Mr. NELSON of Missouri. That argument was advanced before the committee, but frankly I did not see much force in it.

Mr. BRIGHAM. Will the gentleman yield?

Mr. NELSON of Missouri. Certainly.

Mr. BRIGHAM. Is it not true that during the war period the commission dealers were licensed by the Food Administration, and in the light of that favorable experiment they are now in favor of this license?

Mr. NELSON of Missouri. In reply to my esteemed colleague, for whom I have great respect, I want to get far away from that war-time license system, necessary as it may have then been. The people of my State remember something of it, and virtually in every line in which the farmers were concerned, those memories are not altogether pleasant.

Mr. ASWELL. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Chairman, every time I look at a bill of this character my thoughts revert to the political platforms of both parties and I recall that popular paragraph in both platforms—"less government in business and more business in government." That is the pledge you make every four years. It is indeed popular during the campaigns, but soon forgotten when you commence to legislate.

What does this bill do? It provides that all who handle perishable products must apply to the Secretary of Agriculture and secure a license at a cost of $10 annually before he can proceed to do business. It makes a czar out of the Secretary of Agriculture, as he can take away the license, thus putting the holder out of business if he desires. He can investigate any dealer on receipt of a letter from some shipper that he has not been fairly treated in that the price he received from his product did not suit him although the market might have fallen while the shipment was en route.

As I see it, the Secretary is the sole arbitrator and his decision will require the one who handles the goods to comply or he will lose his right to do business.

Where are the State rights' men? Where are the people who rise in their seats and clamor for the Congress to let legitimate business alone. The farm-relief label is attached to this bill, and it seems every time the label is in evidence the bill is passed without due regard for the ultimate result.

It is another step toward centralization of power.

This bill will result in another horde of Federal agents interfering with legitimate business. It means more jobs for the faithful, more snoopers. We have enough Federal agents now. Why, the bill even requires a certain method of bookkeeping. I suppose if that paragraph is not complied with he will be subject to forfeiture of license.

You have no more right to license those who handle perishable products than you have to license the furniture or any other dealer. You are establishing a policy that is absolutely unsound.

Why, the statement was made the Secretary would even have control over one doing an intrastate business.

You are making a collecting agency of the Government, something heretofore not attempted. The Secretary of Agriculture, in deciding a complaint, can hold the dealer should reimburse the shipper. If the dealer does not, no doubt the license will be revoked, so in order to remain in business the dealer must pay.

The Secretary of Agriculture will be continually settling petty quarrels.

I say that bills of this character have no place on the statute books of this country, and I propose to vote against this measure.

The commission men of my city—St. Louis—are not asking for this bill so far as I know. They are honest men, some in business over 50 years. If they were not honest, they could not exist. They are organized, and for their own protection get rid of those who are not fair to the shipper.

There is no need for such legislation and I hope the bill is defeated.

Mr. HALL of North Dakota. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. ADKINS].

Mr. ADKINS. Mr. Chairman, I do not know that I have ever been crazy about this kind of legislation myself, but this matter was agitated for a long time in the State of Illinois. Perhaps there is more business done in the city of Chicago than in any other food-distributing center in the country, if not in the world. More perishable commodities are handled there through the commission houses than in any other place in the country. They never formed an exchange to control the conduct of the men doing a commission business, and a system grew up whereby shysters would come in and get people to consign goods to them, and then move off after they had gyped

the consignor. For session after session there came before the State legislature a demand upon the part of the farmers of the country to control this situation. After many sessions and hearings and argument, we adopted a much more stringent law than the one now proposed, putting all of the commission men under a license of $10. The fear expressed by the gentleman from Missouri [Mr. COCHRAN] who just preceded me was not warranted. There have been very few prosecutions under that law, and I happen to be in a position to administer it for four years myself. The men know that if a complaint is made from any State in the Union over a shipment sent there, the department of agriculture of that State will investigate it, and that they have a right to come in and demand their books, and if they find that the shipper has been unfairly or dishonestly treated, the commission man forfeits his right to do business. No reputable commission firm that is worthy of the confidence of the producers of the country has any chance of being put out of business by conducting their business in any other way than in a reputable way.

Mr. JONES of Texas. Does not the Illinois law have an antimonopoly provision in it?

Mr. ADKINS. It has.

Mr. JONES of Texas. And that is still in the law?

Mr. ADKINS. Yes.

Mr. PATTERSON. Then, this particular law is not needed in the State of Illinois if there is a State law for it?

Mr. ADKINS. No; and if the gentleman will just be patient I shall come to that provision in a moment. So far as Illinois is concerned it does not make any difference from what State the shipment of fresh fruits and vegetables comes. If a consigner notifies the department of agriculture, making the complaint, that department will step in and investigate the matter, and if a wrong has been done the consignor the department sees that it is made right, and the consignee is made liable to suspension for a time or loss of license. That is true, also, of your livestock commission merchants. That has been invoked by the department of agriculture. It has been a mighty fine thing for the cattlemen and for the producers in our State that we do have such a Federal and State club over these men engaged in the business of handling livestock and commodities for the farmers. Of course, I am never strong for duplication. The men most vitally affected are those who have to ship long distances, a thousand or two thousand miles, to find a market for their goods in the great consuming centers. We had a man in our State whom we called the goose king. He raised geese and chickens and sent them alive to New York. Because there was no law to protect him, he always went with the consignment of goods himself, because he would not trust the commission men.

A demand has come from these places for a Federal law, because it is found that there are only 22 States that have such a law as we have in Illinois. There is not sufficient interest in the other States to put a law of that kind on the statute books. After listening to all the needs and demands and where they came from I said to myself that I would not object to this bill. I think the States ought to handle this, and they all ought to have a law like the State of Illinois, but they are not all as large food distributing centers as that State. Because of the insistent demand coming from various quarters that have to ship into communities where they are unprotected, I feel that a Federal law is a very good thing.

There are something like 367 commission merchants in the State of Illinois paying a $10 license fee, subject to all of the penalties that go with a violation of the law. So far as putting a man in the penitentiary is concerned, I do not take any stock in that. The penitentiaries are too full now. Take any business man and take away his right to do business and fine him, and that is a sufficient punishment to him and a sufficient warning to others in that business.

Mr. HARE. Mr. Chairman, will the gentleman yield?

Mr. ADKINS. Yes.

Mr. HARE. I am interested in the statement the gentleman just made. I gather from the statement the gentleman has made that there are men in this country engaged in business and that they are using it with intention, premeditation, to defraud some man out of his earnings. The object of this legislation is to prevent that. Now, if a man goes ahead and deliberately defrauds another, do you think it a sufficient penalty just to remove his license? Do you not think he ought to be fined and imprisoned and required to pay the penalty for that fraud, just the same as any other?

Mr. ADKINS. No; I do not think so. If he commits such crimes as you outline, we have criminal statutes to prosecute him under. If every man that ships were a good business man there would be no need for a law of this kind.

I have had some experience along this line. I do not think there is much fraud in this business. When it comes to the end of a season, in the matter of shipping hay, for example, we ship only the surplus. Now, there are a good many fellows who are not reliable; and citing my own experience, I will say I went to St. Louis and to Chicago and found out good, responsible men to ship my surplus hay to. I would ship to them, and really I was surprised at the good prices I got for some of it.

Now, nobody should be gullible enough to send his products to anybody that hangs out his shingle, but we have a lot of fellows who do. I do not think that the man in the case that the gentleman from South Carolina suggests, who is careless in consigning his commodity, should receive much consideration. As I said before, when you take away from a man the right to do business and fine him, you have already provided a sufficient protection to the public to warn other men engaged in that business and to call the attention of the consignor to the importance of dealing with reliable business men to whom to consign shipments.

Those penalties already existing are sufficient. Since the law was passed in 1918 in our State we have had very few such abuses.

Mr. LEA. I call the gentleman's attention to the fact that this bill provides that no existing act on the subject shall be displaced by this bill.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. GARBER].

The CHAIRMAN. The gentleman from Virginia is recognized for five minutes.

Mr. GARBER of Virginia. Mr. Chairman and members of the committee, there seems to me to be considerable misapprehension about the purpose and intention of this bill. We have been talking about farm relief for months and months, and I want to say that there has been no bill brought before the House that is more distinctly a bill providing for the protection of agriculture than this one. I want to be very practical in the few minutes I shall use.

What does the bill propose to do? It is simply a case of protecting the producer back home in the shipment of products—poultry and eggs and other perishable products—against reprehensible practices of irresponsible commission men.

The question is asked frequently, Why do the commission men favor this legislation? The answer is that honorable and honest commission men want to be protected against the dishonest ones. That is the reason why reliable commission merchants are in favor of this bill.

What is the practical effect of the bill and what called it into existence? Why was this legislation brought in here? As a practical grower of perishable fruit I want to be very practical for a moment. Here is what we are up against: Take, for example, the growers of peaches in our section. What happens? You will pick in your orchard perhaps 10 carloads or 20 carloads of peaches, which, as you know, are very perishable.

What is the effect when you have put your peaches on the track? You find that the New York market is glutted, that the demand for the next day will not take care of the prospective consignments. There is everything to indicate that the market will be glutted to-morrow. We pass on to Washington, Baltimore, or Philadelphia, or other markets, and we find that the commission merchants there are in a position where they can not handle those peaches. In that case we must divert the shipments to other points. We must do the best we can. We must take a chance with the man to whom we are forced to ship. What happens? The peaches pass out and get into the hands of these men that prove irresponsible. They will pay what they please, or they will condemn them, or do anything else they please to do.

Mr. HARE. Mr. Chairman, will the gentleman yield there?

Mr. GARBER of Virginia. Yes.

Mr. HARE. Does not the present law take care of that commission merchant?

Mr. GARBER of Virginia. No. I will be glad to answer the gentleman's question.

Here is the purpose of the bill: In the gentleman's State, for instance, the shipment goes into a foreign State. There may be $100 involved or $200, and that means that the producer back home can not afford to go 100 miles or 200 miles or 500 miles to fight for a small claim of two or three hundred dollars. This bill provides for the protection of the shipper, so that the commission merchant must be honest whether he would or not.

Now, I want to take just a moment to reply to one point that has been raised here, that it interferes with our present marketing act. The Farm Board was set up and the act provided

for a clearing house to be set up whereby the cooperatives back home could market and handle their home crops at the terminal. The point is raised that this interferes directly with the cooperatives. The gentleman from New York [Mr. CLARKE] takes that position. I can not understand the line of reasoning that arrives at that conclusion.

The cooperatives back home, acting under the farm marketing act, will need the benefit of this protection against the irresponsible commission merchant just as well as any individual shipper.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. GARBER of Virginia. I yield.

Mr. CLARKE of New York. Will the gentleman not concede that if the producers of a particular commodity were organized closely enough they would have their own protection?

Mr. GARBER of Virginia. Well, I concede that frankly, certainly; and the more closely the cooperatives are organized the less need there will be for this protection. But let me ask the gentleman from New York [Mr. CLARKE] in what way will this bill interfere with the cooperatives in their operations?

Mr. CLARKE of New York. Because the fundamental principle of the Farm Board is to encourage the producers of a particular commodity to go into cooperative organizations, to federate nationally and feed into markets along natural lines the commodity which they produce; and when a collection agency is proposed, it discourages the men from joining the cooperatives in order to protect themselves and market their products.

Mr. GARBER of Virginia. Does the gentleman from New York [Mr. CLARKE] take the position that protection to the shipper at the selling end will interfere with the principle of cooperation at home?

Mr. CLARKE of New York. My position is that it will discourage them, because it assists in removing the necessity for joining the cooperative movement.

Mr. GARBER of Virginia. I do not agree with that at all. I think it will encourage instead of discourage such a movement. I do not agree with the gentleman at all. What is the gentleman from New York going to do with the hundreds of shipping points all over the country where, in the very nature of things, the cooperatives will not be able to set up their own distributing clearing house?

Mr. CLARKE of New York. I think that if the producers of a particular farm commodity are not willing to evidence their interest by joining a cooperative movement, then there is no effort of law that should be set up by the Federal Government for men who are unwilling to help save themselves.

Mr. GARBER of Virginia. If the gentleman will permit, I am unable to follow the gentleman's logic as to why he takes the position that the guaranty of an honest distribution of a commodify at one end is going to in any way interfere with cooperative activity at the other end. On the other hand, it will be of just as much value to the cooperative back home as it will be to the individual.

Mr. CLARKE of New York. The Dairymen's League, the second largest cooperative, which last year did $84,000,000 worth of business, has helped through cooperative marketing to eliminate at least 80 per cent of the rascals in the milk game.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. GARBER of Virginia. I yield.

Mr. SCHNEIDER. Is it not a fact that the largest cooperative organization dealing in perishable goods now sells to commission men? I refer to the fruit industry of California.

Mr. GARBER of Virginia. Certainly. May I pursue that same line for the benefit of my friend from New York? The cooperatives need every possible guaranty at the point of distribution.

Mr. CLARKE of New York. Amen.

Mr. GARBER of Virginia. This will in no way interfere with their operation, but it will, rather, encourage them, because when they have to take a chance on a commission merchant it will guarantee them proper protection.

I would like to say further that when the time comes that the Farm Board will set up a clearing house in every distributing center of this country we will not need this protection for the cooperatives, because they will market their own commodities at the terminals; but until that time comes and until all growers become members of the cooperatives, I say that the producer back home certainly needs this sort of protection.

Mr. CLARKE of New York. Will the gentleman yield again?

Mr. GARBER of Virginia. I yield.

Mr. CLARKE of New York. Then we began one of the greatest things to-day when we enlarged the Federal warehouse act, because under this enlarged act we permit the assembly of commodities which the farmer produces at the points of production, and naturally in feeding out to the markets of the United States and the markets of the world the Farm Board will regulate the flow of those commodities so that there will not be the gluts in the markets that there are now.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. GARBER] has expired.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Chairman and members of the committee, this is a very important bill, and I hope you will give very careful thought to one or two phases of the discussion that have taken place this afternoon.

In the first place, considerable emphasis has been laid on the fact that this bill was undertaken as a sort of a slap against the splendid new Federal farm marketing act, and the splendid Farm Board. I think that is unjust to the committee, because when we recall the years that have been spent in the matter of evolving something in the way of a farm relief measure, I feel certain we would be the last to propose any legislation that would in any way cripple the efficiency of that fine, new organization.

I think there is considerable merit in the contention of my good friend from New York [Mr. CLARKE] to the effect that cooperatives ought to be encouraged, and that farmers, when they do go into the cooperatives, will be able to handle this matter. But in a very practical way will the members of the committee please consider how soon they expect the farmers of the United States to be so thoroughly organized that they will be able to function in the way that has been described. I may say that in my judgment it will be at least 10 and possibly 15 years before that long, hard road of thoroughgoing organization of cooperatives will be achieved, and in that time I want to say to you that literally thousands of dollars will be taken out of the pockets of the producers of this country by the unfair practices that have been so well described this afternoon.

It seems to me that, as practical men and women, we should not emphasize the other idea, but we should face this situation exactly as it is. When men who are interested in the commission business come before a great committee of Congress and ask that legislation be enacted in order that they may improve their own business, it seems to me that at least Congress might well go halfway and write a statute that would be of assistance to them in lifting the level of their business, which I think we all agree is important.

I come from a section of the country where we have great quantities of perishables, and I am very certain indeed that no proposition that will come before this Congress will more adequately meet the needs or will be more enthusiastically supported than this particular proposition, because men who ship fruit and men who ship potatoes have literally been gouged out of thousands and hundreds of thousands of dollars. If by this measure we may correct that situation, I am certain we should do it.

Now turning for a moment to the other side of the picture, considerable has been said about the injustice that is being done to the commission merchants. I say that my observation of this kind of legislation, when applied, instead of being a handicap has been a very great encouragement to commission men, and therefore I can not see the persecution and the harm that a great many of the gentlemen think will be done to legitimate business, as the commission business of many excellent men can well be described.

So, Mr. Chairman and ladies and gentlemen, speaking particularly now to those who have agricultural constituencies, and I say that of the measures reported by our Committee on Agriculture, I can not think of one that will be of more importance and more direct or more material benefit to the farmers and producers than this measure, and therefore I ask your favorable consideration of this act. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan [Mr. KETCHAM] has expired.

Mr. ASWELL. Mr. Chairman, I yield five minutes to the gentleman from North Carolina [Mr. ABERNETHY.]

Mr. ABERNETHY. Mr. Chairman and members of the committee, there should be no objection to this bill on the part of anybody, unless one wants somebody to take advantage of the growers and engage in unfair competition. [Applause.] I can not see why anybody should object to it. The fee of $10 is a mighty small fee. The thing that appeals to me is set forth on page 10, section 2. A further thing that appeals to me is that if one of these commission men undertakes to take away the produce of a shipper, then the shipper has some forum to which he may appeal and have the commission man's license taken away from him. I think that is the strongest thing in this bill.

Mr. KNUTSON. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. KNUTSON. Does not the gentleman think this is an invasion of State rights?

Mr. ABERNETHY. I do not think there is any question about State rights in this bill. I am very much in favor of State rights, but you folks on the Republican side of the House have been tearing them down—State rights—so much lately that I have begun to believe it would probably take another war before we could get State rights even then.

The folks in my country, the people who ship truck, are very much in favor of this bill.

Mr. KETCHAM. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. KETCHAM. Does not the gentleman think the provisions of this bill with reference to taking away the license is a much more direct and effective means of correcting the injustice rather than to take a man into court?

Mr. ABERNETHY. I think so. Objectionable practices by commission men have been going on for years. You take a man who sends a carload of produce to New York or some other northern market. In many instances they take his produce and then write him for the freight. He hardly gets a postage stamp in return. This bill is an absolute check, and the only power that can check it, the shipments being interstate commerce, is the Department of Agriculture, as provided for in this bill.

We all voted for the farm bill. I do not know whether it is a good thing or not, because it does not seem to be working out just now. However, the farmers said they wanted it; but I notice quite an attack is being made on it by certain interests of the country.

As far as I am concerned, I think this is a good bill, and my folks are strongly back of it. I always like to stand by my folks. [Applause.]

Mr. ASWELL. Mr. Chairman, I yield 25 minutes to the gentleman from South Carolina [Mr. HARE].

Mr. HARE. Mr. Chairman, in view of the statements that have been made in reference to this bill, I feel that many of us are not exactly prepared to vote intelligently on the proposed legislation at present. I think there should be a more definite and thorough understanding of its scope and purposes. I feel that probably some of us are not familiar with the details of existing law on the subject involved in this legislation. A great deal has been said about the operations of commission merchants who defraud producers out of the value of their perishable crops. This bill is designed to prevent that in the future. I want to say that there is already a law designed to prevent this practice, and I ask unanimous consent that the Clerk may be permitted to read two sections of the existing law, not within my time, in order that we may know just what its provisions are.

Mr. LARSEN. Did the gentleman, in his unanimous-consent request, ask that these two sections be read not within his time?

Mr. HARE. Not within my time; yes.

The CHAIRMAN. If these sections are read they will have to be read in the gentleman's time.

Mr. LARSEN. It ought to be taken out of the gentleman's time because he has 25 minutes.

The CHAIRMAN. This is in the nature of debate and the rule allows only two hours, one hour on a side. If time is taken for the reading of these two sections, it will have to be taken from the time of debate.

Mr. HARE. Mr. Chairman, that is entirely satisfactory, and I think if due attention is paid to the reading of these two sections better information will be given than may be obtained by argument, and I ask unanimous consent, therefore, that the first two sections of the law be read.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That after June 30, 1927, any person, firm, association, or corporation receiving any fruits vegetables, melons, dairy or poultry products, or any perishable farm products of any kind or character, hereinafter referred to as produce, in interstate commerce, or in the District of Columbia, for or on behalf of another, who, without good and sufficient cause therefor, shall destroy, or abandon, discard as refuse, or dump any produce directly or indirectly, or through collusion with any person, or who shall knowingly and with intent to defraud make any false report or statement to the person, firm, association, or corporation from whom any produce was received, concerning the handling, condition, quality, quantity, sale or disposition thereof, or who shall knowingly and with intent to defraud fail truly and correctly to account therefor, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than $100 and not more than $3,000, or by imprisonment for a period of not exceeding one year, or both, at the discretion of the court. The Secretary of Agriculture shall by regulation provide for the making of prompt investigations and the issuing of certificates as to the quality and condition of produce received in interstate commerce or in the District of Columbia, upon application of any person, firm, association, or corporation shipping, receiving, or financially interested in, such produce. Such regulations shall designate the classes of persons qualified and authorized to make such investigations and issue such certificates, except that any such investigation shall be made and any such certificate shall be issued by at least two disinterested persons in any case where such investigation is not made by an officer or employee of the Department of Agriculture or of any State or political subdivision thereof or of the District of Columbia. A certificate made in compliance with such regulations shall be prima facie evidence in all Federal courts of the truth of the statements therein contained as to the quality and condition of the produce; but if any such certificate is put in evidence by any party, in any civil or criminal proceeding, the opposite party shall be permitted to cross-examine any person signing such certificate, called as a witness at the instance of either party, as to his qualifications and authority and as to the truth of the statements contained in such certificate.

SEC. 2. The Secretary of Agriculture is hereby authorized and directed to enforce this act. It is hereby made the duty of all United States attorneys to prosecute cases arising under this act, subject to the supervision and control of the Department of Justice.

Mr. ANDRESEN. Will the gentleman yield?

Mr. HARE. Yes.

Mr. ANDRESEN. The provisions of the law just read relate to commission men and a license fee for commission men.

Mr. HARE. They relate to commission men but not to a license fee.

Mr. ANDRESEN. The bill before the committee at this time was presumed to be a commission man's bill, fostered by the commission men of the country. The bill took in dealers other than commission men and attempted to take in retail and wholesale merchants, men engaged in the retail business and also brokers and producers. The Committee on Agriculture amended the bill and eliminated the small retail merchants, eliminated the farmers and producers, and confined the bill in its present form to commission men and dealers handling perishable products in quantities over 20 carloads. So the provisions of this bill are broader than the provisions of the law just read.

Mr. HARE. That is right. The provisions are broader in that, whereas the existing law takes care of only the unscrupulous commission merchants, the proposed bill takes care not only of the commission merchants but the dealers, brokers, purchasers, or any other class named in the bill. I do not want to be placed in the position of opposing this bill, because I am in favor of the purpose of it; but what I am afraid of is that, if it is enacted into law, it will operate as a repeal of the existing law, and this is the reason I am insisting that it be discussed in detail, for, if I find it means the repeal of the existing law. I will vote against this bill.

In so far as the penalty is involved, I will endeavor to explain the difference between the existing law and the bill before us. Under the existing law, if a commission merchant is found guilty of dumping, destroying, making false reports, or false representations so that it becomes a fraud upon a producer, and if he is convicted therefor, he can be imprisoned for one year and fined as much as $3,000. But under the proposed bill, if he robs a man of $500 or $5,000, the only penalty attaching to him would be the withdrawal of his license.

Mr. ADKINS. Will the gentleman yield?

Mr. HARE. Yes.

Mr. ADKINS. Does the gentleman know that if a man does that we have a criminal statute under which he could be prosecuted?

Mr. HARE. No; I do not know that.

Mr. ADKINS. If a man robs a man of $500?

Mr. HARE. Not under the Federal statutes, provided it is done under the circumstances or conditions I have enumerated. The existing law makes it possible for the Secretary of Agriculture to turn reported violations over to the Department of Justice for prosecution. They have done it and are doing it to-day.

Mr. HOPE. Will the gentleman yield?

Mr. HARE. Yes.

Mr. HOPE. Does the gentleman feel that the law which he sponsored and which has been on the statute books for some three years has entirely done away with the practices which the bill we are discussing aims to prevent?

Mr. HARE. No; not entirely. My understanding is that commission merchants, since the passage of this law, are not receiving consignments in the same manner they did before. They are becoming dealers, brokers, and purchasers instead of commission merchants.

In other words, they are abandoning the old policy of receiving consignments and instead of having you consign them a carload of watermelons, cantelopes, or peaches, they will say to you by letter, by telegram, or by telephone, "We will give you $200, or $400, or $600, for the car." Then when it arrives, they will make the complaint that it does not come up to standard, that it does not come up to requirements, and, therefore, they are not subject to the law, although their representations may operate as a fraud on the producer. I am anxious to see the existing law amended so as to include the purchaser, the dealer, and broker, as well as the commission merchant.

Mr. HOPE. Does not the gentleman think that the statement he has just made is the very best argument possible for the enactment of this law, so we may take care of the gentlemen who are engaging in the practices of which he speaks?

Mr. HARE. I will answer that question in this way, and I want the gentleman to understand that I am not unfriendly to the purpose of this bill. If we enact this bill into law and adopt the licensing system and it is left to the Secretary of Agriculture as to what he will do when he finds a man has violated the law, it will be left to him to say whether he shall be prosecuted and imprisoned, or whether he will simply cancel his license. To illustrate, suppose the Secretary of Agriculture should find in the city of Washington or in the city of Baltimore or in some other city, that a commission merchant has robbed a farmer of $500 or $1,000, for that matter, it will be left to the Secretary of Agriculture to say whether that man shall be prosecuted and imprisoned or fined, or whether he will tap him on the wrist and say, "We will take your license away from you and let you go," then give him a license to operate under another name and allow him to continue to rob the people.

Mr. HOPE. Will the gentleman yield right there?

Mr. HARE. Yes.

Mr. HOPE. In that case the Secretary of Agriculture will have two remedies, and does not the gentleman think there is an advantage in having both of these remedies, particularly because the offense under the gentleman's bill is a criminal offense, which would require the Secretary to go into court, offer proof, and obtain a conviction before a jury? The gentleman well knows from his study of this matter that in many cases this is impossible. Does not the gentleman think it would be better to have these concurrent remedies?

Mr. HARE. If the gentleman could assure me that the administrator of the law would not consider the existing law virtually repealed, then I would say yes, let us have both of them.

Mr. SUMMERS of Washington. Will the gentleman yield there, because I have had some correspondence on that question?

Mr. HARE. Yes.

Mr. SUMMERS of Washington. I took that question up specifically with the Department of Agriculture to know if this proposed law would duplicate or interfere with the other, and they wrote me a definite letter to the effect that it would not, that this was needed in addition to the other statute, and they covered that very specifically.

Mr. HARE. You know I would be prepared to accept that as absolutely final if the Department of Agriculture had not recently assumed the attitude of wanting to amend the existing law so as to eliminate several of its very vital provisions, for when we went before the Agriculture Committee a few days ago and asked that the existing law be amended so as to include purchasers, dealers, and brokers, as well as the commission merchants, the Department of Agriculture recommended against it. In other words, you will be confronted with a serious situation if this bill passes without amendment. Under the proposed law if a dealer is found guilty of violating it, he would not be subject to a penalty of $3,000. The only penalty you could impose upon him would be to withdraw his license, but if he were a commission merchant he would be subject to a penalty of $3,000. In other words, you would have a different penalty applying to a commission merchant and a dealer, although they may be guilty of the same and identical offense. Let me illustrate the point I am endeavoring to make.

Suppose Brown, a commission merchant, defrauds a farmer out of $100 and it is proven on him in court, under the existing law he may be fined from $100 to $3,000, or imprisoned for not more than one year, or both, within the discretion of the court; but suppose Jones, a dealer or broker, defrauds a farmer out of $100 and it is proven on him in court or elsewhere, under the proposed law the only thing you could do to Jones is to take his license away from him. That is, in the enforcement of the two laws the penalty to be imposed would not be based on the offense committed but according to the name of the title under which the business is operated. You can readily see that under this arrangement you would soon have no one doing business under the style and name of "commission merchant," and it is for this reason I am contending that the passage of this bill without amending the provision as to penalties will be, in effect, a repeal of existing law, because it applies only to commission merchants. It should be made to include dealers and brokers. If you will agree to amend existing law to provide the same penalty for a violation of the law, I am with you.

Mr. SUMMERS of Washington. I would be more inclined to join the gentleman in amending his law to provide a penalty for the dealers.

Mr. HARE. In that event we will have but little trouble in getting together.

Mr. JONES of Texas. Will the gentleman yield?

Mr. HARE. Yes.

Mr. JONES of Texas. As I understood the gentleman in a statement which I heard him make once before, he said the only change that would be necessary in his law would be to add the names, "dealers, brokers," and the other names necessary to the term "commission men." In other words, the law is complete in itself except it does not name all those who need to be covered in order to make the law applicable to the situation the gentleman has in mind.

Mr. HARE. The gentleman is quite correct. Under existing law if a commission merchant makes any false representation, defrauds you in any way, shape, or form, the law takes care of it. The only thing it does not take care of is the purchaser, the dealer, the broker, or other classes who are doing pretty much the same kind of business as the commission man but under a different name or title. These titles or classes have developed and grown up since the passage of the act on March 3, 1927.

Now, gentlemen, just one more point. I am not prepared to argue against the licensing system, but I can see the possibility that under the proposed law the Secretary of Agriculture could grant licenses to only a half dozen commission merchants, dealers, or brokers and thereby weed out every other man in the business in any particular city. They could then organize in such a way there would be no competition between them; and when you destroy competition between these men the only sufferer is the man who produces the commodity they handle and the one who consumes it.

I may say I am vitally interested in this question, because my district produces perishable farm crops in large quantities. This last year we produced fruits and vegetables in 21 different varieties to the extent that they were marketed in carload lots, and 52 per cent of the entire tonnage from the State came from my district. I am, therefore, vitally interested in protecting the producer of perishable farm crops, but I am not willing to sit silently by and see a law enacted that would repeal existing law, which, to my mind, places a penalty upon the violator of the law greater and more severe than the penalty provided in the proposed law.

Mr. LEA. Will the gentleman yield?

Mr. HARE. Yes.

Mr. LEA. I would like to know if the gentleman makes that statement notwithstanding the language at the bottom of page 32 of the bill that—

> This act shall not abrogate nor nullify any other statute, whether State or Federal, dealing with the same subjects as this act.

Mr. HARE. The gentleman evidently did not catch my statement a few moments ago. So I must repeat. Under existing law, if I am a commission merchant and you should ship to me a carload of California oranges and I falsely advise you that the carload of oranges is decayed, not up to grade, and I dump them and thereby defraud you of the proceeds to which you are entitled, and it can be proven that I did that, I would be subject to a fine not exceeding $3,000 or imprisonment for one year. That is existing law. But under the proposed bill if that same transaction should take place and I were found guilty then the only penalty to be meted out to me would be the withdrawal of my license.

Mr. LEA. What I would like to know is why you say that this law would repeal existing law in that respect?

Mr. HARE. If I am a dealer or purchaser or a broker and the same transaction took place and I am found guilty under existing law I could not be touched, but under the proposed law my license could be taken away. If you as Secretary of Agriculture were placed in charge to enforce this law you would naturally withdraw the license for this transaction and mete out the penalty imposed under the license system, and in effect it would operate to repeal the existing criminal statutes, because under existing law the misdemeanor applies only to "commission merchants," whereas under this bill "dealers

and brokers" are included, and the existing law therefore would not apply to them. The only way to prevent having two inconsistent laws covering the same matter is to amend the existing law so as to include "dealers and brokers" or include similar penalties in this bill.

Mr. LEA. I would take it under the circumstances that the Attorney General would prosecute the guilty man under the criminal statute, and the Secretary of Agriculture would proceed under this law. The two statutes are not inconsistent.

Mr. HARE. I do not like to disagree so emphatically with the gentleman, but he is certainly mistaken. Let me illustrate again: If A, a commission merchant, is found guilty of defrauding you by false representations out of a carload of oranges he is, under the present law, subject to a fine of not exceeding $3,000 or imprisonment not exceeding one year. But suppose, instead of A, the commission merchant defrauding you out of the car of oranges it is B, a dealer or broker that commits the fraud; he could not be handled under the existing law, and the only penalty you could impose under the proposed law would be to take his license away from him. The two propositions cover the same offense, and unless you amend the former to include "dealers and brokers," or amend the latter so as to provide the same penalties, you will have two statutes as inconsistent as it is possible for them to be.

Mr. HOPE. Will the gentleman yield?

Mr. HARE. I yield.

Mr. HOPE. Does not the gentleman think that the penalty under this law in taking away a dealer's license would be more severe than the fine of not to exceed $3,000?

Mr. HARE. I do not think so in the light of my observation and experience. When you place a man in the penitentiary you place a greater penalty on him than taking away his license. Many of these men have no place of business but a little table in a back room, and you do not punish them much by taking away the license; but you put the stripes on them and you will soon stop their nefarious business.

Mr. HOPE. Will the gentleman state how many persons have been convicted and sent to prison since the enactment of his law?

Mr. HARE. I can not tell the gentleman, but I have received notice that a good many have, but the mere fact that there may not have been many convictions is no fault of the law. That is a charge to be registered against those in charge of its enforcement.

Mr. BURTNESS. Will the gentleman yield?

Mr. HARE. I yield.

Mr. BURTNESS. As a practical proposition, is it not difficult to obtain evidence upon which to convict a man under the present law—prove him guilty beyond a reasonable doubt? But when it comes to a civil action they are not confronted with the same difficulty, as a practical proposition, and does not the gentleman think that you can get relief in a great many cases under the civil procedure, where you could not under a criminal procedure?

Mr. HARE. I can see where there might be difficulty in securing evidence of guilt, but that is no good reason why we should crawfish and get away from the present law.

Mr. GLOVER. Will the gentleman yield?

Mr. HARE. Yes.

Mr. GLOVER. I want to call the gentleman's attention to the language beginning on line 23:

> This act shall not abrogate or nullify any other statute, whether State or Federal, dealing with the same subjects as this act; that it is intended that all such statutes shall remain in full force and effect except in so far only as they are inconsistent herewith or repugnant hereto.

How could your argument hold good that it would nullify the present law?

Mr. HARE. It would not nullify it from a legal standpoint but it would nullify it in the execution of the present law. I claim that if you have a criminal law and another law dealing with the same situation we ought to have the same penalty in both statutes. Let me illustrate again: We have a law now which says, in effect, to a commission merchant that if he defrauds a consignor of a perishable farm crop by false representations as to condition, quantity, quality, and so forth, he will be subject to a fine of $3,000 or imprisonment for one year, and now we come with another law saying to the same man if he defrauds a consignor of a perishable farm crop by false representation as to condition, quantity, or quality, and so forth, the only penalty to which he may be subjected is the withdrawal of his license. This does, therefore, nullify the existing law to the extent that it will be left to the Secretary of Agriculture to say which penalty will be imposed. Furthermore, the fraud, in so far as the farmer is concerned, may be identical in every respect, but if it is committed by a commission merchant, the penalty will be one thing, but if committed by a dealer or broker it will be an entirely different thing. That is, a commission merchant, if the proposed bill passed, may perpetrate a fraud, may have both his license taken away from him and then tried under the existing law, but a broker or dealer may perpetrate the same or identical fraud and the only penalty that could apply would be to withdraw his license.

Mr. ROMJUE. Mr. Chairman, will the gentleman yield?

Mr. HARE. Yes.

Mr. ROMJUE. I agree with the gentleman in that construction. I call his attention to the fact that, where you have different panalties prescribed by the Federal Government for the same offense, if you can put two punishments in, what is to keep you from putting in 40 punishments and, if you are tried for one, would not the Government be barred from enforcing the other penalty?

Mr. HARE. Certainly it would, if they are both penal statutes. However, I think it would be possible under the law and under the proposed law to take away the license of a commission merchant and then prosecute him criminally, but it could not be done if the offender were a dealer or a broker, and I am anxious to see that the two laws apply to all alike, particularly where they are similar offenders.

Mr. BURTNESS. Does the gentleman contend that you can not enforce a civil remedy as well as a criminal one?

Mr. HARE. Oh, no. I do not contend that.

Mr. LARSEN. Does not the gentleman realize that in the Federal courts it takes a year or two to prosecute a man to conviction, and that under this you could stop his nefarious practices within a very few days by taking his license away.

Mr. HARE. I have no objection to taking away his license. The thing I am contending for is that when he is found guilty of these "nefarious practices" he should be punished for it as any other criminal. I doubt whether the taking away of the license will give the farmer any relief by checking these "nefarious practices," but if you will put them in the "pen" 12 months for each offense, it will not be long before these "nefarious practices" will be a thing of the past and the producer of fruits and vegetables and other perishable farm crops will have some relief from the frauds that have been and are still being perpetrated on them. [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Maine [Mr. SNOW].

Mr. SNOW. Mr. Chairman, for the benefit of those Members of the House who came in after this discussion on the Summers bill started, I call attention to the fact that long and continued hearings were held on this bill before the Committee on Agriculture; that many producers and representatives of numerous producing organizations appeared before our committee in favor of this bill, and that during all of those hearings not one single person appeared before the committee in opposition to the bill in any way. Several statements have been made here to-day in opposition to the bill which I would like to answer, but time forbids. In a general way the Summers bill, if passed, will bring relief to at least a million vegetable and fruit farmers in this country and at the same time make it possible for the poorer people in the large cities to be beneficiaries when crops are abundant. This bill protects the fair commission merchant and dealer, and will put out of business the unfair commission merchant and dealer. [Applause.] It will require a very small outlay of money on the part of the United States Government, as it is practically self-supporting.

In view of the statements just made by the gentleman from St. Louis [Mr. COCHRAN], I wish he were now here to listen to my remarks. For his enlightenment let me say that this bill will prevent that vicious habit of dumping in large cities and will do more to make it possible for the poor people of his own city to enjoy fruits and vegetables when there is an abundant crop than any legislation yet devised. Unfair commission merchants and dealers in large centers, when there is a glut in the market or when prices have suddenly dropped, wrongfully reject carload shipments and let them decay on the sidings until the health authorities are forced to issue dumping orders. In this way the consumers are wrongfully deprived of the benefits of abundant crops at reasonable prices and the producing farmers are made the goats. The Summers bill will put an end to this pernicious practice.

Mr. EATON of Colorado. Will the gentleman yield?

Mr. SNOW. I yield.

Mr. EATON of Colorado. Why do you not in section 3, which refers to that, include dealers and brokers? Why limit it only to commission merchants?

Mr. SNOW. I shall not attempt to go into the details of this bill at this time. I am only speaking in general terms.

Mr. EATON of Colorado. That is the gist of the bill.

Mr. SLOAN. Will the gentleman yield?

Mr. SNOW. Certainly.

Mr. SLOAN. In all of the evidence that was submitted to the committee, was there any evidence that related to either poultry or eggs?

Mr. SNOW. There was not. To continue, let me say that I am especially interested in this bill, coming as I do from a potato district, but this measure will protect farmers who raise any kind of vegetables or fruit.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. SNOW. With pleasure.

Mr. LaGUARDIA. In this instance let me say that I am in entire accord with the gentleman from Maine.

Mr. SNOW. I am delighted to learn that you are with us in this fight.

Mr. LARSEN. Mr. Chairman, will the gentleman yield?

Mr. SNOW. Yes; I yield to my colleague from Georgia.

Mr. LARSEN. The gentleman from Nebraska [Mr. SLOAN] asked with reference to testimony coming before the committee respecting poultry and eggs. If I remember correctly, there were statements made by members of the committee as to eggs and poultry transactions which had occurred within their knowledge.

Mr. SNOW. I think the gentleman is right, but I understood the gentleman from Nebraska to ask me if there had been any evidence presented before the committee relating to eggs and poultry. There is a vast distinction between statements made by members of the committee in executive session and evidence given by witnesses with the committee reporter present.

Mr. SLOAN. Whatever was said was not made of record, so that men interested in it could examine it and meet it. My proposition is that this particular branch has not had its day in court.

Mr. LARSEN. I think the statements made by the members of the committee were put in the report. I think they are in the record.

Mr. SNOW. To conclude. In my opinion this is one of the most meritorious bills that has been brought before this present session of Congress. It is not only in favor of the producer and farmer, but it will react to the benefit of the consumer in the large cities.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from North Dakota [Mr. BURTNESS].

Mr. BURTNESS. Mr. Chairman, there is not much to add to what has been so well said by several gentlemen, but I appeared before the committee in behalf of the measure and in view of the opposition that has developed rather unexpectedly this afternoon I deem it proper to say a few words in reply to some contentions that have been made.

The distinguished gentleman from Louisiana, Doctor ASWELL, claims that this is the worst bill that has been brought into the Congress by the Agriculture Committee. If I understood him correctly, he presented three arguments against it. One was that it would reduce competition among commission men and dealers, another that it would make the Government serve as a collection agency, and the third that it would interfere with the activities of the Farm Board.

I admit that it will reduce competition, but to what extent? It will eliminate from the competition all commission merchants, dealers, and brokers in perishable products who have not sufficient responsibility to pay the annual license fee of $10. That is the competition that will be eliminated, and the only competition. And it would be in the best interests of the producers of this country if that type of competition were eliminated. We do not want irresponsible dealers or commission merchants of that sort continuing to bid for our farm products by means of the mail, by means of the wire, by means of long-distance telephone, and other methods available in the modern business world.

What about the charge that it will operate to make the Government a collection agency? That is not true at all. I have not the time here to set out everything which, under this bill, is regarded as unfair conduct.

True, the failure to make payments as agreed is one, but the Government does not assume any responsibility of collecting anything for anyone. The possibility of losing their licenses will tend to make the commission men and the dealers live up to their contracts. This is the purpose of many laws, but it does not make the Government a collector.

If you will turn to page 19 of the bill you will find seven practices which are declared to be unlawful. Take subdivision 1, for instance, which reads:

> For any commission merchant or broker to make any fraudulent charge in respect of any perishable agricultural commodity received in interstate or foreign commerce.

Mr. EATON of Colorado. Mr. Chairman, will the gentleman yield there?

Mr. BURTNESS. Yes.

Mr. EATON of Colorado. Why do you not include the dealers there?

Mr. BURTNESS. I am not a member of the Agricultural Committee reporting the bill. I would suggest that you submit your technical questions to members of the committee.

As a second illustration, I read subdivision 4:

> For any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement concerning the condition, quality, quantity, or disposition of, or the condition of the market for, any perishable agricultural commodity which is received in interstate or foreign commerce by such commission merchant, or bought or sold or contracted to be bought or sold in such commerce by such dealer; or the purchase or sale of which in such commerce is negotiated by such broker; or to fail or refuse truly and correctly to account promptly in respect of any such transaction in any such commodity to the person with whom such transaction is had.

Now, those are two typical cases where this law would apply showing the responsibility placed upon the licensee. A producer or cooperative association in my State of North Dakota, for instance, sends 10 carloads of potatoes to a dealer down in St. Louis or Peoria, Ill., or some city in Iowa. The carloads have been bought by a dealer through exchange of letters or wires with the understanding they are to grade United States No. 1, at a certain price f. o. b. in my home State, for shipment to the point designated. During the time it takes those potatoes to reach their destination the market has fallen and the quotations have gone downward.

Now, what is the present situation with dealers who are not responsible and not absolutely on the square? Human nature is such that some of them can not resist the temptation to find some excuse for not accepting the potatoes. Almost any excuse will result in a big loss to the shipper, for it is impractical for him to enforce his legal remedy. There is an incentive to claim that when the potatoes arrived they were partly rotted or frozen and wet, or that they did not in some material factor grade up to the standard of United States No. 1. If that statement is false, that type of dealer or commission merchant should have his license taken away from him, as contemplated by this bill, for he has no right to continue in business. [Applause.]

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. LARSEN].

Mr. LARSEN. Mr. Chairman and ladies and gentlemen of the committee, this bill not only enables the producers of perishable products to protect themselves against dishonest handlers of his products but enables merchants and handlers of the products to protect themselves against unfair competition with men engaged in the same business. Every profession and line of business should be able to so regulate its affairs as to stamp out disreputable and fraudulent transactions but, unfortunately, business men as a rule do not have such power and authority. This bill would give the Secretary of Agriculture the right to license certain classes of business men and such regulatory authority as to force them to deal honestly with their customers, who by the very nature of their transactions are entirely at their mercy.

Commission merchants and others handling farm products are frequently in competition with men who will not play fair and who take advantage of the trade. Honest men are often at a disadvantage in trying to compete in business with dishonest men in the same line. Not only this, but those in the producing section, who are little accustomed to shipping commodities, are at the mercy of the unscrupulous man in the large community who handles their products through such transactions.

The gentleman from South Carolina [Mr. HARE] said that the penalty to be imposed upon the man would not be effective in the event that this bill is passed. I think he is in error. The difficulty of the matter is this: Under provisions of the law as now written, if a man violates the law he may or may not be punished, although he has cheated some poor fellow out of two or three hundred dollars. So small an amount is considered a trivial matter and he may never be prosecuted. The victim may say, for instance, "I can not afford to go to Chicago, hundreds of miles away, to prosecute one for a small violation of law. I have already lost enough, and I do not want to get mixed up in the courts."

The man who commits unfair practice knows this as well as the producer victim. If he is prosecuted he may not be

convicted, and even if he is convicted he may not be so greatly damaged as the person who prosecuted him.

Now instead of letting this man who has been guilty of fraudulent practice go on and swindle others for years after committing the crime, he will not, under this law, be permitted to continue his rascality or operation of business, and make enough money out of others to pay his fine.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield there?

Mr. LARSEN. Yes.

Mr. KETCHAM. Considering the effectiveness of the two methods, which does the gentleman think would be the more effective?

Mr. LARSEN. I think perhaps the law proposed would be far more effective than the present law. But in addition to that, we will have both of them. But, as before stated, I do not believe what the gentleman from South Carolina says about the repeal of the present law is well founded.

The CHAIRMAN. The Committee on Agriculture reported an amendment striking out all after the enacting clause and inserting another section, which may be considered as one amendment.

Mr. BURTNESS. Mr. Chairman, will that be offered as one amendment?

The CHAIRMAN. Yes; as one amendment.

Mr. BURTNESS. Would it be in order to ask unanimous consent that the committee amendment be read section by section for amendment, as in the case of an original bill?

Mr. STRONG of Kansas. I object.

The CHAIRMAN. To which request does the gentleman object?

Mr. BURTNESS. I just asked the Chair if I could submit that request.

Mr. TILSON. The gentleman will lose no rights. It is all one amendment. An amendment can be offered to any section of it.

Mr. BURTNESS. Then I have no request to make.

The CHAIRMAN. Without objection, the Clerk will report the committee amendment.

There was no objection.

The Clerk read as follows:

Strike out all after the enacting clause, and insert the following:

That when used in this act—

(1) The term "person" includes individuals, partnerships, corporations, and associations;

(2) The term "Secretary" means the Secretary of Agriculture;

(3) The term "interstate or foreign commerce" means commerce between any State or Territory, or the District of Columbia, and any place outside thereof; or between points within the same State or Territory, or the District of Columbia but through any place outside thereof; or within the District of Columbia;

(4) The term "perishable agricultural commodity" means any of the following, whether or not frozen or packed in ice: Fresh fruits and fresh vegetables of every kind and character, live or dressed poultry, and eggs;

(5) The term "commission merchant" means any person engaged in the business of receiving in interstate or foreign commerce any perishable agricultural commodity for sale, on commission, or for or on behalf of another;

(6) The term "dealer" means any person engaged in the business of buying or selling in carloads any perishable agricultural commodity in interstate or foreign commerce, except that (A) no producer shall be considered as a "dealer" in respect of sales of any such commodity of his own raising; (B) no person buying any such commodity solely for sale at retail shall be considered as a "dealer" in respect of any such commodity in any calendar year until his purchases of such commodity in carloads in such year are in excess of twenty; and (C) no "packer" as defined in the packers and stockyards act, 1921, as amended, in respect of any transactions in live or dressed poultry and/or eggs, shall be considered as a "dealer." Any person not considered as a "dealer" under clauses (A) and (B) may elect to secure a license under the provisions of section 3, and in such case and while the license is in effect such person shall be considered as a "dealer." As used in this paragraph, the term "in carloads" includes corresponding wholesale or jobbing quantities as defined for any such commodity by the Secretary;

(7) The term "broker" means any person engaged in the business of negotiating sales and purchases of any perishable agricultural commodity in interstate or foreign commerce for or on behalf of the vendor or the purchaser, respectively;

(8) A transaction in respect of any perishable agricultural commodity shall be considered in interstate or foreign commerce if such commodity is part of that current of commerce usual in the trade in that commodity whereby such commodity and/or the products of such commodity are sent from one State with the expectation that they will end their transit, after purchase, in another, including, in addition to cases within the above general description, all cases where sale is either for shipment to another State, or for processing within the State and the shipment outside the State of the products resulting from such processing. Commodities normally in such current of commerce shall not be considered out of such commerce through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this act.

UNFAIR CONDUCT

SEC. 2. It shall be unlawful in or in connection with any transaction in interstate or foreign commerce—

(1) For any commission merchant or broker to make any fraudulent charge in respect of any perishable agricultural commodity received in interstate or foreign commerce;

(2) For any dealer to reject or fail to deliver in accordance with the terms of the contract without reasonable cause any perishable agricultural commodity bought or sold or contracted to be bought or sold in interstate or foreign commerce by such dealer;

(3) For any commission merchant to discard, dump, or destroy without reasonable cause any perishable agricultural commodity received by such commission merchant in interstate or foreign commerce;

(4) For any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement concerning the condition, quality, quantity, or disposition of, or the condition of the market for, any perishable agricultural commodity which is received in interstate or foreign commerce by such commission merchant, or bought or sold or contracted to be bought or sold in such commerce by such dealer; or the purchase or sale of which in such commerce is negotiated by such broker; or to fail or refuse truly and correctly to account promptly in respect of any such transaction in any such commodity to the person with whom such transaction is had;

(5) For any commission merchant, dealer, or broker, for a fraudulent purpose, to represent by word, act, or deed that any perishable agricultural commodity received in interstate or foreign commerce was produced in a State or in a country other than the State or the country in which such commodity was actually produced;

(6) For any commission merchant, dealer, or broker, for a fraudulent purpose, to remove, alter, or tamper with any card, stencil, stamp, tag, or other notice placed upon any container or railroad car containing any perishable agricultural commodity, if such card, stencil, stamp, tag, or other notice contains a certificate under authority of any Federal or State inspector as to the grade or quality of the commodity contained in such container or railroad car or the State or country in which such commodity was produced; and

(7) For any commission merchant, dealer, or broker to conspire, combine, agree, or arrange with any other person to manipulate or control prices of any perishable agricultural commodity in interstate or foreign commerce.

LICENSES

SEC. 3. (a) After the expiration of six months after the approval of this act no person shall at any time carry on the business of a commission merchant, dealer, or broker without a license valid and effective at such time. Any person who violates any provision of this subdivision shall be liable to a penalty of not more than $500 for each such offense and not more than $25 for each day it continues, which shall accrue to the United States and may be recovered in a civil suit brought by the United States.

(b) Any person desiring any such license shall make application to the Secretary. The Secretary may by regulation prescribe the information to be contained in such application. Upon the filing of the application, and annually thereafter, the applicant shall pay a fee of $10.

SEC. 4. (a) Whenever an applicant has paid the the prescribed fee the Secretary, except as provided in subdivision (b) of this section, shall issue to such applicant a license, which shall entitle the licensee to do business as a commission merchant and/or dealer and/or broker unless and until it is suspended or revoked by the Secretary in accordance with the provisions of this act, but said license shall automatically terminate unless the annual fee is paid within 30 days after notice has been mailed that payment is due.

(b) The Secretary shall refuse to issue a license to an applicant if after notice and hearing he finds (1) that the applicant has previously been responsible in whole or in part for any violation of the provisions of section 2 for which a license of the applicant, or the license of any partnership, association, or corporation in which the applicant held any office or, in the case of a partnership, had any share or interest, was revoked, or (2) in case the applicant is a partnership, association, or corporation, that any individual holding any office or, in the case of a partnership, having any interest or share in the applicant, had previously been responsible in whole or in part for any violation of the provisions of section 2 for which the license of such individual, or of any partnership, association, or corporation in which such person held any office, or, in the case of a partnership, had any share or interest, was revoked. Notwithstanding the foregoing provisions, the Secretary, in the case of such applicant, may issue a

license if the applicant furnishes a bond or other satisfactory assurance that his business will be conducted in accordance with the provisions of this act, but such license shall not be issued before the expiration of one year from the date of such revocation.

LIABILITY TO PERSON DAMAGED

SEC. 5. (a) If any commission merchant, dealer, or broker violates any provision of paragraph (1), (2), (3), or (4) of section 2 he shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of such violation.

(b) Such liability may be enforced either (1) by complaint to the Secretary as hereinafter provided, or (2) by suit in any court of competent jurisdiction; but this section shall not in any way abridge or alter the remedies now existing at common law or by statute, and the provisions of this act are in addition to such remedies.

COMPLAINT AND INVESTIGATION

SEC. 6. (a) Any person complaining of any violation of any provision of section 2 by any commission merchant, dealer, or broker may, at any time within nine months after the cause of action accrues, apply to the Secretary by petition, which shall briefly state the facts, whereupon, if, in the opinion of the Secretary, the facts therein contained warrant such action, a copy of the complaint thus made shall be forwarded by the Secretary to the commission merchant, dealer, or broker, who shall be called upon to satisfy the complaint, or to answer it in writing, within a reasonable time to be prescribed by the Secretary.

(b) Any officer or agency of any State or Territory having jurisdiction over commission merchants, dealers, or brokers in such State or Territory and any employee of the United States Department of Agriculture or any interested person, may file, in accordance with rules and regulations of the Secretary, a complaint of any violation of any provision of section 2 by any commission merchant, dealer, or broker, and may request an investigation of such complaint by the Secretary.

(c) If there appears to be, in the opinion of the Secretary, any reasonable grounds for investigating any complaint made under this section, the Secretary shall investigate such complaint and may, if in his opinion the facts warrant such action, have said complaint served by registered mail or otherwise on the person concerned and afford such person an opportunity for a hearing thereon before a duly authorized examiner of the Secretary in any place in which the said person is engaged in business.

(d) After an opportunity for a hearing on a complaint the Secretary shall determine whether or not the commission merchant, dealer, or broker has violated any provision of section 2.

REPARATION ORDER

SEC. 7. (a) If after a hearing on a complaint made by any person under section 6 the Secretary determines that the commission merchant, dealer, or broker has violated any provision of paragraph (1), (2), (3), or (4) of section 2, he shall, unless the offender has already made reparation to the person complaining, determine the amount of damage, if any, to which such person is entitled as a result of such violation and shall make an order directing the offender to pay to such person complaining such amount on or before the date fixed in the order.

(b) If any commission merchant, dealer, or broker does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may within one year of the date of the order file in the district court of the United States for the district in which he resides or in which is located the principal place of business of the commission merchant, dealer, or broker, or in any State court having general jurisdiction of the parties, a petition setting forth briefly the causes for which he claims damages and the order of the Secretary in the premises. Such suit in the district court shall proceed in all respects like other civil suits for damages except that the findings and orders of the Secretary shall be prima facie evidence of the facts therein stated, and the petitioner shall not be liable for costs in the district court nor for costs at any subsequent state of the proceedings unless they accrue upon his appeal. If the petitioner finally prevails, he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit.

SUSPENSION AND REVOCATION OF LICENSE

SEC. 8. Whenever the Secretary determines, as provided in section 6, that any commission merchant, dealer, or broker has violated any of the provisions of section 2, he may publish the facts and circumstances of such violation and/or, by order, suspend the license of such offender for a period not to exceed 90 days, except that, if the violation is a flagrant or repeated violation of such provisions, the Secretary may, by order, revoke the license of the offender.

ACCOUNTS AND RECORDS

SEC. 9. Every commission merchant, dealer, and broker shall keep such accounts, records, and memoranda as fully and correctly disclose all transactions involved in his business, including the true ownership of such business by stockholding or otherwise. If such accounts, records, and memoranda are not so kept, the Secretary may publish the facts and circumstances and/or, by order, suspend the license of the offender for a period not to exceed 90 days.

EFFECTIVE DATE AND FINALITY OF ORDER

SEC. 10. Any order of the Secretary under this act other than an order for the payment of money shall take effect within such reasonable time, not less than 10 days, as is prescribed in the order, and shall continue in force until his further order, or for a specified period of time, accordingly as it is prescribed in the order, unless such order is suspended, modified, or set aside by the Secretary or is suspended, modified, or set aside by a court of competent jurisdiction. Any such order of the Secretary, if regularly made, shall be final, unless before the date prescribed for its taking effect application is made to a court of competent jurisdiction by the commission merchant, dealer, or broker against whom such order is directed to have such order set aside or its enforcement, operation, or execution suspended or restrained.

INJUNCTIONS

SEC. 11. For the purposes of this act the provisions of all laws relating to the suspending or restraining of the enforcement, operation, or execution, or the setting aside in whole or in part, of the orders of the Interstate Commerce Commission are made applicable to orders of the Secretary under this act and to any person subject to the provisions of this act.

GENERAL PROVISIONS

SEC. 12. The Secretary may report any violation of this act for which a civil penalty is provided to the Attorney General of the United States, who shall cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States without delay. The costs and expenses of such proceedings shall be paid out of the appropriation for the expenses of the courts of the United States.

SEC. 13. (a) In the investigation of complaints under this act, the Secretary or his duly authorized agents shall have the right to inspect such accounts, records, and memoranda of any commission merchant, dealer, or broker as may be material for the determination of any such complaint. If any such commission merchant, dealer, or broker refuses to permit such inspection, the Secretary may publish the facts and circumstances and/or, by order, suspend the license of the offender until permission to make such inspection is given.

(b) The Secretary, or any officer or employee designated by him for such purpose, may hold hearings, sign and issue subpœnas, administer oaths, examine witnesses, receive evidence, and require by subpœna the attendance and testimony of witnesses and the production of such accounts, records, and memoranda as may be material for the determination of any complaint under this act.

(c) In case of disobedience to a subpœna, the Secretary or any of his examiners may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of accounts, records, and memoranda. Any district court of the United States within the jurisdiction of which any hearing is carried on may, in case of contumacy or refusal to obey a subpœna issued to any person, issue an order requiring the person to appear before the Secretary or his examiner or to produce accounts, records, and memoranda if so ordered, or to give evidence touching any matter pertinent to any complaint; and any failure to obey such order of the court shall be punished by the court as a contempt thereof.

(d) The Secretary may order testimony to be taken by deposition in any proceeding or investigation or incident to any complaint pending under this act at any stage thereof. Such depositions may be taken before any person designated by the Secretary and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition or under his direction and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce accounts, records, and memoranda in the same manner as witnesses may be compelled to appear and testify and produce accounts, records, and memoranda before the Secretary or any of his examiners.

(e) Witnesses summoned before the Secretary or any officer or employee designated by him shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like service in the courts of the United States.

(f) No person shall be excused from attending, testifying, answering any lawful inquiry, or deposing, or from producing any documentary evidence, before the Secretary or any officer or employee designated by him, in obedience to the subpœna of the Secretary, or any such officer or employee, in any cause or proceeding, based upon or growing out of any alleged violation of this act, or upon the taking of any deposition herein provided for, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty of forfeiture for or on account of any transaction, matter, or thing, concerning which he is compelled under oath so to testify, or produce evidence, documentary or otherwise, before the Secretary or any officer or employee designated by him, in obedience to the subpœna of the Secretary, or any such officer or employee, or upon the taking of any such

deposition, or in any such cause or proceeding: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 14. The Secretary is hereby authorized, independently and in cooperation with other branches of the Government, State, or municipal agencies, and/or any person, whether operating in one or more jurisdictions, to employ and/or license inspectors to inspect and certify, without regard to the filing of a complaint under this act, to any interested person the class, quality, and/or condition of any lot of any perishable agricultural commodity when offered for interstate or foreign shipment or when received at places where the Secretary shall find it practicable to provide such service, under such rules and regulations as he may prescribe, including the payment of such fees and expenses as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That fees for inspections made by a licensed inspector, less the percentage thereof which he is allowed by the terms of his contract of employment with the Secretary as compensation for his services, shall be deposited into the Treasury of the United States as miscellaneous receipts; and fees for inspections made by an inspector acting under a cooperative agreement with a State, municipality, or other person shall be disposed of in accordance with the terms of such agreement: *Provided further*, That expenses for travel and subsistence incurred by inspectors shall be paid by the applicant for inspection to the disbursing clerk of the United States Department of Agriculture to be credited to the appropriation for carrying out the purposes of this act: *And provided further*, That certificates issued by such inspectors shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained.

SEC. 15. The Secretary may make such rules, regulations, and orders as may be necessary to carry out the provisions of this act, and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, binding, telegrams, telephones, law books, books of reference, publications, furniture, stationery, office equipment, travel, and other supplies and expenses, including reporting services, as shall be necessary to the administration of this act in the District of Columbia and elsewhere, and as may be appropriated for by Congress; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for such purpose. This act shall not abrogate nor nullify any other statute, whether State or Federal, dealing with the same subjects as this act; but it is intended that all such statutes shall remain in full force and effect except in so far only as they are inconsistent herewith or repugnant hereto.

SEC. 16. In construing and enforcing the provisions of this act the act, omission, or failure of any agent, officer, or other person acting for or employed by any commission merchant, dealer, or broker, within the scope of his employment or office, shall in every case be deemed the act, omission, or failure of such commission merchant, dealer, or broker as that of such agent, officer, or other person.

SEPARABILITY

SEC. 17. If any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SHORT TITLE

SEC. 18. This act may be cited as the perishable agricultural commodities act, 1930.

Mr. HAUGEN. Mr. Chairman, I offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment by Mr. HAUGEN: Page 17, line 20, after the semicolon following the word "raising," insert the word "and."

The amendment to the committee amendment was agreed to.

Mr. HAUGEN. Mr. Chairman, I offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment by Mr. HAUGEN: Page 17, line 24, after the word "twenty," strike out down through and including the word "dealers," on page 18, line 3.

The amendment to the committee amendment was agreed to.

Mr. HAUGEN. Mr. Chairman, I offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. HAUGEN: Page 19, after line 5, insert a new paragraph, as follows:

"9. No packer as defined in the packer and stockyards act, 1921, as amended, in respect of transactions in live or dressed poultry and/or eggs, shall be considered as a commission merchant, dealer, or broker."

The amendment to the committee amendment was agreed to.

Mr. HAUGEN. Mr. Chairman, I offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. HAUGEN: Page 24, after subsection (d), add a new subsection, (e), as follows:

"In case complaint is made by a nonresident of the United States before any action is taken thereon, that the complainant shall be required to furnish a bond of double the amount of the claim, the bond to be conditioned upon the payment of costs, including attorneys' fees, of respondents in case of failure to sustain the case."

Mr. ADKINS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, ladies and gentlemen of the committee, in discussing the matter, several Members thought that some unscrupulous dealer outside of the United States would be claiming discounts, rebates, and so forth, and might abuse the right by complaining to the department, and having the department continually investigating commission merchants, and in order that that might be obviated, this amendment to the committee amendment was proposed, that in the event complaint was brought, a bond to cover the costs would have to be furnished, and they would have to pay the costs provided they did not make out a case. Now, if a man were honest and had a just complaint, he will suffer no hardship, but this provision would be a deterrent to some unscrupulous dealer outside of the country.

Mr. HARE. As I understand it, this amendment to the committee amendment applies only to a producer or a complainant outside of the territorial boundaries of the United States?

Mr. ADKINS. Yes. Outside of the United States. I think it is a good provision.

The CHAIRMAN. The question is on the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

Mr. HAUGEN. Mr. Chairman, I offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. HAUGEN: Page 20, line 24, strike out subparagraph 1, section 2.

Mr. FULMER. Mr. Chairman, I offer a perfecting amendment.

The CHAIRMAN. The gentleman from South Carolina [Mr. FULMER] offers a perfecting amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered to the committee amendment by Mr. FULMER: Page 20, line 25, after the word "arrange" strike out "with any other person" and insert "among themselves"; so that, as amended, the lines will read "for any commission merchant, dealer, or broker to conspire, combine, agree, or arrange among themselves to manipulate or control," etc.

The CHAIRMAN. In the opinion of the Chair, the amendment offered by the gentleman from South Carolina [Mr. FULMER] is a perfecting amendment and is in order.

Mr. JONES of Texas. May I suggest that the words "commission merchant, dealer, or broker" should be in the plural. It requires more than one to conspire or agree among themselves.

Mr. FULMER. Yes; that is correct.

Mr. JONES of Texas. I think the amendment offered by the gentleman from South Carolina [Mr. FULMER] should read "commission merchants, dealers, or brokers."

Mr. FULMER. Mr. Chairman, I ask unanimous consent to modify the amendment offered by me to read "commission merchants, dealers, or brokers."

The CHAIRMAN. The gentleman from South Carolina [Mr. FULMER] asks unanimous consent to modify the amendment offered by him to read "commission merchants, dealers, or brokers." Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FULMER: Page 20, line 24, strike out the words "merchant, dealer, or broker," and insert the words "merchants, dealers, or brokers."

Mr. LAGUARDIA. Will the gentleman yield for a parliamentary inquiry?

Mr. FULMER. Yes.

Mr. LAGUARDIA. As I understand the situation, the gentleman from Iowa [Mr. HAUGEN] offered an amendment to strike out paragraph 7. The gentleman from South Carolina [Mr. FULMER] now offers an amendment perfecting paragraph 7. Should not the amendment offered by the gentleman from Iowa be disposed of first?

The CHAIRMAN. In the opinion of the Chair the perfecting amendment should be disposed of first.

Mr. HAUGEN. I think the gentleman's amendment should have been offered first, in order that the paragraph might have been perfected and then my amendment offered.

Mr. LAGUARDIA. I want to be heard in opposition to the gentleman's amendment striking out the paragraph.

Mr. HAUGEN. The committee does not think this subsection is necessary.

Mr. LAGUARDIA. Will the gentleman from South Carolina yield?

Mr. FULMER. Yes.

Mr. LAGUARDIA. I want to ask the gentleman if he really intends to do what his amendment might do. He strikes out the words "with any other person." I can understand the gentleman's purpose in providing against a combination or conspiracy among themselves, but it is very easy for any of the classes mentioned in paragraph 7 to conspire with a third person not mentioned in the paragraph. I think the gentleman would accomplish what he desires if he would provide "with any other person or among themselves," because to conspire you need two or more persons. It is quite possible that commission merchants might conspire among themselves and a commission merchant might conspire with a dealer or broker, but, on the other hand, you might have a retailer, you might have a health officer, and you might have lots of other persons conspire together and defeat the very purpose the gentleman seeks to accomplish in paragraph 7.

Mr. FULMER. I do not think there would be any inclination on the part of a producer or anyone on the outside to conspire with a commission merchant or broker who attempted to fix prices.

Mr. LAGUARDIA. He might conspire with a banker. Suppose the market were glutted and suppose a banker should say to a commission merchant, "The only way you can save the paper you have in our bank, Mr. Commission Merchant, is by dumping," and he goes ahead and conspires with them to dump his produce.

Mr. FULMER. I think it would be better like it is.

The CHAIRMAN. Without objection, the Clerk will again report the modified amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FULMER: Page 20, in line 24, strike out the words "merchant, dealer, or broker" and insert the words "merchants, dealers, or brokers," and strike out, in line 25, the words "with any other person" and insert "among themselves."

Mr. ADKINS. Mr. Chairman, I rise in opposition to this amendment. This section was copied from the Illinois statutes. The Illinois statutes had no statute providing for combinations to control prices and then this was put in the law. We found after it was incorporated into law that we have a statute which takes care of this proposition. I do not recall an instance where this provision was ever used to prosecute anybody.

Mr. FULMER. I understand the gentleman is opposed to subsection 7?

Mr. ADKINS. Yes.

Mr. FULMER. Suppose we let this amendment take its course, and then the gentleman can speak on the amendment offered by the gentleman from Iowa to strike out subsection 7. There is no controversy about this perfecting amendment.

Mr. ADKINS. I am rising in opposition to it. I hope it will be defeated and I am trying to tell you why. The shippers who are interested in shipping raised this objection to this clause, that if they are guilty of conspiracy we have conspiracy laws to take care of them, but these associations—they may be cooperatives or they may be individuals—may be directing the movement of strawberries, for instance. This is strawberry time. If they found there were too many strawberries being sent to the New York market or to the Philadelphia market, they might check up the consignments that were on the road and they might deflect a part of these shipments to some other market, so as not to break down the market in New York.

With this section they felt they would be subject to conspiracy and subject to all the fines, and so forth, and it was at their earnest request that it is sought to be taken out. I think the amendment offered by the gentleman from Iowa should be adopted and the amendment offered by the gentleman from South Carolina (Mr. FULMER) should be defeated.

Mr. FULMER. In answer to the gentleman from Illinois, let me say I hope the members of the committee will not become confused on the amendments they are to vote on. This is a perfecting amendment to subsection 7 and then we will have a chance to vote on the amendment offered by the gentleman from Iowa to strike out the paragraph, along the line of the argument of the gentleman from Illinois.

Mr. ADKINS. If the paragraph is amended by adopting the gentleman's amendment where are we in offering our substitutes?

Mr. FULMER. I will answer the gentleman. You have an amendment pending proposing to strike out this section after it has been perfected.

Mr. ADKINS. It is weakening the present law and proposing an even more drastic law.

The CHAIRMAN. The question is on the amendment of the gentleman from South Carolina [Mr. FULMER].

The question was taken; and on a division (demanded by Mr. FULMER) there were—ayes 10, noes 45.

So the amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, I desire recognition in opposition to the amendment offered by the gentleman from Iowa.

The CHAIRMAN. Without objection, the Clerk will again report the amendment of the gentleman from Iowa.

The Clerk read as follows:

Amendment by Mr. HAUGEN: Page 20, line 24, strike out subsection 7 of section 2.

Mr. LAGUARDIA. Mr. Chairman, I want to appeal to the friends of this bill to meet us at least halfway. In all these questions of marketing you must consider both sides of the question, the producer and the consumer. You have a provision in paragraph 2 which would prevent or tend to prevent the willful dumping of perishable products. There is no objection to this, because we have suffered in the cities and have been deprived of good crops and low prices by the system of dumping, so that the consumer did not get the benefit and neither did the producer. But in all fairness I submit, gentlemen, in a bill of this kind you should at least give us protection from a conspiracy among these dealers to jack up prices at the expense of the consumers. I will go along with you on this bill, and all that I ask is not to take out paragraph 7, which is the only protection we have.

Suppose a commission merchant and a dealer and a broker conspire in violation of law to artificially fix prices, we would have no protection at all if you are going to make it all one way.

Mr. HAUGEN. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HAUGEN. If they do so conspire they are liable under existing antitrust laws.

Mr. LAGUARDIA. Yes.

Mr. HAUGEN. Why should we extend this authority to two branches of the Government so that they might pass the buck?

Mr. LAGUARDIA. I will tell the gentleman why, because the machinery to proceed under the antitrust law is so slow-moving that it would not be effective in a case of this kind, and here where you have the licensing, where you have the regulation, it seems to me, in all fairness, a provision of this kind should find a place in the law.

Mr. HAUGEN. Under this bill they would come in under the licensing system, and under existing laws in respect to conspiracy and other violations of the antitrust laws.

Mr. LAGUARDIA. If they did conspire, we could take their license away under this provision, and that is at least something.

Mr. HAUGEN. And you could prosecute under the other law.

Mr. LAGUARDIA. I appeal to the friends of this bill to leave in this section; otherwise we will be constrained to oppose the whole bill.

Mr. BURTNESS. Will the gentleman yield for a question?

Mr. LAGUARDIA. Yes.

Mr. BURTNESS. Would this language in the proposed bill cover a situation such as this? A number of shipments of strawberries, we will say, go to different commission merchants. It is the duty of these commission merchants, of course, to get as good a price as they can for the person who consigns the strawberries to them. They know that these strawberries are there, and one commission merchant asks the other what he expects to ask for them, and the other commission merchant informs him. The other man says, "I think that is about right. I think that is about what they are worth, and I will ask the same price." I want to ask the gentleman, first, whether, if this language stays in the bill and they act in that way, they would be violating this provision, and they are violating the provision, then, of course, it would be grounds for canceling their licenses. Does the gentleman from New York want to prevent them from doing that?

Mr. LAGUARDIA. In his hypothetical question, does the gentleman assume these merchants control all of that market?

Mr. BURTNESS. Not necessarily; they might or they might not.

Mr. LAGUARDIA. If they do not they would not come under the provisions of this law. If they control the whole market, of course they would.

Mr. BURTNESS. The language is so broad that it seems to cover transactions and matters that might seem entirely legitimate, and this is why I am inclined to favor the motion of the chairman of the committee, although I appreciate the position taken by the gentleman, as a matter of general fairness.

Mr LAGUARDIA. Exactly; you can not have this bill so one sided as to make it inoperative and unfair.

Mr. ADKINS. Mr. Chairman, I appreciate the position of the gentleman from New York [Mr. LAGUARDIA], and I do not think the thing he has in mind would occur under this bill with this subsection out.

Now, here was a situation that arose some four or five years ago in Warren County, Ky., and this was published in all the agricultural papers. They raise there a large amount of strawberries, and the various individuals and shipping associations were shipping their berries, and they found they were running into an overloaded market in a great many cases. They found there were more strawberries in these markets than could be taken care of. Your consumers in these markets did not get all the benefit of this. They got the berries at a less price temporarily, but as a result of this many of them went bad. Now, something had to be done to meet this situation, because people will only buy strawberries in strawberry time at so high a price. So these producers put their heads together and employed a man to keep track of the shipments of strawberries from different parts of the strawberry area of the country. He got this information every morning. He had the facilities for doing this, and if he saw too many strawberries headed for New York, so that the dumping process might have to be resorted to, he would then divert so many carloads to Philadelphia or to some other town.

Mr. LAGUARDIA. That is perfectly all right. That is good business.

Mr. ADKINS. These people are contending that with this provision in the bill if they should get together and do this they would be subject to the penalties in this bill. Of course, it would be in the interest of stabilization of markets and stabilization of prices, but they fear they would be subject to the penalties of the bill if two or more undertook to stabilize the market as outlined above. If these men are right in their contention, section 7 will operate to the detriment of both producer and consumer.

Mr. LAGUARDIA. In order to sustain an indictment or a charge of conspiracy the object of the conspiracy must be an unlawful act.

Mr. ADKINS. Yes.

Mr. LAGUARDIA. The diversion of shipments of products in and of itself is not an unlawful act.

Mr. ADKINS. By reason of this you stabilize the price. That is the thing that they are afraid of, the very fact that they did that stabilization in the way of orderly marketing—whether or not that would be, they would be subject to this penalty.

Mr. LAGUARDIA. Orderly marketing is not a crime, and to agree to something that is not criminal is not a conspiracy.

Mr. ADKINS. We specify what it consists of, and when they stabilize the price it does keep the price up.

Mr. MICHENER. What is orderly marketing? This section clearly contemplates a conspiracy for the express purpose of controlling the market. It seems to me that the thing the gentleman said could be done is in violation of the section.

Mr. ADKINS. And all of the marketing associations take that view of it. Orderly marketing as commonly used is distributing a commodity around to the various marketing places in such a way as not to overload the market at one point and break the market, and not have enough at another point to meet the demand and raise the price there to the consumer.

Mr. LAGUARDIA. The section provides that you shall not manipulate or control prices.

Mr. ADKINS. In the case I put, it stabilizes the price and does not penalize consumer at one market, and does not penalize the producer at the other point where the market is overloaded. Taken as a whole, both producer and consumer are better off financially by having a stabilized market.

Mr. MICHENER. The very purpose is to secure a higher price to the producer. There is no exact definition of "orderly marketing."

Mr. LAGUARDIA. Instead of sending your product to one market you send it to another market in order to prevent glutting of the market. The purpose is not to manipulate the price.

Mr. MICHENER. They would not do that if it were not to manipulate the price.

Mr. FULMER. Mr. Chairman, I rise in opposition to the amendment offered by my good friend Mr. HAUGEN, chairman of the Agricultural Committee, wherein he proposes to strike out subsection 7.

I would like to say that the thing we hope to remedy under subsection 7, is that these commission merchants, brokers, and dealers, get together, combine and conspire to fix prices in buying from producers. The gentleman from Iowa makes a statement that there is a law and other machinery to take care of this. The Federal Trade Commission has the right to investigate attempts to create a monopoly, fix prices, and report to the Department of Justice. But as stated before, this commission apparently has sold out. They are giving their indorsements to various industries. You have investigations by the Federal Trade Commission and by the Senate now to investigate these combinations, and this is only offered as a second check in the hands of the Department of Agriculture, who will administer this law. If the Department of Agriculture find these people are combining and conspiring to control prices, they can report to the Department of Justice so that that department can take action.

These people under this bill are highly organized, about 2,500 in the organization, controlling 90 per cent of the business of the country. They stated before the committee that there are about 20,000 others who are outside giving them trouble and that they want to get rid of them. What will happen when they are able to weed out competition? They will call in the Federal Trade Commission and get their indorsement to rules and trade practices like the cottonseed-oil industry has done.

Orderly marketing does not fix high or low prices. The Farm Board has been trying to bring about orderly marketing in wheat and cotton, and the prices of these commodities have been going down. It is a matter of supply and demand. Section 2 provides that it shall be unlawful in or in connection with any transaction in interstate or foreign commerce, to do that which is contained in subsection 7. You take away from the Department of Agriculture the right to investigate any complaint that might be made, and some of these days you are going to find that in the shipment of perishable products, you are in the same fix that we are now, in connection with the cottonseed business in the South. I hope you will vote down this amendment and leave subsection 7 in the bill.

Mr. JONES of Texas. Mr. Chairman, I think this is a very important provision. This is a bill that has for its purpose, if it is enacted, the throwing of a cloak of protection around certain commission merchants, brokers, and dealers. They say it is necessary. Perhaps it is. We are giving them a special law for their benefit and protection as well as for the protection of the public. When you throw that cloak around the commission merchants, dealers, and brokers, if they undertake to get off in a corner and agree to manipulate or control prices, it seems to me at least they should have their special privilege taken away from them. It is idle to talk about prosecuting them under the antitrust laws of the country. What trust or monopoly is being prosecuted to-day? Here is a bill which provides for licensing, and when they are licensed they have certain privileges. Are you going to strike out from the provisions of the bill the only protection which the public has? What protection would the public have if you are going to permit them to get together and agree to manipulate or control the prices? That does not mean simply adjusting a situation, where there is congestion or something of that kind. When they conspire to control prices, to monopolize the situation, it seems to me it should at least be considered an unfair practice and their licenses should be canceled.

Mr. GLOVER. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. GLOVER. If this provision in this bill is cut out, the consequence will be quite serious. Under the law it authorizes the licensing of brokers and dealers. Let us say that in a market like Chicago or St. Louis there would be perhaps 10. With this provision out, could not those 10 get together without violation of the statute and fix the price and skin everybody that shipped into that market?

Mr. JONES of Texas. It seems to me that if we license them to operate and then strike out of the bill the provision which forbids those things, in so far as this bill is concerned, there is nothing to prevent that action.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. ABERNETHY. Do I understand that there is a serious intention here on the part of some Members to cut out subsection (7)?

Mr. JONES of Texas. Oh, yes; the chairman of the committee has offered as a committee amendment an amendment to strike out section 7.

Mr. ABERNETHY. On what theory?

Mr. JONES of Texas. Ask him. Here is a bill where you are licensing people and giving them certain privileges under that license, which any other person who does not have a license can not exercise. Are you then going to let them go off into a corner and enter into an agreement to undertake to control the situation? I think this is something that the committee should seriously consider before striking it out. I do not have any particular objection to the bill as such, if you have this provision in there, whereby with that license and privilege they do not still have another privilege. With this provision stricken out of the bill, the Government licensing them to operate, how are you going to make them subject to the antitrust laws? The Government issues them a license to do a certain thing. How can the Government complain if they do it? At any rate, the quickest way to stop such an unfair practice would be the simple method of canceling licenses.

Mr. HARE. Mr. Chairman, in view of statements made that paragraph 7, section 2, of the bill is unnecessary, I would like to read it into the RECORD. It is as follows:

> It shall be unlawful for any commission merchant, dealer, or broker to conspire, combine, agree, or arrange with any other person to manipulate or control prices of any perishable agricultural commodity in interstate or foreign commerce.

It is contended by some that this provision ought to be stricken out, saying that it is unnecessary for the reason that if commission merchants, dealers, or brokers should combine for the purpose named they could be prosecuted under the antitrust laws. This may be true, but suppose you leave this out and, under other provisions of the bill, issue license to these commission merchants, dealers, and brokers, would they not be able to say that if they were brought into court under the antitrust law that they had been given a license, under an act of Congress, to do the very thing they are now prohibited to do? That is, they would be able to say, under the license given them by the Government, they would be able to combine or agree without a conspiracy to fix and determine the price of such farm products, both that to be paid the producer as well as that to be required of the consumer. If so, they would be able to defraud the producer and at the same time rob the consumer, and the licensees would be the only ones to profit by the law, for in actual operation the producer would certainly get less for his products and the consumer would certainly pay for them. It looks to me that if this provision is taken out of the bill the commission merchants, dealers, and brokers will have a free hand in fixing the price to the producer as well as the consumer—that is, they will be able to burn the candle at both ends.

Mr. Chairman, we heard at the beginning of the discussion this afternoon that this bill was designed to protect producers from unscrupulous commission merchants. We started out with the fact, alleged, that there were men in this country engaged in a business that was being conducted in an unscrupulous manner, and the committee brings before us a proposal to make that conduct illegal and punish those who violate the law. Yet they are saying by this amendment to strike out this provision of the bill that these same unscrupulous men, this gang which has been referred to as a "bunch of robbers," will be able to continue to combine, organize, manipulate, and defraud the very people the bill aims to protect.

Mr. ADKINS. For any of those things the gentleman speaks of the license could be taken away.

Mr. HARE. Yes; but that does not give the producer any relief.

Mr. ABERNETHY. Will the gentleman yield?

Mr. HARE. Yes.

Mr. ABERNETHY. I say this in all seriousness to the committee. If you take this section out, you give a monopoly to these commission men and allow them to carry on, and if you want to pass this bill with some of our votes over here, you better not pass this amendment.

Mr. HARE. I agree with you entirely.

Mr. ADKINS. The gentleman from South Carolina has use for this legislation?

Mr. HARE. You are correct in that statement, but I do not want paragraph 7 stricken out as proposed by this amendment.

Mr. ADKINS. Our people do not, but I think the country as a whole generally does. Does the gentleman think if this bill is defeated that this Congress will relieve that situation?

Mr. HARE. I believe that if this paragraph is taken out of the bill, the bill will mean nothing more than a sounding brass or tinkling cymbal to the fruit and vegetable growers of the country.

Here is a class of people admitted to be unscrupulous, and yet you say that we will take this provision out of the law because they will not combine with each other, because they are too high minded, too honest, too sincere, too much devoted to the people they are serving to combine. On the other hand, without this bill you admit they are unscrupulous enough to rob the people of the country who are producing perishable farm crops, and to this latter statement I subscribe.

I think this provision ought to stay in here, because, as I said in the beginning, I wanted it made so that I can support it, because I am heartily in favor of it. But I am not willing to support a proposition here when you say in the first instance that these men are unscrupulous and unworthy and unreliable, and then take out the provision by which you ought to protect the producers or the shipper against them.

Mr. HOPE. Mr. Chairman, will the gentleman yield?

Mr. HARE. Yes.

Mr. HOPE. Is not that provision in the bill passed three years ago?

Mr. HARE. The bill passed before has no licensing feature in it at all. It says here that if a man commits the offense of making any report which is unlawful or fraudulent he is subject to a fine and a penalty, and under the existing law I do not believe it refers to a conspiracy, as provided for in this bill, and for that reason I think the provision ought to stay in your bill.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent that the gentleman may have one minute more. I would like to ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CHINDBLOM. The gentleman will concede that all the offenses included in this law are not crimes in themselves, natural crimes, but crimes which are created only by the statute.

Mr. HARE. Under this act?

Mr. CHINDBLOM. Yes; under this act. Does the gentleman favor the creation of a crime of conspiracy, mala prohibita? They are not crimes under our provisions of law. Does not the gentleman think he ought to go slow in creating conspiracy crimes, as in the case of crimes that are purely statutory and not crimes against people?

Mr. HARE. I think the gentleman did not hear my statement earlier this afternoon, and I assume he is not entirely familiar with the existing law, which makes it a penal offense, a criminal offense, for a commission merchant to knowingly and intentionally make a false representation with reference to a consignment made to him.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. HARE. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HARE. The point I am making is that that same penalty ought to apply to this bill, because if it is a crime for me to perpetrate a fraud, the penalty ought to be such that I can be punished for that offense.

Now, it has been argued that the existing law will be in no way repealed or affected, and I am taking that in good faith, because I assume that the proponents of this bill have looked into it; and they have assured me that it will not affect the existing law; and if it does not affect the existing law, I want this bill to carry a somewhat similar provision, so that a commission man or a dealer or a broker might be punished for

defrauding the producers from which the consignment is received.

Mr. CHINDBLOM. But the gentleman will concede that he is adding a new category to crimes by adding conspiracy.

Mr. JONES of Texas. This does not provide a new crime. It simply lists it as unfair conduct.

Mr. CHINDBLOM. But the beginning of section 2 says it shall be unlawful to do so and so.

Mr. JONES of Texas. In that case the license may be taken away from them.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. QUIN. Mr. Chairman, I rise in opposition to the amendment.

I think it would be a serious mistake to take this provision out of the bill. You have a good bill now. What does the Chairman propose? You have certain things that are stated to be unfair conduct. Among them is that which is covered by subdivision 7 on page 20, which provides—

> For any commission merchant, dealer, or broker to conspire, combine, agree, or arrange with any other person to manipulate or control prices of any perishable agricultural commodity in interstate or foreign commerce.

In my judgment there are certain things that a rascal would want to do. You have certain things designated as unfair conduct. A violation of this provision would take the license from such a concern that violates this provision.

Now, the Chairman proposes to allow the men to take the products from the vegetable and fruit farms of the United States, or have their brokers conspire to do what? Not to increase prices, but to lower prices; to lower the price that the farmer would get, and thus defraud the men who produce the commodity.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. QUIN. Yes.

Mr. MICHENER. Does this say "lower the prices"?

Mr. QUIN. You do not have to say "lower the prices." You know what they will do. Understand me, we have to proceed with some knowledge of human nature. We know people want goods in the United States at the lowest possible price from the producer, and to sell at the highest price to the consumer. You issue a license to the man engaged in certain lines of business to have a privilege as a broker in certain commodities. Tomatoes, peas, beans, strawberries, in fact, all vegetables and certain kinds of fruits that are shipped by the producers to the market.

The buyers come there and buy from them and ship to the eastern and northern markets. Who is it that will handle these vegetables? It will be the men included in section 7 of this bill. What does the chairman of this committee propose to do? He proposes to allow every one of those men to enter into a combine and conspiracy to rob that poor man back there on the farm that is raising these vegetables. It can not be argued any other way. I want to know who it was that inspired this amendment, which is asking to take out of this bill the very thing that will protect the poor man who raises the fruits and vegetables. Some men can have superior power under the license theory of this Government, which is all right; but this section now says, "You shall not conspire and combine to impose an injustice upon anybody in the United States." Here is a proposition to take this out, in order to invite all of the rascals that want to become brokers to come and rob the poor man that produces by his hard work and by the sweat of his brow, working day and night, producing the fruits and vegetables in this country, in order that they can fix the price so low that the producer will still be kept in poverty.

Mr. FULMER. Will the gentleman yield?

Mr. QUIN. I yield.

Mr. HAUGEN. Mr. Chairman, I ask that the gentleman have one more minute to answer a question. I yield him one more minute.

This amendment is at the suggestion of the producers. They have, through their representatives, been here for months asking to have the bill reported.

Mr. ABERNETHY. It will kill the bill if they insist upon it.

Mr. HAUGEN. I ask the gentleman from Mississippi [Mr. QUIN] to point out where this will do any harm as long as it is provided for in other acts. Is it necessary to incorporate the statutory provisions that apply in every act that is passed? Is it necessary to lodge its administration in two departments instead of one, which would simply give them an opportunity of passing the buck, and, as a result, neither of them would function?

Mr. QUIN. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes, to answer the gentleman.

The CHAIRMAN. The gentleman from Mississippi [Mr. QUIN] asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. SPARKS. Will the gentleman yield?

Mr. QUIN. I yield for a question.

Mr. SPARKS. It has been stated that if subsection 7 is stricken out that provision is covered by the general law. Under such conditions the license of the brokers could not be taken away, could it? Section 7 would have to remain in the bill, and then if there was a violation their license could be taken away. Is that not correct?

Mr. QUIN. With section 7 in the bill it could be taken away from him.

Mr. SPARKS. But if they were prosecuted under the general law, it would not be ground for taking it away?

Mr. HAUGEN. If the subsection is retained and violated, it would be optional with the department to proceed to revoke the license under this section or the other department to prosecute under existing law, and, judging from experience, I fear would result in neither one functioning.

Mr. QUIN. I want to state to the chairman of this committee when the gentleman says the producers suggested this amendment that there are 30,000 producers in my district in Mississippi who raise vegetables that go by the railroads to Chicago, New York, and Philadelphia, and there is not one of them that wants this section eliminated. It is that group of men who want to rob my constituents who are trying to get this amendment passed. Any man who understands the hardships of the farmers of this country can understand who is back of this amendment. Of course my friend Mr. HAUGEN thinks it is the producers, but I say it is a wolf coming in sheep's clothing who has told him that. I practiced law for 18 years before I came to Congress and I know what a rascal wants to do. I know this desire to strike out this provision 7 is founded in rascality. It is backed by men who want to exploit and rob the farmers and evade the penalties of the law; that is, to have their licenses taken away. Why? So that they can combine and conspire to manipulate and, to do what else?—it is not in here—but to lower prices that would be paid the farmer. That is, to lower the price they have to pay for produce, these fruits and vegetables raised on the farms of Mississippi, Florida, Texas, and other States. We need not misunderstand what is contemplated by this amendment. This is a good bill. The bill is all right. Whatever general law there is on the statute books is not going to interfere with this bill. But when section 7 is taken out of this good bill, you are simply turning loose brokers to go out and rob the people of this country. Does any man want to do that? Do you want to give special privilege to any group of men to prey upon the public and exploit them, especially the hard-working people who produce the perishable fruits and vegetables of the United States? They have to work hard, not all the year around, but during certain seasons of the year they work all day and part of the night.

Then you want to allow some slick-tongued broker to come along—4, 5, or 10 of them—and conspire to rob those poor people out of their hard toil. No, my friends, we can not afford to do it. Let us kill this amendment and keep section 7 in your bill; let this bill pass and become a law and do justice by the farming people of this country. [Applause.]

Mr. HAUGEN. May I state to the gentleman, speaking of the producers, that the gentleman authorized to speak for the producers favored its elimination. Mr. Chaney, chairman trade relations committee, American Fruit & Vegetable Shippers' Association, and Mr. Samuel Fraser, secretary of the International Apple Association, were authorized to speak for all of them; and Mr. Chaney spent three or four days in an effort to have this subsection eliminated and finally succeeded in convincing the committee it should not be in the bill.

Mr. QUIN. He is falling into the trap of these wolves, and we can not afford to allow this section to be stricken out of the bill, because if we do it will permit price cutting and the robbing of our producers.

Mr. FULMER. Mr. Chaney is a dealer.

Mr. QUIN. Mr. Chairman, the gentleman from Iowa called him a producer.

Mr. HAUGEN. I said he was the spokesman and the one authorized by the producers to speak for the producers.

Mr. QUIN. I am informed that this very man is the president of this dealers' association, the big he-broker of them all.

Mr. FULMER. And he lives in New York.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. WILLIAMSON. Mr. Chairman and gentlemen of the committee, it seems to me that the fear which has been expressed upon the floor of this House, that subdivision 7 of sec-

tion 2 might result in preventing a diversion of shipments of perishable farm products, is not justified. There is nothing in this section that in any way would prevent the orderly marketing of farm products. I do not think there is any question but that commission men can divert any shipment at any point and to any place they see fit, notwithstanding this section. It has nothing to do with that sort of thing. The only matter declared unlawful under this section is to enter into a conspiracy or agreement to fix prices, either lowering them or raising them or fixing them at a particular point.

Personally, I think this subdivision is a very valuable provision in this bill. It must not be forgotten that in this case you are licensing a certain class of dealers and that you are taking them out from under the general provisions of the law relating to conspiracies in restraint of trade by specifying in this bill what conduct shall be considered as unlawful. Among the things made unlawful is to enter into a conspiracy to control prices. Because you have taken them out from under the general law, and because you have licensed them, it is necessary to have a provision of this kind in the bill if you are going to have any control over them at all with respect to raising, lowering, or fixing prices.

The fact that we are licensing these dealers does not mean that we are giving them any privileges which they do not have now, but we are providing for control over them and taking away many of the privileges which they now have.

I fear that this provision will be construed as being exclusive, because we are here enacting a statute which recognizes a certain class of dealers, and which requires them to be licensed, just the same as we formerly required saloon keepers to be licensed. They are going to be regulated and controlled by this statute, and if you take out this provision, in my judgment you are not going to be able to prevent them from entering into agreements to fix prices pretty much to suit themselves. The very fact that the commission men want this subdivision out shows that they want the privilege of doing so.

Mr. ABERNETHY. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. ABERNETHY. Does not this take the very teeth out of the bill?

Mr. WILLIAMSON. I think to a certain extent it does, but, as I said before, I do not think it will in any way prevent the orderly marketing of farm products nor will it prevent their diversion to other points if there is congestion at the place to which they were originally consigned.

Mr. HOCH. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. HOCH. I agree with that part of the gentleman's statement, but it seems to me that the diversion spoken of instead of being in restraint of trade and being amenable to the antitrust laws might be the very opposite; that it might tend to promote trade instead of restraining trade.

Mr. WILLIAMSON. That is true, but this will not result in preventing the diversion of any products or prevent these men from handling their goods in any way they see fit.

Mr. HOCH. I agree with the gentleman in that, but I do not agree with the gentleman's latter statement that we have taken them out from under the antitrust laws by establishing a licensing system.

Mr. WILLIAMSON. That may be. However, I think we are taking some chances. The only punishment provided for a violation of section 2 is what? You will find it in subdivision (b) of the same section.

The only punishment provided is to take away the license. We are not going to reach them by any other method, and that is all we can do under the provisions of this bill. If you take away the restrictions of subsection 7, you can not even do that should they fix prices.

Mr. BURTNESS. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. BURTNESS. Has the gentleman considered the language at the bottom of page 32 and the beginning of page 33?

Mr. WILLIAMSON. Yes; but the language at the bottom of page 32 does not relate to section 2, because section 2 provides its own method of punishment for violating the provisions of section 2.

Mr. BURTNESS. But I refer to the contention made by the gentleman that the passage of this act as a whole will take these people out from under the operations of the antitrust laws. If it will do that, we had better kill the bill.

Mr. JONES of Texas. The language that the gentleman from North Dakota refers to relates to statutes dealing with the same subject and does not refer to the antitrust laws.

Mr. GARBER of Virginia. Mr. Chairman, if a new member of the committee may be permitted to make one general observation, I would like to make this one. It seems to me when we get into a discussion on the floor here, we seem naturally to fall into the matter of beclouding the issue in hand by the introduction of much extraneous matter. I rise in the hope that in just a moment or two I may clarify one point.

In the first place, this provision under discussion was written into the bill for one reason. Let me illustrate: As a practical proposition, it is not an uncommon thing for a good many of us who are in the habit of shipping fresh fruit to consign to a given market a certain number of carloads of fruit on a given day, and we believe there have been instances frequently where the commission merchants would get together and agree upon a price for that fruit lower than what it ought to be. In other words, the price was beaten down through agreements and understandings among the commission men. This practice is what has called for this provision of the bill. Following the writing in of this provision the State horticultural societies of the different States, my own State in particular, raised the point that under the wording of the bill the Secretary of Agriculture would have great difficulty in interpreting this technical language, and therefore it would militate against anything that honest commission merchants might do to protect the shipper.

The language here is that it shall be unlawful and so forth for "commission merchants, dealers, and brokers to conspire, agree or arrange among themselves," or as the language is here, "with any other person, to manipulate or control prices."

Now, what is the practical application of this language?

If a given market, for instance, to-day will carry 15 carloads of peaches and if that is the maximum amount they can legitimately use, and 20 carloads of peaches are coming on that market, the responsible commission merchants believe they can not, under this language, get together as they do now and say among themselves, "Our market will consume 15 cars to-day and not 20, and therefore to protect our shippers we must keep 5 cars off the market to-day. You put a car in storage, you put a car in storage—we will have 5 cars go into storage and this will guarantee a much better price for the 15 cars actually demanded by the trade."

The commission merchants believe this technical language is not clear and is susceptible of an easy misinterpretation and that legitimate combining, legitimate agreeing, legitimate getting together for the protection of the shipper is apt to be misconstrued and will be prohibited under this proposed act.

This is the reason objection has come in from the group of honest commission merchants, from horticultural societies, and from a large number of growers. I merely make this statement by way of explanation.

Mr. HOCH. Will the gentleman yield?

Mr. GARBER of Virginia. Certainly.

Mr. HOCH. Does the gentleman contend that commission merchants or dealers who do the things stated in paragraph 7 are now not violating the antitrust laws?

Mr. GARBER of Virginia. I do not get the gentleman's question.

Mr. HOCH. Is it not true that anyone who does the things stated in paragraph 7 is a violator of the antitrust laws?

Mr. GARBER of Virginia. Well, I am not a lawyer and, therefore, I do not care to get into a technical discussion of the question.

Mr. HOCH. Let us just read the language:

> Any commission merchant, dealer, or broker to conspire, combine, agree, or arrange with any other person to manipulate or control prices of any perishable agricultural commodity in interstate or foreign commerce.

If that is not a violation of the antitrust laws, which are directed against restraints of trade, then I do not know how you would write language that would declare an offense against the antitrust laws.

Mr. GARBER of Virginia. I might answer the gentleman by saying that the offender would come under the provisions of the antitrust laws, and there is, therefore, no real need for this provision in this bill.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. HAUGEN. Mr. Chairman, there has been a good deal of time devoted to a discussion of these amendments, and I therefore ask unanimous consent that all debate on the amendments close in 13 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this section close in 13 minutes. Is there objection?

There was no objection.

Mr. ABERNETHY. Mr. Chairman and members of the committee, I am sincerely for this bill and have been working very hard with the gentleman from the State of Washington and others to put this legislation over. The people in my section of

the country are large shippers of truck crops, and they are heartily in favor of this bill. I confess to you that if this amendment offered by the chairman—for whom I have a great respect, and I have followed him generally all these years in farm-relief legislation, and I was an original Haugenite in this House and was the only man in my section of the country who voted for the McNary-Haugen bill in all its virility when it was first put in the hopper—I am strong for this bill, but if you adopt this amendment I have very serious doubts in my mind in regard to it. I will be compelled to vote against this bill.

I think when you take out the conspiracy provision and you license these men and give them a privileged status in this country, and fail to surround them with the ordinary provisions of the law for conspiracy, you will have one of the greatest monopolies that the country has seen. I hope the gentleman from Iowa will withdraw the amendment; if he does not, I shall be compelled to vote against the bill.

Mr. HAUGEN. This is a committee amendment, offered by order of the committee.

Mr. ABERNETHY. But there is a division in the committee on it. Subsection 7 has been written into the bill by the committee I understand the gentleman from Texas [Mr. JONES], the gentleman from South Carolina [Mr. FULMER], and the gentleman from Georgia [Mr. LARSEN], all able members of the committee on this side of the House, all are supporting the bill and want this subsection 7 to remain in it.

Mr. HAUGEN. There is no controversy among the members of the committee. The power is now lodged in one department to enforce what is provided in this subsection 7, and the question is whether it is to be lodged in one department where it now is or in more than one.

Mr. ABERNETHY. I want to follow the chairman, but I must go against him this time as far as this amendment is concerned.

Mr. HAUGEN. We think that it would be better to lodge the responsibility in one head, in one department, rather than in two.

Mr. PALMER. Mr. Chairman, I am opposed to this amendment. I think this is a good bill, and if we take out this section we take out the real substance of the measure. [Applause.]

Now, let us see to whom this bill is directed. First, it shall be unlawful for any commission merchant or broker to make any fraudulent charge in respect of any perishable agricultural commodity received in interstate or foreign commerce.

Second, for any dealer to reject or fail to deliver in accordance with the terms of the contract, without reasonable cause, any perishable agricultural commodity bought or sold, contracted to be bought or sold, in interstate or foreign commerce, by such dealers.

Third, for any commission merchant to discard, dump, or destroy without reasonable cause any perishable agricultural commodity.

Fourth, for any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement concerning the condition, quality, quantity, or disposition of, any perishable commodity, and so forth.

Fifth, for any commission merchant, dealer, or broker, for a fraudulent purpose, to represent by word, act, or deed that any perishable agricultural commodity was produced in a State or in a country other than the State or country in which it was actually produced.

Sixth, for any commission merchant, dealer, or broker, for a fraudulent purpose, to remove, alter, or tamper with any card, stencil, and so forth.

Seventh, for any commission merchant, dealer, or broker to conspire, combine, agree, or arrange with any other person to manipulate or control prices of any perishable agricultural commodity in interstate or foreign commerce.

Now, that is the very meat in the coconut to keep them from conspiring. You do not find that language anywhere else in the bill. That is the object of this legislation, as I understand, to keep the commission merchants from conspiring, combining, and agreeing or arranging with another person to manipulate and control prices of any perishable agricultural commodity in interstate or foreign commerce.

Now, then, what objection, what damage is this going to do if you leave it in the bill? And, in conclusion, I say that you will take out the real meat if you adopt this amendment. [Applause.]

Mr. GLOVER. Mr. Chairman, I am heartily in favor of this bill. I believe that it is a bill which will do as much for agriculture as the Haugen bill which we have already passed. In fact, the results of it will be very much quicker if you leave it in the form in which it is now. We are seeking to correct an evil which has existed for some time. We people of the South ship our products in the St. Louis and Chicago markets. We have no one there to look after it, and much of the stuff shipped in there has fallen into the hands of corrupt people who have taken the product away from the farmer. This bill seeks to correct that. You are giving a privilege here when you license persons to do business of this kind in the city of Chicago or the city of St. Louis or any other city. There will be only a limited number who will be licensed to do business of that kind. Others will not be allowed to perform that sort of trade. You are giving a privilege to those people. That is all right. I have no objection to it. But when you come here now and have a provision that is to look after the bunch that you license to do that kind of business, the man who ships his goods into them would like to know that it will be unlawful for those people who are licensed to get together in a corner and form a conspiracy by which to control prices. I say to you that 10 men could be licensed in the Chicago market and that they could get together in a corner and fix the price, control the commodity, and rob every farmer in the South who ships into that market. The antitrust law as it is now will not touch them, as this will. This bill provides that when they violate its provisions, a complaint is made and it is the duty of the department to investigate the complaint, and prosecute it. You have the machinery set up here to get after that man when he tries to make that kind of a combination.

This provision, subsection (7), is the life of the bill. The bill provides that if this man that is licensed violates the provisions of the bill, his license is to be taken away from him, and it should be, and then if you can get him under the antitrust law and send him to the penitentiary, you ought to do it.

Mr. FULMER. If you strike subsection (7) out, these people will have a right not only to conspire to fix the prices to the producers but they can conspire to fix the prices to the consumer and rob him out of the difference.

Mr. GLOVER. Absolutely.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. GLOVER. Yes.

Mr. MICHENER. The gentleman from Arkansas is wrong or the gentleman from Texas [Mr. JONES] is wrong, because Mr. JONES told us that under this provision the most that could be done would be to revoke the license, and the gentleman from Arkansas suggests that we catch the man and prosecute him.

Mr. GLOVER. Let me read it to the gentleman:

It shall be unlawful in or in connection with any transaction in interstate or foreign commerce—

(7) For any commission merchant, dealer, or broker, to conspire, combine, agree—

And so forth.

That makes it a violation of the law.

Mr. MICHENER. Yes; but where is the penalty?

Mr. GLOVER. It is in the statute here.

Mr. MICHENER. The gentleman from Texas says that it is not.

Mr. JONES of Texas. They can take his license away from him.

Mr. GLOVER. And without this you could not do it.

The CHAIRMAN. The time of the gentleman from Arkansas has expired. All time has expired. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. HAUGEN. Mr. Chairman, I offer the following amendment to the committee amendment.

The Clerk read as follows:

Committee amendment by Mr. HAUGEN: Page 21, strike out the period in line 2, insert a colon and the following:

Provided, That this paragraph shall not be construed in any way to abridge or alter any of the rights or privileges under any other provision of law of any cooperative association qualified under the act entitled "An act to authorize an association of producers of agricultural products," approved February 18, 1922.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEAVITT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 108 and had come to no resolution thereon.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of

the two Houses on the amendments of the Senate to the bill (H. R. 6564) entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1931, and for other purposes."

The message also announced that the Senate further insists upon its amendments to the bill (H. R. 2667) entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes," numbered 364, 371, 885, 893, 903, 904, 1004, 1006, 1091, 1093, 1095, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1138, 1139, 1140, 1141, and 1151, relating to matters of substance; and amendments numbered 40, 41, 42, 43, 48, 49, 65, 66, 67, 374, 375, 377, 379, 380, 381, 383, 385, 386, 387, 895, 896, 897, 898, 899, 901, 902, 905, 906, 907, 908, 909, 910, 911, 913, 914, 915, 916, 917, 919, 920, 921, 922, 923, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 940, 942, 945, 946, 947, 948, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 987, 989, 992, 993, 995, 997, 999, 1002, 1003, 1008, 1009, 1010, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1031, 1032, 1033, 1034, 1036, 1037, 1038, 1039, 1040, 1041, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1055, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1066, 1067, 1068, 1070, 1071, 1072, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1085, 1086, 1087, 1089, 1090, 1094, 1096, 1098, 1099, 1102, 1103, 1104, 1105, 1109, 1111, 1112, 1156, 1157, 1171, and 1179, of a clerical nature, disagreed to by the House, asks a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SMOOT, Mr. WATSON, Mr. SHORTRIDGE, Mr. SIMMONS, and Mr. HARRISON to be the conferees on the part of the Senate.

NAVAL APPROPRIATION BILL

Mr. FRENCH, by direction of the Committee on Appropriations, reported the bill (H. R. 12236, Rept. No. 1395) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1931, and for other purposes, which was referred to the Union Calendar and ordered printed.

Mr. LaGUARDIA and Mr. JONES of Texas reserved all points of order.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I submit for printing the conference report on the bill H. R. 6564, the Interior Department appropriation bill.

RELATION OF THE FEDERAL WAREHOUSE ACT TO THE FEDERAL MARKETING ACT

Mr. GARBER of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating therein a memorandum from the chief of the warehouse division of the Department of Agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. GARBER of Oklahoma. Mr. Speaker, Members of the House, the recent resolution of the board of directors of the National Chamber of Commerce, under the direction of Benjamin Butterworth, its president, and Julius Barnes, as chairman of the board, demanding a repeal of the effective provisions of the Federal marketing act and criticizing its administration by the Federal Farm Board, does not represent the consensus of opinion of the business men of the country, and by business men I include the men engaged in business throughout the entire country and who are members of their various chambers of commerce in their respective localities. The resolution referred to was simply jammed through the chamber under the leadership of Julius Barnes, chairman of the board, representing the grain interests of the country, with the aid of big business. No referendum was ever submitted to the membership of the organization. They were not consulted, and the high-handed action taken is a direct repudiation of the action taken by the membership by referendum vote demanding the enactment of remedial legislation.

The business men's commission on agriculture, appointed by the National Chamber of Commerce to investigate conditions and report and suggest remedial measures, was composed of some of the ablest representative executives in the United States, as is shown by the following list of its membership:

Charles Nagel, St. Louis, Mo. (chairman), of Nagel & Kirby; E. N. Brown, New York City, St. Louis-San Francisco Railway Co.; E. M. Herr, New York City, president Westinghouse Electric & Manufacturing Co.; J. G. Lonsdale, St. Louis, Mo., president National Bank of Commerce; A. F. McKissick, Greenville, S. C., vice president Alice Mills; Clay Miller, San Francisco, Calif., of Clay Miller & Co.; Arthur R. Rogers, Minneapolis, Minn., president Rogers Lumber Co.; John Stuart, Chicago, Ill., president Quaker Oats Co.; Alfred H. Swayne, New York City, vice president General Motors Corporation; Paul M. Warburg, New York City, chairman International Acceptance Corporation.

After a thorough investigation and study of the conditions of agriculture they made their report to the chamber, which included the following suggestions:

The commission suggests, therefore, that a Federal Farm Board, consisting of a small number of men appointed by the President, should be established to aid in the stabilization of prices and production in agriculture by advising farmers and farm organization fully and promptly regarding the planning of production and the marketing of crops. This board should make use of the facilities of the United States Department of Agriculture and be assisted in its work by advisory committees composed of persons adequately representing each important branch of agriculture and directly responsible to farmers and farm organizations who would cooperate with it both in supplying information and advice and in making its influence effective in the production and marketing of crops.

With the advice and assistance of the Federal Farm Board effort should be made to organize stabilization corporations to engage in the buying and selling of farm products for the purpose of stabilizing prices. Such corporations should be established through the cooperation of farm organizations, of private business organizations and of the Government acting through the Federal Farm Board, each of these supplying a part of the capital necessary. The Federal Government should at no time hold a controlling interest in the corporations, although it should participate in their management and be in a position to exercise such supervision over them as it does over the national banks, the Federal land banks, and the intermediate credit system.

These suggestions were incorporated in the Federal marketing act of 1929 and are essential to the vitality of the act although it is bottomed upon the effectiveness of cooperative organizations composed of the producers of agricultural products.

Just now the act and its administration by the Federal Farm Board are going through a crucial test of vicious criticism and attack by those interests making millions out of the merchandising of farm products. In other words, their position is that they only should exercise the privilege of marketing farm products and that the producers, through their organizations, should not be permitted to do so.

One of the main objectives of farm relief was to cut out the unnecessary overhead between the producer and the consumer. That overhead of so many different agencies handling the farmers' products exacted an average annual toll of $11,951,000,000; or, in other words, out of every dollar's worth of farm products the farmer produced he was only permitted to retain 45 cents.

The present criticism, denunciation, and violent assault of the law and its administration is the best evidence of its effectiveness in gradually attaining the above objective. As Chairman Legge put it: If the law did not work, there would be no objection. Or, in other words, they only favor farm relief so long as it does not work.

Supplementing the agricultural marketing act is the warehouse act, enacted in 1916. The proposed amendments now pending should be adopted. The act should be strengthened. It supplements the Federal marketing act. It is essential to storage. Storage is essential to orderly marketing. Orderly marketing is essential to the stabilization of the prices of farm products and their stabilization is essential to the exaction of reasonable prices to the producers. The Federal warehouse act is gradually winning its way into greater and wider usefulness. The following statement furnished me by H. Stanford Yohe, principal marketing specialist of the warehouse division of the Department of Agriculture, gives valuable information as to the utilization of storage through the act. Mr. Yohe is recognized as one of the leading marketing specialists of the United States, in full sympathy with the farmers and their efforts to better their conditions through cooperative organizations. His services in this connection will be appreciated upon a careful perusal of the statement which I append.

MEMORANDUM ON UNITED STATES WAREHOUSE ACT

The Federal warehouse act was passed in August, 1916. Little use was made of it for the first five years following its passage. Since then its use has increased substantially each year until to-day 635 warehouses of various sizes and storing various agricultural products are operating under its provisions.

The following table shows the number of warehouses by commodities and the amounts of such commodities that are storable in these warehouses at one time:

Commodities stored in warehouses

Commodity	Number	Capacity
Cotton.....bales	332	4,022,310
Grain.....bushels	185	42,585,497
Wool.....pounds	20	37,158,940
Tobacco.....do	7	202,700,000
Peanuts.....tons	11	14,955
Broomcorn.....bales	1	1,000
Dried beans.....hundredweight	12	575,760
Sirup.....gallons	13	1,079,610
Dried fruit.....pounds	1	4,000,000
Canned foods.....cases	45	2,424,900
Cottonseed.....tons	4	16,000
Cold-pack fruit.....pounds	4	4,235,000

During the past eight years farmers' cooperative marketing associations, handling products which are eligible for storage under the act, have used these federally licensed warehouses on a large scale. With the exception of two, all of the large cotton-growers' associations have been using, and are using, Federal warehouse receipts as a basis of their financial operations. The various cooperative wheat-growers' associations, including the Central States Wheat Growers' Association, the Southwest Wheat Growers' Association, the Oklahoma Wheat Growers' Association, the Texas Wheat Growers' Association, the Kansas Wheat Growers' Association, and the Northwest Wheat Growers' Association, have used Federal warehouse receipts. The large tobacco cooperative growers' associations, when they were functioning, depended entirely upon such receipts for their financing. The Colorado Bean Growers' Association has been using them exclusively from the beginning of their organization. The same is true of the Idaho Bean Growers' Association. The Arkansas Rice Growers' Association has been depending on Federal warehouse receipts. There are any number of other cooperative associations handling dried fruit, canned foods, wool, and other commodities which store their products in federally licensed warehouses with the idea of getting a receipt which will aid them to the utmost in financing their members.

In addition to the use made by these various cooperative associations of the warehouse act, there are thousands of handlers of agricultural products and tens of thousands of individual farmers who are also using federally licensed warehouses. The very largest cotton dealers of the country are using these federally licensed warehouses because both these dealers and their bankers have come to recognize that when products are stored in these federally licensed warehouses they will be there when delivery is desired and the banks recognize the merits of the many safeguards that are thrown about these warehouses to protect the collateral.

Quotations from a few letters regarding the warehouse act may be of service.

A large grain operator in Omaha, who stores for the farmers and for cooperative associations, advises in part as follows:

"Everyone admits that if we are working under the Government system we have everything that could be desired. Our operating under the law has made it possible for us to borrow about double the funds we did before and at lower interest than the prevailing rates."

From the Colorado Bean Growers' Association came this word:

"We have found the warehouse act invaluable in financing the operations of our association during the past two years."

From the operator of perhaps the largest tobacco warehouses in the country comes this word:

"I have sixty and odd warehouses here covering more than one and one-quarter million square feet of space, and have had them all bonded under the warehouse act for more than five years. * * * I have, at the present time, more than 85,000 hogsheads and cases of tobacco, something over 80,000,000 pounds in weight and $20,000,000 in value. I simply mention this to give you some idea of the volume of business being handled. I do not see how your association can fail to realize what a great help this branch of the Department of Agriculture is to the farmer, the dealer, and the warehouseman."

In the attached circular, on pages 6, 7, 8, and 9, certain paragraphs are marked in the margin with blue pencil, directing attention to the opinions of leading bankers concerning the warehouse receipts issued under the United States warehouse act.

The proposed amendments to the warehouse act now under consideration have several objectives:

First, the present law imposes certain administrative duties upon the Secretary, which, as a matter of fact, because of the volume, must be handled by subordinates. It is, therefore, proposed in some of the amendments to relieve the Secretary of this detail, placing it in the hands of persons whom he will designate. In other words, these amendments are made for administrative convenience.

The amendment to section 10 authorizes the collection of a fee from persons who are licensed to inspect, grade, and/or weigh agricultural products. At present no such fee is authorized, and since the license is of distinct service to the persons who are licensed there is no reason why a reasonable fee should not be charged.

The amendment to section 29 is one of the most important now suggested. In a good many States there are State warehousing laws, many of which are merely declaratory of what the law should be and have no administrative machinery. The Federal warehouse act as now worded provides that where there is a conflict of law between the State and Federal law that the State law shall prevail.

Experience has demonstrated that this is an unsound provision. As a general thing it is an easy matter to have a statute in a State amended. The result is that when the Federal act has a specific provision which does not meet the approval of some people they promptly attempt to have the State law amended regardless of the fact that the Federal requirement is absolutely sound. With the State law the opposite of what the Federal law is, and with section 29 of the Federal act worded as it now is, it at once is apparent that the Federal act is defeated in it purpose.

Several such instances have already taken place, with the result that either unsound conditions were created or that unnecessary hardships were imposed upon the warehousemen or they were driven from the Federal warehouse system. Either of these conditions is undesirable, because the Federal act and the warehouse receipts issued thereunder have both been recognized by the leading bankers of the country from one end to the other.

The Federal warehouse act has played no small part in the large scale financing which many of our leading cooperative growers' associations have required, and everything should be done to strengthen this act rather than to weaken it.

Only recently the vice president of one of the largest banks in the Pacific Northwest, where they have cooperative growers' associations handling various commodities, in writing an article in one of the leading banking journals made the following statement regarding federally licensed receipts and the amendments now pending in Congress to the Federal warehouse act:

"Fortunately, so far as those interested in the products of agriculture are concerned, the Federal Government several years ago recognized the necessity of protecting the farmer by the proper storage of his products. * * * Federal licensing has spread rapidly over the country, and wherever it is employed has proved its worth and demonstrated the value of a receipt that can be absolutely relied upon as collateral security. In the case of a federally licensed warehouse, the banker is relieved of the necessity of determining the standing and integrity of the warehouseman, his ability, and the quality of his equipment. * * *

"A bill now pending in Congress, known as Senate bill 1202, provides for amending the Federal warehouse act. Briefly stated, the purposes of the amendment are to fortify the act in a few places where experience has demonstrated such need. Perhaps the most important of these needed changes is to relieve the operation of the act from interference by State laws, as has been permitted in some parts of the country. This is reasonable and in accord with other Federal enactments, such as the national bank act, the Federal reserve act, and others. The Federal warehouse act is not mandatory legislation, and the warehouseman only operates under it when he chooses to do so and is able to meet its requirements. To strengthen this law is to strengthen the collateral issued thereunder, and not have it subject to attack by those who do not want to practice sound warehousing."

RECOMMITTAL OF THE BILL H. R. 8461

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to vacate the proceedings under which the bill H. R. 8461 was laid on the table, and that the bill be recommitted to the Committee on War Claims.

The SPEAKER. The gentleman from Kansas asks unanimous consent to vacate the proceedings by which the bill H. R. 8461 was laid on the table, and that the bill be recommitted to the Committee on War Claims. Is there objection?

Mr. SCHAFER of Wisconsin. Reserving the right to object, Mr. Speaker, what is the purpose of the bill?

Mr. STRONG of Kansas. To make a refund to a steel company. The bill was reported adversely, and then the committee had additional testimony, so that we ask to have the proceedings vacated and the bill recommitted to the committee.

Mr. SCHAFER of Wisconsin. It was a unanimous report, was it?

Mr. STRONG of Kansas. Yes.

Mr. SCHAFER of Wisconsin. What do you want it to go back for?

Mr. HARE. This bill was reported from the committee of which I have the honor to be a member. It was reported adversely, but since then information has been received to the effect that our previous information was erroneous.

Mr. LaGUARDIA. What action of the House is the request of the gentleman intended to vacate?

Mr. STRONG of Kansas. The proceedings by which the bill was reported adversely.

The SPEAKER. A bill reported adversely under the rules shall lie on the table unless a request is made within three days that it be referred to the calendar. That request not having

been made, the bill automatically went to the table. Is there objection to the request of the gentleman from Kansas?

There was no objection.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 11780. An act granting the consent of Congress to Louisville & Nashville Railroad Co. to construct, maintain, and operate a railroad bridge across the Ohio River at or near Henderson, Ky.; and

H. J. Res. 305. Joint resolution providing for the participation by the United States in the International Conference on Load Lines, to be held in London, England, in 1930.

The SPEAKER announced his signature to a bill and joint resolution of the Senate of the following titles:

S. 2076. An act for the relief of Drinkard B. Milner; and

S. J. Res. 135. Joint resolution authorizing and requesting the President to extend to foreign governments and individuals an invitation to join the Government and people of the United States in the observance of the one hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, Va.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval a joint resolution of the House of the following title:

H. J. Res. 305. Joint resolution providing for the participation by the United States in the International Conference on Load Lines, to be held in London, England, in 1930.

ADJOURNMENT

Mr. HAUGEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned, to meet to-morrow, Thursday, May 8, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, May 8, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON EDUCATION

(10.30 a. m.)

To provide for the further development of vocational education in the several States and Territories (H. R. 10821).

COMMITTEE ON WAR CLAIMS

(4.30 p. m.)

For the relief of George B. Marx (H. R. 1611).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To amend section 4530 of the Revised Statutes of the United States (H. R. 6789).

To amend section 2 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea" (H. R. 6790).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(11 a. m.)

To reorganize the Federal Power Commission and to amend the Federal water power act (H. R. 11408).

SUBCOMMITTEE

(10 a. m.)

To amend an act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926 (H. R. 9890).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To amend the naturalization law (H. R. 3547).

COMMITTEE ON FLOOD CONTROL

(10.30 a. m., 2.30 p. m., and 8 p. m.)

To provide for a survey of the Colorado River, Tex., with a view to the prevention and control of floods (H. R. 11659).

To consider the economics involved in flood control in areas affected by backwaters of the Mississippi River.

To amend section 7 of Public Act No. 291, Seventieth Congress, approved May 15, 1928 (H. R. 8479).

To amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries, approved May 15, 1928" H. R. 11548).

The committee will hear proposals to construct a spillway below New Orleans.

COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

(10.40 a. m.)

Authorizing any executive department or independent establishment to do work for any other executive department or independent establishment and prescribing the method of payment therefor (H. R. 10199).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. R. 9601. A bill to provide for the appointment of an additional circuit judge for the third judicial circuit; without amendment (Rept. No. 1389). Referred to the Committee of the Whole House on the state of the Union.

Mr. KIESS: Committee on Printing. H. R. 8653. A bill to authorize Members of Congress to exchange with the Public Printer Government publications for public distribution; without amendment (Rept. No. 1390). Referred to the House Calendar.

Mr. KOPP: Committee on Labor. H. R. 995. A bill to create in the Bureau of Labor Statistics of the Department of Labor a division of safety; without amendment (Rept. No. 1392). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 10880. A bill authorizing the construction of the Michaud division of the Fort Hall Indian irrigation project, Idaho, an appropriation therefor, and the completion of the project, and for other purposes; with amendment (Rept. No. 1393). Referred to the Committee of the Whole House on the state of the Union.

Mr. FRENCH: Committee on Appropriations. H. R. 12236. A bill making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1931, and for other purposes; without amendment (Rept. No. 1395). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McSWAIN: Committee on Military Affairs. H. R. 11899. A bill to make a correction in an act of Congress approved February 28, 1929; without amendment (Rept. No. 1391). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 12229) to amend the act of March 4, 1911, entitled "An act for the establishment of marine schools, and for other purposes"; to the Committee on Naval Affairs.

By Mr. JAMES (by request of the War Department): A bill (H. R. 12230) to permit naval and Marine Corps service of Army officers to be included in computing dates of retirement; to the Committee on Military Affairs.

By Mr. McDUFFIE: A bill (H. R. 12231) authorizing the exchange of certain real properties situated in Mobile, Ala., between the Secretary of Commerce on behalf of the United States Government and the Gulf, Mobile & Northern Railroad Co., by the appropriate conveyances containing certain conditions and reservations; to the Committee on Interstate and Foreign Commerce.

By Mr. WURZBACH: A bill (H. R. 12232) authorizing P. D. Anderson and W. B. Johnson, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Rio Grande River between Presidio, Tex., and Ojinaga, Mexico; to the Committee on Interstate and Foreign Commerce.

By Mr. KNUTSON: A bill (H. R. 12233) authorizing the Robertson & Kanine Co., of Montreal, Canada, its successors and assigns, to construct, maintain, and operate a bridge across the Rainy River at or near Baudette, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN: A bill (H. R. 12234) to authorize the use of certain land owned by the United States in the District of Columbia for street purposes; to the Committee on the District of Columbia.

By Mr. CRAMTON: A bill (H. R. 12235) to provide for the creation of the colonial national monument in the State of Virginia, and for other purposes; to the Committee on the Public Lands.

By Mr. FRENCH: A bill (H. R. 12236) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1931, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. GREGORY: A bill (H. R. 12237) to confer additional jurisdiction on the United States Board of Tax Appeals, and for other purposes; to the Committee on Ways and Means.

By Mr. GRAHAM: Concurrent resolution (H. Con. Res. 31) to print 10,000 additional copies of the hearings held before the House Committee on the Judiciary on joint resolutions proposing to amend the Constitution of the United States relating to the manufacture and sale of intoxicating liquors within the United States; to the Committee on Printing.

By Mr. BROWNE: Joint resolution (H. J. Res. 333) to authorize an appropriation of $10,000 for the expenses of participation by the United States in the Ninth International Dairy Congress, Copenhagen, Denmark, 1931; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOLTON: A bill (H. R. 12238) granting an increase of pension to Millie Burton; to the Committee on Invalid Pensions.

By Mr. CLAGUE: A bill (H. R. 12239) for the relief of Lela B. Smith; to the Committee on Claims.

By Mr. CROWTHER: A bill (H. R. 12240) granting an increase of pension to Mary A. McLeod; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: A bill (H. R. 12241) granting a pension to Minnie Phillips; to the Committee on Pensions.

By Mr. EATON of Colorado: A bill (H. R. 12242) granting a pension to Inez I. Beghtol; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 12243) granting an increase of pension to Emma C. Phillips; to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 12244) for the relief of Mary Oliver; to the Committee on Military Affairs.

By Mr. HOGG: A bill (H. R. 12245) granting an increase of pension to Emily M. Kiser; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 12246) granting an increase of pension to Eva L. Brown; to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 12247) to authorize credit in the disbursing accounts of certain officers of the Army of the United States; to the Committee on Claims.

By Mr. KENDALL of Pennsylvania: A bill (H. R. 12248) granting an increase of pension to Barbara C. Bitner; to the Committee on Invalid Pensions.

By Mr. McCORMACK of Massachusetts: A bill (H. R. 12249) for the relief of Harry Siegel; to the Committee on Military Affairs.

By Mr. MILLIGAN: A bill (H. R. 12250) granting a pension to Margaret A. Alley; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 12251) granting a pension to Margaret McMurray; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 12252) granting an increase of pension to Marguerite Denny; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12253) granting an increase of pension to Mary H. Clintsman; to the Committee on Invalid Pensions.

By Mr. STOBBS: A bill (H. R. 12254) to carry out the findings of the Court of Claims in the case of the Atlantic Works, of Boston, Mass.; to the Committee on Claims.

By Mr. STRONG of Pennsylvania: A bill (H. R. 12255) granting a pension to Mary Gresh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12256) granting an increase of pension to Ella J. Heasley; to the Committee on Invalid Pensions.

By Mr. WOLVERTON of New Jersey: A bill (H. R. 12257) granting an increase of pension to Anna M. Dielkes; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 12258) granting an increase of pension to Amy M. Browne; to the Committee on Pensions.

By Mr. ZIHLMAN: A bill (H. R. 12259) granting a pension to Carrie Lynch; to the Committee on Invalid Pensions.

By Mr. BACON: A bill (H. R. 12260) granting an increase of pension to Georgia A. Harlow; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7217 By Mr. BRUNNER: Petition of the National Council of Jewish Women, North Shore section, Long Island, N. Y., protesting against the passage of Senate bill 1278 and House bills 10669 and 11876, as fixing educational standards for applicants for citizenship entirely too high for adult aliens; to the Committee on Immigration and Naturalization.

7218. By Mr. CRADDOCK: Resolution of Woman's Christian Temperance Union, Hardinsburg, Ky., signed by Mrs. A. Kincheloe, president, and Clara Eskridge, secretary, requesting the House of Representatives to pass legislation providing for Federal supervision of motion pictures that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7219. By Mr. COYLE: Petition of Bethlehem Council, No. 508, Fraternal Patriotic Americans, Bethlehem, Northampton County, Pa., urging the enactment of the Robsion-Capper free public school bill into law; to the Committee on Education.

7220. By Mr. ENGLEBRIGHT: Petition of Mitchell Tillotson, secretary Modoc County Development Board, approving House bill 9599; to the Committee on Agriculture.

7221. By Mr. EVANS of California: Petition of Ida Bick, and signed by approximately 250 others, urging the passage of the Robsion-Capper education bill; to the Committee on Education.

7222. By Mr. GARBER of Oklahoma: Petition of Oklahoma City Chamber of Commerce, favoring Crisp and Simmons bills but calling attention to fact that the word "Oklahoma" should be included in both; to the Committee on Irrigation and Reclamation.

7223. Also, petition of Southern States Art League, New Orleans, La., in support of House bill 7243, design copyright bill, introduced by Mr. VESTAL; to the Committee on Patents.

7224. By Mr. GLOVER: Memorial of common council of the city of Camden, State of Arkansas, to proclaim October 11 as General Pulaski's memorial day; to the Committee on the Judiciary.

7225. By Mr. GREENWOOD: Petition of Rodney H. Delphia and 148 other members of Burch-Wood Post, No. 121, the American Legion, for the immediate payment in cash of the adjusted-service certificates to the World War veterans; to the Committee on World War Veterans' Legislation.

7226. By Mr. GUEVARA: Resolution adopted by Nagtitipunan Daguiti Ilocanos Association of San Pablo, Laguna, P. I., signed by Faustino Espiritu, president, and Jose E. Estavillo, secretary, protesting against the violence committed upon the Filipino residents of Watsonville, Calif.; to the Committee on Insular Affairs.

7227. Also, resolution No. 44 of the Municipal Council of San Pablo, Laguna, P. I., adhering to the bill of Senator KING which provides for the complete, immediate, and absolute independence of the Philippine Islands, and earnestly requesting the members of the Philippine independence mission and the Resident Commissioners to give their utmost support and recommend that the bill be approved by Congress; to the Committee on Insular Affairs.

7228. Also, resolution unanimously adopted by the inhabitants of the municipality of Cavinti, Province of Laguna, P. I., upon the occasion of Rizal's Day celebration, expressing their sincere desire, as a component part of the people of the Philippine Archipelago, to be free and independent. The resolution was signed by Onofre Valente, chairman, and members of the committee on Rizal Day; to the Committee on Insular Affairs.

7229. By Mr. KORELL: Petition of residents of Multnomah County, Oreg., urging the enactment of House bill 8976; to the Committee on Pensions.

7230. By Mr. O'CONNELL of New York: Petition of the Chamber of Commerce of the State of New York, favoring a 24-hour quarantine service at New York; to the Committee on the Merchant Marine and Fisheries.

7231. Also, petition of the National Retail Dry Goods Association of New York, favoring certain amendments to House bill 11852, copyright bill; to the Committee on Patents.

7232. By Mr. SELVIG: Petition of city council of Two Harbors, Minn., urging enactment of House Joint Resolution 167, setting aside October 11 of each year as General Pulaski's memorial day; to the Committee on the Judiciary.

7233. By Mr. SMITH of West Virginia: Petition of the postal employees of Elkins, W. Va., favoring the passage of Kendall 44-hour week bill; to the Committee on the Post Office and Post Roads.

7234. By Mr. SULLIVAN of Pennsylvania: Petition of Pittsburgh Sisterhood, No. 80, Dames of Malta, representing a membership of 200, urging immediate consideration of Robsion-Capper bill; to the Committee on Education.

SENATE

THURSDAY, *May 8, 1930*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Thou who art ever near, yet invisible to our dim eyes; who dwellest in the innermost, yet art unknown to our distracted thought, we come to Thee with no fond feeling of perfection reached, but only with the wistfulness of need. Give us this day Thy life in such abundance that we may bathe our souls in Thy pure light; give us sufficient of Thy power that we may be a power of righteousness among our fellow men; give us such measure of Thy love that all the lesser things of time and sense may fade before the vision of the highest, holiest manhood.

And if Thou seest fit to lead us through the shadowland of sorrow, suffering, or sacrifice, make us to be as those whose hearts are set on high, whose minds are generous and lofty, for the sake of Him whose sorrow stays our feet, whose suffering stirs our hearts, whose sacrifice doth save our souls, Jesus Christ our Lord. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative days of Monday, April 21, 1930, and Wednesday, April 30, 1930, when, upon request of Mr. FESS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 7. An act to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States warehouse act, approved August 11, 1916, as amended;

H. R. 730. An act to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended; and

H. R. 10877. An act authorizing appropriations to be expended under the provisions of sections 4 to 14 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 2076. An act for the relief of Drinkard B. Milner;

H. R. 11780. An act granting the consent of Congress to Louisville & Nashville Railroad Co. to construct, maintain, and operate a railroad bridge across the Ohio River at or near Henderson, Ky.; and

S. J. Res. 135. Joint resolution authorizing and requesting the President to extend to foreign governments and individuals an invitation to join the Government and people of the United States in the observance of the one hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, Va.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Black	Bratton	Caraway
Ashurst	Blaine	Brock	Connally
Barkley	Blease	Broussard	Copeland
Bingham	Borah	Capper	Couzens
Cutting	Hebert	Phipps	Swanson
Deneen	Howell	Pine	Thomas, Idaho
Dill	Johnson	Pittman	Thomas, Okla.
Fess	Jones	Ransdell	Trammell
Frazier	Kean	Reed	Tydings
Glass	Kendrick	Robinson, Ark.	Vandenberg
Glenn	Keyes	Robinson, Ind.	Wagner
Goldsborough	La Follette	Schall	Walcott
Gould	McKellar	Sheppard	Walsh, Mass.
Greene	McMaster	Shortridge	Walsh, Mont.
Hale	McNary	Simmons	Waterman
Harris	Metcalf	Smoot	Watson
Harrison	Norris	Steck	Wheeler
Hatfield	Oddie	Stelwer	
Hawes	Overman	Stephens	
Hayden	Patterson	Sullivan	

Mr. FRAZIER. My colleague [Mr. NYE] is unavoidably detained from the Senate. I ask that this announcement may stand for the day.

Mr. SHEPPARD. I wish to announce that the Senator from Florida [Mr. FLETCHER], the Senator from Utah [Mr. KING], and the Senator from South Carolina [Mr. SMITH] are all detained from the Senate by illness.

Mr. BLACK. I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS

Mr. HARRIS presented a resolution adopted by the Common Council of the City of Elberton, Ga., favoring the passage of legislation designating October 11 of each year as General Pulaski's memorial day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, Revolutionary War hero, which was referred to the Committee on the Library.

Mr. RANSDELL presented resolutions of the Louisiana Bankers' Association, which were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Resolution of Louisiana Bankers' Association favoring less Government in business

Whereas the very fundamental of the right of the private enterprise of our Republic is being trespassed upon through interference by the activities of our Federal Government;

Whereas this is particularly true at the present time through an encroachment upon the established, recognized, and orderly conduct of activities agricultural; and

Whereas this interference establishes a precedent for the extension of Government interference into unlimited lines of industry: Therefore be it

Resolved, That the Louisiana Bankers' Association views with increasing alarm the further encroachment of Government into private business affairs; be it further

Resolved, That this association feels that the time has come to build up a clear understanding of the need for less Government in business so that private enterprises may expand and prosper; be it further

Resolved, That a copy of this resolution be forwarded by the secretary of the Louisiana Bankers' Association to the Members of the United States House of Representatives and the United States Senators from Louisiana; be it further

Resolved, That the American Bankers' Association be requested to indorse this principle and further requested to communicate their action to all of the United States Congressmen and Senators in the several States, together with a copy to His Excellency President Hoover.

G. R. BROUSSARD, *Secretary*.

APRIL 26, 1930.

Mr. WALCOTT presented a resolution adopted by the Board of Aldermen of the City of New Haven, Conn., favoring the ordering by Congress of a popular referendum on the eighteenth amendment to the Constitution, which was referred to the Committee on the Judiciary.

He also presented petitions and papers in the nature of petitions of the United Brotherhood of Carpenters and Joiners, of New Haven; the Connecticut Federation of Labor, of Bridgeport; the New Haven Trades Council, the Hartford Central Labor Union, and the United Brotherhood of Carpenters and Joiners, of Noank, all in the State of Connecticut, praying for the passage of House bill 10343, providing for the placing of immigrants from countries of the Western Hemisphere under quota restriction, which were referred to the Committee on Immigration.

He also presented petitions and papers in the nature of petitions of Frederick Fuller Camp, No. 24, United Spanish War Veterans, of Guilford; Allen M. Osborn Camp, No. 1, United Spanish War Veterans, of New Haven; Burdette Camp, United Spanish War Veterans, of Hartford; Ernest Weichert Camp, No. 26, United Spanish War Veterans, of Danbury; N. W. Bishop Camp, No. 3, United Spanish War Veterans, of Bridgeport; William Hamilton Camp, No. 20, United Spanish War Veterans, of

Danielson; William McKinley Camp, United Spanish War Veterans, of South Norwalk; G. A. Hudsell Camp, No. 21, United Spanish War Veterans, of Bristol; Griswold Camp, United Spanish War Veterans, of Norwich; Capt. Charles B. Bowen Camp, No. 2, United Spanish War Veterans, of Meriden; Charles P. Kirkland Camp, No. 18, United Spanish War Veterans, of Winsted; the Ladies' Auxiliary of McKinley Camp, United Spanish War Veterans, of South Norwalk, and sundry citizens of Winsted, all in the State of Connecticut, praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which were ordered to lie on the table.

Mr. BINGHAM presented resolutions adopted by the boards of aldermen of the cities of New Haven and Derby, and the common councils of the cities of Meriden and New Britain, in the State of Connecticut, favoring the passage of legislation dedicating October 11 of each year as General Pulaski's memorial day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, Revolutionary War hero, which were referred to the Committee on the Library.

He also presented a resolution adopted by Lady Sherman Council, No. 15, Sons and Daughters of Liberty, of Shelton, Conn., favoring the passage of legislation placing all countries of North and South America under immigration-quota restriction, which was referred to the Committee on Immigration.

He also presented memorials of the Beth-El Synagogue, of Waterbury, and members of the Polish-American Citizens' Committee, of New Britain, in the State of Connecticut, remonstrating against the passage of legislation providing for the registration of aliens, either voluntarily or compulsorily, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Mystic, and of members of the Jewish Republican Club, of Colchester, in the State of Connecticut, remonstrating against the passage of the so-called Blease bill, providing for the voluntary registration of aliens, which were ordered to lie on the table.

He also presented a resolution adopted by the board of directors of the Stamford (Conn.) Jewish Center, opposing the passage of legislation for the registration of aliens legally resident in the United States, which was ordered to lie on the table.

He also presented a resolution adopted by the congregation of B'nai Jacob, of New Haven, Conn., opposing the adoption of any plan for the simplification of the calendar which would include a blank day or any other device by which the existing and immemorially fixed periodicity of the Sabbath would be destroyed, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the board of aldermen of the city of New Haven, Conn., favoring the ordering by Congress of a popular referendum on the eighteenth amendment to the Constitution, which was referred to the Committee on the Judiciary.

He also presented a resolution of Jared R. Avery Camp, No. 20, Sons of Union Veterans of the Civil War, of New London, Conn., favoring the passage of legislation making The Star-Spangled Banner the national anthem, which was referred to the Committee on the Library.

He also presented a resolution adopted by the Juneau (Alaska) Chamber of Commerce, protesting against the enactment of section 3 of House bill 9726, which proposes to amend the Alaska game law so as to grant the power of search without warrant to officers and employees of the Alaska Game Commission, which was referred to the Committee on Territories and Insular Affairs.

He also presented a resolution adopted by the board of directors of the Chamber of Commerce of New London, Conn., favoring the passage of legislation granting increased compensation to officers and enlisted men of the Army, Navy, Marine Corps, Coast Guard, Public Health Service, and the Geodetic Survey, which was referred to the Committee on Military Affairs.

He also presented memorials of sundry citizens of New Haven, remonstrating against the passage of legislation empowering the Postmaster General to prohibit the holding of C. O. D. parcels beyond 15 days without demurrage charges, which were referred to the Committee on Post Offices and Post Roads.

He also presented a resolution of the Young Women's Christian Association of Bridgeport, Conn., favoring the prompt ratification of the proposed World Court protocol, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Bridgeport, Saugatuck, Westport, Stratford, Fairfield, Milford, Springdale, Danbury, Bethel, Stamford, and Waterbury, all in the State of Connecticut, remonstrating against the entry of the United States into the World Court, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of New Milford, Hartford, Willimantic, Bridgeport, Fairfield, and New Haven Counties, all in the State of Connecticut, praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Legaspi, Albay, P. I., praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which was ordered to lie on the table.

He also presented a resolution adopted by the Common Council of the City of New Britain, Conn., favoring the passage of the so-called "fifty-fifty" pension bill, providing increased pensions to veterans of the war with Spain, which was ordered to lie on the table.

CRITICISM OF M'GRAW-HILL PUBLICATION'S OPPOSITION TO DUTY ON SILVER

Mr. PITTMAN. Mr. President, the McGraw-Hill publication, the Engineering and Mining Journal, in its issue of May 8, has an editorial entitled "The Tariff on Silver." Whilst the article is as insulting to the dignity and intelligence of the Senate and as sly, hypocritical, and deceptive as the former editorial against silver in the Engineering and Mining Journal which I criticized in my speech on April 18, I am satisfied that this editorial, like the former, is written to be used as propaganda, and will be used as propaganda, as was the former editorial, with every Member of Congress.

I observe that the McGraw-Hill Publishing Co. in this last article does not deny or even mention its disgraceful conduct in violating the confidence of the Federal Power Commission, and conspiring, I may say successfully, with the Niagara Falls Power Co. to have deleted from a report by the Federal Power Commission to Congress facts charging dishonest and corrupt practices on the part of the Niagara Falls Power Co.

I may say that until the McGraw-Hill Publishing Co. can at least give some plausible excuse for such dishonorable conduct it is not entitled to complain of criticism on the floor of the United States Senate. At the time of the disgraceful conduct to which I refer several Senators read the whole testimony with regard to these facts taken from the published public hearings of the Committee on Interstate Commerce of the Senate. No language could have been as condemnatory as were these facts that were read, and yet the McGraw-Hill Publishing Co., who edit the Engineering and Mining Journal, remained silent with regard to such matter, and they still remain silent.

In one voice the McGraw-Hill publication contends that the proposed duty of 30 cents will not increase the price of silver, and then in the same article they argue that the imposition of the duty will place too big a burden upon the consumer. If they believe their first argument, then the second argument must be admittedly hypocritical.

They attempt to show that there is overproduction of silver which causes the tremendous depreciation in the price. They do not tell clearly and plainly that the overproduction is not a natural production from the mines but an artificial production of silver bullion caused by the melting up and dumping on the market of hundreds of millions of ounces of silver reserves in India which have accumulated through the ages in the form of coins, plate, and jewelry.

It is against this dumping that all other countries in the world are attempting to protect themselves. Even China is seeking to have a high duty placed on importations of silver to protect against this dumping, which has almost ruined China. Mexico, according to the press, has placed an embargo upon the importation of silver.

If the Engineering and Mining Journal, published by the McGraw-Hill Publishing Co., do not believe that the duty will increase the price of silver, and they are interested in the maintenance of the silver industry, why do they not favor an embargo similar to that which is being undertaken in Mexico? Was there ever a case where an embargo was more justified than in the present case?

It is true that in my speech of April 18 I stated that there were grounds for the argument that the duty would not increase the price of silver, but I did maintain and do maintain that the price of silver may go much lower unless there is some restriction placed upon importation. It is evident that there is hardly a limitation upon the amount of silver that India may throw upon the world under its avowed policy of eliminating the use of silver in India.

The McGraw-Hill Publishing Co. attempts to justify its opposition to the silver industry when it says:

> Its sponsor must have been aware of the fact that the effect of the present low silver prices was disastrous only to mines the principal product of which is silver.

While that is not entirely true, because it is disastrous to low-grade lead, zinc, and copper mines that have depended upon the silver values for continued operation, yet, if it were true, is there any reason why our Government should permit a condition to exist which is disastrous to the silver mines of the country any more than it would permit a condition which is disastrous to any other mines of the country or any other legitimate industry?

The report of the Bunker Hill and Sullivan mine, for instance, to which the publication refers, shows that the profits in 1929 were $2,473,000, and that of such values $860,000 was from the sale of 1,735,000 ounces of silver. That was in 1929. To-day the press informs us that the Bunker Hill and Sullivan mine, on account of the low price of silver and other products in the ore, is running on a one-third capacity basis. The same group of miners have just taken one of its Nevada properties and reduced mining operations two-thirds for the same reason.

The general mining condition of the country was never more deplorable, and, as this journal admits, such conditions are "disastrous" to the silver mines.

Again, take the statement of the Journal in this last article. What does it show? That in 1920 there were 20,000,000 ounces of silver produced from silver mines alone of a value of $20,700,000, and that in 1929 there were 11,000,000 ounces produced of a value of only $5,700,000. This argument of the Journal certainly supports their admission that the present low price of silver is "disastrous" to silver mines.

Yes; but the Journal says that the men that were thrown out of work in silver mines were absorbed in other kinds of mines. The writer of that article must know that not only have the silver mines been shutting down all over the country but the lead and zinc mines have been closing down or greatly reducing their mining forces. How can a man in a closed-down silver mine get a position in a copper or lead or zinc mine when the production of all these mines is being daily decreased and miners discharged? Is this argument, with regard to the absorption of discharged silver miners, based upon facts? Is it truthful? Is it fair? As a matter of fact, is it not deceitful and hypocritical?

In the last article the McGraw-Hill Publishing Co. in its Engineering and Mining Journal attempts to convince Congress that the statement made by practically every mining association in the mining States, with regard to the closing down of mines and the discharge of employees created by the low price of silver, is not true. Now who has told the truth in this matter, the McGray-Hill publication or mine operators throughout the West? Why, this condition became so terrible that the American Federation of Labor have taken notice of it, and in a letter addressed to Congressman ARENTZ have set out the facts and have urged support of the 30 cents an ounce duty on silver. Does the Engineering and Mining Journal wish to contend that the American Federation of Labor has not correct statistics with regard to unemployment? Does it not realize that the unemployment situation to-day is one of the grave problems faced by our Government, and that to dump men out of the mines and to force them into the already idle masses who are parading the streets of our cities will further complicate the situation?

The same Engineering and Mining Journal in its article which I criticized in my speech of April 18, while making its argument that the price of silver would not be raised and at the same time that the consumer would be imposed upon, used every argument made by the Jewelers' Vigilance Committee in the propaganda that they were circulating through Congress against the amendment on silver, and that editorial was immediately used by the Jewelers' Vigilance Committee for their propaganda.

Now, the McGraw-Hill Publishing Co. are indignant, because those who know the situation charge that the evidence indicates a conspiracy on the part of the McGraw-Hill Publishing Co. with the Jewelers' Vigilance Committee to defeat the silver amendment through hypocritical and deceptive arguments.

At the close of my remarks I shall present for publication in the RECORD some resolutions and letters which are typical of numerous that I have received, disclosing the fact that mine operators throughout the country are in sympathy with the criticism that I have made with regard to the McGraw-Hill publication.

The last deceptive argument made by this publication is that we only import a small amount of silver from India, and therefore this vast quantity of silver that is being dumped by India on the world at any price is not being dumped in the United States.

It appears that the United States imports about 117,000,000 ounces of silver every year. What is to prevent this silver reaching the United States, whether through Mexico, South America, China, or Canada? The fact remains that it depresses the price of silver all over the world, and whether the silver comes in directly from India or from some other country it comes in as depressed, cheap silver, and at a price less than the American miners under American standards can produce silver.

The Jewelers' Vigilance Committee have no legitimate complaint. They got a duty of 60 per cent ad valorem in 1922 at the time they were paying 75 cents an ounce for silver. If the whole 30 cents an ounce duty were effective, it would only make silver at the present time 72 cents an ounce, because the market price to-day is only 42 cents an ounce.

In addition to this the manufacturing jewelers who manufacture articles containing silver have had an increase of 5 per cent ad valorem through action of this Congress, making a duty of 65 per cent ad valorem—that in face of the fact that the price of silver had dropped from 75 cents an ounce in 1922 to 42 cents an ounce at the present time.

The amount of silver used in cheap silverware is negligible, and the silver used in expensive silverware is a luxury purchased only by the rich.

The argument that we produce in the United States more than we consume is not applied generally in the making of a tariff bill, as is demonstrated by the present tariff bill. We produce more steel products, more automobiles, more shoes, and a hundred other products that bear a high tariff duty than we consume in this country.

Under the existing law the manufacturers of silverware can go to the President and have their duty raised if competitive conditions require it. The silver producers can not go to the President and have a tariff put on silver, because such provision only applies to the dutiable list, and silver is on the free list.

This whole fight against silver and the silver-producing industry is the clearest demonstration of the selfishness and greed that has dominated the construction of this tariff bill and many tariff bills in the past. Any law that raises the standard of living to some, which inevitably means the cost of living to all, and denies the same standard to other industries is intolerable. No such tariff bill, in my opinion, can or should be enacted into law.

I voted for the tariff bill as it left the Senate because, with all its faults and injustices, it was, in my opinion, an improvement, slight though it may be, over the existing law. If the improvements placed in the bill by the Senate are to be eliminated, then the bill should be defeated and the country should be given an opportunity to consider and act upon the question at the next election, so that in the framing of a tariff bill thereafter the sentiment of the country would be known. No government can stay in power that is ruled by selfishness, greed, and the power of special interests.

I now ask to have printed as a part of my remarks the editorial from the Engineering and Mining Journal, and the resolutions and letters to which I have referred.

There being no objection, the letters and resolutions were ordered to be printed in the RECORD, as follows:

[From the Engineering and Mining Journal, New York, May 8, 1930]

THE TARIFF ON SILVER

The price of silver—virtually an international price—averaged about 53 cents per ounce in 1929. Quotations reached a low of about 39 cents per ounce in 1930. The metal is now selling at about 42 cents per ounce, compared with a peak price of $1.37 following the war. Silver production in 1929, despite the low price, was about 260,000,000 ounces—probably the highest rate in the history of the industry. The reason for this increase is seen in the fact that silver is a by-product from many base-metal operations. Production of all three major nonferrous base metals—copper, lead, zinc—was at an unprecedented rate in 1929.

According to the United States Bureau of Mines, silver production in the United States in 1929 was 60,937,600 ounces. The highest point in recent years was reached in 1923, when 70,355,000 ounces was produced, but the proportion from silver mines was small. The following statistics refer to total production, compared with silver-mine production, of silver in the United States, 1920–1929, inclusive:

Year	Total output		Silver-mine output		Average price per ounce
	Ounces	Value	Ounces	Value	
1920	56,536,904	$57,100,000	20,477,612	$20,700,000	$1.01
1921	46,332,986	29,000,000	24,117,251	15,000,000	.626
1922	61,207,989	40,500,000	26,631,579	19,000,000	.675
1923	70,355,674	45,500,000	27,636,947	17,800,000	.648
1924	64,070,744	42,600,000	20,388,065	13,700,000	.667
1925	66,710,080	46,000,000	17,099,876	11,700,000	.69
1926	62,487,219	39,000,000	13,567,095	8,400,000	.62
1927	59,625,682	33,100,000	11,775,384	6,600,000	.56
1928	58,462,507	34,011,000	[1] 12,000,000	7,000,000	.58
1929	60,937,600	32,340,000	[1] 11,000,000	5,700,000	.53

[1] Estimated.

The output from silver mines during 1928 and 1929 is not yet known, the amounts given being estimates only, which will probably prove high. The other figures given are on the authority of the United States Bureau of Mines.

This distinction between total silver production and silver-mine production must be realized. In 1927 copper ores produced 14,560,000 ounces silver; lead ores, 15,762,000 ounces; zinc-lead ores, 13,624,000 ounces. The remainder came from miscellaneous classifications. In all such operations silver is a by-product. In some instances the revenue obtained from its sale is important, but rarely does it determine the scale of operations. A fall in the price of silver does not cause a lead mine to suspend operations unless the price of lead falls also. To make this clear the following table showing operating profit at six important western silver-lead producers has been prepared. Note that the total value of silver produced exceeds the profit at only one property. In other words, even though nothing was obtained for the silver output, and assuming that the prices of lead and zinc remained at a sufficiently high level, these mines could still operate at a profit:

Mine	Profits, 1929	Silver production	
		Ounces	Value (approximate)
Bunker Hill	$2,473,936	1,735,350	$860,000
Federal	2,682,800	1,703,299	850,000
Hecla	2,227,465	1,668,069	837,000
Silver King	2,038,654	2,993,193	1,500,000
Tintic Standard	1,628,115	2,986,212	1,500,000
Park Utah	577,028	2,759,678	1,400,000

Appreciation of the foregoing facts is a necessary preliminary to a discussion of the advisability or practicability of a tariff on imported silver. When such a tariff was recently proposed for the avowed purpose of protecting the silver mines its sponsor must have been aware of the fact that the effect of the present low silver prices was disastrous only to mines the principal product of which is silver. Lead, zinc, and copper mines, although they would be helped by a silver tariff if it could be made effective, would continue to operate and give employment in spite of low silver prices. The main argument of Senator PITTMAN, who proposed such a tariff, was that the low price of silver was causing unemployment in the West, that the prosperity of entire towns and counties was being affected thereby. An examination of the table of production will show in the first place that the decline in the value of the output of silver mines has been extremely gradual. Miners who could no longer find employment in silver mines after the drop in price in 1926 must have been absorbed long since into other industries or into other branches of the mining industry.

Readers of Engineering and Mining Journal had a right to expect editorial comment on the practicability of the silver tariff. This publication deplores the present condition of the silver-producing industry and would willingly lend support to any legislation that would, in its opinion, really foster the interest of the silver miner. But a study of the silver situation resulted in the accumulation of convincing evidence that a tariff can be of no avail. Even Senator PITTMAN, who proposed the tariff, admits that it may not increase the price of silver in the domestic market.

The United States consumes at most 40,000,000 ounces of silver and produces at least 20,000,000 ounces more than that. The Senator has spoken about the present dumping of low-cost silver on the United States market from abroad, which his tariff is aimed to prevent. But can a commodity be dumped in any given market when the price is uniform throughout the world? Foreign silver is imported here for refining, but more than an equivalent amount is then marketed abroad. To make a silver tariff effective, silver production in this country must be almost equaled by consumption. That is an inescapable conclusion. Engineering and Mining Journal could have evaded consideration of this fact, it could have taken the easier path and remained silent or commended Senator PITTMAN'S tariff. But to shut one's eyes to the truth is neither courageous nor constructive.

Engineering and Mining Journal therefore came to the conclusion that the Pittman silver tariff under existing conditions was probably not practicable. What induced the Senate to change its mind and pass the bill after having first defeated it? Few Senators are conversant with the mining industry. Senator PITTMAN advanced strong arguments in favor of his measure, but the following quotations from his speech before the Senate on March 19, with comments, indicate that incorrect impressions probably resulted:

"In the State of the Senator from Idaho, as he will realize if he has been reading the newspapers, two or three large silver-lead mines have been closed down during the last few weeks."

This is correct. The mines were the Star, the Tamarack & Custer, the Sherman, and the Golconda, but not one of them suspended operations because of the low price of silver. The essential reason was the drop in the price of lead—a tariff-protected commodity—to 5.5 cents per pound, delivered in New York. To mention their closing in connection with silver prices is to give a misleading impression.

"In Utah several important mines have closed down in the last week."

Although more than a month has passed since Senator PITTMAN made this statement, information from Utah indicates that only a few unimportant mines in the State have closed within the past two weeks. Several are on a curtailed-production basis.

"And one district in Colorado, which is purely a silver-mining district, where silver mines were working a month ago, two or three of them, employing thousands of men, have closed down."

This doubtless refers to Creede, the only "purely" silver-mining district in Colorado. Its production in 1929 was 520,000 ounces of silver, worth about $270,000. Hardly more than 300 men could have been employed. Engineering and Mining Journal can obtain no evidence in support of Senator PITTMAN'S contention that thousands of men have been thrown out of work there. In all Colorado not more than 7,000 men are employed in mining. Silver represents hardly one-eighth of the value of the mineral output. The three largest enterprises produce molybdenum, gold, and lead-zinc-copper, respectively. All three are continuing operations at or near capacity.

"The mines there (Utah) have cut the wages of the men in the lead and silver mines * * * 25 cents a day and in the smelters 25 cents a day."

This statement also gives a misleading impression. Wage scales in Utah mines are based on the price of lead or copper. Silver does not enter into the calculation. If the price of silver increased 30 cents per ounce, and if lead remained at 5.5 cents per pound, the miners would receive no additional pay. Again:

"Practically every mining property in Tonopah, Nev., is closed down."

Tonopah, owing to ore exhaustion, has been a dying camp for several years. Most of the properties passed the peak of production when silver was over $1 per ounce, and the decline in price is merely accelerating the process of their closing. Nevertheless, production is still about one-half of what it was two or three years ago. Tonopah Extension, still in operation, has been the second largest individual producing mine there for many years. To say that "practically every" mine has closed is misleading. On April 18 Senator PITTMAN said:

"* * * there is not the slightest bit of doubt that it [the proposed tariff] will stop the dumping of silver into this country from India * * *."

This conclusion can be traced to a remark made by Senator SMOOT, of Utah, during the debate before the vote on March 19. "As those silver coins come out of circulation," he said, referring to an alleged practice with metal currency in India, "they are melted and exported all over the world; but America is the principal place to which they are sent." This argument in favor of the tariff loses weight when the facts are known. According to statistics made available by the Department of Commerce, the United States since 1924 has imported a total of only 2,155 ounces of silver from India, none of which was in the form of silver bullion.

Engineering and Mining Journal therefore reached a decision that the information given to the Members of the Senate in regard to the status of the silver industry of the United States was incomplete and capable of misinterpretation, and that a majority vote in favor of the silver tariff was, in consequence, partly due to misunderstanding. Under these conditions this publication could not evade its responsibility to its readers and to the mining industry.

The editorial in the issue of April 7 which stated that "Engineering and Mining Journal gravely doubts whether the tariff will accomplish its avowed end, or whether, even if it did, such a heavy tax on the consumer would prove desirable," occasioned an inflammatory attack on this publication by Senator PITTMAN, the sponsor of the bill. On this occasion the Senate of the United States was given the impression that Engineering and Mining Journal had been acquired during comparatively recent years for propaganda and lobbying purposes; that it had acted "viciously" and in a "low manner" to attack those who supported a duty on silver; that "the evidence in this matter indicates that this thing [the editorial criticized] was not only instigated but there was some compensation for it * * *"; that the editorial was a "low and hypocritical attack"; that "through this whole miserable thing is this hypocrisy, this propaganda all originating with the vigilance committee of the Jewelers' Association, * * * who are now basely, through a mining journal which has heretofore been respected by miners, attempting to defeat the very thing which every miner in this country, every mining association in this country, the Mining Congress of this country, have stated is absolutely essential to prevent the entire destruction of the industry."

The final argument in Senator PITTMAN'S speech will be disposed of first, and in a few words, by proving that he is mistaken in his impressions.

The American Mining Congress has not advocated such a tariff, because, as was stated in an editorial in the January issue of its journal, "it does not believe that it would be of any value of the silver producer." Officials of the American Institute of Mining and Metallurgical Engineers are equally skeptical, as will be seen by an examination of the

April issue of Mining and Metallurgy, the institute publication. According to Mr. W. F. Boericke, of the institute staff: "Obviously there can be little or no benefit for the miners in a tariff against foreign importation, as without a producers' agreement regulating price and output, which would be impossible under our present laws, the surplus resulting from domestic production would rapidly bring down the price to a parity with the price abroad." Mr. A. B. Parsons, assistant secretary of the institute, maintains that, "The only effect of a tariff would be to cause a lot of complicated bookkeeping entailed by the smelting and refining of foreign silver 'in bond.' No one bothered to oppose the tariff on the mere ground that it was a nuisance, and the Senate voted aye because a few Members asked it to. The tariff can not benefit the owner of domestic silver mines, and is consequently a mere gesture." Ample additional testimony is available to indicate that the stand taken by Engineering and Mining Journal in opposing this duty was justified as reflecting and anticipating mature opinion throughout the industry.

The vituperation and calumny that characterized Senator PITTMAN'S speech before the Senate on April 18, in an effort to destroy the influence and reputation of this publication, is a more serious matter. Every time a Member of the Senate of the United States abuses his senatorial privilege of free speech and immunity from legal action, and makes a scurrilous and untruthful attack, he still further weakens public confidence in the integrity of that Chamber as a legislative body. He encourages—by causing suspicion and distrust of Congress and doubt as to the country's capacity for orderly and just government—those elements who would destroy authority, but who, fortunately, do not possess a Senator's exemptions and prerogatives.

To its readers and to the mining industry of the United States, Engineering and Mining Journal need not adduce proof of its obvious independence of opinion. To Senator PITTMAN and to his colleagues, however, it takes this opportunity to issue a categorical denial of his accusations of hypocrisy and venality in its editorial attitude on the silver tariff, an attitude that was the outcome of an impartial and spontaneous analysis, suggested by no individual or group of individuals outside the editorial staff. The criticism of Senator PITTMAN'S proposal, to which he takes exception, was written without consultation with or consideration of the aims of the Jewelers' Protective Association or any other organization. Engineering and Mining Journal deplores the malevolence of Senator PITTMAN'S incitation to the Senate: "Read that brief [of the Jewelers' Vigilance Committee] and read this editorial, and you will see that the same person wrote both of them." It finds no inconsistency, as the Senator avers, in the fact that the tariff was opposed as likely to prove a delusion to the producer and a tax on the consumer. None but a shortsighted policy would advocate a benefit to one of these closely interlocking interests that would prove burdensome or harmful to the other.

A review of the editorial attitude taken by Engineering and Mining Journal for more than a quarter of a century under its present ownership will indicate that it has never opposed any measure that is practicable, helpful, and just. It gave unqualified support to Senator PITTMAN in regard to his silver purchase bill, upholding the repurchase, under the Pittman Act, of 208,000,000 ounces of silver. Nor can one argue with hope of success that its editorial policies have been changed. Four years ago Senator Cameron, of Arizona, advocated a tariff on copper. Such a measure was opposed by this publication for the chief reason that—as is true for the pending silver tariff—it was impracticable and of doubtful benefit.

On May 2 the House of Representatives defeated the silver tariff by a vote of 200 to 72. Although not necessarily final, this action probably means that the silver clause will be omitted from the completed tariff bill when it is submitted to President Hoover for approval.

Engineering and Mining Journal prizes above all material and professional compensations a reputation that has been gained during more than six decades of service to the mining industries, a reputation the reward in major part for the verity and independence of its editorial attitude. It makes no claim to infallibility of judgment or superior prescience in analysis, but it takes pride that its findings and recommendations are based on pertinent facts, all of which it seeks and none of which it ignores. A mistake, when one is made, is willingly acknowledged; but the publication will not alter its course because of threats, untruthful attacks, or intimidation. Believing that a need of the times is sane counsel and fearless criticism, Engineering and Mining Journal purposes to continue an editorial policy that will follow the precepts laid down by Lincoln: "With malice toward none; with charity for all; with firmness in the right * * *."

NEVADA MINE OPERATORS' ASSOCIATION,
Reno, Nev., May 5, 1930.

Hon. KEY PITTMAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: It is with the greatest regret that we have learned of the rejection yesterday afternoon by the House of Representatives of your amendment to the tariff bill providing for a duty on silver. When your message was received conveying the news that the House conferees had refused to adopt the Senate's schedule on silver, it was concluded that final favorable action was doubtful. Nevertheless, we were still hopeful. You may rest assured that the mining industry of this State well knows that no effort was spared. It is unfortunate that the House could not follow the better judgment of the Senate.

Your speech in reply to the Mining and Engineering Journal editorial was immediately distributed throughout this State and elsewhere. It may interest you to learn of the comment of the head of one of the principal silver producing companies of the country. After thanking me for sending it to him, which he read with great interest, he concludes with the remark:

"When the Senator gets after anybody he does a pretty thorough job."

With best wishes, sincerely,

HENRY M. RIVES.

TONOPAH BELMONT DEVELOPMENT CO.,
Philadelphia, May 5, 1930.

Hon. KEY PITTMAN,
United States Senate, Washington, D. C.

DEAR SENATOR PITTMAN: I have read with great interest your remarks in the Senate anent the attitude of the Engineering and Mining Journal upon the silver tariff, and wish to express my admiration of the way you handled the matter. The inclosed copy of a letter to the Journal will explain itself.

With kind regards, I am yours very truly,

CLYDE A. HELLER, *President.*

[Inclosure]

TONOPAH BELMONT DEVELOPMENT CO.,
Philadelphia, May 5, 1930.

A. W. ALLEN, Esq.,
Editor Engineering and Mining Journal,
Twenty-sixth Street and Tenth Avenue, New York City.

DEAR SIR: My subscription to the Engineering and Mining Journal will expire next month, and this letter is to inform you that I do not desire to renew the same.

The attitude taken by the Journal toward the efforts of Senator PITTMAN to obtain a duty upon silver seems to me so utterly unwarranted and uncalled for by a paper presumably devoted to the mining industry that I do not care to support it longer.

Yours very truly,

CLYDE A. HELLER, *President.*

MINUTES OF THE REGULAR MEETING OF THE NORTHWEST MINING ASSOCIATION HELD APRIL 28, 1930, AT THE SPOKANE HOTEL

President F. Cushing Moore called the meeting to order with an attendance of 38.

The president presented a letter written by Charles Butters, of San Francisco, to Walter J. Nicholls, with the request that it be read at the association meeting. It called attention to an editorial in the April 8 issue of the Engineering and Mining Journal impugning the actions of western Senators who had taken up the fight of silver producers for a tariff against hoarded silver of the Orient. The letter was read by the secretary and ordered incorporated into the minutes.

Russell F. Collins said that the Government had done very little for the silver producers, and that the association should not lose sight of the monetary situation, which will be the ultimate solution of the silver question.

A. W. Foster said that the editorial in the Engineering and Mining Journal had caused considerable resentment among mine operators with whom he had talked. He moved the appointment of a committee to draft a protest to the Engineering and Mining Journal specifying that copies be sent to James H. McGraw, of the McGraw-Hill Co., along with copies of Mr. Butters's letter. The motion was seconded by Storey Buck and was unanimously adopted. President Moore announced that he would serve as chairman of the committee and would name as additional members Mr. Robert T. Banks and Mr. A. W. Foster.

THE COLORADO MINING ASSOCIATION,
AMERICAN MINING CONGRESS,
Denver, Colo., April 29, 1930.

To the Members of Congress.

DEAR SIRS: The Colorado Mining Association urges your support for the Pittman amendment, providing for a tariff of 30 cents an ounce on silver.

Briefly, our reasons for this petition are as follows:

First: Britain is forcing the gold standard on India. This has resulted in forcing silver to the lowest price on record, with even lower prices probable as reserve stocks continue to be thrown on the American market.

Second: Silver is associated with lead, zinc, and copper in the Rocky Mountain region, where the future reserves of these metals is to be found. Foreign mines are being developed to unprecedented capacity, due mainly to government help and cheap labor. To insure our own future supply of lead, zinc, and copper, silver production should be encouraged.

Third: The production of silver in the past has exceeded consumption. The closing down of many mines and the curtailed production of zinc, lead, and copper has decreased the production of silver. Consumption now probably equals production, and the tariff will be of direct benefit to the American miner.

Fourth: A tariff structure which protects the manufacturer and farmer should also provide for protection to the silver miner. To deny the silver miner a tariff would be unfair and unjust.

Fifth. Jewelry manufacturers are amply protected by a tariff based on higher prices of silver and need not advance their prices at all, even if the silver miner receives the full benefit of the tariff.

Sixth. American standards of living should be maintained, and our silver miners should not be required to compete with the lower standard of living in other nations.

Seventh. A tariff at this time will encourage the mining industry, and should result in a mining revival that will give employment to thousands of miners now unemployed. As mining is a basic industry, this will be of benefit to farmers and manufacturers.

Eighth. The Pittman proposal has made provision allowing the importation of all ores for smelting purposes, so that a tariff on silver need not in any manner interfere with or inconvenience our smelting companies.

We respectfully ask your serious consideration of this proposal, so that the silver miner will receive a square deal.

Very truly yours,

TARIFF COMMITTEE OF THE COLORADO MINING ASSOCIATION.

AMERICA'S WAGE EARNERS' PROTECTIVE CONFERENCE,
New York City, April 30, 1930.

Hon. SAMUEL S. ARENTS,
House of Representatives, Washington, D. C.

HONORABLE SIR: On behalf of the membership of the International Union of Mine, Mill, and Smelter Workers, affiliated with the American Federation of Labor, employed in the mining and smelting of silver, we ask that you make known to the House of Representatives our strong appeal for the adoption of the Senate amendment of 30 cents per ounce on silver.

The American workers engaged in the mining and smelting of silver are forced to compete in America with silver produced by the peon and forced labor of the South and Central America and Asiatic countries.

The difference in labor costs is so great that while we know that this duty of 30 cents per ounce will not equal the difference in costs of production it will greatly help those American workers dependent for their livelihood on the ability to dispose of the products of their labor in the mining and smelting of silver.

With Great Britain withdrawing the silver coinage used for centuries in India and placing the silver content thereon in the American market the price of silver has dropped to 42 cents per ounce, a figure which makes it impossible for the product of the American silver miners and smelters to compete with in America.

In 1922, when the Congress enacted a tariff duty of 60 per cent on fabrications of silver, the price of silver was 75 cents per ounce. Therefore, the adoption of a tariff rate of 30 cents per ounce, in addition to the present price of 42 cents per ounce, will not even place the price of silver where it was when the duty of 60 per cent was placed on fabrications of silver in 1922.

American workers realize that when workers engaged in the mining and smelting of silver are unable to secure profitable employment in the mining and smelting sections of our country that they are forced, in order to live, to migrate to the larger cities where already there are millions of American workers unable to obtain employment.

We sincerely trust that the membership of the House of Representatives will answer the appeal of the men engaged in the mining and smelting of silver and agree to the Senate amendment placing a duty of 30 cents per ounce on silver.

Sincerely yours,

AMERICA'S WAGE EARNERS' PROTECTIVE CONFERENCE,
MATTHEW WOLL, *President.*
M. J. FLYNN, *Executive Secretary.*

JUDGE JOHN J. PARKER

Mr BLEASE. Mr. President, yesterday when I went to my office after the vote on the Parker matter I received the following telegram:

CLEVELAND, OHIO, *May 7.*

I hope you will do everything possible to have Judge Parker confirmed. For obvious reasons it behooves every southern Senator to rally to Judge Parker's support regardless of party affiliations.

(Signed) S. HAMPTON MCLEAN.

On the street car on the way to my hotel last evening there were two colored men sitting right behind me. One of them made the remark to the other, "Well, we gave the South hell to-day." The other negro asked how, and the other replied, "By beating Parker." A lady sitting beside me touched my arm and said, "Did you hear that?" I said, "Yes; but I can not resent it because it is true."

In this morning's Washington Post I find the following statement as to the Parker vote:

It was these eight regulars, of course, and the cause they represented, the negro opposition, that gave the margin of victory to the serious opponents of the judge. In the final analysis this margin was offset by four and perhaps five Democrats, who went over to the administration because of the negro opposition. Of the remaining 13 Democrats recorded in favor of confirmation, 3—Senators FLETCHER, RANSDELL, and BROUSSARD—always vote with the Republicans when there is a tariff bill pending, and a fourth, Senator SWANSON, has become such an elderly statesman that he can not afford to be found often in the opposition.

But it was the negro opposition that gave the commanding position to the movement led by the progressives, aided this time in some degree by organized labor. The drive would probably have been within two votes as strong had organized labor not opened its mouth.

I would not have read this excerpt from the Washington Post except that the people outside of Washington sometimes do not see the Washington Post and of course do not hear conversations by negroes on street cars in Washington. I want my people to know about the telegram which I have read, to know about this negro talk on the street car here in Washington, and to know what the Washington Post of this morning had to say about the vote here yesterday on Judge Parker.

Mr. TRAMMELL. Mr. President, I have never been very much in favor of holding post-mortems, but in regard to the statement of my friend from South Carolina [Mr. BLEASE], I will say that he must have been on a different street car from the one on which I was a passenger. On the street car on which I was traveling yesterday afternoon after the vote was taken there was great despondency on the part of several people of the Negro race because Judge Parker had been defeated. They were despondent at the rejection of his nomination because he had declared unconstitutional the so-called segregation act in Richmond, Va., segregating the whites and the negroes, and because some issue of that kind may at some time come before the Supreme Court. It is merely a viewpoint of the negroes; some were against him and some were for him. I think they were pretty evenly divided.

Mr. BLEASE. I will say to my friend that if he will find the negroes to whom he referred on the street car I will give each one of them a hat.

The VICE PRESIDENT. The telegram submitted by the Senator from South Carolina will lie on the table. The Chair lays before the Senate a telegram, which will be read and lie on the table.

The Chief Clerk read as follows:

ST. LOUIS, MO., *May 7, 1930.*

Hon. CHARLES CURTIS,
Vice President and President of the Senate of the United States, Washington, D. C.:

We wish to express our appreciation to every Member of the Senate who voted against the confirmation of John J. Parker, of North Carolina, as Associate Justice of the United States Supreme Court. We respectfully request that you read this message in the open meeting of the Senate. We believe that the action of the Senate in this case will serve notice on all applicants for that position that they must show by their record that they regard the rights of all citizens as being equal before the law and that they have carefully protected and upheld those sacred rights in all opinions and decisions rendered by them, and that they seek to enter the Supreme Court with clean hands.

BUILDING TRADES COUNCIL OF ST. LOUIS,
Per MAURICE J. CASSIDY, *Secretary.*

The VICE PRESIDENT also laid before the Senate a telegram from James C. B. Beatty, of East Liverpool, Ohio, expressing gratification at the rejection by the Senate of the nomination of John J. Parker to be an Associate Justice of the Supreme Court of the United States, which was ordered to lie on the table.

PRISON CONDITIONS IN THE UNITED STATES

Mr. COPELAND. Mr. President, as I indicated yesterday in some brief remarks, I am very much disturbed about prison conditions in the United States, not alone in general but with reference to the Federal prisons. Because of the anxiety I have regarding the conditions in the prisons and the general revolt of convicts, I believe it is time that those in authority gave thought to the situation.

I ask that there be inserted in the RECORD in connection with my remarks three editorials from the Washington Herald of April 25, April 26, and May 5, relating to prison horrors. I ask also that there be inserted in the RECORD a very remarkable

article by George W. Alger in the current number of the Atlantic Monthly on The Revolt of Convicts.

I am sure that when these editorials and this article are read and when a study is given by Senators to the matter, there will be given attention to the recommendations of the President as regards the necessity for reform in our Federal prisons. I trust that the editorials and the article will be read by Senators and serious thought given to the subject.

The VICE PRESIDENT. Without objection, the editorials and article will be printed in the RECORD, as requested.

The matter referred to follows:

[From the Washington Herald, April 25, 1930]

WHERE ARE CRUEL SELFISHNESS AND COLD-BLOODED INDIFFERENCE LEADING PEOPLE OF THIS NATION?

The prison system of the United States is an unendurable disgrace to a civilized country.

Ours is the only civilized, or semicivilized country, where such conditions exist.

Our jails are "Black Holes of Calcutta," reproduced repeatedly all over the country in State and Federal prisons.

There are three and four times as many convicts in these prisons as the prisons are built to hold.

The prisoners sleep six and eight in a cell; and the crowning infamy of our system is that young, inexperienced prisoners are crowded in with hardened criminals, to learn all that such contact will teach them and to be graduated in crime.

The poor, blind prohibitionists, in their folly and fanaticism, have sent thousands of comparatively innocent people to jail for some trifling offense against the unreasonable provisions of outrageous prohibition legislation.

And there these prisoners, unconfirmed in crime, are crowded into cells and made to associate with criminals until they, too, in their vicious association, and in their resentment against cruel laws and unjust government, become criminal menaces to society or communistic disturbers against a hated social system.

And not only are our jails so overcrowded, and helpless convicts so packed into cells, but more and more citizens are constantly being sent to jail, and the Nation and the various States are hurrying the completion of more prisons and larger prisons to hold the continually increasing number of prisoners, of all ages and conditions and of varying degrees of guilt or innocence, who are being herded into prison.

In the meantime, other nations with better social systems are decreasing their jail population and abandoning prisons which are no longer used or needed.

Why are convicts decreasing in other countries while in our country the number of convicts is increasing at the rate of from 10 to 20 per cent every year?

In the first place, all sorts of people are thrown into jail for all sorts of offenses, great and small; sometimes for trivial offenses; sometimes for offenses which should properly be negligible.

A few weeks ago a woman was sent to the State's prison in New York for life for stealing a coat.

Yesterday in St. Louis two men were sent to prison for five years for making themselves an alcoholic beverage.

To-day every lawmaker is a Draco and every judge a Rhadamanthus.

And every day more laws are being passed, making more mere misdemeanors criminal offenses and imposing jail penalties for every trifling infraction of every oppressive statute.

In the second place, everything is being done to punish crimes and misdemeanors and even innocent errors, and nothing is being done to prevent such errors and evils.

"An ounce of prevention is worth a pound of cure," says the old adage. And surely an ounce of prevention is worth a thousand pounds of penalties which do not cure.

Yet no program of prevention is proposed, but instead more offenses are created and more penalties are added every day until our jails are overflowing, and miserable convicts revolt against intolerable conditions or are burned to death by hundreds as a hecatomb to the injustice of our legal system, the incapacity of our lawmakers, and the callous indifference of our people.

All the atrocities of the Spanish Inquisition combined into one hideous auto-da-fe would not equal the shameful horror of the burning at the stake by incapacity and brutality of 317 helpless fellow men who, after all, had offended against our social organization less than it had offended against them.

While these unfortunates were writhing and roasting in their iron cells, keepers and trusties stood by jingling their keys and refusing to release them, fearing the judgment of men and forgetting the judgment of God.

There is something other to be done in the present deplorable criminal and penal situations than merely to make more jails.

We have got to make less convicts.

We have got to create a social system which will make more good citizens and fewer criminals.

And then we have got to end the mistaken legislation which sends people who are not accustomed lawbreakers to colleges of crime, where by evil association and wicked influence and by reason of rank and rankling injustice they become hardened and defiant criminals.

Furthermore, we have got to send fewer shallow demagogues to Congress to pass wholesale penal legislation simply because they have not the conscience nor the competence to devise effective remedial legislation.

Finally, we have got to free honest and conscientious legislators from the dire influence of organized bigotry, stupidity, and hypocrisy, continually crying for more victims to be sacrificed on the altars of narrow prejudice and visionary, if not vicious, purpose.

How can this Nation hope to hold its place as the leader of world progress in the face of the futility of our social legislation and the crass dullness and selfishness of our social organization?

It is time for the brains of the Nation and the heart of the Nation and the humanity and true Christianity of the Nation to take control of matters social and political, and make of our social system something more than a breeding pen for convicts and communists.

Otherwise our fat and fatuous ruling classes, who apparently do not care what happens as long as it does not happen to them, will go the way of the Russian autocracy and wake up one fine morning to find that something can happen to them.

WILLIAM RANDOLPH HEARST.

[From the Washington Herald, April 26, 1930]

The Hearst publications appeal to the United States Senate to heed the awful warning of the prison holocaust at Columbus, which has disgraced the State of Ohio, humiliated the American Nation, and shocked the civilized world.

This the Senate can and should do by promptly passing the group of prison bills, which recently passed the House, to prevent a repetition in a Federal penitentiary of the preventable horror that has cost the lives of at least 320 inmates of the Ohio penitentiary and injured many more.

All of the dead and all of the injured at Columbus were locked in their cells long after they could have been saved had their keepers not been to callous or too cowardly to surrender the keys.

All of the dead and all of the injured were the victims of prison conditions for which the government and people of the State of Ohio have long been wholly to blame.

For the last 15 years the warden of the Columbus prison has been in charge of the most overcrowded and one of the most idle and mismanaged penitentiaries in this or any other country.

The Ohio penitentiary was first established at Columbus in 1830. Although added to from time to time the building was never fireproof. Built to accommodate less than 2,000 its cells held 4,300 the night of the fire.

Nor were these ugly facts unknown to the government and people of Ohio. Year after year they have been laid before the Ohio Legislature, only to be ignored. As late as last August they were broadcast to the American people by the National Society for Penal Information. Its handbook, issued then, said:

"The ancient plant at the State penitentiary in Columbus, one of the largest prisons in the country, suffers from a condition of overcrowding worse than in any other prison. The need of another institution in the Ohio penal system has been apparent for many years."

But the warning of the National Society for Penal Information fell upon deaf ears.

As late as last March the president of the Prisoner's Relief Society at Washington submitted to the Governor of Ohio a pile of affidavits charging the grossest kind of corruption in the administration of the Columbus prison. These affidavits charged that the prisoners were compelled to pay their keepers for food, for blankets, for good-behavior certificates, even for recommendation for parole.

But the warning of these affidavits also fell upon deaf ears.

And as a result 320 helpless inmates pay the penalty of death. Ohio pays the penalty of disgrace and the American people pay the penalty of humiliation in the eyes of the world.

But the Federal Government can not point the finger of scorn at the State of Ohio until conditions in Federal penitentiaries are alleviated.

It was overcrowding and idleness that caused the outbreaks in Federal penitentiaries last summer, when the average daily population of the larger institutions was far above their normal capacity.

Since that time the population of Federal prisons alone has increased from more than 10,000 to more than 12,000, which means that the overcrowding and idleness now are worse than they were then.

The legislative program pending before the Senate provides:

First. For a wider and more effective use of probation.

Second. For expediting action on parole cases.

Third. For permitting the establishment of additional road camps and prison industrial projects.

Fourth. For selecting sites and drafting plans for new institutions where inmates can be put to useful work and prepared for future citizenship instead of being condemned to idleness and trained in criminality.

The House passed these prison bills early in the year. The Senate should pass them without any more delay.

Surely the warning of the Columbus holocaust will not go unheeded by the United States Senate.

Surely the awful and unnecessary death suffered by those 320 inmates of the Ohio penitentiary will touch the heart and quicken the conscience of every one of the able men and good Americans in the United States Senate.

[From the Washington Herald, May 5, 1930]

OHIO'S PRISON HORRORS WERE KNOWN BEFORE FIRE; WHAT POLITICAL GANG CAUSED THE STATE'S SHAME?

A dozen times all the deplorable conditions which resulted in the Ohio Penitentiary fire have been brought to the attention of the Ohio government officials.

They have been told that the prison was inadequate, unsafe, insanitary.

They have been repeatedly told by responsible commissions and welfare organizations that the prison was a fire trap, a constant menace to the lives of the prisoners.

They have been told of the graft and thievery which prevailed throughout the whole institution and the whole State-prison system.

They have been told that the convicts had to pay for everything.

They had to pay for food, for blankets, for good-behavior certificates; even for recommendations for parole.

What political gang is responsible for the inefficiency and corruption in Ohio's prison system?

What crooked politicians compose the gang?

What Ohio political judges stand ready to throw honest newspapermen into jail if the gang is exposed?

What obligations has the governor, if any, to the dominant political machine of Ohio?

What is holding the governor back from a genuine investigation and a vigorous performance of his duty for the honor of the State?

The political system of Ohio has become a stench in the nostrils of the Nation.

If Ohio's prison system and Ohio's political machine are as rotten with graft as responsible investigators have declared them to be, why do not the governor and the government and the press and the people of Ohio take steps to remedy these corrupt conditions and to expose the grafters?

Surely the light from the burning bodies of the wretched convicts is enough to show the way.

A horror almost unequaled by anything in history has occurred, and is taken as a matter of course by the governor.

He even indorses the theory advanced by one of the political gang that the convicts burned themselves to embarrass the humane guards and the honest politicians.

The people of the United States do not agree with the governor's theory of the fire, nor approve of the governor's plan to protect corrupt politicians.

The public wants to know—

What political ring is back of Ohio's prison graft?

What government officials are in the ring?

Why can not the State of Ohio be purified even by fire?

Why are not all the facts brought to light?

Why are not all the guilty brought to justice?

The people of the United States believe that there are a lot of people in the politics of Ohio who would better be in jail than the 322 convicts who were burned to death.

Among those burned convicts were many in jail for trifling infractions of the liquor law.

Five of those burned to death were in jail for such a trivial offense as driving an employer's automobile without permission.

Some were there for murder, but none were there for having murdered 322 helpless fellow men.

Ohio needs a new penitentiary, but, more than that, it needs a new system; and further than that, it needs a new political system; and beyond that, it needs a new and decent political reputation.

It can get all these things by a little good citizenship and honest government.

And when Ohio gets its new penitentiary the Hearst papers respectfully suggest that the people celebrate that notable event by filling the new penitentiary with the old politicians.

[From the Atlantic Monthly, May, 1930]

THE REVOLT OF THE CONVICTS

By George W. Alger

I

The sensational prison riots of last year have had one quite unexpected, but desirable, reaction. They have aroused a belated feeling of public obligation for what is beyond question the most neglected of our great public institutions, the least touched by progress, the most subject to those countercurrents of opinion, prejudice, and passion which make enlightened policies difficult and sometimes impossible of attainment.

The Legislature of New York to-day is considering an expenditure of $38,000,000 on its prisons. The riot in the Federal prison at Leavenworth hardly was over before President Hoover was announcing that he would recommend the appropriation of $10,000,000 for Federal prisons. These are more than appropriations—they are confessions. And confession is good for the soul.

The extent of that neglect which characterizes our treatment of prisons and prisoners, and the reasons for it, need to be understood clearly. New York may serve as a fairly concrete example.

Three of these great riots of prisoners have occurred in New York prisons—one at Dannemora and two at Auburn. The prison at Auburn was built in 1816. At that time, 114 years ago, James Madison was President, and during all these years it has been in continuous operation. Its grim cell block was built to reflect the purposes and philosophy of a penology of the stagecoach days and as a means of expressing that era's conception of what prison punishment should mean.

Sing Sing, New York's most widely known prison, was built in 1825 when James Monroe was President, and its fearful cell block was abandoned only within the past year. Now a large part of its old, damp, dismal cells once more are filled with the overflow population from other prisons for whom not even cells elsewhere are available.

The Clinton Prison at Dannemora was built somewhat later, in 1840; built, however, on the model of the old prisons at Auburn and Sing Sing, and its cell block is substantially the same.

The cell blocks in these prisons are made of the solidest masonry. They can last for centuries. Most well-built buildings disappear with us not because they become insecure or dangerous with age but because the ideas which they represent become obsolete; because they stand in the path of progress and have to give place to forces representing new and better ideas, changed conditions, and plans for better futures. These prison cell blocks represent the triumph of the obsolete over time and change.

Before considering the cell blocks themselves in another connection, let us remember this: The world of 1816, when Auburn was built, was a harder world; it had fewer of what we now call the common necessities; the common run of mankind daily experienced hardships unfamiliar to poor vagrants of to-day. The convict of 1930 is put in the same slit in the masonry wall which was designed to punish the convict of 1816.

What, then, are these cell blocks? Imagine a very large room, in the middle of which is a huge oblong box of masonry not connected with the sides of the room. As you walk along the floor, you pass a succession of little doorways in this box with grilled iron doors. These are the ground-floor cells. What little light may stray into them from the high windows of the great room itself, in which the box is placed, is largely cut off by the shadow of the iron platform which is fastened in the wall just above the door tops; such platforms provide entrance ways, each for the next higher tier of cells, reached, in turn, by a stairway at the end of the block.

The largest of the old cells at any of these prisons is at Dannemora. It is only 4 feet wide, with a cot which occupies most of the space; a fairly neat fit, like a coffin in a grave. This brick-lined room is little over 7 feet deep and less than 7 feet high. It is unventilated; it is without toilet facilities of any kind. Each convict carries a tin bucket with him when he marches to his cell at night.

This cell, moreover, is the only place of privacy which the prison affords to the individual convict. Outside of it his associations are indiscriminate herd associations—with felons. Here alone he can reflect and revise, if he will, his distorted outlook on life, in an atmosphere surcharged with the fetid stench of his own excrement.

However much these prisons may or may not have changed in other details in the process of time, this aspect of the cells has never changed. They are the same sequence of horrible holes to-day in Auburn as in 1816, in Sing Sing as in 1825, and in Clinton as in 1840.

It may be urged that cell blocks are deplorable, of course, but not supremely important. "A modern prison," some one observed, "can be maintained even in an old building. The daily life of the prisoner, his discipline, is or may be quite a different matter and is far more important than the cell where he sleeps. He should rise above his unfavorable environment."

What are his incentives to rise?

II

Before James Monroe was made President, New York enacted a law providing for wages for prisoners as a reward for industry, as a means of reformation, as well as a means of reducing to a minimum the taxpayers' burden.

"Whereas," said the quaint preamble to the law of 1816, "it is believed that a habit of industry is the best preventive of vice, to encourage which habit of industry in the criminals of the State, whom the State is desirous of reforming, it may be useful to allow them a reasonable portion of the fruits of their labor, to be set apart for them or their families * * *." This was, no doubt, a radical idea in the penology of 1816. Can anyone, even the most resolute member of the vindictive school, question its soundness as a wise principle?

In time for Christmas, 1929, Emil Totterman, who had served 25 years in the State prisons of New York, was pardoned. He was 52 years old. Handed to him, as he left Sing Sing to face the outside world, none too easy at best for the ex-convict, were the accumulated wages which had been earned by him in those 25 years of prison life. He had been an able-bodied man, had worked at such prison industries as the prison afforded, and he received the full wage allowed by law. His accumulated wages were $45.26. His wage scale had been at the rate of 1½ cents a day. Even the most optimistic believer in progress can hardly be cheered by the development of this "sound" idea of wages for prisoners in the 114 years since its first inception in 1816.

Let us retrace our steps to the cell block. I remember asking a question about these cell blocks, a few years ago, of the secretary of the Prison Association. This is a very old organization which, by its charter, is required to make a report and recommendations to the legislature each year. I asked him if he could tell me how long ago this organization first began to recommend abolition of these cell blocks to the State legislature. He told me that he was quite sure that such recommendations had been made for 50 years.

The convict is the stepchild of the State. He is not a voter and forms no part of any statesman's clamoring constituents. On the appropriation bill he comes last. The convict can always be made to wait. It has always been so.

I also remember asking the head of Elmira Reformatory three years ago what special recommendation he needed for the improvement of the reformatory. "The brick shop and foundry," he replied. "This building is used by from 100 to 300 boys learning the masonry trade; it is not only very old, it is unsafe. It has been condemned by the State architect and by the prison commission over and over again. It can not be heated and work has to stop in winter. A new building has been needed for many years. Nothing has been done about it."

I could give a dozen other New York illustrations of the same kind. It would be entirely wrong, however, even to suggest that the policy of prison parsimony is confined to that State. It is the usual thing and not the exception. If a few years ago Auburn Prison, for example, wastefully operated 14 separate boiler plants, other States could duplicate this folly. Patching old prison plants instead of building needed new ones is not a localized New York policy.

One more illustration and I shall have passed from what is bad to what is no better. We have heard much about the increased cost of living and the reduced purchasing power of the dollar in meeting the food requirements of the family larder. One family in New York, at least, and alas, a very large family, tells a quite different story. The food in New York State prisons now costs, on the average, 7 cents per meal for each person. It cost 7¼ cents per meal in 1868! A still further triumph of economy could be accomplished, we are told by experts, if a cafeteria were installed and those prisoners who fail to find their poor and monotonous meals appetizing did not have set before them, as now, the food they will not eat.

None of the conditions to which I thus far have alluded are particularly new. Prisoners living under such conditions perhaps are not without good reasons for bad actions. The general atmosphere of old prisons is far from cheering at best, but there are new circumstances to make things worse. These new circumstances helped to cause the explosions of resentment which at last have aroused public interest in the condition of their prisons.

III

The first cause is overcrowding. For a decade, we have been disturbed and perplexed by the strange growth in our criminality. It is particularly an American problem. England has been closing prisons for which she had no need. Her criminal statistics show a distinct falling off in crime. European conditions generally are not unlike those in England. The contrast with us is sometimes rather startling. A few weeks ago, for example, the steamship *Bremen* brought $6,000,000 in gold to the port of New York. The boat was met at its pier by armored cars, a cordon of armed policemen, and two machine guns. The gold left the boat in New York under this most rigid police protection. It had been carried to the boat at Bremen in an ordinary truck, with one driver and a helper and no police whatsoever!

I shall not attempt to discuss here the general problem of crime which perplexes us all—the development of gangs, the hijackers, the racketeers, or the relation of the prohibition law to lawlessness. I shall not attempt to say whether, on the whole, we are or are not showing resourcefulness or intelligence in the ways and means of checking our very real crime wave. One aspect of this crime wave is quite obvious. An irritated public opinion for the moment has accepted quite heartily as a remedy increased severity in punishment for those criminals who are caught. We are filling old prisons with new prisoners in large numbers, carrying longer terms.

I have spoken at some length concerning the ordinary prisoner's life in prisons which are themselves relics of barbarism. In New York the prison population in State prisons has increased over 1,700 in the past four years. On July 1 of last year the four State prisons had a population of 6,631. There were almost 1,000 more prisoners than cells. In the whole State prison system there are only 2,866 cells which can be described as modern in any sense, the remainder being those which I have pictured at Auburn, Dannemora, and Sing Sing.

The Federal penitentiaries at Atlanta and Leavenworth are adapted for only one-half of their present population. If the New York prison system is bad, if its buildings are anachronisms, if its industrial plants for prison labor are inadequate, if its old cell blocks are atrocious, the Federal system, so far as overcrowding is concerned, is much worse.

A special committee of the House of Representatives found in January of last year that the penitentiary at Atlanta, with a normal capacity for 1,712 prisoners, was actually housing 3,107. Leavenworth Prison has no greater capacity than Atlanta, but has or had 3,700 prisoners, or over double its cell accommodations. All of these prisoners were idle except for about 800, for Congress had not provided work for more than that number.

When eighteenth-century England had no law enforcement, when the dark city streets at night and the unprotected country highways were full of robbers, when the average innkeeper was more than likely to be an accomplice of highwaymen, and the chance of capture was negligible, her criminal law made up for its feebleness by its barbarity in the punishment of the occasional miscreant who happened to be caught.

A much irritated American public is in a similar frame of mind and seeks strenuously to apply, in the age of the automobile, a remedy which was found ineffective in the days of the stagecoach. Longer sentences by the removal of judicial discretion, made mandatory by recent statutes, life sentences to those guilty of a fourth offense, the removal of the substance of authority in parole officers to shorten sentences for good conduct—all are being tried as nostrums for the cure of crime.

The prisons in States which, like New York, are for the moment following this shortsighted policy are full of these long-term prisoners, bitter, vindictive, without hope. Outbreaks such as have occurred in these overcrowded prisons were practically inevitable. They were almost equally to be expected, but for somewhat different reasons, in the far more overcrowded Federal prisons at Leavenworth and Atlanta.

While these new harsh laws have been in operation less than four years, the facts concerning their operation are already adequate to show their ineffectiveness, injustice, and undesirability. Hard and fast statutes devoid of flexibility are particularly dangerous in criminal law. The savagery of old English criminal law led to extreme efforts of avoidance to mitigate the injustice in particular cases, especially the development of purely technical loopholes of escape, which, in operation, became precedents, and which have survived as stumblingblocks to the criminal law of this country for over a century, long after the reasons for their existence were swept away.

In like manner ways of avoiding these new life sentences are being developed by courts and district attorneys. An analysis, moreover, of the careers of criminals who have received life sentences shows, in New York at least, that few of the criminals to whom they have been applied had been particularly conspicuous as leaders in the underworld.

No one knows, ever, the exact relation between severe punishment and prevention of crime. We all know at least this: That England, where punishment is far less severe but far more prompt and certain, is registering a great reduction in crime, and that with us the barometer constantly is rising. England relies, apparently, upon continually improving her methods of detection, upon greater certainty of punishment, and not upon the severity of punishment. The results all are in favor of the English system. I have discussed this aspect of the matter in a previous paper and shall not refer to it again here. (The Irritating Efficacy of English Criminal Justice, in the Atlantic for August, 1928.)

As I have said, I am not attempting to consider our crime problems other than those primarily connected with prisons. So long as we are satisfied with the friendly association of crime with politics in a dozen different relationships; so long as political parties in control of our cities consider it more expedient to ally themselves with, to encourage and enlarge, the underworld of crime than to join with the forces of decency; and so long as we find it more expedient to make our so-called police court a disgrace to our civilization and our chiefs of police and district attorneys the pliant tools of politicians and political deals, we must expect conditions such as exist in so many of our large cities to continue. Merely giving harsher sentences to those who have failed to slip through the large meshes of political escape will afford to us no more relief than a mustard plaster on a cancer.

IV

There are plenty of reforms needed in our prisons, reforms long delayed. The urgent question with us just now is how to get full value out of this momentary public interest in prisons, which is due to these revolts of prisoners in Dannemora, Auburn, Leavenworth, and Canon City. What are the main things needed?

Here is a partial list. There is nothing new on it, nothing which has not been recommended over and over again by prison experts for years.

We need more and better prisons, which also means smaller prisons or prisons in which segregation is made possible. The sheer stupidity of applying all sorts of psychiatric tests to the study of the individual prisoner, ascertaining his mental and emotional qualities, and then put-

ting him back in a boarding house for crooks, with two or three thousand felons, is so apparent that it needs no comment. Potential classifications which are not followed by classes are a waste of time and money. Large boarding houses for felons may seem to be cheaper to operate, but they become postgraduate schools in crime and cost society far more in men and money in the long run. At the very basis of any real prison reform are a scientific study of the individual and the segregation of prisoners in appropriate groups in prisons adapted for their type.

Industries are needed for prison labor, intelligently selected, and a suitable prison wage as an incentive to habits of industry and an aid to the reestablishment of the ex-convict in a none too friendly world. The problem of prison labor is not a simple one, to be sure, but the results obtained compared with what might reasonably be expected are almost incredibly bad. The popular notion that this is due to the opposition of organized labor is without foundation. With adequate machinery, wisely selected industries, and a halfway intelligent management, entirely different results could be obtained. Willingness to work is a fair test of character and reformability. Moreover, even the most vindictive opponent of aid and comfort to criminals must admit that there is something lacking in the policy of giving to a convict at the end of his term only a ticket to some point in the State and $10 to reestablish himself in a world where he has a bad name and no references whatsoever.

It is true, of course, that most of our criminal law is based upon the theory that punishment prevents crime. It may be a comfort to us to think, when we send a robber to prison, that various worthy citizens who were on the point of becoming robbers change their minds accordingly. It may be that they do. It possibly is true to some extent that the rigor of criminal law does protect society by preventing crime. That is a principle of optimism as old as the hills. It is bound to remain the basis upon which the police, the criminal courts, and the prisons, as places of punishment, operate. The human scarecrow protects the corn of society.

But the prisoner is something besides a scarecrow. He is also a human being. Unless we are prepared to keep him in prison for life at our expense, what the prison does to him—whether he comes out a confirmed criminal to resume his antisocial activities and again becomes a menace to society and a problem for the police and the criminal courts, or whether he becomes so rehabilitated as to develop into a halfway decent person—is a quite different matter.

These problems, moreover, grow more important as the years pass. They are pressing for new solution. We know more to-day about the human being, physically, mentally, and emotionally, than at any previous period. We babble in a new jargon of psychology and psychiatry and our shelves are full of new books on mental science; our lecture halls are crowded with listeners to the learned exponents of new theories which concern the previously uncharted soul of man.

The more light we receive from repeated studies of the character and make-up of the individuals who constitute our prison population, the more unsatisfactory and archaic become our prison systems except to those to whom the eighteenth-century scarecrow principle of prisons is all-sufficient. Our failure to make progress, where progress is possible, to make prison programs advance, is due in the main to the steady resistance of those who still believe that the program of modern penology is a mysterious formula for mollycoddling malefactors, and who insist on outworn remedies for crime. It is a transitional period in which warfare is on between the upholders of the old scarecrow theory and those who bring to the problems of crime wisdom, surrounded, alas, too often with a panoply of new and mysterious scientific words.

Here is an illustration of that warfare. A few years ago a convict named Alphonso Monjo finished his latest term in Sing Sing prison. When his case came up before the parole board, Warden Lawes wrote to the board: "In my judgment, this is a man who is unquestionably a mental defective and should be, for the safety of the community, restrained. We have communicated with the Commission on Mental Defectives and they can not accept this man at Napanoch because of an overcrowded condition. It seems to me that this type of man, for the benefit of all concerned, should, if possible, be sent to an institution for mental defectives."

Six months later Monjo was back in Sing Sing again, this time with a life sentence for robbery as a fourth offender.

In this case the new penology said, in effect, through the views of the warden: "Here is a man who should not have been in prison in the first place. He should have been sent to an institution for the feeble-minded for permanent custodial care." The old penology replied: "This man must be punished for the protection of society. He committed a crime. He was mentally able to qualify under the legal standard of criminal responsibility. He knew the nature and quality of his act (robbery) and knew that it was wrong.

So this mentally defective convict will be kept for life in a prison for punishment instead of in an institution for the mentally defective. There are plenty of other misfits like him in our prisons. They make new prison problems themselves and prevent other prison problems from being solved.

Our failure to distinguish between one convict and another as human problems, our failure to act on this obvious distinction, our insistence upon treating them all as one abandoned class, are something which, unless checked or changed, will cost our communities further wastage in human material and untold millions of unnecessary expense.

Here is an illustration: Since the prison riots, as we noted, New York is earnestly considering a new prison. Some of the prisoners who may be placed in it doubtless will be very vicious and dangerous characters, likely to try desperate means of escape. Attica, the new prison, is, for the moment, being planned as though each and every prisoner in it would be of this type. Heavy steel cells, enormously expensive, are being considered, with safety to the community further assured by an enormous curved wall around the prison which itself will cost considerably over $1,000,000. Nothing seems overlooked in the picture except a ball and chain for each prisoner and the leg irons still in vogue in the road gangs of the eighteenth-century South. It is solemn nonsense, and very expensive nonsense at that.

Science in the study of the individual prisoner has been wholly wasted when its results are cast aside in this fashion. The crying needs of prison industries may be starved to make these absurd walls and steel cells possible.

V

All of which brings us to the last of our present prison problems—the problem of parole. The acid test of a prison is the kind of man that comes out of it. A school whose students always return to learn again the same lesson is a poor school. Parole, as an ideal, is old enough. As an effective ideal it has remained almost untried. It is simple as a principle. It is difficult as practice. Its successes or failures are bound to depend, of course, upon the human material with which it deals. That something never can be made out of nothing obviously is as true of human beings as it is of algebraic formulæ. But with all its past failures parole is of greater importance to-day than ever before.

After all, no matter how scientifically a prison is built, no matter how well run, no matter how adequate the prison industries in it may be, the real test of its value is not the prisoner within the walls but the prisoner who leaves them. History repeats itself until its lessons are understood.

It may seem to many of us quite a simple matter to save society by putting more and more men and women in prison and keeping them there for life. But it is bound to be very expensive. We are increasing by leaps and bounds the cost of incarceration for defective delinquents, for the feeble-minded, for the border-line felons now in our reformatories and prisons who should always remain in some form of permanent custody.

Sooner or later we shall be forced to take up the business of putting on a scientific and organized basis the process of selecting in our prisons those who, with safety to society, can be at least tested by extramural supervision as a probationary step toward ultimate release. No better means can be devised to make our prisons into failures, except as boarding houses for undesirable guests, than our present method of releasing prisoners.

Consider our current practice. We assume that punishment, particularly if severe and of long duration, will inculcate on the mind of the convict the undesirability of ever breaking the law again. We disregard the mental, emotional, and physical defects which may have been largely responsible for his offense. We give to him, as I have said, $10, his pathetic wages, a ticket to some point in the State, a suit of badly made clothes, and a bad name, and expect a miracle. He has been out of touch for years with the life outside prison walls. This February, for instance, a man was released from Sing Sing prison who had not worn a collar in 20 years and had to be helped to put it on. How far and how long can we expect his wages of $35.98 to carry him in a world where even the common clothes of freedom are confusing to him? He may have relatives who are too poor and uninfluential to do anything for him.

We tell him that he must make reports once a month to a parole custodian who from time to time may see him, and whose facilities for helping him are exceedingly meager; and we indulge in the fanciful speculation that such a man, under these difficulties, ought to leave a life of crime and go to work before his meager funds are spent. If he does not do this, we shall attribute his failure to his natural wickedness and put him back in prison again.

An inadequate conception of the function and possibilities of parole is the main reason why all our States, with the recent exception of Illinois, have failed to finance it sufficiently to make its success possible. For example, the average number of prisoners now on parole in New York from its prisons and reformatories is about 3,800. They would cost if kept in prison $1,387,000 a year. What does the State spend per year to make the transition from prison to freedom less impossible? Roughly, $91,000. It should not take a great deal of imagination to realize that this is absurd. A staff of 28 poorly paid parole officers, four of whom are not doing parole work in any real sense, are expected to do all that is necessary to be done by the State in this terribly difficult transition period to help reestablish these men in society; or, at least, to find out by some form of clairvoyance whether they are falling into evil ways, and, if so, to take them back as parole violators to the prisons from which they came.

New York might well stop a moment in its prison-building program of some $38,000,000 to consider whether an enlightened and adequately financed parole system should not be a part of this program, as a proper substitute for a fair part of the capital expenditures otherwise required for the prisons themselves, instead of resolutely closing its eyes to the fact that the problem of the prisoner released will still remain, no matter how many of these millions are spent on steel cells and 36-foot walls and extra guards. A revision of the antiquated and absurd Federal parole system is now part of the program of Congress for Federal offenders.

Consider an analogy: A few generations age wo had orphan asylums for dependent children. We herded them together in uniforms and homely gingham dresses and took them to one church or another on Sundays and gave them about the most cheerless substitutes for childhood then known to the philanthropic mind of man. Most of the children turned out to be poor dead souls, stamped with what we now call inferiority complexes. These interesting institutions mostly are gone.

We found it was better and a great deal cheaper to place the children in individual homes, to employ competent staffs of social workers to inspect these prospective homes, and to visit children in them after placement. The orphan asylum is an anachronism. Let us reflect, however, on how many millions we should be spending to-day, and with what inevitably poorer results, if this new way of thinking had not been tried and found successful and the old orphan asylums had not been given up.

It may seem almost sacrilegious to make a comparison between the dependency of innocent and unfortunate childhood and the lawbreakers in our prisons, and it is if one insists upon considering the average prisoner as quite normal and as simply wicked. If, however, one cares to be realistic about it and to study the facts now fairly well known as to the mental and physical equipment of our convicts, the analogy is not so far-fetched. They need guidance and help almost more than any other class if they are not to be permanent inmates of our institutions. They do not get this help.

Extramural supervision of ex-convicts for continuous periods on a large scale, not only to aid them in meeting their own handicaps but more especially to protect society against those who persist in criminal careers, is a program yet to be tried. It will have to come as the burdens of prison cost mount higher and higher, since it is the only available substitute for the treadmill process of more prisoners in more prisons and for longer terms.

If the revolts of the convicts can hold public attention long enough, at least some of these long-needed reforms may be made, and the blot of anachronism may pass from our prison and from the method by which they are operated.

REPORTS OF COMMITTEES

Mr. WATERMAN, from the Committee on Patents, to which was referred the bill (H. R. 699) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes, reported it with amendments and submitted a report (No. 626) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (H. R. 9939) authorizing the Secretary of the Interior to lease any or all of the remaining tribal lands of the Choctaw and Chickasaw Nations for oil and gas purposes, and for other purposes, reported it without amendment and submitted a report (No. 627) thereon.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 163) to carry out certain obligations to certain enrolled Indians under tribal agreement, reported it with an amendment and submitted a report (No. 628) thereon.

Mr. ASHURST, from the Committee on Indian Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 134. A bill authorizing an appropriation for the purchase of land for the Indian colony near Ely, Nev., and for other purposes (Rept. No. 629); and

S. 4085. A bill to authorize the use of a right of way by the United States Indian Service through the Casa Grande Ruins National Monument in connection with the San Carlos irrigation project (Rept. No. 630).

Mr. WHEELER, from the Committee on Indian Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 1785. A bill providing for the construction of roads on the Blackfeet Indian Reservation in the State of Montana (Rept. No. 634); and

S. 4002. A bill providing for the construction of roads on the Rocky Boy Indian Reservation in the State of Montana (Rept. No. 635).

Mr. COUZENS, from the Committee on Interstate Commerce, to which was referred the joint resolution (S. J. Res. 161) to suspend the authority of the Interstate Commerce Commission to approve the consolidations or unifications of railway properties, reported it with an amendment and submitted an adverse report (No. 631) thereon.

Mr. HAWES, from the Committee on Interstate Commerce, to which was referred the bill (S. 4205) to amend paragraph (6) of section 5 of the interstate commerce act, as amended, reported it with an amendment and submitted a report (No. 632) thereon.

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (H. R. 1793) for the relief of Albert L. Loban, reported it without amendment and submitted a report (No 633) thereon.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the following enrolled bill and joint resolution:

S. 2076. An act for the relief of Drinkard B. Milner; and

S. J. Res. 135. Joint resolution authorizing and requesting the President to extend to foreign governments and individuals an invitation to join the Government and people of the United States in the observance of the one hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, Va.

REPORTS OF NOMINATIONS

As in executive session,

Mr. WATERMAN, from the Committee on Patents, reported the nomination of Elonzo Tell Morgan, of West Virginia, to be an examiner in chief in the Patent Office, which was placed on the Executive Calendar.

Mr. SMOOT, from the Committee on Finance, reported the nomination of Jeannette A. Hyde, of Salt Lake City, Utah, to be collector of customs for customs collection district No. 32, with headquarters at Honolulu, Hawaii, which was placed on the Executive Calendar.

He also, from the same committee, reported the nomination of Robert B. Morris, of Houston, Tex., to be collector of customs for customs collection district No. 22, with headquarters at Galveston, Tex., which was placed on the Executive Calendar.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NORRIS:

A bill (S. 4391) for the relief of John Herink; to the Committee on Claims.

By Mr. VANDENBERG:

A bill (S. 4392) for the relief of J. H. McLaughlin; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 4393) granting a pension to Henrietta E. J. Hammer; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 4394) granting a pension to James Curtis Bell; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4395) granting a pension to Eva F. Tice (with accompanying papers); to the Committee on Pensions.

By Mr. FESS:

A bill (S. 4396) to provide monuments to mark the birthplaces of deceased Presidents of the United States; to the Committee on the Library.

By Mr. REED:

A bill (S. 4397) to permit naval and Marine Corps service of Army officers to be included in computing dates of retirement; to the Committee on Military Affairs.

A bill (S. 4398) to authorize the Comptroller General of the United States to adjust and settle the claim of the Commissioners on Uniform State Laws (with accompanying papers); to the Committee on Claims.

By Mr. GOLDSBOROUGH:

A bill (S. 4399) to regulate leaves of absence of employees of the navy yards, gun factories, naval stations, and arsenals of the United States Government; to the Committee on Civil Service.

A bill (S. 4400) to legalize a pier constructed in Chesapeake Bay at Annapolis Roads, Md.; to the Committee on Commerce.

A bill (S. 4401) for the relief of Southern Overall Co. (with accompanying papers); to the Committee on Claims.

By Mr. ROBINSON of Arkansas:

A bill (S. 4402) for the relief of Peery Lamar Stinson; to the Committee on Naval Affairs.

By Mr. McNARY:

A bill (S. 4403) for the relief of volunteer officers and soldiers in the volunteer service of the United States who served in the Philippine Islands beyond the period of their enlistment, and for other purposes; to the Committee on Military Affairs.

By Mr. SHORTRIDGE:

A bill (S. 4404) granting a pension to Josephine Stombaugh; to the Committee on Pensions.

By Mr. WAGNER:

A bill (S. 4405) granting a pension to Emma Lester; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 4406) to provide for standard methods of grading and valuing cottonseed, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 4407) granting a pension to Oscar D. Baker;

A bill (S. 4408) granting a pension to William Fawcett Hardeman;

A bill (S. 4409) granting a pension to Wyatt E. Heard;

A bill (S. 4410) granting a pension to Charles W. McFaddin;

A bill (S. 4411) granting a pension to George W. Baylor;

A bill (S. 4412) granting a pension to James Whitecotton;

A bill (S. 4413) granting a pension to Sidney J. Baylor; and

A bill (S. 4414) granting a pension to Henry W. Baylor; to the Committee on Pensions.

By Mr. McNARY (for Mr. BROOKHART):

A bill (S. 4415) granting a pension to Phoebe O. Spenney (with accompanying papers); and

A bill (S. 4416) granting an increase of pension to Philena Marshall (with accompanying papers); to the Committee on Pensions.

PHILIPPINE INDEPENDENCE

Mr. COPELAND. I send to the desk and ask to have read a joint resolution, which I desire may be referred to the Committee on the Judiciary.

The joint resolution (S. J. Res. 174) proposing an amendment to the Constitution of the United States relating to Philippine independence was read the first time by its title, the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment of the Constitution be, and hereby is, proposed to the States, to become valid as a part of said Constitution when ratified by the legislatures of the several States, as provided by the Constitution:

After 10 years from the ratification of this article, and with the consent of the citizens of the Philippines, the Congress shall have power to relinquish sovereignty over the Philippine Islands and to transfer to the Filipino people all the territory in the Philippine Archipelago acquired by treaty with Spain.

Mr. COPELAND. Mr. President, my position with reference to the Filipino independence has been so misunderstood that I desire to make it clear by the introduction of this joint resolution proposing an amendment to the Constitution. I am not very keen about the adoption of more amendments to the Constitution, in view of some of those already in existence, but if we are to give the Filipinos their independence in a constitutional way, I exceedingly doubt if it can be done in any other manner than by an amendment to the Constitution.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on the Judiciary.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Agriculture and Forestry:

H. R. 7. An act to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States warehouse act, approved August 11, 1916, as amended;

H. R. 730. An act to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended; and

H. R. 10877. An act authorizing appropriations to be expended under the provisions of sections 4 to 14 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended.

TRANSFER OF PROHIBITION BUREAU TO DEPARTMENT OF JUSTICE

Mr. TYDINGS submitted sundry amendments intended to be proposed by him to the bill (H. R. 8574) to transfer to the Attorney General certain functions in the administration of the national prohibition act, to create a bureau of prohibition in the Department of Justice, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENTS TO DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. McKELLAR submitted an amendment intended to be proposed by him to House bill 10813, the District of Columbia appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 2, after line 12, insert the following:

"That the Commissioners of the District of Columbia be, and they are hereby, authorized to continue William Tindall in the service of the government of the District of Columbia notwithstanding the provisions of the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, as amended."

Mr. HOWELL submitted an amendment intended to be proposed by him to House bill 10813, the District of Columbia appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 100, line 17, to strike out "$9.85" and insert in lieu thereof "$8.09." In line 20 strike out "62" and insert in lieu thereof "51." In line 24 strike out "40" and insert in lieu thereof "15." In line 25 strike out "$8.75" and insert in lieu thereof "$7.13." On page 101, in line 1, strike out "7" and insert in lieu thereof "6⅛."

On page 101, after line 18, insert the following paragraph:

"For fire-hydrant rental tax, at the rate of $46 per hydrant, $234,600, said amount to be charged to the general revenues of the District of Columbia and credited to the water fund."

BETTY ALVERNA ODEN

Mr. SWANSON submitted the following resolution (S. Res. 259), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Betty Alverna Oden, daughter of Benjamin F. Oden, late an assistant clerk in the office of Hon. CLAUDE A. SWANSON, a Senator from the State of Virginia, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

EXECUTIVE MESSAGES

Messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On May 7, 1930:

S. 3249. An act to repeal section 4579 and amend section 4578 of the Revised Statutes of the United States respecting compensation of vessels for transporting seamen.

On May 8, 1930:

S. 3441. An act to effect the consolidation of the Turkey Thicket Playground, Recreation and Athletic Field.

ANALYSIS OF BOULDER DAM POWER CONTRACTS

Mr. PITTMAN. Mr. President, I have here a document, which has been prepared by the Secretary of the Interior, entitled "Analysis of Boulder Dam Power Contracts." I do not know whether or not it has been previously published in the RECORD, but if so I have not seen it. The analysis is short while the contracts are long, and I think the analysis should be published in the RECORD for the information of Congress. I ask unanimous consent that that be done.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

[Department of the Interior, Ray Lyman Wilbur, Secretary]

ANALYSIS OF BOULDER DAM POWER CONTRACTS

GENERAL

As required by section 4 (b) of the Boulder Canyon project act, the Secretary has made provision for revenues by contracts adequate in his judgment to insure payment of all expenses of operation and maintenance of the dam, power plant and incidental works, and the repayment within 50 years from the date of completion of said works of all amounts advanced to the Colorado River Dam fund for such works together with interest thereon made reimbursable under the act.

These contracts are three in number, two being contracts for electrical energy and one for storage of water. The first is a several, not joint, lease of units of a Government-built plant, executed by the city of Los Angeles, which will generate for the public agencies which are allotted 91 per cent of all firm energy and by the Southern California Edison Co. The second is a contract for electrical energy executed by the Metropolitan Water District of Southern California. The third is a contract for the storage of water executed by the latter organization.

One hundred per cent of the firm energy generated at Boulder Dam is guaranteed to be paid for under these contracts, although 36 per cent for Nevada and Arizona and 6 per cent for smaller cities must be yielded if demanded. The city's maximum obligation is 37 per cent

(13 per cent for itself, 6 per cent for other municipalities, and one-half of the 36 per cent allocated to the States until they use it). The company's obligation is 27 per cent (9 per cent for itself and other utilities, plus payment for one-half the unused State power until the States require it). The district's is 36 per cent. The total amounts received by the United States under the two power contracts (if the power rates of 1.63 mills per kilowatt-hour for falling water for generation of firm energy and 0.5 mill for water for secondary energy, fixed under the contracts, continue to be justified by competitive conditions when the rates are readjusted as required by the act) will vary between $327,000,000 and $361,000,000, depending upon the quantity of secondary energy and stored water sold.

The Metropolitan Water District is a municipal corporation now comprising 12 cities in southern California, with a taxable valuation in excess of $2,000,000,000.

The city of Los Angeles is now in the power business, and its total payments for purchase of power from other sources which Boulder Dam energy will supplant are in excess of the amounts which will be annually due the United States. It is accumulating a satisfactory surplus in the operation of this power department.

The Southern California Edison Co. has assets in excess of $300,000,000, is owned by 123,000 stockholders, and serves 450,000 consumers.

If these rates continue, performance by the two lessees will amortize the estimated cost within the required 50 years from completion of the dam, regardless of performance of any other allottee of power and regardless of whether any secondary energy or stored water is sold. Similarly, performance by the Metropolitan Water District and the city of Los Angeles, even if all other allottees fail, will accomplish this result. Similarly, performance by the company and by the district under its power and water contracts will suffice even if all other contractors fail. These statements are based on maintenance of the rates established in the power contracts; these rates are, however, under the terms of section 5 of the act, subject to adjustment 15 years from the date of execution and each 10 years thereafter, either upward or downward, as may be justified by competitive conditions at distributing points or competitive centers.

In the event that only two of these three primary contractors perform, postponement of amortization of some part of the flood-control allocation will be required, but such postponement is permissible under the opinion of the Attorney General.

Bonds for these specific contracts have not been voted nor issued by the city nor the district. Nevertheless, their contracts are adequate in view of the size and character of these municipal corporations, and to require a bond issue equal to the full obligation of their contracts would be a serious and unnecessary burden on them.

The rate fixed for storage of water for the Metropolitan Water District is 25 cents per acre-foot. The rate fixed for falling water for generation of primary energy is 1.63 mills; for secondary energy, 0.5 mill. The above estimates of revenues are necessarily subject to the control of section 5 (c) of the act, which provides for readjustment of power rates at periods as stated above. As the price as readjusted can not exceed the standard fixed by competitive conditions at distributing points for competitive centers, these estimates are necessarily conditioned on maintenance of the present prices of competitive energy.

On the basis of the rates now set and the estimated costs there will have been paid into the Colorado River Dam fund out of excess revenues during the 50 years following completion of the dam, as provided in section 2 (b) of the act, between $29,000,000 and $66,000,000, depending on the quantity of secondary energy and stored water sold.

During the same period there will have been paid to each of the States of Arizona and Nevada under section 4 (b) of the act between $22,000,000 and $31,000,000, depending on the same factors.

The amount which would be paid by the Metropolitan Water District for power and water under present rates, if they should continue to be justified by competitive conditions, during the 50-year period would vary between $118,000,000 and $130,000,000. The amount similarly paid by the city of Los Angeles and the smaller municipalities would vary between $121,000,000 and $133,000,000, and the amount similarly paid by the utilities for their smaller allocation would vary between $88,000,000 and $97,000,000.

None of these contracts become effective until the first act of Congress making an appropriation for construction of the dam has become law.

PARTICULAR PROVISIONS (REFERENCES ARE TO ARTICLES OF THE LEASE)

Machinery—Installation, repayment of cost, title and recapture: As required by section 6 of the act, title to the dam and power plant will forever remain in the United States.

Machinery will be installed and owned by the United States. (Art. 8.) As compensation for its use, the two lessees will pay an amount equivalent to the cost thereof, in 10 equal annual installments at the beginning of the lease period, amounting to a prepayment of rent for the whole lease period. This is in addition to the charge for falling water.

Under this arrangement no equitable interest in the machinery ever vests in the lessees, and in the event of recapture no payment will be owing to them on account of the original installation.

Operation of the power plant: The lease is a several, not joint, lease on separate units of a Government-built plant to the city and to the company (art. 10), operated separately by the two lessees under the general supervision of a director appointed by the secretary (arts. 10 c, 12).

The two lessees will generate at cost for all other allottees (arts. 10, 12). The cost will be determined by the secretary (arts. 10 iii, 12).

Repairs and replacements: In articles 12 and 13 the lessees assume the obligation to operate and maintain the plant, including the repairs and replacements, at their own expense; except that replacements made after the last readjustment of rates will be considered at the end of the lease period and compensation made to the lessees for the unused life of such replacements.

Provisions in favor of States: Under the allocation of energy made in article 14 Arizona and Nevada are each allocated 18 per cent, without the obligation to now contract for it. Each State may withdraw and relinquish energy in any amount until its full allocation is in use, on six months' notice if the amount required is 1,000 horsepower or less, until it has withdrawn 5,000 horsepower in any one year, and on two years' notice if larger quantities. Whatever right may be available to either State to execute a firm contract instead of accepting this drawback arrangement is left unimpaired. But under such a firm contract if, say, made for 33⅓ per cent of the energy, the minimum obligation of the States over the 50-year period may be compared with minimum payments expected from the metropolitan water district for 36 per cent of the firm energy, which amount to $118,000,000, a firm obligation whether the energy is wanted or not. All the contracts of the States for electrical energy, like the contracts of all other contractors, will be made directly by the secretary and enforced by the Government director at the plant. Generation for all allottees must be effected at actual cost, determined by the secretary.

Either State may increase its allocation up to 22 per cent after 20 years if the other State does not take its full 18 per cent by that time.

Generation for other contractors: Under article 14 the lessees undertake to generate at cost energy which the Secretary may contract to furnish to the other allottees, as follows: Metropolitan Water District 36 per cent of the firm energy plus all the secondary energy, plus first call or unused State allocations, all limited to use for pumping; 11 smaller municipalities, 6 per cent of the firm energy; the States, 36 per cent of the firm energy. The city of Los Angeles generates, in addition to these allocations, 13 per cent for itself. The company generates 9 per cent for itself and other public utilities. The division of the 64 per cent allocated California is in accord with agreements submitted to the Secretary by all these California interests on March 20 and April 7.

Quantity and rates for energy: Firm energy is defined as 4,240,000,000 kilowatt-hours (art. 15) based on the best available studies of the river flow over the past 35-year period, decreasing annually not more than 8,760,000 kilowatt-hours, in anticipation of increasing upper basin use. Additional energy is considered as secondary energy. Nevertheless, if the United States builds a higher dam and thus provides a greater quantity of firm energy it reserves the right to dispose of it to any municipality independently of the above allocations. The rate for falling water for firm energy is 1.63 mills; for secondary energy 0.5 mill (art. 16). These rates, as required by the act, will be readjusted at the end of 15 years and every 10 years thereafter, either upward or downward, as justified by competitive conditions at competitive centers but not to exceed the standard so fixed.

Minimum annual payments; load-building provisions: A minimum annual payment is required of each contractor for the firm energy allocated, equivalent to the number of kilowatt-hours allocated to it multiplied by 1.63 mills. Nevertheless to provide an absorption period at the beginning of each lease period the requirement for the first year is fixed at 55 per cent of the ultimate obligation, for the second year, 70 per cent, for the third year 85 per cent, and for the fourth year and subsequent years, 100 per cent. Energy taken in excess of these quantities will be paid for at the rate for secondary energy.

Duration of the leases: Under article 9, the first energy available (expected some time in advance of completion of the dam) shall go to the city, with the district commencing to take one year thereafter, and the company three years thereafter. Under article 26, all contracts terminate when the city contract ends, which means that the company is given a 47-year lease and the district a 49-year contract. Nevertheless, the rental paid by the company for its 47-year term is the same as that paid by the city for its 50-year term, per kilowatt of capacity; that is, an amount equal to the cost of the machinery used (art. 9).

Remedies of the United States: Under articles 19 and 20, generation of energy for any allottee in arrears must be stopped on demand by the Secretary. If the lessees themselves are in arrears more than 12 months or fail to furnish energy in accordance with the allocations to other contractors, the United States can enter and operate the plan, and, on two years' notice, terminate the lease and make other disposition of the power, subject to a 10-year right of redemption under the lease. This period of redemption is justified by the lessees' prepayment of rent

for the whole 50-year period in the first 10 years (art. 9), which leaves the United States in possession of the machinery as a substantial guaranty of performance.

A provision for posting of security bond when and if required by the United States is inserted in the district contract, as it provides no machinery.

Monthly payments and penalties: Under article 18, power bills must be paid monthly, subject to a 1 per cent penalty per month in arrears.

Interruptions in the delivery of water: Under article 21 the United States is not liable for interruptions in the delivery of water, but the power bills are reduced to the extent of such interruption. All contracts are made subject to the Colorado River compact, subordinating the use of water for power to use for irrigation, flood control, navigation, etc.

Measurement and record of energy: Records of energy generated and its distribution to the various allottees are to be kept by the lessees and reported monthly. (Arts. 22, 23.) Meters will be Government tested and inspected.

Inspection by the United States: Full right of entry and inspection of all machinery and books is reserved by the United States. (Art. 24.)

Transmission: The city agrees to transmit for the district and the smaller municipalities. The company agrees to transmit for the other utilities. Transmission for the States will be a separate problem, as the lines will run in different directions from those of the city, company, and district. (Art. 25.)

Title to remain in the United States: Under article 27 title to the dam, power plant, and incidental works, as required by section 6 of the act, remains in the United States forever.

Power reserved for United States: Five thousand kilowatts from each lessee is reserved for the United States for construction purposes on this or other dams. (Art. 28.)

Use of public lands for transmission lines, as provided in the act (sec. 5) is permitted. (Art. 29.)

Claims of the United States have priority over all others, as required by section 17 of the act. (Art. 30.)

Contracts between the city and the company now in force are modified so as to remove any restrictions on either of them from entering into this contract with the United States. (Art. 31.)

Transfers of interests under these contracts are forbidden without the Secretary's consent. (Art. 32.)

The contracts are subject to the Secretary's rules and regulations with a right of hearing to the contractors before modifications are made. (Art. 33.)

Agreement is subject to the Colorado River Compact. (Art. 34.)

Arbitration of disputes between contractors is provided; and also machinery for arbitration between the United States and contractors, if both the United States and the disputant agree to arbitrate. (Art. 35.)

Performance is made contingent on appropriations. (Art. 36.)

Modifications in favor of one contractor shall not be denied to another. (Art. 37.)

Members of Congress are excluded from benefits in the contracts, except as shareholders of corporations, in accordance with specific statutory provision.

THE CALENDAR

The VICE PRESIDENT. Morning business is closed.

Mr. McNARY. Mr. President, at the conclusion of the business on yesterday, we were considering unobjected bills on the calendar under a unanimous-consent agreement. I promised last evening that I would make a request to continue this morning the consideration of the calendar, beginning with Order of Business No. 566, until we should have concluded. I ask unanimous consent that the Senate now commence the consideration of the calendar, beginning with Order of Business 566, and proceed with the consideration of unobjected bills conformably to Rule VIII.

The VICE PRESIDENT. Is there objection?

Mr. STEPHENS. Mr. President, on yesterday two bills were reached and objection was made to their consideration. They are bills of a series; they are bills of great importance and relate to Federal prisons and prisoners. The Senator from South Carolina [Mr. BLEASE] made objection to the consideration of three bills. I understand from him this morning, however, that he is willing to withdraw his objection with reference to two of those bills, and, I repeat, as they are bills of very great importance, I should like to have it understood that we may recur to them.

Mr. McNARY. The proper course to pursue, I think, would be, first, to enter into a unanimous-consent agreement to consider the calendar, and then the Senator may ask specifically that the bills he has in mind be considered. I will gladly cooperate with him to that end.

Mr. STEPHENS. Very well; I thank the Senator from Oregon.

Mr. JONES. Mr. President, I understand the Senator from Oregon hopes to go through the bills on the calendar under the proposed unanimous-consent agreement within about half an hour. The Army appropriation bill is now on the calendar, and I should like to have it considered and passed. I do not think it will take very long. I am willing, however, to defer that, with the understanding that we will get through with the calendar in approximately half an hour and that I may then ask the Senate to proceed with the consideration of the Army appropriation bill.

Mr. McNARY. I appreciate the courtesy of the Senator from Washington.

The VICE PRESIDENT. Is there objection to the request submitted by the Senator from Oregon for unanimous consent to consider bills on the calendar? The Chair hears none, and it is so ordered.

FEDERAL PRISONS

Mr. STEPHENS. Mr. President, I ask that the Senate recur to Order of Business 537, being House bill 7832.

The VICE PRESIDENT. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 7832) to reorganize the administration of Federal prisons; to authorize the Attorney General to contract for the care of United States prisoners; to establish Federal jails, and for other purposes.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

Mr. WAGNER. Mr. President, I should like to have an explanation of the bill.

Mr. STEPHENS. Mr. President, this is one of a series of bills designed to relieve unfortunate conditions in connection with the operation of Federal prisons.

Mr. WAGNER. I ask the Senator whether the bill involves the question of the use of prison labor to do work which otherwise is done by civilians?

Mr. STEPHENS. That question is involved; yes. The whole subject, however, was threshed out before the subcommittee composed of the Senator from Oregon [Mr. STEIWER], the Senator from Rhode Island [Mr. HEBERT], and myself. Then it was submitted to the full committee, and the bill comes from the committee with a unanimous report. As the Senator knows, the Judiciary Committee is composed of men of many minds on certain subjects, but this measure has been reported to the Senate with, I understand, the unanimous indorsement of every member of the committee.

Mr. WAGNER. Mr. President, will the Senator consent to have the bill go over temporarily, in order that I may have a chance again to read its provisions?

Mr. STEPHENS. Of course, if the Senator objects, I will have to allow the bill to go over, for the proceeding is by unanimous consent. I will reiterate, however, that the very question the Senator refers to was threshed out in the fullest manner, and there was common agreement with reference to this particular measure. I think if the Senator would read the bill he would interpose no objection.

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Maryland?

Mr. STEPHENS. I yield.

Mr. TYDINGS. As I understand, Order of Business 615, being House bill 8574, is not one of the bills to which the Senator from South Carolina objected yesterday and as to which he has no objection to-day?

Mr. STEPHENS. We have not reached Order of Business 615.

Mr. TYDINGS. I say that is not one of the bills to which objection has been withdrawn.

Mr. STEPHENS. Oh, no, it is not.

Mr. President, after the bill now pending has been given such full consideration by the Judiciary Committee as a whole, the Senator from New York ought to be satisfied to allow it to be discussed. If he objects, of course I will not insist on its consideration.

Mr. WAGNER. I merely want to be sure that the bill does not provide for the ordinary contracting of prisoners to perform labor.

Mr. STEPHENS. It does not, as I understand.

Mr. WAGNER. Upon that assurance, I make no objection to the consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7832) to reorganize the administration of Federal prisons; to authorize the Attorney General to contract for the care of United States

prisoners; to establish Federal jails, and for other purposes, which was read, as follows:

Be it enacted, etc., That there is hereby established in the Department of Justice a bureau of prisons, to be in charge of a director, who shall be paid a salary at the rate of $10,000 a year, and shall be appointed by and serve directly under the Attorney General. The officers and employees of the existing office of the Superintendent of Prisons; all official records, furniture, and supplies; and all of the authority, powers, and duties conferred by law or regulation upon the Superintendent of Prisons or any of his subordinates are hereby transferred to the bureau of prisons. The Attorney General shall have the power to appoint such additional officers and employees as may be necessary.

SEC. 2. The bureau of prisons shall have charge of the management and regulation of all Federal penal and correctional institutions and be responsible for the safe-keeping, care, protection, instruction, and discipline of all persons charged with or convicted of offenses against the United States: *Provided*, That the provisions of this act shall not apply to military penal or military reformatory institutions or persons confined therein.

SEC. 3. It shall be the duty of the bureau of prisons to provide suitable quarters for the safe-keeping, care, and subsistence of all persons convicted of offenses against the United States, charged with offenses against the United States, or held as witnesses or otherwise. For this purpose the director of the bureau of prisons may contract, for a period not exceeding three years, with the proper authorities of any State or Territory or political subdivision thereof, for the imprisonment, subsistence, care, and proper employment of any person held under authority of any United States statute: *Provided*, That such Federal prisoners shall be employed only in the manufacture of articles for, the production of supplies for, the construction of public works for, and the maintenance and care of the institutions of, the State or political subdivision of the State in which they are imprisoned. The rates to be paid for the care and custody of said persons shall take into consideration the character of the quarters furnished, sanitary conditions, and quality of subsistence. The rates to be paid may be such as will permit and encourage the proper authorities to provide reasonably decent, sanitary, and healthful quarters and subsistence for persons held as United States prisoners.

SEC. 4. If by reason of the refusal or inability of the authorities having control of any jail, workhouse, penal, correctional, or other suitable institution of any State or Territory, or political subdivision thereof, to enter into a contract for the imprisonment, subsistence, care, or proper employment of United States prisoners, or if there are no suitable or sufficient facilities available at reasonable cost, the Attorney General is authorized to select a site either within or convenient to the State, Territory, or judicial district concerned and cause to be erected thereon a house of detention, workhouse, jail, prison-industries project, or camp or other place of confinement, which shall be used for the detention of persons held as material witnesses, persons awaiting trial, persons sentenced to imprisonment and awaiting transfer to other institutions, and for the confinement of persons convicted of offenses against the United States and sentenced to imprisonment, with or without hard labor; for the detention of persons held for violation of the immigration laws or awaiting deportation, and of such other persons as in the opinion of the Attorney General are proper subjects for confinement in the institutions herein authorized.

SEC. 5. To carry out the purposes of the foregoing section the Attorney General may authorize the use of a sum not to exceed $100,000 in each instance, payable from any unexpended balance of the appropriation "Support of United States prisoners" for the purpose of leasing or acquiring a site, preparation of plans, and erection of necessary buildings. If in any instance it shall be impossible or impracticable to secure a proper site and erect the necessary buildings within the above limitation of $100,000, the Attorney General may authorize the use of a sum not to exceed $10,000 in each instance, payable from any unexpended balance of the appropriation "Support of United States prisoners" for the purpose of securing options and making preliminary surveys or sketches. Upon selection of an appropriate site the Attorney General shall submit to Congress an estimate of the cost of purchasing same and of remodeling, constructing, and equipping the necessary buildings thereon.

SEC. 6. The control and management of any institutions established hereunder, and the house of detention for Federal prisoners in New York City appropriated for in the second deficiency act, fiscal year 1929, shall be vested in the Attorney General, who shall have power to promulgate rules for the government thereof, and to appoint in accordance with the civil service laws and regulations all necessary officers and employees. In connection with such maintenance and operation the Attorney General is authorized to establish and conduct industries, farms, and other activities; to classify the inmates; and to provide for their proper treatment, care, rehabilitation, and reformation.

SEC. 7. Hereafter all persons convicted of an offense against the United States shall be committed, for such terms of imprisonment and to such types of institutions as the court may direct, to the custody of the Attorney General of the United States or his authorized representative, who shall designate the places of confinement where the sentences of all such persons shall be served. The Attorney General may designate any available, suitable, and appropriate institutions, whether maintained by the Federal Government or otherwise or whether within or without the judicial district in which convicted. The Attorney General is also authorized to order the transfer of any person held under authority of any United States statute from one institution to another if in his judgment it shall be for the well-being of the prisoner or relieve overcrowded or unhealthful conditions in the institution where such prisoner is confined or for other reasons.

SEC. 8. All transportation of prisoners shall be by such agent or agents of the Department of Justice as the Attorney General or his authorized representative shall from time to time nominate, the reasonable expense of transportation, necessary subsistence, and hire and transportation of guards and agent or agents to be paid by the Attorney General from any appropriation to the Department of Justice as he may direct: *Provided*, That when the conviction is by a consular court or court-martial the transportation from the court to the place of confinement shall be by an agent or agents of the Department of State or the Department of War, as the case may be, the expenses of such transportation to be paid out of the Treasury of the United States in the manner provided by law.

SEC. 9. Any person properly committed to the custody of the Attorney General or his authorized representative or who is confined in any penal or correctional institution, pursuant to the direction of the Attorney General, who escapes or attempts to escape therefrom shall be guilty of an offense and upon apprehension and conviction of any such offense in any United States court shall be punished by imprisonment for not more than five years, such sentence to begin upon the expiration of or upon legal release from the sentence for which said person was originally confined.

SEC. 10. It shall be unlawful for any person to procure the escape of any prisoner properly committed to the custody of the Attorney General or to any penal or correctional institution, pursuant to the direction of the Attorney General, or to advise, connive at, aid, or assist in such escape, or to conceal any such prisoner after such escape, and upon conviction in a United States court such person shall be punished by imprisonment for not more than three years.

SEC. 11. Any person not authorized by law or by the Attorney General who introduces or attempts to introduce into or upon the grounds of any Federal penal or correctional institution any narcotic drug, weapon, or any other contraband article or thing, or any contraband letter or message intended to be received by an inmate thereof, shall be guilty of a felony, and shall be punished by imprisonment for a period of not more than 10 years.

SEC. 13. All acts and parts of acts in conflict herewith are hereby repealed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TRAINING AND EMPLOYMENT OF FEDERAL PRISONERS

Mr. STEPHENS. Mr. President, I now ask that the Senate recur to Order of Business 538, being House bill 7412, which is one of the same series of bills to which I previously referred.

The VICE PRESIDENT. The title of the bill will be stated for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 7412) to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 2, page 2, line 2, after the word "roads," to insert "the cost of which is borne exclusively by the United States," and in line 6, after the word "in," to insert the word "major," so as to make the section read:

SEC. 2. The Attorney General may make available the services of United States prisoners to the heads of the several departments under such terms, conditions, and at such rates as may be mutually agreed upon, for the purpose of constructing or repairing roads the cost of which is borne exclusively by the United States; clearing, maintaining, and reforesting public lands; building levees; and for construction or repairing any other public ways or works which are or may be financed wholly or in major part by funds appropriated from the Treasury of the United States. To carry out the purpose of this section the Attorney General may establish, equip, and maintain camps upon sites selected by him and designate such camps as a place for confinement of persons convicted of an offense against the laws of the

United States, or transfer thereto any person convicted of any offense against the laws of the United States. The expenses of transferring and maintaining prisoners at such camps shall be paid from the appropriation "Support of United States prisoners," and said appropriation may, in the discretion of the Attorney General, be reimbursed for such expenses.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 25, after the word "That," to strike out "no class of articles or commodities shall be produced for sale to or use of departments or independent establishments of the Federal Government in United States penal or correctional institutions which at present are being produced by civilian employees at the navy yards, arsenals, mail-bag repair shop, or other Government owned and operated industrial establishments, or such articles as these Government owned and operated establishments are equipped to produce," and insert "any industry established under authority of this act be so operated as not to curtail the production within its present limits, of any existing arsenal, navy yard, or other Government workshop," so as to make the section read:

SEC. 3. The Attorney General shall establish such industries as will produce articles and commodities for consumption in United States penal and correctional institutions or for sale to the departments and independent establishments of the Federal Government and not for sale to the public in competition with private enterprise: *Provided*, That any industry established under authority of this act be so operated as not to curtail the production within its present limits, of any existing arsenal, navy yard, or other Government workshop. In establishing said industries the Attorney General shall provide such forms of employment in the Federal penal and correctional institutions as will give the inmates a maximum opportunity to acquire a knowledge and skill in trades and occupations which will provide them with a means of earning a livelihood upon release. The industries to be established by the Attorney General under authority of this section may be either within the precincts of any penal or correctional institution or in any convenient locality where an existing property may be obtained by lease, purchase, or otherwise.

The amendment was agreed to.

The next amendment was, in section 4, page 4, line 7, after the word "institutions," to insert "heretofore or hereafter established," so as to make the section read:

SEC. 4. In lieu of the working-capital funds authorized for the textile mill at the Atlanta Penitentiary by the act approved July 10, 1918 (ch. 144, 40 Stat. 897; sec. 799, title 18, U. S. C.), and for the shoe factory at the Leavenworth Penitentiary by the act approved February 11, 1924 (ch. 17, 43 Stat. 7; sec. 772, title 18, U. S. C.), there is hereby created a consolidated prison industries working-capital fund which shall be available for carrying on industrial enterprises at any of the several Federal penal and correctional institutions heretofore or hereafter established.

The amendment was agreed to.

The next amendment was, in section 6, page 4, line 24, before the word "machinery," to insert the word "industrial"; on page 5, line 4, after the word "employees," to insert "engaged in any industrial enterprise"; and line 7, after the word "of," to insert the word "industrial," so as to make the section read:

SEC. 6. The prison industries working-capital fund shall be administered and disbursed by or under the direction of the Attorney General, and shall be available for the purchase, repair, or replacement of industrial machinery or equipment; for the purchase of raw materials; for compensation to inmates employed in any industry under rules and regulations promulgated from time to time by the Attorney General; for the employment of necessary civilian officers and employees engaged in any industrial enterprise at any of the Federal penal and correctional institutions and in the District of Columbia; for the repair, alteration, erection, and maintenance of industrial buildings and equipment; and for travel and any other expenses incident to or connected with the establishment, operation, or maintenance of such prison industries as are now established or may hereafter be established by the Attorney General at the several penal and correctional institutions.

The amendment was agreed to.

The next amendment was, in section 7, page 5, line 16, after the word "prices" to strike out "as determined by the Attorney General or his authorized representative," and after line 20 to insert "Any disputes as to the price, quality, suitability, or character of the products manufactured in any prison industry and offered to any Government department shall be arbitrated by a board consisting of the Comptroller General of the United States, the superintendent of supplies of the General Supply Committee, and the Chief of the United States Bureau of Efficiency, or their representatives. The decision of said board shall be final and binding upon all parties," so as to make the section read:

SEC. 7. The several Federal departments and independent establishments and all other Government institutions of the United States shall purchase at not to exceed current market prices such products of the industries herein authorized to be carried on as meet their requirements and as may be available and are authorized by the appropriations from which such purchases are made. Any disputes as to the price, quality, suitability, or character of the products manufactured in any prison industry and offered to any Government department shall be arbitrated by a board consisting of the Comptroller General of the United States, the Superintendent of Supplies of the General Supply Committee, and the Chief of the United States Bureau of Efficiency, or their representatives. The decision of said board shall be final and binding upon all parties.

The amendment was agreed to.

The next amendment was, in section 8, page 6, line 18, after the word "camp," to insert "for the first year or any part thereof, and for any succeeding year or any part thereof not to exceed five days for each month of actual employment in said industry or said camp," so as to make the section read:

SEC. 8. The act of Congress approved June 21, 1902 (ch. 1140, 32 Stat. 397), as amended by the act of April 27, 1906 (ch. 1997, 34 Stat. 149; secs. 710 to 712a, inclusive, title 18, U. S. C.), providing for commutation of sentences of United States prisoners for good conduct, shall be applicable to prisoners engaged in any industry, or transferred to any camp established under authority of this act; and in addition thereto each prisoner, without regard to length of sentence, may, in the discretion of the Attorney General, be allowed, under the same terms and conditions as provided in the acts of Congress referred to in this section, a deduction from his sentence of not to exceed three days for each month of actual employment in said industry or said camp for the first year or any part thereof, and for any succeeding year or any part thereof not to exceed five days for each month of actual employment in said industry or said camp.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. COPELAND. Mr. President, I hope the Senator from Mississippi will finish his good work this morning by bringing up Order of Business No. 536, being House bill 6807, establishing two institutions for the confinement of United States prisoners.

Mr. STEPHENS. I have been unable to reach an agreement with reference to that measure; objection would be made to its consideration; and for that reason I shall not now ask for its consideration.

Mr. COPELAND. There certainly is a crying need to have some place in which to incarcerate prisoners.

Mr. STEPHENS. I agree it is a bill of very great merit, but another Senator does not agree with me, and, therefore, I will not insist on having the bill considered at this time.

SALE OF GOVERNMENT PROPERTY IN BINGHAMTON, N. Y.

The VICE PRESIDENT. The next bill in order on the calendar will be stated.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2902) to authorize the sale of the Government property acquired for a post-office site in Binghamton, N. Y., which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and empowered to dispose of the Government property acquired for a post-office site in Binghamton, N. Y., fronting on the north side of Henry Street and extending northwardly between Washington and State Streets, in the following manner: To transfer by the usual quitclaim deed to the city of Binghamton the southerly triangular portion of said site, measuring approximately 59.84 feet on Washington Street and 159.75 feet on Henry Street, for the purpose of straightening out said Henry Street; and, in the discretion of the Secretary of the Treasury, to sell the remainder of the site at such time and upon such terms as he may deem to the best interests of the United States and to convey such remainder of the property to the purchaser thereof by the usual quitclaim deed, the proceeds of said sale to be covered into the Treasury as miscellaneous receipts.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALE OF GOVERNMENT PROPERTY IN AKRON, OHIO

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3246) to authorize the sale of the Government property acquired for a post-office site in Akron, Ohio, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and empowered to dispose of the Government property acquired for a post-office site at Akron, Ohio, located on the south-

east corner of East Market and South High Streets, in the following manner: To transfer by the usual quitclaim deed to the city of Akron, for the purpose of widening said East Market Street, the northerly portion of said site, beginning at the intersection of the southerly line of East Market Street (between South Main and South High Streets) extended easterly with the eastern line of South High Street; thence with the eastern line of South High Street north 18° 25′ east, 11.20 feet, to the southern line of East Market Street; thence with the southern line of East Market Street south 66° 13′ east, 133.77 feet, to the western line of Wheeler Lane Alley; thence with the western line of Wheeler Lane Alley south 18° 21′ west, 10.18 feet; thence north 60° 43′ west, 63.04 feet; thence north 71° 54′ west, 71.28 feet to place of beginning; and to sell the remainder of the site upon the terms and conditions provided in the act of Congress approved March 4, 1913, authorizing the sale of the above old post-office property in Akron, Ohio.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALE OF POST-OFFICE SITE AND BUILDING AT DOVER, DEL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8578) to sell the present post-office site and building at Dover, Del., which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby authorized, in his discretion, to sell the present post-office site and building at Dover, Del., upon such terms and conditions as he may deem advantageous to the Government: *Provided*, That he may accept in exchange a new site in part payment for the present site and building.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONVEYANCE TO TRENTON, N. J., OF FEDERAL PROPERTY

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8918) authorizing conveyance to the city of Trenton, N. J., of title to a portion of the site of the present Federal building in that city, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to convey by quitclaim deed to the city of Trenton, N. J., title to all that land of the Federal building site in that city situate on the northeast corner of East State Street and North Montgomery Street fronting 25 feet 10 inches on the north side of East State Street and extending in a northerly direction the same width along North Montgomery Street for a distance of 143 feet to Postoffice Alley, and now used as a part of North Montgomery Street under license granted by the Treasury on August 8, 1919: *Provided*, That the land conveyed shall be used for street purposes and no other, to be cared for and maintained as are other public streets in said city, and in the event that the premises shall cease to be so used for street purposes, the right, title, and interest in the land herein authorized to be conveyed shall revert to the United States and the deed shall recite such limitation and reversionary right.

Mr. ROBINSON of Arkansas. Mr. President, I inquire why it is proposed that the Government shall convey to the city of Trenton title to a part of its Federal buildings there?

Mr. KEYES. It is proposed to convey a portion of the site to the city for the purpose of widening a street. If the land should cease to be used for street purposes it would revert to the Government.

Mr. ROBINSON of Arkansas. Very well.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed

OLD POST-OFFICE SITE, WICHITA, KANS.

The bill (H. R. 9324) to dedicate for street purposes a portion of the old post-office site at Wichita, Kans., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ACCEPTANCE OF TITLE TO CERTAIN REAL ESTATE

The bill (H. R. 9407) to amend the act of Congress approved May 29, 1928, authorizing the Secretary of the Treasury to accept title to certain real estate, subject to a reservation of mineral rights in favor of the Blackfeet Tribe of Indians, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INCREASE IN WHITE HOUSE POLICE FORCE

The bill (H. R. 9437) to authorize a necessary increase in the White House police force was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TRANSFER OF GOVERNMENT-OWNED LAND AT DODGE CITY, KANS.

The bill (H. R. 9845) to authorize the transfer of Government-owned land at Dodge City, Kans., for public-building purposes was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SMITHSONIAN INSTITUTION

The bill (S. 3970) authorizing the Smithsonian Institution to extend the Natural History Building and authorizing an appropriation therefor, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Smithsonian Institution is hereby authorized to extend the Natural History Building of the United States National Museum by additions on the east and west ends thereof, in accordance with plans to be approved by the Commission of Fine Arts, and to engage, if necessary, architectural and inspection services, without regard to the restrictions of existing law governing such services. There is hereby authorized to be appropriated a sum not exceeding $6,500,000 for this purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOSPITAL NO. 90, MUSKOGEE, OKLA.

The bill (H. R. 9325) to authorize the United States Veterans' Bureau to pave the road running north and south immediately east of and adjacent to Hospital No. 90, at Muskogee, Okla., and to authorize the use of $4,950 of funds appropriated for hospital purposes, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. A. LEMIRE

The bill (S. 2524) for the relief of J. A. Lemire was considered as in Committee of the Whole.

The bill had been reported from the Committee on Post Offices and Post Roads with an amendment, on page 1, line 5, after the words "sum of," to strike out "$596.10" and insert "$586.10," so as to make the bill read:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of J. A. Lemire, former postmaster at Ronan, Mont., in the sum of $586.10, and certify said credit to the General Accounting Office, being the amount of official funds lost through the failure of the First National Bank of Ronan, at Ronan, Mont., without fault or negligence on the part of the former postmaster: *Provided*, That the said postmaster shall assign to the Postmaster General any and all claims he may have to dividends arising from the liquidation of said bank.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COLLECTION OF ADDITIONAL POSTAGE ON CERTAIN MAIL MATTER

The bill (S. 3178) to authorize the collection of additional postage on insufficiently or improperly addressed mail to which directory service is accorded was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That each piece of insufficiently or improperly addressed mail which is accorded directory service in effecting or attempting to effect its delivery shall be charged with 2 cents postage in addition to the regular postage, to be collected and accounted for in the manner in which postage due on other mail is collected and accounted for: *Provided*, That such additional postage charge may be prepared by the sender under regulations prescribed by the Postmaster General: *Provided further*, That such charge shall not apply to matter mailed under the franking and penalty privileges.

Mr. ROBINSON of Arkansas. Mr. President, I should like to ask the chairman of the Committee on Post Offices and Post Roads whether this bill provides for an increase in postal rates, or substantially changes the law with reference to postal charges?

Mr. PHIPPS. It does not. It is merely to make a collection where improperly addressed mail has to be looked up and handled in the post office and delivered by resorting to directory service. The effect will be to make large companies mailing great quantities of mail much more careful in handling it. It is not intended that a charge shall be made in each individual case where it is necessary to look up the address of an individual.

Mr. ROBINSON of Arkansas. The bill does authorize a charge in any case where the address has to be looked up; but I see no objection to it if it is administered carefully.

Mr. PHIPPS. We believe it will be administered properly. The committee has given the bill careful study, and it is recommended by the Post Office Department.

Mr. McKELLAR. Mr. President, I just want to say to the Senator from Arkansas that the bill is a departure, but quite an abuse has arisen in this connection. It was my view—and I think the committee looked at it in that way—that it would be well to try this out and see if we could not correct the abuse in this way.

Mr. ROBINSON of Arkansas. Very well.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSTRUCTION OF RURAL POST ROADS

The bill (S. 3258) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Federal highway act, approved November 9, 1921 (42 Stat. L. 212), as amended or supplemented, be further amended by amending the second paragraph of section 3 of said Federal highway act to read as follows:

"The Secretary of Agriculture is authorized to cooperate with the State highway departments and with the Department of the Interior in the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations. Such sums as the Congress may hereafter authorize to be expended under the provisions of this section shall be apportioned among those States having more than 5 per cent of their area in the lands hereinbefore described and shall be prorated and apportioned to said States in the proportion that said lands in each of said States is to the total area of said lands in the States eligible under the provisions of this section, and no contribution from the States shall be required in the expenditure thereof. The roads constructed and maintained under the provisions of this section shall be of the same standard as to width and character of construction as the Federal Government requires of the States under like conditions: *Provided*, That in the allocation of any such funds authorized to be appropriated under this section or any subsequent act preference shall be given to those projects which are located on the Federal-aid highway system as the same are now or may hereafter be designated.

"The Secretary of Agriculture shall prepare, publish, and distribute a map and other information, at least annually, showing the progress made in the expenditures of the funds authorized under this section."

SEC. 2. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ODDIE subsequently said: Mr. President, I ask permission to recur to Senate bill 3258, which has just been passed, in order that I may offer an amendment.

Mr. ROBINSON of Arkansas. What is the calendar number?

Mr. ODDIE. It is Order of Business 578.

Mr. ROBINSON of Arkansas. Does the Senator move to reconsider the votes by which the bill was passed?

Mr. ODDIE. Yes.

The VICE PRESIDENT. Without objection, the motion to reconsider is agreed to.

Mr. ODDIE. On page 2, line 5, where the bill reads, "Such sums as the Congress may hereafter authorize to be expended," I desire to amend that so as to read "authorize to be appropriated" instead of "expended."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, line 6, strike out "expended" and insert "appropriated."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN NEVADA

The bill (S. 557) to authorize the disposition of certain public lands in the State of Nevada was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Western Pacific Railroad Co., a California corporation, be permitted to purchase from the United States, at the price of $2.50 per acre, the south half of the southwest quarter of section 28, township 34 north, range 66 east, Mount Diablo meridian, in Elko County, Nev., containing 80 acres; and that patent shall, after such purchase, issue to said company therefor: *Provided*, That the Western Pacific Railroad Co. file in the district land office at Carson City, Nev., an application for the said lands, and tender payment therefor at the price fixed herein within 60 days of the passage of this act: *Provided further*, That patent issued under the provisions of this act shall be subject to and contain a reservation to the United States of all the coal and other minerals in the land so patented, except sand and gravel, together with the right to prospect for, mine, and remove the same.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LYMA VAN WINKLE

The bill (H. R. 645) for the relief of Lyma Van Winkle was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRITISH STEAMSHIP "KYLEAKIN"

The bill (H. R. 1794) to authorize the payment of an indemnity to the owners of the British steamship *Kyleakin* for damages sustained as a result of a collision between that vessel and the U. S. S. *William O'Brien* was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VIKTOR PETTERSSON

The bill (H. R. 7069) for the relief of the heirs of Viktor Pettersson was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

A. O. GIBBENS

The bill (H. R. 1954) for the relief of A. O. Gibbens was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISPOSAL OF UNPRODUCTIVE LAND ON FEDERAL IRRIGATION PROJECTS

The bill (H. R. 156) to authorize the disposal of public land classified as temporarily or permanently unproductive on Federal irrigation projects was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, this apparently is a bill of some importance. I should like to inquire of the Senator in charge of the bill whether it was considered at length by the committee, and whether the report is unanimous.

The VICE PRESIDENT. The Senator who reported the bill is not present.

Mr. PHIPPS. I suggest that it go over.

Mr. ROBINSON of Arkansas. Let it be passed over temporarily, and the Senator from Idaho [Mr. THOMAS] can bring it up later.

The VICE PRESIDENT. The bill will be passed over temporarily.

RIO GRANDE COMPACT

The bill (S. 3386) giving the consent and approval of Congress to the Rio Grande compact signed at Santa Fe, N. Mex., on February 12, 1929, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent and approval of Congress is hereby given to the compact signed by the commissioners for the States of Colorado, New Mexico, and Texas at Santa Fe, N. Mex., on the 12th day of February, 1929, and thereafter approved by the Legislature of the State of Colorado by act approved April 19, 1929, by the Legislature of the State of New Mexico by act approved March 9, 1929, and by the Legislature of the State of Texas by act approved May 22, 1929, which compact reads as follows:

"RIO GRANDE COMPACT

"The State of Colorado, the State of New Mexico, and the State of Texas, desiring to remove all causes of present and future controversy among these States and between citizens of one of these States and citizens of another State with respect to the use of the waters of the Rio Grande above Fort Quitman, Tex., and being moved by considerations of interstate comity, have resolved to conclude a compact for the attainment of these purposes, and to that end, through their respective governors, have named as their respective commissioners Delph E. Carpenter for the State of Colorado, Francis C. Wilson for the State of New Mexico, and T. H. McGregor for the State of Texas, who after negotiations participated in by William J. Donovan, appointed by the President as the representative of the United States of America, have agreed upon the following articles, to wit:

"ARTICLE I

"(a) The State of Colorado, the State of New Mexico, the State of Texas, and the United States of America are hereinafter designated 'Colorado,' 'New Mexico,' 'Texas,' and the 'United States,' respectively.

"(b) The term 'Rio Grande Basin' means all of the territory drained by the Rio Grande and its tributaries in Colorado, New Mexico, and Texas above Fort Quitman, Tex.

"(c) The term 'tributary' means any water course the waters of which naturally flow into the channel of the Rio Grande.

"(d) The 'Closed Basin' means that part of the San Luis Valley in Colorado where the streams and waters naturally flow and drain into the San Luis Lakes and adjacent territory, and the waters of which are not tributary to the Rio Grande.

"(e) 'Domestic' use of water has the significance which attaches to the word 'domestic' in that sense at common law. 'Municipal' use means the use of water by or through water works serving the public. 'Agricultural' use means the use of water for the irrigation of land.

"(f) The term 'power' as applied to the use of water means all uses of water, direct or indirect, for the generation of energy.

"(g) 'Spill' or waste of water at a reservoir means the flowage of water over the spillway, or the release of water through outlet structures other than for domestic, municipal, or agricultural uses, and losses incident thereto.

"The provisions hereof binding each signatory State shall include and bind its citizens, agents, and corporations, and all others engaged in or interested in the diversion, storage, or use of the waters of the Rio Grande in Colorado or New Mexico, or in Texas above Fort Quitman.

"ARTICLE II

"The States of Colorado, New Mexico, and Texas hereby declare:

"(a) That they recognize the paramount right and duty of the United States, in the interests of international peace and harmony, to determine and settle international controversies and claims by treaty, and that when those purposes are accomplished by that means the treaty becomes the supreme law of the Nation;

"(b) That since the benefits which flow from the wise exercise of that authority and the just performance of that duty accrue to all the people, it follows as a corollary that the National should defray the cost of the discharge of any obligation thus assumed;

"(c) That with respect to the Rio Grande, the United States, without obligation imposed by international law and 'being moved by considerations of international comity,' entered into a treaty dated May 21, 1906 (34 Stat. 2953), with the United States of Mexico which obligated the United States of America to deliver from the Rio Grande to the United States of Mexico 60,000 acre-feet of water annually and forever, whereby in order to fulfill that promise the United States of America in effect drew upon the States of Colorado, New Mexico, and Texas a draft worth to them many millions of dollars, and thereby there was cast upon them an obligation which should be borne by the Nation;

"(d) That for the economic development and conservation of the waters of the Rio Grande Basin and for the fullest realization of the purposes recited in the preamble to this compact it is of primary importance that the area in Colorado known as the Closed Basin be drained and the water thus recovered be added to the flow of the river, and that a reservoir be constructed in Colorado upon the river at or near the site generally described as the State Line Reservoir site. The installation of the drain will materially augment the flow of the river, and the construction of the reservoir will so regulate the flow as to remove forever the principal causes of the difficulties between the States signatory hereto; and

"(e) That in alleviation of the heavy burden so placed upon them it is the earnest conviction of these States that without cost to them the United States should construct the Closed Basin drain and the State Line Reservoir described in paragraph (d).

"The signatory States agree that approval by Congress of this compact shall not be construed as constituting an acceptance or approval, directly, indirectly, or impliedly, of any statement or conclusion appearing in this article.

"ARTICLE III

"(a) Colorado, under the direction and administration of its State engineer, shall cause to be maintained and operated an automatic recording stream-gauging station at each of the following points, to wit:

"(1) On the Rio Grande near Del Norte at the station now maintained, known and designated herein as the Del Norte gauging station (the water records from this station to include the flow diverted into the canal of the Del Norte irrigation system);

"(2) On the Rio Conejos near Mogote, a station known and designated herein as the Mogote gauging station;

"(3) On the Rio Grande at or near the Colorado-New Mexico interstate line, a station known and designated herein as the interstate gauging station; and

"(4) Such other station or stations as may be necessary to comply with the provisions of this compact.

"(b) New Mexico, under the direction and administration of its State engineer, shall cause to be maintained and operated an automatic stream-gauging station at each of the following points, to wit:

"(1) On the Rio Grande at the station known as Buckman;

"(2) On the Rio Grande at San Marcial;

"(3) On the Rio Grande at the Elephant Butte Reservoir outlet; and

"(4) Such other station or stations as may be necessary to comply with the provisions of this compact.

"(c) Texas, under the direction and administration of duly constituted official, shall cause to be maintained and operated an automatic stream gauging station at each of the following points, to wit:

"(1) On the Rio Grande at Courchesne;

"(2) On the Rio Grande at Tornillo; and

"(3) On the Rio Grande at Fort Quitman.

"(d) New Mexico and Texas shall establish and maintain such other gauging station or stations as may be necessary for ascertaining and recording the release, flow, distribution, waste, and other disposition of water at all points between the Elephant Butte Reservoir and the lower end of the Rio Grande project, both inclusive: *Provided, however,* That when the United States shall maintain and operate, through any of its agencies, an automatic gauging station at any of the points herein designated it shall not be necessary for the State within which said station is located to maintain a duplicate gauging station at such point whenever the records of such Government stations are available to the authorities of the several States.

"(e) The officials in charge of all of the gauging stations herein provided for shall exchange records and data obtained at such stations for monthly periods through the operation thereof, or at such other intervals as they may jointly determine, and said officials shall provide for check ratings and such other hydrographic work at the designated stations as may be necessary for the accuracy of the records obtained at such stations and to that end may establish rules and regulations from time to time.

"ARTICLE IV

"The State engineer of Colorado, the State engineer of New Mexico, and such officer of Texas as the governor thereof may designate shall constitute a committee which may employ such engineering and clerical aid as may be authorized by the respective State legislatures, and the jurisdiction of the committee shall extend only to the ascertainment of the flow of the river and to the prevention of waste of water, and to findings of fact reached only by unanimous agreement. It shall communicate its findings of fact to the officers of the respective States charged with the performance of duties under this compact. Its findings of fact shall not be conclusive in any court or other tribunal which may be called upon to interpret or enforce this compact. Annual reports compiled for each calendar year shall be made by the committee and transmitted to the governors of the signatory States on or before February 1 following the year covered by such report.

"ARTICLE V

"It is agreed that to and until the construction of the Closed Basin drain and the State Line Reservoir herein described, but not subsequent to June 1, 1935, or such other date as the signatory States may hereafter fix by acts of their respective State legislatures, Colorado will not cause or suffer the water supply at the interstate gauging station to be impaired by new or increased diversions or storage within the limits of Colorado unless and until such depletion is offset by increase of drainage return.

"ARTICLE VI

"To the end that the maximum use of the waters of the Rio Grande may be made it is agreed that at such times as the State engineer of New Mexico, under the supervision and control of the committee, shall find that spill at Elephant Butte Dam is anticipated he shall forthwith give notice to Colorado and New Mexico of the estimated amount of such spill, and of the time at which water may be impounded or diverted above San Marcial, and thereupon Colorado and New Mexico may use in equal portions the amount of such estimated spill so found by the State engineer of New Mexico; and on notice from the said State engineer of New Mexico that the period of said spill, or estimated spill, is terminated, Colorado and New Mexico shall desist from such increased use.

"ARTICLE VII

"(a) On or before the completion of the Closed Basin drain and the State Line Reservoir, and in any event not later than June 1, 1935, a commission of three members shall be constituted, to which the governor of each of the signatory States shall appoint a commissioner, for the purpose of concluding a compact among the signatory States and providing for the equitable apportionment of the use of the waters of the Rio Grande among said States. The governors of said States shall request the President of the United States to name a representative to sit with said commission.

"(b) The commission so named shall equitably apportion the waters of the Rio Grande as of conditions obtaining on the river and within the Rio Grande Basin at the time of the signing of this compact, and no advantage or right shall accrue or be asserted by reason of construction of works, reclamation of land, or other change in conditions or in use of water within the Rio Grande Basin or the Closed Basin during the time intervening between the signing of this compact and the concluding of such subsequent compact to the end that the rights and equities of each State may be preserved unimpaired: *Provided, however,* That Colorado shall not be denied the right to divert, store, and/or use water in additional amounts equivalent to the flow into the river from the drain from the Closed Basin.

"(c) Any compact concluded by said commission shall be of no force or effect until ratified by the legislature of each of the signatory States and approved by the Congress of the United States.

"ARTICLE VIII

"(a) Subject to the provisions of this article Colorado consents to the construction and use of a reservoir by the United States and/or New Mexico, and/or Texas, as the case may be, by the erection of a dam across the channel of the Rio Grande at a suitable point in the canyon below the lower State bridge, and grants to the United States and/or to said States, or to either thereof, the right to acquire by purchase, prescription, or to exercise of eminent domain such rights of way, easements, and/or lands as may be necessary or convenient for the construction, maintenance, and operation of said reservoir and the storage and release of waters.

"(b) Said reservoir shall be so constructed and operated that the storage and release of waters therefrom and the flowage of water over the spillway shall not impede or interfere with the operation, maintenance, and uninterrupted use of drainage works in the San Luis Valley in Colorado or with the flow and discharge of waters therefrom.

"(c) The construction and/or operation of said reservoir and the storage and regulation of flow of waters thereby for beneficial uses or otherwise shall not become the basis or hereafter give rise to any claim of appropriation of waters or of any prior, preferred, or superior right to the use of any such waters. The purpose of said reservoir shall be to store and regulate the flow of the river.

"(d) The United States, or the signatory States, as the case may be, shall control the storage and release of water from said reservoir and the management and operation thereof, subject to a compact between the signatory States.

"(e) Colorado reserves jurisdiction and control over said reservoir for game, fish, and all other purposes not herein relinquished.

"(f) Colorado waives rights of taxation of said reservoir and appurtenant structures and all lands by it occupied.

"ARTICLE IX

"Nothing in this compact shall be construed as affecting the obligations of the United States of America to the United States of Mexico, or to the Indian tribes, or as impairing the rights of the Indian tribes.

"ARTICLE X

"It is declared by the States signatory hereto to be the policy of all parties hereto to avoid waste of waters, and to that end the officials charged with the performance of duties hereunder shall use their utmost efforts to prevent wastage of waters.

"ARTICLE XI

"Subject to the provisions of this compact water of the Rio Grande or any of its tributaries may be impounded and used for the generation of power, but such impounding and use shall always be subservient to the use and consumption of such waters for domestic, municipal, and agricultural purposes. Water shall not be stored, detained, nor discharged so as to prevent or impair use for such dominant purposes.

"ARTICLE XII

"New Mexico agrees with Texas, with the understanding that prior vested rights above and below Elephant Butte Reservoir shall never be impaired hereby, that she will not cause or suffer the water supply of the Elephant Butte Reservoir to be impaired by new or increased diversion or storage within the limits of New Mexico unless and until such depletion is offset by increase of drainage return.

"ARTICLE XIII

"The physical and other conditions characteristic of the Rio Grande and peculiar to the territory drained and served thereby, and to the development thereof, have actuated this compact, and none of the signatory States admits that any provision herein contained establishes any general principle or precedent applicable to other interstate streams.

"ARTICLE XIV

"This compact may be terminated or extended at any time by the unanimous legislative action of all of the signatory States, and in that event all rights established under it shall remain and continue unimpaired.

"ARTICLE XV

"Nothing herein contained shall prevent the adjustment or settlement of any claim or controversy between these States by direct legislative action of the interested States, nor shall anything herein contained be construed to limit the right of any State to invoke the jurisdiction of any court of competent jurisdiction for the protection of any right secured to such State by the provisions of this compact, or to enforce any provision thereof.

"ARTICLE XVI

"Nothing in this compact shall be considered or construed as recognizing, establishing, or fixing any status of the river or the accuracy of any data or records or the rights or equities of any of the signatories or as a recognition, acceptance, or acknowledgment of any plan or principle or of any claim or assertion made or advanced by either of the signatories or hereafter construed as in any manner establishing any principle or precedent as regards future equitable apportionment of the waters of the Rio Grande. The signatories agree that the plan herein adopted for administration of the waters of the Rio Grande is merely a temporary expedient to be applied during the period of time in this compact specified, is a compromise temporary in nature and shall have no other force or interpretation, and that the plan adopted as a basis therefor is not to be construed as in any manner establishing acknowledging, or defining any status, condition, or principle at this or any other time.

"ARTICLE XVII

"The signatories consent and agree to the extension of time for construction of reservoirs on sites covered by approved applications during the time of this compact and for a reasonable time thereafter.

"ARTICLE XVIII

"This compact shall become operative when approved by the legislature of each of the signatory States and by the Congress of the United States. Notice of approval shall be given by the governor of each State to the governors of the other States and to the President of the United States, and the President of the United States is requested to give notice to the governors of each of the signatory States of its approval by the Congress of the United States.

"In witness whereof the commissioners have signed this compact in quadruplicate original, one of which shall be deposited in the archives of the Department of State of the United States of America and shall be deemed the authoritative original, and of which a duly certified copy shall be forwarded to the governor of each of the signatory States.

"Done at the city of Santa Fe, in the State of New Mexico, on the 12th day of February, A. D. 1929.

"DELPH E. CARPENTER.
"FRANCIS C. WILSON.
"T. H. MCGREGOR.

"Approved:
"WILLIAM J. DONOVAN."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF INDIANS IN MONTANA, IDAHO, AND WASHINGTON

The bill (S. 872) to amend an act for the relief of certain tribes of Indians in Montana, Idaho, and Washington was announced as next in order.

Mr. BLEASE. Mr. President, let that bill go over. I want to see if I can not have an amendment made to it for my own State.

The VICE PRESIDENT. The bill will be passed over.

UNITED STATES BUREAU OF FISHERIES

The bill (H. R. 7405) to provide for a 5-year construction and maintenance program for the United States Bureau of Fisheries was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 8, after "$50,000," to insert "Louisiana, $50,000," and on page 6, line 24, after the word "cultural," to insert "the encouragement of fish conservation in the waters of the Great Lakes and other waters," so as to make the bill read:

Be it enacted, etc., That there are hereby authorized to be appropriated during the fiscal year beginning July 1, 1930, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in each of the following States, at a cost not to exceed the amount specified; New Mexico, $50,000; Louisiana, $50,000; Idaho, $60,000.

(2) The establishment of a fish-cultural substation in each of the following States, at a cost not to exceed the amount specified: Wisconsin (in the southern part of the State), $50,000; Montana, $35,000; Colorado, $35,000; New Hampshire (in the White Mountain Forest), $25,000.

(3) The establishment of a fishery laboratory in the State of Washington, at a cost not to exceed $125,000.

(4) The establishment of experimental and bass and trout stations in the State of Maryland or West Virginia at a cost not to exceed $75,000.

SEC. 2. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1931, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in each of the following States, at a cost not to exceed the amount specified: Alabama, $50,000; Indiana, $50,000; Tennessee (in the middle division of the State), $50,000; Pennsylvania (including a substation), $100,000.

(2) The establishment of a fish-cultural substation in each of the following States, at a cost not to exceed the amount specified: South Carolina, or the enlargement of Orangeburg station in said State, $25,000; Texas (in the western part of the State), $35,000; New York, $35,000.

(3) The purchase of Mill Creek station in the State of California, at a cost not to exceed $20,000.

(4) The purchase and repair of the Rogue River substation in the State of Oregon, at a cost not to exceed $35,000.

SEC. 3. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1932, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in the State of Florida, at a cost not to exceed $60,000.

(2) The establishment of a fish-cultural substation in each of the following States, at a cost not to exceed the amount specified: Maine (including enlargement of Craig Brook station), $50,000; Virginia (in the eastern part of the State), $75,000; Minnesota, $50,000.

(3) The establishment of a fishery laboratory in the State of Texas (on the Gulf coast of the eastern part of the State), at a cost not to exceed $75,000.

(4) The purchase or construction of a steel fish-distribution car, at a cost not to exceed $75,000.

SEC. 4. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1933, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in each of the following States, at a cost not to exceed the amount specified: Nevada, $60,000; Illinois, $75,000; New Jersey, $75,000; a fish-cultural substation in Mississippi (in the southern part of the State), $50,000.

(2) The purchase or construction of a steel fish-distribution car at a cost not to exceed $75,000.

SEC. 5. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1934, such amounts as may be necessary for—

(1) The establishment of a fish-cultural substation in each of the following States, at a cost not to exceed the amount specified: Ohio, $35,000; Kansas, $35,000; North Dakota, $35,000; Georgia, $35,000.

(2) The purchase and repair of the Little White Salmon station in the State of Washington, at a cost not to exceed $35,000.

(3) The establishment of a fishery laboratory in the Territory of Alaska, at a cost not to exceed $50,000.

(4) The establishment of an experimental and bass and trout station in the Pisgah National Forest or in the Great Smoky National Park in the State of North Carolina upon the acquisition of said park by the United States, at a cost not to exceed $35,000.

SEC. 6. (a) The stations, substations, and laboratories authorized by sections 1, 2, 3, 4, and 5 shall be located in the States and parts thereof and in the Territory specified, at such suitable points as may be selected by the Secretary of Commerce.

(b) Any appropriation made under authority of sections 1, 2, 3, 4, and 5 may be expended for the purchase of sites, and the purchase of equipment, the construction of buildings and ponds, and for such other expenses as may be incidental to the cost of the establishment, purchase, or enlargement, as the case may be, of the station, substation, or laboratory in question.

(c) No part of an appropriation made under authority of sections 1, 2, 3, 4, or 5 shall be expended in the construction, purchase, or enlargement of a station or substation until the State in which such station or substation is to be located shall have by legislative action accorded to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and fish culture and all operations connected therewith in any manner and at any time that may by the commissioner be considered necessary and proper, any laws of the State to the contrary notwithstanding. The operation of any station, substation, or laboratory established, purchased, or enlarged under authority of this act shall be discontinued whenever the State ceases to accord such right; and such operation may be suspended by the Secretary of Commerce whenever in his judgment State laws or regulations affecting fishes cultivated are allowed to remain so inadequate as to impair the efficiency of such station, substation, or laboratory.

(d) That the authorizations herein given in sections 1, 2, 3, 4, and 5 with reference to appropriations for certain specified years are for the purpose of indicating priority proposed to be given the various projects enumerated therein, but shall not be held to require the appropriations therein enumerated to be made in the years specified, and the appropriations enumerated are likewise authorized in prior or subsequent years in annual or supplemental appropriation acts.

SEC. 7. There are hereby authorized to be appropriated, in addition to all other amounts authorized by law to be appropriated, not to exceed the following amounts during the fiscal years specified:

(1) For the purpose of providing adequate maintenance costs and personnel for the Division of Fish Culture, Bureau of Fisheries: Fiscal year beginning July 1, 1930, $100,000; fiscal year beginning July 1, 1931, $200,000; fiscal year beginning July 1, 1932, $300,000; fiscal year beginning July 1, 1933, $400,000; fiscal year beginning July 1, 1934, $500,000. Of each amount authorized by this paragraph to be appropriated not more than 30 per cent is authorized for salaries at the seat of government and elsewhere.

(2) To meet the demand for fundamental knowledge regarding our great commercial fisheries and for developing the natural cultivation of oysters, mussels, and other mollusca, and the improvement of pond cultural, the encouragement of fish conservation in the waters of the Great Lakes and other waters, and other operations of the Division of Inquiry, Bureau of Fisheries, respecting food fishes, sufficient annual additions to increase present appropriations by not to exceed $300,000 per annum at the conclusion of the construction program authorized in this act. Of each amount authorized by this paragraph to be appropriated not more than 40 per cent is authorized for salaries at the seat of government and elsewhere, and not to exceed $10,000 in any year for a survey of the fisheries of the Hawaiian Islands.

(3) To provide for the proper husbandry of our fisheries, improvements in methods of capture, merchandising, and distribution of our fishery harvest, including saving and utilization of waste products, and other operations of the Division of Fishery Industries, Bureau of Fisheries, sufficient annual additions to increase present appropriations by not to exceed $175,000 per annum at the conclusion of the construction program authorized in this act. Of each amount authorized by this paragraph to be appropriated not more than 40 per cent is authorized for salaries at the seat of government and elsewhere.

SEC. 8. In carrying out the provisions of this act the Bureau of Fisheries may cooperate with States, counties, municipalities, individuals, and public and private agencies, organizations, and institutions, and may accept donations of lands, funds, and other aid to the development of this program.

Mr. TRAMMELL. Mr. President, I should like to ask the Senator in charge of the bill what provision has been made for taking care of the fish hatcheries in Florida. Is the Senator familiar with that, or is that covered in another bill? My understanding was that we were to have an appropriation for a fish hatchery in Florida.

Mr. PHIPPS. I call the Senator's attention to page 3, line 4—"fish-cultural station in the State of Florida, at a cost of not to exceed $60,000."

Mr. TRAMMELL. That is my understanding. I am very much obliged to the Senator.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

R. B. MILLER

The bill (S. 3088) to reimburse R. B. Miller and to repay him for overcharge in freight on manganese shipments paid by him to the United States Railroad Administration was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims, with amendments, on page 1, line 5, after the words "sum of," to strike out "$9,407.54, said amount representing the principal sum of $6,336.38 overpayments in freight on" and insert "$2,500 in full and final settlement of all claims or demands of whatsoever nature, kind, or character against the Government on account of the shipment of," and on page 2, line 9, after the word "law," to strike out "and the interest on said sum from the respective dates of shipment to April 1, 1926," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to R. B. Miller, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 in full and final settlement of all claims or demands of whatsoever nature, kind, or character against the Government on account of the shipment of 75 carloads of manganese ore shipped over the Norfolk & Western Railroad from Suter, Va., Rocky Gap, Va., and Graham, Va., to Reading, Pa., Harrisburg, Pa., and Birmingham, Ala., during the period that said railroad was operated by the Director General of Railroads and which said amount was in excess of the regular freight rates published and allowed by law.

Mr. ROBINSON of Arkansas. Mr. President, this bill carries a considerable appropriation, and I think it should be justified. I have not had an opportunity to read the report. It is quite voluminous.





Mr. HOWELL. Mr. President, I will say that this is a case where the charge for freight was held to be unreasonable. In a letter from the Assistant Director General and General Solicitor of the Railroad Administration, Mr. Andrews, to the Senator from Colorado [Mr. WATERMAN], he says:

I think most probably had Mr. Miller seasonably filed his claim on shipments to Reading, Pa., during Federal control with the Interstate Commerce Commission within the period prescribed in the transportation act, 1920, it would have resulted in an award by the commission to Mr. Miller in the approximate sum of $2,400 as reparation, but not as overcharge.

The report of the committee says:

The claimant has agreed to accept the sum of $2,500 in full and final settlement of all claims against the Government in connection with these shipments and your committee recommends that the bill, as amended, do pass.

Mr. ROBINSON of Arkansas. I am satisfied with the statement made by the Senator.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill for the relief of R. B. Miller."

CHARLES PARSHALL

The bill (S. 612) for the relief of Charles Parshall, Fort Peck Indian allottee, of the Fort Peck Reservation, Mont., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Charles Parshall, a Fort Peck Indian allottee, of Poplar, Mont., the sum of $710, out of any money in the Treasury not otherwise appropriated, as compensation for and in full satisfaction of any claim the aforesaid Charles Parshall may have against the Government by reason of the refusal, neglect, and failure of the Secretary of the Interior to admit Charles Parshall, an Indian of the Fort Peck Indian Reservation, to the Fort Peck Hospital, a Government hospital, thereby necessitating said Charles Parshall to spend and pay out of his own funds the said sum of $710.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF TIME FOR PAYMENT OF CHARGES ON INDIAN IRRIGATION PROJECTS

The bill (S. 1533) to authorize the Secretary of the Interior to extend the time for payment of charges due on Indian irrigation projects, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That where an individual water user or individual applicant for a water right under any irrigation project constructed or being constructed, and operated under the direction of the Commissioner of Indian Affairs is unable to pay any construction and/or operation and maintenance charges due and payable, the Secretary of the Interior is hereby authorized, in his discretion, to extend the date of payment of any such charge for a period not to exceed five years from the date of extension thereof: *Provided*, That the applicant for the extension shall show to the satisfaction of the Secretary of the Interior, by a detailed, verified statement of his assets and liabilities an actual inability to make payment at the time the application is made, and an apparent ability to meet the deferred charge when the extension expires, and that the applicant is actually cultivating the land against which the charge sought to be extended has accrued: *Provided further*, That upon such adjustments being made in pursuance hereto any penalties or interest which may have accrued in connection with such unpaid charges shall be canceled, and in lieu thereof the amount, including accrued interest so extended, shall draw interest at a rate to be fixed by the Secretary of the Interior from the date of the extension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTABLISHMENT OF ADDITIONAL LAND OFFICES

The bill (S. 107) establishing additional land offices in the States of Montana, Oregon, South Dakota, Idaho, New Mexico, Colorado, and Nevada was considered as in Committee of the Whole.

Mr. JONES. Mr. President, I have not had an opportunity to examine that bill, and I desire to do so.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The bill will be passed over under objection.

Mr. STEIWER. Mr. President, will the Senator withhold his objection for just a moment? I shall not ask that the bill not go over; but while we have it before the Senate I desire to have a typographical error corrected which I observe in line 21, page 2.

The PRESIDING OFFICER. Will the Senator from Washington withdraw his objection in order to permit an amendment to be offered?

Mr. JONES. Yes; that is all right.

Mr. STEIWER. Before the bill goes over, I ask unanimous consent to make the correction in that line by changing the word "Harvey" to "Harney."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 2, line 21, strike out "Harvey" and insert "Harney."

The amendment was agreed to.

The PRESIDING OFFICER. The bill will now go over under objection.

WATER-RIGHT CHARGES ON IRRIGATION PROJECTS

The bill (H. R. 8296) to amend the act of May 25, 1926, entitled "An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes," was considered as in Committee of the Whole.

The bill had been reported from the Committee on Irrigation and Reclamation with amendments, on page 2, line 3, to strike out the word "sums" and to insert in lieu thereof the word "sum," and to insert at the end of the bill a new section, as follows:

SEC. 2. All contracts with the Government touching the project shall be uniform as to time of payment and charge for the construction of the St. Mary's diversion.

So as to make the bill read:

Be it enacted, etc., That the act of May 25, 1926 (44 Stat. L., 636), be, and the same is hereby, amended by adding after section 20 of said act sections 20–A and 20–B, as follows:

"SEC. 20–A. There shall be deducted from the total cost chargeable to the Chinook division of this project the following sum:

"(1) Twenty-one thousand six hundred and eighty-four dollars and fifty-eight cents, or such amount as represents the construction cost as found by the Secretary of the Interior against the following lands:

"(a) One thousand seven hundred and seventy and seventeen one-hundredths acres permanently unproductive because of nonagricultural character.

"SEC. 20–B. All payments upon construction charges shall be suspended against the following lands in the Chinook division:

"(a) Twelve thousand six hundred and seventeen and sixty-four one-hundredths acres temporarily unproductive because of heavy soil and seepage; (b) eleven thousand three hundred and seven acres for which no canal system has been constructed, all as shown by the land classification of the Chinook division made under the direction of the Secretary of the Interior and approved by him under date of January —, 1930. The Secretary of the Interior, as a condition precedent to the allowance of the benefits offered under sections 20–A and 20–B, shall require each irrigation district within the Chinook division to execute a contract providing for repayment of the construction charges as hereby adjusted within 20 years and upon a schedule satisfactory to said Secretary; and no water from the St. Mary River watershed shall be furnished for the irrigation of lands within any district after the irrigation season of 1930 until the required contract has been duly executed."

SEC. 2. All contracts with the Government touching the project shall be uniform as to time of payment and charge for the construction of the St. Mary's diversion.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CARLSBAD CAVERNS NATIONAL PARK

The bill (H. R. 9895) to establish the Carlsbad Caverns National Park in the State of New Mexico, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 2, line 20, after the word "Interior" and before the period, to insert a comma and the following: "to include any or all of the following-described lands to wit: Sections 1, 12, and 13, in township 24 south, range 22 east; sections 1 to 18, inclusive, 20 to 28, inclusive, and 33 to 36, inclusive, in township 24 south, range 23 east; the entire township in township 24 south, range 24 east; sections 6, 7, 18, and 19, and 27 to 34, inclusive, in township 24

south, range 25 east; sections 24, 25, 35, and 36, in township 25 south, range 22 east; the entire township in township 25 south, range 23 east; north half of township in township 25 south, range 24 east; sections 5, 6, 7, 8, 17, and 18, in township 25 south, range 25 east; sections 1, 2, 11, 12, 13, and 14, and from 19 to 36, inclusive, in township 26 south, range 22 east; west half of township and sections 22 to 26, inclusive, in township 26 south, range 23 east; all with respect to the New Mexico principal meridian," so as to read:

Be it enacted, etc., That the tract of land heretofore known as the Carlsbad Cave National Monument, in the State of New Mexico, established and designated as a national monument under the act of June 8, 1906, entitled "An act for the preservation of American antiquities," and by presidential proclamation of October 25, 1923, be, and the same is hereby, declared to be a national park and dedicated as a public park for the benefit and enjoyment of the people under the name of the Carlsbad Caverns National Park, under which name the aforesaid national park shall be entitled to receive and to use all moneys heretofore or hereafter appropriated for the Carlsbad Cave National Monument.

SEC. 2. That the administration, protection, and development of said Carlsbad Caverns National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes," and acts supplementary thereto or amendatory thereof.

SEC. 3. That the provisions of the act of June 10, 1920, known as the Federal water power act, shall not apply to or extend over the land hereby or hereafter reserved and dedicated as the Carlsbad Caverns National Park.

SEC. 4. That the boundaries of said Carlsbad Caverns National Park may be enlarged by subsequent proclamation or proclamations of the President upon the recommendations of the Secretary of the Interior, to include any or all of the following-described lands, to wit: Sections 1, 12, and 13, township 24 south, range 22 east; sections 1 to 18, inclusive, 20 to 28, inclusive, and 33 to 36, inclusive, township 24 south, range 23 east; the entire township 24 south, range 24 east; sections 6, 7, 18, and 19, and 27 to 34, inclusive, township 24 south, range 25 east; sections 24, 25, 35, and 36, township 25 south, range 22 east; the entire township 25 south, range 23 east; north half of township 25 south, range 24 east; sections 5, 6, 7, 8, 17, and 18, township 25 south, range 25 east; sections 1, 2, 11, 12, 13, and 14, and 19 to 36, inclusive, township 26 south, range 22 east; west half of township and sections 22 to 26, inclusive, township 26 south, range 23 east; all with respect to the New Mexico principal meridian.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

COAL LANDS IN ALABAMA

The bill (S. 4119) to extend the provisions of section 2455 of the Revised Statutes of the United States (U. S. C., title 43, sec. 1171), as amended, to coal lands in Alabama, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the provisions of section 2455 of the Revised Statutes of the United States (U. S. C., title 43, sec. 1171), as amended, be, and the same are hereby, extended to the surveyed unreserved, unappropriated public lands in the State of Alabama which have been reported as containing coal deposits and which were withheld from homestead entry under the provisions of the act of Congress entitled "An act to exclude the public lands in Alabama from the operation of the laws relating to mineral lands," approved March 3, 1883, but there shall be a reservation to the United States of the coal in all such lands so sold and of the right to prospect for, mine, and remove the same in accordance with the provisions of the act of Congress approved June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," and such lands shall be subject to all the conditions and limitations of said act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF LANDS IN THE DISTRICT OF COLUMBIA

The bill (S. 4222) to authorize the Commissioners of the District of Columbia to sell by private or public sale a tract of land acquired for public purposes, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, on page 1, line 4, to strike out the words "or private," before the word "sale," so as to make the bill read:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to sell by public sale all of a tract of land numbered on the assessment and taxation books as parcel 169–14, described as beginning for the same at the southwest corner of said parcel 169–14, said point of beginning being 275 feet, more or less, east of the westerly boundary of the parcel formerly numbered as parcel 169–10, and running thence due north 90.18 feet; thence due east 100 feet; thence due south 109.82 feet; thence due north 78° 58′ west, along the southerly boundary of said parcel 169–14, 142.43 feet to the point of beginning, containing 10,000 square feet, being the same property as acquired by the District of Columbia under District Court Cause No. 869, and with the proceeds thereof to acquire by purchase or condemnation part of parcel 170–13, described as one piece or parcel of land, as follows: Beginning for the same at the most southerly corner of said parcel 170–13, said point of beginning being in the northeasterly line of a road 33 feet wide, and running thence with the said northeasterly line of said road, north 42° 47′ west 154.48 feet to the taking line of the Anacostia Park; thence with said taking line, deflecting to the left with the arc of a circle the radius of which is 638.22 feet, northerly 241.31 feet, to the northwesterly boundary of said parcel 170–13; thence with said northwesterly boundary, leaving said taking line and running north 47° 13′ east 27.74 feet; thence leaving said northwesterly boundary and running north 73° 45′ east 256.27 feet; thence south 42° 47′ east 214.32 feet to the southeasterly boundary of said parcel 170–13; thence with said southeasterly boundary, south 47° 29′ 40″ west 304.65 feet; thence still with said southeasterly boundary, south 45° 54′ west 115.91 feet to the point of beginning, containing 108,734 square feet, or as much thereof as may be acquired with the proceeds of the sale of parcel 169–14, above described, all as shown on plat of computation in survey book No. 97, page 9, surveyor's office, District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Commissioners of the District of Columbia to sell by public sale a tract of land acquired for public purposes, and for other purposes."

DISPOSAL OF COMBUSTIBLE REFUSE

The bill (S. 4221) for the disposal of combustible refuse from places outside of the city of Washington was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to enter into agreement with the Board of County Commissioners of Montgomery County, State of Maryland; the Board of County Commissioners of Prince Georges County, State of Maryland; the Board of Supervisors of Arlington County, State of Virginia; and/or with the several municipalities, taxing areas, and communities within the counties aforesaid having power and authority to enter into such agreements, said agreements to permit said counties, municipalities, taxing areas, and communities to dispose of combustible material in the incinerators built by the District of Columbia under authority of the act approved March 4, 1929, entitled "An act authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern high-temperature incinerators for the destruction of combustible refuse, and for other purposes," in such kind and quantities, at such times, and for such fees as the said Commissioners of the District of Columbia shall specify: *Provided*, That said counties, municipalities, taxing areas, and communities shall make collections of such material with their own equipment and shall obtain permits from the District of Columbia for hauling or transporting the material over routes within the District of Columbia to be designated by the said commissioners. The commissioners shall have the right to suspend or revoke such agreements if found necessary for the proper and successful operation of these incinerators or for any other reason.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BATHING POOLS IN THE DISTRICT OF COLUMBIA

The bill (S. 4224) to provide for the operation and maintenance of bathing pools under the jurisdiction of the Director of Public Buildings and Parks of the National Capital was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Director of Public Buildings and Parks of the National Capital, in his discretion, is authorized to operate, through the Welfare and Recreational Association of Public Buildings and Grounds, bathing pools under his jurisdiction, and thereupon there may be deposited in the Treasury under the special fund to the credit of said association moneys received for the operation of such pools and be there available for the purposes of said special fund, and this shall be a compliance with the provisions of the act approved February 28, 1929 (45 Stat. 1411–1412).

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLOSING OF STREETS IN THE DISTRICT OF COLUMBIA

The bill (S. 4243) to provide for the closing of certain streets and alleys in the Reno section of the District of Columbia was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That upon the acquisition by either the United States or the District of Columbia, or by both, of all the land in the subdivision of Reno lying within the territory bounded by Thirty-eighth Place, Fessenden Street, Howard Street, and the alley running east and west through squares 1762 and 1846 from the east line of Thirty-eighth Place extended to Howard Street, the Commissioners of the District of Columbia be, and they are hereby, authorized to close Emery Place, Vincent Street, Donaldson Place, McPherson Street, and the public alleys, lying within the above-described limits, or any portion or portions thereof: *Provided*, That upon the closing of said streets or alleys, or any part thereof, the title to the land lying within the portion of the streets or alleys so closed shall revert to the District of Columbia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 9758) to authorize the Commissioners of the District of Columbia to close certain portions of streets and alleys for public-school purposes was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALE OF REAL PROPERTY IN THE DISTRICT OF COLUMBIA

The bill (S. 4226) to authorize the Commissioners of the District of Columbia to sell at public or private sale certain real property owned by the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments, on page 1, line 4, to strike out the words "or private" before the word "sale," and after the word "sale" to strike out the words "as in their judgment may be most advantageous to the District of Columbia," so as to make the bill read:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to sell at public sale, property described as lot 802 in square 1606, being all of the land owned by said District in said square, at a price not less than 25 per cent above the last assessed value of said property; and the said commissioners are hereby empowered to execute the necessary conveyances on behalf of the District of Columbia. The proceeds from said sale shall be paid into the Treasury of the United States to the credit of the revenues of the District of Columbia.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Commissioners of the District of Columbia to sell at public sale certain real property owned by the District of Columbia, and for other purposes."

EDWARD C. COMPTON

The bill (S. 3171) for the relief of Edward C. Compton was considered as in Committee of the Whole.

The bill had been reported from the Committee on Banking and Currency with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Edward C. Compton, of Savannah, Ga., United States registered bond No. 20041, in the denomination of $1,000, inscribed "Edward Compton," of the second Liberty loan 4¼ per cent bonds of 1927–1942, with interest from May 15, 1927, to November 15, 1927, without presentation of the bond, said bond having been alleged incompletely assigned in blank and subsequently lost: *Provided*, That said bond shall not have been previously presented and paid: *And provided further*, That the said Edward C. Compton shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal of said bond, and the final interest thereon, payable November 15, 1927, in such form and with such corporate surety or sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the bond hereinbefore described.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IRENE RUCKER SHERIDAN

The bill (S. 319) granting an increase of pension to Irene Rucker Sheridan was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with an amendment, on page 1, line 8, to strike out "$5,000" and insert in lieu thereof "$3,600," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Irene Rucker Sheridan, widow of Philip Henry Sheridan, late general and commander in chief of the United States Army, and pay her a pension at the rate of $3,600 per annum in lieu of that she is now receiving.

Mr. PHIPPS. Mr. President, I think the action of the committee in proposing the amendment reducing the amount from $5,000 to $3,600 is rather a mistake. Mrs. Sheridan is the widow of Gen. Phil Sheridan, who had a wonderful record. There have been cases where the widows of other generals have been awarded pensions in the amount of $5,000, so there is precedent for the larger amount.

Mrs. Sheridan has been drawing a pension at the rate of $2,500 a year. When that award was made to her the value of $2,500 was quite as much as $5,000 would be to-day. Mrs. Sheridan is well along in years, and in all human probability she will not enjoy the advantages of a pension for many years to come. I ask that the amendment be disagreed to and that the bill be approved in the original amount.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY WILLOUGHBY OSTERHAUS

The bill (S. 3646) granting an increase of pension to Mary Willoughby Osterhaus was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with an amendment, on page 1, line 8, to strike out "$100" and insert in lieu thereof "$75," so as to read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Willoughby Osterhaus, widow of Rear Admiral Hugo Osterhaus, late of the United States Navy, and pay her a pension at the rate of $75 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALARIES OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA

The bill (S. 4242) to fix the salaries of the Commissioners of the District of Columbia was announced as next in order.

Mr. JONES. I shall have to ask that this bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

PUBLIC BATHHOUSES AT HOT SPRINGS, N. MEX.

The bill (S. 497) to provide for the erection and operation of public bathhouses at Hot Springs, N. Mex., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments, on page 2, line 4, after the word "hereby," to insert the words "authorized to be," and on page 2, line 6, to strike out "$250,000" and insert in lieu thereof "$100,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to provide for the erection, equipment, operation, and maintenance on the portion of block 97 marked "Reserve" on the plat of the town site of Hot Springs, N. Mex., of suitable bathhouses and bathing facilities for the accommodation of the public. The said Secretary is authorized to make such rules and regulations as may be necessary to carry out the purposes of this act, including the fixing of reasonable charges for baths and bathing privileges at such bathhouses and for the services furnished to bathers by the persons employed therein.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $100,000, or so much thereof as may be necessary, for carrying out the purposes of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FREMONT NATIONAL FOREST, OREG.

The bill (H. R. 3717) to add certain lands to the Fremont National Forest in the State of Oregon was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND AT HOT SPRINGS NATIONAL PARK, ARK.

The bill (S. 1183) to authorize the conveyance of certain land in the Hot Springs National Park, Ark., to the P. F. Connelly Paving Co. was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized, in his discretion, to convey to the P. F. Connelly Paving Co., of Little Rock, Ark., by the issuance of patent or other appropriate instrument of conveyance, and at an appraised value to be approved by said Secretary, that certain tract of land located within the Hot Springs National Park, Garland County, Ark., described as follows: Beginning at a point on the west boundary line of Hot Springs National Park, Ark., said point being the most southerly corner of lot 32, block 128, United States Hot Springs Reservation, as surveyed, mapped, and platted by the United States Hot Springs commissioners; thence in a southeasterly direction and at right angles to the boundary of Hot Springs National Park aforesaid, a distance of 50 feet; thence in a northeasterly direction and parallel with the aforementioned boundary line, 290 feet; thence in a northwesterly direction a distance of 50 feet to the aforementioned boundary line; thence in a southwesterly direction along said boundary line a distance of 290 feet to the point of beginning; and, upon the transfer of title to said land to the said company, the same shall be, and is hereby, eliminated from the said Hot Springs National Park.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

C. M. WILLIAMSON AND OTHERS

The bill (S. 1299) for the relief of C. M. Williamson, C. E. Liljenquist, Lottie Redman, and H. N. Smith was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in lines 7 and 8, to strike out "$13,134.99. Such sum represents the amount" and insert in lieu thereof "$8,824.10, said sum to be in full and final settlement of all claims against the Government for moneys," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. M. Williamson, C. E. Liljenquist, Lottie Redman, and H. N. Smith in accordance with their respective interests the sum of $8,824.10, said sum to be in full and final settlement of all claims against the Government for moneys expended by them in installing a pumping plant and making necessary connections to bring water to their land on Fort Hall Indian Reservation in Idaho, and the amount paid by them to the Idaho Power Co. during the years 1920 to 1927, inclusive, for power to operate said pumping plant.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL DISTRICT JUDGE, CALIFORNIA

The bill (S. 1792) to provide for the appointment of an additional district judge for the southern district of California was announced as next in order.

Mr. JONES. Mr. President, I find four bills on the calendar providing for additional judges. I want to have an opportunity to examine those bills before they pass. I have been pressing for an additional Federal judge in the western district of Washington for quite a while. I want to see what sort of a case is made with reference to these judgeships before they are acted upon.

Mr. STEPHENS and Mr. SHORTRIDGE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield; and if so, to whom?

Mr. JONES. I have simply stated that I desire to examine these bills and the reports accompanying them.

Mr. STEPHENS. Mr. President, to what bill does the Senator refer?

Mr. JONES. I refer to all four of the bills on the calendar providing for additional judgeships.

Mr. STEPHENS. Including the bill for a circuit judge?

Mr. JONES. Yes.

Mr. SHORTRIDGE. Will not the Senator withhold his objection for just a moment?

Mr. JONES. It will be time taken up unnecessarily.

Mr. SHORTRIDGE. I hope not. I wish to put in the RECORD some information as to the pressing need of an additional judge for this district.

The PRESIDING OFFICER. Will the Senator from Washington withhold his objection?

Mr. SHORTRIDGE. I do not purpose making an address or a speech.

The PRESIDING OFFICER. The Chair desires to know whether the Senator from Washington withholds his objection.

Mr. JONES. I withhold the objection for a moment.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. SHORTRIDGE. I appreciate the courtesy of the Senator.

Before introducing this bill I made inquiry of the judges of that district and have received and have before me a letter addressed to me by the presiding senior judge, Judge William P. James.

I made inquiry also of the bar association of Los Angeles, where the court sits, and I have here a letter addressed to me from that association.

I have before me an editorial from the Los Angeles Examiner in respect of this district and the urgent necessity for this additional judge.

To the end that my friend from Washington may be advised, when he comes to further consider this bill, in connection with others, I ask permission to incorporate these several documents in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

REPORT OF THE COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary, to whom was referred the bill (S. 1792) to provide for the appointment of an additional district judge for the southern district of California, after full consideration, reports the same favorably and recommends the passage of the bill without amendment.

The committee incorporates as a part of this report an excerpt from the report of the Attorney General, dated December 2, 1929. The Attorney General recommends that the legislative program suggested and approved by the conference of senior circuit judges be adopted. On page 5 of the Attorney General's report is the following recommendation with respect to the southern district of California:

"• • • But the condition of business in the southern district of California, due to the rapid increase in the cases filed and presented for disposition, is such that the council has recommended the appointment of another district judge for that district, and the statistics seem to justify the recommendation."

[From the Los Angeles Examiner, January 24, 1930]

MORE FEDERAL JUDGES NEEDED

Justice should be swift as well as sure. In the punishment of crime speed and certainty are more important than severity.

Swifter justice could be less severe and at the same time still more effective.

The ideal in human law is the nearest approach to the law of nature in which there are neither punishments nor rewards, but only inevitable consequences.

There is more crime in America not because our people are more criminal, but because there is more delay and more uncertainty in the law, and some of our laws are in themselves an incentive to crime.

But all justice is not occupied with the punishment of criminal offenses and offenses against unnecessary laws.

Our courts have other work to do, when they can get around to it, and delay in noncriminal suits can be almost as disastrous to the social and economic life of our people.

It is bad for business to keep business waiting weeks, months, and sometimes years for the settlement of legal disputes either between business men or between them and the law.

The cost of maintaining courts for the trial of such cases may be trifling as compared with the cost of delay to the business world.

All over the country there is a cry for more Federal judges and the demand is specially urgent in the Los Angeles district. The local Federal court is so cluttered with dry law cases there is immediate and imperative need of at least one additional Federal judge. Two would be better, but with the National Government so occupied in regulating the personal habits and customs of the people there may be small hope of getting judges enough to cope adequately with the congestion.

One extra judge would do something to reduce the total of 471 criminal cases now pending in the Los Angeles Federal courts. He could help to clear the calendar and keep it down at least until prohibition gives us a still larger crop of criminals and liquor law offenders.

LOS ANGELES, CALIF., *April 29, 1930.*

Hon. SAMUEL M. SHORTRIDGE,
United States Senator, Senate Office Building,
Washington, D. C.

MY DEAR SENATOR: Pursuant to our telegram of April 25, we beg to advise the trustees of the Los Angeles Bar Association have investigated the situation with respect to the need for at least two additional judges of the District Court of the United States for the Southern District of California. We understand that Congressman CRAIL has introduced a bill—H. R. 4574—providing for such additional judges; the judges, if appointed, to possess the same powers, perform the same duties, and receive the same compensation as the present district court judges of this district.

The very large increase of population in the southern judicial district of California and the greatly increased number of important pending cases, civil and criminal, make it of the utmost importance, if the business of the court is to be handled without unreasonable delay, that additional judges be obtained. The three Federal judges now in office are all of them distinguished by their ability and industry, but in spite of their utmost efforts it is impossible for them to keep abreast of the great amount of important litigation pending before them. The inability to obtain trials in important cases for many months after they are ready for trial works great injustice to litigants and is equally a source of discouragement to the courts. Long delay in the trial of cases is frequently a virtual denial of justice. In recent years the United States Supreme Court has remedied the congestion of its calendar mainly, we believe, by the stricter rules with respect to appeals. This remedy is not possible in trial courts of original jurisdiction. The appointment of additional judges in this district would not, we believe, lessen the labors of the present judges, but would prevent the district court from getting further and further behind in the handling of its business. No other remedy is possible.

For your information the bar association is herewith inclosing a copy of a statement of the condition of court business in the southern judicial district of California, as prepared by the senior district judge, Hon. William P. James, of the southern district of California; also certain statistical information with respect to the increase in population of counties within the southern judicial district of California and a typewritten copy of bill H. R. 4574, introduced by MR. CRAIL, Congressman from this district.

The bar association looks upon this legislation as of the utmost importance, as nonpartisan, and as free from the slightest suspicion of selfishness. Your assistance in the favorable passage of this bill will be greatly appreciated by the bar association.

Yours very truly,

LOS ANGELES BAR ASSOCIATION,
By NORMAN A. BAILIE, *President.*

STATEMENT OF THE CONDITION OF COURT BUSINESS IN THE SOUTHERN JUDICIAL DISTRICT OF CALIFORNIA, AS MADE BY THE SENIOR DISTRICT JUDGE

Under the act of Congress of 1922, the number of district judges in the southern district of California was increased from two to three. Since that time there have been no further additions made. The district contains 17 counties. Two terms of court each year are required to be held at Fresno, in the central part of the State, and two terms each year at San Diego, at the southern end of the district. The court sits between the San Diego and Fresno sessions continuously at Los Angeles. The population of the district since 1920 has doubled. The judicial work at Fresno and San Diego requires the time of one judge, while there is in the Los Angeles division alone more than enough work for the present number of judges. As the population is greatest in Los Angeles County, where the increase has been 100 per cent during the past eight and one-half years, a comparison between the judicial machinery which the State employs in that county alone will furnish a fair basis upon which to estimate the needs in the Federal court. At the beginning of the year 1923 there were in Los Angeles County 23 judges of the superior court, a court having general and unlimited criminal and civil jurisdiction. In June, 1923, the State legislature increased the number of superior judges in that county to 28. In 1925 the legislature created for Los Angeles City a new and additional court, known as the "municipal court," with 24 judges, this court being given enlarged inferior jurisdiction, civil and criminal. In 1927 the number of superior judges in Los Angeles County was again increased by the addition of 10, making a total of 38 superior judges in 1927, as against 23 judges of the same rank in 1923. During the past two years, in addition to the 38 superior judges sitting, an average of 11 extra sessions of the superior court, held by assigned judges, have been at work. It will thus be seen that the judicial machinery provided for Los Angeles County since the beginning of the year 1923 has been more than doubled.

The work of the Federal district court at San Diego and Fresno has greatly increased during the past few years. In San Diego the proximity of the Mexican line brings a constant stream of tariff and immigration cases, and the ports of Los Angeles and San Diego add largely to the same class of business. For several years past civil litigants have not had the proper consideration, on account of the lack of dates available for the trial of their cases. We call a term calendar for setting at the regular term dates fixed by statute (six months apart), and I think for at least three years now one-half of the civil cases on the term calendar have been continued for the term because of lack of open dates. If all of the cases on the term calendar at Los Angeles, at the recent September call, had been set for trial, the calendars would have been filled nine months ahead. We usually fill the term full for six months in advance, and the remainder of the cases are put over. There were 38 per cent more cases at issue on our September calendar than there were at issue six months ago.

The district judges in other districts of the ninth circuit are so busily engaged in their own districts that it is only occasionally that we can secure the help of a visiting judge for a month or two. The bar does not favor the use of visiting judges, because when a judge's term of assignment expires he returns to his own district and there are usually motions for new trials and various proceedings thereafter, which can not well be presented to the judge who tried the case.

The greater part of our work in this district is of the heavier sort. On the criminal side, in addition to a general assortment of Government prosecutions, there are many mail fraud cases, which occupy weeks in the trial thereof; and in addition to the very diversified line of civil litigation there are numerous patent cases which occupy a great deal of trial time. It is not the small Volstead case that is producing the congestion. Most of the small prohibition matters are taken by the Federal agents through the justice's and police courts of the counties.

There is no prospect that the load will lessen, because of the constantly growing population within the district. As is well known, southern California has had a most phenomenal growth. The port of Los Angeles has become one of the great tonnage ports of the country. That condition has produced a considerable line of admiralty cases. Likewise, the port of San Diego contributes to the same class of litigation.

It is not that more judges will lessen the work of the present judges, but that the litigants, both the Government and civil parties, may have a reasonably early trial of their cases. I think with two judges added we can cut the time down so that litigants can be heard within three or four months, but that all of the judges will be kept busy all of the time.

It is well known that great delay in the trial of causes works damage to the interests of the parties concerned, oftentimes to the extent that the results obtained are worthless. Witnesses disappear or move away from the jurisdiction, litigant parties become financially irresponsible, and many other conditions arise whereby long delay produces denial of justice.

There is attached a schedule showing the counties composing the southern district of California, and population figures as of 1920 and 1929. The 1920 figures are approximately those shown by the national census. The 1929 figures are received from the county clerks of the different counties and are estimated by them from registers of voters, school attendance, telephone subscribers, and similar approved data.

WM. P. JAMES,
Senior District Judge.

Increase in population of counties within the southern judicial district of California

County	Population, 1929	Population, 1920	Per cent increase since 1920 (approximately)
Los Angeles	2,422,663	936,455	180
Fresno	182,000	128,779	45
Ventura	46,000	30,000	50
Kings	25,000	17,000	50
Inyo	7,000	7,000	00
Madera	19,000	12,000	60
Tulare	71,284	50,031	45
Kern	100,000	50,000	100
Imperial	75,000	55,000	40
San Bernardino	153,342	73,401	110
Santa Barbara	57,500	35,937	60
Orange	140,000	100,000	40
San Luis Obispo	34,000	27,000	25
San Diego	248,691	117,274	110
Riverside	83,000	59,462	40
Merced	35,000	26,000	35
Mariposa	4,000	3,400	20
	3,703,480	1,728,739	115

The PRESIDING OFFICER. Upon objection of the Senator from Washington, the following bills will be passed over: Senate bill 1792, to provide for the appointment of an additional district judge for the southern district of California; Senate bill 1906, for the appointment of an additional circuit judge for the fifth judicial circuit; Senate bill 3229, to provide for the appointment of an additional district judge for the southern district of New York; and Senate bill 3493, to provide for the

appointment of an additional circuit judge for the third judicial circuit.

Mr. HARRIS. Mr. President, I understand the Senator from Washington makes an objection to the bill for an additional circuit judge for the fifth judicial circuit?

The PRESIDING OFFICER. The bill has been passed over under objection.

Mr. HARRIS. I am sure the report of the Attorney General and others will convince the Senator from Washington that this additional judge is very much needed.

Mr. SHORTRIDGE. Mr. President, I may add to what I stated a moment ago that the bill I have introduced in respect to the southern California district is approved by the Department of Justice.

The PRESIDING OFFICER. The Secretary will report the next bill.

BUREAU OF PROHIBITION, DEPARTMENT OF JUSTICE

The bill (H. R. 8574) to transfer to the Attorney General certain functions in the administration of the national prohibition act, to create a bureau of prohibition in the Department of Justice, and for other purposes, was announced as next in order.

Mr. TYDINGS. I ask that that bill go over.

The PRESIDING OFFICER. The bill will go over under objection.

TEXTILE FOUNDATION

The bill (H. R. 9557) to create a body corporate by the name of the "Textile Foundation" was announced as next in order.

The PRESIDING OFFICER. The bill will be passed over.

PENSIONS AND INCREASE OF PENSIONS

The bill (H. R. 11588) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 13, after line 21, to strike out:

The name of Cora A. Spencer, widow of Daniel Spencer, late of Company C, Seventeenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 38, after line 6, to strike out:

The name of Annie Doughty, widow of Richard Doughty, late of Company F, First Battalion Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 41, after line 13, to strike out:

The name of Sarah F. Ragland, widow of James A. Ragland, late of Capt. J. N. Long's Company B, First Regiment Capitol Guards, Kentucky State Troops, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 88, after line 18, to strike out:

The name of Harriet E. Norrington, widow of John F. Norrington, late of Company E, Thirteenth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 134, after line 14, to strike out:

The name of Emma A. Ragan, widow of John W. Ragan, late of Company H, One hundred and fifteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 137, after line 21, to strike out:

The name of Amanda Miner, widow of Martin Miner, late of Company C, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 143, to strike out:

The name of Lucy C. Bowler, widow of George W. Bowler, late of Company N, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 145, after line 16, to strike out:

The name of Eliza A. Pendergast, widow of Samuel H. Pendergast, late of Company C, Seventh Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 157, after line 17, to strike out:

The name of Amanda J. Black, widow of Neal J. Black, late of Company I, Second Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 180, after line 21, to strike out:

The name of Eliza J. Reed, widow of John C. Reed, late of Company F, Thirty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 181, after line 21, to strike out:

The name of Mary A. Guy, widow of John Guy, late of Company F, Twenty-fifth Regiment Missouri Volunteer Infantry, and Company D, First Regiment Missouri Volunteer Engineers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 203, after line 3, to insert:

The name of Adella Legrow, helpless child of Samuel H. Legrow, late of Company B, Eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Nancy S. Walker, widow of Richard A. Walker, late of Captain Edleman's Company A, Cavalry Detachment Sixty-fourth Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

The name of William M. Atchison, late of Capt. George R. Barber's Fleming County, Ky., State Troops, and pay him a pension at the rate of $50 per month.

The name of John Cook, late of Captain Walker's company for volunteers, attached to One hundred and ninetieth Regiment Twenty-seventh Brigade, Fifth Division West Virginia Militia, and pay him a pension at the rate of $50 per month.

The name of Harriet J. Ball, widow of Robert E. Ball, late of Troop E, Eleventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Matilda Ann Price, widow of John H. Price, late of Company C, First Regiment Nebraska Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. D. Buzzell, widow of Warren I. Buzzell, late of Company C, Twenty-eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Frank H. Greenough, widow of Milon E. Greenough, late of Company E, One hundred and second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Cornelia L. Hough, widow of Daniel H. Hough, late of the United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Catherine M. Hayward, widow of George F. Hayward, late of Company C, Sixtieth Regiment Massachusetts Militia Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary J. Baldwin, widow of Amzi W. Baldwin, late of Company E, Thirteenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Alice V. Stanley, widow of Henry C. Stanley, late of Captain Degg's company, Fifth Battalion, District of Columbia Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Marinda O. Miles, widow of William H. Miles, late of Company C, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Rosetta Barnes, widow of Newton Z. Barnes, late of the United States Navy, and pay her a pension at the rate of $30 per month.

The name of Peter B. Coleman, late of Company F, Sixty-third Regiment Missouri Militia, and pay him a pension at the rate of $50 per month.

The name of Ann Eliza McClung, widow of William McClung, late of Capt. James R. Ramsey's company, West Virginia State Troops, and pay her a pension at the rate of $30 per month.

The name of Alta K. Conley, widow of James H. Conley, late of Company F, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month, and $30 when it is shown she has attained the age of 60 years.

The name of Hattie Smith, widow of Harrison Smith, late of Company E, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret A. Ridgway, widow of George B. Ridgway, late of Company H, Twelfth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ottilia H. Smith, widow of Amos T. Smith, late of Company D, Ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Catherine J. Belden, widow of Henry C. Belden, late of Company D, Fifty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Winifred Wallace, widow of Michael D. Wallace, late of Company F, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Emma F. McClaughry, widow of Robert W. McClaughry, late of Company B, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Amanda A. McKinney, helpless child of Joseph McKinney, late of Company A, Fourth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Jane Kelley, widow of John Kelley, late of Troop B, First Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of George C. Hall, helpless child of Thomas B. Hall, late of Company I, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Samantha V. Cooper, widow of Charles C. Cooper, late of Company I, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha J. Underwood, widow of Ellis Underwood, late of Company C, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Bertha C. Riley, helpless child of John Wesley Riley, late of Company D, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Nancy Blitz, widow of Charles Blitz, late of Company C, Sixty-seventh Regiment New York National Guard Infantry, and pay her a pension at the rate of $30 per month.

The name of Rosetta Emery, widow of Samuel A. Emery, late of the United States Navy, and pay her a pension at the rate of $30 per month.

The name of Sarah J. Wells, widow of Samuel Wells, late of Company C, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lizzie Wright, widow of William S. Wright, late of Company C, Twelfth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Silas W. Kelly, late of Capt. Joshua C. Perkin's Company C, Harlan County Battalion, Kentucky State Guards, and pay him a pension at the rate of $50 per month.

The name of Sarah Meadors, former widow of Samuel Freeman, late of Company B, Hall's Gap Battalion, Kentucky Militia, and pay her a pension at the rate of $30 per month.

The name of Manerva Morgan, widow of John H. Morgan, late of Capt. William Eversoles's Company C, Three Forks Battalion, Kentucky State Troops, and pay her a pension at the rate of $30 per month.

The name of Jennie Riley, widow of Philip Riley, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen J. Strong, helpless child of Charles B. Strong, late of Company K, One hundred and sixty-fourth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary J. Perry, widow of Oran Perry, late of Company B, Sixteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jessie May Bennett, widow of Amos F. Bennett, late of Company M, Fiftieth Regiment New York Engineers, and pay her a pension at the rate of $20 per month, and $30 when she has attained the age of 60 years.

The name of Adaline Hendrixson, widow of Francis M. Hendrixson, late of Company B, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Abbie W. Mudgett, widow of Henry E. Mudgett, late of Company E, Thirteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Josephine Chapman, widow of James W. Chapman, late of Company A, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Tasher, widow of John C. Tasher, late of Company B, Forty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elsie E. Bradd, widow of James H. Bradd, late of Company A, Thirteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Fannie Badders, widow of James M. Badders, late of Company A, Twentieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Matilda LaCoss, widow of Adolph LaCoss, late of Company E, Sixtieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma E. Waldo, widow of Dillingham Waldo, late of Company E, Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and the pension of the helpless child continued.

The name of Malenda Lendormi, widow of Paulin Lendormi, late of Company A, Eleventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Johanna Sherer, widow of Peter Sherer, late of Company B, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Amelia Lines, widow of Elliott Lines, late of Company G, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Josephine F. Gibson, widow of Archibald Gibson, late of Company D, Twelfth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nellie A. Getchell, helpless child of Charles O. Getchell, late of Company F, First Regiment Minnesota Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Leacy V. Welch, former widow of Lorenzo D. Gilbreath, late of Troop E, Third Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan Shores, widow of Ethan P. Shores, late of Company K, Eighth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Annie Gilmore, widow of Milton Gilmore, late of Company A, Thirty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Marion J. Ellis, widow of Abram H. Ellis, late of Troop C, Seventh Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Aletha E. Eakes, widow of Joseph R. Eakes, late of Company C, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Laura B. Strider, former widow of Jasper W. Reed, late of Company B, Forty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jennie Lochray, widow of Archie Lochray, late of Company H, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jemima Colver Rose, former widow of Lewellyn Colver, late of Company I, First Regiment Oregon Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catharine Moxley, widow of Willis Moxley, late of Company D, One hundredth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nellie L. Dowlan, widow of William Dowlan, late of Company E, Eleventh Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Catherine J. Wilson, widow of Addison W. Wilson, late of Company K, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary J. Clark, widow of Granville P. Clark, late of Troop A, Twelfth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna K. Gleitch, widow of George S. Gleitch, late of Company G, First Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Caroline Brunson, widow of Theophilus G. Brunson, late of Company H, Second Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Emma G. Heffner, widow of James Heffner, late of Company L, Third Regiment Pennsylvania Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eliza I. Duff, widow of William M. Duff, late of Company D, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Frances E. O'Brien, widow of David O'Brien, late of Company K, Twentieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, and the helpless child, Leona, to $20 per month subject to the provisions and limitations of the pension laws.

The name of Mary H. White, widow of William W. White, late of Company L, Fifth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary M. Battis, widow of Wilkins M. Battis, late of Company C, Nineteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Georgetta Fuller, widow of Ezra B. Fuller, late of Company E, One hundred and forty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of William L. Ross, enlisted under the name of William A. Murray, late of Ninety-third Regiment New York Infantry, and pay him a pension at the rate of $50 per month.

The name of Ruth E. Richardson, widow of Jabez T. Richardson, late of Troop K, First Regiment Connecticut Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nellie E. Withey, widow of Elbridge Withey, late of Company H, Eleventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen C. Riley, widow of Edward Riley, late of Troop I, Ninth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Cynthia F. Knapp, widow of Devillo Knapp, late of Company K, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rosanna Bishop, widow of Edwin M. Bishop, late of Company I, One hundred and eighty-ninth Regiment New York Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna B. Flaherty, widow of Michael Flaherty, late of Company K, Twenty-eighth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month, and $30 when 60 years of age.

The name of Susan A. May, widow of Charles H. May, late of Company B, Sixteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah Connell, widow of John Connell, late of Company M, Tenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret A. Day, widow of Carlos P. Day, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Hinchman, widow of Joseph B. Hinchman, late of Company G, Tenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Alice Howard, widow of James P. Howard, late of band, Seventh Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Anna P. Fuller, widow of Samuel G. Fuller, late of Company E, Sixth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Matilda A. Riggs, widow of James Riggs, late of Company B, Seventh Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and pension of helpless child to continue.

The name of Lilly Long, widow of William Long, late of Company K, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Laura R. Slater, widow of Thomas J. Slater, late of Troop A, Seventh Regiment West Virginia Cavalry, and pay her a pension at the rate of $30 per month.

The name of Emily A. Foster, widow of William Foster, late of Company B, Thirtieth Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

The name of Nannie Fry, widow of William Fry, late of Battery G, First Regiment United States Colored Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Ella J. C. Perry, widow of Leonard Perry, late of Company A, Twenty-fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Tolbert, widow of Harris F. Tolbert, late of Company B, Twenty-eighth Regiment North Carolina Infantry Confederate States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hannah P. Ramsey, widow of James Newton Ramsey, late of Company I, Third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catherine M. Brown, widow of Henry E. Brown, late of Company B, Seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret McElroy, widow of William McElroy, late of Company D, Cass County, Missouri Home Guards Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lucy L. Hamm Vaughan, widow of George M. Vaughan, alias Vaughn, late of Fifth Military District, Enrolled Missouri Militia, staff of Brig. Gen. R. C. Vaughn, and pay her a pension at the rate of $30 per month.

The name of Demarious Harris, widow of Isaac N. Harris, late of Company B, Second Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary C. Morris, widow of Henry Morris, late of Troop K, Seventh Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Birdie Springsteen, widow of Abram F. Springsteen, late of Company A, Thirty-fifth Regiment Indiana Infantry, and pay her a pension at the rate of $20 per month and $30 per month when she has attained the age of 60 years.

The name of Pheba Whitman, widow of John B. Whitman, late of Company D, One hundred and twenty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ruth R. Nash, widow of Nathan E. Nash, late of Company B, Ninth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan A. Kurtz, widow of Henry Kurtz, late of Company G, Twenty-seventh Regiment Wisconsin Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah P. Abrel, widow of Graffenberg Abrel, late of Company C, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Charlie Hyden, helpless child of John H. Hyden, late of Company F, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Priscilla Elmore, helpless child of Jesse Elmore, late of Battery B, First Regiment Kentucky Light Artillery, and pay her a pension at the rate of $20 per month.

The name of Priscilla Wilson, widow of Alexander H. Wilson, late of Company C, Third Regiment United States Colored Infantry, and pay her a pension at the rate of $30 per month.

the name of Sarah Higgins, widow of Parley E. Higgins, late of Troop L, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lottie A. Crouch, helpless child of Charles H. Crouch, late of Company B, Maine Coast Guards, and pay her a pension at the rate of $20 per month.

The name of Rebecca A. Wright, widow of Thomas W. Wright, late of Company G, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Wilson H. Spangenberg, dependent child of George W. Spangenberg, late of Company G, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Emma Fitch, widow of John Fitch, late of Company E, Fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Pricilla Mayer, widow of Philip Mayer, late of Second Independent Battery, Massachusetts Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha Gaggin, former widow of William Leonard Ford, late of Company A, Seventy-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lucinda M. Hanna, widow of James W. Hanna, late of Company D, Thirteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lillie Wootan, widow of Daniel Wootan, late of Company A, Eleventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ollie P. Stallings, widow of David R. Stallings, late of Troop E, Eighth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Maggie M. Phillips, widow of Isaac N. Phillips, late of Troop A, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Miranda J. Pickle, widow of Gabriel Pickle, late of Company B, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy Beth, widow of William Beth, late of Troop E, Sixth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Kate F. Thorn, widow of David C. Thorn, late of Company C, Eighty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha E. Crawford, widow of William O. Crawford, late of Company D, One hundred and seventy-ninth Regiment New York Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Ida Jordan, widow of George E. Jordan, late of Company H, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of J. Alfred Perry, helpless child of James E. Perry, late of Company I, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Sarah E. Emmert, widow of Daniel Emmert, late of Company A, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret Galvin, helpless child of Daniel Galvin, late of Company B, Ninetieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Matilda Brown, widow of John Brown, late of Company K, One hundred and thirty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma Turner, widow of Washington Turner, late of Company F, Fifty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Myron Gibson, helpless child of Thomas Gibson, late of Company E, Tenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Joab Carr, jr., late of Capt. Nathan J. Lambert's Independent Scouts, Tucker County, West Virginia State Troops, and pay him a pension at the rate of $50 per month.

The name of Hettie A. Kyker, widow of Thomas J. Kyker, late of Troop C, Third Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Caroline Hoyt, widow of Charles L. Hoyt, late of Company E, Fifteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Amanda Metcalf, helpless child of Amos Metcalf, late of Company C, Seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Manda Jane Stringer, helpless child of William Stringer, late of Company A, Twelfth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Sarah J. Ravlin, former widow of Robert McCollom, late of Company H, Eighteenth Regiment New York Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Henrietta Trate, widow of Lot Trate, late of Company D, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Bartley, widow of Jeremiah J. Bartley, late of Company K, Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Edwards, widow of Edmond Edwards, late of Troop A, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma F. Shilling, widow of John Shilling, late of Company H, Third Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna B. Collins, widow of Anderson F. Collins, late of Company F, Seventieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rebecca Barnes, widow of Cassius M. Barnes, late of Captain Holland's company, Michigan Mounted Engineers, and pay her a pension at the rate of $30 per month.

The name of Rachel Morgan, widow of Edwin D. Morgan, late of Company B, Eighty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Butler, widow of James Butler, late of Company A, Sixty-seventh Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of William Fay, helpless child of Aaron Fay, late of Company H, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Mary E. Stone, former widow of James Cook, late of Company F, Third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah Ann Owens, widow of Patrick Owens, late of Company B, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary P. Law, widow of James B. Law, late of Company F, Twenty-second Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah P. Denham, former widow of Thompson Denham, late of Company B, Thirty-seventh Regiment Kentucky Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Emeline Keeling, widow of Dexter Keeling, late of Company C, One hundred and sixteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Cornelia F. Grove, widow of Leonard S. Grove, late of Company E, Eighth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth J. Mills, widow of George L. Mills, late of Troop K, Eleventh Regiment Indiana Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rachel A. Moffitt, widow of Hugh Moffitt, late of Company E, Twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of William A. Rowin, helpless child of William Rowin, late of Troop B, Second Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

Mr. McNARY. Mr. President, may I ask the Senator having the bill in charge if this is the same bill that was opposed recently by the Senator from South Dakota [Mr. NORBECK]?

Mr. ROBINSON of Indiana. Answering the query of the Senator from Oregon, I will say that this is the third omnibus bill. It is the regular omnibus pension bill. The bill to which the Senator refers is on the calendar, and will not be acted upon in the absence of the Senator from South Dakota.

Mr. McNARY. Mr. President, the secretary of the Senator from South Dakota called on me recently and expressed the hope that, in the absence of the Senator from South Dakota, no pen-

sion legislation would be taken up unless it involved the bill he had before the Senate some weeks ago.

The PRESIDING OFFICER. This is Calendar No. 477, the Chair will inform the Senator.

Mr. ROBINSON of Indiana. I had a similar telegram, I will say to the Senator from Oregon.

Mr. McNARY. From whom?

Mr. ROBINSON of Indiana. From the Senator from South Dakota, and no such action has been taken as he refers to. In fact, I may say that the Committee on Pensions is at the present time holding the Spanish War pension bill in committee until the Senator from South Dakota returns. The bill to which the Senator specifically refers is the Civil War bill for Union soldiers, their widows, and dependents, which appears as Calendar No. 135.

Mr. McNARY. I favor the measure. I only want to protect the interests of the Senator from South Dakota, but if I may be assured by the Senator from Indiana that he has no objection to this bill, certainly I have none.

Mr. ROBINSON of Indiana. I feel certain the Senator from South Dakota has no objection to the omnibus bill now under consideration.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CITIZENSHIP AND NATURALIZATION OF MARRIED WOMEN

The bill (H. R. 10960) to amend the law relative to the citizenship and naturalization of married women, and for other purposes, was announced as next in order.

Mr. DILL. Mr. President, I would like to know just what this bill does in regard to permitting married women to come back to this country. I am anxious to know what change is made in the present law.

Mr. GOULD. Mr. President, the bill came to us from the House and I was asked to present it. I do so by request. I do not propose to undertake to explain every detail of the bill, because I might start something here that would take as long as the Judge Parker matter to settle, and perhaps longer, because in that case we had a mere man to deal with and this is a woman case. [Laughter.] If the Senator desires, the bill may be passed over for the time being and it can be explained a little later.

Mr. DILL. I am somewhat concerned about the provision of the immigration law that may prohibit married women and women with families, who happen to have been deported, from ever being permitted to come back into the United States. I think it is an inhuman and indefensible provision of law, and it ought to be changed I had hoped that this bill would give the Secretary of Labor some discretion in permitting mothers who happen to have violated the law and who have been deported under the law to come back into the United States.

Mr. GOULD. I understand the Secretary of Labor has full control.

Mr. DILL. No; the Secretary of Labor has not any control. He has no discretion at all. That is what I am troubled about. That is why I asked whether or not this bill touches that question.

Mr. GOULD. The Committee on Immigration took up the matter and reported the bill as it is now before the Senate. Of course it is subject to amendment.

The PRESIDING OFFICER. Does the Chair understand the Senator from Washington to interpose an objection?

Mr. DILL. I do not care to object to the bill if I can find out what the amendments are.

The PRESIDING OFFICER. Under the existing circumstances, does the Senator from Washington object?

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New York?

Mr. DILL. I yield.

Mr. COPELAND. This bill as it came to the Senate proposes to take care of women who have lost their citizenship by foreign marriage and who, by reason of widowhood or otherwise, have a desire to return to this country. They may become citizens now.

The next feature in the bill relates to the general amnesty as regards naturalization to correspond with the restricted immigration act of July 1, 1924. It will be recalled that that bill passed the Senate unanimously last year, but was not accepted in conference by the House.

The other features of the bill are largely administrative, having to do with conditions under which proof of residence must be had; also that the requirements of ability to read and write shall apply to certain persons who desire to come into the United States.

Mr. DILL. I notice the bill provides salaries for the commissioner general and the commissioner of naturalization, providing in each case that the salary shall be $10,000 a year. That is not a proper provision in a bill which relates to widows being admitted into this country and citizenship being established.

Mr. COPELAND. Let us be very frank about it. It is extremely difficult to have any consideration given to Senate naturalization bills by the House. We gave full consideration to the question of the various salary grades in the Naturalization Bureau. Among others, we considered the Commissioner of Immigration and the Commissioner of Naturalization, who have been here many years, and are very highly regarded by every member of the committee who has come in contact with them. Their salaries now, I think, are $8,500 or $9,000, and it was considered that they were entitled to the same increase we have given to others.

Mr. DILL. But suppose they should die to-morrow; would the new men be entitled to the same salary? We can not fix salaries according to the particular men in office.

The PRESIDING OFFICER. The time of the Senator from Washington has expired.

Mr. DILL. If the chairman of the committee will consent to strike out the administrative provisions, I am willing not to interpose an objection; otherwise, I shall interpose an objection. Sections 16 and 17 are purely administrative.

Mr. GOULD. Mr. President, I ask that the bill may go over.

The PRESIDING OFFICER. At the request of the Senator from Maine the bill will be passed over.

MICHIGAN AVENUE GRADE CROSSING, DISTRICT OF COLUMBIA

The bill (S. 4211) to amend the act entitled "An act to provide for the elimination of the Michigan Avenue grade crossing in the District of Columbia, and for other purposes," approved March 3, 1927, was considered as in Committee of the Whole. The bill had been reported from the Committee on the District of Columbia with an amendment, on page 2, line 8, after the word "viaduct," to strike out the words "and thereafter the cost of maintaining the structure within the limits of its right of way" and to insert "and approaches," so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to provide for the elimination of the Michigan Avenue grade crossing in the District of Columbia, and for other purposes," approved March 3, 1927, be, and it is hereby, amended to read as follows:

"That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to construct a viaduct and approaches to elimjnate the present crossing at grade of Michigan Avenue and the tracks and right of way of the Baltimore & Ohio Railroad Co., said viaduct to be constructed north of the present line of Michigan Avenue as may be determined by the Commissioners of the District of Columbia in accordanace with plans and profiles of said works to be approved by the said commissioners: *Provided*, That one-half of the total cost of constructing the said viaduct and approaches shall be borne and paid by the said railroad company, its successors and assigns, to the collector of taxes of the District of Columbia to the credit of the District of Columbia, and the same shall be a valid and subsisting lien against the franchises and property of the said railroad company and shall constitute a legal indebtedness of said company in favor of the District of Columbia, and the said lien may be enforced in the name of the District of Columbia by a bill in equity brought by the said commissioners in the Supreme Court of the District of Columbia, or by any other lawful proceeding against the said railroad company.

SEC. 2. That no street railway company shall use the said viaduct or any approaches thereto herein authorized for its tracks until the said company shall have paid to the collector of taxes of the District of Columbia a sum equal to one-fourth of the cost of said viaduct and approaches, which sum shall be deposited to the credit of the District of Columbia.

SEC. 3. That for the purpose of carrying into effect the foregoing provisions the sum of $500,000 is hereby authorized to be appropriated, payable in like manner as other appropriations for the expenses of the government of the District of Columbia; and the said commissioners are authorized to expend such sum as may be necessary for personal services, engineering, and incidental expenses, including the cost of relocating sewers and water mains. The said commissioners are further authorized to acquire, out of the appropriation herein authorized, the necessary land to carry out the provisions of this act, by purchase at such price or prices as in their judgment they may deem reasonable and fair, or, in the discretion of the commissioners, by condemnation in accordance with chapter 15 of the Code of Law of the District of Columbia, as amended.

SEC. 4. That from and after the completion of the said viaduct and approaches the highway grade crossing over the tracks and right of way of the said Baltimore & Ohio Railroad Co. at Michigan Avenue shall be forever closed against further traffic of any kind.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OIL AND GAS PROSPECTING PERMITS AND LEASES

The bill (S. 317) to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands and Surveys with amendments, on page 1, line 8, to strike out the words "northeast quarter and north half of southwest quarter of section 5, the east half of northeast quarter and northeast quarter and southeast quarter of section 6, the southwest quarter of northeast quarter, south half of northwest quarter, and southeast quarter of section 29, be," and on page 2, line 4, to strike out the words "north half" and insert "northwest quarter," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to grant either prospecting permits or leases under the terms and conditions of section 19 of the act approved February 25, 1920 (41 Stat. L. 437, title 30, sec. 227, U. S. C.), to any claimant of title under the placer mining laws, to the southeast quarter of section 30, the east half of section 31, and the northwest quarter and southeast quarter of section 32, in township 51 north, range 100 west of the sixth principal meridian, in the State of Wyoming: *Provided*, That satisfactory evidence be submitted of entire good faith of such claimant under the mining laws, although without such evidence of discovery as to satisfy said Secretary of the claimant's right to a patent; also, that said lands were not reserved or withdrawn at date of initiation of mining claims thereto; also, that applications for such permits or leases be filed within six months from date of this enactment, and that at date of such filing the area covered thereby be free from any valid adverse claim of any third person.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GRADE CROSSINGS OF STEAM RAILROADS IN DISTRICT OF COLUMBIA

The bill (S. 4223) to amend the act entitled "An act to provide for the elimination of grade crossings of steam railroads in the District of Columbia, and for other purposes," approved March 3, 1927, was considered as in Committee of the Whole. The bill had been reported from the Committee on the District of Columbia with amendments, on page 1, line 9, after the word "thereto," to strike out "to carry Fern Street in the District of Columbia under the tracks and right of way of the Baltimore & Ohio Railroad Co., in accordance with plans and profiles of said subway and approaches to be approved by the Commissioners of the District of Columbia" and insert "under the tracks and right of way of the Baltimore & Ohio Railroad Co. in the vicinity of the intersection of Fern Place and Piney Branch Road, extended, in the District of Columbia on a line to be determined by the Commissioners of the District of Columbia and in accordance with plans and profiles of said subway and approaches to be approved by the said commissioners."

Mr. BINGHAM. Mr. President, the Senator from Maryland [Mr. TYDINGS] was going to offer an amendment to the bill. In his absence I will offer the amendment. On page 2, line 6, after the words "in the vicinity of," in the amendment of the committee, I move to insert the words "Chestnut Street or of," so it would read:

under the tracks and right of way of the Baltimore & Ohio Railroad Co. in the vicinity of Chestnut Street or of the intersection of Fern Street—

And so forth.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Connecticut to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on the District of Columbia was, on page 2, line 12, after the word "subway," to strike out "and approaches thereto" and to insert "and thereafter the cost of maintaining the structure within the limits of its right of way"; in line 18, to strike out "said half of cost" and insert the word "same"; and on page 3, line 17, after the word "approaches," to strike out "to carry Fern Street in the District of Columbia under the tracks and right of way of the Baltimore & Ohio Railroad Co"; and in line 21, to strike out the words "railroad company," and to insert "Baltimore & Ohio Railroad Company," so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to provide for the elimination of grade crossings of steam railroads in the District of Columbia, and for other purposes," approved March 3, 1927, be, and it is hereby, amended to read as follows:

"That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to construct a subway and approaches thereto under the tracks and right of way of the Baltimore & Ohio Railroad Co. in the vicinity of Chestnut Street or of the intersection of Fern Place and Piney Branch Road, extended, in the District of Columbia on a line to be determined by the Commissioners of the District of Columbia and in accordance with plans and profiles of said subway and approaches to be approved by the said commissioners: *Provided*, That one-half of the total cost of constructing said subway and thereafter the cost of maintaining the structure within the limits of its right of way shall be borne and paid by the said Baltimore & Ohio Railroad Co., its successors and assigns, to the collector of taxes of the District of Columbia for deposit to the credit of the District of Columbia, and the same shall be a valid and subsisting lien against the franchises and property of the said railroad company, and shall constitute a legal indebtedness against the said railroad company in favor of the District of Columbia, and the said lien may be enforced in the name of the District of Columbia by a bill in equity brought by the said commissioners in the Supreme Court of the District of Columbia, or by any other legal proceeding against the said railroad company.

"SEC. 2. That for the purpose of carrying into effect the foregoing provisions the sum of $250,000 is hereby authorized to be appropriated, payable in like manner as other appropriations for the expenses of the government of the District of Columbia; and the said commissioners are authorized to expend such sum as may be necessary for personal services, engineering, and incidental expenses, including the cost of relocating sewers and water mains. The said commissioners are further authorized to acquire, out of the appropriation herein authorized, the necessary land to carry out the provisions of this act, by purchase at such price or prices as in their judgment they may deem reasonable and fair, or, in the discretion of the commissioners, by condemnation in accordance with chapter 15 of the Code of Law of the District of Columbia, as amended.

"SEC. 3. That from and after the completion of the said subway and approaches the highway grade crossing over the tracks and right of way of the said Baltimore & Ohio Railroad Co. at Chestnut Street shall be forever closed against further traffic of any kind."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAY OF MAIL CARRIERS IN VILLAGE DELIVERY SERVICE

The bill (S. 543) to increase the pay of mail carriers in the village delivery service, was considered as in Committee of the Whole. The bill had been reported from the Committee on Post Offices and Post Roads with amendments, on page 1, line 11, to strike out "$1,350" and insert "$1,250," and on page 2, line 1, to strike out "$1,750" and insert "$1,550," so as to make the bill read:

Be it enacted, etc., That section 10 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925, as amended, is amended to read as follows:

"SEC. 10. That the pay of carriers in the village delivery service, under such rules and regulations as the Postmaster General may prescribe, shall be from $1,250 to $1,550 per annum. The pay of substitute letter carriers in the village delivery service shall be at the rate of 60 cents per hour."

SEC. 2. This act shall take effect on the date of its approval.

The amendments were agreed to.

Mr. FESS. Mr. President, will the Senator from Colorado [Mr. PHIPPS] explain just what change this makes?

Mr. PHIPPS. Under the present law the pay of village carriers ranges from $1,150 to $1,350, whereas the pay of the city delivery carriers ranges from $1,750 to $2,150 a year. The duties are virtually the same. The hours of labor are the same. The village delivery service is limited to communities of at least 1,500 inhabitants and where the postal receipts exceed $5,000. The time of the village carriers is taken up, in addition to their duties delivering mail around the streets and roads, by working in the office assisting the postmaster.

Mr. FESS. I have no objection.

Mr. PHIPPS. This is a very moderate increase. They have had no increase for a long time.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POSTAL REVENUE DEFICIENCIES

The bill (S. 3599) to provide for the classification of extraordinary expenditures contributing to the deficiency of postal revenues was considered as in Committee of the Whole.

Mr. FESS. Mr. President, will the Senator from Colorado explain the bill?

Mr. PHIPPS. Mr. President, it is merely setting up a method of bookkeeping through which we will be able to determine what the Post Office Department has actually earned and the resulting deficit in operation. There is no appropriation of money. The Post Office Department will be given credit for actual services performed in handling free mail. It was given careful consideration by the committee.

Mr. FESS. I have no objection.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Postmaster General shall certify to the Secretary of the Treasury and to the Comptroller General of the United States, respectively, as soon as practicable after the end of each fiscal year, the following:

(a) The estimated amount which would have been collected at regular rates of postage on matter mailed during the year by officers of the Government (other than those of the Post Office Department) under the penalty privilege, including registry fees;

(b) The estimated amount which would have been collected at regular rates of postage on matter mailed during the year by (1) Members of Congress and (2) others under the franking privilege;

(c) The estimated amount which would have been collected during the year at regular rates of postage on publications going free in the county;

(d) The estimated excess during the year of the cost of aircraft service over the postage revenues derived from air mail; and

(e) The estimated amount paid during the year to vessels of American registry for carrying the ocean mail at mileage rates in excess of what would have been paid at pound rates.

And the amounts so certified shall be separately classified on the books of the Treasury Department and the General Accounting Office, respectively, in stating the expenditures made from the appropriation to supply the deficiency of postal revenues.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITION OF LANDS TO ZION NATIONAL PARK, UTAH

The bill (S. 4169) to add certain lands to the Zion National Park in the State of Utah, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That sections 7, 17, 18, 19, 20, 29, 30, 31, and 32, township 41 south, range 9 west; unsurveyed sections 5, 6, 7, 8, 17, and 18, township 42 south, range 9 west; unsurveyed sections 5, 6, 7, and 8, township 42 south, range 9½ west; unsurveyed sections 1, 2, and the north half and southeast quarter section 3; northeast quarter section 4, east half section 10, sections 11 and 12, township 42 south, range 10 west; all of section 21, southwest quarter section 22, northwest quarter section 27, southeast quarter unsurveyed section 28; east half unsurveyed section 33, township 41 south, range 10 west; and all of sections 34, 35, and 36, township 41 south, range 11 west, all with reference to the Salt Lake meridian, be, and the same are hereby, added to and made a part of the Zion National Park in the State of Utah, subject to all laws and regulations applicable to and governing said park.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL LANDS FOR BRYCE CANYON NATIONAL PARK, UTAH

The bill (S. 4170) to provide for the addition of certain lands to the Bryce Canyon National Park, Utah, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That for the purpose of preserving in their natural state the outstanding scenic features to the south and west of Bryce Canyon National Park, the President of the United States be, and he is hereby, authorized, upon the joint recommendation of the Secretaries of Interior and of Agriculture, to add to the Bryce Canyon National Park, in the State of Utah, by Executive proclamation, any or all of unsurveyed townships 37 and 38 south, range 4 west, Salt Lake meridian, not now included in said park, and all the lands added to said park pursuant hereto shall be, and are hereby, made subject to all laws, rules, and regulations applicable to and in force in the Bryce Canyon National Park.

SEC. 2. That the provisions of the act of June 10, 1920, known as the Federal water power act, shall not apply to lands now included in the Bryce Canyon National Park nor to any lands added to said park under the authority of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SIXTH PAN AMERICAN CHILD CONGRESS

The joint resolution (H. J. Res. 270) authorizing an appropriation to defray the expenses of the participation of the Government in the Sixth Pan American Child Congress to be held at Lima, Peru, July, 1930, was considered as in Committee of the Whole. The joint resolution had been reported from the Committee on Foreign Relations with an amendment, on page 1, line 9, after the word "subsistence," to insert the words "notwithstanding the provisions of any other act," so as to make the joint resolution read:

Resolved, etc., That for the purpose of defraying the expenses of participation by the Government of the United States by means of delegates to be appointed by the President in the Sixth Pan American Child Congress, to be held at Lima, Peru, July, 1930, an appropriation in the sum of $13,000, or so much thereof as may be necessary, is hereby authorized for travel expenses, subsistence, or per diem in lieu of subsistence, notwithstanding the provisions of any other act, printing and binding, compensation of employees, rent, official cards, preparation, transportation, installation, and demonstration of a suitable exhibit, and such other expenses as the President may deem proper.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

ST. FRANCIS RIVER BRIDGE, CRAIGHEAD COUNTY, ARK.

The bill (S. 4196) to authorize the construction, maintenance, and operation of a bridge across the St. Francis River in Craighead County, Ark., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the St. Louis Southwestern Railway Co., a corporation organized and existing under the laws of the State of Missouri, be, and it is hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the St. Francis River at a point suitable to the interests of navigation in section 13, township 13 north, range 6 east, of the fifth principal meridian, in Craighead County, Ark., on a line of railway between Caraway, Ark., and Trumann, Ark., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEMURRAGE CHARGES ON UNDELIVERED C. O. D. PARCELS

The bill (H. R. 1234) to authorize the Postmaster General to impose demurrage charges on undelivered collect-on-delivery parcels was considered as in Committee of the Whole. The bill had been reported from the Committee on Post Offices and Post Roads with an amendment, on page 1, line 10, to strike out "10" and insert "5," so as to make the bill read:

Be it enacted, etc., That under such regulations as the Postmaster General may prescribe any collect-on-delivery parcel which the addressee fails to remove from the post office within 15 days from the first attempt to deliver or the first notice of arrival at the office of address may be returned to the sender, charged with the return postage, whether or not such parcel bears any specified time limit for delivery; and a demurrage charge of not exceeding 5 cents per day may be collected when delivery has not been made to either the addressee or the sender until after the expiration of the prescribed period.

The amendment was agreed to.

Mr. PHIPPS. Mr. President, I notice a typographical error in the spelling of the word "exceeding," on page 1, line 10.

The PRESIDING OFFICER. The Chair will say that it is a clerical error to which the Senator from Colorado calls attention, and it will be corrected; it is not necessary to offer an amendment for that purpose.

Mr. FESS. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PHIPPS. I yield.

Mr. FESS. I have had some correspondence relative to this measure.

Mr. PHIPPS. So have I, and I may say it has been very voluminous. I think we have met the situation after a very careful study in a manner that should be acceptable.

It seems to have become the practice of a great many concerns, tailoring establishments, shirt makers, underwear manufacturers, and others, to ship packages C. O. D. in fulfillment of orders. Such packages may arrive two or three days after pay day when the addressee does not happen to have the money with which to make the payment, and consequently the package lies in the post office for another month.

The amount which it is proposed to charge under this bill is less than the same charge for demurrage imposed by express companies; they charge 50 cents a month right along; but under this bill regulations will be provided under which the shippers will be notified when the first attempt at delivery has been made that the package has been tendered but failed of delivery, and that unless disposition is made within 15 days demurrage charges on the package at the rate of 15 cents a day will be imposed. So it will be up to the consignor to determine what is to be done with the package. As it is now, we are making a warehouse out of every post office.

Mr. FESS. I think the Senator's statement is a complete answer to the objections which we have been receiving through the mail, and I have no objection to the passage of the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The PRESIDING OFFICER. That completes the call of the calendar under the unanimous-consent agreement.

IMMIGRATION AND UNEMPLOYMENT

Mr. HARRIS. Mr. President, I ask unanimous consent to have published in the RECORD an editorial appearing in the Saturday Evening Post of April 19, 1930, entitled "Immigration and Unemployment."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Saturday Evening Post, April 19, 1930]

IMMIGRATION AND UNEMPLOYMENT

More than once attention has been directed in these columns to the studies and findings of the California Joint Immigration Committee. This influential body is composed of representatives of the State organizations of the American Legion, the American Federation of Labor, and the Native Sons. Its investigations appear to have been made with considerable care, and its recommendations are a fair cross section of enlightened public opinion. As such, they are worthy of serious consideration in legislative quarters.

In a letter addressed to the House Committee on Immigration, the California body asks some pointed questions: "Can the mass of unemployed in the United States be cared for either by speeding up production, or by the inauguration of the dole system, or of the six-hour day and the five-day week in industry, while 450,000 or more aliens are permitted to enter for permanent residence every year, most of them compelled to accept employment on any terms? What will be the result to living standards and to the well-paid American workman who has made national prosperity?

It would be hard to find sound reasons for the smallest doubt that Congress should do two things: First, make an unprecedented effort to enforce the present immigration act by allowing appropriations sufficient to bar out or ship out the 150,000 aliens who enter the country unlawfully each year; and, second, to scale down by progressive stages the number admitted in accordance with law. These are imperative necessities, and the sooner Congress recognizes them as such the better off the country will be and the surer American workmen will be in their jobs.

Every period of widespread unemployment, such as the one from which we are now gradually emerging, rings with new testimony of our shortsightedness in permitting the land to be inundated by hordes of newcomers to compete with our own people in a labor market already glutted. In one respect, the situation is going from bad to worse in consequence of the increasing mechanization of industry. Machinery, in bewildering array, now does the rough outdoor work, whether in building, excavation, tunneling, agriculture, mining, steel making, or the construction and improvement of highways and railroads. Every year the catalogues of the machinery houses blossom out with new and ingenious contrivances to do away with man power and to get the job done more quickly and more cheaply. More and more we depend upon steam, electricity, gasoline, and compressed air, less and less upon human brawn. This means that large categories of unskilled labor are virtually wiped off the slate. No sound immigration policy can ignore this change of economic conditions. Organized labor has been somewhat slow to see upon which side its bread is buttered, but every recurrence of industrial depression has helped to teach it that there is a direct connection between lax immigration policies and light dinner pails. Once the lesson has been fully learned, we shall not be surprised to see both our lawful and our unlawful immigration reduced to a tithe of their present volume.

When the great body of taxpayers realize what it is costing them for the upkeep of courts, jails, asylums, and other State institutions to care for our alien criminals, defectives, and diseased persons, such a clamor will be raised that Congress will be forced to appropriate adequate sums for the deportation of the alien classes which constitute this heavy burden. Possibly our situation will become worse before it gets better, but once conditions are clearly understood, it will be taken in hand with characteristic vigor.

REJECTION OF NOMINATION OF JUDGE JOHN J. PARKER

Mr. DILL. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial appearing in the New York World of to-day relative to the rejection of the nomination of Judge John J. Parker as a justice of the Supreme Court.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York World, Thursday, May 8, 1930]

CHAPTER 2

The vote by which the Senate refused to confirm the nomination of Judge Parker as justice of the Supreme Court is unmistakably chapter 2 in the struggle that was waged against the confirmation of Mr. Hughes. It is, in other words, a victory of the progressive Republicans and Democrats on the issue of liberalizing the Supreme Court. Contrary to the popular impression that the main inspiration of the attack on the appointment came from negro organizations, the record discloses that in the actual voting the race issue won more votes for Judge Parker than it turned against him.

Of the 17 Republicans who voted against confirmation, not more than two or three can be considered as having voted on the negro issue. The other 14 or 15 are recognized progressive Republicans, regular members of the Republican wing of the coalition. On the other hand, among the southern Democrats the nomination was supported by nine Senators, of whom five at least voted against Mr. Hughes. Can there be any doubt that a southern Democrat who votes not to confirm Mr. Hughes and then votes to confirm Judge Parker is influenced primarily by purely sectional considerations?

The vote shows that the race issue played no decisive part in the result. It affected the result both ways about equally. The vote shows that the attempt to align the South as a matter of sectional pride failed. Of the Senators voting in 12 Southern States, nine voted for confirmation and nine against. This disposes of the idea that the South itself regarded the confirmation of Judge Parker as a matter of vital interest of itself.

The real reason for the rejection of the nomination is that Mr. Hoover ignored the hurricane warning raised at the time of the explosion over the nomination of Mr. Hughes. Instead of then selecting a man of outstanding ability and of liberal philosophy, he chose a man of mediocre ability and of conservative philosophy. Mr. Hughes was confirmed after a severe conflict because, in spite of his conservatism, there was universal recognition of his preeminent ability. Judge Parker has failed because he lacked the positive qualifications which carried Mr. Hughes across.

Mr. Hoover has suffered a severe defeat. It is our opinion that the defeat was amply deserved because of his reckless failure to understand the extraordinary significance of the Hughes episode. It is to be hoped, for his own sake and for the sake of the court and for the sake of the country, that this time he will take the lesson to heart. He must find a man of real distinction and of liberal philosophy. Such a man, whether he comes from the North or the South, will be heartily confirmed. If he can find such a man in the South it would be particularly gratifying. There is every reason why the geographical balance of the court should be improved. But in looking for a southerner Mr. Hoover should purge his mind of the notion that there is any profit for him or any service to the country in trying to find a man who will help build up the Republican Party in the South. It is Mr. Hoover's business to build up not the Republican Party in the South but the authority and competence of the Supreme Court of the United States. The first consideration is outstanding ability. The second consideration is a liberal view of the Constitution. The third consideration is geography.

AMENDMENT OF FEDERAL RESERVE ACT

Mr. JONES obtained the floor.

Mr. WALCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. JONES. I yield.

Mr. WALCOTT. Mr. President, on yesterday, during the call of the calendar, when Order of Business No. 512, being the bill (S. 4096) to amend section 4 of the Federal reserve act was reached, it was passed over. I should like to have that bill considered at this time.

Mr. JONES. Mr. President, if the consideration of the bill will require no discussion, I will not object; otherwise I should like to proceed with the Army appropriation bill, which I think will not take very long.

Mr. WALCOTT. The bill went over merely because of a desire to secure an explanation as to one word in it. I had to refer the matter to Governor Young, of the Federal Reserve Board, for further information. I have now received that information.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. LA FOLLETTE. Mr. President, I think that is a rather important bill, and I do not think it should be considered under a situation where there can be no debate upon it. I object to recurring to it.

The VICE PRESIDENT. Objection is made.

ARMY APPROPRIATIONS

Mr. JONES. I move that the Senate proceed to the consideration of the House bill 7955, being the Army appropriation bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7955) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. JONES. I ask that the formal reading of the bill may be dispensed with, and that the bill be read for amendment, the amendments of the committee to be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The first amendment of the Committee on Appropriations will be stated.

The first amendment of the Committee on Appropriations was, under the heading "General Staff Corps, contingencies, Military Intelligence Division," on page 8, line 9, after the word "information," to strike out "$62,480" and insert "$57,480," so as to read:

For contingent expenses of the Military Intelligence Division, General Staff Corps, and of the military attachés at the United States embassies and legations abroad, including the purchase of law books, professional books of reference, and subscriptions to newspapers and periodicals; for cost of maintenance of students and attachés; for the hire of interpreters, special agents, and guides, and for such other purposes as the Secretary of War may deem proper, including $5,000 for the actual and necessary expenses of officers of the Army on duty abroad for the purpose of observing operations of armies of foreign states at war, to be paid upon certificates of the Secretary of War that the expenditures were necessary for obtaining military information, $57,480, to be expended under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was, under the subhead "Army War College," on page 8, line 24, after the word "expenses," to strike out "$82,020" and insert "$80,760," so as to read:

For expenses of the Army War College, being for the purchase of the necessary special stationery; textbooks, books of reference, scientific and professional papers and periodicals; maps; police utensils; employment of temporary, technical, or special services, and expenses of special lecturers; for the pay of employees; and for all other absolutely necessary expenses, $80,760.

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster Corps," on page 16, line 3, after the words "in all," to strike out "$24,675,258" and insert "$24,669,783," so as to make the paragraph read:

Subsistence of the Army: Purchase of subsistence supplies: For issue as rations to troops, including retired enlisted men when ordered to active duty, civil employees when entitled thereto, hospital matrons, applicants for enlistment while held under observation, general prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made), Indians employed by the Army as guides and scouts, and general prisoners at posts; for the subsistence of the masters, officers, crews, and employees of the vessels of the Army Transport Service; hot coffee for troops traveling when supplied with cooked or travel rations; meals for recruiting parties and applicants for enlistment while under observation; for sales to officers, including members of the Officers' Reserve Corps while on active duty, and enlisted men of the Army. For payments: Of the regulation allowances of commutation in lieu of rations to enlisted men on furlough, enlisted men when stationed at places where rations in kind can not be economically issued, including retired enlisted men when ordered to active duty and when traveling on detached duty where it is impracticable to carry rations of any kind, enlisted men selected to contest for places or prizes in department and Army rifle competitions when traveling to and from places of contest, applicants for enlistment, and general prisoners while traveling under orders. For payment of the regulation allowances of commutation in lieu of rations for enlisted men, applicants for enlistment while held under observation, civilian employees who are entitled to subsistence at public expense, and general prisoners while sick in hospitals, to be paid to the surgeon in charge; advertising; for providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed $900 per annum; and for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army, in all, $24,669,783.

The amendment was agreed to.

The next amendment was, in the item for incidental expenses of the Army, on page 20, line 7, after the word "for," to strike out "lecture fees at the Army Music School and," and in line 11, after the word "department," to strike out "$3,904,738" and insert "$3,928,738," so as to read:

Incidental expenses of the Army: Postage; hire of laborers in the Quartermaster Corps, including the care of officers' mounts when the same are furnished by the Government; compensation of clerks and other employees of the Quartermaster Corps, and clerks, foremen, watchmen, and organist for the United States disciplinary barracks, and incidental expenses of recruiting; for the operation of coffee-roasting plants; for payment of entrance fees for Army rifle and pistol teams participating in competitions; for tests and experimental and development work and scientific research to be performed by the Bureau of Standards for the Quartermaster Corps; for inspection service and instruction furnished by the Department of Agriculture which may be transferred in advance; for such additional expenditures as are necessary and authorized by law in the movements and operation of the Army and at military posts, and not expressly assigned to any other department, $3,928,738.

The amendment was agreed to.

The next amendment was, on page 22, line 5, after the words "in all," to strike out "$15,000,000" and insert "$14,975,000," so as to make the paragraph read:

Army transportation: For transportation of the Army and its supplies, including retired enlisted men when ordered to active duty; of authorized baggage, including that of retired officers, warrant officers, and enlisted men when ordered to active duty and upon relief therefrom, and including packing and crating; of recruits and recruiting parties; of applicants for enlistment between recruiting stations and recruiting depots; of necessary agents and other employees, including their traveling expenses; of dependents of officers and enlisted men as provided by law; of discharged prisoners, and persons discharged from St. Elizabeths Hospital after transfer thereto from the military service, to their homes (or elsewhere as they may elect): *Provided*, That the cost in each case shall not be greater than to the place of last enlistment; of horse equipment; and of funds for the Army; for the purchase or construction, not exceeding $100,000, alteration, operation, and repair of boats and other vessels; for wharfage, tolls, and ferriages; for drayage and cartage; for the purchase, manufacture (including both material and labor), maintenance, hire, and repair of pack saddles and harness; for the purchase, hire, operation, maintenance, and repair of wagons, carts, drays, other vehicles, and horse-drawn and motor-propelled passenger-carrying vehicles required for the transportation of troops and supplies and for official military and garrison purposes; for purchase and hire of draft and pack animals, including replacement of unserviceable animals; for travel allowances to officers and enlisted men on discharge; to officers of National Guard on discharge from Federal service as prescribed in the act of March 2, 1901 (U. S. C., title 10, sec. 751); to enlisted men of National Guard on discharge from Federal service, as prescribed in amendatory act of September 22, 1922 (U. S. C., title 10, sec. 752); and to members of the National Guard who have been mustered into Federal service and discharged on account of physical disability; in all, $14,975,000, of which amount not exceeding $250,000 shall be available immediately for the procurement and transportation of fuel for the service of the fiscal year 1931.

The amendment was agreed to.

The next amendment was, on page 22, line 23, after the word "at," to strike out "$2,000" and insert "$2,500," and in line 24, after the word "at," to strike out "$1,500" and insert "$1,200," so as to read:

None of the funds appropriated in this act, unless expressly made available for the purpose, shall be used for the purchase or exchange of

motor-propelled freight-carrying or passenger-carrying vehicles for the Army, except those that are purchased solely for experimental purposes, in excess of the following quantities and costs per vehicle, including the value of a vehicle exchanged: Thirty ambulances at $3,500 each, 40 passenger-carrying vehicles at $2,500 each, 150 such vehicles at $1,200 each, and 150 solo motor cycles at $300 each, 9 truck chassis at $7,200 each, 10 truck chassis at $4,325 each, 57 truck chassis at $2,800 each.

The amendment was agreed to.

The next amendment was, under the subhead "Military posts," on page 24, line 1, after the word "thereto," to strike out "including interior facilities, necessary service connections to water, sewer, gas, and electric mains, sidewalks, driveways, grading and seeding lawns, and similar improvements, all within the authorized limits of cost of such buildings," and in line 17, after the figures "$16,062,860," to insert "of which $125,000 shall be available toward construction of barracks and quarters at Scott Field, Ill., as a heavier as well as a lighter than air field, and," so as to read:

For construction and installation at military posts, including the United States Military Academy, of buildings, utilities, and appurtenances thereto, as authorized by the acts approved February 18, 1928 (45 Stat. 129), March 10, 1928 (45 Stat. 300), February 23, 1929 (45 Stat. 1258), February 25, 1929 (45 Stat. 1301), and March 1, 1929 (45 Stat. 1425), without reference to sections 1136 and 3734, Revised Statutes (U. S. C., title 10, sec. 1339; title 40, secs. 259, 267), including also the engagement, by contract or otherwise, of the services of architects, or firms, or partnerships thereof, and other technical and professional personnel as may be deemed necessary without regard to civil-service requirements and restrictions of law governing the employment and compensation of employees of the United States, $16,062,860, of which $125,000 shall be available toward construction of barracks and quarters at Scott Field, Ill., as a heavier as well as a lighter than air field, and of which not to exceed $3,000,000 shall be available for the payment of obligations incurred under the contract authorizations for these purposes carried in the War Department appropriation act for the fiscal year 1930 and of which the sum of $230,400 shall be available immediately for the construction of a sea wall at Selfridge Field, Mich.

The amendment was agreed to.

The next amendment was, on page 25, line 6, after the name "Treasury," to strike out the colon and the following additional proviso: "*Provided further*, That in addition to the appropriation herein made the Secretary of War is authorized to enter into contracts for the construction of all the projects embraced by the Budget for the fiscal year 1931 under this head at the Army Medical School, Washington, D. C., and in Porto Rico, to cost, in the aggregate, not to exceed $750,000 at each of such places, and, further, to enter into contracts or to incur obligations for the construction at West Point, N. Y., of the buildings embraced by such Budget and at the maximum costs as follows: Completion of cadet barracks, $225,000; noncommissioned officers' quarters, $165,000; officers' quarters, $507,000," and to insert "*Provided further*, That the Secretary of War is authorized to enter into contracts for the purposes specified in the foregoing acts, to an amount not to exceed $2,951,000, in addition to the appropriation herein made."

The amendment was agreed to.

The next amendment was, under the heading "Barracks and quarters and other buildings and utilities," on page 26, line 14, after the word "sewage," to strike out "$11,000,000" and insert "$11,152,060," so as to read:

For all expenses incident to the construction, installation, operation, and maintenance of buildings, utilities, appurtenances, and accessories necessary for the shelter, protection, and accommodation of the Army and its personnel and property (where not specifically provided for in other appropriations, including personal services, purchase and repair of furniture for quarters for officers, warrant officers, and noncommissioned officers, and officers' messes and wall lockers and refrigerators for Government-owned buildings as may be approved by the Secretary of War, care and improvement of grounds, flooring and framing for tents, rental of buildings and grounds for military purposes and lodgings for recruits and applicants for enlistment, water supply, sewer and fire-alarm systems, fire apparatus, roads, walks, wharves, drainage, dredging channels, purchase of water, and disposal of sewage, $11,152,060.

The amendment was agreed to.

The next amendment was, on page 26, line 25, after the figures "1931," to strike out the colon and the following additional provisos: "*Provided further*, That no part of the funds herein appropriated shall be available for construction of a permanent nature of additional buildings or extensions or additions to existing buildings: *Provided further*, That the monthly rental rate to be paid out of this appropriation for stabling any animal shall not exceed $15."

The amendment was agreed to.

The next amendment was, under the subhead "Construction and repair of hospitals," on page 29, line 5, after the figures "$578,880," to strike out the colon and "*Provided*, That no part of this appropriation shall be used for the construction of hospitals or extensions or additions to existing hospitals."

The amendment was agreed to.

The next amendment was, under the subhead "Seacoast defenses," on page 30, line 1, before the word "test," to strike out "experimental" and insert "experimental," so as to read:

For all expenses properly pertaining to the respective branches below stated as may be incident to the preparation of plans and the construction, purchase, installation, equipment, maintenance, repair, and operation of fortifications and other works of defense, and their accessories, including personal services, maintenance of channels to submarine mine wharves, purchase of lands and rights of way as authorized by law, and experimental, test, and development work, as follows:

United States: Signal Corps, $115,660.
Corps of Engineers, $421,550.
Ordnance Department, $301,670.
Chief of Coast Artillery, $186,495.
Insular departments: Signal Corps, $103,031.
Corps of Engineers, $220,000.
Ordnance Department, $302,919.
Chief of Coast Artillery, $226,575.
Panama Canal: Signal Corps, $43,012.
Corps of Engineers, $359,000.
Ordnance Department, $154,488.
Chief of Coast Artillery, $252,819.
In all, $2,687,219.

The amendment was agreed to.

The next amendment was, under the heading "Signal Corps," on page 32, line 13, after the word "required," to strike out "$3,010,000" and insert "$3,103,378," so as to read:

Telegraph and telephone systems: Purchase, equipment, operation, and repair of military telegraph, telephone, radio, cable, and signaling systems; signal equipment and stores, heliographs, signal lanterns, flags, and other necessary instruments; wind vanes, barometers, anemometers, thermometers, and other meteorological instruments; photographic and cinematographic work performed for the Army by the Signal Corps; motor cycles, motor-driven and other vehicles for technical and official purposes in connection with the construction, operation, and maintenance of communication or signaling systems, and supplies for their operation and maintenance; professional and scientific books of reference, pamphlets, periodicals, newspapers, and maps for use of the Signal Corps and in the office of the Chief Signal Officer; telephone apparatus, including rental and payment for commercial, exchange, message, trunk-line, long-distance, and leased-line telephone service at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, excepting local telephone service for the various bureaus of the War Department in the District of Columbia, and toll messages pertaining to the office of the Secretary of War; electric time service; the rental of commercial telegraph lines and equipment and their operation at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, including payment for official individual telegraph messages transmitted over commercial lines; electrical installations and maintenance thereof at military posts, cantonments, camps, and stations of the Army, fire-control and direction apparatus and material for Field Artillery; salaries of civilian employees, including those necessary as instructors at vocational schools; supplies, general repairs, reserve supplies, and other expenses connected with the collecting and transmitting of information for the Army by telegraph or otherwise; experimental investigation, research, purchase, and development or improvements in apparatus, and maintenance of signaling and accessories thereto, including patent rights and other rights thereto, including machines, instruments, and other equipment for laboratory and repair purposes; lease, alteration, and repair of such buildings required for storing or guarding Signal Corps supplies, equipment, and personnel when not otherwise provided for, including the land therefor, the introduction of water, electric light and power, sewerage, grading, roads and walks, and other equipment required, $3,103,378.

The amendment was agreed to.

The next amendment was, under the subhead "Engineer equipment for troops," on page 40, at the end of line 24, to strike out "$268,970" and insert "$263,970," so as to read:

For pontoon material, tools, instruments, supplies, and appliances required for use in the engineer equipment of troops, for military surveys, and for engineer operations in the field, including the purchase, maintenance, operation, and repair of the necessary motor cycles; the purchase and preparation of engineer manuals and for a reserve supply of above equipment, $263,970.

The amendment was agreed to.

The next amendment was, under the heading "Ordnance Department, ordnance service and supplies, Army," on page 43, at the end of line 8, to strike out "$9,719,161" and insert "$9,479,306," so as to make the paragraph read:

For manufacture, procurement, storage, and issue, including research, planning, design, development, inspection, test, alteration, maintenance, repair, and handling of ordnance material, together with the machinery, supplies, and services necessary thereto; for supplies and services in connection with the general work of the Ordnance Department, comprising police and office duties, rents, tolls, fuel, light, water, advertising, stationery, typewriting and computing machines, including their exchange, and furniture, tools, and instruments of service; to provide for training and other incidental expenses of the ordnance service; for instruction purposes, other than tuition; for maintenance, repair, and operation of motor-propelled and horse-drawn freight and passenger-carrying vehicles; for ammunition for military salutes at Government establishments, and institutions to which the issue of arms for salutes are authorized; for services, material, tools, and appliances for operation of the testing machines and chemical laboratory in connection therewith; for publications for libraries of the Ordnance Department, including the Ordnance Office, including subscriptions to periodicals which may be paid for in advance; for the services of not more than four consulting engineers, as the Secretary of War may deem necessary, at rates of pay to be fixed by him not to exceed $50 per day for not exceeding 50 days each and necessary traveling expenses, $9,479,306.

The amendment was agreed to.

The next amendment was, under the subhead "Tank service," on page 46, line 22, to reduce the appropriation for incidental expenses in connection with the operation of the tank schools, from $1,870 to $1,300.

The amendment was agreed to.

The next amendment was, under the heading "Militia Bureau—National Guard—Arming, equipping, and training the National Guard," on page 51, line 22, to increase the appropriation for pay of property and disbursing officers for the United States from $79,500 to $122,200.

The amendment was agreed to.

The next amendment was, under the subhead "Organized Reserves," on page 55, line 25, after the word "months," to strike out the semicolon and "for medical and hospital treatment, as provided by law" and insert "for the medical and hospital treatment of members of the Officers' Reserve Corps and of the Enlisted Reserve Corps, who suffer personal injury or contract disease in line of duty, as contemplated by the act of April 26, 1928 (45 Stat. 461, ch. 436), and for such other purposes in connection therewith as are authorized by the said act, including pay and allowances, subsistence, transportation, and burial expenses," and in line 9, after the figures "$6,542,362," to strike out "and no part of such sum shall be available for any expense incident to giving flight training to any officer of the Officers' Reserve Corps who shall be found by such agency as the Secretary of War may designate not qualified to perform combat service as an aviation pilot" and insert "and no part of such total sum shall be available for any expense incident to giving flight training to any officer of the Officers' Reserve Corps unless he shall be found physically and professionally qualified to perform aviation service as an aviation pilot, by such agency as the Secretary of War may designate," so as to read:

For pay and allowances of members of the Officers' Reserve Corps on active duty in accordance with law; mileage, reimbursement of actual traveling expenses, or per diem allowances in lieu thereof, as authorized by law: *Provided*, That the mileage allowance to members of the Officers' Reserve Corps when called into active service for training for 15 days or less shall not exceed 4 cents per mile; pay, transportation, subsistence, clothing, and medical and hospital treatment of members of the Enlisted Reserve Corps; conducting correspondence or extension courses for instruction of members of the Reserve Corps, including necessary supplies, procurement of maps and textbooks, and transportation; purchase of training manuals, including Government publications and blank forms; establishment, maintenance, and operation of divisional and regimental headquarters and of camps for training of the Organized Reserves; for miscellaneous expenses incident to the administration of the Organized Reserves, including the maintenance and operation of motor-propelled passenger-carrying vehicles and purchase of 30 such vehicles (at a cost not exceeding $625 each, including the value of a vehicle exchanged); for the actual and necessary expenses, or per diem in lieu thereof, at rates authorized by law, incurred by officers and enlisted men of the Regular Army traveling on duty in connection with the Organized Reserves; for expenses incident to the use, including upkeep and depreciation costs of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department, except that not to exceed $613,012 of this appropriation shall be available for expenditure by the Chief of the Air Corps for the production and purchase of new airplanes and their equipment, spare parts, and accessories; for transportation of baggage, including packing and crating, of reserve officers on active duty for not less than six months; for the medical and hospital treatment of members of the Officers' Reserve Corps and of the Enlisted Reserve Corps who suffer personal injury or contract disease in line of duty, as contemplated by the act of April 26, 1928 (45 Stat. 461, ch. 436), and for such other purposes in connection therewith as are authorized by the said act, including pay and allowances, subsistence, transportation, and burial expenses, in all, $6,542,362, and no part of such total sum shall be available for any expense incident to giving flight training to any officer of the Officers' Reserve Corps unless he shall be found physically and professionally qualified to perform aviation service as an aviation pilot by such agency as the Secretary of War may designate.

The amendment was agreed to.

The next amendment was, under the heading "Citizens' military training—Reserve Officers' Training Corps," on page 60, line 7, after the word "officers," to insert "and warrant officers"; in line 8, after the name "Regular Army," to insert "ordered to duty with, relieved from duty with, or"; in line 13, after the word "officers," to insert "and warrant officers"; in line 14, after the word "duty" where it occurs the first time, to strike out "with" and insert "with,"; in the same line, after the word "duty" where it occurs the second time, to strike out "with" and insert "with,"; in line 15, after the word "educational," to strike out "institutions," and insert "institutions; for transportation of"; in line 17, after the word "duty" where it occurs the first time, to strike out "with" and insert "with,"; in line 18, before the word "Reserve," to strike out "with" and insert "with,"; and in line 20, after the word "stations," to insert a semicolon and "and for transportation of dependents, baggage, and household effects, including packing and crating, of enlisted men ordered to duty with, and relieved from duty with, Reserve Officers' Training Corps units, as authorized by law," so as to read:

For the procurement, maintenance, and issue, under such regulations as may be prescribed by the Secretary of War, to institutions at which one or more units of the Reserve Officers' Training Corps are maintained, of such public animals, means of transportation, supplies, tentage, equipment, and uniforms as he may deem necessary, including cleaning and laundering of uniforms and clothing at camps; and to forage, at the expense of the United States, public animals so issued, and to pay commutation in lieu of uniforms at a rate to be fixed annually by the Secretary of War; for transporting said animals and other authorized supplies and equipment from place of issue to the several institutions and training camps and return of same to place of issue when necessary; for purchase of training manuals, including Government publications and blank forms; for the establishment and maintenance of camps for the further practical instruction of the members of the Reserve Officers' Training Corps, and for transporting members of such corps to and from such camps, and to subsist them while traveling to and from such camps and while remaining therein so far as appropriations will permit or, in lieu of transporting them to and from such camps and subsisting them while en route, to pay them travel allowance at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp and for the return travel thereto, and to pay the return travel pay in advance of the actual performance of the travel; for expenses incident to the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department; for pay for students attending advanced camps at the rate prescribed for soldiers of the seventh grade of the Regular Army; for the payment of commutation of subsistence to members of the senior division of the Reserve Officers' Training Corps, at a rate not exceeding the cost of the garrison ration prescribed for the Army, as authorized in the act approved June 3, 1916, as amended by the act approved June 4, 1920 (U. S. C., title 10, sec. 387); for medical and hospital treatment until return to their homes and further medical treatment after arrival at their homes, subsistence during hospitalization and until furnished transportation to their homes, and transportation when fit for travel to their homes of members of the Reserve Officers' Training Corps who suffer personal injury in line of duty while en route to or from and while at camps of instruction under the provisions of section 47a of the national defense act approved June 3, 1916, as amended (U. S. C., title 10, sec. 441); and for the cost of preparation and transportation to their homes and burial expenses of the remains of members of the Reserve Officers' Training Corps who die while attending camps of instruction as provided in section 4 of the act approved June 3, 1924 (U. S. C., title 10, sec. 455); for mileage, reimbursement of traveling expenses, or per diem allowance in lieu thereof as authorized by law, for officers and warrant officers of the Regular Army ordered to duty with, relieved from duty with, or traveling on duty in connection with Reserve Officers' Training Corps units at educational institutions and Reserve Officers' Training Corps training camps; for transportation of dependents, baggage, and house-



hold effects, including packing and crating, of officers and warrant officers ordered to duty with, and relieved from duty with, Reserve Officers' Training Corps units at educational institutions; for transportation of enlisted men of the Regular Army ordered to duty with, and relieved from duty with, Reserve Officers' Training Corps units and to duty with Reserve Officers' Training Corps training camps and return to stations; and for transportation of dependents, baggage, and household effects, including packing and crating, of enlisted men ordered to duty with, and relieved from duty with, Reserve Officers' Training Corps units, as authorized by law; and for the cost of maintenance, repair, and operation of passenger-carrying vehicles, $4,000,000, of which $547,849 shall be available immediately:

The amendment was agreed to.

The next amendment was, under the subhead "Citizens' military training camps," on page 63, line 22, after the words "in all," to strike out "$2,814,772" and insert "$2,884,772," so as to read:

For furnishing, at the expense of the United States, to warrant officers, enlisted men, and civilians attending training camps maintained under the provisions of section 47d of the national defense act of June 3, 1916, as amended by the act of June 4, 1920 (U. S. C., title 10, sec. 442), uniforms, including altering, fitting, washing and cleaning when necessary, subsistence, and transportation, or in lieu of such transportation and of subsistence for travel to and from camps, travel allowances at 5 cents per mile, as prescribed in said section 47d; for such expenditures as are authorized by said section 47d as may be necessary for the establishment and maintenance of said camps, including recruiting and advertising therefor, and the cost of maintenance, repair, and operation of passenger-carrying vehicles; for expenses incident to the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department; for gymnasium and athletic supplies (not exceeding $20,000); for mileage, reimbursement of traveling expenses, or allowance in lieu thereof as authorized by law, for officers of the Regular Army and Organized Reserves traveling on duty in connection with citizens' military training camps; for purchase of training manuals, including Government publications and blank forms; for medical and hospital treatment until return to their homes, further medical treatment after arrival at their homes, subsistence during hospitalization, and, when fit for travel, travel allowances at 5 cents per mile to their homes of members of the citizens' military training camps injured in line of duty while en route to or from and while at camps of instruction under the provisions of section 47a and section 47d of the national defense act approved June 3, 1916 (U. S. C., title 10, secs. 441, 442), as amended, and for the cost of preparation and transportation to their homes and burial expenses of the remains of civilians who die while attending camps of instruction as provided in section 4 of the act approved June 3, 1924 (U. S. C., title 10, sec. 455); in all, $2,884,772.

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster Corps—Cemeterial expenses," on page 70, line 4, after the word "Arts," to strike out the colon and the following proviso:

Provided, That all available funds for the restoration of Lee mansion may be obligated without advertising when, in the opinion of the Quartermaster General, it is advantageous to the Government to dispense with advertising.

The amendment was agreed to.

The next amendment was, under the subhead "Fredericksburg and Spotsylvania County Battle Fields Memorial," on page 71, after line 6, to strike out:

The unobligated balances of the appropriations previously made under this head are continued available until June 30, 1931, for the same objects specified in such appropriations.

And in lieu thereof to insert:

For continuing the establishment of a national military park to be known as the Fredericksburg and Spotsylvania County Battle Fields Memorial, in accordance with the provisions of the act approved February 14, 1927 (U. S. C., Supp. III, title 16, sec. 425–425J), including the maintenance, repair, and operation of one motor-propelled passenger-carrying vehicle, $50,000, and the unobligated balances of the appropriations previously made for above-named purposes are continued available until June 30, 1931.

The amendment was agreed to.

The next amendment was, under the subhead "Shiloh National Military Park," on page 73, after line 19, to insert:

Toward resurfacing with concrete the road situated in the Shiloh National Military Park and extending from the original boundaries of the park to the Corinth National Cemetery, such sum to be expended under the direction of the Secretary of War, $100,000, said resurfacing to be completed within a limit of cost of $306,000.

The amendment was agreed to.

The next amendment was, under the subhead "National monuments," on page 75, line 16, before the word "the," to strike out "Toward" and insert "To complete"; in line 22, after the word "employees," to strike out "$7,500" and insert "$232,500," and in line 23, after the word "until," to strike out "expended," so as to read:

Monument on Kill Devil Hill, Kitty Hawk, N. C.: To complete the erection of a monument on Kill Devil Hill, at Kitty Hawk, N. C., commemorative of the first successful human attempt in history of power-driven airplane flight, in accordance with the provisions of the act approved March 2, 1927 (44 Stat. 1264), including mileage to officers and traveling expenses of civilian employees, $232,500, to be available immediately and to remain available until June 30, 1932.

The amendment was agreed to.

The next amendment was, on page 77, after line 2, to insert:

Old Fort Niagara, N. Y.: For the repair, restoration, and rehabilitation of the French gateway, head house, the French and early American battery emplacements and gun mounts, the old French chapel, and early American hot-shot oven, and including the repair and building of roadways and the improvement of grounds, and the completion of the building and/or restoration and rehabilitation of rest room at Old Fort Niagara, N. Y., $25,000, to be expended only when matched by an equal amount by donation from local interests for the same purpose, such equal amount to be expended by the Secretary of War: *Provided*, That all work of repair, restoration, rehabilitation, construction, and maintenance shall be carried out by the Secretary of War in accordance with plans prepared and submitted by the Old Fort Niagara Association (Inc.), of New York State, and approved by the Secretary of War.

The amendment was agreed to.

The next amendment was, under the subhead "Corps of Engineers," on page 78, after line 20, to strike out:

BIRTHPLACE OF GEORGE WASHINGTON, WAKEFIELD, VA.

For maintenance, care, and improvement of reservation and monument, $2,500.

The amendment was agreed to.

The next amendment was, under the heading "National Home for Disabled Volunteer Soldiers," on page 87, line 23, to reduce the appropriation for repairs at the Bath Branch, National Home for Disabled Volunteer Soldiers, at Bath, N. Y., from $125,000 to $80,000.

The amendment was agreed to.

The next amendment was, on page 87, at the end of line 25, to reduce the total appropriation for the Bath Branch of the National Home for Disabled Volunteer Soldiers, at Bath, N. Y., from $636,000 to $591,000.

The amendment was agreed to.

The next amendment was, on page 89, line 8, to reduce the total appropriation for the National Home for Disabled Volunteer Soldiers from $10,675,220 to $10,630,220.

The amendment was agreed to.

The next amendment was, under the heading "The Panama Canal," on page 90, line 6, after the word "exceeding," to strike out "$1,500" and insert "$1,000," so as to read:

For every expenditure requisite for and incident to the maintenance and operation, sanitation, and civil government of the Panama Canal and Canal Zone, including the following: Compensation of all officials and employees; foreign and domestic newspapers and periodicals; law books not exceeding $1,000, etc.

The amendment was agreed to.

Mr. JONES. Mr. President, on page 67, line 7, after the name "Hanberry," I move to insert an amendment which is designed merely to correct the name of an individual.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 57, in line 7, after the name "Hanberry," it is proposed to insert:

and John H. Andrus in lieu of James A. Andrus, and the "First deficiency act, fiscal year 1930," approved March 26, 1930, is hereby amended so as to read "including John H. Andrus in lieu of James A. Andrus."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. I offer another amendment on behalf of the committee.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 70, line 8, after the word "advertising," it is proposed to insert the following:

Provided, That all available funds for the procurement of articles of furniture, equipment, and furnishings, or replicas thereof, required to restore the appearance of the interior of the mansion to the condition

of its occupancy prior to the Civil War may be obligated without advertising when in the opinion of the Quartermaster General it is advantageous to the Government to dispense with advertising.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HARRIS. I offer an amendment to come in on page 30. I will state, Mr. President, that the amendment is recommended by the Bureau of the Budget and by the department. I am sure there will be no opposition to it on the part of the chairman of the committee.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 30, line 4, it is proposed to strike out "$421,550" and insert "$506,550, of which $85,000 shall be immediately available for construction of shore protection works at Fort Screven, Ga., to prevent erosion of the shore line," and on the same page, in line 15, to correct the total, so as to read "$2,772,219."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. THOMAS of Oklahoma. Mr. President, since this bill was reported two amendments have been brought to my attention with a request that they be offered. In discussing the matter with the chairman of the committee I am advised that he will make points of order against the consideration of the amendments, or, at least, against one of them. As one of the amendments is subject to a point of order I will refrain from offering it, but I shall offer the other amendment, which I think is not subject to a point of order.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 61, line 16, after the word "corps," and before the semicolon, it is proposed to insert the words "in excess of the number in existence on January 1, 1928,"

Mr. JONES. Mr. President, will the Senator briefly explain the amendment?

Mr. THOMAS of Oklahoma. Mr. President, the bill carries a certain amount of money for the maintenance of certain military organizations in certain colleges, for example, Reserve Officers' Training Corps camps and Cavalry units in various colleges. The War Department finds occasion to change those units occasionally; for example, if a unit is not a success at one college it is desired to transfer it to some other college, but because of the nature of the language carried in the bill the department is sometimes restricted in placing a unit in some promising college. It is not proposed to increase the total number above those in existence on January 1, 1928. The amendment will make it possible for the department to use the number of units that were in existence on that date in a flexible way.

I will state frankly that my purpose is to authorize the War Department, within its discretion, to keep and maintain the same number of such units as were in existence on January 1, 1928, and if the amendment is adopted it will permit the department to use the equipment formerly used in connection with a Cavalry unit at a western college in reestablishing such Cavalry unit at the Oklahoma State Military Academy located at Claremore, Okla.

Mr. JONES. Mr. President, I can see no objection to that amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

Mr. BLAINE. Mr. President, I proposed an amendment yesterday, and I desire now to offer the amendment as proposed with just a slight modification in the printed proposal, to which I will call the attention of the chairman of the committee. In line 1 I have inserted before the word "emergency" the word "national," so that it will read:

That hereafter, except in the event of national emergency.

I have made the same change in line 13, on page 2. I now offer the amendment as thus modified.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 22, after line 8, it is proposed to insert the following:

Provided, That hereafter except in event of national emergency no money appropriated by this or any other act for the transportation of the Army, Navy, Marine Corps, and/or their reserve services, including the National Guard, shall be available for payment for the transportation of parties of 10 or more members for distances not exceeding 200 miles unless bids shall have been previously requested of all carriers, including motor bus and electrical railways in the vicinity of the place of travel origin with service either direct or through connecting carriers to the vicinity of travel destination and the bid accepted making the lowest net charge for such transportation: *Provided further*, That the maximum fare paid shall not exceed the through published fares or legal combination of intermediate selling and/or basing fares or lower special fares such as round trip or certificate plan for like transportation performed for the public at large when the number of persons transported complies with the requirements of the tariff effective at the time of travel: *And provided further*, That hereafter troops of the United States shall be exclusively transported for distances exceeding 200 miles except in event of national emergency, for either the whole or part of the distance over land-grant railroads affording available routes at the lowest net fares and charges, determined from through published fares or combination of intermediate selling and/or basing fares, unless the carriers comprising other competitive routes shall agree to transport such troops at the lowest net fares and charges applicable over such land-grant railroads and unless it be practicable to use Government-owned facilities for such transportation.

Mr. JONES. Mr. President, I desire to make the point of order against that amendment. I regret to have to do so, but it seems to me that it is clearly legislation proposed upon an appropriation bill, and involves a very important proposition that should have the careful consideration of a legislative committee.

The VICE PRESIDENT. The Chair sustains the point of order.

Mr. BLAINE. Mr. President, reserving the right to appeal from the decision of the Chair, I desire to suggest that this is a limitation upon the appropriation. If I have not used language appropriate for that purpose, I desire to modify the amendment so that it will be a limitation upon the appropriation.

The VICE PRESIDENT. The amendment, as drawn, is clearly a change of law.

Mr. BLAINE. I will perfect the amendment and offer it again in a modified form.

Mr. JONES. I ask unanimous consent that the clerks may be authorized to correct totals.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. FRAZIER. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Senator from North Dakota offers an amendment, which will be stated.

The CHIEF CLERK. On page 23, strike out all of lines 18, 19, 20, 21, and 22 and insert "$247,500."

Mr. JONES. Mr. President, I do not find the language to which the Senator refers on page 23.

Mr. FRAZIER. Beginning with line 18, it provides:

(including $132,500 for encouragement of the breeding of riding horses suitable for the Army, in cooperation with the Bureau of Animal Industry, Department of Agriculture, including the purchase of animals for breeding purposes and their maintenance), $380,000.

I move to strike out those lines and to reduce the amount of the appropriation by $132,500, leaving a balance of $247,500.

Mr. JONES. I suppose that amendment is in order.

Mr. FRAZIER. Mr. President, a great deal has been said by the President and others interested in the welfare of our Government about reducing appropriations.

Mr. JONES. Mr. President, I am perfectly willing to have that amendment agreed to and take the matter to conference and do the best I can with it.

Mr. FRAZIER. I appreciate that, but I should like to make a few remarks on it.

Mr. JONES. I shall be glad if the Senator will make a brief statement.

Mr. FRAZIER. A great deal has been said by our President and others interested in the welfare of the Government about reducing appropriations; and there seems to be great need for reduction at this time, because there is a general depression all over the Nation. There are hard times. This Army bill, carrying a total appropriation of $456,695,864, is about to be passed without any objection or criticism, apparently; and there are only a very few Senators who are sufficiently interested to be here on the floor and listen to any discussion that may take place in regard to this immense appropriation.

According to the newspapers last night, the Navy bill has been reported in the other branch of Congress, carrying, as I recall, some $379,000,000, including, as I remember, $49,000,000 for new cruisers provided for in the recent London conference on reduction of armaments. It makes the total of the Army and Navy bills pending before Congress right now over $800,000,000. That is the largest appropriation that has ever been asked for in the history of the United States for those purposes in peace times. More than that, it is the largest amount appro-

priated by any nation on earth for army and navy purposes in peace times.

We are supposed to be a peaceful nation. We are supposed to stand for world peace. We led, it will be remembered, in the promotion and adoption of what was known as the Kellogg peace pact only a few months ago, declaring that we stood for world peace and against war, practically in the language of that treaty outlawing war; and 56 great nations followed the lead of the United States and France and adopted the Kellogg peace pact. Now, to assure our friends of the other nations that we did not mean what we said, we are about to appropriate over $800,000,000 for war purposes in peace times here in the United States in the Army and in the Navy bills. It seems to me a little strange.

When the Army bill was before the House a member of the Appropriations Committee—Congressman COLLINS, of the State of Mississippi—made quite a lengthy speech. It was made on January 10. His speech begins on page 1388 of the CONGRESSIONAL RECORD, and to my mind it is most interesting. His speech perhaps had little or no effect upon the bill, because the bill was approved as reported out by the Appropriations Committee of the House, but it certainly explained the measure. Mr. COLLINS gives some tables here in regard to the appropriation for war and navy purposes in various countries.

For instance, in 1929–30 the estimate for the army and navy in the United Kingdom was $547,274,600.

In France for the same year it was $533,241,000.

In Japan it was $235,351,000.

In the United States the estimate was $741,000,000.

That was for the year ending July 30, 1930. That is the amount estimated. This year there is quite an increase in the amount—approximately an increase of $100,000,000—and that in the face of the hard times that we have in the United States; that in the face of the fact that we have several million men and women out of employment to-day in the United States; that in the face of the fact that our surplus is almost exhausted, according to the President's own statement.

Mr. President, it seems to me just a little strange that we should promote increases in the Army and Navy bills in peace times. According to the report of the Senate committee, there is an increase in this year's bill over last year's bill of $2,906,502; and then the Senate committee recommended net increases of $452,478 in the measure.

Mr. President, I recognize that it is practically useless to make any remarks about this measure; but there are a few items that it seems to me should be called to the attention of the Senate and of the country.

The paragraph that I am attempting to amend, on page 23, is headed "Horses for Cavalry," and so forth.

Mr. FESS. Mr. President, will the Senator yield before he goes on with that item?

Mr. FRAZIER. I yield.

Mr. FESS. The Senator's observations on the cost of the Army are interesting and quite important. For example, France has an army that runs up close to 600,000 men; but, on the question of expense, France is scheduled as having less expenditure for her army than we have, while we have only about 137,000 men, including the officers. So the cost of an American Army in contrast with other countries, our Army being much smaller and theirs much larger, is quite remarkable.

Has the Senator ever gone into that matter at all?

Mr. FRAZIER. Mr. President, I will say just a word about that.

While the number of enlisted men in our standing Army is only 117,725, and in addition 11,943 commissioned officers, 1,138 warrant officers, and a few other organizations, making a total, according to Congressman COLLINS's figures, of 139,142—that includes some in the Military Academy, I think—there is an increase in this bill over last year's bill. In the case of Army officers there is an increase of about 200, providing that the average number will be 12,000, whereas in the 1930 bill the outstanding limit, the maximum, was 12,000; and the same thing is true in regard to the enlisted men as the bill provides that the average number shall be 118,750, whereas heretofore it was not to exceed 118,750; so that it allows for quite an increase in this bill over the last bill. But, according to Congressman COLLINS's figures—and I have checked up on quite a number of them and found them very accurate, and I have no reason to doubt that they are all accurate, because he was a member of the committee having this bill in charge, and extensive hearings were held in the House on this measure—he states that this bill provides for about 800,000 men. There is a comparatively small standing Army, but it provides for the Reserve Officers' Training Corps, the officers' training camps, and a thousand and one other things. Our Army appropriation bill takes in a lot more than our standing Army.

Mr. FESS. It could not be as high as 800,000.

Mr. FRAZIER. Those are Representative COLLINS's figures, and I believe they are right.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. BINGHAM. Without questioning the statement of the Senator, or of the Representative, is it not true, possibly, that that includes all civilian employees connected with Army activities?

Mr. FRAZIER. Oh, yes; it includes all this bill covers.

Mr. BINGHAM. Also the boys who attend the citizens' military training camps and the young men who go to the reserve officers' training camps and all the National Guard?

Mr. FRAZIER. Absolutely.

Mr. BINGHAM. And also the great many thousand reserve officers who at the present time take almost no part in military activities at all, most of whom are veterans of the World War, of whom we have about 4,000,000?

Furthermore, while I am on my feet, the Senator having been so good as to yield, may I call his attention to the fact that the total of the bill includes a very large amount to be spent for rivers and harbors and for other purposes?

Mr. FRAZIER. In the total figures there is something over $100,000,000 for other purposes than what might be called strictly war purposes. Of course, Representative COLLINS eliminates that amount in his speech.

I want to read, just briefly, what he says about this particular statement. It is headed "The Gigantic Military Machine." He said:

> Look at the total for which we are providing—

That is, in this bill, for the coming year—

> Regular Army, at least 205,177; National Guard, at least 192,000; Organized Reserves, deducting National Guard men holding reserve commissions, 107,344; Reserve Officers' Training Corps, 147,402—this includes 55 C schools with 15,944 and schools below 55 C with at least 1,500—citizens' military training camp, 37,976; making a grand total of 689,899. If the rifle teams enrolling 110,000 are added, which I have not done, we get a grand total of about 800,000 people, as a minimum, taking toll from this bill.

The provision about which I started to speak, in regard to this amendment, is found on page 23, and is headed "Horses for the Cavalry." There is a great deal of controversy to-day over whether or not cavalry horses would be of much benefit in case of war. Many Army officers criticize the Army for holding to the cavalry. They say that they are obsolete, that they are behind the times, that they will not stand up in the face of tanks, and all that kind of thing. Of course, it was demonstrated in the World War that the armored tanks "put the horses in the shade," to speak colloquially.

There is a provision in this bill for tanks, found on page 46, which is rather amusing. The provision is headed "Tank Service." It carries an appropriation of $25,320 for various tank organizations, tank schools, officers for tank centers, and the necessary mechanics to assist in repairing and preserving tanks in the hands of the tank units. But for horses for the Cavalry it carries a provision of $380,000.

Representative COLLINS touches on this, and I want to read a little from a statement he put in the RECORD in regard to tanks. It is headed "Machines in Modern War," and it reads:

> Tests were made last summer upon a tank that can travel across open fields at 40 or 50 miles an hour and along a road at over 70 miles an hour. In this connection an engineer said yesterday he had driven this tank 90 miles an hour and that it was possible for it to go 120 miles an hour.

This is the Representative's statement. I take it that that is more of an armored truck than the style of tank used during the World War. I can not understand how one of those old tanks could travel anywhere near that fast.

Mr. REED. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. REED. It is a tank, an armored car. It will not travel 50 miles an hour, but it will go nearly 40; but it is a tank.

Mr. FRAZIER. The Representative refers to it as a tank, at least. He said:

> Here are a few sentences describing this tank taken from an article by Maj. C. C. Benson, an expert on tanks, in the Infantry Journal for September, 1929:
>
> "At 25 miles per hour the machine goes over a 12-inch log with scarcely a ripple. * * * The machine made a trip of 144 miles between breakfast and lunch. * * * The driver can operate his steering levers with the pressure of a single finger; he can turn the machine about in half its length going either backward or forward, and can cut figure eights at a speed that would shame an international

polo pony. * * * Under skilled hands this machine has the agility of a wild cat. * * * It can cross a 7-foot trench, climb a 45° slope, surmount a 3-foot vertical wall, crush barbed-wire entanglements, and crash through underbrush. In bad weather it can operate more effectively than any other combat agency."

I think the statement is undoubtedly correct, from what I have observed of tanks myself, and from what I have heard of them.

This measure provides some $25,000 for tanks and $380,000 for horses. The item which amuses me most of anything is this one in line 18, page 23, an appropriation of $132,500 for the encouragement of the breeding of riding horses suitable for the Army.

Mr. President, out in all the so-called range States, out in the State of Arizona, so ably represented by my genial friend the senior Senator from Arizona [Mr. ASHURST], the State of Wyoming, the State of Oklahoma, the State of Montana, and the rest of the so-called range States, riding horses are a drug on the market.

In Montana, in order to get rid of the range horses, commonly known as bronchos out there, but which are excellent saddle horses if properly broken, a company organized a horse packing plant at Butte, Mont., and they round up those horses by the thousands, take them there to that packing plant, and slaughter them, and the meat is canned. I do not know whether it is sold to the Army or where it goes, but it is canned anyway, and is disposed of in some way, at a profit, undoubtedly, because they are still buying more horses, cheap horses. They buy them at anywhere from $2 to $3 up to whatever they want to pay above that.

In the State of North Dakota, on the Indian reservations especially, they round up the small range horses, which are just destroying the grass because there are so many of them, and they are absolutely worthless to the Indians or to anyone else—that is, they are unusable because there are so many of them. They round them up in droves and sell them to the highest bidder for what they can get, and some farmer who has a drove of hogs will come in there and bid $1.50 or $2 for those bronchos, buy them for hog feed, and he will kill them and cut them up and feed them to his hogs.

The Army is asking for $132,500 to encourage the breeding of horses suitable for the Army, and out of this bunch of Army horses, 2,160, according to Representative COLLINS, are used for polo ponies. It is the high-class polo horses which the Army officers want, as well as riding horses, apparently. Polo has become a very important game among the Army officers. It is a good thing for them to have some amusement, of course, but I can not quite agree to the appropriation of this $132,500 for the encouragement of breeding riding horses under the present conditions.

When I was out in the State of Arizona two or three years ago, on one of the Indian reservations, there were Government men rounding up horses and shooting them in order to get them off the range. They are just as good riding horses for the ordinary Army officer, if well broken, as a purebred horse. Of course, they might not look as well, might not be as stylish, but they answer the purpose, because they are the kind ridden by the cowboys out West, and those cowboys can ride. They know how to ride, and, of course, the cavalrymen are supposed to know how to ride, and I think they do. I am satisfied that with the breaking of a few of these western bronchos, which can be bought for almost the cost of rounding them up, not to exceed $3 or $4 or $5 a head, they could be shipped in here at just the cost of the freight, which would not be so very much, and save a good deal of money in the buying of horses.

Of course, as I understand it, the Government encourages Army officers to buy mounts of their own. I presume there are some of the Senators on the floor who can give the correct information about it, I do not know whether I have it correct or not, but this is the way it was explained to me, that where an officer wants to buy a horse of his own, the Government will sell the horse to the Army officer at about $165. He buys it for his individual, private mount, and the Government encourages the officers to do that, and, of course, the Army officer is allowed so much for feed and bedding and care of his horse, an appropriation for which is included in this bill, I understand.

To further encourage the Army officer to retain his horse, his private mount, he is given a bonus the next year after he buys the horse, a bonus, I understand, of $150 a year, for keeping up a private mount, which the officer bought from the Government for $165 in the first place. Yet they want $380,000 for Army horses.

Mr. President, my amendment is to strike out this provision about the $132,500 and deduct that amount from the total, leaving $247,500 for the horses for the Army. I do not think they are needed, by any means, I think it is a waste of money, but if we are going to waste all these millions, anyway, it might as well be wasted on horses as on anything else, and give the cavalrymen a chance to ride, and make it possible for the farmers to sell some of the cheap horses. I am absolutely opposed to breeding farms for the promotion of the sale of high-priced and high-bred saddle horses by some millionaire horse breeder.

Mr. JONES. Mr. President, this policy was adopted several years ago and has been carried in several bills. It is in the interest of the Army.

As long as the Senator has referred to the $150 a year paid to the officer, I may say that that is not a bonus at all; it is to cover actual expenses for maintaining a horse during that period of time. Of course, it would not be expected that the Army officer would maintain a horse which the law requires him to use as an officer of the Army.

I think this amendment should be defeated.

Mr. REED. Mr. President, simply a word about the purpose of this appropriation.

This $132,500 item, which would be affected by the Senator's amendment, has nothing whatever to do with the allowance paid to mounted officers who provide their own horses. That allowance is not paid out of this item and has nothing to do with it.

The purpose of this is the maintenance of the remount and breeding stations, which are absolutely essential, under present conditions in this country, to maintain the strain, provide stallions for breeding, and to keep up the stock of that type of horse which is necessary for military service.

I do not need to take any time to discuss the necessity for the use of horses in the Army. If the Senate would think for one moment of the sort of campaign that would be necessary if there were an enemy 100 miles to the west of where we sit; of the hills and forests which intervene in that 100 miles; of the fact that no tank which man has ever devised could pass the first stretch of forest it would encounter; that no airplane could find landing fields; they would realize the necessity of horses for the Army.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. A bill (S. 3060) to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes.

Mr. JONES. Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside in order that we may proceed with the consideration of the appropriation bill which has been before the Senate.

The VICE PRESIDENT. Without objection, it is so ordered. The Senator from Pennsylvania will proceed.

Mr. REED. If one will consider the sort of war that would have to be waged from Washington against an enemy 100 miles to the west of us, he could see quite readily that the experience of the World War and the valuable lessons it taught would not be applicable to the conditions which would be encountered here. If we think of other possible fields of operation we can realize that the devices developed and adopted in the World War would be wholly useless and we would come back to depend on the horse and on the troops that were mounted on horseback as the only means of reconnoitering and campaigning through such country. It would be a sad day for the United States and for the United States Army if we ever decided to depend wholly on motor transports for our Army movements. We would find, in all likelihood, that in the next war we would be shockingly unprepared.

Mr. SWANSON. Mr. President, this provision was adopted at the time when it was impossible to get suitable horses for the Army. The particular strain needed was rapidly deteriorating and it was impossible to get horses suitable for Army use. This method which was started years ago resulted in removing that apparent defect. It has resulted in a great improvement in the strain of horses. We now have a strain of blood suited to military uses. If there was a necessity for it at that time, it is clearly apparent that the necessity exists now more than ever. The horse is being rapidly superseded by the motor. People raise fewer and fewer horses each year, and if this item is eliminated, there might come a time, as suggested by the Senator from Pennsylvania [Mr. REED], when it would be utterly impossible to get suitable horses for the Army.

If this provision is eliminated from the law and the opportunity destroyed for getting suitable horses for the Army, which are absolutely indispensable for any military establishment, it will be a serious thing for the Army and for the country. Unless the horses have in them the strain from their sires, the blood of a fine line of sires, the strain would disappear entirely and we

would reach a condition where it would be impossible for us to obtain suitable horses for the Army. This is the position the Army has always taken in the matter. It involves a very small expenditure to accomplish a very necessary purpose.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from North Dakota.

The amendment was rejected.

Mr. FRAZIER. Mr. President, I have another amendment, which I offer.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 61, line 20, after the words "Reserve Officers' Training Corps," strike out the period and insert a colon and add the following:

Provided further, That none of the funds herein appropriated for officers or enlisted men of the Regular Army or any equipment shall be furnished any public educational institution wherein military training is made compulsory.

Mr. FRAZIER. Mr. President, this has to do with appropriations for what is known as the Reserve Officers' Training Corps. On page 58 of the bill there is a heading "Citizen's military training, Reserve Officers' Training Corps." It carries an appropriation of $4,000,000. Then there are some other smaller appropriations which are made. Congressman COLLINS stated in his speech that undoubtedly the $4,000,000 did not begin to cover the amount of money used for the Reserve Officers' Training Corps. "It would probably be," he stated, "three times that amount," and I think he is correct.

Mr. President, what I object to is the compulsory part of the military training. We have what are known as land-grant colleges, colleges and universities to which the Government donated land in order to help support them and give the citizens of the States the privilege and the opportunity to educate their boys and girls. For instance, in North Dakota we have an agricultural college, and a very good one, too. It is a land-grant college. If any farmer's son or any other boy in the State wants to get agricultural training, he goes to the agricultural college; but in order to get his agricultural training he is compelled, if he is an able-bodied boy as all of them are, to take a course in military training. The same is true of the boy who goes to the university in my State. If he goes to the university to take a straight academic or engineering course or any other course, he is compelled to take a course in military training at that institution, if he is an able-bodied boy. Practically the same thing is true at all of the State institutions throughout the country. The only exception I happen to know of is in the State of Wisconsin. The University of Wisconsin provides that the military training shall be elective.

As I understand it, when the law was enacted in 1916, known as the national defense act, there was a provision in it which made military training in land-grant colleges compulsory. A good deal of criticism was made of that provision and the act was amended in 1920 so that it technically cut out the compulsory feature of the military training in the land-grant colleges.

However, in order to get the money and the officers, the instructors furnished by the War Department to these colleges for military training, the board in the State that has charge of the State institutions has made military training compulsory, and in that way they get the additional money for the Reserve Officers' Training Corps training. It saves the State institutions quite a lot of money because it saves the expense of two or three additional instructors on the faculty, and there are a number of other savings as well. The boards are willing to make the course compulsory to comply with what amounts to a request or demand by the War Department.

There are a good many inducements held out to the boys to take the Reserve Officers' Training Corps training. As I understand it, when a young man enters a State university or agricultural college, if physically fit, he is compelled to take military training. The first and second years he is provided with a uniform by the Reserve Officers' Training Corps department. He turns that uniform in at the end of each year. At the beginning of the third year, when he becomes what is known as a senior in the Reserve Officers' Training Corps, he is given a uniform which he may keep. It is the uniform which under this bill is valued at $40. It includes a flannel shirt and cap as well as the uniform. His suit is supposed to last him two years, but he is given, as I remember it, some $8 or $10 additional the second year to buy a new cap or a new shirt or something of that kind that he may happen to need.

Besides that, the boys in these colleges are given, as a further inducement, 35 cents a day to help pay their expenses—35 cents a day during their last two years in college. It amounts to quite a little money. In addition to that, they are given six weeks in the Officers' Reserve Corps training camp with all expenses paid, including transportation each way and including uniforms. One of the boys told me that everything but underclothes is furnished to them while they are at the training camp, including shoes, caps, their meals, and everything else. They are paid in addition to that while at the training camp 70 cents a day as a further inducement to go to the training camps to become what are termed "military citizens," or reserve officers.

Mr. President, what I object to is the compulsory part of it. If a boy goes to the university and wants to take a course in military training, that is all right; I am perfectly willing he should do so; but I do not like the idea of a State university or State agricultural college or any other public educational institution, a high school, for instance, saying to a boy, "You must take military training if you are going to attend this school." As I understand it, it is not exactly compulsory in the high schools. I remember when we first came here one of my boys who was in high school brought home a note one night to the effect that the school authorities wanted to know whether I was willing that the boy should take military training. It stated that if the parents objected he would not need to take the course. I wrote back that the principal reason why I objected was that the boy did not want to take the course. When my second boy was old enough to enter high school he came home one night and said, "I have joined the military company." I told him it was all right if he wanted to join. He joined and went through and is now taking a course in military training in the Reserve Officers' Training Corps at the university.

Mr. President, it seems to me if these funds are to be appropriated by the Government for the training of these boys in the Reserve Officers' Training Corps, it should be elective on their part and not compulsory. That is the reason why I have offered the amendment.

On the question of my amendment I would like to have the yeas and nays, and for that purpose I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The absence of a quorum being suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	McKellar	Steck
Ashurst	Glass	McMaster	Steiwer
Barkley	Glenn	McNary	Stephens
Bingham	Goldsborough	Metcalf	Sullivan
Black	Gould	Norris	Swanson
Blaine	Greene	Oddie	Thomas, Idaho
Blease	Hale	Overman	Thomas, Okla.
Borah	Harris	Patterson	Trammell
Bratton	Harrison	Phipps	Tydings
Brock	Hatfield	Pine	Vandenberg
Broussard	Hawes	Pittman	Wagner
Capper	Hayden	Ransdell	Walcott
Caraway	Hebert	Reed	Walsh, Mass.
Connally	Howell	Robinson, Ark.	Walsh, Mont.
Copeland	Johnson	Robinson, Ind.	Waterman
Couzens	Jones	Schall	Watson
Cutting	Kean	Sheppard	Wheeler
Deneen	Kendrick	Shortridge	
Dill	Keyes	Simmons	
Fess	La Follette	Smoot	

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. A quorum is present.

Mr. JONES. Mr. President, I think the word "or" should be changed to "for" in the amendment, so as to read:

That none of the funds herein appropriated for—

And so on.

Mr. President, I think the amendment clearly provides a limitation, and so I make no point of order against it. The Senator from North Dakota objects to compulsory military training, and the purpose of the amendment is, in effect, to compel the people of a State to do away with compulsory military training. I myself am not in favor of compulsory military training; but that is a matter that should be left, I think, to each State to determine for itself. I do not think the Congress should expressly provide that the National Government shall furnish no money for military training to a State where the military training is compulsory, nor do I think it should provide that no money to a State shall be furnished where the military training is not compulsory. Some of this money is intended to encourage military training, and as to whether or not such training shall be compulsory should be left entirely to the State to determine with reference to its own schools. So I think the amendment should be rejected.

Mr. FRAZIER. Mr. President, as stated by the Senator from Washington, my objection to the Reserve Officers' Training Corps is the compulsory feature of it in our State colleges and universities. The Senator from Washington has stated that compulsory military training is a matter which should be left to the States and that the Congress should not embody in our

national law a provision against such training. I want to quote from a speech delivered by Representative COLLINS in the House of Representatives on January 10, 1930, as to what he termed was the "goal" of the War Department. Representative COLLINS said:

> Last year I told this House of the ambitions of the military arm as they were outlined by Col. P. S. Bond, who has helped prepare most of the textbooks the Army uses for these boys in the colleges. I quoted from his book Our Military Policy, which outlined, among other things, these objectives for a "modest" military force:
>
> "A Regular Army of about 300,000 enlisted men and 20,000 officers. A National Guard under complete Federal control numbering from 400,000 to 500,000 officers and men. An Organized Reserve of from 500,000 to 1,000,000 officers and men. The Reserve Officers' Training Corps in schools and colleges. Universal military training for young men in time of peace."

That, according to Representative COLLINS, is the statement of Colonel Bond, of the War Department, who states that the goal toward which they are expressly working is "universal military training for young men in time of peace."

Mr. President, I am trying to eliminate by this amendment the compulsory feature of military training in our public educational institutions; and on the amendment I ask for the yeas and nays.

Mr REED. Mr. President, the system of which the Senator from North Dakota complains had its origin in an act of Congress which was passed on July 2, 1862. At that time the country, both North and South, was suffering as keenly as could be imagined from the absence of men trained in military tactics. In both northern and southern armies thousands of brave young men died because of the absence of efficient leaders, trained and schooled in military science. Congress, with that object lesson before the country, passed the act of July 2, 1862, which gave freely to a number of State universities vast quantities of public lands, stipulating only that the young men who received training there should be required to some extent to be taught military science and tactics.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Tennessee?

Mr. REED. I yield.

Mr. McKELLAR. Mr. President, so far as the University of Tennessee is concerned, which is a land-grant college, I am sure military training is not compulsory.

Mr. REED. I was going to explain as to that.

Mr. McKELLAR. I was educated at the University of Alabama, and I know military training is not compulsory there. I am just wondering whether military training is compulsory anywhere? Is it compulsory in the State of Pennsylvania, I will ask the Senator from that State?

Mr. REED. No; it is not, except by the action of the college authorities themselves.

Mr. President, subsequently in 1916 and in 1920, as I recall, the law relating to those colleges was changed, and the element of compulsion upon the college authorities was removed. That is my understanding of the present provision of the law, that it is solely for the college authorities themselves to decide whether military training shall be compulsory within their institutions.

The effect of this amendment would be to have Congress say to the local authorities, "However unanimous you may be as to the desirability of this type of training, yet we forbid you to decide for your State and your locality that military training is an advantageous thing for the Nation and for the young men of the Nation."

Mr. TYDINGS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Maryland?

Mr. REED. I am glad to yield.

Mr. TYDINGS. I should like to say to the Senator from Pennsylvania that it is my understanding, based upon personal observation, that in the colleges the students have the option of taking military training or not taking it. In some of the colleges at least the student body quite often is too large for them all to obtain such training, but those who desire to have it are given the training. It is, however, not compulsory; it is purely optional in a great many cases.

Mr. REED. I do not know of any except the purely military colleges and military schools where military training is compulsory upon all the student body, but there may be such cases about which I do not know.

Mr. FRAZIER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from North Dakota?

Mr. REED. I yield.

Mr. FRAZIER. I wish to say that in the State of Maryland, from which my friend [Mr. TYDINGS] comes, military training is compulsory at the University of Maryland, for the able-bodied boys who attend there.

Mr. TYDINGS. For how many years?

Mr. FRAZIER. For two years at least.

Mr. TYDINGS. For how many years do the able-bodied boys attend the university? The course is four years, and sometimes five years, is it not?

Mr. FRAZIER. The regular university course is four years.

Mr. TYDINGS. And is not the two years of military training in line with the general athletic development of the students?

Mr. FRAZIER. I am referring to compulsory military training.

Mr. TYDINGS. I should like to say to the Senator that what he has stated is not correct in all cases, because in a great many instances at the University of Maryland, whether the student shall take up military training or not is optional with him. If he takes it up he has so many hours to put in a week, but it is only those who refuse to take what might be called extraneous studies who are compelled to take military training.

Mr. FRAZIER. Mr. President, will the Senator from Pennsylvania yield further?

The VICE PRESIDENT. Does the Senator from Pennsylvania yield further to the Senator from North Dakota?

Mr. REED. I yield.

Mr. FRAZIER. I think the Senator from Maryland is entirely mistaken. If a boy at the Maryland University takes a 4-year course in the Reserve Officers' Training Corps he is credited during the first two years with two college hours per year, and during the last two years he is credited with 6 college hours per year out of the total of 36 college hours, or one-sixth of his course during the last two years, is the Reserve Officers' Training Corps training. The military training is compulsory at Maryland and is also compulsory in 158 other colleges throughout the United States.

Mr. REED. Mr. President, I have some difficulty in arguing this matter solely from the standpoint of local government, because I am so firmly convinced of the benefit to the country as a whole and to the individual himself of this military training. I feel no doubt whatever that the young man who has learned discipline himself, and the ability to enforce discipline upon others fairly, is a far more valuable citizen than he who is ignorant of those two essential things; and I have not a very great respect for the man who prefers to have some one else do his fighting for him when the country needs service.

Quite apart from all that, however, it seems to be wholly indefensible for Congress to undertake to lay down the law to these local communities as to the kind of education, the kind of training, they believe to be desirable for their young men.

For that reason, I hope the amendment will not be adopted.

Mr. FRAZIER. Mr. President, this is not a case of laying down the law as to what an educational institution shall do. It is a case of the United States Congress saying whether or not money that is provided by this bill for the War Department, and men and equipment from the War Department, shall be used in this college for compulsory military training. That is what the question is.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from North Dakota [Mr. FRAZIER].

Mr. FRAZIER. I call for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. BLAINE. Mr. President, I desire to express my keen regret that the chairman of the Committee on Appropriations has raised a technical objection to an amendment that is in compliance with the President's announced plan of economy.

I recall that the President on several occasions has plead with Congress to be extremely careful in making appropriations, else the United States Treasury would become bankrupt. The President is a letter writer. He has written letters to Members of Congress, as I recall, pleading with them not to burden his administration with unnecessary appropriations.

I find myself in the position this afternoon of coming to the aid of the President. The President has practically complete control with respect to these matters, especially as it affects the amendment which I proposed a few moments ago, and which the Chair ruled out of order. It has to do with an appropriation for the War Department.

Mr. FRAZIER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. BLAINE. I do.

Mr. FRAZIER. I desire to call the attention of the Senator from Wisconsin to a statement made by the President in his message at the opening of the Congress:

I recommend that Congress give earnest consideration to the possibilities of prudent action which will give relief from our continuously mounting expenditures.

Mr. BLAINE. I thank the Senator for pointing out specifically the statement made by the President. I was merely stating the general proposition from memory.

I find myself in the position of supporting the President in this particular instance, while on the other hand, we find the chairman of the Committee on Appropriations defeating the President's plan for economy by raising a technical objection.

This is one of those cases where hundreds of thousands of dollars will be saved. I am going to put the administration to the test of whether or not it is sincere in its plea for economy, or whether it is a mere pretext and piffle.

The bill before us is the appropriation bill for the War Department. The amendment that I had proposed is to reduce the expenditures in that department without defeating a single public service, without in any way curtailing any necessity.

I think that this proposition, as I see it, is little short of a scandal. The responsibility for this situation rests with the President of the United States, who appoints the Secretary of War. The responsibility is also shared by the Director of the Budget. It is a responsibility also shared by the chairman of the Committee on Appropriations. Every instrument of Government respecting this appropriation is in the control of the President, except, of course, the final action by Congress; but the initiative in this matter is a responsibility that rests with the President. Yet, we find that the Secretary of War is acting contrary to the President's recommendation to the Congress, and the Director of the Budget's estimates are contrary to the recommendation of the President; and the effect of the technical objection to my amendment is inimical to the recommendation of the President.

The Chair may be correct in his ruling. I am not going to discuss that at this time; but within the next 10 months there will be another annual appropriation bill for the War Department. It is not my privilege to be in very close contact with the Secretary of War or the President of the United States; but it is within my province and within my duty to call the President's attention to this matter, to call it to the attention of the Secretary of War and the Director of the Budget, and to call to the attention of the Appropriations Committee the necessity for legislation as proposed by the amendment. It relates to the transportation of troops; and I shall review the facts as they appear of record.

The Comptroller General, in his annual report for the fiscal year 1926—I think I have a copy of the report here—says, on page 12 of that report:

There are, however, statutes the administrative violation of which is so general that the setting forth of each violation separately becomes impractical, as, for example, violations of sections 3709 and 3744, Revised Statutes.

Section 3709 of the Revised Statutes of the United States provides that—

All purchases and contracts for supplies or services in any of the departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same.

Paragraph 8-e, Army Regulations 30-920, reads as follows:

Bids for transportation of troops will be invited only when specifically directed by the Quartermaster General.

A rule in violation of the express statute—and this statute to which I have called attention has been continuously violated, to the great financial detriment of the United States. Some of our courts have denounced it.

In the Court of Claims, in the case of Chicago & North Western Railway Co. against United States, decided December 23, 1929, referring to the military agreements which are in violation of express law, I quote from the decision of the court:

The military agreements heretofore referred to obviously precluded the construction of through fares upon any basis which might produce a lower net fare. The injustice of such an equalization is apparent.

And the court took such action as to show condemnation of some of these military agreements for the transportation of troops in direct violation of law.

The practice of inviting competitive bids for movement of troops between points in the territory west of Chicago, St. Louis, and the Mississippi River was discontinued July 1, 1915, under an agreement entered into between representatives of the War and Navy Departments and the Marine Corps. I might say that what I have said with reference to the War Department applies with equal force in all respects to the Navy Department and to the Marine Corps and to all departments having jurisdiction with respect to the transportation of troops—military, naval, or the Marine Corps.

I repeat, the practice was discontinued under an agreement entered into between representatives of the War and Navy Departments and the Marine Corps, and certain railroads operating in that territory. Similiar agreements have since been made with certain railroads operating in all parts of the United States, and while the agreements now in effect do not specifically provide that competitive bids shall not be invited, a tacit agreement or understanding exists to that effect.

These agreements form such a mass of technical terms, rules, ambiguous phrases, general and special exceptions, reservations, and restrictions that a concise statement as to how they work to the disadvantage of the Government is not only impracticable but utterly impossible. I therefore can not discuss in detail the joint military passenger agreement.

I have neither the time nor the facilities with which to work out a concise statement of all the ramifications and of all the schemes and the rules and the regulations and exceptions and restrictions, all designed to defeat the Government of the United States, but I am going to point out with sufficient simplicity the crux of this whole situation that everyone may understand.

I quoted from the decision of the Court of Claims. The view taken by the Court of Claims evidently was the controlling one which led the court to dismiss the plaintiff's petition. That decision, however, was based upon the agreements in effect from January 1, 1921, to July 1, 1924. The agreements in effect since the latter date are awarded in such manner as to prohibit the construction of fares upon the basis used by the General Accounting Office in that case.

Furthermore, the equalization agreement, which becomes a part of and supplemental to the joint military passenger agreement, or vice versa, I do not know which, under which the nonland grant railroads agree to accept the net fares their land-grant competitors are required to accept under the land grant acts, are so worded as to prevent the use of land-grant roads in many instances and thus deprive the Government of the advantage of the lower net fares.

It will be recalled that Congress has given large land grants to the railroads of this country. There is one of the railroads from the Twin Cities to the Pacific coast which has had land grants exceeding in value the entire cost of their entire system, and they have a very large surplus of lands under the land grants still in their possession, or the profits therefrom. Yet these military agreements are so designed as to prevent the Government of the United States from taking advantage of those land grants made to the railroads.

I want at this point briefly to call attention to the provisions of the land grants when they were made to the railroads. Generally speaking, the condition of such grants was that the roads receiving public aid should transport troops and property of the United States ordinarily at 50 per cent of the commercial fares or rates, respectively. In some of these cases the carriers were required to transport troops and property of the United States free of charge, but in most instances the subsequent statutes have permitted them to receive payment on the basis of other land-grant roads; that is, on the basis of 50 per cent of the commercial charge.

None of these roads are wholly land grant between their termini. The procedure has been adopted, in which the carriers have acquiesced, of taking the ratio of the land grants to their total mileage between the points of movement, and making deductions on account of land grants by the use of such ratio. But through the military agreement and by reason of the exceptions therein made, the whole purpose of the land-grant provision is defeated.

For instance, under these agreements the Government of the United States must pay for the transportation of troops not a combination fare, not a fare that is offered to the general public. It will be appreciated that in the transportation of troops it is not one company, but usually many companies of troops, consisting of large numbers of men, sometimes in greater number than those who may attend conferences and conventions, who receive certain reduced fares. Yet under this military agreement that which is offered to the public generally is denied to the Government of the United States.

The roads shelter themselves under the argument that the Government receives 8 per cent discount. Yes; 3 per cent discount on an excess fare.

I want to call attention to the paragraphs which accomplish the cheating of the Government by and with the consent of

those who join in this agreement. The military joint passenger agreement includes the United States Army, the United States Navy, and the United States Marine Corps.

Listen to this. Under a paragraph designated as subdivision (3) in the joint military passenger agreement in effect July 1, 1921, to June 30, 1930, appears this:

The concessions in fares—

What are those concessions in fares? Three per cent discount—

afforded by this joint military passenger agreement, supplements thereto or new issues thereof, as a whole, are made a condition precedent to:

* * * * * * *

(b) The nonuse of two or more Government transportation requests for the purpose of reducing the authorized fares.

What does that mean? This agreement provides that in order for the Government to receive the 3 per cent discount on the excess fare the War Department, or the Navy Department, or the Marine Corps can not issue two transportation requests. It must be one request. In other words, if there are two railroad systems over which the troops must be transported the request will include the full fare from the beginning of the journey to the end of the journey, and where there is an opportunity to take advantage of lower fares because of an intermediate passenger tariff relating to one of those transportation systems, the Government is prohibited from issuing the two requests, and thereby, through that system, the higher fare prevails. That is what the Government is to receive as a concession in fares, and that concession, as I have said, is a 3 per cent discount on the total fare.

The other condition precedent is under subdivision (c):

The nonuse of mixed fares (like a combination of round-trip fares and double locals, etc.) in the construction of through net fares.

In other words, the Government can not take advantage of reduced round-trip fares in consideration of the Government receiving 3 per cent reduction on the excess fare both ways. That is what those clauses mean.

I have referred to the transportation request. Let me state the exact terms of the agreement. Under general paragraph 12 the subject is "Transportation requests," and I read:

(a) Only one transportation request to be drawn in each case calling for ticket from starting point through to final destination.

That is the only request the Government can make, notwithstanding the fact that there may be an opportunity, and is in many cases, of reduced fare for the general public, which ought to apply with equal force to the troops of the United States. But by this joint military passenger agreement that sort of thing is prohibited, and thereby the railroad companies get the highest possible fare.

Under the equalization agreement is the opportunity for a subrosa contract, a concealed understanding between the land-grant roads and the non-land-grant roads, with the result that the Government loses the benefit of the land-grant road concession and pays the highest price payable to the non-land-grant railroads.

Mr. President, the real purpose of the military agreement is to hamstring the Government by getting it to give up two rights in exchange for a small 3 per cent allowance, namely, the right to route its troops over the route of lowest cost and best service, and the right to issue two or more transportation requests in order to secure the advantage of any special rate that may be in effect between junctional points through which any given troop movement must pass to reach destination. This purpose has been achieved by the voluntary act of the War Department and the Navy Department. The military agreement is the instrument which the railroads use to emasculate the equalization agreement by filling it full of considerations and exceptions which they could not and would not attempt if there were no military agreement. The purpose of the amendment which I proposed was to make it impossible for the military agreements to be entered into between departments of government and the railroads.

I want to illustrate what happens under these circumstances. We will assume that there is a movement of troops from San Francisco to Vancouver Barracks, which are located in the home State of the chairman of the Committee on Appropriations [Mr. JONES]. There are, let us suppose, a thousand troops to be transported. There being two transportation agencies, the joint fare between San Francisco and Vancouver barracks the passenger tariff to the travelling public between those two points is $15.48. By reason of the clauses to which I have referred in the military agreement, the Government of the United States pays between San Francisco and Portland, the termini of one transportation agency, $26.96, plus 48 cents to another transportation agency across the Columbia River from Portland to Vancouver Barracks, or a total of $27.44, $11.96 per man more than is paid by the general public by reason of the specific exceptions made in the military agreement to which I have called attention That means a loss of $11,960 for the movement of 1,000 troops one way or $23,920 loss both ways.

I have simply used this by way of illustration. That situation obtains with respect to every military training camp in the United States, every military reservation, every National Guard reservation, every reservation under the control of the Army, the Navy, the Marine Corps, or the National Guard, wherever any one of these reservations must be reached by the use of two transportation systems. The Government is called upon to pay the full local fare on each separate transportation system, notwithstanding the published tariff passenger rates are far lower under a joint rate. This is the sort of thing that is guaranteed by the military agreement and this is the sort of thing that would have been prohibited under the amendment which I proposed.

Mr. President, I am going to discuss the provisions, the purposes and the effects of the amendment which I proposed if it had been adopted. Before doing so I want to call attention, however, to one more case by way of illustration. I could multiply cases of this kind. As I said, the discrimination against the Government obtains in every case where there are two transportation systems necessary to reach any military reservation, State or national, for use of the Army, the Navy, the Marine Corps, or the National Guard.

The particular controversy decided by the Court of Claims in its opinion of December 23, 1929, in favor of the United States originating in what has been called the Vicksburg-Shreveport case. In that case the lowest net fares from points in New England Trunk Line Association territory, Central Passenger Association territory, and Southeastern Passenger Association territory to points in Southwestern territory were established by use of the land-grant route through Vicksburg and Shreveport; that is to say, the non-land-grant carriers in transporting troops from New England trunk line, Central Passenger Association and Southeastern Passenger Association territories to points in Southwestern Association territory were paid on the basis of the equalization fares under their agreement, being land-grant roads. Twelve days prior to the changing of stations by several large military organizations, through fares via Vicksburg and Shreveport between practically all points east of the Mississippi River and points west thereof were elimnated from the tariffs.

There being no through published fares via this land-grant route at that date, the non-land-grant carriers thereupon contended that it was an unauthorized route and because unauthorized in the tariffs they were not compelled to equalize therewith on movements which had been routed by the troop movement bureau of the American Railway Association through St. Louis, Memphis, and New Orleans, even though these gateways had been chosen for the purpose of equitably distributing the traffic in accordance with the terms of the agreement entered into entitled "Joint Military Agreement No. 1."

The Comptroller General's office, as I understood, took the position that that could not be done and there was a refund in that particular case; but during this period a similar case was decided against the Government in United States *v.* Northern Railway Co. (25 Fed. (2d Ed.) 961–964), wherein the Eighth Circuit Court of Appeals held in effect that the withdrawal or failure to establish through fares via certain gateways prevented the Government from constructing a through fare via that gateway for the purpose of an equalization agreement. That court has held that by reason of those exceptions and reservations in the military agreement the railroad companies could withdraw these through-fare rates and thereby defeat the interests of the Government.

Mr. President, there are three propositions in the amendment which I proposed. Two of them refer to two major problems involved under the present land grant laws and in connection with the equalization agreement entered into between administrative officers of the Government and the railroad carriers.

The first problem is the present elimination for all practical purposes of motor bus or electric railway competition. Under the present military agreement, where there is a short haul for instance, an ordinary day's drive of a few hundred miles, a motor bus which may give good service at reduced rates is prohibited from rendering that service for the Government. Under our modern motor transportation system a very large number of troops could be conveyed by motor bus, and particularly the troops of the National Guard in our several States. The motor busses would gather the troops at their home sta-

tions, right at the armory door, and take them from the armory with their paraphernalia to the military reservation where they would receive their two or three weeks' training. That is prohibited under the present military agreement. Those troops must be transported to the railway station at their home station.

If the railroad does not reach the military reservation or within its bounds, the troops, including their baggage, must be transported from the railroad station to the military reservation at an additional cost.

So the first problem to solve is to provide for motor bus or electric railway competition.

Mr. President, the motor bus or electric railway competition is not generally available, I know, for long-distance transportation, and the purpose of the first proviso is to make it available within a distance of 200 miles from the home station to the military reservation. There is doubt whether needed facilities could be furnished by them for distances exceeding 200 miles. As a matter of fact, most of the National Guard movements, as I have said, are less than 200 miles from the home station to camps or reservations and return.

It will be noted that the first sentence of the proviso requires competition between railroads, motor busses, and electric railway systems, and requires that the transportation shall be let through public bidding of the carriers.

The second proviso is designed to prevent competitive carriers from combining to increase their fares for such movements over their through published fares or combinations of intermediate fares or over special fares available for the movement of those attending conventions, and other large aggregations of people other than the movement of troops. That is to make it possible for the Government of the United States to transport its troops in large numbers at the same rate for which the railroads transport individuals in large numbers in going to and from conventions, conferences, and other large meetings.

The second problem is the failure to establish and maintain through tariffs via certain gateways, and the contention of the carriers based thereon that the absence of through fares closes routes via such gateways to the Government for the purpose of the equalization agreement; in other words, where the railroad companies withdraw their through fare rates that closes the gateways through which the troops must be transported.

The third provision is aimed at the second problem of long-distance transportation, where there is an attempt to close a gateway to the Government of the United States for equalization purposes; that is, where the non-land-grant railroads set up a scheme by which they can close a gateway and thereby demand under the military agreement the full fare between intermediate points and between junction points, and between gateways, although the public does not pay such a fare.

So this provision covers all troop movements, including those of the Army, the Navy, and the Marine Corps and their reserve services, but not the National Guard. It will be observed that the first proviso includes the National Guard, because they are usually transported a distance not exceeding 200 miles, and under that first proviso they will be transported under a competitive system, including all modes of transportation. The movements for which the United States is entitled to land-grant reductions from the commercial fares shall be routed over land-grant railroads.

Mr. President, Congress made land grants to railroads on condition that the property of the United States and the troops of the United States should be transported at a 50 per cent reduction of the regular fares, yet these military agreements effectually destroy that provision of the land grants. This proviso is intended to restore the full force and effect of the reservations and conditions made in the land grants when Congress turned over vast areas of land for the use of the railroads; that is, where the land-grant railroads are available and at the lowest net fare, providing, of course, that the Government may have other means of transportation, such as airplanes; and also providing that the troops shall be transported over the land-grant railroads unless competitive carriers will agree to transport the movement at the same charges available over the land-grant roads.

The first provision requires the submission of bids in order to insure competition in transporting troops of 10 or more for distances not exceeding 200 miles; while the third proviso requires competition on all movements between the land-grant and competitive nonland-grant carriers, with this difference: That in the short movements bids shall be requested prior to each movement, while under the third proviso the competitive non-land-grant carriers may file their written consent to transport at fares available to the Government over land-grant routes, and such consent may remain effective until and unless withdrawn.

I might say the reason for this difference is that motor busses or electric-railway carriers may not have the permanency of railroads. Furthermore, the greater movements under the first proviso will be of the National Guard, which moves from its home stations to the camps and reservations and return during the summer months, when the motor busses and the electric lines, if there be any, and other carriers may conclude to offer special fares lower than the usual commercial fares.

The exception of a national emergency is inserted in two of the provisos, so that in case of war, domestic or foreign, then this provision respecting the transportation of troops shall not prevail. I appreciate that in war time, when the life of the Nation may be at stake, we do not stop to consider whether the transportation of troops shall be over land-grant railroads or nonland-grant railroads, by bus, by electric railway, or otherwise, but the most available and the most expeditious transportation must be provided. Therefore, the only exception made with respect to the transportation of troops should be made with respect to a national emergency.

Mr. President, briefly I have outlined the situation, and I can only repeat my expression of regret that the chairman of the committee has raised a point of order. I am not condemning him. I hope, however, to serve this purpose: To call the attention of the President, who has been urging Congress to be economical in its appropriation of funds, to this situation; to call the attention of the War and Navy Departments to this situation; to call it to the attention of the Appropriations Committee for the next Congress; to call it to the attention of the executive departments of the Government under the control of the President in order that it may be corrected.

Mr. President, no one is able to estimate the amount of money that may be saved, but in the minds of those who have studied the question closely, those who have come in contact with it, there is no doubt that millions of dollars can be saved to the Government of the United States; that we can make effective the reservations and provisions of the land grants that were made to the railroads; and that we owe this obligation to the Government of the United States.

Mr. JONES. Mr. President, I want to commend the Senator from Wisconsin for the industry he has shown and for the purpose he seeks to accomplish. I wish to urge, however, that he prepare a bill—and the amendment he has proposed could be put in the form of a bill with a very few minor changes—so that this important matter may be considered by the proper legislative committee of this body, which is the Committee on Military Affairs. The Committee on Appropriations is not a legislative committee. Its function is simply to recommend appropriations that are authorized by law.

I have no apology to offer for making the point of order against the proposed legislation. I have been directed to do so by resolution of the committee. The committee came to the conclusion that it was wise for us not to encourage legislation upon appropriation bills, and I myself think that is a wise policy. We have legislative committees, and they should consider legislative matters. We should not, as an appropriations committee, assume to appropriate and also to legislate.

Furthermore, I think the argument of the Senator has shown the importance of the proposition that he advances. As I said a moment ago, I sincerely trust that the Senator will take up this matter with the legislative committee of the Senate. It is not, in my judgment, entirely a duty and responsibility resting upon the President of the United States. Of course, whatever can be done in an executive or an administrative way it is very proper to do; but there are legislative matters that Congress must at least originate and take the first step to carry them out. That we ought to do.

So, as I said a moment ago, I hope the Senator will present this matter in legislative form to the legislative committee of the Senate, and have the matter taken care of. Anything reported and recommended by that committee along the lines that the Senator proposes I think will have my hearty support, because I was very favorably impressed with the propositions that he advanced.

Mr. BLAINE. Mr. President, will the Senator yield for a question?

Mr. JONES. I yield.

Mr. BLAINE. As I understand, if there was a recommendation by a committee or if the matter was approved by the Director of the Budget the Senator would not then raise the point of order under the rules?

Mr. JONES. No; I did not mean that. I think legislative matters should be acted upon in the regular legislative way. If the Senator will get from the Committee on Military Affairs a report of a bill carrying out his ideas, it would go on the calendar and should come up for consideration and passage as a legislative measure. The report of a committee on a

purely legislative matter does not make that matter in order on an appropriation bill, nor would the recommendation of the Budget make a purely legislative matter in order on an appropriation bill.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. JONES. I yield to the Senator.

Mr. BINGHAM. The Senator will remember that the Budget recommended five or six legislative provisions in the District of Columbia appropriation bill, all of which the committee struck out and referred to the Committee on the District of Columbia; and that committee has already reported to the Senate most of the matters which the Budget recommended that the Appropriations Committee should handle.

Mr. JONES. That is correct. While our rules provide, in substance, that an item of appropriation pursuant to a resolution that has passed the Senate at the present session is in order on appropriation bills, our rules do not make in order a purely legislative matter, even though it may be favorably reported by the committee having jurisdiction over the subject matter.

Mr. BLAINE. Mr. President, as I understand—

All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill no amendment proposing to increase the amount stated in such amendment shall be received; in like manner, amendments proposing new items of appropriation to rivers and harbors bills shall, before being considered, be referred to the Committee on Commerce; also amendments to bills establishing post roads, or proposing new post roads, shall, before being considered, be referred to the Committee on Post Offices and Post Roads.

In other words, this amendment does not in any way come under the specific exceptions to which I have referred, and is only an amendment which restricts the use of an appropriation, and, in my opinion, it is in order, but the Chair has ruled otherwise.

It is true that I am privileged to take an appeal from the ruling of the Chair, but my contention is that here is a proposition in the way of which only stands a technical objection; and certainly those who represent the administration, and who desire to follow the President, might well yield and withhold a technical objection when the fact has been called to the attention of the Senate that millions of dollars might be saved.

The PRESIDING OFFICER (Mr. FESS in the chair). The Chair will state to the Senator from Wisconsin that the occupant of the chair had ruled on the ground that this is new legislation, and not on the ground the Senator mentions.

Mr. BLAINE. I understand. Of course it is new legislation in the respect that it limits the purposes for which money may be expended. There have been repeated rulings, however, that where an amendment is designed to limit the purpose for which money can be expended, it is in order; and there can be no possibility of limiting such a purpose unless there is new legislation. So I very keenly disagree with the Chair, but, under the circumstances, even though it might be a close question either way, I do not think a technical objection ought to be raised against the repeated demands of the President of the United States for economy.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. McKELLAR. Mr. President, pursuant to the provisions of Rule XL of the Standing Rules of the Senate, I hereby give notice that I shall hereafter move to suspend paragraph 3 of Rule XVI for the purpose of proposing to H. R. 10813, the District of Columbia appropriation bill, the following amendment. On page 2, after line 12, insert the following:

That the Commissioners of the District of Columbia be, and they are hereby, authorized to continue William Tindall in the service of the government of the District of Columbia notwithstanding the provisions of the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, as amended.

I tried to find the Senator from Connecticut [Mr. BINGHAM] to ask if he would not accept that amendment. The bill has passed.

Mr. BINGHAM. The bill passed the Senate yesterday.

Mr. McKELLAR. Yes.

Mr. BINGHAM. But the bill is new legislation; and under the practice of the Appropriations Committee, except in cases of the very greatest emergency, the committee instructed the chairman, as he has just stated, not to permit new legislation on an appropriation bill while the point of order lay against it.

Mr. McKELLAR. A point of order will not lie against this amendment, because under the rule I have a right to give notice of a motion to suspend the rules. It is just a question of getting two-thirds; and, in justice to this splendid old gentleman, who has served his country in time of peace and in time of war so splendidly, I hope that the Senator from Connecticut will not interpose an objection, but will let the Senate adopt the amendment.

Mr. BINGHAM. Mr. President, I am in entire sympathy with what the Senator desires to do. In fact, when the matter was brought to my attention when the appropriation bill was before the subcommittee of which I have the honor to be chairman I told the gentleman who brought it to my attention that since it was new legislation we could not put it on, although I thought, in all justice to the splendid service which Mr. Tindall has rendered to the District for more than 50 years, it ought to be done. I suggested to him that he take up the matter with the chairman of the Committee on the District of Columbia and get the legislation through, which he did, and the bill has passed the Senate, and I have no doubt that it will pass the House promptly. Unless, however, the Senate chooses to disregard the rules or to suspend the rules in accordance with the motion just made by the Senator from Tennessee—which motion I shall not oppose—it will be necessary for me to raise the point of order against the amendment under the rules of the Appropriations Committee, greatly as I shall regret to do so.

Mr. McKELLAR. I thank the Senator very much.

In connection with the rule against legislation on appropriation bills, I desire now to call the Senator's attention to the top of page 72 of the District of Columbia appropriation bill, where there is an amendment changing the law by striking out certain matter; and to-morrow, when the matter comes up, I shall have to invoke the same rule that the Senator says is the rule of the committee, and make a point of order to that, because it is out of order.

WAR DEPARTMENT APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7955) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes.

Mr. FRAZIER. Mr. President, I desire to ask the chairman of the committee, in charge of the bill, in regard to the $70,000 increase in the citizens' military training camps provision, which appears on page 63 of the bill.

Mr. JONES. Mr. President, a request was made by an organization which represents these trainees asking that about 1,000 more trainees be received at these training stations. Apparently, there has been quite an intense feeling with reference to this matter, and many applications have been made, and they have not been able to take care of all of them. This would take care of about a thousand additional trainees. For that reason, we put in that provision.

Mr. FRAZIER. One more question, Mr. President: Under the Quartermaster Corps provision, there is an increase by the Senate committee of $24,000 which is stated to be for incidental expenses of the Army, and, in parenthesis, "employment of 16 civilians to take the place of a like number of warrant officers."

Mr. JONES. Yes. There are several warrant officers—about 16, I think, in number—who have been in the service a long time, and have reached the point where they will soon retire; and, of course, their places had to be filled by somebody else, because they were very necessary. The Quartermaster Department is very largely a business department; and on the showing by the department that there would be about 16 vacancies in the warrant officers who have been doing that work, we provided for this additional number.

Mr. FRAZIER. But I can not understand why those who take the place of these warrant officers need to be civilians.

Mr. JONES. My understanding is that they did not have in the regular force the men who they thought could fill the positions.

In another place in the bill, outside of the Quartermaster Department, there was an urgent request for about $80,000 for, I think, 24 clerks. The committee did not grant that request. Most of the work had been done by Regular Army men, largely from private rank; and we thought that was a character of work that they could very well have done by those in the regular force, and give them the advantage of increased compensation. With reference to these special 16 warrant officers, however, the showing was such that we felt that they should have persons who were more competent than the Regular Army men, and so we provided for that increase.

Mr. FRAZIER. It seems to me that is a rather severe criticism of Army men, after their training in West Point and other military training that they get.

Mr. JONES. Oh, these warrant officers are not West Point men at all. They are men who have been in the service for many, many years, and have reached the point where they are ready for retirement, and are especially trained along business lines; because, as I said, the Quartermaster Department's work is largely of a business character. As I say, upon the urgent request of the department, and the showing that they made, we felt that we should not compel them to depend upon those that they would get from the regular ranks for those employees.

Mr. FRAZIER. Of course, I do not expect the warrant officers to be West Point men; but there are all kinds of educated men in the service who, it seems to me, might be used, without taking in civilians. May I ask what the term "warrant officer" means?

Mr. JONES. The Senator from Pennsylvania can explain that far better than I can.

Mr. REED. A warrant officer is a noncommissioned officer of very high rank, higher than the ordinary sergeant in the Army, or noncommissioned officers of the Navy. It is the highest grade which can be reached by an enlisted man.

Mr. FRAZIER. Until he gets a commission?

Mr. REED. Without a commission.

Mr. FRAZIER. That was my understanding. Of course, some of these warrant officers may have gotten up to the age limit before they get a promotion, but I can not see why there are not other men in the Army who could take the places of the men who are about to reach the age limit and retire, without taking in civilians.

Mr. JONES. The other men are already filling positions and discharging duties.

Mr. FRAZIER. Yes; but there are men being promoted almost every day in the Army from one grade to another, and, of course, there are a great many other noncommissioned officers who would be glad to become warrant officers, because, I suppose, they get a little better pay than in the regular noncommissioned work.

Mr. JONES. I have suggested to the Senator the reason why the committee took the action it did take.

Mr. FRAZIER. I had intended to ask for a separate vote on these two increases, but I do not think it is worth while. From the experience of a few minutes ago, I do not suppose it would be possible to get enough Senators to go on record on these amendments, or anything else in connection with this bill.

I want to state, however, that as to this citizens' military training camp provision the total of the appropriation as the bill now stands is $2,884,772. It provides for the citizens' military training. It is known as the C. M. T. C.

I received in the mail the other day a very handsome little booklet, a copy of which I presume every other Senator received; a very beautiful booklet, with the President's picture, and pictures of a number of Army officers, and some civilians, with pictures of the boys playing football and basketball, boxing, and fencing and wrestling, and so forth. There was a little pamphlet along with that headed "The Gateway to Health." According to Representative COLLINS in his statement on the floor of the House on this bill on January 10, this bill carries an appropriation of $100,000 for the printing of these pamphlets for what I would term war propaganda.

On next to the last page of this booklet, which is headed "Corporations," is this statement:

> These are a few of the companies which have indorsed without qualification the citizens' military training camps.

The list starts out with Armour & Co., and I also notice the names of the Cudahy Packing Co. and Swift & Co., three of the big packers, at least, among these big corporations. I presume they sell meat to the camps, and, of course, they are interested in the training camps.

I also want to say to the Senator from Wisconsin that there are eight railroads listed here, at least eight, which are interested, perhaps, in the transportation of men from their homes to the camps, for which they are paid by the War Department.

On the back pages it is stated:

> The Military Training Camp Association is a national nonpolitical civilian agency.

From some of the material sent out it would seem anything but nonpolitical. But that is the statement, that it is nonpolitical.

Mr. President, there are a number of other items in this appropriation bill which, it seems to me, are worthy of mention, but I shall not take the time to go into them fully.

One item I notice is for national rifle matches, $500,000. That is considered necessary, I suppose, and good practice, and all that, and yet $500,000 in these hard times is a lot of money, even for the Government to spend. Besides that, there is another item relating to rifle training, for shooting galleries, and so forth, which carries quite an appropriation.

Mr. President, it seems to me nothing short of a crime for the United States Congress to allow an increase in this Army appropriation, in peace times, of $2,906,502 over the past year. It is true that the estimate of the department was $528,053 more than the amount allowed, and I can not understand for the life of me why the Appropriation Committees of the House and of the Senate cut down the amount that much below what the department asked for. I congratulate the committees of the House and the Senate for saving to the taxpayers of the Nation at least $528,000, by which amount this bill reduces the estimate of the department.

It would seem to me that, in view of the stand this Government has taken toward world peace, the appropriations should be cut down instead of increased. It will be remembered that a few months ago the honorable Ramsay MacDonald, the Premier of Great Britain, was here and conferred with the President of the United States, and they agreed that there should be a curtailment of expenses for war purposes. Yet, in the face of all that, in face of the recent naval conference at London, and the agreement to cut down armaments to some extent, we are increasing both the Army and the Navy appropriations.

I do not want to take any more time, but it seems to me rather a sad commentary on the part of the United States Government to pass a great appropriation bill of this kind, carrying these vast amounts of money, and I am convinced that many of them should be reduced materially, and that there is absolutely no need of an increase of the standing Army at this time, for which this bill provides. Yet this measure is to be passed without any record vote, without any protest except from one or two Members of the Senate.

The VICE PRESIDENT. The bill is still as in Committee of the Whole and open to amendment. If there be no further amendment, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 165) authorizing the settlement of the case of United States against the Sinclair Crude Oil Purchasing Co., pending in the United States District Court in and for the District of Delaware.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 8299) authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 6874) to authorize exchanges of lands with owners of private-land holdings within the Petrified Forest National Monument, Ariz.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 549) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes.

The message further announced that the House further insisted on its disagreement to the amendments of the Senate relating to matters of substance Nos. 364, 371, 885, 893, 903, 904, 1004, 1006, 1091, 1093, 1095, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1138, 1139, 1140, 1141, and 1151 to the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes; also that the House further insisted on its disagreement to the amendments of the Senate of a clerical nature Nos. 40, 41, 42, 43, 48, 49, 65, 66, 67, 374, 375, 377, 379, 380, 381, 383, 385, 386, 387, 895, 896, 897, 898, 899, 901, 902, 905, 906, 907, 908, 909, 910, 911, 913, 914, 915, 916, 917, 919, 920, 921, 922, 923, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 940, 942, 945, 946, 947, 948, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 987, 989, 992, 993, 995, 997, 999, 1002, 1003, 1008, 1009, 1010, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1031, 1032, 1033, 1034, 1036, 1037, 1038, 1039, 1040, 1041, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1055, 1057,

1058, 1059, 1060, 1061, 1062, 1063, 1064, 1066, 1067, 1068, 1070, 1071, 1072, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1085, 1086, 1087, 1089, 1090, 1094, 1096, 1098, 1099, 1102, 1103, 1104, 1105, 1109, 1111, 1112, 1156, 1157, 1171, and 1179; that the House agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HAWLEY, Mr. TREADWAY, Mr. BACHARACH, Mr. GARNER, and Mr. COLLIER were appointed conferees on the part of the House at the further conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6564) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1931, and for other purposes; that the House had receded from its disagreement to the amendment of the Senate numbered 102 to the said bill and concurred therein; and that the House had receded from its disagreement to the amendment of the Senate numbered 98, and concurred therein with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

H. R. 389. An act for the relief of Kenneth M. Orr;

H. R. 707. An act to authorize an appropriation for construction at Fort McKinley, Portland, Me.;

H. R. 973. An act to remove the age limit of persons who may be confined at the United States industrial reformatory at Chillicothe, Ohio;

H. R. 1301. An act for the relief of Julius Victor Keller;

H. R. 1444. An act for the relief of Marmaduke H. Floyd;

H. R. 2161. An act to convey to the city of Waltham, Mass., certain Government land for street purposes;

H. R. 3527. An act to authorize credit in the disbursing accounts of certain officers of the Army of the United States for the settlement of individual claims approved by the War Department;

H. R. 4198. An act to authorize the exchange of certain lands adjoining the Catoosa Springs (Ga.) Target Range;

H. R. 5283. An act to declare valid the title to certain Indian lands;

H. R. 5726. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the city of Salem, Mass., and to the Salem Marine Society, of Salem, Mass., the silver-service set and bronze clock, respectively, which have been in use on the cruiser *Salem;*

H. R. 6338. An act authorizing the erection of a sanitary fireproof hospital at the National Home for Disabled Volunteer Soldiers at Togus, Me.;

H. R. 6645. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Lions Club, of Shelbyville, Tenn., a bell of any naval vessel that is now, or may be, in his custody; and to the president of the Rotary Club, of Shelbyville, Tenn., a steering wheel of any naval vessel that is now, or may be, in his custody;

H. R. 7395. An act to extend to Government postal cards the provision for defacing the stamps on Government-stamped envelopes by mailers;

H. R. 7410. An act to establish a hospital for defective delinquents;

H. R. 7413. An act to amend an act providing for the parole of United States prisoners, approved June 25, 1910, as amended;

H. R. 8052. An act authorizing the heirs of Elijah D. Myers to purchase land in section 7, township 28 south, range 11 west, Willamette meridian, county of Coos, State of Oregon;

H. R. 8368. An act providing for a study regarding the construction of a highway to connect the northwestern part of the United States with British Columbia, Yukon Territory, and Alaska in cooperation with the Dominion of Canada;

H. R. 8650. An act to authorize the Postmaster General to charge for services rendered in disposing of undelivered mail in those cases where it is considered proper for the Postal Service to dispose of such mail by sale or to dispose of collect-on-delivery mail without collection of the collect-on-delivery charges or for a greater or less amount than stated when mailed;

H. R. 8713. An act granting land in Wrangell, Alaska, to the town of Wrangell, Alaska;

H. R. 8763. An act to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Apostle Islands National Park in the State of Wisconsin, and for other purposes;

H. R. 8805. An act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field;

H. R. 8973. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Charleston Museum, of Charleston, S. C., the ship's bell, plaque, war record, and silver service of the cruiser *Charleston* that is now, or may be, in his custody;

H. R. 9235. An act to authorize the Public Health Service to provide medical service in the Federal prisons;

H. R. 9434. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at or near Arlington, Oreg.;

H. R. 10258. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cannelton, Ind.;

H. R. 10474. An act granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the White River at or near Sylamore, Ark.;

H. R. 10581. An act to provide for the addition of certain lands to the Yosemite National Park, Calif., and for other purposes;

H. R. 10674. An act authorizing payment of six months' death gratuity to beneficiaries of transferred members of the Fleet Naval Reserve and Fleet Marine Corps Reserve who die while on active duty;

H. R. 11046. An act to legalize a bridge across the Hudson River at Stillwater, N. Y.;

H. J. Res. 188. Joint resolution authorizing the use of tribal funds belonging to the Yankton Sioux Tribe of Indians in South Dakota to pay expenses and compensation of the members of the tribal business committee for services in connection with their pipestone claim; and

H. J. Res. 244. Joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Okla., to be held October 4 to 11, 1930, inclusive.

INTERIOR DEPARTMENT APPROPRIATIONS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives receding from its disagreement to the amendment of the Senate numbered 102 to the bill (H. R. 6564) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1931, and for other purposes, and receding from its disagreement to the amendment of the Senate numbered 98 and concurring therein with an amendment, in lieu of the matter inserted by the Senate to insert:

Yakima project (Kennewick Highlands unit), Washington: For construction, $640,000, to be immediately available: *Provided,* That no part of the funds hereby appropriated shall be expended for construction purposes until there shall have been conveyed to the United States title to the Prosser Dam and the right of way for the Prosser-Chandler power canal free of all prior liens and satisfactory to the Secretary of the Interior: *Provided further,* That all net revenues received from the disposition of power not required for pumping water for the irrigation of lands in the Kennewick irrigation district shall be applied, first, to the payment of the construction cost incurred by the United States in connection with the Kennewick Highlands unit, including the power plant and appurtenances until said construction cost is fully paid; and thereafter to retire the obligations incurred by the said district in the purchase of the said dam and right of way: *And provided further,* That title to, and the legal and equitable ownership of the power plant and appurtenances constructed by the United States pursuant to this appropriation shall be and remain in the United States, and all net revenues therefrom shall go to the reclamation fund after payment of aforesaid construction cost and retirement of said obligations.

Mr. JONES. I move that the Senate agree to the amendment made by the House to the amendment of the Senate numbered 98.

The motion was agreed to.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States making sundry nominations, which were referred to the appropriate committees.

THE SILVER SITUATION

Mr. ODDIE. Mr. President, because of the serious economic crisis in the silver-mining industry, I wrote to the Hon. Robert P. Lamont, Secretary of Commerce, on January 10, 1930, requesting the cooperation of the department in developing information which would be helpful in this connection.

The Secretary responded on January 18, outlining the work which the department had initiated along these lines, and I have just now received some interesting and valuable information on the price of silver. I submit these letters to which I

have made reference and the accompanying information for the RECORD, as I am sure that the material will be of great service to the conference committee in considering the question of a duty on silver which it is now considering and the amendment providing for which was introduced by my colleague, Senator PITTMAN, and passed by the Senate by a large majority.

Never has the price of silver been so low as in recent months, and the silver-mining industry has never so greatly needed assistance. When it is realized that a very large percentage of the silver produced in the United States is derived from ores containing also copper, lead, and zinc, the adverse economic conditions in the silver market become even more important as a factor in national economy.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *January 10, 1930.*

Hon. ROBERT PATTERSON LAMONT,
Secretary of Commerce, Washington, D. C.

MY DEAR MR. SECRETARY: It has become very necessary that strenuous efforts be made toward securing new uses and markets for silver produced in the United States. The price of this metal has recently dropped to such low levels that the silver mines in the State of Nevada and elsewhere in the United States may be obliged to discontinue operations. Furthermore, as silver is a by-product in many of the gold, copper, lead, and zinc mines in the United States the decline in price will have a far-reaching effect on the whole mining industry. There is thus a danger facing the industry which will be reflected in the combined industries of our country, and the problem of employment will be seriously retarded unless some constructive measures are taken.

In order to uphold the hands of the President in his efforts to speed up production and maintain employment at a high level, it will be necessary that drastic action be taken to prevent the serious and far-reaching damage that will result from a continued decline in the price of the white metal.

Because of my confidence in the ability of the Department of Commerce in matters of this kind, and because of its magnificent record in the past in assisting in such emergencies, I feel sure that you and your able assistants will find a timely solution.

Very sincerely yours, TASKER L. ODDIE.

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, January 18, 1930.

Hon. TASKER L. ODDIE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have your letter dated Washington, D. C., January 10, regarding silver.

I am much in sympathy with your desire to maintain silver mining activities unimpaired, but, as we both realise, the price of silver must eventually be determined through the operation of economic laws which may be thwarted only temporarily, if at all. It would seem that the price of silver can be raised only through decreasing production or increasing consumption.

The relative prosperity of base-metal production would appear to be a contributing cause of the present large silver production and low silver price, since possibly 65 per cent of the silver production of the United States is made in conjunction with base-metal production that will continue without regard to the price of silver. The balance of silver production is nearly all closely related to gold production or else to base-metal production wherein the price of silver is of vital importance. This close association of silver production with the production of other metals would appear to make production control impracticable, though a lowering of price, not only of silver but of copper, lead, or zinc with which silver production is associated, will always tend to eliminate some marginal production.

As to increasing consumption, the most difficult problem at present is absorption of silver made available by decreased consumption in India. This decrease can not be controlled.

You will recall that in 1924 the Bureau of Mines, in response to a similar request from you, undertook investigations looking toward the possible discovery of new uses for silver. A progress report on these investigations was made as part 7, of serial 3, in the "Gold and Silver Statistics," published by the Commission of Gold and Silver Inquiry, United States Senate, of which you were chairman. These investigations were continued in cooperation with the Bureau of Standards. One of the results is Technologic Paper No. 384, just issued, entitled "Tarnish Resisting Silver Alloys." The Bureau of Mines also published papers on the use of silver fulminates. Copies of these publications are being forwarded to you under separate cover. Benefit from such suggestions, however, requires follow-up by the industries and increased consumption due to new uses is generally slow.

The Bureau of Mines has just sent to the printer an economic paper entitled "Summarised Data of Silver Production," in which I think you will be deeply interested. A notation has been made to furnish you a copy of this document when it is released.

Very sincerely, R. P. LAMONT.

[Inclosure]

THE PRICE OF SILVER

FOREWORD

During the past few years much concern has been expressed in various parts of the world over the constantly sinking price of silver. The present decline, which set in during the first half of 1928, is only a continuation of a greater one from the comparatively high levels of 1925. By March 1, 1930, the price of silver reached 40½ cents per fine ounce, the lowest price on record.

The decline is of interest not only to American producers of silver, both at home and abroad, but also to Americans engaged in trade with the silver-producing and silver-using countries. For a time it was hoped that China, a major silver-using country, would soon be able to effect financial reorganization, but in view of the slump in silver the realization of that hope may again be delayed. Mexico has been hard hit by the decline; Canada, an important silver producer, is also concerned. The present low silver price is an impediment to the recently initiated currency reform in India. Moreover, producers of copper, lead, and zinc normally derive a portion of their profits from silver; the loss of their profits affects not only those producers, but, eventually, everyone who in any way uses copper, lead, or zinc.

The instability of the price of silver has long been a disturbing influence in international trade. In the case of silver-using countries, it often subjects profits of foreign trade to partial and even complete depletion. Because of this fact, trade with those countries is frequently reduced to a speculative basis. Another unfortunate effect is that commodity prices within a silver-using country must be readjusted frequently, especially where foreign trade is an important part of the country's business.

Silver has been discarded as a standard of monetary value in the principal countries of the Occident, while in the Orient, India, Siam, the Straits Settlements, the Netherland East Indies, and the Philippines have all pegged their currencies to gold. Recently Indo-China linked its piaster to the French franc, while Persia and Hong Kong are both considering the advantages of the gold standard. Japan, as early as 1897, went on the gold standard, extending its currency system to Taiwan and later to Chosen.

The following exposition of the factors which determine the price of silver emphasizes that silver is a commodity. The study was prepared in the Finance and Investment Division of the Bureau of Foreign and Domestic Commerce under the direction of Ray Hall, acting chief. That division will be pleased to give its attention to inquiries on the subject.

WILLIAM L. COOPER,
Director Bureau of Foreign and Domestic Commerce.

APRIL, 1930.

THE PRICE OF SILVER[1]

By Herbert M. Bratter, Finance and Investment Division

(Charts omitted)

When the price of silver evinced a steady decline during 1929 from 57⅛ cents per fine ounce early in January to 46⅛ cents on December 30, and early in 1930 recorded a new low level for all time, the attention of the world was once again focused on the unruly metal. Silver is the principal medium of exchange and store of value in the most heavily populated continent, Asia.[2] In other parts of the world it is widely employed for subsidiary coinage, and it is almost as old as history in its use in the arts. While a decline in the price of silver is sufficiently disturbing to China and India, and to the countries which trade with them, the habitual instability of silver is even more generally disturbing. For example, Mexico, a country in which Americans are estimated to have invested $1,400,000,000, is the chief source of the world's silver; in 1929 it produced 105,000,000 ounces, or almost 41 per cent of the world's output. The stabilization of silver would be a boon to traders the world over, but the metal will probably continue to play its historic rôle of "prince and pauper."

CAUSES OF PRICE FLUCTUATION

Changes are constantly taking place in the production of and the demand for silver. It is the interplay of those two factors, of course, which determines the price of silver. When an important country like India or Great Britain "demonetises" a portion of its silver coinage, it both adds to the supply of silver and lessens the demand for silver, and thus doubly depresses silver prices. When a new or growing demand appears, such as for the manufacture of film, temporarily or permanently, that tends to raise silver prices. Silver "consumed" in manufacture, however, usually finds its way back to the market sooner or later. That, in fact, is the case with almost all silver used. "Silver is practically indestructible," stated Arthur Notman, mining engineer and geologist, before the Royal Commission on Indian Currency and Finance in 1926.[3] "Presumably the great bulk of all the silver that has

[1] The Bombay Bullion Market, Trade Information Bulletin No. 457, was published by the bureau in 1927.

[2] According to Commerce Yearbook, 1929 (Vol. II, p. 696), the population of India and China together—761,000,000—is over 39 per cent of the world's total population—1,949,000,000.

[3] See the report of that commission, Vol. III, p. 555.

been produced since the beginning of time is still in existence in one form or another. Most of it, however, is performing no essential service."

Relation to prices of other commodities

It is a startling fact that silver prices in New York averaged $0.51 in 1915, $1.12 in 1919, and $0.63 in 1921. What is generally overlooked is the fact that silver is a commodity, pure and simple, and that its price throughout the world is its evaluation in gold, just as is the price of copper or corn; and it is well known that the value of gold fluctuates markedly from year to year—in other words, that its purchasing power varies greatly from time to time. It is, therefore, obvious that, other things remaining unchanged, the price (in gold) of any given commodity must reflect such fluctuation. Of course, it must also reflect the relationship of that commodity to the price of all other commodities or goods. It is possible to show that prices are determined in part by variations in the quantity of gold, or the quantity of goods, or in the demand for gold or the demand for goods; prices are but the point where these factors meet.

Since silver is a commodity, and since commodity prices fluctuate, silver prices and commodity prices should, broadly speaking, move in unison. That they do is clearly demonstrated in Chart A (chart omitted). In that chart the upper curve represents the index number of wholesale prices in the United States since 1914 as compiled by the Department of Labor (1926=100); that curve shows the value of the commodities in general. The lower curve shows the changes in the price of silver since 1914. Both wholesale commodity prices and the price of silver increased markedly during the World War, dropped precipitately in 1921 and 1922, and thereafter moved in the same general direction. In the graph one unit vertically represents both a change of 1 unit in the index number and of 1 cent in the price of silver; in other words, the movements of the two curves are fairly comparable.[4]

Index numbers, as is well known, represent a weighted average of commodity prices; any single commodity going to make up the average will probably show frequent deviations therefrom. It is not surprising that minor deviations from the mean are revealed in silver price movements. As is the case with any other commodity, silver is subject to its own peculiar influences, which may have no visible effect on prices of other commodities. Thus the average of silver prices for September, 1917, when the price level of 1878 was for the first time regained, was considerably ahead of the general trend of silver in 1916–1918 and also was ahead of the wholesale commodity price trend. This was due to speculation, an embargo on silver exports in the United States, Japan, and other countries, and to other causes. The market soon became top heavy and prices receded.[5] Similarly, the steep decline in 1920 was, for a while, halted when Pittman Act purchases at $1 per ounce commenced to be made in October of that year.

Another type of divergence between the two curves is the decline of silver prices early in 1920,[6] before the general commodity price decline set in, and the rise in 1921 prior to a rise in the general commodity price level of the United States. These divergences may, in a general way, be explained by the fact that silver prices are more sensitive to world-wide influences than are commodity prices within, say, the United States, just as wholesale commodity prices are more sensitive to changed conditions than are retail prices; but with the difference that silver is ultrasensitive. A closer inspection of the two curves reveals that since 1925 silver prices have tended to decline further than have commodity prices, especially so in 1925–26 and 1928–29. It is the latter declines which have caused the recent commotion in the silver trade.

Supply and demand

There are innumerable factors which go to determine silver prices. Some of these are temporary in nature; some are more lasting in effect. In general, prices are determined by supply and demand. Here it is important to remember that, although silver is practically indestructible, silver which has been "consumed" by mints for coinage purposes and by the arts and industry ceases to be a factor in silver prices until it returns to the market, although it may well remain a potential factor. The silver which the people of India, China, and Central Africa have made into ornaments or put away as a store of value is off the market. On the other hand, the existence of large stocks of silver in the vaults of the Indian Government, which is following a policy of selling the bulk of that silver, is a factor more than potential. This threat to the market has repeatedly cast its shadow on silver prices.

Among the more important factors affecting silver prices are the following: The production of new silver; the return of old silver from debased or demonetized coins or from the arts; the sale of silver from hoards, inspired largely by the price of silver; and the demand for silver from the two largest "consumers"—China and India—as affected by favorable or unfavorable crop conditions, internal unrest, famine, public finances, and pure sentiment.

PRODUCTION OF SILVER

"By-product" silver

New silver is produced almost entirely in conjunction with other metals. Although silver in dry and siliceous ores is so spoken of, a pure silver ore can not be said to exist. Silver is generally found with lead, copper, lead-zinc, gold, and complex ores. A mine may be said to be a straight silver mine if the larger part of its income is derived from its silver product. According to this somewhat inexact classification, since the value of the metals produced by a mine vary with the prices of those metals, a mine may at one time be a silver mine and, when prices change, may become a lead or a zinc mine. Certain marginal producers of silver and copper, lead, or other metals may be in a position to continue production only so long as a maintenance of silver prices enables them to derive part of their profit from the silver product of their mines. Silver, in fact, determines the net profit of such producers, who find themselves losing money if silver drops below a certain price. Such marginal producers must either resort to intensive, selective mining, which is more costly, or suspend operations. On the other hand, as silver is to a large extent a by-product in the case of the large producers of certain metals indispensable to industry, it will continue to be mined by them almost regardless of silver prices.[7] As more and more the important copper, lead, and zinc producers find their profit eaten away by declining silver prices, those producers, if they are not to withdraw from business, must inevitably attempt to increase the price at which they sell their copper, lead, and zinc. Thus, were the Indian Government to sell its $389,000,000 worth of silver[8] (held in the currency reserve in December, 1929) within a short space of time, not only would the consequent depression of the silver price mean a loss[9] to the Indian Government but it would mean a very ponderable loss to world producers of silver, lead, copper, zinc, and other metals.

Effects of silver price on other metals

For example, the effects of a decline in the price of silver to 35 cents per ounce, or less, were estimated by H. H. C. Jenison, consulting engineer at the hearings of the Royal Commission on Indian Currency and Finance in 1926, as follows:[10]

"Copper: The decrease to 35 cents or less per ounce of silver would, in all probability, result in an increase in the price of copper of about 2 cents per pound, a loss of some $600,000,000 invested in the copper-silver mines of the West, replacing of their production by foreign production, and the loss of five to ten thousand million pounds of metal contained in the ore reserves of these mines, which could not be successfully operated under such conditions.

"Lead mines: The result of such a decrease in the price of silver, so far as lead is concerned, would, in all probability, be primarily and principally that of increasing the price of lead about 3 cents per pound and making the silver-lead mines of the West marginal producers, thus rendering it impossible for them to earn interest on the investment or to recover the outstanding investment.

"Zinc mines: The decrease in the price of silver to about 35 cents per ounce or less would probably be reflected merely in an increase in the price of zinc of 1 or 1½ cents per pound, the loss of part of the zinc reserves of the West, and the more rapid exhaustion of the comparatively short-lived reserves of the Central States.

"Complex lead-zinc ores: Until the increase in the price of lead and zinc offsets the loss of the value of silver, the necessary production from the complex lead-zinc ores would be cut off and their general availability be postponed and increased in cost."

One of the effects of a permanent decline in the price of silver is to encourage economies in production, metallurgical improvements, and inventions by important producers of copper, lead, and zinc. This greater efficiency tends to maintain the volume of silver production by making it more than ever a by-product of such producers. A balancing tendency, however, is probably to be found in the freer use of silver in the arts and in the application of silver to new uses previously not possible because of the price.

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[4] The average commercial ratio of silver to gold during each calendar year from 1687 to 1928 is given in the 1929 report of the Director of the Mint (p. 123). See also the table on the bullion value of the silver dollar, 1837 to 1928 (p. 124).

[5] The fluctuations of silver in 1917 were the largest in history, exceeding those of 1876. In 1917 there appeared increased demand from Latin American countries for coinage purposes, while England in 1916 and 1917 consumed 85,000,000 ounces for coinage.

[6] The specific causes of the 1920 decline in silver are discussed below.

[7] And in increasing amount, as pointed out by Mr. Notman, in his statement published in the report of the Royal Commission on Indian Currency and Finance, Vol. III, p. 554.

[8] Compare this sum of $389,000,000 with the total production of new silver in 1929, $150,800,000. Including the silver in the currency reserve, $371,000,000 in 1928, the monetary stock of silver in India, as estimated for the end of 1928, was worth $1,671,000,000 (U. S. Mint Report, 1929, pp. 186 and 231). In his Indian Finance and Banking, G. Fridley Shirras estimated that in 1919 India had a total silver stock of 3,729,000,000 ounces. At an arbitrary value of $0.50 per ounce this stock would be worth $1,864,500,000. A statement on p. 35 of Trade Information Bulletin No. 457, The Bombay Bullion Market, indicated a total silver stock in India in 1916–1920 of about 4,000,000,000 fine ounces. At $0.50 per ounce this would be worth $2,000,000,000. E. Kann, writing in Finance and Commerce (Shanghai) of Jan. 22, 1930, estimated India's stock of silver at 4,300,000,000 ounces and China's at 1,000,000,000 to 1,500,000,000 ounces.

[9] This loss India could perhaps partly recover by investing the gold proceeds of the sale.

[10] Op. cit., p. 567.

United States silver production

In view of these factors it is of interest to Americans to analyze the sources of silver produced in the United States. Figures given in the Annual Report of the Director of the Mint for the fiscal year ended June 30, 1929 (p. 37), and in Gold and Silver in 1927 (p. 628), by J. P. Dunlop of the Bureau of Mines, show that in 1926 dry and siliceous ores (the most nearly pure silver) furnished 21.71 per cent of the total United States silver production, and that complex and other ores accounted for 78.29 per cent. In 1927 the proportions were 19.75 per cent and 80.25 per cent, and in 1928 they were 19.35 per cent and 80.65 per cent. It must be remembered that, even in the dry and siliceous ores, silver is found with other metals.

In general, those ratios may be said to apply to all North American production, which in 1928 constituted over 73 per cent [11] of the world production. Therefore, at least 80 per cent of 73 per cent—or at least 58 per cent—of the world production can safely be said to be produced in some measure as a by-product.

Taking the 1927 total production of silver in the United States (Philippine Islands excluded), 59,625,682 ounces, we find that only 11,775,384 ounces, or less than one-fifth, came from dry and siliceous ores; 47,850,298 ounces, or over four-fifths, came from other ores, such as lead, copper, lead-zinc, and the like. The relative importance of the various individual ores in the production of silver appears in the following analysis of the 1927 figures taken from the Bureau of Mines, Mineral Resources, 1927. (Pt. I, p. 628.)

	Millions of fine ounces
Dry and siliceous ores	11.78
Lead ore	15.76
Copper ore	14.56
Lead-zinc ore	13.62
Copper-lead and copper-lead-zinc ores	2.17
Zinc ore	1.69
Placers	.05
Total	59.63

Trend of production

An examination of total world production figures shows that, although prices have for some years been declining, there has been no let-up in production. Since 1921, in fact, silver production has, with minor exceptions, steadily increased. That of the United States—the second largest producer—has been fairly constant; that of Mexico—the largest single producing country—has increased somewhat. But, since much of Mexico's silver production is mined or purchased by Americans, the United States is very much interested in the Mexican silver situation. In 1928 Mexico produced an estimated 108,500,000 ounces of silver which, at 58.488 cents per fine ounce, was worth approximately $63,459,480. During the same year the United States imported from Mexico silver valued at $45,191,042,[12] which was equal to over 71 per cent of Mexico's production that year. As stated in Mineral Resources, 1927 (Pt. I, p. 604), "Most of the world output of silver is produced or refined in the United States, but a large part of it is consumed in Europe, India, and China."

The largest producers, after Mexico and the United States, are Canada (21,936,407 ounces in 1928), Peru (21,607,693 ounces), New South Wales (9,055,241 ounces—all Australasia produced 10,308,866 ounces), and British India (7,425,810 ounces). Japan also produces considerable quantities (4,531,543 ounces in 1927). The production of new silver since 1914 is shown in Chart B (chart omitted), and the table following:

World production of silver since 1914

(In millions of fine ounces)

Year	United States [a]	Mexico	Canada	Peru	Australasia	Total world production
1914	72.5	26.0	28.4	9.2	11.0	172.3
1915	75.0	22.9	26.6	9.5	9.3	173.0
1916	74.4	29.8	25.5	10.8	10.7	180.8
1917	71.7	42.0	22.2	10.9	10.0	186.1
1918	67.8	62.5	21.4	9.8	9.9	203.2
1919	56.7	63.9	16.0	9.8	7.2	179.8
1920	55.4	66.7	12.8	9.2	2.7	173.3
1921	53.1	64.5	13.1	10.0	5.4	171.3
1922	56.2	81.1	18.6	13.2	11.5	209.8
1923	73.3	90.9	17.8	18.7	13.8	246.0
1924	65.4	91.5	19.7	18.7	10.8	239.5
1925	66.2	92.9	20.2	19.9	10.8	245.2
1926	62.7	98.3	22.4	21.5	11.2	253.8
1927	60.4	104.6	22.7	18.3	[b] 10.3	254.0
1928 [c]	58.4	108.5	21.9	21.6	10.3	257.3
1929 [d]	61.0	105.0				256.5

[a] Includes Philippine production.
[b] Includes, for New South Wales, an estimate of 9,000,000 ounces based on previous years' production.
[c] Subject to revision.
[d] Handy and Harman: Review of the Silver Market for 1929, p. 20.

Source: Annual Reports of the Director of the Mint for the fiscal year ended June 30, 1929 (pp. 38 and 234–9), and previous years. The figures include corrections of earlier estimates as given in the 1923 Annual Report, p. 233.

[11] This was pointed out by Mr. Notman in the report of the Royal Commission on Indian Currency and Finance, Vol. III, p. 557.
[12] Annual Report of the Director of the Mint for the fiscal year ended June 30, 1929, p. 55.

Relation of production to prices

In order to illustrate the relation of production of new silver, the debasement and demonetization of silver coins, and the sale of Indian Government silver, Chart C (chart omitted) has been prepared. It shows silver prices, the production of silver, and the sale of other supplies of silver (so far as estimates are available) since 1914.

During the years of the World War and immediately following, silver prices reflected general commodity prices as well as the scarcity of the metal in Asia, but after the war silver prices reflected both the total supply of new silver thrown on the market and supplies made available through monetary debasement and demonetization. In December, 1920, the United Kingdom debased its silver currency from a fineness of 0.925 to 0.500. Certain other countries followed suit in 1921. In the past year, according to estimates, the sales of the Indian Government have become the most important source of "other supplies." It is unlikely that such supplies will be exhausted for some time to come.[13]

Comparing the curve which represents the total of new silver produced plus old silver returned to the market, it immediately becomes evident that a very close inverse relationship exists between total supply and prices; thus, with total supplies increasing, and with demand ostensibly remaining fairly constant, prices have declined. The following are the revised estimates of "other supplies" taken from the annual reviews of Handy and Harman:

Estimates of "other supplies" of silver sold on the market

(In millions of fine ounces)

Year	Debasement of British coinage	Demonetized European coins	Sales by Indian Government	Total
1920		18.0		18.0
1921		31.0		31.0
1922	24.0	19.0		43.0
1923	25.0	20.0		45.0
1924	2.0	18.0		20.0
1925	7.0			7.0
1926	.7			.7
1927	1.2	8.0	9.2	18.4
1928	5.5	32.0	22.5	60.0
1929	10.0	10.0	35.0	55.0

Source: Handy and Harman, annual reviews.

DEMAND FOR SILVER

The demand for silver is centered in China and India, since other countries are evincing less and less interest in the white metal. As estimated by Handy and Harman, out of new silver and "other supplies" totaling 311,500,000 ounces, in 1928 India took 81,800,000 and China 136,700,000 ounces. The two together accounted for over 70 per cent of the total demand.[14]

Let us consider their imports of silver from the United States. Allowing for their exports of silver to the United States (China $444,197 worth and India $886), and disregarding American silver exports to Hong Kong, the figures which follow show that in 1928, of $87,400,000 of silver exported and reexported by the United States, $78,700,000, or 90 per cent, went to China and India. Not only did China and India thus take from us much more than our entire domestic production, which was 58,400,000 ounces in that year, but they took from the United States alone over one-half the total world production in 1928.

Silver exports and reexports of the United States in 1928

(In millions of dollars)

Item	To China	To India	To all countries
Exports	39.0	19.4	64.3
Reexports	19.1	1.2	23.1
Total	58.1	20.6	87.4

Source: Annual Report of the Director of the Mint for the fiscal year ended June 30, 1929, pp. 49 and 53.

According to the Annual Report of the Director of the Mint for the fiscal year ended June 30, 1929 (p. 236), the value of the total world production in 1928 was $150,832,000—257,300,000 fine ounces at the average London price of 58.627 cents.

Below are shown the latest available figures on the silver imports of China and India. They show that India and China together imported a net sum of $117,330,000 worth of silver during 1928 (local valuation), or over 77.8 per cent of the world's production in that year. It was just shown that the larger part of this, $78,700,000, came from the United States.

[13] Cf. The Statist (London), Jan. 11, 1930, p. 54.
[14] Over 70 per cent of the total quantity and over 77.8 per cent of the total value.

Net silver imports of China and India in 1928

Country	Net silver imports, in millions of local currency	Average rate of exchange in 1928 [1]	Equivalent in millions of dollars
China	106.40 haikwan taels	$0.7100	75.54
India	114.60 rupees	.3647	41.79
Total			117.33
Total value of 1928 world production (as above)			150.80

[1] Commerce Yearbook, 1929, Vol. II, pp. 170 and 356.

DETERMINANTS OF ASIA'S PURCHASES

The ability of China and India to purchase silver from abroad depends largely on their balances of international payments. No accurate estimates are available covering the invisible exports of either country; investigation is, accordingly, limited to the visible trade. When their exports of merchandise increase, it is to be expected that their imports of silver will increase. Those two countries (notably India) also import gold, at times showing a momentary preference for the latter metal. In the following analyses (Charts D and E, charts omitted) covering the period from March 31, 1914, to 1929 in the case of India and the calendar years 1914 to 1927 in the case of China, comparisons have been made between total net imports of treasure (gold and silver combined) and net exports of merchandise.

China shows a constantly adverse visible balance up to 1917, with an excess of exports of treasure. In the years following 1917, the invisible exports improved sufficiently to enable China to import treasure on net balance. The total of gold and silver imported during the period covered by the chart reached its apex in 1919. This heavy demand from China naturally enough coincided with the great increase in silver prices. When silver dropped in 1920 and 1921, China's imports of gold and silver also dropped in value.[18] In general, there is a very close correspondence in the movement of merchandise exports and treasure imports.

China's foreign trade in merchandise and precious metals
(In millions of dollars)

Year	Net excess of merchandise exports (+) or of imports (−)	Net imports (+) or exports (−) of gold and silver
1914	−142.7	−17.8
1915	−22.1	−22.2
1916	−27.3	−13.3
1917	−89.2	−12.5
1918	−86.9	+28.3
1919	−22.5	+131.1
1920	−273.6	+93.2
1921	−231.7	+12.1
1922	−240.8	+36.3
1923	−136.4	+49.2
1924	−159.6	+13.2
1925	−144.1	+51.6
1926	−197.5	+34.7
1927	−65.1	+44.0

In the case of India a similar relationship is evident, with the exception that, while China's visible balance is usually unfavorable, India's visible balance of trade is usually favorable.

India's foreign trade in merchandise and precious metals
(In millions of dollars)

Year	Net excess of merchandise exports (+) or of imports (−)	Net imports (+) or exports (−) of gold and silver
1914–15	+142.6	+54
1915–16	+205.8	+12
1916–17	+305.8	+103
1917–18	+301.8	+145
1918–19	+299.7	+220
1919–20	+524.1	+277
1920–21	−263.8	+29
1921–22	−55.1	+32
1922–23	+242.2	+177
1923–24	+412.8	+147
1924–25	+502.6	+312
1925–26	+581.0	+190
1926–27	+283.2	+142
1927–28	+286.8	+116
1928–29	+305.4	+113

[18] It is to be noted that the local customs valuations, and not the quantities, of imports are shown in Charts D and E.

One of the most important factors in China's silver purchases is the civil warfare which has disrupted the country for a decade and more. This has a twofold effect on the price of silver: (a) It creates a demand for silver for military expenditures and causes privately held silver to go into hiding or be sent to the treaty ports for safe-keeping, which tends to raise the price of silver; (b) the military funds, to some extent, go abroad for supplies, munitions, etc., which tends to depress the silver price through the exchange market. A further depressing influence is the curtailment of production with a consequent lessening of purchasing power. Large floods and famines, to which China has been frequently subject, are also reflected in a lessened demand for silver. The effects of warfare on the world silver market were evident most recently in 1929 at the time of the Sino-Russian dispute over the Chinese Eastern Railway. This dispute, as it became more serious, was a "bull" factor in June, July, and August. The approaching settlement of the dispute acted as a "bear" factor in October. Simultaneously, of course, the continuous civil warfare made itself felt.

India, while subject to occasional political disturbances, is not open to the same sort of destructive fighting as is China. India's power to purchase silver is most affected, under normal conditions, by the monsoon, the wind which Marco Polo startled Europe by describing as blowing one way half the year and the opposite direction the remainder. The southwest monsoon, coming from the sea in September, brings indispensable rainfall to the cereal and seed-growing areas of the south and west of India, while the return monsoon, in December and January, not yet drained of moisture, brings invaluable rain to the wheat-growing regions of northern India, the rice fields of Burma and Bengal, the jute areas and the cotton fields of Bombay, and later of the Madras Plateau. The southwest monsoon has two branches, the Arabian Sea monsoon and the Bay monsoon. The monsoons move in waves, each successive wave bringing rainfall farther and farther. The success of the monsoon becomes evident by September, at which time it is reflected in silver prices.

The favorable monsoons over a 4-year period ending in 1925 increased India's purchasing power and acted as a stabilizing influence on the price of silver. Note, in Chart A, the peaks in the silver course in the latter parts of 1924 and 1925. In 1926 India's unfavorable trade was reflected in a lower silver price.

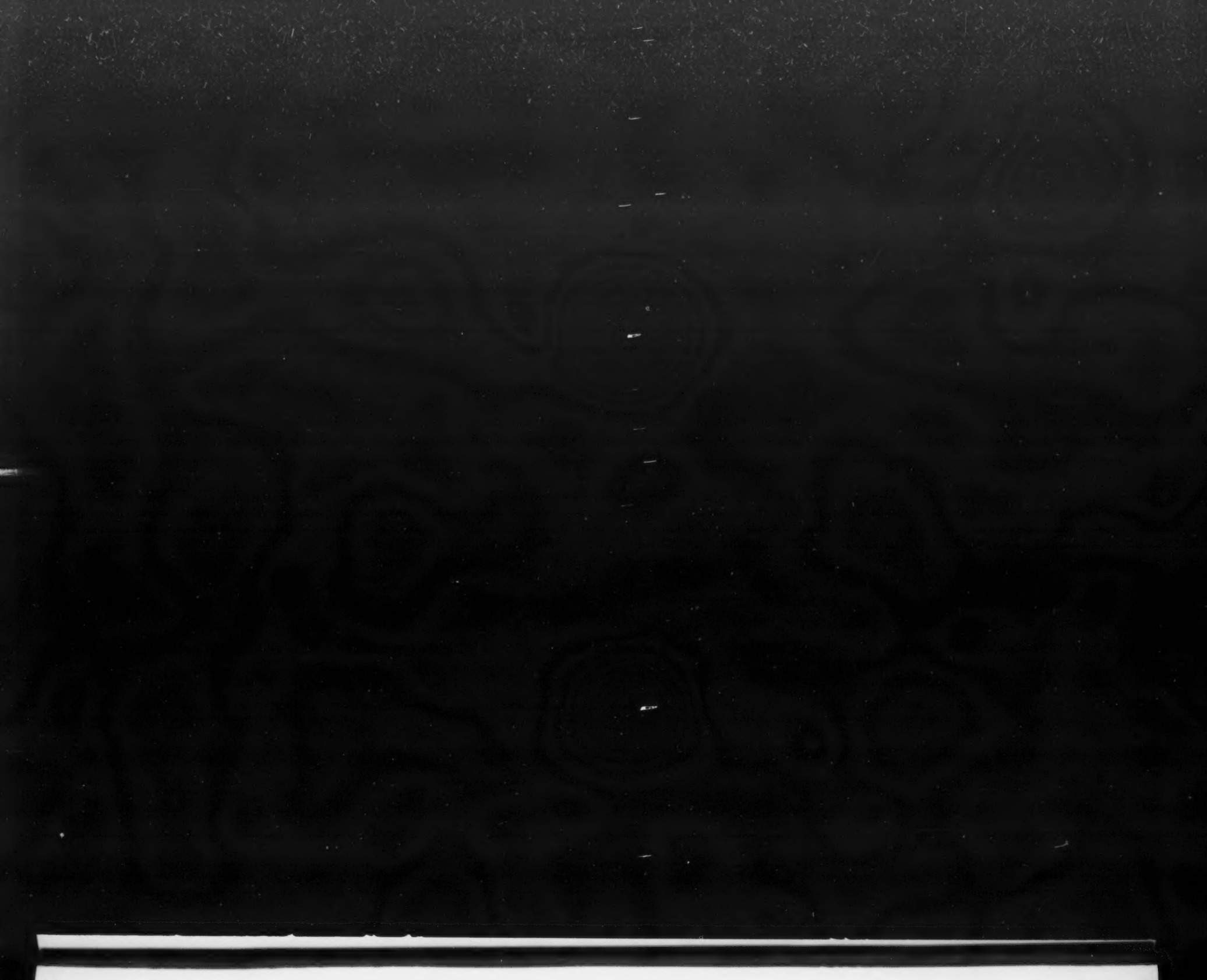
As with China, political disturbances in India occasion hoarding. Such disturbances were the chief cause of the rise in the price of silver in 1922. They stimulate not only hoarding but also "bull" speculation.

A discussion of the relationship between crop seasons, the Hindu marriage season, and other events, and silver purchases by India will be found in Trade Information Bulletin 457, The Bombay Bullion Market, from which the following is taken:

"In view of the fact that India's imports of bullion are so intimately connected with its merchandise export surplus—an export surplus accounted for by heavy shipments of agricultural products—it is quite natural that the crop seasons should have considerable influence on the demand for bullion from month to month, and that there should be a marked seasonal fluctuation in the bullion trade. When the ryots (peasant farmers) of India are in funds from the sale of their crops they are in a position to invest in gold and silver. Just before planting time, when they are buying seeds and equipment, and during the growing season they have little to spare, and the demand for bullion subsides markedly.

"One other factor enters into the seasonal demand for bullion, however, and it is a most important one. This is the Hindu marriage season, which comes in May, a month considered exceptionally favorable for marriages. As many as possible take place at that time, and the season generally is one of festival, when everyone is anxious to appear at his best. The result is a marked increase in the consumption of gold and silver for use as ornaments, particularly in view of the fact that every bride, however poor, receives some kind of a dowry of gold and silver ornaments. Bullion dealers, banks, and importers prepare in advance to meet the demand which is sure to make itself felt at this season, and there is generally a period during the first few months of each year when a marked increase in the imports of bullion occurs."

The Indian Government has been an important factor in the silver market since 1926 as a result of committing itself to a policy of selling silver whenever the price seems advantageous. In so doing the Indian Government has announced that it will try to avoid depressing the price of silver inordinately. The last report of the controller of the currency of India, that for 1928–29, stated: "Government announced that they were selling silver from the paper currency reserve * * * but any fear that the Government of India might dislocate silver prices by immoderate or inopportune sales has been dispelled by the transactions of the previous year, so that the announcement had no weakening effect on prices." It is quite certain, however, that the sales of silver by India not only must depress the price but actually do depress it and are discounted by the silver market. Silver prices dropped in the latter part of 1925 and in 1926 largely in anticipation of the publication of the report of the Royal Commission on India Currency and Finance, although other factors





were also important; for example, the unfavorable conditions in India and China, the sale of silver in London by the Bank of France and by Shanghai, speculation in the yen, and strikes and boycotts.

MISCELLANEOUS PRICE-DETERMINING FACTORS

Arbitrary governmental measures are important in a consideration of silver prices. This was especially true during the war and postwar years. The year 1924 was the first postwar year when economic forces were free to determine the course of silver.

Among the war-time measures was the Pittman Act, passed by the United States in order to make possible shipments of silver to India for British account. The act, passed by Congress on April 23, 1918, had a stabilizing effect on prices for some months in 1918 and 1919, during which period American silver dollars were melted and sold at, roughly, $1 per ounce. The act provided for the replacement of 208,900,000 fine ounces of silver from the product of American mines, at $1 per ounce; it also provided for the melting of silver dollars to supply the demand for subsidiary silver money in the United States.[16] Purchases of silver under the Pittman Act commenced in June, 1920.

An example of the sensitivity of the price of silver occurred in 1928, when a rumor circulated that France would have to buy silver for her coinage program. Although the rumor was erroneous, it bolstered the market for a short period.

Other factors influencing silver prices are the opening of new mines (such as Comstock lode, Broken Hill, Cobalt), steps toward currency stabilization in silver-using countries resulting in added confidence in their paper money, new coinage laws, public finances as reflected in taxation and foreign borrowings, and the latter as reflected again in foreign exchange quotations, changes in the balance of international payments due to oversea investments, immigrant remittances and the like, changes in the supply of and demand for copper, lead, and zinc, and strikes, shipwrecks, and other events occasioning a temporary shortage of silver by delaying delivery. Speculation, although by nature a temporary influence on the market, is at times rather important.[17] Warfare in Mexico has in the past affected production and prices. In China a period of peace and industrial progress, raising the volume of production and the standard of living, may have a marked effect on silver.

RECENT PRICE FLUCTUATIONS

Rise in 1915–1920

During the war the world-wide preference for hard money and the flight of gold were major factors in raising the price of silver. The constantly rising level of commodity prices and the stimulated industrial activity were other strong factors in augmenting the demand for silver money.

During the first seven months of 1914 the silver market had been steady. The swift approach of the crisis arrested demand, and the price sank rapidly after May. Quotations for future delivery became impracticable at the end of July, and because of the desirability of restricting credit as well as the impossibility of guaranteeing delivery were discontinued. Some coinage demand arose in neutral countries, but business with Germany ceased in London, Indian demand disappeared for a period of nine weeks, and the demand from industry was naturally interrupted. Later in the year neutral producers of silver hurried supplies into the market.

In November, 1915, it was learned that silver stocks in London were much smaller than had been thought. This stimulated interest in silver for its speculative possibilities, with the result that the price mounted.

The embargo on gold and silver exports from European countries forced India, then enjoying a prosperous trade, to meet the domestic demand for rupee coins and bar silver from the currency reserves kept in India. These progressive additions to the country's metallic currency increased the world demand for silver and raised its price, as did also war risks in the Mediterranean, which made silver harder to get to India. The demand for rupees was greatly augmented because of the large military expenditures in India, Mesopotamia, Egypt, and East Africa, all of which then used Indian currency.[18] By August, 1917, the silver value of the rupee exceeded its exchange value.

The United States Government having fixed the price of silver by the Pittman Act of 1918, the price in New York remained constant at $1.011 from September, 1918, to April, 1919. On May 5, 1919, the Government announced the removal of the official maximum price and restriction on silver exports. On May 9, similar action was taken by the British Government, trading in future silver was resumed, and—with a strong demand from China—the price moved up.

Collapse in 1920–21

The 1920 collapse in the price of silver, while occurring just prior to a general collapse of commodity prices the world over, was precipitated by several events. In 1919 the monsoon in India was poor and India's balance of trade was unfavorable. The Indian Government ceased buying silver. Paper rupees began to replace silver. In November the United States Government decided to sell silver dollars for gold, exporting the silver in the form of bars. China, also, which for two or three years had been replenishing its silver stocks, ceased buying. A famine in China early in 1920 aggravated the situation; China's exports were dull. Silver having reached the highest price on record in London, 89½d., on February 11, the United Kingdom, to prevent the illegal melting of its silver coins, whose intrinsic value then exceeded their face value by over 33 per cent, passed on March 31, 1920, a law reducing the silver content of the subsidiary coins from 0.925 to 0.500 (effective the following December).

On June 1, 1920, the United States, as already mentioned, began to purchase silver under the Pittman Act, and silver recovered slightly until August.[19] The continued sale of European silver coins, however, remained a depressing factor. The adverse conditions continued until the spring of 1921 and were reflected not only in the demand from the Orient but also in reduced consumption of silver in the arts and industries of the Occident. Speculation may be credited with the fluctuations during the remainder of 1921, with the cessation of the decline of commodity prices as a "bull" factor. Another favorable factor in the price of silver during the postwar years was the great currency depreciation on the continent. This brought into force Gresham's law, giving silver a scarcity value.

Price movement from 1922 to 1928

The year 1923 was marked by a peak supply. Production of new silver, which for two years had been rapidly mounting, exceeded the previous (1912) high, while "other supplies" brought the total to about 280,000,000 fine ounces. Demand from India continued strong, however, while favorable exports and disturbances in China continued to bolster the price. A favorable influence in 1924 was the demand in Europe for silver for coinage purposes. It is estimated that 50,000,000 ounces were absorbed in that way in Europe alone during 1924.[20] Moreover, "other supplies" were less than in 1923, and the price of silver was accordingly high. The fact that India and China were large buyers in 1925, owing to internal disorders in China and a favorable monsoon in India, has already been mentioned. "Other supplies" were less than in 1924. Since 1925 the decline of silver and the increase in total supply have been the dominant features of the market.

Decline in 1929

In the treaty ports of China, where that country's foreign trade is conducted, gold sets the price level. Quite naturally the decline in the price of silver during 1929 reflected itself in a decline in and cancellation of orders for foreign merchandise. The foreign loans and indemnity obligations secured on the Chinese maritime customs revenue were met in full during 1929, only at a cost of 7,947,000 haikwan taels greater than in 1928.[21] As a means of self-protection, the Finance Ministry early in 1930 announced that customs duties would be collected on a gold basis. China, for a time, gave consideration to a proposal to levy a duty on silver; this, however, was turned down upon foreign recommendation. In January, 1930, it was stated that the immediate loss to the Chinese Government through the decline of silver was over $10,000,000 (silver).

The adverse silver situation in 1929 was emphasized by persistent Chinese sales of silver. Another adverse factor, apart from high world production, was the approaching adoption of the gold standard by French Indo-China, and its consideration in Hong Kong and Persia. From the beginning of 1930 the value of the French Indo-China piaster was stabilized at 1 piaster=10 French francs. But Indo-China is not a very important consumer of silver. Were it to throw on the market overnight its entire stock of silver, the addition would amount to only a small fraction of the world's annual production.

The possibility that China will adopt the gold standard, despite recommendations to that end, are still remote. China has not at hand, nor can she command, a stock of gold or gold credits such as would be required. Even were this to occur, and were China to adopt some form of the gold standard, the Chinese could hardly be expected to throw up overnight their centuries-old affection for silver as a medium of exchange, a store of value, and a material for the arts.

An interesting sidelight on the effect of silver on company profits may be seen in the announcement of the Hong Kong & Shanghai Banking Corporation of a reduction of £1 per share in the annual bonus.[22] Although the distribution of the bonus represented a decline of £160,000, its cost in dollars to the bank was $245,000 greater than for 1928.

[16] The 1929 report of the Director of the Mint gives in a footnote on p. 95 the number of dollars melted under the Pittman Act—259,121,554 for the export to India and 11,111,168 for domestic subsidiary coin.

[17] An unusual example of the effect on prices of speculation—pointed out by Benjamin White in Silver, Its History and Romance, p. 239—occurred in 1910. From July 2 to Aug. 2, and again from Nov. 7 to Dec. 20, severe "squeezes" for delivery in London were engineered by cornering spot supplies.

[18] During the war England spent in India something like £240,000,000 on war supplies. The demand from outside India (according to White, op. cit., p. 301) often called for 30,000,000 rupees (about 10,000,000 ounces) a month.

[19] Pittman purchases were completed in May, 1923; this gave rise to an unwarranted bearish sentiment.

[20] The following consumed silver for coinage purposes in 1924: The Free City of Dansig, Germany, Latvia, Lithuania, Poland, and Russia. The United States similarly consumed a total of 4,400,000 ounces.

[21] China Express and Telegraph, Jan. 9, 1930, p. 6.

[22] China Express and Telegraph, Jan. 16, 1930, pp. 35 and 44.

WORLD CONSUMPTION OF SILVER

The following estimates of the distribution of the world's annual silver production since 1924 are taken from the annual reviews of Handy and Harman. The item entitled "Otherwise Unaccounted For" assumes that the entire production of any one year was distributed the same year.

Estimated distribution of world silver production
(In millions of ounces)

Item	1924	1925	1926	1927	1928	1929
India	[1] 108.2	[1] 106.7	91.6	90.0	89.0	81.8
China	[1] 41.7	[1] 59.4	73.9	85.0	124.0	136.7
Germany		[1] 14.3	12.5	16.7	10.8	12.0
Arts and manufactures:						
United States and Canada	28.0	31.0	33.5	33.5	33.5	37.0
England	4.5	5.0	6.0	6.5	6.0	6.5
Coinage:						
United States	4.4	17.0	6.7	6.5	4.1	2.5
Poland					6.5	
Russia					1.6	3.5
Netherlands					1.4	3.0
Hong Kong dollars						16.0
Mexico	11.3	3.3	4.1			
Miscellaneous European countries	50.0					
Otherwise unaccounted for [2]	11.0	15.4	26.0	31.4	31.5	12.5
Total production and other supplies	259.1	252.1	254.3	269.6	308.4	311.5

[1] In the source this figure is designated as shipments from abroad; the figures for later years show allowances for exports to other countries.
[2] In an article in Mining and Metallurgy, November, 1928, p. 487, H. C. Simpson stated: "Africa is beginning to show quite an increase in the use of this metal (silver)."
Source: Handy and Harman, Annual Reviews, 1925 to 1929.

STATISTICS OF PRICE CHANGES

The following table gives the price of silver in New York from 1914 to 1929, in cents per fine ounce. The prices are the monthly and yearly averages compiled by Standard Statistics. Figures of the 1929 report of the Director of the Mint (p. 120) show the high, low, and average price of silver from 1874 to 1928, inclusive. Prior to the 1919–20 peak, the high occurred in 1874—$1.29375. During the interval from 1874 to 1928 the low was $0.47375 in 1902.

London prices are given in the same report (p. 121) as far back as 1833. The highest price recorded between 1833 and 1928 was 89½d. per standard ounce (0.925 fine) in 1920. Other highs were 79½d. in 1919 and 62⅝d. in 1859. The lows of the period were 21$\frac{11}{16}$d. in 1902 and 1903, and 22d. in 1908.

The average commercial ratio of silver to gold is given in the Director of the Mint's 1929 report (p. 123) for the years 1687 to 1928. In 1687 the average ratio was 14.94. Thereafter it increased, rising above 15.00 a number of times, particularly during the first 28 years of the eighteenth century. The lowest average ratio recorded was 14.14 in 1760. In 1808 the ratio reached 16.08, the first recorded crossing by the annual average of the now famous "16 to 1." That occurred again in 1812 and 1813, but not thereafter until 1874. Thereafter, silver declining in value, the average ratio rose to 39.15 in 1902.[22] In 1915 the average ratio was 39.84, but by 1920 was only 15.31, rising subsequently. It was 36.22 in 1927 and 35.26 in 1928.

The following table shows the average index number of wholesale commodity prices in the United States, by months and years, for 1914 to 1929:

Monthly averages of daily price of silver in New York
(In cents per fine ounce)

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Average
1914	57.57	57.51	58.07	58.52	58.17	56.47	54.68	[1] 54.34	53.29	50.65	49.08	49.37	54.81
1915	48.85	48.48	50.24	50.25	49.91	49.03	47.52	47.16	48.68	49.38	51.71	54.97	49.70
1916	56.77	56.75	57.93	64.41	74.27	65.02	62.94	66.08	68.51	67.85	71.60	76.76	65.70
1917	75.63	77.58	73.86	73.87	74.74	[2] 76.97	79.01	85.41	100.70	87.33	85.89	85.96	81.40
1918	88.70	85.72	88.08	95.35	99.50	99.50	99.62	100.30	101.10	101.10	101.10	101.10	96.80
1919	101.10	101.10	101.10	101.10	107.10	110.40	106.40	111.40	114.50	119.10	127.90	132.00	111.10
1920	132.80	131.30	125.60	119.50	102.60	90.80	91.90	96.20	93.70	83.50	77.60	64.80	100.90
1921	65.95	59.32	56.03	59.34	59.85	58.51	60.26	61.60	66.50	70.97	68.23	65.76	62.66
1922	65.45	65.31	64.38	66.57	71.15	71.15	70.24	69.40	69.50	68.01	65.18	64.62	67.58
1923	65.71	64.34	67.53	66.85	67.07	64.84	63.01	62.78	64.22	63.65	63.82	64.70	64.88
1924	63.44	64.36	63.96	64.14	65.52	66.69	67.16	68.52	69.35	70.87	69.30	68.10	66.78
1925	68.45	68.47	67.79	66.90	67.58	69.12	69.44	70.26	71.61	71.11	69.22	68.89	69.07
1926	67.80	66.77	65.88	64.42	65.08	65.51	64.79	62.38	60.57	54.51	54.14	53.48	62.01
1927	55.80	57.92	55.31	56.40	56.28	56.78	56.36	54.76	55.45	56.06	57.47	57.97	56.38
1928	57.10	57.00	57.30	57.40	60.30	60.20	59.20	58.90	57.60	58.10	58.00	57.30	58.20
1929	57.00	56.20	56.30	55.70	54.10	52.40	52.50	52.60	51.00	49.90	49.60	48.50	53.00

[1] Quotations suspended Aug. 1 to 21.
[2] From June 17, 1920, to May 31, 1923, the averages are based on the prices of foreign silver, the price of domestic silver being retained at $1 by Government purchases under the Pittman Act, which became inoperative in June, 1923.
Source: Standard Statistics.

Revised index numbers of wholesale prices in the United States, all commodities
(1926=100)

Year	January	February	March	April	May	June	July	August	September	October	November	December	Average
1914	68.6	68.3	68.0	67.6	67.4	67.4	67.3	69.6	70.2	68.0	67.5	67.3	68.1
1915	68.1	68.6	68.2	68.7	69.0	68.3	69.3	68.6	68.3	70.2	71.7	74.0	69.5
1916	77.0	78.5	80.4	81.7	82.9	82.0	83.4	85.1	86.9	91.1	97.4	99.2	86.5
1917	102.1	104.5	107.7	114.1	120.7	122.0	123.0	124.8	123.5	122.2	122.8	122.9	117.5
1918	125.0	122.7	126.4	128.3	128.1	129.0	132.0	134.3	137.5	136.3	136.3	136.3	131.3
1919	134.4	129.8	131.3	133.0	135.3	135.6	141.1	144.3	141.1	141.6	144.5	150.5	138.6
1920	157.7	157.1	158.6	165.5	167.2	166.5	165.8	161.4	155.2	144.2	133.4	130.7	154.4
1921	114.0	104.9	102.4	98.9	96.2	93.4	93.4	93.5	93.4	94.1	94.2	92.9	97.6
1922	91.4	92.9	92.8	93.2	96.1	96.3	99.4	98.6	99.3	99.6	100.5	100.7	96.7
1923	102.0	103.3	104.5	103.9	101.9	100.3	98.4	97.8	99.7	99.4	98.4	98.1	100.6
1924	99.6	99.7	98.5	97.3	95.9	94.9	95.6	97.0	97.1	98.2	99.1	101.5	98.1
1925	102.9	104.0	104.2	101.9	101.6	103.0	104.3	103.9	103.4	103.6	104.5	103.4	103.5
1926	103.6	102.1	100.4	100.1	100.5	100.5	99.5	99.0	99.7	99.4	98.4	97.9	100.0
1927	96.6	95.9	94.5	93.7	93.7	93.8	94.1	95.2	96.5	97.0	96.7	96.8	95.4
1928	96.3	96.4	96.0	97.4	98.6	97.6	98.3	98.9	100.1	97.8	96.7	96.7	97.7
1929	97.2	96.7	97.5	96.8	95.8	96.4	98.0	97.7	97.5	96.3	94.2	94.2	96.5

Source: United States Department of Labor, Bureau of Labor Statistics.

DAILY DETERMINATION OF PRICE

London is the world's principal silver market because of tradition, because it is an important financial center, because of its close relationship with the silver-using countries of the Orient, and because numerous shipping routes radiate from the Thames. That it is great banking center makes it possible for London to finance the bulk of the silver business. The frequent sailings from London to all parts of the world enable it to deliver silver to most countries more quickly, on the average, than can other centers. During the World War New York (and to a lesser degree San Francisco) became very important in the silver market, and for a time America was the principal factor in determining prices. In postwar years it has continued to be very important.

At present the price of silver throughout the world is readjusted daily according to the price in London. In that city the price is "fixed" by four firms, which for many years have constituted the silver market: Moccatta & Goldsmid (founded in 1684, 10 years before the Bank of England), Samuel Montagu & Co., Pixley & Abell, and Sharps & Wilkins. These four firms—with whom are placed all orders

[22] At 21$\frac{11}{16}$d. per standard ounces, the ratio of silver to gold stood at approximately 43½ to 1 in 1902–3.

to buy or sell (in London)—meet daily at 2 p. m. (Saturdays at 11 a. m.) and compare their orders in hand for purchase or sale. If the demand and supply, as evinced by these orders, are seen to be unequal, the previous day's price is altered as much as is necessary to move the largest amount of silver. This is quite natural, for the only interest of the brokers is the commission which they make on the transactions. It may be stated, parenthetically, that this is one of the few examples of a market being conducted "with all the cards on the table." The price is quickly determined and immediately announced, literally, to all the world. Orders received later the same day may be executed at a higher or lower price than that announced, or they may not be executed at all.

There are, in fact, two silver prices in London—the price for spot delivery (within seven days) and that for future delivery (within 60 days, no days of grace being allowed), delivery being made at the option of the seller at any time within the period. The price of future silver may be above or below the spot price, depending on local stocks, market outlook, and similar factors. Business is also done in options, usually two months but sometimes longer, based upon the price of "future."

The seller of silver pays his broker no brokerage, the buyer alone being charged one-eighth of 1 per cent by his broker. As between brokers that commission is divided, one broker selling to another at one-sixteenth of 1 per cent and buying at one-sixteenth of 1 per cent. In other words, the bulk of the day's sales and purchases may be merely book transactions, only a fraction of the total consisting of transactions between the four brokers. The cost of a two months' option to call or put silver is generally about 2 per cent of the price plus a brokerage of one-eighth of 1 per cent of the price. During the war, for a period of four years and nine months ending May 9, 1919, the sale of future silver was suspended.

In New York silver is sold for immediate or future delivery. The "official" price is determined and issued once a day, usually late in the forenoon, by Handy and Harman. It is based on the market price for near-by delivery prevailing on the same day up to the time the "official" price is determined. This "official" price is the one used by producers and smelters as the settlement basis for the silver content of ores purchased by the smelting companies from producing companies. Due to the fact that such silver contained in ores does not become available for delivery in refined form for several months, the "official" price is lower than the market price on which it is based.

The price of silver in New York is, of course, strongly influenced by the price in London; that is, it theoretically represents the cost of transporting to London silver purchased in the United States. Actually, however, market conditions in New York are the determining factors. Thus, even on British bank holidays when there is no London price, the New York official price is determined and published.

Actual commercial transactions in silver in New York are concluded at the market price, which is higher than the official price by from three-sixteenth to one-fourth of a cent. The spread, however, is said to have varied by as much as 6 cents in times past. It also varies from time to time during the day.

The market price of silver in New York may vary during the day according to the strength or weakness of the market or the date on which delivery is desired. Bids in New York come from various parts of the world, including China, India, and London; sales may be for the account of the Far East or for producers in the United States, Canada, Mexico, or South America.

As an example of the price of silver in New York and London the following were those announced on March 3, 1930:

"New York (in cents per fine ounce): 'Official,' 39⅞; bid, 40; asked 40⅜. London (in pence per standard ounce): Spot, 18⅛; forward, 18⅛."

RELIEF OF UNEMPLOYMENT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3060) to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. BINGHAM. Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside, and that the Senate proceed to the consideration of House bill 10813, the District of Columbia appropriation bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10813) making appropriations for the government of the District of Columbia, and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. BINGHAM. I ask that the formal reading of the bill be dispensed with and that the bill may be read for action on the committee amendments.

Mr. McKELLAR. I have no objection to that, but I want to ask the Senator whether he intends to have the bill passed this evening or not.

Mr. BINGHAM. We shall get as far along as possible this evening, but I realize that it would be impossible to pass the bill to-day, because there are a number of Senators interested in items who can not be here this afternoon. Therefore it is my wish to proceed until 5 o'clock, when it is my intention to ask for a recess until to-morrow.

Mr. McKELLAR. I hope the Senator will ask for an adjournment, for the reason that I have presented a motion to suspend the rules, and I take it that an adjournment will have to be taken before the motion can be called up.

Mr. BINGHAM. Mr. President, I do not think anyone will object if the Senator will ask unanimous consent to-morrow to take up his motion, even though a legislative day may not have intervened.

Mr. McKELLAR. With that understanding it will be entirely satisfactory to take a recess.

Mr. McNARY. Mr. President, I had arranged earlier in the day for a recess, and I would not like to change the plan.

Mr. McKELLAR. With the understanding from the chairman of the committee he has just suggested, I have no objection.

The VICE PRESIDENT. Is there objection to the request of the Senator from Connecticut?

Mr. TYDINGS. Mr. President, I have no objection to the Senator's request, but I have one amendment I would like to offer, which is not a committee amendment, and inasmuch as I will probably be absent to-morrow, I would like to have the Senator consent that I may offer the amendment now.

Mr. BINGHAM. Certainly. I appreciate the Senator's position, and I hope the Senator will not object to the request I make.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McNARY. Mr. President, I ask unanimous consent that the further calling of the roll be dispensed with, that we proceed with the consideration of the pending appropriation bill until 4.30 o'clock, and that at that time the Senate take a recess until 12 o'clock noon to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. TYDINGS. Mr. President, the Senator from Connecticut [Mr. BINGHAM], who is in charge of the pending bill, has consented to a request which I shall shortly make to the Senate, to take up, out of order, a matter which comes at some later stage in the bill, in order that it may be considered now, because of the fact that I shall not be able to be here to-morrow.

Mr. BINGHAM. I have no objection.

Mr. TYDINGS. I ask unanimous consent to introduce at this time an amendment, which I send to the desk.

The VICE PRESIDENT. Let it be reported.

The LEGISLATIVE CLERK. On page 36, after line 14, insert:

That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to construct a subway and approaches thereto under the tracks and right of way of the Baltimore & Ohio Railroad Co. in the vicinity of Chestnut Street or of the intersection of Fern Place and Piney Branch Road, extended, in the District of Columbia on a line to be determined by the Commissioners of the District of Columbia and in accordance with plans and profiles of said subway and approaches to be approved by the said commissioners: *Provided*, That one-half of the total cost of constructing said subway and thereafter the cost of maintaining the structure within the limits of its right of way shall be borne and paid by the said Baltimore & Ohio Railroad Co., its successors and assigns, to the collector of taxes of the District of Columbia for deposit to the credit of the District of Columbia, and the same shall be a valid and subsisting lien against the franchises and property of the said railroad company, and shall constitute a legal indebtedness against the said railroad company in favor of the District of Columbia, and the said lien may be enforced in the name of the District of Columbia by a bill in equity brought by the said commissioners in the Supreme Court of the District of Columbia, or by any other legal proceeding against the said railroad company.

SEC. 2. That for the purpose of carrying into effect the foregoing provisions the sum of $250,000 is hereby authorized to be appropriated, payable in like manner as other appropriations for the expenses of the government of the District of Columbia; and the said commissioners are authorized to expend such sum as may be necessary for personal services, engineering, and incidental expenses, including the cost of relocating sewers and water mains. The said commissioners are further authorized

to acquire, out of the appropriation herein authorized, the necessary land to carry out the provisions of this act, by purchase at such price or prices as in their judgment they may deem reasonable and fair, or, in the discretion of the commissioners, by condemnation in accordance with chapter 15 of the Code of Law of the District of Columbia, as amended.

SEC. 3. That from and after the completion of the said subway and approaches the highway grade crossing over the tracks and right of way of the said Baltimore & Ohio Railroad Co. at Chestnut Street shall be forever closed against further traffic of any kind.

Mr. BINGHAM. Mr. President, I desire to ask the Senator from Maryland whether this is in the language of a bill which was passed by the Senate earlier in the day?

Mr. TYDINGS. It is. The Commissioners of the District are in favor of it and the Budget Bureau is likewise favorable to it. It eliminates a grade crossing where four people have been killed lately in the District of Columbia.

Mr. BINGHAM. I have no objection.

The PRESIDING OFFICER (Mr. JONES in the chair). Without objection, the amendment offered by the Senator from Maryland is agreed to.

Mr. TYDINGS. Mr. President, I also ask that the committee amendment on page 28, line 15, relating to Iris Street, be not agreed to. The House provided for the paving of Iris Street in the District. The commissioners are in favor of it. The Budget Bureau is in favor of it. I understand that the chairman of the subcommittee has consented not to press the Senate committee amendment which proposes to strike out the provision.

Mr. BINGHAM. Mr. President, the members of the subcommittee visited the locality and are of the opinion that the street is not sufficiently built up, or at least a part of it, to justify paving at this time. I hope the Senator will let the amendment go to conference in order that we may make a further study of the situation.

Mr. TYDINGS. May I also call to the attention of the Senator from Connecticut the amendment on page 26, line 3, the Thirteenth Street amendment, and on the same page, line 5, the Morningside Drive amendment. I asked the Senator about these items. I suppose he wants his request for the other amendment to go to conference to apply to these amendments as well?

Mr. BINGHAM. Yes. The subcommittee visited that section of Washington and found a number of vacant blocks there. If we paved the streets before the lots are built upon, it would require a tearing up of the pavement in order to put in gas, water, and sewer pipes, which would not be in the interest of the householders in that vicinity. If the Senator will let the amendment as recommended by the committee be adopted, I can promise him that in conference we will give the matter very serious consideration to see whether the view of the subcommittee as approved by the committee is correct, or whether in view of the situation there it may not be possible to make some change in the plans of the commissioners.

Mr. TYDINGS. I shall be very glad to accede to the request of the Senator from Connecticut. In order that the whole picture may be before the Senate and before the conferees may I say that the total assessed value of the land in question in 1925 was $147,000, while the total assessed value to-day is $1,535,000, an increase of 1,000 per cent in five years. This shows the degree to which that section of the District has been built up. The people are now paying very heavy taxes. They have no pavements, although on one of the streets approximately 80 per cent of the lots facing on the street are now occupied by completed homes, so that the street is almost 100 per cent completed. There is water and sewerage there, and I feel that the residents, all of whom live in the District, have a very strong case for a paved street. However, I am satisfied to leave it to the Senator from Connecticutt to work out in conference.

Mr. BINGHAM. It would not be well to pave the streets before water pipes and sewer pipes are put in there.

Mr. TYDINGS. I think there is water and sewerage, but I do not believe there are any other improvements there. Certainly the street is not paved. There is nothing but a mud street there.

Mr. BINGHAM. I appreciate the fact that the neighborhood referred to is a very attractive one, that the houses are large and of fine appearance, and that the condition of the street is deplorable, but, as I said to the Senator, it has not been the practice of the committee to recommend pavements until such time as at least 90 per cent, or nearly 90 per cent of a street has been built up, in order that the pavement may not be torn up when connecting lines for gas, water, and sewer are installed. However, I will be glad to consider the matter very carefully in conference and see whether or not we may reach the same conclusion with regard to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The first amendment of the Committee on Appropriations was, on page 2, line 5, after the word "addition," to strike out "$9,000,000" and insert "$12,000,000," so as to read:

Be it enacted, etc., That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1931, any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia, and, in addition, $12,000,000 is appropriated, out of any money in the Treasury not otherwise appropriated, to be advanced July 1, 1930, and all the remainder out of the combined revenues of the District of Columbia, and the tax rate in effect in the fiscal year 1930 on real estate and tangible personal property subject to taxation in the District of Columbia shall not be decreased for the fiscal year 1931, namely.

The amendment was agreed to.

The next amendment was, under the heading "General expenses, Executive Office," on page 2, line 16, after the word "services," to strike out "$49,160" and insert "$49,420," so as to read:

For personal services, $49,420, plus so much as may be necessary to compensate the engineer commissioner at such rate in Grade 8 of the professional and scientific service of the classification act of 1923, as amended, as may be determined by the Board of Commissioners.

The amendment was agreed to.

The next amendment was, on page 4, at the end of line 1, to increase the appropriation for personal services in the purchasing division from $61,600 to $62,560.

The amendment was agreed to.

The next amendment was, on page 4, line 4, to increase the appropriation for personal services in the building inspection division from $155,080 to $157,080.

The amendment was agreed to.

The next amendment was, on page 4, line 6, after the word "services," to strike out "$37,800" and insert "$38,520," and at the end of line 9, to strike out "$43,100" and insert "$43,820," so as to read:

Plumbing inspection division: For personal services, $38,520, for temporary employment of additional assistant inspectors of plumbing and laborers for such time as their services may be required, $5,000; two members of plumbing board at $150 each; in all, $43,820;

The amendment was agreed to.

The next amendment was, on page 4, line 10, to increase the total appropriation for the Executive Office from $309,000 to $312,880.

The amendment was agreed to.

The next amendment was, under the subhead "Care of District Building," on page 4, line 12, after the word "services," to strike out "$56,054" and insert "$56,980," and in line 14, after the words "in all," to strike out "$71,054" and insert "$71,980," so as to read:

For personal services, $56,980; services of cleaners as necessary, not to exceed 48 cents per hour, $15,000; in all, $71,980.

The amendment was agreed to.

The next amendment was, under the subhead "Assessor's office," on page 4, line 24, after the word "service," to strike out "$219,070" and insert "$220,970," and in line 25, after the words "in all," to strike out "$223,070" and insert "$224,970," so as to read:

For personal services, $220,970; temporary clerk hire, $4,000; in all, $224,970.

The amendment was agreed to.

The next amendment was, under the subhead "License bureau," on page 5, line 2, after the word "services," to strike out "$18,820" and insert "$18,940," and in line 3, after the words "in all," to strike out "$19,820" and insert "$19,940," so as to read:

For personal services, $18,940; temporary clerk hire, $1,000; in all, $19,940.

The amendment was agreed to.

The next amendment was, under the subhead "Collector's office," on page 5, line 8, after the words "clerk hire," to strike out "$47,890" and insert "$48,340," so as to read:

For personal services, including $1,000 for temporary clerk hire, $48,340.

The amendment was agreed to.

The next amendment was, under the subhead "Auditor's office," on page 5, line 10, after the word "services," to strike out "$126,200" and insert "$127,400," so as to read:

For personal services, $127,400; and the compensation of the present incumbent of the position of disbursing officer of the District of Columbia shall be exclusive of his compensation as United States property and disbursing officer for the National Guard of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Office of corporation counsel," on page 5, at the end of line 19, to strike out "$77,140" and insert "$78,820," so as to read:

Corporation counsel, including extra compensation as general counsel of the Public Utilities Commission, and other personal services, $78,820.

The amendment was agreed to.

The next amendment was, on page 5, after line 19, to strike out:

To investigate the title of the Chesapeake & Ohio Canal Co. to certain lands, properties, and rights appurtenant thereto, and the said company's authority to occupy and use the said lands, properties, and rights, including the expense of bringing such suits, in the name of the United States and/or the District of Columbia as may be necessary for the purpose of determining the same, employment of a special assistant to the corporation counsel, traveling, clerical, and other expenses necessary and incidental to carrying out the provisions of this paragraph, $10,000.

The amendment was agreed to.

The next amendment was, on page 6, at the end of line 16, to increase the appropriation for personal services in the office of the superintendent of weights, measures, and markets, from $47,080 to $47,520.

The amendment was agreed to.

The next amendment was, on page 6, line 20, after the figures "$7,500," to insert a comma and "of which amount $500 shall be immediately available," so as to read:

For maintenance and repairs to markets, $7,500, of which amount $500 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 7, line 4, after the word "of," to strike out "a site in," so as to read:

Farmers' produce market: For the acquisition of squares Nos. 354 and 355, including all necessary expenses for the clearing and leveling of the ground, the erection of protection sheds and suitable stands and stalls, and the installation of sanitary conveniences and heating and telephone service, in accordance with the provisions of the act entitled "An act authorizing acquisition of a site for the farmers' produce market, and for other purposes," approved March 2, 1929 (45 Stat. 1487), $300,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 7, at the end of line 15, to increase the appropriation for personal services in the highways department, from $224,150 to $226,090.

The amendment was agreed to.

The next amendment was, on page 8, line 5, to increase the appropriation for personal services in the sewer department, from $196,600 to $197,900.

The amendment was agreed to.

The next amendment was, on page 8, line 7, to increase the appropriation for personal services in the trees and parking department, from $25,100 to $25,380.

The amendment was agreed to.

The next amendment was, on page 8, line 9, to increase the appropriation for personal services in the office of the chief clerk, engineer department, from $28,060 to $28,520.

The amendment was agreed to.

The next amendment was, on page 8, line 11, to increase the appropriation for personal services in the Central Garage, from $5,240 to $5,300.

The amendment was agreed to.

The next amendment was, on page 8, line 13, to increase the appropriation for personal services in the municipal architect's office from $63,700 to $65,000.

The amendment was agreed to.

The next amendment was, on page 8, line 22, after the figures "$2,000,000," to insert a colon and the following proviso:

Provided, That where an initial appropriation made for any construction project is only for the partial completion thereof, the municipal architect shall be entitled to an apportionment of said appropriation in an amount not exceeding 60 per cent of the percentage as herein provided of the authorized limit of cost of such project.

The amendment was agreed to.

The next amendment was, under the subhead "Public Utilities Commission," on page 9, line 5, after the words "in all," to strike out "$92,620" and insert "$93,260," so as to read:

For two commissioners at $7,500 each; people's counsel, $7,500; and for other personal services; in all, $93,260.

The amendment was agreed to.

The next amendment was, on page 9, line 12, to increase the appropriation for personal services in the department of insurance from $19,760 to $20,160.

The amendment was agreed to.

The next amendment was, on page 9, line 14, to increase the appropriation for personal services in the surveyor's office from $87,450 to $88,900.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the director of traffic," on page 10, line 19, after the word "services," to strike out "$32,040" and insert "$37,160," and in line 20, after the words "in all," to strike out "$37,040" and insert "$42,160," so as to read:

For personal services, $37,160, and for temporary clerk hire, $5,000; in all, $42,160.

The amendment was agreed to.

The next amendment was, on page 10, line 24, after the word "commissioners," to strike out "$103,000" and insert "$53,000," so as to read:

For purchase and installation of electric traffic lights, signals, and controls, markers, painting white lines, labor, and such other expenses as may be necessary in the judgment of the commissioners, $53,000.

The amendment was agreed to.

The next amendment was, on page 11, line 5, to increase the appropriation for personal services in the free Public Library from $276,040 to $282,330.

The amendment was agreed to.

The next amendment was, on page 12, line 11, to increase the appropriation for personal services in the office of register of wills from $73,640 to $74,660.

The amendment was agreed to.

The next amendment was, on page 12, line 18, to increase the appropriation for personal services in the office of recorder of deeds from $104,020 to $107,120.

The amendment was agreed to.

The next amendment was, under the subhead "Recorder of deeds," on page 12, after line 18, to insert:

For recopying old land records of the District of Columbia, including personal services, typewriting machines, and necessary supplies and equipment, $10,000.

The amendment was agreed to.

The next amendment was, under the heading "Municipal center," on page 19, line 15, before the words "to be," to strike out "$3,000,000" and insert "$1,000,000," so as to read:

For continuing the acquisition of squares Nos. 490, 491, and 533, and reservation 10 in the District of Columbia, including buildings and other structures thereon, as a site for a municipal center, under and in accordance with the provisions of the act entitled "An act to provide for the establishment of a municipal center in the District of Columbia," approved February 28, 1929 (45 Stat. 1408), $1,000,000, to be immediately available and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 19, line 23, after the word "otherwise," to strike out "and preservation" and insert "expenses of moving, and preservation," so as to make the proviso read:

Provided, That the Commissioners of the District of Columbia are authorized in their discretion to rent, until their removal becomes necessary, at fair rental values, buildings acquired by the District in the municipal center, and to use such part of the rentals heretofore and hereafter collected as may be necessary for expenses of collection, repairs and alterations to buildings by day labor or otherwise, expenses of moving, and preservation and operating expenses of such buildings as may continue in private occupancy, the balance of the rentals to be covered into the Treasury to the credit of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Gasoline tax road and street fund," on page 23, line 3, after the word "to," to strike out "300 feet east" and insert "Montello Avenue," so as to read:

Northeast: Owen Place, West Virginia Avenue to Montello Avenue, $4,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 12, to strike out:

Northeast: Quincy Street, Twelfth Street to Fourteenth Street, $15,700.

The amendment was agreed to.

The next amendment was, on page 24, after line 14, to strike out:

Northeast: Vista Street, Central Avenue to Walnut Street, $13,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 16, to strike out:

Northeast: New York Avenue, Florida Avenue to Bladensburg Road, $195,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 2, to strike out:

Northwest: Thirteenth Street, Alaska Avenue to Kalmia Road, $15,700.

The amendment was agreed to.

The next amendment was, on page 26, after line 4, to strike out:

Northwest: Morningside Drive, Alaska Avenue to Kalmia Road, $23,800.

The amendment was agreed to.

The next amendment was, on page 26, after line 10, to insert:

Northwest: Oglethorpe Street, Seventh Street to Eighth Street, $5,500.

The amendment was agreed to.

The next amendment was, on page 26, after line 22, to insert:

Northwest: Sixteenth Street, Columbia Road to Tiger Bridge, $136,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 14, to insert:

Northwest: Nevada Avenue, Rittenhouse Street to Runnymede Place, $3,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 6, to strike out:

Northwest: R Street, Twenty-eighth Street to Twenty-ninth Street, $4,200.

The amendment was agreed to.

The next amendment was, on page 28, after line 8, to strike out:

Northwest: Twenty-eighth, Q Street to R Street, $10,700.

The amendment was agreed to.

The next amendment was, on page 28, line 14, after the words "Twenty-third," to strike out "Street, $4,600" and insert "Street to Twenty-fourth Street, $11,000," so as to read:

Northwest: Bancroft Place, east of Twenty-third Street to Twenty-fourth Street, $11,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 14, to strike out:

Northwest: Iris Street, from Thirteenth Street to Sixteenth Street, $20,900.

The amendment was agreed to.

The next amendment was, on page 29, line 17, after the word "from," to strike out "Seventh to Thirteenth" and insert "Massachusetts Avenue to Thirteenth Street," and in line 20, after the word "mains," to strike out "$103,000" and insert "$133,000, and the commissioners are authorized to enter into contract or contracts for this work at a cost not to exceed $191,400," so as to read:

Northwest: For widening to 56 feet and repaving the roadway of H Street from Massachusetts Avenue to Thirteenth Street, including necessary replacement and relocation of sewers and water mains, $133,000, and the commissioners are authorized to enter into contract or contracts for this work at a cost not to exceed $191,400: *Provided*, That in widening and repaving this roadway, 40 per cent of the entire cost thereof shall be assessed against and collected from the owners of the abutting property in the manner provided in the act approved July 1, 1914 (38 Stat. 524), as amended by section 8 of the act approved September 1, 1916 (39 Stat. 716). The owners of abutting property also shall be required to modify, at their own expense, the roofs of any vaults that may be under the sidewalk or parking on said street if it be found necessary to change such vaults to permit of the roadway being widened.

The amendment was agreed to.

The next amendment was, on page 30, at the end of line 23, to strike out "$300,000" and insert "$500,000," so as to read:

For the surfacing and resurfacing or replacement of asphalt, granite block, or concrete pavements with the same or other approved material, $500,000.

The amendment was agreed to.

The next amendment was, on page 30, line 24, after the words "in all," to strike out "$1,978,400" and insert "$2,060,300," so as to read:

In all, $2,060,300; to be disbursed and accounted for as "Gasoline tax, road and street improvements," and for that purpose shall constitute one fund and be available immediately.

The amendment was agreed to.

The next amendment was, under the subhead "Street repair, grading, and extension," on page 32, line 7, after the word "work," to insert "and the rental of necessary garage space therefor" and a semicolon, so as to read:

Repairs: For current work of repairs to streets, avenues, roads, alleys, including purchase, exchange, maintenance, and operation of nonpassenger-carrying motor vehicles used in this work, and the rental of necessary garage space therefor; and including the surfacing and resurfacing, or replacement, with the same or other approved materials, of such asphalt or concrete pavements as may be done within the funds available under this appropriation, $1,175,000.

The amendment was agreed to.

The next amendment was under the subhead "Bridges," in the item for a Connecticut Avenue bridge over Klingle Valley, on page 34, line 16, after the word "thereto," to strike out the colon and the following additional proviso:

Provided further, That any street railway company using said bridge for its tracks shall, prior to such use, pay to the collector of taxes of the District of Columbia for deposit to the credit of the District of Columbia a sum equal to one-fourth of the cost of said bridge.

The amendment was agreed to.

The next amendment was, on page 34, after line 20, to strike out:

For the reconstruction of a viaduct or bridge and approaches thereto to replace the existing viaduct in the line of Monroe Street NE., over the tracks and right of way of the Baltimore & Ohio Railroad Co., in accordance with plans and profile of said work to be approved by the Commissioners of the District of Columbia, including purchase or condemnation, under chapter 15 of the Code of Law for the District of Columbia, as amended (45 Stat. 1437), of necessary land, construction of and changes in sewers and water mains, personal services, and engineering and incidental expenses, $135,000: *Provided*, That one-half of the total cost of constructing the said viaduct or bridge and approaches shall be borne and paid by the said railroad company, its successors and assigns, to the collector of taxes of the District of Columbia, to the credit of the District of Columbia, and the same shall be a valid and subsisting lien against the franchises and property of the said railroad company and shall constitute a legal indebtedness of said company in favor of the District of Columbia, and the said lien may be enforced in the name of the District of Columbia by a bill in equity brought by the said commissioners in the Supreme Court of the District of Columbia, or by any other lawful proceeding against the said railroad company: *Provided further*, That no street railway company shall use the viaduct or bridge or any approaches therto herein authorized for its tracks until the said company shall have paid to the collector of taxes of the District of Columbia a sum equal to one-fourth of the cost of said viaduct or bridge and approaches, which sum shall be paid to the collector of taxes of the District of Columbia for deposit to the credit of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Sewers," on page 38, after line 5, to insert:

For the control and prevention of the spread of mosquitoes in the District of Columbia, including personal services, purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles, purchase of oil, and other necessary expenses, $60,000, to be immediately available: *Provided*, That of the amount herein appropriated there may be transferred for direct expenditure not to exceed $16,500 to the Director of Public Buildings and Public Parks of the National Capital and, in the interest of coordinating the work of mosquito control in the District of Columbia, not to exceed $7,500 to the Public Health Service of the

Treasury Department, the amounts so transferred to be available for the objects herein specified.

Mr. NORRIS. Mr. President, I should like to have some information about the amendment on page 38 which has just been stated. It seems that it provides—

For the control and prevention of the spread of mosquitoes in the District of Columbia, including personal services, purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles.

I am wondering if it is necessary, in order to prevent the spread of mosquitoes, to buy passenger-carrying vehicles, and whether it is the object of this amendment to put on a show and invite people to ride in publicly owned passenger vehicles.

Mr. McKELLAR. Mr. President, perhaps it is proposed to take the mosquitoes out of the city in the passenger cars it is proposed to purchase.

Mr. NORRIS. If that should be done, it would render the District liable for damages to the State of Maryland or Virginia, whichever State the mosquitoes were taken into, if the mosquitoes were allowed to escape. It seems to me, at any rate, that we ought to have an explanation of the amendment.

Mr. BINGHAM. Mr. President, I do not wonder that my friend from Nebraska is worried about the necessity of passenger-carrying vehicles in connection with the control of mosquitoes; but it appears from the report made by the public health officer that there are some 9,000 manholes in the streets which must be visited and treated with oil at intervals in order to prevent the mosquitoes from securing very desirable breeding places. Passenger-carrying vehicles are necessary in order that the inspectors and other employees engaged in the service may not have to walk around from one to another of these 9,000 breeding places.

Mr. NORRIS. If the mosquitoes are found in the sewers and it is desired to put in mosquito poison through the manholes, why could not the situation be controlled by keeping the manholes covered so that the mosquitoes could not get out?

Mr. BINGHAM. Unfortunately, mosquitoes do not need a very large hole in order to get out, I will say to the Senator.

Mr. NORRIS. Then screens could be put below the tops of the manholes so that mosquitoes will not be able to crawl through but would be kept in.

Mr. BINGHAM. I think that would be an excellent idea, if the Senator could assure us that there would be no flood sufficient to require the rapid disposal of the water from the surface of the streets. However, if screens which would keep the mosquitoes out were provided they would also prevent the rapid draining of the surface water from the streets.

Mr. NORRIS. The Senator says that from the manholes the mosquitoes escape from the sewers and bite the people. The surface water does not run in a manhole. As I understand a manhole is an opening, with a heavy cover on it, for the purpose of letting men go down into the sewer when occasion requires. If the manholes are not tight enough and they can not be tightened so that the mosquitoes can not get out, why not put screens underneath the covers of the manhole, and save this money?

Mr. BINGHAM. I think the Senator's suggestion is an admirable one, and I shall bring it to the attention of the Commissioners of the District of Columbia.

Mr. NORRIS. If the Senator is of that opinion, he ought to ask that this amendment be rejected, or at least should have it amended so as to provide for the purchase of screens instead of automobiles.

Mr. BINGHAM. But, Mr. President, the Senator will realize, although I did not use the proper term, that there are of necessity many thousands of openings from the streets to permit the surface water to run off rapidly, and it is necessary that inspectors should visit those drainage places.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Virginia?

Mr. GLASS. Mr. President, I want the floor in my own time.

Mr. BINGHAM. I yield the floor.

Mr. GLASS. Mr. President, it seems to me, in view of the President's repeated admonitions to Congress against improvident appropriations, that this is the most indefensible item that has ever been presented to the Senate on an appropriation bill. The item was literally laughed out of the House committee when it was presented there during the consideration of the first deficiency appropriation bill, and well it might have been from the testimony adduced.

The chairman of the Appropriations Committee of the other branch of Congress said:

Somebody who knows something about the mosquito situation should explain it to us. We should not appropriate $65,000 for the eradication of a few odd mosquitoes.

That suggestion initiated the controversy. Then somebody who thought he knew something about mosquitoes appeared before the committee to justify the proposed appropriation.

Mr. SIMMONS, of the House committee, asked Doctor Fowler, the health officer of the District of Columbia:

What health situation requires this action? Is this a matter of safeguarding the public health or safeguarding baldheaded people who want to sit on front porches?

Doctor FOWLER—

I invite the Senate to listen to this statement—

Doctor FOWLER—

That is the health officer—

I am frank to say, as the health officer, that we have had comparatively few complaints about mosquitoes. I want to add that I know of no condition in the District of Columbia whereby there has been any increase in sickness by reason of the presence of mosquitoes.

I want to add my own personal testimony to that of the health officer to the effect that for 20 years, less 2 years when I was at the Treasury, I resided at a hotel down town that practically fronts on the Mall. I have never heard, I have never seen, I have never been bitten by a mosquito.

The PRESIDING OFFICER. The Senator will suspend. Pursuant to the unanimous-consent agreement, the Senate will stand in recess——

Mr. NORRIS. Mr. President, was that a unanimous-consent agreement?

The PRESIDING OFFICER. The Chair is so informed.

Mr. NORRIS. I did not so understand it, and I think the Senator from Virginia does not so understand it.

Mr. GLASS. No; I did not so understand it.

Mr. McNARY. The agreement was made at the request of the Senator from Wisconsin [Mr. BLAINE] when a quorum was not developed after a second roll call.

Mr. NORRIS. The Senator from Wisconsin, who is now absent, consulted me in regard to the matter, because there was another amendment later on that I wanted to discuss at some length; and I told him that I would not be ready to do it to-day, but I would to-morrow.

I think I am perfectly justified in saying that the Senator from Wisconsin will have no objection if we make another unanimous-consent agreement now and cancel the agreement about recess, because the Senator from Virginia has told me that he is not going to be able to be here to-morrow; and he now has the floor and has just started his remarks on this amendment.

Mr. GLASS. If the Senate will just vote this miserable $65,000 item out of the bill, I will not say another word; but it has no business here—not a bit in the world.

The PRESIDING OFFICER. The Chair is informed at the desk that the unanimous-consent agreement was made to recess at 4.30.

Mr. GLASS. Very well; I will stay over and attend to the mosquitoes to-morrow.

RECESS

The PRESIDING OFFICER. Pursuant to the unanimous-consent agreement, the Senate stands in recess until 12 o'clock to-morrow.

Thereupon (at 4 o'clock and 31 minutes p. m.), the Senate, under the unanimous-consent agreement heretofore made, took a recess until to-morrow, Friday, May 9, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 8, 1930

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Edward F. Feely, of the District of Columbia, to be envoy extraordinary and minister plenipotentiary of the United States of America to Bolivia.

SECRETARY IN THE DIPLOMATIC SERVICE

John Farr Simmons, of New York, now a Foreign Service officer of class 4 and a consul, to be also a secretary in the Diplomatic Service of the United States of America.

UNITED STATES ATTORNEY

Harry H. Atkinson, of Nevada, to be United States attorney, district of Nevada. He is now serving in this office under an appointment which expired April 20, 1930.

UNITED STATES MARSHAL

Frederick C. Schneider, of New Jersey, to be United States marshal, district of New Jersey. (He is now serving in this office under an appointment which expired December 14, 1929.)

PROMOTIONS IN THE NAVY

Rear Admiral Frank B. Upham, United States Navy, to be Chief of the Bureau of Navigation, in the Department of the Navy, with the rank of rear admiral, for a term of four years, from the 22d day of May, 1930.

The following-named midshipmen to be ensigns in the Navy, from the 5th day of June, 1930:

Carlton R. Adams.
Scarritt Adams.
James A. Adkins.
Jack Agnew.
John W. Ailes, 3d.
Stanley M. Alexander.
Burrell C. Allen, jr.
William Y. Allen, jr.
Charles H. Andrews.
John H. Armstrong, jr.
Shryock M. Arwine.
Griswold T. Atkins.
John B. Azer.
Harry P. Badger.
Francis E. Bardwell.
Arthur J. Barrett, jr.
Rudolph C. Bauer.
John K. Bisson.
Paul P. Blackburn, jr.
Boyd E. Blanchard.
Everett M. Block.
John B. Bowen, jr.
Alston M. Boyd, jr.
Lee DeV. Boyle.
Parke H. Brady.
John L. Breault, jr.
Harmon V. Briner.
Richard R. Briner.
John M. Bristol.
George K. Brodie.
Douglas B. Brokenshire.
Charles B. Brook.
Oscar M. Browne, jr.
Edward Brumby.
Harvey P. Burden.
John G. Burgess.
William A. Burgett.
Martin C. Burns.
William C. Butler, jr.
George N. Butterfield.
Norwood A. Campbell.
Edward S. Carmick.
Gilbert C. Carpenter.
Francis M. Carter.
Richard S. Cass.
George B. Chafee.
George M. Chambers.
Wreford G. Chapple.
Carlos M. Charneco.
Baylies V. Clark.
Henry G. Clark.
James S. Clarkson.
Joseph C. Clifton.
Leonidas D. Coates, jr.
Robert F. Coates.
James W. Coe.
Doyle M. Coffee.
Edward E. Colestock.
Richard J. H. Conn.
Ray R. Conner.
George Cook.
John Corbus.
Howard G. Corey.
John R. Craig.
Robert R. Craighill.
Kyran E. Curley.
Dana B. Cushing.
Ruel S. Daily.
James M. Daly.
James W. Davis.
Samuel D. Dealey.
Jefferson R. Dennis.
Paul L. de Vos.
John B. Dimmick.
Harry B. Dodge.
Joseph E. Dodson.
Marshall E. Dornin.
Jack S. Dorsey.
Albert P. Douglass.
Volckert P. Douw.
William T. Doyle, jr.
William McC. Drane.
Elmer J. Dunn.
Harold E. Duryea.
Charles E. Earl.
Otis J. Earle.
Walter G. Ebert.
Ian C. Eddy.
John E. Edwards.
William E. Ellis.
Christian L. Engleman.
Harry W. Englund.
William C. Ennis.
Lot Ensey.
Robert J. Esslinger.
William S. Estabrook, jr.
Philip C. Evans.
Milton D. Fairchild.
William H. Farmer.
Harold K. Feiock.
John F. Flynn.
George W. Foott, jr.
James F. Forster.
Robert B. Foster.
Walter M. Foster.
Bernhart A. Fuetsch.
George E. Garcia.
Victor S. Gaulin.
William E. Gentner, jr.
Kenneth McL. Gentry.
Robert W. Germany, jr.
Charles R. Gilliam.
Donald W. Gladney, jr.
Marvin H. Gluntz.
John B. Gragg.
James D. L. Grant.
Elonzo B. Grantham, jr.
Royce L. Gross.
Alfred E. Grove.
William W. Gubbins.
Elvin Hahn.
John R. Haile.
Nathan S. Haines.
Thomas B. Haley.
Clifton G. Hall.
Mervin Halstead.
Paul W. Hanlin.
Henry O. Hansen.
Burton S. Hanson, jr.
William L. Harmon.
Ned Harrell.
David A. Harris.
Charles D. Hart.
Robert C. Haven.
David D. Hawkins.
Charles H. Hayes.
Hugh C. Haynsworth, jr.
John T. Hayward.
James H. Hean.
George L. Heap.
Paul F. Heerbrandt.
Harold M. Heiser.
Harold M. Heming.
Charles R. Herms.
Alexander S. Heyward, jr.
Frank E. Highley, jr.
Robert E. Hill.
Frederick V. H. Hilles.
Cyrus G. Hilton.
Joseph A. E. Hindman.
Wellington T. Hines.
George M. Holley, jr.
Ephraim P. Holmes.
Peter H. Horn.
Herschel A. House.
James H. Howard.
John G. Howell.
Charles C. Howerton.
Horace S. Hubbard.
Claud W. Hughes.
John Hulme.
Richard C. D. Hunt, jr.
Thomas B. Hutchins, 3d.
Andrew McB. Jackson, jr.
Walter T. Jenkins.
Robert F. Jennings.
Frank L. Johnson.
Raymond W. Johnson.
Lafayette J. Jones.
William C. Kaiser.
Edwin G. Kelly.
Durand Kiefer.
John O. Kinert.
William H. Kirvan.
Denys W. Knoll.
Lyle L. Koepke.
Albert P. Kohlhas, jr.
Albert Konigsberg.
George F. Kosco.
Donald F. Krick.
James E. Kyes.
Peter R. Lackner.
Frederick W. Laing.
James G. Lang.
Herman N. Larson.
Rowland C. Lawver.
John E. Lee.
John M. Lewis.
Nicholas A. Lidstone.
Horatio A. Lincoln.
Edward N. Little.
Veldon O. Long.
Charles W. Lord.
Vernon L. Lowrance.
William W. Lowrey.
Frederic C. Lucas, jr.
Nicholas Lucker, jr.
Frank P. Luongo, jr.
Oliver DeM. T. Lynch.
Edgar J. MacGregor, 3d.
Hugh T. MacKay.
Ray E. Malpass.
Herbert H. Marable.
George E. Marix.
Edmund S. L. Marshall.
Thomas W. Marshall, jr.
Charles B. Martell.
Lance E. Massey.
Kleber S. Masterson.
Laurance O. Mathews, jr.
Charles T. Mauro, jr.
Leo G. May.
Raymond L. Mayo.
Warren H. McClain.
Charles E. McCombs.
George T. McCready, jr.
Montgomery L. McCullough, jr.
Richard D. McGlathery.
Louis D. McGregor, jr.
John R. McKnight, jr.
Bowen F. McLeod.
Ira E. McMillian.
Kenneth S. McPherson.
Albert S. Miller.
Frank B. Miller.
Theodore T. Miller.
William A. Moffett, jr.
Robert L. Moore, jr.
William B. Moore.
John A. Moreno.
Dudley W. Morton.
Elias B. Mott, 2d.
William T. Nelson.
Byron B. Newell.
Roscoe L. Newman.
James H. Newsome.
Roy A. Newton.
Joshua J. Nix.
Richard M. Nixon.
Kelvin L. Nutting.
Emmet O'Beirne.
Davis W. Olney.
Charles H. Ostrom.
George R. Over.
Arthur E. Owen.
George G. Palmer.
Robert M. Patten.
Robert E. Perkins.
Mell A. Peterson.
Walter B. Phillips.
Herman A. Pieczentkowski.
William S. Post, jr.
Nicholas J. Pusel.
Lynne C. Quiggle.
Samuel M. Randall.
Samuel A. Randolph.
Frederick M. Reeder.
Walter A. Reinhard.
Edward C. Renfro.
Everett O. Rigsbee, jr.
Josephus A. Robbins.
Frank L. Robinson.
Allan B. Roby.
James W. Rodgers.
Charles H. A. Rohr.
Robert A. Rosasco.
Russell R. Ross.
Joseph A. Ruddy, jr.
Lawrence E. Ruff.
Royal L. Rutter.
Jack S. Salisbury.
Henry G. Sanchez.
Eddie R. Sanders.
William H. Sanders, jr.
Eugene T. Sands.
Donald J. Sass.
Gifford Scull.
George C. Seay.
John J. Shaffer, 3d.
Raymond N. Sharp.
Manley H. Simons, jr.
John E. Sisson.
Frank T. Sloat.
Harry Smith.
Philip T. Smith, jr.
William O. Snead, jr.
Hiram W. Spence.
Richard T. Spofford.
Arthur F. Spring.
Clyde B. Stevens, jr.
James E. Stevens.
Harry C. Stevenson.
Francis S. Stich.
Robert J. Stroh.
Walter W. Strohbehn.
Robert T. Sutherland, jr.
Robert D. Sutton.
Bryan F. Swan.
John F. Tatom.
Robert H. Taylor.
James L. Thibault.
William C. Thomas.
Thomas J. Thornhill, jr.
William G. Tisdale, jr.
Bruce E. S. Trippensee.
Robert S. Trower, 3d.
Thaddeus J. Van Metre.
Harry J. Verhoye.
Mack E. Vorhees.
James O. Vosseller.
Alexander S. C. Wadsworth.
Edwin O. Wagner.
Ellis K. Wakefield.
Wilfred A. Walter.
Thomas S. Webb.
Samuel P. Weller, jr.
William F. Wesanen.
Charles L. Westhofen.
Harold P. Westropp.
David L. Whelchel.

Joe McA. Whitaker.	Thomas L. Wogan.
Oliver E. White.	Royal A. Wolverton.
Edson H. Whitehurst.	William T. Woodard.
James D. Whitfield, jr.	James A. Woodruff, jr.
William W. Wilbourne.	Thomas K. Wright.
Macpherson B. Williams.	Henry S. Wygant, jr.
Francis E. Wilson.	William N. Wylie.
Frank I. Winant, jr.	Joseph B. H. Young.
Walter C. Wingard, jr.	

The following-named midshipmen to be assistant paymasters in the Navy, with the rank of ensign, from the 5th day of June, 1930:

Aubrey J. Bourgeois.	Edward P. Dorner.
Laurence Cardwell.	Walter F. Prien.

MARINE CORPS

Maj. Andrew B. Drum to be a lieutenant colonel in the Marine Corps from the 1st day of March, 1930.

First Lieut. William J. Mosher to be a captain in the Marine Corps from the 2d day of April, 1930.

Second Lieut. Walter I. Jordan to be a first lieutenant in the Marine Corps from the 10th day of April, 1930.

Second Lieut. Arthur W. Ellis to be a first lieutenant in the Marine Corps from the 19th day of April, 1930.

Second Lieut. Edwin C. Ferguson to be a first lieutenant in the Marine Corps from the 30th day of April, 1930.

The following-named midshipmen to be second lieutenants in the Marine Corps from the 5th day of June, 1930:

Paul Moret.	Frank M. Reinecke.
Thomas B. Hughes.	Stewart Boyle.
William B. McKean.	Paul W. Russell.
Glen G. Herndon.	Ronald D. Salmon.
Fred D. Beans.	John M. Davis.
Francis H. Williams.	Russell Lloyd.
Harold W. Bauer.	Edward A. Montgomery.
James T. Wilbur.	Edgar O. Price.
Ernest W. Fry, jr.	Lawrence C. Brunton.
William B. Steiner.	Samuel S. Yeaton.
Frank G. Wagner, jr.	Donald McP. Weller.
Wallace M. Greene.	Walfried H. Fromhold.
Alvin W. Neal.	

HOUSE OF REPRESENTATIVES

THURSDAY, *May 8, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Deliver us, blessed Lord, from the bondage of fear and from undue devotion to self. In all the ways of life—through anxiety, through perplexity, through loss, and through gain—may we be led by Him who is the way, the truth, the life. Give us faith of the future and hope that shall triumph over all. The mountains are Thine, the sky, the sun, the moon, and the stars; but it is Thine heart that hath made us. May we realize in our own earthly spheres the divinity of that love and use its power among men. Through Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 389. An act for the relief of Kenneth M. Orr;

H. R. 707. An act to authorize an appropriation for construction at Fort McKinley, Portland, Me.;

H. R. 973. An act to remove the age limit of persons who may be confined at the United States Industrial Reformatory at Chillicothe, Ohio;

H. R. 1301. An act for the relief of Julius Victor Keller;

H. R. 1444. An act for the relief of Marmaduke H. Floyd;

H. R. 2161. An act to convey to the city of Waltham, Mass., certain Government land for street purposes;

H. R. 3527. An act to authorize credit in the disbursing accounts of certain officers of the Army of the United States for the settlement of individual claims approved by the War Department;

H. R. 4198. An act to authorize the exchange of certain lands adjoining the Catoosa Springs (Ga.) Target Range;

H. R. 5283. An act to declare valid the title to certain Indian lands;

H. R. 5726. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the city of Salem, Mass., and to the Salem Marine Society, of Salem, Mass., the silver-service set and bronze clock, respectively, which have been in use on the cruiser Salem;

H. R. 6338. An act authorizing the erection of a sanitary fireproof hospital at the National Home for Disabled Volunteer Soldiers at Togus, Me.;

H. R. 6645. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Lions Club, of Shelbyville, Tenn., a bell of any naval vessel that is now, or may be, in his custody; and to the president of the Rotary Club, of Shelbyville, Tenn., a steering wheel of any naval vessel that is now, or may be, in his custody;

H. R. 7395. An act to extend to Government postal cards the provision for defacing the stamps on Government-stamped envelopes by mailers;

H. R. 7410. An act to establish a hospital for defective delinquents;

H. R. 7413. An act to amend an act providing for the parole of United States prisoners, approved June 25, 1910, as amended;

H. R. 8052. An act authorizing the heirs of Elijah D. Myers to purchase land in section 7, township 28 south, range 11 west, Willamette meridian, county of Coos, State of Oregon;

H. R. 8368. An act providing for a study regarding the construction of a highway to connect the northwestern part of the United States with British Columbia, Yukon Territory, and Alaska in cooperation with the Dominion of Canada;

H. R. 8650. An act to authorize the Postmaster General to charge for services rendered in disposing of undelivered mail in those cases where it is considered proper for the Postal Service to dispose of such mail by sale or to dispose of collect-on-delivery mail without collection of the collect-on-delivery charges or for a greater or less amount than stated when mailed;

H. R. 8713. An act granting land in Wrangell, Alaska, to the town of Wrangell, Alaska;

H. R. 8763. An act to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Apostle Islands National Park in the State of Wisconsin, and for other purposes;

H. R. 8805—An act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field;

H. R. 8973. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Charleston Museum, of Charleston, S. C., the ship's bell, plaque, war record, and silver service of the cruiser *Charleston* that is now or may be in his custody;

H. R. 9235. An act to authorize the Public Health Service to provide medical service in the Federal prisons;

H. R. 9434. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at or near Arlington, Oreg.;

H. R. 10258. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cannelton, Ind.;

H. R. 10474. An act granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the White River at or near Sylamore, Ark.;

H. R. 10581. An act to provide for the addition of certain lands to the Yosemite National Park, Calif., and for other purposes;

H. R. 10674. An act authorizing payment of six months' death gratuity to beneficiaries of transferred members of the Fleet Naval Reserve and Fleet Marine Corps Reserve who die while on active duty;

H. R. 11046. An act to legalize a bridge across the Hudson River at Stillwater, N. Y.;

H. J. Res. 188. Joint resolution authorizing the use of tribal funds belonging to the Yankton Sioux Tribe of Indians in South Dakota to pay expenses and compensation of the members of the tribal business committee for services in connection with their pipestone claim; and

H. J. Res. 244. Joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Okla., to be held October 4 to 11, 1930, inclusive.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 668. An act for the relief of A. J. Morgan;

H. R. 3975. An act to amend sections 726 and 727 of title 18, United States Code, with reference to Federal probation officers, and to add a new section thereto;

H. R. 7768. An act to provide for the sale of the old post-office and courthouse building and site at Syracuse, N. Y.;

H. R. 8299. An act authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor;

H. R. 8562. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.; and

H. J. Res. 181. Joint resolution to amend a joint resolution entitled "Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry," approved February 14, 1920, as amended January 21, 1922, and as extended December 28, 1922.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 135. An act to provide for the payment for benefits received by the Paiute Indian Reservation lands within the Newlands irrigation project, Nevada, and for other purposes;

S. 196. An act to provide for uniform administration of the national parks by the United States Department of the Interior, and for other purposes;

S. 226. An act authorizing the issuing of certificates of arrival to persons born in the United States who are now aliens;

S. 969. An act for the relief of Edna B. Erskine;

S. 1072. An act for the relief of Gabriel Roth;

S. 1378. An act for the relief of Juan Anorbe, Charles C. J. Wirz, Rudolph Ponevacs, Frank Guelfi, Steadman Martin, Athanasios Metaxiotis, and Olaf Nelson;

S. 1571. An act for the relief of William K. Kennedy;

S. 1644. An act authorizing the county of Vanderburgh, Ind., to construct, maintain, and operate a toll bridge across the Ohio River at or near Evansville, Ind.;

S. 1683. An act for the relief of John Heffron;

S. 1721. An act directing the retirement of acting assistant surgeons of the United States Navy at the age of 64 years;

S. 1851. An act for the relief of S. Vaughan Furniture Co., Florence, S. C.;

S. 2187. An act for the relief of S. Dwight Hunt;

S. 2498. An act to promote the better protection and the highest public use of lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, and for other purposes;

S. 2567. An act granting travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine insurrection who were discharged in the Philippines;

S. 2721. An act to provide for the advancement on the retired list of the Navy of Frederick L. Caudle;

S. 2774. An act for the relief of Nick Rizou Theodore;

S. 2811. An act for the relief of Oscar R. Hahnel;

S. 2834. An act to establish a hydrographic office at Honolulu, Territory of Hawaii;

S. 2892. An act for the relief of Helen F. Griffin and Ada W. Allen;

S. 2896. An act granting the consent of Congress to the State of Oregon and the Stock Slough Drainage District to construct, maintain, and operate a dam and dike to prevent the flow of tidal waters into Stock Slough, Coos Bay, Coos County, Oreg.;

S. 2897. An act granting the consent of Congress to the State of Oregon and the Beaver Slough Drainage District to construct, maintain, and operate a dam and dike to prevent the flow of tidal waters into Beaver Slough, Coquille River, Coos County, Oreg.;

S. 2898. An act granting the consent of Congress to the State of Oregon and the Larson Slough Drainage District to construct, maintain, and cooperate a dam and dike to prevent the flow of tidal waters into Larson Slough, Coos Bay, Coos County, Oreg.;

S. 3044. An act to amend section 39 of title 39 of the United States Code;

S. 3272. An act to authorize the dispatch from the mailing post office of metered permit matter of the first class prepaid at least 2 cents but not fully prepaid, and to authorize the acceptance of third-class matter without stamps affixed in such quantities as may be prescribed;

S. 3273. An act to authorize the Postmaster General to issue additional receipts or certificates of mailing to senders of any class of mail matter and to fix the fees chargeable therefor;

S. 3277. An act to provide against the withholding of pay when employees are removed for breach of contract to render faithful service;

S. 3298. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Evansville, Ind.;

S. 3407. An act for the relief of Judson Stokes;

S. 3466. An act to legalize the water pipe line constructed by the Searcy Water Co. under the Little Red River near the town of Searcy, Ark.;

S. 3470. An act to define fruit jams, fruit preserves, fruit jellies, and apple butter, to provide standards therefor, and to amend the food and drugs act of June 30, 1906, as amended;

S. 3553. An act for the relief of R. A. Ogee, sr.;

S. 3555. An act authorizing the purchase, establishment, and maintenance of an experimental farm or orchard in Mobile County, State of Alabama, and authorizing an appropriation therefor;

S. 3586. An act for the relief of George Campbell Armstrong;

S. 3866. An act for the relief of Joseph N. Marin;

S. 3868. An act granting the consent of Congress to the Lamar Lumber Co. to construct, maintain, and operate a railroad bridge across the West Pearl River at or near Talisheek, La.;

S. 3873. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo.;

S. 3950. An act authorizing the establishment of a migratory bird refuge in the Cheyenne Bottoms, Barton County, Kans.,

S. 3965. An act to authorize the Secretary of War to grant an easement to the Wabash Railway Co. over the St. Charles Rifle Range, St. Louis County, Mo.;

S. 4057. An act authorizing the Secretary of the Interior to extend the time for cutting and removing timber upon certain revested and reconveyed lands in the State of Oregon;

S. 4098. An act to provide funds for cooperation with the school board at Browning, Mont., in the extension of the high-school building to be available to Indian children of the Blackfeet Indian Reservation;

S. 4140. An act providing for the sale of the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, and for other purposes;

S. 4157. An act to extend the times for commencing and completing a bridge across the Tennessee River at or near Chattanooga, Hamilton County, Tenn.;

S. 4173. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Carrollton, Ky.;

S. 4174. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Dandridge-Newport Road, in Jefferson County, Tenn.;

S. 4203. An act to amend the act approved February 12, 1929, authorizing the payment of interest on certain funds held in trust by the United States for Indian tribes;

S. 4227. An act to authorize the Board of Education of the District of Columbia to make certain provisions for the relief of congestion in the public schools of the District of Columbia;

S. 4244. An act authorizing the continuance of William Tindall in the service of the government of the District of Columbia;

S. 4269. An act authorizing the Commonwealth of Kentucky, by and through the State Highway Commission of Kentucky or the successors of said commission, to acquire, construct, maintain, and operate bridges within Kentucky and/or across boundary-line streams of Kentucky; and

S. J. Res. 58. Joint resolution creating a commission to study proposals for a national system of express motorways and for other purposes.

THE TARIFF

Mr. HAWLEY. Mr. Speaker, I offer the following resolution and ask unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] offers a resolution, which the Clerk will report.

The Clerk read the resolution, as follows:

House Resolution 218

Resolved, That the House further insists on its disagreement to the amendments of the Senate to the bill H. R. 2667, numbered 364, 371, 885, 893, 903, 904, 1004, 1006, 1091, 1093, 1095, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1138, 1139, 1140, 1141, and 1151 relating to matters of substance; and amendments numbered 40, 41, 42, 43, 48, 49, 65, 66, 67, 374, 375, 377, 379, 380, 381, 383, 385, 386, 387, 895, 896, 897, 898, 899, 901, 902, 905, 906, 907, 908, 909, 910, 911, 913, 914, 915, 916, 917, 919, 920, 921, 922, 923, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 940, 942, 945, 946, 947, 948, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 987, 989, 992, 993, 995, 997, 999, 1002, 1003, 1008, 1009, 1010, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1031, 1032, 1033, 1034, 1036, 1037, 1038, 1039, 1040, 1041, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1055, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1066, 1067, 1068, 1070, 1071, 1072, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1085, 1086, 1087, 1089,

1090, 1094, 1096, 1098, 1099, 1102, 1103, 1104, 1105, 1109, 1111, 1112, 1156, 1157, 1171, and 1179 of a clerical nature, and agrees to the further conference with the Senate on the disagreeing votes of the two Houses thereon.

The SPEAKER. Is there objection?

Mr. RAMSEYER. Mr. Speaker, reserving the right to object——

Mr. CRAMTON. Mr. Speaker, I reserve the right to make a point of order.

Mr. RAMSEYER. Mr. Speaker, I want to know whether this resolution in any way negatives the action taken by the House on last Thursday, Friday, and Saturday?

Mr. HAWLEY. Not at all. It simply agrees to the request for a conference asked on the items that have not yet been settled between the two Houses.

Mr. RAMSEYER. The resolution reads: "*Resolved*, That the House further insist on its disagreement to the amendments of the Senate to the bill (H. R. 2667)," and then it numbers the amendments on which the House acted on last Thursday, Friday, and Saturday.

Mr. HAWLEY. The list of amendment contained in the resolution is a list of the amendments that the Senate sent back to us yesterday.

Mr. RAMSEYER. The action taken by the House on last Thursday, Friday, and Saturday, of course, will be considered as the last expression of the House?

Mr. HAWLEY. Certainly.

Mr. RAMSEYER. And it is the expression given on last Thursday, Friday, and Saturday that will govern the conferees representing the House in the conference?

Mr. HAWLEY. Yes.

Mr. TILSON. And where the action of the House was identical with the action of the Senate, such matter will not be in conference.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. The chairman of the committee [Mr. HAWLEY] asks unanimous consent for the immediate consideration of the resolution. I have no objection, but my parliamentary inquiry is, Is not the resolution now privileged?

The bill has been in conference. The conferees have reported a disagreement and the conferees are discharged. The rule requiring first consideration of Senate amendments by the Ways and Means Committee and by the House having performed its purpose, and the bill being in disagreement between the two Houses, and the object now being to get the two Houses together, is not this a privileged resolution?

The SPEAKER. The Chair does not think it is a privileged resolution. It undertakes to agree to a conference and to appoint conferees to consider some questions in dispute, entirely outside of the partial report that was made by the conferees, as the Chair understands. The Chair thinks it amounts to undertaking a conference de novo, which would require unanimous consent.

Mr. CRISP. I agree thoroughly with the Speaker, but my understanding of the rule is that, where there has been one conference and a disagreement and a partial report made, the disagreement still existing, it would be privileged to call it up and dispose of it, with a view of getting the minds of the two Houses together. I have no objection to the unanimous-consent request, but I was seeking the ruling of the Speaker as to whether it is privileged.

The SPEAKER. The Chair would hold that this is not a privileged matter. It undertakes to consider a certain definite group of amendments naming them. The Chair thinks that would not be a matter of privilege.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. This is an entirely new conference?

The SPEAKER. New conferees will have to be appointed.

Mr. GARNER. And the only things which those conferees are authorized to consider are the amendments that are contained in this resolution?

The SPEAKER. Absolutely.

Mr. GARNER. The conferees will have no jurisdiction whatever over the controversial items that have been agreed to and confirmed by the House last week?

The SPEAKER. None whatever.

Mr. GARNER. And if this conference should undertake to deal with those provisions of the tariff bill where the minds of the conferees have met and a meeting of minds has been reported, a point of order could be made against that and the point of order would be good?

The SPEAKER. Without question, that is true. The conferees have no power to go into any other matters.

Mr. GARNER. Now, reserving the right to object, let me ask the gentleman from Oregon [Mr. HAWLEY] a question along the line of the question asked by the gentleman from Iowa [Mr. RAMSEYER]. If I understand this resolution, in substance it is that the House further insists upon its position and agrees to the conference asked by the Senate, on these particular amendments?

Mr. HAWLEY. On the amendments named in the resolution, yes.

Mr. GARNER. Those amendments named in the resolution. Now what is the position of the House with reference to sugar, for instance?

Mr. HAWLEY. It is out of the picture.

Mr. GARNER. No; your resolution does not take it out of the picture.

Mr. CRAMTON. It is out of the picture.

Mr. GARNER. No. This resolution still deals with that amendment.

Mr. HAWLEY. The conferees could not consider it now.

Mr. GARNER. Are shingles on the list?

Mr. HAWLEY. No.

Mr. GARNER. None of those amendments, on which the House has concurred in the action of the Senate, is on the list?

Mr. HAWLEY. None is on the list.

Mr. GARNER. Then I am in error about it. I have no objection, Mr. Speaker.

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, to my mind this is the most amazing parliamentary maneuver that I have ever seen in the time I have been in Congress.

The Speaker has ruled that we are now arranging a new conference. The personnel of the conference may be the same as the personnel of the former conference, but it is a different conference, has a different jurisdiction, and its jurisdiction is limited to the very few amendments enumerated.

Now, it is within the knowledge of the House that the former conference agreed upon some 1,200 amendments; that their report was made to the two bodies; that the House adopted the report of the conference as to those 1,200 amendments, but there is nothing in the message from the Senate to indicate that the Senate has adopted the report of that conference. I think we may be pardoned for stating that we all know the Senate has not adopted the report of the former conference. Accordingly there is one conference report floating around here adopted by the House but not yet agreed to by the Senate. I do not believe there is anyone on this floor who has ever before seen the House act with reference to a few amendments in disagreement until the other body had either accepted or rejected the report of the former conference. If the Senate had rejected the report of the former conference then the action of the House in accepting it would have been nullified and those 1,200 amendments would again be open to amendment by a conference, including the long-staple cotton of the South as well as everything else where the Senate amendments had not been agreed to by a vote of the House as, I regret to say, was the case in regard to sugar.

If the Senate had rejected that report, then those questions would have been opened up, and I presume there are Members of the House who would have liked a chance to vote on the agreement arrived at in conference after they voted on lumber, shingles, and sugar, just as much as any Member of any other body might like that chance. By what kind of parliamentary legerdemain a course can be arrived at—which will be in order—that will permit the former report of the conference to float around unacted upon by one body and then proceed to appoint a second conference on the same bill before the report of the first conference has been disposed of I do not understand. That is the parliamentary inquiry I desire to propound to the Speaker, and I ask him to explain how it can be done, because I do not think it can be done in a parliamentary fashion.

The SPEAKER. The Chair may say that he is debarred, by his own ruling some days ago, from expressing his opinion of this form of procedure. However, under existing conditions the Chair thinks this is the only way we could possibly proceed if we desire to speed up the settlement of the conference.

Mr. CRAMTON. As I recall the opinion of the Speaker, it emphasized that complimentary as well as uncomplimentary expressions were barred, but in this case I do not believe the Speaker was emphasizing that part of his opinion.

The SPEAKER. The Speaker did not say what his opinion was.

Mr. CRAMTON. I do think we have the right to express an opinion as to the procedure of this body. My own humble opinion is that the proper way for this House to protect itself, protect is own dignity, protect the rights of its own Members, and stand up for orderly parliamentary procedure, would be to

send a resolution to the other body stating that until they had disposed of the previous conference report we could not ask for another conference. [Applause.] If we follow up the procedure that is now pending, there will come a time when the other body will have before it the reports of two conferences on the same bill. I reserve the right to object to the resolution.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. The inquiry of the gentleman from Michigan was very pertinent and raises a question for serious thought and consideration. I, of course, appreciate the Speaker's position that he will not express any opinion as to what might be done in the Senate. My inquiry is this: The House has control over its own conferees, and this resolution is for the House to further insist on its disagreements to certain amendments named, and it does not deal with the partial conference report that the House has adopted. Now my inquiry is: Under these conditions, and if this resolution is adopted, have the House conferees in the new conference the right to agree to anything in conference that changes the partial conference report that has been adopted by the House?

The SPEAKER. Absolutely not. In the opinion of the Chair, the powers of the new conferees to be appointed relate solely to those differences which are enumerated in the resolution itself, and if they should exceed those powers, a point of order would be sustained.

Mr. CRAMTON. Now, Mr. Speaker, if I may add a parliamentary inquiry that I trust will not embarrass the Speaker, if this conference is agreed to and these conferees go into session upon these very few items, and if they come to an agreement and if that agreement is expressed in a report, and if that report is adopted by another body as well as by this body, those items are then disposed of. If thereafter the Senate should refuse to accept the report of the conference already held and already on file, then all of those 1,200 items, including long-staple cotton and a number of other things that gentlemen from the South and New England and elsewhere are much interested in, would be again opened up to full and free conference; in other words, refusal of the Senate to adopt that report would again open up the other 1,200 items, but these few items would be closed.

Mr. CRISP. Undoubtedly.

The SPEAKER. Unquestionably, if the Senate should in due time act on the report so far made and agreed to by the House, and should act adversely, the items embodied in the report itself would be again thrown open.

Mr. CRAMTON. Mr. Speaker, may I make this further statement? I am as anxious as anyone to see this tariff bill proceed to early enactment, but I do not believe that it ever should become necessary for this House to abandon orderly, well-established methods of parliamentary procedure at the whim of some other body, and I am obliged to object.

The SPEAKER. Objection is heard.

PETRIFIED FOREST NATIONAL MONUMENT, ARIZ.

Mr. COLTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6874) to authorize exchanges of land with owners of private-land holdings within the Petrified Forest National Monument, Ariz., with a Senate amendment, and concur in the Senate amendment.

I may say, Mr. Speaker, I have conferred with the minority members of the committee, and this action is agreeable to them.

The SPEAKER. The gentleman from Utah asks unanimous consent to take from the Speaker's table the bill H. R. 6874, with a Senate amendment, and concur in the same. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 10, after "lands," insert "located outside the exterior boundaries of the said monument."

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Senate amendment was agreed to.

UNITED STATES VERSUS THE SINCLAIR CRUDE OIL PURCHASING CO.

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (S. J. Res. 165) authorizing the settlement of the case of United States against the Sinclair Crude Oil Purchasing Co., pending in the United States District Court in and for the District of Delaware, and immediately consider the same.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of a Senate joint resolution, which the Clerk will report.

The Clerk read the Senate resolution, as follows:

Resolved, etc., That Special Counsel Atlee Pomerene and Owen J. Roberts, representing the United States, be, and they are hereby, authorized to settle the case of United States against Sinclair Crude Oil Purchasing Co. (No. 1431, civil), now pending in the District Court of the United States for the District of Delaware for the sum of $2,906,484.32, which sum is now deposited by the defendant in escrow pending approval of such settlement by the Congress.

Resolved, That upon receipt of said sum by the Treasurer of the United States said special counsel be, and hereby are, authorized to satisfy any judgment which may be entered in said cause against the defendant pursuant to such settlement, upon payment by defendant of the record costs therein.

Mr. IRWIN. Mr. Speaker, in explanation of the resolution which I have called up this morning, I may state it is a resolution authorizing the settlement of a claim of the United States against the Sinclair Crude Oil Purchasing Co. now pending in a suit in the district court of the State of Delaware.

I think all the Members are acquainted with the facts in this matter. In 1924 a resolution was passed by both Houses authorizing the President to proceed against the Mammoth Oil Co. in reference to what is known as the Teapot Dome matter. The President employed two able attorneys, Mr. Pomerene and Mr. Roberts, to enter suit against the Mammoth Oil Co. These gentlemen entered suit in the State of Wyoming to recover for the oil illegally taken under the lease known as the Teapot Dome lease.

After entering the suit they found that the Mammoth Oil Co. was insolvent. They thereupon entered suit against the Sinclair Crude Oil Purchasing Co. for the amount of oil illegally extracted.

This suit is now pending in the district court of the State of Delaware. The purpose of the resolution is to authorize the President of the United States to agree to the settlement that has been agreed upon between the special counsel of the Government and the Sinclair Oil Co.

Mr. BYRNS. Will the gentleman yield?

Mr. IRWIN. Yes.

Mr. BYRNS. How much was involved in the suit?

Mr. IRWIN. Two million nine hundred and six thousand dollars plus.

Mr. BYRNS. And what is the settlement reached?

Mr. IRWIN. The settlement is based on the amount of oil, as shown by the books of the Sinclair Oil Co., that was actually taken from the ground illegally, plus 7 per cent interest, the legal rate of interest in the State of Wyoming, from the time of the extraction of such oil up to the 6th day of April of this year.

Mr. BYRNS. Then, as I understand the gentleman, the proposed settlement contemplates that the Sinclair Oil Co. shall pay a proper amount for all of the oil that was received by it from this Government property, plus 7 per cent?

Mr. IRWIN. Yes; the gentleman is quite right.

Mr. BYRNS. Of course, I take it that even if the suit were prosecuted, no more than this amount could be recovered. In other words, the Government could not recover more than the actual value of the oil.

Mr. IRWIN. I will state to the gentleman from Tennessee that the recommendation of the attorneys who have gone into the matter very thoroughly, is that this is a fair and equitable settlement, and in order to bind the agreement, as far as the oil company is concerned, they have placed in the Chase National Bank of New York City, the amount of $2,906,000 plus. This amount has been placed there in good faith and it is now there waiting for this resolution to be passed.

Mr. BYRNS. And as I understand, both Mr. Roberts and Mr. Pomerene, representing the Government, have recommended this settlement.

Mr. IRWIN. They have. The resolution which follows their recommendation was passed by the Senate on the 14th day of April, 1930.

Now I want to state further. It is a little unusual for a chairman of the Claims Committee to come before the House asking for the consideration of a bill that puts money into the Treasury. As a rule he is here asking for the consideration of a bill that takes money out of the Treasury. I want to submit the reason why we are asking for the consideration of this bill. There are two reasons. Before the lease was held to be illegal the Sinclair Oil Co. erected 17 tanks on these premises, each tank having a capacity of 55,000 barrels of oil.

The attorneys think that although the tanks were put on the land while it was supposed to be legal the Sinclair Oil Co. asks to be remunerated for a part of the cost of the tanks. It is a fact that the United States is using the tanks now to store oil for the Navy Department, and the special counsel appointed

by the President, who went into the matter thoroughly, say that they think that that is an equitable claim.

Mr. BYRNS. Then that is still a claim against the Government.

Mr. IRWIN. They have turned the tanks over to the Government as second-hand or scrap iron, and the special counsel has recommended that they be allowed a reasonable sum for what is called second-hand or scrap iron. Seventeen tanks at $10,000 each would make an item of $170,000.

Mr. BYRNS. Then the Government is paying for the tanks?

Mr. IRWIN. The Government is allowing perhaps one-fifth or one-tenth of the original cost. I am taking the recommendation of counsel who went into the matter thoroughly.

Mr. BYRNS. Does the gentleman know on what kind of evidence they made the recommendation that the so-called scrap iron is worth $10,000 each?

Mr. IRWIN. The men came before the committee and explained the matter. We had a lengthy discussion with them this morning, and they feel that that is reasonable compensation, these tanks having a capacity of 55,000 barrels of oil each.

Mr. BYRNS. What did they cost originally?

Mr. IRWIN. That I can not say. The special counsel appointed by the President has recommended that this be allowed as a reasonable charge against the Government.

Mr. BYRNS. Those of us who have no knowledge of what the original cost was can have no personal opinion of what should be allowed for these old tanks.

Mr. TILSON. The gentleman is following the advice of the Government counsel?

Mr. IRWIN. Yes; and we feel safe in following these men, who have been into this matter thoroughly.

Mr. BYRNS. I know Mr. Roberts and Mr. Pomerene, who represent the Government. They are men of the highest character and have very ably represented the Government throughout these oil proceedings. I am sure that these gentlemen would not recommend anything that was not in the interest of the Government.

Mr. IRWIN. We are merely following out the recommendation that was made to us.

Mr. EDWARDS. Does the gentleman yield?

Mr. IRWIN. Certainly.

Mr. EDWARDS. As I understand, the resolution authorizes these men to make negotiations and accept a settlement, to enter into terms of settlement by the advice and consent of Congress?

Mr. IRWIN. That is true.

Mr. EDWARDS. They have done what they were authorized to do?

Mr. IRWIN. Yes.

Mr. EDWARDS. Was there any evidence before your committee as to the amount of oil taken from the land?

Mr. IRWIN. They assured us that they went over all of the books of the Sinclair Oil Co. thoroughly, and this is for the full amount of oil extracted plus 7 per cent interest.

Mr. EDWARDS. That is the amount to be returned to the Government?

Mr. IRWIN. Yes. This money is now held in escrow in the Chase National Bank in New York City, and the reason for bringing this up to-day is that I felt it is an emergency in so far that the Government is losing $315 a day interest, compounded at the rate of 4¼ per cent. Therefore I am asking that this resolution be adopted because, on the recommendation of counsel, I think the Government is making a good bargain.

Mr. COLLINS. Was there any controversy over this resolution in the Senate?

Mr. IRWIN. No. It was reported from the land committee, and if the gentlemen will turn to pages 5593–5594 of the CONGRESSIONAL RECORD, they will see the entire proceedings of the Senate. It was reported unanimously and passed by the Senate.

I yield five minutes to the gentleman from Texas [Mr. BOX].

Mr. BOX. Mr. Speaker, I am concurring heartily in this settlement, and so are all of the members of the Claims Committee, so far as I know. However, I think the House should understand that the Claims Committee was not able to go into all of the details of this settlement. They were complicated. It would have required more than we were able to do. However, former Senator Pomerene, one of the counsel representing the Government, appeared before us and presented the views of the attorneys representing the Government. They had been retained, as the House will remember, by President Coolidge under resolution passed by both branches of the Congress, authorizing a number of prosecutions and other litigation. They are men of the highest character and ability. The presentment by Senator Pomerene made to our committee indicates that the Government is getting practically all that it could possibly recover under any circumstances, and it appeared to the committee, as it appears to me, that it is to the interest of the Government to confirm this settlement. It will fail unless settlement is closed within a reasonable time. The money is already on deposit in the Chase National Bank, and all of the circumstances indicate that the settlement ought to be made. I hope the House will adopt the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

THE TARIFF

Mr. HAWLEY. Mr. Speaker, I renew my request made a moment ago for the consideration of the resolution I presented sending the tariff bill to conference.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I do not intend to do, though I still think I have the right to do it, I am advised that if unanimous consent is not given a rule will be brought in to accomplish the same purpose, so that all I could accomplish by objection now would be delay. That I do not desire, and I do not object.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. GARNER. Mr. Speaker, I offer the following motion to instruct the conferees before they are appointed, which I send to the desk.

The Clerk read as follows:

Mr. GARNER moves to instruct the conferees to agree to Senate amendment No. 893, known as the free-cement amendment.

Mr. GARNER. Upon that motion I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Texas to instruct the conferees in the manner indicated.

The question was taken, and the Chair announced that the noes appeared to have it.

Mr. GARNER. Mr. Speaker, I make the point of order that there is no quorum present and object to the vote upon that ground.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 138, nays 156, not voting 134, as follows:

[Roll No. 36]

YEAS—138

Abernethy	Doughton	Kading	Patterson
Allen	Douglass, Mass.	Kemp	Quin
Allgood	Dowell	Kerr	Ragon
Almon	Doxey	Kincheloe	Rainey, Henry T.
Andresen	Drewry	Knutson	Ramseyer
Arnold	Driver	Kopp	Ramspeck
Aswell	Edwards	Kvale	Rankin
Ayres	Eslick	LaGuardia	Rayburn
Bankhead	Evans, Mont.	Lambertson	Robinson
Bell	Frear	Lampert	Rutherford
Bland	Fuller	Lanham	Sabath
Box	Fulmer	Lankford, Ga.	Sanders, Tex.
Brand, Ga.	Gambrill	Larsen	Sandlin
Briggs	Garber, Okla.	Lea	Schneider
Browne	Garner	Linthicum	Selvig
Browning	Gasque	Lozier	Sinclair
Buchanan	Glover	McClintic, Okla.	Sparks
Busby	Goodwin	McCormack, Mass.	Sproul, Kans.
Campbell, Iowa	Green	McDuffie	Steagall
Cannon	Greenwood	McMillan	Summers, Wash.
Cartwright	Gregory	McSwain	Sumners, Tex.
Christgau	Griffin	Mansfield	Swanson
Christopherson	Hall, N. Dak.	Milligan	Tarver
Clague	Halsey	Montague	Thurston
Clark, N. C.	Hammer	Montet	Vinson, Ga.
Collins	Hare	Moore, Ky.	Welch, Calif.
Connery	Hill, Ala.	Moore, Va.	Whittington
Cooper, Tenn.	Hoch	Morehead	Williams
Cooper, Wis.	Hope	Nelson, Mo.	Williamson
Cox	Howard	Nolan	Wilson
Crisp	Huddleston	O'Connor, Okla.	Wingo
Crosser	Hull, Wis.	Oldfield	Woodrum
Davis	Johnson, Okla.	Oliver, Ala.	Wright
DeRouen	Johnson, Tex.	Parks	
Dominick	Jones, Tex.	Patman	

NAYS—156

Ackerman	Doutrich	Irwin	Schafer, Wis.
Adkins	Drane	Jenkins	Sears
Aldrich	Dunbar	Johnston, Mo.	Seiberling
Arentz	Eaton, Colo.	Kahn	Shaffer, Va.
Bachmann	Eaton, N. J.	Kearns	Short, Mo.
Bacon	Ellis	Ketcham	Shott, W. Va.
Barbour	Englebright	Kinzer	Simmons
Beers	Esterly	Korell	Simms
Bloom	Evans, Calif.	Lankford, Va.	Sloan
Bohn	Fenn	Leavitt	Smith, Idaho
Bowman	Fish	Letts	Smith, W. Va.
Brigham	Fisher	Luce	Snell
Buckbee	Fitzgerald	McClintock, Ohio	Snow
Burtness	Fitzpatrick	McFadden	Speaks
Butler	Foss	McLaughlin	Spearing
Byrns	Free	McLeod	Sproul, Ill.
Campbell, Pa.	Freeman	McReynolds	Strong, Kans.
Carter, Calif.	French	Manlove	Strong, Pa.
Carter, Wyo.	Gibson	Mapes	Swing
Chalmers	Golder	Menges	Taber
Chindblom	Granfield	Merritt	Taylor, Tenn.
Clancy	Guyer	Michener	Temple
Clark, Md.	Hadley	Miller	Thatcher
Clarke, N. Y.	Hale	Morgan	Thompson
Cochran, Mo.	Hall, Ill.	Murphy	Tilson
Cochran, Pa.	Hancock	Nelson, Me.	Timberlake
Cole	Hardy	Niedringhaus	Tinkham
Colton	Haugen	O'Connor, La.	Tucker
Cooper, Ohio	Hawley	Palmer	Underhill
Corning	Hess	Pittenger	Vincent, Mich.
Crail	Hickey	Prall	Wainwright
Cramton	Hill, Wash.	Pratt, Harcourt J.	Wason
Culkin	Hogg	Purnell	Watres
Cullen	Holaday	Ramey, Frank M.	Watson
Darrow	Hooper	Reece	Wigglesworth
Davenport	Hopkins	Reed, N. Y.	Wolverton, N. J.
Denison	Houston, Del.	Reid, Ill.	Wood
Dickstein	Hudson	Rowbottom	Woodruff
Douglas, Ariz.	Hull, William E.	Sanders, N. Y.	Wurzbach

NOT VOTING—134

Andrew	Elliott	Kurtz	Rogers
Auf der Heide	Estep	Langley	Romjue
Bacharach	Finley	Leech	Seger
Baird	Fort	Lehlbach	Shreve
Beck	Garber, Va.	Lindsay	Sirovich
Beedy	Garrett	Ludlow	Somers, N. Y.
Black	Gavagan	McCormick, Ill.	Stafford
Blackburn	Gifford	McKeown	Stalker
Bolton	Goldsborough	Maas	Stedman
Boylan	Graham	Magrady	Stevenson
Brand, Ohio	Hall, Ind.	Martin	Stobbs
Britten	Hall, Miss.	Mead	Stone
Brumm	Hartley	Michaelson	Sullivan, N. Y.
Brunner	Hastings	Mooney	Sullivan, Pa.
Burdick	Hoffman	Moore, Ohio	Swick
Cable	Hudspeth	Mouser	Taylor, Colo.
Canfield	Hull, Tenn.	Nelson, Wis.	Treadway
Carley	Hull, Morton D.	Newhall	Turpin
Celler	Igoe	Norton	Underwood
Chase	James	O'Connell, N. Y.	Vestal
Collier	Jeffers	O'Connell, R. I.	Walker
Connolly	Johnson, Ill.	O'Connor, N. Y.	Warren
Cooke	Johnson, Ind.	Oliver, N. Y.	Welsh, Pa.
Coyle	Johnson, Nebr.	Owen	White
Craddock	Johnson, S. Dak.	Palmisano	Whitehead
Cross	Johnson, Wash.	Parker	Whitley
Crowther	Jonas, N. C.	Peavey	Wolfenden
Curry	Kelly	Perkins	Wolverton, W. Va.
Dallinger	Kendall, Ky.	Porter	Wyant
Dempsey	Kendall, Pa.	Pou	Yates
De Priest	Kennedy	Pratt, Ruth	Yon
Dickinson	Kiefner	Pritchard	Zihlman
Doyle	Kiess	Quayle	
Dyer	Kunz	Ransley	

So the motion was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Dickinson (for) with Mr. O'Connell of New York (against).
Mr. Canfield (for) with Mr. Bacharach (against).
Mr. Johnson of South Dakota (for) with Mr. Quayle (against).
Mr. Yon (for) with Mr. Shreve (against).
Mrs. Norton (for) with Mrs. Rogers (against).
Mr. Brunner (for) with Mr. Elliott (against).
Mrs. Langley (for) with Mr. Ludlow (against).
Mr. Maas (for) with Mr. Lindsay (against).
Mr. Oliver of New York (for) with Mr. Kiess (against).
Mr. Stedman (for) with Mr. Britten (against).
Mr. Whitehead (for) with Mr. Connolly (against).
Mr. Hastings (for) with Mr. Crowther (against).
Mr. McKeown (for) with Mr. Dyer (against).
Mr. Nelson of Wisconsin (for) with Mr. Black (against).
Mr. Auf der Heide (for) with Mr. Welsh of Pennsylvania (against).
Mr. Garrett (for) with Mr. Graham (against).
Mr. Kendall of Kentucky (for) with Mr. Boylan (against).
Mr. Craddock (for) with Mr. Carley (against).
Mr. Walker (for) with Mr. Celler (against).
Mr. Stafford (for) with Mr. Gavagan (against).
Mr. Brand of Ohio (for) with Mr. Sullivan of New York (against).
Mr. Romjue (for) with Mr. Seger (against).
Mr. Warren (for) with Mr. Beedy (against).
Mr. Stevenson (for) with Mr. Treadway (against).
Mr. Hull of Tennessee (for) with Mr. Vestal (against).
Mr. Cross (for) with Mr. Moore of Ohio (against).
Mr. Hall of Mississippi (for) with Mr. Yates (against).
Mr. Mooney (for) with Mr. Kiefner (against).
Mr. Kunz (for) with Mr. Ransley (against).
Mr. Jeffers (for) with Mr. Mead (against).
Mr. Peavey (for) with Mr. Swick (against).
Mr. Underwood (for) with Mr. O'Connor of New York (against).
Mr. Pou (for) with Mr. Martin (against).
Mr. Palmisano (for) with Mr. Kennedy (against).
Mr. Taylor of Colorado (for) with Mr. Igoe (against).
Mr. Hull, Morton D., (for) with Mr. Lehlbach (against).

Until further notice:

Mr. Kendall of Pennsylvania with Mr. Hudspeth.
Mr. Beck with Mr. O'Connell of Rhode Island.
Mr. Fort with Mr. Sirovich.
Mr. Johnson of Washington with Mrs. Owen.
Mr. Porter with Mr. Stone.
Mr. Blackburn with Mr. Chase.
Mr. Dallinger with Mr. Magrady.
Mr. Jonas of North Carolina with Mr. Kurtz.
Mr. Johnson of Indiana with Mr. Burdick.
Mr. Gifford with Mr. White.
Mr. Estep with Mr. Dempsey.
Mr. Wolfenden with Mr. Newhall.
Mr. Curry with Mr. Bolton.
Mr. Hall of Indiana with Mr. Johnson of Illinois.
Mr. Turpin with Mr. Perkins.
Mr. Wyant with Mrs. McCormick of Illinois.
Mr. Wolverton with Mr. Davenport.

The result of the vote was announced as above recorded.

The SPEAKER. The Chair appoints as conferees on the part of the House Mr. HAWLEY, Mr. TREADWAY, Mr. BACHARACH, Mr. GARNER, and Mr. COLLIER.

ONE HUNDRED AND TWENTY-FIFTH ANNIVERSARY OF THE CELEBRATION OF AMERICAN INDEPENDENCE BY THE LEWIS AND CLARK EXPEDITION

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House Concurrent Resolution 28

Resolved by the House of Representatives (the Senate concurring), That a committee of three Members of the Senate, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, shall represent the Congress of the United States at the one hundred and twenty-fifth anniversary of the celebration of American independence by the Lewis and Clark Expedition on July 4, 1805, at a point adjacent to what is now Great Falls, Mont., to be held at Great Falls, Mont., on July 4, 1930. The members of such committee shall be paid their actual expenses, one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives.

The SPEAKER. Referred to the House Calendar and ordered to be printed.

GERMAN DEBT SETTLEMENT

Mr. SNELL. Mr. Speaker, I present another privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House Resolution 219

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10480, a bill to authorize the settlement of the indebtedness of the German Reich to the United States on account of the awards of the Mixed Claims Commission, United States and Germany, and the costs of the United States army of occupation. That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. Referred to the House Calendar and ordered printed.

Mr. GARNER. Mr. Speaker, may I ask the gentleman from New York when he expects to call up this German debt resolution?

Mr. SNELL. I expect to call it up immediately after the consideration of the naval bill.

CERTAIN PUBLIC WORKS BY THE NAVY DEPARTMENT

Mr. WOODRUFF. Mr. Speaker, I call up the conference report on the bill S. 549, and ask that the accompanying statement be read in lieu of the report.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 549) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes.

The SPEAKER. Without objection, the Clerk will report the statement in lieu of the report.

There was no objection.

The statement was read.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 549) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments as follows:

Page 1, after line 5 of the House engrossed amendment, insert the following:

"Naval station, San Diego, Calif.: One small floating dry dock, $425,000."

Page 9, lines 18 to 24, inclusive, and page 10, lines 1 to 5, inclusive, of the House engrossed amendment, strike out:

"SEC. 10. That the Secretary of the Navy be, and he hereby is, authorized to lease for periods not exceeding 10 years, and revocable on 6 months' notice, the floating dry dock and water-front accessories at the naval station, New Orleans (Algiers), La., and to credit to the rental the reasonable cost of such repairs to said property as the lessee may be required to make to prevent physical deterioration. All remaining money received from any such lease shall be covered into the Treasury as miscellaneous receipts. Such leases shall be reported to Congress: *Provided*, That said floating dry dock and accessories shall not be removed from the vicinity of New Orleans."

And insert in lieu thereof the following:

"SEC. 10. That the Secretary of the Navy be, and he hereby is, authorized to lease for periods not exceeding 10 years, and revocable on 6 months' notice, or at his discretion in case of national emergency declared by the President, the floating dry dock and water-front accessories at the naval station, New Orleans (Algiers), La., to the highest bidder at a rental that will not permit operations of the dock on other than a fair competitive basis with other local shipbuilding and ship-repair plants operating dry docks, and the money received from the said rental shall be covered into the Treasury as miscellaneous receipts. Such leases shall be reported to Congress: *Provided*, That said floating dry dock and accessories shall not be removed from the vicinity of New Orleans."

ROY O. WOODRUFF,
GEORGE P. DARROW,
CARL VINSON,
Managers on the part of the House.

FREDERICK HALE,
TASKER L. ODDIE,
SAMUEL M. SHORTRIDGE,
CLAUDE A. SWANSON,
PARK TRAMMELL,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 549) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes, submit the following statement explaining the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

Page 1, after line 5, of the House engrossed amendment, insert the item providing for one small floating dry dock at the naval station, San Diego, Calif., at a cost of $425,000, as proposed in the Senate bill and also as reported favorably by the Committee on Naval Affairs of the House.

Page 9, section 10, of the House engrossed amendment clarifies the language, as proposed by the Senate, in authorizing the leasing of the floating dry dock at the naval station, New Orleans (Algiers), La.

ROY O. WOODRUFF,
GEORGE P. DARROW,
CARL VINSON,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I call up the conference report on the bill H. R. 6564, the Interior Department appropriation bill.

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 6564) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1931, and for other purposes.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The Clerk will report the statement.

Following are the conference report and accompanying statement:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6564) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1931, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 5, 6, 7, 89, 95, 106, 107, and 126.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 76, 77, 78, 79, 83, 84, 85, 86, 87, 91, 92, 93, 94, 96, 99, 100, 103, 104, 105, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, and 124, and agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "For 250 pupils, $76,250"; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$91,250"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,093,250"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "*Provided*, That this appropriation shall not be subject to the limitation in section 1 of the act of May 25, 1918 (U. S. C., title 25, sec. 297), limiting the expenditure of money to educate children of less than one-fourth Indian blood: *Provided further*, That not to exceed $1,800 of this appropriation may be expended in the printing and issuance of a paper devoted to Indian education, which paper shall be printed at an Indian school: *And provided further*"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: On page 59 of the bill, line 12, strike out "$256,700" and insert in lieu thereof "$266,700"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,297,538.46"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "thirty"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: ": *Provided further*, That the Secretary of the Interior is authorized to sell at not less than the appraised valuation transmission lines, substations, and so forth, no longer needed for construction, operation, and maintenance of the project"; and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,789,800"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment insert, after the word "monuments," the following: "evidence of title thereto to be satisfactory to the Secretary of the Interior"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 98 and 102.

LOUIS C. CRAMTON,
FRANK MURPHY,
EDWARD T. TAYLOR,
Managers on the part of the House.

W. L. JONES,
REED SMOOT,
L. C. PHIPPS,
WILLIAM J. HARRIS,
KENNETH MCKELLAR,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6564) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1931, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and embodied in the accompanying conference report as to each of such amendments, namely:

OFFICE OF THE SECRETARY

On No. 1: Appropriates $50,000, as proposed by the Senate, to carry out the provisions of the act of April 10, 1930, authorizing a study on the conservation and administration of the public domain.

BUREAU OF INDIAN AFFAIRS

On No. 2: Makes no appropriation for payment to Charles J. Kappler for compiling, annotating, and indexing the fourth volume of Indian Laws and Treaties, that work having been authorized only by a Senate resolution.

On Nos. 3 and 4: Appropriates $500,000, as proposed by the House, instead of $525,000, as proposed by the Senate, for industrial assistance among Indians, of which $175,000, as proposed by the House, instead of $200,000, as proposed by the Senate, shall be available for expenditure for the benefit of the Pima Indians.

On Nos. 5, 6, and 7: Restore the House language authorizing the use of a certain appropriation for construction of a power plant in connection with the Flathead irrigation project.

On No. 8: Reappropriates unexpended balance of appropriation for payment to the Middle Rio Grande Conservancy District.

On No. 9: Appropriates $3,267,000, as proposed by the Senate, instead of $3,062,000, as proposed by the House, for support of Indian day and industrial schools not otherwise provided for.

On No. 10: Corrects spelling of a word.

On No. 11: Appropriates, from tribal funds, $233,200, as proposed by the Senate, instead of $220,000, as proposed by the House, for the support of schools and for tuition among the Five Civilized Tribes.

On No. 12: Appropriates $64,000, as proposed by the Senate, for subsistence of pupils retained in Government boarding schools of all classes during summer months.

On Nos. 13 and 14: Make immediately available, as proposed by the Senate, $20,000 of the appropriation for the enlargement of the Western Navajo Boarding School, Arizona, and $20,000 for employees' quarters for the Fort Apache Boarding School, Arizona.

On No. 15: Appropriates $11,500, as proposed by the Senate, for additional public-school buildings within Indian reservations in Arizona attended by children of the Indian Service, such schools to be equipped and maintained by the State of Arizona.

On Nos. 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 61, 62, 63, 64, 65, 66, 67, 69, 70, 71, 72, 73, 76, 77, 78, and 79: Appropriate enlarged amounts for the support and maintenance of nonreservation boarding schools for the carrying out of a well-rounded and complete school program during the fiscal year 1931, as recommended by the President in House Document No. 355, Seventy-first Congress, second session, such increases being available for all necessary purposes in connection with such support and maintenance of said schools.

On No. 18: Reappropriates, as proposed by the Senate, the appropriation heretofore made for new hospital and equipment at Phoenix (Ariz.) Indian School.

On No. 28: Makes immediately available, as proposed by the Senate, appropriation for girls' dormitory, Haskell Institute, Lawrence, Kans.

On No. 35: Appropriates $15,000, as proposed by the Senate, for home economics building, Genoa Indian School, Nebraska.

On No. 36: Corrects total.

On Nos. 56, 58, and 59: Make immediately available, as proposed by the Senate, the appropriations for laundry building and for construction and equipment of shop building at the Sequoyah Orphan Training School, Oklahoma.

On No. 57: Eliminates the appropriation proposed by the House for construction and equipment of electric lines from Tahlequah to the Sequoyah Orphan Training School.

On No. 60: Corrects total.

On No. 68: Makes immediately available, as proposed by the Senate, an appropriation for gymnasium at the Chemawa Indian School, Salem, Oreg.

On No. 74: Appropriates $76,250 for support of 250 pupils at Rapid City Indian School, South Dakota, instead of $55,000, as proposed by the House, for 200 pupils, and $91,500 for 300 pupils, as proposed by the Senate.

On No. 75: Corrects total.

On No. 80: Corrects total.

On No. 81: Appropriates $350,000 instead of $300,000, as proposed by the House, and $450,000, as proposed by the Senate, for aid to common schools in Oklahoma.

On No. 82: Restores the House language removing the appropriation for aid to common schools in Oklahoma from the statutory limitation as to the percentage of Indian blood among pupils benefiting therefrom. Also restores the House language with reference to the publication of an Indian school paper with an amendment requiring it to be printed at an Indian school.

On No. 83: Accepts the Senate language with reference to truancy officers in Oklahoma.

On No. 84: Appropriates $375,000, as proposed by the Senate, instead of $350,000, as proposed by the House, for support of schools among the Sioux Indians.

On Nos. 85 and 86: Appropriates $3,073,000, as proposed by the Senate, instead of $3,105,000, as proposed by the House, for conservation of health among Indians, of which $2,008,000, as proposed by the Senate, instead of $2,040,000, as proposed by the House, shall be available for certain named hospitals and sanatoria.

On No. 87: Eliminates the appropriation of $32,000 proposed by the House for the Cheyenne River and Standing Rock Sanatorium.

On No. 88: Appropriates from tribal funds an additional sum of $10,000, as proposed by the Senate, for road construction and repair work on the Fort Apache Reservation in Arizona.

On No. 89: Appropriates from tribal funds $148,000, as proposed by the House, instead of $100,000, as proposed by the Senate, for support of Indians, Klamath Agency, Oreg.

On No. 90: Corrects total.

On Nos. 91, 92, 93, and 94: Appropriate from tribal funds $4,000 salary and $1,000 for expenses, as proposed by the Senate, for one mining trustee for the Choctaw and Chickasaw Nations, Oklahoma.

On No. 95: Appropriates $250,000, as proposed by the House, instead of $750,000, as proposed by the Senate, for construction of roads in Indian reservations.

On No. 96: Appropriates $20,000, as proposed by the Senate, for maintenance and repair of the Gallup-Shiprock Highway within the Navajo Reservation, N. Mex.

BUREAU OF RECLAMATION

On No. 97: Requires repayment of construction costs on the second division of the Salt Lake Basin project within 30 years instead of 40 years, as proposed by the House, and 20 years, as proposed by the Senate.

On Nos. 99 and 101: Appropriate $100,000 from the Treasury, together with $75,000 from power revenues, as proposed by the Senate, instead of $75,000 from power revenues, with additional contribution from contractor, as proposed by the House, for installation of a third unit in the Shoshone power plant, Wyoming.

On No. 100: Reappropriates unexpended balance for continuation of drainage system, Deaver irrigation district, Shoshone project, Wyoming.

GEOLOGICAL SURVEY

On No. 103: Authorizes $60,000 for automobile use, as proposed by the Senate, instead of $50,000, as proposed by the House.

On No. 104: Appropriates $744,000, as proposed by the Senate, instead of $736,000, as proposed by the House, for topographic surveys.

On No. 105: Eliminates the language proposed by the House requiring cooperation in the cost of topographic maps.

On Nos. 106 and 107: Appropriate $124,000, as proposed by the House, instead of $199,000, as proposed by the Senate, for engraving and printing geologic and topographic maps.

On No. 108: Corrects total.

NATIONAL PARK SERVICE

On No. 109: Reappropriates unexpended balance of appropriation for equipment storage building at Acadia National Park, Me.

On No. 110: Reappropriates unexpended balance of appropriation for ranger stations, Mesa Verde National Park, Colo.

On Nos. 111, 112, 113, and 114: Appropriate $16,800 for sewage system and $15,500 for construction of dam at Frozen Lake, as proposed by the Senate, for Mount Rainier National Park, Wash.

On Nos. 115, 116, and 117: Appropriate $15,000 for lighting plant and $9,500 for water supply, as proposed by the Senate, for Wind Cave National Park, S. Dak.

On Nos. 118, 119, 120, 121, 123, and 124: Appropriate $83,900, as proposed by the Senate, instead of $75,000, as proposed by the House, for administration of national monuments. Reappropriates unexpended balance for construction, Petrified Forest National Monument.

On No. 124: Appropriates $2,500, as proposed by the Senate, for maintenance, George Washington Birthplace National Monument, Wakefield, Va.

On No. 125: Appropriates $1,750,000, as proposed by the Senate, for acquisition of privately owned lands and standing timber within existing national parks.

GOVERNMENT IN THE TERRITORIES

On No. 126: Appropriates $3,700, as proposed by the House, for salary of the Secretary of the Territory of Alaska instead of $5,000, as proposed by the Senate.

A disagreement is reported on the following Senate amendments:

On No. 98, appropr'ating $640,000 for construction on the Yakima project (Kennewick Highlands unit), Washington.

On No. 102, having to do with the total for the Reclamation Bureau.

LOUIS C. CRAMTON,
FRANK MURPHY,
EDWARD T. TAYLOR,
Managers on the part of the House.

Mr. CRAMTON. Mr. Speaker, in view of the condition of business before the House it is not my intention to take up more time in connection with the conference report than the House desires; but I think I should state that the bill as passed by the Senate carries something above $4,000,000 over the amount carried when it passed the House. Something over $3,000,000 of that was the result of new estimates sent up after the bill left the House, notably $1,750,000 for the acquisition of lands, chiefly in the Yosemite National Park; $665,000 additional for maintenance of Indian schools; $640,000 for the Yakima irrigation project; $50,000 for the use of the Public Lands Commission; and so forth.

The Senate has receded from $718,550 of items, and the bill that comes before you now, if this report is agreed to and if the one amendment in disagreement is disposed of in accordance with the motion which I shall make, will be $2,724 below the Budget figure, which is in accordance with the insistence of the House conferees that the total should not exceed the Budget total.

I will ask unanimous consent, Mr. Speaker, to revise and extend my remarks on the conference report and include therein a statement of the various amendments. Also Table A, showing the action of the conferees on the Senate amendments, and Table B, showing the appropriations under the Interior Department, including deficiencies, from 1916 to 1931, inclusive, which I think is of interest to the House.

The SPEAKER. Without objection, is is so ordered.

There was no objection.

Financial statement of Senate amendments to Interior Department appropriation bill

Amount of bill as passed the Senate	$287,261,973.74
Amount of bill as passed the House	283,189,973.74
Net addition	4,072,000.00
House has receded from:	
Commission on conservation and administration of the public domain	50,000.00
Indian day and industrial schools	205,000.00
Subsistence for pupils retained at summer schools	64,000.00
Public-school buildings on Indian reservations, Ariz	11,500.00
Home economics building, Genoa School, Nebraska	15,000.00
Fifty additional pupils, Rapid City, S. Dak., school	15,250.00
Support and maintenance, nonreservation boarding schools	370,500.00
Aid to common schools in Oklahoma	50,000.00
Support and maintenance, Sioux Indians	25,500.00
Maintenance, Gallup-Shiprock Highway, New Mexico	20,000.00
Yakima project (Kennewick Highlands Unit), Wash	640,000.00
Third unit, Shoshone project, Wyoming	100,000.00
Topographic surveys	8,000.00
Mount Rainier National Park, Wash	32,300.00
Wind Cave National Park, S. Dak	24,500.00
National monuments	8,900.00
George Washington Birthplace, Wakefield, Va	2,500.00
Acquisition of land for national parks	1,750,000.00
Total	3,392,950.00
The House has also receded on the following reductions made by the Senate to the House bill:	
Electric lines to Sequoyah Orphan School, Oklahoma	7,500.00
Cheyenne River and Standing Rock Sanatorium	32,000.00
Total	39,500.00
Senate has receded from:	
Compilation of Indian laws and treaties	2,000.00
Industrial assistance among Indians	25,000.00
Reduction in pupils, Rapid City, S. Dak., school	15,250.00
Aid to common schools in Oklahoma	100,000.00
Construction of roads on Indian reservations	500,000.00
Engraving and printing maps	75,000.00
Salary of secretary, Territory of Alaska	1,300.00
Total	718,550.00
Amount of Budget estimates	286,546,147.74
Amount of bill as agreed to by conferees	286,543,423.74
Less than Budget	2,724.00

TABLE A.—*Statement of Senate amendments involving appropriations, showing effect of action of conferees thereon*

Amendment No.	Subject	Budget estimate	Appropriated by House	Appropriated by Senate	Agreed amount	Increase (+) or decrease (−), agreed amount compared with House figure			Increase (+) or decrease (−), agreed amount compared with Senate figure—General
						Reclamation fund	Indian tribal funds	General	
1	Commission on conservation and administration [1]	$50,000		$50,000	$50,000			+$50,000	
2	Compilation of Indian laws			2,000					−$2,000
3, 4	Industrial assistance—Indians		$500,000	525,000	500,000				−25,000
9	Indian day and industrial schools [1]	3,267,000	3,062,000	3,267,000	3,267,000			+205,000	
11	Tuition, Five Civilized Tribes	220,000	220,000	233,200	233,200		+13,200		
12	Subsistence, summer schools	[1] 64,000		64,000	64,000			+64,000	
15	School buildings for service children in Arizona			11,500	11,500			+11,500	

[1] A supplemental estimate to cover the increase by the Senate on this item was received after the measure had passed the House.

TABLE A.—*Statement of Senate amendments involving appropriations, showing effect of action of conferees thereon*—Continued

Amendment No.	Subject	Budget estimate	Appropriated by House	Appropriated by Senate	Agreed amount	Increase (+) or decrease (−), agreed amount compared with House figure			Increase (+) or decrease (−), agreed amount compared with Senate figure—General
						Reclamation fund	Indian tribal funds	General	
16-27, 29-34, 37-55, 61-67, 69-73, and 76-79	Enlarged amounts for support and maintenance, nonreservation boarding schools	[1] $370,500		$370,500	$370,500			+$370,500	
35	Home economics building, Genoa (Nebr.) school			15,000	15,000			+15,000	
57	Electric lines to Sequoyah Orphan School, Oklahoma		$7,500					−7,500	
74	Rapid City School, South Dakota	[2] 180,000	55,000	91,500	76,250			+21,250	−$15,250
81	Aid to common schools, Oklahoma	300,000	300,000	450,000	350,000			+50,000	−100,000
84	Education, Sioux Indians	[1] 375,500	350,000	375,500	375,500			+25,500	
85, 86, 87	Cheyenne River and Standing Rock Sanatorium	32,000	32,000					−32,000	
88	Roads, Fort Apache, Ariz	125,000	125,000	135,000	135,000		+10,000		
89	Klamath Agency, Oreg	148,000	148,000	100,000	148,000				[3] +48,000
95	Roads on Indian reservations	250,000	250,000	750,000	250,000				−500,000
96	Gallup-Shiprock highway [4]			20,000	20,000			+20,000	
98	Yakima project (Kennewick unit)	[1] 640,000		640,000	640,000	+640,000			
99	Shoshone project, Wyoming	[1] 100,000		100,000	100,000	+100,000			
104	Topographic surveys	736,000	736,000	744,000	744,000			+8,000	
106, 107	Engraving and printing maps	124,000	124,000	199,000	124,000				−75,000
111-114	Mount Rainier National Park	51,000	48,000	80,300	80,300			+32,300	
115-117	Wind Cave National Park	15,400	15,400	39,900	39,900			+24,500	
118-123	National monuments	32,800	32,800	41,700	41,700			+8,900	
124	George Washington Birthplace	[4] 2,500		2,500	2,500			+2,500	
125	Purchase of land for parks	[1] 1,750,000		1,750,000	1,750,000			+1,750,000	
126	Salary, Secretary of Alaska	3,700	3,700	5,000	3,700				−1,300
						+740,000	+23,200	+2,619,450	−718,550

[1] A supplemental estimate to cover the increase by the Senate on this item was received after the measure had passed the House.
[2] The budget estimate for this item was originally carried under "Conservation of health," as the school is now being operated as a sanatorium and was changed by the House to be operated as a boarding school during the fiscal year 1931.
[3] This increase of the Senate is an appropriation from Indian tribal funds and is not carried in the total for the column.
[4] This estimate was submitted by the Budget with the War Department estimates but was transferred to the Interior Department bill by the Senate.

In accordance with the practice of this subcommittee heretofore, I will insert Table B, which shows the annual appropriations under the Department of the Interior, including deficiencies, for the years 1916 to 1931, inclusive, which I think is of interest to this House.

TABLE B.—*Annual appropriations under the Department of the Interior, including deficiencies, fiscal years 1916–1931*
(Exclusive of permanent and indefinite appropriations)

	Indian tribal funds	Indian reimbursable appropriations	All other Indian appropriations	Army and Navy pensions	Civil-service retirement fund	Reclamation	All other Interior Department appropriations	Total
1931	$3,230,532.04	$2,304,741.00	$18,218,638.74	$212,500,000.00	$20,850,000.00	$9,031,000.00	$23,609,044.00	$289,773,955.78
1930	4,728,829.60	1,991,261.00	16,811,068.81	221,000,000.00	20,500,000.00	8,353,000.00	19,825,486.52	293,209,623.93
1929	3,991,202.74	2,485,720.00	13,481,772.84	229,000,000.00	19,950,000.00	14,149,400.00	17,041,957.55	300,130,053.13
1928	2,535,955.00	5,452,125.00	11,044,361.00	[1] 267,000,000.00		11,903,800.00	15,851,541.34	313,787,782.34
1927 [2]	2,414,808.00	2,412,500.00	10,525,502.13	193,000,000.00		7,556,000.00	14,121,258.00	230,022,068.13
1926 [3]	2,135,010.00	1,589,178.00	13,723,681.55	197,000,000.00		12,349,000.00	[3] 20,924,109.00	[3] 247,720,978.55
1925	2,612,700.00	1,555,600.00	9,656,420.00	222,590,000.00		11,105,289.00	19,215,518.00	266,736,527.00
1924	2,406,600.00	2,179,850.00	9,458,854.00	253,003,000.00		12,250,000.00	21,598,534.00	300,896,838.00
1923	2,483,573.00	1,041,466.00	9,383,720.00	268,000,000.00		15,075,000.00	22,710,520.00	318,694,279.00
1922	2,716,921.00	1,249,005.00	8,724,170.00	265,000,000.00		20,266,000.00	20,160,758.00	318,116,854.00
1921	1,415,165.00	1,450,830.00	9,268,513.00	279,000,000.00		8,463,000.00	21,972,532.00	321,570,040.00
1920	1,531,817.00	2,173,833.00	9,160,629.00	215,000,000.00		7,300,000.00	24,071,669.00	259,237,948.00
1919	1,750,000.00	2,133,583.00	8,982,753.00	223,000,000.00		9,497,080.00	20,365,644.00	265,729,090.00
1918	1,291,117.00	2,029,500.00	9,818,295.00	183,000,000.00		8,227,000.00	28,396,245.00	232,762,157.00
1917	1,263,250.00	1,921,986.00	9,045,658.00	163,000,000.00		8,884,000.00	18,275,465.00	202,390,359.00
1916	665,000.00	518,740.00	9,253,162.00	164,000,000.00		13,530,000.00	15,120,077.00	203,086,979.00

[1] Includes deficiency for 1927 which was paid from 1928 appropriations.
[2] Does not include appropriations for the Patent Office and the Bureau of Mines, which have been transferred to the Department of Commerce.
[3] Includes $4,773,160 appropriated for the Patent Office and the Bureau of Mines transferred to the Department of Commerce July 1, 1925.

Mr. CRAMTON. Mr. Speaker, if there are no questions on the report, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 98. On page 81 insert:

"Yakima project (Kennewick Highlands unit), Washington: For construction, $640,000, to be immediately available: *Provided*, That no part of the funds hereby appropriated shall be expended for construction purposes until there shall have been conveyed to the United States title to the Prosser Dam and the right of way for the Prosser-Chandler Power Canal free of all prior liens and satisfactory to the Secretary of the Interior."

Mr. CRAMTON. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment, which I send to the desk.

The SPEAKER. The gentleman from Michigan [Mr. CRAMTON] moves that the House recede and concur in the Senate amendment with an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment No. 98:

"Yakima project (Kennewick Highlands unit), Washington: For construction, $640,000, to be immediately available: *Provided*, That no part of the funds hereby appropriated shall be expended for construction purposes until there shall have been conveyed to the United States title to the Prosser Dam and the right of way for the Prosser-Chandler Power Canal free of all prior liens and satisfactory to the Secretary of the Interior: *Provided further*, That all net revenues received from the disposition of power not required for pumping water for the irrigation of lands in the Kennewick irrigation district shall be applied, first, to the payment of the construction cost incurred by the United States in connection with the Kennewick Highlands unit, including the power plant and appurtenances, until said construction cost is fully paid, and thereafter to retire the obligations incurred by the said district in the purchase of the said dam and right of way: *And provided further*, That title to and the legal and equitable ownership of the power plant and appurtenances constructed by the United States pursuant to this

appropriation shall be and remain in the United States, and all net revenues therefrom shall go to the reclamation fund after payment of aforesaid construction cost and retirement of said obligations."

Mr. CRAMTON. Mr. Speaker, I will state that the Senate amendment proposed an appropriation of $640,000 for the rejuvenation of the Kennewick Highlands unit of the Yakima project, through the construction of a power plant to furnish cheaper power to that unit. The amendment which we are offering and which I have been advised will be accepted by those interested in the Senate, provides definitely that the profits from that power plant, after the cost of the site and cost of construction is taken care of, will go into the reclamation fund.

Unless there are some questions, I move the previous question on that amendment.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Michigan [Mr. CRAMTON] to recede and concur in the Senate amendment with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 102: On page 85, Mr. CRAMTON moves to recede from the disagreement to the Senate amendment No. 102, and agree to the same.

Mr. CRAMTON. Mr. Speaker, that is simply to correct the total.

The motion to recede and concur was agreed to.

On motion of Mr. CRAMTON, a motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. BRAND of Georgia. Mr. Speaker, I ask unanimous consent, that on to-morrow, after the disposition of business on the Speaker's table, I be permitted to address the House for 15 minutes.

The SPEAKER. The gentleman from Georgia [Mr. BRAND] asks unanimous consent that on to-morrow, after the disposition of matters on the Speaker's table, he be permitted to address the House for 15 minutes. Is there objection?

Mr. KNUTSON. Reserving the right to object, what is the order of business for to-morrow?

Mr. TILSON. There is an appropriation bill for consideration to-morrow.

Mr. AYRES. Reserving the right to object, I will say that, if nothing happens, we will have an appropriation bill for consideration to-morrow, and I will be in charge of the time on this side and I am willing to yield to my colleague all the time he desires.

Mr. KNUTSON. I was going to suggest that that would be a helpful solution.

Mr. BRAND of Georgia. I appreciate what the gentlemen have suggested; but my address is on an important subject, in which every Member of this House is interested, and I think there will be more Members here before we take up the consideration of the appropriation bill than afterwards.

Mr. KNUTSON. May I ask the gentleman from Georgia [Mr. BRAND] what he is going to talk about?

Mr. BRAND of Georgia. I do not know that that is a fair inquiry, but I can tell the gentleman.

Mr. KNUTSON. I know it is not any of my business. I know it is not, but it is a matter of interest, however.

Mr. BRAND of Georgia. I do not contend that the gentleman has no right to make his inquiry, but it is rather an unusual one. I will answer the question of the gentleman. It is in reference to the gross earnings, the net earnings, and the expenses of the 12 Federal reserve banks since the organization of the Federal reserve system, showing the amount of franchise tax each bank has paid during the existence of the system.

Mr. KNUTSON. That is sufficient.

Mr. BRAND of Georgia. And what banks have not paid anything as franchise tax to the Treasury of the United States.

Mr. KNUTSON. I withdraw my reservation of objection.

The SPEAKER. Is there objection?

Mr. SNELL. I object, Mr. Speaker.

MOTHER'S DAY

The SPEAKER. Under the special order of the House the Chair recognizes the gentleman from Iowa [Mr. LETTS] for 20 minutes.

Mr. LETTS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. LETTS. Mr. Speaker, there is an old Jewish saying, "God can not be everywhere; therefore he made mothers."

It has been the pleasure of men to extol human virtues. Patriotism is an easy theme. All men glory in heroism. Strength and courage inspire action. Lofty sentiment, nobility of character, and simplicity of the soul are the most potent elements incident to human endeavor. We have been taught to love our neighbor as ourselves. We have our Damon and Pythias. We delight in the exemplification of brotherhood. I have not yet touched the pulse of human triumph:

For the hand that rocks the cradle
Is the hand that rules the world.

There is no more wholesome movement than the new expression of an old principle of approved human conduct. When Anna Jarvis, born and reared in West Virginia, as child and as woman, experienced great love and reverence for her now sainted mother, she enjoyed what seemed to her a gracious blessing. It was but the common heritage of us all. Later, when she conceived the idea of establishing Mother's Day as an institution, she touched a chord in the nature of mankind which brings the world to its knees on the second Sunday in May to do reverence to the universal conception of motherhood and mother love. With Henry Ward Beecher there is universal acclaim—

A mother is as different from anything else that God ever thought of as can possibly be. She is a distinct and individual creation.

Mr. Speaker, as a day in nature, life has its morning, noon, and night, and mother love has a place in the landscape of each. For the youth there is care and development of the body, mind, and heart. George Herbert knew mothers and children when he said:

One good mother is worth a hundred schoolmasters.

Who has not breathed with Elizabeth Akers Allen the theme of her appealing poem?—

Backward, turn backward, O time in your flight
Make me a child again just for to-night.

What man in his strength has not dropped upon his knees and given utterance to his childhood prayer?—

Now I lay me down to sleep.

What boy has not agreed with James Whitcomb Riley?—

My mother she's so good to me,
If I was good as I could be,
I couldn't be as good—no, sir—
Can't any boy be good as her.

Mother's Day is one of great appeal. It is a day for personal devotion and for family celebration; it is a day of thanksgiving for the blessings of good homes; it is a day for letter writing. We are transported upon the wings of imagination back to the romantic scenes of life in the home which mother made.

Mid pleasures and palaces though we may roam,
Be it ever so humble there's no place like home;
A charm from the sky seems to hallow us there,
Which, seek through the world, is ne'er met with elsewhere.
Home, home, sweet, sweet home!
There's no place like home! there's no place like home!

It is common delight to honor motherhood. Constantly we are reminded of her virtue in war or peace. Whether she be a gold-star mother on her way to France, sorrowing in her loss, glorifying her son for his sacrifice, or she be engaged in the homely pursuits of life, is of no concern. We are indebted to James Russell Lowell, who, in thinking of mothers, said:

Many make the household, but only one the home.

In our great wars American mothers fought as valiantly as their noble sons.

Mothers are the queerest things!
'Member when John went away
All but mother cried and cried
When they said "Good-by" that day.
She just talked and seemed to be
Not the slightest bit upset—
Was the only one who smiled;
Others' eyes were streaming wet.

But when John came back again
On furlough, safe and sound,
With a medal for his deed,
And without a single wound—
While all the rest of us hurrahed,
Laughed and joked, and danced about,
Mother kissed him; then she cried—
Cried and cried like all git out!

Was ever a painting more beautiful than a mother defending her erring boy? Was logic or reason ever more alluring and persuasive than her plea for mercy? Man was never blest with defense more availing than her devotion and persisting love. Like good character, mother's love is often the only defense which the erring one may have, for mother is always by his side.

> Constant as the northern star,
> Of whose true, fixed, and lasting quality
> There is no fellow in the firmament.

What mother is lacking in ambition for her son? Her secret hope outlives fading youth, life's disappointments, and the failure of friendships. Her son is never a failure.

> It is a wonderful thing, a mother; other folks can love you, but only your mother understands. She works for you, looks after you, loves you, forgives you anything you may do, and then the only bad thing she ever does to you is to die and leave you.

In the century of revolution which made Rome an empire, a mother honored wherever she went because of the achievements of her distinguished father, Scipio, was, through the early death of her husband, charged with the care and education of her two boys. Cornelia Gracchus was proud of her sons. Upon an occasion when a friend, who was visiting her, asked to see her jewels she sent for her sons and, leading them forth, proudly said, "These are my jewels."

Cornelia was ambitious for her sons. Unselfish by nature and intensely patriotic in spirit, she was not satisfied to be known as the daughter of Scipio. As an encouragement to her sons, she often asked them when the time would come that Rome would call her instead "the mother of the Gracchi." And so it came to pass, because of her great mother love, that her sons, Tiberius and Caius, reformers but practical, became leaders of the men of Rome.

It was our own beloved Lincoln, in the fullness of life and power, who said:

> All that I am or hope to be I owe to my mother.

The great Napoleon, in a sense of failure and weakness for himself and his nation, prayerfully announced:

> France needs nothing so much to promote her regeneration as good mothers.

The testimony of the human race of every age and for all time is convincing that mother's love is the golden link that binds youth to the noonday of life with its powers, its burdens and its responsibilities, and with the evening of life, with its shadows and its rewards for the discharge of duty.

At maturity one wonders what his immature estimate of mother was.

> Mother is the name for God in the lips and hearts of little children.

Where mother is concerned too much is taken for granted. She does not seek recognition of her service, and often it is withheld. To the child it is natural that the mother should be good and kind and true and helpful. With advancing age one inquiries of his own heart what he has done to show his gratitude; how he has lightened her burdens or cheered her in the hour of gloom. Who among us has not known her as father of the fatherless, as both mother and father. She is akin in heart and blood with her child and, as affects the welfare of her offspring, every hour is an hour of destiny. The child is drawn into the current of the stream of life. To her it is the passing of a day. The child, though matured in full stature, is never grown to her.

Mr. Speaker, a modest little home, not far from the Nation's Capital, was the scene of an unusual celebration on May Day. A great birthday cake with 100 candles, one for each year of a remarkable life, was a part of the setting. Many visitors came into the gayly decorated home. Flags and flowers were there. It is the home of Mother Jones, and the gorgeous cake was hers.

The scene was a peaceful one. Many who had a rougher picture of her were able to forget the passions of those decades when she led her red-pepper and dish-pan armies into battle. John D. Rockefeller, jr., was glad to salute her, and she appraised his act as that of a Christian gentleman. Certainly these are not the concluding years of a desolate life. Her pleasure for the day was in reminiscing. Her thoughts were of other days, and her talk was of "her boys."

She was a nurse during the Civil War, and, soon after the close of that civil struggle, she suffered the loss of her husband and three children in an epidemic of yellow fever. Her little dressmaking business was swept away when Mrs. O'Leary's cow kicked over the lamp and set the great Chicago fire. She sought consolation in that service which she was able to render others and became Mother Jones wherever coal was mined. All this occurred long before the American Federation of Labor came into existence. Born in County Cork she knew what it was to get her "Irish up," and yet thousands of men loved Mother Jones as they loved their own mothers. Some may have believed her a perverse trouble maker, an exponent of dangerous principles, but it is now clear that she only sought an even break for "her boys." Love and tenderness are as warm in her as her courage is resolute. Her century of life has been one of struggle, leadership, and achievement; more than that, she has been mother to those who toil.

Theodore Roosevelt, who quickly sensed and accurately appraised changing public sentiment, became the leader in a movement to enable worthy mothers to maintain homes for their children. He knew the value of mothers as caretakers for children. In 1909 he called what has come to be known as The White House Conference on the Care of Dependent Children. It was recognized that home life is the highest and finest product of civilization; the great molding force of mind and character. Children should not be deprived of it except for urgent and compelling reasons. Temporary misfortune should not require deserving mothers who are without the support of the normal bread-winner to surrender her children to institutions for the care of dependent children.

It was deemed to be in the interest of future citizenship that children should be maintained in their own homes when fathers "drop out." The principle of home care for unfortunate children met with a ready response; to conserve the home has a humanitarian purpose and an economic one. As a principle of justice no home should be broken up for poverty alone. It costs the State less to maintain children in their own homes than to support them in institutions. "Homemade" children, cared for by their own mothers, have the best chance of becoming healthy, normal citizens.

Within the last two decades almost every State in the Union has enacted laws variously termed "mothers' pensions," "mothers' allowances," "mothers' assistance," "widows' compensation," "aid for dependent children," and "aid to mothers."

Such legislation rests upon a sound theory. It affords a practical way of lifting from unfortunate members of society undue handicaps in the battle of life. No greater tribute has ever been paid to mothers than this.

Mr. Speaker, within the year a worthy prize was bestowed upon the author of a book entitled "Grandmother Brown's 100 Years." That book was a biography of a pioneer woman who spent much of her eventful life within my State. It must be that unusual merit was found in this story because of the manner in which motherhood is depicted in the life of Grandmother Brown. One is not impressed with ideas of beauty and flashing wit, but there lingers with the reader an ensemble of wholesome virtues, traits, and habits of life which, in greater or less degree, have been experienced by all. In nature most things of beauty come by twos and threes, but for each there is a single mother.

Grandmother Brown was not an unusual woman as the world would measure her. She won no fame for a single outstanding deed. She was one of the basically and essentially fine women who live for and love their homes. She was a lovable mother and grandmother, with an innate sense of truth and love of beauty. God played an important rôle in her everyday life. Gay and happy, as she usually was, her life had been sufficiently touched with tragedy to make her sympathetic and understanding toward everyone. It is not difficult for one to picture her before her fireplace, musing and reminiscing, rounding out her life of love. She was quite as human as you and I. It is the imprint of such characters that furnish the personal links between the efforts of the heroic past and the present day of fine fulfillment. The story of her life is a continuing promise.

In teaching the virtues of peace, American mothers, without knowing it, prepare their sons for honored stations in civil life and for the trenches. In the home and in the Nation there is no substitute for mother. In time of war and in peace times she is our first line of defense. Neither communism nor other avowed enemy of Government or God or of the home can succeed in America.

Mothers die and take their place in the eternal gardens, but mother love survives, an ever present help in times of trouble. Like a benediction, it is of to-day, to-morrow, and eternity.

Mr. Speaker, have I forgotten father's tribute to mother? Then let Edgar A. Guest speak for all fathers.

I'm just the man to make things right,
To mend a sleigh or make a kite,
Or wrestle on the floor and play
Those rough and tumble games, but say!
Just let him get an ache or pain,
And start to whimper and complain,
And from my side he'll quickly flee
To clamber on his mother's knee.

I'm good enough to be his horse
And race with him along the course.
I'm just the friend he wants each time
There is a tree he'd like to climb;
And I'm the pal he's eager for
When we approach a candy store;
But for his mother straight he makes
When'er his little stomach aches.

He likes, when he is feeling well,
The kind of stories that I tell,
And I'm his comrade and his chum
And I must march behind his drum.
To me through thick and thin he'll stick,
Unless he happens to be sick.
In which event, with me he's through—
Only his mother then will do.

[Applause.]

NATIONAL HYDRAULIC LABORATORY IN THE BUREAU OF STANDARDS

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 8299, authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor, and concur in the Senate amendments.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to take from the Speaker's table House bill 8299 and concur in the Senate amendments. The Clerk will report the bill and the amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 9, after the word "flow," insert the word "and."

Page 2, line 3, strike out the words "other bureau or."

Page 2, line 3, after the word "department," insert the words "or independent agency."

Page 2, line 7, strike out the words "or bureau" and insert the words "or independent agency."

The Senate amendments were agreed to.

LEGISLATIVE APPROPRIATION BILL

Mr. MURPHY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11965) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1931, and for other purposes. Pending that motion, I would like to ask the gentleman from Louisiana about closing general debate on this bill?

Mr. SANDLIN. Mr. Speaker, I would say not later than 3.30, or we might get through by 3 o'clock.

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that general debate on this bill be closed not later than 3.30 p. m.

The SPEAKER. The gentleman from Ohio moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11965; and pending that motion, asks unanimous consent that general debate be closed not later than 3.30 p. m. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Ohio.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11965, with Mr. LUCE in the chair.

The Clerk read the title of the bill.

Mr. SANDLIN. Mr. Chairman, I yield seven minutes to the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. Mr. Chairman, ladies and gentlemen of the committee, it gives me particular pleasure to know that a dream has turned into a realization when the Government is sending the first contingent of gold-star mothers to Europe on the pilgrimage to visit their boys' graves.

In 1923, when first elected to the Congress, one of the first bills introduced by me was a bill known as H. R. 4109, in which the provision was made to give every mother of a member of the military and naval forces of the United States who died in line of duty during the World War, and whose body is buried in Europe, an opportunity to visit the grave of her son, or a widow of her husband.

This bill was referred to the Committee on Military Affairs and extensive hearings were held, the War Department giving a complete survey as to all the details relating to the practical accomplishment of the terms of my bill.

This was in 1923; thereafter, in 1925, in the Sixty-ninth Congress, I again introduced a bill, which was known as H. R. 4003, for the same purpose.

Finally on March 2, 1929, an act was passed, entitled—

An act to enable the mothers and widows of deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries.

It is under this act that they are now able to visit the graves of their sons and husbands.

It is a sad occasion for me, or for any Member, to appear before this body and discuss this question, but, on the other hand, it brings forth the love and affection the American people have for the sons of these wonderful mothers, who gave their lives for the sacred cause of democracy. To the gold-star mothers the loss of their sons is irreparable, and to quote from the immortal Gettysburg address of our beloved Abraham Lincoln:

The world will little know, nor long remember, what we say here, but it can never forget what they did there.

It is the work of our undaunted and courageous young men who asked no questions but went into the fight because they were sent to fight by the Congress of the United States, and who died in the line of their duty like the "Six Hundred" of the famous Balaklava charge, who "rode into the Valley of Death"—

Theirs not to reason why,
Theirs but to do and die.

The gold-star mothers, whom the Congress honored, to give them an opportunity to look at the last resting place of their sons, have made the supreme sacrifice, for they have given to this country their dearest possession, their sons. They have given them for the asking, because they were wanted and because their lives above everything else were the property of the Nation which called upon them at the time of its need.

Like all true sons of America, they responded to the call of duty, went into the fight with all their hearts, and achieved victory, even though they themselves found death and no glory.

But the Nation is very grateful to these sons, and it is now discharging a part of its deed by permitting the mothers and widows of these soldiers to go to the cemeteries where they are interred and make a pilgrimage to their graves.

I know that they have the best wishes of all of us, and of the American people. I know that the city of New York, from which they debark abroad, is most happy to receive them, no matter from where or whence they come, no matter of their creed or nationality, and while in the city I am sure they are welcome everywhere.

We must remember, if history recalls us well, that these sons of the gold-star mothers and all of the American forces, have debarked from the port of New York during the World War, on the perilous journey across the waters, and it was the city of New York which welcomed back those who were fortunate enough to return from the Great War. My city, and I do not doubt every city in this United States, owes a duty to the mothers of the splendid men who have gone forth from it to battle the enemy.

As a representative of a populous district in the city of New York, I can assure you, Mr. Chairman, ladies and gentlemen of the committee, on behalf of the mayor and the city officials of the city of New York, that everything for the comfort of the mothers in their pilgrimage will be done, and we hope that their journey will be as pleasant as circumstances will permit. True, they are going on an errand of death and not of life; they are going to visit the graves of their departed sons, but we should believe in the immortality of the soul and know that death is not the end of life, but the beginning of a new existence. Remember, gold-star mothers, that the souls of your children look down upon you from the place to which all good men go, and that your sons have given their lives, so that this Nation might live, and that they have found their reward of duty well done by the noble Creator who took their lives from this earth only to give them a more glorious life in the world to come.

I am the resurrection, and the life. He that believeth in me, though he were dead, yet shall he live. (John xi, 25.)

[Applause.]

Mr. SANDLIN. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. PATMAN].

Mr. PATMAN. Mr. Chairman, ladies and gentlemen of the committee, I have been giving considerable thought and study to the trade-practice conference work that has been carried on for some time by the Federal Trade Commission. It is comparatively new. About nine years ago there was a trade-practice conference held for some industry in which certain standards were agreed upon. Since that time very few trade-practice conferences have been held until about 18 months ago. About 18 months ago the Federal Trade Commission commenced the policy of calling the representatives of an industry together and calling it a trade-practice conference, but which was, in effect, and which resulted in a trust of that particular business.

The President of the United States and his Cabinet have approved a policy adopted by the Federal Trade Commission and the Department of Justice which means the destruction of independent business. At a meeting of the Cabinet one week ago, the attitude of the administration toward trade-practice conference procedure was brought up. The President and his Cabinet, I am informed from a reliable source, put their stamp of approval, not only upon what the Federal Trade Commission and the Department of Justice have done in the past but what they expect to do in the future.

In the petroleum business this means destroying the independent producers, refiners, and retailers. Further, it is aiding the Royal Dutch Shell Co. in its dream to acquire possession and control of the oil industry in America. The petroleum industry was organized into a trust by the Federal Trade Commission last fall at St. Louis. This trust agreement has received the sanction of the Department of Justice. It is said that the British Government owns one-half of the stock of the Royal Dutch Shell Oil Co. If true, we shall likely, in the near future, pay tribute to the British Government on every gallon of gasoline we consume. Oil companies are making good money. No increase in price is due. The big oil companies of America to-day are openly defying the antitrust laws. A recent increase in gasoline price of 1 cent a gallon in the Northeastern States will soon spread to every State. This increase will amount to $134,000,000 a year. Other increases will follow. The Attorney General has manifested no courage and has made no effort to retard the progress of monopoly. Our country would be almost as well off without an Attorney General as one who is defending those who are operating in a manner derogatory to the public interest.

The policy adopted by the Federal Trade Commission and the Department of Justice, which has received the approval of the President and his Cabinet, is favorable to trusts and monopolies; it is against the small independent, regardless of the business in which he is engaged; it is favorable to big business and destructive to little business; it is approving price fixing by industries without power being lodged in any authority to say what shall be the maximum price charged the public; the trusts will not only set the price of the raw materials to be purchased by them, but they will set the price that the public shall be required to pay for the finished product. No industry should be allowed to destroy competition in defiance of the laws of the land.

The Attorney General continues to use his office as an agency of convenience for big business. He is subservient to the will of the trusts and monopolies, and the rights of the plain people are being crushed with his sanction and approval.

The Cottonseed-Oil Trust robbed the farmers of the South of $75,000,000 last fall. This not only injured the farmers and their families, but it destroyed $75,000,000 worth of purchasing power for manufacturers of necessaries and comforts of life. This robbery was committed with the knowledge and approval of the Department of Justice. When convincing evidence of the robbery was presented to the Attorney General's department, the department took no action and permitted the conspirators to go unpunished, with the gentle admonition "Don't do it again."

A fair and impartial investigation of the Department of Justice would disclose almost unbelievable conduct on the part of the agents of our Government. Such an investigation will disclose that many industries have been caught red-handed by the department fixing prices and destroying competition and no prosecutions of any kind commenced. Further, that the department has let these conspirators against public interest know that if they are dealt with at all they will be dealt with gently and in a way that no fines will be paid or jail sentences served. Probably by an injunction. If the Government wins an injunction suit, no one goes to jail or pays a fine. Criminal action will lie in every case where an injunction will lie. It is very strange, indeed, that the Department of Justice is not asking for any criminal indictments.

The Department of Justice has recently let conspirators against the public interest know that no change of policy is contemplated by that department. That statement assures illegal trusts and monopolies that they can continue on as they have in the recent past without any fear of punishment. [Applause.]

Mr. SANDLIN. Mr. Chairman, I yield to the gentleman from Georgia [Mr. LANKFORD].

Mr. LANKFORD of Georgia. Mr. Chairman, as every servant makes report to his employer, so should Members of Congress, from time to time, make reports to their folks back home. These reports are not easily made up, for the very sufficient reason that the individual is entitled to the whole credit for practically nothing accomplished in Congress. It is only by and with the help of others the Member of Congress takes part in the thousands of worth-while accomplishments in a given period of congressional service.

No one of us can claim credit for moving the mountain but each is entitled to the honor of helping with a few shovels of dirt. Paraphrasing, let me say:

It is not the men or argument
Or the money they can pay
It's the close cooperation
That makes them win the day.
It is not the individual
Or the Congress as a whole
But the everlasting teamwork
Of every faithful soul.

Our folks are vitally interested in our being faithful to them and legislatively shoveling for the right. There are only a few simple questions at issue. Are we doing teamwork for our people and are we cooperating with those in Congress who are battling for the right? If so, then we are entitled to a good report. If not, our report is bad, it matters not how we may attempt to embellish it.

The soldier marches hundreds, even thousands of miles, fires hundreds of shots, suffers untold privations and hardships, and after the war is won, comes back with scars and a torn, disabled body to show for his service, and yet he can not say "I won the conflict," but he can proudly boast that "we gained the day." His people justly honor him, not because he won the battle as an individual for he did not, but because he was true, did not desert in time of stress, and did his best. All honor is his, even if he fought for a lost cause, if he was faithful to the end.

So it is with Congress, which, like an army, is making the destiny of a nation. Members, here, can only do their best and be true and when a good piece of legislation is enacted or a bad bill defeated we can only say "we helped."

As I get older I learn to like more and more the editorial "we" and see less and still less cause for use of the personal pronoun "I."

Congress is a mighty, efficient, complicated machine, grinding slowly and yet surely. No one can claim to be the whole machine or even an important part. Each one constitutes but a single cog in a single wheel, doing but a small part of the work of the whole.

Thus it is I find myself ready to report my activities in thousands of matters and yet unable to say I, alone, have passed any single piece of legislation. The individual can introduce bills, make speeches, extend remarks, cast votes, attend committees, and so on, but when he attempts to secure the enactment of a bill he must get efficient help and plenty of it, if he is to, at all, succeed. In fact, practically all large bills are made up of scores of items sponsored by dozens of Members of the House.

A few days ago some of my friends said I was to be congratulated for securing for my district, in the river and harbor bill passed last month, more authorizations than was ever written in a previous similar bill. I replied that I was only entitled to credit for helping secure the items, and that much credit was due to the citizens of Brunswick and south Georgia, and especially to Mr. Richard C. Job, secretary of Brunswick Board of Trade, whose splendid cooperation and help was of inestimable value to the committee and myself. I further said:

I realize also that I would have failed except for the splendid help of the Army engineers and their excellent chief, General Brown, and his courteous and ever-helpful assistant, General Deakyne. Then, again, how can I express my thanks to the splendid House Committee on Rivers and Harbors and its members, from the excellent chairman, the gentleman from New York, Mr. DEMPSEY, and the ranking Democrat, the much beloved and honored gentleman from Texas, Mr. MANSFIELD, down to and including not only all the committee but each and every one of its courteous clerical force.

Mr. Chairman, I further said to my friends:

While giving credit to those who helped in the passage of the recent river and harbor bill and thus rendered such splendid service to Georgia,

the entire Atlantic seaboard, and the Nation, I again and again recall the faithful, thoughtful, and efficient service of my good friend and colleague from Georgia, Mr. EDWARDS. I know many of my items, as well as many items from New York to Key West, would not have been included in the bill except for his untiring, faithful service, and not only Georgia but the entire Nation is to be congratulated upon the decision of Mr. EDWARDS to again go upon the River and Harbor Committee and take up anew his splendid work where he served so efficiently and helpfully several years ago.

Mr. Chairman, again my friends said I was to be congratulated upon securing for the first time, in the present tariff bill, a duty upon turpentine, long-staple cotton, tar and pitch of wood, as well as an increase on peanuts and various other farm products, and I said, "No; I only helped wherever I found a chance." Just as my State is fortunate in having Mr. EDWARDS on the River and Harbor Committee so we are to be congratulated upon having Mr. CRISP, of Georgia, upon the House Committee on Ways and Means.

Not only is credit due my colleague Mr. CRISP for contending for a duty on those articles produced and sold in the South, when and where he felt that the rate was just to the Nation and yet helpful to Georgia and the South, but he also rendered valiant service in the committee and on the floor in opposition to those rates and provisions of the tariff bill which he honestly believed to be unfair and dangerous to the American people. He has always rendered my district most efficient service on this committee and in the House and I thank him in behalf of my people.

I am especially mindful and appreciative of the splendid service he rendered the farmers of the Nation several years ago in his fight against a tariff or duty on potash and German kainit, so essential for fertilizer purposes.

This was just after I first came to Congress and I was glad to help, all a new Member could, in this victorious battle in behalf of the farmers. I know of the valiant service rendered by the members of the Ways and Means Committee in behalf of rates and provisions each felt to be just, and I am especially appreciative of the help by the chairman [Mr. HAWLEY], and the chairman of the subcommittee on the chemical schedule [Mr. HADLEY], by both of whose help the rates were inserted and retained on naval stores or turpentine and tar or pitch of wood, long-staple cotton, and other farm commodities of my section.

Another one of my friends, having heard me discuss the river and harbor bill and the tariff bill, said he was sure the people of my district approved my fight for a survey of all possible canal routes across south Georgia and north Florida and that I deserved the thanks of all the people of my district for securing surveys of all practical routes.

I told my friend that I was glad my people approved my course but that the honor for securing the surveys should go to the Board of Army Engineers and their chief, to the House Committee on Rivers and Harbors, with special mention of the efforts of my good friend from Georgia, Mr. EDWARDS, and that the splendid work of both the Georgia and Florida delegations in Congress should not be overlooked and that I gladly admitted that I was at all times present, aiding and abetting, whenever opportunity presented itself.

Still another friend chimed in that I was to be congratulated upon recently preventing the sale and thus securing the transfer of Blythe Island, near Brunswick, Ga., from the Navy Department to the War Department for the use of the National Guard of Georgia. In reply, I said:

My good friend, in this matter I was helped by the good people of Brunswick, headed by Maj. W. L. Harwell, of the National Guard, and Mr. Richard C. Job, of the board of trade. I had the approval and hearty cooperation of Adjutant General Parker, of Georgia, the Chief of the Militia Bureau, General Everson; the Judge Advocate General of the Navy, Admiral Sellers; the Secretary of War; the Secretary of the Navy; and President Hoover, and I only claim credit for having helped. In this matter, as in the others just mentioned, I had the splendid help of a member of my State delegation my colleague and friend the gentleman from Georgia [Mr. VINSON], the ranking Democrat of the House Committee on Naval Affairs.

Thus it was, Mr. Chairman, that while I was home for a few hours about 10 days ago, several of my friends were telling me how much they appreciated my efforts here during the last two or three months, and I was endeavoring to let them know that single-handed we can do practically nothing but that by proper cooperation we are able to accomplish much here that is worth while.

Let me mention a few more of the conversations that took place during my brief stay in Georgia. Some of my farmer friends told me how much they appreciated the fight I have made here for 10 years in behalf of sure-enough farm relief and further mentioned their especial appreciation of the passage of the two little emergency, flood stricken area loan acts which had been helpful, in a small way, to some of them and their friends.

I called attention to the fact that the Georgia delegation in Congress had as a unit fought with the friends of the farmer, and that my State was extremely fortunate in having on the House Committee on Agriculture my colleague and good friend, the gentleman from Georgia [Mr. LARSEN], who, ever since I came to Congress and before, has fought for the farmers' welfare, and at this time is helping in every way possible to further perfect the recent Farm Board act and thus further endeavor to put the farmer on a parity with industry as promised in the platforms of both major parties. The farmers of the whole country are to be congratulated on having on the House Committee on Agriculture a man as sympathetic with their every want and need as Mr. LARSEN.

I gladly told my friends that it was a pleasure to cooperate with Mr. LARSEN and the House Committee on Agriculture, and that some of the suggestions I had made heretofore had been included in bills passed at previous sessions, and that I was still offering my ideas on farm relief in the form of bills and speeches and was confident of careful consideration of my proposals.

While I was talking to my friends about happenings in Congress, one said that the people generally were very appreciative of the recent good-roads authorization, which is the largest ever granted. He also mentioned that, since I entered Congress, the Government had done many times more for good roads than ever before. I told my friend that the good-roads legislation was a splendid illustration of the very idea I was endeavoring to impress on my hearers; that I did not originate the good-roads Federal aid idea, as that was done before I entered Congress by my colleague and good friend, the gentleman from Georgia [Mr. BELL]. I explained that now the friends of good roads are in the majority in Congress and all anyone can do is to join the crowd and push for more and better good roads.

I explained that a man like Mr. BELL, who sponsors a great move and gets Congress to adopt an outstanding splendid program, is the type of man whom all the people should greatly honor as a benefactor of humanity for all time. Mr. BELL, as the pioneer of the good-roads movement, is entitled to the thanks of a grateful people.

Thus it is, Mr. Chairman, we all are workers in the legislative vineyard, but none can justly claim to be the lord of the harvest. All our victories here are not such as can be claimed by the individual, or by a party, or even by the Congress. They are the result of man's effort to better the condition of himself and his fellows, the outcome of a struggle in which all humanity has engaged from the beginning of time and which will last unto eternity. Each of us, in a small way, are only doing our part in the great drama. Only those who originate great moves are entitled to special or great honors.

Let us think of the many bills which we see passed. The local bills are practically all passed by unanimous consent. The passage of the more important bills can only be accomplished by the support, not only of the author, but also of the committee and the majority of both Houses, Democrats and Republicans.

As a further illustration of what I am saying, let me give one more illustration. I was very happy several years ago to secure the adoption of an amendment to a proposal to extend the life and authority of the War Finance Corporation so as to enable the banks of the country to better finance the farmers and themselves. I have since believed that if we had carried that program still further, many banks would have been saved and our farmers would have been greatly benefited. I favored changing the old War Finance Corporation to the farmers' finance corporation, and have introduced bills and made many speeches advocating and showing how real farm relief can be worked out of this idea. But I shall not make a farm-relief speech at this time. I only want to call attention to the importance of proper banking laws and to show that in the little service I have been able to render in this connection I was aided by the genial and able gentleman from Georgia [Mr. BRAND] and the entire House Committee on Banking and Currency. I again wish to congratulate the people of Georgia in having on this very important committee an honest, capable, fearless champion of clean, safe, and sane banking in the person of the gentleman from Georgia [Mr. BRAND]. I wish to thank my friend for the service he has rendered my people and the Nation by his efforts to make banking safe and yet more serviceable to the great common people.

In fact, Mr. Chairman, my State is to be congratulated on the splendid strategic positions the members of our delegation occupy on the various committees. These positions are obtained by merit and by seniority of service. Let me call the roll of all members of our delegation who became Members of

Congress before I entered here. Mr. CRISP is on Ways and Means, Mr. EDWARDS on Rivers and Harbors, Mr. LARSEN on Agriculture, Mr. BELL on Post Office and Post Roads, Mr. VINSON on Naval Affairs, and Mr. WRIGHT on Appropriations.

In part I have already mentioned the splendid service these gentlemen are rendering.

Every assignment is of tremendous importance. For instance, the very safety and life of our Nation depends on naval affairs, and Georgia has the ranking Democrat on that committee in the person of that efficient, careful student of all that concerns our Navy as the guardian of our national existence, the gentleman from Georgia, Mr. VINSON. Then there is the gentleman from Georgia, Mr. WRIGHT, with all his ability as a lawyer and as an experienced Member of the House, on the House Committee on Appropriations, recognized as probably the most powerful committee of Congress. I could call the entire roll of the delegation, but such is unnecessary.

Thus it is I feel assured my people and the people of my State will receive a fair deal when bills come up before the committees on which my colleagues and friends are Members.

Four members of the Georgia House delegation came to Congress since my first election. All of these gentlemen are rendering excellent service to their districts and the Nation and are doing well their part of the legislative program of the country. The gentleman from Georgia, Mr. COX, with his legal mind and training, is rendering a great service to his district and the country on the House Committee on Flood Control. In so far as my district and that of my colleague, Mr. COX, is concerned, the question of flood control, drainage, and reclamation, transportation canals, hydroelectric energy, and farm relief, to my mind, are so interwoven and interrelated as to make this one of the most important committees of the House.

Of most vital importance to the whole Nation and to all our people are the questions of immigration and naturalization which arise in Congress, and Georgia and the whole country are fortunate in having on the House committee dealing with this subject the amiable, capable, fearless, and sincere gentleman from Georgia, Mr. RUTHERFORD, who is rendering a real service not only on this committee but also on three other House committees, to wit, Election of President, Vice President, and Representatives in Congress; Census; and Pensions. Mr. RUTHERFORD is on committees which deal with the very life of our country. None are more important.

Mr. Chairman, to my mind the greatest problem and responsibility of all time is that of proper education of the youth of the country, so that a great citizenship may be maintained and the perpetuity of free institutions assured. The welfare of the child is the true yardstick by which all legislative proposals may be properly measured, and I predict that Congress, the Nation, and the various States, more and more, will consider and recognize the great problem of proper education and training of the children as a duty of first magnitude. I am truly glad the gentleman from Georgia [Mr. TARVER], who has his heart in the welfare of the children of the country, is on the House Committee on Education. With his legal ability, judicial training, and honesty of purpose, Mr. TARVER is rendering efficient and valuable service not only on this committee but also on additional House committees as follows: Elections No. 2, Revision of the Laws, and District of Columbia.

The gentleman from Georgia [Mr. RAMSPECK] is the youngest Member of our delegation, and while he lacks the advantages that seniority of service will give him, he comes better equipped than most new Members because of his long and valuable service in congressional affairs, as secretary of former Congressman Hon. William Schley Howard, of Georgia. Already Mr. RAMSPECK, with his legal training, excellent ability, and sincerity of purpose, is rendering his district and the Nation most valuable service on the House committees as follows: Civil Service, Claims, and Labor. These committees deal with legislation which either directly or indirectly touch every problem of our people, and the whole Nation is vitally concerned with every measure referred to Mr. RAMSPECK and his committee colleagues. My State and the Nation is to be congratulated upon securing the services of my good friend and colleague on these important committees.

Mr. Chairman, I have said this much to demonstrate that while I realize that I need help in a legislative way, at every turn and on every hand, yet I rejoice that the Members of my State delegation occupy strategic positions where they can render real service to my people and to the people of every district in the Union.

As sure as day follows the night so sure will Members of the House from all over the Nation remember the real courtesies and genuine service which my delegation shows and renders to them and theirs. Legislation here, to a very large extent, is a matter of reciprocal service and mutual courteous understanding.

My State is also most fortunate in having two Senators each of whom is ever on the alert for an opportunity to serve their State and Nation. They both have served my people whenever an opportunity presented itself and I am truly grateful. They have helped me and my district when under the particular circumstances I could not help myself. When we send a bill to them they fight to prevent the elimination of the provisions that are right and seek to add such other items or provisions as will improve the measure.

Each of our Georgia Senators is on Senate committees of vital importance and the Nation is to be congratulated upon the service they are rendering the whole people.

Mr. Chairman, not only is all legislation the result of the efforts and service in both Houses but in many cases is the outcome of the labor of countless thousands of past generations. This is also largely true of all other congressional service. May I be pardoned for mentioning a recent favorable decision by the Comptroller General in a case in which I submitted a written argument. The decision in that case saved about $3,500 for a World War veteran in my district and I am reliably informed that this decision will probably give relief in a substantial financial way to about 200 World War veterans throughout the United States.

While I put many hours on that case, and am truly glad I was able to help secure a decision helping hundreds of worthy World War veterans, I realize that I received valuable assistance from scores of officials in the Veterans' Bureau, the General Accounting Office, and other departments. I am under special obligations for the valuable assistance of Mr. Chambers, of the Disabled American Veterans.

Again, I am also truly sensible of the fact that while I was working on this case, which gave relief to men in the congressional districts of others, there were hundreds of cases in which other Members of Congress were working which will give relief to World War veterans in my district. Thus it is that true service here is to do our best at the right time in the right way. Every Member in some way, either directly or indirectly, is helped by every other Member, and every individual Member at some time or other renders a real service to every other Member and the Nation. May each of us serve as well as we are served, and may we all become stronger and nobler because of the true, genuine service we render all the people.

Thus it is, Mr. Chairman, I can not give a detailed report of my services since I came to Congress or for even one term.

There are literally thousands of matters in which all have helped and for the accomplishment of which all are to be honored. If I should name these thousands of items and show how I have been assisted by my colleagues and friends, I must needs write a book. I shall, therefore, content myself with saying I have stayed on the job and have done my best for my people who have trusted me all these years.

Mr. SANDLIN. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. DAVIS] such time as he may desire.

Mr. DAVIS. Mr. Chairman, most of the nations who engaged in the World War have each erected a monument to one of their unknown soldiers as a tribute to the valor and patriotism of the private soldiers who made the supreme sacrifice in the World War.

There has been more or less discussion as to the origin of this idea.

In this connection one of my old friends, Mr. A. Y. Smith, sr., has called my attention to an official report to the Confederate Government at Richmond, dispatched by Maj. Gen. Braxton Bragg from Tullahoma, Tenn. (my home), on February 23, 1863.

After paying high tribute to his officers—killed, wounded, and present—General Bragg paid the following tribute to the private soldier:

> However much of the credit and glory may be given, and probably justly given, to the leaders in our struggle, history will yet award the main honor where it is due—to the private soldier, who, without hope of reward and with no other incentive than a consciousness of rectitude, has encountered all the hardships and suffered all the privations. Well has it been said: "The first monument our Confederacy rears should be a lofty shaft, pure and spotless, bearing this inscription: To the unknown and unrecorded dead."

Another interesting coincidence is that the American Unknown Soldier was laid to rest in the former home of Gen. Robert E. Lee, who was the commanding general under whom General Bragg served. [Applause.]

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

House Office Building: For maintenance, including miscellaneous items, and for all necessary services, $162,060.

Mr. CHINDBLOM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CHINDBLOM: Page 26, line 4, after the period, insert a new paragraph to read as follows:

"To procure a marble base or pedestal for the marble bust of the Hon. Joseph G. Cannon, $500."

Mr. CHINDBLOM. Mr. Chairman, I think the Members of the House are all aware that the House Office Building contains a marble bust of the Hon. Joseph G. Cannon, formerly Speaker of this House, who was chairman of the commission which had in charge the erection of the House Office Building. It was because of his connection with the construction of the House Office Building that this bust was procured, as I am informed, through subscriptions contributed by Members of the House. The bust has been located in an alcove on the second floor until quite recently, when many of us have been happy to observe that the House Office Building Commission has caused the bust to be removed to the foyer or lobby of the building, where it is now visible to all who enter the building.

The bust, however, is placed upon a wooden pedestal or wooden base, which is not at all in conformity with the bust. In order to have the base or pedestal in conformity with the surroundings I have offered this amendment. I have submitted it to the majority and minority ranking members of the Subcommittee on Appropriations as well as to the leadership of the House, and I am pleased to say it has met with universal approval.

I think the amendment should be adopted in order that the very splendid likeness of this venerable statesman, who served the House so long and so well, may have a suitable setting in the House Office Building.

Mr. MURPHY. Mr. Chairman, the committee is in accord with the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Capitol power plant: For lighting, heating, and power for the Capitol, Senate and House Office Buildings, Congressional Library Building, and the grounds about the same, the Union Station group of temporary housing, Botanic Garden, Senate garage, House garage, Maltby Building, folding and storage rooms of the Senate, Government Printing Office, and Washington City post office; personal and other services; engineering instruments, fuel, oil, materials, labor, advertising, and purchase of waterproof wearing apparel, in connection with the maintenance and operation of the heating, lighting, and power plant, and substations connected therewith, $345,310.

Mr. MURPHY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MURPHY: On page 26, in lines 22 and 23, strike out the following: "And substations connected therewith."

Mr. CHINDBLOM. Mr. Chairman, if the gentleman will yield, are there no substations or are they provided for elsewhere?

Mr. MURPHY. I will say to the gentleman who has made the inquiry, there are places for these folks and they have been transferred from the Capitol power plant to other places in the Government services.

The amendment was agreed to.

The Clerk read as follows:

The Public Printer may continue the employment under his jurisdiction of William A. Smith, CONGRESSIONAL RECORD clerk at the Capitol, notwithstanding any provision of the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and any amendment thereof, prohibiting extensions of service for more than four years after the age of retirement.

Mr. TILSON. Mr. Chairman, I move to strike out the last word.

The effect of the paragraph of the bill just read is to keep in the active service of the Government our very faithful and loyal representative of the Government Printing Office—William A. Smith, CONGRESSIONAL RECORD clerk at the Capitol. [Applause.] By reason of age and length of service, he was some time ago eligible for retirement under the retirement law. This paragraph will continue him in the service for another period.

For 57 years Mr. Smith has been an employee of the Government Printing Office, and for 55 years he has represented the Printing Office in this Capitol, a record of service of which anyone may be justly proud.

Members of Congress have come to look upon "Andy," as we call him, not only as a faithful and efficient employee of the Government but as an institution. [Applause.] Unlike his more famous namesake of the radio team of Amos 'n' Andy, he is not given to big talking, but is great on performance. Many Members of Congress, old as well as new, owe him a large debt of gratitude for advice and assistance in helping them over the rough places in taking care of their speeches. I sometimes wonder if we fully appreciate Andy's helpful services and how we should get along without him. I am glad that he is to continue in the active service and hope that for many more years to come Congress may have the benefit of his invaluable services. [Applause.]

The pro forma amendment was withdrawn.

The Clerk completed the reading of the bill.

Mr. MURPHY. Mr. Speaker, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LUCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 11965) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1931, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. MURPHY. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment; if not, the Chair will put them en gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MURPHY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADDRESS OF PRESIDENT HOOVER

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend by remarks in the RECORD by including therein an address of President Hoover before the Chamber of Commerce of the United States with two brief editorial comments thereon.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing an address delivered by the President of the United States before the United States Chamber of Commerce, together with some editorial comments thereon. Is there objection?

There was no objection.

Mr. BACON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include an editorial from the New York Evening Post entitled, "Mr. Hoover at His Best"; an editorial from the New York Herald Tribune entitled, "Superlative Leadership"; and finally the address of President Hoover before the Chamber of Commerce of the United States.

[Editorial from the New York Evening Post]

MR. HOOVER AT HIS BEST

Mr. Hoover is at his best when dealing with questions of panic relief. He restores faith in his administration, we are glad to say, when he makes a speech like that made last night before the United States Chamber of Commerce.

His analysis of what we have been through in our economic crisis was most acute. "All slumps are the inexorable consequences of the destructive forces of booms." But this slump, as the President said, was taken at its start in an attempt, and a largely successful attempt, to stop it before it had gotten under full swing. "I do not accept the fatalistic view that the discovery of the means to restrain destructive speculation is beyond the genius of the American people." Certainly, for the first time we have had a President with economic vision enough not to "accept the fatalistic view" that a panic must run its course before anything can be done about it.

Mr. Hoover spoke with overgreat modesty of this unprecedented bit of economic courage. He did not say, as he might have said, that it was exercised in the face of the opposition of strong, if purely political, advice. To the politician the obvious thing, the safe thing, the precedented thing was to wait until every one in the land had felt the panic,

had suffered its fears, and experienced its penalties. Then, said the wise ones, let the President step forward with a gesture of relief (of almost any kind) and he will be hailed as a marvelous benefactor, and gain great popular strength thereby. Mr. Hoover explicitly turned his back on that advice and gave the country the kind of anticipatory or preventative relief that has brought things to their improved position of to-day.

So much for the past. For the present, "I am convinced we have now passed the worst." For the future, a combination of the lessons learned from prosperity with those learned from panic.

The financial world, we imagine, will approve his interesting suggestion that something be done to stabilize building loans against times of trouble so that the fundamental industry of home building shall not suffer. There will be agreement, too, to the proposition that interest rates both in the Federal reserve discounts and in the speculative market have assumed such new forms during the recent boom that they would well repay a thorough study. We must admit, too, the advantage of Mr. Hoover's suggestion of an improvement in statistical service so that the business world may get storm warnings in time. And his recommendations for better unemployment figures and treatment are axiomatic.

The President in his whole address showed his grasp of the mighty problems of industry, prosperity, and panic brought vividly before us all by the stock-market crash of October 29, 1929. He also gave us a sense of his mastery of them, because the work of turning the tide is clearly advancing "according to plan."

[Editorial from the New York Herald-Tribune]

SUPERLATIVE LEADERSHIP

How far the country has recovered from the economic shock of last fall's slump in security values must remain for some months, perhaps, a matter of divided opinion. In his admirable address to the Chamber of Commerce of the United States President Hoover expressed the view that the worst is over and that "with continued unity of effort we shall rapidly recover." That is a fair and justifiable measure of optimism.

No one can say what would have happened if the crisis of November last had not been met with cool and superlative leadership. On that occasion, the President rightly says, a great economic experiment was launched. It was an experiment in stabilizing economic forces through nation-wide cooperation, on the initiative and under the guidance of the Federal Government. Nothing of the sort was attempted in earlier financial crises. The machinery for it, as well as the thought of it, did not then exist. In recent years our economic system had gradually become organized and coordinated, and resistance to demoralization could be made instead of letting disaster run its baleful course.

This effort to check the evil consequences of overinflation and reckless speculation marked the appearance of a new policy and the development of a new rôle of helpfulness on the part of the Government. The President, accustomed to deal with economic problems, seized the opportunity to offer the country the guidance which it needed, and business, transportation, agriculture, labor, and finance rallied behind him. It was a convincing demonstration that the United States had entered a new era of economic solidarity and of competency to protect itself against destructive economic flarebacks.

However slowly the equilibrium is reestablished, there can be no doubt that the recovery will be much quicker than it would have been without the President's courageous intervention. That act in itself restored shattered confidence. It showed the way out. It disclosed a spirit of immediate willingness and ability to pool all the country's resources and to make common cause against a threatened financial breakdown. Prosperity will return, but it will return all the sooner because of President Hoover's timely and enormously valuable assertion of national economic leadership.

ADDRESS OF PRESIDENT HOOVER

Gentlemen of the United States Chamber of Commerce, we have been passing through one of those great economic storms which periodically bring hardship and suffering upon our people. While the crash only took place six months ago, I am convinced we have now passed the worst and with continued unity of effort we shall rapidly recover. There is one certainty in the future of a people of the resources, intelligence, and character of the people of the United States—that is, prosperity.

On the occasion of this great storm we have for the first time attempted a great economic experiment, possibly one of the greatest of our history. By cooperation between Government officials and the entire community, business, railways, public utilities, agriculture, labor, the press, our financial institutions and public authorities, we have undertaken to stabilize economic forces; to mitigate the effects of the crash, and to shorten its destructive period. I believe I can say with assurance that our joint undertaking has succeeded to a remarkable degree, and that it furnishes a basis of great tribute to our people for unity of action in time of national emergency. To those many business leaders present here I know that I express the gratitude of our countrymen.

It is unfortunate, in a sense, that any useful discussion of the problems behind and before us has to be expressed wholly in the cold language of economics, for I realize as keenly as anyone can that individually they are not problems in science but are the most human questions in the world. They involve the immediate fears of men and women for their daily bread, the well-being of their children, the security of their homes. They are intensely personal questions fraught with living significance to everything they hold dear. The officers of a ship in heavy seas have as deep a consciousness of the human values invoked in the passengers and crew whose lives are in their keeping, but they can best serve them by taking counsel of their charts, compass, and barometer, and by devotion to navigation and the boilers. In like manner, the individual welfare can best be served by us if we devote ourselves to the amelioration of destructive forces, for thereby we serve millions of our people.

All slumps are the inexorable consequences of the destructive forces of booms. If we inquire into the primary cause of the great boom on the stock exchanges last year we find it rests mainly upon certain forces inherent in human mind. When our Nation has traveled on the high road to prosperity for a considerable term of years, the natural optimism of our people brings into being a spirit of undue speculation against the future. These vast contagions of speculative emotion have hitherto throughout all history proved themselves uncontrollable by any device that the economist, the business man, or the Government has been able to suggest. The effect of them is to divert capital and energy from healthy enterprise—the only real source of prosperity—to stimulate waste, extravagance, and unsound enterprise, with the inevitable collapse in panic.

Out of the great crashes hitherto there has always come a long train of destructive forces. A vast number of innocent people are directly involved in losses. Optimism swings to deepest pessimism; fear of the future chokes initiative and enterprise; monetary stringencies, security and commodity panics in our exchanges, bankruptcies and other losses all contribute to stifle consumption, decrease production, and finally express themselves in unemployment, decreased wages, strikes, lockouts, and a long period of stagnation. Many have looked upon all this rise and fall as a disease which must run its course and for which nothing could be done either in prevention, or to speed recovery, or to relieve the hardship which wreaks itself especially upon workers, farmers, and smaller business people. I do not accept the fatalistic view that the discovery of the means to restrain destructive speculation is beyond the genius of the American people.

Our immediate problem, however, has been the necessity to mitigate the effect of the recent crash, and to get back onto the road of prosperity as quickly as possible. This is the first time an effort has been made by the united community to this end. The success of this effort is of paramount importance, not only for our immediate needs but the possibilities it opens for the future. The intensity of the speculative boom on this occasion was, in my view, as great as or greater than any of our major manias before. The intensity of the slump has been greatly diminished by the efforts that have been made.

We—and as "we" I speak of many men and many institutions—have followed several major lines of action. Our program was one of deliberate purpose to do everything possible to uphold general confidence which lies at the root of maintained initiative and enterprise; to check monetary, security, and commodity panics in our exchanges; to assure an abundance of capital at decreasing rates of interest so as to enable the resumption of business; to accelerate construction work so as to absorb as many employees as possible from industries hit by decreased demand; to hold up the level of wages by voluntary agreement and thus maintain the living standards of the vast majority who remain in employment; to avoid accelerating the depression by the hardship and disarrangement of strikes and lockouts; and by upholding consuming power of the wage earners to in turn support agriculture.

We may well inquire into our progress thus far. We have succeeded in maintaining confidence and courage. We have avoided monetary panic and credit stringency. Those dangers are behind us. From the moment of the crash, interest rates have steadily decreased and capital has become steadily more abundant. Our investment markets have absorbed over two billions of new securities since the crash. There has been no significant bank or industrial failure. That danger, too, is safely behind us.

The acceleration of construction programs has been successful beyond our hopes. The great utilities, the railways, and the large manufacturers have responded courageously. The Federal Government has not only expedited its current works but Congress has authorized further expenditures. The governors, mayors, and other authorities have everywhere been doing their full part. The result has been the placing of contracts of this character to the value of about $500,000,000 during the first four months of 1930, or nearly three times the amount brought into being in the corresponding four months of the last great depression of eight years ago.

All of which contributes not only to direct employment but also a long train of jobs in the material and transportation industries. We are suffering from a decrease in residential construction, but despite this we have reason to believe that the total construction will still further

expand, and we should, during 1930, witness a larger gross volume of improvement work than normal.

For the first time in the history of great slumps we have had no substantial reductions in wages and we have had no strikes or lockouts which were in any way connected with this situation.

The accelerated construction has naturally not been able to absorb all the unemployment brought by the injuries of the boom and crash. Unfortunately we have no adequate statistics upon the volume of unemployment. The maximum point of depression was about the first of the year, when, severe as the shock was, the unemployment was much less proportionately than in our two last major depressions. A telegraphic canvass of the governors and mayors who are cooperating so ably with us in organizing public works brings with one exception the unanimous response of continuously decreasing unemployment each month and the assurance of further decreases again in May.

All these widespread activities of our business men and our institutions offer sharp contrast with the activities of previous major crashes and our experiences from them. As a consequence, we have attained a stage of recovery within this short period greater than that attained during a whole year or more following previous equally great storms.

While we are to-day chiefly concerned with continuing the measures we have in process for relief from this storm, and in which we must have no relaxation, we must not neglect the lessons we have had from it, and we must consider the measures which we can undertake both for prevention of such storms and for relief from them. Economic health, like human health, requires prevention of infection as well as cure of it.

I take it that the outstanding problem and the ideal of our economic system is to secure freedom of initiative and to preserve stability in the economic structure in order that the door of opportunity and equality of opportunity may be held open to all our citizens; that every business man shall go about his affairs with confidence in the future; that it shall give assurance to our people of a job for everyone who wishes to work; that it shall, by steady improvement through research and invention, advance standards of living to the whole of our people. That will constitute the conquest of poverty, which is the great human aspiration of our economic life.

And these economic storms are the most serious interruptions to this progress which we have to face. Some of you will recollect that following the great boom and slump of eight years ago, as Secretary of Commerce I initiated a series of conferences and investigations by representative men into the experiences of that occasion and to make therefrom recommendations for the future. It is worth a moment to examine our conclusions at that time as tested in this present crisis.

The first of the conclusions at that time was that our credit machinery should be strengthened to stand the shock of crash; that the adjustment of interest rates through the Federal reserve system should retard destructive speculation and support enterprise during the depression.

Our credit machinery has proved itself able to stand shock in the commercial field through the Federal reserve system, in the industrial field through the bond market and the investment houses, in the farm-mortgage field to some extent through the farm-loan system, and in the installment-buying field through the organization of powerful finance corporations.

But if we examine the strains during the past six months we shall find one area of credit which is most inadequately organized and which almost ceased to function under the present stress. This is the provision of a steady flow of capital to the home builder.

From a social point of view this is one of the most vital segments of credit and should be placed in such a definitely mobilized and organized form as would assure its continuous and stable flow. The ownership of homes, the improvement of residential conditions to our people, is the first anchor in social stability and social progress. Here is the greatest field for expanded organization of capital and at the same time stimulation to increased standards of living and social service that lies open to our great loan institutions.

The result of the inability to freely secure capital has been a great diminution in home construction and a large segment of unemployment which could have been avoided had there been a more systematic capital supply organized with the adequacy and efficiency of the other segments of finance. We need right now an especial effort of our loan institutions in all parts of the country to increase the capital available for this purpose as a part of the remedy of the present situation.

There can be no doubt of the service of the Federal reserve system in not only withstanding the shock but also in promoting the supply of capital after the collapse. We have, however, a new experience in the effect of discount rates and other actions of the system in attempts to retard speculation. The system and the banks managed throughout the whole of the speculative period to maintain interest rates on money for commercial use at 5 to 6 per cent per annum, and by their efforts they segregated the use of capital for speculation in such fashion that the rates upon such capital ran up to 18 per cent per annum. But even these high rates on speculative capital offered little real retardation to the speculative mania of the country.

They served, in fact, to attract capital from productive enterprise, and this was one of the secondary factors in producing the crash itself. The alternative, however, of lifting commercial rates still higher in order to check speculation by checking business is also debatable. The whole bearing of interest rates upon speculation and stable production requires exhaustive consideration in view of these new experiences.

One of the subsidiary proposals in our examination seven years ago, directed to increase stability, was that improved statistical services should be created which would indicate the approach of undue speculation and thereby give advance storm warnings to the business world and directed to increase stability, was that improved statistical services and by reading the signals thousands of business men avoided the maelstrom of speculation and our major industries came through strong and unimpaired—though the people generally did not grasp these warnings, or this crisis would not have happened.

We should have even more accurate services in the future and a wider understanding of their use. We need particularly a knowledge of employment at all times if we are intelligently to plan a proper functioning of our economic system. I have interested myself in seeing that the census we are taking to-day makes for the first time a real determination of unemployment. I have hopes that upon this foundation we can regularly secure information of first importance to daily conduct in our economic world.

In remedial measures we have followed the recommendations of seven years ago as to the acceleration of construction work, the most practicable remedy for unemployment. It has been organized effectively in most important directions, and the success of organization in certain local communities point the way to even more effective action in the future by definite plans of decentralization.

Another of the by-products of this experience which has been vividly brought to the front is the whole question of agencies for placing the unemployed in contact with possible jobs. In this field is also the problem of what is termed technological unemployment. The great expansion in scientific and industrial research, the multiplicity of inventions and increasing efficiency of business, is shifting men in industry with a speed we have never hitherto known. The whole subject is one of profound importance.

We have advanced in all these methods of stability in recent years. The development of our credit system, our statistics, our methods of security, and relief in depression, all show progress. We have developed further steps during the past six months. But the whole range of our experiences from this boom and slump should be placed under accurate examination with a view to broad determination of what can be done to achieve greater stability for the future both in prevention and in remedy. If such an exhaustive examination meets with general approval, I shall, when the situation clears a little, move to organize a body—representative of business, economics, labor, and agriculture—to undertake it.

I do believe that our experience shows that we can produce helpful and wholesome effects in our economic system by voluntary cooperation through the great associations representative of business, industry, labor, and agriculture, both nationally and locally.

And it is my view that in this field of cooperative action outside of government lies the hope of intelligent information and wise planning. The Government can be helpful in emergency, it can be helpful to secure and spread information.

Such action, however, as may be developed must adhere steadfastly to the very bones of our economic system, which are the framework of progress; and that progress must come from individual initiative; and in time of stress it must be mobilized through cooperative action.

The proper constructive activities of the great voluntary organizations in the community provide the highest form of economic self-government. Permanent advance in the Republic will lie in the initiative of the people themselves.

We are not yet entirely through the difficulties of our situation. We have need to maintain every agency and every force that we have placed in motion until we are far along on the road to stable prosperity.

He would be a rash man who would state that we can produce the economic millenium, but there is great assurance that America is finding herself upon the road to secure social satisfaction, with the preservation of private industry, initiative, and a full opportunity for the development of the individual.

It is true that these economic things are not the objective of life itself. If by their steady improvement we shall yet further reduce poverty, shall create and secure more happy homes, we shall have served to make better men and women and a greater Nation.

FARM RELIEF

Mr. SUMMERS of Washington. Mr. Speaker, the National Grange Monthly gives the best brief analysis of the legislation we had under consideration yesterday that I have found anywhere, and I ask unanimous consent to extend my remarks in the RECORD by including this short analysis of the bill.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD by printing an analysis of the bill referred to. Is there objection?

There was no objection.

Mr. SUMMERS of Washington. Mr. Speaker, the National Grange Monthly gives the best brief analysis of the legislation we had under consideration yesterday that I have found anywhere.

The article referred to is as follows:

WILL GIVE FARMERS REAL PROTECTION AGAINST MIDDLEMEN IF THIS BILL IS ENACTED

Congressman SUMMERS of Washington is the author of a bill for the Federal licensing of commission men engaged in interstate commerce, which has occupied the attention of the House Agricultural Committee for some time past. Several hearings have been held on this bill, and its purpose is to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities. Under the provisions of the bill it shall be unlawful—

First. For any commission merchant or broker to make a fraudulent charge in respect to any perishable agricultural commodity received in interstate or foreign commerce.

Second. For any dealer to reject or fail to deliver in accordance with the terms of the contract, without reasonable cause, any commodity coming within the scope of the bill.

Third. For any commission merchant to discard, dump, or destroy, without reasonable cause, any commodity covered by the bill.

Fourth. For any commission merchant, dealer, or broker to make a false or misleading statement concerning the condition, quality, quantity, or disposition of a consignment received by him.

Fifth. To falsely represent by word, act, or deed that a commodity was produced in a State or country other than that in which it was actually produced.

The measure provides that commission merchants, dealers, or brokers shall be licensed by the Secretary of Agriculture upon filing an application. The license fee is fixed at $10 per year. The Secretary may refuse to issue a license to an applicant if after notice and hearing he is of opinion that the applicant has previously been guilty of the unfair practices enumerated in the bill. Commission merchants, dealers, and brokers violating the provisions of the bill are liable to have their licenses suspended for a period not to exceed 10 days for the first offense. If such violation is not the first, the Secretary may publish the facts and circumstances or suspend the license of the offender for a period not to exceed 90 days. However, if the offense is a flagrant or repeated violation of the provisions of the bill, the Secretary may permanently revoke the license of the offender.

As already stated, the provisions of the act would apply only in interstate and foreign commerce. It developed at hearings before the committee that 21 States have adopted measures similar to the Summers bill. For years there has been a strong demand from the farmers of the Northwest for national legislation of this kind. It has been estimated that the apple growers of Washington alone have lost as high as $800,000 a year as a result of sharp and unfair practices on the part of commission men and dealers in eastern cities to whom shipments were sent. Testimony adduced at the hearings before the House committee showed that it is not feasible in cases of this kind to have resort to legal action through the courts.

The very nature of perishable commodities is such that the long delays in disposing of such cases through the courts would put the shipper at a decided disadvantage. Frequently when shipments of perishable commodities are rejected by the consignee the only thing left for the shipper to do is to sell the products at auction. This not only results in great loss to the shipper but has a pronounced tendency to depress prices on the commodities in question in the region where the auction sale occurs. Congressman SUMMERS introduced letters at the hearings from the commissioners of agriculture of 25 States indorsing the bill. The Grange is giving its support to the measure.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. GARRETT, for to-day, on account of illness; and

Mr. CRADDOCK, for seven days, on account of important business.

ADJOURNMENT OVER

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-morrow it adjourn to meet on Monday next.

Mr. GARNER. Mr. Speaker, reserving the right to object, and I do not intend to object, I wish the gentleman would make a statement about what he expects the program to be with reference to taking care of bills on the Private and Consent Calendars. My recollection, from examining these two calendars last Monday, is that it would evidently take four or five days of four or five hours each to reach all the bills on this calendar, if we did not proceed any faster than we have in the past. Any bill on either one of these calendars to which there is no objection, ought to become a law, and what I am afraid of is that if we put it off too long, the business of the Senate will become clogged up and we will not be able to take care of the situation.

Mr. TILSON. Mr. Speaker, I am pleased that the gentleman from Texas [Mr. GARNER] has asked this question, because I would like to explain to the House what we hope to do in connection with the Consent Calendar and the Private Calendar. After the passage of the Navy appropriation bill there will be no other appropriation bill except the deficiency bill, which will probably be considered in the last days of the session. In the interval between the time the Navy bill is finished and the time when we shall adjourn—and this interval is still very uncertain—it is my purpose to ask to have the Consent Calendar of public bills called through so that every bill on the calendar may have its chance.

As to the Private Calendar, it has been the policy heretofore, at least since I have been floor leader, to call this calendar through at least once and consider the bills unobjected to, and it is my present purpose to give the House the same opportunity this session.

Mr. GARNER. I am very much obliged to the gentleman, and I know I express the sentiment of the Membership of the House when I indorse the policy of the majority leader in giving an opportunity for each one of these bills to be considered. Of course, if there is objection to any bill it will go over.

The SPEAKER. Without objection, the request of the gentleman from Connecticut is granted.

There was no objection.

DIVISION OF THE STATE OF TEXAS

Mr. GARNER. Mr. Speaker, I ask unanimous consent to extend by remarks in the RECORD by publishing some data I have prepared with reference to dividing Texas into five States.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, under leave to extend my remarks in the RECORD I wish to call attention to the fact that the Legislature of Texas could, if so disposed, transfer the balance of national political power from New England to the South, and secure for the Southern States the political power, prestige, and recognition which, under our party form of government, has been the peculiar prerogative of a group of small Northeastern States ever since the establishment of the Union.

Texas occupies the unique position of being the only State that can, merely by act of its legislature, subdivide its area into any number not exceeding four additional States. This privilege is granted in the joint resolution of Congress for annexation of Texas, approved March 1, 1845, which provides that—

New States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution.

This was approved by the Texas government and the State was admitted to the Union by joint resolution of Congress approved December 29, 1845.

With reference to admission of new States section 3 of Article IV of the Constitution provides:

New States may be admitted by the Congress into this Union, but no new States shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of Congress.

The consent of Congress to division of the State was granted when the State was annexed, leaving the entire matter to the discretion of the State legislature.

Texas, the largest State, has an area of 265,398 square miles, and is approximately 70 per cent larger than its nearest competitor, California, which has an area of 158,297. If the State was divided equally into five States, each would have an area of 53,175 square miles, or approximately the same as Arkansas. Twenty-three of the States have areas less than 53,000 square miles. Texas would make 220 States the size of Rhode Island, 112 the size of Delaware, 54 the size of Connecticut, 32 the size of New Jersey or Massachusetts, or nearly six the size of New York. The area of Texas is approximately four times greater than the combined areas of the New England States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

With an estimated population of 5,600,000, Texas ranks fifth among the States, being exceeded by New York, Pennsylvania, Illinois, and Ohio. An equal division into five States would give each State a population of 1,200,000, and in this respect the Texas subdivisions would rank with such States as Maryland, Colorado, Florida, Nebraska, Washington, and West Virginia, and would have far larger populations than Delaware, Idaho, Maine, Montana, New Hampshire, New Mexico, North

and South Dakota, Oregon, Rhode Island, Utah, Vermont, or Wyoming.

The population of five of the New England States—Maine, Vermont, New Hampshire, Connecticut, and Rhode Island—is approximately 4,000,000, but Massachusetts, the sixth of the New England group, brings the total to 8,270,000.

These figures show clearly the justification for division of Texas into five separate States. The five of the six States of the New England group, with less population and only a small fraction of the area of which Texas boasts, are represented by 10 Senators, whereas Texas has only 2. They also have a total of 25 electoral votes as compared with the 20 of Texas.

Addition of four States would give the Senate a membership of 104 instead of the 96 which now comprise that body. The present Senate is made up of 56 Republicans, 39 Democrats, and 1 Farmer-Labor. Due to the fact there has been considerable defection in the Republican ranks a coalition of Democrats and progressive Republicans has occasionally controlled, and if the Democrats had 8 additional Members the coalition would doubtless have retained control on all major legislation.

Since the admission of New Mexico and Arizona in 1912 there have been nine Congresses. In the Senate only 3 of these have been controlled by the Democrats, but at least 5 of the 9 would have been under Democratic control had Texas exercised her prerogative to organize 4 additional States. The Democrats controlled the Senate in the Sixty-third Congress, which came into existence March 4, 1913; also the Sixty-fourth and Sixty-fifth. With eight additional seats they would have controlled the Sixty-sixth and Seventieth and broken even with the Republicans in the Sixty-eighth. The political divisions of the Senate since the Sixty-second Congress are as follows:

	Republican	Democrat	Independent
Sixty-third Congress	44	51	1
Sixty-fourth Congress	39	56	1
Sixty-fifth Congress	42	53	1
Sixty-sixth Congress	48	47	1
Sixty-seventh Congress	59	37	0
Sixty-eighth Congress	51	43	2
Sixty-ninth Congress	54	40	1
Seventieth Congress	48	47	1
Seventy-first Congress	56	39	1

The Mason and Dixon line has for many years been and will be for years to come, the line of political cleavage, due to economic and industrial conditions. The North Atlantic area, by reason of the fact it is divided into a group of small States, has year after year held the balance of power in the Senate and has been enabled to direct national legislation along channels most favorable to their sectional interests. Such progress as the South and West has made has been due to their almost unlimited natural resources. It can not be denied that their economic and industrial advancement has been retarded by the sectionalism of the northeastern group and the control which this group has for years exercised over the political policies of the Nation.

No better criterion of the political power wielded by New England and Pennsylvania can be set out than the Hawley-Smoot and the Fordney-McCumber tariff bills, both of which would have been modified in favor of the South if the Democrats had 8 additional votes in the Senate. In the Hawley-Smoot bill practically every industry of the North Atlantic area has been granted special privilege to exploit southern and western producers of raw materials. The cotton growers of the South, the wheat growers of the West, and the stockmen of the Southwest have been denied adequate tariff protection, due to the failure to adopt the export debenture, and have been made the targets of exploitation by the industrialists of that group of small States of the Northeast.

The effort of the Democratic-Progressive coalition in the Senate to establish parity between agriculture and industry with respect to tariff benefits, the success of that coalition during the first two months the tariff bill was under consideration in the Senate, and its final defeat when New England and Pennsylvania regained control is fresh in the minds of the public. Had Texas been divided into five States the results of that tariff battle would have been different. The South and West would have secured the rates and recognition which are their due, and the power of the North Atlantic States to exploit the rest of the country would have been limited if not eliminated.

Another factor that recommends division is the wide diversity of interests within the State, the rapid growth in population, and the tremendous development of natural resources in recent years. That development of Texas is merely in its inception is obvious to all who are familiar with its natural resources, and the population and wealth of the State are destined to increase in an ever-ascending ratio as the years pass. The great diversity of interests has created more or less controversy within the State in recent years, and this will become more pronounced as these interests expand, indicating that business as well as political interests would best be served by division.

The only argument that can be brought to bear in opposition to division is that of sentiment. Deep in the heart of every Texan is love for his State, and pride in its heroic history, its marvelous resources, and rapid growth. However, to divide the State would in nowise detract from the glory of the past, but would add to the glory of the future by reason of the additional political power that would accrue and the enhancement of sectional initiative in development of industries and resources.

Texas is already divided into five sections—north, east, south, west, and central Texas. Each section has its respective political and industrial interests, and there have been occasional clashes of these interests which presage the ultimate division. Whether these sections could work out their respective destinies more efficiently and satisfactorily under individual control is, of course, a matter for the people of Texas and the legislature to decide, but it must be obvious to all who have made a study of the situation that the additional political power that would accrue through division not only to Texas but to all of the South and West would be a potent factor in securing such national recognition as is necessary to assure future development unhampered by selfish designs and interests of other sections of the Republic.

Texans always will be bound by sentiment, by the heroic history of their State; but instead of having one State let us have five; and instead of one star in our State flag let us have five—representing north, east, south, west, and central Texas.

It has been said with some degree of accuracy that the smaller States of the Union are the best governed. We know it is an admitted truism that the closer the people are to their seat of government and their public servants the more responsive is that government to public interest and therefore the better and more efficient the governmental service.

It is my opinion that Texas, with its vast domain, its tremendous resources, which are just beginning to be developed, its rapidly increasing population and its great diversity of interests, is each year presenting a more complex problem in State government. In the old days when development and population were centered largely in those areas not far distant from the coast the problems of State government were comparatively almost negligible. But in recent years the western trend of population and development has created new and sectional problems, which, I believe, can best be solved by those most vitally affected. It is virtually impossible for any individual or law-making body to compose these varied interests or to so regulate State government that it will operate to the highest degree of efficiency for all sections.

I am making this suggestion or plea for what I believe to be the benefit of the whole country, and especially the South and Southwest. It is needless for me to say that I have no political ambition that would be affected by such arrangement, as I desire no office other than the one I hold.

I believe in the right of all people to work out their own destiny, and it is my opinion that this could best be accomplished by division of the State, thereby securing for the South and Southwest additional political power and prestige which would be a vital factor in promoting the development of the almost unlimited resources of that vast area which now constitutes the State of Texas.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 389. An act for the relief of Kenneth M. Orr;

H. R. 707. An act to authorize an appropriation for construction at Fort McKinley, Portland, Me.;

H. R. 973. An act to remove the age limit of persons who may be confined at the United States Industrial Reformatory at Chillicothe, Ohio;

H. R. 1301. An act for the relief of Julius Victor Keller;

H. R. 1444. An act for the relief of Marmaduke H. Floyd;

H. R. 2161. An act to convey to the city of Waltham, Mass., certain Government land for street purposes;

H. R. 3527. An act to authorize credit in the disbursing accounts of certain officers of the Army of the United States for the settlement of individual claims approved by the War Department;

H. R. 4198. An act to authorize the exchange of certain lands adjoining the Catoosa Springs (Ga.) Target Range;

H. R. 5283. An act to declare valid the title to certain Indian lands;

H. R. 5726. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the city of Salem, Mass., and to the Salem Marine Society, of Salem, Mass., the silver-service set and bronze clock, respectively, which have been in use on the cruiser *Salem;*

H. R. 6338. An act authorizing the erection of a sanitary fireproof hospital at the National Home for Disabled Volunteer Soldiers at Togus, Me.;

H. R. 6645. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Lions Club, of Shelbyville, Tenn., a bell of any naval vessel that is now, or may be, in his custody; and to the president of the Rotary Club, of Shelbyville, Tenn., a steering wheel of any naval vessel that is now, or may be, in his custody;

H. R. 7395. An act to extend to Government postal cards the provision for defacing the stamps on Government-stamped envelopes by mailers;

H. R. 7410. An act to establish a hospital for defective delinquents;

H. R. 7413. An act to amend an act providing for the parole of United States prisoners, approved June 25, 1910, as amended;

H. R. 8052. An act authorizing the heirs of Elijah D. Myers to purchase land in section 7, township 28 south, range 11 west, Willamette meridian, county of Coos, State of Oregon;

H. R. 8368. An act providing for a study regarding the construction of a highway to connect the northwestern part of the United States with British Columbia, Yukon Territory, and Alaska in cooperation with the Dominion of Canada;

H. R. 8650. An act to authorize the Postmaster General to charge for services rendered in disposing of undelivered mail in those cases where it is considered proper for the Postal Service to dispose of such mail by sale or to dispose of collect-on-delivery mail without collection of the collect-on-delivery charges or for a greater or less amount than stated when mailed;

H. R. 8713. An act granting land in Wrangell, Alaska, to the town of Wrangell, Alaska;

H. R. 8763. An act to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Apostle Islands National Park in the State of Wisconsin, and for other purposes;

H. R. 8805. An act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field;

H. R. 8973. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Charleston Museum, of Charleston, S. C., the ship's bell, plaque, war record, and silver service of the cruiser *Charleston* that is now or may be in his custody;

H. R. 9235. An act to authorize the Public Health Service to provide medical service in the Federal prisons;

H. R. 9434. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at or near Arlington, Oreg.;

H. R. 10258. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cannelton, Ind.;

H. R. 10474. An act granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the White River at or near Sylamore, Ark.;

H. R. 10581. An act to provide for the addition of certain lands to the Yosemite National Park, Calif., and for other purposes;

H. R. 10674. An act authorizing payment of six months' death gratuity to beneficiaries of transferred members of the Fleet Naval Reserve and Fleet Marine Corps Reserve who die while on active duty;

H. R. 11046. An act to legalize a bridge across the Hudson River at Stillwater, N. Y.;

H. J. Res. 188. Joint resolution authorizing the use of tribal funds belonging to the Yankton Sioux Tribe of Indians in South Dakota to pay expenses and compensation of the members of the tribal business committee for services in connection with their pipestone claim; and

H. J. Res. 244. Joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Okla., to be held October 4 to 11, 1930, inclusive.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 11780. An act granting the consent of Congress to the Louisville & Nashville Railroad Co. to construct, maintain, and operate a railroad bridge across the Ohio River at or near Henderson, Ky.

ADJOURNMENT

Mr. MURPHY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 7 minutes p. m.) the House adjourned until to-morrow, Friday, May 9, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, May 9, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON WAYS AND MEANS

(11 a. m.)

Authorizing the immediate appropriation of certain amounts authorized to be appropriated by the settlement of war claims act of 1928 (H. J. Res. 328).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

EXECUTIVE COMMUNICATIONS, ETC.

456. Under clause 2 of Rule XXIV, a letter from the Assistant Secretary of Labor, transmitting report of an accumulation of papers which are not needed in the transaction of public business and have no permanent value or historical interest was taken from the Speaker's table and referred to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Con. Res. 28. A concurrent resolution authorizing the appointment of a joint committee of Congress to attend the one hundred and twenty-fifth anniversary of the celebration of American independence by the Lewis and Clark expedition on July 4, 1805, to be held at Great Falls, Mont., July 4, 1930; without amendment (Rept. No. 1396). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 219. A resolution providing for the consideration of H. R. 10480, "a bill to authorize the settlement of the indebtedness of the German Reich to the United States on account of the awards of the Mixed Claims Commission, United States and Germany, and the cost of the United States Army of Occupation"; without amendment (Rept. No. 1397). Referred to the House Calendar.

Mr. BUTLER: Committee on the Public Lands. H. R. 11787. A bill authorizing the Secretary of the Interior to extend the time for cutting and removing timber upon certain revested and reconveyed lands in the State of Oregon; without amendment (Rept. No. 1403). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 11753. A bill to amend an act for the relief of certain tribes of Indians in Montana, Idaho, and Washington; with amendment (Rept. No. 1404). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. J. Res. 326. A joint resolution for the amendment of the acts of February 2, 1903, and March 3, 1905, as amended, to allow the States to quarantine against the shipment thereto or therein of livestock, including poultry, from a State or Territory or portion thereof where a livestock or poultry disease is found to exist, which is not covered by regulatory action of the Department of Agriculture, and for other purposes; without amendment (Rept. No. 1405). Referred to the House Calendar.

Mr. SWING: Committee on Flood Control. H. R. 12190. A bill to authorize preliminary examinations of sundry streams with a view to the control of their floods, and for other purposes; without amendment (Rept. No. 1406). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LAMPERT: Committee on the District of Columbia. H. R. 2525. A bill for the relief of Jennie Bruce Gallahan; without amendment (Rept. No. 1398). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 11564. A bill to reimburse William Whitright for expenses incurred as an authorized delegate of the Fort Peck Indians; with amendment (Rept. No. 1399). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 11565. A bill to reimburse Charles Thompson for expenses incurred as an authorized delegate of the Fort Peck Indians; with amendment (Rept. No. 1400). Referred to the Committee of the Whole House.

Mr. HOWARD: Committee on Indian Affairs. H. R. 11675. A bill to authorize the issuance of a patent in fee for certain land and buildings within the Colville Reservation, Wash., for public-school use; with amendment (Rept. No. 1401). Referred to the Committee of the Whole House.

Mr. CABLE: Committee on Coinage, Weights, and Measures. H. J. Res. 327. A joint resolution authorizing the presentation of medals to the officers and men of the Byrd antarctic expedition; with amendment (Rept. No. 1402). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5738) to extend certain benefits to Robert Smith Watson and William La Velle Watson; Committee on World War Veterans' Legislation discharged, and referred to the Committee on War Claims.

A bill (H. R. 9852) for the relief of Charles Flanagan; Committee on World War Veterans' Legislation discharged, and referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HAMMER: A bill (H. R. 12261) to aid the several States and Territories and the District of Columbia in combating illiteracy, and for other purposes; to the Committee on Education.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 12262) to homestead and conserve surplus or flood waters of the Mississippi and other navigable rivers; to regulate the flow and develop navigability, regulate commerce, and protect the posts, and military movements within the United States; and making appropriation therefor, and for other purposes; to the Committee on Flood Control.

By Mr. WURZBACH: A bill (H. R. 12263) to authorize the acquisition of 1,000 acres of land, more or less, for aerial bombing range purposes at Kelly Field, Tex., and in settlement of certain damage claims; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 12264) granting a pension to Lottie McKelvey; to the Committee on Invalid Pensions.

By Mr. BOWMAN: A bill (H. R. 12265) granting an increase of pension to Matilda Jane Turner; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 12266) granting an increase of pension to Florence H. Godfrey; to the Committee on Pensions.

Also, a bill (H. R. 12267) granting a pension to Frank N. Curtis; to the Committee on Pensions.

By Mr. DOMINICK: A bill (H. R. 12268) for the relief of Robert Hayne Buford; to the Committee on the Civil Service.

By Mr. DUNBAR: A bill (H. R. 12269) granting an increase of pension to Sarah B. Yeates; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 12270) granting an increase of pension to Fianna G. Wickel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12271) granting an increase of pension to Annie M. Spielman; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 12272) granting an increase of pension to Roscoe C. Trusty; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 12273) granting a pension to Jennie B. Kemper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12274) for the relief of Emma A. Pharis; to the Committee on Military Affairs.

By Mr. MANLOVE: A bill (H. R. 12275) granting a pension to Caroline Hall; to the Committee on Invalid Pensions.

By Mr. PRITCHARD: A bill (H. R. 12276) to commission Albert Malcomb McWhirter first lieutenant, and for other benefits; to the Committee on Military Affairs.

By Mr. QUAYLE: A bill (H. R. 12277) granting a pension to Annie J. Gonsalez; to the Committee on Pensions.

By Mr. RAGON: A bill (H. R. 12278) for the relief of Mabel Williams; to the Committee on Claims.

By Mr. STALKER: A bill (H. R. 12279) granting an increase of pension to Ellen Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12280) granting an increase of pension to Angeline Andrews; to the Committee on Invalid Pensions.

By Mr. WELCH of California: A bill (H. R. 12281) granting a pension to August Bemmerer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7235. By Mr. COLTON: Petition signed by a number of citizens and members of the Drug Store Association of Utah County, Utah, urging the passage of the Kelly-Capper fair trade bill, H. R. 11; to the Committee on Interstate and Foreign Commerce.

7236. By Mr. CRAIL: Petition of many citizens of California, favoring the passage of the Crail bill, H. R. 8371, to assist any person holding an honorable discharge from the military forces of the United States during any war with a loan to build a home or buy a farm; to the Committee on Ways and Means.

7237. By Mr. TILSON: Resolution adopted by the board of aldermen of the city of New Haven, Conn., favoring a popular referendum on the eighteenth amendment to the Constitution; to the Committee on the Judiciary.

7238. By Mr. WOLVERTON of West Virginia: Petition of the National Alliance of Postal Employees, by the chairman, Joseph B. Arleans, of Pittsburgh, Pa., urging early and favorable action on House bills 2402 and 3887; to the Committee on the Post Office and Post Roads.

7239. Also, petition of W. D. Tyre and other postal employees with headquarters in Elkins, W. Va., urging Congress to take favorable action on the Kendall 44-hour-week bill; to the Committee on the Post Office and Post Roads.

SENATE

FRIDAY, *May 9, 1930*

(*Legislative day of Thursday, May 8, 1930*)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The PRESIDING OFFICER (Mr. JONES in the chair). The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed a bill (H. R. 11965) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1931, and for other purposes, in which it requested the concurrence of the Senate.

DUTY-FREE CEMENT FOR PUBLIC PURPOSES

Mr. BLEASE. Mr. President, on May 1 a Congressman, speaking on the floor of the House in reference to the amendment in the tariff bill relating to cement, said, as reported on page 8158 of the CONGRESSIONAL RECORD:

> In any event, in order to enforce this amendment if it were enacted into law, it would be necessary to build up an additional Federal policing bureau for the purpose of determining whether cement earmarked for State, county, or city use goes ultimately into that State, county, or city use for which it has been imported free of duty.

On May 3 I addressed a communication to the Hon. F. X. A. Eble, Commissioner of the Bureau of Customs in the Treasury Department, in reference to that statement, and have his reply dated May 8. I also have a letter from L. P. E. Giffroy, national councillor of the Chamber of Commerce of the United States, dated New Orleans, La., May 8, 1930, inclosing a letter from the general sales manager of the Coplay Cement Manu-

facturing Co. I ask that my letter to Mr. Eble and his reply thereto may be read at the desk by the clerk.

Mr. McNARY. Mr. President, will the Senator withhold his request until I suggest the absence of a quorum?

Mr. BLEASE. Mr. President, if the Senator intends to do that for the purpose of bringing Senators into the Chamber to listen to the reading of the letters, it is not necessary because they can read them in the RECORD later. However, if he prefers to call a quorum now, of course, I have no objection, and I yield for that purpose.

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Deneen	Keyes	Shipstead
Ashurst	Dill	La Follette	Shortridge
Baird	Frazier	McKellar	Simmons
Barkley	Glass	McMaster	Smoot
Bingham	Glenn	McNary	Steiwer
Black	Gould	Metcalf	Stephens
Blaine	Greene	Norris	Sullivan
Blease	Hale	Oddie	Swanson
Borah	Harris	Overman	Thomas, Idaho
Bratton	Harrison	Patterson	Trammell
Brock	Hatfield	Phipps	Vandenberg
Broussard	Hawes	Pine	Wagner
Capper	Hayden	Ransdell	Walcott
Caraway	Howell	Reed	Walsh, Mass.
Connally	Johnson	Robinson, Ark.	Waterman
Couzens	Jones	Robinson, Ind.	Watson
Cutting	Kean	Schall	Wheeler
Dale	Kendrick	Sheppard	

Mr. METCALF. My colleague the junior Senator from Rhode Island [Mr. HEBERT] is necessarily absent from the Chamber because of the death of his sister.

Mr. FRAZIER. My colleague [Mr. NYE] is unavoidably detained from the Senate. I ask that this announcement may stand for the day.

Mr. SHEPPARD. I wish to announce that the Senator from Florida [Mr. FLETCHER], the Senator from Utah [Mr. KING], and the Senator from South Carolina [Mr. SMITH] are all detained from the Senate by illness.

Mr. BLACK. I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

Mr. McMASTER. I desire to announce that my colleague [Mr. NORBECK] is necessarily absent. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Seventy-one Senators having answered to their names, a quorum is present. Is there objection to the request of the Senator from South Carolina to have read certain communications which he has sent to the desk? The Chair hears none, and the clerk will read.

The legislative clerk read as follows:

WASHINGTON, D. C., *May 8, 1930.*

Hon. F. X. A. EBLE,
Commissioner Bureau of Customs,
Treasury Department, Washington, D. C.

DEAR MR. COMMISSIONER: I would like to invite your attention to the following Senate amendment to the pending tariff bill H. R. 2667:

FREE LIST

"PAR. 1642 (amendment 893). Cement or cement clinker: Roman, Portland, and other hydraulic, imported by or for the use of, or for sale to, a State, county, parish, city, town, municipality, or political subdivision of Government thereof, for public purposes."

The amendment was not agreed to as to substance in conference and came up for a separate vote in the House of Representatives on May 1, 1930 (for debate and vote, see pages 8150 to 8166 CONGRESSIONAL RECORD that date), and was rejected.

I would like for you to advise me what effect, in your opinion, would the adoption of this amendment have on the administration of the tariff; that is, would its execution likely entail any substantial increase in expense or inconvenience for the collectors of customs or not?

Thanking you for your courteous and early attention to this request, I am,

Very respectfully, COLE. L. BLEASE.

TREASURY DEPARTMENT,
BUREAU OF CUSTOMS,
Washington, May 8, 1930.

Hon. COLE. L. BLEASE,
United States Senate.

MY DEAR SENATOR: I am in receipt of your letter of May 8, 1930, in which you inquire what effect the adoption of the amendment, paragraph 1642, to the tariff bill pending in Congress would have in the administration of the tariff, and whether it would require a substantial increase in expense for collectors of customs to administer.

In reply I have to advise you that I do not believe that the administration of the amendment would present any special difficulty, nor would it substantially increase the work of the collectors of customs.

I wish, however, to take this opportunity to suggest that the words "or for sale to" would probably result in litigation. On the one hand, the courts might hold that only cement which has been imported pursuant to sale would be free of duty, or they might hold that an importer might import cement prior to an order therefor, place the cement in a bonded warehouse and withdraw it for sale as the opportunity offered, and have the duty remitted on the cement so withdrawn. For the reasons stated I believe that it would be advisable that there be substituted for the words "imported by or for the use of or for sale to," in lines 4 and 5, page 266 of the bill, the words "imported for the use and by order of."

Very truly yours,

F. X. A. EBLE,
Commissioner of Customs.

Mr. BLEASE. I ask that the other communications to which I have referred may be printed in the RECORD without reading.

The PRESIDING OFFICER. Without objection, leave is granted.

The letters are as follows:

NEW ORLEANS, LA., *May 6, 1930.*

Hon. COLEMAN LIVINGSTON BLEASE,
Senator for South Carolina, United States Senate,
Washington, D. C.

MY DEAR SENATOR: In view of your magnificent fight to protect the taxpayers of the United States, and those of your State in particular, against the monopolistic greediness of the Cement Trust, permit me to send you herewith two photostatic copies of a letter written by a Pennsylvania company to a prospective dealer in Porto Rico.

I want to point out to you that in years past my mills have furnished an immense amount of cement to the great satisfaction of your highway commissioners, not only for price but, also last but not least, for quality.

Just now I am cooperating with our Charleston dealers to continue doing so, although the point of impossibility will be reached if ever the prospective duty were to become legalized.

May I kindly call your attention to the second paragraph of the inclosed copy of letter which, beyond the question of a doubt, proves that mills located at Coplay and Saylor, Pa., can pay railroad freight to the seaboard and then ocean freight to Porto Rico and still offer cement at 25 cents a barrel cheaper than in the home market!

This goes at par with the statement I made recently to some of our Louisiana Congressmen, and which can easily be verified, that mills in Dallas and New Orleans had shipped a little over a year ago a great quantity of cement to Brazil with higher freight rates from New Orleans than those paid from Antwerp to Brazil, showing conclusively that they could compete in foreign countries with Belgian cement under such adverse conditions, while claiming that they could not compete in the home markets where the Belgians had to pay 60 cents per barrel ocean freight to Gulf ports.

Their claim is so glaringly indefensible that it would be an injury to the common sense of an unbiased judge.

I am at your disposal for any further copies of the inclosures if you so express the desire.

Meanwhile I wish to remain, very sincerely yours,

L. P. E. GIFFROY.

[Inclosure]

NEW YORK, *March 25, 1930.*

Mr. J. M. DE PORRATA DORIA,
Post Office Box 1343, San Juan, P. R.

DEAR SIR: We are in receipt of your letter of the 20th instant, and note you say that whenever we are in position to revise our prices you will take action toward getting a start with some substantial orders.

Frankly, the prospect does not seem very bright. We have already made a special price for Porto Rican business which is 25 cents per barrel less than the price which we are obtaining in our home territory, and we feel that this is as much as we can absorb; and, as you are apparently unable to do business on the present basis, we think we had better call the deal off, and you will please consider this notice to that effect.

Yours very truly,

COPLAY CEMENT MANUFACTURING CO.,
J. F. TWAMLEY,
General Sales Manager.

PETITIONS

Mr. CAPPER presented telegrams in the nature of petitions from Harry Easter Camp, No. 16, of Emporia; Alfred Sater Camp, No. 35, of Chanute; Lawton Camp, of Wichita; Captain D. S. Elliott Post, of Coffeyville; Peter H. Dix Camp, No. 27, of Junction City; and A. V. R. Camp, No. 34, of Paola, all of the United Spanish War Veterans, and the Veterans Council, of



Wichita, all in the State of Kansas, praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which were ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 7933) to provide for an assistant to the Chief of Naval Operations, reported it without amendment and submitted a report (No. 636) thereon.

Mr. HAYDEN, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 3054) to increase the salaries of certain postmasters of the first class, reported it without amendment and submitted a report (No. 637) thereon.

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 3638. A bill to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near New Martinsville, W. Va. (Rept. No. 638);

S. 3754. A bill to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va. (Rept. No. 639);

H. R. 9850. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near New Martinsville, W. Va. (Rept. No. 640);

H. R. 10248. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va. (Rept. No. 641); and

H. R. 10651. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va. (Rept. No. 642);

Mr. METCALF, from the Committee on Education and Labor, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 4030. A bill to provide books for the adult blind (Rept. No. 643); and

H. R. 7390. An act to authorize the appointment of an Assistant Commissioner of Education in the Department of the Interior (Rept. No. 644).

THIRTEENTH ANNUAL REPORT OF FEDERAL FARM LOAN BOARD

Mr. SHIPSTEAD, from the Committee on Printing, to which was referred Senate Resolution 257 (submitted by Mr. McNARY on the 5th instant), reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That 3,000 additional copies of House Document No. 212, Seventy-first Congress, second session, entitled "Thirteenth Annual Report of the Federal Farm Loan Board for the Year Ended December 31, 1929," be printed for the use of the Senate document room.

REPORTS OF NOMINATIONS

As in executive session,

Mr. JOHNSON, from the Committee on Commerce, reported the nominations of sundry officers in the Coast Guard, which were placed on the Executive Calendar.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

A bill (S. 4417) for the relief of certain Tennessee landowners along the Tennessee River (with accompanying papers); to the Committee on Claims.

By Mr. HAWES:

A bill (S. 4418) granting an increase of pension to Margaret Beckwith Delano (with accompanying papers); to the Committee on Pensions.

By Mr. GLENN:

A bill (S. 4419) for the relief of J. W. Nelson; to the Committee on Claims.

By Mr. TRAMMELL:

A bill (S. 4420) providing for a fund for reimbursement to growers suffering loss of crops from the Mediterranean fruit fly and the campaign for the extermination thereof; to the Committee on Agriculture and Forestry.

By Mr. CAPPER:

A bill (S. 4421) granting an increase of pension to Julia Ann Rohrbaugh (with accompanying papers); to the Committee on Pensions.

By Mr. GLASS:

A joint resolution (S. J. Res. 175) authorizing the presentation of medals to the officers and men of the Byrd Antarctic expedition; to the Committee on Naval Affairs.

HOUSE BILL REFERRED

The bill (H. R. 11965) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1931, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

RECOMMITTAL OF A BILL

On motion of Mr. PHIPPS, the bill (S. 3276) to enable the postmaster to designate employees to act for him, including the signing of checks in his name, was taken from the calendar and recommitted to the Committee on Post Offices and Post Roads.

PILGRIMAGE OF GOLD-STAR MOTHERS

Mr. BAIRD submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4138) to amend the act of March 2, 1929, entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the act of March 2, 1929, entitled 'An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries,' be, and is hereby, amended to authorize the Secretary of War to arrange for pilgrimages to cemeteries in Europe by mothers and widows of those members of the military or naval forces of the United States who died in the military or naval service at any time between April 5, 1917, and July 1, 1921, wherein death and burial of the member occurred at sea or wherein the death of the member occurred at sea or overseas but whose place of interment is unknown, or who is interred in any identified grave in Europe, the same as is provided in the case of mothers and widows of members of said forces whose remains are now interred in identified graves in cemeteries in Europe, at the expense of the United States and under the conditions set forth in section 2 of said act."

And the Senate agree to the same.

DAVID BAIRD, Jr.,
PATRICK SULLIVAN,
MORRIS SHEPPARD,
Managers on the part of the Senate.

HARRY C. RANSLEY,
HARRY M. WURZBACH,
PERCY E. QUIN,
Managers on the part of the House.

The report was agreed to.

CONSTRUCTION OF PUBLIC WORKS FOR THE NAVY

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 549) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments as follows:

Page 1, after line 5 of the House engrossed amendment, insert the following:

"Naval station, San Diego, Calif.: One small floating dry dock, $425,000."

Page 9, lines 18 to 24, inclusive, and page 10, lines 1 to 5, inclusive, of the House engrossed amendment, strike out:

"SEC. 10. That the Secretary of the Navy be, and he hereby is, authorized to lease for periods not exceeding 10 years, and revocable on 6 months' notice, the floating dry dock and waterfront accessories at the naval station, New Orleans (Algiers), La., and to credit to the rental the reasonable cost of such repairs to said property as the lessee may be required to make

to prevent physical deterioration. All remaining money received from any such lease shall be covered into the Treasury as miscellaneous receipts. Such leases shall be reported to Congress: *Provided*, That said floating dry dock and accessories shall not be removed from the vicinity of New Orleans."

And insert in lieu thereof the following:

"SEC. 10. That the Secretary of the Navy be, and he hereby is, authorized to lease for periods not exceeding 10 years, and revocable on 6 months' notice, or at his discretion in case of national emergency declared by the President, the floating dry dock and water-front accessories at the naval station, New Orleans (Algiers), La., to the highest bidder at a rental that will not permit operation of the dock on other than a fair competitive basis with other local shipbuilding and ship-repair plants operating dry docks, and the money received from the said rental shall be covered into the Treasury as miscellaneous receipts. Such leases shall be reported to Congress: *Provided*, That said floating dry dock and accessories shall not be removed from the vicinity of New Orleans."

FREDERICK HALE,
TASKER L. ODDIE,
SAMUEL M. SHORTRIDGE,
CLAUDE A. SWANSON,
PARK TRAMMELL,
Managers on the part of the Senate.

ROY O. WOODRUFF,
GEORGE P. DARROW,
CARL VINSON,
Managers on the part of the House.

The report was agreed to.

ADDRESSES BY HON. LOUIS LUDLOW AND THE GERMAN AMBASSADOR ON PEACE AND INTERNATIONAL RELATIONS

Mr. DILL. Mr. President, on the night of May 2 last Herr Friedrich Wilhelm von Prittwitz und Gaffron, the German ambassador, delivered a notable address on peace and international relations at a banquet given in his honor at Indianapolis, Ind., by the Indianapolis Association of Credit Men, an organization which comprises in its membership a great many of the outstanding business men of Indiana. The Indianapolis Maennerchor, a famous body of musicians, sang German songs, and the State and city governments were represented by official spokesmen.

Hon. LOUIS LUDLOW, Representative in Congress from the Indianapolis district, made the address of welcome introducing the ambassador. I ask unanimous consent to have printed in the RECORD the remarks of Mr. LUDLOW and the German ambassador on this occasion.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

ADDRESS BY HON. LOUIS LUDLOW

It is our privilege to have with us to-night one of the world's great diplomats, who is making his first visit to the Hoosierland. Lest perchance the word "Hoosier" may have mystified and obfuscated him, I ask him now to scrutinize this assemblage closely from his coign of vantage and I am certain he will not find very much hayseed in our hair. I make bold to assert that whatever roughness we may have inherited from our pioneer ancestors has become coated with a pretty sleek veneer, and we not only invite but we court critical inspection.

I wish the ambassador could stay with us longer. A visit of less than 24 hours is wholly insufficient to acquaint him with our likeable qualities. As he will leave early to-morrow morning and will not have time to check up on what I am now going to say, I will assure him that if he would inspect our water front he would almost imagine himself on the busy wharves of Hamburg or Bremen, and if he could only view the towering palisades of Brown County which flank Bean Blossom Creek he would be reminded of the beautiful Rhine, which flows in majesty through his fatherland. And now that I have told that one, I will let my pride for the land of my nativity run clear away with me and will say that if he were to tarry a while in the Hoosier land he no doubt would find some Hoosiers who rival, if they do not surpass, in a certain line of achievement his gifted countryman, Baron Munchausen.

Our distinguished guest is not only a great diplomat, but he is one of the best fellows in the world. I was talking the other day with an official of the State Department who formerly served as United States consul at Hamburg, where he came within the charmed circle of the worshipers of Doctor von Prittwitz, and, mirabile dictu, he also fell under the mesmeric spell and became the most ardent worshiper of them all! In a burst of admiration he said to me, speaking of the German ambassador:

"He's so darn good he's good enough to be an American."

And that expresses the general opinion of Doctor von Prittwitz held by Americans resident in Germany. His unfailing good nature, his radiant sociability, his keen sense of humor, his sincere and unaffected democracy combine to make him a most engaging personality. Shakespeare, with only a little alteration, could be made to fit him exactly:

"His life is gentle and the elements
Are so mixed in him that nature might stand up
And say to all the world, Here is a man!"

Springing from the Silesian nobility, educated with German thoroughness at the great university of the city of Bonn, where Beethoven was born, a career diplomat by chosen profession, his meteoric rise is attested by the fact that at 45 he is the youngest ambassador in Washington, if not in the world. The adage that "a prophet is not without honor save in his own country" does not apply to him. He is as popular at home as he is abroad and enjoys in fullest measure the friendship, companionship, and confidence of his chief, President von Hindenburg.

Although he had been a considerable figure in the old régime, he was one of the first statesmen to hail the renascent Germany that emerged in the throes of the revolution of 1918. While lesser souls were in confusion, his farseeing mind enabled him to grasp the pregnant meaning of the times. The equality of men in rights and burdens, exact justice to all, a government by all the people and functioning for all the people without favoritism was the glorious apotheosis that revealed itself to him in those troubled times. He foresaw his beloved Germany a self-governing nation with class distinctions wiped out and every citizen the equal before the law of every other citizen, and the vision made his heart rejoice. He applied himself to the task of helping to make the vision real, and in those perilous and formative days no one worked more zealously or patriotically to usher in the new German Republic.

As the ambassador of that Republic which he toiled so nobly to create he comes to us to bind still tighter the ties of ancient friendship. He has a passion for peace, this leader of men, and to-night, here in the heart of America, he will speak in furtherance of his program to bring about a better understanding between America and Germany, which is always on his mind and on his heart.

He will find it easy to awaken a response. We have not forgotten the American Revolution and what the Germans did for us in that conflict. We remember De Kalb and Steuben. We can even yet visualize Peter Muhlenberg when on concluding his last sermon he threw off the sable robe of his clerical office and stepped forth as if by magic in the uniform of a colonel of the Continental Army, bidding his soldiers of the cross to follow him in fighting for human liberty. We have not forgotten the Germans who fought on the side of Abraham Lincoln that government of the people, for the people, and by the people should not perish from the earth. We remember Sigel, whose uprising in Missouri saved that State to the Union. We remember Carl Schurz, whose trenchant voice and pen aroused the country's conscience as nothing else had done in the great political agitation for the Union; and we recall that Thomas Nast, the father of cartoonists, whom Lincoln called "our best recruiting sergeant" because his cartoons did so much to win the war and to hold the Union indissoluble, was a native of Landau in Bavaria. We remember that 16.3 per cent of the American people, as shown by census reports, are of Germanic blood. We know that we have already shown our faith in the newborn Germany by sending more than $2,000,000,000 to be invested in all sorts of enterprises there during the last 10 years, thus testifying to our confidence in German genius and stability of character. We know that the German people are very much like our own people, home-building and home-loving, and devoted to the simple virtues.

And so, Mr. Ambassador, though your home is 4,000 miles away, you must permit us to say that we feel toward you as if you were one of us. We hail you as the evangel of the new diplomacy which is founded on mutual faith and understanding. We hope you will catch and treasure from this happy occasion some of the friendship we bear you. When you report to your people about this meeting we want you to tell them that here in Indiana, in this most typical of American States, we received with willing hearts and encircling arms their great protagonist of peace. Tell them that we join with them in banishing forever all doubt and distrust and misunderstanding into the darkness of the night. Tell them that we love them. Tell them how glad we are to have their ambassador with us not only because we esteem him for his own worth but because he comes to us as the representative of the great sister Republic across the sea.

I now have the honor to introduce Herr Friedrich Wilhelm von Prittwitz und Gaffron, the German ambassador.

ADDRESS BY THE GERMAN AMBASSADOR

In responding to the welcome extended to him, Ambassador von Prittwitz said:

"Germany is grateful to the United States for many things, but especially the attitude the people of the United States have taken after the war. More than one hand has been stretched across the sea to make us feel that there is room for reconciliation."

He spoke of the Dawes plan as being the first "businesslike and practical way" devised by the council of nations for settlement of the reparations question, and paid high compliments to the statesmen and finan-

ciers who followed up the Dawes plan with the Young plan, "another credit to the United States."

"The question now before us is how the future is going to develop. We must look forward to a basis on which the relations between the two countries may be solidly established. As I see it, they are threefold: The human ties, the common interests, and the common ideals.

"Germany is proud of her children who came across the sea and helped build this great Republic. The ties of blood can not and will not be forgotten. These human ties after the war have been revived. Tourists, students, and business men have come in throngs to our country each year.

"These human ties form a sentimental basis of relationship between the two nations. But the common material interests count as much as the sentimental. To the advancement of these we have seen many conferences and meetings such as the International Chamber of Commerce. Much as the growth and natural development of national vitality and resources depends on cooperation, the growth in vitality and resources of all the countries of the world must depend on cooperation and understanding between nations.

"If in coming generations this earth is to be made a more stable place to live in, the coming of such an era will depend almost entirely on the conscious cooperation of men throughout the world."

"A survey of the trade relations between the United States and Germany," the ambassador said, "shows that to-day, so shortly after the war, Germany has taken third place as the world market for American exports, and that German imports to the United States have grown tremendously. Though America was Germany's second largest market for exports before the war, to-day it has climbed back to fourth largest market. Extension of credit on long and short terms to German industries by American financiers," the ambassador said, "has been the greatest help to the economic reconstruction and development of the new Republic.

"Ideals of Germany," he said, "regarding government have been very much like the ideals of the American people, even back to the time of George Washington. Seventeen years after Washington was President of the United States," he related, "the old German Empire broke down, and histories of the corresponding periods in each country will reveal patriots using almost the same words in their fight for freedom. A democratic constitution was adopted by the German people in 1849, and the world extended congratulations.

"The ideals of 1849 and of America are the ideals of the German Republic of to-day," Ambassador von Prittwitz asserted. "We have our struggles. There is no government without struggle, but they represent the superficial aspect. Those who look closely must admit there have been enormous steps forward. Our people have sacrificed everything to establish unity and freedom. We have gone back to the ideals of free government expressed in 1849. Our ideal is our foreign policy. For 12 years the German Republic has had for its foreign policy cooperation, maintenance of peace, and development of peace. In this field the United States and the German Republic, without exception, have been found to be side by side. The American foreign policy has been for peace of national free will and not of the character of peace based on pacts of security.

"The American people are well aware of the truth that international intercourse is the best way toward international friendship. The fact that after the World War the relations between Germany and the United States were in a comparatively short period of time established on a new and solid basis is to be ascribed to a great extent thereto."

Herr von Prittwitz pointed out that the decision of the United States to return the seized German property to the former owners was a further and most important step in the direction of peaceful relationships.

In forecasting future relations between the two nations, Herr von Prittwitz said that he was firmly convinced that treaties and agreements alone are not sufficient to promote understanding and friendship between two nations. "Such a friendship," he said, "must be based also on humanities, common interests, and common ideals.

"Since in former centuries the world suffered because of economic rivalry between continents and nations, the main danger for the safety of the world to-day lies in the possibility that such rivalry might survive and, just as competition in armaments, foment distrust and misunderstanding. Every endeavor, therefore, to replace such rivalry by means of cooperation and mutual help must be welcomed.

"If rationalization has become a national slogan, I do not see any reason why it could not be also a guiding principle in international economic relations. Happily, important groups of industries in America and Germany seem to have realized such a necessity and have joined hands to work together not only for their own benefit but also for the benefit of the often-neglected consumer.

"Such a development of international economic cooperation is in accordance with the views expressed at the world economic conference in Geneva in 1927, in which the United States participated; at the last Pan American commercial conference, and especially at the several congresses of the International Chamber of Commerce. This development has been furthered by the conference of experts who worked out the Young plan."

Herr von Prittwitz pointed out that a valuable link in international economic cooperation is now being formed through the Bank for International Settlements which will establish a constant contact between the central banks of the world and which will help create a cooperation essential to the continuing stability of the world's credit structure. He said that slowly and steadily a sort of "world opinion" is developing concerning a great number of economic problems of the day.

"This development is not only to be welcomed in the interest of business facilities but also in that of strengthening the will for peace," he said. "It is not necessary to stress the fact that the economic systems of the different nations are not self-sufficient in modern times. Experience has shown again and again that their dependency on other economic unities does not decrease but rather increases with the intensity of cultural endeavor and higher industrial perfection, because the latter are constantly creating needs for new products. There thus exists a direct relationship between human progress within individual nations and the reciprocal benefit of economic intercourse among them.

"The extent to which commerce is carried on between nations is not only indicative of their dependency upon each other; it is also evidence of the extent of mutual cooperation.

"In the future let us hope that our Governments and two peoples always will be found working together. There is no reason why our two peoples after reconciliation can not be friends once and for all. It is to every advantage of these two sister Republics to be of mutual help and trust to one another for the benefit of our people and to the benefit of humanity."

DISTRICT OF COLUMBIA APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10813) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes, the pending question being on the amendment of the Committee on Appropriations, under the heading "Sewers," on page 38, after line 5, to insert:

> For the control and prevention of the spread of mosquitoes in the District of Columbia, including personal services, purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles, purchase of oil, and other necessary expenses, $60,000, to be immediately available: *Provided*, That of the amount herein appropriated there may be transferred for direct expenditure not to exceed $16,500 to the Director of Public Buildings and Public Parks of the National Capital and, in the interest of coordinating the work of mosquito control in the District of Columbia, not to exceed $7,500 to the Public Health Service of the Treasury Department, the amounts so transferred to be available for the objects herein specified.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee. The Senator from Virginia [Mr. GLASS] is entitled to the floor.

Mr. GLASS. Mr. President, to review in a word what I said briefly yesterday, this particular item in the District appropriation bill, it seems to me, is totally unjustified by any of the facts adduced by the evidence. In view of the fact that the President has no persistently admonished Congress against extravagant appropriations, by letters to the chairmen of the Appropriations Committee of this body and of the other body of Congress, it seems to me that the proposal to take $65,000 of the public funds to hunt mosquitoes in the District of Columbia is rather preposterous. When I turned to the testimony taken before the House committee, which resulted in the proposition being laughed out of the bill, I could readily understand why it was rejected at the other end of the Capitol.

The health officer of the District was called and asked by the chairman of the Appropriations Committee of the House why we should appropriate $65,000 for the eradication of a few odd mosquitoes. As I perused the testimony neither Doctor Fowler, the health officer, nor Mr. Gordon, the superintendent of hygiene, began to give any satisfactory answers to the interrogatories. Doctor Fowler said:

> I am frank to say, as health officer, that we have had comparatively few complaints about mosquitoes. I want to add that I know of no condition in the District of Columbia whereby there has been an increase in sickness by reason of the presence of mosquitoes.

Mr. BORAH. Mr. President, there is so much confusion in the Chamber that I could not hear the Senator. May I ask from what he is reading?

Mr. GLASS. I am reading from the testimony of Doctor Fowler, health officer of the District of Columbia, given before the House Committee on Appropriations. It will be noted that

he said there is no health condition in Washington which justifies the appropriation.

It appears that an attaché of the White House discovered some mosquitoes in a bush or in the lawn grass and immediately assembled a council of war, composed of Doctor Fowler, the health officer of the District; Colonel Grant, Director of Public Building and Public Parks; and four or five others; a sanitary engineer, Mr. R. E. Torbert; the superintendent of hygiene, a Mr. Gordon; and a representative of the Public Health Service, who was called in as a consulting authority on the subject. After that grave council of war against the few odd mosquitoes that were discovered, or alleged to have been discovered, in the bushes and lawn grass at the White House, it was proposed to make this appropriation of $65,000 not for a single year but continuously for the control of the mosquitoes.

Everyone knows that when a responsible attaché of the White House proposes an appropriation for his own comfort, or that of the President, it is very difficult to get a physician, particularly when the proposal is predicated upon health considerations, to say anything against it. If Senators will follow the testimony they will see the obvious reluctance of Doctor Fowler to say anything in condemnation of this appropriation until he was pinned down by Mr. SIMMONS, of the House committee, and then he was obliged to give his professional opinion that there was no justification for the appropriation. I quote from the hearings, as follows:

Mr. SIMMONS. I am asking you whether you would recommend this expenditure from the standpoint of the protection of the public health.

Doctor FOWLER. I would recommend that some effort be made to keep down the mosquitoes.

Mr. SIMMONS. That does not answer my question.

Doctor FOWLER. As to whether or not the expenditure of this sum is actually necessary, I am frank to say I have some doubts. I think that the result of the expenditure would relieve an unsatisfactory condition, particularly around in the places where the most annoyance has occurred.

Mr. SIMMONS. That does not answer me yet.

Doctor FOWLER. I am trying to answer you.

Mr. SIMMONS. Do you say that you can recommend this expenditure as a matter of safeguarding the health of the people of the District of Columbia, or do you recommend it merely as a matter of removing an annoyance now and then during the summer months?

Doctor FOWLER. May I ask if there is anything in my statement that says anything about health?

Mr. SIMMONS. I want to know.

Doctor FOWLER. I am frank to say, gentlemen, that I can not, on that basis, as the public health officer of the District, justify the expenditure of that sum of money for getting rid of mosquitoes. They are an annoyance. The mosquito is capable of spreading malaria if the mosquito happens to be infected with the malarial organism.

Mr. SIMMONS. Have we had any malaria in the District of Columbia resulting from mosquitoes?

Doctor FOWLER. None that I can trace to that.

Then a little further over when Mr. Gordon, who has something to do with the hygienic activities of the District, was on the stand, he said, in answer to a question from a member of the committee, that for the first year the expenditure would be higher because it would be necessary to buy a few automobiles.

Chairman WOOD. Well, automobiles to hunt mosquitoes with?

Mr. GORDON. Yes.

"Automobiles to hunt mosquitoes with"!

In making an adverse report on the proposition the chairman of the House committee called attention to the fact that all of the medical testimony taken showed there was no need whatsoever for this appropriation.

It has been suggested here that the Public Health Service, as distinguished from the health service of the District, said that this appropriation was necessary. I am authorized to say that the Public Health Service initiated no inquiry at all touching this matter; in other words, it never occurred to the United States Public Health Service that there was any need for the appropriation of $65,000, $9,000 of which was to be expended for automobiles to inaugurate a hunt for mosquitoes in the District of Columbia.

After the council of war, gravely participated in by these officials in Colonel Grant's office—and Colonel Grant is not a physician—a representative of the Public Health Service was called in. Of course, he said mosquitoes are annoying. They are annoying when one discovers any mosquitoes; but, as I stated last evening, for 20 years I have occupied a room in the Raleigh Hotel facing the Mall and not far removed from the territory which is alleged to be the breeding spot of some mosquitoes, and I have never seen, I have never heard a buzz, and I have never been bitten by a mosquito in the 20 years that I have been in Washington.

I am further authorized to say that the representatives of the Public Health Service not an hour ago told me that there was no health condition in the District that justified this appropriation; that if the Congress wanted to spend $65,000 a year to prevent the annoyance, or the alleged annoyance, of a few mosquitoes in the White House lawn grass or bushes, that would be all right; the Public Health Service had no objection to it. There is no health condition in the District of Columbia that justifies this proposed appropriation, and I have no idea in the world that the other branch of Congress will ever agree to it.

Mr. President, I do not want to treat the matter too seriously——

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Kentucky?

Mr. GLASS. I yield.

Mr. BARKLEY. The Senator, I imagine, does not mean to leave the impression that, because there are no mosquitoes in the Raleigh Hotel, the District of Columbia is entirely bereft of them. If he does wish to leave that impression, I can offer my own testimony to the fact that mosquitoes are in the District and that, while it may be true that there are no health conditions that necessitate this appropriation, I should not like for the Senator's remarks to leave the impression in the RECORD that the District of Columbia does not have its full quota of mosquitoes during the hot season.

Mr. GLASS. I am perfectly willing that the Senator should go on record as having been bitten by a mosquito; but there are no more mosquitoes in the District of Columbia than there are in thousands of other cities where appropriations of $65,000 are not made to chase them with automobiles.

Mr. BARKLEY. If the Senator will yield further, I am not contending that an automobile is a proper vehicle in which to go gunning for mosquitoes, but, if an automobile is not the proper vehicle and this appropriation is needed, it might be that the Senator from Virginia could suggest a suitable and appropriate vehicle in which the mosquito chasers might carry on their work.

Mr. McKELLAR and Mr. NORRIS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Virginia yield; and if so, to whom?

Mr. GLASS. Let me first respond to the Senator from Kentucky in just a word that the question involved would be different if the appropriation were needed to conserve the public health rather than to avert a momentary annoyance to some attaché of the White House. The mosquito situation in the District does not bother the President; the President is the picture of health, and, moreover, he goes frequently to Virginia on the headwaters of the Rapidan and escapes the few mosquitoes that appear to have been discovered on the White House lawn.

Mr. BINGHAM. Mr. President, the Senator is evidently afraid that if we eliminate mosquitoes here he will not go to Virginia.

Mr. GLASS. I did not catch what the Senator said, because he said it out of order without asking permission. [Laughter.] What was the suggestion of the Senator from Connecticut?

Mr. BINGHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Connecticut?

Mr. GLASS. I yield.

Mr. BINGHAM. I merely remarked to my good friend from Virginia that evidently he was afraid that if we should eliminate mosquitoes in the District the President then would not take his weekly trips to Virginia, and therefore the Senator's constituents would miss him.

Mr. GLASS. I am willing to confess that that would be distressing.

Mr. McKELLAR. Mr. President, now will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Tennessee?

Mr. GLASS. I yield.

Mr. McKELLAR. I can not understand why automobiles are needed to overtake mosquitoes. My recollection is that mosquitoes do not during their entire life move over 300 yards from the place where they were born, unless a great hurricane or something like that should drive them along, and storms of that character do not often occur. I repeat that under ordinary conditions the range of the mosquito is about 300 yards, and so I can not see the necessity for the use of automobiles in connection with mosquito eradication.

Mr. GLASS. Mr. President, I will simply remark that I can not qualify as an expert on the breeding of mosquitoes and their habits.

Mr. NORRIS. Mr. President——

Mr. GLASS. I yield to the Senator from Nebraska.

Mr. NORRIS. The Senator from Tennessee does not comprehend the idea at all. He forgets that we are going to use passenger-carrying automobiles in this mosquito campaign; we will catch the mosquitoes, even though they do not go more than 300 yards from the place where they were born, and carry them outside of the District and let them go.

Mr. GLASS. Mr. President, I do not care to say anything more about the matter. If the Congress wants to waste $65,000, all right; but if it does it, I hope the President will not write any more letters admonishing us about useless expenditures.

LEGISLATIVE PROGRAM OF THE SESSION

Mr. HAWES. Mr. President, in the House of Representatives there is a committee, called the Rules Committee, which provides the preferential order for the transaction of business in that body. It is the custom of that committee to call before it witnesses and listen to testimony and to secure the advice of Members of the House. Then, after that is done, a program is arranged for the House and is followed.

I have now before me a letter signed by the junior Senator from Michigan [Mr. VANDENBERG], which I do not quite understand. The heading on the letter reads:

United States Senate.
Majority committee on order of business.

The letter then proceeds to give a preferential position to certain measures upon the calendar. The fourth one on the list, being Senate Joint Resolution 161, was not upon the calendar; it was not reported by the Interstate Commerce Committee at the time that this letter was written. It does not meet the approval of a majority of the Committee on Interstate Commerce, and in the minority action to report it out there was only qualified approval on the part of two of the members of the committee

Looking over the names of this committee, I find that Mr. GOFF is chairman, Mr. VANDENBERG is vice chairman, Mr. HASTINGS, Mr. FRAZIER, and Mr. KEAN are the other members. I desire to direct the attention of the Senate to the fact that I know that three of these five members are opposed to this joint resolution; so I should like to ask the junior Senator from Michigan why he gave such special preference to a measure from the senior Senator from Michigan.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HAWES. I just asked the question.

Mr. VANDENBERG. May I answer it now?

Mr. HAWES. That is the reason why I asked it.

Mr. VANDENBERG. I shall be very glad to answer it.

In the first place, the three members of the steering committee who are said to oppose the joint resolution to which the Senator takes exception were present and voted in favor of putting it upon the program, because they realized that it is of sufficient major challenge so that it must be acted upon before this session of the Senate adjourns, in justice to the large interest in the country which demands that the Senate meet this issue.

The Senator says the measure is not upon the calendar. Of course he is mistaken. It is upon the calendar. It was not upon the calendar at the time the letter appeared; but that is not the fault of the steering committee, because the committee was advised, and acted upon that advice, that it was on the way to the calendar, and would be upon the calendar the afternoon the committee met, and therefore should have been upon the calendar when the steering committee's program appeared.

Be that as it may—if I may just complete the answer in a sentence—the function of the steering committee is purely advisory. The order of business is entirely in the control of the Senate; and the Senator can complain as he pleases when the order is reached as suggested by the committee, and if he can procure the agreement of a majority of his colleagues he can very easily dissipate the program at that point.

Mr. HAWES. I challenge the Senator's statement that three of this committee considered this joint resolution of sufficient importance to report it.

Mr. VANDENBERG. Does the Senator challenge the statement that they were present at the meeting of the steering committee and voted for this report?

Mr. HAWES. I challenge the statement the Senator made a moment ago that they coincided with his view that the joint resolution of the senior Senator from Michigan demanded this preferential consideration, because these three Senators voted against the joint resolution.

Mr. VANDENBERG. Why did they vote to put it on the program?

Mr. HAWES. I challenge the Senator's statement.

Mr. VANDENBERG. Which statement does the Senator challenge? I am trying to find out.

Mr. HAWES. I challenge the statement that this matter was considered in the committee, and that the three Senators whom I named considered it of sufficient importance to give it preference over some other hundred bills pending in the Senate.

Mr. VANDENBERG. Does that mean that the Senator challenges the statement that these Senators voted for this program?

Mr. HAWES. No, sir.

Mr. VANDENBERG. Then there is no controversy between us. They did vote for it; and they would not have discharged their proper function as members of the steering committee if they had voted to place on the program only bills which they themselves favored. That is not my conception of the function of the steering committee.

Mr. HAWES. Mr. President, on inquiry I find that even this informal committee has never heretofore given preference to a bill that had not been passed upon by a committee and was not upon the calendar.

May I ask the Senator another question? There is one bill from the senior Senator from Michigan [Mr. COUZENS] that was not reported by the committee. Here is another measure reported by the junior Senator from Michigan that is favored by the senior Senator from Michigan. Why did the chairman of this committee take from the calendar the bus bill that was on it in his previous recommendation?

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HAWES. Yes.

Mr. VANDENBERG. Let me correct the Senator's premise first. The chairman took nothing from the calendar and put nothing on the calendar. The action of the committee to which the Senator from Missouri adverts is the unanimous action of the entire committee, meeting in conjunction with the Republican leader and the assistant Republican leader, and represents a meeting of minds as to the proper process.

Now, coming to the immediate question of the Senator——

Mr. HAWES. One minute.

Mr. VANDENBERG. Just a moment; I want to answer the Senator's immediate question.

Mr. HAWES. One minute. The Republican leader to whom the Senator refers, I assume, is the senior Senator from Indiana [Mr. WATSON].

Mr. VANDENBERG. And the senior Senator from Oregon [Mr. MCNARY].

Mr. HAWES. The senior Senator from Indiana voted against this joint resolution in committee.

Mr. VANDENBERG. That has nothing whatever to do with the propriety of its place upon a program, and if the steering committee ever comes to a point where it gives recommendation of a place for Senate consideration to legislation only which it favors, then it will possess an autocratic advisory power that it should not possess at all.

Mr. HAWES. The Senator is clearly dodging the issue.

Mr. VANDENBERG. What issue am I dodging?

Mr. HAWES. The Senator is dodging the responsibility of reporting a measure and giving it preferential place before the Senate so far as he can, that was not even approved by the committee, was not upon the calendar, and, so far as I know, a thing of that kind has never been done before.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HAWES. I yield.

Mr. VANDENBERG. The Senator says I have dodged an issue.

Mr. HAWES. Yes.

Mr. VANDENBERG. The Senator flatly misstates the fact. I have dodged no issue, and I have answered every question the Senator has asked, and I now proceed to answer the next one.

Mr. HAWES. All right, sir. Why did the Senator take the bus bill from this calendar?

Mr. VANDENBERG. I am about to answer that——

Mr. HAWES. All right; do it.

Mr. VANDENBERG. Changing the premise, because I insist that it is the unanimous action of the committee.

The committee made the new program on the philosophy, first, that the major administrative legislation recommended by the President should be put as far forward as possible, so that it might not fail in this session. That explains the appearance of the prohibition transfer bill.

The second consideration was that, so far as possible, measures in which a major controversy was involved, which might extend to such a degree that there could be no hope of settlement in the few remaining weeks of the session, should not be given precedence; and on that theory, and entirely at the suggestion of the Republican leadership—because I have absolutely

no interest in either of the measures—the bus bill was taken from the priority list.

That is a statement of the facts, and I am sure the Senator will credit me with integrity of statement in submitting the facts.

Mr. HAWES. And great error in the Senator's conclusions.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Missouri yield?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. HAWES. I yield.

Mr. ROBINSON of Arkansas. I desire to ask the Senator from Michigan a question, which I think will be calculated to elicit some information of which the Senate is really in need. This is an unofficial committee?

Mr. VANDENBERG. Entirely so.

Mr. ROBINSON of Arkansas. It represents the policy of the majority as to the legislation that should be brought forward and considered. Is that true?

Mr. VANDENBERG. I should hope that describes the function of the committee.

Mr. ROBINSON of Arkansas. Has the committee any rules by which it determines what measures shall be advanced, and what measures shall be looked upon with disfavor or not brought forward?

Mr. VANDENBERG. None that I know of, if the Senator means formal or written rules.

Mr. ROBINSON of Arkansas. The Senator has said with emphasis that it is not the policy of the members of the steering committee merely to put on the program measures that they favor, but that, in the exercise of their discretion, they place on that program measures to which they are opposed. I want to know how it is that this committee determines when a bill shall be put on the program and when it shall be denied that preferential treatment.

There are a large number of bills pending in the Senate, thousands of them before the various committees of the Senate, and quite a considerable number of them on the calendar of the Senate; and we find that the steering committee, pursuant to the policy of the majority, have placed on the calendar for preferential treatment seven measures, omitting all other measures. What I am trying to arrive at is by what system, according to what principle, does this body that assumes to direct the procedure in the Senate, and to advise the Senate as to what measures it shall take up and act upon, determine its choice or selection of measures to be so favored?

Mr. VANDENBERG. The Senator is fully as able, out of his far larger experience in the Senate, to answer that question as I am.

Mr. ROBINSON of Arkansas. No; let me be frank with the Senator.

Mr. VANDENBERG. But I will answer it to the best of my ability.

Mr. ROBINSON of Arkansas. Let me answer the Senator in that connection.

This steering committee, in the sense that it shall presume to direct the business of the Senate, determine or advise what legislation shall come forward for consideration, is a brand new institution. We have never had it until quite recently. I have never been informed as to what ingenious brain devised that scheme. It is comparable to a method that prevails in another legislative body; but in that body the committee that performs the function is an official agency, charged with responsibility to the legislative assembly. In this body, in some mysterious way, a few Senators have been constituted by some official power a group to tell the Senate what measures it is advised the Senate shall consider and act upon.

I agree with the Senator that such a body could not exist for a few hours if it became apparent that the members who chose the bills to be considered would put on the program merely such bills as they highly favored, and leave off the program all other bills. It is a very significant fact, however, that to hundreds of bills pending before the Senate, many of which are of very great importance, it is not proposed to give the slightest consideration; but this unofficial body, presuming to select the measures for consideration, brings forward some five or six, and says, "Here is the program of the United States Senate."

What I am trying to find out—and if the Senator from Michigan does not know, he can answer me by saying so; if the Senator from Indiana [Mr. WATSON], who is probably responsible for this diabolical scheme, can give him advice or information, let him do it—what I am trying to find out is, what is the process, what are the principles that govern this self-constituted and unofficial body in determining what measures the Senate may consider?

Mr. VANDENBERG. Does that complete the Senator's question?

Mr. ROBINSON of Arkansas. Yes; that completes this question.

Mr. VANDENBERG. I shall be very glad to answer the question to the best of my ability, with the permission of the Senator from Missouri. Does the Senator yield?

Mr. HAWES. I yield; yes.

Mr. VANDENBERG. I have already indicated to the Senator from Missouri that the principle of relative importance primarily governs the discretion of the committee. The determination of relative importance inevitably is a matter of opinion. One year ago, I very violently felt that the steering committee's discretion was wretched when I was unable to get the slightest attention from it for reapportionment.

Mr. ROBINSON of Arkansas. When the Senator himself was not a member of it.

Mr. VANDENBERG. And when the Senator from Michigan tried to break the program on the floor, and failed, at which time the distinguished Senator from Arkansas insisted that the program should proceed as recommended. This is the same type of a committee that the Senator was then supporting. It is the same type of discretion which was then exercised; and if it should prove to be in error, it simply would confess that it is human.

It is the concentrated, unanimous judgment of the committee named at the head of the sheet, in consultation with the Republican leader and the Republican assistant leader, as to the order of business which most effectually can facilitate the Senate's consideration of legislation to which we think priority should be given, in the interests of the public welfare and with an eye to legislative progress.

Mr. ROBINSON of Arkansas. Mr. President, may I ask one question there, and then I shall not interfere with the Senator from Missouri or the Senator from Michigan further—unless further occasion arises.

Mr. HAWES. I yield.

Mr. ROBINSON of Arkansas. The Senator has said that the principle which governs this unofficial and self-constituted committee——

Mr. VANDENBERG. Let us say "humble."

Mr. ROBINSON of Arkansas. I will not say that, because it would not be true. I do respectfully suggest to the Senator from Michigan that it is somewhat presumptuous to advance a formal program for the consideration of the Senate without any authority on the part of the Senate. But leaving that question aside, the Senator has stated a sound principle which he says governs this extraordinary and unofficial committee, namely, the relative importance of the measures pending in the committee and before the Senate.

I assume from that statement that the committee on order of business solemnly decided that the particular bills on this calendar are of greater importance than the bills which were not given favorable consideration, and I accept his answer, although I of course reserve my own judgment as to whether the committee's decision was sound.

Mr. VANDENBERG. And, of course, the Senate itself has the last word.

Mr. BARKLEY. Mr. President, will the Senator from Missouri yield?

Mr. HAWES. I yield.

Mr. BARKLEY. One of the troubles I find with this daily sheet which is issued, which seems to change from day to day, is that we can not tell from one day to another what is relatively more important than something else.

A few weeks ago the House passed a bill regulating busses in interstate transportation in the United States. The Committee on Interstate Commerce was in such a hurry to get the bill out that they would not give hearings. The members were instructed to read the hearings before the House committee. The bill was rushed out, put on the calendar, and a day or two later it was put almost at the head of the list on this program brought in by the steering committee. Now, it is taken off the list, it is not to be considered any further.

I should like to inquire by what authority the steering committee from day to day amends and revises this daily sheet so that we can not tell from one day to another what is the program of the Senate?

Mr. WATSON. Mr. President, will the Senator yield to me?

Mr. HAWES. May I ask just one question before I yield?

Mr. WATSON. Certainly.

Mr. HAWES. Will the junior Senator from Michigan answer a question?

Mr. VANDENBERG. Very gladly.

Mr. HAWES. I notice that in the prior report the committee took off one measure recommended by the senior Senator from Michigan, and in this one they put on two measures recommended by the senior Senator from Michigan. I would like to

ask the Senator if he knew, at the time this joint resolution was placed on this preferential list, that it had not been disposed of by the Committee on Interstate Commerce?

Mr. VANDENBERG. The Senator is referring to which measure?

Mr. HAWES. Senate Joint Resolution 161.

Mr. VANDENBERG. No; the junior Senator from Michigan was given to understand that this resolution was in mechanical process of report to the Senate at the time the program was made.

Mr. HAWES. Will the Senator please give the Senate the name of his informant?

Mr. VANDENBERG. Certainly; the chairman of the committee, with whom I have been very glad to collaborate in connection with matters of importance over which he has primary direction.

Mr. BARKLEY. Mr. President, what is the mechanical process by which a bill gets from the committee to the Senate?

Mr. VANDENBERG. The drawing of a report, the typing of a report for filing at the desk.

Mr. BARKLEY. If it is a question of mechanics, I would think the committee would be supposed to vote as to whether it would be reported favorably or unfavorably, or without any recommendation. Is there any report of that sort here about this resolution?

Mr. VANDENBERG. Yes; on the calendar.

Mr. BARKLEY. Is it favorable or unfavorable?

Mr. VANDENBERG. Unfavorable.

Mr. HAWES. It was placed on the calendar yesterday, three days after this letter was written, and that is the first time it found its way upon the calendar.

Mr. VANDENBERG. I think the Senator is mistaken in his chronology. I think it was the following day.

Mr. HAWES. Mr. President, will the Senator permit another question?

Mr. VANDENBERG. I will be very glad to.

Mr. HAWES. The Senator says that this committee in its wisdom took the bus bill from this preferential list because he thought it would be controversial, and yet he puts at the head of this list the Wagner bill, which, in my opinion, will occasion more controversy than any other bill that ever came before the United States Senate.

Mr. VANDENBERG. Of course the committee had no jurisdiction over that, because the Wagner bill is at the head of the list under an order of the Senate.

Mr. HAWES. But the committee put it on the list anyhow.

Mr. VANDENBERG. Of course we put it on anyhow. It is the Senate's unfinished business whether we put it on the list or not. It is merely the recitation of an indisputable fact.

Mr. HAWES. I now make request of the chairman, a public request; I ask him to put on this preferential list a bill which will protect union labor in consolidations under the direction of the Interstate Commerce Committee. I make that request now publicly because it is a change of the law which will do more than the Couzens resolution. I make that request publicly. I do not know who has communicated with the Senator at other times, but I make the request now on the floor of the Senate.

Mr. VANDENBERG. I am very glad to acknowledge the Senator's request, and to state to him that I shall be happy to let him know the next time the committee meets, and invite him to be present.

Mr. WATSON. Mr. President, I am surprised at my genial friend the senior Senator from Arkansas [Mr. ROBINSON] becoming so wrought up about the action of the steering committee. When the Democrats were in power here they always had a steering committee, and they always got out a tentative program. I never knew of any Republicans who would attempt to interfere with it, because we regarded it as more or less of a family affair, the majority being chargeable with the responsibility, it being their method of beginning the discharge of that responsibility.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. WATSON. Certainly.

Mr. ROBINSON of Arkansas. What I am particularly interested in is finding out by what process and through what agencies legislation receives this favorable consideration at the hands of an unofficial committee, under the present régime, headed by my cordial friend the Senator from Indiana. In other words, those of us who are not on the steering committee, and not a part of the majority which the Senator represents, would like to find out, if we can, how the thing is done, in order that something may be accomplished in behalf of legislation which we believe in. We have never taken the attitude that it is the duty of those who are in the minority to let those who style themselves the majority dictate the policy of legislation here, and what I am asking the Senator from Michigan, and also the Senator from Indiana, is, in the first place, how do they determine when a measure is entitled to go on the program?

Mr. WATSON. I will be very glad to answer that.

Mr. ROBINSON of Arkansas. Second, how do they determine when they will take a measure off the program, having once placed it on and served notice on the Senate that they were going to consider it?

Mr. WATSON. Mr. President, always there has been a steering committee. Under the authorization of the Republican conference this year, I was empowered to name a steering committee. I did not choose to exercise that power so long as the tariff was before the Senate, because that was the only subject to be considered. At the conclusion of the consideration of the tariff bill, however, I named the committee: Senator GOFF, Senator VANDENBERG, Senator FRAZIER, Senator KEAN, and Senator HASTINGS.

They met at once and took up the various bills for consideration. They went over the list for the purpose of determining what, in their judgment, at that time, were the bills which would demand the most immediate consideration, and those for which there was the greatest pressure for consideration among the Members of the Senate.

As to just how many persons were consulted I do not know. It is not my province to meet with the committee, but I was kindly asked to do so, and did, partially because they were considering that program, and partially because a very good luncheon was served.

At that time they issued a tentative program, which was sent out to Senators. Almost immediately after that a number of the bills on the program were disposed of by being passed by the Senate. It then became necessary to add to that list. Of course, everybody understands that this is not final; that it is merely a tentative proposition, subject at all times, whenever any measure comes up to be disposed of, to be set aside by the will of the Senate. A majority at any time can fix a thing of that kind, particularly when a measure is brought up for consideration.

Mr. HAWES. Mr. President, will the Senator permit me to ask a question?

Mr. WATSON. Certainly.

Mr. HAWES. The Senator is a member of the Committee on Interstate Commerce, and he is aware of the fact that this letter was issued before the committee had acted on Senate Joint Resolution 161. I ask the Senator if in his legislative experience in the Senate he has ever heard of a measure being recommended before a committee reported on it?

Mr. COUZENS. Mr. President, will the Senator yield to me to answer that?

Mr. HAWES. I would like to have an answer to my question.

Mr. WATSON. I will make answer to it. I think once or twice before, but at least on very rare occasions. I remember one time when the steering committee put a bill on the program which had not been reported by the committee having it in charge, and it was the subject of some animadversion on the part of the Senate. I recall that. But, after all, it was within the province of the committee to put that on the program if it saw fit to do so. It is in the province of the Senate to cast it aside if a majority of Senators see fit to take that course. I think that whether ordinary or extraordinary, usual or unusual, it was wholly within the province of the steering committee to make this program and to put that one thing on the program. There is nothing unusual or extraordinary about it, so far as the exercise of that authority is concerned. As to whether or not it was wise or unwise remains yet to be determined.

I will say to my good friend from Missouri that we discussed that, we voted on the same side in the Committee on Interstate Commerce on the proposition. I do not now know whether a majority voted in favor of it or against it, but, be that as it may, the last time the committee presided over by the Senator from Michigan met it was thought wise to put this particular bill on the program for consideration. If the Senate thinks differently, they can cast it out when the time comes. This is merely tentative. This committee has no authority to bind anybody.

I recall that on one or two occasions, when my good friend's party was clearly in the majority, I had a quarrel with their steering committee, not publicly on the floor of the Senate, but I went to them in their committee meeting to insist on a measure being put on the program which I thought was of sufficient public importance to deserve that action.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. WATSON. Certainly.

Mr. ROBINSON of Arkansas. The Senator heard my inquiry of the Senator from Michigan, and to me that is the gist of this discussion. It is conceded that the so-called steering committee is unofficial, and that after its recommendation has been made the Senate still has power to determine its own order of procedure.

Mr. WATSON. Certainly.

Mr. ROBINSON of Arkansas. That is perfectly clear. What I am anxious to find out is how bills get this preferential treatment; how, among the thousands of bills that are here, some of them admittedly of far-reaching consequence to all the country, some 4 or 5 or 8 or 10 measures are selected and put on for consideration.

The Senator from Michigan gave a surprisingly intelligent answer to that question [laughter]; I do not mean surprising in connection with the source of the answer, but in view of the way the steering committee has usually functioned it is a surprising statement that the only way a measure can be given a place on the program is by a consideration on the part of the committee of the relative importance of the measure considered with other measures.

Now, I ask the Senator from Indiana if he corroborates the statement made by the Senator from Michigan, and when he answers that he does, as I know he must or leave the Senator from Michigan in the lurch, I am going to ask him if he means to say that the particular five or six bills now on the program are of more importance than numerous other bills which it is not expected will receive the slightest consideration during this session of the Congress.

Mr. WATSON. I can answer that I concur heartily in the statement made by the Senator from Michigan [Mr. VANDENBERG]. Furthermore, we could not put all the bills of importance on one program, for the reason that just as rapidly as the measures now there are disposed of, other measures will be put on the program.

Mr. ROBINSON of Arkansas. I agree that the intelligent and fair way to select measures for legislation is for those who have the responsibility, if anyone has the responsibility, to make a selection. I am wondering if the Senator from Indiana is going to plant himself firmly on the proposition that these particular bills are of such outstanding importance——

Mr. WATSON. Oh, no.

Mr. ROBINSON of Arkansas. That the steering committee is justified in putting the stamp of death on the numerous other great measures before the Senate in order to assure consideration of these particular measures.

Mr. WATSON. Mr. President, where hundreds of measures are pending before the Senate it would lead to a chaotic condition if at any time a Senator might rise and move the consideration of his pet measure and then some other Senator might move to displace it with something in which he is interested. It is to avoid such a condition that a steering committee is appointed. Its members get together and take up all the measures and determine that certain ones are the ones for immediate consideration. That does not mean——

Mr. ROBINSON of Arkansas. Mr. President——

Mr. WATSON. I am trying to answer the Senator's question.

Mr. ROBINSON of Arkansas. It has been suggested——

Mr. WATSON. The Senator has not waited for me to answer his previous question before he now undertakes to ask another one.

Mr. ROBINSON of Arkansas. It has been suggested to me that the best way by which to solve this legislative difficulty is to put all the bills that anybody wants on the program one day and then take them all off the next day.

Mr. WATSON. That might be the method by which my friends on the other side of the aisle would operate.

Mr. ROBINSON of Arkansas. That is the method by which the Senator's steering committee has been operating, according to the statement of the Senator from Missouri [Mr. HAWES].

Mr. WATSON. Oh, no. The steering committee put on the program the bus bill, so called, and when they met it was discussed among the members, and they came to the conclusion that that was a measure so highly controversial in nature that it might not be passed at this session, and that therefore other things should be considered. That was our view of it. The Senator may not concur in that view.

Mr. ROBINSON of Arkansas. The Senator said the steering committee put that bill on the program——

Mr. WATSON. The first program.

Mr. ROBINSON of Arkansas. And then when they met and discussed it they tried to take it off of the program.

Mr. WATSON. Yes.

Mr. ROBINSON of Arkansas. That implies that the bill was put on the program without consideration.

Mr. WATSON. Not at all; because, after all, my recollection is—and I speak only from recollection——

Mr. HAWES. Mr. President, will the Senator yield?

Mr. WATSON. Will the Senator please wait until I finish my sentence? There were certain amendments added to the bill, I think after it was put on the program.

Mr. COUZENS. No; before it was put on the program.

Mr. WATSON. Be that as it may, the amendments put on originally, after they were discussed, made it appear as if it would be almost impossible to pass the measure at this session of Congress. Personally I am for the bus bill. I am not certain that I am for one of the committee amendments; but that does not matter. It is of sufficient importance to be considered at this session of Congress. So far as I am concerned, though I do not seek, of course, to control the action of the committee, it would seem that since we have passed a number of measures now on the program we might well reinstate the bus bill as one of the measures to be considered at this session.

Mr. COUZENS. Mr. President, will the Senator from Indiana yield to me?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Michigan?

Mr. WATSON. I yield.

Mr. COUZENS. One reason why the bus bill was put on the steering committee's program is that action had been taken with reference to the matter before the minority report was filed. The record will show that when I filed the majority report I announced that the Senator from Washington [Mr. DILL] desired to file a minority report. Before the minority report was filed, as I remember it, the bus bill was put on the steering committee's program. After the minority report was filed it developed that those who signed the minority report were decidedly vigorous in their insistence that the minority report should be accepted, which raised a very controversial question, and that changed the situation. In fact, some of the minority members said there would be no bus bill passed if their view of the matter was not adopted, because it was of such public importance that there should be no certificate of convenience and necessity for busses. That raised a serious controversial question.

Mr. WATSON. That is true.

Mr. HAWES and Mr. BARKLEY addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Indiana yield; and if so, to whom?

Mr. WATSON. I will yield first to the Senator from Missouri.

Mr. HAWES. The Senator is familiar with the bill introduced by the Senator from New York [Mr. WAGNER], which extends Federal control into every State in the Union, and is a direct departure from every theory of government we have exercised heretofore. Does not the Senator believe that is a bill which will be highly controversial?

Mr. WATSON. Let me say to my dear friend from Missouri that the measure was made the unfinished business by senatorial action. I fought it as hard as I could with might and main. I spent a great deal of time in controversy on the floor of the Senate over the question of whether or not that particular bill should be made the unfinished business. By a vote of the Senate, however, it was made the unfinished business. I was on the floor fighting at the time that it should not be made the unfinished business, but the vote of the Senate controlled, and I could not do anything. The steering committee has no right to set aside the express and explicit order of the Senate making that measure the unfinished business. Naturally, in making up their program, the committee placed that measure at the head of the program, because it is there as the unfinished business whether we want it there or not.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Kentucky?

Mr. WATSON. I yield.

Mr. BARKLEY. Reverting to the bus bill, for the last five years the State utility bodies, ever since the Supreme Court held that they had no jurisdiction over the regulation of State bodies, have been urging legislation that would bring interstate traffic in bus lines under some form of regulation similar to that relating to State utilities wholly within the State. The bill was reported out, and it is true a minority of the committee objected to one feature of it. They have filed a rather vigorous minority report, but it does not seem to me, in view of the long delay in consideration of the legislation and the universal need for some sort of bus regulation, that the filing of even a vigorous minority report ought to frighten the steering committee or the Senate itself into abandoning consideration of an important piece of legislation because it may be controversial in nature. I imagine

we will have a good many controversial matters to consider before we adjourn.

Mr. WATSON. When the next measure is taken up, why does not the Senator from Kentucky rise in his place and move to displace it and that the Senate proceed to the consideration of the bus bill? That would bring before the Senate his view, regardless of any program.

Mr. BARKLEY. I do not want to put myself in the attitude of trying to control the procedure of the Senate. I am trying to see if we can not persuade the steering committee to put the bus bill on its program so that we may consider it and not abandon it and leave it to its fate. If we do not get some action on the matter at this session, then when we come back in December we shall have the stop watch on us for the 4th of March, and the Senator knows all too well that if we get the appropriation bills passed through the Senate we will be doing well, and that if anybody desires to adopt certain parliamentary tactics and filibuster against the bus bill the very fact that it is a short session and must end on the 4th of March will lend itself to that legislative situation.

Mr. COUZENS. Mr. President, the Senator from Kentucky [Mr. BARKLEY] talked with me about this matter just this morning, but the situation is a little different than he stated it, so far as the controversy is concerned. There are three distinct viewpoints with reference to the bill, all of which are highly controversial. The Senator will remember that in the committee all three viewpoints were discussed. The House bill requires a certificate of public convenience and necessity in all cases. The majority of the committee took the view that that created a monopoly. Therefore I offered an amendment proposing that where there was no competition on a certain bus route a certificate of public convenience and necessity would not be required, but where there was a competing system then a certificate of convenience and necessity would be required. A substantial minority, headed by the Senator from Washington [Mr. DILL], said there should be no certificates of convenience and necessity required in any case because it has never been required in 30 years' experience in the management of the railroads of the country.

Mr. BARKLEY. Mr. President, I agree with the Senator that there are three prongs to the subject, one group believing that there ought not to be any certificate of convenience or necessity, while another group believe that under certain conditions it ought to be mandatory. Admitting the controversial nature of the disagreement, it does not seem to me that the different viewpoints are so controversial that we can not come to a vote on them. For instance, I might want to urge the defeat of some portion of the amendments offered in committee, but it would not take me long to express my views on the subject and then let the Senate vote on the matter.

Mr. COUZENS. One reason why my colleague does not need any defense—and neither does the steering committee need any defense—is that I was conferred with and I told the Senator from Oregon [Mr. MCNARY], the assistant leader, and my colleague the junior Senator from Michigan [Mr. VANDENBERG], that the bus people and the railroads, who were the prime movers in getting the legislation through the House, had apparently lost interest in it after it was reported out by the Senate committee with the amendments.

Mr. BARKLEY. I hardly think that is an accurate statement.

Mr. COUZENS. I mean that the situation appealed to me in that way.

Mr. BARKLEY. I have received to-day from my own State a very urgent request that this legislation be not dropped. Even if it should be adopted by the Senate in the form in which it comes from the committee, or with any amendments at all, it has to go to conference in any event and be worked out between the two Houses. Even if we should not get the complete legislation at this session, we could get it into conference and then work it out at the next session of Congress.

Mr. DILL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Washington?

Mr. COUZENS. I yield.

Mr. DILL. I want to call attention to the fact that the need of protection in this country as to railroad consolidation is far more important and far greater than the need of a few interstate bus lines being controlled. Thousands of men are affected and their families will be affected by the mergers and consolidations which are about to be consummated. I think the most important subject that can come up for action immediately is the action contemplated by the consolidation measure.

Mr. COUZENS. I would like to say that if there is any responsibility for displacing the bus bill, it may be placed upon the senior Senator from Michigan, because I think it was my statement concerning the matter which influenced the committee's action. I think I should assume that responsibility, because in talking with the Senator from Washington [Mr. DILL] and some of the other minority members of the committee I found them so determined that there should be no certificate of convenience and necessity that they said there would be no bus bill passed at all if we are going to require at this early stage of the industry a certificate of necessity and convenience.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Kentucky?

Mr. COUZENS. I yield.

Mr. BARKLEY. May I say that it seems to me, in fairness to the Senate, it ought to be allowed to pass on the question of whether there shall be or shall not be such a certificate of necessity and convenience.

Mr. COUZENS. I entirely agree. Of course, the steering committee's report as everyone knows is merely a matter of suggestion and is not finally binding upon the Senate. I did not, if I may say so, urge that it be dropped, but I urged that it be put lower down on the list, because I thought there were some other measures which probably should secure quicker action than this particular measure.

Mr. HAWES. But it has been taken off the list entirely.

Mr. COUZENS. The first memorandum I saw prepared by the junior Senator from Michigan had a note at the bottom to the effect that, because of the controversial nature of the bill, it was put at the bottom of the list; but when the list was finally prepared that measure was not on it.

Mr. BRATTON and Mr. SWANSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Michigan yield; and if so, to whom?

Mr. COUZENS. I yield first to the Senator from New Mexico.

Mr. BRATTON. Mr. President, no one criticizes the chairman of the committee; he has done what he thought was best considering all the circumstances. I agree with what the Senator from Washington [Mr. DILL] has said with reference to the importance of the joint resolution sponsored by the senior Senator from Michigan, suspending the authority of the Interstate Commerce Commission to approve consolidations of railroads. That is an important measure and should be considered during the present session of Congress.

I think legislation affecting motor busses operated in channels of interstate commerce is likewise of great importance. That mode of travel has become so general and the number of busses operated in that way so numerous that a substantial part of interstate commerce is affected and, in addition to that phase of it, there is involved the safety of those traveling in automobiles and otherwise than in the busses. Some motor busses are operated carelessly and negligently, thereby making the highways unsafe.

I urge the Senator from Michigan, chairman of the Committee on Interstate Commerce, to have the bus bill restored to the preferential status on the calendar, so that the Senate may be given an opportunity to pass upon it before final adjournment. The Senator knows that, although not a member of the committee, I have given some study to certain phases of the proposed legislation and intend to continue doing so. Accordingly, I am very anxious that we shall consider the bill before we adjourn. I hope the Senator will use his best efforts to that end, and likewise his colleague [Mr. VANDENBERG], the acting chairman of the so-called committee on order of business.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Virginia?

Mr. COUZENS. I yield.

Mr. SWANSON. Mr. President, I should like to make an inquiry. Is the so-called bus bill still on the calendar?

Mr. COUZENS. Yes.

Mr. SWANSON. Allusion has been made to the steering committee of the Democratic Party when that party was in the control of the Senate here for eight years. During that time that committee made generally one character of recommendation, and that was a recommendation as to the measure to be considered after the pending unfinished business should be disposed of. The list which has been furnished Senators amounts simply to a recommendation, so that if the chairman of the Committee on Interstate Commerce, the Senator from Michigan [Mr. COUZENS], rises at the same time I rise, as he belongs to the majority, he will be recognized, conditions being equal, to move to take up a measure which had been put on the list; but if the Senator should not be very alert on his feet and I should rise and first address the Chair, then I would be privileged to make a motion to take up another bill and make it the

unfinished business; in fact, I could make such a motion five minutes after the bill in charge of the Senator from Michigan should be made the unfinished business. So a Senator can move to proceed to the consideration of the so-called bus bill if it is on the calendar and if the Senate shall so decide that bill will be taken up.

There is nothing in the suggestion as to strangling the Senate in this matter; the list provided amounts, as I have said, merely to a recommendation, carrying with it as much support as can be commanded for a recommendation of the steering committee on the part of the Republican majority and the Democrats.

Mr. President, I have never wrangled very much as to whether or not a measure should be put on the preferential list, for the majority of the Senate can vote for the consideration of any measure which it is desired to consider. As I understand, a motion is going to be made to consider the bus bill, if arrangements can not be made to consider it in an orderly way otherwise, so that it may be disposed of in some way. A motion to consider it can be made five minutes after any other bill shall have been taken up.

Mr. COUZENS. And, Mr. President, the Senator from Michigan would vote to have the Senate consider the bill in that manner.

I wish now to refer to Senate Joint Resolution 161, which I understand first caused this discussion to arise. The fact of the matter is that the chairman of the Interstate Commerce Committee was too courteous to the members of the committee in delaying submitting the report. The committee met on last Monday, and, by a vote of 6 to 6, ordered the chairman to poll the votes of the other six members of the committee and report the bill. The chairman canvassed the other members of the committee with whom he could get in contact, and delayed submitting a report, waiting several days for the Senator from Maryland [Mr. TYDINGS] so as to give him an opportunity to vote. The chairman was instructed by the committee to take the votes of those who had been present at the hearings. All members of the committee were present at most of the hearings, except the Senator from South Carolina [Mr. SMITH], who was detained on account of illness. While waiting for the vote of the Senator from Maryland, the chairman prepared a majority report because at that time the vote was 9 to 8 in favor of Senate Joint Resolution 161.

Mr. HAWES. Mr. President, will the Senator yield?

Mr. COUZENS. I yield.

Mr. HAWES. The Senator, of course, is aware that on the vote the approval of both the Senator from New York [Mr. WAGNER] and the Senator from Nevada [Mr. PITTMAN] was conditional, and they stated in letters to the chairman of the committee, published in the record, that to the most important controversial feature of the proposed legislation they were opposed.

Mr. COUZENS. Oh, no; the Senator is not correct in that respect.

Mr. HAWES. Very well; then let the Senator correct me.

Mr. COUZENS. The Senator from New York said he reserved the right to give it further consideration, but he did not say whether he approved or disapproved. The same thing is true of the Senator from Nevada.

I want to say in this connection——

Mr. HAWES. Mr. President, will the Senator yield?

Mr. COUZENS. I wish to say that in all my experience in connection with committees, I never in my life tried to prevent a report. I am willing to face any legislation, whether I approve of it or otherwise. I do not attempt to use the tactics of the Senator from Missouri to prevent a report of any kind. It was of no importance to the chairman of the committee whether the committee reported the measure favorably or unfavorably. All I wanted to do was to get the measure before the Senate for discussion. I did not attempt in any way to block a report, favorable or unfavorable, and——

Mr. HAWES. Mr. President, will the Senator yield?

Mr. COUZENS. No; not as yet—and when the committee cast a tie vote 9 to 9, the chairman was prepared to file an unfavorable report. Now I yield to the Senator from Missouri.

Mr. HAWES. Mr. President, I want to deny emphatically——

Mr. COUZENS. The Senator can deny in his own time; I will not yield for that; he can take his own time in which to make a denial.

Mr. HAWES. I want to deny emphatically that I opposed the report of the committee.

Mr. COUZENS. I refuse to yield.

Mr. HAWES. That statement is not correct.

Mr. COUZENS. The statement is entirely correct——

Mr. HAWES. It is not correct.

Mr. COUZENS. If it should be necessary to test my veracity, I can get the evidence to sustain my statement.

Mr. HAWES. I challenge the Senator to submit evidence to sustain the statement he has made.

Mr. COUZENS. I will produce it when the time is ripe; I will produce it in my own time and not in the Senator's time.

Mr. HAWES. Very well.

Mr. COUZENS. Mr. President, Senate Joint Resolution 161 was ordered reported last Monday, and after waiting for a poll of the vote of the members of the committee it was reported. Every Senator on both sides of the Chamber has had communications by the score expressing interest in railroad consolidations. Communities, labor, chambers of commerce, and other interests have expressed their desire that Congress should take some action to prevent the consolidation, particularly of certain railroads, and to suspend the action in entirety in other cases. There has been an almost universal demand from nearly all sections of the country, and from the Interstate Commerce Commissioners themselves, to prevent the operations of holding companies in purchasing, controlling, and owning railroad companies, thereby eventually destroying the whole consolidation plan prepared by the Interstate Commerce Commission and presented in December last.

There has been no objection anywhere to labor being properly provided for in the consolidation program. It was testified at the hearings by Mr. Willard, president of the Baltimore & Ohio Railroad Co., that 80 per cent of the savings to be effected by railroad consolidations would come out of the pockets of labor. I do not object to efficiency; I do not object to effectuating savings in transportation; but I do object to all of the savings being taken out of the pockets of one group. I do not propose to sit idly by and see railroad consolidations go on, many of them in violation of the intent of Congress, and a penalty placed on those least able to stand the penalty.

Whether or not the Senate Joint Resolution 161 goes too far, is a question for the Senate to determine. It is not for the Senator from Missouri, or any other individual, to determine whether the joint resolution goes too far. The only object the chairman of the committee has been trying to accomplish is to get the measure before the Senate, so that there may be some public expression as to how far the consolidation program should go through.

A committee of the House of Representatives is conducting hearings on the question of holding companies. Every member of the Interstate Commerce Commission protests the procedure of such holding companies in going out and buying up the control of railroads promiscuously, thus, in effect, destroying the whole consolidation plan of the commission and permitting the domination and control of the railroads without the consent or knowledge of the Interstate Commerce Commission. I am not prepared to discuss the joint resolution to-day, but I will be prepared to do so before the present session shall adjourn.

Mr. President, when the steering committee, in collaboration with the Senator from Oregon [Mr. MCNARY], our assistant leader, discussed the bills pending, I was asked, as chairman of one of the large committees, what, in my judgment, were the matters of greatest public concern that were before the committee. I said to my colleague the junior Senator from Michigan [Mr. VANDENBERG] and to the Senator from Oregon [Mr. MCNARY] that, based on my knowledge of public interest, there was no subject before the Senate or on the calendar that was of greater public interest than Senate Joint Resolution 161. Both Senators from Texas, the Senators from Montana, the Senators from Washington, the Senators from New York, and other Senators on the Democratic side, to say nothing of Senators on the Republican side, have all expressed to me individually the public interest in this railroad consolidation program. There has been no dissent that, so far as the operations of holding companies are concerned, they should be restrained. After presenting this information to the acting chairman of the committee on order of business, and to the assistant leader, they agreed that the importance of the joint resolution was such as to justify giving it a place on the steering committee's program of business.

Mr. MCNARY. Mr. President——

The PRESIDING OFFICER (Mr. GLENN in the chair). Does the Senator from Michigan yield to the Senator from Oregon?

Mr. COUZENS. I yield.

Mr. MCNARY. Mr. President, I have been absent from the Chamber for a time, and have merely heard the statement just made by the distinguished Senator from Michigan [Mr. COUZENS]. I think probably I should relieve the chairman of the Interstate Commerce Committee from any responsibility for a change in the program.

I have always considered a steering committee program as advisory only, and not at all as sacred; and if it does not conform to the best judgment of those in charge of affairs, the majority of the Senate, it should be altered. When a few days ago I looked at the program as outlined, in the absence, on account of illness of the Senator from West Virginia [Mr. GOFF], I discussed the question with the Senator from Michigan, and it was I who suggested to the Senator from Michigan that in view of the situation it would probably be well to drop the bus bill down to the end of the proposed program, and substitute therefor the very important joint resolution introduced and reported on yesterday by the Senator from Michigan [Mr. COUZENS]. I think if I had the original program here I could show a lead-pencil notation which I made to that effect.

The only interest I have in the proposition is merely to take upon myself full blame of any criticism that may follow for the changes made in the program. I thank the Senator.

Mr. COUZENS. Mr. President, I thought, in view of the fact that question was raised that the action of my colleague in placing the joint resolution on the steering committee's program before the report was filed, that I should say in justification that several days previous to the filing of the report the committee had ordered the chairman to file the report, after polling the absent members of the committee who had participated in the hearings.

Mr. HAWES. Mr. President, I am sorry the senior Senator from Michigan [Mr. COUZENS] is leaving the Chamber. I wanted to reply directly to him; but I will reserve my remarks for another occasion.

Mr. President, the so-called Couzens joint resolution, as originally introduced after witnesses had been heard, was repudiated by all the committee, including the chairman of the committee. Then another joint resolution was prepared, and again it was repudiated by the committee. Then a third joint resolution came in, and upon a vote being taken—one member being absent and voted by the chairman—the result was a tie. What I am complaining of is that prior to the action of that committee, when the chairman of the committee could not even make a majority report, this measure was given a place upon this calendar.

There is only one subject as to which that committee was in absolute agreement, and that was the protection of union labor and labor of all kinds when consolidations are brought about; and a bill has been reported unanimously by the committee covering the entire labor subject.

I will vote for a bill regulating holding companies, but it is just as well for the Senate to stop for a moment and think. The House has that subject before it. It is holding hearings. It is investigating the matter. It proposes to pass a law, and the Senate, in this joint resolution, sets itself up as a superior body to protect the House. If the House wants a suspension of all railroad consolidations while it is investigating holding companies, it seems to me that common courtesy would leave that question to the House.

We discovered that the first Couzens joint resolution stopped every kind of consolidation, good or bad. It was intended to stop bad consolidation, but it stopped them all. The testimony before the committee shows that 464 short-line railroads, having for sale some 23,000 miles of track, could not move if this Couzens joint resolution were passed. It proposed to stop indefinitely, without limit of time, all of the good consolidations, or perhaps the questionable consolidations; but they were all to be stricken down by the original Couzens joint resolution. Representatives of the short-line railroads testified that that would be the effect of that measure. Great improvements in the Southwest were to be stopped. There was agreement on only one thing by that committee, and that agreement was as to the protection of labor during these consolidations.

The Senate has an opportunity to pass upon that question. It has an opportunity to amend the transportation act itself, not by joint resolution but by the old accepted methods of the forefathers, to change the law, to change the statute; not to suspend, pending a new opinion of the Senate or the House, its operation, but to change the law.

If the chairman of the committee will hold a meeting tomorrow, when the committee will report a bill on holding companies, I will vote for it. If there is any other plan that will amend the law directly, let us have it; but this is a departure—this plan of suspending the functions of a great commission until such time as Congress may or may not act.

I do not want my position to be misunderstood. I believe that we should write in the law, and write it in clearly and understandably, that these consolidations must consider labor. There is a bill here about which there is no divided opinion. There is a bill here that has the unanimous support of every man on that committee.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. HAWES. I yield.

Mr. COUZENS. That is not a correct statement, because the chairman does not approve of it, and he pointed it out to the Senator individually that the bill did not go far enough.

Mr. HAWES. I will say that the Senator sat there and he never said a word in the committee. If he wanted this bill, 4205, amended, then was the time for the chairman of the committee and members of the committee to ask for an amendment. The chairman of the committee knows full well that I would have accepted any reasonable amendment; but the chairman remained quiet. There was not a word from him about that bill.

Mr. COUZENS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. HAWES. I yield.

Mr. COUZENS. The Senator from Missouri, of course, can make his own statements. There is no question but that the committee completely understands where the Senator stands. We always know where he stands, because we have followed him so closely that we understand where he stands. The chairman of the committee, however, protested against this provision being considered before Senate Joint Resolution 161, which was before the committee, was considered. The Senator introduced that measure after my joint resolution was introduced, presented it to the committee, and out of courtesy I pushed it ahead of my own joint resolution and let him have the floor with it in the committee. The Senator knows that that measure was not introduced at the time my joint resolution was discussed, and he introduced it afterwards; and out of courtesy to the Senator I put aside my own joint resolution and took up his measure.

Mr. HAWES. This resolution was introduced by me some week or more ago, I believe, because I had discovered that every man on that committee wanted legislation of this kind and because I had discovered that the majority, or an approximate majority, did not want to have the kind of legislation that the Senator from Michigan wanted.

Mr. COUZENS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Missouri further yield to the Senator from Michigan?

Mr. HAWES. I do.

Mr. COUZENS. The record does not show that. Of course, the Senator can go back to the time when the first joint resolution was presented to the committee; and the chairman, who introduced the joint resolution, has amended it so as to do no harm. It was not the intention of the chairman to do harm when the joint resolution was first introduced. The Senator from Missouri knows that the chairman has listened with great attention to every proposed amendment, and that every amendment that is now in the joint resolution on the calendar was agreed to by a majority of the committee, with the exception of, I think, subparagraph (c), on which the Senators from New York and Nevada made reservations.

Mr. HAWES. Mr. President, I assert that the minority report presents a plan which will automatically suspend meritorious consolidations of 464 short-line railroads and place those in jeopardy, as well as others in the great Southwest; and that there is only one thing in the whole measure upon which there is agreement, and that is the agreement to protect labor in these consolidation matters.

Mr. COUZENS. Mr. President, will the Senator yield again?

Mr. HAWES. Yes.

Mr. COUZENS. Does the Senator deny that there is an agreement on the question of holding up the holding companies from proceeding the way they are? I thought the committee was unanimous and the commission was unanimous in desiring to hold up the practice of the holding companies.

Mr. HAWES. Why, the Senator certainly knows that a majority of the committee did not favor that. They voted against the Senator's measure.

Mr. COUZENS. I am talking about the time when each paragraph came up in the committee. There was no objection to the holding-company paragraph.

Mr. HAWES. Not to that being written in the law.

Mr. COUZENS. That is what I am speaking of.

Mr. HAWES. Not to a change of the law; but there is a fundamental difference in regard to attempting to legislate by joint resolution and by change of statute law.

Mr. WHEELER. Mr. President, I did not intend to speak upon this joint resolution at this time. I did not know that the question of the Couzens joint resolution was coming up; but I want to say this:

As far as I am concerned, I am glad to see that joint resolution placed on the list as one of the favored measures that are going to come up at this session of Congress. The reason why I am in favor of it is because of the fact that the Interstate Commerce Commission, by a majority of that commission, has attempted to set forth a plan for the consolidation of the Northern Pacific and the Great Northern Railroad Cos. There is a provision in the law that the commission shall take into consideration the public interest; and I assert here upon the floor of the Senate that as a matter of fact, when the Interstate Commerce Commission attempted to set forth a plan for the consolidation of the Great Northern and Northern Pacific Railroad Cos., they did not take into consideration the public interest in the States through which these great railroads pass. The only interest they apparently took into consideration was the interest of the banking houses that control and dominate those two great systems of railroads.

The commission can not contend that one of the railroads is a weak railroad and that the other is a strong railroad. There can not be any contention upon the part of the Interstate Commerce Commission that those two railroads are not well regulated, that they are not making money, and that they are not efficient, because I assert that there are no two railroads in the United States that are more efficiently operated at the present time than are these two great railroads. Yet, Mr. President, in the face of an overwhelming protest upon the part of the people in the communities through which these railroads pass, the Interstate Commerce Commission saw fit to set forth a plan to permit the consolidation of these two railroads.

While I have not interviewed every Member of the House and every Member of the Senate from the States through which these two railroads pass, I assert that the majority of both the Members of the House and the Members of the Senate from the States through which those railroads pass are opposed to the consolidation of those two roads. It seemed to me that something drastic ought to be done, and consequently, when the junior Senator from Washington [Mr. DILL] introduced a resolution to stop that consolidation, and then the Senator from Michigan [Mr. COUZENS] introduced his resolution for the purpose of stopping consolidations generally, I favored his resolution, although I did not know anything concerning any other consolidations which were pending.

I came to the conclusion that if the Interstate Commerce Commission was so careless with reference to public opinion in dealing with the Northern Pacific and the Great Northern Railroads, it was possible that they might have been likewise careless in taking into consideration the public interest with reference to other consolidations.

I, for one, want to see this resolution of the Senator from Michigan passed at this session of Congress. If there is one thing to-day of which the people of the United States are fearful, one thing in which the people of this country are interested at the present time, it is these gigantic consolidations and combinations which are going on by leaps and bounds, and we know, from the testimony which has been taken before the Interstate Commerce Commission, that there are investment trusts which are to-day taking control and buying up the stock of these great railroad corporations; they are getting control of them, and they are getting control of them in such a way that the Interstate Commerce Commission can not have any jurisdiction over them.

I feel that the Congress of the United States ought to go ahead and pass this resolution, holding up these consolidations and these combinations which are going on among the railroads of the country at least until the next session of Congress, when we will have time to pass some legislation giving the Interstate Commerce Commission jurisdiction over these investment trusts.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. WHEELER. I am glad to yield.

Mr. COUZENS. I wonder whether the Senator does not think it significant that all through the hearings during the pendency of this resolution before the committee no shipper on a railroad appeared in protest against the resolution.

Mr. WHEELER. Not only did no shipper protest against it, but, on the contrary, I received telegrams from chambers of commerce, I received telegrams from individual shippers, I received telegrams from practically every railroad organization in the State of Montana, protesting against the consolidation of the Northern Pacific and the Great Northern. I received telegrams from bankers, merchants, from large shippers and small shippers, from railroad organizations from one end of the State to the other, and from Minnesota, from North Dakota, from South Dakota, from Washington, protesting against it and urging the passage of the Couzens resolution.

Mr. HAWES. Mr. President, will the Senator yield to me?

Mr. WHEELER. Gladly.

Mr. HAWES. I think the Senator knows that I am in entire sympathy with his position regarding the Northwest consolidations.

Mr. WHEELER. Yes.

Mr. HAWES. And also in connection with union labor.

Mr. WHEELER. Yes. I had understood that the Senator—in fact, that a majority of the committee—were absolutely opposed to the consolidation of the Northern Pacific and the Great Northern Railroad Co.

Mr. HAWES. That is right.

Mr. WHEELER. I had likewise understood that a majority of the committee were opposed to these investment trusts going ahead as they have been going ahead, and likewise that they were opposed to the proposition of their not taking labor into consideration when they took up the question of the consolidations. I understood that the Senator from Missouri was in accord with all three of those propositions.

Mr. HAWES. Mr. President, I simply wanted to make this statement, that the difficulty in our committee, as evidenced by its repeated expressions, was in an attempt to separate the good from the bad. It may be that this Great Northern consolidation was a bad consolidation, but certainly in all the hearings held before the Interstate Commerce Committee projects are concerned which are of vital interest to communities. There are projects which are of such a nature that if they do not go through, union labor itself will suffer. There are projects involving some of the short roads, intended to be protected by the Government, which will go into the hands of receivers and be closed up. The difficulty in our committee was because it attempted to do something by resolution instead of by statute amendment, catching the good, the indifferent, and the bad under one set of words. I think it was largely that, namely, Government by resolution, which caused the opposition in the committee to the report of the chairman.

EXECUTIVE MESSAGES

Messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries.

ASSOCIATE JUSTICE OF SUPREME COURT

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on the Judiciary:

To the Senate of the United States:

I nominate Owen J. Roberts, of Pennsylvania, to be an Associate Justice of the Supreme Court of the United States.

HERBERT HOOVER.

THE WHITE HOUSE, *May 9, 1930.*

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER laid before the Senate a message from the President of the United States nominating sundry officers in the Regular Army, which was referred to the Committee on Military Affairs.

CLAIM FOR DETENTION OF NORWEGIAN STEAMER "TAMPEN" (S. DOC. NO. 144)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I inclose a report received from the Secretary of State requesting the submission to the present Congress of the claim presented by the Government of Norway against the United States for reimbursement on account of losses sustained by reason of the detention of the Norwegian steamer *Tampen* by the United States Coast Guard during June, 1925.

I concur in the recommendation made by the Secretary of State and recommend that, as an act of grace and without reference to the question of the legal liability of the United States in the matter, the Congress authorize an appropriation in the sum of $8,765, in order to effect the settlement of all claims arising as a result of detention of the vessel.

HERBERT HOOVER.

THE WHITE HOUSE, *May 9, 1930.*

LABOR CONDITIONS—STATEMENT BY SENATOR ROBINSON OF ARKANSAS

Mr. McKELLAR. Mr. President, yesterday there was given out a statement, published in all the papers, by the senior Senator from Arkansas [Mr. ROBINSON] regarding unemployment, and I ask unanimous consent that it may be printed in the RECORD as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

WASHINGTON, May 8.—The 60-day period set by President Hoover for the ebb of the tide of business depression to run its course expired yesterday. Senator ROBINSON of Arkansas, the Democratic floor leader, makes the following comparison of the prophecy and the conditions now existing, and points out the consequences thereof.

On March 8 of this year President Hoover issued a formal statement of business conditions in the United States. It was a flame of optimism, and in effect promised that the depression due to the panic that began with the stock crash last October would have passed within 60 days. The President's own language on that occasion was:

"'All the evidences indicate that the worst effects of the crash upon employment will have been passed within the next 60 days with the amelioration of seasonal unemployment, the gaining strength of other forces, and the continued cooperation of the many agencies actively cooperating with the Government to restore business and to relieve distress.'

"In his optimistic prophecy the President was joined by his Secretary of Commerce, Mr. Lamont, and his Secretary of Labor, Mr. Davis. The 60-day period expired yesterday, and the price of a great number of leading securities and commodities is lower than ever and the unemployment situation is steadily becoming worse. A week ago President Hoover delivered a speech before the Chamber of Commerce of the United States, in which he reiterated his declaration that the business slump is nearly all over, and made use of this significant phrase: "He would be a rash man who would state that we can produce the economic millennium." That was a new thought to the President since the date of his speech of acceptance of the Republican nomination, when he stated:

"'One of the oldest and perhaps the noblest of human aspirations has been the abolition of poverty. We in America to-day are nearer to the final triumph over poverty than ever before in the history of the land. The poorhouse is vanishing from among us. We have not reached our goal, but given a chance to go forward with the policies of the last eight years we shall soon, with the help of God, be in sight of the day when poverty will be banished from this Nation.'

"If that is not a statement of the coming economic millenium, it would be hard to frame such a prophecy.

"The day after President Hoover's chamber of commerce speech the stock market experienced a crash that carried the prices of securities to lower levels than the abyss of the black November days of last year.

"The President, of course, did not bring about the panic, but it should not be forgotten that he asked his election on the ground that it was the only way to continue prosperity in this country.

"'Prosperity is no idle expression,' he said in his New York campaign speech. 'It is a job for every worker. It is the safety and the safeguard of every business and every home. A continuation of the policies of the Republican Party is fundamentally necessary to the further advancement of this progress and to the further building up of this prosperity.'

"After telling of all the blessings that have come from Republican rule he added: 'I can not believe that the American people wish to abandon or in any way to weaken the principles of economic freedom and self-government which have been maintained by the Republican Party, and which have produced results so amazing and so stimulating to the spiritual, as well as the material, advance of the Nation.'

"In his message to the Republican convention upon being notified of his nomination on June 14, 1928, Mr. Hoover said: 'The victory of the party will insure stability of business and employment.' And he continued: 'It is vital to the welfare of the United States that the Republican Party should continue to administer the Government. It is essential that our party should be continued in organization and in strength in order that it may perpetuate its great principles in our national life.'

"All through that campaign, and in the early months of his administration, Mr. Hoover took credit for himself and his party for our national prosperity. He attributed nothing to the expansion of business and opportunity resulting from the war. He allowed nothing for the ingenuity, enterprise, and intelligence of the American people.

"Moreover, though he had been for eight years at the head of our Department of Commerce with his fingers constantly on the pulse of industry and investment, he issued no word of warning of the catastrophe that lay just ahead, although after it had happened he was glib in his explanations of the why and wherefore of the catastrophe, which has had such a terrific effect on the welfare of millions of our people.

"Since the panic which began last November conditions have grown steadily worse, despite the Pollyanna statements of the administration and the misleading reports of some of its members, notably James J. Davis, the Secretary of Labor. Mr. Davis's figures on unemployment have been so inaccurate that the country has lost faith and now accepts no administration declarations as reliable. Perhaps no further explanation of the public doubts, which are the greatest obstacle to the restoration of normal conditions, is required. If the people have not confidence, business must continue to stagnate and prosperity to be delayed. However blameless the President may be for the initial panic, it is most unfortunate that added disappointment should have come from his persistent coloring of real conditions. The people have a right to expect the facts. They are not children to be lulled by constant assertions which are proved erroneous by every day's market.

"It may be urged that the President merely guessed wrong in his judgment of market conditions. The Government has no right to guess, for the people do not take the statements of their officials to be mere speculation or expressions of desire. They think, and have a right to think, when from the head of the Government there comes a statement backed by impressive statistics that the ebb is over and the tide of prosperity is again flowing, that they can rely on it.

"However we may deplore the tendency of people to bet on the stock market, it must be recognized that they are eager to believe good news and are prone to base their investments on such information as they are able to get. It is equally understandable that the President should wish to be the bearer of glad tidings, but it is unfortunate that he has failed to take into consideration the weight that was certain to be given his words."

RADIO ADDRESS BY SENATOR BARKLEY ON THE SUPREME COURT

Mr. McKELLAR. Mr. President, just at this time the Supreme Court is very much in the public eye. Last night the senior Senator from Kentucky [Mr. BARKLEY] made a very illuminating address over the radio upon the subject of the Supreme Court. I ask unanimous consent that it may be printed in the RECORD as a part of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Ladies and gentlemen, the public interest in the Supreme Court of the United States which has been aroused by recent appointments of Chief Justice Hughes and Judge Parker, and the discussions in the Senate over their confirmations, has induced the Washington Star to invite me to discuss briefly the part which the Supreme Court has played in the history of the United States.

Manifestly no comprehensive historical discussion is possible within the short space of time allotted to me. I shall, therefore, content myself with a general reference to the more outstanding instances in which the Supreme Court has shaped the policy of the Nation.

When the Constitution was under consideration and was finally framed it provided for three departments of the Government—the legislative, the executive, and the judicial. This was something of a new departure in allocating the powers of a modern government, although there are those who claim that they can trace this idea to Aristotle.

Under the terms of the Constitution all legislative powers are vested in Congress. The executive powers are vested in the President. These two branches of the Government are independent of each other except that the President may veto an act of Congress, which may be repassed by a two-thirds vote of both Houses, and except that all executive departments are dependent upon Congress for the necessary appropriations to conduct their activities.

The third branch of the Government, under the terms of the Constitution, is the judicial branch, consisting of the Supreme Court and such other courts as Congress may from time to time establish. The judicial branch is wholly independent of the other two except that all judges must be appointed by the President and confirmed by the Senate, and except also that this branch must depend upon Congress for the necessary appropriations to conduct its business.

It will therefore be seen that while each of the three branches of our Government is supposed to be independent of the other two, there is a sense in which they are all to some extent dependent upon the others.

One of the great controversial questions which has occupied the thought of the people since the organization of the Government has been the power of the Supreme Court over legislative acts of Congress and the executive acts of the President. Nowhere in the Constitution is there to be found any specific authority empowering the Supreme Court to declare null and void acts of Congress. Nowhere in the Constitution is there any provision making of the Supreme Court a sort of legislative board of appeals to determine the constitutionality of an act passed by both Houses of Congress and approved by the President. It is interesting, therefore, to inquire into the circumstances under which the Supreme Court has exercised this power almost from the beginning of the Government.

At the Constitutional Convention at Philadelphia a motion was four times defeated to make of the Executive and Supreme Court a board of revision to pass upon acts of Congress. The direct question, however, of conferring specific authority upon the court to declare acts of Congress constitutional or unconstitutional was never voted on in the Constitutional Convention.

After the formation of the Government, controversies were constantly arising over the powers of the Federal Government and of the several States. The Constitution provides that the document itself and all laws made in pursuance of it and all treaties entered into should be the supreme law of the land. This was largely intended to make it certain that where any conflict should arise between a State and the Federal

Government as to the exercise of any power, the Constitution and the laws of the United States were to be supreme.

It was largely because of controversies which had previously arisen among the States over commerce and navigation that Congress was given the power to regulate commerce among the States, and it has been largely in the interpretation of the extent of this authority that the Supreme Court has exercised so large an influence in shaping the political and economic destiny of the Nation.

Early in the history of the Nation there arose two schools of thought as to the nature of our federated Government. One of these schools insisted that the Federal Government must be accorded the right to control and regulate all matters that were national in their scope. The other group insisted that the States were supreme in all matters which had not been specifically or by necessary implication delegated to the National Government, and this controversy occupied the attention not only of political parties but of each succeeding administration and of the Supreme Court itself until the Civil War and even afterwards.

Chief Justice Marshall became the judicial interpreter of the federalistic theory and Thomas Jefferson became the outstanding protagonist of the State's rights theory.

The first decision of the Supreme Court involving the constitutionality of an act of Congress was in the famous case of Marbury v. Madison. Marbury had been appointed a justice of the peace for the District of Columbia by President Adams, and his appointment had been confirmed by the Senate, but his commission had not been issued when Jefferson became President and James Madison Secretary of State. Madison refused to issue the commission, and a suit was brought by Marbury to compel him to issue it. Chief Justice Marshall used this comparatively insignificant case as the vehicle for declaring unconstitutional a previous act of Congress.

Although from that day until this the policy adopted in this decision has been bitterly and repeatedly attacked, the Supreme Court has exercised the power of rejection or judicial review over the laws passed by Congress, and since that time it has declared something more than a dozen acts of Congress to be unconstitutional.

Not only has it exercised this right as to the acts of Congress, but it has exercised it more frequently with reference to the acts of State legislatures. Altogether the Supreme Court has declared more than 250 acts of various State legislatures to be in violation of the Constitution of the United States. These decisions, not only as to congressional legislation but, also, as to State legislation, have had a profound effect upon shaping the character of our political institutions.

As an outstanding example of this judicial power, one of the first cases to bring sharply into contrast the supremacy of the Federal Government over acts of the State legislatures, was in the famous case of McCulloch v. The State of Maryland, which grew out of the effort of the State of Maryland to levy a State tax upon the bank of the United States, created and chartered by the Federal Government. In this case the Supreme Court rendered the decision that the State had no power to tax an agency of the Federal Government; that the creation of the national power was a constitutional exercise of the powers of Congress, and that if a State should be held to have the authority to levy a tax upon it, the result would be to make the agencies of the Federal Government subservient to the local powers of the State government. Under the influence of this decision and subsequent decisions the State governments have not exercised this power over Federal institutions, except in cases where Congress has specifically authorized the exercise of the taxing powers of the State governments.

It is interesting to note in this connection that there is no important government in Europe, or for that matter in the world, where the judicial branch exercises the right to declare unconstitutional acts of the national legislature.

In England, theoretically the King has the power of veto, but it has not been exercised for two centuries. The courts of England exercise no right of revision or nullification over the acts of Parliament. There is only one instance in which it was done and in that case the chief justice was hanged and his associates driven from the country. I do not mention this interesting circumstance as an indication that I would favor such treatment of our courts of the United States, but merely as emphasizing the singular and almost unprecedented power over acts of legislation exercised by the courts in the United States.

The exercise of this power of the Supreme Court of the United States has had important consequences. For instance, it is believed by many historians that the famous decision in the Dred Scott case, decided in 1857, which practically nullified the Missouri compromise, had a tremendous, if not controlling part, in bringing on the Civil War. Of course, the whole question which was involved in that historic decision was settled by the Civil War itself, and by the acts of Congress subsequently passed.

It may well be debated with some plausibility whether an act passed by the representatives of the people and approved by the President, should be nullified by any other agency except the people through their own chosen representatives. There are many able and sincere advocates of the idea that when the people have spoken through their legislative representatives that their will should be supreme and not subject to revision or defeat by any other branch of the Government, and various efforts have been made by legislation, either to curb or withdraw from the courts the power over acts of Congress. But if it is to be conceded that the Constitution, with relation to Federal and State activities, must be the supreme law of the land, it is difficult to see how any, except a judicial body may pass upon the limitations set by the Constitution for the exercise of the legislative will. The exercise of this power has made it possible for Congress to enact many laws that might not otherwise have been enacted, and to adopt policies that might not otherwise have been adopted.

No man in the Constitutional Convention played a greater part than James Madison in framing the Constitution. He was known as the Father of the Constitution. To him we owe about all we know about the deliberations of the Philadelphia convention. He was present and participated in the discussions that resulted in and was partly responsible for the adoption of the sentence, "Congress shall have power to regulate commerce among the States and with foreign nations." And yet while he was President he vetoed an act of Congress appropriating money to improve rivers and harbors and build highways on the ground that the Constitution conferred no such power upon Congress. Presidents Monroe, Jackson, and James K. Polk vetoed similar legislation for similar reasons, and yet under the influence of judicial interpretation which emphasized the implied powers of Congress we have for three-quarters of a century been appropriating funds for these very purposes without amendment to the Constitution.

The Supreme Court has held that not only has Congress the power to regulate the actual transportation of an article from one State to another, but that it has the power to regulate the instrumentalities by which the article is transported. Under this power Congress not only regulates the rates charged for passengers and freight upon the railroads of the country, but it regulates the issue of securities, the construction of engines and cars, the adoption of safety appliances, the wages of employees, the hours of service, and almost everything connected with the conduct of interstate-transportation facilities.

It regulates the inspection of every steamship that plies the waters of the United States. It regulates the transmission of messages from one State to another, the flight of airships, and it even attempts to divide the heavens among those entitled to use them for the employment of this marvelous new instrumentality which we call the radio.

In the exercise of this power of revision over acts of Congress, the Supreme Court has not always been infallible and its decisions have been subject many times to public criticism. Especially is this true where it has invaded the field of politics or economics. The Supreme Court has on numerous occasions reversed its former decisions. There is a provision in the Constitution that prohibits any State from enacting a law interfering with the validity of a contract. It was in consequence of this decision that the famous Dartmouth College case was decided. Holding that a State could not revoke a charter which it had previously issued because it was a contract between the State and the institution. However, the rigidity of this decision was later modified, and it might be said that the case was in all intents and purposes reversed, which accords to States more liberality in dealing with private institutions in the interests of the public. One of the most interesting controversies involving the power of the Supreme Court was with reference to the famous income tax law. For nearly a hundred years the Supreme Court had held income tax laws passed by Congress as valid and constitutional. So uniform had been its attitude upon this subject that it became almost a traditional and accepted policy. Without going into the details, I may only say that in no case during all that period, according to my present memory, had such a tax been held to be illegal, except in so far as it might apply to income from real estate, but when Congress nearly 40 years ago passed an income tax law, it was held to be unconstitutional by the change of a single member of the court so as to result in a majority of five to four against the constitutionality of the law. This decision resulted in 20 years' delay in securing a constitutional amendment and the adoption of the income tax as a national policy. During that 20 years, possibly $3,000,000,000 in taxes were escaped by those best able to pay, increasing the burden upon those least able to pay. If this decision had been in effect and no income tax amendment to the Constitution had been adopted, it is difficult to see how the World War could have been financed.

Many of the decisions of the Supreme Court, affecting the welfare and daily lives of the people, have been rendered under the fourteenth amendment to the Constitution, which provides that no State shall deprive any person of life, liberty, or property without due process of law. Of course, this amendment was adopted as a result of the Civil War and was largely intended to protect the newly liberated citizens from any legislation that might prejudice them in the enjoyment of their lives and liberties, or their property. "Due process of law" was supposed to have referred largely to matters of legal procedure, but the Supreme Court has construed this provision to include not only the protection of life and liberty, but it has been held by judicial interpretation to include legislative or executive policies that may involve the profits upon investments of public utilities organized for the service of the people. It was under this judicial interpretation of the power of the Supreme Court that the famous Baltimore rate case was decided, which played so

prominent a part in the discussion of the appointment and confirmation of Chief Justice Hughes, although he played no part in that case either as a judge or as an attorney. This interpretation of the Supreme Court has taken it into the field of economics and has given substance to the contention in the Senate that if the Supreme Court is to exercise the right to pass upon a case of profits and of public service and other matters involving the relationship between the people and corporations created by them, that the Senate has the right to make reasonable inquiry into the professional and economic environment, and views of those who are to exercise this tremendous power as members of the Supreme Court.

The commerce clause of the Constitution has been largely the basis for all antitrust legislation and for legislation regulating interstate common carriers. These laws have been almost uniformly upheld by the Supreme Court, and the commerce clause has been interpreted to include not only the ordinary articles of human consumption, like food and drugs, but has included almost every transaction between citizens of different States, except the issue of insurance policies upon their lives.

Congress has on at least two occasions sought to regulate the labor of children under certain ages; first, by levying a tax upon the product of such child labor, and next by prohibiting the transportation of such articles in interstate commerce. In both cases the Supreme Court nullified the acts of Congress as being unconstitutional. In effect they have held that Congress may prevent the shipment from one State to another of an article that is harmful or injurious, but that unless the article is harmful or injurious to the people, Congress can not regulate the method of its production, although it may later enter into interstate commerce. The child labor laws and the antitrust laws, and all the acts to regulate commerce, were based alike upon the commerce clause of the Constitution. It has sometimes been difficult to reconcile decisions of the Supreme Court upholding injunctions that in effect regulate the method of production of commodities that later enter into interstate commerce, with decisions of the same court denying to Congress the power to regulate such methods of production.

The Supreme Court has in almost the whole history of the country been the object of stormy controversy within its own membership, in Congress and in public and private discussions among the people. Following the Civil War, Congress reduced the number of judges from nine to seven in order to prevent a decision which it did not wish to be rendered. Later it increased the number from seven to nine in order to bring about a decision which was desired. Efforts have been made in the heat of passion to impeach members of the higher court, largely on political grounds, and it is undoubtedly true that political considerations have on many occasions dictated appointments to this great court, but I believe it can be said that in the main, in spite of controversy and political acrimony growing out of the decisions of the Supreme Court, it has established itself in the esteem of the people as a sort of balance wheel in our scheme of government.

If the Federal power is to be held supreme in any field where it may properly be exercised, it is difficult to conceive any tribunal qualified to preserve that supremacy unless it be the Supreme Court. If it may be conceived, as well it may, that Congress may transcend its authority in the passage of an act and that the President may do so in his approval of it, what other tribunal exists to pass upon such questions, except the Supreme Court? If either the Federal or State Government should attempt unjustly to deprive citizens of their rights, either of life, liberty, or property, what other tribunal should be accorded the power to prevent this injustice, except the Supreme Court? There is no other tribunal nor branch of our Government that could do so.

This, of course, presupposes that members of the Supreme Court shall not only be great legal technicians qualified to pass upon the private rights of parties to lawsuits, but that they should be statesmen as well, familiar with great questions of statecraft and public policy, able to visualize the effect of their tremendous power upon the destiny of the people for whom they speak. This does not presuppose that members of the Supreme Court should be influenced by the passing whim of any popular caprice. Neither does it mean that they should be blind to the orderly processes of progressive government nor the changing relationships existing among people and between them and their Government.

I recall vividly an instance which occurred during President Wilson's administration. The Kentucky delegation had called upon him to present the name of a distinguished Kentuckian to fill a vacancy that then existed on the Supreme Court. When we had each finished our little word of recommendation, he turned to us with this inquiry, "Gentlemen, does your candidate believe that the law grows, or does he take the legalistic view that it is finished?"

It has been one of the glorious achievements of our modern democracy that the Supreme Court of the United States, having assumed the right to exercise judicial review over legislation, has been in the main sufficiently progressive to recognize that law and government, like everything else that lives, are matters of growth and development.

Any political organization and any form or branch of government that does not recognize the fundamental necessity of keeping the agencies of government sufficiently flexible and adaptable to solve the growing and changing problems of a complex national life, will find that popular support declining which is so necessary to infuse confidence and faith into the agencies and functions of all government.

There is, therefore, nothing strange to be found in the recent history of the Senate in the consideration of appointments to the Supreme Court. The responsibility of the Senate is a constitutional responsibility. It is a coequal responsibility with that of the Executive in first initiating the appointment, and while differences of opinion may sometimes make it unpleasant and disagreeable, it is no more possible for the Senate to escape its responsibility in this regard than it is to escape its responsibility in the enactment of legislation. No patriotic man or woman would wish that any form of legislative domination should be exercised over the highest court of the land. No one interested in the welfare of America would wish to see the Supreme Court become a shifting political appendage to any party or any régime. Neither would anyone wish that it should become the reservoir of antiquated and outworn philosophy, either as to the rights of man or as to the methods of their preservation. The exercise of the great powers with which the Supreme Court is clothed will continue to have a profound effect upon the welfare and rights of the American people, and the destiny of the Nation in the solution of its complex problems will continue to a great degree in the keeping of this great tribunal.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. BINGHAM. Mr. President, I hope we may now go on with the District appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10813) making appropriations for the government of the District of Columbia, and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. BRATTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Deneen	Keyes	Shipstead
Ashurst	Dill	La Follette	Shortridge
Baird	Frazier	McKellar	Simmons
Barkley	Glass	McMaster	Smoot
Bingham	Glenn	McNary	Steiwer
Black	Gould	Metcalf	Stephens
Blaine	Greene	Norris	Sullivan
Blease	Hale	Oddie	Swanson
Borah	Harris	Overman	Thomas, Idaho
Bratton	Harrison	Patterson	Trammell
Brock	Hatfield	Phipps	Vandenberg
Broussard	Hawes	Pine	Wagner
Capper	Hayden	Ransdell	Walcott
Caraway	Howell	Reed	Walsh, Mass.
Connally	Johnson	Robinson, Ark.	Waterman
Couzens	Jones	Robinson, Ind.	Watson
Cutting	Kean	Schall	Wheeler
Dale	Kendrick	Sheppard	

The PRESIDING OFFICER. Seventy-one Senators having answered to their names, a quorum is present.

Mr. BINGHAM. Mr. President, I appreciate the fact that some people are not afflicted or affected by mosquitoes. Some people can not see them and can not hear them, and the mosquitoes do not bite them. Those people are very fortunate. But there are several thousand people in Washington who are not in that class. Many of those people use the Potomac parks and other parks along the water front and go into the woods in the District area in the summer time in their hours of recreation and leisure who are affected by the mosquito nuisance. The Public Health Service made a careful study of the situation and found there were a large number of mosquitoes in a large number of districts in Washington, not merely in the lawn grass at the White House lot, as has been suggested this morning.

I made an error in reporting that there are some 9,000 manholes. I should have said there are some 8,000 catch basins which have to be visited every eight days and oil put in them in order to prevent mosquitoes from finding breeding places.

Practically all of the large cities of the country are endeavoring to wipe out the mosquito nuisance. In Congress very recently and in the Senate we approved an appropriation for a statue to General Gorgas, who more than anyone else brought to the attention of the world the fact that the mosquito is a carrier of disease. While it is true that there are no mosquitoes in Washington, so far as I know that are capable of carrying yellow fever, yet mosquitoes of the Anophele variety, which carry malaria, are here present; and any time a malaria epidemic should break out there are any quantity of these mosquitoes capable of giving wide spread to the disease.

This is a very small amount of money relatively, and although it is true that the item was not considered seriously in

the House, but regarded rather as a matter of joke, I hope very much that the matter may be passed upon favorably. The committee has recommended it and it has been recommended by the Commissioners of the District. It has likewise been recommended by the Budget and is not opposed by any taxpayers at all; in fact, it is desired by them. It is reported by Colonel Grant, the very efficient head of the Public Buildings and Grounds Department of the District, that the mosquito nuisance occurs in various parts of the District. The report of the Public Health Service was such as to make the committee feel justified in advocating the amount of money contained in the amendment, which is $5,000 less than the Budget recommended.

I hope that the amendment may be adopted.

Mr. BLEASE. Mr. President, I ask permission to have the clerk read a short article, which I send to the desk.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will read.

The legislative clerk read as follows:

[From the Washington Times, Friday, May 9, 1930]

SNAKES FOUND IN RICE WINE

Tales of snakes and lizards used to assist fermentation of Chinese liquor were verified late yesterday when headquarters detectives and the police vice squad raided a Chinese herb store in the 300 block Pennsylvania Avenue NW. Among other liquors and drugs police found a 15-gallon jar of wine with a quantity of reptiles, all dead, floating around.

Moy Sheuck, 45, said to be the proprietor of the herb drug store, was charged at the first precinct with sale and possession of liquor, possession of a still, and violation of the Harrison narcotic law.

Opium-smoking paraphernalia was found in a secret compartment under the stairs, and typical mat beds and wooden pillow blocks were found on the third floor of the building.

Officers later discovered a cache of opium under the flooring of the second floor which has been valued at several hundred dollars. A 25-gallon still was located in a rear room.

Mr. BLEASE. Mr. President, I have several times called the attention of the prohibition enforcement bureau to the fact that whisky and dope are being sold within three squares of the Capitol. This is the fourth or fifth raid that has recently been made there, which verifies what I have said. I also stated that there were stills within a very short distance of the Capitol. This is the third one within the last few days—or weeks, at least—that has been found.

This work has been done by a South Carolina boy of courage and nerve. He is now a member of the prohibition force. In addition to this work, he has followed almost across the continent some Chinese murderers, men who had him marked for destruction and who killed his principal assistant. Perhaps I ought not to say what I am about to say, but, nevertheless, I do say that one of those Chinese several months ago confessed to this crime. His confession, I understand, is in the hands of the district attorney. The boy to whom I have referred has done this work on the ordinary salary allowed for such services. He is not receiving from the Prohibition Bureau nor from the Department of Justice nor from District Attorney Rover's office in the District of Columbia proper assistance and cooperation.

Notwithstanding the fact that this Chinaman has confessed in writing to this murder and made a signed confession in writing, and notwithstanding the fact that this boy followed the Chinaman from Washington to New York, ran him out of New York, and followed him to New Orleans and arrested him there and brought him back here and put him in jail, together with one of those who assisted the man who had confessed—notwithstanding that all these months have passed and these facts are known, there has been no trial of the case. American homes and American places of business in Washington have been padlocked for one offense, and yet here are these Chinese dens, these hell holes of iniquity within three squares of the Capitol—and there are three squares filled with them—and the so-called prohibition agents do not touch them. Why? One of these dens is where prohibition agents and their families were entertained and from which they viewed the Hoover parade March 4, 1929. Is it any wonder that it is not closed?

I think it is vastly more important to eliminate this condition than it is to eliminate a few mosquitoes. I think it is going a long ways for the Republican Party to get off on a proposal to fight a few mosquitoes, something that amounts to very little in this country any more, and pay no attention to the conditions to which I have just referred involving these dens of iniquity. It would seem that the Republican Party is willing for these places to exist, but wants to make the taxpayers of the city put up $65,000 to eliminate a few mosquitoes and to protect somebody. Who?

Let people build homes as they should be built, let them put in screens to protect themselves against the mosquitoes. Let them do something to protect their own homes. I think the Senator from Virginia [Mr. GLASS] is entirely correct in his discussion of the subject this morning. I have been in Washington five years and never heard a mosquito sing nor have I ever been bitten by one in the five years. This is merely a matter of camouflage to get money for somebody, though I do not know who. I think it is more graft, more rake-off for somebody.

I do not care whether the amendment is agreed to or not, whether the money is appropriated or not. I am simply calling the attention of the country to the fact that this large amount of money is being asked for to fight a few mosquitoes when we have right here within calling distance of the Capitol a place where we find the destruction of human life, the destruction of manhood, the destruction of womanhood going on all the time, and not a single department of the Government, either the Department of Justice or the district attorney's office in Washington or the Prohibition Bureau doing one single thing to eliminate it.

There would not have been done what has been done if it had not been for this South Carolina boy to whom I have referred, who is honest and straightforward and clean in his work as a prohibition officer. All the support he gets is a mere newspaper report. These places are allowed to run on wide open, and when this boy makes a raid and produces the proof, the only reward he gets is a censure—a censure for having done what he believes to be his duty. He is a boy who refuses to take Chinese money to shut his mouth and not do his duty in upholding the law in reference to this situation.

Once more I am calling the attention of Government officials to the fact that they have been furnished with the proof of murder; that they have been furnished with the confession of a Chinaman to the murder, and yet nothing is done by them about it. I do not write to the Attorney General; I do not write to the President. I have very little to do with the prohibition-enforcement officers. But I am appealing on behalf of this South Carolina boy who has risked his life on more than one occasion. I am not speaking for him now. I am talking for myself only. He is afraid to tell me things he knows, and I know that he is, because he is afraid he would lose his job, and my speech now may cost him his job, but if so, it will not be for failure to perform his duty but for being honest and straightforward in the full performance of his duty.

I ask the Senate which is the most important matter to the country, to stamp out these Chinese dens here in the city of Washington or to stamp out a few mosquitoes that might hum around somebody's ear? I think if a man went down there and bought some of this snake-charm liquor, possibly when a mosquito bit him the mosquito would die instead of the man.

Mr. HATFIELD. Mr. President, I do not know whether it may be necessary to have an appropriation of $65,000 to deal with the extermination of mosquitoes around the city of Washington, but I do know that if mosquitoes are permitted to continue unmolested they will bring about a condition which would in all probability result in the contamination of individuals with malaria.

The mosquito that usually carries malaria in this section of the country is the Anopheles. The Culex carries other forms of diseases. The Protozoa, which are responsible for the different forms of malaria which are transmitted by the mosquito to the human being, must develop in cesspools, and certain conditions must be existent in the way of protozoal growth before the mosquito can become contaminated. Through the mosquito, of course, the protozoa are transmitted to the human being, taken in through the skin, taken into the circulation, and then into the red blood cells, which is demonstrable under the microscope. A mosquito is capable of transmission of this form of specific disease which has manifestations that are unmistakable from the standpoint of the physician.

There are other conditions which the mosquito, because of its bite, can bring about—infection such as streptococci infection, or blood poison, in other words; the abrasion of the skin where bacterial growth lurks. Because of the abrasion made by the mosquito the infection can take place through this wound, and the individual may develop a malignant form of blood poisoning. So mosquitoes are capable of producing other diseases than malaria.

As I said in the beginning of this statement, it might not be necessary to appropriate $65,000 for this purpose; I am not informed as to that; I do not know about the situation; but the statement of Doctor Fowler supports what I have said. I quote from his testimony before the House committee, as follows:



I am frank to say, gentlemen, that I can not, on that basis, as the public health officer of the District, justify the expenditure of that sum of money for getting rid of mosquitoes. They are an annoyance. The mosquito is capable of spreading malaria, if the mosquito happens to be infected with the malarial organism.

Whether or not a community will be free of malaria altogether depends upon how long the mosquito is permitted to breed and become numerous. If the battle against the mosquito is neglected, if cesspools are not watched and safeguarded, and other conditions are permitted under which the mosquito breeds and develops, there will result a bacterial growth of the protozoic type of which the mosquito seems to serve as the carrier to the human being; and under those circumstances we may expect some day an epidemic of malaria.

Mr. President, I have felt that I should make this point in justice to those who have recommended the appropriation, and to say that I feel the Senate should give the subject some consideration, and, indeed, should vote to make an appropriation. As I have said, whether the appropriation should be $65,000 or a less amount, of course, should be determined according to the efforts necessary to prevent the development and spread of the mosquito population in and around the city of Washington.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. CARAWAY. Mr. President, I wish to call the attention of the Senator in charge of the bill to an amendment which I desire to offer on page 8, if he will permit us now to return to that page. I refer to an item in line 7, on page 8, under the title of "Trees and parking department." At that point I offer the following amendment, if I may:

Provided, That no deduction from the salary of the superintendent of trees and parking for house rent shall be made.

Mr. BINGHAM. Mr. President, I have no objection to that amendment.

Mr. CARAWAY. I should very much like, then, to have permission to have the amendment offered and considered now and go to conference.

The PRESIDING OFFICER. In the opinion of the Chair, it will be necessary to reconsider the action taken agreeing to the amendment on page 8, line 7. Without objection, the vote whereby the amendment was agreed to is reconsidered.

Mr. CARAWAY. Mr. President, the Senator in charge of the bill says that he has no objection to the amendment offered by me to the amendment which has now been reconsidered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CARAWAY. I thank the Senator from Connecticut.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was on page 38, line 20, to increase the appropriation for personal services for the collection and disposal of refuse from $142,260 to $143,380.

The amendment was agreed to.

The next amendment was, on page 40, line 2, to increase the appropriation for personal services under the heading "Public playgrounds" from $113,180 to $115,220.

The amendment was agreed to.

The next amendment was, on page 41, line 7, to increase the appropriation for personal services under the electrical department from $130,520 to $132,520.

The amendment was agreed to.

The next amendment was, under the heading "Electrical department," on page 43, after line 3, to strike out:

For the purpose of making a study of the power needs of the District of Columbia with a view to establishing a municipally owned and operated service therefor, including the employment, by contract or otherwise, of such expert and other personal services as shall be approved by the commissioners, without reference to the classification act of 1923, as amended, and necessary incidental expenses, $25,000.

Mr. NORRIS. Mr. President, on that amendment I want to be heard. The House inserted this language in the bill:

For the purpose of making a study of the power needs of the District of Columbia with a view to establishing a municipally owned and operated service therefor, including the employment, by contract or otherwise, of such expert and other personal services as shall be approved by the commissioners, without reference to the classification act of 1923, as amended, and necessary incidental expenses, $25,000.

The Committee on Appropriations proposes to strike out that language.

Mr. BINGHAM. Mr. President, will the Senator permit an interruption?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Connecticut?

Mr. NORRIS. Yes.

Mr. BINGHAM. I merely wish to state the situation with regard to this item. There were no hearings held in the House; the House committee gave no reason in their report for putting the item in the bill other than to say that they had inserted in the bill a provision making an appropriation for it. We asked the engineer assistant of the Public Utilities Commission what the attitude of the Public Utilities Commission was toward this matter, and he said it had not been brought to their attention and they had taken no action upon it. It was not recommended by the Budget Bureau or by the District Commissioners, and no one of the citizens' organizations nor any citizen asked for it, and, therefore, the committee struck it out.

Mr. NORRIS. All the Senator has said is, I presume, true; but the House committee, probably having in view the question that has been agitated for 20 years in the Capital City, the development by the Government or by the District of a project for the production and distribution of electricity, thought they knew enough about it to put it in the bill without any hearings.

The amendment provides for an investigation, which, from what the Senator has said, may be made, if the item shall be retained in the bill, by those unfriendly to the project. I do not know how that may be. It may be that from the investigation, if the item shall be permitted to remain in the bill, conclusions will be drawn favorable to private interests and to the Power Trust. I realize that; and yet, Mr. President, for more than 20 years we have been debating back and forth a project for the production and distribution of electricity in this city. Usually the question has been connected with the Great Falls of the Potomac River, where almost within sight of the dome of the Capitol there is water enough tumbling down over the rocks to turn every wheel in this District, to light every home, to operate every street car, and to light every street.

When I was a Member of the House of Representatives, Congress appropriated $20,000 for the purpose of making a study of that question. The study was made by an Army engineer and he made a favorable report. Later on when I came to the Senate there was passed by this body a bill directing the Secretary of War to develop Great Falls. That bill, however, failed in the House of Representatives. Later on another proposition came up in the Senate to develop Great Falls and was passed. Again the House of Representatives rejected the Senate proposal, but the matter went into conference, and as a matter of compromise the conference committee reported a provision providing for another investigation because of the long time which had elapsed since the first report, which was favorable and which had recommended the development of the Great Falls of the Potomac River. So the bill in that shape became a law, and again the War Department was authorized and directed to make an investigation of the power possibilities of Great Falls. That investigation was made by Major Tyler and the recommendation was favorable. That investigation was more elaborate than any other that had ever been made.

The weak point in power development in the Potomac River at Great Falls is the great variation between high and low water. The report of Major Tyler, however, recommended the building of storage dams for storing up the flood waters of the Potomac River and letting them out during low water. It further showed that there could be a large development of electricity at Great Falls. I have forgotten now the amount of primary power that the Tyler report showed could be developed, but it was much larger than could have been developed without provision for storage dams to hold back flood waters. It was also shown that there could be a large development of secondary power, and Major Tyler recommended that such power be developed.

When the Tyler report was submitted, before it was printed, when advance sheets from the Public Printer had been obtained by me, I offered an amendment to a bill then pending in the Senate, and again the Senate went on record in favor of the development of that power. Again the measure went to the House of Representatives and again that body rejected it and the proposed legislation failed. I think we have passed a similar measure once since then, but again it failed in the House of Representatives.

Now comes a proposition from the other House again to study this matter. So far as I am personally concerned, and, I think, so far as anyone would be concerned who has studied the matter, another investigation is unnecessary, although the Tyler report is now 8 or 9 years old. Nevertheless, Mr. President, since the

House has rejected the bills which have been passed by the Senate at various times during the last 10 or 12 years, it seems to me the Senate, if it still believes that this development should take place, should look kindly and favorably upon any action that the House may take in regard to the project.

It is true that Great Falls is not referred to in the provision now before us, but I think any careful and thorough investigation would include Great Falls.

Mr. President, I think the reasons stated ought to be sufficient to cause the Senate to reject the amendment of the committee which proposes to strike out the provision adopted by the House.

It may not accomplish anything. It may be another investigation that will be cast aside again; but the evidence has been piling up for 10 years in favor of the development of Great Falls. The only evidence that the committee took on the subject was the testimony of the president of the Potomac Electric Power Co. They, of course, are opposed to it. I am finding no fault with them. They are taking an attitude that all power men take. They are opposed to municipal ownership.

But, Mr. President, this matter is of national importance. It couples up very directly with the investigation that has been going on for more than a year by the Federal Trade Commission. When we commenced the debate on Muscle Shoals, the charges were made often on the floor of the Senate that there was developing and forming a great national power trust with the object of grasping into its hands all the natural power facilities of the United States. We were laughed at; we were scoffed at; but finally a resolution was introduced, and that resolution directed an investigation to be made by the Federal Trade Commission. It was a resolution that I myself introduced. A legal question arose. The Federal Trade Commission, rather unfriendly, secured legal advice—the advice of an attorney who was unfriendly, the Attorney General of the United States—that the resolution called upon them to do something they had no authority under the law to do; and in the main the object of that resolution was lost.

Again a resolution was introduced, much the same in a little different language, providing for an investigation by a Senate committee. That resolution was introduced by the Senator from Montana [Mr. WALSH]. It went to the Committee on Interstate and Foreign Commerce. It was debated very thoroughly and fought desperately before that committee. The Senate will remember the eminent attorneys who appeared in favor of the Power Trust to defeat that resolution. As a matter of fact, as it finally passed the Senate, directing this investigation, it directed that it should be made by the Federal Trade Commission instead of by a committee of the Senate, and for a year or two that investigation has been going on; and every charge that was ever made on the floor of the Senate by me or by anyone else, has been fully vindicated by the exposures that have taken place almost daily in that investigation.

The most startling and shocking things have been disclosed; and they have been disclosed from the evidence of the power people themselves—how they have gone into lodges, secret societies, women's clubs, churches, organizations of all kinds; how they have spread their money all over the United States in lodges, in political campaigns, where governors were to be elected, where members of the legislature were to be elected, where members of State commissions having to do with the control and the development and distribution of electricity were to be elected. They have not missed a school board. They have gone everywhere. That is public property. Everybody knows of the disgraceful, disgraceful story that has been coming out daily from that investigation.

Finally, the commission undertook to investigate the financial set-up of this gigantic trust. In the main the finances have come about in various ways, but to a great extent through the operations of the Electric Bond & Share Co. of New York, a holding company. They are investigating that now, having to do with the finances and the financial manipulation of this great trust. They were met at once with court procedure, and the decision of the court in part, at least, was against the commission; so they have been very greatly handicapped in getting the facts; but they have succeeded in getting a great deal of information of very great importance, notwithstanding the handicap of the decision of the Federal courts.

I want to read, to give the Senate an idea of what has been disclosed, an editorial that appeared in the Washington News of April 22, 1930, entitled "New World Power":

Just a little while ago we thought of utility-company regulation as a problem for local governments to handle.

Now, before we have fully grasped the significance of great holding companies, reaching across the Nation and laughing at State commissions, before the Federal Government has learned how to deal with them, this growth of utilities has become a world problem.

Electric Bond & Share, Goliath of the holding companies, is an international holding company, the Federal Trade Commission has disclosed. It reaches into 12 foreign countries. From Shanghai to New York, from Montana to the Argentine, its wires and its power extend.

It is not remarkable that this company has played a leading part in organizing a world power conference, which meets in Berlin next June. Even the phrase "world power" has taken on a new meaning in the last few years. It refers now to the utility-company product.

It is not unthinkable that world power in the new sense and world power in its older meaning may come to be identical. That possibility calls for serious consideration. Beside it and its potentialities for shaping world history, such problems as prohibition are nursery prattle. The need to understand what is happening to us and what may happen to us because of electric power calls for the best thinking men can do.

Mr. Ramsay, a newspaper writer who has written a great deal about the developments disclosed by the investigation of the Federal Trade Commission, has given a short synopsis of some of the testimony that is now being developed by the Federal Trade Commission.

On May 7, 1930, Mr. Ramsay wrote:

An ingenious network of fees for "milking" electric and gas consumers, which piled up nearly $2,000,000 of charges in a single power system in one year, was investigated by the Federal Trade Commission yesterday.

All the fees were imposed directly or indirectly by the Electric Bond & Share Co., testimony showed. They were paid by subsidiaries of the American Power & Light Co., one of the three great subholding companies controlled and supervised by Bond & Share.

214 PER CENT PROFIT

The profit on the fees as a whole, in the absence of exact cost figures Bond & Share has withheld, was estimated at 106 to 214 per cent.

Farther on Mr. Ramsay says—and this is quoted from the testimony—

"Water" pumped into the American system, through "write ups" of the capital of five of its subsidiary companies, was stated as $68,448,000, or 124 per cent of the amount of their capital before the "write ups."

The companies were listed by Lundvall as Kansas Gas & Electric, Texas Power & Light, Nebraska Power, Minnesota Power & Light, and Florida Power & Light.

Properties grouped under Electric Power & Light when it was formed in 1925 were put on the books at over eight times the value at which they had been carried on the books of the old Utah Securities Corporation, Kenneth A. Miller, commission accountant, testified.

The figures were boosted from $3,854,000 to $33,373,000. Bond & Share controlled both corporations. Additional properties Electric Power & Light acquired from Bond & Share were "written up" $12,102,000.

That is high finance, Mr. President. We have had chemists in the past working for years and years to devise some way to invent a method by which they could make gold, synthetic gold. These Power Trust officials have beaten the chemists to it. They have made hundreds of millions of gold out of water—nothing but water. It does not even have to be clean water. It usually is muddy, dirty water. But they are making gold out of water daily; and the consumers of light and power—the little fellow who reads his newspaper by electric light, the washerwoman who uses electricity to wash the clothes, the big manufacturer who consumes hundreds of thousands of horsepower in the manufacture of all the things that the American people use, and the miner who operates the coal mines—all of them are contributing their part to the great operation of the Power Trust of converting water into pure yellow gold; and we sit idly by!

As this editorial said, other questions sink into insignificance compared with what is going on right now.

On May 8—that was only yesterday—Mr. Ramsay reviewed again what was disclosed in a day's operations down here by the Federal Trade Commission. He said, among other things:

The Electric Bond & Share Co. took a $4,703,000 cash profit on its formation of the Electric Power & Light Corporation, and also reduced its investment by $26,000,000, it was testified before the Federal Trade Commission yesterday.

Kenneth A. Miller, commission examiner, told the commission:

"This was accomplished without impairing its control of the properties grouped under Electric Power & Light."

ACQUIRED AT NO COST

"The Utah Securities Corporation, predecessor of Electric Power & Light, had been controlled by Bond & Share since its organization in 1912," Miller said. Part of the controlling stock had been acquired at no cost in an early deal.

Bond & Share organized Electric Power & Light in 1925, Miller testified, and passed to it the securities in underlying companies. The value assigned to them was arbitrarily increased by $42,000,000.

Think of it, Senators! Think of it, you electric light users! Think of it, you manufacturers, who are here trying to get a tariff so that you can make a profit, and one of the reasons you give, as I shall show, is that power costs you so much in this country. You are paying tribute to this trust. All your customers are paying tribute to this trust. You are contributing your share in changing water into gold for the greatest trust in the civilized world.

To guard against a seizure of control by outsiders, clauses have been written into the by-laws giving the directors the right to retire selected blocks of preferred stock at will, and to issue additional common stock at will, and to whom they please.

Think of that! In order to prevent the people from buying on the market any of the stock of these companies, and getting control, they have a by-law providing that the officials of this institution, this great trust, can at will cancel any stock; when they find stock in the hands of unfriendly people, they can simply cancel it. The same by-laws give them authority to issue more stock in lieu of that stock to whom they please. They can issue it to their friends or to themselves. They have made their control complete.

I do not believe anywhere in civilization there are such ruthless methods adopted to maintain control of a necessity of life, and to levy a tribute upon all the people of the country, as the control which this trust has in its grasp.

"The 'preemptive right' of existing stockholders to subscribe to new stock issues is set aside," Miller said.

"Certain of the bond and share utility properties that passed to the old Utah Securities Corporation were transferred by it to the Utah Power & Light Co. They had cost Bond & Share, $6,437,000. Within three months," Miller said, "They appeared on the Utah Power & Light books capitalized at $30,000,000."

Some more water converted into gold! Six million four hundred and thirty-seven thousand dollars converted into $30,000,000! That is legerdemain which defies all of the tricks of the trade, which beats all of the chemists, all of the Indian fakirs, and all of the slight-of-hand performers who have ever lived. These fellows take everything. They hold everything they take.

Again, in a report made May 9 by Mr. Ramsey, we find this:

The inside story of three southwestern mergers that boosted power companies' capital $27,000,000, and virtually assured a similar increase in their valuations upon which consumers must pay rates, was told the Federal Trade Commission yesterday.

In every case the power properties passed from the Electric Bond & Share Co.'s left hand to its right hand, but by steps so intricate that the commission spent four hours retracing them.

They take the stock with their right hand and put it into the left hand by a very circuitous route, but when it gets over into the other hand it is doubled, trebled, quadrupled, or, perhaps, multiplied by ten in value, and you and I are making that possible.

All citizens of the United States are contributing, whether they are big manufacturers or whether they are little laboring men, whether they are students working their way through college, reading by electric light, or whether they are farmers in the country. We all contribute; we all make this possible.

This is private ownership. This is private initiative. This is what we hear Senators here boasting of whenever anything is said about municipal ownership or public ownership. Here is the blessed private initiative which does not know much, necessarily, about electricity, but which knows how to manipulate figures, which knows how to convert water into gold.

One group of power and utility properties—

It was developed down here on the 8th day of May—

was brought up in Mississippi and tied together as the Mississippi River & Light Co. Together they represented a value, as shown on the books of the old companies—

That is, putting their own value on it—

of $9,726,000.

The new company listed them at $20,441,000.

They picked them up, took them at their own valuation, which God knows was big enough, and when they put them together they were capitalized at over $20,000,000—more than two dollars for every one.

Values of the companies that became the Louisiana Power & Light Co. were stepped up from $9,190,000 to $19,267,000, and those that went into the Arkansas Power & Light Co. from $30,301,000 to $37,273,000.

I can hardly see how they increased that value by only $7,000,000. They must have had a twinge of conscience. Something must have come across their dreams. They converted $30,000,000 into only $37,000,000. Why they did not make it $60,000,000 is more than I can understand. That may come out later.

All three companies are of the "operating" class that sell electricity directly to consumers, making their capital and their securities important in fixing rates.

The "cost" of the properties to the new companies, an element in fixing their valuations, also would appear large. All of them passed to the new companies through L. Boyd Hatch, a "dummy," for $70,520,000.

In this operation of converting water into gold, in this case, they used a dummy. It went in on one side and came out on the other, water made into gold.

Contrasting figures, which do not appear on the books of the new companies, were dug out by Miller in the face of Bond & Share's refusal to surrender many of the records.

The total cost of all to Bond & Share was stated by Miller as $52,425,000, showing a profit on the three turnovers of $18,094,000.

Mr. President, this evidence is coming out every day. Probably more of it will come out to-day. It is the same old story going on all over the United States, this great holding company converting water into gold, burdening not only the present generation but future generations, and where do they get it? They get it from the streams, they get it from falling water, they get it from public streams, they get it from every stream that flows down the mountain side, which God in his wisdom intended for you and for me and for our children. It is turned over daily to these manipulators of stock and bonds, profits of millions and millions and millions, upon which returns must be paid not only now but through all time.

I wonder why the manufacturers of our country, who are paying a great share of this burden, and who are anxious to get cheap power, do not open their eyes and realize what is possible in the development of our streams and the other natural resources of our country, because we have an illustration just across the border showing what can be done.

Before I take up that phase of the matter, Mr. President, since the hour is getting late I will not read the article I have in my hand, but I am going to insert it in the RECORD. It is the story of a man who has been in the business, who tells in plain language just what is done and how it is done, how the people are fooled, how water is converted into gold. In order that Senators may understand it, I will read his letter to me. He says to me in this letter:

I am sending you under separate cover an article on Superpower which I wrote with the idea of sending it to a magazine. I have concluded to send it to you instead.

I used to be in the utility game but dropped out of it because with my temperament I couldn't have stayed in it and stayed out of the penitentiary. I have nothing, therefore, to conceal, and you can rest assured that it is a fairly accurate picture of how the game is played. And it is written to cover practically every State in the Union—

Although he takes Illinois as an example. In this article he tells a story of just how the little municipalities are combined into a big one, and then into a bigger one, and then combined again into a bigger one, and how they are controlled by a holding company, and another holding company holding some others, and then they form another holding company to hold the holding company, and then they form another holding company to hold the holding companies that are holding the holding companies that are holding the subsidiary companies. So eventually they will get to one great big holding company, which, if this business is continued, if it is not stopped in some way, will eventually put all the control into one company, headed by one man, who will control the electricity and the power all over the United States.

This writer says further:

I take the State of Illinois as my example because Illinois was my stamping ground. I dabbled in franchises over there, built, promoted, controlled, and operated a few of the smaller utilities and have been before the State commission a good many times, both aggressively and defensively. I came finally to regard the game as the biggest steal of the century and dropped out of it.

There is some more of the letter, Mr. President, but it is all personal and has relation to me, and I will not read it.

Mr. HATFIELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from West Virginia?

Mr. NORRIS. I yield.

Mr. HATFIELD. Is the Senator familiar with the admonition given to the American people by President Roosevelt in 1908?

Mr. NORRIS. Yes; I am somewhat familiar with it; but if the Senator has it there, I would be glad to yield to him to enable him to read it.

Mr. HATFIELD. I shall be pleased to read it.

Mr. NORRIS. First, let me say that this letter and article were written by Mr. C. P. Baldwin. I ask unanimous consent that they may be printed as a part of my remarks, at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit A.)

Mr. NORRIS. Now I am glad to yield to the Senator from West Virginia.

Mr. HATFIELD. President Theodore Roosevelt in 1908 gave an interview in the way of an admonition to the American people, and I quote from that interview as follows:

The people of the country are threatened by a monopoly far more powerful, because in far closer touch with their domestic and industrial life, than anything known to our experience. They find themselves face to face with powerful interests intrenched behind the doctrine of vested rights, and strengthened by every defense that money can buy, and the ingenuity of able corporation lawyers. The great corporations are acting with a foresight, singleness of purpose, and vigor to control the water powers of the country. I esteem it my duty to use every endeavor to prevent this growing monopoly, the most threatening which has ever appeared, from being fastened upon the people of this Nation.

Mr. NORRIS. That was written in 1908, I believe?

Mr. HATFIELD. Yes; in 1908.

Mr. NORRIS. I want to take this occasion to thank the Senator from West Virginia for interrupting me and putting that in the RECORD at this point. It certainly is very appropriate.

Mr. HATFIELD. Does the Senator know that the minimum flow of our rivers is capable of producing 35,000,000 horsepower?

Mr. NORRIS. I understand that is about it, if it were all developed.

Mr. HATFIELD. And by the establishment of dams that 35,000,000 can be multiplied by 5.

Mr. NORRIS. Yes; that is, dams to hold back the flood water. Again I thank the Senator.

Mr. President, I have had something to say about the manufacturers. I want to say a little about power now as distinguished from light. Some time ago we passed the Muscle Shoals bill. We passed it for the second time practically in the same form in which it passed the Senate of a former Congress, at which time it also passed the House of Representatives. It is now in the House of Representatives before one of its committees, and I understand is to be rejected, although the House on a former occasion passed it in practically the same form in which it is before that committee now.

It refers to a part of our country having wonderful possibilities. It makes possible the greatest development of power, flood control, navigation, that has ever been put into any one bill that ever passed the Congress or ever became a law. If it becomes a law it will be the means of furnishing a yardstick in the great South of our country. Its influence will extend far beyond the transmission lines which carry its power out from 200 to 300 miles. The people will be able to cite it as an example of what can be done if the rivers and streams of our country are utilized as God intended they should be for the benefit of the people.

Every man in the State of Tennessee who is in the manufacturing business, I care not what it may be, ought to be, and if he understood the situation aright I think would be, deeply interested in the enactment of the law. That is true of every manufacturer in Alabama and in all the South, and to a less degree in the entire Nation, because that development will be cited as an example, as a yardstick of the possibilities, if we keep in the hands of the people the right and the title to this great possibility for power that God gave us in our natural resources.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I yield.

Mr. McKELLAR. I agree entirely with what the Senator said. The Senator knows we did everything in the world to pass the bill through the Senate. I want to say that the recent surveys made of the Tennessee River show probably 5,000,000 horsepower on that river alone and probably 3,000,000 horsepower on the Cumberland River which runs through the Cumberland Mountains. I want to thank the Senator from Nebraska at this time for the statements he has made about the wonderful power possibilities in the State of Tennessee, my home State, and say to him that in my judgment he is entirely correct about it. I believe the manufacturers as well as the rest of the people of my State are awakening to the true importance of the wonderful power possibilities which we have in that State and the proper method of developing them.

Mr. NORRIS. Mr. President, before I get through I am going to show what Government development means where it has been undertaken on a scale compared with what would be undertaken in the South if the House would pass the bill and the President would sign it as it passed the Senate. That measure is modeled after the law in Ontario, Canada, as nearly as we could follow it. Keeping in mind the difference in conditions between this country and Ontario, the same things that have been done over in Ontario can be done in Tennessee, Alabama, Mississippi, and Georgia if the bill which the Senate has passed shall be acted upon favorably by the House and signed by the President. I am going to prove that.

I have shown the manipulation that has been going on, that is going on now, in the combination of small utility companies into huge companies where always the levy is made greater by increasing the capitalization, increasing by fictitious means the valuations upon which the people of the country are charged rates, whether they are consumers of light or users of power.

Mr. President, many times I have discussed, so I am not going to refer to it at length again, the method by which the Power Trust has gone over into Canada through certain writers, who have written in their behalf magazine articles and books. I have shown how they have lied about the situation; how it has been developed since before the Federal Trade Commission that they have been paid by the Power Trust to go over into Canada and write books and newspaper and magazine articles, always finding some way and method to criticize and condemn public ownership as compared with private development over here in the United States.

Finally after denying it for several years the writers employed by the Power Trust—secretly employed and secretly paid—had to admit and did admit that for electric light the consumers of electricity furnished by Government-owned utilities in Ontario were charged a less price than is charged over here. But they said, "Over there they make it up on the power; they charge more for power in Ontario than they do here." That is what Wyer said who went over there and claimed to be a representative of the Government of the United States, as I shall show at a future time. He went over there and held himself out to be a representative of this Government in order to be treated properly. They treated him so. Then he went away and lied about the Ontario development, as I shall show when I take up that question at a later day and as I have already shown. Nobody knew then, when he came with his books and his articles, which were spread broadcast over the United States, that he was in the employ of the Power Trust, although I always suspected it. But when the Federal Trade Commission got to investigating they discovered that he was paid for everything he did by the Power Trust. Every manufacturer in Tennessee, Nebraska, New York, and other places who uses electricity, and everyone in every home who reads by electricity, every woman who washes clothes or cooks a meal by electricity, contributes to that writer, to that secret payment that was made to him in order to enable him to go over to Ontario pretending to be a representative of the Government of the United States in order to distort and to conceal the truth and to spread falsehoods.

Senators, we are levying tariffs now on a good many articles because our power people have to pay more for power than they do just across the line. Here is the cry now. The Nation's Business published it and sent out by the hundreds of thousands the statement that power is cheaper in the United States than it is over there. Let us see whether it is or not.

The Chamber of Commerce of Niagara Falls, during the consideration of the tariff bill—not the present one but a previous one—appeared before the Finance Committee of the Senate. What for? To get an increase in tariff on the things they manufacture. Let me read from their written brief filed with the committee of the Senate. I quote from it the very argument advanced, namely:

That these are important industries which should be protected by enabling them to obtain at a reasonable figure cyanide salts, is answered by the fact which is known to all and to which we have adverted heretofore, viz, that if a duty is not levied upon this product it will not be and can not be manufactured in this country, and these industries would then be at the mercy of the foreign manufacturer, who unquestionably would place the price at a higher figure than it would be placed if there was domestic competition; and furthermore, in the event of any condition which would cut off importation of these products after the destruc-

tion of the business here, these interests would be most seriously affected, and in a time of war we would be deprived of the use of this material, which had become most important in the hardening of steel and which was required in greater quantities by the Government in the preparation of a deadly gas which was about to be used at the time of the signing of the armistice, so that it appears clearly that by a destruction of this business in this city—

That was Niagara Falls—

the Nation would suffer greatly in time of peace but even more in time of war. * * * Large units of power are consumed in the manufacture of this product, and the cost of power is a very important item in its manufacture; and partly as the result of our treaty arrangements with Great Britain and partly as a result of the wisdom of the Canadian Government in the handling of its power matters, the Canadian manufacturer gets his power at approximately one-half of what the American manufacturer on this side of the river has to pay for power.

The brief goes on to say:

He—

That is, the Canadian manufacturer—

is therefore able to undersell the American in the American market and the American can not compete in the Canadian market.

Going on further, the brief says:

Particularly in the interests of this city—

That is Niagara Falls—

and of the State—

That is, New York State—

and Nation, we are urging the importance of an import duty upon all cyanide salts in an amount sufficient to equalize the difference in cost of production between this country and the foreign country producing the same the cheapest.

Mr. President, it can not be said in that instance that on one side of the Niagara River coal was used and on the other side water power. At Niagara Falls, N. Y., and Niagara Falls, Canada, power comes from the same river, comes from the same water. On the American side the manufacturers said, "We will go out of business unless you levy a tariff that will make up the difference between what we pay for power and what the Canadian manufacturer has to pay for power." Two manufacturing plants use power derived from the same river, the same stream; the two plants are in plain sight of each other; but the one on the American side says in this brief to the Finance Committee that the Canadian gets his power 50 per cent cheaper than does the American plant.

Those are not my figures; I do not say that; that is what the great Chamber of Commerce of the City of Niagara Falls says when pleading for a tariff, because American manufacturers have to pay twice as much for power as do Canadian manufacturers. Does that look as though the Hydro Commission of Canada was charging more for power in Canada than are the privately owned companies charging here? That is not all.

Later than that, during the consideration by the Ways and Means Committee of the House of Representatives of the tariff bill which we still have on our hands, there was filed in that committee a brief on behalf of the National Sand and Gravel Association asking for a tariff on their product. In that brief they say:

Power: The power used in land pits by the Ontario manufacturers is supplied by a publicly owned hydroelectric power commission known as the Ontario Hydroelectric Power Commission. This power is manufactured from natural water-power resources and is supplied to the public approximately at cost. The power necessary to the operation of the American plant is obtained from private corporations operating at a profit, which must produce their power from coal and other high-priced fuels.

Of course, it is true that much of the product is produced by water power; that which comes in competition with the Canadian product is pretty nearly all produced by water power from the same river, from the same stream.

This brief says further:

The consequence is that the cost of power to the Ontario manufacturer is approximately 60 per cent of the cost of power to the American manufacturer.

That is big business speaking when its representatives were pleading for a tariff; but when we are trying to develop Great Falls, when we are trying to develop Muscle Shoals, and give the people cheap power such as the people of Ontario, Canada, get, they take the other side of the question, and say, "Oh, that is putting the Government into business." Yet they can not compete with similar products manufactured by citizens of that country, and they know it; they admit it when they come here and seek an increased tariff in order to be protected. So the consumers are caught two ways; the manufacturers have to pay more for power, and then they come to Congress and ask to have a tariff levied upon their products, which is paid by all the consumers of the United States.

How long, oh, my God, how long, is Congress going to submit to that kind of domination? Can it be possible under those circumstances, after we have put from one hundred and twenty-five to one hundred and forty million dollars of Government money into Muscle Shoals that we are going to lie down to this propaganda and turn that property over to the Power Trust? Can it be possible that we have a President of the United States who will ask us to do it?

I was informed to-day or yesterday that Chester Gray went to see the President about Muscle Shoals and to condemn the bill which was passed by the Senate. Chester Gray, the man who has been exposed by the lobby committee, the man who has been exposed on the floor of the Senate, the man who backed a bill so bad that he could not even get a Senator to introduce it, and who is known now to misrepresent the men whom he claims to represent, goes to the White House, enters into the holy of holies, and tells the President of the United States what to do. O my God, it does not seem possible!

Mr. President, I have had two charts placed on the wall. They were prepared for me by Mr. Judson King, executive secretary of the National Popular Government League. This chart [indicating], as Senators will notice, refers only to industrial power and not to power produced for domestic purposes such as lighting. The second chart refers to power produced for those purposes. The black lines represent the cost of power in the United States, while the red lines indicate the cost of power in Ontario, Canada. Mr. King secured his figures from two sources. The figures as to the price of American power were obtained from the Electric World of January 4, 1930. Everyone knows that the Electric World is not in favor of public ownership and development of power. Those responsible for that publication believe that we should continue to let private interests have control of the natural resources of the country. So the figures in this instance are taken from a hostile source. The figures in relation to the cost of power in Ontario, represented by the red lines, are taken from the official bulletin for September, 1929, of the Hydroelectric Power Commission of Canada.

Mr. WALCOTT. Mr. President may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Connecticut?

Mr. NORRIS. I yield.

Mr. WALCOTT. Does the cost of industrial power mean the cost to the producer or the cost to the consumer?

Mr. NORRIS. It means the cost to the consumer.

Mr. WALCOTT. I thank the Senator.

Mr. NORRIS. In all cases the figures given represent the cost to the consumer.

It will be noticed that in 1925 power in the United States, according to the figures given by the Electrical World, cost 11.5 mills. Senators will observe the figures are in mills and not cents, though they may easily be reduced to cents by moving the decimal point. During that same year the manufacturers of Ontario, Canada, paid 6.1 mills. The Chamber of Commerce of Niagara Falls was not far wrong. They said that in 1925 power on the American side of the Niagara River cost twice as much as on the Canadian side. The difference was very nearly that; the cost was split in two on the Canadian side. Why must that be? Is it any wonder that there should be such a difference when there are considered the manipulations, the cost which the Power Trust has been obliged to meet in order to carry on their national, yes, their world-wide propaganda; when it is considered that they have had to spend money in order to secure the favor of officials all the way from the top of the Government down to the very bottom? I do not mean now that they have bought any officials; I mean that they have spent money in order to influence them, sometimes in elections, sometimes after elections, and in the building up of a sentiment favorable to their ideas.

In 1926 power in the United States, according to the Electrical World, cost 12.3 mills. What did it cost during that year in Ontario, Canada? It cost 6 mills, or less than half the American cost. So if the Chamber of Commerce of Niagara Falls was referring to 1926 it was correct in its statement, for it cost twice as much for power on this side as it did on the Canadian side during that year. In 1927 power in the United States cost 13.5 mills, while in Ontario it cost 6.2 mills, or less than half the cost on the American side. In 1928 it cost 13.4 mills in the United States and only 6 mills in Ontario, or considerably less than half the cost in the United States. Let the

manufacturers of Tennessee and of Alabama and Mississippi and of all the Southern States look at that chart; let them look at the picture; if they will not stop to read what I say, let them look at the illustration and see what it means to have high-priced power as against the cheap power. We have the resources, and there is no reason why we should not develop them as well as Canada should develop hers.

Before I refer to the cost of electricity used for domestic purposes, such as lighting, I want to finish up on the question of power.

Mr. FRAZIER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from North Dakota?

Mr. NORRIS. Yes.

Mr. FRAZIER. At Muscle Shoals, as I understand, the Government is generating electric power and selling it cheaper than it is being sold in Ontario?

Mr. NORRIS. Yes; the Government is selling it for 2 mills a kilowatt-hour, as I understand, and Florence and other cities in plain sight of the great dam can not get it because it is sold to the Alabama Power Co.

Mr. FRAZIER. The excuse, as I understand, is that the Alabama Power Co. is the only company that owns a transmission line down there.

Mr. NORRIS. Another transmission line is being built there from Tennessee now, but it is true that at present the Alabama Power Co. has the only transmission line. However, to reach Florence, Ala., it will be necessary to build only a very short transmission line, for Florence is so near that dam that one in Florence can almost hear the water as it tumbles over the dam, and can almost see it.

Mr. McKELLAR. Mr. President, in that connection, while the Government is selling that power to the Alabama Power Co. at 2 mills, which is one-fifth of a cent, the Alabama Power Co. is reselling for lighting purposes the power in the immediate vicinity of the dam at 10 cents, which I believe figures something like 8,500 per cent spread. I figured it out some time ago, and I think it is something like that.

Mr. NORRIS. I thank the Senator.

Now, let me finish up with this power, and then I will take up the domestic lighting.

I have just given you a comparison between the cost of power in the United States and the cost of power in Ontario. I want to call your attention to this fact: In the statistics given for the United States there are included all the municipally owned plants in the United States. They sell power very, very much below the privately owned power plants, as I shall show; so that included in these black lines showing the cost of power in the United States there is some public power, like that of Tacoma, Seattle, Los Angeles, and so forth. If they were omitted, and only private companies included, this black line would be longer in every case.

Mr. President, I ask that these charts and explanatory data may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The charts will be published at the end of Mr. NORRIS's speech.)

Mr. NORRIS. I have in my hand a bill for electricity. It is the original bill. It is not a copy; it is the bill itself, receipted by the Alabama Power Co. It is a bill for the Florence Wagon Works, of Florence, Ala. They buy power from the Alabama Power Co. That is within sight of the Muscle Shoals Dam. They buy their power, and are compelled to buy it, from the Alabama Power Co., a privately owned power company, a part of the great, gigantic Power Trust of the United States. They consumed during the month of August, 1929, 12,700 kilowatt-hours of electricity. Here is a bill in their figures, except these notations at the bottom, which were made by me. Here is an original bill coming from the Alabama Power Co., on their form, itemized and figured up, amounting to $322 for that month.

Now, just keep those figures in mind. This is power, not light—$322 for the power consumed by the Florence Wagon Works, of Florence, Ala., during the month of August, 1929.

Mr. Judson King took this bill and sent it to quite a number of municipalities where they have publicly owned electrical development. Now, I want you to compare them. He sent this bill to these publicly owned municipal plants and had them figure what they would charge for the same amount of electricity; and I have here in detail the replies he received, every one of them. Let me read you what the result is.

For this much electricity the Alabama Power Co., at Florence, Ala., charged $322.

At Jacksonville, Fla., the people own their electric-light plant. They figured this bill, and their charge for the same amount of electricity, the same kind of electricity, the same kind of power would have been $245.25—a saving in favor of the publicly owned plant at Jacksonville for one month of $76.75.

That is where our tariff has to go. That $76.75 is the contribution of that one corporation for that one month toward the wonderful propaganda activities of the Power Trust.

Mr. King sent the same bill to Springfield, Ill. Springfield, Ill., has a publicly owned plant belonging to that city. They figured it, and under their rates they would have supplied the same amount of electricity for $203.35. That would have made a saving of $118.65 in one month. One customer, one corporation, would have saved, according to the rates of the publicly owned Springfield (Ill.) plant, $118.65.

Mr. King sent that bill to Jamestown, N. Y., where they have a publicly owned electric-light plant. Their figures were $291, a saving over the Power Trust figures of $31 for one month for one customer.

Mr. King sent the same bill to Los Angeles, Calif. They have a publicly owned system. I am not familiar with all of these systems, but those with which I am familiar never sell anything at cost. They have an amortization fee that is not in the bills of the privately owned plants. That, in time, will wipe out the investment entirely. They put in the interest charge, the same as the others; so that a fee is included there amounting to more than the difference in taxes because some of these plants do not pay taxes. Some of them do.

The Los Angeles, Calif., publicly owned plant figured on this bill, and they said, "We will furnish that electric power under our rates for $179.50," a saving of $142.50 for one month to one customer—nearly $150 of saving.

This is what the Power Trust say costs more when you buy it from publicly owned plants than when you buy it from privately owned plants; and yet here are the black and white figures, starting with their own bill, collected in their regular way from one of their customers.

Mr. King sent that bill also to Cleveland, Ohio, where they have a small publicly owned plant doing a wonderful work, but working under adverse circumstances. Much of the time they have had officials who have been unfriendly to it. They have had State officials who have been unfriendly to it. They have handicapped it in every way. They have taken it into court dozens and dozens of times. They have litigated everything. They have fought every step of the way. They have a small plant supplying a comparatively small number of customers as compared with the great city's entire population; but they said, "Under our rates we would have charged $317.76," a saving in favor of the Cleveland plant of $4.24. Even that, for one month, is not a bad thing. Even that represents some saving for one customer, and a small customer, too. It is not a big plant. It consumed only 12,700 kilowatt-hours; but the charge of the Cleveland plant would have been $4.24 below the Alabama Power Co.'s charge.

Mr. King sent this bill to Seattle, Wash. They have a municipally owned plant there. In that plant they charge every consumer his share of an amortization fee and his share of the expenses necessary to run the plant. It is all done on a business basis. Carried to the end, in time Seattle will not owe a single dollar. When that time comes, the price, as everybody can see, will drop much lower than it is now. That is not true of any private plant on earth. They never reduce their capitalization. As I have shown you here this afternoon, they double it, they treble it, they increase it at every opportunity.

The publicly owned plant at Seattle figured this bill, and they said, "We would furnish the same amount of electricity for $213.20," making a saving in favor of the publicly owned plant at Seattle of $108.80 for one month for a small manufacturing plant.

Why, Mr. President, the cost of power in these cases is the difference between success and failure. Of course, these plants can not compete with the publicly owned plants; so we levy a protective tariff. We first levy an inhuman rate upon the people who pay the electric-light rates and electric-power rates in order to keep up this blessed private initiative, in order to protect the Power Trust that are taking over the streams and the coal mines of the country to a great extent. After they have grabbed the natural resources of the country we are permitting them to levy an unholy tribute upon everybody who uses electricity, big and small alike; and then, after we have done that, to make up the injury, to keep them in business, we are going to levy a tariff upon all the people of the United States, so that they can continue in business. We add insult to injury.

Let us go on.

Mr. King sent this bill to Tacoma, Wash. They have a publicly owned plant. They said, "We will supply that electricity for $142.90," making a saving—now, listen to this—in one month, for this one little consumer, of $179.10!

You can not get away from those figures, Mr. President. You can not get away from those mathematics. They figured the same bill. To figure a power bill an expert is needed, almost, because the kind of power that one customer buys may be different from that which another customer buys. One may want continual service the year around, another may want it only part of the time. If he takes it part of the day, during which, usually, electricity is not being consumed, he can get a very low rate, but remember that in every one of these cases identically the same bill was figured, so that they know just what kind of power they were figuring. Everything was on exactly the same basis, and in every case the municipally owned plant furnished the cheapest power.

Let us take Tacoma, where there had been a saving of $179. I happen to know something about the Tacoma plant. In lieu of taxes, they pay a stated sum of money every year to the treasurer. An article I read some time ago, written by an engineer who reviewed the case, took up the subject of the taxes paid by Stone & Webster, who do business in the State of Washington; they are competitors in the power world. He figured that the taxes paid by Stone & Webster were not as much as what was paid in lieu of taxation to the treasurer by the municipally owned plant at Tacoma.

It is figured also that in this bill at Tacoma there is counted, as there is in the private plant, something for interest, something for depreciation, just the same in the public and private plants, but the public plant at Tacoma figures in something which the private plant does not figure in. They figure in a sum which, in the course of 40 or 50 years, will pay off the entire investment, and leave them without a dollar of debt. The private company, as I have said, never does that, so the difference is much greater, in reality, than what would appear from these figures.

Mr. President, it is admitted by everybody that domestic rates are lower in Canada than they are here. While I was showing this map on the wall in regard to power rates, comparing Ontario with the United States, I thought I would also exhibit to the Senate another map which would show in the same way the difference in domestic rates, that is, the rates for electricity coming into the home, the difference between the cost to the consumer in Ontario and in the United States.

The black line on the plat represents the cost to the consumer in the United States, commencing in the year 1910, and running through to the end of 1928. The red line represents the cost to the consumers in Ontario. The average in the last year shown here, 1928, of cost to the domestic consumers in the United States, was 7.2 cents a kilowatt-hour. That is the average. That average includes a lot of municipally owned plants, too. Over in Canada the average for the same time, the same year, was 1.5 cents, compared with 7.2 cents per kilowatt-hour in the United States. That is the difference in domestic rates. That is the difference between publicly and privately owned distribution of electricity.

It will be observed from the map that the rate of 7.2 cents a kilowatt-hour is the average in 32 cities of the United States having a total population of 25,000,000; and that the rate of 1.5 cents per kilowatt-hour in Ontario cities is an average of 25 Ontario cities with a total population of only 1,179,000. As shown from the map, the average of all Ontario municipalities, regardless of population, have an average rate of 1.7 cents per kilowatt-hour. In 1910, prior to the publicly owned system of the generation and distribution of electricity, and when the same was supplied by private corporations, the average rate in Ontario was 9.3 cents per kilowatt-hour. The map also shows that the 25 cities in Ontario having a population of 10,000 or more have an average domestic rate for electricity of 1.5 cents per kilowatt-hour; that 55 towns in Ontario having a population between 2,000 and 10,000 have an average rate of 2 cents per kilowatt-hour; and that 188 villages under 2,000 population have an average rate of 2.8 cents per kilowatt-hour for domestic electricity.

I have not said much to-day about the source of the power. Very much of this power comes from falling water, comes from the natural resources of the country, which in Canada has been kept for all the people, and in the United States to a great extent we have turned them over to these corporations, to this trust I have described, this trust which the Federal Trade Commission shows has carried on a propaganda from day to day which has cost hundreds of millions of dollars, to deceive the people of the United States.

One of the things which always grinds on me is that every time President Hoover makes a speech—and he has made quite a good many, about 30 or 60 days apart—telling that prosperity is just over the hill, and how we have avoided having an awful crash, speeches with which I am not at all finding fault except in one particular, he always takes pains to say that the "great public utilities"—that is the expression he uses—the great public utilities have done their share toward keeping up prosperity by employing men to build dams and to continue improvements, just as though if it were done by the States, by the municipalities, or by the Federal Government the same men would not have to be employed, the same things done, toward keeping up prosperity.

How can he refer to them as the great public utilities, in the face of the record of the Federal Trade Commission, where it is shown that for years they have been deceiving and robbing the American people? They have been engaged in politics from top to bottom in every State, dirty politics, disreputable politics, which ought to bring the blush of shame to every patriot. I do not like to have our President referring to them as the "great public utilities." They have never done anything except to feather their own nests and deceive the very people who, by their pennies, contribute to their wealth.

Mr. President, under these circumstances how can it be possible that any national legislature would turn down, in favor of the Power Trust, a proposition to continue the operation of Muscle Shoals for the benefit of the American consumers of power and of light? How can we, with these lessons before us as to what is happening in the municipalities where the municipalities own the plants, what is happening in Canada, where there has been public development of water power, as well as steam, how can we turn our backs upon the facts and say that, in the face of this record, we are going to turn Muscle Shoals over to this institution, which has been deceiving the American people for years and years on this important question—not only deceiving them, but robbing them—the same institution which set aside $400,000 to control the Senate. All Senators are familiar with that fact, that $400,000 was set aside to control the action of this body, and hundreds of millions of dollars to control legislatures, town boards, and commissions in the United States.

We know what developed then, and how it was done, and what was done. Now, in the face of the record, are we going again to subsidize them and give them this natural resource, into which has been poured nearly $150,000,000 of public money?

APPENDIX

CHARTS AND EXPLANATORY DATA

CHART I.—INDUSTRIAL SERVICE, SCOPE, SOURCES, PURPOSE

This chart gives the average cost per kilowatt-hour of industrial power used by ultimate consumers in the entire United States and the entire Province of Ontario for the years 1925–1928, inclusive. It is based upon the following figures:

TOTAL UNITED STATES

Year	Kilowatt-hours sold	Revenue	Average kilowatt-hour
			Cents
1925	36,431,000,000	$420,810,000	1.15
1926	41,964,000,000	519,100,000	1.23
1927	47,093,000,000	636,545,000	1.35
1928	51,140,000,000	686,015,000	1.34
	176,628,000,000	2,262,470,000	1.28

TOTAL ONTARIO HYDRO

1925	1,894,440,816	$11,580,778	0.61
1926	2,156,391,288	13,088,554	.60
1927	2,219,738,463	13,924,606	.62
1928	2,426,384,841	14,655,714	.60
	8,696,955,408	53,249,652	.61

Scope: By "industrial power" is meant electric current used by manufacturers, electric railways, and other industrial power users, great and small. It includes current used by municipalities for power purposes only, such as pumping, etc. It does not include domestic or commercial lighting, small incidental domestic power, or power sold for resale.

Sources: United States figures are from the annual progress and statistical number of the Electrical World for January 4, 1930, pages 22 and 23, at which appear Table I, Distribution of central station energy, 1921–1929, 100 per cent of the industry, and Table II, Sources of central station energy, 1921–1929. Figures from the columns headed "Power" and "Electric railways" are combined in the above tabulation in one figure in order to make comparable the totals from United States and Ontario.

The statistical editor of the Electrical World, Mr. G. F. Wittig, in his article notes that his "estimated net consumption by ultimate users" for his various class service allocations are made from data collected by the United States Geological Survey. His "revenue" figures are his own, excepting for the years 1922 and 1927, which are taken from United States census reports.

A statistical bulletin of the National Electric Light Association issued in June, 1928, covers essentially this same ground and states the average national cost for "small light and power" to be 4.55 cents per kilowatt-hour. "Large light and power" is given at 1.44 cents per kilowatt-hour, but the inclusion of "light" with "power" renders the figures unavailable for a comparison with the more exact Ontario reports. The graph, therefore, is based on the most conservative figures the industry publishes definite enough for the purpose aimed at, the average cost of industrial power alone.

Municipal plants included: It must be noted that the United States figures include data for municipally owned and operated plants. There are some 2,600 of these, and the estimates for the private power interests gain the benefit of the lower rates generally charged by public plants. However, the output of the public plants is not of sufficient total size as to affect very materially the average, however striking the difference between public and private individual bills turn out to be when compared. Such sharp diversions are lost in the huge general average.

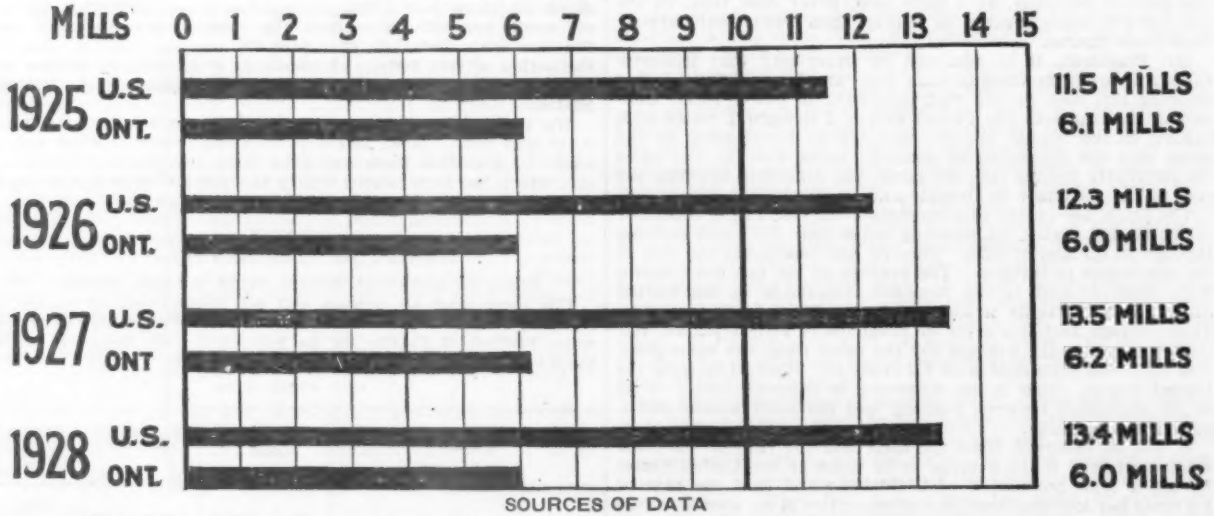
Sources: Ontario figures are taken from the Bulletin, official magazine of the Hydroelectric Power Commission of Ontario, issue of September, 1929, Table IX, Commercial power service, and Table X, Municipal power service, page 317, are combined to meet the comparable figures for power used in the United States. Incidentally, the average cost for strictly industrial private power used for 1928 was 5.7 mills and the average cost for power used in municipal service was 9.1 mills, the average for the total figures being 6 mills. It is deemed advisable to restate here emphatically that the figure 6 mills per kilowatt-hour is the average retail cost to ultimate consumers and not the wholesale cost of power sold by the provincial commission to the municipalities for resale. The figure includes the total amount of power sold by the municipal commissions to private consumers and also power sold direct by the provincial commission to some 95 very large industrial customers, which does not pass through the municipalities. Power sales, inclusive of this direct service, had not been reported by the commission prior to 1925 and were first published in 1928.

COMMENT ON INDUSTRIAL POWER CHART ABOVE

These data prove that the average cost per kilowatt-hour of power used for industrial purposes in Ontario is less than half of the average cost for the same service in United States, even when municipally owned plants are included in the American totals. The figures are a striking refutation of the claims broadcast throughout the United States by the officials and publicity agents of the private power interests that manufacturers and industrial users are charged higher rates by the publicly owned and operated hydro system of Ontario than are charged in the United States under regulated private ownership. A few samples of these unwarranted assertions are germane here.

CHART I

COST OF INDUSTRIAL POWER PER K. W. H.
UNITED STATES AND ONTARIO 1925-1928



SOURCES OF DATA

UNITED STATES — FROM THE ELECTRICAL WORLD OF JANUARY 4, 1930, PP. 22-23
ONTARIO - - FROM OFFICIAL BULLETIN OF THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO, SEPTEMBER 1929

1. In the pamphlet entitled "Niagara Falls: Its Power Possibilities and Preservation," published by the Smithsonian Institution January 15, 1925, and written by Samuel S. Wyer, is found in a chapter, Ontario and United States electric service compared, this statement:

"b. The domestic electric rates (in Ontario) are below cost and the loss is made up in part by higher rates for industrial power consumers than prevail in the United States, which places Canadian industry at a disadvantage."

2. The Nation's Business, official monthly magazine of the United States Chamber of Commerce, in its issue for February, 1925, carried a lead article, Facts the Senate Never Got, by Samuel S. Wyer, which contains the following:

"* * * the domestic rate is higher than the industrial (in Ontario), but it also results in giving United States industrial consumers lower rates than the industrial consumers in Canada. It follows that manufacturers in United States have an advantage over Canadian manufacturers and this advantage spreads to all the public."

The article carried a supporting featured editorial announcement, in which the editor repeats the charge thus:

"The Ontario Government-owned electric plant * * * is charging more to the industrial user than the companies in United States * * * in other words, Ontario is robbing the industrial Peter to pay the domestic Paul."

3. The joint committee of the National Utilities Associations, Hon. George B. Cortelyou, chairman, of which the National Electric Light Association is the driving force, broadcast throughout the United States in 1927, a pamphlet Government Fails in Industry—Federal, State, Local. The chapter, The Ontario-Hydro Myth, page 24, contains this:

"In Ontario the domestic consumer pays much less for current than his American neighbor across the border * * * the Ontario factories, and other power users, pay much higher rates than do American power users."

4. A pamphlet entitled "Study of Electric Light and Power Service Prepared for Fuel, Power, Transportation, Educational Foundation," by Samuel S. Wyer, consulting engineer, Columbus, Ohio, with introduction by Charles F. Scott, professor of electrical engineering, Yale University, makes the same claim, as follows:

"In Ontario the domestic rates are below cost and lower than the United States, and the industrial rates are higher than in the United States."

5. The National Electric Light Association, department of public information, issued an official news release March 20, 1930, which contains this statement:

"The light and power industry of the United States has always believed that the fundamental principle in fixing rates for light and power for various types of services is that each service shall carry its own load, and that under no circumstances shall any one particular class of service, or the taxpayers generally, be penalized to subsidize some other class of service. The result of this policy has been that large wholesale users, such as manufacturing enterprises, have en-

joyed rates for current much lower than the rate for small retail users, such as domestic consumers. The principle is exactly the same as that of any merchandising business.

"In Ontario, with Government ownership and operation, the theory is entirely different. There business and industry, as well as the general taxpayer, have been penalized for the benefit of the small consumer, and more particularly the rural consumer."

The claim that the private companies of the United States fix their rate schedules on the basis of costs to each class of consumers and that the Ontario managers do not follow this practice is false and misleading. The truth is that the United States managers employ no cost accounting methods by which they know scientifically the cost of distribution of current from the switchboard to each class of consumers. In practice they charge what the traffic will bear. In Ontario a cost-accounting system as to distribution has been in force for 20 years, and rates to each class of consumers are based upon the costs thus scientifically obtained. No fact could more strikingly demonstrate the utterly irresponsible character of the statistical data and claims made officially by the National Electric Light Association and propagandists for the industry generally than this startling truth.

CHART II.—DOMESTIC SERVICE, DATA, AND SOURCES

This chart is based upon the following figures of the net average cost in cents per kilowatt-hour for domestic electricity sold in 32 American cities and of all Ontario cities of 10,000 population or more, 21 in all, with the exception that the figures for the years 1927 and 1928 include 51 American cities and 25 Ontario cities. Distinction should always be made between "rates," as shown by schedules and average "costs" of the total amount sold.

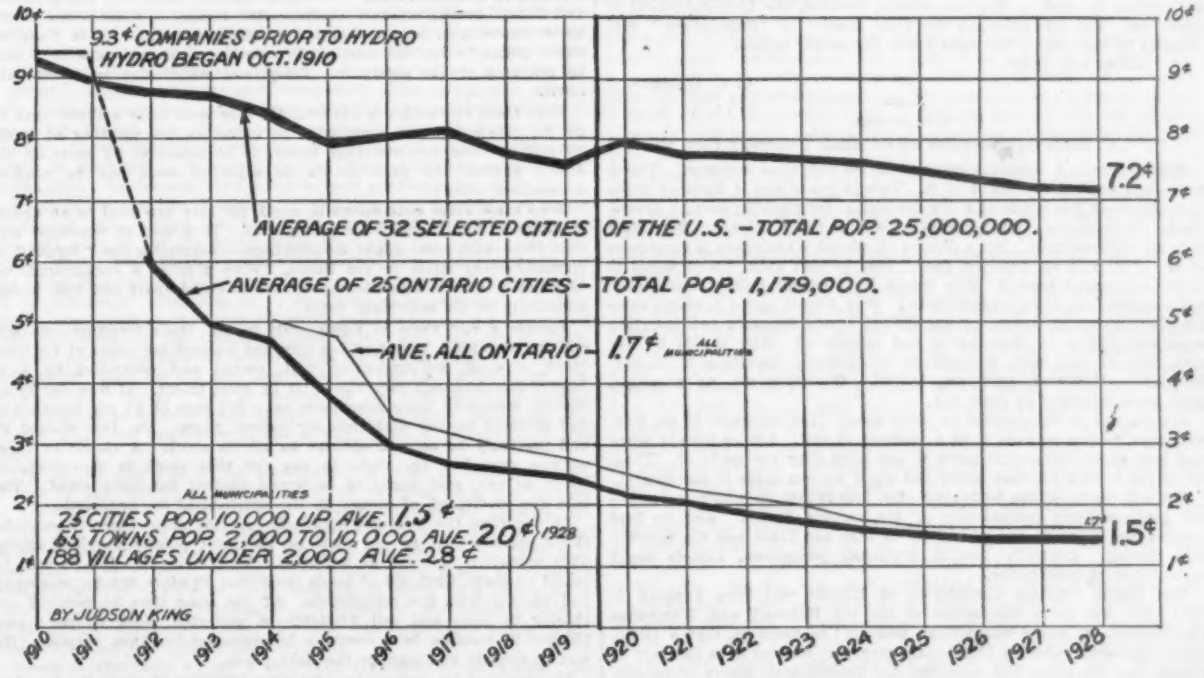
Year	United States, cost kilowatt-hour	Ontario, cost kilowatt-hour
	Cents	*Cents*
1910	9.2	[1] 9.30
1911	9.0	
1912	8.9	6.00
1913	8.7	5.06
1914	8.5	4.86
1915	8.0	3.83
1916	8.05	3.08
1917	8.1	2.89
1918	7.9	2.72
1919	7.8	2.55
1920	8.0	2.29
1921	7.9	2.20
1922	7.8	1.98
1923	7.7	1.83
1924	7.6	1.73
1925	7.5	1.71
1926	7.4	1.66
1927	7.4	1.63
1928	7.2	1.55

[1] Cost under companies prior to hydro. The Ontario hydro system began operation Oct. 11, 1910, with 5 cities and 9 towns to serve. By 1918 there were 21 cities and also 108 towns and villages connected.

CHART II

COMPARATIVE COST OF RESIDENCE ELECTRICITY PER K.W.H.

CITIES OF UNITED STATES AND ONTARIO



Sources, United States: Electrical World estimates quoted at page 162 and charted at page 164 of a "memorandum" filed by the Joint Committee of National Utility Associations, Hon. George B. Cortelyou, chairman, with the Interstate Commerce Committee, United States Senate, January 19, 1928, in opposition to the Walsh resolution for power investigation. The editor states that the list of cities is the list used by the Labor Review, August, 1927, page 203, official publication of the United States Department of Labor, for 1926 and prior. For 1927 and 1928, see Cost of Living Prices, issued by Commissioner of Labor Statistics Ethelbert Stewart, June, 1929; average costs for these years furnished direct by him.

Sources, Ontario: See official bulletins Hydroelectric Power Commission of Ontario, January, 1927, page 8; November, 1927, page 411; September, 1929, page 309.

Cities used for comparison

UNITED STATES	Population	ONTARIO	Population
Atlanta	250,000	Brantford	28,010
Baltimore	819,000	Chatham	14,118
Birmingham	217,000	Galt	12,686

Cities used for comparison—Continued

UNITED STATES—continued	Population	ONTARIO—continued	Population
Boston	793,000	Guelph	19,219
Buffalo	550,000	Hamilton	122,238
Chicago	3,102,000	Kingston	21,621
Cincinnati	412,000	Kitchener	24,805
Cleveland	984,000	London	63,339
Denver	289,000	Niagara Falls	16,819
Detroit	1,334,000	Ottawa	118,088
Houston	256,000	Owen Sound	12,231
Indianapolis	374,000	Peterborough	21,726
Jacksonville	137,000	Port Arthur	17,021
Kansas City	383,000	St. Catharines	21,810
Los Angeles	1,300,000	St. Thomas	17,152
Memphis	179,000	Sarnia	15,588
Minneapolis	447,000	Stratford	18,888
Mobile	66,000	Toronto	542,187
New Orleans	424,000	Welland	8,942
New York	5,970,000	Windsor	52,638
Norfolk	179,000	Woodstock	10,114
Philadelphia	2,035,000		
Pittsburgh	665,000		
Portland, Me	76,000		
Portland, Oreg	340,000		

Cities used for comparison—Continued

UNITED STATES—continued	Population
Richmond	191,000
St. Louis	839,000
San Francisco	576,000
Savannah	96,000
Scranton	143,000
Seattle	411,000
Washington	540,000
Total	25,377,000

ONTARIO—continued	Population
Total	1,179,240

EXHIBIT A

UNIVERSITY CITY, MO., *April 21, 1930.*

Hon. G. W. NORRIS,
Washington, D. C.

MY DEAR SENATOR: I am sending you under separate cover an article on Superpower, which I wrote with the idea of sending it out to a magazine. I've concluded to send it to you instead.

I used to be in the utility game, but dropped out of it because, with my temperament, I couldn't have stayed in it and stayed out of the penitentiary. I have nothing, therefore, to conceal, and you can rest assured that it is a fairly accurate picture of how the game is played. And it is written to cover practically every State in the Union.

I take the State of Illinois as my example, because Illinois was my stamping ground. I dabbled in franchises over there, built, promoted, controlled, and operated a few of the smaller utilities and have been before the State commission a good many times, both aggressively and defensively. I came finally to regard the game as the biggest steal of the century and dropped out of it.

Since then I have watched the one-man warfare you've been carrying on against it—and no one can realize, Senator, the keen enjoyment it gives me. I'm for you—and for your cause. If "Superpower" contributes in any way to the fight I will feel amply repaid.

Yours very truly,

C. C. BALDWIN.

SUPERPOWER

By C. C. Baldwin, 8100 Olive Street Road, University City, Mo.

Superpower! A structure imposed on the electrical industry! Thirty years ago we had not heard of it. Twenty years ago it lived—a nebulous thing—in the minds of a few far-seeing, far-reaching men; a dream. To-day it is here—a giant sprawling across the continent. Seemingly it is an unmixed good. Yet a section of official Washington is suspicious of it. "If it is an unmixed good," that section asks, "why would it revise our school books? Why would it enter our pulpits, our ladies' aid societies, our civic organizations? Why does it spend fabulous sums for the election of certain of our United States Senators and maintain expensive lobbies in Washington and elsewhere? Why should it rave and rant at the mere mention of Government operation at Muscle Shoals?" Pertinent questions, indeed. Questions we, as a people, must pass judgment on some day.

Let us look at Superpower at close range. Let us learn, if we may, why that section regards it as a monster of evil. Let us take it down and look at its component parts to see what they are made of. Then, let us put it back together again and see if we can make it function.

We will begin at the beginning—the foundation on which it rests—the public-utilities commissions of the various States. And to lend cogency and point to our efforts, let us take one State and the commission thereof. Centrally located, populous, prosperous, Illinois ought to be fairly representative.

The Public Utilities Commission of Illinois was born January 1, 1914—the legislative descendant of the old Railroad and Warehouse Commission. It was a nonpartisan measure; so much so, that a Democratic legislature under a Democratic governor, enacted it in the face of taunts that the party had gone over the Hamiltonian theory of government; and seven years later, Len Small, a candidate before the Republican primary electors, said repeatedly, "I pledge myself, if elected governor, to do all in my power to abolish the Public Utilities Commission of Illinois." On that pledge he was elected by his Republican fellow believers in State rights! In passing, Small was elected by a landslide, but the commission still stands. True, its name was changed to the Public Service Commission of Illinois. And that may, or it may not, be a redemption of that pledge according to the value placed on campaign pledges.

Anyway, the enactment was hailed as the panacea for all the ills the parties in interest are heir to. It was big medicine. It names the class, kind, and amount of securities a public-service corporation may issue. It limits the net earnings and the maximum rates that may be charged for service. It grants permission or refuses it, to make extensions, betterments, and improvements, and sets the amounts that may be expended for these purposes. It may order these extensions, betterments, and improvements to be made and has the power to enforce that order. It may delve into any and all angles of the industry to approve or disapprove, to sanction or condemn any practice not meeting its requirements. All this to the end that the various and sundry utilities in the State may be brought under uniform and complete control.

An all-embracing, all-powerful body, you say? An organization with a full set of teeth? Yes. Some say it is too all-embracing, too all-powerful. To all intents and purposes, they will tell you, it usurps the powers of the courts. It is judge, jury, and prosecutor—all rolled into one. It makes its own rules and regulations and, therefore, it functions as a legislative body as well. True, there are provisions for appeal from its decisions, but, in practice, those provisions are as dead as the dodo. It is a law unto itself. This, then, is the substructure on which super power rests. Let us see how it works.

On the morning of January 2, 1914, John Doe, say, appeared before the newly inducted commission and asked for a "blanket franchise" covering 40 counties of the State, for the purpose of building, or buying, electric-light plants therein, anywhere, any time, he might see fit. This request was granted. And there was an astonishing result. Mr. Doe, by reason of his early-bird appearance before the commission, gained what he called "prior rights" throughout all this territory! And he made it stick! It was his "by right of discovery," and no one else thereafter could build or buy a light plant anywhere in it without his sanction and consent! Thereafter the electrical destinies of these 40 counties were in the hands of Mr. Doe. If he saw fit to welcome an intruder, all well and good. If he objected to the invasion, it was up to the commission to refuse a "certificate of convenience and necessity." The first step toward monopoly? There are three others that will appear as we proceed.

There was another outcome of that January meeting. Mr. Doe asked, also, for permission to issue securities against the properties he expected thereafter to acquire; and he suggested the ratio as follows, to wit: 60 per cent in first-mortgage bonds, 25 per cent in preferred, and 15 per cent in common—or voting—stock. This, too, was granted; and it, too, carried a joker. Among other things, it violates one of the oldest precepts of corporation law—majority control. It is "against public policy"; yet, Mr. Doe would rule his organizations with a bare 15 per cent of the securities. Truly, the commission is a law unto itself.

With these two scalps in his belt, Mr. Doe went after a third—and he got it. He asked the commission to authorize the printing of $100,000,000 in these first-mortgage bonds, to be issued at 85 cents on the dollar, against the light plants he expected some day to acquire. A nebulous thing?

Keep these three concessions in mind, for they are vital to an understanding of what makes superpower click. It is well to remember also that this—with some slight modifications—constitutes the "layout" in virtually every State in the Union. With this as a background, we ought to be able to take the superpower machine apart and look understandingly at its individual units.

Picture a coal town of 8,000 souls in Mr. Doe's territroy—we will call it Columbus. This bustling city had boasted for years of its light plant, a snug, self-supporting unit, owned and controlled by local capital and managed very efficiently by local talent. It was delivering electric service to home consumers on a flat rate of $3 per month and had declared modest dividends for several years. Mr. Doe wanted it, and presently he secured options on all its stock. A clause in these options gave him the right to pay for that stock in first-mortgage bonds at par, said bonds to be issued against the light plant. The sale was predicated, of course, on the approval of the commission.

In due time the sale was approved. At the same time the commission's experts filed an appraisal of the light plant's physical assets. This valuation was set at $400,000. Thereupon Mr. Doe issued, in round numbers, $282,000 of bonds from that Pandora box he previously had planted with the commission. At the same time he received authority to issue and sell $100,000 in preferred stock at par; also $60,000 in common in a company he organized for that purpose. He was to operate and manage the light plant.

He exercised his options by delivering $200,000 of these Pandora-box bonds, which had cost him nothing but the printing and engrossing, to the former owners. He put on a sale of preferred stock in Columbus at 100 cents on the dollar, and he sold it all. The commission allowed him 15 per cent of the total issue for what it calls "engineering expenses" (it objects to the words, "promoters' profits"), and Mr. Doe bought all the common stock and paid for it by offsetting his "engineering expenses." Of course, the two amounts balanced exactly. This gave him control, which also cost him nothing. His profit on the transaction, therefore, was approximately $182,000 in cash plus control of the light plant. This latter concession won for him any dividends the common stock might earn, and also the right to pay himself any salary he chose for its future operation and management. An extreme case, you say? Not at all. These ratios can be found almost anywhere in the State.

Later the commission recognized the latent rawness of its ruling that a "minority of the securities may control a majority." And it set about curing that ruling in its own inscrutible way. Instead of the 15 per cent in common formerly permitted, the commission now allows

Mr. Doe a little block of "no par value" stock for purposes of control. No par value, indeed! That "no par value" stock has been quoted as high as $1,500 per share on the exchanges—and it is worth it if you get it all!

But let us follow Mr. Doe. A few days after he had taken control of the light plant at Columbus he asked the commission if he could install a power unit at a coal mine 1 mile north of the city. At the same time he asked if he might erect a pole line from this power unit to the city limits for the purpose of transmitting "energy" from his new power unit to Columbus and elsewhere. "Sure," the commission told him, "go to it." The plot thickens. It develops just here that the light plant at Columbus, up to the time Mr. Doe acquired it, had been too big, too cumbersome, too involved and intricate, too irrational, as it were. It must be whittled down to its proper size. It must be reduced to its component parts. Again the commission acquiesced.

Thereupon that little power unit at the coal mine became a complete and separate entity, a corporation of its own. The transmission line—fifty-two 30-foot poles in all, with their complement of cross arms, brackets, and insulators and its three strands of copper wire—became another. The equipment within the city of Columbus became a third. Now watch it. The power plant at the coal mine sold its output to the transmission line. The transmission line sold it to the company in Columbus, and the company in Columbus in turn sold it to the consumers. This 3-in-1 consummation jumped the rates to the consumers—they were put on meters during the scuffle—from the old $3 per month to an average of $5.50. But that, of course, was an incident—an "innocent bystander" accident. The main idea was to simplify and rationalize the light plant.

Each of these subsidiary companies, of course, carried its quota of Pandora box bonds, preferred and common stock. And, of course, Mr. Doe occupied the key position in each of them. He realized his net cash profit in each and voted himself a handsome salary for the operation and management of each. All of which was entirely fitting, for "control carries the emoluments thereof." It also serves to hide the "spread" between producer and consummer. The power unit at the coal mine can and does manufacture electricity for one-half of 1 cent per kilowatt-hour and the home consummer pays 10 cents for it. Without these intervening salaries and corporate entities, Mr. Doe would be hard put to it, indeed, to find justification for more than a 6-cent rate. So the subsidiaries serve their purpose after all.

There is yet another by-product of this divorcing process that seems worthy of note. When Mr. Doe began to manufacture electricity at the coal mine he put the power plant inside the city of Columbus out of business. This plant, remember, constituted nearly one-fourth of the physical value of the entire property. He had nowhere to use it in his scheme of operation, so it was reduced to idleness. In other words, one-fourth of the physical assets represented by the bonds and preferred stock of the Columbus light plant were reduced to junk. And, so far as the security holders were concerned, there was nothing to take its place, for the new power unit at the coal mine which now supplied the "energy" was a company in its own right and carried its full quota of securities and obligations. At a single stroke Mr. Doe simply wiped out one-fourth of the security holders' property. It was gone.

During the first year of his stewardship of these 40 counties he acquired 84 light plants in his territory, all of them after the manner of his acquisition at Columbus. In the early autumn his Pandora box "went dry" and the commission was asked to fill it up for him again. Many of these units, like that at the little coal town, were "too big" and had to be reduced. Snaky transmission lines began to meander over his territory; some of them touching as many as a dozen cities each, and all of them sucking at the assets of the security holders blighting the local power plant. Mr. Doe was becoming a power in the community and was waxing fat financially.

Along in the early winter a thin spot developed in his armor. An impudent, impecunious, young promoter appeared before the commission on behalf of a little interurban railway. He asked for permission to issue, and buy for himself, the newly adopted 15 per cent of voting stock. He admitted frankly that he was not investing a dime of his own money in his project. In spite of its earlier ruling the commission demurred on the ground that "to allow a minority to rule is against public policy." The young promoter laughed. "Gentlemen," he taunted, "you've allowed his nibs, Mr. Doe, to get away with it. You'll allow it to me or I'll throw class legislation in your faces. It looks to me like you are between the devil and the deep blue sea." And after a decent period for contemplation the commission gave him what he sought. But immediately thereafter it laid down the rule that "it has the power to decide when and if an applicant is financially able to carry out his obligations." Thus was patched the "thin spot" in the armor; thus was forged the second link in the chain that since has fettered the State of Illinois. The young promoter built his railroad but he never was able "financially" to build another one.

In the spring of 1915 Mr. Doe began to develop another phase of his campaign. It almost became a scandal. Two of his fellow patriots, Messrs. Roe and Lowe, had appeared alongside Mr. Doe on that post natal morning of January 2, 1914. They, too, had asked for "blanket franchises" covering the remaining two-thirds of the State. They, too, sought and received the same concessions as did Mr. Doe. And during the months that followed they, too, drained their Pandora boxes and went back for more. They, too, became powers in their communities and waxed fat financially. And now—new gossip had it that they were puppets, dummies, mere figureheads for Mr. Doe. That Mr. Doe, and he alone, had the right to build or buy light plants in Illinois! The third link in the tie that binds? Let us look just a little further.

A promoter asked the commission for a certificate to build a warehouse and storage plant in East St. Louis. The request was refused because "the evidence shows that the two companies already there are financially able and willing to increase their own facilities when, and if, the demand requires it. There is no need, therefore, for a third company in East St. Louis." By that ruling Mr. Doe's possession, which now was recognized as a fact, was given the sanction and the benefit of the law. His monopoly now was made complete.

This puts us in position to rebuild the superpower machine. Let us see if we can make it function, and to give it zest, let us own it. We—you readers and I—are going to put it back together again so that it hits on every cylinder it has. And listen, folks, unless some one hogs all the jobs, there's going to be a presidency for every one of us among the subsidiaries we are going to create. Our motto is, "Get the money," and we all understand the language.

Here's where we begin. Mr. Doe has made so much money from his manipulations to date that his kinfolks are wishing he would die so they can get it. He has grown a little tired of the grind and wants to retire. He will sell us his holdings for $5,000,000. That is a little high, for he has nothing to sell except "control"—the real owners of the properties are the security holders—but it will be worth it anyway.

We will organize a syndicate and buy him out. Now, now, don't get uneasy. It won't cost us a dime—no more than it cost him. The dear old public pays the freight. Of course we could pay it ourselves by assessing our "presidencies" for a year or so, but who wants to wait a year before he begins cashing in? Instead, we will get an option from Mr. Doe and then we will ask the commission to allow us to consolidate all the properties in the original 40 counties into one gigantic company with a bond issue sufficient to take up all the slack, Mr. Doe's price included.

A pipe dream? Not at all. Practically speaking, under the accounting system in vogue, such terms as "depreciation," "obsolescence," etc., are simply words used in bookkeeping. They don't mean anything. They merely mean amounts that are charged off out of earnings, and the consumers pay them—not the company. Consequently the only revision is upward. Therefore the plant at Columbus is now worth more than it was, in the eyes of the commission, when Mr. Doe acquired it. In addition to this there has been a natural increase to the property that comes with time and the growth of the town—unearned increment—that we can cash in on. All in all, the commission will appraise the plant at around $500,000 on its own records and figures without us making a single claim. At 85 cents on the dollar, this allows us to issue $353,000 from our own little Pandora box of bonds and $200,000 in preferred stock—there is no common, remember. A net total of $553,000 from Columbus alone to apply on our option. The original 40 counties will pay the entire bill and leave us a nice little nest egg besides. Not so bad! Not so bad!

We will consolidate the other two-thirds of the State into two other companies, not because we need the money, but because it is there for us and we might as well get it. That's our motto, you know, "Get the money." We will have, then, 3 big companies instead of 1,500 small ones. On its face that looks like we have wiped out 1,497 "presidencies"; but we haven't; we have simply changed the name. Hereafter they are "managerships." The salaries are the same as before, so it doesn't hurt us any. And, besides, we will find a place for more "presidencies" again anyway before long. We will raise consumer rates a little on the plea of increased costs; but that's all right—consumers have learned to expect it by this time. Besides, that's what they are for.

Now, we can begin to crisscross the State with transmission lines, high-tension things—big ones—that reach from one end of the State to the other and take their "energy" from two or three master power stations. We can begin thus to effect some real economies by closing down, junking, practically all our brand-new power units. And this also will start the ball rolling in the matter of more "presidencies." We will have to incorporate the bigger units and reincorporate all our former little transmission lines. By the way, if any of you readers have had experience in naming Pullman sleeping cars we can use your talent. All these corporations, and more, will have to have names and identities.

Let us digress to see how our security holders are faring under our régime. The original stockholders at Columbus received $200,000 in first-mortgage bonds for their holdings. They thought they were getting all the plant was worth—and they did. When the commission appraised the property at $400,000 the physical value behind these securities was cut square in the middle. In other words, their property

values were reduced to 50 cents on the dollar. When the little power unit at the coal mine was incorporated they were cut again, this time to 37½ cents. These losses are offset, in a way, by the fact that the paper values remain the same, and in cases of emergency the "managers" always can go to the commission for a raise in rates. We must keep that last fact in mind, for we are going to cut these values some more before we get the superpower machine into proper working condition.

We have cut the number of our main corporations down to three. We will go a little further. This time we will ask the commission if we can organize on a bigger scale than ever. We will consolidate our three consolidated companies into one that covers the entire State. We will issue first-mortgage bonds and preferred stock to cover it. We will drag down for ourselves all the percentages coming from the sale of the bonds; we will keep most of the preferred stock, all the unearned increment, all the advantages the commission's system of appraisal gives us. We will give the security holders what is coming to them under the workings of the law of diminishing return. (Their holdings now are worth, perhaps, 22 cents on the dollar.) And we will raise the rates for electric energy.

We have some outside expenses that have to be met and we will need it—this raise in rates. There is a United States Senator to be elected from this State, and we will be expected to "sweeten the kitty" for him with at least $100,000. In addition to this, St. Louis County home consumers are paying an average of only $3.78 per month for their electricity, and if our people over here ever find that out they will begin to kick. So I went down to Jefferson City last week and asked the commission there if I could buy into that company. We've got to raise those Missouri rates in self-defense. And all of this, of course, takes money—and plenty of it. So unless we want to pay these extraneous bills ourselves we've got to keep on boring into the Illinois public.

Then after the stir of this consolidation quiets down, we will begin to manipulate our transmission lines—there's a nice field for profits in them that we scarcely have touched. Our contracts for transmitting "energy" are based at present on low—or pioneer—rates. Business has increased tremendously—quadrupled in some instances. We can't hide the profits they are making very much longer. We will have to "step-up" the apparent investment or we will have to seek elsewhere for a commission to pass on their securities.

We will leave this stepping-up process to the imagination, for the several steps are merely a repetition of those already outlined. And, as hinted at above, we will go on a still-hunt for another commission. The State of Delaware offers our greatest opportunity. Under its laws a corporation can get away with anything but murder. Therefore, we will take our transmission-line business to Delaware for organization. And to give that State jurisdiction beyond all reasonable doubt we will string a few wires across the line into other States. We will thus make our systems interstate and intersectional. We will make them so intricate and involved that Delaware will take our word for it rather than dig out the truth.

We have arrived now at the stage where holding companies are advisable. These companies, being foreign corporations—preferably Delaware—are not amenable to Illinois scrutiny. Therefore, there will be no way to examine our books; and, as long as we pay interest on our bonds and dividends on the preferred stock, Delaware will not inquire into our practices nor our surplus. That is an enviable position for us. So, let us organize a foreign holding company and employ it to "hold" our Illinois companies. Or, better still, let us employ a foreign holding company—of our own making—to "hold" each of them and then employ another to "hold" our holding companies. We can evade even our income tax by that process. See how easy it is?

We now are reaching an acute stage in our affairs. We must make a decision. We have raised the rates in Illinois as high as we dare to raise them. We have trimmed the security holders all they can stand. We have built up for ourselves an enormous profit, and we have hidden it beyond detection. We are at the fork of the road—either we must find other territory to trim, or, we must trim each other. There is no alternative. Our motto—and our habit—is: "Get the money."

We had better stick together awhile yet. The State of Missouri is ripe for exploitation. So is Arkansas. And Indiana, too. We can make a clean-up; and, after our experience in Illinois, we can hide our profits as we go along. Those Delaware holding companies are certainly satanic in their beneficence. We will print for each State a huge batch of those magic bonds that are worth nothing in our hands, but jump to 100 cents on the dollar as we release them; and we will swap them lavishly. We will get control. And then—then we will bring in new holding companies to hold the holding companies that hold our holding companies. And, above all, we will raise their rates. It is not fair to our Illinois consumers to have other consumers paying less for their "juice" than they have to pay for it. And we will make them like it; make them think they are getting a bargain.

There is one little fly in the liniment, however. We are a useless adjunct, an abortive growth—a wart—on the electric industry and are about as important to it as a fire hose is to a catfish. Why, friends! If it were not for our manipulations, drags, and perquisites people could afford to heat their homes with electricity. They could do away with their chimneys! If this fact ever dawns on the general public, even the commissions will have to sit up and take notice. So we've got to be prepared for it. We've got to educate the public up to our particular brand of control. We've got to kill Muscle Shoals. We've got to use the pulpits, the ladies' aid societies, the civic organizations. We've got to control elections. To hold the press in line we've got to advertise. And in order to make our control everlasting we've got to print the school books for the next generation. It is a big program, but it's worth it. And last but not least, we must tie up the water rights on our navigable streams which will render our control of the Nation complete.

There is one other item. I hinted at it above. I have furnished most of the brains for our syndicate, therefore I get most of the benefits. I control the control. I won't need you anymore, so the trimming process has started among us. From now on our managerships are on a competitive basis. You folks have had it too soft. You are going to work. You are to "glad hand" the public when I say so. And when I tell you to sit down on it, you've got to sit. You must cut down expenses. You've got to work for the same money as would any outsiders, too. In other words, you are my hired hands. I'm boss. And I'm going to run this outfit so that I alone will "get the money"—even if I have to organize a holding company to hold the holding company that holds the holding companies that hold our companies.

This approximates the contention of that section of official Washington which is suspicious of superpower. It approximates also the superpower machine itself in practical everyday operation. And inasmuch as it touches the lives and pocketbooks of virtually all the people it beehooves us to judge it for what it is worth—to us. Enlightened self-interest demands that we take notice of its abuses as well as its uses and that we correct those abuses as quickly and completely as possible.

It is too much, perhaps, to hope that those abuses ever will be corrected by their beneficiaries. Human nature is not built that way. It is not too much to hope, however, that the viewpoint of the commissions of the various States—and of the Federal Government—may be changed and modified so that the great inarticulate public—in this case, the consumers and the security holders—shall receive the consideration they deserve and ought to have. It is not enough to rely on any beatific conception of what a commission ought to do in the way of protecting the public interest. In practice it doesn't mean anything. Nor is it enough to have perfunctionary representation merely—as at present. It is imperative that the public be fully, adequately, and intelligently represented in all cases at issue, at all times, to the end that decisions, rulings, and precedents may not tend, more and more, to lean toward the "managers" and away from the public. This will, at least, lend an air of permanency as well as fair dealing to the proceedings that are strangely absent now.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 43, line 4.

Mr. NORRIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Cutting	Kendrick	Sheppard
Ashurst	Deneen	Keyes	Shipstead
Baird	Dill	McKellar	Shortridge
Barkley	Frazier	McNary	Simmons
Bingham	Glass	Metcalf	Smoot
Black	Glenn	Norris	Steiwer
Blaine	Gould	Oddie	Stephens
Blease	Hale	Overman	Swanson
Borah	Harris	Patterson	Trammell
Bratton	Harrison	Phipps	Vandenberg
Brock	Hatfield	Pine	Walcott
Capper	Hawes	Reed	Waterman
Caraway	Hayden	Robinson, Ark.	Watson
Connally	Howell	Robinson, Ind.	Wheeler
Couzens	Jones	Schall	

The PRESIDING OFFICER. Fifty-nine Senators having answered to their names, a quorum is present.

Mr. BINGHAM. Mr. President, the distinguished Senator from Nebraska has just been making a very long and eloquent argument in favor of public ownership of municipal public utilities. I do not desire to enter into that question, but merely to explain the amendment which is now before the Senate and to do it just as briefly as possible.

In the House of Representatives, without any hearings being held and without giving any reasons in their report, the Committee on Appropriations, without any recommendation from the Budget, from the District Commissioners, from any of the organizations in the District representing taxpayers, or from the Public Utilities Commission of the District, placed in the bill an item carrying an appropriation of $25,000 for the purpose of making a study of the power needs of the District with a view to establishing municipally owned and operated service therefor.

Your committee went into the matter fully and discovered that the domestic rate in Washington for residential service is less than in any city in this vicinity. For instance, in Philadelphia the rate per kilowatt-hour is 8 cents; in Wilmington, 8 cents; in Baltimore, 7 cents; in Richmond, 8.5 cents; and in Washington, 4.7 cents. Under the law this rate in the District of Columbia is diminished year by year as the company makes what may be termed "excess profits" over what the law has deemed to be a reasonable rate.

No citizen of the District asked that this money be spent for this purpose. The Public Utility Commission of the District did not favor it. The commissioners have not favored it. The Budget has not recommended it. Therefore I hope the committee amendment may be agreed to.

Mr. NORRIS. Mr. President, I want the yeas and nays on this amendment. If the committee is to be sustained and the Senate does it by a yea-and-nay vote, of course, I can have nothing further to say. But I want to comment briefly on the reasons given by the chairman of the subcommittee for the striking out of this provision.

He said that the House committee put it in the bill without any hearings; that the House committee put it in the bill without any request from the public utilities; that the House committee put it in the bill without the commissioners asking for it; and yet everyone knows that for 25 years it has been a live question in the District of Columbia. It has passed the Senate five or six times in that period of time. Nevertheless, the committee now strikes it out upon the testimony of one man, Mr. Ham, the president of the Potomac Electric Power Co., the corporation which owns the power facilities, which is owned by one of the electric railway companies; in fact, the Potomac Electric Power Co. is a subsidiary of the Washington Railway & Electric Co. here in the city of Washington.

It seems to me that I could with as much reason ask that it be stricken from the bill because the community at large or the people interested did not appear before the committee and ask that it be retained, as that the one man, Mr. Ham, should ask that it go out and his request be granted. I have read his testimony, every word of it. His main argument is that we have cheaper rates here than in almost any other city. As I understand the rates, although I am not going to contradict his testimony, I think he is wrong in stating the domestic rates. The domestic rates in the District of Columbia are higher, I think considerably higher. I think they run as high as 7 cents. He gave the rate at 4.7 cents. That may be the average rate; but he does not give the average rate in the other cities in the East. Every single one of them is outrageous, including the rate in the District of Columbia. Why did he not compare the rates here with those in Tacoma or with those in Seattle or with those of the municipal plant at Cleveland, Ohio, or the plant at Jamestown, N. Y.?

The Senator also said that the local company has an agreement, approved by the court, which results in a sort of automatic reduction. That is true, but, Mr. President, that came about after the bitterest kind of a fight. The electric power company fought every step that was taken. The court finally impounded the excess which had been collected; it was impounded for years, during which time the people who were entitled to a refund had moved away or died, and when the funds thus impounded were finally distributed thousands undoubtedly did not get the amounts to which they were entitled. After fighting every inch of the way the company finally submitted to a court decree, when there was no other escape. The Senator from Connecticut boasts of the present rate that came about over his objection. If it had not been for men who were crying out for the public development and distribution of electricity, there would be a much higher rate in the District of Columbia than there is to-day.

It may be that the proposed investigation will not result in any reduction of rates, but if the investigation shall be fair, and follows up those which have been made before, it will finally result in a reduction. Yet the Senate is asked to say that it will not vote to appropriate $25,000 to let the people know the truth about what could be done by a municipally owned plant in the city of Washington, although we have just swallowed an item of $65,000 to buy automobiles with which to run down mosquitoes. The Senator from Connecticut was anxious about that item, and he had his way, as the Senate voted for the $65,000 appropriation. Yesterday the Senator himself said, when I asked him what the automobiles were going to be used for, that mosquitoes are in the manholes over the sewers and it is necessary to have automobiles to drive over the town and look in the manholes. That was his idea then; perhaps he has changed it to-day, and I hope he has.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. BINGHAM. I thought the Senator was listening to me to-day; he was sitting there, but I realize now he was not listening.

Mr. NORRIS. I was listening. I just stated what the Senator said on yesterday; I did not relate what he said to-day; I have not come down to to-day as yet.

Mr. BINGHAM. The Senator did not tell the Senate what I said to-day.

Mr. NORRIS. If the Senator will wait, I will come to to-day and state what the Senator said to-day.

Mr. BINGHAM. I said I made a mistake—the Senator could not expect me to say anything more on yesterday when I spoke of 9,000 manholes. I said to-day that I had made a mistake; that there were 8,000 catch basins, and if the Senator thinks it is amusing he may proceed as he pleases.

Mr. NORRIS. I thank the Senator for giving me permission to proceed.

Mr. BINGHAM. The Senator is quite welcome.

Mr. NORRIS. I appreciate that very much.

Mr. BINGHAM. I know the Senator does.

Mr. NORRIS. Because I realize that if I did not have the Senator's permission I would have to sit down, and so I thank the Senator for his permission.

The Senator believes in aviation; he flies all over the country; he is on every aviation committee that is appointed anywhere in this vicinity; and yet he has gone back on the pride of his heart. Mosquitoes can not be chased with automobiles, for mosquitoes get off the pavement and automobiles can not follow them; and he ought to have the mosquito chasing done by flying machines rather than by automobiles. Then we might get somewhere.

Mr. President, I did not intend to discuss the mosquito question. I have no objection to the proper use of public funds to eradicate mosquitoes; it is a very proper thing to do; but the amendment provides for the buying of passenger-carrying automobiles. Such a provision is in the amendment which the Senator had adopted by the Senate in relation to the eradication of mosquitoes. Can a mosquito be chased with a passenger-carrying automobile better than he can be chased with one which does not carry passengers? How far is it proposed to carry passengers when the hunt for mosquitoes starts? Yet such a provision is in the amendment which the Senator advocated and to which the Senate has agreed—an appropriation for passenger-carrying automobiles. That is what some of the money is going to be spent for.

Now, however, when we come to an appropriation of $25,000 to give the people of the Capital City the facts about municipal ownership, the Senator backs up. Why? Because the representative of the Power Trust in Washington said he did not want it. So the amendment has got to go out. If the Senate wants to put it out, I should like to have it put it out on a record vote, and I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee on page 43, beginning in line 4, on which the Senator from Nebraska demands the yeas and nays. Is there a second?

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BLEASE (when his name was called). I have a general pair with the Senator from West Virginia [Mr. GOFF]. I transfer that pair to the Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. McNARY (when his name was called). I have a pair with the senior Senator from Mississippi [Mr. HARRISON]. I am not advised as to how he would vote if present. If I were permitted to vote, I should vote "nay."

Mr. FRAZIER (when Mr. NYE's name was called). My colleague [Mr. NYE] is unavoidably absent. If present, he would vote "nay."

Mr. OVERMAN (when Mr. SIMMONS's name was called). My colleague [Mr. SIMMONS] is unavoidably detained from the Senate. He is paired with the Senator from Massachusetts [Mr. GILLETT].

Mr. WATSON (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Maine [Mr. GOULD] and vote "yea."

The roll call was concluded.

Mr. PHIPPS (after having voted in the affirmative). I have a pair with the Senator from Georgia [Mr. GEORGE], which I transfer to the Senator from New Jersey [Mr. KEAN], and will allow my vote to stand.

Mr. METCALF (after having voted in the affirmative). I have a general pair with the Senator from Maryland [Mr. TYDINGS]. Not knowing how he would vote, I transfer that pair to the Senator from Delaware [Mr. HASTINGS] and will allow my vote to stand.

Mr. McNARY. I wish to announce the following general pairs:

The Senator from Ohio [Mr. FESS] with the Senator from New York [Mr. COPELAND];

The Senator from Pennsylvania [Mr. GRUNDY] with the Senator from Florida [Mr. FLETCHER];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Utah [Mr. KING];

The Senator from Ohio [Mr. McCULLOCH] with the Senator from Oklahoma [Mr. THOMAS];

The Senator from Rhode Island [Mr. HEBERT] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Maryland [Mr. GOLDSBOROUGH] with the Senator from Montana [Mr. WALSH];

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS]; and

The Senator from Vermont [Mr. GREENE] with the Senator from Massachusetts [Mr. WALSH].

I am not advised as to how any of the Senators mentioned would vote on this question.

Mr. BLAINE. I desire to announce that my colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably absent. If present, he would vote "nay."

Mr. McKELLAR. I have a general pair with the Senator from Delaware [Mr. TOWNSEND]. I transfer that pair to the Senator from Arizona [Mr. ASHURST] and vote "nay."

The result was announced—yeas 19, nays 30, as follows:

YEAS—19

Baird	Glenn	Oddie	Sullivan
Bingham	Hale	Phipps	Vandenberg
Blease	Kendrick	Pine	Walcott
Dale	Keyes	Reed	Watson
Deneen	Metcalf	Robinson, Ind.	

NAYS—30

Allen	Caraway	Hatfield	Schall
Barkley	Connally	Hayden	Sheppard
Black	Couzens	Howell	Shipstead
Blaine	Cutting	Jones	Swanson
Borah	Dill	McKellar	Trammell
Bratton	Frazier	Norris	Wheeler
Brock	Glass	Overman	
Capper	Harris	Robinson, Ark.	

NOT VOTING—47

Ashurst	Grundy	McNary	Steck
Brookhart	Harrison	Moses	Steiwer
Broussard	Hastings	Norbeck	Stephens
Copeland	Hawes	Nye	Thomas, Idaho
Fess	Hebert	Patterson	Thomas, Okla.
Fletcher	Heflin	Pittman	Townsend
George	Johnson	Ransdell	Tydings
Gillett	Kean	Robsion, Ky.	Wagner
Goff	King	Shortridge	Walsh, Mass.
Goldsborough	La Follette	Simmons	Walsh, Mont.
Gould	McCulloch	Smith	Waterman
Greene	McMaster	Smoot	

So the amendment of the committee was rejected.

Mr. McNARY. Mr. President, I ask unanimous consent that when the Senate concludes its session to-day it adjourn until Monday at 12 o'clock.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon that when the Senate concludes it session to-day it adjourn until Monday next at 12 o'clock? The Chair hears none, and it is so ordered. The clerk will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "Public schools," on page 43, line 18, to strike out "$664,500" and insert "including salaries of presidents of teachers colleges in the salary schedule for first assistant superintendents, $669,500," so as to read:

Salaries: For personal services of administrative and supervisory officers in accordance with the act fixing and regulating the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, approved June 4, 1924 (43 Stat. 367–375), including salaries of presidents of teachers colleges in the salary schedule for first assistant superintendents, $669,500.

The amendment was agreed to.

The next amendment was, on page 43, line 22, to increase the appropriation for personal services of clerks and other employees under the public schools from $154,800 to $161,300.

The amendment was agreed to.

The next amendment was, on page 44, line 5, after the parenthesis, to insert a comma and "including for teachers colleges assistant professors in salary class 3 with additional compensation of $300 per annum each," and in line 8 to strike out "$6,188,840: *Provided*, That as teacher vacancies occur during the fiscal year 1931 in grades 1 to 4, inclusive, of the elementary schools, such vacancies shall not be filled by new appointments, but shall be filled by the assignment of teachers now employed in kindergartens, and teachers employed in kindergartens are hereby made eligible to teach in the said grades" and insert "$6,272,000," so as to read:

Salaries: For personal services of teachers and librarians in accordance with the act approved June 4, 1924 (43 Stat. 367–375), including for teachers colleges assistant professors in salary class 3 with additional compensation of $300 per annum each, and professors in salary class 9, $6,272,000.

Mr. BRATTON. Mr. President, in connection with the amendment pending before the Senate, some apprehension has been entertained by residents of the District lest the amendment in question fail to include a sufficient sum to continue the present force of kindergarten teachers in the schools of the District.

After conferring with certain individuals, I addressed an inquiry to Major Donovan, auditor of the District, and a similar one to Doctor Ballou, superintendent of schools. Each of them replied. In each letter assurance is given that if the amendment of the committee is adopted adequate funds will be provided to retain the whole force of 187 kindergarten teachers.

In order that there may be no further misunderstanding about this matter, I ask that the two letters be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, is is so ordered.

The letters are as follows:

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
OFFICE OF THE AUDITOR,
Washington, April 30, 1930.

Hon. SAM G. BRATTON,
United States Senate, Washington, D. C.

MY DEAR SENATOR BRATTON: The following information is furnished you pursuant to your request of me over the telephone this morning:

On page 44 of the Senate subcommittee print of the District appropriation bill for 1931 appears the appropriation for salaries of teachers and librarians in the public schools. The amount allowed by the House for this purpose is $6,188,840. The amount allowed by the Senate subcommittee is $6,272,000. The difference of $83,160 represents the exact amount contained in the estimates of the District of Columbia as submitted to Congress by the Budget Bureau for 38 new positions with salaries totaling $77,160, including 8 professors in teachers' colleges and $6,000 for the conversion of 20 class 3 salaries to assistant professors in teachers' colleges.

The amount of the Senate subcommitttee estimate, $6,272,000, is sufficient to carry the present teaching force in the public schools and the existing number of kindergarten teachers as such; it is also sufficient to carry all the additional positions approved by the Budget Bureau; and the $6,000 for additional compensation of $300 each for assistant professors in teachers' colleges, as proposed by the amendment added to the teachers' salary item by the Senate subcommittee.

There are now 187 kindergarten teachers in the public schools. As the District bill for 1931 passed the House of Representatives it contemplated the absorption of 78 kindergarten teachers in elementary grades 1 to 4, inclusive. Since the hearings before the House subcommittee 4 kindergarten teachers have been transferred to elementary grades, so that should the House proviso be carried in the District bill for 1931 as enacted it would mean the absorption of the remaining 74 kindergarten teachers in the elementary grades.

The amount of the appropriation item, $6,272,000, approved by the Senate subcommittee, with the elimination of the House proviso, would also permit of the return of the four kindergarten teachers referred to to kindergarten classes.

Briefly stated, the $6,272,000 is sufficient to maintain all teaching positions in the public schools as they now exist, plus provision for the additional number of teachers approved by the Budget Bureau and plus provision as recommended by the Budget Bureau for the teachers' colleges.

I trust that this letter supplies the full information desired by you.

With kind personal regards, believe me, very sincerely yours,

D. J. DONOVAN,
Auditor of the District of Columbia.

WASHINGTON, D. C., *May 1, 1930.*

Hon. SAM G. BRATTON,
United States Senate, Washington, D. C.

MY DEAR SENATOR BRATTON: I have before me your letter of April 30, 1930, in which you inquire concerning the effect of the provisions of the appropriations bill, as reported by the Senate committee, as those provisions relate to the kindergartners in the public schools of Washington. I appreciate your interest in this matter and take pleasure in submitting the following statement:

The appropriations bill, as reported to the Senate on April 21 (calendar day of April 28), provides $6,272,000 for services of teachers and librarians. This is the exact amount of the estimates submitted by the

Bureau of the Budget and provides salaries for the present teaching force, including kindergartners, the additional teachers authorized by the Bureau of the Budget, and additional payments for assistant professors in the teachers' colleges. The final appropriation of this amount in the law would not necessitate a decrease in the number of kindergarten teachers, and by the elimination of the legislative provision introduced in the House the transfer of kindergartners to teach grade classes would be unlawful, since by law and the rules of the Board of Education they are not now eligible for such transfer.

There are now employed in the service 187 kindergartners. As has already been said, they will not be affected in any way by the provisions of the appropriations bill now under consideration in the Senate. Attention is invited to the fact that, as enrollment in a given kindergarten declines, kindergarten teachers are transferred to other points, or, in case a kindergartner resigns, the salary might be transferred to a grade position and a new teacher appointed to teach a regular grade class. Such shifts of salaries have heretofore been necessary and are likely to be necessary in the future. This is, however, a matter of administration and utilization of salaries rather than a matter of transferring persons from one position to another.

If this information is not clear, or if there is any additional information which you may desire, I shall be glad to have you so advise me.

I appreciate very much your continued interest in the welfare of the public schools of the District of Columbia.

Yours very sincerely,

FRANK W. BALLOU,
Superintendent of Schools.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, under the subhead "Community center department," on page 47, line 3, to strike out "$42,000" and insert "$45,000," so as to read:

For personal services of the director, general secretaries, and community secretaries in accordance with the act approved June 4, 1924 (43 Stat. 369, 370); clerks and part-time employees, including janitors on account of meetings of parent-teacher associations and other activities, and contingent expenses, equipment, supplies, and lighting fixtures, $45,000.

The amendment was agreed to.

The next amendment was, under the subhead "Care of buildings and grounds," on page 47, line 10, to strike out "$786,890" and insert "$806,910," so as to read:

Salaries: For personal services, including care of smaller buildings and rented rooms at a rate not to exceed $96 per annum for the care of each school room, other than those occupied by atypical or ungraded classes, for which service an amount not to exceed $120 per annum may be allowed, $806,910.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous," on page 47, after line 13, to insert:

For expenses of operating schools for crippled pupils, including personal services, $2,400; equipment, $10,000; and maintenance, $4,000; in all, $16,400.

The amendment was agreed to.

The next amendment was, on page 47, after line 16, to strike out:

For transportation for pupils attending schools for tubercular pupils, $7,000: *Provided*, That expenditures for street-car and bus fares from this fund shall not be subject to the general limitations on the use of street-car and bus fares covered by this act.

For transportation for pupils attending schools for crippled pupils, $12,000: *Provided*, That expenditures for street-car and bus fares from this fund shall not be subject to the general limitations on the use of street-car and bus fares covered in this act.

And in lieu thereof to insert:

For transportation for pupils attending schools for tubercular pupils, and for pupils attending schools for crippled pupils, $20,000: *Provided*, That expenditures for street-car and bus fares from this fund shall not be subject to the general limitations on the use of street-car and bus fares covered by this act.

The amendment was agreed to.

The next amendment was, on page 49, after line 11, to strike out:

No money appropriated in this act for the purchase of furniture and equipment for the public schools of the District of Columbia shall be expended unless the requisitions of the Board of Education therefor shall be approved by the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 50, line 5, before the words "to be," to strike out "$231,000" and insert "including not to exceed $9,000 for personal services, $240,000," so as to read:

For an additional amount for textbooks and other educational books and supplies, as authorized by the act of January 31, 1930 (Public, No. 41, 71st Cong.), including not to exceed $9,000 for personal services, $240,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 51, line 16, after the word "exceed," to strike out "$4,000" and insert "$5,000," so as to read:

For repairs and improvements to school buildings, repairing and renewing heating, plumbing, and ventilating apparatus, installation and repair of electric equipment, and installation of sanitary drinking fountains, and maintenance of motor trucks, including not to exceed $5,000 for purchase of one 5-ton truck, $475,000.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and grounds," on page 52, after line 12, to strike out:

For the construction of a 12-room addition and two gymnasiums at the Gordon Junior High School in accordance with the original plans for the construction of said building, $255,000.

The amendment was agreed to.

The next amendment was, on page 53, line 3, before the word "including," to insert "including a combination gymnasium and assembly hall, and," and at the end of line 4, after the word "building," to strike out "$90,000" and insert "$130,000," so as to read:

For the construction of a 4-room addition to the Congress Heights School, including a combination gymnasium and assembly hall, and including the necessary remodeling of the present building, $130,000.

The amendment was agreed to.

The next amendment was, on page 53, after line 15, to insert:

For beginning the treatment of grounds, including the construction of necessary roads, walks, sewers, water mains, and gas and telephone service connections, on the property acquired by the District of Columbia in northeast Washington for a junior high school, and a platoon school for colored pupils, $50,000.

The amendment was agreed to.

The next amendment was, on page 54, line 12, after the name "Deanwood School," to strike out "$50,000" and insert "including a combination gymnasium and assembly hall, $100,000," so as to read:

For the construction of a 4-room addition to the Deanwood School, including a combination gymnasium and assembly hall, $100,000.

The amendment was agreed to.

The next amendment was, on page 54, after line 13, to insert:

For the construction of an 8-room addition at the Douglass-Simmons School, including the necessary remodeling of the present building, $140,000.

The amendment was agreed to.

The next amendment was, on page 55, line 10, to reduce the total appropriation for buildings and grounds, public schools, from $3,240,000 to $3,235,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 11, to insert:

For purchase of a site on which to locate an 8-room extensible building west of Connecticut Avenue and north of Jenifer Street;

The amendment was agreed to.

The next amendment was, on page 56, after line 14, to insert:

For the purchase of land adjoining the Harrison School.

The amendment was agreed to.

The next amendment was, on page 57, line 1, after the words "In all," to strike out "$360,700" and insert "$458,200," so as to read:

In all, $458,200: *Provided*, That with the exception of $85,700, no part of this appropriation shall be expended for the purchase of any site the cost of which shall exceed the full value assessment of such property last made before purchase thereof plus 25 per cent of such assessed value: *Provided further*, That part or parts of a site may be purchased under the 125 per cent limitation if the total cost of the part or parts acquired does not at the time of such purchase exceed 125 per cent of the assessed value.

The amendment was agreed to.

The next amendment was, under the heading "Metropolitan police, salaries," on page 59, line 23, after the word "department," to strike out "$2,762,880: *Provided*, That no part of this

appropriation shall be available for the payment of compensation to any person appointed during the fiscal year 1931 as a private on the Metropolitan police force of the District of Columbia who has not completed an eighth grade common school education" and insert "$2,807,880," so as to read:

For the pay and allowances of officers and members of the Metropolitan police force, in accordance with the act entitled "An act to fix the salaries of the Metropolitan police force, the United States park police force, and the fire department of the District of Columbia" (43 Stat. 174–175), including compensation at the rate of $2,100 per annum for the present assistant property clerk of the police department, $2,807,880.

The amendment was agreed to.

The next amendment was, on page 60, line 4, to increase the appropriation for personal services in the police department from $117,350 to $118,820.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous," on page 61, line 16, after the word "condemned," to strike out "$80,000," and insert "$82,000," so as to read:

For purchase and maintenance of passenger-carrying and other motor vehicles and the replacement of those worn out in the service and condemned, $82,000.

The amendment was agreed to.

The next amendment was, on page 61, line 22, after the word "another," to strike out "$61,775" and insert "$63,650," so as to read:

Uniforms: For furnishing uniforms and other official equipment prescribed by department regulations as necessary and requisite in the performance of duty to officers and members of the Metropolitan police, including cleaning, alteration, and repair of articles transferred from one individual to another, $63,650.

The amendment was agreed to.

The next amendment was, under the subhead "House of detention," on page 61, line 24, after the word "maintenance." to insert "including rent"; on page 62, line 8, after the word "expenses," to strike out "$10,250" and insert "$18,250"; in the same line, after the word "services," to strike out "$10,440; in all, $20,690" and insert "$10,620; in all, $28,870," so as to read:

For maintenance, including rent, of a suitable place for the reception and detention of girls and women over 17 years of age, arrested by the police on charge of offense against any laws in force in the District of Columbia, or held as witnesses or held pending final investigation or examination, or otherwise, including transportation, the purchase and maintenance of necessary motor vehicles, clinic supplies, food, upkeep and repair of building, fuel, gas, ice, laundry, supplies and equipment, electricity, and other necessary expenses, $18,250; for personal services, $10,620; in all, $28,870.

The amendment was agreed to.

The next amendment was, under the heading "Fire department, salaries," on page 63, line 3, to increase the appropriation for personal services in the fire department from $9,440 to $9,580.

The amendment was agreed to.

The next amendment was, under the heading "Health department, salaries," on page 64, line 14, to increase the appropriation for personal services in the health department from $187,790 to $190,810.

The amendment was agreed to.

The next amendment was, on page 66, line 10, after the word "expenses," to strike out "$25,400" and insert "$29,000," so as to read:

For the maintenance of a dispensary or dispensaries for the treatment of indigent persons suffering from tuberculosis and of indigent persons suffering from venereal diseases, including payment for personal services, rent, supplies, and contingent expenses, $29,000.

The amendment was agreed to.

The next amendment was, on page 67, line 2, after the word "clinics," to strike out "$101,980" and insert "$102,100," so as to read:

HYGIENE AND SANITATION, PUBLIC SCHOOLS

Salaries: For personal services in the conduct of hygiene and sanitation work in the public schools, including the necessary expenses of maintaining free dental clinics, $102,100.

The amendment was agreed to.

The next amendment was, under the heading "Courts and prisons," on page 69, line 5, to increase the appropriation for personal services under the juvenile court from $59,490 to $60,610.

The amendment was agreed to.

The next amendment was, on page 69, line 24, to increase the appropriation for personal services under the police court from $100,740 to $101,120.

The amendment was agreed to.

The next amendment was, under the subhead "Municipal court," on page 70, line 20, after the word "grade," to strike out "$71,670" and insert "$72,090," so as to read:

Salaries: For personal services, including compensation of five judges, without reference to the limitation in this act restricting salaries within the grade, $72,090.

The amendment was agreed to.

The next amendment was, on page 71, after line 4, to insert "For rent of building, $4,800."

The amendment was agreed to.

The next amendment was, on page 72, line 1, after the word "for," to strike out "not exceeding one crier in each court, of."

Mr. McKELLAR. Mr. President, this is the amendment that I spoke to the Senator about yesterday. It is clearly contrary to existing law, and I ask that the amendment be rejected.

Mr. BINGHAM. I have no objection, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

Mr. McKELLAR. Mr. President, in that connection I desire to have printed in the RECORD the existing law.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

SEC. 9. (Judicial Code, sec. 5.) Criers and bailiffs.—The district court for each district may appoint a crier for the court, and the marshal may appoint such number of persons, not exceeding the number appropriated for by Congress, as the judge may determine, to wait upon the grand juries, and for other necessary purposes.

SEC. 61. Jurisdiction.—The said court (Supreme Court of the District of Columbia) shall possess the same powers and exercise the same jurisdiction as the circuit and district courts of the United States, and shall be deemed a court of the United States, and shall also have and exercise all the jurisdiction possessed and exercised by the Supreme Court of the District of Columbia under the act of Congress approved March 3, 1863, creating that court, and at the date of the passage of this code.

SEC. 65. The general term of said court shall be open at all time for the transaction of business; and said court * * * may appoint a clerk, an auditor, and also a crier and a messenger for each court in special term, and all other officers of the court necessary for the due administration of justice, with the exception of all officers and employees in any manner connected with the probate term, and also United States commissioners; * * *.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 6, after the word "commissioners," to strike out "$44,620" and insert "$48,940," so as to read:

Pay of bailiffs: For not exceeding one crier in each court, of office deputy marshals who act as bailiffs or criers, and for expenses of meals and lodging for jurors in United States cases and of bailiffs in attendance upon same when ordered by the court, clerk of jury commissioners, and per diems of jury commissioners, $48,940: *Provided*, That the compensation of each jury commissioner for the fiscal year 1931 shall not exceed $250.

The amendment was agreed to.

The next amendment was, on page 72, line 13, after the name "District of Columbia," to strike out "$35,000" and insert "$37,700," so as to read:

Courthouse: For personal services for care and protection of the courthouse, under the direction of the United States marshal of the District of Columbia, $37,700, to be expended under the direction of the Attorney General.

The amendment was agreed to.

The next amendment was, under the subhead "Court of Appeals," on page 72, line 24, after the word "service," to strike out "$28,300" and insert "$29,060," and on page 73, line 1, after the words "in all," to strike out "$66,750" and insert "$67,510," so as to read:

Salaries: Chief justice and two associate justices, at $12,500 each; all other officers and employees of the court, including reporting service, $29,060; necessary expenditures in the conduct of the clerk's office, $950; in all, $67,510.

The amendment was agreed to.

The next amendment was, on page 74, line 20, to increase the appropriation for personal services under the Board of Public Welfare from $109,700 to $113,360.

The amendment was agreed to.





The next amendment was, on page 76, line 4, after the word "exceed," to strike out "$13,280" and insert "$13,460," and in line 5, after the name "District of Columbia," to strike out "$133,200" and insert "$133,380," so as to read:

To carry out the purposes of the act entitled "An act to provide home care for dependent children in the District of Columbia," approved June 22, 1926 (44 Stat. 758–760), including not to exceed $13,460 for personal services in the District of Columbia, $133,380.

The amendment was agreed to.

The next amendment was, on page 77, line 8, to increase the appropriation for personal services for the jail from $76,710 to $77,790.

The amendment was agreed to.

The next amendment was, on page 77, line 17, to increase the appropriation for personal services for general administration, workhouse, and reformatory, District of Columbia, from $229,700 to $241,620.

The amendment was agreed to.

The next amendment was, under the subhead "National Training School for Girls," on page 80, line 8, after the word "services," to strike out "$30,000: *Provided*, That the Board of Public Welfare is authorized and directed to transfer girls confined in the branch of the National Training School for Girls at Muirkirk, Md., and confine them in the National Training School for Girls on the Conduit Road in the District of Columbia" and insert "$39,240," so as to read:

Salaries: For personal services, $39,240.

The amendment was agreed to.

The next amendment was, on page 81, line 2, after the word "vehicles," to strike out "$38,000" and insert "$40,000," so as to read:

For groceries, provisions, light, fuel, soap, oil, lamps, candles, clothing, shoes, forage, horseshoeing, medicines, medical attendance, transportation, labor, sewing machines, fixtures, books, magazines, and other supplies which represent greater educational advantages, stationery, horses, vehicles, harness, cows, pigs, fowls, sheds, fences, repairs, typewriting, stenography, and other necessary items, including compensation not exceeding $1,500 for additional labor or services, for identifying and pursuing escaped inmates and for rewards for their capture, for transportation and other necessary expenses incident to securing suitable homes for paroled or discharged girls, and for maintenance of nonpassenger-carrying motor vehicles, $40,000.

The amendment was agreed to.

The next amendment was, on page 81, after line 2, to insert:

For purchase and installation of additional fire-protection equipment, $12,250.

The amendment was agreed to.

The next amendment was, on page 81, line 21, to increase the appropriation for personal services under the tuberculosis hospital from $74,800 to $76,280.

The amendment was agreed to.

The next amendment was, on page 82, after line 4, to insert:

For the purchase of a site for a children's tuberculosis sanatorium, and for commencing construction of a sanatorium building, nurses' and employees' home, and superintendent's quarters, including necessary approaches and roadways, heating and ventilating apparatus, equipment and accessories, and salary of superintendent to be fixed in accordance with the classification act of 1923, as amended, $150,000, to be immediately available, together with the unexpended balance of the appropriation of $150,000 for the erection of a new health school and sanatorium for colored pupils contained in the District of Columbia appropriation act for the fiscal year 1930, which is hereby reappropriated and made immediately available for the purposes of this paragraph, and the Commissioners of the District of Columbia are authorized to enter into contract or contracts for the construction of such buildings at a cost not to exceed $530,000.

The amendment was agreed to.

The next amendment was, on page 82, line 23, to increase the appropriation for personal services, including not to exceed $1,000 for temporary labor, under the Gallinger Municipal Hospital, from $325,300 to $330,300.

The amendment was agreed to.

The next amendment was, on page 83, line 17, to increase the appropriation for personal services, including not to exceed $1,000 for temporary labor, under the District Training School, from $76,000 to $78,420.

The amendment was agreed to.

The next amendment was, under the subhead "Industrial Home School for Colored Children," on page 84, line 20, after the word "services," to strike out "$33,400" and insert "$34,040," and in line 21, after the words "in all," to strike out "$33,960" and insert "$34,540," so as to read:

Salaries: For personal services, $34,040; temporary labor, $500; in all, $34,540.

The amendment was agreed to.

The next amendment was, under the subhead "Industrial Home School," on page 85, line 16, after the word "services," to strike out "$25,500" and insert "$25,900," and in line 17, after the words "in all," to strike out "$26,000" and insert "$26,400," so as to read:

Salaries: For personal services, $25,900; temporary labor, $500; in all, $26,400.

The amendment was agreed to.

The next amendment was, under the heading "Home for Aged and Infirm," on page 86, line 2, after the word "services," to strike out "$56,600" and insert "$58,480," and in line 3, after the words "in all," to strike out "$58,600" and insert "$60,480," so as to read:

Salaries: For personal services, $58,480; temporary labor, $2,000; in all, $60,480.

The amendment was agreed to.

The next amendment was, under the subhead "Municipal lodging house and wood yard," on page 87, line 2, after the word "services," to strike out "$3,660" and insert "$3,720," and in line 3, after the words "in all," to strike out "$6,660" and insert "$6,720," so as to read:

For personal services, $3,720; maintenance, $3,000; in all, $6,720.

The amendment was agreed to.

Mr. BINGHAM. Mr. President, I ask that in line 7, page 87, the word "building" may be corrected to read "buildings."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 87, line 7, it is proposed to strike out "building" and insert "buildings."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Temporary Home for Union Ex-Soldiers and Sailors (Department of the Potomac, G. A. R.)," on page 87, line 6, after the word "services," to strike out "$4,740" and insert "$4,800," and in line 9, after the words "in all," to strike out "$15,940" and insert "$16,000," so as to read:

For personal services, $4,800; maintenance, $9,200; and repairs to buildings and grounds, including not to exceed $1,500 for furnishing and installing fire escape, $2,000; in all, $16,000, to be expended under the direction of the commissioners; and Union ex-soldiers, sailors, or marines of the Civil War ex-soldiers, sailors, or marines of the Spanish War, Philippine insurrection, or China relief expedition, and soldiers, sailors, or marines of the World War or who served prior to July 2, 1921, shall be admitted to the home, all under the supervision of a board of management.

The amendment was agreed to.

The next amendment was, under the heading "Militia," on page 90, line 21, after the word "services," to strike out "$18,950" and insert "$27,170," and in line 22, after the words "in all," to strike out "$25,950" and insert "$34,170," so as to read:

For personal services, $27,170, temporary labor, $7,000; in all, $34,170.

The amendment was agreed to.

The next amendment was, under the heading "Public Buildings and Public Parks," on page 92, line 12, to increase the appropriation for personal service under the public parks, District of Columbia, from $405,000 to $413,357.

The amendment was agreed to.

The next amendment was, on page 93, line 12, after the words "so forth," to strike out "$687,555" and insert "$727,555," so as to read:

GENERAL EXPENSES, PUBLIC PARKS

General expenses: For general expenses in connection with the maintenance, care, improvement, furnishing of heat, light, and power of public parks, grounds, fountains, and reservations, propagating gardens and greenhouses under the jurisdiction of the Office of Public Buildings and Public Parks of the National Capital, including $5,000 for the maintenance of the tourists' camp on its present site in East Potomac Park, and including personal services of seasonal or intermittent employees at per diem rates of pay approved by the director, not exceeding current rates of pay for similar employment in the District of Columbia; the hire of draft animals with or without drivers at local rates approved by the director; the purchase and maintenance of draft animals, har-

ness, and wagons; contingent expenses; city directories; communication service; car fare; traveling expenses; professional, scientific, technical, and law books; periodicals and reference books; blank books and forms; photographs; dictionaries and maps; leather and rubber articles for the protection of employees and property; the maintenance, repair, exchange, and operation of not to exceed four motor-propelled passenger-carrying vehicles and all necessary bicycles, motor cycles, and self-propelled machinery; the purchase, maintenance, and repair of equipment and fixtures, and so forth, $727,555.

The amendment was agreed to.

The next amendment was, on page 93, line 13, after the word "exceeding," to strike out "$35,000" and insert "$38,000," and in line 21, after the words "sea wall," to insert "not exceeding $37,000 for grading and improving the roadways of Rock Creek Park to the District line," so as to make the proviso read:

Provided, That not exceeding $38,000 of the amount herein appropriated may be expended for placing and maintaining portions of the parks in condition for outdoor sports and for expenses incident to the conducting of band concerts in the parks; not exceeding $25,000 for the improvement and maintenance as recreation parks of sections C and D, Anacostia Park; not exceeding $134,755 for the improvement of the Rock Creek and Potomac connecting parkway and the completion of construction of sea wall; not exceeding $37,000 for grading and improving the roadways of Rock Creek Park to the District line; not exceeding $100,000 for the improvement of Meridian Hill Park, to remain available until June 30, 1932; not exceeding $40,000 for completing the construction of a sidewalk and protective railing along the sea wall of East Potomac Park; and not exceeding $15,000 for the erection of minor auxiliary structures.

The amendment was agreed to.

The next amendment was, under the subhead "Washington Aqueduct," on page 98, line 9, after the word "services," to strike out "$177,440" and insert "$178,800," so as to read:

For revenue and inspection and distribution branches: For personal services, $178,800.

The amendment was agreed to.

The next amendment was, on page 100, after line 12, to strike out:

The following schedule of water rents in the District of Columbia shall be fixed by the commissioners of said District, to be effective on and after July 1, 1930:

For the use of water for domestic purposes through unmetered service, $9.85 per annum for all tenements two stories high, or less, with a front width of 16 feet, or less; for each additional front foot or fraction thereof greater than one-half, 62 cents; and for each additional story or part thereof, one-third of the charges as computed above. For business places that are not required to install meters under existing regulations, the present rates to be increased by 40 per cent per annum. For the use of water through metered services, a minimum charge of $8.75 per annum for 7,500 cubic feet of water, and 7 cents per 100 cubic feet for water used in excess of that quantity. For water for building construction purposes when not supplied through a meter, 6 cents per 1,000 brick and 3 cents per cubic yard of concrete, with a minimum charge of $1 for each separate building project. All water required for purposes which are not covered by the foregoing classifications shall be paid for at such rates as may be fixed by the Commissioners of the District of Columbia: *Provided*, That the rate of assessment for laying or constructing water mains in the District of Columbia under the provisions of the act entitled "An act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes," approved April 22, 1904 (33 Stat. 244), is hereby increased from $2 to $3 per linear front foot for any water main laid during the fiscal year 1931 and thereafter.

Mr. HOWELL. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. Is this an amendment to the committee amendment?

Mr. HOWELL. Yes; this is the last committee amendment.

Mr. McKELLAR. It has not been agreed to.

The PRESIDING OFFICER. No. The Senator from Nebraska, as the Chair understands, offers an amendment to the committee amendment, which will be stated.

The CHIEF CLERK. On page 100, line 17, strike out "$9.85" and insert in lieu thereof "$8.09." In line 20, strike out "62" and insert in lieu thereof "51." In line 24, strike out "40" and insert in lieu thereof "15." In line 25, strike out "$8.75" and insert in lieu thereof "$7.13."

On page 101, in line 1, strike out "7" and insert in lieu thereof "6½."

On page 101, after line 18, insert the following paragraph:

For fire hydrant rental tax at the rate of $46 per hydrant, $234,600, said amount to be charged to the general revenues of the District of Columbia and credited to the water fund.

Mr. BINGHAM. Mr. President, in order that the Senate may consider the amendment offered by the Senator from Nebraska it is necessary first to ask that the committee amendment be rejected. Therefore I ask that that be done.

The PRESIDING OFFICER. No. The Chair understands that the Senator from Nebraska desires to offer this amendment to the text of the bill before the motion to strike out is agreed to. Then he will want to disagree to the committee amendment as amended.

Mr. BINGHAM. No, Mr. President; I understand that the Senator from Nebraska does not desire to disagree to the entire amendment as amended, but that he has an amendment which he desires to offer in lieu of the committee amendment. Therefore, instead of striking out all of the matter on page 101, as recommended by the committee, the Senator from Nebraska desires to have that left in, but to change the rates.

The PRESIDING OFFICER. Without objection, the committee amendment will be rejected.

Mr. BINGHAM. That is the correct parliamentary situation.

The PRESIDING OFFICER. That restores the text of the bill.

Mr. BINGHAM. That is correct.

Now I ask unanimous consent that the amendment offered by the Senator from Nebraska may be considered.

The PRESIDING OFFICER. Without objection, the amendment will be considered at this time.

Mr. BINGHAM. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, as I understand, that completes the committee amendments; and, as I gave notice yesterday, I offer the amendment which I send to the desk, on page 2, after line 12.

The PRESIDING OFFICER. The Senator from Tennessee offers an amendment, which will be stated.

The CHIEF CLERK. On page 2, after line 12, it is proposed to insert the following:

That the Commissioners of the District of Columbia be, and they are hereby, authorized to continue William Tindall in the service of the government of the District of Columbia notwithstanding the provisions of the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, as amended.

Mr. BINGHAM. Mr. President, I ask the Senator if he will not be so good as to propose that amendment to be inserted on page 4, after line 9?

Mr. McKELLAR. That will be entirely satisfactory.

Mr. President, I want to take just a moment to say a word about this amendment.

The Committee on the District of Columbia has made a report at the present session authorizing the continuance of William Tindall in the service of the government of the District of Columbia, and, having considered the same, reported favorably on it, and it was duly passed by the Senate.

Doctor Tindall recently reached the age of 85 and next August he would be retired from the service. The report from the committee stated that—

Despite his advanced age, Doctor Tindall is extraordinarily alert in mind and body, and is a veritable storehouse of information on the District government and the Capital generally.

He has served the District government for 61 years, having first been employed as secretary to the mayor of Washington. For many years he served faithfully and competently as secretary to the board of commissioners, and now he has charge of an information department at the Municipal Building.

Mr. President, I want to say just another word with reference to this very remarkable man.

Yesterday I moved to suspend the rules, so that I could offer an amendment to the District appropriation bill, the bill now pending, giving the District Commissioners the right to keep Dr. William Tindall in his position notwithstanding the civil service retirement law.

I was led to do that by the rather remarkable facts surrounding the case of Doctor Tindall. He was a Federal soldier. He took a distinguished part in the Civil War. He enlisted in the First Delaware Regiment of Gen. S. S. Carroll's brigade at the outbreak of the Civil War. He served gallantly in the Battles of Bull Run, Fredericksburg, Antietam, Gettysburg, and other historical engagements of the war. He was one of the heroes of Antietam, one of the bloodiest battles of that war. He has done a man's part in life ever since that war. He has been an efficient, faithful, and honest employee of his Government for 61 years. Notwithstanding his 85 years, he is in

possession of all his faculties, and can still work. He wants to work. He wants to die in harness.

Mr. President, I was one of the authors of the civil service law, and I believe in it, but there are exceptions to all rules. If there ever was a case in which there ought to be an exception, it is that of Doctor Tindall. In order for this amendment to pass, it must get two-thirds of the vote of the Senate. I want it to get every single vote of the Senate. I do not want a single vote cast against it, and I want to tell the reasons why.

The old Federal soldiers are no longer a political power in this country as they have been in times gone by. The Confederate soldiers down in my part of the country are no longer a political power as they have been in times gone by. The ranks are sadly thinning on both sides as the years go by.

On both sides they were honorable men. My father was a Confederate. I had two near relatives killed near Antietam. I honor them and respect them, and I honor and respect those who fought on the other side, and I think we should all honor and aid them whenever it is possible to do so. It will not be long now before none will remain, and those who do are entitled to our great sympathy, respect, esteem, and admiration, and whenever we can serve them and at the same time serve our Government, as in this case, we should do so.

Doctor Tindall has made a wonderful record in both peace and war. He only asks to be allowed to continue to work for his Government. His employers say that he still does good work, and I do not believe, knowing the Senate as I do, that there will be a single man in it who will vote against this amendment.

I want to thank the chairman of the committee for being willing to waive technicalities and allow a vote come on the amendment.

Mr. President, I was going to move the adoption of the amendment, but I ask that it may be unanimously agreed to.

Mr. BINGHAM. Mr. President, I hope the amendment may be agreed to.

The PRESIDING OFFICER. Without objection, the rule will be suspended and the amendment will be received, and, without objection, the amendment is unanimously agreed to.

Mr. BINGHAM. Mr. President, yesterday the Senator from Maryland [Mr. TYDINGS] got the Senate to approve an appropriation for arranging for an underpass under the tracks of the Baltimore & Ohio Railroad in the vicinity of Chestnut Street. The Senator is not here to-day, but due to inadvertence, when the text was put in, it stated "is hereby authorized to be appropriated." In accordance with the bill which the Senate had passed earlier in the day it should have read "is appropriated." I ask unanimous consent that the vote whereby the amendment was agreed to may be reconsidered, and that the amendment as corrected may be adopted.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the vote by which the amendment was agreed to is reconsidered, and the question is on agreeing to the amendment proposed by the Senator from Connecticut to the amendment of the Senator from Maryland.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CAPPER. Mr. President, I move to strike out the item on page 7 regarding the farmers' produce market, lines 4 to 13, inclusive.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 7 it is proposed to strike out lines 4 to 13, inclusive, in the following words:

> Farmers' produce market: For the acquisition of squares Nos. 354 and 355, including all necessary expenses for the clearing and leveling of the ground, the erection of protection sheds and suitable stands and stalls, and the installation of sanitary conveniences and heating and telephone service, in accordance with the provisions of the act entitled "An act authorizing acquisition of a site for the farmers' produce market, and for other purposes," approved March 2, 1929 (45 Stat. p. 1487), $300,000, to be immediately available.

Mr. CAPPER. Mr. President, there are two groups——

Mr. McNARY. Mr. President, will the Senator yield to me?

Mr. CAPPER. I yield.

Mr. McNARY. I am advised that it would be a matter of prudence to have a short executive session to-day. I know this item is full of controversy; it can not be disposed of in a moment, and I was going to suggest to the Senator, if it meets with his pleasure, that he yield at this time to let us go into executive session, and that we take the matter up Monday.

Mr. CAPPER. That is agreeable to me.

Mr. GLASS. What is the suggestion?

Mr. McNARY. I suggest to the Senator from Virginia that the Senator from Kansas is proposing a matter which will lead to some debate. I desire to have a short executive session to meet the convenience of some Members of the Senate. I am going to suggest now an executive session, and we will then adjourn over until Monday, at which time this item will come up.

Mr. GLASS. Mr. President, will the matter lead to any considerable debate?

Mr. CAPPER. I want to make a short statement, at any rate, as to why I think this item should be eliminated. Of course I have no means of knowing how much debate it will lead to, but certainly I will want a vote on the motion I have made to strike it from the bill.

Mr. GLASS. I shall not want to take any considerable time in stating my views of the case.

EXECUTIVE SESSION

Mr. McNARY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. Reports of committees are in order. If there be no reports of committees, the calendar is in order.

DIPLOMATIC AND FOREIGN SERVICE

The Chief Clerk read the nomination of William Dawson to be envoy extraordinary and minister plenipotentiary to Ecuador.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

The Chief Clerk read the nomination of Leslie E. Reed to be consul general.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

The Chief Clerk read the nomination of Edwin F. Stanton to be secretary.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

The Chief Clerk proceeded to read sundry nominations of consuls and Foreign Service officers.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc, and the President will be notified.

DEPARTMENT OF COMMERCE, PATENT OFFICE

The Chief Clerk read the nomination of Frank Petrus Edinburg to be examiner in chief.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

The Chief Clerk read the nomination of Fred Merriam Hopkins to be Assistant Commissioner of Patents.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

The Chief Clerk read the nomination of Paul Preston Pierce to be examiner in chief.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

The Chief Clerk read the nomination of Elonzo Tell Morgan to be examiner in chief.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

CUSTOMS SERVICE

The Chief Clerk read the nomination of Jeannette A. Hyde to be collector of customs, district No. 32, Honolulu, Hawaii.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

The Chief Clerk read the nomination of Robert B. Morris to be collector of customs, district No. 22, Galveston, Tex.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. PHIPPS. I ask that the postmasters be confirmed en bloc and the President notified.

The PRESIDING OFFICER. Without objection, the nominations are confirmed, and the President will be notified.

The Senate having resumed legislative session,

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the Speaker had signed the following enrolled bills and joint resolution:

H. R. 645. An act for the relief of Lyma Van Winkle;

H. R. 1794. An act to authorize the payment of an indemnity to the owners of the British steamship *Kylcakin* for damages sustained as a result of a collision between that vessel and the U. S. S. *William O'Brien;*

H. R. 1954. An act for the relief of A. O. Gibbens;

H. R. 2902. An act to authorize the sale of the Government property acquired for a post-office site in Binghamton, N. Y.;

H. R. 3246. An act to authorize the sale of the Government property acquired for a post-office site in Akron, Ohio;

H. R. 3717. An act to add certain lands to the Fremont National Forest in the State of Oregon;

H. R. 6564. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1931, and for other purposes;

H. R. 7069. An act for the relief of the heirs of Viktor Petterson;

H. R. 7832. An act to reorganize the administration of Federal prisons; to authorize the Attorney General to contract for the care of United States prisoners; to establish Federal jails, and for other purposes;

H. R. 8299. An act authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor;

H. R. 8578. An act to sell the present post-office site and building at Dover, Del.;

H. R. 8918. An act authorizing conveyance to the city of Trenton, N. J., of title to a portion of the site of the present Federal building in that city;

H. R. 9324. An act to dedicate for street purposes a portion of the old post-office site at Wichita, Kans.;

H. R. 9325. An act to authorize the United States Veterans' Bureau to pave the road running north and south immediately east of and adjacent to Hospital No. 90 at Muskogee, Okla., and to authorize the use of $4,950 of funds appropriated for hospital purposes, and for other purposes;

H. R. 9407. An act to amend the act of Congress approved May 29, 1928, authorizing the Secretary of the Treasury to accept title to certain real estate, subject to a reservation of mineral rights in favor of the Blackfeet Tribe of Indians;

H. R. 9437. An act to authorize a necessary increase in the White House police force;

H. R. 9758. An act to authorize the Commissioners of the District of Columbia to close certain portions of streets and alleys for public-school purposes;

H. R. 9845. An act to authorize the transfer of Government-owned land at Dodge City, Kans., for public-building purposes; and

S. J. Res. 165. Joint resolution authorizing the settlement of the case of United States against the Sinclair Crude Oil Purchasing Co., pending in the United States District Court in and for the District of Delaware.

ADJOURNMENT UNTIL MONDAY

Mr. McNARY. I move that the Senate, in accordance with the unanimous-consent agreement made earlier in the day, adjourn until Monday.

The motion was agreed to; and the Senate (at 4 o'clock and 50 minutes p. m.), under the order previously entered, adjourned until Monday, May 12, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 9 (legislative day of May 8), 1930

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Owen J. Roberts, of Pennsylvania, to be an Associate Justice of the Supreme Court of the United States.

APPOINTMENTS, BY TRANSFER, IN THE ARMY

TO JUDGE ADVOCATE GENERAL'S DEPARTMENT

Maj. Robert Washington Brown, Infantry (assigned to duty with Judge Advocate General's Department), with rank from September 11, 1929.

Capt. Alfred Goodrich Braden, jr., Infantry (detailed in Judge Advocate General's Department), with rank from July 1, 1920.

PROMOTION IN THE ARMY

To be colonels

Lieut. Col. Charles Ridgly White Morison, Infantry, from May 2, 1930.

Lieut. Col. Walter Lawrence Reed, Infantry, from May 6, 1930.

To be lieutenant colonels

Maj. Louis Bernard Chandler, Infantry, from May 2, 1930.

Maj. Charles Walker McClure, Quartermaster Corps, from May 6, 1930.

To be majors

Capt. Lawrence Cordell Frizzell, Cavalry, from May 2, 1930.

Capt. Guy Humphrey Drewry, Ordnance Department, from May 6, 1930.

To be captains

First Lieut. John Max Lenta, Field Artillery, from May 2, 1930.

First Lieut. Warren Hayford, 3d, Field Artillery, from May 2, 1930.

First Lieut. Charles Weess Hanna, Infantry, from May 6, 1930.

To be first lieutenants

Second Lieut. William Crowell Saffarrans, Infantry, from May 2, 1930.

Second Lieut. William Joseph Bradley, Cavalry, from May 2, 1930.

Second Lieut. Clark Louis Ruffner, Cavalry, from May 6, 1930.

MEDICAL CORPS

To be lieutenant colonels

Maj. Larry Benjamin McAfee, Medical Corps, from May 1, 1930.

Maj. Adam Edward Schlanser, Medical Corps, from May 2, 1930.

Maj. Joseph Edward Bastion, Medical Corps, from May 5, 1930.

Maj. Thomas Dupuy Woodson, Medical Corps, from May 6, 1930.

Maj. Alexander Taylor Cooper, Medical Corps, from May 7, 1930.

To be major

Capt. Ralph Ellis Murrell, Medical Corps, from May 7, 1930.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 9 (legislative day of May 8), 1930

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

William Dawson, to Ecuador.

CONSUL GENERAL

Leslie E. Reed.

SECRETARY IN DIPLOMATIC SERVICE

Edwin F. Stanton.

CONSULS

Knox Alexander.
Vinton Chapin.
Prescott Childs.
Lewis Clark.
William M. Gwynn.
George F. Kennan.
Gordon P. Merriam.
Samuel Reber, jr.
Joseph C. Satterthwaite.
S. Walter Washington.

FOREIGN SERVICE OFFICERS

CLASS 1

John K. Caldwell.
Louis G. Dreyfus, jr.
Douglas Jenkins.
Marion Letcher.
Alexander R. Magruder.
George S. Messersmith.
Willys R. Peck.
Roger Culver Tredwell.

CLASS 2

Coert du Bois.
Ernest L. Harris.
Theodore Jaeckel.
Dana G. Munro.
R. Henry Norweb.
John Ball Osborne.
Louis Sussdorff, jr.
Benjamin Thaw, jr.
John C. Wiley.

CLASS 3

H. Merle Cochran.
Leon Dominian.
Edward A. Dow.
Paul Knabenshue.
Maxwell K. Moorhead.
Kenneth S. Patton.
Lowell C. Pinkerton.
Edward L. Reed.
James B. Young.

CLASS 4

Ralph C. Busser.
Hasell H. Dick.
Oscar S. Heizer.
John D. Johnson.
David J. D. Myers.
Leslie E. Reed.
Benjamin Reath Riggs.
Walter H. Sholes.
Merritt Swift.
Avra M. Warren.
Warden McK. Wilson.

CLASS 5

J. Webb Benton.
William P. Blocker.
Richard F. Boyce.
Austin C. Brady.
Robert Harnden.
Henry B. Hitchcock.
Karl deG. MacVitty.
James P. Moffitt.
Rudolf E. Schoenfeld.
Samuel Sokobin.
Francis R. Stewart.
John J. C. Watson.

CLASS 6

Donald F. Bigelow.
Thomas D. Davis.
Samuel S. Dickson.
Harold D. Finley.
Walter A. Foote.
Bernard Gotlieb.
William J. Grace.
Stanley Hawks.
Stewart E. McMillin.
Walter T. Prendergast.
Gaston Smith.
Gilbert R. Wilson.

CLASS 7

Maurice W. Altaffer.
Paul Bowerman.
Paul H. Foster.
Bernard F. Hale.
John F. Huddleston.
Carl D. Meinhardt.
Harvey Lee Milbourne.
Hugh S. Miller.
Julian L. Pinkerton.
Leland L. Smith.
Edward B. Thomas.
Mason Turner.

CLASS 8

Knox Alexander.
Vinton Chapin.
Prescott Childs.
Lewis Clark.
William M. Gwynn.
George F. Kennan.
Gordon P. Merriam.
Samuel Reber, jr.
Joseph C. Satterthwaite.
S. Walter Washington.

PATENT OFFICE

Frank Petrus Edinburg to be examiner in chief.

Fred Merriam Hopkins to be Assistant Commissioner of Patents.

Paul Preston Pierce to be examiner in chief.

Elonzo Tell Morgan to be examiner in chief.

COLLECTORS OF CUSTOMS

Jeannette A. Hyde, district No. 32, Honolulu, Hawaii.
Robert B. Morris, district No. 22, Galveston, Tex.

POSTMASTERS

ALABAMA

Knox McEwen, Rockford.
Leonard F. Underwood, Shawmut.

ARKANSAS

Nannie L. Connevey, Bauxite.

ARIZONA

Ezbon E. Cooper, Chandler.

CONNECTICUT

Francis W. Chaffee, jr., Eagleville.
Edward F. Schmidt, Westbrook.

GEORGIA

Edwin R. Orr, Dublin.

INDIANA

Ella S. Shesler, Burnettsville.
Rexford F. Hinkle, Hymera.
Lee Roy Calaway, La Fontaine.
Hugh A. Fenters, Macy.
Earl R. Shinn, Mentone.

IOWA

Homer G. Games, Calamus.
Raymond W. Ellis, Norwalk.
William W. Sturdivant, Wesley.

KANSAS

Walter Holman, Sharon.

MAINE

Henry W. Bowen, Chebeague Island.
Lillian L. Guptill, Newcastle.
George O. Carr, Norridgewock.
Carroll H. Clark, Ogunquit.
Alfonzo F. Flint, West Buxton.

MASSACHUSETTS

Harold E. Cairns, Bernardston.
Albert W. Haley, Rowley.
Frances C. Hill, Templeton.

MICHIGAN

Milo E. Blanchard, Hersey.
Eugene E. Hubbard, Hudsonville.
Minnie E. Allen, Leslie.
Otto L. Wickersham, Onaway.
John W. Barton, Otsego.

MISSOURI

Arthur Rice, Alton.
Ferd D. Lahmeyer, Bland.
Charles B. Genz, Louisiana.
George W. Davies, Osceola.
W. Arthur Smith, Purdin.
Philip G. Wild, Spickard.

NEBRASKA

Herbert M. Hanson, Clay Center.
Andrew E. Stanley, Loomis.

NEW HAMPSHIRE

Harriet A. Reynolds, Kingston.

NEW YORK

Albert C. Stanton, Atlanta.
Harry L. Carhart, Coeymans.
DeWitt C. Talmage, East Hampton.
Clarence F. Dilcher, Elba.
John A. Rapelye, Flushing.
Clarence M. Herrington, Johnsonville.
Emma P. Taylor, Mexico.
William V. Horne, Mohegan Lake.
LeRoy Powell, Mount Vernon.
Dana J. Duggan, Niagara University.
Henry C. Windeknecht, Rensselaer.

NORTH DAKOTA

Ole T. Nelson, Stanley.

OHIO

Bolivar C. Reber, Loveland.
Solomon J. Goldsmith, Painesville.

OKLAHOMA

William C. Yates, Comanche.
Ben F. Ridge, Duncan.

SOUTH CAROLINA

Paul F. W. Waller, Myers.

TENNESSEE

John B. Elliott, Athens.
John S. Wisecarver, Mohawk.

TEXAS

Ferman Wardell, Avery.
Annie B. Causey, Doucette.
William W. Sloan, Falfurrias.
Thomas L. Byran, Matador.
Walter E. Shannon, North Zulch.
John W. Waide, Paint Rock.
Mamie Milan, Prairie View.
Billie W. Sorey, Refugio.
Claud C. Morris, Rosebud.
Lee W. Harris, Seymour.
Ada A. Ladner, Yorktown.

VIRGINIA

Roland L. Somers, Bloxom.
Silverius C. Hall, Hallwood.
William P. Nye, jr., Radford.
George N. Kirk, St. Charles.
Herbert T. Thomas, Williamsburg.

WASHINGTON

Sylvester G. Buell, Arlington.

WEST VIRGINIA

Shirley H. Mitchell, Elizabeth.
Charles J. Parsons, Sabraton.
Archie J. Frazier, Triadelphia.

WYOMING

Ralph R. Long, Gillette.

HOUSE OF REPRESENTATIVES

FRIDAY, *May 9, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, Thou hast dealt gently with us. With grateful affection may we walk with Thee to-day. As we have experienced the common bounty of Thy providence, may we acknowledge Thee as our sovereign Lord. Grant that we may have a more perfect sense of being Thy children; may we love Thee because Thou didst first love us. It was first Thy outreaching arms that kept us at Thy feet. Do Thou remember all parts of our land. Abide with our President, our Speaker, and all Members and officers of this House. O may our laws be just and their execution impartial. As with Thee there is no night, let the darkness of this world seem to Thy children as the shadow of Thy wings. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Crockett, its Chief Clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 645. An act for the relief of Lyma Van Winkle;

H. R. 1794. An act to authorize the payment of an indemnity to the owners of the British steamship *Kyleakin* for damages sustained as a result of a collision between that vessel and the U. S. S. *William O'Brien*;

H. R. 1954. An act for the relief of A. O. Gibbens;

H. R. 2902. An act to authorize the sale of the Government property acquired for a post-office site in Binghamton, N. Y.;

H. R. 3246. An act to authorize the sale of the Government property acquired for a post-office site in Akron, Ohio;

H. R. 3717. An act to add certain lands to the Fremont National Forest in the State of Oregon;

H. R. 7069. An act for the relief of the heirs of Viktor Pettersson;

H. R. 7832. An act to reorganize the administration of Federal prisons; to authorize the Attorney General to contract for the care of United States prisoners; to establish Federal jails, and for other purposes;

H. R. 8578. An act to sell the present post-office site and building at Dover, Del.;

H. R. 8918. An act authorizing conveyance to the city of Trenton, N. J., of title to a portion of the site of the present Federal building in that city;

H. R. 9324. An act to dedicate for street purposes a portion of the old post-office site at Wichita, Kans.;

H. R. 9325. An act to authorize the United States Veterans' Bureau to pave the road running north and south immediately east of and adjacent to Hospital No. 90, at Muskogee, Okla., and to authorize the use of $4,950 of funds appropriated for hospital purposes, and for other purposes;

H. R. 9407. An act to amend the act of Congress approved May 29, 1928, authorizing the Secretary of the Treasury to accept title to certain real estate, subject to a reservation of mineral rights in favor of the Blackfeet Tribe of Indians;

H. R. 9437. An act to authorize a necessary increase in the White House police force;

H. R. 9758. An act to authorize the Commissioners of the District of Columbia to close certain portions of streets and alleys for public-school purposes; and

H. R. 9845. An act to authorize the transfer of Government-owned land at Dodge City, Kans., for public-building purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H. R. 1234. An act to authorize the Postmaster General to impose demurrage charges on undelivered collect-on-delivery parcels;

H. R. 7405. An act to provide for a 5-year construction and maintenance program for the United States Bureau of Fisheries;

H. R. 7412. An act to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes;

H. R. 7955. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes;

H. R. 8296. An act to amend the act of May 25, 1926, entitled "An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes";

H. R. 9895. An act to establish the Carlsbad Caverns National Park in the State of New Mexico, and for other purposes;

H. R. 11588. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. J. Res. 270. Joint resolution authorizing an appropriation to defray the expenses of the participation of the Government in the Sixth Pan American Child Congress, to be held at Lima, Peru, July, 1930.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 317. An act to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases;

S. 319. An act granting an increase of pension to Irene Rucker Sheridan;

S. 497. An act to provide for the erection and operation of public bathhouses at Hot Springs, N. Mex.;

S. 543. An act to increase the pay of mail carriers in the village delivery service;

S. 557. An act to authorize the disposition of certain public lands in the State of Nevada;

S. 612. An act for the relief of Charles Parshall, Fort Peck Indian allottee, of the Fort Peck Reservation, Mont.;

S. 1183. An act to authorize the conveyance of certain land in the Hot Springs National Park, Ark., to the P. F. Connelly Paving Co.;

S. 1299. An act for the relief of C. M. Williamson, C. E. Liljenquist, Lottie Redman, and H. N. Smith;

S. 1533. An act to authorize the Secretary of the Interior to extend the time for payment of charges due on Indian irrigation projects, and for other purposes;

S. 2524. An act for the relief of J. A. Lemire;

S. 3088. An act for the relief of R. B. Miller;

S. 3171. An act for the relief of Edward C. Compton;

S. 3178. An act to authorize the collection of additional postage on insufficiently or improperly addressed mail to which directory service is accorded;

S. 3258. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes;

S. 3386. An act giving the consent and approval of Congress to the Rio Grande compact signed at Santa Fe, N. Mex., on February 12, 1929;

S. 3599. An act to provide for the classification of extraordinary expenditures contributing to the deficiency of postal revenues;

S. 3646. An act granting an increase of pension to Mary Willoughby Osterhaus;

S. 3970. An act authorizing the Smithsonian Institution to extend the Natural History Building and authorizing an appropriation therefor, and for other purposes;

S. 4119. An act to extend the provisions of section 2455 of the Revised Statutes of the United States (U. S. C., title 43, sec. 1171), as amended, to coal lands in Alabama;

S. 4169. An act to add certain lands to the Zion National Park in the State of Utah, and for other purposes;

S. 4170. An act to provide for the addition of certain lands to the Bryce Canyon National Park, Utah, and for other purposes;

S. 4196. An act to authorize the construction, maintenance, and operation of a bridge across the St. Francis River in Craighead County, Ark.;

S. 4211. An act to amend the act entitled "An act to provide for the elimination of the Michigan Avenue grade crossing in the District of Columbia, and for other purposes," approved March 3, 1927;

S. 4221. An act for the disposal of combustible refuse from places outside of the city of Washington;

S. 4222. An act to authorize the Commissioners of the District of Columbia to sell by private or public sale a tract of land acquired for public purposes, and for other purposes;

S. 4223. An act to amend the act entitled "An act to provide for the elimination of grade crossings of steam railroads in the District of Columbia, and for other purposes," approved March 3, 1927;

S. 4224. An act to provide for the operation and maintenance of bathing pools under the jurisdiction of the Director of Public Buildings and Parks of the National Capital;

S. 4226. An act to authorize the Commissioners of the District of Columbia to sell at public or private sale certain real property owned by the District of Columbia, and for other purposes; and

S. 4243. An act to provide for the closing of certain streets and alleys in the Reno section of the District of Columbia.

The message also announced that the Senate agrees to the amendment of the House of Representatives to the amendment of the Senate No. 98 to the bill (H. R. 6564) entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1931, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4138) entitled "An act to amend the act of March 2, 1929, entitled 'An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries.'"

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 549) entitled "An act to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes."

HIGH-SCHOOL BUILDING AT BROWNING, MONT.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4098) to provide funds for cooperation with the school board at Browning, Mont., in the extension of the high-school building to be available to Indian children of the Blackfeet Indian Reservation.

The SPEAKER. The Chair understands that this is a Senate bill, a similar House bill being on the calendar.

Mr. LEAVITT. Yes; an identical House bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $40,000 for the purpose of cooperating with the public-school board of district No. 9, town of Browning and county of Glacier, Mont., for the extension and betterment of a public high-school building at Browning, Mont.: *Provided*, That the expenditure of any money so appropriated shall be subject to the express condition that the school maintained by the said school district in the said building shall be available to all Indian children of the Blackfeet Indian Reservation, Mont., on the same terms, except as to payment of tuition, as other children of said school district: *Provided further*, That such expenditures shall be subject to such further conditions as may be prescribed by the Secretary of the Interior.

The SPEAKER. Is there objection?

Mr. GARNER. Reserving the right to object, as I understand this is a Senate bill, a similar House bill being on the calendar?

Mr. LEAVITT. An identical House bill is on the calendar.

Mr. GARNER. What is the emergency?

Mr. LEAVITT. It is an emergency in view of the fact that it is necessary to pass the bill in order to get the appropriation in the deficiency bill, so that the building can be constructed this summer.

Mr. GARNER. What is the obligation on the part of the Government to participate in this?

Mr. LEAVITT. Because more than half of the pupils are Indian children.

Mr. GARNER. Does this come out of the Indian fund?

Mr. LEAVITT. No; out of the Treasury.

Mr. GARNER. What is the obligation on the part of the Government to take care of these children?

Mr. LEAVITT. The original school building was constructed in the same way, by cooperation between the Government and the school district.

Mr. GARNER. What committee reported the bill?

Mr. LEAVITT. The Indian Committee.

Mr. GARNER. Was it a unanimous report?

Mr. LEAVITT. Yes.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider by Mr. LEAVITT was laid on the table.

THE CARLSBAD CAVERNS NATIONAL PARK

Mr. COLTON. Mr. Speaker, I ask unanimous consent to take the bill (H. R. 9895) to establish the Carlsbad Caverns National Park in the State of New Mexico, and for other purposes, from the Speaker's table, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the title of the bill and the Senate amendment.

The Clerk read the title of the bill and the Senate amendment, as follows:

Page 2, line 19, after "Interior," insert "to include any or all of the following-described lands, to wit: Sections 1, 12, and 13, township 24 south, range 22 east; sections 1 to 18, inclusive, 20 to 28, inclusive, and 33 to 36, inclusive, township 24 south, range 23 east; the entire township 24 south, range 24 east; sections 6, 7, 18, and 19, and 27 to 34, inclusive, township 24 south, range 25 east; sections 24, 25, 35, and 36, township 25 south, range 22 east; the entire township 25 south, range 23 east; north half of township 25 south, range 24 east; sections 5, 6, 7, 8, 17, and 18, township 25 south, range 25 east; sections 1, 2, 11, 12, 13, and 14, and 19 to 36, inclusive, township 26 south, range 22 east; west half of township and sections 22 to 26, inclusive, township 26 south, range 23 east; all with respect to the New Mexico principal meridian."

Mr. COLTON. Mr. Speaker, let me say that I have conferred with Judge EVANS, the ranking minority member of the committee, and the Senate amendment is agreeable to him.

Mr. LAGUARDIA. Reserving the right to object, does the Senate amendment broaden the provisions of the bill as it passed the House?

Mr. COLTON. No; the amendment specifies the boundaries of the land which may be taken in. It does not broaden the bill at all.

Mr. SABATH. Reserving the right to object, how much land does this include, and is it now owned by the Government?

Mr. COLTON. It is owned by the Government and is now a national monument. This simply changes the status and makes it a national park.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was agreed to.

PENSIONS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12205) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and ask unanimous consent also that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of the bill H. R. 12205, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Minnesota further asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill.

The bill is a substitute for the following House bills referred to said committee:

H. R. 430. Charles H. Anderson.
H. R. 517. Joseph C. Neihiemer.
H. R. 611. Marguaret Dolson.
H. R. 637. Walker Cooper.
H. R. 677. George W. Vineyard.
H. R. 765. Gertrude Delaney.
H. R. 813. Dora Probst.
H. R. 850. Marie Piatt Wilson.
H. R. 943. James P. Roche.
H. R. 1095. William E. Emerson.
H. R. 1128. George Gambill.
H. R. 1342. Samuel L. Gibson.
H. R. 1344. Chalmer Rayburn Hiatt.
H. R. 1351. Asa S. Abbott.
H. R. 1436. Lillian Mae Yurasko.
H. R. 1437. John W. H. Deal.
H. R. 1505. Luella H. Schreiner.
H. R. 1535. Otho W. Thomas.
H. R. 1545. Mary E. Schmidt.
H. R. 1630. Red Owl.
H. R. 1857. Lester G. Cross.
H. R. 1896. Benjamin F. Kabosky.
H. R. 1982. Jesse A. Sparks.
H. R. 1989. Robert C. Brown.
H. R. 2044. Belle Brown.
H. R. 2132. Oscar Fields.
H. R. 2415. Louis Klein.
H. R. 2488. Benjamin B. Redman.
H. R. 2862. Frank Bryan.
H. R. 2864. Mabel Iller.
H. R. 2924. Claudia V. Hester.
H. R. 2947. Lottie Tavender.
H. R. 2960. Charlie Theodore McGraw.
H. R. 3077. George W. Bowman.
H. R. 3303. Michael Sheridan.
H. R. 3323. Kathrine Harris.
H. R. 3457. Marie Thorson.
H. R. 3501. John H. Milby.
H. R. 3524. Martha Crusnach.
H. R. 3613. Cecelia Roland.
H. R. 3795. William J. Trevessick.
H. R. 3957. Abbie A. Oxley.
H. R. 3976. Charles H. Rice.
H. R. 3990. Joseph H. Carson.
H. R. 4087. Charles Brussow.
H. R. 4097. Frank E. Trimyer.
H. R. 4098. Joseph B. Nee.
H. R. 4172. Albert Allen.
H. R. 4183. Lula R. Prince.
H. R. 4241. Ann Walters.
H. R. 4261. Samuel M. Billingsley.
H. R. 4323. Rilla Long.
H. R. 4423. Charles M. Siever, jr.
H. R. 4482. Ernest Killian.
H. R. 4539. Laura B. Lindsey.
H. R. 4569. Roland Robertson.
H. R. 4722. Nathaniel S. Conrad.
H. R. 4797. George Fleischbauer.
H. R. 4809. Hugo Frie.
H. R. 4928. Alice E. Holliday.
H. R. 5070. Elizabeth Oatman.
H. R. 5119. August Richards.
H. R. 5140. Mattie E. Dockery.
H. R. 5153. William E. Monroe.
H. R. 5157. Isaac T. Oaler.
H. R. 5162. Mary C. Benthin.
H. R. 5239. Arizona Flener.
H. R. 5244. Elden Cooper.
H. R. 5379. Thomas F. Coyne.
H. R. 5454. Charlotte M. Kelly.
H. R. 5461. Anna Dix.
H. R. 5472. Glenn Lynch.
H. R. 5553. Dorcas L. Jenkins.
H. R. 5587. Sarah Ann Combs.
H. R. 5595. Dennis W. Marshall.
H. R. 5604. Theodore R. Beard.
H. R. 5766. Anita White.
H. R. 5783. James J. O'Hearn.
H. R. 5784. Frances S. Everhart.
H. R. 5786. John W. Witherow.
H. R. 5812. Rose Edwards.
H. R. 5816. Conrad E. Nelson.
H. R. 5840. Marian L. Navarre.
H. R. 5841. Bridget Mary King.
H. R. 5858. Allison D. McKinney.
H. R. 5866. Sarah Seiber.
H. R. 5929. R. G. Kimbell.
H. R. 5930. Mary C. Chapman.
H. R. 5940. Anna Finneran.
H. R. 5942. Emma N. Mittendorf.
H. R. 5977. Mary A. Blood.
H. R. 5996. Roy Elrod.
H. R. 6000. William Valentine.
H. R. 6158. Agnes Kimball.
H. R. 6202. James O'Neil.
H. R. 6250. Jesse P. Murphy.
H. R. 6467. William M. Davis.
H. R. 6552. Blanche E. L. Niles.
H. R. 6629. Ettie Allen.
H. R. 6682. James Carr.
H. R. 6690. John M. Stephens.
H. R. 6764. Ezilda Von Buelow.
H. R. 6766. Rosa Jordan.
H. R. 6816. Jesse W. Glass.
H. R. 6829. Charles Jackson.
H. R. 6834. Dewey G. Saylor.
H. R. 6905. George M. Purdy.
H. R. 6924. William Sally.
H. R. 6937. Constant W. Merrick.
H. R. 6971. Monroe C. Burdeshaw.
H. R. 7009. Nicholas P. Broadway.
H. R. 7036. Ella Holt.
H. R. 7061. Lilas Cox.
H. R. 7073. Gertrude M. Kahler.
H. R. 7077. Frank E. Alernathy.
H. R. 7098. Sallie J. Dupree.
H. R. 7104. David Simmons.
H. R. 7113. Eda Blankart Funston.
H. R. 7162. Colonel L. Lankford.
H. R. 7197. James G. Whalin.
H. R. 7218. Michael D. Papero.
H. R. 7221. Mae R. Braman.
H. R. 7301. Sallie Matthews.
H. R. 7306. Mattie Wade.
H. R. 7310. Mrs. Frederick J. Oppermann.
H. R. 7320. Dewitt C. Hackley.
H. R. 7343. Decatur D. Kinser.
H. R. 7351. Susan Hogan Duncan.
H. R. 7366. George E. Bayliss.
H. R. 7424. Edward Eason.
H. R. 7428. George A. Wilcox.
H. R. 7442. David T. Kirby.
H. R. 7444. Ava G. Baughman.
H. R. 7453. Eva Fleming.
H. R. 7466. James W. Headly.
H. R. 7485. Adelbert Carpenter.
H. R. 7490. Dallas F. Jarvis.
H. R. 7522. Mary D. Love.
H. R. 7542. Mary L. Sumney.
H. R. 7561. Isaac C. Livingston.
H. R. 7646. Owider Ipock.

H. R. 7690. Ravon Cawood.
H. R. 7723. Robert Goodman.
H. R. 7746. William C. Rives.
H. R. 7779. John A. Kelley.
H. R. 7791. Swift Cary.
H. R. 7818. William C. Hopkins.
H. R. 7898. William A. Keating.
H. R. 8048. William Rivers Patterson.
H. R. 8082. Helen K. Whelan.
H. R. 8085. Rheed Flener.
H. R. 8106. Katherine T. Fink.
H. R. 8109. William C. Andrews.
H. R. 8179. Martin J. Kaplan.
H. R. 8208. George S. Thompson.
H. R. 8231. Joel Buell Shomaker.
H. R. 8270. Abram J. Coalson.
H. R. 8280. Catherine I. Goughan.
H. R. 8312. Marshall E. Hord.
H. R. 8355. Georgina Leitch.
H. R. 8357. Henrik J. Rasmussen.
H. R. 8383. James A. McCracken.
H. R. 8412. Margurite Isabelle Nunn.
H. R. 8505. Genevive M. Blazer.
H. R. 8509. George M. Hart.
H. R. 8542. Henry Y. Blackwell.
H. R. 8551. Elizabeth Hahn.
H. R. 8552. Mary Kiger.
H. R. 8599. Curtis A. Peterson.
H. R. 8725. John Anderson.
H. R. 8735. Lavina Laughlin.
H. R. 8752. Mary J. Thompson.
H. R. 8797. Maude McManus.
H. R. 8801. Teresa D. McClintic.
H. R. 8824. Nathaniel Elliott.
H. R. 8865. Peyton Paramore.
H. R. 9008. Talton Combs.
H. R. 9029. Charles Rapier.
H. R. 9120. Saddie S. Jordan.
H. R. 9172. Clara L. Hunt.
H. R. 9222. Jane Harmony.
H. R. 9249. John Albert Fritz.
H. R. 9258. Thomas Keenan.
H. R. 9284. Fannie S. Skinner.
H. R. 9311. Oscar T. Ginn.
H. R. 9388. M. F. Jamar.
H. R. 9417. William S. Evans.
H. R. 9419. Minerva Carrico.
H. R. 9429. Joseph M. Yadon.
H. R. 9530. Nellie A. Haack.
H. R. 9533. Fred K. Johnson.
H. R. 9543. Mary L. Beery.
H. R. 9545. Joseph H. Kellerman.
H. R. 9566. John T. Cooper.
H. R. 9570. John W. Zibble.
H. R. 9657. Julia A. Ray.
H. R. 9693. Perry M. Martin.
H. R. 9710. Harry Ray Bennett.
H. R. 9879. Annie Burkard.
H. R. 9968. Owen Williams.
H. R. 9977. John R. Ferrell.
H. R. 10012. Rachel Stoser.
H. R. 10016. William A. Shirey.
H. R. 10063. Anna T. Maclay.
H. R. 10186. Robert L. Boyd.
H. R. 10240. Ellen J. Lewis.
H. R. 10261. Josephine O'Bryan.
H. R. 10286. Eugene Gray.
H. R. 10299. Otto A. Granholm.
H. R. 10315. Charles Chesnut.
H. R. 10363. Vivian L. Saunders.
H. R. 10388. Horace E. Hobbs.
H. R. 10435. Walter W. McGowen.
H. R. 10438. John E. Quinn.
H. R. 10439. Carl L. Quinn.
H. R. 10446. Lula Smith.
H. R. 10448. Mrs. John Hindermeier.
H. R. 10487. Thomas Henry Shanley.
H. R. 10604. Willie Herschel Meek.
H. R. 10686. Margaret O'Brien.
H. R. 10696. Eliza Carr.
H. R. 10711. George Earle Barr.
H. R. 10799. Mary L. Leverton.
H. R. 10837. William Marks.
H. R. 10874. Frank J. Long.
H. R. 10892. George Kohler.
H. R. 10922. Ralph Smith.
H. R. 11035. Mary Heckle.
H. R. 11126. Matthew J. McKelvey.
H. R. 11221. Waldo E. Stucker.
H. R. 11377. Harlen P. Shrader.
H. R. 11424. Thomas A. Ellis.
H. R. 11657. Annie J. Heller.
H. R. 11842. Lammie Clement.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THE CARLSBAD CAVERNS NATIONAL PARK

Mr. SIMMS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the Carlsbad Caverns National Parks bill, just passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. SIMMS. Mr. Speaker, the Simms bill (H. R. 9895) to establish the Carlsbad Caverns National Park in the southeastern part of New Mexico after passing the House of Representatives was referred to the Senate Committee on Public Lands and Surveys. There Senator CUTTING, of New Mexico, rendered valuable aid toward the passage of the bill by having inserted a necessary amendment limiting the amount of land authorized to be acquired, in the discretion of the Department of the Interior, to be added to the limits of the park whenever necessary. The bill came back to the House, the amendment was accepted, the bill was finally passed, went to the White House, was signed by President Hoover, and is now the law of the land. I requested the President to give me the pen with which the bill was signed, and I had much pleasure in sending it to the chamber of commerce at Carlsbad, to be kept as a souvenior of the occasion.

Mr. Speaker, the State of New Mexico and all its people are greatly indebted to the Congress of the United States for putting its hall mark of approval on this park which preserves for the American people one of the outstanding natural wonders of the world. I am unwilling to pass to a description of the park without paying my respectful tribute and presenting the compliments of the State of New Mexico to the gentleman from Michigan [Mr. CRAMTON], who has always maintained so active an interest in New Mexico affairs.

In this year's appropriation bill the Congress has appropriated nearly $200,000 with which to build a passenger elevator, with a capacity of 100 people, to be used by visitors in leaving the caverns. It is not thought necessary to use the elevator for entry to the caverns, but rather for exit only, as otherwise a great part of the admirable impression of this scenic marvel would be lost. Excellent highways lead to the caverns; first-class efficiently operated hotels are plentiful at Carlsbad, Roswell, and other near-by cities, and the popularity of the caverns is so great, the number of visitors has so substantially increased during the past few years, that it is confidently expected that several hundred thousands of visitors will come to the caverns in 1930.

Mr. Speaker, the Denver Post in its issue of the 6th of March, 1930, had the following to say about the Carlsbad Caverns National Park:

> This marvelous scenic attraction, this superb bit of nature, is the eighth wonder of the world. It is the greatest, most startling, and most beautiful natural cave upon this planet. It is located in our neighboring State of New Mexico. It belongs to our Rocky Mountain region, and we all in this region have a right to be proud of it and take an interest in it.

Realizing the tremendous beauty of our newest national park, I had the honor within the past few weeks to extend an invitation on behalf of the people of New Mexico to the President of the United States to visit the Carlsbad Caverns National Park on his forthcoming western trip. The Governor of New Mexico, both our Senators, and the civic organizations of many communities in our State have joined in urging the President to accept our invitation.

The Director of the National Park Service, in making comment on the creation of the new park, said—

> That for spacious chambers, for variety and beauty of multitudinous natural decorations, and for general scenic quality it is the king of its kind.

Mr. Speaker, time is for mortals but not for the processes of nature. Doubtless through millions of years the infinite, patient, and powerful action of nature through erosion by subterranean waters has been used to produce this present sublime group of caverns. For the speaker it is a pleasant, happy thought to think that he has been able to be the humble instrument for the creation of the Carlsbad Caverns National Park, which is now established to perpetually furnish interest to the scientist and tourist alike.

EMBARGO ON SILVER IMPORTATIONS

Mr. ARENTZ. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. ARENTZ. Mr. Speaker, ladies and gentlemen of the House, the other day we disposed of the so-called silver tariff items in the tariff bill placing a tariff of 30 cents an ounce on silver. The House refused to accept this schedule. I think something should be done to help the silver-mining situation in America, and I hope this can be brought about by a bill which I placed in the basket this morning, which places an embargo upon importations of silver into the United States. Those in the New England States who voted against the tariff on silver can very easily agree to the proposition which I have presented to them to-day. We can use our own silver of which we produce a surplus. By flooding this country with foreign silver it logically follows that the price of domestic silver will be depressed. We wish to further prevent this.

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield?

Mr. ARENTZ. I want to proceed with the reading of the bill.

Mr. UNDERHILL. Why not include coal from Russia?

Mr. ARENTZ. The House can include whatever it wants to include. I am trying to place an embargo on silver. I am in favor of excluding both coal and other raw material replacing American goods, thus replacing American workmen. The bill I introduced reads as follows:

TO PLACE AN EMBARGO ON SILVER

That from and after the passage of this act silver from any foreign country shall not be entitled to entry at any of the ports of the United States, and the importation thereof into the United States is hereby prohibited: *Provided, however,* That silver-bearing ores, mattes, base bullion silver dross, reclaimed silver, scrap silver, and all alloys or combinations of silver imported into the United States for the purpose of processing, refining, or minting for export to a foreign country and not for use, sale, or disposition within the United States or any of its possessions, may be imported for such purpose upon the execution of a bond given in double the amount of the estimated value upon such silver contents so imported, conditioned that such silver contents will not be used, sold, or otherwise disposed of in the United States.

SEC. 2. The Secretary of the Treasury is hereby authorized and empowered, and it shall be his duty, to make the necessary orders and regulations to carry this law into effect or to suspend the same as herein provided and to send copies thereof to the proper officers in the United States and to such officers and agents in foreign countries as he shall judge necessary.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on May 7, 1930, the President approved and signed a joint resolution of the House of the following title:

H. J. Res. 305. Joint resolution providing for the participation by the United States in the International Conference on Load Lines to be held in London, England, in 1930.

PERMISSION TO SIT DURING SESSIONS OF HOUSE

Mr. HALL of Illinois. Mr. Speaker, by direction of the Committee on the Judiciary I ask unanimous consent that that committee may sit during the sessions of the House next Thursday and Friday.

The SPEAKER. Is there objection?

There was no objection.

NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12236) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1931, and for other purposes. Pending that, I ask unanimous consent that the time for debate be controlled by and divided equally between the gentleman from Kansas [Mr. AYRES] and myself. In view of the rather uncertain demand for time, I suggest that we do not fix a time limit for general debate until later.

The SPEAKER. The gentleman from Idaho moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill. Pending that, he asks unanimous consent that the time for general debate be controlled by and divided equally between the gentleman from Kansas [Mr. AYRES] and himself. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Idaho that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill, with Mr. HOCH in the chair.

The Clerk read the title of the bill.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FRENCH. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Chairman and gentlemen, I was very much interested in reading this morning a speech delivered yesterday by the gentleman from Georgia [Mr. LANKFORD], which I suppose was very largely for home consumption and for the purpose of informing the people of his district of the many good things he had done for them and why he should be renominated and reelected to Congress. I have no objection to any of the statements made as far as his district is concerned, but I do want to call attention of the House to some of the reasons given and the good things that have been done and what he has done himself as an individual Member to help along those good things. From the first part of his speech I quote the following:

> Members here can only do their best and be true, and when a good piece of legislation is enacted or a bad bill defeated we can only say "we helped."

Also the following:

> A few days ago some of my friends said I was to be congratulated for securing for my district in the river and harbor bill passed last month more authorizations than was ever written in a previous similar bill.

I want the country to know that that river and harbor bill was presided over by a Republican chairman of the Committee on Rivers and Harbors, the gentleman from New York [Mr. DEMPSEY], and that the whole committee is controlled by the Republicans, because they have more members on it than the Democrats. I have no fault to find with his statement about rivers and harbors, for he probably voted for the bill, as everyone else did. I am very glad that our committee in the House is giving to each section of the country the things that that section is entitled to. That is the kind of legislation we should promote here—generous and just legislation for every part of the country, regardless of whether it is North, South, East, or West.

I quote again from the gentleman's speech:

> Mr. Chairman, again my friends said I was to be congratulated upon securing for the first time, in the present tariff bill, a duty upon turpentine, long-staple cotton, tar and pitch of wood, as well as an increase on peanuts and various other farm products, and I said, "No, I only helped wherever I found a chance."

I want the gentleman to show me any place where he has even helped when he found the chance.

I will tell the people of Georgia and the people of the country just how much he helped to give them this protection on the articles produced in Georgia, and higher protection on farm products.

When we had the conference report, agreed on by the conferees of both the Senate and the House, the report that contained the very protection on the articles he is congratulating himself and his people on having, he voted against that report; and, if I have not made any mistake, every other member of the Georgia delegation did the same.

That is how he and his delegation helped their people to get the protection they wanted.

And I want to say to the gentleman and to his colleagues from Georgia that if the Members of the New York delegation and the Pennsylvania delegation had taken the same position that he took, and had not voted for the conference report, the item he is bragging about as being of benefit to his constituents would not have been passed or agreed to, as far as this House is concerned.

Now, I have no argument or dispute with any man in this House in regard to protection, whether he is for it or against it; but I do not want any man to stand on the floor of the House and say what he has done for his people in respect to protection for products raised in his State and then vote against the bill that protects those products, largely because it contains some protection for some other part of the country. I have no use, politically, for any man who tries to get the highest possible protection on the products of his own section, and prays for enough Republican votes to pass the bill, while he votes against it. I not only call that man a poor protectionist, but a very untrue spokesman.

I am not a spot protectionist. I am for protection for any article produced in this country that really needs protection, and the gentleman from Georgia and others should either be that kind of protectionist or else not brag on the floor of the House regarding the protection for home industry that he had helped put in the bill, when he voted against the report that assured that protection. I hope the gentleman from Georgia will give my remarks the same publicity he gives his own. [Applause.]

Mr. FRENCH. Mr. Chairman, tremendous interest centers around the naval program of the United States on account of the London Naval Conference and the prospective results that may flow therefrom.

From the standpoint of the National Budget we are concerned with factors that will enter into the program between now and 1936, the beginnings of which are involved, in minor degree, in the bill that we are now reporting, but which, for the most part, will affect the appropriation bills for the succeeding fiscal years following 1931 up to 1936.

Your committee in reporting the bill for 1931 has been compelled to bear in mind that the London treaty has not been adopted by the United States or by any other power, and that so far as nations are concerned the program is still a tentative program. Thus we have not been permitted to take into consideration all the money factors that have bearing upon certain items that may be avoided in event of ratification, and which can be met by wise administration.

In view, however, of the possibility that the proposed naval programs of nations will be radically modified as a result of the London Conference, it will be my purpose in my opening statement to indicate the broad purposes of the pending bill, the manner in which the provisions of the bill will fit into possible naval programs, and the effect upon naval programs of our country and of the world should the London tentative agreement be ratified by the several powers.

The preliminary estimates from the bureau chiefs for the fiscal year 1931, which were prepared about nine months ago, aggregated $471,103,274. These estimates were reduced by the Secretary of the Navy and submitted to the Budget in the terms of $425,084,297, and in addition contract authorization for airplane purchases was asked in the amount of $10,000,000.

Through discussions with the Bureau of the Budget this total figure was reduced until the estimates that have come to the Congress for the next fiscal year, original and supplemental, are in the figures $380,598,226. Further supplemental estimates probably will be presented.

Your committee has conducted extensive hearings and has been able to omit $1,710,590 carried in the Budget and reports the bill to the House in the figures $379,036,086, inclusive of authorization in the amount of $2,000,000 that may be drawn from the Navy supply account fund. In addition to this, contract authorization for aircraft is carried in the amount of $10,000,000. The grand total of direct and indirect appropriations for the present fiscal year is $365,685,027, in addition to which contract authorization exists on account of aircraft in the amount of $10,000,000, the same as we propose for 1931.

I have no doubt that before the fiscal year will have been concluded, several additional million dollars will need to be added, but I am speaking of the appropriations and authorizations that have been made up to the present.

Upon that basis, appropriations for 1931 are $13,351,059 over and above the appropriations for 1930.

Of such sum, $6,950,000 is on account of the capital-ship major overhaul program. It happens that the appropriation for initiating the work on the two vessels now undergoing modernization was made well along in the fiscal year 1929, although work was not commenced until the first of the fiscal year 1930. Consequently, in drawing a comparison between next year and this we might eliminate very appropriately from consideration the increase occasioned by the item and circumstances mentioned. So doing, the increase is actually $6,401,059. Notwithstanding the fact that the Budget and bill are premised upon a fleet and personnel of practically current year proportions, the committee finds it necessary, despite the reductions it is recommending aggregating the sum of $1,710,590, to propose increases in a number of directions netting the sum indicated. Personnel, even though there be no marked fluctuations, will be found annually to cost more under present laws applying to pay. Other major factors are (1) aviation, although the increase proposed under such head is but $603,211, (2) a larger outlay for public works, including repair and maintenance, and (3) new ship construction, all of which I shall refer to later.

With respect to the fleet, now, as a year ago, we find that there is not a proper balance between the ships it is planned to have in commission and funds estimated for their operation, repair, and improvement. There should be closer if not complete harmony touching these factors, and the committee feels that the department should make such adjustments as available funds may require to bring them into closer accord.

Unless upon administrative discretion following ratification of the London treaty, reductions were to be made in officer and enlisted personnel of both the Navy and the Marine Corps and in the craft that would be maintained in operation, the Naval Establishment in 1931 in these regards will remain approximately the same as the Naval Establishment for 1930. No radical changes will be made in the activities that normally will go forward under operation and maintenance, engineering, construction and repair, the Naval Reserve, yards and docks, public works, aeronautics, or the activities pertaining to the Marine Corps.

I believe the House would prefer, in this general statement, that I defer discussion of particular features pertaining to the varied activities of the Navy until they may be reached under the 5-minute rule.

Probably I should make a brief statement touching modernization and new construction work upon naval craft.

MODERNIZATION OF CAPITAL SHIPS

For completing the modernization of the battleships *Pennsylvania* and *Arizona*, the bill carries $7,400,000, which is the sum remaining to be appropriated under the authorization for such work.

The capital ship modernization program was begun in August, 1925. Including the *Pennsylvania* and *Arizona*, which it is expected will be ready to join the fleet in March, 1931, there will have been modernized in the space of about five and one-half years 10 of our 18 capital ships, at a total cost of about $48,110,000.

INCREASE OF THE NAVY

For the present fiscal year there was appropriated toward the construction of new vessels a total of $48,350,000, which includes $2,000,000 of naval supply account funds. In addition, $200,000 was made available for additional machinery and equipment at ordnance establishments, and $570,000 was appropriated to initiate a program of navy yard development for ship construction calling for a total outlay for yard improvements of $1,795,000. For the several objects, therefore, the total sum made available was $49,120,000.

Of the sum for ship construction, $36,750,000 was on account of vessels authorized prior to February 13, 1929, and $11,600,000 on account of the aircraft carrier and 10 of the 15 cruisers authorized in the act approved on such date, divided between such latter vessels as follows:

First block of five light cruisers	$10,300,000
Second block of five light cruisers	200,000
Aircraft carrier	1,100,000

For 1931 the Budget proposes to make available a total of $49,800,000 for shipbuilding, of which $14,550,000 is intended to be applied to vessels authorized prior to the new program act and $35,250,000 to vessels comprising the new program.

At this point I desire to submit to the House a table that will show the status of all new construction work, as the estimates were submitted to the committee by the Bureau of the Budget, and which, of course, were submitted prior to the London Naval Conference.

	Appropriations proposed, 1931 bill			Remaining to be appropriated after July 1, 1931
	Construction and machinery	Ordnance	Total	
Submarine V-4	$200,000		$200,000	
Submarines V-5 and V-6	2,700,000		2,700,000	
Submarines V-7, V-8, and V-9	4,600,000		4,600,000	$6,900,000
Light cruisers 28, 29, and 31	7,050,000		7,050,000	800,000
New cruiser program:				
First block of 5	20,800,000	$10,100,000	30,900,000	41,100,000
Second block of 5		200,000	200,000	82,100,000
Third block of 5	200,000	200,000	400,000	82,100,000
Aircraft carrier	3,450,000	300,000	3,750,000	14,150,000
Total	39,000,000	10,800,000	49,800,000	227,150,000

An examination of the table shows that provision is made for the third block of five 8-inch gun cruisers that were authorized a year and a half ago. The total cost of these five cruisers was planned to be $82,500,000.

Should the London treaty be adopted the entire amount will be subtracted from the totals.

It will be noted, however, that while $82,500,000 is involved in the construction of these five cruisers, since they are in the third block of the 15-cruiser program, only a small amount was recommended to be appropriated for the fiscal year 1931, namely, $400,000. Your committee has subtracted this amount from the bill.

Members of the House will recall also that the proposed London treaty provides that three of the second block of 8-inch gun cruisers be laid down—one in 1933, one in 1934, and one in 1935. This being the case, money that had been recommended by the Bureau of the Budget for commencement of the work upon these three craft will not be expended thereon. It happens, however, that the amount recommended on five of the second block of cruisers was an amount taken in conjunction with the sum previously appropriated which would be adequate for commencement only—an amount, all told, of $400,000. Since two of the cruisers in the second group of five are to be commenced during the coming fiscal year, your committee did not feel justified in disturbing this figure, as in any event it will suffice for a bare commencement of the work.

To sum up, for 1931 for new construction work, your committee recommends a total of $49,400,000.

RESULTS OF THE LONDON NAVAL CONFERENCE

The results of the London Naval Conference can be summarized as, first, definite limitation in all categories of ships of the three powers, including limitation in aircraft carrier tonnage of units of less than 10,000 tons displacement; second, extension of replacement dates of capital ships; third, retirement of three capital ships for the United States and five for Great Britain; and, finally, definite provision that omission upon the part of a nation to build within a time provided within which construction could be had shall not be regarded as forfeiting the amount of tonnage postponed by such nation.

Just what money savings may accrue to the several powers or to the United States as a result of the conference in event of ratification of the treaty involves the fundamental question of whether or not the highest interests of our country and the world may be served by pursuing a moderate program within the limits laid down or by building up to the limit of authorization in all categories.

At this point I desire to place in the RECORD a table that will show the tonnage of the three great powers—the United States, Great Britain, and Japan—at the time the conference convened and as it will be authorized under the proposed agreement.

Tonnage built, building, appropriated for, or fixed by Washington conference as of January 15, 1930, contrasted with tonnage under London conference agreement

[Data for January 15, 1930, from data sheet compiled by Office of Naval Intelligence, except authorization for aircraft carriers, which is taken from Washington treaty; data for London conference is from statement of President Hoover of April 11, 1930, and from apparently authentic press dispatches]

	United States		Great Britain		Japan	
	Tonnage, Jan. 15, 1930	London conference agreement	Tonnage, Jan. 15, 1930	London conference agreement	Tonnage, Jan. 15, 1930	London conference agreement
	Tons	*Tons*	*Tons*	*Tons*	*Tons*	*Tons*
Battleships	523,400	[1] 460,000	606,450	[1] 460,000	292,000	[1] 264,900
Aircraft carriers	[2] 135,000	135,000	[3] 135,000	135,000	[4] 81,000	81,000
Cruisers	250,500		406,911		206,815	
8-inch guns		[5] [8] 180,000		[6] [8] 150,000		[7] 108,450
6-inch guns		[6] 143,500		[8] 189,000		100,450
Destroyers	[12] 200,304	150,000	198,761	150,000	129,375	105,500
Submarines	87,232	52,700	69,201	52,700	78,497	52,700
	[9] 1,286,436	1,121,200	[10] 1,414,323	1,136,700	[11] 788,087	713,000

[1] About.
[2] 90,046 tons, built and building.
[3] 115,350 tons, built and building.
[4] 68,870 tons, built and building.
[5] 18 cruisers.
[6] 15 cruisers.
[7] 12 cruisers.
[8] These figures for United States and Great Britain are interchangeable.
[9] Exclusive of 47,598 tons of craft in service but over effective age. Exclusive of 86,915 tons of craft listed for disposal.
[10] Exclusive of 1,695 tons of craft in service but over effective age.
[11] Exclusive of 60,160 tons of craft in service but over effective age.
[12] Includes 61 destroyers (63,991 tons) listed for disposal.

CERTAIN DIRECT SAVINGS

From an examination of the table it will appear that as a result of the London conference certain tonnage increases are made possible and certain reductions in tonnage required. Let us consider both factors.

Direct money savings may be made as a result of the action of the conference, assuming treaty ratification. In the first place, as to battleships, the elimination of three battleships from the fleet of the United States is, in itself, no negligible item, and should result in a saving, in maintenance and operation costs alone, for each ship amounting to more than $2,000,000 for each year they otherwise would have remained in service.

Again, the measure provides for the extension of all battleship replacement dates until 1936. Within that time, were the United States to replace ships that she could replace under the Washington treaty, she would replace five completely; and five more would be in process of replacement, all of which, upon the basis of $37,500,000 per ship would make a total of $281,250,000, which would be needed between now and 1936. No one can state to-day that that is an absolute saving. It is a postponement. But, by 1936, it may well be that as a result of the conference which will meet the year before, or in 1935, battleships will be entirely eliminated or their numbers reduced to such an extent that the entire amount of $281,250,000 now postponed may be saved to the Treasury of the United States, and with corresponding saving to other countries. Other direct savings will be made through the scrapping of certain destroyer and submarine tonnage.

WHAT WOULD WE NEED TO DO IN NEW CONSTRUCTION WORK AND MAINTENANCE OF ESTABLISHMENT UNDER THE TREATY?

The question that is asked over and over is, What will be the effect of the London treaty, assuming there may be ratification, upon the pending programs and the maintenance of naval establishments?

At once the proponents of ever-increasing navies who have been antagonistic to any limitation of armaments, who have urged in season and out of season that the United States should determine the size of its own Naval Establishment, regardless of other powers, are now urging that under the terms of the London treaty it would be the duty of the United States and of every other nation party to the treaty to carry forward construction programs up to the entire limit of authorization in the several categories. Some very earnest people take this point of view, but, on the other hand, it is the position of all those who consciously or unconsciously have personal interests to serve.

In view of the tremendous interest in this phase of the question, I shall address myself to it specifically.

The outstanding features of the London naval agreement is the limit that has been fixed upon tonnage of the several types. Friends of limitation regret that it was not possible for lower limits to have been attained. The fact, however, that limits were attained that on the whole fix possible tonnage at a figure below the present tonnage of nations is cause for gratitude. The fixation of construction within categories will remove competition in the vicious sense that has prevailed during past years.

But what is meant by limitation? Does it mean building up to the limit in all categories? Does it mean that there is imposed upon nations an obligation to maintain at all times and regardless of circumstances what some are pleased to call "treaty navies"?

PRACTICE UNDER WASHINGTON TREATY

Immediately following the Washington conference, the question of the obligation of the United States under the terms of the treaty resulting therefrom became a subject of earnest debate. It will be recalled that that treaty fixed a limitation upon capital ship and aircraft carrier tonnage. It will be recalled that, as to the former, replacement dates were prescribed touching various battleships prior to which replacement might not occur, these dates varying with the different countries and having regard for the age of ships to be replaced.

The proponents of ever-increasing naval establishments urged at once that unless nations built up to the authorizations and at the time of the replacement dates they would lose the right to build. From that date until now they have been urging that the limitations recited in the treaty of Washington imposed obligations of construction as well as obligations not to construct prior to fixed dates.

It has been my constant thought and my earnest contention that every nation party to the agreement assumed an obligation not to build beyond the limitations imposed as to tonnage or in advance of the time within which certain craft might be laid down, but that no obligation, direct or by implication, was imposed upon any nation to build other than according to a course that would have regard for its own national needs.

Consider for a moment what has been the attitude of nations upon this subject.

As for battleships, only two nations have reached the time when replacement could be had in tonnage other than the replacement that was in process or immediately to be undertaken upon the conclusion of the Washington treaty. Great Britain was given the privilege of completing certain craft and withdrawing five of her older battleships and cruisers that she had at the time of the Washington treaty. This she did. The United States was given the privilege of completing two battleships which were under construction and withdrawing four of the older ones that she possessed in 1922 and which were to continue as part of her fleet until the new ones had been added. A like adjustment was made for Japan.

The dates for the large replacement programs, however, for all nations were ahead.

The United States, Great Britain, and Japan, in the absence of the London conference, were not to reach their replacement dates until 1931. In that year Great Britain was to have been privileged to lay down 2 battleships, the United States 2, and Japan 1.

There were two other nations parties to the treaty—France and Italy. Replacement dates for each of these nations occurred for two battleships in 1927 and 1929, respectively—the battleships that could have been replaced in those years for each nation having an aggregate tonnage of 70,000 tons. Yet neither France nor Italy interpreted the treaty to mean that an obligation was imposed to build and neither nation laid down the craft permitted.

But it is urged by those who insist upon building up to treaty limitations that other nations that are parties to the treaty are interested, and not alone the nation that does not desire to build upon a given time.

I then submit in answer that Great Britain, the United States, or Japan did not protest to either France or Italy that those nations were violating the Washington treaty through failure to build in 1927 and in 1929.

If they are correct who contend that France and Italy were obligated to build, it follows that the other parties to the treaty—the United States, Great Britain, and Japan—were guilty themselves of negligence in failure to remind France and Italy of their solemn covenants to replace their battleships when they saw that these nations were neglecting so to do. No such protests were made. I submit there was no such obligation.

At the London conference, however, both France and Italy assumed that they had not lost their right to lay down the craft that could have been laid down in 1927 and 1929, and their position was frankly and freely conceded by the conference.

Now, turn to aircraft carriers.

The five powers who were parties to the Washington agreement were allocated tonnage as follows:

	Tons
United States	135,000
Great Britain	135,000
Japan	81,000
France and Italy, each	60,000

But what have nations done? Eight years have passed since the Washington conference was concluded, and yet since that time the United States has completed but two carriers, the *Lexington* and the *Saratoga*, with a tonnage of 66,000 tons and has barely begun a third of 13,800 tons. Great Britain is far short of her allocated tonnage, and much of the tonnage that she now has is so obsolete that she could be justified in replacing it. This is likewise true of Japan. France has little more than one-third of her aircraft tonnage and Italy has none at all.

THE LONDON TREATY LANGUAGE

In deference to the uncertainty that has existed or that has been urged to exist touching the Washington treaty in this regard, the London naval agreement specifically recites, "The right of replacement is not lost by delay in laying down replacement tonnage." (Annex 1, sec. 1.) Obviously, the language of the proposed London treaty makes clear that a limitation does not carry with it a mandate to build under penalty of forfeiture of right to build.

What, then, shall we say as to policy?

Cardinal in the reason for justification of navies is national and world-wide security. Limitations themselves for tonnage go far toward solving the problem of security. Assurance through these limitations is given that rival nations will not build craft of a certain type or of all types in excess of defined tonnage. It thus becomes the privilege, the opportunity, if you please, of nations to take this factor into account in formulating their naval programs.

If this be true, it follows that nations may have regard for elements that in the past under competitive building had to be ignored:

First. Financial burdens and national budgets;

Second. The problem of an even load in navy yards.

Third. The effect new building or replacement will have upon craft of the several types in comparison with the craft that other nations will have when the limitation conference of 1935 or other earlier conference may be held.

Fourth. The actual need from the standpoint of defense modified as will be this need by moderation of other nations.

FINANCIAL BURDENS AND NATIONAL BUDGETS

From the standpoint of burdens that are reflected through taxation that rest upon the peoples of the great world powers, it must be remembered that last year the organized military powers of the world, including reserves of the several powers aggregated nearly 30,000,000 men. This burden calls for stupendous money costs. It must be remembered that during that same period the naval budgets of the United States, Great Britain, Japan, France, and Italy were close on to $1,000,000,000. It must be remembered that the naval burden alone for the United States was more than $374,000,000. This year it is greater. It can not be disputed that 72 per cent of the annual expenditures of the United States is on account of past wars or the maintenance of Military and Naval Establishments. More than that, these burdens are mounting.

I shall pass over expenses incurred in Military Establishments other than the Navy, but as to the Navy I desire to direct the attention of the House to the tremendous expanse of naval burdens upon the world's great powers as they have gone forward during the last 25 years.

Naval appropriations of leading world powers

	Fiscal year		Increase (+) or decrease (−)
	1904	1929	
United States	$100,196,123	$374,608,054	+$265,411,931
Great Britain	173,548,058	278,478,000	+104,929,942
Japan	17,553,279	131,222,722	+113,669,443
France	59,740,222	99,568,000	+39,827,778
Italy	23,522,400	63,622,982	+40,100,582
Germany	50,544,000	47,764,019	−2,779,981
Russia	60,018,895	42,329,289	−17,689,606

Mr. Chairman, with due regard for the obligation that legislative bodies owe to their constituencies, with due regard for the sacrifice that must be made by the millions of people in all countries of not only comforts of life but in some instances bare necessities, regard must be had for ways that will mean reduction of burdens of government.

It is possible to give a fair outline of what the proposed London treaty will cost the United States in money, provided we insist upon building up to the limitations within the treaty and construe the limitations as an obligation to build.

Turning to battleships, it would mean that the three that are to be decommissioned would be kept in full commission to the last day possible under the terms of the treaty—one year in the case of two ships and 18 months in the case of the other.

It would mean an urge to permit reckless expenditure under the guise of modernization upon any or all of the remaining battleships.

It would mean an obligation to construct 69,000 tons of aircraft carriers.

It would mean an obligation not only to construct all the 8-inch gun cruisers that the treaty permits but in addition 73,000 tons of the 6-inch gun cruisers over and above what we have to-day.

In the matter of destroyers it would be possible to replace 150,000 tons and between 20,000 and 25,000 tons of submarines.

More than that, it would be possible, and, of course, those who are urging the ever-expanding program would insist that it is necessary, to provide one-fourth of our 6-inch gun cruisers with landing decks for aircraft. By implication we would need to add possibly 2,000 airplanes to our aircraft program in order to supply the airplanes that would be necessary for aircraft carriers and the aviation complements possessed by other types.

Rough estimates of what this building program would cost run from $750,000,000 to $1,000,000,000 between now and 1936. That period of time is little more than six years. It would mean an annual naval construction program of $125,000,000 to $150,000,000 for the United States for fighting types of craft.

From the standpoint of national finances, I submit, there can be no justification for any such expenditure of money, an expenditure that would treble the appropriations that we have made for new construction work on an average for each of the last 10 years.

Do gentlemen hail the London conference as a success, who see only that it means multiplying in this enormous fashion the cost of naval armaments? It would be a perversion of the magnificent work of President Hoover and Prime Minister MacDonald, and the able delegates to the London conference, to transform a limitations agreement into a mandate for expansion programs.

But, Mr. Chairman, that is not all that would be involved. Fighting craft mean auxiliary craft. Fighting craft mean expansion in navy yards. Fighting craft mean personnel, both officer and enlisted personnel. The expansion of the Navy of the United States to the limits that would be possible were that to be the interpretation of the London treaty would mean the increase of annual burden of naval appropriations from an average of about $350,000,000 annually, as it has been during the last eight years, to an annual cost of between $500,000,000 and $600,000,000.

Members of Congress can not flatter themselves that the only additional expense is in the construction of ships. "It is not the original cost; it is the upkeep." If we are to have ships, the ships will need to be operated, and the figures that I have given you, in my judgment, are conservative rather than overestimates.

Scientists tell us that the old fable of the ostrich burying his head in the sand at the approach of danger is a libel upon that bird of the desert. Whether or not it is true, Members of Congress and citizens of our country must not bury their heads in the sand and blind themselves to the expense that is ahead with construction of ships, the vast sums that will be necessary for operation and maintenance of such craft.

What I have said with respect to this program for the United States, applies with like force from the standpoint of Great Britain and the standpoint of Japan.

THE PROBLEM OF AN EVEN LOAD IN THE NAVY YARDS

One of the most serious problems that confronts your committee in the preparation of the Navy bill, is the problem of an even load in the navy yards of our country. This problem is of tremendous importance from several points of view.

First. It is important from the standpoint of navy-yard employees.

We have in the navy yards of the United States approximately 40,000 workmen. These workmen are of a high type. They are skilled; they are efficient; they will take their places by the side of the finest workmen in industrial yards of our country

or of any other land. Most of them are men who take seriously the problems of life. Most of them are men of families. They are interested in filling the positions that are given them and in earning the wage by which they may support the wife, the children, the home.

They are entitled to definite employment to the extent that it is possible for our country to anticipate an even load of work.

This problem is one that in our rapidly advancing industrial age is attracting the attention, not only of men and women who, from humanitarian standpoint alone are seeking to make better the conditions of workmen and their families throughout our land, but from the standpoint of employers of labor and their responsibility for the success of great industrial concerns.

Within the last few months, intensive studies have been made in industrial lines looking to maintenance of the even load of employment. Great railroad companies are working out such programs and are employing industrial engineers to assist them in the tasks to the end that the men in the great railroad centers may be employed the year around.

Automobile factories, rubber tire factories, manufacturing establishments of a variety of character are concentrating their efforts upon this important subject. Our Government should do no less as it undertakes the roll of employer of labor.

Limitations within the treaty ought to be accepted by the Congress and the country as giving additional authority to those charged with responsibility to approach this subject with the finest regard to the humanities that are involved. We ought not to be driven on to rapid expansion in navy yards, rapid construction work in order to keep up to a certain figure that was intended as a limitation.

Second. It is important from the standpoint of normal building programs that we be not driven on to rapid expansion of our navy yards.

When employees in navy yards see an approaching end of employment, they recognize that unless new work be provided plants must be shut down and activities cease. At once campaigns are undertaken that enlist the sympathy of local chambers of commerce, local service clubs of all kinds, humanitarian groups, and they appeal to Congress to do something that will prevent the employees of navy yards from being thrown out of work. It becomes not a question of national need; it becomes not a question of naval defense; it becomes a question, pure and simple, of the building of something, no matter what, that men who have worked may continue to hold their jobs.

Of course, this means a terrific campaign for the expansion of naval programs.

It necessarily follows that either from the standpoint of men who are employed, or from the standpoint of actual naval needs, the limitations feature of the London conference ought not to be construed as a mandate.

NEW SHIPS TO SCRAP

The effect of new building upon ability of the United States to be most effective in the next naval conference is a matter of grave importance. Consider the question from the standpoint of the power of the United States to assist in determining a course in the conference that may be held in five or six years from now if we go ahead and by 1935 build up to the limits laid down in the London conference. According to rough estimates that I believe are fairly accurate, it would mean expending during the next five or six years from three-quarters of a billion to one billion dollars. This money would be invested in new craft. Added to that would be no less than another quarter of a billion dollars on account of craft that have been completed within the last three or four years—cruisers, submarines, aircraft carriers. What position would the United States be in as her delegates would sit down to the conference table if we were forced to admit that we had this enormous tonnage of new craft of the several categories? Public opinion might hesitate to place approval upon destroying craft that had only recently been completed. Here alone would be an element that would need to be considered and which was a potent factor in shaping some of the policies in both the Washington and London conferences. On the other hand, if we could approach the conference with considerable tonnage to our credit in the several categories that remained unbuilt and other nations could approach the conference in like fashion, it would be reasonable for nations to say, "Let us draw a pencil through the blue prints. Let us scrap old craft that will need to be scrapped within a year or a few years, and let us reduce the general level within the several categories." From the standpoint of strategy, looking to further international reduction of armaments, this is the right course. Those who do not want to reduce all tonnage to lower levels at the next naval conference will demand that we build up to the topmost figures.

NEW CRAFT SHOULD NOT BE OBSOLETE

But there is another consideration. Suppose at the time the next conference were to convene we were to find ourselves with complete tonnage in aircraft carriers of certain types or in 6-inch gun cruisers and in submarines. It might well be that in five years from now it would be very apparent that the type of aircraft carrier that now seems admirable and that would be built if we were to complete our program up to the tonnage limit by 1935 would be obsolete.

It might be that cruisers, although new, would be obsolete by reason of new and more recent developments, as, for instance, improvements that may be suggested by the two ships that are being built by Germany. It may well be that the submarine will become so vulnerable by reason of devices for their location that no nation will want to continue their use from that point of view alone. The delegates from the United States to the conference would then be in position of scrapping new ships in order to replace them by more efficient ones or else seeing our Nation possessed of obsolescent craft, though but a few years old, while other nations, who may have chosen to be more conservative in the matter of building under the limitation provisions or who may have chosen to defer replacement, would be in position to build at that time new craft of the latest and approved tonnage.

Pursuing this same thought, may I now direct the attention of the House to a somewhat similar situation that might be embarrassing if a rush program of naval construction in all categories were to be adopted by reason of the provision of the treaty were a nation to find itself compelled to build new tonnage to meet tonnage upon the part of some nontreaty power that might threaten security.

I do not believe that such a contingency will arise, but were it to develop, a program of moderation in building would permit the United States to take needed advantage of such contingency under building that would be permitted within the so-called "escalator" provision of the treaty, that would be more nearly in harmony with our national needs, and which we might not take if we felt that we had excessive tonnage in other types.

NEED FROM THE STANDPOINT OF DEFENSE

The limitation provision of the treaty should give the United States and every other nation the privilege of laying down construction programs in line with the actual defense needs of the respective nations. Indeed, this has been the final interpretation, in spite of propagandists, upon the less exacting language of the Washington treaty. France and Italy omitted to lay down two battleships each. Why? Because national needs did not require them to assume this enormous expense. The United States and all the other powers have been most conservative in their aircraft-carrier construction programs, notwithstanding authorization of the Washington treaty, because national defense did not require the enormous outlay of money upon ships of this type. Oh, some one will say the reason delay was possible was because nations were waiting to take advantage of new improvements. This does not answer the question. The fact remains that had there been national need all of the nations would have proceeded upon the basis of the known facts and would have built aircraft carriers of the types that they were permitted to build. More than that, if nations may feel that new construction programs are not required, as would be required through a mandate, but that the limitation features give discretion to nations as to time and tonnage within those limitations, nations will have regard for what other nations are doing in construction programs in the several categories. If nation A sees that nation B is following a conservative policy, nation A may wish to follow that policy. On the other hand, if nation A sees nation B constructing ships up to the limit of the possibilities under the treaty, nation A will do likewise.

In 1817 there was adopted by the United States and Great Britain a treaty known as the Rush-Bagot treaty, which defines the rights of the respective powers to maintain craft upon the Great Lakes and Lake Champlain. It provides that upon Lake Champlain each nation may retain 1 craft of 200 tons; upon Lake Ontario each nation 1 craft of 200 tons; and upon the other Great Lakes, which at that time were connected from the standpoint of navigational facilities, 2 craft of 200 tons each. That treaty is in force to-day. But we do not have such craft upon Lake Champlain and Lake Ontario and the Great Lakes as contemplated by the treaty; neither does Great Britain.

The fact of the business is, common sense was applied in the interpretation of the treaty, and actual living conditions under the treaty have made it possible for a relationship of the highest good will and accord to exist between the United States and Canada—a relationship that does not need armaments and naval craft to justify or to make more secure. Indeed, here is a re-

lationship that would be rendered less secure by craft upon the Lakes that separate these two mighty powers and by forts and garrisons and officers and men throughout the other 2,000 miles of boundary line between the Atlantic and the Pacific.

The illustration is significant of what can occur under the London treaty. Under that treaty we are looking forward to another conference in 1935. It will aid further naval reduction if, when 1935 may be reached, nations may not find themselves with navies of new craft that they would need to destroy in order to obtain reductions in tonnage in the several categories. More than that, a conference would be more ready to approach the question with five or six years of international cooperation looking to the lessening of the burdens of armaments and the removal of causes for war than if, upon the approach of the conference, all of the parties thereto will be armed cap-a-pie to the extent that they would be permitted to do if they took advantage of every grant of authorization under the London treaty.

Finally, from the standpoint of good business, from the standpoint of strategy, as we shall sit down to the next conference table we ought to regard the limitations within the London treaty as a privilege rather than a mandate; a privilege that will permit the United States to be conservative in later programs of new construction work, to iron out an even load of construction in her navy yards, to take advantage of the latest that may be devised by our people or the people of any other lands in types or in features pertaining to efficiency, and that will permit us to have a most effective voice in encouraging still further reductions of naval armaments when it may be demonstrated more definitely than it was at the London conference that through international discussion and understanding of the problems of nations differences may be settled and naval and military burdens reduced.

I shall be glad to yield at this time to my colleague from Illinois [Mr. BRITTEN].

Mr. BRITTEN. There are some things I would like to have clarified. The gentleman, in concluding his remarks, opposed the intent of the London treaty, as I understood it.

Mr. FRENCH. The gentleman must have misunderstood me. I am for the London treaty.

Mr. BRITTEN. The gentleman inferred, in connection with the treaty, that we should not build up to the treaty requirements. If he said that, is he talking for himself or the administration?

Mr. FRENCH. In anything I may say here, I shall express my personal views.

Mr. BRITTEN. The gentleman is chairman of the committee and is in touch with the various departments, particularly the department having to administer this particular bill, and is supposed to express the sentiments of the department.

Mr. FRENCH. Would the gentleman say that that is what he had in mind when he introduced his bill? [Applause.]

Mr. BRITTEN. I thank the gentleman for that thought. Yes; all the figures in my bill were received from the Secretary of the Navy, every figure and every dollar in my bill authorizing appropriations to meet the requirements of the London treaty.

Mr. FRENCH. Does the gentleman mean to say that it is the thought of the administration that a bill along the lines he has introduced, carrying all the obligations involved in the money total, carrying the program of construction up to the limit—is that the policy the administration has approved? Does he want the House to understand that?

Mr. BRITTEN. Yes, I do; and if that is not correct, then the administration would never have agreed to the signing of the London treaty. Where does the gentleman think I got that mass of figures? They came from the Navy Department.

Mr. FRENCH. There are two questions—one question whether or not the administration wants to build up to the limit of the treaty, and another question whether the treaty may be ratified with the thought of sound discretion in our country to build according to the national needs.

Mr. BRITTEN. That is what the gentleman is contending for, and I agree with the gentleman that Congress ought to build up to the national needs as they appear from time to time. That is correct.

Mr. FRENCH. And the gentleman says the national needs demand the gross tonnage that we can build at any time in all categories.

Mr. BRITTEN. No; the gentleman does not say that and he does not mean it. The gentleman means this—that we are carrying on the high seas to-day about seventeen thousand million dollars' worth of commerce per annum. We think that commerce is entitled to the same protection that the British commerce is entitled to all over the world. It does not make any difference whether our manufactures are carried in Dutch, Italian, British, or American bottoms—they are entitled to the same measure of protection. The difference between the gentleman and myself is that the gentleman has suggested to the House that while we have made an agreement in London for tonnage and certain categories, it is not necessary to live up to it.

Mr. FRENCH. What I tried to impress upon the House is the problem of determining whether or not we should build up to treaty limitations regardless of national needs, or if national defense permit, pursue a conservative course for the next five years and have regard for the economies involved.

Mr. BRITTEN. That is true, and does not the gentleman believe that the President of the United States had that very condition in mind when he agreed to this treaty in London?

Mr. FRENCH. I should hope he had in mind the thought that I have outlined, rather than the thought that seems the implication from the gentleman's statement, and the gentleman's bill, which I understand he is about to introduce.

Mr. BRITTEN. I have already introduced the bill. It is based on figures received from the department, and the types of ships of the various categories, as specified by a chart that was very, very carefully prepared by the Navy Department, which indicates to my mind that the present administration has every intention in the world of living up to the requirements of that treaty, and I hope that it does. The gentleman and I will not argue the treaty any further, but let me ask the gentleman another question to clarify his remarks.

The gentleman stated in his remarks that a certain appropriation had been recommended for the second group of five cruisers, but of course we will not immediately require all 10 cruisers, but only 7 for the time being, and then the last 3 will be appropriated for in 1933, 1934, and 1935. In his remarks the gentleman said that the amounts which should have gone to all 5 were transferred to the remaining 2. I am wondering if that is correct.

The CHAIRMAN. The gentleman from Idaho has used one hour.

Mr. FRENCH. Mr. Chairman, I shall proceed for 10 minutes more. I want to be understood as saying that for the second bloc $200,000 of new money was carried in the estimates that came from the Budget for all five.

Mr. BRITTEN. The gentleman said $400,000 awhile ago.

Mr. FRENCH. That would include $200,000 carried over from this year's money, a total of $400,000.

Mr. BRITTEN. For the second bloc?

Mr. FRENCH. For the second bloc. When the treaty indicated that three of the cruisers would be postponed until 1933, 1934, or 1935, it was the thought of the committee that since the amount of $400,000 would be adequate only to begin construction, whether of two or of five, we let the amount remain in the bill and apply it upon the commencement of two.

Mr. BRITTEN. So that the entire $400,000 then will go toward the commencement of two of the seven?

Mr. FRENCH. Yes.

Mr. BRITTEN. Then the gentleman suggested that section 21, the escalator section, might not give us a free hand if we built up more or less to our limits under the treaty. The gentleman did not mean that, did he?

Mr. FRENCH. Oh, yes; I meant exactly that. Under that provision of the treaty it would be all right to build up in the ships that would be constructed by the other nations.

Mr. BRITTEN. But in addition to everything else carried in the treaty?

Mr. FRENCH. Yes, in addition to everything else; but if we had been so unwise as to build up to the topmost figure of every category, it might be that we could not approach the question of building still further just to keep up with the Joneses, because we had already exhausted so much money in building up in other types where we have the privilege of building, but which would not be modified by the escalator provision at all.

Does the gentleman realize that when we built the destroyers, for instance, following and during the World War, we did not do that to please ourselves, but did it because we were part of the forces that were at war upon one side of a question against the Central Powers? Other nations were equipped in such a way that they said, "You are the nation that ought now to build destroyers." We built them and we built them in twice the tonnage that we needed, and I want to avoid any such necessity as that if we should find ourselves—which I think we shall not—confronted with the question the gentleman raises.

Mr. BRITTEN. The escalator section, 21, provides very distinctly that any building made necessary by that section will be in excess of building provided for generally in the treaty.

Mr. FRENCH. That is true.

Mr. BRITTEN. It also provides that if England should determine she needs 30,000 to 40,000 tons of subchasers to chase French submarines, in that event we are permitted to build up to 30,000 or 40,000 tons of ships, but they must be subchasers.

Mr. FRENCH. That is right.

Mr. BRITTEN. How does the gentleman figure our hands are tied in building through the general categories, when everything connected with this section 21 will be in excess of all other building anyway?

Mr. FRENCH. If the gentleman wants to assume that because we may have invested a billion dollars or more in new ships all at once, that we then are willing to invest still more hundreds of millions in other craft we do not need under the "escape section," of course, it would be possible for us to do it under the treaty; but what I say is that we would have a freer hand, from an economic standpoint, from the standpoint of the Treasury, if we do not find ourselves built up to the limit of all the categories.

Mr. BRITTEN. I get the point. The gentleman's point, as I see it, is this: That if we were not built up in the various categories, instead of taking advantage of this excess building authorized, we could go and build up in the categories where we already had a deficiency.

Mr. FRENCH. With the same amount of money we could do just that. We either could do that or we could build any type that would be built by the nation taking advantage of the escape clause. It is a question of finances.

Mr. BRITTEN. I understand that. The gentleman will agree with me that the London conference was brought about with a view to provide parity at least between Great Britain and the United States on the sea.

Mr. FRENCH. Two questions, of course, were dominant in the minds of the people representing our Government. One was the question of parity, to which the gentleman from Illinois refers. The other one was the fixing of limitations, the question of stabilizing the tonnage in such a way as to remove rivalry; and still another, which is part of the second, reduction of tonnage.

I make that statement having in mind the cardinal statement made by the President of the United States in his Armistice Day speech of last November, that reduction of tonnage could not be too low for us.

Mr. BRITTEN. That statement is satisfactory to me. We have been working together here happily for a number of years. On the question of reduction, I am sorry the conference did not go deeper into the cruisers and other types. Now we are confronted with the question of a proper national defense, and the question of whether or not we are actually going to have parity with England. The gentleman's remarks were generally framed in a spirit of conservation and economy. I have that same spirit, too. But, on the other hand, I also have a spirit that desires equality on the high seas with any other nation. In other words, I do not believe the United States, with its financial power, its social power, and its political power, should be satisfied with a second-class navy.

Mr. FRENCH. Would the gentleman's position be modified if he saw Great Britan was following a moderate policy? Would the gentleman's position be modified if he would recognize that?

Mr. BRITTEN. Yes; we should modify it.

Mr. FRENCH. Then, does not the gentleman think Great Britain will react in like measure toward the United States, and does he not think that what is done in the Congress will be reflected in the British Parliament? If we follow moderation in building programs under the London treaty, I am satisfied Great Britain and Japan will do the same thing.

Mr. BRITTEN. I must recall what transpired at the Washington conference as a matter of history. The gentleman from Idaho himself was there, and I know I was down in the Daughters of the American Revolution Building when Balfour, representing King George, came over here and slapped himself on the chest and in that characteristic manner of his, and turning to Secretary Hughes, said, "The spirit of this 5–5 agreement, applying only to ships of the first line, will be carried down to the various categories."

Then he went back to England and what happened? They immediately started the construction of the greatest cruiser program the world had ever seen.

In connection with this London conference I may say also that it is not a question of spirit but a question of agreement. We can not lead Great Britain into disarmament, and we can not lead Japan into disarmament by ourselves taking the lead. That is a false policy. We must have a Navy second to none on earth, a Navy commensurate with our position in world affairs, if we would induce naval limitation. So long as we are inferior there will be no honest attempts at disarmament.

Mr. LANKFORD of Virginia. Will the gentleman yield?

Mr. FRENCH. I yield to the gentleman.

Mr. LANKFORD of Virginia. I am greatly indebted to the gentleman from Idaho for his full discussion and the opening up in such a wonderful way of this entire subject. The gentleman referred to the work load in the yards. Could the gentleman say whether his committee has at this time considered the advisability of appropriating money this year for modernizing the three remaining battleships so that they can take the place of those that are in the yards now, when they are completed next February?

Mr. FRENCH. I do not understand there is authorization for such a program. It is not a matter that has been before our committee at all.

Mr. BRIGGS. Will the gentleman yield?

Mr. FRENCH. I yield.

Mr. BRIGGS. Will the gentleman state succinctly to what extent the London naval treaty is reflected in the present appropriation bill, in dollars and cents; by what amount which otherwise would be carried in this bill, but for the London naval treaty?

Mr. FRENCH. I think the gentleman from Texas [Mr. BRIGGS] must have been out of the Chamber at the moment I spoke upon that subject. I said that as to new work, we are just on the threshold of the program on the second block of five cruisers and the third block of five cruisers. Therefore, a small amount of money was included in the 1931 bill for both blocks as the bill came from the Budget.

The $400,000 included for the third block of five cruisers was eliminated from the bill by the committee. The share that would have gone to three of the five cruisers of the second block was diverted to two other cruisers of that block, since we will not need to appropriate for the three until some four years from now. With regard to other money that will be affected, if the treaty shall be ratified, that money can be subtracted by the administration when the administration will be in possession of such facts such as date when ratification may be made. We do not know to-day whether or not the treaty will be ratified. If ratified, then battleships may come out, and moneys may be saved in personnel, in fuel oil, in engineering, in construction and repair, and in a variety of ways. It is the same with regard to submarines and other craft.

Mr. BRIGGS. That is the information I wanted to elicit from the gentleman.

Mr. ARENTZ. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. ARENTZ. I think the gentleman has stated what various newspapers throughout the United States have stated as well, that one effect of the London treaty is that there has been a specific tonnage stated as to the several categories in the program; but there is a difference, and a most decided one, between the gentleman from Illinois and the gentleman from Idaho. The gentleman from Idaho believes that to build up to the limit would result in this, that in 1936—when we will have another conference in London—there will be nothing to offer in the way of saying, "Here, we do not want to scrap ships but we do want the limitation of armaments cut down to what it is now." The gentleman from Illinois believes we should build up to the limit so that in 1936, following out the policy of President Hoover, we can have a curtailment of construction but we will scrap ships in doing so.

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

NAVAL APPROPRIATION BILL

Mr. AYRES. Mr. Chairman, I yield myself such time as I may desire to use. First, I want to congratulate the gentleman from Idaho, the chairman of the subcommittee, on the excellent statement he has made in explaining this bill. He always makes a good statement, but I believe this is the best one I have ever heard him make. [Applause.] In addition to that, I want to congratulate him on his defense of the treaty that came out of the London conference, which we hope and assume will be ratified by the Senate.

The people of this Nation should feel grateful to President Hoover and the delegates who represented our country in the London Naval Conference for what they have managed to accomplish. Our plenipotentiaries were Ambassador Charles G. Dawes, Secretary of the Navy Charles Francis Adams, Senator Joseph T. Robinson, Senator David A. Reed, Ambassador Hugh Gibson, and Ambassador Dwight W. Morrow. To each of these distinguished gentlemen, in my judgment, the Nation owes a debt of gratitude. [Applause.]

While the treaty may not be all that we had hoped for, it is the basis for a wonderful start in the right direction, particularly if it shall not be construed to impose an obligation to

build up to the limits fixed in the several categories, irrespective of our actual needs or what other nations may do.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. AYRES. Yes.

Mr. MOORE of Virginia. It seems to me the language of the treaty itself reinforces the argument made by the gentleman from Idaho and the argument the gentleman is making, that it is not to be implied that we are under any mandate or obligation to build up to the maximum of tonnage in any category that may be allowed by the treaty.

Mr. AYRES. That is correct.

Mr. MOORE of Virginia. I find in the treaty that it is twice stated that the right of replacement is not lost by delay. It is evidently contemplated by those who negotiated the treaty that any particular nation might fall far short of building up to the maximum.

Mr. AYRES. The gentleman is correct.

Moreover, it lays a foundation for greater achievements at the next conference. I might say millions of people of this Nation were hoping that the spirit expressed in President Hoover's Armistice Day address on the 11th of last November would prevail at the London conference, and that there would be an agreement reached by the Nations for an actual and immediate reduction of naval armament.

While it is true that under the provisions of the London treaty there will be but little reduction in the allowable gross tonnage in naval armaments, there will be the next best thing, and that is a definite limitation in naval construction in all categories, which, after all, is an achievement not accomplished by any other conference in the past. If the provisions of this treaty are carried out in response to the dictates of our national needs, it should mean, instead of naval appropriations increasing each year by leaps and bounds, that there will be a halt in the upward trend and ultimately possibly some reduction. I think I voice the sentiment of this committee when I say that the committee as a whole believes in adequate preparedness for this Nation at all times and in every particular, but we have looked forward to the time when some action would be taken by the nations, burdened with large and expensive naval establishments, to stop competitive naval building programs.

I trust none of you will become unduly alarmed over what we hear of a billion-dollar building program, mostly replacement. In the first place, had there been no London conference, it would have been necessary for us in time not only to build replacements of all existing tonnage but to add new tonnage according to the programs of other governments. In replacement tonnage the treaty does save us the enormous expense that ultimately would confront us of replacing some 76,000 tons of destroyers and approximately 35,000 tons of submarines. As to additional 6-inch gun cruiser tonnage, all but 23,000 tons is offset by the five of the fifteen 10,000-ton cruisers which we are not to build under the terms of the treaty. Now as to the need to replace our existing destroyer tonnage, let me tell you that only recently we replaced 58 destroyers in commission with an equal number which had been in reserve.

As to these destroyers the Chief of the Bureau of Construction and Repair has told us that their expected life would be something like 10 or 12 years. So that to say that the treaty will be responsible for a billion dollar building program does not conform with the facts. The treaty actually permits a saving in replacement construction and occasions no additional expense beyond 23,000 tons of 6-inch gun cruisers and possibly some other light cruiser and large destroyer tonnage under certain optional provisions of the treaty, as to the cost of which it would be rather previous even to hazard a guess.

If nothing had been accomplished at the London conference, we would have expected the Budget for the Naval Establishment in the near future to have imposed demands annually ranging from $500,000,000 to $600,000,000; and when the replacement program is taken into consideration touching all types, I hesitate to say just what the annual draft might have been.

Mr. Chairman, this is not all by any means, but it should be sufficient to show where we are drifting; and if the conference succeeded in making a treaty that will limit future naval construction among the nations its work should be applauded as a great and wonderful achievement.

We did not feel that it would be appropriate to anticipate ratification of the treaty and make reductions on such an assumption. However, the naval appropriation measure now under consideration reflects a saving or reduction of $400,000, traceable, perhaps, to the treaty, but in reality as being unnecessary at this time irrespective of the treaty. The amount relates to the construction of the third increment of five 10,000-ton cruisers, which we do not feel should be commenced during the coming fiscal year should the treaty not be ratified, because of our desire to avoid an uneven work load in Government and private yards.

The removal of three capital ships from the active list, as provided by the treaty, should reflect an annual saving of at least $4,000,000. I only wish it had been possible for the delegates to have reached an agreement to have retired all 18 of the capital ships. The postponement of their replacement, however, is a good omen and I confidently look to their complete elimination when another conference shall convene. With the advent of the airplane and the development of the submarine, a ship less vulnerable and possessing more speed and greater maneuverability, will be the capital ship of the future in my judgment.

Postponement of capital-ship replacement does, however, relieve us from the burden of carrying out the Washington treaty which provides that, beginning with the year 1931, the United States would be required or permitted to lay down 10 capital ships prior to 1937 at a total estimated expenditure up to 1937 of $281,250,000.

I am in hopes that by the time we get ready for the next conference all of the countries will be won over to the idea of a further limitation of armament. I am confident the results of the London conference will contribute to the realization of this wish.

I repeat, the people of the United States should be profoundly grateful to President Hoover and the delegates who represented our country at the conference just adjourned. [Applause.]

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. AYRES. For a question.

Mr. O'CONNOR of Louisiana. I wanted to ask the gentleman if he really believed the battleship is to continue to be an important factor in the naval program of the nations of the earth, in view of the development of the submarine and the airplane?

Mr. AYRES. I will say to the gentleman from Louisiana that I do not, and I have so expressed myself in the remarks I just made. If I did not, I intended to do so.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. AYRES. I yield.

Mr. WAINWRIGHT. I would like to ask the gentleman, so as to clarify the atmosphere somewhat for those who have not given as much attention to this subject as members of the committee have, what this matter of parity means?

Is the parity contained in the treaty a mere privilege or do we derive from it an implication that it is to be the test of the national defense to which we intend to come up to and build up to?

Mr. AYRES. I think this Nation should build up to where it is necessary for its own needs in the way of a navy regardless of whether it may be on a parity with Great Britain, France, or any other country.

Mr. WAINWRIGHT. Then the gentleman thinks the matter of parity is really immaterial?

Mr. AYRES. I would not go that far.

Mr. WAINWRIGHT. It raises no serious obligation and no serious implication on the part of this country to come up to the standard of parity set up in the treaty?

Mr. AYRES. My position is that there is no serious obligation on the part of this country to be on a parity with other nations. I am only expressing my own individual opinion.

Mr. WAINWRIGHT. I was asking the gentleman his conception of the term "parity" as used in the treaty and not so much for his own personal view.

Mr. AYRES. I do not find that the term "parity" is used anywhere in the treaty.

Mr. WAINWRIGHT. It is used very much in the discussion of the treaty.

Mr. AYRES. That may be, but the gentleman asked my conception of the provision in the treaty with reference to the matter of parity.

Mr. SABATH. Will the gentleman yield for a question?

Mr. AYRES. I yield to the gentleman.

Mr. SABATH. For weeks I have read in various newspapers reports of the activities of the London conference and in each and every instance I read of the wonderful saving that this conference would bring about to the Nation. I am informed this bill carries the tremendous appropriation of $377,000,000.

Mr. AYRES. Yes.

Mr. SABATH. About $14,000,000 more than we appropriated last year. Can the gentleman explain where the saving is coming in or how the adminstration has saved these tremendous sums that are given out by the press from time to time as having been saved for the taxpayers of the Nation?

Mr. AYRES. I may answer the question by asking the gentleman one. Would the gentleman expect a treaty that has not





been ratified, a treaty that has been agreed upon within the last week or so, to be reflected in an appropriation bill that was reported out within the last few days? What we are contemplating is that it will be reflected in the appropriation bills of the future, and undoubtedly it will be. The gentleman from Idaho explained to the gentleman from Texas [Mr. BRIGGS] that the only real saving, if it may be called a saving, in the present bill is $400,000, and the gentleman explained the reason for that, as did I in the early part of my remarks. We could not expect, I will say to the gentleman from Illinois, that a saving would be reflected in this bill at this particular time by reason of the treaty.

Mr. SABATH. Answering the gentleman, I may say I was led to believe that the reporting of this bill was being delayed for the purpose of ascertaining whether the London treaty would be of such a nature as to provide a certain saving in the future and at the same time to see whether or not the enormous apppropriation that had been asked could be reduced. Therefore I was under the impression when the bill was reported a few days ago that the committee had taken into consideration this fact and was hopeful that in reporting the bill it would not be necessary to increase the appropriation by $14,000,000 more than was appropriated last year.

Mr. AYRES. I will say to the gentleman that the committee did not have the idea in holding back the reporting out of this measure that the London conference would necessarily reflect immediate savings. There were other considerations, I might say, that influenced the course of the committee.

Mr. Chairman, I yield to the gentleman from Louisiana two minutes.

Mr. O'CONNOR of Louisiana. Mr. Chairman and gentlemen, I rise largely for the purpose of getting information through the elaboration of a statement that has been expressed here to-day.

Of course, the common thought on this subject throughout the country is that the London conference was called for the purpose of reducing naval expenditures. I do not know that any different interpretation of the conference has been arrived at by those in a position to make such an interpretation. Evidently there is a good deal of conflict of opinion upon it. The gentleman from Illinois [Mr. BRITTEN], who has given the matter a great deal of thought and study, is evidently under the impression it will make for a program upon our part that will approximate $1,000,000,000 within six years. This is at variance with the thought there would be a reduction as a result of this conference.

However, the thought that is in my mind is that for years there have been two schools of thought with reference to the necessity of the battleship in a naval program. I believe the thought that it is no longer in the picture, or that it no longer would serve a country in any great naval conflict, has been daily expressed by the Hearst newspapers. I mention this not doubtingly, because in all probability these writers have investigated the subject and have given it considerable thought, and while they express their views rather strongly still this school of thought, I suppose, has its chief proponents in the Hearst newspapers. In view of their large circulation and the vigorous manner of their advancing a proposition and the intellectuality of the editorial staff, these newspapers are a force in American affairs that have to be considered and reckoned with.

I am wondering whether the gentlemen present here who have had to do with appropriations and with authorizations are in a position to express a viewpoint as to whether or not the battleship is slowly but inevitably fading away from the picture and that in the future cruisers, submarines, and airplanes will form the most formidable and the most important part of our naval program.

If the submarines, for instance, are to form an important part in the naval program, it has occurred to me that recently I had the honor of attending a meeting of the Committee on Naval Affairs, of which I was formerly a member, and at this meeting the chairman of the committee, the gentleman from Illinois [Mr. BRITTEN], absolutely demonstrated to the satisfaction of every one present that if there be an art or craftsmanship in submarine construction that art is absolutely lacking in this country.

Mr. BRITTEN. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. Yes.

Mr. BRITTEN. The gentleman is not quite correct in his statement. We are building submarines now. We are building some very good submarines, and the remark that the gentleman has in mind is evidently based on a question that the chairman of the committee asked a rear admiral who was before the committee, as to whether or not we were building as good submarines as were built in any country of the world, and the admiral replied that he did not think we were.

Mr. O'CONNOR of Louisiana. That is practically stating what I said a few minutes ago, that if it is an art or craft we are not as well up in the art or workmanship as other nations. I believe that was substantially the answer to the gentleman from Illinois.

But the thought uppermost in my mind is that the program apparently does not contemplate any new construction from the battleship standpoint.

Mr. BRITTEN. No; it does not, prior to 1936.

Mr. O'CONNOR of Louisiana. I was under the impression that the sea conflict at Jutland had demonstrated that the battleship is no longer a formidable part of naval armament of any country, and that the great battleships that are prisons for the men who are upon them and operate them are inevitably going out of the picture and will give place to the submarines and to probably the most formidable of all instrumentalities of war—the airplanes.

Mr. BRITTEN. The Battle of Jutland was fought by some 45 first-line ships. Not one of those ships was struck by a torpedo from a submarine, and no aircraft of any kind took part in that engagement. Germany, France, and England had literally hundreds of airplanes, bombers, and pursuit planes, and they had submarines. But no airplanes or Zeppelins took part in the battle, and no torpedo was fired from a submarine that touched a single battleship.

The best naval experts of Germany, England, France, Japan, and the United States state that up to date the backbone of the Navy is the battleship.

The gentleman refers to the Hearst papers; and, probably Mr. Brisbane, who says that a hundred airplanes flying over a battleship could destroy it; but the first question to be asked is: How are the airplanes going to reach the battleship on the other side of the ocean? They have to come across on an airplane carrier, and airplane carriers have to be protected; and the best expert advice that we have is that the battleship is still the backbone of the Navy.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. AYRES. I yield the gentleman five minutes more.

Mr. O'CONNOR of Louisiana. I rose for the purpose, largely as the result of a very amiable but spirited conversation with my good friend from Hawaii, Delegate HOUSTON, this morning in respect to the value of battleships. He is a strong proponent of their value, as is the gentleman from Illinois. I was under the impression that at the Battle of Jutland the battleships had to be surrounded and protected. The battle did not decide anything at all, and during the time they were getting ready they had to be surrounded and protected.

Mr. BRITTEN. The gentleman suggests that the Battle of Jutland did not decide anything; it decided once and for all that Great Britain held the supremacy of the seas.

Mr. O'CONNOR of Louisiana. But Germany did not contest that.

Mr. BRITTEN. When the German Navy came out to challenge the British fleet it was demonstrated that Great Britain ruled the seas.

Mr. O'CONNOR of Louisiana. I do not think the supremacy of the seas was questioned before, and therefore the battle did not decide it. Like the Battle of Blenheim, from old Kaspar's viewpoint, "It was a famous victory," except that as a result of the controversy that has raged all around it since the Battle of Jutland was fought, many experts evidently do not know whom to give the victory which was barren of any real accomplishment. However, I wish to thank the gentleman from Illinois [Mr. BRITTEN] for embellishing my few remarks with the information that he has placed within them, and the generous manner in which he yielded to my request for that knowledge concerning our Navy and its needs, with which matters he is thoroughly informed as a result of long and thoughtful consideration.

Mr. AYRES. Mr. Chairman, I yield 15 minutes to the gentleman from Tennessee [Mr. ESLICK].

Mr. ESLICK. Mr. Chairman, ladies and gentlemen of the committee, for a short time I shall speak in behalf of House bill No. 8979, now pending before the Military Affairs Committee. It is a bill authorizing the appropriation of $150,000 for the improvement of the Meriwether Lewis National Monument, for the restoration of the tavern, once located therein, for use as a museum, and for other purposes. The Meriwether Lewis National Monument, or Park, is located in Lewis County, Tenn., about 70 miles southwest of Nashville, and where Captain Lewis is buried.

I know the story of the Lewis and Clark expedition is more or less familiar to you, yet I want to recall something of Captain Lewis's life, with its melancholy ending. I want to rehearse some of his many achievements, and what it meant to our country. Upon his record, I shall ask that his final resting place be cared for by the Government he served so well.

Capt. Meriwether Lewis was born near Charlottesville, Va., August 18, 1774, and he died at Grinder's Tavern on the old Natchez Trace, on the night of October 11, 1809, in what was then Hickman County, Tenn., but is now Lewis County—a county named in honor of the great explorer.

He was only 35 years of age when he died. His was an active life and one full of achievement. He was a captain in the Regular Army, Secretary to President Jefferson, commander of the expedition to Oregon in 1803–1806, and Governor of the Louisiana Territory at the time of his death.

He was of good ancestry. His mother's people, the Meriwethers, were of the highest standing and among the first families of Virginia. One of Lewis's uncles married Betty, the only sister of George Washington. He was Private Secretary to President Jefferson and relinquished this high position to head the Oregon expedition.

While only a part of his work, the name and fame of Captain Lewis rests largely on the Lewis and Clark expedition to the Northwest. Captain Lewis left Washington City on July 5, 1803. He first went to Pittsburgh and Philadelphia. Finally he went overland from Louisville to St. Louis, arriving in December, while Capt. William Clark went down the Ohio River with the boats and the men who were to make up the expedition.

When Toussaint l'Ouverture, born a slave in Africa, with his wild and disordered followers wiped out the trained troops of Napoleon in Santo Domingo it changed the Emperor's plans with respect to his holdings in the Western Hemisphere. Troubles were plentiful at his own door. Before him stood Leipzig, Austerlitz, Wagram, and finally defeat and disaster at Waterloo. It was necessary that Napoleon dispose of his American possessions. There were two imperative reasons. It was too far from home and he needed the money for it.

President Jefferson bought this Territory from Napoleon for $15,000,000. The purchase was confirmed by Congress October 17, 1803, some months after the contract of sale and purchase was entered into by the French Emperor and the American President. The French colors went down and the Stars and Stripes were raised over the newly acquired land on December 20, 1803.

If you will look at the map showing the 48 States of the Union, you will see that it is divided into three parts, each practically of the same size; that body of country lying to the east of the Mississippi River—with the Louisiana Purchase as the central part of the United States; and then the States to the west of the Louisiana Purchase, forming the western part, or third. The Louisiana Purchase touched neither ocean, and for only a short distance it bordered the Gulf of Mexico. It extended from the mouth of the Mississippi in the Gulf of Mexico to British Columbia. This was the greatest land sale in human history. Eight hundred and eighty-three thousand and seventy-two square miles, or 565,166,080 acres were conveyed to us. Its boundaries were loosely defined. Neither Napoleon nor Jefferson knew the correct boundaries, nor the approximate description of this land. In fact, no one could state them correctly or with exactness.

Almost two months after Jefferson contracted for the Louisiana territory, he planned the expedition, and asked his secretary, Captain Lewis, to take charge of it. On June 20, 1803, President Jefferson gave written directions to Lewis. It is a lengthy paper with many and comprehensive instructions. Briefly, its purpose was to ascertain what we got under the Louisiana Purchase; to learn something of the territory lying to the west of it, with the Pacific Ocean as an outlet. He was directed to learn of the peoples inhabiting the territory from the Mississippi to the Pacific coast, their habits, occupation, the climatic conditions, and the kinds of soil. Whether the land abounded with minerals, and so forth. Special attention was given to the water courses, beginning at the mouth of the Missouri River and ending on the western coast.

The real expendition started from the mouth of the Wood (Du Bois) River, opposite the mouth of the Missouri River in the State of Illinois on May 14, 1804, and it reached St. Louis on its return September 23, 1806, consuming in this part of the expedition, 2 years 4 months and 9 days. The trip was made in crude craft by water and on foot from the mouth of the Missouri River to the mouth of the Columbia River, a distance of 4,135 miles, or a total of 8,270 miles, through a vast wilderness among uncivilized people. The soldier of fortune was the only representative of the white race who had preceded Lewis and his party. The expedition was through a land inhabited by savage Indian tribes. The forests were full of wild animals. This journey covered more than 8,200 miles, every foot of which was through an unfriendly and hostile country, beyond the reach of aid from friendly hands; a history-making journey, full of the greatest of human hardships. The full party consisted of 45 men. Of this number, in the spring of 1805, 16 men left the main party at the Mandam towns and returned. But one death occurred in the party. Sargent Floyd died August 20, 1804, and is buried in Sioux City, Iowa, out on the beautiful river bank known as Floyd's Bluff. A $20,000 monument marks the traveler's final home. The United States contributed $5,000 to this monument.

A journey from St. Louis to the Pacific is a short trip now. This is the day of the steam car, the electrical age, the automobile, and the airplane. But when Lewis and Clark made their path-finding expedition it was even before the day of the horse and wagon. Farther back than that—there was no covered wagon, with its oxen, and if these had existed there were no roads for travel—not even a trace through the forest wilds. It was, indeed, a charge into no-man's land—looking out upon the star of hope, with an abiding faith in Him who guides the destiny of men, that these brave souls wrote a chapter of pioneer history in achievements that will continue to grow in importance as the years go by. In fact, men and events are not measured in their day—but by the historian and the generations of another age.

Capt. Meriwether Lewis, in the great Northwest, was the pathfinder and the first evangel of the white man's civilization. What did this expedition cost the Government?

It will amaze you how little the Lewis and Clark expedition cost the Government. Lewis made his own estimate. Let me read it to you:

Mathematical instruments	$217
Arms and accouterments extraordinary	81
Camp equipage	255
Medicine and packing	55
Means of transportation	430
Indian presents	696
Provisions extraordinary	224
Materials for making up the various articles into portable packs	55
For the pay of hunters, guides, and interpreters	300
In silver coin, to defray the expenses of the party from Nashville to the last settlement on the Missouri	100
Contingencies	87
Total	2,500

A total of $2,500. Why in 1899–1900, for the use of the United States Geological Survey, upon which the old Powell-Wheeler and Haden surveys were merged, Congress appropriated $834,240.

What of the West and Northwest then? And now? Then, the Mississippi was the western limit of civilization. St. Louis had only 925 people, and there was not a State west of the Mississippi River. In that vast body of land from the Mississippi to the Pacific coast there was not a single Senator or Representative in Congress, while east of the river were 34 Senators and more than 80 Congressmen. It was a vast body of land. The Louisiana Purchase was larger than continental Europe. It had no city or town of size except St. Louis. The hand of civilization had barely touched the primeval forest. From this great wilderness has been carved the States of Arkansas, Missouri, Iowa, Nebraska, North and South Dakota, nearly all of Louisiana, Oklahoma, Kansas, Wyoming, Montana, about two-thirds of Minnesota, one-third of Colorado, and a part of Texas.

The Oregon territory was a key situation to the United States. The claim of the United States to this territory was based on the discovery of the Columbia River in 1792 by Capt. Robert Gray, the Lewis and Clark expedition of 1805–6, the Astorian settlement of 1811, and finally in 1819 the title of Spain was acquired. It is said that the real foundation of our right to the Oregon territory was based on the discoveries and the travels of Lewis and Clark in the expedition of 1805–6. The great West and Northwest were covered by the Lewis and Clark expedition. The territory between the Louisiana Purchase and the Pacific and the Gulf was directly affected by this incursion. Our domain west of the Mississippi is within itself a great empire, with its limitless wealth and resources; with its billions of capital invested in agriculture and lands and industrial enterprises; with its millions of population, its many happy homes. That territory now has a representation in the Senate equal to, and in the House far larger than, the rest of the Union when Captain Lewis lived. Before the Lewis and Clark expedition the great area west of the Mississippi River produced no revenue for the Government. It was a liability in taxation and open to invasion. To-day it is an important part of the great Union, with immense wealth and population. In taxes it is pouring millions of dollars into the Federal Treasury, and from its livestock and agricultural productions it could

feed the teeming millions of the world. By the Oregon boundary settlement we got 183,386,240 acres of land rich in fertility of soil, timber, and mineral resources.

Ex-President Coolidge is soon to write a 500-word history, to be carved on Mount Rushmore, S. Dak., in letters so large it can be read 3 miles away. This history will cover eight epochs in our history. Four of these, either directly or indirectly, bear the guiding hand or impress of Meriwether Lewis and his expedition. They are the Louisiana Purchase of 1803, annexation of Texas in 1846, the Oregon boundary settlement in 1848, and the admission of California in 1849, and for 120 years, Meriwether Lewis, America's greatest explorer, the first of our hardy pioneers, who made the official survey of our public domain in the Northwest, "America's unsung hero," has slept in a lonely grave in the old Natchez Trace in the woodlands of Lewis County, Tenn., spending there the long, long night in death while the Government he had served so well forgot him. The students of American history make their pilgrimages there, and in the quiet woodland they find the grave, over it a little broken shaft of limestone erected by the State of Tennessee in 1848 at a cost of $500.

THE MERIWETHER LEWIS MEMORIAL ASSOCIATION

The Meriwether Lewis Memorial Association is a voluntary organization. It is not incorporated and is without endowment. This body took up the work of caring for the tomb of Meriwether Lewis with such donations as were made by individuals. A big-hearted, generous citizen of Maury County, Mr. Clint Moore, owned the land around the grave; he donated it. The State bought 250 acres of adjacent land, and this 300-acre tract was deeded to the United States. The deed was accepted by President Coolidge and he declared the park the Meriwether Lewis National Monument. For the last three or four years it has been under the charge of the War Department. The superintendent of the Shiloh National Park has charge and supervision of it.

Until 1925 the Federal Government did not notice the Lewis burial place—never spent a dollar in marking or beautifying the grave of the patriot who had aided so much in extending the western boundaries of the United States from the Mississippi River to the Pacific coast.

John Trotwood Moore, the historian and novelist, Tennessee's sweet singer, was the first president of this association. When he died P. E. Cox, State archæologist, succeeded him. The board of directors are among the highest and best of our splendid citizenship. It is composed of P. E. Cox, Samuel H. Hinton, Hugh Lee Webster, Frank A. Goodman, T. J. Petway, Charles Grossman, William W. Pollock, Dr. J. J. Reavis, and Gen. Claude Boyd. None of these men have received a penny compensation. They have contributed their own funds. It has been a labor of love in paying tribute to the memory of this great pioneer American.

SUICIDE OR MURDER?

May I not say a few words about the tragic death of Captain Lewis? It may interest you. It will probably never be known as a certainty whether he died by his own hand or was murdered. He was Governor of the Louisiana Territory at the time of his death. He was on his way from St. Louis to Washington to report to the President. He carried 4 trunks, 2 with public documents and 2 with personal and private papers and property. He had two servants, one a Spaniard and the other a negro. A Mr. Neely, the United States Indian agent at Memphis, was with him until the day before his death, when he stopped on the way looking for some lost horses, and was not with Captain Lewis when he died.

Lewis was following the old Natchez Trace. He came to Grinder's Inn, or tavern, about sundown. He asked to spend the night. This tavern was the first house on entering the white man's land and the last going from Nashville into the Indian territory. Lewis stopped to spend the night of October 11, 1809. The servants went to the barn, about 200 yards away, to sleep. Joshua Grinder apparently was not in when Lewis arrived. Only Mrs. Grinder and Polly Spencer, the white cook, were there. Captain Lewis either suicided or was murdered that night. Most historians have accepted the suicide theory. This is largely based on the letter of President Jefferson to Paul Allen, of Philadelphia, doubtless based on rumors and secondhand information, and especially on the unbelievable story of Mrs. Grinder, told to the ornithologist, Alexander Wilson. Mrs. Grinder told Wilson that Captain Lewis shot himself twice; that she heard him in his struggles calling for help and to heal his wounds; that she could see that a part of his skull was blown away. She said that he begged that they would shoot and kill him.

As against the suicide story and sustaining the murder view there is abundant evidence. Governor Lewis was known to have a large amount of money with him, and only 25 cents was found after his death. His private trunks were taken, in which he kept his will and many family heirlooms, jewelry and trinkets, and these were not recovered by his family for many years—as I remember, it was 35 years after his death.

James D. Parks, of Franklin, Tenn., a student of Lewis's career, was deeply interested in knowing the real facts of his death. He made first-hand investigation and inquiry. He probably came nearer getting the correct information and real facts of what happened on the night of Captain Lewis's death than any other person. He gives splendid authority for his opinion and belief that Lewis was murdered. In 1891 he had an interview with Mrs. Christiana B. Anthony, who lived a short distance from where Lewis died, and she knew Polly Spencer, an intelligent young white woman, who was the expert cook at the Grinder Tavern and was in the tavern when Lewis was shot.

I ask unanimous consent to read into the RECORD Mr. Parks's statement, which I believe to be the authentic story of Lewis's death. It is reliable and conclusive that Lewis was murdered and did not die by his own hand. I read from pages 69, 71, and 72, volume 1, Olin D. Wheeler's The Trail of Lewis and Clark:

It has always been the firm belief of the people of this region that Governor Lewis was murdered and robbed. The oldest citizens now living remember the rumors current at the time as to the murder, and it seems that no thought of suicide ever obtained footing here. The writer recently had an interview with Mrs. Christina B. Anthony, who lives some 2 miles from the Lewis grave and has lived all her life of 77 years in the neighborhood. She says that old man Grinder kept a "stand" for travelers on the Natchez Trace. Polly Spencer, whom she knew well before her death about 40 years ago, was a hired girl at Grinder's when Governor Lewis was killed. Polly had often told the circumstances of the murder so far as she personally knew them.

She was washing dishes in the kitchen after supper with some of the females of the family when they heard a shot in the room where Captain Lewis was sleeping. All rushed into the room and found him dead in his bed. Captain Lewis, being fatigued from his journey, had retired immediately after supper. His only companion, she said, was a negro boy, who was attending to the horses in the barn at the time. Old Grinder, who was of Indian blood, was at once suspected of the murder, ran away, was captured at Cane Creek, brought back and tried, but the proof not being positive, he was released. Only 25 cents was found on the person of Captain Lewis after he was shot.

Old Grinder soon afterwards removed to the western part of the State, and it was reported in his old neighborhood had bought a number of slaves and a farm and seemed to have plenty of money. Before this he had always been quite poor.

Mrs. Anthony says the people always believed that old Grinder killed Mr. Lewis and got his money. She had never heard of the theory of suicide until the writer mentioned it to her. Mrs. Anthony was a young married woman, boarding with the father of Polly Spencer when Polly told her these circumstances. Mrs. Anthony thus heard an ear witness, so to speak, relate the story of the murder, which is pretty direct evidence. She is a bright, active, and intelligent old lady, and has for many years kept the little hotel at the hamlet of Newberg, the county seat of Lewis County, which is just 2 miles east of the monument.

Others living in Lewis and adjoining counties have been conversed with, who remember the general belief at that time, that Grinder killed his guest for the purpose of robbery. He must have observed that Captain Lewis was a person of distinction and wealth; that he was almost alone, and that he probably had money with him. It seems incredible that a young man of 35, the governor of the vast Territory of Louisiana, then on the way from his capital to that of the Nation, where he knew he would be received with all the distinction and consideration due his office and reputation, should take his own life. His whole character is a denial of this theory. He was too brave and conscientious in the discharge of every duty, public and private; too conspicuous a person in the eyes of the country, and crowned with too many laurels to cowardly sneak out of the world by the back way, a self-murderer. This idea was doubtless invented to cover up the double crime of robbery and murder, and seems to have been the only version of his death that reached Mr. Jefferson and other friends in Virginia.

Maj. William J. Webster, dean of the Columbia, Tenn., bar, quite an aged man, was born and reared within a mile and a half of where Lewis died. He has devoted much work and thought to Lewis's history. He knew a number of people who lived in that section when Captain Lewis died, and he often heard them discuss the tragedy. He told me that it was universally believed in that community that Captain Lewis was brutually murdered for the purpose of robbery. The theory of suicide was not heard there for many years. That Captain Lewis was murdered and robbed was an accepted fact.

The State of Tennessee appropriated $500 for a monument to Lewis. This monument, aged and broken, stands above the grave on the edge of the old Natchez Trace. The Lewis monu-

ment committee of the Tennessee Legislature, in its report to the general assembly in 1849–50, says:

The impression has long prevailed that under the influence of disease of body and mind—of hopes based upon long and valuable services—not merely deferred, but wholly disappointed—Governor Lewis perished by his own hands. It seems to be more probable that he died by the hands of an assassin.

THE NATCHEZ TRACE

The Natchez Trace, in which Captain Lewis is buried, is within itself historical. It stretched through the primeval forest like a ribbon of moonlight. It was the first road in America built wholly or in part by Federal labor and money. By treaty with the Indians, while in command at Fort Adam, General Wilkinson established a road through their territory. Post riders carried the mail on the Natchez Trace, and were killed by the Indians as far back as 1790. The opening of this road was done under the immediate direction of Capt. Robert E. Butler and Lieut. E. P. Gaines. They had Indian guides and 10 companies of men in the laying out and the opening of this Indian trace as a post road.

For many years neither Tennessee nor Mississippi, nor the counties of either State, contributed labor or money for the maintenance of this road. It was maintained purely as a Federal road.

THE LEWIS PARK

Just a few words about the Lewis Park. It is about 12 miles from the Andrew Jackson Highway, the great arterial highway leading from the Lakes to the Gulf. The Lewis and Clark Highway runs west from the Andrew Jackson Highway by the Lewis Park and cross the State of Tennessee to the Missouri State line. Other States are being asked to name the intersecting highways leading to the Pacific coast the Lewis and Clark Highway.

The old tavern is long since gone. The only building there is a small office erected since the War Department took charge. A little work has been done on the roads within the park and in beautifying the grounds where the broken shaft stands above the grave of Captain Lewis.

Congress has many, many times honored our immortal and heroic dead. Only a short while ago, Congress gave a million dollars to honor the memory of George Rogers Clark, a brother of Capt. William Clark, second in command of the Lewis and Clark expedition. This was right. I make no complaint. I believe in honoring the memory of the dead who honored and served their country while living. Ours is a land of memories, because it has its heroes, and these heroes have written lasting pages of world history. Meriwether Lewis was one of them. Among the foremost in our history, in fact in all the ages. I shall not believe that Congress will withhold from his memory this modest tribute—a just tribute to "America's unsung hero." [Applause.]

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. MORTON D. HULL].

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes.

Mr. MORTON D. HULL. Mr. Chairman and members of the committee, what is the great lesson that comes from the conference in London? There may be many lessons, but there is one outstanding lesson, as I view the history of that interesting gathering. And that lesson is that you can not have naval reduction without security or without assuring to the contracting parties a sense of security, and that you can not give a sense of security in the present world without political agreements, and that political agreements imply the sanctions of force. The sanctions of force are implicit in all social order, and this is true in the relation of nations to each other as in the relation of the individual member of society to his fellow men. I am aware that this conclusion runs contrary to the prevailing American popular attitude expressed by Mr. Hoover in his Armistice Day speech of last November:

European nations have, by the covenant of the League of Nations, agreed that if nations fail to settle their differences peaceably, then force should be applied by other nations to compel them to be reasonable. We have refused to travel this road. We are confident that, at least in the Western Hemisphere, public opinion will suffice to check violations. This is the road we propose to travel.

Public opinion—that is, the mass opinion of the community—is an enormous force in our social order. None the less, we do not dispense with a police force because of the reasonableness of the public opinion of our particular neighborhood. We may live in a community of 10,000 people and have only four or five policemen. This is a tribute to the reasonableness of the community in which we live. None the less, we do have those four or five policemen. And this is because there is a criminal fringe in all society that makes it impossible to dispense wholly with a police force, even though only a small police force. All we have said with reference to the community in which the individual lives is as true of international relations—of the society of nations as it is of the society of individuals. Perhaps it is more true. For the conflict of men against men, according to the primitive law of the jungle, in the society of individuals has long since been outlawed by civilized society. Public opinion does not tolerate it. Therefore the police power may be small. But the concept of a society of nations in which war has been outlawed is new and untried. We are slow to accept it. Nations are distrustful of each other. They have distinct recollections of past betrayals, and there still survive enough of those leaders of our national life who, while doing lip service to the idea of the outlawry of war, carry the opposite idea in their attitudes, so that we still feel their influence and fear our fellow nations. Foreign nations see the United States building a colossal navy at the same time that we are proposing a reduction of armaments, and immediately after we have ratified the Kellogg pact. They see us too, or at least they see some of our statesmen, claiming the present existence of a doctrine of the freedom of the seas inconsistent with the doctrine of the outlawry of war. Naturally, our good faith is questioned.

On the other hand, we see the dictator of a great Mediterranean power use the language of conquest to his people. We are forewarned by such speech. Indeed, we see in all of the nations enough of the survival of the jingo spirit to make us hesitate in the venture of disarmament. And others watching us are forewarned by what they feel to be a military attitude on our part. And so fear still exists. Can it be wondered that some of the nations at the London conference insist on the idea of security as a necessary prerequisite of the reduction of naval force, and on the idea of political agreements as the basis of such security?

Let me read to you this statement from a distinguished leader of some years ago. I will tell you who it is when I have finished the quotation:

From the international standpoint the essential thing to do is effectively to put the combined power of civilization back of the collective purpose of civilization to secure justice. This can be achieved only by a world league for the peace of righteousness, which would guarantee to enforce by the combined strength of all the nations the decrees of a competent and impartial court against any recalcitrant and defaulting nation.

The gentleman I have quoted from was a realist of the first water as well as an idealist. He was Mr. Theodore Roosevelt. [Applause.]

Mr. FRENCH. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. SELVIG] such time as he may desire.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. SELVIG. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SELVIG. Mr. Chairman, I desire to invite the attention of the House of Representatives for a brief period to-day to the future policy of the United States with respect to the Philippines. There is a growing feeling in this country that a definite decision regarding the Philippines ought to be made at an early date. I share in that feeling.

The House Committee on Insular Affairs should give earnest study to the several bills before it, report out a measure that the committee approves, and thus place the problem squarely before the House for final action.

I am willing to concede, at the outset, that the problem presents difficulties. All who have given it some thought and study will agree there are many phases of the Philippine independence problem which must be carefully considered before Congress expresses its judgment by voting on this important question.

The proposal to grant independence to the Philippines has recently been exhaustively discussed in committee hearings conducted by the Senate. The facts brought out during those hearings are available to all. For that reason I shall not review the historical facts which can be adduced in favor of Philippine independence. They have already been presented. I shall not, either, for lack of time and because they, too, are fully discussed in the hearings referred to, restate the numerous reasons, historic, moral, and humanitarian, which can be urged in behalf of independence.

I have requested the opportunity to-day to present briefly the economic side of this problem. I desire to add my testimony to that of the leaders of our national farm organizations and of

my colleagues in the House of Representatives and elsewhere, who see in the continuation of the present relationship between the Philippines and the United States a serious menace to our domestic agricultural interests.

I do not omit the important facts that can be presented showing the historical and moral reasons for granting Philippine independence, because I consider them to be of less importance than the economic side of the argument. Far from that. In fact, I consider the moral reasons paramount. I omit them solely because they have been fully and conclusively presented heretofore and because testimony fortifying these reasons is available in many official documents of our Government.

EXPORT TRADE OF THE PHILIPPINES

The increasing amount of duty-free importations from the Philippine Islands to the United States, of copra, coconut oil, and of sugar, which make up the bulk of these imports, can best be realized by studying the volume of export trade from the Philippines.

In 1900 exports from the Philippines to the United States aggregated 12.9 per cent of their total exports. The average for 1900 to 1908, inclusive, was 32 per cent. In 1909, the year free trade between the Philippines and the United States was established, the exports increased to 42.17 per cent. Ten years later it was 50 per cent, and in 1927 the United States received 74.59 per cent of the Philippine products.

As to whether there will be a large increase in the future of imports to the United States from the Philippines, I can only rely upon the testimony which has been presented upon numerous occasions and in great detail by competent students of the potential productive capacity of the Philippines. These men, who have first-hand knowledge of the situation, state that the Philippines are capable of very wide expansion of agricultural production beyond that which exists at the present time. In the future there will be, they aver, an expansion of agricultural and lumbering operations there to many times the present volume.

EXPORTS INCREASED 570 PER CENT

Philippine exports to the United States increased from one-seventh of their total exports in 1900 to three-quarters of their total exports in 1927. These figures indicate what may be expected in the future if the present duty-free privilege is continued. While this country receives a large proportion of other commodities, the United States is the sole market for all the coconut oil produced in the Philippines.

I realize that the present uncertainty as to what the United States will finally decide shall be done with the Philippines may result in slowing up current development. If it is determined that trade relations with the Philippines are to be continued on the present free-trade basis, we can confidently expect a tremendous expansion in exports to the United States. American capital seeking to benefit by low-priced labor in the Philippines would seek new fields there for development and exploitation. There can be no reasonable doubt as to this.

It is not my intention to present in elaborate detail the situation as I view it. I do, however, desire to take the time to make the situation clear with respect to sugar imports and the importation of vegetable oils from the Philippines.

IMPORTS OF SUGAR AND OILS

The production of sugar in the Philippines increased from 294,402 tons in 1898 to 740,987 tons in 1928. The sugar imported to the United States from the Philippines in 1927 aggregated 473,674 long tons. The ratio that the imports of sugar from the Philippine Islands bears to the total consumption of sugar in the United States is therefore of such magnitude at the present time as to seriously affect the domestic sugar-beet industry. I shall later submit detailed figures in support of this fact.

FUTURE PRODUCTION

Notwithstanding assurances that the sugar industry in the Philippines can not and will not be greatly expanded, the evidence seems quite positive that great areas are available for sugar plantations. Add to that an abundant labor supply from nearby countries, in case the supply of labor in the Philippines is insufficient, and it requires no great stretch of imagination to forecast a greatly increased production of sugar there.

In fact, one very eminent authority states that the Philippine sugar industry will have a maximum potential production annually of approximately 1,000,000 tons 10 years from now, assuming that the present free-trade relations between the United States are not disturbed.

SUGAR IMPORTS

According to information compiled by the United States Tariff Commission, the Philippines imported free into the United States for the calendar year of 1928 sugar worth $46,873,000, which was 22.4 per cent of the total value imported from all countries, including the Philippines, into the United States and 40.5 per cent of the total value of all commodities imported from the Philippines into the United States.

COCONUT-PRODUCTS IMPORTS

The report further shows that they imported during 1928 into the United States $43,969,000 worth of coconut products, which was of the total value imported into the United States from all countries, including the Philippine Islands, 100 per cent of coconut oil, 72.6 per cent of copra, 76.9 per cent of coconut meat, desiccated, and 79.2 per cent of coconut oil cake or meal, which total coconut products imported into the United States from the Philippines were 38 per cent of the total value of their products imported into the United States.

The Payne-Aldrich Tariff Act of 1909, which gave duty-free entry into our ports to most of the products of the Philippines, limited the duty-free importations of Philippine sugar to a maximum of 300,000 tons per annum. From that time on the importations have increased to 473,674 long tons in 1927.

Now, let us look further into the copra and coconut-oil industries. From the figures presented in a letter dated September 30, 1929, to Senator WILLIAM E. BORAH by the two able Resident Commissioners from the Philippines we find, as taken from the Summary of Commerce of the United States, that the Philippines shipped into the United States 185,427,931 pounds of copra during the seven months ending July 31, 1929.

IMPORTS DURING 1928

For the year 1928 there were the following imports to the United States from the Philippine Islands:

	Pounds
Coconut-oil cake	22,743,466
Coconut-oil meat	46,695,592
Cane sugar	1,150,030,515
Copra	371,889,394
Coconut oil	290,636,702
Tobacco	3,726,967
Cigars	2,574,138

The importation of copra from the Philippines to the United States in each of the years 1927, 1928, and 1929 has been more than 300,000,000 pounds. The importation of coconut oil from the Philippines to the United States has increased from 281,654,000 pounds in 1927 to 411,936,213 pounds in 1929.

GRAVE MENACE TO DAIRY INTERESTS

The magnitude of these importations constitute a grave menace to the domestic dairy interests. It furnishes a substantial reason why the demand for Philippine independence is supported by the dairy groups of the United States. Their plea is for protection against this vast flood of oil which menaces the domestic oils and fats industry. Unless adequate protection is afforded, the domestic dairy industry and the oils and fats industries will be ruined. It is well understood that, regardless of whether there is free trade or not, copra will continue to be exported to this country. The dairy farmers demand a protective tariff on these importations.

Right here I wish to insert as a part of my remarks testimony given by Mr. Charles W. Holman, of Washington, D. C., representing the National Cooperative Milk Producers' Federation, the American Cotton Growers' Exchange, and the National Livestock Producers' Association, when he appeared before the Senate Committee on Finance and testified with reference to imports from the Philippine Islands. Mr. Holman testified as follows:

The oils and fats problem, as we have told the committee several times, constitutes the largest single competitive problem that American farmers have to face in the pending tariff legislation. About $148,000,000 worth of these oils and fats come into this country every year. Only about $603,000,000 of products come in that compete with agricultural products of the farmer. Of that the Philippines send to us a considerable quantity. They send to us about 508,000,000 pounds of coconut oil—that is, of oil content.

Mr. Holman was referring to the last figures, which apply to the year 1927, and stated that this was coconut oil plus the coconut oil in the copra.

I wish also to refer to the fact that this coconut oil is a competitor with the dairy farmers. Mr. Holman states in his answers to the Committee on Finance the effect of coconut oil on the American farmer:

Senator BINGHAM. Are the dairy farmers interested in what goes into oleomargarine?

Mr. HOLMAN. Very deeply, sir. Oleomargarine is a great competitor with 85 to 88 score butter, and there is a differential usually——

Senator BINGHAM. Do you care whether it is made of coconut oil or cottonseed oil?

Mr. HOLMAN. Yes; we do. As a matter of fact, Senator, we would prefer to have it made from a domestic product, because then it would help our brother farmers in the southern section of the country and

tend to stop what is now a rather serious problem to us, namely, the increase of dairy cows in this country.

Senator BINGHAM. Coconut was developed as a food product, but I never knew that cottonseed was intended as a food product.

Mr. HOLMAN. Cottonseed oil is one of the best edible oils in the United States.

Senator CONNALLY. Most of your "olive oil" made up in Connecticut is made out of cottonseed oil. [Laughter.]

Senator BINGHAM. You should not give that away. [Laughter.]

Mr. HOLMAN. I shall have to find those figures a little later for you, Senator. I shall be glad to file them.

Senator SIMMONS. Originally almost all of the oleomargarine was made out of cottonseed oil?

Mr. HOLMAN. Originally; yes. It is something over 160—I should hate to give the figures here without referring to the statistics.

Senator COUZENS. They are all in the record, are they not?

Mr. HOLMAN. They are all in the record, however; and they show that at the present time only around 20,000,000 pounds of cottonseed oil is used in oleomargarine, whereas in the older days considerably over 150,000,000 pounds were used; and at the present time about a quarter of a billion pounds of coconut oil goes into oleomargarine making. The facts are that the prices of coconut oil do effect the prices of cottonseed oil and the other oils and fats in this country.

The United States can produce a plentiful supply of vegetable oils right here in our own country, even if all importations from the Philippines were shut out. Overproduction of dairy products in the United States seems imminent. The constantly increasing flow of Philippine vegetable oils greatly aggravates the danger which confronts our dairy farmers.

In a speech which I gave in the House of Representatives on March 2, 1929, the necessity was stressed of giving consideration to protecting our domestic producers from the vast volume of vegetable oils flowing into the United States from the Philippines.

Let me quote from that speech:

The acquisition of the Philippine Islands 30 years ago, a close student of our agricultural industry recently said, is costing the American farmers at least $150,000,000 this year. These figures are conservative. Others say that the real cost is several times that much.

PHILIPPINE IMPORTS

I stated a few minutes ago that coconut-oil production in the Philippines now runs around 1,000,000,000 pounds per year, and that half of this is shipped into the United States. In this country coconut oil replaces American farm-produced oils and fats, pound for pound, and forces the higher-priced American products out of the United States into the cheaper foreign trade. This coconut oil goes principally to the soap and oleomargarine manufacturers and thus competes with the producers of lard, butter, cottonseed, soybeans, peanuts, flax, and even, to some extent, with corn.

Of the 575,000,000 pounds imported in 1927, 88 per cent came from the Philippines.

How does this vast importation affect the American farmers? One had but to listen to the testimony presented before the Ways and Means Committee to learn of this. All the witnesses were agreed that bringing 575,000,000 pounds of vegetable oils into the country simply takes away the market from 575,000,000 pounds of oils and fats produced on American farms, or almost 10 per cent of all the farm oils and fats in the United States.

As was stated in a recent study of this problem, the native who harvests coconuts in the jungles of Luzon is thus a considerable factor in holding down prices of hogs in the Middle West, of soybeans in Illinois and North Carolina, of cotton and peanuts in the South, of flax in the Northwest, and of dairy products all over the United States. At least 75 per cent of all the farmers in the Nation are affected in a substantial way by this form of competition.

VEGETABLE-OIL IMPORTS ARE INCREASING

What will happen in 5, 10, or 15 years hence? The producers of the country have a right to ask this question. This we know: The Philippine coconut industry is expanding at a tremendous rate. It is estimated that within five years the Philippine coconut-oil production will be above 1,600,000,000 pounds and above 2,000,000,000 pounds by 1939. Something must be done to stop this flood of oil.

The tariff on vegetable oil will be of no avail unless it is applied to oil coming from the Philippines, as well as to oil produced in foreign countries. This was also emphasized in the speech on the tariff which I gave on May 6, 1928.

These duty-free imports place our dairy and livestock farmers in direct competition with the labor of the Philippines and the Orient. The vast profits of the capitalists who exploit this cheap labor are well known. That their labor costs are low is shown by the following figures, showing daily minimum wages paid in the Philippines. The following table is for the year 1922:

Wages paid in the Philippines

	Daily minimum
Agricultural laborers	$0.30
Embroiderers	.25
Fishermen	.50
Hatters	.50
Lumbermen	.30
Miners	.87
Printers	.70
Sawyers	.75
Masons and bricklayers	.60
Mechanics	1.20
Blacksmiths	.65
Unclassified laborers	.20

As was stated at the outset, my remarks would be too long if I enumerated the historic, moral, and humanitarian reasons for granting independence to the Philippines. I must confine myself to the economic side of the case, but want it distinctly understood that too great weight and prominence can not be given the other factors.

GROWING DEMAND FOR INDEPENDENCE

There has been a widespread interest in the Philippine independence question during the past year. As you will recall, it was given considerable consideration during the progress of the debate on the tariff bill in the Senate. On September 16, 1929, the Senator from Idaho [Mr. BORAH] stated the situation so concisely and logically that I wish to call the attention of the House to one paragraph of his speech:

I am not going to discuss the Philippine question to-day, but it comes in here for consideration, because the American farmer at this time is carrying the entire load, from an economic standpoint, of the Philippines. I have wondered if the Philippines were producing manufactured goods as they are capable of producing agricultural products and were sending those manufactured goods into the United States, whether there would be the same equanimity among our friends as to giving free trade to the Philippines that there is at the present time? Duties can be levied as may be seen fit, and levied upon sugar, but the beet-sugar industry will disappear if it is compelled to fight the free-trade importations of the Philippines. Over 600,000,000 pounds of coconut oil and copra are imported each year into this country. These things come in conflict with the American producer, and so far as the bill goes they are left to compete with the Philippines upon a free-trade basis. It may or may not be a factor for this bill, but it is an element which enters into the picture of the condition of agriculture accentuating all the more the necessity for giving protection where it is possible to give it.

The logic of the argument of the Senator from Idaho is irrefutable.

DAIRY FARMERS ARE HIT

The present market for duty-free Philippine imports conflicts most severely with the market which a large group of our own people, the farmers, desire. Their real argument is that the Philippine market here interferes with the market of a large number of our own people in this country.

The movement to effect Philippine independence must not be allowed to drag until some indefinite time in the future. Every year of delay will fasten the present economic status and make it more difficult to secure a change. If the free-trade basis is permitted to continue for 20 years longer it will make the Philippine independence a political impossibility.

On the other hand, it will be necessary to grant a reasonable period of time before an independent resolution would take effect. The people of the Philippines should be allowed time in which to get ready for the new relationship which will involve necessary economic adjustments.

PRESS DISCUSSES INDEPENDENCE

Newspapers and the press generally have given much space to the discussion of the Philippine independence problem during the past year. On December 27, 1929, the Minneapolis Tribune published an editorial, "The Philippine issue grows warm again," which states the situation so clearly and logically that I desire to include it with my remarks:

THE PHILIPPINE ISSUE GROWS WARM AGAIN

The eastern press is professing great indignation because Representatives from dairy and sugar-beet States are demanding that the Philippine Islands be given their independence. The eastern commentators hold up their hands in horror at the idea of permitting agricultural considerations to become involved in a question of national policy.

We quite agree that the Philippine question is one which should be decided on its merits. We quite agree that it should be studied in all its aspects. But we see no reason for "straffing" the dairy and sugar-beet people because they wish the subject discussed. It is natural for people whose economic interests are adversely affected by a particular arrangement to ask for a thorough examination of that arrangement.

Congress can do no less than to make an audit of the Philippine situation.

The Tribune is unable to see where the Philippine adventure has, in the national sense, vindicated itself. Our national policy is pretty well summed up in the Monroe doctrine. The doctrine puts a rather arbitrary wall around the Western Hemisphere. We forbid outsiders to climb over that wall, we expand within the limits of the wall, and we do not ourselves venture much beyond the wall. That, in essence, is the national policy. We believe it to be sound. An island power like Britain no doubt had something to gain by picking up remote possessions all over the globe. But a policy which might be all right for an insular power like Britain might be all wrong for a continental power like the United States. It is our belief that if this country were offered the British Empire as a gift the wise mode of procedure would be to refuse it. We see nothing but grief in remote overseas adventuring.

The acquisition of the Philippines, in the first instance, represented a break with the well-established American policy. The Monroe doctrine does not encourage us to imitate the British policy of spreading out over the seven seas. On the contrary it is a pretty plain mandate to Americans to keep their activities confined to the Western Hemisphere. And that mandate only conforms to the dictates of common sense. What would happen if the United States were offered Bulgaria, for example? Americans would immediately declare that we had no business in the Balkans, and that the sensible thing would be to keep out of them. With our Haitis, our Nicaraguas, and our other inescapable problems, we have trouble enough in our own hemisphere. Why travel abroad and gratuitously saddle ourselves with more vexations?

It was probably national vanity that induced us to take over the Philippines. The words "Pacific power" has a lordly sound, and the word "empire" has a hypnotizing effect upon many individuals. But, so far as the Tribune can see, the United States ceased being American and "went British" temporarily when it first involved itself in the Philippines. We have no more business in the Far East than we have in the Near East.

We entered upon this Philippine adventure cautiously and timorously. We were careful to explain that we intended to stay in the Philippines only a short time. During the 30 years that we have been in the Philippines our policy has been one of bewilderment and befuddlement. Were we an empire-minded people we should simply have announced to the world another annexation and let the matter go at that. But we didn't know quite how to behave. We were imperialistic and non-imperialistic at one and the same time. We were reluctant to admit that we intended to keep the Philippines, and equally reluctant to fulfill our pledge regarding their independence. Throughout the Philippine adventure we have been Americans using a British accent. The result is we have been neither consistently American nor consistently British. Our policy has been a hybrid policy. We didn't want to go forward; we were in too deep to wade back.

As time went on the United States found itself confronted with a serious domestic problem, namely, the decline of its basic industry, agriculture. It also discovered that Philippine agricultural activity was injurious to American agricultural activity. Specifically, oleomargarine is a low-priced competitor of butter; and cheap coconut oil imported from the Philippines is a favorite element in the manufacture of margarine. Minnesota, the leading butter State in the Union, could not but be adversely affected by the competition. Right now oleomargarine is making serious inroads into the normal butter markets. Its use is increasing at the rate of 50,000,000 pounds a year. Less butter was received at the five major markets of America during 1928 than during 1927.

For a considerable period no group of Americans was much interested in the question of the Philippines. Recently the dairy people on observing that Philippine agricultural competition was hitting them where they lived, began to take a lively interest in the topic. The American Congress is sure to hear a great deal more about it during the next few months.

We believe that an overwhelmingly strong case is to be made out for granting the Philippines their economic independence. That is a different way of saying that an overwhelmingly strong case is to be made out for putting an end to the existing free-trade arrangement. The Philippines should have the right to levy whatsoever tariffs they pleased upon importations from the United States; and the rates written into the American tariff laws should apply to the Philippines exactly as they apply to Canada or any other foreign country. We believe that that much is owed both the Filipinos themselves and American agriculture. Blunder though we believe the acquisition of the Philippine Islands to have been, we are not prepared to say that the immediate severance of all political ties between the Philippines and the United States would be advantageous to either the islands or America. But we do not see that that issue, at the moment, is pertinent. Economic independence should precede political independence. The Philippine Islands should be allowed to develop their commercial activities on the basis of an independent nation. In no other way can they be fitted for political independence when it is ultimately accorded them.

Prompt action is necessary. Congress should give early attention to this problem.

EXACT RESTRICTION OF IMPORTS

Congressman CHARLES B. TIMBERLAKE, of Colorado, has advocated Philippine restriction of Philippine imports of sugar, copra, and coconut oil as an immediate step pending action by Congress for Philippine independence. In a recent statement Mr. TIMBERLAKE said:

I am more than ever convinced of the necessity of some form of restriction on duty-free Philippine agricultural imports as a measure of relief for American farmers. Producers of farm products in the islands, under low wage and living standards, are damaging our farmers in the United States market.

Our present policy is one of drifting, although this country's honor is pledged to give the Philippines their independence ultimately. Their political status is not clearly defined; a date ought to be fixed for their freedom. Sentiment favorable to such a course is rapidly growing throughout the United States.

The Filipinos have already received at Uncle Sam's hands more bounties than they can ever hope to repay. But we must either turn them loose soon or confront a most dangerous situation of competition from them within the United States to the detriment of our people. At the earliest favorable opportunity I will again renew the demand upon Congress from farm organizations of the United States for a solution of this problem.

His resolution, House Joint Resolution 330, which was reintroduced on May 5, 1930, should be passed before Congress adjourns. It is imperative that this first step be taken now.

The farmers of the United States are aroused. They demand action not only on the restriction resolution but also on the question of Philippine independence. [Applause.]

Mr. AYRES. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr GARNER].

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

Mr. GARNER. Mr. Chairman and members of the committee, I just came into the Chamber a moment ago, and I desire to make a brief statement in order that the committee may know something about the labors of the conferees on the tariff bill.

I understand that under the rules of the House you can not tell what occurs in the conference, neither is it permissible to disclose what anyone says there as a member of the conference or how their votes are cast. But I understand it is not entirely out of order to recite the facts as to when the conference meets and when it adjourns. So I will recite the fact that the conference met at 2 o'clock this afternoon. The conference adjourned about 4 or 5 minutes ago—and it is now 10 minutes of 3—until to-morrow morning at 10 o'clock.

The purpose of the conference in my opinion—and I think that that opinion is well based on fact—was for the purpose of giving an opportunity for a partisan conference—that is to say, that 6 Members—3 Members of the House and 3 Members of the Senate—might confer and agree upon what might be done when the full official conference should meet again to-morrow morning at 10 o'clock.

Now, Mr. Chairman and members of the committee, I have no complaint to make about that, but I will say that this bill has been considered in more of a partisan spirit than any other legislation in the history of the country.

First, the bill was made up by 15 Republican members of the Ways and Means Committee, and I shall put in the RECORD by permission the States which they represent, so that the country may understand just how the country as a whole is represented. The Republican Members who made up the bill and the States they represent are:

Hawley, Oregon; Treadway, Massachusetts; Bacharach, New Jersey; Hadley, Washington; Timberlake, Colorado; Watson, Pennsylvania; McLaughlin, Michigan; Kearns, Ohio; Chindblom, Illinois; Crowther, New York; Aldrich, Rhode Island; Estep, Pennsylvania; Ramseyer, Iowa; Davenport, New York; Frear, Wisconsin.

The bill was passed without an opportunity for a Democratic Member to offer an amendment, although the rule provided that members of the Ways and Means Committee might have preference in offering amendments authorized by that committee. After considering only 4 of the 434 pages, or 82 of the 10,681 lines in the bill, it was passed by the House and sent over to the Senate. The Senate gave it consideration from a partisan standpoint; that is to say, the Republican membership of the Finance Committee considered the bill without giving the Democratic members an opportunity to join in that consideration.

So the bill was reported to the Senate, and it was considered there, as bills can be considered in the Senate, with a full and free opportunity for every Member of the Senate to offer amendments and an opportunity for every Senator to express himself upon it, and to vote upon its various provisions which opportunity was denied the Members of the House.

It was sent to conference, and after full and free conference, as far as the Republican Members of the House would trust their conferees, it was reported back. You declined to trust your conferees on certain problems. You would not even take their word for it, Mr. Speaker. You would not trust the gentleman from Oregon [Mr. HAWLEY]; you would not trust the gentleman from New Jersey [Mr. BACHARACH]; you would not trust the gentleman from Massachusetts [Mr. TREADWAY] and take their word for what they would do. But you compelled them, before you would intrust them with this piece of legislation, to agree to bring it back to the floor of the House with an opportunity for you to look it over. They did that. What was the result? The result is a reversal of your action on three very important provisions—sugar, cement, and shingles. Now, after you have voted on these and reversed them, you release them of all obligation to have a full and free conference on the part of the House.

The Senate met day before yesterday and agreed to another conference, and sent it back to the House, asking for an agreement by the House. The House gave its consent and it went back to conference. To-day we had this conference. It developed that again it is not a full and free conference. We can not bring back a complete conference report. It is impossible for your conferees to come to a conclusion because another body is not willing to trust their conferees, as you were not willing to trust yours.

They have not even secured absolution from all further consideration in the Senate, as to their promises as to what they will do on certain amendments. The result was we were in conference for three-quarters of an hour, and they finally resolved, at the suggestion of the best politician in the conference, probably, that "we had better send the Democrats out and get together and see if we can not arrive at a partisan conclusion."

They are over there now in conference, endeavoring to iron out their individual differences, and make up what in the beginning you intended it to be, a purely partisan bill, without any consideration of certain sections of the country, without certain sections of the country being represented, without an opportunity of having a voice even in the conference, but making it up as a partisan bill.

I think this has never been done in the history of this country, and the country does not believe in this kind of legislation. The country does not believe you ought to exclude from consideration in conference those you have delegated to perform that duty in order that you may iron out particular differences.

Mr. Speaker, unless you and the gentleman from Connecticut [Mr. TILSON] exercise your good offices and do it early, you are not going to have any tariff bill. I do not think that is going to hurt your feelings very much, Mr. Speaker. I do not know how it is with the gentleman from Connecticut [Mr. TILSON] because he has gotten a great deal out of this bill. In fact, he has sewed up all the fences in Connecticut and all the surrounding territory, and has secured increases on almost everything from fish to battleships.

I just wanted to take this time, Mr. Speaker, to enter my protest against the methods pursued in the formulation and passage of this tariff bill. I do not believe it appeals to the good judgment of the Republican membership of this House. I do not believe in your consciences and in your hearts, you believe that it is the right thing, under our theory of government, to exclude from the consideration of legislation, even to the extent of a conference agreement, the entire minority side of the House. In my opinion, it can not be defended.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. GARNER. Yes.

Mr. SPROUL of Kansas. Is the sentiment the gentleman is evincing that of jealousy because he fears this is going to be a wonderfully popular bill, and that the Democrats are going to get the worst of it, because they are not permitted to be in on the making of it?

Mr. GARNER. Well, I do not know, Mr. Chairman, whether the gentleman refers to advantage from a party standpoint or advantage from the standpoint of the industries of the country. But if he means advantage from a party standpoint, I will say, sir, that I think the Democrats have the best of it in this instance and we are perfectly willing to let the Republicans have their way, but we do feel we have an obligation to discharge; that we have been elected to Congress by our constituents, and it is our duty to serve them the best we can and get the best legislation we possibly can from conference, from the House or from the Senate. We would be derelict in our duty if we permitted you and your party organization to exclude us entirely from the consideration of any legislation without entering our protest, and especially in not permitting us to have an opportunity to contribute what we can toward perfecting a very bad piece of legislation under the best of conditions.

Mr. DENISON. Will the gentleman yield?

Mr. GARNER. Yes.

Mr. DENISON. What particular difference does it make anyway, if the Republicans are willing to assume the responsibility of the bill, because the gentleman and those for whom he is speaking intend to vote against it, and prevent it from becoming a law if possible. So what difference does it make whether you are taken into the conference for the purpose of helping write the provisions of the bill?

Mr. GARNER. I would call the gentleman's attention to the fact that if he will examine the record made last week he will find that his statement is not borne out. As I recall—I do not have it before me, but I have it on my desk—over 90 Republicans joined with the Democrats, over the protest of their organization and against the judgment of the 15 Republican members of the Ways and Means Committee, and adopted a policy with reference to certain items in this bill.

It is my duty to represent the minority members, and as long as I am one of the conferees I am going to do my duty and protest in each instance against the unfairness of it, the injustice of it, the un-Americanism of it, and the parliamentary methods you have adopted in passing this legislation.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. AYRES. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. COLLIER. Will the gentleman yield?

Mr. GARNER. Yes.

Mr. COLLIER. I want to ask the gentleman if it does not go further than that? Does not that kind of a practice destroy our representative government and form of government?

Mr. GARNER. To my mind it is very unfair, un-American and it is not in accord with our Constitution. It is our theory of government that all shall be represented, but if we had left it to the Republican membership you would not have made the changes which were made last week. Those changes were made by Democrats; those changes were made by virtue of Democratic votes, and you would never have given them to us except you were forced to do so under the rules of the House, or else you would have been forced to bring in a rule that would have gagged this House to a point where you could not have adopted it. I want to say that if you had attempted to avoid the votes which were taken last week the Republican side of this House would have revolted against any such rule, a rule which would have provided for the taking away from the House all possible opportunity of passing on differences between the two Houses on amendments that had to be brought back to the respective bodies.

Mr. DENISON. Will the gentleman yield?

Mr. GARNER. Certainly.

Mr. DENISON. Do I understand, then, that the gentleman from Texas is opposed to the system of party government that we have always had in this country?

Mr. GARNER. Oh, no; and the gentleman should not indicate anything of the kind. I am an intense believer in party government, but I do say that party government does not go to the extent of excluding the other party from the consideration of legislation either in the House or in conference. I do not believe that in the name of party government you should do an unjust thing and not give the minority an opportunity to consider legislation. The gentleman is on the Interstate and Foreign Commerce Committee and you have party government there. Suppose your party determines upon a policy with reference to matters coming before your committee, would the gentleman advocate excluding all the minority from the deliberations of the committee, and after the proposed legislation got into the House of Representatives, would you prevent them from offering amendments to perfect the legislation, and would you go still further and when you were on the conference committee with the gentleman from Texas [Mr. RAYBURN] would you favor excluding him from the room while you prepared the party's program with reference to the legislation from your committee? Would the gentleman do that? Answer my question.

Mr. DENISON. I would not exclude anybody, so far as I am concerned.

Mr. GARNER. That is all I am asking in this instance.

Mr. DENISON. But since the gentleman has asked me the question, I would say that when the two political parties go to the country on a political issue like the tariff question and one

of them wins an overwhelming victory, I think the others ought to take their defeat like sportsmen and let the winning party write the law; and if the Democrats go to the country on the tariff issue, as they have done heretofore, and win the election overwhelmingly, the Democratic Party ought to be allowed to write the tariff bill.

Mr. GARNER. Why should not that apply to every other piece of legislation that involves party politics?

Mr. DENISON. It ought to apply if it is a party question.

Mr. GARNER. They are party questions. Do you not have party questions on matters outside of the tariff? The gentleman answered the question by saying he would not exclude the Democrats on the Interstate and Foreign Commerce Committee, but would give them an opportunity in the House to offer amendments to perfect any proposed legislation. The gentleman also said he would not exclude them from the conference. All I am complaining about in regard to this legislation is that from the very beginning no such policy, as the gentleman says he would follow, has been pursued with reference to this legislation. On the contrary, you have excluded every Democrat from any consideration, not only in committee but in the House of Representatives, and now when you get into difficulties, after we have gone along with you and have made up a partial report with respect to over 1,200 items, you come in and in your last moments, when you are in great distress, you propose to exclude them from the deliberations of the conference.

Mr. Chairman, I merely want to enter my protest against this procedure and to let the House of Representatives know it is our desire to contribute what we can to this legislation. [Applause.]

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOCH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 12236) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1931, and for other purposes, had come to no resolution thereon.

PILGRIMAGE OF MOTHERS AND WIDOWS OF DECEASED SOLDIERS, SAILORS, ETC., TO CEMETERIES IN EUROPE

Mr. WURZBACH. Mr. Speaker, I call up the conference report on the bill (H. R. 4138) to amend the act of March 2, 1929, entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe, to make a pilgrimage to these cemeteries," and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Texas calls up the conference report on the bill (H. R. 4138) and asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4138) having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "That the act of March 2, 1929, entitled 'An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries,' be, and is hereby, amended to authorize the Secretary of War to arrange for pilgrimages to cemeteries in Europe by mothers and widows of those members of the military or naval forces of the United States who died in the military or naval service at any time between April 5, 1917, and July 1, 1921, wherein death and burial of the member occurred at sea or wherein the death of the member occurred at sea or overseas but whose place of interment is unknown, or who is interred in any identified grave in Europe, the same as is provided in the case of mothers and widows of members of said forces whose remains are now interred in identified graves in cemeteries in Europe, at the expense of the United States and under the conditions set forth in section 2 of said act"; and the Senate agree to the same.

HARRY C. RANSLEY,
HARRY M. WURZBACH,
PERCY E. QUIN,
Managers on the part of the House.

DAVID BAIRD, Jr.,
PATRICK SULLIVAN,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4138) to amend the act of March 2, 1929, entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to the amendment agreed:

The amendment of the Senate to section 1 of the House bill provided that mothers be permitted to make the pilgrimage to any identified grave of a United States World War soldier, sailor, or marine buried in Europe whether the grave be in a cemetery or not. The act of March 2, 1929, provided that the pilgrimage be only to cemeteries. To this amendment your conferees agreed. The same Senate amendment, however, struck out the language of the House which permitted the mothers of sons buried at sea or in unknown graves in Europe to make the trip. By action of the conferees this language was restored, so that the law as amended will permit the mothers of United States soldiers, sailors, or marines who are buried in Europe in graves where they fell or in cemeteries, who are buried in unknown graves, or who died at sea, to make one pilgrimage to Europe at the expense of the United States Government.

HARRY C. RANSLEY,
HARRY M. WURZBACH,
PERCY E. QUIN,
Managers on the part of the House.

Mr. WURZBACH. I will state that the conferees unanimously agreed upon this report. The effect of the conference report is to approve the bill as it passed the House, with the addition of the following language, "or who is interred in any identified grave in Europe," so that the bill now reads as follows:

Be it enacted, etc., That the act of March 2, 1929, entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," be, and is hereby, amended to authorize the Secretary of War to arrange for pilgrimages to cemeteries in Europe by mothers and widows of those members of the military or naval forces of the United States who died in the military or naval service at any time between April 5, 1917, and July 1, 1921, wherein death and burial of the member occurred at sea or overseas, but whose place of interment is unknown, or who is interred in any identified grave in Europe, the same as is provided in the case of mothers and widows of members of said forces whose remains are now interred in identified graves in cemeteries in Europe, at the expense of the United States and under the conditions set forth in section 2 of said act.

As stated before, the words "or who is interred in any identified grave in Europe" are the only words added to the House bill as it passed the House on March 4, 1930, and no words have been subtracted therefrom.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. WURZBACH. I yield.

Mr. DICKSTEIN. I spoke on the floor yesterday, and referred to a bill, H. R. 4109, introduced by me originally, authorizing the pilgrimage back in 1923, and so I am very much interested in this legislation.

As I understand, this amendment takes care of the mothers of the boys whose graves are not known but who are buried within a certain area. I think that is an excellent amendment, because I have a case where a mother lost two or three sons in the Argonne. They do not know where they are buried but she believes that she can find where they are buried, and under the present law she could not go on the pilgrimage, but this will take care of a case of that kind.

Mr. WURZBACH. Yes; and the gentleman has been very helpful in this legislation. He was one of its pioneers.

Mr. McCORMACK of Massachusetts. Will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. McCORMACK of Massachusetts. Is it the intention to cover the case of men reported lost in action, the inference being that they were killed and perhaps blown to pieces? Does the gentleman understand that the phraseology will cover mothers of those unfortunate men?

Mr. WURZBACH. I think the bill as amended will cover those cases. In fact, the language in the original bill covers such cases, and the amendment we have adopted makes the law more liberal in another respect.

Mr. McCORMACK of Massachusetts. It was the intention of the committee to cover the mothers of those boys—the case where the Government does not know whether they are buried or whether they were blown to pieces.

Mr. WURZBACH. Yes.

Mr. McCORMACK of Massachusetts. I wanted the gentleman's opinion because it might assist in the interpretation of the law.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

CLAIM OF THE GOVERNMENT OF NORWAY (S. DOC. NO. 144)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and with accompanying papers, referred to the Committee on Foreign Affairs and ordered printed.

To the Congress of the United States:

I inclose a report received from the Secretary of State requesting the submission to the present Congress of the claim presented by the Government of Norway against the United States for reimbursement on account of losses sustained by reason of the detention of the Norwegian steamer *Tampen* by the United States Coast Guard during June, 1925.

I concur in the recommendation made by the Secretary of State and recommend that, as an act of grace and without reference to the question of the legal liability of the United States in the matter, the Congress authorize an appropriation in the sum of $8,765 in order to effect the settlement of all claims arising as a result of detention of the vessel.

HERBERT HOOVER.

THE WHITE HOUSE, *May 9, 1930.*

BRIDGE OVER THE MISSOURI RIVER AT RANDOLPH, MO.

Mr. DENISON. Mr. Speaker, the House passed a bill some little time ago extending the time for building a bridge across the Missouri River at Randolph, Mo. The Senate has passed it and made a slight amendment. It is H. R. 8562, to extend the time for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo. I ask unanimous consent that it be taken from the Speaker's table and that the House agree to the Senate amendment.

The SPEAKER. The Clerk will report the title of the bill and the Senate amendment.

The Clerk read the title of the bill and the Senate amendment, as follows:

Page 1, line 6, after "Company," insert "its successors and assigns."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was agreed to.

BRIDGE ACROSS THE FRENCH BROAD RIVER IN JEFFERSON COUNTY, TENN.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 4174, and consider the same.

The SPEAKER. The Clerk will report the title to the bill.

The Clerk read as follows:

S. 4174. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Dandridge-Newport Road, in Jefferson County, Tenn.

The SPEAKER. Is there objection?

Mr. GARNER. Reserving the right to object, I want to put in the RECORD a statement concerning the omnibus bridge bill. That bill, if I remember it, passed the House and went to the Senate, and was held up in the Senate committee for quite a length of time. Finally it was reported to the Senate and passed with Senate amendments. As I recall there are some 20 authorizations in the bill for building bridges. They are being held up, and the opportunity to begin construction work in these various authorizations is being held up. In one instance I know it has cost some money, and if it is not passed within 30 days it will cost one organization some $5,000. I am wondering why it is that we can not have a report upon that from the conference committee. I know the gentleman is in charge of bridge bills, and we look to him to facilitate the passage of these bills.

Mr. DENISON. Mr. Speaker, I found objections raised by one of the Senators to one or two of the items in the bill. The Senate finally reported the bill and passed it with amendments. They struck out the name of the grantee in one or two of the bridge franchises and substituted some other parties. Since then the Senate has been so busily occupied by the consideration of the Parker nomination to the Supreme Court that I was unable to get a conference. The Senators have told me that as soon as that matter was disposed of they would go to conference on the bill and I am hoping to get a conference to-morrow or early next week.

Mr. GARNER. Then, the gentleman hopes to get a full conference report, so that the bill may be sent to the President.

Mr. DENISON. I shall do the best that I can.

Mr. GARNER. I do not desire to criticize the other body or any individual Member, but it seems strange to me, and I think to the membership of the House, that one man in another body can hold up 23 proposed authorizations that contribute to the commerce of the country. It is still a little more strange that in the consideration of a House bill they would strike out an authorization designed for A and substitute B. I do not think such a thing has been called to my attention in the last 10 years.

Mr. DENISON. The gentleman from Texas is correct. I do not know when it has ever been done before, but it has been done in this case, and it is very much to be regretted. We will try to work that out in conference. Our committee grants no monopolies in bridge franchises, and we would willingly grant an additional franchise to any other parties, if a Senator should file a bill for that purpose.

Mr. GARNER. I hope the gentleman succeeds at an early date.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Highway Department of the State of Tennessee, its successors and assigns, to construct, maintain, and operate a free highway bridge and approaches thereto across the French Broad River, at a point suitable to the interests of navigation, on the Dandridge-Newport Road, in Jefferson County, Tenn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS OHIO RIVER, CARROLLTON, KY.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 4173) for commencing and completing the construction of a bridge across the Ohio River at or near Carrollton, Ky., a similar House bill being reported from the committee and on the calendar.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Ohio River at or near Carrollton, Ky., authorized to be built by the State highway commission, Commonwealth of Kentucky, by the act of Congress approved February 26, 1929, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill was ordered to lie on the table.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 135. An act to provide for the payment of benefits received by the Paiute Indian Reservation lands within the New-

lands irrigation project, Nev., and for other purposes; to the Committee on Irrigation and Reclamation.

S. 226. An act authorizing the issuing of certificates of arrival to persons born in the United States who are now aliens; to the Committee on Immigration and Naturalization.

S. 1072. An act for the relief of Gabriel Roth; to the Committee on Claims.

S. 1378. An act for the relief of Juan Anorbe, Charles C. J. Wirz, Rudolph Ponevacs, Frank Guelfi, Steadman Martin, Athanasios Metaxiotis, and Olaf Nelson; to the Committee on Claims.

S. 1571. An act for the relief of William K. Kennedy; to the Committee on Claims.

S. 1644. An act authorizing the county of Vanderburgh, Ind., to construct, maintain, and operate a toll bridge across the Ohio River at or near Evansville, Ind.; to the Committee on Interstate and Foreign Commerce.

S. 1683. An act for the relief of John Heffron; to the Committee on Naval Affairs.

S. 1721. An act directing the retirement of acting assistant surgeons of the United States Navy at the age of 64 years; to the Committee on Naval Affairs.

S. 1851. An act for the relief of S. Vaughan Furniture Co., Florence, S. C.; to the Committee on Claims.

S. 2187. An act for the relief of S. Dwight Hunt; to the Committee on Military Affairs.

S. 2567. An act granting travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine insurrection who were discharged in the Philippines; to the Committee on Military Affairs.

S. 2721. An act to provide for the advancement on the retired list of the Navy of Frederick L. Caudle; to the Committee on Naval Affairs.

S. 2774. An act for the relief of Nick Rizou Theodore; to the Committee on Claims.

S. 2811. An act for the relief of Oscar R. Hahnel; to the Committee on Claims.

S. 2892. An act for the relief of Helen F. Griffin and Ada W. Allen; to the Committee on Claims.

S. 2896. An act granting the consent of Congress to the State of Oregon and the Stock Slough Drainage District to construct, maintain, and operate a dam and dike to prevent the flow of tidal waters into Stock Slough, Coos Bay, Coos County, Oreg.; to the Committee on Rivers and Harbors.

S. 2897. An act granting the consent of Congress to the State of Oregon and the Beaver Slough Drainage District to construct, maintain, and operate a dam and dike to prevent the flow of tidal waters into Beaver Slough, Coquille River, Coos County, Oreg.; to the Committee on Rivers and Harbors.

S. 2898. An act granting the consent of Congress to the State of Oregon and the Larson Slough Drainage District to construct, maintain, and operate a dam and dike to prevent the flow of tidal waters into Larson Slough, Coos Bay, Coos County, Oreg.; to the Committee on Rivers and Harbors.

S. 3044. An act to amend section 39 of title 39 of the United States Code; to the Committee on Post Offices and Post Roads.

S. 3277. An act to provide against the withholding of pay when employees are removed for breach of contract to render faithful service; to the Committee on Expenditures in the Executive Departments.

S. 3298. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Evansville, Ind.; to the Committee on Interstate and Foreign Commerce.

S. 3407. An act for the relief of Judson Stokes; to the Committee on Claims.

S. 3466. An act to legalize the water pipe line constructed by the Searcy Water Co. under the Little Red River near the town of Searcy, Ark.; to the Committee on Interstate and Foreign Commerce.

S. 3553. An act for the relief of R. A. Ogee, sr.; to the Committee on Claims.

S. 3555. An act authorizing the purchase, establishment, and maintenance of an experimental farm or orchard in Mobile County, State of Alabama, and authorizing an appropriation therefor; to the Committee on Agriculture.

S. 3868. An act granting the consent of Congress to the Lamar Lumber Co. to construct, maintain, and operate a railroad bridge across the West Pearl River at or near Talisheek, La.; to the Committee on Interstate and Foreign Commerce.

S. 3873. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo.; to the Committee on Interstate and Foreign Commerce.

S. 3950. An act authorizing the establishment of a migratory bird refuge in the Cheyenne Bottoms, Barton County, Kans.; to the Committee on Agriculture.

S. 3965. An act to authorize the Secretary of War to grant an easement to the Wabash Railway Co. over the St. Charles Rifle Range, St. Louis County, Mo.; to the Committee on Military Affairs.

S. 4140. An act providing for the sale of the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Okla., and for other purposes; to the Committee on Indian Affairs.

S. 4157. An act to extend the times for commencing and completing a bridge across the Tennessee River at or near Chattanooga, Hamilton County, Tenn.; to the Committee on Interstate and Foreign Commerce.

S. 4227. An act to authorize the Board of Education of the District of Columbia to make certain provisions for the relief of congestion in the public schools of the District of Columbia; to the Committee on the District of Columbia.

S. 4269. An act authorizing the Commonwealth of Kentucky, by and through the State Highway Commission of Kentucky or the successors of said commission, to acquire, construct, maintain, and operate bridges within Kentucky and/or across boundary-line streams of Kentucky; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 645. An act for the relief of Lyma Van Winkle;

H. R. 1794. An act to authorize the payment of an indemnity to the owners of the British steamship *Kyleakin* for damages sustained as a result of a collision between that vessel and the U. S. S. *William O'Brien*.

H. R. 1954. An act for the relief of A. O. Gibbens;

H. R. 2902. An act to authorize the sale of the Government property acquired for a post-office site in Binghamton, N. Y.;

H. R. 3246. An act to authorize the sale of the Government property acquired for a post-office site in Akron, Ohio;

H. R. 3717. An act to add certain lands to the Fremont National Forest in the State of Oregon;

H. R. 6564. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1931, and for other purposes;

H. R. 7069. An act for the relief of the heirs of Viktor Pettersson;

H. R. 7832. An act to reorganize the administration of Federal prisons; to authorize the Attorney General to contract for the care of United States prisoners; to establish Federal jails, and for other purposes;

H. R. 8299. An act authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor;

H. R. 8578. An act to sell the present post-office site and building at Dover, Del.;

H. R. 8918. An act authorizing conveyance to the city of Trenton, N. J., of title to a portion of the site of the present Federal building in that city;

H. R. 9324. An act to dedicate for street purposes a portion of the old post-office site at Wichita, Kans.;

H. R. 9325. An act to authorize the United States Veterans' Bureau to pave the road running north and south immediately east of and adjacent to Hospital No. 90, at Muskogee, Okla., and to authorize the use of $4,950 of funds appropriated for hospital purposes, and for other purposes;

H. R. 9407. An act to amend the act of Congress approved May 29, 1928, authorizing the Secretary of the Treasury to accept title to certain real estate, subject to a reservation of mineral rights in favor of the Blackfeet Tribe of Indians;

H. R. 9437. An act to authorize a necessary increase in the White House police force;

H. R. 9758. An act to authorize the Commissioners of the District of Columbia to close certain portions of streets and alleys for public-school purposes; and

H. R. 9845. An act to authorize the transfer of Government-owned land at Dodge City, Kans., for public-building purposes.

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S. J. Res. 165. Joint resolution authorizing the settlement of the case of United States against the Sinclair Crude Oil Purchasing Co., pending in the United States District Court in and for the District of Delaware.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 389. An act for the relief of Kenneth M. Orr;

H. R. 707. An act to authorize an appropriation for construction at Fort McKinley, Portland, Me.;

H. R. 973. An act to remove the age limit of persons who may be confined at the United States Industrial Reformatory at Chillicothe, Ohio;

H. R. 1301. An act for the relief of Julius Victor Keller;

H. R. 1444. An act for the relief of Marmaduke H. Floyd;

H. R. 2161. An act to convey to the city of Waltham, Mass., certain Government land for street purposes;

H. R. 3527. An act to authorize credit in the disbursing accounts of certain officers of the Army of the United States for the settlement of individual claims approved by the War Department;

H. R. 4198. An act to authorize the exchange of certain lands adjoining the Catoosa Springs (Ga.) Target Range;

H. R. 5283. An act to declare valid the title to certain Indian lands;

H. R. 5726. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the city of Salem, Mass., and to the Salem Marine Society, of Salem, Mass., the silver-service set and bronze clock, respectively, which have been in use on the cruiser *Salem;*

H. R. 6338. An act authorizing the erection of a sanitary, fireproof hospital at the National Home for Disabled Volunteer Soldiers, of Togus, Me.;

H. R. 6645. An act authorizing the Secretary of the Navy, in his discretion to deliver to the president of the Lions Club, of Shelbyville, Tenn., a bell of any naval vessel that is now, or may be, in his custody; and to the president of the Rotary Club, of Shelbyville, Tenn., a steering wheel of any naval vessel that is now, or may be, in his custody;

H. R. 7410. An act to establish a hospital for defective delinquents;

H. R. 7395. An act to extend to Government postal cards the provision for defacing the stamps on Government stamped envelopes by mailers;

H. R. 7413. An act to amend an act providing for the parole of United States prisoners, approved June 25, 1910, as amended;

H. R. 8052. An act authorizing the heirs of Elijah D. Myers to purchase land in section 7, township 28 south, range 11 west, Willamette meridian, county of Coos, State of Oregon;

H. R. 8368. An act providing for a study regarding the construction of a highway to connect the northwestern part of the United States with British Columbia, Yukon Territory, and Alaska in cooperation with the Dominion of Canada;

H. R. 8650. An act to authorize the Postmaster General to charge for services rendered in disposing of undelivered mail in those cases where it is considered proper for the Postal Service to dispose of such mail by sale or to dispose of collect-on-delivery mail without collection of the collect-on-delivery charges or for a greater or less amount than stated when mailed;

H. R. 8713. An act granting land in Wrangell, Alaska, to the town of Wrangell, Alaska;

H. R. 8763. An act to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Apostle Islands National Park, in the State of Wisconsin, and for other purposes;

H. R. 8805. An act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field;

H. R. 8973. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Charleston Museum, of Charleston, S. C., the ship's bell, plaque, war record, and silver service of the cruiser *Charleston* that is now, or may be in his custody;

H. R. 9235. An act to authorize the Public Health Service to provide medical service in the Federal prisons;

H. R. 9434. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at or near Arlington, Oreg.;

H. R. 10258. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cannelton, Ind.;

H. R. 10474. An act granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the White River at or near Sylamore, Ark.;

H. R. 10581. An act to provide for the addition of certain lands to the Yosemite National Park, Calif., and for other purposes;

H. R. 10674. An act authorizing payment of six months' death gratuity to beneficiaries of transferred members of the Fleet Naval Reserve and Fleet Marine Corps Reserve who die while on active duty;

H. R. 11046. An act to legalize a bridge across the Hudson River at Stillwater, N. Y.;

H. J. Res. 188. Joint resolution authorizing the use of tribal funds belonging to the Yankton Sioux Tribe of Indians in South Dakota to pay expenses and compensation of the members of the tribal business committee for services in connection with their pipestone claim; and

H. J. Res. 244. Joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Okla., to be held October 4 to 11, 1930, inclusive.

ADJOURNMENT

Mr. FRENCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 15 minutes p. m.), pursuant to the order heretofore made, the House adjourned until Monday, May 12, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, May 10, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON ELECTIONS NO. 2

(10 a. m.)

To consider the Hill-Palmisano contested-election case.

For Monday, May 12, 1930:

COMMITTEE ON THE CENSUS

(10.30 a. m.)

Authorizing the Director of the Census to collect and publish certain additional cotton statistics (S. 2322 and S. 2323).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON THE JUDICIARY

(10.30 a. m.)

To license and regulate the business of making loans in sums of $300 or less, secured or unsecured, prescribing the rate of interest and charge therefor and penalties for the violation thereof, and regulating assignments of wages and salaries when given as security for any such loans (H. R. 7628).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

457. A communication from the President of the United States, transmitting a supplemental estimate of appropriations pertaining to the Legislative Establishment, United States Senate, for the fiscal year 1930, amounting to $30,000 (H. Doc. No. 391); to the Committee on Appropriations and ordered to be printed.

458. A communication from the President of the United States, transmitting a supplemental estimate of appropriations pertaining to the Legislative Establishment under the Architect of the Capitol for the fiscal year 1930, amounting to $22,054.63 (H. Doc. No. 392); to the Committee on Appropriations and ordered to be printed.

459. A communication from the President of the United States, transmitting a supplemental estimate of appropriations for the Office of Public Buildings and Public Parks of the National Capital for the fiscal year 1931, amounting to $58,247 (H. Doc. No. 393); to the Committee on Appropriations and ordered to be printed.

460. A communication from the President of the United States, transmitting a supplemental estimate of appropriations pertaining to the Legislative Establishment, House of Representatives, for the fiscal year 1930, amounting to $96,234.12 (H. Doc. No. 394); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WILLIAMSON: Committee on Expenditures in the Executive Departments. H. R. 11978. A bill to authorize the appointment of employees in the executive branch of the govern-

ment and the District of Columbia; with amendment (Rept. No. 1411). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. S. 1268. An act authorizing the States of Illinois and Indiana to construct, maintain, and operate a free highway bridge across the Wabash River, at or near Vincennes, Ind.; with amendment (Rept. No. 1413). Referred to the House Calendar.

Mr. BECK: Committee on Interstate and Foreign Commerce. S. 3421. An act to authorize the Tidewater Toll Properties (Inc.), its legal representatives and assigns, to construct, maintain, and operate a bridge across the Choptank River at a point at or near Cambridge, Md.; without amendment (Rept. No. 1414). Referred to the House Calendar.

Mr. BECK: Committee on Interstate and Foreign Commerce. S. 3422. An act to authorize the Tidewater Toll Properties (Inc.), its legal representatives and assigns, to construct, maintain, and operate a bridge across the Patuxent River, south of Burch, Calvert County, Md.; without amendment (Rept. No. 1415). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. S. 4182. An act granting the consent of Congress to the county of Georgetown, S. C., to construct, maintain, and operate a bridge across the Peedee River and a bridge across the Waccamaw River, both at or near Georgetown, S. C.; with amendment (Rept. No. 1416). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McLEOD: Committee on the District of Columbia. H. R. 1518. A bill for the relief of J. W. Anderson; without amendment (Rept. No. 1407). Referred to the Committee of the Whole House.

Mr. JOHNSTON of Missouri: Committee on Claims. H. R. 7534. A bill for the relief of the Brookhill Corporation; without amendment (Rept. No. 1408). Referred to the Committee of the Whole House.

Mr. SMITH of Idaho: Committee on Irrigation and Reclamation. H. R. 8103. A bill for the relief of the American Falls Realty & Water Works Co. (Ltd.), of Power County, Idaho; without amendment (Rept. No. 1409). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 10542. A bill for the relief of John A. Arnold; with amendment (Rept. No. 1410). Referred to the Committee of the Whole House.

Mr. HOPKINS: Committee on War Claims. H. R. 9471. A bill for the relief of Florence M. Humphries; with amendment (Rept. No. 1412). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARENTZ: A bill (H. R. 12282) to place an embargo on silver; to the Committee on Ways and Means.

By Mr. BRITTEN: A bill (H. R. 12283) to authorize the construction of certain naval vessels required under the London Naval Conference, and for other purposes; to the Committee on Naval Affairs.

By Mr. CROSSER: A bill (H. R. 12284) to provide for the construction of vessels for the Coast Guard for rescue and assistance work on Lake Erie; to the Committee on Interstate and Foreign Commerce.

By Mr. SPROUL of Illinois: A bill (H. R. 12285) to authorize the Postmaster General to purchase motor-truck parts from the truck manufacturer; to the Committee on the Post Office and Post Roads.

By Mr. THATCHER: A bill (H. R. 12286) to repeal the act entitled "An act authorizing the Secretary of the Interior to sell and patent certain lands in Louisiana and Mississippi," approved April 11, 1928; to the Committee on the Public Lands.

Also, a bill (H. R. 12287) authorizing the Commonwealth of Kentucky, by and through the State Highway Commission of Kentucky, or the successors of said commission, to acquire, construct, maintain, and operate bridges within Kentucky and/or across boundary-line streams of Kentucky; to the Committee on Interstate and Foreign Commerce.

By Mr. LEAVITT: A bill (H. R. 12288) to amend the act entitled "An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act," approved April 21, 1928; to the Committee on Irrigation and Reclamation.

By Mr. REID of Illinois: Joint resolution (H. J. Res. 334) to amend the radio act of 1927 by providing for 3 Government broadcasting frequencies, 1 for the Department of Agriculture, 1 for the Department of the Interior, and 1 for the Department of Labor; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOYLAN: A bill (H. R. 12289) for the relief of Capt. Christian Damson; to the Committee on Claims.

By Mr. CRAIL: A bill (H. R. 12290) granting a pension to Charles H. Ingersoll; to the Committee on Pensions.

By Mr. DOMINICK: A bill (H. R. 12291) granting a pension to John E. Winn; to the Committee on Pensions.

Also, a bill (H. R. 12292) granting a pension to Will Ralph Johnson; to the Committee on Pensions.

By Mr. HANCOCK: A bill (H. R. 12293) granting an increase of pension to Lucy E. Bryant; to the Committee on Invalid Pensions.

By Mr. HESS: A bill (H. R. 12294) granting an increase of pension to Barbara Ann Felix; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 12295) granting an increase of pension to Celina E. Hutton; to the Committee on Invalid Pensions.

By Mr. KENDALL of Pennsylvania: A bill (H. R. 12296) granting an increase of pension to Elizabeth A. Glisan; to the Committee on Invalid Pensions.

By Mr. LANKFORD of Georgia: A bill (H. R. 12297) granting a pension to Grover C. Fennell; to the Committee on Pensions.

By Mr. SLOAN: A bill (H. R. 12298) for the relief of George P. Sterling; to the Committee on Military Affairs.

By Mr. TABER: A bill (H. R. 12299) granting a pension to Etta A. Vinn Combes; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 12300) for the relief of Edward S. Ryan; to the Committee on Military Affairs.

Also, a bill (H. R. 12301) for the relief of John S. Dodge; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7240. By Mr. GARBER of Oklahoma: Petition of National Retail Dry Goods Association, New York, transmitting proposed amendments to House bill 11852, and urging that they be adopted; to the Committee on Patents.

7241. Also, petition of National Alliance of Postal Employees, Pittsburgh, Pa.; to the Committee on the Post Office and Post Roads.

7242. Also, petition of city carriers of Stillwater, Okla., urging support of House bill 6603; to the Committee on the Post Office and Post Roads.

7243. By Mr. THOMPSON: Petition of citizens of Fulton County, Ohio, urging early favorable action on House bill 229, to grant an allowance on personally owned post-office equipment; to the Committee on the Post Office and Post Roads.

7244. By Mr. STONE: Petition signed by L. E. Gray, secretary Postal Clerks, and seven other clerks of Stillwater, Okla., providing for shorter hours for all postal employees; to the Committee on the Post Office and Post Roads.

SENATE

MONDAY, *May 12, 1930*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, who through the mystery of instinct dost lead all living things along their way, grant that we may hear Thy voice, which calls us to be true and steadfast, and so—unafraid.

Take of Thine own spirit and lay it upon us—the spirit of fatherly care for all Thy children, the spirit of the Saviour's love for the erring and the lost, the spirit of the Comforter's tenderness for every sad and lonely soul.

Fill our cup each morning with the water of life, that we may give to him that is athirst; put into our hearts such living words from Thee that nothing we may say shall fall to the ground, returning to Thee void. Help us to make the welfare of all the supreme law of our land, that our commonwealth may rest secure upon the love of all its citizens, that the blessing of the Nation may fall upon our service and rise triumphant unto Thee. Through Jesus Christ our Lord. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday last, when, on request of Mr. FESS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The VICE PRESIDENT announced his signature to the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

H. R. 645. An act for the relief of Lyma Van Winkle;

H. R. 1794. An act to authorize the payment of an indemnity to the owners of the British steamship *Kylcakin* for damages sustained as a result of a collision between that vessel and the U. S. S. *William O'Brien;*

H. R. 1954. An act for the relief of A. O. Gibbens;

H. R. 2902. An act to authorize the sale of the Government property acquired for a post-office site in Binghamton, N. Y.;

H. R. 3246. An act to authorize the sale of the Government property acquired for a post-office site in Akron, Ohio;

H. R. 3717. An act to add certain lands to the Fremont National Forest in the State of Oregon;

H. R. 6564. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1931, and for other purposes;

H. R. 7069. An act for the relief of the heirs of Viktor Pettersson;

H. R. 7832. An act to reorganize the administration of Federal prisons; to authorize the Attorney General to contract for the care of United States prisoners; to establish Federal jails, and for other purposes;

H. R. 8299. An act authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor;

H. R. 8578. An act to sell the present post-office site and building at Dover, Del.;

H. R. 8918. An act authorizing conveyance to the city of Trenton, N. J., of title to a portion of the site of the present Federal building in that city;

H. R. 9324. An act to dedicate for street purposes a portion of the old post-office site at Wichita, Kans.;

H. R. 9325. An act to authorize the United States Veterans' Bureau to pave the road running north and south immediately east of and adjacent to Hospital No. 90 at Muskogee, Okla., and to authorize the use of $4,950 of funds appropriated for hospital purposes, and for other purposes;

H. R. 9407. An act to amend the act of Congress approved May 29, 1928, authorizing the Secretary of the Treasury to accept title to certain real estate, subject to a reservation of mineral rights in favor of the Blackfeet Tribe of Indians;

H. R. 9437. An act to authorize a necessary increase in the White House police force;

H. R. 9758. An act to authorize the Commissioners of the District of Columbia to close certain portions of streets and alleys for public-school purposes;

H. R. 9845. An act to authorize the transfer of Government-owned land at Dodge City, Kans., for public-building purposes; and

S. J. Res. 165. Joint resolution authorizing the settlement of the case of United States against the Sinclair Crude Oil Purchasing Co., pending in the United States District Court in and for the District of Delaware.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed the following bills of the Senate:

S. 4098. An act to provide funds for cooperation with the school board at Browning, Mont., in the extension of the high-school building to be available to Indian children of the Blackfeet Indian Reservation;

S. 4173. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Carrollton, Ky.; and

S. 4174. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Dandridge-Newport Road, in Jefferson County, Tenn.

The message also announced that the House had agreed to the amendment of the Senate to each of the following bills:

H. R. 8562. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.; and

H. R. 9895. An act to establish the Carlsbad Caverns National Park in the State of New Mexico, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4138) to amend the act of March 2, 1929, entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries.

The message also announced that the House had passed a bill (H. R. 12205) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, in which it requested the concurrence of the Senate.

MEMORIAL ADDRESS ON FORMER SENATOR O. A. LARRAZOLO

Mr. BRATTON. Mr. President, on last Monday Hon. A. A. Sedillo delivered before the Lawyers Club, of Albuquerque, N. Mex., an excellent address in memory of the late Senator Octaviano A. Larrazolo, who served with distinction as a Member of this body. The address presents in such a clear and forceful way the great ability and fine qualities of Senator Larrazolo, as well as the splendid contribution which he made to the betterment of mankind throughout his life, beginning with his service as a rural-school teacher and concluding with his membership in this Chamber, that I think a permanent record should be made of it. Accordingly, Mr. President, I ask that it be printed at this point in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The address is as follows:

Octaviano Ambrosio Larrazolo died on the 7th day of April, A. D. 1930, at his place of abode in Albuquerque, N. Mex. He was born on the 7th day of December, 1859, in the old settlement known as Valley of San Bartolo (now of Allende), district of Bravo, State of Chihuahua, Mexico. He was the son of Octaviano Larrazolo and Donaciana Corral de Larrazolo. Both the Larrazolo and Corral families were old settlers and people of renown in the State of Chihuahua and the Republic of Mexico, and the older folks, including the father and four older brothers of the decedent, figured prominently in the War of Intervention of France in Mexico on the side of Mexico. As a consequence of the French War of Intervention in Mexico, the Larrazolo family was impoverished and scattered in different directions.

Octaviano Ambrosio Larrazolo, the subject of this sketch, migrated to the United States at the age of 11 years as the protégé of the late Archbishop J. B. Salpointe. He remained under the protection of said prelate from 1870 to 1877, accompanying him on his travels overland through New Mexico and Arizona, and attended St. Michael's College in Santa Fe during the years 1875 and 1876. He was soon recognized as a brilliant student and leader of his class, and in a declamatory contest in which he participated in July of 1876, he rendered one of the famous addresses delivered by Daniel O'Connell in the British Parliament in defense of the Irish people with such original, vivid, and realistic expression that it gained the admiration of the members of the faculty and all the spectators, including Hon. Edmund F. Dunne, ex-chief justice of the supreme court of Arizona, who invited young Larrazolo to lunch the following day and advised him to follow the legal profession, taking so much interest in him as to offer to take him to Chicago and put him through a law course in college. Ever after he could recite this wonderful oration.

After the college days he went to San Elisario, Tex., where he taught in the public schools, and in 1882 he contracted matrimony with Miss Rosalia Cobos, who died nine years later, and of which marriage he had five children, two surviving to adulthood—Juan B. Larrazolo, who afterwards became a prominent lawyer of Texas and Mexico, and died at an early age, and Jose M. Larrazolo, now a doctor of chiropractic, residing in Albuquerque. In 1892 our subject again married, this time to Miss Maria Garcia, and this marriage was blessed with 10 children, of whom there are now living O. A. Larrazolo, jr., engineer and geologist, now residing in Santa Fe; Carlos, residing at San Francisco, Calif.; Heliodoro A., Maria, Pablo, and Rafael, all living with the decedent and their mother at Albuquerque.

From 1878 to 1884 Mr. Larrazolo taught school at San Elisario, Tex., and in 1885 was appointed clerk of the United States court at El Paso, resigning in 1886 to become clerk of the district court of the thirty-fourth judicial district of Texas, with principal office at El Paso, to which office he was reelected in 1888. During all of said time he kept up his general studies and studied law, and in connection with his law studies he mentioned the name of Judge Falvey, with whom he took counsel in the course of his studies. In 1889 our subject was admitted to the bar and elected district attorney for the thirty-fourth judicial district, to which office he was reelected in 1892, thereby serving as district attorney for four years.

In 1895 he came to New Mexico, settling at Las Vegas, where he acquired a large and lucrative law practice, and soon became identified with the vital interests of New Mexico, and thereafter became a leading factor in the political life of our Territory and State. As was said by him so many times, his coming to New Mexico had for an object the general uplift of the native New Mexican, the Spanish-American, and

the true and full recognition of his rights as a citizen of the State and of this great Republic of the North.

He was made the standard bearer of the Democratic Party of New Mexico as a candidate for Delegate to Congress in 1898 and again in 1900 and in 1908, and at this last election his triumph was defeated by political machination. Notwithstanding such reverses, he kept up his patriotic work, and later, when New Mexico became admitted as a State, he sacrificed everything upon the altar of the constitution adopted by the convention, which merited his approval, because it gave adequate protection and representation to the native people of New Mexico, thereby once more demonstrating his true devotion to the cause which he had always made his mission in life and projecting his great figure as a true patriot.

As has been truthfully recorded in the Leading Facts of New Mexican History, by Twitchell, he advocated the nomination of representatives of the native people for a larger number of the State offices, and the result of his efforts was noticeable in the attitude of all the native-son delegates in the State conventions of both parties, and brought about the nomination and election of the late Ezequiel Cabeza de Baca as the first native-son governor of the State of New Mexico.

He was elected governor of New Mexico in 1918, which was still during the great World War, and thereby became the post-war governor of New Mexico; and his administration is a shining star of faithful service, true devotion, and patriotism. His executive gesture in preventing the coal strike from enveloping the coal mines of New Mexico, and his measure for the equal distribution of aid to the farmers and stockmen of the State during such times of reconstruction and hardship, will ever be remembered by the people of our State with admiration and sincere gratitude. It was during his term of office as governor that he initiated the project which he lived to see become a policy of the actual administration of President Hoover; and it was Governor Larrazolo who launched the idea to have the lands of the public domain returned to the States in which they were situated. The wisdom and justice of that measure have now become apparent throughout the land; but the governor's proposal went further, as it includes the return of the ownership of the subsoil as well as the surface of the lands. It was also during his administration that the great act of justice and mercy was performed of discharging the Villista soldiers who were arrested in connection with the raid of the border towns of Columbus by Pancho Villa and his band, and which later were fully exonerated by a jury of the vicinage, thereby upholding the governor's action.

He was elected and served as a member of the house of representatives for the third legislative district of the State of New Mexico in 1927 and 1928, and his work on behalf of the farmers of the middle Rio Grande district is well and favorably known by those most deeply concerned in the reclamation and drainage of the valley.

In 1928 he was elected Senator of the United States to fill out the unexpired term caused by the death of the late Senator Andrieus A. Jones. During the short time in which he served as United States Senator and while suffering greatly from sickness he prepared and submitted to Congress his bill for the establishment of an industrial school for boys and girls, that being another of his great projects for which he had labored in his effort to have the youth of New Mexico provided with equal educational preparation for life work and American citizenship. He accompanied his proposed law with an introductory address, which was received with applause and merited a congratulatory message from Vice President Dawes.

The Senator was well known throughout the Southwest as a gifted and accomplished orator in both English and Spanish and was acknowledged as a leader of the Spanish-American people of New Mexico, a distinction which he well and truly deserved.

As has been commented by a local newspaper upon the death of our subject, "Governor Larrazolo was born with the gift of a passionate eloquence. He was one of the great masters of oratory of his day. Few speakers could excel him, none that we know of in New Mexico and not many outside of the State. Those who have attended public meetings in Albuquerque recall without effort the ease with which Governor Larrazolo could catch and hold the imagination of his audiences. He was a vigorous pleader; he could thrust his personality with uncanny accuracy into the deeper emotions of his listeners; he could always arouse great admiration for his powers, even from those who might differ at the moment with his thesis. In appearance Governor Larrazolo was the true patriotic type. He looked every inch the statesman. He was tall, spare. His eyes carried in their depths the brooding storm of the keenly sensitive mind. His face was that of a strong man accustomed to victory and defeat, of the man who accepted either verdict fighting. Governor Larrazolo was the great champion of the Spanish-American people, always uncompromising in his concern for their welfare. He was their acknowledged spokesman. His vigorous efforts in their behalf sprang from deep sincerity and strong-hearted devotion. During his short term as United States Senator Mr. Larrazolo introduced a measure for the establishment of an industrial school for the youth of the State. That was his effort to equalize opportunities; it was his last great cause in behalf of his State."

Another contemporary appreciation from the press of New Mexico is as follows: "There was in Larrazolo a curious blending of gentleness with strength. In the executive office he was suave and considerate, but he knew how to be stern. In the executive mansion there was about him the unfailing charm of princeliness. Brilliant and effective as a lawyer; resourceful and determined as an executive; courageous to the point of fearlessness as a legislator—but it was as an orator that he reached the pinnacle of his powers. Rarely distinguished in presence and bearing, he had the voice, the command of language, and the histrionic power to sway audiences to his mood. Spanish was his mother tongue, but when he spoke in English there was just enough accent to lend an added charm to his speech."

The great steps of progress are marked by tombstones; so the death of Esquilo was the ascension of Greece to the ideal. The death of Tacito was an ascension of Rome to justice. Everything is utilized in the fruitful laboratory of nature. From the ashes of the great dead spring forth the issues of the living. Love conquers death. Such was the verse of Sulamita revealed by the death of the Martyr of Golgotha and is eternally true. The heroes of a country do not die but, rather, extend the flight of their life through spirit, their ashes becoming part of the soul of the collectivity of the country where they lived, converted into the ideal, the sentiment, the aspiration of the people similarly situated. To Larrazolo, like to Carlyle, history was the poetic splendor of human activity, the triumphal procession of the virtues exemplified in the humanistic cause that every other human shall have an equal opportunity with his fellow-being, and which represents the true idea of the fatherhood of God and the brotherhood of man.

The heroes of American independence, like the heroes of Mexican independence, and of every other nation, which brought forth a better expression of manhood, were so thoroughly defined in all the make-up of our subject that it can truthfully be said that it was part of his inner being. His mind and his soul touched with the mind and soul of the universe in that regard. He was a true humanitarian in principle and was thoroughly impregnated with the ideal of the full development of the expression of the true, the beautiful, and the good, which is a common attribute in all humanity.

Octaviano Ambrosio Larrazolo has shed the mortal coil, thereby paying the unrequited tribute to nature's implacable law. His life was nurtured in the baskings of the imperishable light which moves the warp and woof of the inner being that proclaims infinity. The sun of wisdom, and of truth, and of justice, is eternal. In such planes our subject moved and had his being, lived and died, and the memory of his name and of his deeds will be cherished by the grateful people of New Mexico and revered and respected with the halo of immortality. His name and deeds in New Mexico will adorn the brilliant pages of Spanish-American history alongside of the names of Miranda of Venezuela, the precursor of South American independence; Bolivar, who has been called the Washington of South America; Sucre, who was a common figure to Colombia, Ecuador, and Bolivia; San Martin, the liberator of the southern half of South America; O'Higgins, the Chilean hero; and Hidalgo, Morelos, and Benito Juares, emancipators of Mexico; and all of whose names emblazon the pages of the history of those Republics.

Octaviano Ambrosio Larrazolo will be the contribution of the Spanish-American people for New Mexico, of the lawyer, the orator, the executive, the statesman, the man; and as a good, true, noble, and patriotic citizen of this great country of ours, the United States of America.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	George	McKellar	Smoot
Ashurst	Gillett	McNary	Steiwer
Baird	Glass	Metcalf	Stephens
Barkley	Glenn	Norris	Sullivan
Bingham	Goldsborough	Nye	Swanson
Blaine	Greene	Oddie	Thomas, Idaho
Blease	Hale	Overman	Thomas, Okla.
Borah	Harris	Patterson	Townsend
Bratton	Harrison	Phipps	Trammell
Brock	Hastings	Pine	Tydings
Capper	Hatfield	Ransdell	Vandenberg
Caraway	Hawes	Reed	Wagner
Connally	Hayden	Robinson, Ark.	Walcott
Copeland	Howell	Robinson, Ind.	Walsh, Mass.
Couzens	Johnson	Robsion, Ky.	Walsh, Mont.
Cutting	Jones	Schall	Waterman
Deneen	Kendrick	Sheppard	Watson
Dill	Keyes	Shipstead	Wheeler
Fess	King	Shortridge	
Frazier	La Follette	Simmons	

Mr. SHEPPARD. I wish to announce that the Senator from Florida [Mr. FLETCHER] and the Senator from South Carolina [Mr. SMITH] are all detained from the Senate by illness.

Mr. BLACK. I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

The VICE PRESIDENT. Seventy-eight Senators have answered to their names. A quorum is present.

CHAIN-STORE SYSTEM OF MARKETING AND DISTRIBUTION (S. DOC. NO. 146)

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Federal Trade Commission, submitting in response to Senate Resolution 224, Seventieth Congress, an interim report of the commission relative to the chain-store system of marketing and distribution, which, with the accompanying report, was referred to the Committee on the Judiciary and ordered to be printed.

CLAIM OF T. G. HAYES

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, reporting, pursuant to law, concerning the claim of T. G. Hayes, formerly private, Company A, One hundred and forty-second Machine Gun Battalion, Camp Beauregard, La., for $40, as reimbursement for money sent him in a registered letter, which, with the accompanying report, was referred to the Committee on Claims.

USELESS PAPERS IN THE DEPARTMENT OF LABOR

The VICE PRESIDENT laid before the Senate a communication from the Assistant Secretary of Labor, reporting, pursuant to law, relative to an accumulation of miscellaneous papers and material in that department which is not useful in the transaction of official business and has no permanent value or historic interest, and asking for action looking toward its disposition, which, with the accompanying papers, was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. METCALF and Mr. COPELAND members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a telegram embodying a resolution unanimously adopted by the convention of the Albany (Ga.) Circuit Bar Association deploring the recent adverse action of the Senate on the nomination of Judge John J. Parker as an Associate Justice of the Supreme Court of the United States, which was ordered to lie on the table.

He also laid before the Senate a resolution of the executive council, woman's department, of the National Civic Federation, at New York City, N. Y., favoring the ratification of the treaty of London for the limitation and reduction of naval armament, and also the construction of the necessary tonnage to place the United States Navy on the basis of parity and ratio laid down by the said treaty, which was referred to the Committee on Foreign Relations.

He also laid before the Senate the memorial of John J. Spriggs, attorney at law, of Lander, Wyo., remonstrating against the passage of House bill 9182, to legalize boxing in the District of Columbia, and also favoring the passage of legislation to outlaw prize fighting, which was referred to the Committee on the District of Columbia.

Mr. GOLDSBOROUGH presented a resolution adopted by the Baltimore (Md.) Butter & Egg Exchange favoring the repeal of the agricultural marketing act and condemning that act "as detrimental to all citizens of the United States, even those who joined cooperatives," which was referred to the Committee on Agriculture and Forestry.

THE EIGHTEENTH AMENDMENT

Mr. BINGHAM. Mr. President, I have received certain resolutions from the Common Council of Hartford, Conn., which I ask to have read at the desk.

The VICE PRESIDENT. Is there objection to the reading? The Chair hears none, and the clerk will read.

The resolutions were read and referred to the Committee on the Judiciary, as follows:

OFFICE OF THE TOWN AND CITY CLERK,
Hartford, Conn., April 29, 1930.

This certifies that at a meeting of the court of common council held April 28, 1930, the following resolutions were passed by a roll-call vote of 16 to 3 and were approved by his honor, the mayor, April 29, 1930:

"Whereas the highest interests of the Nation are jeopardised by the conditions now existing under the eighteenth amendment to the Constitution of the United States and the enforcement legislation thereunder, and in particular through the weakening of the efficiency and integrity of the administration of law and order in our cities; and

"Whereas the people of the Nation should be permitted to determine whether or not the policy of national prohibition shall be continued: Now, therefore,

"*Resolved*, That the Common Council of the City of Hartford respectfully urge the Congress of the United States to cause the question of national prohibition to be submitted to the people by proposing an amendment to the Constitution of the United States providing for the repeal of the eighteenth amendment thereto, and by providing that the method of ratification be by conventions in the several States; and further

"*Resolved*, That the city clerk be instructed to transmit copies of this memorial to the United States Senators from this State and to the Congressman for the first congressional district of this State for presentation to the respective Houses of Congress."

Attest:

JOHN A. GLEASON, *City Clerk.*

REPORTS OF COMMITTEES

Mr. COUZENS, from the Committee on Education and Labor, to which was referred the bill (H. R. 10175) to amend an act entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, as amended, reported it with amendments and submitted a report (No. 645) thereon.

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (S. 2334) for the relief of Wallace E. Ordway, reported it with amendments and submitted a report (No. 646) thereon.

Mr. WHEELER, from the Committee on Indian Affairs, to which was referred the bill (S. 1270) providing for the construction of roads on the Fort Belknap Indian Reservation in the State of Montana, reported it without amendment and submitted a report (No. 647) thereon.

Mr. STEIWER, from the Committee on the Judiciary, to which was referred the bill (H. R. 5411) to provide for the appointment of an additional district judge for the district of Minnesota, reported it without amendment and submitted a report (No. 648) thereon.

Mr. DENEEN, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment:

H. R. 7962. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Mound City, Ill.; and

H. R. 9805. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Cairo, Ill.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 549. An act to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes;

S. 4098. An act to provide funds for cooperation with the school board at Browning, Mont., in the extension of the high-school building to be available to Indian children of the Blackfeet Indian Reservation;

S. 4173. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Carrollton, Ky.; and

S. 4174. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Dandridge-Newport Road, in Jefferson County, Tenn.; and

S. J. Res. 165. Joint resolution authorizing the settlement of the case of United States against the Sinclair Crude Oil Purchasing Co., pending in the United States District Court in and for the District of Delaware.

REPORTS OF NOMINATIONS

As in executive session,

Mr. WATERMAN, from the Committee on the Judiciary, reported sundry judicial nominations, which were placed on the Executive Calendar.

Mr. HASTINGS, from the Committee on the Judiciary, reported the nomination of John P. Hallanan, of West Virginia, to be United States marshal, southern district of West Virginia, which was placed on the Executive Calendar.

Mr. DENEEN, from the Committee on the Judiciary, reported the nomination of Harry H. Atkinson, of Nevada, to be United States attorney, district of Nevada, which was placed on the Executive Calendar.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:



By Mr. TRAMMELL:

A bill (S. 4422) for the relief of the Llewellyn Machinery Corporation; to the Committee on Claims.

By Mr. BRATTON (by request):

A bill (S. 4423) to amend section 4 of the act of March 3, 1927, granting pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes; to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 4424) granting a pension to Minnie Durbin; to the Committee on Pensions.

A bill (S. 4425) to amend section 284 of the Judicial Code of the United States; and

A bill (S. 4426) to amend certain sections of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, as amended, so as to modify the penalties for offenses against the currency of foreign countries to conform to the penalties provided for offenses against the currency of the United States; to the Committee on the Judiciary.

By Mr. McKELLAR:

A bill (S. 4427) for the erection of tablets or markers and the commemoration of Camp Blount and the Old Stone Bridge, Lincoln County, Tenn.; to the Committee on the Library.

By Mr. TYDINGS:

A bill (S. 4428) for the relief of Lloyd H. Barber (with an accompanying paper); to the Committee on Claims.

By Mr. SHORTRIDGE:

A bill (S. 4429) for the relief of Napoleon Johnson; to the Committee on Military Affairs.

A bill (S. 4430) for the relief of Stephen Sawyer; to the Committee on Finance.

By Mr. McNARY:

A bill (S. 4431) for the relief of Mildred F. Evans and W. A. Evans; to the Committee on Finance.

By Mr. THOMAS of Oklahoma:

A bill (S. 4432) granting to the State of Oklahoma 210,000 acres of unappropriated nonmineral land for the benefit of its agricultural and mechanical colleges, according to the provisions of the acts of July 2, 1862, and July 23, 1866, and authorizing the Secretary of the Treasury, upon the Secretary of the Interior certifying the number of acres available and that there are not sufficient lands in the State of Oklahoma to comply with the provisions of this act, to pay to the State of Oklahoma in lieu thereof the sum of $1.25 per acre for the number of acres due said State; to the Committee on Public Lands and Surveys.

By Mr. PATTERSON:

A bill (S. 4433) granting a pension to Emily D. Hennegin (with accompanying papers); to the Committee on Pensions.

By Mr. TRAMMELL (for Mr. FLETCHER):

A bill (S. 4434) for the relief of Walter J. Bryson Paving Co.; to the Committee on Claims.

A bill (S. 4435) for the relief of James Williamson and those claiming under or through him; to the Committee on Public Lands and Surveys.

By Mr. ODDIE:

A bill (S. 4436) granting a pension to Rice Maupin; to the Committee on Pensions.

A bill (S. 4437) for the relief of W. L. Nygren; to the Committee on Claims.

By Mr. REED:

A bill (S. 4438) for the relief of the Jay Street Terminal (with accompanying papers); to the Committee on Claims.

By Mr. ALLEN:

A bill (S. 4439) granting a pension to Nannie Brown (with accompanying papers); to the Committee on Pensions.

By Mr. ROBSION of Kentucky:

A bill (S. 4440) granting a pension to Francis Doss; and

A bill (S. 4441) granting a pension to Franklin D. Pierce; to the Committee on Pensions.

By Mr. DILL:

A bill (S. 4442) relating to suits for infringement of patents where the patentee is violating the antitrust laws; to the Committee on Patents.

A joint resolution (S. J. Res. 176) transferring the functions of the Radio Division of the Department of Commerce to the Federal Radio Commission; to the Committee on Interstate Commerce.

HOUSE BILL REFERRED

The bill (H. R. 12205) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and the widows of such soldiers and sailors, was read twice by its title and referred to the Committee on Pensions.

CHANGE OF REFERENCE

On motion of Mr. STEIWER, the Committee on Military Affairs was discharged from the further consideration of the bill (S. 4089) authorizing the Secretary of War to extend the services and operations of the Inland Waterways Corporation to certain inland waterways and water routes, and it was referred to the Committee on Commerce.

CITIZENSHIP AND NATURALIZATION OF MARRIED WOMEN

Mr. DILL. I submit an amendment intended to be proposed by me to the bill (H. R. 10960) to amend the law relative to the citizenship and naturalization of married women, and for other purposes, and ask that it be printed and lie on the table for consideration when that bill comes before the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

INDIAN AFFAIRS, LAWS, AND TREATIES—CHARLES J. KAPPLER

Mr. FRAZIER. Mr. President, the Senate by resolution of February 22, 1926, authorized the compilation, printing, and indexing of the fourth volume of Indian Affairs, Laws, and Treaties, and a limit of $2,000 was placed on the cost of the compilation. The work has been done. The volume has been printed and is in the hands of the committee.

In the Interior Department appropriation bill, which was recently passed, an item for this purpose was inserted as a Senate amendment appropriating $2,000. The House conferees, however, as I understand, objected to it because the resolution authorizing the work was a Senate resolution. Therefore, I am now introducing a Senate resolution providing that the amount may be paid out of the contingent fund of the Senate. I ask that the resolution may be read and properly referred.

The resolution (S. Res. 260) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Charles J. Kappler the sum of $2,000 for the work of compiling, annotating, and indexing the fourth volume of Indian laws and treaties (S. Doc. No. 53, 70th Cong.), same having been authorized by Senate resolution of February 22, 1926.

FOREIGN EXCHANGE AND FOREIGN FINANCIAL CONDITIONS

Mr. ODDIE submitted the following resolution (S. Res. 261), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Mines and Mining be, and is hereby, authorized to revise to date and publish with illustrations as Senate documents, serial 8, entitled "Foreign Exchange Quotations and Curves," and serial 9, entitled "European Currency and Finance," both publications prepared under Senate Resolution 469, Sixty-seventh Congress, fourth session, and is hereby further authorized to sit in the District of Columbia during sessions, recesses, and adjournments of the Seventy-first and Seventy-second Congresses to investigate and report to the Senate upon currency and financial conditions in the countries of Latin America and the Orient, and upon the economic effects of said conditions upon the United States, the reports to be published as Senate documents, said committee to employ such personal services and incur such expenses as may be necessary to carry out the purposes of this resolution; such expenditures shall be paid from the contingent fund of the Senate upon vouchers authorized by the committee and signed by the chairman thereof.

THE COPPER-MINING INDUSTRY AND THE TARIFF (S. DOC. NO. 145)

Mr. HAYDEN. I ask unanimous consent to have printed as a Senate document, with an illustration, copy of a letter written by my colleague the senior Senator from Arizona [Mr. ASHURST], Representative DOUGLAS of Arizona, and myself to the Tariff Commission relating to imports, exports, and other statistics affecting copper, and the reply of the commission thereto.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATOR BLEASE'S VOTES ON TARIFF RATES

Mr. BLEASE. Mr. President, I ask to have printed in the CONGRESSIONAL RECORD certain correspondence in reference to an article which appeared in the Columbia (S. C.) Record Tuesday, April 15, 1930. In reply to my request, the Columbia Record of May 8, 1930, published the correspondence excepting my letter addressed to the editor.

The VICE PRESIDENT. Without objection, it is so ordered. The correspondence is as follows:

WASHINGTON D. C., *April 16, 1930.*

Mr. RODNEY DUTCHER,
Newspaper Enterprise Association,
1322 New York Avenue, Washington, D. C.

DEAR SIR: I notice in the Columbia (S. C.) Record of Tuesday, April 15, 1930, an article on the front page signed by you in which you stated, speaking of Senator E. D. SMITH, of South Carolina, "He was the one Democratic Senator who refused to vote for an increased duty on anything."

Will you please point out to me where I voted for any tariff on any article, either high or low? I will thank you for this information.

I shall withhold my reply in the Senate to this article in the Columbia Record for a reasonable time awaiting your reply.

Very respectfully,

COLE. L. BLEASE.

NEA SERVICE (INC.),
Cleveland, Ohio, April 17, 1930.

The Hon. COLE. BLEASE,
Senate Office Building, Washington, D. C.

DEAR SENATOR BLEASE: The only information I have concerning your votes for tariff increases is to be found on page 3867 of the CONGRESSIONAL RECORD for February 18 and on page 3915 of the CONGRESSIONAL RECORD for February 19. It appears that you voted for the Connally amendment to raise the duty on cattle and for the Hayden amendment to raise the duty on dates in packages.

Trusting that this is the information desired, cordially yours,

RODNEY DUTCHER.

WASHINGTON, D. C., *April 23, 1930.*

Mr. RODNEY DUTCHER,
NEA Service (Inc.),
1322 New York Ave., Washington, D. C.

DEAR SIR: Your letter received. As to my vote on the tariff as referred to in it, on page 3867, CONGRESSIONAL RECORD of February 18, if you will notice, you will see the following entry:

"Mr. WATSON (when his name was called). I have a pair with the senior Senator from South Carolina [Mr. SMITH]. I understand that if present he would vote as I shall vote, and I therefore vote. I vote 'yea.'"

If you will look at the vote, you will notice that I voted "yea." Now, if you will look back on page 3863 and read Mr. CONNALLY'S amendment, you will see that it reads as follows:

"The LEGISLATIVE CLERK. The Senator from Texas offers the following amendment: On page 125, line 5, to strike out 'eight' and to insert in lieu thereof 'seven'; in line 6, to strike out '2' and to insert in lieu thereof '2½'; in line 6, to strike out 'eight' and to insert in lieu thereof 'seven'; and in line 7, to strike out '2½' and to insert in lieu thereof '3,' so as to read: 'Par. 701. Cattle weighing less than 700 pounds each, 2½ cents per pound; weighing 700 pounds or more each, 3 cents per pound.'"

Therefore, I was voting to reduce rates, which I did at other times whenever there was a vote as to a higher rate or a lower rate. I voted for a lower rate, but I do not consider that I was voting for a tariff. I simply had to vote as between two rates.

On February 19, CONGRESSIONAL RECORD, page 3915 as referred to in your letter, I voted "yea." See page 3914 where Senator HAYDEN said, "The purpose of the amendment is not to increase the price of dates to the American consumer, etc." I have great confidence in Senator HAYDEN, and relying upon his statement I voted with him, and as I understand it yet, his statement is correct, and the amendment will not increase the price of dates.

I have stated on all occasions that I am absolutely opposed to all tariff and have so voted throughout the entire bill and against the bill in its final passage. As I have already stated, there were times that we were compelled to vote as between a higher and a lower rate, and I voted for the lower rate; the only time that I varied from this was when the amendment was offered to cut the rate of cement from 8 to 6. If you will see page 5976, March 24, CONGRESSIONAL RECORD, you will see why I voted as I did on that occasion. In this same speech you will see that I said, page 5975: "I have voted consistently against all tariffs. When I have had to vote as between rates, I have always voted for the lower ones—I have not voted for any tariff on any article."

If you desire to go further into the matter, if you will read my speeches on page 5975, CONGRESSIONAL RECORD of March 24, and page 5151, March 13, I think you will see that your article as to Senator SMITH was not correct; and, by the way, I notice an article in the Greenville News of recent date, written by Mr. Charles P. Stewart, giving an account of my position, which is exactly in accordance with what I am now writing to you. So I guess, after all, with you newspaper men, it is according to whose glasses you are looking through.

In order to keep the record straight, I think you might appreciate my pointing out to you another error on your part. In your article you say in reference to Senator SMITH:

"He has been here longer than any other South Carolina Senator, including Calhoun and Ben Tillman."

The RECORD shows that to be erroneous. Tillman was sworn in March 4, 1895; died July 3, 1918; having served 23 years and 4 months. SMITH was sworn in March 4, 1909, and has served 21 years 1 month and 18 days to date. Should he live out his term, which I hope he will, your statement will be correct, he and Senator Tillman both having been elected for the same number of terms—that is, four terms.

I have no desire to have any publicity in this matter, but a number of my friends called my attention to it, and I wanted to call your attention to the matter, as you have done me an injustice by your article in my State.

I am glad, of course, that you commend Senator SMITH, and under no condition would I criticize his record, but in praising him it was not necessary to attempt to distort the facts as to myself and Senator Tillman.

Very respectfully,

COLE. L. BLEASE.

NEA SERVICE (INC.),
Cleveland, Ohio, April 26, 1930.

Senator COLE. L. BLEASE,
Washington, D. C.

DEAR SENATOR BLEASE: It is always salutary to have errors called to one's attention, so I appreciate fully the spirit behind your letter. As long as you feel that my article on Senator SMITH and the tariff did you an injustice through my failure to state your own tariff record and your views on all tariffs, I shall be glad to state both. If the story on Senator SMITH had been written only for South Carolina newspapers, I should have done so in the first place.

Cordially yours,

RODNEY DUTCHER,
Washington Manager, NEA.

Mr. BLEASE. After this correspondence, to my surprise, I found the following article published in the Columbia (S. C.) Record, Friday, May 2, 1930:

BLEASE SAYS HE NEVER VOTED TO INCREASE TARIFF—CHALLENGES RODNEY DUTCHER ON SMITH ARTICLE IN COLUMBIA RECORD

By Rodney Dutcher

WASHINGTON.—Well, somebody reads this stuff, anyway. And it turns out to be none other than the Hon. COLE. L. BLEASE, Senator from South Carolina, a fact which your correspondent acknowledges with pleased blushes. The mails brought this:

"DEAR SIR: I notice in the Columbia (S. C.) Record of Tuesday, April 15, an article on the front page, signed by you, in which you state, speaking of Senator E. D. SMITH, of South Carolina: 'He was the one Democratic Senator who refused to vote for an increased duty on anything.'

"Will you please point out to me where I voted for any tariff on any article, either high or low? I will thank you for this information.

"I shall withhold my reply in the Senate to this article in the Columbia Record for a reasonable time, awaiting your reply.

"Yours respectfully,

"COLE. L. BLEASE."

Subsequent mails carried this reply:

"DEAR SENATOR BLEASE: The only information I have concerning your votes for tariff increases is to be found on page 3867 of the CONGRESSIONAL RECORD for February 18 and on page 3915 of the CONGRESSIONAL RECORD for February 19. It appears that you voted for the Connally amendment to raise the duty on hides and for the Hayden amendment to raise the duty on dates in packages. Trusting that this is the information desired.

"Cordially yours,

"———— ————."

Anyway, Senator BLEASE came within two votes of matching the record of Senator SMITH.

WASHINGTON, D. C., *May 3, 1930.*

EDITOR THE COLUMBIA RECORD,
Columbia, S. C.

DEAR SIR: In your issue of Friday, May 2, page 13, I find article headed "BLEASE Says He Never Voted to Increase Tariff."

This article is so utterly unfair that I am really surprised that you would publish it in this form, for I certainly consider it libelous. Your correspondent withheld the truth.

I am inclosing you copy of my letter to him, April 16; his reply, April 17; my reply to him, April 23; and his reply to me, April 26; which I am requesting that you give the same prominence in your paper that you gave his two articles.

I dislike to notice such "stuff," and so said in my letter of the 23d, on page 3: "I have no desire to have any publicity in this matter, but a number of my friends called my attention to it, and I wanted to call

your attention to the matter, as you have done me an injustice by your article in my State."

But since this article in your paper of May 2 I feel that this young man has acted so dirty in publishing only such parts of the correspondence as he thinks will injure me that I must demand that you publish the full correspondence, and thereby partly cure the injustice which your paper has done both myself and Senator Tillman.

Thanking you for your attention, I am, very respectfully,

COLE. L. BLEASE.

JUDGE JOHN J. PARKER

Mr. BLEASE. Mr. President, I ask to have printed in the CONGRESSIONAL RECORD certain newspaper editorials and clippings in reference to the rejection of the nomination of Judge Parker and the appointment of Mr. Roberts.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorials and clippings are as follows:

[From the Columbia (S. C.) State, Friday, May 9, 1930]

THE REJECTION OF JUDGE PARKER

Judge Parker stands rejected, but not discredited. Personal political interest of Senators is responsible for a substantial amount of the opposition to him. Some Senators voted with their minds not so much occupied with Judge Parker as with their own political fences. That is not a happy thought, for the vote of Senators should be cast for higher purpose. However, it is easy for the politician to convince himself of his patriotism.

A small change in the senatorial line-up would have made a large difference. The reversal of 1 vote would have made a tie—for the Vice President to break.

We are glad the President successfully resisted the pressure to withdraw the nomination of Judge Parker and let the issue be fought out to the end. He believed he had nominated a man fully fit and qualified to be Justice of the Supreme Court, and he stood by that belief without compromise. Politicians in his party will have fears that he has hurt his party; foolish partisans on the Democratic side will imagine some advantage has been gained. But the party that can be hurt by the manly, conscientious stand of its head is a poor party. What an administration needs is confidence and respect, and if Hoover's administration fails in those respects it will not be because of Hoover but because of the domination of politicians in his party.

[From the Columbia (S. C.) Record, Friday, May 9, 1930]

JUDGE PARKER REJECTED

Judge John J. Parker, of North Carolina, has been denied a seat on the Supreme Court Bench of the United States. A brilliant young jurist receives an adverse vote from the majority in the United States Senate. A man admired for his talents, beloved for his high character and his humanities by all who know him is barred from advancement to a high position which he would have adorned. Supported warmly to the end by a part of the elements who began and continued their fight against him when his name was presented to the "greatest deliberative (?) body in the world" marks an incident with no precedent for more than a third of a century.

Entirely within their rights, the American Federation of Labor and the National Association for the Advancement of Colored People doubtless are congratulating themselves now. Maybe they will not do so hereafter. Opposition was not substantial. Extremes always bring reactions, sometimes far-reaching.

Senators BORAH and NORRIS have weakened their influence. Their patriotism will be under suspicion of vote-getting qualities. There will be a cloud in the crystal of their fortunes. There seems to be little question but that "politics" in a sinister sense was at the bottom of it all.

In the first place, Judge Parker was from the South. The South has not ceased to be something of a red-headed stepchild with a few in this great Nation, who still cast a lingering look behind. He had no strong powerful influences to back him and put him across.

For a time it appeared that the opposition had its hang-over from that which developed to Chief Justice Hughes. Possibly there was a remainder. These grounds are more substantial, however much there may be differences of opinion. It has its antecedents, though somewhat obscure, in the decision of Chief Justice Marshall in 1801, Marbury against Madison, wherein for the first time the Supreme Court declared void any part of an act of Congress. It comes on down through the Dred Scott decision and other cases which are construed by some as making the Supreme Court superior and not coordinate with Congress.

There was some effort to make this what is termed to be a conflict between conservatism and liberalism as ground for opposition to Judge Parker. But the connection was so tenuous as to make it unreal.

There was nothing in the rejection save those elements which politicians fear.

[From the Columbia (S. C.) Record, Friday, May 9, 1930]

THROUGH A CRACKER'S EYES

By Mark Ethridge

(ED. NOTE.—The following comment upon current affairs was written by Mark Ethridge, managing editor of the Macon Telegraph, who is a guest in Columbia this week. Mr. Ethridge writes editorials for the Telegraph, and while in Columbia is doing this column for the Record.)

A SACRIFICE TO POLITICAL GODS

The Senate defeat of confirmation for Judge John J. Parker means that the South will probably have no representation on the Supreme Court when Justice McReynolds, of Tennessee, retires this summer. The President was endeavoring, in the appointment of Judge Parker, to give that vast section which lies south of the Ohio River and east of California and embraces more than 20 States representation, but since so many southern Senators themselves voted against it, Mr. Hoover will now turn elsewhere, probably to Pennsylvania or Ohio.

The failure of the South to keep its representation on the high court was not the most important aspect of the Parker case, however. That was regrettable enough, but the disheartening phase of the whole affair, which was not at all creditable to the country, was that it offered so much opportunity for political maneuvering and hypocrisy and was accepted with so much alacrity by some of our Senators.

Ostensibly, there were two concrete objections to Judge Parker: He had given the Red Jacket mine case decision, in which he upheld the "yellow dog" contract—the contract which binds one who makes it not to join a labor union while it is effective; and he had said, in his 1920 campaign for the governorship, that the negro was not ready to assume the burdens and responsibilities of government. Another group advanced the intangible objection that Judge Parker's record was not good enough to entitle him to a Supreme Court appointment, and still another group professed to object to him upon the ground that the President had acted out of mere political consideration in giving him the appointment. It was the first two objections that finally defeated Judge Parker; the combination of the objections of labor and the negroes.

In spite of the Red Jacket decision, there were good reasons why a friend of union labor could have voted for Judge Parker. It was contended by leading attorneys of the country that in giving a decision upholding the "yellow dog" contract Judge Parker had merely followed in the wake of the Supreme Court, which had upheld the contracts in the Hitchman case. Judge Parker was from an inferior court; he was not at liberty to rule counter to the Supreme Court. Yet Senators who had never before exhibited any great friendliness to union labor professed to be so shocked at the Red Jacket decision that they gave that as a reason for voting against Judge Parker. The ironic thing about the whole affair was that these Senators who had suddenly become so frenzied in their ardor for labor had allowed the Shipstead bill, which would restrict the use of injunction in labor disputes, to lie in committee more than two years without any action. There was, therefore, a great measure of hypocrisy in the objection to Judge Parker because of his "yellow dog" decision. It never was developed to anybody's satisfaction that he was unfriendly to labor; he was used as a human sacrifice by Senators who come up for reelection this year and two years hence to appease the labor gods.

The objection because of his speech on the negro in the 1920 campaign was about as sincere. Judge Parker said the negro was not ready for the burdens and responsibilities of government. Senator GLENN, of Illinois; Senator ROBINSON, of Indiana; and others voted against him because of that. Yet their party, the Republican Party, has used the negro as a political pawn. It has herded negroes every four years like cattle and transported them to conventions and housed them together like prisoners and guarded them. It has given them petty offices. It has allowed them to believe that they amounted to something in the Republican Party, but it has never given them any dignified, honorable position in the councils of the party. It has never allowed anybody to understand that it believed the negro fitted for any position of great responsibility in government. Yet many of the Senators of that party voted against Judge Parker because he put into words the traditional policy of the Republicans. Northern Democrats also voted against Judge Parker because of the negro vote back home. They knew when they were doing it that they were practicing the hypocrisy of professing to believe that the negro should have responsibilities and privileges that their own party had denied to him through all the years.

A great many southern Democrats voted against Judge Parker upon professedly higher grounds who were voting against him only for the reason that they did not desire to see the Republican Party built up in North Carolina. There could have been no other reason. These men had never been friendly to labor; they have never been considerate of the negro politically. They accepted the cheapest of all grounds upon which to deny a man a place on the Supreme Bench—the ground of politics.

Frequently it was charged during the course of the debate that President Hoover had played politics in appointing Judge Parker, yet there was never a more shameful political game than that played by those Senators who voted against Judge Parker only because his confirmation would strengthen the Republican Party in North Carolina.

The affair was one of least creditable interludes in the history of the Senate. It offered so much opportunity for political honesty that was wasted.

[From the Morning News, Florence, S. C., Saturday, May 10, 1930]

Roberts of Pennsylvania has been nominated by Mr. Hoover for the Supreme Bench. He is a Republican, hails from the center of northern negro political influence, comes from a section largely dominated by the labor vote, and will therefore be generally welcomed by southern Democrats, who opposed the confirmation of Judge Parker of North Carolina.

[From the Columbia (S. C.) Record, May 11, 1930]

ANOTHER APPOINTMENT

Owen J. Roberts, who has been appointed to the Supreme Court to fill the vacancy caused by the death of Justice Sanford—the vacancy denied Judge Parker—is a Philadelphia lawyer of some distinction and of some success in the prosecution of the Government's oil lease cases. From the political standpoint, he possesses the virtue of being from Philadelphia, which is stanchly Republican.

One of the objections to Judge Parker was that he was not a liberal. There is no evidence that Mr. Roberts is. The Senate liberals are reported to be pleased with Mr. Roberts's conduct of the oil cases, but Mr. Roberts did in those cases only what any able, reputable lawyer would have done. Mr. Roberts has not expressed himself on the Negro in politics, which seems to be a requirement for eligibility to the Supreme Court, but his State has no negro United States Senators or Governors or Congressmen or customs house inspectors or any other officers that would indicate that the Republicans valued their support.

From our standpoint, there is no objection to Mr. Roberts, just as there was no objection to Judge Parker. It is simply another appointment and it will likely be confirmed because its opposition will give the noble Senators no opportunity to demonstrate their great palpitations of ardor for the poor man.

[From the Washington Post, Monday, May 12, 1930]

MR. ROBERTS'S NOMINATION

The so-called liberals who trembled for the security of human rights when Charles E. Hughes and John J. Parker were proposed for the Supreme Court Bench are singing a different tune in dealing with the nomination of Owen J. Roberts. While they acknowledge that he is as "conservative" as either Chief Justice Hughes or Judge Parker, they explain their failure to attack him by saying that he has a "flexible mind" and is "open to conviction."

No combination of disgruntled factions has been formed to defeat Mr. Roberts. A few votes may be cast against his confirmation, but it seems probable that he will be confirmed by a large vote. The suggestion that he might be opposed by fanatical drys seems to be without basis of fact. He holds the same opinion in regard to the eighteenth amendment as that held by Senator BORAH; but even if they differed, Mr. BORAH has no stomach for a fight against Mr. Roberts. The public condemnation of the unjust attack upon Judge Parker is still ringing in the country's press. The Senators who defeated Judge Parker have their action to explain to their constituencies, and evidently they are not eager to add to their troubles by making another attempt to sacrifice an honorable man.

The nomination of Mr. Roberts has been hailed with approval throughout the country. The press reflects public opinion by avoiding partisanship in discussing Mr. Roberts. The fact that he is a Republican is not objectionable to the Democratic press, since it is borne in mind that he is appointed to succeed a Republican. President Hoover is fully expected to name a Democratic Justice in due season, and if he should be called upon to fill more vacancies it can not be doubted that he will avoid partisanship.

The Senate can do much to reestablish itself in public esteem by promptly confirming Mr. Roberts. Senators who find it impossible to vote for him can state their side of the case without mud slinging. The people have been disgusted by some of the speeches made against Chief Justice Hughes and Judge Parker and have rightly interpreted these speeches as reckless and reprehensible assaults upon the judiciary itself. Senators should have kept themselves above such tactics. They merely damaged themselves by descending to misrepresentation and abuse. They will find it difficult to regain the public respect that they have forfeited. The President wisely refrained from public criticism of these Senators, and in turn has increased public confidence in his steadfastness and prudence. As for the Supreme Court, it remains proof against all assaults by politicians, secure in the esteem of the people. Judge Parker, the victim of vile abuse and injustice, has played the part of a man. He has more friends and admirers than ever before.

[From the Washington Post, Sunday, May 11, 1930]

NOMINEE CALLED DRY AMENDMENT ABSURD—ROBERTS, IN 1923 SPEECH, QUOTED AS CHARACTERIZING PROHIBITION CLAUSE IN CONSTITUTION AS "HEIGHT OF TINKERING" WITH GREAT CHARTER

NEW YORK, May 10 (N. Y. W. N. S.).—Owen J. Roberts, nominee for Associate Justice of the Supreme Court of the United States, did characterize the insertion of the prohibition amendment into the Constitution as "the height of absurdities in governmental regulation" in the 1923 speech which has caused discussion in the United States Senate. He specifically said he was speaking neither for nor against prohibition.

The New York World News Service has obtained a copy of the speech from the files of the American Bankers Association. It was delivered at the annual dinner of the trust companies of America.

In general, Mr. Roberts's speech was a strong criticism of "too much government." His specific remarks on the subject of prohibition were:

"I want to stop just a moment to touch upon a subject upon which I fear I may be misunderstood. I hold no brief either for or against prohibition. Let that be understood. But I do hold a brief for this proposition, gentlemen: That the height of all absurdities of governmental regulation and tinkering was reached when a police statute was written into that great charter of our liberties, the Constitution of the United States. [Applause.]

"If you are going to write sumptuary statutes and police regulations into that great instrument, you have drawn it down to the level of a city ordinance.

"That, it seems to me, is the height and last of all the absurdities. I am not speaking as to whether prohibition is a good thing or a bad thing. I am merely saying what I hope some of you don't think—that I feel about this prohibition that we have got, as some men feel about the liquor they are buying, that it is a good thing to have but it costs too great a price." [Laughter.]

After reviewing the history of the Government in another part of his speech Mr. Roberts said the drift in government now is contrary to the theories held by the national founders and forefathers. Along this line he said:

"Their view was that government which governed least was the best government, and under that doctrine our legislators had mighty little to do in the first half of our history, except to protect the individual in his individual rights. The theory was the protection of the minority, even if that minority numbered only one individual."

Mr. Roberts then said that the change toward more governmental regulation is having its worst effect on business, citing railroad regulation as an example.

"Noisy minorities are running to the legislators every year for Government and State regulation of all sorts of business with which the Government properly has no concern whatsoever," he said.

"Have we reached the limit, I wonder? I know this: That we have about reached the limit which the frame of government we have will bear. Our Government was never intended to develop economic situations and is not fitted for it.

"It is intended to defend the personal liberties of the citizens, and that takes no complicated machine. But see what they have loaded upon the poor chassis of our Government. Everywhere you turn, judicial and semijudicial administrative commissions, investigating bodies, inspectors of every known variety. The result is that the business man in America to-day feels he is doing business with a minion of the Government looking over his shoulder with an upraised arm and threatening scowl."

EXCERPT FROM ADDRESS OF WILLIAM HARD, MADE OVER THE NATIONAL BROADCASTING CO. SYSTEM ON WEDNESDAY, APRIL 30, FROM 6.30 TO 6.45 O'CLOCK P. M. EASTERN STANDARD TIME

Nevertheless, from the strictly political point of view, the attack upon Judge Parker has muddy results. Although a Republican, he is a southerner and he will attract in the Senate a certain strong Democratic southern support. He will not be an issue over which the Democratic Party will gloat in its next national convention.

Additionally, and more generally, the last two national elections have shown that criticism, even of the morals of the party in power, is not an assured pavement to national political victory. The Republican postwar scandals in the Interior Department, in the naval oil reserves, in the Department of Justice, in the Veterans' Bureau, in the Alien Property Custodian's office, grievous as they were, did not suffice to turn the Republicans out and to put the Democrats in. They proved that the moral infamy of individual members of a party can leave that party still intact and triumphant. In an understanding of this truth lies the deepest wisdom of the Labor Party in Great Britain. I have for many years noted in London that the British Labor Party pays relatively no attention to the scandals, which are reasonably numerous, of the Conservative and Liberal Parties but devotes itself to the formulation of labor policies which will make the policies of the Conservative and Liberal Parties seem bankrupt for the public national good. In other words, the Labor Party in Great Britain assails not some erring

individual members of the other parties but the other parties themselves; and it arrives at that end principally by striving to outstrip the other parties in policies directed toward British revival and progress. It is through that sort of impersonal politics, the politics of issues, the politics of programs, that the British Labor Party has arrived at the headship of the British Empire.

[Excerpt from address of Hon. COLE. L. BLEASE, of South Carolina, in the Senate of the United States, Thursday, January 3, 1929, CONGRESSIONAL RECORD, pp. 1043–1044]

There has been for some time much discussion as to the sale of post offices in my State. I have, when nominations were sent in, requested from an appointee an affidavit that he or she has not paid or promised to pay any amount to any person or persons for their influence or support in securing said position, and unless such affidavit was filed with me I have declined to allow the party to be confirmed, save in one instance, at the home post office of the senior Senator from my State.

I now have in my possesion these affidavits, and if any person has been confirmed and there is any proof anywhere that he has committed perjury in making these affidavits, any person knowing of the facts can prosecute and convict him for perjury in South Carolina. * * *

I do not think it is right to reflect upon others because some one is after one man only. I have no objection to Mr. Hoover kicking Tolbert out. I have no objection to his putting some one else in charge, because he is going to do that exact thing, of course. It is not Tolbert who is at fault. It is the Republican Party that is collecting this money, and Tolbert is simply their tool. Why deceive men whose appointments are being held up in the Senate and not being confirmed? Why should their confirmations be held up when there is not a single particle of proof that they have done anything wrong? If there is a postmaster in the State of South Carolina who has given or received any money for any wrongful purpose, I will guarantee the Senate, if they will furnish me the proof, that I will put him in the penitentiary. I will guarantee that if they will show me that Joe Tolbert himself personally has wrongfully accepted a dollar, I will put Joe Tolbert in the penitentiary.

I do not believe in saying to the postmasters of South Carolina generally, "You shall not be confirmed because of the fact that somebody says there is some charge of corruption." Let us have the facts. Let us have the report. If anyone is guilty let us prosecute him. If there is no one guilty, then quit slurring my State by saying that we have a wholesale jobbing of post offices going on, which I know is not true, unless it be by the authority of the Republican Party. Tolbert might be guilty of it, but there are postmasters in South Carolina and good ones, who would not submit to being bought or sold under any circumstances. They may contribute to the party, but they do not purchase any one man.

Let us have the facts as they are and expose the guilty and remove the insinuation from those who are not involved in the scandal. Money is paid, but who gets it; let us know.

TARIFF RATES ON LUMBER AND SHINGLES

Mr. JONES. Mr. President, I am in receipt of a telegram from the State of Washington, which I ask may be read at the desk.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The telegram was read and ordered to lie on the table, as follows:

OLYMPIA, WASH., *May 10, 1930.*

Hon. WESLEY L. JONES,

United States Senate, Washington, D. C.:

During the Senate committee tariff hearings on the lumber schedules it was clearly brought out and is confirmed by the recent report of the Tariff Commission to President Coolidge that imported lumber, and particularly shingles coming from British Columbia, were the product of labor 35 to 40 per cent oriental. The historic protective policy of the Republican Party was primarily designed to protect the American manufacturer and workman from these exact conditions, and in denying a duty under the pending tariff bill of logs, shingles, and lumber are we to understand that the Republican Party in power and the administration in Washington are in favor of a busy Hindu or Chinaman in Canada and an idle American workman in Washington or Oregon? This is exactly the issue and we demand a roll call in the House and Senate when the subject comes up for final consideration. Let us see who favors the Chinese under these conditions. During the Fordney tariff 50 per cent of the shingle industry has migrated to Canada, and unless now stopped by protective features in the present law the entire industry in the Pacific Northwest will be lost within a few years, a condition and not a theory. In Washington, D. C., this may be an incident; in Washington State a disaster. Please transmit copies to all Republican Members of Congress.

ROLAND H. HARTLEY,
Governor of Washington.

Mr. STEIWER. Mr. President, I have in my possession a letter written on behalf of America's Wage Earners Protective Conference disclosing the earnest support of that organization and of the American Federation of Labor of a duty upon softwood. The letter relates to the matter referred to in the telegram just read and has never heretofore been introduced in the RECORD. I ask unanimous consent that this letter may be printed in the RECORD at this point.

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

AMERICA'S WAGE EARNERS PROTECTIVE CONFERENCE,
New York City, April 8, 1930.

Hon. FREDERICK STEIWER,

United States Senate, Washington, D. C.

HONORABLE SIR: On behalf of the workers employed in the lumber industry affiliated with the American Federation of Labor, we urge that you make known to the Members of Congress our appeal for the adoption of a protective tariff duty on lumber which will safeguard the employment opportunities of American wage earners.

The petition for tariff protection which the workers employed in the lumber industry have asked for has the unanimous support and approval of the American Federation of Labor, as indicated by the following resolution unanimously adopted at the forty-ninth annual convention held October, 1929:

"Whereas for the past seven years the lumber and shingle manufacturing trades in the United States have suffered a continuous depression; and

"Whereas it is a well-known fact that this depression is caused by insurmountable foreign competition employing oriental labor, British Columbia using about 50 per cent of orientals in its timber industry; and

"Whereas organized labor has already gone on record favoring a tariff for the protection of the shingle industry: Therefore be it

"*Resolved*, That the American Federation of Labor, in forty-ninth annual convention assembled, hereby go on record as favoring a protective tariff on all logs, lumber, and shingles to protect American labor and furnish continuous employment to those employed in forest trades."

This resolution was unanimously adopted. At the time this resolution was adopted organized labor was not aware of the conditions under which lumber is being manufactured in Soviet Russia, which lumber is being shipped to the United States. During the last few months our attention has been called to the fact that, in the production of lumber in Soviet Russia, the workers are forced to produce quantities of lumber under penalty of being refused ration tickets, which they must have in order to secure the necessary food to live if they do not comply. Then, too, the production of lumber in Soviet Russia being under monopolistic control, this lumber can be dumped into the American market without regard to the cost of production or costs of distribution. This is already happening in the coal industry, to the great detriment of the American coal miners.

The products of American labor can not compete with the products of oriental Hindus and coolies, nor can they compete with the products of forced labor without adequate tariff protection. The products of free labor can not successfully compete with the products of slave labor, and forced labor is but another name for slave labor.

American workers realize that when workers engaged in the lumber industry are unable to secure profitable employment in that industry they are forced, in order to live, to migrate to the larger cities of our country where already there are hundreds of thousands of American workers unable to secure employment.

The American workers engaged in the lumber industry are in a desperate condition, and unless you can prevail upon Congress to grant to the products of these workers adequate tariff protection, we believe that they will be justified in questioning the honesty of tariff legislation which sets forth as one of its purposes, "To protect American labor."

Tariff legislation, enacted in the name of American workers, "To protect American labor," which places the products of American labor in competition with the products of forced or slave labor and orientals, coolies, and Hindus, without adequate tariff protection, is a misnomer and we realize that the workers engaged in the lumber industry will ask that such a tariff bill be defeated.

We sincerely trust that you will be able to successfully prevail upon the Congress to grant to the products of the workers in the American lumber industry the tariff protection which they must have if these American workers are to be able to obtain profitable employment at their trade in America.

Sincerely yours,

MATTHEW WOLL, *President.*

PROF. FELIX FRANKFURTER EXPLAINS HIS RECORD

Mr. WALSH of Massachusetts. Mr. President, during the debate on the confirmation of Judge Parker the Senator from Ohio [Mr. FESS] made some reference to Prof. Felix Frankfurter, a member of the faculty of the law school of Harvard University. The Senator from Ohio said during the course of his remarks:

Then there is Prof. Felix Frankfurter, member of the national legal committee, well-known defender of revolutionary radicals, denounced by the late President Roosevelt as "engaged in excusing men precisely like the Bolsheviki in Russia, who are murderers and encouragers of murder"—that is the language of Colonel Roosevelt—and others along that line.

Professor Frankfurter has written me a letter with reference to the statement made by the Senator from Ohio which I have quoted, and has also sent me a copy of the letter which he received from President Roosevelt and his reply to that letter. In justice to Professor Frankfurter I ask that the letters may be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The letters referred to are as follows:

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., May 9, 1930.

Hon. DAVID I. WALSH.

MY DEAR SENATOR WALSH: I note from the CONGRESSIONAL RECORD of Tuesday, May 6, that Senator FESS, screening behind his parliamentary privilege, has made of himself the vehicle for exploiting once more the slanderous nonsense contained in the now discredited Lusk committee report.

Speaking of me on page 8435 of the RECORD, Senator FESS quotes a phrase taken from a letter of Colonel Roosevelt to me, without mentioning the context of the letter, its subject matter, or the nature of my reply. It occurs to me that in view of this unjustifiable performance of Senator FESS, you might deem it appropriate to put in the RECORD the correspondence between Colonel Roosevelt and me, which will put Senator FESS's quotation in its proper setting.

This correspondence, as you doubtless know, grew out of the report of President Wilson's Mediation Commission, of which I was counsel, in regard to the Bisbee deportations and the Mooney case. I inclose herewith copies of the correspondence for such use as you may deem appropriate. Colonel Roosevelt's letter has been widely published from time to time, but my reply has seen the light of day only in the Boston Transcript for April 29, 1927. Its publication was in reply to the publication of the Roosevelt letter in the Transcript the day before.

Sincerely yours,

FELIX FRANKFURTER.

DECEMBER 19, 1917.

MY DEAR MR. FRANKFURTER: I thank you for your frank letter. I answer it at length because you have taken, and are taking, on behalf of the administration an attitude which seems to me to be fundamentally that of Trotsky and the other Bolsheviki leaders in Russia; an attitude which may be fraught with mischief to this country.

As for the conduct of the trial, it seems to me that Judge Dunne's statement, which I quoted in my published letter, covers it. I have not been able to find anyone who seriously questions Judge Dunne's character, judicial fitness, and ability or standing. Moreover, it seems to me that your own letter makes it perfectly plain that the movement for the recall of Fickert was due primarily not in the least to any real or general feeling as to alleged shortcomings on his part but to what I can only call the Bolsheviki sentiment. The other accusations against him were mere camouflage. The assault was made upon him because he had attacked the murderous element, the dynamite and anarchy group, of labor agitators. The movement against him was essentially similar to the movements on behalf of the McNamaras and on behalf of Moyer and Hayward. Some of the correspondents who attacked me frankly stated that they were for Mooney and Billings just as they had been for the McNamaras and for Moyer and Hayward. In view of Judge Dunne's statement it is perfectly clear that even if Judge Dunne is in error in his belief as to the trial being straight and proper, it was an error into which entirely honest men could fall.

But the question of granting a retrial is one thing. The question of the recall is entirely distinct. Even if a retrial were proper, this would not in the least justify a recall any more than a single grave error on your part would justify your impeachment or the impeachment of President Wilson for appointing you. Fremont Older and the I. W. W. and the "direct action" anarchists and apologists for anarchy are never concerned for justice. They are concerned solely in seeking one kind of criminal-escape justice. The guiding spirits in the movement for the recall of Fickert cared not a rap whether or not Mooney and Billings were guilty; probably they believed them guilty; all they were concerned with was seeing a rebuke administered to and an evil lesson taught all public officials who might take action against crimes of violence committed by anarchists in the name of some foul and violent "protest against social conditions." Murder is murder; and it is rather more evil and not less evil when committed in the name of a professed social movement. It was no mere accident, it was the natural sequence of cause and effect that the agitation for the recall of Fickert, because he had fearlessly prosecuted the dynamiters (and, of course, no human being doubts that Billings and Mooney were in some shape or other privy to the outrage) should have been accompanied by the dynamite outrage at the governor's mansion. The reactionaries have in the past been a great menace to this Republic; but at this moment it is the I. W. W., the Germanized socialists, the anarchists, the foolish creatures who always protest against the suppression of crime, the pacifists and the like, under the lead of the Hearsts and La Follettes and Bergers and Hilliquists, the Fremont Olders and Amos Pinchots and Rudolph Spreckles, who are the really grave danger. These are the Bolsheviki of America; and the Bolsheviks are just as bad as the Romanoffs, and are at the moment a greater menace to orderly freedom. Robespierre and Danton and Marat and Hebert were just as evil as the worst tyrants of the old régime, and from 1791 to 1794 they were the most dangerous enemies to liberty that the world contained. When you, as representing President Wilson, find yourself obliged to champion men of this stamp, you ought by unequivocal affirmative action to make it evident that you are sternly against their general and habitual line of conduct.

I have just received your report on the Bisbee deportation. One of the prominent leaders in that deportation was my old friend Jack Greenway, who has just been commissioned a major in the Army by President Wilson. Your report is as thoroughly misleading a document as could be written on the subject. No official, writing on behalf of the President, is to be excused for failure to know and clearly to set forth that the I. W. W. is a criminal organization. To ignore the fact that a movement such as its members made into Bisbee is made with criminal intent is precisely as foolish as for a New York policeman to ignore the fact that when the Whyo gang assembles with guns and knives it is with criminal intent. The President is not to be excused if he ignores this fact, for, of couse, he knows all about it. No human being in his senses doubts that the men deported from Bisbee were bent on destruction and murder. If the President, through you or anyone else, had any right to look into the matter, this very fact shows that he had been remiss in his clear duty to provide against the very grave danger in advance. When no efficient means are employed to guard honest, upright, and well-behaved citizens from the most brutal kind of lawlessness, it is inevitable that these citizens shall try to protect themselves; this is as true when the President fails to do his duty about the I. W. W. as when the police fail to do their duty about gangs like the Whyo gang; and when either the President or the police, personally or by representative, rebuke the men who defend themselves from criminal assault it is necessary sharply to point out that far heavier blame attaches to the authorities who fail to give the needed protection and to the investigators who fail to point out the criminal character of the anarchistic organization against which the decent citizens have taken action. Here, again, you are engaged in excusing men precisely like the Bolsheviki in Russia, who are murderers and encouragers of murder, who are traitors to their allies, to democracy, and to civilization, as well as to the United States, and whose acts are nevertheless apologized for on grounds, my dear Mr. Frankfurter, substantially like those which you allege. In times of danger nothing is more common and nothing more dangerous to the Republic than for men—often ordinarily well-meaning men—to avoid condemning the criminals who are really public enemies by making their entire assault on the shortcomings of the good citizens who have been the victims or opponents of the criminals. This was done not only by Danton and Robespierre but by many of their ordinarily honest associates in connection with, for instance, the "September massacres." It is not the kind of thing I care to see well-meaning men do in this country.

Sincerely yours,

THEODORE ROOSEVELT.

Mr. FELIX FRANKFURTER.

THE FRANKFURTER REPLY TO THE ROOSEVELT LETTER

In answer to Theodore Roosevelt's letter which bitterly criticized Prof. Felix Frankfurter for his activity in the Mooney dynamiting case in California and the Bisbee deportations in Arizona—a letter printed in Wednesday's Transcript—Mr. Frankfurter wrote as follows to Colonel Roosevelt:

"MY DEAR COLONEL ROOSEVELT: Your letter came while I was still in the West and so has been delayed in acknowledgment.

"You are good enough to write me at length about the Fickert recall and the Bisbee deportations because you conceived that they involve issues of important relevance to the effective prosecution of the war and the purposes to which that war is dedicated. I agree that the effective prosecution of the war and the uncompromising adherence to the aims for which this war is pursued by us embody the true test of all judgment and action these days. It is important, therefore, not to confound issues, to be sure-footed in our knowledge of facts and in our discernment of what really affects the national well-being. It is as important vigorously to promote patriotic purposes as it is to prevent ignorance or selfishness or prejudice from using the disguise of patriotism for ends alien to the national interest.

"(1) You refer to a letter of mine to you about the Fickert recall. I assume you mean the telegram I sent to Buckner, in which I asked him to say to you that the Fickert recall was not a battle between the forces of darkness and the forces of light, between anarchy and patriotism, but that it was complicated by a variety of local issues which I assumed were for-

eign to your interest as well as to your knowledge. I did not express, for I did not have and do not have, an opinion on the merits of that recall. It was strictly a local issue, a concern to the people of San Francisco, but of no concern to an outsider. Stanch friends of yours in San Francisco, people moved by the war as much as you or I, interpreted the recall issue not at all as you have been led to interpret it. So I was led to send word to you through Buckner, not in any wise because I was opposed to Fickert or favored his recall or had any views on that subject, but because my sense of your significance was disturbed that you should be led to intervene in a petty local fight having no national significance at all. I felt then and feel now that fictitious use was made of you by selfish and extreme people on both sides of the fight or by uninformed outsiders. I am sure that you have no more devoted and no wiser friend on the coast than Chester Rowell. The views I wired to Buckner, the views that I give expression to here, are precisely the line of thought that Rowell and I reached. I believe he so advised you. In so far as you assume I entertained opinions on the merits of the recall you attribute views to me which I never entertained. This it is that makes me feel that you may have had in mind the letter of another correspondent in writing me.

"One of the things that the commission to which I was attached was charged with studying was the Mooney cases. By this time, of course, you know that the attention of this Government and of this country was directed to the Mooney cases, of the alleged perversion of justice in these cases, through Russia. The circumstances surrounding those persecutions were among the strongest of certain incidents involving our national life which were made the basis of prejudicial propaganda against us in Russia. In a word, it affected the unity of our Russian ally and the relation of Russia to this country. Therefore, the quiet informal investigation which we actually undertook was justified by the highest consideration of the effective conduct of the war. The chief share in the investigation of the situation naturally fell to me, as the lawyer of the commission. I think if you knew all the facts, I think if you inquired of those who see fairly, and without blind passion, in San Francisco, you would find that I pursued the inquiry in a thoroughgoing, judicial, and, if I may say so, sensible way. The result of this investigation is not yet known, for we have not yet rendered a report to the President, nor even written it. I am sure even as to the proper disposition of the Mooney cases—which I insist is wholly apart from the wisdom of your participating in the recall fight in San Francisco—you and I, if we sat down to talk it over, would not disagree.

"(2) The Bisbee deportations took place while I was abroad. I did not even read the contemporaneous news stories about them. I can fairly say that when I started for Arizona late in September my mind was wholly free from an opinion in regard to these deportations. I had heard strong views of condemnation; I had also heard an explanation highly sympathetic to those who engaged in the deportations. I began to study the facts and circumstances on the ground with the same conscientious purpose to ascertain the facts, and nothing but the facts, as that which I pursued when associated with Stimson in the Morse, Sugar Frauds, and other cases. Not only with the same conscientious purpose but I am sure also with the same ability to ascertain and weigh facts impartially, which by training and temperament is part of my very professional equipment. What is set down in the report to which my name is signed is truth, the truth painstakingly pursued, sifted and tested on the spot, seeking to vindicate neither a preconceived theory nor influenced by any personal attachment. If there be any inaccuracy in the document, the inaccuracy is in understatement of the total want of justification on the part of those who participated in the deportations. This is not to say that those who participated were not impelled by patriotic purposes, that they were not sincere men. The report, on the contrary, attributes sincerity of purpose to these men. But surely sincerity; that is, the consciousness of a good purpose, not infrequently is the attendant of action unjust and evil in its results. I know you know Jack Greenway. I knew you knew him and I knew your great belief in him when I pursued the inquiry and legitimately had it in mind in trying to understand the situation and reach a just judgment in regard to the conduct of men like Jack Greenway. Surely, however, it is not a law of necessity that whatever Jack Greenway does is right.

"I submit it is not fair to your own standards of impartial justice, to your characteristic of being open-minded to facts, for you, some 3,000 miles away from the scene of action, away from an intimate study of the facts—the circumstances, the personnel, the industrial conflict, a great complex of elements which resulted in the deportations—I say it is not fair for you to pass judgment upon the deportations just on Jack Greenway's say-so, to brush aside the conclusions of a trained and impartial investigator whose desire and ability to obtain the truth you have heretofore had many occasions never to find wanting. Affection must not take the place of impartial investigation. Unproved dogmatism such as the statement 'no human being in his senses doubts that the men deported from Bisbee were bent on destruction and murder' must yield to evidence disproving such dogmatism. When opportunity offers I should like to go over with you in detail the whole industrial situation in Arizona and to make you realize the clash of economic forces that are at stake, make you realize the long, persistent, and organized opposition to 'social justice,' to the establishment of machinery for the attainment of such justice, which culminated in strikes in the Arizona copper districts last year. It is easy to disregard economic abuses, to insist on the exercise of autocratic power by raising the false cry of 'disloyalty.' It is too easy. If you had traveled through the Southwest and the Northwest as I have the last few months and had come into intimate contact with what is going on beneath the surfaces, studied the forces that are gathering in the industrial world of the United States, I am sure you would feel, as I feel, that but for an almost negligible per cent all labor is patriotic, is devoted to the purposes of the war and its prosecution, but that there are industrial conditions which demand remedy, and quick remedy, that the masses insist upon an increasing share in determining the conditions of their lives. If we do not bestir ourselves to rectify grave and accumulating evils we shall find the disintegrating forces in our country gaining ground.

"May I commend to you the recent reports made to Lloyd George by the commissions of inquiry into industrial unrest in England? I am taking the liberty of sending you a copy of those reports under separate cover. I should like to call your attention particularly to the report of the commission for the northwest area headed by His Honor Judge Parry. What they say of England is true of this country, namely, that we need a new set of ideas as to industrial relationships, and that uncorrected industrial grievances are the most fertile soil for extreme propaganda.

"Moreover, many of the extreme men approached us in a kindly spirit and stated their views with reasonable moderation. They made a great point of their loyalty to the country and repelled openly and with indignation the suggestion which they said had been made against them that 'they were bought with Prussian gold.' Still, the causes of unrest, as we have shown, are serious, and the Government should without delay do something very clear and evident on entirely different lines to the way in which things have been allowed to drift on in the past to show the people that they are in earnest in shouldering their responsibility. If not, the Government will only assist the extreme men by leaving inflammable material to their hand and they will lose support of the large body of moderate, sensible workingmen who feel that they have been deserted, and thus even these men may in time become adherents of a wild cause in which at present they have no real belief * * *. We think that what is driving many well-meaning enthusiasts into very extreme propaganda is the hopeless feeling that they have no place or voice in the management of the work they are doing, and that the only way in which they can assert their knowledge and individuality is by promoting disorder and thereby calling attention of the authorities to things which all reasonable men agree are wrong.

* * * * * * *

"Surely you must know what a great sadness it is for me to find disagreement between us on important issues. I speak from the heart. Personal considerations, however, must sink into indifference these days. But there is a great public interest at stake. You are one of the few great sources of national leadership and inspiration for national endeavor. I do not want to see that asset made ill use of. I do not want to have your generosity played upon by local or personal interests. I want your great strength left unimpaired and undiverted for the Nation to which you belong.

"Faithfully yours,

"FELIX FRANKFURTER.

"Col. THEODORE ROOSEVELT."

COURT DECISION IN WHITEBIRD *v.* EAGLE-PICHER LEAD CO.

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the decision of the United States Circuit Court of Appeals for the Tenth Circuit in the case of Flora Whitebird et al. against Eagle-Picher Lead Co. This is a decision which has to do with the Indian administration.

The VICE PRESIDENT. Without objection, it is so ordered. The decision is as follows:

UNITED STATES CIRCUIT COURT OF APPEALS, TENTH CIRCUIT

No. 130—February term, 1930

FLORA WHITEBIRD ET AL., APPELLANTS, *v.* THE EAGLE-PICHER LEAD CO. ET AL., APPELLEES, APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

(April 4, 1930)

Mr. C. B. Ames (Mr. M. A. Whipple and Mr. B. A. Ames were with him on the brief), for appellants.

Mr. Atlee Pomerene and Mr. A. E. Spencer (Mr. A. C. Wallace and Squire, Sanders & Dempsey were with them on the brief), for appellees, the Eagle-Picher Lead Co., Underwriters Land Co., Consolidated Lead & Zinc Co., and Cortez-King Brand Mines Co.

Mr. Vern E. Thompson filed brief for appellees, Childress Lead & Zinc Co., Black Eagle Mining Co., Frank Childress, trustee, Lihme Zinc Co., Commonwealth Mining Co., and Whitebird Mining Co.

Before Lewis, Phillips, and McDermott, circuit judges.

Phillips, circuit judge, delivered the opinion of the court.

The appellants brought this suit to cancel three mining leases made on August 1, 1922, by Albert B. Fall as Secretary of the Interior, in behalf of the appellants, to the Eagle-Picher Lead Co., a corporation. Two grounds for relief are set up: First, that the leases were obtained through fraud and for a grossly inadequate consideration. Second, that the leases were not signed by appellants and that the Secretary of the Interior was without authority to sign or cause their names to be signed thereto.

The trial court found against the appellants on the issue of fraud and held that, under the provisions of section 26 of the act of March 3, 1921 (41 Stat. 1225–1248), the Secretary of the Interior was authorized to make the leases for and in behalf of the appellants.

I. THE CHARGE OF FRAUD

There was no direct evidence in support of the charge of fraud. The facts, upon which the appellants rely to support inferences of fraud, are these:

On September 26, 1896, allotments of 200 acres each were made to Eudora Whitebird, Mary Whitebird, and Joseph Whitebird, who were full-blood members of the Quapaw Tribe of Indians. Appellants are all of the heirs at law of such original allottees and are also members of the Quapaw Tribe of Indians.

In 1912, S. C. Fullerton and George W. Beck, jr., acquired leases on such allotments from the ancestors of appellants and leases on lands adjacent thereto from other Quapaw Indians for lead and zinc mining purposes, each for a term of 10 years and at a royalty of 5 per cent.

In October, 1913, Fullerton subleased the lands embraced within the Whitebird allotments to the Eagle-Picher Co. at a royalty of 12½ per cent. During the years 1915 and 1916 the Eagle-Picher Co. developed lead and zinc ores thereon and commenced mining such ores. After the commencement of the World War, because of the greatly increased demand for lead and zinc, the Eagle-Picher Co. subleased to each of 27 mining companies tracts of 40 acres at a royalty of 17½ per cent. At the time of the transactions hereinafter mentioned the Eagle-Picher Co. and its sublessees had constructed and were operating about 26 lead and zinc concentrating plants on these leases.

On January 15, 1921, John Barton Payne, Secretary of the Interior, addressed a letter to Homer P. Snyder, chairman of the House Committee on Indian Affairs, in which he called attention to the matter of restrictions against the alienation of Quapaw allotments in Oklahoma under the act of March 3, 1895 (28 Stat. 876–907). He stated that such restrictions would expire in September and October, 1921; that lead and zinc mining leases of such lands were made under the acts of June 7, 1897 (30 Stat. 62–72), and March 3, 1909 (35 Stat. 781–783); that a competency commission had made examination and inquiry concerning certain Quapaw Indian allottee heirs and had found that 62 of them, among whom were appellants, were incompetent to care for their property and business affairs. He recommended that the restriction period be extended 25 years as to the lands of such 62 incompetent Indians and submitted a draft of a proposed bill, which ultimately became section 26 of the act of March 3, 1921. This act extended the restrictions against alienation of the allotments of such 62 incompetent Indians for the additional period of 25 years. With reference to mining leases it provided:

"*Provided further*, That all said lands allotted to or inherited by the Quapaw Indians may, when subject to restrictions against alienation, be leased for mining purposes for such period of time and under such rules, regulations, terms, and conditions only as may be prescribed by the Secretary of the Interior, and said lands while restricted against alienation may be leased for mining purposes only as provided herein."

In 1920 Fullerton, W. W. Dobson, Beck, the Eagle-Picher Co., and 22 of the sublessees of the latter agreed that the Eagle-Picher Co. should secure new leases from the Indians at a royalty of 7½ per cent and present them to the Secretary of the Interior for approval; that it should sublease to the mining operators at a royalty of 15 per cent; and that the 7½ per cent profit should be divided between Fullerton, Dobson, and Beck and the Eagle-Picher Co. In January, 1921, such new leases were secured from the Indians at a royalty of 7½ per cent and were submitted to the Secretary of the Interior for approval, together with a full and frank disclosure of the arrangement between the several parties, as stated above. In its brief filed in support thereof the Eagle-Picher Co. stated that 15 per cent was a fair operating royalty and 7½ per cent a fair royalty to the Indians. This brief further showed that lead and zinc royalties ranged from 12½ to 17 per cent in the general locality of the lands here involved. Vern E. Thompson, attorney for certain of the sublessees, also filed a brief in which he incorporated a statement from the State auditor of Oklahoma showing that the royalties of several hundred lead and zinc mines in Oklahoma ranged from 5 to 20 per cent, with a few at a considerably higher rate.

After a hearing, of which all interested parties had notice, Charles H. Burke, Commissioner of Indian Affairs, in a letter to Secretary Fall, dated May 20, 1921, recommended that such leases be disapproved. In this letter Commissioner Burke expressed the opinion that the Indians should receive a royalty of 15 per cent.

On June 22, 1921, A. C. Wallace, attorney for the Eagle-Picher Co., wrote a letter to E. B. Merritt, Assistant Commissioner of Indian Affairs, in which he stated that the Eagle-Picher Co. was concerned about renewals of its leases; that he understood from oral statements of Meritt that the interests of the Eagle-Picher Co. would be taken care of and that Fullerton, Dobson, and Beck, who were not mining operators, would be eliminated; and requested a conference with the Commissioner and Assistant Commissioner of Indian Affairs.

On October 1, 1921, the Eagle-Picher Co. wrote a letter to Fullerton, Dobson, and Beck in which it stated that it considered the original agreement nullified by the department's disapproval of the leases and that the Eagle-Picher Co. in the future would undertake to secure leases for its exclusive use and benefit.

Thereafter, the Eagle-Picher Co. worked out a tentative agreement with its 27 sublessees for subleases at an operating royalty of 16 per cent, with an overriding royalty to it of 2½ per cent, leaving 13½ per cent, less the cost and expense of supervision, for the Indians. This tentative agreement was communicated to the department by letter dated November 4, 1921.

On December 29, 1921, new regulations were promulgated under the act of March 3, 1921. These regulations were signed by Commissioner Burke and approved by E. C. Finney, as Acting Secretary of the Interior. Section 6 of such regulations, in part, provides:

"In each lease or contract of extension of lease entered into and executed under these regulations, the bonus and royalty to be paid by the lessee to the superintendent or such other official as the Secretary of the Interior may designate, for the benefit of the Indian lessor or lessors, shall be set out and stipulated and unless the rate of royalty be otherwise determined and fixed by the Secretary of the Interior under the provisions of these regulations, the royalty to be paid by the lessee shall be stipulated and fixed at the following percentages of the gross proceeds of the lead and zinc ores and concentrates mined or extracted from the leased premises, the royalty to be computed and based upon each sale of ore or concentrates separately:

Seven and one-half per cent when the price for the ore or concentrates sold is under $50 per ton;

Ten per cent when the price for which the ore or concentrates sold is $50 or more per ton and less than $60 per ton;

Twelve and one-half per cent when the price for which the ore or concentrates sold is $60 or more per ton and less than $70 per ton; and

Fifteen per cent when the price for which the ore or concentrates sold is $70 or more per ton.

Section 10 of such regulations, in part, provides:

"* * * such new lease or leases or contract of extension of existing lease or leases shall be executed subject to these regulations by and between the Indian owner of the land, if an adult, and said proper party or parties. If, however, said adult Indian owner shall fail to execute such new lease or leases or contract of extension of existing lease or leases as determined upon by the Secretary of the Interior, the superintendent shall execute for and on behalf of said Indian owner of the land said new lease or contract of extension of existing lease. If the Indian owner of the land is a minor, the superintendent shall execute the new lease or leases or contract of extension of existing lease or leases for and on behalf of said Indian minor. * * * No offering for sale at public auction or advertisement of sale will be necessary in reference to contracts of extension of leases or to leases entered into under this section, as above provided, but such lease or contract shall be upon such terms as to bonus and royalty as may be determined and fixed in each case by the Secretary of the Interior under the provisions of section 6 of these regulations. * * *."

On February 11, 1922, Fullerton, Dobson, and Beck filed bids on the three Whitebird allotments with the superintendent of the Quapaw Agency. They offered the schedule set forth in section 6, supra, plus 2.5 per cent when the price of ore should be under $60 per ton, plus bonuses, as follows: Eudora Whitebird tract, $10,000; Mary Whitebird tract, $16,000; and Joseph Whitebird tract, $14,000.

On February 15, 1921, the Eagle-Picher Co. addressed a letter to Commissioner Burke in which it offered to lease 1,061 acres, including the three Whitebird allotments, at the schedule fixed in section 6, supra, and to sublease to its then operating sublessees at an advanced royalty of 2½ per cent.

On February 16, 1922, the Eagle-Picher Co. protested against the awarding of leases to Fullerton, Dobson, and Beck, and called attention to its offer of February 15, 1922.

On March 20, 1922, Commissioner Burke addressed a letter to Secretary Fall in which he recommended that both of the last mentioned bids be rejected and that a leasing commission be appointed. This letter was approved by Secretary Fall on April 6, 1922. Thereupon, Commissioner Burke, with the approval of Secretary Fall, appointed a leasing commission composed of John E. Dawson, of the Indian office; T. B. Roberts, representative of Commissioner Burke, and O. K. Chandler, superintendent of the Miami Indian Agency. Mr. Van Sicien, an expert mining engineer from the Bureau of Mines, and Mr. Scibenthal, an experienced geologist of the United States Geological

Survey, at Commissioner Burke's request, were detailed to accompany, advise, and assist the commission. The leasing commission arrived in the field March 22, 1922, and remained there until June 5, 1922. On June 5, 1922, the commission forwarded to Commissioner Burke a detailed report of its investigation, together with its findings and recommendations. This report recited that on April 21, 1922, the Eagle-Picher Co. submitted an offer to lease the entire six allotments at a royalty of 7½ per cent, with an agreement to sublease to its operating sublessees at a royalty in no case exceeding 2½ per cent above the base royalty; to prospect and develop lands not theretofore developed, so as to keep ahead of production, and to keep the mines in operation; to expend in such work a minimum of $200,000 at the rate of $40,000 per year; to furnish competent engineers to oversee the mining operations and see that the ground was mined in a workmanlike manner; to continue experiments in concentration and treatment of ores to the end that a larger recovery might be obtained; to advance to its sublessees such money as good business judgment might require in order that they might not be forced either to abandon operations or to sell the ore at a price not remunerative to them or the Indians; to maintain accurate and comprehensive maps of all drilling and development, and to furnish its sublessees and the department with such maps; and to furnish a good and sufficient bond guaranteeing the carrying out of the terms and conditions of such leases; and that on May 26, 1922, the Eagle-Picher Co. filed a modification of the bid in which it offered either to pay such royalty as the department should determine to be proper or to surrender the properties. The report further recited that on April 27, 1922, Beck made a bid in which he agreed to pay the schedule of royalties set out in section 6, supra, to pay certain additional royalties based upon the prices of ore and to pay $50,000 in bonuses. It also called attention to the analysis made by Van Sicien, in his report to the leasing commission, of the Eagle-Picher Co. bid and the Beck bid. This report of the leasing commission concluded, as follows:

"We have reached the conclusion, in view of the facts presented and of the mining engineer's report, that in regard to these six allotments of Quapaw Indian land the best interests of the Indian owners of said land and of the mining industry as well will be served if the leases be made to the Eagle-Picher Lead Co. at the economic rates of royalty as found by the mining engineer for each particular tract or subdivision of said allotments, and provided that said Eagle-Picher Lead Co. shall sublease to the operating mining company or parties owning the mills and mining property on said lands the particular tracts of land occupied and operated by said mining companies or parties, and that the royalty rates to be charged by the Eagle-Picher Lead Co. to the sublessee operating company shall not exceed 1½ per cent above the royalty rates to be paid by the Eagle-Picher Lead Co. on its leases.

"We therefore recommend that the leases be made to the Eagle-Picher Lead Co. upon the conditions above stated. * * *"

Chandler filed a minority report, in which he recommended that the leases be sold to the highest and best bidder for a maximum royalty of 15 per cent to the mining operator.

On May 31, 1922, Secretary Fall addressed a letter to Assistant Commissioner Meritt in which he instructed the latter to take no action in the matter of applications for leases until the report of the leasing commission, then in the process of preparation, had been received.

On June 9, 1922, representatives of the Indians requested access to the report of the leasing commission. This request was denied.

After the report had been filed Van Sicien prepared forms of lease proposals and submitted them to Commissioner Burke and to Secretary Fall. Secretary Fall disapproved the sliding scale of royalties provided in section 6, supra, and insisted that the proposals be made competitive and have publicity. Thereupon new proposals were prepared by Van Sicien whereby provision was made for a flat royalty instead of a sliding scale of royalties. This was the principal modification. Secretary Fall prepared a notice calling for bids to be submitted on July 15, 1922, upon such proposals on file at Washington. This notice was published on July 6, 1922, in newspapers at Joplin, Mo., and Miami, Okla. It was also mailed to all prospective bidders in the tri-State district. The notice stated that the interests of mining operators whose leases were about to expire would be protected in so far as that could be done consistently with good administration of the properties. The notice further stated that the bids should state the amount of royalty the bidder proposed to pay and also the amount of royalty for which the bidder would be willing to sublease the lands to the existing mining operators.

On July 14, 1922, Victor Rakowsky, a mining engineer, requested that Commissioner Burke furnish him with certain information concerning the mines, which could have been secured from the report of the leasing commission. This request was denied. On July 15, 1922, Rakowsky made a similar request of Secretary Fall, asking for access to the mines and the reports of the leasing commission and for an extension of time for submitting bids to October 1, 1922. This request also was denied.

In response to such notice, Fullerton, Dobson, and Beck submitted a bid on the Mary Whitebird allotment and for 80 acres of the Joseph Whitebird allotment at a royalty of 15 per cent, conditioned that the lease should be on a form then commonly used in the district. They also submitted a bid on the Mary Whitebird allotment at royalties ranging from 7½ per cent to 12½ per cent. Beck submitted a bid on the Joseph Whitebird allotment at royalties ranging from 10 per cent to 12½ per cent and on the Eudora Whitebird allotment at a royalty of 10 per cent.

The Eagle-Picher Co. submitted a bid on the six allotments, including the three allotments involved in this suit. They offered a base royalty of 10 per cent and agreed to sublease for an additional royalty of 2½ per cent. They agreed to expend $100,000 in five equal installments in prospect drilling under the supervision of the Secretary of the Interior; to expend $25,000 for experiments in ore extraction, with a view to securing a greater ore return; and to maintain a corps of competent engineers and accountants to supervise and record the mining operations on the allotments.

Twenty-two bids were received. Commissioner Burke made a detailed report thereon to the Secretary of the Interior and recommended the acceptance of the Eagle-Picher Co.'s bid.

On July 27, Ray McNaughton wrote a letter to the Secretary of the Interior, in which he stated that the Fullerton, Dobson, Beck bids were higher in the aggregate than the Eagle-Picher Co.'s bid.

The leases were awarded to the Eagle-Picher Co. on July 27, 1922, at a royalty of 10 per cent.

From the foregoing facts, counsel for the appellants conclude: That the original plan offered was unfair and collusive.

That the Eagle-Picher Co. was assured by Assistant Commissioner Meritt early in 1921 that it would be taken care of and that Fullerton, Dobson, Beck would be eliminated.

That the Eagle-Picher Co. and the other mining operators, its sublessees, conspired together to stifle competition.

That the Fullerton, Dobson, Beck bids of February 11, April 27, and July 11, 1922, were higher than the bid which was accepted.

That the leasing commission was appointed in order to avoid acceptance of the February 11, 1922, bids of Fullerton, Dobson, Beck.

That the Secretary of the Interior rejected the recommendations of the leasing commission.

That the published notice did not allow sufficient time for preparation and submission of bids.

That the requirement in the notice prepared by Secretary Fall requiring the bidder to state the royalty at which he would sublease to the mining operators eliminated competition.

That the Secretary of the Interior withheld the report of the leasing commission from the Indians and prospective bidders.

That the Secretary of the Interior rejected the sliding scale of royalties recommended by Van Sicien.

That the conditions of the proposals could not be understood by Fullerton, Dobson, Beck.

That a royalty of 10 per cent was inadequate.

Counsel for appellants contend the trial court should have inferred from the facts above recited that Secretary Fall and the Eagle-Picher Co. had a private understanding that such company was to be given the leases at an inadequate royalty, to be effected by exacting terms and conditions that would stifle competitive bidding, and that the court should have concluded that Secretary Fall and the Eagle-Picher Co. were guilty of fraud, which rendered the leases invalid.

Following the close of the war large stocks of surplus lead and zinc were thrown upon the market, with the result that zinc, the predominating metal in the mines in question, fell from $135 to $20 per ton. The Eagle-Picher Co. and its sublessees, who were actually operating the mines and who had invested several millions of dollars in development and in mining plants and equipment, were confronted with the decrease in the price of metals and with the fact that their leases would expire in 1922. They accordingly evolved the original plan referred to above. While this plan was not fair to the Indians and provided an operating royalty that was higher than an economic royalty, the plan was fully and fairly presented to the department in the application for approval of the leases and was rejected.

The statement of Assistant Commissioner Meritt that the Eagle-Picher Co. and the other mining operators, its sublessees, would be fairly treated and the manifest lack of desire on the part of the department to lease to Fullerton, Dobson, and Beck were not improper under the existing circumstances. The former were mining operators, who had invested large sums of money in developing the mines and in mining plants and equipment, and the latter were speculators, who hoped to profit by subleasing the properties. Such was the conclusion of Van Sicien, as stated in his report to the leasing commission. Manifestly, the elimination of the speculators would increase the royalty to the Indians and keep the operating royalty nearer to an economic basis. Leases at the highest economic royalty, to the persons then equipped to operate and who were then actually operating the mines, would not only be fair but advantageous to appellants.

The appointment of the leasing commission and the securing of the services of Van Sicien and Seibenthal can not be properly attributed to a desire to avoid accepting the bids of Fullerton, Dobson, and Beck. Subsequent events conclusively proved that Commissioner Burke acted wisely in appointing such leasing commission and in securing the expert advice of Van Sicien and Seibenthal. For such action Commis-

sioner Burke deserves commendation rather than censure. Seibenthal was the zinc expert of the United States Geological Survey, a geologist with 25 years' experience in the district where these mines were located, and an eminent authority on lead and zinc mining. Van Sicien was an experienced and noted mining engineer. Commissioner Burke testified that he recommended this leasing commission because he was a layman and knew nothing about lead and zinc mining, and desired the advice and assistance of experts.

The examination of the mines by the leasing commission covered a period of about two and one-half months. It secured from each mining operator answers to questionnaires showing acreage, ore reserve, mill recovery, cost of mining, and cost of improvements. Van Sicien examined the 28 mines. He checked the answers in the questionnaires against the facts and records on the ground. He gathered and compiled complete data in respect to these mines. These data were checked by Seibenthal. A public hearing was held by the commission at Miami, and a uniform form of bid was furnished to the mining operators.

In his report to the leasing commission, Van Sicien said, in part:

"In negotiating new leases upon restricted Quapaw land, the ends to be sought in the order of their importance are:

"1. To secure a fair return to the Indian owner for the occupation and use of his land.

"2. To fix rates of royalty that will permit and encourage the operator-lessee to:

"(a) Mine the ores to their economic limits for the life of the lease or until the ores are exhausted. On these particular lands the second alternative will nearly always be the case.

"(b) Prospect the land thoroughly by means of drilling or drifting for ore bodies at present unknown.

"(c) Maintain a reasonable hope of realising operating profits. The Indian Office, representing the owner, can not undertake to guarantee any profits, or any given return upon invested capital, or anything of that nature. It can, and must for the best interests of the Indian afford the operator-lessee a fair chance to make profits.

"(d) Remain and continue mining on his lease in spite of greater apparent chances for profits that may arise elsewhere.

"Practically considered, the second aim is as important as the first, because unless the land is mined, the Indian will receive no royalty, while the land's value for farming purposes has already been greatly impaired if not destroyed."

In such report, he also set forth what he calculated to be the economic royalties for each mine in terms of the sliding scale set forth in section 6, supra. He also transposed such economic royalties into terms of flat royalties. Such flat royalties ranged from 7.5 to 13 per cent. The average flat royalty for the group of mines was 9.87 per cent. In referring to his statement of economic royalties, Van Sicien stated "the difference between the existing 17.5 per cent and the economic 9.87 per cent represents the eliminated intermediate royalties, which, in this now developed field, stands for no useful purpose." He pointed out how a larger royalty and bonus would compel the closing of the weaker mines and the mining of only richer ores in order to enable the operator to pay such royalty and bonus and still operate at a profit.

In analyzing the Beck bid of April 27, 1922, which offered a bonus of $50,000 and contemplated an operating royalty of 15 per cent, Van Sicien said:

"Under the 15 per cent Beck operating royalty * * * the poorer mines could not stand a levy for a bonus. Hence the bonus would be levied on the stronger mines, such as the three Picher mines, Premier, Underwriters, etc. There is no justification for such a levy, as the mines would already be paying an excessive royalty under the Beck 15 per cent, and the imposition of a bonus in addition would form a load that it would not pay any operator to take on. The result would be that the Beck associates would be forced to close and abandon the weaker mines and to operate the stronger mines themselves under the 12½ per cent ground royalty, in order to recoup the bonus money and make any additional operating profit out of the better mines.

"Adjusted royalties, in terms of flat royalties, show that a 15 per cent operating royalty would force many of the weaker mines to close. The richer and larger mines could and would carry on by selective mining (gutting) until their ores rich enough to carry the excessive charge were exhausted, which is very closely the present situation among these mines. This would mean that the Indian owners of the poorer mines would receive no income, while the Indian owners of the better mines would receive more immediate but less total income. Taking the mines as a group, the total royalties received, including the $50,000 bonus, would total less by one-fourth to one-third than the economic royalties total, and would be very inequitably distributed among the Indian owners."

Referring to indirect leasing through a supervising parent corporation, Van Sicien said:

"Under this system the supervision expense is collected from the industry and paid to the supervising corporation. It, therefore, means somewhat higher total cost of operation to the industry, but increased protection and more continuous operation, to the resulting advantage of both operator and owner. This system has been in successful operation for many years in the tri-State district."

In such report Van Sicien stated his conclusions as follows:

"1. Engineer's conclusions.

"(a) These 28 mines are more than half worked out and their remaining values are fairly well known.

"(b) They should therefore be leased upon terms that will assure the fullest extraction of their remaining ore reserves and of the lowest minable grade.

"(c) Under such conditions the imposition of bonuses or excessive royalties will shorten their working lives and reduce their total gross returns, and therefore their royalty-producing power.

"(d) The maximum return to the allottees will be made under economic royalties and no bonuses.

"(e) Supervision and operation will be better maintained under the parent-company system with Government control than under the direct-leasing system with direct Government supervision.

"(f) Of the two available parent companies, the Eagle-Picher is more suitable than the Beck because—

"1. Their organization is complete, ample, and has been functioning on this particular job to the satisfaction of the operating sublessees since 1916.

"2. They originally drained and developed the Picher camp and have a better working knowledge of it than any other existing or probable organization.

"3. Their own investment in this district is heavy, and it is more to their interest to keep the district satisfactorily producing than to any other existing or probable organization."

Van Sicien recommended the acceptance of the Eagle-Picher Co. bid at the economic royalties set forth in his report on condition that the Eagle-Picher Co. keep the mines dewatered without cost to the sublessees.

From the foregoing it will be seen that it was extremely desirable to know the highest economic operating royalty and to lease the lands upon such basis in order that the maximum recovery of ore might be had and the greatest income thereby obtained for the Indian owners.

Van Sicien's analysis of the Beck bid filed with the leasing commission clearly demonstrated that the royalty offered, plus the bonuses, was higher than the economic royalty and would ultimately result in a substantially less return to the Indian owners than would a lower royalty and no bonuses.

The desire to protect the rights of existing operators and the demand that bidders who proposed to sublease should express the overriding royalty they would demand from sublessees, as indicated in the notice prepared by the Secretary, were proper. Limitation on the overriding royalty was essential in order to prevent the operating royalty from exceeding the maximum economic royalty. Furthermore, the Eagle-Picher Co. and its sublessees, because of their knowledge of the district, their existing investment and the mining plants and equipment, were in a position to operate the mines more economically than could a new operator. They were desirable lessees. Commissioner Burke and Van Sicien testified that Secretary Fall did not follow the leasing commission's recommendation that the bid of the Eagle-Picher Co. be accepted, because he objected to the sliding scale of royalties and he desired public notice and competitive bidding. Van Sicien further testified that the only material change made by Secretary Fall in the proposals prepared by Van Sicien was the substitution of the flat royalty for the sliding scale of royalties; and that "he [Van Sicien] preferred a flat royalty and thought the department did right in leasing the property as they did * * * that, after having been through this entire matter, his best judgment was that they let the leases in the right way, independent of any influence of the Secretary." In the light of subsequent events the rejection of the sliding scale was proper. Up to the time of the trial the return under the leases had been greater than it would have been under the sliding scale.

The time for bidding was adequate. Notice of the new plan and the uniform proposal not only were on file in Washington, but were mailed to all the operators in what is known as the tri-State district—the lead and zinc mining district of Missouri, Oklahoma, and Kansas.

Denials of Rakowsky's requests were not improper. Much of the data obtained by the leasing commission was confidential information furnished by the operating companies. Rakowsky waited until the day before the bids were finally to be submitted. He stated not that the information was desired to enable him to bid but rather to determine whether he should submit a bid and, in any event, that he could not intelligently submit a bid before October 1, 1922. The old leases were about to expire. The existing royalties were inadequate. Continued operation under the old leases was not desirable. It was important that the new leases be made at the earliest possible date.

The bids were examined and considered by Commissioner Burke, Assistant Commissioners Meritt, Dawson, and Van Sicien. They found that the bid of the Eagle-Picher Co. was the highest and best bid. By a letter to the Secretary of the Interior, dated July 27, 1922, the commissioner recommended the acceptance of the Eagle-Picher Co. bid, giving cogent reasons why it was the best and highest bid.

The Fullerton, Dobson, and Beck bids, made in response to the notice of July 6, 1922, did not comply with the terms of the proposals and the royalties offered were, in some instances, higher than the economic royalty.

The Eagle-Picher Co.'s bid, made in response to the notice of July 6, 1922, offered an operating royalty which was close to the economic royalty recommended by the engineer and will result in a greater ultimate return to the Indians than any of the other bids hereinabove referred to, which were rejected by Secretary Fall.

While the Eagle-Picher Co. receives a 2½ per cent overriding royalty from its sublessees, for this it has agreed to furnish supervision and accounting, to make experiments in ore concentration, to expend substantial sums in prospect drilling, to finance its sublessees, and to keep all the mines free from water. Keeping the mines dewatered is of great importance, and the Eagle-Picher Co., because of its central pumping plant, is particularly well equipped to render that service. Commissioner Burke, in his report to Secretary Fall, stated that Van Sicien's figures showed such 2½ per cent to be a fair charge for the services which the Eagle-Picher Co. agreed to render.

It is our conclusion that the evidence wholly failed to establish the charge of fraud and, on the contrary, showed that Secretary Fall and Commissioner Burke, acting in good faith, secured and accepted the advice of competent experts, obtained the highest possible economic royalties, and fully and adequately protected the interests of the Indians.

II. AUTHORITY TO CAUSE LEASES TO BE EXECUTED

Counsel for the appellants contend that, under the act of March 3, 1921, the Secretary of the Interior had no authority to execute mining leases for the Indians named therein and that under it he had authority only to approve or disapprove, under regulations promulgated by him, leases that had been duly made by guardians of such Indians, appointed by the county court of the county wherein the lands were situate.

Counsel for the appellants assert that authority to appoint such guardians was given to such county court by the act of April 28, 1904 (33 Stat. 573) and section 19 of the Oklahoma enabling act (34 Stat. 277).

Congress, by express enactment, has empowered the county courts of Oklahoma to approve certain leases of lands of members of the Five Civilized Tribes who are minors or incompetents. Act of May 27, 1908 (35 Stat. 312). No such provision is found in the legislation applicable to the Quapaws. As stated by Judge Van Valkenburgh in Hampton *v.* Ewert (C. C. A. 8, 22 Fed. (2d) 81, 90), the absence of such provision "is conclusively significant." Where county courts are authorized to approve such leases they act as Federal agencies. Parker *v.* Richards (250 U. S. 235, 239); Marcy *v.* Board of County Commissioners (45 Okla. 1; 144 Pac. 611). Such power exists because the county courts have been designated as Federal agencies by Congress and not as the result of any power vested in them as State courts. Parker *v.* Richards, supra. The absence of any specific provision authorizing the county court to act in cases of incompetent or minor Quapaw Indians, and especially the omission to so provide in the act of March 1, supra, which dealt exclusively with incompetent Quapaw Indians, manifests an intention upon the part of Congress to vest such authority in the Secretary of the Interior.

Furthermore, we think the intent of Congress, to vest exclusive authority in the Secretary of the Interior to make such leases, is clearly manifested by the language of the 1921 act. It provides that such lands may "be leased for mining purposes for such period of time and under such rules, regulations, terms, and conditions only as may be prescribed by the Secretary of the Interior." This vests exclusive authority in the Secretary to determine and prescribe the terms and conditions of such a lease and the period of time for which it shall run. Nothing is left for negotiation by the Indian or his guardian. The only action that the Indian or his guardian could take, with respect to such a lease, would be to sign or refuse to sign it. If appellants' position is well taken, the Indian or his guardian, by refusing to sign, could frustrate the action of the Secretary in prescribing the terms of and negotiating such a lease. We do not think Congress intended to place such a veto power in the Indian or his guardian.

The language of the 1921 act is undoubtedly broader than the prior acts and yet the Department of Interior had uniformly held that such acts vested power in the Secretary to provide for the execution of mining leases in behalf of incompetent and minor Quapaw Indians. (See opinion of solicitor, Department of Interior, under date of August 23, 1920; Sec. 8, Regulations, April 7, 1917, under act of June 7, 1897; Sec. 8, Regulations, November 12, 1920, under the acts of June 7, 1897, and March 3, 1909.) The construction of a statute, by a department of the Government charged with its execution is entitled to respectful consideration and ought not to be overruled without cogent reasons. United States *v.* Moore (95 U. S. 760, 763); Blanset *v.* Gardin (256 U. S. 319, 326); United States *v.* Jackson (280 U. S. 183).

It is our conclusion that the Secretary had full power, under the act of March 3, 1921, to cause the leases in question to be executed on behalf of the appellants by the Superintendent of the Quapaw Indian Agency, acting in behalf of the Secretary of the Interior.

The decree is affirmed with costs.

CRITICISM OF THE SUPREME COURT NOT BLASPHEMY

Mr. BLACK. Mr. President, I ask unanimous consent to have inserted in the RECORD an article from the New York American and Journal, dated March 25, 1906, entitled "To Criticize the Supreme Court Is Not Blasphemy," by Arthur McEwen.

This is a very interesting article, to which I invite the attention of Senators. It was sent to the senior Senator from Nebraska [Mr. NORRIS] by Mr. Richard Fries, a prominent lawyer of Birmingham, Ala.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[From the New York American and Journal, Sunday, March 25, 1906]

TO CRITICIZE THE SUPREME COURT IS NOT BLASPHEMY

By Arthur McEwen

Senator Tillman the other day sent shivers up and down a certain sort of conservative spine when he arose and said, appropos of the railroad rate bill:

"If Congress is going to be so hedged about by legal decrees and orders of the court, then we shall have to dispense with the Supreme Court, for the people must have relief from this intolerable and outrageous state of things."

There are no present formidable indications that the people want to abolish the Supreme Court, but it is easily thinkable that the time may come when that will be their desire, and should that time arrive the Supreme Court will have to go. Meanwhile, it does that tremendous tribunal no harm to be reminded, as Senator Tillman has reminded it, that it is part of a Government founded upon the people's will and not a divine institution.

ONLY JUST TRIBUNALS ARE WORTHY OF RESPECT

The fact that Mr. Tillman's remark has been very widely commented upon with a sort of horror, as though he had been guilty of sacrilege, proves that there are too many Americans who have fallen into a habit of thought and feeling more becoming to subjects than to citizens. They have come to look upon their Government, and especially the courts, as far apart from and above them—which is a state of mind not to be encouraged in a Republic, whose safety depends upon the intelligence and character of its citizens. The intelligence that is prone to slavishness and the character that bends its knees too reverently in the presence of power are the reverse of democratic.

Respect for the Supreme Court and all other courts is a praiseworthy and useful sentiment—provided the courts deserve it. The only kind of liberty worth having is liberty controlled by law. But when a court ceases to be a just tribunal, impartially doing justice, and so promoting the public interests, the worst service the citizen can render his country is to continue to respect that court. A judge is entitled only to the degree of reverence that his qualities as a man and his abilities as a lawyer earn for him. Reverence which goes beyond that is dangerous and un-American.

"I hold judges, and especially the Supreme Court of the country," said Charles Sumner, "in much respect, but I am too familiar with the history of judicial proceedings to regard them with any superstitious reverence. Judges are but men, and in all ages have shown a fair share of frailty. Alas! alas! the worst crimes of history have been perpetrated under their sanction. The blood of martyrs and of patriots, crying from the ground, summons them to judgment."

Judges, being human, are humanly given to magnifying their office and extending their power. The Supreme Court has been no exception. From the beginning it has taken to itself more and more authority, until to-day the nine men who compose it—or, rather, any five of them who happen to agree—govern the country. The court is master of Congress and the President, for it can, and often does, veto their acts. The Constitution means only what the majority of the tribunal says it does.

"In this country alone," to quote Chief Justice Clark, of the Supreme Court of North Carolina, "the people, speaking through their Congress and with the approval of the Executive, can not put in force a single measure of any nature whatever with assurance that it shall meet with the approval of the court; and its failure to receive such approval is fatal, for, unlike the veto of the Executive, the unanimous vote of Congress can not avail against it. Such vast power can not safely be deposited in the hands of any body of men without supervision or control by any other authority whatever. If the President errs, his mandate expires in four years, and his party, as well as himself, is accountable to the people at the ballot box for his stewardship. If Members of Congress err, they too must account to their constituents. But the judiciary hold for life, and though popular sentiment should change the entire personnel of the other two great departments of government, a whole generation must pass away before

the people can get control of the judiciary, which possesses an irresponsible and unrestricted veto upon the action of the other departments—irresponsible because impeachment has become impossible, and if it were possible it could not be invoked as to erroneous decisions, unless corruption were shown."

JUDGES ARE HUMAN, THEREFORE NOT INFALLIBLE

Wherefore, Chief Justice Clark advocates election of Federal judges of all grades by the people.

"Why, sir," exclaimed Roscoe Conkling, "the infallibility ascribed to the Supreme Court makes the Constitution, the institutions of the country, nothing but wax in the hands of the judges."

We are a free people, but we have decided, or our predecessors decided for us, that it is well to have judges to rule over us to an extent unknown elsewhere.

"The judiciary," in the words of Professor Russell, of the New York University Law School, "holds a higher rank in America than it does in England or anywhere else in the world. It also has a wider range of power. The deliberate setting aside of a statute by judicial authority for unconstitutionality is a practice wholly foreign to European ideas, and is recognized only in the United States."

England has a good many institutions of which we are well rid, including a king and hereditary nobility, but when Parliament, representing the nation, passes an act, it is the law of the land. The king does not dare to veto it, and no court has the power to set it aside. And in monarchical England, too, the judges hold office subject to removal upon the majority vote of Parliament.

If our Supreme Court justices were infallible beings, given to us by a kindly Heaven free from human weaknesses, there would be no peril in their power, and we should be even more envied the possession of them than we now are by the rest of the world—or that part of it which abhors direct government by the people. In such case criticism would actually be the impiety which it is now taken to be by those who are shocked at Senator Tillman's suggestion that the extinction of the Supreme Court might conceivably be for the public good. But, be it said in all reverence, the Supreme Court is not infallible. It has repeatedly reversed itself, and then again reversed its reversals. It derives its members, not by celestial selection, but by appointment of Presidents, who are not conspicuously exempt from political motives. One of the present nine before he received the robe was chiefly notable for his servility to a railroad corporation which holds despotic sway in his section of the country, and many members of the bar protested formally against his elevation on the ground that he had neither the brains nor acquirements requisite for the post.

The court has been packed by a President on occasion when its decisions were not satisfactory to the party in power—for example, the greenback cases. In 1869 the greenback act was declared unconstitutional so far as it made the greenbacks legal tender for debts contracted prior to its passage. In 1870 Strong and Bradley were added to the court, and the decision was reversed.

There are only two ways of changing the law when it has been laid down by the omnipotent nine—by making new judges, as the British Premier makes new peers, and by amendment of the Constitution. The eleventh amendment was adopted to overturn the decision that a sovereign State could be sued in a Federal court by any citizen.

CRITICISM OF THE SUPREME COURT AN AMERICAN PRIVILEGE

It does not deepen veneration for the Supreme Court to recall its performances in connection with the income tax. Unanimously that tax was upheld in 1868, and again unanimously in 1880. But in 1895 by a vote of 5 to 4, the tax was pronounced unconstitutional. And Justice Shiras changed his mind within a few days. Had he not changed his mind the income tax would now be in operation here as in England, where one-third of the revenue is derived from it. "The same system," remarks Chief Justice Clark, of North Carolina, "is in force in all other civilized countries. In not one of them would the hereditary monarch venture to veto or declare null and void such a tax."

Criticism of the Supreme Court, by indulging in which Senator Tillman affrighted respectable ignorance, is an American privilege. None have been freer with it than minority judges of the court themselves. Justice Harlan, for example, expressed this frank opinion of the income-tax judgment:

"The practical effect of the decision to-day is to give to certain kinds of property a position of favoritism and advantage inconsistent with the fundamental principles of our social organization, and to invest them with power and influence that may be perilous to that portion of the American people upon whom rests the larger part of the burdens of the Government, and who ought not to be subjected to the dominion of aggregated wealth any more than the property of the country should be at the mercy of the lawless."

And Justice Brown was even more candid:

"The decision involves nothing less than a surrender to the moneyed class. * * * I hope it may not prove the first step toward the submergence of the liberties of the people in a sordid despotism of wealth. As I can not escape the conviction that the decision of the court in this great case is fraught with immeasurable danger to the future of the country, and that it approaches the proportions of a national calamity, I feel it my duty to enter my protest against it."

THE COURT MADE FOR THE PEOPLE, NOT THE PEOPLE FOR THE COURT

Should it come about, in the course of human events, that the Supreme Court appear to the American people the bulwark of privilege and the principal obstacle to the enforcement of the popular will, the court would, as Senator Tillman puts it, be dispensed with. The court was made for the people, not the people for the court.

"Is that revolutionary? Well, the word 'revolutionary' should not be offensive to American ears, for by revolution we exist as a Nation. Let any department of the Government become obstructive to progress—the progress that means the betterment of the condition of the whole people—and in the end it is sure to be dispensed with."

When Senator Tillman, in his simple lay way, spoke of the Supreme Court as an institution that must serve the common welfare or go by the board, he sent shivers up and down the spine of a conservatism that is wont to view itself with a veneration only less profound than the veneration with which it views a majority of five and their pronouncements, but he was altogether within his American limits, if the Declaration of Independence is still our chart. It may be old-fashioned to regard the Declaration as authoritative and to quote it, but it is not uninstructive to recall that after it sets forth certain truths as self-evident and specifies the purposes for which governments are instituted among men, it lays down this doctrine:

"That whenever any form of government becomes destructive of these ends it is the right of the people to alter or abolish it and to institute new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

ISSUES OF THE DAY—ADDRESS BY SENATOR SCHALL

Mr. BORAH. Mr. President, I ask unanimous consent to have printed in the RECORD in 8-point type an address on the issues of the day delivered over the radio by the Senator from Minnesota [Mr. SCHALL] on April 24.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR THOMAS D. SCHALL OVER WCCO, THURSDAY, APRIL 24, 1930

My friends and my enemies out there in space, you whose hearts hold respect and good will, and you misled in your opinion of me through malicious propaganda—in lieu of better opportunity, I use this means of contact.

Those who believe in me and the cause for which I stand inspire me and give me the courage to continue the fight of the ordinary folks. To those who misunderstand me because of false rumor, of hireling conspirators, and press, and who are listening purposely that they may be further confirmed in their misconception, I especially appeal, and ask only for a fair hearing. You would give that to the lowest criminal. Why be less generous to him who, despite the conspiracy to destroy, of paid perjuries and infamous plots of the most powerful and wealthy political gang in our State, is still unscathed and unintimidated, your United States Senator, chosen to that exalted position by the majority of your votes six years ago?

My record over a period of 10 years in the House and 6 years in the Senate is a hundred per cent for the worker and the farmer, a hundred per cent for the ex-service man, and a hundred per cent for the common folks. It is your country as well as mine, and our mutual object should be to keep it a people's country. We have a hard fight against thorough organization. The State officials and employees alone appointed by the governor number over 10,500 and draw an annual salary from our State of over a million and a half a year. Throughout the 20 commissions and their institutions are another 30,000 or more employees, which cost the State another $4,000,000. Add to this the special interests east and west that desire the governor's nomination this coming June 16, and you will have a slight conception of the tremendous forces we must go against. I need every ounce of your help, and I want you on the firing line from now until the primaries, June 16, are over. If I am not nominated, I am through, as the law of our State prohibits filing independently for the same office after filing in the primaries.

Therefore do not fail to call for a Republican ballot June 16 and get your friends to do the same and see that I am nominated. The duty of my office holds me at Washington. I wanted to get over the State last summer but the extra session of Congress prohibited. It is up to you to take on the fight and be sure that I am nominated June 16.

After the primaries, if I am nominated, you will find me on the firing line all summer and up to November, and I will have plenty of opportunity to take care of myself. But the battle is on you for the primaries, for I have little newspaper support and plenty of paid claquer opposition.

This is your fight. It is in the nominations that special interests get their control. Do not say, "I'll wait till the nominations are over, and vote at the election," for the nominations will control when the election comes and you may thereby, through your neglect, have been the factor deciding against your own interests, and I want you to keep constantly in mind that other rats besides muskrats will figure in this campaign. The money-hungry human rats are busy now, conspiring, framing, lying, stealing, perjuring for some plausible excuse, to get an eleventh-hour smear into the newspapers. Good brains will see to it that it looks very reasonable. They know I have no resources with which to meet it in so short a time. How do I know this? Because already some of these rats have sent representatives to me and told me what they have been offered and wanted to know if I would outbid. I can only trust to your faith in me. I offer you a clean, honest, faithful record of 16 years, constantly subjected to assaults of this nature that only needed time and the light to show their perfidy. Surely with the security in your hands of a spotless record of 16 years you can trust me until after June 16, the primaries.

MARGARET SCHALL

My better three-fourths is sitting here beside me and joins me in our greetings to our friends and our defiance of our enemies. She is a vital part of your Senator, and deserves a goodly share of credit in the successful conduct of the great office I hold.

I want you women to know that you are well represented through her. For she is constantly at my elbow giving me the benefit of the woman's viewpoint. Had I had my sight I would have missed this continuous and intimate mental companionship and you would have been deprived of a component force in your representation. Instead of one mind, you have two. Instead of one TOM SCHALL for your Senator you have Margaret and TOM SCHALL. She is my secretary, my chauffeur, my campaign manager, my pal, my inspiration, and my sight. You who are mothers, will be interested to know that she is a mother. We have three children, two boys and a girl. Tom junior, 19, now in his second year at the Naval Academy at Annapolis; Dick, 17, graduating this year from Shattuck Military School; and Peggy, 10, with us in Washington.

When Peggy was about 4 years old, she climbed upon my lap and said, "Daddy can't you see me with your eyes?" I said, "No, little sweetheart, I can not." After a pause, she said, "Well, you can see me with your heart, can't you, daddy?" In her innocent prattle she had struck the keynote of life. It is with the heart that we all see. It is with the heart that we all understand. The heart is the source of power, the source of love, the source of everything that is good in the world, and men and women and nations are great, as their hearts are great, as their understanding is great, as their souls are great.

ENVIRONMENTS OF TOM SCHALL

For 30 years I had the privilege of God's sunlight. I am self-made. At 12 I could not read or write. I worked my way through common school, through high school, and through the university and law school. Life was the one long grim struggle for daily bread. I never had time to play as a lad. How I used to long for the time when, my education completed, my profession attained, I should be able to enjoy the fruits of my toil. Just about the time when it seemed I could reach out my hand and take the success I had toiled all my life to attain, like a bolt from the blue came the electric shock that seared out my sight.

The first thing that every man losing his sight thinks to do, is to quit—I wanted to quit, and if it had not been for the love, the tender understanding of my brilliant little helpmate and classmate, I think I would have quit. She managed to make me think I was necessary. Margaret kept me steady, and furnished the incentive to live; whatever pleasure there is in living comes in living for others. The height of our existence is reached through our belief that we are able to accomplish something of benefit to others. Having decided to live, I had to refit myself for the battle of life. I drew heavily upon Margaret's helpfulness. It was a vital factor throughout the whole period of readjustment, as it is now and always will be. But the blind must be self-taught or not at all. The great fight had to be made by me from within. An entirely new kind of mentality had to be developed. The sense of sight upon which I had completely depended, as do all who have it, was gone. The only substitute was insight. She believed in me, when belief was necessary. I felt, as I have since found the greater part of the unreflecting world to think, that a blind man is helpless and only a burden upon the seeing world and that therefore I had a right to wrap the drapery of my couch about me and lie down to pleasant dreams, for the unrestrained independence of my whole life revolted at the bondage. I had always been able to make things go, to drive them to my will and conclusion and ultimate purpose and now, to be led, to have to wait, to be kept from accomplishment by trivial material fetters, to have to form conclusions received through eyes in whose judgment I had no confidence—to be held of slight consequence by those whom I but a short time ago dominated, physically and mentally, to have the same men who but yesterday hailed me with delight and enthusiasm avoid me! Sympathy? Yes, who wants sympathy? I want acknowledgment of merit. It is not how far you can see but the chemistry of sight that counts; it is how far your vision, how sound your judgment, how deep your understanding of the human heart. Not in getting and spending is our merit shown, but the goal we set ourselves, as the instrument of God in its attainment.

So when I said to Margaret, "What are we going to do? Shall I sell lead pencils?" she retorted, "I should say not, Tom. We're going to practice law. I will be your eyes. You have your profession. You can in a short time, I am sure, try a lawsuit as well without your sight as you could with it. People will trust a blind man, if he has the ability, with their business just as quick as a man with sight." So I went back to the practice of law broke—worse than broke, in debt, and blind. It was a weary road. It was like learning to walk all over again. I worked along in darkness a good deal harder than when I had my sight. I had to. In fact, a blind man's mind rests only when he sleeps, since he must feel with it and see with it, ever on guard, alert, for the little indirect thing that will guide him to the true conclusion that he must have in order to cope with the seeing. I never realized what a weak, flabby thing the seeing brain is. I was normal, perhaps a little above normal, having taken honors in my college class. But, like every other seeing person, I had always depended upon my sight, not my memory, and when I had to rely upon my memory I found it was like a muscle that had atrophied from lack of use. I would say to Margaret when I was preparing a case, "Read that again." And she would read it again, and I would try to gather the essential parts so that I would know them, not merely know where they could be found; but I would have to ask her to read it again and again and again until at last, after stupendous efforts, the flabby old brain tissue strengthened until it could stand alone.

I succeeded as a blind lawyer and can to-day make more money practicing law than I can representing you in the United States Senate, so that the overzealous special-interest newspapers need have no fear that I am asking anyone's vote on account of sympathy.

In writing, I think, Margaret is of the greatest service to me. She is about the only person with whom I can work, because she is not pulling in opposite directions, never advances any wonderful ideas, but is content to serve as the pencil until the thought is expressed. Her approbation and encouraging, sympathetic criticism are ready enough at the proper time. A word from her ample vocabulary aids me to keep at the gallop when, lacking it, I might slacken.

It is hard for the seeing to understand what the blind man is up against. It is one thing to have a misfortune yourself, quite a different thing to look on at another's afflictions.

I believe that my constituency should know the environment that surrounds me and whence I came, for there is nothing like the past to indicate the future.

I believe that life in its fulfillment is a fight, and the burden God gives to each of us is all we can bear. We all think our cross is a little the heaviest. If you have a strong back and a stout pair of legs, you have a good-sized cross. A weak back and scrawny legs gets a cross in proportion. Whom the Lord loveth He chasteneth. I often wished he had not loved me quite so much.

Yet through chastisement has come to me understanding. With that understanding I realize the truth. I no longer pray, take this cup from me, but accept the fight as it is presented to me. Of course, I would like to see, but, after 21 years of darkness, I would not trade the understanding that has come to me for all the eyes in the world. As the years have passed I feel that I have had a clearer vision and a keener insight into the real problems of life than even though I might have been able to see. Where other men are distracted by what they see, I have been able to concentrate every moment of my official career upon the needs of my State and country. I have tried to represent the best interests and the best welfare of the mass of the people. I have no apology to make for anything in my official record.

I entered the forest of darkness untamed, undisciplined, grasping, selfish; I came out of that darkness when understanding became my sight, when I had learned to bear disappointment, when I had comprehended that the thing was to be done for love of the cause and not for self-aggrandizement. When I be-

came interested unselfishly, and worked because the work was there to be done, without considering whether the result would help me or not—though in doing the thing that would not help me I was most helped—I began to understand what Christ meant, when to His disciples quarreling among themselves as to who should be first, he replied, "The first shall be last and the last shall be first. He that shall endure until the end shall be saved."

The paid detractors and those maliciously jealous because I have succeeded, though handicapped, where they have failed, and that class of little jealous natures who burn with resentment that a blind man should not be groveling in the dust and asking alms of them, have already set up the cry and will continue it, that a blind man is useless as your Senator, and that I am appealing to your sympathy for votes.

I need no sympathy. They do. But I do think that those listening to me should know that I am not reading a manuscript as the seeing speaker over radio does but must speak extemporaneously. Therefore the thought will be the essence, not a finished sequence of well-balanced adjectives and highly polished platitudes.

In preparing this talk I had expected to have ample time to deliver the entire speech, but find that my time is shortened, and, therefore, will only have the opportunity to touch lightly on the various subjects of interest. I shall, however, see that the entire speech is published.

If some of the press tell you how to-night's speech does not correspond, it will be undoubtedly because they forget the fact that I must speak extemporaneously and can not follow a manuscript. What does it matter whether the advance copy is identical with the spoken or not? The source is the same, the thought is the same, the garment may differ, be shorter or longer and vary as to color, depending upon my mood at the time

There is little inspiration in speaking to this microphone. I like to feel the warm breathing, human audience before me, where I can meet friend and enemy face to face; where, if there is a query as to any statement or proposition, it can be developed.

A blind man as your Senator is not disqualified. I hold that I have as much right to sell myself to you in my blinded condition as my opponent has to sell himself to you, unblessed with tribulation. I refer him to the life of Saul, who was blinded by the Lord that he might receive understanding and become the Apostle Paul, and teach the world that tribulations are a blessing; that through them we acquire patience, through patience understanding, through understanding, a soul.

I know I am not less able to represent you than if I could see. I do not advocate filling all the 96 Senators' seats with blind men, but I do maintain that one blind man in the United States Senate is not a disadvantage to the State he represents. Is it strange that I should mention a handicap which my opponents never cease hammering to prove me unfit? In one breath they tell you I am unfit. In the next they fear you are going to be misled by that very unfitness to vote for me. Evidently they grade your mentality as low as their own.

If I had been your governor for the last six years, even without my sight, I would have had sufficient vision to protect the people of Minnesota against the loss of millions of dollars in fake stock ventures.

The removal of the sight throws a determined man back upon his mind or his understanding. Through the mind he will come in contact with his soul. Through its feeling, with the breadth of the infinite. He will see and hear and understand the things that are denied to mere sight. For his mind reaches into solitude, whence comes meditation, contemplation, insight, and inspiration, for he is so used to adversity that he knows how to bear disappointment and make the best of life, which in its best is disappointment. The plan of the universe in the redemption of us all is adversity. It is not on flowery paths of ease nor in the smile of the world in material prosperity that the soul in man or woman is carved, but on the rough, sharp stone-strewn road, where we are forced to walk with unprotected feet, that we learn life's lessons and blessings, which give us intuition to draw upon the greater and cleaner thoughts that are among us, but too often not of us.

Knowledge is often acquired without tribulation. Talent may be inherited. Information may be only a question of position. A man may have brilliancy of talent but utterly lack understanding. He may have information but no judgment. He may be able to make a brilliant speech or write a ripping article, but without wisdom, understanding, and judgment he is a failure as a representative of the people, because to understand you must have been upon Mount Sinai, seen the lightnings flash, and heard the thunders roll; you must have partaken of the meal of locusts and clothed yourself in the camel's hair. You must know adversity, tribulation, and sorrow, and without experience, though you speak with the tongue of men and of angels, you are become as sounding brass and tinkling cymbals. No man can serve both mammon and the cause of humanity.

Mother taught me a firm faith in God. This teaching has been of the greatest significance and explains me to those who honestly want to understand.

I constantly ask God to guide and help me. I have represented you with what ability and understanding I have, with the light that God has given me to see the right. I believe that we are all instruments, working out God's will—and I stand ready to serve in any capacity God sees fit to give me. Should He decide through your votes June 16 that I am not to be given the traditional indorsement for a second term in the United States Senate I shall find no fault. Should He further trust me with that great office, I shall continue to ask His guidance in its fulfillment, despite the hilarity and jeering sneers of the couple hundred eastern-influenced scribes throughout the State who have been apprehensive that I would call things by their real names, voice the rottenness of the State administration and that "the thing they feared would come upon them." No wonder the governor says he's only going to discuss principles. His newspapers vie with each other to see who can frame the most ingenious slander of me, then each publishes the other's mud.

No little Backus-Christianson scribe is so lowly but that if he heaves his bucket of mud at me the great Minneapolis Journal will pick him out and dignify his puerilities by printing them in its columns.

BACKUS AND THE GOVERNOR

A public office is a public trust. A public official is an employee of the people. I welcome the strictest scrutiny of my conduct and record in the United States Senate. During the last term of the 10 years I represented the tenth district in the House, I introduced Resolution 301 to compel Mr. Backus to pay his legitimate taxes. He hates me, and I do not blame him. I helped him turn over to the Treasury of the United States $3,218,000. That amount actually went into the Treasury. It would pay my salary for over 300 years. One-third of 1 per cent would pay both Mrs. Schall's and my salary ad infinitum. Compare it with the economy and efficiency bunk so touted by the Christianson-Backus press, where your tax checks have been higher and higher and higher. You are paying twice as much taxes now than before we had so much economy and efficiency.

You will remember the slogan of six years ago, "Give us more Ted and less taxes." Ask yourself if the promise then made has ever been fulfilled or whether with "more Ted" you have not had the most taxes you ever had.

Since Teddy has been governor he has appointed over 1,000 extra employees, for which the State has had as much use as a cat has for two tails. It depleted the State treasury by over a million dollars annually, but it added to the machine being built to take Tom Schall. It satisfied his own ambition and undoubtedly pleased Mr. Backus. True there has been economy wherever widows and orphans and the insane are concerned. They had no organization. They couldn't fight back. They were of no political consequence. The governor's incompetency in his idea of the handling of our great university's affairs and his petty conception in curtailing education in our rural public schools are strange qualifications on which to base a claim for high office in a Government whose stability and perpetuity depends upon the education of its citizens. Yet the wise men of the East, through their Minnesota press, are saying, with an ostrich philosophy, "Never mind the mistakes of the past. We know he's an honest man. Look at the program he promises for the future if he can only get in as United States Senator."

Should we not judge a public man's service by what he has performed in the past?

Against Governor Christianson as an individual I have not the slightest animosity, but as he has been governor for six years—my governor as well as yours—I have the right to examine his official record to the end that the people may be acquainted with his achievements or nonachievements as governor.

I shall discuss principles, not personalities. That's nothing new, I have always so done in my political campaigns.

A public official should not shrink from having his official record fully discussed in public. The people are entitled to know the truth.

I know of no way of judging a public official but by his performance in office. If he has been a capable and correct officer, he has nothing to fear. I submit that the governor's official acts are proper subjects of public discussion. To say that any reference to his official shortcomings is unfair, is to say, in effect,

that the governor is above criticism, and such a claim is just another form of the old theory "that the king can do no wrong."

The governor is now asking you to discharge me to gratify his personal ambition. At every step of the road, while I have been in Congress or the Senate of the United States, I have fought graft and corruption. I have fought every effort to put over rackets upon the people of my State or Nation.

I have voted against post-office frauds and against racketeers who would job and rob the people through stock sales and through financial manipulations which you know have cost the people of this State millions of dollars.

I shall discuss briefly with you to-night my own record, but before doing so I feel that I should give a little time to the record of my opponent.

His record should be an open book, as is mine. The governor must submit to the same test as the rest of us. The governor's friendly attitude toward stock-selling schemes is well known.

The details are public. All the things to which I will refer have happened during his administration. The members of the State securities commission are his appointees. He is more than any other governor we have had responsible for these appointees. With an autocratic power never before known in the history of our State, he has demanded the resignation in blank of every public official he has appointed. Either his appointees have been negligent in the performance of their duties, or the law is defective. The governor has refused to make any investigations of the securities commission. And when investigation was demanded by the Hennepin County grand jury, he asserted no investigation was necessary. Nor has he ever suggested any amendment to the law to protect the people. Why?

THE STATE SECURITIES COMMISSION

The law creating the State securities commission was enacted to save the people from being defrauded by unscrupulous promoters and high-powered salesmen. The administration of this law under the governor has utterly broken down. Millions of dollars have been filched from the pockets of the people. Some of the swindlers are under sentence to the Federal penitentiary, some have been indicted and are awaiting trial. Others are being investigated by the Federal authorities. I think I have the right to emphasize that he has declined to investigate these fraudulent flotations and that he has omitted to recommend amendments which would make the law effective.

The facts spring unbidden from the records of the State securities commission. The governor alone is in a position to remove the securities commissioners, and there is no impropriety in making this suggestion that he should remove them. If you had an employee who had caused you great loss in your business, would you hesitate to discharge him?

THE COCHRAN GOLD NOTE SWINDLE

Nearly $2,000,000 were taken from the people by these promoters. The State Securities Commissioner A. E. Nelson, his appointee, was sentenced to 20 years in the Federal penitentiary for participating in this fraud.

Several different counties of our State brought indictments against Cochran. None of these indictments was ever tried, except in Stillwater, where Cochran pleaded guilty and was fined $1,000. It is rumored, had our State courts tried these cases evidence would have been competent that would have reached right straight back into the administration and shown that before you could get a license out of this securities commission you had to visit and get the approval of the governor's friend, W. I. Norton, who, as everyone knows, with the advice and consent of Backus and the public-utility crowd is reputed to be virtually the governor of our State.

These swindlers operated either by the license or the acquiescence of the State securities commission. The State authorities did not move, as they should, in the matter, and there would not have been any criminal prosecution but for Lafayette French, the United States district attorney, who convicted the whole outfit. Why did the governor keep A. E. Nelson in office 18 months after the charges had been launched against him, and why did he oppose any criminal prosecutions in this matter?

THE FOSHAY FLOTATIONS

This concern operated under the license of the State securities commission. The governor in a public address described Mr. Foshay as the Alexander Hamilton of Minnesota. Alexander Hamilton was a financier, but of a different variety.

Last September, when the Foshay Tower was being dedicated, our governor stood before a large audience and announced to the people of our State that Foshay had done more for Minnesota than any other man in many years. If the governor had used the preposition "to" instead of "for," he would have for the first time in all his six years as governor been serving the people of the State. What was the governor's State securities commission doing while Mr. Foshay was reaching down into the pockets of the people to the extent of many millions of dollars? Why did not the governor sound the tocsin and warn the people against this "Mississippi bubble," instead of selling himself as Foshay's head high-powered salesman? Why has he been so deeply silent ever since the bubble burst? Certainly these are fair questions.

I will take time for just one illustration out of many that could be cited of this modern Alexander Hamilton's wizardry. He bought the power plant at Little Falls for $30,000, floated a corporation of a million dollars upon this property, and with the advice and consent of the governor's commission sold it to the people of Minnesota.

Do not you think that now, since he has laid aside his executive robes and become a candidate for the United States Senate toga that the governor should "unlax" and take the people into his confidence and give some explanation concerning this leaning, or "tottering," tower fraud which he by his own personality and with all the dignity of the governor of our great State aided with the persuasion of his own golden tongue?

If he feels that this would be condescending and destroy his quiet dignity, do not you think that he should require his commission to explain? I can not for the world see why such an honest man as Teddy should insist that his commission be not investigated.

Do you suppose, if he should by mistake get into the United States Senate, he would persist in this peculiar mental slant and on a much larger scale permit conditions to afflict not only the people of Minnesota but of the entire Nation?

THE TEN THOUSAND LAKES MUSKRAT FARMS (INC.)

Here is another instance of the disappearance of $2,000,000 from the pockets of the people by and with the advice and consent of the governor's virtuous State securities commission. Some of the promoters have been indicted and some have escaped.

The grand-jury investigation brought out that 6,000 units, 18,000 rats, had been sold to the public for over $600,000, where in reality they had only 230 rats to sell. The securities commission knew, because they had affidavits before them of farmers who lived upon these lakes that there was not a rat in the lakes, because in the winter there were no rat houses, and without such houses no rat could live through the winter. Yet the securities commission took the unsupported statement of the men interested. Would not you think that a just governor would be glad to have such skull duggery investigated instead of telling the grand jury that he had investigated and that everything was all right? Maybe the governor is blind.

What would they do to me if I had such skeletons in my political closet? Hundreds of the most brilliant, ingenious, unscrupulous newspaper minds in the State, helped out liberally by eastern talent, are hired to manufacture daily clever poisonous columns of mud barrage. They are having a hard time to find material. It must give one a kingly feeling to know the highways of information can be closed at will. No wonder such security induces the Mussolini complex, which refuses to dignify any question, however pertinent, with a reply. But surely the governor must answer why he gave a letter used in photostatic copy in their stock-selling campaign recommending such investments when the slightest exertion upon his part would have informed him of the ratless condition of the Lakes. Were the governor and the members of his State securities commission asleep when this fraud was being perpetrated? Had the governor again gone blind? The governor said that the State securities commission were all right and that no investigation was necessary. Why did the governor feel that way? How do the victims feel? I consider these proper questions.

THE DIAMOND MOTOR PARTS CO. (INC.)

The Federal authorities after six weeks' investigation have found that this company, another pet of the State securities commission, has taken millions of dollars from the people. Twenty-nine indictments have been found, but indictments butter no parsnips. Must the victims take their losses lying down? It can not be possible that the governor thinks that his State securities commission, being Cæsar's wife, can do no wrong? I should think it would be a proper question to ask him why, having their signed resignations, he has permitted appointees of his to remain in office when he has direct and certain knowledge that the people of this State had been robbed and mulcted out of millions of dollars as a result of their corrupt conduct. Maybe the real governor, W. I. Norton, will not allow him to do the things that so apparently should be done.

I was informed just yesterday by a prominent lawyer of our State that this security commission had given a license to a corporation in Canada that they knew was bankrupt at the time.

The license was granted with the understanding that no stock should be sold in Minnesota. Its express purpose was to aid the grafters to secure licenses in other States. I ask the governor if that kind of robbery shall continue to advertise the State of Minnesota to other States who may still believe that we have an honest blue-sky commission. I am told, upon good authority, that the Loeb Arcade was given license to sell bonds amounting to three times the value of the building. The State is infested with these financial pirates and the governor's commission, whose resignations are in his hands this minute, fails to act, and says, with the pirates and grafters and bunco men, that everything is all right.

Is it possible, Mr. Governor, that we can get no redress in this State against this piracy and looting outside of the Federal Government? I submit that the people of Minnesota are entitled to hear from the governor on these items. I am sure that all these questions are ethical; certainly, much more ethical than the conduct of his State securities commission. Would the governor, with his well-known opposition to investigations, had he been in the United States Senate, voted against Teapot Dome, post-office contracts, and other frauds?

STATE BANKS

Due to the governor's opposition the legislature has been unable to remedy the State banking situation, and thousands of men, women, and children in Minnesota have lost their life's savings. The governor's crowd have manipulated matters so as to confer upon the State bank examiner unwarranted and arbitrary powers which have been in turn ruthlessly exercised. In short, they have things so arranged that the looted have no right to be heard in the courts and have been actually barred therefrom.

I think the governor should explain this to the people of Minnesota, and I also think that he should explain how it is that his friends can start banks in the State upon an interchange of their own notes, when the notes themselves would not have been taken as security by any responsible financial concern. I think the governor owes this explanation to the thousands of people who have lost their money in this sort of wild-cat banking. If time would permit I would like to tell you of the governor's conduct of other departments under his immediate jurisdiction. A short detail of the insurance department would make you gasp. His immediate control of the game and fish department, his personal use of it, his demanding the signed resignations of the men he appointed, and the political rottenness of it would be too long a story for this address.

SOLDIERS' PREFERENCE ACT

The statutes of Minnesota give ex-service men preference in appointments to State positions and the constitution of the State prohibits the giving of jobs to members of the legislature. The governor is under an oath to support the constitution and execute the laws. The American Legion and the Veterans of Foreign Wars started legal proceedings to oust the speaker of the house, John A. Johnson, from his $3,000 job in the State rural credits bureau upon the ground that Johnson's appointment was contrary to the constitution and contrary to the laws of the State that demands preference for ex-service men. Several capable ex-service men were applicants for this position who had rendered service to their country in the World War. The case was pending in the district court of Ramsey County. Just before it was called for hearing, Johnson, realizing his untenable position, resigned.

Now, everybody knows the governor appointed John A. Johnson. Several other legislators are on the pay roll of the State rural credits bureau in the same way expressly against the provisions of the constitution. This man Johnson, as speaker of the house, broke a precedent that has never before been broken, and denied printing to Representative Weeks's resolution for the State to reimburse the victims of the Cochran-Nelson security commissioner swindle. No doubt the governor felt indebted for Johnson's protection of him and his security commission and therefore chose him in preference to a man who served his country.

This man Johnson held the office of State legislator. Under Christianson's appointment he held a $3,000-a-year job and by the legislature had been appointed on an interim committee at $15 a day to investigate the very department, the rural credits bureau, upon which he held his job. Is not that something to think about?

I want you people to get a view of what this kind of governor might do to your State, and why the wise forefathers in making our State constitution provided against just such an act on the part of the governor. They knew that tyrants had been, and that dictators would be, ready to usurp the people's sovereignty. They knew that economy and efficiency has been the camouflage of every tyrant while destroying the liberties and rights of the people. They thought it unwise to thus allow the governor to acquire with his executive power the control of the State legislature. So they put it into the State constitution that a State legislator could not hold a State office. There are only 67 State senators. A majority of the Senate would be therefore 34. There are somewhat over 130 State representatives, a majority of which, added to the Senate majority, would be approximately 100 men. Therefore a governor controlling with appointment to other State offices something over 100 State legislators would be in position to usurp the functions and powers of that legislature, which, added to his executive power, would give him practically a dictatorship. One hundred offices out of 10,500 appointments and their employees which the governor has is not very many and could be easily accomplished, once the precedent has been firmly set.

The big three is another unconstitutional outrage fathered and put over upon the people by the governor and Mr. Norton, aided and abetted by the public utilities. The power of this commission appointed by the governor in whose pocket are their blank resignations, in defiance of the State law which requires definite terms of appointment, to fix the salaries of over 90 per cent of the State employees and thereby control their action, is a very dangerous power to place into the hands of any executive. A governor who would demand unconstitutional powers or would presume to override the Constitution, I submit, should be looked at twice before he is given further power to destroy humanity's hard-won liberties. Do you think that the governor's side-stepping his oath to defend and uphold the State constitution is a good recommendation to send him to Washington to tamper with the people's liberties embodied in the United States Constitution?

This same governor is advocating the United States entrance into a division of the League of Nations, the World Court. The people of Minnesota should refuse to vote for any man for governor in the coming primaries or the coming election, who will not renounce the usurpation of the people's liberties, that our present governor has been perpetrating over a period of the last six years. Such power in the hands of our State executive is of vital danger to the people's liberties. The public utilities and the special interests have long been desirous of concentrating all the power they can in the governorship. They can then center their effort upon the election of a governor which is a state-wide proposition and requires tremendous effort on the part of any candidate seeking that office. The chances are very slim for any one opposing their tremendous power. If there is a newspaper that doesn't fall in line with their candidate, a slight lift of the eyebrow to the local banker will soon bring them into line. I'll warrant that three-fourths of the editors who are pounding me so viciously will quietly put a cross behind my name June 16.

Members of the American Legion, Veterans of Foreign Wars, and the Disabled American Veterans feel that Governor Christianson has not only violated the Constitution, but that he has scrapped the soldiers' preference act. I am simply calling attention to the facts in this case.

Governor Christianson's appointment of his favorite, Speaker Johnson, to a $3,000 a year job when the law specifies that ex-soldiers shall be preferred, is not only discriminatory against the ex-soldiers, but is admittedly, by Johnson himself, in violation of the constitution of the State.

OUR SOLDIER BOYS

When the war was over, we brought our boys back home and thousands upon thousands were maimed and crippled and mutilated, both in body and in mind.

During the World War, it was my privilege to go to France and spend considerable time at the front when hostilities were at their height, and I have first-hand information as to what a "hell on earth" the trenches were.

I realize, as a result of this experience, some of the difficulties and horrors of war and the awful price in man power we paid to win it. I have voted for every law in behalf of soldier pensions or bonus and for every relief measure designed to protect these helpless men and the widows and orphans left behind.

I have done this with pleasure and with a full realization that whatever I may have done did not entitle me to any particular credit because I feel that no American citizen can ever do enough to compensate and repay these men who so freely gave their lives and service in defense of a nation's honor. I stand unalterably for more hospitals and for the extension of the law so that thousands of soldiers now unable to get relief and not eligible for compensation or hospitalization can get the treatment and the help which this Government owes them.



THE GOVERNOR'S AMBITION TO GO TO THE UNITED STATES SENATE

The governor had hardly been sworn in before he began to covet my seat in the United States Senate, to which the people had elected me on the same ticket with him. If I could be removed, he could make a deal with the lieutenant governor to have himself appointed. He knew that the great financial power of the State was back of him and so, with the aid and help of Bill Brooks, Ed Backus's partner and a member of the firm of Backus-Brooks Co., and Republican national committeeman, his friends began to lay their plans.

I had been guilty of making the Backus-Brooks outfit pay their back taxes. I was, therefore, mentally and morally unequipped to be a Senator of the United States, and it was only necessary to get over my deficiencies to the State through their servile newspapers in order to dispense with me as Senator. So they set about hiring good men for the purpose to patch together, from campaign lies and paid-for perjury, a contest to deprive me of my seat in the United States Senate to which the people of Minnesota, in the orderly and lawfully prescribed way, elected me. The gang did not believe it was possible for me to win the Republican nomination, but when I did win, despite their efforts, lawful and otherwise, mostly otherwise, they brought an action before the court in Hennepin County to deprive me of that nomination.

They thought to involve me in a lawsuit that could not be decided before the election time had come and thereby insure my defeat, but I demurred to their complaint instead of answering it as they had expected me to do, thinking I would follow the advice of men they had put in my camp, who were posing as my friends. I backed my own judgment. This gave opportunity to the court to make its decision immediately. Thus the first snare was avoided.

They believed I couldn't possibly win anyway and set about to tighten up the Republican machinery to see to it that I didn't win, and 36 perfectly good Republican papers continued to pound the Republican candidate for the United States Senate while diligently supporting the President and the governor on the same ticket, but with plently of hard work, the assistance of my many friends, and the help of God, I did win.

One of Backus's lieutenants a couple of years ago was asked if Backus thought the governor could lick Schall in 1930. The lieutenant replied, "Backus thinks so, but I don't, and have told him so. He insists that it shall be done if it costs him a million. I told him, 'It can't be done, Ed., if you spent two million. We had nearly all the newspapers in 1924, all political organizations; opposing him the most popular and spectacular candidate Minnesota has ever known; we lifted 40,000 votes and still we didn't get him. And he's stronger now than he was then, thanks to the advertisement your fool State senate hearings gave him.'"

During the campaign of 1924 I made 278 speeches. The last two weeks, I spoke with a fever that some days reached 104.

Then, for 48 hours, I watched the doubtful returns coming in. When my election was assured, the illness took command. I went to bed. For months I was under a doctor's care.

The next two years were so terrible that I thought, more than once, that the readjustment to blindness would be a preferable personal tragedy.

In an undoubted legal way, the sovereign people had nominated and elected me to the Senate. My political enemies had already attempted twice to nullify the result of the primary. Now I had to face, not one, but three attacks upon the validity of my election.

It seems incredible that these shrewd men should have believed it possible to substantiate the various charges against me. Perhaps they only thought to break my spirit. More probably they were looking ahead to the present campaign of 1930 when I must be weakened if reelection were to be prevented.

The first of these three attacks was an investigation by the Hennepin County grand jury of the election in Minneapolis, conducted by Floyd Olson, county attorney, who had been a candidate for governor on the same ticket with Senator Johnson. After exhaustive hearings no ground for action could be found.

The second was a contest before the United States Senate. That dragged through many months. The subcommittee conducting the inquiry reported a complete exoneration of me. The whole Committee on Privileges and Elections approved that verdict. Later the Senate of the United States voted unanimously to dismiss the contest.

Certainly th's should have ended the persecution, but there followed a third attack.

Among my chief sins was my attitude toward electric power. During my entire 10 years in the House my record had been 100 per cent for the common folks. I had been a Roosevelt Republican, which did not cause them to look upon me kindly; but over and above that I had been instrumental while in the House in making certain water-power interests who have for many years dominated Minnesota politics pay back taxes to an amount of over $3,000,000, and I had also been instrumental in blocking water-power site grabs in my State. It was necessary for these business interests, as they saw it, to get me out of the United States Senate. If any one doubts the truth of the fight made upon me, I refer them to recent disclosures before the Federal Trade Commission showing the length these utility companies will go in eliminating any person or any thing, or even a thought, that gets in their way. They secured professors to give their lectures in the schools, bought and controlled newspapers, and even printed the very texts of the schoolbooks, and spent huge sums of money in devious and unfair methods to accomplish their end at any cost. These interests were and are still in control of Minnesota politics, and therefore it was an easy matter for them to secure in the State senate the passage of a resolution for another investigation.

It mattered not that the United States Senate had exonerated me. The village council of Mud Lake had as much right to investigate my election as the Minnesota State Senate did. The plan was to smear me and everything was greased and in readiness to do the job thoroughly through reports of the hearings through the newspapers.

Night sessions were held in the State senate chamber. The floor and galleries were crowded when they led blind Tom into their carefully prepared trap. Like Sampson, they had brought him here for sport. I was praying as Sampson must have prayed, "God help me, God help me, give me the strength to defeat and pull down upon them their temple of perdition, falsehood, and lies," and God did help me, for through no other force could the miracle have happened.

The conspiracy was completely shown up through one of their own witnesses who became so ill that he thought he was going to die; called the priest, took the last sacrament, and made a confession. He was advised by the priest to go on the witness stand and tell the whole truth. He testified that $30,000 had been offered him to get me and that he and his associates had figured out just what they were to say and wrote it down so they could all have the same story. He produced from his pocket the typewritten testimony that he was to have given which fatally coincided with the previous testimony. Of course, this blew them clean out of water and the carefully laid plans for my political destruction were frustrated.

The temple had fallen and there were cries and shrieks and the sound of guilty feet running to cover. This witness admitted under oath that he had called at the governor's office and talked with him about the proposed investigation to unseat me. The committee moved into a small room and excluded spectators, and the newspaper enthusiasm dwindled.

The slaughter committee of five was especially picked to hang me. Inadvertently, or perhaps to make a show of fairness, one honest and just man was placed upon that committee. His name was L. P. Johnson, of Ivanhoe. His political life is in danger, for the powers that have run your State for many years do not want honesty and justice in political power. I hope my friends and every honest man and woman will see to it that this noble man is not snuffed out by the forces of evil. Jim Carley, Victor Lawson, and the other two members will have plenty of backing for their loyal service in this and other deeds well performed.

The committee now began to ask me and my attorneys to move for a dismissal. They assured us that they would grant it, but I did not want to dismiss it. I wanted to show up the dastardly plot they were trying to pull off. I did show them up in part. Of course you out there have never heard about it, but it is on record in the office of the Secretary of State. It is written, sworn testimony.

It is also on record that this same special committee appointed to ruin me were forced by the evidence to report my exoneration.

Here was this powerful political machine stealthily and underhandedly trying to destroy me with testimony concerning bootleggers which they must have known was an outrageous lie. The governor had sanctimoniously taken the benefits of enormous contributions for his political promotion from perhaps worse than bootleggers. The only bootlegger that I had anything to do with during that campaign I am sure would rate with any of the plutocratic contributors to his campaign fund.

I did not have money to pay my expenses, sometimes not even to buy gasoline.

The governor was furnished a brand new 7-passenger Paige car with which to make his campaign.

My old car broke down out south of here and was in the ditch, and I phoned Mr. Roe, of the Republican State Central Committee, to send me a car, but they could not find any. They thought that was a good place for me—in the ditch.

Finally, an old friend of mine sent his son, who took me in his car and drove me for 10 days, had my old car hauled back to Minneapolis and fixed up, and had it sent to me up on the range in excellent shape. I unloaded from the loaned car into my own car and went on with the campaign. Had I not had this help I might easily have been beaten, for the accident only lost me one speaking date, and I am grateful for the help. Later I heard that this young man was under indictment for some trivial infringement of the Volstead Act, which he strenuously denied, and stood trial, but was convicted, and was sent to the St. Louis County jail for a few months. After he had been there a few weeks a riot of the inmates broke out and threatened the lives of the keepers. It was he who frustrated the jail break and quelled the riot, and for this heroic and noble act was recognized by the President of the United States. That is my entire connection with bootleggers, and I feel in no way apologetic.

No man or woman comes to me, however lowly or poor for help, that I will turn away unheard. I am, therefore, criticized by the elite and the dainty on account of my associates. I am proud of the friendship of these common folks, of whom I am one, and it is because of them and their love for me and their willingness to go out and fight and do for me that I have for 16 years held high office in the State, and I would be an ingrate to close access to me when I might be able to help them. I am afraid I will have to continue to disappoint, if I remain a Senator, the self-appointed virtuous exquisites, the one of "us-don't-you-know" sort, for I am just "a plain blunt man that loves his friends."

We offered to show at that SCHALL smear hearings that the governor's campaign had cost Mr. Backus $148,000 in 1924. We offered to show that over $200,000 was raised for his campaign fund at a millionaire's lodge out at Minnetonka, but the committee, 4 to 1, denied our offer. We did show through Mr. Backus's testimony on the stand that $115,000 was raised at the Minneapolis Club for his campaign fund, and Mr. Backus admitted that he contributed $15,000 of that fund. There is nearly half a million dollars, and that does not include Banker Prince's and Banker Lilly's personal bit. You can bet that we did not hear about all the contributions to the governor.

Why did not the governor try out his itch for the United States Senate in 1928 against HENRIK SHIPSTEAD? He was the Republican leader of the State. It was his duty to lead the party fearlessly. Why did he who, before this campaign, had attached such virtue to party loyalty wait to attack a Republican? Because Backus was holding him to take care of me in 1930, as he figured he was the only man in the State who could do the trick. It will be decided on the 16th of June whether Backus is correct or not. I want my friends to remember that that is the day that tells the tale and do not fail to get out yourself, whatever the weather, and get every friend you can out and call for a Republican ballot and see to it that I am nominated, for I can not attend to your interests in Washington and be out here at the same time. Remember, if I am not nominated June 16 I am out of the race for the United States Senate. If I am nominated, I will be back here and make the State, where I can talk to you personally on some comfortable street corner.

Just another word further concerning that $3,218,000 Mr. Backus had to pay into the United States Treasury. He offered a million to settle with the Treasury. The Treasury Department thought it was not safe to make such a settlement for I might get up on my hind legs about the matter. A man came to me who said Mr. Backus wanted me to know that it was worth a half million dollars to him if I would be reasonable. Had I been reasonable, I no doubt to-day would be heralded in the same papers that are now telling you what a great man Governor Christianson is, as one of Minnesota's great United States Senators. But since I was not reasonable you will be told what a low, vulgar, uncouth, dull, unattractive mediocre, smoking, chewing, swearing, bootlegging scamp I am—but you do not need to believe it.

It is for you to decide whether you have been well represented or whether you feel there should be a change. I am willing—always have been willing—to have the result so decided. And I am confident of the result, because I feel that you will get the real facts to the people even if you have to do it by word of mouth, and you will be on your guard against last-minute insidious attacks. If there was anything in my life or in my record that would hurt me, it would have been heralded to the world a long time ago.

DEMOCRACY AGAINST GRUNDYISM

The past year has been an important one in Washington—important to the Nation and especially important to the Northwest. Our section, long discriminated against, has sought to unlock the chains that bind it and in this effort I have cast my votes and exerted such influence as was with me. The record is there.

The issue that has arisen is whether democracy shall triumph or whether in our Republic Grundyism shall take its place. We of the Northwest feel that we are entitled to a square deal, to a deal which will acknowledge our just participation in the benefits of legislation, and which shall seek to overcome the handicaps placed upon us by our land-locked condition.

We are the farthest away from terminal markets of the various sections. We have voted for the interest of the Nation and not for any selfish purpose in the past. We have voted for and have helped support the Panama Canal, a great national benefit but one which tied the chains about ourselves all the more closely. Ours was the first section to suffer deflation, and we have been living on our capital for a considerable time, while other sections have gone along on an inflated basis.

Agriculture, the great basic industry of the country, has been made the helot in the economic relationships of the country as a whole.

We were promised relief by both political parties on three counts, namely, tariff which would give parity to agriculture, by means of a Federal farm marketing act, and by the prompt development of our inland waterway. I have contributed as best I could to the development of all three programs, and right now stand for an immediate authorization of a 9-foot channel for the upper Mississippi River in connection with the pending rivers and harbors bill.

NINE-FOOT CHANNEL

Things do not look very good for our getting the 9-foot channel in the present river and harbor bill. I am in hopes that we will get authorization, but I fear no provision for appropriation. New York holds the chairmanship of the River and Harbors Committee in the House, California the chairmanship of the Committee on Commerce in the Senate. Both these States are well taken care of through the Panama Canal. The East and the western coast are well content. Illinois has been taken in on account of her great number of votes in the House, and will get in the Mississippi a 9-foot channel as far as the Illinois River.

The eastern interests, which are trying to stifle the development of the Northwest by advocating eastern waterways and withholding Mississippi Valley development, are doing everything they can to defeat every effort to give to the Northwest fair and adequate waterway development.

When the Mississippi is properly dredged to a 9-foot depth for transportation we shall have an outlet to the sea and this means scores of millions of dollars to Minnesota.

It means more factories, more industries, better markets for the farmers, and more opportunities for the workers. I want to stay in the Senate and join hands with my colleague, Senator HENRIK SHIPSTEAD, and the other northwestern progressive Senators in this vital fight for the commercial existence of the Northwest. I am chairman of the Interoceanic Canals Committee.

The Eastern States do not change their Congressmen and Senators for light or trivial causes. The eastern people realize how hard it is to climb the hill where the big committees are planted. Committee chairmanships in the Senate go by seniority of service. A new Senator must begin at the bottom of the ladder.

If my opponent should go to the Senate, it is a well-known fact that it would be years before he could obtain a chairmanship on this or any other committee where his influence could be exerted to the benefit of the Northwest. You have invested 16 years of my life in Congress and in the Senate of the United States. As chairman of this committee, I hold a strategic position. As your servant and your Senator, I am in a position which will enable the people of this State to obtain better results than if your Senator were not chairman of such a committee.

As chairman of the Committee on Interoceanic Canals, a unique opportunity will be afforded me, as time goes on, to materially help in securing the 9-foot channel to Minneapolis. Survey has been authorized by Congress for the Nicaraguan canal. President Hoover is anxious that this canal be constructed. If it is constructed, my committee will handle the bill for such construction. I do not believe that this canal should be constructed prior to the authorization and appropriation of the money to make a reality of a 9-foot channel to

Minneapolis, and I have no doubt, if I stay in the Untied States Senate, that I will be able to bring this about.

It is only just that this 9-foot channel be given to the Northwest. Eastern industry and eastern capital have too long kept us in tow. The construction of the 9-foot channel will liberate us. It will center the necessary life-giving industry here.

The 9-foot channel is immediate farm relief, and to the millions of people of the Northwest it spells economic salvation.

We of the Northwest have been a land-locked interior in spite of all of our mighty lake frontage and enormous river system. It is we who have suffered most from the Panama Canal; the other sections reaped the advantage in cheap transportation of intercoastal trade products. With the deepening of the channel we can share in these benefits. It would mean that 2,000-ton barges carrying 40 carloads of material would link us with the ocean ports of the world. It would make us independent of the East and would permit us to have industries which now practically are excluded by prohibitive transportation rates. It would raise the price of wheat 14 or 15 cents a bushel alone and other farm products in proportion.

As vital as this project is to the Northwest's welfare, we must demand that we get it, and the relief it will provide from discriminatory rates, before we consent to large expenditures being made to build the Nicaraguan canal. It will mean security and future prosperity to us to be on a waterway which can transport our produce to the markets of the world from our very doorstep, and, in return, supply us with our freight needs.

Opposition will be unthinkable when each and all realize the benefits. The preliminary report of the Chief of Engineers recognizes the necessity of this work. President Hoover is committed to it.

At one sweep the western and northwestern products would be moved 1,500 miles nearer their markets and the discrepancy between western and eastern industry would be removed.

It is to the interest of the East that we do not have this waterway, and shall be forced to patronize their markets with all the handicap of high freight duties. The battle has come to such a point that the growing rift between the East and the West is assuming threatening proportions. It has not been helped a bit by the talk of backward States talking "darn" small, and it will not be furthered a bit by the election of the protégé of the author of this slogan.

GRUNDY OR VARE

I was for the seating of Vare in the United States Senate because I was against the seating of GRUNDY, and some of the newspapers of this State have criticized me when I voted against the unseating of Senator-elect Vare, of Pennsylvania. When a Senator comes from a sovereign State with a certificate of election from the proper official, under the Constitution of this Nation, I consider it my duty to vote to seat that man.

When the vote was being taken whether or not to unseat Mr. Vare I made this prophecy: "You will kick Vare out to-day and seat GRUNDY to-morrow." A few days later my prophecy was fulfilled.

I was against and am against expenditure of vast sums of money by candidates for public office, but I happen to know that the record made by Senator-elect Vare was a record in behalf of labor and with a fair regard to the interests of the farmer. And taking it all in all, he was a good bet regarding western interests, considering that he was a Senator from the industrial State of Pennsylvania.

And now, instead of having GRUNDY working in his palatial offices in Washington as a lobbyist, we have him right in the United States Senate.

I saw the handwriting on the wall and told my colleagues what would happen. Bill Vare, no matter what his faults may have been, would have been a far better man in the United States Senate than JOSEPH GRUNDY, who thinks that we in the Middle West are sons of the wild jackass and ignoramuses, and who feels that all laws should be enacted for the benefit of the manufacturers of the East and Wall Street financiers.

I know that if I should be defeated there would be one man in Washington who would extend the right hand of fellowship to my successor, and he will be none other than JOE GRUNDY, of Pennsylvania; and I do not blame him any more than I blame Backus for being against me.

I believe in the progressive fight. I want you who believe in progressive principles to call for a Republican ballot and give me your vote in this primary election. I am inspired by the memory and the friendship and the influence of the great progressives Theodore Roosevelt and Robert M. La Follette, and it has been the aim and ambition of my life to carry on the fight for which they so gloriously battled.

Men and women of Minnesota, this is your battle, and not mine alone. Whether I go back to the Senate of the United States or not is not the vital question. The big thing for the voters of this State to decide is not a matter of personalities. It is not a matter of whether you may like one candidate or the other—but the big, the real, the vital thing for the men and women of Minnesota to say on June 16 is whether or not they want to nullify the vote of Senator SHIPSTEAD in the United States Senate.

The nomination and election of my opponent will be a welcome piece of news to the eastern industrialists and to the men in the United States Senate who have been fighting fair legislation for the Northwest. If that is what you want, then I want you to cast your ballot with your eyes open. If you believe in the progressive cause, if you believe in the fight we have been making in the United States Senate in behalf of the Northwest, I want you to give me your support and your vote in this coming primary, and remember that it is June 16. Get out and vote. Do not let anything interfere with your casting your ballot in these primaries. Your welfare and your children's welfare are at stake.

THE TARIFF

Despite the solemn pledges of the Republican Party to give the farmer the domestic market up to the point he is capable of supplying it, the various tariff bills enacted by both Houses of Congress have failed to make good that pledge. The Hawley bill, passed in haste, signally failed to accomplish this purpose. In fact, it was a cynical and ruthless evasion of the party pledge and of the request of President Hoover for a limited revision in favor of agriculture. On the contrary, while boosting some farm rates, it raised industrial rates, in some instances as high as 4,000 per cent. The bill reported by the Senate Finance Committee was almost as great a failure to redeem a solemn party pledge. Its spirit was to transform that party pledge into a "scrap of paper."

The progressives of the Northwest were faced with a solemn responsibility. Two ways were open. Either to accept the bills behind which was the spirit of JOSEPH GRUNDY, then head of the Pennsylvania Manufacturers' Association and commander in chief of the lobby army on the ground, or to take an independent course in opposition to the leadership of the Senate. The northwestern Progressive Senators unhesitatingly chose the course designed to align them with their constituents rather than with the industrially controlled group which sought to scuttle the promise made to agriculture.

It was in this way the first coalition was formed, a coalition which has saved the situation to a large extent, has improved the bill and would have made it a good bill, had not control slipped away from them at the last moment when Grundyism once more triumphed in the Congress.

Even with this triumph, the bill was so greatly improved over the original draft that it will be difficult for any conference committee to overturn all the benefits accorded to agriculture in the completed document.

I was not satisfied with the bill, but hoped that out of conference there might emerge something better than the Fordney-McCumber tariff bill. It looks now as though that hope were doomed. I shall reserve my right to vote for or against it on final passage, depending upon the kind of bill the conference reports. Separate votes have been promised on cement, lumber, and shingles, and it would be a short-sighted person who did not realize these concessions would not have been made had it not been for the fight put up by the Northwest Senators, who have borne the brunt of the battle for economic equality for agriculture.

The bill, as it passed the Senate finally, contained the debenture feature for making the tariff effective on surplus crops and the amendment placing in Congress the power to participate in the flexible provisions of the tariff. In my belief the equalization plan was far better, the debenture plan next best.

I have favored the debenture clause because it makes possible application of the tariff to surplus crop production and furnishes the Federal Farm Board with an anchor to leaward in the event its present machinery does not prove efficacious. I had supported the equalization fee but, failing to obtain this means of meeting the situation, it has seemed to me wise to give the Farm Board every opportunity to make good; but with wheat selling at its present price there is no assurance it will do so. It still remains in the experimental stage. It seems to me that in the event the Farm Board, despite its best efforts, should fail to meet the situation, it would welcome possession of such a power as is included in the debenture, a machinery supported by the leading farm organizations of the country.

There are many paper rates given to agriculture, rates which swell the percentage of benefits seemingly accorded, but which are nullified by the fact we produce these articles in surplus. These articles include wheat, rye, barley, corn, oats, and pork products, while dairy production is dangerously near the surplus stage if not already there.

Certainly some way should be found, if agriculture is to be on a basis of equality with industry, that these surplus products should be accorded the benefits of tariff legislation which takes it toll upon all consumers, of whom the farmers constitute a large bulk. No tariff can be made effective without the equalization plan or the debenture plan, or some other similar idea, and without such an attachment to the tariff bill I can not see how it is going to help the farmer.

The spirit of Grundyism is not dead, as evidenced by the work of the conference committee, which, I observe, has already agreed to an increased duty on pig iron and has placed a duty of 1½ cents a pound on sodium chlorate, thereby penalizing the farmers' warfare against weeds.

I was disappointed in the failure to grant a duty on fats and oils coming into competition with our dairy products. Many of the governor's papers are circulating the falsehood that I did not vote on this provision. I have not missed a vote in the entire tariff bill.

I have been criticized for voting to increase the tariff on sugar 0.24 of a cent. This special session of Congress was expressly for the benefit of agriculture. I voted to give a bonus to the beet-sugar farmer. After that was twice defeated I joined reluctantly in voting to raise the tariff which was the next best thing. We have 12 sugar-beet factories in the State of Minnesota. The sugar-beet raiser is certainly a farmer. Most of these competing articles come from the Philippines. If there is no other way of protecting our American farmers against the cheap oriental labor of the islands, then why retain the islands? They want independence. Let us give it to them heaped, full, and overflowing. Under our tariff system there is no reason why the coconut should continue to compete with the American cow.

We have just begun the fight for the economic independence of the Northwest. We propose to continue that fight until it is won—until we have economic justice in the tariff, a cheaper outlet to the Panama Canal by our river systems with a 9-foot channel for the upper Mississippi, and a farm act which will give relief.

We demand cheaper transportation rates. The way should be open to Northwest products, not only by means of the river and the Gulf ports but by way of the Great Lakes and the St. Lawrence River.

SENATOR SHIPSTEAD AGAINST THE GOVERNOR

Many of my friends had hoped that I would not have opposition in the coming primaries because of my efforts in behalf of the farmers and the business men of the Northwest, but I knew over two years ago that this could not be true since Mr. Backus had otherwise planned. I understand that there is to be another candidate on the Republican ticket to the United States Senate. Some of my friends have informed me that those who desire my defeat are laying plans to have a man with a German name file at the last moment, a man who will be violently wet, and then form wet organizations to advance his candidacy.

Of course the governor and his friends would naturally think that this would take at least 50,000 votes from TOM SCHALL.

I do not know who the man will be, but I want the voters to watch and see if he is not some employee in one of our State offices—perhaps he will turn out to be one of the extra thousand useless State employees that the governor has burdened us with during his administration with a loss to our treasury of over a million dollars a year. I am against political trickery, and time and again I said "No" when my friends proposed that some Scandinavian name should be put on the ticket. I am willing to battle it out with the governor toe to toe, and ask no quarter other than my merit and ability deserve, and he, with all his five senses, his State political machine, and his immense financial backing should be willing to let the voters decide without a third man in the race. It was said that he lacked the courage to run against SHIPSTEAD. I did not credit that. I thought, and still think, it was Backus that was keeping him out to take me in '30. I fight in the open. I hire no decoys. I have no money to hire mud slingers or stool pigeons to locate themselves in my opponent's camp, and I would not hire them if I had.

I have been happy and I think the people of Minnesota have been fortunate that I have had as my colleague in the United States Senate, HENRIK SHIPSTEAD.

Two years ago your people elected Senator SHIPSTEAD by an overwhelming majority—the largest majority ever given any man in our State. I can not believe that the people of this State want the work and votes of HENRIK SHIPSTEAD nullified and that is exactly what would be done should you send the governor to take my place. I can not see how Senator SHIPSTEAD, if elected as a Republican, could have voted any differently than he has in view of the interest of the State he represents. He is, in reality, a progressive Republican and holds the chairmanship of the important Printing Committee under the Republicans. You know that my votes have been the same as Senator SHIPSTEAD upon all vital questions pertaining to our State and to the Northwest.

If you look at the record of the governor during his many years in our State legislature and the last six years as governor you will find that his mental attitude on public questions is directly opposed to that of HENRIK SHIPSTEAD.

The governor's associations and connections have been such and will be such that he would be unwilling and unable to cooperate with the progressive Republicans in Congress. His votes, consistent with his past record, anyone would know would be the very opposite of the votes cast by SHIPSTEAD, BORAH, NORRIS, LA FOLLETTE, BLAINE, FRAZIER, NORBECK, HOWELL, MCMASTER, BROOKHART, and NYE.

I leave it to you if it is not a known fact that the governor, who has three times asked the people of Minnesota to elect and reelect him and who now seeks to elbow me out when I have had but one term, is not the very embodiment of every principle and every effort that is being made by privileged wealth and arrogant power in our State to hamstring and destroy the efforts of the progressive men in the United States Senate.

If the governor is going to vote the same as I have with the progressive Republicans and for the interests of the Northwest, let him tell you why he should now seek to replace me. I noticed in his statement of filing that the governor is not so strong a standpat Republican as he was two years ago. He says he is now independent and that the people of the State know well his attitude through his magazine articles and speeches he has made. I read his magazine articles referred to and I want to say that he now takes the same attitude as I have taken and the coalition has taken on the tariff question. If he is not going to vote as I have voted with the progressive Republican Senators, then I can not see how the people are going to be in any better position by his election, and I can not see any reason for his being a candidate than to satisfy Backus's personal ambition and his own.

If the governor agrees with me on the tariff why did every one of the governor's newspapers, now valiantly supporting him, oppose the position we of the coalition took? If the governor were the best governor that Minnesota has ever had, which, of course, is not true, for his administration has been the worst that Minnesota has ever known, but for the sake of argument let us say that he was the best governor that Minnesota has ever known, still there could be no good reason to common-sense people desiring benefit to come to our State through their representative, for supplanting me with him. I have had 16 years' experience in the very work I am to go on with. He has not had a bit. Admitting that he is twice as smart as I am, it would take him at least eight years to catch up. I am chairman of the Interoceanic Canals Committee. I am in position to be of real service to the State of Minnesota. It would be at least six years if he were as fortunate as I have been, in his committee assignments to arrive at the position I now hold. Then why, in the name of benefit to our State, make a change?

Would he have voted for the equalization fee or against it? Would he have voted for the debenture plan or against it? Would he have voted with the progressive Republicans of the Northwest for farm relief or against it? Would he have voted as I have voted and the rest of the progressive Republicans have voted in behalf of the interests of the Northwest on the tariff bill or would he have taken his orders from GRUNDY of Pennsylvania? I ask him to tell you whether or not he honestly feels that his record of six years as Governor of Minnesota better qualifies him to represent the interests of the Northwest than I should be able to do with 16 years of experience in Congress?

CHAIN STORES

The situation in Minnesota to-day is far different from what it was 10 years ago. In the past few years more than 3,000 independent merchants in Minnesota have been put out of business by chain stores owned and operated from Wall Street. As a result of this condition the smaller communities of this State are facing a crisis. No State and no nation can remain great or carry on and fulfill the high ideals of our founding fathers when they lose their independence and their ability to make a living. They become instead white collared or overalled employees.

The organized capital of the East has gained a foothold in our State and in every State, which calls for your sober thought and for some pretty straight action on your part, and one of the ways in which you can make your influence felt and express your convictions with regard to this condition is by casting your ballot at every primary and election that takes

place. The primary is even more important than the election. The consolidated interests put their efforts into the nomination, for the people are less suspicious then than later, and the candidates they desire to eliminate are generally poor men without funds and therefore unable to get their side across throughout our great State.

Do you remember the early part of last February our governor went to New York, hobnobbed with and spoke upon the same platform as J. C. Penney, founder and president of the chain stores organization of the country? Do you think this trip had anything to do with the governor's friend, Mr. W. I. Norton, visiting New York a couple of weeks later? Does Mr. Norton think he can not only secure control of the State legislature of Minnesota but elect a governor and a United States Senator?

The echo of the governor's and Chain Store Penney's brave words on law enforcement had hardly died away when news came of the discovery of the lack of law enforcement on the part of his securities commission back there in Minnesota. Instead of going to the capitol when he arrived in the Twin Cities, he went straight to the courthouse in Hennepin County, and the newspapers informed us he visited the county attorney and his appointee the judge, who was handling the grand jury, who at that time were considerably worried about how 230 muskrats could possibly be sold as 18,000.

No man should be ashamed of his friends, and I want More-Ted-and-less-taxes to tell you when he is campaigning in the next few weeks whether or not he is proud of his chain-store friend, J. C. Penney.

Concentration of wealth and of power in Wall Street and in the East spells the absolute bankruptcy of the Northwest. I have always fought the concentration of wealth, and for a long time I and a handful of progressives in Congress were alone in this fight. For many years the small business man and the farmer, scared by the propaganda of the newspapers in which they believed, fought their friends, but they are getting their eyes open as to how the East manipulates the western newspapers.

The newspapers are not fighting TOM SCHALL from a personal motive. They are fighting me because of my stand for progressive legislation while a Member of Congress and of the United States Senate. I will warrant that most of them will vote for me. Many of them want to be right but can not and live. They are fighting me because their advertisers have not been able to put their finger on or control me while I have been a United States Senator, and if I go back to the Senate of the United States you will be sure that the privileged interests, the racketeers, and the "Get-rich-quick Wallingfords" will never control the Senators from Minnesota. No gang, clique, organization, or corporation have a 5-cent piece invested in the office I hold.

I wanted to call to your attention, and I wish you would check it up, that every rural paper villifying me and boosting my opponent carries the largest and best paid ads of the chain stores of this country.

I am opposed to chain stores, chained banks, chained newspapers, and chained politicians.

Why do not these Backus-Teddy-Norton newspapers follow their champion's opening battle-cry declaration, "Principles not personalities," and talk records? I have a record of a hundred per cent for the common people over a period of 16 years, and I will give anyone $1,000 who will point out one place in that 16-year record where I have voted against the worker, the farmer, the ex-service man, or the common folks. These same newspapers could make more money pointing such a vote out if there were one, and that applies also to the paid clackers. Ask them when you hear them berating me why they do not collect that thousand dollars? Certainly, if there was anything wrong with that record you would hear about it, and because there is not you hear falsehood of personality and prejudice.

When I go back to the United States Senate I will go back unchained, with no strings tied to me, and with no obligation to any interest except the welfare of the people of my State, and if I remain in office shall continue to have such a record that no honest man or woman need blush for it. Records are the test of public men.

THE NEWSPAPER'S FRANKING PRIVILEGE

I have no machine, such as my opponent boasts, and I can only reach you through the limited time I am given on the radio and through the franking privilege which allows a Representative in Congress to send you the facts.

Many of the newspapers who are opposing me in this campaign bitterly denounce the use of the frank. It is the only way in which a poor man in Congress can reach his constituents and give them the truth.

Newspapers are controlled by their advertising columns, and the big advertisers in these newspapers are not for TOM SCHALL. The cost of printing every speech or piece of information that is sent out to the voters is paid for by the Senator or Congressmen and not by the Government. Newspapers have a free franking privilege of sending newspapers to readers in the county where they are published.

I mention these facts because these newspapers and the governor have taken occasion at numerous times to try to mislead the voters as to what the franking privilege consists of.

Men and women, it is your safeguard. It is the one avenue through which a man without a fortune and not backed by millionaires and privileged wealth can reach the people and tell them the truth.

I want the people of Minnesota to get the truth and exercise your honest judgment uninfluenced by prejudice, malice, or ill will.

Do you realize that Mr. Backus and his associated companies control the paper supply of the Northwest?

Do you realize that he has made the statement that he would spend a million dollars to defeat me?

Can you not see by controlling the paper supply of the Northwest Edward W. Backus can and does control a great many newspapers, whether the newspaper men will admit the fact or not.

In Ottertail County alone the Fergus Falls Journal is costing the taxpayers of this country $50,000 a year, so I am informed by my friend, State Senator Lund, of Vining, who recently secured from the Post Office Department the details and modus operandi.

He figured it out that this paper, which is so strong in denouncing me for using the frank to get honest information to the people is costing the Government $50,000 a year for its free franking privilege. Yet this paper, together with a hundred or more other Eastern-guided editors all over this State are using the franking privilege themselves to spread the denunciation of your Senator for using his official frank, and are blaming the fiscal shortage in the Post Office Department upon your Senator's frank.

I have sent in the last six years probably four speeches. If the governor, Backus, Norton, and Brooks had not kept me busy defending a silly trumped-up contest I would have probably had time to send you some more.

If these four little envelopes so sent you cause a financial deficit, what must be the loss on the heavy paper going out constantly throughout the entire year. They remind me of Dickens's Artful Dodger, who, having stolen a handkerchief, tells with much gusto how he joined the crowd in pursuit of the innocent victim, Oliver Twist, and yelled, "Thief, thief, and me with the wipe in me pocket!"

Is it any wonder, my friends, that public men in doing their duty are forced out of office, or must surrender to this tremendous pressure, that keeps banging away at you night and day?

The governor's friends are out making the silly and false charge that I got money from bootleggers, yet they know that his campaign for the governorship ran into hundreds of thousands of dollars.

Here is the governor out speaking, who formerly published the Dawson Sentinel, and sent it throughout the county free to his subscribers, trying to mislead the people as to the Congressman's franking privilege, which is the only way I can reach my constituents. Is not that something to think about, folks? Is that the kind of man who would inspire confidence; in whom you have implicit faith as your representative; to whom you would want to trust the destiny of your country and your children's country?

Picture the governor, running hot and heated, criticizing my frank, and he "with the wipe in his pocket."

Hundreds of public officials throughout this State are watching this contest. They are wondering whether it is possible for a man to do his duty; make such men as Mr. Backus pay his taxes and continue in this great office.

They are wondering whether a man who does his duty and who thinks that every man—big or little—should pay his taxes, must be defeated by the determined onslaught of monopolistic special interests.

They are wondering if a man can be independent or whether the crowd that have run this State for the last score of years are to penalize me for the fight I have made in behalf of the interests of the common people. If I am defeated it will take the heart out of every honest public man; if you continue me in the United States Senate I am sure it will put courage into the souls of many a public man in this State who wants to be right, square, and clean, but whom the powers that run this State seek to bend to their own will.

This is your case, this is your country, this is your fight. Of course, I would like to continue to be Senator. The fighting blood in my veins desires it, but it is not essential; it is not for my own ambition; I am satisfied either way; but let me repeat that it is your fight and your country, your Constitution, your rights, your liberties, just as much as it is mine; and, therefore, it is to your interest just as much as it is to mine that you get out June 16 and get your friends out and see to it that I am nominated and if you do I will promise to give you information that I have not the money to get printed to send to you. I will be in every town and hamlet and village and tell you by word of mouth and it will not be a 5 or 10 minute talk; it will be as long as you want to stay and listen. There is much that the people of my State ought to know—the things that are going on in this Government and what is going on in the State. I have not the money to purchase the use of this microphone long enough to tell you, but I will have time over the summer if you see that I am nominated to tell you a lot, and I will be glad to do it. See to it that I am nominated.

MERGER

The people of the Northwest are vitally interested in proper railroad service and in seeing that competition and not monopoly serves this country. Many of you people listening to me to-night recall the time some 25 years ago when the merger of the Northern Pacific and the Great Northern was before this country.

During that fight, my good friend Theodore Roosevelt, President of the United States, with the help of that great commoner, Samuel Van Sant, Governor of Minnesota, who was not afraid to fight for the interests of the people of this State, stopped this merger and prevented it becoming a reality.

What has our governor done to stop this same combination? He has not lifted a finger. He could have easily instructed his attorney general to intervene and get a hearing.

Governor Van Sant fought that merger because it was against the interests of the average man and woman. Monopoly can never make a great nation. Arbitrary power and arbitrary wealth spells the doom of every civilization.

I am opposed to the merger which brings about a monopoly which concentrates power in the hands of one or a few men which results in letting the grass grow in the streets of thousands of our small communities, and which brings about the loss of wages to thousands upon thousands of railroad men and other workers of this country. Let us see what mergers mean.

A few years ago we had competing telephone companies in Minnesota. You will remember that you could have a house phone from the Northwestern Telephone Co. for $2 a month and a house phone from the Tri-State Telephone Co. for $1.50 a month. In other words, you were getting the telephone service of two competing companies for $3.50 a month.

Now you are paying, with one company which has a monopoly, $4 a month for your house phone.

For your office you paid $4 a month to the Northwestern Telephone Co. and $3 a month to the Tri-State Co. Now, with one company which has the monopoly, you are paying $10.50 a month.

The man who now seeks to replace me in the United States Senate has been Governor of Minnesota for three terms and has never lifted his voice or raised his hand to protect the public against this steal which runs into millions and millions of dollars taken out of the pockets of the business men and the common people of this State.

I happen to have in mind the figures in reference to the financial condition of the Tri-State Telephone Co. taken from a report of D. F. Jurgensen, chief engineer and supervisor of telephones of the railroad and warehouse commission.

The gross earnings for 1928 were $5,717,279 36; the net earnings for the same year were $2,210,179.32.

Seven per cent return on an investment has been held by the courts as the top rate for a monopolistic public utility.

Now, the net earnings based on a 7 per cent return would make the property of the Tri-State Telephone Co. worth $31,573,990.28.

I want you voters to get this fact, that the real valuation of this property is only $14,372,901.54, and not $31,573,990.28.

These net earnings are equivalent to 15.37 per cent rate of return on the present fair-value figure. This means that they are getting more than twice a fair rate of return. This means that your telephone rates should be reduced by about 25 per cent.

Has the governor been interested in this matter? Has he ever called the attention of the people of this State to this unjust tax? Ask yourself why he has not had his attorney general bring an action to reduce the telephone rates in this State. Is not it a proper question to ask him why he has not done so? Perhaps the governor's big friends, Banker Prince or Banker Lilly, of St. Paul, who have always contributed handsomely to the governor's campaign funds and who are also interested in chain stores, chained banks, could explain why he has not done so.

FARM RELIEF

During the past 10 years the farmers of Minnesota and of the Northwest have been bled white because of the unjust, unfair discrimination against their interests. For the past 10 years the progressives of this country have been fighting day in and day out to try to pass some law which would correct this condition and bring back to normal the condition of the American farmer, the American business man, and the American laborer.

In all of this fight that we have been making, we have been opposed at every step of the road by the great industrialists and the powerful financial captains of industry of the East.

In the Coolidge administration the progressives in Congress succeeded twice in passing a real farm relief bill based upon the equalization fee, but the industrial East saw to it that so much pressure was brought upon the President that it was vetoed. On five different occasions in my congressional life I had the privilege and the pleasure of casting my ballot for the equalization fee for a farm bill. I felt that it was the best provision to bring speedy and adequate relief to the farmers of the Northwest and it would have done so had it become a law and it would not have destroyed the marketing machinery that has been built up with patient toil over many years.

Let my opponent tell the people of Minnesota if he would have voted differently than I did and if he would not have voted differently on this biggest of all issues to the Northwest let him tell you why he now seeks my defeat when I have voted and stood by the best interests of the State of Minnesota.

After the veto of the farm bill containing the equalization fee and when the present farm bill was passed, I voted again with the progressives in the Senate for the equalization fee as a part of the farm bill. It was defeated by our eastern financial bosses. The farm bill was passed without this provision. I voted for the farm bill in its present form with the hope that it might bring some relief, with the reservation that I would do everything I could to help put the debenture plan into the tariff bill. A farm relief bill without an equalization fee or without a debenture plan to enable it to function, in my opinion, can never bring about the relief we are seeking because without it there is no provision to take care of surplus, and it can only bring about chaos, confusion, and unsettling of every means of distribution and handling of the crops of the farmers.

I am for a farm relief bill that will give benefit to the farmers, but I am against jeopardizing the present methods of distribution and putting into bankruptcy thousands of concerns in the Northwest, including our cooperatives, until and unless the farm relief bill will make adequate provision for a better and safer method of distribution.

If the equalization fee had gone into effect, it was the judgment, not only of the progressives in Congress but of every great economist and every farm organization that it was a workable, feasible plan which would have resulted in bringing to the farmer an increase of 42 cents a bushel for his wheat and other farm products in proportion as the duty was laid by Congress.

In the fight we have been making for farm relief since we could not get the equalization fee, I voted for the debenture plan which would give to the farmer who sold his grain or other farm products one-half of the tariff. In other words, if the tariff on wheat were 42 cents a bushel when the farmer sold his wheat at the world price, he would receive the world price for it and, in addition to that, would receive one-half of 42 cents or 21 cents a bushel in Government scrip which could easily be converted into cash. The same plan would apply to other farm products.

I voted to put the debenture plan into the farm relief bill for I believed without it the bill would be a farce and a fraud upon the farmer and would not and could not carry out the promises made by the Republican platform to agriculture. When the debenture plan was eliminated by the House and came back to the Senate and the President seemed so anxious to have it passed, I voted for it thinking that perhaps my reasoning might not be infallible but with that vote mentally reserved that I would do all I could to have the debenture plan or the equalization fee attached to the tariff bill which would be up later.

And through the diligent and hard work of the northwestern progressives it was so attached. If the tariff bill comes back to the Senate without the debenture plan, in my opinion, farm relief has indeed become a scorpion and a stone. For, as I see it, without the debenture plan, it gives the farmer a dollar

with one hand and takes from him with the other, through the things he has to buy, nearly $7.

The farm bill does bid fair to become a great political machine. But as for the relief of the farmer, I am not so sure. I was for this debenture plan because I felt that it would enable the Farm Board to function and to thereby give aid to the farmers; and without it I reiterate I do not believe the tariff or the farm bill will be of value to the farmer because of most of the things the farmer raises there is a surplus. Along with the progressives in the United States Senate, I have fought and voted at all times in the interest of the farmer and the independent business man of the Northwest.

THE FLEXIBLE TARIFF

I voted to put back into the hands of Congress, where I think it belongs, the right to lower or raise the tariff rates. I did this because, under the Constitution of the United States, it is provided that the only branch of our Government which has the right to raise or levy taxes is the Congress of the United States. I voted for this return of power to Congress of the flexible clause because I believe that the people of this country should have this power where the Constitution provides it should be, and where the men who sit in Congress are answerable to their constituents.

I want my opponent to tell the people of Minnesota if he were in Congress whether he would have voted as Senator SHIPSTEAD did, and as I and the rest of the northwestern progressives did, or whether he would have voted as GRUNDY and BINGHAM and the representatives of the industrial East.

One of the objections that was made to an equalization fee or to the debenture plan was that it was asking the Government to appropriate money for the purpose of assisting the farmers.

Let me give you a few facts that ought to convince any man or woman in the State of Minnesota that we did not have to take money from the Government but that we had the money of the farmers of the Northwest in the Treasury of the United States, ample and sufficient to try out the equalization fee.

In 1918 the people of this State well recall the drives that were made in order to raise funds to carry on and help our boys who were fighting on the battlefields of France. During that time we had a good many "dollar-a-year" men who sat in swivel chairs and "volunteered" to serve their country. I want to give you one example of how it worked out, and that is with reference to the United States Grain Corporation which functioned during the World War.

During that time the price which the farmer could receive for his wheat and his grain was arbitrarily limited by the Grain Corporation, and they purchased the grain from the American farmer at less than its market value and then sold it to the Allies at a profit of anywhere from $2 to $3 to $4 a bushel above the price received by the farmers.

This profit mounted so rapidly that millions of dollars were in the hands of the Grain Corporation. The "dollar-a-year" men were paid out of this fund, the highest salary being $50,000, some $25,000, and running on down. After these enormous salaries had been paid retroactively there still remained in the Treasury millions and millions of dollars. Many of these millions were invested in eastern relief bonds and were lost. The people know nothing about this, but after all the salaries were paid and the eastern loss of millions and millions, there was placed in the Treasury of the United States approximately $70,000,000. This money belonged to the grain farmers of this country. I never have found out exactly how much money went into Near East relief bonds, but I am told it was considerably above $50,000,000.

Truly a laudable effort upon our part to help humanity, but do not forget that those millions that were invested in Near East Relief funds did not come out of the pockets of the Steel Trusts or the railroads, or the industrial captains of the East. It came out of the pockets of the wheat farmers, and that money has been a total loss to the United States.

That is not the whole story. The accumulated interest compounded annually at 3 per cent on these millions would make available to-day nearly $100,000,000 of the farmers' money which the progressives in Congress were merely asking the Government to use in an effort to try to put into effect the equalization plan. All they asked was that a board of 12 be formed and their salaries paid out of the Treasury to take care of this equalization plan.

The present farm relief bill appropriated $500,000,000 for the aid of the farmer, and it will not aid him as would the equalization fee have done, which asked no charity. All it asked was that it use the farmers' money already in the Treasury to pay the salaries of this board. The present farm relief bill has not shown much aid so far. When this money runs out we will have to appropriate more to keep it going or repeal it and substitute the equalization fee, which should have been done 10 years ago. Take as an illustration wheat, which my State is especially interested in, and this would be true of other farm products.

This country produces on an average yearly considerably over 700,000,000 bushels. Our home market consumes approximately 600,000,000 bushels. The question is to equalize the amount sold in the domestic market and the surplus that must be sold on the world market. The proposed equalization fee could be put on or not as the members of the board determined. This board was to have been made up of 12 men—one from each Federal bank district—and the Secretary of Agriculture, who was to be ex officio a member of the board and chairman of it. The cooperative farmers of each district would select four men who, with the Secretary of Agriculture, present three names to the President from which he must choose one who then would become a member of the board from his district. Should an equalizing fee be decided upon, I can best illustrate it by assuming that we raise 7 bushels of wheat and consume 6.

The protective tariff on wheat is 42 cents a bushel. This amount of tariff was arrived at through a commission appointed by the President to investigate the difference of the cost of raising a bushel of wheat in Canada and in the United States. Now, 7 goes into 42 six times, which would make an equalizing fee of 6 cents to be placed on each of the 7 bushels, and this amount of 6 cents a bushel would be held out for the purpose of reimbursing the Government for the money advanced. Thus the farmer would receive for the 6 bushels of wheat that were consumed in the domestic market the world price, plus 42 cents, plus transportation, and for the 1 bushel of wheat that would be sold abroad he would receive the world price minus the transportation to Liverpool, which is the center of the world market. Thus can readily be seen the advantage to the farmer, for he is now receiving for all 7 bushels of wheat the world price minus transportation to Liverpool, and he must continue to receive that price so long as he produces a surplus.

If the world price is $1, it is a fair assumption that the home market should be at least $1.50. The farmer would receive $1.50 for 6 bushels of wheat, which would net him $9, and $1 for the 1 bushel sold at the world price, which would net him for the 7 bushels of wheat $10, thus giving him a clear profit through the equalization fee of $3 on his 7 bushels of wheat without being obligated to the Government or to anyone else. If overproduction increased the amount of wheat that must go to the world market, it would reduce the number of bushels upon which he would receive the home price in proportion as the excess grew, and this of itself would regulate production and merely be a question, as it is bound to be in any instance, of supply and demand. It would give the farmer the benefit of the tariff which he does not have now wherever surplus of production is had, and without making the tariff effective to the farmer there can be no parity betwen industry and agriculture.

I voted for these measures because I felt it was for the best interests of the entire Nation. I voted for these measures and worked for them day in and day out because I knew that this Government owed that kind of service to the farmers and the best interests of the Northwest.

During these last 10 years my opponent has invariably fought every organization and every effort to try to bring about conditions that would better the lot of the farmers and the ordinary business men of the Northwest.

During these six years that he has been governor let him tell you where once he raised his voice or exercised his influence in behalf of an equalization fee, in behalf of a debenture clause, or against the writing of a tariff bill by the eastern industrialists, and maybe he can explain why the newspapers that are now supporting him are the same newspapers that wanted the northwestern progressive Senators to vote in the recent tariff bill with the GRUNDYS and the BINGHAMS, but which the northwestern Senators did not do.

CONCLUSION

Mrs. Schall tells me I have half a minute left.

1. If you believe in fair treatment to the soldiers and sailors of the United States, I ask you for your vote in this coming election.

2. If you believe in justice to the American farmer, I ask for your support on primary day.

3. If you believe that a man whose record for 16 years in behalf of the worker has been a hundred per cent warrants your keeping him, I am entitled to your support.

4. If you believe that the independent merchants and business men of this State should survive, I ask your vote and support.

5. If you are in favor of a 9-foot channel and want to bring it about do you not believe that the man who is chairman of the Interoceanic Canals Committee and thereby in a unique

position to assist in securing it is a better bet as your United States Senator than a man without that position?

6. If you believe that rich men should pay their taxes as well as poor men and that Backus should not control a Senator in the United States Senate, I am entitled to your vote.

7. If you believe in a tariff that will protect the farmers and business interests of the Northwest, I feel that I should have your support and go back to the United States Senate.

If the men and women of this State believe in the progressive principles, I should have your support. Send me back to the United States Senate where I may join hands, not only with my colleague, Senator SHIPSTEAD, but with Senators BORAH, JOHNSON, COUZENS, BLAINE, LA FOLLETTE, NYE, FRAZIER, NORRIS, BROOKHART, NORBECK, MCMASTER, PINE, CUTTING, and HOWELL.

In leaving you to-night and going back to the duties of my office at Washington, I want to leave this final word with you that this is a hard fight; that, as I have said, I have no organization; that the powerful interests of the East as well as their cohorts of the West will do everything they can to bring about my defeat.

While I have been in Washington fighting your battles, it has been the privilege of my opponent to campaign over the State of Minnesota. I want him to answer a few of the questions and a few of the propositions I have presented to you to-night. I want my opponent to tell you wherein his vote will be different as affects the interests and welfare of the people of this State.

If you believe in the cause for which I have always been fighting, if you believe in the ideals of our great Nation, if you believe that the men and women of our country and the boys and girls of our land are the greatest asset of a nation and that colossal wealth and privileged power should not control our Government, write me and let me know that you are back of me in this fight and that you will support me and see your friends and carry to them, not merely the message of TOM SCHALL, but the message of the progressive cause and of the men and women of the Northwest who demand a progressive Republican in the United States Senate.

The fight has just begun. It is the battle of the West against the East, it is the battle of the worker against the minions of Midas, it is the tiller of the soil against the commercial East, it is progressivism against Grundyism. On which side will you cast your influence? On the side of the East, on the side of Grundyism, on the side of mammon and the millions behind the throne, or will you cast your ballot on the side of the West, the toiler, the farmer, and progressivism with the men who have opposed monopoly, trust, mergers, against chain stores, chain banks, chain newspapers, and chain politicians?

OHIO RIVER BRIDGE NEAR WELLSBURG, W. VA.

Mr. McNARY obtained the floor.

Mr. FESS. Mr. President, will the Senator from Oregon yield to me for just a moment?

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Ohio?

Mr. McNARY. I yield.

Mr. FESS. I desire to call the Senator's attention to the fact that there is a bridge bill on the calendar extending the time for commencing and completing a bridge on the Ohio River. The present franchise ends on to-morrow, and if it is to be extended action should be taken at once. I wonder if the Senator will allow me to have the bill considered now as an emergency measure?

Mr. McNARY. I yield for that purpose.

Mr. FESS. I ask unanimous consent for the present consideration of the bill (H. R. 10651) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT OF COLUMBIA APPROPRIATIONS

The VICE PRESIDENT. Morning business is closed. The calendar under Rule VIII is in order.

Mr. McNARY. Mr. President, when the Senate concluded its work on Friday last we were considering the District appropriation bill. I think it is very important that we conclude the consideration of appropriation bills and that they be sent to conference.

Automatically, under the rule, the calendar under Rule VIII would come up. I am going to ask unanimous consent to dispense with the call of the calendar this morning and proceed to the consideration of the appropriation bill for the District of Columbia.

The VICE PRESIDENT. Is there objection?

Mr. DILL. Mr. President, I should like to inquire when the Senator expects to take up the calendar.

Mr. McNARY. Mr. President, I think if we conclude the consideration of the District bill to-day and the Senator from New York [Mr. WAGNER] shall be able to proceed with the unfinished business, probably we can take up the bills on the calendar for consideration to-morrow, or not later than Wednesday next.

Mr. DILL. There are certain bills on the calendar which have been put over from time to time and which it is important should receive consideration.

Mr. McNARY. I am sure the convenience of the Senator will be considered in the matter if the request for unanimous consent which I now make shall be granted.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10813) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes.

Mr. CAPPER. Mr. President, I have made a motion to strike out the item for the farmers' produce market, carrying an appropriation of $300,000. Changed conditions which have come about during the past year or two make this appropriation a wanton waste of public funds.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Tennessee?

Mr. CAPPER. I yield.

Mr. McKELLAR. I inquire on what page that item appears?

Mr. CAPPER. It appears on page 7, lines 4 to 13.

The farmers' produce market provided for by this appropriation was thought to be necessary a couple of years ago because of the removal of the farmers' retail market adjoining Center Market. This was occasioned by the needs of the Federal Government in connection with the construction of the Internal Revenue Building. After about two years' discussion a bill passed the Congress authorizing an appropriation of $300,000 for a farmers' produce market. It was supposed to be for the benefit of the farmers near the city of Washington and also for the benefit of the consumers of the city of Washington who desire to purchase foodstuffs direct from the growers. Both those two groups, as a matter of fact, are now dissatisfied with the proposed location on the southwest water front and are appealing to the Congress to postpone the proposed enterprise.

I have been asked to present to the Senate a letter from the Maryland-Virginia Farmers' Marketing Association signed by S. B. Shaw, as secretary, and speaking for a great majority of the farmers of Maryland and Virginia who are interested in a farmers' produce market. The letter says:

> In connection with the proposed location of a so-called farmers' wholesale market in southwest Washington, the Maryland-Virginia Farmers' Marketing Association (an organization of more than 500 farmers selling produce in Washington) desires to call your attention to a change in the situation which has arisen since the passage of the bill a year ago, authorizing an appropriation of $300,000.
>
> The members of this association have decided to locate themselves in connection with the market now under construction by the Union Market Cooperation at Fifth Street near Florida Avenue NE., where merchants handling about 80 per cent of the commission produce marketed in the District of Columbia are establishing themselves.

I might add that this new market on what is known as the Patterson tract, which is referred to by the Maryland-Virginia Farmers' Marketing Association and which in large part will take the place of the farmers' produce market provided for in the appropriation bill, is being built by private capital at a cost of about $750,000. It will undoubtedly meet the needs of the situation so far as the farmers of the outlying territory are concerned.

This letter, which was written about two weeks ago, goes on to say:

> It takes buyers as well as sellers to make a market, and in order to make a living in our business we must go where we can sell both to the commission merchants and to the retail buying public.
>
> We can not derive any benefit from a farmers' market located so far from the center of population and so far off the "beaten path" as that proposed in southwest Washington, because contact with retail purchasers is a matter of vital concern to us.

Although this is a District of Columbia matter, we take this opportunity to bring our views to your attention, since this market is to be established for the convenience of the farmers as well as the citizens of Washington.

So much for the view of the farmers who are interested in this project. They simply do not want this market.

Mr. President, the next group that is deeply interested in the enterprise embraces the consumers of the city of Washington. They, too, are almost unanimously opposed to this location, because it is far removed from the center of population. Furthermore, they oppose an unnecessary appropriation of $300,000 of the public funds contributed by the taxpayers of the District of Columbia.

I have here an appeal from the Federation of Citizens' Associations. That organization has a special committee on markets. Mr. Edwin S. Hege has been the chairman of it for some two or three years. That committee have given very close attention to the market situation in the District of Columbia. They have taken a deep interest in this particular proposition. They are unanimously opposed to the location of this market in the southwest; and especially they are opposed to the appropriation of $300,000 at this time, when the money is needed for other purposes. I think they are right. I am in hearty sympathy with their protest. It, in my opinion, is a wanton waste, and for which there can be really no excuse.

This committee addressed this letter to the Senate in protesting against the $300,000 item:

FEDERATION OF CITIZENS' ASSOCIATIONS
OF THE DISTRICT OF COLUMBIA,
Washington, D. C., April 29, 1930.

Hon. ARTHUR CAPPER,
Senate Office Building, Washington, D. C.

DEAR SENATOR CAPPER: We respectfully ask your aid in preventing a needless and wasteful expenditure of $300,000 raised by District taxpayers.

The District of Columbia appropriation bill for 1931 (H. R. 10813, present session, p. 7, lines 6–15) proposes $300,000 for a farmers' wholesale produce market in southwest Washington.

The Federation of Citizens' Associations (representing 61 bodies with upwards of 35,000 members) and other local organizations view the proposed appropriation as needless and wasteful, because the farmers are locating elsewhere, and, moreover, at no expense to District taxpayers. The matter is explained on pages 1125–1131, hearings before House subcommittee on District appropriations, also in recent Senate hearings on same item.

Will you help us to conserve that $300,000 for pressing District needs?

Very truly yours,

EDWIN S. HEGE,
Chairman Special Committee on Markets,
3822 Livingston Street NW.

Mr. President, I might add that I have had appeals from practically every one of the 61 citizens' associations in Washington except the Southwest Citizens' Association, located in the vicinity of the proposed market. There can be no question that this special committee on markets comes here with the authority of the Federation of Citizens' Associations and that it voices almost unanimously the wishes of the citizens of the District of Columbia.

Right here, Mr. President, I should like to read an editorial which appeared yesterday in the Sunday Star, a paper, by the way, which has taken no active part in this controversy. Yesterday the Star went so far as to say that the proposed appropriation is very questionable, and that undoubtedly the interest of the taxpayer suggests further consideration and postponement. The editorial is as follows:

THE FARMERS' PRODUCE MARKET

The $300,000 appropriation for a so-called farmers' produce market in southwest Washington created more debate than any other single item when the District bill passed the House. * * * As this project has been controversial from the beginning, it will doubtless cause further prolonged discussion in the Senate.

The House subcommittee which handled the District bill was overridden by the full committee and the item was included in the bill. The House approved it. It also has been placed in the bill as reported from the Senate committee.

But the objections raised against it certainly raise serious doubts as to the advisability of the appropriation. It has been denounced by its opponents in extraordinarily strong language. It has been called indefensible, a real estate deal, a railroad scheme, and a sop to the farmers, many of whom will not use it. Mr. SIMMONS, of Nebraska, speaking against it in the House, summarized the debate pretty accurately when he declared that "We have talked about the farmers of the South and the farmers of the North, and sins have been committed in their name before this day, and we have talked about the railroads, but there is no one here who has mentioned any obligation to the taxpayers of the city of Washington to furnish this market."

The commissioners, reporting on the legislation, recommended delay. There have been new and unexpected developments since the legislation was enacted. The site of the proposed substitute for the old Center Market—the choice of which will have important bearing on the location of produce stalls—is still in the air. No one has come forward with any definite proof of the fact that when the market is located in southwest Washington the farmers of either Virginia or Maryland will flock thither, or that the housewives of Washington will flock after them.

The best argument made in behalf of the legislation was offered by Chairman WOOD of the House Appropriations Committee, who said that Congress would be guilty of a breach of faith if, after authorizing the market, it turned about face and changed its mind. Money was invested on the strength of the decision of Congress two years ago to build the market, and Congress can not now go back on its decision.

That argument may hold water, provided the Congress is willing to share in some equitable proportion the increased demand upon local revenues represented by this and other measures in the District bill which are not placed in the bill by the taxpayers of the District but by the champions in Congress of this, that, and the other proposition that they find attractive. The District taxpayers can economize on and do without a number of the projects included in the District bill, provided Congress is willing for them to economize. The importance of every item in the bill is relative.

As long as the taxpayers can not specify the economies, Congress should realize its obligation to participate equitably in the expenses.

Mr. President, I have here a letter from the new Board of District Commissioners, signed by Doctor Reichelderfer, the president, dated May 3, which, I think, will convince any unprejudiced person that the new market should be delayed, and that the $300,000 appropriation at this time is unwise. After receiving these protests from the Maryland-Virginia Farmers' Marketing Association, speaking for the farmers interested in this project, and after receiving the protests of the Federation of Citizens' Associations, representing the consumers of the District of Columbia, I called the attention of the District Commissioners to the objections raised by both producers and consumers. I received this reply from the present Board of District Commissioners:

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, May 3, 1930.

Hon. ARTHUR CAPPER,
United States Senate, Washington, D. C.

MY DEAR SENATOR CAPPER: Your letter of April 30, addressed to Commissioner Reichelderfer, in which you invite the view of the commissioners on the suggestion of Edwin S. Hege, chairman of the special committee on markets of the Federation of Citizens' Associations, and S. B. Shaw, secretary of the Maryland-Virginia Farmers' Marketing Association, that the appropriation of $300,000 for the so-called farmers wholesale market in southwest Washington, now carried in the District of Columbia appropriation bill for 1931, should be postponed on account of a change in the situation since the passage of the authorization act a year ago, has received careful consideration.

In its report of December 15, 1927, upon the question of a site for the farmers' produce market, the former board of commissioners expressed the view that it would be futile to attempt at that time to present any definite plan respecting a permanent farmers' market because conditions might change materially within the next three to five years, and recommended that temporary provision for the farmers be made pending the clarification of the marketing situation and the development of an adequate solution of the whole produce-center problem.

Right there I will say that temporary arrangements were made.

The members of the board expressed their continued adherence to these same views when called upon for their opinion at the hearings on the 1931 appropriation bill before the subcommittee of the House Committee on Appropriations. (See pp. 768–782 of the hearings.) The present board of commissioners has carefully considered the previous history of the matter, including the statements of the former board at the hearings, above referred to, and other pertinent information found on pages 1125–1131 of the hearings, and concurs in the views heretofore expressed by the former board, but in view of the fact that the estimate for the item in question was submitted by the former board of commissioners in compliance with the provisions of the act of March 2, 1929, which authorizes and directs the commissioners to acquire the whole of squares Nos. 354 and 355 to be used and occupied by the District of Columbia as and for the purposes of a wholesale farmers' produce market; that the item was approved by the Director of the Budget and transmitted to Congress, and that it was included in the 1931 appropriation bill as passed by the House, and was retained

in the bill as reported to the Senate by the Senate Appropriations Committee, the commissioners do not feel that they should make any further recommendations in the matter at this time.

Very sincerely yours,

BOARD OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
L. H. REICHELDERFER, *President*.

Mr. President, I call attention to the fact that the new commissioners go on record as indorsing the recommendations previously made by the members of the board preceding them, in which they advised temporary provision for at least three to five years. They did say in that report of December, 1927, that if Congress should decide that a market must be built, the commissioners would prefer one of two locations—the southwest site or the Patterson tract, the Eckington tract. After two years' fight, Congress, by a rather close vote in both Houses, through influence exerted by powerful business interests, including commission men, bankers, and railroads having a selfish interest, finally agreed to authorize an appropriation of $300,000 for a market in the southwest. It was a great mistake.

The situation, however, has changed since Congress passed the authorization act. Nothing has been done toward building that market. In the meantime, farmers and commission men and others interested have gone ahead with the private project at or near Eckington in what is known as the Patterson tract. They have made great progress toward a market which is costing about $750,000. The farmers interested tell us in the communication I have just read to the Senate that the Eckington tract will take care of their requirements. In the opinion of the great body of consumers of the District, this new market now nearing completion is more conveniently located and will provide all that the consumers of the District need so far as a farmers' market is concerned.

Furthermore, the fact should be taken into consideration that the abandonment of the old Center Market on Pennsylvania Avenue has been again postponed. Center Market will be used at least until January 1. There is temporary provision there for farmers. Undoubtedly the practical and the sensible plan is further to postpone the building of this so-called farmers' wholesale produce market until we have solved the problem of replacing Center Market. The Center Market and the farmers' market question should be considered at the same time. We will save money for the taxpayers of the District of Columbia by delaying action.

Mr. FRAZIER. Mr. President, I desire to quote just a little further from the same gentleman from whom the Senator from Kansas quoted, S. B. Shaw, secretary and treasurer of the Maryland-Virginia Farmers' Marketing Association. I have a letter from this gentleman under date of May 1, in which he states:

> In the event that Congress should see fit to continue to ignore the wishes and desires of this particular group of farmers—

They represent 500 farmers who sell their produce in Washington, and I understand they are some of the biggest truck growers in the vicinity of Washington, both in Maryland and Virginia—

> and appropriate $300,000 for the location of a farmers' market in southwest Washington, the members of the Maryland-Virginia Farmers' Marketing Association will not go to that location. Consequently, as far as they are concerned, such an appropriation will be an unnecessary expenditure of public funds.

He states further:

> Our farmers are not asking for any appropriation but we do request that Congress economize the expenditure of public funds to the extent of not appropriating $300,000 which our farmers do not want expended.

Mr. ROBINSON of Arkansas. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Arkansas?

Mr. FRAZIER. I am glad to yield.

Mr. ROBINSON of Arkansas. Who is sponsoring or seeking this appropriation?

Mr. FRAZIER. I think the Senator from Kansas can answer that better than I can.

Mr. CAPPER. Mr. President, the Southwest Citizens and Business Men's Associations, located on the water front, are the principal backers of it. At one time the farmers of Maryland and Virginia were very much interested in building a farmers' produce market. Then it was a fight for location.

Mr. ROBINSON of Arkansas. Is this an aftermath of that fight for location which we had here for some months or years?

Mr. GLASS. We had a debate in the Senate for days, and I might say for weeks, as the Senator will recall. This is an appropriation approved by the Budget, in accordance with existing law.

Mr. ROBINSON of Arkansas. I am inquiring for information. My memory has not been refreshed about the matter for some time, but it occurs to me that this whole subject was very fully discussed. I think the bill authorizing this appropriation was before the Senate for several weeks, and that it was discussed at very great length. So I am wondering if this is a reopening of the old case; or does it present new and material aspects?

Mr. GLASS. I will say to the Senator that it is a reopening of the old case, a hammering over of old brass. It commenced in the other House of Congress on this very bill, and the opponents of this appropriation could not get enough votes to obtain a roll call. They did have a division by tellers and were overwhelmed.

Mr. FRAZIER. Mr. President, it is a reopening of the old question, there is no doubt about that, but it is a question as to whether Congress shall carry out the authorized appropriation of $300,000 to build a market down in the southwest for the farmers which the farmers do not want. That is the question.

Mr. GLASS. The Senator means that the farmers for whom he is speaking do not want it.

Mr. ROBINSON of Arkansas. Let us go into that a little, because it is an important matter. If the statement just made is correct and practically the same sentiment was expressed by the Senator from Kansas, as I remember it, then the Senate may be justified in taking the course suggested. Is it true, does the Senator maintain, that the proposed location of the market is repugnant to the farmers as a whole, or does he merely speak now for a particular group of them?

Mr. FRAZIER. Mr. President, this organization known as the Maryland-Virginia Farmers' Marketing Association, according to their own statement—and I have talked with some of their representatives—claim that they represent 500 farmers who actually sell their produce here in Washington, products which they raise.

Mr. ROBINSON of Arkansas. How many, all told, sell their products in Washington?

Mr. FRAZIER. I do not know how many there are, but, as I understand it, this is the largest farm organization that does sell products here in Washington.

Mr. ROBINSON of Arkansas. Does the Senator understand that the statement he has read represents the sentiments of a majority of the farmers who do sell products in Washington?

Mr. CAPPER. They unquestionably do represent a large majority of the farmers who are doing business at a wholesale produce market.

Mr. TYDINGS. Mr. President, will the Senator from North Dakota yield to me?

Mr. FRAZIER. I yield.

Mr. TYDINGS. I was quite active in this contest some time ago, and I will say to the Senator from Arkansas that the association referred to by the Senator from North Dakota represents practically, with a few exceptions, the farmers of Maryland who live in the vicinity of Washington. In other words, instead of being a majority of them, in my judgment it represents 90 per cent of them.

During the hearings on one occasion about 200 Maryland farmers appeared in person, and the appearance of 200 Maryland farmers in a matter concerning the District of Columbia shows very widespread interest in it. I am certain that a majority, by far, of all the farmers in my State were not in favor of this location at the time the action was taken before.

Mr. FRAZIER. I will say further that this organization represents at least some of the farmers of Virginia.

Mr. TYDINGS. I was speaking only for Maryland. I can not speak for Virginia, because I know nothing of the conditions there.

Mr. ROBINSON of Arkansas. Since the consideration of the bill authorizing the location of the market at the point referred to, there has been no change so far as the sentiment of the Maryland farmers is concerned?

Mr. TYDINGS. The farmers of Maryland are still opposed to it; but I will say to the Senator from Arkansas that I told them not more than a week ago that I did not feel the Senate had changed its mind as to anything the Senate had done when it acted the other time, and that when we get down to it, it is a question of votes and not a matter of argument; that I would make the statement that they are still opposed to this location of the market. I believe that 90 per cent of them are opposed to this location.

Mr. FRAZIER. Not only the farmers are opposed to it, but the citizens' association, the citizens who buy the farmers' produce, are opposed, too.

As the Senator from Kansas just read in the letter to which he referred, representing the Federation of Citizens' Associa-

tions of the District of Columbia, they represent 61 citizens' associations and comprise upward of 35,000 members, and they, too, oppose this expenditure of $300,000 down on the water front for the so-called farmers' market. They wound up by saying, in their last sentence:

Will you help us to conserve that $300,000 for pressing District needs?

There are a lot of things in the District pressing for appropriations. We have here in the District of Columbia, in the city of Washington, the Capital of the United States, some of the poorest school buildings to be found anywhere on the American continent. We have a lot of so-called portable school buildings, which are a disgrace to this city, and not only a disgrace to the city of Washington, but which would be a disgrace to any school system in the United States.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator answer one more question?

Mr. FRAZIER. I will be glad to do so if I can.

Mr. ROBINSON of Arkansas. Is it the position of the members of the citizens' associations of which the Senator has last spoken that no market site is necessary, and that the proper thing to do is to conserve this $300,000 for other uses of the District of Columbia or is it true that in all probability if this appropriation be not made the question as to the location of the market will be renewed and fought out again?

Mr. FRAZIER. Mr. President, it may be possible that later on, when the conditions develop, they may ask for an appropriation for a farmers' market, I do not know about that; they do not state in their letter. But they do state that they do not want the market down in the southwest, on the river front.

Mr. ROBINSON of Arkansas. What I am trying to ascertain is whether their position is that this particular location, which has already been selected, is undesirable and that another site should in due course be secured, or whether they are contending that no site whatever is necessary and that the cost of this site may very properly be conserved for other purposes.

Mr. FRAZIER. They have at least gone on record against the present site down in the southwest.

Mr. ROBINSON of Arkansas. But the implication of the statement the Senator has read is that no site is required.

Mr. FRAZIER. As I understand it, the site up in the northeast, to which the Senator from Kansas referred, has already been established and they are going ahead there with the market, and no appropriation is asked from the Government.

Mr. ROBINSON of Arkansas. Nor will be asked?

Mr. FRAZIER. I understand not.

Mr. CAPPER. Mr. President, let me call the attention of the Senator from Arkansas to this statement made by the spokesman of this Federation of Citizens' Associations before the Senate Committee on Appropriations only 10 days ago in regard to this matter. He said:

The CONGRESSIONAL RECORD of March 27, 1930, shows that Hon. ROBERT G. SIMMONS referred to this item, page 6173, as "an unjustified expenditure;" claimed it was opposed before the subcommittee by the Commissioners of the District; on page 6178, that the item had "practically nothing in its favor," and that the expenditure would be "an obligation placed on the taxpayers of the city of Washington." The opposition of the commissioners was also referred to.

Then he said:

This $300,000 would provide a farmers' market for "wholesale" transactions as a replacement for a farmers' market that functioned for both wholesale and retail transactions. Limited to a wholesale basis such a market imposes delay and added expense in produce distribution, to the detriment of the taxpayers providing the market. There is nothing in the law, Public, No. 927, authorizing such a market to function on a retail basis, a fact that an equity court would have difficulty in hurdling.

A glimpse at the market intended to be replaced is pertinent. That market had for vendors farmers very generally living within 40 miles of Washington who brought in by trucks and wagons produce raised by them and their neighbors, rail shipments being consigned to commission merchants. It had no value for persons raising fruits or vegetables at points more than about 100 miles from Washington.

* * * * * * *

Are the taxpayers of the city of Washington to be burdened with a $300,000 expenditure for a wholesale farmers' market in an effort to make some private property profitable to the owner thereof?

We submit that it is significant that the District Commissioners, the National Capital Park and Planning Commission, some officials of the Department of Agriculture, practically all citizens' associations, and many other local groups, and the Maryland-Virginia Farmers' Association, are opposed to the proposed wholesale farmers' market.

In the light of this explanation, we plead that as a matter of simple justice this appropriation be allowed to go over for at least a year.

That was the message brought to the Senate Committee on Appropriations by the committee sent there representing the Federation of Citizens' Associations, comprising 61 societies, every one in the association except the southwest branch.

Mr. FRAZIER. Mr. President, I hope the amendment offered by the Senator from Kansas will prevail, because I believe it would be a useless waste of $300,000 at this time, at least, to make this appropriation. As I said before, there are great needs for appropriations for other improvements here in the District, and it seems to me this is a chance to save $300,000, and it should be saved.

Mr. GLASS. Mr. President, I do not propose to occupy the time of the Senate more than a minute or two on this proposition. It was thoroughly threshed out in the last Congress. It occupied the Senate with animated debate for days and days. No new facts have been developed.

As a matter of fact, on the other occasion I examined the alleged protests of alleged citizens' associations and showed that at none of the meetings were as many as 25 people present. I showed that the District Commissioners were in favor of the southwest location. I showed that the Park and Planning Commission was in favor of the location.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. GLASS. The most significant of all the facts which were presented, and which nobody could successfully dispute, was that five-sixths of the produce consumed by the people of Washington is brought from other States, and that the amount brought by these protesting farmers around here would not feed Washington for two weeks in the whole year.

We went over all those facts, and since the site was definitely decided upon 27 commission firms have built and occupied buildings down there. I showed that in the immediate vicinity is the municipal fish market, doing a gross business of $3,000,000 a year through 20 wholesale and retail dealers. I showed that all the big packers—Cudahy, Armour, Morris, and others—are located in the immediate vicinity. I showed that the great poultry dealers in Washington are located in that vicinity. I showed that there are 27 modern up-to-date stores which have now been erected and are occupied by commission merchants under leases of from one to five years. Nineteen other commission firms have indicated their purpose to go there. Storage facilities for the preservation of food, with a capacity of 5,000,000 cubic feet, are located right there with pipe-line refrigeration. The dairy products and wholesale supply houses of the city are all in favor of it.

I do not want to go over all those things again. I am ready now for a vote.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kansas.

Mr. FRAZIER. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BRATTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BRATTON. Will the Chair state the pending question for the information of Senators?

The PRESIDING OFFICER. The clerk will state the pending amendment.

The LEGISLATIVE CLERK. On page 7 the Senator from Kansas [Mr. CAPPER] proposes to strike out lines 4 to 13, inclusive, as follows:

Farmers' produce market: For the acquisition of squares Nos. 354 and 355, including all necessary expenses for the clearing and leveling of the ground, the erection of protection sheds and suitable stands and stalls, and the installation of sanitary conveniences and heating and telephone service, in accordance with the provisions of the act entitled "An act authorizing acquisition of a site for the farmers' produce market, and for other purposes," approved March 2, 1929 (45 Stat. 1487), $300,000, to be immediately available.

The PRESIDING OFFICER. The yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLEASE (when his name was called). I have a general pair with the Senator from West Virginia [Mr. GOFF]. I understand if he were present he would vote as I intend to vote. I vote "nay."

The PRESIDING OFFICER (Mr. FESS in the chair—when Mr. MCCULLOCH's name was called). The Chair will announce that his colleague the junor Senator from Ohio [Mr. MCCULLOCH] is paired with the senior Senator from Oklahoma [Mr. PINE]. If the Senator from Ohio [Mr. MCCULLOCH] were present, he would vote "nay." If the senior Senator from Oklahoma [Mr. PINE] were present, he would vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH].

I am informed that if he were present he would vote as I shall vote, and I am therefore at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. SIMMONS. I desire to inquire whether the senior Senator from Massachusetts [Mr. GILLETT] has voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. SIMMONS. I am advised that he would vote the same as I shall vote, and I therefore vote. I vote "nay."

Mr. MCNARY. I desire to announce the following general pairs:

The Senator from Vermont [Mr. DALE] with the Senator from Nevada [Mr. PITTMAN];

The Senator from Iowa [Mr. BROOKHART] with the Senator from Alabama [Mr. BLACK];

The Senator from South Dakota [Mr. NORBECK] with the Senator from Louisiana [Mr. BROUSSARD];

The senior Senator from New Jersey [Mr. KEAN] with the Senator from Iowa [Mr. STECK];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Utah [Mr. KING];

The Senator from Pennsylvania [Mr. GRUNDY] with the Senator from Florida [Mr. FLETCHER]; and

The Senator from Rhode Island [Mr. HEBERT] with the Senator from Alabama [Mr. HEFLIN].

I am not advised how any of these Senators would vote on this question.

Mr. SHEPPARD. I wish to announce that the Senator from Florida [Mr. FLETCHER], the Senator from Utah [Mr. KING], and the Senator from South Carolina [Mr. SMITH] are all detained from the Senate by illness.

I desire also to announce that the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

I also desire to announce that the Senator from Louisiana [Mr. BROUSSARD], the Senator from Nevada [Mr. PITTMAN], the Senator from Alabama [Mr. BLACK], and the Senator from Arizona [Mr. ASHURST] are absent on official business.

The result was announced—yeas 22, nays 44, as follows:

YEAS—22

Allen	Goldsborough	Robsion, Ky.	Tydings
Blaine	Hatfield	Schall	Walcott
Capper	Hayden	Shipstead	Walsh, Mass.
Couzens	La Follette	Stelwer	Wheeler
Dill	McNary	Thomas, Idaho	
Frazier	Nye	Townsend	

NAYS—44

Baird	George	McKellar	Simmons
Barkley	Glass	Metcalf	Stephens
Bingham	Glenn	Oddie	Sullivan
Blease	Hale	Overman	Swanson
Bratton	Harris	Phipps	Thomas, Okla.
Brock	Harrison	Ransdell	Trammell
Caraway	Hastings	Reed	Vandenberg
Connally	Hawes	Robinson, Ark.	Wagner
Copeland	Jones	Robinson, Ind.	Walsh, Mont.
Cutting	Kendrick	Sheppard	Waterman
Fess	Keyes	Shortridge	Watson

NOT VOTING—30

Ashurst	Gillett	Johnson	Patterson
Black	Goff	Kean	Pine
Borah	Gould	King	Pittman
Brookhart	Greene	McCulloch	Smith
Broussard	Grundy	McMaster	Smoot
Dale	Hebert	Moses	Steck
Deneen	Heflin	Norbeck	
Fletcher	Howell	Norris	

So Mr. CAPPER'S amendment was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 11588) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8531) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1931, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7955) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BARBOUR, Mr. CLAGUE, Mr. TABER, Mr. COLLINS, and Mr. WRIGHT were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 549. An act to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes;

S. 4098. An act to provide funds for cooperation with the school board at Browning, Mont., in the extension of the high-school building to be available to Indian children of the Blackfeet Indian Reservation;

S. 4173. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Carrollton, Ky.;

S. 4174. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Dandridge-Newport Road, in Jefferson County, Tenn.;

H. R. 4138. An act to amend the act of March 2, 1929, entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries";

H. R. 6874. An act to authorize exchanges of lands with owners of private land holdings within the Petrified Forest National Monument, Ariz.;

H. R. 8562. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.; and

H. R. 9895. An act to establish the Carlsbad Caverns National Park in the State of New Mexico, and for other purposes.

WAR DEPARTMENT APPROPRIATIONS

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7955) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. REED, Mr. JONES, Mr. BINGHAM, Mr. GREENE, Mr. HARRIS, and Mr. KENDRICK conferees on the part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATION BILL

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10813) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes.

Mr. BINGHAM. Mr. President, a situation has been brought to my attention whereby it seems wise to transfer a certain clerk from a per diem basis to the regular salary basis. I therefore ask unanimous consent that the vote whereby the amendment on page 4, in line 12, was agreed to may be reconsidered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the vote is reconsidered.

Mr. BINGHAM. I ask that the committee amendment on page 4, line 12, whereby the committee proposed to strike out "$56,054" and insert "$56,980" be rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was rejected.

Mr. BINGHAM. I now move, on page 4, line 12, to strike out "$56,054" and insert in lieu thereof "$62,180." That appears to be an increase of $5,200 in the appropriation, but as soon as this amendment is agreed to I shall move to reduce another item by a similar amount, so it does not increase the net amount of the total appropriation.

The amendment was agreed to.

Mr. BINGHAM. On page 4, line 14, I ask unanimous consent that the vote by which the committee amendment was previously agreed to may be reconsidered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BINGHAM. I now ask that the committee amendment be rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was rejected.

Mr. BINGHAM. I now move to strike out "$71,054" and insert in lieu thereof "$77,180."

Mr. WALSH of Massachusetts. Mr. President, how does that change or affect the total appropriation?

Mr. BINGHAM. It would merely change the total in the amendment already agreed to, and in a moment I shall move to reduce another amount by a similar sum.

Mr. WALSH of Massachusetts. So the total will remain the same?

Mr. BINGHAM. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut.

The amendment was agreed to.

Mr. BINGHAM. On page 4, line 22, I move to strike out "$42,700" and insert "$37,500."

The amendment was agreed to.

Mr. BINGHAM. On page 4, line 19, I move to strike out the words "labor not to exceed $5,000 and."

The amendment was agreed to.

Mr. BINGHAM. Mr. President, I desire to offer an amendment in accordance with the vote of the Senate two or three days ago when the calendar was under consideration and the question of bathing pools came up. A bill reported favorably by the District Committee was passed by the Senate, and I desire to insert the language of that bill in the pending measure in order that we may operate the bathing pools without the necessity of making a direct appropriation. To that end I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 94, after line 17, to insert:

BATHING POOLS

The Director of Public Buildings and Parks of the National Capital, in his discretion, is authorized to operate, through the Welfare and Recreational Association of Public Buildings and Grounds, bathing pools under his jurisdiction, and thereupon there may be deposited in the Treasury under the special fund to the credit of said association moneys received for the operation of such pools and be there available for the purposes of said special fund and this shall be a compliance with the provisions of the act approved February 28, 1929 (45 Stat. 1411–1412).

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut.

The amendment was agreed to.

Mr. BINGHAM. Mr. President, that completes the committee amendments.

The PRESIDING OFFICER. The bill is still in Committee of the Whole and open to amendment.

Mr. FRAZIER. Mr. President, I would like to ask the Senator from Connecticut, in charge of the bill, whether he would accept an amendment to appropriate $60,000 for the proposed site for a high school out in the so-called Brightwood district or just beyond there at the corner of Fifth and Van Buren Streets?

Mr. BINGHAM. Mr. President, has the proposed amendment been recommended by the Budget Bureau?

Mr. FRAZIER. The Senator from Connecticut is in a better position to answer that question than am I. So far as I know, it has not been so recommended.

Mr. BINGHAM. I can not tell the Senator whether it has been so recommended without looking the matter up. I thought probably the Senator knew. If the amendment has not been recommended by the Budget Bureau, then a point of order could be raised against it, because it proposes to increase the amount carried in an appropriation bill without a recommendation from the Budget Bureau.

Mr. FRAZIER. That same objection was raised in the committee to the amendment that is now raised here on the floor. A majority of the Senate voted against the amendment to strike out an appropriation of $300,000 for the so-called farmers' market, which the farmers do not want, but when it comes to an appropriation for the erection of a school, which the people do want, a proposition of that sort has to be recommended by the Budget Bureau. Mr. President, it seems to me that we are getting into a system that is rather unfair to the people who are taxpayers of the District of Columbia.

Mr. BINGHAM. Mr. President, I regret——

Mr. THOMAS of Oklahoma. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Oklahoma?

Mr. BINGHAM. I first desire to answer the Senator from North Dakota [Mr. FRAZIER], and then I shall yield to the Senator from Oklahoma.

Mr. President, I desire to say to my friend from North Dakota that I regret I was unable to vote with him on the last proposition, because I think he is right. Unfortunately, however, Congress, by a large vote in both Houses of Congress, and the President, enacted a law requiring the site for the farmers' market to be where it is provided for in the pending bill. Therefore I was unable to oppose it, because the pending question was not whether the market were needed at that point but Congress having enacted a law requiring the market to be located there, we had, I thought, no other alternative.

Mr. FRAZIER. But I have known cases where Congress has changed its mind in some instances, and it seems to me that this is one in which Congress should again change its mind.

Mr. BINGHAM. I agree with the Senator.

Mr. FRAZIER. I can not agree with the Senator from Connecticut that we should vote to appropriate $300,000, although we had formerly made a mistake in authorizing such an appropriation.

Mr. THOMAS of Oklahoma. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Oklahoma?

Mr. BINGHAM. I yield.

Mr. THOMAS of Oklahoma. Mr. President, an amendment has been submitted to which a point of order has been interposed. The point of order is that the amount proposed to be appropriated by the amendment has not been approved by the Budget Bureau. For some time similar points of order have been made, but I know of no case where a point of order of that kind has been sustained, and I trust the time will never come when a similar point of order shall be sustained.

Mr. President, the Budget Bureau is not an appropriating agency of Congress; it has not been vested with that jurisdiction. So a point of order that the Budget Bureau has not made an estimate, in my judgment, is not good. Congress can not divest itself of its jurisdiction. I therefore submit that the point of order should not be sustained.

The VICE PRESIDENT. The Chair is advised that there is no amendment pending.

Mr. THOMAS of Oklahoma. There must have been an amendment pending, for the Senator in charge of the bill on behalf of the committee made a point of order against it on the ground that it had not been estimated for by the Budget Bureau.

Mr. BINGHAM. No; the Senator from North Dakota asked the chairman of the committee whether he would make a point of order if the amendment were submitted; but the amendment has not as yet been submitted.

Mr. FRAZIER. Mr. President, in view of what the Senator from Oklahoma [Mr. THOMAS] has stated—and I agree with him—I will offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from North Dakota will be stated.

The LEGISLATIVE CLERK. On page 56, after line 22, it is proposed to insert the following additional item:

For the purchase of a site on which to locate a senior high school in the vicinity of Fifth and Van Buren Streets NW.

And, in line 1, on page 57, to strike out "$458,200" and insert in lieu thereof "$518,200."

Mr. FRAZIER. Mr. President, I should like to say that the amendment, if agreed to, would increase the amount proposed to be appropriated by $60,000 for the purpose of buying a site in the locality mentioned for the high school which will be needed in the very near future. There is vacant land there at this time which may now be bought in sufficient quantity for a school site for $60,000, which undoubtedly in a year or two, if building shall continue in that section as it is now doing, will cost a great deal more.

Mr. BINGHAM. Mr. President, so far as I have been informed, the Board of Education has not recommended this site for the location of a senior high school in the vicinity of Fifth and Van Buren Streets; so far as I have been informed, the Commissioners of the District of Columbia have not recommended to Congress that this land may be purchased; and in view of that fact, and the fact that under our rules an amendment of this kind must be either recommended or proposed by a standing committee of the Senate or receive the approval of the Budget Bureau, it is necessary for me—I will say with great regret, because I realize that the city needs more and better schools—to make the point of order against the amendment.

The VICE PRESIDENT. If agreed to, would the amendment increase the appropriation carried in the bill?

Mr. BINGHAM. It would.

The VICE PRESIDENT. And no legislation has been enacted authorizing it?

Mr. BINGHAM. It has not been.

The VICE PRESIDENT. The Chair sustains the point of order. The bill is still before the Senate as in Committee of the Whole, and is open to amendment. If there be no further

amendments, as in the Committee of the Whole, the bill will be reported to the Senate as amended.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RELIEF OF UNEMPLOYMENT

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. McNARY. Mr. President, I ask unanimous consent that the unfinished business may be laid before the Senate and its consideration proceeded with.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3060) to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes, which had been reported from the Committee on Commerce with amendments.

The VICE PRESIDENT. The Secretary will state the first amendment.

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	George	La Follette	Shortridge
Ashurst	Gillett	McKellar	Simmons
Baird	Glass	McMaster	Smoot
Barkley	Glenn	McNary	Steiwer
Bingham	Goldsborough	Metcalf	Stephens
Blaine	Gould	Norris	Sullivan
Blease	Greene	Nye	Swanson
Borah	Hale	Oddie	Thomas, Idaho
Bratton	Harris	Overman	Thomas, Okla.
Brock	Harrison	Patterson	Townsend
Capper	Hastings	Phipps	Trammell
Caraway	Hatfield	Pine	Tydings
Connally	Hawes	Ransdell	Vandenberg
Copeland	Hayden	Reed	Wagner
Couzens	Howell	Robinson, Ark.	Walcott
Cutting	Johnson	Robinson, Ind.	Walsh, Mass.
Deneen	Jones	Robsion, Ky.	Walsh, Mont.
Dill	Kendrick	Schall	Waterman
Fess	Keyes	Sheppard	Watson
Frazier	King	Shipstead	Wheeler

Mr. McMASTER. I desire to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present. The question is on agreeing to the first amendment reported by the committee, which the Secretary will state.

The LEGISLATIVE CLERK. On page 8, line 18, it is proposed to strike out "maintaining and establishing" and insert "establishing and maintaining," so as to make the paragraph read:

(a) In States where there is no State system of public employment offices, in establishing and maintaining a system of public employment offices under the control of the director general.

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 9, it is proposed to strike out:

SEC. 11. (a) The director general is authorized to provide for the establishment of advisory councils of employers and employees for the purpose of discussing problems relating to unemployment and insuring impartiality, neutrality, and freedom from political influence in the solution of such problems. Members of each such council shall be selected from time to time in such manner as the director general shall prescribe.

And to insert:

SEC. 11. (a) The director general shall establish a Federal advisory council composed of an equal number of employers and employees for the purpose of formulating policies and discussing problems relating to unemployment and insuring impartiality, neutrality, and freedom from political influence in solution of such problems. Members of such council shall be selected from time to time in such manner as the director general shall prescribe. The director general shall also require the organization of similar State advisory councils composed of equal numbers of employers and employees.

Mr. WALSH of Massachusetts. Mr. President, it has been some days since the Senator from New York [Mr. WAGNER] made his speech in explanation of the three bills which he brought before the Senate for the relief of unemployment. At that time two of the bills were acted upon favorably, and this bill has been pending as the unfinished business, being shunted aside from time to time, for several days.

I should like to ask the Senator from New York briefly and concisely to explain just what the provisions of this bill are, and particularly the manner of financing the undertaking referred to in the bill.

Mr. WAGNER. Mr. President, when the Senate had under consideration the two bills which have since received its approval I also discussed this third bill, which is part of a program to deal with the subject of unemployment. For that reason I did not want to weary the Senate with a repetition of that discussion.

In a general way, the bill provides for an adequate free employment service, nation-wide in scope. The bill provides for Federal aid to already established State employment agencies. Of course, the question as to whether or not a State will accept the aid is a matter of discretion to be exercised by the State legislature or the governors in those States in which that authority has been intrusted to the governor of the State.

Mr. WALSH of Massachusetts. Just how much aid is provided for in each State?

Mr. WAGNER. The bill authorizes an appropriation of $4,000,000; and that is to be apportioned as we apportion other Federal aid, like the aid in the construction of State highways and the other laws passed by Congress giving State aid. The appropriation is to be made according to population.

Mr. WALSH of Massachusetts. Does the bill provide for a dollar from the Federal Treasury for every dollar appropriated by the State?

Mr. WAGNER. Yes; 50 per cent is to be appropriated by the State and 50 per cent by the Federal Government.

Mr. WALSH of Massachusetts. Is there a maximum amount that may be given to any State?

Mr. WAGNER. No; it depends upon the appropriation made by the Federal Government. Within that maximum it is distributed according to the population of the State.

Mr. WALSH of Massachusetts. So that the Federal Government can control the amount that each State can draw from the Public Treasury by controlling the total appropriation made by Congress?

Mr. WAGNER. Of course there is nothing to prohibit the State from making an additional appropriation if it so chooses.

Mr. WALSH of Massachusetts. But in no event is money to be given to the several States from the Public Treasury unless there has been an acquiescence by the various States in this program?

Mr. WAGNER. To the extent of giving at least an amount equal to the Federal appropriation.

Mr. WALSH of Massachusetts. How many States already have established employment agencies of their own?

Mr. WAGNER. Twenty-two States.

Mr. WALSH of Massachusetts. And they, of course, are now standing the expense themselves?

Mr. WAGNER. Yes; they are. I might say that representatives from most of those States who have either communicated with me or appeared before the committee when hearings were being held on this bill approved this Federal-aid proposal because it would permit cooperation between States, which is now lacking, to secure the free channel of labor between States, bringing the man from the place of surplus to the place of need. No such cooperation is possible to-day, because there is not any information interchanged between States as to their economic condition.

Mr. WALSH of Massachusetts. What estimate is made as to the expense of maintaining the central bureau in Washington?

Mr. WAGNER. We provide that 5 per cent only of the total appropriation may be expended for the conduct of the bureau in Washington.

Mr. OVERMAN. Mr. President, this bill just establishes another bureau in Washington. Is that the idea?

Mr. WAGNER. No; I may say to the Senator that it does not. We now have a Federal employment bureau.

Mr. OVERMAN. The bill provides for paying a director $10,000. What for?

Mr. WAGNER. I did not understand the Senator.

Mr. OVERMAN. The Senator says there is now an employment bureau in the Department of Labor?

Mr. WAGNER. There is a Federal employment bureau now, at the head of which is a Mr. Jones; but it is very inadequate in its operations.

Mr. OVERMAN. This bill provides for a director at $10,000 for something. Is he to be the head of this bureau?

Mr. WAGNER. Yes. If we create a function, we have to have some one to direct it. We have a director now, I may say to the Senator.

Mr. OVERMAN. Yes; but there is another $10,000 position provided in this bill.

Mr. WAGNER. No; not another. I may say to the Senator that this bill provides for a director, just as we have to-day.

Mr. OVERMAN. Another $10,000 director, another $4,000,000 appropriation, adding to the taxpayers' burdens. What is to become of our economy program?

Mr. WAGNER. Let me say to the Senator that if we want to solve this subject of unemployment, if the Government is to do anything toward its solution, it has to create the machinery and select the personnel to perform that work. That costs money; and let me say to the Senator that if, as a result of this legislation, a million men can be brought to the job one day sooner—and that is an exceedingly conservative estimate—assuming that the average earning per day is $4, which is also a small average, a million men brought one day earlier to a job would save the Nation $4,000,000 directly in salaries, besides the wealth which these employees create during that particular day.

Mr. WALSH of Massachusetts. Mr. President, the Senator spoke of the Government maintaining at the present time an employment bureau in the Department of Labor. How extensive is this bureau? I know they have an employment office here in the District of Columbia, and I believe they have one in my State, and they therefore must have them through other parts of the country. How many employment offices have the Federal Government already?

Mr. WAGNER. Not very many. What this particular department mainly does is to cooperate with a State by the appointment of a Federal employee who is stationed in the State employment agency, and ascertains primarily how State and the Federal employment exchanges may cooperate; but the present organization is inadequate in service. It does not function.

Mr. WALSH of Massachusetts. The bureau has an employment office here in Washington with which we are all familiar. Does the Senator state that it has no employment offices through the country, but delegates officials representing the bureau here to locate and participate in the work in the various State agencies that have been set up? Is that the system?

Mr. WAGNER. It affords some cooperation; but in some of these States, in which there are no State employment exchanges and seems to be need for one, the Federal employment director has established an office.

Mr. WALSH of Massachusetts. That is what I thought. How much money is being spent for that purpose now?

Mr. WAGNER. I think the total expenditure is about $200,000.

Mr. WALSH of Massachusetts. Does the Senator know the total number of offices?

Mr. WAGNER. I do not.

Mr. WALSH of Massachusetts. So that really what the Senator's bill seeks to do is to increase the appropriation from $200,000 to $4,000,000 and to establish a coordination of effort between the National Government and the State governments?

Mr. WAGNER. Yes; exactly; which is the very important thing. Let me say to the Senator that every group of men, every conference that has ever been held on the subject of unemployment and what may be done by the intervention of government to help in its prevention, has advocated as an essential part of any such program the establishment of employment exchanges which would provide for cooperation between the States and the Federal Government and also between the States themselves. I challenge the citation of a single conference in which this subject was studied in which the establishment of exchanges has not been advocated as a part of the program.

President Hoover, as chairman of the conference of 1921 on unemployment, recommended the establishment of these employment exchanges as the first step in any effort to solve this question of unemployment.

Mr. OVERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from North Carolina?

Mr. WAGNER. I do.

Mr. OVERMAN. My State, I know, has a commissioner of labor, and the bureau here cooperates with him in furnishing statistics as to the number of unemployed and in seeking to get employment for those who are unemployed. Why do we need another bureau and another $4,000,000 appropriation when we already are appropriating money to take care of that bureau?

Mr. WAGNER. I have repeated to the Senator three or four times that we are not creating another bureau. We are simply making this bureau more efficient.

Mr. OVERMAN. You are making a head of something—I do not know what it is—and paying him $10,000.

Mr. WAGNER. A study of business cycles in unemployment was made at the suggestion of Mr. Herbert Hoover, who was then Secretary of Commerce, by a group of distinguished business men, of which Owen D. Young was chairman. That conference reported in favor of unemployment exchanges as an important part of any program for the solution of this complex and serious economic question.

The annual report of the Secretary of Labor, Secretary Davis, in 1928, advocated the establishment of employment exchanges as a necessary part of any program to help solve the problem of unemployment; and, by the way, just recently the Secretary of Labor wrote to the committee a letter in which he approved heartily the legislation which is now pending before us as an effort in the right direction to solve the question of unemployment.

Very recently President Hoover made an address before the United States Chamber of Commerce in which he stated what the Federal Government was attempting to do to solve the problem of unemployment. He said the Government was attempting to prevent a recurrence in three ways, and these three methods are provided for in the bills which I introduced. That speech was made only about a week ago. His program included the collection of accurate statistics, advance planning of public works by the Government, and the establishment of employment exchanges so as to bring the man to the job.

Mr. President, I would like to have read an editorial, if I may, which appeared the other day in the leading Republican newspaper of the East, always a very conservative paper, the New York Herald Tribune. It is a very clear editorial upon this subject, and I ask unanimous consent that it be read at the desk.

The VICE PRESIDENT. Without objection, the editorial will be read.

The legislative clerk read the editorial, as follows:

[From the New York Tribune, May 3, 1930]

URGENT LEGISLATION

The Senate has passed two of the three bills introduced by Senator WAGNER to help in the solution of the unemployment problem. One of these would authorize and equip the Bureau of Labor Statistics to gather and publish every month employment figures comprehensive enough to serve as a national barometer. The other would anticipate periods of depression by providing in advance for the acceleration of public works, authorizing a maximum expenditure of $150,000,000 a year for the purpose. The third bill, which has run into some opposition, notably from the National Association of Manufacturers, and is therefore still awaiting a vote, would create a free employment service of national scope, to be operated in cooperation with the States.

One notes that in the address which President Hoover has just made to the United States Chamber of Commerce he stresses the importance of the objects sought to be gained by all three of these bills. "We need particularly," he says, "a knowledge of employment at all times, if we are intelligently to plan proper functioning of our economic system." He speaks of the acceleration of construction work as "the most practical remedy for unemployment." And he names as one of the by-products of the country's experience in recent months one which that experience has "vividly brought to the front," "the whole question of agencies for placing the unemployed in contact with possible jobs."

Unemployment, it should be remembered, is not only an effect of business recession; it is also a cause, perhaps the major cause, of its continuance. Throw men and women out of jobs and you immediately destroy their buying power. When millions are so treated the general market for goods becomes seriously curtailed and the recovery of business is indefinitely delayed. Quite apart, therefore, from the human problem involved, the stabilization of employment is of the first importance as a means of counterbalancing the downward swing of the business pendulum.

Obviously, what the Government can do in this sphere is limited. But to the extent of its powers it should be permitted to function effectively. And to this end, it seems to us, every one of the Wagner bills should be enacted into law. Moreover, now is the time to put them through before the situation is sufficiently eased to allow Congress and the country to forget the plain lessons of our "winter of discontent."

Mr. WAGNER. Mr. President, I have very little more to say until I hear what the opposition, if any, is based on.

I simply want to add that the bill provides for an adequate free employment service, nation-wide in scope. It is to perfect channels for the free flow of labor, to shorten the waiting time between jobs, to bring the idle man from the place of surplus to the place of need, to retain local responsibility and management in the conduct of the employment offices, to secure at the same time the maximum amount of uniformity, efficiency, and cooperation between such offices and the States, and to obtain information concerning unemployment.

I might say the latest extensive hearings upon the subject of unemployment were held by the Committee on Education and Labor when the senior Senator from Michigan [Mr. COUZENS] was chairman. That committee made what is probably the

most comprehensive report that has been made upon the subject of unemployment. It recommended as an essential part of any program for the solution of the unemployment situation the establishment of such employment exchanges as I would provide for.

Mr. BINGHAM. Mr. President, it is very difficult for me to speak against this bill, because one can not but feel great sympathy for the thousands of persons who are now out of work. Many of them believe that if there were more employment agencies they would get their jobs back or would get new jobs sooner.

There are in Connecticut a great many people who are out of work at the present time, and when a great proposal has been offered like the one presented by the Senator from New York, which seems to promise hope of work, it is difficult to oppose it. But it is in situations of this kind that we are likely, it seems to me, to do injustice to our Constitution and our fundamentals of government in order to go along with our sympathy for those who are in trouble.

This is a Federal-aid proposition. I do not believe the country wants more Federal-aid propositions. In fact, a great many organizations throughout the country during the past five or six years have repeatedly passed resolutions against the establishment of more Federal-aid projects in addition to those we have now.

There is a constant tendency on the part of those who are anxious to get things done, on the part of those who are anxious to avoid and alleviate suffering, to bring the Federal Government in with a large measure of financial aid to help the States do that which the States ought to be doing by themselves.

Furthermore, there is an element of coercion. The Senator from New York has stated that there are at present some 22 States which have State employment agencies; in other words, there are some 26 States, in addition to the Territories, which do not have State employment agencies, which do not think they are necessary, and do not care to spend their money in that way.

This bill offers to them a bribe to do something which they may not want to do. It furthermore threatens to take from them, through taxation, money to do something in the other States which they do not care to have done in their own. It is the same kind of coercion in Federal matters that we have seen in other proposals which have gone through due to sympathy, or for humanitarian reasons, rather than from any desire to follow out the fundamentals of our Constitution.

Mr. President, I am one of those who believe in representative government. I believe that government by the people depends for its sanity, its health, its safety, upon a strong measure of local self-government. If we take away from the localities concerned the need of providing for their own suffering, we do away with just that much incentive toward their taking part in local self-government. If we force them to adopt measures by the threat that they will be taxed for them whether they use them or not, we are taking away from them the necessity of making wise decisions.

If we bribe them to adopt good measures by offering them a reward in the shape of Federal aid if they will adopt them, we again remove from them responsibility for taking care of their own people, and offer them a bribe if they will do something we would like to have them do.

It may be true, as the Senator from New York has said, that this may bring a certain amount of alleviation in the present situation. It is the wrong way to go about it. It is an attack on the very self-respect of local communities, inferring that they should not be left to work out their own salvation in matters of this kind and in matters of education and in other matters which every citizen can see need attention.

When there is unemployment in a community, the state of unemployment is generally known to all the citizens of that community. When there is a good deal of unemployment in a State, there is no one in the State who is not aware of it, and if the setting up of employment agencies by the State will assist in producing prosperity in that State, we may safely leave it to the citizens to set up such agencies and to reduce unemployment thereby. It is by means of these very necessities which face the citizen in his own community and in his own State that he learns to assume the burdens of government, which makes him a good citizen.

One can not be made a good citizen by merely going to school and studying textbooks and reading the Constitution and the Declaration of Independence. He can not be made a good citizen by merely listening to lectures on citizenship. He is made a good citizen, in part, by learning the duties of citizenship, but more by practicing them. It is when he is faced with the necessity of producing good schools and producing a state of employment, rather than unemployment, that the matter is brought home to him closely, that it is up to him to see if he can not solve these problems. If he says, "Let George do it, let the Federal Government do it, let Washington make an appropriation of four or five million dollars so that these people may have employment instead of unemployment," he is dodging his duties of citizenship, he is dodging the solution of the problem which will make him a good, sturdy citizen.

Mr. President, it is upon the development of sturdy, self-reliant citizenry that this Republic must in the long run depend for its long life. If we build up a body of citizens who are always depending on the central Government we will make weak citizens rather than strong citizens.

It is true that this $4,000,000, or more, as may be required, in the course of time will eventually come out of the pockets of the taxpayers, and out of the pockets of everyone who buys any commodity. But the great majority of citizens pay no direct taxes to the Federal Government. The great majority of citizens are exempt from paying directly customs duties or income taxes, and they do not appreciate the fact that when they buy a pair of shoes, or when they buy a coat, or buy anything at a store, they are helping to bear the burden of taxation, because in the price of the pair of shoes, overcoat, or whatever it may be, there is passed down the line the tax burden which rests upon the corporations, upon those who pay the income taxes, and upon those who have paid the customs dues at the frontier.

The citizen who enjoys the benefits of Federal Government aid does not realize that he bears his share of it, because it is sugar to him, it is concealed, there is no direct evidence that he is paying for what he is getting, and he thinks the Government at Washington is bearing the burden, that Uncle Sam is doing it. As a matter of fact, it seems to me that it is far better, in the matter of schools and in the matter of employment agencies, that the States should bear the burden, because it is so easy for the citizens of the State to learn what is going on, to see how the money is being spent, to see the need for the money, and if they believe that an appropriation is a wise one, to make the appropriation.

Therefore, on the fundamental basis of local self-government, and my belief in the fact that the only way to develop a sturdy, self-reliant citizenry is by laying the burdens directly on the shoulders of the people in the States and in the different communities, rather than upon the Federal Government, I am deeply and sincerely opposed to this legislation, even though it might alleviate a certain amount of suffering.

I ask that there may be read at the desk a brief prepared by the National Association of Manufacturers in opposition to this bill. They were not given an opportunity to be heard before the committee, but they presented this brief, and it is printed in the hearings. I believe it should be printed in the RECORD.

There being no objection, the legislative clerk read the brief, as follows:

BRIEF OF NATIONAL ASSOCIATION OF MANUFACTURERS IN OPPOSITION TO S. 3060, A BILL TO ESTABLISH A NATIONAL EMPLOYMENT SYSTEM, ETC.

To the COMMITTEE ON COMMERCE,

United States Senate:

By your leave we beg to file herewith a statement in opposition to S. 3060, a bill to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes.

Your petitioner, the National Association of Manufacturers of the United States, incorporated under the laws of the State of New York, is composed of many thousands of individuals, firms, and corporations engaged in all forms of manufacture throughout the States of the Union. They are vitally interested in employment problems and, individually and in cooperation, are continually engaged in the study and exchange of information and experience for the purpose of securing a better regularization of employment. Operating their plants throughout the Nation under a wide variety of physical, economic, and social conditions, and maintaining in the great majority of their establishments free employment departments, they view with concern any proposal the effect of which is to subject local public and, in effect, private agencies of employment to the controlling regulation and supervision of a remote Federal bureau.

The board of directors of this association, constituted of 25 representative manufacturers from 17 different States, after careful consideration of these measures, unanimously adopted the resolution attached to this statement. They substantially approved the underlying policy of S. 3059–61, respectively, but oppose S. 3060 for the following reasons:

1. It is an unauthorized use of the power of appropriation to control and regulate the internal police policy of the individual States with respect to the establishment and operation of public, and, indirectly, private employment agencies.





2. The bill confers upon a Federal bureau and an executive officer unprecedented authority to control the use of an appropriation, in order to substantially establish and determine the policy of the States, with respect to the operation of their employment agencies and the placement and movement of labor through standards and regulations prescribed by such Federal bureau.

3. The policy proposed under the guise of cooperation asserts the right and intention to coerce the individual States into the acceptance of Federal policies as to employment agencies by establishing such agencies within the States, whether or not they are desired. Furthermore, such agencies are authorized to be established and maintained in competition and conflict with existing State agencies, whenever such States do not agree to accept and operate under the prescribed policy.

HISTORY OF THE BILL

Preliminary to an examination of the propositions asserted, we direct the committee's attention to the genesis of S. 3060 and its terms:

The pending bill, S. 3060, is substantially identical in its fundamentals and generally in its terms, save where the Federal authority is enlarged, with S. 1142 and H. R. 4305, identical measures, introduced in the Sixty-sixth Congress, first session, and the subject of extended hearing and consideration by a joint committee consisting of the Committee on Education and Labor of the Senate and the Committee on Labor of the House. Public hearings were held upon such measures from June 19 to July 25, 1919. The measures were intended to establish permanently the United States Employment Service, authorized during the Great War, to systematically distribute and place labor in service for the national defense. The measure was largely supported at the time by the persuasive argument that it was essential as an aid to the replacement of returning soldiers, but general dissatisfaction with the policy of the bill and the operation of the service itself apparently cause the House and Senate committees to abandon the measure.

TERMS AND POLICY OF PENDING BILL, S. 3060

The pending bill, like the original measure of 1919, proposes the establishment and maintenance of a national system of public employment offices through a bureau within the Department of Labor, to be known as the United States Employment Service. The head of such bureau is styled the director general, to be appointed by the President, with the advice and consent of the Senate, at a salary of $10,000 per year, double that under the original bill. A woman assistant director general is authorized, and it is the declared object of such bureau:

"To establish and maintain a national system of employment offices for men, women, and juniors who are legally qualified to engage in gainful occupations, and, in the manner hereinafter provided, to assist in establishing and maintaining systems of public employment offices in the several States and the political subdivisions thereof."

The bureau is further authorized to furnish and publish information as to opportunities for employment, maintain a system of clearing labor between the States and to do this "by establishing and maintaining uniform standards, policies, and procedure," and aiding in the transportation of workers to places of employment. The service is directed to be "impartial, neutral in labor disputes, and free from political influence," an addition to and improvement upon the original bill.

Apart from details, the essential policy and purpose of the measure to which we direct your attention is as follows: The bill authorizes an appropriation of $4,000,000 per annum, for four years. Seventy-five per cent of this, or $3,000,000 per year, is to be apportioned among the several States in the proportion which their population bears to that of the United States. That sum is to be employed in the establishment of public employment offices in the States in accordance with the following plan:

Wherever the State, through its legislature, authorizes an existing employment agency or establishes one to cooperate with the Federal agency, the director general apportions, up to the allotment, an amount equal to that appropriated by the State, for the support of such State agency. But, and this is the vital and controlling feature, each State must admit to and receive the approval of the Federal bureaucrat for its plan of operation before the State may receive Federal aid, and while receiving it the State agency must continually report operations in such form as the director general prescribes. He alone determines whether the State offices are "conducted in accordance with the rules and regulations and the standards of efficiency prescribed by the director general." Wherever such agencies do not conform to the Federal regulations, or when, in the opinion of the director general, the State agency does not properly expend either the Federal aid or the moneys appropriated out of its own State treasury, he may revoke the certificate and withdraw such aid, subject to appeal to the Secretary of Labor.

The plan of control does not, however, stop with financial persuasion. It goes much further. A balance of $1,000,000 per year, within the proposed appropriation, is available to the director general for two major purposes: (a) To establish a system of public employment offices, subject to Federal control within the States which have not established such offices; (b) to establish and maintain such offices in States which already possess a system of public employment offices, but which, in the naive language of the bill, have "not complied with the provisions of such section 4," that being the section through which the legislature accepts Federal aid and control. In such a condition the bill provides that the director general may treat with the governor to secure the establishment of a Federal bureau, but, pending agreement with the governor, and while waiting for the legislature to surrender the control of its established employment system to Federal direction, the bill authorizes the director general to establish and maintain in such State a Federal system of offices under his control for one year.

We do not refer to other features of the measure not essential to this discussion, but we submit that the terms prescribed are sufficient to justify the characterization of this measure in the propositions we now discuss in their order:

I. It is an unauthorized use of the power of appropriation to control and regulate the internal police policy of the individual States with respect to the establishment and operation of public and, indirectly, private employment agencies.

It is axiomatic that the Government of the United States is one of enumerated powers. The authority of Congress arises from an express grant or a necessary implication therefrom. The power to tax and, therefore, to appropriate is limited to the common defense and the general welfare in execution of its express or necessarily implied authority. Appropriation being the expenditure of the proceeds of taxation, the power to appropriate must be subject to the same limitations as the power to tax or Congress would escape the limitations upon the taxing power by expenditures for a purpose for which it was not authorized to tax.

In the famous case of Gibbons *v.* Ogden, the Supreme Court, discussing the different powers of the Federal and State Governments, said: "Congress is not empowered to tax for those purposes which are within the exclusive power of the States."

By the restrictions of the tenth amendment all purposes or objects remain within the powers of the States except those expressly granted to Congress by the Constitution, for Congress possesses no general police power except within the District of Columbia and the Territories subject to its control. Now, the establishment and regulation of employment agencies has at all times been recognized as a matter of internal police completely within the control of the State except when the power of Congress to conduct a war authorizes a superior Federal control of labor placements as a step in the execution of the national defense. The various State courts in proceedings too numerous to mention, have so held, and the Supreme Court of the United States has confirmed that view in many instances: Brazee *v.* Michigan (241 U. S. 340); Adams *v.* Tanner (244 U. S. 594); Ribnik *v.* McBride (277 U. S. 354).

The present director general of the United States Employment Service recognized this state of the law in an address made to the executives of the various employment agencies in October of last year, when he said: "We have not at the present time, and there is not enough coordination between the Federal Government and the several States. Each State is jealous, as you know, of its State rights. It should not be; but it would be well if we had a better Federal Employment Service, and Congress should direct how we should enter into these agreements, under what conditions and terms, such, perhaps, as in the maternity bill and for the building of good roads and our school appropriations." (U. S. Labor Statistics Bureau Bull. No. 501, p. 153.)

But we submit that the police power of the States over the subject of employment agencies can not be validly taken from them in the manner proposed, and the States may not validly surrender such authority if they would. For, as the Supreme Court of the United States said in Chicago *v.* Tranbarger (238 U. S. 77): "This power (the police power) can neither be abdicated nor bargained away, and is inalienable even by express grant."

It may be said, as did the director general above, that the police power of the States may be exchanged for a Federal appropriation, as in the case of the maternity act, but we direct the committee's attention to the fact that, upon the recommendation of the President of the United States, the policy expressed in the maternity act was properly abandoned by Congress and therefore constitutes no precedent. It may further be urged that in a proceeding brought by a private taxpayer, as well as by the State of Massachusetts, the Supreme Court sustained the constitutionality of the appropriation made for State aid in connection with the maternity act. (Frothingham *v.* Mellon; Mass. *v.* Mellon, 262 U. S. 447.)

In both cases the court declined to pass upon the validity of the appropriation in question, saying: "We have reached the conclusion that the cases must be disposed of for want of jurisdiction without considering the merits of the constitutional questions."

Finally, we direct the committee's attention to the language of the late Chief Justice Taft, in the child labor tax case. (Bailey *v.* Drexel Furniture Co., 259 U. S. 20.) In that case Congress sought, under the guise of taxation, to invade the police power of the States, as in this bill it is proposed to do the same thing under the mask of an appropriation:

"The good sought in unconstitutional legislation is an insidious feature because it leads citizens and legislators of good purpose to promote it without thought of the serious breach it will make in the ark of our

covenant or the harm which will come from breaking down recognized standards. In the maintenance of local self-government on the one hand and the national power on the other, our country has been able to endure and prosper for near a century and a half."

II. The bill confers upon a Federal bureau and an executive officer unprecedented authority to control the use of an appropriation, in order to substantially establish and determine the policy of the States with respect to the operation of those employment agencies and the placement and movement of labor through standards and regulations prescribed by such Federal bureau.

By section 5 of the bill a total of $16,000,000 is appropriated over a 4-year period, 75 per cent of which is, in the discretion of the director general, subject to allotment to the States. The unexpended balances remain within his control for further allotment which may be made not only for any fiscal year but until the close of any fiscal year following the first meeting of the State legislature, after the enactment of this bill. The director general, subject alone to the amount at his disposal, determines the number of employment agencies to be established either in cooperation, competition, or conflict with State agencies. He alone prescribes the "rules, regulations, and standards of efficiency" which are to control the operation of State employment agencies. He alone determines the conformity of State plans to his regulations, subject to an appeal to the Secretary of Labor. He alone determines, not only whether the States properly expend their allotment of Federal aid but whether they properly expend their own State funds in operating such agencies.

We submit that the policy thus prescribed lodges the equivalent of legislative authority in the director general, sanctioned by the power of giving or withholding appropriations to penalize or reward the acceptance of Federal regulation. The rules and regulations prescribed by the director general will become the labor legislation of the aided States. They will always determine the qualifications for employment and placement. The States in their turn are inevitably driven to employ their police authority upon their own citizens, to impose Federal policies in the placement, movement, and distribution of labor. By the exercise of his regulatory authority in the method of clearing labor, the director general may control all private employment agencies, whether within or without individual plants, and by his determination of the policy of transporting workers, may dislocate and redistribute the local labor supply of many communities.

By section 10, subdivision (b), the director general is given authority; where the State legislature does not accept or "comply" with the provisions of section 4 and accept Federal aid and control; to establish a system of Federal employment offices by agreement with the governor. In other words, the bill authorizes a Federal executive officer to treat with the chief executive of a State in the establishment of a policy which is exclusively legislative in character. In the absence or refusal of acceptance by the legislature, or agreement with the governor of a particular State, as to employment agency policies, the director general is authorized to establish and maintain Federal employment agencies for a year within such State, an enlargement of the power contained in the original bill by six months.

We submit that never in the history of congressional appropriation in peace time has a minor executive official been clothed with such control over appropriations and such power to employ them for the purpose of securing the acceptance of Federal regulation to control State agencies and force the action of State officers.

III. The policy proposed, under the guise of cooperation, asserts the right and intention to coerce the individual States into the acceptance of Federal policies as to employment agencies by establishing such agencies within the States whether or not they are desired. Furthermore, such agencies are authorized to be established and maintained in competition and conflict with existing State agencies, whenever such States do not agree to accept and operate under the prescribed policies.

It may be said that the States are left to voluntarily accept or reject Federal aid. Each State may thus determine for itself whether in exchange for a Federal appropriation it will subject its public agencies of employment to the supervision and control of a Federal bureau or official.

We submit the bill goes much further. Where financial persuasion fails, it authorizes and directs the director general of employment to use the coercive influence of establishing a Federal system, not only in States which have no employment system at all but likewise in States possessing a well-established one of their own, but which neglect or refuse to accept Federal aid and control.

It has been said again and again that a legislature expresses public policy by nonaction not less than by action. It is for each State to determine for itself whether or not a particular subject deserves regulation or not. It is for the States likewise to determine whether or not existing facilities, public or private, are satisfactory for the performance of a function which is within its police power. It may well be that any given State is satisfied that private or philanthropic agencies providing free employment service meet its local needs. This bill provides that no State is to be permitted to continue such a policy. It must accept as many Federal employment agencies as, in the opinion of the director general, are needed to be established within its communities, and to govern the employment placement of its inhabitants under rules and regulations prescribed by a single individual remote from and unfamiliar with local conditions.

Nor is the bill satisfied with seeking the voluntary cooperation of established public State or municipal employment agencies. It seeks to compel these to accept the dominant control and regulation of the Federal bureau. The very language of the bill in section 10 asserts plenary authority to compel the acceptance of the mastery it seeks to establish. It refers to States whose legislatures have not accepted the provisions of section 4—that is, Federal aid and control—as having "not complied" with such section. Nor does it seek by mere persuasion to convert such States. The policy proposed is one of subjugation. It directs the comptroller general of employment to seek an agreement with the governor in the face of legislative inaction or refusal. But, not satisfied with substituting agreement with an executive officer for action by the legislature in exclusive control of the internal police policy of the State, it further authorizes, pending even agreement with the governor the establishment of a Federal agency within such State, which obviously will not only compete with the State agency, but, under such circumstances, may come into conflict with it.

We submit that from the overwhelming evidence within the bill itself, its structure, terms, and plain intent, it is intended and will in operation be effective to coerce the States to relinquish the legislative control of their police policy respecting public employment agencies to the dictation of a Federal bureaucrat.

CONCLUSION

We perceive the necessity for the collection, analysis, and distribution of timely, pertinent, and authoritative information with respect to opportunities for employment, and a more systematic planning of the public work of the Government, that it may make its contribution to employment regularizations. But we urge that the present situation is no occasion to establish and impose an employment bureaucracy upon local government. The proposed plan is neither fitted to their needs nor in conformity with the traditional and appropriate relations of our dual system. It will excite friction rather than cooperation. No scheme is better calculated to establish a further precedent to enlarge Federal power at the expense of local authority. No plan is more certain to hasten the vanishing rights of the States. For the reasons above given we urge your honorable committee to refuse its approval to S. 3060 in its present form.

JOHN E. EDGERTON,
President National Association of Manufacturers.
JAMES A. EMERY,
General Counsel National Association of Manufacturers.

RESOLUTION ON PROPOSED EMPLOYMENT BILLS (S. 3059, S. 3060, S. 3061) ADOPTED BY BOARD OF DIRECTORS, NATIONAL ASSOCIATION OF MANUFACTURERS, NEW YORK, MARCH 21, 1930

Whereas there has been introduced in the Senate of the United States S. 3059, S. 3060, S. 3061, relating, respectively, for the planning of public construction in order to stabilize employment; to establish a national employment system in cooperation with the States, and to authorize and direct the collection of employment statistics by the Department of Labor;

Whereas these proposals raised questions on principle and policy of a serious nature, which have received the consideration of this board: Therefore be it

Resolved,

I

(*a*) That we favor prompt Executive action or, if necessary, legislation to plan and systematize public works so as to aid in the stabilization of employment.

(*b*) We urge the Department of Commerce or Labor be directed to cooperate with State and municipal agencies and private organizations or associations in the collection of authoritative information respecting employment for systematic compilation, analysis, and distribution.

II

We are of the opinion that it is not the function of the National Government to organize or direct the establishment of local employment agencies in competition or conflicting with those of the States or municipalities, or to assume direction, control, or supervision of such local agencies, directly or through a system of supplementary appropriations intended or effective, to regulate and control the operation of such State and municipal employment agencies.

NATIONAL ASSOCIATION OF MANUFACTURERS,
UNION TRUST BUILDING,
Washington, D. C., April 8, 1930.

Hon. HIRAM W. JOHNSON,
Chairman Committee on Commerce,
United States Senate, Washington, D. C.

DEAR SIR: In a brief filed with you yesterday, on behalf of the National Association of Manufacturers, in opposition to S. 3060, to establish a national employment system, I beg to inclose a statement inadvertently omitted, and ask that it be considered a part of our brief.

I refer to a resolution on unemployment adopted by the "President's Conference on Unemployment," called by President Harding, September 26, 1921. Said conference was composed of representative citizens, including officers of labor organizations, economists, and business men. The pertinent part of the resolution I quote below at once condemns the Federal operation of local employment offices for the doing of placement work by them and points out a method of coordination within the Federal power. It reads as follows:

"2. Your committee finds that there are now 25 States which have established State employment systems, and public employment offices are now being operated in about 200 cities, of which about 17 are purely municipal enterprises. Most of the 200 offices are supported jointly by the State and municipality. Your committee feels that in any permanent system the State should be the operating unit of such employment offices, and that the existence of such offices should be encouraged. The Federal Government itself should not operate local offices or do placement work.

"3. However, for the purpose of bringing about coordination, the Federal Government should—

"(a) Collect, compile, and make available statistical information.

"(b) Collect and make available information which will facilitate interstate placements.

"(c) Through educational measures improve standards of work and encourage the adoption of uniform systems."

May I request that this letter be considered a supplement to our brief.

I am, very respectfully yours,

JAMES A. EMERY,
General Counsel National Association of Manufacturers.

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator from Connecticut yield for that purpose?

Mr. BINGHAM. I yield for that purpose.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Fess	King	Shortridge
Ashurst	Frazier	La Follette	Simmons
Baird	George	McKellar	Smoot
Barkley	Gillett	McMaster	Steiwer
Bingham	Glass	McNary	Stephens
Black	Glenn	Metcalf	Sullivan
Blaine	Goldsborough	Norris	Swanson
Blease	Gould	Nye	Thomas, Idaho
Borah	Greene	Oddie	Thomas, Okla.
Bratton	Hale	Overman	Townsend
Brock	Harris	Patterson	Trammell
Broussard	Harrison	Phipps	Tydings
Capper	Hastings	Pine	Vandenberg
Carawny	Hatfield	Ransdell	Wagner
Connally	Hawes	Reed	Walsh, Mass.
Copeland	Hayden	Robinson, Ark.	Walsh, Mont.
Couzens	Howell	Robinson, Ind.	Waterman
Cutting	Johnson	Robsion, Ky.	Watson
Dale	Jones	Schall	Wheeler
Deneen	Kendrick	Sheppard	
Dill	Keyes	Shipstead	

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

Mr. BINGHAM. Mr. President, the bill now before us establishes a national group of employment offices through a bureau within the Department of Labor, to be known as the United States employment service, with an appointed director general at $10,000 a year, and a woman assistant. An appropriation of $4,000,000 a year for four years is provided, 75 per cent of which is for State aid on the so-called 50-50 or dollar per dollar basis. During the past few years there have been a great many speeches by prominent business men and others deeply interested in the prosperity of the country deploring the growth of this 50-50 Federal-aid system, but when it comes to a case of relieving suffering we are sometimes inclined to shut our eyes to our principles and vote for something in which we do not believe in an effort to meet a condition of suffering. I believe, Mr. President, that we can meet that condition without offending any of our principles in this matter.

Under this bill the State is to receive a Federal allotment on the basis of population only when it accepts the act and receives Federal approval of its proposed plan of operation; in other words, the State must design its employment agency along the lines approved by the bureau in Washington in order to receive Federal aid, but if it has an idea that it wants to carry on the work in its own way, it will have to go without the Federal aid even though the taxpayers must share in meeting the cost of the bill.

The bill will allow the Federal bureau to establish employment offices in States where there are no offices, or in States where the existing offices do not comply with the provisions of this bill. In other words, if the State has an employment office that the bureaucracy in the Department of Labor do not think is a proper employment office, then they will set up a competing office at the expense of the taxpayers of the United States, including the taxpayers of that State.

This bill is an unauthorized use of the appropriation power to regulate the internal police policy of the several States. The Supreme Court has held that "Congress is not empowered to tax for those purposes which are within the exclusive power of the States." Furthermore, many State courts of last instance, and the United States Supreme Court itself, have held that the regulation of employment agencies has always been recognized as an internal matter within the control of the States, except in a great national emergency.

The late Chief Justice Taft, in the famous child-labor tax case, where Congress sought to invade the police power of the States under the guise of taxation, said:

> The good sought in unconstitutional legislation is an insidious feature because it leads citizens and legislators of good purpose to promote it without thought of the serious breach it will make in the ark of our covenant, or the harm which will come from breaking down recognized standards. In the maintenance of local self-government on the one hand and the national power on the other our country has been able to endure and prosper for nearly a century and a half.

Those were the words of the late Chief Justice Taft.

Mr. President, this bill confers upon a Federal bureau and an executive officer what seems to me to be unprecedented authority to control the use of an appropriation in order substantially to establish and determine the policy of the several States with respect to the subject matter of the bill. The unexpended balances remaining after the 75 per cent State-aid allotment are in control of the director general, who may determine the number of offices, their regulations and standards of efficiency, the conformity of State plans to his regulations, the proper expenditure of Federal-aid allotments, and even the proper expenditure of their own State funds in the premises. Moreover, it authorizes him to treat with a State governor in the establishment of a policy which is really legislative in character.

The bill carries the right to coerce the individual States into the acceptance of Federal policies as to employment agencies by establishing such agencies within the State whether or not they are desired. They may even be established in a State in conflict with existing State facilities.

It is rather an amusing commentary on the whirligig of history that this bill should be proposed by a member of the party that has long upheld State rights as one of its chief articles of belief, and should at the present moment be opposed by a member of a party that has only recently come around to a belief in the importance of the maintenance of State rights as expressed in its national platform.

The conference on unemployment called by President Harding in 1921 adopted a resolution of which the following sentence was a significant part:

> Your committee feels that in any permanent system the State should be the operating unit of such employment offices, and that the existence of such offices should be encouraged.

This conference went on to say in their report:

> The Federal Government itself should not operate local offices or do placement work.

I may call to your attention the fact that a bill similar to this was introduced in 1919, at a time of unemployment; long hearings were held upon it; and it was finally decided not to report the bill favorably.

In my own State we have an adequate system of employment agencies which, in connection with numerous free employment bureaus conducted by our industrial organizations, provide clearing houses as adequate as any that could be introduced by the Federal Government. An arrangement has also been in existence for some time whereby the State labor department officials represent the Federal Employment Service in our State. The most that could be hoped for under the bill is the broadcasting of information on employment along interstate lines—a consummation which could be brought about without the expenditure of $4,000,000 annually, and without coercive usurpation of State rights.

The National Association of Manufacturers, whose brief was read a few moments ago, are naturally deeply interested in having prosperity in order that their manufactures may be bought.

They are just as interested in securing general employment and general prosperity as any body of people in the country. They are just as interested in seeing to it that there is no unemployment in the country as any political party or any body of persons in the country. They have carefully studied this matter, and they have opposed it in the brief which I have submitted.

It may interest you to know that some of the local organizations engaged in trying to prevent unemployment are also opposed to the bill. I hold in my hand a letter from the employers' association of my home county, which I ask to have read at the desk.

The PRESIDING OFFICER (Mr. BRATTON in the chair). Without objection, the letter will be read.

The Chief Clerk read as follows:

THE EMPLOYERS' ASSOCIATION OF NEW HAVEN COUNTY,
New Haven, Conn., April 9, 1930.

Hon. HIRAM BINGHAM,
United States Senate, Washington, D. C.

DEAR SIR: We have studied Senator WAGNER'S bill (S. 3060) to establish Federal labor offices in the various States in the Union, and we strongly oppose the adoption of such a bill on the following grounds:

1. It creates one more bureau under the control of the Federal Government to usurp the rights of the various States.

2. There are at the present time plenty of labor bureaus in New Haven and throughout the State to handle the situation. In addition many social agencies are handling the unemployment situation, which an office such as the Wagner bill provides for could not possibly do.

3. The State of Connecticut already has a chain of free employment bureaus throughout the State, which would be interfered with by the Wagner bill.

4. Any unemployment statistics gathered by the Federal employment office would be stale and of no value before they could be collected. What we want is to create jobs not figures.

We have read carefully the brief of the National Association of Manufacturers submitted in opposition to this bill, and believe it covers the ground very thoroughly and presents the matter in the way which we believe it should be viewed. We trust you will see this matter in the light in which we view it and that you will feel disposed to oppose it when it comes on the floor of the Senate for discussion.

For your information the Employers' Association of New Haven County is composed of over a hundred of the larger manufacturers, retail department stores, and banks of the city of New Haven.

Very truly yours,

T. F. SILKMAN, *Secretary.*

Mr. BINGHAM. Mr. President, it will be seen that it is not simply the manufacturers who are opposed to this bill. The association whose letter was just read is composed largely of those who are in control of retail stores and banks. There is no body of men in our community that is more interested in seeing general prosperity and general employment than that body of men.

It seems to me it is very significant that in a State which is essentially an industrial State—although we have also a large number of farmers, engaged chiefly in dairy farming and providing the cities with food from the market gardens and from the products of the dairy farms—where we are inflicted with a considerable amount of unemployment at the present time, there is practically a universal protest against the passage of this bill.

We believe in Connecticut that this bill will drive a wedge still deeper into the question of State rights and State sovereignty. We believe that to meet national emergencies in this manner is destructive of the rights of the States and is destructive of that very State sovereignty which the people of these United States retained to themselves when the Constitution gave to Congress certain powers.

I shall not endeavor to say whether or not this bill is constitutional. It would scarcely befit me to express an opinion on that point; but I am certain that this bill and similar measures tend to destroy the very roots of our federation of States, which guarantee to the States themselves certain powers and grant to the Federal Government only those powers which the States have surrendered.

If the States are to be bribed into passing legislation that they do not desire, if the States are to be coerced by being taxed for measures of which they do not approve and from which they refuse to accept any benefits, then we have a state of affairs that calls for serious study. I certainly hope, notwithstanding the present situation in the country, notwithstanding the fact that all of us desire to do all that we can properly to promote prosperity and to promote employment, that the present moment and its exigencies will not be made use of to bring into being another one of these 50-50 Federal-aid propositions which strike at the very roots of our form of government.

Mr. BLEASE. Mr. President, on Friday, May 9, I had inserted in the CONGRESSIONAL RECORD certain letters in reference to the tariff on cement. I think I have some information along that line which might be valuable to the discussion of the bill now under consideration; and I ask, without reading, to have printed a letter from the Carolina Portland Cement Co., of Charleston, S. C.; also an article referred to in that letter, which is printed in a Belgian paper called "Neptune," of the 15th of April, 1930, and along with it I submit the translation into English of the article.

The VICE PRESIDENT. Without objection, the matter will be printed in the RECORD.

The matter referred to is as follows:

CHARLESTON, S. C., *May 10, 1930.*

Hon. COLE. L. BLEASE,
United States Senator from South Carolina,
Washington, D. C.

DEAR SENATOR: The writer while in Washington last week attempted to get in touch with you but regretted very much that you were engaged in another appointment, though did have the pleasure of talking with your secretary.

As you may surmise from the name on our letterhead, we are vitally interested in the cement tariff and have followed with interest the part you are taking in this fight, and we sincerely hope that in spite of the discouragements that have been met you will be successful and see your amendment adopted, not only from the State of South Carolina standpoint, who are now attempting to buy cement to the best possible advantage, which will be paid for by her people, but from the standpoint of the country as a whole, as you can see from the article in the inclosed copy of Neptune—this article has been sent me by a friend from New Orleans, and I am attaching the translation also. You, undoubtedly, in your close touch with the situation, understand fully what reaction is going on now in Europe toward our tariff bill, and with Belgium, one of the smallest countries and yet our thirteenth largest customer, being forced to seek and build up another market for her exports, every day on account of this tariff seeking other sources of supply, what of the larger countries and customers of our country and the effect upon our exports retaliation is sure to bring?

We will follow with interest your progress, and sincerely hope that other Senators will soon see the correctness of your position.

Yours very truly,

CAROLINA PORTLAND CEMENT CO.,
JULES LAVERGNE, Jr., *Secretary.*

[Inclosure]

UNE INTÉRESSANTE SUGGESTION—LA QUESTION DU TARIF DOUANIER AUX ETATS-UNIS—COMMENT NOUS DÉFENDRE?

Un de nos correspondants qui a suivi de très près les discussions relatives au nouveau tarif douanier des Etats-Unis nous fait une très intéressante suggestion qui nous paraît digne d'être retenue et sur laquelle nous attirons spécialement l'attention de nos importateurs.

Jusqu'à présent les efforts méritoires de nos agents diplomatiques ne semblent pas avoir réussi à apporter quelque amélioration aux tendances ultra-protectionnistes des Américains; nous l'avons dit souvent, c'est aux industriels et aux consommateurs belges à se défendre eux-mêmes. Cela étant, voici l'intéressante lettre de notre correspondant:

"En relevant le nom de tous les défenseurs de l'importation des produits belges aux Etats-Unis, je remarque que ceux-ci sont originaires des Etats dont les produits trouvent un marché régulier en Belgique, tels que tous les produits agricoles de l'Ouest et du Centre-Ouest, les cotons et leurs dérivés des Etats du Sud, les huiles minérales du Golfe du Mexique ainsi que les bois, soufre, etc., de même provenance.

"Seuls les Sénateurs de la Louisiane ont fait cause commune avec les protectionnistes à outrance et ont voté les plus hauts droits sur les quelques articles susceptibles d'être vendus dans leur Etat par la Belgique.

"Ne serait-ce pas le moment de se concerter pour adopter une politique de réciprocité vis-à-vis de la Louisiane et acheter dorénavant dans les autres Etats, ceux des produits qui s'y trouvent à aussi bon compte; si pas parfois meilleur marché?

"C'est ainsi que les cotons sont produits dans tous les Etats du Sud, les huiles minérales, soufre, bois, etc., dans le Texas dont les représentants ont si bien défendu la politique de réciprocité commerciale. Ce dernier Etat peut assurer ses expéditions vers notre pays par les nombreux ports du Golfe du Mexique, tels que Beaumont, Houston, Galveston, Corpus Christi, etc. * * * à un taux de fret équivalant et parfois même plus réduit que celui que l'on doit payer pour des expéditions par la Nouvelle-Orléans, le principal port de la Louisiane.

"Si vous voulez vendre, vous devriez être consentant d'acheter.

"Si la Louisiane ne veut pas des produits belges, pourquoi achèterions-nous les siens?

"Veuillez agréer * * *."

[Translation]

AN INTERESTING SUGGESTION—THE UNITED STATES TARIFF BILL—HOW CAN WE DEFEND OURSELVES?

One of our correspondents who has closely followed the discussion of the United States tariff bill made us a very interesting suggestion, which is worthy of consideration, and upon which we call especially the attention of our importers.

The meritorious efforts of our diplomatic agents do not seem to have brought about the slightest improvement in the ultraprotectionist tendencies of the Americans. We have repeatedly stated it behooves the Belgian industrialists and consumers to defend themselves.

This being the case, we are now giving space to the interesting letter of our correspondent:

"In perusing the names of those favoring the importation of Belgian products into the States, we notice those representing the States whose products find a regular market in Belgium, such as agricultural products from the West and Central West, cotton and by-products of the South, mineral oils of the Gulf of Mexico, as well as lumber, sulphur, etc., from the same origin.

"Alone, the Senators of Louisiana have joined hands with the ultraprotectionists and voted the highest duties on the few products which Belgium can sell in their State.

"Is the time not at hand when we can adopt a concerted action for a reciprocal policy toward Louisiana, and buy henceforth in other States such products as can be found thither at equal prices if not cheaper?

"Cotton, for instance, is raised in all the Southern States, mineral oils, sulphur, lumber, etc., in Texas, whose representatives have so well defended the policy of commercial reciprocity.

"This last State can take care of the shipping to our country through its numerous ports of Beaumont, Houston, Galveston, Corpus Christi, etc., at a freight rate equivalent and sometimes cheaper than those paid for shipments from New Orleans, the principal port of Louisiana.

"If you want to sell, you must be willing to buy.

"If Louisiana does not want Belgian products, why should we buy theirs?"

Mr. BLEASE. I also have an article from the United States Daily of Monday, May 12, 1930, showing the road contracts that have just been awarded in 35 States, twice the 1929 total. The heading reads, in part:

Early awards are described by Mr. Lamont as significant of employment trend during year. Decreases reported by only five States.

In that article will be seen to some extent the amount of cement that is going to be used in the United States for contracts which were given out during the first quarter of this year, and, of course, in each quarter there will be other contracts awarded.

In the same paper this morning there is an article entitled "Seasonal Expansion in Dallas Area Led by Cement Production."

I ask that both these articles be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[From the United States Daily, Monday, May 12, 1930]

ROAD CONTRACTS IN 35 STATES ARE TWICE 1929 TOTAL—EARLY AWARDS ARE DESCRIBED BY MR. LAMONT AS SIGNIFICANT OF EMPLOYMENT TREND DURING YEAR—DECREASES REPORTED BY ONLY 5 STATES—PENNSYLVANIA LEADS IN DOLLAR VALUE OF CONSTRUCTION WORK WITH AN AGGREGATE OF MORE THAN $114,000,000.

Contracts for highway construction awarded during the first three months of this year in 35 States more than doubled the awards for the same period last year and reached a total of more than $114,000,000, according to a statement on May 10 by the Department of Commerce.

Increases reported by 30 States more than made up for reductions in 5; Ohio and Idaho led in percentage of increase, while Pennsylvania's was the greatest in dollar value. The showing of some States was affected adversely by litigation and other factors not readily controllable and the returns still leave one-fourth of the country to be heard from, the statement points out.

EMPLOYMENT AIDED

In making the figures public the Secretary of Commerce, Robert P. Lamont, said "the large volume of early awards may be especially significant in spreading employment throughout the year," and that highway projects "provide employment both directly and indirectly over broader areas than any other type of public work."

The department's statement follows in full text:

"Striking activity in highway construction this year is indicated by reports to Secretary of Commerce R. P. Lamont from the governors of 35 States. Thirty States report increases, with 16 of the governors announcing contract awards for the first quarter of 1930, 100 per cent or more above the same period last year.

EXPENDITURES DOUBLED

"The figures, which cover almost 75 per cent of the country, show contracts awarded during the first quarter of this year valued at $114,101,383, against $50,910,133 for the corresponding period of last year, a net increase of slightly over 124 per cent for the group of States which have reported so far.

"Three States—West Virginia, New Mexico, and South Dakota—which awarded no highway contracts during the first three months of 1929, report awards totaling $4,367,075 for the first quarter of 1930.

"The greatest relative increases are shown in Ohio and Idaho. In the former State the awards for the first three months of this year were approximately eleven times greater than the corresponding quarter a year ago, while Idaho shows increased awards over ninety times larger than last year.

"Pennsylvania, with contracts awarded valued at $15,469,853 for the first quarter of 1930, against $2,282,813 for the same period of 1929, has the greatest dollar value. This is an increase of 577 per cent."

SUBSTANTIAL INCREASES

Contracts for highway construction in New Hampshire during the first quarter of this year increased 755 per cent, Washington 650 per cent, and Colorado 455 per cent.

Other substantial increases were Oregon, 230 per cent; Maryland, 225 per cent; Iowa, 207 per cent; Wisconsin, 202 per cent; California, 181 per cent; Indiana, 165 per cent; North Carolina, 155 per cent; Missouri, 144 per cent; Florida, 109 per cent; and Virginia, 100 per cent.

Among the various States which registered smaller increases are Nevada, 80 per cent; Kansas, 68.1 per cent; Connecticut, 46.5 per cent; Texas, 33 per cent; New Jersey, 31.8 per cent; New York, 31.2 per cent; Arizona, 25.8 per cent; South Carolina, 23.8 per cent; Utah, 22 per cent; and Minnesota, 18.6 per cent.

Some States were unable to make as favorable a first quarter showing as might otherwise have been the case on account of litigation affecting financing fiscal calendars, which left only a limited amount of funds available for commitment early in the calendar year, and other causes not readily controllable.

Decreases over last year were reported for Kentucky, which declined 96 per cent; Michigan, 55 per cent; Delaware, 40 per cent; Montana, approximately 32 per cent; and Arkansas 1½ per cent.

OF NATIONAL IMPORTANCE

The great increase in early season highway construction is a matter of considerable national importance in the opinion of Secretary Lamont. Improved highways represent a material contribution to the stabilization of business conditions of the present and the future, and the large volume of early awards may be especially significant in connection with the problem of spreading employment throughout the year.

In addition to facilitating the distribution of the innumerable products of the farms and factories when completed, highway construction operations under way involve the use of millions of tons of material drawn from widely separated sources, and they provide employment, both directly and indirectly, over broader areas than any other type of public work. It is estimated that nearly 50 cents of each $1 spent for highway building and maintenance is paid for the labor involved.

The following table shows the value of the highway contracts awarded for each State during the first quarter of this year against the corresponding period last year, the amount of the increase or decrease, and the percentage gained or lost in each case:

Highway contracts awarded for each State

	1929	1930	Increase
Arizona	$638,095	$802,636	$164,541
Arkansas	2,932,011	2,885,542	[1] 46,469
California	2,200,000	6,184,000	3,984,000
Colorado	220,000	1,220,000	1,000,000
Connecticut	990,983	1,453,192	462,209
Delaware	703,612	421,384	[1] 282,228
Florida	753,033	1,577,372	824,339
Idaho	1,968	182,000	180,032
Indiana	1,221,388	3,242,724	2,021,336
Iowa	3,659,532	11,232,268	7,572,736
Kansas	832,021	1,401,675	569,654
Kentucky	1,202,421	50,463	[1] 1,151,958
Maryland	386,899	1,254,307	867,408
Massachusetts	[2] 2,776,108	3,158,824	382,716
Michigan	1,580,827	714,527	[1] 866,300
Minnesota	1,906,430	2,261,484	355,054
Missouri	4,381,900	10,699,657	6,317,757
Montana	1,128,000	770,000	[1] 358,000
Nevada	172,714	311,667	138,953
New Hampshire	40,514	346,549	306,035
New Jersey	4,090,385	5,391,190	1,300,805
New Mexico		1,334,000	1,334,000
New York	2,168,713	2,845,403	676,690
North Carolina	481,344	1,231,031	749,687
Ohio	710,476	8,330,915	7,620,439
Oregon	831,000	2,741,000	1,910,000
Pennsylvania	2,282,813	15,469,853	13,187,040
South Carolina	759,697	940,676	180,979
South Dakota		548,429	548,429
Texas	5,195,132	6,920,384	1,725,252
Utah	340,741	416,971	76,230
Virginia	4,500,000	9,000,000	4,500,000
Washington	169,931	1,274,132	1,104,201
West Virginia		2,484,646	2,484,646
Wisconsin	[3] 1,651,445	5,002,482	3,351,037
Total	50,910,133	114,101,383	63,191,250

[1] Decrease.
[2] Period Dec. 1 1929, to Apr. 10, 1930.
[3] Jan. 1 to May 1 (April, 1930, estimated).

SEASONAL EXPANSION IN DALLAS AREA LED BY CEMENT PRODUCTION—REPORT OF FEDERAL RESERVE BANK SAYS WHOLESALE DISTRIBUTION FALLS OFF; AGRICULTURE NORMAL

DALLAS, TEX., May 9.—Varied trends were noted in the statistical indices of business and industry of the eleventh Federal reserve district during March, according to the monthly business review of the Federal Reserve Bank of Dallas. Seasonal expansion was reported in department store sales, lumber production, cotton consumption, and a large increase in cement production and shipment. Wholesale distribution of merchandise fell off, on the other hand.

Agricultural operations proceeded normally. Banking conditions were further improved. The business mortality rate turned upward.

VARIED TRENDS

The district summary follows in full text:

Statistical indices of business and industry in the eleventh Federal reserve district reflected varied trends during March. Seasonal expansion was noted in department store sales, debits to individual accounts, the valuation of building permits issued at principal cities, the production and shipments of lumber, and cotton consumption, but in each instance there was a substantial decline as compared to the corresponding month a year ago. The production and shipments of cement during the month showed a large increase over both February, 1930, and March, 1929.

Mr. BLEASE. Mr. President, in the Arizona Silver Belt, a paper published at Miami, Ariz., Monday evening, May 5, 1930, is a strong editorial, headed "The Mexican Immigration Issue." Those who are in favor of allowing Mexican immigrants to come into this country temporarily will find this a very interesting article. I call it especially to the attention of the junior Senator from Arizona [Mr. HAYDEN], who made such a strong speech in opposition to what was known as the Harris bill. This editorial from his own State takes exactly the opposite position.

The VICE PRESIDENT. Is there objection?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From Arizona Silver Belt of Monday, May 5, 1930]

THE MEXICAN IMMIGRATION ISSUE

By referring the Harris bill back to committee, the Senate has postponed action on Mexican immigration. This question, which is of vital importance to every worker and employer in the country, is receiving comparatively little attention in New England and the northern tier States where Mexicans are less frequently seen. Yet, though they are not present in numbers, their effect is evident in the unemployment of thousands. Numberless workmen and hundreds of employers in those very Northern States are probably receiving more harm from that immigration than those of any other part of the country. This is the way it works; Mexican competition is breaking down the labor market in the South and West, and competition there is breaking it down all over the country. The heads of northern industries are receiving notices that labor is cheaper elsewhere and are urged to move while at the same time they are getting the competition of that cheaper labor. Mexicans are not only driving Americans out of the southern fields and into the shops and mills of the South, thus cheapening the labor market, but Mexicans are being taken into those very shops and mills. A long list can be given including railroads, mines, foundries, cotton mills, overall and garment working shops, candy and cigars, where Mexican labor already constitutes from 60 to 95 per cent of the forces employed.

Their standard of living is such that they are breaking down the American labor market. This means, for a large part of the country where Mexican competition is felt although Mexicans have not yet penetrated, old industries give up and new industries do not start. For the rest of the country it means that employers must run sweat shops, and that working men and women who have to compete directly with Mexicans must give up their hope of the better living for themselves and their children that all Americans expect, and to which all honest workers are entitled.

The only ones to benefit are those few interests who are now working tooth and nail in Congress to continue the conditions under which they are able to make money by exploiting newly arrived Mexican labor. With this going on, what use is it to shut out Europeans, when we have only presented our jobs to Mexicans?

The Senate's excuse for postponing action is a miserable wrangle over quotas, where a few hundred more or less, one way or the other, makes little or no difference. The renewal of his controversy is a godsend to those who wish to retain Mexican immigration. It will enable those who want to evade real American issues to continue talking and to make cheap political capital by exciting racial controversies. All the time everybody knows that we need none of these foreigners, but have not enough jobs for our own people. It will be well for those who hear the echoes of this latter controversy from Washington to remind their representatives that they had better forget foreign interests and look after the interest of Americans of all origins who want to keep their jobs and raise their families under decent American conditions. They can do this by stopping Mexican immigration.

Quota controversy is a red herring drawn across the trail leading to real betterment. It substitutes racial wrangles for the discussion of real American interests. The American answer to its continuance should be the cutting down of all foreign labor immigration until quotas are of no consequence. We need our own jobs for our own people.

Mr. BLEASE. Mr. President, I think if those who are interested in unemployment will read the articles which I have submitted they will find that if they will pass the Harris bill there will not be the necessity for legislation that some are clamoring for to-day.

The VICE PRESIDENT. The question is on agreeing to the amendment, which will again be reported.

The CHIEF CLERK. On page 9 the committee proposes to strike out lines 8 to 15, inclusive, and to insert:

SEC. 11. (a) The director general shall establish a Federal advisory council composed of an equal number of employers and employees for the purpose of formulating policies and discussing problems relating to unemployment, and insuring impartiality, neutrality, and freedom from political influence in solution of such problems. Members of such council shall be selected from time to time in such manner as the director general shall prescribe. The director general shall also require the organization of similar State advisory councils composed of equal numbers of employers and employees.

The amendment was agreed to.

The VICE PRESIDENT. The bill is still in Committee of the Whole and open to amendment.

Mr. McNARY. Mr. President, may I ask whether it is the purpose of the Senator from New York further to discuss his proposal?

Mr. WAGNER. Mr. President, I have no desire to impose myself upon the Senate, unless there is some provision which some Senator desires specifically to have discussed.

Mr. McNARY. The amendments having been disposed of, the next procedure would be to submit the measure to a vote.

Mr. WAGNER. That is the next step.

Mr. McNARY. I suggest the absence of a quorum.

Mr. ROBINSON of Arkansas. I think a quorum should be called.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	George	Metcalf	Smoot
Baird	Glass	Norris	Steiwer
Bingham	Glenn	Nye	Sullivan
Black	Goldsborough	Oddie	Swanson
Blaine	Greene	Overman	Thomas, Idaho
Blease	Hale	Patterson	Thomas, Okla.
Bratton	Harris	Phipps	Townsend
Broussard	Hastings	Pittman	Trammell
Capper	Hatfield	Ransdell	Tydings
Copeland	Hawes	Reed	Vandenberg
Couzens	Hayden	Robinson, Ark.	Wagner
Cutting	Johnson	Robinson, Ind.	Walcott
Dale	Jones	Robsion, Ky.	Walsh, Mass.
Deneen	La Follette	Schall	Walsh, Mont.
Dill	McKellar	Sheppard	Waterman
Fess	McMaster	Shipstead	Watson
Frazier	McNary	Simmons	Wheeler

The VICE PRESIDENT. Sixty-eight Senators having answered to their names, a quorum is present.

The bill is as in Committee of the Whole and open to amendment. If there be no further amendment, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BLEASE (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote if present, I withhold my vote.

Mr. McNARY (when his name was called). I have a pair with the Senator from Mississippi [Mr. HARRISON]. Not knowing how he would vote on this question, I withhold my vote.

The roll call was concluded.

Mr. BRATTON (after having voted in the affirmative). On this question I have a pair with the junior Senator from Maine [Mr. GOULD], which I transfer to the senior Senator from Wyoming [Mr. KENDRICK], and allow my vote to stand.

Mr. STECK. I have a pair with the junior Senator from Texas [Mr. CONNALLY]. Therefore I withhold my vote.

Mr. WALSH of Massachusetts. May I inquire if the junior Senator from Ohio [Mr. McCULLOCH] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. WALSH of Massachusetts. I am paired with the junior Senator from Ohio. Not knowing how he would vote and being unable to obtain a transfer I withhold my vote.

Mr. SIMMONS. I inquire whether the senior Senator from Massachusetts [Mr. GILLETT] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. SIMMONS. I transfer my pair with that Senator to the junior Senator from Tennessee [Mr. BROCK] and vote "yea."

Mr. ROBINSON of Indiana. I have a general pair with the junior Senator from Mississippi [Mr. STEPHENS]. In his absence, not knowing how he would vote, I withhold my vote.

Mr. BAIRD. My colleague [Mr. KEAN] is detained on account of illness. He has a special pair on this question with the junior Senator from Iowa [Mr. BROOKHART]. If present, my colleague would vote "nay." I am informed that the junior Senator from Iowa, if present, would vote "yea."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Indiana [Mr. WATSON] with the Senator from South Carolina [Mr. SMITH];

The Senator from Pennsylvania [Mr. GRUNDY] with the Senator from Florida [Mr. FLETCHER];

The Senator from Rhode Island [Mr. HEBERT] with the Senator from Alabama [Mr. HEFLIN];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Utah [Mr. KING]; and

The Senator from New Hampshire [Mr. KEYES] with the Senator from Arkansas [Mr. CARAWAY].

I am not advised how any of these Senators would vote on this question.

The result was announced—yeas 34, nays 27, as follows:

YEAS—34

Barkley	George	Norris	Swanson
Blaine	Glass	Nye	Thomas, Idaho
Bratton	Harris	Pittman	Thomas, Okla.
Broussard	Hatfield	Ransdell	Trammell
Copeland	Hayden	Robinson, Ark.	Wagner
Couzens	Johnson	Schall	Walsh, Mont.
Cutting	La Follette	Sheppard	Wheeler
Dill	McKellar	Shipstead	
Frazier	McMaster	Simmons	

NAYS—27

Baird	Greene	Overman	Sullivan
Bingham	Hale	Patterson	Townsend
Black	Hastings	Phipps	Tydings
Dale	Hawes	Reed	Vandenberg
Deneen	Jones	Robsion, Ky.	Walcott
Fess	Metcalf	Smoot	Waterman
Goldsborough	Oddie	Steiwer	

NOT VOTING—35

Allen	Fletcher	Howell	Pine
Ashurst	Gillett	Kean	Robinson, Ind.
Blease	Glenn	Kendrick	Shortridge
Borah	Goff	Keyes	Smith
Brock	Gould	King	Steck
Brookhart	Grundy	McCulloch	Stephens
Capper	Harrison	McNary	Walsh, Mass.
Caraway	Hebert	Moses	Watson
Connally	Heflin	Norbeck	

So the bill was passed.

ORDER FOR ADJOURNMENT

Mr. McNARY. I ask unanimous consent that when the Senate concludes its work to-day it adjourn until 12 o'clock to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

TRANSFER OF PROHIBITION ENFORCEMENT

Mr. OVERMAN. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 8574) to transfer to the Attorney General certain functions in the administration of the national prohibition act, to create a Bureau of Prohibition in the Department of Justice, and for other purposes.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina.

Mr. TYDINGS. Mr. President, I have a number of amendments which I desire to offer to this measure. I should like to have an opportunity to present them before any action is taken on the bill. May I inquire of the Senator from North Carolina what is his intention with reference to pressing the consideration of the bill to-day?

Mr. OVERMAN. If my motion is agreed to I intend to ask that the further consideration of the measure be postponed until to-morrow, as the Senator from Rhode Island [Mr. HEBERT], who is much interested in the measure, was called to his home on account of a death in his family.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from North Carolina.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8574) to transfer to the Attorney General certain functions in the administration of the national prohibition act, to create a Bureau of Prohibition in the Department of Justice, and for other purposes, which had been reported from the Committee on the Judiciary with amendments.

Mr. McNARY. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

THE CALENDAR

Mr. McNARY. Mr. President, under an order previously entered this afternoon, the Senate has agreed to adjourn at the close of to-day's business until to-morrow at 12 o'clock, which will automatically bring up the calendar for consideration until 2 o'clock. I now ask unanimous consent that we proceed to the consideration of unobjected bills on the calendar.

The VICE PRESIDENT. Is there objection?

Mr. TYDINGS. Mr. President, I understand we are not going to consider the unfinished business to-day, but the request is to proceed with the calendar?

The VICE PRESIDENT. The unfinished business has been temporarily laid aside and will not come up again until to-morrow.

Mr. ROBINSON of Arkansas. Mr. President, may I inquire of the Senator from Oregon, at what point it is proposed to resume the consideration of bills on the calendar?

Mr. McNARY. We completed the call of the calendar a few days ago, so that now we would automatically commence with the first number on the calendar—No. 17—and proceed to the consideration of unobjected bills.

The VICE PRESIDENT. The calendar call was completed the last time. Is there objection to the request of the Senator from Oregon?

Mr. SWANSON. Mr. President, following the consideration of the prohibition bill, which has just been made the unfinished business, another measure in which I am interested is upon the program for consideration. What is the purpose of the Senator from Oregon with reference to the disposition of the resolution (S. Res. 227) which I have introduced relating to a proposed change in the rules?

Mr. McNARY. Under the program of the steering committee it follows the bill providing for transfer of the Prohibition Unit.

Mr. SWANSON. If I may have the Senator's assurance that it will follow the unfinished business, I have no objection.

Mr. McNARY. I think the Senator from Virginia can rely on the good faith of the committee and those in charge of the matter.

Mr. SWANSON. With that statement I am content.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon to proceed to the consideration of unobjected bills on the calendar? The Chair hears none, and the clerk will state the first bill on the calendar.

BILLS AND RESOLUTIONS PASSED OVER

The bill (S. 168) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands was announced as the first order of business on the calendar.

Mr. WALSH of Massachusetts. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1133) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, was announced as next in order.

Mr. COPELAND. Mr. President, I have offered certain amendments to the bill. If they are satisfactory to the Senator from Oregon [Mr. McNARY] I would be glad to withhold any objection to the present consideration of the bill.

Mr. McNARY. I can assure the Senator emphatically that the amendments are not satisfactory.

Mr. COPELAND. They are not satisfactory?

Mr. McNARY. They are not. At an early date I hope we may proceed with the consideration of the bill.

Mr. COPELAND. Then I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 76) to amend Rule XXXIII of the Standing Rules of the Senate relating to the privilege of the floor was announced as next in order.

Mr. BLEASE. Over.

The VICE PRESIDENT. The resolution will be passed over.

The resolution (S. Res. 49) authorizing the Committee on Manufactures, or any duly authorized subcommittee thereof, to

investigate immediately the working conditions of employees in the textile industry of the States of North Carolina, South Carolina, and Tennessee was announced as next in order.

Mr. OVERMAN. Over.

The VICE PRESIDENT. The resolution will be passed over.

BILL PASSED OVER

The bill (S. 153) granting consent to the city and county of San Francisco to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the South Mole of San Antonio Estuary, in the county of Alameda, in said State, was announced as next in order.

Mr. JOHNSON. I ask that that go over.

The VICE PRESIDENT. The bill will be passed over.

INVESTIGATION OF AIRPLANE ACCIDENTS

The resolution (S. Res. 119) authorizing and directing the Committee on Interstate Commerce to investigate the wreck of the airplane *City of San Francisco* and certain matters pertaining to interstate air commerce was announced as next in order.

Mr. JONES. Mr. President, in view of the remoteness of the circumstance, I shall ask that the resolution go over, unless the Senator from New Mexico desires to make a statement about it.

Mr. BRATTON. Mr. President, to this measure, and also to Order of Business No. 151 on the calendar, being Senate Resolution 206, the Senator from Connecticut [Mr. BINGHAM] is opposed. He has agreed that at the first call of the calendar following to-morrow Order of Business No. 151 may be taken up. So, with that understanding, I am willing that both measures should be passed over to-day.

The VICE PRESIDENT. The resolution will be passed over.

BUSINESS PASSED OVER

The joint resolution (S. J. Res. 20) to promote peace and to equalize the burdens and to minimize the profits of war was announced as next in order.

Mr. DILL. I ask that the joint resolution be passed over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 477) to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases was announced as next in order.

Mr. McNARY. Mr. President, I am advised by the Senator from Indiana [Mr. ROBINSON] that the Senator from South Dakota [Mr. NORBECK] would prefer that this bill go over. So I make that request.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 206) requesting the Secretary of Commerce to furnish the Senate certain information respecting aircraft accidents since May 20, 1926, was announced as next in order.

Mr. BRATTON. Mr. President, with the statement previously made, I ask that that resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (H. R. 6) to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, was announced as next in order.

Mr. METCALF. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

SALARIES IN POLICE AND FIRE DEPARTMENTS OF DISTRICT

The bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The VICE PRESIDENT. There are pending amendments offered by the Senator from Colorado [Mr. PHIPPS], which will be stated.

The CHIEF CLERK. On page 1, line 5, after the word "superintendent," it is proposed to strike out "$8,500" and insert "$8,000," and at the beginning of line 6, to strike out "$5,500" and insert "$5,000."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. McNARY. Mr. President, this morning the Senator from California [Mr. SHORTRIDGE] told me he wanted to oppose the amendments proposed by the Senator from Colorado. He is presently absent from the Chamber. So I make the request that this bill go over until the Senator from California shall return to the Chamber.

Mr. PHIPPS. Mr. President, I have no objection to the bill going over, though I had hoped it might be considered; but, in view of the absence of the Senator, I had intended when we reached an amendment to be offered to insert a new section to be known as section 6 to ask that the bill be not considered further. However, it may as well go over now.

Mr. McNARY. Let it go over for the present.

Mr. WALSH of Massachusetts. Mr. President, I hope the Senator will not ask that the bill go over. It has been pending a long time. A number of men are interested in it. I understand the amendment of the Senator from Colorado merely proposes to cut down the salary of some of the higher officials.

Mr. PHIPPS. That is correct.

Mr. WALSH of Massachusetts. I do not think the hundreds of other men in the police and fire departments should be punished by having the bill delayed because of the absence of a Senator who wants to be heard on the question of reducing two of the salaries.

Mr. ROBSION of Kentucky. The Senator from Kentucky is here and ready to be heard.

Mr. WALSH of Massachusetts. Very well.

Mr. PHIPPS. Mr. President, I will say, for the information of the Senator from Massachusetts, that the Senator from California objected to the feature which would limit the amount of pensions that can be paid to those already receiving pensions to the same rate that they are now getting; that is, those pensioners now on the list would not benefit by this increase of salaries to the remaining officials as they otherwise would if an amendment intended to be proposed were adopted.

Mr. WALSH of Massachusetts. I am rather disposed to favor the Senator's amendment.

Mr. PHIPPS. I thank the Senator.

The PRESIDING OFFICER (Mr. JONES in the chair). Without objection, the vote whereby the amendment of the Senator from Colorado was agreed to will be reconsidered, and the bill will be passed over.

Mr. McNARY. Mr. President, I understand the objection is to last just so long as the absence of the Senator from California continues. I have sent for him, and he will be in the Chamber in a few moments.

The PRESIDING OFFICER. Then the bill will be passed over temporarily.

Mr. ROBSION of Kentucky. That is what I was going to ask, because we should like to have some action on this measure.

Mr. McNARY. I shall ask that the bill be taken up as soon as the Senator from California returns.

Mr. COPELAND. I understand, Mr. President, that no amendments have been adopted, and the bill will be before us as soon as the Senator from California comes in?

The PRESIDING OFFICER. That is correct. The bill will be passed over temporarily.

PLANT PATENTS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4015) to provide for plant patents.

Mr. ROBINSON of Arkansas. Mr. President, I think the Senator sponsoring the bill should explain its provisions and purposes. It seems to propose an important change in the present law.

Mr. TOWNSEND. Mr. President, the purpose of this bill is to authorize the grant of patents on new varieties of plants and thus give to agriculturists the same privileges that have been enjoyed by industrial inventors and discoverers during the last century.

It has been indorsed by American Farm Bureau Federation; by President Settle, of the Indiana Farm Bureau; by the National Grange; by the United States Department of Agriculture; by ex-Secretary of Agriculture Jardine; by Thomas A. Edison; by Commissioner of Agriculture Gilbert, of Massachusetts, and other State agriculture commissioners; by Superintendent Johnson, of the Michigan Experiment Station; Professor Talbert, of the Missouri Experiment Station; the New York Agriculture Experiment Station, and others; by the National Horticultural Council, W. C. Reed, president, of Vincennes, Ind.; by the American Forestry Association; by the American Florist Association; by the Peony and Iris Association; by the Agricultural Committees of Congress; by the editors of agricultural and horticultural papers; by members of Boyse-Thompson Institute; and by numerous orchardists, farmers, horticulturists, and others.

Mr. ROBINSON of Arkansas. Mr. President, I have no objection to the consideration of the bill.

The PRESIDING OFFICER. The amendments reported by the committee will be stated.

The CHIEF CLERK. In section 1, on page 1, line 10, after the word "bend," it is proposed to insert "the invention or discovery"; on the same page, line 12, after the word "plant," to strike out "the invention or discovery"; on page 2, line 9, after the word "reproduced," to strike out "(1)"; in the same line

after the word "plant," to strike out "or (2) any distinct and newly found variety of plant"; and in line 19, after the word "had," to strike out "obtained" and insert "obtain," so as to make the section read:

That sections 4884 and 4886 of the Revised Statutes, as amended (U. S. C., title 35, secs. 40 and 31), are amended to read as follows:

"SEC. 4884. Every patent shall contain a short title or description of the invention or discovery, correctly indicating its nature and design, and a grant to the patentee, his heirs or assigns, for the term of 17 years, of the exclusive right to make, use, and vend the invention or discovery (including in the case of a plant patent the exclusive right to asexually reproduce the plant) throughout the United States and the Territories thereof, referring to the specification for the particulars thereof. A copy of the specification and drawings shall be annexed to the patent and be a part thereof.

"SEC. 4886. Any person who has invented or discovered any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvements thereof, or who has invented or discovered and asexually reproduced any distinct and new variety of plant, other than a tuber-propagated plant, not known or used by others in this country, before his invention or discovery thereof, and not patented or described in any printed publication in this or any foreign country, before his invention or discovery thereof, or more than two years prior to his application, and not in public use or on sale in this country for more than two years prior to his application, unless the same is proved to have been abandoned, may, upon payment of the fees required by law, and other due proceeding had, obtain a patent therefor."

The amendment was agreed to.

The next amendment was, on page 3, after line 21, to insert a new section, as follows:

SEC. 5. If any provision of this act is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the application thereof to other persons or circumstances shall not be affected thereby.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, I should like to ask the Senator from Delaware if the amendment which I offered some time ago has been adopted. I refer to the amendment proposing to insert a new section, as follows:

SEC. 5. Notwithstanding the foregoing provisions of this act, no variety of plant which has been introduced to the public prior to the approval of this act shall be subject to patent.

Mr. TOWNSEND. That has already been agreed to and is part of the bill.

The PRESIDING OFFICER. The Chair is informed that amendment has heretofore been agreed to.

Mr. McKELLAR. If it is in the bill, very well.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COPELAND. Mr. President, I ask unanimous consent to insert in the RECORD at this point two or three letters and telegrams I have received concerning this bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

NEWARK, N. Y., *April 16, 1930.*

Hon. ROYAL S. COPELAND,
United States Senator, Senate Chamber,
Washington, D. C.

DEAR SIR: It has come to our attention that in the Senate yesterday you questioned the advisability of favorable action on the Townsend-Purnell plant patent bill, which has been reported favorably to the Senate by the Senate Committee on Patents.

We feel this bill is of very great importance to the agricultural and horticultural interests of the United States, and inasmuch as we are wholesale nurserymen and can see the stimulus such legislation would give to agriculture and horticulture we wired you this morning per inclosed confirmation.

We hope you will give your support to this bill.

Very truly yours,

JACKSON & PERKINS CO.,
P. V. FORTMILLER, *Secretary.*

NEWARK, N. Y., *April 16, 1930.*

Senator ROYAL S. COPELAND,
Senate Chamber, Washington, D. C.:

Proposed Townsend-Purnell plant patent legislation very important to agricultural and horticultural interests of our country. Would lend far-reaching encouragement to agriculture and benefit general public, providing wonderful stimulus to American horticulture. Your support is urgently requested.

JACKSON & PERKINS CO., *Nurserymen.*

DANSVILLE, N. Y., *April 17, 1930.*

Senator ROYAL S. COPELAND,
Care Senate Chamber:

We live in a wonderful horticultural and agricultural section. Proposed Townsend-Purnell plant patent legislation would stimulate interest in both tremendously. Your constituents in this territory urgently solicit your support.

W. J. MALONEY.

NEW YORK, N. Y., *April 17, 1930.*

Senator ROYAL S. COPELAND,
United States Senate:

Our subscribers in New York State are vitally interested in Townsend bill, now pending. All agricultural and horticultural interests will be benefited by the protection offered by this bill. All fruit and vegetable men in New York State show deep interest in the passing of this bill, as it means progressive interest particularly for college men with horticultural ideas who return to the farm, and also means more employment on the farm. In behalf of my large clientele in New York State may I please ask for your kind support of this bill.

PRODUCE BULLETIN,
NAT A. TUCK, *Editor.*

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., April 16, 1930.

Hon. ROYAL COPELAND,
United States Senator, Washington, D. C.

MY DEAR SENATOR COPELAND: At Newark, N. Y., in my district, is practically the largest group of nurserymen in the State. They are quite advanced in their work on different types of plants and constantly developing new species and new types of plants.

The Townsend-Purnell bill is drawn to permit one who gets up a new plant to patent it and reap the benefit of his invention just as along manufacturing lines.

My people are very much interested in the bill, and they understood you had objected to it.

If you could reconsider your objection and support this bill, I am sure they would appreciate it.

Sincerely yours,

JOHN TABER.

RESOLUTION AND BILLS PASSED OVER

The resolution (S. Res. 227) to amend the Senate rules so as to abolish proceedings in Committee of the Whole on bills, joint resolutions, and treaties, was announced as next in order.

Mr. VANDENBERG. I ask that that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes, was announced as next in order.

Mr. WALSH of Massachusetts and Mr. BINGHAM asked that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

CLAIMS OF SISSETON AND WAHPETON BANDS OF INDIANS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1372) authorizing an appropriation for payment of claims of the Sisseton and Wahpeton Bands of Sioux Indians, which had been reported from the Committee on Indian Affairs with an amendment, on page 4, line 12, after the word "appropriated," to insert:

Provided, That if the Secretary of the Interior shall find that any authorized attorney or attorneys, or any authorized agent or agents, of said bands of Indians rendered any services in the case of the Sisseton and Wahpeton Bands of Sioux Indians against the United States prior to the judgment of the Court of Claims rendered therein on April 23, 1923, the Secretary of the Interior shall fix the compensation for such prior services on such quantum meruit basis as to him shall seem reasonable, the same to be paid out of the appropriation herein authorized, at the same time that he shall pay the compensation he shall find to be payable to the authorized attorney or attorneys now representing said bands of Indians. The total amount of all attorneys' or agents' fees to be paid out of this appropriation shall in no event exceed the limitation herein provided.

So as to make the bill read:

Be it enacted, etc., That an appropriation of $300,000 be, and the same is hereby, authorized to be paid, out of any money in the Treasury not otherwise appropriated, the same to be paid and disbursed to said Sisseton and Wahpeton Bands of Sioux Indians under the direction of the Secretary of the Interior with allowance for attorneys' fees in such amount as, in the discretion of the Secretary, shall to him seem just for services rendered in the prosecution of said claim, not exceeding 10 per cent of the amount hereby appropriated: *Provided*, That if the Secretary of the Interior shall find that any authorized attorney or attor-

neys, or any authorized agent or agents, of said bands of Indians rendered any services in the case of the Sisseton and Wahpeton Bands of Sioux Indians against the United States prior to the judgment of the Court of Claims rendered therein on April 23, 1923, the Secretary of the Interior shall fix the compensation for such prior services on such quantum meruit basis as to him shall seem reasonable, the same to be paid out of the appropriation herein authorized, at the same time that he shall pay the compensation he shall find to be payable to the authorized attorney or attorneys now representing said bands of Indians. The total amount of all attorneys' or agents' fees to be paid out of this appropriation shall in no event exceed the limitation herein provided.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was rejected.

REORGANIZATION OF FEDERAL POWER COMMISSION

The bill (S. 3619) to reorganize the Federal Power Commission was announced as next in order.

Mr. COUZENS. Mr. President, I wonder if the Senate will consent to take up this bill now? I think it will take only a few minutes to dispose of it. The Committee on Interstate Commerce has held extensive hearings in regard to the management and set-up of the Federal Power Commission. It developed from the hearings that the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of War have been unable to perform their functions as members of the Federal Power Commission. There was no dissenting opinion in the committee in respect to the necessity for a reorganization of the Federal Power Commission, so far as I recall.

The House of Representatives also held extensive hearings as to the reorganization of the commission and the testimony before that committee was unanimous that the commission needed reorganization.

So this bill merely provides that there shall be three permanent commissioners, instead of three Cabinet officers, in charge of the allotting of power permits on our waterways. The only difference between this measure and the law which it seeks to amend is that it sets up three permanent full-time commissioners to be appointed by the President by and with the advice and consent of the Senate. It provides further that so far as the District staff is concerned the District staff shall be employed and paid by the Federal Power Commission, but in activities outside of the District the engineers and the staff of the Department of Agriculture and the Department of the Interior and the Department of War shall be used for engineering purposes. There is no dissent, so far as I know, to the proposed reorganization.

Mr. TYDINGS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Maryland?

Mr. COUZENS. I yield.

Mr. TYDINGS. As I understand, the President still will have the same power under the bill, if enacted, as he has under the old act?

Mr. COUZENS. In what respect?

Mr. TYDINGS. The recommendations of the commission are put into effect by the President, are they not?

Mr. COUZENS. Oh, no.

Mr. TYDINGS. I mean where sites are involved.

Mr. COUZENS. Oh, no; the act does not involve the President at all.

Mr. TYDINGS. Does not the present law make the three secretaries merely advisors to the President and confer upon the President the sole power of putting their recommendations into execution?

Mr. COUZENS. No; the Federal water power act leaves the final conclusion to the three Cabinet officers, as provided by law.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Arkansas?

Mr. COUZENS. I yield.

Mr. ROBINSON of Arkansas. Does the proposed act change the powers or functions of the commission?

Mr. COUZENS. Not in any respect; the power of the commission remains just the same as at present, except, as I have stated, that the employees in the District of Columbia, instead of being allocated to the Federal Power Commission by the three departments, will be the employees of the Federal Power Commission.

Mr. ROBINSON of Arkansas. But the jurisdiction and the authority of the commission remain the same under the proposed act?

Mr. COUZENS. Absolutely.

Mr. ROBINSON of Arkansas. I assume from the Senator's statement that the necessity for reorganizing the commission grows out of the fact that the Cabinet officers heretofore charged with responsibility as members of the commission are unable to perform their functions by reason of other duties?

Mr. COUZENS. That is correct. I may say to the Senator that testimony before the committee was that the average time served by the commissioners in the office of the Power Commission was about five hours per year. So that it was left largely to the employees of the Power Commission to do the work.

Mr. ROBINSON of Arkansas. What length of time would be required for the proper performance of the functions of the office by the commissioners? Would it require their full time?

Mr. COUZENS. The bill provides for full-time employment on their part.

Mr. ROBINSON of Arkansas. I understand that, but is the work such that full time would be required on their part? I am asking entirely for information.

Mr. COUZENS. I think it will take full time if the Federal power act shall be properly carried out. The work of the commission has gone away back to the valuation that should be agreed upon for the recapture purposes in 50 years. That work has not been brought up to date for years, because of the lack of time on the part of the commissioners to attend to the business.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Montana?

Mr. COUZENS. I yield.

Mr. WALSH of Montana. I merely desire to remark that some experience I have had with the commission leads me to believe that this is a wise change to make in the act. An important matter was before the commission some time ago, one that ought to have had careful study of each member of the commission. I personally went to each member to ask him to attend the session, but other duties of an exacting character prevented any of them from attending, except the Secretary of the Interior, who was able to remain only a very short while and only able to catch what was said by fragments. The other two members of the commission, I think, to this day know nothing whatever about the matter except in the most general way. I believe that it would contribute to the more satisfactory administration of the act if members were appointed who had no other duties to perform.

Mr. ROBINSON of Arkansas. Mr. President, it would seem of very great importance that those who are charged with the performance of the duties of commissioners under this statute should have the time to devote their attention and consideration to the business of the commission.

Mr. WALSH of Montana. The importance of the duties devolving upon the commission can not possibly be overestimated.

Mr. ROBINSON of Arkansas. It is very great.

The PRESIDING OFFICER. The amendments of the committee will be stated.

The amendments were, on page 1, line 4, after the word "That," to strike out "a commission is hereby created and established to be known as"; in line 6, after the word "('commission')," to strike out "which shall" and insert "is hereby reorganized and continued and shall, after this amendatory section takes effect"; on page 2, line 7, after the word "this," to strike out "act" and insert "section, as amended"; on page 3, line 10, after the word "shall," to insert "annually"; in line 25, after the words "salaries of," to strike out "an executive" and insert "a"; on page 4, line 1, after the word "engineer," to strike out "and one or more assistants"; in line 2, after the word "counsel," to strike out "and one or more assistants"; in line 3, after the word "solicitor," to strike out "and such experts, special counsel, and examiners as it may find necessary to the proper performance of its duties" and insert "and a chief accountant"; and, in line 9, after the word "amended," to insert:

The commission may request the President to detail an officer or officers from the Corps of Engineers, or other branches of the United States Army, to serve the commission as engineer officer or officers, or in any other capacity, in field work outside the seat of government, their duties to be prescribed by the commission, and such detail is hereby authorized. The President may also, at the request of the commission, detail, assign, or transfer to the commission engineers in or under the Departments of the Interior or Agriculture for field work outside the seat of government under the direction of the commission.

So as to make the bill read:

Be it enacted, etc., That sections 1 and 2 of the Federal water power act are amended to read as follows: "That the Federal Power Com-

mission (hereinafter referred to as the 'commission'), is hereby reorganized and continued and shall, after this amendatory section takes effect, be composed of three commissioners who shall be appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated by the President as chairman and shall be the principal executive officer of the commission: *Provided*, That after the expiration of the original term of the commissioner so designated as chairman by the President, chairmen shall be elected by the commission itself, each chairman when so elected to act as such until the expiration of his term of office.

"The commissioners first appointed under this section, as amended, shall continue in office for terms of 2, 4, and 6 years, respectively, from the date this section, as amended, takes effect, the term of each to be designated by the President at the time of nomination. Their successors shall be appointed each for a term of six years from the date of the expiration of the term for which his predecessor was appointed, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of such predecessor. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office, but for no other cause. Not more than two of the commissioners shall be appointed from the same political party. No person in the employ of or holding any official relation to any licensee or to any person, firm, association, or corporation engaged in the generation, transmission, distribution, or sale of power, or owning stock or bonds thereof, or who is in any manner pecuniarily interested therein, shall enter upon the duties of or hold the office of commissioner. Said commissioners shall not engage in any other business, vocation, or employment. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. Two members of the commission shall constitute a quorum for the transaction of business, and the commission shall have an official seal which shall be judicially noticed. The commission shall annually elect a vice chairman to act in case of the absence or disability of the chairman or in case of a vacancy in the office of chairman.

"Each commissioner shall receive an annual salary of $10,000, together with necessary traveling and subsistence expenses, or per diem allowance in lieu thereof, within the limitations prescribed by law, while away from the seat of government upon official business.

"The principal office of the commission shall be in the District of Columbia, where its general sessions shall be held; but whenever the convenience of the public or of the parties may be promoted or delay or expense prevented thereby, the commission may hold special sessions in any part of the United States.

"SEC. 2. The commission shall have authority to appoint, prescribe the duties, and fix the salaries of, a secretary, a chief engineer, a general counsel, a solicitor, and a chief accountant; and may, subject to the civil service laws, appoint such other officers and employees as are necessary in the execution of its functions and fix their salaries in accordance with the classification act of 1923, as amended. The commission may request the President to detail an officer or officers from the Corps of Engineers, or other branches of the United States Army, to serve the commission as engineer officer or officers, or in any other capacity, in field work outside the seat of government, their duties to be prescribed by the commission; and such detail is hereby authorized. The President may also, at the request of the commission, detail, assign, or transfer to the commission engineers in or under the Departments of the Interior or Agriculture for field work outside the seat of government under the direction of the commission.

"The commission may make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, peripdicals, and books of reference, and for printing and binding) as are necessary to execute its functions. Expenditures by the commission shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the commission or by such other member or officer as may be authorized by the commission for that purpose."

SEC. 2. Notwithstanding the provisions of section 1, the members of the Federal Power Commission at the time of the approval of this act shall continue to serve as members until such time as two of the commissioners appointed under section 1 take office.

SEC. 3. No investigation or other proceeding under the Federal water power act pending at the time of the approval of this act shall abate or be otherwise affected by reason of the provisions of this act.

The amendments were agreed to.

Mr. WALSH of Massachusetts. Mr. President, may I ask the Senator from Michigan if it is not a fact that the members of the Interstate Commerce Committee were unanimous in recommending the passage of this bill?

Mr. COUZENS. So far as I recall, they were unanimous.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALARIES IN POLICE AND FIRE DEPARTMENTS OF DISTRICT

Mr. McNARY. Mr. President, the Senator from California [Mr. SHORTRIDGE] is in the Senate Chamber now. I ask unanimous consent to revert to Order of Business 264, Senate bill 2370.

Mr. SHORTRIDGE. Mr. President, unless the Senator from Colorado [Mr. PHIPPS] is here and desires to press those amendments, I have no desire to return to the bill to-day.

Mr. McNARY. Very great desire has been expressed that we return to the bill to-day.

Mr. SHORTRIDGE. Very well, sir.

Mr. McNARY. I rather made a promise that we would, and I ask for the present consideration of Order of Business 264.

The PRESIDING OFFICER. Without objection, the Senate will return to Order of Business 264.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia.

The PRESIDING OFFICER. The Senator from Colorado [Mr. PHIPPS] has pending an amendment, which will be stated.

The CHIEF CLERK. On page 1, line 5, strike out "$8,500" and insert "$8,000."

Mr. COPELAND, Mr. ROBSION of Kentucky, and Mr. BARKLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. COPELAND. Mr. President, I think the Senator from Kentucky [Mr. ROBSION] desires to discuss this amendment; and I yield to him, if I may.

Mr. ROBSION of Kentucky. Mr. President, I ask to have the amendment restated.

The PRESIDING OFFICER. The amendment will be restated.

The Chief Clerk restated the amendment.

Mr. WALSH of Massachusetts. Mr. President, is there any opposition to this amendment?

Mr. ROBSION of Kentucky. Yes; there is opposition to the amendment.

The PRESIDING OFFICER. The Chair, as a Member of the Senate, will ask that the bill go over.

Mr. COPELAND. Mr. President, is it possible to induce the Chair, as a Member of the Senate, to withhold his objection?

The PRESIDING OFFICER. The present occupant of the chair will withhold it, but will make it later.

Mr. DILL. Mr. President, we have had this bill up a number of times, and have had it put off a number of times. We finally got the Senator from Colorado and the Senator from California ready to take it up. I wonder when my colleague will be willing to take up the bill, so that we may have some assurance of having it acted upon?

The PRESIDING OFFICER. The present occupant of the chair does not know just when he will be ready to have the bill taken up, but he objects to its consideration to-day.

Mr. BARKLEY. The occupant of the chair objects to the consideration of this bill?

The PRESIDING OFFICER. To-day. The bill will be passed over.

BILLS PASSED OVER

The bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways was announced as next in order.

Mr. BLEASE. Mr. President, in the absence of the junior Senator from Illinois [Mr. GLENN], I ask that that bill go over.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

AMENDMENT OF MERCHANT MARINE ACT OF 1928

The bill (H. R. 9592) to amend section 407 of the merchant marine act, 1928, was announced as next in order.

Mr. COPELAND. Mr. President, I have objections to this bill, as the members of the Committee on Commerce know; but if I may have unanimous consent to insert in the RECORD at this point my objections to the bill, I am not going to oppose its being placed on its passage.

Mr. TYDINGS. I shall have to object to the request of the Senator from New York, because I want a little time to look into it.

Mr. RANSDELL. Mr. President, I hope the Senator will not object to the consideration of this bill until I have made a very brief statement. Will he withhold his objection long enough for me to do that?

Mr. TYDINGS. Does the Senator refer to Senate bill 1278?

Mr. RANSDELL. No; House bill 9592.

Mr. COPELAND. Mr. President, have I lost the floor?

The PRESIDING OFFICER. The Senator from New York is entitled to the floor.

Mr. COPELAND. If the Senator will bear with me for a moment——

Mr. RANSDELL. I hope the Senator will be permitted to make his statement. This is a very important measure, and it has been held up for a long time.

Mr. COPELAND. I should like to have consent to insert in the RECORD the reasons for my opposition to the bill. I do not wish to take the time of the Senate if the Senate is disposed to pass this bill. In principle I approve of it, and it should be passed. I have objections to the conditions which surrounded the presentation of the bill. I felt that the Shipping Board overstepped its authority, and I was not satisfied with the way the mail contract was proposed to be let; but the bill is an important one, and relates to other interests besides those to which I refer in my remarks. May I have unanimous consent, Mr. President, to insert in the RECORD my statement regarding it?

The PRESIDING OFFICER. The present occupant of the chair will say that he has always objected to that heretofore.

Mr. COPELAND. Perhaps the Chair will be more generous to-day, because I do not wish to take the time of the Senate; and I was in a tremendous minority in the Commerce Committee. Perhaps the Chair will leave the matter to the Senate.

The PRESIDING OFFICER. It seems to the Chair that that is the beginning of extension of remarks in the RECORD, which is a practice we have never followed in the Senate.

Mr. COPELAND. And yet it is a rule which has been violated from time to time in this very session.

The PRESIDING OFFICER. Not within the knowledge of the Chair.

Mr. FESS. Mr. President, this bill is on the program for preferential consideration. I think it had better go over.

The PRESIDING OFFICER. The Senator from Ohio objects. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 1278) to authorize the issuance of certificates of admission to aliens, and for other purposes, was announced as next in order.

Mr. TYDINGS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3581) authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians and for other purposes, was announced as next in order.

Mr. BRATTON. Mr. President, when this bill was considered at the last call of the calendar the junior Senator from Arizona [Mr. HAYDEN] offered a certain amendment. I should like to know from the author of the bill if he is in position to accept that amendment.

Mr. JOHNSON. I am not to-day. Inasmuch as the calendar comes up under Rule VIII to-morrow, I suggest that the matter go over until to-morrow.

Mr. BRATTON. Very well.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 10340) granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the White River at or near Calico Rock, Ark., was announced as next in order.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. CARAWAY] has an amendment to this bill, which will be stated.

Mr. ROBINSON of Arkansas. Mr. President, I understand that the announcement has been made that my colleague [Mr. CARAWAY] has an amendment to this bill. I ask that it go over for the present.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 26) for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. CAPPER. Mr. President, did I understand that there was an objection?

The PRESIDING OFFICER. Objection was made.

Mr. BRATTON. I asked that the bill go over.

FRANCIS B. KENNEDY

The bill (S. 1849) for the relief of Francis B. Kennedy was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Francis B. Kennedy, narcotic agent, as reimbursement for money (private funds) of which he was robbed while investigating charges against Frank De Mayo and others at Kansas City, Mo., May 28, 1928, and to allow in full and final settlement of said claim in the sum of not to exceed $350. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $350, or so much thereof as may be necessary, to pay said claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY S. HOWARD AND OTHERS

The bill (S. 1406) for the relief of Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroldsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, Emil Kulchycky, and the Bethel Cemetery Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 2, line 10, after "$213," to insert "Harold S. Stubbs, $49.45," and in line 20, after "Emil Kulchycky," to insert "Harold S. Stubbs," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mary S. Howard, $83; Gertrude M. Caton, $32.90; Nellie B. Reed, $182.96; Gertrude Pierce, $32.25; Katie Pensel, $75.28; Josephine Pryor, $50.50; Mary L. McCormick, $103.05; Mrs. James Blanchfield, $35.47; Sadie T. Nicoll, $125.61; Katie Lloyd, $25; Mrs. Benjamin Warner, $68.39; Eva K. Pensel, $38.70; Margaret Y. Kirk, $139.66; C. Albert George, $157.78; Earl Wroldsen, $19.20; Benjamin Carpenter, $23.85; Nathan Benson, $35; Paul Kirk, $50; Townsend Walters, $37.89; George Freet, $159.82; James B. Jefferson, $30; Frank Ellison, $175.62; Emil Kulchycky, $213; Harold S. Stubbs, $49.45; and the Bethel Cemetery Co., $166.51, out of any money in the Treasury not otherwise appropriated, by reason of the losses and damages caused, respectively, to the said Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroldsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, Emil Kulchycky, Harold S. Stubbs, and the Bethel Cemetery Co., by reason of the damages to the wells on the properties of the said claimants caused by the lowering of the water level of the Chesapeake and Delaware Canal at the town of Chesapeake City, in Cecil County, in the State of Maryland.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOINT RESOLUTIONS PASSED OVER

The joint resolution (S. J. Res. 76) authorizing the Secretary of the Treasury to purchase farm loan bonds issued by Federal land banks was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The joint resolution (S. J. Res. 149) for the relief of unemployed persons in the United States was announced as next in order.

The PRESIDING OFFICER. This joint resolution is reported adversely.

Mr. FESS. I suggest that it be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the joint resolution will be postponed indefinitely.

Mr. LA FOLLETTE. Mr. President, the author of the joint resolution is not present. I ask that it may go over. That is the usual practice.

The PRESIDING OFFICER. Without objection, the joint resolution will be replaced on the calendar and passed over.

COMMEMORATION OF TERMINATION OF WAR BETWEEN THE STATES

The bill (S. 3810) to provide for the commemoration of the termination of the War between the States at Appomattox Court House, Va., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 2, line 6, to strike out "$150,000" and insert "$100,000," so as to make the bill read:

Be it enacted, etc., That for the purpose of commemorating the termination of the War between the States which was brought about by the surrender of the army under Gen. Robert E. Lee to Lieut. Gen.

U. S. Grant at Appomattox Court House, in the State of Virginia, on April 9, 1865, and for the further purpose of honoring those who engaged in this tremendous conflict, the Secretary of War is authorized and directed to acquire at the scene of said surrender approximately 1 acre of land, free of cost to the United States, at the above-named place, fence the parcel of land so acquired or demarcate its limits, and erect a monument thereon.

SEC. 2. There is hereby authorized to be appropriated the sum of $100,000, or so much thereof as may be necessary, to carry out the provisions of section 1 of this act.

SEC. 3. The land acquired under section 1 of this act shall be under the jurisdiction and control of the Secretary of War, and there is authorized to be appropriated for the maintenance of such tract of land and monument a sum not to exceed $250 per annum.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES W. SMITH

The bill (H. R. 3769) for the relief of James W. Smith was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely, and, without objection, will be indefinitely postponed.

Mr. SHORTRIDGE. Mr. President, who is the author of the bill?

The PRESIDING OFFICER. It is a House bill.

Mr. SHORTRIDGE. May I ask who is sponsoring the bill here?

The PRESIDING OFFICER. The Senator from Missouri [Mr. PATTERSON] reported it adversely. It is a House bill, and, without objection, will be indefinitely postponed.

BILL PASSED OVER

The bill (S. 23) to regulate the procurement of motor transportation in the Army was announced as next in order.

Mr. BLAINE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

WAR DEPARTMENT CONTRACTS

The bill (S. 4017) to amend the act of May 29, 1928, pertaining to certain War Department contracts by repealing the expiration date of that act was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That so much of an act entitled "An act to require certain contracts entered into by the Secretary of War or by officers authorized by him to make them, to be in writing, and for other purposes," approved May 29, 1928 (45 Stat. L. 985), as provides that said act shall cease to be in effect after June 30, 1930, is hereby repealed.

Mr. LA FOLLETTE. Mr. President, I should like to have an explanation of this bill. It seems to change an earlier act of Congress.

Mr. STECK. Mr. President, I reported the bill. It is purely an extension of the present law.

Two years ago, in 1928, we passed an act which permitted the War Department to enter into what is called an informal contract. That has nothing to do with the preliminaries to the contract. The War Department authorities advertise for bids in the very same way that they do under a formal contract; they go through all the preliminary procedure necessary to protect the Government; and the bids are opened and passed on by the responsible officers. This merely saves time to the War Department in the procurement of supplies which are necessarily purchased within a limited time; and the limit, as contained in the bill, is 60 days.

Mr. LA FOLLETTE. What is the limitation on the amount that may be involved in any one contract of this character?

Mr. STECK. Twenty-five thousand dollars.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REIMBURSEMENT OF APPROPRIATIONS FOR UPKEEP OF GOVERNMENT PROPERTY

The bill (S. 4108) to provide for reimbursement of appropriations for expenditures made for the upkeep and maintenance of property of the United States under the control of the Secretary of War used or occupied under license, permit, or lease was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in all cases in which property of the United States under the control of the Secretary of War is used or occupied in whole or in part, under permit or license, by another department, bureau, or other establishment of the Government, it shall be lawful for such department, bureau, or other establishment to reimburse the particular appropriation or funds of the War Department involved in an amount representing the fair proportionate share, as may be determined by the Secretary of War, of operation and maintenance expenses, including services, of such property, if used or occupied in part, or the full amount of such expenses, likewise determined by the Secretary of War, if wholly used or occupied.

SEC. 2. That in all cases where property of the United States under the control of the Secretary of War is used or occupied under lease, license, or permit by a State, Territory, or the Government of the Philippine Islands, or a subdivision thereof, the District of Columbia or other place under the jurisdiction of the United States, a corporation, partnership, an association, or an individual, it shall be lawful for the Secretary of War to apply such portion, as may be determined by him, of the agreed compensation therefor, monetary or otherwise, to the care, preservation, maintenance, and operation, including services, of the reservation or property involved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF DISTRICT CODE AS TO GUARDIANSHIP

The bill (S. 2816) to amend section 1125, chapter 31, of the District of Columbia Code, was announced as next in order.

Mr. BRATTON. Mr. President, this bill seems to be rather comprehensive in its scope. It relates to the probate of assets in the District of Columbia. Will the chairman of the Committee on the District of Columbia tell us briefly what changes it would effectuate in the law?

Mr. CAPPER. Mr. President, the bill now before us is what is known as the uniform veterans' guardianship act, which is now in operation in 29 States. It comes from the Veterans' Bureau, has the approval of all the posts of the American Legion here, of the corporation counsel, and of all the departments of the District of Columbia. I think the Senator from Wisconsin [Mr. BLAINE] is quite familiar with it.

Mr. BRATTON. Does it apply solely to veterans of the World War?

Mr. CAPPER. That is the purpose of it.

Mr. BRATTON. Does it have the approval of the bureau and also of the American Legion?

Mr. CAPPER. The bill was prepared by the Veterans' Bureau and sent to the Committee on the District of Columbia of the Senate by General Hines, with a request that the passage of the measure be facilitated as much as possible.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Arkansas?

Mr. BRATTON. I yield.

Mr. ROBINSON of Arkansas. I notice that the original bill was entirely stricken out and a new bill inserted, in the nature of a substitute, in place of the language sent down by the Veterans' Bureau. The statement was made the other day that the bill authorized the appointment here in the District of a guardian for a veteran without regard to the veteran's place of residence. If that is correct, I think the bill requires study.

We all know that a few months ago it was said that there were men here in the District of Columbia in the business of acting as professional guardians for veterans. They were making a profit out of serving in a fiduciary capacity for the men to whom the Government owes the obligations which are presumably carried in bills of this nature.

If this bill authorizes the appointment of guardians in this jurisdiction without regard to the residence of the veterans, it requires very careful consideration. I have not had an opportunity to study the bill.

Mr. CAPPER. I think the bill is intended to meet just such practices as that the Senator from Arkansas has in mind.

Mr. ROBINSON of Arkansas. I recall that the Senator from Wisconsin suggested a day or two ago, when the bill was called up, that it probably does authorize the appointment of guardians here in the District of Columbia without regard to the residence of the veterans. That is a very strange thing. Always the rule is that a guardianship of this character shall rest in the court of the locality where the ward lives.

I know of one instance in which a veteran living in the State of Arkansas moved into the State of Missouri, and during his absence, without notice to him, he was adjudged an insane person, and a guardian was appointed to administer his estate.

Mr. BRATTON. Mr. President, let me ask the Senator from Wisconsin whether this bill permits that sort of thing to be done.

Mr. BLAINE. Mr. President, this bill permits the appointment of a guardian of any person who receives money through the Veterans' Bureau, without regard to the residence of the ward; that is, the person alleged to be incompetent. In other words, if a veteran who is entitled to money through the Veterans' Bureau resides in the State of Arkansas, or in my own

State, or in the State of Kansas, or any other State, or in the Hawaiian Islands, or in Porto Rico, a guardian may be appointed for him in the District of Columbia, under this bill.

Mr. McKELLAR. Mr. President, will the Senator yield to me to ask a question?

Mr. BLEASE. Let the bill go over.

Mr. McKELLAR. Before it goes over, may I ask the Senator whether the committee took into consideration the situation which was involved here several years ago, where one man, I think a former commissioner of the District of Columbia, became the guardian of probably scores or perhaps hundreds of veterans, and was making a business out of it? Does this bill provide against anything like that?

Mr. BLAINE. I think it is advisable to inform those who are interested in this bill either way that when the bill first came before the Committee on the District of Columbia there was an appearance there by some gentleman, I have forgotten who he was, who did not know very much about the bill; in fact, I doubt whether at the time he knew anything about the bill.

I went over the bill very hastily, and discovered that a guardian might be appointed for a veteran without regard to the residence of the veteran. The hearings practically closed with the suggestion that that gentleman would better take the bill back and bring it before the committee with that feature eliminated.

Thereafter a second bill, the bill which is now offered as a substitute, was brought before the committee. I was not present at that committee meeting, but I find that this bill, the substitute, is practically the same as the original bill except in regard to this particular question of the residence, as to which it provides that—

> Nothing herein shall be construed to confer jurisdiction upon the probate court of the District of Columbia to appoint guardians for incompetent veterans to the exclusion of the jurisdiction otherwise vested in courts of the various States.

In other words, a veteran may have a guardian appointed for him in some State of the Union and another guardian appointed for him within the District of Columbia. I very strongly objected to the original bill, and I have identically the same objection to this bill. In other words, I do not think this bill cures the objections raised before.

Mr. BRATTON. Mr. President, let me call the attention of the Senator to subparagraph 6, on page 13, reading as follows:

> (6) Where a petition is filed for the appointment of a guardian of a mentally incompetent ward a certificate of the director, or his representative, setting forth the fact that such person has been rated incompetent by the bureau on examination in accordance with the laws and regulations governing such bureau, and that the appointment of a guardian is a condition precedent to the payment of any moneys due such person by the bureau, shall be prima facie evidence of the necessity for such appointment.

The next paragraph provides:

> (7) Upon the filing of a petition for the appointment of a guardian, under the provisions of this act, the court shall cause such notice to be given as provided by law.

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired. Objection has been made to the consideration of the bill.

Mr. BRATTON. I will conclude my statement when the next number on the calendar is called.

The resolution (S. Res. 245) providing for the appointment of a committee to inquire into the failure of the Speaker of the House of Representatives to take some action on Senate Joint Resolution 3, relative to the commencement of the terms of President, Vice President, and Members of Congress, was announced as next in order.

Mr. SHORTRIDGE. Let that go over.

Mr. BRATTON. Mr. President, I want to observe, in just a word, that under the terms of Senate bill 2816, which we have been discussing, without any personal notice to the veteran himself the probate court of the District of Columbia is vested with authority to declare him mentally incompetent, and to that I object.

Mr. BLAINE. Mr. President, I suggest that the bill be recommitted.

Mr. CAPPER. I have no objection.

Mr. WALSH of Montana. Mr. President, if the bill is to be recommitted, I want to suggest to the Senator from Wisconsin that, even though there should not be two guardians appointed for the same incompetent person, if the court of the District of Columbia had jurisdiction under the bill, and it first seized the jurisdiction, the other court, under well-known rules of comity, would decline to interfere. So that there would be a race between the court and the District of Columbia and the court of the State of residence of the incompetent under the bill as it now stands. That should not be tolerated. The jurisdiction, of course, should be with the court of the residence of the incompetent.

Mr. BLAINE. Mr. President, I quite agree with the sentiment suggested by the Senator from Montana.

The PRESIDING OFFICER. Is there objection to recommitting the bill? The Chair hears none, and it is so ordered.

Objection has been made to the consideration of Senate Resolution 245, and it will go over.

SALARIES AND EXPENSES OF FARM LOAN BOARD

The bill (S. 4028) to amend the Federal farm loan act, as amended, was considered as in Committee of the Whole.

Mr. ROBINSON of Arkansas. Mr. President, what amendment does the bill propose?

The PRESIDING OFFICER. The clerk will read the bill for the information of the Senate.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Federal farm loan act, as amended (U. S. C., title 12), be, and it is hereby, amended so that effective as to appropriations for and expenditures of the Federal Farm Loan Board for the fiscal year beginning July 1, 1930, and thereafter the assessments to be made under section 3 of said act (U. S. C., title 12, ch. 7, sec. 657) by said board against the Federal land banks, joint-stock land banks, and Federal intermediate credit banks shall be the amount of the expenses and salaries of the employees engaged in the work of the division of examinations of the Federal Farm Loan Bureau as estimated by the said board, such expenses and salaries, together with all other expenses and salaries of the said board, to be disbursed on appropriations duly made by the Congress.

Mr. ROBINSON of Arkansas. I think that is a proper provision.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SHEPPARD. Mr. President, I ask that the report be printed in connection with the bill.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[S. Rept. No. 497, 71st Cong., 2d sess]

PAYMENT OF EXPENSES OF THE FEDERAL FARM LOAN BOARD BY THE UNITED STATES

(Report to accompany S. 4028)

The Committee on Banking and Currency, to whom was referred the bill (S. 4028) to amend the Federal farm loan act as amended, having considered the same, report favorably thereon, with the recommendation that the bill do pass without amendment.

The enactment of this legislation is recommended by the Secretary of the Treasury in his letter to the chairman of the committee under date of April 8, 1930, which letter is appended hereto and made a part of this report.

The original farm loan act provided that the salaries and expenses of the Federal Farm Loan Board and of loan registrars and examiners shall be paid by the United States. However, in 1923—seven years afterwards—the law was amended whereby the farm loan system was required to bear these charges. It is now desired that the Government return to its original policy.

If this bill is enacted, about 58 per cent of the operating expenses will be borne by the Treasury and 42 per cent by the banks themselves. There has been considerable additional expense in connection with the reorganization of the Federal farm loan system, in order to put it on a more permanent and satisfactory basis, and the enactment of this bill will be of material assistance along these lines.

The Secretary of the Treasury on March 17, 1930, made a report on Senate bill 3013 which, in order to meet certain objections of the Treasury Department, has been indefinitely postponed by the committee and S. 4028 considered in lieu thereof. This report goes quite extensively into the proposition of the Government paying the expenses of the Federal Farm Loan Board, which the Treasury Department favors.

In view of the pertinent matter contained therein, said letter of the Secretary of the Treasury is also made a part of this report.

THE SECRETARY OF THE TREASURY,
Washington, April 8, 1930.

Hon. PETER NORBECK,
Chairman Banking and Currency Committee,
United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: You transmitted with your letter of March 29 a copy of Senate bill No. 4028, to amend the Federal farm loan act, and requested the report of the Treasury Department for the information of the Committee on Banking and Currency of the Senate. On March 17 a report was made to you on Senate bill No. 3013, in which it was stated in substance that this department would regard with favor legis-

lation by which the assessments to be made against the Federal land banks, joint-stock land banks, and Federal intermediate credit banks under section 3 of the Federal farm loan act would be limited to the salaries and expenses of the employees of the Federal Farm Loan Bureau engaged in the work of its division of examinations, such expenses and salaries, together with all other expenses and salaries of the board, to be disbursed on appropriations made by the Congress. Bill S. 4028 would amend the Federal farm loan act so as to enable the accomplishment of this purpose beginning with the appropriations for expenditures of the Federal Farm Loan Board for the fiscal year beginning July 1, 1930. In the circumstances, therefore, as indicated in my letter of March 17, this department regards the proposed legislation with favor.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

THE SECRETARY OF THE TREASURY,
Washington, March 17, 1930.

DEAR MR. CHAIRMAN: Reference is made to your letter of January 10 with which you inclosed copies of Senate bill 3013, for the payment of the expenses of the Federal Farm Loan Board by the United States. You stated that the Committee on Banking and Currency would be pleased to receive the department's views.

The subject is one of direct concern to the Federal land banks, the joint-stock land banks, and the Federal intermediate credit banks of the farm loan system, as well as the Treasury, because under the Federal farm loan act as it now stands section 3 provides that "The salaries and expenses of the Federal Farm Loan Board, its officers and employees, farm loan registrars, deputy registrars, examiners, and reviewing appraisers authorized under this act, or any subsequent amendments thereto, shall be paid by the Federal land banks, joint-stock land banks, and the Federal intermediate credit banks," by assessments, made on such equitable basis as the Federal Farm Loan Board shall determine, giving due consideration to time and expense necessarily incident to the supervision of the operation of each type of bank.

The act as originally passed, however, provided in section 3 that "The salaries and expenses of the Federal Farm Loan Board, and of farm-loan registrars and examiners authorized under this section, shall be paid by the United States" and remained in this form until 1923. The law was amended on March 4, 1923, so as to require that after June 30, 1923, all salaries and expenses incurred by the board be assessed against the Federal land banks, joint-stock land banks, and Federal intermediate credit banks, and the act of March 4, 1925, amended the law to read as it now stands.

As you know, and as pointed out in the annual report of the Federal Farm Loan Board for the calendar year 1927, the Federal Farm Loan Board was reorganized in May, 1927. Unsatisfactory conditions had appeared in some of the banks during the rapid growth of the system in recent years and the administration of the Federal Farm Loan Bureau had not been developed to cope with such conditions adequately. The exigencies of the situation and the problems confronting the system have required intensive study, careful investigation, and definitive action in virtually every phase of the work in the bureau. A program of thorough reorganization, designed to ascertain and cure defects and to place the board in a position adequately to perform its supervisory functions, has been pursued actively. Problems varied and complex in nature have been attacked simultaneously or in their order of relative importance, and substantial results have been achieved and material progress has been made in every branch of the work. When the Federal Farm Loan Board was reorganized one joint-stock land bank was in the hands of a receiver and receivers for two other joint-stock land banks, the failures of which were impending, were appointed on July 1 and September 1, 1927. These three receiverships were the first since the establishment of the system and included one of the largest joint-stock land banks. Some of the other banks, both Federal and joint stock, were faced with difficult problems. All of these conditions contributed to impair public confidence. It was the task of the reorganized board not only to prevent other receiverships, if possible, but also to correct unsatisfactory conditions wherever they existed. Necessarily a very large increase in the expenses of the Federal Farm Loan Bureau has resulted from the endeavors of the Federal Farm Loan Board to bring about as rapidly as possible a restoration of proper conditions in the farm-loan system.

Officers of many of the banks have expressed informally the feeling that the Congress should provide for the assumption by the United States of the expenses of the Farm Loan Bureau, or at least that only the expenses directly attributable to the examination work of the bureau should be assessed against the banks. An analysis of the expenses of the bureau indicates that the work of the division of examinations consumes nearly 42 per cent of the amounts assessed against the banks.

It has been pointed out that the Federal farm loan act, as stated in its caption, was designed "to provide capital for agricultural development, to create standard forms of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes," and that to a large extent the provisions of the farm loan act were drawn and detailed supervision by the Government was provided for in the interest not only of the prospective individual borrowers but of the welfare of agriculture generally, together with that of the investing public, as well as incidentally, the protection of the Government itself to the extent that it might have financial relations with the banks.

Consequently, the suggestion has been made that it would be reasonable, in the public interest, to limit the assessments made against the banks under section 3 of the Federal farm loan act to the salaries and expenses of the employees of the Federal Farm Loan Bureau engaged in the work of its division of examinations. This view of the matter appeals to the Federal Farm Loan Board and this department as meriting the favorable consideration of the Congress, and, with a modification to that effect, this department regards the purpose of the proposed legislation with favor.

Incidentally, however, it should be mentioned that bill S. 3013 contains a reference to "Federal farm advisers." The reason for the mention of such persons is not apparent, as they are not referred to in the Federal farm loan act nor are persons of this type employed by the Federal Farm Loan Board, and therefore they should be omitted. As the bill, in effect, would amend the provisions of the act contained in section 3, to which reference has been made in this letter, and, to make the legislation effective, changes in the act making appropriations for this department would be necessary, the bill should be redrawn if its purpose be approved by the committee.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Hon. PETER NORBECK,
Chairman Banking and Currency Committee,
United States Senate.

LATIN AMERICAN HIGHWAY MATTERS

The bill (S. 120) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the Governments of the Latin American Republics in highway matters was announced as next in order.

Mr. ODDIE. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

WAR-TIME RANK TO UNITED STATES ARMY OFFICERS

The bill (S. 465) to give war-time rank to retired officers and former officers of the United States Army was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs, with amendments, on page 2, line 6, before the word "retired," at the beginning of the line, insert the words "active or"; on lines 8 and 9, strike out the words "held temporary commissions as officers of" and insert in lieu thereof the words "have served honorably in"; on lines 10, 11, and 12, strike out the words "the World War, and who have been or may be hereafter honorably discharged from such commissions and from the military service" and insert in lieu thereof the word "war"; on line 12, after the word "shall," insert a comma and the words "when not in the active military service of the United States"; on line 15, after the word "them," strike out the remainder of section 2 and insert in lieu thereof the words "during their war service," so as to make the bill read:

Be it enacted, etc., That all commissioned officers who served in the Army of the United States during the World War, and who have been or may be hereafter retired according to law, except those retired under the provisions of section 24b of the act of June 4, 1920, shall, on the date of the approval of this act or upon retirement in the case of those now on the active list of the Army, be advanced in rank on the retired list to the highest grade held by them during the World War: *Provided*, That any such officer on the active or retired list who died or may die prior to the approval of this act, or on the active list who may hereafter die before retirement, shall be advanced in rank to said higher grade as of the date of death: *Provided further*, That no increase of active or retired pay or allowances shall result from the provisions of this section.

SEC. 2. All persons who have served honorably in the Army of the United States during war shall, when not in the active military service of the United States, be entitled to bear the official title and upon occasions of ceremony to wear the uniform of the highest grade held by them during their war service.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELECTION OF DIRECTORS OF FEDERAL RESERVE BANKS

The bill (S. 4096) to amend section 4 of the Federal reserve act was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 4 of the Federal reserve act, as amended (U. S. C. title 12, sec. 304), be further amended by striking out that paragraph thereof which reads as follows:

"Any candidate having a majority of all votes cast in the column of first choice shall be declared elected. If no candidate have a majority of all the votes in the first column, then there shall be added together the votes cast by the electors for such candidates in the second column and the votes cast for the several candidates in the first column. If any candidate then have a majority of the electors voting, by adding together the first and second choices, he shall be declared elected. If no candidate have a majority of electors voting when the first and second choices shall have been added, then the votes cast in the third column for other choices shall be added together in like manner, and the candidate then having the highest number of votes shall be declared elected. An immediate report of election shall be declared."

And by inserting in lieu thereof the following:

"Any candidate having a majority of all votes cast in the column of first choice shall be declared elected. If no candidate have a majority of all the votes in the first column, then there shall be added together the votes cast by the electors for such candidates in the second column and the votes cast for the several candidates in the first column. The candidate then having a majority of the electors voting and the highest number of combined votes shall be declared elected. If no candidate have a majority of electors voting and the highest number of votes when the first and second choices shall have been added, then the votes cast in the third column for other choices shall be added together in like manner, and the candidate then having the highest number of votes shall be declared elected. An immediate report of election shall be declared."

Mr. ROBINSON of Arkansas. Mr. President, I should like to have the Senator from Connecticut [Mr. WALCOTT] state what changes this proposed bill would make in the existing law with respect to the election of directors of the Federal reserve banks.

Mr. WALCOTT. Mr. President, the purpose of this change in the existing law is merely to clarify the language of the present law in respect of the election of directors of Federal reserve banks. I will state the specific changes made by the bill.

At a recent election of governors of the Federal reserve bank the question arose as to what constituted the majority of votes, class A and class B voting. It was claimed by an unsuccessful candidate that the majority of votes of classes A and B constituted an election, whereas it is the intention of the law that a majority of those voting constitutes an election of a governor. The contest was not successful, however, but the ambiguity of the law was called into prominence and the present bill is to change the law in this respect. The old law reads:

If any candidate then have a majority of the electors voting by adding together the first and second classes, he shall be declared to be elected.

What it is intended to do is to establish a majority of all those voting for the election of a candidate, and the proposed change would cause it to read as follows:

The candidate having the majority of the electors voting and the highest number of combined votes shall be declared elected.

Mr. ROBINSON of Arkansas. Is this recommended by the Federal Reserve Board?

Mr. WALCOTT. It was suggested and recommended by Governor Young and Vice Governor Platt and approved unanimously by the Committee on Banking and Currency.

Mr. ROBINSON of Arkansas. Apparently there is no formal report accompanying the bill.

Mr. WALCOTT. There is a report on the bill.

Mr. ROBINSON of Arkansas. There is not a copy of the report in my file.

Mr. WALCOTT. Report No. 510 should accompany the bill in the Senator's file.

Mr. ROBINSON of Arkansas. Through some inadvertence it was left out of my file. The report of the committee was unanimous?

Mr. WALCOTT. Yes; it was unanimous.

Mr. ROBINSON of Arkansas. Very well.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF MERCHANT MARINE ACT

The bill (H. R. 7998) to amend subsection (d) of section 11 of the merchant marine act of June 5, 1920, as amended by section 301 of the merchant marine act of May 22, 1928, was announced as next in order, having been considered on April 30 last, and the amendments agreed to.

Mr. COPELAND. Mr. President, I find that among the amendments offered to this bill is one which met unanimous opposition among shipping men in my section of the country and, I understand, elsewhere. My own inclination would be to have the bill recommitted to the committee.

Mr. McNARY. Mr. President, it is my purpose to object to the present consideration of the bill.

Mr. McKELLAR. Yes; I want to object to it, too.

Mr. COPELAND. Mr. President, if the Senators will withhold their objection for a moment, I wish to ask unanimous consent that the bill be recommitted because there are certain steamship lines which should be heard before the bill is placed upon its passage. I do not know whether that is agreeable to the Senator from Oregon or not, but in my opinion that is what should be done.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York that the bill be referred back to the committee?

Mr. JOHNSON. I object.

The PRESIDING OFFICER. Objection is made to the request of the Senator from New York, and upon objection of the Senator from Oregon and the Senator from Tennessee the bill goes over.

LEASING OF OIL AND GAS DEPOSITS

The bill (H. R. 8154) providing for the lease of oil and gas deposits in or under railroad and other rights of way was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands and Surveys with amendments.

Mr. BLEASE. Mr. President, under assurance of the Senator from Montana [Mr. WALSH] as to the correctness of the bill, I shall not renew my previous objection to it.

The PRESIDING OFFICER. The clerk will state the amendments of the committee.

The amendments of the Committee on Public Lands and Surveys were, on page 1, line 8, to strike out:

That where right of entry upon such right of way for purpose of removing such deposits of oil and gas was not reserved to the United States in the grant of such right of way no lease shall be executed hereunder except to the municipality, corporation, firm, association, or individual by whom such right of way was acquired, or to the lawful successor, assignee, or transferee of such municipality, corporation, firm, association, or individual.

And insert in lieu thereof the following:

That, except as hereinafter authorized, no lease shall be executed hereunder except to the municipality, corporation, firm, association, or individual by whom such right of way was acquired, or to the lawful successor, assignee, or transferee of such municipality, corporation, firm, association, or individual.

And, on page 2, line 12, to strike out:

SEC. 2. That the right conferred by the first section of this act may, subject to the approval of the Secretary of the Interior, be assigned or sublet by the owner thereof to any corporation, firm, association, or individual.

And insert in lieu thereof the following:

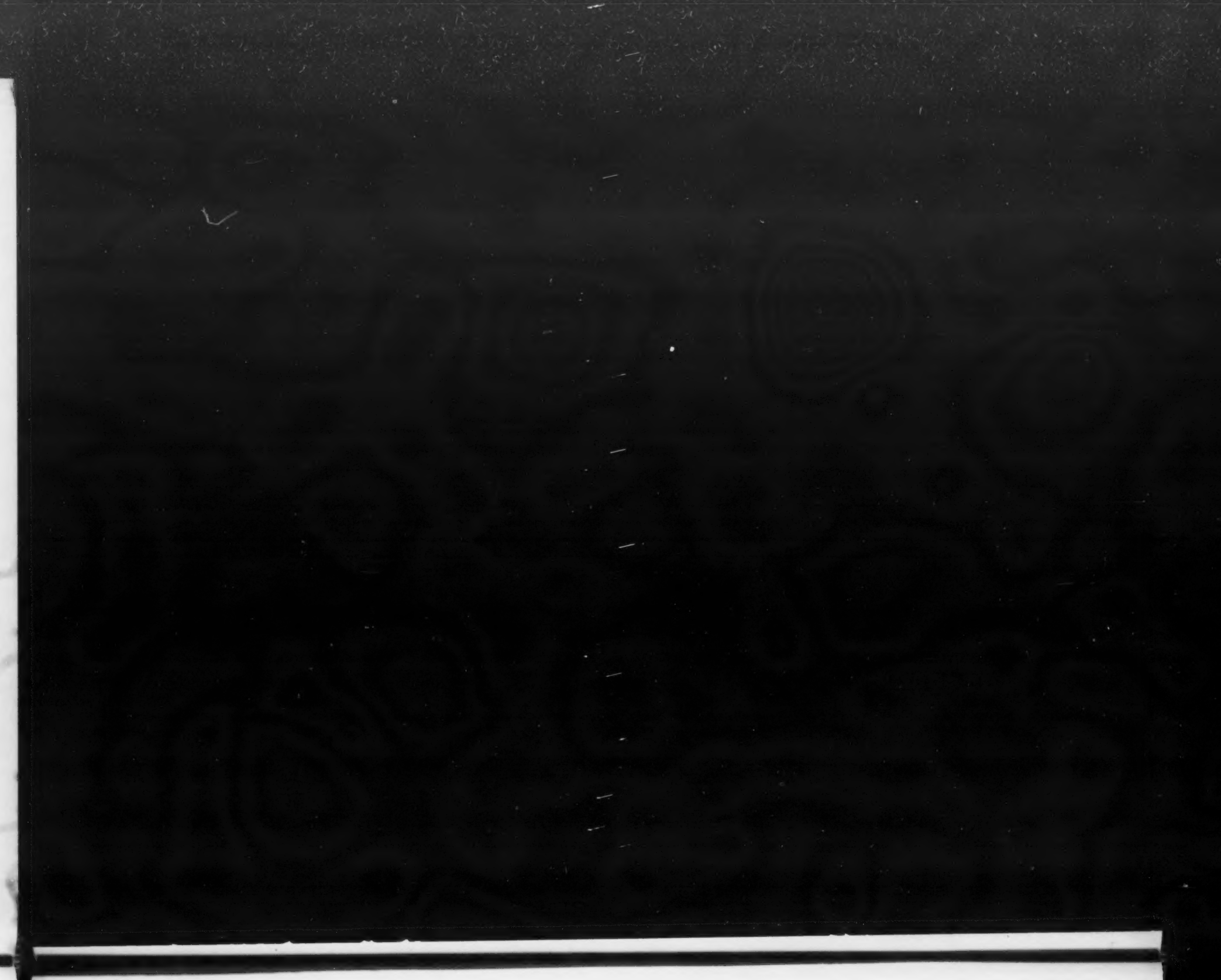
That the right conferred by this act may, subject to the approval of the Secretary of the Interior, be assigned or sublet by the owner thereof to any corporation, firm, association, or individual.

And on page 2, line 20, to strike out:

SEC. 3. That, with the approval of the said Secretary, the holder of any lease authorized hereunder may enter into an agreement with any corporation, firm, association, or individual conducting or intending to conduct operations on lands adjoining or adjacent to any right of way, not to drill for oil or gas underlying the lands covered by such lease, and for the extraction of oil or gas from any reservoir or deposit thereof underlying such lands and such right of way, and any such agreement made with such corporation, firm, association, or individual shall, in addition to the royalty paid to the lessee under this act, also provide for the payment of royalty to the United States on the oil and/or gas produced by such corporation, firm, association, or individual from each such well or wells operated on such adjoining or adjacent lands within such zone or area adjoining such right of way as may be agreed upon by the Secretary of the Interior and the parties to such agreement, and said royalty shall be paid in such amount, value, and manner as may be fixed by the Secretary of the Interior.

And insert in lieu thereof the following:

That prior to the award of any lease under section 1 of this act, the Secretary of the Interior shall notify the owner or lessee of adjoining lands and allow him a reasonable time, to be fixed in the notice given, within which to submit an offer or bid of the amount or percentage of compensatory royalty that such owner will agree to pay for the extraction through wells on his or its adjoining land, of the oil or gas under and from such adjoining right of way, and at the same time afford the





holder of the railroad or other right of way a like opportunity within the same time to submit its bid or offer as to the amount or percentage of royalty it will agree to pay, if a lease for the extraction of the oil and gas deposits under the right of way be awarded to the holder of such right of way. In case of competing offers by the said parties in interest, the Secretary shall award the right to extract the oil and gas to the bidder, duly qualified, making the offer in his opinion most advantageous to the United States. In case but one bid or offer is received after notice duly given, he may, in his discretion, award the right to extract the oil and gas to such bidder.

So as to make the bill read:

Be it enacted, etc., That whenever the Secretary of the Interior shall deem it to be consistent with the public interest he is authorized to lease deposits of oil and gas in or under lands embraced in railroad or other rights of way acquired under any law of the United States, whether the same be a base fee or mere easement: *Provided*, That except as hereinafter authorized no lease shall be executed hereunder except to the municipality, corporation, firm, association, or individual by whom such right of way was acquired, or to the lawful successor, assignee, or transferee of such municipality, corporation, firm, association, or individual.

SEC. 2. That the right conferred by this act may, subject to the approval of the Secretary of the Interior, be assigned or sublet by the owner thereof to any corporation, firm, association, or individual.

SEC. 3. That prior to the award of any lease under section 1 of this act the Secretary of the Interior shall notify the owner or lessee of adjoining lands and allow him a reasonable time, to be fixed in the notice given, within which to submit an offer or bid of the amount or percentage of compensatory royalty that such owner will agree to pay for the extraction through wells on his or its adjoining land of the oil or gas under and from such adjoining right of way, and at the same time afford the holder of the railroad or other right of way a like opportunity within the same time to submit its bid or offer as to the amount or percentage of royalty it will agree to pay, if a lease for the extraction of the oil and gas deposits under the right of way be awarded to the holder of such right of way. In case of competing offers by the said parties in interest the Secretary shall award the right to extract the oil and gas to the bidder, duly qualified, making the offer in his opinion most advantageous to the United States. In case but one bid or offer is received after notice duly given, he may, in his discretion, award the right to extract the oil and gas to such bidder.

SEC. 4. That any lease granted by the Secretary of the Interior pursuant to this act may, in the discretion of said Secretary, contain a provision giving the lessee the right, with the approval of said Secretary, to shut down the operation of any well or wells the operation of which has become unprofitable, to resume operations when such resumption may result in profit, and to abandon any well or wells that cease to produce oil and/or gas in paying quantities.

SEC. 5. That the royalty to be paid to the United States under any lease to be issued, or agreement made pursuant to this act, shall be determined by the Secretary of the Interior, in no case to be less than 12½ per cent in amount or value of the production, nor for more than 20 years: *Provided*, That when the oil or gas is produced from land adjacent to the right of way the amount or value of the royalty to be paid to the United States shall be within the discretion of the Secretary of the Interior: *Provided further*, That when the daily average production of any oil well does not exceed 10 barrels per day said Secretary may, in his discretion, reduce the royalty on subsequent production.

SEC. 6. That the Secretary of the Interior is authorized and directed to adopt rules and regulations governing the exercise of the discretion and authority conferred by this act, which rules and regulations shall constitute a part of any application or lease hereunder.

The amendments were agreed to.

Mr. WALSH of Montana. Mr. President, I feel that some slight explanation of the amendments ought to be made. As the bill was originally drawn, the leases had to be made to the railroad company under whose right of way the oil is supposed to be located. It was felt, however, that persons owning land adjacent to the right of way might be quite willing to obtain a lease of the oil under the right of way, drilling wells upon the ground immediately adjacent, and then draining the area in question. The amendments are intended, however effective they may be, to induce competition between the railroad company, which alone has the right to occupy the right of way, and the owners of adjacent land who might be willing to pay something for the privilege of withdrawing oil from underneath the right of way by wells on land adjacent thereto.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER

The bill (S. 4094) authorizing W. L. Eichendorf, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of McGregor, Iowa, was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6807) establishing two institutions for the confinement of United States prisoners was announced as next in order.

Mr. BLEASE. Over.

The PRESIDING OFFICER. On objection, the bill goes over.

The bill (S. 4066) to authorize the merger of the Georgetown Gas Light Co. with and into the Washington Gas Light Co., and for other purposes, was announced as next in order.

Mr. HOWELL. Over.

The PRESIDING OFFICER. The bill will be passed over.

PROMOTION OF AGRICULTURE

The bill (S. 2043) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That for the purpose of encouraging and promoting the agriculture of the United States and assisting American farmers to adjust their operations and practices to meet world conditions, the Secretary of Agriculture shall—

(a) Acquire such information in foreign countries regarding world production, competition, and demand for agricultural products as may be necessary to provide an adequate production and market outlook service for American agriculture, and to disseminate the same through agricultural extension agencies and by such other means as may be deemed desirable.

(b) Conduct abroad investigation, demonstration, and promotion of the use of standards for agricultural products, including technical studies of the handling of such products.

(c) The Secretary of Agriculture shall cooperate in every practicable way with the Department of State, the Department of Commerce, the Federal Farm Board, and any other department or agency of the Government in carrying out the provisions of this act.

SEC. 2. (a) The present representatives of the Bureau of Agricultural Economics of the Department of Agriculture now stationed abroad shall be officers of the Foreign Agricultural Service of the United States, and the Secretary of Agriculture may appoint other officers in said service from time to time in accordance with civil-service procedure. All such officers shall constitute the Foreign Agricultural Service of the United States and shall be known as agricultural attachés, assistant agricultural attachés, or by such other titles as may be deemed appropriate by the Secretary of Agriculture. Any officer in said service, when designated by the Secretary of Agriculture, shall, through the Department of State, be regularly and officially attached to the diplomatic mission of the United States in the country in which he is to be stationed, or to the consulate of the United States, as the Secretary of Agriculture shall designate. If any such officer is to be stationed in a country where there is no diplomatic mission or consulate of the United States, appropriate recognition and standing, with full facilities for discharging his official duties, shall be arranged by the Department of State. The Secretary of State may reject the name of any such officer if, in his judgment, the attachment of such officer to the diplomatic mission or consulate at the post designated would be prejudicial to the public policy of the United States.

(b) The Secretary of Agriculture shall appoint the officers of the foreign agricultural service to such grades as he may establish, with salaries in those grades comparable to those paid other officers of the Government for analogous foreign service.

(c) The Secretary of Agriculture is authorized to promote or demote in grade or class, to increase or decrease within the salary range fixed for the class the compensation of, and to separate from the service, officers of the foreign agricultural service, but in so doing the Secretary shall take into consideration records of efficiency.

(d) No officer of the foreign agricultural service shall be considered as having the character of a public minister.

(e) Any officer of the foreign agricultural service may be assigned for duty in the United States for a period of not more than three years without change in grade, class, or salary, or with such change as the Secretary of Agriculture may direct.

(f) The Secretary of Agriculture is authorized to pay the expenses of transportation and subsistence of officers in the foreign agricultural service of the United States and their immediate families in going to and returning from their posts under orders from the Secretary of Agriculture. The Secretary of Agriculture is further authorized, when-

ever he deems it in the public interests to order to the United States on his statutory leave of absence any Foreign Agricultural Service officer who has performed three years or more of continuous service abroad: *Provided*, That the expenses of transportation and subsistence of such officers and their immediate families in traveling to their homes in the United States and return shall be paid under the same rules and regulations applicable in the case of officers going to and returning from their posts under orders of the Secretary of Agriculture when not on leave: *Provided further*, That while in the United States the services of such officers shall be available for such duties in the Department of Agriculture and elsewhere in the United States as the Secretary of Agriculture may prescribe. Any officer in the Foreign Agricultural Service, in the discretion of the Secretary of Agriculture, may be given leave of absence with pay for not to exceed 30 days for any one year, which may be taken in the United States or elsewhere, accumulative for three years, under such rules and regulations as the Secretary of Agriculture shall prescribe.

SEC. 3. (a) Subject to the requirements of the civil service laws, and the rules and regulations promulgated thereunder, the Secretary of Agriculture is authorized to appoint, fix the compensation of, promote, demote, and separate from the service such clerks and other assistants for officers of the foreign agricultural service as he may deem necessary.

(b) When authorized by the Secretary of Agriculture, officers of the foreign agricultural service may employ, regardless of their citizenship, in a foreign country from time to time, fix the compensation of, and separate from the service such clerical and other assistants as may be necessary.

SEC. 4. (a) Any officer, assistant, clerk, or employee of the Department of Agriculture, while on duty outside of the continental limits of the United States and away from the post to which he is assigned, shall be entitled to receive his necessary traveling expenses and his actual expenses for subsistence, or a per diem in lieu of subsistence, equal to that paid to other officers of the Government when engaged in analogous foreign service.

(b) The Secretary of Agriculture may authorize any officer of the foreign agricultural service to fix, in an amount not exceeding the allowance fixed for such officer, an allowance for actual subsistence, or a per diem allowance in lieu thereof, for any clerical or other assistant employed by such officer under subdivision (b) of section 3, when such clerical or other assistant is engaged in travel outside the continental limits of the United States and away from the post to which he is assigned.

(c) Any officer, assistant, clerk, or employee of the foreign agricultural service, while on duty within the continental limits of the United States, shall be entitled to receive the traveling expenses and actual expenses incurred for subsistence, or per diem allowance in lieu thereof, authorized by law.

SEC. 5. The Secretary of Agriculture may make such rules and regulations as may be necessary to carry out the provisions of this act and may cooperate with any department or agency of the Government, State, Territory, district, or possession, or department, agency, or political subdivision thereof, cooperative and other farm organizations, or any person, and shall have power to make such expenditures for rent outside the District of Columbia, for printing, telegrams, telephones, law books, books of reference, maps, publications, furniture, stationery, office equipment, travel and subsistence allowances, and other supplies and expenses as shall be necessary to the administration of the act in the District of Columbia and elsewhere. With the approval of the Secretary of Agriculture, an officer of the foreign agricultural service may enter into leases for office quarters, and may pay rent, telephone, subscriptions to publications, and other charges incident to the conduct of his office and the discharge of his duties in advance in any foreign country where custom or practice requires payment in advance.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADMISSION OF CHINESE WIVES

The bill (S. 2836) to admit to the United States Chinese wives of certain American citizens was announced as next in order.

Mr. BLEASE. Over.

Mr. BINGHAM. Mr. President, will the Senator from South Carolina withold his objection for a moment?

Mr. BLEASE. Very well.

Mr. BINGHAM. This is the same bill to which the Senator objected the other day and I explained to him that it was for the benefit of certain of the Chinese race born in America, now American citizens, married prior to 1924. It does not affect anyone married subsequent to 1924. At the time they were married there was no objection to their bringing Chinese wives into this country. At the present time they are married and living in this country with wives of their own race, but if they visit their relatives in China they are unable to bring their wives back with them. It is a hardship upon them. It is not letting down the immigration bars at all.

Mr. WALSH of Massachusetts. Mr. President, I would say to the Senator that I know an American citizen of Chinese descent who served in the World War who was unable to bring his Chinese wife to this country, although he is a war veteran. There are very few of these cases, to be sure, but I think if the Senator from South Carolina realizes that a Chinese merchant who comes here to carry on international trade, a Chinese minister of the gospel, a Chinese professor, can bring their families and their children and live here permanently, he will see some justification for the Chinese wife of an American citizen being allowed to enter as an immigrant. The bill which the Senator from Connecticut is advocating simply permits the wives of Chinese-American citizens to come to this country if they were married prior to 1924, it being expected under the act of 1924 that their wives would be permitted to come, but an interpretation of the law appears to make it impossible. In view of the very few Chinese that are suffering as a result of the separation of American citizens from their Chinese wives I hope the Senator from South Carolina will not press his objection. I do not wonder that at first blush he would be opposed to the legislation. I think we all would be if it were not for the fact that it applies to a very restricted number and takes care only of those Chinese wives who were actually married to American citizens prior to 1924 before the passage of the immigration act.

Mr. STEPHENS. Mr. President, when I first read the provisions of the bill I was very much inclined to oppose it. I may say that my views in regard to immigration coincide very largely with those of the Senator from South Carolina [Mr. BLEASE]. However, after acquainting myself with all the facts connected with the matter and understanding the limitations that are applied, knowing that the bill applies only to those who were married prior to 1924, and that there are comparatively few in number of these cases, I supported the bill in the committee. I am sure it will be found that it is a just measure, and I should be very glad to see it passed. I hope my good friend from South Carolina can give his consent. I do not think any harm can come to us by it and I think it would serve a splendid purpose.

Mr. BLEASE. Very well, Mr. President, I withdraw my objection and will let the bill go to the House.

Mr. SHORTRIDGE. Mr. President, frankly I am not familiar with the provisions of the bill nor is my mind quite clear as to its scope of meaning. In days gone by there was so much fraud in and about the bringing into this country of Chinese wives, so called, that I am very skeptical as to any claims now made—not skeptical, of course, of the good faith of the Senator from Connecticut [Mr. BINGHAM] and of those who seek to legalize the earlier coming of the wives in question. If I understand the bill, though I may not clearly understand it, it is to legalize the coming of Chinese wives into this country who were married prior to 1924.

Mr. BINGHAM. It is not quite that in effect, but it permits American citizens of Chinese ancestry who were married prior to 1924 to travel back and forth with their wives.

Mr. SHORTRIDGE. Where married?

Mr. BINGHAM. It is not stated where married, but wherever married. At the present time, as the Senator is aware, a Chinese citizen—a merchant, or a teacher, or a student, or a professor, or a number of other classes—may bring his wife into this country and, if a merchant, may reside here permanently under our law. But if he happens to be an American citizen born on our soil, he may not bring his wife into this country unless she, too, was born here. It is the result of the way in which the law of 1924 has been interpreted. It results in keeping husbands and wives apart and making it impossible for the wife now in this country to visit her relatives in China because then she can secure no permission to return.

It can not increase in number, because it only applies to those married prior to 1924. It will in no case apply, so far as the Department of Labor can tell us, to more than 390 at the outside every year, that being the average number in four years prior to 1924. Furthermore, the Department of Labor itself is anxious to see the law enacted, in order that the suffering which they know exists may be done away with. They say there will be no difficulty in enforcing the law.

Mr. SHORTRIDGE. So the Government will have assurance that the lady who departs for China will be the one returning as the wife of a citizen?

Mr. BINGHAM. Let us hope so.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill and it was read, as follows:

Be it enacted, etc., That subdivision (c) of section 13 of the immigration act of 1924, approved May 26, 1924, as amended, is amended by striking out "or" before "(3)" and by inserting after "section 3" the following: "or (4) is the Chinese wife of an American citizen who was married prior to the approval of the immigration act of 1924, approved May 26, 1924."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISPOSAL OF PUBLIC LAND ON FEDERAL IRRIGATION PROJECTS

The bill (H. R. 156) to authorize the disposal of public land classified as temporarily or permanently unproductive on Federal irrigation projects was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior, hereinafter styled the Secretary, is authorized in connection with Federal irrigation projects to dispose of vacant public lands designated under the act of May 25, 1926, as temporarily unproductive or permanently unproductive to resident farm owners and resident entrymen on Federal irrigation projects, in accordance with the provisions of this act.

SEC. 2. That the Secretary is authorized to sell such lands to resident farm owners or resident entrymen, on the project upon which such land is located, at prices not less than that fixed by independent appraisal approved by the Secretary, and upon such terms and at private sale or at public auction as he may prescribe: *Provided*, That no such resident farm owner or resident entryman shall be permitted to purchase under this act more than 160 acres of such land, or an area which, together with land already owned on such Federal irrigation project, shall exceed 320 acres: *And provided further*, That the authority given hereunder shall apply not only to tracts wholly classified as temporarily or permanently unproductive but also to all tracts of public lands within Federal irrigation projects which by reason of the inclusion of lands classified as temporarily or permanently unproductive are found by the Secretary to be insufficient to support a family and to pay water charges.

SEC. 3. All "permanently unproductive" and "temporarily unproductive" land now or hereafter designated under the act of May 25, 1926, shall, when sold, remain subject to sections 41 and 43 of the said act. The exchange provisions of section 44 of said act of May 25, 1926, shall not be applicable to the land purchased under this act.

SEC. 4. After the purchaser has paid to the United States all amounts due on the purchase price of said land, a patent shall issue which shall recite that the lands so patented have been classified in whole or in part as temporarily or permanently unproductive, as the case may be, under the adjustment act of May 25, 1926. Such patents shall also contain a reservation of a lien for water charges when deemed appropriate by the Secretary and reservations of coal or other mineral rights to the same extent as patents issued under the homestead laws.

SEC. 5. In the absence of a contrary requirement in the contracts between the United States and the water-users' organization or district assuming liability for the payment of project construction charges, all sums collected hereunder from the sale of lands, from the payment of project construction charges on "temporarily unproductive" or "permanently unproductive" lands so sold, and (except as stated in this section) from water rentals, shall inure to the reclamation fund as a credit to the construction charge now payable by the water users under their present contracts, to the extent of the additional expense, if any, incurred by such water users in furnishing water to the unproductive area, while still in that status, as approved by the Commissioner of Reclamation, and the balance as a credit to the sums heretofore written off in accordance with said act of May 25, 1926. Where water rental collections hereunder are in excess of the current operation and maintenance charges, the excess as determined by the Secretary shall, in the absence of such contrary contract provision, inure to the reclamation fund as above provided, but in all other cases the water rentals collected under this act shall be turned over to or retained by the operating district or association, where the project or part of the project from which the water rentals were collected is being operated and maintained by an irrigation district or water-users' association under contract with the United States.

SEC. 6. The Secretary of the Interior is authorized to perform any and all acts and to make all rules and regulations necessary and proper for carrying out the purposes of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RELIEF OF INDIANS IN MONTANA, IDAHO, AND WASHINGTON

The bill (S. 872) to amend an act for the relief of certain tribes of Indians in Montana, Idaho, and Washington, was considered as in Committee of the Whole. The bill had been reported from the Committee on Indian Affairs, with an amendment, on page 2, line 9, to strike out the word "Claims" and insert "Claims: *Provided further*, That the removal of the limitation on the attorneys' fees herein contained shall apply to the Nez Perce only when they shall have given their formal consent thereto," so as to make the bill read:

Be it enacted, etc., That an act approved March 13, 1924, for the relief of certain tribes of Indians in Montana, Idaho, and Washington (43 Stats. L., Pt. I, pp. 21, 22; Public, No. 42, 68th Cong. 1st sess., ch. 54) be, and the same is hereby, amended by striking out in said act the words, wherever they appear, "in accordance with the terms of said approved contracts"; and by striking out in said act the words, wherever they appear, "nor exceed $25,000 for the Indians residing on each respective reservation: *Provided, however*, That said compensation shall not exceed $25,000 for the Nez Perce Nation or Tribe of Indians residing on both the Lapwai and Colville Indian Reservations, nor exceed 10 per cent of the amount of any judgments rendered in favor of said Nez Perce Nation or Tribe," and inserting in lieu thereof the words "as determined by the Court of Claims": *Provided further*, That the removal of the limitation on the attorneys' fees herein contained shall apply to the Nez Perce only when they shall have given their formal consent thereto.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 107) establishing additional land offices in the States of Montana, Oregon, South Dakota, Idaho, New Mexico, Colorado, and Nevada, was announced as next in order.

Mr. PHIPPS. Over.

The PRESIDING OFFICER. The bill will be passed over.

SALARIES OF DISTRICT COMMISSIONERS

The bill (S. 4242) to fix the salaries of the Commissioners of the District of Columbia was announced as next in order.

The PRESIDING OFFICER. That will go over.

Mr. COPELAND. Mr. President, will the Chair withhold his objection for a moment?

The PRESIDING OFFICER. The Chair will.

Mr. COPELAND. The commissioner who just went out of office received $9,000 a year and the engineer commissioner received $9,000 a year. Under the classification act two new commissioners will come in at $8,000 a year each and the only way they can secure any increase under the law is by recommending for themselves an increase. It seemed to the committee that that was unfair; at least, as a matter of fact, they have not so recommended. But it was our feeling that the District Commissioners should be paid at least $9,000 a year, which is the salary which the engineer commissioner receives, including his salary from the Government.

The PRESIDING OFFICER. May the Chair ask the Senator if $9,000 is the compensation that the bill provides?

Mr. COPELAND. The bill provides for $10,000, but if the present occupant of the Chair will accept $9,000, so far as I am concerned, I would say let us pass the bill at that figure.

The PRESIDING OFFICER. That is agreeable to the present occupant of the chair.

Mr. WALSH of Massachusetts. Mr. President, may I ask the Senator if one of the commissioners is not a retired Army officer?

Mr. COPELAND. Yes; one of the commissioners is a retired Army officer.

Mr. WALSH of Massachusetts. What compensation is he drawing in that capacity?

Mr. COPELAND. I do not know. But the Senator from Georgia [Mr. GEORGE], who was as bitter in his opposition to the appointment of an Army officer as District Commissioner as I was, made it clear in his speech that the money which is paid him now as a retired officer is something which he has really earned and which was deducted from his salary, and that therefore we would not have any right to deduct that from his salary as a commissioner.

Mr. WALSH of Massachusetts. I voted for the appointment of the retired Army officer to the position of commissioner, but I did so reluctantly. I voted for his confirmation because I thought he was a man of very superior ability. I must confess, however, that I am disturbed about retired Army and Navy officers filling civilian Government positions. Such officers are candidates for many positions which are becoming vacant, and a good deal of activity is being displayed in their behalf. In view of the conditions in this country, I think we ought to be careful about appointing retired Army officers to civilian positions with financial emoluments. Here is a case where one of the commissioners must at least be drawing $5,000 a year from the Public Treasury as a retired officer; he is healthy,

strong, and well, able to carry on this work, and he has a civilian position giving him a salary in addition to that which he receives as a retired officer of the Army.

Mr. COPELAND. As the Senator will recall, I opened the fight against the appointment of an Army officer to the Board of District Commissioners, but the appointment of that officer has been confirmed; he is now serving, and the other commissioner is a doctor who retired from a large practice to assume this work.

Mr. WALSH of Massachusetts. I want to say, Mr. President, that a very serious question is involved in the retirement of Army and Navy officers, particularly and possibly the retirement of all civil officers and employees at an early age, when they are strong and healthy, thus increasing the draft upon the Public Treasury. That is a very serious question, and is one that is going to trouble us more and more in the future. I will say to the Senator that I look for a revolt among the people against increasing the retired list of the Army and Navy and giving civilian positions to officers thus retired. I see evidences of this on many sides.

Mr. DILL. Mr. President, I call attention to the fact that the salary of the engineer commissioner would be $10,000.

Mr. COPELAND. It would be $9,000.

Mr. DILL. It would be $9,000, according to the Senator's amendment, including the pay and allowances he receives as an officer of the United States Army. I see no reason why a similar provision should not apply to any Army officer, active or retired, who holds a position in the District government.

Mr. COPELAND. Of course, Mr. President, there is a little difference in the case of an officer who is on the active list as compared to the officer who is retired. I was impressed by the argument made by the Senator from Georgia that the money which retired officers receive is money which they have already earned.

Mr. DILL. That is not entirely true, because part of their retirement fund is provided by the Government. They pay one part of it and the Government pays another part of it.

Mr. COPELAND. I move to amend by striking out "$9,000" and inserting "$10,000."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 4, it is proposed to strike out "$10,000" and insert "$9,000," and to make the same amendment in line 6.

Mr. TRAMMELL. Mr. President, I am going to object to the further consideration of this bill at the present time. For two or three years there has been more or less maneuvering and manipulation in regard to an increase in the salaries of Government employees in the city of Washington, who are receiving but a pittance for their services. It seems that nothing can be accomplished in their behalf, but when it comes to a question of raising the salaries of those who are already receiving high rates of compensation at least some of my friends rush in and endeavor to see that such salaries shall be increased. I think it will have a very salutary effect to hold up some of the increases in the case of higher salaried officials until we can get something done for those who are receiving a very small compensation at the present time. I object to the present consideration of the bill.

The PRESIDING OFFICER. Objection is made.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. TRAMMELL. Yes; I yield.

SEVERAL SENATORS. Regular order!

The PRESIDING OFFICER. The regular order is called for.

Mr. BINGHAM. Mr. President, will the Senator withhold his objection for a moment?

Mr. TRAMMELL. I withhold it, but I am going to renew the objection.

The PRESIDING OFFICER. The regular order is called for, and that requires the next bill on the calendar to be called.

Mr. TRAMMELL. I do not object to hearing the Senator from Connecticut.

The PRESIDING OFFICER. The next bill on the calendar will be stated.

ADDITIONAL DISTRICT JUDGE, SOUTHERN DISTRICT OF CALIFORNIA

The bill (S. 1792) to provide for the appointment of an additional district judge for the southern district of California was announced as next in order.

Mr. BINGHAM. Mr. President, I wanted to say in regard to the last bill which was passed over that the Senator from Florida is laboring under a misapprehension, because under the amendment proposed by the Senator from New York there would be no increase of salary. The Commissioners of the District in the past have been getting $9,000 a year. The present commissioners going into office as they have in a certain grade, under the classification act, only get $8,000; in other words, they are penalized unless they choose to vote themselves an additional $500 which under the law they would have the right to do, because there is no one who grades their efficiency except themselves; but, being honorable gentlemen, they are not willing right at the beginning of their terms of office to vote themselves an additional $500. The motion of the Senator from New York, if agreed to, would give them $9,000, which is simply what the Commissioners of the District have been getting for some years past.

Mr. WALSH of Massachusetts. I inquire of the Senator from Connecticut if there is not one of the commissioners who is drawing a salary of more than $9,000?

Mr. BINGHAM. He is an officer of the Army drawing retired pay.

Mr. WALSH of Massachusetts. I do not mean that officer; but there is another officer on the active list of the Army assigned to the District commissionership.

Mr. BINGHAM. Under the law a third commissioner, the so-called engineer commissioner, receives his Army pay plus a sufficient amount to bring it up to the pay of the civilian commissioners.

Mr. WALSH of Massachusetts. I am pleased to have that information.

Mr. BINGHAM. He does not get $9,000 plus his Army pay, but he gets his Army pay plus a few hundred dollars, or it may be $1,000, or such amount as may be necessary to bring his salary as commissioner up to $9,000, which is what the commissioners have been getting in the past.

Mr. WALSH of Massachusetts. I knew of a retired Army officer being appointed on the Board of Commissioners of the District, but I had not the information as to salary of the officer on that board who is on the active list of the Army.

Mr. TRAMMELL. Mr. President, I should like to inquire of the Senator from Connecticut when the salary of the District commissioners was increased to $9,000 a year?

Mr. BINGHAM. It was increased to that rate several years ago.

Mr. TRAMMELL. The Senator means under the Welch Act, does he not?

Mr. BINGHAM. I think it was under the Welch Act, which increased the salaries of nearly every one in the District.

Mr. TRAMMELL. I do not care to perpetuate the injustices which were inflicted by the Welch Act. These officers who were receiving salaries of $7,500 a year had their salaries boosted to $9,000 a year, while there were hundreds if not thousands of clerks in this city drawing between $1,500 and $1,600 a year who received an increase of only $60 or $70 per annum. I want to see that kind of injustice corrected before we deal with lavish hand with those who are already receiving big salaries. I have objected to the present consideration of the bill.

Mr. BLEASE. Regular order!

Mr. BRATTON. Let the bill go over.

The PRESIDING OFFICER. The regular order is called for. Senate bill 1792 is before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1792) to provide for the appointment of an additional district judge for the southern district of California, which was read, as follows:

Be it enacted, etc., That the President is authorized to appoint, by and with the advice and consent of the Senate, an additional district judge for the District Court of the United States for the Southern District of California. The judge so appointed shall reside in said district and his compensation and powers shall be the same as now provided by law for the judges of said district. A vacancy occurring at any time in the office of the district judge herein provided for is authorized to be filled.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL CIRCUIT JUDGE FOR FIFTH JUDICIAL CIRCUIT

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1906) for the appointment of an additional circuit judge for the fifth judicial circuit, which was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, an additional circuit judge for the fifth judicial circuit.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL DISTRICT JUDGE, SOUTHERN DISTRICT OF NEW YORK

The bill (S. 3229) to provide for the appointment of an additional district judge for the southern district of New York was announced as next in order.

Mr. COPELAND. Mr. President, I dislike to be in the position of opposing my own bill, but a Senator has requested me to ask that the bill go over. It is unfortunate when the bill has almost reached the stage of being passed that it should have to go over, but I am under obligations to make the request.

The PRESIDING OFFICER. The bill will be passed over.

ADDITIONAL CIRCUIT JUDGE, THIRD JUDICIAL CIRCUIT

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3493) to provide for the appointment of an additional circuit judge for the third judicial circuit, which was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, an additional circuit judge for the third judicial circuit.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FESS. Mr. President, I should like to make an inquiry in regard to the bills providing for additional judges which have just been passed. I ask some member of the Judiciary Committee if there is not a general bill pending before that committee providing for the appointment of additional judges?

The PRESIDING OFFICER. The Chair will state that he understands such a bill is being considered by the House.

Mr. DILL. Mr. President, I may say that the bill referred to by the Senator from Ohio is not being considered by the Senate Judiciary Committee at this time.

BILLS PASSED OVER

The bill (H. R. 8574) to transfer to the Attorney General certain functions in the administration of the national prohibition act, to create a Bureau of Prohibition in the Department of Justice, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Being the unfinished business, the bill will be passed over.

The bill (H. R. 9557) to create a body corporate by the name of the "Textile Foundation" was announced as next in order.

Mr. LA FOLLETTE. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

CITIZENSHIP OF MARRIED WOMEN

The bill (H. R. 10960) to amend the law relative to the citizenship and naturalization of married women, and for other purposes, was announced as next in order.

Mr. BLEASE. I ask that that bill go over.

Mr. COPELAND. Mr. President, would the Senator from South Carolina be willing to withhold his objection for a moment?

Mr. BLEASE. I think the Senator from New York asked the other day that the bill go over.

Mr. COPELAND. No; the Senator from Washington asked that the bill go over the other day.

Mr. DILL. Mr. President, I asked that the bill go over the other day, in order that I might prepare an amendment to it. I presented the amendment this morning and asked that it be printed, not expecting that the bill would come up to-day. I have a copy of the amendment, however, and if the Senator from South Carolina will withdraw his objection, I should like to offer it.

The PRESIDING OFFICER. Does the Senator from South Carolina withdraw his objection?

Mr. BLEASE. I withdraw the objection.

Mr. DILL. The amendment has been drawn with the approval of the Commissioner of Immigration, of the Bureau of Naturalization, and of the Secretary of Labor. There have been hearings held on it. I should like to have the amendment read.

The PRESIDING OFFICER. The Senator from Washington offers an amendment, which will be stated.

The CHIEF CLERK. On page 12, after line 13, it is proposed to add a new section, as follows:

SEC. 19. Despite the provisions of subdivision (a) of section 1 of the act entitled "An act making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law," approved March 4, 1929, as amended, an alien, if otherwise admissible, shall not be excluded from admission to the United States under the provisions of such subdivision after the expiration of one year after the date of deportation if, prior to his reembarkation at a place outside of the United States, or his application in foreign contiguous territory for admission to the United States, the Secretary of Labor has granted such alien permission to reapply for admission.

Mr. BRATTON. Mr. President, I ask that the bill go over.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

BILL PASSED OVER

The bill (H. R. 699) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes, was announced as next in order.

Mr. COPELAND. I have been asked by an absent Senator to ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

OBLIGATIONS TO ENROLLED INDIANS UNDER TRIBAL AGREEMENT

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 163) to carry out certain obligations to certain enrolled Indians under tribal agreement, which had been reported from the Committee on Indian Affairs with an amendment on page 1, line 7, after the word "taxation," to insert "and from which land the restrictions have been removed," so as to make the joint resolution read:

Resolved, etc., That any person duly enrolled as a member of an Indian tribe who received in pursuance of a tribal treaty or agreement with the United States an allotment of land which by the terms of said treaty or agreement was exempted from taxation, and from which land the restrictions have been removed, and who was required or permitted contrary to such stipulation to pay any illegal or unauthorized Federal tax on the rents, royalties, or other gains arising from such tax-exempt lands during the period of such exemption and who would be entitled under the law and rulings of the Treasury Department in similar Indian cases to a refund of the taxes so illegally or erroneously collected but for the fact that he failed to file a claim for such refund within the time prescribed by law, shall be allowed one year after the approval of this act within which to file such claim, and if otherwise entitled thereto he may recover such illegal taxes in the same manner and to the same extent as if such claims for refund had been theretofore duly filed as required by law, it not being the policy of the Government to invoke or plead a statute of limitations to escape the obligations of agreements solemnly entered into with its Indian wards: *Provided, however*, That in the case of the death of any such person any such illegal taxes paid by him or on his account may in like manner be claimed and recovered by the person or persons who would have received such money had it constituted a part of his estate at the time of his death.

SEC. 2. That all acts and parts of acts in conflict herewith are modified for the purpose, and only for the purpose, of carrying into the effect the provisions hereof.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 9939) authorizing the Secretary of the Interior to lease any or all of the remaining tribal lands of the Choctaw and Chickasaw Nations for oil and gas purposes, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. THOMAS of Oklahoma. Mr. President, was order of business number 632, being House bill 9939, objected to?

The PRESIDING OFFICER. Objection was made by the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, I objected to the bill, because I want time to look into it before it shall be acted upon.

CASA GRANDE RUINS NATIONAL MONUMENT

The bill (S. 4085) to authorize the use of a right of way by the United States Indian Service through the Casa Grande Ruins National Monument in connection with the San Carlos irrigation project, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That for the purpose of carrying out the San Carlos project the Secretary of the Interior is hereby authorized to use a right of way for an irrigation canal across the northeast quarter northeast quarter section 16, township 5 south, range 8 east, Gila and Salt River meridian, within the Casa Grande Ruins National Monument, Arizona, to the extent of the ground occupied by such canal not to exceed 50 feet on each side of the marginal limits thereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PURCHASE OF LAND FOR NEVADA INDIANS

The bill (S. 134) authorizing an appropriation for the purchase of land for the Indian colony near Ely, Nev., and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated the sum of $1,000 for the purchase of 10 acres of land now occupied as a camp by the Indian colony near the city of Ely, Nev., and $600 to connect the camp with the city water service by the purchase and installation of pipe and hydrants and the erection of a standpipe with necessary protective structure, the title to be held in the name of the United States Government, for the use of the Indians.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSOLIDATIONS OF RAILWAY PROPERTIES

The joint resolution (S. J. Res. 161) to suspend the authority of the Interstate Commerce Commission to approve consolidations or unifications of railway properties was announced as next in order.

The PRESIDING OFFICER. This joint resolution is reported adversely, with amendments.

Mr. FESS. Let it go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

AMENDMENT OF INTERSTATE COMMERCE ACT

The bill (S. 4205) to amend paragraph (6) of section 5 of the interstate commerce act, as amended, was announced as next in order.

Mr. COUZENS. Let that go over.

Mr. HAWES. Mr. President, will the Senator withhold his objection in order that I may make an explanation?

Mr. COUZENS. Certainly.

Mr. HAWES. Mr. President, Senate bill 4205 is intended for the protection of labor at the time of consolidations. The Interstate Commerce Commission has not exercised its authority to consider this important matter. The subject was discussed in the Committee on Interstate Commerce, and a subcommittee was appointed to prepare a bill and to report it to the full committee. That committee was composed of the Senator from Illinois [Mr. GLENN], the Senator from Delaware [Mr. HASTINGS], and myself.

Commissioner Eastman was requested to write changes in the bill originally submitted. He presented to the subcommittee two plans, called plan No. 1 and plan No. 2. The subcommittee approved plan No. 1. That was then submitted by the subcommittee to the full committee, and was unanimously approved by the members of the Committee on Interstate Commerce; so it comes before the Senate in the form of a bill written by Mr. Eastman, of the commission, approved by a subcommittee of the whole committee, and then unanimously approved by the Committee on Interstate Commerce.

The measure is an important one. In my opinion, there is no possibility of Senate Joint Resolution 161 passing. It has not received the approval of the majority of the committee. Only six members approve of it fully. Two approve of it in qualified form; but the majority of the committee is opposed to that joint resolution. Now the Senate has an opportunity to do a thing that ought to be done—that is, to write into the law the element of consideration of the rights of labor in passing upon consolidations.

I do not know anybody who would object to this bill. Certainly no member of our committee objects to it. Now is the time to pass it and send it to the House, so that it can become a law. After all, the whole force of the demand for Senate Joint Resolution 161 came from labor—labor asking protection. That was the force back of the joint resolution. The heart of the thing is contained in this bill. It is before the Senate, and I hope the Senator from Michigan will withdraw his objection to it.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. HAWES. I yield.

Mr. COUZENS. If the bill is to go through by unanimous consent, I desire to make an amendment to it providing for the protection of the employees in anticipation of consolidations, which the bill does not cover. I have not the amendment prepared to offer at this time, so I shall have to object.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

ALBERT L. LOBAN

The bill (H. R. 1793) for the relief of Albert L. Loban was announced as next in order.

Mr. BRATTON. Mr. President, may I ask the chairman of the committee a question? The Senator recalls a conference he and I had the other day about a bill which I introduced to accord to a former employee in the Postal Service benefits similar to those conferred by this bill. That bill was reported from the Senator's committee during the last session of the Congress and passed the Senate.

In the course of the conversation the other day I understood the chairman to say that the bill would not be reported, at least for the present, because the employee left the service in 1917, and apparently had waited a rather long time to present his claim. In this case the employee left the service in 1919. What is the difference between those two claims that makes this one approvable and the other one not so?

Mr. HOWELL. Mr. President, there is a very marked difference between the two claims and the circumstances. In the case of the one that is now before the Senate the man was injured in 1912. There was then no compensation law. He has become an invalid and is helpless. He applied for compensation under the law of 1916 and was refused because his accident had taken place prior to the passage of the law.

In the case to which the able Senator from New Mexico refers the man made claim and presented his case to the commission, which he had a right to do. They considered his claim and turned it down on the ground that the proximate cause of his trouble was not what he claimed at that time, namely, sitting in a draft in the post office at Chicago. Now, 10 years afterwards, the claimant in the latter case comes before Congress and says, "Overrule the commission which passed upon the facts at the time of the claim."

Mr. BRATTON. Even so, does the Senator regard the determination of the commission as binding upon Congress?

Mr. HOWELL. No; but I do claim that where Congress has set up a commission to determine the equities and the rights of a claimant, and that commission, with all the facts before it, refuses to grant the claim of the alleged injured person, and then 10 years expire, Congress is in no position to judge of the claim; that the only thing that can intervene is sentiment, because the commission had all the facts at the time of the claimant's injury or disability.

Mr. BRATTON. I can not accept the Senator's statement that the only thing which appeals to Congress is sentiment; neither do I agree with him that the finding of a commission should be binding upon Congress. I think the evidence submitted in connection with that bill makes out a prima facie case. Of course, the Senator may regard it otherwise.

I am not going to object to the consideration of this bill. I think it is meritorious; and it would ill become me or any other Member of this body to object to this bill because I think some other bill resting on similar facts should be passed. I appeal to the Senator, however, not to hold the other bill in his committee, but to let the Senate pass upon the question.

Mr. HOWELL. So far as that is concerned, the Senator from Nebraska does not propose to hold any bill in the Claims Committee. However, when a bill comes before the Claims Committee, and the committee passes on it and refuses to allow the claim, I am not responsible.

Mr. BRATTON. Oh, no; no more than any other member of the committee.

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired. Is there objection to the present consideration of House bill 1793?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSTRUCTION OF ROADS ON INDIAN RESERVATIONS IN MONTANA

The bill (S. 1785) providing for the construction of roads on the Blackfeet Indian Reservation in the State of Montana was announced as next in order.

Mr. FESS. Mr. President, I notice that the Secretary of the Interior recommends against that bill. I suggest that it go over.

Mr. WHEELER. Mr. President, I wish the Senator would withdraw his objection. Let me say that the Secretary of the Interior points out, in his letter to the committee, the necessity for the road. He recommended against the bills—both this bill and the next one—only because of the fact that he said the subject was dealt with in a general appropriation bill. Let me call the attention of the Senate to the fact, however, that the appropriation that was put in for roads across Indian reservations was cut down by the House.

Mr. FESS. Let the bill go over until to-morrow.

Mr. PHIPPS. Mr. President, before the bill goes over, may I call the Senator's attention to the fact that the Senate has now passed the Colton-Oddie bill, which will authorize appropriations for roads through terrritory in this category; and it may be that that will be the answer to the Senator's request for consideration.

Mr. WHEELER. My understanding of the matter is that that bill carries only a very small appropriation.

Mr. PHIPPS. Oh, no; it contains a general authorization which would make an appropriation for a project of this kind available without a separate bill.

Mr. WHEELER. Then I will let it go over.

Mr. FESS. I should like to have the two bills go over until to-morrow, at least, if the Senator pleases.

The PRESIDING OFFICER. Senate bill 1785, the title of which has just been stated, and Senate bill 4002, providing for the construction of roads on the Rocky Boy Indian Reservation in the State of Montana, will be passed over.

BILL PASSED OVER

The bill (H. R. 7933) to provide for an assistant to the Chief of Naval Operations was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

OHIO RIVER BRIDGE, NEW MARTINSVILLE, W. VA.

The bill (S. 3638) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near New Martinsville, W. Va., was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I notice that there are House bills on the calendar which seem to correspond to the bill of which the title has just been read and the one following it. If that is the case, I suggest that the Senate bills should be indefinitely postponed and the House bills acted on.

Mr. HATFIELD. Mr. President, House bill 9850 is just the same as the Senate bill. I move the postponement of the Senate bill.

The PRESIDING OFFICER. Without objection, House bill 9850 will be substituted for Senate bill 3638.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9850) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near New Martinsville, W. Va.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 3638 will be indefinitely postponed.

OHIO RIVER BRIDGE, MOUNDSVILLE, W. VA.

The bill (S. 3754) to extend the times for commencing and competing the construction of a bridge across the Ohio River at or near Moundsville, W. Va., was announced as next in order.

The PRESIDING OFFICER. Without objection, the same course will be followed in the case of this bill, and House bill 10248 will be substituted.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10248) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 3754 will be indefinitely postponed.

PROVISION OF BOOKS FOR ADULT BLIND

The bill (S. 4030) to provide books for the adult blind was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated annually to the Library of Congress, in addition to appropriations otherwise made to said Library, the sum of $100,000, which sum shall be expended under the direction of the Librarian of Congress to provide books for the use of the adult blind residents of the United States, including the several States, Territories, insular possessions, and the District of Columbia.

SEC. 2. The Librarian of Congress may arrange with such libraries as he may judge appropriate to serve as local or regional centers for the circulation of such books, under such conditions and regulations as he may prescribe. In the lending of such books preference shall at all times be given to the needs of blind persons who have been honorably discharged from the United States military or naval service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 7390) to authorize the appointment of an assistant commissioner of education in the Department of the Interior was announced as next in order.

The PRESIDING OFFICER. Let that bill go over.

The bill (S. 3054) to increase the salaries of certain postmasters of the first class was announced as next in order.

Mr. TRAMMELL. At the request of the junior Senator from Washington [Mr. DILL], who is necessarily absent from the Chamber, I object.

The PRESIDING OFFICER. The bill will be passed over.

That completes the calendar.

THE LOWER RIO GRANDE, THE LOWER COLORADO, AND THE TIA JUANA RIVERS

Mr. SHEPPARD. Mr. President, I ask that the report of the International Waterway Commission, made under provision of law and transmitted by the Secretary of State and by the President, be made a Senate document, together with the letters of transmittal.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ADJOURNMENT

Mr. McNARY. I move that the Senate carry out the unanimous-consent agreement and adjourn until to-morrow at 12 o'clock.

The motion was agreed to; and the Senate (at 4 o'clock and 45 minutes p. m.), under the order previously made, adjourned until to-morrow, Tuesday, May 13, 1930, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, *May 12, 1930*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord, we are not afraid to come to Thee because we are inferior. Thy love and mercy, we trust, have taken away the sense of fear. We thank Thee for such tides of graciousness. As the tiniest flower turns toward the sun, so in Thy presence we thank Thee for what Thou art, and may we forget what we are. Bless all classes of our citizens. May education prevail that our whole land receive its blessings. Remember especially the poor, the ignorant, the needy, and those who are subject to violent wrongs inflicted by their own passions. Teach us all that the big things in life are contentment, a fine appreciation, a serene mind, and a large vision. In the name of our Saviour. Amen.

The Journal of the proceedings of Friday, May 9, 1930, was read and approved.

WAR DEPARTMENT APPROPRIATION BILL

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 7955, the War Department appropriation bill, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 7955) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, has the gentleman from California talked with the gentleman from Mississippi [Mr. COLLINS] about this?

Mr. BARBOUR. Yes. I have talked with the gentleman from Mississippi and the gentleman from Georgia [Mr. WRIGHT].

Mr. GARNER. They are both agreed?

Mr. BARBOUR. Yes.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. BARBOUR, Mr. CLAGUE, Mr. TABER, Mr. COLLINS, and Mr. WRIGHT.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I call up the conference report on the bill H. R. 8531, the Treasury and Post Office Departments appropriation bill.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 8531) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1931, and for other purposes.

Mr. WOOD. I ask unanimous consent, Mr. Speaker, that the statement be read in lieu of the conference report.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the statement.

The statement was read.

(For text of conference report and accompanying statement, see House proceedings of May 1, 1930.)

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

PENSIONS

Mr. NELSON of Wisconsin. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 11588, with Senate amendments, and agree to the Senate amendments.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to take from the Speaker's table the bill H. R. 11588, with Senate amendments, and agree to the Senate amendments. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11588) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. The Clerk will report the Senate amendments.

The Clerk read the Senate amendments, as follows:

Page 13, strike out lines 22 to 25, inclusive; page 38, strike out lines 7 to 10, inclusive; page 41, strike out lines 14 to 17, inclusive; page 88, strike out lines 19 to 22, inclusive; page 134, strike out lines 15 to 19, inclusive; page 137, strike out lines 22 to 25, inclusive; page 143, strike out lines 1 to 4, inclusive; page 145, strike out lines 17 to 20, inclusive; page 157, strike out lines 18 to 21, inclusive; page 180, strike out lines 22 to 25, inclusive; page 181, strike out lines 22 to 24, inclusive, and lines 1 and 2, page 182; page 203, after line 3, insert:

"The name of Adelia Legrow, helpless child of Samuel H. Legrow, late of Company B, Eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Nancy S. Walker, widow of Richard A. Walker, late of Captain Edleman's Company A, Cavalry Detachment Sixty-fourth Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of William M. Atchison, late of Capt. George R. Barber's Fleming County, Ky., State troops, and pay him a pension at the rate of $50 per month.

"The name of John Cook, late of Captain Walker's company for volunteers, attached to One hundred and ninetieth Regiment Twenty-seventh Brigade, Fifth Division West Virginia Militia, and pay him a pension at the rate of $50 per month.

"The name of Harriet J. Ball, widow of Robert E. Ball, late of Troop E, Eleventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Matilda Ann Price, widow of John H. Price, late of Company C, First Regiment Nebraska Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Mary J. D. Buzzell, widow of Warren I. Buzzell, late of Company C, Twenty-eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Frank H. Greenough, widow of Milon E. Greenough, late of Company E, One hundred and second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Cornelia L. Hough, widow of Daniel H. Hough, late of the United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Catherine M. Hayward, widow of George F. Hayward, late of Company C, Sixtieth Regiment Massachusetts Militia Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary J. Baldwin, widow of Amzi W. Baldwin, late of Company E, Thirteenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Alice V. Stanley, widow of Henry C. Stanley, late of Captain Degg's company, Fifth Battalion, District of Columbia Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Marinda O. Miles, widow of William H. Miles, late of Company C, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Rosetta Barnes, widow of Newton Z. Barnes, late of the United States Navy, and pay her a pension at the rate of $30 per month.

"The name of Peter B. Coleman, late of Company F, Sixty-third Regiment Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Ann Eliza McClung, widow of William McClung, late of Capt. James R. Ramsey's company, West Virginia State Troops, and pay her a pension at the rate of $30 per month.

"The name of Alta K. Conley, widow of James H. Conley, late of Company F, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month, and $30 when it is shown she has attained the age of 60 years.

"The name of Hattie Smith, widow of Harrison Smith, late of Company E, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Margaret A. Ridgway, widow of George B. Ridgway, late of Company H, Twelfth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Ottilia H. Smith, widow of Amos T. Smith, late of Company D, Ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Catherine J. Belden, widow of Henry C. Belden, late of Company D, Fifty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Winifred Wallace, widow of Michael D. Wallace, late of Company F, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Emma F. McClaughry, widow of Robert W. McClaughry, late of Company B, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Amanda A. McKinney, helpless child of Joseph McKinney, late of Company A, Fourth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Jane Kelley, widow of John Kelley, late of Troop B, First Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of George C. Hall, helpless child of Thomas B. Hall, late of Company I, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

"The name of Samantha V. Cooper, widow of Charles C. Cooper, late of Company I, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Martha J. Underwood, widow of Ellis Underwood, late of Company C, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Bertha C. Riley, helpless child of John Wesley Riley, late of Company D, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Nancy Blitz, widow of Charles Blitz, late of Company C, Sixty-seventh Regiment New York National Guard Infantry, and pay her a pension at the rate of $30 per month.

"The name of Rosetta Emery, widow of Samuel A. Emery, late of the United States Navy, and pay her a pension at the rate of $30 per month.

"The name of Sarah J. Wells, widow of Samuel Wells, late of Company C, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Lizzie Wright, widow of William S. Wright, late of Company C, Twelfth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she she is now receiving.

"The name of Silas W. Kelly, late of Capt. Joshua C. Perkins's Company C, Harlan County Battalion Kentucky State Guards, and pay him a pension at the rate of $50 per month.

"The name of Sarah Meadors, former widow of Samuel Freeman, late of Company B, Hall's Gap Battalion, Kentucky Militia, and pay her a pension at the rate of $30 per month.

"The name of Manerva Morgan, widow of John H. Morgan, late of Capt. William Eversoles's Company C, Three Forks Battalion, Kentucky State Troops, and pay her a pension at the rate of $30 per month.

"The name of Jennie Riley, widow of Philip Riley, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receving.

"The name of Ellen J. Strong, helpless child of Charles B. Strong, late of Company K, One hundred and sixty-fourth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Mary J. Perry, widow of Oran Perry, late of Company B, Sixteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 in lieu of that she is now receiving.

"The name of Jessie May Bennett, widow of Amos F. Bennett, late of Company M, Fiftieth Regiment New York Engineers, and pay her a pension at the rate of $20 per month, and $30 when she has attained the age of 60 years.

"The name of Adaline Hendrixson, widow of Francis M. Hendrixson, late of Company B, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Abbie W. Mudgett, widow of Henry E. Mudgett, late of Company E, Thirteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Josephine Chapman, widow of James W. Chapman, late of Company A, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Elizabeth Tasher, widow of John C. Tasher, late of Company B, Forty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Elsie E. Bradd, widow of James H. Bradd, late of Company A, Thirteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Fannie Badders, widow of James M. Badders, late of Company A, Twentieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Matilda LaCoss, widow of Adolph LaCoss, late of Company E, Sixtieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Emma E. Waldo, widow of Dillingham Waldo, late of Company E, Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and the pension of the helpless child continued.

"The name of Malenda Lendormi, widow of Paulin Lendormi, late of Company A, Eleventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Johanna Sherer, widow of Peter Sherer, late of Company B, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Amelia Lines, widow of Elliott Lines, late of Company G, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Josephine F. Gibson, widow of Archibald Gibson, late of Company D, Twelfth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Nellie A. Getchell, helpless child of Charles O. Getchell, late of Company F, First Regiment Minnesota Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Leacy V. Welch, former widow of Lorenzo D. Gilbreath, late of Troop E, Third Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Susan Shores, widow of Ethan P. Shores, late of Company K, Eighth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Annie Gilmore, widow of Milton Gilmore, late of Company A, Thirty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

"The name of Marion J. Ellis, widow of Abram H. Ellis, late of Troop C, Seventh Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Aletha E. Eakes, widow of Joseph R. Eakes, late of Company C, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Laura B. Strider, former widow of Jasper W. Reed, late of Company B, Forty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Jennie Lochray, widow of Archie Lochray, late of Company H, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Jemima Colver Rose, former widow of Lewellyn Colver, late of Company I, First Regiment Oregon Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Catharine Moxley, widow of Willis Moxley, late of Company D, One hundredth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Nellie L. Dowlan, widow of William Dowlan, late of Company E, Eleventh Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Catherine J. Wilson, widow of Addison W. Wilson, late of Company K, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Mary J. Clark, widow of Granville P. Clark, late of Troop A, Twelfth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Anna K. Gleitch, widow of George S. Gleitch, late of Company G, First Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Caroline Brunson, widow of Theophilus G. Brunson, late of Company H, Second Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Emma G. Heffner, widow of James Heffner, late of Company L, Third Regiment of Pennsylvania Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Eliza I. Duff, widow of William M. Duff, late of Company D, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Frances E. O'Brien, widow of David O'Brien, late of Company K, Twentieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, and the helpless child, Leona, to $20 per month subject to the provisions and limitations of the pension laws.

"The name of Mary H. White, widow of William W. White, late of Company L, Fifth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Mary M. Battis, widow of Wilkins M. Battis, late of Company C, Nineteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Georgetta Fuller, widow of Ezra B. Fuller, late of Company E, One hundred and forty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of William L. Ross, enlisted under the name of William A. Murray, late of Ninety-third Regiment New York Infantry, and pay him a pension at the rate of $50 per month.

"The name of Ruth E. Richardson, widow of Jabez T. Richardson, late of Troop K, First Regiment Connecticut Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Nellie E. Withey, widow of Elbridge Withey, late of Company H, Eleventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Ellen C. Riley, widow of Edward Riley, late of Troop I, Ninth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Cynthia F. Knapp, widow of Devillo Knapp, late of Company K, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Rosanna Bishop, widow of Edwin M. Bishop, late of Company I, One hundred and eighty-ninth Regiment New York Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Anna B. Flaherty, widow of Michael Flaherty, late of Company K, Twenty-eighth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month, and $30 when 60 years of age.

"The name of Susan A. May, widow of Charles H. May, late of Company B, Sixteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sarah Connell, widow of John Connell, late of Company M, Tenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Margaret A. Day, widow of Carlos P. Day, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Mary E. Hinchman, widow of Joseph E. Hinchman, late of Company G, Tenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Alice Howard, widow of James P. Howard, late of band, Seventh Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Anna P. Fuller, widow of Samuel G. Fuller, late of Company E, Sixth Regiment Vermont Volunteer Infantry, and pay her

a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Matilda A. Riggs, widow of James Riggs, late of Company B, Seventh Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and pension of helpless child to continue.

"The name of Lilly Long, widow of William Long, late of Company K, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Laura R. Slater, widow of Thomas J. Slater, late of Troop A, Seventh Regiment West Virginia Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Emily A. Foster, widow of William Foster, late of Company B, Thirtieth Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Nannie Fry, widow of William Fry, late of Battery G, First Regiment United States Colored Heavy Artillery, and pay her a pension at the rate of $30 per month.

"The name of Ella J. C. Perry, widow of Leonard Perry, late of Company A, Twenty-fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Mary E. Tolbert, widow of Harris F. Tolbert, late of Company B, Twenty-eighth Regiment North Carolina Infantry Confederate States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Hannah P. Ramsey, widow of James Newton Ramsey, late of Company I, Third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Catherine M. Brown, widow of Henry E. Brown, late of Company B, Seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Margaret McElroy, widow of William McElroy, late of Company D, Cass County, Missouri Home Guards Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Lucy L. Hamm Vaughan, widow of George M. Vaughan, alias Vaughn, late of Fifth Military District, Enrolled Missouri Militia, staff of Brig. Gen. R. C. Vaughn, and pay her a pension at the rate of $30 per month.

"The name of Demarious Harris, widow of Isaac N. Harris, late of Company B, Second Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Mary C. Morris, widow of Henry Morris, late of Troop K, Seventh Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Birdie Springsteen, widow of Abram F. Springsteen, late of Company A, Thirty-fifth Regiment Indiana Infantry, and pay her a pension at the rate of $20 per month and $30 per month when she has attained the age of 60 years.

"The name of Pheba Whitman, widow of John B. Whitman, late of Company D, One hundred and twenty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Ruth R. Nash, widow of Nathan E. Nash, late of Company B, Ninth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Susan A. Kurtz, widow of Henry Kurtz, late of Company G, Twenty-seventh Regiment Wisconsin Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Sarah P. Abrel, widow of Graffenburg Abrel, late of Company C, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Charlie Hyden, helpless child of John H. Hyden, late of Company F, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Priscilla Elmore, helpless child of Jesse Elmore, late of Battery B, First Regiment Kentucky Light Artillery, and pay her a pension at the rate of $20 per month.

"The name of Priscilla Wilson, widow of Alexander H. Wilson, late of Company C, Third Regiment United States Colored Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sarah Higgins, widow of Parley E. Higgins, late of Troop L, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Lottie A. Crouch, helpless child of Charles H. Crouch, late of Company B, Maine Coast Guards, and pay her a pension at the rate of $20 per month.

"The name of Rebecca A. Wright, widow of Thomas W. Wright, late of Company G, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Wilson H. Spangenberg, dependent child of George W. Spangenberg, late of Company G, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Emma Fitch, widow of John Fitch, late of Company E, Fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Priscilla Mayer, widow of Philip Mayer, late of Second Independent Battery, Massachusetts Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Martha Gaggin, former widow of William Leonard Ford, late of Company A, Seventy-fourth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Lucinda M. Hanna, widow of James W. Hanna, late of Company D, Thirteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Lillie Wootan, widow of Daniel Wootan, late of Company A, Eleventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Ollie P. Stallings, widow of David R. Stallings, late of Troop E, Eighth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Maggie M. Phillips, widow of Isaac N. Phillips, late of Troop A, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Miranda J. Pickle, widow of Gabriel Pickle, late of Company B, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Nancy Beth, widow of William Beth, late of Troop E, Sixth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Kate F. Thorn, widow of David C. Thorn, late of Company C, Eighty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Martha E. Crawford, widow of William O. Crawford, late of Company D, One hundred and seventy-ninth Regiment New York Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Mary Ida Jordan, widow of George E. Jordan, late of Company H, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of J. Alfred Perry, helpless child of James E. Perry, late of Company I, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Sarah E. Emmert, widow of Daniel Emmert, late of Company A, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Margaret Galvin, helpless child of Daniel Galvin, late of Company B, Ninetieth Regiment of Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Matilda Brown, widow of John Brown, late of Company K, One hundred and thirty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Emma Turner, widow of Washington Turner, late of Company F, Fifty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Myron Gibson, helpless child of Thomas Gibson, late of Company E, Tenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Joab Carr, jr., late of Capt. Nathan J. Lambert's Independent Scouts, Tucker County, West Virginia State Troops, and pay him a pension at the rate of $50 per month.

"The name of Hettie A. Kyker, widow of Thomas J. Kyker, late of Troop C, Third Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Caroline Hoyt, widow of Charles L. Hoyt, late of Company E, Fifteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Amanda Metcalf, helpless child of Amos Metcalf, late of Company C, Seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Manda Jane Stringer, helpless child of William Stringer, late of Company A, Twelfth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Sarah J. Ravlin, former widow of Robert McCollom, late of Company H, Eighteenth Regiment New York Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Henrietta Trate, widow of Lot Trate, late of Company D, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Elizabeth Bartley, widow of Jeremiah J. Bartley, late of Company K, Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Mary J. Edwards, widow of Edmond Edwards, late of Troop A, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Emma F. Shilling, widow of John Shilling, late of Company H, Third Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Anna B. Collins, widow of Anderson F. Collins, late of Company F, Seventieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Rebecca Barnes, widow of Cassius M. Barnes, late of Captain Holland's Company, Michigan Mounted Engineers, and pay her a pension at the rate of $30 per month.

"The name of Rachel Morgan, widow of Edwin D. Morgan, late of Company B, Eighty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Elizabeth Butler, widow of James Butler, late of Company A, Sixty-seventh Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of William Fay, helpless child of Aaron Fay, late of Company H, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Mary E. Stone, former widow of James Cook, late of Company F, Third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sarah Ann Owens, widow of Patrick Owens, late of Company B, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Mary P. Law, widow of James B. Law, late of Company F, Twenty-second Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sarah P. Denham, former widow of Thompson Denham, late of Company B, Thirty-seventh Regiment Kentucky Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Emeline Keeling, widow of Dexter Keeling, late of Company C, One hundred and sixteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Cornelia F. Grove, widow of Leonard S. Grove, late of Company E, Eighth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Elizabeth J. Mills, widow of George L. Mills, late of Troop K, Eleventh Regiment Indiana Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Rachel A. Moffitt, widow of Hugh Moffitt, late of Company E, Twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of William A. Rowin, helpless child of William Rowin, late of Troop B, Second Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $20 per month."

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

BYRD ANTARCTIC EXPEDITION

Mr. CABLE. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 327, authorizing the presentation of medals to the officers and men of the Byrd Antarctic expedition.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Joint resolution (H. J. Res. 327) authorizing the presentation of medals to the officers and men of the Byrd Antarctic expedition.

The SPEAKER. The Chair understands that this is a matter of urgency?

Mr. CABLE. Yes, sir.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, empowered and directed to cause to be made at the United States mint such number of gold, silver, and bronze medals as he may deem appropriate and necessary respectively to be presented to the officers and men of the Byrd Antarctic expedition to express the high admiration in which the Congress and the American people hold their heroic and undaunted services in connection with the scientific investigations and extraordinary aerial explorations of the Antarctic continent, under the personal direction of Rear Admiral Richard E. Byrd, said medals to be suitably inscribed.

With a committee amendment as follows:

Page 1, line 3, strike out the word "Treasury" and insert in lieu thereof the word "Navy."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 2. That such amount as may be necessary for the purchase of the necessary materials for said medals is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated.

Mr. CABLE. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CABLE: Page 2, line 7, strike out the words "purchase of the necessary material for" and insert the words "cost of."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the resolution was passed was laid on the table.

SOVIET PROPAGANDA DOCUMENTS

Mr. LaGUARDIA. Mr. Speaker, I ask unanimous consent to proceed for eight minutes.

The SPEAKER. The gentleman from New York [Mr. LaGUARDIA] asks unanimous consent to proceed for eight minutes. Is there objection?

There was no objection.

Mr. LaGUARDIA. Mr. Speaker, a few days ago the country was somewhat startled by an announcement made by the commissioner of police of the city of New York that he had seized some documents purporting to show that a New York corporation, Amtorg, was connected directly in subversive propaganda work in the United States. He had a hearing before the Committee on Immigration in executive session, but at the same time released to the press of the country photostatic copies of documents which purported to show the activities of communistic propaganda throughout the country through this agency.

I am informed by Mr. Harold Swain, managing editor of the New York Graphic, that one of his men discovered the printing press in New York City where the original letterheads on which the alleged orders from Moscow were printed; that he called this discovery to the attention of the commissioner of police before coming to Washington; that he asked one of his men, Mr. Joe Cohn, to report to Mr. Whalen, and offered his information for comparison with the original of the letterheads he had obtained from the New York printer; that he himself, Mr. Swain, on the morning that the commissioner of police came to Washington called at his home at 6 o'clock in the morning, and offered to compare or give the commissioner an opportunity to compare his records with the samples said to have been printed in New York. I think I am safe in saying that our Department of State had an opportunity of knowing about these alleged records purporting to come from Moscow, and has given no credence to them at all. The fact remains, however, that many people became alarmed when the commissioner of police came to a committee of the House and these documents were presented to the committee. I would suggest to the Committee on Immigration

that the authenticity of the Whalen Russian documents should be established. I will be glad to turn over the original letterhead proofs obtained by the New York Graphic. The Committee on Immigration should ask the police commissioner of New York to appear with his originals and a comparison could be made then and there. If the so-called Russian documents are faked or forgeries, the House and the country should be promptly informed.

I have in my hand the letterhead printed on East Tenth Street, New York City, an exact replica of the letterheads on which these mysterious letters or documents appeared. On the back of it there is a statement from the printer. I read:

I printed this about four months ago and submitted two copies as a proof, but the man did not come back for the order. Signed, M. Wagner, printer.

In other words, they ordered 500, I think. They paid something on account and went there and got proof copies the same as the copies I hold in my hand. If you will compare this letterhead with the photostatic copies which were given out to the press by the New York police, you will find certain printing characteristics which are identical. In fact, the one is a photostatic copy of the other. For instance, the dropping of a comma in the ditto mark; the falling of a dot in the line. There is no question that the photostatic copies which were given to the press by Mr. Whalen and exhibited by him to our Committee on Immigration were exact reproductions of the letterheads which I have in my hand, and which were printed in New York City and not in Moscow.

I hold no brief for the Amtorg. I do not know anything about them. I do not know anything about their activities here except that they are purchasing goods for Russia to the extent of $150,000,000 or $200,000,000 in this country every year.

I submit that when the police commissioner of New York City has some information to give to Congress, he ought to submit to every test before getting the country unduly exercised about the existence of communistic activities based on documents the authenticity of which he can not vouch for. The Amtorg is a New York corporation. If the police commissioner has any information that they are engaged in any activities which are unlawful, he can apply to the courts of New York through the attorney general of the State to dissolve the corporation. That way is open to him. If he claims any law of the United States has been violated, he should submit the facts to our Department of Justice. If he desires legislative action, he should be willing to prove the charges he makes.

I will hold these originals for the pleasure of the Committee on Immigration, and I will ask the Committee on Immigration to take these originals and compare them with the photostatic copies which they have, and I am sure they will be convinced that some one has sold the Police Department of New York City a gold brick. But Congress ought to know it because of the mysterious manner in which this hearing was held. First, the announcement of the discovery of the documents; then giving the documents to the press; and then the executive session between the police commissioner and the committee, and the suspicion aroused that some very dangerous documents had been seized.

The least we can do is to invite a comparison and determine the authenticity of these documents.

For that purpose I have asked this time, and for that purpose I am ready to submit these proofs to the committee.

Mr. JENKINS. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. JENKINS. The chairman of the Committee on Immigration is not present at this time, and I am not authorized to speak for him or for the committee; but I am a member of the Committee on Immigration, and I may say to the gentleman from New York [Mr. LAGUARDIA] that our distinguished chairman, the gentleman from Washington [Mr. JOHNSON] will be glad to avail himself of any assistance that the gentleman from New York [Mr. LAGUARDIA] may render.

Mr. LAGUARDIA. I received this information and these proofs from the managing editor of the New York Graphic, who conducted this investigation and who vouches for this information. I am sure he, too, will cooperate with the gentleman's committee.

Mr. SABATH. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. SABATH. Does the gentleman from New York [Mr. LAGUARDIA] have any objection to furnishing whatever evidence he may have to the other committee that is considering the two resolutions to investigate Amtorg and such other activities?

Mr. LAGUARDIA. There is not any such committee that I know of.

Mr. RAMSEYER. The Rules Committee.

Mr. SABATH. I think that committee ought to have such information as the gentleman from New York [Mr. LAGUARDIA] has in his possession, and additional information that it may be able to secure, because I think it would in a great measure aid the committee in passing upon the resolutions that are now before that committee.

Mr. LAGUARDIA. Yes, indeed; I shall be pleased to submit these samples to the Committee on Rules.

Mr. GREEN. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. GREEN. I was present at the hearing recently when the commissioner appeared, and he impressed me as one of the most able witnesses I have ever heard before a congressional committee. He impressed me as a man who is desirous of administering the laws of the land with all equity and justice, and I believe he will welcome any cooperation.

Mr. LAGUARDIA. It was offered to him, as I stated before, in New York by the Graphic.

Mr. GREEN. He seemed perfectly willing to reveal any information he could that would not conflict with prosecutions that were going on in New York.

Mr. LAGUARDIA. There are no prosecutions going on resulting or in connection with these alleged Russian documents.

The SPEAKER. The time of the gentleman from New York has expired.

TAXATION BY EXECUTIVE FIAT

Mr. CRISP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short article prepared by Mr. David H. Morton, of New York, upon the flexible clause of the tariff. I do not know the gentleman, but the article is well prepared, and I think it is worth reading in connection with the flexible clause now pending in Congress.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The article is as follows:

SHALL ONE MAN OR A COMMISSION OF BUREAUCRATIC EXPERTS ARBITRARILY EXERCISE THIS POWER TO DESTROY?

There was no executive power to change tariff rates under the Underwood Tariff Law. The Tariff Commission appointed by Woodrow Wilson was advisory. It merely compiled tariff statistics and collected information for the use of Congress. This useful, nonpartisan function it performed satisfactorily, without friction, internal or external. The repeal of the flexible provisions would restore the Tariff Commission to their original useful status. The first time in American history any executive official was given power to change an existing tax rate was in the flexible provisions of the tariff act of 1922, enacted by Congress at the request of President Harding.

This is the most dangerous, insidious of bureaucratic powers ever established by Federal act. Thus started, it is greatly broadened in the pending bill. It gives one man, the President of the United States, the power to make or break important importing and manufacturing interests by fixing, on an arbitrary formula, the customs tax rate for the future.

John Marshall said the power to tax is the power to destroy. This means that no court can set aside a tax because it confiscates property. In this the flexible tariff differs in toto from making interstate commerce rates for carriers which can never be confiscatory, or even arbitrary.

This is one of the most important governmental questions now up for discussion. This act sets up the discretion of one man instead of the fixed rule of law.

Congress "passed the buck," abdicated its power, and practically turned over the making of tariff laws to the President, assisted by the Tariff Commission.

The costs of the investigations are enormous, running into the hundreds of thousands, for the employment of a small army of investigators and field agents; reminding us that we seceded from Great Britain because the king sent "swarms of officers to harass our people and eat up their substance."

As a practical matter, it is impossible to find with accuracy the difference in competitive conditions at home and abroad, on a theoretical finding of which the action of the President is supposed to be based. Therefore, it gives an arbitrary and uncontrolled discretion to the President to fix the amount of the future customs-tax rate. That is taxation by Executive fiat.

Under the Fordney-McCumber Act of 1922 the formula was difference in costs of production at home and abroad. This, by legal fiction, to the effect that it merely authorized the President to find facts, was casually sustained by the courts. But the most ignorant can see that when the President fixes a new tariff tax based upon the supposed differences in competitive conditions he levies any tax he pleases. That is legislation. All deceit and camouflage was thrown aside when the

formula was changed from differences in production costs to differences in competitive conditions.

No one but a fool would argue that the latter sets up a fact-finding process.

The most ignorant can see that the differences in competitive conditions formula gives the President absolute and uncontrolled discretion to determine the amount of the tariff tax rate.

William McKinley accepted with some misgiving the advisory tariff commission bill of 1882 and in a speech to Congress said:

"I can not refrain from saying that we are taking a new and somewhat hazardous step in delegating a duty that we ought ourselves to perform—a duty confided to us by the Constitution, and to no others. It is true that a commission does not legislate, and therefore its work may or may not be adopted by Congress. This is the safety of the proposition. The information it will furnish will be important and its statistics of rare value, but the same sources of information are open to Congress and to the Committee on Ways and Means as will be available to a commission."

What would McKinley have thought of a commission with power to fix tariff rates, or of the present flexible scheme reposing such a power in the President?

Speaker Thomas Brackett Reed, in the North American Review of December, 1902, said:

"But we can have sitting in perpetual session a body of men nonpartisan, judicious, wise, and incorruptible. Yes, in your mind. You can have anything in your mind. Imagination is unlimited and it is very delightful to wander around among possible impossibilities. Just think of a nonpartisan free trader sitting on a tariff tax. Of course, he would be above any prejudice except his own. I saw one Tariff Commission sit in 1882, and its report was not enacted into law. All its mistakes were, and the result was satisfactory to nobody."

The flexible tariff should be repealed. It disturbs business and dampens business initiative. Changes in tariff rates once in a while by Congress are often bad enough, but the power to disturb business by changing tariff rates any time the executive functionaries see fit is worse. It spells bureaucracy in its worst form.

The investigations are largely secret. They have to be. It is not a lawsuit. It is an investigation looking to a change in the law. The Tariff Commission is not a court. The so-called hearing is merely to get additional information like a congressional committee hearing. It bears no possible resemblance to a court trial. Fixing the tax rate is a political act and can not be made into a litigation. The commission and the President may seek information by conversations with experts or with anyone else. Congress has to fix tariff rates in the open after full debate, and take the responsibility. To a considerable extent the flexible investigation must necessarily be ex parte.

This flexible scheme is no longer to be based upon supposed differences in cost of production. The law expressly directs the President to fix tariff rates which will equalize competitive conditions. This expression means anything one wishes it to mean. It is indefinite. It establishes no clear-cut rule of action. It is rank nonsense to call such an elastic formula a mere fact-finding process. Under it, within certain nominal limits, the President can do anything he likes, thus exercising an absolute uncontrolled discretion.

He can change the classification from one paragraph to another. He can change the ad valorem to the American valuation. This would often increase the duty several hundred per cent. That is no fact-finding process. It has the same effect as new legislation.

The mere threat to start an investigation for a change will put every importing and domestic industry affected in political fear of the will of the administration. This scheme sets up an executive political power over business, the like of which was never known in America; compared with which the worst possible manipulation of ordinary political spoils is harmless child's play.

Moreover, under any flexible scheme a Democratic President or commission could reduce duties over the heads of a Republican Congress, and a Republican President or commission could increase duties in defiance of a Democratic Congress. Such change in the tax rate by the Executive could not claim a popular sanction. It would lack the support and approval of the popular representatives intrusted by the Constitution with the taxing power.

How any believer in American institutions, Democrat or Republican, can stand for giving such drastic, autocratic power over American business to executive functionaries, be they commission or President, and whatever their ability and learning, is a mystery. It is supported by no orthodox Republican or Democratic doctrine. It has not a political leg to stand on.

This discussion does not involve the political question of "protection" or "tariff for revenue." The question of having a flexible tariff is a nonpartisan question.

If this is to remain a Government of laws and not of men, the flexible tariff must go. The most far-reaching governmental power, the power to tax is the power to destroy, is practically exercised behind the scenes, more or less in the dark, securely buried in the wilds of our circumlocution office at Washington. That is the worst form of Federal bureaucracy yet invented.

When the Federal bureaucrats arbitrarily construe or arbitrarily apply a tax law there is a judicial remedy to correct their action in the courts. But the act of fixing the future tax rate is, in its very nature, not subject to judicial review. It is not a justiciable matter. The courts can not be made to indirectly take part in the purely political act of fixing the future tax rate. Consequently when the President fixes the amount of a future tax rate he can wantonly and arbitrarily destroy my property or put me out of business, and I have no redress whatsoever.

This strikingly distinguishes such absolute, unrestrained power from the limited and restrained action of the Interstate Commerce Commission in fixing reasonable rates for carriers' public services, which can neither be confiscatory nor arbitrary. Moreover, the whole matter of thus fixing tariff rates through an Executive commission is so hidden, confused, and deceptive, so lost in the wilds of our circumlocution office in Washington, so irresponsible in its nature, that the citizen affected, perhaps put out of business, has practically no political redress for abuse of power. There is no one he can hold responsible politically.

This whole flexible-tariff business would have been anathema to Thomas Jefferson, to Samuel J. Tilden, to Grover Cleveland, and to most of our great Republican statesmen of former days. Have we now gone soft? If we are willing to have our very right to do business granted us by the favor of a commission of Washington bureaucratic experts, however upright or however learned, we might as well stop talking about American liberty and turn everything over to a dictator such as Lenin or Mussolini and be done with constitutional government.

The above explains why the present flexible tariff has not taken the tariff out of politics and why no flexible tariff can do so. The tariff is purely and necessarily a political question.

The Archangel Gabriel himself can not accurately find the supposed "differences in competitive conditions" without using a legislative discretion. To attempt tariff making by such a formula is unsound and impractical and grossly unfair to business.

Changing the personnel of the Tariff Commission can not help matters. That merely changes the men who shall do the guessing.

In his testimony before the special investigation committee, Thomas Walker Page said:

"I think that there are enough uncertainties in business, even under the best of conditions, and I think that the feeling of uncertainty and of insecurity is greatly increased when it is impossible for the producer to know at what time the rates of the tariff are going to be changed. When they feel, at least, that they are under a constant threat of a change in the tax on imports they can not with any feeling of safety make their commitments for future operations. It is, therefore, a deterrent to business. It prevents sound business. It adds a speculative interest which I think is highly undesirable. I might also say that one of the serious defects in the proposal for a flexible tariff is, as I have said elsewhere, the danger that the flexibility will be perverse. You can not make investigations which will justify a change in the rate until the period of production is completed to which the investigation relates. Now, the following period of production may be subject to conditions that are different from the period which has been under investigation. If, therefore, you change your rates so as to accord with results, or investigation, of one period, they might be totally wrong for the period which follows."

In conclusion there is a deliberate snake in the flexible provision which should be noticed. It professes to be a fair and equal scheme. It is not. As to every ad valorem rate the President may lower the existing rate 50 per cent. But when he comes to ad valorem rates he can go far above 50 per cent by shifting the duty to the so-called American selling price. That makes the scheme one-sided and unfair in operation.

CONSTRUCTION OF BRIDGES

Mr. COCHRAN of Missouri. Mr. Speaker, on February 27, I called to the attention of the gentleman from Illinois [Mr. DENISON] certain legislation that had passed the Senate the day previous with reference to the construction of two bridges in Maryland. I told him at the time that I had information regarding the activities of certain individuals interested in the corporation seeking the franchises. I was assured by the gentleman from Illinois, as the RECORD will show, that I would be given an opportunity to appear before his committee prior to the reporting of the bills. The bills have been reported to the House, but the gentleman from Illinois did not keep the promise he made to me on the floor. Therefore I ask unanimous consent that I be permitted to extend my remarks in the RECORD and print the argument I proposed to submit to the subcommittee of the Committee on Interstate and Foreign Commerce, if I had been given the opportunity.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks by printing an argument he intended to make before the Committee on Interstate and Foreign Commerce. Is there objection?

Mr. DENISON. Mr. Speaker, I object. I want to state, in view of what the gentleman from Missouri has said, that the failure of the committee to hear the gentleman was entirely an oversight, and if there is any parliamentary way it can be done I will ask that the bills be referred back to the committee, in order to give the gentleman from Missouri an opportunity to have a hearing. Can that be done?

The SPEAKER. The Chair thinks it can be done by unanimous consent.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that the bill (S. 3421) to authorize the Tidewater Toll Properties (Inc.), its legal representatives and assigns, to construct, maintain, and operate a bridge across the Choptank River at a point at or near Cambridge, Md., and the bill (S. 3422) to authorize the Tidewater Toll Properties (Inc.), its legal representatives and assigns, to construct, maintain, and operate a bridge across the Patuxent River, south of Burch, Calvert County, Md., be referred back to the committee for further hearing. There was no intention, of course, to prevent the gentleman from Missouri from being heard, but in the consideration of many other matters pending before the committee, the gentleman's request was overlooked. I want to give him ample opportunity to be heard.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the two bills referred to be recommitted to the committee on Interstate and Foreign Commerce. Is there objection?

There was no objection.

DISTRICT OF COLUMBIA BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that in consideration of certain District bills to-day the usual Consent Calendar rules may be used.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that such bills from the District Committee as may be offered to-day be considered under the rules relating to the Consent Calendar. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object—which I do not expect to do—I think this would be a good time to call to the attention of the House the conditions under which one District of Columbia bill passed this House the last time the District Committee had a day. A certain bill was reported to allow the Masonic Temple Association, in Washington, to erect a portion of their building higher than the building regulations of the District permit. When that bill came up for consideration, I asked for certain information, but the information given was not accurate. The gentleman who gave it to me was not at fault, because the plans of the association had not been fairly disclosed to the committee. By reason of the information given me I did not make the objection to the bill which I would have made. The bill passed and has become law. Since that time certain facts have been developed of which Congress was not aware. First, that instead of being simply a fraternal structure that would be an ornament to the city, in a conspicuous location, a part of the project is a commercial one, the erection of several apartment houses, so that Congress gave consent to an exception to the building regulations in connection with a commercial project. This Congress would not have done it if we had known the facts. Secondly, the portion of the structure that is to be higher than the building regulations would have permitted, as now planned by the architects, is to be practically a replica of the Lincoln Memorial.

In other words, we are permitting, in connection with a semifraternal and semicommercial project, the placing, in a very conspicuous part of the city, of a replica of the Lincoln Memorial, to some extent taking away the unique beauty that characterizes that structure. I do not know what authority, if any, the Fine Arts Commission and the National Capital Park and Planning Commission may have left to them, but I hope they have enough authority that they can prevent the desecration of the Lincoln Memorial by uniting it with this pending proposition. [Applause.] I think there ought not to have been that exception for any commercial project. However, that has gone by, and I only take this time to express the hope that the Committee on the District of Columbia in any legislation they are going to bring before the House to-day will know the facts.

Mr. ARENTZ. The gentleman has lots of followers, so why not introduce a bill to repeal that bill?

Mr. CRAMTON. I think that would be very desirable.

Mr. GARNER. Will the gentleman from Michigan yield for a question?

Mr. CRAMTON. Certainly.

Mr. GARNER. The gentleman said that the time had gone by, but is there not a remedy that we could now apply by appropriate legislation? Have they acquired rights that we could not take away from them?

Mr. CRAMTON. No. If the Congress would pass the legislation, it would still be in time.

Mr. GARNER. Why does not the gentleman introduce the necessary legislation and try to remedy the situation?

Mr. CRAMTON. I will be very pleased to do that and see how far we may get with it.

Mr. TILSON. Mr. Speaker, I renew my request.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

NATIONAL SOCIETY SONS OF THE AMERICAN REVOLUTION IN WASHINGTON, D. C.

Mr. McLEOD. Mr. Speaker, I call up the bill (H. R. 3048) to exempt from taxation certain property of the National Society Sons of the American Revolution in Washington, D. C.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the property situated in square 196 in the city of Washington described as lot 10, together with all the furniture and furnishings now in and upon premises 1227 Sixteenth Street NW., occupied by the National Society of the Sons of the American Revolution, be, and the same is hereby, exempt from and after August 26, 1927, from all taxation so long as the same is so occupied and used, subject to the provisions of section 8 of the act approved March 3, 1877, providing for exemptions of church and school property, and acts amendatory thereof.

With the following committee amendment:

Page 1, line 9, strike out the words "August 26, 1927," and insert "the date of the approval of this act by the President."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOWARD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if this property is used in any sense for the purpose of raising revenue in behalf of the society?

Mr. McLEOD. I understand it is not.

Mr. HOWARD. Does the gentleman know it is not?

Mr. McLEOD. From the information the committee has, it is not.

Mr. HOWARD. Until the gentleman can tell me positively it is not, I shall have to object.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. LAGUARDIA. I am going to suggest an amendment on page 2, after the word "is," to insert the word "exclusively," so as to provide "so long as the same is exclusively so occupied." I think this would cover it, because then it must be exclusively occupied by the Sons of the American Revolution. I have in mind the same thing the gentleman has.

Mr. HOWARD. That would help, but I want to know that no citizen will ever be charged for entry upon these premises.

Mr. McLEOD. The testimony the committee received from the Sons of the American Revolution was that all functions held on these premises, whatever their object might be, were always free and open only to those individuals, and with the amendment suggested by the gentleman from New York [Mr. LAGUARDIA] I can not see what objection the gentleman could have to the bill.

Mr. HOWARD. I suggest to the gentleman he make the amendment a little stronger. That is not strong enough for me.

Mr. McLEOD. I may say further to the gentleman from Nebraska that this is identical with the bill passed with respect to the Daughters of the American Revolution.

Mr. HOWARD. That may be. It is identical with the Masonic and Odd Fellow measures, and I belong to all of them, but I believe in everything paying taxes, where there is any money received from the property. We had better pass it over until the gentleman perfects the amendment.

The SPEAKER. Is there objection?

Mr. HOWARD. I object for the present, Mr. Speaker.

Mr. TARVER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. TARVER. Mr. Speaker, in connection with the bill that has just been called up, I ask unanimous consent that there may be inserted in the RECORD an adverse report of the District Commissioners on this bill, which report has been omitted from the committee report, in order that the Members of the House may be informed of the reasons the Commissioners of the District do not think this bill should be enacted into law.

The SPEAKER. The gentleman from Georgia asks unanimous consent to insert in the RECORD an adverse report of the Commissioners of the District of Columbia on the bill just called up. Is there objection?

There was no objection.

The matter referred to follows:

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C., December 28, 1929.

Hon. F. N. ZIHLMAN,
Chairman Committee on the District of Columbia,
House of Representatives, Washington, D. C.

SIR: The Commissioners of the District of Columbia have the honor to submit the following on H. R. 3048, Seventy-first Congress, first session, entitled "A bill to exempt from taxation certain property of the National Society Sons of the American Revolution in Washington, D. C.," which you referred to them for consideration and report.

Under existing law property used for educational, charitable, and religious purposes is exempted from taxation if it fulfills certain requirements. This is a general law. Under certain special laws other properties of philanthropic or patriotic character have been exempted. The total exemptions which have been made of property in the District of Columbia for these purposes amounts to $75,000,000. The commissioners have had other bills referred to them providing for a special law which would increase the present large amount of exempt property. Such laws tend to shift the burden of taxation from the few directly interested to the general public. The commissioners believe it to be a sounder fundamental policy to insist that the founders and members of organizations which are not purely charitable, educational, or religious, and therefore whose property would not be exempt under the present general law, should pay taxes for such property and recognize such an obligation in the founding of their institutions and the calculations of their budgets.

For the reasons given above the commissioners are constrained to recommend adverse action on this bill.

Very truly yours,

PRESIDENT BOARD OF COMMISSIONERS
OF THE DISTRICT OF COLUMBIA.

CONSTRUCTION OF PRIVATE AND SEMIPUBLIC BUILDINGS IN CERTAIN AREAS OF THE NATIONAL CAPITAL

Mr. McLEOD. Mr. Speaker, I call up the bill (S. 2400) to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in view of the provisions of the Constitution respecting the establishment of the seat of the National Government, the duties it imposed upon Congress in connection therewith, and the solicitude shown and the efforts exerted by President Washington in the planning and development of the Capital City, it is hereby declared that such development should proceed along the lines of good order, good taste, and with due regard to the public interests involved, and a reasonable degree of control should be exercised over the architecture of private or semipublic buildings adjacent to public buildings and grounds of major importance. To this end, hereafter when application is made for permit for the erection or alteration of any building, any portion of which is to front or abut upon the grounds of the Capitol, the grounds of the White House, the portion of Pennsylvania Avenue extending from the Capitol to the White House, Rock Creek Park, the Zoological Park, the Rock Creek and Potomac Parkway, Potomac Park, the Mall park system and public buildings adjacent thereto, or abutting upon any street bordering any of said grounds or parks, the plans therefor, so far as they relate to height and appearance, color, and texture of the materials of exterior construction, shall be submitted by the Commissioners of the District of Columbia to the Commission of Fine Arts; and the said commission shall report promptly to said commissioners its recommendations, including such changes, if any, as in its judgment are necessary to prevent reasonably avoidable impairment of the public values belonging to such public building or park; and said commissioners shall take such action as shall, in their judgment, effect reasonable compliance with such recommendation: *Provided*, That if the said Commission of Fine Arts fails to report its approval or disapproval of such plans within 30 days, its approval thereof shall be assumed and a permit may be issued.

SEC. 2. Said Commissioners of the District of Columbia, in consultation with the National Capital Park and Planning Commission, as early as practicable after approval of this act, shall prepare plats defining the areas within which application for building permits shall be submitted to the Commission of Fine Arts for its recommendations.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

DOG TAXES

Mr. McLEOD. Mr. Speaker, I call up the bill (H. R. 11403) to amend an act entitled "An act to create a revenue in the District of Columbia by levying tax upon all dogs therein, to make such dogs personal property, and for other purposes," as amended.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GIBSON. Mr. Speaker, reserving the right to object, I desire to ask the chairman of the committee a question. About a year ago a committee was created to make a study of the licensing laws of the District for the purpose of drafting a bill to replace the law passed in 1902, which is now obsolete in many features. I ask if any progress has been made in the committee with respect to this proposed act.

Mr. McLEOD. I do not believe so. I do not think that has been considered so far this session.

Mr. GIBSON. I will say to the chairman of the committee that the District officials are very much concerned about the situation. In the application of the present law certain activities are subject to exorbitant taxes. I mention this as one of the injustices of the present law. Many activities are charged ridiculously low fees and many are not included by reason of changed conditions.

Mr. McLEOD. The gentleman knows that I am in sympathy with him, and it is the intention of the committee to reach it as soon as possible.

Mr. TARVER. Reserving the right to object, Mr. Speaker, I think it proper that the membership of the House should be informed as to the nature of this bill, before granting consent. I do not propose myself to enter an objection. This is not a bill of the character you think it is by reading the title. It is a bill to raise the salary of the official dog catcher from about $2,300 to approximately $3,000—the exact figures I do not recall. I call your attention also to the fact that the personnel classification board, which has had under consideration the appeal of this official for higher classification has denied the appeal and the District Commissioners have adversely reported on the proposed increase of salary. If no one has an objection I shall enter no formal objection myself, but I felt that you should be acquainted with the facts.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That an act entitled "An act to create a revenue in the District of Columbia by levying a tax upon all dogs therein, to make such dogs personal property, and for other purposes," approved June 19, 1878 (20 Stat. 173), as amended, be, and the same is hereby, amended by inserting, following section 9, a new section to read as follows:

"SEC. 10. In order to carry out properly and effectively the duties imposed upon him by Congress the poundmaster is hereby given authority as a special police officer of the Metropolitan Police Department of the District of Columbia, with authority to make arrests in the performance of his duty, and he shall receive a salary at the rate of $3,080 per annum."

SEC. 2 Section 10 is amended to read as follows:

"SEC. 11. That all acts or parts of acts now in force in the District of Columbia inconsistent with the provisions of this act be, and the same are hereby, repealed."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FOR THE DISPOSAL OF COMBUSTIBLE REFUSE FROM PLACES OUTSIDE OF THE CITY OF WASHINGTON

Mr. McLEOD. Mr. Speaker, I call up the bill H. R. 9767, for the disposal of combustible refuse from places outside of the city of Washington.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. McLEOD. Mr. Speaker, I ask unanimous consent that the bill S. 4221 be substituted for the House bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to enter into agreement with the Board of County Commissioners of Montgomery County, State of Maryland; the Board of County Commissioners of Prince Georges County, State of Maryland; the Board of Supervisors of Arlington County, State of Virginia, and/or with the several municipalities, taxing areas, and communities within the counties aforesaid having power and authority to enter into such agreements, said agreements to permit said counties, municipalities, taxing areas, and communities to dispose of combustible

material in the incinerators built by the District of Columbia under authority of the act approved March 4, 1929, entitled "An act authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern high-temperature incinerators for the destruction of combustible refuse, and for other purposes," in such kind and quantities, at such times, and for such fees as the said Commissioners of the District of Columbia shall specify: *Provided*, That said counties, municipalities, taxing areas, and communities shall make collections of such material with their own equipment and shall obtain permits from the District of Columbia for hauling or transporting the material over routes within the District of Columbia to be designated by the said commissioners. The commissioners shall have the right to suspend or revoke such agreements if found necessary for the proper and successful operation of these incinerators, or for any other reason.

Mr. LAGUARDIA. I would like to ask the gentleman from Michigan a question. Does the gentleman believe that the city of Washington is sufficiently protected in not having its streets used for the garbage carts of neighboring municipalities going either way to the District incinerator?

Mr. McLEOD. They are going through streets only designated by the commissioners.

Mr. LAGUARDIA. We have gone through this thing in my own city. The objection is that the garbage wagons must go through the streets of the city to get to the incinerator. If you are going to make a dumping ground for Maryland and Virginia, you ought to go slow and not have all of the garbage drawn through the streets of the city.

Mr. McLEOD. The committee felt that, according to the testimony given, there will be considerable money saved for the District of Columbia. In going through the streets, that matter comes within the jurisdiction of the commissioners, who designate certain streets for the passage of the garbage wagons.

Mr. LAGUARDIA. Reducing the cost of garbage disposal and an increase of the stench from garbage wagons going through the streets would be too big a price to pay, but I presume the committee has looked into it.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

AUTHORIZING THE COMMISSIONERS OF THE DISTRICT TO SETTLE CLAIMS AND SUITS AGAINST THE DISTRICT OF COLUMBIA

Mr. McLEOD. Mr. Speaker, I call up the bill H. R. 9996, an act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia, approved February 11, 1929.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That subsection (a) of section 1 of the act entitled "An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia," approved February 11, 1929, be, and the same hereby is, amended to read as follows:

"(a) Arises out of the negligence or wrongful act, either of commission or omission, of any officer or employee of the District of Columbia for whose negligence or acts the District of Columbia, if a private individual, would be liable prima facie to respond in damages, irrespective of whether such negligence occurred or such acts were done in the performance of a municipal or a governmental function of said District: *Provided, however*, That nothing herein contained shall be construed as depriving the District of Columbia of any defense it may have to any suit, either at law or in equity, which may be instituted against it."

With the following committee amendment:

Page 2, line 14, after the word "it," insert the following language: "or to give any person, corporation, partnership, or association any right to institute any suit against the District of Columbia which did not exist prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

AMENDING SECTION 601, SUBCHAPTER 3, CODE OF LAWS, DISTRICT OF COLUMBIA

Mr. McLEOD. Mr. Speaker, I call up the bill 3144, to amend sections 599, 600, and 601 of subchapter 3 of the Code of Laws for the District of Columbia, which I send to the desk and ask to have read.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is this the board of directors bill?

Mr. STOBBS. Yes. I am going to offer an amendment which I think will satisfy the gentleman's objection. I shall provide in the amendment that this shall be applicable only to missionary and religious organizations.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That sections 599, 600, and 601 of subchapter 3 of the Code of Laws for the District of Columbia be, and the same are hereby, amended to read as follows:

"SEC. 599. Certificate: Any three or more persons of full age, citizens of the United States, who desire to associate themselves for benevolent, charitable, educational, literary, musical, scientific, religious, or missionary purposes, including societies formed for mutual improvement or for the purpose of religious worship, may make, sign, and acknowledge, before any officer authorized to take acknowledgment of deeds in the District, and file in the office of the recorder of deeds, to be recorded by him, a certificate in writing, in which shall be stated—

"First. The name or title by which such society shall be known in law.

"Second. The term for which it is organized, which may be perpetual.

"Third. The particular business and objects of the society.

"Fourth. The number of its trustees, directors, or managers for the first year of its existence.

"SEC. 600. Signers incorporated: Upon filing their certificates the persons who shall have signed and acknowledged the same and their associates and successors shall be a body politic and corporate, by the name stated in such certificate; and by that name they and their successors may have and use a common seal, and may alter and change the same at pleasure, and may make by-laws and elect officers and agents, and may take, receive, hold, and convey real and personal estate necessary for the purposes of the society as stated in their certificate: *Provided, however*, That this section shall not be construed to exempt any property from taxation in addition to that now specifically exempted by law.

"SEC. 601. Trustees: Such incorporated society may elect its trustees, directors, or managers at such time and place and in such manner as may be specified in its by-laws, who shall have the control and management of the affairs and funds of the society, and a majority of whom shall be a quorum for the transaction of business, unless a less number be specified as a quorum in the by-laws; and whenever any vacancy shall happen in such board of trustees, directors, or managers the vacancies shall be filled in such manner as shall be provided by the by-laws of the society."

With the following committee amendments:

Page 1, line 3, strike out the letter "s" in the word "sections."

Page 1, line 3, strike out "599, 600, and."

Line 4, strike out the word "are" and insert the word "is."

Line 6, strike out all of lines 6, 7, 8, 9, 10, on page 1, and lines 1 to 24, inclusive, on page 2, and lines 1 and 2 on page 3.

Mr. STOBBS. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. STOBBS: Page 3, line 8, after the word "business," strike out "unless a less number be specified as a quorum in the by-laws," and strike out the period after the word "society," in line 12, and insert the following after the word "society," in line 12: "*Provided*, That any society formed for religious or missionary purposes may provide in its by-laws for a less number than a majority of its trustees to constitute a quorum."

Mr. LAGUARDIA. Mr. Speaker, I suggest that the gentleman insert the word "only" after the word "formed," so that it will read "only for religious and missionary purposes."

Mr. STOBBS. That will be satisfactory.

Mr. LAGUARDIA. I think it should be made clear that it refers to a society organized only for religious and missionary purposes.

Mr. STOBBS. I accept the suggestion.

Mr. LAGUARDIA. Mr. Speaker, I offer that as an amendment.

The SPEAKER. The Clerk will report the amendment to the amendment of the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA to the amendment offered by Mr. STOBBS: After the word "formed" insert the word "only."

The LaGuardia amendment to the amendment offered by Mr. STOBBS was agreed to, and the Stobbs amendment was agreed to. The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend section 601 of subchapter 3 of the Code of Laws for the District of Columbia."

A motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF DANGEROUS WEAPONS IN THE DISTRICT OF COLUMBIA

Mr. McLEOD. Mr. Speaker, I call up the bill H. R. 9641, to control the possession, sale, transfer, and use of dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection? The Chair hears none.

Mr. LaGUARDIA. What bill is this?

Mr. McLEOD. It is the dangerous weapon bill.

Mr. LaGUARDIA. O Mr. Speaker, I reserve the right to object.

Mr. TARVER. Mr. Speaker, I rise to a point of order. The Chair announced, after inquiring if there was objection, that there was no objection, and it seems to me that the gentleman from New York comes too late with his reservation.

The SPEAKER. Technically, the objection came too late; but if a Member is not familiar with the bill being called up under circumstances like these, the Chair is always disposed to recognize him to object. The Chair recognizes the gentleman from New York.

Mr. LaGUARDIA. Mr. Speaker, my objection to the bill is that in providing for the issuance of a permit a citizen is required to give a bond for $500. It seems to me that a citizen getting a permit to protect his personal property or person should not be required to give a bond. Certainly the racketeer and the gangster do not give bonds, and they carry guns. The business man under this legislation would be compelled to obtain a permit to protect his business against such intrusion and, in addition, give a bond.

Mr. COLE. Does the gentleman from New York intend to permit competitive shooting contests?

Mr. LaGUARDIA. Does the gentleman from Iowa think that a bond would prevent such a thing? I think the law-abiding citizen who needs a gun to protect his business should not be compelled to give a bond.

Mr. COLE. Instead of furnishing guns to citizens, would it not be better to take them away from racketeers and gunmen?

Mr. LaGUARDIA. Undoubtedly, that would be ideal, but we can not legislate for such a thing. I shall not object to the bill, but I shall offer an amendment at the proper time, and let the House decide.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 10651. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 7955) entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REED, Mr. JONES, Mr. BINGHAM, Mr. GREENE, Mr. HARRIS, and Mr. KENDRICK to be the conferees on the part of the Senate.

NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12236) making appropriations for the Navy Department and the naval service, for the fiscal year ending June 30, 1931, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, with Mr. HOCH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill, H. R. 12236, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12236) making appropriations for the Navy Department and the naval service, for the fiscal year ending June 30, 1931, and for other purposes.

Mr. FRENCH. Mr. Chairman, will the gentleman from Kansas use some of his time?

Mr. AYRES. I yield to the gentleman from Georgia [Mr. BRAND] 60 minutes.

The CHAIRMAN. The gentleman from Georgia is recognized for 60 minutes. [Applause.]

Mr. BRAND of Georgia. Mr. Chairman and members of the committee, in the "Foreword" of one of his books a noted author says:

There is in the nature of every man a longing to see and know the strange places of the world. Life imprisons us all in its coil of circumstance, and the dreams of romance that color boyhood still linger with us as the years pass by. They stir at the sight of a white-sailed ship beating out to the wide sea, the smell of tarred rope on a blackened wharf, or the touch of the cool little breeze that rises when the stars come out will waken them again. Somewhere over the rim of the world lies romance, and every heart yearns to go and find it.

So it is with Members of the American Congress. In looking after the special interests of our constituents, in the discharge of our duties to the country at large and our own States, and particularly in the work of our respective committees, the mind often tires, and it is restful, if not helpful, to let our thoughts now and then roam in other fields and linger on other subjects.

Our duties are so constant and taxing and along entirely different lines, it is now and then a relief to Members to give heed to information upon subject matters to which one has not given a special study and in which the taxpayers of this Republic have a common interest. At least it is so with me, and I take it that all of us, in the main, think and feel alike.

So far as the banking institutions and the business people of the United States are concerned, the country may be divided into two groups:

First, those who collect interest.

Second, those who pay interest.

If this, as a rule, is a sound analysis of the situation, then all classes of people are interested in the Federal reserve system and the proper functioning of the 12 Federal reserve banks, and particularly the payment by the 12 Federal reserve banks of a franchise tax to the Treasury of the United States in accordance with the letter and the spirit of the law.

Section 7 of the Federal reserve act is as follows:

SEC. 7. After all necessary expenses of a Federal reserve bank have been paid or provided for, the stockholders shall be entitled to receive an annual dividend of 6 per cent on the paid-in capital stock, which dividend shall be cumulative. After the aforesaid dividend claims have been fully met, the net earnings shall be paid to the United States as a franchise tax except that the whole of such net earnings, including those for the year ending December 31, 1918, shall be paid into a surplus fund until it shall amount to 100 per cent of the subscribed capital stock of such bank, and that thereafter 10 per cent of such net earnings shall be paid into the surplus.

I may say, in passing, that on May 2, 1930, I introduced a bill (H. R. 12096) which reads as follows:

H. R. 12096, Seventy-first Congress, second session

A bill to amend section 7 of the Federal reserve act

Be it enacted, etc., That section 7 of the Federal reserve act be amended by adding at the end of the first paragraph, and after the word "surplus," in the thirteenth line thereof, a new paragraph to read as follows:

"From the amount of the net earnings which remains to be paid to the United States as franchise tax, as above provided, and before the same is so paid, there shall be paid annually to the member banks of the Federal reserve system a sum equivalent to 2 per cent of their paid-in capital stock."

I want to speak on this bill at some future time. The following statement shows the gross earnings, gross expenses, and the net earnings from 1914 to 1926 of the 12 Federal Reserve Banks. I ask unanimous consent, Mr. Chairman, to extend my remarks by inserting a statement of these amounts in the record.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Following are the tables referred to:

The following statement shows the total gross earnings, expenses, and the net earnings of the 12 banks of the Federal reserve system from 1914 to 1926; and likewise shows the gross earnings, the expenses, and the net earnings of each one of these 12 banks.

From 1914 to 1926

Gross earnings for Federal reserve system	$678,999,660
Total expenses for Federal reserve system	257,144,956
Net earnings for Federal reserve system	421,854,704
Gross earnings for Federal reserve, Atlanta	31,712,460
Total expenses for Federal reserve, Atlanta	12,526,915
Net earnings for Federal reserve, Atlanta	19,185,545
Gross earnings for Federal reserve, Boston	46,012,482
Total expenses for Federal reserve, Boston	17,291,663
Net earnings for Federal reserve, Boston	28,720,819
Gross earnings for Federal reserve, New York	203,663,709
Total expenses for Federal reserve, New York	60,176,457
Net earnings for Federal reserve, New York	143,487,252
Gross earnings for Federal reserve, Philadelphia	49,378,075
Total expenses for Federal reserve, Philadelphia	18,108,861
Net earnings for Federal reserve, Philadelphia	31,269,214
Gross earnings for Federal reserve, Cleveland	56,243,852
Total expenses for Federal reserve, Cleveland	22,787,558
Net earnings for Federal reserve, Cleveland	33,456,294
Gross earnings for Federal reserve, Richmond	32,966,111
Total expenses for Federal reserve, Richmond	13,250,004
Net earnings for Federal reserve, Richmond	19,716,107
Gross earnings for Federal reserve, Chicago	98,084,253
Total expenses for Federal reserve, Chicago	35,493,609
Net earnings for Federal reserve, Chicago	62,590,644
Gross earnings for Federal reserve, St. Louis	29,019,287
Total expenses for Federal reserve, St. Louis	$13,812,617
Net earnings for Federal reserve, St. Louis	15,206,670
Gross earnings for Federal reserve, Minneapolis	23,124,687
Total expenses for Federal reserve, Minneapolis	9,688,311
Net earnings for Federal reserve, Minneapolis	13,436,376
Gross earnings for Federal reserve, Kansas City	33,683,079
Total expenses for Federal reserve, Kansas City	16,540,468
Net earnings for Federal reserve, Kansas City	17,142,611
Gross earnings for Federal reserve, Dallas	23,908,756
Total expenses for Federal reserve, Dallas	13,647,708
Net earnings for Federal reserve, Dallas	10,259,048
Gross earnings for Federal reserve, San Francisco	51,191,614
Total expenses for Federal reserve, San Francisco	23,806,490
Net earnings for Federal reserve, San Francisco	27,385,124

In equity and good conscience the net earnings of these banks belong to the taxpayers of the United States, and if the Federal reserve system is ever abolished these net earnings, after paying what is due to the stockholders, should go into the Treasury of the United States.

Mr. BRAND of Georgia. I want first to call your attention to the gross earnings of these Federal reserve banks for these 12 years. They amounted to $678,999,660. Also to the gross expenses for the same period, which amount to $257,144,956; and to the net earnings for the period, which amount to $421,854,704.

Statement showing gross and net earnings of all Federal reserve banks, and disposition made of all earnings, 1914–1929

Years	Gross earnings	Expenses, depreciation, allowances, etc.	Net earnings	Disposition of net earnings			
				Dividends paid	Transferred to surplus	Franchise tax paid to U. S. Government	Profit (+) or loss (−) carried forward
1914–15	$2,173,282	$2,314,711	−$141,459	$217,463			−$358,922
1916	5,217,998	2,467,000	2,750,998	1,742,774			+1,008,224
1917	16,128,339	6,548,732	9,579,607	6,801,726	$1,134,234	$1,134,234	+509,413
1918	67,584,417	14,868,107	52,716,310	5,540,684	48,334,341		−1,158,715
1919	102,380,583	24,013,079	78,367,504	5,011,832	70,651,778	2,703,894	
1920	181,296,711	32,001,937	149,294,774	5,654,018	82,916,014	60,724,742	
1921	122,865,866	40,778,641	82,087,225	6,119,673	15,993,086	59,974,466	
1922	50,498,099	34,000,963	16,497,736	6,307,035	−659,904	10,850,605	
1923	50,708,566	37,997,280	12,711,286	6,552,717	2,545,513	3,613,056	
1924	38,340,449	34,622,269	3,718,180	6,682,496	−3,077,962	113,646	
1925	41,800,706	32,351,640	9,449,066	6,915,958	2,473,808	59,300	
1926	47,599,595	30,987,850	16,611,745	7,329,169	8,464,426	818,150	
1927	43,024,484	29,976,235	13,048,249	7,754,539	5,044,119	249,591	
1928	64,052,860	31,930,839	32,122,021	8,458,463	21,078,899	2,584,659	
1929	70,955,496	34,552,755	36,402,741	9,583,913	22,535,597	4,283,231	
Total	904,628,021	389,412,038	515,215,983	90,672,460	277,433,949	147,109,574	

Mr. WRIGHT. Mr. Chairman, will my colleague yield?

Mr. BRAND of Georgia. Yes.

Mr. WRIGHT. What items go to make up the total of the gross expenses? What is included?

Mr. BRAND of Georgia. That is one reason why I asked for time to make this address. I want Members of Congress who seek information upon this question or who are interested in it to ask themselves that question, and answer how it is possible for these 12 banks for only 12 years—inasmuch as they do not pay any money or receive any checks over the counter, or otherwise carry on an ordinary banking business—could expend $257,144,956.

The net earnings during this time were $421,854,704.

I ask your careful attention and study of the figures showing the amount of gross earnings and the gross expenses of the 12 Federal reserve banks during this period. I also want to call your attention to the additional fact—and it is a fact—that for the year 1926 only $818,150 was paid as franchise tax by the 12 Federal reserve banks. In the year 1927 all that the 12 banks paid was $249,591.

In the year 1928 all the banks together paid only $2,584,659. The total amount paid from 1914 to 1929 is $142,826,343. It is now approximately around $146,000,000.

But I want to call this to your especial attention: During the years 1927, 1928, and 1929 the New York Federal Reserve Bank, the Boston bank, the Philadelphia bank, the Cleveland bank, and the San Francisco bank did not pay a dollar of franchise tax. During the years 1927 and 1928 the Chicago bank paid nothing. During the year 1927 the St. Louis bank, the Dallas bank, the Atlanta bank, and the Richmond bank paid nothing.

Mr. CRISP. Mr. Chairman, will the gentleman yield there?

Mr. BRAND of Georgia. Yes.

Mr. CRISP. I confess that I am not well versed in the affairs of the Federal reserve system. Why did these banks not pay a franchise tax?

Mr. BRAND of Georgia. They are required to pay it out of their net earnings. Later I shall give you an answer to this question made by Governor Young of the Federal Reserve Board. It was propounded to him by me when he was a witness before the Committee on Banking and Currency when the committee was having hearings on branch, chain, and group banking.

I quoted these figures to Governor Young, and then propounded this question:

What I want to know is why these banks did not pay any franchise tax during those years?

Governor Young's reply was as follows, and I think it is only fair to him to use his own language:

Governor YOUNG. Solely because of the law. The law permits the accumulation of a surplus 100 per cent of the subscribed capital of a reserve bank. Generally speaking, the banks in those sections increased their capital, thereby increasing their stock subscription to the Federal reserve stock, thereby increasing the possibility of increasing their surplus account.

In the other sections where a franchise tax was paid the profits in previous years were large enough so that they accumulated their surplus account up to 100 per cent of their subscribed capital, with the result that the balance went to the Government.

Mr. BRAND. Is it not strange to you, even in the face of your statement, that during all of the hard and lean years of the country from 1920 on down to 1927, these banks paid millions and millions of dollars of franchise tax into the Treasury and yet these large banks to which I referred during the years 1927, 1928, and 1929, did not pay a cent?

Governor YOUNG. Not strange, under the law.

Mr. DUNBAR. Will the gentleman yield?

Mr. BRAND of Georgia. I yield.

Mr. DUNBAR. Did Governor Young give any indication of the amount of money that was pledged to capitalization which otherwise might have gone into franchise tax?

Mr. BRAND of Georgia. No; he did not.

Mr. DUNBAR. That would be an important thing to know.

Mr. BRAND of Georgia. I have part of the figures here, but I do not think that that information answers your inquiry or that of the gentleman from Georgia [Mr. CRISP].

Mr. DUNBAR. It would be interesting for us to know it.

Mr. BRAND of Georgia. Then I asked Governor Young this question:

By manipulation of figures and other ways of getting around it, would it not be possible that these banks could reach the point where they would not pay any franchise tax?

Governor YOUNG. Your inquiry is that they can juggle the figures in such a way that they do not have to pay a franchise tax?

Mr. BRAND. Can they do that or something else in such a way as to avoid paying a franchise tax?

Governor YOUNG. My answer is no.

Mr. BRAND. Why do they increase the stock—to keep from paying a franchise tax or for what reason?

Governor YOUNG. When a member bank that has a capital stock of $50,000 and increases that capital stock to $100,000, that requires it to subscribe for that much more stock in the Federal reserve bank.

Then the question arises, as suggested by the gentleman from Georgia [Mr. CRISP], and which I am suggesting during this debate, why do these State member banks and national banks of the Federal reserve system increase their capital stock when they do not have to pay in but half of it, and the dividend they get on that is only 3 per cent? I do not think that the last question I propounded to Governor Young was an improper or an intemperate inquiry, when his answer to the former ones was in effect that the failure to pay any franchise tax for the years named by me was and is due to an increase of the capital stock by member banks of the reserve system. If Governor Young's opinion is accurate and sound and if the member banks continue to increase their capital stock purchases, it may be possible to arrive at the point in the near future when the Treasury of the United States will not be paid $1 of franchise tax from any of these Federal reserve banks. That is to say, if they continue to increase the capital stock. I do not charge it, but I am not so sure but that it was the deliberate purpose on the part of some persons connected with the member banks or the national banks or the Federal reserve banks to adopt this policy of buying new stock and increasing their capital with the result that there would be no franchise tax paid into the Treasury of the United States. I do not say that there is anything criminal in what they have done, or anything illegal, because purchases of this increased capital in the Federal reserve banks are within the limitations of the law.

Mr. WRIGHT. Will the gentleman yield?

Mr. BRAND of Georgia. I yield.

Mr. WRIGHT. It is fair to assume that they do that because it is more profitable to them than to pay a franchise tax, is it not?

Mr. BRAND of Georgia. It is fair to assume, in my judgment, that they are more interested in making money and building up a great volume of net earnings and fortunes for themselves, rather than for the Treasury of the United States.

Mr. WRIGHT. Well, it is more profitable for them.

Mr. BRAND of Georgia. Yes; I think so. As every banker knows, the 12 Federal reserve banks do not pay to member banks any interest, and have never paid any interest, on this reserve account. They get the use of this money without any cost whatever. Member banks of the system are required to keep a reserve there under section 39 of the Federal reserve act, which reads as follows:

Every bank, banking association, or trust company which is, or which becomes, a member of any Federal reserve bank shall establish and maintain reserve balances with its Federal reserve bank as follows:

(a) If not in a reserve or central reserve city, as now or hereinafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than 7 per cent of the aggregate amount of its demand deposits and 3 per cent of its time deposits.

(b) If in a reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than 10 per cent of the aggregate amount of its demand deposits and 3 per cent of its time deposits.

In other words, if a member bank not in a reserve or central reserve city has demand deposits of $250,000, it has to place with the Federal reserve bank 7 per cent of that. If the bank has time deposits amounting to $100,000, it has to pay 3 per cent of that, and the member bank never gets a cent of this reserve fund by way of interest or otherwise.

In addition to this a State bank, member of the Federal reserve system, has lost its right, lawfully exercised prior to the time the bank became a member of the system, to make any charge for clearing other people's checks. Prior to becoming a member of this system the country bank, in collecting and paying other people's checks, had the right to and did make a reasonable charge for this service, so the member bank not only loses the use of this reserve fund but they have lost a substantial source of income, because they are not permitted to make any exchange charge on payment and collection of checks.

Is it possible that Congress will complacently and passively look favorably upon a situation like this and do nothing which will be more beneficial to the member banks? The Government organized these banks, and when the Federal reserve act was passed it was in the mind of Congress that they were to annually pay a franchise tax out of their net earnings. They make large annual net earnings, notwithstanding their expense account is very large. They pay the member banks nothing, and the time may arrive when none of the 12 Federal reserve banks will pay the Government anything.

I respectfully insist in this connection that it is a natural question to consider whether this is right and fair to the Treasury of the United States.

If the increase of the capital stock of national banks and State member banks is the reason why no franchise-tax payments were made by these banks during the years I have referred to, the question naturally arises, Why did these banks increase their capital stock?

Why did these banks increase the capital stock for the years 1926, 1927, 1928, and 1929? What is the real reason why these national banks and State member banks during the years increased their capital stock when they were only getting 3 per cent on their paid-in capital stock, based upon the rate of 6 per cent on capital stock subscribed?

If this is the only reason why no franchise tax was paid by these banks into the Treasury of the United States during the years 1926, 1927, 1928, and 1929, is it not highly advisable for Congress to take into consideration the propriety of disallowing member banks, State and national, to make any more subscriptions to the capital stock of the Federal reserve system?

What is to hinder all the national and State member banks of the entire 12 banks of the Federal reserve system from increasing their capital stock and thus depriving entirely the Treasury of the United States from getting any franchise tax?

Which is preferable and the wisest course to pursue and adopt: To refuse to allow the member banks of the Federal reserve system to make any additional subscription of capital stock of these banks and the Treasury therefore receive a substantial payment of the franchise tax per annum, or permit them to continue to subscribe until the point is reached when none of the 12 Federal reserve banks pays anything as a franchise tax? In other words, these 12 Federal reserve banks, by such an increase in the capital stock, on the part of national banks and State member banks, could wipe out entirely or absorb all the franchise tax.

If this situation arises and the law remains as it is, the Treasury of the United States would be benefited in no way by the Federal reserve system. The member banks, unless the law is changed, would be getting no interest or earnings on account of their membership in the Federal reserve system, besides losing the exchange on checks, which would leave the 12 Federal reserve banks in the attitude of absorbing all the profits of the system.

Taking all these things into consideration, and particularly the enormous expense of the 12 Federal reserve banks, makes the same, in my judgment, the most expensive and the most powerful institution in the history of the world.

To this situation I invite the thought and serious consideration of the American Congress, with the hope that the existing evil, if any, of the present banking system of the United States may be remedied.

I particularly insist that the bill which I have introduced, and to which I have already called your attention, should be given prompt and favorable consideration and that this bill should be favorably reported by our committee unless and until some other bill may be considered and favorably acted upon by the committee which will afford to member banks some actual monetary benefit, to which, in my judgment, they are entitled and are not receiving. [Applause.]

Mr. CRISP. Will the gentleman yield?

Mr. BRAND of Georgia. I yield.

Mr. CRISP. Aside from the fact that a country bank can rediscount its papers with a Federal reserve bank, if they are a member of the banking system, what benefit does the country bank get from joining the Federal reserve system?

Mr. BRAND of Georgia. I am glad the gentleman asked that question. I propounded the same question to Governor Young. In my judgment, such a bank to which my friend refers does not get any benefit except the psychological effect it may have upon people who patronize the bank, as customers, and particularly depositors, and to some extent, the stockholders. Provided, of course, such a bank to which the gentleman refers does not want to borrow any money from them and has no occasion to discount any eligible paper with them, it would not get any benefit.

Now, before I go any further, I want to answer the inquiry of my friend from Indiana [Mr. DUNBAR], who is a member of the Banking and Currency Committee. He is one of the best members of that committee, and there sits another one at his right, my friend Judge LEITS, who is a very valuable member.

When these two gentlemen became members it increased the average of the Banking and Currency Committee. [Applause.]

I have here a statement showing the increase in the capital stock of the national and State banks for the years 1926, 1927, 1928, and 1929. In 1926 the increase in the capital stock was $83,357,000, and the Federal reserve bank paid only $818,150 All of the banks only paid that much that year. In 1927 the increase was $136,920,000, and they paid $249,591. In 1928 the increase was $171,749,500, and they only paid $2,584,659. In 1929 the increase was $320,455,125, and these banks paid $4,283,231. The total of the increase in the capital stock of the State member banks and the national banks was $711,653,625, and they only paid a franchise tax of $7,935,631 for those four years.

I have another statement showing the increase of capital stock of the national banks, and the increase of stock of the State member banks of the Federal reserve system. Mr. Chairman, I ask unanimous consent that I may be permitted to insert this statement as a part of my address.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Number of national banks increasing capital stock during years 1926, 1927, 1928, and 1929

	Amount	Number of banks
1926	$49,440,000	210
1927	86,184,000	238
1928	131,552,500	268
1929	181,730,125	335
Total	448,906,625	1,051

Number of State banks, members of the Federal reserve system, increasing capital stock during 1926, 1927, 1928, and 1929

	Amount	Number of banks
1926	$33,917,000	56
1927	49,908,000	63
1928	40,197,000	72
1929	138,725,000	96
Total	262,747,000	287

Mr. BRAND of Georgia. It will be a serious question when and if the 12 Federal reserve banks of this country, by the increase of the capital stock of the member banks or otherwise cease to pay to the United States a franchise tax as required by the law which created them.

Mr. DUNBAR. Will the gentleman yield?

Mr. BRAND of Georgia. Yes.

Mr. DUNBAR. In regard to their not paying anything into the general Treasury, last year they did pay $2,900,000, or thereabouts, but in former years they paid as much as $60,000,000 a year. I presume this was before they resorted to the practice to which the gentleman has just referred and to which he objects.

Mr. BRAND of Georgia. That is correct. I have been making efforts to obtain the amount of the increased capital stock of State and national banks for the years preceding 1926, 1927, 1928, 1929, from the year 1914, and also the amount of franchise tax paid from 1914 to 1926, but have up to the present time failed to obtain the amount of tax paid for these years.

Mr. BRIGGS. Will the gentleman yield for a question?

Mr. BRAND of Georgia. Yes.

Mr. BRIGGS. Does the gentleman propose to stop these increased subscriptions for Federal reserve stock and make it mandatory that these earnings shall be distributed every year and the franchise tax paid as was the custom some time ago, and to which the gentleman has already referred?

Mr. BRAND of Georgia. Well, I am in favor of this law being carried out strictly and being construed strictly in reference to the Federal reserve banks, in order that the taxpayers of the United States may get the benefit of the franchise tax as provided by the law.

Mr. BRIGGS. In other words, as I understand it, the gentleman thinks the tax ought to be paid in any event, and whatever appropriation may be necessary ought to be made out of the Federal Treasury?

Mr. BRAND of Georgia. No; I do not think any such thing and I have not said anything to indicate that, with all respect to my friend from Texas. I have made no reference to any appropriation being made for any purpose. The gentleman misunderstood me.

Mr. BRIGGS. I did not mean to misconstrue what the gentleman has said. I was just trying to interpret what the gentleman had stated from its impression upon me. I thought the gentleman said he wanted the taxes paid.

Mr. BRAND of Georgia. Yes; I do.

Mr. BRIGGS. If the tax is paid, it goes into the Treasury of the United States.

Mr. BRAND of Georgia. Yes.

Mr. BRIGGS. And any disposition of that fund would have to be made by the Congress.

Mr. BRAND of Georgia. That is already provided for in another section of the act.

Mr. BRIGGS. That has to be made by the Congress.

Mr. BRAND of Georgia. Of course. That was provided for when the act was passed; but if no franchise tax is paid, that requirement of the law becomes a dead letter.

Mr. BRIGGS. That is the very point I am asking about. The gentleman wants the tax paid and the distribution of it made as the Congress has provided.

Mr. BRAND of Georgia. Yes; but how can you distribute the franchise tax when there is none to distribute?

Mr. BRIGGS. If you get it paid in, as the gentleman has suggested, then there would be something to distribute.

Mr. BRAND of Georgia. Exactly; and that is what I am after—to get the franchise tax paid by the 12 Federal reserve banks into the Treasury of the United States.

Mr. BRIGGS. That is exactly what I understood the gentleman to be contending for.

Mr. BRAND of Georgia. That is my position.

Mr. GREEN. Will the gentleman yield?

Mr. BRAND of Georgia. Yes.

Mr. GREEN. This may be a little apart from the subject the gentleman has been discussing, and yet it pertains to the same subject matter. I am wondering what the gentleman's opinion is, if the gentleman is willing to express it, as to the possibility or the probability with respect to State banks of the States passing a guaranty law which would be workable and safe. Has the gentleman given any thought to that question?

Mr. BRAND of Georgia. A guaranty of deposits?

Mr. GREEN. Yes.

Mr. BRAND of Georgia. I have given about six years of thought to that question, and I will be pleased to answer the question of the gentleman.

Mr. GREEN. I am asking purely for information.

Mr. BRAND of Georgia. There are bills lying in the Banking and Currency Committee, introduced by two or three members of the committee, providing for some safety to depositors of insolvent banks, one of which I introduced six years ago, providing that there should be established what is known in my bill as a guaranty deposit fund, and also providing when a bank becomes insolvent that the depositors—no other creditors of a failed bank—but that the depositors should first be paid out of this guaranty fund. The bill further provides this franchise tax which we have been discussing and which now amounts to approximately $146,000,000 should constitute this guaranty deposit fund.

Mr. GREEN. And in that case, if that plan is found workable, the States could enact similar laws.

Mr. BRAND of Georgia. Yes.

Mr. TARVER. Will the gentleman yield?

Mr. BRAND of Georgia. Yes.

Mr TARVER. The gentleman, as I understand it, has introduced a bill dealing with this subject matter which is now pending before the committee of which he is a member.

Mr. BRAND of Georgia. Yes.

Mr. TARVER. Would the gentleman give us a more extended discussion of the provisions of his bill and inform us whether or not he thinks favorable action is likely to be taken by the committee?

Mr. BRAND of Georgia. I will be pleased to answer that question so far as I can. Governor Young was on the stand before our committee for about four weeks, and Mr. Pole, the Comptroller of the Currency, for about five weeks, and they both expressed the thought that there ought to be some additional help or benefit provided by the Congress to the member banks of the Federal reserve system. They both thought it advisable that something more should be done for the member banks of the Federal reserve system than is being done now.

However, neither one of them was then ready to propose any legislation as to how this benefit should be made effective, but they agreed to take this phase of the banking situation under consideration and submit later on their recommendations to our committee.

In the meantime, it occurred to me that a very easy way to solve one of the evils for the present, at least, was to amend section 7 of the Federal reserve act, providing that out of the net earnings which remained to be paid to the United States as a franchise tax as provided by section 7 and before it is paid, to

pay annually to the member banks of the system an amount equivalent of 2 per cent of their paid-in capital stock.

In other words, the effect of my bill would be instead of the member banks getting 6 per cent per annum on their capital stock when it is all paid in, they would get 8 per cent per annum; an increase of 2 per cent on their paid-in capital stock.

I asked two high-class expert bankers from California who appeared before our committee as witnesses recently what they thought about my bill. I refer to A. P. Giannini and J. A. Bacigalupi. They replied in substance that it was a good bill and ought to pass. Their banking institution is one of the greatest and most successful in this country. I am referring to this Italian bank in California.

Mr. LaGUARDIA. It is an American bank.

Mr. BRAND of Georgia. Yes; it is an American bank run by very high-class men personally and officially, though they are Italian, as I am informed. They are making money, and they both believe that you ought to have State-wide branch banking, United States branch banking, and world-wide branch banking.

Mr. LaGUARDIA. Does the gentleman believe in that?

Mr. BRAND of Georgia. No.

Mr. LaGUARDIA. Neither do I.

Mr. BRAND of Georgia. Further answering the gentleman from Georgia [Mr. TARVER], since my bill was introduced I have gotten dozens of letters from people who approve of it. Many Members of Congress have expressed to me their hearty approval of such a bill. I have no doubt but that this bill or a similar one in character will receive at the hands of our committee favorable consideration, though I have no desire or right to speak for any of them.

I do not think the 12 Federal reserve banks or any of them—and I do not care where they are located, whether in Georgia or New York, should adopt a policy or continue in force a policy, though within the limitations of the law, which will permit them to evade the payment of the franchise tax into the Treasury of the United States in accordance with the spirit and letter of the law of the land. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. TABER. Mr. Chairman, I yield myself 40 minutes.

I ask unanimous consent to revise and extend my remarks and to insert therein certain tables with reference to the London naval agreement.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Chairman, for the last seven years it has been my privilege to serve upon the Naval Appropriations Committee under the chairmanship of the gentleman from Idaho [Mr. FRENCH]. During that time I have watched him growing steadily in the esteem and confidence of the Members of the House, as he deserves, in view of the great time and sincere devotion that he has put into his work.

In view of the confused attitude of some of the Members of the House and of the press with reference to the London naval treaty, which is now before the Senate for ratification, I feel it incumbent upon me as one who has given a great deal of time and attention in the last seven years to the Navy and naval affairs to express my views upon it.

America was represented at that conference by the ablest group of men the President could gather together. With a delegation headed by the Secretary of State, Mr. Stimson, and supported by such men as Secretary of the Navy Adams, Ambassador Dawes, Ambassador Morrow, Ambassador Gibson, Senator REED, Senator ROBINSON of Arkansas, and supported and advised by such men as Admiral Pratt, who is to be the next Chief of the Bureau of Operations, and who is generally regarded as the leading authority amongst men in active service in the Navy, and Admiral Yarnell, Chief of the Bureau of Engineering, and Admiral Moffett, Chief of the Bureau of Aeronautics, are we going to believe for a moment that America deliberately entered into a treaty in which her rights were not entirely protected? It has been said that the carrying out of this treaty requires the United States to enter into an expenditure of a billion dollars for ships and aircraft between now and 1936. The actual facts are that the only limit as to the construction of any type of craft which was extended beyond present limits fixed by the Washington treaty and by construction limits authorized by Congress was the light-cruiser type of craft. The light-cruiser type of craft was increased a total of 23,000 tons. The battleship type was reduced by 69,000 tons.

It is true that we will have to do a very considerable amount of building to bring our aircraft tonnage up to that of Great Britain and up to the limit allowed us under the Washington treaty; but that is not a new situation created by the treaty; it is one which already existed.

It is true also that we will have to build a certain amount of destroyer tonnage due to the prospective wearing out of some of our destroyers, and that is not a new situation but one which would have come in any event.

With reference to battleships, it is a fair thing to say that the construction of no new ones prior to 1936 is assured. Because of the tremendous cost—I believe $40,000,000 apiece is a minimum estimate—the nations of the world are unwilling to embark into construction of such ships unless it is absolutely necessary. By that time naval experts will have reached the stage where they are more unanimously of the opinion, one way or the other, as to whether or not any more should be built. In the meantime the question of whether airplanes will fulfill their purpose will be pretty well worked out as a result of airplane development and the maneuvers of the fleet. Unquestionably the number of battleships, in my opinion, as a result of this treaty has been permanently reduced to 15. Whether it can go lower or not depends on future conferences.

AIRCRAFT CARRIERS

One conspicuous advantage of the treaty is that as much as 25 per cent of the total tonnage in cruisers can be built with landing and taking-off decks, provided the ship does not come within the definition of what is exclusively an aircraft carrier. This will undoubtedly enable us to meet our situation satisfactorily from the standpoint of national defense. I believe a cruiser capable of carrying 25 or 30 planes and capable of making, as is hoped, nearly 40 knots, with 6-inch guns, will be a most important and most effective part of our fleet—certainly our naval experts must have thought so when they consented to this portion of the treaty.

Our cruiser tonnage should be built—that is, the 73,500 tons of it which is not now authorized—in such a manner that we can best take care of our needs and the needs of our country from the standpoint of national defense. It should not be built hurriedly nor without sufficient time for development of the best possible types of cruisers.

Parity in tonnage alone is not my idea of a navy.

The best possible design available is the thing to aim at; and, if that is done in a conservative and careful manner, I do not believe an enormous program will be necessary. We should not build to exceed four or five before 1936.

With reference to the construction of new aircraft carriers, Great Britain at the present time has 115,000 tons built and building. I doubt if some of their aircraft carriers are as good as ours. They are all old reconstructed ships which date back at least as far as 1918, and some of them as far back as 1913. If we have a tonnage to match hers we undoubtedly will be going as far as good judgment would dictate. If the other powers do not see fit to build up to their tonnage limits, there is no reason why we should.

The light-cruiser type of craft was increased a total of 23,000 tons. The battleship type was reduced 69,000 tons, and instead of coming to a parity in battleships with Great Britain in 1936 or 1937, or possibly 1940, within 18 months after the coming into effect of this treaty and its ratification, the United States will be on a parity in tonnage with Great Britain. Not only that, but I believe she will be on a parity in actual ships in service.

Our cruiser tonnage should be built in order. We are going to have an opportunity to build 73,500 tons of the 6-inch gun light cruisers under the provisions of this treaty, provided we use up all of our allotted 180,000 tons of 8-inch gun cruisers. Then we will have 143,500 tons, which we can have of the 6-inch gun cruisers. We already have 70,500 tons, and this will let us build 73,000 tons more. This 73,000 is a new item, and as against the 73,000 tons we have to leave out 50,000 tons of 8-inch gun cruisers, which already are now authorized by Congress, which will not be built. That is the third bloc of five 10,000-ton cruisers. So that the net increase in light cruisers above what is now authorized is just 23,000 tons. We should build these light cruisers in order. We should build one, and perhaps two, with all of the latest developments, with a deck on which planes may land and from which planes may take off, with all of the latest antiaircraft development, all of the latest gunfire development, and we should see how they work out with the fleet before we go along too fast. My idea of a navy is a navy for national defense and not a navy for tonnage. I do not believe that we should rush helter-skelter into a scheme to build a great lot of tonnage. I believe we should plan our construction so that we can take advantage of the most recent and best development, and we should build ships which would be the superior of anything else afloat in their line when we build them. We might better be two or three years longer building those light cruisers, we might better be five years

longer building them than to build ships that we will not want. We have got to feel our way, because we are going to embark in a new line of enterprise.

DESTROYERS

We undoubtedly will need to keep the standard of our destroyers up to date and to build a few destroyers and destroyer leaders between now and 1936; not a large number but a few of the experimental type. A great many of our destroyers have never been used enough to wear them out and are in condition to last for 10 years and probably if we should build 30,000 tons in the five years between now and 1936 we would have gone as far as the other nations will go in the line of replacement and would still have at that date 150,000 tons of good, serviceable ships.

SUBMARINES

We undoubtedly will not need to build anything like 42,000 tons of submarines by 1936. We should undoubtedly continue our program and try to develop the very best possible type of submarine. Our submarines now are in good shape and we have as good submarines, we are told, as any of the other powers. Of submarines coming into commission since 1920 we have at least 30,000 tons and we now have building 5,000 tons.

The treaty altogether is going to place a definite limit against which we and other countries can construct. It is going to require us to scrap no ships which would not be scrapped in any event because of age and will save us hundreds of millions of dollars in maintenance and operations and tremendous amounts in new construction without in any way impairing our national defense.

It will require Britain either to cut out all 8-inch-gun ships on her building program or to scrap approximately 60,000 tons of large new ships. It will also require her to reduce her tonnage in the smaller ships by about the amount of ships that will be obsolete by age by 1936.

All in all, the treaty is one which should command and should have the support of every American.

It adequately takes care of our national defense and at the same time results in tremendous financial saving, besides being a great step forward in the limitation of armaments and toward the peace of the world.

Mr. DUNBAR. Mr. Speaker, will the gentleman yield?

Mr. TABER. Yes.

Mr. DUNBAR. The gentleman said that we should keep our destroyers up to date. Our present tonnage of destroyers is 290,000. The tonnage permissible under the London Conference is 150,000, or a deduction of 140,000 tons. I am wondering if Great Britain and Japan propose to reduce their destroyers in the same proportion.

Mr. TABER. The total of tonnage which the United States has now of destroyers is deceiving. At the present time we have approximately 284,000 tons of destroyers. Of those 61, or approximately 75,000 tons, and that is a rough figure, are completely obsolete and on the disposal list, due to the giving out of machinery. Almost all of our ships go back to 1920. We have four or five which we have built since. However, 150 of these ships have not been in commission more than a year or two, and they have not worn out as ships would which were in constant service; so that instead of having a 16-year life from the date they were completed, those ships would last from 5 to 6 to 7 years beyond the expectation. The reason I said that we should build a destroyer or two, here and there, or a destroyer leader, is that we have no destroyer leaders. That is a ship of something like 2,000 tons.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. TABER. Yes.

Mr. ABERNETHY. If I understand it correctly, the members of the Appropriations Committee have tried to hold down the total amount of appropriations in view of this treaty in London?

Mr. TABER. We have not made any specific reductions except one, from the estimates that were submitted to us, because of the treaty.

Mr. ABERNETHY. What is the total of this bill?

Mr. TABER. Approximately $377,000,000, a reduction from the Budget, where we found we could save without hurting the service, of approximately $1,300,000, and a reduction of $400,000, which was made because of an item which was submitted for the laying down of the third bloc of five 10,000-ton 8-inch gun cruisers. Those five cruisers we are not permitted to build under the treaty which has been submitted to the Senate. Our committee thought it would be good faith for us to strike that item from the bill. Otherwise we have left the bill in such shape that everything else will go along in just the same shape that it is now, and we have set forth in our report a request to the administration, in the event of the ratification of the treaty and an ability, before the fiscal year 1931 is complete, to save any money by reason of personnel or by reason of expenditures for the upkeep of ships, that should be saved for the Treasury and not spent in other places, unless there is an emergency which appeals to the President.

Mr. ABERNETHY. I understand there is a good deal of agitation in the newspapers and controversy among Members of Congress, between those favoring a big Navy and those in favor of cutting the Navy. I have always been in favor of an adequate Navy. But it strikes me—and does it not strike you?—that more than $377,000,000 on a peace basis, with all this unemployment throughout the country, is a heavy appropriation to be carried in this bill?

Mr. TABER. We have cut down every item that we thought could be cut down in good faith to the country, having in mind an adequate defense.

Mr. ABERNETHY. Under this bill how much do you save below what was in the bill heretofore?

Mr. TABER. It will run from $12,000,000 to $13,000,000 above that of last year.

Mr. ABERNETHY. Why do we appropriate more money?

Mr. TABER. Because of the increased demands upon us for construction of the 10,000-ton 8-inch gun cruisers that Congress authorized two years ago. Those cruisers have been authorized. Five of them have already been laid down, two of them will be laid down as soon as the discussion for the ratification of this treaty is over, and the country has demanded that we go ahead and appropriate money for the construction of those cruisers. That is the only reason. Ten of them are finally to be built.

Mr. ABERNETHY. I thought the gentleman was going to explain to the House what saving, if any, we would make by carrying out the naval treaty.

Mr. TABER. I have not covered that. It would be more or less a duplication of what the gentleman from Idaho [Mr. FRENCH] covered on Friday. But if the treaty goes into effect it would wipe out practically, six months hence, when it became effective, three battleships. They are each manned by more than a thousand men and more than 70 officers each. Right there will be a saving annually in the personnel and upkeep of each of these ships, in my opinion, of $2,500,000. Seven million five hundred thousand dollars a year for five years, or $37,500,000 that we are going to save. That is just one item.

Outside of that we avoid having laid down for new construction battleships to take their place, perhaps two, perhaps three, but, anyway, costing $80,000,000, in my opinion. I know the Navy Department estimates them at $35,000,000 apiece.

On top of that we cut out the appropriation for four or five additional battleships between now and 1936 which would have to have been started in order to maintain parity with the other countries. That would run somewhere around $200,000,000 more. There is one block of saving, running close to $317,500,000.

On top of that, instead of having a competitive race all the way down the line with the other powers in the construction of cruisers, there is a limit beyond which we may not build and beyond which other nations may not build.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. TABER. Certainly.

Mr. ABERNETHY. I notice in the Hearst newspapers that some naval officer—it struck me with peculiar force—is criticizing the naval conference through these papers on the front page and is setting forth the idea that as compared with Japan we have the worst of it and are going to destroy more ships in comparison with Japan than we should. Can the gentleman clear that up? I was wondering why the naval officer was doing this.

Mr. TABER. The United States scrapped three ships, all old ships. Great Britain scrapped five big battleships. Japan scrapped one. That undoubtedly was a concession to Japan. But, nevertheless, after we are through with it our battleships will rate at least 10 to 7, or practically 3 to 2, as compared with Japan.

Now, there is no question but that in order to work out an agreement a concession was made to Japan beyond the total percentage of tonnage which was allowed at first under the Washington treaty. But our old ships and Britain's old ships were not as good as the one which Japan is letting out.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, will the gentleman yield there?

Mr. TABER. Yes.

Mr. McCLINTIC of Oklahoma. I want to ask the gentleman if any of these battleships would ever be able to cross the ocean and engage in a naval battle?

Mr. TABER. I think it is very doubtful that we would ever be called upon to do it. I think they are more valuable for defense than for offense.

Mr. McCLINTIC of Oklahoma. More valuable if we kept them at home?

Mr. TABER. Yes.

Mr. McCLINTIC of Oklahoma. There is one other question I would like to ask the gentleman, and that is this: Did your committee ever take into consideration the appropriating of money for the 10-inch guns for the 10,000-ton cruisers, and that another country has a 10,000-ton cruiser that will shoot 3 miles farther than the new ships that we construct? In the event we constructed these new ships we would be outranged, and a few of such ships of other nations could destroy all ours.

Mr. TABER. I question whether any other country having a 10,000-ton ship could shoot 3 miles farther than ours.

Mr. McCLINTIC of Oklahoma. I refer especially to Germany, with her new type of cruiser and new gun.

Mr. TABER. It is equipped with a lot of things different from ours. Our naval experts do not agree that their construction is of a superior type. I am frank to say, in view of the absence of the completion of that ship and its demonstration, I am not in a position to pass very effectively upon the efficiency of that ship.

Mr. McCLINTIC of Oklahoma. I raised the question because I wondered if there was any information that could be given at the present time in comparing the two types of ships?

Mr. TABER. Not satisfactorily. It is equipped with Diesel engines and some of our experts say that they can not build any ship with those engines which will stand up for a long period of cruising. As to whether or not that is true I am not enough of an expert to say.

Mr. ABERNETHY. Will the gentleman yield?

Mr. TABER. I yield.

Mr. ABERNETHY. As I understand the gentleman, then, to satisfy Japan we had to give Japan something to which under the ordinary rules she would not have been entitled. Is that true?

Mr. TABER. No. We and other countries were proposing a reduction. A reduction was accomplished, and in order to get an agreement it is evident that there was some slight concession as to percentage given to Japan.

Mr. ABERNETHY. Does the gentleman understand that we are going to have some further negotiations with Italy and France?

Mr. TABER. I would question if there would be any immediate negotiations.

Mr. ABERNETHY. If we get into negotiations with Italy and France, we will have to give them even greater concessions than we gave Japan, in their present frame of mind. Is that not true?

Mr. TABER. At the present time France has three 10,000-ton 8-inch-gun cruisers built and three building; one appropriated for and not constructed. Italy has two built and four building. At the present time whether they have one or two more is not a very serious matter, as far as we are concerned.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. TABER. I yield.

Mr. LaGUARDIA. Is it not true that in the wake of every naval conference there is a great deal of misinformation sent throughout the country to create a panicky state of mind as if we were getting the worst of it, and is it not also true that the result of an investigation has shown that some of these naval experts who were then talking were in the pay of shipyards?

Mr. TABER. I am not informed about that. The gentleman from New York [Mr. LaGUARDIA] does not mean naval officers?

Mr. LaGUARDIA. Oh, no.

Mr. TABER. I think it is true, as far as naval experts go. That is true.

Mr. ABERNETHY. Will the gentleman yield again?

Mr. TABER. I yield.

Mr. ABERNETHY. Did the United States get the worst of the bargain in the conference which was held in Washington, led by Mr. Hughes?

Mr. TABER. We did not.

Mr. ABERNETHY. I had always understood we did.

Mr. TABER. That came from people who had not balanced up all the factors.

Mr. DUNBAR. Will the gentleman yield?

Mr. TABER. I yield.

Mr. DUNBAR. In the gentleman's estimate he gave us a figure of $400,000,000?

Mr. TABER. I do not think I got quite that far. I said $317,500,000.

Mr. DUNBAR. $317,500,000 as the possible amount of saving if we lived in accord with the proposed London treaty?

Mr. TABER. I beg the gentleman's pardon. I did not give that as the figure. I gave that as some of the items of saving. I think the savings can very readily go beyond that.

Mr. DUNBAR. That is the point I wanted to obtain information upon. I have been informed that if the London Naval Conference treaty is made effective, our savings would be approximately $1,000,000,000 in six years.

Mr. TABER. Several factors have to be considered. Many of them are problematical. That is, they are things which may or may not have come about. For instance, if we did not have the treaty, we might build immediately, in a couple of years, the last block of 10,000-ton, 8-inch-gun cruisers.

Their construction might have been slow. In addition to those, if the countries across the water, and I mean on both sides of us, had gone on with large construction programs, it is possible that we might have felt it was necessary for us to go on with much larger programs than we now have authorized. It is possible for us to imagine that the construction of the ships that might be built without this treaty would go to almost any figure. No one is smart enough to tell just how much money we can save. There are some things that can be saved and might be saved, and almost any figure can be imagined when such things as that are talked of.

Mr. DUNBAR. A short time ago a question was raised as to why we were going to appropriate so much money for the building of additional cruisers in view of the fact that the expectancy was that we would reduce the number of cruisers. I take it that the reason is we are following our program which was instituted several years ago of getting on a parity with England, and in accord with that idea, we are continuing to appropriate money for the building of cruisers, except that in order to show our good faith to the London conference, we are eliminating $400,000 from the appropriation cost of laying down of new cruisers this year. We have done that in good faith?

Mr. TABER. That is the situation. Also I may say our committee did not feel that it would be right or fair to the Congress to come here with a bill based entirely upon a treaty which had not yet been ratified, and take into consideration savings which the President might be able to make after the ratification of the treaty, but which he might not be able to make.

For instance, of those three battleships none of them are required under the treaty to be scrapped until 12 months after the ratification of the treaty. Now, I do not believe the President will be 12 months in doing it, but inasmuch as the President has that length of time in which to scrap them, it would not be up to us, without having proper estimates and without being able to handle the situation just as we ought to, to make cuts until the treaty was ratified and we could make definite plans as to the date of taking them out.

Mr. DUNBAR. I notice that under the present tonnage and the one proposed by the London conference, our total tonnage will be reduced from 1,286,436 tons to 1,114,700 tons. That is an approximate reduction of 10 per cent, and in the years to come, if this treaty is made effective, the amount of saving in the operation of our Navy will be quite a considerable amount of money, and, in addition to that, if an agreement can be further made, we may possibly be able to reduce it more; on the other hand, if Italy would begin to build ships so as to be on a parity with France, then France would begin to build ships so as to be on a parity with England; then that might force us to build additional ships to be on a parity with England; so that the future is somewhat uncertain, with the exception that the probabilities are that the amount of tonnage in our Navy will be reduced as suggested by the London conference.

Mr. TABER. That is true.

Mr. McCLINTIC of Oklahoma. Will the gentleman yield for a further question?

Mr. TABER. Yes.

Mr. McCLINTIC of Oklahoma. In view of the fact that we are to scrap two or three battleships and there has been a controversy over the ability of bombing craft to sink a battleship, in the interest of economy why would it not be a good plan to have another demonstration off the Virginia Capes, and inasmuch as the gentleman is a member of the Appropriations Committee, does he not think it would be a good idea to write a little section in the bill which would cause one of these ships to be set aside and have a little friendly controversy over it between the Army and Navy aviators, in order to see whether or not it could be sunk from the air?

Mr. TABER. The treaty expressly provides that the ships which are to be scrapped may be used as targets. Personally, I should urge that all available targets of that character be taken advantage of.

Mr. McCLINTIC of Oklahoma. In view of the fact that we have to pay out a certain amount of money for the purpose of scrapping and possibly pay out more money than the salvage would bring in to us, and such an exhibition or demonstration would be interesting not only to the Congress but to the coun-

try, I am hoping that the committees which have jurisdiction will arrange for the holding of some such contest or some such demonstration as this.

Mr. TABER. The gentleman is a member of the Naval Affairs Committee and I am sure his influence as a member of that committee would be very potent with the department in bringing about that test.

Mr. McCLINTIC of Oklahoma. I am so much in the minority that I have to go to some other committee when I want something accomplished in the interest of efficiency, and that is the reason I am appealing to the gentleman.

Mr. OLIVER of Alabama. If the gentleman has in mind simulating war conditions, of course, that might be impossible, because when you undertake to sink a ship that is not provided with any aircraft to defend her, nor with any antiaircraft guns to protect her, it makes a very different proposition from sinking a ship that is provided with defense.

Mr. TABER. That is true.

Mr. OLIVER of Alabama. I assume the lesson which the gentleman seeks to draw from such a test is what effect shells falling on a ship will have and, of course, that is largely the only lesson you can learn by using a battleship as a target where there are no means of defending the ship from the air.

Mr. TABER. There might be this also: You can tell from what height a shell should be dropped or in what manner it should be dropped to get the best results. However, I do not think these old ships are as efficiently protected against aircraft attack as the most modern ships are.

Mr. OLIVER of Alabama. It is very well to call attention to that, but, further, the aircraft might fly with absolute safety against a ship that was unprotected, whereas they might be in very dangerous territory when a ship was properly protected.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FRENCH. Mr. Chairman, I yield the gentleman 20 additional minutes.

Mr. McCLINTIC of Oklahoma. If the gentleman will permit, I want to say I agree with the gentleman from Alabama as to the different status that would exist in war time and in peace time with respect to the effect of a bomb dropped from a plane, but we must realize that each one of these battleships carries about 1,000 men and two or three hundred officers, and in a sense most of them are under the water. Therefore it could be compared to a prison ship, because the men are confined there and they can not get out. So if we have these demonstrations we know whether or not there is a possibility of sending that many men and officers to a watery grave by the effect of one of these explosive bombs.

Mr. TABER. That, of course, is true.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. TABER. Yes.

Mr. MOORE of Virginia. I understood the gentleman a while ago to strike a very interesting question when he expressed his opinion that capital ships for naval warfare purposes are of very doubtful value.

Mr. TABER. I do not know that I expressed that as my opinion. I stated there were two views, one of which was that airplanes and carriers were the only safe method of defense, and the other is that you must have the battleship. I do not know that I expressed my opinion, but I did say there was very much of a moot question.

Mr. MOORE of Virginia. What did the gentleman find from his study—and I know he has given very thoughtful study to the subject—as to the drift of opinion among well-informed people on that question?

Mr. TABER. The drift of opinion is that aircraft are regarded as of more and more importance day by day.

Mr. MOORE of Virginia. The question is a very important one from the point of view of saving, for the reason, as the gentleman suggested a while ago, that it costs approximately $40,000,000 to construct a capital ship.

Mr. McCLINTIC of Oklahoma. More than that now.

Mr. TABER. The Navy Department estimates $35,000,000 and I said $40,000,000.

Mr. MOORE of Virginia. And, in addition, we have the maintenance of our capital-ship fleet at this time, which involves an annual expenditure of about $40,000,000.

Mr. TABER. Oh, I would say more than that.

Mr. McCLINTIC of Oklahoma. Two million five hundred thousand dollars per ship.

Mr. TABER. And eighteen times $2,500,000.

Mr. MOORE of Virginia. I have made some inquiry as to the cost of keeping up our battleships and I have been informed by a member of the gentleman's committee, who had also investigated this subject, that the cost is a little over $40,000,000 a year.

Mr. TABER. I would figure the personnel and operating cost at close to $2,500,000 per ship.

Mr. McCLINTIC of Oklahoma. Has the gentleman any figures with respect to the upkeep of the aircraft carriers?

Mr. TABER. The upkeep of the large aircraft carriers is beyond that of the battleships by a very substantial amount. I hope when the new aircraft carriers, one of which is under construction, are completed we will be able to save something on the tremendous cost of upkeep, which goes with the *Lexington* and the *Saratoga*. They require a very large number of men to man them and consume a tremendous quantity of fuel for the service they are able to perform.

Mr. McCLINTIC of Oklahoma. I am in hearty accord with the opinion expressed by the gentleman, because the first two aircraft carriers were more or less experimental.

Mr. TABER. Very much so.

Mr. McCLINTIC of Oklahoma. And we have learned that we do not need ships so large, and that we do not need ships that require 1,800 men and officers aboard them.

Mr. TABER. Oh, if the gentleman will pardon me, 1,900 men and 150 officers.

Mr. McCLINTIC of Oklahoma. I thank the gentleman for the correction.

Mr. BRIGGS. Will the gentleman yield for a question?

Mr. TABER. I yield to the gentleman from Texas.

Mr. BRIGGS. This bill provides appropriations for how many 8-inch cruisers?

Mr. TABER. Well, we have under construction six of the first block of eight, five of the first block of five, and this bill provides for the commencement of work on two of the second block of five, which would be 13.

Mr. BRIGGS. In other words, there are 18 in contemplation of construction at this time?

Mr. TABER. We have two already built and we have three more which we are not to lay down until 1933, 1934, and 1935, under the treaty.

Mr. BRIGGS. I mean assuming the treaty was not in existence, you would be carrying on construction for 18 and you would have additional authority for 5 more, or a total of 23 cruisers?

Mr. TABER. The Congress has authorized five more than the treaty will permit us to build.

Mr. BRIGGS. In other words, 23 cruisers.

Mr. TABER. Yes.

Mr. BRIGGS. The treaty contemplates, as I understand it, a change in the character of cruiser tonnage by stipulating an increased amount of 6-inch cruiser instead of 8-inch cruiser tonnage; is not that true?

Mr. TABER. It permits 73,500 tons of 6-inch cruiser tonnage that we have not already constructed or authorized; yes.

Mr. BRIGGS. How many 6-inch cruisers will that provide?

Mr. TABER. It is up to the designers in the Navy Department and the Chief of Operations and other ranking officers to tell us how many they think we should have. I would not be so bold at the present time as to undertake to figure it out.

Mr. BRIGGS. About 10, approximately?

Mr. TABER. I should say 9 or 10 or perhaps, more likely, 8.

Mr. BRIGGS. Based upon the present 7,500-ton cruiser——

Mr. TABER. On that basis it would be 10. I understand they would probable go a little larger because if we are to take advantage of the flying deck we would want to have them close to 10,000 tons.

Mr. BRIGGS. The press has been filled with statements asserting that the 6-inch cruiser is practically valueless at this time to the United States; that we have enough 6-inch cruisers and we ought to have 8-inch cruisers, and that it is a useless expenditure of money to contemplate construction of any more 6-inch cruisers. What does the gentleman have to say about that? I think the Congress is very much interested in knowing the impression of the members of this committee who have gone into this question.

Mr. TABER. Of course, the committee has not had naval experts before it and any opinion we may have on this particular question would be that which we have drawn from our experience in past years. As I stated earlier in my remarks, the treaty provides that not to exceed 25 per cent of our total cruiser tonnage may have these landing and taking-off decks for airplanes. I am assuming, in view of the fact that our representatives entered into the treaty, that they believe a 6-inch gun cruiser with the landing and taking-off deck and the higher speed that will result—and they are built to carry a substantial number of planes and to travel at, perhaps, 40 miles an hour—would, perhaps, offset the advantage of more 8-inch-gun cruisers, especially in view of the fact that no other country will have as many 8-inch-gun cruisers as we will have.

That is my assumption based on the results of the conference—the fact that the ablest men in the Navy, as I believe, were the advisers to the delegates.

Mr. DUNBAR. Will the gentleman yield?

Mr. TABER. I yield.

Mr. DUNBAR. On page 4 there is a table that I do not understand. It says:

As to ships, the data show as between the 1930 and 1931 plans the following differences:

1930, light cruisers, 8-inch guns	5
1931, light cruisers, 8-inch guns	8

Does that mean that, in accord with the program under the London conference, our 8-inch cruisers in 1931 will be increased from 1930?

Mr. TABER. Yes; and this table refers to the operations of the fleet. We are building 8-inch-gun cruisers all the time. Of course, they come into commission. We have a group of old cruisers that are nearly 30 years old—the *Rochester*, the *Pittsburgh*, the *Denver*, and others that will gradually go out of commission—that have been used in Central and South American service. Of course, the cruisers of the second line will go out of commission.

Mr. DUNBAR. Then as the years go on, in accordance with the London treaty, will the number of our cruisers be reduced?

Mr. TABER. I can not see any possibility of the number of our cruisers being reduced in the next 10 years without a further treaty.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. TABER. I yield.

Mr. LAGUARDIA. Of course, the strength of our Navy is measured by comparison with the other navies of the world?

Mr. TABER. Absolutely.

Mr. LAGUARDIA. The mere fact that we are not building does not decrease the strength of our Navy because other countries have agreed also not to build.

Mr. TABER. Great Britain has agreed to keep only fifteen 8-inch-gun cruisers against our 18.

Mr. LAGUARDIA. So the comparative strength of our Navy is the same?

Mr. TABER. I think you might say that as we build the larger number every year, and put in commission 8-inch-gun cruisers, than other countries are building under the treaty the strength of our Navy becomes greater.

Mr. LAGUARDIA. It has been sought to create the impression in this country that our Navy is being weakened by the recent treaty. There is no justification for that?

Mr. TABER. Absolutely none. As a matter of fact, under this treaty while Great Britain is obliged to stand still we will increase. For instance, Britain is allowed under the treaty 146,800 tons of 8-inch-gun cruisers. We are allowed 180,000 tons of 8-inch-gun cruisers. Britain now has built and building 205,800 tons of 8-inch-gun cruisers. She has got to scrap down to 146,000 tons, while we, in order to get our 180,000, have got to put in commission in addition to what is now in commission 160,000 tons.

Mr. LAGUARDIA. And in the absence of any agreement we would continue to build up to England and England would build up to Japan, and, after all, our relative strength would be exactly as before.

Mr. TABER. Yes; whereas under the treaty, as far as cruisers are concerned, we will be absolutely on a parity.

Mr. LINTHICUM. Will the gentleman yield?

Mr. TABER. I yield.

Mr. LINTHICUM. Why is the difference between 140,000 tons for Great Britain and 180,000 tons for the United States?

Mr. TABER. Because Britain is allowed 192,000 tons of 6-inch-gun cruisers and the United States only 143,500 tons.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. TABER. I yield.

Mr. WAINWRIGHT. How many tons of cruisers have we got to build to come up to parity with Great Britain?

Mr. TABER. I am going to answer the questions with reference to the treaty limits which are provided for in the 1936 rather than the present British tonnage. In order to come up to parity we have to complete 160,000 tons of 8-inch-gun cruisers, some of which will be completed in the current calendar year, and 73,500 tons of 6-inch-gun cruisers.

Mr. WAINWRIGHT. How much of that is authorized?

Mr. TABER. All except 73,000 tons of 6-inch-gun cruisers.

Mr. WAINWRIGHT. Does the gentleman mean to say we have authorization to bring us to parity on 8-inch-gun cruisers in 1936?

Mr. TABER. More. We have five more authorized than we are allowed to build under the treaty.

Mr. WAINWRIGHT. So that it will be a question whether we are prepared or willing to appropriate within the authorization in the meantime to bring us up to a parity in 1936?

Mr. TABER. We have already appropriated for a very substantial proportion of the 160,000 tons.

Mr. WAINWRIGHT. How much?

Mr. TABER. We have already appropriated, or will have when this bill is completed, for the commencement on construction of 130,000 tons out of the 160,000 tons. There will still be left of the 160,000 tons appropriations to be made for 30,000 tons.

Mr. WAINWRIGHT. That is to be appropriated?

Mr. TABER. To be appropriated for. That means ships that we have not made any appropriations for.

Mr. WAINWRIGHT. Then, to bring us up to parity by 1936, we will have to appropriate for 30,000 tons of 8-inch-gun cruisers and a little over 70,000 tons of 6-inch-gun cruisers.

Mr. TABER. If we are going to be at absolute parity at that time. The method of our appropriation must be determined upon how fast we want to go on 6-inch-gun cruisers, and that depends entirely upon the development and the way our naval engineers and constructors work out a successful ship, which will be of the greatest value to the United States for the purpose of our national defense, and on the length of time it will take to work it out.

Mr. WAINWRIGHT. I suppose what I shall ask now is a fair question to put to the gentleman, if he is prepared to answer it. It is whether in his judgment we should not begin at once with a program to bring us up to absolute parity by 1936? Should we not develop a program and stick to it?

Mr. TABER. I think when the treaty is ratified that we should have authorized a program which permits this country to build up. As to just how fast we ought to build I would not want to say or commit myself until the situation develops year by year, for this reason: Suppose the department got out a type of ship, and the first one was not satisfactory. I would hate to have eight or nine ships built of a type that was not going to be advisable or useful to the Navy. I would like to move along so that we can sort of feel our way, and when we get through we would have something that counts, and not have something that we have to discard.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent that the gentleman from New York may have 10 minutes more.

The CHAIRMAN. Without objection, the gentleman is recognized for 10 minutes.

There was no objection.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. LAGUARDIA. Lest the question of my colleague from New York [Mr. WAINWRIGHT], who is an expert in matters of national defense, may create a false impression, we are appropriating now for the current year in this bill, for the Naval Establishment, some $377,000,000, are we not?

Mr. TABER. Yes; including $50,000,000 for new construction.

Mr. WAINWRIGHT. The question is being acutely discussed in the minds of a great many to-day whether parity means parity. In other words, whether parity entails an implied obligation upon the part of the United States to build up to a parity or whether it is a mere privilege. What in the gentleman's judgment should be the policy and practice of our country between now and 1936—to go right along building ship by ship and gun by gun, using that as an expression, with Great Britain, or simply to assume that that is a privilege which we may or may not live up to.

Mr. TABER. I think it is a privilege that the people of the United States should determine in each case as they step along whether they want to exercise it or not. I call the attention of the committee to this situation with reference to our aircraft carriers that I have already alluded to. We have something like 90,000 tons built and building. We have the privilege of building something like 60,000 more. Britain has 115,000 tons out of an authorized total of 135,000 tons. I do not think it is necessary for us to build aircraft carriers in tonnage beyond those that Great Britain has. Just because under the treaty we are permitted to build a certain number, I do not think it is necessary for us to build them except for the purpose of national defense. If we are going to have just as good as anybody else, I do not see any reason why we should go farther. I do not see why we should stand out on the housetops saying, "We want parity," and then, just because the treaty gives us the right, go beyond parity.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. BRIGGS. Does this bill carry any provision for the construction of 6-inch-gun cruisers?

Mr. TABER. It does not.

Mr. BRIGGS. That program, so far as it is concerned, has already been acted on apart from the treaty?

Mr. TABER. The only 6-inch-gun cruisers which have been authorized by Congress were the block of 10 of the *Omaha* class which were built, the last of them, about four years ago, if I remember aright. The Appropriations Committee, of course, will not bring in any appropriation for cruisers that have not been authorized.

Mr. BRIGGS. They have been completed?

Mr. TABER. Yes; they have all been completed as authorized. The only cruisers that we are completing are the 8-inch gun cruisers.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield there?

Mr. TABER. Yes.

Mr. ARENTZ. What, in your opinion, will be the status of the limitation of the five principal world powers in 1936? Will they all be built up to parity? Will they meet in conference and say, "This is as far as we can go"? We can not go below this figure, according to the idea of the gentleman from Illinois [Mr. BRITTEN]. The idea is to build up to the limit. You say it is "a privilege." That is not the proper word, in my judgment. It is a limitation.

Mr. TABER. It is a limitation beyond which we must not go; but whether we should go so far or not depends on the exigencies of the situation year after year.

Mr. ARENTZ. Of course, between now and the year 1936, if we shall have built up to the limit in 1936, it seems we could with very poor grace ask for a decrease of tonnage in armament among the five great nations. Of course, if Great Britain and France build up to the limit we must do the same. If we build up to the limit, Great Britain and France and Italy will build right up, ship for ship.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield there?

Mr. TABER. Yes.

Mr. WAINWRIGHT. It seems to me an entirely fair assumption in determining the standpoint upon which the treaty was based that the amount of tonnage prescribed for the United States was in the judgment of our representatives in London the measure of what our Government required in the interest of the national defense.

Mr. ARENTZ. No; not that, but rather what the poor fellows working in the mines and shops and in the fields can pay.

Mr. TABER. I do not believe we should build for the sake of tonnage. I believe we should build solely for the purpose of national defense.

Mr. ARENTZ. I am glad the gentleman has so stated. That is my viewpoint.

Mr. WAINWRIGHT. That is also my viewpoint. That is what the parity prescribed in the treaty means.

Mr. TABER. The treaty prescribes a definite limit to which we and other countries can construct. It is going to require the scrapping of those ships which because of age would be scrapped, and it will save a tremendous amount of money in operation and in new construction, without in any way impairing our national defense. It will require Great Britain to either cut out all 8-inch guns on her building program or to scrap approximately 60,000 tons of large new 8-inch-gun ships.

All this should command and have the support of all Americans. It adequately takes care of our national defense, and at the same time it results in a tremendous national saving besides being a great step forward in the limitation of armament and toward the peace of the world. Future treaties undoubtedly will go much further toward the desired limitations which are to come.

Now, I want to take two or three minutes in discussing the aircraft situation in America. We have talked a lot about battleships and cruisers and destroyers. When this Navy bill goes into effect the American Navy will have 1,007 airplanes, and when the Army bill goes into effect the Army will have 1,607, or a total of 2,629 more than the useful planes of any other country.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield there?

Mr. TABER. Yes.

Mr. LINTHICUM. What does it cost to build a modern plane now?

Mr. TABER. Anywhere from $30,000 to $115,000.

Mr. LINTHICUM. What were those we had down here the other day? Were those scout planes?

Mr. TABER. They were all kinds. Those I have mentioned range all the way from big bombing planes to transport carriers, carrying 15 or 20 people. The Navy planes, of course, are a little more expensive than the Army planes because they have to be manned on the decks of ships.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. TABER. May I have five minutes additional?

Mr. FRENCH. I yield to the gentleman five additional minutes.

The CHAIRMAN. The gentleman from New York is recognized for five minutes additional.

Mr. TABER. The Navy at the present time has 1,007 pilots. The Army will have, under the bill which has just been passed in the Senate, 1,350.

DISTINGUISHED VISITOR

Mr. LONGWORTH. Mr. Chairman, will the gentleman from New York yield to me for a moment?

Mr. TABER. Certainly.

Mr. LONGWORTH. I desire to announce as present in the gallery a very distinguished son of Great Britain, a former member of Parliament, one who has served with distinction in many cabinet positions, lately British ambassador to France, the Earl of Derby. [Applause, the Members rising in salute.]

NAVAL APPROPRIATION BILL

Mr. TABER. In addition to those, we have 330 Army reservists on active duty and about 70 naval reservists, so that we have practically about 2,500 aviators.

The art in that, as well as almost every other branch of defense in the United States, is well up to the mark where we can say that we are proud of the American Navy. We believe it is strong enough to meet every demand upon us for national defense and that we are going ahead fast enough to meet the situation in this country. [Applause.]

Mr. AYRES. Mr. Chairman, I yield to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Chairman, I have asked this time in order to refer to some of the aspects of the system of procedure now in effect in the House.

There has been frequent, and it seems to me well-justified, criticism of a practice to which I think this is a good time to direct attention. The naval bill brought before the House last Friday is one of the most important of the annual appropriation bills. It proposes an expenditure of over $375,000,000 and many of its provisions will probably invite serious discussion. The debate was opened last Friday by the chairman of the subcommittee in charge of the bill, Mr. FRENCH, of Idaho, in a very able and elaborate address, and he was followed by the ranking minority member of the subcommittee, Mr. AYRES, of Kansas, in a similar address. Then while those addresses were fresh in the minds of the Members, the bill was laid aside for the purpose of general debate, which will continue for how long no one can at this moment say.

As we all know, the general debate will not often touch the bill under consideration, but consist of speeches on a great variety of topics having nothing whatever to do with the Navy or its money requirements. This is according to a custom not established by a rule but which has grown up during the course of years.

When the general debate closes, the bill will be taken up under the 5-minute rule, but according to another custom a large part of the time may be consumed in the discussion not of substantial amendments but of pro forma amendments.

It seems to me that the better practice would be not to interrupt the consideration of any bill by general debate except on the bill itself, and not to allow pro forma amendments, which have the inevitable tendency of diverting debate away from the essentials of the bill. This would make for the more steady and coherent consideration of bills, to say nothing of the time which would be saved.

I am glad to find that the view I am presenting is that expressed by the gentleman from Massachusetts [Mr. LUCE] in his work on Legislative Procedure, with which I suppose all of us are more or less familiar. I refer to him because no one here has more thoroughly studied the history and theory of procedure. I quote an extract from his book on the matter of general debate:

> After the opening speech explaining the bill, which is really useful, the many hours devoted to general debate—that is, debate not confined to the bill—drive most of the Members to their offices. * * * For the most part, though, general debate is sheer waste of time and a pitiful reflection on the capacity of our greatest representative assemblage to use intelligently and efficiently its precious hours.

And in the following extract he makes this suggestion:

> Remove general debate (as far as that means talk not relative to a pending bill) to a definite limited part of each session or a certain session in each week.

In other words, he deplores the present practice, but would afford Members who desire to discuss irrelevant topics an opportunity for doing so. I suppose that he would favor a rule confining debate to the bill under consideration and another rule to name days or hours when general debate will be permissible, or, better still, to authorize the leader of the majority from time to time, with the approval of the House, to arrange for general debate when no bill is actually under consideration.

So far as the matter of pro forma amendments is concerned, Mr. LUCE has this to say:

In Congress the attendance upon general debate has become so ridiculously small that Members hungry for a hearing are more and more invading debate under the 5-minute rule with irrelevant discussion. They get the chance by use of the wholly artificial and somewhat absurd device known as the pro forma amendment. The man who wants to interject something foreign will move to strike out the last word of the paragraph under consideration, or the last two words, or will go through the form of opposing such a motion.

Martin B. Madden, a level-headed Representative from Illinois, drew attention to this in the House January 6, 1920, deploring the tendency and giving figures to show its effects. He had found that in the long sessions consideration of three of the appropriation bills under the 5-minute rule had taken 4⅛ days in the Fifty-seventh Congress, 4⅛ in the Fifty-eighth, 10 in the Sixtieth, 16½ in the Sixty-second, 19⅝ in the Sixty-third, 22½ in the Sixty-fourth. After that the war made conditions abnormal. He thought that most of the debate had come to be foreign to the pending question and believed the "liberalising" had gone much too far.

Mr. LUCE would probably agree that with a definite rule confining debate to the bill and a rule denying the right to offer pro forma amendments the Speaker or the Chairman of the Committee of the Whole would have no difficulty in so restricting discussion as to avoid the results depicted by Mr. Madden.

Personally I believe that it would be a mistake to prevent Members from expressing their opinion on any topic pertaining to the conduct of the Government or of the public interest, and with me the main thought is that when bills are brought before the House it is altogether desirable that they should be dealt with continuously, as far as possible, from start to finish without the work being broken up by the practice of turning the debate into irrelevant channels.

In his work Mr. LUCE recognizes, as everyone must, that while it is important to protect parliamentary procedure from sudden or ruthless disturbance, on the other hand it is a great mistake to believe that some bad features should be tolerated simply because they are hoary with age.

I shall not be sorry to recall on leaving the House that I have not looked on the system of procedure as having any such sanctity as to forbid changes from being suggested.

Accordingly I have had some connection with the successful effort to have the House informed in advance of the business to be transacted on a future day or days; some connection with the requirement being adopted that no rule providing for the consideration of a bill shall be sprung suddenly on the House but shall be reported to the House and remain on the calendar for at least one day before being taken up for action; and some connection with the consolidation of 11 comparatively useless expenditure committees into a single great Committee on Expenditures, which has the opportunity of keeping in touch with the executive departments and agencies and assist in guarding against irregularities and maladministration. All of this is simply illustrative of improvements which may safely be made.

Mr. AYRES. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. HILL].

Mr. HILL of Washington. Mr. Chairman, the protective policy of this Government is vicious in its discriminations in favor of certain industries and against others. It is a game of greed and power. It gained impetus as a protection for certain powerful interests which feel that tariff protection is their exclusive right and privilege. Every inch of advance that agriculture has made in order to get protection has been fought bitterly by these interests. They not only want to confine it to certain industrial interests but are unwilling to let the policy of protection spread out over the entire country to embrace all manufacturing industries. They want to confine it to certain sections of the country and to certain kinds of industries and withhold it from the industries of other parts of the country. We had an illustration of that attitude in the action of the House on May 2 and 3, when the very men who stand here as the sponsors of the protective policy demonstrated that when they get outside of their own particular interests and sections of the country they are against protection. They are for protection only for themselves, but are for free trade for the remainder of the country. While parading under the rôle of protectionists they are, in fact, the greatest free traders in the world. The West is beginning to wake up to this Doctor Jekyll-Mr. Hyde duplicity.

Governor Hartley, of the State of Washington, reflects the sentiments of the people of the Pacific Northwest toward this protection for the East and free trade for the West policy in certain communications, which I shall now read:

STATE OF WASHINGTON,
EXECUTIVE DEPARTMENT,
Olympia, May 9, 1930.

Hon. SAM B. HILL,
Member of Congress, Washington, D. C.

DEAR CONGRESSMAN HILL: Am inclosing to you herewith copy of telegram sent to Senator JONES and other Republican Members of Congress this evening. Am sending this to you in order that you may be advised of the action direct.

Am also inclosing copy of wire from the Hon. R. P. Lamont under date of April 28 and my reply thereto.

Yours very truly,

ROLAND HARTLEY, *Governor.*

OLYMPIA, WASH., *May 9, 1930.*

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.:

During the Senate committee tariff hearings on the lumber schedules it was clearly brought out and is confirmed by the recent report of the Tariff Commission to President Coolidge that imported lumber and particularly shingles coming from British Columbia were the product of labor 35 to 40 per cent oriental.

The historic protective policy of the Republican Party was primarily designed to protect the American manufacturer and workman from these exact conditions and in denying a duty under the pending tariff bill on logs, shingles, and lumber, are we to understand that the Republican Party in power and the administration in Washington are in favor of a busy Hindu or Chinaman in Canada and an idle American workman in Washington or Oregon?

This is exactly the issue and we demand a roll call in the House and Senate when the subject comes up for final consideration. Let us see who favors the Chinese under these conditions.

During the Fordney tariff 50 per cent of the shingle industry has migrated to Canada and unless now stopped by protective features in the present law the entire industry in the Pacific Northwest will be lost within a few years; a condition and not a theory. In Washington, D. C., this may be an incident. In Washington State a disaster.

Please transmit copies to all Republican Members of Congress.

ROLAND H. HARTLEY,
Governor of Washington.

OLYMPIA, WASH., *April 28, 1930.*

Hon. ROLAND H. HARTLEY,
Governor of Washington, Olympia, Wash.:

The President, in furtherance of cooperative measures with you to improve the economic situation, would appreciate it if you would review for him the present situation in your State. For such purpose perhaps you would advise him of your opinion as to the situation by reply to one or more of the following questions: First, is there now more than usual unemployment in your State? Second, if there remains substantially abnormal unemployment, has there been a decrease since mid-January? Third, has there been a decrease since April 1? Fourth, does the outlook warrant an expectation of still further decrease during May? Fifth, if there now remains unusual unemployment, can you make a rough estimate of the number? A reply by Wednesday will be greatly appreciated.

R. P. LAMONT,
Secretary of Commerce.

OLYMPIA, WASH., *May 9, 1930.*

Hon. R. P. LAMONT,
Secretary of Commerce, Washington, D. C.:

Have delayed replying your wire April 28 hoping for a protective duty on forest products. Nothing new to give you except that the situation steadily grows worse, and if there isn't relief in the form of a protective tariff on lumber and shingles 30 days will see 20,000 to 30,000 more men added to the unemployed. The most serious situation that has prevailed in this State since 1893.

ROLAND H. HARTLEY,
Governor of Washington.

On this subject I wish also to present a telegram signed by about 40 lumber and timber companies operating in Washington and Oregon, as follows:

PORTLAND, OREG., *May 6, 1930.*

Representative SAMUEL B. HILL,
Washington, D. C.:

We interpret present status of the lumber tariff as conclusive evidence of the continued disregard of western interests by the East. Their Senators and Representatives, after securing high protection for products

of their own States, have further strengthened their political fences by defeating tariff on shingles and lumber, which their constituents consume. They do this depending on the well-known regularity of the western Representatives to give the votes that will carry the bill as a whole. Lumber and shingles are more vital to prosperity of Oregon and Washington than all their other products combined. We insist that western Senators and Representatives now announce their refusal to support tariff bill with their principal product left out. On account of Russian and Canadian lumbermen using the United States as a dumping ground for their surplus product, there is now a 25 per cent unemployment in this industry, and unless there is early relief this unemployment will be increased to 50 per cent. Burden of this will be laid directly at door of our Representatives in the National Congress. This is not intended as a threat but a plain statement of fact.

Dant & Russell, Inman Poulsen O'Connell Lumber Co., Longbell Lumber Co., Eastern & Western Lumber Co., Willapa Lumber Co., Western Timber Co., Cobbs & Mitchell, Willamette Valley Lumber Co., Umpqua Mills & Timber Co., West Oregon Lumber Co., Clark & Wilson, Forcia & Larsen, Snellstrom Bros., Planet Lumber Co., Lewis Lumber Co., Pacific Spruce Corporation, Winchester Bay Lumber Co., Moore Mill & Lumber Co., Flora Logging Co., Scott Rafting Co., Snider Shingle Co., Gerlinger Lumber Co., Chas. R. McCormick Lumber Co., J. Neils Lumber Co., Libby Lumber Co., Western Lumber Co., Westport Lumber Co., Silver Falls Timber Co., Hammond Lumber Co., Giustina Bros. Lumber Co., Eugene Transport & Milling Co., J. H. Chambers & Sons, Booth Kelly Lumber Co., Bohemia Lumber Co., Fischer Lumber Co., W. A. Woodward Lumber Co., Owen Oregon Lumber Co., Jones Lumber Co., Tideport Logging Co., Tidewater Mill Co.

Mr. LINTHICUM. Will the gentleman yield?

Mr. HILL of Washington. I yield.

Mr. LINTHICUM. Does not the gentleman think that the substitutions now being used in building are partly the cause of the trouble and not the lumber and shingles that come in from Canada?

Mr. HILL of Washington. Unquestionably, keen competition comes from substitute roofing and building material. The depression in lumber products is also aggravated by the fact that all of the substitutes are protected by a tariff, and our lumber and shingles are not protected.

Mr. LINTHICUM. It was stated that we sell $2 worth of lumber to Canada to every 60 cents worth of lumber that we get from Canada. Can the gentleman state whether that is correct?

Mr. HILL of Washington. I would not like to make a definite statement as to that, because I am not really advised.

Mr. SUMMERS of Washington. Will the gentleman yield for a short answer to the gentleman from Maryland [Mr. LINTHICUM] as to the effect of substitute products?

Mr. HILL of Washington. I yield.

Mr. SUMMERS of Washington. That question is very well answered by the fact that the Canadian lumber business in the last few years has increased 160 per cent, and the shingle production has increased 400 per cent, while American production of both has been decreasing. There is a 400 per cent increase in shingles in Canada, while just across our line, with the same timber, but with American workmen instead of Chinese, Hindus, and Japanese, there has been a decrease, and our workmen are idle.

Mr. LINTHICUM. Will the gentleman yield?

Mr. HILL of Washington. I yield.

Mr. LINTHICUM. In my section of the United States very few of the old shingles are used. In fact, they are prohibited in the cities by legislation, and only country people can really use shingles.

Mr. HILL of Washington. Only 11 per cent of the roofing used in this country is of wood shingles. The other 89 per cent is of substitutes for wood.

I wish to call attention to the fact that Massachusetts is solidly for protection for Massachusetts, but that on the export-debenture provision to protect agriculture and on the question of protection for the lumber and timber industries of the West and the South Massachusetts voted 100 per cent for free trade. This is in line with the attitude of the eastern manufacturing interests since the beginning of the protective-tariff policy in withholding the benefits of that policy from other interests. In this connection I call attention to an article that appeared in the Century Magazine, in the issue of May, 1928, written by William E. Dodd, on the subject "Shall Our Farmers Become Peasants?" Mr. Dodd called attention in that article to a letter written by one Abbott Lawrence, a business man of Massachusetts, about 1828, the letter being addressed to Daniel Webster, in which he stated, in effect, that if the then pending tariff bill should be adopted it would keep the South and West in debt to New England for a hundred years. That prophecy came true. [Applause.]

Mr. FRENCH. Mr. Chairman, I yield 30 minutes to the gentleman from Oregon [Mr. KORELL].

Mr. KORELL. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include therein an editorial from one of the northwestern newspapers.

The CHAIRMAN. The gentleman from Oregon [Mr. KORELL] asks unanimous consent to extend and revise his remarks as indicated. Is there objection?

There was no objection.

Mr. KORELL. Mr. Chairman, a consideration of the bill that is pending before the House at the present time involves a discussion of the question of security. I might say, as an introduction to the remarks that I expect to make, that I believe we should have a Navy that will be adequate to protect our commerce, our coasts, and our country. I also believe in protecting American industries and American workingmen. Accordingly I am a firm believer in the principle of a protective policy.

The few thoughts that I desire to offer on the question of security will be directed to that phase of the discussion which relates to economic security; in other words, to the principle of a protective policy.

The United States Tariff Commission has made careful and exhaustive investigations and rendered full and complete reports on logs and red-cedar shingles showing lower wages, lower costs, and prices of logs, and lower transport rates in lumber and shingle production in Canada than in the United States, notwithstanding these findings of the Tariff Commission it has been repeatedly claimed by lumber and shingle tariff opponents that wages, costs, and rates are higher in Canada than they are in the United States.

It has been definitely and conclusively shown and admitted by silence or failure of denial that every witness that appeared before the Ways and Means Committee of the House or the Finance Committee of the Senate opposing lumber and shingle tariffs was an owner of foreign mill and timber interests, an importer or the agent or employee of foreign mill and timber or importing interests. In other words, that they represented foreign interests against American interests. This fact has seemingly received little or no consideration.

In the hearings held by the committee Canadian statistics were presented. They showed that lumber production had increased 160 per cent in Canada during the past 10 years. Tariff Commission figures show that British Columbia shingle production has increased 399 per cent since 1913. Department of Commerce records of production show a decrease in such production of 10.9 per cent since 1925, and the same records disclose that shingle production has decreased 27 per cent since 1913. All these facts are seemingly ignored.

There must be a reason for the enormous production gains in Canada and the large decrease in production in the United States. Canadian producers are not more efficient than American manufacturers. Canadian workmen, which are about 45 per cent oriental, are in no wise superior to American workmen. Canadian mills for the most part use American machinery. The reasons for Canadian gains and American losses can therefore lie only in the fact that Canadian tariff laws afford benefits and advantages to Canadian lumber and shingle production and that the United States tariff laws handicap and discriminate against the production of American lumber and shingle products, even for the United States markets. No other reason or cause can possibly be assigned.

Lumber prices to the mills have declined from $31.78 per thousand feet in 1923 to $25.61 in 1928, according to the census report of lumber, lath, and shingles, but retail prices to consumers have remained almost as a whole exactly the same to the ultimate consumer.

I will ask leave to insert a comparative table of figures showing lumber production, shipments, and orders for the years 1925 to 1928, both inclusive.

Year	Production (M feet)	Orders (M feet)	Shipments (M feet)
1925	40,519,613	38,684,200	39,770,073
1926	37,950,210	37,375,441	37,945,096
1927	35,237,917	35,003,432	35,115,113
1928	34,070,321	35,351,896	35,161,798

These figures indicate that from 1925 to 1928 production of lumber in the United States declined 6,449,000,000 feet. The decline in orders amounted to 3,332,000,000 feet and the decline in shipments 4,608,000,000 feet. No industry could go through such conditions as indicated without being in what anyone would call a depression. In fact, any industry is in a depres-

sion when it can not produce and sell at least 80 per cent of its marginal production at cost or profit. The lumber industry is not and has not been in a position where it could market 50 per cent of its production at cost or profit.

These facts are ignored by lumber and shingle tariff opponents because they are unanswerable, and all of the claims, charges, and assertions of lumber and shingle tariff opponents that have been presented to date are baseless and incorrect. They can not be sustained by any kind of fair or careful analysis.

I desire to make a few very brief answers to some of the charges and assertions that were recently made on the floor of this House by the opponents of lumber and shingle tariffs.

On May 2 reference was made to the protests of foreign nations, and the statement was made—I quote the speaker's words:

> In the press to-day you will read where the Government of Canada in its budget yesterday raised its tariff rates, and raised them to a retaliatory equal to the rates in the present bill, with the statement that if this law goes into effect they will be raised to be on a parity with this law.

The gentleman, whose words I have quoted, should have gone further and said that articles and editorials have repeatedly appeared in the press against lumber and shingle tariffs. He could have truthfully stated, as a matter of fact, that all of such articles and editorials have eminated from the influence and propaganda or misrepresentations of American and Canadian mill or timber and importing interests whose sole aim has been and is now to protect their foreign investments and importing interests regardless of costs to the American public.

He could also have added to his statement the assertion that these foreign interests are fighting to hold the Canadian market to their exclusive benefit and still to retain the American markets as a free outlet for their surplus lumber products. Such is the case, and the opponents of lumber and shingle tariffs are helping these foreign interests to accomplish their aim. They are assisting to "hog tie" American labor, American business, and American industry to the benefit of the cheap Hindu and oriental labor of Canada and the peasant labor of Europe. To be more specific and direct, they are aiding the foreign mill and timber investors to enrich themselves at the expense of the American people.

It seems astonishing that Members of this House should speak of retaliatory rates in connection with lumber and shingle tariffs. Canada has not threatened to increase her lumber tariffs should Congress propose a tariff on lumber and shingles. On the contrary, the Members of the House must know that Canada charges a 25 per cent tariff against United States lumber products or an average tariff of from $4 to $10 per thousand feet of lumber. Accordingly, the argument of the speaker, whose words I have quoted, must be that a Canadian tariff of from $4 to $10 per thousand feet is just a retaliatory tariff against the United States free lumber and free shingles, or again he might mean that those amounts would be "retaliatory equal" to the 75 cents American tariff per thousand feet of lumber which he urged this House to vote down on the 2d of May.

Not a single one of the gentlemen who spoke against the lumber and shingle tariffs stated that during all of the fight for lumber and shingle tariffs before Congress Canada has not made any offer to remove her lumber tariffs in an effort to afford American labor and American lumber products the same opportunity in Canadian markets that Canadian labor and Canadian lumber and shingle products now enjoy in American markets. Neither the speaker whose words I have quoted nor any of the American lumber and shingle tariff opponents have even hinted or suggested that it might be fair for Canada, in view of free lumber and shingle markets in the United States, to somewhat nearly play a fair game and open her markets to American lumber and shingle products like the markets of the United States. Canada has no such object in view. The Canadians figure, and very properly so, that as long as their Canadian lobby can dictate lumbering-tariff policies to the American Congress there is no need for generosity or fair play on the part of Canada.

In this connection I might say that during President Taft's administration it was proposed that a reciprocity tariff should be put into effect between Canada and the United States. But after the United States Congress had passed favorably upon such a proposal Canada turned its thumbs down upon it.

Mr. CROWTHER. Will the gentleman yield?

Mr. KORELL. With pleasure.

Mr. CROWTHER. Does the gentleman from Oregon realize that Canada is the only country in all the world that for all the period since the war has refused to make any change in her tariff duties? Every nation in the world has revised and raised its tariff duties since the period of the war, including the safeguarding of key interests of Great Britain in 1920, to which they have added very considerably as the years have gone by.

It is only very recently that there has been any activity on the part of Canada with reference to a revision of their tariff and that was because of a political discussion in their last election and is not on account of the American tariff, as the gentleman has suggested and is justly criticizing. It is due to the subject being discussed very considerably in the last election, and the realization that they were losing out or were suffering intensely because they had allowed their tariff walls to stand and everybody else in the world had raised barriers against them.

Mr. KORELL. I believe the gentleman's statement is absolutely correct, at least, it is in full accord with my understanding of the situation.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. KORELL. Yes.

Mr. MORTON D. HULL. If there is a tariff on our lumber products it would indicate a competitive capacity on our part, which contradicts the need for a tariff on their products.

Mr. KORELL. On the contrary, I intend to cite the gentleman some figures a little later on in my presentation to the House that will show that that is not the case.

Mr. MORTON D. HULL. What is the significance of a tariff on our lumber products if we can not compete with Canadian lumber interests.

Mr. KORELL. The object of it is to keep the Canadian markets exclusively for the Canadians and to keep the American markets for the Canadians at the same time, whereas what I am advocating is that we should give the American lumbermen a fair opportunity in their own markets by protecting them from competition with lower priced foreign lumber manufactured with cheap labor and with lower transport costs.

Another thing that the gentleman might have stated—and he would have been entirely correct if he had done so—that Canada charges an export tax of from $1 to $2 per thousand feet of logs when shipped to American markets and that the Canadian Government restricts, limits, and prohibits log shipments to American mills, and he might have truthfully added that American lumber products are effectually barred from Canadian markets. These facts were presented to the Ways and Means Committee. They have repeatedly been presented in various ways for the information of Members of Congress.

The opponents of lumber and shingle tariffs pose as friends of the farmer. They favor large farm tariffs. But how they will benefit the farmer with large tariffs and still drive the farmers' best customer—American labor—to idleness and so pauperize him that he can not buy the products of the farm is a miracle yet to be performed. Lumber industry idleness at present, according to labor and Department of Labor statistics, totals close to 400,000. The present amount of lumber workmen idle is merely decreasing purchasing power one-half. It is lessening the daily purchases approximately $800,000 or yearly purchases upward of $292,000,000. Fully 60 per cent of this fall off in purchasing power will be reflected in reduced farm-product purchases. So the farmer stands to lose $172,000,000 yearly in sales through the deceit and deception of foreign propagandists that have driven American labor to idleness.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. KORELL. Yes.

Mr. SUMMERS of Washington. I would like to emphasize that when you put 400,000 laborers out of work that means you have put 2,000,000 people on half rations; that means your farmer is going to sell about 1,000,000 loaves less every day of the year, and it means you are going to sell millions fewer of shoes, of work shirts, suits, hats, and everything else which the workman and his family use. That is the effect of putting 400,000 men permanently out of employment, and the Members of this Congress who voted only a few days ago to continue that situation all over this country apparently have little regard for the workmen in their own factories and for the farmers in all of the States of this Union whose markets are curtailed by the condition they are enforcing. They are giving employment to orientals just across the line who are not permitted to come into the United States and compete with our workmen. I am opposed to their entrance to the United States, but even then we would feed and clothe them from our farms and factories, but we permit them to compete with our workmen and be fed and clothed by a foreign country. This policy is grossly unfair to everybody in this country.

Mr. KORELL. That is very true. But what I said just preceding the gentleman's statement is not all. There are many kindred and dependent operations to lumbering activities. They too are being forced to idleness and will shortly sustain losses.

Among these I might mention the railroads, merchant marine, saw manufacturers, machinery houses, leather-belt makers, chain, cable, and wire manufacturers, tool houses, and many other manufacturers too numerous to enumerate. General commerce always shares in losses, distress, and idleness, and the final result of the collapse of the lumber and shingle industries will be that American labor, American business, and American industry will lose approximately $500,000,000 yearly just to satisfy the greed of American investments in foreign mills and timber.

Idleness will only serve to create greater farm surpluses, to lower farm-product prices, to completely destroy the home value of farm tariffs, to depreciate mill and business properties, to produce mill and business failures, and in the end depreciate farm values, and at the same time increase farm taxes and taxes on other properties remaining out of the bankruptcy courts. Such are the certain and inevitable results from idleness to labor and industry. From that there can be no escape, for government must continue. Taxes must be paid. And when factories, mills, and mercantile establishments pass out of existence that forces increased taxes on remaining properties. Farms are of the soil and indestructible, and must therefore eventually bear the brunt of any distress that exterminates industry and commercial activities.

The intent of Canada is clearly to retain her lumber tariffs for the purpose of holding her markets for Canadian production, Canadian labor, and Canadian industry. Against that there can be no just complaint. That is Canada's fair right. It is a sound national policy through which Canada has obtained and now holds an enormous lumber and shingle production advantage over lumber and shingle production in the United States, and Canada can not be blamed for retaining those advantages as long as the United States Government will permit their retention.

The gentleman from Iowa, a member of the Ways and Means Committee, and one who should know the real facts, stated "the lumber situation is different from any other situation we have." So it is. No other industry is discriminated against as is the lumber industry. It is the football in connection with the pending tariff bill. Never before have foreign interests so arrogantly attempted to dictate the tariff policies of an American Congress, and never before have American and Canadian interests so brazenly threatened to defeat all Members of Congress from certain sections for reelection if they should dare to vote for lumber and shingle tariffs. That is the situation that is "different from any other situation we have." It is the bold effrontery of the Canadian lobby in the United States.

The gentleman further stated, "There are shingle mills that have gone broke. Lumber mills have gone broke."

He admits the industry's distress and the needs for tariff adjustment, but he nevertheless demands a free market for the foreign lumber and shingle products of foreign interests. He claims timber ownerships have had much to do with mill failures and refers to charts and claims showing timber holdings. With the greatest respect for the sincerity, industry, and learning of the gentleman from Iowa, I respectfully submit that if he had only taken the trouble to even casually examine the reports from which his charts were prepared he would have instantly seen that they are misrepresentative.

Reference to these reports are most interesting, even if they are thoroughly in error. They are found on page 5492, CONGRESSIONAL RECORD, November 13, 1929, and somewhat revised on page 4373, CONGRESSIONAL RECORD, February 27, 1930. It was claimed the Weyerhaeuser Timber Co. and affiliated interests own 60 per cent of the timber of the State of Washington. That claim having been proven false from the face of the survey, the claim of ownership was later reduced to 37 per cent in the revised report. The timber stand of Washington is 282,645,481,000 feet. The Weyerhaeuser Timber Co. and affiliated interests are represented, according to actual additions of the listed holdings in the survey, to own 57,600,000,000 feet, and according to the statement on page 4570 of the CONGRESSIONAL RECORD to own 100,000,000,000 feet, or control that amount. The latter amount is more than three times the actual holdings of the Weyerhaeuser Co., and the misleading statements show the resort to which lumber and shingle tariff opponents have gone in attempting to hide the real tariff issues involved.

It is interesting to note that the Snoqualmie Lumber Co., a Weyerhaeuser company, is said to own or control 7,000,000,000 feet of timber in King County, Wash. The Snoqualmie Co. actually owns less than 2,000,000,000 feet, and the 5,000,000,000 feet remaining, which it is represented the Snoqualmie Co. controls, is the property of the United States Government. This can be verified from Government records in the city of Washington. But little mistakes like these are minor matters to Canadian lobbyists when they are seeking to hide their real reasons for opposition to lumber and shingle tariffs.

The figures of this Canadian lobby survey afford many very interesting revelations. For instance, there is a disclosure of how the lobby secure their data. Upon this point it will be noted that the tables submitted show the Milwaukie Land Co. as the owner of 7,500,000,000 feet and that this in turn is represented as being the equivalent of 8 per cent of Washington's timber. What is 8 per cent of 282,645,481,000? It is 22,611,638,480 or 2.6 per cent, but 8 per cent sounds bigger than 2 per cent. Hence the larger figure has been used.

Take the case of the Long-Bell Lumber Co. The percentage shown is about doubled. Many other percentages are also erroneously represented. The same queer figuring appears in the charts exhibited in the House of Representatives on May 2. Many of the figures appearing in the charts were taken from the survey. Figures in the remaining charts, with one exception, while spoken of as Tariff Commission figures, show upon their face that they are merely the figures of the Pacific Lumber and Inspection Bureau, an organization without any official standing. They do not correspond with the Government figures that are obtainable here in Washington.

As I have already stated, the listed large company holdings, including Government timber, and all other errors, total 105,300,000,000 feet. That is just 4.5 per cent of 2,214,000,000,000 feet, which is the total Nation's timber stand. There must, therefore, remain for the little fellow and numerous other holders of timber 95.5 per cent, and this is owned by 946,871 American farmers and other citizens of 46 States of the Union. The Canadian lobbyists represent the fight to be against the timber owner, and it must therefore be against the little fellows owning 95.5 per cent of the Nation's timber as well as against the 4.5 per cent of the big fellows' interests. However, timber ownership is just a bit of smoke-screen to hide the interests of the foreign mill and timber owner who wants to retain American markets as a dumping ground for his surplus products.

The gentleman exhibited a chart showing an export to Japan of 316,023,000 feet of logs from Washington, Oregon, and British Columbia. The Department of Commerce in Bulletin No. 3, Domestic Exports, shows the United States export to have been 20,272,000 feet of fir and 282,237,000 feet of cedar. That shows the United States shipped about 90 per cent of the asserted total instead of 71 per cent, and it also shows that the person who furnished the figures for the Congressman was merely guessing.

No explanation is given of the fact that 89 per cent of the total shipment is of cedar, nor of the further fact that a very considerable portion of the export is Port Orford cedar, grown only on the west coast of Oregon, and a wood purchasable only from Oregon and very much preferred by the Japanese.

The export lumber claimed as going to Japan presents a different case. The gentleman stated it to have been 667,349,936 feet. The same bulletin referred to shows the United States export to have been 415,249,000 feet. Some other country therefore must have shipped 252,100,000 feet, or 37 per cent of the alleged total, instead of 28.9 per cent.

The export to China is given as 377,957,457 feet. Again the same bulletin shows the United States shipment to have been 123,072,000 feet, or that nearly 70 per cent, instead of 11.7 per cent, was shipped by some country other than the United States.

Other numerous errors in the export figures appear in the same proportion to those noted, but the ones checked are surely sufficient to show that the figures of the Canadian lobbyists are utterly unreliable. There is no telling how, when, or where they got them. It is highly probably they were like Topsy—they "just grew."

Neither should it be overlooked in making comparisons that the American lumber business is a business of 125,000,000 people. That of Canada is a business of only 10,000,000 people. A Sears-Roebuck store should hardly be compared to a corner grocery when it is sought to compare amounts of business.

The gentleman from Iowa presented a chart assertedly prepared from Tariff Commission figures showing higher shingle production costs in British Columbia than in Washington and Oregon. The Tariff Commission pointedly stated that log, labor, and transport rates were lower in British Columbia than in Washington and Oregon. That is a fact well known to the gentleman, and it is verified on pages 7, 11, and 21 of the log report, and 11, 23, 49, and 72 of the shingle report. There is not and can not be any question as to higher costs in Washington and Oregon if credence can be placed in the Tariff Commission's report and the duly constituted tariff fact-finding body of the United States.

Concerning the Russian menace, the gentleman from Iowa stated that Russian lumber sold for $38.74 per thousand feet. No doubt he is correct if he is quoting a retail price, but if a

wholesale price, some consideration should be given to what is otherwise reported. The Soviet Union Year Book, 1929, states the returns to Russian exporters amounted to $14.50 per thousand feet of lumber, and that such a procedure is and has been productive of devastation and waste, but they are conditions forced from the no lumber protection tariff policy of the United States that forces unequal competition with low production costs of foreign lumber and shingle producing nations.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. KORELL. Yes.

Mr. SUMMERS of Washington. If the gentleman will permit, I would like to comment on that Russian situation. In the tariff debate the other day it was emphasized that we had little competition from Russia, and a letter was read from somebody in the Department of Commerce stating that we would probably not have much competition within the next few years, but on the day that speech was made on the floor of this House representatives of the Soviet Government were examining and studying lumber mills in the State of Mississippi with a view to taking the same kind of mills into Russia for the purpose of cutting up confiscated timber, and those mills to be operated by workmen who receive the equivalent of 50 cents a day, in order that they may ship their lumber here and compete with our lumber producers and with our workmen. I say they were in this country the day that speech was made examining our mills with a view to taking large numbers of these mills into the Russian and Siberian forests to compete with us.

Mr. KORELL. I believe the gentleman's statement to be correct. The letter to which he referred was a letter from Mr. Axel H. Oxholm.

The letter, at most, contained merely a mass of guesses. The Soviet Union Yearbook for 1929 relates the plans of the Soviet Government for lumber production, expansion, and exploitation. Regardless of what Mr. Oxholm or anyone else may guess, the historic fact remains that Russia has quickly jumped to first place as a nation in lumber exports, and that lumber production expansion has increased faster than was either planned or anticipated by the Soviet Union.

This is the history of the lumbering industry of the Northwest for the past 17 years, and in addition to waste and devastation, forced by free lumber and free shingles, the unprofitableness of lumbering operations have greatly retarded reforestation activities, and repeated and continued periods of mill idleness have almost completely stopped the reclamation of cut-over lands. These enormous losses will not fall only to the people of the Northwest. They will spread, as I have already stated, to every section of the Nation, to the manufacturers of the East, the planter of the South, and the producer of the West and Mid West, for lumber workmen total hundreds of thousands and they buy in all the markets of the Nation.

The gentleman from the State of Minnesota, the home of the opposition to lumber and shingle tariffs, because of the fact that a considerable number of Americans live there who have large investments in Canadian mills and timber, is a staunch opponent of lumber and shingle tariffs. He argues for free lumber, free shingles, and high farm tariffs, but says comparison of farm tariffs with lumber and shingle tariffs are unfair comparisons. Both are products of the soil, crops produced from the same lands; the difference being that it takes longer to produce the timber crop than it does to raise the wheat, oat, corn, or hay crop.

The gentleman makes the statement:

> Income tax reports for the year 1929 show that a large number of lumber and shingle mills in Washington and Oregon that own their own timber have prospered, and they are prospering.

It should be noted that the gentleman specifies the year of 1929. It is an absolutely safe assertion that he has no report of the income taxes for 1929, and if he doubts the losses of lumbering operators he should refer to the report of the Commission of Internal Revenue of date of May 14, 1929, showing the combined net incomes of 37 representative lumber and shingle manufacturing companies engaged in lumbering operations. This report shows that in 1923 these 37 corporations lost $86,573, that they lost $66,658 in 1924, that they made $96,514 in 1925, that they lost $38,182 in 1926, and that they lost $37,622 in 1927. It is also perfectly safe to assert, because it is a positive fact, that these 37 representative corporations lost money during the years of 1928 and 1929, but the report did not and could not have included those years at the date of the report.

A recent investigation has been made by the National City Co. of the fir-lumber industry. Because it so clearly shows the depressed condition of the industry I ask leave to incorporate a brief statement made by the National City Co. as a result of its investigation:

During a brief period of approximately 15 months, commencing in the autumn of 1926 and extending into January, 1928, the National City Co. had rather close contact with the fir-lumber situation of the Pacific Northwest, and undertook a survey of conditions in this industry. The survey embraced not only an economic study of the lumber situation generally, but an analysis of balance sheets and earnings statements over a period of five years of approximately 100 different concerns engaged in logging or manufacturing operations, or both.

"The combined balance sheets of 104 concerns showed current assets of approximately $38,500,000 and current operating liabilities and accruals of $11,600,000. Their fixed assets of all kinds were carried on their books at approximately $240,000,000. Their liabilities other than current operating liabilities aggregated approximately $90,250,000, of which approximately $63,000,000 were funded and the balance represented by current obligations. As against this portrayal of resources and liabilities, the most striking factor developed by the figures was the low annual earnings returned from the employment of this vast aggregation of timber resources, mill facilities, and man power. The figures speak for themselves. After providing for operating charges, depreciation, and depletion, there remained as net income available for the payment of interest and taxes the following sums:

1922	$9,715,000
1923	17,034,000
1924	253,000
1925	1,873,000
1926 (deficit)	105,000

"That the fir-lumber industry by the end of 1926 had reached a low ebb of vitality is the only possible deduction from the analysis given."

Considerable comment has been made about Canada being the best customer the United States has. A glance at the lumber and shingle exports to that country does not confirm the statement. Past statements have shown we annually import from Canada about 1,500,000,000 feet of lumber and 2,229,000,000 shingles. According to the Department of Commerce Bulletin No. 3, Domestic Exports, we shipped to Canada in 1928, 140,906,000 feet of logs and other lumber products, and that we exported to Canada 7,286,000 shingles. The lumber export is about one-tenth as large as the lumber import from Canada, and the shingle export to Canada is about 0.035 per cent of the shingle import. Recent press reports show a decline in Canadian imports from the United States and an increased export from Canada to the United States. The final analysis of the Canadian import question is that they buy from us what they do not themselves produce or can not purchase elsewhere at a lower cost. It is rather absurd to pretend they buy from us through a desire to be our patrons or to show us special favors. The rule of buying in all cases of imports is to buy where the desired article can be purchased at the lowest cost, and that is Canada's policy, the same as that of any other nation.

Much stress has been placed on the question of mills owning their own timber. There are thousands of mills in the United States that do not own their own timber. They are the little fellows that to date have helped to prevent too great a centralization of mill and timber ownerships. They are the mills that have very largely helped to keep down the prices of lumber and shingles but seemingly they are the mills, these little fellows, that the opponents of lumber and shingle tariffs would seek to destroy. If it be the aim of lumber and shingle tariff opponents to create greater centralization of mill and timber ownerships they are certainly working strongly to that end, for the foreign mill and timber interests are the large interests—and as soon as the small interests can be destroyed and the little fellows driven to bankruptcy the big fellows on both sides of the international boundary can then combine and demand whatever price they may wish for their products, but first they must destroy the little mill and bankrupt the little fellow. A moment's thought will clearly show there is more real danger of increased lumber prices from centralized ownership of mills and timber than could possibly result from any tariffs Congress might be induced to place against foreign importations of lumber and shingle products.

In conclusion, I insert part of an editorial of The Morning Oregonian appearing in the issue of that paper dated May 6, 1930. It summarizes the situation of the Northwest and states the alternatives that are faced by the representatives of the lumber States.

LUMBER HIT BY COMBINED BLOCS

Joining forces in an unnatural alliance, the agricultural Mid West and the industrial East dealt a severe blow to the lumber industry of the Pacific coast and the South by refusing to place any protective duties on forest products. The old fight for free raw materials that enter into protected finished products is renewed. Formerly the industrial East fought to place products of the farm on the free list or under low duties. In the tariff struggle now drawing to a close the Democratic-

Insurgent coalition from the Mid West and the South has contended for more protection on farm products, no increase on manufacturers, but these contending forces combined to deal a body blow at lumber. All of which shows that each element forgets protection as a national policy, votes for its selfish interest, and the devil take the interest that is short of enough votes.

If there were such a thing as gratitude in tariff politics, the lumber States would have a strong claim on the farming States for some return for aid given in obtaining farm relief laws. The delegations from the Pacific Northwest States have at times gone beyond reason in supporting the claims of agriculture, but there has been no reciprocity. The lumber industry is the best home market for the farmer, but he does not hesitate to throw it away for the sake of cheap lumber.

American lumber is now exposed to attack from all sides and is utterly undefended by the tariff which protects almost every other industry. Russian lumber is driving the American product out of Japan, China, and northern Europe, where Finland also enters the contest. Expatriated American capital imports Canadian lumber in competition with the American product of capital that has remained American. Exposed to severe competition in both the domestic and the foreign markets, the American lumberman must buy food products on a highly protected market but must sell his product in a free-trade market. He can make with good cause the same complaint which the farmer has made without cause. He may now choose between forming a lumber bloc to secure protection and becoming an out-and-out free trader in order to reduce his cost of production.

But the battle yet to be fought out over the debenture and the flexible tariff raises doubt whether the tariff bill will become law in any form. On those two issues the majority of the House stands firmly behind President Hoover. The latter's letter to Representative TILSON is a plain intimation that he would veto a bill providing the debenture. The case for legislative instead of executive control of the flexible tariff has been made too weak to stand against the President's argument. When Congress has consumed 15 months over a tariff bill, there could be no assurance of prompt action on a bill to revise a single duty or that such a bill would not be extended to the entire tariff. Being able to boast of having gained much for the farmer, the Senate coalition might well hesitate to lose this advantage by inviting a veto against which it could not muster a two-thirds vote of both Senate and House.

The lumber States can view the possibility of a veto with indifference, for they have nothing to lose by it, having already lost all they hoped to gain. A veto should tame the arrogance of the farm bloc and may teach the farmers that to trample on all other interests is not the best way to serve their own. Their power to gain the utmost for their group of interests has reached its climax in the present tariff debate, and the profit is dubious. That is the result of rupturing parties and building factions out of classes or sections.

Mr. FRENCH. Mr. Chairman, I yield to the gentleman from North Dakota [Mr. SINCLAIR.]

A SYSTEM OF RESERVOIRS FOR FLOOD CONTROL AND AS AN AID TO AGRICULTURE AND NAVIGATION

Mr. SINCLAIR. Mr. Chairman and members of the committee, during the hearings held about two years ago by the Committee on Flood Control of the House, there appeared before us Hon. John F. Stevens, chief engineer in the building of the Panama Canal, and the man whose plans for that great undertaking were adopted. Among other things, he stated at that time that "sufficient data had not been accumulated in order to prepare a comprehensive plan of flood control" for the floods on the Mississippi River and its tributaries. That statement, Mr. Speaker, coming from so eminent an engineer, probably the foremost in this country, impressed the committee most profoundly. That idea was embodied in the legislation which was later prepared, being the specific section in the law enacted May 15, 1928, providing for the study and survey of the tributaries of the Mississippi River system.

To-day we are facing the necessity of amending the flood control act and still, notwithstanding the fact that provision was made for obtaining authentic information for our guidance in determining a comprehensive plan, enough progress has not been made for us to determine upon a plan. I am advised by the War Department that these surveys of the tributaries provided for in the law are now being made as rapidly as possible, and that a preliminary report may be expected this summer, or before the next session of Congress. A great deal of statistical material has been collected already, both scientific and accurate, which, while valuable and convincing to some, still is not sufficient as a basis on which to build the greatest engineering work ever undertaken in this country.

When Congress passed the present flood control act we were forced to act hastily and upon immature plans because of the great pending emergency. The plans of the Chief Army Engineer seemed the best within the limits of cost set for us. No one seriously believed that the Government could take a large acreage of farm or timbered lands for flood and spillway purposes without just compensation to the owners, and it was obvious to Congress that that part of the plan was sure to meet with opposition in the courts. That is exactly what has happened. The courts have restrained the Government from proceeding without first paying for the rights which it seeks to exercise over private property. In consequence of this action, President Hoover, therefore, has very wisely withdrawn all construction work on this portion of the flood plan until the whole question can be again reviewed by the engineers for further recommendations to Congress.

The feasibility of fuse-plug levees and flood ways has been the subject of much conflicting opinion among engineers, as well as laymen, ever since this method was advanced in the Jadwin plan. Prominent engineers familiar with the floods of the Mississippi have pronounced them inadequate and of doubtful value. In addition, the flood ways required to carry a superflood must now be paid for in advance, and this will involve an unjustifiable expense. It was in accordance with that view that the obligation of finding a better and cheaper plan was thrown back on Congress by the President. The adopted project included in the act of 1928, besides providing for the strengthening and raising of the levees and completing the river-bank stabilization, also provided for three main flood ways. In the case of a maximum flood it was proposed to pass the water from the main channel of the river into the flood way by fuse-plug levees in order to reduce the flooding at certain points. One flood way was to be located in Missouri, another in Arkansas and Louisiana, and the third in Louisiana below Red River to the Gulf. This plan was adopted by Congress in the thought that the damages for the flooding of private property would be assessed when the damage occurred, estimated to occur at intervals of from 3 to 10 years. However, the courts have taken a different view of the matter, and have held that by express design of the plan these areas are to be flooded and used as flood ways, and that the damages expected are due to the property owners at the initiation of the flood-control works.

The three main flood way or storage areas provided for are on the west side of the river. The citizens of Kentucky, Tennessee, and Mississippi insist that there are two additional storage basins on the east side of the river, not provided for in the Jadwin plan, but nevertheless equally damaging to their property as a result of the proposed works on the opposite side of the river. The flood ways contemplated, however, are the Missouri diversion in southeast Missouri, the Boeuf Basin flood way in Arkansas, and the Atchafalaya River in Louisiana. The amount of water to be diverted down these flood ways is to be controlled by levees made of softer or looser earth which will give way on blow-out when a certain height is reached by the river. In the opinion of many engineers, these levees are of doubtful control. No one can say accurately with what force or volume the water from the main channel will pass out into the flood way, nor whether it will cease to flow through, once it breaks over when a given volume has been released.

It is sufficient for our present consideration to know that it will positively inundate a large area and ruin the property of many people, and that this will be done deliberately by a premeditated plan of the Government to do that very thing. It is obvious that the Government must then be responsible for the damages to private property resulting therefrom.

The Missouri flood way embraces an area of about 145,000 acres, affecting 3,500 people, dispossessing them of their homes and property, and costing approximately $30,000,000. The Boeuf Basin flood way contains 1,440,000 acres with a backwater area of 1,085,000 acres additional. The population now living in this basin is about 70,000, and the value of the land used as a flood way is estimated at $126,000,000. The Atchafalaya flood way covers 1,190,000 acres with a population of about 40,000. The cost of this flood way is estimated at $180,000,000. Here is a total additional expenditure of $336,000,000 which the Federal Government must assume if it should complete the flood works contemplated in the adopted project.

Further, there is at least another $300,000,000 of estimated damages in these flood-way areas, to railroads, highways, towns, cities, telephone and electric light properties, river improvements and revetments that must be counted in, according to the estimates submitted to the committee two years ago by General Jadwin. At that time it was held that all this expense should be borne by the local and State interests. It is safe to assume that the total cost to the Federal Government of the adopted project under the act of May 15, 1928, with the additional interpretations by the courts in recent decisions, would be well over a billion dollars.

When the legislation was under consideration by Congress many Members were troubled by the conflicting phraseology of





the bill. It provided for an adopted project and the creation of a commission to make further studies and surveys, and that this commission should reconcile the adopted plan with other plans suggested by the commission, and that if full approval could not be had as to all the engineering differences, the commission should make a recommendation to the President. The result of all this seemingly conflicting language is that approval of the flood-way portion of the Jadwin plan has not been given by the President, and all progress on that phase of the work has been held up for further study. The difficulty was that Congress faced a grave emergency at the time of the enactment of the legislation, and attempted to pass a comprehensive flood control bill without sufficient data on which to base it. Many Members knew that the bill as passed could never be carried out without the expenditure of a vastly greater sum than was proposed in the measure. The same problem is still before Congress and will require definite action when the surveys and studies to be made on the tributaries become available.

Practically every engineer of note who appeared before the Flood Control Committee voiced the opinion that the ideal plan for controlling floods on the great Father of Waters is by means of reservoirs. The only question raised was that of cost. No accurate estimate was presented or obtainable as to the cost of this mode of control, and therefore in the law as enacted section 10 was inserted which—

> Provides for the survey of all tributaries of the great river with a view to controlling flood water by means of reservoirs and their effect upon floods in the lower valley, the benefits that will accrue to navigation and agriculture from the prevention of erosion and siltage, the capacity of the soils to receive and hold waters, the income to be derived and the extent to which such waters may be made available for public and private uses, and the stabilizing effect on stream flow of the retained waters as a means of preventing erosion, siltage, and improving navigation.

It is believed that this method of flood control will prove to be entirely effective, and it is in the interest of national economy that it be given most careful study. These surveys provided for in the law should be prosecuted to completion at the earliest possible date in order that the information thus obtained be made accessible to Congress, and legislation for a permanent and comprehensive plan expedited. The present law makes no provision for saving these run-off waters. It proposes to waste forever what should be conserved as a great natural resource.

Source stream control for the elimination of floods on the Mississippi River is no new proposal. We find that it has been suggested from the very earliest history of floods on the great river. However, this method has been given no consideration for the last 40 years because the Army engineers were so thoroughly convinced of the superiority of their plan of "levees only" that they gave no thought to any other. Even after the great calamity of 1927 both the Chief Engineer of the Army and the Mississippi River Commission, with a record of 40 years of monumental failure back of them, made the levee system the basis of their recommendations. They merely increased the dimensions of the levees, with diversions and spillways added.

Reservoirs and source stream control was given only the most cursory notice. With reference to the inadequate treatment of reservoirs by the Board of Army Engineers, I feel that it is not amiss to call attention here to the fact (in order to indicate the bias and prejudice of these men) that the officer detailed to make the examination of some 500 reservoir sites as a possible means of flood control was not only an officer of the Army but was also at the same time acting as an executive of a large utility and power company. He was on half pay with the Army and giving most of his time to the power company. He made what might be termed a worm's eye or swivel-chair inspection of the 500 reservoir sites and rejected practically all of them as flood-control factors. Since then it has developed, through the investigations of another body, that the power companies were engaged at that very time in the wholesale business of buying and influencing newspapers, the teachers, schools, and colleges of the Nation in an effort to discredit public ownership, development, and control of electric-power sites and electrical energy for the use and benefit of all the people. Would it be too much for us to infer that they had also made overtures toward effectively influencing the views and opinions of the engineers of the Army?

President Hoover is an able engineer, and he very promptly stopped all diversion and flood work provided for under the adopted project when the courts decided that the owners of this property embraced in the floodways must be paid for it in advance. It is now up to Congress to provide some other plan. In the meantime the work of bringing the levees up to the standard grade and section can be pushed vigorously to completion. Also, bank revetments and channel stabilization can be continued in the interests of navigation. These works are of a permanent character and will take several years to complete. Then, when the tributary surveys and studies are available, a final plan of flood control can be adopted by Congress. I am convinced that when the report of these investigations is before us the wisdom of reservoir construction as a means of flood control will be fully demonstrated.

There is enough evidence from various authentic sources to indicate the success of source stream control as one of the factors of this comprehensive plan. In addition to terracing and soil absorption, the proposal includes a system of reservoirs in the upper regions of the basins of the Missouri, the upper Mississippi, the Ohio, the White, the Arkansas, and the Red Rivers and their tributaries. Preliminary studies disclose the fact that there are known reservoir sites on each of these streams which will afford storage facilities adequate to reduce flood stages at Cairo, Ill., to the extent of 11 feet during a possible maximum flood. It is believed by some that this reduction may be increased to 20 feet. Had such a control been in effect in 1927, there would have been no flood damages in the lower Mississippi River. There have been detailed surveys made by competent local engineers of reservoir sites having the following storage capacities: On the upper Mississippi River, 4,000,000 acre-feet, which will give a reduction of stream flow of 60,000 cubic second-feet; on the Missouri River, 15,000,000 acre-feet, with a reduction of stream flow of 300,000 cubic second-feet; on the Ohio River, 10,000,000 acre-feet, which will give a reduction of 300,000 cubic second-feet; on the Arkansas and White Rivers, 34,000,000 acre-feet, with a reduction of stream flow of 500,000 cubic second-feet; and on the Red River, 6,500,000 acre-feet, with a reduction of stream flow of 100,000 cubic second-feet. These reservoirs can all be built at an estimated cost of $400,000,000, or a unit retention cost of $6.50 per acre-foot. This sum is held by able authorities to be a very reasonable figure. Flood rates of the rivers in 1927 were, respectively: Upper Mississippi and above Cairo, Ill., 537,000 cubic second-feet; Missouri, 655,000 cubic second-feet; Ohio, 1,000,000 cubic second-feet; White and Arkansas, 1,250,000 cubic second-feet; Red, 60,000 cubic-second feet. Consequently further reductions in the discharge of these rivers during floods can be made by additional reservoirs with increasing the capacities of those reservoirs already known and under consideration. The annual discharge of these rivers is as follows: Missouri, 82,000,000 acre-feet; Ohio, 142,000,000 acre-feet; Arkansas and White, 46,000,000 acre-feet; Red, 42,000,000 acre-feet; upper Mississippi, 78,000,000 acre-feet.

There has been a very complete and detailed survey of reservoir sites made on the headwater tributaries of the Ohio River by the Pittsburgh Drainage Board. The results of that survey show that at a very reasonable cost the flood heights in the city of Pittsburgh can be reduced approximately 10 feet by the building of a series of 12 dams and reservoirs. These facts are set forth in the report made by the Flood Commission, which are available to anyone who wishes to look into the matter. It is suggested in that report that the reduction of flood heights on the Ohio River can be increased 20 feet by utilizing all of the available sites known.

I am more familiar with the upper Missouri River. In the State of North Dakota there is one reservoir site on the Missouri River above the city of Bismarck which is capable of storing 15,000,000 acre-feet. This proposed reservoir site has been very carefully investigated and a detailed survey made by Mr. R. E. Kennedy, State engineer of North Dakota. His plans and estimates are for the construction of a reservoir in the Missouri River by means of a large earthen dam with a steel concrete core. He proposes to build a dam over 2 miles long with a maximum height of 175 feet above the river bottom, and a spillway of 1,500 feet. The capacity of the reservoir would be 30,000,000 acre-feet, and the cost is estimated at $47,500,000, or $3.30 per acre-foot. Siltage would be deposited in a lake at the upper end over a 60-mile area which would take 230 years to fill. The dimensions of the lake would be 140 by 1½ miles. Mr. Kennedy believes that such a reservoir will store at least 40 per cent of the run-off waters of the Missouri River drainage basin. His conclusions are that this improvement will effect the discharge of the Missouri River by reducing the flood flow at least 80 per cent at Bismarck, and will increase the low-water flow at least 70 per cent at the same point. In other words, it will have the effect upon the river of giving it a stabilized flow, and will insure a constant uniform depth of channel throughout the year, which is absolutely necessary in the promotion of water navigation. The Government has spent for dredging purposes alone on the lower Mississippi River approximately a

million and a half dollars each year for the past five years. With a stabilized flow in the tributaries this vast expenditure could be practically discontinued. This feature is especially important in the case of the upper Missouri, for that river carries 80 per cent of the total siltage of the Mississippi River system.

It is estimated by well-informed authorities that the annual amount of siltage carried or delivered by the Missouri River is over 450,000,000 cubic yards. This amount of solid matter discharged into the lower river makes it imperative, in order to maintain navigation, to appropriate money continually for dredging purposes. If we are ever to have a fixed and permanent channel on these rivers we must devise some means, either by reservoirs or otherwise, of preventing erosion and siltage along the length of the upper streams. No better means has been suggested than the reservoir system. The creation of storage in the upper Great Plains region by impounding the waters in natural reservoirs and ravines will be valuable not only for flood control but for navigation, irrigation, water supply in towns and cities, sanitation, and electrical power. The diversion channels through which part of the waters thus stored may be conveyed will add greatly to the reforestation and vegetation which the Government is so interested in promoting. All of this will materially increase the national income by promoting the vegetable, animal, wild fowl, and fish life of the country. Such a diversion channel is contemplated in my State, should a reservoir system be adopted. The channel will carry waters from the Missouri River across certain portions of North Dakota, touch the headwaters of the James and Sheyenne Rivers and empty into Devils Lake. The level of this lake will be raised 26 feet, thus restoring it to its original height as it was in 1881 when the country was surveyed.

This diversion project is particularly needed for the health and sanitation of perhaps 50 small towns and cities in North and South Dakota. All of these towns have an inadequate water supply, and the healthfulness and sanitation of their communities is thereby endangered. Weather Bureau officials claim, with the increased storage of seepage waters due to this diversion of flood waters, that the rainfall of the State will be heavier. In North Dakota, weather observations indicate that the evaporation from the soil in the last 30 years has been greater than the rainfall. This is gradually using up the surplus waters of the subsoil, and if not checked, the soil must eventually become dry and barren. This condition prevails in much of the Great Plains region.

Through diversion, the extra waters now running to waste to the ocean can be conserved and returned to the land, where it will become valuable to our agriculture. Such a plan will be a real farm relief, for the increased unit of production, without additional expense, will convert the farmers' labor from loss to profit. It is my belief that with similar storing of the excess waters of other streams and tributaries of the Mississippi River, and diverting them through the soil, the maximum floods on that great stream can be reduced at least 25 per cent. Before such a plan can be formulated it is necessary, of course, that a complete study and survey be made. It should be submitted to the judgment of a board of expert and impartial engineers, who should have the authority to select the best features of all plans. Surely, on the rolls of 20,000 American civil engineers, such a board can be selected, capable of solving this problem. The work contemplated is to last for all time, and should be of such a nature as will afford the greatest safety and economic value to the Nation as a whole.

A further benefit to the people of the Great Plains region resulting from river improvements will be the development of water transportation. This area now pays the highest freight rates on its products of any in the Nation. The wheat farmer in North Dakota pays on the average 8 cents a bushel more to have his crop transported to the terminal market than does his neighbor farmer across the border in Canada, with whom he must compete. Water transportation would greatly reduce the costs to market on all imperishable products. The promotion of navigation on the Mississippi River will tend to cheapen freight rates in the whole region. The farmers of North Dakota ship approximately 200,000 carloads of their own products annually to markets outside the State, and pay a freight bill on them of about $50,000,000. Shipment by river would cut this freight charge very materially. No more certain "farm relief" could be enacted by this Congress than that which will effect cheaper freight rates.

I have but briefly suggested the probable benefits that will accrue from terracing and soil absorption. The gentleman from Texas [Mr. BUCHANAN] has been instrumental in having legislation passed authorizing the Department of Agriculture to make studies upon that subject. The gentleman from Oklahoma [Mr. STONE] has also given a great deal of thought and study to this phase of the question, and I believe is working on a plan for future legislation that will encourage local interests and individual farmers to do a great deal of this terracing work and conserve the waters at the place of their origin. These efforts deserve the encouragement of the National Government, and such a program of conservation and control of our greatest national asset—water—should have the heartiest cooperation and encouragement from this Congress. I believe that when the proper steps have been taken our flood waters can be turned into a blessing of mighty economic value to the Nation. [Applause.]

Mr. FRENCH. Mr. Chairman, I yield to the gentleman from Michigan [Mr. HUDSON].

Mr. HUDSON. Mr. Chairman and members of the committee, I want to express my appreciation of the forward step in world peace by the adoption of the London pact, and I ask unanimous consent to extend my remarks thereon.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. HUDSON. Mr. Speaker, ladies and gentlemen of the House, in the time of the general debate on the naval appropriation bill to-day I desire to express my satisfaction in the accomplishments of the London Naval Conference. It will go down in history as of as great importance and significance in its results as the Washington Armament Conference.

The vision of President Hoover in the calling of the conference has, in a large measure, been realized. The Nation rejoices with him in its accomplishments. The people of this country will support him in any further steps that may be taken toward the establishment of a better world understanding and the lifting of the burden of taxation from the shoulders of our citizenship that is caused by the maintenance of an excessive armament.

I want to pause a moment to express the appreciation of myself and, I believe, the Members of this House for the splendid work of the chairman of this committee, the gentleman from Idaho [Mr. FRENCH], and his colleagues in the preparation of the bill, for their diplomacy in awaiting the outcome of the London conference before reporting on a naval expenditure for the coming year; the thoroughness with which they have discussed the provisions before us, which are so technical, and the fairness of their discussions where there could easily be bitter contentions. The Nation is to be congratulated in having a chairman of the committee so diligent in preparation and so judicial and candid in his presentation. The Nation desires as large a holiday in armament construction as possible in harmony with the needs of national defense.

In this age when inventive genius and scientific skill make obsolete so quickly our ships and planes and guns we need to have the greater care in huge expansion programs. I for one believe our committee has reported a bill which has tried to safeguard us in this regard and shall heartily support its provisions.

President Hoover has called it a great step in world peace because it has brought the consummation of—

> final abolition of competition in naval arms between the greatest world powers and the burial of fears and suspicions which have been the constant produce of rival warship construction.

Thus is recorded a long step to the organization of a world peace. The Kellogg pact, with the conversations of Prime Minister MacDonald and President Hoover, laid the ground work perhaps for a greater advance. The hope of a war-sick world had looked eagerly for a larger measure of achievement. The minds of rulers of the nations have not as yet received the new furniture that Premier MacDonald spoke of. The old passions, prejudices, suspicions, and jealousies have not entirely vacated the reasoning of these minds. There are those who will contend that naval armament has been achieved, and on the other hand there are those who will as stoutly contend that a substantial reduction has been made possible.

In the final treaty all five powers agree to a complete battleship holiday until 1936. Three powers—the United States, Great Britain, and Japan—agree to limit their naval programs in all classes of ships for a period of six years, or until 1936, and France with Italy agrees to continue their efforts toward an understanding which will be in unison with the other powers.

Our concern must not be with naval parity. The gentleman from Idaho has well asked what is meant by parity. What we need to be concerned with, and that only, is an adequate defense. This may be had and will be had without building to the limit possible under the treaty. We should not go to its limit, which might easily be a burden of $1,000,000,000 in the period covered by the treaty.

The limitation agreements are in reality far more important than the reduction provisions in the establishment of international confidence and world peace.

HOPES FOR FUTURE

In part 5 which provides for the treaty becoming effective, there is contained an important provision providing for another conference in 1935, at which all five powers will be present.

Disarmament can not be accomplished by a single act. It must come step by step as the powers grow more confident. It is our hope that the cause of disarmament will receive added momentum from the London treaty and that the conference in 1935 will bring further steps looking to disarmament. We went a long step forward at this London conference in the agreement for a battleship holiday and for scrapping battleships.

The United States, Great Britain, and Japan have agreed to proceed at once with a reduction of their battleships in numbers to 15, 15, and 9 respectively. This will mean a scrapping of nine capital ships among the three powers, totaling about 230,000 tons each for the United States and Great Britain and 105,500 tons for Japan. Each of these powers is allowed 52,700 tons in submarines, a light reduction. In the three classes, battleships, destroyers, and submarines, we have slight reductions. In airplane carriers no reduction. The figures remain the same as the Washington conference. A cruiser basis of between 323,500 and 339,000 tons has been allocated to the United States, which, if we should build to the full allocation would mean an actual increase in our tonnage of the cruiser class.

I want here to insert a table prepared by Chairman French showing the exact status of our relative armament.

The United States, Great Britain, and Japan—at the time the conference convened and as it will be authorized under the proposed agreement.

Tonnage built, building, appropriated for, or fixed by Washington conference as of January 15, 1930, contrasted with tonnage under London conference agreement

[Data for January 15, 1930, from data sheet compiled by Office of Naval Intelligence, except authorization for aircraft carriers, which is taken from Washington treaty; data for London conference is from statement of President Hoover of April 11, 1930, and from apparently authentic press dispatches]

	United States		Great Britain		Japan	
	Tonnage, Jan. 15, 1930	London conference agreement	Tonnage, Jan. 15, 1930	London conference agreement	Tonnage, Jan. 15, 1930	London conference agreement
	Tons	*Tons*	*Tons*	*Tons*	*Tons*	*Tons*
Battleships	525,400	[1] 460,000	606,450	[1] 460,000	292,000	[1] 264,000
Aircraft carriers	[2] 135,000	135,000	[3] 135,000	135,000	[4] 81,000	81,000
Cruisers	250,500		406,911		206,815	
8-inch guns		[5] [6] 180,000		[6] 150,000		[7] 108,450
6-inch guns		[5] 143,500		[5] 180,000		100,450
Destroyers	[12] 290,304	150,000	196,761	150,000	129,375	105,500
Submarines	87,232	52,700	69,201	52,700	78,497	52,700
	[8] 1,286,436	1,121,200	[10] 1,414,323	1,136,700	[11] 788,087	713,000

[1] About.
[2] 90,086 tons, built and building.
[3] 115,350 tons, built and building.
[4] 68,870 tons, built and building.
[5] 18 cruisers.
[6] 15 cruisers.
[7] 12 cruisers.
[8] These figures for United States and Great Britain are interchangeable.
[9] Exclusive of 47,598 tons of craft in service but over effective age. Exclusive of 86,915 tons of craft listed for disposal.
[10] Exclusive of 1,695 tons of craft in service but over effective age.
[11] Exclusive of 69,160 tons of craft in service but over effective age.
[12] Includes 61 destroyers (63,991 tons) listed for disposal.

CERTAIN DIRECT SAVINGS

Just what money savings may accrue to the several powers or to the United States as a result of the conference in event of ratification of the treaty involves the fundamental question of whether or not the highest interests of our country and the world may be served by pursuing a moderate program within the limits laid down or by building up to the limit of authorization in all categories.

From an examination of the table it will appear that as a result of the London conference certain tonnage increases are made possible and certain reductions in tonnage required. Let us consider both factors.

Direct money savings that may be made as a result of the action of the conference, assuming treaty ratification: In the first place, as to battleships, the elimination of three battleships from the fleet of the United States is in itself no negligible item, and should result in a saving, in maintenance and operation costs alone, for each ship amounting to more than $2,000,000 for each year they otherwise would have remained in service.

Again, the measure provides for the extension of all battleship replacement dates until 1936. Within that time, were the United States to replace ships that she could replace under the Washington treaty, she would replace five completely; and five more would be in process of replacement, all of which, upon the basis of $37,500,000 per ship, would make a total of $281,250,000, which would be needed between now and 1936. No one can state to-day that that is an absolute saving. It is a postponement. But by 1936 it may well be that as a result of the conference which will meet the year before, or in 1935, battleships will be entirely eliminated or their numbers reduced to such an extent that the entire amount of $281,250,000 now postponed may be saved to the Treasury of the United States, and with corresponding saving to other countries. Other direct savings will be made through the scrapping of certain destroyer and submarine tonnage.

FINANCIAL BURDENS AND NATIONAL BUDGETS

From the standpoint of burdens that are reflected through taxation that rest upon the peoples of the great world powers, it must be remembered that last year the organized military powers of the world, including reserves of the several powers, aggregated nearly 30,000,000 men. This burden calls for stupendous money costs. It must be remembered that during that same period the naval budgets of the United States, Great Britain, Japan, France, and Italy were close on to $1,000,000,000. It must be remembered that the naval burden alone for the United States was more than $374,000,000. It is more now. It can not be disputed that 72 per cent of the annual expenditures of the United States is on account of past wars or the maintenance of Military and Naval Establishments. More than that, these burdens are mounting.

I shall pass over expenses incurred in Military Establishments other than the Navy, but as to the Navy I desire to direct the attention of the House to the tremendous expanse of naval burdens upon the world's great powers as they have gone forward during the last 25 years.

Naval appropriations of leading world powers

	Fiscal year		Increase (+) or decrease (−)
	1904	1929	
United States	$109,196,123	$374,608,054	+$265,411,931
Great Britain	173,548,068	278,478,000	+104,929,942
Japan	17,553,279	131,222,722	+113,669,443
France	59,740,222	99,568,000	+39,827,778
Italy	23,522,400	63,622,982	+40,100,582
Germany	50,544,000	47,764,019	−2,779,981
Russia	60,018,895	42,329,289	−17,689,606

Mr. Chairman, with due regard for the obligations that legislative bodies owe to their constituencies, with due regard for the sacrifice that must be made by the millions of people in all countries of not only comforts of life but in some instances bare necessities, regard must be had for ways that will mean reduction of burdens of government.

If this be true, it follows that nations may have regard for elements that in the past under competitive building had to be ignored:

First. Financial burdens and national budgets.

Second. The problem of an even load in navy yards.

Third. The effect new building or replacement will have upon craft of the several types in comparison with the craft that other nations will have when the limitation conference of 1935 or other earlier conference may be held.

Fourth. The actual need from the standpoint of defense modified as will be this need by moderation or conservatism of other nations on account of definite negotiations.

We have good reason to be encouraged in the reductions agreed upon and push forward with stronger efforts to encourage humanity to think in terms of peace rather than strife. A drive to secure a better understanding among each other as nations and an earnest effort to dispel jealousy and suspicion will lay the groundwork for further disarmament and lift the load of taxation from the people of our Nation, and the other nations of the world.

Mr. FRENCH. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman and members of the committee, it has become in recent days a popular pastime, growing into a vocation on the part of some, to bait the Federal Farm Board,

a creature of Congress and the instrumentality which we have in this country for legitimate farm relief.

I find made a part of the records of this House on April 10, a letter introduced by a Member from my State, which is signed by one Fred A. Marsh, drawing severe strictures upon the Federal Farm Board and its membership, especially former Governor McKelvie, of Nebraska, who is regarded as the wheat member of that body and is the editor of the Nebraska Farmer.

I desire to read as part of my remarks his reply to this letter, but I desire to call your attention to page 6852 of the RECORD, containing the letter to which this reply applies.

Hon. FRED A. MARSH,

Regent University of Nebraska, Palmer, Nebr.

DEAR MR. MARSH: It seems you accepted authorship for a certain full-page advertisement published in the Central City Republican under date of April 3, entitled: "The Farm Board—The Chain Store—The American Farmer—The 3-Way Sword." Our mutual friend, Hon. EDGAR HOWARD, playfully had this inserted in the CONGRESSIONAL RECORD and referred to it as a remarkable statement.

In that I agree with him—

Says Mr. McKelvie.

You quote from the editorial in Nebraska Farmer—

Which is the agricultural paper of our State, pubished by Mr. McKelvie—

in which it was stated that during 1929 farm-implement exports from the United States amounted to over a hundred and forty million dollars, of which 83 per cent went to 10 countries, principally Canada, Argentina, and Russia, for the purpose of growing wheat. Your thesis is based upon the theory that this machinery is sold at a lower price to the foreign farmer than to the American farmer, and Congressman HOWARD boldly states that such is the case. Had you taken the time to read the testimony of Chairman Legge before the Agricultural Committee of the Senate when the members of the board were being considered for confirmation, you would have discovered that the company of which he formerly was president never has sold a dollar's worth of machinery for export at a lower price than for domestic use.

Probably we hear no other political statement in our country more frequently repeated than the injustice that is done the farmers of this country by the machinery manufacturers in selling their product to foreign nations and their citizens at a lower price than the domestic customers are charged.

Like a great many other people, I believed this was true, because it had been said by so many people and repeated by others and not usually challenged. This is what I am contributing myself.

I took occasion a few years ago when I was in 10 countries of Europe—and I think I understand machinery as well as the average Member of this House, probably purchasing as much as any other one, maybe not more—I made a careful examination of this contention in a number of countries of Europe.

I did find this to be true, that on account of the lack of horsepower or other form of power they did use smaller and inferior machinery to that usually manufactured for American use, but I know enough about machinery and made the comparison so I feel safe in looking my fellow Members in the face and saying that the prices paid there were not beneath the prices that are paid here in America for the machinery bought and used. I was not, however, in Russia.

Mr. CLAGUE. Will the gentleman permit an observation of my own?

Mr. SLOAN. Yes.

Mr. CLAGUE. A few years ago I drove out to one of my farms on which I have a renter, and he was just setting up a Massey-Harris harvester which is manufactured in Canada. I was a little surprised, and I said to him, "How did you come to buy a Massey-Harris harvester?" He said, "I could get that for $218 and a McCormick or a Deering of the same size is $230." I had to go to Canada and was in the Saskatchewan country about a month after this, right during harvest time, and I found that the Massey-Harris of the same make and same size, was sold at Conquest, Saskatchewan, and at other points where I was interested, for $295 and the McCormick or the Deering was sold for $295, the same price. The McCormick and the Deering were sold here for something like $60 more, but the Massey-Harris, made in Canada, was sold there at the same price.

Mr. SLOAN. Yes; and the machine made in America was sold higher in Canada than it was here in the United States.

Mr. CLAGUE. Yes; about $70 higher.

Mr. SLOAN. That was my experience and that was my observation. I thank the gentleman from Minnesota for his excellent contribution of fact.

This is testimony given by the man who probably knows more about it than any other living person, the chairman of the Federal Farm Board. I was not entirely satisfied, and I made inquiry of what is considered by many as the best and most reliable authority on this subject. Within the last month I made inquiry of the Department of Commerce of the United States and asked what was the real fact. I was informed about the investigations that had been made. So frequently had the question come up, so frequently had the assertion been made, that they had instituted investigations as best they could comparing machine prices throughout Europe and here in America. The result of their investigations was that the statement that machinery made in America was sold cheaper in foreign lands than it was in America was unfounded.

And yet Congressmen sometimes will present letters making statements of that kind, when, as a matter of fact, an investigation among those who would know would have prevented any such error being made. There is often a theory involved and boldly asserted that if the real facts do not fit with the theory, then so much the worse for the facts.

Now, to proceed with the letter:

Let us then proceed from that point. Implement manufacturers are selling their machines for export at the same price as in this country. Is this an offense, considered in connection with the advice of the Federal Farm Board to the American wheat farmer to reduce acreage?

Probably the use of these implements will facilitate an expansion of wheat production in foreign countries. That would come about anyway, for every country that can grow wheat is redoubling its efforts to do so, and, American machinery or not, the American farmer never can compete in the world market with cheap lands, peasant labor, and low water transportation of foreign countries that produce wheat. Bread is the staff of life and no country is going to subject itself to the control of that essential food by any foreign country, if it can avoid it. Maybe this would not come about as soon were it not for the use of American farm implements, but to disregard the fact that it will come about, and in the meantime not to provide against a thing that is inevitable, would be to play the ostrich. The Farm Board sees no practical way to make the tariff on wheat effective, except to reduce production to substantially a domestic-consuming basis.

That may be unwelcome to a great many people of the United States. But that is the method for making the tariff effective, and at the same time providing food for the American people. We all know that following every war the first means of recovery have been increasing simply the product of corn, which means maize, wheat, or barley, or the principal grain, whatever it may be, because it is the quickest way to recover. The only reason we have had good prices for wheat is the failure of the great wheat fields in Russia to recover from the effects of the war. I have no doubt that that will yet occur, and the wise men in America, both as to corn and cotton, will see to it that their production comes more nearly to the demand of the people of this country—the greatest market in the world—worth, all products concerned, ten times more than all the other markets on the globe.

Meanwhile the American implement manufacturer who increases his volume by exporting at the domestic price keeps American labor employed and reduces the cost of his machines to the American farmer. This is the very opposite of theories that would encourage the American farmer to produce more and sell the exportable surplus at a lower level than the domestic price. It should be borne in mind that there is no tariff in this country on farm implements. True, there is a tariff on steel, but the amount of that tariff reflected to the farmer in a binder is so small as to be almost negligible. The noticeable item is the increased cost of labor that goes into that binder. This labor in turn consumes the products of the American farm. Is it the desire to strike at our home market by subjecting American labor to the level of living conditions of foreign labor?

Next, by some stretch of the imagination you undertake to associate the Federal Farm Board program with chain-store activities by calling attention to a request of the chain stores that the tariff on frozen beef, frozen mutton, and frozen lamb be not raised. Certainly that shows a disposition to inject prejudice where reason should prevail. While the Federal Farm Board has had nothing to do with the prerogative of Congress in enacting tariff legislation, it has been the publicly expressed opinion of this member of the board that increased tariffs on farm products that come into this country in competition with the American farmer will turn his attention more to lines of which there is no exportable surplus.

By and large, the program of the Federal Farm Board has been and will be to assist in developing a farmer-owned and farmer-controlled marketing system for the American farmer. In this, measurable progress is being made. Three national sales agencies, namely, for grain, wool, and cotton cooperatives, have been set up and are now functioning. It is the first time in our history that the American farmer has had even the prospect of exercising any control over his products at the terminal markets.

In one place you state, "While the Farm Board, in a manner that has left but a train of more and greater depressed prices after their every idiotic action, is unmanning the staple methods of handling our grain." Well, maybe it is idiotic to assist the farmer to own and control his marketing system. I am willing to leave that to the farmer to answer. True, grain prices have declined, but that was in spite of the Farm Board activities instead of because of them. I can not reveal all of the activities of the grain stabilization corporation, for speculators in the market have been all too prompt to take advantage of any information thus divulged.

Let me say that wheat that I marketed of the 1929 crop under the assistance that has been given in various cooperative organizations I have obtained probably 25 cents a bushel more than I unfortunately shall be able to obtain for that held over from 1928, storage shrinkage and expense considered.

When all of the facts are known about that activity the American farmer and every fair-minded citizen will realize that the country was saved from a calamity in farm commodity prices equal only to what happened to agriculture shortly after the war.

Apropos of the assistance that the Federal Farm Board gave to producer cooperatives, you should recall that every important piece of legislation introduced in Congress for the relief or benefit of agriculture had cooperative marketing as the central feature. This was regarded by all of the exponents of agricultural economic progress as the great desideratum. We are undertaking to work out such a program and in the meantime have invoked the emergency measure of a grain stabilization corporation to fill in the gap, pending the complete functioning of that system. Probably producer cooperation carried to effective ends will interfere with some private interests. However much we may regret this, it is not new, nor is it within the authority of the Federal Farm Board to limit. The course of economic progress in this country is strewn with the remnants of systems that were outworn. When such systems were abandoned those engaged in them found new places of useful service. It will be so in this case. So far as this board is concerned, our job is to assist in building an improved marketing system for agriculture, and that we propose to do without fear or favor.

I can not conclude without remarking upon the strange anomoly when a regent of the State University of Nebraska, an institution that receives hundreds of thousands of dollars of Federal funds to promote education and practice in improved methods of farming and marketing, places himself squarely in opposition to another agency of the Government that is designed to do the same thing. I might better have expected that such outpourings would emanate from the United States Chamber of Commerce.

Very truly yours,

SAM R. MCKELVIE,
Member Federal Farm Board.

[Applause.]

Mr. AYRES. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. PATTERSON].

Mr. PATTERSON. Mr. Chairman, ladies and gentlemen of the committee, we had on the floor of this House a few days ago a most remarkable address, a most significant one, one which I am sure was vitally interesting to the country. There has been a good deal of newspaper comment on it. We had also presented a conflicting opinion. I must say, as a new Member of this Congress, I have been a little bit hesitant in following the gentleman from Idaho, my good colleague Mr. FRENCH, for some of his appropriations even seem too large to me. But I am one of them that can say after the magnificent speech the other day that I am willing to follow the lead of the gentleman from Idaho so long as he stands as he did then. [Applause.]

I think this appropriation is very large. I feel that much humanitarian legislation is being neglected. I think this might be changed, but I do feel that the gentleman from Idaho expressed the sentiment of 90 per cent of the American people.

There was also presented at that time a contrary view by the gentleman from Illinois in relation to our Navy. I hope it may be the policy of the country and this Congress to follow the ideas expressed here by the gentleman from Idaho, as I understood him, rather than the gentleman from Illinois. This appropriation seems large to me now, but when we compare it with what the gentleman from Illinois [Mr. BRITTEN] wants I am for this.

There is no one more interested in adequate national defense than I. I certainly would not advocate the abolition of the police force in any city. I am one of those that believe that the country is getting better. I do not think, though, we have gotten to the place where we can abolish the police force of any important city. Neither would I advocate the abolishing or limiting beyond a reasonable degree our national defense; but I believe that here we should use discretion in regard to the Treasury and spending in the interest of worthy causes which come up from time to time.

I am a great believer in national peace and national cooperation, but I do not believe that we have gotten to the place where we can abolish national defense in this country. I believe in the doctrine given to this Congress on that day by the gentleman from Idaho [Mr. FRENCH], that we should have as small a navy and spend as little money as is consistent with adequate national defense. There are two conflicting ideas in this country and in this Congress. One wants to spend everything possible to build up a great navy and build great battleships to become obsolete, and another takes the view of the gentleman from Idaho. I am thankful that we have a man of that idea in this Congress, which is to build a navy that is adequate for the national defense of the country, and not to see how large a navy we may have. I think the gentleman was right when he said that it is not essential that we should build up to any limitation in agreements that we might come to, in an international conference. The agreement, rather, is that we shall not go beyond a certain limitation. If we are going to bring about world peace, we have to follow an idea like that. If I walk down the street and say that I am for peace, but at the same time go armed to the teeth I am very likely to get into trouble and not have peace. The safety and security of nations are not assured by great armies and navies. If they had been, Germany's future would have been secure, because she had the greatest army in the world in 1914, and England would never have had to go to war if a great navy had been a security against war.

I was interested in the statement made by the gentleman from Illinois [Mr. BRITTEN] that the bill which he has introduced represents the policy of the administration. I do not know the policy of the administration, and it is not necessary for me to say that, because it is natural that I would not, but I do not believe the President of the United States and those who have been close to him would say that that bill represents the policy of the administration. The President is a man who knows more probably about international affairs than any man who has ever sat in the President's chair, and he should be able to render greater service in that direction than any man who has ever sat in that chair. I have been a consistent follower of his peace utterances, and I do not believe the policy of the President is represented in the statement of the gentleman from Illinois, unless the President has repudiated some of the past addresses that he has made, and I do not believe he has.

Mr. COLE. I think the gentleman is mistaken about the gentleman from Illinois [Mr. BRITTEN]. He did not say that that was the policy of the national administration, but he meant the administration of the Navy Department.

Mr. PATTERSON. He certainly led the country to believe that it was the policy of the national administration.

Mr. COLE. Then he left a wrong impression.

Mr. PATTERSON. I hope he did, and I think so myself.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. FRENCH. Mr. Chairman, I yield now to the gentleman from Ohio [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, I want to lay before the House certain difficulties of the Veterans' Bureau, which are causing exasperation to the Members. I ask unanimous consent to extend my remarks in the RECORD and to include therein certain correspondence.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. On April 15 I received a letter from Mr. Charles White, of Canton, Ohio, the commander of the Department of Ohio of the Disabled American Veterans of the World War, with the astounding and almost incredible statement that the Veterans' Bureau regional office at Cleveland, Ohio, was so far behind with its work that claims for compensation could not expect attention until January of next year.

I immediately called the attention of General Hines, the Director of the Veterans' Bureau, to this charge, hoping and expecting that he would assure me that it was a mistake; but on April 30 I received the following reply:

UNITED STATES VETERANS' BUREAU,
Washington, D. C., April 29, 1930.

Hon. ROY G. FITZGERALD,
House of Representatives, Washington, D. C.

MY DEAR MR. FITZGERALD: I wish to acknowledge receipt of your letter of April 17, 1930, relative to the situation alleged to exist in the regional office at Cleveland, Ohio, which was brought to your attention by Mr. Charles White, commander of the Disabled American Veterans of the World War, Canton, Ohio.

This subject has been receiving my earnest consideration for some time, the regional manager having reported fully to me on the subject when the situation first developed to the stage where action was deemed essential.

It is my privilege to advise you that under date of April 18, 1930, I approved the employment of eight additional personnel in the Cleveland regional office upon the recommendation of the regional manager that this additional personnel could adequately meet the demands upon the bureau resulting from the intensive drive conducted by the ex-service organization incident to the filing of claims and the submission of new evidence.

Very truly yours, FRANK T. HINES, *Director.*

I sent a copy of the letter at once to the State commander of the disabled veterans' organization and asked him to let me know promptly if after the increase of personnel promised at the Cleveland office there was still lax and inefficient service. He replied on May 7, stating that the improvement of the service was slight and that the "regional manager passes the buck to the Washington office and the Washington office passes it back to Cleveland." He also inclosed me copy of a letter purporting to be written by the regional manager of the Veterans' Bureau office at Cleveland, Ohio, on May 5, 1930, to the senior vice commander of the disabled veterans, the contents of which were recognized as so difficult of belief that the authenticity of the copy was attested by a notary public. The letter is as follows:

UNITED STATES VETERANS' BUREAU,
Cleveland, Ohio, May 5, 1930.

This letter referred to your file number: In reply refer to R–5.
Slater, Glenn C. C–1476 885.

ANTHONY J. LEBUS,
Senior Vice Commander the Disabled American Veterans of the World War, 204 Piper Arcade, Canton, Ohio.

DEAR SIR: In reply to your letter of May 3, 1930, Mr. Slater filed claim on January 31, 1930.

For your information, about thirty-five hundred new claims have been filed since the first of the year, and it will probably be six months before some of the veterans are examined in connection with their claims.

This explains why Mr. Slater has not as yet been called for examination.

Very truly yours,

WM. L. MARLIN,
Regional Manager, Cleveland, Ohio.

The above is a true copy.

ANTHONY J. LEBUS, *Notary Public.*

Is the condition at Cleveland, Ohio, general? If it is, immediate and vigorous measures should be undertaken to correct this intolerable abuse of our veterans.

On May 10 I wrote again to General Hines, and assuming that the breakdown of the Veterans' Bureau service was confined to Cleveland, I suggested the immediate transfer to that city of adequate help from other offices.

These conditions must not be endured. Men may die while waiting months for their physical examinations.

There is complaint of unemployment. Here is an opportunity for employment in the service of the disabled veterans which would meet universal approval.

To deny sick and suffering veterans of the late war consideration of their claims for a period of six months wantonly increases the misery of these men and their dependents, and subjects the Members of Congress, and others who are appealed to for help, to an unnecessary burden.

Many of us are familiar with the obnoxious regulation No. 73 of the Veterans' Bureau, which prevents a fair determination of claims of active tuberculosis because of the unwise and arbitrary requirements which it imposes on the sick veterans. There are other regulations or policies of the Veterans' Bureau which result in a denial of the benefits of the compensation law to veterans. I read you a letter which Members of this House have addressed to General Hines, calling his attention to what seems to be a wrongful and distorted interpretation of the law by which the will of Congress and the American people is thwarted.

It is these harsh measures of administration which create such widespread dissatisfaction, which obscure the generosity and bounty of Congress speaking for the American people. It is such policies, measures, and regulations which drives Congress to almost lavish measures of relief in its exasperation over the difficulty of getting the relief already provided to the suffering veterans for whom it was intended.

Listen to this letter prepared by our colleague, the Hon. PHIL D. SWING, one of the able lawyers of this House, and tell me if the administration of the Veterans' Bureau does not offer a field for improvement.

MAY 12, 1930.

GENERAL FRANK T. HINES,
United States Veterans' Bureau,
Washington, D. C.

MY DEAR GENERAL HINES: With increasing frequency we note a new practice of your bureau whereby the purport and effect of an enactment of Congress is voided, or, at least, nullified in part.

Section 200 of the World War veterans' act provides:

"That for the purposes of this act, every officer, enlisted man, or other member employed in the active service under the War Department or Navy Department who was discharged or who resigned prior to July 2, 1921 * * * shall be conclusively held and taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, disorders, or infirmities made of record in any manner by proper authorities of the United States at the time of, or prior to, inception of active service, to the extent of which, such defects, disorders, or infirmities was so made of record."

The basis upon which this language was enacted into law was that if a man was good enough to be taken from his home by his Government and placed in the front-line trenches to shoot at the enemy and in return to be shot at, the Government thereafter was estopped to say that the man was physically or mentally defective at the time of his enlistment unless such defects were noted at the time of enlistment; also, the Government having had their own physicians examine the man, there is every reason to presume that he was physically and mentally "in sound condition" except as to physical and mental defects found by them at the time they made an examination of him.

The bureau, I am told, under some Comptroller General's decision, has held that this language does not embrace or become operative in the case of a man who was enlisted, but who, at the time of his enlistment, had some constitutional inferiority. Hence we find from time to time, cases being denied relief on the following basis:

"Condition is in the nature of a physical or mental inferiority; not a disease or injury within the meaning of the act. Existed prior to enlistment; not noted at enlistment; evidence in file shows clearly that the condition was not incurred in or aggravated by service."

True, section 200 says compensation is to be paid for disabilities "resulting from personal injuries suffered or disease contracted in the military or naval service," etc., and if that language stood by itself, the bureau's finding that the man was "born that way" would be a complete and final answer to any and all claims for compensation. But the very selfsame section 200 contains the restriction and limitation upon the language regarding personal injury suffered or disease contracted in the service. The proviso expressly and definitely, yes, conclusively, gives service connection to all disabilities which arose during the military service, or within the specified times after discharge, unless such disabilities were noted of record at the time of the man's enlistment. The provision clothes the claimant with an armor that the Veterans' Bureau can not pierce. The Veterans' Bureau may have the most conclusive evidence that the man "was that way" when he entered the service, and yet if the "defects, disorders, or infirmities," were not made a matter of record at the time of his enlistment, they can not use their evidence to defeat his claim. Likewise, they are prohibited from saying that the man was born with the disability, because there is no difference in legal effect from saying that and saying that he was that way at the time of his enlistment. The purpose of each is to undermine and defeat the soldier's claim, and the law does not permit this claim to be attcked by a showing that it existed prior to the time of enlistment, even from the date of birth.

The law says he "shall be conclusively held and taken to be in sound condition" (and that means both mental and physical) when examined, accepted, and enrolled for service, except for defects, disorders, or infirmities made of record at the time of enlistment. Certainly, a constitutional mental inferiority is a "defect, disorder, or infirmity." If it was not noted at the time of enlistment the man is "conclusively" presumed to have been in sound condition when taken into the service. If the contention that is advanced in support of the present practice was to have a basis in law, the language would have to be changed to read "except as to personal injuries or diseases made of record at the time of enlistment."

For the foregoing reasons, which we think, at least, raise a grave doubt as to the soundness in law of your present practice, we join in requesting that you refer this issue to the Attorney General of the United States for its proper interpretation.

Respectfully submitted.

PHIL D. SWING.
ROY G. FITZGERALD.

We are all fond of General Hines. It is impossible to know him and not be fond of him. He has a great task, one of the greatest and still the most thankless in the administration. He must keep his balance in the unremitting pressure for more and more from the veterans and their friends on the one hand and the demands for economy, efficiency, elimination of waste, rigid accounting from those responsible for the sound financial program of the administration on the other. We must try to help him, and one of the ways is to point out what seem to be faults in the bureau, lest impatience and resentment over ill-advised economy lead to extravagance in legislation.

Mr. FRENCH. Mr. Chairman, I yield to the gentleman from Missouri [Mr. HALSEY.]

Mr. HALSEY. Mr. Chairman, it is not my purpose to discuss the billion-dollar naval program under consideration. To my thinking, the battleship as a means of national defense will soon

become as obsolete as the oxcart now is as a mode of transportation.

In addressing the House, I desire first to read a short letter addressed to me by the Hon. H. P. Faris, of Clinton, Mo. A banker of that city, an elder in the Presbyterian Church, and at one time a candidate for President of the United States on the Prohibition ticket. The letter relates to the killing of a little 6-year-old girl in February, 1928, in Henry County, Mo. The letter, in brief, is as follows:

I hear with regret that the "wets" in their eagerness to make out a bad case against the "drys" have had inserted in the CONGRESSIONAL RECORD the statement that the little Harigan girl, who was killed near Windsor, was shot by prohibition officers. Prohibition and its enforcement had no more to do with that killing than you had. The truth is a constable at Windsor heard a rumor that some man was badly wounded who had been seen in an automobile between Calhoun and Windsor and he jumped to the conclusion that it was a bandit car and the man had probably been wounded in a bank hold-up.

He hastily summoned a posse, in which there were three Windsor bankers, and took the posse down the highway, where a car was met that seemed to fill the description. A halt was ordered. The driver, Mr. Harigan, seeing the guns, jumped to the conclusion it was a hold-up, stepped on the gas and fled. The posse, believing a criminal was trying to escape, began firing, and the poor little girl was killed.

This brief but true recital of the sad occurrence shows that neither prohibition nor the enforcement thereof had anything to do with the tragic affair, but was due to the hasty conclusions of the constable, the posse, and the driver of the car.

The officers were exonerated of all liability, both personal and official, and the bankers paid the parents something like the sum of $3,000.

Distorting facts to gain a point gives poor support to any cause. And now, Mr. Speaker, in view of the announced policy of the Association Against Prohibition to "smoke out" every Member, I also desire to take this occasion to nail my colors to its mast as a bone-dry Member of Congress. I am opposed to the repeal of the eighteenth amendment or any modification whatsoever of the Volstead Act. Above the Speaker's platform hangs the emblem of this Nation's authority and power. That flag never retreats. This Government can do again what it did before—suppress a whisky insurrection. There are as many wet cure-alls as there are wets, for the ills of which they complain. But they may as well with rushes attempt to dam Niagara's cataract as try to substitute the State saloon for the eighteenth amendment. The American people will never put a white apron on him and make Uncle Sam a bartender for the brewer and distiller. And while American womanhood holds the ballot, the Stars and Stripes will never again wrap its sheltering folds around the wine cask, the beer keg, or the whisky barrel.

Mr. AYRES. Mr. Chairman, I yield 30 minutes to the gentleman from Texas [Mr. CROSS.]

PHILIPPINE INDEPENDENCE

Mr. CROSS. Mr. Chairman, ladies and gentlemen of the House, I assert that if we would befriend the primary industry of this country, agriculture, if we would maintain our international prestige and avoid the destruction, sooner or later, of our billion dollar navy, if we would live up to our high pretentions and fulfill our oft-made promises and keep our national honor unsullied, then we should grant to the Filipinos their unqualified independence without further delay.

Let us visualize for a moment the geographical location of this distant tropical archipelago on the nether side of the globe, surrounded by oriental waters, bounded on the east by the Mariannas, on the south by the Celebes, on the west by the Sulu and south China Seas, and on the north by the Bashi Channel, beyond which lies the yellow peril. These islands, extending for more than a thousand miles in a general north and south direction, number 7,083, having an aggregate area of 115,000 square miles, or approximately the same as that of the State of Arizona; Luzon, with 40,000 square miles plus, and Mindanao, with 36,000 square miles plus, constituting more than two-thirds of the whole. Only 2,448 of these islands, however, are of sufficient importance to have been given names. Sibutu, the most southwestwardly of the group, is within 15 miles of the east coast of north Borneo, while the northernmost, Ibayat, is but 93 miles from the Japanese island of Formosa, or practically within modern cannon shot, while Luzon, the most important in commerce, size, and population, is but 205 miles from that Japanese stronghold, and only 450 from Hong Kong.

The distance from the city of Washington to Manila by way of San Francisco and Honolulu, is more than 11,000 miles. While from the city of New York by way of the Panama Canal it is 11,364, and by way of the Suez Canal, 11,521 miles. In such an outlandish quarter of the globe do we find these queer possessions, and to reach which it is necessary to travel over devious, checkered routes practically half around the world.

And here in this all but inaccessible torrid region we find some 12,000,000 souls, a conglomerate of Malayan tribes, with a considerable intermixture of Chinese. Withal, a people as ultra in physical type, mental concepts, and racial customs, from the people of these United States, as can be found between the poles.

HOW WE ACQUIRED POSSESSION

That the Filipinos joined America in its conflict with Spain fully convinced that as a reward they were to be independent, there can be no question. Was not such an assumption on their part justified? Had not the American colonies secured their independence with the assistance of France? Had we not drawn the sword that Cuba might be independent, Congress declaring at the time that we had no other purpose?

Mr. LOZIER. Will the gentleman yield?

Mr. CROSS. I yield.

Mr. LOZIER. The gentleman from Texas [Mr. CROSS], of course, is familiar with the statement made by Admiral Dewey shortly after he went to Manila, that the people of the Philippines were much better qualified for self-government than the Cubans?

Mr. CROSS. Yes. There is no question about that. I am coming to that directly. Had not our consul general at Hong Kong, Mr. Wildman, as far back as November, 1897, been discussing with General Aguinaldo an "alliance offensive and defensive," in the event of war with Spain?

Thereafter, in April, in Hong Kong, had not General Aguinaldo been in consultation with Admiral Dewey to the same effect? On the 19th of May, Dewey having destroyed the Spanish Fleet as well as the battery at Cavite on the 1st, and being in sore need of land forces, had not the United States revenue cutter *McCullough* been dispatched to Hong Kong for Aguinaldo and his lieutenants, and they landed at Cavite? On the same day do we not find our consul general at Hong Kong cabling our Secretary of State, Mr. Hay, that a large supply of rifles should be sent to the Philippines for our "allies"? Not only does the record show that our consul general at Hong Kong purchased many rifles for the insurgents, which were delivered to them at Cavite with the approbation of Admiral Dewey, but that the Admiral himself had ordered delivered to them both cannon and rifles from the captured Spanish arsenal at Cavite.

Did Admiral Dewey and the Americans in command at Cavite have any doubt as to the purpose actuating Aguinaldo and his followers in taking up arms? Was not that purpose made plain by General Aguinaldo in his proclamation issued at Cavite on the 24th day of May, in these words:

I again assume command of all the troops in the struggle for the attainment of our lofty aspirations, inaugurating a dictatorial government to be administered by decrees promulgated under my sole responsibility and with the advice of distinguished persons until the time when these islands, being under our complete control, may form a constitutional republican assembly, and appoint a president and cabinet, into whose hands I shall then resign the command of the islands.

Induced by this proclamation more than 12,000 Filipinos serving with the Spanish forces deserted to fight for the independence of their country, while patriots, in swarms, flocked into Cavite to join the insurgents.

And as a result, in a few weeks, practically all Luzon, with the exception of the city of Manila, was in their possession, and with Manila bottled up and at their mercy, even being in possession of San Juan del Monte, the source of the city's water supply, so that as early as the 12th of June Admiral Dewey telegraphed, "The insurgents practically surround Manila," and that the leadership of Aguinaldo was "wonderful." And remember that Spain had concentrated her forces in Luzon and staked the fate of the archipelago upon her success or failure there. Did Aguinaldo and his followers have cause to believe they were fighting for their country's independence? Hear our consul general, Mr. Pratt, at Singapore on June 8 addressing a distinguished number of Filipinos at a reception:

You have just reason to be proud of what has been and is being accomplished by General Aguinaldo and your fellow countrymen under his command. When six weeks ago I learned that General Aguinaldo had arrived incognito in Singapore, I immediately sought him out. An hour's interview convinced me that he was the man for the occasion, and having communicated with Admiral Dewey, I accordingly arranged for him to join the latter, which he did at Cavite. The rest you know. I am thankful to have been the means, though merely the accidental means, of bringing about the arrangement between General Aguinaldo and Admiral Dewey, which has resulted so happily. I can only hope that the eventual outcome will be all that can be desired for the happiness and welfare of the Filipinos.

When General Merritt arrived with America's first contingent of 11,000 soldiers he found the Spaniards in such a helpless condition that he did not wait for those that were to follow, but immediately disembarked at Cavite, and on the 7th day of August, when he and Admiral Dewey sent a joint note to the Spanish commander that a bombardment of the city would begin within 48 hours, the Spanish commander replied that "there was no place of refuge for the sick, women, and children, as he was surrounded by the insurgents." On the 13th, when the bombardment opened, after a brief and weak resistance the white flag went up at 11 o'clock. The Americans had lost in the entire Philippine campaign but 20 killed and 105 wounded. No wonder, in view of these acts, General Anderson wrote, "The Filipinos considered the war as their war, Manila as their capital, and Luzon as their country," for had they not been led so to believe, and had not thousands of their best and bravest died that such might be true? If the spirits of the dead are cognizant of the affairs of this world, what grief must be theirs. Had it not been for the insurgents, instead of having 20 killed and 105 wounded, would we not have had thousands killed and wounded, not to mention those who would have languished with disease in the jungles?

Tell me, then, where is our gratitude when we hold these islands in the face of their protest? Does not justice point the finger of scorn at us? Is the Nation's conscience dead? Can we claim that we hold them, under the law of the survival of the fittest, as an outlet for our surplus population? Surely none would be so rash as to make such a claim. Are they covered by the Monroe doctrine or lie within the sphere of our influence? No; but, on the contrary, our retention of them puts us in an indefensible position before the world in asserting that doctrine. Are they essential to or do they even in the least contribute to our national defense? No; but, on the contrary, they are, as the sword of Damocles, suspended over our heads that Japan can at her will cause to fall.

But there be those who claim we hold them as a matter of purchase from Spain, that she ceded or deeded them to us on the 10th day of December, 1898, in consideration of $20,000,000. But, at the time Spain executed that cessation or deed the islands had been wrested from her and she had no title to convey, she no longer exercised any sovereignty over them, but the title had vested in and that sovereignty was being exercised by the Philippine Republic, with General Aguinaldo as its president.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. CROSS. I yield.

Mr. WAINWRIGHT. Does not the gentleman think that the assertion which he is making with regard to the sovereignty of Spain at that time, and what we bought, is entirely contrary to the decision of the Supreme Court in that regard?

Mr. CROSS. I do not want to talk about the Supreme Court of the United States, because the other end of the House can do that.

What think you, if England, when she saw that she had lost these American colonies, had hastened to cede or deed them to France for $20,000,000? What think you of the validity of a title so acquired by France?

AN ECONOMIC LIABILITY—AN AGRICULTURAL MENACE

Can it be claimed that they are an economic asset? Do they add to the wealth, to the prosperity of this Nation? Only 10 per cent of our exports to the Far East go to the Philippines. I hold in my hand statistics from the Department of Commerce showing the volume of this country's trade for the first six months of 1929 with the Far East, which includes the Philippines. And during those six months we sent to the Philippines for the products she sent to us $71,663,000, while she paid to us during the same period for the products she purchased from us only $44,575,000. Or, in other words, every six months we are purchasing from her $27,000,000 more than she is purchasing from us. Every time these islands buy 62 cents worth of goods from us we buy $1 worth of goods from them. Thus 48 per cent of the money we send to the Philippines never finds its way back to our shores to sustain the purchasing power of our people, while for every dollar they send to us we return to them $1.48. And then for this seventy-one millions plus which we biannually send to the Philippines they in turn send into this country raw products produced by the lowest-paid labor in the world, and which comes directly in competition with the products of our farms and dairies. If these imported products had been manufactured rather than raw products, who is there so simple but that does not know they would have long since had their independence that the tariff might be applied? We had as well let the peonized labor of the world pour into this country in competition with our labor as to admit the product of such labor. Its vegetable products, its coconut oil and other coconut products, in competition with our cottonseed oil, and its sugar are deadly foes to our dairies, to our cotton fields, and to our cane and beet plantations. During 1929 there was imported into this country from the Philippines 604,501 tons of sugar, nearly four times as much sugar as was produced in the entire State of Louisiana. And as long as we hold them we can not in good conscience apply the tariff. If you are sincere in pretending that you would help agriculture, if you are patriotic and would have your country prepared in the event of war, you should not hesitate to grant independence to the Philippines.

Destroy agriculture, the industry that fills the wardrobes, the smokehouses, and granaries, and there can be no prosperity in time of peace nor victory in time of war. As the trunk is to the limbs, so is agriculture to the other industries. Truly civilization begins and ends with the plow. Tear down your dairies, give back to the wilderness your cane, your beet, and your cotton fields, and a solemn stillness will brood over your one-time busy looms, and the mouldering walls of your once proud cities will be tenanted by loathsome bats and owls. The millions of farm mortgages on record throughout the country are so many petitions pleading to you to come to the rescue of agriculture. My countrymen, the opportunity to better his condition has been responsible for every mental and physical effort that has changed man from a naked savage, with a mentality scarcely above that of the wild beast that dwelt in the same forest with him, to what he is to-day. Destroy that opportunity and you start him back to his primitive condition in that ancient forest.

In addition to being a millstone about the neck of the agricultural interests of this country, this Asiatic archipelago is a financial cancer preying upon its Treasury. The military forces we keep on duty there cost this Nation annually $11,169,738, while we spend on seacoast defense, public health, and on the Coast and Geodetic Survey annually $524,142, or a total for these four purposes alone of $11,693,880. And when you add to this $16,693,960 the cost of the so-called Asiatic Fleet kept in these waters, we have a grand total of $28,387,841 as an annual tax upon the taxpayers of this country.

THEIR RETENTION MEANS A DESTRUCTIVE, HUMILIATING WAR

And in addition to all this, remember their retention is a national menace. We are holding a lightning rod and beckoning the lightning, Japan, to strike, and when she does our billion dollar Navy will go into "Davy Jones's locker," for Mars is as sure to use this archipelago as an incubator to hatch a war between the two nations as that the night follows the day. Remember what Japan did to the Russian fleet when they dared enter these distant seas. What think you our aircraft and submarines would do to the Japanese or any other fleet that would dare join combat with us in the waters surrounding Porto Rico or even the Hawaiian Islands? Japan operating from her base at Formosa can with her bombing planes utterly destroy Manila within the course of a few hours and, unhindered, land a powerful army overnight, and then with her submarines, which by the recent naval conference at London are to be the peer of any in the world, send our ships to the bottom as fast as they entered these Asiatic waters and with as much ease as a child pricks the bubbles in a bowl. Then at half-mast will our flag droop, as never before, in testimony of the grief and humiliation of the Nation.

PROPAGANDA—A WOLF IN SHEEP'S CLOTHES

Then, why does Congress hesitate? Why are we powerless to act? It is the same old, old story of justice being vanquished by the lance of greed plated with gold. Who of you, my colleagues, but has been flooded with propaganda emanating from the so-called Philippine-American Chamber of Commerce domiciled at No. 67 Wall Street? This avaricious group, parading in sheep's clothes, admonish us that the Filipinos are not competent of self-government and that it is the sacred duty of this country to hold in subjection these Malayan, Asiastic peoples, until, perchance, in some distant future age, they reach that delectable condition. How their altruistic hearts do palpitate with sympathy for these benighted, ignorant yellow peoples. What holy livery do these hypocrites adorn to persuade this Congress to continue to hold their victim that they may profit? How long must the farmers of this country continue to be impoverished that a few individual pirates may pile up fortunes? But if these propagandists were not actuated by a near-sighted selfishness that blinds them to their true interest they would advocate the independence of these islands. It is far better that a man should die a pauper and leave his children to live among a contented, prosperous people, where opportunities abound and thrift and industry is crowned with success, than to die and leave them a fortune but to dwell among an embittered, discontented people in a land devoid of opportunity, for an inherited fortune invariably has wings, and after having rendered its recipient incapable of coping with the adversities of life leaves him and his children's children in a hope-

less struggle with poverty. An individual fortune is of the moment and of little consequence, but our country, our posterity means to-morrow and to-morrow and all the to-morrows to come.

Not competent of self-government? Not educated? I hold in my hand data from the Bureau of Insular Affairs, and it reveals the fact that there are 7,354 public schools in the Philippines and that there are enrolled in these same schools 1,111,509 pupils and that these public schools are taught by 26,251 teachers, only 293 of whom are Americans. And, further, that there are 126 secondary or high schools. That in addition to these there are 315 private schools under Government control and at least that many more private schools not under government control. And, further, that there are 58 private institutions under government control offering collegiate and technical courses and conferring degrees. And, then, in addition to all these, there is the University of the Philippines, and while the number of students is not disclosed in the data furnished me it does give the number of instructors employed as 422, which would indicate an attendance of at least 12,000 or 15,000.

How does that compare with the institutions of learning in America during Colonial days when public schools were unknown? Is there not less illiteracy among the Filipinos to-day than there was among our ancestors then, when Great Britain was contending that they were not competent of self-government? Who does not know that the Filipinos to-day are far more literate and far more competent of self-government than the Cubans are and were when we granted them their independence?

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. CROSS. Yes.

Mr. SUMNERS of Texas. I wonder by what principle, recognized in the American philosophy of government, it is supposed that a country can sell the sovereignty over other folks?

Mr. CROSS. No such doctrine can be applied if our principles are in keeping with our pretensions. We are supposed to stand for self-determination of peoples.

Mr. SUMNERS of Texas. What I mean is, How can you sell the right to govern people?

Mr. CROSS. It can not be done if justice be the guide.

Mr. ARENTZ. Will the gentleman yield?

Mr. CROSS. Yes.

Mr. ARENTZ. I wish to say in answer to the gentleman from Texas, who has asked a very pertinent question, that the world has moved a great deal since 1898. We would not do to-day what we did in 1898. In other words, if Spain said they were going to sell the Philippines, we having destroyed Cavite and captured their forces, we would say, "Why, you have not got the Philippines to sell." We have moved a great deal since 1898, and that thing could not happen again and I do not believe it will happen again.

Mr. LOZIER. If the gentleman will permit, of course, the Members of the House are familiar with the provisions of the treaty of Paris, and as an evidence that this was not an absolute barter and sale, the treaty itself provides that the future government and political status of the Philippines shall be determined by Congress. The gentleman knows that President McKinley was opposed to taking the Philippines; that in his first instructions to the plenipotentiaries he told them he did not want the Philippines; then he finally consented that we should take the island of Luzon, but we finally took all of them, under a provision in the treaty that Congress should determine the future government and the political status of the Philippine people. It is a provision of the treaty. We did not buy the people.

The treaty itself recognized that they were not making an absolute sale of the sovereignty of those people, but they were handing over to Congress the right to determine what the political disposition should be.

Mr. WAINWRIGHT. Will the gentleman yield just for a minute, so I can make an observation?

Mr. CROSS. I yield.

Mr. WAINWRIGHT. In reply to the statement made by the gentleman from Texas [Mr. SUMNERS], is it not a fact, brought out by the gentleman from Missouri, that we did not buy the sovereignty over any people, but we did with the $20,000,000 buy the title to the territory of the Philippine Islands?

Mr. LOZIER. We bought the rights of Spain, and Spain at that time did not have any rights.

Mr. CROSS. Is it the part of wisdom, are we worthy of the high trust imposed in us if we remain longer in these Asiatic waters dominated by a powerful, resentful, ambitious nation? But we are reminded by these profiteering propagandists, as well as by some well-meaning simple-minded folk of the Kellogg peace pact, and admonished that there are to be no more wars.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. DYER. I want the gentleman to have more time because he is making a fine speech on our duty to the people of the Philippines. I see the gentleman from Pennsylvania, the chairman of the Committee on Insular Affairs, present, and I want him to hear this speech, because it may help him to help us to get a chance to vote upon the question of Philippine independence.

Mr. AYRES. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. CROSS. But the nation that acts upon such a delusion is destined to destruction. It is not a new but an oft-dreamed dream, for at the end of each war, while remembering its horrors and still bearing its burdens, it seems "a consummation devoutly to be wished." History records a number of such attempts. At the close of the second Punic War, Rome and Carthage, then composing the civilized world, entered into a solemn treaty or peace pact that they would abolish and have no more war. And yet they had their sabers drawn again in less than 24 years. I fear the well-meaning entangling alliances entered into to bring about these visionary dreams, so far from accomplishing their purpose, will prove but incubators of war. Human nature never changes, and if there is one thing established by both divine and profane history, it is that wars are inevitable. Nations act on conditions and not on altruistic theories, and so acting we took this country from the Indians. Like bees, when a nation swarms with surplus population, if there is territory it can take, it will take, and altruism in conflict with that aim will melt like a wax image in a furnace. Such theories, my colleagues, are but the products of illogical minds that revel in iridescent clouds and constantly glimpse the coming of the millennium. They who would have their country to act upon such fancies would, unwittingly, have their country destroyed.

I beg of you, oh, my colleagues, to remember that duty is the sublimest word in any language. The eyes of the world are upon us. Let us not prove recreant to our high pretensions. To-day gratitude pleads and patriotism demands that we grant to these people their independence, entitled as they are to shape their own political destiny, "rough hew it as they may." [Applause.]

Mr. AYRES. Mr. Chairman, in view of the fact that the United States has been for some time a country with outlying possessions, it might be interesting to speak of some of them at this time. I want to speak particularly of the insular possessions under the care and guidance of the Navy Department. There are three of them—Samoa, Guam, and the Virgin Islands.

SAMOA

I shall speak first of Samoa. The islands comprising American Samoa were acquired in 1900 and 1904 by cession from the high chiefs of the islands of Tutuila and Manua, and while we took possession at that time, the cession was not formally accepted by the United States until Congress passed a joint resolution on February 20, 1929, a little more than a year ago. By authority of this act a commission has been appointed by the President to make necessary recommendations to Congress regarding proper legislation for the islands. This commission is composed of two Senators, two Members of the House, and three Samoan chiefs. The commission is to meet some time this summer in Samoa.

The present governor of the islands is Captain Gatewood, and from all reports his troubles in governing Samoa are not so many nor so great as are experienced by the governors of some of our other possessions. In fact, the Samoan people are so easy to govern that the regulations issued by the governor have the same force as and are considered the law. In issuing these regulations the governor has the assistance of the native legislative body, called the Fono.

It is indeed interesting to a member of the Appropriations Committee to know that no direct appropriations annually are made by the Federal Government to help bear the expenses of the Samoan government. So far as is known, this can not be said of any other of our possessions. Much of the revenue that is raised for the local expense of the government of the islands is derived from a direct tax called the assess tax on males. Owing to the fact that the natives have not kept birth records, they never know just when a man reaches the age of 21 years, so they have adopted the plan of putting a tax on a male when he is 5 feet and 1 inch tall.

The Samoans are real Polynesians and said to be the finest specimens of the race. They are intensely religious. It is said that all Samoans are Christians, and, whether church members or not, nearly all go to church. It is a universal custom to have family prayers both morning and night in every Samoan home. I believe it will be conceded that this is a much better record than prevails in the United States. The Samoan

people are intelligent, amiable, very generous, and progressive. When I make the statement that the Samoans are a progressive people, it is meant in the true sense. I do not mean that they will talk progressive and then vote reactionary, like some so-called progressive statesmen do here in Washington.

One incident I shall relate to show what is meant by the statement that the Samoan people are progressive and want to advance even though it means more taxes on themselves: In building highways throughout the islands the natives found that it was necessary to have a steam shovel to cut away the rocks around the edge of the mountains. They had been trying for years to get this shovel, so the question was put up to their legislature, or rather, to their Fono. It seems that in a session of the Fono at a previous time they had proposed to create a sinking fund from their revenues to the amount of $2,500 each year for the purpose of eventually buying the shovel. This process proved to be too slow for a progressive people, therefore, they appealed to the governor to permit them to buy it at once. The governor said no, for the reason that sufficient funds were not available, and he looked with disfavor on going into debt to buy the shovel. Not to be outdone, we are told that the Samoan chiefs held a consultation among themselves and voted in their assembly to raise the necessary funds by levying an additional tax of $2.50 on each man, bringing the tax up to $11.50 per year per man, in order to get their steam shovel at once. That is what I meant in saying that they are a progressive people. From my experience as a member of the Appropriations Committee, I believe that this is most unusual, for most people feel that the Federal Government, or Uncle Sam, should foot such bills, and, to be brutally frank about it, that disposition is not confined to the people of our insular possessions. I do not know of a place or a position that offers a better opportunity to ascertain just how liberal people are disposed to be with Uncle Sam's finances than as a member of the Appropriations Committee.

There is a continual urge to appropriate for this or that object, solely of local benefit, which, by no stretch of the imagination can be clothed with a Federal aspect.

As already stated, no direct appropriations are made by the Federal Government for the expenses of the island government. Indirectly, however, a great deal of the expense of the island government is borne from the Federal Treasury in that all of the executive officers of the government, such as superintendent of education, public-works officer, public-health and sanitation officer, customs officer, island treasurer, and all of the medical officers and naval nurses are members of the naval service and accordingly receive their pay from the Federal Government. The expense is borne by the Federal Treasury in connection with the pay of executive officers and the maintenance of hospitals and dispensaries throughout the islands; the maintenance of a station ship for communication between the islands; and the upkeep of housing facilities for the officers at the small naval station who are also the executive officers in the island government departments. This amounts to about $475,000 yearly. The customs revenues from all sources last year amounted to $73,923.30, so it can be seen that our sovereignty exacts an annual toll of about $400,000.

The principal crop produced in the Samoan Islands is copra. This is the dried kernel of the ripe coconut, much of which is exported to foreign countries. Before we took over the islands the natives sold their surplus copra to traders at what was known as the "annual fono," or the general meeting of the delegates; but in 1903 the natives requested the United States Government to handle the entire copra export trade, with the result that the exports have been very materially increased, and also the native producers have received greater returns for their product.

It is interesting to know just how this business is handled by the Federal Government. The Government has an officer known as the secretary of native affairs, who sends out blank proposals in the early part of the season to copra buyers all over the world, calling for bids to be made for the entire copra crop of these islands intended for export. These bids are opened in the month of January, and the highest bidder is awarded the contract for that calendar year for the total output. These contracts have to be approved by the governor of the islands, and he sees that the producers get their money.

Samoa is a possession that came to us without any solicitation or even suggestion on our part. History reveals that on April 17, 1900, the high chiefs of these islands ceded them to the United States, as they deemed it to the interest and welfare of their people. They had to be protected from the greed of other nations and groups of selfish exploiters. The form of government for these islands, to say the least, is unique, but nevertheless entirely satisfactory both to the islanders and this Government. The governor, who is appointed by the President, is the head of the government. There are three administrative districts in American Samoa. Each district is administered by a native district governor. These districts, like our own States, are divided into counties, and each county is administered by an hereditary chief. Each village is controlled by a village chief, and the city or village councils are composed of the heads of families. So it can be seen that the native Samoan has been permitted to retain his old form of government, which this Government very generously has not disturbed, making all concerned happy and contented.

GUAM

The island of Guam is another one of our insular possessions which is under the care and guidance of the Navy Department. In the government of this island is furnished another illustration of where, notwithstanding the fact that it is an American possession, and governed by a naval officer appointed by the President, the form of local government has been little interfered with and is conducted to a great degree under the Spanish law that existed in 1898 when this country took it over.

The natives, who number about 17,000, are known as Chamorras. The original Chamorras were Malays; but the present native is a mixture of Malay, Spanish, Filipinos, and whites. It is said, however, that the Malay predominates.

Guam is a very small island. It is about 30 miles in length, and from 4 to 8½ miles wide. It is said that the main occupation of the natives of Guam is agriculture, but to the extent only of supplying their wants. Practically the only crop of which there is an exportable surplus is copra. There was $195,862 realized by the natives on their copra crop of 1928, which is not a bad showing when the small population and the further fact that there is only about 225 square miles in the island are considered.

The sick are cared for by the United States Government. For the fiscal year 1930, we appropriated $22,000 for the care of the sick and the maintenance of lepers. All of the hospitals are operated by naval surgeons, as there are no native physicians or surgeons. We also appropriated $13,000 for educational purposes and have 131 teachers, of whom 14 are Americans. The rest are natives.

Capt. William R. Furlong, of the Navy, directly in charge at Washington of matters pertaining to our insular possessions administered by the Navy, does not hesitate to say that notwithstanding the fact that the population of the island is increasing at the rate of from about 125 to 150 a year, the resources are such that they can be expanded to take care of the growing population.

The people of Guam have not had citizenship conferred upon them. The governors of this island for several years have recommended that citizenship be conferred, and Captain Furlong has indicated his opinion to be, from his knowledge of the feeling of these people toward the United States, that such citizenship should be granted. The present Governor of Guam made the following recommendation regarding the Guam people becoming citizens:

> The greatest aspiration of the people of Guam is to become full-fledged citizens of the United States. Their present status is quite unsatisfactory, even the term "citizens of Guam" being almost meaningless at the present time, since there is no established system of acquiring citizenship in Guam and no law stating the exact requirements for such citizenship.
>
> The governor contemplates setting forth by proclamation who are citizens of Guam and intends to promulgate a law permitting the naturalization of such aliens resident in Guam. These measures are essential in order to clarify the rights of property ownership, but they fall far short of local aspirations. Citizens of Guam now possess the privilege of freedom of entry and residence into the United States and the extension of citizenship, in the same manner as is done in Territories of the United States, would be a just and generous act.

Owing to the remoteness of Guam the inhabitants were not aware of the fact that there was war between the mother country, Spain, and the United States until June 20, 1898, at least two months after war had been declared. This information was given the Guam people by the cruiser *Charleston* when she steamed into the harbor and opened fire on Fort Santa Cruz. It was thought then that the *Charleston* was saluting the port, and the Spanish governor of the island was so informed by some of his officers. When, however, the true mission of the *Charleston* was revealed to the natives, many of them took to the bushes as they had been told by the Spanish that the Americans were savages, and that they could expect any kind of treatment at their hands except kindness.

The first American governor of Guam was Capt. Richard P. Leary of the United States Navy, who was appointed in the spring of 1899. It might be interesting to some of our wet friends in Congress to know that there was put in force by Captain Leary, prohibition order No. 1, which forbade the sale of

intoxicants to any person not a resident of this island prior to August 1, 1899. In other words, he began his house cleaning among his own garrison. Order No. 2 prohibited the importation of intoxicants except by special authority. If such usurpation of the liberties of the people should occur at this time, the wet champions like the gentleman from Milwaukee [Mr. SHAFER], and the gentleman from Baltimore [Mr. LINTHICUM], and the gentleman from New York [Mr. LAGUARDIA], would have asked for his recall, denouncing him not only as a usurper but a tyrant of the worst type. That is not all Captain Leary did. In order to prevent a failure of food supplies, he ordered everyone without a trade to have "at least 12 hens, one sow," and to plant fruit or vegetables sufficient to provide for one family; and it did not make any difference whether he did or did not have a family.

All of Captain Leary's successors have been diligent in promulgating and putting into force good laws and regulations for the betterment of the native population, and have succeeded in bringing the natives up to a good, high level, morally, intellectually, and physically.

The present government of Guam is not unlike that of Samoa in that the governor is the only appointed and commissioned officer and the inhabitants are, in so far as civil status and political rights are concerned, under the Spanish laws which existed when we took possession of the island in 1899. Naturally these laws have been changed and modified to suit the conditions brought about by our ideas of local regulations. Congress has passed practically no legislation for Guam. It is said that neither the Constitution nor the laws of the United States have been extended to them, and that the only administrative authority existing in them is that derived from the President as the Commander in Chief of the Army and Navy of the United States. The highest court in the island is the Court of Appeals, consisting of three judges and a chief justice and two associates. There are also police courts and intermediate courts that take care of ordinary litigation and criminal matters. My understanding is that most, if not all, of these courts are presided over by a judge who is a native.

It seems strange that a Spanish-speaking people which inhabited Guam should change so quickly to an English-speaking people. It is said that only about 2 per cent of the population of Guam at this time can even understand Spanish. The language of the real native, of course, is Chamarro, which is one of the Polynesian tongues.

The revenues and expenses of the government of Guam for the past three or four years, are as follows: Beginning with the year 1927, the general revenues were $128,215.16. To this amount should be added the sum of $14,486.65, which constitutes certain profit derived from utilities, such as electric light, shop work, stevedoring, and so forth, supplied by the island government, and profits on certain investments which made a total receipt of $142,701.81. The general expense was $107,057.55, leaving a net balance of $35,644.26. In the year 1928, the general revenues were $126,117.63, and the profits from utilities, such as electric lights, and so forth, supplied by the island government, and profits from certain investments, made a total receipt of $147,290.80. The general expense was $128,140.53, leaving a net balance of $19,150.27. The year 1929 shows that the general revenues were $141,259.70, and added to this amount the profits from utilities, and so forth, amounting to $26,516.49, made a grand total of receipts of $167,776.19. The general expense was $155,703.10, leaving a net balance of $12,073.09. Of course, we have not the figures for 1930, so can give only the estimated receipts and expenses. It is estimated that the receipts for 1930 will be, for general revenues, $141,000, to which will be added the profits heretofore mentioned, estimated to be $19,000, making a total estimated receipts of $160,000. The total general expense is estimated at $181,355, which will leave a deficit of $21,335.

The fact that there has been a very nice balance in former years and that there is an estimated deficit for the present year might call for a brief explanation. Now as to receipts, as has been said, in addition to the general revenues there have been certain profits such as derived from services which the island government furnishes to the population of Guam, such as electric lights. This is done because no concern or individual in the island is equipped financially to do it, so the expense in operating this plant is borne by the charges made on the people who are provided with this service, and the profits derived from this service are used in defraying the expenses of the island government.

The island government funds are invested in bonds and in the local island bank, and the interest derived from this investment is the other item of profit referred to a few moments ago. The reason assigned as to why the estimated profits for the year 1930 are much lower than the preceding years is because the principal formerly drawing interest has been used in the building of schools, an administration building, and also other buildings, thereby depleting, to a very great extent, the principal which heretofore drew interest.

The increase in expenses, as estimated in 1930, is caused by several different things, such as increase in wages granted during the last administration, large amounts that have already been expended due to emergencies, and many thousands of dollars for public improvements necessary to be done this year.

Almost every native of the island owns a piece of land or has some rented from the Government. The report is that owing to the fertility of the soil and the climate, almost anything can be grown in Guam, and much more than would be necessary to supply home consumption if the native could be convinced that it would be to his interest to do so. Some of the crops that could be produced with profit besides copra are coffee of an excellent quality which grows all over the island, and which it is reported commands a good price; sugarcane, pineapples, also cotton of different varieties grows wild there. There are many kinds of fruit and vegetables produced on the island and do well. So it can be seen that there are great possibilities for this little island, notwithstanding the fact that it is so far away as to be almost isolated.

THE VIRGIN ISLANDS

The Virgin Islands of the United States comprise the islands of St. Thomas, St. Croix, and St. John. These islands were purchased from Denmark for $25,000,000 in 1917. In company with three other colleagues I visited these islands in March, 1929, and before I left was thoroughly convinced that Denmark drove a real bargain when she induced Uncle Sam to pay the sum of $25,000,000 for them.

Owing to the fact that the islands form a natural outpost of the Panama Canal, and have been for more than a generation the important post of call for vessels plying between European countries and the canal, they were considered important. But more than any other reason was the fact that Germany was negotiating with Denmark for the islands so as to have a naval base in our own waters. This, of course, could not be permitted if within our power to prevent, and the only way to prevent it was to pay the fabulous price. This is one of our many war babies, or, probably better to say, war inheritances.

The United States attempted to purchase these islands on two different occasions long prior to 1917, and it is too bad we did not succeed, as it would have been less expensive at such times. During the Civil War it was deemed of great importance for the United States to have a naval station in the West Indies. It was thought then that if we had such a base that it would help to break the blockade running of the Confederate States. Nothing was done, however, until after the war was over, when Secretary of State Seward negotiated a treaty with Denmark for the purchase of two of the islands, namely, St. Thomas and St. John, for the sum of $7,500,000; but the Senate of the United States refused to ratify it and it fell by the wayside. It took another war to make us realize that it was important for this country to have a naval base in the West Indies.

At the close of the Spanish-American War, or in January, 1902, we again took up the question of the purchase of the islands from Denmark. Another treaty was negotiated and the sum this time was $5,000,000. This treaty was promptly ratified by the Senate of the United States and the lower House of Denmark, but failed to pass the upper House, therefore, it failed. Then another war, the World War, caused another negotiation for the purchase of the islands, which was successful, as already stated. History records the fact that in all probability we would have succeeded in the negotiations for the purchase in 1867 for the sum of $7,500,000, but for the enmity existing between Senator Charles Sumner and President Andrew Johnson. Thus it can be seen how a little fuss between two statesmen cost the United States about $17,500,000.

It might be interesting to relate just what was done on the part of the two Governments when the actual physical transfer was made. There was a short publication in the local papers notifying the inhabitants of the islands that the actual transfer was about to be made, as follows:

> It is hereby brought to public notice that the formal delivery of the islands to the United States of America will take place this afternoon at 4 o'clock. The ceremony will be at the saluting battery.
>
> Government of the Danish West India Islands, St. Thomas, the 31st day of March, 1917.
>
> HENRI KONOW.
> BAUMANN.

And thus the Danish West Indies passed into history and the Virgin Islands of the United States were born.

In my visit to the islands I talked with some of the old Danish residents who freely talked of these wonderful and impressive ceremonies; and while they are loyal to their

adopted country they still have a strong attachment for their dear old Denmark, and no one can blame them for entertaining that feeling.

Three members of the Appropriations Subcommittee, whose duty it is to look after appropriations for the Virgin Islands, went over there a little over a year ago to ascertain, if possible, if there could be some way suggested whereby these islands could be made at least somewhat self-supporting. We felt that it would not be necessary to appropriate, year after year, a quarter of a million dollars and more, to keep the people from want. As one member of that committee, I am compelled to admit that we found many problems that have to be met before the people of these islands can be self-supporting. When I say this I do not mean to convey the idea that the people do not want to do their part to bring about a better condition. It is because they are not in a position to do so; that is, there is nothing for them to do to better their condition.

When we took over the islands in 1917 the population was 26,000, which has decreased to less than 19,000 at this time. This is due to the fact that the younger people, who become educated, emigrate to the United States as soon as they finish school, for there is nothing for them to do on the islands. Speaking of education, I might say that owing to the fact that the natives are very poor, one would expect to see a great deal of illiteracy. Such is not the case.

The local law of the Virgin Islands provides that all children must attend school, beginning at 6 years of age and continuing until 15 years of age. Our committee visited several schools both in the city and country and found the children about as far advanced in their studies as children in corresponding grades in the States. Most of the teachers in these schools are natives and colored, and at least 98 per cent of the students are colored. This is in keeping with the population, which is about 92 per cent negro and the rest principally white. After those boys and girls are educated there is nothing for them to do in the islands and there is but one outlet, that of coming to the States.

The industries of the islands are limited. With the exception of agriculture (which is also limited) there are practically no industries. I do feel that if such industries as they have were developed to the fullest extent it would solve the question of how the people of the Virgin Islands could be made self-supporting. Take the main industry of sugar. It could be made a paying industry and would furnish employment for thousands who are not employed at this time. There is plenty of fertile soil and an abundance of sunshine to produce almost any vegetable that grows, like Bermuda onions, beans, tomatoes, and many other vegetables that are canned. All that is needed is water, which can be provided.

This, it is true, would call for an outlay of much money to provide reservoirs to catch the rainfall during the rainy season, but it would in the long run be less expensive to do this than to continue as we are, appropriating hundreds of thousands of dollars annually for the sole purpose of caring for a helpless people. The canning industry could be established and made a paying proposition. No finer tomatoes grow anywhere than can be found there. The same can be said of the sugar industry. The cattle industry is fair at this time and could be developed so as to be of some consequence if the States or present Government would find or provide a market for the cattle. The only market at this time is Porto Rico, which, of course, is not sufficient to care for an extensive cattle business. There is no question but that the bay-rum industry could be developed to such an extent as to make it the best anywhere in the world, but this can be done only by the Government taking hold and protecting the bay trees and providing up-to-date methods of preparing the bay rum and providing a market for the entire output. Anyone who will visit the island of St. John and see the primitive method in which bay oil is produced at this time will be impressed with the idea of what could be accomplished if the industry should be developed.

I have mentioned only a few of the things that, in my opinion, could and should be done for the people of these islands to make it possible for them to be self-supporting. Then if they do not cooperate when given a chance, for one I would be in favor of cutting them loose entirely. We have taken upon ourselves the burden, and I am in favor of doing something along industrial lines to develop the natural resources of those islands, even thought it may cost a few hundred thousand dollars to do it, rather than to continue the course we are pursuing at this time of donating thousands of dollars annually in the way of appropriations, with no return and no prospect of it getting any better. I feel sure the people there are ready to cooperate if we will only make it possible for them to do so, but until we change this condition there is nothing to do except to continue appropriating.

It is a useless expense to continue to send commissions or committees to these islands to ascertain the cause or causes of these conditions. That matter has been gone into most thoroughly by no less than 10 commissions since we took possession. It might be well to name these commissions and the dates when each visited the islands.

In 1920 a joint commission of three members each from the Senate and the House of Representatives was directed to report on general conditions existing in the islands and possible need of change in the form of government.

Again in 1920 two special commissioners of the Treasury Department were appointed by the Secretary of the Treasury to investigate currency and banking conditions.

In 1924 a Federal commission of five members were appointed by the Secretary of Labor to investigate industrial and economic conditions.

Again in 1924 an irrigation engineer of the Reclamation Service was assigned by the Secretary of the Interior on request from the Secretary of the Navy to investigate irrigation possibilities on the island of St. Croix.

In 1925 the manager of the Porto Rico branch of the Federal Land Bank of Baltimore was requested by Assistant Secretary of the Treasury Dewey to survey the banking situation in the islands.

Again in 1925 an appointee of the Treasury Department was designated by a committee of the Treasury—appointed by the Secretary—to report on the financial and general economic situation.

Again in 1925 an appointee of the Treasury Department, designated by a committee of the Treasury—appointed by the Secretary—to report on the tax system.

In 1927 four members of the House Insular Committee made an unofficial visit to the islands at their own expense and held hearings there.

In 1928 an educational survey commission of four members was authorized by the Secretary of the Navy and conducted under the auspices of Hampton and Tuskegee Institutes.

In 1929 four members of the House Appropriations Committee visited the islands, accompanied by Capt. W. R. Furlong, United States Navy. They were BURTON L. FRENCH, WILLIAM B. OLIVER, WILLIAM A. AYRES, and GEORGE N. SEGER.

In addition to these numerous commissions, there was sent to the islands last year the Chief of the Bureau of Efficiency, Hon. Herbert D. Brown, with a sufficient staff to make a most thorough study of all of the problems existing there. He did this and filed an exhaustive report, pointing out these troublesome problems and suggesting many remedies that would no doubt be helpful. After seeing for myself, and also reading Mr. Brown's report, I have reached the conclusion that the only way to accomplish anything beneficial, both to the Virgin Islands and to the Federal Government, would be to appropriate a sum sufficient to put into execution many of the projects Mr. Brown suggests, and that he be charged with the responsibility of seeing that these projects are carried out. The Federal Government can well afford to provide a sufficient amount for this purpose as a matter of economy, otherwise it means a continued annual appropriation of anywhere from $250,000 to $350,000 simply to care for these people.

The appropriation for the fiscal year 1930 was $314,000. This year the Budget estimate calls for $275,000, $10,000 of which may be expended for public wells. It is estimated that the expense of the islands for 1931 will be $560,412.80, and that the revenues from all sources will be $269,212.80, leaving a deficit of $291,200. This is in Danish West Indian money, and amounts to $280,000 in United States currency. The revenues are approximately $50,000 less than collected in 1929. The United States expenses, such, for instance, as the expense of the central administration of all of the islands, amounting to $68,629.77 in 1930, and estimated to be the same in 1931, are taken out of the appropriation made by us, and the balance is turned over to the two colonial council treasuries, which would be in the neighborhood of $200,000.

When our committee was in the islands about a year ago, some islander called our attention to the fact that the Virgin Islands were purchased by the United States and then forgotten. He, of course, did not know that we knew that within the 14 years we had been caring for them we had expended more than the Danish Government had expended in over 200 or 250 years of occupancy. This illustrates the old saying that the more you do for some people the more they expect you to do, and if you do not do it, you may expect to hear complaints. I am glad to say that the complaint of that individual was not general. I feel that most of the islanders are more than pleased with the change and can be made happier by making it possible for them to help themselves.

Whatever is done, however, to bring about this condition should be done before most of the people reach the conclusion

that it is the duty of the United States Government to feed them, care for them in hospitals, and finally bear the expense of placing them in their final resting place. There are too many of that mind at this time and the sentiment is growing. I want to emphasize the fact that the only thing this Government should think of doing is to make it possible for these people to be self-supporting, and when that is accomplished, make them realize that it is up to them to work out their own salvation. The sooner this is done the better it will be for the Federal Government, and it certainly will be better for the people of the Virgin Islands.

It is unfortunate, to say the least, that some are prone to make reckless statements regarding our attitude toward the Virgin Islands. I am not concerned about statements like the one made by an islander to which I referred a moment ago, that the United States had bought the islands and then forgotten them. I do feel, however, that statements made by Members of either branch of Congress, touching our government of these islands, should set forth the facts. I remember last winter when the gentleman from Pennsylvania [Mr. COYLE] made a speech which is recorded on pages 708 and 709 of the RECORD of December 14. He said:

> We have eliminated an industry there in the manufacture of rum and bay rum, which was a big industry on the islands. Right or wrong, that fact remains.

I do not know just where the gentleman from Pennsylvania got his information regarding this matter, as well as some other questions relating to the Virgin Islands which he discussed at that time. I do know, however, that if he had informed himself he certainly would not have made the statement he did concerning the industry of bay rum. Statistics show that from 1909 up to the time we took over the islands in 1917 that the number of gallons of bay rum sold and exported averaged from 16,000 to 20,000 gallons annually. It also shows that in the year 1919, after we had taken over the islands, the number of gallons sold and exported was 52,519.

The number of gallons of bay rum sold and exported annually from the years 1918–1919, up to the present, is as follows: In 1920, 89,105 gallons; in 1921, 79,415 gallons; in 1922, 73,859 gallons; in 1923, 65,524 gallons; in 1924, 74,574 gallons; in 1925, 79,730 gallons; in 1926, 85,148 gallons; in 1927, 74,277 gallons; in 1928, 91,628 gallons, and in 1929, 91,116 gallons. If the bay-rum industry has been eliminated by the United States to any extent, as stated, it seems strange that it should be by increasing the number of gallons sold and exported from about 20,000 to over 91,000 gallons annually.

Our committee, when over in the islands a year ago, heard a few complaints of this nature, but when faced with the actual facts the complaining party usually admitted that it might be somewhat different than he stated. I know, personally, that the people of the Virgin Islands are far better satisfied at this time than they were under Danish rule. It is true that there are a few, but only a few, in the islands who would not be satisfied with anything short of being allowed to rule absolutely the island and the people.

In conclusion I want to state that the people of the islands of Samoa, Guam, and the Virgin Islands are happy under the government afforded them by the United States through the Navy Department; but notwithstanding that fact, there is a move on foot at this time to transfer these island governments from the Navy Department to the State or some other department.

I venture the opinion that if the people of these islands could be consulted and their desires regarding this matter be obtained, that not 10 per cent of the inhabitants of the Virgin Islands would favor the transfer, not to exceed 5 per cent of the people of Guam would favor it, and not even 1 per cent of the people of Samoa would favor it.

Then, who is it that is so interested in this contemplated transfer of these island governments from the Navy Department to some other department, and why is it necessary? No good reason has been assigned for such a transfer and none can be given.

The governments in all three of these islands are as near perfect as it is possible to have a government of one people by another, and the people in all of these islands are as happy as it is possible for a government to make them happy and contented. Then the proposed transfer can not be for the reason that the governed people of these islands are not satisfied. The Navy Department is willing to continue governing these islands as it has in the past, so the desire to transfer does not emanate from that source. The real reason may never be known, but it will be contended no doubt that it is a question of economy. That reason and argument can be exploded without even an effort. It is a well-known fact that the governing organization in each of these islands is composed largely of Navy personnel, already on the pay roll of Uncle Sam, and while this personnel could be used for other purposes in connection with the Navy, it is also a well-known fact that the Navy is getting along without the services of these men.

It is also a well-known fact that many of these officers and men who constitute the governing body of these islands could command anywhere from twice to three times as much salary for similar services in civil life. This is true as to all, but more especially the physicians and surgeons, who are giving their very best in these island hospitals. Not only this, but there is much more I might recite along this line.

I want now to call attention to the added fact that the governors and personnel, generally speaking, being Navy personnel, are independent of political parties and political influence. I feel that one of the reasons, if not the impelling reason, for demanding this transfer from the Navy to some other department is because certain designing individuals in these islands or elsewhere know that so long as the Navy Department, free from political influence, has control of these islands, there will be no opportunity to exploit them. I know, personally, that the Navy, while willing to continue to govern these islands, would not oppose being relieved of this service, that the department is not asking that it be allowed to continue governing these islands, but that it will continue to do it, and do it well, as long as the duty is assigned to it.

To make a transfer to another department of Government means to create a new, large, and expensive organization in some bureau here in Washington, and also a new and expensive organization in each of these islands, with the organization in both instances composed of political office or job hunters and controlled by party politics. When this occurs, if it ever does, then prepare for real expenditures of Government funds in those islands, and God help the natives, for exploitation in all probability will be the chief business conducted in all three of these island possessions. For one, I am opposed to such a move and shall continue my opposition so long as I am a Member of Congress. I believe in letting well enough alone. [Applause.]

Mr. FRENCH. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. SPROUL].

Mr. SPROUL of Kansas. Mr. Chairman, ladies and gentlemen of the committee, I wish to make a few remarks upon the subject of the protective tariff, a very old subject.

We are taught, we unsophisticated people in the midwestern part of our country, that the purpose of the imposition of protective tariff duties on products brought into our country from foreign countries is to protect the industries within our own country against cheap foreign labor and to encourage the production within our own country of sufficient products to supply the needs of our people, and also to secure better prices for the producers of our products.

Are we right about these purposes or are we wrong? Just why do we impose duties on imported products? From an academic standpoint what are the specific purposes and what is to be gained by imposing duties on imported products?

Primarily, we are told here on the floor of this House that it is to protect the capital invested in industry; it is to protect the labor employed in industry against cheap foreign labor; to keep labor employed and to keep capital employed to the end that the industries of our own country may supply all the needs of our people. At no time are we concerned about the duties that are going to be paid by importers. We give no thought to this question. Nobody thinks anything about how much duty is going to be raised from imports. The duties that will be paid by the importers receive no thought from any of us and no attention is paid to them by anyone. But the sole consideration is to protect industry and labor. But we know that duties will be paid. We know that goods from foreign countries will come into our country over the tariff wall. We know from experience that this will be done and the question then is that we ought to think about who is going to pay these duties. Who will pay these duties ultimately?

Up in Massachusetts these duties are to protect the manufacturer of shoes. We have heard a lot about it from both sides of the Chamber. They are put there to protect industry—that is, the manufacturers of shoes—and to keep capital and labor employed; but who is going to pay the extra price on the shoes that the duty will be put on when the shoes come over the tariff wall and are sold to our people? It will be the consumers that will pay, the persons who buy and use them. And so it will be on sugar and on every commodity on which an import duty is placed.

Now, if all of the people in our country who use imported goods pay in excess of what they otherwise would have paid, a price to enable the importer to pay his duties, they indirectly have paid the duty themselves. So our own people really pay

indirectly all the revenue collected as import duties. It is an inexorable truth that when we buy the imported goods on which there is a duty we who buy and use pay all the duty, which now amounts to between $500,000,000 and $600,000,000 annually; and not only is this true, but we generally pay a much higher price for all the articles protected by the duties or imposts we pay.

If our protective-tariff system does not protect each and every industry equally with every other industry it is faulty.

For years and years $600,000,000 annually goes into the Treasury from imports, and it means that the people of this country have paid the $600,000,000 in excess prices for the products that they buy, besides higher prices for similar articles to those on which the duties have been imposed.

Where, then, is there any wrong; where, then, is there any inequity in an export and import debenture certificate being provided for? Wheat producers are entitled to a tariff protection that would enable them to receive 25 cents better price per bushel. The 150,000,000 bushels of Kansas wheat should bring to the State at least $35,000,000 more each year, if the tariff on wheat was effective. But our people do not get it, although they pay their share of our import duties, and also higher prices on all articles coming into competition with goods on which duties have been levied.

We hear about the effect of a high duty on manufactured watches and jewelry that come to our country and have been coming from Switzerland. You know we propose to put a high duty on those articles and to keep them out. We propose to destroy that country's market. Suppose that Switzerland, now buying products from us, retaliates and forbids the receipt of our goods into their country, that which we have been exporting there. Have we done ourselves a wrong? Have we done ourselves an injury? There is not a particle of difference in the ultimate effect between the placing of a high foreign duty on the imported manufactured goods on the one hand and thereby destroying a market for such goods, and on the other hand placing an export duty upon the products of this country so that they may successfully compete with similar goods of the foreign country.

I want to say to the Members of this House that I hope the Senate will stand firm upon their contention for an export debenture upon wheat and cotton, and never yield as long as time lasts. I hope there will be no compromise, because they are standing for what is equitable, what is academically right, and what is morally right. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. FRENCH. Mr. Chairman, for the information of Members of the House, I suggest that we begin reading the bill and rise upon the conclusion of the reading of the first paragraph.

Mr. AYRES. Mr. Chairman, I yield now to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman, I am in favor of this naval appropriation bill and shall be glad to vote for it. It is a part of the national defense and I suppose the most important factor in it. There are other factors, such as a proper Military Establishment; that is, an Army in the fullest and widest significance of the word, an Army that will embrace both the Regular Establishment, State National Guard, and the reserves, which are reasonably well taken care of by the Nation to-day. Flood control is a factor which will not only prevent an enormous wastage in property, as that word is usually understood—that is, in houses, farms, and cattle that are lost through annual inundations—but which will also prevent that other terrific wastage, which is the gravest concern of those who are living for their country not to-day only but who believe it their mission also to prepare it and maintain it in full force and vigor for the generations to come, and that is the wastage of the top soil that is being carried from the most fertile parts of the Mississippi Valley by the flood waters of the lordly Mississippi and its tributaries down to the Gulf of Mexico annually to such an enormous extent that it takes more than 1 cubic mile of that which on America should live during the coming years. Our highways must also be our concern and their development and extension to all parts of the United States is just as important for the national welfare as a properly conducted and maintained railroad system is for our national defense. As a matter of fact, the Navy, the first line of defense, the Army, the second line, backed up and supported by a transportation system composed of railways, highways, waterways, and airways so coordinated as to make for the cooperative movement that will spell for success and triumph in peace and in war time.

For, Mr. Chairman, there is no use in blinding our eyes to the facts of human existence. There is no use in ignoring the facts taught by the pages of history. This world is a world bottomed upon force; that is the fundamental law of life. We see it in operation in every phase of existence, animate and even inanimate. We can not afford to ignore the truths that are apparent to all who read and understand the reason for the growth of republics, kingdoms, and empires. The growth in each case is the result of application of force. Though we may preach of the benevolent manner in which we have grown to the tremendous extent that has marked our progress, one need not be a cynic to recognize that we sprang from nothing, for the first comers and the early comers from Europe to America did not own an inch of ground on the Western Hemisphere.

By the strong arm of might they took all that we have; first, from the Indians and then by slave labor, advancing agriculturally; and then by purchases, such as the Louisiana Purchase, not altogether free from moral suspicion and doubt; and then territory gained as a result of the war against Mexico and, subsequently, more territory gained by our conquest of Spain; so that we are to-day great, grand, and wonderful. Our flag floats in eastern seas, under the Southern Cross, and under Northern Lights in the far-away Frigid Zone, and though it is our pride and it is with a thrill of martial glory that we say to ourselves and to the world as individuals and as a people, "I thank God I, too, am an American," the realization is ever present in the mind of him who understands and does not blur the facts that the America of which he is so proud is the America of the mailed arm and the steel fist. And our country has but trod in the path of every other country that attained opulence and glory. We won the heights and they won the heights by adhering to the law and recognizing that force is the sine qua non to progress, development, and stability. Rome grew through her legions and her triremes. England, the heart and soul of Great Britain, has grown through her navy first, and her army. And she has never hesitated or scrupled when the necessities of the hour demanded ruthlessness as the price for expansion and power. So, too, with all of the other empires that have played out their part in the grand drama of life and then disappeared when they forgot the law by which they did grow and expand.

It is not swashbuckling to say that kingdom by blood gained must be by blood maintained. It is merely the restatement of a truth as old as the human race is upon this earth. In the course of time Britain and our own Republic will pass away and be forgotten. Countries, like individuals, are born, they live, and pass away and in time are buried beneath oblivion's waves. But it is our duty as Americans to do all that we can in our lifetime to extend the years of our country.

We should endeavor to so live our lives that the Republic will be stronger, greater, nobler, and more powerful on the day when we go westward forever than on the day we fell into the life of the country through the miracle of birth. And we should not blind our eyes to the truths that are made self-evident by the fact of human existence. There is every reason in the world why Great Britain and the United States should be and remain friends forever. But the American that would carry that belief and that hope to such an extent as to imperil the position of his own country would be unwise, indeed. Beware of the seeming friend of to-day, because he may be the enemy of to-morrow. While related to England by ties of blood, which should make for almost fraternal understanding, we know what Great Britain did to the colonists when that blood tie was even stronger than it is to-day. We know what Great Britain did to the struggling States in the War of 1812. We know what England was willing to do during our Civil War, and though we saved her from annihilation during the World War let no American believe for a single moment that England would hesitate to subordinate us to her in the scheme of world affairs, of which she desires to remain the principal factor. I do not mention these historical facts acrimoniously, because I have in a measure a great admiration for a country that has grown so great that the sun never sets on her possessions and whose drum beats are heard daily the world around. I view her apparent oppressions of tyranny and even the atrocities she has committed with a somewhat charitable eye because I know that all other countries in their growth have been the victims of that inexorable law to which I have referred and the perpetrators of many crimes. Her unspeakable attitude for centuries to a people who numbered among them my own ancestors is a blot upon her glory which she can never extinguish or obliterate. And the infamous treatment of that English-speaking people apparently was dealt out to them in hopes of degrading them to a point where they could neither understand nor ever even hope for liberty and freedom. And this notwithstanding that the Irish and the English people are very closely related in blood, which is evidenced by the fact that they speak the same tongue.

For to use a good expressive American word, much of this Anglo-Saxon Celtic talk is unadulterated bunk, and used only

for the purpose of creating a difference in the people of the British Isles. In my own lifetime I can remember when Liverpool, Birmingham and Manchester were almost as Irish as Boston is to-day, and the Irish have contributed to the growth of London almost as largely as many parts of England itself, and so has Scotland and Wales in a measure used their blood with that of England. It is not only the north of Ireland that has felt the influence of English and Scotch blood. English and Scotch for centuries have been crossing into Ireland and marrying there, and millions of Irish have gone into England and married there. The point is that England has not hesitated to deal as monstrously with her own blood, which the Irish people are when the circumstances and conditions required as she dealt with China and India. There were times when that tyrannical misrule cried aloud to heaven for vengeance. I merely mention these facts as one looking on at the drama and tragedy of life as played by nations, and without any acrimony, because I know that all of the acts were apparently decreed by fate, and were inescapable. Because true indeed it is that God moves in mysterious ways His wonders to perform. And one of those wonders to us should be to forever remain mindful that we must be prepared for the day when it will become the interest of some great power or many powers to reduce us in order that they might expand accordingly and grow rich in proportion as it or they may make us to shrink and shrivel. There is no reason in the world why Great Britain should ever assail us except one, and that is sufficient to justify her in endeavoring to put us down to a second-rate position, either by her own force or by sicking on some other power or powers to do the job for her.

She would not want to see us destroyed, but it might be to her interest to see us reduced so that we might be compelled to play the part of colonists again. So let us be prepared, Mr. Chairman, from every standpoint. Let us fight the good fight from day to day and discharge our duty to our country by keeping her prepared and with that Navy and Army and transportation system essential to the permanency of the Republic. Let us study new methods and devise a Navy that will be powerful enough to protect America's greatness and her grandeur and her glory, which mean the wonderful civilization we have built up from swamp and wilderness. Let us keep our eyes open to the wonderful developments that are being made daily in submarines and aircraft, and do not let us forget that other countries would like to abolish submarines because they are the sea enemies which those countries have reasons to most fear. Let us not forget that the very fact that other countries would abolish them as instrumentalities of war is what should make us study their development with greater care and intensity. Let us hope, Mr. Chairman and gentlemen, that wars are very remote; let us hope, indeed, that they shall never come again. For hoping very frequently produces a psychological effect and brings about that which is wished for. A proper mental attitude has a mighty influence in developing, even though it may not destroy or eradicate laws that are inseparably associated with life itself. Let us remain true to our country, though that advice is not necessary to the American people from whose hearts and heads comes the noble utterance:

> Our country, may she live forever and a day, but if she must die let it not be from internal dissension and decay but upon a battle field of imperishable glory.

As a contributing thought to the problem of flood control let me submit the views of a man who has devoted the best years of his life to the study of the Mississippi River and the blessings it has bestowed upon the people of the valley as well as to the havoc it has wreaked upon a people who have been unmindful of their duty to properly harness the watery steed and make it the useful servant which it should be at all times to the millions that dwell behind its levees. If on the anvil of discussion the spark of truth should fly I should know the truth about the lordly river and its tributaries for I have discussed the old river with many of the notables who know its history, its songs, and its rampages. The lamented Robert Dowman, Marshal Ballard, James M. Thomson, James Edmonds, Walter Parker, George Maxwell, and my friend Thomas T. Barr have favored me with their views and ripened my own thought upon a subject that is as thrilling and attractive as it is disquieting to those who want and pray to see the valley blossom as the rose, which it will when flood control is absolutely and beyond all controversial assurance. For what it is worth read a paper prepared for me by one who is too modest to have me mention his name, who labors without hope of reward or fear of punishment, confident that the reward of one duty well performed is the power to perform and discharge another. He has labored for his country in order to gain that knowledge which will enable him to labor still more industriously for it—for he loves his country and scorns to give aught other reason why.

FLOOD PROTECTION FOR THE VALLEY

"Charity begins at home."

"Self-preservation is the first law of nature."

Congress has provided for immediate flood protection for New Orleans.

That purpose of Congress should be accomplished without delay.

After two years of waiting it remains unaccomplished.

Everything Congress needed to do to give safety to New Orleans has been done.

The purpose of Congress was clear and plain.

There was no misunderstanding about it.

With reference to that one matter, the safety of New Orleans, no further action by Congress is necessary.

The purpose of my remarks is not criticism.

No fault is intended to be found with the Army engineers.

Yet the fact remains that our fate is in their hands.

The responsibility rests with them, and to them our appeal must be made for quick action which will make it unnecessary to ever again blow up a levee to protect New Orleans from a flood calamity.

The interests of New Orleans are more than local—they are national.

A serious flood catastrophe at New Orleans would be a national calamity.

New Orleans is a great national port for our world commerce.

The city is fast becoming one of the great maritime cities of the world.

Its seagoing commerce serves more than half the territory of of the United States of America, and probably more than four-fifths of its population, and contributes to the general prosperity of all its people.

The tremendous national benefit accruing from this steady enlargement of our national trade with the whole world through the port of New Orleans is fully appreciated and recognized by Congress, as evidenced by the steady continuance of large appropriations for improved waterways and canals connecting with or radiating from New Orleans.

Whatever danger now threatens it from floods arises, not from national policies originating with Congress but originating with the Mississippi River Commission or the Army engineers, which have been radically modified by Congress.

The ever-rising flood level has resulted from the national policy of higher and higher levees, which did not originate with Congress, and Congress has now vested in the Army engineers full authority to establish at New Orleans a safe maximum flood level by building a spillway.

That action was taken by Congress in May, 1928—two years ago—yet we still have no spillway.

The people would have been content with "any port in a storm," and would to-day be content with any spillway devised by the Army engineers. And if any modification of the Army engineer plan for the Bonnet Carre spillway would expedite construction, it would seem as though such modification should be made without delay by the Army engineers.

Not as a suggestion as to what the Army engineers should do but merely to illustrate this point: The broad-shallow spillway plan adopted by the Army engineers requires a broad strip of land between the Mississippi River and Lake Pontchartrain for the flood waters to flow across. This broad-shallow spillway has been objected to by engineers of note, who urge a plan for a narrow-deep spillway which would require much less land for flowage and cost less by many millions than the broad-shallow spillway. One cause of delay in construction has been the acquisition of the broad strip of land required for flowage under the broad-shallow spillway plan of the Army engineers. The question is whether that controversy might be largely eliminated by the adoption of the narrow-deep spillway.

Among those who believe the narrow-deep spillway plan should be adopted are Mr. A. B. B. Harris, consulting engineer, of Chicago, and of 2905 Chamberlayne Avenue, Richmond, Va., and John R. Freeman, of Providence, R. I. The opinions of such engineers must carry weight and merit thoughtful consideration. In an article in the Engineering News Record, page 818, November 21, 1929, Mr. Harris contends:

> The total cost of constructing the narrow spillway with its necessary waylands (1,500 acres), guard levees, bridges, etc., will be but little, if any, more than one-third the cost of constructing the broad spillway with its necessary waylands of 7,500 acres. The saving in construction cost will be not less than $10,000,000. In addition to this large saving in construction cost the cost of operation and maintenance will also be greatly reduced.

In the same issue of the Engineering News Record there is an article by Prof. W. B. Gregory, consulting engineer, of New Orleans, which questions the location and design of the Army engineer plan for a broad, shallow spillway.

As the award of the commission created to appraise the value of lands to be included in the broad, shallow spillway has been set aside, the question presents itself whether the work might not in the end be expedited by reducing the area required for the spillway by 6,000 acres so as to be forced to acquire only 1,500 acres for the deep, narrow spillway instead of 7,500 acres for the broad, shallow spillway.

The point that I want to make clear is that it seems to me beyond question that the safety of New Orleans, and the immediate removal of the flood menace from its commerce and industries, is the question of first importance, and the necessity for quick action should take precedence over all controversial matters of opinion just as much as if works of defense were being built by the National Government with a view to preventing an attack being made on New Orleans and the city devastated in a war with some foreign nation.

When we come to the fighting of floods, we are fighting a great battle against nature's devastating forces which should be fought with the same grim determination to let nothing stand in the way of victory as we would put forth in a battle against war's devastating forces.

FLOWAGE RIGHTS FOR FLOOD WAYS FROM ARKANSAS TO THE GULF

We are confronted by other questions of greater magnitude than those involved in the Bonnet Carre Spillway project, when we look at the problem of flood protection for New Orleans from a broader point of view.

Chief among these is the cost of flowage rights for the flood ways proposed by the so-called Jadwin, or Army engineer plan, approved by Congress when the flood control bill became a law on May 15, 1928. An appeal to the courts has practically suspended construction of these flood ways until these flowage rights have been acquired. No satisfactory estimate has been made of their cost, but it may turn out to be prohibitive, and it may finally force flood storage on the tributaries as substitute for the flood ways, because if the waters are held back on the tributaries beneficial uses may be made of them, which will offset in large part the costs of construction. The flood ways are purely defensive in their nature, and permit of no use of the flood waters for beneficial purposes to offset construction costs.

Therefore, it seems inevitable that before the flood ways are built the possibilities of returns from beneficial use of flood waters held back on the tributaries will be thoroughly investigated and studied, and all who want flood safety in the lower valley should take counsel among themselves to avoid being drifted into an attitude of local selfishness that might arouse the antagonism of the people of the tributaries, where local floods have done terrible damage, as in Oklahoma and Kansas and the Ohio Valley. We of New Orleans especially should recognize that we need, and must deserve, the good will, on this flood question, of every community on the great watershed that pours its products through our gateway to the oceans of the world as part of our national world commerce.

With that end in view I have for several sessions of Congress introduced at each session a bill which provides a complete plan for working out this great problem of utilizing the flood waters on the tributaries for beneficial uses that will create values so great that they will largely offset construction costs—not with the idea of pushing the bill but in order that we may have before us a well-digested measure as a basis for study by the individual Members of Congress when that vitally important question is reached.

To illustrate the relation of source stream control to the floods that menace the country below Cairo let us briefly examine that project as an alternative to the flood way from Arkansas to the Gulf, on which work has now been suspended because of the immense cost of the necessary flowage rights.

The flood flow that must be taken care of at Old River in a flood like that of 1927 is 3,000,000 second-feet, approximately. Of that only about 2,000,000 second-feet can be taken down the main Mississippi River and the Atchafalaya, leaving 1,000,000 second-feet with no place to go unless it breaks the levees and runs wild over the plantations and ruins cities, towns, and thriving communities as it forces its way to the Gulf, just as it did in 1927.

Now, that 1,000,000 second-feet of surplus flood with no place to go can be taken care of by the source stream control plan in this way:

First. Reduce the total flood-peak flow at Old River by providing for the beneficial use of the waters of the Red River watershed in such a way as to prevent any flood flow whatever from the Red River from ever reaching the Mississippi River at Old River. That would take care of 250,000 second-feet, or one-quarter of the surplus 1,000,000.

Second. That leaves only 750,000 second-feet to be taken care of, and 400,000 of that can be held back by storage on the watershed of the Arkansas River so that it would not reach the Mississippi until long after all danger of floods had passed. That leaves only 350,000 second-feet remaining of the original 1,000,000 second-feet of surplus flood flow at Old River.

Third. Much more than that 350,000 second-feet can be held back on the upper Mississippi, Missouri, and Ohio Rivers, with their tributaries, on the authority of eminent engineers whose opinions can not be whistled down the wind by any "doubting Thomas."

That takes care of the whole 1,000,000 second-feet of surplus flood at Old River, and would reduce a flood of 3,000,000 (just such a flood as 1927) to 2,000,000 second-feet. If that reduction had been made in 1927 the damages from that flood would not have occurred.

This whole plan for the elimination of the floods of the Red River from Mississippi River floods may be subdivided into five projects for the ultimate beneficial use of the flood waters:

(a) The project for flood storage reservoirs in Oklahoma as fully outlined to the Flood Control Committee of the House of Representatives by Mr. E. E. Blake of Oklahoma City, at its hearings in 1927–28, and again quite recently.

(b) The supplemental project explained by Doctor Achison in his recent statement before the House Flood Control Committee, for a very large reservoir in the Red River near Denison, Tex., from which the waters could be diverted through a cut to the Trinity River in Texas, and into other Texas rivers, so as to be carried south to territory where the waters are greatly needed for beneficial uses, or will be in the near future.

(c) The project suggested by Col. Robert Bradford Marshall, for many years Chief Geographer of the United States Geological Survey at Washington, D. C., for diverting flood waters near Shreveport, which could be held back in storage between Denison and Shreveport, into the Sabine River, and thence down that river to the Gulf of Mexico.

(d) The project of Wellman Bradford for a comprehensive canal system to furnish water for the rice fields of Louisiana by diversion in the neighborhood of Natchitoches, and storage below until needed, for that beneficial use in the rice fields. The demand on the fresh-water bayous for water for the rice fields is so great that it sometimes reverses the flow and the salt water gets to the pumps, doing great harm. A stable unlimited supply of fresh water would be of enormous value to this great industry of Louisiana and Texas.

(e) The fag end of any Red River flood that might have fallen too low down in Arkansas or Louisiana to have been taken care of under the four projects above enumerated could be diverted through a flood-water canal from Egg Bend to Vermilion Bay, as indicated on the map facing page 4172 of part 6, Hearings before Flood Control Committee, House of Representatives, on January 27, 1928.

Under this complete plan for standardizing the flow of the Red River and eliminating its floods for beneficial use in Oklahoma, Texas, and Louisiana, the stage required for the navigation of the Red River to the Denison Dam would be standardized and maintained throughout the year. Only the flood waters would be stored and diverted for other beneficial uses than navigation.

It is not proposed that the flood storage works on the tributaries as above described shall be delayed until the waters are actually needed for beneficial use. What is proposed is that the Government should build the works under carefully worked-out plans that would ultimately provide for the beneficial use of all the stored waters under some plan that would absorb the waters in such a way that the Government could make a charge for their use and thereby create an asset of permanent value to it, instead of expending millions or possibly billions of dollars ultimately without creating anything of value in return except defense against devastation by floods.

The plan for flood storage on the Arkansas River in Oklahoma, as was suggested by Mr. Blake, could be extended on down to Little Rock, and thereby all flood damage on that river entirely obviated in the future, besides taking care of 400,000 second-feet of flood waters that would otherwise force their way through to the Mississippi as they did in 1927.

All the details of this Arkansas River project were so fully explained by Mr. Blake to the Flood-Control Committee at its recent hearings that it need not be repeated here. I have gone into the projects for taking care of the Red River with more detail, because the plans for the beneficial use of the flood waters of the Red River in Louisiana to supply fresh water to the rice fields are of great immediate importance to that industry at this present time.

As to reducing the flood at Cairo 350,000 second-feet by flood-water storage on the watersheds of the three great rivers that bring them down to Cairo, the upper Mississippi, Missouri, and Ohio, there would seem to be no possible doubt of the fact





that they can be so held back on those watersheds, and all the waters so held back used for beneficial purposes in that territory.

General Hiram M. Chittenden, of the Army Engineer Corps, in his report on reservoirs, made in 1897, 33 years ago, gave it as his opinion, that on the whole watershed of the Mississippi River above Cairo, one-fifth of the maximum of a flood like 1897 could be taken off at Cairo.

Lyman E. Cooley, one of our greatest American hydraulic engineers, estimated that with 50 or 60 per cent of the watershed under control, a reduction could be made at Cairo of 500,000 to 600,000 second-feet. So it seems to be beyond question that the floods at Cairo, and at Old River, could be brought within safe limits, and all future flood catastrophes avoided, by the control of the waters on the tributary watersheds, if we avail ourselves of the great values that may be created by the ultimate beneficial uses of the water to offset the costs of construction of the necessary works for its control and conservation.

The success of this whole project depends on the adoption of a plan such as is embodied in the bill I have already referred to, which in this session is H. R. 9848, introduced by me on February 13, 1930, which creates a permanent coordinating commission to work out all details and apportion benefits and costs between the various interested and benefited agencies, including the Nation, the States, municipalities, districts, and all local agencies.

When President Wilson was President, a similar bill, known as the Newlands bill, was before Congress, and President Wilson created a Cabinet commission to report on it. That Cabinet commission appointed a committee of the bureau and service chiefs to study and report on the bill. They devoted several months to it, and finally reported a plan which was embodied in the final Newlands bill, as printed in full with the hearings thereon, in Senate Document No. 550, Sixty-fourth Congress, first session. That bill was S. 5736, Sixty-fourth Congress, first session.

The plan proposed by that interdepartmental committee created a commission composed of the Secretaries of War, Interior, Agriculture, and Commerce, with the President of the United States as chairman. The necessity for a board giving all its time to this most important and complicated subject was recognized and provided for through the creation of a subordinate water control board, composed of a chairman appointed by the commission and a "technical aide" or "highly qualified representative" appointed by each of the Secretaries of the four departments named. This plan, it will be observed, obviates the objections to an independent commission, and would put all four of the great departments of the Government having to do with water problems at work under a coordinating plan, each receiving equal recognition, so they would all be enlisted in an effort to adopt all practicable methods for flood control and water conservation.

In the preparation of my bill I have retained this plan for a commission composed of the four Secretaries, but have provided for the appointment of a chairman by the President, who should also be the chairman of the water-control board. In that way we would secure the greatest efficiency, I believe. Each of the four Secretaries would appoint a representative on the water-control board, as originally recommended by the interdepartmental committee, as I have already explained.

Another plan is adopted in my bill that has been tried very thoroughly in the case of the Appalachian National Forest act. A member of the Senate and a Member of the House, ex officio, are made members of the commission. This plan has worked so well in the case of the Appalachian Commission that I believe it will commend itself to adoption as a part of the machinery which must be provided before we can expect to get any final right results out of this maze of complications that now involve the flood-control problem.

I have grave doubts whether we will ever be able to put through any plan that will effectively put an end to the flood menace in the lower Mississippi Valley until we have provided the machinery for utilizing the flood waters as a great national asset to offset costs of construction. That is what my bill is designed to do. I am convinced that the plan it embodies of working through the existing departments and governmental machinery is better than to undertake to create new machinery or another independent commission.

We can not avoid the ultimate conclusion that the Department of Agriculture and the Department of the Interior are now doing wonderful work in the whole field of the beneficial use of water for all purposes relating to more profitable agriculture and land cultivation with irrigation and stopping gullying and erosion. My bill merely provides for coordinating all that work and putting it under a comprehensive plan, instead of hammering at it piecemeal and wasting the flood waters to an extent that can not be indefinitely continued in this country if our agriculture is to be sustained on a profitable basis.

The enormous beneficial results from the use of flood water to promote plant and tree growth in the humid and subhumid regions of our country, as well as in the arid region, are clearly shown in a report by Prof. W. J. Spillman, of the Department of Agriculture, on the work of Freeman Thorp at Hubert, Minn.

The value of retarding and spreading flood flow, slowing up the run-off, and using the waters beneficially is very briefly demonstrated in this report, which was originally published as Senate Document No. 228, Sixty-third Congress, third session, entitled "Conservation of Rainfall—Memorandum on the work of Col. Freeman Thorp on his farm at Hubert, Minn. From the report of Prof. W. J. Spillman to the Secretary of Agriculture."

The supply of that document has been exhausted, and I will ask that it be reprinted as an appendix to these remarks. It is peculiarly informative and pertinent to this discussion of flood control.

MEMORANDUM ON THE WORK OF COL. FREEMAN THORP ON HIS FARM AT HUBERT, MINN.

On August 18 and 19, 1913, I had the privilege of examining the farm of Colonel Thorp, including his forest plantations, and of studying the interesting methods which he has there developed.

The most striking originality is apparent in all Colonel Thorp's work. He is a man who thinks deeply and rationally on problems which arise in his work, and he has worked out a number of important problems in connection with farming, especially for his own locality, though some of these problems pertain to wide regions. I will discuss these problems separately and outline the solutions for them which Colonel Thorp has found, indicating my opinion as to the general applicability of the methods developed.

SOIL

The soil on Colonel Thorp's tract is, in the main, a light sand, but interspersed here and there are considerable areas of muck land.

EMBANKMENT SYSTEM

Colonel Thorp has instituted on the 1,500 acres of land which he owns a simple system of embankments constructed at very small cost, which accomplishes the following purposes:

In the first place, it conserves the entire rainfall of the region, causing the water to soak into the soil without run-off. Secondly, it prevents soil erosion. In the third place, the prevention of erosion incidentally prevents the washing away of soluble salts in the soil.

The embankments referred to are not so numerous as to prevent all surface flow of water, but they are so arranged, so far as I could see, over the whole tract as to cause all surface flow to lodge in places where it is beneficial rather than harmful.

Colonel Thorp's tract may be divided into forests, pastures, and cultivated fields. The embankment system is found on all three classes of land. The prevention of run-off in his forest tracts appears to have greatly increased the growth of forest trees in those localities where the water is held by the embankments. He has purposely left one tract of forest without embankments, though whatever run-off occurs from it is caught elsewhere. The forest growth in this section of his timbered lands is much less satisfactory than in those sections where the embankments occur.

It might be urged that on lands as sandy as those in question there would be practically no run-off even without the embankments. It happened that while I was at this place a considerable rainfall occurred. Water ran freely over sandy soils near Colonel Thorp's house. But the system of embankments in that locality led this water into a garden tract, where it was useful.

I am of the opinion that in the sandy soils of the North the simple system of easily constructed embankments used by Colonel Thorp could easily be made to prevent all run-off. The saving of moisture thus made would be less striking than in some other sections, on account of the sandy nature of the soil, yet the results on this farm show that the system is important even for these sandy soils. In arid and semiarid regions, especially where the soil is not sandy, and where rainfall, when it does occur, is more or less torrential, I am of opinion that this system would be of even greater value than it is on the sandy soils of northern Minnesota. In what we may call the semihumid belt lying between the humid regions of the East and the semiarid regions of the West the embankment system would doubtless be of great value and would insure crops in many years where there would otherwise be failure.

In this connection I would call your attention to the inclosed extract from the Kansas Farmer, of July 19, by Prof. Edward C. Johnson, giving an account of a very similar embankment system in use in certain portions of the State of Kansas. Professor Johnson gives it credit for marked effect on crop yields.

[Extracts from Kansas Farmer, July 19, 1913. Copyright, 1913]

"CONTOUR FARMING IN KANSAS

"By Edward C. Johnson, K. S. A. C.

"Contour farming is the name given to a system of farming on rolling lands which are contoured in more or less undulating ridges around the slopes in order to prevent excessive run-off and soil washing after torrential rains. It has been used for many years on the sandy, rolling lands of Alabama, Georgia, and the Carolinas, where soil washing is very troublesome, and is now being used in the best young orchards of Maryland and the Virginias. Until late years, however, contour farming was unknown in Kansas.

"Adaptations of this system are now in use in this State in the northeast section to prevent soil washing and in western Kansas to catch and hold water. In Leavenworth County Mr. J. M. Gilman, famous corn man and experimenter, has commenced to work his rolling fields on a contour plan. With an improvised level consisting of a 2 by 4, 14 feet long, and a carpenter's level, he has laid off base lines in his fields with a slope of 1½ inches to every 14 feet. These base lines are run at such a distance apart that the average drop from one to the other is 6 feet. This leaves the lines 30 to 60 feet apart. In plowing these lands Mr. Gilman throws the back furrows on the base lines and the dead furrows come midway between, thus ridging the land slightly. The same system of plowing will be followed from year to year until the fields are shaped into gently rolling contours or terraces, which will carry any excess of water and will prevent washing after the heaviest rains. Even this year, when the land has been plowed only once on this plan, soil washing has been effectively prevented. As the ridges are not abrupt but gently rolling, crops are planted on the land and handled without regard to the ridges.

"In western Kansas, on the farm of F. J. and D. J. Rundle, Almena, Norton County, a still more interesting modification of contour farming is found. Here a system of contouring has been used for four years, not so much to prevent soil washing as to prevent useless waste of water by excessive run-off. In this region moisture is usually the limiting factor in crop production, and if every drop can be saved much is gained. Four years ago, therefore, the Rundle brothers devised a contour system to prevent waste of water. With the aid of a farm level, similar to a surveyor's level but much less expensive, they laid out base lines around the slopes on their rolling fields, 50 to 100 feet apart, giving no slope to them whatever.

"In planting corn or sorghums they start the lister on a base line, listing parallel to this line until half the land is listed. The lister is then started on the next base line and continued on both sides of it and parallel to it until the listed furrows meet the listed portion next to the preceding base line. Any small irregular strips which may remain are then listed in short furrows parallel to one listed side or the other. When these are finished listing is started on the next base line, etc., until the field is planted. Now, when the rains come in torrents, as is often the case in western Kansas, the water is caught in the furrows, which often are filled from rim to rim, so that clear belts of water may be seen stretching around the slopes. After ordinary showers there is no run-off whatever, while after a torrential rain the run-off is reduced to a minimum and the water soaks into the ground instead of being wasted uselessly. The additional moisture thus utilized often is sufficient to insure successful crops, where if run-off were allowed failure would result. The Rundle brothers have had successful crops in seasons when their neighbors, farming according to the usual methods, have had little or nothing.

"This system is also used when oats and wheat are grown, the land being ridged slightly along the base lines by an improvised grader or drag, made of planking, or by plowing back furrows along the base lines, leaving dead furrows midway between.

"Contour farming could undoubtedly be utilized profitably in this State to a much greater extent than at present. In the northeast section there is much rolling land which is not cut up too badly to contour easily. Here contouring to prevent soil washing would be found practicable in many cases not only where general farming is carried on but also where young orchards are being planted.

"In western Kansas rolling lands or lands sloping slightly are also exceedingly plentiful. Here, where every drop of water that comes should be saved and utilized to the utmost, contour farming will be a wonderful help in water conservation."

In humid and superhumid regions it is doubtful if Colonel Thorp's system could be utilized without modification, on account of the excessive amount of moisture it would hold on the soil in many places. But by a very slight modification, such as is seen in the Mangum terrace described in Bureau of Plant Industry Circular 94, the system would add greatly to the proportion of the rainfall absorbed by the soil and at the same time dispose of the surplus which would be injurious rather than beneficial if held on the soil.

Mr. FRENCH. Mr. Chairman, I yield two minutes to the gentleman from Hawaii [Mr. HOUSTON].

Mr. HOUSTON of Hawaii. Mr. Chairman and members of the committee, the gentleman from Texas [Mr. CROSS], in the course of his interesting debate, referred in terms to the Navy of this country in such a way as to indicate that he has but little confidence in its ability. I rise to bring to the attention of the House the fact that the Navy of this country has never failed it. The Navy from a small beginning in the War of Independence has always fought with honor. During the War of 1812 it was the Navy that largely brought the war to an end. The war with France was stopped by the Navy. The Tripolitan barbarians were defeated by the Navy, and the conclusion of that unfortunate fratricidal War between the States was helped through the splitting of the Confederacy in twain by the Navy. The war with Spain was concluded by the Navy; and in the World War, starting from scratch, if you please, with practically no merchant marine, the Navy of this country transported almost 50 per cent of the men across the seas without a single casualty in going across. I think the country need never fear that the Navy will fail it in its hour of peril.

Mr. FRENCH. Mr. Chairman, I ask that the Clerk now read the bill for amendment.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read down to and including line 8, on page 4.

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOCH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12236, the naval appropriation bill, and had come to no resolution thereon.

TIME FOR CUTTING TIMBER ON CERTAIN LANDS IN OREGON

Mr. COLTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4057) authorizing the Secretary of the Navy to extend the time for cutting and removing timber from certain revested and reconveyed lands in the State of Oregon.

The SPEAKER. The Chair understands a similar House bill is on the calendar?

Mr. COLTON. I am informed they are identical.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, empowered, at his discretion, to extend the period within which, under the terms of the patent therefor, the timber may be cut and removed by the purchaser thereof, his heirs or assigns, from revested lands of the Oregon-California Railroad grant lands, and reconveyed lands of the Coos Bay Military Wagon Road land grants, either heretofore or hereafter sold by the United States; and the Secretary of the Interior is further hereby authorized to make such rules and regulations as he may deem proper governing the granting of extensions of time to such purchasers and the length of such extension and the method by which and terms upon which the same may be granted.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. COLTON. Yes.

Mr. GARNER. As as I understand it, this is an extension of time for the sale of timber on certain lands which was authorized by Congress some 8 or 10 years ago.

Mr. COLTON. That is correct. It authorizes the Secretary of the Interior to extend the time in his discretion.

Mr. GARNER. The only criticism I have to make of it is this: This is giving the Secretary of the Interior discretion with no limitation. He could extend it 10 years or 20 years or 50 years. I do not think that is good public policy. I think the Public Lands Committee ought to have put a limitation upon it, ought to have guarded the matter as far as possible. Nobody questions the integrity or the judgment of the Secretary of the Interior, but there have been times in the history of the country, and not so long ago, when discretion placed in the Secretary of the Interior was a dangerous one. It is not good policy for Congress to turn over to the Secretary of the Interior without limitation of his discretion, in respect to the sale of timber, and to make rules and regulations under which it may be sold.

Mr. COLTON. The extension must be made under the terms of the patent that has already been issued for this timber, which requires that it must be done within a period of 10 years.

Mr. GARNER. Does the gentleman consider this bill to mean that the Secretary of the Interior could not extend it in excess of 10 years?

Mr. COLTON. That is my understanding.

Mr. GARNER. But the bill does not say so. It leaves it in his discretion. I talked to gentlemen interested in this matter. I shall not object to it, because it is desirable legislation perhaps, but I do place in the RECORD the suggestion that committees do not leave too much discretion to the executive departments of the Government.

Mr. COLTON. I am sure the Secretary of the Interior in extending this time will impose more advantageous conditions to the Government on the control of it than have heretofore

been imposed. He will make rules and regulations requiring them to make regulations for fire protection, which has not been had heretofore.

Mr. GARNER. Let us hope so.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

PERSONAL EXPLANATION

Mr. LEAVITT. Mr. Speaker, on Friday last, through my own misinformation, I inadvertently misinformed the House in saying that the bill (S. 4098) to provide funds for cooperation with the school board at Browning, Mont., in the extension of the high-school building to be available to Indian children of the Blackfeet Indian Reservation, which I asked unanimous consent to have considered at that time, was identical in form with the bill H. R. 10215, which was on the House Calendar. I should have made a comparison. My information was that they were absolutely the same. I find that there is one difference. I should have said that they were similar rather than identical. If anyone has any objection to the procedure taken at that time, I would be very glad to ask unanimous consent now to vacate it and take the matter up again.

Mr. GARNER. The substance of the bills, I take it, was the same; that is, the object of the legislation to be accomplished?

Mr. LEAVITT. Oh, yes.

Mr. SNELL. They were practically the same?

Mr. LEAVITT. Yes.

GRAND ARMY MEMORIAL DAY SERVICES

Mr. REECE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 3498, to aid the Grand Army of the Republic in its Memorial Day services May 30, 1930, which I send to the desk.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of the bill S. 3498, which the Clerk will report.

The Clerk read as follows:

S. 3498

A bill to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1930

Be it enacted, etc., That the sum of $2,500 be, and the same is hereby, authorized to be appropriated to aid the Grand Army of the Republic Memorial Day Corporation in its Memorial Day services, May 30, 1930, and in the decoration of the graves of the Union soldiers, sailors, and marines with flags and flowers in the national cemeteries in the District of Columbia and in the Arlington National Cemetery in Virginia.

SEC. 2. That said fund shall be paid to the treasurer of the Grand Army of the Republic Memorial Day Corporation and shall be disbursed by him for said memorial service.

The SPEAKER. Is there objection?

Mr. GARNER. Reserving the right to object, Mr. Speaker—and I do not intend to object—I understand the gentleman from Mississippi [Mr. QUIN] approves of this and that it meets the approval of the Committee on Military Affairs?

Mr. QUIN. That is correct. And I may say that they usually put flowers on Confederate graves at the same time.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the Senate bill was passed was laid on the table.

VETERANS' RELIEF BILL

Mr. CLANCY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Johnson veterans' relief legislation.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CLANCY. Mr. Speaker, ladies and gentlemen of the House, I voted recently for the Johnson veterans' relief bill because I believed it to be just and meritorious. This bill will provide relief for tens of thousands of veterans.

Some time ago I introduced in the House a bill to pay the entire amount of the adjusted-compensation certificates as a cash bonus to veterans of the World War immediately. My bill is practically identical with the Brookhart bill in the Senate.

After talking personally with President Hoover and realizing the opposition of the United States Treasury Department and in Congress to the heavy strain of paying the entire amount which calls for the expenditure of approximately three and a half billion dollars, I presented two alternative bills—one providing for payment of 25 per cent of the adjusted compensation in cash and the other providing for 50 per cent.

I have introduced a fourth measure which provides that no interest be charged war veterans who borrow money on their adjusted-compensation certificates. My proposal would kill interest rates on past loans and prevent charging of interest in the future. This is the least controversial of all my veterans' relief bills, I believe.

I do not believe there is any community in the country where the number of veterans, as compared to the total population, is greater than it is in Detroit. This arises from the fact that so many men of the veterans' age have become dissatisfied with their local situation and have moved to Detroit to get better employment at higher wages and under better working conditions as to hours, and so forth.

The Director of the Census, however, will inform you that the unemployment situation in Detroit is very acute because of that very fact. An exceedingly large number of veterans are in distress, and the sentiment for the payment of their adjusted-compensation certificates immediately and in cash is stronger in Detroit than probably in any other center in the United States. The demand for the payment of the bonus in cash immediately for needy, destitute, or disabled ex-service men is practically unanimous.

The plight of sick or disabled veterans is considerably remedied by the Johnson bill. It will afford just and needed relief to tens of thousands of cases for which no relief is possible under the present law. I have personally come in contact with thousands of cases, many of them face to face and some by letter and petition, and I vouch for the genuineness of these claims.

Many of these cases are pitiful in the extreme. I have been nearly 20 years in the Federal Government service and have handled tens of thousands of claims of veterans and dependents of the Civil War, Spanish War, Great War, and other forms of Army and Navy service. I never knew conditions to be so bad in this class of cases as at present except that Civil War claims have grown less and less during each of these 20 years.

I do not believe anybody living on the east side of Detroit has had more contacts with veterans' cases or closer relations with them over a long period of years than myself. Not only have I had a part in working for and voting for great veterans' relief bills but I have personally handled tens of thousands of individual cases during these 20 years.

First, I began as a Congressman's secretary in 1911 and continued this work for many years. Before the Great War and at the time of Villa's raid across the Mexican border, when three or four regiments of Michigan troops were sent to quell that trouble, I was one of the organizers and founders of the Detroit Patriotic Relief Fund which raised thousands of dollars to take care of the destitute women and children of those Michigan soldiers.

At first we had to herd those sick, hungry, and destitute women and children in the Light Guard Armory and afford them relief there; then we carried food, fuel, medicine, clothing, and rent into their homes.

Then the Great War broke out and the Detroit Patriotic Relief Fund which was doing such wonderful work was taken over almost entirely by the Red Cross and was known as the home-service section. Immediately thousands of fresh cases developed in the families of tens of thousands of Detroit boys who left for the war.

I became a director of this home-service section of the Red Cross and served actively upon that board for eight years including the year or two as a director of the fund.

We helped in the war by giving the soldier the ease of mind and confidence and security that his loved ones at home were getting every attention and in many cases they were better cared for than when the soldier himself was providing for them, for we raised hundreds of thousands of dollars and saw that each family had food, fuel, clothing, and shelter, and besides that they had first-class medical and dental attention.

In many cases we saw that the medical operations which the soldier himself could not provide were furnished by the best surgeons in Detroit at the best hospitals without charge to the dependent.

Faithfully for eight years I assiduously gave my attention to that work. No director signed more checks or vouchers for money for these dependents than I did. Many cases in which the emergency was difficult I gave my personal attention, as for instance, where the landlord wanted to throw the family out on the street for continued nonpayment of rent or because of some nuisance, or where debts of long standing or recent accumulation had to be met outside our budget.

There was never a breath of scandal against my handling any of this money or as a matter of fact against any other director involved. There was never a claim of unfairness or prejudice raised against us arising out of racial, nationality, or religious affiliations. It was a noble work carried out under dominance of the highest ideals.

The distress which I witnessed in thousands of families roused my sympathy, and I stood for the soldiers' cash bonus of 1923–24 in the face of serious opposition from powerful interests which thought we could not afford that amount of money at that time.

I worked and voted for the soldiers' adjusted compensation bill which provided nearly $4,000,000,000 for veterans. I received hundreds of letters and telegrams urging me not to do this, and I had to meet that opposition when I ran for reelection. I also voted to pass this bill over the veto of President Coolidge.

I favored the soldiers'-bonus passed by the Michigan State Legislature, and did all I could to secure passage of that legislation.

This year I introduced in Congress a bill to pay the adjusted compensation certificates in cash immediately rather than to wait for their payment upon death or in 1945 when the service men lived that long.

I was one of the first to recognize the injustice of taxing a needy veteran 6 per cent compound interest on loans made on his adjusted compensation certificate. In nearly every case the veteran gets but a small percentage of the total amount due him and then the 6 per cent compound interest eats up the rest by 1945.

I pointed out that the Government sometimes loans to the District of Columbia on public projects large sums of money without any interest whatsoever.

I pointed out that the Government has a four hundred million dollar revolving loan fund for the benefit of farmers who never fought for their country and the rate of interest is about 3¼ per cent.

I pointed out that one of the committees on which I serve—the Merchant Marine and Fisheries Committee—has a loan fund of $250,000,000 for the patriotic enterprise of building up the American merchant marine, and that money is loaned to shipbuilders out of this fund at about 3¼ per cent.

I pointed out that this same committee recently put through an amendment that while a ship is under construction, possibly over a long period of time, the rate of interest on the loan is slightly over 2 per cent.

In public addresses I have declared for the payment in cash of the full face value of the adjusted service compensation certificates immediately when the veteran is needy, destitute, or disabled. Also in public addresses I have made speeches and stirred up sentiment for payment of 25 or 50 per cent of the adjusted compensation certificates or whatever the Government can afford.

Thoughtless people think it is easy for the Government to raise the three and one-half billions and pay the adjusted compensation certificates immediately. I saw President Hoover personally on this recently and urged him to do so, but of course, I knew the difficulty he and Secretary Mellon face in providing these three and one-half billions immediately. That is why I have said in public speeches that I was willing to take what I could get and vote for all that possibly could be raised by the Government now to pay off these veterans.

Some people criticize the American Legion, the Veterans of Foreign Wars, the Disabled Veterans' organization, Spanish War Veterans' Association and the G. A. R. because they have not obtained from Congress larger sums of money for the veterans.

The Great War veterans, mainly through the efficient work done by the American Legion, has already secured a payment of $5,000,000,000 from the taxpayers' pockets for veterans of the Great War. If the legislation already on the books is not added to, the payments provided for out of the National Treasury by 1940, will run to $11,000,000,000.

Then will come a large amount in 1945 in payment of the adjusted compensation certificates provided in the law of 1924, which I voted for, and which we passed over the President's veto.

I say that the Congress has only done its duty in making these tremendous payments to veterans. I think they should be more just and more generous and provide further relief. I do not want to take time to argue the service of the veterans to the country nor the sacrifices they made. It is enough to say that they paid more to the country in these services and sacrifices than they are receiving or will receive in cash out of the taxpayers' pockets.

Hospitalization for needy cases has always been one of the main projects of the American Legion and other veterans' organizations. For adequate hospitalization I have always worked strenuously.

On March 29 of this year I helped dedicate a Federal hospital at Windmill Point, Detroit, which was secured by Congressman McLEOD and myself only after strenuous labor.

This year I voted for a Federal hospital bill amounting to about $17,000,000, which included a large item for the veterans' hospital at Camp Custer, Battle Creek.

A couple of weeks ago I appeared before the House Veterans' Committee and supported officers of the American Legion of Michigan and of the Veterans of Foreign Wars of Michigan in their efforts to secure additional beds for the Federal hospital at Camp Custer.

This year I appeared before the House Pensions Committee and argued for an age and service bill for all Spanish-American War veterans. The committee finally voted out a bill appropriating about $11,000,000, and I voted on the floor of the House for this bill.

During my many years of service in Washington I have worked for a number of bills for the relief of Civil War veterans and their dependents.

I challenge anybody who presumes to criticize my attitude on veterans' relief to produce any man on the east side of Detroit in my district who has worked longer and more effectively and more powerfully for American veterans' relief than myself.

MUSCLE SHOALS

Mr. REECE. Mr. Speaker, I ask unanimous consent to have until midnight in which to file a report on Senate Joint Resolution 49, to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals, in the State of Alabama, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

INVESTIGATION OF COMMUNIST PROPAGANDA

Mr. SNELL. Mr. Speaker, I present a privileged resolution from the Committee on Rules for printing in the RECORD.

The resolution is as follows:

House Resolution 220

Resolved, That the Speaker of the House of Representatives is authorized and directed to appoint a committee of five Members of the House of Representatives to investigate Communist propaganda in the United States and particularly in our educational institutions; the activities and membership of the Communist Party of the United States; and all affiliated organizations and groups thereof; the ramification of the Communist International in the United States; The Amtorg Trading Corporation; The Daily Worker; and all entities, groups or individuals who are alleged to advise, teach, or advocate the overthrow by force or violence of the Government of the United States, or attempt to undermine our republican form of government by inciting riots, sabotage, or revolutionary disorders.

The committee shall report to the House the results of its investigation, including such recommendations for legislation as it deems advisable.

For such purposes the committee, or any subcommittee thereof, is authorized to sit and act at such times and places in the District of Columbia or elsewhere, whether or not the House is in session, to hold such hearings, to employ such experts, and such clerical, stenographic, and other assistants, to require the attendance of such witnesses and the production of such books, papers, and documents, to take such testimony, to have such printing and binding done, and to make such expenditures as it deems necessary.

Mr. GARNER. Mr. Speaker, may I ask the gentleman from New York when he expects to call that up?

Mr. SNELL. We expect to call it up at the first opportunity. It may be several days from now. The German debt resolution is one of the first things to be called up.

Mr. GARNER. May I ask the gentleman from New York if he has had hearings on this resolution?

Mr. SNELL. We had.

Mr. GARNER. Were they printed?

Mr. SNELL. They were not.

Mr. GARNER. Can we have them printed, so that the House may have copies of them?

Mr. SNELL. I see no reason for not having them printed.

Mr. GARNER. As I recall, for four or five years there have been no investigation of anything by the House. The other body has made several investigations. Now we have a question where the Committee on Rules thinks it necessary to authorize an investigation. It seems to me we ought to have a reason for it. The only reason we can get is from the statement of the gentleman from New York or his colleagues, or

from the printed hearings. I think we should have the hearings printed.

Mr. SNELL. The gentleman from New York has no objection to having the hearings printed, and he may say that it was with some reluctance that he brought in the resolution. The Committee on Rules has not been in favor of investigations, but here is a resolution that we thought proper to bring in. From the information furnished us from the hearings and private sources, the members of the Committee on Rules did not want to take the responsibility of withholding it.

Mr. GARNER. I am not making any criticism of the gentleman from New York or of the Committee on Rules.

Mr. SNELL. Whether you are or not, I am just stating the facts.

Mr. GARNER. I know it has been the practice of the gentleman's committee for several years to print the hearings on statements and reports made to them. This must be an extraordinary case. Heretofore for five or six years the gentleman has sat upon resolutions calling for investigations or kept them in his pocket.

Mr. SNELL. I beg the gentleman's pardon. I have never kept any in my pocket. I do not handle them in that manner.

Mr. GARNER. The gentleman has kept them in the committee.

Mr. SNELL. Every resolution reported out by our committee has been presented to the House.

INCREASES UNDER THE HAWLEY-SMOOT TARIFF BILL

Mr. GARNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a list of the increases in tariff rates in the pending tariff bill as compared with those in the present law.

Mr. SNELL. Have not those been printed?

Mr. GARNER. No.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GARNER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

List of increases carried in the Hawley-Smoot tariff bill, showing actual or computed ad valorem rates based on 1928 imports under Fordney-McCumber Act and Hawley-Smoot bill—Specific rates shown in some instances

SCHEDULE 1.—CHEMICALS, OILS, AND PAINTS

	Fordney-McCumber Act (1922)	Hawley-Smoot bill
Acids and acid anhydrides:		
Acetic acid, containing not more than 65 per cent of acetic acid.	¾ cent per pound.	1⅜ cents per pound.
Formic	25 per cent	38.73 per cent.
Tannic acid—		
Containing less than 50 per cent of tannic acid.	4 cents per pound.	5 cents per pound.
Containing 50 per cent or more of tannic acid.	10 cents per pound.	11 cents per pound.
Tartaric acid	6 cents per pound.	8 cents per pound.
Chromic acid	Free	25 per cent.
Stearic acid	13.28 per cent	Do.
Ammonium compounds: Ammonium carbonate and bicarbonate.	30.23 per cent	40.31 per cent.
Barium compounds:		
Barium chloride	116.07 per cent	185.71 per cent.
Barium oxide	25 per cent	46.83 per cent.
Caffeine citrate	do	91.55 per cent.
Calcium acetate	Free	28.46 per cent.
Casein	19.47 per cent	42.83 per cent.
Compounds of casein, known as galalith or any other name, in finished or partly finished articles, n. s. p. f.	45.15 per cent	70.15 per cent.
Chalk or whiting or Paris white:		
Chalk, dry, ground, or bolted whiting	25 per cent	175.76 per cent.
Diethylbarbituric acid, salts, and compounds	do	30.61 per cent.
Cellulose acetate, compounds, combinations, mixtures:		
Cellulose in blocks, sheets, rods, tubes, etc., finished or partly finished articles, n. s. p. f.	60 per cent	80 per cent.
Cellulose compounds, including pyroxylin, and other cellulose esters and ethers, combinations or mixtures—		
Transparent sheets more than 0.003 and not more than 0.032 of 1 inch in thickness.	50 per cent	56.25 per cent.
Transparent sheets not more than 0.003 of 1 inch in thickness.	25 per cent	45 per cent.
Ethers and esters: Butyl acetate	do	53.34 per cent.
Hexamethylenetetramine	do	39.50 per cent.
Gelatin:		
Edible, valued at less than 40 cents per pound.	35.63 per cent	42.33 per cent.
Inedible, valued at less than 40 cents per pound.	27.73 per cent	35.30 per cent.
Inedible, valued at more than 40 cents per pound.	28.41 per cent	34.61 per cent.
Vegetable glue	34.27 per cent	44 per cent.
Pectin	20 per cent	25 per cent.

List of increases carried in the Hawley-Smoot tariff bill, showing actual or computed ad valorem rates based on 1928 imports under Fordney-McCumber Act and Hawley-Smoot bill—Specific rates shown in some instances—Continued

SCHEDULE 1.—CHEMICALS, OILS, AND PAINTS—continued

	Fordney-McCumber Act (1922)	Hawley-Smoot bill
Glue, glue size, and fish glue:		
Valued less than 40 cents per pound	37.25 per cent	48 per cent.
Valued more than 40 cents per pound	29.38 per cent	35.72 per cent.
Juice of lemons, limes, oranges, or other citrus fruits, unfit for beverage purposes.	Free	65.33 per cent.
Magnesium compounds: Oxide or calcined magnesia.	17.46 per cent	34.92 per cent.
Oils, animal and fish:		
Sperm, refined, or otherwise processed	19.32 per cent	27.05 per cent.
Spermaceti wax	Free	25 per cent.
Wool grease containing more than 2 per cent free fatty acids.	20.48 per cent	40.95 per cent.
Wool grease containing 2 per cent or less, not medicinal.	22.62 per cent	45.23 per cent.
Wool grease, medicinal, including adeps lanæ.	11.36 per cent	34.09 per cent.
Oils, vegetable:		
Linseed or flaxseed and combinations and mixtures.	40.83 per cent	55.68 per cent.
Olive, weighing, with container, less than 40 pounds.	40.54 per cent	51.35 per cent.
Palm-kernel oil, edible	Free	12.32 per cent.
Sesame oil, edible	do	28.14 per cent.
Soybean oil	2½ cents per pound.	3½ cents per pound.
Phosphorus trichloride	25 per cent	42.14 per cent.
Precipitated barium sulphate or blanc fixe	43.57 per cent	54.46 per cent.
Ultramarine blue and all other blues containing ultramarine, valued at more than 10 cents per pound.	3 cents per pound.	4 cents per pound.
Decolorizing, deodorizing, or gas-absorbing chars and carbons.	20 per cent	45 per cent.
Vermilion reds, containing quicksilver	21 per cent	26.37 per cent.
Cuprous oxide	25 per cent	35 per cent.
Lithopone and other combinations or mixtures of zinc sulphide and barium sulphate, containing 30 per cent or more zinc sulphide.	29.17 per cent	44.17 per cent.
Potassium compounds:		
Potassium citrate	25 per cent	30.69 per cent.
Potassium permanganate	44.30 per cent	66.45 per cent.
Potassium nitrate or saltpeter, refined	12.75 per cent	25.50 per cent.
Sodium	Free	25 per cent.
Potassium	do	Do.
Lithium, beryllium, and cæsium	do	Do.
Sodium compounds:		
Sodium phosphate (except pyro) n. s. p. f.	22.31 per cent	33.46 per cent.
Sodium phosphate, containing less than 45 per cent water.	22.73 per cent	68.18 per cent.
Sodium silicofluoride	25 per cent	42.93 per cent.
Sodium sulphate, anhydrous	8.01 per cent	12.01 per cent.
Starch:		
Potato	49.45 per cent	70.64 per cent.
N. s. p. f.	14.76 per cent	22.14 per cent.
Rice	18.30 per cent	27.45 per cent.
Corn	7.11 per cent	10.67 per cent.
Wheat	19.02 per cent	26.50 per cent.
Soluble or chemically treated starch	24.87 per cent	39.79 per cent.
Dextrine, made from potato starch or potato flour.	43.83 per cent	58.45 per cent.
Dextrine, n. s. p. f., burnt starch, dextrine substitutes.	25.11 per cent	40.18 per cent.
Strychnine alkaloid	48.21 per cent	64.28 per cent.
Other salts of strychnine	29.30 per cent	39.15 per cent.
Turpentine:		
Spirits of	Free	5 per cent.
Gum	do	Do.
Rosin	do	Do.
Vanadium compounds:		
Vanadic acid, vanadic anhydride, and salts	25 per cent	40 per cent.
Chemical compounds, mixtures, and salts wholly or in chief value of vanadium, n. s. p. f.	do	Do.
Zinc sulphide	10.73 per cent	21.46 per cent.
Ethyl-hydrocupreine, salts and compounds	Free	20 cents per ounce.
Paints, colors, and pigments, commonly known as artists', school, students', or children's paints or colors.	41.64 per cent	74.12 per cent.

SCHEDULE 2.—EARTHS, EARTHENWARE, AND GLASSWARE

Brick:		
Sand-lime	Free	24.73 per cent.
Common building	do	23.52 per cent.
Tiles:		
Unglazed	49.17 per cent	61.47 per cent.
Glazed	50.92 per cent	63.65 per cent.
Ceramic mosaics—		
Valued at 40 cents per square foot	49.77 per cent	62.21 per cent.
Valued at over 40 cents per square foot	50 per cent	60 per cent.
Other tiles, including cement tiles—		
Valued not over 40 cents per square foot	51.28 per cent	64.10 per cent.
Valued over 40 cents per square foot	50 per cent	60 per cent.
Quarry tiles, red or brown, measuring ¾ inch or over in thickness.	66.19 per cent	70 per cent.
Periclase, crude	Free	2¾₀ cent per pound.
Cement, Portland, and other hydraulic	do	16.86 per cent.
Plaster of Paris: Statues, statuettes, and bas-reliefs, wholly or in chief value of, manufactures of.	25 per cent	50 per cent.

List of increases carried in the Hawley-Smoot tariff bill, showing actual or computed ad valorem rates based on 1928 imports under Fordney-McCumber Act and Hawley-Smoot bill—Specific rates shown in some instances—Continued

SCHEDULE 2.—EARTHS, EARTHENWARE, AND GLASSWARE—continued

	Fordney-McCumber Act (1922)	Hawley-Smoot bill
Pumice, wholly or partly manufactured	96.84 per cent	132.05 per cent.
Feldspar, crude	Free	12.38 per cent.
Glass sand	do	215.84 per cent.
Mica:		
Valued over 15 cents per pound	25 per cent	31.70 per cent.
Manufactured, cut	30 per cent	40 per cent.
Scrap and waste valued at not more than 5 cents per pound.	10 per cent	25 per cent.
Scrap and waste valued over 5 cents per pound.	do	40 per cent.
Films cut to dimensions	40 per cent	45 per cent.
Talc, steatite, soapstone, French chalk, ground, washed, powdered, etc. (except toilet preparations).	25 per cent	35 per cent.
Earthenware, stoneware, and crockery:		
Household use, table, toilet, and kitchen ware for domestic—plain white, brown, yellow, red, or black, not decorated.	45 per cent	62.25 per cent.
Hotel, plain white, brown, yellow, red, or black, decorated.	50 per cent	56.44 per cent.
Hotel, plain white, brown, yellow, red, or black, not decorated.	45 per cent	54.11 per cent.
Sanitary earthenware:		
Plain white, brown, yellow, red, or black, not decorated.	do	47.26 per cent.
Plain white, brown, yellow, red, or black, decorated.	50 per cent	51.37 per cent.
Clock cases, plaques, ornaments, vases, etc.:		
Plain white, brown, yellow, red, or black, not decorated.	45 per cent	63.46 per cent.
Plain white, brown, yellow, red, or black, decorated.	50 per cent	54.96 per cent.
All other articles composed wholly or in chief value of earthenware, stoneware, and crockery:		
Plain white, brown, yellow, red, or black, not decorated.	45 per cent	88.43 per cent.
Plain white, brown, yellow, red, or black, decorated.	50 per cent	67.74 per cent.
Filter tubes	45 per cent	60 per cent.
Terra cotta	40 per cent	55 per cent.
China, porcelain, and other vitrified wares:		
Household use—		
Table, toilet, and kitchen ware, not including bone china—		
Plain white or brown, not decorated.	60 per cent	76.76 per cent.
Plain white or brown, decorated	70 per cent	81.06 per cent.
Hotel ware, plain white or brown, not decorated.	60 per cent	73.75 per cent.
Hotel ware, plain white or brown, decorated.	70 per cent	77.39 per cent.
China and porcelain ware containing 25 per cent or more of calcined bone:		
Household use—		
Table, toilet, and kitchen ware, plain white.	50 per cent	54.58 per cent.
Table, toilet, and kitchen ware, decorated.	55 per cent	56.89 per cent.
Hotel ware—		
Plain white	50 per cent	56.63 per cent.
Decorated	55 per cent	56.34 per cent.
Graphite or plumbago:		
Lump, chip, or dust	20 per cent	30 per cent.
Flake	1½ cents per pound.	1^{65}/$_{100}$ cents per pound.
Carbons, electric-light carbons, less than ¼ inch	45 per cent	60 per cent.
Chemical and other scientific glassware:		
Lamp-blown advolumetric ware	65 per cent	85 per cent.
Articles for chemical, scientific and experimental purposes.	do	Do.
Articles, same, of fused quartz	30 per cent	50 per cent.
Fused quartz tubes or tubing	do	40 per cent.
Illuminating glassware: Globes and shades	60 per cent	70 per cent.
Blown glassware:		
Blown or partly blown	55 per cent	60 per cent.
Cut, engraved, ornamented, etc	do	Do.
Other blown glassware, n. s. p. f	do	Do.
Tube gage glasses	do	Do.
Glass perfume and toilet bottles	do	75 per cent.
Pressed glass tableware, cut, engraved, ornamented, etc.	do	60 per cent.
Christmas tree ornaments	do	Do.
Glass bobbins and other glass parts of textile machinery.	30 per cent	Do.
Laminated glass, composed of layers of glass and other materials.	50 per cent	Do.
Optical glass for spectacles and optical instruments.	45 per cent	50 per cent.
Scientific instruments: Spectroscopes, spectrometers, and other optical instruments, frames, and mountings.	do	60 per cent.
Electric lamp carbon filaments	20 per cent	30 per cent.
Windows, stained or painted	50 per cent	60 per cent.
Manufactures of glass ruled or etched for photographic reproduction or engraving processes, etc.	Free	55 per cent.
Granite:		
Rough	8.89 per cent	14.82 per cent.
Hewn, dressed, or polished	50 per cent	60 per cent.
(By the insertion of the word "pitched" practically all of the rough granite is transferred to manufactured rate, and in some sizes and quality the increase in rate will be as high as 1,500 per cent.)		

List of increases carried in the Hawley-Smoot tariff bill, showing actual or computed ad valorem rates based on 1928 imports under Fordney-McCumber Act and Hawley-Smoot bill—Specific rates shown in some instances—Continued

SCHEDULE 2.—EARTHS, EARTHENWARE, AND GLASSWARE—continued

	Fordney-McCumber Act (1922)	Hawley-Smoot bill
Glass:		
Cylinder, crown, and sheet (window)—		
Unpolished	44.37 per cent	66.56 per cent.
Polished	14.67 per cent	35.07 per cent.
Fluted, rolled, ribbed or rough plate glass	14.96 per cent	15.94 per cent.
Ground or obscured	87.16 per cent	93.64 per cent.
Cast polished plate glass	79.87 per cent	85.84 per cent.
Bentonite:		
Unwrought and unmanufactured	$1 per ton	$1.50 per ton.
Wrought or manufactured	$2 per ton	$3.25 per ton.
Mirrors:		
Cast polished plate glass and polished window glass, silvered and used as mirrors and looking glasses, over 144 and not over 384 square inches.	37.03 per cent	45 per cent.
Cast, over 384 and not over 720 square inches.	37.76 per cent	Do.
Plate glass, cast, polished silvered and looking glass plate, over 144 and over 384 square inches.	40 per cent	50 per cent.
Plate glass, etc.—		
Over 384 and not over 720 square inches	do	Do.
Over 720 square inches	do	Do.
Cylinder, crown, and sheet glass silvered and looking-glass plates, over 144 and not over 384 square inches.	do	Do.
Slate, roofing, mantels, school, slabs, chimney pieces, etc.	15 per cent	25 per cent.

SCHEDULE 3.—METALS AND MANUFACTURES OF

Manganese ore: Manganiferous iron ore containing 10 to 30 per cent manganese.	Free	91.04 per cent
Tungsten ore or concentrates	191.19 per cent	212.44 per cent
Steel ingots, blooms, billets, etc., valued not over 1 cent per pound.	22.01 per cent	26.91 per cent.
Steel bars, valued not over 1 cent per pound	20.96 per cent	26.32 per cent.
Wire woven cloth:		
Meshes finer than 30 and not finer than 90 wires to the linear inch.	35 per cent	40 per cent.
Meshes finer than 90 wires to linear inch	45 per cent	50 per cent.
Anvils, weighing over 5 pounds	23.06 per cent	42.57 per cent.
Cast-iron pipe	20 per cent	25 per cent.
Chains, sprocket and machine chains and parts	35 per cent	40 per cent.
Staples in strip form for use in paper fasteners or stapling machines.	0.6 cent	2 cents per pound.
Butts and hinges, finished or unfinished	40 per cent	45 per cent.
Silver plated hollow ware	do	50 per cent.
Umbrella ribs and tubes	50 per cent	60 per cent.
Needles:		
Latch	69.90 per cent	79.90 per cent.
Spring-beard	66.67 per cent	84.79 per cent.
Pens, with nib and barrel in one piece, metallic, except gold.	7.06 per cent	9.41 per cent.
Pens, other	31.46 per cent	43.26 per cent.
Knives: Pen, pocket, pruning, budding, eraser, manicure, and other knives with folding blades, valued not over 40 cents per dozen.	1 cent and 50 per cent.	1¼ cents and 50 per cent.
Surgical instruments and parts, n. s. p. f	45 per cent	55 per cent.
Surgical needles	do	Do.
Drawing instruments	40 per cent	45 per cent.
Pliers, pincers, and nippers, valued more than $2 per dozen.	60 per cent	10 cents and 60 per cent.
Pliers, pincers, valued at not more than $2 per dozen.	do	5 cents and 60 per cent.
Bells (except church bells and carillons), finished or unfinished, bicycle, doorbells, etc.	40 per cent	50 per cent.
Shotgun barrels in single tubes, forged, rough bored.	Free	10 per cent.
Pistols and revolvers, valued not over $4 each	102.93 per cent	131.09 per cent.
Electrical machinery: Generators, transformers, converters, motors, stationary, railway, vehicle automotive and others; fans and blowers; radio and wireless apparatus and parts; telegraph apparatus.	30 per cent	40 per cent.
Electrical machinery, n. s. p. f	do	Do.
Turbine engines	15 per cent	20 per cent.
Metal working machines and parts: Punches, shears, and bar cutters.	30 per cent	40 per cent.
Textile machinery: Cotton, wool, and other textile machinery, n. s. p. f.	35 per cent	Do.
Phosphor copper or phosphorus copper	Free	18 per cent.
Types	20 per cent	30 per cent.
Zinc ore, containing not more than 3 per cent zinc.	Free	35.57 per cent.
Print rollers	72 per cent	94.65 per cent.
Manufactures of metal, not specially provided for:		
Platinum	60 per cent	65 per cent.
Other plated ware except cutlery and jewelry.	do	Do.
Gold-plated articles	do	Do.
Platinum-plated articles	do	Do.
Gold, Sterling-silver tableware	do	Do.
Gold-lacquered articles	do	Do.
Iron or steel ware not specially provided for	40 per cent	45 per cent.
Iron axes	do	Do.
Iron mechanics' tools: Twist drills, reamers, etc	do	Do.
Iron builders' hardware: Hinges, door latches, hooks, window fasteners, door knobs, etc.	do	Do.
Nonferrous wares not specially provided for: Aluminum, copper, bronze, lead, nickel, brass, zinc, pewter, tin, wire, and others, not plated.	do	Do.

List of increases carried in the Hawley-Smoot tariff bill, showing actual or computed ad valorem rates based on 1928 imports under Fordney-McCumber Act and Hawley-Smoot bill—Specific rates shown in some instances—Continued

SCHEDULE 3.—METALS AND MANUFACTURES OF—continued

	Fordney-McCumber Act (1922)	Hawley-Smoot bill
Vehicles (except agricultural) n. s. p. f., cars and parts for railway, in chief value of metal.	40 per cent	45 per cent
Vehicles: Carriages, drays, and trucks and other vehicles and parts, n. s. p. f., in chief value of metal.	do	Do.
Aluminum foil	35 per cent	40 per cent.
Metal powder in leaf	11.11 per cent	21.11 per cent.
Watches, medium grade, also cases and dials. NOTE.—Watches have been increased but comparison impossible.		
Clocks and movements; recorders of time, distance, or fares; meters for gas, water, and electricity; speed controllers and other regulating, recording, or indicating devices; estimated increase of paragraph carrying above articles.	61.22 per cent	91.83 per cent.

SCHEDULE 4.—WOOD AND MANUFACTURES OF

Flooring, maple, birch, and beech	Free	8 per cent.
Plywood	33⅓ per cent	40 per cent.
Plywood, alder	do	50 per cent.
Blinds, curtains, shades, screens, plain	35 per cent	Do.
Blinds, stained, dyed, painted, printed, polished, grained, or creosoted	45 per cent	Do.
Baskets, plain:		
Bamboo, wood or composition of wood, straw, papier-mâché, and palm leaf	35 per cent	Do.
Bamboo, stained, dyed, painted, polished, grained, or creosoted	45 per cent	Do.
Clothespins	90.98 per cent	121.31 per cent.
Furniture:		
House or cabinet furniture of wood (excluding chairs)	33⅓ per cent	40 per cent.
Chairs	do	Do.
Paintbrush handles (this is one of the items reduced by President Coolidge)	16⅔ per cent	33⅓ per cent.

SCHEDULE 5.—SUGAR, MOLASSES, AND MANUFACTURES OF

Sugar per 100 pounds	$1.76	$2.
Molasses: Blackstrap	4.53 per cent	4.98 per cent.
Maple sugar	23.46 per cent	46.91 per cent.
Maple sirup	30.02 per cent	41.28 per cent.
Dextrose, testing not above 99.7 per cent, and dextrine sirup.	14.41 per cent	18.92 per cent.
Sugar cane per ton	$1	$2.50.

SCHEDULE 6.—TOBACCO AND MANUFACTURES OF

Cigar wrapper tobacco:		
Unstemmed	$2.10 per pound	$2.27½ per pound.
Stemmed	$2.75 per pound	$2.92½ per pound.

SCHEDULE 7.—AGRICULTURAL PRODUCTS AND PROVISIONS

Cattle, live:		
Weighing less than 700 pounds	2 cents	2½ cents per pound.
Weighing over 700 pounds	2½ cents	3 cents per pound.
Sheep and lambs	23.19 per cent	34.78 per cent.
Goats	109.86 per cent	164.79 per cent.
Swine	5.08 per cent	22.74 per cent.
Meats:		
Beef—		
Fresh	12.69 per cent	25.37 per cent.
Canned	20 per cent	49.15 per cent.
Pickled or cured	do	50.79 per cent.
Veal—		
Fresh	17.33 per cent	34.65 per cent.
Pickled or cured	20 per cent	50.79 per cent.
Mutton	29.59 per cent	59.17 per cent.
Lamb	22.32 per cent	39.06 per cent.
Pork—		
Fresh	3.90 per cent	13.02 per cent.
Ham, bacon, and shoulders	5.64 per cent	9.16 per cent.
Pickled, salted, and other cured pork	5.11 per cent	8.31 per cent.
Reindeer meat, imports in 1928, $973	13.16 per cent	19.73 per cent.
Venison	18.78 per cent	28.17 per cent.
Fresh, not specifically provided for	20 per cent	52.49 per cent.
Frog legs	7.04 per cent	10.55 per cent.
Other canned meats	20 per cent	46.42 per cent.
Other prepared or preserved, n. s. p. f.	do	50.07 per cent.
Other fresh or dried cured meats	do	35.97 per cent.
Game, n. s. p. f.	30.77 per cent	46.16 per cent.
Edible offal (livers, sweetbreads, etc.)	20 per cent	42.37 per cent.
Lard (imports in 1928, $666)	5.45 per cent	16.17 per cent.
Lard compounds and substitutes (imports in 1928, $1,206).	29.14 per cent	36.41 per cent.
Milk:		
Fresh	14.38 per cent	37.39 per cent.
Sour and buttermilk	3.29 per cent	6.75 per cent.
Condensed milk in hermetically sealed containers—		
Sweetened	18.22 per cent	33.41 per cent.
Unsweetened	13.75 per cent	24.74 per cent.
All other	14.93 per cent	27.48 per cent.

List of increases carried in the Hawley-Smoot tariff bill, showing actual or computed ad valorem rates based on 1928 imports under Fordney-McCumber Act and Hawley-Smoot bill—Specific rates shown in some instances—Continued

SCHEDULE 7.—AGRICULTURAL PRODUCTS AND PROVISIONS—continued

	Fordney-McCumber Act (1922)	Hawley-Smoot bill
Milk—Continued.		
Powder—		
Whole	17.11 per cent	34.26 per cent.
Skimmed	20.76 per cent	41.52 per cent.
Malted milk and compounds, mixtures, or substitutes for milk and cream (imports of malted milk in 1928, $463).	20 per cent	35 per cent.
Butter	33.30 per cent	38.84 per cent.
Cheese:		
Having the eye formation of the Swiss or Emmenthaler type.	39.53 per cent	42.16 per cent.
Not having the eye formation of the Swiss of Emmenthaler type.	28.73 per cent	45.97 per cent.
Cream	12.28 per cent	34.75 per cent.
Cream, powder (imports of cream powder in 1928, $1,826).	43.81 per cent	77.16 per cent.
Birds:		
Poultry, live	11.89 per cent	31.70 per cent.
Poultry, dressed or undressed	22.48 per cent	37.46 per cent.
Game birds, dressed or undressed	23.31 per cent	20.13 per cent.
Game birds, canned	35 per cent	48.13 per cent.
Eggs:		
In shell	27.55 per cent	34.44 per cent.
Whole eggs, frozen or otherwise prepared or preserved.	38.83 per cent	62.02 per cent.
Egg yolk, frozen or otherwise prepared or preserved.	29.84 per cent	54.71 per cent.
Albumen, frozen or otherwise prepared or preserved.	38 per cent	69.66 per cent.
Fish:		
Salmon, canned	23.28 per cent	25 per cent.
Kippered herring	13.17 per cent	15.81 per cent.
Cod, pickled or salted, skinned or boned	12.43 per cent	19.89 per cent.
Herring, smoked, skinned or boned	23.37 per cent	28.03 per cent.
Smoked finnan haddie	25 per cent	28.85 per cent.
Smoked fillets and portions of cod, haddock, hake, pollock, and cusk.	11.36 per cent	27.27 per cent.
Other fish roe for food purposes	30 per cent	105.83 per cent.
Clams, clam juice, or either in combinations with other substances, packed in air-tight containers.	Free	35 per cent.
Buckwheat	5.53 per cent	13.84 per cent.
Corn (production in 1928, 2,839,959,000 bushels; imports in 1928, 574,120 bushels; exports in 1928, 41,880,000 bushels).	13.96 per cent	21.26 per cent.
Corn, cracked (imports in 1928, 9,258 bushels)	13.21 per cent	22.02 per cent.
Corn meal, flour, grits, etc. (imports in 1928, $283.)	3.18 per cent	5.65 per cent.
Oats (production in 1928, 1,449,531,000 bushels; imports in 1928, 489,368 bushels; exports in 1928, 16,242,000 bushels).	22.9 per cent	24.43 per cent.
Rice paddy or rice having outer hull on	20.21 per cent	25.27 per cent.
Rice, uncleaned, or rice free of the outer hull	23.62 per cent	28.34 per cent.
Rice, clean	46.19 per cent	57.74 per cent.
Rice flour, meal, polish, bran and broken rice	13.5 per cent	16.88 per cent.
Oil cake and oil cake meal:		
Cottonseed	Free	22.16 per cent.
Linseed	do	13.84 per cent.
Coconut or copra	do	19.05 per cent.
Peanut	do	13.36 per cent.
Soybean	do	15.13 per cent.
All other	do	21.57 per cent.
Cherries:		
Maraschino, and other prepared or preserved.	40 per cent	81.21 per cent.
Sulphured, or in brine, stemmed or pitted	21.05 per cent	66.67 per cent.
Citrous fruit peel:		
Orange, prepared or preserved in any manner.	43.47 per cent	59.56 per cent.
Lemon	54.19 per cent	86.70 per cent.
Citron, candied or otherwise prepared or preserved.	35.05 per cent	46.74 per cent.
Figs:		
Fresh, dried, or in brine	26.53 per cent	66.32 per cent.
Prepared or preserved in any manner	35 per cent	40 per cent.
Dates: Prepared or preserved (containers)	do	41.84 per cent.
Lemons	63.68 per cent	79.60 per cent.
Limes	39.16 per cent	78.31 per cent.
Grapefruit, shaddocks, and pomelos	31.92 per cent	47.87 per cent.
Olives:		
In brine, ripe	29.36 per cent	44.03 per cent.
Dried, ripe	36.73 per cent	45.91 per cent.
Pineapples:		
In bulk	7.78 per cent	12.08 per cent.
In crates	14.12 per cent	25.10 per cent.
Plums, prunes, prunellas, dried, green, ripe, or in brine.	7.51 per cent	30.04 per cent.
Avocados (import data not segregated)	35 per cent	15 cents per pound.
Flower bulbs:		
Tulip, lily narcissus, and lily of valley pips	9.07 per cent	27.20 per cent.
Crocus corms	7.72 per cent	15.44 per cent.
Nuts:		
Almonds—		
Sweet, not shelled	34.24 per cent	30.65 per cent.
Sweet, shelled	30.11 per cent	46.09 per cent.
Bitter, shelled	46.13 per cent	54.36 per cent.
Paste	11.20 per cent	16 per cent.
Cream or Brazil nuts—		
Not shelled	9.84 per cent	14.76 per cent.
Shelled	2.85 per cent	12.83 per cent.

List of increases carried in the Hawley-Smoot tariff bill, showing actual or computed ad valorem rates based on 1928 imports under Fordney-McCumber Act and Hawley-Smoot bill—Specific rates shown in some instances—Continued

SCHEDULE 7.—AGRICULTURAL PRODUCTS AND PROVISIONS—continued

	Fordney-McCumber Act (1922)	Hawley-Smoot bill
Nuts—Continued.		
Filberts—		
Not shelled	24.51 per cent	49.01 per cent.
Shelled	29.16 per cent	58.32 per cent.
Pignolia nuts	2.86 per cent	28.57 per cent.
Pistachio nuts	2.83 per cent	19.81 per cent.
Peanuts—		
Not shelled	67.12 per cent	95.09 per cent.
Shelled	72.74 per cent	127.30 per cent.
Walnuts of all kinds—		
Not shelled	32.97 per cent	41.21 per cent.
Shelled	43.67 per cent	54.59 per cent.
Pecans—		
Not shelled	32.67 per cent	54.45 per cent.
Shelled	16.74 per cent	27.90 per cent.
Oil-bearing seeds:		
Flaxseed or linseed	22.50 per cent	36.57 per cent.
Soybeans	13.77 per cent	55.06 per cent.
Grass seeds:		
Alfalfa	23.52 per cent	47.03 per cent.
Alsike clover	20.45 per cent	40.90 per cent.
Crimson clover	10.60 per cent	21.19 per cent.
Red clover	20.69 per cent	41.37 per cent.
White clover	16.73 per cent	31.46 per cent.
Other clovers, not specially provided for	36.18 per cent	54.26 per cent.
Hairy vetch	31.66 per cent	47.49 per cent.
Spring vetch, common	17.21 per cent	25.81 per cent.
Canada bluegrass	18.16 per cent	45.40 per cent.
Kentucky bluegrass	18.75 per cent	46.93 per cent.
Orchard grass	16.14 per cent	40.35 per cent.
Ryegrass	27.68 per cent	41.52 per cent.
Garden seeds:		
Cabbage	19.71 per cent	23.65 per cent.
Radish	24.62 per cent	36.92 per cent.
Turnip (English turnips)	37.53 per cent	46.91 per cent.
Rutabaga (Swedish turnip seeds)	43.32 per cent	54.15 per cent.
Beans:		
Green	13.87 per cent	97.14 per cent.
Dried	38.36 per cent	65.76 per cent.
Canned	22.25 per cent	33.38 per cent.
Cowpeas	Free	61.61 per cent.
Sugar beets	12.62 per cent	14.13 per cent.
Mushrooms:		
Canned	45 per cent	70.31 per cent.
Dried	do	57.90 per cent.
Peas:		
Green	20.08 per cent	60.25 per cent.
Dried	26.02 per cent	45.54 per cent.
Split	28.87 per cent	57.75 per cent.
Onions	47.11 per cent	117.78 per cent.
Potatoes, white or Irish	35.11 per cent	52.66 per cent.
Tomatoes:		
In natural state	15.71 per cent	94.28 per cent.
Canned	15 per cent	50 per cent.
Paste	40 per cent	Do.
Turnips	21.60 per cent	44.99 per cent.
Cabbage	25 per cent	141.79 per cent.
Acorns, and chicory, and dandelion roots, crude	67.67 per cent	90.23 per cent.
Chocolate:		
Sweetened, minimum rate	20 per cent	40 per cent.
Sweetened, ad valorem rate	17.50 per cent	33.18 per cent.
Unsweetened	21.31 per cent	32 per cent.
Cocoa:		
Sweetened, minimum rate	23.57 per cent	40 per cent.
Sweetened, ad valorem rate	17.50 per cent	Do.
Unsweetened	26.22 per cent	39.32 per cent.
Hay	44.25 per cent	61.94 per cent.
Straw	17.77 per cent	20.85 per cent.
Broomcorn	Free	17.17 per cent.
Lupulin	66.15 per cent	132.29 per cent.
Spices and spice seed:		
Mustard seed (whole)	18.45 per cent	36.90 per cent.
Capsicum or red or Cayenne pepper, unground.	13.01 per cent	32.53 per cent.
Paprika, unground	7.23 per cent	18.06 per cent.
Pepper, ground	21.59 per cent	34.55 per cent.
Long-staple cotton	Free	7 cents per pound.

SCHEDULE 8.—SPIRITS, WINES, AND OTHER BEVERAGES

Angostura bitters	54.69 per cent	105.18 per cent.
Juices of lemons, limes, oranges, or other citrous fruits, for beverage purposes.	Free	56.73 per cent.

SCHEDULE 9.—COTTON MANUFACTURES

Cotton yarn:		
Unbleached singles	24.01 per cent	29.06 per cent.
Bleached, dyed, colored, combed, or plied	28.23 per cent	33.77 per cent.
Colored with vat dyes—		
Yarn No. 84	34 per cent	35.20 per cent.
Yarn Nos. 95–98–200	do	37 per cent.
Countable cotton cloth:		
Unbleached	27.90 per cent	35.58 per cent.
Bleached	31.12 per cent	39.73 per cent.
Printed, dyed, colored, or woven figured	26.99 per cent	29.82 per cent.

List of increases carried in the Hawley-Smoot tariff bill, showing actual or computed ad valorem rates based on 1928 imports under Fordney-McCumber Act and Hawley-Smoot bill—Specific rates shown in some instances—Continued

SCHEDULE 9.—COTTON MANUFACTURES—continued

	Fordney-McCumber Act (1922)	Hawley-Smoot bill
Countable cotton cloth—Continued.		
Colored with vat dyes—		
Yarn No. 81	44 per cent	44.35 per cent.
Yarn No. 82	do	44.70 per cent.
Yarn No. 83	do	45.05 per cent.
Yarn No. 84	do	45.40 per cent.
Yarn No. 85	do	45.75 per cent.
Yarn No. 86	do	46.10 per cent.
Yarn No. 88	do	46.80 per cent.
Yarn No. 89	do	47.15 per cent.
Yarn No. 90	do	47.50 per cent.
Yarn Nos. 91, 92, 93, 94, 95, 97, 98, 99, 100, 101, 102, 103, 104, 105, 110, 112, 122, 240.	do	Do.
Woven with 8 or more harnesses or with Jacquard lappet, or swivel attachment.	41.26 per cent	46.26 per cent.
Woven with drop boxes	36.83 per cent	40.23 per cent.
Containing silk or rayon, printed, dyed, or colored or woven figured.	39.84 per cent	43.74 per cent.
Containing silk or rayon, woven with 8 or or more harnesses or with Jacquard, lappet, or swivel attachments.	44.09 per cent	54.13 per cent.
Containing silk or rayon, woven with drop boxes.	35.34 per cent	37.75 per cent.
Special cloths, filled, coated, or waterproofed:		
Tracing cloth	29.45 per cent	30 per cent.
Oilcloth (except for floors)	27.87 per cent	Do.
Tapestries and other Jacquard-figured upholstery cloths.	45 per cent	55 per cent.
Cotton pile fabrics and manufactures of:		
Velvets and velveteens	50 per cent	62.50 per cent.
Plush and velvet ribbons	do	Do.
Quilts: Jacquard-figured	25 per cent	40 per cent.
Blankets, not Jacquard-figured	do	53.09 per cent.
Cotton small wares: Loom harness, beads, or collets of vegetable fiber.	34.80 per cent	35 per cent.
Cotton belting and rope for machinery	30 per cent	32 per cent.
Gloves, knit on a warp-knitting machine	50 per cent	60 per cent.
Handkerchiefs and mufflers, bleached:		
Not hemmed, yarn No. 80	40 per cent	41 per cent.
Not hemmed, yarn No. 82	do	41.70 per cent.
Containing yarn	42.35 per cent	50.69 per cent.
Printed, dyed, colored, or woven figured, not containing silk.	47.45 per cent	51.69 per cent.
Containing silk	52.74 per cent	56.56 per cent.
Clothing and wearing apparel, not knit:		
Men's shirts	35 per cent	37.50 per cent.
Corsets and brassières	do	Do.
Rag rugs	do	75 per cent.
Cotton, wiping rags	Free	3 cents per pound.

SCHEDULE 10—FLAX, HEMP, JUTE, AND MANUFACTURES OF

Flax, unmanufactured:		
Straw	3.97 per cent	5.95 per cent.
Not hackled	3.78 per cent	5.66 per cent.
Hackled, including dressed line	4.30 per cent	6.44 per cent.
Tow	4.09 per cent	5.45 per cent.
Noils	9.01 per cent	12.01 per cent.
Hemp, unmanufactured:		
Not hackled	7.40 per cent	14.81 per cent.
Hackled	8.73 per cent	15.28 per cent.
Tow	7.86 per cent	15.71 per cent.
Crin vegetal or palm-leaf fiber	33.38 per cent	44.50 per cent.
Flax, hemp, or ramie yarns	26.77 per cent	34.86 per cent.
Thread, twine, and cord of flax, hemp, or ramie, in the gray, boiled, bleached, dyed, or otherwise treated.	29.98 per cent	36.28 per cent.
Gill nettings, nets, webs, and seines	42.85 per cent	45 per cent.
Hose for conducting liquids or gases, of vegetable fiber.	33.66 per cent	42.14 per cent.
Linen and manufactures of:		
Table damask	40 per cent	45 per cent.
Sets, tablecloths, and napkins	do	Do.
Handkerchiefs, hemmed or hemstitched	45 per cent	50 per cent.
Linoleum, inlaid	35 per cent	42 per cent.
Mats of cocoa fiber or rattan	59.07 per cent	78.76 per cent.
Matting of cocoa fiber or rattan	23.83 per cent	29.79 per cent.

SCHEDULE 11.—WOOL AND MANUFACTURES OF

Wool for manufacture, not improved:		
Carpet—		
In the grease	35.72 per cent	39.30 per cent.
On the skin	50.86 per cent	70 per cent plus.
Washed	13 cents per pound.	24 cents per pound.
Scoured	59.06 per cent	66.44 per cent.
Clothing—		
In the grease	42.66 per cent	46.79 per cent.
Washed	42.46 per cent	46.55 per cent.
On the skin	39.96 per cent	42.62 per cent.
Scoured	58.40 per cent	60.71 per cent.
Combing—		
In the grease	43.01 per cent	47.17 per cent.
Washed	52.33 per cent	57.40 per cent.

List of increases carried in the Hawley-Smoot tariff bill, showing actual or computed ad valorem rates based on 1928 imports under Fordney-McCumber Act and Hawley-Smoot bill—Specific rates shown in some instances—Continued

SCHEDULE 11.—WOOL AND MANUFACTURES OF—continued

	Fordney-McCumber Act (1922)	Hawley-Smoot bill
Wool for manufacture not improved—Contd.		
Combing—Continued.		
On the skin	34.71 per cent	37.02 per cent.
Scoured	45.93 per cent	54.82 per cent.
Hair of the Angora goat (mohair):		
In the grease	53.29 per cent	58.44 per cent.
Washed	31 cents per pound.	34 cents per pound.
On the skin	30 cents per pound.	32 cents per pound.
Scoured	10.62 per cent	12.33 per cent.
Hair of the Cashmere goat, Alpaca, and other like animals:		
In the grease	38.17 per cent	41.87 per cent.
Washed	31 cents per pound.	34 cents per pound.
On the skin	57.26 per cent	61.08 per cent.
Scoured	18.25 per cent	21.79 per cent.
Wool wastes and by-products:		
Top waste, slubbing waste, roving and ring waste.	47.32 per cent	56.47 per cent.
Garnetted waste	34.06 per cent	36.90 per cent.
Noils, carbonized	33.03 per cent	41.29 per cent.
Noils, uncarbonized	26.64 per cent	32.25 per cent.
Thread or yarn waste	27.25 per cent	42.58 per cent.
All others n. s. p. f.	33.54 per cent	50.32 per cent.
Shoddy and wool extract	16 cents per pound.	24 cents per pound.
Wool rags	26.12 per cent	62.68 per cent.
Partially manufactured wool:		
Tops of mohair	75.06 per cent	81.73 per cent.
Tops of wool and other hair	50.16 per cent	53.82 per cent.
Other wool advanced	134.36 per cent	148.23 per cent.
Yarns of wool and hair:		
Mohair—		
Valued not over 30 cents per pound	132.77 per cent	206.30 per cent.
Valued over 30 cents and not over $1 per pound.	80.18 per cent	85.21 per cent.
Valued over $1 per pound	54.33 per cent	65.93 per cent.
Wool and other hair—		
Valued over 30 cents and not over $1 per pound.	79.78 per cent	84.76 per cent.
Valued over $1 per pound	52.76 per cent	64.17 per cent.
Wool, dress goods and other light-weight fabrics of wool, weighing not over 4 ounces per square yard:		
Woven fabrics of mohair, valued over 80 cents per pound, mohair content.	65.09 per cent	76.80 per cent.
Woven, warp of cotton or other vegetable fiber.	68.85 per cent	80.94 per cent.
Wool, worsteds:		
Valued over 80 cents per pound (wool content).	68.12 per cent	80.13 per cent.
Warp of cotton or other vegetable fiber	68.77 per cent	80.86 per cent.
Wool, woolens:		
Valued not over 80 cents per pound	110.76 per cent	132.17 per cent.
Valued over 80 cents per pound (wool content).	64.15 per cent	75.72 per cent.
Warp of cotton or other vegetable fiber	70.57 per cent	82.86 per cent.
Cloth and other heavy-weight fabrics of wool, woven fabrics of mohair:		
Valued not over 60 cents per pound	80.24 per cent	133.33 per cent.
Valued over 60 cents per pound (mohair content).	70.01 per cent	82.23 per cent.
Cloth worsteds:		
Valued not over 60 cents per pound	82.10 per cent	137.70 per cent.
Valued over 60 cents and not over 80 cents per pound.	99.04 per cent	116.27 per cent.
Valued over 80 cents per pound (wool content).	65.89 per cent	77.65 per cent.
Cloth, woolens:		
Valued not over 60 cents per pound	83.07 per cent	139.72 per cent.
Valued over 60 cents, and not over 80 cents per pound.	100.62 per cent	118.40 per cent.
Valued over 80 cents per pound (wool content).	70.71 per cent	83.02 per cent.
Pile fabrics of wool or hair:		
Plushes, velvets, and other pile fabrics	66.01 per cent	67.61 per cent.
Manufactures of	64.46 per cent	65.90 per cent.
Blankets and similar articles:		
Valued not over 50 cents per pound	70.32 per cent	103.20 per cent.
Valued over 50 cents and not over $1 per pound.	67.80 per cent	75.23 per cent.
Valued over $1 and not over $1.50 per pound.	60.36 per cent	65.39 per cent.
Valued over $1.50 per pound	54.89 per cent	56.09 per cent.
Felts, not woven, wholly or in chief value of wool:		
Valued not over 50 cents per pound	68.80 per cent	99.61 per cent.
Valued over 50 cents and not over $1.50 per pound.	61.25 per cent	64.16 per cent.
Valued over $1.50 per pound	55.83 per cent	57.13 per cent.
Wool, small wares:		
Fabrics with fast edges not over 12 inches wide and articles made therefrom of woolen mohair (wool content).	64.24 per cent	65.82 per cent.
Tubings, garters, suspenders, braces, cords, and tassels (wool content).	65.85 per cent	67.62 per cent.
Wool knit goods:		
Fabrics in the piece—		
Valued not over $1 per pound	80.56 per cent	84.61 per cent.
Valued over $1 pound	58.51 per cent	59.46 per cent.
Wool knit hosiery:		
Valued at not more than $1.75 per dozen pair.	53.80 per cent	55.88 per cent.
Valued at more than $1.75 per dozen pair	61.57 per cent	63.18 per cent.
Wool knit gloves and mittens:		
Valued at not more than $1.75 per dozen pair.	57.54 per cent	60.04 per cent.
Valued at more than $1.75 per dozen pair	66.66 per cent	68.51 per cent.
Wool knit underwear:		
Valued not over $1.75 per pound	52.31 per cent	54.78 per cent.
Valued over $1.75 per pound	61.21 per cent	62.45 per cent.
Wool knit outerwear:		
Valued not over $1 per pound	89.57 per cent	105.43 per cent.
Valued over $1 and not over $2 per pound	69.80 per cent	72.28 per cent.
Valued over $2 per pound	58.99 per cent	59.99 per cent.
Wool wearing apparel, not knit or crocheted:		
Hat bodies—		
Valued not over $2 per pound	56.08 per cent	102.80 per cent.
Valued over $2 and not over $4 per pound	57.84 per cent	92.12 per cent.
Valued over $4 per pound	58.36 per cent	82.44 per cent.
Wool hats:		
Valued not over $2 per pound	55.41 per cent	203.09 per cent.
Valued over $2 and not over $4 per pound	55.95 per cent	156.82 per cent.
Valued over $4 per pound	58.03 per cent	111.63 per cent.
Wool clothing and wearing apparel:		
Valued not over $2 per pound	56.01 per cent	67.02 per cent.
Valued over $2 and not over $4 per pound	55.34 per cent	56.37 per cent
Valued over $4 per pound	56.29 per cent	56.99 per cent.
Carpets and rugs:		
Oriental and similar carpets and rugs, made on power-driven loom (Oriental and similar carpets and rugs, not made on power-driven loom (hand-made), were reduced 55 to 53.24 per cent).	55 per cent	60 per cent.
Chenille Axminster	do	Do.
Machine made, not specially provided for, Wilton and others.	40 per cent	Do.
Fabrics containing 17 per cent or more in weight of wool (but not in chief value thereof).	50 per cent	86.31 per cent.

SCHEDULE 12.—SILK MANUFACTURES

Sewing silk, twist, floss, and silk thread or yarns, n. s. p. f.	35 per cent	40 per cent.
Woven fabrics in piece (broad silks) Jacquard-figured.	55 per cent	65 per cent.
Silk pile fabrics:		
Velvets	60 per cent	Do.
Ribbons	55 per cent	Do.
Silk wearing apparel: Men's shirts and collars not embroidered.	60 per cent	Do.
Manufactures of silk n. s. p. f.	do	Do.

SCHEDULE 13.—RAYON MANUFACTURES

Rayon:		
Yarn, weighing less than 150 deniers	45 per cent	51.07 per cent.
Yarn, two or more yarns twisted together, weighing less than 150 deniers.	46.13 per cent	50 per cent.
Artificial horsehair: Two or more yarns twisted together, weighing less than 150 deniers.	47.62 per cent	Do.
Rayon waste (including noils): Staple fiber (cut rayon filaments other than waste).	20 per cent	25 per cent.
Spun rayon yarn:		
Singles	45 per cent	54.62 per cent.
Two or more yarns twisted together	47.71 per cent	60.17 per cent.
Knit goods of rayon: Gloves, mittens, hose, half hose, underwear, outerwear, and articles of all kinds.	68.34 per cent	73.34 per cent.
Clothing and articles of wearing apparel, and manufactures of rayon not specially provided for, increased from 45 cents per pound plus 60 per cent to 45 cents per pound plus 65 per cent.		

SCHEDULE 14.—PAPER AND BOOKS

Pulpboard in rolls for use in the manufacture of wallboard.	5 per cent	10 per cent.
Pulp, manufactures of	25 per cent	30 per cent.
Papers:		
Tissue, stereotype, copying, india, bible, condenser, carbon, bibulous, pottery, and similar papers, not specially provided for, weighing not more than 6 pounds to the ream.	24.85 per cent	29.85 per cent.
Surface coated—		
Not specially provided for, covered with metal or its solutions and weighing less than 15 pounds to the ream.	28.24 per cent	29.24 per cent.
Decorated, covered with a design, pattern, or character.	12.72 per cent	22.72 per cent.
If embossed, printed, or covered with metal or its solutions, gelatin or flock.	26.78 per cent	31.78 per cent.
Wrapping paper:		
Decorated or covered with a design, pattern, or character.	15.43 per cent	25.43 per cent.
If embossed, printed, or covered with metal or its solutions, gelatin or flock.	26.87 per cent	31.87 per cent.
Gummed paper: Simplex, decalcomania paper, not printed.	22.03 per cent	32.03 per cent.
Decalcomanias, in ceramic colors, weighing not over 100 pounds per 1,000 sheets.	32.25 per cent	45.80 per cent.

List of increases carried in the Hawley-Smoot tariff bill, showing actual or computed ad valorem rates based on 1928 imports under Fordney-McCumber Act and Hawley-Smoot bill—Specific rates shown in some instances—Continued

SCHEDULE 14.—PAPER AND BOOKS—continued

	Fordney-McCumber Act (1922)	Hawley-Smoot bill
Lithographic printing matter:		
Cigar labels, flaps—		
Printed in less than 8 colors, not in metal leaf.	22.79 per cent	27.34 per cent.
Printed in 8 or more colors, not in metal leaf.	34.35 per cent	39.25 per cent.
Post cards (except American views) not exceeding 0.008 inch in thickness.	28.77 per cent	34.53 per cent.
Post cards, exceeding 0.008 inch in thickness and not exceeding 0.020 inch in thickness, in dimensions less than 35 square inches.	16.52 per cent	24.77 per cent.
All other lithographically printed matter not specially provided for, not exceeding 0.008 inch in thickness.	26.94 per cent	32.32 per cent.

SCHEDULE 15.—SUNDRIES

Asbestos	30 per cent	40 per cent.
Shingles—		
Coated	25 per cent	25.13 per cent.
Not coated	do	52.63 per cent.
Slate, wood, or lumber of—		
Uncoated	do	Do.
Coated	do	25.13 per cent.
Fabrics, woven (including brake and clutch linings and facings).	30 per cent	40 per cent.
Packing fabric (including expanding, block, and cloth packing).	do	Do.
Hat braids:		
Bleached, dyed, colored, or stained straw, Manila hemp, all others	20 per cent	25 per cent.
Willow sheets or squares	do	Do.
Hats, blocked or trimmed:		
Straw	49.96 per cent	90.78 per cent.
Palm leaf	50 per cent	81.26 per cent.
Men's sewed straw hats	88 per cent	159.20 per cent.
Others sewed	60 per cent	Do.
Brooms, made of broomcorn, straw, wooden fiber or twigs.	15 per cent	25 per cent.
Brushes:		
Toothbrushes	45 per cent	72.54 per cent.
Other toilet brushes	do	61.14 per cent.
Paint brushes	do	50 per cent.
Other brushes	do	Do.
Having pyroxlin handles	60 per cent	123.39 per cent.
Handles of pyroxlin for brushes	do	101.07 per cent.
Buttons, agate	15 per cent	358.11 per cent.
Cork:		
Stoppers—		
Natural cork, over ¾ inch in diameter at large end.	18.50 per cent	23.12 per cent.
¾ inch or less at large end	15.84 per cent	19.65 per cent.
Insulation	30 per cent	61.45 per cent.
Granulated or ground	25 per cent	49.87 per cent.
Artificial composition, or compressed cork, in slabs, blocks, or planks, rods, or sticks.	do	Do.
Manufactures of cork not specially provided for.	30 per cent	45 per cent.
Firecrackers	42.95 per cent	134.20 per cent.
Fishing rods and reels	45 per cent	55 per cent.
Candles, wax	20 per cent	27.50 per cent.
Combs:		
Hard rubber	35 per cent	60.26 per cent.
Composed of horn or of horn and metal	50 per cent	59.86 per cent.
Insulators: Electrical and other articles of synthetic phenolic resin, etc., not specially provided for.	30 per cent	110.71 per cent.
Musical instruments:		
Cases for	40 per cent	50 per cent.
Pipe organs	do	60 per cent.
Violins, assembled	66.45 per cent	74.31 per cent.
Violin bow hair	Free	40 per cent.
Phonograph needles	45 per cent	131.09 per cent.
Sponges	15 per cent	25 per cent.
Photographic dry plates	do	Do.
Tobacco pipes and smoking articles:		
Tobacco pipes, bowls known as stummels	60 per cent	423 per cent.
Tobacco pipes other than common tobacco pipes of clay.	do	103.51 per cent.
Cigar and cigarette holders, not specially provided for.	do	205 per cent.
Embroidered articles:		
Hose and half hose	75 per cent	90 per cent.
Imitation horsehair	do	Do.
Wearing apparel of wool	do	Do.
Wearing apparel of rayon	do	Do.
Wool blankets	do	Do.
Embroideries of gold and silver not specially provided for.	do	Do.
Embroideries of cotton, flax, hemp, silk	do	Do.
Embroidered articles of wearing apparel, cotton, flax, hemp, and silk.	do	Do.
Other articles or fabrics embroidered or tamboured.	do	Do.
Drawn work of cotton, flax, silk	do	Do.
Handkerchiefs, embroidered:		
Cotton	do	100.85 per cent.
Silk	do	98.89 per cent.
Hides: Cattle, buffalo, kip skin, and calfskin, dry or salted.	Free	10 per cent.

List of increases carried in the Hawley-Smoot tariff bill, showing actual or computed ad valorem rates based on 1928 imports under Fordney-McCumber Act and Hawley-Smoot bill—Specific rates shown in some instances—Continued

SCHEDULE 15.—SUNDRIES—continued

	Fordney-McCumber Act (1922)	Hawley-Smoot bill
Leather:		
Upper leather, cattle—		
Grains and finished splits	Free	15 per cent.
Wax and rough splits	do	Do.
Calf and kip	do	Do.
Patent upper	do	Do.
Sole, belting leather	do	12.50 per cent.
Boots and shoes	do	20 per cent.
Shoe laces, finished or unfinished	do	15 per cent.
Bags, baskets, satchels, pocketbooks, belts, jewel boxes, portfolios, and other boxes and cases not specially provided for.	30 per cent	35 per cent.
Bags, fitted with traveling bottle, drinking, dining, or luncheon, sewing, manicure, and similar sets.	do	Do.
Pencils:		
Mechanical, made of base metal not plated with gold, silver, or platinum.	25.11 per cent	45.11 per cent.
Not specially provided for	32.62 per cent	47.62 per cent.

LEAVE OF ABSENCE

Mr. BELL, by unanimous consent, was granted leave of absence for two weeks on account of important business.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 317. An act to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases; to the Committee on the Public Lands.

S. 319. An act granting an increase of pension to Irene Rucker Sheridan; to the Committee on Invalid Pensions.

S. 497. An act to provide for the erection and operation of public bathhouses at Hot Springs, N. Mex.; to the Committee on the Public Lands.

S. 543. An act to increase the pay of mail carriers in the village delivery service; to the Committee on the Post Office and Post Roads.

S. 557. An act to authorize the disposition of certain public lands in the State of Nevada; to the Committee on the Public Lands.

S. 612. An act for the relief of Charles Parshall, Fort Peck Indian allottee, of the Fort Peck Reservation, Mont.; to the Committee on Claims.

S. 1183. An act to authorize the conveyance of certain land in the Hot Springs National Park, Ark., to the P. F. Connelly Paving Co.; to the Committee on the Public Lands.

S. 1299. An act for the relief of C. M. Williamson, C. E. Liljenquist, Lottie Redman, and H. N. Smith; to the Committee on Claims.

S. 3088. An act for the relief of R. B. Miller; to the Committee on War Claims.

S. 3171. An act for the relief of Edward C. Compton; to the Committee on Claims.

S. 3386. An act giving the consent and approval of Congress to the Rio Grande compact signed at Santa Fe, N. Mex., on February 12, 1929; to the Committee on Irrigation and Reclamation.

S. 3646. An act granting an increase of pension to Mary Willoughby Osterhaus; to the Committee on Pensions.

S. 4196. An act to authorize the construction, maintenance, and operation of a bridge across the St. Francis River in Craighead County, Ark.; to the Committee on Interstate and Foreign Commerce.

S. 4211. An act to amend the act entitled "An act to provide for the elimination of the Michigan Avenue grade crossing in the District of Columbia, and for other purposes," approved March 3, 1927; to the Committee on the District of Columbia.

S. 4222. An act to authorize the Commissioners of the District of Columbia to sell by private or public sale a tract of land acquired for public purposes, and for other purposes; to the Committee on the District of Columbia.

S. 4223. An act to amend the act entitled "An act to provide for the elimination of grade crossings of steam railroads in the District of Columbia, and for other purposes," approved March 3, 1927; to the Committee on the District of Columbia.

S. 4224. An act to provide for the operation and maintenance of bathing pools under the jurisdiction of the Director of Public Buildings and Parks of the National Capital; to the Committee on the District of Columbia.

S. 4226. An act to authorize the Commissioners of the District of Columbia to sell at public or private sale certain real property owned by the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 4243. An act to provide for the closing of certain streets and alleys in the Reno section of the District of Columbia; to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 4138. An act to amend the act of March 2, 1929, entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries";

H. R. 6874. An act to authorize exchanges of lands with owners of private land holdings within the Petrified Forest National Monument, Ariz.;

H. R. 8531. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1931, and for other purposes;

H. R. 8562. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.; and

H. R. 9895. An act to establish the Carlsbad Caverns National Park in the State of New Mexico, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 549. An act to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes;

S. 4098. An act to provide funds for cooperation with the school board at Browning, Mont., in the extension of the high-school building to be available to Indian children of the Blackfeet Indian Reservation;

S. 4173. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Carrollton, Ky.; and

S. 4174. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Dandridge-Newport Road, in Jefferson County, Tenn.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval bills of the House of the following titles:

H. R. 645. An act for the relief of Lyma Van Winkle;

H. R. 1794. An act to authorize the payment of an indemnity to the owners of the British steamship *Kyleakin* for damages sustained as a result of a collision between that vessel and the U. S. S. *William O'Brien;*

H. R. 1954. An act for the relief of A. O. Gibbens;

H. R. 2902. An act to authorize the sale of the Government property acquired for a post-office site in Binghamton, N. Y.;

H. R. 3246. An act to authorize the sale of the Government property acquired for a post-office site at Akron, Ohio;

H. R. 3717. An act to add certain lands to the Fremont National Forest in the State of Oregon;

H. R. 4138. An act to amend the act of March 2, 1929, entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries";

H. R. 6564. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1931, and for other purposes;

H. R. 6874. An act to authorize exchanges of lands with owners of private-land holdings, within the Petrified Forest National Monument, Ariz.;

H. R. 7069. An act for the relief of the heirs of Viktor Pettersson;

H. R. 7832. An act to reorganize the administration of Federal prisons; to authorize the Attorney General to contract for the care of United States prisoners; to establish Federal jails, and for other purposes;

H. R. 8299. An act authorising the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor;

H. R. 8562. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.

H. R. 8578. An act to sell the present post-office site and building at Dover, Del.;

H. R. 8918. An act authorizing conveyance to the city of Trenton, N. J., of title to a portion of the site of the present Federal building in that city;

H. R. 9324. An act to dedicate for street purposes a portion of the old post-office site at Wichita, Kans.;

H. R. 9325. An act to authorize the United States Veterans' Bureau to pave the road running north and south immediately east of and adjacent to Hospital No. 90 at Muskogee, Okla., and to authorize the use of $4,950 of funds appropriated for hospital purposes, and for other purposes;

H. R. 9407. An act to amend the act of Congress approved May 29, 1928, authorizing the Secretary of the Treasury to accept title to certain real estate, subject to a reservation of mineral rights in favor of the Blackfeet Tribe of Indians;

H. R. 9437. An act to authorize a necessary increase in the White House police force;

H. R. 9758. An act to authorize the Commissioners of the District of Columbia to close certain portions of streets and alleys for public-school purposes; and

H. R. 9845. An act to authorize the transfer of Government-owned land at Dodge City, Kans., for public-building purposes.

H. R. 9895. An act to establish the Carlsbad Caverns National Park in the State of New Mexico, and for other purposes;

ADJOURNMENT

Mr. FRENCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 13, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, May 13, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To construe the contract labor provisions of the immigration act of 1917 with reference to instrumental musicians (H. R. 10816).

COMMITTEE ON MINES AND MINING

(10.30 a. m.)

Authorizing appropriations for the completion of the Amarillo helium plant (H. R. 10200).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To amend section 4530 of the Revised Statutes of the United States (H. R. 6789).

To amend section 2 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea" (H. R. 6790).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

461. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of State for the fiscal year 1930 and 1931, amounting in all, $50,000 (H. Doc. No. 395); to the Committee on Appropriations and ordered to be printed.

462. A letter from the Comptroller General of the United States, transmitting report concerning the claim of T. G. Hayes, formerly private, Company A, One hundred and forty-second Machine Gun Battalion, Camp Bureaugard, La., in the sum of $40; to the Committee on Claims.

463. A letter from the Acting Secretary of War, transmitting a draft of a proposed bill for the relief of the Jay Street Terminal; to the Committee on Claims.

464. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation providing for the transfer of certain land described therein from said Shipping Board to the Treasury Department for the enlargement of the Federal building site at Hoboken, N. J.; to the Committee on the Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. STALKER: Committee on the District of Columbia. H. R. 4015. A bill to provide for the revocation and suspension of operators' and chauffeurs' licenses and registration certificates; to require proof of ability to respond in damages for injuries caused by the operation of motor vehicles; to prescribe the form of and conditions in insurance policies covering the liability of motor-vehicle operators; to subject such policies to the approval of the commissioner of insurance; to constitute the director of traffic the agent of nonresident owners and operators of motor vehicles operated in the District of Columbia for the purpose of service of process; to provide for the report of accidents; to authorize the director of traffic to make rules for the administration of this statute; and to prescribe penalties for the violation of the provisions of this act, and for other purposes; with amendment (Rept. No. 1426). Referred to the House Calendar.

Mr. HAWLEY: Committee on Ways and Means. H. J. Res. 328. A joint resolution authorizing the immediate appropriation of certain amounts authorized to be appropriated by the settlement of war claims act of 1928; without amendment (Rept. No. 1427). Referred to the Committee of the Whole House on the state of the Union.

Mr. BEERS: Committee on Printing. H. Con. Res. 31. A concurrent resolution to print 10,000 additional copies of the hearings held before the House Committee on the Judiciary on joint resolutions proposing to amend the Constitution of the United States relating to the manufacture and sale of intoxicating liquors within the United States; without amendment (Rept. No. 1429). Referred to the Committee of the Whole House on the state of the Union.

Mr. REECE: Committee on Military Affairs. S. J. Res. 49. A joint resolution to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals in the State of Alabama, and for other purposes; with amendment (Rept. No. 1430). Referred to the Committee on the Whole House on the state of the Union.

Mr. SNELL: Committee on Rules. H. Res. 220. A resolution providing for the appointment of a committee to investigate Communist propaganda in the United States; without amendment (Rept. No. 1431). Referred to the House Calender.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. S. 363. An act for the relief of Charles W. Martin; without amendment (Rept. No. 1417). Referred to the Committee of the Whole House.

Mr. SCHAFER of Wisconsin: Committee on Claims. H. R. 457. A bill for the relief of Simonas Razauskas; with amendment (Rept. No. 1418). Referred to the Committee of the Whole House.

Mr. SCHAFER of Wisconsin: Committee on Claims. H. R. 5212. A bill for the relief of George Charles Walthers; with amendment (Rept. No. 1419). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 6642. A bill for the relief of John Magee; without amendment (Rept. No. 1420). Referred to the Committee of the Whole House.

Mr. SCHAFER of Wisconsin: Committee on Claims. H. R. 6694. A bill for the relief of P. M. Nigro; without amendment (Rept. No. 1421). Referred to the Committee of the Whole House.

Mr. SCHAFER of Wisconsin: Committee on Claims. H. R. 8127. A bill for the relief of J. W. Nelson; without amendment (Rept. No. 1422). Referred to the Committee of the Whole House.

Mr. FITZGERALD: Committee on Claims. H. R. 4110. A bill to credit the accounts of Maj. Benjamin L. Jacobson, Finance Department, United States Army; without amendment (Rept. No. 1423). Referred to the Committee of the Whole House.

Mr. FITZGERALD: Committee on Claims. H. R. 8677. A bill for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department; with amendment (Rept. No. 1424). Referred to the Committee of the Whole House.

Mr. NELSON of Wisconsin: Committee on Invalid Pensions. H. R. 12302. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; without amendment (Rept. No. 1425). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 11737) granting an increase of pension to E. Jennette Redding, and the same was referred to the Committee on Invalid Pensions.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. HARE: Committee on War Claims. H. R. 5723. A bill to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Velie Motors Corporation (Rept. No. 1428). Laid on the table.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. NELSON of Wisconsin: A bill (H. R. 12302) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee on the Whole House and ordered to be printed.

By Mr. CLANCY: A bill (H. R. 12303) to pay 25 per cent of the face value of adjusted-compensation certificates to veterans of the World War, and for other purposes; to the Committee on Ways and Means.

Also, a bill (H. R. 12304) to pay 50 per cent of the face value of adjusted-compensation certificates to veterans of the World War, and for other purposes; to the Committee on Ways and Means.

By Mr. ZIHLMAN: A bill (H. R. 12305) to amend sections 45 and 206 of the Code of Law for the District of Columbia, as amended by acts of March 3, 1925, and June 14, 1926; to the Committee on the District of Columbia.

By Mr. CRAMTON: A bill (H. R. 12306) to repeal Public Act No. 175 entitled "An act to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910," approved April 29, 1930; to the Committee on the District of Columbia.

By Mr. GARBER of Oklahoma: A bill (H. R. 12307) to provide for the appointment of one additional judge of the District Court of the United States for the Western District of Oklahoma; to the Committee on the Judiciary.

By Mr. WOOD: A bill (H. R. 12308) to provide for the construction of a mill to manufacture distinctive paper for United States securities; to the Committee on Expenditures in the Executive Departments.

By Mr. CLANCY: A bill (H. R. 12309) to amend the World War adjusted-compensation act; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLACKBURN: A bill (H. R. 12310) for the relief of Robert Griffith; to the Committee on Military Affairs.

Also, a bill (H. R. 12311) granting a pension to Nannie Floyd; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 12312) granting a pension to Grace A. Coates; to the Committee on Pensions.

By Mr. BLOOM: A bill (H. R. 12313) for the relief of Edward N. Sonnenberg; to the Committee on Claims.

By Mr. BUCKBEE: A bill (H. R. 12314) granting an increase of pension to Addie E. Churchill; to the Committee on Invalid Pensions.

By Mr. COYLE: A bill (H. R. 12315) granting an increase of pension to Susan A. Wise; to the Committee on Invalid Pensions.

By Mr. DE PRIEST: A bill (H. R. 12316) for settlement of claim of Allen Holmes; to the Committee on Claims.

By Mr. FREE: A bill (H. R. 12317) authorizing the President to order Harry W. Kerns before a retiring board for a hearing of his case, and upon the findings of such a board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation; to the Committee on Military Affairs.

By Mr. HOFFMAN: A bill (H. R. 12318) granting an increase of pension to Katherine Garrison; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 12319) granting an increase of pension to Mary J. Dawson; to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 12320) granting a pension to Mary E. Green; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 12321) granting an increase of pension to Elizabeth E. Fouke; to the Committee on Invalid Pensions.

By Mr. KENDALL of Kentucky: A bill (H. R. 12322) granting a pension to Mattie Lowry; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 12323) granting an increase of pension to Mary E. Grange; to the Committee on Invalid Pensions.

By Mr. KINZER: A bill (H. R. 12324) granting an increase of pension to Mary F. Wenger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12325) granting an increase of pension to Michael Quinn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12326) granting a pension to Mary Moore; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 12327) granting a pension to John Deaton; to the Committee on Invalid Pensions.

By Mr. LETTS: A bill (H. R. 12328) for the relief of Anna Gerken; to the Committee on Military Affairs.

By Mr. LOZIER: A bill (H. R. 12329) granting an increase of pension to Sallie Peters; to the Committee on Invalid Pensions.

By Mr. McSWAIN: A bill (H. R. 12330) for the relief of Willie B. Hunter; to the Committee on War Claims.

By Mr. PARKER: A bill (H. R. 12331) granting an increase in pension to William S. Loesch; to the Committee on Pensions.

Also, a bill (H. R. 12332) granting a pension to Elizabeth D. R. Prouty; to the Committee on Invalid Pensions.

By Mr. REID of Illinois: A bill (H. R. 12333) granting an increase of pension to Mary Byard; to the Committee on Pensions.

By Mr. SCHAFER of Wisconsin: A bill (H. R. 12334) granting an increase of pension to Charles Osborne; to the Committee on Pensions.

By Mr. STALKER: A bill (H. R. 12335) granting an increase of pension to Sarah A. Lane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12336) granting a pension to Albert Bradley; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 12337) for the relief of William J. Carr; to the Committee on Claims.

By Mr. TINKHAM: A bill (H. R. 12338) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Mary A. McCourt; to the Committee on Claims.

By Mr. WATSON: A bill (H. R. 12339) for the relief of Lewis E. Green; to the Committee on Claims.

By Mr. WELSH of Pennsylvania: A bill (H. R. 12340) granting a pension to Michael J. Carroll; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7245. Petition of American Legion of the District of Columbia, protesting against the location of any permanent airport in the vicinity of Arlington National Cemetery; to the Committee on Public Buildings and Grounds.

7246. By Mr. CAMPBELL of Iowa: Petition of the Ida County, Iowa, Woman's Christian Temperance Union Institute and the Milford, Iowa, Woman's Christian Temperance Union Institute, requesting Congress to enact a law for the Federal supervision of motion pictures establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7247. By Mr. CAMPBELL of Pennsylvania: Petition of residents of the thirty-sixth congressional district, urging the passage of the Muscle Shoals bill at this session of Congress; to the Committee on Military Affairs.

7248. By Mr. GLOVER: Petition of Allen Hearin Post, No. 32, American Legion, Pine Bluff, Ark., urging the passage of the Rankin bill in its present form; to the Committee on World War Veterans' Legislation.

7249. By Mr. HUDSON: Petition of the National Association of Letter Carriers, Detroit Branch, Detroit, Mich., urging the immediate payment of the adjusted-compensation certificates, commonly referred to as the bonus; to the Committee on Ways and Means.

7250. Also, resolution of the board of directors of the Detroit Council of Churches commending the President of the United States upon his wisdom and courage in recommending the enactment of legislation to correct the evils now existing because of the nonenforcement of law, and urging early enactment of legislation for the correction thereof; to the Committee on the Judiciary.

7251. Also, petition of presbytery of Lansing, Mich., of the Presbyterian Church of the United States of America, urging the enactment of legislation for the Federal supervision of motion pictures, requiring higher standards for films which are to be licensed for interstate and international use; to the Committee on Interstate and Foreign Commerce.

7252. By Mr. HULL of Wisconsin: Resolution of Alaska Native Brotherhood, regarding conditions of natives of southeastern Alaska; to the Committee on the Merchant Marine and Fisheries.

7253. By Mr. LUCE: Petition of residents of Massachusetts indorsing the passage of bill to except dogs from vivisection in the District of Columbia, the Territories, and insular possessions; to the Committee on the District of Columbia.

7254. By Mr. NEWHALL: Resolution of Woman's Christian Temperance Union, Fort Thomas, Ky., signed by Kate Shaw, president, and L. M. Grimm, secretary, requesting the House of Representatives to pass legislation providing for Federal supervision of motion pictures that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7255. By Mrs. OWEN: Petition of W. H. Arnold and 84 other persons, of Orlando, Fla., and vicinity, in behalf of Senate bill 476 and House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

7256. By Mr. SWANSON: Petition of Council Bluffs Woman's Christian Temperance Union, favoring Federal supervision of motion pictures used in interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

SENATE

TUESDAY, *May 13, 1930*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Eternal Father, who renewest the face of the earth with Thy breath, so gentle and potent, reviving for us in the springtime the grace and beauty that had fled, make us to partake of other things than those made known to eyes of sense—messages of splendor, baffling and alluring, revealed through the soul's east window of divine surprise. Give us this day a larger charity, a deeper self-knowledge, a growing sense of moral acquisition that can only come through high endeavor for the better, purer things of life.

Pity and pardon us for what we have missed and might have attained, strengthen our weakness, arm us with trust in Thy mercy which fails not, in Thy patience which waits without weariness, that we may press forward toward the mark of our high calling which is in Christ Jesus our Lord. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. FESS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed the following bills of the Senate:

S. 2400. An act to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital;

S. 3498. An act to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1930;

S. 4057. An act authorizing the Secretary of the Interior to extend the time for cutting and removing timber upon certain revested and reconveyed lands in the State of Oregon; and

S. 4221. An act for the disposal of combustible refuse from places outside of the city of Washington.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 3144. An act to amend section 601 of subchapter 3 of the Code of Laws for the District of Columbia;

H. R. 9996. An act to amend the act entitled "An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia," approved February 11, 1929;

H. R. 11403. An act to amend an act entitled "An act to create a revenue in the District of Columbia by levying tax upon all dogs therein, to make such dogs personal property, and for other purposes," as amended; and

H. J. Res. 327. Joint resolution authorizing the presentation of medals to the officers and men of the Byrd Antarctic expedition.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 8531. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1931, and for other purposes;

H. R. 10651. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va.; and

H. R. 11588. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	George	McMaster	Smoot
Ashurst	Glass	McNary	Steck
Barkley	Glenn	Metcalf	Steiwer
Bingham	Goldsborough	Norris	Stephens
Black	Greene	Nye	Sullivan
Blaine	Hale	Oddie	Swanson
Blease	Harris	Overman	Thomas, Idaho
Borah	Harrison	Patterson	Thomas, Okla.
Bratton	Hastings	Phipps	Townsend
Brock	Hatfield	Pine	Trammell
Broussard	Hawes	Pittman	Tydings
Capper	Hayden	Ransdell	Vandenberg
Caraway	Howell	Reed	Wagner
Connally	Johnson	Robinson, Ark.	Walcott
Copeland	Jones	Robinson, Ind.	Walsh, Mass.
Couzens	Kendrick	Robsion, Ky.	Walsh, Mont.
Cutting	Keyes	Schall	Waterman
Deneen	King	Sheppard	Watson
Dill	La Follette	Shipstead	Wheeler
Fess	McCulloch	Shortridge	
Frazier	McKellar	Simmons	

Mr. McMASTER. I desire to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. SHEPPARD. I wish to announce that the Senator from Florida [Mr. FLETCHER] and the Senator from South Carolina [Mr. SMITH] are detained from the Senate by illness.

Mr. BLACK. I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

The VICE PRESIDENT. Eighty-two Senators have answered to their names. A quorum is present.

TRANSFER OF PROHIBITION ENFORCEMENT

Mr. TYDINGS. Mr. President, on yesterday the bill (H. R. 8574) to transfer to the Attorney General certain functions in the administration of the national prohibition act, to create a bureau of prohibition in the Department of Justice, and for other purposes, was made the unfinished business. I should like to ask unanimous consent that that measure be taken up to-morrow instead of to-day. I am working on some amendments which I hope will not destroy the intent of the bill. I have already introduced some six or seven of them. I would like another day to go over before offering additional amendments.

The VICE PRESIDENT. Is there objection to the request of the Senator from Maryland?

Mr. OVERMAN. Mr. President, the Senator from Maryland has spoken to me about the matter. I have no objection to the bill going over until to-morrow, provided it does not interfere with its status and that it will remain the unfinished business on to-morrow.

The VICE PRESIDENT. Is there objection?

Mr. McNARY. Mr. President, I did not fully understand the statement of the Senator from North Carolina. Did he give his consent?

Mr. OVERMAN. Yes; if it does not prejudice the unfinished business at all. I want it to remain the unfinished business so that it may come up to-morrow if it goes over to-day. One day will not make any special difference. I do not think it will take very long to pass the bill in any event.

Mr. McNARY. Does that meet with the approval of the Senator from Rhode Island [Mr. HEBERT], who has charge of the bill?

Mr. OVERMAN. It meets with the approval of the entire committee except the Senator from Rhode Island [Mr. HEBERT], who is not here to-day. I would rather have the bill go over because he wants to be here when the measure comes up.

Mr. McNARY. He is out of the city?

Mr. OVERMAN. Yes.

Mr. McNARY. Will the Senator from Maryland be ready to go forward with the bill to-morrow?

Mr. TYDINGS. I will.

Mr. McNARY. Very well; I have no objection.

The VICE PRESIDENT. Without objection, it will be so ordered. Petitions and memorials are in order.

PETITIONS

Mr. COPELAND presented a petition of sundry citizens of Maspeth, N. Y., praying for the passage of the so-called Rankin bill, being the bill (H. R. 10381) to amend the World War veterans' act, 1924, as amended, which was referred to the Committee on Finance.

He also presented a resolution adopted by the United Irish Counties Association of New York City, N. Y., favoring the repeal of the national-origins provision of the immigration act, which was referred to the Committee on Immigration.

Mr. WALSH of Massachusetts presented a resolution adopted by the Forty-eighth Encampment, Sons of Union Veterans, of the Department of Massachusetts, favoring the passage of the so-called Robinson bill, granting increased pensions to veterans of the Civil War, which was ordered to lie on the table.

Mr. DILL presented a petition of sundry citizens of Seattle, Wash., praying for the passage of the joint resolution (S. J. Res. 45) proposing an amendment to the Constitution of the United States prohibiting war, which was referred to the Committee on the Judiciary.

CONTROL OF INTERSTATE BUS LINES

Mr. VANDENBERG. Mr. President, as indicating the widespread national interest in the passage of motor-bus legislation at the present session, I desire to present for the RECORD a few typical telegrams from railroad and utility commissions of the various States, which I ask may be printed in the RECORD. The issue should come to the floor of the Senate before this session adjourns.

The VICE PRESIDENT. Without objection, it is so ordered.

The telegrams are as follows:

COLUMBIA, S. C., *May 12, 1930.*

Senator VANDENBERG,
Senate Chamber:

The Railroad Commission of South Carolina respectfully urges the consideration of the Parker bus bill before the adjournment of Congress and would appreciate your cooperation in the matter.

R. H. MCADAMS,
Chairman Railroad Commission of South Carolina.

MONTGOMERY, ALA., *May 12, 1930.*

Senator VANDENBERG,
United States Senate, Washington, D. C.:

Announcement that the Senate will not take up Parker bus bill for passage at this session stirs deepest disappointment in State railroad and utility commissions. For six years such commissions have urged Congress to pass some reasonable legislation regulating interstate bus operations, which the States are powerless to control or regulate. Surely the Senate can not be unmindful of the tremendous growth of interstate bus operations within the past five years. Surely the Senate is concerned about protecting the public interest of the country by establishment of reasonable regulation of such operations. We appeal to you not to permit Congress to adjourn without enactment of some legislation necessary for the protection of the millions of passengers riding these busses annually and other public interests involved. The next session of Congress will be a short session and the Senate knows that it will be difficult to get any such legislation enacted into law at such short session.

ALABAMA PUBLIC SERVICE COMMISSION,
HUGH WHITE, *President.*
H. F. LEE, *Associate Commissioner.*
FRANK P. MORGAN, *Associate Commissioner.*

HELENA, MONT., *May 12, 1930.*

Hon. ARTHUR H. VANDENBERG,
Senate Office Building:

We earnestly urge that you use your efforts toward restoring the Parker-Couzens bus bill to the calendar of the Senate for action at this session. This measure represents five years of study on the part of the State commissions, and we firmly believe that its passage is absolutely necessary to the proper regulation of interstate bus transportation, which daily becomes a greater problem to State regulatory bodies.

BOARD OF RAILROAD COMMISSIONERS OF MONTANA,
LEE DENIS, *Chairman.*

ANNIVERSARY OF BIRTH OF ZEBULON BAIRD VANCE

Mr. OVERMAN. Mr. President, this is the 13th day of May, and the people of the State of North Carolina are celebrating the one hundredth anniversary of the birth of Hon. Zebulon Baird Vance, of North Carolina, a man who I believe to be one of the greatest men in the history of our country. Three times he was Governor of North Carolina, a great war governor, a great statesman, a great orator, the greatest humorist of his day, and for a long time an honored Member of this body. I send to the desk a letter and resolution which I have just received and ask that they may be published in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter and resolution are as follows:

NORTH CAROLINA SOCIETY,
SONS OF THE AMERICAN REVOLUTION,
Raleigh, N. C., May 7, 1930.

Hon. LEE S. OVERMAN,
United States Senate, Washington, D. C.

DEAR COMPATRIOT: I am inclosing copy of proclamation I have mailed to the various chapters in this State, and I hope May 13, the one hundredth anniversary of the birth of Gov. Zebulon Baird Vance, can be observed fittingly. Knowing that you were so intimately associated with him while he was governor of the State, I thought perhaps you might want to call the Senate's attention to his one hundredth anniversary, as he was a Member of that body for a number of years.

With regards and best wishes, I am, fraternally yours,

WM. A. GRAHAM, *President.*

Whereas the one hundredth anniversary of the birth of our illustrious statesman, Zebulon Baird Vance, who was one of the charter members of the National Society of the Sons of the American Revolution, falls on Tuesday, May 13, 1930, it is fitting that some official recognition should be given to this day.

Therefore I am calling upon each chapter throughout the State to observe the day with fitting exercises, by displaying flags or in some other manner the various chapters may decide upon.

WM. A. GRAHAM, *President.*

RALEIGH, N. C., *May 6, 1930.*

REPORT OF THE COMMERCE COMMITTEE

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 3122) authorizing Henry F. Koch, trustee, the Evansville Chamber of Commerce, his legal representatives and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Evansville, Ind., reported it without amendment and submitted a report (No. 649) thereon.

REPORTS OF NOMINATIONS

As in executive session,

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

WILLIAM RUFUS KING

Mr. FESS. Mr. President, from the Committee on the Library I report back favorably House bill 10171, providing for the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States; and I call the attention of the Senator from North Carolina [Mr. OVERMAN] to it.

Mr. OVERMAN. I ask unanimous consent for the present consideration of this bill. Two years ago Congress made the appropriation. Now the citizens desire to add their own funds to the appropriation, and have a celebration next month. This is an emergency measure, and I ask for its present consideration. It does not appropriate any money.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in carrying into effect the provisions of the act approved May 23, 1928 (45 Stats. 719), and February 28, 1929 (45 Stats. 1378), providing for the construction of a tablet or marker in commemoration of William Rufus King, former Vice President of the United States, the Secretary of War is authorized to do all things necessary to accomplish said purpose, by contract or otherwise, with or without advertising, under such conditions as he may prescribe, including the engagement, by contract, of services of such architects, sculptors, artists, or firms or partnerships thereof, and other technical and professional personnel as he may deem necessary without regard to civil-service requirements and restrictions of law governing the employment and compensation of employees of the United States, and to spend in accordance with the provisions of this act such sum of money as may be placed in his hands as a contribution additional to the funds appropriated by Congress.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FESS:

A bill (S. 4443) for the relief of the Willys-Overland Co.; to the Committee on Claims.

By Mr. WALSH of Montana:

A bill (S. 4444) for the relief of Guy Clatterbuck (with accompaning papers); to the Committee on Claims.

By Mr. WATERMAN:

A bill (S. 4445) for the relief of Albert F. Hess; to the Committee on Civil Service.

By Mr. TRAMMELL:

A bill (S. 4446) to provide for examination and survey of a proposed channel, turning basin, slip, and fill in the Alafia River and Hillsborough Bay, near Tampa, Fla.; to the Committee on Commerce.

By Mr. SIMMONS:

A bill (S. 4448) granting a pension to Ada Vermont Lincoln; and

A bill (S. 4449) granting an increase of pension to Jacob Lemuel Hartsfield; to the Committee on Pensions.

By Mr. PATTERSON:

A bill (S. 4450) granting an increase of pension to Anna May Harness; to the Committee on Pensions.

By Mr. DALE:

A bill (S. 4451) granting a pension to Delia Myers (with accompanying papers); and

A bill (S. 4452) granting a pension to Daniel H. McCuin (with accompanying papers); to the Committee on Pensions.

By Mr. HATFIELD:

A bill (S. 4453) authorizing the Monongahela Bridge Co. to construct, maintain, and operate a bridge across the Monongahela River at or near the town of Star City, W. Va.; to the Committee on Commerce.

A bill (S. 4454) to amend section 113 of the Judicial Code, as amended; to the Committee on the Judiciary.

By Mr. JONES:

A bill (S. 4455) granting a pension to Jacob E. Peterman (with accompanying papers); to the Committee on Pensions.

TRANSPORTATION OF TROOPS

Mr. BLAINE. Mr. President, when the War Department appropriation bill was before the Senate the other day I offered an amendment relating to the transportation of troops. At that time the Senator in charge of the bill objected to the amendment and the Chair held that it was not in order. The chairman of the Committee on Appropriations [Mr. JONES] suggested that I prepare and introduce a bill on the subject.

Mr. President, I have prepared and desire to introduce a bill in identically the same terms as the amendment which I proposed to the appropriation bill. However, there is no necessity for any new legislation on this subject if the President, the Secretary of War, the Secretary of the Navy, and those having control of the transportation of the Marine Corps choose to carry out the law as it stands to-day. The only purpose of my amendment was to make it mandatory upon the President and his appointees to observe the economy program announced by the President.

So, Mr. President, I introduce this bill, and I am glad the chairman of the Committee on Appropriations is now here. I want to suggest to him that the bill, as in the case of the amendment which I offered, proposes merely to make it mandatory that the President and his appointees shall do exactly what they now have the power to do under the present law.

The bill (S. 4447) relating to transportation of members of the military and naval forces was read twice by its title and referred to the Committee on Military Affairs.

TRANSFER OF PROHIBITION ENFORCEMENT

Mr. TYDINGS submitted three amendments intended to be proposed by him to the bill (H. R. 8574) to transfer to the Attorney General certain functions in the administration of the national prohibition act, to create a bureau of prohibition in the Department of Justice, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL

Mr. TRAMMELL submitted an amendment intended to be proposed by him to the bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

He also (for Mr. FLETCHER) submitted an amendment intended to be proposed by Mr. FLETCHER to House bill 11781, the river and harbor bill, which was referred to the Committee on Commerce and ordered to be printed.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 3144. An act to amend section 601 of subchapter 3 of the Code of Laws for the District of Columbia;

H. R. 9996. An act to amend the act entitled "An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia," approved February 11, 1929; and

H. R. 11403. An act to amend an act entitled "An act to create a revenue in the District of Columbia by levying tax upon all dogs therein, to make such dogs personal property, and for other purposes," as amended.

JAMES W. SMITH

Mr. McKELLAR. Mr. President, on yesterday the bill (H. R. 3769) for the relief of James W. Smith was acted upon by being indefinitely postponed. I ask unanimous consent that that action be rescinded and that the bill be referred back to the Committee on Military Affairs, which had it in charge. I am impelled to believe that certain affidavits in connection with the claim were not before the committee when it acted.

The VICE PRESIDENT. Is there objection to the reconsideration of the action of the Senate on yesterday whereby the bill was indefinitely postponed, and that the bill be recommitted to the Committee on Military Affairs? The Chair hears none, and it is so ordered.

OWEN J. ROBERTS

Mr. BLEASE. Mr. President, I ask permission to have printed in the RECORD an editorial appearing in the Charleston (W. Va.) Gazette of Sunday, May 11, 1930, entitled "Owen J. Roberts." I would especially invite the attention of southern Senators to it.

The VICE PRESIDENT. Without objection, it is so ordered. The editorial is as follows:

[From the Charleston (W. Va.) Gazette, May 11, 1930]

OWEN J. ROBERTS

Owen J. Roberts, whose name has been sent to the Senate for Justice of the Supreme Court, is a Philadelphia lawyer. We do not know anything about his fitness nor his trends of thought. His handling of the oil-scandal cases does not strike us as evidence of that kind of outstanding ability and strength of character which the public has accustomed itself to expect of each member of this highest court in the land. Not even the dramatic success which made Whitman Governor of New York for "hanging" Becker is to be found in the results of the Doheny, Fall, and Sinclair trials. Doheny was acquitted of the charge of having bribed Fall, but Fall was convicted of taking the same bribe which Doheny did not give. Sinclair was sent to jail for hiring detectives to shadow a jury. There being no charge that he attempted to bribe the jury nor to influence it; and watching the jury is often done by the Government.

We ask West Virginians to observe that the judge who rendered an unreversed opinion upholding this State's position on the arbitrary freight rate, that has taken from the State hundreds of millions of dollars for Pennsylvania's benefit was defeated, and Pennsylvania gets the appointment.

"Old William Penn, her great ancestor,
Fixed it so you can not best her."

Penrose named Harding, who appointed Fall and Daugherty. Harding and Coolidge kept two Pennsylvanians in the Cabinet, who have remained under Mr. Hoover; and Harding and Coolidge had Mr. Roberts, now appointed Justice of the Supreme Court, to take charge of the prosecutions in the oil-scandal cases. Mr. Roberts has held office under the Pennsylvania regency while Penrose controlled the State and Vare the city of Philadelphia. As easily as old William Penn bought the State from the Indians, paying them in beads, jackknives, ribbons, and red cloth, his descendants are taking over the seats of power of the Nation.

In addition to two Cabinet jobs it now has the following chairmanships of the House committees: Judiciary, Banking and Currency, Foreign Affairs, Enrolled Bills, Insular Affairs, and Printing. On the Committee on the Post Office and Post Roads it has 4 members; on Pensions, 2; on Patents, 2; on Naval Affairs, 3 (think of our armor-plate plant); on Military Affairs, 2; on Merchant Marine, 2; on Labor, 2; on the Judiciary, 2, including the chairman; on Invalid Pensions, 2; on Interstate and Foreign Commerce, 2; on Insular Affairs, 2, besides the chairman; on Immigration, 2; on Foreign Affairs, 1, besides the chairman; on Education, 2; on District of Columbia, 2; on Banking and Currency 2, besides the chairman; on Appropriations, 2; Printing, 1, besides the chairman; Rivers and Harbors, 2; War Claims, 2; World War Veterans' Legislation, 2.

The State of Pennsylvania is in control. We have never doubted that its strong, long arms, working in its own mysterious way, defeated Parker. No use to refer us to the vote. What's the use of having power if it can not be exerted all over the area in which motive is looked for? Pennsylvania's tentacles can reach farther now than when Penrose on his dying couch in Philadelphia named Harding for President and heard the approving shouts of the Chicago convention by wire. More votes to reject Parker seem easily within sight had they been necessary. We have no proof other than the CONGRESSIONAL RECORD and Directory and current history. We have no "inside" information, unless telepathy reveals most understandingly to deep feeling.

We do know that West Virginia, Kentucky, Tennessee, and Virginia are taxed, for the benefit of Pennsylvania, 35 cents a ton upon their lake coal shipments; that Judge Parker delivered an opinion that punctured the Interstate Commerce Commission's reasons for making such an order; that the Supreme Court dismissed the appeal as a moot question after the railroads agreed to 35 cents arbitrary—10 cents less than the Interstate Commerce Commission had ordered, but still an arbitrary equal to three times an acceptable profit on coal; that we have seen no reference to this situation in press or in the congressional debate, except our own comments; and that, within a few hours after Parker's defeat, a citizen of Pennsylvania is appointed.

We wonder if it be lese majesty to inquire:

First. Does it seem quite the best and the right thing now, immediately after the defeat of Judge Parker, who decided in favor of West Virginia, Kentucky, Tennessee, and Virginia in the controversy over freight rates and against Pennsylvania—a controversy that must reach the Supreme Court soon—to appoint a Pennsylvanian in the absence of some distinctive reason, based upon national service, proved fitness, or admitted ability, such as pointed to Chief Justice Hughes?

Second. How does Mr. Roberts stand on the sentiments of Judge Parker relating to the negro?

Third. How does he view the cases involving the "yellow-dog" contracts; what does he say of the masterful discussion of Senator WAGNER on the emasculation of the sections of the Clayton Act dealing with labor and injunctions? Shall he, who has rendered no decisions nor been identified with the discussion of these questions, go in "sight unseen"?

West Virginia, Kentucky, Tennessee, and Virginia are wondering whether or not, if the Boulder Dam question should go to the courts, it would be deemed wise or fair to appoint, pending the litigation, a justice from Arizona, New Mexico, Utah, or California.

Have we arrived at the point in naming life-term judges that some must submit to the questionnaire and run the gantlet of all the tribes and organizations for civic virtue or selfish control, but one, less known from the standpoint of fitness for the judicial office, can pass all the posts because he is from the State of Penrose, Vare, and Mellon?

Has Pennsylvania put the inquisition to sleep?

PENSIONS AND INCREASE OF PENSIONS

Mr. ROBINSON of Indiana submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bill (H. R. 9323) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full





and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: On page 22, of the Senate engrossed amendment strike out the following language:

"The name of Tazie Harrison Eberle, widow of Rear Admiral Edward W. Eberle, late of the United States Navy, and pay her a pension at the rate of $150 per month in lieu of that she is now receiving."

Insert in lieu thereof the following language:

"The name of Tazie Harrison Eberle, widow of Rear Admiral Edward W. Eberle, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving."

And the Senate agree to the same.

ARTHUR R. ROBINSON,
B. K. WHEELER,
Managers on the part of the Senate.
HAROLD KNUTSON,
W. F. KOPP,
A. H. GASQUE,
Managers on the part of the House.

The report was agreed to.

SPANISH WAR PENSIONS

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 476) granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expendition, and for other purposes, which was to strike out all after the enacting clause and insert a substitute.

Mr. ROBINSON of Indiana. I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. ROBINSON of Indiana, Mr. NORBECK, and Mr. WHEELER conferees on the part of the Senate.

MEDALS TO OFFICERS AND MEN OF BYRD ANTARCTIC EXPEDITION

The VICE PRESIDENT laid before the Senate the joint resolution (H. J. Res. 327) authorizing the presentation of medals to the officers and men of the Byrd Antarctic expedition, which was read twice by its title.

Mr. GLASS. Mr. President, some time ago I introduced a joint resolution similar to the one just laid before the Senate by the Vice President. Meanwhile the House of Representatives has passed an identical joint resolution, which is now before the Senate, and I ask unanimous consent for its immediate consideration.

Mr. JONES. Mr. President, I want to ask the Senator if the Senate joint resolution has been reported by the committee?

Mr. GLASS. It has been referred to the committee but has not as yet been reported, and meanwhile the joint resolution has been passed on the House side.

Mr. JONES. Yes; but it has been the rule of the Senate that bills—and a Senate joint resolution is governed by the same rule as a bill—even though they pass the House, should be referred to a committee when they come to the Senate. I suggest to the Senator from Virginia that to do what he suggests would establish a bad precedent. I do not anticipate that there will be any trouble in having the Committee on Military Affairs report the joint resolution immediately.

Mr. GLASS. Neither do I; but what I suggest would simply facilitate the matter. The House passed the joint resolution on yesterday. It simply proposes a recognition of the officers and crew as well as the commanding officer of the Byrd expedition.

Mr. FESS. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Ohio?

Mr. GLASS. I yield.

Mr. FESS. I sincerely hope the Senator from Washington [Mr. JONES] will waive his objection in this particular case.

Mr. GLASS. If it were a controversial matter I would not have made my request at all, but this is a proposal which everybody seems to favor.

Mr. FESS. The joint resolution relates to a very unusual and remarkable achievement.

Mr. JONES. Reference of the joint resolution to the proper committee ought not to delay its consideration and passage. The committee could be polled and the joint resolution could be reported back in half an hour and passed in the regular way. When we take such action as is suggested in this case, it becomes a precedent for similar action in other cases. While I am heartily in favor of the passage of the joint resolution, I think it should be referred to a committee. The committee could be polled and the joint resolution be reported in half an hour. Then I should not object to its immediate consideration.

Mr. GLASS. I know that could be done if anybody desires to take the trouble to do it.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on Naval Affairs.

WATER-RIGHT CHARGES ON IRRIGATION PROJECTS

Mr. WALSH of Montana. Mr. President, a few days ago the Senate passed the bill (H. R. 8296) to amend the act of May 25, 1926, entitled "An act to adjust water-right charges, to grant certain other relief on Federal irrigation projects, and for other purposes," with an amendment. By inadvertence, the amendment did not cover the entire bill. It relates to an irrigation project in the State of Montana. I desire to enter a motion that the vote by which the bill was passed be reconsidered and move that the House be requested to return the bill to the Senate.

Mr. McNARY. What is the bill?

Mr. WALSH of Montana. The bill relates to an irrigation project in the State of Montana.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana to recall the bill from the House? The Chair hears none, and it is so ordered.

EXECUTIVE MESSAGES

Messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries.

CONSOLIDATION OF RAILWAY PROPERTIES

Mr. HAWES. Mr. President, to-morrow Senate Joint Resolution 161 will be brought up for discussion. As it affects some 400 short lines in the United States, I ask that the list of those short lines and the States in which they exist be printed in the RECORD, accompanied by a letter from the counsel of the short lines stating that this joint resolution will automatically stop the sale of all these lines.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

THE AMERICAN SHORT LINE RAILROAD ASSOCIATION,
Washington, D. C., May 13, 1930.

Senator HARRY B. HAWES,
Senate Office Building, Washington, D. C.

DEAR SENATOR: In response to telephonic communication from your office, I transmit herewith a list of the existing short-line railroads, by States.

Very respectfully,

BEN B. CAIN, JR.,
Assistant to the General Counsel.

STATE OF ALABAMA

Name of road	Miles	Physical connections
Alabama & North Western R. R. Co.	24	Southern Ry.
Alabama Central R. R. Co.	13	St. Louis-San Francisco; Southern Ry; Illinois Central.
Alabama Central Ry.	8	Mobile & Ohio.
Alabama, Florida & Gulf R. R. Co.	32	Atlantic Coast Line.
Alabama, Tennessee & Northern R. R. Corporation.	220	Alabama Great Southern; Gulf, Mobile & Northern; Louisville & Nashville; Meridian & Bigbee River; Mobile & Ohio; St. Louis-San Francisco; Southern.
Ashland R. R. Co.	7	Atlanta, Birmingham & Coast.
Birmingham & Southeastern R. R. Co.	48	Seaboard Air Line; Western Ry. of Alabama; Central of Georgia.
Birmingham, Selma & Mobile R. R. Co.	16	Mobile & Ohio.
Chattahoochee Valley Ry. Co.	45	Atlanta, Birmingham & Coast; Atlanta & West Point; Central of Georgia.
Manistee & Repton R. R. Co.	14	Louisville & Nashville.
Meridian & Bigbee River Ry. Co.	30	Alabama Great Southern; Alabama, Tennessee & Northern; Gulf, Mobile & Northern; Illinois Central; Mobile & Ohio; New Orleans & North Eastern; Southern.
Mobile & Gulf R. R. Co.	54	Southern; Mobile & Ohio.

STATE OF ALABAMA—continued

Name of road	Miles	Physical connections
Sumter & Choctaw Ry. Co	23	Southern.
Tennessee, Alabama & Georgia Ry	92	Southern; Central of Georgia; Nashville, Chattanooga & St. Louis; Louisville & Nashville.
Tuskegee R. R. Co	10	Western Ry. of Alabama.

STATE OF ARIZONA

Apache Ry. Co	72	Atchison, Topeka & Santa Fe.
Arizona Southern R. R. Co	20	Southern Pacific.
Magma Arizona R. R. Co	28	Do.
Mascot & Western R. R. Co	15	Do.
Ray & Gila Valley R. R. Co	6	Do.
Tucson, Cornelia & Gila Bend R. R. Co	43	Do.
Verde Tunnel & Smelter R. R. Co	11	Atchison, Topeka & Santa Fe.

STATE OF ARKANSAS

Arkansas & Louisiana Midland Ry Co.	86	Ashley, Drew & Northern; Chicago, Rock Island & Pacific; Louisiana & Pine Bluff; Missouri Pacific; Yazoo & Mississippi Valley.
Arkansas R. R	20	Missouri Pacific.
Arkansas Short Line	32	St. Louis-San Francisco; Missouri Pacific.
Ashley, Drew & Northern Ry Co	41	Missouri Pacific; Chicago, Rock Island & Pacific; Arkansas & Louisiana Midland Ry. Co.
Augusta R. R. Co	2	Missouri Pacific.
Bauxite & Northern Ry. Co	3	Chicago, Rock Island & Pacific; Missouri Pacific.
Blytheville, Leachville & Arkansas Southern R. R. Co.	56	St. Louis-San Francisco, St. Louis Southwestern.
Brookings & Peach Orchard R. R. Co	3	Missouri Pacific.
Caddo & Choctaw R. R. Co	23	Do.
Cairo, Truman & Southern R. R. Co	14	St. Louis-San Francisco.
Central Ry. Co. of Arkansas	14	Chicago, Rock Island & Pacific.
Combs, Cass & Eastern R. R. Co	17	St. Louis-San Francisco.
Dardanelle & Russellville R. R. Co	7	Missouri Pacific.
De Queen & Eastern R. R. Co	56	Kansas City Southern.
Doniphan, Kensett & Searcy Ry	6	Missouri Pacific; Chicago, Rock Island & Pacific; Missouri & North Arkansas.
El Dorado & Wesson Ry. Co	10	Chicago, Rock Island & Pacific; Missouri Pacific.
Fordyce & Princeton R. R. Co	19	Chicago, Rock Island & Pacific; St. Louis Southwestern.
Fort Smith & Western Ry. Co	250	Atchison, Topeka & Santa Fe; Chicago, Rock Island & Pacific; Kansas City Southern; Kansas, Oklahoma & Gulf; Midland Valley; Oklahoma City-Ada-Atoka; Missouri-Kansas-Texas; Missouri Pacific; Oklahoma Ry.; St. Louis-San Francisco.
Fort Smith, Subiaco & Rock Island R. R. Co.	54	Missouri Pacific; Chicago, Rock Island & Pacific.
Grand Prairie Branch R. R	7	Missouri Pacific.
Graysonia, Nashville & Ashdown R. R. Co.	27	Missouri Pacific; Murfreesboro-Nashville & Southwestern; Kansas City Southern; St. Louis-San Francisco.
L'Anguille River Ry. Co	2	Missouri Pacific.
Manila & Southwestern Ry. Co	6	St. Louis-San Francisco.
Missouri & North Arkansas Ry. Co	368	Atchison, Topeka & Santa Fe; Kansas City Southern; Missouri Pacific; Missouri-Kansas-Texas; St. Louis-San Francisco; Chicago, Rock Island & Pacific; Yazoo & Mississippi Valley.
Mississippi River & Western R. R	8	St. Louis-San Francisco.
Montana R. R	3	Missouri Pacific.
Murfreesboro-Nashville & Southwestern	35	Graysonia, Nashville & Ashdown Missouri Pacific; Prescott & Northwestern.
Pine Bluff & Northern Ry. Co	10	Chicago, Rock Island & Pacific.
Prescott & Northwestern R. R. Co	36	Missouri Pacific; Murfreesboro-Nashville & Southwestern.
Reader Railroad	23	Missouri Pacific.
Thornton & Alexandria Ry. Co	25	St. Louis Southwestern; Chicago, Rock Island & Pacific.
Warren & Ouachita Valley Ry. Co	16	Missouri Pacific; Chicago, Rock Island & Pacific.
Warren & Saline River R. R	14	Do.

STATE OF CALIFORNIA

Amador Central R. R. Co	12	Southern Pacific.
Arcata & Mad River R. R. Co	13	Northwestern Pacific.
Bay Point & Clayton R. R. Co	9	Atchison, Topeka & Santa Fe, Southern Pacific; San Francisco-Sacramento.
California Central R. R. Co	8	Southern Pacific.
California, Shasta & Eastern Ry. Co	16	Do.
California Western Railroad & Navigation Co.	61	Northwestern Pacific.
Camino, Placerville & Lake Tahoe R. R. Co.	9	Southern Pacific.
Cement, Tolenas & Tidewater R. R. Co	2	Do.
Diamond & Calder Ry. (N. G.)	34	Do.
Indian Valley R. R. Co	22	Western Pacific.
McCloud River R. R. Co	61	Southern Pacific.
Minarets & Western Ry. Co	52	Do.
Modesto & Empire Traction Co	5	Atchison, Topeka & Santa Fe; Southern Pacific.
Nevada County Narrow Gage R. R. Co. (N. G.).	20	Southern Pacific.
Pacific Coast Ry. Co. (N. G.)	103	Do.
Pajaro Valley Consolidated R. R. Co	40	Do.

STATE OF CALIFORNIA—continued

Name of road	Miles	Physical connections
Quincy R. R. Co	6	Western Pacific.
San Diego & Arizona Ry. Co	196	Atchison, Topeka & Santa Fe; Southern Pacific.
San Joaquin & Eastern R. R. Co	56	Southern Pacific.
Santa Maria Valley R. R. Co	23	Do.
Sierra Ry. Co. of California	76	Southern Pacific; Atchison, Topeka & Santa Fe.
Tonopah & Tidewater R. R. Co	169	Atchison, Topeka & Santa Fe; Union Pacific.
Trona Ry. Co	31	Southern Pacific.
Ventura County Ry. Co	22	Do.
Yosemite Valley R. R. Co	78	Do.
Yreka R. R. Co	8	Do.

STATE OF COLORADO

Colorado & Southeastern R. R. Co. (The).	20	Denver & Rio Grande Western; Colorado & Southern; Atchison, Topeka & Santa Fe.
Colorado & Wyoming Ry. Co. (The)	43	Atchison, Topeka & Santa Fe; Denver & Rio Grande Western; Colorado & Southern; Chicago, Burlington & Quincy.
Colorado-Kansas Ry. Co. (The)	22	Colorado & Southern; Denver & Rio Grande Western; Missouri Pacific; Atchison, Topeka & Santa Fe.
Crystal River & San Juan R. R. Co. (The).	28	Denver & Rio Grande Western.
Great Western Ry. Co	87	Chicago, Burlington & Quincy; Colorado & Southern; Union Pacific.
Midland Terminal Ry. Co	108	Atchison, Topeka & Santa Fe; Chicago, Rock Island & Pacific; Colorado & Southern; Denver & Rio Grande Western.
San Luis Central R. R. Co	15	Denver & Rio Grande Western.
San Luis Valley Southern Ry. Co	32	Do.
Silverton Northern R. R. Co. (N. G.)	24	Do.
Uintah Railway Co. (N. G.)	70	Do.

STATE OF CONNECTICUT

South Manchester R. R. Co	2	New York, New Haven & Hartford.

STATE OF FLORIDA

Alabama & Western Florida R. R. Co	38	Louisville & Nashville.
Apalachicola Northern R. R. Co	102	Atlantic Coast Line; Seaboard Air Line; Louisville & Nashville.
Atlanta & St. Andrews Bay Ry. Co	81	Central of Georgia; Atlantic Coast Line; Louisville & Nashville.
Live Oak, Perry & Gulf R. R. Co	76	Atlantic Coast Line; Seaboard Air Line; South Georgia.
Marianna & Blountstown R. R. Co	43	Louisville & Nashville.
Trans-Florida Central R. R. Co	10	Florida East Coast.

STATE OF GEORGIA

Bowdon Ry. Co	12	Central of Georgia.
Collins & Glennville R. R. Co	23	Seaboard Air Line; Wadley Southern.
Elberton & Eastern R. R. Co	35	Seaboard Air Line; Georgia R. R.
Flint River & Northeastern R. R. Co	23	Atlantic Coast Line; Georgia Northern.
Gainesville & Northwestern R. R. Co	46	Southern Railway; Gainesville Midland.
Gainesville Midland Ry	74	Southern; Gainesville & Northwestern; Seaboard Air Line; Central of Georgia; Georgia R. R.; Greene County.
Georgia & Florida R. R	505	Atlanta, Birmingham & Coast; Atlantic Coast Line; Central of Georgia; Charleston & Western Carolina; Georgia; Georgia Northern; Georgia Southern & Florida; Macon, Dublin & Savannah; Sandersville; Savannah & Atlanta; Savannah & Statesboro; Seaboard Air Line; Southern; South Georgia; Wadley Southern; Wrightsville & Tennille.
Georgia, Ashburn, Sylvester & Camilla Ry. Co.	51	Atlantic Coast Line; Georgia Northern; Southern.
Georgia Northern Ry. Co	68	Atlantic Coast Line; Atlanta, Birmingham & Coast; Georgia & Florida; Flint River & Northeastern; Georgia Southwestern & Gulf; Seaboard Air Line; Central of Georgia.
Georgia, Southwestern & Gulf R. R. Co.	36	Atlanta, Birmingham & Coast; Seaboard Air Line; Atlantic Coast Line; Central of Georgia; Georgia Northern.
Greene County R. R. Co	20	Georgia; Gainesville Midland; Central of Georgia.
Hartwell Ry. Co	10	Southern.
Milstead R. R. Co	3	Georgia.
St. Marys R. R. Co	11	Seaboard Air Line.
Sandersville R. R. Co	4	Georgia & Florida; Central of Georgia; Wrightsville & Tennille.
Savannah & Atlanta Ry	145	Atlantic Coast Line; Central of Georgia; Seaboard Air Line; Southern; Sylvania Central; Georgia & Florida; Georgia.

STATE OF GEORGIA—continued

Name of road	Miles	Physical connections
Shearwood Ry. Co	38	Central of Georgia; Savannah & Statesboro; Seaboard Air Line.
South Georgia Ry. Co	82	Georgia & Florida; Georgia Southern & Florida; Atlantic Coast Line; Seaboard Air Line; Live Oak, Perry & Gulf.
Talbotton Railroad Co	7	Central of Georgia.
Tennga R. R	10	Louisville & Nashville.
Washington & Lincolnton R. R. Co	20	Georgia; Elberton & Eastern.

STATE OF IDAHO

Craig Mountain Ry. Co	6	Camas Prairie; Northern Pacific; Union Pacific.
Intermountain Ry. Co	40	Union Pacific.
Nezperce & Idaho R. R. Co	14	Camas Prairie; Union Pacific; Northern Pacific.
Pacific & Idaho Northern Ry. Co	90	Union Pacific.
Washington, Idaho & Montana Ry. Co	30	Northern Pacific; Chicago, Milwaukee & St. Paul.

STATE OF ILLINOIS

Alton & Eastern R. R. Co	40	Alton & Southern; Baltimore & Ohio Southwestern; Chicago & Alton; Chicago & Eastern Illinois; Chicago, Burlington & Quincy; Chicago, Rock Island & Pacific; Chicago, Springfield & St. Louis; Cleveland, Cincinnati, Chicago & St. Louis; East St. Louis connecting; East St. Louis junction; Illinois Central; Illinois Terminal; Litchfield & Madison; Louisville & Nashville; Manufacturers; Missouri-Kansas & Texas; Missouri Pacific; Mobile & Ohio; New York, Chicago & St. Louis; Pennsylvania; St. Louis & O'Fallon; St. Louis & Ohio River; St. Louis-San Francisco; St. Louis Southwestern; St. Louis, Troy & Eastern; Southern; Wabash.
Chicago, Springfield & St. Louis Ry	87	Alton & Eastern; Baltimore & Ohio; Chicago & Alton; Chicago & Illinois Midland; Chicago, Burlington & Quincy; Illinois Central; Jacksonville & Havana; Wabash.
Chicago & Illinois Midland Ry. Co	135	Atchison, Topeka & Santa Fe; Baltimore & Ohio; Chicago & Alton; Chicago & North Western; Chicago, Burlington & Quincy; Chicago, Rock Island & Pacific; Chicago, Springfield & St. Louis; Illinois Central; Illinois Traction System; Jacksonville & Havana; Minneapolis & St. Louis; New York, Chicago & St. Louis; Pennsylvania; Peoria & Eastern; Peoria & Pekin Union; Peoria Terminal; Springfield Terminal; Toledo, Peoria & Western; Wabash.
Galesburg & Great Eastern R. R. Co	10	Chicago, Burlington & Quincy.
Hanover Ry. Co	3	Chicago Great Western.
Hooppole, Yorktown & Tampico R. R	15	Chicago, Burlington & Quincy.
Illinois Midland Ry	2	Do.
Jacksonville & Havana R. R	60	Baltimore & Ohio; Chicago & Alton; Chicago & Illinois Midland; Chicago, Burlington & Quincy; Chicago, Springfield & St. Louis; Illinois Central; Wabash.
Jefferson Southwestern R. R. Co	11	Chicago & Eastern Illinois; Louisville & Nashville; Southern; Missouri Pacific.
Kansas & Sidell R. R. Co	26	Chicago & Eastern Illinois; Cincinnati, Indianapolis & Western; New York, Chicago & St. Louis; Pennsylvania; Big 4.
Litchfield & Madison Ry. Co	51	Alton & Eastern; Alton & Southern; Baltimore & Ohio; Chicago & Alton; Chicago & Eastern Illinois; Chicago & Northwestern; Chicago, Burlington & Quincy; Chicago, Rock Island & Pacific; Big 4; East St. Louis junction; East St. Louis suburban; Illinois Central; Illinois Terminal; Louisville & Nashville; Manufacturers; Missouri, Kansas & Texas; Missouri Pacific; Mobile & Ohio; New York, Chicago & St. Louis; Pennsylvania; St. Louis & O'Fallon; St. Louis & Ohio River; St. Louis-San Francisco; St. Louis Southwestern; Southern; Wabash.
Macomb, Industry & Littleton Ry. Co	20	Chicago, Burlington & Quincy.
Rock Island Southern Ry. Co	81	Atchison, Topeka & Santa Fe; Chicago, Burlington & Quincy; Chicago, Milwaukee, St. Paul & Pacific; Chicago, Rock Island & Pacific; Davenport, Rock Island & Northwestern; Minneapolis & St. Louis.

STATE OF ILLINOIS—continued

Name of road	Miles	Physical connections
Rutland, Toluca & Northern R. R	27	Illinois Central; Atchison, Topeka & Santa Fe; Chicago & Alton; New York Central (L. c. l.); Chicago, Milwaukee & St. Paul.
St. Louis & Ohio River R. R	14	Alton & Southern.
Westfield R. R. Co	30	Big 4; Kansas & Sidell; Pennsylvania.

STATE OF INDIANA

Chicago, Attica & Southern R. R. Co	155	Baltimore & Ohio; Chesapeake & Ohio; Chicago & Eastern Illinois; Chicago & Erie; Chicago, Indianapolis & Louisville; Big 4; Grand Trunk Western; New York Central; New York, Chicago & St. Louis; Pennsylvania; Pere Marquette; Wabash.
Ferdinand R. R. Co	7	Southern.
Louisville, New Albany & Corydon R. R. Co.	8	Do.

STATE OF IOWA

Atlantic Northern Ry. Co	17	Chicago, Rock Island & Pacific.
Manchester & Oneida Ry. Co	8	Chicago, Milwaukee & St. Paul; Chicago Great Western.
Tabor & Northern Ry. Co	11	Chicago, Burlington & Quincy; Wabash.

STATE OF KANSAS

Garden City Western Ry. Co	14	Atchison, Topeka & Santa Fe.
Kansas & Oklahoma Ry. Co	19	Chicago, Rock Island & Pacific.
Leavenworth & Topeka R. R. Co	45	Chicago, Burlington & Quincy; Chicago Great Western; Chicago, Rock Island & Pacific; Missouri Pacific; Atchison, Topeka & Santa Fe; Union Pacific.
The Wichita Northwestern Ry. Co	100	Atchison, Topeka & Santa Fe; Chicago, Rock Island & Pacific; Missouri Pacific.

STATE OF KENTUCKY

Artemus-Jellico Railroad Co	13	Louisville & Nashville.
Big Sandy & Kentucky River Ry. Co.	25	Chesapeake & Ohio.
Brooksville & Ohio River R. R. Co	10	Do.
Cadiz Railroad Co	10	Illinois Central; Louisville & Nashville.
Carrollton & Worthville R. R. Co	10	Louisville & Nashville.
East Kentucky Southern Ry. Co	13	Chesapeake & Ohio.
Flemingsburg & Northern R. R. Co	7	Louisville & Nashville.
Frankfort & Cincinnati Ry. Co	41	Louisville & Nashville; Southern.
Kentucky & Tennessee Ry	20	Southern.
Kentucky, Rockcastle & Cumberland R. R. Co.	12	Louisville & Nashville.
Mammoth Cave R. R. Co. (The)	9	Do.
Mountain Central Ry. Co. (N. G.)	13	Do.
Morehead and North Fork R. R. Co	25	Chesapeake & Ohio.
Ohio & Kentucky Ry. Co	40	Louisville & Nashville.
Rockcastle River Ry. Co	16	Do.

STATE OF LOUISIANA

Brimstone Railroad & Canal Co	13	Kansas City Southern; Louisiana Western.
Christie & Eastern Ry. Co	14	Kansas City Southern; Missouri Pacific; Chicago, Rock Island & Pacific; Southern Pacific; Texas Pacific.
Garyville Northern R. R. Co	35	Yazoo & Mississippi Valley; Louisiana Railway & Navigation Co.
Lake Providence, Texarkana & Western R. R.	8	Missouri Pacific.
Leesville, Slagle & Eastern Ry. Co	10	Kansas City Southern.
Louisiana & North West R. R	99	St. Louis Southwestern; Yazoo & Mississippi Valley; North Louisana & Gulf; Louisiana & Arkansas.
Louisiana Southern Ry	65	Illinois Central; Louisville & Nashville; Missouri Pacific; Southern Pacific.
Mansfield Railway & Transportation Co.	7	Kansas City Southern; Texas & Pacific.
Natchez, Urania & Ruston Ry. Co	7	Missouri Pacific.
New Orleans, Natalbany & Natchez Ry.	29	Illinois Central.
North Louisiana & Gulf R. R. Co	26	Chicago, Rock Island & Pacific.
Ouachita & Northwestern R. R. Co	35	Missouri Pacific; Tremont & Gulf.
Red River & Gulf R. R	77	Chicago, Rock Island & Pacific; Missouri Pacific; Texas & New Orleans; Texas & Pacific.
Sibley, Lake Bisteneau & Southern Ry.	27	Yazoo & Mississippi Valley; Louisiana & Arkansas.
Tremont & Gulf Ry. Co	71	Ouachita & Northwestern; Missouri Pacific; Chicago, Rock Island & Pacific; Louisiana Railway & Navigation Co.; Louisiana & Arkansas; Yazoo & Mississippi Valley.

STATE OF MAINE

Name of road	Miles	Physical connections
Belfast & Moosehead Lake R. R. Co.	33	Maine Central.
Benton & Fairfield R. R. Co.	5	Do.
Kennebec Central R. R. Co. (N. G.)	5	Do.
Knox R. R. Co.	9	Do.
Monson R. R. Co. (N. G.)	8	Bangor & Aroostook.
Wiscasset, Waterville & Farmington Ry. Co. (N. G.).	44	Maine Central.

STATE OF MARYLAND

Castleman River R. R.	14	Baltimore & Ohio.
The Chaffee R. R. Co.	3	Western Maryland.
Chesapeake Beach Ry. Co.	26	Baltimore & Ohio; Pennsylvania.
Cumberland & Manchester R. R. Co.	32	Baltimore & Ohio; Western Maryland; Pennsylvania.
Emmitsburg R. R. Co.	7	Western Maryland.
Maryland & Delaware Coast Ry. Co.	47	Pennsylvania.
Maryland & Pennsylvania Ry. Co.	81	Pennsylvania; Baltimore & Ohio.
Preston R. R. Co.	56	Baltimore & Ohio.
Washington, Brandywine & Point Lookout R. R. Co.	24	Pennsylvania.

STATE OF MICHIGAN

Arcadia & Betsey River Ry. Co.	17	Pere Marquette.
Boyne City, Gaylord & Alpena R. R. Co.	52	Pennsylvania; Michigan Central; Detroit & Mackinac.
Copper Range R. R.	141	Duluth, South Shore & Atlantic; Mineral Range; Chicago, Milwaukee, St. Paul & Pacific.
Detroit, Caro & Sandusky R. R. Co.	50	Michigan Central; Grand Trunk Western; Pere Marquette.
East Jordan & Southern R. R. Co.	44	Michigan Central; Pere Marquette.
Erie & Michigan Railway & Navigation Co.	11	Detroit & Mackinac.
Escanaba & Lake Superior R. R. Co.	150	Chicago & North Western; Soo Line; Chicago, Milwaukee & St. Paul.
Lake Superior & Ishpeming R. R.	164	Duluth, South Shore & Atlantic; Minneapolis, St. Paul & Sault Ste. Marie; Chicago & North Western; Manistique & Lake Superior (Wabash).
Manistee & Northeastern R. R. Co.	125	Pere Marquette; Ann Arbor; Pennsylvania.
Ontonagon R. R. Co.	15	Chicago, Milwaukee & St. Paul.
Port Huron & Detroit R. R. Co.	22	Pere Marquette; Grand Trunk Western; Rapid R. R.
Wisconsin & Michigan R. R. Co.	76	Chicago, Milwaukee & St. Paul; Chicago & North Western; Soo Line; Ann Arbor.

STATE OF MINNESOTA

Duluth & Northeastern R. R. Co.	57	Northern Pacific; Great Northern; Chicago, Milwaukee & St. Paul; Duluth, Missabe & Northern; Duluth, Winnepeg & Pacific; Duluth & Iron Range.
Minneapolis & Rainy River Ry. Co.	63	Great Northern.
Minneapolis, Red Lake & Manitoba Ry. Co.	33	Do.
Minnesota, Dakota & Western Ry. Co.	84	Northern Pacific; Duluth, Winnipeg & Pacific.
Minnesota Western R. R. Co.	147.7	Chicago, Burlington & Quincy; Chicago Great Western; Chicago, Milwaukee, St. Paul & Pacific; Chicago, Rock Island & Pacific; Great Northern; Minneapolis & Eastern; Minneapolis & St. Louis; Minneapolis, Northfield & Southern; Minneapolis, St. Paul & Sault Ste. Marie; Minneapolis Western; Northern Pacific.
Minneapolis, Northfield & Southern Ry.	122	Chicago, Burlington & Quincy; Chicago Great Western; Chicago, Milwaukee, St. Paul & Pacific; Chicago, Rock Island & Pacific; Chicago, St. Paul, Minneapolis & Omaha; Great Northern; Minneapolis & St. Louis; Minneapolis, Anoka & Cuyuna Range; Minneapolis Eastern; Minneapolis, St. Paul & Sault Ste. Marie; Minneapolis Western; Minnesota Western; Northern Pacific.
Minnesota Northwestern Electric	19	Minneapolis, St. Paul & Sault Ste. Marie.

STATE OF MISSISSIPPI

Batesville Southwestern R. R.	17	Illinois Central.
Bonhomie & Hattiesburg Southern R. R. Co.	27	Gulf & Ship Island; Mississippi Central; Southern; Gulf, Mobile & Northern.
Canton & Carthage R. R.	34	Illinois Central.
Columbus & Greenville Ry. Co.	168	Mobile & Ohio; Southern; Illinois Central; Gulf, Mobile & Northern Yazoo & Mississippi Valley.
De Kalb & Western R. R. Co.	14	Mobile & Ohio.
Fernwood, Columbia & Gulf R. R. Co.	44	Illinois Central; New Orleans Great Northern; Gulf & Ship Island.

STATE OF MISSISSIPPI—continued

Kosciusko & South Eastern R. R. Co.	16	Illinois Central.
Mississippi & Alabama R. R. Co.	17	Mobile & Ohio.
Mississippi & Skuna Valley R. R.	21	Illinois Central.
Mississippi & Western R. R. Co.	12	Gulf, Mobile & Northern.
Mississippi Central R. R.	150	Bonhomie & Hattiesburg Southern; Gulf & Ship Island; Illinois Central; Louisiana & Arkansas; Missouri Pacific; Natchez & Southern; New Orleans Great Northern; Southern; Yazoo & Mississippi Valley.
Mississippi Eastern Ry. Co.	16	Mobile & Ohio.
Mississippi Export R. R. Co.	44	Louisville & Nashville; Gulf, Mobile & Northern.
Mississippi Southern R. R.	70	Gulf & Ship Island; Southern.
Mississippian Ry.	24	St. Louis-San Francisco.
Natchez, Columbia & Mobile R. R.	30	Illinois Central; New Orleans Great Northern.
Pearl River Valley R. R. Co.	34	Southern.

STATE OF MISSOURI

Bevier & Southern R. R. Co.	14	Chicago, Burlington & Quincy.
Cape Girardeau Northern Ry. Co.	28	St. Louis-San Francisco.
Cassville & Exeter Ry. Co.	5	Do.
Deering Southwestern Ry.	33	St. Louis-San Francisco; St. Louis Southwestern.
Gideon & North Island R. R.	15	Do.
Missouri Southern R. R. Co.	54	Missouri Pacific.
Ozark Southern Ry. Co.	16	St. Louis-San Francisco.
Poplar Bluff & Dan River R. R.	15	Missouri Pacific; St. Louis-San Francisco.
Rockport, Langdon & Northern Ry. Co.	6	Chicago, Burlington & Quincy.
St. Louis & Hannibal R. R. Co.	104	Wabash; Chicago, Burlington & Quincy; Chicago & Alton.
Shelby County Ry. Co.; Shelby Northwestern Ry. Co.	30	Chicago, Burlington & Quincy.

STATE OF MONTANA

Montana, Wyoming & Southern R. R. Co.	27	Northern Pacific.

STATE OF NEBRASKA

Yankton, Norfolk & Southern R. R.	75	Chicago & North Western; Great Northern; Chicago, Milwaukee, St. Paul & Pacific; Union Pacific; Chicago, St. Paul, Minneapolis & Omaha.

STATE OF NEVADA

Eureka-Nevada Ry. Co. (N. G.)	88	Southern Pacific; Western Pacific.
Nevada Central R. R. Co. (N. G.)	93	Do.
Nevada Copper Belt R. R. Co.	42	Southern Pacific.
Nevada Northern Ry. Co.	165	Southern Pacific; Western Pacific.
Tonopah & Goldfield R. R. Co.	110	Southern Pacific; Tonopah & Tidewater.
Virginia & Truckee Ry. Co.	68	Southern Pacific; Western Pacific.

STATE OF NEW HAMPSHIRE

Suncook Valley R. R.	22	Boston & Maine.

STATE OF NEW JERSEY

Morristown & Erie R. R. Co.	11	Delaware, Lackawanna & Western; Erie.
Mount Hope Mineral R. R. Co.	4	Delaware, Lackawanna & Western; Central of New Jersey.
Pennsylvania & Atlantic R. R. Co.	25	Pennsylvania.
Rahway Valley Co.	15	Lehigh Valley; Central of New Jersey; Delaware, Lackawanna & Western.
Raritan River R. R. Co.	22	Central of New Jersey; Pennsylvania.
Tuckerton Railroad Co.	20	Do
Wharton & Northern R. R. Co.	23	Delaware, Lackawanna & Western.
Wildwood & Delaware Bay Short Line R. R. Co.	4	Philadelphia & Reading; Central of New Jersey.

STATE OF NEW MEXICO

Cimarron & Northwestern Ry. Co.	19	Atchison, Topeka & Santa Fe.
New Mexico Midland Ry. Co.	10	Do.
Rio Grande Eastern Ry. Corporation	13	Do.
Santa Fe Northwestern Ry. Co.	51	Do.

STATE OF NEW YORK

Arcade & Attica R. R. Corporation	28	Erie; New York Central; Pennsylvania.
Dansville & Mount Morris R. R. Co.	15	Erie.
Delaware & Northern R. R. Co.	38	Ulster & Delaware; New York, Ontario & Western.
Dexter & Northern R. R. Co.	2	New York Central.
Fonda, Johnstown & Gloversville R. R. Co.	57	Do.

STATE OF NEW YORK—continued

Name of road	Miles	Physical connections
Genesee & Wyoming R. R. Co.	18	Lehigh Valley; Buffalo, Rochester & Pacific; Erie; New York Central; Delaware, Lackawanna & Western; Pennsylvania.
Glenfield & Western R. R. Co.	19	New York Central.
Grasse River R. R. Corporation	16	Do.
Lake Champlain & Moriah R. R. Co.	7	Delaware & Hudson.
Lowville & Beaver River R. R. Co.	11	New York Central.
Marcellus & Otisco Lake Co. (Inc.)	9	New York Central; A. & S. E.
Marion Railway Co.	10	Pennsylvania.
Middleburgh & Schoharie R. R.	5	Schoharie Valley.
Middletown & Unionville R. R. Co.	15	Erie; New York, Ontario & Western.
New York & Pennsylvania Ry. Co.	57	Erie; Buffalo & Susquehanna; Pittsburgh, Shawmut & Northern.
Norwood & St. Lawrence R. R. Co.	18	New York Central; Rutland.
Prattsburgh Railway Corporation	12	Erie.
Skaneateles R. R. Co.	5	New York Central.
Sterling Mountain Ry. Co.	8	Erie.
Ulster & Delaware R. R. Co.	129	New York Central; Delaware & Northern; Delaware & Hudson.
Unadilla Valley Ry. Co.	20	Delaware, Lackawanna & Western; New York, Ontario & Western.

STATE OF NORTH CAROLINA

Aberdeen & Rockfish R. R. Co.	45	Seaboard Air Line; Norfolk Southern; Laurinburg & Southern; Atlantic Coast Line.
Appalachian Ry. Co.	18	Southern.
Atlantic & Carolina R. R. Co.	10	Atlantic Coast Line.
Atlantic & Western R. R. Co.	24	Norfolk Southern; Seaboard Air Line; Atlantic Coast Line; Atlantic & Yadkin.
Bonlee & Western Ry. Co.	11	Atlantic & Yadkin.
Carolina & Georgia Ry. Co.	25	Southern.
Carolina & Northeastern R. R. Co.	15	Seaboard Air Line.
Carolina Southern Ry. Co.	22	Atlantic Coast Line.
Cliffside R. R. Co.	8	Seaboard Air Line.
Dover & South Bound R. R. Co.	25	Norfolk Southern.
Durham & Southern Ry. Co.	59	Seaboard Air Line; Southern; Norfolk & Western; Norfolk Southern; Atlantic Coast Line.
East Carolina Ry.	89	Atlantic Coast Line; Norfolk Southern.
Elkin & Alleghany R. R. Co.	16	Southern.
Graham County R. R. Co.	12	Do.
High Point, Thomasville & Denton R. R. Co.	35	Southern; Winston-Salem.
Laurinburg & Southern R. R. Co.	30	Aberdeen & Rockfish; Seaboard Air Line; Atlantic Coast Line.
Lawndale Railway & Industrial Co.	11	Seaboard Air Line.
Linville River Ry. Co.	34	East Tennessee & Western North Carolina.
Maxton, Alma & Southbound R.R. Co.	15	Seaboard Air Line.
Moore Central Ry. Co.	23	Do.
Townsville R. R. Co.	12	Do.
Tuckaseegee & Southeastern Ry. Co.	12	Southern.
Pigeon River Ry.	13	Do.
Warrenton R. R. Co.	3	Seaboard Air Line.
Wilmington, Brunswick & Southern R. R. Co.	30	Atlantic Coast Line; Seaboard Air Line.

STATE OF NORTH DAKOTA

Cavalier County Ry. Co.	1	Canadian Pacific.
Midland Continental R. R.	73	Northern Pacific; Soo Line; Chicago, Milwaukee & St. Paul.

STATE OF OHIO

Akron, Canton & Youngstown Ry. Co.	19	Northern Ohio; Pennsylvania; Baltimore & Ohio; Erie; Wheeling & Lake Erie.
Federal Valley R. R. Co.	16	New York Central.
Lakeside & Marblehead R. R. Co.	11	Do.
Northern Ohio Ry. Co.	152	Akron, Canton & Youngstown; Baltimore & Ohio; Wheeling & Lake Erie; Big 4; Baltimore & Ohio; Pennsylvania; New York Central; Hocking Valley; New York, Chicago & St. Louis; Detroit, Toledo & Ironton.
Pittsburgh, Lisbon & Western R. R. Co.	26	Pennsylvania; Erie; Youngstown & Ohio River.
Toledo, Angola & Western Ry. Co.	10	Toledo Terminal; New York Central.

STATE OF OKLAHOMA

Beaver, Meade & Englewood R. R. Co.	67	Chicago, Rock Island & Pacific; Missouri-Kansas-Texas.
Fort Smith & Western Ry. Co.	250	Atchison, Topeka & Santa Fe; Chicago, Rock Island & Pacific; Frisco System; Kansas City Southern; Kansas, Oklahoma & Gulf; Midland Valley; Missouri-Kansas-Texas; Missouri Pacific; Oklahoma; Oklahoma City-Ada-Atoka.
Miami Mineral Belt R. R. Co.	31	Kansas City Southern; Kansas, Oklahoma & Gulf; St. Louis-San Francisco.
Oklahoma & Rich Mountain R. R. Co.	17	Kansas City Southern.

STATE OF OKLAHOMA—continued

Name of road	Miles	Physical connections
Oklahoma City-Ada-Atoka Ry. Co.	133	Atchison, Topeka & Santa Fe; Chicago, Rock Island & Pacific; Fort Smith & Western; Kansas, Oklahoma & Gulf; Missouri-Kansas-Texas; Oklahoma; St. Louis-San Francisco.
Oklahoma-Southwestern Ry. Co.	25	St. Louis-San Francisco.
Okmulgee Northern Ry. Co.	10	St. Louis-San Francisco; Kansas, Oklahoma & Gulf.
Osage Ry. Co.	18	Midland Valley.
Poteau & Cavanal Mountain R. R. Co.	4	Kansas City Southern; St. Louis-San Francisco.
Texas, Oklahoma & Eastern R. R. Co.	40	St. Louis-San Francisco; Kansas City Southern; De Queen & Eastern.

STATE OF OREGON

Big Creek & Telocaset R. R.	11	Union Pacific.
California & Oregon Coast R. R. Co.	15	Southern Pacific.
Carlton & Coast R. R. Co.	14	Do.
City of Prineville Ry.	19	Union Pacific; Spokane, Portland & Seattle.
Condon Kinzua & Southern R. R.	24	Union Pacific.
Great Southern R. R. Co.	41	Do.
Mount Hood R. R. Co.	22	Do.
Oregon, Pacific & Eastern Ry. Co.	23	Southern Pacific.
Sumpter Valley Ry. Co. (N. G.)	79	Union Pacific.
Union Railroad of Oregon	16	Do.
Valley & Siletz R. R. Co.	41	Southern Pacific.
Willamette Valley & Coast R. R. Co.	6	Do.

STATE OF PENNSYLVANIA

Bare Rock R. R. Co.	2	Baltimore & Ohio.
Bellefonte Central R. R. Co.	23	Pennsylvania.
Cambria & Indiana R. R. Co.	30	New York Central; Pennsylvania.
Chestnut Ridge Ry. Co.	14	Lehigh & New England; Central of New Jersey.
Coudersport & Port Allegany R. R. Co.	33	Buffalo & Susquehanna; Pennsylvania.
Delaware Valley Ry. Co.	14	Delaware, Lackawanna & Western.
Eagles Mere Ry. Co. (N. G.)	10	Williamsport & North Branch.
East Berlin R. R. Co.	8	Western Maryland.
East Broad Top R. R. & Coal Co.	70	Pennsylvania.
Hickory Valley R. R. Co.	6	Do.
Huntington & Broad Top Mountain R. R. & Coal Co.	74	Do.
Kane & Elk Railroad Co.	8	Do.
Kishacoquillas Valley R. R. Co.	16	Do.
Lake Erie, Franklin & Clarion R. R. Co.	24	New York Central; Pennsylvania.
Ligonier Valley R. R. Co.	16	Pennsylvania.
Montour R. R. Co.	57	Pittsburgh & Lake Erie; Pittsburgh & West Virginia; Pennsylvania.
Mt. Jewett, Kinzua & Riterville R. R. Co.	24	Pennsylvania; Pittsburg, Shawmut & Northern; Buffalo, Rochester & Pittsburgh; Valley; Erie; Baltimore & Ohio.
Northampton & Bath R. R. Co.	12	Central of New Jersey; Delaware, Lackawanna & Western; Lehigh & New England.
Pittsburg & Shawmut R. R. Co.	103	Erie; Pittsburg, Shawmut & Northern; Buffalo, Rochester & Pittsburgh; Pennsylvania.
Pittsburg & Susquehanna R. R.	16	Pennsylvania; New York Central.
Pittsburg, Shawmut & Northern R. R. Co.	198	Erie; Pennsylvania; Kushequa Route; Pittsburgh & Susquehanna; Delaware, Lackawanna & Western; Buffalo, Rochester & Pittsburgh.
Quakertown & Bethlehem R. R. Co.	15	Reading.
Sheffield & Tionesta Ry. Co.	34	Pennsylvania; Tionesta Valley; Hocking Valley.
Stewartstown R. R. Co.	16	Pennsylvania.
Strasburg R. R. Co.	4	Do.
Susquehanna & New York R. R. Co.	66	Lehigh Valley; New York Central; Pennsylvania; Reading.
Susquehanna River & Western R. R. Co.	14	Pennsylvania.
Tionesta Valley Ry. Co.	51	Pennsylvania; Baltimore & Ohio; Buffalo, Rochester & Pittsburgh.
Tuscarora Valley R. R. Co. (N. G.)	27	Pennsylvania.
Unity Railways Co.	4	Bessemer & Lake Erie.
Upper Merion & Plymouth R. R. Co.	12	Pennsylvania; Reading.
Ursina & North Fork R. R. Co.	5	Baltimore & Ohio.
Valley R. R. Co.	12	Pennsylvania; Kushequa Route.
Washington Run R. R. Co.	4	Baltimore & Ohio.
Williamsport & North Branch Ry. Co.	46	Pennsylvania; Lehigh Valley.
Winfield R. R. Co.	13	Pennsylvania.

STATE OF RHODE ISLAND

Moshassuck Valley R. R. Co.	5	New York, New Haven & Hartford.
Narragansett Pier R. R. Co.	8	Do.

STATE OF SOUTH CAROLINA

Atlantic & Northwestern R. R.	80	Seaboard Air Line.
Alcolu R. R.	25	Atlantic Coast Line.
Augusta Northern Ry.	11	Southern.
Bamberg Ehrhardt & Walterboro Ry. Co.	14	Southern; Atlantic Coast Line.
Bennettsville & Cheraw R. R. Co.	32	Seaboard Air Line; Atlantic Coast Line.

STATE OF SOUTH CAROLINA—continued

Name of road	Miles	Physical connections
Buffalo, Union-Carolina R. R.	19	Seaboard Air Line; Southern.
Carolina Western R. R.	6	Atlantic Coast Line.
Due West Ry. Co.	5	Southern; Piedmont & Northern.
Edgmoor & Manetta Ry.	3	Seaboard Air Line.
Greenville & Northern Ry. Co.	23	Southern; Charleston & Western Carolina.
Hampton & Branchville R. R. Co.	49	Atlantic Coast Line; Charleston & Western Carolina.
Lancaster & Chester Ry. Co.	29	Southern; Seaboard Air Line; Carolina & Northwestern.
Northwestern R. R. Co. of South Carolina.	81	Seaboard Air Line; Southern; Atlantic Coast Line.
Pickens R. R. Co.	9	Southern.
Ware Shoals R. R.	5	Do.

STATE OF SOUTH DAKOTA

Name of road	Miles	Physical connections
Rapid City, Black Hills & Western R. R. Co.	35	Chicago & North Western; Chicago, Milwaukee & St. Paul; Chicago, Burlington & Quincy.

STATE OF TENNESSEE

Name of road	Miles	Physical connections
Chattanooga & Montlake Ry. Co.	2	Southern.
East Tennessee & Western North Carolina R. R. Co.	36	Southern; Clinchfield.
Little River R. R. Co.	8	Southern.
Morgan & Fentress R. R.	18	Do.
Nashville & Atlantic R. R. Co.	12	Nashville, Chattanooga & St. Louis.
Oneida & Western R. R. Co.	30	Southern.
Tennessee & North Carolina Ry. Co.	77	Do.
Tennessee, Kentucky & Northern R. R. Co.	19	Tennessee Central.
Tennessee R. R. Co.	66	Southern.

STATE OF TEXAS

Name of road	Miles	Physical connections
Angelina & Neches River R. R. Co.	31	St. Louis Southwestern; Southern Pacific; Groveton, Lufkin & Northern; Texas Southeastern; Texas & New Orleans.
Bartlett Western Ry.	23	Missouri-Kansas-Texas.
Caro Northern Ry. Co.	17	Southern Pacific.
Eastland, Wichita Falls & Gulf R. R. Co.	27	Missouri-Kansas-Texas; Texas & Pacific; Wichita Falls & Southern.
East Texas & Gulf Ry. Co.	4	Southern Pacific.
Fredericksburg & Northern Ry. Co.	24	Do.
Groveton, Lufkin & Northern Ry. Co.	78	Angelina & Neches River; St. Louis Southwestern of Texas; Waco, Beaumont, Trinity & Sabine; Southern Pacific Lines; Texas Southeastern.
Gulf & Northern Ry. Co.	15	Missouri Pacific.
Gulf, Texas & Western Ry. Co.	99	Chicago, Rock Island & Gulf; Gulf, Colorado & Santa Fe; Texas & Pacific; Weatherford, Mineral Wells & Northwestern; Wichita Falls & Southern; Wichita Valley.
Jefferson & Northwestern Ry. Co.	40	Missouri-Kansas-Texas of Texas; Texas & Pacific.
Lufkin, Hemphill & Gulf Ry. Co.	11	Atchison, Topeka & Santa Fe.
Marshall, Elysian Fields & Southeastern Ry. Co.	18	Texas & Pacific.
Moscow, Camden & San Augustine R. R.	7	Southern Pacific.
Nacogdoches & Southeastern R. R. Co.	42	Gulf, Colorado & Santa Fe; Houston East & West Texas; Texas & New Orleans.
Paris & Mount Pleasant R. R. Co.	51	Gulf, Colorado & Santa Fe; Paris & Great Northern; St. Louis Southwestern of Texas; Texas & New Orleans; Texas & Pacific.
Port Bolivar Iron Ore Ry. Co.	34	Texas & Pacific; International Great Northern; Atchison, Topeka & Santa Fe.
Port Isabel & Rio Grande Valley R. R.	26	Northern Pacific; Southern Pacific.
Rio Grande & Eagle Pass Ry. Co.	24	International Great Northern; Texas Mexican.
Rio Grande, Micolithic & Northern R. R.	6	Southern Pacific.
Rockdale, Sandow & Southern R. R. Co.	7	International Great Northern.
Roscoe, Snyder & Pacific Ry. Co.	50	Texas & Pacific; Atchison, Topeka & Santa Fe.
Sabine & Neches Valley Ry. Co.	14	Kansas City Southern; Missouri Pacific.
Shreveport, Houston & Gulf R. R. Co.	11	St. Louis Southwestern; Southern Pacific.
Texas Southeastern Ry.	63	St. Louis Southwestern; Southern Pacific.
Trinity Valley & Northern Ry. Co.	18	Southern Pacific; Missouri Pacific.
Trinity Valley Southern R. R. Co.	6	International Great Northern.
Uvalde & Northern Ry. Co.	37	Southern Pacific; International Great Northern.
Waco, Beaumont, Trinity & Sabine Ry. Co.	115	International Great Northern; Southern Pacific; Groveton, Lufkin & Northern; Kansas City Southern.
Wichita Falls & Southern R. R. Co.	169	Chicago, Rock Island & Gulf; Eastland, Wichita Falls & Gulf; Fort Worth & Denver City; Fort Worth & Rio Grande; Gulf, Texas & Western; Missouri-Kansas-Texas of Texas; Texas & Pacific; Wichita Valley.

STATE OF UTAH

Name of road	Miles	Physical connections
Bingham & Garfield Ry. Co.	33	Union Pacific; Western Pacific; Denver & Rio Grande Western.
Carbon County Ry. Co.	5	Denver & Rio Grande Western.
Tooele Valley Ry. Co.	7	Union Pacific; Western Pacific.
Utah Ry. Co.	111	Denver & Rio Grande Western; Los Angeles & Salt Lake; Salt Lake & Utah.

STATE OF VERMONT

Name of road	Miles	Physical connections
Bristol Railroad Co.	6	Rutland.
Clarendon & Pittsford R. R. Co.	18	Delaware & Hudson; Rutland.
Hardwick & Woodbury R. R. Co.	11	St. Johnsbury & Lake Champlain.
Hoosac Tunnel & Wilmington R. R. Co.	24	Boston & Maine.
White River R. R. Co.	19	Central Vermont.
Woodstock Ry. Co.	14	Do.

STATE OF VIRGINIA

Name of road	Miles	Physical connections
Chesapeake Western Ry.	41	Norfolk & Western; Baltimore & Ohio; Southern.
Franklin & Pittsylvania Ry. Co.	21	Norfolk & Western.
Interstate R. R. Co.	79	Clinchfield; Louisville & Nashville; Norfolk & Western; Norton & Northern; Southern.
Marion & Rye Valley Ry. Co.	18	Norfolk & Western; Virginia Southern.
Nelson & Albemarle Ry. Co.	17	Chesapeake & Ohio; Southern.
Norton & Northern Ry.	5	Norfolk & Western; Louisville & Nashville.
Roaring Fork Railroad Co.	15	Interstate; Louisville & Nashville.
Surry, Sussex & Southampton Ry.	60	Norfolk & Western.
Virginia Blue Ridge Ry.	19	Southern.
Virginia Central R. R.	38	Richmond, Fredericksburg & Potomac Southern; Chesapeake & Ohio.
Virginia Southern R. R.	8	Marion & Rye Valley.
Winchester & Western R. R. Co.	40	Baltimore & Ohio.

STATE OF WASHINGTON

Name of road	Miles	Physical connections
Columbia & Cowlitz R. R.	8	Northern Pacific.
Cowlitz, Chehalis & Cascade Ry.	32	Chicago, Milwaukee & St. Paul; Great Northern; Northern Pacific; Union Pacific.
Hartford Eastern R. R.	42	Northern Pacific.
Longview, Portland & Northern Ry. Co.	30	Northern Pacific; Great Northern; Union Pacific.
Newaukum Valley R. R. Co.	11	Great Northern; Northern Pacific; Union Pacific.
Port Angeles Western R. R. Co.	53	Chicago, Milwaukee & St. Paul.
Pacific Coast R. R. Co.	54	Chicago, Milwaukee & St. Paul; Great Northern; Northern Pacific; Union Pacific.
Port Townsend & Puget Sound Ry. Co.	12	Chicago, Milwaukee & St. Paul.
Puget Sound & Cascade Ry. Co.	20	Northern Pacific.
Washington Western Ry. Co.	11	Northern Pacific; Great Northern; Chicago, Milwaukee & St. Paul.
Waterville Ry. Co.	6	Great Northern.

STATE OF WEST VIRGINIA

Name of road	Miles	Physical connections
Buffalo Creek & Gauley R. R. Co.	19	Baltimore & Ohio.
Cairo & Kanawha Ry. Co. (N. G.)	16	Do.
Campbells Creek R. R. Co.	18	New York Central.
Harrisville Southern R. R. Co.	6	Baltimore & Ohio.
Kanawha Central Ry. Co.	5	Chesapeake & Ohio.
Kanawha, Glen Jean & Eastern R. R. Co.	15	Chesapeake & Ohio; Virginian Ry.
Kellys Creek & Northwestern R. R. Co.	7	New York Central.
Kellys Creek R. R. Co.	5	Do.
Middle Creek R. R. Co.	5	Baltimore & Ohio.
Preston R. R. Co.	56	Do.
Rowlesburg & Southern R. R. Co.	7	Do.
Strouds Creek & Muddlety R. R. Co.	10	Do.
Valley River R. R. Co. (N. G.)	15	Western Maryland.
West Virginia Midland Ry. Co.	40	Baltimore & Ohio.
West Virginia Northern R. R. Co.	11	Do.
Winifrede R. R. Co.	10	Chesapeake & Ohio.

STATE OF WISCONSIN

Name of road	Miles	Physical connections
Cazenovia Southern R. R. Co.	6	Chicago & North Western.
Ettrick R. R.	10	Green Bay & Western.
Hillsboro & North-Eastern Ry. Co.	6	Chicago & North Western.
La Crosse & Southeastern Ry. Co.	42	Chicago, Burlington & Quincy; Chicago, Milwaukee & St. Paul; Chicago & North Western.
Laona & Northern Ry. Co.	22	Soo Line.
Marinette, Tomahawk & Western R. R. Co.	45	Chicago & North Western; Chicago, Milwaukee, St. Paul & Pacific; Minneapolis, St. Paul & Sault Ste. Marie.
Mineral Point & Northern Ry. Co.	30	Chicago & North Western; Chicago, Milwaukee, St. Paul & Pacific.
Superior & Southeastern Ry. Co.	40	Chicago, St. Paul, Minneapolis & Omaha Ry.

STATE OF WYOMING

Name of road	Miles	Physical connections
Laramie, North Park & Western R. R. Co.	111	Union Pacific.
North & South Ry. Co.	41	Chicago & Northwestern; Chicago, Burlington & Quincy; Wyoming.
Wyoming Ry. Co.	29	Chicago, Burlington & Quincy.

WASHINGTON, D. C., *May 13, 1930.*

Senator HARRY B. HAWES,
Senate Office Building, Washington, D. C.

DEAR SENATOR: The practical effect of the proposed redraft of Senate Joint Resolution 161 would, in our opinion, suspend all grouping or unification of major carriers, hence there would be no occasion or inducement for larger lines to acquire the small and weak lines.

Paragraph C of the redraft divides itself into two parts—first, to prohibit any consolidation or acquisition of control which would be in violation of any of the antitrust laws, and, second, to prohibit any consolidation, unification, common control, or exercise of common control of carriers however accomplished, whether directly or indirectly, through a holding company or holding companies, by a voting trust, or in any other manner whatsoever which the commission is not empowered to approve and authorize, or which the commission, if empowered, has not approved and authorized.

The first part of paragraph C is the same, in effect, as if it were phrased as follows:

"The commission shall not approve or authorize any consolidation or acquisition of control through acquisition of the whole or any part of the stock of one carrier by another carrier where the effect of such acquisition may be to substantially lessen competition between the carrier whose stock is so acquired and the carrier making the acquisition."

Section 7 of the Clayton Antitrust Act declares inter alia:

"That no corporation engaged in commerce shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of another corporation engaged also in commerce where the effect of such acquisition may be to substantially lessen competition between the corporation whose stock is so acquired and the corporation making the acquisition, or to restrain such commerce in any section or community, or tend to create a monopoly of any line of commerce."

It thus appears that if the proposed resolution is passed by Congress no unification or merger of carriers could be approved by the commission where the effect might be to substantially lessen competition between the carrier whose stock is acquired and the carrier making the acquisition.

We sincerely hope that this hurtful legislation will not be passed.

Respectfully yours,

THE AMERICAN SHORT LINE RAILROAD ASSOCIATION,
By BEN B. CAIN, JR.,
Assistant to the General Counsel, for the General Counsel.

PEACE PACT—ESSAY BY RAY STEUBING, OF PORTLAND, OREG.

Mr. McNARY. Mr. President, an Oregon boy, Ray Steubing, of Jefferson High School, Portland, Oreg., recently wrote an essay which won the national prize. The essay is entitled "How May the Pact for the Renunciation of War Be Made Effective?" It is a very interesting and instructive document, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

HOW MAY THE PACT FOR THE RENUNCIATION OF WAR BE MADE EFFECTIVE?

(Essay by Ray Steubing, Jefferson High School, Portland, Oreg., that won the national prize)

Because of war's deep-rooted hold on all nations, the pact can be best made effective by a twofold campaign—the abolition of the causes of war and the creation of a psychological antipathy toward war. One problem involves the other; complete renunciation depends on our solution of both.

History records innumerable causes of war, most of which can be grouped in three major categories—psychological, political, and economic. Force can not abolish these causes; we must abolish them by education. War does not make a nation great; cultural development alone does that. Through making that fact evident to the governed and to the governing we can defeat any policy of aggression.

Because modern government is representative and not monarchical, peace depends on the public attitude. Might doesn't make right; war isn't greatness; cheap jingoism isn't true patriotism—these are fundamentals which must be emphasized.

Warfare destroys markets and business; friendship creates markets and business. Economic interdependence will guarantee peace; then no nation will dare attack another for such an action will cause its own downfall. Industry is war's enemy; busy men don't care to fight. In every way the press, the pulpit, the theater, and the school stand out as major agencies for peace development.

The pact can be psychologically enforced by a whole-hearted adherence to substitutes for war. Through emphasizing internationalism we must overcome nationalism and race hatred. National law observance tends to strengthen international law observance. By emphasis on law observance, armament reductions, and arbitrative agencies we can create that psychological antipathy necessary to substantiate the abolition of the causes of war in establishing an effective pact.

RAY STEUBING: BIOGRAPHICAL

Ray Steubing, writer of the essay that won the national award of a trip to Europe this summer, provided by the World Acquaintance Travel (Inc.), of New York City, in cooperation with the National Student Forum on the Paris Pact, is an 18-year-old senior of Jefferson High School, Portland, Oreg. He did his junior high-school work in Hood River, Oreg. He has won many prizes all through his high-school years, among them being a city prize on lighting, a State prize on dentistry, the second prize in the Portland contest on the Paul Harvey lectures, and a school prize on temperance. He is an active member of Winged Ten, a short-story group, is president of the International Club, and is active in debating and public speaking. Principal Hopkin Jenkins considers him an unusually mature student, a hard worker, original in his thinking, and a leader in his various classes.

Jefferson High School secured one of the world hero essay prizes three years ago when a $100 award went to Alma Fredericksen Horigan, who is now a teacher at Willowdale, Oreg., for her essay on Christopher Columbus.

FEDERAL AID IN THE RECLAMATION OF ARID LANDS

Mr. JONES. Mr. President, I hold in my hand a document discussing the subject of reclamation projects and particularly the necessity for the continuation of Federal aid in connection with such projects in the Northwest. The document has been prepared by Hon. Joseph A. Swalwell, president Columbia Basin Irrigation League. I ask unanimous consent that it may be printed in the RECORD.

There being no objection the document was ordered to be printed in the RECORD, as follows:

SHOULD ADDITIONAL RECLAMATION PROJECTS BE UNDERTAKEN BY THE UNITED STATES GOVERNMENT?

(By Joseph A. Swalwell, president Columbia Basin Irrigation League)

I speak for the Pacific Slope States, but in particular for the extreme northwest region of the United States, embracing western Montana, Idaho, Oregon, and Washington, in emphatically saying that the Federal Government is justified in financing through Federal Treasury loans additional reclamation areas in the arid-land States. It is a form of aid toward the utilization of resources that neither citizens of those States nor the States themselves can finance. The aid of the Government is justified on the theory that the resulting developments will be helpful to the entire Nation.

In discussing the question of continuance of aid by the Government in the reclamation of arid lands, may I point out that there is a definite limit to the amount of money that the Government will be asked to loan for reclamation, as well as a definite limit to the amount of land that can be reclaimed by irrigation in the Western States? Those limitations are set by the quantity of water that is available for such purposes.

It is possible to say to Congress and the public that requests from the Western States for loans to reclaim arid lands will stop at approximately a designated number of acres, or on securing a maximum sum of money from the Treasury for that purpose.

Requests for aid in the construction of irrigation works in the West, unlike bills of $65,000,000 a year for the improvements of rivers and harbors, bills for the Army and the Navy and for many other public purposes, will not be going to Congress year after year for as long as time shall last. The reclamation program can now be clearly foreseen and its cost fairly estimated.

Contrary to the practice of continuing annual appropriations for an indefinite period, requests for loans to aid reclamation of arid lands will be limited to comparatively small amounts annually, and for only a few years.

When the reclamation job is done, enormous taxable wealth will have been added to that of the Nation, as well as areas that will produce much new wealth each year.

After the first few years, when the settlers have been given a chance to establish themselves and get their lands into production, the money loaned by the Federal Treasury to assist in building irrigation works will begin to flow back to the Treasury, and in the end the entire cost will have been repaid. Reclamation of western arid lands will, therefore, not cost the Federal Government anything more than the loaning of its credit over a comparatively short period of years.

What are the limitations of areas and costs to which I have referred?

Dr. Elwood Mead, Commissioner of Reclamation, has unofficially fixed the maximum acreage of lands yet to be irrigated in all the Pacific Slope States at 10,000,000 acres. Considering the demands for domestic water that will be made by our rapidly growing towns and cities, and

the high fertility that must be carried by the lands offered for irrigation, as well as other requirements of the Reclamation Service, we think Doctor Mead has placed the estimate too high on acreage. But accepting his estimate as correct, those 10,000,000 acres contain only two projects of such outstanding size that the reclamation revolving fund, in the hands of the Reclamation Service, can not take care of any and all that may be proposed as the years go on. If there are other projects that will require loans from the Federal Treasury to finance them, the amount of money asked for will be comparatively small.

The two projects of huge size I refer to are Boulder Dam at the head of the Colorado River development and the Columbia Basin irrigation project in the Northwest. Boulder Dam is already taken care of by congressional act, leaving Columbia Basin project as the only large area that is likely to ask for a loan from the Federal Treasury.

The largest area embraced in any of the various proposed plans connected with the Columbia Basin development is 1,883,000 acres, at a cost of $300,000,000 for a completed job, including ample water delivered in concrete-lined canals to each farm unit. The plan of financing the Columbia Basin, however, will ask for a Federal loan of only $150,000,000.

But assuming that the Government shall be asked to loan the entire $300,000,000, and assuming that other projects will be brought forward as worthy of becoming stepchildren of Congress, the maximum and total amount of money that Congress will ever be asked to loan the West for additional reclamations of arid lands (including large and small projects) will probably not exceed $400,000,000. The requests for those loans will be in amounts of probably $5,000,000 to $10,000,000 per annum, and thus will spread over a long period of years—probably 40 years—as the demands of construction develop and as pressure of a growing population creates a demand for the foodstuffs that are peculiar to irrigation.

Thus the maximum acreage for reclamation, cost, and time required become fairly definitely fixed.

The point I wish to impress is that Federal aid of reclamation need not become an alarming thing in the mind of any citizen of the country. The policy does not mean the opening of the money bags of the National Treasury for never ending grabs.

The sum of $400,000,000, advanced over a period of 40 years, should do all the things the Western States can properly ask for in the way of Federal loans for irrigation and reclamation. The reclamation revolving fund, which is now being replenished by repayments from settlers on completed projects, can easily care for all the small projects that may be pressed for attention as actual need for them becomes evident.

The cost of such a completed program will not be greater than the improvements made for flood control in the Mississippi Delta nor anywhere near as large as the sums of money advanced for farm-relief purposes.

That a dire need for more irrigated agricultural lands does exist in the Western States is shown by the fact that our Pacific coast cities are having a consistent growth at the rate of two and a half to three times faster than our rural development. That is an unhealthy condition.

The fact is that all the lands suitable for agriculture, under natural rainfall conditions, are occupied. There is no way to balance urban and rural development in this region except by irrigated reclamation, and I think it is generally recognized that irrigation works of the future will be so costly as to exclude private capital from consideration. Our seaport cities have expanded phenomenally because of the development of a profitable commerce with the countries bordering the Pacific Ocean, but those cities have now reached the point where they must have close at hand a large producing as well as a consuming population. The physical and climatical structure of our country behind Pacific coast seaports make it impossible to bring about such a balanced development except by Federal aid in reclamation.

I will show, largely by comparison, what results may be expected from an expanded continuation of that wise and beneficent policy.

THE BEGINNING OF RECLAMATION

Pioneer settlement on the agricultural lands in the Northwest was along the streams which flowed from the various great mountain ranges, the pioneers confining their agricultural efforts to localities or settlements close to the mountains, where conditions were favorable to making a living. The settlers constructed short ditches for carrying water from the streams to their fields, and thus initiated irrigation in this region.

As time went on, and the settlements in localities expanded by the arrival of other settlers, the ditches were extended, consolidations into districts were had, the settlers borrowed heavily to build reservoirs. Disaster attended some of these ventures because the settlers were short of knowledge pertaining to rainfall, stream flow, water duty, and many other elements which enter into the successful irrigation and reclamation of even comparatively small areas of desert land.

THE MARVELS OF RECLAMATION

We pass over the operations of the Carey Act. It was an experiment that was riddled by politics, and yet its operations can be given credit for bringing about the reclamation act, with all its blessings to the arid-land States of the West.

With the reclamation act there came to the West a period of intensive reclamation work. The Reclamation Service went to the rescue of many of the irrigation districts that were operated by farm communities, even assisting some of those that had been formed for speculative purposes, ironing out the kinks that were strangling them.

It now furnishes water for approximately a million and a half acres of private projects.

But its outstanding service to the country is represented by the 26 projects in 15 States that it has sponsored in toto. Those projects have carved homes from waste places for more than 600,000 people, and in 1929 they gave foodstuffs to the world of a value of $72,000,000.

Every three years they produce more than $200,000,000, or as much money as the Government invested in them for reclamation purposes in the 28 years since reclamation was written into the policies of the United States.

THEY PURCHASE MANY MILLIONS' WORTH

These Government projects have given untold taxable values to worthless deserts, and of equal importance have been the markets they created for the manufacturer of Alabama pipes and fittings; Arkansas hardwood; Colorado fence and iron products; Connecticut hardware and ammunition; Florida grapefruit and oranges; Iowa canned corn and cereals, pumps, and washing machines; Illinois furniture, hardware, sirup, enamel ware, and cereals; Indiana pork and beans, autos, windmills, kitchen cabinets, and building stone; Kansas salt, cereals, and egg-case fillers; Kentucky soap and iron roofing; Louisiana molasses and rice; Maine paper bags; Michigan autos, paint, and wire fence; Minnesota flour, cereals, and sirup; Mississippi cotton cloth; Maryland oysters and clothing; Massachusetts watches, textiles, chocolate, and fish; Missouri tinware, stoves, and shoes; New York electric supplies, radiators, chemicals, and clothing; North Carolina tobacco products; New Jersey electrical supplies and drugs; Oklahoma fruit jars; Ohio auto tires and farm machinery; Pennsylvania iron and steel plates; Tennessee stoves; Virginia tobacco and peanuts; Vermont marble and granite; Wisconsin bathtubs and furniture; and hundreds of other items that give employment and prosperity to the East and South.

The people on Government irrigation projects, and supported by them, buy at least $125,000,000 of those products every year. (See Exhibit A attached.)

If it were possible to ascertain the total purchases by all the people on all the 24,000,000 acres of irrigation projects of the United States it would run between $450,000,000 and $500,000,000 annually.

We do know that four of the transcontinental railroads serving irrigated territory in Washington, outside of Spokane County, in 1929 delivered to the stations on their roads 1,426,480 tons of eastern and southern made manufactures.

That tonnage is equal to 38,162 forty-ton cars of manufactured goods, worth $103,037,400, that would never have been sold except for the existence of irrigation and reclamation projects. No shipments to Spokane, Seattle, Tacoma, or other large jobbing centers are included in these figures, whereas those cities supply other thousands of carloads of merchandise through redistribution. We arrived at the figure quoted ($103,037,400) by inquiring of leading mercantile establishments to ascertain carload values of the merchandise they distribute. The average carload value was $2,700.

We know that our people in Washington were able to finance such purchases because of their having shipped 47,002 carloads of fruits and vegetables in 1929. (See Exhibit B.) To the value of those shipments should be added the livestock, dairy products, and poultry returns. Most of the shipments were from irrigated lands.

This phase of the subject indicates that a continuation of Federal aid in reclaiming arid lands in the West is of vital importance to American manufacturers. In no other way can their markets be so effectively and profitably expanded.

It is a commerce wholly within the country and which can not be captured by other nations. It costs neither the expense of ships, embassies or of legations to maintain, and imposes a smaller selling cost than attaches to export trade.

It equals annually the volume of all our export trade with Brazil, which last year was (Department of Commerce figures) $450,000,000; it is three times larger than the $129,000,000 we shipped to Cuba; it is almost four times greater than our exports to Mexico.

The value of shipments to Wenatchee alone is greater than United States exports to Honduras and Costa Rica.

Wenatchee and Yakima, in the State of Washington, buy every year from American factories an amount of merchandise greater than the $40,000,000 shipped to Chile, or the $43,000,000 we send to Venezuela. They about equal in buying power the $48,000,000 the United States sent to Peru in 1929.

Thus reclamation projects provide employment for labor everywhere, increase demand for raw materials, and play an important part in the general prosperity of the country.

NOT AT PUBLIC EXPENSE

The reclamation policy has created these new communities on unoccupied, unimproved land, public and private, through a revolving fund of nine to twelve million dollars a year—money that came from the public-land States from land sales and leases and was returned to them through reclamation in lieu of the taxable acreages of which the Government deprived those States in creating forest reserves and national parks as recreation places for all the people.

It has, therefore, been done at no expense to the revenues of the United States. Up to this moment reclamation has never had a thin dime from the Treasury of the United States; not a cent from funds raised by taxation.

SOME RESULTS OF THE RECLAMATION POLICY

Twenty-five years ago southern Idaho was covered with sagebrush, dotted here and there with the buildings of a sheep or a cattle ranch. To-day approximately 3,000,000 acres are in high production—sugar beets, beans, peas, alfalfa, dairy products, and potatoes mostly—and no more prosperous region will be observed in traveling between the Pacific and the Atlantic Oceans.

Tarrying among those Idaho people the visitor will hear no wailings for farm relief.

They are growing the things the world needs and they are scientifically marketing their products.

Showing specifically what reclamation has done for southern Idaho, let me compare a "dry" county in that region with one of its irrigated counties.

In the year 1900 Latah County, having Moscow as the county seat and the home of the State university, had a population of 18,451. Latah is a dry-farming county and one of the oldest settlements in Idaho.

In the same year (1900) what is now Twin Falls County was an uninhabited sagebrush plain. It had no assessable valuation. About that time the Reclamation Bureau began its reclamation policy in Twin Falls County. By 1910 Twin Falls County had an assessable valuation of ten millions while that of Latah County was twenty millions. In 1920 Twin Falls County had an assessable valuation of twenty-seven millions while Latah County had receded to seventeen millions.

This year, on a 50 per cent basis, the taxable valuation of the three principal irrigation counties in southern Idaho will approximate fifty millions.

Passing into Washington, we find another story of marvelous progress by utilization of water and land in irrigation. The Yakima-Sunnyside-Kittitas project, developed by the Reclamation Bureau, provides the illustration. The project is located in Yakima, Kittitas, and Benton Counties.

Yakima began as did other settlements in the West. Cattle ranches pioneered the way. Prior to 1905 the Yakima had done some community irrigating and the Sunnyside ditch had been partially built.

In 1905 the assessed valuation of the lands of Yakima County did not exceed $5,000,000, and freight shipments from the district were practically nothing.

In 1906 the Reclamation Service took over the district, acquired control of existing irrigation systems, and began its program of development.

At that time the city of Yakima was a village known as North Yakima and had a population of probably 1,500.

In 1930 the valuation of Yakima County for taxable purposes, on a 50 per cent basis, is approximately $54,000,000, an increase of $16,000,000 in the last 18 years for which comparative records are available; the city of Yakima (formerly the village of North Yakima) has approximately 30,000 inhabitants, with bank deposits of approximately twelve millions. Postal receipts average $185,000 per annum; the people of Yakima County drive 24,000 automobiles; and the surrounding district annually ships $47,000,000 of land products through the Yakima gateway. The lands in the Yakima project alone have shipped products valued at $158,000,000 in the last 20 years, or about nine times the total amount of money expended upon it, which is $19,000,000. Eighty-seven per cent of its people are American born, and a visit to that region will find them in nice homes and amid more satisfactory surroundings than the forefathers of their eastern farm brethren enjoyed 24 years after they occupied the land, notwithstanding the settler in the Mid West and Eastern States got free land from the Government and free water from the skies.

The comparison is evidence that reclaimed farms in the West can, with irrigation, pay out under both land and water costs that to the uninitiated may seem exorbitant, if not prohibitive.

The farmers of the Yakima are generally prosperous. A survey of 401 farms in 1927 showed an average gross income exceeding $4,000 per farm.

The lands in that district for which water is available are all in settlement, save in two local improvement districts where the settlers voted bond obligations in excess of the ability of the land to pay. These bonds were to pay for unnecessary drainage in most part.

To illustrate this point as to ability of the farmer to pay for irrigation, permit me to offer some examples of individual farms operated near Pasco, Wash. The lands are watered by pumping. These farmers grow two crops each year.

Mr. W. S. Kirk operates about 40 acres on the river bottom 4 miles west of Pasco, from which he occasionally takes two crops of potatoes, or one crop of potatoes and a crop of onions or lettuce; sometimes he plants watermelons, followed by lettuce. But always he gets two crops. He sometimes uses peas or beans for his first crop. To do this each year he uses 1 ton of commercial and about 12 tons of barnyard fertilizer, at a total annual cost of $115. It costs him $12.50 an acre to pump the water, which he raises 35 to 37 feet.

Mr. H. W. Timm is another farmer who operates in this way, as is Severe Hamby, of Ringo. In 1929 Mr. Hamby raised a first crop of potatoes which he sold at $43 a ton; his second crop was seed potatoes which he sold at $70 a ton.

Other growers who operate small plots by pumping and who are 2-crop farmers are: Mr. Hankey, Mr. Radimiller, Mr. Wexler, Mr. Hales Mr. Conroy, and Mr. Grosse.

In 1929 these 2-crop farmers shipped from the Pasco station 42 cars of cantaloupes, 13 cars of potatoes, 25 cars of onions, and 119 cars of head lettuce.

In addition, 2,000 crates of cantaloupes and 1,000 crates of head lettuce went out by truck.

The average net price to the grower of head lettuce was $1.35 per crate.

The statements made by the 2-crop farmers I have named are impressive, also, as to cost of water for irrigation. They unanimously agree that the cost of water for irrigation does not interest them. They don't care what the cost of water may be; they can and will pay the bill. Water now costs them $12.50 an acre per annum by pumping.

In the beginning this comment on the Yakima project it was pointed out that it was partially located in Benton and Kittitas Counties.

Benton is a large county adjoining Yakima. But Benton is to-day, as a whole, almost in the same depressed condition it was when a portion of it was included with Yakima County in the Yakima project. The only progress it has made has been in the areas where water has been delivered for irrigation purposes.

Seventy thousand acres, however, will soon be under irrigation in Kittitas County.

THE WENATCHEE DISTRICT

Equally successful with Federal reclamation in the Yakima is that by private capital in the Wenatchee Valley of Chelan County, Wash.

Irrigation existed in a small way among the "ranches" of that valley prior to 1896. Small acreages were watered for raising of garden vegetables, stock feed, and table fruits. The latter were found to be of such fine quality that in 1895 Mr. A. W. Gunn, financed by James J. Hill, of the Great Northern, constructed the first irrigation project for growing commercial fruits. It contained only a few hundred acres, but it was the beginning of what can probably be properly called the most outstanding district of specialized production in the Northwest.

In 1896 the district had a tax valuation of about $500,000.

To-day about 50,000 acres are under irrigation in Chelan County, 30,000 in orchards. The lands of the county have an assessed valuation of about $55,000,000 outside of the cities and towns.

These orchards and lands support a population of 50,000 in the trade territory served by Wenatchee, the latter having a tax valuation of $14,000,000.

The income to growers of all kinds of fruits shipped through the Wenatchee gateway in 1929 was approximately $26,000,000, to which must be added approximately $12,000,000 as the value of grains, livestock, and other farm products, and lumber in a small amount.

The buying power of the people in the Wenatchee trade territory was approximately $28,000,000, the larger part of it going for products and manufactures of other States.

It is natural to wonder why, if private capital can build the Wenatchee district, it could not have constructed the Yakima project, or why it could not be employed in the proposed great Columbia Basin project development?

The answer contains a number of factors:

The Wenatchee district is located in a long, narrow valley, through which flows the Wenatchee River, with an ample run-off for all practical needs; its soil and climate are ideal for the growing of high-quality apples. The water was close to the land.

The original irrigation district contained about 10,000 acres, supplied by ditches that headed in the Wenatchee River or near-by tributaries, thus making for low construction cost.

As a result the first settlers secured their lands and water rights at a low per-acre cost; as more land was needed for orcharding other ditches were constructed through the landowners combining their resources, issuing bonds, etc.

There are 11 such irrigation districts in Chelan County, some operating by pumping, projects that range in size from 143 acres to 10,817 acres, and 7 containing less than 800 acres.

No other such ideal situation is known in this northwest country.

There are a larger number of individual successes to be noted on Wenatchee Valley farms than elsewhere. To list them I could use the

entire telephone directory of that section. The vast majority of them came to the valley with only money enough to make a small "down payment" on land. In 33 years after commercial orcharding had its inception practically every farm in the valley is prosperous and occupied by well-to-do families.

Five hundred residents of the Wenatchee annually spend their winters in California and the Southland.

COMPARISON WITH ADJOINING DRY COUNTIES

For comparative purposes only reference should be made to the growth of Waterville, county seat of the adjoining county of Douglas. Waterville was a well-established town when Wenatchee was unthought of; Waterville was and is the trading center for an immense area of dry land wheat farms; it to-day has a population of about 1,000, with probably 2,000 people in its trade district. This comparison tells the story of progress and is altogether in favor of irrigation.

A further comparison between Chelan and Grant Counties is pertinent. Grant County is largely a dry farming (rainfall) district, but has a few orchards that are watered by pumping at a cost of approximately $25 an acre per annum.

Chelan County has an area of 1,856,000 acres, as against 1,740,000 for Grant—not very much difference in size, but mark the results for the last census year of 1920. Grant County people farmed 743,000 acres, as against 235,000 acres in Chelan, yet with irrigation the Chelan County people harvested about $18,000,000 from one-third the amount of land that was in wheat and other crops in Grant County, for which the latter received less than $6,000,000.

It is not to be wondered at, that while the assessed valuation of irrigated farms in Chelan County has risen to $55,000,000 in 1929, Grant County farms are assessed at only $4,500,000.

There are now only 500 actual settlers on the farms of Grant County, as against 3,500 in 1907.

The buying power (Department of Commerce figures for 1929) per capita in Yakima County for last year was $995; for Chelan County (Wenatchee project) it was $1,353.

Contrasted with counties on the desert where a new project in this State would be located, we find that the inhabitants of the irrigated regions have a per capita buying power from one-third to a half greater than the dry-land people.

Water for irrigation tells the whole story that accounts for those differences.

With practically 85 per cent of the land area of Grant County capable of irrigation and high production, it is not unreasonable to fix its tax valuation at $100,000,000 when water is applied by irrigation as proposed by plans now being considered to that end, a gain of $95,000,000 for that county alone.

Adams, Franklin, Benton, Lincoln, and Douglas Counties would gain in proportion.

The lands referred to as being subject to irrigation when water is available are now valued at from $5 to $10 an acre for taxable purposes.

There is now no actual sale value to them.

OTHER IRRIGATION IN WASHINGTON

The one partial failure among Federal reclamation projects in Washington is the Okanogan project.

That failure is solely chargeable to a lack of knowledge of available water.

The land, climate, and other conditions were favorable.

But the project was started in 1906 to cover 10,099 acres. Water is now being supplied for about 4,000 acres.

For 10 years prior to 1906 the average run-off of the Okanogan watershed had been about 30,000 acre-feet. That was ample to irrigate the whole project, but about 1918 the average fell to about 8,000 acre-feet, and has never recovered. That made it necessary to reduce acreage as stated. It was just one of those things that could not happen now.

The Government will lose about $1,100,000 on the cost of this project.

The lands remaining in the district are paying a charge of $12.40 per acre per annum and can well afford to do it. In 1929 the average value of crops was $255.35 per acre, the total value of crops in the district being just short of a million dollars.

Of 71 organized irrigation districts in Washington, all of which are operated by private capital with the exception of two, the Yakima and the Okanogan, 75 per cent are prosperous, paying their obligations and supporting vigorous and thriving towns and villages. The other 25 per cent include many which were never constructed or operated after organization proceedings were had, as well as a small number that turned up their toes because of either a lack of knowledge of the necessities for success or from bad management.

IMPORTANCE OF NORTHWEST AGRICULTURE

As a measure of the importance of northwest agriculture, in comparison with other major industries, it should be pointed out that the total value of farm products for Idaho, Oregon, and Washington for the year 1929 exceeded $600,000,000. The principal items making up a total of about $191,500,000 for Washington were wheat, $48,500,000; hay, $28,500,000; apples and soft fruit, $40,000,000; poultry and poultry products, $29,500,000; dairy products, $45,000,000.

In contrast, the mines of Washington, yielding gold, silver, copper, lead, coal, and stone produced only $22,000,000, yet Washington outranks 20 other mining States in value of output of precious metals. Idaho, with a vastly larger mineral development, produced $35,000,000 of metals and stone.

Spokane's trade territory includes more than 50 towns of 1,000 or more population that are wholly sustained by tilling the soil, probably 25 per cent of the producing land being under irrigation, while 75 per cent of the actual money received from land products comes from irrigated farms. For comparison, it is pointed out that in the Seattle trade territory are only 11 such towns; in the Tacoma district there are 14; and in the Portland there are 38.

While a considerable development in manufacturing is observable in the Pacific coast cities, it is true that the irrigation regions of the interior look to the Middle West, East, and South for about 85 per cent of their factory needs.

It is important, therefore, for the manufacturing centers to know that the buying power of Idaho, Oregon, and Washington agriculturalists this year is approximately $450,000,000.

It is important for them to know that the gross income on all farms in those States in 1929 was 41 per cent greater than the general average per unit of all farms in the United States.

They should know that northwest farms produce 32 per cent more potatoes per acre, 52 per cent more wheat, 53 per cent more hay, 65 per cent more soft fruits, 134 per cent more vegetables, 200 per cent more apples than farms of other sections of the country.

It is important to know those things because they justify a recommendation to the President, to Congress, and to the country, that Federal aid of reclamation of arid lands be continued in increasing measure.

WASHINGTON REQUIRES FEDERAL AID

The State of Washington, with less than 600,000 acres of irrigated land, needs and is entitled to such aid.

In this State we have developed practically all lands possible of irrigation at either private or State expense. Yet we have in the heart of the State a vast area of desert land known as the proposed Columbia Basin project. It embraces 1,883,000 acres of rich farm land on the benches, where 25,500 farms will be available, and where we estimate a total population on farms and in cities and towns of 500,000 will find prosperity and happiness. It will cost $300,000,000 to complete either of two plans for irrigation works, and either of which will be in process of construction (including land settlement) for more than 30 years.

The water is available from the Columbia River through either a pumping plan, with a high dam at the head of the Grand Coulee, or by a gravity system.

Under the pumping plan, and without giving credit for the sale of surplus power or for deductions on account of taxing city and town property (ch. 254 State laws) whose values will be created as a result of reclaimed farms operated on the project, the cost of water is estimated at $155 an acre, and maintenance at $2.50 per acre per annum. The gravity system is estimated to cost about $157 per acre under similar conditions.

If flood control dams should be constructed on the Columbia at Hungry Horse Canyon, Priest Lake, and Lake Pend Oreille, at Government expense, and the free use of the stored water be allowed the farmers, a considerable portion of the acre cost of water for the Columbia Basin project would be written off the gravity system.

The State of Washington has already acted through its legislature and governor to relieve the settlers of another third of the cost of construction, whichever method for irrigating the land shall be adopted. In 1927 a law (ch. 254, State laws) was passed to apply to reclamation projects of 1,000,000 or more acres, which authorizes the levying of special taxes on all city and town values within the project area, the money so raised to be applied on the cost of building and operating the irrigation system.

The State College of Washington estimates that if the towns and cities within this project make one-half the growth in the same time that has been made in the Yakima project, the cost of water per acre will be much less than that estimated by the engineers—$155 to $157 an acre. In any event, it is inevitable that the cost of water on the Columbia Basin project lands will be much less than on many other Federal projects now being successfully operated.

I have said that the cost of the Columbia Basin project would be $300,000,000. That is the figure for a completed project at the end of a 30-year construction period.

But we only intend to ask the Government for a loan of $150,000,000. We would use $120,000,000 of that to complete the irrigation works,

and $30,000,000 would be used to carry concrete-lined laterals to every farm on the first unit of 480,000 acres. We would then bond the first unit to build the second, and so on, until the project is completed.

But, it is obvious that the use of private capital in such amounts, without interest-earning capacity for a number of years, makes that suggestion untenable.

Nor can money in such amounts be supplied from the reclamation revolving fund.

The money must be furnished from the Federal Treasury by a loan without interest, as needed for construction work (probably $10,000,000 a year), the loan to be repaid in 40 to 50 years by amortization, beginning in the fifth year after the settler occupies the land.

Washington has a right to ask Congress to authorize such a loan, because:

It will create on the Columbia Basin project new taxable wealth of more than $600,000,000.

Its farms will produce foodstuffs valued at $180,000,000 a year, to reach the market at a time when we will have 160,000,000 people to feed in the United States.

It will furnish an additional annual market for another $150,000,000 of eastern manufactures.

It will be a tremendous stabilizer of business during its construction period, because it will use the labor of 6,000 skilled mechanics, such as electricians, miners, machine operators, and concrete layers, and will use 10,000 carloads of steel, 60,000 carloads of cement, 6,000 carloads of explosives, and 54,000 carloads of lumber.

Its farms will constitute better "tools" than the rainfall farmers now possess, an advantage that the producer of foods is as much entitled to as is the manufacturer.

It will produce close at hand raw materials required by the factories in Pacific coast cities, and which will, by eliminating expensive railroad hauls, enable them to compete for the commerce of the countries bordering the Pacific Ocean.

It will in a large measure supply the rural population to balance city population required for a sound economic development in this section of the United States.

It will supply the foodstuffs that will be needed by Northwest cities by the time it can be built (30 to 40 years) and which cities will consume every pound it produces.

We of the Northwest have as much right to such financial aid from our Government as had the States of the Mississippi Delta to have the production of their lands made secure by the expenditure of four hundred millions for flood control.

In our case, however, we ask only for a loan, money that will be repaid in due time.

NOT A COMPETITOR

The reclamation of arid lands has not contributed in any degree toward lowering prices on staple farm crops, such as wheat, corn, and cotton. (See Exhibit C attached.)

In 1927 the Federal reclamation projects produced 5,000,000 bushels of wheat, or fifty-five one-hundredths of 1 per cent of the Nation's crop.

They raised 1,500,000 bushels of corn, or four-tenths of 1 per cent of the Nation's total.

No one can seriously contend that reclamation has contributed in the slightest measure to the depression about which Middle West and eastern wheat and corn growers are concerned.

Long-staple cotton grown on Federal projects is a distinct boon to American auto-tire factories and their workmen. Whatever is grown here reduces importations from Egypt.

The facts are that Federal reclamation projects are, in large part, growing the seasonal fruits and vegetables that supply an all-year-round healthful diet to America.

As time goes on and population increases the demand for such foods will keep pace.

SURPLUSES

When we limit crop production we cut off our trade with foreign countries, and the minute we do that other countries will enlarge their agriculture, seize the markets of the world, and force the United States out of the leadership they now possess.

LAND SETTLEMENT

It is argued that settlers can not be obtained for new western reclamation projects without taking men from the farms of the Eastern States.

What of it, if true?

Do you expect a man to continue on a piece of worn-out land, when he can secure new, fertile, and durable land in the West?

The farmer is entitled to good land as long as it is available in this country.

There is no more reason why an eastern farmer should not move to a better location than that a hardware dealer in a bad location should not move to a more desirable locality.

The doctrine of the survival of the fittest has applied to the economy of the world since civilization began.

All the world is in competition.

We want the continued aid of Government in the reclamation of our arid lands because it will increase the efficiency of the American farmer and give him better returns for his labor.

Let me repeat that all lands in Washington Federal reclamation projects for which water is available are in settlement, the settlers are paying their debts and are prosperous.

And during the winter of 1929–30 there were more inquiries for farm land in this State than in any previous year. We can not supply new land without Federal aid in reclaiming it.

When the Columbia Basin project is in settlement it will be the greatest alfalfa patch in the world. It is intended to devote it to alfalfa, dairying, hogs, chickens, beef cattle, and mutton—staple foods required by all the world, and which actually create a market for corn from the Mississippi Valley—used to top off the animals.

THE PRESIDENT'S SUGGESTIONS

We are opposed to giving the various States control of the remaining public domain, with its mineral content. Such action would destroy accretions to the reclamation fund; and additional reclamations of arid land are vastly more important to the Western States than any revenues to be derived from managing those lands.

In relation to the surface rights alone I would suggest an arrangement between the States and the Government by which the States take over the management of the surface, with the right to grant leases of the surface of the public domain for grazing purposes, dividing the revenue received from said leases between the State school fund and the Federal reclamation revolving fund. The lessees would naturally protect the land from overgrazing, and thus the end of the President to protect their surface for conservation of water would be accomplished.

We oppose the States having control of the mineral content of the public land, believing that it would lead to a harmful disturbance of the established rules, laws, and court decisions under which minerals have been and are controlled for the good of the general people.

Control of the forest reserves should remain in the Federal Government, where the interests of the people can be best conserved.

We are strongly in favor, however, of the proposal to build reservoirs along the principal streams to conserve water which can be utilized for power, irrigation, and navigation purposes as the needs of the country may require. We view the plan as an element for the control of stream flow that will be vital to the present generation and to posterity—it voids destructive floods and it conserves water for future civic requirements. It is conceivable that our domestic demands and the expansion of our commerce will more depend on water uses than on any other element. Water is the great problem of New York City and of southern California to-day.

We are well satisfied with the accomplishments of the Bureau of Reclamation. We doubt if the great reclamation projects of the future can do without the experienced guiding hand of the Reclamation Service, and we admit the impossibility of assembling as many corps of skilled men as would be required if each future project took charge of its own construction and settlement problems. Our suggestion is that the law be made to authorize loans from the National Treasury on such projects as the Reclamation Service may approve and which could not be financed from the reclamation revolving fund, leaving the bureau in charge of construction and settlement, as is now done.

EXHIBIT A

Carloads and value of products shipped to and from projects in 1928

[Compiled by U. S. Reclamation Service]

	Carloads merchandise shipped to project	Value	Carloads shipped from project	Value
Belle Fourche, S. Dak	500	$398,000	800	$1,614,800
Boise, Idaho	12,000	18,747,885	9,000	27,963,910
Carlsbad, N. Mex	1,900	1,828,600	1,100	2,218,175
Grand Valley, Colo	2,100	3,225,500	5,500	6,517,650
Klamath, Oreg. and Calif	23,230	17,152,690	13,500	15,855,700
Minidoka, Idaho	2,900	2,126,347	6,200	5,500,700
North Platte, Nebr. and Wyo	10,800	7,501,800	14,300	30,139,650
Orland, Calif	400	243,850	800	1,620,150
Rio Grande, N. Mex. and Tex	7,800	9,907,650	3,000	2,218,175
Salt River, Ariz	23,604	48,097,360	24,590	45,080,560
Shoshone, Wyo	500	729,375	1,900	1,055,080
Strawberry Valley, Utah	4,100	2,771,895	4,900	3,817,880
Sun River, Mont	150	97,700	450	426,800
Umatilla, Oreg	500	461,520	800	283,173
Vale, Oreg	150	178,000	200	239,000
Yakima, Wash	3,100	3,114,700	20,400	10,037,300
Yuma, Ariz. and Calif	1,400	2,856,700	3,500	3,698,000
	95,124	119,619,362	111,940	158,295,652

EXHIBIT B

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF AGRICULTURAL ECONOMICS,
FRUIT AND VEGETABLE DIVISION,
Spokane, Wash., February 26, 1930.

Comparative statement of northwestern car-lot shipments of fruits and vegetables

[Compiled from mail reports by railroad agents]

1929 SHIPMENTS

	Idaho	Montana	Oregon	Washington
Apples	7,172	389	3,073	22,827
Apples, dried	36		19	109
Asparagus			31	107
Cabbage	2	9	44	163
Cantaloupes			12	381
Carrots			2	19
Cauliflower			445	69
Celery	262		647	51
Cherries	206		359	640
Cranberries			16	28
Cucumbers				2
Grapes	5		3	232
Green beans			1	2
Green peas	238	4	39	334
Melons, miscellaneous	2		2	1
Lettuce	76	27	15	1,747
Mixed fruit	10		35	2,215
Mixed vegetables	35	21	131	557
Onions	618	6	460	1,427
Peaches	135		51	1,554
Pears	29		4,941	3,794
Peppers				4
Potatoes	21,517	689	1,626	8,592
Plumes and prunes	1,912		1,161	1,046
Prunes, dried	17		600	33
Rutabagas, turnips	1	1		327
Spinach	5			158
Strawberries			103	61
Tomatoes			72	215
Watermelons	35		36	307
	32,313	1,146	13,024	47,002

Grand total:

1929	93,485
1928	120,008
1927	90,891

Figures contained in this report are subject to minor corrections.

(Compiled by L. B. Gerry, in charge car-lot shipment reports northwestern district.)

EXHIBIT C

Comparison of agricultural production on Federal reclamation projects with entire production for the United States, 1927

[Compiled by Northern Pacific Railway Co.]

	Entire United States	Federal reclamation projects	Per cent reclamation projects
Acres in crops	357,186,100	1,431,560	0.4
Corn, bushels	2,763,093,000	1,673,480	.07
Wheat, do	878,374,000	4,863,286	.55
Barley, do	265,882,000	1,953,587	.72
Oats, do	1,182,594,000	1,215,655	.1
Rye, do	58,164,000	108,626	.2
Alfalfa seed, do	851,400	138,925	16.3
Flax, do	25,847,000	23,635	.1
Hay, tons	123,327,000	1,348,588	1.1
Alfalfa, do	31,823,000	1,277,376	4.01
Potatoes, bushels	402,741,000	10,563,065	2.6
Apples, do	123,693,000	4,143,685	3.3
Pears, do	18,373,000	449,730	2.4
Peaches, do	45,463,000	112,583	.24
Sugar beets, tons	7,753,000	744,145	9.4
Cotton, bales	12,955,000	140,280	1.16
Beef cattle, number	29,656,000	62,248	.2
Dairy cattle, do	26,025,000	120,825	.47
Sheep, do	44,554,000	307,398	.69
Hogs, do	60,420,000	127,908	.21

PROCEEDINGS AGAINST THOMAS W. CUNNINGHAM, RECALCITRANT WITNESS

Mr. NORRIS. Mr. President, I ask unanimous consent for the present consideration of the resolution which I send to the desk and ask to have read for the information of the Senate.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 262), as follows:

Whereas on the 19th day of May, 1926, the Senate of the United States by resolution created a committee of five members and authorized and directed said committee "to investigate what moneys, emoluments, rewards, or things of value, including agreements or understandings of support for appointment or election to office have been promised, contributed, made, or expended, or shall hereafter be promised, contributed, expended, or made by any person, firm, corporation, or committee, organization, or association, to influence the nomination of any person as a candidate of any political party or organization for membership in the United States Senate, or to contribute to or promote the election of any person as a member of the United States Senate"; and

Whereas in pursuance of its duty under said resolution the committee held a meeting at Washington, in the District of Columbia, on February 21, 1927, at which meeting Thomas W. Cunningham, in obedience to the subpœna of said committee, appeared as a witness; and

Whereas the said Thomas W. Cunningham refused to answer certain pertinent questions propounded to him by said committee; and

Whereas said Thomas W. Cunningham, by virtue of said refusal, violated section 102 of the Revised Statutes of the United States; and

Whereas the said Thomas W. Cunningham was thereafter, to wit, on April 20, 1928, indicted by a grand jury in the Supreme Court of the District of Columbia for refusing to answer the questions so propounded to him by said committee; and

Whereas the said Thomas W. Cunningham was afterwards, by virtue of a warrant issued on account of said indictment, arrested in the city of Philadelphia; and

Whereas the said Thomas W. Cunningham swore out a writ of habeas corpus in the District Court of the United States for the Eastern District of Pennsylvania; and

Whereas upon the hearing in said district court the said Thomas W. Cunningham was remanded to the custody of the United States marshal for removal to the District of Columbia; and

Whereas the said Thomas W. Cunningham appealed from said order of the district court of the United States to the Circuit Court of Appeals for the Third Circuit; and

Whereas upon such appeal the said circuit court of appeals, by a divided opinion reversed the said district court and ordered the said Thomas W. Cunningham discharged from custody; and

Whereas on the same state of facts and on account of the refusal of the said Thomas W. Cunningham to answer said questions as above set forth, the Senate of the United States issued its warrant directed to the Sergeant at Arms of the Senate, commanding the Sergeant at Arms to bring the said Thomas W. Cunningham before the Senate to answer the questions which he had refused to answer before said committee; and

Whereas in said case arising out of the same condition and the same state of facts, the said Thomas W. Cunningham in like manner swore out a writ of habeas corpus in the same courts above named and with like result; and

Whereas in said last-mentioned case, the Senate of the United States directed the committee to take an appeal to the Supreme Court of the United States, and the Supreme Court, upon the hearing of said appeal, reversed the order of the said Circuit Court of Appeals for the Third Circuit and reinstated the judgment of the district court, thereby holding that the said Thomas W. Cunningham was in contempt of the Senate for refusing to answer the questions above referred to and in effect holding that the circuit court of appeals, in ordering the discharge of the said Thomas W. Cunningham, was in error, and in effect reversing said decision (279 U. S. 597); and

Whereas after said decision of the Supreme Court of the United States the United States attorney filed a motion for a rehearing in the case above referred to, wherein the Circuit Court of Appeals for the Third Circuit had ordered the discharge of said Thomas W. Cunningham; and

Whereas the said Thomas W. Cunningham has never been tried upon the indictment above referred to and there exists under the decision of the Supreme Court of the United States above referred to no reason why the said Thomas W. Cunningham should not be brought to trial in the Supreme Court of the District of Columbia upon said indictment: Therefore be it

Resolved, That the Hon. Leo A. Rover, United States attorney for the District of Columbia, be, and he is hereby directed to report to the Senate:

(1) Whether said motion for a rehearing in the Circuit Court of Appeals of the Third Circuit has been disposed of.

(2) If said motion for a rehearing has been disposed of and decided adversely to the contention of the United States, whether he, the said Leo A. Rover, has taken an appeal therefrom to the United States Supreme Court.

(3) If said motion for a rehearing has not been disposed of, why has the same been delayed?

(4) If said motion has been disposed of by the Circuit Court of Appeals for the Third Circuit, and the said Thomas W. Cunningham has been remanded to the United States marshal for the District of Columbia, why has the said Thomas W. Cunningham not been put upon trial upon the charges contained in said indictment?

Mr. FESS. After listening to the whereases, I am in sympathy with what the Senator seeks to do, but has the Senator examined the question whether we can direct the officer referred to, District Attorney Rover, to take the action suggested?

Mr. NORRIS. I think so. I will say to the Senator from Ohio if there is any misstatement of fact in the whereases, I am unaware of it. If there be any such misstatement, of course I will be glad to correct it, but I think the facts are set forth

correctly. The resolution is a little difficult to understand from a cursory reading of the whereases, but the Senate ought to realize the facts. Under the law, when a witness is subpenaed before a committee of either branch of Congress and refuses to answer pertinent questions propounded to him, two things happen: First, he has committed a crime, a misdemeanor, by such refusal under section 102 of the Revised Statutes; and, second, he is in contempt of the Senate or the House, as the case may be. Then two courses can be pursued, or either one of them. In this instance both courses were pursued. When Mr. Cunningham refused to answer the questions of the then Senator Reed, of Missouri, the chairman of the committee, Senator Reed brought the matter before the Senate by proper resolution. The Senate referred the case to the United States district attorney for the District of Columbia for his attention, and also ordered the arrest of Mr. Cunningham. So there were two cases then pending against Cunningham arising out of the same state of facts.

Shortly afterwards the United States attorney laid the matter before the grand jury and the grand jury returned an indictment against Mr. Cunningham. The Senate, in the meantime, issued an order of arrest directed to Mr. Barry, the Sergeant at Arms of the Senate, who went to Philadelphia and arrested Mr. Cunningham. He sued out a writ of habeas corpus in the District Court of the United States for the Eastern District of Pennsylvania. A trial ensued, and the district court, at the conclusion of the hearing, decided against Cunningham, holding the warrant was properly issued and that the Sergeant at Arms was entitled to the custody of the defendant; and so the judge discharged the habeas corpus writ and ordered the defendant remanded to the custody of Mr. Barry, the Sergeant at Arms.

Mr. Cunningham thereupon appealed the case to the Circuit Court of the Third Circuit, and when that court passed on the case it reversed the district court by a 2 to 1 decision—there were three judges sitting—and ordered Mr. Cunningham to be discharged.

In the meantime this indictment was going on, arising out of identically the same state of facts; and a warrant was issued on the indictment that had been obtained. Before I take that up, however, I ought to say that thereupon, at the direction of the Senate, the committee employed Mr. Wickersham as attorney for the Senate, and he took the case to the Supreme Court. While that case was pending in the Supreme Court the indictment was returned, and a warrant was issued on that indictment, and the marshal of the District went over to Philadelphia and arrested Mr. Cunningham on that charge. He sued out another writ of habeas corpus in the District Court of the United States for the Eastern District of Pennsylvania; and the district court held, as it did before, that the arrest was legal, that the Senate had jurisdiction, and remanded him to the custody of the United States marshal for the district. Mr. Cunningham took an appeal from that decision to the same circuit court of appeals; and, acting the same as they did before, by a divided opinion they reversed the district court and ordered his discharge.

In the meantime, shortly after that, the first case had reached the Supreme Court of the United States; and the Supreme Court of the United States, by a very elaborate opinion, which I have on my desk here, reversed the circuit court of appeals, reinstated the judgment of the district court, and ordered Mr. Cunningham remanded to the custody of the Sergeant at Arms.

So much time had elapsed that in the meantime the object of securing Mr. Cunningham's testimony had entirely disappeared; the Vare case was practically over with; the committee were taking no more testimony; and the Senate never took any further action. As a matter of law, we have a right now to have Mr. Cunningham brought before the bar of the Senate; but since the Vare case is all disposed of, and it arose out of that, the committee has not moved to have that done.

In the other case, however, after the Supreme Court's decision, the attorney filed a motion for a rehearing—that was a long time ago; I do not remember the date—supposing that it would be only a matter of form, since the Supreme Court had passed upon the question very fully; and, as far as I know, that motion for a rehearing is pending in the circuit court of appeals yet. The attorney here said, the last time I had the matter up with him, that he anticipated that the circuit court of appeals, following the Supreme Court, would grant a rehearing and then sustain the district court, and send Mr. Cunningham back here for trial.

It is to get out of that tangle that I have introduced this resolution—to find out why it is that this matter seems to have stopped right there, and nothing further has been done.

I will say to the Senator from Ohio that the object I had in introducing this resolution at this time, and trying to get some action on it, is to let the committee know that has recently been appointed, headed by the Senator from North Dakota [Mr. NYE], to investigate expenditures in primary and election contests over senatorships, and to let the country know, so that the witnesses may know, that witnesses appearing before that committee under a decision of the Supreme Court of the United States are required to answer all pertinent questions, and that witnesses may know that if they refuse to answer, as Cunningham did, they will be punished under the laws of the United States.

Mr. FESS. It would not jeopardize the situation if we let the resolution go over until to-morrow?

Mr. NORRIS. Oh, no. If the Senator wants it to go over in order to look into it further, he has a right to have that done, of course.

Mr. FESS. So far as I have gotten the information, I am in sympathy with what the Senator desires to do.

Mr. NORRIS. I think, when the Senator looks it up, he will find that I have correctly stated in the "whereases" the chronology of just what has happened, although it is a little difficult for a person who is not an attorney to realize that there are really two cases, that they are exactly alike, that there is no difference in the facts, that they are exactly the same in each case. One was a prosecution for a violation of the statute, and one was action by the Senate to compel a witness who refused to answer, to answer proper questions.

Mr. FESS. I request that the Senator let the resolution go over until to-morrow.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. I yield to the Senator.

Mr. WALSH of Montana. I am not altogether clear about what the situation is, and particularly what is the nature of the petition for a rehearing in the circuit court of appeals.

The judgment of the circuit court of appeals was reversed by the Supreme Court of the United States?

Mr. NORRIS. Not this one; no.

Mr. WALSH of Montana. How far did the second one go?

Mr. NORRIS. It just went to the circuit court of appeals.

Mr. WALSH of Montana. And they reversed the judgment of the district court?

Mr. NORRIS. Yes.

Mr. WALSH of Montana. And then a petition for a rehearing was pending by reason of the decision of the Supreme Court of the United States?

Mr. NORRIS. In the other case; exactly.

Mr. WALSH of Montana. It being contended that the decision in that case was controlling on the circuit court of appeals in the second case?

Mr. NORRIS. Exactly.

Mr. WALSH of Montana. Can the Senator tell us how long that motion for a rehearing has been pending there?

Mr. NORRIS. I have the papers here, Mr. President. I can get the information. It will take me a few minutes to look it up. I can give the Senator the date, though, when that decision was rendered. It has been some time.

Mr. WALSH of Montana. It would have been almost as expeditious to take an appeal from the second decision of the circuit court of appeals.

Mr. NORRIS. To the Supreme Court?

Mr. WALSH of Montana. Yes.

Mr. NORRIS. Probably; and if the court insisted on standing by its first decision, it would have been more expeditious to do that. The attorney, however, realizing that these two cases grew out of an identical state of facts, supposed that the Supreme Court's decision—and I think any lawyer would say that—was absolutely final, and absolutely controlled this case.

Mr. WALSH of Montana. There is another thing here, if the Senator will pardon me, that I do not quite understand. I find this recital in the "Whereases" of the resolution:

> Whereas after said decision of the Supreme Court of the United States the United States attorney filed a motion for a rehearing in the case above referred to, wherein the Circuit Court of Appeals for the Third Circuit had ordered the discharge of said Thomas W. Cunningham.

Mr. NORRIS. Yes; that was done. It will be plain, I think, if the Senator would grasp this idea: That the one case—the Senate case, let me call it—had passed through the circuit court of appeals and was on its way and pending in the Supreme Court of the United States when the next case was reached by the circuit court of appeals. They decided that case the same as they had decided the other. Shortly thereafter, the Supreme Court of the United States having decided the first case, the attorney assumed that all he would have to do would be to file a motion for rehearing, and the circuit court of appeals would follow the Supreme Court.

Mr. WALSH of Montana. Let me ask, also, although the Vare case has been disposed of, the contumacy having arisen not out of the Vare case but out of the Reed investigation of expenses incurred in the primary campaign, why should not Cunningham now be brought before the bar of the Senate and be compelled to answer the questions?

Mr. NORRIS. There is no reason on earth why he should not be.

Mr. WALSH of Montana. Would it not be in the public interest that he should be?

Mr. NORRIS. I should rather think so; but the committee has never taken any action on the matter. The committee has authority, I think, of the Senate to order that to be done at any time. Mr. Cunningham could be brought before the Senate at any time.

Mr. WALSH of Montana. The questions which the witness refused to answer would have furnished very pertinent information; and I can see no reason why the proceedings should be in any sense discontinued.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. NORRIS. I yield to the Senator.

Mr. LA FOLLETTE. May I suggest to the Senator from Montana that in discussing that matter in the select committee it was rather agreed that in view of the fact that the Vare case was disposed of, the proper procedure would be to punish the witness for his refusal to answer; and therefore the committee did not suggest that a warrant should be issued for Cunningham's arrest with a view of bringing him before the bar of the Senate.

Mr. NORRIS. I will say, Mr. President, that the committee took that view of the matter and acted, of course, in perfect good faith, realizing that when Cunningham came before the Senate, if he answered the questions that were propounded, no punishment could be inflicted, although the damage had all been done; but under the indictment he would be prosecuted for the misdemeanor which he committed, and he could be punished as was Sinclair under a like condition, and sent to jail if found guilty. There is not any dispute about the facts, and there is not any dispute now about the law.

Mr. LA FOLLETTE. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Nebraska further yield to the Senator from Wisconsin?

Mr. NORRIS. Yes; I yield.

Mr. LA FOLLETTE. I should like to add that it was the attitude of the committee that in view of the fact that the questions which Cunningham had declined to answer had more or less become moot, in view of the decision of the Vare contest, the committee was fully discharging its obligation to the Senate in pressing for a prosecution under the indictment looking to the conviction of the witness and punishment for the contempt, thereby establishing the power of the Senate and upholding its dignity in insisting that witnesses who did stand in contempt of the Senate should be punished for that action.

Mr. NORRIS. Of course, when a witness who has refused to testify comes before the Senate and purges himself—that is, answers the question—the Senate is helpless to punish him, although great damage may have resulted between the time he refused to answer the question and the time of the hearing in the Senate, because if he went through the procedure that every citizen has a right to go through and that Mr. Cunningham did go through in this case it would probably be a year or two after the failure to answer before the Senate would get the custody of the person and propound the question at the bar of the Senate.

Mr. REED. Mr. President, will the Senator yield?

Mr. NORRIS. I yield to the Senator from Pennsylvania.

Mr. REED. I was not in the Chamber when the Senator introduced his resolution, and I do not know what it calls for.

Mr. NORRIS. I will say to the Senator that the resolution has gone over on the request of the Senator from Ohio [Mr. FESS], and the Senator from Pennsylvania will have ample time to read it.

Mr. REED. I could understand better what the Senator is saying if he would explain to those of us who were not here. Does the resolution call for a prosecution on the indictment which is pending?

Mr. NORRIS. No.

Mr. REED. Or does it call for Cunningham's appearance here?

Mr. NORRIS. Neither one. It simply asks the United States attorney for the district certain questions—whether his motion has been disposed of, and if it has, why he has not had Cunningham tried under the indictment. It is simply calling for information.

Mr. REED. If the resolution can go over until to-morrow, I can look it up.

Mr. NORRIS. Yes; it will go over until to-morrow.

Mr. President, while I have the floor, for the information of the Senate, I want to read the syllabus in the case that the Supreme Court decided, the Cunningham case. This case is found in Two hundred and seventy-ninth United States Reports, commencing on page 597. It is an interesting case. It completely, by unanimous opinion, sustains the attitude taken by the Reed committee and by the Senate, and vindicates them on every point.

The syllabus is as follows:

1. A resolution of the Senate which recites the refusal of a witness to answer questions asked of him by a committee pursuing an investigation under authority from the Senate, and which directs that he be attached and brought before the bar of the Senate "to answer such questions pertinent to the matter under inquiry as the Senate through its said committee or the President of the Senate may propound," expresses the purpose of the Senate to elicit testimony in response to questions to be propounded at its bar; and in deciding whether the witness must attend it is not material to consider whether the information sought to be elicited from him by the committee was pertinent to the inquiry which it had been directed to make (p. 612).

2. Exercise by the Senate of its judicial power to judge of the elections, returns, and qualifications of its Members (Const., Art. I, sec. 5, cl. 1) necessarily involves the ascertainment of facts, the attendance of witnesses, the examination of such witnesses, with the power to compel answers to pertinent questions, to determine the facts and apply the appropriate rules of law, and, finally, to render a judgment which is beyond the authority of any other tribunal to review. (P. 613.)

3. In the exercise of this power, the Senate may dispense with the services of a committee and itself take the testimony, or, after conferring authority on its committee, it may at any stage resume charge of the inquiry and deal with the subject without regard to the limitations that were put upon the committee and subject only to the restraints of the Constitution (p. 613).

4. It is not to be assumed, in advance of a witness's interrogation at the bar of the Senate, that constitutional restraints will not be faithfully observed (p. 614).

5. When one who, upon the face of the returns, has been elected to the Senate and who has a certificate from the governor of his State to that effect, presents himself to the Senate claiming the right of membership, the jurisdiction of the Senate to determine the rightfulness of the claim is invoked and its power to adjudicate such right immediately attaches by virtue of section 5 of Article I of the Constitution, empowering it to judge of the elections, returns, and qualifications of its "Members" (p. 614).

6. Whether, pending this adjudication, the credentials should be accepted, the oath administered, and the full right accorded to participate in the business of the Senate, is a matter within the discretion of the Senate (p. 614).

7. Refusal by the Senate to seat the claimant pending the investigation does not deprive the State of its "equal suffrage in the Senate" within the meaning of Article V of the Constitution (p. 615).

8. The power of the Senate to require the attendance of witnesses, when judging of the elections, returns, and qualifications of its Members is a necessary incident of the power to adjudicate in no wise inferior under like circumstances to that exercised by a court of justice, and includes in some cases the power to issue a warrant of arrest to compel such attendance (p. 616).

9. The warrant may issue without previous subpœna where there is good reason to believe that otherwise the witness will not be forthcoming (p. 616).

10. The Senate, having sole authority under the Constitution to judge of the elections, returns, and qualifications of its Members, may exercise in its own right the incidental power of compelling the attendance of witnesses without the aid of a statute (p. 618).

11. The act of the Senate in issuing its warrant for the arrest of a witness is attended by the presumption of regularity which applies to the proceedings of courts (p. 619).

12. It is to be assumed that the Senate will deal with the witness in accordance with well-settled rules and discharge him from custody upon proper assurance, by recognizance or otherwise, that he will appear for interrogation when required (p. 619).

13. If judicial interference can be successfully invoked by the person so arrested, it can only be upon a clear showing of arbitrary and improvident use of the power constituting a denial of due process of law (p. 620).

29. F. (2d) 817, reversed.

I think I ought to say that the opinion of the one judge on the Circuit Court of Appeals for the Third Circuit who rendered a

dissenting opinion, agreeing entirely with the district judge, was referred to by the Supreme Court in its opinion with the statement that the district judge and this dissenting judge in the circuit court of appeals—Mr. Woolley—clearly and fairly stated the law governing the case, and the Supreme Court affirmed his opinion.

Mr. President, I shall go a little farther; I had not intended to do this, but in order that no one may say that this is a technical proposition only, I want to read from the hearings before the so-called Reed investigating committee the testimony of Mr. Cunningham, the testimony whereon were based the charges and questions which the Supreme Court held the committee had a right to ask, in regard to which they stated that he was committing a crime when he refused to answer them. I will read only a part of the testimony, of course, because it is very lengthy.

After Senator Reed had questioned Mr. Cunningham at considerable length in regard to his activities in the contest in Pennsylvania, he asked him the following questions:

The CHAIRMAN. Was any money given to you for use in that campaign?

Mr. CUNNINGHAM. Not one cent.

The CHAIRMAN. I mean to include in money, of course, checks or drafts or anything——

Mr. CUNNINGHAM. No checks, no drafts, or anything.

The CHAIRMAN. That you got money on?

Mr. CUNNINGHAM. No, sir.

The CHAIRMAN. Did you handle any money in that campaign?

Mr. CUNNINGHAM. I did not.

The CHAIRMAN. Did you deliver any money to any person?

Mr. CUNNINGHAM. I did.

The CHAIRMAN. That is handling money, Mr. Cunningham.

Mr. CUNNINGHAM. I did not catch your way of saying that.

The CHAIRMAN. Very well. To whom did you give any money?

Mr. CUNNINGHAM. I handed money to Thomas F. Watson, $25,000, on the 10th day of April, 1926.

The CHAIRMAN. Where did you get that money?

Mr. CUNNINGHAM. I got that money out of my own private funds.

The CHAIRMAN. How is that?

Mr. CUNNINGHAM. Out of my own private funds.

The CHAIRMAN. Your own private moneys?

Mr. CUNNINGHAM. Yes, sir; my own money; my own money.

The CHAIRMAN. How long had it been your own money?

Then appeared the attorney for Mr. Cunningham—Congressman GOLDER—who said:

Mr. Chairman, may I state an objection at this time?

The CHAIRMAN. You may.

Mr. GOLDER. I have advised Mr. Cunningham that, in my judgment, this committee has no jurisdiction—

And so on.

Finally the chairman said:

What was my last question?

(The question was read by the reporter, as follows:)

"The CHAIRMAN. How long had it been your own money?"

Mr. CUNNINGHAM. I refuse to answer that question, Senator, as a personal question. It is my own private business.

The CHAIRMAN. Where did you get this $25,000 you say you gave to Mr. Watson?

Mr. CUNNINGHAM. I refuse to answer that question. I think that is personal.

The CHAIRMAN. Where were you keeping this $25,000 before you gave it to Mr. Watson?

Mr. CUNNINGHAM. That is another personal question, Senator. I refuse to answer it.

The CHAIRMAN. Did you give this money to Mr. Watson in cash or by check?

Mr. CUNNINGHAM. I gave it to him as cash.

The CHAIRMAN. Where were you when you gave it to him?

Mr. CUNNINGHAM. I took it down to his headquarters at the Walton Hotel on the 10th day of April.

The CHAIRMAN. Did you have it in your pocket when you gave it to him—before you gave it to him?

Mr. CUNNINGHAM. Yes, sir.

The CHAIRMAN. Where did you get it from to put in your pocket?

Mr. CUNNINGHAM. That is a personal question, and I decline to answer it.

The CHAIRMAN. How long had you had this money in your possession?

Mr. CUNNINGHAM. That is another personal question, and I decline to answer it.

Later on the chairman said:

The CHAIRMAN. Did you give any other money than the $25,000 to anybody during this campaign?

Mr. CUNNINGHAM. Yes; on the 13th day of April I gave Mr. Watson $25,000 more.

The CHAIRMAN. So that you gave Mr. Watson a total of $50,000?

Mr. CUNNINGHAM. $50,000 of my own money.

The CHAIRMAN. Where did you get the second $25,000 from?

Mr. CUNNINGHAM. I refuse to answer that question, Senator.

The CHAIRMAN. You refuse to tell the committee anything about where you received this money from?

Mr. CUNNINGHAM. Yes; I do.

The CHAIRMAN. The sources from which the money was received?

Mr. CUNNINGHAM. Yes.

The CHAIRMAN. How long had the money been in your possession? You refuse to tell that to the committee?

Mr. CUNNINGHAM. I certainly do, because I think that is a personal, private question.

The CHAIRMAN. How long had you been saving up or accumulating this $50,000?

Mr. CUNNINGHAM. I do not like to object to your questions, Senator, because I think a man's own money—why, I don't want to make it public to the press, to the newspapers in Philadelphia, about my private affairs, how I got this money or how I saved it.

The CHAIRMAN. Have you inherited any considerable sums of money?

Mr. CUNNINGHAM. Never inherited a dollar in my life.

The CHAIRMAN. Have you been speculating in stocks or bonds or upon the board, so that you accumulated the money in that way?

Mr. GOLDER. I object to that question and advise Mr. Cunningham that he need not answer.

The CHAIRMAN. What does the witness say?

Mr. CUNNINGHAM. I refuse to answer.

The CHAIRMAN. Have you turned in on your tax returns any $50,000 for taxation purposes?

Mr. GOLDER. I object to that question, Senator, and advise the witness that he need not answer.

Mr. CUNNINGHAM. I refuse to answer.

Later on he was questioned a little further, and I read:

The CHAIRMAN. You are the only man who has come here who has been unwilling to tell where he got his money.

Mr. CUNNINGHAM. Well, Senator, I am an American citizen. I was born in the greatest American city to-day in the United States—Philadelphia—and I have never been used to telling people where I went or what I done or how I made my money, and I am too old now to change my thought of mind.

The CHAIRMAN. You just formed the habit of independence?

Mr. CUNNINGHAM. I formed that habit through my late friend, Senator Penrose. I guess I learned that trick from him—saving money and putting it away and keeping it under cover. I have been with him, and I was his friend to the day he died.

The CHAIRMAN. You say you learned this habit of putting it away from Penrose?

Mr. CUNNINGHAM. Yes, sir. He was a past master in not letting his right hand know what his left hand done, and he dealt absolutely in cash. The "long green" was the issue.

The CHAIRMAN. Is there any danger involved in your right hand knowing what your left hand does?

Mr. CUNNINGHAM. Well, I never let it be known.

The CHAIRMAN. You do not even want to know yourself?

Mr. CUNNINGHAM. Sometimes I really do not.

The CHAIRMAN. And that is one of the attributes of independence in Pennsylvania, is it?

Mr. CUNNINGHAM. Yes, sir.

The CHAIRMAN. That your right hand shall not know what your left hand does?

Mr. CUNNINGHAM. Yes, sir. If a great many people would do that, there would not be so much trouble in Chicago and other big cities.

Mr. President, I have read that to show the Senate that I am not asking for a technical action. This man was indicted in the District of Columbia for refusing to give answers to the questions which I have read to the Senate. It does not require a lawyer to see that those questions were pertinent, that they had a direct bearing upon what the committee was trying to do. The Supreme Court has held that they were proper, that the committee had jurisdiction, and are we going to permit to go unchallenged a man who violates the law; this kind of a man, particularly, whose own testimony shows that he deals in the "long green," as he calls it, when it comes to politics; that he turned over $50,000 to the chairman of a political committee; who has refused up to this hour to tell anybody where he got the money? Everybody knows—and there is other testimony in the record to show—that Cunningham never had $50,000 in his life unless it was on a similar occasion. He was a go-between. The answers to the questions would bring to light, if they were given truthfully, without any doubt, the methods by which those who undertake to control the elections of officials move through the instrumentality and use of hard cash. If we knew who paid it, we would know who the trustees were, we would know

who it was who had invested his money in an illegal attempt to buy a seat in the United States Senate. That man is guilty. His own testimony shows that he is guilty of the crime defined by section 102 of the Revised Statutes of the United States. He has been indicted for it, and he ought to be prosecuted, and he ought to be prosecuted before those of us who are living while this thing is going on die of old age.

The PRESIDING OFFICER. Under objection, the resolution will lie on the table.

REMOVAL OF INJUNCTION OF SECRECY—JAMES G. M'NARY

Mr. ASHURST. Mr. President, I ask that the injunction of secrecy on the nomination of Mr. James G. McNary to be Comptroller of the Currency, which nomination was reported favorably from the Senate Committee on Banking and Currency on March 3, 1923, may be removed so that I may secure a copy of the committee's report.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona?

Mr. GLASS. What is the request?

Mr. ASHURST. On March 3, 1923, the Senate Committee on Banking and Currency rendered a favorable report on the nomination of Mr. James G. McNary to be Comptroller of the Currency. I wish to have removed the injunction of secrecy, so that I may obtain a copy of the report of the committee.

Mr. GLASS. I have no objection.

The PRESIDING OFFICER. Without objection, the injunction of secrecy will be removed.

SENATOR BLACK'S RECORD ON THE TARIFF

Mr. BLACK. Mr. President, my attention has just been called to a special article in to-day's New York Times headed "Accuses Democrats of Tariff Duplicity." This article is given out by the National Republican Committee. It is attributed to the Republican leader in the Senate, the Senator from Indiana [Mr. WATSON]. It is an attempted smoke screen to defend the Grundy tariff bill, which he can not and dare not defend on its merits. It is an effort on his part to lead the country to the conclusion that because some Democrats happened to vote for a tariff on mustard seed and a tariff on dates in packages, that it is their duty to swallow the entire iniquitous tariff scheme which the Republican administration is seeking to put through. Although the bill as a whole contains thousands of raises on the daily necessities of life, Mr. WATSON thinks that a vote for mustard seed and dates commits me irrevocably to this Grundyized and greedy gouge of the people of this country.

I shall not take the time to discuss the tariff bill in detail, but will say it is the same kind of a tariff bill that the Republican administration has sought to inflict on the country since the beginning of that party's history, namely, of big business by big business and for big business.

This statement attributed to Senator WATSON says that I offered an amendment relating to graphite. That is true. That fact is given by him as an evidence of my duplicity in voting against the entire tariff bill. When I offered that amendment on graphite I expected that to happen which has happened, and knew graphite was too small an industry to receive a tariff from the Republican Party. Pennsylvania and New Jersey have in their midst tremendous business enterprises which use graphite. These companies declare huge annual dividends. They oppose a tariff on graphite. To an infinitesimal extent it would affect their profits. I expected that the Republican Party, the beneficiary of big business, would find a way to defeat this amendment. It has done so. I thought when I offered the amendment it could not get past the hurdles of Pennsylvania and New Jersey tariff-bloated interests. I did not believe it could become a law, because the Republican Party does not believe in a tariff equally distributed. If the Republican Party should initiate and pass a tariff bill providing rates which were evenly distributed on the products of the United States, that party would cease to be the beneficiary of huge campaign funds which have heretofore carried it to success in contest after contest.

What happened in relation to graphite? It is a very small item. The total produced is about $1,500,000 a year, and therefore it does not come within the class of potential large contributors to the Republican campaign fund. It can not do it; it is too small. A business of $1,500,000 a year amounts to nothing so far as the Republican idea of tariff benefits is concerned. Do not forget that graphite is used in the manufacture of crucibles in the States of Pennsylvania and New Jersey.

The Dixon Crucible Co., which seems to have ample representation in Washington in the year 1927, on the investment which it had in 1922, paid 75 per cent dividends. The Dixon Crucible Co. is located in New Jersey. I presume it would not be proper for me to call attention to the fact that on the original subcommittee passing upon the question of a tariff on graphite, New Jersey was represented. I presume it would be improper for me to call attention to the fact that subsequently on the conference committee considering this graphite tariff New Jersey is represented. Therefore I shall not refer to it except to say that it would not be proper to refer to it.

What happened to graphite? Of course, graphite producers can not contribute largely to the Republican campaign fund and therefore it is not naturally and normally a beneficiary of the tariff system. The graphite amendment was twice passed in this Senate, without a record vote. When it reached the conference committee, it suffered the fate of every little item which was opposed by the beneficiaries of big business. It was emasculated by a conference committee, which has reported favorably on the highest tariff wall for big business which this country has ever known. New Jersey was represented on this committee.

I have stated on the floor of the Senate that I do not favor an embargo tariff. My record does not show that I voted for high tariff rates. Out of 234 votes cast—which, by the way, the Republican leader did not state in the interview which he has given out—he has classed me as voting for four increases in duty and they were as follows: Voted for Mr. BLAINE'S amendment for 5½ cents on casein, which was a compromise; voted for Mr. CONNALLY'S amendment to increase the duty on a few cattle coming over here from Mexico; voted for Mr. HAYDEN'S amendment to increase the duty on dates in packages; voted for Mr. SHORTRIDGE'S amendment for a duty on long-staple cotton. That is my entire record vote of increases upon which the Senator from Indiana bases the statement that it is my duty to swallow the complete tariff bill, which measure will wring millions and millions of dollars out of the pockets of the many people of the United States in order to put them into the pockets of a few beneficiaries of the Republican Party—the beneficiaries who have been maintaining its huge financial operations during the campaign every four years.

I deny that these four votes for an increased tariff on farm products justify the gentleman from Indiana in his intimations that I have supported high tariffs on products which are produced in my own State of Alabama, and opposed all others.

Naturally, I am interested in Alabama and its progress and growth, but I deny that the record supports the charge that my votes were based on local issues. If those who are giving out such interviews desire to be fair, they should call attention to the fact that pig iron is one of the major industries of Alabama and that I voted to decrease the rate. If they want to be fair they will call attention to the fact that Alabama is one of the big cement-producing States in the Nation and that I voted for free trade in cement. If they want to be fair they will disclose the fact that I did not cast a single vote for a single increase on a single manufactured article produced in Alabama or elsewhere. And yet the statement is flamboyantly circulated throughout the country that by reason of the fact that I voted for these four increases on farm products, when both the Democratic and the Republican Parties had committed themselves to a tariff on farm products, it was my duty to swallow the tariff bill with all its iniquitous rates.

Mr. President, if I believed the rates in this tariff bill to be—if I thought they were—for the best interests of agriculture and the Nation as a whole I would still vote against a bill which contains a provision that would vest in one man, the President of the United States, the vast power to give prosperity to one section and adversity to another. That is exactly what the Republican Party wants to do, and what the bill will likely do when they finish it according to their plans. When they complete their bill they would have it give to the President the power to reward that section which he sought to reward and to punish that section which he sought to punish, and God knows the section from which I come has suffered enough from punishment inflicted by sectional parties. It is not yet willing to give to the President of the United States the power to determine what tariff tax shall be levied upon the products of the South and what tariff tax shall be levied upon the products of the East.

I make the statement that if the tariff tax had been fairly and equally distributed throughout the last 50 years those sections which have enjoyed the greatest prosperity and have given the greatest Republican majorities would not have had an unfair portion of the national prosperity. Certain localities have been built up under a sectional, unfair, and unjust tariff, which has wrung money out of the pockets of the many in the other sections of the country and transferred it into the pockets of the favored few.

The Republican leader on the other side of the Chamber has seen fit to advertise to the country his opinion that because I voted for 4 increases out of 234 record votes it is my duty to





swallow a bill which every sane, sound-thinking, conservative man in the country knows will add to the present unemployment and to the poverty and to the absolute want which is abroad in the land to-day. What is proposed? It is proposed to put the poor of the land in a better condition by raising the price of everything they have to buy that is manufactured in a Republican State; and, of course, thereafter the Republicans can secure more funds to continue their control and perpetuate their so-called prosperity.

Swallow a bill like that? Swallow a bill that raises the price of everything that we eat and that we use and that we manufacture, simply because perchance I voted for a 5½ cent rate on casein, for a little tariff rate on some cattle coming in from Mexico, and for a small tariff on dates and cotton? Let the Republican spokesman the next time his publicity agents advertise his views give to the country a true and fair and correct picture. Let him state that out of 234 votes I cast 4 votes for an increased tariff, all of them relating to farm products.

Let him, if he desires to give to the people of the Nation a true reflection of the vote in the Senate, say that I voted against an increase upon everything manufactured in my State and within the boundaries of the State of Alabama because after fair consideration I did not think such rates were justified. When he gives the facts the people can judge, but, until that is done, he certainly has no reason or justification to circulate to the people of the United States an assertion that I have been guilty of duplicity.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. BLACK. I yield.

Mr. WALSH of Massachusetts. Does the Senator consider it a violation of party regularity to vote for an increasing duty upon a commodity in a tariff bill?

Mr. BLACK. I consider that a man should follow his own judgment with reference to his vote on any question. So far as I am concerned, I took my position, and I take it now, that this is not the time to make a general raise of tariff rates on manufactured products.

Mr. WALSH of Massachusetts. I think, perhaps, the Senator did not get the purport of my question. I am sharing with him his opposition to the general comments of criticism of Democrats who voted for increased duties. I do not consider that the Democratic Party, under its recent declaration, is opposed to increasing protective duties when a case is made out for protection.

Mr. BLACK. As I understand it, the Democratic Party in its platform adopted the policy of a competitive tariff and that when the facts justify it or the evidence is produced a member of that party has the right to vote for a tariff. That is my understanding of the Democratic platform and my understanding of the method of voting in accordance with it.

Mr. WALSH of Massachusetts. To put it another way, I understand that when an industry proves by substantial and undeniable evidence that it is depressed, that it is in financial difficulties, due to importations and not to its own mismanagement or inefficiency, but due to importations, such a situation presents a protective tariff question that will command the sympathy and support of Democrats as well as Republicans.

The difference between the Democrat and the Republican position is that the Democrat is not seeking to increase tariff duties, which may permit the exploitation of the public and enrich the petitioners for such duties; but I do not understand that a Democrat need to apologize or to explain a vote for an increased tariff duty if behind it are facts to justify the increase; if, for example, an American industry is being deprived of the American market because of the flood of foreign importations of comparable products. I ask the Senator from Alabama if he agrees with that as sound Democratic doctrine?

Mr. BLACK. As I have said, I agree that, in line with the Houston platform, a Senator on the Democratic side has a right to consider all evidence as to the industry, the importations, the exportations, the state of the business in general, and to reach his own conclusion.

So far as I am personally concerned, I will state to the Senator that I am one of what I understand to be the minority who declined to send a telegram to the Democratic national chairman accepting in full the views as expressed by our candidate, I believe it was, in Louisville, Ky. I take the position personally—I took it on the tariff bill, as my votes will show—that this is not the time further to tax the millions of consumers in this country by an increased tariff on manufactured products. Therefore I voted as I did.

Mr. WALSH of Massachusetts. Mr. President, I do not think a Democrat ought to discriminate between manufactured products and farm products. I think he ought to take the position that if a domestic industry is in financial embarrassment, due to the fact that it is being robbed of the domestic market by importations, whether that commodity be an agricultural one or a manufactured one, it is evidence to justify the possible application of reasonable protective tariff rates to help that industry.

So I am for increased tariff duties on agricultural products if they are depressed; and I am in favor of increased duties on manufactured products if they are depressed because of foreign competition alone. I grant in most instances, in view of the long period of time during which the protective-tariff principle has been applicable in this country, that there may be comparatively few manufacturing industries that need increased protection; but I think it ought to be made clear that a Democrat is not expected to vote against every proposal to levy an increased tariff duty for the benefit of any industry, agricultural or manufacturing, and I am sure that is why the Senator is protesting, and properly so, against the suggestion that because a Democrat voted in favor of two or three or five increased duties he is not a regular Democrat. For Democrats to take a position of opposition to all tariff duties, regardless of the facts and justice in each case, is a free-trade attitude. If the facts justify the levying of a protective-tariff duty, a willingness to levy a reasonable rate, having in mind the rights of the consumer as well as those of the producer, should be the attitude of Democrats. Any other policy means free trade and putting the Democratic Party in the position of an obstructionist to honest, efficiently managed American industry.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Utah?

Mr. BLACK. I yield.

Mr. SMOOT. I was going to suggest to the Senator from Alabama that, as I understand the rule which has been followed on the other side of the Chamber, it is that it is all right to vote for an increase of duty upon commodities which are produced in the State from which a given Senator comes.

Mr. BLACK. I am glad the Senator from Utah has made that statement, and I should like to reply to it.

Mr. SMOOT. I am willing the Senator from Alabama shall do so. I want to ask him if what I have stated is not the case?

Mr. BLACK. I am going to reply to the Senator's suggestion now. I am going to reply to it by stating that it is not the case, and no one knows it better than does the able, genial, and distinguished Senator from Utah.

The Senator is familiar with the commercial statistics of the country; he is familiar with the economic fabric of the Nation; and he will recall that Alabama is one of the great pig-iron producing States of the Union. The Senator from Utah is familiar with that fact, is he not?

Mr. SMOOT. Certainly.

Mr. BLACK. Does the Senator from Utah recall how I voted on the tariff on pig iron?

Mr. SMOOT. Perhaps there are isolated cases such as that——

Mr. BLACK. I want to know if the Senator from Utah recalls my vote on pig iron?

Mr. SMOOT. Yes; I recall it.

Mr. BLACK. Very well. The Senator from Utah is also familiar, is he not, with the fact that Alabama is a great producer of cement?

Mr. SMOOT. Yes; I understand that there are such plants in the Senator's State.

Mr. BLACK. Does the Senator from Utah understand that Alabama is one of the big cement-producing States? Does the Senator recall how I voted on the proposal to place a duty on cement?

Mr. SMOOT. Yes; I understand that; and the Senator from Utah also recalls how the Senator from Alabama voted on the duty on graphite, which is likewise produced in Alabama.

Mr. BLACK. I will call that to the attention of the Senator in a moment. I referred to it while he was not here, but I will call his attention to it again.

Mr. SMOOT. I do not blame the Senator for voting as he did.

Mr. BLACK. I am going to explain that to the Senator to show that I can not be driven off or diverted from my position by any such camouflage or smoke screen as that. Is the Senator familiar with the fact that lumber is the second industry in the State of Alabama?

Mr. SMOOT. I am aware of the fact that a great deal of lumber is produced in Alabama.

Mr. BLACK. Does the Senator recall how I voted on the duty on lumber?

Mr. SMOOT. I think the Senator voted for free lumber.

Mr. BLACK. I did.

Mr. President, returning to graphite, let me say that if all the graphite that is used in the United States could be produced in the State of Alabama and should be produced in the State of Alabama, it would only amount to a million and a half dollars a year. As compared with its production of lumber, as compared with its production of cement, as compared with its great pig-iron industry, in which Alabama stands at the top, graphite is like putting a drop of water into the Atlantic Ocean. As compared to the crucible and graphite products industries of Pennsylvania and New Jersey, graphite is nothing. In 1927 one crucible company paid 75 per cent dividends on the millions of dollars worth of stock which it had in 1922. It enjoyed a tariff rate of 45 per cent. Graphite, an inconsequential and insignificant ore, which constitutes only a small part of the expense of the graphite-products business, is practically on the free list by reason of the definition given to it in the bill as it comes from the conference committee. Crucible producers are located in New Jersey and Pennsylvania, and the subcommittee of the Senate which passed upon the duty on graphite, as I recall, had sitting on it representatives from New Jersey and Pennsylvania. The State of New Jersey also had a representative on the conference committee. The Senate twice voted on the question of a tariff on graphite. I stated to the Senate at the time that this tariff was justified for two reasons: First, as a tariff for revenue, if it was desired to put it on that basis; and, second, if those who believe in a high protective tariff were honest and wanted to spread protection over every industry, it was justified on that ground. Where does that tariff stand to-day? Exactly where it was anticipated it would go. The crucible people got busy. I have in my hand a letter sent by the crucible producers all over this country giving exactly the form and substance of telegrams and messages to be sent to Senators and Congressmen. Yes; I voted for a tariff on graphite, a small mining industry, and I stated on the floor at the time that the Republican Party had never stood for a fair and equitable spread of tariffs to both raw products and manufactured products, and I say it again.

Mr. SMOOT. Mr. President, I want to correct the Senator in the statement he has just made, because I am in favor of protecting all industry. From what the Senator said and the way he said it he was charging that the attitude indicated by him was the attitude of all the members of the party. I want to say to the Senate that I was perfectly willing, as the Senator must know, to have imposed on graphite the rate which the Senator proposed on the floor of the Senate. I had no intention whatever of criticizing him, and I do not do it now. The course of the debate caused me to make the statement which I made, and I think the Senator himself will not deny that the statement I made has been proven beyond a question of doubt in ninety-nine cases out of a hundred.

Mr. BLACK. Yes, Mr. President; I think the Senator is one of the believers in a high tariff. I will state further, however, that I think if the distinguished Senator from Utah, able as he is, powerful as he is, distinguished as he is, and with his long service in the camp of the high-tariff protectionists, had told Mr. BACHARACH, of New Jersey, a member of the conference committee, that the Senate conferees would not agree that New Jersey and Pennsylvania should have tariff protection on everything they manufactured and deny such protection to the products of the other sections of the country probably the conferees would have left the Senate amendment on graphite in the bill.

I am not accusing the Senator of anything; far from it; I admire the Senator. I do not agree with his views in many instances; we disagree frequently; our political philosophy is not the same; but what I was talking about was the policy of the Republican Party, and I stated it to be this, as shown by its history: The Republican Party does not believe in a tariff which embraces every product of the Nation; it has shown by its history that it believes in a tariff which enriches a few at the expense of the many, and it always levies the tariff in such a way as to protect to the utmost the products of big business, the chief contributors to the campaign fund of that mighty party. Its history has demonstrated that it does not believe in extending tariff protection for the benefit of the smaller industries of the Nation. The Republican Party would vote an embargo duty on everything produced by every big corporate business of America, but at the same time it would vote free trade for graphite, for manganese, and for all the crude or the raw products which the great manufacturing industries need in order to carry on their business. The history of the party demonstrates that fact.

So far as a tariff duty on agricultural products is concerned, I consider it a hoax; it is a fraud, a delusion, and a snare. What benefit can a cotton farmer get from a tariff? He exports his cotton; he is not troubled with imports of cotton. Where the tariff strikes him is when he digs down into his pocket to buy aluminum products, to buy sugar and clothes and shoes and plowlines, to buy steel products, and the multitudinous necessities of life.

No, Mr. President; I have no apology to make for having voted against the tariff bill. If there is any one thing I have done since I came to the Senate that I am proud of, it is the fact that I voted against that iniquitous, sectional, robbing, extortionate measure. It went out of here bad. It is coming back worse. It went out of here with a few low tariffs which the Senate had voted on. It is coming back with all of them elevated up to the skies except the little things, like graphite. Of course, the Republican Party could not tolerate a real tariff on graphite. The action of that party on this item was foreordained, predestined, and foredoomed. The crucible manufacturers are large, powerful, and bloated with wealth amassed under a high protective system. Graphite is not. Why, how could it contribute to the campaign in 1932? And the indications are that many contributions will be needed. The crucible people, the 75 per cent dividend boys, are the ones who need a tariff. Graphite producers are in bankruptcy.

The Senator from Indiana makes this statement, and the Senator from Utah [Mr. SMOOT] practically repeated it a few moments ago:

> Democratic protection votes are stronger preaching than Democratic Senators can pump daily or weekly for the national committee.

And the Senator from Utah unintentionally, I hope, fell into the error of copying after his distinguished leader, Mr. WATSON, and left the impression that the Democrats voted for a tariff on the products of their own States and voted against a tariff on the products of the other States. The record does not prove that to be the fact. On the contrary, the record proves that it is not the fact. The few little increases that I voted for on agricultural products will probably be worth very little to the farmers. They have been led to believe in many sections that they would be valuable. Personally, I doubt it.

Let Senator WATSON send forth his news to the world that many of us voted against this tariff bill. We voted against it before, and when it returns still further Grundyized I imagine more will vote against it again; and if enough do not vote against it to defeat it the beneficiaries will have to contribute more to the Republican campaigns in 1930 and 1932 than they have ever delivered in the past.

The VICE PRESIDENT. The morning business is closed. The calendar under Rule VIII is in order.

RESTRICTION OF IMMIGRATION

Mr. COPELAND. Mr. President, a few days ago I entered a motion for the reconsideration of Senate bill 51.

Mr. HARRIS. Mr. President, will the Senator yield in order that I may suggest the absence of a quorum?

The VICE PRESIDENT. Does the Senator yield for that purpose?

Mr. COPELAND. I do.

Mr. HARRIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	George	McKellar	Smoot
Ashurst	Glass	McMaster	Steck
Barkley	Glenn	McNary	Stelwer
Bingham	Goldsborough	Metcalf	Stephens
Black	Greene	Norris	Sullivan
Blaine	Hale	Oddie	Swanson
Blease	Harris	Overman	Thomas, Idaho
Borah	Harrison	Patterson	Thomas, Okla.
Bratton	Hastings	Phipps	Townsend
Brock	Hatfield	Pine	Trammell
Capper	Hawes	Pittman	Tydings
Caraway	Hayden	Ransdell	Vandenberg
Connally	Howell	Reed	Wagner
Copeland	Johnson	Robinson, Ark.	Walcott
Couzens	Jones	Robinson, Ind.	Walsh, Mass.
Cutting	Kendrick	Robsion, Ky.	Walsh, Mont.
Deneen	Keyes	Schall	Waterman
Dill	King	Sheppard	Watson
Fess	La Follette	Shipstead	Wheeler
Frazier	McCulloch	Simmons	

The VICE PRESIDENT. Seventy-nine Senators have answered to their names. A quorum is present.

Mr. COPELAND. Mr. President, a short time ago we had under consideration a bill to subject immigrants to the quota under the immigration law. Various amendments were offered

relating to national origins and other things, and finally we came to the original proposition presented by the senior Senator from Georgia [Mr. HARRIS] relating to the restriction of immigration from Latin America, including Mexico. On motion the original part of the proposal of the Senator from Georgia was sent back to the Committee on Immigration.

On the 29th of April I entered a motion for reconsideration, and now, without wishing to have the matter considered to-day on its merits, but to have it back on the calendar for consideration in due time, I move that the Senate proceed to the consideration of the motion heretofore entered by me to reconsider the vote whereby Senate bill 51, a bill to subject certain immigrants to the quota under the immigration laws, was recommitted to the Committee on Immigration.

Mr. HARRIS. Mr. President——

The VICE PRESIDENT. The motion is not debatable.

Mr. PHIPPS. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. HARRIS. Mr. President, will not the Vice President state just what the question is? Some Senators have come in since the clerk started to call the roll, and do not understand what the question is.

The VICE PRESIDENT. The question is on the motion of the Senator from New York to proceed to the consideration of his motion to reconsider the vote whereby the immigration bill was recommitted to the Committee on Immigration.

Mr. REED. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. REED. I doubt whether the Senate understands the status of this matter at the present time. I confess that I myself am confused.

Senate bill 51, as I understand it, was amended in Committee of the Whole so as to repeal the national-origins provision.

Mr. DILL. Mr. President, is it not out of order to have a speech during a roll call? I make the point of order.

The VICE PRESIDENT. It is out of order, but the Senator from Pennsylvania rose to a parliamentary inquiry.

Mr. REED. I am making a parliamentary inquiry.

Mr. DILL. The Senator is not making a parliamentary inquiry, he is making a speech. I raise the point of order that that is not proper during a roll call.

Mr. REED. I submit that I know, as well as the Senator from Washington, what I am making.

Mr. DILL. I submit the Senator should not take advantage of such a point. I make the point of order that if the Senator from Pennsylvania has a parliamentary inquiry to propound he should propound it, and if not that the roll call should proceed.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. REED. Very well. I make the parliamentary inquiry whether, if this motion carries and the bill is reconsidered in the Senate, an amendment changing the method of calculating the immigration quotas would or would not be in order?

The VICE PRESIDENT. It would not be in order. The Secretary will continue calling the roll.

The legislative clerk resumed the calling of the roll.

Mr. KING (when his name was called). I am paired with the senior Senator from New Hampshire [Mr. MOSES]. In his absence I withhold my vote.

Mr. SIMMONS (when his name was called). I wish to inquire whether the senior Senator from Massachusetts [Mr. GILLETT] has voted?

The VICE PRESIDENT. He has not voted.

Mr. SIMMONS. I have a pair with that Senator, and until I can get a transfer I withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH]. I am informed by the pair clerk that there is no transfer available. I therefore withhold my vote.

The roll call was concluded.

Mr. SHEPPARD. I desire to announce that the Senator from Montana [Mr. WALSH] is necessarily detained from the Senate on official business.

I also desire to announce that the Senator from Mississippi [Mr. HARRISON] and the Senator from Louisiana [Mr. BROUSSARD] are necessarily detained from the Senate on official business.

Mr. GLASS. I inquire whether the senior Senator from Connecticut [Mr. BINGHAM] has voted.

The VICE PRESIDENT. That Senator has not voted.

Mr. GLASS. I have a general pair with the senior Senator from Connecticut, and, not knowing how he would vote, in his absence I will have to withhold my vote. If permitted to vote, I would vote "yea."

Mr. SIMMONS. I transfer my pair with the senior Senator from Massachusetts [Mr. GILLETT] to the senior Senator from Montana [Mr. WALSH] and vote "yea."

Mr. BRATTON (after having voted in the affirmative). I have a pair with the junior Senator from Maine [Mr. GOULD]. I have been unable to secure a transfer, and in his absence I withdraw my vote.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. GRUNDY] with the Senator from Florida [Mr. FLETCHER];

The Senator from Rhode Island [Mr. HEBERT] with the Senator from Alabama [Mr. HEFLIN]; and

The Senator from New Jersey [Mr. KEAN] with the Senator from Louisiana [Mr. BROUSSARD].

I am not advised how any of these Senators would vote on this question.

The result was announced—yeas 46, nays 27, as follows:

YEAS—46

Ashurst	George	McNary	Simmons
Barkley	Harris	Overman	Steck
Black	Harrison	Patterson	Stephens
Blease	Hatfield	Pine	Swanson
Brock	Hawes	Pittman	Thomas, Okla.
Capper	Hayden	Reed	Trammell
Caraway	Howell	Robinson, Ark.	Tydings
Connally	Johnson	Robinson, Ind.	Wagner
Copeland	Jones	Robsion, Ky.	Walsh, Mass.
Couzens	McCulloch	Schall	Wheeler
Cutting	McKellar	Sheppard	
Dill	McMaster	Shipstead	

NAYS—27

Allen	Goldsborough	Metcalf	Sullivan
Blaine	Greene	Norris	Thomas, Idaho
Borah	Hale	Oddie	Townsend
Deneen	Hastings	Phipps	Vandenberg
Fess	Kendrick	Ransdell	Walcott
Frazier	Keyes	Smoot	Waterman
Glenn	La Follette	Steiwer	

NOT VOTING—23

Baird	Fletcher	Hebert	Nye
Bingham	Gillett	Heflin	Shortridge
Bratton	Glass	Kean	Smith
Brookhart	Goff	King	Walsh, Mont.
Broussard	Gould	Moses	Watson
Dale	Grundy	Norbeck	

So Mr. COPELAND's motion to proceed to the consideration of the motion to reconsider the vote by which the bill was recommitted was agreed to.

The VICE PRESIDENT. The question now is upon the motion to reconsider the vote by which the bill was referred to the Committee on Immigration, which is debatable.

Mr. SHIPSTEAD. Mr. President, I may say that I shall favor the motion of the Senator from New York. We had reached such a parliamentary situation that the Senate could not proceed with this piece of legislation after it had been debated for days and days. Therefore I made the motion to recommit. I realize now that the situation is apparently clear in the minds of the Senate, and that is the reason why I was willing to vote in favor of the motion of the Senator from New York.

Mr. WALSH of Massachusetts. Mr. President, may I inquire just what is the motion of the Senator from New York?

Mr. COPELAND. That the motion to recommit be reconsidered. We have now decided that that motion is the proper one to make. I may say it is not my intention to bring the question at issue before the Senate now, but to let the bill go to the calendar. If the motion now pending prevails, the matter presented by the Senator from Georgia [Mr. HARRIS] will be taken away from the committee and brought back to the Senate, and then I shall ask that the bill go to the calendar and not be taken up and given consideration at this time.

The VICE PRESIDENT. The question is on the motion of the Senator from New York.

On a division, the motion was agreed to.

The VICE PRESIDENT. The bill is now in the Senate and open to amendment.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LA FOLLETTE. What became of the unfinished business of the Senate?

The VICE PRESIDENT. The unfinished business went over until to-morrow by unanimous consent.

Mr. COPELAND. Mr. President, let me ask my friend from Georgia what is his desire regarding the bill now?

Mr. HARRIS. It is my desire that we dispose of the bill to-day, if we can. May I say for the benefit of the Senate that under the parliamentary situation——

Mr. BRATTON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BRATTON. What is the parliamentary status of the immigration bill? Does it occupy the status of the unfinished business of the Senate or does it merely go to the calendar along with other measures there?

The VICE PRESIDENT. The motion to reconsider having been agreed to, the bill is now in the Senate and open to amendment, occupying the status it had when it was recommitted.

Mr. BRATTON. A further parliamentary inquiry. The bill being in the Senate and open to amendment, is it the unfinished business or merely an item on the calendar?

The VICE PRESIDENT. By unanimous consent the unfinished business, being House bill 8574, was put over until to-morrow. The unfinished business will be laid before the Senate to-morrow, and if the immigration bill, which is now pending before the Senate, is not disposed of before that time, then it will go back to the calendar.

Mr. BRATTON. A still further parliamentary inquiry. How does this bill happen to occupy a preferred status during the remainder of to-day if another matter has been made the unfinished business since the immigration bill was referred back to the committee?

The VICE PRESIDENT. The unfinished business by unanimous consent was put over until to-morrow. A motion to take up the motion to reconsider the immigration bill was made when no matter was pending before the Senate and agreed to, and the motion to reconsider the vote recommitting the bill was then agreed to.

The motion to reconsider the motion to recommit having been agreed to, the bill was thereupon brought back before the Senate and occupies exactly the same parliamentary status it had when the motion was made to recommit it. At that time the bill was in the Senate and open to amendment. The bill therefore is now in the Senate and open to amendment.

Mr. HARRIS. Mr. President, I wish to state to the Senate that the amendment I am now offering strikes out all after the enacting clause and applies the quota to Mexico. There is nothing else in the amendment. If the amendment is agreed to it will place Mexico under the quota just as European countries and will leave other Central and South American countries just where they are. Central and South American countries do not exhaust their minimum quotas and there is no reason for us to exclude them. The sore spot in immigration of the one country that is sending us so many undesirables is Mexico. We have millions of unemployed in this country at this time and in the past five years we have a record showing we have allowed an average of 58,000 to come here from Mexico and we know almost as many have come for which we have no record. There are thousands and thousands of Mexicans who are subject to charity now in the southwestern part of the country. Vital statistics show that recently one-third the children born in California were Mexicans. If not checked they would in a few years be in majority. I hope we will not allow any more to come into the United States.

Mr. President, under the parliamentary situation, an amendment touching national origins would not be in order and an amendment touching European quotas would not be in order. My amendment proposes to strike out all after the enacting clause and apply the quota to Mexico. That is all it does. If this is passed it will allow between 1,500 and 1,900 to come in each year under the national-origins provision instead of nearly a hundred thousand now coming.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Georgia.

Mr. JOHNSON. Mr. President, may the amendment be read?

The VICE PRESIDENT. Let the amendment be read for the information of the Senate.

The LEGISLATIVE CLERK. Strike out all after line 6 and insert:

(c) An immigrant who was born in the Dominion of Canada, Newfoundland, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America, and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him;

So as to make the bill read:

Be it enacted, etc., That subdivision (c) of section 4 of the immigration act of 1924, as amended (which enumerates certain countries immigrants born in which are defined to be "nonquota immigrants"), is hereby amended to read as follows:

(c) An immigrant who was born in the Dominion of Canada, Newfoundland, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America, and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him.

Mr. WALSH of Massachusetts. Mr. President, may I ask the Senator from Georgia a question? Does the amendment deal solely and alone with immigration from Mexico?

Mr. HARRIS. Mr. President, the amendment deals solely and alone with immigration from Mexico.

Mr. WALSH of Massachusetts. What is the number of immigrants that will be admitted annually to this country in the event the amendment is agreed to?

Mr. HARRIS. Between 1,200 and 1,900 will come into the country if the amendment is adopted. The past five years an average of 58,000 have come into our country that we have a record of; nearly a hundred thousand have actually come.

The PRESIDING OFFICER (Mr. FESS in the chair). The question is on the amendment of the Senator from Georgia.

Mr. LA FOLLETTE. Mr. President, I ask that the bill may be read in full from the desk as it would read provided the amendment is adopted.

The PRESIDING OFFICER. The amendment strikes out all after the enacting clause and inserts what the clerk just read.

Mr. LA FOLLETTE. I want to make certain what change is made. The amendment, as I understand it, does not make exactly clear its purpose and intent.

The PRESIDING OFFICER. The clerk will read the amendment for the information of the Senate.

The legislative clerk again read the first six lines of the bill and the amendment proposed by Mr. HARRIS.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia.

Mr. HAYDEN. Mr. President, I merely wish to call to the attention of the Senate the fact that this is practically the same amendment which was submitted to the Senate by the Senator from Connecticut [Mr. BINGHAM] on April 21 last. The roll call appearing on page 7646 of the RECORD shows that the proposal to place immigration from Mexico only within the quota was defeated by a vote of 11 yeas and 56 nays. I am curious to see how the Senate votes this time on the same issue. At that time I was opposed to the adoption of the Bingham amendment. Subsequently, on April 23, I sought to include immigration from Canada under the Western Hemisphere quota, but my amendment was defeated by a similar vote—13 yeas and 44 nays. Apparently the Senate is now going to assume a very inconsistent attitude by singling out Mexico as the only country of the western world to which an immigration quota shall be applied.

Mr. WALSH of Montana. Mr. President, the Senator from Georgia [Mr. HARRIS] advised the Senate that the bill as it is now before the Senate is not subject to amendment except within certain limited lines within which is included the amendment now offered. The bill was under consideration by the Senate for a long time, with the result that it was recommitted to the committee from which it originally came. That committee has made a report. I inquire of the Presiding Officer upon what rule and by what course of reasoning is the Senate restricted in any amendment that it may make to the bill which is now before the Senate upon a subsequent report by the committee?

The PRESIDING OFFICER. The bill is now in the Senate, and any amendment would be in order in the Senate——

Mr. WALSH of Montana. The present occupant of the chair does not agree with the Senator from Georgia.

The PRESIDING OFFICER. The Chair is trying to make a statement. The so-called Norbeck amendment was offered and agreed to in Committee of the Whole. It was amended in the Senate by striking out the part repealing the national-origins provision. That provision has gone out of the bill, and could not now be reoffered in the Senate, because the amendment as amended was concurred in, and a motion to reconsider that vote was subsequently made and rejected.

Mr. WALSH of Montana. But that seems to be a very remarkable rule of parliamentary procedure. When a bill is recommitted I was always of the impression that it went back to the committee for any change that the committee might care to make in it. Upon what line of reasoning is the committee restricted in the amendment which it might propose to the bill or the Senate by reason of action taken? This reaches very much farther than this particular bill. I do not raise the point of order now in any spirit of opposition to the bill, but I warn the Senate that if this rule is adopted the value of a motion to recommit a bill is practically destroyed.

Mr. REED. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Pennsylvania?

Mr. WALSH of Montana. I yield.

Mr. REED. I think the Senator is exactly correct, but the Senator will recall that what has been done has been a rescission of the vote to recommit. The bill was ordered recommitted, but the Senate now has rescinded that action. The Senator is quite right that if it were recommitted it would be subject to any amendment that the committee might see fit to put on it.

Mr. WALSH of Montana. By what right does the Senate now undertake to undo the work that it did 10 days ago?

Mr. REED. At that time a motion to reconsider the vote to recommit was entered by the Senator from New York [Mr. COPELAND]. To-day he moved that the Senate proceed to the consideration of that motion to reconsider, and that was carried; and then the motion to reconsider the vote by which the bill was recommitted was carried; so that the recommittal has been undone.

Mr. WALSH of Montana. Then, apparently, the procedure is strictly in accordance with what I understand at least to be the parliamentary rule.

Mr. REED. I think so, Mr. President.

Mr. WALSH of Montana. I am very glad that we are not establishing a precedent here that a bill having been under consideration by the Senate, and having been recommitted, either the committee or the Senate is in any wise restricted in the action that it may thereafter take with respect to it.

Mr. REED. I think the Senator is exactly right.

Mr. COPELAND. Mr. President, as I understand, at the time the motion to recommit was made the bill was in the Senate, and the various amendments relating to the national-origins clause were defeated in the Senate; so that we come back now as if the bill were not recommitted, and we can not add to the bill any amendment that was defeated in the Senate. So I think we are entirely within our rights under the rules of the Senate.

The PRESIDING OFFICER. The Chair would not want to be considered as having ruled that in the Senate there could not be an amendment offered which had not been offered while the bill was being considered as in Committee of the Whole. The Chair does not want such an interpretation to be put upon his ruling.

Mr. SWANSON. Mr. President, I understand the motion to reconsider having been adopted, the bill comes back in exactly the same status in which it was when recommitted; no higher right and no less right attaches to it, but it is exactly in the shape in which it was when recommitted.

As I understand, the amendment of the Senator from North Dakota [Mr. NORBECK] was voted on and rejected while the bill was in the Senate. No motion was made to reconsider that vote and it is too late now to do it. I repeat, the bill is exactly in the status in which it was at the time it was recommitted. That is true, is it not?

The PRESIDING OFFICER. That is correct.

Mr. SWANSON. It seems to me that the amendments on which we voted as in Committee of the Whole, and those on which we voted in the Senate, and which were concurred in, also are eliminated, because there has been action of the Senate on them, and they have been discussed and disposed of.

Mr. BORAH. Mr. President, I do not desire to discuss the parliamentary question; that may be considered as settled, so far as I am concerned; but, as I understand, the amendment now limits the effect of the bill to Mexico——

Mr. HARRIS. That is true.

Mr. BORAH. It singles out Mexico, so that the law, if the bill shall become a law, will operate against Mexico alone.

Mr. President, I am in sympathy with limiting or restricting immigration. I am not willing, however, knowing other circumstances that I do, to vote in favor of a bill which singles out Mexico and applies to that country alone. I think the effect would be bad, and that the evil which would follow would be greater than the good which would be derived.

It is not my purpose to discuss the question now, but I did state somewhat at length my view in regard to it a few days ago. Simply leaving that statement to speak for itself, I add at this time that I am not willing to vote to exclude immigration from Mexico alone.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Georgia.

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. KING (when his name was called). I have a pair with the Senator from New Hampshire [Mr. MOSES]. In his absence, and not knowing how he would vote, I withhold my vote.

Mr. SIMMONS (when his name was called). I am advised that my pair, the senior Senator from Massachusetts [Mr. GILLETT], if present, would vote as I intend to vote on this question. Therefore I feel at liberty to vote, and I vote "yea."

Mr. WATSON (when his name was called). Making the same announcement relative to my pair as before, I withhold my vote.

The roll call was concluded.

Mr. BLEASE. I have a pair with the Senator from West Virginia [Mr. GOFF] and therefore withhold my vote. I understand that if he were present he would vote "nay." If permitted to vote, I should vote "yea."

Mr. GLASS. I have a general pair with the senior Senator from Connecticut [Mr. BINGHAM]. I transfer that pair to the Senator from Mississippi [Mr. HARRISON] and vote "yea."

Mr. BRATTON. I have a general pair with the junior Senator from Maine [Mr. GOULD]. I am unable to secure a transfer, and in his absence I withhold my vote. If I were permitted to vote, I should vote "yea" on this question.

Mr. METCALF (after having voted in the negative). I inquire if the Senator from Maryland [Mr. TYDINGS] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. METCALF. I have a general pair with the Senator from Maryland; and not knowing how he would vote, I withdraw my vote.

Mr. SHEPPARD. I desire to announce that the Senator from Mississippi [Mr. HARRISON] and the Senator from Louisiana [Mr. BROUSSARD] are necessarily detained from the Senate on official business.

Mr. FESS. I wish to announce the following general pairs:

The Senator from Pennsylvania [Mr. GRUNDY] with the Senator from Florida [Mr. FLETCHER];

The Senator from Rhode Island [Mr. HEBERT] with the Senator from Alabama [Mr. HEFLIN];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Utah [Mr. KING]; and

The Senator from New Jersey [Mr. KEAN] with the Senator from Louisiana [Mr. BROUSSARD].

I am not advised how any of the Senators mentioned would vote on this question.

The result was announced—yeas 51, nays 16, as follows:

YEAS—51

Ashurst	George	McKellar	Simmons
Barkley	Glass	McNary	Steck
Black	Glenn	Norris	Steiwer
Blaine	Goldsborough	Overman	Stephens
Brock	Hale	Patterson	Swanson
Capper	Harris	Pine	Thomas, Okla.
Caraway	Hatfield	Pittman	Townsend
Connally	Howell	Ransdell	Trammell
Copeland	Johnson	Reed	Vandenberg
Couzens	Jones	Robinson, Ark.	Wagner
Cutting	Kendrick	Robinson, Ind.	Walsh, Mass.
Deneen	Keyes	Sheppard	Wheeler
Dill	McCulloch	Shortridge	

NAYS—16

Allen	Hastings	Oddie	Sullivan
Borah	Hayden	Phipps	Thomas, Idaho
Fess	La Follette	Shipstead	Walsh, Mont.
Greene	Nye	Smoot	Waterman

NOT VOTING—29

Baird	Frazier	Heflin	Schall
Bingham	Gillett	Kean	Smith
Blease	Goff	King	Tydings
Bratton	Gould	McMaster	Walcott
Brookhart	Grundy	Metcalf	Watson
Broussard	Harrison	Moses	
Dale	Hawes	Norbeck	
Fletcher	Hebert	Robsion, Ky.	

So the amendment of Mr. HARRIS was agreed to.

The VICE PRESIDENT. The question is, Shall the bill be ordered to be engrossed for a third reading and be read the third time?

Mr. HAYDEN. Mr. President, I directed the attention of the Senate a few moments ago to the vote on a very similar amendment pending before the Senate on April 21. I shall not read the text of the Bingham amendment, but merely quote the following from the CONGRESSIONAL RECORD, at page 7323:

Mr. BORAH. As I understand, the effect of the amendment of the Senator from Connecticut is to single out Mexico from all the countries of the Western Hemisphere and apply the law against Mexico alone?

Mr. BINGHAM. Yes. As I have stated, the only arguments which have been used in favor of changing the law have been based on the fact of the coming of immigrants from Mexico.

I ask unanimous consent that there may be printed in the CONGRESSIONAL RECORD the roll call, which appears at page 7326 of the CONGRESSIONAL RECORD of that date.

The VICE PRESIDENT. Without objection, it is so ordered.

The roll call is as follows:

The VICE PRESIDENT. The question is on the amendment of the Senator from Connecticut as modified.

Mr. BLACK. I demand the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BROOKHART (when his name was called). I have a pair with the Senator from Texas [Mr. SHEPPARD]. I am informed that if present he would vote as I intend to vote on this question and therefore I am at liberty to vote. I vote "nay."

Mr. WALSH of Montana (when Mr. CARAWAY's name was called). The Senator from Arkansas [Mr. CARAWAY] is necessarily detained on official business.

Mr. GOULD (when his name was called). I have a general pair with the Senator from New Mexico [Mr. BRATTON]. If permitted to vote, I would vote "nay."

Mr. JOHNSON (when his name was called). I have a general pair with the Senator from Texas [Mr. CONNALLY], which I transfer to the Senator from Connecticut [Mr. WALCOTT], and vote "yea."

Mr. SHIPSTEAD (when Mr. SCHALL's name was called). My colleague the junior Senator from Minnesota [Mr. SCHALL] is necessarily absent. If present, he would vote "nay."

The roll call was concluded.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Indiana [Mr. WATSON] with the Senator from South Carolina [Mr. SMITH];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Utah [Mr. KING];

The Senator from Pennsylvania [Mr. GRUNDY] with the Senator from Florida [Mr. FLETCHER]; and

The Senator from New Mexico [Mr. CUTTING] with the Senator from Missouri [Mr. HAWES].

The result was announced—yeas 11, nays 56, as follows:

Yeas—11: Messrs. Bingham, Broussard, Dill, Johnson, Jones, Metcalf, Phipps, Ransdell, Shortridge, Sullivan, and Waterman.

Nays—56: Messrs. Allen, Ashurst, Barkley, Black, Blaine, Blease, Borah, Brock, Brookhart, Capper, Copeland, Dale, Deneen, Fess, Frazier, George, Gillett, Glass, Goff, Goldsborough, Greene, Hale, Harris, Harrison, Hatfield, Hayden, Hebert, Heflin, Howell, Kendrick, La Follette, McCulloch, McKellar, McNary, Norbeck, Norris, Oddie, Overman, Patterson, Robinson of Indiana, Robsion of Kentucky, Shipstead, Simmons, Smoot, Steck, Steiwer, Stephens, Swanson, Thomas of Idaho, Thomas of Oklahoma, Trammell, Vandenberg, Wagner, Walsh of Massachusetts, Walsh of Montana, and Wheeler.

Not voting—29: Messrs. Baird, Bratton, Caraway, Connally, Couzens, Cutting, Fletcher, Glenn, Gould, Grundy, Hastings, Hawes, Kean, Keyes, King, McMaster, Moses, Nye, Pine, Pittman, Reed, Robinson of Arkansas, Schall, Sheppard, Smith, Townsend, Tydings, Walcott, and Watson.

So Mr. BINGHAM's proposed substitute was rejected.

Mr. HAYDEN. Mr. President, let me make a brief statement to the Senate before the final vote upon the Harris bill. The effect of the measure as finally perfected is to bring Mexico within the immigration quota law, leaving immigration from all of the other countries of the Western Hemisphere free and unrestricted. I have urged, but without success, that it was just as important to limit immigration from the other countries of the western world, and particularly from Canada, because it does not matter where the foreigner comes from if he enters the United States to seek employment in competition with American workingmen. The statistics of immigration for the month of March, 1930, show that 4,115 Canadians entered the United States, while only 808 Mexicans came to this country.

I addressed this body at some length at the beginning of the discussion of the measure upon the final passage of which the Senate is now about to vote. At that time I stated that three things were necessary to be done to properly restrict immigration into the United States and that I favored doing all three of them.

First, a limitation upon the number of immigrants who might enter this country lawfully. I made a very clear distinction between lawful and unlawful immigration. I stated that the action taken by the State Department through instructions given last year to our consuls in Mexico has very materially reduced the number of Mexicans lawfully entering the United States. I said that if the same policy is carried out by the State Department in the future as it had been during the past nine months there would be little or no necessity for a Mexican quota. I urged the President of the United States to let the country know what had been accomplished and to publicly commend the officials of the State Department and the American consuls for the effective way in which they had so greatly reduced the number of immigrants from Mexico.

Second, I said that not only did I favor a limitation of the number of immigrants who could come into the United States either through the consular visa system or by the enactment of an immigration quota law for the countries of the Western Hemisphere, but further insisted that in order to keep them out it would be necessary to maintain a larger and more efficient border patrol. I stated that this was the only way to put an end to the existing and notorious evasions of the immigration law whereby many thousands of aliens have surreptitiously and unlawfully entered the United States. I urged the President to use every power that he possesses to bring about the prompt enactment of legislation for the establishment of an enlarged and unified border patrol. A quota law is worthless unless it is enforced.

Third, I urged Senators to support increased appropriations for the United States immigration service, so that ample funds will be available to ferret out and deport the hundreds of thousands of aliens who are now unlawfully in the United States. I said that the prompt deportation of every alien who is now in this country holding a job would create vacancies in positions which could be at once occupied by American citizens.

In addition to these three main propositions I also spoke in favor of the exclusion of Filipino laborers, the same as Chinese, Japanese, and Hindus. I supported every amendment to reduce the total number of immigrants who may enter the United States under the quota system. I offered to amend the bill and I voted for amendments to the measure. It is now upon its final passage. Inquiry has been made of me as how I could thus seek to change the bill in various particulars and to-day vote to bring it back from the Committee on Immigration and agree to its enactment.

There is no inconsistency, Mr. President, in following such a course. For many years, as a Member of the House of Representatives and as a Senator, I have repeatedly offered amendments to bills under consideration. Hundreds of times I have voted for amendments offered by others. I have argued in favor of what I thought ought to be done to perfect the legislation. But when any bill relating to a major proposition which I approved has been placed upon its final passage I have voted for it. I have looked upon the House and the Senate as a jury to which I could submit my views. If the majority did not agree with me in all details I have nevertheless supported the main object to be accomplished. All Senators and Congressmen must do this; they are compelled to compromise and adjust their opinions, because if each one insisted that all legislation should be enacted in a form which suited him in every particular practically no laws could be enacted.

Therefore, I shall now, upon the final passage of this bill vote for its enactment into law, first because I believe in the principle of restricting immigration, and second, because in this instance the President of the United States has not publicly announced to the American people, as I have urged him to do in the course of my remarks on the floor of the Senate while the Harris bill was under discussion, that he approves of the policy of the State Department in restricting immigration through visa control and that it will be the fixed policy of his administration to strictly enforce the immigration laws. Perhaps a majority of the Senate is right in preferring a quota fixed by law rather than to depend solely upon administrative action. I shall vote for this bill.

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The VICE PRESIDENT. The bill having been read three times, the question is, Shall it pass?

The bill was passed.

Mr. REED. Mr. President, it seems to me the title of the bill is no longer accurate. I therefore move to strike out the title as it stands, and to substitute therefor:

A bill to amend subdivision (c) of section 4 of the immigration act of 1924, as amended.

The VICE PRESIDENT. Without objection, the title will be amended as suggested by the Senator from Pennsylvania.

ADDRESS BY HON. JAMES W. BRYAN ON THE TARIFF

Mr. DILL. Mr. President, former Congressman James W. Bryan, of the State of Washington, on Monday, May 5, 1930, made an address to the Breidablik Grange, Patrons of Husbandry, at Breidablik, Kitsap County, Wash. This is a very informative discussion. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD as follows:

THE GRUNDY TARIFF IS FARM BONDAGE, NOT FARM RELIEF

"It will be said I am assailing the protective system. As it is now operated, I am." (United States Senator WILLIAM E. BORAH, at Martinsburg, W. Va., on April 11, 1930.)

Above the clash of issues and arguments of the last presidential campaign as we heard them out of the ether and over the radio there was one voice that seemed vastly more persuasive, more eloquent, more logical than all the rest. It was the magnetic voice of WILLIAM E. BORAH advocating to the listening millions in electric eloquence the protective tariff and Herbert Hoover, the farmers' coming savior, and at the same time literally lighting the sky with the idealism of prohibition and the law-enforcement program of his hero.

Senator BORAH made a good case for Hoover, and was listened to and believed in as no other campaign speaker. He proclaimed the woes of the farmer and admitted that the farmer was in dire straits,

but he gave assurances of relief through tariff adjustments and remedial legislation to come from an awakened G. O. P. under this new leader who had been baptized and confirmed in the faith of human brotherhood.

The special session for farm relief is nearly ended, and now we hear the same voice of WILLIAM E. BORAH, more sincere and more eloquent than ever, speaking at Martinsburg, W. Va., on April 11. Here is what he said:

"It will be said I am assailing the protective system. As it is now operated, I am. A system of taxation, a revenue system, which operates to the great advantage of one class and to the disadvantage of another is indefensible, it is monstrous. As Hamilton outlined the system and other great leaders of those days maintained it I think it worthy of our support. As it is being applied by the modern manipulators of purely selfish interests I think it worthy of all condemnation. I can not but believe it will be changed. I do not think a system so partial and so unjust can long stand debate among the American people. But we shall know more about it when the debenture proposition shall have been determined."

Tariff is rated a very dry subject.

When our industries were young the undemocratic and un-American Old World, with ample labor, invaded our shores and made unlimited use of our markets, with the result that our own labor and industries had to remain idle or come down to as low or a lower level of competition than that existing in Europe.

So a tariff was levied to protect our "infant industries." Before a manufacturer from Europe could sell watches or mousetraps or any other protected article to our people he was required to pay a tariff. It was the accepted theory that the tariff should be just high enough to equalize the difference between the cost at home and abroad. If it cost $10 to make a watch in Europe and $12.50 to make the same watch here under American standards, the tariff would be $2.50. In this way the American and foreign manufacturer would sail on an even keel.

The tariff idea expanded until it came to be a source of special privilege, and in 1908 President Taft was elected on a platform promising a downward revision of the tariff. As soon, however, as the Congress assembled in 1909 the manufacturers and so-called captains of industry took charge, and instead of a downward revision these rates were revised upward. Those who were making watches at a cost of $12.50 which cost $10 to make abroad were no longer satisfied with a $2.50 tariff to equalize competition; they got together among themselves so as to destroy competition at home and they asked for a still higher tariff of, say, $5 instead of $2.50, with the result that they could sell the watch at $15 and make an extra $2.50 of profit without fear of foreign competition. On this theory the tariff on all articles manufactured or sold by the great trusts was raised by the Payne-Aldrich tariff. The promise to revise downward was not kept.

Partially on account of this betrayal of the people, Taft was defeated for reelection and in 1913 Woodrow Wilson was elected. He at once undertook a revision of the tariff and did revise downward by the Underwood tariff.

Eight years later, by the McCumber tariff, the rates went back to higher levels than had ever been known. The higher rates protected the manufacturers from foreign competition. There was a great slump after the war. High protection was a boon to industry but death to agriculture. In the last nine years agricultural lands went down in value from $66,316,000,000 to $45,467,000,000, a slump of $21,000,000,000.

In the same nine years there were 111,530 sales of realty for taxes, bankruptcy, and foreclosure. There were an average for the nine years of 125,000 forced sales of farms per year. Think of it—1,125,000 farms taken for debt from farmers in the last nine years. At $4,000 a farm this amounts to $4,500,000,000. There must have been five or six million people on those farms. What has become of them?

The farmers had to buy everything they needed at the highly protected rates made possible by the high tariff laws. But their crops, hogs, dairy products, and all they had to sell were unprotected. Canada cut in on the wheat, Argentina on cattle and hogs, all foreigners shipped in poultry and dairy products with the result that agriculture got hit from all sides. It suffered a mortal blow from the slump in farm and property values, and was compelled to accept prices for agricultural products lower than cost of production and to boot it all the dollar the farmer received for his products in 1919 was worth 44 cents less (measured in things he had to buy) than it was worth in 1913. That is to say, the prices charged the farmer in 1919 were so much higher than in 1913 that he had to dig up $1.44 in 1919 for what he could buy for $1 in 1913.

COMPARE BUSINESS AND INDUSTRY

Let us glance at some of the returns awarded big business. Have men engaged in manufacturing and industry suffered as the farmers?

In 1929, $242,000,000 had been the net incomes of 24 of these favored individuals.

In six years ending with 1929 the big corporations piled up in surplus and undivided profits $52,000,000,000.

On December 31, 1929, 12 banking chains or holding companies were in control of 80 per cent of the banking capital of the United States.

WAR PROFITS AND TAX REFUNDS

There is another phase of corporation and big-business income during and since the war that the farmer is bound to note. While the war was on these corporations piled up fabulous profits. Nothing like it was ever dreamed of. They were cunning, shrewd, and well managed. They knew how to dodge taxes and they lost no chances to make the best of their arts. In every contract they doubled and redoubled their tax charges, so that the backs of labor, the farmers, and producers had to foot the bills at fabulous rates and charges. The taxes they did not dodge were passed on into their manufactured articles, but they carefully kept a record of the taxes they paid.

As soon as the war was over they began crying for tax refunds. They said they had made mistakes in the rush of war-time enthusiasm and paid too much. Only a few days after Senator MOSES of New Hampshire called the progressive United States Senators the "sons of wild jackasses" because they favored the debenture for the farmers, Secretary Mellon awarded $33,000,000 as a tax refund to the Steel Trust. But this trust had already received $97,000,000 in refunds and adjustments for excess payments during the war—at periods when the Steel Trust laid away profits in millions beyond the prayer of greed or the hope of avarice. It made 19 per cent on its common stock last year, stock that was so lavishly issued when the Steel Trust was formed that Carnegie refused to accept it as of any value at all in payment for his properties taken over by the trust. He said concerning it: "This stock does not approach water. It is thin air."

Other tax refunds of this year include:

The Middle States Oil Co., of New York	$4,300,000
Eastman Kodak Co	2,500,000
Philadelphia Rapid Transit	1,700,000
Baldwin Locomotive Works	3,700,000
American Window Glass Co	2,100,000

In tax refunds and abatements in 1929 Secretary Mellon credited back to these corporations $418,939,000. In eight years, from 1922 to 1929, Mr. Mellon abated and allowed big taxpayers the staggering total of $2,852,422,000. There are 12,000 cases still pending before Secretary Mellon.

He handed out $365,000 to John D. Rockefeller the other day. Now, the idea of John D. making a $365,000 mistake against himself. This was 3,650,000 dimes. If John D. were to give away 100 dimes a day it would take 36,500 days or 100 years to get rid of them. He will not run out of dimes. I understand he is giving away nickels now and only an average of 10 per day. At this rate his $365,000 tax refund would last him 2,000 years; he would have had to start giving 70 years before the birth of Christ and continued every day, including Sundays and holidays, to have gotten rid of this one refund. But this refund to the richest man in the world is a mere bagatelle considering the total allowances of nearly three billion in eight years—eight thousand times the Rockefeller refund is the amount of Mellon's allowances to these other masters of great wealth.

To cap the climax, Mellon made a tax refund of $1,287,424 to himself, or to his own trust, the Aluminum Co. of America.

THE COUNTRY AROUSED

This great unfairness to the farmers, with the disproportionate share of our country's burden the farmer was bearing, challenged Congress and the politicians. It is a long story, but the last campaign, we all remember, was waged on farm relief.

Senator BORAH, and other Republican campaign orators, explained the farmers' woes and promised relief. The Republican and Democratic platforms each declared for farm relief.

Hoover made the most profuse promises. He was elected and immediately called a special session of Congress to revise the tariff to bring about farm relief.

No general revision was planned or desired. It was planned to take care of a few items of industry that were off kilter, but the problem was to adjust the rates on agriculture so as to give better returns to the farmer. The moment the body of the tariff was opened the microbes of special privilege and the vultures of big business pounced on.

Away went Mr. Hoover's demand for limited revision. The House sent the bill to the Senate after four months with 2,000 changes in the present law. The Senate kept the bill for 10 months and changed it 1,253 times.

Some of the schedules were allowed to stand without change, but neither the House nor the Senate hesitated out of deference to Hoover's wishes. Either the existing rate was satisfactory or change appeared to the leaders to be politically undesirable.

When the House finished with the bill and sent it to the Senate, the glaring disparities against the farmer had been made worse. Tariff levies had been raised on the farmers' tools, harness, drain tiles, brick, cement, rope, household furniture, kitchen ware, clothing, medicines, and nearly everything the farmer has to buy. Most of the tariff favors allowed the farmer were on articles of which he had a surplus, and, of course, amounted to a hollow mockery. What good can a tariff on corn do the farmer so long as he must sell a surplus of corn abroad. Suppose

the tariff is 10 cents or $10, it is all the same, for when the farmer sells corn in a foreign market there's no question asked about the tariff charge on corn imported into the United States.

So with the tariff on hay, pork, lard, and other products which are exported in large quantities.

There was nothing in the bill for the farmer when it left the House. The Senate put into it some farm relief on such articles as eggs, onions, canned tomatoes, sauerkraut, cheese, cowpeas, and similar items, but these duties won't amount to much and certainly won't compensate the farmer for the Grundy rates he will have to pay under this tariff on all he buys.

The Senate kept the bill for 10 months, and by most patient work, under the leadership of BORAH, NORRIS, LA FOLLETTE, and others, they kept whittling down the high industrial rates all to the benefit of the farmer till they had changed the bill 1,253 times. These Progressive Republican Senators and an aggressive group of Democrats formed a coalition and had their own way till all of a sudden the coalition crumbled when several who had been loyal to the farmers and to decency up to that time quit the coalition for lumber and other local trust-produced products, and it was suddenly found that lumber, cement, sugar, shoes, oil, and one or two other master products had crumbled the coalition. Immediately the newly formed organization in the Senate began to revise back to the original House standard, and when the bill was finally passed by the Senate it was very objectionable to all those who had hoped for farm relief, including President Hoover.

On the final vote Senator BORAH voted for the bill. He had fought it with Senators NORRIS, LA FOLLETTE, and the others, and had never weakened on any schedule. His votes caused him to break with Hoover, although he had been Hoover's leading campaign advocate in the last campaign. Still he voted for the bill. In explaining his vote he admitted the bill would raise living costs to the American people $2,000,000 a day, or three-fourths of a billion a year, but he said the bill had two things in it that are good in principle and are worthwhile preserving—(1) the flexible-tariff clause, which gave the President power to change some of the excessive rates, and (2) a form of debenture, which, although not satisfactory, was very valuable both for what it gave the farmer and because it established the principle of the debenture.

Senator BORAH said if he voted against the bill he would have no voice in efforts to keep the debenture in the bill. It yet had to go back to the House and then into conference. He would stay with it and try to keep the debenture in, but he indicated he would fight the measure after conference if the debenture provisions were eliminated.

IN CONFERENCE

When the House passes a bill, as it did this tariff bill, it goes next to the Senate. Then, when the Senate changes the House bill, as it did this one, one thousand two hundred and sixty-three times, the bill must go back to the House, and if the House refuses to concur in the Senate amendments it goes to a conference committee of Members from the Senate and House. This committee compromises and agrees as near as possible and then sends the bill back, and the House votes on it again and returns it to the Senate. If the Senate agrees to the compromises of the committee the bill goes to the President for signature or veto. If he signs the bill it becomes law at once. If he vetoes it both Senate and House must pass it over his veto by a two-thirds vote before it becomes a law.

DEBENTURE STRICKEN

Here is what happened to this tariff bill in conference. The rates were all raised on nearly every item back to where they were when the bill first left the House, and the debenture and the tariff on lumber were stricken from the bill. In this shape the bill goes back to the Senate. What will happen to the bill in the Senate? Will BORAH keep his promise and fight the bill? Can the enemies of the measure defeat the bill in the Senate? If it passes the Senate, as it probably will, what will Hoover do? It is believed that he will sign the bill, but the bill is so unsatisfactory that there has been a great and growing demand that he veto it.

The debenture has been stricken by vote of the House. This is about all there was left in the bill for agriculture. By this plan it was provided in the bill as an adjustment of the tariff inequalities between agriculture and industry for the payment to the farmers of export bounties on farm products actually exported. This is a scheme to help the farmer dispose of his surplus. It is similar to the protection given to help industry to sell its products. Debenture has been called a reverse tariff. "By the terms of the Senate debenture act, the farmer who ships wheat, corn, or cotton out of the country," gets a receipt or debenture of 12½ cents a bushel for corn, 21 cents for wheat, and 2 cents a pound for cotton.

These debenture receipts are to be used to pay import duties on articles shipped in. The way it would work out, the farmer who exports his surplus would get this amount to help him market his crop just like the industrialist gets the benefit of the tariff protection.

Under this arrangement the exporters of farm products subject to tariff duties were to receive export debentures from the Federal Treasury which would be accepted at their face value in the payment of custom duties.

The amount of the bounty payable in this way is fixed at one-half the duty that would be paid on the commodities if they were imported. The duty on wheat, for instance, is 42 cents per bushel, and if the debenture system were applied to wheat, the bounty would amount to 21 cents for every bushel exported. As there is no duty on short-staple cotton, a special bounty of 2 cents per pound is provided for that commodity. The bounty was made applicable, on instructions from the Federal Farm Board to the Secretary of the Treasury, to any farm product and also to manufactures of food, tobacco, and cotton.

The debenture is not new. It has been used in England for many years, as well as in other European countries. But the House has rejected the debenture and stricken it from the bill.

With the debenture gone, it is believed there will be a determined fight to kill the bill in the Senate. The bill ought to be defeated. But big business has probably already taken the count, and know there are enough tame jackasses in the Senate to pass it. The House has already passed it.

Resentment against the bill will grow, and it will become a snare for the elephant in the coming elections.

The Boston Evening Transcript, a way-down-east, dyed-in-the-wool Republican paper, demands veto, and closes an editorial of condemnation with this:

"The national rebuke can come, however, only from the White House."

The Minneapolis Tribune, another leading Republican paper, says:

"It would be more than a crowning shame if at the last minute the Senate were to let Grundyism run the tariff bill. * * * And this curious hybrid is what will go into conference—a Grundy agricultural bill."

Senator LA FOLLETTE, of Wisconsin, in closing the debate on the tariff, said:

"I realize that the votes are here to pass this bill. In my judgment, we are able to send to conference the worst tariff bill in the history of the Republic. It should be designated hereafter as 'the Grundy billion dollar bill,' * * * the estimate that this bill will cost the consumers a billion dollars has been made by considering the imports of commodities on which the returns have been increased and the total domestic production."

The Progressive, published by the La Follettes at Madison, Wis., said:

"The farmer has been betrayed and many new burdens of industrial tariffs have been placed upon his back for every alleged benefit which he may secure from this bill. The farmer's back has been the springboard from which the industrial lobbyists have leaped to new and higher tariff rates for the benefit of the special industrial interests they represent. The ineffective agricultural tariff handed the farmer carries with it the obligation to pay higher prices for almost every article that is used on the farm—lumber, cement, tiling, brick, sugar, the clothing of his family, and nearly everything else he buys.

"Not only the farmers and wage earners but the mass of the consumers of the country are by this bill delivered over to the trusts and combinations to be exploited to the limit, without hope of relief from competition either at home or from abroad.

"Every pretense that this bill embodies any scientific method of tariff determination has been abandoned. In the recent debates there was practically no proof offered showing the difference in cost of production in the United States and the principal competing countries. On the contrary, such evidence as the Tariff Commission has compiled in its long and tedious investigation has been ignored and flouted. Excessive increases have been put through by a pooling of sectional and local interests in absolute defiance of the known facts regarding production costs and competitive conditions. This Congress has demonstrated how tariffs should not be made, and by the writing of this bill the majority has given justification for the cynical charges that have been leveled against the two Houses."

Senator WALSH of Massachusetts, in the closing debate on the bill, said:

"A great trouble with the bill is the increasing of costs of production to every manufacturing unit in the country, and the doubtful benefit it extends to those who think it may help them. Let us consider the average citizen, the too often forgotten consumer, and see if he benefits by this proposed legislation. What does the average citizen require in order to live: Food, clothing, a house in which to live, and furniture * * * every item necessary to use in the construction of the homes of the people has had increased duties levied upon it * * *. The result will mean only increased cost, not only of the homes but of rented tenements, because the tenant's rent is measured by the cost of the building. Let us see about clothing * * * if this measure means anything it means that the clothing bill of the American people will increase by hundreds of millions of dollars. Not a single fabric which is used in clothing our people has escaped increased protective duties * * *. Let us turn to food. The duties attempted to be levied upon food in this bill is a crime that should cry to heaven for vengeance. It is a cruel and damnable procedure * * *.

"All through this bill is the same story: A swapping of votes; an exchange of rates—'you give me this rate and I will give you a rate

upon some product that is produced in your particular State or in your particular locality.' During the last days this logrolling has reached the high-water mark. To my mind exchanging votes for tariff duties that burden our people is as reprehensive as it would be for a judge to exchange legal decisions with other judges on the bench. Indeed, it is more indefensible, for judge's decisions affect only individuals while legislation may add to the burdens of the millions. The bill is founded upon no principle or policy. It means injury to the American industries of every class and kind. Mr. Hoover has an opportunity that no American statesman ever had before. I hope he will veto this bill and endear himself to the hearts of all of the people of this country, regardless of party, regardless of condition, North, South, East, and West. He should renounce and condemn and repudiate this bill, made in such an unscientific, slipshod, logrolling, trading manner."

Senator BORAH in a speech on April 11 said:

"In the tariff bill now pending agriculture sought to make some progress and to relieve the injustice which it has long endured. We sought to do precisely what the great leaders of other days justified. We placed a debenture plan in the bill. * * * This debenture contest will determine for a time at least whether those in power are willing to adjust our tariff system so that it will apply to all. Agriculture has asked to be placed upon an equality with industry in our revenue system. This is in accordance with the pledges made by both political parties in the last campaign. To take the debenture out of the bill would be to break the solemn pledges made by both parties to the effect that they would do everything in their power to restore equality to agriculture.

"They not only break the solemn pledge of the party but they disregard the no less solemn pledge of every free government that it will give to all the people just and equal laws and fair and equitable treatment. The most cruel and brutal tyranny which a government can impose is the tyranny of unfair taxation, of policies which discriminate in favor of a part of the people and against others.

"When the word 'debenture' is mentioned an agonizing note of alarm is given. The first cry is that it is unconstitutional. I do not think so. But it is not unconstitutional to reduce unconscionable rates."

Some of the friends of the bill admit it will raise prices, but this they claim will be a benefit to the people. It is said that high prices mean good times and low prices mean hard times.

If this theory is correct, the height of the tariff wall should be limited only by the desire of the Nation and the people to be well off. The highest conceivable duties on every commodity, although it would bring the highest possible cost of living, would nevertheless be a blessing to the people. It would bring prosperity. People know better than that.

The tariff bill was bad as it left the House. It was improved by the Senate until the coalition failed. Then the rates which the Senate had cut down were suddenly raised again. Now the bill is in conference and the rates are being further raised. When it leaves the conference it will be still worse and will be up to the President for signature.

The bill is said to provide "embargo protection," which means that the rates are so high that there is no chance for any kind of competition against the American trusts.

It was put over by trading and logrolling. When the Senate debated and used their intelligence they opposed and voted against these high rates and stood by the coalition, but when logrolling commenced and GRUNDY got in his work a lot of the coalition Members failed.

Hope for reasonable revision was destroyed when the Progressive-Republican-Democratic coalition was wrecked. It was a disaster that could be repaired.

When the oil interests demanded a specially high tariff on oil a few weeks ago Senator BLAINE, of Wisconsin, made a vigorous speech against their demands. Immediately the Oklahoma oil interests announced a boycott of Wisconsin products. A Mr. Pine, of Oklahoma, wired Republican committeewoman, Mrs. H. E. Thomas, of Sheboygan, Wis., on March 12:

"There appears to be a spontaneous boycott against Wisconsin products started in the mid-continent oil field. Will you wire any information you may have which will stop boycott?"

This Mr. Pine was a brother of United States Senator PINE, of Oklahoma. The wire to the national committeewoman of Wisconsin was, of course, forwarded to United States Senator BLAINE, of Wisconsin. That was why it was sent. These oilocrats found that a convenient way to get the threat to Senator BLAINE. "You shut up and vote for our oil loot, or we will make your producers suffer and they will keep you at home next election."

Observe the way the game is played by the experts. Oil men, lumber men, cement men, sugar men, textile men—they are on the job, very rich and very determined to get richer—rule or ruin. Everything is consolidating and "chaining," and these very oil, sugar, lumber, and concrete men organize together for the open shop. That is, they organize to demand that the workingmen and the farmers do not organize. "We are organized to keep you from organizing."

CONCLUSION

This tariff monstrosity and the fakery practiced in the name of farm relief is going to give the party leaders something to explain this fall and two years hence.

In the next campaigns there will be forced into the limelight not only farm relief and the two millions a day of added burdens in cost of living, through this uncalled-for raise in the tariff, but there will also be the demand for a progressive Supreme Court as the only sure way to regulate utility rates, railroad rates, tariff rates, and living costs downward so that the farmer, the laborer, and the average man in his extremity can utter with hope and some degree of faith the prayer:

"Give us this day our daily bread."

JUDGE JOHN J. PARKER

Mr. HARRIS. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Atlanta Journal of Sunday, May 11, 1930, entitled "Sequel to the President's 'Master Political Stroke.'"

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SEQUEL TO THE PRESIDENT'S "MASTER POLITICAL STROKE"

What was the basic reason for the Senate's rejection of Judge John J. Parker for the Supreme Court bench? Not that he was opposed by organized labor, although certain decisions of his in cases involving human rights were undoubtedly disquieting to liberal minds. Not that he was objectionable to negro Republicans, whose political capacities he is said to have questioned when he, a Republican himself, was running for governor in North Carolina 10 years gone by, although this factor probably had its weight with some pillars of that party. Not that the Senate was willfully seeking to show its independence of the President, although attempts at executive coercion are naturally irritating to the legislative temper. The broad and basic reason for Judge Parker's rejection was a conviction, especially on the part of the southern Democrats voting "no," that the nomination was not determined by his fitness for service on the highest and mightiest tribunal of the Nation, but, instead, by political motives—and political motives of a very devious character.

For Judge Parker personally the Journal has no word of criticism, nor did his opponents in the Senate. But any nominee for the Supreme Court of the United States, whose power over the American citizen transcends that of Congress and the President, ought to be scrutinized and ought to come up to the highest measure of suitableness and ability. There are thousands of good lawyers and praiseworthy persons and deserving partisans who, however acceptable they might be in other offices, would not qualify for the Supreme Court. In choosing a nominee for that most exalted and most responsible of places the President is supposed to put politics behind him and to be content with none but the first order of available talent. Such was the course of the lamented William Howard Taft when he chose a former Confederate veteran, Edward D. White, of Louisiana, as Chief Justice, and also when he chose a Georgia Democrat, Joseph R. Lamar, as Associate Justice. And neither of those appointments by a Republican President was objected to by a Republican Senate.

But when Mr. Hoover was casting about for a successor to the late Justice Sanford, of Tennessee, what were his mode and principle of selection? He was aware, of course, that only one surviving member of the court was from the South, four being from the Northeast and three from the West. Perhaps it occurred to him that it would be well to strengthen the geographic balance of the court. If so, he had a wealth of widely recognized talents to choose from, all the way from the Potomac to the Rio Grande. Numerous names of distinction were doubtless presented to him from this group of States, names commanding applause in national councils and honored the country over. A rare opportunity for liberal judgment and gracious statesmanship! But President Hoover was apparently thinking more of Republican strategy for North Carolina than of southern merits and judicial genius. In the midst of his meditations there came to him (or at least to his secretary), as the record shows, the now famous Dixon letter, in which an astute counselor advised him that North Carolina was the only Southern State which he could hope to keep in the Republican fold, and that the appointment of Judge Parker, of Charlotte, would be "a master political stroke."

A master political stroke it may have been; but the sequel inevitably reminds one of the saying of much troubled Job, "He taketh the wise in their own craftiness." For instead of binding North Carolina to the Grand Old Party, this nomination served only to arouse the Senate, breaking down partisan lines, and uniting southern as well as northern Democrats with western Republicans in opposition to an appointment that was intrinsically ill-advised. If President Hoover counted upon solid support from the Senators of this region, he reckoned without that southern pride which holds certain traditions above price and which prefers a birthright to any mess of pottage—or pot of message. He left no stone unturned, no wire unpulled to get his nominee through. But the idea of the impropriety and unwisdom of playing the country's

highest court in a game of political strategy without a countervailing merit in the appointment became so rooted that no amount of presidential pressure could dislodge it.

Nor did the nominee help either himself or Mr. Hoover, if we are to believe the conservative New York Times, which at first deprecated the opposition, but which, when all was over, pronounced this judgment: "Judge Parker's personal bearing throughout the contest must have influenced the decision against him. He showed himself too anxious, too small minded. He fairly rained letters and telegrams upon the Senate. His attitude was very far from that of a judge wrapping his robe about him in simple dignity and ignoring the strife of tongues and the ignoble clash of arguments over his nomination. Judge Parker neither held himself austerely aloof nor meddled with propriety and effect. There can be no doubt that his activities, too much like those of a candidate for the office of sheriff, lowered the prestige both of the office which he sought and the office which he held."

Whether or no that censure be deserved, it indicates from an impartial point of view what the Senate's inner reactions to Mr. Hoover's "master political stroke" must have been. The common country will shed no tears, we fancy, over the outcome; and certainly the South will survive its loss of a representative on the Supreme Court Bench. For "Rich gifts wax poor when givers prove unkind."

GEORGE WASHINGTON MEMORIAL PARKWAY

Mr. CAPPER. Mr. President, I believe we are now operating on the calendar under Rule VIII. I move to take up House bill 26, Order of Business 457, an act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital.

The PRESIDING OFFICER (Mr. FESS in the chair). The Senator from Kansas asks unanimous consent that the Senate proceed to the consideration of House bill 26. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and to insert:

That there is hereby authorized to be appropriated the sum of $9,000,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for acquiring and developing, except as in this section otherwise provided, in accordance with the provisions of the act of June 6, 1924, entitled "An act providing for a comprehensive development of the park and playground system of the National Capital," as amended, such lands in the States of Maryland and Virginia as are necessary and desirable for the park and parkway system of the National Capital in the environs of Washington. Such funds shall be appropriated as required for the expeditious, economical, and efficient development and completion of the following projects:

(a) For the George Washington Memorial Parkway, to include the shores of the Potomac and adjacent lands from Mount Vernon to a point above the Great Falls on the Virginia side, except within the city of Alexandria, and from Fort Washington to a similar point above the Great Falls on the Maryland side, except within the District of Columbia, and including the protection and preservation of the natural scenery of the Gorge and the Great Falls of the Potomac, the preservation of the historic Patowmack Canal, and the acquisition of that portion of the Chesapeake & Ohio Canal below Point of Rocks, $7,500,000: *Provided*, That the acquisition of any land in the Potomac River Valley for park purposes shall not debar or limit or abridge its use for such works as Congress may in the future authorize for the improvement and the extension of navigation, including the connecting of the upper Potomac River with the Ohio River, or for flood control or irrigation or drainage, or for the development of hydroelectric power. The title to the lands acquired hereunder shall vest in the United States, and said lands, including the Mount Vernon Memorial Highway authorized by the act approved May 23, 1928, upon its completion, shall be maintained and administered by the Director of Public Buildings and Public Parks of the National Capital, who shall exercise all the authority, power, and duties with respect to lands acquired under this section as are conferred upon him within the District of Columbia by the act approved February 26, 1925; and said director is authorized to incur such expenses as may be necessary for the proper administration and maintenance of said lands within the limits of the appropriations from time to time granted therefor from the Treasury of the United States, which appropriations are hereby authorized. The National Capital Park and Planning Commission is authorized to occupy such lands belonging to the United States as may be necessary for the development and protection of said parkway and to accept the donation to the United States of any other lands by it deemed desirable for inclusion in said parkway. As to any lands in Maryland or Virginia along or adjacent to the shores of the Potomac within the proposed limits of the parkway that would involve great expense for their acquisition and are held by said commission not to be essential to the proper carrying out of the project, the acquisition of said lands shall not be required, upon a finding of the commission to that effect. Said parkway shall include a highway from Fort Washington to the Great Falls on the Maryland side of the Potomac and a free bridge across the Potomac at or near Great Falls and necessary approaches to said bridge: *Provided*, That no money shall be expended by the United States for lands for any unit of this project until the National Capital Park and Planning Commission shall have received definite commitments from the State of Maryland or Virginia, or political subdivisions thereof or from other responsible sources for one-half the cost of acquiring the lands in its judgment necessary for such unit of said project deemed by said commission sufficiently complete, other than lands now belonging to the United States or donated to the United States: *Provided further*, That no money shall be expended by the United States for the construction of said highway on the Maryland side of the Potomac, except as part of the Federal-aid highway program: *Provided*, That in the discretion of the National Capital Park and Planning Commission, upon agreement duly entered into by the State of Maryland or Virginia or any political subdivision thereof to reimburse the United States as hereinafter provided, it may advance the full amount of the funds necessary for the acquisition of the lands and the construction of said roads in any such unit referred to in this paragraph, such agreement providing for reimbursement to the United States to the extent of one-half of the cost thereof without interest within not more than eight years from the date of any such expenditure. The appropriation of the amount necessary for such advance, in addition to the contribution by the United States, is hereby authorized from any money in the Treasury not otherwise appropriated.

(b) For the extension of Rock Creek Park into Maryland as may be agreed upon between the National Capital Park and Planning Commission and the Maryland National Capital Park and Planning Commission, for the preservation of the flow of water in Rock Creek, for the extension of the Anacostia Park system up the valley of the Anacostia River, Indian Creek, the Northwest Branch, and Sligo Creek, and of the George Washington Memorial Parkway up the valley of Cabin John Creek, as may be agreed upon between the National Capital Park and Planning Commission and the Maryland National Capital Park and Planning Commission, $1,500,000: *Provided*, That no appropriation authorized in this subsection shall be available for expenditure until a suitable agreement is entered into by the National Capital Park and Planning Commission and the Washington Suburban Sanitary Commission as to sewage disposal and storm water flow: *Provided further*, That no money shall be contributed by the United States for any unit of such extensions until the National Capital Park and Planning Commission shall have received definite commitments from the Maryland National Capital Park and Planning Commission for the balance of the cost of acquiring such unit of said extensions deemed by said commission sufficiently complete, other than lands now belonging to the United States or donated to the United States: *Provided further*, That in the discretion of the National Capital Park and Planning Commission upon agreement duly entered into with the Maryland National Capital Park and Planning Commission to reimburse the United States as hereinafter provided, it may advance the full amount of the funds necessary for the acquisition of the lands required for such extensions referred to in this paragraph, such advance, exclusive of said contribution of $1,500,000 by the United States, not to exceed $3,000,000, the appropriation of which amount from funds in the Treasury of the United States not otherwise appropriated is hereby authorized, such agreement providing for reimbursement to the United States of such advance, exclusive of said Federal contribution, without interest within not more than eight years from the date of any such expenditure. The title to the lands acquired hereunder shall vest in the State of Maryland. The development and administration thereof shall be under the Maryland National Capital Park and Planning Commission and in accordance with plans approved by the National Capital Park and Planning Commission. The United States is not to share in the cost of construction of roads in the areas mentioned in this paragraph, except if and as Federal-aid highways.

SEC. 2. Whenever it becomes necessary to acquire by condemnation proceedings any lands in the States of Virginia or Maryland for the purpose of carrying out the provisions of this act, such acquisition shall be under and in accordance with the provisions of the act of August 1, 1888 (U. S. C., 1302, sec. 257). No payment shall be made for any such lands until the title thereto in the United States shall be satisfactory to the Attorney General of the United States.

SEC. 3. Whenever the use of Forts Washington, Foote, and Hunt, or either of them, is no longer deemed necessary for military purposes they shall be turned over to the Director of Public Buildings and Public Parks of the National Capital, without cost, for administration and maintenance as a part of the said George Washington Memorial Parkway.

SEC. 4. There is hereby further authorized to be appropriated the sum of $16,000,000, or so much thereof as may be necessary, out of any money in the Treasury of the United States not otherwise appropriated, for the acquiring of such lands in the District of Columbia as are necessary and desirable for the suitable development of the National

Capital park, parkway, and playground system, in accordance with the provisions of the said act of June 6, 1924, as amended, except as in this section otherwise provided. Such funds shall be appropriated for the fiscal year 1931 and thereafter as required for the expeditious, economical, and efficient accomplishment of the purposes of this act and shall be reimbursed to the United States from any funds in the Treasury to the credit of the District of Columbia as follows, to wit: $1,000,000 on the 30th day of June, 1931; and $1,000,000 on the 30th day of June each year thereafter until the full amount expended hereunder is reimbursed without interest. The National Capital Park and Planning Commission shall, before purchasing any lands hereunder for playground, recreation center, community center, and similar municipal purposes, request from the Commissioners of the District of Columbia a report thereon. Said commission is authorized to accept the donation to the United States of any lands deemed desirable for inclusion in said park, parkway, and playground system, and the donation of any funds for the acquisition of such lands under this act.

SEC. 5. The right of Congress to alter or amend this act is hereby reserved.

SEC. 6. Section 4 of Public Act 297 of the Seventieth Congress, entitled "An act authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near Great Falls," approved April 21, 1928, as amended, is hereby amended by adding at the end of said section the following:

"*Provided*, That after the George Washington Memorial Parkway is established and the lands necessary for such parkway at and near Great Falls have been acquired by the United States, the United States may at any time acquire and take over all right, title, and interest in such bridge, its approaches and approach roads, and any interest in real property necessary therefor, by purchase or by condemnation, paying therefor not more than the cost of said bridge and its approaches and approach roads, as determined by the Secretary of War under section 6 of this act, plus 10 per cent."

Mr. ROBINSON of Arkansas. Mr. President, pending the reading of the amendment, which is quite voluminous, it is noted that the Senate committee amendment strikes out all after the enacting clause and inserts substantially a new bill. Will the Senator from Kansas explain the substantial differences between the House bill, which is stricken out by the Senate amendment, and the provision which is proposed to be incorporated here?

Mr. CAPPER. Mr. President, probably the most important change in the Senate bill is the amendment which increases the authorized appropriation for the George Washington Memorial Parkway from $7,000,000 to $9,000,000 out of Federal funds. That is made necessary by the fact that the Senate committee and those who are sponsoring this legislation, including also Mr. CRAMTON and those in the House who have been most interested in it, decided that the project should include a bridge near Great Falls. We think it should be made possible for the Federal Government to take over the bridge already underway whenever, in the judgment of the National Park and Planning Commission and the Congress, it seemed desirable to do so. That increased the authorized appropriation from $7,000,000 to $9,000,000, and everyone approved it.

Mr. ROBINSON of Arkansas. Now, may I ask the Senator another question? That is a very simple amendment. It is just striking out a few figures and inserting some larger figures. Why was it necessary to strike out the whole House bill and incorporate an entirely new bill in the form of a Senate amendment?

Mr. CAPPER. I have mentioned the most important change; but, as a matter of fact, the main purpose of the substitute offered by the Senate committee was to clarify and simplify the bill. It is now a much more satisfactory bill in every respect. The Senate committee's revised bill was drawn in conference with the author of the bill in the House, Mr. CRAMTON, and Colonel Grant, of the National Park and Planning Commission, together with others who were very much interested in this tremendous project. As I now offer it to the Senate the bill is entirely agreeable to everyone who is interested in the measure.

Mr. President, another change to which I might call attention is that the committee amendment authorizing a lump-sum appropriation of a million and a half dollars for the completion of the Rock Creek Park system and Anacostia Park into Maryland. The amount named is to be contributed by the Federal Government and is one-third of the estimated cost of the lands to be acquired for these projects. An authorization of a lump sum rather than a percentage was held by the Maryland commission to be essential to their success.

This also, I might say, was in conference with the Maryland State Commission, who all along have been much interested in both the Washington Memorial Park and the Rock Creek Park projects.

The bill was before the Senate District Committee for about two months. This revised bill was made necessary also by the fact that the Maryland National Capital Park and Planning Commission was created since the bill was introduced. The revised bill extends the time for repayment of the advances to be made by the Federal Government to the States of Maryland and Virginia from five to eight years. This was held necessary——

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. The Senator from Kansas moved to proceed to the consideration of a certain bill.

The PRESIDING OFFICER. That was done by unanimous consent.

Mr. McNARY. Very well; that is all I wanted to know.

Mr. ROBINSON of Arkansas. If the Senate would like to take a little while to vote on it, there is no objection to it, but there is nothing to be accomplished by it.

Was the action and report of the committee of the Senate unanimous?

Mr. CAPPER. It was; and I might say that every member of the committee is very strong for the bill.

Mr. ROBINSON of Arkansas. The matter was considered by the entire committee?

Mr. CAPPER. Yes, at several sessions; and we had one public session in the Senate Office Building which occupied an entire evening. There were present 100 or more persons, including officials and leading citizens of the District and the States of Maryland and Virginia. They were deeply interested in the bill. No objection to the bill was shown at that time. I know of no measure before the District Committee which has had such enthusiastic and unanimous support from the people of the District of Columbia as this bill. It is a wonderful step forward in the program for preserving the natural scenic beauty of the National Capital.

Mr. ROBINSON of Arkansas. What will be the total cost of the project?

Mr. CAPPER. The total Federal contribution is $9,000,000, of which $7,500,000 is for this memorial parkway beginning at Mount Vernon on the Virginia side, running on up to Great Falls, and including Great Falls and the Gorge; beginning at Fort Washington on the Maryland side and also running on up to Great Falls. It means another beautiful park which will be the equal of Rock Creek Park. Then the project also includes an extension of the Rock Creek and Anacostia Park system, to which the Federal Government contributes one and a half million dollars on condition that the State of Maryland shall contribute $3,000,000 to the Rock Creek extension park system. The bill carries advances or loans by the Federal Government of a total of $24,500,000. Of this amount, $16,000,000 is a loan from the Federal Government to the District of Columbia for carrying on for a period of 16 years a comprehensive and regular and orderly and systematic development of parks and parkways and playgrounds in the District of Columbia.

That is not an increase, I might say, over the annual appropriations that are now being made within the District of Columbia for park and parkway systems and playgrounds; but it is the judgment of the National Park and Planning Commission, and the District officials, and of the Senate District Committee that a comprehensive program such as this bill authorizes for a period of 16 years would acquire valuable lands that are rapidly being picked up by speculators and promoters and which later would cost many times their present value. This can be done now by securing this loan of $16,000,000 from the Federal Government to the District of Columbia. Under the terms of the bill the District of Columbia will repay the Federal Government annually $1,000,000 of that amount. This is about the same amount that is now being appropriated each year for the same purposes. It is a most commendable way of handling the development of park and playground facilities in the District of Columbia in the future. It will enable the District officials to carry on their development projects in a more orderly and systematic manner.

Mr. ROBINSON of Arkansas. Can the Senator state what the total cost of the project will be, having in mind the Federal charges that he has indicated?

Mr. CAPPER. It should be remembered that this program embraces three projects.

Mr. ROBINSON of Arkansas. I understand that; but what will be the total cost of the projects?

Mr. CAPPER. The total, including Federal contributions and advances, will be $33,500,000.

Mr. ROBINSON of Arkansas. What is the total area of lands embraced within the project or projects?

Mr. CAPPER. Of the development?

Mr. ROBINSON of Arkansas. Yes.

Mr. CAPPER. We should not lose sight of the fact that this bill embraces a development program a great part of which will extend over a period of 16 years.

Mr. ROBINSON of Arkansas. I understand that. What action was taken by the committee to determine whether the prices which are being authorized for the land are fair, or whether there are speculative values comprehended within these areas? The Senator has referred to the fact that a number of people have been attempting to buy up or are buying up these lands for speculative purposes. What did the committee do to safeguard against the possibility or probability of paying excessive prices for these areas?

Mr. CAPPER. The lands would be purchased under the system which now obtains, and which, of course, means condemnation if necessary. This bill does not authorize the purchase of any particular tracts of land; it is based upon careful estimates made by the National Park and Planning Commission, and of course the lands have not been purchased or even contracted for, but the National Park and Planning Commission has very carefully gone over the whole project and gives to the committee this estimate of what this great program will require from the Treasury of the United States Government and from the funds of the District of Columbia.

Mr. ROBINSON of Arkansas. Is there any way provided in the bill by which, after having negotiated the purchase of a portion of the areas, those who own other areas may not be able to charge excessive prices for them?

Mr. CAPPER. Of course, all of it is subject to condemnation proceedings under the laws provided for that purpose.

Mr. ROBINSON of Arkansas. I understand that. If that arises, it is expected that condemnation proceedings will be instituted?

Mr. CAPPER. Certainly.

Mr. McKELLAR. Mr. President, will the Senator state whether or not work is now being done on the Memorial Highway? It seems to me it is being done already.

Mr. CAPPER. Yes; work is already well advanced.

Mr. McKELLAR. Under what law, under what appropriation?

Mr. CAPPER. Appropriations were made by the last Congress. I have forgotten the amount. That did not come through the Committee on the District of Columbia.

Mr. McKELLAR. It was entirely by the Congress itself?

Mr. CAPPER. It was.

Mr. McKELLAR. And work is now being done by the Federal Road Department on that highway?

Mr. CAPPER. It is.

Mr. McKELLAR. Will the Senator state within what time it is contemplated that the Memorial Highway will be finished? Will it be completed by 1932?

Mr. CAPPER. Not later than February 22, 1932. I think it is one of the finest enterprises Congress has ever indorsed.

Mr. McKELLAR. I agree with the Senator entirely that it is.

Mr. COPELAND. Mr. President, I should like to say to the Senator from Arkansas that the Senate committee gave a lot of study to this matter. They even had a night session. Mr. CRAMTON came over and we had a long discussion. Colonel Grant and others, who were prime movers in the matter, stressed all the points involved.

It is my opinion, and I am sure it is the opinion of all of the members of the committee, that we are undertaking to do a wonderful thing for the District of Columbia and for the National Capital. There has been shown a wonderful spirit of cooperation on the part of the States of Virginia and Maryland in all these plans for the beautification of this region. As the years go by and this great park scheme is developed, I think every American citizen will have reason to take renewed pride in the Capital of the United States.

Mr. McKELLAR. Mr. President, as I understand it, there is to be a parkway on the north side of the river as well as on the south side of the river, running from Fort Washington up beyond Rock Creek Park. Is that the plan?

Mr. CAPPER. That is not all that is involved in this program. There is to be a parkway on the Maryland side and on the Virginia side, the parkway on the Maryland side starting at Fort Washington, and the parkway on the Virginia side starting at Mount Vernon. Both parkways go up the river to Great Falls.

Mr. McKELLAR. Yes.

Mr. CAPPER. And as I said, the parkways are to be continuous up to Great Falls, of course eliminating the city of Washington and the city of Alexandria.

Mr. COPELAND. As I said, may I repeat, the cooperation on the part of the neighboring States has been beautiful to behold, and we have in prospect one of the most gorgeous parks in the world. I am sure every citizen will be happy when the plan is consummated.

Mr. FESS. Mr. President, before we vote on the amendment, I would like also to state that we have had the assurance of some of the finest landscape architects in the land that this proposition lends itself to the most wonderful landscaping in the way of parking of any place not only in the United States, but in the world.

I also would like to make a suggestion to Senators, that over in the rotunda of the Capitol is a replica of the construction plan of the Mount Vernon Boulevard, which I wish Senators would take the opportunity of examining. When that boulevard is completed, it will be 200 feet wide; running through a section which may be beautified on the one side because of the river front, and on the other side because of the unoccupied territory, in such a way that there will not be another boulevard in the world equal to it.

I am delighted to know of the splendid response of Virginia and Maryland to this new project, and I hope it can be on the way by 1932, and largely completed.

Mr. BLEASE. Mr. President, I supported this project in the committee, and I am still very much in favor of it. I hope work will be started on it so that at least some of us may live long enough to see some of the results.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

THE MERCHANT MARINE

Mr. RANSDELL. Mr. President, I move that the Senate proceed to the consideration of House bill 9592, to amend section 407 of the merchant marine act of 1928.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, to strike out all after the enacting clause and to insert the following:

That section 407 of the merchant marine act, 1928 (U. S. C., title 26, sec. 891; 45 Stat. L., pt. 1, p. 694), be amended by striking out the period at the end thereof, inserting a colon, and adding the following: "*Provided, however*, That should the purchaser from the United States of a steamship line or motorship line heretofore or hereafter established by the United States Shipping Board and operated on a route certified by the Postmaster General under the terms of section 402, and with respect to which the Shipping Board shall have made a certification under the terms of section 403, make application for a contract for carrying the mails thereon, the Postmaster General, without advertisement for bids, may award a contract for such route to said purchaser, including in its terms such requirements and conditions as provided for in section 404, the compensation in no event to exceed the rate authorized by section 409, (1) if in the opinion of the Postmaster General said purchaser possesses (with the aid of the contract so awarded) such qualifications as to insure proper performance of the mail service under said contract, (2) if said purchaser shall at the time such application is made be obligated by contract to operate such steamship or motorship line upon such route, and (3) if the Shipping Board, by the affirmative vote duly recorded of four members thereof, shall determine that the awarding of the contract to such purchaser is in the public interest and will aid in carrying out the purposes of the merchant marine act, 1920, and the merchant marine act, 1928, and shall so certify to the Postmaster General: *Provided*, That not more than one ocean mail contract shall be awarded upon any route certified under the provisions of section 402, unless in the opinion of the Postmaster General the public interest will be promoted thereby."

Mr. RANSDELL obtained the floor.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. RANSDELL. I yield.

Mr. ROBINSON of Arkansas. I should like to have the Senator from Louisiana state the effect of the amendment which is proposed and the effect of the legislation. It appears that there was a House bill, which has been stricken out, and a Senate substitute is proposed to be enacted covering the subject matter of the House bill. I would like to have an analysis of the legislation.

Mr. RANSDELL. I will say to the Senator that the Senate committee substitute is practically the same as the House bill.

The merchant marine acts of 1920 and 1928 were passed for the purpose of encouraging the upbuilding of an American merchant marine, and among other things we have endeavored to

sell our ships to our own people, so as to put American ships under private ownership on the seas.

A number of lines were established by the Shipping Board, operating to different ports throughout the world; and in order to encourage men to buy those lines and to get a real shipping business established, Congress provided rather liberal mail contracts to be given to the lines purchased by American citizens.

Among other things, to bring it to the concrete, the Mississippi Shipping Co. was organized in the city of New Orleans and for years operated a number of Shipping Board ships out of that port to various ports of the world. One line of these ships was to the east coast of South America, and a very nice business was established.

Finally the line was sold, and there were two bidders. I will say that most of these lines when sold went to the only bidder, and as a rule the price paid was in the neighborhood of $14 per ton—a very small price, it is true—but still the Shipping Board and the Nation at large felt that it was better to get rid of the ships, to have them in private ownership.

When the Mississippi Shipping Co. bid on the ships which it had been operating as an agency of the Shipping Board, its first bid was something over $12 per ton. The Munson Line, operated out of New York City, had a foreign-flag shipping business from the Gulf of Mexico, New Orleans, and Mobile, loading at those two ports for South America, returning thence, not to the Gulf, but to the North Atlantic ports, bid about $28 per ton for the same line of ships.

The Mississippi Shipping Co. felt impelled by the provisions of the act which required them to encourage the purchase and operation of the ships by local people, people in New Orleans and the entire Mississippi Valley, and that is what was done. It was a local company, with capital scattered from Chicago down through the entire valley to the Gulf of Mexico.

The Shipping Board said to the Mississippi Shipping Co.: "Gentlemen, if you will meet the bid of the Munson Line and pay a little more, we will exercise the authority given us by law and let you have the ships." That was done. The Mississippi Shipping Co. bought the line and began to operate it with at least a tacit understanding on the part of the Shipping Board that the mail contracts would be given to the company.

In order to decide about the mail contracts, it was held to be necessary to offer them to the lowest bidder. When the bids were opened it was found that the Mississippi Shipping Co. had bid a little bit more than the Munson Line. To the surprise of everyone, the Munson Line bid low, although it did not have the ships, at least American-flag ships, at that time, to carry the mail. It contended that it would purchase them, and would comply with the requirements of the mail bid.

The Postmaster General and the administration felt that in order to carry out the spirit of the law the Mississippi Shipping Co. should be awarded the contract; but section 407 of the merchant marine act of 1928 seemed to provide that the contract must be let to the lowest bidder when the bids were opened. There were other provisions in the laws of 1920 and 1928 which the friends of the Mississippi Shipping Co. construed as authorizing the Postmaster General to let the contract to that company, in spite of the lower bid of the Munson Line. But the Comptroller General felt that under the spirit of the law the contract must be let to the lowest bidder. It was thought that that would be so contrary to the general spirit of the merchant marine law and of the actions of the Shipping Board and the Postmaster General in the upbuilding of our merchant marine that the President himself suggested that the law be clarified, and so the Postmaster General has sought to have it amended as indicated in this bill, which has his approval.

The House of Representatives passed a bill to clarify the act authorizing the Postmaster General, with certain carefully safeguarded provisions, to let the contract, not to the lowest bidder but by private contract to purchasers of Shipping Board lines.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Tennessee?

Mr. RANSDELL. I yield.

Mr. McKELLAR. If the bill is passed, does it mean that the Postmaster General can let any contract in that way, or does it apply simply to this contract? I can see how this contract might very well be let without a bid under the peculiar circumstances, but if it is intended to apply generally to all contracts and the bars are thrown down by which the Postmaster General hereafter may let mail contracts to such company as he desires without any public bids, I am very doubtful about the wisdom of such a course.

Mr. RANSDELL. It is not limited to the Mississippi Shipping Co., which is only one of many purchasers of Shipping Board lines; but the matter was gone into with the greatest care by the House committee and by the Senate committee. We had very careful hearings. The measure is indorsed absolutely by the Shipping Board and by the Postmaster General and by all those who have any connection with the matter. I can not believe there will be any risk if the bill is passed.

Mr. FESS. Mr. President, may I ask the Senator if the bill has been approved by the Post Office Department and the Postmaster General?

Mr. RANSDELL. Yes. Postmaster General Brown was before the committee not only once but two or three times, and it was highly approved by him. The last wording in the bill was put there upon the advice of Postmaster General Brown.

Mr. ROBINSON of Arkansas. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Arkansas?

Mr. RANSDELL. I yield.

Mr. ROBINSON of Arkansas. The purpose of the bill, I take it, is to assure the carriage of the United States mail on ships flying the flag of the United States?

Mr. RANSDELL. Yes; that is one purpose.

Mr. ROBINSON of Arkansas. It really will terminate competition between ships under the American flag and ships under foreign flags in the matter of the carriage of the United States mails?

Mr. RANSDELL. It will do that, and it will also do this: We want to build additional American-flag ships, and one clause of the mail contract provides that this company binds and obligates itself within a limited period to build three additional first-class ships, such ships as would be available for auxiliaries to the Navy in time of war—that is, under naval supervision.

Mr. HAWES. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Missouri?

Mr. RANSDELL. I yield.

Mr. HAWES. These ships were purchased with the general understanding that the mail contract would be awarded?

Mr. RANSDELL. It was.

Mr. HAWES. It would not have been purchased unless that had been the understanding with the department?

Mr. RANSDELL. That is correct.

Mr. HAWES. The matter was discussed in our committee at great length.

Mr. RANSDELL. Certainly at very great length.

Mr. HAWES. And the ruling of the Comptroller was considered an injustice to this company and a defeat of the intent of the law to develop new mail routes by means of this bonus or subsidy?

Mr. RANSDELL. That is exactly true.

Mr. HAWES. So that at the ports of the South, including New Orleans, without this amendment the purchase of ships would have been too great to be undertaken, and the intent of the law will have been defeated?

Mr. RANSDELL. That is entirely true. It was the understanding of all concerned that this is carrying out the spirit and the intent of the law in that particular contract.

Mr. McKELLAR. Mr. President, will the Senator state how much was paid by the company for this particular ship?

Mr. RANSDELL. There were several ships involved. The amount was $2,700,000.

Mr. McKELLAR. How many ships were there?

Mr. RANSDELL. I think there were 12.

Mr. McKELLAR. How much is the proposed mail contract?

Mr. RANSDELL. The mail contract was $560,000 per year. There were several other mail contracts or routes involved. There were several of those lines, and as far as I understand all of them have been granted contracts except this one.

Mr. McKELLAR. As I understand it, the ship that will carry this mail cost the shipowners about $400,000 and the company owning the ship would get $400,000 per year under contract for carrying the mails?

Mr. RANSDELL. The ships cost $2,700,000. It is a line of ships. They are all in that line. That line cost the owners $2,700,000.

Mr. McKELLAR. But they do not all carry the mail.

Mr. RANSDELL. First one and then another carries the mail. They all carry mail. The mail contract is $560,000. That is the maximum which was appropriated.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from New York?

Mr. RANSDELL. I yield.

Mr. COPELAND. For a 10-year contract the bid of the Munson Line was $5,411,000. The bid of the Mississippi line was $6,882,000. With the passage of this bill the Munson Line bid will not be considered. Of course, the Postmaster General is not likely, in awarding the bid to the Mississippi line, to go

above the bid which he received from the Munson Line, but the Mississippi line, which will get the contract, when it made its proposal to the Government bid $1,470,000 higher than the Munson Line's bid, and that is one reason why I have been agitated about this and have been anxious at the proper time to say what I have in mind regarding it.

Mr. RANSDELL. Mr. President, as I understand it, a number of lines have been sold and have been sold at least with the tacit understanding that mail contracts would be awarded, and in every instance except this one the mail contract has followed the sale of the ship. The concluding paragraphs of the House report—and we have a very able House Committee on Merchant Marine—read as follows:

This desirable harmony of purpose is effected by the amendment of section 407, which your committee recommends.

I would like to say that the committee does not change the effect of that at all.

It gives legislative assurance through its mandatory language that a purchaser of a line established by the board and operated on a certified route shall be awarded the mail contract thereon if the purchaser makes application and submits a proposal for the contract, subject, however, to three definite conditions which are deemed necessary safeguards against an improper contract or an excessive rate of pay. The first is that the Postmaster General must be of opinion that the purchaser applying for the contract has such qualifications as will insure its proper performance; the second condition is that the rate of pay shall not exceed the maximum fixed by statute; and the third limitation is that the Shipping Board must find and certify to the Postmaster General that the awarding of the contract to the applying purchaser is in the public interest and will aid in carrying out the purposes of our merchant marine act.

Except as to this definite preference thus given to a purchaser of a service established by the board, the general provisions of the 1928 act as to advertising and competitive bids continue to apply.

Your committee unanimously recommends this amendment.

I would like to say right there that one of the most wide-awake men of that committee, as the Senator from Tennessee [Mr. MCKELLAR] knows, is his own colleague, Judge DAVIS, to whom this Nation is under a debt of gratitude, in my judgment, for the splendid service he has given in all these merchant marine matters.

The members reaffirm their belief, expressed in the 1920 and 1928 acts, that the distribution of shipping services to our various important ports and the building up therein of domestic support to the lines serving them, is sound policy.

To build up the domestic ports it is essential for the ship lines to be owned and operated by local people. The spirit of the law is that the people in New York and vicinity must buy and operate the ships operating out of that great port to the ports of the world, that the people of New Orleans and vicinity should buy the ships which are to operate out of New Orleans to the ports of the world, and the people of the Pacific coast should own and operate similar services from their ports.

It gives opportunity for the trade of the country to seek natural outlets to foreign markets; it shortens rail hauls and levels and stabilizes freight rates; it stimulates local loyalty to the shipping service and it brings to the whole country a new appreciation of the advantage of American ships. This amendment now urged upon the favor of the House gives further assurance of still greater accomplishments in behalf of an American merchant marine.

Let me cite a case that came up recently where some lines were being advertised, lines of the United Fruit Co. There were three lines advertised. I think one, perhaps, was from San Francisco, one from New Orleans, and one from New York. That great company was bidding on three mail contracts, and one of the provisions of the bid was that it is to build and place in operation within five years six magnificent ships aggregating 48,000 tons, flying the American flag, and adding materially to the tonnage of the American merchant marine. A number of the United Fruit Co. ships are now foreign-flag ships, but the idea is to have them build American ships hereafter, and for that purpose I hope there will be no objection to the bill.

Mr. BLACK. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Alabama?

Mr. RANSDELL. I am glad to yield to the Senator.

Mr. BLACK. I want to ask a question. As I gather it, this is a question of whether or not a subsidy which has already been voted will be given to one steamship line or another, is it not?

Mr. RANSDELL. In substance, it is pretty nearly that.

Mr. BLACK. Let me see if I get it further. I have understood that in reality behind this bill is this state of facts: That the Mississippi line is home owned?

Mr. RANSDELL. That is true.

Mr. BLACK. That it is owned by a company operating from southern ports?

Mr. RANSDELL. That also is true.

Mr. BLACK. And that it is the policy of the Government, in granting these subsidies, to extend them to the home-owned vessels, if possible?

Mr. RANSDELL. That is correct. We do not like, however, to call it "a subsidy"; but—

That which we call a rose
By any other name would smell as sweet.

Mr. BLACK. I voted against it because I thought it was a subsidy; but if the Government is going to grant subsidies I want them to be equitably distributed.

As I understand further, it was proposed to give this subsidy to a steamship line which is not owned by interests in the southern Gulf ports but which is owned by those having a considerable interest in New York and other Atlantic ports. That was what was about to be done, was it not

Mr. RANSDELL. That is practically true. I do not say that it was going to be given to the New York line, but that line was seeking to get it.

Mr. BLACK. As I understand, the question at issue in giving this subsidy is as to the aid afforded to the home-owned companies operating from various ports?

Mr. RANSDELL. That is correct.

Mr. BLACK. That is what I understood the controversy was about, but I desired to be certain.

Mr. RANSDELL. The spirit of the laws, I will say to the Senator, of 1920 and 1928 was to help build up local communities or sections.

Mr. MCKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Tennessee?

Mr. RANSDELL. I yield.

Mr. MCKELLAR. Upon the statement of facts which the Senator makes I think I should be inclined to vote with him to let this subsidy be given to home companies; but when the Senator wants to put down the bars and do away with all advertising for mail contracts in the future, and leave the matter absolutely in the hands of the Postmaster General, with the approval of the Shipping Board, that presents a very different situation. I doubt the wisdom of doing that. Advertising mail contracts is fair, just, and equitable to every interested party, and is the safe way of performing the Government's business. I do not believe it ought to be done away with. I think when the Senator puts language in his bill providing that advertisements for bids may be dispensed with he makes a mistake; and I shall offer an amendment to strike those words out. If that shall be done it might be helpful to some extent, because I think the contracts ought to be advertised and bids asked for. I think not only the Government ought to know but the country in what manner and to whom these subsidies are granted.

This is what happens: We pass a subsidy bill, under which the shipowners sometimes receive more from a year's contract than they pay for the shipping lines themselves. That has occurred time and again. It ought not to occur. When we put the authority into the hands of one man, without advertising, without publicity, to make these contracts, we are doing the Government a very great injury and we are doing the American people a very great injury. I can not go that far with the Senator. If the Senator wants to do justice to this particular home company on the facts he has stated, I am willing to take his word, and I desire that that particular company shall be treated fairly, but when the Senator wants to do away with publicity, to do away with advertising, to do away with the safeguards that are thrown around these subsidies, he goes too far. We are giving the people's money as a subsidy, and it ought to be done certainly by advertising, if it is going to be done at all. I doubt the wisdom of doing it at all. Surely we ought not to do it secretly; surely we ought not to put it in the hands of merely one man to pass upon the awarding of contracts. He might pass upon the question rightly in this case, but who knows? I think the Senator's bill ought to be amended very materially before it shall pass.

Mr. RANSDELL. Mr. President, may I say to the Senator that this is not my bill; it is a bill which comes from the Committee on the Merchant Marine and Fisheries of the House of Representatives. It is hedged around in such a way, I will say to the Senator, that I do not see how there can be any trouble. The bill provides:

(1) If in the opinion of the Postmaster General said purchaser possesses (with the aid of the contract so awarded) such qualifications as to insure proper performance of the mail service under said contract; (2) if said purchaser shall at the time such application is made be obligated by contract to operate such steamship or motorship line upon such route; and (3) if the Shipping Board, by the affirmative vote, duly recorded, of four members thereof, shall determine that the awarding of the contract to such purchaser is in the public interest and will aid in carrying out the purposes of the merchant marine act, 1920.

Mr. ROBINSON of Arkansas. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Arkansas?

Mr. RANSDELL. I yield.

Mr. ROBINSON of Arkansas. I wish to suggest to my friend the Senator from Tennessee [Mr. McKELLAR] that in order to avoid legislating in numerous other bills of a similar nature, the legislation ought to be made general to the extent that it will cover all cases identical with or similar to the case referred to by the Senator from Louisiana.

Mr. RANSDELL. It is so provided.

Mr. ROBINSON of Arkansas. We ought not to establish the precedent of denying to one company what we grant to another. There ought to be such general legislation on the subject as will enable the same right or privilege to be extended to all the companies operating their ships under the American flag.

Mr. RANSDELL. That is what we have tried to do, and that is what this bill will do if it be enacted into law.

Mr. BLACK. Mr. President, the idea I started to suggest to the Senator from Tennessee was that the subject ought to be covered by general law. I agree with the Senator fully in his argument against letting contracts without competitive bids, as a rule, but the argument of the Senator from Tennessee is directed against the subsidy system. So long as there is a subsidy given, the authority has to be left to some one, with as much limitation on his discretion as possible. For that reason, it seems to me, so long as there is a subsidy, it must be handled in some way such as this in order that all may receive the proper benefit from it.

Mr. RANSDELL. I thank the Senator.

Mr. President, I ask unanimous consent to append a table to my remarks showing the mail contracts that have been given to the various sections of the country, and ask special attention of Senators to the very small contracts so far awarded to the Gulf.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Allocation of mail-contract compensation between the North Atlantic, South Atlantic, Gulf, and Pacific coasts

Route No.	Service	Approximate annual compensation at present or for first year of service
	NORTH ATLANTIC	
4	New York to Buenos Aires	$1,247,584.00
5	New York to Mediterranean and Black Sea ports	1,745,010.00
6	New York to Cape Town and Biera	285,522.00
8	New York to Valparaiso	1,190,644.00
10	San Juan, P. R., to Santo Domingo	46,176.00
15	Boston to Yarmouth	225,624.00
16	New York to Copenhagen and Helsingfors	538,800.00
17	New York to West Africa	286,800.00
18	New York to Maracaibo	372,419.00
19	New York to Puerto Colombia	277,680.00
20	New York to Habana	370,032.00
21	New York to Vera Cruz	419,536.00
32	New York to Balboa	418,496.00
40	New York to Limon	247,624.00
42	New York to Southampton	616,128.00
43	New York to Hamburg	1,314,000.00
44	New York to London	697,632.00
46	Baltimore to Hamburg	1,275,144.00
	Total	11,574,851.00
	SOUTH ATLANTIC	
33	Savannah to Liverpool	367,657.50
	Total	367,657.50
	GULF	
	Contracts in effect or awarded	
22	New Orleans to Progreso	25,619.00
23	Galveston or Port Arthur to Port au Prince and Santo Domingo	274,614.00
41	New Orleans to Puerto Colombia	252,493.00
45	New Orleans to Spanish and Portuguese ports	401,230.00
	Total	951,925.00

Allocation of mail-contract compensation between the North Atlantic, South Atlantic, Gulf, and Pacific coasts—Continued

Route No.	Service	Approximate annual compensation at present or for first year of service
	Contracts advertised but not yet awarded	
35	New Orleans to Bahia Blanca (Mississippi Shipping Co.)	$572,630.00
47	Gulf West African	73,670.00
	Total	646,300.00
	Grand total	1,598,223.00
	PACIFIC	
	Contracts in effect or awarded	
24	San Francisco to Sydney	692,886.00
25	San Francisco to Manila (via Orient)	1,202,664.00
26	Seattle to Manila	1,070,784.00
27	San Francisco to Colombo	1,141,296.00
28	Portland to Manila	399,540.00
29	Portland to Dairen	184,440.00
30	Los Angeles to Auckland	169,740.00
31	Los Angeles to Melbourne	210,960.00
34	San Francisco and Los Angeles to Buenos Aires	308,523.00
36	Tacoma, Wash., to Manila and Taku Bar	347,679.00
37	San Francisco to Puerto Colombia	407,576.00
38	Tacoma to Valparaiso	270,300.00
39	San Francisco to Puerto Armuelles	332,470.00
	Total	6,798,858.00
48	San Francisco to North China	233,275.00
49	San Francisco to South China	304,130.00
	Total	537,405.00
	Grand total	7,336,263.00

Mr. COPELAND. Mr. President, it is important to have this bill pass in some form. I shall not oppose its passage in its present form because I agree to the proposal in general, although this particular measure will result in serious harm to a great American shipping line.

This bill, Mr. President, represents a formulated plan to take away from one line a contract for the carriage of the mails and give it to another and higher bidder. I wish to say exactly what I have in mind and so shall do it in a formal way. It will "cramp my style," Mr. President, but it is a safer way of presenting a matter of vital importance to the American merchant marine.

Mr. McKELLAR. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Tennessee?

Mr. COPELAND. I yield.

Mr. McKELLAR. Mr. President, I wonder if I can impose upon the Senator by asking him to yield to me in order that I may show just how these things work by reading a very short extract from a recent report by Comptroller General McCarl.

The VICE PRESIDENT. Does the Senator from New York yield for that purpose?

Mr. COPELAND. Yes.

Mr. McKELLAR. Mr. President, I read from page 13 of Comptroller General McCarl's report of October 3, 1929:

As to note 9, in February, 1926, purchaser advised the Fleet Corporation that it could no longer continue performance under the contract, at which time the vessels were repossessed by the Fleet Corporation without litigation. The initial payment was retained, but nothing was received in the way of interest on the deferred payments. After redelivering the vessels purchaser was continued as managing operator at a considerable loss to the Government until June, 1926, despite charges of incompetency, financial irresponsibility, and diversion of restricted funds.

The operation of the line was then transferred to a company, which managed it at a loss to the Fleet Corporation, until October, 1928, at which time purchase of the line by the company was effected at $3 per ton, or $23,000 per vessel, an approximate total of $325,000, of which $28,674.75 has been received and the balance covered by eight notes payable in seven and one-half years, in installments of 10 per cent of the purchase price, except the last installment, which is 5 per cent.

Subsequent to the sale a 10-year mail contract, approximating $350,000 to $450,000 per year, was obtained by the purchaser.

Mr. President, I want to call the attention of the Senator from Louisiana to this remarkable state of affairs: The ships referred to were sold to the company for over $3,000,000; a contract was drawn up and the company made an initial payment, but no steps were taken to enforce the contract by the Shipping Board. Thereupon the same company was employed as agents for the

Shipping Board; and when the mail subsidy scheme was put into effect, the same company which had failed in its operations bought the ships at a total of $325,000, and the Government immediately entered into a mail contract with them for between $350,000 and $450,000 a year.

Such a proceeding is an outrage upon the Government of the United States and people of the United States. It ought not to be countenanced for a moment by the Congress of the United States. I say that we are making matters worse when we take away publicity, when we abolish advertising, and put it in the hands of one man to grant these subsidies. I do not think it ought to be done. I am perfectly willing to vote for a measure that will remedy the situation the Senator has in view in regard to the New Orleans company, but I think it would be wholly unwise to permit such things to happen in the future.

Mr. COPELAND. Mr. President, it is entirely aside from what I had prepared to say; but at this moment I wish to make a reply to what the Senator from Tennessee has said. Pretty soon he will think I am on both sides of this question. In my formal address, which I hope to give during the afternoon, I am finding fault with the Shipping Board; but at this moment I want to make a defense of the Shipping Board as regards the charges just made by the Senator from Tennessee.

This document, the letter from the Comptroller General about the United States Shipping Board, is the most remarkable production ever printed.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. McKELLAR. If the statements made by Mr. McCarl are true, the Senator will admit that there ought to be an investigation; will he not?

Mr. COPELAND. If the charges made have any possible reasonable explanation, I should say "yes"; but I do not believe that Mr. McCarl ever read this report.

Mr. McKELLAR. If he did read it, if he did make it and the charges are true—and his name is signed to it—then surely the Senator would not want to cover up the matters and things in this report alleged; would he?

Mr. COPELAND. No; but I want to show the absurdity of the statement made by the Comptroller General and just quoted by the Senator from Tennessee. I want the Senate to see exactly what the truth is. I refer to the page the Senator has just quoted, page 13. That is correct; is it not?

Mr. McKELLAR. That is right.

Mr. COPELAND. This is page 13 of the letter of the Comptroller General dated October 3, 1929. This is what he says:

As to note 9—

Up at the top of the page is a table indicating the disposition of certain ships, the sale of ships and ship lines.

Mr. McKELLAR. Will not the Senator read note 9?

Mr. COPELAND. I will read note 9; but first, in order that the continuity may be perfect, let me say that note 9 refers to the sale of 10 ships, with a total tonnage of 78,000 tons, the total amount of the sale being $234,930, and the actual cash received to date on that sale being $28,674.75; and the numeral "9" is placed there, referring to a footnote. This is the footnote:

"Sale of ships and ship lines": One of the lines of the Shipping Board, consisting of six vessels, was operated by a managing operator from October, 1925, to February, 1926, and during the period operated at a loss. In August, 1925, the managing operator bought the line from the Shipping Board at $5.75 per dead-weight ton, or $45,000 for each vessel. Initial payment of $11,250 for each vessel delivered was made, or $64,498.44, and the balance deferred at 4½ per cent interest. During the period of ownership it appears that purchaser chartered two extra vessels for service.

That is a footnote. Now, this is the comment made by the Comptroller General.

As to note 9——

Mr. HOWELL. Mr. President, may I ask the Senator from New York if the amount of annual payment on account of the purchase of these vessels is indicated—how much per ton?

Mr. COPELAND. Three dollars per ton.

Mr. HOWELL. That is the annual payment?

Mr. COPELAND. No; that was the total payment.

Mr. HOWELL. They had a period of 10 years to pay, did they not?

Mr. COPELAND. Yes.

Mr. HOWELL. And how much did they pay down—50 cents a ton, or 75 cents?

Mr. COPELAND. The total amount that the Shipping Board received was $28,000 on a contract of $234,930.

Mr. HOWELL. How much a ton did they pay for the vessels?

Mr. COPELAND. The Senator says $3 a ton. Is that correct?

Mr. McKELLAR. Three dollars per ton. If the Senator will permit me, that was for ships that cost to build $16,286,717.60.

Mr. HOWELL. How much per ton?

Mr. McKELLAR. I do not know what the tonnage is; but those ships were sold for $325,000, and immediately upon their sale a mail contract was entered into by which the purchaser of the ships for $325,000 was to receive from the Government from $350,000 to $450,000 as a subsidy for carrying the mails.

Mr. HOWELL. What did the mails amount to?

Mr. McKELLAR. It does not say.

Mr. COPELAND. Yes; it does—$450,000 per year.

Mr. HOWELL. How many letters did they carry?

Mr. McKELLAR. Oh! That is immaterial.

Mr. HOWELL. Mr. President, in the testimony before the Commerce Committee the other day the question was asked the Postmaster General in connection with a contract, as I remember, that was to be about $700,000 a year, how much mail would be carried; and he acknowledged that the mail was merely nominal, and would bring practically no return. In other words, it was a pure gift of $700,000; and the reason why I rose to ask the question was this:

We know that ships depreciate; and the annual payment required on these ships is not equal to the annual depreciation. In other words, the ships are running downhill faster than the total money paid by the purchasers for the vessels. Therefore, after a period of time, they can throw up their hands and turn over the vessels as worthless.

Mr. McKELLAR. Mr. President, if the Senator from New York will yield, I desire to call the attention of the Senator from Nebraska to the fact that in this case ships which cost over $16,000,000 to build were sold for $325,000, and the initial payment was only twenty-eight thousand and some hundred dollars, and the Government pays them more than that much every month. How in the world could a shipping company that received a contract like that from the Government have anything to lose? It is "Heads I win, tails you lose" so far as their dealings with the Government are concerned. For us to perpetuate this thing, and to make it worse, by doing away with all publicity and all advertising, is something that is absolutely incomprehensible to me; and I do not believe the Senate of the United States is going to do it.

Mr. RANSDELL. Mr. President, will the Senator yield to me for a moment?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Louisiana?

Mr. COPELAND. I do.

Mr. RANSDELL. I do not think the Senator from Tennessee states this matter fairly. He knows perfectly well that during the World War—the greatest war of history—we went to enormous expense to build ships; I do not remember how many billion dollars, but it was a great many billions, not millions, that we spent for ships; and since the war we have been doing the very best we could, first in one way and then in another, to try to place these ships in private ownership under the American flag. We actually junked a great many of them. We sold hundreds of these ships at one time to Mr. Henry Ford to be broken up into junk. I suppose each one of those vessels cost two or three hundred thousand dollars, but they were a war proposition. We might just as well say that the money we paid out to send our soldiers abroad, and the salaries we paid them, and the ammunition we burned up was all wrong. It was a war measure. We had to do the best we could with these ships left on our hands as an aftermath of the war.

I do not know what a man could do with all these vessels. The Shipping Board is composed of our best citizens. Congress has been wrestling with this matter in several acts—the act of 1920 and the act of 1928. The Senator from Tennessee has helped to pass all these laws. We have displayed the best brains and intelligence we had to try to handle this extremely expensive asset in such a way as to restore the American flag to the seas.

One of the recent ways to do that is to sell these Shipping Board vessels to such American citizens as will buy them and give guaranties and bonds that they will pay for them and operate them in certain trades for periods of 5 to 10 years and will furnish a reasonable percentage of new tonnage constructed under the plans and specifications furnished by the Shipping Board, supervised by the Navy, so constructed that they would be valuable as naval auxiliaries in times of war. The contracts are hedged around in every way. I grant you we are helping them considerably in what we call this mail subsidy; but that is





done in lots of ways. It is done with the tariff with which we have just been wrestling. There is nothing new about assisting shipping lines by mail contracts. Our cousins across the sea, the people of Great Britain, have done it from time immemorial. Great Britain's wonderful commerce could not have been built up if it had not aided its people to put ships on the sea and to operate them. Other nations do the same.

Just one more word in regard to the people of my own State. The Mississippi Shipping Co., I will say to the Senator, paid something over $28 per ton. That was a $2,700,000 proposition. They actually paid in cash one-fourth of that sum and gave bond for the faithful performance of their contract to operate these ships in that trade for five years, to build two new vessels and reconstruct four vessels to higher speeds, as well as pay the remainder of the purchase price. There was nothing like the Senator has just described so far as the Mississippi Shipping Co. is concerned.

Mr. COPELAND. Mr. President, in view of the way this argument is lengthening, I think I will make no further reply to the Senator from Tennessee at this time. I will do that later. I shall go on with my argument, because I have an engagement for dinner and I am anxious to be there on time.

Mr. President, I am unwilling to take second place to anyone on the floor of the Senate in the desire to build up an adequate merchant marine. I want our shipping to carry a majority of the products of this great country to the ports of the seven seas. Shoulder to shoulder with my colleagues I have labored during my membership in the Senate of the United States to put into practical effect the principles laid down in the merchant marine act of 1920 and the Jones-White Act of 1928. The latter I regard as the real instrument to carry into effect the hopes and ambitions of our ship-minded people.

I wish once more to congratulate the Senator from Washington [Mr. JONES] for the constructive part he played in securing the enactment of this legislation. I have the greatest faith in what it will do for the upbuilding of a great merchant fleet. It will provide the means of carrying the vast quantities of our surplus products to the markets of the world. In many respects it surpasses in usefulness and public service every other single act passed by Congress in 50 years.

No one can question the importance to our national existence of a fleet of merchant vessels which can safely and economically carry our products over the seas. It makes this beloved country of ours self-reliant. No longer will the United States be entirely dependent upon the pleasure of foreign nations to place ships at the disposal of the American exporter, the American farmer, and the American manufacturer.

I shall not take the time of the Senate to recall the stagnation in our ports during the early stages of the World War. It is well known to everybody that our great terminals were congested to the last degree. Railroad cars by the thousand were jammed in a tangled mess for miles at those terminals which feed our seaports.

This was due to the fact that by reason of the war the ships under foreign flags were called to perform service for their own governments. The American exports, of course, had to await the pleasure of other nations before ships were available to relieve this congestion. It was through this lesson that our Government received the inspiration to build a great merchant fleet. To give practical effect to this dream there was passed the act of 1920. The principles and aids of the original law were extended and amplified by the act of 1928.

Shortly after the outbreak of the World War our Government authorized the United States Shipping Board to launch a building program that ran into the billions of dollars. This tremendous expenditure was necessary to provide merchant vessels. Not only must the United States be prepared for any eventualities that might arise by reason of its entrance into the war, in addition, farseeing statesmanship made sure that following the peace this land of ours should not face months of depression. It was determined that our manufacturing plants should not be idle. The Congress knew that unemployment and hard times faced all those whose livelihood is dependent upon the turning of the wheels of industry. It was seen that unless the raw materials could be had without ceasing, and the surplus promptly handled, our land must suffer.

That we have need of disposing of our surplus there can be no doubt. Let me remind you that the United States produces 55 per cent of the world's iron ore, 52 per cent of the world's timber output, 62 per cent of the world's petroleum, 66 per cent of the world's steel, 51 per cent of its copper and iron, 65 per cent of the world's naval stores, 82 per cent of its sulphur, more than 60 per cent of its mica, lead, zinc, and soapstone, 55 per cent of the world's cotton, and 90 per cent of the world's automobiles and trucks. Is it not wise for us to see that these products are sent abroad under our own flag?

Any nation should be a self-contained nation. To use the language of the economist, we should be "economically self-sufficient." We can not be self-sufficient without transportation facilities capable of exporting our products and bringing back to us the raw materials we need for our manufacturers. We can not be self-contained unless it is possible for us to have an uninterrupted flow into our country of the imports necessary to our domestic concerns. We must have rubber, wool, chemicals, nitrates, silk, flax, hemp, jute, potash, nickel, tin, vegetable oils, tea, cocoa, rice, spices, coffee, and other foreign products. Many of our industries would have to close down if there were ever any world conditions interfering with American importations.

Following the termination of the war the United States Shipping Board made a careful analysis of world trade routes. This was done to ascertain to what extent the trade in our exports and surplus products might be extended by the establishment of lines of vessels under the American flag. As a result of that study a great many such trade routes were established.

The Shipping Board selected, so far as possible from the then experienced steamship men of the country, persons who acted as managing agents for the Government lines. For their services they were given commissions on the gross freight moneys earned.

Before the war there were but 15 American-flag ships in transoceanic service, of only 164,000 tons. In all services we could boast of owning and operating but few lines of ships under the American flag. It was obvious that a great many more lines must be established than there were experienced shipping men, men who had gained their knowledge in operating American-flag vessels, to take them over. Therefore the Shipping Board had to look elsewhere for operators. After careful consideration and, I believe, deliberate analysis of the ability of the various men, the board selected for the second group persons who had acted as agents for foreign steamship lines. They had general knowledge of ship operation. At least they had sufficient training to qualify them to take over certain of these routes and operate them under the direction of the United States Shipping Board Emergency Fleet Corporation.

After these various routes had been in operation for some years, Congress in its wisdom determined that as a national policy this Government should not own and operate vessels beyond a time necessary to transfer such lines to private citizens. The ships were to be sold to American citizens who were willing to assume the obligation of maintaining for definite periods of time those trade routes established by the Government. This brings us to the point where the Government was ready and did in fact begin the work of transferring the most attractive of the lines from Government to private operation.

It will be recalled that the merchant marine act of 1920 contained a provision—and this is the thing about which our friend, the Senator from Tennessee, is worried—placed in it for the purpose of encouraging the respective ports of the country to become ship-minded. The act authorized giving preference to local interests in the sale of lines. Regardless of the price, the local interests were to be given consideration. Persons backed by local financial support were to be chosen if possible. Deliberate efforts were made to have ownership of these great lines which had been established by the Government, spread in such a manner as to prevent the concentration of our shipping in any one or a few ports of the country. In other words, the desire of Congress was, so far as possible, to have the Atlantic coast, the Pacific coast, and the Gulf coast all interested, not only as shippers, but as owners of American tonnage. Each locality was to exemplify this interest through the investment of local capital in the vessels which the United States Shipping Board offered for sale.

With that principle I have not now and never have had any fault to find. It is urged that it must be applied in the case before us. My objection to the effect of the bill before us arises out of what I consider an abuse of that principle. I come now to the reason why I regard it as an abuse.

The dispute involved in the measure to which I am addressing myself is a controversy between what is known as the Mississippi Shipping Co., of New Orleans, and the Munson Steamship Line of New York, of Mobile, and of New Orleans. I connect the Munson Steamship Line with all these ports because it is one of the great American companies which for years has been engaged in the shipping business out of many harbors.

The Munson Line has large investments in Gulf ports. It has an organization of employees and agents larger than any other line now operating from those ports.

It is a company which started in business perhaps 60 or 70 years ago through the purchase of a single sailing vessel, which I am informed cost $16,000. That company has so well conducted its business, and the sons of the founder have been so earnest and active in following his footsteps, that they have tremendously enhanced the value of the shipping property that began with this $16,000 sailing ship. To-day the Munson Steamship Line ship property alone has an appraised value of $16,000,000. In addition, the company has valuable terminal facilities.

Can anyone deny that it is an ambitious, zealous, far-reaching organization, possessed of remarkable ability to extend the commerce of this country and put the American flag on the high seas? It staggers the imagination to think that in two or three decades one concern could develop shipping property from a valuation of $16,000 to more than $16,000,000 in ships! Can anyone deny that such an organization, which has done so much for the country as well as for itself, should have a right to have its cause fairly considered by the Congress of the United States?

I am sure you agree with me; yet the very purpose of the bill before us is to close the ports of the Gulf of Mexico to this particular company and force it to withdraw from the shipping in which it has been engaged for many years. The main reason of the bill is to give a mail contract to a local company which purchased the line established by the Shipping Board from New Orleans to ports on the east coast of South America. I have no complaint that the new company is to be encouraged. But it is proposed that it shall be given a mail contract under the act of 1928 to the exclusion of each and every other shipping interest. The act will create a monopoly, so that from the Gulf for many years to come there will be operated only one steamship line under the American flag. The Gulf of Mexico is a great gateway; is it right to monopolize its waters for the benefit of one weak and inexperienced company?

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. McKELLAR. I am not very familiar with the Munson Line, but as I recall, it is an old-established line and has been making splendid returns on the money invested for many, many years. Why is it necessary to subsidize a corporation of that kind, which has been making money for its stockholders for many years, and not only making money and paying large dividends, as I am informed, but constantly adding to its business and constantly adding to its property? It does seem to me that if there is any company which is not entitled to a Government subsidy—and a company is but a citizen—it is this company. Why should the American Government tax all of the American people and take a part of the money which they pay in taxes and give to a corporation of this kind, which is already doing splendidly, which already has a wonderful business, and is already paying tremendous dividends? I can not understand the philosophy of that position.

Mr. COPELAND. Let us grant exactly what the Senator has said. Why should we do that? But why should we go further than that and subsidize a rival company, selling ships which the Munson Co. itself produced and gave to our country during the war? That is what is happening.

Mr. McKELLAR. Mr. President, if the Senator wants an answer to that question, I will say to him that I am not at all in favor of subsidizing the rival company. I think, as between the two, I am rather inclined to take the under dog, rather inclined to be for the local people; but surely there is no governmental philosophy under heaven that I know of which would justify us in giving a subsidy to a great company like that.

Mr. RANSDELL. Mr. President——

Mr. COPELAND. Mr. President, I am not going to yield further, if I may be permitted to go forward.

Mr. RANSDELL. I want to say just one word. The Senator surely would not want to have one rule applied to all the great shipping lines throughout the United States and when the first chance comes apply it to his own section—cut them off?

Mr. McKELLAR. Oh, no.

Mr. RANSDELL. That is exactly what would be done. These mail subsidies have been given to ships on the North Atlantic and along the Pacific, and this is the first chance we have to give one to the South.

Mr. McKELLAR. If the Senator from New York will yield just a moment further, I have told the Senator that, on the state of facts he has produced here, if he would submit a resolution directing the Shipping Board and the Postmaster General to accept the bid of his local company, I would be for it, but when he wants to pull down the bars and lay the thing open for his subsidies to be given to any shipowners anywhere in the United States, under any circumstances, by the Postmaster General and the Shipping Board, I am unwilling to agree to that.

Mr. COPELAND. Mr. President, candor compels to say that I am in favor of these subsidies.

Mr. McKELLAR. I know that.

Mr. COPELAND. The American merchant marine can not succeed unless——

Mr. McKELLAR rose.

Mr. COPELAND. I am not going to argue with the Senator about this, because I do want to get through by 5 o'clock.

The American merchant marine can not succeed in competition with foreign bottoms unless we have some method of assistance, a mail subvention or a mail contract or some bounty which will permit us to compete with the lower standards of foreign bottoms.

Mr. McKELLAR. May I ask a question of the Senator?

Mr. COPELAND. Certainly.

Mr. McKELLAR. Is it not true that this very Munson Line, about which the Senator is talking, has been a distinct success for many, many years, without any subsidy and without any bounty?

Mr. COPELAND. Yes; that is true; but it is also true—and I want to be perfectly candid about it—that is the reason why the Munson Line has acquired foreign ships.

Mr. RANSDELL. A great many foreign ships.

Mr. COPELAND. Many of their ships now in operation are under foreign flags, because our ships can not compete with foreign ships under the lower standards which prevail abroad.

Mr. McKELLAR rose.

Mr. COPELAND. I made a prophecy at the time the Jones-White bill was before the Senate. I take pride in the fact that my amendments were the ones which came to the Senate, and, while they were rejected here, were afterwards accepted by the House and then accepted here.

Mr. McKELLAR. Will the Senator yield?

Mr. COPELAND. My prophecy was that the Jones-White Act would build up the American merchant marine, and history shows that it has. We are now building ships in every shipbuilding plant in the United States, and that is the result of the forward looking of the Congress of the United States.

Mr. McKELLAR. Very largely it is the result of subsidies. But that is not what I wanted to ask the Senator about. Is the Munson Line a foreign corporation?

Mr. COPELAND. Oh, no.

Mr. McKELLAR. What does it do? Does it just use the foreign flag when it wants to serve one purpose, and the American flag when it wants to get a subsidy from the American Government?

Mr. COPELAND. No; a large proportion of the ships of the Munson Line are American ships. Those ships which are now to be operated by the Mississippi Line the Munson Co. built.

Mr. McKELLAR. Has the Munson Co. any English ships?

Mr. COPELAND. I think they are largely Norwegian.

Mr. McKELLAR. They have not any English ships?

Mr. COPELAND. I do not think they have English ships.

Mr. McKELLAR. Great Britain requires that when ships fly her flag they may be used by Great Britain in time of war, and I am wondering whether we are subsidizing ships to be used by some other country in time of war.

Mr. COPELAND. No; the Franklin Line, which is an American line, has British ships.

Mr. McKELLAR. And it has those contracts, too.

Mr. COPELAND. But the line under discussion, the Munson Line, has no British ships. They are all Norwegian ships.

Mr. RANSDELL. But foreign-flag ships.

Mr. COPELAND. They are foreign-flag ships. We have high standards here, and no Member of the Senate would want to tear them down. We give the men an 8-hour day, just the same as laborers have on shore. The ships are required to furnish food, air space, and toilet facilities, and American sailors are treated like human beings on our ships. We would not want to have any different conditions prevail. But if we are to maintain an American merchant marine, we can not compete with the cheap labor the foreigner has, nor can we compete with the subventions which are given by England, and Germany, and France, and Italy, and Holland, and every other country. We have to meet our rivals on the same ground, and therefore, as I see it, the provisions in the Jones-White Act are very essential.

Now, Mr. President, getting back to what I was discussing at the time I was interrupted, I want the Senate to have a clear understanding of what is involved in the bill which my friend the Senator from Louisiana has asked you to consider. My colleague has been too staunch a supporter of American shipping in the past to warrant me in accusing him of not having that same patriotic concern for all shipping of the United States which I claim for myself.

However, I fear his desire to protect the Mississippi Shipping Co. has caused him to overlook a broader and higher matter; he is overlooking the future development of the trade of the ports on the Gulf. They are ports essential to the welfare of that great expanse of territory extending from the Gulf of Mexico up through the Mississippi Valley to the Great Lakes.

I am sure it is not the wish of any Senator to do other than justice to any American ship company. Nor do I believe it is in the heart of any Member of this body to subordinate national to local and corporate interests. I am sure no Member of this body would wish to subordinate the development of trade for the entire country to the selfish interests of a single steamship company.

The national interests must be safeguarded. This can be accomplished and the interests of the new steamship concern likewise protected. I am as eager for this as anybody. Common sense dictates that both companies are entitled to every consideration at the hands of the Government.

Let us see how far this Mississippi Shipping Co. has been protected already. Let us see how it has obtained advantages through preference given by the Government through the Shipping Board.

It is too long a story to go into the details of every shipping route that was sold by the Government. I shall stick closely to the facts relating to the route which caused the introduction of the bill now before us.

The gentlemen who compose the Mississippi Shipping Co. took over the operation of this route as an agent for the Government some time after the line was established by the Shipping Board. Originally, the Munson Steamship Line was the operator of this route. It was later handled by the Mississippi Shipping Co., acting as agent, and still later purchased by that company from the Government under a guaranty that it maintain a service out of New Orleans for a period of 10 years.

Why was it that the Munson Steamship Line was first given the operation of this service? The Munson Steamship Line was a pioneer in ocean traffic between Gulf ports and South America. It was established in that trade many years before the Mississippi Shipping Co. was organized, and many years before the United States laid down a single keel, or had any idea that ships would be built and operated by this Government. The Munson Steamship Line was in that trade as early as 1907 operating some chartered foreign vessels. It established offices throughout South American countries and in the larger cities in our Mississippi Valley.

With the proceeds it earned through the operation of its foreign-chartered ships, the Munson Line began the construction of four splendid American ships, by name, the *Munaires*, *Munindies*, *Munrio*, and *Mundelta*. This was done at a cost of several millions of dollars. These vessels were under construction during the period of the World War and were, along with a great many other ships, requisitioned by the Government for useful service during our participation in that war.

As I have stated, Mr. President, this Government had launched itself into a great shipbuilding program. By the time these vessels, about 3,000 in number, were completed, the treaty of Versailles had been signed and it was necessary to utilize this great fleet in peaceful pursuits. It was then that the United States Shipping Board set out on the work of building up trade routes, and, now mark you, it recognized the Munson Steamship Line as the one that by priority of service had earned the right to be named as operator for the Government fleet to be run to South America. The board turned over to the Munson Line a fleet of ships to be placed in the same service which that line had been maintaining by the use of foreign-chartered vessels. It was the same service for which it had been building ships, but had been unable to use by reason of the Government's requisitioning them.

This service the board considered a very essential trade route. So the Munson Steamship Line was chosen and for some time it operated this service as an agency for the Government. It had mountains of experience in the shipping business; it had confidence in its ability to attract trade to the route because it had set up its agencies, and it had even gone to the extent and expense of building several millions of dollars worth of new vessels! It had every right to feel safe in its trade route. As the Government was responsible for displacing or curtailing its service by reason of the requisitioning of its ships, the Government would certainly stand behind it, lend it every reasonable assistance, and give every consistent moral support to the Munson Line regaining that hold which was naturally weakened as a result of the war.

But our ambitious friends in the Gulf, exercising every influence that might be used to aid them in building up what they termed "local" companies, succeeded ultimately in having that agency, which had been in the hands of the Munson Line, turned over to them.

What would you have done if you had owned the Munson Line? It had been in that service since 1907; it had built ships in American yards for this service; those ships were requisitioned by the Government; later the Government turned over to the owner the line's own ships to maintain the trade route. On top of all this, the Government took that agency away from the Munson Line and gave it to the Mississippi Shipping Co. Would you have withdrawn from the trade, or would you have felt compelled to fight to retain a route which you had built up, not only by dint of hard effort, but by the investment of several millions of dollars of money that had been earned through private ship operation—of money that had been earned on the investment of your own, not Government, capital?

The Mississippi Shipping Co. had no capital invested; the Mississippi Shipping Co. merely took over the agency and operated the ships for the Government on a commission basis, earning money regardless of whether the ships earned or lost money. It was operated under that memorable MO-4 control system, now happily done away with by the provision of our latest appropriation act, providing for lump-sum payments instead of commissions. I am sorry to say, Mr. President, that not only did the vessels operated by the Mississippi Shipping Co. lose many hundreds of thousands of dollars for the Government but most of those vessels which were operated for account of the Government lost money while the operators were making profits. I just point this out, Mr. President, to contrast the experience of this new Gulf concern with that of the Munson Steamship Line's operations which had built up a successful service and through the investment of its own money. However, the Munson Line continued to operate its own route out of the Gulf ports, notwithstanding the Mississippi Shipping Co. was operating a Government line as agent.

When the time came that the Government felt the route from New Orleans to South American ports might be looked upon as an attractive enough proposition to warrant American citizens being interested in its purchase it was offered for sale. It was advertised in the usual way so that anyone interested in its purchase had a perfect right to submit a proposal, and what happened? Mind you, this was a shipping line which had been built up by the Munsons. These were ships which were operated on that line that had been built by the Munsons. Then the Munsons had been turned out and the Mississippi Co. put in to operate them. Then the ships were put up for sale by the Government. Then what happened? There were but two bids received.

One would think that an operator of a Government service, an operator who had been in immediate charge thereof and acquainted with every minute detail of its performance, would be in a far better position to judge its worth and possibilities from a dollars and cents investment standpoint than would one not in close touch with the operation. But not so in this case. The Mississippi Shipping Co. put in a proposal to buy these ships at $12 per deadweight ton. The Munson Steamship Line bid $28 per deadweight ton. The Munson Steamship Line had not only the financial stability to make that offer but the experience of years and the confidence in its organization's ability to carry on successfully that trade route.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from New York yield to the Senator from Tennessee?

Mr. COPELAND. I yield.

Mr. McKELLAR. Still the Senator does not want the Shipping Board investigated after reading its record?

Mr. COPELAND. No, I do not; because the Shipping Board is operating under the law. We had a debate in the Senate, and I remember it very well, some five or six years ago when the Senator from Washington [Mr. JONES], then chairman of the Committee on Commerce, said:

> Now we will put in this bill $10,000,000 as a fighting fund.
>
> Does the Senator from Tennessee remember that?
>
> If these ships are sold and taken back we will have the money to operate them and we will show the world that we have the money, we have the ships, and we have the men.

Does the Senator remember that old jingle? We were going to operate them anyhow. The Shipping Board does not need any investigation because what it has done it has done at our behest. It is the law. The only reason why I can stand here and submit to the bill presented by the Senator from Louisiana is because it is the law.

Mr. McKELLAR. If it is the law why should we change it?

Mr. COPELAND. When I say it is the law I mean it is the law that the local company must be given first chance at buying these ships. If they buy the ships they can not operate them without the subsidy and that is the reason why I am going to consent, when I get through with my formal speech, to the passage of the bill so far as I am concerned. It is because the Mississippi line now own these ships. They own them on the installment plan, but they are meeting their engagements. However, they can not succeed, they are bound to fail and go into bankruptcy unless they are given this subsidy. I am proposing that there be a division of this income from the receipts for the carriage of the mails and that both lines be permitted to operate; but the Mississippi line can not succeed and can not operate and it must go into bankruptcy if it does not have this support.

Mr. McKELLAR. In other words, the Senator adheres to the principle of "dividing he swag"? Here is some Government swag to be passed around; it is not intended to pay for the carriage of the mails; it is merely a subsidy, and in that sense it might be called "swag," I think, and the Senator believes in a division of it if it is going to be given.

Mr. COPELAND. Mr. President, I would not reply at all to the Senator because I know that he knows that I know better than that; but I fear that somebody may read the RECORD and I want the right answer in it. Therefore I am going to make the answer.

It is not "swag." Nobody gets any money that he puts in the bank and spends to buy automobiles and pianos. It is just like the tariff over which the Senator from Tennessee and I differ, although we are both Democrats. I believe in a protective tariff to the extent of marking the difference between the cost of labor in America and the cost of labor abroad. The Senator should be against this subsidy to be consistent with his vote upon the tariff bill, but the subsidy is exactly the same thing. It marks the difference between the possibility of operating an American ship under our American law and operating a foreign ship under foreign law.

Mr. McKELLAR. I want to say to the Senator that I have always been opposed to a subsidy. I think a short time before he came to the Senate, perhaps some 12 or 15 years ago, when a ship subsidy bill was before the Senate, I indulged in the unheard-of thing of talking 8 hours and 23 minutes at a stretch against it, and we defeated the bill. It is a matter of regret that this subsidy bill has not been defeated in the same way or in some other way.

Mr. COPELAND. I know the Senator is perfectly conscientious and perfectly honest. That is his view. But as for myself I am so convinced that it is necessary to have an American merchant marine that I am willing to vote these subsidies, if we care to call them that, in order that we may have an adequate American merchant marine. The British Government gives large sums of money to the Cunard Line. In the first place, it pays a large sum toward the construction of the Cunard liners, because, under the British law, in case of war or other necessity those ships can be taken over by the British Navy. They are very smart in their day and generation. I sometimes wonder if our experts are quite so smart. The British realize that because of their merchant marine they are really mistress of the seas. If all the warships of the world were to be destroyed to-day, England would be mistress of the seas through her merchant-marine ships, which have been built so that they can be converted into gun carriers and into various types of war vessels. So the British Government, by subsidies, assists in the building of such ships. In addition they have a mail subvention, which we have adopted; and, furthermore, naval reservists, who are paid by the navy, are a part of the official personnel of their merchant ships. It is my belief that if we are to have an American merchant marine to carry our surplus abroad and to find markets in the seven seas and to bring the raw materials to our shores, we will have to meet the conditions which prevail in other countries.

I have made that answer not for the Senator's benefit, for I have not convinced him, but I have made it so that one who reads the RECORD may see that there is an effective answer.

Mr. McKELLAR. Yes, Mr. President; that is the answer of those who believe in ship subsidies; it has been the answer for a long time, and the Senator has stated it well.

Mr. COPELAND. I thank the Senator.

Now, to get back to our mutton, it will be recalled that I said that the Shipping Board reached the conclusion that this line out of the Gulf was attractive enough to find bidders and so it was advertised for sale and two bids were received.

Had not the Munson Steamship Line offered $28 per ton, there is no question the Mississippi Shipping Co. would have been awarded the contract for the purchase of that route at its own figure, namely, $12. But, anyway, the local company got the line.

I want my friend the Senator from Tennessee to listen to this: The Munson Co. bid $28 and the Mississippi line bid $12, but by private arrangement the bid of the Mississippi Co. was elevated above that of the Munson Co. and it took possession of the line.

All the Munson Steamship Line got out of its much larger bid was the satisfaction of earning for the Government through its proposal approximately $1,300,000.

It may be asked, How did the Mississippi Shipping Co. get the line, notwithstanding this difference in price? Because the United States Shipping Board rejected both bids and invited the Mississippi Shipping Co. to offer two or three hundred dollars more than the Munson Line bid and knocked down the ships to the "local" company. That is a fine example of competitive bidding, is it not?

I have never questioned the wisdom of the Shipping Board giving consideration to local communities or preference to local capital in the sale of a line. But I have often asked myself the question—and I should like to have the opinion of my friend from Tennessee on this question—as to whether the merchant marine act of 1920 authorized the Shipping Board to advertise for bids, and then when some American company, not the one to which they desired to sell the line, bid a high price, to reject both bids and permit the low bidder or the preferred one to purchase privately the line at a higher figure.

I have felt that the preference intended to be accorded under the merchant marine act of 1920 was a preference of this kind; for instance, as in the case under discussion, that when the Mississippi Shipping Co. bid $12 and the Munson Steamship Line bid $28 per deadweight ton it was the duty of the Shipping Board then and there to determine whether there was to be gained to the shipping, commercial, and agricultural interests of this country such a benefit, by giving preference to the local community, as to justify the board in selling the line to the Mississippi Shipping Co. at its bid, on the assumption that so much gain through local interests would come through the operation of the line by local interests as to warrant the Government in waiving the additional $1,300,000 which the Munson Line offered. I do not think the Gulf ports would have suffered a particle if the Munson Line, which for so many years has operated out of those ports, should have been given this property on the highest bid which they offered.

Mr. McKELLAR. Mr. President, as I understand the purpose of the subsidy act, it was to benefit American shipping. If the Munson Co. is one of the hybrid kind of companies which uses indiscriminately the flags of various nations, the British flag on some ships, the Norwegian flag on others, the Danish flag on others, and the American flag on the remaining vessels, I think the Postmaster General ought to have turned down its bid on the ground of citizenship. The mere formation of a shipping line under American law certainly does not make the corporation thus formed an American line. Take for instance the P. A. S. Franklin Line—I have forgotten the name of the shipping line which Franklin controls——

Mr. COPELAND. The International Mercantile Marine.

Mr. McKELLAR. Yes; the International Mercantile Marine. That organization entered into a contract for the purchase of some of the Shipping Board's ships, and some of the vessels thus purchased can be used by a foreign government in time of war against our Government. I do not consider that company a local shipping line at all; I do not consider it an American line at all, and I do not think it ought to be given the benefit of subsidies by the American Government. If the Munson Line is the kind of line the Senator has described, flying one flag at one time and another flag at another, the Government ought to reject its bids; it ought not to receive bids from it for that reason.

Mr. COPELAND. Mr. President, the Senator has overshot the mark a little bit.

Mr. McKELLAR. Perhaps so.

Mr. COPELAND. Let him bear in mind that what was being considered here was the sale of United States shipping lines which would be operated exclusively and wholly under the American flag. It is other ships of this line that will be operated under foreign flags?

Mr. McKELLAR. Yes; but they would be owned by the Munson Co., which, as the Senator says, is a hybrid company which flies the flag of any country which it may see fit to fly or which it may be to its interests to fly. Under those circumstances I think the Shipping Board and the Postmaster General would have been entirely justified in refusing to receive bids from a company which is not truly American and does not fly the American flag over its ships.

Mr. COPELAND. In any event, the Munson Line was sufficiently American so that as a result of its bidding the United States Government obtained $1,300,000, which it would not have received otherwise, because before the Shipping Board knocked down these ships to the Mississippi Line that line was forced to meet the bid which the Munson Co. had made, and thereby the price was elevated from $12 to $28 per ton.

Mr. McKELLAR. How much would the Munson Line have gotten if its bid had been accepted for carrying the mails? How much would the Munson Line have obtained during the 10-year period?

Mr. COPELAND. The Munson Line would have received $5,411,000.

Mr. McKELLAR. And what did it offer to pay for the ships?

Mr. COPELAND. It offered to pay $28 a ton; I do not remember the gross amount.

Mr. McKELLAR. It was something like $2,200,000 or $2,800,000. It would have been good business if it could have put the transaction over.

Mr. COPELAND. Is it not fine, though, what the Mississippi Co. did for itself?

Mr. McKELLAR. Under the theory of the bill, to which I do not agree at all, the Government has undertaken to subsidize a local line, as the Senator has said, and I suppose that that is true; but, so far as I am concerned, I am opposed to it; I do not think it ought to be done.

Mr. COPELAND. Well, anyway, I agree with the Senator to the extent that I believe the Shipping Board exceeded its authority in this particular instance.

It is my opinion that in every instance where a similar practice is indulged in the Shipping Board is in error. As I see it, it is not conforming to the real intent of Congress at the time the American merchant marine act became a law.

But, be that as it may, the Shipping Board sold the line to the Mississippi Shipping Co. So far as I know, that company has met its obligation as to the payment of 25 per cent down and has continued to operate the ships. The Munson Line has likewise been maintaining its service out of the Gulf. I might call the attention of the Senate to the fact that foreign steamship lines have also been doing their part toward carrying traffic from the Gulf of Mexico to ports in South America within the range covered by the contract in question.

During the last calendar year there was a total of 116 sailings from Gulf ports to ports on the east coast of South America. Adding together the sailings made by the Mississippi Shipping Co. and the Munson Steamship Line we have a total of approximately 50, or less than 50, per cent of the total sailings made from those ports during the last calendar year. Mind you, with the Mississippi Line and with the Munson Line both operating, their combined tonnage is less than 50 per cent of the tonnage going out to-day from the Gulf ports, and therefore the major part of the tonnage from New Orleans and the other Gulf ports is foreign. Making no allowance for the great natural development of trade that must flow through this Gulf gateway to those countries in South America, upon which we all have our eyes trained for future trade development, this shows that a full 50 per cent of our traffic is not being carried in American vessels. And I call your attention, Mr. President, to the desire enunciated in the 1920 act that we should not be content with less than the carriage of a major portion, which I am willing to call 51 per cent, of the commerce of this country in vessels flying the American flag.

Let us return to the cause for the legislation proposed by the pending bill. After the Mississippi Shipping Co. purchased its route from the Government it naturally turned its attention toward securing a mail contract under the provisions of the Jones-White Act of 1928. No one has ever felt, so far as I am informed, that that company should not have a mail contract if any other lines are accorded such aid, and there have been many others so aided, and I hope there will be many more.

The trouble came about through the wording of the 1928 act, which required the Postmaster General to advertise for bids for the maintenance of mail service on these essential routes. Such proposals were made public and carried an invitation for competitive bidding. As the Munson Line was maintaining a service out of the Gulf and was perfectly able financially and otherwise to provide the type of vessels in number and kind that might be required by the Postmaster General, it submitted a bid.

It happened that when the bids were opened the Munson Line was found to have submitted a proposal to comply with the specifications at $2 per mile, as against a bid of $2.50 per mile submitted by the Mississippi Shipping Co. Under the act then in force, if the Postmaster General made an award, he could not do otherwise than accept the lowest bid, which was that of the Munson Steamship Line.

After many weeks and months of delay these proposals were rejected, but they were not rejected by the Postmaster General until after he had held many conferences with both the Mississippi Shipping Co. and the Munson Line. I am informed that on one occasion the Postmaster General had before him both the Mississippi Shipping representatives and the Munson Line representatives, and that at that meeting the Munson Line indicated a willingness to accept a contract based upon a division of the territory to be served and of the number of sailings to be required.

In addition to that, the Munson Steamship Line agreed to build, based upon its rate of $2, two new vessels of the combination freight and passenger type, an undertaking which would involve an expenditure of five or six millions of dollars. I am informed, too, that the Mississippi Shipping Co. refused to enter into any conference with the Munson Steamship Line, indicating to the Postmaster General that there was no need for such a conference, because Congress intended to pass legislation that would require in a case like this that the New Orleans company be given preference, and that it was a waste of time to discuss a division of sailings.

In short, the attitude of the Mississippi Shipping Co. is one of confidence that the Congress will pass mandatory legislation requiring the Postmaster General to award it the mail contract on the route from New Orleans to the east coast of South America. It is sure Congress will go further and provide congressional mandate that will either directly or indirectly so control the action of the Postmaster General as to prevent a second contract from being awarded from a Gulf port to other ports covered by this range.

It is quite likely that the Senator from Louisiana, and perhaps other Senators who have been interested in seeing the Mississippi Shipping Co. get a contract, will contend that the passage of this act will not in any wise prevent the Postmaster General from entering into an additional contract out of the Gulf. They will point out language which they will say permits an additional contract in the event the Postmaster General is of the opinion the trade is not being adequately served by the contract sailings of the Mississippi Shipping Co. Such a contention would be sound—indeed, it is sound from a legislative standpoint. But from a practical point of view, one must consider this legislation along with the language of the advertisement on which bids were asked by the Post Office Department and opened on the 27th of March, and in connection with which the Munson Steamship Line was approximately $2,000,000 lower than the Mississippi Shipping Co.

I call your attention to the fact that in describing the route in that advertisement, the Postmaster General required not less than 36 sailings per annum and not more than 52. At the present time, Mr. President, the obligation of the Mississippi Shipping Co., under its contract of purchase from the Shipping Board, requires it to make but 36 sailings per annum. That requirement, therefore, shows the reason for the minimum figure of 36. In other words, the Mississippi Shipping Co. now possesses only sufficient ships to enable it to make 36 sailings per annum, and, of course, it wishes to receive contract mail pay for each sailing of the required number. But you will note that there is a leeway of 16 additional sailings which need not be made unless the Mississippi Shipping Co. should desire to increase the number of sailings to the maximum of 52.

It is plain to me that if the Postmaster General enters into a mail contract with the Mississippi Shipping Co. without competitive bidding, which he will be directed to do if this legislation becomes a law, and writes into a contract a similar minimum and maximum number of sailings, as was set forth in the advertisement when bids were received on March 27, it will place the Mississippi Shipping Co. in that position where it can practically monopolize the business; and that is exactly what is going to happen. Certainly it can monopolize all sailings under the American flag in the trade from New Orleans and other Gulf ports to the ports on the east coast of South America. Why? Because any time that the Postmaster General feels inclined to consider the awarding of another contract out of the Gulf, the Mississippi Shipping Co. will immediately come forward and contend that under its contract there are 16 sailings which can be made in addition to the 36 required. It will claim that under this act the Postmaster General can not contend there is an inadequacy of service until the maximum number of trips which the Mississippi Shipping Co. can make under its contract have actually been made. Not until the full 52 sailings have been provided can any judgment be formulated as to whether or not there is sufficient service from the Gulf ports to South America.

Mr. President, I want to assert again that I am in favor of the Mississippi Shipping Co. having a mail contract. I have

always felt that, having bought the line, even though I am not in accord with the methods used by the Shipping Board in making the sale, it should have the same Government aid that has been accorded other American steamship lines. However, I am not willing to see the Mississippi Shipping Co. surrounded by such legislative safeguards as to set it up in virtual monopoly of this traffic, to the exclusion of another American steamship company which not only was in the trade for many years but which by its record of accomplishment is entitled to a high place in the record of American shipping development.

Further, there is much more involved in this than whether the Mississippi Shipping Co. obtains a mail contract. Every informed person knows that the future will see a vast development of trade in the Middle West and a great increase in the exports to Latin America and other countries to the south of us, trade which will flow through the Gulf gateway. As I see it, adequate steamship service is what the Senators of the Gulf States and Middle West should keep in mind. This is far more important than the question of whether a particular company obtains a mail contract.

I say the Mississippi company must have a mail contract, but in earnest words, I say it should not be given a monopoly. I think it would be the essence of unfairness and inconsistent with the desire of this Government to build up its shipping in the foreign trade if, through the passage of this act and the creation of this monopoly, the service which has been maintained for so many years by the Munson Steamship Line out of the Gulf should be forced to discontinue.

It may be true that if the Munson Steamship Line were also given a mail contract out of the Gulf for a fixed number of sailings that the Mississippi Shipping Co. might have a competitor. But as I have pointed out, the total number of sailings last year was 116, and the aggregate sailings of the Munson Line and the Mississippi Shipping Co. were about 50 or 51, so you see the two lines together performed less than 50 per cent of the total sailings.

Even if the Munson Line is forced out because no contract is awarded it, competition will not be removed. Foreign steamship owners will be quick to take advantage of the situation created by the destruction of the Munson Line service, and will promptly fill the gap with modern cargo vessels far superior to anything that the Mississippi Shipping Co. can put into the service.

I say this because the ships the latter company is operating and will continue to operate are but the slow 10½ or 11 knot ships. They are now more than 10 years old, built under the war emergency by the United States Shipping Board Emergency Fleet Corporation.

It is true, of course, that under the terms of the contract the Mississippi Shipping Co. will be required to substitute two 13-knot ships and it may be required to build two new 13-knot ships. But the Postmaster General has the right under the proposed contract to require two 16-knot ships in lieu of the two new 13-knot ships.

We will assume that the Postmaster General requires two new 16-knot ships to be added to the fleet. In that event it would mean that during the life of this contract, which will have 10 years to run, the Mississippi Shipping Co. would recondition two of their present ships through the use of new propellers, new rudders, and a few more or less inexpensive changes compared with new construction, and build the two new 16-knot ships. That would leave it for the remainder of its 10-year contract with the greater portion of their fleet made up of the old Shipping Board vessels.

We all know that the foreign shipowners are rapidly supplanting their older vessels with new and modern cargo ships. I can not see what difference it makes to the Mississippi Shipping Co. whether it has to compete with modern ships owned and operated by foreign steamship people, who are intensely interested in preventing the development of American shipping, or whether it operates in competition jointly with another American steamship line fighting side by side against the foreigners for the development of shipping under the American flag. Two American shipping companies carrying 50 per cent of the traffic can fight the foreigners better than one carrying about 25 per cent.

Of course, I suppose there is a selfish thought in the minds of our Gulf operators—that of self-preservation. It is their first concern to get the mail contract for themselves and make that possession secondary to the development of trade.

This is a subject which goes beyond the welfare of the Mississippi Shipping Co. It reaches away up the Mississippi River, to all the wonderful valley that river drains.

The Government is being very liberal in its treatment of American shipowners in the awarding of these mail contracts. Personally, I am glad. It seems to me, Mr. President, that if the Munson Steamship Line is willing to perform the requirements of the Post Office Department, including the building of several millions of dollars' worth of new ships at approximately two millions of dollars less than would be the cost to the Government, of the Mississippi Shipping Co. doing the same thing, that there would be far more business intelligence displayed by the Post Office Department. If it entered into two mail contracts, it would call for double the amount of shipbuilding, double the amount of service, and give the great Gulf ports a chance to expand and grow with the trade development in South America. This could be done at a comparatively small addition to the cost of operating under a single contract.

What would be the additional cost to the Government of having two mail contracts out of Gulf ports to ports on the east coast of South America instead of one? Let me present these figures to you, Mr. President. They show that at an increase of about $900,000 over the cost of a single contract, about $90,000 annually, the Post Office Department could require the construction of four instead of two new 16-knot combination freight and passenger vessels and the substitution of eight instead of four 13-knot cargo vessels.

Think what this would mean to the Gulf ports. It would provide a type of vessel superior to anything that has heretofore been operating out of the Gulf. It would open a way to attract a high-class freight and passenger traffic now flowing through other gateways. It would move by way of New Orleans and other Gulf ports to South American ports. It would build up new trade relations twice as fast; it would provide for an expenditure in American yards of ten to twelve instead of five to six millions of dollars; it would give employment to double the number of persons in this country and would make its beneficial effects felt throughout many of the industries which contribute the material and workmanship entering into the construction of large vessels.

Having two mail contracts would provide four times the service between the Gulf and ports in the Argentine and twice the number of sailings to Brazil over what they can be under a single contract. This one mail contract will cost the Government approximately $6,800,000 in 10 years, while under two contracts, providing all of this extra service, additional ships, and so forth, the expenditure over a period of 10 years of the Government would not exceed $900,000, $90,000 a year, as I have said.

If the Munson Steamship Line were awarded a contract on the basis of its bid for 36 sailings per annum, the total cost to the Government would be $5,411,000. If the Mississippi Shipping Co. were awarded a contract based on its recent proposal the amount would be $6,882,000. This shows a difference in favor of the Government of $1,471,000 over the 10-year period by the acceptance of the Munson Line bid.

If the Post Office Department desired to have 52 sailings per annum, or 1 weekly, and determined to award 26 sailings per annum to each company, basing the rate on the offer of the Munson Steamship Line at $1.74 per mile, the cost of each contract would be $3,907,928. This is exactly a total of only $933,856 more than would be paid the Mississippi Shipping Co. in 10 years for 36 annual sailings, based upon the amount of their recent bid.

How the Postmaster General could justify himself in rejecting a bona fide bid, which is still pending before the department, for the performance of this particular service and award a contract to the Mississippi Shipping Co. based upon the maximum rates, or at a loss to the Government for the identical service of $1,471,000, is something I can not answer. It would seem to me that the Postmaster General should feel in duty bound to pay for the service no more than the lowest price for which bids were submitted, even if the Mississippi Shipping Co. is to be awarded a contract.

But what reason can be assigned for not awarding two contracts? Double the service, double the number of ships, and all that means, can be obtained for about 15 per cent additional to what it would cost to have the Mississippi Shipping Co. perform the service at the maximum rates. The only reason I can imagine is that its purpose is to protect the Mississippi Shipping Co. against any possible competition. Such a decision would create for it a monopoly in the trade between the great Middle West and Gulf sections to the countries or South America, with a reckless expenditure of Government funds for that purpose.

Here is an opportunity to accelerate the wheels of industry, to provide a means of trade development through the Gulf ports. It is an opportunity that may not again present itself. For one, I am in favor of looking at this question from the broad standpoint of the trade and foreign commerce of the whole country and not from the narrow view of benefiting a single steamship company.

Mr. President, in addition to all that I have said, there remains for the consideration of the Senate a vital question involved in this bill, namely, whether we are providing herein a departure from the fundamental methods of contractual relations between the Government and business. I want the Senator from Tennessee to listen to this. This departure might be construed by some to be a desirable one for the particular case involved; but we must not lose sight of the fact that we are empowering an executive officer of the Government to make contracts involving millions of dollars with corporations owning and operating steamships, without competitive bidding of any kind. If we do this for the steamship lines, why should we not do it for other establishments? Will the precedent which we are establishing by this bill hound us in the future, and will it lead us through various administrations down an avenue of continual investigation?

Mr. President, I want to assure the Senator from Louisiana [Mr. RANSDELL] that I have no fault to find with his zealous interest in protecting one of the steamship concerns which is domiciled in his great State. I am sure he can find no fault with my desire to see fair treatment given a great steamship company, which had its origin in my State, and which has spread out and done its part in the development of trade from other parts of this country. Surely the Munson Line should be permitted to go on with its capital, brains, and confidence, to play its part in bringing the shipping industry of this country back to the high place which it once occupied and which we all hope and pray it will again obtain.

Mr. President, I thank the Senate for its forbearance in listening to the views which I have expressed. I felt that this much should be said in justice to a great concern in my State, which is clearly entitled and was entitled in the first place to own and operate ships which it built itself. It was entitled to buy those ships, because it bid a higher price than a competing line. It was entitled to have the contract for carrying the mail, because it bid a million and a half less than a local line. Having said that, however, and made my protest, I shall not attempt to interfere with the passage of this bill.

I feel that my people are very generous in authorizing me to take this position. They are American citizens—loyal, devoted American citizens—interested in the American merchant marine. They are good sportsmen; and if they are compelled to take this bitter medicine from their Government, they are the kind of men who can swallow it with a smile.

Therefore, having expressed my protest in this feeble way, I want to say for myself that I have no further objection to the passage of the bill.

ORDER FOR RECESS

Mr. McNARY. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until to-morrow at 12 o'clock noon.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. McNARY. I move that the Senate proceed to the consideration of executive business in open executive session.

The motion was agreed to.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate sundry messages from the President of the United States making nominations, which were referred to the appropriate committees.

REPORTS OF COMMITTEES

The VICE PRESIDENT. Reports of committees are in order.

Mr. HALE. From the Committee on Naval Affairs I report certain nominations for the Executive Calendar.

The VICE PRESIDENT. The nominations will be received and placed on the Executive Calendar. The calendar is in order.

THE JUDICIARY

The legislative clerk announced the nomination of Robert P. Patterson to be United States district judge, southern district of New York, vice Thomas D. Thacher, resigned.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

The legislative clerk announced the nomination of Harry H. Atkinson to be United States attorney, district of Nevada, now serving under an appointment which expired April 20, 1930.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

The legislative clerk announced the nomination of John P. Hallanan to be United States marshal, southern district of West Virginia, vice Siegel Workman, term expired.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

The legislative clerk announced the nomination of Antonio M. Perry to be chief justice of the Supreme Court, Territory of Hawaii, now serving under an appointment which expired February 18, 1930.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

The legislative clerk announced the nomination of James J. Banks to be associate justice of the Supreme Court, Territory of Hawaii, now serving under an appointment which expired February 18, 1930.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

The legislative clerk announced the nomination of James Wesley Thompson to be circuit judge, third circuit, Territory of Hawaii, now serving under an appointment which expired February 23, 1930.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

The legislative clerk announced the nomination of Homer L. Ross to be circuit judge, fourth circuit, Territory of Hawaii, now serving under an appointment which expired February 18, 1930.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

COAST GUARD

The VICE PRESIDENT. Without objection, the nominations in the Coast Guard are confirmed en bloc, and the President will be notified.

POSTMASTERS

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters may be confirmed en bloc and the President notified.

The VICE PRESIDENT. Without objection, that will be done.

RECESS

The Senate having resumed legislative session—

Mr. McNARY. I move that the Senate now carry out the unanimous-consent agreement and recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Wednesday, May 14, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 13, 1930

SECRETARIES IN THE DIPLOMATIC SERVICE

The following-named persons to be secretaries in the Diplomatic Service of the United States of America:

Taylor W. Gannett, of New York.
Calvin H. Oakes, of South Carolina.
William E. Flournoy, jr., of Virginia.
Albert H. Cousins, jr., of Oregon..

FOREIGN SERVICE OFFICERS

UNCLASSIFIED

The following-named persons to be Foreign Service officers, unclassified, of the United States of America:

Taylor W. Gannett, of New York.
Calvin H. Oakes, of South Carolina.
William E. Flournoy, jr., of Virginia.
Albert H. Cousins, jr., of Oregon.

VICE CONSULS OF CAREER

The following-named persons to be vice consuls of career of the United States of America:

Taylor W. Gannett, of New York.
Calvin H. Oakes, of South Carolina.
William E. Flournoy, jr., of Virginia.
Albert H. Cousins, jr., of Oregon.

APPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

To be brigadier general, reserve

Brig. Gen. Park Alfonso Findley, Iowa National Guard, from May 9, 1930.

PROMOTION IN THE NAVY

MARINE CORPS

Midshipman Nicholas J. Pusel to be a second lieutenant in the Marine Corps from the 5th day of June, 1930.

POSTMASTERS

ALABAMA

Alida J. Cox to be postmaster at Spring Hill, Ala., in place of A. J. Cox. Incumbent's commission expired April 5, 1930.

ARKANSAS

Abe L. Eustice to be postmaster at Clarksville, Ark., in place of K. J. Basham, resigned.

George E. Owen to be postmaster at Conway, Ark., in place of G. E. Owen. Incumbent's commission expired May 12, 1930.

Hubert C. Hallowell to be postmaster at Pocahontas, Ark., in place of H. C. Hallowell. Incumbent's commission expires June 12, 1930.

CALIFORNIA

Harold J. McCurry to be postmaster at Sacramento, Calif., in place of H. J. McCurry. Incumbent's commission expired May 11, 1930.

Eugene S. Franscioni to be postmaster at Soledad, Calif., in place of E. S. Franscioni. Incumbent's commission expired April 3, 1930.

Julia A. Givins to be postmaster at Ferndale, Calif., in place of A. L. Monroe, resigned.

CONNECTICUT

Paul N. Shailer to be postmaster at Chester, Conn., in place of P. N. Shailer. Incumbent's commission expires June 12, 1930.

DELAWARE

Howard Rash to be postmaster at Cheswold, Del., in place of Howard Rash. Incumbent's commission expired February 23, 1930.

Lester A. Downham to be postmaster at Wyoming, Del., in place of L. A. Downham. Incumbent's commission expires June 8, 1930.

HAWAII

Harry E. Apo to be postmaster at Kaunakakai, Hawaii, in place of Edward Akui Heu, declined.

IDAHO

Earl H. Barnes to be postmaster at Pierce, Idaho, in place of A. E. Pederson, resigned.

Hazel L. French to be postmaster at Roberts, Idaho, in place of H. L. French. Incumbent's commission expires June 12, 1930.

ILLINOIS

Bernard A. Dorries to be postmaster at Breese, Ill., in place of B. A. Dorries. Incumbent's commission expires May 28, 1930.

Ancel R. Dion to be postmaster at Clifton, Ill., in place of A. R. Dion. Incumbent's commission expires June 16, 1930.

Lillie M. Diver to be postmaster at Dallas City, Ill., in place of L. M. Diver. Incumbent's commission expires May 14, 1930.

INDIANA

Joseph T. Nighbert to be postmaster at Hanover, Ind., in place of J. T. Nighbert. Incumbent's commission expired January 29, 1930.

Fred McNutt to be postmaster at Waveland, Ind., in place of Fred McNutt. Incumbent's commission expires May 28, 1930.

IOWA

Ruby H. Beasley to be postmaster at Hamburg, Iowa, in place of R. H. Beasley. Incumbent's commission expires June 16, 1930.

Mae C. Liebbe to be postmaster at Letts, Iowa, in place of M. C. Liebbe. Incumbent's commission expires June 16, 1930.

Charles J. Rutenbeck to be postmaster at Lost Nation, Iowa, in place of C. J. Rutenbeck. Incumbent's commission expires June 16, 1930.

R. Earl Ferguson to be postmaster at Rolfe, Iowa, in place of R. E. Ferguson. Incumbent's commission expires June 16, 1930.

Paul S. Junkin to be postmaster at Fairfield, Iowa, in place of Dean Taylor. Incumbent's commission expired December 18, 1929.

KANSAS

Frederick B. Larkin to be postmaster at Beattie, Kans., in place of F. B. Larkin. Incumbent's commission expires June 16, 1930.

Stephen T. Roach to be postmaster at Englewood, Kans., in place of S. T. Roach. Incumbent's commission expired March 10, 1930.

Cyrus L. Ward to be postmaster at Narka, Kans., in place of C. L. Ward. Incumbent's commission expires June 16, 1930.

LOUISIANA

Harry R. Mock to be postmaster at Baskin, La., in place of H. R. Mock. Incumbent's commission expired March 23, 1930.

Reynald J. Patin to be postmaster at Breaux Bridge, La., in place of R. J. Patin. Incumbent's commission expired February 23, 1930.

Levi P. Carter to be postmaster at Bunkie, La., in place of L. P. Carter. Incumbent's commission expires May 28, 1930.

Russell A. Dilly to be postmaster at Clinton, La., in place of R. A. Dilly. Incumbent's commission expired March 23, 1930.

Annie M. Pyron to be postmaster at Collinston, La., in place of A. M. Pyron. Incumbent's commission expired March 11, 1930.

Victor E. Green to be postmaster at De Ridder, La., in place of V. E. Green. Incumbent's commission expires May 28, 1930.

Anna S. Miller to be postmaster at Destrehan, La., in place of H. H. Edrington, resigned.

Solomon C. Knight to be postmaster at Elizabeth, La., in place of S. C. Knight. Incumbent's commission expired February 23, 1930.

Ella Farr to be postmaster at Gilliam, La., in place of Ella Farr. Incumbent's commission expired April 28, 1930.

Benjamin F. Cowley to be postmaster at Leesville, La., in place of B. F. Cowley. Incumbent's commission expired February 23, 1930.

Claud Jones to be postmaster at Longleaf, La., in place of Claud Jones. Incumbent's commission expires June 14, 1930.

John C. Yarbrough to be postmaster at Mansfield, La., in place of J. C. Yarbrough. Incumbent's commission expired April 9, 1930.

Leonard L. Thompson to be postmaster at Montgomery, La., in place of L. L. Thompson. Incumbent's commission expired March 23, 1930.

Thomas E. Barham to be postmaster at Oak Ridge, La., in place of T. E. Barham. Incumbent's commission expired March 11, 1930.

Henry A. Donaldson to be postmaster at Reserve, La., in place of H. A. Donaldson. Incumbent's commission expired March 22, 1930.

MAINE

Lincoln C. Bragdon to be postmaster at Franklin, Me., in place of L. C. Bragdon. Incumbent's commission expires June 16, 1930.

Charles E. Norton to be postmaster at York Beach, Me., in place of C. E. Norton. Incumbent's commission expired May 4, 1930.

MASSACHUSETTS

Dana O. Merrill to be postmaster at East Pepperell, Mass., in place of T. J. Drummey. Incumbent's commission expired December 14, 1929.

Charles W. Hardie to be postmaster at Harwich Port, Mass., in place of C. W. Hardie. Incumbent's commission expires June 3, 1930.

Emma E. Murphy to be postmaster at Minot, Mass., in place of E. E. Murphy. Incumbent's commission expires May 28, 1930.

Benjamin R. Gifford to be postmaster at Woods Hole, Mass., in place of B. R. Gifford. Incumbent's commission expired May 4, 1930.

MINNESOTA

William B. Heick to be postmaster at Calumet, Minn., in place of W. B. Heick. Incumbent's commission expires June 16, 1930.

Joseph Huelskamp to be postmaster at Gaylord, Minn., in place of Joseph Huelskamp. Incumbent's commission expires June 16, 1930.

Frank J. Machacek to be postmaster at Lonsdale, Minn., in place of F. J. Machacek. Incumbent's commission expired April 15, 1930.

John P. Keohen to be postmaster at Montgomery, Minn., in place of J. P. Keohen. Incumbent's commission expires June 16, 1930.

Gustave A. Krueger to be postmaster at Plummer, Minn., in place of G. A. Krueger. Incumbent's commission expires June 16, 1930.

Harry M. Logan to be postmaster at Royalton, Minn., in place of H. M. Logan. Incumbent's commission expires June 16, 1930.

Walter W. Parish to be postmaster at Rushford, Minn., in place of W. W. Parish. Incumbent's commission expired March 18, 1930.

Edgar A. Enders to be postmaster at Winnebago, Minn., in place of E. A. Enders. Incumbent's commission expires June 16, 1930.

Charles Lindsay to be postmaster at Woodstock, Minn., in place of Charles Lindsay. Incumbent's commission expired December 18, 1929.

MISSISSIPPI

Ruby W. Bacon to be postmaster at Schlater, Miss., in place of R. W. Bacon. Incumbent's commission expires June 7, 1930.

MISSOURI

Peter S. Ravenstein to be postmaster at Hayti, Mo., in place of P. S. Ravenstein. Incumbent's commission expired February 23, 1930.

Robert W. Evens to be postmaster at Herculaneum, Mo., in place of R. W. Evens. Incumbent's commission expires June 16, 1930.

John E. Thomas to be postmaster at Laredo, Mo., in place of J. E. Thomas. Incumbent's commission expires June 16, 1930.

Julius J. Boehmer to be postmaster at Lincoln, Mo., in place of J. J. Boehmer. Incumbent's commission expires June 16, 1930.

Rachel Pinkley to be postmaster at Portageville, Mo., in place of Rachel Pinkley. Incumbent's commission expires June 16, 1930.

Grace E. Kirkbride to be postmaster at Ravenwood, Mo., in place of G. E. Kirkbride. Incumbent's commission expired February 23, 1930.

MONTANA

Harry W. Sankey to be postmaster at Jordan, Mont., in place of P. E. Winfield, resigned.

NEBRASKA

Cecil E. Mills to be postmaster at Long Pine, Nebr., in place of C. E. Mills. Incumbent's commission expired May 5, 1930.

NEVADA

Anne M. Holcomb to be postmaster at Battle Mountain, Nev., in place of A. M. Holcomb. Incumbent's commission expires June 9, 1930.

NEW JERSEY

Harry M. Riddle to be postmaster at Asbury, N. J., in place of H. M. Riddle. Incumbent's commission expires May 13, 1930.

Henry T. Ackerman to be postmaster at Keansburg, N. J., in place of R. A. Jessen, removed.

Walter T. Stewart to be postmaster at Mount Holly, N. J., in place of W. T. Stewart. Incumbent's commission expires June 16, 1930.

Joseph G. Endres to be postmaster at Seaside Heights, N. J., in place of J. G. Endres. Incumbent's commission expires May 13, 1930.

Mary MacG. Smith to be postmaster at Westwood, N. J., in place of J. H. Stegmann, resigned.

NEW MEXICO

Roy H. Smith to be postmaster at Tucumcari, N. Mex., in place of R. H. Smith. Incumbent's commission expires May 29, 1930.

NEW YORK

John C. Tharp to be postmaster at Campbell, N. Y., in place of J. C. Tharp. Incumbent's commission expires June 15, 1930.

Susan G. Patterson to be postmaster at Delmar, N. Y., in place of S. G. Patterson. Incumbent's commission expires June 10, 1930.

Grace O. Meloy to be postmaster at East Durham, N. Y., in place of G. O. Meloy. Incumbent's commission expires June 15, 1930.

Clarence A. E. Churchill to be postmaster at Ellicottville, N. Y., in place of C. A. E. Churchill. Incumbent's commission expired May 12, 1930.

Leon F. Hawley to be postmaster at Holley, N. Y., in place of L. F. Hawley. Incumbent's commission expires June 15, 1930.

Robert Mann to be postmaster at Jeffersonville, N. Y., in place of Robert Mann. Incumbent's commission expires June 15, 1930.

Ella L. Winch to be postmaster at Lakewood, N. Y., in place of E. L. Winch. Incumbent's commission expires May 20, 1930.

Warren S. Hutchison to be postmaster at Lyndonville, N. Y., in place of W. S. Hutchison. Incumbent's commission expired May 12, 1930.

John C. Dickey to be postmaster at Mount Morris, N. Y., in place of J. C. Dickey. Incumbent's commission expires June 15, 1930.

Frederick Harrigan to be postmaster at Roosevelt, N. Y., in place of Frederick Harrigan. Incumbent's commission expired March 22, 1930.

Earl S. St. John to be postmaster at Walton, N. Y., in place of E. S. St. John. Incumbent's commission expires June 15, 1930.

John C. Shanks to be postmaster at Waterloo, N. Y., in place of J. C. Shanks. Incumbent's commission expires June 16, 1930.

Susie E. Garrison to be postmaster at Wingdale, N. Y., in place of S. E. Garrison. Incumbent's commission expires June 15, 1930.

NORTH CAROLINA

John W. Gilliam to be postmaster at Sanford, N. C., in place of J. W. Gilliam. Incumbent's commission expires June 16, 1930.

NORTH DAKOTA

Chester R. Hodge to be postmaster at Jamestown, N. Dak., in place of R. A. Bolton. Incumbent's commission expired April 19, 1928.

OHIO

Faye W. Helmick to be postmaster at Baltimore, Ohio, in place of F. W. Helmick. Incumbent's commission expired April 10, 1930.

Glenn L. Shaffer to be postmaster at Bellville, Ohio, in place of G. L. Shaffer. Incumbent's commission expires June 14, 1930.

Charles A. Ridgley to be postmaster at Chesterhill, Ohio, in place of C. A. Ridgley. Incumbent's commission expired March 30, 1930.

Preston J. Knight to be postmaster at Ellet, Ohio, in place of P. J. Knight. Incumbent's commission expires June 12, 1930.

James M. Light to be postmaster at Greenville, Ohio, in place of J. M. Light. Incumbent's commission expires June 14, 1930.

Marold J. Taylor to be postmaster at Marengo, Ohio, in place of M. J. Taylor. Incumbent's commission expired April 5, 1930.

Jesse A. Keller to be postmaster at Pleasantville, Ohio, in place of J. A. Keller. Incumbent's commission expires May 14, 1930.

Julius R. Bruns to be postmaster at St. Henry, Ohio, in place of J. R. Bruns. Incumbent's commission expires June 12, 1930.

Harry B. Carver to be postmaster at Troy, Ohio, in place of H. B. Carver. Incumbent's commission expires June 14, 1930.

Millard H. Bell to be postmaster at West Mansfield, Ohio, in place of M. H. Bell. Incumbent's commission expired April 20, 1930.

Frank L. Currey to be postmaster at Yellow Springs, Ohio, in place of C. C. Stephenson. Incumbent's commission expired March 22, 1930.

OKLAHOMA

John E. T. Clark to be postmaster at Coalgate, Okla., in place of J. E. T. Clark. Incumbent's commission expired April 13, 1930.

Levi R. Gray to be postmaster at Dover, Okla., in place of L. R. Gray. Incumbent's commission expires June 16, 1930.

Joseph G. Chappelear to be postmaster at Gotebo, Okla., in place of J. G. Chappelear. Incumbent's commission expires June 16, 1930.

Alice B. Spears to be postmaster at Hulbert, Okla., in place of A. B. Spears. Incumbent's commission expires June 16, 1930.

OREGON

Carrie N. Parker to be postmaster at Gladstone, Oreg., in place of C. N. Parker. Incumbent's commission expires June 16, 1930.

Karl A. Bramwell to be postmaster at Halsey, Oreg., in place of K. A. Bramwell. Incumbent's commission expires June 16, 1930.

Polk E. Mays to be postmaster at Joseph, Oreg., in place of P. E. Mays. Incumbent's commission expires May 18, 1930.

Thomas J. Warren to be postmaster at McMinnville, Oreg., in place of T. J. Warren. Incumbent's commission expires June 16, 1930.

John H. Farrar to be postmaster at Salem, Oreg., in place of J. H. Farrar. Incumbent's commission expired May 5, 1930.

PENNSYLVANIA

Albert S. Leiby to be postmaster at Bath, Pa., in place of A. S. Leiby. Incumbent's commission expired May 4, 1930.

Helen H. Rodgers to be postmaster at Fredericktown, Pa., in place of H. H. Rodgers. Incumbent's commission expired April 27, 1930.

J. Howard Gawthrop to be postmaster at Kennett Square, Pa., in place of J. H. Gawthrop. Incumbent's commission expires June 16, 1930.

Leon M. Cobb to be postmaster at Mount Pocono, Pa., in place of L. M. Cobb. Incumbent's commission expires June 16, 1930.

DeWitt C. Vail to be postmaster at New Milford, Pa., in place of D. C. Vail. Incumbent's commission expires June 19, 1930.

Theodore E. Sweeney to be postmaster at Sewickley, Pa., in place of T. E. Sweeney. Incumbent's commission expired April 1, 1930.

George H. Mull to be postmaster at Knox, Pa., in place of G. H. Mull. Incumbent's commission expired February 23, 1930.

SOUTH DAKOTA

Peter J. Kleinjan to be postmaster at Gregory, S. Dak., in place of P. J. Kleinjan. Incumbent's commission expires June 12, 1930.

Ira D. Winter to be postmaster at Wall, S. Dak., in place of I. D. Winter. Incumbent's commission expired May 12, 1930.

Minnie C. Lumbard to be postmaster at Wolsey, S. Dak., in place of M. C. Lumbard. Incumbent's commission expires June 12, 1930.

TENNESSEE

Grant L. Landiss to be postmaster at Cumberland City, Tenn., in place of G. L. Landiss. Incumbent's commission expired May 12, 1930.

Thomas D. Walker to be postmaster at Kerrville, Tenn., in place of T. D. Walker. Incumbent's commission expired December 16, 1929.

Tim F. Stephens to be postmaster at Livingston, Tenn., in place of T. F. Stephens. Incumbent's commission expired February 26, 1930.

TEXAS

James I. Carter to be postmaster at Arlington, Tex., in place of J. I. Carter. Incumbent's commission expired March 25, 1930.

Cyrus W. Odom, jr., to be postmaster at Blackwell, Tex., in place of C. W. Odom, jr. Incumbent's commission expired May 5, 1930.

Lee K. McKewen to be postmaster at Huntington, Tex., in place of L. K. McKewen. Incumbent's commission expired March 30, 1930.

Daisy M. Singleton to be postmaster at Marble Falls, Tex., in place of D. M. Singleton. Incumbent's commission expires June 7, 1930.

Robert J. Sisson to be postmaster at Palacios, Tex., in place of A. G. Skinner, removed.

Thomas F. Lindley to be postmaster at Seminole, Tex., in place of T. F. Lindley. Incumbent's commission expires June 12, 1930.

Adolph P. Stautzenberger to be postmaster at Seguin, Tex., in place of G. H. Draeger. Incumbent's commission expired December 17, 1929.

Clinton J. Farrell to be postmaster at Vernon, Tex., in place of C. J. Farrell. Incumbent's commission expires June 7, 1930.

UTAH

Clark Allred to be postmaster at Delta, Utah, in place of Clark Allred. Incumbent's commission expires June 3, 1930.

Julius S. Dalley to be postmaster at Kanab, Utah, in place of J. S. Dalley. Incumbent's commission expired March 29, 1930.

A. Morinda Lundberg to be postmaster at Sandy, Utah, in place of A. M. Lundberg. Incumbent's commission expires June 16, 1930.

John E. Sheffer to be postmaster at Smithfield, Utah, in place of J. E. Sheffer. Incumbent's commission expires June 16, 1930.

VIRGINIA

Mary P. Moon to be postmaster at Cartersville, Va., in place of M. P. Moon. Incumbent's commission expired May 4, 1930.

Stewart G. Baker to be postmaster at Chincoteague Island, Va., in place of S. G. Baker. Incumbent's commission expires June 16, 1930.

Anthony Hart to be postmaster at Clifton Station, Va., in place of Anthony Hart. Incumbent's commission expired April 23, 1930.

Thomas J. Nevitt to be postmaster at Colonial Beach, Va., in place of T. J. Nevitt. Incumbent's commission expires June 14, 1930.

Thomas C. Bunting to be postmaster at Exmore, Va., in place of T. C. Bunting. Incumbent's commission expires June 16, 1930.

Harry A. Sager to be postmaster at Herndon, Va., in place of H. A. Sager. Incumbent's commission expires June 16, 1930.

Homo D. Gleason to be postmaster at Lovingston, Va., in place of H. D. Gleason. Incumbent's commission expired April 23, 1930.

James L. Earles to be postmaster at Willis, Va., in place of J. L. Earles. Incumbent's commission expires June 16, 1930.

WASHINGTON

Herbert K. Rowland to be postmaster at Zillah, Wash., in placed of H. K. Rowland. Incumbent's commission expired April 1, 1930.

WEST VIRGINIA

Thomas S. Riggs to be postmaster at Moundsville, W. Va., in place of T. S. Riggs. Incumbent's commission expires June 15, 1930.

Fanny Murray to be postmaster at Sandyville, W. Va., in place of Fanny Murray. Incumbent's commission expired March 16, 1930.

James W. White to be postmaster at Webster Springs, W. Va., in place of J. W. White. Incumbent's commission expired January 16, 1930.

WISCONSIN

Nels O. Neprud to be postmaster at Coon Valley, Wis., in place of N. O. Neprud. Incumbent's commission expires May 21, 1930.

Giles H. Putnam to be postmaster at New London, Wis., in place of G. H. Putnam. Incumbent's commission expired March 3, 1930.

WYOMING

Ivor Christensen to be postmaster at Hanna, Wyo., in place of Ivor Christensen. Incumbent's commission expired May 4, 1930.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 13, 1930

UNITED STATES DISTRICT JUDGE

Robert P. Patterson, southern district of New York.

UNITED STATES ATTORNEY

Harry H. Atkinson, district of Nevada.

UNITED STATES MARSHAL

John P. Hallanan, southern district of West Virginia.

CHIEF JUSTICE OF THE SUPREME COURT, TERRITORY OF HAWAII

Antonio M. Perry.

ASSOCIATE JUSTICE OF THE SUPREME COURT, TERRITORY OF HAWAII

James J. Banks.

CIRCUIT JUDGES

James Wesley Thompson, third circuit, Territory of Hawaii.
Homer L. Ross, fourth circuit, Territory of Hawaii.

COAST GUARD

Charles J. Odend'hal to be commander (engineering).
Henry C. Roach to be commander (engineering).
Clinton P. Kendall to be commander (engineering).

POSTMASTERS

ILLINOIS

Frederick H. Meyer, Deerfield.
Frank W. Squire, Godfrey.
Harry W. Smart, Herrick.
Arno R. Mebold, Marine.
Edward J. Wise, Troy.
William A. Kelly, West Frankfort.

MISSISSIPPI

Curtis S. Ricketts, Macon.

MISSOURI

May Carpenter, Burlington Junction.
John M. Gallatin, Chillicothe.
Leonard Ancell, Higbee.
Hugh Terry, Jamesport.
Mary E. Blackburn, Malta Bend.

MONTANA

Chauncey R. Fowler, Lewistown.

NEW JERSEY

Ralph G. Riggins, Bridgeton.
William Jeffers, Hackensack.
John J. Schilcox, Keasbey.
Joseph M. Evans, Maple Shade.
Charles H. Mingin, Mays Landing.
Erwin K. Kenworthy, Millington.
John A. Wheeler, Monmouth Beach.
Matilda M. Hodapp, Spotswood.
Arthur S. Warner, Spring Lake Beach.

NORTH CAROLINA

Roscoe C. Jones, Manteo.

PENNSYLVANIA

William H. Scholl, Hellertown.
Andrew L. Coffman, Phoenixville.
George F. Klinefelter, Shrewsbury.
John E. Showalter, Terre Hill.
Emma K. McLean, Weiser Park.

SOUTH CAROLINA

Ralph W. Wall, Campobello.
Pierce M. Huff, Piedmont.

UTAH

Claude C. McGee, Lewiston.

VIRGINIA

Emma B. Snow, Clover.
Bertha Thompson, Ferrum.
Mary C. Lewis, Fort Eustis.
Jesse R. Skinner, Kenbridge.
P. Edgar Lineburg, Stephens City.

WISCONSIN

Chester A. Minshall, Viroqua.

HOUSE OF REPRESENTATIVES

TUESDAY, *May 13, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Merciful Father in Heaven, we are thankful that we are looking again upon the radiant sky and the face of the earth. Surely Thou art bringing forth abundantly Thy blessings. To all who are filled with secret gladness, to all those from whose pathway have been taken away obstacles, to all those who have been saved from any impending danger or hard difficulty, to all those who have come hither with solemn purpose—to all, O God, grant Thy most cherished blessings as they breathe the prayer of praise and thanksgiving. Conduct us through these days and let none of us fail. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 156. An act to authorize the disposal of public land classified as temporarily or permanently unproductive on Federal irrigation projects;

H. R. 1793. An act for the relief of Albert L. Loban;

H. R. 9850. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near New Martinsville, W. Va.; and

H. R. 10248. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 8154. An act providing for the lease of oil and gas deposits in or under railroad and other rights of way; and

H. R. 10813. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 134. An act authorizing an appropriation for the purchase of land for the Indian colony near Ely, Nev., and for other purposes;

S. 465. An act to give war-time rank to retired officers and former officers of the United States Army;

S. 872. An act to amend an act for the relief of certain tribes of Indians in Montana, Idaho, and Washington;

S. 1372. An act authorizing an appropriation for payment of claims of the Sisseton and Wahpeton Bands of Sioux Indians;

S. 1406. An act for the relief of Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroldsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, Emil Kulchycky, Harold S. Stubbs, and the Bethel Cemetery Co.;

S. 1792. An act to provide for the appointment of an additional district judge for the southern district of California;

S. 1849. An act for the relief of Francis B. Kennedy;

S. 1906. An act for the appointment of an additional circuit judge for the fifth judicial circuit;

S. 2043. An act to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes;

S. 2836. An act to admit to the United States Chinese wives of certain American citizens;

S. 3060. An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes;

S. 3493. An act to provide for the appointment of an additional circuit judge for the third judicial circuit;

S. 3619. An act to reorganize the Federal Power Commission;

S. 3810. An act to provide for the commemoration of the termination of the War between the States at Appomattox Court House, Va.;

S. 4015. An act to provide for plant patents;

S. 4017. An act to amend the act of May 29, 1928, pertaining to certain War Department contracts by repealing the expiration date of that act;

S. 4028. An act to amend the Federal farm loan act as amended;

S. 4030. An act to provide books for the adult blind;

S. 4085. An act to authorize the use of a right of way by the United States Indian Service through the Casa Grande Ruins National Monument in connection with the San Carlos irrigation project;

S. 4096. An act to amend section 4 of the Federal reserve act;

S. 4108. An act to provide for reimbursement of appropriations for expenditures made for the upkeep and maintenance of property of the United States under the control of the Secretary of War, used or occupied under license, permit, or lease; and

S. J. Res. 163. Joint resolution to carry out certain obligations to certain enrolled Indians under tribal agreement.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9323) entitled "A bill granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors."

The message also announced that the Vice President had appointed Mr. METCALF and Mr. COPELAND members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Labor.

The message also announced that the House of Representatives is requested to return to the Senate the bill (H. R. 8296) entitled "An act to amend the act of May 25, 1926, entitled 'An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes.'"

SPEAKER PRO TEMPORE

The SPEAKER. The Chair designates the gentleman from Connecticut [Mr. TILSON] to act as Speaker pro tempore to-morrow.

SALE OF POST-OFFICE AND COURTHOUSE BUILDING AND SITE AT SYRACUSE, N. Y.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7768) to provide for the sale of the old post-office and courthouse building and site at Syracuse, N. Y., with a Senate amendment and agree to the Senate amendment.

The SPEAKER. The gentleman from Indiana [Mr. ELLIOTT] asks unanimous consent to take from the Speaker's table the bill H. R. 7768, with a Senate amendment, and agree to the same. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, after "York," insert "at public sale after due advertisement."

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. ELLIOTT]?

There was no objection.

The Senate amendment was agreed to.

UNITED STATES BUREAU OF FISHERIES

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7405) to provide for a 5-year construction and maintenance program for the United States Bureau of Fisheries, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The gentleman from New Jersey [Mr. LEHLBACH] asks unanimous consent to take from the Speaker's table the bill H. R. 7405, with Senate amendments, and concur in the same.

The Clerk will report the bill and Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 8, after "$50,000," insert "Louisiana, $50,000."

Page 7, line 1, after "cultural," insert "the encouragement of fish conservation in the waters of the Great Lakes and other waters."

The SPEAKER. Is there objection to the request of the gentleman from New Jersey [Mr. LEHLBACH]?

Mr. GARNER. Reserving the right to object, may I ask the gentleman from New Jersey——

Mr. LEHLBACH. The gentleman has consulted with the ranking member and other members of the minority, and this action is taken pursuant to the unanimous direction of the committee.

Mr. GARNER. I am obliged to the gentleman for his statement.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

C. L. BEARDSLEY

Mr. IRWIN. Mr. Speaker, I ask unanimous consent, by direction of the entire committee, to take from the Speaker's table the bill (H. R. 1251) for the relief of C. L. Beardsley, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The gentleman from Illinois [Mr. IRWIN] asks unanimous consent to take from the Speaker's table the bill H. R. 1251, with a Senate amendment, and concur in the same.

The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, strike out "$325" and insert "$162.50."

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. IRWIN]?

Mr. GARNER. Mr. Speaker, reserving the right to object—and I do not intend to object—is this not a rather unusual request—to have a private bill taken up out of order?

The SPEAKER. It is a House bill with a Senate amendment.

Mr. GARNER. I do not object.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was agreed to.

A. J. MORGAN

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 668) for the relief of A. J. Morgan, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The gentleman from Illinois [Mr. IRWIN] asks unanimous consent to take from the Speaker's table the bill H. R. 668, with a Senate amendment, and concur in the Senate amendment.

The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, strike out "as compensation" and insert "in full settlement of all claims against the Government."

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. IRWIN]?

There was no objection.

The Senate amendment was agreed to.

PLANT PATENTS

Mr. VESTAL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4015) to provide for plant patents, which is in the exact language of a House bill reported unanimously from the Committee on Patents, and I ask unanimous consent for the present consideration of the bill. I have consulted every Member of the Committee on Patents, and I have been directed by them to call up the bill.

The SPEAKER. The gentleman from Indiana [Mr. VESTAL] asks unanimous consent for the present consideration of the bill S. 4015, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That sections 4884 and 4886 of the Revised Statutes, as amended (U. S. C., title 35, secs. 40 and 31), are amended to read as follows:

"SEC. 4884. Every patent shall contain a short title or description of the invention or discovery, correctly indicating its nature and design, and a grant to the patentee, his heirs or assigns, for the term of 17 years, of the exclusive right to make, use, and vend the invention or discovery (including in the case of a plant patent the exclusive right to asexually reproduce the plant) throughout the United States and the Territories thereof, referring to the specification for the particulars thereof. A copy of the specification and drawings shall be annexed to the patent and be a part thereof.

"SEC. 4886. Any person who has invented or discovered any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvements thereof, or who has invented or discovered and asexually reproduced any distinct and new variety of plant, other than a tuber-propagated plant, not known or used by others in this country before his invention or discovery thereof, and not patented or described in any printed publication in this or any foreign country before his invention or discovery thereof, or more than two years prior to his application, and not in public use or on sale in this country for more than two years prior to his application, unless the same is proved to have been abandoned, may, upon payment of the fees required by law and other due proceeding had, obtain a patent therefor."

SEC. 2. Section 4888 of the Revised Statutes, as amended (U. S. C., title 35, sec. 33), is amended by adding at the end thereof the following sentence: "No plant patent shall be declared invalid on the ground of noncompliance with this section if the description is made as complete as is reasonably possible."

SEC. 3. The first sentence of section 4892 of the Revised Statute, as amended (U. S. C., title 35, sec. 35), is amended to read as follows:

"SEC. 4892. The applicant shall make oath that he does verily believe himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement, or of the variety of plant for which he solicits a patent; that he does not know and does not believe that the same was ever before known or used; and shall state of what country he is a citizen."

SEC. 4. The President may by Executive order direct the Secretary of Agriculture (1) to furnish the Commissioner of Patents such available information of the Department of Agriculture, or (2) to conduct through the appropriate bureau or division of the department such research upon special problems, or (3) to detail to the Commissioner of Patents such officers and employees of the department as the commissioner may request for the purposes of carrying this act into effect.

SEC. 5. Notwithstanding the foregoing provisions of this act, no variety of plant which has been introduced to the public prior to the approval of this act shall be subject to patent.

SEC. 6. If any provision of this act is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the application thereof to other persons or circumstances shall not be affected thereby.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

SETTLEMENT OF WAR CLAIMS ACT OF 1928

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H. J. Res. 328), authorizing the immediate appropriation of certain amounts authorized to be appropriated by the settlement of war claims act of 1928. This is a unanimous report from the Committee on Ways and Means.

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] asks unanimous consent for the immediate consideration of a joint resolution (H. J. Res. 328), which the Clerk will report.

The Clerk read the House joint resolution, as follows:

Resolved, etc., That the sums authorized by subsection (p) of section 3 of the settlement of war claims act of 1928 to be appropriated after the date on which the awards of the war claims arbiter under section 3 of such act are certified to the Secretary of the Treasury, are hereby authorized to be appropriated at any time, but shall not be available until after such date.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. GARNER. Mr. Speaker, reserving the right to object, will the gentleman from Oregon [Mr. HAWLEY] state briefly just what this joint resolution is and the reason for it, so that if any Member desires to object, he may do so? I understand it is a unanimous report from the Committee on Ways and Means, but, since it authorizes an appropriation of $50,000,000, I think the gentleman from Oregon [Mr. HAWLEY] might take a couple of minutes to tell the House what it is, so that if any Member desires to object, he may do so.

Mr. HAWLEY. Under the settlement of war claims act of 1928, a limit of $100,000,000 was placed upon the amount to be used in paying the claims of the United States nationals and German nationals and certain other claims specified in the act; $50,000,000 were appropriated at that time and the amount was divided equally between the American and German claims.

It now appears from the statement of Judge Remick, the new arbiter, that he will conclude his work in the near future, and at as early a date as possible. Under the law the appropriations for the awards can not be made until after the awards

are made. This resolution proposes to authorize the Committee on Appropriations, upon estimates from the Treasury, to include in the forthcoming deficiency bill the necessary appropriations to meet the claims that may be agreed upon during the summer. If, for instance, $40,000,000 should be awarded during July and August, the amounts could not be paid until after Congress met in December; and by the time the legislation was enacted it would probably be February before the amounts could be paid. Interest runs at the rate of 5 per cent, and on that amount of money a six months' delay would mean an interest charge of $1,000,000. The committee presents the matter as an emergency and asks that the resolution pass.

Mr. CRISP. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. CRISP. The practical effect of this resolution is to in no way increase the amount which the Government is contributing from the Treasury, to wit, $100,000,000?

Mr. HAWLEY. It does not increase the sum of $100,000,000.

Mr. CRISP. If the resolution is passed now, it might reduce the amount by saving several million dollars in the interest of the taxpayers of the United States?

Mr. HAWLEY. It will result in a saving of interest. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include a letter from the Treasury on the subject.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The letter referred to follows:

TREASURY DEPARTMENT,
Washington, May 10, 1930.

Hon. W. C. HAWLEY,
Chairman Committee on Ways and Means,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: I have your letter of May 5, 1930, requesting any comments or recommendations that this department may care to make in respect to H. J. Res. 328, authorizing the immediate appropriation of certain amounts under the settlement of war claims act of 1928.

Paragraph (p) of section 3 of the settlement of war claims act of 1928 authorized an immediate appropriation of $50,000,000, and after the date on which the awards of the arbiter entered in favor of German nationals for ships, radio stations, and patents are certified to the Secretary of the Treasury for payment, such additional amounts as, when added to the amounts previously appropriated, will be equivalent to the aggregate amount of all awards entered by the arbiter plus the amounts necessary for the expenses of administration, except that the aggregate of such appropriations shall not exceed the sum of $100,000,000. An appropriation of $50,000,000 was made in the second deficiency bill, approved May 29, 1928, of which $25,000,000 was immediately used as authorized by the settlement of war claims act of 1928 to make payment on account of awards of the mixed claims commission, United States and Germany, in favor of American nationals, and the balance is reserved to make payment on account of the awards to be entered by the war claims arbiter in favor of the German nationals. The proposed legislation is for the purpose of authorizing the immediate appropriation of such additional amounts as may be necessary to meet the payment of these awards.

Judge Remick, the recently appointed war claims arbiter, advises me that he is doing everything possible to wind up the affairs of the office of the war claims arbiter as expeditiously as possible under all the circumstances. While he can not definitely advise as to when he will finally enter the awards of the German nationals, there is a possibility that the awards may be entered and certified to the Treasury for payment prior to the convening of the next Congress in December. If the requests for appropriations to pay these awards were delayed until that time in order that they may be submitted for inclusion in the first deficiency bill, the funds would probably not become available until February 1, 1931, and possibly later. In view of the fact that these awards will all bear interest at the rate of 5 per cent per annum beginning January 1, 1929, the Treasury feels that it is advisable that Congress grant authority for the immediate appropriation of such an amount as will be necessary to meet the payment of the awards of the arbiter as authorized by the settlement of war claims act of 1928. By thus obtaining authority for the immediate appropriation of the funds necessary to meet these awards, the Treasury will be in a position to submit estimates of appropriations, indefinite in amount, to be included in the second deficiency bill now being considered by the Appropriations Committee of the House. It is desirable that these funds be available immediately after the certification of the awards to the Treasury for payment so that the Treasury will then be in a position to make payment at once. This would enable the Treasury to save interest to the German special deposit account, created by the act, at the rate of 5 per cent per annum on the amount of such awards.

The proposed legislation has, therefore, the approval of this department and I urge its immediate passage in order that the Treasury may be in a position to submit estimates of the appropriation for the second deficiency bill soon to be considered by the Congress.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

DEFENSE OF COMMISSIONER WHALEN, OF NEW YORK CITY

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that I may address the House for eight minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for eight minutes. Is there objection?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, ladies and gentlemen of the House, I rise to protest against the speech made by our good friend and colleague [Mr. LAGUARDIA] on the floor of this House, in which speech he condemned an official of the city of New York and said to this House that some one sold Commissioner Whalen a gold brick. It is my opinion from the evidence I have that some one sold the gentleman from New York a foolish story. The gentleman from New York said to this House that Commissioner Whalen came before the Committee on Immigration and identified certain documents as the official documents of communistic propaganda within the city of New York. This charge appears on page 8769 of the RECORD. I do not want to misrepresent my colleague so let me quote what he said to the House:

The fact remains, however, that many people became alarmed when the commissioner of police came to a committee of the House and these documents were presented to the committee.

Again I quote from Mr. LAGUARDIA'S speech, page 8770:

I submit that when the police commissioner of New York City has some information to give to Congress, he ought to submit to every test before getting the country unduly exercised about the existence of communistic activities based on documents the authenticity of which we can not vouch for.

He makes the charge that the police commissioner of the greatest city of the world came before a committee of this House and submitted certain documents which would show communistic propaganda. Mr. Speaker, ladies, and gentlemen of the House, Commissioner Whalen did nothing of the sort. Commissioner Whalen never presented any documents before the committee.

I say that every public official ought to be protected from attack by the Congress of the United States when they voluntarily come here and give some information which would be for the best interests of the United States. Commissioner Whalen never guaranteed or stated that these documents were genuine. He simply said he had certain photostat copies of documents and that an investigation was being made as to the truth or falsity of these documents.

Why make such a charge against a public official who came here and gave the Committee on Immigration most valuable information with regard to certain things that are happening not only in the city of New York but in every community in the United States of America? I think the gentleman from New York should apologize to the commissioner of police of the city of New York, because he did not submit any documents to the committee. When the committee pressed him for documents he told the truth. He said:

I do not know whether these documents come from the Communist Party or from any other party. When I am through examining these documents I will be glad to submit any further proof as the result of my examination.

I say it is not fair to make such a charge against a public official of this great city, an official who is trying to do his best, an official who is trying to eradicate crime as well as communism, which may be detrimental to the United States. I say it is wrong to charge him with something he did not do. Then on top of that the gentleman from New York got a great laugh by saying they sold him a gold brick. I think the gentleman from New York [Mr. LAGUARDIA] made a front-page speech in the newspaper, such as I have here, the Evening Graphic. That is where he received his information, and because of some discrepancy between the commissioner of police

and this paper, in regard to certain facts which the Graphic wanted, and which the commissioner's office refused to divulge, they submitted to Mr. LAGUARDIA certain photostat documents, resulting in this attack on the police commissioner of the city of New York.

I welcome your police commissioner or any other public official to come before the Congress and give us information that will once for all eradicate the undesirable as well as those communists who believe in overthrowing this Government. That is what we want. I do not say we have such conditions; I do not say we should be alarmed; but I do say we should give every man, every official, and every witness a fair chance to be heard and then render our opinion. [Applause.]

NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12236) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1931, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, with Mr. HOCH in the chair.

The Clerk read the title of the bill.

Mr. FRENCH. Mr. Chairman, I want to make a brief statement to the members of the committee:

Last evening, before we adjourned, there were two Members of the House who had been promised time under general debate who were not recognized. The gentleman from Minnesota [Mr. KNUTSON], as chairman of the Committee on Pensions, was attending in the afternoon the funeral of the late Commissioner of Pensions, Colonel Church, and the gentleman from Kansas [Mr. AYRES] had promised time to one of the Members of the minority. I therefore ask unanimous consent that the gentleman from Minnesota be given permission to speak out of order for 15 minutes before we begin reading the bill further under the 5-minute rule, and that Mr. AYRES, in charge of the bill for the minority, be permitted to recognize for 20 minutes the Member to whom he had promised time, and that then we proceed with the reading of the bill under the 5-minute rule.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent that the gentleman from Minnesota [Mr. KNUTSON] be permitted to proceed for 15 minutes out of order and that the gentleman from Georgia [Mr. LANKFORD] be permitted to address the committee for 20 minutes out of order. Is there objection?

There was no objection.

Mr. KNUTSON. Mr. Chairman, early in the present session I introduced a bill to grant independence to the Philippine Islands, but did not press for consideration of the legislation, as I was given to understand that to do so during the London Naval Conference might have worked against the interests of the United States.

The Insular Committee of the House held hearings on the measure on last Monday and Tuesday of this week, and I am very hopeful for a favorable report, so that the House may be given an opportunity to vote upon this question during the present Congress.

At the outset I wish to state my position, so that there may be no misunderstanding. I am in favor of the immediate independence of the Philippine Islands because their retention adversely affects American agriculture and labor. Last year we imported something like 700,000,000 pounds of vegetable oils from the islands. This enormous quantity of oil was used in the manufacture of butter substitutes and soaps, and therefore entered into direct competition with our dairy interests and swine raisers. I have no doubt but that the present low price in butter and lard is due largely to this enormous importation of vegetable oils.

The Philippine Islands also exported to the United States between 500,000 and 600,000 tons of sugar, displacing an equal amount of American-grown beet and cane sugar. So long as the islands can continue to export to the United States vegetable oil and sugar duty free, so long will the American farmer continue to pay the bill for their occupation.

Not only does the Philippine farmer compete with the American farmer but the Filipino who comes to the United States to work is a keen and serious competitor for the American laboring man. There are in the United States at the present time between 50,000 and 60,000 Filipinos. I am informed that something like 11,000 came here last year, which was a big increase over the number coming during the preceding year. Out on the Pacific coast we have recently had race riots as a result of the large number of Filipinos out there who are crowding the American laboring man out of work. I have here a portion of the classified section of the Los Angeles Times for May 3, and I find, under the "Situations Wanted" head, 13 Filipinos advertising for work out of a total number of 81. In going through the columns I found several who deemed it necessary to state that they were Americans and white. One can draw no other conclusion than that the unfortunate race riots recently staged on the west coast were caused by economic pressure rather than racial prejudice. I have here a clipping from Seattle, by the Associated Press, under date of May 7, that I wish to read:

WHITES DRIVE OUT FILIPINO FARMERS—FOUR KIDNAPED WHEN HORDE SWEEPS DOWN ON WEST COAST RANCHES

SEATTLE, WASH., May 7.—At least four Filipinos were reported to have been abducted and dozens of others were driven from their lodgings at Kent, 20 miles south of here, to-day when twoscore white workers raided several ranches on which the Malays had been employed.

State and county officers rushed from Seattle to the district into which about 200 Filipinos were said to have been imported to replace white labor.

The raiding parties, owners of the ranches reported, swooped down on the Filipino camps in automobiles, driving away the Filipinos with threats of violence if they returned.

Edwin Dolle, one of the alleged raiders, was arrested.

The Filipinos were paid 25 cents an hour, while the white workers had received 50 cents.

I am personally fond of the Filipino people and I entertain a high regard for them. They are an intelligent people as well as alert and aggressive. In the 30 years that they have been under our tutelage they have shown a capacity that is nothing short of marvelous. But with all my admiration and regard for the Filipinos, I am for the Americans first, and I am firmly convinced that the time has come to take definite action with reference to the Philippine Islands. We can never hope to assimilate them; neither can we hope to compete with them. The longer we delay taking definite action with reference to the islands the more complex and difficult will our problem become. And the greater their exports to this country and the more numerous the immigrants from the Philippines the more serious will the situation become.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. JOHNSON of Texas. Is it not the gentleman's judgment that if the Philippines are kept by the United States and the people of those islands not granted their independence, it is only a question of time when we will become involved in a war with some foreign nation by reason of our retention of the islands?

Mr. KNUTSON. Of course, that is a matter of opinion——

Mr. JOHNSON of Texas. It is speculative, I know.

Mr. KNUTSON. But I do think that from the military angle the Philippines are a source of weakness as well as danger.

Mr. RANKIN. Will the gentleman yield?

Mr. KNUTSON. Yes; I yield to the gentleman from Mississippi.

Mr. RANKIN. Does not the gentleman think we owe it to the Filipinos to grant them independence based on a higher ground than he has yet mentioned, and that is our solemn promise to give them their independence?

Mr. KNUTSON. Let me reply to the gentleman from Mississippi by saying——

Mr. RANKIN. Does not the gentleman think that is a little more important than the reasons he has so far given—that we are under a solemn pledge to the Filipinos to give them independence and we are ignoring that pledge to-day.

Mr. KNUTSON. Oh, any pledge made affecting the welfare of a nation is very apt to become, as the Germans said during the late war, a "scrap of paper" in time of national crisis; and I want to say further to the gentleman from Mississippi that if it were to our interest, or if the necessities of the Republic and the American people required that we retain the Philippines I would be willing to spend the last dollar and the last drop of blood to retain them. [Applause.] I am approaching this question from a practical angle.

Mr. RANKIN. I will say to the gentleman from Minnesota I take exactly the opposite view. We are under a solemn pledge to give them their independence and I am in favor of carrying out that solemn pledge. We are honor bound to do so, which should be more binding on us than mere "interest."

Mr. KNUTSON. Whatever reason the gentleman has for being for Philippine independence is immaterial as long as he is for independence. I want to be frank and say that I am

for independence for another reason altogether than the one stated by the gentleman. I feel that too much stress has been placed on the moral aspect heretofore.

Mr. RANKIN. Will the gentleman yield for another question?

Mr. KNUTSON. Yes.

Mr. RANKIN. The gentleman is a member of the Committee on Insular Affairs. I want to ask what the chances are of getting a bill reported to give them full and complete independence at an early date?

Mr. KNUTSON. Well, the gentleman is a Member of the House and I think he has as much information on the subject as I have, but I will say to the gentleman that I have found a steady, pronounced growth of sentiment in favor of Philippine independence on this side of the aisle in the last year.

Mr. RANKIN. Does not the gentleman think this would be a good time to bring out a bill giving them independence? We Democrats have been in favor of it all along.

Mr. KNUTSON. I think the gentleman will find that all the Republicans, or nearly all the Republicans, from the Pacific coast have changed their views with regard to Philippine independence, and I think that those who represent large sugar-beet growing areas, as well as the Representatives from Louisiana, are in favor of Philippine independence at this time.

Mr. RANKIN. As a good, old Methodist preacher down in my country once said, "While we have them on shouting ground, let us call for mourners and have the thing over with."

Mr. KNUTSON. Well, there will be no mourning when we get rid of the Philippines. In addition to affecting us adversely from the economic angle, they are also an ever-present menace to our peace, and, no matter from what angle we view this very important subject, we can reach no other conclusion than that the time has come to set them free. With the retention of the Philippines it is necessary for us to maintain greater naval and military strength than would be the case did we not have the Philippine Islands, and I dare say that our experience with them has cost the American taxpayers hundreds of millions of dollars.

I am firmly convinced of the Filipinos' capacity for self-government. For nearly 30 years they have administered the affairs of their local political subdivisions with signal success, and we have no reason to believe that their affairs would not be equally well administered were they granted complete independence. I have no sympathy with those who hold to the theory that we have not fulfilled our obligations to the Filipino people. I ask you where, in all the history of the world, can one find a parallel example for unselfish disinterestedness? We have repeatedly said that we did not go into the Philippines for personal gain or national aggrandizement and that it was our purpose to give them their independence when they had shown their capacity for self-government. They have shown themselves capable of self-government and we have fulfilled our mission out there. Under American rule, schools and colleges have been opened, law and order established and maintained, communications opened between all parts of the islands, and property rights absolutely secured. The Filipino people have repeatedly given expression of their appreciation for what we have done for them, but now they say they are ready for independence, and I, for one, am willing to take them at their word.

Mr. RANKIN. Will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. RANKIN. Is it not a fact also that the opposition to Philippine independence is coming largely from the financial interests that are making money out of the oils, fats, fruits, sugars, and so forth, that are being shipped into the United States from the Philippine Islands?

Mr. KNUTSON. I believe that is true. I think much of the opposition to Philippine independence is based upon selfish considerations.

Mr. RANKIN. Is it not all based upon selfish considerations?

Mr. KNUTSON. There may be a few utopians who take the position that we have not fulfilled our mission out there; but let me say to the gentleman from Mississippi that on Monday last it was testified to before the Committee on Insular Affairs that conditions in the islands are absolutely stagnant. Foreign capital is afraid to go in and make further developments, because they do not know what the future status of the islands is going to be. It is not fair to the Americans and certainly it is not fair to the Filipinos to let things remain in the present unsettled condition.

Mr. RANKIN. One of my colleagues just spoke to me here and said that 95 per cent of the Members on the Democratic side are in favor of immediate independence and will vote for it. I really think we would make 100 per cent if your committee should report such a measure.

Mr. KNUTSON. I am glad to hear that. Let us pray for the other 5 per cent.

Mr. GREEN. Will the gentleman yield?

Mr. KNUTSON. I have only two minutes remaining.

Mr. GREEN. I believe I can contribute something to the gentleman's speech in that time. If a great many of our people who are opposed to Philippine independence could have been present at the hearings of the Committee on Immigration recently and heard the able and eloquent pleas of the Resident Commissioners, Mr. GUEVARA and Mr. OSIAS, and the Speaker of the Philippine Legislature, I believe any doubt they may have had as to their ability to govern themselves would have been completely wiped out of their minds.

Mr. KNUTSON. I am glad to have the gentleman's observation.

In closing, let me say to the House that if we do not take some definite action with regard to the future of the islands during this session of Congress, the question of Philippine independence will be one of the paramount issues in the campaign of 1932, and the agricultural sections of the country will rally to the support of the party that comes out unequivocally for the early independence of the Philippine Islands. It should not be a political question. As I view it, it is a moral and economic question, with perhaps a tinge of a social aspect.

At the hearings on Tuesday before the Insular Committee, I served notice that if my measure was not acted upon by the committee and referred to the House, I would be tempted to invoke the rules of this body to take the measure from the committee and bring it on to the floor for consideration. I should do this with a great deal of reluctance because, as a general proposition, we can not legislate wisely and well upon measures that have not been fully considered in committee. But the need for early action in this matter is so great that I would feel justified in taking that unusual course. I have every hope that it will not be necessary to invoke this procedure, but my feeling is that the future welfare of the American people as well as the Filipinos, socially and economically, is so largely dependent upon the granting of early independence to the Philippine Islands that I am prepared to go to almost any extreme to bring this about.

I have every hope we may bring this legislation to the House at an early date. It has been dragging along ever since I have been a Member of this body. I can not recall a session when we have not given consideration to this question in committee, and the time has come to bring the measure out on the floor where the membership of the House may be given an opportunity to vote on it. [Applause.] I thank you.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. LANKFORD] for 20 minutes.

Mr. LANKFORD of Georgia. Mr. Chairman, ladies and gentlemen of the committee, during the short time allowed me I wish to speak briefly concerning some remarks made by the gentleman from New York [Mr. SNELL] on last Friday, in which he endeavored to raise some question concerning the statements which I made on the previous day.

I wish to say that I never have endeavored to make on this floor a bitter political speech or to make an unfair thrust at the Republican Party or any member of the Republican Party, and I do not wish to do so at this time, and shall not do so.

In fact, I would not say the things that I intend now to say except for the fact that the gentleman from New York wanted to leave, as I understand it, an unfair impression on the country as to what I felt about the tariff bill, and my position on the tariff bill.

The gentleman from New York, among other things, said that he wanted the country to understand that the river and harbor bill was reported out by a Republican committee, of which Mr. DEMPSEY, of New York, was chairman, thereby endeavoring to leave the impression that I was not fair in my statement in connection with the river and harbor bill. Let me read briefly what I said in my speech about the river and harbor bill and the committee. I said this:

> I realize also that I would have failed except for the splendid help of the Army engineers and their excellent chief, General Brown, and his courteous and ever-helpful assistant, General Deakyne. Then, again, how can I express my thanks to the splendid House Committee on Rivers and Harbors and its members, from the excellent chairman, the gentleman from New York, Mr. DEMPSEY, and the ranking Democrat, the much beloved and honored gentleman from Texas, Mr. MANSFIELD, down to and including not only all the committee but each and every one of its courteous clerical force.

I made further mention of the fact that the gentleman from Georgia [Mr. EDWARDS] had rendered valiant service not only to Georgia but to the whole Nation, and especially to the South, by his services in connection with the river and harbor bill. [Applause.]

I made mention of the fact that the tariff committee had reported out a tariff bill, and I endeavored to show that the Committee on Ways and Means only contended for what they thought was fair. I did not then contend that there was not worked out a tariff bill which was reasonably fair to the country and to the South. This is true except for the fact that it is overloaded with tariff on manufactured articles made in the State of the gentleman from New York, who is criticizing me—manufactured articles from New England—and very little attention given to the South and West by the very crowd that is getting most out of the bill.

Ladies and gentlemen of the committee, I have endeavored to be fair in my discussion of tariff legislation. Before I came to Congress 12 years ago I told my people that if I came to Congress I would do all I could to secure a tariff on farm products of the South. I was elected on that promise, and in the first speech I made on the floor of this House in connection with the tariff bill I said I favored a duty on peanuts, cottonseed oil, and all products grown in the South. I told my people that a tariff bill ought to be fair, but we did not produce enough products in the South on which the tariff was effective to enable us to frame a fair tariff bill with high rates for the manufactured articles of New York and New England. I said that while that was true it made all the stronger reason why I would fight for a tariff on these products and commodities of the South. Every speech I have made from that time to the present time has been to that effect, and I would vote for a fair tariff bill—Republican, if you please, although I rather it be a Democratic bill.

Mr. Chairman, I have done everything I possibly could to improve the present tariff bill. I have made several speeches urging a tariff on every possible item that would help my people in any way. I knew there would be a heavy tariff on everything that my people buy, and I wanted to offset this injury so far as possible.

I appeared before the Ways and Means Committee and before a subcommittee and urged in every way possible a tariff on peanuts, cottonseed products, tar and pitch of wood, turpentine, and every other southern product where I thought there was a chance to help my people. I followed the bill over to the Senate and conferred with various southern Senators and urged them to help in the matter of securing a tariff on the products of the South.

I did not make this fight alone, but was joined by many of the Representatives of the South, both Democrats and Republicans. For days, weeks, months, and even unto the present time we have waged a warfare for the same help for the farmer as is to be granted to the manufacturers and for the same protection for the South as is given to other sections.

All the while we knew we were making a losing fight, for the simple reason that there is so much more in the manufacturing centers that can be helped by a tariff than there is in the rural or farming areas. We endeavored to help the situation by getting the export-debenture plan made a part of the tariff bill, but it seems we are doomed to failure here. The debenture is not a cure-all, but it is better than nothing and would help the farmers at least a little. I do not hesitate to say that I will and do vote for and support a tariff when I think it is just and will at all benefit my people. I vote for even Republican tariff items if they are fair. I ought not to say that unless it is true. Let me say to the gentleman from New York [Mr. SNELL] that about nine years ago this month we had up for consideration the emergency tariff bill, the tariff bill dealing with the tariff on farm products. That was a Republican tariff bill which I considered was a reasonably fair tariff bill for the South, and let me say to the gentleman that I voted for the emergency tariff bill, although I was the only man from the State of Georgia to vote for it.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. LANKFORD of Georgia. Oh, let the gentleman get time in his own right and talk a little bit later. I did not ask him to yield to me. I repeat I voted for the emergency tariff bill, when there was not a man from Georgia or any State touching Georgia who voted for it except the gentleman from Florida, Mr. Smithwick, and since that time I have made speech after speech showing my position on tariff bills and on the tariff.

Mr. Chairman, at this time I ask unanimous consent to extend in the RECORD various extracts from several speeches that I made on the floor of the House from time to time on the tariff bill, to show my position on the tariff.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. TREADWAY. Mr. Chairman, reserving the right to object, did I understand the gentleman to say that he wants to extend his remarks by inserting extracts from speeches that he has already made?

Mr. LANKFORD of Georgia. That is correct.

Mr. TREADWAY. Then they have already appeared in the RECORD?

Mr. LANKFORD of Georgia. I want to print them in connection with these remarks.

Mr. TREADWAY. O Mr. Chairman, I object.

Mr. GREEN. I suggest to the gentleman from Georgia that he read them into the RECORD.

Mr. LANKFORD of Georgia. I will not have time to read them into the RECORD. I told the gentleman from Connecticut [Mr. TILSON] yesterday that I wanted an hour's time in order to make this speech, and he said that I would not be able to get it. I have been allowed 20 minutes, and I have used half of that time now. I can not read those remarks in the RECORD, but I will get them into the RECORD before Congress adjourns, by unanimous consent, or there will be a lot less unanimous consents granted around here in the future than there have been in the past. [Applause.]

Mr. Chairman, the gentleman from New York [Mr. SNELL] asked me to show wherein I had helped in connection with the tariff on certain farm products. I shall not attempt to go into that at this time. I shall ask unanimous consent to extend my own remarks in the RECORD, however, dealing with my position on the tariff, and I now ask unanimous consent that I may extend my own remarks in the RECORD in so far as they show my position on the tariff, and my efforts in behalf of the tariff on certain farm products.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

Mr. TREADWAY. Mr. Chairman, reserving the right to object, may I ask if they are the same remarks that the gentleman asked permission to insert a few moments ago, saying that they had been already once in the RECORD?

Mr. LANKFORD of Georgia. I say to the gentleman that I shall not insert those in the RECORD after he objected to them. I never have tried to do a thing so unfair as that, and the gentleman knows it.

Mr. TREADWAY. These are new remarks?

Mr. LANKFORD of Georgia. Yes.

Mr. TREADWAY. Then we are to have the benefit of new wisdom from the gentleman from Georgia?

Mr. LANKFORD of Georgia. All right; and I will give you some more right now.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LANKFORD of Georgia. The gentleman from New York said that he would like me to show wherein I had ever done anything for the tariff on certain farm products. In that way he brings in issue my efforts in behalf of the tariff bill. I have a right to mention his efforts in behalf of the same tariff bill, and the efforts of other members of the Republican Party who think as he does about the tariff. When I looked over the record of the votes of last week I found that the gentleman from New York [Mr. SNELL] did not vote for a tariff on shingles; I found that the gentleman from New York did not vote for a tariff on lumber or sugar; I found that the gentleman from New York did not vote for the export-debenture plan. I found that the gentleman did not vote either for or against those items, for I found the gentleman was paired, and not only was he paired but he was paired without letting the RECORD show how he stood on any one of those important measures.

Mr. SNELL. Mr. Chairman, will the gentleman yield for a question?

Mr. LANKFORD of Georgia. I yield for a question in connection with your pair only.

Mr. SNELL. It just so happened that I had a daughter in the hospital, and they sent for me to come immediately about four hours before the vote was taken, and I did not have time to arrange for a pair. As far as I am concerned, I vote for a tariff on practically everything that comes on the floor of this House.

Mr. LANKFORD of Georgia. That is enough; I do not care to yield any further. If the gentleman from New York during these two days' time was so busy with a sick daughter—and I sympathize with him—that he could not get in touch with Mr. TILSON or any other Republican and could not get to a telephone to tell anybody that he wanted to be paired in favor of Mr. HAWLEY'S and Mr. HADLEY'S efforts to get a tariff on lumber, then his answer is good. If he had a chance to get to a telephone, then his answer is not good. I might not think so much



of the gentleman failing to vote on these matters and failing to pair one way or the other on those matters, except for what happened in connection with that tariff bill. Let me paint a picture for you: The Ways and Means Committee room in the House Office Building is just down the hall from where my office is. Last summer about this time or a little later I went down that hall day after day, and I saw the gentleman from Oregon [Mr. HAWLEY] and the gentleman from Washington [Mr. HADLEY] working there through the long hours of the day.

I saw them working there day and night while these other gentlemen, from New England and from New York, all dressed up with high collars and long-tailed coats, were enjoying the relaxations of this Washington society. I saw those men working for a tariff on New England commodities, on New England articles, and articles made throughout the whole Nation, when the Representatives from New England and New York, whom they were trying to take care of, were having a leisure time attending shows or playing golf.

The excellent chairman of the Committee on Ways and Means [Mr. HAWLEY] worked there until he impaired his health trying to bring out a fair tariff bill for the whole country. He brought in a tariff bill that was more than fair to New England and New York; a tariff that not only took care of the whole country, so far as Mr. HAWLEY honestly could, but a tariff that was more than fair from the standpoint of the gentleman from New York [Mr. SNELL] and the gentleman from Massachusetts [Mr. TREADWAY]. The newspapers of the country have piled their abuse on the chairman of the Committee on Ways and Means because he is chairman of the committee sponsoring a bill overloaded for New England and New York, and the gentleman from New York and his crowd and the gentleman from Massachusetts and other gentlemen from the great manufacturing centers escaped the abuse. I see the gentleman from New York [Mr. SNELL] standing. How does the gentleman from New York stand anyhow?

Mr. SNELL. I was for it. As I said, I was paired with a gentleman on your side, the gentleman from Texas [Mr. GARNER]. I was paired for the report.

Mr. LANKFORD of Georgia. Not on lumber or sugar or shingles or the export debenture.

Mr. SNELL. For lumber and shingles.

Mr. LANKFORD of Georgia. Then discharge your pair clerk. [Laughter.] He has done you wrong. You are not paired in the RECORD as either "for" or "against" these articles or items.

Mr. SNELL. I was paired that way.

Mr. LANKFORD of Georgia. The RECORD shows the contrary. Let the RECORD speak.

After Mr. HAWLEY and Mr. HADLEY had rendered yeoman service for you gentlemen from New England and New York, the other day there was proposed a tariff for shingles and lumber, the only things Mr. HAWLEY and Mr. HADLEY were getting out of the bill that is worth while to them, while the New England and New York manufacturing crowds are getting all they ask for, and you, Mr. SNELL, and your crowd from New York and New England tucked your political tails between your hind legs like whipped hound dogs and ran. [Laughter.]

Mr. TILSON. Mr. Chairman, will the gentleman from Georgia yield?

Mr. LANKFORD of Georgia. I can not yield. I have not time. I would yield to my good friend [Mr. TILSON] if it was necessary. I know how he voted and will tell the country for him. There are several New England men like the gentleman from Connecticut [Mr. TILSON] who are brave, true, patriotic, honest men, who stand with their crowd. I will mention particularly not only the leader of the Republican forces, but also the gentleman from New York [Mr. CROWTHER], both of whom voted for tariffs and with their party. Honor to them for being courageous and honest. Let us have a partial roll call here and call the names of TREADWAY and UNDERHILL and WIGGLESWORTH and certain others who deserted their friends and their party. The trouble is that the gentlemen from New England and New York and their crowd got theirs and then were ready to tell the rest of our country to go to the lower regions.

The gentleman from New York [Mr. SNELL] said he is for a tariff on any article where they made out a case. I am reminded of a story that I heard some time ago concerning an incident that happened over in West Virginia, where a new railroad had been built up in the mountains, and the engineer would occasionally pick up the mountaineers and carry them down the mountain without charging them a fare. One day a mountaineer came to him and asked leave to ride on the train—or on the engine. The engineer decided to tease him a little. The engineer said, "Can you not pay me?" The mountaineer said, "I have no money." The engineer said, "We can not haul people free." The mountaineer said, "I have no money." The engineer said, "Haven't you any chickens or eggs to let me have for fare?" The mountaineer replied, "No." The engineer said, "Haven't you any collateral of any kind?" The man said, "No." The engineer said, "Can't you make a showing of any kind?" Thereupon the mountaineer pulled out a revolver a foot and a half long and stuck it up into the engineer's face and said, "I can make this showing." The engineer said, "The showing is good; climb aboard." [Laughter.]

When the manufacturers go to see Mr. SNELL and those who think like him and exhibit a pocketbook about 9 inches long full of campaign receipts and funds, Mr. SNELL is ready to immediately declare and say, "The showing is good; get aboard." [Laughter.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. LANKFORD of Georgia. Mr. Chairman, I ask unanimous consent to proceed for 15 minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LANKFORD of Georgia. Let me say that in tariff legislation and other matters I have always endeavored to let the country know where I stood. I have always tried to stand flat on the ground, with both feet on the ground, and both feet on the same side of the fence. I have no patience with any man who will pair on an important vote and not let the country know where he stands on that thing unless he has not a chance to get in touch with the leaders of the House and have a proper pair made. We should let our folks know where we stand.

Some time ago in my State I went out to the farm of a neighbor, and when we were going along near a fishpond or lake we observed a large hawk attempting to strike something in the lake, on the surface of the water. We wondered what it was, and finally when we got close enough we saw that this hawk was endeavoring to strike a duck on that pond. Every time the hawk would attempt to strike the duck, the duck would turn and dive into the water. When the duck went under the water the hawk would hit the water and fly away. When the duck came up the hawk came down again, the duck would dive again, and the hawk never could catch him. I turned to my neighbor and said, "I understand now as I never did before why a duck is called a duck; it is a duck because a duck ducks. [Laughter.] Because he ducks he is called a duck.

That is simply philosophy. A duck is a duck because a duck ducks; but when the great chairman of the Committee on Rules of the House ducks, I want to know what he is. [Laughter.]

Mr. PARKER. Mr. Chairman, will the gentleman yield?

Mr. LANKFORD of Georgia. Not now.

Mr. PARKER. I will take only a minute.

The CHAIRMAN. The gentleman from Georgia declines to yield.

Mr. LANKFORD of Georgia. I want to know what other folks are who think like the gentleman from New York [Mr. SNELL] thinks and ducks like he ducks. I am going to leave it to their constituents to say what they are. I have an idea that in the future they should be made lame ducks. [Laughter.]

Mr. PARKER. Will the gentleman yield now?

Mr. LANKFORD of Georgia. I will yield for a question—a relevant question.

Mr. PARKER. The gentleman is talking about ducking. Can not the gentleman conceive of reasons why a man must, of necessity, be away when an important vote is being taken, in all fairness?

Mr. LANKFORD of Georgia. I understand that. I have made that as clear as I can.

The gentleman from New York [Mr. SNELL] asked me to tell where I have helped on the tariff bill. I will say to the gentleman from New York [Mr. SNELL] that the Democrats of the House, and many of the Republicans of the House who have voted for the debenture, have been doing all they could to help on the tariff bill. The Democratic Party and the Republican Party both promised to put the farmer on an equality with other business and other enterprises.

Neither party has kept the platform pledge. The President of the United States, that good man of your party who sits yonder in the White House, is embarrassed because men like the gentleman from New York [Mr. SNELL] and other Republicans like him are trying to pass a tariff bill that is not in accordance with the platform promises. When we tried to put the debenture on the tariff bill we were doing all in our power to help tariff legislation and to help secure the passage of a bill

that would be, to a certain extent, a performance of the promises made by the Republican Party and by the Democratic Party; but we could not get enough support. We found many Republicans dodging here and there and not helping us, not letting us know where they stood. We need men who will not duck.

He wiggled in and he wiggled out,
And left the country all in doubt;
Whether the snake that made that track
Was going north or coming back.

Oh, the gentleman from New York [Mr. SNELL] says he does not like me politically. I am glad he does not. If Mr. SNELL liked me politically, I would be like the Irishman. I heard a story of an Irishman one time who was engaged in a conversation with a Frenchman and an Englishman. The Englishman said that if he was not English he would rather be a Frenchman than anything else in the world. The Frenchman said if he were not French he would rather be an Englishman than to be any person in the world. The two turned to Pat and said, "Pat, if you were not Irish, what would you be?" Pat said, "If I was not Irish, I would be ashamed of myself."

If the gentleman from New York [Mr. SNELL] liked me politically, I would be ashamed of myself.

The gentleman from New York [Mr. SNELL] only yesterday brought in a rule to investigate people in this country whom he says are dissatisfied with our Government, but let me say that when the gentleman from New York [Mr. SNELL] smells something that is rotten, it is time for an investigation. The trouble is not with the country. The trouble is not altogether with your party, Mr. SNELL. The trouble is not so much with the people of the country as it is with the gentleman from New York [Mr. SNELL] and other men who believe in legislating for the big rich and letting the poor man go to the mischief. I am in favor of the investigation, but let us begin with the source of the trouble and investigate the men that are causing the trouble. Oh, Mr. SNELL, when you smell something that is not right, do not think that it is the country. It is probably the air changing and you smell your own political breath.

Listen, folks. You can not continue to pass legislation that will take the food out of the mouths of the common people without leaving the common people hungry. You can not leave them hungry without their complaining. You can not take the clothes off the backs of the fathers and mothers and children of the country without leaving them naked and cold, and when you leave them naked and cold they are going to complain. You can not make promises to the farmers and fail to keep those promises without the farmers complaining. You can not pass laws and legislation which causes the farmers to be driven from their homes and their property to be taken away under foreclosure and tell those farmers that the country is prosperous and expect the farmers not to complain. You can not continue to legislate for the wealthy class, the manufacturing class, the big-moneyed class, to the detriment of the poor, without the poor complaining.

When the poor complain they are going to believe that not only the Republican Party but the Democratic Party is unfair and that the Congress is unfair, and they will lose faith in their Government. If you want to find the trouble, look at your own ideas about legislation. We passed a so-called farm relief bill here. What is the result? Farm products are selling lower than ever before. More homes are growing up in weeds, with the windows out and the shutters off, than ever before. There is more wreckage and ruin among the laboring class than ever before. What help is a tariff to a man who has no job and is walking the streets and is hungry and cold. What good is a tariff to a farmer whose farm is gone? You will have more investigations, Mr. SNELL, if you continue it. If you would legislate for your country, legislate for the common folks, for the laboring man, and for the farmer.

They say, "The gold-star mothers are going overseas on a pilgrimage," and yet we are robbing them while they are gone, by an unfair tariff. Oh, we make nice speeches about the boy out yonder, the Unknown Soldier, buried there in Arlington. If that Unknown Soldier should tear that tomb apart and take off the grave clothes and stand forth he would look some of you in the face and say, "Oh, rogues, thieves, liars, hypocrites, murderers, quit talking about me and legislate for my mother, my brothers, and sisters. Legislate for the kind of folks that I come from."

We need investigations, but we do not need to investigate the other fellow so much as we need to investigate ourselves.

Legislate for the homes. Legislate for the mothers. Legislate for the fathers. No more beautiful lines were ever written than:

Be it ever so humble, there is no place like home.

Unless it be those lines by Rudyard Kipling:

Mother o'mine, oh, mother o'mine,
If I was hanged on the highest hill
Mother o'mine, oh, mother o'mine,
I know whose prayers would follow me still.
Mother o'mine, oh, mother o'mine,
If I was drowned in the deepest sea,
Mother o'mine, oh, mother o'mine,
I know whose tears would come down to me.
Mother o'mine, oh, mother o'mine,
If I was damned of body and soul,
Mother o'mine, oh, mother o'mine,
I know whose prayers would make me whole,
Mother o'mine, oh, mother o'mine.

Let me say that regardless of what Mr. SNELL may say about me or what I may say about him—all of which is in good nature and most of that which I have said is the truth [laughter]—let us legislate for the great American people, for the common folks. Let us get the beam out of our own eyes and then we need not worry very much about the mote that is in our brother's eye. [Applause.]

The CHAIRMAN. The Chair will state that when the committee rose yesterday the Clerk had read down to and including line 8, page 4. The Clerk will read.

The Clerk read as follows:

OPERATION AND CONSERVATION OF THE NAVAL PETROLEUM RESERVES

To enable the Secretary of the Navy to carry out the provisions contained in the act approved June 4, 1920 (U. S. C., title 34, sec. 524), requiring him to conserve, develop, use, and operate the naval petroleum reserves, $175,000, of which $100,000 shall be available exclusively toward repairs to shut-in wells, naval petroleum reserve No. 1: *Provided*, That out of any sums appropriated for naval purposes by this act any portion thereof, not to exceed $10,000,000, shall be available to enable the President to protect naval petroleum reserve No. 1, established by Executive order of September 2, 1912, pursuant to the act of June 25, 1910 (U. S. C., title 43, secs. 141–143), by drilling wells and performing any work incident thereto.

Mr. BRITTEN. Mr. Chairman, I reserve a point of order against this paragraph.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BRITTEN. As I understand the language, it is new legislation on an appropriation bill. I want to ask a question or two of the chairman of the committee before making my point of order. My impression is—at least, I have been told—that when the Bureau of the Budget sent a request to the department for this particular authorization or this particular appropriation it embodied a request or a suggestion for an authorization to do the very thing that is now being done by an appropriation in this bill. I would like to ask the chairman of the committee if my information is correct

Mr. FRENCH. I would say to the gentleman from Illinois that the language in the bill, as it came from the Bureau of the Budget, was as follows:

Provided, That out of any sums appropriated for naval purposes by this act, any portion thereof, not to exceed $10,000,000, shall be available for expenditure, when approved by the President, for drilling wells in naval petroleum reserve No. 1, including any work connected therewith.

The language we have used in the bill as reported is substantially the same. I think the gentleman will find it is exactly the same in thought, but it is somewhat abbreviated over the language included in the Budget estimate.

Mr. BRITTEN. AL. I correct in presuming that when the Director of the Budget sent this to the Navy Department and the department sent it to your committee it did contain a request for an authorization to do the thing you are now doing by appropriation?

Mr. FRENCH. I am not aware of any suggestion other than that contained here. It was stated to our committee at some length what the purpose would be, and the members of the committee are quite familiar with that.

Mr. BRITTEN. The item carried in the bill may have every merit to it; I am not complaining about that, but I have been told that the request for an authorization was deleted by the gentleman's committee or by the Navy Department. Can the gentleman tell the committee whether the request for an authorization was deleted by this committee?

Mr. FRENCH. Let me say that my attention has been directed to the thought that the language I read a moment ago does not contain quite all of the original language that came from the Bureau of the Budget, and if the gentleman will bear with me I will read the entire language:

To enable the Secretary of the Navy to carry out the provisions contained in the act approved June 4, 1920, requiring him to conserve, develop, use, and operate the naval petroleum reserves, $100,000 for repairs to shut-in wells, naval petroleum reserve No. 1, to remain available until expended, and in addition the Secretary of the Navy may incur obligations and enter into contracts for repairs to shut-in wells to an amount not to exceed $100,000; and $75,000 for the operation and conservation of all naval fuel reserves, exclusive of the drilling of any wells or work connected therewith; in all, $175,000.

Now, then, the language continues with the proviso to which I thought the gentleman had reference. So the entire paragraph will include the language which I have just read and the proviso which I read a moment ago.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. BRITTEN. I yield.

Mr. VINSON of Georgia. This provision of the bill has reference to the Elk Hill Field in California, has it not?

Mr. FRENCH. This refers to naval petroleum reserve No. 1.

Mr. VINSON of Georgia. That is what is known as the Elk Hill field, is it not?

Mr. FRENCH. I prefer to refer to it by the official description, rather than by some popular description, and I am not sure whether the popular description is correct or not.

Mr. VINSON of Georgia. As a matter of fact, some years ago the Navy Department came before the committee and asked for legislation along this identical line.

Mr. JOHNSON of Washington. To which committee did the officials of the Navy Department go—to the Committee on Appropriations or to the Committee on Naval Affairs?

Mr. VINSON of Georgia. The Committee on Naval Affairs. As a matter of fact, the Standard Oil Co. owns a lot of land surrounding these naval reserves, right in the very center, and there was some thought on the part of the Navy Department that the Government might make a swap of land, and also the thought was advanced to have set-off wells.

I know the object and purpose of this legislation and I agree with the chairman of the committee, and even if it were subject to a point of order as being legislation on an appropriation bill, I would be loath to make it; but I think a proviso should be added to the paragraph providing that if any agreement is reached for the conservation of the oil, then this money is not to be expended for drilling these offset wells. In all probability some agreement can be reached with adjacent property owners without any money being expended, and I think it might be possible to accomplish the identical purpose the gentleman has in mind without the expenditure of any money whatsoever. I offer this thought to the gentleman and ask him if he is not willing to put in a proviso providing that if an agreement can be reached between the adjacent property holders and the Government with reference to conservation then none of this money is to become available. In this way you would save perhaps $10,000,000.

Mr. FRENCH. I would say to the gentleman that the very thought he has suggested is the thought that is in the minds of the officers of the Navy Department to-day, and let me say for the benefit of——

Mr. VINSON of Georgia. If that be true, no harm can be done by the proviso.

Mr. FRENCH. Let me conclude this statement. Naval reserve No. 1 is one of the two reserves in the State of California that actually contains a reserve of oil. The other reserve is thoroughly honeycombed by private holdings upon which drilling has proceeded. Wells are in operation, and offset wells are in operation under lease from the Navy Department upon Navy-owned land. Last year the receipts that were turned into the Treasury aggregated something like $800,000 from the offset wells on Navy land. Naval reserve No. 1 is better situated, but unfortunately has within it some privately owned land and is surrounded by privately owned land. Some of this area, in fact, most of it, as the gentleman has suggested, is owned by the Standard Oil Co. Private owners are not operating at this time, and the Navy Department would hope that they would not operate, but that this oil would continue to be held as a reserve; but the Navy Department is not able to control the actions of the owners of the private lands. Now, suppose some private owner of land were to begin drilling a well upon land that is adjacent to Navy-owned land, it would be only a question of a short time until the owner of the private land would be pumping oil, part of which would come from the great reservoir under the Navy-owned land.

We think it is only the part of good business to enable the Navy Department, in the event such a crisis as this should be reached, to start immediately the drilling of offset wells. It may be that $10,000,000 would be insufficient, but it would adequately enable the department, in such an event, to protect the interests of the Government until the Congress could act.

Mr. VINSON of Georgia. I am in accord with the thought that has been expressed by the gentleman, and, of course, this reserve should be conserved and this oil should be kept for the use of the Navy, but why could not the same thing be accomplished if voluntary agreements can be reached by the Navy Department with the adjacent property owners?

I am not opposing the authorization of this expenditure, but I am merely suggesting that in the event private arrangements can be made that this may be done in lieu of spending this money. The only alternative you have under this language is that if any adjacent property holders begin to drill wells, the Government can do likewise. There are no negotiations permissible under this language, and the only alternative you have, if some private holder begins to drill wells, is for the Government to drill wells, and I am offering the thought that you put in a proviso to see, first, if agreement can be reached looking to a general conservation of oil without going to the extreme of drilling wells.

Mr. FRENCH. I may say that informally just the thing is being done that the gentleman proposes, and the Navy Department is not going to subtract any of this money from purposes for which it has been appropriated to use in drilling offset wells unless it may be necessary; but it has seemed to the members of the committee it would be desirable to supplement the informal discussions that are going on to-day by including the proviso we have included here. I see no objection to a proviso that would embody the spirit of the idea proposed by the gentleman from Georgia; but, on the other hand, I do not see that it is necessary or that it adds anything particularly.

Mr. JOHNSON of Washington. There would be just this objection—that the proposal is legislation on an appropriation bill.

Mr. FRENCH. Oh, I think not. If the gentleman will permit, I think this is not legislation; in fact, I would be prepared to argue the question from that standpoint. The language under which the reservation was made certainly gives the department the power to preserve, to protect, and it is certainly not legislation upon an appropriation bill for us to provide money with which that may be done.

Mr. HALE. Will the gentleman yield?

Mr. FRENCH. I shall be pleased to yield.

The CHAIRMAN. If the gentlemen will suspend a moment, the Chair may state that the gentleman from Illinois [Mr. BRITTEN] has the floor under a reservation of a point of order.

Mr. BRITTEN. The gentleman from Illinois has reserved the point of order, and I yield to the gentleman.

Mr. HALE. I may say that about two years ago the Navy Department brought to the Committee on Naval Affairs a bill the purpose of which was to accomplish the thing which the Appropriations Committee seeks to accomplish. The bill was referred to a subcommittee of which I happened to be appointed chairman, and we had rather extended hearings. Assistant Secretary of the Navy Robinson appeared before us, and also Admiral Rousseau. We went into the subject quite thoroughly and prepared a new bill with a great deal of care. The bill lay in the Committee on Naval Affairs and was not brought out for certain reasons which then appeared sufficient, and has not been brought forward since; and I may say to the gentleman from Idaho that personally I think the provision in the appropriation bill is admirable. The only criticism I would have is that it does not go far enough. I think, with the gentleman from Georgia, that there should be coupled with it the plan of the subcommittee that heard the matter two years ago, authorizing the exchange of land in other sections in order that the whole situation may be taken care of fully and finally, and the reserve thoroughly protected. It is possible that it can not be protected finally simply by drilling offset wells, and if it is handled in that way it is at the expense of the oil.

Mr. FRENCH. Does not the gentleman think that since the proposition which he recommends is legislation, the committee did the wise thing in omitting to go to the extent which the gentleman says we could have gone?

Mr. HALE. I am not finding any fault with the committee.

Mr. FRENCH. This language will give the department authority to meet the situation temporarily, pending the carrying forward of a well-thought-out program, such as the gentleman refers to.

Mr. HALE. I think the gentleman is right, and I hope soon, through the committee or through the Naval Affairs Committee, the full program will be carried out. I hope it will be.

Mr. FRENCH. In the meantime we should do something to enable the department to meet the emergency.

Mr. BRITTEN. Mr. Chairman, the reason I am reserving this point of order is because I believe this item is of considerable importance. The gentleman from Idaho thinks that $10,000,000 is merely a starter. It may be that it is. It may lead to $100,000,000. If that is true, my impression is that legislation of this character should go to the committee which takes care of legislation for the Navy Department.

Now, I would like to read this language from page 9 of the report prepared by the chairman of the Subcommittee on Naval Appropriations:

> In the committee's judgment, it is of paramount importance that legislation be enacted at this session that will enable the department to cope with a number of situations that are disturbing and need to be remedied. Simultaneously the existing law on the subject is being reshaped, its ambiguities removed, and appropriate safeguards thrown about its execution.

Now, it is the Committee on Naval Affairs that has charge of legislation of this kind, and should have. I think something should be done about No. 1 reserve. I think there should be legislation authorizing an exchange of land for Government property. If it is proper to go as far as it has gone, I think they might reasonably go a little farther. Let us assent that they are usurping our prerogatives, but let us not make the point of order; let them go far enough so that the Navy Department and the administration will have a free hand in dealing with what appears to be a ticklish situation.

Mr. FRENCH. I do not want to admit for one moment that the extent to which the committee has gone is not in line with the authorization in existing law. In fact, the members of the committee felt that they should not consider and they have not reported language pertaining to the phases to which attention is directed by the gentleman from Illinois, because I think it is clear that that would be legislation.

Further than that, the members of our committee say that it is our duty to go to the extent that it is necessary and to which we feel we have gone, so that it would enable the department to meet the situatioh in the event of a crisis, pending the time that well-thought-out legislation could be brought out by the gentleman's committee and considered by the Congress.

I do not think it would be desirable for us to open up the whole question and consider it on the floor of the House. I would much prefer to have the gentleman's committee do it with the care that it should have.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BRITTEN. I yield.

Mr. JOHNSON of Washington. The gentleman is undertaking to assert that the committee has not the right, and yet he admits that it is a stop-gap to hold the situation until the legislative committee can carry that out at length.

Mr. FRENCH. I think that is true.

Mr. JOHNSON of Washington. In my opinion, that makes it legislation, and if we submit to this $10,000,000 appropriation the next appropriation bill will carry it farther and the Committee on Naval Affairs will have, further, lost its rights. I think the proposal should come from the proper committee.

Mr. FRENCH. I direct the attention of the gentleman to the law itself, which will be found in the United States Code, title 34, section 524. I refer specifically to the language which gives to the Secretary of the Navy power to do the following:

> To conserve, to develop, to use, and to operate the same in his discretion.

Under that authority clearly we have the right to make appropriations to enable him to conserve. That is the very essence of the object that we had in mind in carrying some money for the use of the department in administering the law—to conserve the property of the Government, the oil to which that language refers.

Mr. JOHNSON of Washington. Mr. Chairman, if the gentleman thinks that gives specific authority, why specify in exact words to the effect that it shall be available—

> To enable the President to protect naval petroleum reserve No. 1, established by Executive order of September 2, 1912, pursuant to the act of June 25, 1910 (U. S. C., title 43, secs. 141-143), by drilling wells and performing any work incident thereto.

If you have blanket authority, why go into detail? In my opinion, that is where the Appropriations Committee runs into the realm of legislation.

Mr. FRENCH. Mr. Chairman, I think the gentleman is in error. The Committee on Appropriations has authority to act within a limited area if it chooses to do so under broad authority covering a wider area. Because we choose to limit appropriations to certain things that seem to the committee most important does not mean that we are exercising legislative authority, when, as the gentleman suggests, we could have gone farther if we had chosen to do so.

Mr. JOHNSON of Washington. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Washington. I believe and state that the language found on page 7, line 3 to line 16, relative to petroleum reserves—

> To enable the Secretary of the Navy to carry out the provisions contained in the act approved June 4, 1920 (U. S. C., title 34, sec. 524), requiring him to conserve, develop, use, and operate the naval petroleum reserves, $175,000, of which $100,000 shall be available exclusively toward repairs to shut-in wells, naval petroleum reserve No. 1—

is subject to the point of order in that it is legislation on an appropriation bill, and I make the further point of order that the proviso next following is legislation on an appropriation bill, and covers matter under consideration in another committee.

The CHAIRMAN. The gentleman from Washington makes the point of order against the language on page 7, beginning with line 3 and ending in line 16. Does the gentleman from Idaho desire to be heard?

Mr. FRENCH. Mr. Chairman, prior to the making of the point of order, but after the gentleman from Washington had indicated that he possibly would make the point of order, I had referred to the law on which the committee relied in including this language. The chairman of the committee would cite the Chairman of the Committee of the Whole to section 524 of the United States Code, title 34, in which there is the language, to which I referred a few moments ago, which gives to the Secretary of the Navy certain authority touching these areas, which authority includes the authority "to conserve and to develop." I think those are the only two words particularly to which I need direct attention. The object for which these moneys will be expended will be attained in expenditures for these particular purposes. That is all we want to do, and as we see it it is that for which the money ought to be appropriated.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. VINSON of Georgia. I would like the gentleman to state to the Chairman of the Committee of the Whole under which act this land was brought into the naval reserve. Was it not, as a matter of fact, brought into the naval reserve under the act of 1912? Having been brought under the act of 1912, the Secretary has no more authority than was conveyed in the act of 1912 by which the land was brought into the naval reserve from the public domain?

Mr. FRENCH. Oh, there can be no merit in the suggestion of the gentleman, it seems to me, because the Congress itself has for certain purposes added to the authority of the Secretary of the Navy or restated the authority in the language of the act of June 4, 1920, and it is that language to which I refer and from which I have quoted, and we rely upon authority in existing law for the action of our committee.

Mr. JOHNSON of Washington. Mr. Chairman, I find on page 9 of the report of the committee, prepared by the gentleman from Idaho [Mr. FRENCH], the following language:

> The status of the reserves is given on pages 20 and 21 of the hearings. Another picture is given on pages 876–880. The attention of Members earnestly is invited to these hearings because the question is one of vital and national concern. Under date of March 21, 1928, the committee urged the need of legislation touching the naval petroleum reserves in these words:
>
> "In the committee's judgment, it is of paramount importance that legislation be enacted at this session that will enable the department to cope with a number of situations that are disturbing and need to be remedied. Simultaneously the existing law on the subject should be reshaped, its ambiguities removed, and appropriate safeguards thrown about its execution."

There is a statement from the Committee on Appropriations as to the need for legislation, and here in the appropriation bill we find the beginning of the legislation which is said to be needed. Under the Budget system an appropriating committee was not to place legislation on an appropriation bill, and here it is in the bill, and mentioned in the committee's own report.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Washington makes the point of order on the paragraph beginning on line 3, page 7, down to and including line 16, on the ground that it is new legislation on an appropriation bill. The gentleman from Idaho [Mr. FRENCH] relies upon two sections as authorization for this appropriation. The first one is the act of June 25, 1910, referred to on line 14, page 7, being

title 43, sections 141–143, United States Code, and the second statute is the act approved June 4, 1920, title 34, section 524, of the United States Code. The first-named statute, namely, sections 141–143, title 43, of the Code, seems to the Chair to deal almost exclusively with the matter of withdrawal of public land for purposes of naval petroleum reserves.

The other act referred to—namely, section 524 of title 34, United States Code, provides that—

> The Secretary of the Navy is directed to take possession of all properties within the naval reserves as are or may become subject to the control and use by the United States for naval purposes, and on which there are no pending claims or applications for permits or leases under the provisions of sections 223–229 of title 30, Mineral Lands and Mining, or pending applications for United States patent under any law; to conserve, develop, use, and operate the same in his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, or sell the oil and gas products thereof, and those from all royalty oil from lands in the naval reserves, for the benefit of the United States.

The Chair thinks that statute is amply broad to sustain the language from line 3 to line 9. In fact, the language from line 3 down to and including the words "numbered 1" on line 9 is almost identical with the language of the statute which the Chair has just read, and in the opinion of the Chair is sufficient law to authorize this appropriation under which the Secretary of the Navy can conserve, use, and operate naval petroleum reserves. Therefore, as to the first point of order made by the gentleman from Washington [Mr. JOHNSON] against the language down to and including "numbered 1," on line 9 of page 7, the Chair overrules the point of order.

However, as to the latter part of the proviso, beginning on line 9, the Chair does not believe that either of the two statutes cited authorizes the appropriation proposed here to enable the President to drill wells on these reserves. The Chair thinks that under title 34, section 524, an appropriation might be made to permit the Secretary of the Navy to drill wells, but the Chair does not believe that the statutory authority given to the Secretary of the Navy is sufficient to authorize an appropriation placing this power directly and solely in the President to drill wells on the naval reserves. That is, you can not usurp by legislation on an appropriation bill powers specifically granted by statute to the Secretary of the Navy and place them directly in the President in an appropriation bill. Inasmuch as the point of order was made against the entire section, the Chair therefore sustains the point of order against the entire section.

Mr. FRENCH. Mr. Chairman, I offer an amendment on page 7, beginning on line 1 and running through the paragraph, substituting the words "Secretary of the Navy" instead of the word "President" in line 11.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Idaho.

The Clerk read as follows:

> Amendment offered by Mr. FRENCH: Page 7, beginning with line 1, insert:
>
> "OPERATION AND CONSERVATION OF THE NAVAL PETROLEUM RESERVES
>
> "To enable the Secretary of the Navy to carry out the provisions contained in the act approved June 4, 1920 (U. S. C., title 34, sec. 524), requiring him to conserve, develop, use, and operate the naval petroleum reserves, $175,000, of which $100,000 shall be available exclusively toward repairs to shut-in wells, naval petroleum reserve No. 1: *Provided*, That out of any sums appropriated for naval purposes by this act any portion thereof, not to exceed $10,000,000, shall be available to enable the Secretary of the Navy to protect naval petroleum reserve No. 1, established by Executive order of September 2, 1912, pursuant to the act of June 25, 1910 (U. S. C., title 43, secs. 141–143), by drilling wells and performing any work incident thereto."

Mr. JOHNSON of Washington. Mr. Chairman, I make a point of order against the second proviso, because the language—

> That out of any sums appropriated for naval purposes by this act any portion thereof, not to exceed $10,000,000, shall be available to enable the Secretary of the Navy to protect naval petroleum reserve No. 1—

is carried without regard to the other reserves to be protected. That is legislation. In my opinion, it takes considerable imagination to bring that under the rule under which the Committee on Appropriations operates.

The CHAIRMAN. What is the gentleman's point of order?

Mr. JOHNSON of Washington. That it is legislation on an appropriation bill.

Mr. FRENCH. Mr. Chairman, just a word, because I think my statement made a moment ago will answer the point of order just made.

In the language which I now propose I substitute "the Secretary of the Navy" for "the President." This change will accomplish the end the committee had in mind. Relying upon the general authority to which I referred a moment ago in my general statement on the subject when the point of order was first made, as to the language read by the chairman of the committee, I submit that the authority in the amendment is included in the authority in the law.

Mr. BRITTEN. I would like to suggest that in order to make the language accord with that of the statute itself, it might be well in line 12 to change the word "protect" for the word "conserve."

I do not think the word "protect" is carried in the statute itself. It may be. It would not change the effect of the gentleman's desires.

Mr. FRENCH. Mr. Chairman, I think, generally speaking, the two words might be interchangeable. Here I submit, however, that probably in the matter of that which is within the reserve itself, the word "protect" would probably be better than the word "conserve," and unless the gentleman from Illinois [Mr. BRITTEN] insists, I should prefer to let the language remain.

Mr. BRITTEN. I understand the Chair is ready to rule.

The CHAIRMAN. The Chair is ready to rule. The Chair is of the opinion that the act of June 4, 1920, United States Code, title 34, section 524, is amply broad to provide authorization for the appropriation carried in the proviso beginning in line 9; and, for reasons stated in the recent ruling of the Chair, the Chair overrules the point of order.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Oklahoma [Mr. McCLINTIC] offers an amendment to the amendment, which the Clerk will report.

The Clerk read the amendment, as follows:

> Amendment offered by Mr. McCLINTIC of Oklahoma: Add at the end of the section, after line 16, the following:
>
> "*Provided*, That no part of the sum made available for the protection of this property shall be expended if a satisfactory agreement can be made with adjoining landowners to not drill offset wells for the purpose of producing oil."

Mr. FRENCH. Mr. Chairman, I shall be glad to accept the amendment offered by the gentleman from Oklahoma [Mr. McCLINTIC].

Mr. PALMER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Does the gentleman from Oklahoma [Mr. McCLINTIC] desire to be heard on the amendment offered by him?

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I think the amendment should be there. I have talked it over with the chairman of the committee, and he is in accord with my views, and I do not care to take up further time of the House.

The CHAIRMAN. The gentleman from Missouri [Mr. PALMER] is recognized.

Mr. PALMER. Mr. Chairman and gentlemen, it seems to me this is bad legislation. I can not imagine why Congress should side-step its duties and delegate them to certain agencies. If it was legislation in the name of the President it is certainly legislation in the name of the Secretary. I think this is bad legislation. We are simply delegating away our authority. I can not imagine any emergency that might arise whereby this House is not amply protected to take care of it, so, why delegate such authority as this? I think this is dangerous legislation. The entire section should be stricken out, from line 3 to line 16.

Mr. JOHNSON of Washington. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman.

From time to time, although I am not a strict parliamentarian, I find items in each and all of these appropriation bills which smack decidedly of legislation. Frequently they seem to be necessary, but nevertheless the Appropriations Committee, when it was enlarged, agreed not to offer legislation. But they do it, and my experiense is that the members of the Appropriations Committee, safe in their power, understand each other so well that when they have concluded in their own minds that anything which they offer in any of their bills is not legislation, then it is not legislation. That idea is growing and will grow year after year. No one is supposed to object.

Just now, in the paragraph under discussion, the word "President" has been changed to the word "Secretary," and that change, according to the ruling of the Chair, has changed the paragraph so that it is not legislation. However, Members of the House generally, who are not members of this great Appropriations Committee, might reflect upon this report of that committee, and as they reflect upon it they may wonder what will ever become of it. I quote from the report:

In the committee's judgment it is of paramount importance that legislation be enacted at this session that will enable the department to cope with a number of situations that are disturbing and need to be remedied. Simultaneously, the existing law on the subject should be reshaped, its ambiguities removed, and appropriate safeguards thrown about its execution.

What will become of the suggestion? In the meantime a $10,000,000 appropriation is being made, and I think that we may safely conclude that no separate legislation of the kind that the Appropriations Committee tells the rest of us that is needed will be attempted. One committee does the work of the other.

Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Oklahoma.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to correct the spelling of the word "appropriate" in line 9.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

BUREAU OF NAVIGATION

RECREATION FOR ENLISTED MEN, NAVY

For the recreation, amusement, comfort, contentment, and health of the Navy, to be expended in the discretion of the Secretary of the Navy, under such regulations as he may prescribe, $400,000: *Provided*, That the amount paid from this appropriation for personal services of field employees, exclusive of temporary services, shall not exceed $35,000.

Mr. FRENCH. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FRENCH: Page 7, line 22, strike out the dollar sign and the figures "400,000" and insert in lieu thereof "$732,000."

Mr. FRENCH. Mr. Chairman, I think a very brief explanation is due on account of the amendment I have just offered.

The chairman of the committee has been advised that Budget estimates are on the way, although they have not yet been received by the House, raising the figure to $732,000. In other words, adding $332,000 to the item for the recreation, amusement, and comfort of enlisted men.

The particular object that the President has in mind in recommending the item is that upon the ships of the Navy equipment may be installed to take the place of the silent moving-picture equipment that is upon our ships to-day and to substitute equipment that will provide for movietones.

No one, unless he has had the privilege to be present personally with the enlisted men or has heard the naval officers as they have talked about the enlisted men, can appreciate the comfort that the enlisted men receive through the recreational facilities furnished upon shipboard and in the different naval stations. It means a tremendous amount not only for the comfort, but for the peace of mind, for the discipline of personnel, for the prevention of desertion, and for general well-being. Your committee has been told that the silent screen does not have the attraction that it had before the movietone was developed; that the men do not care to attend; that they become restless, and that whenever they can they like to go ashore and attend something that is up to date. More than that, we are told it is almost impossible to obtain films of the old type that are presentable and desirable for exhibition on the ships. We are told that this amount of money will be adequate, together with the supplemental amounts that will go to it through returns from the profits of ship's stores, to make the equipment fairly complete during the coming fiscal year.

The members of your committee feel that it is a most desirable thing, that means much for the comfort and the highest well-being of the men, to provide adequate recreation for them when they are in the naval service.

Mr. STAFFORD. Will the gentleman yield?

Mr. FRENCH. I yield.

Mr. STAFFORD. Is the gentleman in a position to state how much is planned to be expended for equipment and how much for other purposes? Is it the intention to expend the additional amount that the gentleman has, $332,000, for equipment?

Mr. FRENCH. That part will all be expended for equipment for the work of installation and probably some for the films that will be purchased in carrying on the work.

Mr. STAFFORD. Is this total amount of $732,000 to be used, generally speaking, for just cinematographs?

Mr. FRENCH. Oh, no. The sum of $400,000 the bill has carried for years for recreation, for amusement, and for wholesome activities in which the men can engage. The additional amount of $332,000 is for the movietones.

Mr. STAFFORD. Of course, some of this fund, I surmise, is used for the purpose of recreation on land in connection with the entertainment of the enlisted forces on land?

Mr. FRENCH. It is in part used for that.

Mr. STAFFORD. As I recall, the Army bill appropriates a large sum of money for hostesses, for providing for the maintenance of hostesses to provide for the entertainment of the enlisted personnel.

Mr. FRENCH. The bill does not carry any money for that particular purpose.

The CHAIRMAN. The time of the gentleman from Idaho [Mr. FRENCH] has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. FRENCH. This is money that may be expended for every purpose—for the comfort and entertainment of the enlisted men, either afloat or ashore.

Mr. STAFFORD. Has the gentleman any statement, as shown by the hearings, of how much was expended on land and how much at sea?

Mr. FRENCH. I think we have not divided it in that way. For the most part it is used afloat, because when the men are ashore there are shows available, there are entertainments available, and it is more necessary to care for the men while they are afloat.

Mr. STAFFORD. Can the gentleman state how much it is proposed to allot per vessel for this character of entertainment?

Mr. FRENCH. The new money, as I recall the estimates offhand, is upon the basis of $4,800 for each battleship for installation of movietone equipment. Other ships could be accommodated for $1,500. Then there would be those in between the smaller ships and the battleships, which would require from $2,000 to $3,000. However, $4,800 is the largest amount for any one ship.

Mr. STAFFORD. There is no intention on the part of the committee to limit this fund so that the jackies can not have the benefit of the comic operas now being reproduced and some of the other attractive productions which are now being produced in Washington.

Mr. FRENCH. The Navy Department has an arrangement with the different concerns through which it receives the pick of all that is offered. More than that, so far as the exhibitions at sea are concerned, the companies are good enough to grant them the privilege of making exhibitions before the pictures are released on shore.

Mr. STAFFORD. What I am more concerned about is that there is not going to be any strict censorship as to the character of films to be shown.

Mr. FRENCH. Of course, there is always censorship exercised touching all exhibitions and all shows, so far as that is concerned, which are under the Navy Department, but the members of the committee are not advised as to just what lines are drawn.

Mr. OLIVER of Alabama. It is well to state in this connection that the amount which the gentleman has referred to does not represent the total expenditure for that purpose.

Mr. FRENCH. That is correct.

Mr. OLIVER of Alabama. Because the men themselves contribute largely to the fund that purchases the films?

Mr. FRENCH. That is correct.

Mr. TABER. They are assessed 1 cent a day and they expect to be assessed a cent and a half under this arrangement.

Mr. STAFFORD. Then what would be the total amount available for this service? The country would like to know just how much money is being spent for the recreation and entertainment of the enlisted personnel?

Mr. FRENCH. I would say it will be somewhat over $1,000,000 next year.

Mr. MORTON D. HULL. Does this include the student sports at Annapolis?

Mr. FRENCH. No; it does not.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho.

The amendment was agreed to.

The Clerk read as follows:

GUNNERY AND ENGINEERING EXERCISES, BUREAU OF NAVIGATION

For trophies and badges for excellence in gunnery, target practice, engineering exercises, and for economy in fuel consumption, to be awarded under such rules as the Secretary of the Navy may formulate;

for the purpose of recording, classifying, compiling, and publishing the rules and results; for the establishment and maintenance of shooting galleries, target houses, targets, and ranges; for hiring established ranges, and for transporting equipment to and from ranges; entrance fees in matches for the rifle team, and special equipment therefor, $46,950.

Mr. BRITTEN. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the chairman of the subcommittee. I am of the opinion that this amount has been reduced by $4,750, which $4,750 was carried in the request of the Bureau of the Budget for an appropriation to make certain repairs to the target ranges at Guantanamo. I will ask the chairman if I am correct in that?

Mr. FRENCH. The gentleman is correct in that. The reason the committee subtracted that amount was because there is a Navy board at Guantanamo now making a study, and it did not seem good judgment to go ahead with appropriations to care for a subject that is being studied by a board and as to which, probably before long, definite information can be had.

Mr. BRITTEN. Then, of course, the gentleman's committee will reconsider this item when it is presented in the appropriation bill next year, with a view of providing every possible facility and means for improving our target practice at Guantanamo?

Mr. FRENCH. The members of the committee realize the importance of it, and without undertaking to commit any committee a year from now I beg to say that the members of the present committee are sympathetic with the general plan of the work and the project at Guantanamo.

The pro forma amendment was withdrawn.

The Clerk read as follows:

INSTRUMENTS AND SUPPLIES, BUREAU OF NAVIGATION

For supplies for seamen's quarters; and for the purchase of all other articles of equipage at home and abroad; and for the payment of labor in equipping vessels therewith and manufacture of such articles in the several navy yards; all pilotage and towage of ships of war; canal tolls, wharfage, dock and port charges, and other necessary incidental expenses of a similar nature; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments and repairs to same; libraries for ships of war, professional books, schoolbooks, and papers; maintenance of gunnery and other training classes; compasses, compass fittings, including binnacles, tripods, and other appendages of ship's compasses; logs and other appliances for measuring the ship's way and leads and other appliances for sounding; photographs, photographic instruments and materials, printing outfit and materials; music and musical instruments; and for the necessary civilian electricians for gyro-compass testing and inspection; in all, $592,000: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, drafting, inspection, caretaker (chronometer), and messenger service for the fiscal year ending June 30, 1931, shall not exceed $34,000: *Provided further*, That in addition to the amount herein appropriated the Secretary of the Navy may prior to July 1, 1931, enter into contracts for the procurement of instruments and supplies under this heading to an amount not in excess of $120,000.

Mr. BRITTEN. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the chairman of the subcommittee. The proviso on page 10, authorizing an appropriation of $120,000 for certain instruments and supplies that are definitely carried in the major portion of the section, is not just understood by me. I would like to ask the chairman of the subcommittee why it was necessary to appropriate specifically $120,000 for supplies and instruments already carried in the main language of the bill?

Mr. FRENCH. In reply to the gentleman's inquiry, I would say that just before the committee reported this bill supplemental estimates came to the Congress in the amount of $120,000 for the purchase and installation of three gyro-compasses upon three of our battleships. We were told that at the time the estimates were prepared the tests were not sufficiently definite to permit the Navy Department to feel justified in making estimates. However, the tests have been so successful that the department believes a mistake would be made not to provide for these instruments. I would particularly point out the great aid that would be given in gunnery if the ships could be equipped with this particular type of gyro-compass.

Mr. BRITTEN. I understand the principle of the thing and I understand the object to be accomplished. It is to purchase $120,000 worth of gyro-compasses, but what I fail to understand is why the same result could not have been accomplished without the proviso but by merely adding the $120,000 carried in the proviso to the $592,000 carried in the bill for instruments and supplies. A gyro-compass is an instrument or supply.

Mr. FRENCH. I would say that the department is not ready at this time to spend the money, but can handle the work very nicely by making a contract and the appropriation would actually be handled later.

I would say to the gentleman that a great deal of the business of our country is handled in this way; in fact, on aviation alone, to go to another item, we include similar authority for $10,000,000 worth of aircraft, saving the necessity of putting the burden upon the Treasury now that a direct appropriation would entail. In a few instances we have done just as we have done with respect to this item.

Mr. BRITTEN. But what the bill is doing to-day is to appropriate $592,000 for instruments and supplies, and then it says:

Provided, That not to exceed $120,000 is hereby appropriated for instruments and supplies.

Mr. FRENCH. No; it states that this is in addition to the amount appropriated.

Mr. BRITTEN. Yes; that is true, that another $120,000 is hereby appropriated for instruments and supplies. I can not understand why the same result would not be accomplished by increasing the amount $120,000 and doing away with the proviso.

Mr. FRENCH. That could be done, but that would add that much to the appropriation, whereas the department is not ready at this time to pay the money. The money will not be needed now, and the item can be cared for later.

Mr. BRITTEN. Then, for bookkeeping purposes, it is the desire to show that this $120,000 appropriated in the present bill will not be included in the total amount of the appropriation for this year; is that right?

Mr. FRENCH. As a matter of policy, for a good many years a number of sums have been deferred where authorizations for contract purposes could as well be made. The Congress could appropriate the money and let it remain in the Treasury and then have it drawn upon at the end of the fiscal year or the year following, whereas the other policy could be followed of providing money for the items that would need to be met by the payment of money during the year and then provide contract authorizations to meet the items that would not be delivered until a later time.

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the pro forma amendment.

I think the committee is to be commended for having made this a specific item, because this will enable the committee and the House, as the gentleman has explained, to follow this item next year and to see whether this sum of money has been used for this special purpose and how much has been used for this purpose, whereas if it were lumped, as suggested by the chairman of the Committee on Naval Affairs, the attention of the Committee on Appropriations would not be attracted to the specific item.

The pro forma amendment was withdrawn.

The Clerk read as follows:

NAVAL RESERVE

For expenses of organizing, administering, and recruiting the Naval Reserve and Naval Militia; pay and allowances of officers and enlisted men of the Naval Reserve when employed on authorized training duty; mileage for officers while traveling under orders to and from training duty; transportation of enlisted men to and from training duty, and subsistence and transfers en route, or cash in lieu thereof; subsistence of enlisted men during the actual period of training duty; subsistence of officers and enlisted men of the Fleet Naval Reserve while performing authorized training or other duty without pay; pay, mileage, and allowances of officers of the Naval Reserve and pay, allowances, and subsistence of enlisted men of the Naval Reserve when ordered to active duty in connection with the instruction, training, and drilling of the Naval Reserve; pay of officers and enlisted men of the Fleet Naval Reserve for the performance of drills or other equivalent instruction or duty, or appropriate duties, and administrative duties, exclusive, however, of pay, allowances, or other expenses on account of members of any class of the Naval Reserve incident to their being given flight training unless, as a condition precedent, they shall have been found by such agency as the Secretary of the Navy may designate physically and psychologically qualified to serve as pilots of naval aircraft, $4,600,000, of which amount not more than $160,000 shall be available for maintenance and rental of armories, including pay of necessary janitors, and for wharfage, not more than $79,578 shall be available for clerical and messenger services for Naval Reserve administration in naval stations, and districts for the fiscal year ending June 30, 1931, not less than $801,903 shall be available for pay, allowances, and other expenses herein provided for of Naval Reserve personnel on account of members of any class of such reserve engaged in aviation training or duty, not more than $882,931 shall be available, in addition to other appropriations, for

aviation material, equipment, fuel, and rental of hangars, and not more than $723,867 shall be available, in addition to other appropriations, for fuel and the transportation thereof, and for all other expenses in connection with the maintenance, operation, repair, and upkeep of vessels assigned for training the Naval Reserve.

Mr. BRITTEN. Mr. Chairman, I desire to reserve a point of order on the language from line 6 to line 10, on page 12, after the figures "1931," in line 6:

Not less than $801,903 shall be available for pay, allowances, and other expenses herein provided for of Naval Reserve personnel on account of members of any class of such reserve engaged in aviation training or duty.

Mr. Chairman, in the first place, this is distinctly new language in an appropriation bill. It is new legislation, and it has a dual effect on the general appropriation carried for the Naval Reserve force scattered throughout the United States.

This is not a limitation on the amount to be expended for aviation, so it can not be construed as a saving of any amount because it is practically the amount that was carried in the bill last year, if I am not mistaken—eight hundred and one thousand and some odd dollars; and it has this effect: By specifying that not less than $801,000 shall be expended on aviation in the reserve force of the Navy, through curtailment in another direction of the same paragraph or section, it will do away with a lot of ship training by the reserve; a lot of cruising by the reserve; in other words, the cruising hours of many members of the reserve force will be changed by this language; and I am of the opinion, Mr. Chairman, that it should not be in the bill. It is legislation on an appropriation bill, and I intend to make a point of order on the language, although I will reserve the point of order if the gentleman desires to be heard.

Mr. STAFFORD. Before the gentleman proceeds with his point of order, let me inquire whether it was the deliberate purpose of the gentleman to say "not less than." Last year the language for the existing appropriation was "not more than" so much shall be used, and so forth. Here we place no limitation at all, whereas last year the language was that not more than this amount should be available for the purpose.

Mr. BRITTEN. Mr. Chairman, I make the point of order.

Mr. STAFFORD. Will the gentleman kindly respond to my question before the gentleman from Illinois presses his point of order, as to whether it was the deliberate purpose to use the word "less" instead of "more"?

Mr. FRENCH. Yes; I would say it was the thought of the committee we ought to include the language we have proposed here.

Mr. STAFFORD. And not place any limit on the amount that may be expended?

Mr. FRENCH. No; the estimates that have come to the committee indicate the general purposes for which the moneys are to be expended.

Mr. STAFFORD. But I direct the gentleman's attention to the word "less," which in the existing appropriation act is "more." Here you have no limit at all on the amount that may be expended. You say not less than $801,000. Was it the deliberate purpose of the committee to have the sky the limit?

Mr. FRENCH. It was the deliberate purpose of the committee to place the language in the bill that we did, and I think I can indicate to the gentleman the reason this should be done.

Mr. STAFFORD. And use the word "less" instead of "more," so there will be no limit at all?

Mr. FRENCH. So there will be no limit within the total appropriation we are making for this general purpose.

Mr. BRITTEN. Will the gentleman yield for one word?

Mr. FRENCH. Certainly.

Mr. BRITTEN. I would like to suggest that under this new legislative language in the bill the entire amount of $4,600,000 provided for on page 11 could be expended for naval aviation. I make the point of order.

Mr. FRENCH. Mr. Chairman, it seems to me that the point of order is not sound. The entire language of the paragraph rests upon the law providing for the Naval Reserve. As a part of the authority conferred by the general law is authority to appropriate for aviation training or duty in the Naval Reserve.

The CHAIRMAN. Will the gentleman cite the statute upon which he relies?

Mr. FRENCH. It is the act of February 28, 1925, to which I refer. In a moment I will furnish the code reference.

The CHAIRMAN. Does the gentleman have at hand the language upon which he relies for the authority for this legislation?

Mr. FRENCH. Yes. It is section 751, title 24, of the code. The entire act covers a number of pages, and it would take rather a long time to read the entire provision of law on that subject.

The CHAIRMAN. The Chair is interested only in the language relating to this paragraph, particularly as to the Naval Reserve referred to on line 8, which is included in the language covered by the point of order.

Mr. FRENCH. The first section of the act which provides for organization and creation of the Naval Reserve contains the language in section 751. That provides for the creation and maintenance of the Naval Reserve and Marine Corps Reserve.

The CHAIRMAN. That merely provides for the organization of the Naval Reserve.

Mr. FRENCH. I think it includes the whole thing. Section 759 provides for the officers and enlisted personnel of the Naval Reserve, and if the Chair will turn to section 781 he will find language that provides for training.

The CHAIRMAN. Does the gentleman from Idaho contend that the provisions in section 781 apply to this paragraph?

Mr. FRENCH. I think there is no question but that it does embrace the Fleet Naval Reserve and training provided for in the language to which the point of order has been made.

The CHAIRMAN. The Chair is interested in any particular language that provides for the training of the Naval Reserve—whether the language is broad enough to cover the training to which the point of order has been made.

Mr. FRENCH. The training provided for here is the general training providing for the Naval Reserve, and in the judgment of the members of the committee contains the language that I have in mind.

Now, it is under that authority that the men are trained for aviation duty, under the designation for that duty by the Secretary of the Navy.

The CHAIRMAN. The Chair would like to inquire of the gentleman from Idaho if there is not a distinction between the Naval Reserve and the Fleet Naval Reserve? The Chair's attention is called to a statute dealing solely with the Fleet Naval Reserve, while the language of the bill refers to the whole Naval Reserve.

Mr. FRENCH. Not necessarily. The reserves are divided into three classes—the Fleet Naval Reserve, the Volunteer Naval Reserve, and the Merchant Marine Naval Reserve—and these are part of the Naval Reserve.

The CHAIRMAN. The provision to which the point of order is made applies to the Naval Reserve. The gentleman from Idaho [Mr. FRENCH] has cited the Chair to a provision dealing solely with the Fleet Reserve, which is only one of the three classes of the Naval Reserve. If the gentleman can cite the Chair to language comparable to that which he has read which applies to the whole Naval Reserve the Chair would think it broad enough to warrant the provision. In other words, the Chair does not think that the language cited from the provision with reference to the Fleet Naval Reserve is applicable to a provision dealing with all classes of the Naval Reserve. The Chair is interested in having cited language from the statute applying to the training of the Naval Reserve as a whole, if the gentleman can cite the Chair to such language.

Mr. FRENCH. Section 751, which is the first section of the general provisions, provides that the Naval Reserve—and that includes all—shall be a component part of the United States Navy and shall consist of three classes, namely, the Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve. All would be embraced under the one general head, "Naval Reserve." I think that meets the situation in the mind of the Chair.

The CHAIRMAN. If the gentleman will note the language to which the point of order has been made it reads as follows:

Not less than $801,903 shall be available for pay, allowances, and other expenses herein provided for of Naval Reserve personnel on account of members of any class of such reserve engaged in aviation training or duty.

The gentleman from Idaho has cited the statute which creates three different reserves, and this provision applies to the whole Naval Reserve. The statute as to training which the gentleman has read to the Chair applies only to the Fleet Naval Reserve. If, as the gentleman states, there are three classes, then plainly it seems to the Chair that the Chair ought to be cited to language broad enough to provide for aviation training of all classes of the Naval Reserve, since the provision objected to covers all classes.

Mr. FRENCH. I think that the language carried in the bill is sustained by the first section. The language of the bill provides for $801,903, which shall be available for pay, allowances, and other expenses herein provided for of Naval Reserve personnel on account of members of any class of such reserve engaged in aviation training or duty. In other words, the words "any class," hark back to the provision in section 751 wherein the

money could be expended either for those who might be in the Fleet Naval Reserve, or the Merchant Marine Naval Reserve, or the Volunteer Naval Reserve. As a matter of fact, there are none that would be within that middle group—the Merchant Marine Naval Reserve—although there might be some from both of the others.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BRITTEN. My only object in making the point of order on this amount of $801,903, or the inverted restriction, is that it is not desired by the Navy Department, and it is not desired by the Bureau of the Budget. It is new legislation on an appropriation bill, incorporated in the bill by the subcommittee of the Committee on Appropriations. I make the point of order that it is new legislation on an appropriation bill.

Mr. FRENCH. Mr. Chairman, I think the question rests very squarely upon section 751 to which I have referred. Again referring to the language, we provide a limitation that not less than a certain amount shall be paid on account of expenses of personnel on account of members of any class of such reserve engaged in aviation training or duty. Suppose we had carried no limitation whatever. Would anyone question that the money should not be expended for these particular purposes? I do not think the gentleman from Illinois [Mr. BRITTEN] would even contend that that is the case. Clearly, it can be expended for any of these groups. If it can be expended for any of these groups, it certainly is within the power of the committee to include language that would show what groups receive the money and what amount of money could be expended for each particular group. For instance, the committee chose not to include a single dollar for the Merchant Marine Naval Reserve. Clearly we had a right to do that. As we turn to these other two, one the Volunteer Naval Reserve and the other the Fleet Naval Reserve, certainly it seems that if the committee has the power to make appropriations for both of these groups, and I do not think the gentleman from Illinois would challenge that, then the committee has the authority to carry language not subject to the point of order that would provide money for the Fleet Naval Reserve or for the Volunteer Naval Reserve, or to place a limit either below which or above which the moneys might be expended.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BRITTEN. Has the gentleman cited any existing law or authorization which provides for the aviation training of the reserve force?

Mr. FRENCH. Certainly I did. I cited the language under which training should be in such directions as may be prescribed by the Secretary of the Navy, and the Secretary of the Navy has provided for this type of training.

Mr. BRITTEN. There is no aviation training provided for under existing law for the reserve force at any place.

Mr. HOUSTON of Hawaii. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. HOUSTON of Hawaii. Has the chairman of the committee analyzed those figures to show how many men of that Fleet Naval Reserve must be engaged in the 15 days' training? That perhaps will give the reason for the "not less than."

Mr. FRENCH. The question the gentleman raises is a very interesting one, but I do not think it is germane to this particular point.

Mr. HOUSTON of Hawaii. I simply thought if there was a certain number of personnel that had to receive this training as per statute for a period of 15 days, then there could be a reason for providing that not less than a certain sum, and so forth.

Mr. FRENCH. I have tried to avoid indicating the reason why we felt it necessary to make this limitation, not that I do not want to make a statement to the House why, but because we are now considering the question whether or not the language is subject to a point of order. Therefore it seems proper that I should now discuss the effect of the language rather than to make an argument justifying the course which the committee has followed. I should be glad to make that explanation at the proper time.

The CHAIRMAN. The Chair does not think that the language can be sustained as a limitation. Unless the gentleman from Idaho can cite to the Chair other statute, the Chair is ready to rule.

Mr. FRENCH. Does the Chairman question——

The CHAIRMAN. The Chair will hear the gentleman.

Mr. FRENCH. I contend that we have the right to make the appropriation, and that we have the right to say that $882,931 shall be appropriated for this specific purpose. Since we have provided the entire amount, we have the right to say that the entire amount shall be used for this particular purpose, so far as the question of germaneness is concerned.

The CHAIRMAN. The Chair does not regard this as a limitation. The only provision which the gentleman from Idaho has called to the attention of the Chair which provides for training is the language in title 34, section 781, of the code, which reads as follows:

> In time of peace, except as herein otherwise provided, officers and enrolled and enlisted men of the Fleet Naval Reserve shall be required to perform such training duty, not to exceed 15 days annually, as may be prescribed by the Secretary of the Navy.

The Chair is of opinion that that language is broad enough to provide aviation training for the Fleet Naval Reserve. But as this provision refers not only to the Fleet Naval Reserve, but also to the other reserves, the Chair will be compelled to sustain the point of order. But the Chair will withhold his ruling if the gentleman has other citations to present.

Mr. FRENCH. I am surprised at the ruling, but——

Mr. STAFFORD. Mr. Chairman, will the gentleman from Idaho yield?

Mr. FRENCH. I yield.

Mr. STAFFORD. I was engaged in trying to find some authority in the organic law of 1925, and did not follow closely the authority cited by the gentleman. I find in section 10 the following language, which I think is broad enough to hold this provision in order. I read:

> SEC. 10. Officers and men of the Naval Reserve, when employed on active duty, authorized training duty, with or without pay, drill, or other equivalent instruction or duty, or when employed in authorized travel to and from such duty, drill, or instruction, or during such time as they may by law be required to perform active duty in accordance with their obligations, or while wearing a uniform prescribed for the Naval Reserve, shall be subject to the laws, regulations, and orders for the government of the Navy.

The CHAIRMAN. What is the gentleman reading from?

Mr. STAFFORD. I am reading section 10 of the act referred to by the gentleman from Idaho, the act of February 28, 1925, volume 43 of the Statutes at Large, page 1083.

Mr. FRENCH. Then I direct the Chair's attention to the code, section 758, title 34.

Mr. STAFFORD. I think that language is broad enough to carry the language in the appropriation bill. I direct the Chair's attention to the language particularly—

> when employed on active duty, authorized training duty, with or without pay, drill, or other equivalent instruction or duty.

That is most comprehensive language, and relates exclusively to the Naval Reserve. Under that language I think there is authority for this appropriation for aircraft purposes.

The CHAIRMAN. The Chair will read the provision cited by the gentleman from Wisconsin:

> Officers and men of the Naval Reserve, when employed on active duty, authorized training duty, with or without pay, drill, or other equivalent instruction or duty, or when employed in authorized travel to and from such duty, drill, or instruction, or during such time as they may by law be required to perform active duty in accordance with their obligations, or while wearing a uniform prescribed for the Naval Reserve, shall be subject to the laws, regulations, and orders for the government of the Navy.

The Chair does not think that language affects the issue here. The Chair does not think that the language of section 758 or that of section 781 covers the case. The Chair sustains the point of order. The Clerk will read.

Mr. COCHRAN of Missouri. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri moves to strike out the last word.

Mr. COCHRAN of Missouri. I would like to ask the chairman whether the law provides that candidates for training in aviation for the Naval Reserve in any way states the qualifications of candidates? In other words, I am receiving letters from young men desiring this training who are qualified in every way with the exception that they did not have a certain number of years of college training. It seems to me unfair to deprive a man from the right of training simply because he was unable to attend college for four years. For instance I have a case where a young man successfully passed the flight physical examination, and every reserve officer in St. Louis favors his selection. The one obstacle is the requirement that cadet applications have four years of college work in order to qualify for flight training. This young man, 23 years of age, attended Washington University in St. Louis for two years, had three years' practical engineering experience outside of school in the fields of civil, electrical, and mechanical engineering. Still,

under the regulations of the Navy, I am told he can not qualify. I say again it seems to me that if men are otherwise qualified that four years of college should not be required. This will prevent many a competent young man from getting flight training. Young men with practical experience will make just as good aviators as college graduates in many cases.

Mr. FRENCH. In answer to the gentleman from Missouri I will state that the Secretary of the Navy has the right to make certain regulations touching classes and qualifications, and among them certain physical standards and certain educational standards, may be set up.

Mr. COCHRAN of Missouri. I am only complaining of the educational standard, four years at college.

Mr. FRENCH. But, if the gentleman admits that educational standards may be set up, then where can the line be drawn? Authority must be vested somewhere. Whether the department exercise the authority in such way as to put an undue burden upon some one that the gentleman feels is not entitled to it, of course, the members of the committee are not prepared to say. We can not go into those questions, but I think that, generally speaking, authority is conferred upon the department.

Mr. COCHRAN of Missouri. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

NAVAL WAR COLLEGE, BUREAU OF NAVIGATION

For maintenance of the Naval War College on Coasters Harbor Island, including care of grounds, $105,000; services of a professor of international law, $2,000; services of civilian lecturers, rendered at the War College, $2,000; care and preservation of the library, including the purchase, binding, and repair of books of reference and periodicals, $5,000; in all, $114,000: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, inspection, drafting, and messenger service for the fiscal year ending June 30, 1931, shall not exceed $72,030.

Mr. BRITTEN. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the chairman of the subcommittee.

I find that the amount of $1,000, which has been provided for a number of years, as an entertainment fund for the president of the Naval War College at Newport has been taken from the bill, despite the request of the Navy Department and the Bureau of the Budget to have it retained in the bill. It is the same type of appropriation that has been carried for years for the Superintendent of the Naval Academy.

It is my impression that it is much more important for the head of the Naval War College at Newport to have not to exceed $1,000 assigned to him for expenditure from time to time to entertain visitors than it is for the Superintendent of the Naval Academy at Annapolis to have that same fund, or for the Superintendent of the Army War College to have it. I think the elimination of so small an amount of money, if I am correct in my presumption, is very parsimonious, and I am wondering what the gentleman from Idaho [Mr. FRENCH] has to say about it.

I would also like to ask if I am correct in my statement that the Navy Department and the Bureau of the Budget desire it in the bill?

Mr. FRENCH. The item was included in the bill as it came from the Bureau of the Budget to the committee. On the other hand, the gentleman is in error in assuming that it is an item that has been carried for that same purpose in bills heretofore. In fact, this was an innovation. This year it was proposed to do it for the first time. Heretofore the amount of money that could be expended by the head of the Naval War College was drawn from the contingent fund of the Secretary of the Navy. It seems that the practice ought to be continued. In other words, I recognize the force of what the gentleman from Illinois [Mr. BRITTEN] says, that the head of the Naval War College, just as the head of the Naval Academy, has to pay for entertainments that ought not to be regarded as personal. They are official entertainments, but it seemed to the committee that it should be handled as handled heretofore. The contingent fund which we gave to the Secretary of the Navy aggregates some $30,000.

Mr. BRITTEN. Is the contingent fund of the Secretary practically the same as it was last year?

Mr. FRENCH. For 1931 the amount is greater than was expended, although it is $10,000 less than was carried in the bill for the current year and somewhat less than the amount that was carried in the Budget.

Mr. BRITTEN. Then, the gentleman's committee is reducing the contingent fund of the Secretary of the Navy by $10,000 for the coming year and suggesting, in addition, that the Secretary of the Navy take care of this $1,000 or less for entertainment purposes at the Naval War College?

Mr. FRENCH. Yes; and I would say we are carrying in the bill for the contingent fund more than the Secretary expended in the last complete fiscal year. I do not believe there is any complaint from the Secretary.

Mr. BRITTEN. How much more, may I ask the gentleman?

Mr. FRENCH. I think the expenditure was probably not far from $20,000, and we are carrying about $30,000. We try to be generous and ample in a matter of this kind. We believe we can trust the Secretary, and yet we do not want to tie up money that will not be needed. I do not believe the Secretary of the Navy would want us to.

Mr. COYLE. Will the gentleman yield?

Mr. BRITTEN. I yield.

Mr. COYLE. My information is that this item of $1,000 has been allocated each year by the Secretary of the Navy to the president of the War College until three years ago, and that for the past three years it has not been allocated from the Secretary's contingent fund, and they have been told they should go through the Budget and get a direct allotment of $1,000 in the appropriation for the contingent fund. This year for the first time the amount was approved by the Navy Department and by the Bureau of the Budget, and they feel rather discouraged to have it taken out of the bill by the committee, because, as it happens, the present president of the War College and his successor soon to be both come from the lower half of the rear admirals' grade, and they get $2,000 a year less pay than any prior president of the War College since the war.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent to have my time extended two minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for two additional minutes. Without objection, it is so ordered.

There was no objection.

Mr. COYLE. Mr. Chairman, this leaves a situation under which the president of the Naval War College has to provide for the entertainment of very distinguished foreign guests who oftentimes come there as lecturers, as well as men from colleges in the United States. The president of the college has to pay for this out of his pay, and his allowances without this $1,000 are almost $3,000 less than they have been in any other of recent years until the three years just now past.

So if the opportunity comes to reconsider that item, or at least to let the Secretary's office know that the committee believes that there is necessity for it, I would appreciate it very much, and I think the naval service generally would appreciate it.

Mr. FRENCH. The members of our subcommittee, as I stated a moment ago, recognize the unusual burdens that rest upon an officer as head of the Naval War College. I am acquainted with the particular officer to whom the gentleman refers, and I have the highest admiration for him and his ability. On the other hand, the picture which the gentleman from Pennsylvania [Mr. COYLE] has painted to the House is one that comes to members of our committee for the first time. We were not so advised, and it has been the understanding of the committee that moneys for entertainment have been allotted from the general fund, under the control of the Secretary of the Navy.

More than that, whether that has been the policy pursued it is certainly within the power of the Secretary of the Navy under the law, which we do not disturb, to do that thing. I think the gentleman himself said it had been followed until quite recently, and we think it should be followed.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

The pro forma amendment was withdrawn.

The Clerk read as follows:

BUREAU OF SUPPLIES AND ACCOUNTS

PAY, SUBSISTENCE, AND TRANSPORTATION OF NAVAL PERSONNEL

Pay of naval personnel: For pay and allowances prescribed by law of officers on sea duty and other duty, and officers on waiting orders (not to exceed 5,499 commissioned officers of the line and 1,455 warrant and commissioned warrant officers on the active list)—pay, $30,302,942; rental allowance, $6,067,182; subsistence allowance, $3,709,998; in all, $40,080,122; officers on the retired list, $5,171,400; for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, and hire of quarters for officers and enlisted men on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable, $3,000; pay of enlisted men on the retired list, $2,284,004; extra pay to men reenlisting after being honorably discharged, $2,486,290; interest on deposits by

men, $3,000; pay of petty officers, seamen, landsmen, and apprentice seamen, including men in the engineer's force and men detailed for duty with the Fish Commission, enlisted men, men in trade schools, pay of enlisted men of the Hospital Corps, extra pay to men for diving, and cash prizes (not to exceed $55,000) for men for excellence in gunnery, target practice, and engineering competitions, $68,511,846; outfits for all enlisted men and apprentice seamen of the Navy on first enlistment at not to exceed $100 each, civilian clothing not to exceed $15 per man to men given discharges for bad conduct or undesirability or inaptitude, reimbursement in kind of clothing to persons in the Navy for losses in cases of marine or aircraft disasters or in the operation of water or air borne craft, and the authorized issue of clothing and equipment to the members of the Nurse Corps, $1,738,230; pay of enlisted men undergoing sentence of court-martial, $164,220, and as many machinists as the President may from time to time deem necessary to appoint; and apprentice seamen under training at training stations and on board training ships, at the pay prescribed by law, $1,530,000; pay and allowances of the Nurse Corps, including assistant superintendents, directors, and assistant directors—pay, $668,260; rental allowance, $16,320; subsistence allowance, $21,900; pay retired list, $21,376; in all, $727,856; rent of quarters for members of the Nurse Corps; pay and allowances of transferred and assigned men of the Fleet Naval Reserve, $9,929,532; reimbursement for losses of property as provided in the act approved October 6, 1917 (U. S. C., title 34, secs. 981, 982), as amended by the act of March 3, 1927 (U. S. C., Supp. III, title 34, sec. 983), $5,000; payment of six months' death gratuity, $150,000; in all, $132,784,500.

Mr. GAMBRILL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

Mr. BRITTEN. Mr. Chairman, I reserve a point of order against certain language in this paragraph.

Mr. TABER. Mr. Chairman, I make the point of order that the reservation comes too late. An amendment has been offered.

The CHAIRMAN. The reservation of a point of order comes too late, because the Chair had recognized the gentleman from Maryland to offer an amendment. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GAMBRILL: On page 24, after line 8, add the following:

"For payment to Vincentia V. Irwin, widow of the late Ensign Glendon Ward Irwin, United States Navy, of an amount equal to six months' pay at the rate said Glendon Ward Irwin was receiving at the date of his death, as authorized by the act approved May 26, 1928, $935.

"For payment to Lucy B. Knox, widow of the late Lieut. Commander Forney Moore Knox, United States Navy, of an amount equal to six months' pay at the rate said Forney Moore Knox was receiving at the date of his death, as authorized by the act approved May 26, 1928, $2,370."

Mr. GAMBRILL. Mr. Chairman and members of the committee, in the Sixty-ninth Congress this House passed a bill granting six months' pay to Vincentia V. Irwin, widow of Ensign Irwin, who died while in service and in line of duty. This bill failed of action by the Senate.

In the Seventieth Congress, first session, the bill was reintroduced, and it passed the House and the Senate, was signed by the President, and is now a law. There was nothing unusual about this bill granting six months' pay to the widow of Ensign Irwin, and it has several precedents to support it.

The act of May 13, 1908, gave six months' pay to the beneficiary of an officer or enlisted man of the Navy or Marine Corps who died of wounds or disease contracted in the line of duty; so the law stood until the war risk insurance act of October 6, 1917, which was held to have repealed the act of May 13, 1908. Evidently it was not the intention of Congress to repeal the act of May 13, 1908, by the enactment of the war risk insurance act, as on June 4, 1920, Congress reenacted the law of 1908. But there was a hiatus between October 6, 1917, and June 4, 1920, and it was during this period, or on December 6, 1917, that Ensign Irwin died.

So Congress, having these facts before it, enacted a law for the relief of the widow of Ensign Irwin, providing for a payment to her of $935, or six months' gratuity; and a like bill, granting $2,370 to the widow of Lieutenant Commander Knox, was passed and became a law. These items providing for the payment to Mrs. Knox and Mrs. Irwin were reported by the Secretary of the Navy for inclusion in the first deficiency appropriation bill in the Seventieth Congress, on which the conferees failed to agree.

The Appropriations Committee of the House refused to include these items in the deficiency bill, and that bill went to the Senate where the items were inserted. But, due to the legislative situation, no action on the first deficiency bill was taken; and the second deficiency bill included the appropriations provided for by the House in the first deficiency bill, but did not include appropriations for Mrs. Knox and Mrs. Irwin.

When hearings were being held on this appropriation bill for the Navy, Congressman LINTHICUM and I appeared before the committee and urged that the appropriation for Mrs. Irwin and Mrs. Knox be made as authorized by Congress. That committee has not included the items authorized. In other words, the Appropriations Committee presumed to disregard the expressed will and legislative intent of Congress by failing to provide for the payment to Mrs. Knox and Mrs. Irwin of six months' gratuity.

If this be the attitude of the Committee on Appropriations, I can see no reason for the retention of any committees of Congress, save and except the powerful Committee on Appropriations and, possibly, the Ways and Means Committee. If this be the attitude of the Committee on Appropriations, then not only must a bill not be in conflict with the financial policy of the President but every sponsor of legislation, for an appropriation must first go hat in hand and with bended knees to the Committee on Appropriations and ascertain from that august body if the proposed legislation is in conflict with its financial policy.

Why did the Committee on Appropriations refuse to make the appropriations necessary to carry out the legislative intent? Simply because a special assistant to the Paymaster General of the Navy was before the committee for examination and reported the Navy Department considered the items special legislation and had been opposed to such appropriations; and for the further reason the department had estimated that if six months' gratuity were paid to the beneficiaries of all officers and enlisted men who died between October 6, 1917, and June 4, 1920, it would cost the Government $3,300,000. Just what basis the assistant to the Paymaster General had for this estimate, which seems to me a gross exaggeration, I do not know. But the fact is that only about eight bills of this character have been introduced and have become laws, and the appropriations have been made in other cases to carry out the legislative intent. The aggregate amount of such appropriations probably does not exceed $15,000. But I do not propose to discuss the merits or the demerits of the legislation, as Congress has expressed its determination by the passage of the authorization bills, and the broad question is, Whether the intent and purpose of Congress shall be carried out or shall the acts of Congress be nullified by the Committee on Appropriations?

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. GAMBRILL. Mr. Chairman, I ask unanimous consent to proceed for four additional minutes.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to proceed for four additional minutes. Is there objection?

There was no objection.

Mr. GAMBRILL. Let us see how the Committee on Appropriations, headed by the gentleman from Indiana [Mr. WOOD], functions when it has a special project to defend.

When the bill making appropriations for the District of Columbia was before the House for consideration on March 27 of this year it contained an item of $300,000 for a farmers' market in southwest Washington, a subject matter which had provoked considerable controversy when the authorization bill was passed. The item of $300,000 was reported, as it should have been, by the Committee on Appropriations, although several members of that committee doubted very seriously the wisdom of the appropriation being made.

When the item was reached in the reading of the bill the gentleman from Massachusetts [Mr. UNDERHILL] offered an amendment striking out the appropriation of $300,000, which was his right and privilege, as well as that of any other Member. Then it was that the gentleman from Indiana [Mr. WOOD] rushed to the rescue of the appropriation, and after referring to the authorization he said:

In doing this [meaning in making the appropriation] we are carrying out the mandate of the Congress as then expressed.

I will say to the gentleman from Indiana [Mr. WOOD], who has so successfully opposed the appropriation for Mrs. Irwin and Mrs. Knox being included in this appropriation bill, that the "mandate" of Congress in these cases should be just as binding on you as the "mandate" for a farmers' market in southwest Washington, the only difference being that powerful financial interests were back of the $300,000 appropriation.

The question is simply this, Shall the legislative intent, as expressed by the passage of these bills for the relief of Mrs. Knox and Mrs. Irwin, be carried out, or shall the legislative intent be nullified by the action of the Committee on Appropriations?

I hope the amendment will prevail.

Mr. TABER. Will the gentleman yield?

Mr. GAMBRILL. I yield.

Mr. TABER. Is it not true that the gentleman went on record on the District appropriation bill against the doctrine he is now enunciating?

Mr. GAMBRILL. On the contrary, I think the Committee on Appropriations having in charge the District of Columbia appropriation bill acted properly in including the appropriation for $300,000, but it was within the right and prerogative of any Member of Congress to object to that item being approved when the bill was considered by the House.

Mr. STAFFORD. Will the gentleman yield?

Mr. GAMBRILL. Yes.

Mr. STAFFORD. Are we to understand that the Committee on Appropriations has deliberately refused to vote an appropriation in accordance with these acts of Congress?

Mr. GAMBRILL. That is the precise situation which is presented to the House to-day.

Mr. STAFFORD. I think that calls for some explanation on the part of some member of the Committee on Appropriations.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Chairman and gentlemen of the committee, I am coming over on this side [Republican], where I think I have a great many friends, as I have on the other side. I want to discuss this matter rather frankly with you.

Commander Fordney Moore Knox was one of the men who helped to lay down the mines across the North Sea. He came back to Annapolis, was taken sick, and after a while died in the service. He died February 16, 1920, and this new act was passed on June 4, 1920. Had he lived until June 4 he would have gotten this six months' pay. The old law granting the same relief was repealed October 6, 1917.

Mrs. Knox is the daughter of Judge Briscoe, of Maryland, now deceased, and I introduced a bill granting her six months' pay, she having three little children. Before I introduced the bill, however, I looked the matter up to see if there were any precedents for it. I found there were quite a number of precedents. I found that Harriet B. Castle (Private Law, 273) had been given six months' pay; that Alice P. Dewey (Private Law, 255) had been given six months' pay; that Josephine Barin (Private Law, 242) had been paid; and that Ellen McNamara (Private Law, 222) had been paid. I had all of those precedents in mind when I introduced this bill. Then two days before my bill passed a bill was passed for Mrs. Lathrop (H. R. 2793) and she got her money. But for some reason or other we have been unable to get an appropriation to pay the beneficiaries named in these two acts, that of Lucy B. Knox and Vincentia D. Irwin.

The Knox bill was passed by this House twice. It was argued before the Naval Affairs Committee and passed this House twice. The first time it failed in the Senate by reason of nonaction, but the second time it passed the House, passed the Senate, and was approved by the President. Then the Bureau of the Budget sent down an estimate for the payment of the amount carried in the bill, $2,370.

I did not go before the Appropriations Committee; neither did my colleague the gentleman from Maryland [Mr. GAMBRILL], because we were under the impression, Mr. Leader [Mr. TILSON], that the gentleman's agreement stood, and that whatever the legislative committees authorized to be paid the Appropriations Committee would pay. You gentlemen who were here when the Appropriations Committee was enlarged and given charge of appropriations will remember that it was understood that the other committees should only have the right to authorize, but that when they did authorize the Committee on Appropriations would make the payment. The matter came down in the Budget and I concluded it would go in, just as all other claims had gone in, and just as these six or seven other identical cases had gone in and been appropriated for, but, to my utter astonishment, when the bill was reported out these items were not included.

Then my colleague the gentleman from Maryland [Mr. GAMBRILL] and I thought we would follow a different process, and we went before the Committee on Appropriations, hat in hand, and laid the whole matter before them, and I must say that I believe we have their sympathy if not the appropriation. I think the only reason this subcommittee has not given us the appropriation is the fact that another subcommittee, when it considered the deficiency bill and left these items out, established a precedent. The consequence is that this subcommittee does not feel that it should reverse another subcommittee which is also a part of the Committee on Appropriations.

When this matter first came before the Committee on Naval Affairs the Navy Department said they could not recommend it because they believed a bill carrying $3,000,000, or something of that sort, should be passed giving everybody relief. The Navy Department has consistently recommended general legislation, but the committee is of the opinion that these cases should be taken care of as they are presented by the individuals.

Now, this is from the Navy Department, through Captain Leigh, now Admiral Leigh:

> The Navy Department is opposed to the enactment of special legislation which benefits an individual to the exclusion of many others who may have equal claim to the same benefits, and as the enactment of such legislation establishes an undesirable precedent and is not for the general good of the naval service the Navy Department recommends that the bill be not enacted.

A more comprehensive statement of the attitude of the Navy Department is found in a later report, which states:

> The department considers this class of legislation as meritorious, but invites attention to the fact that it is not general in its character.

Captain Leigh, now Admiral Leigh, came down before the committee and he said that while the department could not recommend the bill, because the department believed there ought to be general legislation, he said:

> The department considers this class of legislation meritorious and invites attention to its general character.

Now, gentlemen, it does seem to me that if there were ever two cases that should be taken care of they are these two cases of Irwin for $935 and Knox for $2,370, involving all told $3,305.

Mr. BRIGGS. Will the gentleman yield?

Mr. LINTHICUM. Certainly.

Mr. BRIGGS. Why is it not taken care of in the appropriation bill? Is there any reason for it?

Mr. LINTHICUM. Here is what the Subcommittee on Appropriations says:

> As these two instances are special legislation, not mandatory in character, and discriminate in favor of a small number compared to a large group, the items are not recommended.

Not mandatory! I want to ask you gentlemen on both sides of this House, when did you ever get an authorization for an appropriation from any committee that was mandatory? You can not get a mandatory authorization through the committee, and, of course, this was not mandatory, and therefore they do not put it in the appropriation bill.

Mr. STAFFORD. Will the gentleman yield?

Mr. LINTHICUM. Certainly.

Mr. STAFFORD. In the other instances, where the Congress has passed special acts granting similar relief, has it not been the custom for the Committee on Appropriations to recommend the payment of such claims?

Mr. LINTHICUM. Invariably.

Mr. STAFFORD. Without any special effort being made?

Mr. LINTHICUM. Invariably; and two days before my bill went through the Lathrop bill went through and she got her money.

Mr. STAFFORD. What is their defense for not appropriating the money in this instance?

Mr. LINTHICUM. That is something I can not answer, except that they think this House and the Senate, the President, and the Budget are wrong and they are right.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. VINSON of Georgia. As a matter of fact, there is not a single mandatory provision with reference to the entire appropriation bill now before the committee.

Mr. LINTHICUM. You could not get such a provision through the committee.

Mr. VINSON of Georgia. I am talking about this very bill. There is nothing mandatory about the committee making these appropriations.

Mr. LINTHICUM. Of course not; there is nothing mandatory about it. There could not be under our rules.

I have been fighting this matter for three or four years, and I am asking you to give it your serious consideration. I would like to see the appropriations made, and I do not believe you are going to hurt the feelings of this subcommittee in doing this. The committee has given it consideration, and they have given no reason for not recommending the appropriation. These women need the money, and everyone else who is similarly situated has received the money who asked for it.

Mr. FRENCH. Mr. Chairman, the amount of money in the two items is not large; on the other hand, there is a principle involved. The gentleman from Maryland [Mr. LINTHICUM] is

quite correct when he says that he has friends over on this side of the House. I recognize that; but, Members of the House, propositions of this kind are not matters of personal friendship. Your committee has been compelled time and time again to turn down projects urged by men whose friendship is highly prized. But we must not legislate upon this basis. So much for the appeal on the basis of friendship.

The second suggestion the gentleman makes is that when the authorization is made it ought to be a mandate upon the Committee on Appropriations at once to report a bill that will carry the appropriation

Of course, I think the gentleman does not want to be regarded as making this broad statement. This is not the policy of the Congress; in fact, if it were the policy of the Congress, you might just as well not have a Committee on Appropriations. The very fact we have two committees—a legislating committee and an appropriating committee—is evidence that under our system the Congress desires that certain matters be examined with greatest care. I could cite case after case where authorization has been made of large projects, and where through the result of hearings or study by the Appropriations Committee, appropriations have been made for far less than the money totals in the authorization.

Now, when we come to this particular item, what is the situation? The gentlemen who have spoken have indicated that prior to the year 1920, June 4, for a number of years the relatives of persons who died under the circumstances similar to those surrounding the cases cited were not entitled under the law to six months' gratuity pay on the part of the Government.

Then a law was passed providing that the beneficiary of the person who died under similar circumstances would be entitled to six months' pay. Because of the fact that these two persons died prior to the date that the law was passed gentlemen come here and urge that the provisions of the later law ought to be extended so as to include benefits to the beneficiaries of these persons.

If that be sound, it would open up the entire question of correcting abuses that it might be alleged might be shown though they were not abuses under the laws existing at the time.

When the two bills were passed two years ago, if you will look at the CONGRESSIONAL RECORD of May 20, 1928, you will find objection was reserved to the Knox bill by the gentleman from Michigan [Mr. HUDSON]. A very brief explanation was made, an explanation that was altogether inadequate and did not even approach the subject in reciting the facts that existed in the report of the Secretary of the Navy.

When the Irwin bill was passed no line of explanation was made touching the bill.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. FRENCH. I yield.

Mr. VINSON of Georgia. The line of argument the gentleman is making should have been addressed to the President, because before approval it is assumed he goes into the merits of the bill. What we are talking about is the law on the statute book dealing with the subject. The gentleman should have presented his argument to the President for a veto. After it became a law it is incumbent on the committee to offer an excuse of why it has not carried out the law enacted by Congress.

Mr. FRENCH. Following up the thought I was pursuing, may I direct the attention of the House to the report that was made by the Secretary of the Navy upon the subject when the bills were pending? It was pointed out that if all beneficiaries were recognized of persons who died under similar circumstances it would require an amount of $3,331,569 to meet the obligations of the Government. Yet no general bill was introduced or was pressed upon the House providing for any such adjustment.

The gentleman a little while ago estimated that possibly $15,000 would meet the total claims already allowed. That is his estimate. The department, however, estimates that it will require more than $3,300,000 to meet just such claims.

You will remember that eight years ago Congress included a few lines in the naval appropriation bill providing for the retirement pay to those members of the service who held emergency officers' rank equal to the retirement pay of those in the Regular Naval Establishment. This was when the naval appropriation bill came from the Naval Committee. At the end of 13 months about 228 officers had received the benefits of the law, and Congress, realizing the mistake it had made, promptly repealed the act. Then what happened? The point was made that the benefits extended to some should be shared by all, and it was pressed upon Congress that a general law be passed providing for retirement pay to emergency officers not only in the Navy but the Marine Corps and in the Army equal to retirement pay of officers of the Regular Establishments.

Such a campaign was made as has been surpassed probably but few times in recent years, with the result that about a year and a half ago the Congress passed a law providing for retirement pay to all of those who were on a similar footing with the limited number who had slipped through on that piece of legislation eight years ago. What is it costing us to-day? Not a few thousand dollars but between $9,000,000 and $10,000,000 every year. Here in the proposed amendments is the thin edge of the wedge. Here are two items that have been proposed that involve conditions as to which there was no law existing when the men died whose dependents are now involved. If we agree to the amendment, then it will be of course up to the Congress to say whether or not it shall refuse like consideration to the beneficiaries of men who died under similar circumstances, and that will involve not less than $3,300,000.

Mr. VINSON of Georgia. Mr. Chairman, I rise in support of the amendment. I am satisfied the committee was hoping that the gentleman from Idaho [Mr. FRENCH] would offer some excuse or at least a good alibi for the refusal of the committee to make this appropriation. On the contrary, the gentleman consumed some 10 minutes going into the reason why the gentleman from Michigan [Mr. HUDSON] should have objected to the bill some years ago when it was before the House for consideration. The merits of the bill when it passed the House are not applicable now. It was discretionary with the Congress at that time as to whether or not we would grant six months' gratuity in cases of this kind. The Congress did so. The bill received the approval of the President, and it is the law of the land that these two widows of officers who died should have the benefit of this six months' gratuity. The question before this committee is one of principle. It is a very vital principle, as to whether or not a subcommittee of the Committee on Appropriations can nullify a law of Congress. That is all that is involved here. Congress passes a law to-day to do a certain thing that does not meet the views of the gentleman from Idaho or some other members of the committee, and they say, "We will pay absolutely no attention to it."

This is not the first time that this Subcommittee on Appropriations has done this identical thing. A few years ago the Naval Affairs Committee authorized the construction of an experimental metal airship, costing about $300,000. When the appropriation bill was reported to the Congress it was found that the committee had left that out. The gentleman from New York [Mr. TABER] took the floor and sought to justify the reason why the Appropriations Committee had not carried out the mandate of Congress authorizing an appropriation for the building of that ship. It was upon the same theory that the gentleman from Idaho now is seeking to justify this—going into the merits of the case.

The Congress has passed the law, the President has sanctioned it, and now the gentleman says the reason he does not include the amount in the appropriation bill is because there is no mandatory provision. I say to the gentleman there is not a single mandatory provision in respect to any item in the present appropriation bill requiring the Committee on Appropriations to come in here and make an appropriation of a definite sum.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. TABER. Does the gentleman mean to say that the House when it considers an appropriation bill should not consider the items that are presented on their merits? Is the gentleman now addressing himself to the proposition that the House has no discretion, that the membership of the House are mere automatons?

Mr. VINSON of Georgia. Mr. Chairman, nothing I said warrants any such statement as that. On the contrary, the gentleman says that his subcommittee will flaunt the law of Congress and do as it pleases. What is the prerogative of the Committee on Appropriations? It has no legislative authority at all.

Just as a deceased Member who headed the Committee on Naval Affairs some years ago said, the main function of the Appropriations Committee is that of an adding machine, and yet this subcommittee comes in here after the Congress passes a law and the President signs it and says that it will veto the law, saying to the Congress, "We are bigger than the Congress." The Congress says certain things should be done, and this subcommittee which makes up the appropriations says, "We care nothing about what the House and the Senate and the President do, because it does not meet our approval, and we will not carry out the provision and the intention of the law and will therefore make no appropriation." Mr. Chairman, I sincerely trust that this House will go on record and let it be understood by the Appropriations Committee that when Congress passes a law it is incumbent upon that committee to endeavor to carry out the law as authorized by the Congress. [Applause.]

Mr. OLIVER of Alabama. Mr. Chairman, when one assumes the extreme position that the gentleman from Georgia [Mr. VINSON] does, in order to state a good case to the House, and charges that the Committee on Appropriations has improperly violated a mandate of the Congress, I feel, as a member of that committee, that I should make some answer to the unjustified charge of the gentleman. This House has frequently, as the gentleman from Idaho [Mr. FRENCH] said, gone on record as approving the action of the Committee on Appropriations in not providing appropriations for all authorizations. It is not surprising, however, that so zealous an appeal should be made at this time, when we understand there may soon be large authorizations for construction reported by the committee of which the gentleman from Georgia is a member, and if this House gives approval now to the idea that when Congress passes an authorization for construction there must necessarily be reported by the Committee on Appropriations appropriations to carry out such authorizations the gentleman from Georgia may point to that as a precedent. It so happens that the particular case now before the House may be a very weak case for the Committee on Appropriations to undertake to explain why no appropriation is affirmatively recommended, but Members of the House should understand that the committee has very frankly called attention to it. A hearing was given the gentlemen by the committee, and the committee recognizes that it is the supreme right of Congress to determine what should now be done, and I am very frank in saying to you that we are not here to speak against the justice of providing this appropriation.

But the House should remember this: The Committee on Appropriations may very properly call to the attention of the House the importance of providing by general legislation for items of this kind in order that at the time the general legislation is proposed hearings may be had and proof submitted to show what expense such legislation will ultimately entail on the Federal Treasury. We know that when private bills are considered by unanimous consent there are comparatively few Members present, and those few are greatly importuned to withhold objections, and thus many bills pass without the membership of the House knowing anything about them.

I call your attention to an instance where the committee, I think, was complimented on its refusal to carry out an authorization. You passed a bill some years ago authorizing Federal judges to parole certain misdemeanor cases, and the bill required the probation officers to be selected by the judges from civil-service lists. Many of the judges objected to this method of selection, and attention was further called to the fact that the law failed to provide adequate supervision over the probation officers. So the committee refused to approve Budget estimates for appropriations covering salaries of probation officers, and gave you our reasons therefor.

Less than six months ago the House vindicated our position in withholding appropriations, and the Judiciary Committee reported a bill to correct the existing law in the matters referred to and said, in effect, we were right in not providing appropriations until the law could be changed so as to insure efficiency in this service.

This House has given approval to several bills carrying individual appropriations and since the pending amendment seems to have merit, I will make no defense against the insistence of gentlemen that the appropriation should be made. The reason why it was not recommended was the fact that we felt it was important that general legislation should be passed on this subject. You will find that when you come to investigate the records many similar claims, equally as meritorious, remain unpaid and unauthorized; and unless Congress passes general legislation to cover all like meritorious cases, you will do injustice to many needy beneficiaries who are now unknown and who will remain unknown. That is the reason why I brought this to the attention of the House. [Applause.]

Mr. STAFFORD. Mr. Chairman and members of the committee, a vital procedure of the House is involved in this question, whether the Committee on Appropriations has the right to consider and regulate the action of Congress as to private bills.

I have never known until to-day of an instance where the Committee on Appropriations has withheld its approval of an appropriation after the Congress had passed an act for the relief of a private individual. The essence of their procedure is to reconsider the vote of the Congress; not the vote of the House only, but the vote of the Congress.

Following out that policy to an extreme, we would not have the right to pass private pension bills or an omnibus pension bill, as it would be in the power of that committee to withhold the appropriation. Is it to be the policy of the Congress, after we pass a bill through the House and through the Senate to be required to go to the Committee on Appropriations and ask their favor to make the appropriation when Congress has issued its mandate that this money shall be paid out of any money in the Treasury not otherwise appropriated? That is what such an act says, that there is authorized to be paid out of any money available in the Treasury such and such an amount.

Under legislative authorizations estimates are sent to Congress by the executive departments from time to time for the payment of certain stated amounts in settlement of claims, and no question is ever raised as to the appropriation. In these cases that is considered the estimate of the department, and the appropriation is granted as a matter of course.

The Appropriations Committee is transgressing on the great prerogatives of this Congress when they attempt to say, after this Congress, in its full wisdom, has passed a bill for relief, that they have the right to withhold the appropriation. There is no parallel to the case cited of authorization for construction. In matters of construction it is presupposed that the authorization shall not exceed a certain stated amount. But when the House passes private relief bills authorizing a certain amount of money to be appropriated, there is no recourse for further consideration. Congress has said so much shall be paid, not with the approval and supervision of that august tribunal, the Committee on Appropriations, or whether such money is available in the opinion of the Committee on Appropriations.

The committee has not made out a defense. I think they should never again have the right to come into this House and expect us to uphold their contention. We should, almost as a unit, other than members of the Committee on Appropriations, vote to have these two items included.

Mr. TABER. Mr. Chairman and members of the committee, I rise in opposition to the amendment. It seems to me that the members of the committee, or at least some of them, have little sense of the responsibility that rests upon them as members of this Committee of the Whole and as Members of the House.

Here is the situation: We are all Members of the House of Representatives. Upon us is placed the responsibility of passing upon legislation that is passed to us. Under the Budget system, for the purpose of considering legislation, this method is provided: First, before any money can be had, an authorization bill must be passed, authorizing the appropriation of money for the particular purpose. That bill must be submitted to the House and passed and signed by the President. Then a bill must be submitted to the House by the Appropriations Committee and passed by the House, appropriating the money. It is not the Appropriations Committee, it is not the Naval Affairs Committee, or any other committee that passes legislation or appropriations. It is a question for the House to pass upon, and the House should support and meet its responsibilities. It is absolutely ridiculous for us to take the position that because one committee reported a bill and the House has passed it that the other committee must include that item in the appropriation bill. If that were true why does the Budget system require the item to be reported to the House in the bill submitted by the Committee on Appropriations? It is an absolutely ridiculous situation that the House is not big enough and has not enough conception of its responsibilities to pass upon the measures that are submitted to it, and to pass an appropriation bill upon its merits and not upon some fancy method of procedure that is contrary to the rules of the House and the Budget system.

Mr. ADKINS. Will the gentleman yield?

Mr. TABER. I yield.

Mr. ADKINS. Now, when an appropriation is authorized and reported to the House, has not the House got the right to amend that and reduce it or strike it out if they desire?

Mr. TABER. Or to increase it; yes. That is just the situation that is presented. It is a matter for the House to pass on. It is not a controversy between the Appropriations Committee and any other committee, regardless of whether or not they get themselves into a position of trying to make themselves feel offended or slighted, but it is a matter of the duty of the Appropriations Committee to come here with legislation that it thinks is right and present it to the House. If the House does not think the Appropriations Committee has done the right thing, it is up to the House to turn it aside.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. TABER. I yield.

Mr. VINSON of Georgia. The trouble is, the committee did not make any appropriation at all.

Mr. TABER. It is perfectly proper for the gentleman from Maryland [Mr. LINTHICUM] to offer an amendment, but it is up to the House to pass upon it on its merits.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. TABER. I yield.

Mr. OLIVER of Alabama. There has been nothing said by any member of the committee against the right of the gentle-

man from Maryland [Mr. LINTHICUM] to offer his amendment and submit it to the House on its merits. The House is absolutely sovereign in that respect.

Mr. TABER. Absolutely.

Mr. OLIVER of Alabama. We have called the attention of the House to what we thought would be a better method of providing for many such claims that are equally meritorious and which are not now cared for, if it is the desire of Congress to pay for all such claims.

Mr. TABER. Personally, I think that it is establishing a dangerous precedent to put this item into the bill and thereby create a precedent where we will have to put in $3,300,000.

The CHAIRMAN. The time of the gentleman from New York [Mr. TABER] has expired.

Mr. BRITTEN. Mr. Chairman, I move to strike out the last word.

I will only take up the time of the House for one minute. It seems to me that we are wasting a great deal of valuable time on a matter of very, very little importance to the Treasury or even to ourselves, but a matter of very, very great importance to two dependent widows of officers who lost their lives in the line of duty. The total amount involved to-day is $3,200, one widow receiving $2,300 and the other receiving $900—six months' pay of an officer who lost his life in the line of duty.

Mr. HUDSON. Will the gentleman yield?

Mr. BRITTEN. I yield.

Mr. HUDSON. But what about all the other widows in the country in a similar position?

Mr. BRITTEN. I am coming to that.

The objection that has been voiced by the members of this important committee is that the Congress should pass general legislation. They know as well as you and I know that in many instances the widows and so-called dependents of officers who die do not desire this gratuity from the Government; but in this instance these two dependent widows do desire it, and why suggest that we should wait for general legislation?

In my opinion, my friends, this $3,200 is going to come out of the Treasury in one bill or another. It is authorized by act of Congress signed by the President. What difference does it make? The amendment is in order on this bill. Why not pass it? I think the item is too small to even quibble about. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland [Mr. LINTHICUM].

The question was taken; and on a division (demanded by Mr. STAFFORD), there were—ayes 34, noes 29.

So the amendment was agreed to.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McCLINTIC: Page 24, line 8, at the end of the paragraph insert:

"*Provided*, That no part of this appropriation shall be expended until the Secretary of the Navy shall order an inventory taken annually for the purpose of establishing a complete check on all necessary articles and supplies, and put into effect such rules and regulations as will be necessary to carry out this proviso."

Mr. FRENCH. Mr. Chairman, I reserve a point of order against the amendment.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I do not think the amendment is subject to a point of order, for the reason that it is a limitation. I hope after I have explained the object of the amendment the Chairman will not see fit to oppose the same.

A short time ago it was my privilege to appear before another committee in Congress, and the question was raised as to the amount of supplies on hand in one of the great bureaus of this Government. One member of the committee estimated the amount as $5,000,000, another $500,000,000. There was no way for the committee to obtain accurate information, for the reason that in some departments of our Government inventories have not been taken, I dare say, for a period of 50 years or more. So I have drawn an amendment which does not reflect upon any person connected with the department. It does not limit the powers of the Secretary of the Navy, but it leaves the subject wholly in his discretion when it comes to deciding the amount of supplies on hand with regard to which an inventory should be taken.

Everyone knows that this department of the Government takes an inventory of everything that is in the House Office Building from time to time. Everyone knows that no successful business can be conducted unless inventories are taken annually, and in most instances semiannually. Everyone knows that insurance companies will not write policies on legitimate stocks unless inventories are taken at different intervals.

An amendment of this kind—which does not cast any aspersions on any person, on any bureau, or on any head of any bureau—might bring about a lot of good, might be in the interest of business economy, might stop up a few leaks, and might bring about a great saving to the Government, and I have, therefore, offered it in order that this committee may do just what it may desire. I ask unanimous consent that the amendment may again be reported.

The CHAIRMAN. Without objection, the amendment will again be reported.

There was no objection.

The Clerk again reported the amendment.

Mr. FRENCH. Mr. Chairman, I shall make a point of order against the amendment in just a moment, but before doing so it seems to me I should say that, generally speaking, the very things suggested by the amendment are practices carried on within the Naval Establishment. In other words, the Navy is constantly taking invoices, taking stock of the property it has on hand, and the Committee on Appropriations is constantly combing through the different stores and accounts to find what materials can be utilized, what ought to be disposed of because it is obsolete or of no value, and how best to care for materials that are serviceable and serviceable for some purpose maybe other than that for which they were originally purchased.

It seems to me, however, that the language is subject to a point of order because it undertakes to direct the course which the Secretary of the Navy should pursue before money shall be available, and with that thought in mind I make a point of order against the amendment.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I thought I had prepared the amendment in such a way as to bring it under the Holman rule and I thought it would be a limitation.

I want to say to the distinguished chairman of the subcommittee that I have no desire to clutter up the bill with an amendment that would work any hardship, and my only interest was to bring about some economies in this great department, if possible.

Mr. FRENCH. If the gentleman has in mind a further statement I might make along that line, I would say that I believe the department is following the general thought which the gentleman has in mind, and I am afraid that the language, even were it not subject to a point of order, as I think it is, would possibly impose strictures that would make it embarrassing for the department to function as efficiently as it should.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, in preparing the amendment I used the word "necessary," so as to leave the entire discretion in the Secretary of the Navy, having in mind the thought that there might be certain economies brought about if an inventory was taken from time to time. For that reason I used the word "necessary," and left it discretionary instead of mandatory. I hope the gentleman from Idaho will not object to the amendment.

The CHAIRMAN. The amendment offered by the gentleman from Oklahoma provides:

That no part of this appropriation shall be expended until the Secretary of the Navy shall order an inventory taken annually—

And so forth. The amendment does not on its face bring about any reduction or retrenchment in expenditures. The Chair does not regard it as a limitation, and in any event it imposes a new duty upon the Secretary of the Navy, which can not be done under the guise of a limitation. Therefore the Chair sustains the point of order.

Mr. COCHRAN of Missouri. Mr. Chairman, I move to strike out the paragraph for the purpose of asking a question of the chairman of the subcommittee. I would like to ask the gentleman from Idaho if he has any information in regard to the number of pairs of shoes the Navy Department is going to have made at the Leavenworth Penitentiary shoe factory?

At a hearing last week before the Committee on Expenditures in the Executive Departments, Mr. Reed, of the Bureau of Supplies and Accounts in the Navy Department, made the statement, in answer to some questions that I asked him, that the Navy Department had been notified by the Department of Justice that it was ready to manufacture shoes for the enlisted men of the Navy. He stated the Department of Justice, through the shoe factory at Leavenworth, had already manufactured shoes for the War Department and the Coast Guard amounting to 20,000 or 25,000 pairs.

If I am not in error, at the time the bill passed establishing the shoe factory at Leavenworth, the question was brought up in reference to making shoes for the Army and the Navy, and the officials of the Army and the Navy at that time held it would be impossible to make the shoes that the Army and Navy

require in the Leavenworth Penitentiary; but under the law the department is obligated to have shoes made at Leavenworth if the Department of Justice notifies them they are in a position to supply them. With the increase in the number of prisoners in the penitentiary that is making shoes for certain Indian reservations, for the Philippine Scouts, and for the prisoners, it is evident they are getting a large factory at Leavenworth, and I am wondering if the gentleman can give us any information as to how far they are going in the manufacture of shoes for the enlisted men of the Navy.

The shoe factories in my city, employing thousands of citizens, are very much interested in contracts for making shoes for the Army and the Navy. This work gives employment to free labor, and I do not think it is right for prison labor to interfere with free labor in the manufacture of shoes for the enlisted men of the Army and the Navy. The feet of the men of the Army and the Navy will break down if they do not have proper shoes, and it is beyond me to understand how shoes that are suitable for the Army and the Navy can be manufactured in the Leavenworth Penitentiary by men who are being taught the trade. Can the gentleman give me any information about this?

Mr. FRENCH. I would say that the committee has not gone into the question to which the gentleman refers. I realize that the problem of furnishing employment to prisoners within our penal institutions, so that upon the completion of their terms they may be physically and mentally and morally better, is a problem that is receiving the serious attention of the Department of Justice.

Of course, it goes without saying that the department is not undertaking to engage in manufacturing to compete with private industry in the commercial world. On the other hand, there have been places, as the ones to which the gentleman has referred, where for institutions or for services where the Government would need to make direct appropriations, the work of men in certain prisons and penitentiaries of our country has been utilized.

With regard to the specific question, we did not go into it and we have left it to be handled as a matter of administration.

Mr. OLIVER of Alabama. If the gentleman will permit, there was authorization some years ago by Congress that the penitentiary at Leavenworth should be provided with equipment for making shoes and in that authorization it was provided that shoes might be sold to the Army and the Navy. There has never been, I understand, equipment provided that would produce any very large outlay, and I question whether private business has been seriously interfered with.

Mr. COCHRAN of Missouri. I hope when the committee takes up the bill next fall it will look into this question and see how far they are going to go along this line and also if the shoes are satisfactory.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Subsistence of naval personnel: For provisions and commuted rations for enlisted men of the Navy, which commuted rations may be paid to caterers of messes in case of death or desertion upon orders of the commanding officers, at 50 cents per diem, and midshipmen at 80 cents per diem, and commuted rations stopped on account of sick in hospital and credited at the rate of 75 cents per ration to the naval hospital fund; subsistence of men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); quarters and subsistence of men on detached duty; subsistence of members of the Naval Reserve during period of active service; subsistence in kind at hospitals and on board ship in lieu of subsistence allowance of female nurses and Navy and Marine Corps general courts-martial prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement; in all, $18,800,000;

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The Committee on Military Affairs for some time has been giving consideration to the item of rations for the enlisted men of the Army. The paragraph under consideration provides for rations in the Navy.

I wish to inquire whether these respective amounts carried for rations for the respective individuals are fixed according to law or are they legislative mandates?

Mr. FRENCH. The law touching the Army is not quite identical with the law touching the Navy and yet the figures are not so far apart.

This year the amount is upon the basis of 53½ cents per ration, as contrasted with 52½ cents for last year.

The law with respect to rations for the Navy provides in terms of components that must be purchased for the food of the enlisted men and we annually go over the items that go to make up the food for the enlisted men and endeavor to fix the amount upon the basis of the probable cost.

Mr. STAFFORD. I notice you allow 80 cents as the quantum of allowance for midshipmen and 50 cents as the quantum of allowance for the mess of enlisted men. Is this 80 cents comparable, so far as the gentleman knows, with the amount for rations at the Military Academy?

Mr. FRENCH. I think these figures run very closely; in fact, we try to make them just the same and I am advised that in this instance they are the same.

Mr. STAFFORD. Then there is no strict accounting as to the amount that is used for rations? This money is appropriated and any excess goes to a sort of post fund?

Mr. FRENCH. No; the department is able to administer it so that if there are any funds left over they are simply turned back to the Treasury, and on the other hand, as the gentleman will recall the law, if we fail to appropriate enough for the provisions of the enlisted men, this is one of the items—and there are very few—under which the President is authorized to incur deficiencies in order to furnish food and subsistence for the personnel of the Navy.

The pro forma amendment was withdrawn.

The Clerk, proceeding with the reading of the bill, read to line 14, page 31.

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOCH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12236, the naval appropriation bill, and had come to no resolution thereon.

REPAYMENT OF ILLEGAL OR UNAUTHORIZED FEDERAL TAXES TO THE INDIANS

Mr. O'CONNOR of Oklahoma. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 163, and consider the same. I introduced an identical bill in the House, which has been reported favorably by the Indian Committee and is on the calendar.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Senate Joint Resolution 163

To carry out certain obligations to certain enrolled Indians under tribal agreement

Resolved, etc., That any person duly enrolled as a member of an Indian tribe who received in pursuance of a tribal treaty or agreement with the United States an allotment of land which by the terms of said treaty or agreement was exempted from taxation, and from which land the restrictions have been removed, and who was required or permitted contrary to such stipulation to pay any illegal or unauthorized Federal tax on the rents, royalties, or other gains arising from such tax-exempt lands during the period of such exemption and who would be entitled under the law and rulings of the Treasury Department in similar Indian cases to a refund of the taxes so illegally or erroneously collected but for the fact that he failed to file a claim for such refund within the time prescribed by law, shall be allowed one year after the approval of this act within which to file such claim, and if otherwise entitled thereto he may recover such illegal taxes in the same manner and to the same extent as if such claims for refund had been theretofore duly filed as required by law, it not being the policy of the Government to invoke or plead a statute of limitations to escape the obligations of agreements solemnly entered into with its Indian wards: *Provided, however*, That in the case of the death of any such person any such illegal taxes paid by him or on his account may in like manner be claimed and recovered by the person or persons who would have received such money had it constituted a part of his estate at the time of his death.

SEC. 2. That all acts and parts of acts in conflict herewith are modified for the purpose, and only for the purpose of carrying into effect the provisions hereof.

Mr. HASTINGS. Mr. Speaker, I want to ask my colleague if this bill was not unanimously reported from the Committee on Indian Affairs?

Mr. O'CONNOR of Oklahoma. Yes.

Mr. STAFFORD. I think there should be some brief explanation of this bill.

Mr. O'CONNOR of Oklahoma. I shall be glad to give it. The rules of the department require that application or request for the repayment of taxes illegally collected should be made within three or four years. The Government has already repaid all of this money which was collected illegally where application was filed within time. The department has reported to that effect. This bill gives the Treasury the authority to pay back all the money that they illegally collected and which





they had no right to collect in the first place. The Treasury has already repaid for the period not covered by the statute of limitations.

Mr. STAFFORD. How far does the authorization permit the department to go back?

Mr. O'CONNOR of Oklahoma. To all of the illegally collected taxes.

Mr. STAFFORD. How many years does that go back?

Mr. O'CONNOR of Oklahoma. Since 1913, if they collected it back that far.

Mr. STAFFORD. That is going back rather far to settle old claims.

Mr. O'CONNOR of Oklahoma. The money ought not to have been collected in the first place.

Mr. GARNER. How much money does this involve?

Mr. O'CONNOR of Oklahoma. I do not know; the department has not given us any figures.

Mr. GARNER. Is this to be repaid out of the Indian fund?

Mr. O'CONNOR of Oklahoma. No; it comes out of the Treasury. It is money that the Government collected from the Indians which ought not to have been collected.

Mr. HASTINGS. And it was held to be illegal because it was collected from the restricted Indians.

Mr. GARNER. I am not going to object to the bill but only to the principle—you are extending the statute of limitations in favor of the Indians and I think the Government should never invoke the statute of limitations against the Indians.

Mr. O'CONNOR of Oklahoma. They do not allow the white folks to do it, but the Government can do things that we can not.

Mr. GARNER. Well, as I say, I do not think the Government ought to invoke the statute of limitations against the Indians.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, has a similar bill been favorably reported from the Indian Affairs Committee of the House?

Mr. O'CONNOR of Oklahoma. Yes. The Senate has passed the bill. The House Indian Affairs Committee unanimously reported a similar bill, and the gentleman from Kansas [Mr. SPROUL], the acting chairman on that day, is present in the Chamber now. The bill is on the calendar.

Mr. CRAMTON. What emergency is there for calling it up at this time of day?

Mr. O'CONNOR of Oklahoma. It was not called up because the gentleman was not present.

Mr. CRAMTON. I am sure of that, but nevertheless I rather like to feel that I can leave for a few moments.

Mr. O'CONNOR of Oklahoma. It is an opportune moment. The Senate bill is on the Speaker's desk. The Senate is passing so many bills that we do not want them to accumulate.

Mr. HASTINGS. Mr. Speaker, this is a bill introduced in the Senate by Senator THOMAS, and in the House by the gentleman from Oklahoma [Mr. O'CONNOR]. The Indian Affairs Committee favorably reported it and there is a favorable report upon it from the Secretary of the Interior. The bill passed the Senate yesterday and is on the Speaker's desk.

Mr. CRAMTON. I am not going to object to this, but I suggest that Members of the House have a right to expect that all sorts of legislation is not going to be brought up here in the last minutes of the day in the absence of some emergency justifying it. There is not much use of watching the Consent Calendar, otherwise. I shall not object to this, but I shall to the next one.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

A similar House bill was laid on the table.

PREVENTION OF FIRES AT GOVERNMENT AIRPORTS

Mr. KVALE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing two brief articles on fire menace in Air Corps hangars, written by the gentleman from New Jersey [Mr. HOFFMAN] and printed in the Army and Navy Journal, and in connection therewith I ask to have printed also a brief editorial which recently appeared in the Washington Star on the same subject.

Mr. SPROUL of Illinois. Mr. Speaker, I object.

Mr. KVALE. Then, Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein the two articles written by the gentleman from New Jersey, without the editorial.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD by printing therein some articles recently written by the gentleman from New Jersey [Mr. HOFFMAN]. Is there objection?

There was no objection.

The articles are as follows:

[From the Army-Navy Journal, Washington, D. C., February 5, 1930]

HOFFMAN SEES FIRE MENACE AT AIR CORPS POSTS

By Representative HAROLD HOFFMAN, member of the House Committee on Military Affairs

Recently the attention of Members of Congress has been directed to a condition with respect to fire protection at Air Corps fields that would indicate the desirability of a careful survey to determine whether adequate fire protection is being provided. Planes and equipment are placed in hangars to a value of a million dollars or more and with the present system of fire protection there is little if any chance to save any of it in the event of fire.

NEW DEVELOPMENTS

Aviation is, of course, an industry of comparatively recent development. It is characteristic of a new industry that the primary thought and effort of the industry be devoted to development, progress, and growth, with very slight attention to conservation, saving, and economy. It is only when an industry has settled down to a steady pace, when its place has been found, that the balance swings to the other side and the conservation of existing equipment and facilities became more important than the development of new.

It is interesting to note that this transition is just now taking place in the aviation industry, particularly in the Army corps. Ideas are only now—perhaps somewhat belated some will think—turning to the safeguarding of the tremendous investments represented in flying equipment, storage, and working buildings and other accessories.

Conservation, or safety in aviation, involves three phases, i. e., first, safety of personnel; second, safety of operation of equipment; and, third, safety from fires. The first two have been given serious attention, and rightly so. Not only the element of human life, but the tremendous defense value, as well as dollar value of the trained pilot, dictate this, and the work must continue until, if possible, every hazard of flying is conquered.

THIRD PHASE

In considering the third phase an inspection and review of conditions in the flying fields of the country, both service fields and commercial ports, reveal a condition wherein there are hundreds of millions of dollars invested in flying equipment, including equipment described as "aids to flight," with apparently only fire equipment that has not been truly considered from the standpoint of the need for protection in this industry.

Hangar after hangar may to-day be seen filled with airplanes and seaplanes arranged in ingenious patterns within their doors so as to crowd the maximum investment into a unit space; but in these crowded areas are found no fire-extinguishing equipment, or, if any, units of a size and style totally inadequate to cope with the fire condition which may be anticipated. One views with misgivings a hangar worth conservatively $200,000 filled with ships which may be quoted conservatively as worth $800,000 "protected" against fire by a few devices such as are carried in automobiles or garages.

This apparent neglect of a great hazard may not be laid at the door of the officials entirely. It may be the fire-equipment industry has not developed a sufficient system of protection, because it must be recognized that the builders of aircraft have, not purposely, of course, and from reasons beyond control, created a fire hazard which has rarely, if ever, been equaled in ease of ignition, in rapidity of spread, and in total value of possible destruction. An airplane is so constructed as to have very thin members, which means a maximum contact of air and flammable material. Even though the material used were not a free-burning material—metal planes for example—this would represent a serious condition when a fire gets started. However, we must consider this in connection with a material that is among the freest burning materials known. Airplane fabric is a cloth impregnated with "dope." "Dope" is a nitrocellulose product differing from guncotton only in degree—a depressed guncotton in other words. Nor is this all—consider the gasoline tanks. They must convey great quantities of fuel, and the construction must be as light as safety will permit, weight being one of the greatest considerations. Consequently the airplane tank is much lighter, for instance, than an automobile tank.

Add this all together—nitrocellulose-doped fabric spread over great areas and large tanks of gasoline—planes crowded into the hangar with overlapping wings and underthrust tails and it is easy to realize the necessity for the development and installation of equipment suitable for the purpose. The insistent demand is for speed of operation. The same problem exists outside the hangar, on the apron where tinkering is done—engines warmed up—in the "dope" shops, and in the painting rooms.

It is apparent, too, that careful attention should be directed to other branches of military activities, where costly material is exposed to unusual fire hazard. My attention was directed to this in a recent inspec-

tion of the Army Signal School at Fort Monmouth, where there is stored, in obsolete hangars and dilapidated frame buildings radio experimental equipment, some of which can not be replaced, and valued in excess of $1,000,000.

However, it is only by use and record of use that the relative value of proposed equipments can be ascertained and improvements made in design and construction. This data should be gathered as rapidly as possible and presented to Congress for appropriate consideration and action in providing funds if necessary.

The question is being asked of Congress whether enormous sums of money being voted for aircraft and equipment in the service branches are being foolishly exposed to destruction or zealously guarded and protected. Undoubtedly everything possible under present conditions is being done, but the question still recurs, Is it sufficient?

Lack of appropriations will not excuse the question. If there is not adequate protection, and the question is becoming increasingly important, Congress should be acquainted with the problem and every effort made to provide for such additions, including experimentation in proper fire-fighting apparatus for the peculiar and particular hazard represented as may be necessary. Congress when acquainted with the picture will undoubtedly provide the required funds.

[From the Army-Navy Journal, Washington, D. C., April 12, 1930]

AIRPORT FIRES SPUR PREVENTION EFFORTS

By Representative HAROLD HOFFMAN, of New Jersey, member of House Committee on Military Affairs

In the issue of the Army and Navy Journal of January 25, 1930, it was my privilege to invite attention to the necessity for a careful study of fire-prevention methods in the Army, particularly with reference to the adoption of some system that will insure adequate fire protection for the valuable equipment at Air Corps stations.

This need has just been impressed upon me more than ever by the fires that have occurred at air fields since that article, especially the one at Hadley Field, N. J., that destroyed several of the mail planes of the company operating the New York to Atlanta air mail line, as well as the hangars, and the one several days ago at Bolling Field. Within the past year disastrous fires have occurred, one where 13 ships in a hangar burned to total destruction without even scorching the interior woodwork, so rapid was the spread of the fire throughout the interior structures. I have a case in mind where a ship having the finishing touches put on prior to ceremonial christening suddenly flashed into fire and burned to total destruction before the eyes of the workmen, who had no means of coping with so large and so sudden a fire. At Bolling Field, fortunately, no planes were destroyed in this last fire. However, the cause of the fire is little understood and in no case, it is fair to assume, is the fire cause any too well understood throughout the entire experience of the Army, the Navy, or the commercial industry. All that is known is that fire comes quickly and when it does come it is most often without warning and works tremendous property damage. We must be prepared for such fires. We know they will occur, and we must develop some scheme that will cope with them. I am advised that every effort is made to provide fire protection and that in addition to the usual methods small fire-extinguishing apparatus is kept at hand. Yet even though such equipment may be well designed, it is insufficient in size to be of any great effect except in small fires. The problem is mainly one of size of extinguishing apparatus, and I am told that it is only recently that fire protection development has made available apparatus of an adequate capacity which can be quickly put into effective operation.

Fire-protection experts are at work on the problem, conferences are being held, and it seems to be the opinion of most engineers and operators that applying water to such fires will not solve the problem. One of the chief difficulties lies in the large quantities of gasoline. I understand experimentation is going on for the development of gasoline tanks that will offer security against this hazard. In addition are the oils, as well as the frail character of the construction of the planes themselves. The force of water destroys the delicate structure, the burning oil floats on the water, and in consequence the fire is spread more rapidly by water. Of course, water is the oldest medium used for fire control, and it has been decided wise to make tests which are now in progress to determine whether it may be effective in some measure on certain classes of hangar construction and plane construction. However, in my opinion it will be necessary to develop some form of chemical system. The need is for large quantities of quick availability, and just as soon as some method is discovered for mechanically detecting fires of the character occurring at air fields at a cost that is within reason just so soon will the Government be able to save millions of totally wasteful destruction from fire, and with economy becoming more and more necessary in the management of Government affairs, the protection of a concentration of value such as occurs in a hangar will prove one of the most beneficial savings that can be brought about, so far as aviation is concerned.

When the Committee on Military Affairs reaches the point where time can be spent upon an inquiry into this problem it is my purpose to request that every effort be made to develop just what is being done, and what further steps are necessary to insure adequate solution of the problem.

THE PROPOSED GEORGE ROGERS CLARK MEMORIAL LIGHTHOUSE AT LOUISVILLE, KY.

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the bill H. R. 1818, and to include therewith an article written by myself and published in the Louisville Herald-Post on May 4 last.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. THATCHER. Mr. Speaker, under authority granted me therefor, I herewith extend my remarks on H. R. 1818, "A bill to authorize the construction of a George Rogers Clark Memorial Lighthouse on the Ohio River at, or adjacent to, the city of Louisville, Ky.," by the inclusion of an article touching the nature and purposes of the indicated measure, which article was written by me and was published in the Herald-Post, of Louisville, Ky., in its issue of May 4, 1930. The article follows:

THE PROPOSED GEORGE ROGERS CLARK MEMORIAL LIGHTHOUSE

By Hon. MAURICE H. THATCHER, Member of Congress, fifth Kentucky district

I have been asked to contribute this article to the Herald-Post's anniversary edition touching the formal incorporation of the city of Louisville 150 years ago. It has been suggested that the article deal with George Rogers Clark and the proposed George Rogers Clark Memorial Lighthouse at Louisville. I appreciate very much the invitation thus extended, and I am very glad, indeed, to respond to it, to the best of my ability, and in this way.

The Nation owes a debt of gratitude to this illustrious soldier-patriot which it can never repay. His genius and energy brought into the American Union the great States northwest of the Ohio River—Indiana, Ohio, Illinois, and Michigan, and eastern Minnesota—and also saved to our country Kentucky, Tennessee, Alabama, Mississippi, and Georgia. The story of his conquesting expedition into the Northwest Territory, beginning at Corn Island, at the head of the Ohio River Falls in 1778, during the Revolutionary War, has been told and retold to the world's wonder and admiration ever since those stirring events occurred. That story is of Homeric character, and some day its treatment in the hands of some great master of poesy will constitute one of the great epics of the race.

Clark, a Virginian by birth but by adoption a Kentuckian, conceived the idea that with a small body of Colonial troops he might strike, in the rear, the British and their Indian allies of the great Northwest region and destroy or conquer them and take and hold possession of that region for the American States. By means of this action he also expected to relieve the exposed and helpless condition of the Kentucky settlements, which had almost disappeared under the savage forays of the Indian allies of the British coming southward across the Ohio River after American independence was declared; and he also had in mind another very important object—that of relieving the British pressure on the western front of the American armies. These plans of Clark for their boldness and far-reaching effect have never been, perhaps, excelled in all history; and their splendid consummation not only entitled him to be called the "Washington of the West" but likewise entitle him to rank in courage, daring, vision, diplomacy, statesmanship, and military skill as one of the world's greatest characters.

His wisdom and knowledge of the arts of war were reflected in every move he made in dealing with the conquest of the Northwest Territory. Thus his selection of Corn Island as the base of his operations was of the highest strategic value. There at the head of the great falls, near the Kentucky shore, his headquarters had the great advantage of comparative security from attack at the hands of the hostile tribes north of the Ohio. He thus employed and relied on the physical advantages and protection such a location afforded. Here on Corn Island, for a period, and later in a fort on the south shore of the Ohio River within the limits of the present-day Louisville, he maintained his headquarters and rendezvous during the years of the Revolutionary War, beginning with 1778. From this strategic point he went forth upon his military expeditions into the Northwest country. From Corn Island, with fewer than 200 men, he passed down the Ohio upon the epochal adventure which resulted in the capture of Kaskaskia and Cahokia, in what is now Illinois, and of old Fort Sackville, at Vincennes, in what is now Indiana.

The capture of these dominant points, which were under British control, and his great tact in winning to the American cause the French settlers of those regions were the early master strokes by means of which the vast Northwest region was brought into our national domain. Lack of space precludes here a recital of the further offensive and defensive efforts put forth by Clark in regard to the holding of this great primeval empire; nor is such recital necessary except that the marvelous story, because of its inspirational value, can never be too often told.

During his life the Nation which he so effectively and brilliantly served failed to discharge, in any adequate or measurable way, the over-

whelming debt of gratitude it owed him. More than this, the Government of the Nation failed to satisfy the financial obligations he had assumed and discharged for it in his great exploits. The treatment thus accorded him gives color to the oft-repeated statement that "republics are ungrateful." Very recently, however, there has come about a spirit and purpose to have the Nation memorialize, in a fitting manner, his great and splendid deeds. Thus, in 1888, Senator Hoar, of Massachusetts, introduced in the Senate, and secured the passage by that body, of a bill making appropriation of a sum sufficient to erect a George Rogers Clark memorial at Louisville. This measure failed of passage in the House. During the period of his service in the United States Senate (1909–1914), Senator Bradley, of Kentucky, introduced a like bill for the like purpose. It passed the Senate but failed to pass in the House.

I have always believed that upon the site of Corn Island, or at some point adjacent thereto, the Nation should erect an appropriate George Rogers Clark memorial. Also, since I have been familiar with the navigational perils of the Ohio River in the Louisville sector, I have believed that the Federal Government should provide, at or near the falls, a lighthouse as an aid to navigation. The reasons why this is an ideal location for such a memorial are many. In addition to those which are already indicated, there might be added these: General Clark lived practically all his adult life adjacent to the falls of the Ohio, either in Louisville or within its environs, or across the river on the Indiana shore. In this vicinage he died, and to-day his sacred dust sleeps in beautiful Cave Hill Cemetery, in Louisville. The city of Louisville itself was founded as a settlement, in the fall of 1778, by the families which had come to Corn Island, and had there received the protection which General Clark and his soldiers gave them. In addition to the great distinction which came to the falls area by reason of the fact that Clark's base of operations was there maintained during the War of the Revolution; in addition to the fact that there, for years, he made his home, and there he died and was buried—there is to be noted the further very important historical fact that from this point Capt. William Clark, the brother of George Rogers Clark, and Capt. Meriwether Lewis, appointed by President Jefferson as joint leaders of the famous Lewis and Clark expedition to explore to the Pacific Ocean the vast region of the Louisiana Purchase, departed on that stupendous adventure on October 8, 1803, and to this point they returned on November 5, 1806, their efforts crowned with success.

Hence, a site at or near Corn Island is ideal for the location of a memorial to General Clark. In view of the facts involved no superior place for such memorial can be found, whether at Vincennes, Cahokia, Kaskaskia, Piqua, or elsewhere. The enumerated places were, it is true, scenes of conquest or conflict in the efforts of Clark to wrest the Northwest Territory from the British, and Vincennes, or Fort Sackville, was the site of a most brilliant achievement of Clark and his hardy soldiers; but all of his efforts would have been unavailing except for the fact that he was able to maintain throughout the years of his service during the Revolutionary War this Ohio Falls base, from which he went back and forth with safety and success. Moreover, hardy Kentucky pioneers and frontiersmen served under him and greatly contributed to the work of bringing the Northwest Territory into the Nation's borders.

With these general facts in mind, during the first session of the Sixty-ninth Congress—that is to say, on February 22, 1926—I introduced a bill known as H. R. 9644, providing for an appropriation of $150,000 of Federal funds (but without any local contribution provided) for the erection of a George Rogers Clark memorial lighthouse at or near the head of the falls at Louisville. This measure received the unanimous indorsement of the Daughters of the American Revolution and of the Sons of the American Revolution, each in national convention assembled. House committee hearings were had on the measure but no action was taken by the committee thereon. In December, 1926, there was introduced in Congress a measure providing for the contribution by the Federal Government of $1,000,000 toward the construction of an elaborate and expensive George Rogers Clark memorial at Vincennes, other funds aggregating several hundred thousand dollars to be contributed by the State of Indiana and the city of Vincennes. Largely because of these local contributions this measure received the approval of the House and Senate Library Committees—to which committees such bills are referred—and the measure was enacted and the Federal appropriation it carried was made. Favorable action on the Vincennes bill had the effect of staying definite action on my own bill.

Later in the first session of the Seventieth Congress, on December 5, 1927, I reintroduced the memorial lighthouse measure (H. R. 5689); and again the action of Congress in voting so large a sum for the Vincennes project had the effect of delaying action on the lighthouse bill. Thereupon, I again introduced the bill in the first session of the present, the Seventy-first Congress—that is to say, on April 23, 1929 (H. R. 1818)—and this measure is now pending before the two Library Committees. Hearings by both committees have recently been accorded thereon, and committee action is being awaited.

I have urged that Federal memorialization of George Rogers Clark should not be limited to Vincennes. The fact that a memorial to Clark is being erected at Vincennes should not prejudice action in behalf of a like memorial at Louisville. The proponents of the Louisville project believe that, however worthy the claims of Vincennes may be, the claims in behalf of the Louisville site are, in fact and in truth, superior to those of any other place. I have never opposed the Vincennes project for the reason that I have ever desired to see the great services of Clark fittingly commemorated; and because of the extent and character of his military operations there can be appropriately erected at both Louisville and Vincennes Clark memorials. The amount asked for the Louisville memorial is very modest compared with that voted for the Vincennes project. In addition to the million dollars authorized for the Vincennes memorial, the proponents of that enterprise have come back to Congress and are now asking for an additional $750,000. It remains to be seen what Congress will do with this request. Among those who believe that the Corn Island site is the most appropriate of all suggested places for a Clark memorial are Hon. Temple Bodley, of Louisville, who has written the most thorough, scholarly, and authentic history of George Rogers Clark that has yet been written; and Hon. Rogers Clark Ballard Thruston, also of Louisville, president of the Filson Club, student, scholar, and historian, and himself of the George Rogers Clark blood.

The great falls of the Ohio River at Louisville, with their 30-foot drop within the distance of 2½ miles, and a mile width of river, have always presented grave navigational perils. Here the currents are very swift and treacherous. The construction of the new power-navigation dam at the foot of the falls, about a mile and a half in length, has operated to increase greatly the hazards of navigation.

Also the recent completion of the Ohio River canalization project, whereby there will be maintained in this great stream a minimum all-year channel of 9-foot depth from Pittsburgh to Cairo, a stretch of nearly 1,000 miles, will vastly increase the river's traffic in the years to come, and this means greater and greater perils of navigation in the Louisville area. This is especially true as regards seasons of flood and fog and ice. An appropriately designed and located light is greatly needed, and will prove to be of inestimable value as an aid to navigation. The Secretary of Commerce has so stated in a letter to the House Library Committee in regard to the George Rogers Clark memorial lighthouse bill.

The river hazards at Louisville have long been recognized by the United States Government in a practical way. For many years a Coast Guard station has been maintained at Louisville above the falls, and it has functioned in the most effective and efficient manner. Scores of lives have been saved and innumerable boats, large and small, and other property, have been rescued by its brave and skillful crews. The proposed light would tend to supplement the work of the Coast Guard station and would make for greater security of life and property.

The pending George Rogers Clark memorial lighthouse bill authorizes and directs the Secretary of War "to construct in the Ohio River at Louisville, Ky., within or near the area of the falls of said river, or upon or near the southern shore of said stream at or adjacent to said city, a national memorial to George Rogers Clark to commemorate the invaluable services he rendered to the United States in his conquest of the Northwest Territory during the War of the American Revolution. The site for such memorial shall be designated by the Secretary of War and the Secretary of Commerce, acting jointly. Such memorial shall be so designed and constructed as to contain a light which shall serve as an aid to navigation on the Ohio River, and shall be so situated as to be of the greatest possible benefit to such navigation." The bill further provides that the Secretary of War shall cause to be prepared the plans, specifications, and estimates for such memorial, and upon the approval of the plans, so far as they relate to the character and location of the light, by the Secretary of Commerce the Secretary of War shall contract for the construction of the memorial at a cost not exceeding $150,000. Also under the terms of the measure the memorial (with the exception of the light, which shall be under the supervision of the Secretary of Commerce) shall be under the supervision of the Chief of Engineers of the United States Army.

The Bureau of Lighthouses has charge of all lighthouses of the country; and this bureau is under the Secretary of Commerce. This is the reason the indicated light and its operation are placed under the Secretary of Commerce and the Lighthouse Service.

My conception of this memorial lighthouse follows. The erection of a tall, substantial, and shapely tower of masonry at a point just above the outer shore point of the Louisville and Portland Canal. This is the site selected by the Bureau of Lighthouses after a survey of the Louisville situation in connection with the proposed lighthouse. This site is in the immediate vicinity of Corn Island. Superimposed on this tower there will be placed a heroic figure of General Clark, in bronze or other appropriate metal, with uplifted sword pointed to the northward, to the Northwest Territory which he conquered; and there will be placed in the sword hand, or in the other hand, a flashing torch or light of brilliant power, to warn and guide navigation in the falls section of the river at nighttime.

Thus, this project will combine the features of memorialization and utility. Such combination has the approval of Mr. Charles Moore, chairman of the Commission of Fine Arts, and one of the country's most eminent authorities on artistic and memorial matters.

If this measure is enacted, and the memorial lighthouse constructed, the structure will rise at a point in the river where it may be viewed

from the innumerable craft that will pass up and down the river and the canal in the years to come; and also by untold thousands of visitors who may go across the canal bridge to the point at the entrance of the canal. Its flashing light in the hours of darkness will produce an effect similar to that produced by the flaming torch surmounting the famous Statue of Liberty in New York Harbor, and the great figure below it, in seasons of the night—a picture of the most inspiring beauty and grandeur. On at least two occasions, on coming into New York Harbor after nightfall, I have been thrilled by this rare spectacle, and this is the effect on all who thus observe it.

Thus the George Rogers Clark Memorial Lighthouse will not only serve a highly useful purpose as an aid to navigation, but it will also serve an even higher purpose, that of giving forth spiritual illumination, in calling to mind and heart and emulation, the illustrious deeds of one of the Nation's founders and greatest sons, whose name and fame shall live as long as history shall endure. I know of no better way to close this article than to quote the words (very modest they are, too, in view of the character of his own work), used by Mr. Bodley in relation to a George Rogers Clark memorial, in his splendid historical work entitled "George Rogers Clark—His Life and Public Services." They are as follows:

"The day will surely come—and it may be near—when, from the unerring contemporary records, some Prescott or Irving will reach the American public with the true story of his career and its national significance. Then, on Corn Island, at the head of the falls of the Ohio—midway between his last resting place on one side and his last home on the other, and midway between the five great Northern States that he won for us, and the five States south of them that he saved for us—will rise a monument piercing the skies, and every school child will know who George Rogers Clark was."

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3060. An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 156. An act to authorize the disposal of public land classified as temporarily or permanently unproductive on Federal irrigation projects;

H. R. 1793. An act for the relief of Albert L. Loban;

H. R. 9850. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near New Martinsville, W. Va.;

H. R. 10248. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va.;

H. R. 10651. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va.; and

H. R. 11588. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2400. An act to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital; and

S. 4221. An act for the disposal of combustible refuse from places outside of the city of Washington.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval bills of the House of the following titles:

H. R. 8531. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1931, and for other purposes;

H. R. 10651. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va.; and

H. R. 11588. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 42 minutes p. m.) the House adjourned to meet to-morrow, Wednesday, May 14, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, May 14, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10 a. m.)

To amend an act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by the act of March 6, 1920 (H. R. 11850).

COMMITTEE ON INDIAN AFFAIRS

(10 a. m.)

Authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians, and for other purposes (H. R. 9766).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

Authorizing the Secretary of the Navy to accept, without cost to the Government of the United States, a lighter-than-air base near Sunnyvale, in the county of Santa Clara, State of California, and construct necessary improvements thereon (H. R. 6810).

Authorizing the Secretary of the Navy to accept a free site for a lighter-than-air base at Camp Kearny, near San Diego, Calif., and construct necessary improvements thereon (H. R. 6808).

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON MINES AND MINING

(10.30 a. m.)

Authorizing appropriations for the completion of the Amarillo helium plant (H. R. 10200).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

EXECUTIVE COMMUNICATIONS, ETC.

465. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting an estimate of appropriation for the Navy Department for the fiscal year ending June 30, 1931, of $332,000, which is supplemental to the estimates for recreation for enlisted men, Navy, transmitted in the Budget for 1931 (H. Doc. No. 396), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LUCE: Committee on the Library. S. J. Res. 127. A joint resolution authorizing the erection on the grounds in the city of Washington, D. C., of a memorial to William Jennings Bryan; without amendment (Rept. No. 1437). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on the Public Lands. S. 317. An act to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases; without amendment (Rept. No. 1438). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. H. R. 12235. A bill to provide for the creation of the Colonial National Monument in the Commonwealth of Virginia, and for other purposes; with amendment (Rept. No. 1439). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. JOHNSTON of Missouri: Committee on Claims. H. R. 680. A bill for the relief of J. O. Winnett; without amendment (Rept. No. 1432). Referred to the Committee of the Whole House.

Mr. KINZER: Committee on Claims. H. R. 7445. A bill for the relief of J. W. Nix; with amendment (Rept. No. 1433). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on Claims. H. R. 7849. A bill for the relief of R. K. Stiles & Co.; with amendment (Rept. No. 1434). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 8612. A bill for the relief of Ralph Rhees; with amendment (Rept. No. 1435). Referred to the Committee of the Whole House.

Mr. SCHAFER of Wisconsin: Committee on Claims. H. R. 11608. A bill for the relief of Jerry Esposito; without amendment (Rept. No. 1436). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on the Public Lands. H. R. 11820. A bill to authorize issuance of a patent for certain lands to J. R. Murphy; with amendment (Rept. No. 1440). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. H. R. 481. A bill for the relief of Maj. Martin F. Scanlon, Lieut. Courtney Whitney, and Lieut. Alfred B. Baker; without amendment (Rept. No. 1441). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOX: A bill (H. R. 12341) to amend the immigration act of 1924 by making the quota provisions thereof applicable to the Republic of Mexico; to the Committee on Immigration and Naturalization.

By Mr. BRITTEN: A bill (H. R. 12342) to amend the act of March 4, 1911, entitled "An act for the establishment of marine schools, and for other purposes"; to the Committee on Naval Affairs.

By Mr. BYRNS: A bill (H. R. 12343) to authorize the Secretary of the Treasury to accept donations of sites for public buildings; to the Committee on Public Buildings and Grounds.

By Mr. CABLE: A bill (H. R. 12344) providing for the citizenship of adopted alien children, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. CLANCY: A bill (H. R. 12345) amending the World War adjusted compensation act; to the Committee on Ways and Means.

By Mr. DALLINGER: A bill (H. R. 12346) to authorize the Postmaster General to pay laborers in the Railway Mail Service on the basis of 306 days per annum; to the Committee on the Post Office and Post Roads.

By Mr. DYER: A bill (H. R. 12347) to provide for the appointment of an additional district judge for the eastern district of Missouri; to the Committee on the Judiciary.

By Mr. KORELL: A bill (H. R. 12348) to provide for the partial payment of the expenses of foreign delegates to the Eleventh Annual Convention of the Federation Interalliee Des Anciens Combattants, to be held in the District of Columbia in September, 1930; to the Committee on Foreign Affairs.

By Mr. McLEOD: A bill (H. R. 12349) to provide for the appointment of an additional district judge for the eastern district of Michigan; to the Committee on the Judiciary.

By Mr. MICHENER: A bill (H. R. 12350) to provide for the appointment of an additional district judge for the eastern district of Michigan; to the Committee on the Judiciary.

By Mrs. OWEN: A bill (H. R. 12351) providing for the reimbursement of Florida farmers and fruit growers in the Mediterranean fruit-fly eradication campaign; to the Committee on Appropriations.

By Mr. PORTER: A bill (H. R. 12352) to authorize the payment of an indemnity to the Norwegian Government in full and final satisfaction of all claims arising as a result of the detention of the Norwegian steamer *Tampen* by the United States Coast Guard in June, 1925; to the Committee on Foreign Affairs.

By Mr. QUAYLE: A bill (H. R. 12353) for the construction of a recreation building at the naval hospital, Brooklyn, N. Y.; to the Committee on Naval Affairs.

By Mr. WURZBACH: A bill (H. R. 12354) to amend an act entitled "An act providing for the purchase of 1,124 acres of land, more or less, in the vicinity of Camp Bullis, Tex., and authorizing an appropriation therefor," approved January 12, 1929, Public, No. 651, Seventieth Congress; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 12355) to reconstruct the Dunkard Church, located on the Antietam battle field, and preserve it as a part of the Antietam National Cemetery; to the Committee on Military Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Concurrent resolution from the Senate of Porto Rico, requesting the Congress of the United States to restore to the island its true name of Puerto Rico in place of Porto Rico, as it is now called; to the Committee on Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHALMERS: A bill (H. R. 12356) for the relief of the Willys-Overland Co.; to the Committee on Claims.

By Mr. CONNERY: A bill (H. R. 12357) for the relief of Harry Arbogast; to the Committee on Claims.

By Mr. DAVENPORT: A bill (H. R. 12358) granting an increase of pension to Esther Dibble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12359) granting an increase of pension to Jennie Beaver; to the Committee on Invalid Pensions.

By Mr. DOUTRICH: A bill (H. R. 12360) granting a pension to Mary J. Glace; to the Committee on Pensions.

By Mr. DRANE: A bill (H. R. 12361) granting a pension to Jasper K. Worley; to the Committee on Pensions.

By Mr. ESTERLY: A bill (H. R. 12362) granting a pension to Augustus Zieber; to the Committee on Invalid Pensions.

By Mr. GARBER of Oklahoma: A bill (H. R. 12363) granting a pension to James B. Wilson; to the Committee on Pensions.

By Mr. GIBSON: A bill (H. R. 12364) granting an increase of pension to Adalade P. Cousens; to the Committee on Invalid Pensions.

By Mr. HOUSTON of Delaware: A bill (H. R. 12365) for the relief of John A. Cranston and the former stockholders of the F. K. Wills Construction Co.; to the Committee on Claims.

By Mr. JONAS of North Carolina: A bill (H. R. 12366) granting a pension to George R. Nash; to the Committee on Pensions.

Also, a bill (H. R. 12367) for the relief of George R. Nash; to the Committee on Military Affairs.

By Mrs. KAHN: A bill (H. R. 12368) for the relief of Hamilton Stone Wallace; to the Committee on Military Affairs.

By Mr. KENDALL of Pennsylvania: A bill (H. R. 12369) granting an increase of pension to Margret A. Lohr; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 12370) granting an increase of Pension to Lucy A. Myers; to the Committee on Invalid Pensions.

By Mr. NIEDRINGHAUS: A bill (H. R. 12371) for the relief of John W. Bailey; to the Committee on Military Affairs.

By Mr. MOREHEAD: A bill (H. R. 12372) granting a pension to John Miller; to the Committee on Pensions.

By Mr. NELSON of Missouri: A bill (H. R. 12373) granting a pension to Betty Chism; to the Committee on Invalid Pensions.

By Mr. SUMMERS of Washington: A bill (H. R. 12374) for the relief of William R. Cox; to the Committee on Claims.

By Mr. TABER: A bill (H. R. 12375) for the relief of Charles G. Boyd; to the Committee on Military Affairs.

By Mr. TARVER: A bill (H. R. 12376) for the relief of Thomas B. Munroe; to the Committee on World War Veterans' Legislation.

By Mr. VESTAL: A bill (H. R. 12377) granting a pension to Rufus Allison Gates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12378) granting a pension to Mary H. Roberts; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7257. Petition of Philip Bernstein Sick Benefit Association, opposing the enactment of the voluntary alien registration bill now before Congress, or any other legislation requiring the registration of aliens; to the Committee on Immigration and Naturalization.

7258. By Mr. BLACKBURN: Memorial of the Shelbyville District Conference of the Methodist Episcopal Church, South, held at Crestwood, Ky., and signed by E. M. Armitage, R. N. Bush, and James E. Wright, congratulating Congress for upholding the eighteenth amendment and for favoring enforcement of prohibition laws; to the Committee on the Judiciary.

7259. Also, memorial of Parent-Teachers' Association of Lexington Junior High School, of Lexington, Ky., signed by Mrs. S. L. Finnell and Mrs. W. S. Fritts, memorializing Congress to

enact a law for the Federal supervision of the production and distribution of motion pictures; to the Committee on Interstate and Foreign Commerce.

7260. Also, memorial of the faculty of Sayre School, of Lexington, Ky., signed by J. C. Hanley, president, memorializing Congress to enact a law for the Federal supervision of the production and distribution of motion pictures; to the Committee on Interstate and Foreign Commerce.

7261. By Mr. CAMPBELL of Iowa: Petition of the Woman's Christian Temperance Union of Cherokee, Iowa, and the Woman's Christian Temperance Union of Alta, Iowa, requesting Congress to enact a law for the Federal supervision of motion pictures establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7262. By Mr. GARBER of Oklahoma: Petition of Carrier Oklahoma Parent-Teachers' Association, Carrier, Okla., in favor of maintaining department of education under a separate head; to the Committee on Education.

7263. Also, petition of Enid Trades Council, Enid, Okla., in support of House bill 9232; to the Committee on Labor.

7264. By Mr. HICKEY: Petition of Luther Lane and other residents of South Bend, Ind., urging the early passage of House bill 8976, to equalize the pensions of the veterans of Indian wars with those of other wars; to the Committee on Pensions.

7265. By Mr. HILL of Washington: Petition of Charles W. White and 22 other citizens of Spokane, Wash., urging passage of the Robsion-Capper educational bill; to the Committee on Education.

7266. By Mr. HUDSON: Petition of citizens and ex-service men of the World War, of Fowlerville, Mich., urging the payment of the adjusted compensation certificates to the needy ex-service men in the very near future; to the Committee on Ways and Means.

7267. By Mr. MOREHEAD: Petition of Hon. M. M. Nickum and many others, in regard to the Robsion-Capper free public school bill; to the Committee on Education.

7268. By Mr. NEWHALL: Resolution of Kentucky conference, Women's Missionary Society, signed by Mrs. J. C. Lewis, president, and Mrs. H. B. Schuermann, secretary, requesting the House of Representatives to pass legislation providing for Federal supervision of motion pictures that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7269. By Mr. O'CONNOR of New York: Resolution of the New York Mercantile Exchange, favoring passage of Senate bill 108; to the Committee on Agriculture.

7270. Also, resolution of the United Irish Counties Association, of New York City, for the repeal of the national-origins clause of the immigration laws; to the Committee on Immigration and Naturalization.

SENATE

WEDNESDAY, *May 14, 1930*

(Legislative day of Tuesday, May 13, 1930)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed the following bill and joint resolution of the Senate:

S. 4015. An act to provide for plant patents; and

S. J. Res. 163. Joint resolution to carry out certain obligations to certain enrolled Indians under tribal agreement.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 7405) to provide for a 5-year construction and maintenance program for the United States Bureau of Fisheries.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 668. An act for the relief of A. J. Morgan;

H. R. 1251. An act for the relief of C. L. Beardsley; and

H. R. 7768. An act to provide for the sale of the old post office and courthouse building and site at Syracuse, N. Y.

The message also announced that the House had passed a joint resolution (H. J. Res. 328) authorizing the immediate appropriation of certain amounts authorized to be appropriated by the settlement of war claims act of 1928, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2400. An act to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital;

S. 4221. An act for the disposal of combustible refuse from places outside of the city of Washington;

H. R. 156. An act to authorize the disposal of public land classified as temporarily or permanently unproductive on Federal irrigation projects;

H. R. 1793. An act for the relief of Albert L. Loban;

H. R. 9850. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near New Martinsville, W. Va.; and

H. R. 10248. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Fess	La Follette	Simmons
Ashurst	Frazier	McCulloch	Smoot
Baird	George	McKellar	Steck
Barkley	Gillett	McMaster	Steiwer
Bingham	Glass	McNary	Stephens
Black	Glenn	Metcalf	Swanson
Blaine	Goldsborough	Norris	Thomas, Idaho
Blease	Greene	Oddie	Thomas, Okla.
Borah	Hale	Overman	Townsend
Bratton	Harris	Patterson	Trammell
Brock	Harrison	Phipps	Tydings
Broussard	Hastings	Pine	Vandenberg
Capper	Hatfield	Ransdell	Walcott
Caraway	Hawes	Reed	Walsh, Mass.
Connally	Hayden	Robinson, Ark.	Walsh, Mont.
Copeland	Hebert	Robinson, Ind.	Waterman
Couzens	Howell	Robsion, Ky.	Watson
Cutting	Johnson	Schall	Wheeler
Dale	Jones	Sheppard	
Deneen	Kendrick	Shipstead	
Dill	Keyes	Shortridge	

Mr. COPELAND. My colleague the junior Senator from New York [Mr. WAGNER] is absent from the Senate to-day on official business connected with the investigation of campaign expenditures. I ask that this fact may be noted in the RECORD for the day.

Mr. FRAZIER. My colleague [Mr. NYE] is unavoidably absent for the day on official business. I wish this announcement to stand for the day.

Mr. McMASTER. I desire to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. SHEPPARD. I wish to announce that the Senator from Florida [Mr. FLETCHER] and the Senator from South Carolina [Mr. SMITH] are detained from the Senate by illness.

Mr. BLACK. I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

The VICE PRESIDENT. Eighty-one Senators have answered to their names. A quorum is present.

CAUSE OF DECLINE OF COTTON PRICES (S. DOC. NO. 148)

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, reporting tentatively relative to Senate Resolution 149, directing that certain investigations be made through the Grain Futures Administration pertaining to the transactions in cotton futures, including the cause of the decline in prices during the years 1926, 1927, 1928, and 1929, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the petition of the Citizens' Joint Committee on Fiscal Relations between the United States and the District of Columbia, signed by Theodore W. Noyes, chairman of the executive committee; E. F. Colladay, chairman citizens' joint committee and vice chairman of the executive committee; and other citizens representing civic and other organizations, all of the District of Columbia, praying that the Congress return in its appropriation practice to the 60-40 definite proportionate contribution plan provided by the substantive law of 1922, and, further, that, while the lump-sum payment plan of national contribution toward Capital upbuilding continues as the annual exceptional appropriation practice, the amount of such lump-sum payment shall be largely increased, which, with the accompanying statement presenting an

argument urging substantial enlargement of the Federal contribution to the District bill, was referred to the Committee on Appropriations.

He also laid before the Senate a resolution adopted by the New York Commandery, Military Order of the Loyal Legion of the United States, at New York, N. Y., favoring the passage of legislation to establish a national Lincoln museum and veterans' headquarters in the building known as the Ford Theater, where President Lincoln was assassinated, which was referred to the Committee on the District of Columbia.

He also laid before the Senate resolutions adopted by the executive committee of the Department of the District of Columbia, the American Legion, protesting against the location of any permanent airport in the vicinity of the Arlington National Cemetery, and also urging the abandonment of the landing fields now maintained in that vicinity, which were ordered to lie on the table.

He also laid before the Senate a resolution adopted by the citizens' committee, National Patriotic Association, assembled at Chicago, Ill., urgently soliciting the Senate "to give full thought and consideration to the so-called naval pact before any ratification thereof involves the whole future of our country," which was referred to the Committee on Foreign Relations.

He also laid before the Senate a telegram embodying a resolution adopted by the general conference of the Methodist Episcopal Church South, assembled at Dallas, Tex., signed by James Cannon, jr., chairman, and E. L. Crawford, secretary, Board Temperance and Social Service, favoring the prompt passage of the proposed law-enforcement measures now pending, which was referred to the Committee on the Judiciary.

He also laid before the Senate petitions of sundry citizens of New York City, N. Y., praying for the passage of legislation designating the Star-Spangled Banner the national anthem, which were referred to the Committee on the Library.

He also laid before the Senate a communication from John T. Cuppy, of Arizona, relative to claim for certain Papago Indian lands, which, with the accompanying statement, was referred to the Committee on Indian Affairs.

Mr. FESS presented a petition of sundry citizens of Washington Court House, Ohio, praying for the passage of the so-called Rankin bill, being the bill (H. R. 10381) to amend the World War veterans' act, 1924, as amended, which was referred to the Committee on Finance.

JUDGE JOHN J. PARKER

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed in the RECORD a short editorial from the Columbia (S. C.) Record of May 12, 1930, entitled "The South in the Nation."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Columbia (S. C.) Record, May 12, 1930]

THE SOUTH IN THE NATION

The rejection of the nomination of Judge Parker, of North Carolina, for a seat on the Supreme Bench of the United States is a distinct blow to the South.

The linking up of the American Federation of Labor with the National Association for the Advancement of Colored People is unfortunate. It was purely accidental. It may have no harmful effects upon either organization. But it will be remembered. Charges of an alliance, however unjust, will have to be disproved. This is all aside from the matter as the rejection of Judge Parker affects the South.

It is hard to say which had the greater influence, the Federation of Labor or the Society for the Advancement of Colored People. So far as the federation is concerned, it undoubtedly would be exerted against nominees from the North with as much discrimination as those from the South. The whole question with it is one of attitude toward labor and toward the things for which it stands. It is not sectional and never will be.

But the Association for the Advancement of Colored People is largely sectional in effect, if not in reality. It certainly in this matter showed that it controlled a number of votes. Members of the Senate up for reelection this fall, or in sections where the fate of the Republican Party is uncertain, bowed to the association and voted against Judge Parker.

This will not have a healthy effect in the South. It will not tend to decrease race animosities. These have been softening. There will now be another taking of stock and possibly readjustments. It is too early to say what the effects will be. The action of the Senate will not be helpful.

REPORTS OF COMMITTEES

Mr. DALE, from the Committee on Commerce, to which was referred the joint resolution (S. J. Res. 168) declaring the transfer of the St. Charles Bridge over the Missouri River on National Highway No. 40 not a sale, reported it without amendment and submitted a report (No. 650) thereon.

Mr. DENEEN, from the Committee on the Judiciary, to which was referred the bill (H. R. 7822) amending section 2 and repealing section 3 of the act approved February 24, 1925 (43 Stat. 964, ch. 301), entitled "An act to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation," and for other purposes, reported it with amendments and submitted a report (No. 651) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day, May 14, 1930, that committee presented to the President of the United States the following enrolled bills:

S. 2400. An act to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital; and

S. 4221. An act for the disposal of combustible refuse from places outside of the city of Washington.

REPORTS OF POSTAL NOMINATIONS

Mr. PHIPPS, as in executive session, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BINGHAM:

A bill (S. 4456) granting a pension to William Larson (with accompanying papers); to the Committee on Pensions.

By Mr. HOWELL:

A bill (S. 4457) to correct the military record of George H. Henning, alias Charles H. Hammond; to the Committee on Military Affairs.

By Mr. HASTINGS:

A bill (S. 4458) for the relief of John Pearce Cann; and

A bill (S. 4459) for the relief of John A. Cranston, of Wilmington, Del., and the former stockholders of the F. K. Wills Construction Co.; to the Committee on Claims.

By Mr. ODDIE:

A bill (S. 4460) to increase the authorization for an appropriation for the expense of the Sixth Session of the Permanent International Association of Road Congresses, to be held in the District of Columbia in October, 1930; to the Committee on Foreign Relations.

By Mr. ROBINSON of Indiana:

A bill (S. 4461) granting an increase of pension to John A. Bresler; to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 4462) for the relief of Vincent P. Rousseau; to the Committee on Military Affairs.

By Mr. SHIPSTEAD:

A bill (S. 4463) to authorize the issuance of certificates of citizenship to native-born citizens; to the Committee on Immigration.

A bill (S. 4464) authorizing the free transmission in the mails of certain experiment station articles; to the Committee on Post Offices and Post Roads.

By Mr. REED (for Mr. GRUNDY):

A bill (S. 4465) granting a pension to Julia M. Wark; to the Committee on Pensions.

By Mr. BAIRD:

A bill (S. 4466) to make a correction in an act of Congress approved February 28, 1929; to the Committee on Military Affairs.

By Mr. REED:

A bill (S. 4467) to repeal the provision of the War Department appropriation act of February 28, 1929, relating to the number of private mounts of officers of the Army; to the Committee on Military Affairs.

By Mr. HAWES:

A bill (S. 4468) granting an increase of pension to Ruth T. Guffin (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 4469) granting a pension to Rosa Ann Wilson; to the Committee on Pensions.

A bill (S. 4470) for the relief of Thomas F. McVeigh; to the Committee on Military Affairs.

A bill (S. 4471) for the relief of Charles Arnold Gruner; and

A bill (S. 4472) for the relief of Robert M. Kube; to the Committee on Naval Affairs.

By Mr. ALLEN:

A bill (S. 4473) granting compensation to Agnes M. Angle (with accompanying papers); to the Committee on Claims.

By Mr. FESS:

A joint resolution (S. J. Res. 177) to provide for the erection of a monument to William Howard Taft at Manila, P. I.; to the Committee on the Library.

By Mr. STEIWER:

A joint resolution (S. J. Res. 178) to make available to the Congress the services and data of the Interstate Legislative Reference Bureau; to the Committee on the Library.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 328) authorizing the immediate appropriation of certain amounts authorized to be appropriated by the settlement of war claims act of 1928, was read twice by its title and referred to the Committee on Finance.

CHANGE OF REFERENCE

On motion of Mr. REED, the Committee on Military Affairs was discharged from the further consideration of the joint resolution (H. J. Res. 222) for the appointment of a joint committee of the Senate and House of Representatives to survey and investigate the pay, allowances, pensions, compensations, emoluments, and retired pay of all persons who served in the military and naval forces of the United States in any war, and it was referred to the Committee on Pensions.

CITIZENSHIP AND NATURALIZATION OF MARRIED WOMEN

Mr. CAPPER submitted an amendment intended to be proposed by him to the bill (H. R. 10960) to amend the law relative to the citizenship and naturalization of married women, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENTS TO LEGISLATIVE APPROPRIATION BILL

Mr. PHIPPS submitted an amendment intended to be proposed by him to House bill 11965, the legislative appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill to insert:

"That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to reimburse from the contingent funds of the Senate and of the House, respectively, until otherwise provided for, to one clerk or to one assistant clerk to each Senator and/or Representative, or to one clerk or assistant clerk to each committee of the Senate and to each committee of the House, such amounts as may be necessarily paid by said clerk or assistant clerk for railroad fare, Pullman charges, and minor expenses of travel, from Washington, D. C., to the place of residence in the State of the Senator or Representative by whom employed, at the time such trip is made, and return therefrom; said reimbursement being hereby expressly limited to one round trip for each regular, extra, or special session of Congress or of the Senate or House, to and from said place of residence, for not to exceed one said clerk or assistant clerk, by the most direct route of travel, such reimbursement to be claimed on vouchers certified by the respective Senators or Representatives employing said clerk or assistant clerk and approved by the chairman, respectively, of the Committee to Audit and Control the Contingent Expenses of the Senate and/or the Committee on Accounts of the House that such travel has been actually performed and the expense therefor actually incurred."

Mr. PHIPPS also submitted an amendment intended to be proposed by him to House bill 11965, the legislative appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 6, line 5, strike out the word "three" and insert in lieu thereof "assistant clerk, $2,580; two," so as to read: "Post Offices and Post Roads—clerk, $3,900; assistant clerk, $2,880; assistant clerk, $2,580; two assistant clerks at $2,220 each; additional clerk, $1,800."

GENERAL SURVEY OF INDIAN CONDITIONS

Mr. FRAZIER. Mr. President, I ask unanimous consent to introduce a resolution, and I ask for its immediate consideration. I do not think it will lead to any discussion.

The VICE PRESIDENT. Let the resolution be reported.

The resolution (S. Res. 263) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That Senate Resolution No. 308, agreed to June 19, 1929, continuing in full force and effect Senate Resolution No. 79, agreed to on February 1, 1928, authorizing the Committee on Indian Affairs to make a general survey of Indian conditions, hereby is continued in full force and effect until the expiration of the Seventy-first Congress: *Provided*, That any officer or employee of the Bureau of Indian Affairs whose official conduct may be under investigation by said committee shall have the right to appear before the committee in person or by counsel and cross-examine any witness appearing before the committee.

EXTENSION OF TIME FOR FILING CLAIMS WITH MIXED CLAIMS COMMISSION

Mr. BORAH submitted the following resolution (S. Res. 264), which was referred to the Committee on Foreign Relations:

Whereas under the settlement of war claims act of 1928 as amended American nationals had until July 1, 1928, within which to file claims against Germany under the treaty of Berlin of August 25, 1921, for the consideration and decision of the Mixed Claims Commission, United States and Germany; and

Whereas many of the notices of claims filed since July 1, 1928, and many that would be filed, in the event an extension of time is granted, have been and would be by American seamen and others who have suffered personal injuries and property losses when American merchant ships were destroyed or damaged by torpedoes discharged by German submarines; and

Whereas the expenses of the United States incurred in connection with the Mixed Claims Commission, United States and Germany, are met by a deduction from the awards made to American claimants, and as there will be no cost to American taxpayers should the life of said commission be continued: Therefore be it

Resolved, That the President be, and he hereby is, requested to enter into an agreement with the Government of Germany by which the Mixed Claims Commission, United States and Germany, will be given jurisdiction of and authorized to consider and decide claims falling under Part VIII, reparation clauses, of the treaty of Versailles as carried into the treaty between the United States and Germany restoring friendly relations concluded August 25, 1921, notice of which is filed with the Department of State on or before March 10, 1931. If such agreement is entered into before October 1, 1930, awards in respect of such claims shall be certified under subsection (a) of section 2 of the settlement of war claims act of 1928 as amended, and shall be in all other respects subject to the provisions of said section 2.

MYTHOLOGY, TRADITION, AND HISTORY OF NEW MEXICO (S. DOC. NO. 147)

Mr. BRATTON. Mr. President, with the help of others, and through much research, I have compiled some very interesting data respecting the mythology, tradition, and history of New Mexico, as well as a brief outline of her governors, Senators, Representatives in Congress, and Delegates to Congress. This review, though brief, begins as far back as 1598 and extends throughout her several régimes to the present. On account of its educational value, particularly to citizens of the State, and especially the school students, I ask that it may be printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE MESSAGE AND APPROVALS

A message in writing was communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following act and joint resolution:

On May 12, 1930:

S. 2589. An act authorizing the attendance of the Marine Band at the Confederate veterans' reunion to be held at Biloxi, Miss.

On May 13, 1930:

S. J. Res. 165. Joint resolution authorizing the settlement of the case of United States against the Sinclair Crude Oil Purchasing Co., pending in the United States District Court in and for the District of Delaware.

SPANISH WAR PENSIONS

Mr. ROBINSON of Indiana. Mr. President, I ask unanimous consent that the order of the Senate made yesterday disagreeing to the amendment of the House to the bill (S. 476) granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes, be rescinded, and also the appointment of conferees on the part of the Senate by the Vice President.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBINSON of Indiana. I now move that the Senate concur in the amendment of the House, and that the House be requested to return the papers to the Senate.

The motion was agreed to.

EXECUTIVE MESSAGE REFERRED

The VICE PRESIDENT laid before the Senate a message from the President of the United States nominating Alfred A. Wheat, of New York, to be chief justice of the Supreme Court of the District of Columbia, to succeed Walter I. McCoy, resigned, which was referred to the Committee on the Judiciary.

THE MEAT PACKERS AND THE CHAIN STORES

Mr. SCHALL. Mr. President, I present an article of interest entitled "The Meat Packers and the Chain Stores," which I ask leave to have published in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MEAT PACKERS AND THE CHAIN STORES

During the present session of Congress the United States Senate has shown considerable interest in the efforts by Armour & Co. and Swift & Co. to set aside the packers consent decree, which on two occasions has been held to be valid by the Supreme Court of the United States.

This decree was entered in the Supreme Court of the District of Columbia on February 27, 1920, in a suit brought by the United States Government against the "Big Five" meat packers—Swift & Co., Armour & Co., Wilson & Co., Morris & Co., and Cudahy Packing Co.—charging violations of the Federal antitrust laws. The Government's petition in the suit charged that the packers' "attempts to monopolize have resulted in complete control in many of the substitute food lines (referring to products other than meat). They have made substantial headway in others. The control is extensively and rapidly increasing. New fields are gradually being invaded, and, unless prevented by a decree of this court, the defendants (meaning the 'Big Five' meat packers) will, within the compass of a few years, control the quantity and price of each article of food found on the American table."

Early in February, 1917, President Wilson directed the Federal Trade Commission to make an investigation concerning the production, manufacture, and distribution of foodstuffs, and in July, 1918, the commission made its first report to President Wilson, in which it said:

"It appears that five great packing concerns of the country—Swift, Armour, Morris, Cudahy, and Wilson—have attained such a dominant position that they control at will the market in which they buy their supplies, the market in which they sell their products, and hold the fortunes of their competitors in their hands."

President Wilson had consulted Mr. Hoover, who then was United States Food Administrator, and in September, 1918, we find that Mr. Hoover, in reporting to President Wilson, pointed out with reference to the Chicago meat packers, "There is here a growing and dangerous domination of the handling of the Nation's foodstuffs." The complete letter from Mr. Hoover to President Wilson was inserted in the CONGRESSIONAL RECORD by Senator BLACK on January 17, 1930, and it shows very clearly what were the views of Mr. Hoover at that time.

Shortly after the Federal Trade Commission made its voluminous report to President Wilson concerning the meat-packing industry the Department of Justice began presentation to Federal grand juries of evidence of unlawful combinations in the meat-packing industry and violations of the antitrust statutes. While the grand jury proceedings were pending representatives of the meat packers went to Attorney General Palmer for the purpose of adjusting their difficulties. The result of their negotiations was the packers consent decree, and upon its entry the grand jury proceeding terminated.

The decree directed the packers to dispose of their holdings in public stockyards, stockyards railroads and terminals, public cold-storage warehouses, market newspapers; to disassociate themselves from the retail meat field; and the decree perpetually enjoined the defendants from manufacturing, selling, transporting, and distributing grocery products, which have been called "unrelated lines."

The packers accepted the decree, and for reasons of their own. At that time there was pending in Congress a bill which finally became the packers and stockyards act. In its original form this bill contained provisions regulating the meat packers in all their endeavors. But with the consent decree entered in the Supreme Court of the District of Columbia the packers came to Congress with the argument that there was no need for the legislation as originally proposed because of the existence of the decree. The legislation then pending was amended and made less objectionable to the packers. Senator NORRIS at the time said that Congress did not legislate concerning the matters in the decree because it assumed that "what the decree did would be permanent law." On January 17, 1930, discussing the situation on the floor of the Senate, Senator NORRIS stated:

"I think ordinarily we should not be busying ourselves about decrees of court, and that the Attorney General ought to use his own discretion in acting on them; but I think this is a case, when we consider the origin of this decree, in which the Congress of the United States is directly interested, because it would have legislated without any doubt had this decree not been entered into, and the decree was entered into for the purpose of preventing legislation by Congress, with the object, I think, of having it all set aside as soon as Congress adjourned."

After securing amendment of congressional legislation on the subject, which was to their own advantage, the packers in September, 1921, urged the Department of Justice to consent to modification of the decree. This effort was made by the California Cooperative Canneries, ostensibly an independent growers' association, but in reality, as was shown, a concern heavily indebted to and undoubtedly acting for Armour & Co. Undoubtedly there would have been modification, if not entire nullification, had it not been for the efforts of the independent food trade of the country. An interdepartmental committee was appointed and for several weeks this committee heard the protests of the independent food merchants of this country, with the result that the committee made its recommendations to Attorney General Daugherty to the effect that modification was a matter for the courts, and the matter has been before the courts since 1921. After the California Cooperative Canneries had failed in its first attempt to have the decree set aside, Armour and Swift, who consented to the decree, made an attack on its validity and their move finally was disposed of by the United States Supreme Court in March, 1928. The court held the decree valid and binding (Swift & Co. v. U. S., 276 U. S. 311). In a recent letter to Senator MCNARY (CONGRESSIONAL RECORD, p. 3495) Attorney General Mitchell said: "The provisions of the decree, especially with reference to packer ownership of stockyard stock and handling of unrelated commodities, have never been fully complied with."

The California Cooperative Canneries, mortgaged to Armour, was finally permitted to intervene in the proceeding by the Court of Appeals of the District of Columbia, and on motion of the canneries the Supreme Court of the District of Columbia suspended operation of the decree in 1925 because of a contract which the canneries had with Armour & Co., and the decree remained suspended until the Supreme Court of the United States, in May, 1929, held that the canneries never should have been permitted to intervene, and the court in its opinion said:

"When our opinion in the Swift case—the original opinion upholding the decree—settled that * * * the court of appeals was without jurisdiction * * * and that the consent decree is valid, all obstacles to the enforcement of the consent decree should have been promptly removed." (279 U. S. 553.)

Despite these two opinions of our highest court, both Armour and Swift in August, 1929, again moved in the Supreme Court of the District of Columbia for modification—really nullification—of the consent decree, urging that they be permitted to own their our retail meat stores, to manufacture and distribute grocery products generally, and to use their vast systems of distribution, including privately owned refrigerator cars and branch houses throughout the country, in the distribution of these products.

The Government filed an answer to these petitions of Armour and Swift alleging that the petitions do not "state or include facts sufficient in law or equity to entitle the petitioners to the relief therein prayed, or to any relief."

The Attorney General stated in a letter to Senator MCNARY that "the purpose of this answer is to require them to establish their case in all particulars," and Mr. Mitchell further says that "the department will also offer evidence of such facts as may appear pertinent to the issue presented." There is one statement in the Attorney General's letter which it is difficult to understand in view of the fact that the Government for almost 10 years has been fighting to maintain this decree against the packers. That statement reads: "The department's further action must in some measure depend on developments, as the case is fully presented to the court." Is it to be inferred from this statement that the Department of Justice may in the future consent to some modification of this decree which the Government fought to uphold through the Supreme Court of the United States? The Attorney General represents the people of the United States, and, as Senator NORRIS said on January 17, "he should not consent to modification of the decree unless he would be willing to recommend that a law to the same effect should be changed, because really that is what it is." The Attorney General stated publicly that the attitude of the Department of Justice toward these petitions "will be determined at the conclusion of the hearing upon the evidence presented to the court."

The evidence, we suppose, would be that relating to the allegations of the packers in their petitions. These packers state that there have been radical changes in economic conditions in the country, and that the development of great chain-store systems and the expansion of smaller meat packers warrant modification of the decree in order to promote competition. It is very plain that if the chain stores are threatening to become an unlawful monopoly, it is the duty of the Government to enforce the antitrust statutes against them rather than to release from a court decree another potential monopoly. Are we to assume that the unshackling of one group in the hope that they will make war against others in the field will result in public benefit?

On February 27, 1930, the Supreme Court of the District of Columbia heard argument on the motions of several intervenors—National Wholesale Grocers' Association and American Wholesale Grocers' Association—to dismiss the packers' petitions for modification. At that time the Government was asked by the court to file a brief in support of those provisions of its answer to the effect that the packer petitions should be dismissed because they do not state facts sufficient to entitle Armour and Swift to any relief whatever. On April 2, both Armour and Swift filed amended petitions which are not materially different from their original petitions. The Government has filed an answer to these amended petitions, but in this second answer the Attorney General does not ask that the packer petitions be dismissed. He merely challenges Armour and Swift to strict proof of the allegations of their

amended petitions. The Attorney General has not filed a brief as requested by the court on February 27, 1930, and the recent answer of the Attorney General seems to indicate a change in the attitude of the Department of Justice, which for 10 years has fought to uphold the decree.

The New York financial papers are predicting that the packers, if released from the consent decree, "will probably manufacture canned goods and foodstuffs and distribute them through their own extensive distributive channels and, in addition, organize their own chain-store systems." It is said by a magazine called Printer's Ink that one organization of meat packers has made preparations to open 500 stores. Bear in mind that the meat packers are possessed of a fleet of privately-owned refrigerator cars which, if this decree is scrapped, would give to them advantages not enjoyed by any distributor or group of distributors in this country. What is to become of the independent-food business of this country if the Department of Justice now should take or should permit action which would nullify the effort and expense to the Government in attempting to maintain a decree which represents a real accomplishment after almost 40 years of effort to regulate the meat packers, beginning at the time of the enactment of the Sherman antitrust law? The packers are contending that because the chain-store systems have become a potential monopoly, the Government should release them from the terms of the consent decree. The result would be the extermination of the independent food merchant of this country. It is inconceivable that the independent food merchant of this country would be able to exist between growing chain-store organizations and a huge system of packer-owned chain stores.

It is to be noted that the packers now contemplete a far more dangerous attempt to monopolize the production and distribution of the Nation's food than was threatened at the time of the entry of the decree. Then they limited their activities to the production and wholesale distribution of food products, whereas now they desire to engage in retailing also, so that our food supply will be under their control until it reaches the consumer's mouth.

If, as the packers have stated in their petitions, there are questions of economies involved which warrant nullification of this decree, the Attorney General and the United States Senate should have the facts, and there is no agency better qualified to gather economic facts than the Federal Trade Commission.

The Federal Trade Commission act provides in section 6 that the commission, on its own initiative, may make investigations to determine whether a final decree against any defendant corporation in a suit brought by the United States under the antitrust laws is being carried out; and the same section provides that the commission, on application of the Attorney General, shall make such investigation and transmit to the Attorney General a report of its findings and recommendations. So far as we know, the Attorney General has not requested the commission to make an investigation of this situation, nor has the commission on its own initiative begun such an investigation.

The Senate is alive to this phase of the matter, and we find that Senator NYE has introduced a resolution (S. Res. 120) calling on the Federal Trade Commission to investigate concerning the status of the decree and the efforts of the packers to scrap it, and to report to the Senate with the commission's recommendations on the public policies involved.

Important questions of public policy are involved here; the antitrust policy of the Department of Justice also is involved. Nullification of this decree unquestionably would establish a precedent for similar action with respect to other consent decrees.

CONFEDERATE FLAG IN SENATOR BLEASE'S OFFICE

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed in the RECORD a short article which appeared in the Daily Mail, of Anderson, S. C., on Friday, May 2, 1930.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, it is so ordered.

The article is as follows:

[From the Anderson Daily Mail, Anderson, S. C., Friday, May 2, 1930]

FLAG OF THE CONFEDERACY FLIES ON CAPITOL HILL—THE STARS AND BARS HANG FROM THE RECEPTION ROOM OF COLE. L. BLEASE IN SENATE OFFICE BUILDING

By Herbert Plummer

WASHINGTON.—The flag of the Confederacy flies on Capitol Hill perhaps for the first time in history.

And the arch defender of the "lost cause"—Senator COLE. BLEASE—planted it there.

The Stars and Bars hang from the reception room of his office in the Senate Office Building. The flag faces the pictures of Robert E. Lee and Stonewall Jackson. And it hangs just under the palmetto flag—State emblem of South Carolina—and the pictures of Hampton, Gary, and Butler, those great generals who served under Lee.

To "COLEY" BLEASE goes the distinction of being the first United States Senator ever to be presented with the flag of the Confederacy, and to have it placed in his office.

ENTHUSIASM

"COLEY" never lets an opportunity slip to tell of his love and admiration for the gray hosts of Lee. Senate colleagues have heard him boast more than once that South Carolina was the first State to secede from the Union—fired the first shot in the Civil War.

"I come from the State which was the mother of secession," he has thundered again and again on the floor of the Senate—"which has produced some of the bravest men who were ever seen on a battle field."

And as often have Senators heard from his lips:

"Lee did not surrender—his soldiers were perishing; they were overpowered, outnumbered, but they were not cowed."

But "COLEY" scales the heights when he tells them:

"When I cease to praise and defend the southern soldiers and the flag of the Confederacy 'this poor, lisping, stammering tongue will lie silent in the grave.'"

There's a reason for BLEASE'S enthusiasm. His father was one who wore the gray. Eleven of his relatives served the Confederacy.

PICTURESQUE

It was a picturesque affair—the presentation of the Stars and Bars the other afternoon in BLEASE'S office on the first floor of the Senate Office Building.

The daughter of the designer of the Confederate flag made the presentation. Representative FRED DOMINICK, of South Carolina, made a speech, in which he told BLEASE:

"Take this flag—

"'For though conquered, we adore it,
Love the cold dead hands that bore it;
Weep for those who fell before it,
Pardon those who trailed and tore it.'"

A telegram was read which expressed the hope that the flag "will bring you a blessing and benediction in your work for our country."

"COLEY" responded in acceptance with great gallantry and feeling. The climax came when the Senator had concluded.

Major Rose, one of General Mosby's men, stepped forward, and amid a deathlike silence, kissed the flag.

RADIO MERGER

Mr. DILL. Mr. President, I ask unanimous consent to have printed in the RECORD the petition of the Attorney General in the District Court of the United States for the District of Delaware for the dissolution of the Radio Trust. It is a petition for a dissolution of the biggest combination of this kind in the history of the country, and I think it will answer a great many questions that are being asked as to what it means.

There being no objection, the petition of the Attorney General was ordered to be printed in the RECORD, as follows:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF DELAWARE

In Equity No. 793

UNITED STATES OF AMERICA, PETITIONER, v. RADIO CORPORATION OF AMERICA, GENERAL ELECTRIC CO., AMERICAN TELEPHONE & TELEGRAPH CO., WESTERN ELECTRIC CO. (INC.), WESTINGHOUSE ELECTRIC & MANUFACTURING CO., R. C. A. PHOTOPHONE (INC.), RCA RADIOTRON CO. (INC.), RCA VICTOR CO. (INC.), GENERAL MOTORS RADIO CORPORATION, AND GENERAL MOTORS CORPORATION, DEFENDANTS

Petition

The United States of America, by Leonard E. Wales, United States attorney for the district of Delaware, acting under the direction of the Attorney General, brings this proceeding in equity against:

1. Radio Corporation of America (hereinafter called Radio Corporation), a corporation organized and existing under the laws of the State of Delaware.

2. General Electric Co. (hereinafter called General Electric), a corporation organized and existing under the laws of the State of New York.

3. American Telephone & Telegraph Co. (hereinafter called Telephone Co.), a corporation organized and existing under the laws of the State of New York.

4. Western Electric Co. (Inc.) (hereinafter called Western Electric), a corporation organized and existing under the laws of the State of New York.

5. Westinghouse Electric & Manufacturing Co. (hereinafter called Westinghouse), a corporation organized and existing under the laws of the State of Pennsylvania.

6. R. C. A. Photophone (Inc.), a corporation organized and existing under the laws of the State of Delaware.

7. RCA Radiotron Co. (Inc.), a corporation organized and existing under the laws of the State of Delaware.

8. RCA Victor Co. (Inc.), a corporation organized and existing under the laws of the State of Delaware.

9. General Motors Radio Corporation (hereinafter called GMRC), a corporation organized and existing under the laws of the State of Delaware.

10. General Motors Corporation (hereinafter called General Motors), a corporation organized and existing under the laws of the State of Delaware.

11. Radio Corporation, General Electric, Telephone Co., Western Electric, and Westinghouse are hereinafter sometimes referred to as the primary defendants.

12. All allegations in this petition are intended to include the present tense except where otherwise stated.

13. The term "future patents" as used herein includes all patents and patent rights which have been acquired subsequent to the date of the combination herein alleged and which may be acquired in the future.

14. The District of Columbia and Territories of the United States are intended to be included within the words "State" or "States" used herein except when otherwise shown.

15. The defendants Radio Corporation and Telephone Co. are engaged in the transmission and reception, by radio or wireless telegraph and telephone, of messages, signals, and the like, between places in the several States of the United States, between the United States and foreign countries, and between places in the United States and places outside of the United States. Said transmission and reception will be hereafter referred to as radio communication.

16. The defendants Radio Corporation, General Electric, Westinghouse, and Telephone Co., and other persons and corporations, are engaged, as hereinafter shown, in transmitting and disseminating images, pictorial reproductions, intelligence, information, talks and addresses on various subjects, music, entertainment and the like, and advertising to promote trade and commerce in commodities, services, and other articles, by radio among the several States of the United States, between the United States and foreign countries, and between places in the United States and places outside of the United States. Said transmission and dissemination will be hereinafter referred to as radio broadcasting. Apparatus used or useful for the reception of radio broadcasting will be hereinafter referred to as radio receiving sets.

17. The defendants and other persons and corporations are engaged at factories and other plants located in the several States of the United States, as hereinafter shown, in manufacturing and fabricating radio apparatus, that is to say, apparatus used and useful for radio communication, radio broadcasting, recording and reproducing sound in connection with motion pictures and for certain scientific and commercial processes. The defendants and other persons and corporations, as hereinafter shown, have been and are selling and leasing radio apparatus to, and otherwise making radio apparatus available for use by, persons and corporations located in States other than the State or States wherein said apparatus has been and is being made and fabricated as aforesaid. Radio apparatus so sold, leased, and otherwise made available for use, has been and is being transported and shipped from the aforesaid factories and plants to said purchasers, lessees, and other persons and corporations located in States other than the States in which said apparatus has been and is being made and fabricated. Said manufacture and fabrication, sale, leasing, transportation, and shipment of radio apparatus will be hereinafter referred to as interstate commerce in radio apparatus.

18. Prior to the unlawful combination and conspiracy hereinafter alleged, the primary defendants (except Radio Corporation) and Marconi Co. of America, International Radio Telegraph Co., United Fruit Co., Wireless Specialty Apparatus Co., Federal Telegraph Co. of California, and De Forest Radio Telephone & Telegraph Co. were engaged in competition with each other in interstate commerce in radio communication and radio apparatus. About 20 other companies were then engaged in the manufacture and sale in interstate commerce of radio receiving sets. Each of the primary defendants (except Radio Corporation) then owned or otherwise controlled large numbers of patents and patent rights used or useful in the manufacture, use, and sale of radio apparatus.

19. The defendants in the manner and by the means hereinafter alleged have been and are engaged in a combination and conspiracy in restraint of trade and commerce among the several States and with foreign nations in radio communication and radio apparatus, and the defendants are parties to contracts, agreements, and understandings in restraint of said commerce, in violation of section 1 of the act of Congress of July 2, 1890 (26 Stat. 209), known as the Sherman Antitrust Act, and the defendants have in like manner monopolized and are attempting to monopolize, and are combining and conspiring with one another to monopolize said commerce among the several States and with foreign nations in violation of section 2 of said act, and this suit is instituted to prevent and restrain the defendants from further violating said act.

20. As a part of said unlawful combination, conspiracy, and monopoly, the defendants by contracts, agreements, and understandings made between themselves at various times, beginning in the year 1919, have granted to each other rights to make, use, and sell radio apparatus under all existing and future patents and patent rights on radio apparatus held or acquired by them; and the defendants thereby have had and enjoyed a community of interest in each and all of said patents and patent rights and in the control thereof; and the defendants have continuously used and dealt with said patents and patent rights as being jointly owned for their common, mutual, and exclusive benefit; and have assigned and allocated among themselves the exclusive use, enjoyment, and benefits of said patents and patent rights, including the right to make, use, and sell all radio apparatus covered by said patents and patent rights; and the defendants have thereby divided among themselves the business of interstate commerce in radio communication and radio apparatus to the end that they should not compete with each other in said commerce and to the end that each primary defendant should unlawfully restrain and monopolize said commerce in the fields allocated to it and the remaining primary defendants should refrain from competing in said fields. Pursuant to said combination, conspiracy, and monopoly the defendants have continuously refused, except on terms prescribed by them, to grant licenses under said patents and patent rights to any individuals, firms, or corporations for the purpose of enabling the latter to engage in radio communication, radio broadcasting, or interstate commerce in radio apparatus independently of or in competition with the defendants.

21. The control of interstate commerce in radio apparatus acquired by the defendants through the licensing, cross-licensing, or pooling of the radio patents of all of them as herein described has been used by them for the purpose of obtaining additional patents which increase, and have increased, the effectiveness and power of the patent pool of the defendants, and the defendants have acquired and now control more than 4,000 patents or alleged patents on radio apparatus. Said patent pool has enabled the defendants to dictate by agreement among themselves the terms upon which any competitor or potential competitor may use the patents owned or controlled by any of said defendants; to exact by agreement among themselves burdensome royalty payments from any competitor or potential competitor granted a license to use patents owned or controlled by said defendants; to compel any such licensee to accept a license under all the patents of all the primary defendants applicable to the particular apparatus which the licensee desired to manufacture and sell, thereby preventing such licensee from contesting the validity of any of said patents and thereby tending to prevent adjudication as to the validity of said patents. By the exclusive licenses which the primary defendants have given each other they have prevented and do prevent any competitor or potential competitor from obtaining from any one of the primary defendants separately a license to use its radio patents. The agreements between the primary defendants make provision for extending the combination in restraint of interstate commerce in radio apparatus, and in monopoly and attempted monopoly thereof, far beyond the life of any patents owned by said primary defendants when the agreements were made. The primary defendants have by their agreements providing for licensing each other under all existing and future patents prevented all litigation between themselves which would adjudicate the scope and validity of their respective patents. The defendants thus have continuously acquired new radio patents and patent rights, and have jointly held and used the same exclusively for their own use and benefit. All of said contracts, agreements, and understandings have been made and performed, and all of said acts and things have been done, as a means for, and with the purpose, intent, and effect of excluding all actual and potential competition in radio communication and interstate commerce in radio apparatus and as a part of an unlawful combination and conspiracy in restraint of interstate commerce in radio communication and radio apparatus, and in monopolization and attempted monopolization thereof.

22. On or about October 17, 1919, General Electric caused the organization of Radio Corporation with a capitalization of 7,500,000 shares of common stock and 5,000,000 shares of preferred stock, caused Radio Corporation to acquire all the assets of Marconi Co. of America, including valuable radio patents and patent rights and apparatus used and useful in radio communication, and caused Radio Corporation to issue and deliver to General Electric 2,000,000 shares of its common stock, which then had sole voting rights, and over 600,000 shares of its preferred stock. By a contract and agreement made and dated on or about November 20, 1919, Radio Corporation and General Electric granted to each other licenses under their existing and future patents on radio apparatus and Radio Corporation agreed to purchase exclusively from General Electric all apparatus covered by the patents granted or agreed to be granted thereunder and General Electric agreed to sell such radio apparatus exclusively to Radio Corporation. Marconi Co. of America thereupon permanently withdrew from the business of interstate commerce in radio communication and radio apparatus.

23. As a part of said unlawful combination, conspiracy, and monopoly, General Electric, Radio Corporation, Telephone Co., and Western Electric (substantially all the stock of which has been owned by the Telephone Co.), by contracts and agreements made and dated on or about July 1, 1920, granted to each other licenses under their existing and future patents on radio apparatus. By said contracts and agreements, and by understandings supplementary thereto, Telephone Co. and Western Electric were obligated to refrain from engaging in the business of radio communication by telegraph, from engaging in the business of transoceanic radio communication by telephone except by the use of means, instrumentalities, and apparatus of Radio Corporation and from engaging in the manufacture and sale in interstate commerce of substantially all kinds of radio apparatus. By said contracts and agree-

ments, and by understandings supplementary thereto, General Electric and Radio Corporation were obligated to refrain from, among other things, engaging in the business of radio communication by telephone within the United States, and to prevent any persons or corporations, except Telephone Co. and Western Electric, from using any means, instrumentalities, or apparatus of General Electric, Radio Corporation, or Westinghouse for the purpose of engaging in said business. Neither the Telephone Co. nor Western Electric has established such a communication system, but the primary defendants have refused to permit any other person or corporation to engage in said business and have by suits and threats of suit for infringement of their alleged patent rights, and otherwise, collectively hindered, obstructed, and prevented the establishment of radio communication by telephone within the United States.

24. Prior to May 22, 1920, Westinghouse and International Radio Telegraph Co. each owned or otherwise controlled certain patents and patent rights on radio apparatus. Westinghouse was engaged in interstate commerce in radio apparatus and International Radio Telegraph Co. was engaged in radio communication. On or about May 22, 1920, said companies caused the organization of the International Radio Telegraph Co., hereinafter referred to as New International. Westinghouse thereupon acquired 50 per cent or more of the voting stock of New International. International Radio Telegraph Co. transferred to New International all or most of its patents and physical assets and Westinghouse and New International granted to each other licenses under their existing and future patents on radio apparatus, and Westinghouse agreed to sell to New International exclusively all radio apparatus covered by patent rights granted or agreed to be granted thereunder, and New International agreed to purchase said apparatus exclusively from Westinghouse. For a considerable period of time prior to June 30, 1921, New International and its predecessors were engaged in interstate commerce in radio communication and radio apparatus, and from the organization of Radio Corporation to June 30, 1921, were engaged in said commerce independently of, and in competition with, Radio Corporation.

25. As a part of said unlawful combination, conspiracy, and monopoly, New International, on or about June 30, 1921, transferred and conveyed to Radio Corporation its business of interstate commerce in radio communication and radio apparatus, and its properties, facilities, and assets used in the conduct thereof, and the stockholders of New International, including Westinghouse, acquired 1,000,000 shares of preferred and 1,000,000 shares of common stock of Radio Corporation, representing a large and substantial interest in said corporation. New International thereupon permanently withdrew from the business of interstate commerce in radio communication and radio apparatus. As a further part of said unlawful combination, conspiracy, and monopoly, Westinghouse, by contracts and agreements made and dated on or about June 30, 1921, acquired from Telephone Co. and Western Electric, and granted to said companies, the same rights, privileges, and licenses as General Electric had acquired from, and had granted to, said companies by the contracts and agreements dated on or about July 1, 1920, hereinbefore referred to; and by further contracts and agreements also made and dated on or about June 30, 1921, General Electric, Radio Corporation, and Westinghouse granted to each other licenses under their existing and future patents on radio apparatus.

The latter contracts and agreements and understandings supplementary thereto obligated General Electric and Westinghouse to sell radio apparatus exclusively to Radio Corporation and obligated Radio Corporation to purchase radio apparatus exclusively from General Electric and Westinghouse in the proportions of 60 and 40 per cent, respectively, and to pay therefor the cost of manufacture plus 20 per cent. Thereafter General Electric and Westinghouse have manufactured and sold in interstate commerce large and substantial amounts of radio apparatus. All of said apparatus manufactured and sold by General Electric and Westinghouse has been sold exclusively to Radio Corporation or to corporations owned or controlled by it. Thereafter Radio Corporation has not, without the consent of General Electric and Westinghouse, sold any radio apparatus except that purchased from said companies. By said contracts, agreements, and understandings General Electric and Westinghouse were, and they have continued to be, restrained from engaging in interstate commerce in radio apparatus except in the sale thereof to Radio Corporation, and Radio Corporation was, and it has continued to be, restrained from engaging in said commerce except in the sale of radio apparatus purchased from General Electric and Westinghouse, and competition in said commerce which otherwise would have existed between said companies and between them and others has been and will continue to be restrained.

26. As a part of said unlawful combination, conspiracy, and monopoly, General Electric, Radio Corporation, Telephone Co., Western Electric, and Westinghouse by contracts and agreements made and dated on or about July 1, 1926, modified in certain details the provisions of the foregoing contracts and agreements made and dated on or about November 20, 1919, July 1, 1920, and June 30, 1921, but by said contracts and agreements of July 1, 1926, said primary defendants continued the grant to each other of licenses under their existing and future patents on radio apparatus and the division among themselves of the business of interstate commerce in radio communication and radio apparatus.

27. The defendants by preventing all litigation between themselves involving their radio patents and patent rights have been enabled to assert the exclusive right to use and enjoy said patents and patent rights, irrespective of their validity or invalidity. The defendants by collectively threatening to sue, and by suing pursuant to a common understanding, persons and corporations manufacturing or selling radio apparatus in interstate commerce and those dealing with said persons and corporations, charging them with infringement of defendants' patents, have prevented substantially all persons and corporations from engaging in interstate commerce in radio apparatus except upon terms and conditions prescribed and imposed by the primary defendants by joint arrangement and agreement among themselves, and have required substantially all said persons and corporations to enter into license agreements with the primary defendants. Thirty-seven manufacturers of radio receiving sets who were previously engaged in interstate commerce in radio apparatus independently of, and in competition with, some of the defendants have been compelled to accept such a license and are manufacturing and selling thereunder. Among the terms and conditions imposed by the primary defendants on said licensees are the following:

(a) Each of said licensees has been and is required to pay to the primary defendants a royalty of 7½ per cent of the price of all radio apparatus sold by the licensee, and a minimum of $100,000 a year by manufacturers of radio receiving sets and a minimum of $50,000 a year by manufacturers of vacuum tubes. The share of Radio Corporation in the royalty so paid during the year 1929 was more than $7,000,000. The purpose and direct result of said royalty requirements have been and are to limit arbitrarily the number of those who can engage in interstate commerce in radio apparatus.

(b) Prior to February 6, 1928, each of said licensees was required to purchase exclusively from Radio Corporation all vacuum tubes originally installed by said licensee in radio receiving sets made or sold by it. On or about November 19, 1929, this provision was adjudged by the United States District Court for the District of Delaware to be in violation of the Clayton Act. Since February 6, 1928, each of said licensees has been required to accept a license containing this same requirement, coupled with a statement by the licensors that pending the determination of a certain litigation by the Supreme Court of the United States said provision will not be enforced. The purpose and effect of both of these licenses in such form has been to threaten and coerce manufacturers to use exclusively vacuum tubes purchased from Radio Corporation.

(c) Each of said licensees has been and is required to sell to the primary defendants and their nominees a license under any existing and future patents under which said licensee had or may have the right to issue licenses.

(d) Each of said licensees has been and is unlawfully required to affix to each radio receiving set made or sold by it a notice reading: "Licensed only for radio amateur, experimental, and broadcast reception," and to insert the same notice in all catalogues, circulars, price lists, and general advertising, and a similar statement of restriction upon cartons containing tubes sold by it.

28. The number of receiving sets sold in interstate commerce during the year 1929 was in excess of 4,500,000. The primary defendants and their licensees now manufacture approximately 95 per cent in value of all radio apparatus manufactured, used, and sold in interstate commerce.

29. Said unlawful restraints and monopoly are being constantly extended into new industrial, commercial, and scientific fields by the discovery of new uses for radio apparatus, particularly vacuum tubes, including, among other such fields, methods of distance actuation and control; automatic counting, grading, and sorting; selecting colors, leveling elevators and guiding airplanes; and the defendants have unlawfully combined, conspired, and agreed to extend said restraints and monopoly into the new industrial, commercial, and scientific fields wherein radio apparatus may now or in the future be used or useful.

30. On or about April 4, 1928, Radio Corporation, General Electric, and Westinghouse caused the incorporation of R. C. A. Photophone (Inc.). The interest in and control of R. C. A. Photophone (Inc.), represented by shares of capital stock therein, was and now is divided among said defendants in the proportion of 60 per cent to Radio Corporation, 24 per cent to General Electric, and 16 per cent to Westinghouse. The defendants thereupon contracted, arranged, and agreed that none of them except R. C. A. Photophone (Inc.) and Western Electric would engage, or enable, or permit any other person or corporation except R. C. A. Photophone (Inc.) and Western Electric to engage in interstate commerce in radio apparatus for recording or reproducing sound in connection with motion pictures.

31. On or about December 26, 1920, Radio Corporation, General Electric, and Westinghouse caused the incorporation of RCA Radiotron Co. (Inc.). The interest in and control of RCA Radiotron Co. (Inc.) represented by shares of capital stock therein, was and now is divided among said defendants in the proportion of 50 per cent to Radio Corporation, 30 per cent to General Electric, and 20 per cent to Westinghouse. The defendants have been and are planning and arranging to transfer to RCA Radiotron Co. (Inc.) all of the interstate commerce of said three defendants in vacuum tubes; and to substitute said RCA Radiotron Co.

(Inc.) for Radio Corporation, General Electric, and Westinghouse in respect to said restraints upon, and monopolization of, interstate commerce in vacuum tubes imposed and enjoyed by the defendants.

32. On the same day, December 26, 1929, Radio Corporation, General Electric, and Westinghouse caused the incorporation of RCA Victor Co. (Inc.). The interest in and control of RCA Victor Co. (Inc.), represented by shares of capital stock therein, was and now is divided among said defendants in the proportion of 50 per cent to Radio Corporation, 30 per cent to General Electric, and 20 per cent to Westinghouse. The defendants have been and are planning and arranging to transfer to RCA Victor Co. (Inc.) the interstate commerce of said three defendants in radio receiving sets and to substitute said RCA Victor Co. (Inc.) for Radio Corporation, General Electric, and Westinghouse in respect to said restraints upon and monopolization of interstate commerce in radio receiving sets imposed and enjoyed by the defendants.

33. On or about October 10, 1929, Radio Corporation, General Electric, Westinghouse, and General Motors caused the incorporation of GMRC. The interest in and control of GMRC represented by shares of its capital stock was and now is divided among said defendants in the proportion of 51 per cent to General Motors, 29.4 per cent to Radio Corporatiaon, 11.76 per cent to General Electric, and 7.84 per cent to Westinghouse. The primary defendants thereafter granted to GMRC the right to sell radio receiving apparatus under all existing patents and future patents under which they had or may have the right to issue licenses. General Motors paid more than $5,000,000 in cash for its said stock in GMRC; granted to GMRC an exclusive license under all its present and future patents and patent rights on radio apparatus, which patents and patent rights thereafter by certain contracts, agreements, and understandings became a part of the patent pool hereinbefore described; and has made available to GMRC all of its vast facilities for the distribution of radio apparatus throughout the United States and foreign countries. General Motors agreed with GMRC to purchase, and has purchased, exclusively from GMRC all radio apparatus sold by it at not less than the cost thereof to GMRC, plus 20 per cent. GMRC has unlawfully agreed with the primary defendants to attach, and has attached, to all radio apparatus to be sold by it the following notice: "Licensed only for use in automotive vehicles and conveyances or for private amateur use for entertainment and educational purposes." The purpose, intent, and effect of the organization of GMRC and of each of the contracts and agreements, and understandings supplementary thereto, has been to broaden, strengthen, and make more permanent and effective the restraints and monopolization of interstate commerce hereinbefore described and to eliminate one of the most powerful potential competitors in interstate commerce in radio apparatus.

34. As a part of said unlawful combination, conspiracy, and monopoly, Radio Corporation, General Electric, and Westinghouse have contracted and agreed, and they are now planning and arranging, to perfect and make more permanent their restraint and monopolization of interstate commerce in radio apparatus by a reorganization of the business in radio apparatus of said three companies, by, among other means, the following:

(a) The transfer and conveyance to Radio Corporation or its nominees by General Electric and Westinghouse or their respective wholly owned subsidiary corporations, General Electric Radio Co. (Inc.) and Westinghouse Radio Co. (Inc.) of (1) all property, facilities, and assets used by General Electric and Westinghouse or their said subsidiaries in the manufacture of radio apparatus, (2) all of the stock of R. C. A. Photophone (Inc.), RCA Radiotron Co. (Inc.), RCA Victor Co. (Inc.), and GMRC owned by said two companies or their said subsidiaries, and (3) the right to use all existing and future patents of the primary defendants used or useful for the manufacture of radio apparatus.

(b) The issue and delivery by Radio Corporation to General Electric and Westinghouse of (1) shares of common stock of Radio Corporation equal in number to all its present outstanding shares of common stock, and (2) a large number of shares of its preferred stock, which stock acquisition will give General Electric and Westinghouse more than 50 per cent of the voting rights of all outstanding stock of Radio Corporation, and will give said companies complete control of Radio Corporation.

35. For the purpose of effecting said proposed consolidation the stockholders of Radio Corporation at a stockholders' meeting held on May 6, 1930, duly approved an increase in the corporation's authorized common stock from 7,500,000 shares to 15,000,000 shares. None of said additional 7,500,000 shares of authorized common stock has been issued or delivered.

36. The organization and employment of R. C. A. Photophone (Inc.), RCA Radiotron Co. (Inc.), and RCA Victor Co. (Inc.) for the purpose of manufacturing and selling various kinds of radio apparatus previously manufactured and sold by General Electric and Westinghouse; the proposed acquisition by Radio Corporation of all the stock of said companies now owned by General Electric and Westinghouse or their said subsidiaries; the proposed transfer to Radio Corporation or its nominees of substantially all the assets owned by General Electric and Westinghouse or their said subsidiaries used or useful for manufacturing radio apparatus; the licensing of Radio Corporation and its nominees to manufacture radio apparatus under the existing and future patents of all the primary defendants; and the acquisition by General Electric and Westinghouse of stock of Radio Corporation which will give said companies a majority of the voting stock of Radio Corporation, all as hereinbefore described, will permanently remove General Electric and Westinghouse as competitors or potential competitors of each other, of the other defendants, and of all other persons and corporations in interstate commerce in radio apparatus, and will thereby not only solidify and strengthen the defendants' combination and conspiracy in restraint of said interstate commerce, and in monopoly thereof, heretofore and now existing, but by consolidating the radio business of General Electric and Westinghouse in Radio Corporation in exchange for stock in said corporation will make permanent the existing unlawful combination and conspiracy between said companies in restraint and monopoly of interstate commerce in radio apparatus which has been brought about by the various illegal means hereinbefore described.

The organization and employment of R. C. A. Photophone (Inc.), RCA Radiotron Co. (Inc.), and RCA Victor Co. (Inc.) for said purposes and the proposed consolidation in said companies and in Radio Corporation of the business of interstate commerce in radio apparatus theretofore conducted by General Electric and Westinghouse were and are unlawful and in violation of the act of Congress of July 2, 1890, known as the Sherman Antitrust Act.

37. The contracts, agreements, and understandings by which the defendants have agreed to grant, and have granted, to each other licenses under existing and future patents on radio apparatus and have divided the interstate commerce in radio communication and radio apparatus, and have imposed unlawful restraints on all persons and corporations other than the defendants engaged in, or desiring to engage in, said commerce were and are unlawful and in violation of said act of Congress of July 2, 1890.

Wherefore petitioner prays:

I. That writs of subpœna issue directed to each defendant commanding it to appear herein and answer under oath the allegations of this petition and to abide by and perform such orders and decrees as the court may make.

That the court order, adjudge, and decree as follows:

II. That the combination and conspiracy in restraint of, and the attempt to monopolize, and monopolization of, interstate trade and commerce in radio communication and radio apparatus hereinbefore described, were and are in violation of said act of July 2, 1890, and acts supplemental thereto and amendatory thereof.

III. That the defendants and each of them and all persons, including corporations, acting or claiming to act on behalf of them or any of them, be perpetually enjoined and restrained from continuing to carry out, directly or indirectly, expressly or impliedly, the said combination and conspiracy, attempt to monopolize and monopolization, and from entering into or carrying out, directly or indirectly, expressly or impliedly, any similar combination and conspiracy, attempt to monopolize, and monopolization of the said interstate trade and commerce.

IV. That the defendants and each of them and all persons, including corporations, acting or claiming to act on behalf of them or any of them, be perpetually enjoined from performing or continuing to perform any and all other acts described herein as means of creating, maintaining, or effectuating said combination and conspiracy, attempt to monopolize and monopolization.

V. That the contracts and agreements between and among the defendants described herein, and any and all such contracts and agreements, be declared unlawful and void, and that the defendants and each of them, and all persons, including corporations, acting or claiming to act on behalf of the defendants or any of them, be perpetually enjoined from entering into similar contracts or carrying out the terms of said agreements or understandings or similar agreements or understandings.

VI. That the defendants and each of them and all persons acting or claiming to act on behalf of the defendants or any of them, be perpetually enjoined and restrained from agreeing with the other defendants or any of them not to compete with such other defendant or defendants in any line of interstate trade or commerce.

VII. That the defendants, other than Radio Corporation of America, and each of them, and all persons and corporations acting or claiming to act on behalf of them or any of them, be perpetually enjoined and restrained from purchasing or otherwise acquiring capital stock in the Radio Corporation of America or any of its subsidiary or operating companies now existing or hereafter formed and that the General Electric Co. and the Westinghouse Electric & Manufacturing Co. be ordered and directed to divest themselves of all stock in said Radio Corporation of America, that Radio Corporation of America be ordered and directed to divest itself of any property, facilities, or assets acquired from General Electric Co. or Westinghouse Electric & Manufacturing Co. pursuant to the plan of consolidation, rearrangement, and reorganization herein described.

VIII. That the court order, adjudge, and decree that each of the defendants R. C. A. Photophone (Inc.), RCA Victor Co. (Inc.), RCA Radiotron Co. (Inc.), and General Motors Radio Corporation has been and is a party to an unlawful combination, and has been and is an unlawful combination, in restraint of interstate and foreign trade and

commerce, and that each has attempted and is attempting to monopolize and is in combination and conspiracy with the other defendants to monopolize, and has monopolized, part of the trade and commerce among the several States of the United States and with foreign nations, and order, adjudge, and decree that each of them be restrained from engaging in interstate or foreign commerce, and that each of them be dissolved.

IX. That jurisdiction of this cause be retained for the purpose of enforcing such decree as may be entered and enabling petitioner to apply for a modification or enlargement of any of the provisions thereof on the ground that the same is inadequate and for the purpose of enabling the defendants, or any of them, to apply to this court for a modification of any of the provisions thereof on the ground that it has become inappropriate or unnecessary.

X That petitioner have such other, further, and general relief as may be equitable and proper.

XI. That petitioner recover its costs and disbursements.

LEONARD E. WALES,
United States Attorney.
WILLIAM D. MITCHELL,
Attorney General.
JOHN LORD O'BRIAN,
The Assistant to the Attorney General.
ROBERT L. SABIN, Jr.,
RUSSELL HARDY,
CHARLES H. WESTON,
JOHN HARLAN AMEN,
Special Assistants to the Attorney General.

TRANSFER OF PROHIBITION ENFORCEMENT

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which is House bill 8574.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8574) to transfer to the Attorney General certain functions in the administration of the national prohibition act, to create a bureau of prohibition in the Department of Justice, and for other purposes.

Mr. HEBERT obtained the floor.

Mr. OVERMAN. Mr. President, will the Senator yield?

Mr. HEBERT. Certainly.

Mr. OVERMAN. Mr. President, before the Senator from Rhode Island [Mr. HEBERT] proceeds, let me say that there is nothing complicated at all about the bill. It is simply a bill providing for the transfer of the Prohibition Unit from the Treasury Department to the Department of Justice. There are some details entered into and there are some few amendments proposed to carry out those details. The measure is recommended by the Attorney General. It passed the House of Representatives after long hearings were held before the House Committee on the Judiciary. The Senate Committee on the Judiciary likewise gave the matter extensive hearings, and after hearing all parties desiring amendments to the bill as it passed the House we concluded to recommend the bill practically as it passed the House, providing for turning over the whole Prohibition Unit to the Department of Justice, where the people and the President desire it to be, and let the matter be administered according to law.

Mr. HEBERT. Mr. President, it may be well at the outset to explain briefly the amendments proposed by the Committee on the Judiciary to the bill now before us. The bill was fully considered in the House of Representatives before it was passed there and received by the Senate.

It will be noted that in the original bill as it came from the Senate there occurs the term "enforcement division in the Bureau of Prohibition." The committee found upon a study of the measure that there is no such division now provided by law. The purpose of creating such a division was merely one of procedure, so as to enable the Department of Justice and the Treasury Department to apportion between the two, when this transfer shall have been made, the employees now engaged in prohibition work in the Treasury Department.

The idea is that all of the employees found to be engaged in the work which is referred to as enforcement in the Treasury Department shall be transferred to the Department of Justice. So we have inserted in the bill a new paragraph, which is designated paragraph (a), in section 3, on page 2 of the bill, and which reads as follows:

SEC. 3 (a) The Secretary of the Treasury and the Attorney General by joint regulation shall, as soon as may be after the passage and approval of this act, create an enforcement division in the Bureau of Prohibition in the Treasury Department and place in and apportion to such enforcement division so much of the personnel, appropriations, records, files, and property of said bureau as they shall agree upon.

Actually the Treasury Department and the Department of Justice have made a very complete survey of the entire prohibition work, and as a result of their findings have reached an agreement whereby some 2,500 employees in the prohibition division of the Treasury Department shall be transferred to the Department of Justice.

There was some objection on the part of representatives of civil-service employees to this mode of procedure because of a fear that civil-service employees might not retain their civil-service status. We made inquiry upon that point, and we have the assurance of the Attorney General that they will be taken over and will retain the status which they now have in the Treasury Department. That, however, will not apply to the attorneys now engaged in prohibition work in the Treasury Department, because, while they will be taken over, they will not be subject to civil-service regulations.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Rhode Island yield to the Senator from North Carolina?

Mr. HEBERT. I yield.

Mr. OVERMAN. There was also, as I recall, a fear expressed that the transfer of civil-service employees from the Treasury Department might destroy their privileges under the retirement act. We have an opinion of the Attorney General to the effect that they will not be affected unfavorably in that respect.

Mr. HEBERT. Mr. President, I could not distinctly hear the statement of the Senator from North Carolina, but I presume he referred to the communication which was received from the Attorney General, in which he gave assurance that the civil-service employees would not be disturbed in their status?

Mr. OVERMAN. Yes.

Mr. HEBERT. The next amendment, outside of perfecting amendments in the bill, is that on page 8, which proposes to amend section 2 of the act entitled "An act relating to the use or disposal of vessels or vehicles forfeited to the United States for violation of the customs laws or the national prohibition act, and for other purposes," approved March 3, 1925. The amendment is as follows:

SEC. 2. Any vessel or vehicle forfeited to the United States by a decree of any court for violation of the customs laws or the national prohibition act may, in lieu of the sale thereof under existing law, be ordered by the court, upon application of the head of the department by which the seizure is made, to be delivered to the Department of Justice for use in the enforcement of the national prohibition act, or to the Treasury Department for use in the enforcement of such act or the customs laws.

Under the law at present——

Mr. TYDINGS. I do not want to interrupt the Senator, but will he yield as he goes along so that certain provisions of the bill may be clarified?

Mr. HEBERT. Mr. President, it occurred to me that it would be well for me first to explain the amendments which the committee has suggested and then to take the bill up in regular order, at which time the Senator will have an opportunity to make any suggestions he may have in mind.

Mr. OVERMAN. Mr. President, I should like to suggest, if the Senator will yield——

Mr. TYDINGS. I should like to say to the Senator from Rhode Island——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield; and if so, to whom?

Mr. HEBERT. I yield first to the Senator from Maryland.

Mr. TYDINGS. I should like to say to the Senator that I have no desire to interrupt him, but when he has made his preliminary statement, if he will indicate in what portion of his remarks he will submit to interruption, I should like to ask about some amendments which I propose to offer, as to whether or not they will defeat the ideas which he hopes to have written into the bill.

Mr. HEBERT. I shall be glad to yield at the proper time. I now yield to the Senator from North Carolina.

Mr. OVERMAN. Mr. President, I suggest that by unanimous consent the Senate consider first the committee amendments, and then take up the amendments of the Senator from Maryland and other amendments which may be offered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina that the committee amendments be first considered?

Mr. TYDINGS. Mr. President, it may be that a committee amendment affects a certain paragraph to which an amendment offered by me refers. It seems to me if I shall have the right to offer my amendments when the paragraphs to which they apply are reached in the bill, rather than to wait until the committee amendments shall have been disposed of, we will secure a more comprehensive result.

Mr. OVERMAN. Mr. President, as I understand, the Senator's amendments will not affect the amendments recommended by the committee, because they are mere matters of detail.

Mr. TYDINGS. In that case, of course, I would not object; but, for example, on page 6 of the bill, if the Senator from Rhode Island will bear with me a moment, it is provided in section 5, line 10, that—

The Attorney General and the Secretary of the Treasury shall jointly prescribe all regulations—

And so on and so forth.

If that provision is to be changed, I should like to have the right to offer an amendment in connection with any change which may be proposed.

Mr. OVERMAN. Mr. President, as I understand, the committee did not change that section at all. I will ask the Senator from Rhode Island if that is not correct?

Mr. HEBERT. That is true; the committee has recommended no change in that provision. After I shall have concluded my explanation of the amendments which have been suggested by the committee, I shall give some attention to that feature of the bill.

The PRESIDING OFFICER. The Senator from North Carolina has asked unanimous consent that the committee amendments may be first considered. Is there objection? The Chair hears none, and that order will be followed.

Mr. HEBERT. Mr. President, before I was interrupted, I was about to say that under the existing law applying to the forfeiture of vehicles seized by the Treasury Department and under present regulations, it is required that such vehicles shall be sold under an order of the court. It was suggested in the course of the hearings upon the bill—and that suggestion comes from the Department of Justice—that the bill ought to provide that vehicles suitable for use of the enforcement division of the Prohibition Unit of the Attorney General's department, as well as suitable for use of the Treasury Department engaged in the enforcement of the customs laws, should be set over to them by an order of court rather than to have them sold by order of court. As a result, the committee has inserted the amendment to which I have just referred. It provides in effect that vehicles forfeited to the United States by decree of court may be "delivered to the Department of Justice for use in the enforcement of the national prohibition act, or to the Treasury Department for use in the enforcement of such act"—that is, the national prohibition act—"or the customs laws."

The only other change is as to the date when the act shall go into effect after it shall have been passed and approved. The original bill provided that it should take effect on the first day of the second month after its approval, whereas the amendment which the committee has inserted in the bill provides that the act shall take effect on the first day in July, 1930.

The other amendments, Mr. President, are merely perfecting amendments and need no extended explanation.

I come now to that part of the bill which was opposed by a considerable number of representatives of permittees—that is, representatives of holders of liquor permits. They object to what they refer to as the "dual control" of liquor permits—alcohol permits. Of course this bill does not provide a dual control; it does provide that permits hereafter shall be issued under regulations to be jointly approved by the Attorney General and the Secretary of the Treasury.

Mr. BLAINE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Wisconsin?

Mr. HEBERT. I yield.

Mr. BLAINE. I should like to call the Senator's attention to the fact, however, that applications for permits must be forwarded to the Attorney General, and no action can be taken on them for a period of 10 days, so that there is a dual control in that respect. The Attorney General must act before the Treasury Department can issue the necessary certificate. The Attorney General has 10 days in which to act, and he may take that 10 days and he may or may not approve of the application. So, in that respect, there is dual control. I understand that the terms of the bill are as I have stated. If I am incorrect, I should like to have the Senator from Rhode Island make the correction now.

Mr. HEBERT. Mr. President, I shall come to that feature later on. I know what the Senator has in mind and I shall try to explain that provision as I come to it.

Mr. TYDINGS. Mr. President, will the Senator permit an interruption if he is not now going to take up that feature of the bill?

Mr. HEBERT. I was just about to ask that we pass upon the amendments which I have already explained and which do not affect that portion of the bill in which the Senator from Maryland is particularly interested.

Mr. TYDINGS. Mr. President, if the Senator will yield, as I understand, even though an amendment is adopted to some particular section of the bill, after the committee amendments shall have been either adopted or rejected, I may have the right to go back over the same ground and offer individual amendments.

The PRESIDING OFFICER. The Senator has that right.

Mr. HEBERT. Now, Mr. President, I ask that the amendments proposed by the committee may be read and considered at this time.

The PRESIDING OFFICER. The clerk will report the first amendment.

Mr. TYDINGS. Mr. President, may I ask that the amendments be read in full, as some portions of the Senator's explanation, due to the great distance I was from him, were not understood by me?

The PRESIDING OFFICER. The amendments will be stated in full. The clerk will state the first amendment.

The CHIEF CLERK. On page 2, after line 20, it is proposed to insert a new section to be known as section 3 (a) and to read as follows:

SEC. 3. (a) The Secretary of the Treasury and the Attorney General by joint regulation shall, as soon as may be after the passage and approval of this act, create an enforcement division in the Bureau of Prohibition in the Treasury Department and place in and apportion to such enforcement division so much of the personnel, appropriations, records, files, and property of said bureau as they shall agree upon.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. TYDINGS. Mr. President, is it in order to offer an amendment to the amendment at this time?

The PRESIDING OFFICER. It is.

Mr. TYDINGS. Then I should like now to offer an amendment to the amendment.

The PRESIDING OFFICER. The Senator from Maryland offers an amendment which the clerk will state, it being understood that the amendment is to the amendment reported by the committee, and is, therefore, in order.

The CHIEF CLERK. On page 3, line 2 in section 3, the Senator from Maryland proposes to strike out the words "as they shall agree upon" and insert in lieu thereof the words "as are charged with the duty of investigating violations of the national prohibition act and the detection and apprehension of offenders against said act."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maryland to the amendment reported by the committee.

Mr. TYDINGS. Mr. President, may I ask if the Senator from Rhode Island would have any objection to that amendment? I will say in explanation thereof that it does not change the major part of the amendment the committee has proposed. The purpose of my amendment is to prevent departmental legislation of a very obnoxious sort. In other words, there can be no objection whatsoever to the Attorney General making such regulations as are necessary to carry out the various national prohibition acts; but the committee amendment does not thus confine the activities of the Attorney General. The bill, with the committee amendment, while creating an enforcement division of the Bureau of Prohibition, leaves substantially all the definition of the enforcement division to departmental discretion.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Kentucky?

Mr. HEBERT. I do.

Mr. BARKLEY. It seems to me the effect of the amendment which the Senator from Maryland has offered is to limit the Attorney General and the Secretary of the Treasury in the transfer of the personnel from one bureau to another. The amendment offered by the committee simply provides that they shall transfer such personnel as the Secretary of the Treasury and the Attorney General may agree upon, which has nothing to do with the regulations so far as the enforcement of the law is concerned. The Senator's amendment limits the power of the Attorney General and the Secretary of the Treasury to the transfer of such personnel as may be engaged in the enforcement of prohibition.

Mr. TYDINGS. That is not altogether an inaccurate statement. It is substantially true.

Mr. BARKLEY. What is the object of taking away from the two Cabinet members, heads of departments, the discretion to transfer such men as they may see fit from one bureau to the other?

Mr. TYDINGS. Does the Senator favor the setting up of an executive bureau by department heads rather than by an act of Congress?

Mr. BARKLEY. I think in a matter of that sort, which is purely an administrative detail of determining which employees shall be transferred from one department to the other, the two Cabinet members are in better position to decide that than Congress is. It is not legislation. It is simply authorizing the two members of the Cabinet to get together and decide which part of the personnel shall be transferred from one department to another; and I think that discretion ought to be left with them.

Mr. TYDINGS. It occurs to me that the Senator's idea could be safeguarded by having the plan of the Secretary of the Treasury and the Attorney General presented to Congress, and then having Congress legislate that plan into being, rather than turn over to the Secretary of the Treasury and the Attorney General the right to create bureaus by regulation rather than by legislation. It seems to me to be embarking on a pretty wide field to have various Cabinet members, by regulation, accomplish in effect what it is our duty to accomplish by legislation.

Mr. BARKLEY. Mr. President, if the Senator will yield further——

The PRESIDING OFFICER. Does the Senator from Rhode Island further yield to the Senator from Kentucky?

Mr. HEBERT. I do.

Mr. BARKLEY. The Senator's amendment does not touch that question at all.

Mr. TYDINGS. What does it touch?

Mr. BARKLEY. It simply touches the personnel which may be transferred from one department to the other by agreement of the two heads of departments.

Mr. TYDINGS. Of course. Is not that setting up a department and transferring the personnel?

Mr. BARKLEY. The language which authorizes the creation of the Bureau of Prohibition in the Department of the Treasury is not in any way affected by the amendment which the Senator has offered. It simply affects the personnel which may be transferred from one to another.

Mr. TYDINGS. Then what is the objection of the Senator from Kentucky to my amendment?

Mr. BARKLEY. The objection is that it takes away from the two Cabinet members the power to decide which employees shall be transferred from one bureau to another, and we say that they shall transfer such employees as are involved in the enforcement of prohibition. It might be desirable to transfer somebody from the Bureau of Internal Revenue or some other bureau in the Treasury Department to the Department of Justice. If this amendment were agreed to, they would not have any discretion to do that. It is merely an administrative provision.

Mr. TYDINGS. May I say to the Senator from Rhode Island that it is the intention to set up in the Department of Justice only that part of the prohibition personnel which has to do with law violation.

Mr. HEBERT. Mr. President, that is not exactly so. At the present time it is not an easy matter to tell which of the employees in the Treasury Department are engaged in enforcement work and which of them are engaged in other lines of effort in the Prohibition Department of the Treasury. The fact is that the two departments appointed commissions, and they have made a careful survey of the entire field. They have now virtually reached an agreement as to who shall be transferred from the Treasury Department to the Department of Justice. With the amendment of the Senator, it may be difficult for them to carry out the arrangement that they have in mind; and there are many instances where employees are on the border line. We can not define by law that they are engaged in prohibition work or in some other line of work in the Treasury Department.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HEBERT. Yes; I yield.

Mr. TYDINGS. Let me read again my amendment, which is as follows:

> As are charged with the duty of investigating violations of the national prohibition act and the detection and apprehension of offenders against said act.

If I may say just a word there, it occurs to me that the Department of Justice is the enforcement arm of the Government, and that without this restriction we are going so to mix the Treasury Department and the Department of Justice that there will be no one who will be directly responsible for enforcing the law.

Mr. HEBERT. Mr. President, that can not be so.

Mr. TYDINGS. If the Senator will permit a further interruption, what justification is there in making the Department of Justice the Treasury administration branch of the Government for any purpose whatsoever?

Mr. HEBERT. There is no justification, nor will it be done.

Mr. TYDINGS. The reason for the creation of the Department of Justice is to enforce the law; and I have not made my amendment so restrictive that any of the primary purposes for its creation would be curtailed. I simply seek to limit the Department of Justice to its natural and proper function, which is investigating violations of law and enforcing the law. Now the Senator wants more latitude, so that this department can be enlarged and expanded at will by the regulation of two members of the Cabinet rather than by the edict of the House and the Senate.

Mr. HEBERT. Mr. President, I fear the Senator misapprehends the purpose of this amendment. There is no intention to extend the functions of the Attorney General's department, once this transfer has been effected. This amendment merely sets out a mode of procedure for getting out of the Treasury Department that body of employees which the two departments will agree are engaged in prohibition enforcement.

Mr TYDINGS. Then why not say so in the amendment? Why leave it open to conjecture?

Mr. HEBERT. For this reason, Mr. President—that many of those employees are on the border line, and it is not easy or possible to define by law what their functions are at the present time; and necessarily it must be left to an agreement between the two departments as to who shall be transferred.

Mr. TYDINGS. If the Senator will permit me, my amendment would not preclude anybody from being transferred who was on the border line. The sole condition is that they must be employed, to any extent whatsoever, in the investigation, the detection, and the prosecution of violators of the law.

Mr. HEBERT. But, Mr. President, once they are transferred, that will be their sole function in the Attorney General's department. Once those employees have been transferred from the Treasury Department, they will function in the Attorney General's department precisely as the Senator outlines. This, however, is merely a method of proceeding to separate the departments so that the employees who are deemed to be engaged in any way in enforcement shall be transferred to the Attorney General's department.

Mr. TYDINGS. Let us get the picture right. The committee amendment reads as follows:

> The Secretary of the Treasury and the Attorney General by joint regulation shall, as soon as may be after the passage and approval of this act, create an enforcement division in the Bureau of Prohibition in the Treasury Department and place in and apportion to such enforcement division so much of the personnel, appropriations, records, files, and property of said bureau as they shall agree upon.

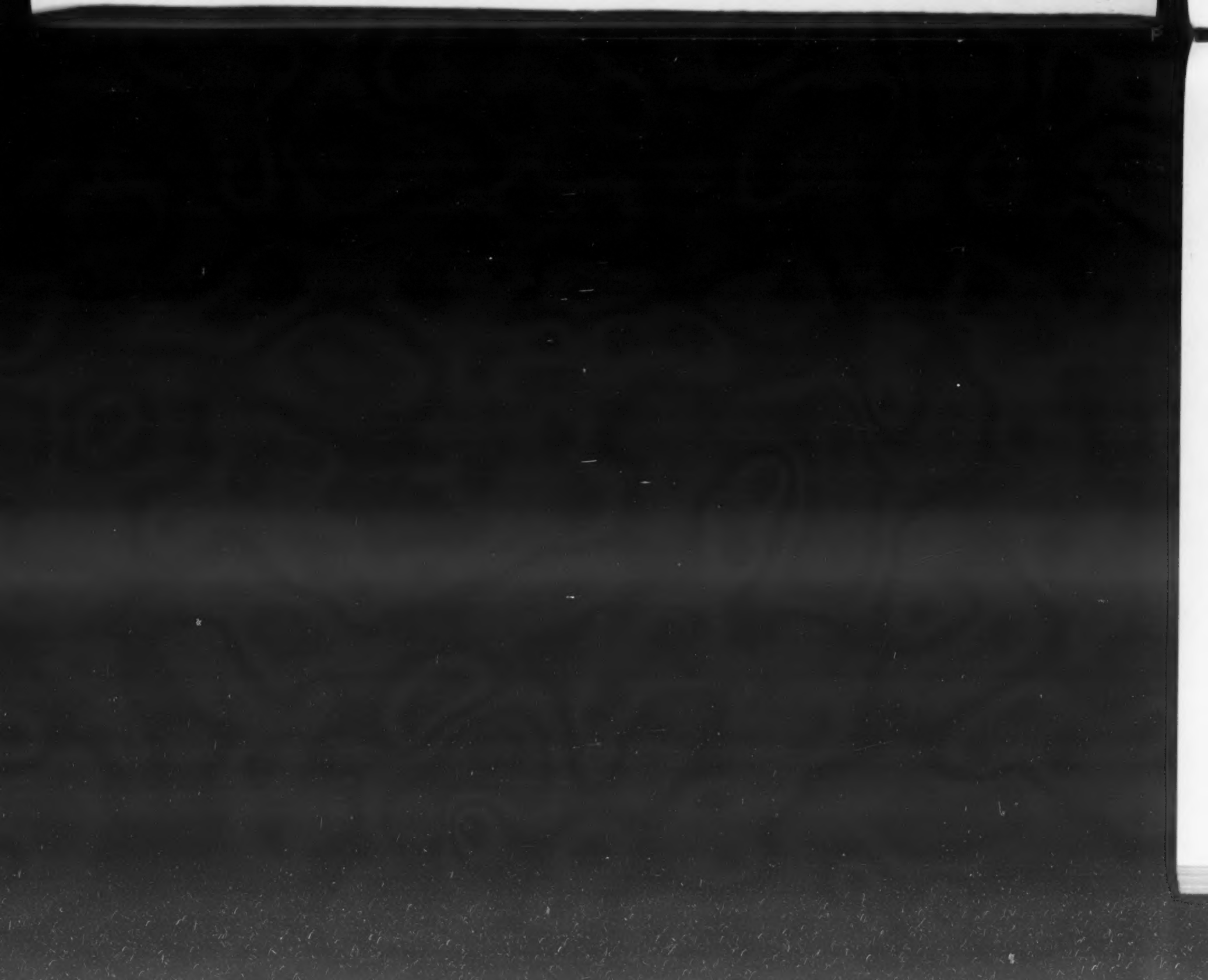
My amendment strikes out the words "as they shall agree upon," and says that in the transfer of that personnel they shall only transfer such personnel as properly belong in the Department of Justice, and that there shall be no Treasury officials in the Department of Justice who have joint duties, because the responsibility then would be anybody's responsibility. I want the responsibility to be single, and to have the Department of Justice do only those things for which it was created, and to have the Treasury Department do those things for which it was created.

There is nothing in my amendment that will hamstring or limit or destroy the purpose of the Senator's proposition, which is to set up a prohibition-enforcement personnel. I am in sympathy with it. The only thing I do say is that we should limit the transfer of such employees to those whose duties clearly come within the Department of Justice category.

Mr. HEBERT. Mr. President, I think the Senator wholly overlooks the purpose of this amendment. It is not to transfer from the Treasury Department employees who have nothing to do with enforcement. It is to create this division merely for the time being, in order that the employees who are deemed to be needed in the Attorney General's department may be transferred in a body. Otherwise, it would necessitate the choice of an entirely new personnel from the civil-service lists.

Mr. TYDINGS. Mr. President, will the Senator yield right there? Will the Senator tell me of one employee whom the Attorney General would desire transferred who could not be transferred under my amendment?

Mr. HEBERT. Mr. President, take the employees who are engaged in the issuance of permits: They might or might not be deemed to be an enforcement division, and yet men who have some knowledge of the issuance of permits and the methods of procedure ought to go to the Attorney General's department in



order that it may have the benefit of their knowledge and counsel.

Mr. TYDINGS. Certainly it can not be contended that a man who is charged with the duty of issuing permits only in particular cases is not an enforcement officer.

Mr. HEBERT. He would not be charged with anything else except enforcement in the Attorney General's department, once he gets over there.

Let me say again, for the information of the Senator, that the purpose of this amendment is to provide for the transfer of those employees who are deemed both by the Attorney General's department and the Department of the Treasury to be necessary for the enforcement division in the Attorney General's department, and for no other purpose.

Mr. TYDINGS. What employees that the Attorney General would require would be barred by my amendment? Is there one that the Senator can name? I shall be glad to drop the amendment if he can tell me one employee who properly belongs in the Department of Justice who is barred under this amendment.

Mr. HEBERT. I thought I had fully answered that. The Senator's amendment provides for the transfer of those employees who are charged with the duty of investigating violations of the national prohibition act, and the detection and apprehension of offenses against said act. I have repeatedly said that there are numbers of employees who are on the border line in the Treasury Department, and who might be classed either as employees in the Treasury Department proper or as engaged in prohibition work; and that clearly is a matter which should be left to the discretion of those who are best informed regarding the services that are rendered by those men.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HEBERT. I yield.

Mr. TYDINGS. I would like to ask the Senator whether he thinks that permits for legitimate purposes should be issued by the Treasury Department or by the Department of Justice?

Mr. HEBERT. I may say, in answer, that the committee directed me to report this bill in its present form, and it provides for the issuance of permits through the Treasury Department.

Mr. TYDINGS. Then, if that is the case, if the Treasury Department is to issue the permits, the very suggestion which the Senator made as a bar to the adoption of my amendment is eliminated. I am trying to keep the permit division where it belongs, in the revenue branch of the Government, and the law enforcement and investigation branch of the Government where it ought to be, under the Department of Justice. Under the committee amendment, the thing is so mixed up that the Treasury Department and the Department of Justice seem to be together in every proposition, even though one is purely administrative. I am simply seeking to have the transfer of personnel into the prohibition enforcement division of the Attorney General's office confined to those who are charged with investigating violations of the law, making arrests for violations of the law, and in general prosecuting violations of the law.

Mr. TRAMMELL. Mr. President, I would like to ask the Senator from Maryland a question or two.

Mr. TYDINGS. Certainly.

Mr. TRAMMELL. From the Senator's discussion of the amendment proposed by him I judge that his object is to restrict these transfers to people who are connected with the enforcement of the prohibition act. I do not know but that that is perfectly all right. But I am apprehensive that the language the Senator uses is more restrictive than that. His amendment proposes that they shall transfer such personnel "as are charged with the duty of investigating violations of the national prohibition act and the detection and apprehension of offenders against said act."

Is it not probable that that language is so restrictive that it would preclude the clerical force connected with the prohibition enforcement division from being transferred, because the Senator restricts it to those who are connected with the duty of investigating violations of the prohibition act and the detection and apprehension of offenders against said act?

Mr. TYDINGS. That is right. According to the Senator's construction, which makes the police department the law-enforcement department of the city of Washington, no policeman, not even the chief of police, would be allowed to have a secretary, or chauffeur, or stenographer, or doorkeeper, or an elevator man, or any other employee. Of course, they all belong to that department. I think the Senator's contention might be upheld by the strictest kind of an interpretation, but I am satisfied that the language of my amendment is broad enough not to preclude the class of employees the Senator points out.

Mr. TRAMMELL. I am a little afraid it is not broad enough. That is the reason why I raised the question. Take the head of a police department. His duty is to investigate law violations and to apprehend offenders, but it is not the duty of his secretary to do that. The person who is his secretary, or the person who keeps the records in his office, is not an investigating officer. Their duties are clerical, and I would not consider that they had imposed upon them the obligation of investigating or the duty of apprehending and having punished. That is the point I am getting at.

I do not think we ought to pass any legislation which would preclude the transfer of the clerical force, which had primary duties, at least, of investigating and enforcing the law. It does occur to me that if the amendment were changed so as to provide that transfers might be made of those charged with the enforcement of the national prohibition act that would be all right.

Mr. TYDINGS. I would be glad to insert those words and have it read substantially as follows, "as are charged with the duty of investigating violations of the national prohibition act, the detection and apprehension of offenders against said act, and enforcement in all respects of said act." Would that cover the Senator's point?

Mr. HEBERT. Mr. President, that would not cover the situation, and with such an amendment——

Mr. TYDINGS. Will not the Senator allow me just to clear this up? I think the Senate pretty well understands what is before it; and if I may go on for about three minutes without interruption, I will then yield the floor. I think I have the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Maryland has offered an amendment, and he has the floor.

Mr. TYDINGS. Mr. President, at various times, in the Senate and outside of it, men have risen to assail bureaucracy in the American Government. They say the Government has expanded so much that every time a man wants a new set of hames he has to write to the Secretary of Agriculture and get a permit to go to the village store to buy them.

There never has been a case, so far as I know, where a separate department of the Government has been set up by regulations passed by two members of the Cabinet. Here is a case where the Attorney General and the Secretary of the Treasury will create in the Federal Government a department which it is the duty of Congress to create, if it is to be created at all. Here is a case where we turn over carte blanche, without any limitations or restrictions, to two Cabinet officers the right to set up a department, with such employees and under such conditions as they see fit.

My amendment was designed primarily, at least, in that very doubtful proceeding, to compel the officers of the Attorney General's office to deal with that phase of the prohibition question, and to have the other functions—namely, the issuance of permits and the collection of taxes—safeguarded through the Treasury Department.

Mr. HASTINGS. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. HASTINGS. Does the Senator contend that the setting up of the Bureau of Prohibition in any way extends the existing law to either the Treasury Department or to the Attorney General's department?

Mr. TYDINGS. Of course.

Mr. HASTINGS. In what particular does it extend the law?

Mr. TYDINGS. Strictly speaking, I might answer the Senator in the negative, but, speaking generally, I would have to answer him in the affirmative, because this very measure provides that the Secretary of the Treasury and the Attorney General shall issue all regulations governing the enforcement of this act which they desire. We are going to have legislation by regulations issued by the Attorney General and by the Secretary of the Treasury.

I have an amendment dealing with that phase of the bill. I have no objection to Congress taking this action if it deems it wise, but I think we are going pretty far when we say to two Cabinet officers, "Gentlemen, you set up a department of the Government generally as you would like to have it run. We are satisfied to take your words on that particular issue."

I hope that any Senator who votes for this proposition without restriction will never rise again in this Chamber and assail bureaucracy, because if he does he will be the biggest hypocrite—with all due respect—from a legislative standpoint, of which one can conceive. It is proposed to turn over to two Cabinet officers the right to create a separate bureau, without Congress having any right to place such limitations on it as

to keep the departments within their proper and respective spheres.

Mr. HASTINGS. Mr. President, if the Senator will read the last three lines, namely—

And apportion to such enforcement division so much of the personnel, appropriations, records, files, and property of said bureau as they shall agree upon—

he will see that there is merely an effort made to have these two Cabinet officers set up how this particular thing shall be done.

Mr. TYDINGS. If the Senator will read, instead of the last three lines, the first three lines, he will find this language:

The Secretary of the Treasury and the Attorney General by joint regulation shall, as soon as may be after the passage and approval of this act, create an enforcement division—

And so forth.

Mr. HEBERT. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. HEBERT. I may say, for the information of the Senator, that the creation of this enforcement division in the Treasury Department is merely procedural, and the enforcement division in the Treasury Department will disappear immediately the transfer has been made to the Attorney General's department. It is merely for the purpose of taking care of hundreds of civil-service employees in the Treasury Department who can not be transferred in any other way. Once they have been transferred, there will be no such thing as an enforcement division anywhere, except as it may be created in the Attorney General's department.

Mr. TYDINGS. They can be transferred in another way, and the very fact that the Senator is contending against my amendment, I say with all due respect, shows that he does not want them transferred in the way I suggest. They can be transferred, and Congress ought to define the limits of the transfer, and, as I said to the Senator from Delaware a while ago, not leave the language in such shape that the Secretary of the Treasury and the Attorney General shall create, without a single limitation placed upon them, such a bureau as they shall agree upon.

Mr. HEBERT. Mr. President, the purpose of that provision is to segregate the employees whom the two departments agree shall be transferred from the Treasury to the Attorney General's department, and for no other purpose. Once that has been accomplished, the enforcement division set up by this bill will disappear, will no longer be in existence. It is merely a mode of procedure that is set up in this bill so as to facilitate the transfer of civil-service employees en bloc over to the Attorney General's department. Any other procedure would result in chaos, it would deny to many civil-service employees in the Treasury Department their civil-service status; in fact, they would be out of work, and the Attorney General would then be required to select his personnel for enforcement out of the civil-service list.

Mr. TYDINGS. Mr. President, I will say to the Senator that the picture he has painted is not altogether an accurate one. I am not objecting to the transfer of these men. I have placed no hindrance in the way of their transfer. All I have asked is that the transfer of the employees to the Department of Justice shall be of those engaged in investigating violations of the law and in prosecuting violations of the law; that Treasury officials, whose duties deal primarily with the Treasury Department, shall not be transferred to the Department of Justice. I have not placed one restriction in the way of the proper investigation and prosecution of all violators of the law, although I do think that the creation of this department, without any limitation, by two Cabinet officers instead of by Congress, which is the legislative branch of the Government, is a very unwise thing.

If the Senate wants to adopt this measure it, of course, may do so. I have said all I can say on it; I am satisfied, and I shall vote against it.

Mr. BLAINE. Mr. President, before the Senator takes his seat, I should like to call his attention to this very important feature. This amendment provides:

That the Secretary of the Treasury and the Attorney General shall apportion appropriations.

That refers to money, money which has been appropriated by Congress for a specific purpose. These two Cabinet officers may take those appropriations and divert their use from the use designed by Congress in the original appropriation bill.

Mr. TYDINGS. That is quite true.

Mr. BLAINE. They can take all the money or only a portion of it. I doubt if there ever was in the history of this country such power over finances placed in the hands of two departments. I thought the Senator's attention ought to be called to that very important feature.

Mr. TYDINGS. If the Senator will permit an interruption there, under the amendment which I have proposed, added to the one the Senator from Rhode Island offered, they could only transfer such part of the appropriations as would deal with the transfer of the enforcement officers from the Treasury to the Department of Justice.

Mr. BLAINE. That is, the money which has been appropriated by Congress for this specific purpose will be transferred, under the Senator's amendment, as I understand it?

Mr. TYDINGS. That is right.

Mr. OVERMAN. Mr. President, if the Senator will yield to me, I want to state that when the last appropriation bill was passed there was no bureau in the Department of Justice such as that proposed; the activity was all in the Treasury Department. We had to make the appropriation and did make the appropriation so the matter could go on just as it is. If we make this transfer, it will not be necessary to make another appropriation. We merely allow the money which has been appropriated from the Treasury for the enforcement of the prohibition law to be transferred over to the Department of Justice.

Mr. BLAINE. I understand there is no present bureau in the Treasury Department, but there is presently an appropriation for the Treasury Department for the enforcement of prohibition. Under the bill now before us the Attorney General and the Secretary of the Treasury may take that appropriation and transfer all of it or any portion of it or split it up to suit themselves. Such a policy, in my opinion, has never been approved by the Congress.

Mr. OVERMAN. It simply transfers from the Treasury Department to the Department of Justice the money which has already been appropriated, and this is to direct how the money shall be turned over to the Department of Justice. Otherwise that department would have no money for the purpose unless we should pass another appropriation bill and repeal the one heretofore passed. Why not allow the two Cabinet officers to get together and divide the money already appropriated as provided in this measure?

Mr. BLAINE. Under the amendment of the Senator from Maryland the money which has been appropriated for a specific purpose will be transferred for identically the same purpose. The purpose of the Senator from Maryland is to have Congress act instead of permitting two Cabinet officers to divide the money to suit themselves.

Mr. TRAMMELL. Mr. President, I desire to suggest an amendment to the amendment proposed by the Senator from Maryland. In line 4 of his amendment, after the word "of," insert the words "and the administering of." With that phrase inserted in the amendment it would then read:

As are charged with the duty of investigating violations of and the administering of the national prohibition act and the detection and apprehension of offenders against said act.

That, in my opinion, would not bar in any way the transfer of anyone who should be transferred. I am rather in sympathy with the idea of the Senator from Maryland that we do not want to give any carte blanche authority in the matter.

Mr. TYDINGS. Mr. President, I accept the amendment of the Senator from Florida to my amendment. I think it goes to 90 per cent of all the objections raised by the Senator from Rhode Island. As I stated in the beginning, I do not want to hinder the transfer, although I think it is a poor policy to have it conducted by the regulations of two Cabinet officers; but if it is safeguarded within reasonable limitations no great harm can come from it.

Mr. TRAMMELL. I suggest that the Senator's amendment be modified to that effect.

Mr. TYDINGS. I accept the modification.

The PRESIDING OFFICER. The amendment as modified will be stated.

The LEGISLATIVE CLERK. On page 3, line 2, in section 3, strike out the words "as they shall agree upon" and insert in lieu thereof the words "as are charged with the duty of investigating violations of and the administering of the national prohibition act and the detection and apprehension of offenders against said act."

Mr. HEBERT. Mr. President, I fear that the modification proposed by the Senator from Florida will confuse the language all the more, because, after all, those engaged in issuing permits are in a way engaged in administering the prohibition law. They have something to do with the administering of the prohibition law. In that case they would all be transferred over to the Department of Justice, and yet the bill specifically provides that they shall not be so transferred. I hope the amendment as modified will not prevail.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland, as modified, to the amendment of the committee.

Mr. VANDENBERG. Mr. President, I desire to ask the Senator from Rhode Island a question. Under the paragraph which we are discussing, am I correct in the assumption that the enforcement division in the Bureau of Prohibition in the Treasury Department thus created is purely temporary?

Mr. HEBERT. That is merely procedural. It will go out of existence and there will be no such thing in existence the minute the employees have been transferred.

Mr. VANDENBERG. In other words, it might go out of existence in 60 days?

Mr. HEBERT. Yes; or in 30 days, or just as quickly as the law becomes effective.

Mr. VANDENBERG. Where is the provision in the bill which takes it out of existence after the transfer is completed?

Mr. HEBERT. It operates in and of itself, because the enforcement division will be in the Department of Justice and there is no more enforcement in the Treasury Department as soon as the transfer becomes effective. Therefore there will be no enforcement division in the Treasury Department. The enforcement division provided for is merely for the purpose of transferring those employees whom the two departments agree should go over to the Department of Justice.

Mr. VANDENBERG. Does not the Senator think the entire purpose of subsection (a) would be clearer and obviate many criticisms if the following language were added at the end of the committee amendment?—

But such enforcement division shall cease to exist when the transfer is completed under section (d).

Mr. HEBERT. I see no objection to that with a slight modification. Will the Senator state the language again?

Mr. NORRIS. Mr. President, may I ask the Senator a question at that point?

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Nebraska?

Mr. HEBERT. I yield.

Mr. NORRIS. Did the Senator from Rhode Island accept the amendment?

Mr. VANDENBERG. No; he did not accept it. He merely asked me to read it again.

Mr. NORRIS. It seems to me clear that if the language were agreed to, which the Senator from Michigan has suggested, it would create a serious defect. I think the Senator from Rhode Island used the word "division" when he intended to use the word "bureau." This is a division which is created in the bureau. The bureau is now in the Treasury Department. However, there is no legal division. Congress never provided for it. They have one there in effect, but there is very serious doubt whether they have authority of law to create a division without an act of Congress.

This bill specifically creates a division in the Bureau of Prohibition Enforcement in the Treasury Department. When that is created and we transfer the bureau to the Department of Justice it takes with it, of course, the division which was created by the amendment. It seems to me that is clear.

Mr. VANDENBERG. In other words, the Senator from Nebraska thinks the division here created in the Treasury Department automatically goes out of existence when the transfer is made?

Mr. NORRIS. No; I do not think it goes out of existence; but it remains a division in the bureau. The bureau is transferred, and the division being a part of the bureau, it goes with the bureau, of course.

Mr. HEBERT. I do not so construe it. It is my understanding—and in this I am sustained by the opinion of the Attorney General, with whom I conferred—that the enforcement division in the Treasury Department will cease to exist immediately the transfer has been made.

Mr. VANDENBERG. That is precisely the statement I was suggesting might clarify the matter. I make no point of it.

Mr. HEBERT. May I ask the Senator to read the language he proposes?

Mr. VANDENBERG. I propose to add the following:

But such enforcement division shall cease to exist when the transfer is completed under section (d).

Mr. TYDINGS. Mr. President, did the Senator from Rhode Island accept the amendment?

Mr. HEBERT. I see no objection to the amendment except that I should like to modify it slightly.

Mr. TYDINGS. Does the Senator from Michigan insist on offering it?

Mr. VANDENBERG. I do not insist. I am suggesting it purely for the purpose of clarification. I am not sufficiently familiar with the details to be warranted in offering it formally.

Mr. TYDINGS. The Senator has not offered it?

Mr. VANDENBERG. I have not.

Mr. TYDINGS. Then, as I understand the situation, my amendment to the amendment of the committee is pending. I suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator from Rhode Island yield for that purpose?

Mr. HEBERT. I do.

The VICE PRESIDENT. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Fess	La Follette	Simmons
Ashurst	Frazier	McCulloch	Smoot
Baird	George	McKellar	Steck
Barkley	Gillett	McMaster	Steiwer
Bingham	Glass	McNary	Stephens
Black	Glenn	Metcalf	Swanson
Blaine	Goldsborough	Norris	Thomas, Idaho
Blease	Greene	Oddie	Thomas, Okla.
Borah	Hale	Overman	Townsend
Bratton	Harris	Patterson	Trammell
Brock	Harrison	Phipps	Tydings
Broussard	Hastings	Pine	Vandenberg
Capper	Hatfield	Ransdell	Walcott
Caraway	Hawes	Reed	Walsh, Mass.
Connally	Hayden	Robinson, Ark.	Walsh, Mont.
Copeland	Hebert	Robinson, Ind.	Waterman
Couzens	Howell	Robsion, Ky.	Watson
Cutting	Johnson	Schall	Wheeler
Dale	Jones	Sheppard	
Deneen	Kendrick	Shipstead	
Dill	Keyes	Shortridge	

The VICE PRESIDENT. Eighty-one Senators have answered to their names. A quorum is present.

Mr. HEBERT. Mr. President, being convinced that the amendment which has been suggested to paragraph (a) of section 3 will not add anything to the bill, but will rather confuse the provisions of it, I hope it will not prevail.

Mr. TYDINGS. The amendment which is pending will add something to the bill; it will simplify it and eliminate the confusion which is contained in the committee amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maryland to the committee amendment.

Mr. TYDINGS. I ask for the yeas and nays.

The VICE PRESIDENT. Is there a second to the request for the yeas and nays?

Mr. SHORTRIDGE. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator from California will state it.

Mr. SHORTRIDGE. May the amendment be reported?

The VICE PRESIDENT. Let the amendment be reported

The LEGISLATIVE CLERK. The amendment of the Senator from Maryland [Mr. TYDINGS], as modified, to the committee amendment is as follows:

On page 3, line 2, in section 3, to strike out the words "as they shall agree upon" and to insert in lieu thereof the words "as are charged with the duty of investigating violations of and the administering of the national prohibition act and the detection and apprehension of offenders against said act."

The VICE PRESIDENT. Is there a second to the request for the yeas and nays?

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Maryland to the committee amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. TYDINGS. Mr. President, I should like the RECORD to show that on the last vote, so far as I know, I was the only Senator who voted in the negative on the committee amendment.

The VICE PRESIDENT. The Secretary will state the next committee amendment.

The LEGISLATIVE CLERK. The next committee amendment is, on page 4, section 4, line 6, to strike out the word "thereof" and the semicolon and to insert the words "of such act and laws," so as to make the clause read:

SEC. 4. (a) The following duties are imposed upon the Attorney General:

(1) The investigation of violations of the national prohibition act, and violations of the internal revenue laws if a violation of such act is involved, for the purpose of enforcing the penal provisions of such act and laws.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The next committee amendment will be stated.

The next committee amendment was, on page 4, line 8, after the word "such," to strike out the word "act" and to insert the words "act, and offenders against the internal revenue laws if a violation of such act is involved," so as to make the clause read:

(2) The apprehension and prosecution of offenders against such act, and offenders against the internal revenue laws if a violation of such act is involved.

The amendment was agreed to.

The next amendment was, on page 5, line 3, after the word "therewith," to insert "and the power to make seizures and arrests for violations discovered in the course of such investigations," so as to make the clause read:

(b) The duty to make all investigations necessary in or incidental to administrative action with respect to permits and bonds given in connection therewith and the power to make seizures and arrests for violations discovered in the course of such investigations shall remain with the Secretary of the Treasury, but the Attorney General shall make such investigations as he deems necessary to prevent violations of, or for the purpose of enforcing the penal provisions of the national prohibition act.

The amendment was agreed to.

The next amendment was, on page 5, line 15, after the word "act," to insert "and offenders against the internal revenue laws if a violation of such act is involved," so as to make the clause read:

(c) The power under section 34 of Title II of the national prohibition act (U. S. C., title 27, sec. 51) to require copies of records and reports, the power to inspect records and reports kept or filed under the provisions of such act, the power to swear out warrants for offenders against such act, and offenders against the internal revenue laws if a violation of such act is involved, and the power and protection of section 28 of Title II of such act (U. S. C., title 27, sec. 45), are conferred upon the Attorney General, but such powers and protection shall also remain vested in the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, on page 8, after line 10, to insert a new section, as follows:

SEC. 9. Section 2 of the act entitled "An act relating to the use or disposal of vessels or vehicles forfeited to the United States for violation of the customs laws or the national prohibition act, and for other purposes," approved March 3, 1925, is amended to read as follows:

"SEC. 2. Any vessel or vehicle forfeited to the United States by a decree of any court for violation of the customs laws or the national prohibition act may, in lieu of the sale thereof under existing law, be ordered by the court, upon application of the head of the department by which the seizure is made, to be delivered to the Department of Justice for use in the enforcement of the national prohibition act, or to the Treasury Department for use in the enforcement of such act or the customs laws."

The amendment was agreed to.

The next amendment was, on page 9, section 11, line 6, after the word "the," to strike out the words "first day of the second month after its approval" and to insert "1st day of July, 1930," so as to make the section read:

SEC. 11. This act shall take effect on the 1st day of July, 1930.

The amendment was agreed to.

The VICE PRESIDENT. That completes the committee amendments. The bill is still before the Senate as in Committee of the Whole and is open to amendment.

Mr. HEBERT. Mr. President, there was a considerable volume of objections to the provision of the bill regulating the issuance of permits to use alcohol. Those objections came from druggists, wholesale and retail dealers in drugs, paints, and chemicals, and men engaged in the various lines of industry in which the use of alcohol is required. They felt that what they called dual control of the issuance of such permits would delay them in securing the necessary quantities of alcohol as and when needed, and that they would be shuffled about from one department to the other. We are informed that there are now some 155,000 of such permits being issued from time to time or are in course of being issued.

The bill provides that applications for such permits shall be subject to the approval of the Secretary of the Treasury and the Attorney General. If, as the objectors contend, this course were to be followed literally and all such applications should be referred to both departments before action should be taken, there might be some merit in the objection, but the fact is that, in all probability, at the outset under the regulations, which I understand are already prepared, as many as 150,000 of the 155,000 permits will never come under the scrutiny of the Attorney General's department in any way. There will be a joint regulation issued by the two departments to provide for the issuance of a large volume of permits without any delay whatsoever.

The reason why this provision, giving two departments supervision over the issuance of permits, is contained in the bill is that otherwise information which the Attorney General's department may have regarding violations of the permits or their improper use or issuance might never come to the attention of the Treasury Department; that department would therefore go right along in the usual run of things and issue such permits, and there would be no way to check violations.

The real purpose of this provision of the bill is to enable the Attorney General's department to have a check upon all permits, so that, as the investigators for the Department of Justice go about in the performance of their duties and their attention is called to what looks to them to be a violation of law, they can then report their findings to the Treasury Department, so that a further investigation may be made, and, if need be, the permit may be held up until a determination is had. There is objection on the face of the bill to what the objectors called "dual control"; but in practice there will not be dual control; the great bulk of the permits will be issued in due course by the Treasury Department, and, after all, it is conceded on all sides that the Treasury Department is the proper department to conduct this phase of the work in connection with the enforcement of prohibition.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from New York?

Mr. HEBERT. I yield.

Mr. COPELAND. I have been much distressed because of the many letters I have received from users of industrial alcohol in relation to the subject the Senator is now discussing. He states that the issuance of permits will be controlled and administered by the Treasury Department.

Mr. HEBERT. Oh, yes, Mr. President; all permits will be issued by the Treasury Department, just as they now are.

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Maryland?

Mr. HEBERT. Yes.

Mr. TYDINGS. Where in the bill does the Senator get his authority for making that statement? With all due respect to him, the statement seems to me to be rather gratuitous, when the bill specifically provides that the Attorney General and the Secretary of the Treasury shall jointly prescribe all regulations under the act. Where is there in the bill any provision that the Secretary of the Treasury alone shall issue these permits?

Mr. HEBERT. It is true, as the Senator says, that the Secretary of the Treasury and the Attorney General will jointly prescribe regulations, but there is no intention to transfer the permit division of the Treasury Department to the Attorney General's Department.

Mr. TYDINGS. That may be.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. To whom does the Senator from Rhode Island yield?

Mr. HEBERT. I yield now to the Senator from New York.

Mr. COPELAND. The question raised by the Senator from Maryland is the very point I have in mind. I can not see how the industrial alcohol users have any assurance that they will be dealt with in the future by the Treasury Department as they have been from time immemorial. So I, too, should like to know what there is in the bill that affords the users of industrial alcohol that hope?

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Nebraska?

Mr. HEBERT. I yield.

Mr. NORRIS. I am in sympathy with the idea suggested by the question of the Senator from New York. It is a very proper question and involves a matter which has bothered me a great deal ever since this question has arisen. However, I reached the conclusion that the best action to take is that taken by the committee, which acted after an understanding as to how the departments would operate; in fact, they have really agreed now on the regulations.

I can see, Mr. President, if the two departments were not working in harmony, that the difficulty which the Senator from New York has suggested would arise, and it might be a serious difficulty. No one wants to make difficult the securing of per-

mits by those who are honestly using alcohol and have the right to use it. Nevertheless, we must realize that a great deal of liquor has been sold through bootlegging operations which has been secured through illegal or fraudulent permits.

Nobody wants to transfer this particular branch of the work over to the Attorney General or to the Department of Justice, because the Treasury Department is equipped to take care of it; it has charge of the collection of internal revenue and other things, and it would be inadvisable in the view of everyone, I think, to transfer this particular function from the Treasury Department. So there comes a point where the issuing of permits ought to remain with the Treasury Department.

On the other hand, if the Attorney General at the head of the enforcement division should in his work of enforcing the prohibition law find some one having a permit who has obtained it unlawfully or by fraud or misrepresentation he ought to be in a position where he could lodge a complaint and prevent such an individual getting another permit, or have the present permit revoked if the facts warrant such action. That is the condition we have to meet.

If the Attorney General and the Treasury Department were at odds and were fighting each other, I doubt whether this provision of the bill would work; and if the time shall ever come when they can not act in harmony, I think Congress would necessarily have to change the law. However, we are now told that if we leave it in this way the vast bulk of honest corporations and individuals who are users of industrial alcohol under permits will have no more trouble after this bill shall have been enacted into law than they have now, because under the regulations which will be made for all practical purposes the Treasury Department will handle the matter. The Attorney General, however, ought to have the power to prevent the issuance of permits in cases where in his work he concludes that a bootlegger is getting the permit, and the Treasury Department perhaps does not know anything about it. I am not satisfied with it, but it seems to me that at least we ought to give it a trial in this way.

Mr. TYDINGS. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Maryland?

Mr. HEBERT. I yield.

Mr. TYDINGS. May I point out to the Senator from Nebraska, whose explanation is very clear, that the last three lines of paragraph (a) of section 5 read as follows:

> That all regulations relating to the Bureau of Prohibition in the Department of Justice shall be made by the Attorney General.

It occurs to me that in this whole bill the Attorney General has had conferred on him the power to make regulations which would prohibit the Treasury Department issuing a permit to any person who had violated the law.

As I understand, Mr. President, there is no amendment now before the Senate.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment, but the Senator from Rhode Island [Mr. HEBERT] has the floor.

Mr. TYDINGS. I thought the Senator had finished.

The VICE PRESIDENT. Does the Senator from Rhode Island yield the floor?

Mr. HEBERT. Yes, Mr. President.

Mr. TYDINGS. I desire to offer an amendment, so that we will have something before the Senate.

The VICE PRESIDENT. The Senator from Maryland.

Mr. TYDINGS. I offer an amendment, as follows:

On page 6, line 10, strike out the words "The Attorney General and the" and insert in lieu thereof the word "The," and in line 11 thereof strike out the word "jointly," so that paragraph (a) of section 5, on page 6, would read as follows:

> The Secretary of the Treasury shall prescribe all regulations under this act and the national prohibition act relating to permits, and the form of all applications, bonds, permits, records, and reports under such acts: *Provided*, That all regulations relating to the Bureau of Prohibition in the Department of Justice shall be made by the Attorney General.

Mr. COPELAND. Mr. President, I hold in my hand a letter from one of my neighbors in New York who is a manufacturer of flavoring extracts. I want to read one brief paragraph, because it describes the attitude of these honest business men who feel outraged by what is proposed in the pending bill.

This is what my correspondent says:

> The industrial-alcohol users are really in a desperate situation under the bill as reported. The crux of the matter is this:
>
> From time immemorial industrial-alcohol users have contacted with and been supervised by the Treasury Department, which has a background of many, many years' intelligent handling and experience with business people like ourselves. There is a list of industrial-alcohol users in the Treasury Department that reads like a bluebook of American business. These people are beyond question and above reproach in their methods of using and handling alcohol.
>
> It is now proposed to place the handling and regulation of these people in the Department of Justice. You, as a physician and a man of experience, will readily understand that the psychological attitude of the Department of Justice will be one of espionage and suspicion from the very nature of its background of handling criminal matters.

Mr. TYDINGS. Mr. President, in line with what the Senator has just said I desire to say that all of these amendments I have offered have been offered at the request of the following organizations:

The American Drug Manufacturers' Association.
The American Chemical Society.
The Flavoring Extract Manufacturers' Association of the United States.
The Baltimore Drug Exchange Bureau.
The National Paint, Oil, and Varnish Association.
The Proprietary Association.
The National Association of Retail Druggists.
The National Beauty Parlor and Supply Dealers' Association.
The National Manufacturers of Soda Water Flavors.
The National Association of Manufacturers of Fruit and Flavoring Extracts.
The National Confectioners' Association.
The Rhode Island Pharmaceutical Association.
The National Wholesale Druggists' Association.

It is only at the request of these people, who have to deal with this subject and who have been dealing with it for the past 10 years, that I have offered the first amendment which the Senate defeated, and am now offering the second, which I presume will meet a like fate.

Mr. COPELAND. Mr. President, it seems to me, if I may say it in all kindness, that we have lost all sense of proportion. We are so desperate over the prohibition situation, and are so beset by lobbyists for that idea, that some Senators appear to be scared to death every time something comes up for consideration in the way of legislation that touches at all the question of alcohol.

There are specific uses for alcohol, perfectly legitimate and honest and proper uses for alcohol, besides the use of alcohol as a beverage. Why are we so obsessed, why are we so beset by the fear of offending persons who are fanatical on prohibition, that we are not willing to recognize the distinction between the honest and legitimate and proper use of alcohol and the use of alcohol for beverage purposes which, in excess, everybody concedes must be harmful?

Here is a great group of American citizens, American business men; as my correspondent says, a list that reads like a bluebook of American business. They have been dealing with the United States Government for years and years, long before this question of prohibition became so prominent in the country. They have gone along successfully and decently, without scandal or criticism; but now, because we have lost all sense of proportion, we propose to impose upon them what they regard as a disgrace—that their honest business shall be under the supervision of the Department of Justice, and that the suspicion will attach to them that they are bootleggers, seeking to evade the law.

I think we should stop for a moment, and give consideration to the honest appeal of this great group of American business men before we take final action; we should, if possible, amend the bill so that the real purposes of the bill may be carried out and the illegitimate distribution of alcohol stopped. We should make sure that honest business men shall not be interfered with in the operation of their affairs.

Mr. WALSH of Massachusetts. Mr. President, I should like to ask a question or two of the Senator from New York or some other Senator who is familiar with this bill.

We all agree that the issuing of permits to manufacture and sell alcohol is a very important problem in the enforcement of prohibition. To what department of the Government is the issuing of these permits now intrusted?

Mr. COPELAND. For industrial alcohol?

Mr. WALSH of Massachusetts. Yes.

Mr. COPELAND. The Department of the Treasury.

Mr. WALSH of Massachusetts. Under this bill, if it is enacted into law, what department will issue these permits?

Mr. COPELAND. There will be a joint board, as I understand. Jointly, the Department of Justice and the Department of the Treasury are to work out rules and regulations.

Mr. WALSH of Massachusetts. Some one of these boards will have to receive the applications and pass upon them in the

first instance, unless the two boards sit jointly. Is that the understanding?

Mr. COPELAND. The popular idea—and I think we have a right to assume that that is correct—is that hereafter the major part of supervision of this whole problem will be in the Department of Justice.

Mr. OVERMAN. Mr. President, if the Senator will yield to me, I think he is mistaken in that.

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from North Carolina?

Mr. COPELAND. I do.

Mr. OVERMAN. I was deeply in sympathy with these industrial-alcohol people, so much so that I continued the hearings. We had hearings here day after day from every industrial-alcohol man in the United States, I think—telegrams and letters and witnesses—and I was deeply sympathetic with them until I talked with the Attorney General and understood his position in the matter.

These regulations have grown up, as these industrial-alcohol people state, for 10 years or more; they have satisfactory regulations now, and they did not want the present plan changed, because they understood it, the Treasury Department understood them, and it had been worked out by experts. In talking with the Attorney General, however, I learned that he does not propose to have anything to do with these regulations except when he finds that some man is getting alcohol illegitimately, for illegitimate purposes, and they say that a great deal of alcohol has gone out in that way. He wants to be in position to stop that permit. He wants to be in position to say, "Do not issue that permit. This man is a blockader; he is a criminal." That is about all he wants to have to do with it.

Mr. COPELAND. Let me ask the Senator whether the committee gave some thought to formulating the very proper distinction that the Senator has made? Of course, if there is an illegitimate extraction of alcohol from some warehouse, alcohol which is going to be diverted into a bootleg establishment, there ought to be some way to regulate that; but why should these legitimate, honest men, who for years have been dealing with the department, be subjected to the oversight and supervision of the Department of Justice?

Mr. OVERMAN. As I said to the Senator, I deeply sympathized with these men and proposed to support their amendment, until I ascertained the ideas of the Attorney General and understood the situation as it was. I found out from him that if he is to enforce this law he wants to have the right to enforce it. He does not intend to interfere with these permits legitimately issued. The permits will be granted by the Secretary of the Treasury just as they have been, by order, of course in formal conjunction with the Attorney General. He does not propose to block any permit except where he is satisfied that alcohol is gotten out for illegitimate purposes.

Mr. COPELAND. Mr. President, let me ask my genial friend a question. Do I, then, represent correctly what the situation is—and the RECORD should carry it—that if this bill becomes a law, applications for the use of industrial alcohol will be made in exactly the same way as at present, the permits will be granted in exactly the same way as at present, and the only purpose of the new arrangement is that in case of suspicion on the part of the Attorney General that an illicit use is being made of some of the industrial alcohol withdrawn in that manner, he would then have veto power over the Treasury, or the power to take charge of the case?

Mr. OVERMAN. Mr. President, the Senator from Rhode Island [Mr. HEBERT] was on the committee with me, and he had conversation after conversation with the Attroney General. That is my understanding. I will ask the Senator from Rhode Island if that is not the understanding?

Mr. HEBERT. That is clearly the understanding. I stated at the outset of my explanation of the paragraph which refers to permits that there are in the neighborhood of 155,000. As to the very great volume of business no question will ever arise. It is true that the regulations for their issuance will come from the joint action of the Attorney General and the Secretary of the Treasury.

Mr. COPELAND. Now, may I ask the Senator another question? May I say to this correspondent and hundreds of others that it is not proposed to change the handling and regulation of the alcohol permits; that they will be applied for in the same manner and issued in the same manner; that there will be no disturbance of business where alcohol is used in legitimate business; that no change is contemplated, except that in case of suspicion on the part of the Department of Justice the Attorney General has coordinate power with the Treasury in placing a veto upon the issuance of the permits? Is that correct?

Mr. HEBERT. Mr. President, the Attorney General has assured us that there is no disposition to interfere with the issuance of the large bulk of these permits. It is true that regulations will be agreed upon by the Attorney General and the Secretary of the Treasury. They will continue to be issued out of the Treasury Department, and it is our understanding that the regulations now in force will continue in force. It is only a small number of permits about which there is any question. Where there is any evidence that there is a diversion of alcohol for illicit purposes or a violation of the law by permittees, then the Attorney General will proceed to act.

Mr. COPELAND. Mr. President, let me interrupt the Senator at that point just one moment. Under the present conditions if suspicion arises on the part of the Attorney General's office that there is an illicit withdrawal of alcohol there is now some way of dealing with it, is there not?

Mr. HEBERT. I believe there is.

Mr. COPELAND. We hear all the time of the drying up of the sources of illicit alcohol.

Mr. FESS. Mr. President, will the Senator from New York yield?

Mr. COPELAND. I yield.

Mr. FESS. I have been very greatly impressed with the attitude of the Senator from New York, because he approaches this question just exactly as it was approached by those of us who did not want to interfere with the legitimate use of alcohol because of the great amount of alcohol that is used in industry.

There was an effort originally to avoid interfering with the legitimate use of alcohol that would disturb business, and the matter was gone over very thoroughly. It was represented to us that without the restrictions we were about to impose, a large amount of alcohol would be diverted to illegitimate uses. The figures given were quite alarming, and it was recommended that we put very rigid restrictions upon the issuance of alcohol.

Finally an agreement was reached on the law as it now stands. Then, when the matter of putting the enforcement in the Department of Justice came up, we only had in mind the enforcement of the law. Consequently there has been only on the part of those who have not studied into the question a desire to transfer the permit feature over to the Justice Department.

There is no desire on the part of the industry or on the part of the administration, so far as I know, to transfer the permit feature to the Department of Justice, because 90 per cent of all the business is in the Treasury Department and we want to keep it there. But this is what has occurred, the Senator will recognize. One great thing with which we are battling is illicit use. Alcohol is being gotten out in some way. It was thought that there ought to be a greater freedom on the part of the prosecution department of the Government to deal with the illicit use. There would be no effort to transfer from the Treasury Department the alcohol-permit feature, but when there is a violation there ought to be more authority on the part of the Department of Justice to deal with it, transfer the whole prosecution over to the Department of Justice. It is a very difficult problem to deal with. I have had correspondence with friends, as the Senator has had, who have an enormous volume of business in industrial alcohol, and I have tried to explain that we are trying to get at the illicit use without transferring the permit feature from the Treasury Department—we are leaving it there—but to give greater freedom to the prosecution department to deal with violations. The Senator is trying to get exactly what I have in mind, and while it is not satisfactory, it seems to me this is the best we can do.

Mr. COPELAND. Mr. President, I thank the Senator. Of course he realizes, and every other Senator realizes, that in the making of all pharmaceuticals, in the making of tinctures and extracts, of drugs which are in daily use by every physician in the world, alcohol is used, and must be in order to preserve the vegetable substances which give the medicinal properties.

Mr. FESS. The unfortunate thing is the 95 per cent who do not violate the law must suffer some inconvenience for the 5 per cent who are violating the law.

Mr. COPELAND. Of course, that is what I had in mind a little while ago when I said that sometimes I believe we have lost our sense of proportion. We are so eager to punish the 5 per cent that we impose almost any burden upon the 95 per cent.

So long as the prohibition law is on the statute books, it must be enforced. I think every sane American believes that. But alcohol is used in every drug store; in every medical and surgical office; in every paint shop; in the making of varnish. Industries must have it, and we should not impose such hardships upon the legitimate users of alcohol that their business will be seriously crippled.

Mr. WALSH of Massachusetts. Mr. President, I understand that this bill changes the Bureau of Prohibition in the Treasury

Department so that it shall be known hereafter as the Bureau of Industrial Alcohol, and that the Commissioner of Prohibition in the Treasury Department shall hereafter have the title of Commissioner of Industrial Alcohol. Does the Senator from New York understand that all the other functions of the present Bureau of Prohibition except those relating to industrial alcohol are to be transferred to a bureau of prohibition to be created in the Attorney General's Department?

Mr. COPELAND. I so understood.

Mr. WALSH of Massachusetts. And that there is no other function to be left to the Treasury Department except the issuing of alcohol permits through the commissioner of industrial alcohol set up in this bill?

Mr. COPELAND. That is exactly what I understood. But now we have the assurance of the Senator from North Carolina, the Senator from Rhode Island, and the Senator from Ohio that, in spite of this new legislation, these permits are going to be issued in exactly the same way in which they have been issued in the past.

Mr. WALSH of Massachusetts. I want to go back of that for a moment, and I want the Senator's attention.

There must be a reason for this change, this radical change, in wiping out one bureau and substituting another. The reason, of course, is that the prohibition leaders in this country have not been satisfied with the administration of the law by the present Prohibition Bureau, and we have learned this morning by the admission of no less a person than the distinguished and able Senator from Ohio, that one of the serious criticisms of the administration of this law by the Bureau of Prohibition is that they have not been able to control their own permits, that they have been issuing permit after permit to people who have used large volumes of this alcohol for illegitimate purposes.

Mr. FESS. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. FESS. I know the Senator's attitude to be absolutely fair. I think his criticism that there have been permits for illegitimate purposes is unfounded.

Mr. WALSH of Massachusetts. The Senator said that the people who got liquor on permits had diverted that liquor into illegal channels. How are we ever going to enforce prohibition? How are you ever going to stop bootlegging and stop the illegal transportation and sale of liquor if you can not control your own permits and prevent these permits to be used for illegal purposes?

Mr. FESS. There is no doubt that liquor is gotten from some source other than the Government for illegitimate purposes. It is being diverted. Otherwise there would not be this bootlegging. But I do not think the Senator meant to say that the department is issuing permits to persons to withdraw alcohol for illegitimate purposes.

Mr. WALSH of Massachusetts. No; I had no intention of saying that.

Mr. FESS. I thought not.

Mr. WALSH of Massachusetts. But I am taking occasion to call attention to the fact that the very presence of this legislation here, the very fact that a bureau which has been intrusted with the administration of the prohibition law is being completely changed, means that there has been a failure upon the part of that bureau to administer the law to the satisfaction of the ardent supporters of prohibition in this country.

Mr. FESS. I think the Senator is correct in that statement.

The Senator might be interested to know that the proposal to transfer from the Treasury Department to the Department of Justice has consistently been opposed by a great group of the strongest temperance supporters.

Mr. WALSH of Massachusetts. I am very glad to hear that.

Mr. FESS. On the ground, they say, that the decisions have been built up in the Treasury Department and that it would be unwise to carry the activity over into the Department of Justice. With that group for a long while I had sympathy, but I have come to the conclusion that there is so much bootlegging, which we have to reach in some way, that greater authority ought to be given to the prosecution department than we have thus far given. That is why I am in favor of this measure.

Mr. WALSH of Massachusetts. I do not like the idea of the Department of Justice becoming an administrative department to the extent of carrying out the enforcement of a declared policy on prohibition or any other question. I insist that the Department of Justice be intrusted merely with the prosecution of all law violations.

Mr. TYDINGS. Mr. President, will the Senator from Massachusetts yield to me?

Mr. WALSH of Massachusetts. I prefer to see the Department of Justice confined to the important and wholesome and necessary problem of maintaining and preserving essential justice, and not going into the field of administering the provisions of any law, whatever it may be. I yield to the Senator from Maryland.

Mr. TYDINGS. I would like to say to the Senator that the first amendment, which was voted down a moment ago, was right in line with the Senator's argument. In other words, that amendment sought to safeguard in the Department of Justice the enforcement of the laws of the country. Now, we have the opposite thing in this measure. This seeks to give the Attorney General the administrative powers in the Treasury Department—and what is the use of having two departments? Why not merge them and just have "the Attorney General and the Treasury Department of the United States"?

Mr. WALSH of Massachusetts. It is most regrettable. I do not think we appreciate what we are doing. I do not think we realize in what direction we are leading when we are dumping into the Department of Justice the technical, administrative features of any law or any other governmental activity, whatever it may be, other than the administration of justice.

Let us keep the Department of Justice secure and sacred, and hang over the door only one word, "Justice," and not hang over it the words "The prosecution of violators of liquor laws principally, and the prosecution of all other law violators only incidentally."

Mr. WHEELER. Mr. President, will the Senator yield to me?

Mr. WALSH of Massachusetts. I yield.

Mr. WHEELER. I am in entire sympathy with what the Senator has said about the Prohibition Unit going over to the Department of Justice. I think it is the most unfortunate thing that could happen to the Department of Justice. I think it is going to have a tendency to degrade it; it is going to have a tendency to bring it into disrepute. I think it is the most unfortunate thing that could possibly happen to the Department of Justice. But I felt this way about it: That if the administration—and I assume this is an administration measure—feel that it can not be intrusted to the Treasury Department, where it has been, and that there has been a breakdown because it has been in the Treasury Department, and they want to unload this onto the Department of Justice, then I am inclined to vote for it, because of the fact that I do not want to be put in the position of opposing something which the administration wants, if they feel it is going to be better for enforcement. But because of my own connection with the Department of Justice in former years I predict that if they turn this matter over to the Department of Justice, it is simply going to tear down completely the respect and the confidence the people of this country have in the prosecution of cases by the Department of Justice.

Mr. WALSH of Massachusetts. Mr. President, I am in full accord with the sentiments so well expressed by the Senator from Montana. I assume the Senator's position is that taken by a good many of us, both those who are not enthusiastic supporters of the prohibition law and those who are enthusiastic supporters of the prohibition law, namely, that we must not appear to be doing anything by word or deed that would seem to be interpreted as a disposition to favor a lack of honest administration of the law. Therefore we are following blindly the leadership of those who say, "Give us another chance; give us a new bureau and we will be able to prove that prohibition can be enforced." It is unfortunate that many are surrendering their independence largely because of a desire not to be placed in a position of being publicly accused of favoring any laxity in the enforcement of this law.

Mr. BARKLEY and Mr. COPELAND addressed the Chair.

The VICE PRESIDENT. Does the Senator from Massachusetts yield; and if so, to whom?

Mr. WALSH of Massachusetts. I yield first to the Senator from Kentucky.

Mr. BARKLEY. I appreciate the force of what the Senator from Massachusetts has said, but just wherein lies the difference between the prosecution of crime by the United States Government for violation of its laws and the prosecution of crime by a State government or by a city government? We all know that in the States we have certain prosecuting attorneys, district attorneys, local county prosecuting attorneys, and city prosecuting attorneys whose duty it is to assist in the detection and the prosecution and punishment of crime under the present law.

Mr. WALSH of Massachusetts. That is done in my State by the police departments and by State and local commissioners at the head of them. Having detected crime, they submit their evidence to the Department of Justice, who decide whether it is sufficient to justify prosecution. The State departments of justice do not regulate or control the enforcement officers. They merely conduct the court proceedings.

Mr. BARKLEY. That is true.

Mr. WALSH of Massachusetts. The detection of crime in my State is not intrusted to the legal departments of the State and city governments.

Mr. BARKLEY. Of course, the sheriffs of counties and the police departments of cities work in cooperation with the prosecuting officer in the detection and prosecution of crime. It is not the duty of any prosecuting officer to go out and arrest men. It is his duty to take the evidence submitted to him by those who gather it and determine whether a crime has been committed. There never has been any logical reason why the Treasury Department should be charged with the detection and punishment of violations of the prohibition law any more than the Department of the Interior, except that for a long time the enforcement of the internal revenue laws as to the collection of taxes on liquor was in the Treasury Department, and it fell heir to this work probably because of that fact. There is no logical reason why the Secretary of the Treasury as such should be charged with the detection of or prosecution for violations of the prohibition law than any other Cabinet officer or any other department. If there is no logical reason why the Treasury Department should be charged with that duty, is there any other department of the Government, where it should so logically go as to the Department of Justice?

Mr. WALSH of Massachusetts. The Department of Justice, as I understand it, is already intrusted with the prosecution of violations of this law the same as all other law.

Mr. BARKLEY. Oh, yes.

Mr. WALSH of Massachusetts. Its large army of able and skilled attorneys throughout the country are constantly having submitted to them evidence of violations of the prohibition law by the officials of the present Prohibition Bureau acting under the Secretary of the Treasury, and that evidence is weighed and cases prosecuted by United States district attorneys. That method seems to me to be the sane and sensible manner of conducting the legal administration of this law.

But it is quite apparent now that either the legal arm of the Government has lacked sympathy with the prohibition law so that it has failed to prosecute or give satisfaction to the prohibition leaders of the country, or the legal department has not been satisfied with the character of the evidence, standing, and activities of the agents of the bureau, so that there has been a failure to cooperate to the fullest extent. Some such differences would seem to be the cause of this radical change.

Mr. BARKLEY. I think it is unfortunate that there should be any division of authority in the enforcement of any law. It not only applies to the prohibition law, but to all other laws. It is unfortunate that there should be any division of authority so that one department or one agency can charge the other with any laxity in the performance of its duty.

Mr. WALSH of Massachusetts. There is no division in any other branch of the Government charged with the enforcement of any law.

Mr. BARKLEY. I do not think anybody can be absolutely sure that this transfer from the one department to the other is going to bring about the millenium or any material improvement, although, of course, we all hope it will; but no one can be sure of it because the same human agencies are to be brought into play that have been brought into play heretofore.

Mr. WALSH of Massachusetts. I am sure the Senator from Kentucky, with his fine legal mind and his ideals of justice and the administration of law, in his heart of hearts regrets to see this policy adopted. He, of course, favors trying it out as a last resort, but I am sure that he is not particularly enthusiastic over seeing this transfer made.

Mr. BARKLEY. I shall not relish seeing every district attorney become a hound for detecting crime and making of himself a detective. I never did think it was the duty of the prosecuting attorney to do so, and yet if there is to be any coordination between the assembling of evidence and its use in the courts I can very well understand that there ought to be a greater authority on the part of those who are charged with the prosecution in having some duty to perform in regard to the assembling and sifting of evidence and in regard to the making of regulations where regulations are necessary to carry out an act of Congress.

Mr. WALSH of Massachusetts. I thank the Senator for his observations. If this move is a failure, it will certainly tend to confirm the views of those who claim the prohibition law can not be enforced.

I want to ask the Senator from New York [Mr. COPELAND] just one other question. I understand that the other duties now in the Bureau of Prohibition are transferred to a new bureau of prohibition in the Department of Justice, except that industrial-alcohol permits still remain in the old bureau.

Mr. COPELAND. That is correct.

Mr. WALSH of Massachusetts. It is admitted that in the issuing of the permits there have been some abuses, that there has been alcohol obtained on permits which has been diverted for illegal uses, and the only remedy proposed, as I understand it, is that the Treasury Department will still continue to issue the permits, but that the Attorney General can issue some regulations. Is that the fact?

Mr. COPELAND. That is correct.

Mr. WALSH of Massachusetts. That is the way we are going to correct that evil, by the Attorney General writing a few regulations to control the commissioner of industrial alcohol in the issuing of permits.

Mr. COPELAND. It is just a little more than that. If the Senator will look at page 3 of the bill, beginning with line 10, he will see this remarkable language:

Provided, That all officers and employees of the Bureau of Prohibition who the Attorney General finds have heretofore violated or shall hereafter violate any penal provisions of the Federal prohibition laws shall be dismissed.

All of those men who have failed in the past, the crooks and criminals who have been retained in the Government and have failed to enforce prohibition, are now going to be dismissed under the terms of the bill. Does the Senator see that remarkable language?

Mr. WALSH of Massachusetts. Yes; I do. It is sweeping in character and suggestive of grave charges against officials in this bureau.

Mr. COPELAND. That is an amazing confession of impotence in the past.

Further, on page 3, under subdivision (b), the Bureau of Prohibition and all its officers are to be transferred to the Department of Justice. Then, under section 8, they will have a bureau of industrial alcohol, and there will be a commissioner of prohibition, who is to have the title of "commissioner of industrial alcohol," and all the employees, all the papers, all the records, and everything that has been necessary to carry on the enterprise in the past will have been transferred to the Department of Justice; so I can not for the life of me see how there can be anything else but an imposition upon those who are to have anything to do with it.

Mr. WALSH of Massachusetts. Why have they not transferred the granting of permits as well as the rest of the business?

Mr. COPELAND. I can not say, but they have not done it. It seems that we simply have the promise, and that means a lot to me, of the Senator from North Carolina [Mr. OVERMAN] and the Senator from Rhode Island [Mr. HEBERT] that the present Attorney General has said that they will not do that; but, so far as the bill itself is concerned and the machinery provided by it, the transfer has been made.

Mr. WALSH of Massachusetts. In other words, it looks to me as if the Department of Justice is trying to save its face from accepting the clerical job of doing an administrative piece of work under the terms of this bill, which is of considerable importance, namely, issuing permits.

Mr. COPELAND. I quite agree with the Senator.

Mr. HEBERT. Mr. President, of course, the statement of the Senator from New York is not exactly correct as to the transfer of everybody from the Treasury Department to the Department of Justice. There will be approximately 2,500 of the employees of the Treasury Department who will go to the Attorney General's office. We have provided in the amendment in paragraph (a), section 3, for the creation of an enforcement division in the Bureau of Prohibition in the Treasury Department in order to allocate the employees in that department over to the Attorney General's department as the two chiefs of the departments may agree. But that does not mean that all those who are engaged in prohibition work in the Treasury Department are going to the Attorney General's department.

Mr. WALSH of Massachusetts. How many are not going?

Mr. HEBERT. There will be a large number who are not going. I can not tell the Senator the exact number, but I have been told by the Attorney General's department that some 2,500 will be transferred from the Treasury Department to the Attorney General's department.

Mr. WALSH of Massachusetts. How many are there now in the entire department engaged in prohibition work?

Mr. HEBERT. I understand there are 5,000 or 6,000.

Mr. WALSH of Massachusetts. What will the other 3,000 do?

Mr. HEBERT. They will be engaged in the permit division.

Mr. WALSH of Massachusetts. In other words, it will require over 3,000 employees to issue permits and only 2,500 to detect violations of the law?

Mr. HEBERT. I have not any exact information on that, I will say to the Senator. I merely can say that I have been definitely informed that approximately 2,500 will be transferred.

Mr. WALSH of Massachusetts. The Senator's statement astounds me. He leads me to think we are now to have two bureaus with about an equal number of employees and an equal amount of work to do. I have the impression that the purpose of the administration was to transfer to the Attorney General's office the entire and complete administration of this law and the prosecutions under it, and that they were retaining in the Treasury Department simply the clerical work of issuing permits and, of course, investigating the applications to see if they were bona fide, and passing upon the merits generally of each application.

Mr. HEBERT. There are many other duties. For instance, there is the assessment and collection of taxes and all that work which comes under the law still to be done by the Treasury Department. All assessments of taxes will still remain in the Treasury Department.

Mr. WALSH of Massachusetts. They will not be under the commissioner of industrial alcohol?

Mr. HEBERT. They will be under the Treasury Department, nevertheless.

Mr. WALSH of Massachusetts. Yes; but the commissioner of industrial alcohol, as I understand it, will simply have the handling of the issuance of the permits for the manufacture, sale, and distribution of alcohol.

Mr. HEBERT. But that does not mean that the employees are all going to be under the commissioner of industrial alcohol. They have other functions to perform.

Mr. WALSH of Massachusetts. I wish we could get a little more information as to the extent of the number of employees that will be left in the Treasury Department and what their exact duties will be.

Mr. COUZENS. Mr. President, the amendment now before us seems to me to be a reasonable amendment to protect a department of the Government against violations of permits. It is inconceivable to me that the sort of thing should be in legislation as provided in section 7, on page 7:

> The Attorney General may, if he considers it advisable, act jointly with the Secretary of the Treasury in passing upon any application for any permit or any renewal or amendment thereof.

In other words, the Attorney General is to act as a policeman over the head of the Secretary of the Treasury, in order to compel him to enforce the law. As everyone knows, I am no defender of the Secretary of the Treasury, but I do not believe that any Cabinet officer should be humiliated by having a policeman over his head all the time to say whether he may or may not issue an industrial alcohol permit.

I recognize the responsibilities of the Attorney General; I am in perfect agreement with the provision of the bill that when the Attorney General finds a permittee violating the law he should have the right to present the evidence to the Secretary of the Treasury prior to the granting of a renewal of the permit or when the question of the cancellation of a permit is under consideration; but it can not be denied that there is dual control in this instance. There will be the greatest orgy of "buck passing" we have ever seen if this bill shall be enacted in its present form. It will be possible to pass every legitimate applicant for an industrial alcohol permit from one department to another, and no one will be able to locate responsibility for delays.

There are thousands and thousands of legitimate users of industrial alcohol. When a man is doing a legitimate business there is no reason why he should be interfered with because somebody else is doing an illegitimate business. It is impossible to believe that a bureau once given such authority as is proposed here will not exercise it. No one who has been in Congress for any length of time believes that authority once granted to a bureau will not be exercised. When bureaucrats and heads of departments come to the Senate or to the House of Representatives and say, "Give us this authority, but we will not exercise it," in my judgment, it is the purest kind of "bunk." No sooner will this proposed act be passed, if it shall be passed in its present form, than every one of the 150,000 permittees will be drawn through the red tape and bureaucracy of both the Department of Justice and the Treasury Department.

Mr. COPELAND. That is true.

Mr. COUZENS. I can not conceive of Congress passing legislation which will subject citizens who are engaged in legitimate manufacturing industries to such a routine of red tape as is here provided. I, therefore, hope that the amendment proposed by the Senator from Maryland [Mr. TYDINGS] will be adopted.

Mr. HEBERT. Mr. President, may we have the amendment stated?

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 6, line 10, the Senator from Maryland proposes to strike out the words "Attorney General and the," and in line 11 to strike out the word "jointly," so that if so amended it will read:

> SEC. 5. (a) The Secretary of the Treasury shall prescribe all regulations under this act and the national prohibition act relating to permits, etc.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Maryland [Mr. TYDINGS].

Mr. HEBERT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McKellar	Simmons
Baird	Gillett	McMaster	Steck
Barkley	Glass	McNary	Steiwer
Bingham	Glenn	Metcalf	Stephens
Black	Goldsborough	Norris	Sullivan
Blaine	Greene	Oddie	Swanson
Blease	Hale	Overman	Thomas, Idaho
Borah	Harris	Patterson	Townsend
Bratton	Hastings	Phipps	Trammell
Broussard	Hawes	Pine	Tydings
Capper	Hayden	Ransdell	Walcott
Caraway	Hebert	Reed	Walsh, Mass.
Copeland	Howell	Robinson, Ark.	Walsh, Mont.
Couzens	Johnson	Robinson, Ind.	Waterman
Cutting	Jones	Robsion, Ky.	Watson
Dale	Kendrick	Schall	Wheeler
Deneen	Keyes	Sheppard	
Dill	La Follette	Shipstead	
Fess	McCulloch	Shortridge	

The VICE PRESIDENT. Seventy-three Senators having answered to their names, a quorum is present. The question is on the amendment proposed by the Senator from Maryland [Mr. TYDINGS].

Mr. TYDINGS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DILL. Mr. President, I should like to ask the Senator from Rhode Island a question. As I understand, the pending amendment is to section 5. I inquire who is to issue permits to use industrial alcohol?

Mr. HEBERT. The Secretary of the Treasury will issue such permits.

Mr. DILL. Do I understand from the language of the bill as now written that every permit must be approved by the Attorney General?

Mr. HEBERT. Yes; that is the language of the bill.

Mr. DILL. It reads that "the Attorney General and the Secretary of the Treasury shall jointly prescribe all regulations," and my understanding is that in practical operation it means that the permits must be approved by the Attorney General before they shall be actually issued.

Mr. HEBERT. That will depend upon the regulations. If the Senator will refer to section 7, on page 7, he will find reference to that point.

Mr. DILL. Yes. That is the part of the bill in which I am most interested.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Maryland, on which the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a pair with the junior Senator from Maryland [Mr. GOULD], who is necessarily absent. I am informed that, if present, he would vote as I intend to vote. Therefore I am at liberty to vote and vote "nay."

Mr. FRAZIER (when Mr. NYE's name was called). My colleague [Mr. NYE] is absent on official business of the Senate. If he were present, he would vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. In his absence I transfer that pair to the Senator from Maine [Mr. GOULD] and vote "nay."

The roll call was concluded.

Mr. BLEASE. I have a pair with the senior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote if present, I withhold my vote.

Mr. PATTERSON (after having voted in the negative). I transfer my pair with the Senator from New York [Mr. WAGNER] to the Senator from North Dakota [Mr. NYE] and let my vote stand.

Mr. FESS. I wish to announce the following general pairs:

The Senator from Pennsylvania [Mr. GRUNDY] with the Senator from Florida [Mr. FLETCHER];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Utah [Mr. KING];

The Senator from New Jersey [Mr. KEAN] with the Senator from Alabama [Mr. HEFLIN]; and

The Senator from Kansas [Mr. ALLEN] with the Senator from Mississippi [Mr. HARRISON].

I am not advised how any of the Senators mentioned, if present, would vote on this question.

Mr. SHEPPARD. I wish to announce that the Senator from Tennessee [Mr. BROCK], the Senator from Texas [Mr. CONNALLY], the Senator from Mississippi [Mr. HARRISON], the Senator from Oklahoma [Mr. THOMAS], the Senator from Georgia [Mr. GEORGE], and the Senator from New York [Mr. WAGNER] are necessarily detained on official business.

The result was announced—yeas 11, nays 61, as follows:

YEAS—11

Blaine	Couzens	La Follette	Walsh, Mass.
Broussard	Hawes	Shipstead	Wheeler
Copeland	Keyes	Tydings	

NAYS—61

Ashurst	Glass	McNary	Simmons
Baird	Glenn	Metcalf	Steck
Barkley	Goldsborough	Norris	Steiwer
Bingham	Greene	Oddie	Stephens
Black	Hale	Overman	Sullivan
Borah	Harris	Patterson	Swanson
Bratton	Hastings	Phipps	Thomas, Idaho
Capper	Hayden	Pine	Townsend
Caraway	Hebert	Ransdell	Trammell
Cutting	Howell	Reed	Walcott
Dale	Johnson	Robinson, Ark.	Walsh, Mont.
Deneen	Jones	Robinson, Ind.	Waterman
Dill	Kendrick	Robsion, Ky.	Watson
Fess	McCulloch	Schall	
Frazier	McKellar	Sheppard	
Gillett	McMaster	Shortridge	

NOT VOTING—24

Allen	George	Heflin	Pittman
Blease	Goff	Kean	Smith
Brock	Gould	King	Smoot
Brookhart	Grundy	Moses	Thomas, Okla.
Connally	Harrison	Norbeck	Vandenberg
Fletcher	Hatfield	Nye	Wagner

So Mr. TYDINGS's amendment was rejected.

Mr. TYDINGS. Mr. President, it is needless to offer any more of these amendments in view of the present temper of the Senate. It seems disposed to vote to sustain the committee in all cases.

However, there is one amendment that I should like to offer, and I shall submit it without debate. At the conclusion of the action upon that amendment I have another one dealing with poisoned alcohol; and I am very anxious to have Senators know that this amendment is coming up, so that as many as possible can state their views upon it. I therefore make that announcement at this time.

The other amendment which I should like to offer now is as follows:

On page 7, line 19, in section 7, strike out the words: "The Attorney General may, if he considers it advisable, act jointly with the Secretary of the Treasury in passing upon any application for any permit or any renewal or amendment thereof, which may be issued under the national prohibition act, and in such cases no permit shall be granted, renewed, or amended without their joint approval."

I wish to insert, in lieu of that provision, this one:

Upon the receipt by the Attorney General of the copy of any application for permit as provided in paragraph (b) of section 6 the Attorney General, if he or the Bureau of Prohibition in the Department of Justice shall be in possession of information of such character that such application should be withheld, shall forthwith upon the receipt of such copy transmit notice to the Secretary of the Treasury of his possession of such information, and in such case no permit shall be granted, renewed, or amended without the Attorney General or his designate having an opportunity to appear before the bureau of industrial alcohol (hereinafter provided for) in the Department of the Treasury to protest the issuance of such permit.

In the event that the Secretary of the Treasury does not receive forthwith from the Attorney General such information, the Secretary of the Treasury shall proceed with respect to such application in the usual and ordinary manner provided by the act and the regulations thereunder.

If at any time after the issuance of a permit the Attorney General or the Bureau of Prohibition in the Department of Justice shall have information that any permittee is violating the prohibition act or the condition of his permit, notice of this information shall be transmitted to the Secretary of the Treasury or to the commissioner of industrial alcohol in the Treasury Department and revocation proceedings shall be commenced. The director of prohibition in the Department of Justice may designate the officer or officers who may appear in the bureau of industrial alcohol of the Treasury Department in such revocation proceedings.

All that this amendment does is to eliminate from the bill the provision which makes joint action on the part of the Attorney General and the Secretary of the Treasury mandatory, and to insert in lieu thereof that the Secretary of the Treasury shall have absolute authority, provided, however, that he shall first notify the Attorney General to see if the Attorney General has any reason why the permit should not be granted.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Maryland.

Mr. HEBERT. Mr. President, to begin with, joint action is not mandatory under the bill. It is permissive. Moreover, the arrangement suggested by the amendment of the Senator——

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HEBERT. Yes; I yield.

Mr. TYDINGS. The Senator, as I understood, said that joint approval was not necessary; did he not?

Mr. HEBERT. I said joint action is not necessary.

Mr. TYDINGS. Here is what it says:

Which may be issued under the national prohibition act, and in such cases no permit shall be granted, renewed, or amended without their joint approval.

Mr. HEBERT. Mr. President, the Senator does not read the language to which I referred. It begins in section 7; and for his information and the information of the Senate I shall read it now:

The Attorney General may, if he considers it advisable, act jointly with the Secretary of the Treasury in passing upon any application for any permit.

Mr. TYDINGS. Keep on reading.

Mr. HEBERT. That is the language to which I refer.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Maryland. [Putting the question.] By the sound the noes seem to have it.

Mr. TYDINGS. I call for a division.

On a division, the amendment was rejected.

Mr. COPELAND. Mr. President, if I may have the attention of the Senator from North Carolina [Mr. OVERMAN] and the Senator from Rhode Island [Mr. HEBERT], I should like to be reassured.

As I understand, it is contended by these Senators in charge of the bill that there will be left in the Treasury Department a bureau having to do with industrial alcohol. That is right; is it not?

Mr. HEBERT. Yes; the bill provides for that.

Mr. COPELAND. And the official heretofore known as the Commissioner of Prohibition will hereafter be known as the commissioner of industrial alcohol?

Mr. HEBERT. In the Treasury Department.

Mr. COPELAND. In the Treasury Department; that is correct. Then, if I understand the Senators correctly, as heretofore, a citizen who desires to withdraw industrial alcohol will make his application to the commissioner of industrial alcohol in the Treasury Department, and the permit will be issued there. Is that correct?

Mr. OVERMAN. Yes.

Mr. COPELAND. Now, let me ask this question: Why not make that clear in the bill? The Senators have said that that is the purpose and intent of the bill. Why not write that into the bill? Why not have section 8 on page 8, if the Senators will take the bill, read in this way?—

The Bureau of Prohibition in the Treasury Department shall hereafter be known as the bureau of industrial alcohol, and the Commissioner of Prohibition in the Treasury Department shall hereafter have the title of commissioner of industrial alcohol.

Now, I go on:

All the duties of the Treasury Department relating to permits for the withdrawal of industrial alcohol heretofore exercised by the Treasury Department shall be performed by this official under the direction of the Secretary of the Treasury. Any and all such permits shall be open to inspection by the Attorney General.

This makes clear in the bill exactly what the Senators have said upon the floor is the purpose of the bill—that these permits for the withdrawal of industrial alcohol are to be issued by an official of the Treasury Department; but let us put in the bill the language which will indicate that that is the purpose of the law.

Then, in order that the other purposes of the bill, the enforcement of prohibition, may be carried out, let those permits be

open to the inspection of the Attorney General. If he has any reason to believe that there is an illicit withdrawal of alcohol and a diversion of alcohol into bootleg channels, he has access to the records. He can go and inspect for himself, through his subordinates, to find out if a permit has been issued to some person under the suspicion of the Department of Justice.

Why is not that fair? From my standpoint, it would relieve me of considerable distress as regards legitimate users of industrial alcohol in my State. As I indicated in my remarks a little while ago by the reading of a letter from one of my constituents, they are much upset about the espionage and the disgrace of being under the Department of Justice. Senators have said that that is not the intent of the framers of the bill.

Mr. OVERMAN. It is not. There is nothing of that kind in the bill.

Mr. COPELAND. All right.

Mr. OVERMAN. Why change it, when we have expressed to the Senator just what it means? Why complicate it and change it and amend it, after we have told him exactly what the bill means, as the Senate has really voted that it means?

Mr. COPELAND. I hope my charming friend from North Carolina will be spared to us for many, many years in order that he may testify to the intent of the framers of the bill. But unfortunately with the passage of time men go off the stage.

Write it into the law, make it clear in the law, that it is the intent, that it is the law, that the commissioner of industrial alcohol shall carry on all the duties heretofore performed by the Treasury; that this new commissioner shall issue these permits; and that any and all such permits shall be open to inspection by the Attorney General. Is there anything at all unreasonable in that proposal?

Mr. HEBERT. Does the Senator ask me that question?

Mr. COPELAND. I ask the Senator from Rhode Island.

Mr. HEBERT. Of course, it is not the purpose of the law to provide dual control of permits. It is the purpose of the law to fix the responsibility upon some department for its enforcement. The Attorney General, being charged with the duty of enforcement, or being about to be charged with the duty of enforcement, asks that he may have this control over permits, believing it to be essential to the proper enforcement of the prohibition law.

Mr. COPELAND. Then, as a matter of fact, it is the Attorney General who is going to have charge of these permits, and there is a change from the present status.

Mr. HEBERT. No. When the Senator speaks of the purpose of the bill, he mistakes that with the intent of those who are charged with the enforcement of the law.

I have repeatedly assured the Senator that I myself had the assurance that the Attorney General would not interfere with these permits, and that out of 155,000 of them probably not as many as 5,000 would be brought into question at all, and that there would be no delay in the issuance of permits to those 150,000 applicants.

Mr. COPELAND. That is very gratifying, and I am happy that that is the attitude of the Senator and others in charge of the bill. But men go; laws continue. Who knows what may be the future interpretation?

Let us write into the law now that this Commissioner of Prohibition in the Treasury Department, hereafter known as the commissioner of industrial alcohol, shall be the official designated by the law to issue these permits, and that in order that the Attorney General may be protected in those 5,000 cases out of 155,000 let the Attorney General by law have the right of access to those permits. Then he will have everything he can desire, and at the same time the legitimate users of industrial alcohol will know by reading the law that there is to be no change from the present system of issuing the permit. I beg the Senator to accept that language.

Mr. HEBERT. Mr. President, if I felt in any way apprehensive about what is going to be the attitude of the Attorney General or of the Secretary of the Treasury in reference to these permits, as I have made it known to the Senator here in this discussion, I would not hesitate to provide a safeguard, but I confess that I see no reason for apprehension. The committee has had the assurance of the Attorney General's department that that would not happen; but the Attorney General, being charged with the responsibility of enforcing this law, does feel that there ought to be some way in which he can control the issuance of the permits if occasion should require, and it is not possible to limit him in any way lest there be a falling down of enforcement generally.

Mr. COPELAND. Mr. President, let me say this to the Senator: One of two things must be true, either that these permits are going to be issued exactly as they have been by the Treasury Department or they are not. The Senator a little while ago, and repeatedly this afternoon, has said they are going to be issued exactly as they have been issued in the past; and now the Senator says no, that the Attorney General is going to have his finger in the pie and have something to do with the issuance of the permits.

Mr. HEBERT. Mr. President, the Senator misunderstood me if he understood me to say any such thing. I said that the Attorney General felt that he ought to have some control over the issuance of the permits. That is very different from what the Attorney General intends to do in actual issuance of the permits. I again repeat what I have already said several times to the Senator, that the Attorney General and the Secretary of the Treasury intend to issue regulations for the issuance of the permits. I have the assurance that there will be no change in perhaps as many as 150,000 out of 155,000 of the permits.

Mr. COPELAND. Then up to this point we are fully agreed that all the duties of the Treasury Department relating to permits for the withdrawal of industrial alcohol heretofore exercised by the Treasury Department will be performed by the Treasury in the future as in the past. That is correct up to that point, is it not?

Mr. HEBERT. I did not hear all the Senator said; I was interrupted.

Mr. COPELAND. I will repeat it, because I want the RECORD to show it. I have the assurance of the Senator, apparently, that in the future, as in the past, all the permits for the withdrawal of industrial alcohol will be in the hands of the commissioner of industrial alcohol in the Treasury Department. It will be in the Treasury Department in the future exactly as it has been in the past?

Mr. HEBERT. I have not said that. I have said that the permits would issue out of the Treasury Department. I do not know that the permits will be issued by the commissioner of industrial alcohol. They will be issued out of the Treasury Department.

Mr. COPELAND. In that respect, then, there will be no change?

Mr. HEBERT. That is as I understand it, and that is the assurance I have, that there will be no change, that they will be issued out of the Treasury Department just as they have been heretofore, except that there will be joint regulations prescribed by the Attorney General and the Secretary of the Treasury.

Mr. COPELAND. Is the Senator unwilling to have clarification by any modification of section 8?

Mr. HEBERT. Mr. President, I do not feel at liberty to agree upon any additional language there. I think the purpose of the bill is clearly set out, and we in the committee have felt that we ought to so frame this bill as to meet the demands of the Attorney General, because he is to be charged with the enforcement of the law, and we want to fix the responsibility upon that department, so that later on it may not be said that the responsibility is divided with reference to the enforcement of prohibition.

Mr. COPELAND. Then, if I now understand the Senator, it means that in the last analysis after all the Attorney General is the man who will determine how and to whom the permits are to be issued.

Mr. HEBERT. Again, Mr. President, the Senator misunderstands me if he understands me to say what he has just stated. I say that the enforcement of prohibition is to be in the hands of the Attorney General.

SEVERAL SENATORS. Vote! Vote!

Mr. COPELAND. Mr. President, some who are already settled in their convictions as to what this law shall be may vote when we get to the point of voting, but they are not going to disturb me at all by calling "Vote! Vote!" ahead of the proper time to have a vote. Let that be understood.

It is perfectly apparent that this bill is predestined and foreordained to pass and that not a change is to be made in it, though, exactly as I said a little while ago, the Senate has so lost its sense of proportion that because a group representing a certain social thought so dominates the country that when a bill is presented it must be passed exactly as it is given to the Senate. Why should we not, taking into consideration our desire to serve American business as well as American fanatics, turn aside long enough to clarify, by simple language, the wording of the bill so as to make it read exactly as its sponsors say its authors intend it to mean? It is not so difficult to find language to formulate thought, but gentlemen seek all the time to find language to hide the real intent.

I know that if this bill is not modified and clarified in some way, every honest user of industrial alcohol in this country is going to be embarrassed in the future. The Senator from Rhode Island says that out of 155,000 users of industrial alcohol, 150,000 are honest and above suspicion. Yet because there are

5,000 crooks in the country engaged in the withdrawal of industrial alcohol, 150,000 honest men must be put on the rack. That does not seem like good sense to me. That to me is the height of absurdity, and the bill is filled with absurd ideas. Think of writing into a law the language found on page 3, line 10:

That all officers and employees of the Bureau of Prohibition who the Attorney General finds have heretofore violated or shall hereafter violate any penal provisions of the Federal prohibition laws shall be dismissed.

Has it come to the point that we have to write into a law that when a man violates the law he shall be dismissed from office? It is perfectly absurd and ridiculous. We only make ourselves laughing stock; that is all.

Mr. President, like old Sisyphus trying to roll the stone to the top of the mountain, to attempt to modify the bill is a useless undertaking. It can not be done. We might just as well sit down and accept what is turned out to us in capsules, given to us, and we are told to take. If we do not take it, our noses are held and we are forced to take it. Here is a proposed law absurd on its face, not clear in its provisions, imposing unjust and indecent restrictions upon legitimate business men, and yet because we have been told that we must swallow it and take it as it is, we do so.

So far as I am concerned, I have said all I am going to say about the subject; but to me it is passing strange that men who are willing to read into the law a definite meaning should be unwilling to write that meaning into the law so that all who read in the future may know exactly what the law means.

Mr. TYDINGS. Mr. President, I have an amendment which I ask to have read from the desk, after which I would like to address myself to it.

The VICE PRESIDENT. The clerk will read.

The LEGISLATIVE CLERK. On page 8, after line 24, the Senator from Maryland proposes to insert the following new section:

SEC. 10. (a) For the purposes of section 1 of the act entitled "An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906, as amended, and of sections 10 and 11 of title 3 of the national prohibition act of October 28, 1919, as amended, the terms "denaturing material" and "denaturing materials," as used in such sections in such acts, shall mean only pyridine, malachite green, or diethylpthalate.

(b) The first paragraph of section 1 of such act approved June 7, 1906, as amended, is amended by striking out the words "methyl alcohol or other."

Mr. TYDINGS. Mr. President, I am perfectly willing to concede that there are many, many people in the United States who feel that national prohibition is not only a necessary thing but that it is working fairly satisfactorily. It is not my purpose to make the discussion of this amendment controversial in so far as whether one may be considered as in favor of or opposed to national prohibition. I rather hope to elicit the attention of the Senate upon higher grounds than the wet-and-dry question.

What my amendment seeks to do may be briefly stated in simple language as follows: It seeks to strike out of the governmental formula by which industrial alcohol must be manufactured those ingredients which poison the alcohol so that if it is drunk the drinker will die, and to substitute in its place several other chemical compounds which will make the alcohol nauseating, will make the person who drinks it perhaps temporarily sick, but which will not take his life. That is all I am seeking to do by the amendment, not to make the industrial alcohol so it will be palatable or potable, but to take from industrial alcohol its qualities of poison to the end that those who may drink it illegally will not die, but may be simply temporarily ill.

I am told by chemists that the formula which I have proposed will make the alcohol undrinkable; in other words, that the taste of it and the immediate effect of it will be so bad that even a drunkard would not want to swallow it. Of course, there may be exceptions to the rule. At any rate, it will not kill the person who imbibes it.

Senators, very frequently we hear, in our public schools and in our colleges in the discussion of ancient, medieval, and modern history, numerous incidents cited to show the barbarous natures of other times. For example, there was a time, as we all recall, when those who did not believe certain religious beliefs, which were the prescribed beliefs of the day, were thrown to the lions in the arena. A person who wanted to be a Christian because of his mental attitude was thrown to the lions, and devoured simply because he chose to believe in a particular religious ceremony or conception. We think to-day as we look back upon those years that the people of those days must have been very ignorant and very barbarous.

We come along to the time of Lucretia Borgia. We know that she assassinated, through the intermediary of poison, those who stood in her political path or the political path of her celebrated brother.

So we might come on down to the days of the Spanish Inquisition, and down through the dark Middle Ages when literature was looked upon as a vice, when writing almost perished, and when learning was something to be despised rather than espoused.

We come on down to the present day, 1930, and what do we find? We find that in the United States of America we have an attempt to enforce a law called national prohibition, and so intent are we upon the enforcement of that law that we want persons who violate it to die. That is all there is to it, because the formula in the law provides a poison which, when inserted into industrial alcohol, will kill the person who drinks it.

Many, many people throughout the United States have died as a result of drinking illicit liquor. I am not here to say that they should not be punished for violating the law. I am not here to uphold them in their violations of the law. But I am here to appeal to the Senate on high grounds that they are entitled to their constitutional privileges even if they are violators of the law. They are entitled to be arrested; they are entitled to be confronted with the witnesses who appear against them; they are entitled to a jury trial and not to be deemed guilty until they are proven guilty. But instead of that we provide, through the intermediary of this poison formula, instant or certainly eventual death to the violator of the law.

If we were to run through the list of penalties for most violations of Federal laws we would find that 5 or 10 years' imprisonment or a heavy fine apply only in the case of very serious offenses. But a man may drink only 1 pint of illicit alcohol made from industrial alcohol illegally diverted and suffer the penalty of death. I can not believe that the Senate, if the opportunity is given to eliminate this provision, will do otherwise than strike it out. I have not proposed to leave the alcohol potable. I have not proposed to leave it flavorable. I have proposed to place in it a chemical compound which chemists say will make it nauseating to him who drinks it and perhaps bring about a mild degree of temporary sickness.

Whether that is true or whether it is not true, if nothing at all could be done with this alcohol except either to leave it pure or to poison it, I would still be in favor of eliminating the poison. As long as this formula remains in the present law all industrial alcohol that goes out, no matter what its use may be, will go out in the poisoned form. We all know that the bootlegger obtains this alcohol and may seek to eliminate the poisons therein by what I understand is called "cooking" them out. I do not know whether that can be done or not, but I am advised that quite often men who are greedy for money do not have the alcohol analyzed, but sell it for pure alcohol, and that, particularly around Christmas time and other holiday seasons and festal days, when the people are inclined to imbibe a little, a great deal of it gets on the market.

I remember reading that in Oklahoma the other day, in the State of the Senator who sits next to me [Mr. THOMAS of Oklahoma], some three or four hundred people were temporarily paralyzed through drinking some poisoned Jamaica ginger. I know all of us were horrified at that happening. It was not that we sympathized with them for attempting to violate the law, but we do not like to see people paralyzed or poisoned promiscuously.

There was a case two or three years ago where a great deal of poisoned alcohol came on the market in New York City. I am only speaking from memory, but it is my recollection that upward of 50 people died of alcohol poisoning in Christmas week up there, and many others were sent to the hospital in a serious condition, some of whom died and, of course, some of whom recovered.

Mr. President, that is all there is in the amendment. The question is, Does the Senate wish the death penalty to be conveyed to the person who drinks industrial alcohol, or does the Senate want to prevent the use of that alcohol for beverage purposes by some more mild, humane means than at present contained in the law? Those who favor no change in the law say in effect, "I want every person who illegally drinks industrial alcohol to die." Those of us who will vote for the modification will say, "We do not want illicit alcohol to be potable or pleasant or tempting; we wish to make it as bad a beverage as we possibly can; but by means of this amendment we want to eliminate the severe effect of the destruction of human life."

Mr. President, I may say without reflection upon any particular Senator or group of Senators, I have little fear that many Senators who are sincere will feel that they can not support my amendment, because it is well known that I am not in favor of national prohibition. The very fact that the amendment bears my name may arouse some suspicion in their minds that I have some ulterior motive; that I am seeking to weaken the national prohibition enforcement law. May I say with all the honesty of which I am capable that if I have such an idea as that, I am not aware of it.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Maryland yield to the Senator from Nebraska?

Mr. TYDINGS. I yield.

Mr. NORRIS. I would like to say to the Senator that while I was called out of the Chamber and have not been able to hear all of his statement, yet on the particular point he now makes I am satisfied that I am one of the Senators who does not share the prejudice which the Senator says some Senators may have. I do not know that any of them have it; I do not think we ought to have it.

I concede that the amendment is offered in good faith. I think there is something in its purpose. My objection to being called upon to vote on it now is because I do not feel prepared to do it. I would like to accomplish something of the kind the Senator has in mind. It is something which was not considered by our committee at all. The measure before us involves only the transfer of prohibition enforcement.

As I understand it, it is rather a scientific question that is involved in the Senator's amendment, and before I vote on it I would like to have the benefit of the advice of chemists and other scientists who know something about the subject, which I confess I do not. That is the reason why I feel disposed to be against the Senator's amendment. I might be for it if I were armed with the information which it seems to me we ought to have before we can vote on it intelligently.

Mr. TYDINGS. Mr. President, I appreciate what the Senator from Nebraska has said. May I say that I would be glad to recommit the bill for that one purpose, in order that evidence might be taken upon the question involved. May I say to the Senator that if what I contend for is true, that people who illicitly drink this alcohol now made in accordance with the governmental formula meet death, the bill ought to be recommitted and that matter ought to be considered. There is no more important legislation which will come before this body.

Senators, have we become so rigid in the enforcement of this single law that a human life means nothing, provided the owner of that life has violated the prohibition law, perhaps but mildly? Here in the Senate of the United States, supposed to be the court of last resort for the enactment of legislation, we must take our stand on the question of whether or not we say to the people in effect, "If you violate the prohibition laws of this country, we want you to have the death penalty for that violation." There is no escape from it.

No one will contend that industrial alcohol made in accordance with the governmental formula now in the law will not kill. That in itself is enough to enlist the humanitarian consideration of every Member of this body, whether he be "wet" or "dry" or midway between the two. This is not a question of prohibition; it is a question of imposing the death penalty on a man who commits no greater crime than violating the prohibition law.

Mr. OVERMAN. Mr. President, I agree with the Senator——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from North Carolina?

Mr. TYDINGS. I yield.

Mr. OVERMAN. I agree with the Senator in some respects, and I should like to vote for such a proposition as he suggests in the form of a bill, but it has not any place on the pending bill. This is a bill proposing to transfer the enforcement of the prohibition law from the jurisdiction of one department to that of another, and I do not see that what the Senator seeks to accomplish is involved in the pending measure. If the Senator from Maryland will introduce a separate bill, I should like to go into the question and investigate it; and if such a bill would accomplish what the Senator suggests, I think everybody would vote for it.

Mr. TYDINGS. I shall be very glad to introduce a separate bill on the subject, and to do anything to get the suggestion before the Senate in a different way; but, Senators, we have got to be bound by the practical side of this equation. I know that if such a bill were introduced it would be very doubtful if between now and the convening of the next Congress there would be sufficient time, with all the parliamentary checks which may be interposed, to have such a measure reported. If we can not get such a measure reported in due course, I think all of us are to-day bound to try to change this very serious condition by adopting an amendment to a bill which, in some measure, does provide for prohibition enforcement.

I should like to have the pending bill go over for a few days under a unanimous-consent agreement in order that testimony might be taken to substantiate the statements which I have made. I should be very glad if the Senator in charge of the bill would arise and ask that it be allowed to retain its place, to be taken up again next Monday, perhaps, at 1 o'clock, so that in the meantime it could be ascertained whether the formula, which is now being used for the denaturing of industrial alcohol, does or does not render such alcohol poisonous.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Kentucky?

Mr. TYDINGS. I yield.

Mr. BARKLEY. Mr. President, I have been engaged in a conference and have not heard the entire statement of the Senator from Maryland with reference to his amendment; but, aside from the merits of what he may have said, I desire to ask the Senator does he think that the prescription of a formula for the denaturing of alcohol is a legislative matter? Is it one upon which Congress is qualified to act?

Mr. TYDINGS. We have already done so, and I am merely seeking to amend the law which Congress has already enacted prescribing the formula.

Mr. BARKLEY. Does the act of Congress provide the limitations of the formula for the denaturing of alcohol?

Mr. TYDINGS. The act of Congress provides that in the manufacture of alcohol for certain purposes this denaturing formula shall be used, and it is embodied in the act.

Mr. BARKLEY. Has there been action under any regulation changing that formula after alcohol was denatured under a certain process and it was found that it could be redistilled into a different quality? Upon the discovery of that fact under some regulation was there provided a different formula which has brought about the condition to which the Senator refers? In other words, is the formula to which he refers as having been enacted by Congress so rigid and inflexible that the department has followed it precisely or has it been able to modify it by regulation?

Mr. OVERMAN. I do not think any formula has been prescribed by Congress. It is a regulation of the department.

Mr. TYDINGS. I will say to the Senator if he will read my amendment he will find I am proposing to amend the existing law by striking out the words "methyl alcohol or other." Methyl alcohol will kill one who drinks it. There is a physician in the Chamber, and I think he can bear testimony to the fact that methyl alcohol is deadly and will kill anybody who drinks it. I can not conceive that the Senate of the United States wants to contend that the death penalty shall be imposed on a man who violates the prohibition law without arrest, without trial, without having been confronted with the witnesses against him, without having had his day in court.

Mr. BARKLEY. Mr. President, will the Senator yield at that point?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Kentucky?

Mr. TYDINGS. I will yield in a moment. A comparable situation would be this: The law provides that in the District of Columbia the speed limit shall be such a rate; that is provided by national law. If then there should be contrived some kind of a mechanical apparatus which, when a man sped at the rate of 50 miles per hour, the law permitting him to go only 30 miles per hour, would automatically explode and blow his head off, we should have an equivalent situation. Now I yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, if I understand the formula referred to by the Senator from Maryland, it is a formula for the denaturing of alcohol used for industrial purposes?

Mr. TYDINGS. That is correct.

Mr. BARKLEY. And not as a beverage?

Mr. TYDINGS. That is true.

Mr. BARKLEY. I imagine that the larger quantity of alcohol which is consumed as a beverage is not manufactured under any Government formula, but that it is manufactured illegally under some private formula which may be used by those who engage in the illicit manufacture of liquor.

Mr. TYDINGS. If the Senator will let me interrupt him there, in testifying before the committee, Commissioner Doran said that from five to fifteen million gallons of industrial alcohol were illegally diverted annually for beverage purposes. That is a sufficient quantity to make 30,000,000 gallons of liquor.

That is a pretty considerable quantity to be consumed by the American people.

Mr. BARKLEY. I should like to ask the Senator whether the formula provided in the act for the making of industrial alcohol is a proper and suitable formula for the production of alcohol for that purpose?

Mr. TYDINGS. It is.

Mr. BARKLEY. So, what the Senator is undertaking to do is to change the formula so that the alcohol will also be suitable for beverage purposes in addition to its suitability for the industrial purposes for which it is now used?

Mr. TYDINGS. I am sorry the Senator said that, for it is not true.

Mr. BARKLEY. I did not express my own meaning very well. I do not attribute to the Senator any ulterior motive. I am saying that the effect would be to make the alcohol potable.

Mr. TYDINGS. That is not true. I have provided in the amendment that other ingredients may be used which I understand—and I say this advisedly—were suggested by the American Medical Society, which, of course, is composed of physicians of the country. The other materials which the amendment would permit to be used would make the alcohol nauseating to anyone who would drink it, so that liquor containing such ingredients would not stay on the stomach and would make the imbiber temporarily ill, but it would not kill him. The amendment provides:

> The terms "denaturing material" and "denaturing materials," as used in such sections in such acts, shall mean only pyridine, malachite green, or diethylphthalate.

Those ingredients may be placed in the alcohol in order to make it taste bad, to make it nauseating, to cause temporary illness, but not to cause death.

The only reason I suggest these ingredients is that I realize the Senate probably would not strike out all of the denaturing provisions unless something else were provided, and I have provided for all of the ingredients which the American Medical Society says can be used to make alcohol taste bad, to make it undesirable, without visiting upon one who might use it illegally for beverage purpose the extreme penalty of death.

Mr. BARKLEY. But the thing that concerns me is the broad question of whether, after all, in spite of anything that may have been done heretofore, Congress is really qualified to prescribe a proper formula for the manufacture of industrial alcohol. We all know that that is a chemical scientific subject upon which most of us are ignorant; I confess my ignorance as to any sort of proper formula for the manufacture of any kind of liquor, or any other chemical, so far as that goes. I am wondering whether, admitting for the sake of the argument what the Senator says about the death-producing quality of the alcohol manufactured under the formula now provided, whether it is not, after all, a matter that ought to be left to those who have expert knowledge on the subject rather than for Congress to prescribe a formula.

Mr. TYDINGS. I do not propose that Congress shall prescribe any formula, may I say to the Senator, but I do exactly what he suggests; the amendment proposed by me simply provides that—

> The terms "denaturing material" and "denaturing materials" as used in such sections and in such acts, shall mean only pyridine, malachite green, or diethylpthalate.

And further that the words "methyl alcohol or other" poisons shall be eliminated from the provisions of the act which is now in existence.

It may be that, after a hearing, perhaps there might be some modification of the language I have employed and of the act which would then be promulgated; but may I say to the Senator that it is much better to make sure of eliminating this poisonous formula in connection with the manufacture of the alcohol than it is to leave it to conjecture. That is what I am attempting to do, and so I seek to strike out the words "methyl alcohol or other."

Methyl alcohol is alcohol which has been rendered poisonous, and it will kill anybody who drinks any considerable quantity of it. In the meantime the victim may go blind. We do not want the Senate of the United States or the Congress of the United States to be responsible for such conditions. There are plenty of ways we can prevent the sale and use of industrial alcohol illegally to illicit concerns or for unlawful uses without providing that the death penalty shall be inflicted in case of such unlawful use.

Mr. BARKLEY. Is the condition with reference to methyl alcohol one that has been brought about since the adoption of prohibition or did it exist prior to that time? Methyl alcohol has always been methyl alcohol, and its quality has not been changed, as I understand, by the adoption of the prohibition law.

Mr. TYDINGS. There was comparatively little industrial alcohol manufactured until the war came along, when alcohol was used for a great many purposes. In 1920 the demand for it for legitimate purposes increased tremendously. The act was first passed on June 7, 1906, at which time all industrial alcohol had to be made with methyl alcohol in it. There was no need to change that act, because there was plenty of other alcohol available prior to 1920; but since 1920 the deaths from alcohol poisoning have increased each year, and therefore the time has now come when we are confronted with a situation which did not exist in 1906 when the act was originally passed.

Mr. BARKLEY. I have understood that there have always been certain types of alcohol which were poisonous; long before either of us was ever elected to Congress or before we probably had conceived the ambition to come here, there was poisonous alcohol which would kill a man if he drank it in any large quantities. Is the Senator able to tell us whether alcohol manufactured for industrial purposes under the changed formula he proposes would serve the purposes of industry as well as methyl alcohol, which the Senator is now undertaking to eliminate so as not to make the product poisonous?

Mr. TYDINGS. Yes; I think so.

Mr. BARKLEY. In other words, does the Senator's amendment seek to protect everybody who may consume poisonous alcohol from the effects of the poison?

Mr. TYDINGS. Yes.

Mr. BARKLEY. No matter what the conditions may be under which he may consume it? So that hereafter——

Mr. TYDINCS. Let me answer the Senator's question.

Mr. BARKLEY. So that hereafter there will be no more poisonous alcohol manufactured?

Mr. TYDINGS. The Senator has asked two or three questions, and if he will permit me I will try to answer him. In the first place, there is no need of using methyl alcohol except to keep industrial alcohol from going into illicit channels. Originally an alcohol was manufactured that could be used for beverage purposes. Therefore the purpose of putting methyl alcohol into industrial alcohol was to render it noncompetitive with other alcohols which were used for beverage purposes. The elimination of the formula now in existence and the substitution of the formula proposed by my amendment, I am advised, will not interfere with any legitimate business. It will not make any difference. The poisonous ingredient was simply put in the alcohol originally to make it nonpotable. Therefore all that will be done will be to render it very unpalatable and unpleasant to one who may happen to drink it, but it will not kill him. I repeat, all I am attempting to do by this amendment is to prevent the use of a formula which will cause death to him who drinks alcohol which has been thus treated with the poisonous ingredient.

Mr. BARKLEY. So that hereafter there will be no poisonous alcohol in existence if the Senator's amendment should be adopted?

Mr. TYDINGS. Yes; there would be. All alcohol, whether it is treated or not, is poisonous if drunk to excess. A man may drink perfectly good whisky, but if he drinks a sufficient quantity of it he will get alcohol poisoning, just as he may get ptomaine poisoning from spoiled food. The point is that the alcohol now manufactured under law and Government regulation is poisonous regardless of how much of it may be consumed. What I have attempted to do, I will say again, is to eliminate that condition and substitute language which will insure that the alcohol will not be potable, that it will not be enjoyable, that it will not be desirable as a beverage, but it will not be rendered so poisonous that it will kill a man who may illegally drink it.

Mr. BARKLEY. It will increase illness, though.

Mr. TRAMMELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Florida?

Mr. TYDINGS. I yield.

Mr. TRAMMELL. Mr. President, I am rather in sympathy with the idea that we should eliminate poisons that would take the life of a human being and substitute these other preparations which the Senator says would nauseate them, make them very sick, and so forth, but would spare their lives. I have been rather struck, however, with the situation with regard to why it was that poison was so long permitted to be placed in this character of alcohol. It rather strikes me that as long as this poisoned alcohol was competitive with the liquor business it was all right to have it poisonous and to have it so that it would kill somebody if he drank it; but now, since it is a question of coming in competition with the bootlegger and his liquor

poisoned with potash, and so forth, we think we ought to eliminate it.

I do not know that it ought ever to have been allowed to have this alcohol so poisonous that it would kill a person——

Mr. TYDINGS. I agree with the Senator.

Mr. TRAMMELL. But I think it ought to be doctored in some way so as not to make it a beverage. I do not want to doctor it so as to make it a beverage and cause people to be drinking it, but I do not think we ought to kill people with it.

Mr. TYDINGS. I have attempted to do exactly what the Senator expresses to be his own thought on the question—that is, to eliminate the extent of the doctoring of this alcohol which would bring about death—and to substitute therefor something that would make it undesirable, not potable, but at the same time would not kill the person who imbibed it.

May I suggest to the Senator from Rhode Island [Mr. HEBERT], who has the bill in charge, that if this amendment is adopted, naturally the bill will go to conference. There will be plenty of opportunity then, and I should be glad to submit to the Senator and to the conferees evidence from reliable authorities to sustain the proposition as I have presented it. If it is as I visualize it, then certainly the amendment ought to be in the bill. If it is not as I visualize it, then the Senator can drop it in conference and eliminate it and pass his bill without this provision therein. All I should like to have is the opportunity, if it is incorporated in the bill and does go to conference, to furnish the Senator and the other conferees with the information upon which my argument is based.

I can not believe that the Senate, upon sober reflection, knowing the extent to which illicit liquor is now being sold in this country, will want to put into industrial alcohol certain ingredients which will kill not those who sell it but the people who buy it.

Mr. McKELLAR. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Tennessee?

Mr. TYDINGS. I do.

Mr. McKELLAR. Has the Senator any proof that anyone was ever killed by the use of this material?

Mr. TYDINGS. I made a talk here on the 1st day of April which lasted nearly three hours, in which time I read from the life-insurance tables of the Metropolitan Life Insurance Co.; and there was a great deal of information in their summary of the year's activity to show that a number of people had died from alcoholic poisoning.

Mr. McKELLAR. Of course, I can understand that they died from alcoholic poisoning; but I was wondering if there was any evidence to sustain the statement which I understand the Senator makes that it was due to the mixture that has been put into denatured alcohol. I do not recall any such cases. I do not know whether there are such cases or not.

Mr. TYDINGS. There is just this much that can be, I think, accepted without argument: The medical profession says that the formula now being injected into industrial alcohol will kill the person who drinks it. The question is, Shall we continue to compel industrial alcohol to be made in accordance with that formula, or shall we eliminate it and substitute something else which will not cause death?

That is the whole question involved here.

Mr. BLACK. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Alabama?

Mr. TYDINGS. Yes; I yield.

Mr. BLACK. I am interested in the question asked by the Senator from Tennessee. The Senator from Maryland states that the medical profession have said that this mixture will kill. Did the Senator present that evidence in his speech?

Mr. TYDINGS. No; I have it in my office, and I am very sorry I did not bring it over; but may I say to the Senator from Alabama that some time ago a Member of another body, who happens to be a physician and a fellow in the American Society of Surgeons, I believe, made quite a long and carefully prepared address on this very subject. It was debated in another body for several days. I have read over some of that debate; and if the Senator will do likewise, if he has the opportunity, he will find that Mr. SIROVICH offered any number of authentic proofs supporting his amendment and supporting the proposition that methyl alcohol as contained in the old act of 1906 is deadly, and he attempted at that time to have that stricken out and to have other ingredients substituted therefor. Perhaps the Senator will recall, as I am talking, that contest which took place about two months ago. There was a considerable vote in the House of Representatives in support of the amendment offered there. However, there was not a sufficient vote to eliminate the old provision in the law.

I have said all I care to say, unless there are some more questions on the matter. However, may I conclude by pointing out again that if this matter is not as represented, there is an opportunity in conference to take it out of the new act. If it is as I represent it to be—and I shall certainly try to offer adequate proof to that effect—then it should be retained in the law. Therefore I hope the Senate will vote to adopt the amendment which I have offered.

I can not believe that even my genial friend from Texas [Mr. SHEPPARD], the author of the eighteenth amendment, being sincerely for it, as I know he is, would want to go to the extent of placing in this alcohol an ingredient which would kill the person who imbibed it. If it is not placed in there for that purpose, why is it placed in there? The clear intent at the time the act was passed was to make industrial alcohol poisonous, so that no one would drink it; and, of course, when there was plenty of liquor and very few bootleggers there was not the demand for industrial alcohol that there is now. The real tragedy to-day is that lots of this industrial alcohol finds its way into very beautiful brown bottles with very beautiful corks and caps and very handsome labels, and almost any person who has a few male and female friends might accidentally buy one of those bottles, thinking he had only a pint of good liquor or a quart of good liquor, and wake up, if he or she ever did at all, to find out that he or she had not bought that kind of liquor after all.

I do not think the Senate of the United States wants to go that far. I do not believe anybody here does; and if my argument is not based upon facts this amendment can be eliminated in conference. I hope at least we will get a record roll-call vote on it, so that every Senator may have a chance to state clearly just where he stands.

Mr. SHEPPARD. Mr. President, the answer to the argument of the Senator from Maryland is very simple.

It has been demonstrated time and time again that the amount of poisonous matter put in this alcohol to be used for industrial purposes is not sufficient to kill. It is put in in the proportion of about 2 or 3 parts of methyl alcohol to 97 parts of ethyl alcohol. It has never killed, taken in that proportion, and never will kill.

Every wet country in the world to-day is using this formula. If people in such countries withdraw alcohol for industrial purposes, tax free, the same denaturing element is put in. It was used in this country before the eighteenth amendment became effective. It was put in not to kill, not to injure, but because it is the only ingredient that can effectually perform the purpose in view—that is, to make the industrial alcohol so nauseous to those who may endeavor to drink it that they will not drink it, and, furthermore, because it is the only ingredient that is carried over when the bootlegger attempts to redistill industrial alcohol into the illegal article. They have never yet found another ingredient which is so difficult to remove by the bootlegger.

It was not put in to kill. It was put in because it rendered the stuff nauseating, and because it was more difficult to remove than any other element. I repeat that it was not put in in sufficient quantities to kill.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. SHEPPARD. I yield.

Mr. McKELLAR. Does the Senator know of any deaths that have occurred from the use of this particular ingredient?

Mr. SHEPPARD. The wet propaganda puts forth the claim that it kills; but it was not the methyl alcohol in the industrial alcohol that killed. They were cases of chronic alcoholism and prolonged debauches in the ordinary liquor. That is the real truth of the matter.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. SHEPPARD. Certainly.

Mr. TYDINGS. Will it kill if used in greater quantity than the Senator pointed out?

Mr. SHEPPARD. Methyl alcohol is a poison which can be taken in sufficient quantities to kill.

Mr. TYDINGS. Then the Senator does admit, of course, that it is a poison?

Mr. SHEPPARD. Certainly. I said the poisonous matter in this alcohol was put in for the purposes I indicated, and not to kill anybody. The Senator reiterated here that it was put in to kill.

Mr. TYDINGS. I am not quarreling with the Senator.

Mr. SHEPPARD. The Senator said it was put in to kill, and that is not true.

Mr. TYDINGS. I want to ask the Senator a question, just to elicit what he thinks about it. I understood him to say that the methyl alcohol is poisonous, and that, if put in in sufficient quantity——

Mr. SHEPPARD. All alcohol is poisonous. As the Senator said before, if a man drinks ethyl alcohol in sufficient quantities it will kill.

Mr. TYDINGS. The Senator pointed out that there were so many parts of this ingredient put into so many parts of industrial alcohol. Is that correct?

Mr. SHEPPARD. That is true.

Mr. TYDINGS. And the Senator said that, used in that proportion, it would not kill.

Mr. SHEPPARD. That is very true.

Mr. TYDINGS. And the Senator said that the ingredient put in was poisonous. That is true; is it not?

Mr. SHEPPARD. That is very true.

Mr. TYDINGS. I am asking the Senator now, since he knows the proportion, how much of it would have to be put in alcohol to make it deadly?

Mr. SHEPPARD. I do not know exactly.

Mr. TYDINGS. How much did the Senator say was put in under the present formula—how many parts?

Mr. SHEPPARD. Not over 4 parts; from 2 to 4 parts of methyl to 96 or 97 parts of ethyl. To be exact, the usual proportion is 4 parts methyl to 96 parts ethyl.

Mr. TYDINGS. How is it mixed? Is it measured, each quart, or is it run through pipes in a general proportion? Is it not a matter of fact that in all these large industrial-alcohol plants the poison, the methyl, and the pure industrial alcohol are not mixed separately—that is, by quarts—but that huge amounts are shot into the vats at the same time and stirred about?

Mr. SHEPPARD. I know that is done under the most careful and scientific supervision.

Mr. TYDINGS. Yes. The point I make is that it is made in large quantities; and the very fact that the Senator admits that the ingredient shot in is poisonous, a deadly poison if used in sufficient quantities, takes away 90 per cent of his contention that it should not be put in here, because we all know that if it is partly poisonous it is injurious to the human system to an extent that is dangerous.

Mr. SHEPPARD. Not in that proportion.

Mr. TYDINGS. Oh, yes, it is.

Mr. SHEPPARD. Not in that amount; not in that proportion.

Mr. TYDINGS. A 6-year-old child knows that if half a glass of a certain thing will kill you, a quarter of a glass of that certain thing will do you a whole lot of harm, and no one can deny it. Of course, you can not go out after a man is dead, quite often, and ask him whether he died from drinking industrial alcohol, or whether he died from heart disease, or what not. The fact is that the Government of the United States, driven by fanatics who have no regard for human life in the furtherance of this one law advocate the death penalty for doing no greater thing than drinking a pint of liquor—my God!—in the twentieth century, in the Senate of the United States, in the United States of America!

I do not care whether it kills or not, to concede what the Senator says. I say that if drinking a reasonable proportion of it causes death, if you drink a moderate portion of it the human body is subjected to an affliction which no intelligent lawmaking body is going to foist upon a man who may violate that law.

I know I probably will be defeated in this endeavor. My little attempt to change the law will be looked upon as wet propaganda. I realize that you dare not strike out a comma of the sacrosanct Volstead Act, because it came from God, we learned in the lobby committee the other day, was translated through the giant and spiritual brain of Wayne B. Wheeler to the puppets who carried it into effect, who, in my judgment, sold their manhood for a mess of pottage, and no less. It has brought about crime and corruption over this country that should sicken and disgust any citizen with an ounce of patriotism or a bit of reverence for a past so wonderful as that the United States has had.

I know this proposal will probably fail, because the Senator from Texas is the spokesman for those who believe in the national prohibition. He is the author of the eighteenth amendment, and, my God, Senators, dare we run up against these men who sit on yonder hill and tell us free, independent, noble American Senators how we shall vote? Perchance, if we do not vote in accordance with the edict which comes from the bishop on yonder hill, look out, because you will lose your seats. That is the present situation in the United States of America.

I am a little disappointed to find my good friend the Senator from Texas, as sincerely as he believes in national prohibition, rising in opposition to an amendment which seeks to do nothing more nor less than to take a poison ingredient out of industrial alcohol. I say I am disappointed. I do not question his integrity or his freedom of thought in the matter, but I had hoped that at least we could lay the wet and dry issue of this argument aside and look at the real truth involved in this question. The Senator has admitted that the ingredient is poison, he has admitted that if enough of it is put into industrial alcohol it will kill, and certainly if less than enough to kill is put in, there is enough to do the human body serious injury.

Mr. BLEASE. Mr. President, has the Senator overlooked the fact that there is no poison in embassy whisky?

Mr. TYDINGS. Oh, no. Senators, there is nothing more I can contribute to this subject. I have been over it pretty thoroughly. I would like to have this amendment adopted. If anybody questions the authenticity or truthfulness of any statement I have made, when the measure goes to conference, the conferees can be shown that I did not know what I was talking about; they can eliminate the amendment in conference. But in the absence of any proof to the contrary, I think it is up to this body, representing the last forum of human discussion in the United States, to remove this poison provision from the law, and let the alcohol hereafter be made in pursuance of some formula which will not be deadly, which will make the alcohol nauseating, sickening, perhaps make it undesirable, but certainly not so that it will kill.

There have been murders enough and slaughtering enough on the public highways, there have been violations of human rights, there has been double jeopardy, almost every right has been taken away, in the mad pursuit of national prohibition, for which men once fought and died. There has been demand for excessive bail, there has been double jeopardy, trial in the national courts and in the State courts for the same incident, confiscation of property, searches without warrants by men in civilian clothes. You can not tell whether they are high-jackers, bootleggers, highwaymen, or Federal officers.

Mark you, not all the drunkenness is on the side of those who drink liquor. The people who are in favor of national prohibition are drunk with power, and it is going to be their undoing. They started out in 1920 with the people of this country firmly behind national prohibition, but they have been so intolerant, so shortsighted, so narrow, so great has been their desire to put over this proposition, that they swept aside every human and humanitarian consideration. The reason sentiment in this country is changing—and it is changing—is not because they could not have gotten what they started out to get but because they have been drunk with power, they have not seen any signposts around them pointing to the fact that they have been making a mistake.

Leave it in! Let them die! Thank God, when I sleep tonight the blood of other people will not be upon my hands.

Mr. HEBERT. Mr. President, I am not willing to agree to the amendment proposed by the Senator from Maryland. In the first place, it has no place in this bill. This is essentially a transfer bill; in other words, a bill to transfer the enforcement of the prohibition law from the Treasury Department to the Attorney General. Moreover, there has been no consideration of the amendment during the time when this bill has been before the Committee on the Judiciary.

Mr. TYDINGS. Mr. President, will the Senator permit an interruption?

Mr. HEBERT. Certainly.

Mr. TYDINGS. I know the Senator recalls that in the bill there is a provision for the seizure and sale of motor vehicles.

Mr. HEBERT. That is true; but that has no reference to the enforcement of prohibition.

Mr. TYDINGS. What has it reference to?

Mr. HEBERT. Confiscation.

Mr. TYDINGS. If it has no reference to the enforcement of prohibition, certainly my amendment has more reference to the enforcement of prohibition than the one the Senator mentions.

Mr. HEBERT. Moreover, the Committee on the Judiciary has not had under consideration any phase of this pending amendment. I know that it has merit. I can assure the Senator that, so far as I am concerned, I should be glad to give it my best consideration, and I am authorized by the chairman of the Committee on the Judiciary [Mr. NORRIS] to say that if the Senator will present a bill to carry out the purposes set out in his amendment pending here he will bring it to the attention of the Committee on the Judiciary the day after it is introduced and will appoint a subcommittee forthwith to give it consideration.

Mr. TYDINGS. Mr. President, I appreciate the Senator's genuineness and I appreciate the fact that he is offering a method by which this can be incorporated into law. But I also appreciate the fact that there was a resolution introduced for an investigation of the Prohibition Department about two months ago, and because certain dry people, it has been said, do not



wish to have the bureau investigated, notwithstanding it literally reeks with corruption, as we all know, there it stays; you could not budge it out of the committee with a 16-inch gun.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Maryland [Mr. TYDINGS].

Mr. WALSH of Massachusetts. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a pair with the junior Senator from Maine [Mr. GOULD], but I understand that if present he would vote as I intend to vote, and I am therefore at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. BLEASE. I have a pair with the senior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote, I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. WATSON. I have a pair with the senior Senator from South Carolina [Mr. SMITH], which I transfer to the junior Senator from Maine [Mr. GOULD], and vote "nay."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. GRUNDY] with the Senator from Florida [Mr. FLETCHER];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Utah [Mr. KING];

The Senator from New Hampshire [Mr. KEYES] with the Senator from Arkansas [Mr. CARAWAY]; and

The Senator from New Jersey [Mr. KEAN] with the Senator from Alabama [Mr. HEFLIN].

I am not advised as to how any of these Senators would vote on this question.

Mr. SHEPPARD. I desire to announce that the junior Senator from Arkansas [Mr. CARAWAY] is necessarily detained on official business.

The result was announced—yeas 19, nays 54, as follows:

YEAS—19

Bingham	Glenn	Patterson	Tydings
Blaine	Hawes	Phipps	Wagner
Broussard	Johnson	Ransdell	Walsh, Mass.
Copeland	Kendrick	Reed	Wheeler
Couzens	La Follette	Sullivan	

NAYS—54

Allen	Frazier	McKellar	Simmons
Ashurst	George	McMaster	Steiwer
Baird	Gillett	McNary	Swanson
Barkley	Glass	Metcalf	Thomas, Idaho
Black	Goldsborough	Norris	Thomas, Okla.
Borah	Greene	Oddie	Townsend
Bratton	Hale	Overman	Trammell
Brock	Harris	Pine	Vandenberg
Capper	Harrison	Robinson, Ark.	Walcott
Connally	Hatfield	Robinson, Ind.	Walsh, Mont.
Dale	Hebert	Robsion, Ky.	Waterman
Deneen	Howell	Schall	Watson
Dill	Jones	Sheppard	
Fess	McCulloch	Shortridge	

NOT VOTING—23

Blease	Gould	Keyes	Shipstead
Brookhart	Grundy	King	Smith
Caraway	Hastings	Moses	Smoot
Cutting	Hayden	Norbeck	Steck
Fletcher	Heflin	Nye	Stephens
Goff	Kean	Pittman	

So Mr. TYDINGS's amendment was rejected.

Mr. McKELLAR. Mr. President, I should like to have the attention for just a moment of the Senator in charge of the bill. I want to say to the Senator that of course I am very heartily in favor of the bill which he has in charge, but there are one or two points to which I wish to invite his attention.

Under the present law attorneys employed by the Prohibition Bureau are under civil service. If the Senator will look at page 2, line 5, of the bill, he will find a statement taking attorneys from under the civil service, as follows:

> The Attorney General is authorized to appoint, without regard to the civil service laws, an assistant director of prohibition—

That is absolutely all right, and should be done; but the bill proceeds—

> and such attorneys as he deems necessary.

It seems to me that ought to be stricken out, and the provision should be made to read:

> And, in accordance with the competitive provisions of the civil service laws, such attorneys and such other officers and employees as he deems necessary.

Then, if the Senator will turn to page 3, line 8, I call his attention to the words:

> But such attorneys shall not be subject to the provisions of the civil service laws.

I think a blanket provision that the Attorney General shall have the right to employ such attorneys without regard to the civil service provisions such as we now have in the law is not proper and should not be enacted into law.

I am wondering if the Senator will not agree to an amendment striking out, on page 2, line 5, the words "and such attorneys as he deems necessary" and inserting the words "and such attorneys" in line 7 after the word "laws," and on page 3, lines 8 and 9, striking out the words "but such attorneys shall not be subject to the provisions of the civil service laws." I think the present law about selecting attorneys from lists furnished by the Civil Service Commission is right and proper and should be adhered to. I do not believe there ought to be any weakening of the civil service law.

Mr. OVERMAN. Mr. President, that is not the law now. The Attorney General is permitted to appoint attorneys without regard to the civil service law, and he did not want any provision of that kind put in this bill.

Mr. McKELLAR. While it is not the law as it relates to the Attorney General's department now so far as the Assistant Attorneys General are concerned, it is the law as it relates to the Treasury Department that these men shall be selected under civil service. It seems to me it would weaken the law very much to give the Attorney General the power to appoint any attorneys that he might please without regard to civil-service rules as provided under the present law. I think that an attorney who can not stand the civil-service examination ought not to be appointed by the department. That is my judgment.

Mr. BORAH. He might be able to stand the civil-service examination, but know nothing about the law.

Mr. McKELLAR. Yes; that is possible. On the other hand, there are a great many men appointed who I think could not stand the civil-service examination. So it works both ways.

Mr. HEBERT. Mr. President, in answer to the question propounded by the Senator from Tennessee, I may say that the committee gave full consideration to the proposal to bring the attorneys to be transferred under civil-service rules in the Department of Justice. We reached the conclusion that inasmuch as none of the attorneys now employed in the Department of Justice are under civil service it would be anomalous to have a part of them so employed and a part otherwise employed. Besides, again, we felt that the Attorney General should have a free hand to choose those attorneys whom he considers best able to do the work intrusted to them in the way of enforcement of the prohibition law. We do not want to interfere with it in any way. It was at his request that that provision was inserted in the bill.

Mr. McKELLAR. Mr. President, I am not going to offer the amendment. I am content with having presented the matter to the Senate. I think it is a great mistake that is probably being made in removing the civil-service requirements. However, I am so much in hopes that the Attorney General will enforce the liquor laws better than they have been enforced in the past that I am constrained to proceed on the theory of giving him a free hand so that he can not say of the Congress that we have not done everything he wanted in order to give him an opportunity to enforce the law. I believe the Attorney General can enforce the laws if he undertakes to do it, so I am not going to offer the amendment.

Mr. JONES. Mr. President, I know of no one who is better qualified in my judgment to speak as to the effect of prohibition than Evangeline Booth, head of the Salvation Army in America. There appeared in the New York Times last Sunday an appraisal of prohibition by this splendid woman. I ask that it may be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

[From the New York Times, Sunday, May 11, 1930]

THE SALVATION ARMY APPRAISES PROHIBITION—ON THE BASIS OF REPORTS FROM VARIOUS CITIES, COMMANDER BOOTH PICTURES THE CHANGES BROUGHT BY THE AMENDMENT AND DECLARES THE LAW IS HERE TO STAY

(The following article by the commander of the Salvation Army in America is an interesting contribution to the prohibition debate. It is based on reports sent to New York headquarters by officers of the Salvation Army stationed in various parts of the country.)

By Evangeline Booth

Since my early girlhood I have lived in order to combat the grave evils arising out of the liquor traffic. Hundreds of times I have sung and prayed in the actual bars of the public houses in London, while the sale of beer and spirits was proceeding. I have made my home in the underworld and engaged in the pitiable industries of the sweatshop;

taken my place among the vendors of flowers and match boxes and with the street singers collecting their pennies from the passers-by.

My experience of this problem is thus at first hand and, beginning in Great Britain, it has continued on the Continent of Europe, in Canada and the Klondike, while in the United States I am completing 25 years of service, during which period I have been able to observe the situation, both before and after the eighteenth amendment came into force.

With our officers I am in constant touch, and our trained workers, holding strategic positions, send me periodical reports of their observations. Theirs is an experience by no means confined to the poor. Among the most saddening tragedies with which the Salvation Army has to deal there must be included the wrecked lives of the so-called rich.

OPPOSITION TO LIQUOR TRAFFIC

The Salvation Army stands wholly outside politics and controversy and is well aware that its support of prohibition is not approved by many friendly newspapers and generous contributors. With great respect to those who differ from us, we are bound, at whatever cost in popularity, to say plainly that it would be impossible for us to carry on our work except in direct opposition to the liquor traffic in all its forms. Our officers and soldiers and even recruits can not belong to the army except on the basis of strict personal abstinence.

My father, William Booth, founder and first general of the Salvation Army, was so impressed by the actualities of alcoholism that, despite his Methodist affiliations, he discontinued the communion service, usually administered in the Christian church, thereby laying himself and the army open to controversy and criticism.

In the use of beverages other than water, fermentation was never an essential, and to-day it is to an increasing extent eliminated. Tea, coffee, cocoa, served hot, with many cooling drinks derived from fruits, have been developed as an alternative to wine, beer, and spirits, and fulfill the legitimate purpose of what formerly was intoxicating liquor of varying strength.

There is an unanswerable case for abstinence. There are the vital statistics of insurance companies. There are the records of hospitals where patients, abstaining and nonabstaining, submit to surgical treatment. In major operations it is admitted that a patient without alcohol in his system enjoys an advantage. There are strict rules imposed on athletes in training. But, more significant than all these, is the policy pursued by organized industry, in which, as the United States Steel Corporation has put it, "The last man hired, the first man fired" is "the man who drinks."

The subdivided processes essential to mass production, in which the strength of the human chain is no stronger than its least sober link, the increased speed and variety of locomotion at sea, in the air, and along the highroad, the insistence on personal reliability in banks and offices—all this has necessitated in the United States an enrollment of abstinent workers. It means that the efficiency of the individual, when subjected to many varied tests, responds most readily and most reliably to a diet from which alcohol is excluded.

DIFFICULTY OF RESTRAINT

Erring men and women have not found it possible to observe restraint in the use of alcohol, and, in all countries, at all times, the liquor interests, public and private, have seen to it that restraint is made as difficult as possible. The result is that wherever alcohol is used at all, it is widely abused.

Few are the families of moderate drinkers which do not include, or have not included among the kin, direct or nearly collateral, some tragic skeleton of the cellar. There is, after all, a sharp distinction to be drawn between material indulgences, like tobacco on the one hand and drink and drugs on the other hand, and the suggestion that a limitation of drink stimulates the demand for drugs is directly contrary to our experience in the army. Drugs and drink are allies, and a blow at the one is a blow at the other.

As a result of an unexampled wave of prosperity, due in no small measure to prohibition, many families, not long ago reckoned among the poor, have become comparatively and actually rich. It is thus a curious and ironical fact that in the very homes which owe much of their affluence directly to the economic results of the eighteenth amendment, there has been a tendency to discard the one restraint of which that affluence is the result.

The nouveaux wets, as they go over the top into the barbed-wire entanglements of what in the United States should be the no man's and no woman's land of a deliberate disobedience to the law, are like the soldiers at the outset of a war. They think a good deal more of the bands playing and of the flags flying than of the casualties which will follow. It is the casualties that come to the Salvation Army—the boy whose name is no longer mentioned, the girl whose name is known only to herself.

"BRAVADO" OF THE COCKTAIL

Drinking in wealthy homes did not begin with prohibition; on the contrary, it was so usual before prohibition as to arouse no comment. To-day that drinking, even where it continues, is restricted. Many a cocktail is served, and on special occasions only, less as booze than as bravado. Many a glass had become little more than a gesture. The orgies described in cheap fiction, the bacchanals staged for the movies, the cheap jests and insulting cartoons which are showered on the drys are merely symptoms that an ancient and world-wide evil dies hard.

If, however, it had been the fact, which we deny, that prohibition is a social failure, we would reply that what is here meant by the word "society," and especially society in certain fashionable areas, does not constitute the Nation, but only a small proportion of the Nation, at most one-tenth. The real question is what has happened to the nine-tenths, and here the evidence of the Salvation Army is, we submit, direct and unchallengeable.

In New York before prohibition the Salvation Army would collect 1,200 to 1,300 drunkards in a single night and seek to reclaim them. Prohibition immediately reduced this gathering to 400, and the proportion of actually intoxicated persons on the day selected from 19 out of 20 to no more than 7 in all. In fact, this method of evangelism yielded so few results that we gave it up.

Our report from the Bowery is that drinking in that difficult area has dropped 60 per cent—that is, to less than half what it was. In 1920, the first year of prohibition, the Salvation Army took charge of the Bowery Hotel. Every night, and especially on Saturday night, men had to be ejected for creating disturbances, and owing to intoxication of the occupants, the bed linen was often left in a filthy condition. But to-day in our Memorial Hotel, where we house 4,800 men a week, we do not have more than 4 or 5 cases of intoxication, or 1 in 1,000.

In the Chicago Daily News of April 1 and 2, 1929, interviews were published with our officers serving in that city. For No. 1 industrial home, with 120 men, Sunday was selected as a test day because it immediately follows Saturday night. On one Sunday there were two drunks, and on the next none at all. This record compares with 50 per cent of drunks 10 years ago and 25 per cent of drunks 4 years ago.

In Chicago it happened that our Palace Hotel was subjected to an unforeseen and entirely impartial test. There had been a report of smallpox in the city, and all the men in the hotel, about 500, were vaccinated on the nights of January 10 and January 11 by an independent physician. Not one of the men was found to be under the influence of liquor.

It would be merely monotonous if I were to quote exactly similar reports from other cities. Enough to say that evidence emanating from Jersey City, New Haven, Wheeling, Hartford, Boston, Columbus, Altoona, Brooklyn, Philadelphia, Birmingham, Jacksonville, Portland, Me., Cleveland, Syracuse, Newark, Buffalo, Louisville, and many other centers of population justify the statement that among those who live by basic labor, prohibition has eliminated the worst evils previously originating from drink.

The reason is economic. These men can not afford to pay for reliable liquor at 75 cents a drink, and in any event reliable liquor is more difficult to obtain. It has been said that in the evasion of the eighteenth amendment there is one law for the rich and another for the poor. The position of the Salvation Army is that drink is not a blessing of which prohibition deprives citizens who are entitled to it. We regard drink as a danger from which the citizen and his home have been wisely defended.

The statement that indulgence in liquor and consequent evasion of the eighteenth amendment vary inversely as the wealth of the families involved means that the mass of the Nation engaged upon the production and consumption of commodities is not to be held responsible for the bootlegging, the rum running and the disobedience to law which have been so widely advertised for the purpose of discrediting a beneficent measure of reform. One of our commissioners writes:

"If some young men and young women are learning to drink, it is largely due to the fact that on the stage, in newspapers, at service clubs nearly every one of the favorite jokes is prohibition. Some supposedly decent citizens, and young fellows that want to be red-blooded, are ashamed to be opposed to liquor; and the downfall and blood of many a young man that becomes lost will be upon the skirts not of the ragged drunkard but of the well-dressed drunkard of means."

Our officers, in their reports, are fully conscious that evasion is a serious offense against the public interest. But they deny point-blank that such evasion, even where it is most prevalent, has destroyed the broader values of the law evaded. "If," asks one of our officers at Worcester, Mass., "prohibition at its worst has improved conditions to the extent that is seen, what would it be if we had a perfect enforcement of the Volstead Act?"

Doubtless it is deplorable that poisonous substitutes should be available in places, but the very tragedies of death and blindness, resulting from this consumption, have proved to be a stern deterrent, demonstrating to the men themselves that it is not worth while to take risks. The occasional spectacle of some man overcome by these pernicious liquors, creates, rightly, an unfortunate impression, but it must be remembered that the reason why many of such victims succumb to a single glass of hard liquor is that regular drinking has ceased to be their habit.

While poisonous liquor is "burning out" those who are so foolish as to surrender to it, there is arising a new generation, essentially different from the European immigrants who have brought with them their taste for liquor—a new generation which, in the main, will have

no liquor in its blood. Of Cincinnati and Jersey City, an officer, familiar with both places, writes:

"Prior to prohibition it was a rare exception for one of our men to have a savings bank account, whereas for the past 10 years there are at least 600 per cent more savings accounts."

This officer adds:

"In this city we are located in a hotbed of wet propaganda. The local papers are wet and the mayor publicly derides the prohibition law in his speeches, telling all that he doesn't believe in it; that it is tyranny and everything else that is evil. With this from our chief executive officer, we naturally have a very poor enforcement of the Volstead Act. I have had police officers in the city tell me that they not only didn't believe in it but that they would make no effort to enforce it except in the most flagrant cases. But in spite of this we have but few drunkards in our institutions compared with former days, and those cases that we do come in contact with are a different class of men from those met formerly. It is now the younger or middle-aged man. Formerly a great majority of the men in the institutions were men who through drink had been brought down to the gutter, and it was a struggle against the temptation the open saloon afforded. The majority of men who come to us now are not drinking men in that sense of the word at all. Some few of them are addicts to the drink habit and cause some trouble, but they are in the minority."

The officer states that, judging by results, he would rather have two "blind tigers" on a block than one legalized saloon.

That there has been drinking among women of every period is undoubtedly a fact. It is impossible for men to indulge in drink without involving the whole community in the habit. But the broad fact known to us all is that women, as a sex, drink not at all or in much less quantities than men. Woman can not afford to sacrifice her self-respect, her personal appearance, and her position in society to a lapse from decency, which in her case is held to be unpardonable. It may be assumed that in homes where men abstain from liquor no question arises, except in the most rare instances, as to the women. It is also well known that among the workers, and, indeed, in all classes of society, the most pertinent question asked by a girl and her parents before marriage is whether the suitor is steady in his habits, which means sober.

The women of America do not tolerate an inebriated manhood. It is no mere coincidence that the eighteenth amendment, prohibiting liquor, should have been historically simultaneous with the nineteenth amendment, giving the vote to women, and should have preceded by a few years only the proposed twentieth amendment, drafted to abolish child labor. These legislative enactments and proposals are, all of them, parts of a general movement toward the defense of domestic life against the destroying menace of selfishness in the environment.

THE WAR AND SOCIAL RESTRAINTS

The Great War was an explosion which shook not thrones alone but traditions and social restraints. By these disturbances women in the United States as well as men were affected, and it is always in colleges that youth in its eagerness tries its experiments. Hence, we have the statement that there has been more drinking among young people since prohibition than formerly, and this increase particularly affects girls.

So far as I am aware, there has never been any attempt to prove this by statistics or other definite evidence. It appears to be a case not of increased drinking but of greatly increased sensitiveness to the drinking that is taking place. At Oxford and Cambridge drink is served in the colleges as a matter of course, and no one thinks anything about it. The Salvationist notices that in the United States there has been not only reckless drinking but reckless thinking, reckless teaching, and reckless preaching.

Women are adjusting themselves, not only to their liberties but to their responsibilities, and I deny point-blank the statement that there is any general drinking among American women. It is manifestly contrary to the facts which stare us in the face. Take the bright lights of Broadway, New York. Within that glittering area there are, as there always have been, certain roofs and restaurants where at a high price a sexual appeal is offered, accompanied doubtless by illicit liquor. But if we take the great mass of the people who attend the theaters and the movie houses and return home by train and car and subway, it is absolutely true that on nine evenings out of ten and in nine cases out of ten they are bone dry.

The public frequently are confronted by what seem to be appalling statistics. Nor is it realized that big figures may represent what, comparatively speaking, is a small fact. Let us suppose that 10,000,000 persons in the United States spend no more than $1 a week on liquor. Even so, that aggregate expenditure would work out at $500,000,000, a very large sum, which taken by itself might be so presented as to suggest that the law had broken down. But what would be the truth of the matter? It would be that 100,000,000 people in the United States did not touch liquor from one year's end to another, and that even the 10,000,000 people were bone dry on six days a week.

I am prepared to be told that a much larger sum than $500,000,000 is spent in the United States on liquor. Even so, I suggested that this expenditure must be examined comparatively. Take Great Britain. The drink bill has been calculated for many years with admitted accuracy. In round numbers it amounts to $1,500,000,000.

Allowing for a difference of population, the corresponding figure for the United States would be about $4,000,000,000, and if we take into consideration the difference of prices and spending capacity of the people on the two sides of the Atlantic the figure would be still higher. In Great Britain to-day the expenditure on liquor per head of population is about $34 per annum, and by the word "population" we mean not only men but women and children. We include also the prisoners, the paupers, and the old-age pensioners.

For a home of five persons the expenditure works out at $170 per annum or $3.25 per week. In Great Britain there are numerous families which spend nothing at all on liquor, and this means that the burden on nonabstaining households is proportionately increased. The wages of a British workingman reckoned in gold, as every economist knows, are much lower than the wages of the American; for instance, many classes of miners have been fighting for a wage which would be typical as an average at $12 a week.

It is under these circumstances that liquor takes a toll of $34 per annum for the individual and $3.25 per week for a household. It is true that rather more than a third of the expenditure is paid into the exchequer as taxation. It is a taxation that falls in the main on those who are least able to sustain it, and, incidentally, it proves that high taxation, even where it is strictly collected, does not solve the liquor question.

Great Britain has been hard hit by the war, but she has essentially the same opportunities as the United States of employing her people on foreign trade and other commerce. Yet she has been compelled to establish an elaborate national insurance for sickness, old age, maternity, and last but not least, unemployment. The statement is made that her production per head of employed persons is far below production per head in the United States. In the adoption of machinery and in the discipline which enables machinery to be used to the best advantage, she has been conservative, and it is this conservatism which has been applied to the liquor question. It is said that in Great Britain there is less consumption of alcohol per head than there used to be, and less drunkenness. That would be no argument against prohibition. On the contrary, it would mean that the force of circumstances, including drink-produced poverty, was driving Great Britain along our own path.

The idea that Great Britain and Europe are satisfied with the situation may be dismissed. The prosperity of the United States is impossible to ignore and the liquor interests throughout the world are conscious of the challenge. They are fighting for their lives and their strategy is everywhere apparent. In Great Britain the trade includes at least 100,000 licensed houses, with all that this means of political influence at elections.

It is true that some saloons have been closed. It is also true that others have been enlarged and that there has been a notable increase in the number of clubs selling drinks. Under the laws of limited liability the ownership of the breweries, the distilleries, and the dependent places of sale has been spread over an immense number of stockholders, many of them occupying positions of influence in the State.

LORD ROSEBERY'S VIEW

Thirty years ago the late Lord Rosebery, once Prime Minister and himself a sporting man who won the Derby and mixed in the most fashionable society, declared that if Britain did not rule the liquor traffic the liquor traffic would rule Britain. When fighting for her national existence Great Britain severely restricted the supply of liquor. Under the stress of emergency she had to recognise facts. It was only when the emergency seemed to be over that she relaxed her vigilance, and to-day it is the simple truth that no party has been able seriously to attack the grievous evils, economic and industrial, which are manifest in the situation across the water.

It is natural that in Great Britain, with her intrenched liquor traffic, and in France, in Germany, and in Italy, with their enormous investments in vineyards, there should be an organized ridicule of the United States and an endeavor to influence our citizens who visit the Old World. To smuggle liquor of any kind into this country, and at whatever cost, is a part of this strategy, and the question is whether as a nation we do or do not intend to surrender to these hurtful influences in countries otherwise friendly.

A long series of decisions by the Supreme Court indicate that this august tribunal interprets the eighteenth amendment in the plain sense of the words contained therein. At the same time there has been raised the question whether some alternative policy should be adopted, and I am prepared to submit our views on the merits of these alternatives.

The liquor traffic can be handled in three ways: First, State ownership and control of the traffic; secondly, State restriction of the traffic; and thirdly, prohibition.

Over State ownership and control I need not waste many words. Under our Federal form of government, in which 49 sovereign areas would have to be dealt with, the legal, constitutional, and financial difficulties would be enormous, while politically such a scheme lies wholly outside

the legislative possibilities. The idea that the consumption of liquor would be diminished by such a distributive network of selling places appears to be contrary to all the probabilities, and a legal glass of beer does just as much harm as an illegal glass.

REGULATION AND PROHIBITION

The people who advocate such regulation have short memories. They do not seem to be aware that it was the failure of regulation throughout the United States that drove us into prohibition. Nor is there any country in the world where regulation has solved the liquor problem. In the United States it was regulation which corrupted our politics, bribed our law courts and police, and maintained our red-light areas.

Let me offer in evidence the following first-hand description of the position in the Bowery from an officer of lifelong experience in that area:

"This section was notorious for more than 100 years as the great crime center of the metropolis, if not of the country. Under the licensed saloon the gangster organizations were thoroughly intrenched; concert halls and gambling clubs of a most vicious character were doing business in a high-handed way. Many men were murdered in cold blood and buried beneath the buildings or thrown into the sewers or otherwise done away with. There were about 100 saloons, 4 saloons to every block, making on both sides of the street 8 saloons. Some of these were palatial, occupying an independent building; the upstairs was used for all kinds of iniquity—they were usually called 'ladies' parlors.'

"There were more than a hundred parlor houses and hundreds of smaller houses of prostitution running on the side streets the entire length of the Bowery, extending way down into Cherry and Water Streets. It is estimated that 200,000 men would come in from the country from various States—New England, New York State, Pennsylvania, New Jersey—every week, especially on Saturdays and Sundays. Millions of dollars were poured into the pockets of the vicious purveyors of sin who thrived on the business of rum and immorality. Lodging houses were not as numerous, but there were many of them 20 or 30 years ago. The lodging houses in those days were notorious for the peddling of rum, dope, stolen goods, and debauchery.

"There was much bootlegging going on in the days of the saloon—more than in these days. In fact, I have had a policeman, in fact many of them, some of them now retired, tell me that the Bowery and Third Avenue was a veritable hell on earth from the vice and brawls that went on not only with the gangsters and the tough boys of the neighborhood but many families as well. I have had these same policemen tell us what a wonderful change has been brought about in a reign of quietness for the neighborhood since prohibition came."

The truth is that whatever restriction is placed by the law on the liquor traffic it will be the aim of the liquor traffic to rebel against it. No liquor traffic anywhere has kept faith with the law except in so far as the law is on the side of the liquor traffic.

The Salvation Army is wholly opposed to the policy of introducing light wines and beers sold under the law for consumption off the premises. That policy means the return of the saloon triumphant into our national life. Wherever beer is sold there is the saloon, even if it be the back door of a rabbit hutch.

Let us suppose that 10,000 of such places were started in New York City. Does anybody suppose that such places, the very symbols of a criminal triumph over the forces of law and order, the rendezvous of bandits, bootleggers, racketeers, and dishonest politicians, would be content with their profits on light wines and beers, or insistent on consumption off the premises?

THE LAW AND THE REBEL

There would be exactly the same forces organized to break down regulation that are to-day organized against prohibition, and the idea that the rich man who likes his cocktail and his glass of whisky and his champagne is going to be content with lager beer and some scarcely alcoholic light wine as an alternative may be dismissed. He will say what he is saying to-day, that he has a right to drink what he likes and to get it where he can.

The idea that the provision of beer can ever be a cure for drunkenness is fantastic. More than half the alcohol consumed in the United States before prohibition was in the form of beer. Most of the drunkenness was due to beer. On homebrewing and distilling the view of the Salvation Army is equally emphatic. These are a defiance point-blank of the eighteenth amendment, which in plain terms forbids the citizen of the United States to manufacture alcoholic liquor. The idea that liquor has been or ever will be widely brewed by an individual family for its own exclusive use may be dismissed. It is merely the revival of moonshine or the illicit still with which the United States has been long familiar.

The conclusion of the Salvation Army, therefore, has been, in one sentence, that prohibition in the full sense of the word has been a major reason for the rapid advance of the United States to a foremost place among nations; that liquor not prohibited is a major reason for the retardation of a similar progress among other peoples of the world, and that if prohibition be attacked, whether by foreign nations or by certain of our own citizens, the reason is, in the main, a selfishness on the part of the individual or of the financial interest involved. In a sentence, the world is moving toward the view that liquor is a survival of the past, and, manifestly, prohibition in the United States has come to stay and must be accepted as the law of the land.

Mr. DALE. Mr. President, may I ask the Senator from Rhode Island if the provision which has just been under discussion displaces any attorneys now under the civil service?

Mr. HEBERT. All the attorneys who are construed to come within the purview of the enforcement of prohibition are to be transferred over to the Attorney General's department, but they are not to be under civil service in the Department of Justice.

Mr. DALE. What I had in mind is whether attorneys in the field service in particular, who are now under civil service and who were required to take the examination to get their present positions, are to be displaced by men who are not in the civil service?

Mr. HEBERT. I do not so understand. The fact is, most of the men in the field, though they may be attorneys, are not classified as attorneys. They occupy positions for investigation and detail work, and some of them for clerical work.

Mr. DALE. But they are all under the civil service.

Mr. HEBERT. They are, and will continue under civil service, except that the attorneys who go over to the Attorney General's department will not continue under civil service but will go to that department under the provisions of this bill.

Mr. DALE. And those who go over are not under civil service now?

Mr. HEBERT. It may be that some of them are under civil service now.

Mr. DALE. If they are under civil service now, how can they retain their status?

Mr. HEBERT. That is the very point we had under consideration. There is a small number of such persons who will be transferred and who will not have civil-service status after their transfer. But it was deemed inadvisable to provide civil-service status for attorneys employed in the Attorney General's department when all the rest of the personnel in the way of attorneys in that department are not under civil service.

The VICE PRESIDENT. The bill is still as in Committee of the Whole and open to amendment.

Mr. GLASS. Mr. President, as I stated in the last Congress, I am very earnestly in favor of the transfer of prohibition enforcement which is provided by the bill now before us, and I shall vote accordingly. But I am not willing that either the Senate or the country shall get the impression that this action is now being taken because of any initiative, any suggestion, or any inquiry made by the so-called Commission of Law Enforcement which has already expended nearly a quarter of a million dollars under a resolution proposed by me in this Chamber and, as far as we know, has diverted the whole amount to the investigations of matters which were absolutely foreign to the appropriation and the action of the Congress, and is now asking for an additional appropriation of a quarter of a million dollars. Before that shall be made I intend to propose a resolution in the Senate requiring the commission or asking the Comptroller General to give the Senate a statement of the expenditures already made by the commission.

Mr. President, this transfer should have been made long ago. As a matter of historic recital I may say that when the Volstead Act was passed I happened to be Secretary of the Treasury and I then protested against confiding the enforcement of the prohibition law to the Internal Revenue Bureau in the Treasury Department. Subsequently, Mr. Secretary Houston made a very earnest official protest to Congress against continuing this unit in the Treasury Department, as it had no relation whatsoever to the proper functions of that department.

Later the present Secretary of the Treasury, Mr. Mellon, very earnestly urged the transfer of the unit to the Department of Justice, where it properly belongs and where it should have been all the time. On each occasion the then dominant officials of the Anti-Saloon League protested against the transfer, evidently desiring that none of the appointees of this unit should get from under the thumb of the Anti-Saloon League.

At the last session of Congress the President of the United States recommended to the Congress the transfer of the unit from the Treasury Department to the Department of Justice, and such transfer was only delayed then because it was proposed to refer the question to a joint committee of the Congress. The Senate went so far as to adopt the proposal to refer it to a joint committee, but the other branch of Congress rejected the suggestion.

I have made this recital in order that the Senate may not be deceived nor the country misled into the belief that the so-called Commission for Law Enforcement has done anything

more than inquire into delinquent children, the theft of automobiles, and other such things as have no relation whatever to the action of Congress in appropriating the tremendous sum of $250,000 for an investigation of prohibition enforcement.

The VICE PRESIDENT. If there are no further amendments to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

SEVERAL SENATORS. Yeas and nays!

The yeas and nays were not ordered.

The bill was passed.

ABOLITION OF PROCEEDINGS IN COMMITTEE OF THE WHOLE

Mr. SWANSON. I move that the Senate proceed to the consideration of Senate Resolution 227.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The legislative clerk read the resolution (S. Res. 227) submitted by Mr. SWANSON on March 8, 1930, and reported from the Committee on Rules on April 4, 1930, as follows:

Resolved, That hereafter bills and joint resolutions shall not be considered as in Committee of the Whole, as heretofore required by the rules, and this stage of the parliamentary proceedings relating thereto is hereby abolished.

Resolved further, That paragraph No. 3 of Rule XIV of the Standing Rules of the Senate be, and it is hereby, amended by striking therefrom the following words, namely: "as in Committee of the Whole," so as to make the paragraph read:

"3. No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee; bills and joint resolutions introduced on leave, and bills and joint resolutions from the House of Representatives, shall be read once, and may be read twice, on the same day, if not objected to, for reference, but shall not be considered on that day, nor debated, except for reference, unless by unanimous consent."

Resolved further, That Rule XV of the Standing Rules of the Senate be, and it is hereby, amended by striking therefrom paragraph No. 1, as follows: "1. All bills and joint resolutions which shall have received two readings shall first be considered by the Senate as in Committee of the Whole, after which they shall be reported to the Senate; and any amendments made in Committee of the Whole shall again be considered by the Senate, after which further amendments may be proposed"; and by striking from paragraph No. 2 the following: ", and when again considered by the Senate it shall be as in Committee of the Whole"; so as to make said paragraph No. 2 read:

"2. When a bill or resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall be in order at any time before the passage of any bill or resoultion to move its commitment; and when the bill or resolution shall again be reported from the committee it shall be placed on the calendar."

Resolved further, That paragraph No. 1 of Rule XIII of the Standing Rules of the Senate be, and it is hereby, amended as follows:

In line 2 of said paragraph, strike out the words "voting with the prevailing side."

In line 4 of said paragraph, after the word "reconsideration," insert the following:

": *Provided*, That no motion to reconsider a vote on an amendment to a bill or joint resolution shall be taken up for consideration until all other amendments have been offered and disposed of, and immediately prior to the question of the engrossment of the bill, joint resolution, or amendments; and such motions shall be considered in the order of time at which they were entered: *Provided further*, That no motion to lay such a motion to reconsider on the table shall be in order prior to the time such motion is taken up for consideration."

In line 4 of said paragraph, strike out the semicolon and the words "and if" and insert in lieu thereof the word "If."

In line 5 of said paragraph, after the word "reconsider," insert the words "any motion."

So as to make the said paragraph read:

"1. When a question has been decided by the Senate, any Senator may, on the same day or on either of the next two days of actual session thereafter, move a reconsideration: *Provided*, That no motion to reconsider a vote on an amendment to a bill or joint resolution shall be taken up for consideration until all other amendments have been offered and disposed of, and immediately prior to the question of the engrossment of the bill, joint resolution, or amendments; and such motions shall be considered in the order of time at which they were entered: *Provided further*, That no motion to lay such a motion to reconsider on the table shall be in order prior to the time such motion is taken up for consideration. If the Senate shall refuse to reconsider any motion, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. Every motion to reconsider shall be decided by a majority vote, and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion."

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia that the Senate proceed to the consideration of the resolution.

Mr. JONES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Washington will state his parliamentary inquiry.

Mr. JONES. I desire to know when the notice required by the rules was given for the presentation of such a motion to amend the rules?

The VICE PRESIDENT. The resolution was submitted some time ago and was referred to the Committee on Rules for report.

Mr. JONES. Yes; but was notice given of the rule that was to be amended, and the amendment which was to be made to it as required by the rule of the Senate?

Mr. SWANSON. I offered the resolution and had it referred to the Committee on Rules.

Mr. JONES. I should like to know whether or not the rule has been complied with?

Mr. SWANSON. One afternoon I gave notice that I would submit such a resolution and have it referred to the committee for consideration, and that was done.

Mr. JONES. I do not think that is such a notice as is required by the rule or that it is in compliance with the rule. The rule requires that the notice shall specify the rule which it is proposed to amend and the amendment which is suggested, and that then the notice shall lie over for a day.

The VICE PRESIDENT. Does the Senator from Washington make a point of order?

Mr. JONES. I make the point of order that the rule has not been complied with.

The VICE PRESIDENT. Following the precedents and the decisions of Vice Presidents Morton and Stevenson, the point of order is overruled.

Mr. JONES. Mr. President, I should like to have the RECORD show the notice that was given. I remember of no notice being given to amend the various rules of the Senate which the resolution proposes to amend.

Mr. McNARY. Mr. President, may I suggest at this point that, if there is such a weakness, the point may well be met if the Senator from Virginia will give notice now? I desire to move adjournment and to have a morning hour to-morrow, at which time the Senator from Virginia will be in position to restate his proposal.

Mr. SWANSON. I understand the Chair has overruled the point of order; but I do now give notice of the introduction of this resolution, and I shall move to-morrow to proceed to its consideration. The Senate, I understand, is now about to adjourn.

Mr. JONES. The Senator has given, as I understand, notice of a proposal to amend the rules.

Mr. SWANSON. I give this notice, and let the resolution stay where it is.

Mr. JONES. Mr. President, as I understand, the Senator is now giving notice of his intention to move to amend the rules?

Mr. SWANSON. The notice has already been given. I gave notice here one afternoon some time ago that I would introduce such a resolution; it was introduced two or three days after I had given such notice, and it was referred to the Committee on Rules.

Mr. JONES. I want to find out what that notice was. The rule requires a certain notice to be given, and the RECORD should show what that notice was. That is what I want to ascertain.

Mr. SWANSON. I gave notice that I would introduce the resolution, and the resolution was introduced and referred.

Mr. JONES. It is required that notice shall be given in writing, and that should appear in the RECORD.

Mr. GLASS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Virginia will state his parliamentary inquiry.

Mr. GLASS. Has the Chair overruled the point of order?

The VICE PRESIDENT. The Chair has overruled the point of order.

Mr. JONES. I think the Chair probably did not apprehend the facts of the situation. That is what I want to ascertain—what are the facts. If the notice was given, as the rule requires, in writing, specifying the rule to be amended and the amendment to be made, of course I make no objection. This, however, is what the rule provides:

No motion to suspend, modify, or amend any rule or any part thereof shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof.

I want to know whether or not that provision of the rule has been complied with?

Mr. WALSH of Montana. Mr. President, I should like to inquire whether the resolution itself is not a full compliance with the requirements of the rule?

Mr. JONES. If the Senator proposed it to-day and then asked to take it up to-morrow, I suppose it would be, but there has got to be one day's notice in writing.

Mr. WALSH of Montana. But he did not propose the resolution to-day; he proposed it on March 8.

Mr. JONES. Yes; but did he give notice of his proposal? That is what the rule requires.

Mr. WALSH of Montana. This is the notice of the resolution:

That hereafter bills and joint resolutions shall not be considered—

And so forth.

Mr. JONES. I can not think that that is a compliance with the rule of the Senate. If it were, a Senator could introduce an amendment to the rules on one day, call it up the next day, and say that notice had been given.

Mr. SWANSON. Mr. President, no point of order can be made that the resolution has not gone over one day, for the resolution has gone over for six weeks and more.

Mr. JONES. I should like to know what notice, according to the rules, has been given of the intention to propose this amendment to the rules.

The VICE PRESIDENT. The Chair will state that on March 8 (p. 5216 of the CONGRESSIONAL RECORD) Senate Resolution 227 was by unanimous consent submitted by the Senator from Virginia and referred to the Committee on Rules.

The Chair is advised that it has been decided by Vice Presidents Morton and Stevenson that when a resolution of this kind is introduced by unanimous consent, as this resolution was, that is a substantial compliance with the rule. So the Chair held, and still holds, that the point of order is not well taken in this instance.

Mr. SWANSON. I move that the Senate proceed to the consideration of the resolution.

Mr. McNARY. I move that the Senate adjourn until 12 o'clock to-morrow.

Mr. SWANSON. Will not the Senator allow us to have a vote on my motion?

The VICE PRESIDENT. The Senator from Virginia has the floor.

Mr. SWANSON. I renew my request that the Senate proceed to the consideration of Senate Resolution 227.

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia.

Mr. JONES. The motion is debatable, Mr. President, as I understand?

The VICE PRESIDENT. It is debatable.

Mr. JONES. I understand the Senator from Oregon desires to move an adjournment.

ADJOURNMENT

Mr. McNARY. I renew my motion that the Senate adjourn until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 28 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 15, 1930, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate May 14 (legislative day of May 13), 1930

Alfred A. Wheat, of New York, to be chief justice of the Supreme Court of the District of Columbia, to succeed Walter I. McCoy, resigned.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *May 14, 1930*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore [Mr. TILSON].

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

In the name of Him who ministered to the needy and hungry may we champion the cause of the poor, and even that of the little children. Quicken our moral vision, our intellectual perception, and our emotional discernment. Moving as we are amid the changing circumstances of men, may our influence be irresistible and unbroken by Thy guidance. Open our souls to the infinite. In our impoverishment lead us toward that shining peak of a towering aspiration where we can count all things to be loss for the excellency of the goodness of God. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 10171. An act providing for the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States.

The message also announced that the Senate had passed with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 26. An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 51. An act to amend subdivision (c) of section 4 of the immigration act of 1924, as amended.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 476) entitled "An act granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROBINSON of Indiana, Mr. NORBECK, and Mr. WHEELER to be the conferees on the part of the Senate.

PERMISSION TO ADDRESS THE HOUSE

Mr. OLIVER of New York. Mr. Speaker, I ask unanimous consent that on Friday morning, after the disposal of business on the Speaker's table, I may address the House for five minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PENSIONS

Mr. KNUTSON. Mr. Speaker, I submit a conference report on the bill H. R. 9323 for printing under the rule.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9323) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and the widows of such soldiers and sailors.

PERISHABLE AGRICULTURAL COMMODITIES ACT

The SPEAKER pro tempore. This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the Committee on Agriculture.

Mr. HAUGEN. Mr. Speaker, I call up the bill (S. 108) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 108) to supress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce.

The SPEAKER pro tempore. This bill is on the Union Calendar. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for its further consideration. The gentleman from Montana [Mr. LEAVITT] will please take the chair.

Thereupon the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 108, with Mr. LEAVITT in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill S. 108, which the Clerk will report by title.

The Clerk read as follows:

A bill (S. 108) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce.

Mr. PURNELL. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Amendment offered by Mr. PURNELL: Page 17, line 10, after the word "character," strike out the words "live or dressed poultry, and eggs."

The CHAIRMAN. The Chair recognizes the gentleman from Indiana for five minutes.

Mr. PURNELL. Mr. Chairman, this is an important amendment, and I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PURNELL. Mr. Chairman and ladies and gentlemen of the committee, before I proceed to discuss the amendment which I have offered, I wish to say a word about this bill. I sincerely hope the amendment which I have offered will be adopted, but if it is not adopted I still hope that the bill as reported to the House will be passed.

I wish to direct the attention of the committee to the fact in the beginning that this is a fruit and vegetable bill. The fruit and vegetable people of the country have devoted about nine years to the consideration of this measure. They are ready to accept it, and the Department of Agriculture, if the bill is passed, is prepared to receive it and to carry out its provisions.

There is necessity for this legislation, as it affects fruits and vegetables. That necessity was recognized by the President of the United States in the special message which he sent to the special session of Congress when the special session convened. I think it is pertinent at this time to direct the attention of the members of the committee to the message of the President which was transmitted at the beginning of the first session of the Seventy-first Congress, in which he said in the very outset:

I called this special session of Congress to redeem two pledges given in the last election—farm relief and limited changes in the tariff.

In compliance with those pledges we have passed the agricultural marketing act, and the tariff bill is, I hope, nearing completion. As part of the present farm program laid down at the very beginning of the special session which was called for the specific purposes expressed in the President's message, the President, among other things, made this very pertinent statement, which has a very direct bearing upon this bill and the amendment which I have offered. He said, among other things, that we should—

Provide for the licensing of the handlers of some perishable products so as to eliminate unfair practices.

Every penny of waste between the farmer and consumer that we can eliminate, whether it arises from methods of distribution or from hazard or speculation, will be a gain to both the farmer and the consumer.

While the President in his message did not specifically refer to fruits and vegetables, I think it is a matter of common understanding among all of us that what the President had in mind at the time was fruits and vegetables and not poultry and eggs.

Mr. ASWELL. Will the gentleman yield?

Mr. PURNELL. I yield.

Mr. ASWELL. Will the gentleman point out to the committee in what way this bill, as now presented, controlled, as it is, by commission men and frightening certain gentlemen into supporting it, directly conflicts with the agricultural marketing act and the Farm Board? It does, and the gentleman knows it.

Mr. PURNELL. I will have to say to my distinguished friend who has contributed so materially to the solution of the agricultural problem and the passage of the marketing act, that I do not regard this as being in conflict with the Federal Farm Board's program. I wish to direct the attention of my good friend, Mr. ASWELL, as well as other members of the committee, to the statement made by the chairman of the Federal Farm Board, concerning this particular bill which is before us.

Mr. ASWELL. Will the gentleman yield?

Mr. PURNELL. I yield.

Mr. ASWELL. The gentleman ought not to quote that when the chairman of the board says he did not read it before signing it, and that a subordinate wrote it.

Mr. PURNELL. Well, I disagree with the gentleman.

Mr. ASWELL. He says so.

Mr. PURNELL. The chairman of the Federal Farm Board, Mr. Legge, says:

The board is working toward the development of cooperative associations for the marketing and distribution of fruits and vegetables and other agricultural products. The bill provided primarily for the regulation of and the suppression of unfair practices among dealers handling such products in the terminal markets.

That is true. The board is engaged in the study of that problem and is interested in it.

He also says:

The elimination of unfair practices should enable cooperative associations handling perishable products to obtain greater returns for their members, and the proposed legislation—

Meaning this bill—

therefore, should supplement the work of the Federal Farm Board.

I wish to direct attention to that statement, signed by Mr. Legge himself, and call special attention to the significance of the words "should supplement."

That is exactly what it is proposed to do.

I wish to call attention to the fact, in this connection, that the Secretary of Agriculture, in sending to our committee a report on this bill, said, among other things, in indorsing it:

H. R. 5683 provides for the licensing of the commission merchants receiving fruits and vegetables of any kind in interstate or foreign commerce, brokers engaged in the business of negotiating sales and purchases of such commodities in such commerce, and dealers buying or selling other than at retail any such commodities in such commerce, including producers selling more than 10 carloads of such products of their own raising in any one year, and retailers buying such commodities in carload quantities or the equivalent thereof.

The department has given careful consideration to the bill and believes that the suppression of unfair practices and the reduction of losses in the marketing of fresh fruits and vegetables is desirable, and therefore indorses the general principles of the bill.

You will note the absence of any reference to poultry and eggs. In fact, there never was anything said by the Secretary of Agriculture at any time about including poultry and eggs. There never was a thing said by Mr. Legge about including poultry and eggs. There never was anything said in the Senate bill, which has already passed, about poultry and eggs. I repeat, this is a fruit and vegetable bill.

Mr. BURTNESS. Will the gentleman yield?

Mr. PURNELL. I yield.

Mr. BURTNESS. The gentleman referred to the letter of the Secretary of Agriculture. Will the gentleman please give the date of that letter, and indicate whether or not that letter was written before or after the Federal Farm Board was organized and was engaged in trying to find a solution of some of our farm problems?

Mr. PURNELL. The letter is dated January 20, 1930.

Mr. BURTNESS. Several months after the board was organized, and the Secretary of Agriculture is himself a member of the Federal Farm Board.

Mr. PURNELL. He is chairman ex officio of the board.

Mr. BURTNESS. Does not the gentleman think that the Secretary of Agriculture is as much interested in the final success of the Federal Farm Board as any member upon the Farm Board?

Mr. PURNELL. I not only think it but I believe I know that he is.

Mr. LINTHICUM. Will the gentleman yield?

Mr. PURNELL. I yield.

Mr. LINTHICUM. I have received a great many telegrams asking me to support the amendment offered by the gentleman from Indiana [Mr. PURNELL]. I do not know so very much about it, but I would like to ask the gentleman upon what basis were poultry and eggs included in the bill?

Mr. PURNELL. I do not think I violate any confidences of the committee when I say that it was just one of those things that went in one day without any consideration at all being given to it. I was not present when it was done. I think I further violate no confidences of the committee when I say that three-fourths of the members of the committee will vote here to-day to take it out of the bill. I speak my own views, however, and do not pretend to speak for any other member of the committee.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. PURNELL] has expired.

Mr. ASWELL. Mr. Chairman, I ask unanimous consent that the gentleman from Indiana be granted 10 additional minutes.

The CHAIRMAN. The gentleman from Louisiana [Mr. ASWELL] asks unanimous consent that the gentleman from Indiana [Mr. PURNELL] be granted 10 additional minutes. Is there objection?

There was no objection.

Mr. LINTHICUM. I am seeking information so as to vote correctly. Why does the gentleman claim it should not be in the bill?

Mr. PURNELL. Well, I will tell the gentleman why I think poultry and eggs should not be in the bill. In the first place, this is a fruit and vegetable bill, calculated to help that industry. They asked for it; they have been working about nine years to get it and they are prepared to receive it. If, for no other reason, I should oppose it because the poultry and egg people have had no opportunity whatever to be heard. They were given no opportunity; in fact, they were given to understand that they would not be included in it, and, as I say, it crept in rather unceremoniously.

Mr. BYRNS. Will the gentleman yield?

Mr. PURNELL. Yes.

Mr. BYRNS. Is not the very best reason the one the gentleman gave a while ago, that the committee gave it absolutely no consideration, and we ought not to pass legislation on a subject without consideration?

Mr. PURNELL. Certainly. The Department of Agriculture has not asked for it, and those directly affected have had no opportunity to be heard. Now, I want to suggest——

Mr. STAFFORD. We are to understand that the butter and egg men are against it?

Mr. PURNELL. The butter people are not included, and the poultry and egg people themselves—I am going to tell the gentleman and I hope he will give me his attention—say they are not interested in it.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. PURNELL. Yes.

Mr. COCHRAN of Missouri. I want to confirm what the gentleman said with regard to the fact that the poultry and egg people had no opportunity to be heard, and I have telegrams in which they say that if the committee wants to take up the question they will send a delegation from Missouri to be heard upon the question. They feel they are entitled to a hearing before the Congress takes action on a matter of this kind.

Mr. PURNELL. That is right. I do not say that at some future time I would not be in favor of including poultry and eggs; at some future time it may be proper to do it, but certainly this is not the time.

I want to call attention to one other very important situation. In the first place, we have no idea how many people will be licensed under the present bill. Responsible parties have testified before our committee that from 25,000 to 40,000 handlers of fruits and vegetables will be licensed under this bill. That is exclusive of poultry and eggs.

I want to submit to the committee that the licensing of some 40,000 dealers—and that is the number estimated—in fruits and vegetables, and the handling of complaints arising in connection with their business represents a tremendous job in itself. The Department of Agriculture should be given ample time to formulate the policies and procedure, which will be necessary to deal with the 40,000 dealers in fruits and vegetables alone.

Now, if poultry and eggs are included we are going to have to license probably 10,000 more dealers and the problem of administration will be multiplied just to that extent. As I said, I might at some future time be perfectly willing to include them. I want to do everything that will remove every vestige of unfair practices in dealing with any perishable or near perishable commodity, and there will be plenty of time to add poultry and eggs and other farm products when we see whether it will work for fruits and vegetables.

Mr. ASWELL. Will the gentleman yield?

Mr. PURNELL. Yes.

Mr. ASWELL. I want to ask the gentleman three questions. Must I ask them all at once?

Mr. PURNELL. We brought in a rule one time to consider three bills at once, so the gentleman might as well ask his three questions at once.

Mr. ASWELL. In the first place, the gentleman recalls that the committee voted down the amendment the gentleman has offered by an overwhelming majority, does he not?

Mr. PURNELL. Voted down the poultry and egg amendment?

Mr. ASWELL. The gentleman knows they tried to vote it out in the committee.

Mr. PURNELL. If we are going to discuss what happened in the committee, let me say that no gentleman who voted for it was willing to move to reconsider it.

Mr. ASWELL. I am not going to tell anything, but that amendment was offered and voted down.

Mr. PURNELL. You did not vote it down; poultry and eggs were merely voted in.

Mr. ASWELL. But you tried to take it out.

Mr. PURNELL. I was not there and did not vote. Therefore, I could not move to reconsider the vote.

Mr. ASWELL. But they did try to take it out in the committee.

Mr. PURNELL. There was no motion to take it out, because we had no opportunity to vote on the question. However, the gentleman knows that three-fourths of the committee are in favor of taking it out.

Mr. ASWELL. No; that is the chairman's amendment, and I am supporting the chairman. The gentleman remembers it developed in the hearings that this bill would necessitate the appointment of from 250 to 500 new Federal agents in this country? That was in the hearing.

Mr. PURNELL. I remember some such prediction.

Mr. ASWELL. The gentleman remembers it will cost an enormous amount of money to add those 250 to 500 Federal agents. Now, the main question I want to ask is: How does the gentleman know President Hoover meant fruit and vegetables and did not mean poultry and eggs? How does the gentleman get that information?

Mr. PURNELL. I have a right to guess at it, just as the gentleman has a right to assume he meant something else.

Mr. ASWELL. I thought the gentleman was guessing at it.

Mr. PURNELL. I read what the President said.

Mr. ASWELL. The gentleman states the fact that the Secretary of Agriculture did not mention poultry?

Mr. PURNELL. That is right.

Mr. ASWELL. That was because we did not ask anything about poultry.

Mr. PURNELL. Let me ask the gentleman a question. Does the gentleman think we should include an industry of the value of poultry and eggs in a bill of this importance without giving them an opportunity to be heard? I know the gentleman wants to be fair.

Mr. ASWELL. Is not the poultry business just as important as the other?

Mr. PURNELL. Well, the gentleman, in all fairness, should want to give them an opportunity to be heard before putting them in.

Mr. ASWELL. Then, send it back to the committee and give us a hearing on poultry and eggs.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. PURNELL. Yes; I yield.

Mr. OLIVER of Alabama. I was very much interested in the question asked by the gentleman from Louisiana, Doctor ASWELL, as to the number of extra employees this bill would require and what the probable cost therefor would be. I do not understand there is any effort made to coordinate this particular activity with other activities of the department, but you are providing for a large number of extra employees; is that correct?

Mr. PURNELL. I did not catch the gentleman's question.

Mr. OLIVER of Alabama. I wanted to know whether the gentleman considered that from 250 to 500 employees, as indicated by the gentleman from Louisiana, may be required to carry out what the gentleman says is a gigantic undertaking required of the Department of Agriculture by this bill.

Mr. PURNELL. I do not know how many employees will be required. I just stated that in the neighborhood of 40,000 dealers engaged in the fruit and vegetable business will be licensed under the bill, and the department will have to handle the complaints arising in connection with their business. I do not know how many employees will be necessary.

Mr. OLIVER of Alabama. Has the gentleman's attention been called to the fact that when this Congress first met it was suggested that we were going to reduce the number of employees on the Federal pay roll and that this would be done by coordinating the activities of the different departments, and yet we find there has not been a single employee eliminated from the pay roll but many added thereto, and this pending bill seeks to add from 250 to 500 more?

Mr. PURNELL. I do not know how many will be added. I have not gone into that question, and I can not vouch for the correctness of the figures at all; but I will say if it takes additional employees to do what we have set out to do for America's greatest industry, agriculture, I would subscribe to it.

Mr. FULMER. Will the gentleman yield?

Mr. PURNELL. Yes.

Mr. FULMER. As a matter of fact, there will be no expense on the part of the Government because this will be paid out of the license fees paid by the various dealers who take out these licenses.

Mr. PURNELL. That is correct.

I want to say to you that eggs stand in sixth place and poultry in seventh place in gross income in the United States, and the farm value of poultry and eggs is officially estimated at $1,150,000,000.

Mr. ASWELL. Will the gentleman yield?

Mr. PURNELL. I can not yield for a moment. Let me first finish this statement.

Mr. ASWELL. I will get the gentleman more time.

Mr. PURNELL. Very well, I yield to the gentleman.

Mr. ASWELL. The gentleman has very eloquently described the activity in favor of this bill for nine years. Now, will the gentleman tell the committee why the commission men all at once, after having fought the bill for eight years, turn around now and support it?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. ASWELL. Mr. Chairman, I ask unanimous consent that the gentleman may have 15 minutes more to answer this one question.

Mr. PURNELL. With the understanding the gentleman will let me also address myself to my amendment.

Mr. ASWELL. If you will answer that question as to why these commission men who opposed this bill before our committee repeatedly, as the gentleman knows, after the Farm Board was established, turned around and supported it.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent that the gentleman from Indiana may have 15 additional minutes. Is there objection?

There was no objection.

Mr. ASWELL. Now, will the gentleman answer the question?

Mr. PURNELL. I would say it is because they thought they might work this thing out themselves, and that is exactly what the poultry and egg people have done and are doing.

I want to call the gentleman's attention to the fact that while you are attempting to put poultry and eggs under the provisions of this bill, poultry and eggs do not stand on the same basis as fruits and vegetables at all. They have their exchanges through which they operate. Fruits and vegetables move in commerce under certain Government standards and grades. Uniform standards and classes for poultry have not yet been worked out.

I also want to remind the gentleman that we are trying to help the individual producer here. The country producer is not interested in the provisions of this bill as far as poultry and eggs are concerned. I do not know how many of you are familiar with the practice, but the country collector of eggs and poultry buys them from the producer and pays the producer cash. The country shipper then concentrates them in carload lots and moves them to his distributive outlets in the great consuming centers or else sells to a car-lot receiver on the large terminal markets. For the most part these are cash or contract transactions.

Another point I want to suggest is that all of the larger markets have poultry and egg exchanges. These exchanges operate under "exchange" standards and grades and under definite rules and regulations with which the members must comply or suffer certain penalties. Where controversies arise in the course of business they are disposed of through schemes of arbitration which are enforced by the exchanges, so that any abuses which the legislation seeks to correct are already cared for quite satisfactorily by the trade itself. Therefore it would seem that under these conditions the legislation can be looked upon more as an undue governmental interference with private business than anything else. And yet, nothwithstanding this suggestion, I say to you that if, after the department has an opportunity to try this out on fruits and vegetables there seems to be a demand also to include poultry and eggs, I shall gladly support such a measure.

If we are going to have 40,000 dealers in fruits and vegetables licensed and innumerable complaints coming into the department by reason thereof, it seems to me this is sufficient load to put on the shoulders of those who will be charged with the enforcement of this law without adding an additional burden, particularly since the additional burden is not asked for by the trade itself. No producer has appeared before our committee and suggested that in the interests of the poultry and egg business of the country we ought to incorporate poultry and eggs in this bill.

And certainly in fairness to the industry, which is one of the largest in this country, the least we can do is to give them an opportunity to come in and be heard.

Mr. MORGAN. Do they object to it?

Mr. PURNELL. Oh, of course they object. I think it is unjust and unfair that they should be included in it, and I sincerely hope that the amendment I have offered will be agreed to.

Mr. LINTHICUM. Will the gentleman yield? I propose to support the amendment of the gentleman, because he knows more about it than I do; but I want to ask the gentleman how is it that in this country the egg producers do not mark their eggs like they do in other countries, so that the purchaser can know whether they are ancient or modern? Why do they not mark them as they do in France, Germany, and other countries?

Mr. PURNELL. Well, it is not very hard to choose between a fresh egg and a bad one. Mr. Chairman, I yield back the balance of my time.

Mr. GLOVER. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, ladies and gentlemen, I am sorry, indeed, to see those who ought to be friends of agriculture come in with another amendment that will cripple, if not destroy, this good bill. This bill ought to pass this House without a dissenting vote as it was read to the committee. We had offered the other day an amendment that would do it violence, and we voted that down, and I am glad we did.

The amendment that is now offered is just as detrimental to agriculture as that one would have been. This provision for poultry and eggs is one that will help agriculture. It will take care of the products of agriculture.

In my country, in the Southland, we are shipping in carload lots. They are shipped by poultry clubs that are organized for the advancement of agriculture. I would like to have some protection when we ship to commission merchants and dealers.

I am surprised that any man who voted for the agricultural marketing act would stand up here and tell this body that this bill is not in accordance with the principles of that bill. It will aid the marketing agricultural act. I am going out when I leave here to defend that act before the public from the assaults made upon it now by its enemies.

Those who deal in these perishable commodities want to get them to the market quickly, and I say that this bill ought to pass. We ship them in here to men engaged in the business of selling for us, and we ought to have the protection that is provided for in this bill.

I am surprised that any man would stand up and argue that it is going to cost the Government anything. When you get a $10 license fee it will not cost the Government one penny more than it will bring in.

Suppose it is true that it would license 40,000 people, that is $10 apiece, and that would be $400,000. There is no argument in the assertion that it would cost the Government anything at all.

The argument was made a while ago that the dealers who might be affected by this were not consulted at the hearing. They did not need any hearing. You are dealing with somebody that is dealing with your constituents. You are the representatives on the floor of this House of your constituents, and you are looked to to defend them against amendments of this kind. They are accustomed back home to look to you on the floor of this House to defend them against anything that will be to their detriment.

Mr. PURNELL. Will the gentleman yield?

Mr. GLOVER. Yes.

Mr. PURNELL. I want to ask the gentleman if in all fairness he thinks that an industry which represents the value of $1,150,000,000 a year ought to be overnight, as you might say, incorporated into the provisions of an important bill without an opportunity on their part to be heard, or a request coming from a single producer?

Mr. GLOVER. You had all those facts before you when this bill was written. They had an opportunity to get in there if they wanted to. If the gentleman wanted them in there, why did not he have them?

Mr. PURNELL. But I did not want them in.

Mr. GLOVER. No; and the gentleman ought to step up here and fight to have this kept in if he is a friend of agriculture, and not to put it out.

Mr. HARE. Mr. Chairman, this amendment may be considered from two angles. If the amendment has for its purpose the repealing of existing law, then I am opposed to it, but if it does not, then I would consider it from an entirely different viewpoint. I shall endeavor to explain, in a very brief way, what it means with reference to the existing law. The present law provides that after June 30, 1927—

> Any person, firm, association, or corporation receiving any fruits, vegetables, melons, dairy or poultry products, or any perishable farm product of any kind or character * * * and who, without good and sufficient cause, shall destroy, abandon, discard as refuse, or dump any produce * * * shall be subject to a fine not exceeding $3,000 or imprisonment for one year, or both, within the discretion of the court.

You will see that under existing law poultry and eggs are included, but the proposed amendment proposes to exclude them.

Mr. ANDRESEN. Does the gentleman think that the criminal statute will be repealed because of this bill?

Mr. HARE. My impression is that the fundamental reason behind this proposed act is to repeal the operations of existing law.

Mr. ANDRESEN. I think the gentleman is mistaken.

Mr. HARE. If I can be relieved of my impression, then I would look at this bill from an entirely different angle. If there is no intention to repeal the existing law, I am unable to see why the abuses referred to here are not all taken care of. Show me an instance where a man can destroy, dump, or make a false report under the proposed law that is not covered by the penalties under existing law.

Mr. PURNELL. The gentleman is now addressing himself to the bill generally, rather than to the amendment that I offered, to strike out poultry and eggs.

Mr. HARE. Yes.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. HARE. Yes.

Mr. SUMMERS of Washington. On page 32, line 23, of the bill, the following language is found:

> This act shall not abrogate or nullify any other statute, whether State or Federal, dealing with the same subjects as this act—

And so forth.

That certainly ought to be a complete answer to the gentleman's inquiry. I do not see how it could be plainer.

Mr. HARE. I am very sorry that I was apparently not able to make myself clear last week, because I went into the matter in detail.

Mr. OLIVER of Alabama. Would the gentleman from Washington consent to enlarge that by using this language?—

> Abrogate, nullify, or in any way modify any other act.

Mr. HARE. I can explain in a very few words why I think this will in effect be a repeal of existing law. You understand that the existing law has been interpreted to apply only to commission merchants.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. MOORE of Virginia. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HARE. As I was saying, the existing law has been interpreted to apply only to commission merchants, or a man who styles himself as a commission merchant. Therefore, a man who styles himself as a broker or a dealer can not, under the existing law, be subjected to its penalties for violating its provisions. If we pass this act—and as I have said I am not in the position of opposing the purpose of the law—then every commission merchant in the country will be permitted to carry on his same business under the name and terms of a dealer or broker, and if he carries on his business under the style and name of a dealer or broker rather than commission merchant, then the only penalty that can attach to him, under the proposed law, would be to take away his license, and in effect that would repeal the law wherein it is made a criminal offense to defraud the shipper.

Mr. HOPE. He can do that whether this law is passed or not.

Mr. HARE. Sure.

Mr. HOPE. The passage of this bill is not going to cure this situation about which the gentleman complains.

Mr. HARE. But the point I make is that instead of passing a new law, the existing law should be amended so as to include the dealer and the broker and allow the penalty that applies to it attach to those fellows, and not abrogate the law by making the penalty simply the removal of his license. Under this proposed act the only penalty is a fine of $500, simply because he does not get a license. In other words, if he fails to get a license from the Government he can be charged $500, but if he defrauds a farmer out of $5,000 the only thing you attempt to do is to take his license away from him.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. HARE. Yes.

Mr. SUMMERS of Washington. I know my friend wants to be perfectly fair in regard to this. Let me read from the bill, on page 17, line 11:

> The term "commission merchant" means any person engaged in the business of receiving in interstate or foreign commerce any perishable agricultural commodity for sale on commission, or for or on behalf of another.

It does not make any difference what he calls himself. If he does these things, then he is a commission merchant, and he would not exempt himself from the operation of that law or this law. This matter has been submitted to the Department of Agriculture and to their attorneys and to the attorneys of the drafting board, and it has been considered by the commissioners of agriculture all over the United States, and nobody has claimed that it is going to repeal or interfere with the other law. Let me read two lines that follow what I read a while ago, on page 32, line 25:

> But it is intended that all such statutes shall remain in full force and effect, except in so far only as they are inconsistent herewith or repugnant hereto.

Mr. HARE. If the department would express a willingness to amend the existing law so as to include dealers and brokers I would feel that it was absolutely sincere in the position it takes, but the department has said that it is unwilling to have the existing law amended so as to include dealers and brokers, referred to in the paragraph which the gentleman from Washington has read.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. HARE. Yes.

Mr. OLIVER of Alabama. I was interested in the comment made by the gentleman from Washington [Mr. SUMMERS] in reply to what seemed to be a very pertinent criticism of the bill by the gentleman from South Carolina. If a man failed to take out a license under this bill, he would have to pay a fine of $500 and not more than $25 for each day such default continues. I was wondering why, if the gentleman from Washington is interested in protecting the farmer, he makes no reference to the very pertinent criticism that the gentleman from South Carolina makes as to the difference in punishment for one act and for the other.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. MOORE of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more. The gentleman has given us a very instructive discussion of the matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SUMMERS of Washington. Mr. Chairman, if I may have the attention of the gentleman from Alabama, I referred to the definition of a commission merchant to show that resorting to the trick of calling himself a "dealer" or "broker" in an effort to exempt himself from the operation of this proposed law, certainly could not exempt him from the operation of the other law. And I also call attention to the fact that this bill specifically states that it shall not abrogate the provisions of the other law. The penalty here is $500 for the violation of this law and $25 a day for each day the offense continues. I am willing to put the offender under two laws instead of only the one, which requires that the case be taken into court, where the farmer probably never gets a settlement for his product.

Mr. GLOVER. Mr. Chairman, will the gentleman yield?

Mr. HARE. Yes.

Mr. GLOVER. I call the gentleman's attention to section 3, the language of which reads as follows:

> After the expiration of six months after the approval of this act no person shall at any time carry on the business of a commission merchant, dealer, or broker without a license valid and effective at such time. Any person who violates any provision of this subdivision shall be liable to a penalty of not more than $500 for each offense and not more than $25 for each day it continues, which shall accrue to the United States and may be recovered in a civil suit brought by the United States.

Notice, it says "any person who violates any provision of this subdivision."

Mr. HARE. Yes.

Now I want to call the attention of the committee to this fact, that you put a fine of $500 on the man because he does not go to the Secretary of Agriculture and get a license, and, in addition, he is charged $25 a day for operating without a license; but if he goes ahead and defrauds you out of $1,000 you fine him nothing but merely take his license away from him. I want the same penalty to go into this law that is in the existing law; that is what I am fighting for.

Mr. GLOVER. This law provides that if he violates this provision he will be prosecuted under the existing law. It refers only to the question of getting a license.

Mr. HARE. But the question of his getting a license does not interfere with the farmer's interest. That only violates a regulation with respect to the Government or the Depart-

ment of Agriculture. But when the farmer is defrauded, you are saying in this bill that no fine is necessary.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. HARE. Yes.

Mr. MOORE of Virginia. The gentleman has some doubt as to how this bill, if enacted into law, will be construed by the courts even if full force and effect be given to the provision indicated by the gentleman from Washington [Mr. SUMMERS]. Do you not think it would be well to expressly provide in the bill that the act of 1927 shall remain in force in all particulars?

Mr. HARE. I certainly do.

Mr. MOORE of Virginia. Before he took the floor the gentleman said he proposed to offer an amendment and attach to this bill all the penalties prescribed in the act of 1927. Would the same result be reached by providing expressly that there shall be no repeal or modification by implication of the act of 1927?

Mr. HARE. You have this difficulty, if it is brought to the attention of the Secretary of Agriculture to execute these laws, that it would be left to the Secretary to determine whether or not he should take the license from the man or whether he would be subject to prosecution by the Department of Justice; yet I think the suggested amendment a good one.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. SLOAN. Mr. Chairman and members of the committee, I am in favor of orderly marketing and I am in favor of orderly legislation. The fact that I am in favor of aiding the farmer my self-interest would indicate nothing else. But we must be just, whatever our power may be. Strong-arming in legislation in however just cause is unsafe and unwise.

I call your attention in support of this amendment to a fact of which, as Members of the House and as responsible legislators, we should take notice and heed. In the first place, the subject matter of this legislation, as it has been mooted and pending in Congress and before State and national conventions of the various agricultural organizations of the United States in the last 10 years, has included only two subjects—fruits and vegetables—those farm products most perishable and earliest to rot and decay.

Poultry and eggs have not been considered in public discussion, in the press, on the platform, generally speaking, and especially not in Congress. Legislation has been introduced by the author of this bill on three or four occasions in the last few years. Similar bills have been introduced in the Senate. A Senate bill was passed and it came over to the House. Hearings were held over there I am told. But whatever hearings there were up to within 60 days, or about that time, were confined to the perishable products of the farm, included in fruits and vegetables, and none other. Never was it mentioned that there was a desire on the part of the people interested in the poultry and egg business, from either the producers or the marketers, until the Senate bill came to the Committee on Agriculture in the House. Then, without any hearing, without any testimony being taken from any source, or any person, outside of what might have been discussed very briefly in the committee, there was then added to this really perishable property poultry and eggs, an entirely different class of farm products, perishable to an extent, but not perishable to the extent of fruits and vegetables. They were never so classified until it was engrafted on this Senate bill and was reported as an amendment in the House. While the Secretary of Agriculture and Chairman Legge have indorsed this bill, their indorsement was before poultry and eggs were included and no expression from either of them thereafter. Nor has any farm organization to my knowledge indorsed the bill after inclusion.

Now, let us see whom it will affect. It will affect, if you will notice, first, those men who are doing business as corporations, cooperatives, or individuals, below in point of volume the great packers. The packers were excepted from this bill. Why? Who are the leading competitors of the packers in the sale and delivery of poultry and eggs in this country?

It is the large creameries, the middle-size creameries, the small creameries, all either corporate or cooperative, who, as auxiliaries of their business, have been shipping to the great cities in the United States poultry and eggs. The competition then is between this class of producers and dealers and the packers, and the packers have been exempted.

Mr. MORGAN. Will the gentleman yield?

Mr. SLOAN. I yield.

Mr. MORGAN. The fact is that there is not any demand from the country for this legislation including poultry and eggs, is there?

Mr. SLOAN. I never heard of it.

Mr. MORGAN. The fact is that there is opposition to it, is there not?

Mr. SLOAN. There is opposition from every quarter of the country by the legitimate organizations who are doing a good honest business and serving their patrons and members who should not be included without having their day in court. They object to the laying of the heavy hand of this bill upon their business until they can have hearings.

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. SLOAN] has expired.

Mr. PURNELL. Mr. Chairman, I ask unanimous consent that the gentleman from Nebraska [Mr. SLOAN] be permitted to continue for five additional minutes.

The CHAIRMAN. The gentleman from Indiana [Mr. PURNELL] asks unanimous consent that the gentleman from Nebraska [Mr. SLOAN] may proceed for five additional minutes. Is there objection?

There was no objection.

Mr. ARENTZ. Will the gentleman yield?

Mr. SLOAN. I yield.

Mr. ARENTZ. It seems to me there is a great deal of difference in the consideration that should be given to a carload of fruits and vegetables in the market and the consideration that should be given to a carload of poultry and eggs. In the latter case you can put the poultry and eggs in cold storage indefinitely. In the case of fruits and vegetables you have to consider them at once. If they come in and are not handled within a very short time, it is a loss to the shipper. I agree with the gentleman from Nebraska that under no circumstances should we include poultry and eggs, unless the legitimate dealers and handlers of that class of material want the item included in the bill. For that reason I am in favor of the amendment.

Mr. SLOAN. As I said before, the perishable products concerning which there has been discussion before Congress and the committees of Congress and the public, have been confined to fruits and vegetables, and those with degrees of perishability, and the methods of handling poultry and eggs are more uniformly effective than fruits and vegetables. Now, without any evidence, without any hearings, they add to fruits and vegetables an industry much larger than is involved in fruits and vegetables. The best figures I could obtain recently show that the poultry and egg business of this country, in recent years, amounts to from 10 to 50 per cent more than the business of fruits and vegetables.

Now, why should the strong hand of this Government be applied; simply because we are demanding farm relief? We are all for it, but some of us do not want to spoil it and make it so unpopular in legitimate business that opposition will multiply instead of being removed.

I do not know, and I will not say, but that in the course of time, as these matters are worked out, the poultry people may desire protection along this line. But if they do, let it be done as it has been done in all restrictive legislation that has been carried on in the last hundred years; that is, where the property or business of any great concern or class of concerns are threatened in any way they shall be given a hearing. The vilest criminal brought to the bar of justice is given his day in court.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. SLOAN. I yield.

Mr. OLIVER of Alabama. I was interested to know just how the effectiveness of the bill would be impaired if poultry and eggs were included?

Mr. SLOAN. It would simply place the bill right back where it has been for the last seven or eight years—or the different bills, and it would leave it confined to fruits and vegetables, and I think that the bill so confined ought to be passed.

Mr. OLIVER of Alabama. I do not think the gentleman understood my question. I understand the chairman of the committee has been very much interested in including poultry and eggs?

Mr. SLOAN. Yes.

Mr. OLIVER of Alabama. And others who represent districts where there are poultry and egg interests, are demanding that these products be included.

How would the efficiency of this bill, in so far as granting protection to vegetables, be interfered with by including eggs and poultry?

Mr. SLOAN. It would make larger work, so far as that is concerned, but we are not looking at the mere mechanics. We are considering as a matter of justice. With this amendment carried, I favor the bill.

Mr. OLIVER of Alabama. When we passed the farm bill we did not say we would legislate only in reference to one product. We included cotton, tobacco, wheat, and everything else, and it occurs to me that is simply an administrative matter that could be satisfactorily worked out.

Mr. SLOAN. I think it should be left out of the bill, just as I would think we should leave it out if we were going to place some great burden upon the cotton dealers of the South. Why, you gave hearings to the vegetable and fruit people, then took without notice poultry and eggs to get the bill through. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has again expired.

Mr. HAUGEN. Mr. Chairman, the gentleman stated that the packers had been exempted from the bill. It is true; they have. They are covered in the packer and stockyards act, a more drastic measure. Therefore they were not included in this measure.

The aim of this bill is to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities, fresh fruit, fresh vegetables, live or dressed poultry, and eggs. The gentleman has stated it would be injurious to the producers and not be helpful as farm relief. To protect them against unfair and fraudulent practices; that is what this bill provides for. According to the amendment adopted the other day we have made it dead certain now that the farmers come in under this bill. They are subject to a fine of $500 if they do not take out a license, and if they do and are found guilty of violating the act, then the Secretary has the right to revoke or suspend their licenses. It is true the farmers, if they sell their own production, are exempted; but the farmers are not selling individually. They are members of cooperatives. The amendment finally adopted exempts them if they are organized under the Capper-Volstead Act, but that is only a small number of the farmers. The largest number of farmers are in cooperative organizations not covered under the Capper-Volstead Act. Therefore they are to be licensed, and if they fail to take out a license the fine is not to exceed $500, but if the license is revoked the penalty is not more than $25 a day. That is what the bill will do to the farmer in the way of farm relief.

What is the proposition before us? It is to exempt what? Poultry and eggs. They are to be given a clean bill of health. They may go on with their unfair practices. Their practices in the past are known to everybody, and anyone who has no knowledge of it has little knowledge of the marketing of poultry and eggs. The practice got so distasteful only a few years ago that very few in my section of the country would dare ship a case of eggs. There were too many checks protested, and some of them got no checks and no pay, and some were requested to send a check to pay the freight. This was called to the attention of the committee, and the committee gave it consideration about 10 years ago. We then amended the appropriation bill and gave the interested parties the right to appeal to the Secretary for a finding of facts, and to issue a certificate which should be considered prima facie evidence in court.

The poultry and eggs were the very first to be selected to receive consideration by the committee. After a year or two we added fruits and a number of other things. But dealers in these commodities were pointed out as the most dangerous of all, and probably engaging in more unfair and fraudulent practices than any others.

Mr. SLOAN. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. SLOAN. Is it not a fact that there have been hearings on this legislation relating to vegetables and fruit?

Mr. HAUGEN. Certainly. We have been at it about a year, I think.

Mr. SLOAN. Why was not that done for those who are interested in poultry and eggs, that being the major factor in this bill at this time?

Mr. HAUGEN. My friend, do you suppose anybody engaged in unfair and fraudulent practices would appear before the committee in opposition to a measure of this kind? No opposition was raised in the committee but we now have telegrams, letters protesting, and appeals made to Members of Congress.

Mr. SLOAN. Did you give them any opportunity to be heard? That is the test.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. OLIVER of Alabama. Would the retention of eggs and poultry in this bill in any way impair the effectiveness of the legislation with reference to the other products?

Mr. HAUGEN. Certainly not. The proposition as it came before the committee was to include perishable products. It seems to me that Congress should take a broader view than that. If there are crooks—wherever they may be—get them. That is what we started out to do. Nobody was invited to appear before the committee, as far as I know. It was their privilege to appear before the committee. We should have been pleased to hear all interested parties and to give them consideration; but have they presented themselves before the committee? No!

Mr. ABERNETHY. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. ABERNETHY. Do I understand the gentleman thinks that eggs and poultry ought to stay in the bill?

Mr. HAUGEN. I certainly do, unless you want to discriminate against the farmers and the dealers in poultry and eggs. As I stated before, producers are included in the bill; they are in the bill; they are subject to the operation of the bill and they are subject to the $500 penalty and to the revocation of their licenses. The proposition is to exempt dealers in poultry and eggs.

Mr. ABERNETHY. Who really wants them exempted? Is it the farmer or is it the commission man?

Mr. HAUGEN. The bill was reported out by the committee by unanimous consent with this provision in it. Now, the proposition is to strike it out of the bill.

Mr. ABERNETHY. Who really wants to strike it out?

Mr. HAUGEN. I do not know and I can not tell the gentleman. For my part, I do not want it stricken out, and it is now for the House to determine.

Mr. BYRNS. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. BYRNS. I do not suppose the question of eggs and poultry was considered in the Senate when the Senate passed the bill, and it seems to be in as a new proposition.

What I would like to know from the gentleman is what real, genuine consideration was given by the committee to the inclusion of this new language.

Mr. HAUGEN. We considered it from the beginning to the end. It was brought up at the very first over a year ago.

Mr. BYRNS. The statement has been made here that there was no consideration, or practically none, given to the question and no hearings upon it.

Mr. HAUGEN. It was one of the first things taken into consideration.

Mr. OLIVER of Alabama. If the gentleman will permit, the gentleman from Tennessee on Monday will show that he is willing to overlook the action of the Senate in reference to another matter and consider only a bill reported out by a House committee without any hearing, which I think is a similar case.

Mr. BYRNS. I do not know to what bill the gentleman refers.

Mr. HAUGEN. The committee has given this bill weeks of consideration, and, my friends, if you will compare this bill with the bill as it was introduced you will see there is hardly any resemblance, because it has been amended section after section, and much of the credit is due to the gentleman from Illinois [Mr. ATKINS], who has had experience with enforcement of this type of legislation in his State and has been of great help.

Mr. BYRNS. The gentleman can get plenty of time, and while I do not want to take up his time, yet I want to make myself understood. Here I am a member of another committee; I do not know anything particularly about this proposition except that I am in favor of the general proposition, but I like to feel that a committee as important as the gentleman's committee, and one as careful as the gentleman's committee, has gone into the facts with regard to the inclusion of these commission merchants or any other group of commission merchants before I vote for the bill; and I was struck by the statement made by another prominent member of the gentleman's committee to the effect that no real consideration was given to this question.

Mr. PURNELL. Will the gentleman yield to me inasmuch as I think the gentleman refers to my statement?

Mr. HAUGEN. Let me answer the gentlemen, one at a time. To my certain knowledge the Committee on Agriculture has given this problem consideration for 15 years.

Mr. PURNELL. Will the gentleman yield to me?

Mr. HAUGEN. Yes.

Mr. ASWELL. I want to ask the gentleman a question. Is it not a fact that we discussed poultry and eggs long before we did fruits and vegetables?

Mr. HAUGEN. Oh, years ago, and we have had it under consideration during all these years, and what is the use of investigating when we have knowledge of the matter? Everyone surely knows what the situation is.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. PURNELL. Mr. Chairman, I ask unanimous consent that the chairman of the committee may have 10 minutes more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the gentleman from Iowa may proceed for

10 minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES of Texas. Mr. Chairman, reserving the right to object, and I shall not object, does not the committee intend to finish up the argument on this question at the end of this period? We have some other bills that are important.

Mr. HAUGEN. I do not want to interfere with others. That is for the committee to determine.

Mr. JONES of Texas. But the whole day can be taken up on this bill if we let it drag along.

Mr. PURNELL. I hope the gentleman will move to close debate.

Mr. JONES of Texas. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 30 minutes.

The CHAIRMAN. Does the gentleman from Iowa yield for that purpose?

Mr. JONES of Texas. Mr. Chairman, I am reserving the right to object.

The CHAIRMAN. The Chair put the question as to whether there was objection to the request of the gentleman from Indiana.

Mr. JONES of Texas. I was addressing the Chair at the time.

Mr. HAUGEN. I started out to make a statement and I would like to make it, but I have been interrupted with all these questions.

Mr. JONES of Texas. I have reserved the right to object, and while I am not going to object——

The CHAIRMAN. The Chair put the question as to whether or not there was objection and the gentleman did not object.

Mr. JONES of Texas. Mr. Chairman, I was addressing the Chair at the time.

The CHAIRMAN. The gentleman from Iowa is recognized for 10 additional minutes.

Mr. PURNELL. Will the chairman yield to me?

Mr. HAUGEN. Certainly.

Mr. PURNELL. I want to say that I yield to no Member of this House in my respect for the distinguished gentleman who presides over the Committee on Agriculture, and the gentleman would be the last Member in this House to misrepresent anything. Does the gentleman mean to leave the impression with the House that the Committee on Agriculture in considering this Senate bill, known as the Borah bill, dealing with fruits and vegetables, at any time during its deliberations on this bill considered poultry and eggs?

Mr. HAUGEN. Absolutely; we did.

Mr. PURNELL. Will the gentleman kindly tell me when it was?

Mr. HAUGEN. It could not have been adopted without consideration.

Mr. PURNELL. Is it not true, since we have brought up the subject of what happened in committee, that the very first time this matter was discussed was when the bill was being read in executive session for amendment, and that no one was heard for or against it?

Mr. HAUGEN. In executive session?

Mr. PURNELL. Yes.

Mr. HAUGEN. We had hearings on the bill.

Mr. ASWELL. Mr. Chairman, I make the point of order——

Mr. HAUGEN. Oh, it was discussed and gone over and over.

Mr. PURNELL. The gentleman is correct about having hearings on the bill, but not as it affects poultry and eggs.

Mr. HAUGEN. We have had the whole bill under consideration and poultry and eggs, including hay, was one of the first amendments considered and agreed to. Later on hay was stricken out.

Mr. ASWELL. Mr. Chairman, I make the point of order the gentleman is discussing matters that happened in executive session, and I insist upon the point of order.

The CHAIRMAN. The gentleman from Louisiana makes the point of order that discussion of the action within the committee is out of order.

Mr. ASWELL. And I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order, and the gentleman will proceed in order.

Mr. PURNELL. Mr. Chairman, I think since the question has been raised in debate, the members of the committee are entitled to know whether or not we gave consideration to it.

Mr. ASWELL. I insist upon my point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Iowa has the floor and will proceed in order.

Mr. HAUGEN. I stated it was given consideration all along. It may be that the gentleman was not present at that time.

Mr. PURNELL. The gentleman states we gave consideration to poultry and eggs——

Mr. HAUGEN. Much of the time was devoted to a number of amendments suggested by the gentleman from Illinois.

Mr. PURNELL. I say that question was not considered until the bill was read in executive session for amendment.

Mr. HAUGEN. It was talked about when it was incorporated in the bill. The very first thing we did was that we agreed upon that amendment.

As I have stated, the bill includes the farmers' cooperative marketing associations. They will be classed as dealers, and as such are subject to penalties, and if their licenses are revoked they will be forced out of business or compelled to pay not more than $25 per day.

This is not in line with legislation we have enacted heretofore. Now, first we had an amendment to an appropriation bill giving the farmers the right to collective bargaining, exempting them from the antitrust law. Here they are put under this law imposing a fine of not to exceed $500 in case they fail to take out a license, and if license is revoked a penalty of not more than $25 for each day it continues. Here, by this amendment, it is proposed that these poultry and egg people shall be exempted from this act. That does not seem fair. Who are these gentlemen, and what are they here for?

We recall the experience of the Ohio farmers, who, together with bankers and merchants, met to discuss the price of milk. They were receiving 14 cents and were paying more than $50 a ton for bran. Milk was retailed at 25 cents. Upon their return to their homes, they were called on the phone and requested to report to the sheriff. They requested that they be excused and agreed to report in the morning. They were advised that their request would be given consideration, but at 3 o'clock in the morning the sheriff knocked at the door, got them out of bed, and lodged them in jail and kept them there until 11 o'clock, denying them their right to give bond.

You recall that on the 30th of November, 1927, the Federated Agricultural Trades of America was organized at Chicago, with W. F. Jensen, president, and Harrison F. Jones, as secretary, who, by the way, is secretary of the National Poultry, Butter & Egg Association. For what purpose? Just as Mr. Jensen stated at the organization meeting, as follows:

> The issue now is that of cooperative marketing, not in a small way but on a national scale, and in the big terminal markets for the purpose of establishing producer control of value.
>
> Any person, firm, corporation, or association believing in the purposes of the federation can become a member. The amount of the dues varies with the size of the organization becoming a member, but ranges nominally from $50 to $100 per year for business concerns. Fees for trade associations taking out membership probably would be on a higher basis.

Recently it was stated in a telegram that—

> The federation expects soon to have 50,000 members.

Fifty thousand members soon, at the lowest fee—$50—would mean $2,500,000.

I repeat, "The issue now is that of cooperative marketing not in a small way but on a national scale." Hence not only to destroy cooperative marketing already established but to defeat legislation to promote cooperative marketing on a national scale, as provided in the McNary-Haugen bill.

Secretary of Agriculture Jardine, in his letter of March 22, 1928, to United States Senator Gooding regarding the agricultural trades conference held at the Palmer House in Chicago November 30, 1927, called by W. F. Jensen, states:

> I have a number of reports on this meeting, and I am fairly familiar with its deliberations. * * * Apparently nearly all the speeches delivered at this meeting were distinctly hostile to cooperative marketing.

Professor Potter, head of the animal husbandry department of the Oregon State Agricultural College, who was present at all sessions of the Chicago meeting, in a letter to Senator McNary, states:

> * * * War was declared on cooperative farm marketing * * * and we are determined to fight it to the last ditch. They were particularly alarmed at the national scope of some of our cooperative organizations. There was much bitterness against the whole cooperative movement. The avowed objective of the organization was to oppose by every means possible, all Federal, State, and county aid to agricultural cooperation. A permanent organization was formed and plans laid for the raising of a large sum of money. This money was to be used—
>
> (1) To oppose all legislation designed to aid the formation of agricultural cooperatives;
>
> (2) To have declared unconstitutional, wherever possible, present cooperative laws; and

(3) To stop propaganda in favor of agricultural cooperation on the part of the United States Department of Agriculture, State agricultural colleges, and county agents.

Is it not fair to assume that they are going to embarrass the farmers in every way that they can? Can you go home and tell your constituents that you looked after their interests when they are to be fined $500 for violation and that the Secretary may revoke their license, and make them pay $25 a day? You can not say to these that you are regulating them and letting the poultry and egg dealers go scot-free.

Mr. GLOVER. Will the gentleman yield?

Mr. HAUGEN. I yield.

Mr. GLOVER. This bill is aimed against fraudulent practices: I would like to know why any man engaged in fraudulent practices would want a hearing?

Mr. HAUGEN. I think that question answers itself. They did not appear before the committee.

Mr. SLOAN. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. SLOAN. There are many great firms of business men handling these articles who have their agents in every great city in the United States, and every one of them is placed under this legislative burden. It seems to me that the gentleman is a little free in characterizing these people who have been doing a reputable business as crooks.

Mr. GLOVER. This bill would not touch them; it would not touch a man unless he is engaged in unfair and fraudulent practices; and if he is, it ought to touch him.

Mr. SLOAN. Every reputable organization would be put under the burden, and if he is his business would be handicapped and hobbled.

Mr. HAUGEN. Now, Mr. Chairman, I want to say in conclusion that there are people engaged in unfair and fraudulent practices. There are also some high-minded and excellent men, honorable men, in the business. They have no objection to the bill. Those who conduct a fair and honorable business do not object to the bill. But the people engaged in these practices, of course, did not appear. They worked on the outside; they have been sending telegrams and writing to Members; they did not appear before the committee in the hearings on any bill that we had up for consideration.

Mr. Chairman, I ask unanimous consent that all debate on this amendment be closed in 20 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this amendment be closed in 20 minutes. Is there objection?

There was no objection.

Mr. GARBER of Virginia. Mr. Chairman, I rise in opposition to the amendment. It seems to me, gentlemen, that we have not yet had any sound reason for the elimination of these articles from the bill.

First, I want to address myself to the remarks of the gentleman from Nebraska. His argument was first of all that proper hearings were not given to the public. I submit that it is entirely within the prerogative of every committee and every member of the committee to submit legislation here regardless of any pressure from without. Therefore, it does not go to the merits of the amendment simply to say that public hearings were not held on this particular provision that includes poultry and eggs. I think this is neither the time nor the place to discuss what happened in the committee, further than to say in defense of the chairman of the committee that this matter was brought up repeatedly. I do not say that extensive hearings were had on it. The advisability of including in the bill these items was discussed a number of times. I pass that point now, except to go back to emphasize that the committee acted absolutely within its rights and prerogatives as representing the interests of their constituents, the different members of a committee should certainly be permitted to initiate legislation to help their people, even if no pressure is brought to bear upon them from without.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. GARBER of Virginia. Yes.

Mr. SLOAN. Can the gentleman point to any legislation going through this House in the last hundred years where large industries of the United States were affected, where hearings were not granted those interests by the committee? I challenge him to mention one. He says the committee has the power. Yes; the lion can use the lion's power, but he does not usually profit by it.

Mr. GARBER of Virginia. I go a step farther and say that a Member not only has the power, but it becomes his duty to suggest legislation which will benefit the public.

Mr. SLOAN. Then it has never been exercised.

Mr. GARBER of Virginia. I pass to another point, and that is this. What caused poultry and eggs to be introduced into this bill? We have in the United States a limited number of people engaged in the production of fruit and vegetables. I happen to be interested in the growing of fruit and have no personal interest in poultry; but it should be remembered that in this country poultry and eggs aggregate the tremendous amount of $1,150,000,000 a year.

Where only a limited number are engaged in the production of perishable fruits and vegetables, practically every farmer in the United States is engaged in the production of poultry and eggs. In a general way the same conditions obtain with reference to poultry and eggs as to fruits and vegetables, because poultry and eggs have the same perishable quality as fruits and vegetables, though not identical; and if you can effect legislation here that will touch practically every farmer in the country, practically 100 per cent of our farmers, then it is indeed very important that that provision should stay in the bill, so that the farmer may have the benefit of it in the broadest possible way.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. GARBER of Virginia. Yes.

Mr. MOORE of Virginia. The gentleman's own district is one of the most important districts in the matter of the production of poultry and eggs in this country, is it not?

Mr. GARBER of Virginia. The Shenandoah Valley, in which a large portion of my district lies, produces a larger amount of poultry and eggs probably than any other district represented in this Congress. It is also the third largest fruit-growing section in the United States; and my desire is to protect poultry and eggs as well as fruit. The point is raised that the producer at home is not favoring the inclusion of poultry and eggs in this bill. I say, of my own personal knowledge, that in my own district there are hundreds of large producers of poultry and eggs who are tremendously interested in this provision of the bill. Why did they not appear before the committee? Simply because the farmers are not organized and can not appear before a committee at a moment's notice like some of the large organizations that are making themselves heard at this time. It becomes our duty, therefore, to represent those who can not appear here in person to impress their interests upon Congress. I favor the bill because it will greatly benefit a large group of fruit and vegetable growers. I oppose the amendment that would eliminate poultry and eggs because it would deny a great benefit to a still larger group of farmers who do not produce fruit and vegetables commercially but who do produce for market poultry and eggs.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. ADKINS. Mr. Chairman, this provision in the bill came along and was incorporated in it, although nobody appeared before the committee from the outside advocating it. It was talked at different times by members of the committee. However, we do know this, that legislation regulating commission merchants covers poultry and eggs just the same as it does fruits and vegetables. If there is any excuse for a law regulating commission merchants, it should be for the sale of poultry and eggs as well as for the sale of fruits and vegetables. When we put the law on the statute books in Illinois, the big part of the argument came from the producers of poultry and eggs, because they had been shipping in to irresponsible commission merchants and had been done out of the price of their commodity. We talk about uniform legislation. As far as our people are concerned, we have a law in Illinois that takes care of the matter. The same agency in many cases that handles the fruit handles poultry and eggs, and the same law regulates them. This came along and was put in the bill in conformity with every other commission merchant law in the various States that I know of. Of course, it occurs to me that the States could well take care of this proposition themselves, and I was not particularly enthusiastic about putting another $10 and another penalty on the commission merchants of Illinois; but as I stated yesterday, people in other parts of the country are complaining about it, where they do not have any State law, and I said that I would go along with the law if they would write it so that I could be for it, which they did. The fellow who is most interested, the fellow who is being done out of his profit is the producer back in the country, who is sending his produce to somebody in the city to sell for him. Since hard times have come, the poultry business in our part of the country has increased very much, and the farmers have turned their attention more to poultry than ever before. If there is any reason for regulating an unscrupulous merchant who handles your apples, the same reason exists for regulating him when he handles your poultry and eggs. As far as I am concerned, I am opposed to this amendment.

Mr. SLOAN. As I understand it, this applies to dealers as well as to commission merchants and brokers.

Mr. ADKINS. Yes; and I will tell you why it applies to the dealer. The commission merchant has turned dealer in many cases. He goes and buys your stuff in the country, f. o. b. cars, and gets you to ship it in, and then he takes his discount off you. That is why he is designated as a dealer; otherwise you might as well pass no law. They say to you, "Mr. SLOAN, we will buy your poultry and your fruits and eggs and vegetables, f. o. b. cars," and you send it in to them, and you are about a thousand miles away, and then they say that it is not what he thought he was buying or what he bought, and that is the only excuse, I say, for a law of this kind.

Mr. PURNELL. The gentleman does not undertake to say that that evil exists to any appreciable extent in the business?

Mr. ADKINS. Oh, yes. Poultry producers furnished about the same per cent of testimony when we passed the law in Illinois as did the fruit men.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SNOW. Mr. Chairman and members of the committee, I rise in support of the amendment offered by the gentleman from Indiana [Mr. PURNELL].

In the first place, I would like to make an observation or two regarding the remarks made 15 or 20 minutes ago by the gentleman from Arkansas [Mr. GLOVER]. He is entitled to his opinion on this amendment, so are other Members of the House, and so am I. The only inference, however, that can be drawn from his remarks is that in case any Member has the audacity and temerity to stand up here and support the Purnell amendment, that Member is not a friend of the farmer and is not interested in agriculture. Since when was the gentleman from Arkansas commissioned to represent agriculture in this House and act as its spokesman? Let me say to him that there are many of us here who are just as sincerely interested in agriculture as he ever dared to be; that his remarks were unfair, dogmatic, and unjust; and that he ought to be ashamed of himself for uttering such insinuations and innuendoes on the floor of this House. [Applause.]

I have the honor to be a member of this Committee on Agriculture and am vitally interested in this so-called Summers bill. I come from a district which is just as much interested in this legislation as is any other district represented here in Congress. It took the dealers and commission fruit and vegetable men 10 years to get together and agree upon the Summers bill. I do not know whether the poultry and egg men would be able to agree upon any bill at this time as they have been given absolutely no opportunity, and have not as yet asked for any legislation. I would be for this bill as it stands, with eggs and poultry included, if I felt that the time was ripe to include those products in this bill, and would be one of the first here to vote for it. My theory is—and I am honest in entertaining it—that if you begin to overload this original bill and weight it down the only result will be that when it reaches the Senate such opposition will be engendered by the insertion of eggs and poultry that the bill will die there and the farmer producing fruit and vegetables will be left still holding the bag. The Borah bill is very much like the Summers bill, and when the former bill was passed by the Senate eggs and poultry were not included.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. SNOW. Yes; with pleasure.

Mr. ABERNETHY. I am very much interested in the gentleman's argument, and I can see some force in it. But I was just wondering if there was any reason for the amendment outside of the fact that it would endanger the bill if we should include eggs and poultry—any reason outside of those reasons that have been named here?

Mr. SNOW. In answer I will say that in my humble opinion the time is not ripe for the inclusion of eggs and poultry in this bill or for the enactment of a separate bill for eggs and poultry. Half a loaf is better than nothing, and I believe it will be better for us to get something rather than nothing. As I said before, it has taken 10 years for the farmers producing fruits and vegetables and the commission men and dealers to get together on this bill, and it will take the egg and poultry men some time to do likewise. In the meantime I suggest that we let well enough alone and not cram down their throats a section they know nothing about, have not asked for, and will probably oppose should it pass this House and go over to the Senate. In other words, let us not add to this bill something that has not been asked for and by so doing endanger the passage of the bill itself.

Mr. ABERNETHY. I am very much in favor of this bill, so much so that I think eggs and poultry should go in. But when I see the Committee on Agriculture is divided upon this question of eggs and poultry, it seems to me doubtful if we should keep this provision in at this time.

Mr. SNOW. I hope you will vote for the Purnell amendment.

Mr. FULLER. Mr. Chairman, will the gentleman yield?

Mr. SNOW. Yes.

Mr. FULLER. Will the gentleman please tell us what is the basic difference between fruits and vegetables and eggs and poultry?

Mr. SNOW. Yes.

Mr. FULLER. What is it?

Mr. SNOW. They are handled differently. I think the gentleman from Nevada [Mr. ARENTS] answered the gentleman's question in his remarks a few minutes ago.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. OLIVER of Alabama rose.

The CHAIRMAN. The gentleman from Alabama is recognized.

Mr. GLOVER. Mr. Chairman, I ask unanimous consent that the gentleman from Maine may have five minutes more.

Mr. OLIVER of Alabama. Mr. Chairman, I yield half a minute to the gentleman from Maine. I was recognized.

Mr. SNOW. I appreciate the kindness of the gentleman from Alabama.

Mr. GLOVER. The gentleman is just as much mistaken in mistaking the meaning of my speech as he was in pronouncing the word "Arkansas" as "Ar-kan-sas." It is not "Ar-kan-sas" but it is "Ark-an-saw." [Laughter.]

Mr. SNOW. Whether it be "Ar-kan-sas" or "Ark-an-saw," it is one mighty good State. [Applause.]

Mr. OLIVER of Alabama. Mr. Chairman, I have no requests to support this bill and no requests to oppose it, and the only interest I feel in the bill was prompted by the debate I heard this morning.

I was interested to know that the chairman of the committee and other Members of the House felt that farm constituents of theirs desired to have eggs and poultry included. Certainly no good reasons have been given why this legislation should be restrictive, but I feel that it should be broad enough to cover all farm interests that now suffer from fraudulent practices. That is why I asked the gentleman from Nebraska [Mr. SLOAN] if he could point out where the legislation, in so far as it seeks to protect fruits and vegetables, would be impaired by including poultry and eggs, and I have yet to hear anyone who claims to give answer to such question.

I can understand why some gentlemen here, possibly those who sponsor the pending amendment, should favor it. Those products, poultry and eggs, probably are handled through cooperatives in a very satisfactory way, and they may think, therefore, that it is not important that they should be included, but when you find that Arkansas and the West and other sections, not feeling that their farmers are so well organized as to handle these products, and it is difficult for me to see why these products should not be included. Your committee brought it here, we are informed, through a unanimous report, and this opposition has suddenly developed.

That is all I wish to say about the merits of the bill. I did want to advert to the penalty provision which the gentleman from South Carolina [Mr. HARE] called attention to, and which the gentleman from Washington [Mr. SUMMERS] felt was answered by the part of the act he read; but the gentleman omitted to read what to my mind is an important and far-reaching proviso or limitation. The gentleman from Washington [Mr. SUMMERS], felt that there was no basis for the apprehension of the gentleman from South Carolina [Mr. HARE] because of this language, which he read:

> This act shall not abrogate nor nullify any of the statutes, whether State or Federal, dealing with the same subject as this act, but it is intended that all such statutes shall remain in full force and effect.

Here is the important language which the gentleman from Washington [Mr. SUMMERS] omitted to read:

> Except so far only as they are inconsistent herewith or repugnant hereto.

This exception is vital and would serve to protect the language and integrity of this bill, and to repeal any existing law in conflict therewith. This act, if inconsistent with any existing law, would stand and the other fall. So surely there is ground for the apprehension expressed by the gentleman from South Carolina [Mr. HARE]. Why, if that is not true, was this significant language inserted: "Except in so far as they are inconsistent herewith or repugnant hereto?" Of course that means that where you have another statute dealing with this same subject and the penalty therein is different than here, such statute would be inconsistent with this bill, and the provision of the

older statute found to be in conflict would fail. Certainly no one can dispute that statement.

I pause for an explanation from the gentleman from Washington [Mr. SUMMERS].

Mr. HARE. Will the gentleman yield?

Mr. OLIVER of Alabama. I yield.

Mr. HARE. Does not the gentleman think that that language, in effect, will mean the repeal of the existing law?

Mr. OLIVER of Alabama. Unquestionably. I wait for the gentleman from Washington [Mr. SUMMERS], who, I believe, is an eminent physician and not a lawyer, to tell me how he would interpret the exception which I have read.

Mr. SUMMERS of Washington. I was absent from the Chamber for a few minutes and I did not hear what the gentleman from Alabama [Mr. OLIVER] said.

Mr. OLIVER of Alabama. I called attention to the fact that the gentleman, through inadvertence, I am sure, read the first four lines which he thought answered completely what the gentleman from South Carolina [Mr. HARE] feared might repeal an existing law. The gentleman from Washington [Mr. SUMMERS] omitted, however, to read what, to my mind, is very significant language.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. OLIVER] has expired.

Mr. SUMMERS of Washington. I did it through inadvertence, but later, as the RECORD will disclose, I read to the House the entire provision, including the exception referred to.

The CHAIRMAN. The question is on the amendment to the committee amendment.

The question was taken; and upon a division (demanded by Mr. GLOVER) there were ayes 67 and noes 53.

Mr. HAUGEN. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. HAUGEN and Mr. PURNELL.

The committee divided, and the tellers reported that there were ayes 76 and noes 73.

So the amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise and report the bill to the House with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

Mr. HARE. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. The gentleman from South Carolina [Mr. HARE] is too late.

Mr. HARE. Mr. Chairman, I was on my feet, seeking recognition.

The CHAIRMAN. The Chair has put the question on the committee amendment as amended. No one asked for recognition.

The gentleman from Iowa moves that the committee do now rise and report the bill back to the House with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore [Mr. TILSON] having resumed the chair, Mr. LEAVITT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill S. 108, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. HAUGEN. Mr. Chairman, I ask a separate vote on the Purnell amendment.

Mr. LEAVITT. There is only one amendment, Mr. Speaker.

The SPEAKER pro tempore. There is but a single amendment. The question is on agreeing to the amendment.

Mr. HAUGEN. I move the previous question, Mr. Speaker, on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. LEHLBACH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LEHLBACH. If the amendment is voted down, then the Senate bill becomes the bill that is passed in the House, does it not?

The SPEAKER pro tempore. The gentleman from New Jersey is correct.

Mr. RAMSEYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RAMSEYER. The gentleman from Iowa [Mr. HAUGEN] demanded a separate vote on the Purnell amendment. There is only one amendment and that is the committee amendment in the nature of a substitute to the Senate bill. I think the House does not understand clearly just what the parliamentary situation is, and it might be well for the Speaker to explain to the House just what is the parliamentary situation. Let me make this observation: That the amendments that were agreed to in the Committee of the Whole to the committee amendment are amendments in the second degree on which separate votes can not be had in the House. The only separate vote is on the committee amendment as amended and reported to the House.

The SPEAKER pro tempore. The House has been considering the bill S. 108. The Committee on Agriculture amended that bill by striking out all after the enacting clause and inserting an amendment of its own. That amendment has been perfected in the Committee of the Whole and has been reported to the House as a single amendment.

Mr. ASWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ASWELL. Is it in order to ask for a separate vote on the last amendment?

The SPEAKER pro tempore. There is only one amendment pending, and that is the entire bill.

Mr. ASWELL. Is it in order to ask for a separate vote on the amendment to the amendment?

The SPEAKER pro tempore. No. There is only one amendment that has been reported to the House. The House has no knowledge of any action taken by the Committee of the Whole, except as reported to it by the Chairman of the Committee of the Whole.

Mr. OLIVER of Alabama. Mr. Speaker, as I understand, the committee in reporting out the bill struck out all after the enacting clause of the Senate bill and substituted in lieu thereof an amendment. Is that correct?

The SPEAKER pro tempore. That is correct.

Mr. OLIVER of Alabama. And that is the report of the committee?

The SPEAKER pro tempore. Yes.

Mr. OLIVER of Alabama. Now, that came before the Committee of the Whole as the report of the committee on that bill. That report of the committee was amended by striking out a portion of it. Is it not in order to ask for a separate vote on the amendment changing the bill as reported out by the committee?

The SPEAKER pro tempore. Not at all. There is only one amendment reported.

Mr. OLIVER of Alabama. Mr. Speaker, what is the difference between amending an original bill, reported out by a committee by striking out a part of it in Committee of the Whole, and amending an amendment in the nature of a bill reported by the committee by striking out part of it?

The SPEAKER pro tempore. One is an amendment to a bill, which the House has a right to act upon. The other is an amendment to an amendment, and that is a matter for the Committee of the Whole to act upon. The Committee of the Whole has taken action.

Mr. OLIVER of Alabama. Was not the bill reported out by the committee, in effect, a separate bill, although called an amendment? It was called an amendment perhaps for the purpose as indicated on yesterday—of preventing it being read section by section; but it is in fact a substitute bill.

The SPEAKER pro tempore. There is no question whatever as to the action of the committee; but, from a parliamentary standpoint this is but a single amendment, and so far as the House is concerned the House is at liberty to vote on but one amendment.

Mr. PURNELL. Mr. Speaker, may I make a suggestion? If the Speaker has not done so, I think it would clear the atmosphere if the Speaker would state whether or not a separate vote could be had upon the amendment which I offered and which was adopted in committee.

The SPEAKER pro tempore. The Chair has already stated that there can be no vote except on the amendment which is now pending.

Mr. GARNER. Mr. Speaker, as I understand, the only way a separate vote can be secured is by unanimous consent?

The SPEAKER pro tempore. The gentleman is entirely correct.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent that a separate vote be had on that amendment.

Mr. PURNELL. Mr. Speaker, I make a point of order against that.

The SPEAKER pro tempore. A point of order would stop that, and it could only be done by unanimous consent.

Mr. PURNELL. I make the point of order.

The SPEAKER pro tempore. The point of order is sustained.





Mr. ASWELL. Is it in order to move to recommit the bill now?

The SPEAKER pro tempore. Not until the bill has been read the third time.

Mr. ASWELL. Has it been read the third time?

The SPEAKER pro tempore. The question now is on agreeing to the amendment, which is the House bill as amended; and if that motion carries, then a motion for the third reading of the bill will be in order.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARNER. Suppose the House agrees to this amendment and the gentleman from Louisiana desires to make a motion to recommit the bill to the committee with instructions to report forthwith restoring the language stricken out by the amendment of the gentleman from Indiana. Would that be in order?

The SPEAKER pro tempore. It impresses the Chair as a first impression that it would be in order, but the Chair would wish to refresh his memory as to the precedents before making a ruling.

Mr. GARNER. That is the main point. The object of the House is to get a vote on that particular amendment. If we can not get it by unanimous consent, the query is: If the gentleman from Louisiana shall make a motion to recommit the bill to the committee with instructions to report forthwith, would it be in order for him to make that motion, restoring the language stricken out by the amendment of the gentleman from Indiana?

The SPEAKER pro tempore. It seems so to the Chair.

Mr. LaGUARDIA. If the House by its vote adopts the amendment, surely you can not move to recommit, because that question has been raised here repeatedly.

Mr. JONES of Texas. And that would be changing the action already taken by the House. If this amendment is adopted, then the House can not change its action after once adopting the amendment.

The SPEAKER pro tempore. The House often changes its action in its effect by a motion to recommit.

Mr. LEHLBACH. Mr. Speaker, I would like to be heard.

The SPEAKER pro tempore. The Chair will hear the gentleman from New Jersey.

Mr. LEHLBACH. It is the rule of this House that when the House adopts an amendment to a proposition before it a motion to recommit providing for a further modification of the amendment already adopted by the House does not lie.

The SPEAKER pro tempore. That is correct. That is the general rule.

Mr. LEHLBACH. Then a motion to recommit restoring the language stricken out by the Purnell amendment would be out of order.

The SPEAKER pro tempore. But the gentleman did not state that it would necessarily be a motion to restore the language stricken out by the Purnell amendment. If that is the only purpose of it, the House having acted upon it once, the Chair thinks a point of order would lie.

Mr. KINCHELOE. Mr. Speaker, carrying that idea further, the House is not going to have an opportunity to act upon it until after the third reading.

Mr. LaGUARDIA. The House can vote down the entire amendment.

The SPEAKER pro tempore. The Chair will state, upon an examination of the authorities, that if the only effect of the motion to recommit would be to restore the language stricken out by the Purnell amendment, after it has been acted upon as a part of the amendment, it would not be in order.

Mr. OLIVER of Alabama. Is it in order to move to recommit the whole bill?

The SPEAKER pro tempore. A motion to recommit is certainly in order and can not be taken away. The question is on agreeing to the amendment, which is the House bill.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, and was read the third time.

Mr. ASWELL. Mr. Speaker, I move to recommit the bill to the Committee on Agriculture.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ASWELL. I certainly am.

The SPEAKER pro tempore. The gentleman from Louisiana moves to recommit the bill to the Committee on Agriculture.

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. ASWELL. Mr. Speaker, I demand the yeas and nays.

The SPEAKER pro tempore. All those in favor of taking this vote by the yeas and nays will rise and stand until counted. [After counting.] Thirty-nine gentlemen have risen, not a sufficient number.

Mr. ASWELL. Mr. Speaker, I make the point of no quorum.

Mr. RAMSEYER. Mr. Speaker, a parliamentary inquiry. What is before the House?

Mr. LaGUARDIA. A point of no quorum.

The SPEAKER pro tempore. The gentleman from Louisiana has made the point of no quorum.

Mr. ASWELL. Mr. Speaker, I withdraw that and ask for a division.

Mr. GREEN. Mr. Speaker, the Chair announced on the last motion made in the House that the ayes had it, but there was no division, and I demand a division.

The SPEAKER pro tempore. The gentleman's request comes too late. The question is on agreeing to the motion to recommit.

Mr. ASWELL. Mr. Speaker, I now renew my request for the yeas and nays. If we could have the other side, I would make that request, but I understand the Chair to rule that that is not now in order.

The SPEAKER pro tempore. All those in favor of taking this vote by the yeas and nays will rise and stand until counted. [After counting.] Forty-nine Members have risen, a sufficient number.

The yeas and nays were ordered.

The question was taken; and there were—yeas 64, nays 224, not voting 139, as follows:

[Roll No. 37]

YEAS—64

Aswell	Edwards	Kincheloe	Ragon
Bachmann	Eslick	Kinzer	Ramspeck
Brand, Ga.	Esterly	Lampert	Rankin
Browning	Frear	Lanham	Romjue
Buckbee	Fuller	Lozier	Rutherford
Busby	Garber, Va.	McKeown	Schafer, Wis.
Byrns	Glover	McMillan	Shaffer, Va.
Cannon	Haugen	McReynolds	Sproul, Ill.
Cooper, Tenn.	Hogg	Menges	Stafford
Cooper, Wis.	Huddleston	Milligan	Sumners, Tex.
Cox	Hull, Wis.	Moore, Va.	Swanson
Craddock	Johnson, Okla.	Nelson, Mo.	Tarver
Davis	Jones, Tex.	Newhall	Tinkham
Dowell	Kading	O'Connor, La.	Tucker
Drewry	Kendall, Ky.	Oliver, Ala.	Wilson
Eaton, Colo.	Kerr	Oliver, N. Y.	Wright

NAYS—224

Abernethy	Dickstein	Jenkins	Quin
Ackerman	Doughton	Johnson, Nebr.	Rainey, Henry T.
Adkins	Doxey	Johnson, S. Dak.	Ramey, Frank M.
Allen	Drane	Johnson, Tex.	Ramseyer
Almon	Driver	Johnston, Mo.	Reece
Andresen	Dunbar	Kahn	Reed, N. Y.
Andrew	Dyer	Kearns	Reid, Ill.
Arentz	Eaton, N. J.	Kemp	Robinson
Arnold	Englebright	Kendall, Pa.	Rowbottom
Ayres	Evans, Calif.	Ketcham	Sabath
Bacharach	Evans, Mont.	Kiefner	Sanders, Tex.
Barbour	Fenn	Knutson	Sandlin
Beedy	Finley	Korell	Schneider
Blackburn	Fisher	Kvale	Sears
Bland	Fitzgerald	LaGuardia	Seger
Bloom	Fitzpatrick	Lambertson	Selberling
Bohn	Fort	Lankford, Ga.	Selvig
Bowman	Foss	Lankford, Va.	Shott, W. Va.
Box	Free	Lea	Simmons
Boylan	French	Leavitt	Sinclair
Briggs	Fulmer	Lehlbach	Sloan
Brigham	Gambrill	Linthicum	Smith, Idaho
Browne	Garber, Okla.	Luce	Smith, W. Va.
Buchanan	Garner	Ludlow	Snow
Burtness	Gibson	McClintock, Ohio	Sparks
Butler	Goldsborough	McCormack, Mass.	Speaks
Cable	Goodwin	McCormick, Ill.	Sproul, Kans.
Campbell, Iowa	Granfield	McLaughlin	Stone
Campbell, Pa.	Green	McLeod	Summers, Wash.
Carter, Wyo.	Greenwood	McSwain	Swing
Cartwright	Griffin	Maas	Taylor, Colo.
Chalmers	Guyer	Manlove	Taylor, Tenn.
Christgau	Hadley	Mansfield	Temple
Christopherson	Hall, Ill.	Mapes	Thatcher
Clague	Hall, Ind.	Martin	Thompson
Clancy	Hall, Miss.	Michaelson	Thurston
Clark, Md.	Hall, N. Dak.	Michener	Tilson
Clark, N. C.	Halsey	Miller	Timberlake
Cochran, Mo.	Hammer	Montet	Vinson, Ga.
Cochran, Pa.	Hardy	Moore, Ky.	Warren
Cole	Hare	Morehead	Wason
Collier	Hawley	Morgan	Watres
Collins	Hickey	Nelson, Me.	Watson
Colton	Hill, Ala.	Nelson, Wis.	Welch, Calif.
Corning	Hill, Wash.	Niedringhaus	Welsh, Pa.
Crail	Hoffman	Nolan	Whitehead
Cramton	Holaday	O'Connor, Okla.	Whitley
Crisp	Hooper	Oldfield	Whittington
Cross	Hope	Palmer	Williams
Culkin	Hopkins	Palmisano	Wingo
Cullen	Houston, Del.	Patman	Wolfenden
Dallinger	Howard	Pittenger	Wolverton, N. J.
Darrow	Hudson	Prall	Wolverton, W. Va.
Dempsey	Hull, Morton D.	Pratt, Harcourt J.	Wood
Denison	Hull, William E.	Pratt, Ruth	Woodruff
De Priest	Irwin	Purnell	Yates

NOT VOTING—139

Aldrich	Douglas, Ariz.	Kunz	Short, Mo.
Allgood	Douglass, Mass.	Kurtz	Shreve
Auf der Heide	Doutrich	Langley	Simms
Bacon	Doyle	Larsen	Sirovich
Baird	Elliott	Leech	Snell
Bankhead	Ellis	Letts	Somers, N. Y.
Beck	Estep	Lindsay	Spearing
Beers	Fish	McClintic, Okla.	Stalker
Bell	Freeman	McDuffie	Steagall
Black	Garrett	McFadden	Stedman
Bolton	Gasque	Magrady	Stevenson
Brand, Ohio	Gavagan	Mead	Stobbs
Britten	Gifford	Merritt	Strong, Kans.
Brumm	Golder	Montague	Strong, Pa.
Brunner	Graham	Mooney	Sullivan, N. Y.
Burdick	Gregory	Moore, Ohio	Sullivan, Pa.
Canfield	Hale	Mouser	Swick
Carley	Hancock	Murphy	Taber
Carter, Calif.	Hartley	Norton	Treadway
Celler	Hastings	O'Connell	Turpin
Chase	Hess	O'Connor, N. Y.	Underhill
Chindblom	Hoch	Owen	Underwood
Clarke, N. Y.	Hudspeth	Parker	Vestal
Connery	Hull, Tenn.	Parks	Vincent, Mich.
Connolly	Igoe	Patterson	Wainwright
Cooke	James	Peavey	Walker
Cooper, Ohio	Jeffers	Perkins	White
Coyle	Johnson, Ill.	Porter	Wigglesworth
Crosser	Johnson, Ind.	Pou	Williamson
Crowther	Johnson, Wash.	Pritchard	Woodrum
Curry	Jonas, N. C.	Quayle	Wurzbach
Davenport	Kelly	Ransley	Wyant
DeRouen	Kennedy	Rayburn	Yon
Dickinson	Kiess	Rogers	Zihlman
Dominick	Kopp	Sanders, N. Y.	

So the motion to recommit was rejected.

The following pairs were announced:

General pairs until further notice:

Mr. Snell with Mr. Pou.
Mr. McFadden with Mr. Jeffers.
Mr. Crowther with Mr. Hull of Tennessee.
Mr. Beck with Mr. Garrett.
Mr. Hoch with Mr. Carley.
Mrs. Rogers with Mrs. Owen.
Mr. Murphy with Mr. O'Connell of New York.
Mr. Treadway with Mr. Dominick.
Mr. Kiess with Mr. Gasque.
Mr. Vestal with Mr. Brunner.
Mr. Carter of California with Mr. Spearing.
Mr. Johnson of Washington with Mr. Gavagan.
Mr. Moore of Ohio with Mr. Underwood.
Mr. Short with Mr. Black.
Mr. Porter with Mr. Allgood.
Mr. Shreve with Mr. Mead.
Mr. Wigglesworth with Mr. Bell.
Mr. Swick with Mr. Celler.
Mr. Britten with Mr. Douglas of Arizona.
Mr. Letts with Mr. Lindsay.
Mr. Wyant with Mr. Rayburn.
Mr. Elliott with Mr. Douglass of Massachusetts.
Mr. Perkins with Mr. O'Connor of New York.
Mr. Golder with Mr. Bankhead.
Mr. Magrady with Mr. Canfield.
Mr. Connolly with Mr. McDuffie.
Mr. Mouser with Mr. Connery.
Mr. Ellis with Mr. Mooney.
Mr. Strong of Pennsylvania with Mr. Gregory.
Mr. Fish with Mr. McClintic of Oklahoma.
Mr. Graham with Mr. Crosser.
Mr. Hartley with Mr. Hastings.
Mr. Ransley with Mr. Stevenson.
Mr. Merritt with Mr. Yon.
Mr. Zihlman with Mrs. Norton.
Mrs. Langley with Mr. Kunz.
Mr. Kopp with Mr. Montague.
Mr. Taber with Mr. Somers of New York.
Mr. Beers with Mr. Patterson.
Mr. Chindblom with Mr. Sullivan of New York.
Mr. Davenport with Mr. Larsen.
Mr. Cooper of Ohio with Mr. Woodrum.
Mr. Doutrich with Mr. Quayle.
Mr. Hancock with Mr. Steagall.
Mr. Johnson of Indiana with Mr. Sirovich.
Mr. Hess with Mr. DeRouen.
Mr. Williamson with Mr. Kennedy.
Mr. Kurtz with Mr. Hudspeth.
Mr. Freeman with Mr. Doyle.
Mr. Gifford with Mr. Stedman.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the bill was passed.

A motion by Mr. HAUGEN to reconsider the vote by which the bill was passed was laid on the table.

TO PROMOTE AGRICULTURE

Mr. HAUGEN. Mr. Speaker, I call up the bill H. R. 2152, to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes.

And I ask unanimous consent to substitute the bill S. 2043.

Mr. STAFFORD. To that substitution, Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LEAVITT in the chair.

The CHAIRMAN. The Clerk will report the bill.

Mr. KETCHAM. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Michigan [Mr. KETCHAM] 20 minutes.

Mr. KETCHAM. Mr. Chairman and gentlemen of the committee, if you will be patient for a few minutes I think I shall not detain you longer. The bill before you for consideration this afternoon, H. R. 2152, is to all intents and purposes a duplicate of the bill that has already passed the House on two previous occasions—once, according to my recollection, under unanimous consent.

An expanding foreign service has been a part of the program of the Department of Agriculture for a long time. Naturally I think you understand what is in mind. We have what we know in the Department of Agriculture as the Bureau of Agricultural Economics, and one of the divisions in that bureau is the division of foreign service. It is the purpose of this bureau to have established at a few strategic points in foreign countries representatives of the Department of Agriculture to gather statistical information that will be of assistance to the Department of Agriculture, not only in matters of production but also in splendid work of the new Farm Board along the lines of marketing.

On the two previous occasions when the bill was passed we had not yet set up that wonderful new organization that we now have under the agricultural marketing act, namely, the Federal Farm Board.

One of the very first steps taken by the new Federal Farm Board when it came into operation last year was to call a meeting of the board for the purpose of considering this whole question of the foreign service department in the Department of Agriculture.

After giving it very careful consideration a select committee of three economists of the country was appointed by the Farm Board to make an investigation of the whole subject and report. That committee was made up of Dean Edwin S. Gay, Dr. Alonzo Taylor, and Mr. Asher Hobson, all eminent economists. After a survey of the whole subject, they brought back a report in which they say:

> Its greatest lack is permanent foreign reporting stations and commodity and marketing estimators. If the Department of Agriculture is to report in anything like a satisfactory manner the world situation on important commodities, it will require no less than 10 foreign posts to cover the important producing and consuming areas.

I pause for a moment to emphasize the idea of the 10. Ten posts should be established in strategic foreign situations in order that first-hand and accurate information may be obtained and forwarded to our Department of Agriculture. Note, please, the following very important language:

> Each of these posts should be in charge of one with an official rank sufficient to command the respect and attention of foreign governments. When in charge of an office located in a foreign capital he should have a designation of agricultural attaché and be attached to the embassy or legation of the United States.

Then follows the recommendation of the committee as to the 10 places where these representatives in foreign governments should be located:

1. London: British Isles.
2. Berlin: German-speaking Central Europe—Germany, Austria, Czechoslovakia, and Poland.
3. Paris: Holland, Belgium, and France, with the exception of southern France.
4. Marseilles: Mediterranean Basin.
5. Copenhagen: Scandinavian countries—Denmark, Norway, and Sweden.
6. Bucharest: Danube Basin.
7. Buenos Aires: South America, with especial reference to Argentina and Brazil.
8. Melbourne: Australia and New Zealand.
9. Johannesburg (or Pretoria): South Africa.
10. Shanghai: The Orient.

I dare say the question will be raised immediately as to a special reason why these representatives of our Government should be given the rank of agricultural attaché, which is the real heart of this bill. I submit the following reasons which I am sure will appeal to you immediately. In the first place, to relieve them of the liability to taxation in foreign countries. I

maintain that the representatives of our Government who have a responsibility in the matter of taxation to our own country are entitled when they go into foreign countries to receive the same exemptions that are granted to comparable service in other departments of the Government. That is a practical consideration that will make its appeal at once I am sure.

Mr. BRIGHAM. And is it not true that their work would be greatly hampered unless they do have such status?

Mr. KETCHAM. I shall come to that later. The relief in respect to taxation is already granted to men of comparable rank in other branches of our foreign service, and certainly those who represent agriculture are entitled to the same consideration.

Mr. BROWNE. How much does the gentleman estimate that it will cost if this bill becomes a law?

Mr. KETCHAM. In addition to what is already provided?

Mr. BROWNE. Yes.

Mr. KETCHAM. I have not the figures at hand, but in view of the fact that there are already several of these representatives over there representing the Department of Agriculture, not with the rank of agricultural attaché, and also in view of the fact that the Federal Farm Board has already set aside $150,000, I think it is, of their funds, practically no new appropriation will be required to put this bill into operation.

In the second place, this bill is desired because it will facilitate and aid the establishment and development of direct contacts with foreign government officials in related work. I have not had the privilege of going abroad as many of you have, but my understanding of the situation is that unless you have a certain rank, that of agricultural attaché, when you proceed to get the information which you desire for your own Government, at once you are handicapped, but if you have the entrée given you by this particular rank, then you may communicate face to face with men of comparable rank and receive the courtesies that are your due. Consequently it seems to me that this consideration ought to be given to agriculture.

In the third place, to place them on an equal footing with other foreign representatives of the United States in respect to freedom from customs duties, and freedom of movement to and fro and within foreign countries and in regard to courtesies usually extended to such representatives. I am informed, and I think we all know, that there are courtesies extended to representatives of the State Department and, by an act of Congress for which I very gladly voted, we provided for similar courtesies to be extended to representatives of the Department of Commerce. You will all recall the fight we had with reference to the establishment of that foreign service, and finally we did agree that it should be established. I am glad to say that the House on two different occasions and once by unanimous consent gave its approval to this particular program. I believe if we are to have representatives abroad speaking in the name of commerce, if we are to have representatives abroad speaking in the name of the State Department, that we should also have them speaking in the name of agriculture, especially in view of the new set-up we have with our agricultural marketing act, and the necessity of putting before the Farm Board reliable information gathered by men of experience. I believe that ought to be done by men who are given the rank we accord to men in similar lines in other departments of the Government.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. BRIGGS. Is it not a fact that the most vital consideration affecting agriculture to-day is finding markets?

Mr. KETCHAM. Exactly so.

Mr. BRIGGS. Not only at home but abroad, and the extension of those markets, if you are going to save agriculture in this country.

Mr. KETCHAM. There is no question about that.

Mr. BRIGGS. And this proposed legislation, as I understand it, is to promote trade expansion in foreign fields?

Mr. KETCHAM. In the particular field of agriculture, not trespassing upon the functions of the Department of Commerce.

Mr. BRIGGS. I mean in the agricultural field.

Mr. KETCHAM. Yes.

Mr. BRIGGS. I suppose that, so far as the Commerce Department is concerned, these representatives will cooperate, but these representatives intend to cooperate to specialize in agricultural products.

Mr. KETCHAM. Yes.

Mr. BRIGGS. Rather than in the industrial field?

Mr. KETCHAM. Yes.

Mr. OLIVER of Alabama. Is it the purpose to find markets for agricultural products?

Mr. KETCHAM. Generally speaking, the emphasis is put on the gathering of statistical information concerning the production of crops.

Mr. OLIVER of Alabama. That was my understanding.

Mr. KETCHAM. Incidentally they are to make reports particularly with reference to the new functions being undertaken by the Farm Board, and that, of course, goes into the field of marketing.

Mr. OLIVER of Alabama. Just so soon as you undertake to broaden their duties by saying incidentally that they shall do the other things, then you trespass upon the field occupied by the Department of Commerce, and just as soon as you trespass in that field you justify a request from the Department of Agriculture for increased personnel in the foreign field. May I ask the gentleman here is it the purpose of this bill to give to the Department of Agriculture any excuse for asking for additional personnel in the foreign field?

Mr. KETCHAM. None; excepting those specified by the Farm Board last August or September, limiting the number to 10 specific appointments.

Mr. OLIVER of Alabama. You do not acquiesce in the suggestion of the gentleman from Texas [Mr. BRIGGS] that these parties should be employed for the purpose of finding markets for agricultural products?

Mr. KETCHAM. Not excepting as an incidental proposition. But I do not care to be drawn into that controversy, because if the gentleman will go back in memory to the time when we had these department matters up before, I think he will agree with me that the less that is said about conflicts between departments will be for the better.

Mr. OLIVER of Alabama. That is the kind of answer, if the gentleman will permit me to say, that leads to the abuses complained of. If in a quiet way they can incidentally do this, they will continue to trespass, and will point to the fact that the debate in Congress indicated that they were justified in doing so.

Mr. BRIGGS. The gentleman is proposing that we will have men seeking specific information on the other side, gathering information for the benefit of agriculture here?

Mr. KETCHAM. We have set up in this country a fine new organization called the Federal Farm Board. Its purpose is to secure information concerning foreign markets in connection with the promotion of the sale of our products. These men are to operate in coordination with that organization.

Mr. BRIGGS. Is it not the purpose of this legislation to put the producers of the United States in touch with the consumers of the world of primary agricultural products?

Mr. KETCHAM. I will not answer that in detail for the reason stated by the gentleman from Alabama [Mr. OLIVER]. I am interested in this particular measure, and I do not want to become involved in other controversies.

Mr. BRIGGS. In other words, the purpose is to promote and further agriculture and its disposal in the markets of the world?

Mr. KETCHAM. I will accept the first part of the gentleman's statement, but I would not care to go further in the discussion of the second part of his statement with reference to the marketing of farm products, for reasons which I am sure will be perfectly obvious to those following this debate.

Now, if I may come back to the former subject of discussion, to the line of thought that I was presenting just a moment ago, an additional reason for setting up this foreign service is that the men going abroad as agricultural attachés should be placed on an equal footing with the agricultural attachés of other countries who are regularly attached to their foreign missions and embassies there in the interest of marketing, and to eliminate the primary causes of embarrassment between our officials and foreign officials and individuals.

That perfectly sets out the purpose of this bill. It is a companion measure, if you please, to the measure adopted a number of years ago setting up a department of foreign service in the Department of Commerce. It was generally agreed by Members of the House that this service would be set up, and the bill has passed the House on two different occasions, but failed of enactment in another body. But I am particularly pleased to report that on the day before yesterday a bill having the identical title was passed by practically a unanimous vote at the other end of the Capitol, so that it makes it easy for the House to fulfill the understanding that was entered into some years ago, when the department of foreign service was established in the Department of Commerce.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. KETCHAM. I want to take my closing two minutes to say that another way has been found to accomplish this same purpose, and I want very frankly to meet that situation. I have read to you the indorsement of the Farm Board. I could read to you the indorsement of the former Secretary of Agriculture and of all the farm organizations and the agricultural papers of the country. So far as agriculture is concerned, I

know of no division. The only question that arises is how this matter shall be worked out, and in that connection there has been offered a suggestion that this matter could be cared for by simply authorizing an appropriation in the pending deficiency bill. I hold in my hand a communication from the President and the Budget commissioner, suggesting language that should be carried in the pending deficiency bill to carry out this proposition without the enactment of further legislation. I hold in my hand a draft of it, and I will read the title of it.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. KETCHAM. Mr. Chairman, may I have five additional minutes?

Mr. HAUGEN. I yield to the gentleman five additional minutes.

The CHAIRMAN. The gentleman from Michigan is recognized for five additional minutes.

Mr. KETCHAM. I hold in my hand a communication from the Director of the Budget, with a recommendation of language to be carried in the current deficiency bill. I read the title of it:

Draft of the proposed legislation affecting existing legislation.

I need go no farther than that to bring to the mind of every parliamentarian in the House that immediately upon this proposal being presented in an appropriation bill, a point of order would eliminate that particular section, and consequently we would have no opportunity to establish this foreign service at all.

You should be advised that right now men have been appointed, and I think at least two or three of the men who are designated by the Federal Farm Board and who have been appointed by agriculture, are on their way abroad. So, in order that we might be sure that this service would be established, I have presented the bill this afternoon, and I sincerely hope it may receive your favorable consideration.

Mr. WOOD. Mr. Chairman, I rise in opposition and claim control of one hour in opposition to this measure.

The CHAIRMAN. The gentleman from Texas [Mr. JONES], a member of the committee on the minority side, is entitled to recognition first.

Mr. JONES of Texas. Mr. Chairman, I want recognition in my own right eventually, but I am willing for the gentleman from Indiana [Mr. WOOD] to proceed at this time.

Mr. WOOD. Mr. Chairman, all I desire is my right in opposition to this bill.

The CHAIRMAN. Of course the gentleman from Texas [Mr. JONES], a minority member of the committee, would be entitled to recognition first.

Mr. JONES of Texas. Mr. Chairman, I am willing, if the gentleman from Indiana [Mr. WOOD] wishes to proceed now, to wait until he finishes with what time he desires, and then I shall claim recognition in my own right.

The CHAIRMAN. Is the gentleman from Texas [Mr. JONES] in opposition to the bill?

Mr. JONES of Texas. No; I am not in opposition to it.

The CHAIRMAN. Then the gentleman from Indiana [Mr. WOOD] is recognized for one hour.

Mr. WOOD. Mr. Chairman, I understand Mr. KNUTSON has some matter that he wishes to present first.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. JONES of Texas. Mr. Chairman, in yielding, I want it understood that I am to be recognized in my own time.

Mr. KNUTSON. Mr. Chairman, I ask unanimous consent to proceed for five minutes out of order.

The CHAIRMAN. The gentleman from Minnesota [Mr. KNUTSON] asks unanimous consent to proceed out of order for five minutes. Is there objection?

There was no objection.

Mr. KNUTSON. On Friday evening, May 9, there passed away at his home in the city of Washington a Government official who left behind him a wonderful record of accomplishment. I refer to the passing of Col. E. D. Church, Commissioner of Pensions.

In my capacity as chairman of the Pensions Committee of the House, I have had an exceptional opportunity to observe the man and his work, and it is for the purpose of paying a tribute to him and his accomplishments that I have asked for time to-day.

Colonel Church's appointment as United States Commissioner of Pensions was preeminently a case of the office seeking the man. He was practically drafted for the place. The President was seeking for this position a man of demonstrated executive ability and, if possible, one thoroughly familiar with the fundamentals of the insurance business. Colonel Church filled these requirements. It was also most desirable that the affairs of this most important bureau should be administered by one who himself had served honorably as a soldier. Colonel Church's record as a soldier was not only an honorable one, it was a brilliant record. For many years prior to the World War he was an enthusiastic National Guard officer, giving freely of his time and his vital energies to the building up of a strong, effective national defense. He was especially enthusiastic in his efforts to encourage marksmanship. He was, literally as well as figuratively speaking, a straight shooter.

When the Great War came, he threw himself into it with all his valuable experience and all his tremendous vigor and energy. His record during the war was just what anyone acquainted with him and his many vigorous qualities would have expected. He was awarded the distinguished-service medal, medal of honor, the croix de guerre, and other decorations.

Colonel Church's business record and his military record were both alike distinguished, and he was sought out for the position of Commissioner of Pensions. The great insurance company with which he was connected was loath to let him go, but, for the sake of the public service, finally yielded. And so, without his seeking, he was drafted for this important work because of preeminent fitness for the task, and right well does the record he has left justify his selection.

In his passing the Federal Government has lost an able and valuable official and the service men of all wars a loyal and true friend. Peace to his ashes.

The CHAIRMAN. The Chair will state the parliamentary situation with regard to the division of time. The gentleman from Iowa, the chairman of the committee, was recognized for one hour in support of the bill. No member of the committee being opposed to the bill, the gentleman from Indiana [Mr. WOOD] was recognized for one hour in control of the time in opposition to the bill. The gentleman from Texas [Mr. JONES] has asked recognition in his own right, but that can not be granted. The gentleman from Texas will have to get time from either the gentleman from Iowa [Mr. HAUGEN] or the gentleman from Indiana [Mr. WOOD].

Mr. HUDSON rose.

The CHAIRMAN. The gentleman from Indiana is recognized for one hour in opposition to the bill. Does the gentleman from Indiana [Mr. WOOD] yield to the gentleman from Michigan [Mr. HUDSON]?

Mr. JONES of Texas. Mr. Chairman, does that keep me from having any time in my own right?

The CHAIRMAN. Yes.

Mr. JONES of Texas. I will ask the chairman of the committee if he will yield me a portion of his time, as the opposition is claiming time?

Mr. HUDSON. Mr. Chairman, I think this is very important legislation, and I rise to a point of order. I make the point of order that there is not a quorum present.

The CHAIRMAN. The gentleman from Michigan [Mr. HUDSON] makes the point of order that there is not a quorum present. The Chair will count.

Mr. HUDSON. Mr. Chairman, I am willing to withdraw the point of order if there is going to be plenty of opportunity to find out what is in the bill. If the proponents of the bill assure that, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. JONES of Texas. Mr. Chairman, I ask unanimous consent to be allowed some time. There are two or three others who want time, and I would like to have the chairman yield such time as we desire.

Mr. HAUGEN. I am willing to yield part of the time.

Mr. JONES of Texas. Mr. Chairman, I ask unanimous consent that I may control 30 minutes time in addition to what is allowed to those for and against the bill.

The CHAIRMAN. The rule is such that the time must be divided between the gentleman from Iowa [Mr. Haugen], in favor of the bill, and no member of the committee having asked for time in opposition, one hour in opposition is controlled by the gentleman from Indiana [Mr. WOOD], who asked for recognition.

Mr. JONES of Texas. Mr. Chairman, I am asking unanimous consent to be allowed 30 minutes. As I understand, you can pass a white elephant through the House by unanimous consent.

The CHAIRMAN. The gentleman from Texas [Mr. JONES] understands, of course, that unanimous consent can not be asked in committee to change the rules of the House.

Mr. JONES of Texas. Sometimes we suspend the rules of the House by a two-thirds vote, and by unanimous consent we can consider a bill in the House as in Committee of the Whole House.

The CHAIRMAN. The Chair will state that this is the Committee of the Whole and not the House.

Mr. DOWELL. We are in Committee of the Whole, and two hours' debate is allowed and not more. The committee has no authority to change the rule.

The CHAIRMAN. That is the statement the Chair has made, and the rule can not be changed by unanimous consent.

Mr. HAUGEN. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. JONES].

Mr. WOOD. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. JONES].

The CHAIRMAN. The gentleman from Texas is recognized for 20 minutes.

Mr. JONES of Texas. Mr. Chairman and ladies and gentlemen of the House, I think this is a very important bill for a number of reasons. I do not altogether agree with the author of the bill in his construction of its language. If I thought the bill was limited, as the gentleman seems to think it is limited, I would not be as enthusiastic about it as I am, and I am sure he was speaking of only one phase of the bill.

The big question before agriculture to-day is a market for our products. [Applause.] We have grown from a debtor nation to a creditor nation. On some of our great staple American farm crops we have grown from simple beginnings to a great surplus producing nation. If our people are to prosper we must have a market for those surplus crops.

In the very first paragraph of this measure it is stated as the purpose—

> To acquire information regarding world competition and demand for agricultural products, and production, marketing, and distribution of said products in foreign countries, and to disseminate the same through agricultural extension agencies and by such other means as may be deemed advisable.

Mr. BRIGGS. Will the gentleman yield?

Mr. JONES of Texas. I yield.

Mr. BRIGGS. Does the gentleman not construe that language to include people everywhere in the United States, so that they can place their products in foreign lands, where they are sought?

Mr. JONES of Texas. Certainly. If it does not mean that, I am sure it was so intended. Of course, it means that. It means that they will take this information and utilize it in finding markets for the agricultural products of America.

Mr. LOZIER. Will the gentleman yield?

Mr. JONES of Texas. I yield.

Mr. LOZIER. Under a similar bill representatives of the Commerce Department published in their reports, which are public documents, that they have been able to find markets for American industrial products and bring the producer in America into touch with the persons who want those products in foreign lands.

Mr. JONES of Texas. Yes.

Mr. LOZIER. Now, this bill, in principle, is intended to do that very thing?

Mr. JONES of Texas. Certainly. I thank the gentleman for his contribution. I just want to call attention to the Commerce Yearbook for 1929, and read one passage:

> At the beginning of the country, agricultural products were the dominant component of our foreign sales, and the normal growth of international commerce in agricultural products is relatively slow. At the present, nonagricultural products, chiefly manufactured commodities, make up about five-eighths of our aggregate exports, and, in world trade, commodities of this type tend only to show marked expansion.

In other words, our foreign trade in agricultural products has been going down while our foreign export trade in manufactured products has been going up. We have 186 representatives of the Department of Commerce in foreign lands and have about 5 or 6 agricultural representatives. Yet agriculture still represents nearly half of our export trade.

On what basis can the gentleman from Indiana [Mr. WOOD] oppose an appropriation to take care of our foreign export trade in agriculture and still favor the carrying out of the policy that is shown by the report of the Commerce Department to be increasing our foreign trade and commerce, and at the same time our foreign trade in agricultural products is going down?

Mr. WOOD. I will try to answer the gentleman.

Mr. JONES of Texas. I hope the gentleman will. If it is necessary in the interest of economy to reduce some of this, let us balance it. The gentleman may say, as some one has suggested, that the Commerce Department can look after these things. That is the fatal theory that has put agriculture where it is to-day. It is that agriculture must be the handmaid of industry. It is an independent, important component and constituent element of American life. Of course, the Department of Commerce may render some valuable service, and this bill provides that they shall cooperate with each other and thus not duplicate the work of each other. I am for that. No doubt the representatives of the Department of Commerce have done some valuable service in searching out markets for American agricultural commodities, and, no doubt, they will continue to do so. They have done a wonderful work for industry and they have done some valuable work for agriculture, but there comes a time in the business of agriculture and in the business of industry when their interests must essentially conflict. They are usually mutual, but there are times when they do conflict. There should be some representatives the major portion of whose duties and whose primary duties should be to look after the interests of agriculture and the marketing of agricultural products.

Mr. HUDSON. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. HUDSON. I am interested in what the gentleman says, but how can there be a conflict in any country between the various interests of this country as represented by representatives of the country?

Mr. JONES of Texas. There can be this: A man may devote most of his attention or all of his attention to finding a market for commercial products and he may neglect the raw agricultural products.

Mr. HUDSON. That is not a conflict but a neglect. The gentleman said there was a conflict.

Mr. JONES of Texas. I prefer not to go into that question, but the gentleman must understand that in any country the manufacturer might want his materials at a low price. It is to the interest of industry to have cheap raw materials in this country, is it not? It is in the interest of agriculture to have high-priced agricultural materials. So, as I have stated, there are times when there is a conflict in foreign countries as well as in our own.

Mr. BRIGGS. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. BRIGGS. Does not the Commerce Department report reflect the fact that while agriculture has been declining in its exports to a very material degree, that industrial products have been increasing in export to an astonishing degree, even as much as 25 per cent in the automobile industry?

Mr. JONES of Texas. I understand so.

Mr. HUDSON. That might be true and yet there may be no neglect of agriculture. Automobiles and wheat are two different propositions.

Mr. JONES of Texas. I can not yield further.

Mr. HUDSON. They do not conflict.

Mr. BRIGGS. I say they should both be promoted.

Mr. HOPE. Will the gentleman yield?

Mr. JONES of Texas. I yield to the gentleman.

Mr. HOPE. At the present time do we not recognize the fact that there is a difference in the economic studies of agriculture and industry in that we have a Bureau of Agricultural Economics and a Bureau of Foreign and Domestic Commerce, which are working independently along those lines?

Mr. JONES of Texas. Most certainly. If it is necessary to abolish the agricultural representatives in foreign countries, why do not gentlemen pursue their policy to its logical conclusion? If agriculture is simply to have for its main purpose the feeding of industry, then the theories of some folks will be carried out.

Mr. BRIGHAM. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. BRIGHAM. Are there not economic problems peculiar to agriculture which require expert investigations?

Mr. JONES of Texas. Most assuredly.

Mr. BRIGHAM. Does the gentleman remember the testimony of Mr. MacPhail, of the Canadian wheat pool, regarding the service which that institution maintains in all foreign countries for the purpose of making studies of the trends of the market, supply and demand problems, and the probable production of other crops as well as wheat, which that pool handles?

Mr. JONES of Texas. I am glad the gentleman mentioned that, because it is an important point. In fact, he said it would be impossible for that great cooperative organization to operate to best advantage, if they did not maintain representatives in foreign countries that form a market for their products. I want to call your attention to a thing to which my colleague, the author of the bill, adverted when he said that a little more than two years ago this matter was amicably settled between the Department of Agriculture and the Department of Commerce. I want to read an excerpt from a letter written by the then Secretary, Herbert Hoover, urging the adoption and passage of a measure almost identical in language:

The draft of "a bill to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture," as submitted to this department by your office on January 31, 1928, is a helpful step toward more uniform and better administration, in that it places the proposed staff of the Department of Agriculture on a comparable footing with the foreign commerce service, as defined in the Hoch Act of March 3, 1927. It seems to me that the passage of this measure will contribute materially toward more effective collaboration between the two services, and I hope, therefore, that it will receive early and favorable consideration by Congress.

A certain number of these men may go abroad appointed by the Secretary of Agriculture and a certain number of them appointed by the Secretary of Commerce, but if one of those departments is to have complete supervision over all of them, you may rest assured they will continue to make their prime consideration the promotion of the interests of the line of business which their department represents. This is as natural as it is for sparks to fly upward.

I want to call attention in this connection to the fact that through organization and through efforts of the various departments practically all the great commodities of commerce of this country have export reductions in railway rates from the central points of production to the points of exportation. When steel or iron or farm products or automobiles are shipped abroad the freight rates from the points of manufacture to the points of exportation are reduced all the way from 20 per cent to 40 per cent; in other words, a premium is given to industry to encourage exportation to foreign markets. It is all a part of a great scheme to develop foreign trade.

I do not object to the encouragement of foreign trade. I like to see industry developed. I think in a large measure when one develops the other develops, but for heaven's sake, quit preaching so much about equality for agriculture and do something to put agriculture on a basis of equality. [Applause.]

Mr. BRIGGS. Will the gentleman yield for a question?

Mr. JONES of Texas. Yes.

Mr. BRIGGS. Is it not true that within practically the last 12 months the exports of cotton from the United States have fallen off about 20 per cent and the wheat exports have decreased even beyond that figure?

Mr. JONES of Texas. They have been gradually falling off year after year for several years in relative percentages. It is idle to talk about balancing our agricultural production to the needs of this country, just as much as it would be to try to balance the steel production or the automobile production or any other production to the needs of this country. There are certain commodities, both raw and manufactured, that in their nature are world commodities that must supply the needs of the world, and their interests should be looked after and the marketing of such products looked after just the same as the products of industry.

Mr. BRIGGS. Is it not further the fact that unless some foreign markets are found for wheat and the other agricultural production of raw materials in this country we will see wheat selling here for far less than $1 a bushel and the price of cotton further declining.

Mr. JONES of Texas. I have no doubt it will at least be selling at much less than it would if proper care were taken to look after the marketing of such commodities.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. JONES of Texas. Yes; but I do not want to take up all the time, because some others on this side want time.

Mr. OLIVER of Alabama. Is it the gentleman's idea we should have a separate sales force for agricultural products in foreign fields?

Mr. JONES of Texas. Practically every great cooperative organization in America maintains some sort of sales agency abroad and they should have the facilities for securing sales or for searching out places where sales may be made and ascertaining the demand in accordance with the terms of this bill, and where they may cooperate with others in trying to secure a market for our products all over the world.

Mr. OLIVER of Alabama. My question sought to elicit from the gentleman an answer as to whether the Department of Agriculture should maintain in foreign fields a force for the purpose of making sales of farm products.

Mr. JONES of Texas. I do not know that I want to give a categorical answer to that question. I think there are times when probably with the facilities there they might render such assistance if they have the opportunity. They can build up our foreign trade in agriculture as it has been builded in industry.

Mr. CHRISTGAU. Will the gentleman yield? I think I can explain that point.

Mr. JONES of Texas. I yield to the gentleman.

Mr. CHRISTGAU. I think it is the purpose to have these foreign men establish contacts for the cooperative leaders in this country in foreign markets overseas, the same as the commercial attachés now establish such contacts for the industrial people of this country.

Mr. JONES of Texas. Yes.

Mr. OLIVER of Alabama. May I ask the gentleman this question? What personnel does the gentleman contemplate will be required to establish these contacts?

Mr. JONES of Texas. I am not in position to give a definite answer to that question. That will depend upon how the work develops and the need for the work and what the requirements may be and what the Congress is willing to allow for the purpose. I think it will depend largely on the work they accomplish. If they accomplish for agriculture anything like what the others have accomplished for industry, I think the force will be increased.

Mr. OLIVER of Alabama. Is the bill sufficiently broad as to place no limit on the number that may be employed?

Mr. JONES of Texas. The bill is in the usual form. It is merely an authorization. The appropriation will be a matter for the Budget and for the Committee on Appropriations and for the House to determine.

Mr. KETCHAM. Will the gentleman yield on that point?

Mr. JONES of Texas. Yes.

Mr. KETCHAM. A very material part of this whole program, and one that it seems to me should receive consideration here, is the recommendation of the Farm Board which selected 10 posts at which these representatives should be stationed, and it is my understanding that is what is contemplated under the bill.

Mr. JONES of Texas. I understand that is to be the nucleus and around that is to be built up this organization. What the future may unfold or develop I do not know.

Mr. OLIVER of Alabama. I am in sympathy with the idea of providing an agency qualified to find markets for all of our products, but I think it is a bad business proposition to start out by providing the Department of Agriculture with an unlimited force in foreign fields to sell the products of this country.

Mr. JONES of Texas. The gentleman surely is not putting that construction on what anybody has said here. It most certainly is true that agriculture is not on anything like a basis of equality with industry abroad, all of industry representing one field and all of agriculture the other. It seems to me it certainly would be proper to have a better related ratio than 5 to 6 agricultural representatives to 180 commercial representatives. Does not the gentleman think so in view of the relative importance of the two?

Mr. OLIVER of Alabama. My understanding is that where they are selecting representatives for foreign fields they take into account the fitness of the man to inquire and get information relative to what they feel should be inquired about in that field.

Mr. JONES of Texas. I have no doubt of it. This bill merely undertakes to do for agriculture what is now being done for industry. Why should one be given this service and the other denied it? Equality of treatment is a fundamental of our institutions. [Applause.]

Mr. WOOD. Mr. Chairman and gentlemen of the committee, it is not a pleasant task to oppose a measure that purports to be for the benefit of the farmer. In opposing this measure I believe that I am doing a real service to the farmer. It is not a pleasant task to oppose a measure that has been given the study that this has been given by the gentleman from Michigan, for whom I have the greatest possible respect; but in deference to duty that is common to all members, I believe that I ought to suggest to the committee the reasons why this should not become a law.

In doing this I am not only expressing my individual opposition to it, but I am expressing what I think to be the opposition of the Appropriations Committee, which will be left entirely in the blind, as the gentleman from Michigan, its author, admits. I am also expressing what I think to be the opinion—if I am correctly advised—the opposition of the President of the United States, the Secretary of Agriculture, the Secretary of Commerce, and the Federal Farm Board.

None of these agencies wants this bill passed. That being true, is it not a futile thing for us to pass it? Is it simply a gesture, because of the election that is coming, that we are doing something for the farmer? We better be doing something for the farmer that has some real merit behind it, and we ought to have the courage to let the farmers know that we are trying to help them where help is possible and trying to defeat mere subterfuges.

In my time the commercial attachés were created. To-day we are spending more than $5,000,000 abroad in payment of salaries, expenses, clerks, and so forth, of the Foreign Com-

merce Service. We were told at that time that the expense would be merely nominal. Gentlemen have been asking how much it will cost to carry out this law, and they frankly say that they do not know. I want to say that it is just like every initiative of this character, that it grows and grows and grows.

All I have to do is to call attention to one paragraph in the bill which gives away the whole thing.

On page 3, subsection (b), it provides:

> The Secretary of Agriculture shall appoint the officers of the foreign agricultural service to such grades as he may establish, with salaries in those grades comparable to those paid other officers of the Government for analogous foreign service.

So he has no limit except the maximum that is now being paid to Foreign Service employees of the United States.

Mr. FULMER. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. FULMER. The gentleman says we are paying $5,000,000 for foreign service; can the gentleman give the figures spent by the Department of Commerce out of the $5,000,000?

Mr. WOOD. Yes; I will state here, and if I can not give them all I will put them in the RECORD. I have spent some time abroad inquiring and studying the relationship between our foreign services. We have more than 4,000 men to-day in our Foreign Service whose duties are to do the things that we would like to have done by this bill. There was great opposition coming from the State Department at the time that the commercial attachés were created.

The Consular Service of the country was created primarily to take care of those duties. The time came when it was thought that it was not being sufficiently attended to, and a bill passed the House creating the commercial attachés to go to foreign nations. From the very minute that they were created down to this hour there was conflict between the two agents—conflict as to jurisdiction and conflict as to duty. That has been ironed out in some degree, but it exists yet, depending largely upon the personality of the individuals representing us in these various capacities. It is somewhat like the judgment of courts. Every lawyer here knows that there was never a court created in the United States or elsewhere that was not jealous of its jurisdiction. Under the fundamental law it is a part of the duty of the Consular Service to look after the commercial interests of the United States. True, they have other duties. The debates had at the time that we established the commercial attachés will show that one of the things in favor of their creation was that the agricultural interests of this country were not sufficiently represented abroad.

I think the gentleman from Michigan [Mr. KETCHAM] said that the prime purpose of creating these agricultural attachés is to place them in contact with those interested in agricultural pursuits abroad. That is the prime purpose of it as it is the prime purpose of our consular agent and our commercial attaché. It is to place in contact the dealers over there with the producers over here. I have always understood that one of the prime articles of production in this country in which our commercial attachés should take especial interest are the products of the farm, and I say to you that my experience has been—and this will be yours if you go over there at any time—that the commercial attachés of this country are doing their level best and spending more time upon it than upon any other subject, in getting that contact with respect to agricultural products.

Mr. SPROUL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. SPROUL of Kansas. I have made personal inquiry of the officers of the Department of Commerce as to what has been done in that regard, and have been informed that our attachés are not suitably adapted to the finding of markets for agricultural products. That was something that I was advised needed correcting. I am not out of harmony with the idea advanced by the gentleman that it ought to be done under the Department of Commerce, but it would seem that men especially adapted and fitted for finding these markets for farm products should be selected.

Mr. WOOD. The gentleman's query is the greatest indictment of this bill. If he is correct, then those commercial attachés have been derelict in their duty. If he is correct, the attitude of the State Department and the Commerce Department and the Agricultural Department should be to correct that very thing. We are spending too much money without results.

Mr. COLE. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. COLE. It was my good fortune last summer to be in several of the South American capitals and I was in close contact with the American attachés. I think I know something about farm products, because I have dealt in those products all of my life. Those attachés knew more about agricultural products than they did about the manufactured products. There was not a bit of information that I asked for that I could not obtain from those attachés. They did devote time and attention to agricultural products, and they are well qualified for it, and it ought to be made their duty.

Mr. WOOD. The experience of the gentleman from Iowa has been mine. Naturally, we associate commercialism more with industry than we do with agriculture, and I expected to find that true over there, but the converse is true. We have our Consular Service, paid for doing what they can to extend our commercial interest. We have our commercial attachés who are doing the same thing. As I have said, and the gentleman from Iowa confirms it, they are doing more in that direction than in any other direction. When are we going to stop? If we are going to have agricultural attachés, we ought to have Labor Department attachés and attachés for every other branch of the Government. It is true that there is some specialization that might be had with reference to these things that can not be had with reference to others, but are we to appoint specialists for all things that are possible to the United States? Just see how ridiculous that thing would become, and the argument in favor of it falls of its own weight.

Mr. COLLINS. The gentleman knows that the Army and the Navy have their attachés also. They call them military intelligence officers. I think that is a bad name.

Mr. WOOD. I do not think they contribute much to the point in view. I shall now call attention to some facts that are not assertions of mine but are conclusions of those whose business it is to advise this Congress. It is a most unfortunate time, even though the bill were to pass eventually, to do the things sought to be done in this bill. There ought to be some understanding, some coordination, some cleavage between these various activities. They are now feeding on each other, and gentlemen would be amazed if they would but read the hearings before the Committee on Appropriations. That is one reason I felt it my duty to bring this matter to your attention to-day. I know it is the popular thing to do this or that, because there is a public clamor for it. We gentlemen here are supposed to be deaf to clamor but open to argument and submissive to common sense judgment.

Let me read this to you:

> The Bureau of Foreign and Domestic Commerce now maintains 61 offices in foreign countries to which are attached 186 appointive officers and 258 clerical employees. The State Department has abroad 358 offices, 556 consular officers, and 1,709 clerical employees, devoting the major part of their efforts to commercial and economic reporting.
>
> This vast organization is now devoting its continuous attention to foreign production of and demand for agricultural products as well as to the products of every other industry figuring in international commerce. It can readily supply, without further augmentation, at least two-thirds of the data needed by the Federal Farm Board to visualize the world outlook for major farm products.

They can supply the Farm Board to-day with two-thirds of the information that they may need, and in addition to that, under the law creating this Farm Board, they have authority without stint to send their representatives in specifications, in general information, to get anything that they may need.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Certainly.

Mr. OLIVER of Alabama. And $500,000,000 is authorized to cover any expenditures they may feel are required.

Mr. WOOD. Yes.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. KETCHAM. In answer to the statement of the gentleman from Alabama [Mr. OLIVER], the Federal Farm Board has set aside a sum for the care of these additional attachés.

Mr. WOOD. Even so; and it may be assigned to the Agricultural Department for the purpose.

But why confound confusion? Every man here knows, and the gentleman from Michigan [Mr. KETCHAM] knows that we have already got too much confusion with reference to this Farm Board legislation to-day. I want you to listen to this, gentlemen:

> If an agreement for complete cooperation without duplication of effort which recently has been entered into between the Farm Board, the Department of Agriculture, the Department of Commerce, and the Department of State should become effective it will be easily possible to round out the existing foreign service of the Department of Commerce so as to provide the Farm Board and the Department of Agriculture with all the information from abroad which they require. Also

this can be done without asking Congress for additional appropriations, since Farm Board funds are now available for this work and can be turned over to the Commerce Department without further legislative action.

If that be true, why are we trying to handicap and hamstring the very purpose that we wanted to serve?

Mr. KETCHAM. Mr. Chairman, will the gentleman yield again in that connection?

Mr. WOOD. I yield.

Mr. KETCHAM. That would be accomplished without action by the Congress of the United States in transferring the sum needed from the Department of Agriculture to the Department of Commerce; and the gentleman from Indiana is too good a parliamentarian not to know that any such proposition brought in would go out on a point of order as legislation by the Committee on Appropriations.

Mr. WOOD. That would be true if there is any virtue in the proposition. Just a little bit of an authorization bill, dropped in the basket, would cure the evil and be an authorization to do the thing that the gentleman from Michigan says can not be done.

I want to say to you here that there is not an appropriation bill that comes before our committee but what inevitably has some legislation in it; and I want to say to you, not taking upon myself any virtuous professions in this thing, but giving the credit to the leader on the Democratic side [Mr. GARNER] more than anybody else, you do not see much of that kind of thing any more; and when it comes before us, we call it to the attention of the legislative committee and ask them if there is anything objectionable in it, and they give us an authorization.

Mr. KETCHAM. A simple little authorization bill, dropped in the basket, is the identical kind of bill that we have before us this afternoon, to do a thing that the gentleman and everybody else desires to be accomplished.

Mr. WOOD. A little bill dropped in the basket goes to the Secretary of Agriculture without limit except the amount to be paid to foreign employees. I will tell you what will happen: The Agricultural Department with more excuses, or at least as many, would have a bigger army in a few years than the Department of Commerce had in the same length of time.

Mr. KETCHAM. The gentleman's attitude with reference to this bill and the fact that he is chairman of the Committee on Appropriations would prevent me from having any fear that too many men would be appointed, even if recommended by the Secretary of Agriculture.

Mr. WOOD. As to that, I will say that we pass bills here without counting the cost, and if the appropriation is not made they come to the committee and say that we violate the spirit of Congress because it said they should do this. That is what happens. It takes a good deal of courage to undertake to turn down what is supposed to be the will of Congress.

I admonish the Congress now that we had better reform our practice and find out, before we commit ourselves, what the ultimate cost of our action will be.

Mr. DOWELL. Mr. Chairman, will the gentleman yield for a short question there?

Mr. WOOD. Mr. Chairman, how much time have I got?

The CHAIRMAN. The gentleman has 25 minutes remaining.

Mr. WOOD. I yield to the gentleman.

Mr. DOWELL. Unless an authorization is made by this or some other bill, no appropriation can be made under the parliamentary situation. In other words, the Committee on Appropriations can not make a report of this unless there is an authorization for it.

Mr. WOOD. That is true.

Mr. DOWELL. And this is the little authorization that gives to the Committee on Appropriations the power to make the appropriation.

Mr. WOOD. That is absolutely correct. There is no dispute about that thing at all. But I want to say to the House here that that is a thing that we are not sufficiently mindful of. Somebody has said—and I have heard half a dozen people say to me when they found out that I was opposed to this bill—"Let us take and pass it because the farmers want it, and let the President veto it because of its want of virtue." That is a cowardly thing. This Congress should not shift the burden on the President of the United States. We should be big enough, and we are big enough, to express our own opinion on this thing.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. SPROUL of Kansas. May the necessary number of attachés now employed, who are not specially fitted for the finding of agricultural markets, be removed and be substituted by employees of the Department of Commerce who are qualified?

Mr. WOOD. Absolutely. There is not any question about that, and, they would be derelict in their duty if they found a man who was not representing this country with reference to this thing, if they did not dismiss him from the service. There is no question about that.

Mr. KETCHAM. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. KETCHAM. I want to advert to a statement made by the gentleman from Indiana [Mr. WOOD] a moment ago. I think, in fairness to the gentleman himself, he should not have made that statement. The statement which the gentleman made was that these officers would be appointed by the Department of Commerce. That statement was in error.

Mr. WOOD. Yes.

Mr. KETCHAM. I think in all fairness it should be stated that it is proposed even under the proposition which the gentleman's committee has under consideration, that these officials shall be appointed by the Department of Agriculture.

Mr. WOOD. Yes.

Mr. KETCHAM. And they shall be subject to, and shall report to agriculture, but the purse strings shall be held by the Department of Commerce, and that is what we desire to avoid.

Mr. WOOD. Yes. That is exactly what the desire is. And the very suggestion shows the conflict and controversy that will occur. It has occurred, and it has taken 10 years to partially wipe out that controversy under the existing departments, the Department of State and the Department of Commerce. It will take 20 years, on the same basis, to wipe this out, because we will have another agency in conflict. We will have not only the Department of State but the Department of Commerce, and there will be three conflicting elements now where there were but two before. If the whole thing was not already provided for and sufficiently provided for, it is a very easy thing to amend, and, as the gentleman from Kansas [Mr. SPROUL] inquired a moment ago, if they find men who are not efficient and fit to do the duty that is required of them, to take care of our agricultural interests over there, all that is necessary is to report it, and, upon examination, if they are found to be guilty, they will be dismissed from the service. So do not let us add confusion to confusion that is already confounded.

Now, I want to call attention to a few other items:

Notwithstanding, and despite the opposition of the President to setting up a third Foreign Service when the two already functioning can provide everything required, S. 2043, providing for a complete agricultural Foreign Service, has been passed by the Senate.

I know this bill is sponsored by the gentleman from Michigan [Mr. KETCHAM]. I hope it is not sponsored by the gentleman from Iowa [Mr. HAUGEN], who is a friend of the farmer. I do not mean to say by that that the gentleman from Michigan [Mr. KETCHAM] is not a friend of the farmer, for he is. I think it is fair to the gentleman from Michigan [Mr. KETCHAM] to say in passing that there has been more double-crossing in this bill than any bill that has come to my knowledge since I have been a Member of this Congress. I need not make any excuses for him, but I do say that I believe if the gentleman knew six months ago what he knows to-day he would not have sponsored this bill.

In October, 1929, after an investigation of the best way to supply the Farm Board with the information it needs, the investigating committee recommended that a more complete information service in foreign countries on agricultural products be set up by having the Department of Agriculture turn over to the Department of Commerce its present small foreign organization—five foreign offices—and that the Farm Board turn over additional funds to the Department of Commerce so that the latter would receive approximately $400,000 in addition to its present appropriations. These funds are to be used in paying salaries and expenses of agricultural specialists to be selected by the Department of Agriculture and to follow a program of work decided upon by the Department of Agriculture and the Farm Board, but to be appointed in the Foreign Commerce Service of the Department of Commerce and to be paid from Department of Commerce funds. This arrangement was agreed to by Chairman Legge, of the Farm Board; Secretary Hyde, Department of Agriculture; and Secretary Lamont, Department of Commerce. It also has the approval of President Hoover.

This is strictly in accord with the authority given the Federal Farm Board in the marketing act to "keep advised from any available sources and make reports as to crop prices, experiences, prospects, supply and demand, at home and abroad" page 4, subsection 3, marketing act. This would be duplicated by the proposal for a separate agricultural Foreign Service.

Gentlemen, these agencies are supposed to be the advisors of this Congress. They know what this means. It means not only duplication but it means conflict, detrimental to the very service that we would subserve. That is the reason I said that in opposing this measure, in my belief, those who are in opposition to it are more friendly to the farmers. I do not believe there is any sensible farmer in the United States to-day who, if he knew the conditions, would favor this bill.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. OLIVER of Alabama. The Congress has already shown some interest in trying to coordinate the different agencies of government so as to bring about economies. Only the other day it sought to bring under one head many matters relating to veterans. The gentleman will recall that we are now endeavoring to bring under one head many of the different agencies employed on the border by different departments. Of course, so long as separate legislation is passed giving to one department the right to appoint a number of employees the more difficult it becomes to bring about this coordination that all are seeking to accomplish with a view to efficiency and economies in the administration of the law.

Mr. WOOD. That is the very point, made very explicit and plain, which I tried to make a while ago when I said that the more of these conflicting agencies you have the more difficult will be made the administration of any law and the more difficult to accomplish the purpose of any one of these laws.

Mr. COLLINS. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. COLLINS. The gentleman from Indiana [Mr. WOOD] understands that their duties will be almost entirely social, does he not?

Mr. WOOD. No. I can not subscribe to that.

Mr. COLLINS. What else will they have to do?

Mr. KETCHAM. Will the gentleman yield right there?

Mr. WOOD. I want to answer the gentleman from Mississippi [Mr. COLLINS] in the first place. They would have more time for social duties. Of course, we enlarged the Army. It was gratifying to me, however, in my two visits over there, to find that we were having fewer gentlemen representing the Government service of this country to-day who were wearing spats and carrying canes than there were 20 years ago.

Mr. KETCHAM. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. KETCHAM. If it is the custom of the men in our Foreign Service to wear spats, will the gentleman please answer me this: Is it not fair to have the farmers in the gentleman's State of Indiana who might be named as attachés given an opportunity to wear spats like the rest of them?

Mr. WOOD. I will say in answer to the gentleman that if I were a candidate for Congress I would have very poor hopes of my success if I carried a cane and wore spats out among the farmers. [Applause.]

Mr. JONES of Texas. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. JONES of Texas. Aside from all that, does not the gentleman think that our foreign commercial representatives have done a great deal in expanding our world trade?

Mr. WOOD. They have.

Mr. JONES of Texas. Does not the gentleman think that the same fine work might be done in securing agricultural markets in those countries as well?

Mr. WOOD. I say, they are doing it now, and I think this bill will be a reflection upon the men who are now rendering service over there. It would not be helpful. But do not misunderstand me, gentlemen. The State Department, the Department of Commerce, and the Department of Agriculture, who must know something about this thing, are in a better position to decide what is best for the future with reference to amendments or cures than we are here.

Mr. JONES of Texas. Some years ago there was a demand for the passage of a bill for the Department of Commerce and one for the Department of Agriculture. The commercial bill was passed, but the bill for agriculture has been running on the rocks ever since.

Mr. WOOD. Oh, no. The gentleman does not mean to be unfair.

Mr. JONES of Texas. No; I do not.

Mr. WOOD. The Department of Commerce, as I have stated—and it has been confirmed by the gentleman from Iowa—has done more service for agriculture than for the manufacturers.

Mr. BURTNESS. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. BURTNESS. If I understand the gentleman correctly, he feels that the Bureau of Foreign and Domestic Commerce has done a very valuable work?

Mr. WOOD. Yes.

Mr. BURTNESS. But if we follow the gentleman's reasoning to its logical conclusion was not the establishment of that bureau an insult, so to speak, to the State Department, and if we follow his reasoning to its logical conclusion, was it not a mistake to establish the Bureau of Foreign and Domestic Commerce and should not that work have been given to the State Department?

Mr. WOOD. I think I answered that a while ago. It might have been well to do so. I think it would have been far better to have this thing in one department, infinitely better, because of the natural conflict which occurs between these contending forces, and we are only going to add a little more trouble to that thing. Some of these days—and I am only making a guess at it—there will be some head to the relationship of the United States and our interests abroad, when all of these forces may be combined under the direction of one head, but the conflicts which we know exist now—just as surely as we know the sun will rise in the morning—will only be intensified and multiplied if you pass this bill.

Mr. BURTNESS. If the gentleman will yield further, as a member of the Committee on Interstate and Foreign Commerce, I was glad to support the legislation recommended by the then Secretary of Commerce, Mr. Hoover, and I have favored giving the Bureau of Foreign and Domestic Commerce proper appropriations ever since that time. The gentleman well knows that members of his committee, like the gentleman from Pennsylvania [Mr. SHREVE] and the gentleman from New Jersey [Mr. ACKERMAN], have shown us year by year the work that has been done by that department. When that recommendation came to us from the Department of Commerce, the same Secretary seemed to be just as much interested in establishing a separate bureau in the Department of Agriculture.

He made his reports and wrote letters accordingly to the chairmen of the various committees. To-day he is President of the United States; and are we to understand the gentleman to say that the position taken by Mr. Hoover when he was Secretary of Commerce with reference to these matters has been entirely changed and that he takes a different position to-day?

Mr. WOOD. I will say yes, and I will tell the gentleman why. There have been vastly changed conditions. One of the reasons why we were called together in extraordinary session by the President of the United States was to furnish relief to the farmer. As a result of that we created the Farm Board. We put certain things under the jurisdiction of that board, and amongst them was the supplying of this information, which can be gathered here, there, and yonder without any limitation as to cost. Now, then, are we going to throw a monkey wrench into that machinery? Are we going to handicap that board? Are we going to make their efforts futile? That is the reason why the President of the United States has changed his position. I want to say to you that the President of the United States is as firmly opposed to this legislation to-day as it is possible for him to be opposed to any measure.

Mr. BURTNESS. Of course, we are all glad to get the information, but the gentleman does not claim that the Federal Farm Board to-day has any representatives in Europe securing information regarding world competition and the demand for agricultural products?

Mr. WOOD. Yes; they have. Under the law, every one of these commercial attachés and every consular officer of the United States is there for that purpose, and in addition to that they can send specialists.

Mr. BURTNESS. My question was limited as to whether or not the Farm Board to-day has representatives abroad getting that information, or whether they are limited to the information obtained through the State Department and through the Bureau of Foreign and Domestic Commerce.

Mr. WOOD. If they are limited it is their fault. However, we can not expect them to take such vast machinery as is contained in this Farm Board and put all the cogs into operation within 24 hours. I hope they have too much judgment to do that, because that would result in chaos.

Mr. BURTNESS. From the information and knowledge I have of the legislation providing for the Bureau of Foreign and Domestic Commerce and enlarging it from time to time, I have always understood that primarily it was to be a commercial agency. That was only natural when at the same time there was pending before Congress, and recommended by the same department heads, another proposal that would take care of agricultural interests.

Mr. WOOD. Let me give you some information on that point.

Some time last summer, 1929, the Farm Board had an outside committee, headed by Dean Gay, of Harvard, make an investigation of information available from Government departments and suggest further development. This committee recommended, among other things, the development of a more complete information service in foreign countries on agricultural products. Some time last autumn the Federal Farm Board asked the Department of Agriculture to undertake the establishment of such a service.

It developed that the President did not favor the setting up of a third foreign service in addition to that maintained by the Department of State and Department of Commerce. He felt that such new service to be set up should be in cooperation with the Department of Commerce.

This arrangement was agreed to by Chairman Legge, of the Farm Board; Secretary Hyde, Department of Agriculture; and Secretary Lamont, Secretary of Commerce, and correspondence on file confirms the understanding. To work out details a liaison committee was set up between the three agencies. In a preliminary report from this committee it was agreed:

(a) That experts and specialists on agricultural commodities should be selected by the Department of Agriculture.

(b) That these men would be placed on the pay roll of the Department of Commerce, and assigned for administrative purposes to the administrative officer in charge of commerce officers in foreign countries.

(c) They will receive their directions from the Department of Agriculture and report back to that department.

(d) Money to pay their maintenance and expenses will be transferred from the Department of Agriculture to the Department of Commerce, or directly from the Farm Board to the Department of Commerce.

In areas where agricultural specialists are not located it is expected that the commerce officers will cooperate by collecting information—about two-thirds of the total work.

It is further understood that the special officers appointed through the Department of Agriculture will devote their energies to following crop and livestock information and a study of factors affecting supply and demand.

Trade promotion functions are to be carried out by the Department of Commerce also.

The above arrangement will eliminate duplication of work and facilities, reduce overhead costs, and utilize the facilities of both the Department of Agriculture and the Department of Commerce abroad in collecting agricultural information.

Mr. BURTNESS. What report is the gentleman reading? The gentleman has read it twice, but I did not catch what it was.

Mr. WOOD. No; I have not read this before.

Mr. BURTNESS. Will the gentleman tell us what the report is?

Mr. WOOD. This is the report of the gentlemen who were acting together to coordinate these activities.

Mr. OLIVER of Alabama. If the gentleman will permit, may I say that as I understand the Budget has sent up a report showing that these different agencies to which the gentleman has referred have agreed that where it is found necessary to send representatives abroad the representatives may be suggested by the respective departments, but the funds for paying them will be carried in the appropriation for the Department of Commerce, and their reports are transmitted to the departments especially interested. I submit this is good administration.

Mr. BURTNESS. So this report is in reality the report of the Budget?

Mr. OLIVER of Alabama. The Budget in sending that estimate reflects the understanding of the different departments as to how these matters should be handled. It may require some legislation and that is why the gentleman has suggested you should prepare a bill and drop it in the basket, and there should be no objection to such bill.

Mr. WOOD. Mr. Chairman, I reserve the balance of my time and submit the following statements showing employees abroad in the Departments of State and Commerce:

Department of State

	Officers	Clerks	Other employees	Total
Latin America	195	343	280	818
Europe	264	1,004	476	1,804
Near East	69	134	160	363
Far East	162	247	312	721
Canada	60	175	62	297
Africa (other than Egypt and Abyssinia)	25	41	48	114
Total	775	2,004	1,338	4,117

Prepared May 6, 1930.

Department of Commerce

	Offices	Appointive officers	Local employees
Europe	25	77	147
Asia	7	21	29
Africa	3	9	9
South America	8	29	28
North America	5	12	16
Central America	3	9	4
West Indies	3	9	3
Australasia	7	20	22
Total	61	186	258

Mr. KETCHAM. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. FULMER].

Mr. FULMER. Mr. Chairman and gentlemen of the committee, I am frank to say if there is anything wrong with this bill, the bill does not go far enough.

We have quite a number of Members here, day in and day out, speaking about farm relief; and some of the Members go so far as to vote a tariff duty of 42 cents per bushel on wheat when they know they can not make it apply; but when legislation is offered proposing to put the Department of Agriculture on all fours with the Department of Commerce, we always have some Member rising up like Amos and hollering out "Ooweah, ooweah."

The Department of Commerce is doing very fine work, and I am for the Department of Commerce. The gentleman from Indiana [Mr. WOOD] made the statement a few moments ago that we are spending something like $5,000,000 for foreign service, largely for the Department of Commerce. I want to call the attention of the committee to the fact that the Department of Commerce is representing an altogether different constituency, which is composed largely of manufacturers and commercial interests, to that of the Department of Agriculture. This department is going out after information and foreign markets, helping to increase exports for manufacturers and the commercial interest. Exports of manufactured goods are increasing annually, while agricultural exports are decreasing. I may call your attention to the wonderful increase in exports of farm implements, tractors, and improved farm implements.

My friends, do you think for a moment that the men we have in foreign countries representing these special interests are concerned about finding markets for the products of our farmers? The Department of Commerce represents largely the same type of people that are represented by the United States Chamber of Commerce, located here in the city of Washington, and you know how the chamber of commerce feels toward agriculture and the Farm Board. They, too, are long in speaking for agriculture until the time comes when they feel that we are about to pass some legislation in the interest of agriculture. You noticed what happened some days ago down in the chamber of commerce, how they passed a resolution condemning the Federal Farm Board. Yet two years ago they passed a resolution indorsing farm relief.

I want to say, my friends, I think it is absolutely a shame on the part of the great Committee on Agriculture and the Congress that up to this present time we have neglected to pass legislation creating a service in foreign countries equal to that of any other department of this Government to look after the interests of agriculture of this country.

I believe, as has been stated by the Federal Farm Board, that we need men in foreign countries to get information and look into the market situation for agricultural products of this country.

The Federal Farm Board to-day is dealing with world markets in handling wheat and cotton and will be unable to cope with the situation, with the opposition on the part of the chamber of commerce and other interests that have been handling the agricultural interests up to this time, unless they can get this foreign service through the Department of Agriculture, which is directly interested in agriculture.

The gentleman from Indiana [Mr. WOODS] states that the President of the United States is against this legislation. Let us see what the President had to say about an identical bill introduced in Congress about two years ago. I quote from a letter written by the President to the Secretary of Agriculture at that time:

FEBRUARY 1, 1928.

Hon. W. M. JARDINE,
Secretary of Agriculture, Washington, D. C.

MY DEAR MR. SECRETARY: The draft of "A bill to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture,"

as submitted to this department by your office on January 31, 1928, is a helpful step toward more uniform and better administration in that it places the proposed staff of the Department of Agriculture on a comparable footing with the Foreign Commerce Service as defined in the Hoch Act of March 3, 1927. It seems to me that the passage of this measure will contribute materially toward more effective collaboration between the two services and I hope, therefore, that it will receive early and favorable consideration by Congress.

Faithfully yours,

HERBERT HOOVER,
Secretary of Commerce.

Since the United States Chamber of Commerce has spoken in the passing of a resolution some days ago condemning the President's agricultural policy, perhaps the President has changed his mind. Regardless of his position at this time, we of the South and West, realizing the serious condition of agriculture and knowing the attitude of the United States Chamber of Commerce, the mouthpiece of special interests, toward this legislation, should stand together and place this bill on the desk of the President, where he can use his own good judgment as to whether or not he should veto the same.

Members of the Appropriations Committee are fighting this bill on the grounds of economy, yet they have voted appropriations for the Department of Commerce for foreign service running into the millions of dollars. It is true that most of you who represent manufacturing districts in opposing this bill are willing at all times to vote millions for agriculture, but it is being spent largely to make two springs grow where one used to, thereby increasing the production to the extent of creating a surplus. This is in line with the policy of those whom you represent, who want cheap raw materials. There are just two ways to bring this about—overproduction and decreased exports.

I am perfectly willing to divide the personnel of the foreign service of the Department of Commerce so as to give to agriculture its own foreign service. You state that this foreign service is now doing the work of the Department of Agriculture in foreign fields. We know that it is not satisfactory; that is, we are not getting results; and in the meantime agriculture is fast fading out of the picture, while industry, represented by the Department of Commerce, is expanding by leaps and bounds.

We see lots in the press and by reports from the Department of Commerce about the increased production of cotton in foreign countries; also how other noncotton-growing countries are going to their neighbors for cotton and cotton goods, thereby decreasing the exports of this major farm product. I firmly believe that the manufacturers of this country have persuaded the Republican administration to so increase tariff rates until a great many foreign countries are refusing to buy in this country what they can get elsewhere. This may account for the decrease in exports of cotton. Do you believe that this foreign service representing the Department of Commerce, which directly represents this great manufacturing interest, would for a moment disturb the profits of these interests by looking after agriculture? These matters would be of vital interest to the Federal Farm Board and to agriculture.

I am glad to see the farm bloc functioning on this bill and hope that you who represent agricultural districts will take due notice of the very active part of our colleagues who represent large manufacturing centers trying to defeat this legislation at any price or by any method. Certainly there has been someone besides the President of the United States speaking to these boys. Just think what it would mean to agriculture if only we who represent agricultural States and districts would stand together like these servants of the special interests.

I hope, my friends, that this bill will pass. It is only a beginning whereby we hope to take agriculture out of the hands of the enemy and put it on an equal fighting basis for the rights of those who feed and clothe the world. [Applause.]

Mr. WOOD. Mr. Chairman, I yield three minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER of Alabama. Mr. Chairman, the gentleman from Indiana [Mr. WOOD] has called attention to the cooperative arrangements between the Farm Board, the Department of Agriculture, and the Department of Commerce for setting up a foreign agricultural information service, and which, in my opinion, makes unnecessary the passage of this bill. My information is that some time last summer the Farm Board appointed a special committee, headed by Dean Gay, of Harvard, to make an investigation to determine what information was available from various departments and to suggest what further developments seemed necessary in order to provide the board with the data necessary for the furtherance of its work.

The committee's investigation brought out the fact that the Department of Commerce, with a budget of approximately $300,000, had been for some time collecting and disseminating information on foreign markets for agricultural products. They had at various times cooperated with the tobacco industry and the tobacco cooperatives, as a result of which they had set up a very complete service in this field. Considerable work had also been done with the cotton trade and the textile trade on both cotton and wool products that had an important bearing on the marketing of raw cotton. In practically every foreign field where the demand for food products indicated a potential market for American foodstuffs, special attention was given to this phase of the department's work and in addition to that, special trade commissioners on grain, citrus fruits, meats and meat products, vegetable oils and fats, dried fruits, and nuts had been maintained by the Department of Commerce for a number of years. The Department of Agriculture also had three foreign offices and a staff of specialists on foreign agricultural information, specializing primarily on crop estimates and outlook in the foreign countries to which they were assigned, but at the same time giving some attention to market possibilities in particular lines.

After a review of the work being done by these two departments, the special committee recommended among other things the development of a more complete and properly coordinated information service in foreign countries on agricultural products.

Acting upon this recommendation of the committee, the Federal Farm Board called together representatives of these two departments to undertake the establishment of such a service. It was their desire that the various Government departments, particularly Agriculture and Commerce, cooperate in working out an information service which would provide it with the most complete information available. It seemed obvious that the functions of both these departments would necessarily keep them engaged in this foreign-reporting service and there was great danger of overlapping and duplication of work if organized under two separate administrations.

In order to overcome this, various conferences were held between representatives of the Department of Agriculture, Department of Commerce, and the Farm Board, and a plan was agreed upon—which was approved by Chairman Legge, Secretary Hyde, and Secretary Lamont, and finally by the President—under which duplication of effort and administrative difficulties would be avoided, and which provided for a thoroughly effective system of reporting. This agreement was essentially as follows:

(a) A staff of agricultural specialists and experts to be assigned to several foreign posts; these experts to be selected and their work to be directed by and their reports submitted to the Department of Agriculture, but for administrative purposes to be attached to the office of the commercial attaché at their respective posts. (These agricultural specialists to be located at London, Berlin, Paris, Marseilles, Copenhagen, Bucharest, Buenos Aires, Melbourne, Johannesburg, and Shanghai.)

(b) A special administrator to be appointed by the Department of Agriculture, but on the pay roll of the Department of Commerce, to supervise and direct the collection of information in foreign countries on crop and livestock production and factors affecting supply and demand.

(c) In order to insure administrative control, funds for the maintenance of this service to be made available to the Department of Commerce by the Farm Board and the Department of Agriculture.

In addition to the above agreements, it was arranged that in areas where agricultural specialists were not assigned under this plan the Department of Commerce officials already stationed in the field would collect and make available to the Department of Commerce, in addition to their regular reporting service on market possibilities, information on crops, livestock production, and factors affecting supply and demand as required by the Department of Agriculture.

Under this arrangement whereby the agricultural specialists were to be assigned to the office of the commercial attachés they would have exactly the same status as other foreign-commerce officers, entitling them to the same courtesies now extended to the representatives of the State Department and the Department of Commerce, and thereby removing such difficulties as liability to taxation in foreign countries, and so forth.

Finally, this agreement is thoroughly in accord with the action taken by President Coolidge in his administrative order of April 4, 1924, providing for a complete interchange of all information bearing upon the promotion and protection of American interests. Under the terms of this order an arrangement has been worked out whereby the Departments of State and Commerce are now working in very close harmony, and under which all duplication and overlapping functions have been eliminated.

The point completely overlooked in connection with the proposed bill is the fact that under the marketing act which established the Farm Board all plans agreed upon prior to that act have been superseded, which explains the President's present attitude toward this bill. In other words, there is a specific provision in the marketing act which authorizes the Farm Board

to arrange and set up the necessary foreign marketing services, under which authority it can take over the functions of the Department of Agriculture in this particular field, organizing such service itself or reestablishing the service in any of the three departments now having foreign activities. As indicated in the above-mentioned agreement, the decision of the Farm Board was to place this marketing service administratively under the Department of Commerce so as to provide the best possible and most expeditious service without duplication of effort. Reasons which prompted this were that it would take years to build up a separate organization, and due to an absolute need for prompt and efficient service it seemed of the utmost importance that the new service should be set up within an organization having an already established world-wide service.

Mr. KETCHAM. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman, I always listen with interest and profit to the statements of the gentleman from Indiana [Mr. WOOD]. Although he is a robust partisan, he has a clear mind, and I believe he is intellectually honest, but I can not follow him in his opposition to this bill. He has given no worth-while reason why this legislation should not be enacted. He may reflect the attitude of President Hoover, the Secretary of Commerce, the Secretary of Agriculture, and the Republican leaders in and out of Congress, but most certainly he is not reflecting the wishes of the agricultural classes of America.

It is well known that all the influence of the Hoover administration has been marshaled to defeat this bill, that has the approval of practically every great farm organization in the United States. In its effort to strangle this legislation, the administration forces, consisting largely of high protectionists, are being led by the gentleman from Indiana, the "Rupert" of congressional debate, always frank, fearless, and rash in the expression of his views and tireless in his activities. As chairman of the great Committee on Appropriations, the gentleman from Indiana wields a powerful influence as a spokesman and champion of administration policies. He is invincible when his cause is just, and resourceful and dangerous even when his cause is without substantial merit, for he "draweth out the thread of his verbosity finer than the staple of his argument."

The gentleman is always nimble and plausible in assigning reasons why legislation should be enacted or defeated. But when political exigencies require he can, like Flimnap, Lord High Treasurer of Lilliput, turn several summersaults while performing on a tight rope no larger than a common packthread. But in the instant case the gentleman's argument is neither ingenious or convincing. He has given no reason why Congress should not give the American farmers the same chance to find new markets for their products that it has given to the manufacturers to sell their surplus commodities abroad.

The pending legislation was conceived in the great brain of Secretary of Agriculture Henry C. Wallace, who has crossed over the great divide after an honorable life which was helpful to his fellow men and especially beneficial to the agricultural classes, whose champion he was and whose interests he served with unfeigned devotion.

The purpose of the pending measure, H. R. 2152, is—

To promote the agriculture of the United States by expanding in a foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture and for other purposes.

Also, for—

Encouraging and promoting the agriculture of the United States and assisting American farmers to adjust their operations and practices to meet world conditions.

The bill provides for the appointment of representatives of the Department of Agriculture to acquire information regarding world competition and demand for agricultural products and the production, marketing, and distributing of said products in foreign countries, and disseminate the same through agricultural extension agencies and by other means.

These representatives in foreign countries would also investigate economic phases of the agricultural industry, and, as far as is necessary to carry out the purposes of the act, conduct abroad any activities, including the demonstration of standards for cotton, wheat, and other agricultural products, in which the Department of Agriculture is now authorized or in the future may be authorized to engage; and to obtain statistics as to agricultural production and conditions in other nations, and to directly or indirectly seek out and open up new markets for American agricultural commodities.

In other words, the ultimate and real purpose of this legislation is to find foreign markets for the surplus agricultural commodities produced by the American farmers; to interest the population of other nations in the purchase of the products of American farms; to advertise and push the sale of our agricultural commodities in far distant lands. Undoubtedly these are worthy purposes and "'Tis a consummation devoutly to be wished."

Or, to state the matter in a little different form, the purpose of this bill is to help American agriculture to get a foothold in foreign markets, just as legislation heretofore enacted has substantially aided American industry in acquiring new and valuable markets abroad. It is just as logical for the Federal Government to help the American farmer find a foreign market for his surplus foreign commodities as it was for the Federal Government to help the American manufacturer find a foreign market for the surplus products of his mills and factories. This bill proposes to do for agriculture what Congress several years ago did for the manufacturing interests of the Nation.

In view of the generous bounties the industrial classes have been receiving as the result of exceedingly high tariff schedules, I am amazed to find the representatives from the manufacturing districts and from the great centers of wealth and population arrayed in a solid phalanx, vigorously and viciously fighting this poor little bill, which the bankrupt farmers of America are asking to have enacted, believing that it would afford them substantial aid in their efforts to find a market for their surplus products.

The enactment of this legislation will not militate against the interests of the manufacturing or commercial classes, but by increasing the income and purchasing power of the agricultural classes very substantial benefits would accrue to the manufacturing and commercial groups, because when the farmer is full handed he is a better customer and a more liberal buyer of the products that come from the mills and factories.

But it has been argued that the service sought to be given to the American farmers by this bill can be furnished by the commercial attachés and other representatives of the Department of Commerce who are now operating in foreign fields. This I deny. So far the American farmers have received comparatively little benefit from the activities of commercial attachés, trade commissioners, and others constituting the personnel of the Foreign Commerce Service, all of whom function under the supervision of the Department of Commerce. These commercial attachés and other representatives of the Commerce Department primarily function for the use and benefit of the manufacturing and commercial classes of the United States.

The primary purposes for which these representatives of the Commerce Department were appointed were to aid the American manufacturing and commercial interests to establish contacts abroad and sell the products of mills and factories in new markets. These new markets for American manufactured products are sought out by the commercial attachés and other representatives of the Department of Commerce whose activities are devoted almost exclusively to bringing the American manufacturer in contact with new customers abroad.

The Department of Commerce was created primarily to promote activities other than that of agriculture. I quote from the Code of Laws of the United States, title 5, page 60, section 596, which prescribes the powers and duties of the Department of Commerce, as follows:

It shall be the province and duty of said department to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishing industries, and the transportation facilities of the United States.

You will observe that the essential function of the Department of Commerce is not to develop, foster, and promote the interests of agriculture but to foster, promote, and develop foreign and domestic commerce, specifically mentioning mining, manufacturing, shipping, fishery industries, and transportation. The organic act creating the Department of Commerce expressly declares that the chief purpose of its creation was to foster, promote, and develop mining, manufacturing, shipping, fisheries, and transportation. Agriculture is not even mentioned as a step-child or a collateral heir of its benevolences. And I do not criticize this provision, because I realize that the interests of agriculture are presumed to be taken care of by another branch of our Federal structure, to wit, the Department of Agriculture.

It was perfectly right and proper to create the Department of Commerce to exercise a paternal and supervisory control over foreign and domestic commerce, with particular reference to mining, manufacturing, shipping, fisheries, and transportation. In order to carry out and effectuate the purpose for which the Department of Commerce was created, and in order to foster, promote, and develop foreign and domestic commerce, with special reference to these enumerated industries, Congress has enacted laws providing for the appointment of commercial at-

tachés and other agents who are stationed in foreign lands to find new markets for industrial products; and these representatives of the Department of Commerce have succeeded in finding new markets for the products of American mills and factories, and by bringing the American manufacturer in contact with foreign customers, have very largely increased the foreign demand for the products of American industry.

Now, by the pending bill, we are trying to do for the American farmer what we have already done for the American manufacturer. What we did by former laws through the Department of Commerce for the benefit of American industry we are seeking, by this bill, to do for the American farmers through the Department of Agriculture.

It may be worth while to add that the Bureau of Foreign and Domestic Commerce was created by the consolidation of the Bureau of Manufactures and the Bureau of Statistics. These two bureaus related primarily to industrial activities, and had no jurisdiction over matters that vitally affected the interests of the agricultural classes. And, in harmony with the functions performed by the two bureaus out of the union of which it was born, the Bureau of Foreign and Domestic Commerce has continued to be primarily and essentially a bureau conducted for the use and benefit of the industrial classes.

The leopard can not change its spots, and the Bureau of Foreign and Domestic Commerce, in its genesis and evolution, has always been an agency intended to foster, promote, and develop the industrial interests of the Nation. The personnel of the Department of Commerce is largely drawn from the industrial classes with but little, if any, knowledge of the interests of agriculture. And no matter what their instructions may be, the commercial agents of the Department of Commerce operating in foreign fields will always be representatives of the industrial interests rather than of the agricultural classes.

Now, to demonstrate that the Bureau of Foreign and Domestic Commerce is essentially, primarily, and inherently an agency of the American manufacturing classes, I want to quote from the Code of Laws of the United States, title 15, page 372, section 175:

> It shall be the province and duty of the Bureau of Foreign and Domestic Commerce, under the direction of the Secretary of Commerce, to foster, promote, and develop the various manufacturing industries of the United States and markets for the same at home and abroad, domestic and foreign, by gathering, compiling, publishing, and supplying all available and useful information concerning such industries and such markets and such other methods and means as may be prescribed by the Secretary of Commerce or provided by law.

Here we have in the organic act creating the Bureau of Foreign and Domestic Commerce a plain and unequivocal statement that it shall be the province and duty of this bureau, not to foster, promote, and develop agriculture, not to find new markets for agricultural products, not to adopt measures for the rehabilitation or stabilization of agriculture, but to do one thing and only one thing, namely, "to foster, promote, and develop the various manufacturing industries of the United States and markets for the same at home and abroad, domestic and foreign."

This language will bear but one construction. This statute unequivocally declares that it shall not only be the province but the duty of the Bureau of Foreign and Domestic Commerce to foster, promote, and develop the manufacturing industries of the United States by finding new markets for manufactured commodities at home and abroad. This statute does not even wink at the idea that one of the duties of the Bureau of Foreign and Domestic Commerce is to foster, promote, or develop agriculture, seek new markets for agricultural products, or to gather statistics and information of interest or value to the agricultural classes.

I concede that under the so-called Hoch Act of March 3, 1927, the scope of the activities of the foreign agents of the Department of Commerce has been enlarged, but, even under existing laws, the foreign representatives of the Department of Commerce are essentially publicity or selling agents of the American manufacturers, and their activities are very largely devoted to finding markets for industrial products, and in bringing the American manufacturer in contact with new customers abroad.

I now call your attention to the Code of Laws of the United States, title 5, page 1883, section 606, which provides for—

> Commercial attachés to be appointed by the Secretary of Commerce after examination to be held under his direction to determine their competency and to be accredited through the State Department, whose duties shall be to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States.

This section was enacted in 1926 and similar provisions will be found in prior acts. Here we have a definite and specific limitation of the duties of the commercial attachés appointed by the Secretary of Commerce. They are not appointed to investigate and report on conditions in the agricultural industry, but this section limits their activities to investigating and reporting upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States, or, to be more specific, it is their statutory function to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the manufacturing classes in the United States.

All through the acts relating to the Bureau of Foreign and Domestic Commerce, and in almost every line of the laws in relation to the appointment of commercial attachés and foreign agents of the Commerce Department, we are brought face to face with the fact that these agencies were created primarily to promote the interests and welfare of the manufacturing classes, find markets for the products of American factories, and to bring the American industrialist into immediate contact with probable customers in foreign lands. It makes no difference whether you call these representatives of the Commerce Department commercial attachés, trade commissioners, or foreign agents, the ugly fact remains that they are essentially representatives and publicity agents of the American manufacturers.

The Hoch Act, to which I have already referred, was enacted in the Sixty-ninth Congress, and was approved March 3, 1927. It establishes in the Bureau of Foreign and Domestic Commerce of the Department of Commerce what it designates as "the foreign commerce service," consisting of officers to be graded in the following order and to be known as commercial attachés, assistant commercial attachés, trade commissioners, and assistant trade commissioners.

The act provides that the officers of the foreign commerce service shall—

(a) Promote the foreign commerce of the United States;

(b) Investigate and report upon commercial and industrial conditions and activities in foreign countries which may be of interest to the United States;

(c) Perform such other duties as the Secretary may direct in connection with the promotion of the industries, trade, or commerce of the United States.

(d) Make such inspections of the Foreign Commerce Service as the Secretary may direct.

The Hoch Act deals in broad generalities, in prescribing the duties of the officers of the Foreign Commerce Service. It waves its hands at the horizon and declares that the officers of the Foreign Commerce Service shall (a) promote foreign commerce, (b) investigate and report on commercial and industrial conditions and activities in foreign countries, (c) perform such other duties as the Secretary of Commerce may direct, and (d) make inspections of the Foreign Commerce Service.

In essence the Hoch Act provides for the organization and classification of the personnel of the Foreign Commerce Service created by previous acts, and although expressed in general terms it enlarges the duties and activities of such commercial attachés and agents. There is no suggestion that they shall give the same consideration to gathering statistics as to matters affecting agricultural products and to finding markets for agricultural commodities that they have heretofore given to gathering statistics in which American manufacturers are interested and in finding markets for the products of mills and factories.

The Hoch bill does not repeal the act of April 29, 1926, which specifically provides that the duties of the commercial attachés—

> Shall be to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States.

Nor does the Hoch measure repeal section 175, page 372, title 15, of the Code of Laws of the United States, which specifically provides that—

> It shall be the province and duty of the Bureau of Foreign and Domestic Commerce, under the direction of the Secretary of Commerce, to foster, promote, and develop the various manufacturing industries of the United States and markets for the same at home and abroad, domestic and foreign, by gathering, compiling, publishing, and supplying all available and useful information concerning such industries and such markets.

I concede that under section 2 of the Hoch Act these commercial attachés and other representatives may be directed by the Secretary of Commerce to perform duties and engage in activities other than those enumerated in previous acts, but the Secretary of Commerce may or may not so instruct these attachés or representatives. He may or may not require them

to do for American agriculture what they have for years been doing for American industry.

And as long as the Department of Commerce is essentially an agent and representative of the manufacturing classes, and as long as the personnel of the Department of Commerce live, move, and have their being in an industrial atmosphere, and as long as the Secretary of Commerce comes from an industrial State and speaks the language of the industrial lords, agriculture will have just about as much chance for a square deal as the proverbial snowball in a certain oft-mentioned region not famous for its frigidity. The atmosphere that surrounds and permeates the Department of Commerce and the psychology of the men who dominate that department are such that it is folly to believe that the commercial attachés and agents operating under the Department of Commerce will ever have more than an academic or passing interest in agriculture, and the markets these representatives find for American farm products would not materially reduce the surplus products from American farms.

What I have said should not be construed as a criticism of the Hoch Act. It is accomplishing the purposes for which it was intended. Its author, the gentleman from Kansas, Mr. HOCH, an able and influential legislator, is supporting the pending bill, because he doubtless believes it will do for agriculture what his bill is doing for the manufacturing and commercial interests.

As another evidence of the solicitude of the Federal Government for the manufacturing classes I call your attention to the last paragraph of section 175, page 372, title 15, Code of Laws of the United States, which is as follows:

> And all consular officers of the United States, including consuls general and consuls, are required, and it is made a part of their duty, under the direction of the Secretary of State, to gather and compile from time to time useful and material information and statistics in respect to the subjects enumerated in section 596 of title 5, executive departments and Government officers and employees, in countries and places to which such consular officers are accredited, and to send under the direction of the Secretary of State reports as often as required by the Secretary of Commerce of the information and statistics thus gathered and compiled; such reports to be transmitted through the State Department to the Secretary of the Department of Commerce.

Section 596 of title 5, Code of Laws of the United States, mentioned above, provides:

> It shall be the province and duty of said department (Department of Commerce) to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries and the transportation facilities of the United States.

In other words, our consular representatives abroad are required from time to time to secure information and statistics that will aid in accomplishing the purposes set forth in the act creating the Department of Commerce, namely, to foster, promote, and develop certain specific industries in the United States, namely, mining, manufacturing, transportation, shipping, and fisheries, but agriculture is not included in the list of industries which our benevolent Government is endeavoring to foster, promote, and develop.

Our consular officers were not specifically directed to procure information and statistics that would promote, foster, and develop agriculture, but by this statutory mandate they are required to secure this information and these statistics for the use and benefit of the manufacturing classes and a few other favored vocational groups.

I mention these facts to emphasize the indifference of the Federal Government toward the interests and welfare of agriculture and its paternal solicitude for the manufacturers. Uncle Sam has generously responded to the appeals of other vocational groups but has done little to place agriculture on an equality with other industries or to lighten the burden or remove the handicap under which agriculture is suffering as a result of legislative favoritism to certain special-privileged classes.

The Department of Commerce was created to cover the field of commerce and manufacturing, while to the Department of Agriculture was committed the specific duty of conserving the interests and welfare of the agricultural classes. The activities of neither should be circumscribed or dependent upon the personnel of the other. The Intelligence Bureau of the Navy Department is not under the control of the Secretary of War, nor is the War Department compelled to get information in reference to military matters from the Navy Department. Each of the executive departments has a special field in which its activities are carried on, and by this specialization better results are obtainable.

By the pending bill we are endeavoring to give agriculture the same opportunity to share in foreign markets that we have secured for industry by legislation heretofore enacted. As further proof that the Bureau of Foreign and Domestic Commerce is essentially an agency for the benefit of American manufacturing interests, I call attention to the fact that more than 90 per cent of the work done by its foreign agents relates to matters exclusively affecting the industrial and commercial interests, and an infinitesimally small part of their activities relates either directly or indirectly to agriculture.

The Bureau of Foreign and Domestic Commerce each week issues a publication called "Commerce Reports," which I read and have bound because of the valuable information they contain in reference to our foreign trade. This publication shows in detail the accomplishments of this particular bureau, and reflects the activities of the commercial attachés and other agents of the Commerce Department who operate in foreign fields. More than 90 per cent of these activities directly and exclusively affect the manufacturing and commercial classes, while statistics and questions affecting the interests of agriculture are given scant consideration.

In each issue two pages are devoted to "foreign trade opportunities." Therein is tabulated information in reference to foreign firms or purchasing agents who are either in the market for American products or who are prospective customers. Such firms are indicated by number, the names being furnished by the bureau on request. But the lists show the location of the prospective customers and the commodities in which they are or may become interested.

The May 12 issue of this publication has just reached me. On pages 399 and 400 there are 233 "foreign trade opportunities" listed, only 6 of which relate to foodstuffs, viz, canned vegetables, fresh vegetables, flour, California honey, granulated sugar, and powdered sugar. What a mighty campaign this bureau is waging to obtain new markets for the embattled farmer. The millers will chalk down the profits that comes from the sale of the flour. The refiners will get the benefits accruing from finding new markets for sugar, and the canning factories will absorb practically all the profits that will accrue from extending the market for canned vegetables. But glance at the list of commodities for which the Department of Commerce is finding new markets!

> Agricultural implements: Agricultural machinery and fractional horsepower motors; kerosene and oil engines of 1 to 10 horsepower; motor-operated plows and threshing machines.
>
> Automotive products: Automobile accessories; ordinary and electrical automobile accessories; automobiles accessories, such as fan belts, brake linings, and light bulbs; automobile accessories and specialties, including hardware; automobile trailers of simple construction; automobile accessories, parts and service equipment; automobiles, trucks, accessories, spare parts, and garage and service equipment; lacquer-spraying outfit and gasoline pumps.
>
> Chemicals: Denatured alcohol and burning alcohol; aniline, benzidine, phenol, benzol, and naphtha solvent; benzol; disinfectants; galaith; liquid hydrocyanic acid (prussic acid); naval stores; essential oils; paints; paints, varnishes, enamels, turpentines, and linseed oil; automobile polishes; floor and lacquer polishes; resin (molding powder), in all colors; rosin for paper mills; fly spray; animal, vegetable, and mineral wax.
>
> Drugs and pharmaceutical preparations: Botanical drugs (cascara sagrada barks, senega root, hydrastis root, etc.); prepared medicines, cosmetics, toilet preparations, and medicinal white oil; pharmaceuticals and toilet preparations; toilet preparations.
>
> Electrical appliances: Batteries, cells, and insulating materials; storage batteries; household electrical appliances; household electrical appliances, including washing machines; electric instruments; automobile and incandescent lamps; bridge, floor, and boudoir lamps; fraction horsepower motors; electric paint sprayers; dynamic radio loud speakers; radio parts; radio receiving tubes and radio set chassis; radio sets, loud speakers, and parts; radio sets and parts; radio sets and radio and phonograph combinations; electrician's tools; welding machinery, rivet heaters, and automatic chain-welding machinery; electric wire, cable, and springs; electric wires and cables.
>
> Iron, steel, hardware: Abrasives; iron chains; coffee urns and filters; cutlery; table and kitchen cutlery; galvanized iron sheets and metal lath; builders' hardware; builders' hardware and shelf and tools; building and household hardware; cabinet and furniture hardware; household hardware; household hardware and plumbers' supplies; household appliances and patented specialties; household utensils and novelties; ironing boards; wire nails; small, inexpensive, commercial coffee percolators; water, steam, and gas pipe; double and single edge safety-razor blades; sanitary equipment; sanitary fixtures; heavy steel scrap in furnace sizes and rerolling material, such as rails and tubes; stoves and heaters; gardening tools; hand tools; miscellaneous tools; small tools for metal and woodworking shops; gardening tools and novelties; and wire cloth and screenings.
>
> Leather: Calf, suede; glazed kid and fancy leathers; calf and patent leathers; glove-leather, especially pigskin and calfskin; glazed kid,

patent sides, and other leathers; leather; bottom leather offal; patent, calf, and other leathers; patent leather, pressed box calf, lining leather, and plain sheepskin for bags and bookbinding; buff, russett, undyed, and unvarnished upholstery splits.

Lumber and products: Cedar lumber for manufacture of pencils; mahogany and walnut.

Machinery: Bolt-and-nut-making and wire-drawing machinery; cans (especially petroleum cans) manufacturing machinery; coal-mining machinery, including mine cars; small coffee roasters; marine engine accessories; foundry machinery; fruit-juice manufacturing, storage, and bottling machinery; ice-making and refrigerating machinery; laundry washing, wringing, and mangling machinery, equipped with electric motors; pneumatic or electric nailing machines, with automatic feed; nail-making machinery; peat-working machinery, such as mining and pressing machines; planing machines; nonchokeable marine pumps for marine salvage work; punching machines for punching brass wheels; railroad-tie producing machinery; ribbon machinery; soap-making machinery; textile machinery (calendars); winches (cargo) and windlasses; automatic woodworking machinery for manufacture of plywood boxes.

Minerals: Asbestos products; graphite and alluminum in flakes; roofing slates, stone, in all colors.

Motion pictures: Motion pictures; sound-synchronization equipment, and drama and comic films.

Paper and paper goods: Banknote, carbon, and wax papers, and retransfer and lithographic inks; boxes, cheap, writing tablets, and cellulose paper; box-making machinery; cardboard; cartons, paper, manufacturing machinery, small; cups, paper, drinking, and for jams, jellies, and preserves; cups, soda straws, and service dishes, paper; envelopes, cloth-lined; letter paper; packing paper, transparent, similar to glassine paper; roofing paper; wallpapers; writing paper, envelopes, blotting paper, etc.

Petroleum products: Kerosene, petrol, and lubricating and gas oils; oils, cylinder, filtered, dark; petroleum coke in lump form; petroleum, solid and semisolid; wax, mineral.

Rubber goods: Bands, rubber, gray; belting; belting, transmission; boots, rubber, and rubber and rubber-soled bathing and tennis shoes; fiber or hard-rubber packings and insulators; overshoes with zip fasteners; scraping block, rubber, for washing dishes; soles, crêpe or vulcanized; tires, solid, on iron bands, for motors; toys and balloons, rubber.

Ships and shipping: Shipbuilding and engine accessories and equipment; tramway equipment, locomotives, dump cars, etc., electric.

Shoes and leather manufactures: Belting, transmission, leather; boots and shoes; shoe findings; shoes, Army officer, in lots of 1,000 pairs; shoes, leather, men's and boys'; shoes, leather, tennis and sport shoes with chrome and crêpe rubber soles, and rubber heels; shoes, low priced, men's and women's; slippers, all kinds, men's and women's; trunks.

Soaps: Toilet soaps.

Specialties: Athletic and sporting goods, and playground supplies; bottles, medicine; bottles, perfume; brushes, shaving and clothes; buttons; cabinets, radio, mahogany, finished; corks, corks and stoppers, bottle; drawing apparatus; glass, convex, for portraits; glass, glaziers', sheet or plate; hairdressers' supplies, household articles; laboratory and measuring equipment, and electrical laboratory and medical equipment; mirrors; pencil leads, 30,000 gross; photographic supplies; plates, decorating, in brass, bronze, etc.; school supplies, and cheap fountain pens; scientific instruments and laboratory apparatus; shoe-shining equipment; soda-fountain equipment and supplies; stationery supplies and fountain pens; toilet articles, celluloid; toys and games.

Textiles: Bathing suits; cotton fabrics, gray bleached, dyed, and printed; cotton linters, bleached; cotton piece goods; cotton piece goods, especially shirtings, prints, and denims; cotton piece goods, khaki, prints, etc.; cotton thread in numbers from 46 to 50; cotton voiles, plain and printed; drapery material, carpets, etc.; dry goods; elastic and hosiery protectors; golf jackets and spats with zip fasteners; haberdashery, haberdashery (hats, pajamas, and shirts); hosiery; hosiery, all grades, especially wool and silk; hosiery, men's and women's; hosiery, silk, rayon, and cotton; hosiery, silk, rayon, and cotton, and men's, women's and children's underwear; hosiery, silk, and men's women's, and children's underwear; knit goods; leather, imitation; linoleum, oilcloth, and imitation leather; linoleum, 1-color and inlaid; oilcloth (table, etc.) and linoleum; powder puffs; raincoats, army-type, in lots of 1,000; rayon piece goods; rayon and crêpe piece goods, tapestries, and novelty furnishings; silk piece goods, printed; tarpaulins, waterproof, and manila ropes; textile goods; umbrellas and parasols, cotton, half silk, and silk, men's, women's, and children's; underwear, cheap, men's and women's; underwear, men's; velvets; yarn, cotton.

Contrast the 227 important industrial products for which the Bureau of Foreign and Domestic Commerce is endeavoring to find purchasers in foreign lands, with the 6 little articles of foodstuff to which I have referred. Obviously, the products of mills and factories are getting the lion's share of attention from the foreign agents who operate under the supervision of the Department of Commerce.

Now, the pending bill will, to a very considerable extent, remedy this unjust and unfair situation, because the agents appointed under this act will devote their time and attention exclusively to matters vitally affecting agriculture, and in enlarging the foreign demand for commodities produced on the American farm. I admit that in some few instances the agents of the Department of Commerce have in a very limited or incidental manner served the interests of agriculture, but that is the exception and not the rule, as their activities are largely confined to matters in which the commercial and manufacturing classes of the United States are interested.

So, in the last analysis, the Foreign Trade Opportunities listed by the Department of Commerce, are not opportunities to sell products of American farms, but essentially a list of foreign firms which the Bureau of Foreign and Domestic Commerce is trying to interest in the purchase of commodities from American mills and factories.

The Department of Commerce has been given an army of foreign agents to bring American manufacturers in contact with firms, purchasing agents, and prospective customers in foreign lands. I do not object to this, and I supported the Hoch bill, under which the Bureau of Foreign and Domestic Commerce is given an adequate and efficient force of foreign representatives. But I insist that the agricultural classes in America should be given the same treatment that has been accorded to the manufacturing interests, and this has not been done.

My colleague from Indiana [Mr. WOOD], one of the Republican leaders not only in the House but in the Nation, who enjoys the confidence and intimate friendship of the President, unequivocally informs us that President Hoover is opposed to this measure. Since when did the President reach the conclusion that this is a bad bill? When Mr. Hoover was Secretary of Commerce under the Coolidge administration, he favored this bill and joined Secretary Jardine in writing a letter to the chairman of the House Committee on Agriculture, the gentleman from Iowa, Mr. HAUGEN. This letter was as follows:

MARCH 10, 1926.

Hon. GILBERT N. HAUGEN,
Chairman Committee on Agriculture and Forestry,
House of Representatives.

MY DEAR MR. HAUGEN: There are being introduced in Congress and referred to various committees the following bills giving statutory recognition to the foreign services of the Departments of Agriculture and Commerce: H. R. 3858 and S. 3383 on that of the Department of Commerce and H. R. 10129 and S. 3473 on the Department of Agriculture. These measures have been subject to the most careful consideration on the part of both departments, individually and in consultation, and in their present form they represent the joint agreement of the two departments. We, therefore, recommend their early and favorable consideration by the Congress.

Very sincerely yours,

HERBERT HOOVER,
Secretary of Commerce.
W. M. JARDINE,
Secretary of Agriculture.

You will observe that Secretary Hoover and Secretary Jardine, by this letter, indorsed House bill 3858 and Senate bill 3383, which provided for commercial attachés, trade commissioners, and agents to be appointed by the Secretary of Commerce, and they also approved House bill 10129 and Senate bill 3473, which were identical, and provided for the appointment by the Department of Agriculture of representatives abroad to enlarge the foreign market for American farm products. In other words, these bills, indorsed by the two Secretaries, were intended to give both the Department of Commerce and the Department of Agriculture an adequate foreign field force to represent the activities of their respective departments.

House bill 3858, introduced by Representative HOCH, of Kansas, passed the House and Senate. As I have stated, it gave the Department of Commerce the agents and representatives it asked for to send abroad to promote primarily the interests of the manufacturing and commercial classes, but the other bill indorsed by the two Secretaries, Jardine and Hoover, was strangled and never became a law. By passing H. R. 3858, the manufacturing and commercial groups got what they wanted, after which they proceeded to kill the companion bill that would have granted to agriculture the same privileges the manufacturers obtained by the passage of the other bill.

Now, the bill the farmers wanted in 1926, and which Secretaries Hoover and Jardine approved, was the same bill we are now considering. In 1926 Mr. Hoover said this was a good bill. What has brought about his change of heart? In the foregoing letter he said:

These measures have been subject to the most careful consideration on the part of both departments, individually and in consultation, and

in their present form they represent the joint agreement of the two departments.

And both Secretary Hoover and Secretary Jardine recommended their early and favorable consideration by Congress. Congress proceeded to give the Department of Commerce what it wanted but denied the prayer of the Department of Agriculture, thereby making fish of one and flesh of the other.

In 1926 Secretary Hoover and Secretary Jardine after full and free consultation agreed that the American people should make a drive for new foreign markets for our surplus products. They agreed that the Department of Commerce needed more agents abroad to advertise the merits of American factory products and that the Department of Agriculture needed agents abroad to find new markets for our farm commodities and to obtain information and statistics of interest to the agricultural classes. So, cooperating together, they came to Congress and requested that each department be authorized to organize and send abroad a force of agents to promote the interests of the vocational groups primarily represented by the respective departments. The bill giving the Department of Commerce the force it wanted was enacted, but the bill giving the Department of Agriculture the force it asked for was scientifically strangled.

But Secretary Hoover did not stop with one letter approving this bill. On February 1, 1928, he wrote Secretary Jardine as follows:

FEBRUARY 1, 1928.

Hon. W. M. JARDINE,
Secretary of Agriculture, Washington, D. C.

MY DEAR MR. SECRETARY: The draft of "A bill to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture," as submitted to this department by your office on January 31, 1928, is a helpful step toward more uniform and better administration in that it places the proposed staff of the Department of Agriculture on a comparable footing with the Foreign Commerce Service as defined in the Hoch Act of March 3, 1927. It seems to me that the passage of this measure will contribute materially toward more effective collaboration between the two services and I hope, therefore, that it will receive early and favorable consideration by Congress.

Faithfully yours,

HERBERT HOOVER,
Secretary of Commerce.

Now, it does not require a Philadelphia lawyer to construe this language. In plain words, Mr. Hoover indorsed this bill and said its passage would be a helpful step toward more uniform and better administration in that it would place the proposed staff of the Department of Agriculture on a comparative footing with the Foreign Service of the Department of Commerce, as defined in the Hoch Act of March 3, 1927.

Mr. Hoover must have meant what he said when he stated in this letter—

That the passage of this measure will contribute materially toward more effective collaboration between the two services, and I hope, therefore, that it will receive early and favorable consideration by Congress.

Now, any average grade-school pupil can understand this language. It is susceptible of but one construction, and it put Mr. Hoover squarely on record in favor of this legislation. If this was a wise legislative proposal in 1926 and 1928, what is wrong with it in 1930? If the bill would help the farmers in 1926 and 1928, would it not help them now? If the Department of Agriculture was entitled to this foreign service force in 1926 and 1928, why should it be denied that service now? It will be observed that Mr. Hoover's last letter was written February 1, 1928, after the Hoch bill had been in operation for nearly a year, and at that time Mr. Hoover expressed the conviction that this bill would do for agriculture what the Hoch bill did for commerce and industry.

The agricultural classes of America are aggressively supporting this bill because they believe it will materially aid in the rehabilitation of American agriculture by furnishing additional markets for our surplus farm products. Nineteen leaders of agricultural organizations, representing millions of farmers, have indorsed this legislation in the following statement:

H. R. 7111 (same as pending bill), introduced by Mr. KETCHAM, is a bill to promote American agriculture by making available and expanding the service now rendered by the Department of Agriculture in gathering and disseminating information regarding agricultural production, competition, and demand in foreign countries in promoting the sale of farm products abroad and in other ways. We strongly urge all Senators and Congressmen to facilitate the passage of this bill. There never was a time in the history of American agriculture when there was greater need of the activities contemplated by this bill.

Respectfully submitted.

L. J. Taber, master National Grange; T. C. Atkeson, Washington representative of the grange; C. S. Barrett, president Farmers' Educational and Cooperative Union of America; F. J. Haganbarth, president National Wool Growers' Association, by S. W. McClure; A. M. Loomis, secretary American Dairy Federation and secretary National Dairy Union; George C. Jewett, general manager American Wheat Growers' Association; Charles V. Holman, secretary National Cooperative Milk Producers' Federation and secretary National Board of Farm Organizations; Chester Davis, commissioner of agriculture, State of Montana; Western Tariff Association, by S. W. McClure, manager; Pendleton Commercial Association, by S. R. Thompson, chairman agricultural committee, also president of Oregon Export League; Charles E. Hearst, president Iowa State Farm Bureau, Des Moines; George E. Duis, North Dakota Wheat Growers' Association, Grand Forks, N. Dak.; W. L. Stockton, Clarkston, Mont., president Montana State Farm Bureau; Carl Gunderson, South Dakota Wheat Growers' Association, Mitchell, S. Dak.; G. P. Mix, Moscow, Idaho; T. C. Winn, Nephi, Utah; A. R. Shumway, Milton, Oreg.; Oregon Wheat Growers' Association; Hubert Egbert, president Farmers' Union, The Dalles, Oreg.; S. Sykes, president Corn Belt Meat Producers' Association.

So far as I have observed, all the leading farm papers are advocating the enactment of this legislation. The Committee on Agriculture, in reporting the pending bill, said:

The Department of Agriculture can not render an adequate service to the agricultural producers of the United States without extending its activities in foreign fields.

If this bill becomes a law, it will enable the Department of Agriculture and the Federal Farm Board to extend their activities into foreign fields, and materially enlarge the world market for our farm commodities. The interests of American agriculture will be seriously and prejudicially affected by the defeat of this measure. I want the friends of agriculture in this Chamber not to forget the fact that our colleagues who come from the manufacturing districts, are almost to a man aggressively and viciously opposing this measure, although their constituents are about to get the benefit of the Hawley-Smoot tariff bill which establishes the highest tariff rates in the history of our Nation, and which will grant hundreds of millions of unearned bounties to the manufacturing industries. The action of the champion of high protection in this House conclusively demonstrates that the tariff barons have no sense of appreciation and are unwilling to allow the agricultural classes even the little benefit that would accrue to them under the provisions of this act. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. KETCHAM. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. CHRISTGAU].

Mr. CHRISTGAU. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by including therein an editorial from Wallace's Farmer and the report of the Committee on Agriculture on this bill.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. CHRISTGAU. Mr. Chairman and members of the committee, when we passed the agricultural marketing act we declared it to be the policy of this country that the marketing of agricultural products should be a farmer's function. In other words, in the agricultural marketing act we set up the machinery for the establishment of farmer-owned and farmer-controlled stabilization corporations. The marketing of farm products was then declared to be an agricultural function. I am interested in seeing this foreign marketing service remain in the Department of Agriculture, because it is there that the farmer's interests can best be served.

It was my privilege last year to spend some two months in Europe. I visited the commercial attachés' offices in seven countries of Europe, and also called at the foreign offices of the Department of Agriculture. I became thoroughly convinced as a result of my observations this measure is an essential and necessary part of our agricultural marketing program.

Let me call attention to an example of what the people in Denmark are doing for the agriculture industry in Denmark. Denmark has for her agricultural industry machinery similar to that that we are trying to set up here. The agricultural



interests of Denmark are represented in England by government officials. Those government representatives keep the farmers of Denmark advised as to any changes in the English market for Danish farm products. I was told that a year ago last summer the English bacon market demanded bacon from lighter hogs than the Danish farmers were producing.

The representative in England sent word to the Danish Government that the hogs should be lighter when marketed, and within two weeks after the Danish farmers received that information the hogs in Denmark were being marketed considerably lighter. It is that type of information that the farmers of this country should receive and it should be obtained for them and relayed to them through the Department of Agriculture.

This bill proposes to establish in 10 different places in foreign countries agricultural attachés. The purpose of setting up these foreign offices at different points is to permit the gathering and compiling of valuable agricultural information at certain definite centers from which it is condensed, interpreted, and then relayed to the Agricultural Department, which in turn can make the information available to the farmers of this country. For instance, when an agricultural attaché in Berlin gathers and compiles information of value to the agricultural people of this country, he sends that information by cable to this country to the Agricultural Department so that it may be brought to the attention of the farmers as soon as possible. If we leave to the commercial attachés in foreign countries the responsibility of locating for agriculture information necessary for our agricultural interests, the attachés now located at points all over Europe would be required, if they could, to give that information to some agricultural-minded authority at certain central points for interpretation and condensing if the service is to be of maximum value to the farmers.

Mr. HUDSON. But I understood from the gentleman that we were going to have 10 of these agents. Now, do I understand that you are going to have them all over Europe?

Mr. CHRISTGAU. The gentleman misunderstands. I said that we would have 10 agricultural attachés proposed in this measure who would gather the information from these commercial attachés and other sources in Europe and in other foreign countries.

Mr. HUDSON. Is the gentleman willing to say to this House that 10 agricultural attachés will satisfy the demands of this bill?

Mr. CHRISTGAU. That would be a very good beginning.

Mr. HUDSON. And that is what it is, a beginning, and you will build up another huge organization.

Mr. CHRISTGAU. Not necessarily. It is the same beginning that was given to the Department of Commerce several years ago.

Mr. KETCHAM. Is it not true that the 10 posts that are proposed to be set up are in accordance with the recommendation of the Federal Farm Board, which is particularly interested in this legislation?

Mr. CHRISTGAU. They have made a particular study of that problem and they find they need some one in Europe to send them information; and they originally requested that this service be in the Department of Agriculture.

Mr. HUDSON. Has not the Federal Farm Board authorization now to ask the Department of Commerce to appoint those 10 people in the 10 posts, to do what it is proposed to do by this bill?

Mr. CHRISTGAU. I do not know what authorization they have now. If they have that authority, they would not have asked for this legislation last fall.

Mr. STAFFORD. Denmark, being an agricultural country, has that character of attaché, and Sweden similar ones. There is nothing in the organic act that prevents our commercial attachés doing work similar to that provided for in this bill.

Mr. CHRISTGAU. Mr. Chairman, at this point I would like to submit an editorial by Henry A. Wallace, editor of Wallace's Farmer and Iowa Homestead, which gives some of the history of this fight for a foreign service for agriculture, and which answers the statement of the gentleman from Wisconsin [Mr. STAFFORD]:

FOREIGN SERVICE FOR AGRICULTURE

By Henry A. Wallace, editor of Wallace's Farmer and Iowa Homestead

When Henry C. Wallace was Secretary of Agriculture one of the things for which he fought most strenuously was a foreign service for agriculture. He died; Jardine took up the work, and was able to enlist the cooperation of Herbert Hoover, then Secretary of Commerce. Hoover was justifiably as anxious to get a foreign service for commerce as the farm folks were to get a foreign service for agriculture. Hoover and Jardine, working together, had companion bills introduced, and on date of March 10, 1926, they wrote a joint letter to Congressman HAUGEN, saying:

"These measures have been subject to the most careful consideration on the part of both departments, individually and in consultation, and in their present form they represent the joint agreement of the two departments. We therefore recommend their early and favorable consideration by the Congress."

In 1927 the commerce bills were passed but the agricultural bills were lost in the jam. Hoover, therefore, wrote Jardine, on date of February 1, 1928, as follows:

MY DEAR MR. SECRETARY: The draft of "A bill to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture," as submitted to this department by your office on January 31, 1928, is a helpful step toward more uniform and better administration, in that it places the proposed staff of the Department of Agriculture on a comparable footing with the Foreign Commerce Service, as defined in the Hoch Act of March 3, 1927. It seems to me that the passage of this measure will contribute materially toward more effective collaboration between the two services, and I hope, therefore, that it will receive early and favorable consideration by Congress.

Faithfully yours,

HERBERT HOOVER.

Again the agricultural bills were lost in the jam. Last fall the Farm Board was in serious need of foreign agricultural information and called for the passage of these bills, which had so long been sidetracked. Then certain people in the Department of Commerce became alarmed and prevailed on President Hoover to go back on the stand which he had taken as Secretary of Commerce. On April 24, 1930, in House Document No. 365, he submitted to Congress, through the Director of the Budget, the following draft of proposed legislation:

"The Secretary of Agriculture may, with the approval of the Secretary of Commerce, transfer to the Department of Commerce, for direct expenditure, such sums from funds available for salaries and expenses, Bureau of Agricultural Economics, crop and livestock estimates for the fiscal year 1931 as may be necessary for the salaries, expenses, and allowances of the officers in the Foreign Commerce Service of the Bureau of Foreign and Domestic Commerce engaged in securing, under the direction of the Secretary of Agriculture, information for the Department of Agriculture."

Legislation of this sort means just one thing—foreign agricultural service is to be a part of the Department of Commerce. True, the Secretary of Agriculture is still to have some strings on the service, but they will have to be cut after a time for the sake of smooth executive functioning.

There is only one thing for farm-minded folks to do, and that is to demand that Congress pass at once H. R. 2152 and S. 2043, bills carrying out the Hoover recommendations of 1926 and 1928, bills embodying the original ideas of Henry C. Wallace when Secretary of Agriculture, bills which were backed by Jardine when he was Secretary of Agriculture, bills which have had the support of the leading farm organizations for a number of years.

We have nothing against the Department of Commerce, because we know it does excellent work in its own field. But it should be satisfied in serving the great commercial interests of the Nation and not try to cover agriculture. A commercial attaché can gather some kinds of agricultural information just as well as a man trained in agriculture. But, necessarily, he can not serve agriculture as well as a farm-minded man. In this connection, we remember the commercial attaché stationed in Italy, who recommended the importation of a large Italian draft breed of cattle into the United States because the animals had such large shoulders. We mentioned his kindly efforts under the heading, "Steaks Off the Neck."

Agriculture has been long-suffering and forbearing in this matter of a foreign service. She expected fair play, but now it seems that patience is no longer a virtue. If there is any manhood left in organized agriculture, it is time to speak to Congress in no uncertain terms.

The Farm Board absolutely must have reliable foreign agricultural information if it is to run its affairs intelligently. If H. R. 2152 and S. 2043 could not be passed, the proposal to put the foreign agricultural service in the Department of Commerce might be justified as a temporary expedient. But these bills, providing, as Hoover said in 1928, for placing "the proposed staff of the Department of Agriculture on a comparable footing with the Foreign Commerce Service, * * *" can be passed if the President will give the word.

We trust he will see that agriculture has just rights in this matter, and that he will reiterate his stand of 1928 and abandon the proposal recently submitted to transfer the foreign agricultural work to the Department of Commerce.

And, Mr. Chairman, I wish to insert in the RECORD at this point the material on pages 4, 5, 6, and 7 of the committee's report on this bill, which shows the agreements made at the

time this legislation was originally proposed, as well as other information pertinent to this subject:

[H. Rept. No. 5, 71st Cong., 1st sess.]

TO PROMOTE AGRICULTURE

Mr. HAUGEN, from the Committee on Agriculture, submitted the following report (to accompany H. R. 2152):

The Committee on Agriculture, to whom was referred the bill (H. R. 2152) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, having considered the same, report thereon with a recommendation that it do pass.

The bill reported herewith is as follows:

H. R. 2152, Seventy-first Congress, first session

"A bill to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes

"*Be it enacted, etc.*, That for the purpose of encouraging and promoting the agriculture of the United States and assisting American farmers to adjust their operations and practices to meet world conditions, the Secretary of Agriculture shall—

"(a) Acquire information regarding world competition and demand for agricultural products and the production, marketing, and distributing of said products in foreign countries and disseminate the same through agricultural extension agencies and by such other means as may be deemed advisable.

"(b) Investigate abroad farm management and any other economic phases of the agricultural industry and, in so far as is necessary to carry out the purposes of this act, conduct abroad any activities, including the demonstration of standards for cotton, wheat, and other American agricultural products, in which the Department of Agriculture is now authorized or in the future may be authorized to engage. Nothing contained herein shall be construed as prohibiting the Department of Agriculture from conducting abroad any activity for which authority for thus conducting it may exist.

"SEC. 2. (a) The present representatives of the Bureau of Agricultural Economics of the Department of Agriculture now stationed abroad shall be officers of the foreign agricultural service of the United States, and the Secretary of Agriculture may appoint other officers in said service from time to time in accordance with civil-service procedure. All such officers shall constitute the foreign agricultural service of the United States, and shall be known as agricultural attachés, assistant agricultural attachés, or by such other titles as may be deemed appropriate by the Secretary of Agriculture. Any officer in said service, when designated by the Secretary of Agriculture, shall, through the Department of State, be regularly and officially attached to the diplomatic mission of the United States in the country in which he is to be stationed, or to the consulate of the United States, as the Secretary of Agriculture shall designate. If any such officer is to be stationed in a country where there is no diplomatic mission or consulate of the United States, appropriate recognition and standing with full facilities for discharging his official duties shall be arranged by the Department of State. The Secretary of State may reject the name of any such officer if, in his judgment, the attachment of such officer to the diplomatic mission or consulate at the post designated would be prejudicial to the public policy of the United States.

"(b) The Secretary of Agriculture shall appoint the officers of the foreign agricultural service to such grades as he may establish, with salaries in those grades comparable to those paid other officers of the Government for analogous foreign service.

"(c) The Secretary of Agriculture is authorized to promote or demote in grade or class, to increase or decrease within the salary range fixed for the class the compensation of, and to separate from the service, officers of the foreign agricultural service, but in so doing the Secretary shall take into consideration records of efficiency.

"(d) No officer of the foreign agricultural service shall be considered as having the character of a public minister.

"(e) Any officer of the foreign agricultural service may be assigned for duty in the United States for a period of not more than three years without change in grade, class, or salary, or with such change as the Secretary of Agriculture may direct.

"(f) The Secretary of Agriculture is authorized to pay the expenses of transportation and subsistence of officers in the foreign agricultural service of the United States and their immediate families in going to and returning from their posts under orders from the Secretary of Agriculture. The Secretary of Agriculture is further authorized, whenever he deems it in the public interest, to order to the United States on his official leave of absence any foreign agricultural service officer who has performed three years or more of continuous service abroad: *Provided*, That the expenses of transportation and subsistence of such officers and their immediate families in traveling to their homes in the United States and return shall be paid under the same rules and regulations applicable in the case of officers going to and returning from their posts under orders of the Secretary of Agriculture when not on leave: *Provided further*, That while in the United States the services of such officers shall be available for such duties in the Department of Agriculture and elsewhere in the United States as the Secretary of Agriculture may prescribe. Any officer in the foreign agricultural service, in the discretion of the Secretary of Agriculture, may be given leave of absence with pay for not to exceed 30 days for any one year, which may be taken in the United States or elsewhere, accumulative for three years under such rules and regulations as the Secretary of Agriculture shall prescribe.

"SEC. 3. (a) Subject to the requirements of the civil service laws, and the rules and regulations promulgated thereunder, the Secretary of Agriculture is authorized to appoint, fix the compensation of, promote, demote, and separate from the service such clerks and other assistants for officers of the foreign agricultural service as he may deem necessary.

"(b) When authorized by the Secretary of Agriculture, officers of the foreign agricultural service may employ, regardless of their citizenship, in a foreign country from time to time, fix the compensation of, and separate from the service such clerical and other assistants as may be necessary.

"SEC. 4. (a) Any officer, assistant, clerk, or employee of the Department of Agriculture, while on duty outside of the continental limits of the United States and away from the post to which he is assigned, shall be entitled to receive his necessary traveling expenses and his actual expenses for subsistence, or a per diem in lieu of subsistence, equal to that paid to other officers of the Government when engaged in analogous foreign service.

"(b) The Secretary of Agriculture may authorize any officer of the foreign agricultural service to fix, in an amount not exceeding the allowance fixed for such officer, an allowance for actual subsistence, or a per diem allowance in lieu thereof, for any clerical or other assistant employed by such officer under subdivision (b) of section 3 when such clerical or other assistant is engaged in travel outside the continental limits of the United States and away from the post to which he is assigned.

"(c) Any officer, assistant, clerk, or employee of the foreign agricultural service, while on duty within the continental limits of the United States, shall be entitled to receive the traveling expenses and actual expenses incurred for subsistence, or per diem allowance in lieu thereof, authorized by law.

"SEC. 5. The Secretary of Agriculture may make such rules and regulations as may be necessary to carry out the provisions of this act and may cooperate with any department or agency of the Government, State, Territory, District, or possession, or department, agency, or political subdivision thereof, cooperative and other farm organizations, or any person, and shall have power to make such expenditures for rent outside the District of Columbia, for printing, telegrams, telephones, law books, books of reference, maps, publications, furniture, stationery, office equipment, travel and subsistence allowances, and other supplies and expenses as shall be necessary to the administration of the act in the District of Columbia and elsewhere. With the approval of the Secretary of Agriculture an officer of the foreign agricultural service may enter into leases for office quarters, and may pay rent, telephone, subscriptions to publications, and other charges incident to the conduct of his office and the discharge of his duties, in advance in any foreign country where custom or practice requires payment in advance."

This measure (H. R. 2152) is identical with H. R. 11074 of the Seventieth Congress which was favorably reported by the Committee on Agriculture and passed by the House March 14, 1928. The Committee on Agriculture is convinced that detailed and complete information on foreign competition and demand for agricultural products is absolutely essential to the successful administration of any farm-relief measure. We, therefore, recommend that this bill do pass.

The Committee on Agriculture made an extended report on H. R. 11074 under date of February 29, 1928, and this report is herewith quoted in full:

"H. R. 11074 is substantially the same as H. R. 10129, that was reported upon by the committee in the last Congress (H. Rept. No. 622, 69th Cong., 1st sess.) and passed the House April 7, 1926, to which has been added essential administrative features to make the foreign agricultural service of the Department of Agriculture uniform with the Foreign Service of the Department of State and the foreign service of the Department of Commerce in order to prevent any conflict of authority at foreign posts and to insure harmonious action by the various representatives of the United States and to avoid all duplication of effort in so far as possible in the interests of economy and efficiency.

"Since comprehensive hearings were held and a complete report printed on a similar bill (H. R. 7111), which passed the House April 16, 1924 (CONGRESSIONAL RECORD, vol. 65, pt. 7, p. 6500), the committee deemed it unnecessary to hold new hearings.

"This bill definitely places in the Department of Agriculture the foreign agricultural service of the United States in conformity with the spirit and letter of the organic act creating the department and puts into permanent legislative form authority now carried in the annual appropriation bill. It clearly defines the activities of the department, extends to the foreign field the services that the department is now

rendering in the United States regarding competition and demand for agricultural products, the marketing and distribution problems of cotton, tobacco, wheat, fruits and vegetables, animals and animal products, and all other farm products, the investigation of farm management and other phases of the agricultural industry, and the conduct of any activities in which the Department of Agriculture is now authorized, or in future may be authorized, to engage.

"The bill has the approval of the Secretary of Agriculture and the Secretary of Commerce, who urge its enactment, as is indicated by the following letters:

"MARCH 10, 1926.

"Hon. GILBERT N. HAUGEN,
"Chairman Committee on Agriculture and Forestry,
"House of Representatives.

"MY DEAR MR. HAUGEN: There are being introduced in Congress and referred to various committees the following bills giving statutory recognition to the foreign services of the Departments of Agriculture and Commerce: H. R. 3858 and S. 3383 on that of the Department of Commerce, and H. R. 10129 and S. 3473 on the Department of Agriculture. These measures have been subject to the most careful consideration on the part of both departments, individually and in consultation, and in their present form they represent the joint agreement of the two departments. We, therefore, recommend their early and favorable consideration by the Congress.

"Very sincerely yours,

"HERBERT HOOVER,
"Secretary of Commerce.
"W. M. JARDINE,
"Secretary of Agriculture.

"Hon. W. M. JARDINE,
"Secretary of Agriculture, Washington, D. C.

"MY DEAR MR. SECRETARY: The draft of "A bill to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture," as submitted to this department by your office on January 31, 1928, is a helpful step toward more uniform and better administration in that it places the proposed staff of the Department of Agriculture on a comparable footing with the Foreign Commerce Service as defined in the Hoch Act of March 3, 1927. It seems to me that the passage of this measure will contribute materially toward more effective collaboration between the two services and I hope, therefore, that it will receive early and favorable consideration by Congress.

"Faithfully yours,

"HERBERT HOOVER,
"Secretary of Commerce.

"The committee has on file in its office a statement indorsing the Ketcham bill in the Sixty-eighth Congress signed by 19 leaders of American agriculture, representing millions of farmers, as follows:

"'H. R. 7111, introduced by Mr. KETCHAM, is a bill to promote American agriculture by making available and expanding the service now rendered by the Department of Agriculture in gathering and disseminating information regarding agricultural production, competition, and demand in foreign countries in promoting the sale of farm products abroad and in other ways. We strongly urge all Senators and Congressmen to facilitate the passage of this bill. There never was a time in the history of American agriculture when there was greater need of the activities contemplated by this bill.

"'Respectfully submitted.

"'L. J. Tabor, master, National Grange; T. C. Atkeson, Washington representative of the grange; C. S. Barrett, president Farmers' Educational and Cooperative Union of America; F. J. Haganbarth, president National Wool Growers' Association, by S. W. McClure; A. M. Loomis, secretary American Dairy Federation and secretary National Dairy Union; George C. Jewett, general manager American Wheat Growers' Association; Charles V. Holman, secretary National Cooperative Milk Producers' Federation and secretary National Board of Farm Organizations; Chester Davis, commissioner of agriculture, State of Montana; Western Tariff Association, by S. W. McClure, manager; Pendleton Commercial Association, by S. R. Thompson, chairman agricultural committee, also president of Oregon Export League; Charles E. Hearst, president Iowa State Farm Bureau, Des Moines; George E. Duis, North Dakota Wheat Growers' Association, Grand Forks, N. Dak.; W. L. Stockton, Clarkston, Mont., president Montana State Farm Bureau; Carl Gunderson, South Dakota Wheat Growers' Association, Mitchell, S. Dak.; G. P. Mix, Moscow, Idaho; T. C. Winn, Nephi, Utah; A. R. Shumway, Milton, Oreg.; Oregon Wheat Growers' Association; Hubert Egbert, president Farmers' Union, The Dalles, Oreg.; S. Sykes, president Corn Belt Meat Producers' Association.'

"A consideration of the problems involved in the disposition of the surplus of agricultural products abroad and the adjustment of farm production at home and the work that is already being done in the Department of Agriculture convinces the committee of the value and importance of this work.

AMERICAN AGRICULTURE REQUIRES A UNIFIED WORLD SERVICE

"The Department of Agriculture can not render an adequate service to the agricultural producers of the United States without extending its activities into foreign fields. Foreign competition and demand directly affect about 90 per cent of American agricultural products entering into market channels. A few concrete examples will clearly indicate the need of a unified world service for American agriculture.

"The size of the foreign wheat crop is a very important factor in determining the price that the Kansas producer receives for his wheat not only in Liverpool but also in Kansas City. The foreign market demand for wheat is also an important factor. In planning the production and marketing of the crop, therefore, the wheat producer must have information as to prospects for production in Canada, Argentina, and all other important foreign producing countries, and the demand for wheat in foreign markets. This must be added to similar information as to prospects for production and consumption of wheat in the United States to give a more complete picture of the situation involved in the production and marketing of the crop. The Department of Agriculture collects the necessary information concerning the United States and must have similar information concerning foreign countries in order to render an adequate service to American producers.

"The quality of the crop may be as important or more important than its volume in determining the market. The different classes of wheat produced in the United States, for example, have different markets on account of their difference in quality. A large part of our durum wheat has to be marketed in foreign countries, while most of our soft red winter wheat is consumed in the United States. While the market for durum may be affected to some extent by the world's total wheat crop, it is much more influenced by the production of similar wheats in a very few countries. A large share of our hard red winter wheat also is marketed abroad in competition with foreign wheats. To understand competition to be met from foreign wheats it is necessary to have information concerning the character of wheats produced and the uses of wheat or wheat flour in foreign countries. The Department of Agriculture has the equipment for studying the characteristics of different wheats, their milling values, and the baking qualities of flour produced from them. The specialists of the department have the training and experience necessary to appraise foreign wheats as well as the domestic wheats.

"The establishment and maintenance of uniform standards for grading wheat are as necessary for exporting as for selling in our own markets. The greater the distance between the producer and consumer, the greater is the need for standardization that will guarantee to the consumer the quality of his purchase and protect the shipper in making delivery to the purchaser. From time to time the department finds it necessary to send experienced inspectors abroad to make contacts with foreign buyers to explain the application of our inspection service and standards to wheat consigned to foreign markets.

"Marketing may be said properly to begin with production. Knowledge of the character and qualities of the wheat produced in competing countries is necessary to producers of the United States in determining what kind of wheat they shall produce. The Department of Agriculture sends men all over the world to collect and introduce into the United States promising new varieties of wheat. At the same time the department should study the demand for the flour or wheat to be produced from these new varieties and the amount of competition to be met with from other parts of the world. In encouraging or aiding in the development of wheat production in the different parts of the United States, the department must consider prospects for production in all parts of the world, both as to quantity and quality. Production and marketing are thus so tied together that it would be impracticable to separate the administration of services relating to production and marketing, and certainly impracticable to separate the economic service relating to foreign competition and demand from that relating to production and marketing in the United States.

"The Department of Agriculture furnishes specialized services through all the processes of production and marketing. The work which the department is now doing with respect to apples illustrates the possibilities of a united economic service beginning with production on the farms in the United States and ending with consumption in foreign countries. A considerable volume of American apples is exported each year to foreign countries, particularly European. The Department of Agriculture keeps apple producers informed as to production prospects in the various regions of the United States, and, during the marketing, as to the current movement of apples and supplies on principal domestic markets. Similarly, the necessary information concerning the European apple market is supplied from abroad by a fruit specialist of the department. During the export season he has headquarters in London from which he visits the important European markets, reporting currently on these markets. When not thus occupied he makes surveys of important competitive producing areas and spends some time each year

in the United States dealing with export problems of producers and shippers.

"In order to recognize opportunities on foreign markets and to advise American apple producers how to increase their returns on export consignments, it is necessary that the man know intimately the phases of the industry in the United States as well as that in competing foreign countries and the foreign markets. He must examine the foreign markets from the point of view of the American producer and be able to weigh the cost involved in carrying out his recommendations against the prospective gains. He must know where the numerous varieties of apples are produced in the United States and the particular conditions surrounding the production and marketing. On foreign markets, he recognizes the different varieties of apples, knows where they originated, and is familiar with the conditions which resulted in their being placed on that market. Apples are a perishable commodity, and a specialist must be in a position to recommend methods of handling in transportation and refrigeration practices which will improve the condition of the apples upon arrival in foreign markets. In addition, the department specialist is qualified to pass on the condition and grade of the fruit when it arrives on the foreign market, and in this connection to aid in adjusting difficulties which may arise between exporter and importer. Situations arise on foreign markets when quick advice will turn loss into profit. A case in point this year was the arrival on European markets of considerable quantities of high-quality, low-priced Russian Crimean apples. Trade reports from foreign markets concerning the volume of Crimean shipments, their quality and low prices alarmed some of the American producers shipping to these markets. The Department of Agriculture specialist, however, immediately cabled that the Newton variety of the United States was most directly concerned but that there was no necessity for any uneasiness, as the available volume of Crimean apples was limited and that the Russian shipments would end by the last of December following the last Crimean apple auction and before large volume shipments of our Newtons ordinarily arrive on European markets.

"This year in the early season large quantities of American barreled apples were arriving in poor condition with much overripe fruit and slight decay and prices obtained were reduced accordingly. In the first week in January, however, the specialist noted that apples from the same orchards were arriving in excellent condition. The specialist immediately recognized that the later shipments were coming out of cold storage and, therefore, advised that next season all apples in the early season shipments should be "precooled." The carrying out of this one bit of advice will mean big gains to the American apple producers next season.

COOPERATION OF OTHER DEPARTMENTS

"The Department of Agriculture utilizes to the fullest extent the agencies of other departments of the Government operating abroad. All information of value to agriculture in the reports of the Consular and Commercial Services is assembled, interpreted for the American farmer, and made available by the Department of Agriculture to agricultural interests in the United States at the earliest possible moment after its receipt. Through arrangements with the State Department, the Bureau of Agricultural Economics is coordinating the reporting on agricultural subjects by the more than 400 American consuls distributed throughout the world. Over 600 consular reports on agricultural subjects are being received monthly. The Department of Commerce also cooperates through its Bureau of Foreign and Domestic Commerce by making available to the Department of Agriculture reports that contain information relative to economic conditions in foreign countries which affect the demand for agricultural products.

WORLD CROP AND MARKET REPORTING SERVICE

"The Department of Agriculture is in a position to organize and direct the activities of a foreign service for agriculture and to utilize this service in promoting the welfare of American agriculture. It is continually studying agricultural problems and knows the needs of agriculture. The department has a large corps of scientific men to advise and assist foreign agricultural service officers in their work and to make full use of the results of this work. Through thousands of field officers, county agents, crop reporters, and many other agencies the department has direct and close contact with individual producers and cooperative associations. It has organized machinery, such as widely distributed branch offices, leased wire systems, and radio, for rapidly conveying information to the producers. This machinery already established gives the information as to foreign competition and demand for agricultural products wide and effective distribution at a comparatively small cost.

"Agriculture needs a world crop and market reporting service. An effective service can be developed by the Department of Agriculture through its agriculturally trained representatives in foreign countries, with the assistance of American consuls, representatives of the Department of Commerce, and the International Institute of Agriculture. A beginning in the development of such a service has been made by the Department of Agriculture. Reports as to crops in all parts of the world are now received by cable through the Consular Service and the international institute, and reports as to foreign market conditions, stocks, prices, and shipments of products to the United States are received daily by cable and radio from representatives of the department in Germany, Great Britain, and China, and from American consuls.

"The special reports from representatives of the department and all information as to crop and market conditions in foreign countries received through other channels are assembled and carefully interpreted in the department for distribution to farmers and others interested in agriculture. Channels of distribution have already been established. Timely information is broadcast by leased wire and radio. More extensive and detailed reports are prepared for publication. Special commodity mailing lists have been built up and on some commodities an effective service has already been developed. The weekly publication, Foreign Crops and Markets, has become fairly well established and is being widely reprinted by farm papers, farmers' cooperative marketing organizations, trade journals, and newspapers.

"The Ketcham bill proposes to make permanent and more effective this service to the American farmer. Utilizing all of the existing facilities of the Department of Agriculture the foreign agricultural service will thus be in contact with every agricultural cooperative association and private marketing organization in the country. Through the extension service of the department it will be in contact with the individual producers whether associated cooperatively or marketing their products individually. Through these channels of direct contact the information relative to competition from abroad and the demand of foreign markets for American agricultural products will be transmitted in the most direct and understandable manner to producers and to those marketing farm products."

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. COLLINS. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Mississippi makes the point of order that there is no quorum present. The Chair will count. [After counting.] Seventy-one Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 38]

Allen	De Priest	Kemp	Rayburn
Allgood	Dickinson	Kendall, Pa.	Sabath
Andrew	Dominick	Kennedy	Sanders, N. Y.
Auf der Heide	Douglas, Ariz.	Kiefner	Seiberling
Bacon	Douglass, Mass.	Kiess	Selvig
Baird	Doutrich	Kunz	Short, Mo.
Bankhead	Doyle	Kurtz	Shreve
Beck	Ellis	LaGuardia	Simms
Beedy	Estep	Langley	Sirovich
Beers	Evans, Mont.	Larsen	Snell
Bell	Fenn	Leech	Somers, N. Y.
Black	Fish	Lehlbach	Stalker
Bloom	Fisher	Letts	Stedman
Bolton	Freeman	McClintic, Okla.	Stevenson
Box	Fuller	McCormick, Ill.	Stobbs
Brand, Ohio	Gambrill	McDuffie	Stone
Brigham	Garrett	McFadden	Strong, Pa.
Britten	Gavagan	McReynolds	Sullivan, N. Y.
Brumm	Gifford	Magrady	Sullivan, Pa.
Buchanan	Golder	Mead	Swick
Burdick	Granfield	Merritt	Thatcher
Busby	Greenwood	Michaelson	Timberlake
Byrns	Gregory	Montague	Tucker
Canfield	Hadley	Montet	Turpin
Carley	Hale	Mooney	Underhill
Chase	Hancock	Moore, Ohio	Underwood
Chindblom	Hartley	Moore, Va.	Vestal
Clague	Hess	Mouser	Vincent, Mich.
Clark, Md.	Hoch	Murphy	Walker
Clarke, N. Y.	Hoffman	Nelson, Wis.	Welch, Calif.
Connery	Holaday	Norton	Welsh, Pa.
Connolly	Hudspeth	O'Connell	White
Cooke	Hull, Tenn.	O'Connor, Okla.	Whitley
Cooper, Ohio	Igoe	Owen	Wigglesworth
Cox	Jenkins	Parker	Williams, Tex.
Coyle	Johnson, Ill.	Parks	Wolfenden
Crail	Johnson, Ind.	Patterson	Woodrum
Crisp	Johnson, Wash.	Peavey	Wyant
Crosser	Johnston, Mo.	Perkins	Yates
Crowther	Jonas, N. C.	Porter	Yon
Curry	Kahn	Pou	Zihlman
Davenport	Kearns	Pritchard	
Dempsey	Kelly	Ransley	

The CHAIRMAN. The committee will rise and report to the House.

Thereupon the committee rose; and the Speaker pro tempore having resumed the chair, Mr. LEAVITT, Chairman of the Committee of the Whole House on the state of the Union, having under consideration the bill (H. R. 2152) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, reported that that committee had found itself without a quorum, that he had ordered the roll to be called, whereupon it was developed that there were present 255 Members, and he submitted the names of the absentees.

The SPEAKER pro tempore. A quorum is present. The committee will resume its session.

The committee resumed its session.

Mr. KETCHAM. Mr. Chairman, I yield myself three additional minutes.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. How much time remains of general debate?

The CHAIRMAN. Ten minutes.

Mr. KETCHAM. Mr. Chairman and members of the committee, I hope we shall speedily complete the consideration of this bill. That will depend upon the length of time taken in the reading of the bill and the offering of amendments. I think it will take only about 15 or 20 minutes. I thank the Members present for the interest they have taken in this legislation.

Something has been said about cross purposes—double-crossing. So far as I am concerned, there has been nothing of that sort. I am anxious that this legislation shall be adopted. The Farm Board desires that it shall be adopted. The Department of Agriculture is committed to it. The farm organizations of the country are for it. In this connection I desire to present a statement joined in by three great farm organizations, asking for the passage of this bill.

THE NATIONAL GRANGE,
THE AMERICAN FARM BUREAU FEDERATION,
THE NATIONAL COOPERATIVE MILK PRODUCERS' FEDERATION,
Washington, D. C., May 6, 1930.

To Members of the United States House of Representatives:

The undersigned representatives of agricultural organizations desire to draw your attention to the Ketcham bill (H. R. 2152) providing for a foreign agricultural information service to be established in the Department of Agriculture for the benefit of the agricultural interests of the United States and placing this service upon a parity with the foreign services of an economic character now conducted under the direction of the Secretaries of State and Commerce.

For a number of years our organizations have been in favor of this principle and have been opposed to any effort to have the foreign agricultural observers placed under the direction of any department or governmental agency other than the Department of Agriculture.

The House of Representatives in a former Congress demonstrated its belief in the worthiness of the Ketcham bill by adopting it. The pending bill has been favorably reported by the House Committee on Agriculture. It has the indorsement and support of our organizations and units composing them.

We urge your support to, and early passage of, this measure.

Respectfully submitted.

THE NATIONAL GRANGE,
FRED BRENCKMAN, *Washington Representative.*
THE AMERICAN FARM BUREAU FEDERATION,
CHESTER H. GRAY, *Washington Representative.*
THE NATIONAL COOPERATIVE MILK PRODUCERS' FEDERATION,
CHARLES W. HOLMAN, *Secretary.*

In answer to the challenge that there is some double-crossing in this bill, I am of the opinion, and I am backed up in it by the parliamentarians of the House, that there is only one way by which this foreign service of the Department of Agriculture can be assured, and that is by a bill authorizing it to be done, and then this Congress can make such provision as is proper in its judgment.

There has been considerable shadow boxing and names called this afternoon, but the only purpose of the bill is to do what the Secretary of Agriculture wants done, and what the agricultural papers and the farm organizations want done; and this is the only way it can be done. [Applause.]

Mr. WOOD. Mr. Chairman, will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. WOOD. Does the gentleman mean to tell this House that the President of the United States wants to do that?

Mr. KETCHAM. I mean to say this, that in my opinion the President of the United States wants this foreign service established and this bill is the only method by which this can be done.

Mr. WOOD. Do you mean he wants this bill passed for that purpose?

Mr. KETCHAM. In my judgment—and this is said respectfully—in my opinion, this is the only way that what the President desires to be done can be done.

Mr. JONES of Texas. What he recommended when he was Secretary of Commerce.

Mr. WOOD. Do you mean to say that the Secretary of Agriculture wants this bill passed?

Mr. KETCHAM. I am not in a position to quote the Secretary of Agriculture on this particular bill.

Mr. WOOD. Do you mean to say that the Secretary of Commerce wants this bill passed?

Mr. KETCHAM. I can not speak on that with authority, but my belief is that he does not want this bill passed.

Mr. WOOD. Do you mean to say that the Secretary of State wants this bill passed?

Mr. KETCHAM. I am unable to state.

Mr. WOOD. I will say that every agency that the gentleman has spoken of wants this bill defeated.

Mr. KETCHAM. I will say in answer to that that in my judgment——

Mr. WINGO. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. It is out of order to air these family troubles of the administration in public. I think we ought to rise and the committee ought to find out what the President and the Secretaries of the departments want.

Mr. KETCHAM. Gentlemen, do not forget that this is the only method by which the thing that all the agricultural agencies named desire to accomplish can be accomplished in the present parliamentary situation. It is the only way.

The CHAIRMAN. The time of the gentleman from Michigan has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of encouraging and promoting the agriculture of the United States and assisting American farmers to adjust their operations and practices to meet world conditions, the Secretary of Agriculture shall—

(a) Acquire information regarding world competition and demand for agricultural products and the production, marketing, and distributing of said products in foreign countries and disseminate the same through agricultural extension agencies and by such other means as may be deemed advisable.

(b) Investigate abroad farm management and any other economic phases of the agricultural industry and, in so far as is necessary to carry out the purposes of this act, conduct abroad any activities, including the demonstration of standards for cotton, wheat, and other American agricultural products, in which the Department of Agriculture is now authorized or in the future may be authorized to engage. Nothing contained herein shall be construed as prohibiting the Department of Agriculture from conducting abroad any activity for which authority for thus conducting it may exist.

Mr. WOOD. Mr. Chairman, I move to strike out the enacting clause. I also rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WOOD. I do not know what the practice or purpose will be with respect to the consideration of this bill. I ask whether or not amendments may be offered at the end of each clause, or at the end of each section.

Mr. KETCHAM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KETCHAM. What was the motion of the gentleman from Indiana?

The CHAIRMAN. The motion of the gentleman from Indiana [Mr. WOOD] was to strike out the enacting clause, upon which there is five minutes' debate in favor and five minutes against.

The gentleman from Indiana is recognized for five minutes.

Mr. KETCHAM. Mr. Chairman, may I propound a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. KETCHAM. Would a motion to amend the section that has been read be a preferential motion?

The CHAIRMAN. It would not. A motion to strike out the enacting clause is a preferential motion.

The gentleman from Indiana [Mr. WOOD] is recognized.

Mr. WOOD. Mr. Chairman, all I desire to say upon this proposition is that it must be perfectly patent that there is something wrong with this bill. The gentleman from Michigan [Mr. KETCHAM], for whom I have the highest regard, has answered categorically that the President of the United States is opposed to it, that the Secretary of State is opposed to it, that the Secretary of Commerce is opposed to it, that the Federal Farm Board is opposed to it. Now, there must be some good reason for these things.

Mr. CANNON. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. CANNON. Does the gentleman know that every national farm organization of America has indorsed the bill within the last week?

Mr. WOOD. Well, I can understand that. I have had those letters, but somebody has sent out word to send us a telegram of that kind. That is all that amounts to. I have reached the point in my career in Congress when those things, without sound reason, do not amount to much. I have written letter after letter back to gentlemen who have told me they wanted me to vote this way or that way to give me a reason, and there

has not been one in a hundred that replied. So I do not attach much importance to that.

Now, I want to say to gentlemen on both sides of the House that there should not be any politics in this, and if we have faith in the President, if we have faith in the Department of Agriculture, if we have faith in the Department of Commerce, if we have faith in this great agency that we hope will bring relief to the farmers, all of whom are opposed to this bill, we should not pass it.

That is my reason for this motion.

Mr. KETCHAM. Mr. Chairman, I rise in opposition to the motion.

In reply, may I say again that in my judgment all the agencies that have been enumerated by the distinguished gentleman from Indiana [Mr. WOOD] are in favor of establishing an agricultural foreign service. There can be no question about that. Their indorsement of the idea of a foreign service under a plan of administration slightly different from that proposed in this bill is unanimous and emphatic. The gentleman will not deny that, I am sure.

Mr. WOOD. I will admit that; but let me ask the question, why not let us do it in order?

Mr. KETCHAM. I will answer that, and I beg the membership of the House to listen to me. I maintain that under the parliamentary situation it can not possibly be that this proposition that is so much desired by agriculture, which has been agreed to, and which has the enthusiastic support of the Farm Board, which called a special session to ask for the passage of this bill, must be accomplished by the enactment of this legislation. This is the last opportunity that the Members of this House will have to give force and effect to this very necessary legislation.

Mr. JONES of Texas. Mr. Chairman, I do not care to take any time further than to read again a letter from Mr. Hoover, when he was Secretary of Commerce, two years ago, when an agreement was made for the establishment of the two services. This is the bill about which this letter was written:

> The draft of a bill to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture, as submitted to this department by your office on January 31, 1928, is a helpful step toward more uniform and better administration, in that it places the proposed staff of the Department of Agriculture on a comparable footing with the Foreign Commerce Service, as defined in the Hoch Act of March 3, 1927. It seems to me that the passage of this measure will contribute materially toward more effective collaboration between the two services, and I hope, therefore, that it will receive early and favorable consideration by Congress.

This was written by Herbert Hoover as Secretary of Commerce A bill was drafted to promote commerce in accordance with its terms, and passed by Congress. The same bill is now being considered for passage, to look after the foreign markets and foreign trade of American agriculture. Both parties have pledged themselves to put agriculture on a basis of equality with industry. This will enable us to establish a similar service for agriculture. We can make such change as may be found necessary at a later date.

The compromise that was suggested was suggested as a rider on an appropriation bill, which also establishes the service in a little different form. If you want to do justice to American agriculture, if you want to follow the lead of every great farm organization in America that has indorsed this bill, you should vote to pass the measure. [Applause.]

The CHAIRMAN. All time has expired.

The gentleman from Indiana [Mr. WOOD] moves that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken from the bill.

The question was taken; and upon a division (demanded by Mr. WOOD) there were—ayes 20, noes 116.

So the motion was rejected.

Mr. WOOD. Mr. Chairman, I ask for tellers.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I make a privileged motion. I move that the committee do now rise.

The CHAIRMAN. The gentleman from Louisiana [Mr. O'CONNOR] moves that the committee do now rise.

The question was taken; and upon a division (demanded by Mr. O'CONNOR of Louisiana) there were—ayes 38, noes 125.

So the motion was rejected.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I would not take the floor at this time to speak on this pro forma amendment if this large membership had been present when the gentleman from Indiana [Mr. WOOD] was giving his reasons in extenso as to why this bill should not be passed.

There are many objections to this bill, and I would not rise if I had not had acquaintance years back with the character of the work that is done in connection with the commercial attachés and commercial agents. As the gentleman from Indiana [Mr. WOOD] stated, and as I repeat, the commercial attachés' service, with its headquarters in the principal cities of the world, has agents that go into various countries to perform the very work that is provided for in this bill. Further, there is no limit whatsoever on the number that may be appointed and on the appropriations that may be carried other than that the bill provides that the men employed shall receive the same maximum salaries as are provided for in the commercial attachés' service.

In these days of correlated service, tell me why we should duplicate the existing service? No one from the Committee on Agriculture, in support of this bill, has made any argument showing that the existing service can not meet the demands of agriculture; not one. Nor has anyone from the Committee on Agriculture been able to state what the limit of cost would be.

It has been stated that this very character of service can be performed by the existing organization. To my certain knowledge, the agents attached to the commercial attachés' service in past years did this very work, so far as ascertaining the needs of cotton and other industries in China and in Russia. Therefore, in these times, why should we follow the fetish of a department which wants to set up one department as against another?

It is true that when the commercial attachés' service was established it was opposed by the State Department. I believe it should have been correlated with the State Department and that that service should be under the State Department.

What do you do in this bill? You really create an unnecessary agency under the guise that it is necessary for agriculture, when it is not. The President of the United States, as I gathered from the statement made by the chairman of the Appropriations Committee, is planning to have the agents who are attached to the commercial attachés' service do this very character of work. Gentlemen on this side are certainly in favor of economy and do not favor the creation of an additional organization when it will result in duplicating service.

Mr. GREEN. The gentleman should remember we want something.

Mr. STAFFORD. The gentleman is getting something in the tariff act. He has no right to complain that he is not getting anything. He is getting everything. He is getting a tariff on strawberries and other products.

Mr. GREEN. I voted for the tariff, and I am for the tariff.

Mr. STAFFORD. I know the gentleman is a high protectionist. I know you are getting everything, and you have no right to complain at all. Let some other Member rise who is not getting anything.

Mr. EDWARDS. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. EDWARDS. The gentleman states that this work is being done by the commercial attachés service.

Mr. STAFFORD. It can be done by that organization, and it is proposed, as I understand from the statements made by the gentleman from Indiana, by the administration to have the work coordinated and have it done under that agency.

Mr. EDWARDS. If the gentleman will permit this observation, it is supposed to be done, but they are not looking after agriculture.

Mr. GREEN. The gentleman realizes we are producing a surplus of agricultural products, and this will help to take care of the surplus.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. KETCHAM. Mr. Chairman, I move that all debate on this section and all amendments thereto do now close.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 88, noes 48.

Mr. WOOD. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. KETCHAM and Mr. WOOD.

The committee again divided; and the tellers reported that there were—ayes 86, noes 55.

So the motion was agreed to.

Mr. WOOD. Mr. Chairman, I move to strike out section 1.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Mr. WOOD moves to strike out all of section 1.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana to strike out the section.

The question was taken; and on a division (demanded by Mr. WOOD) there were—ayes 38, noes 96.

So the amendment was rejected.

The Clerk read as follows:

SEC. 2. (a) The present representatives of the Bureau of Agricultural Economics of the Department of Agriculture now stationed abroad shall be officers of the foreign agricultural service of the United States, and the Secretary of Agriculture may appoint other officers in said service from time to time in accordance with civil-service procedure. All such officers shall constitute the foreign agricultural service of the United States, and shall be known as agricultural attachés, assistant agricultural attachés, or by such other titles as may be deemed appropriate by the Secretary of Agriculture. Any officer in said service, when designated by the Secretary of Agriculture, shall, through the Department of State, be regularly and officially attached to the diplomatic mission of the United States in the country in which he is to be stationed, or to the consulate of the United States, as the Secretary of Agriculture shall designate. If any such officer is to be stationed in a country where there is no diplomatic mission or consulate of the United States, appropriate recognition and standing, with full facilities for discharging his official duties, shall be arranged by the Department of State. The Secretary of State may reject the name of any such officer if, in his judgment, the attachment of such officer to the diplomatic mission or consulate at the post designated would be prejudicial to the public policy of the United States.

(b) The Secretary of Agriculture shall appoint the officers of the foreign agricultural service to such grades as he may establish, with salaries in those grades comparable to those paid other officers of the Government for analogous foreign service.

(c) The Secretary of Agriculture is authorized to promote or demote in grade or class, to increase or decrease within the salary range fixed for the class the compensation of, and to separate from the service, officers of the foreign agricultural service, but in so doing the Secretary shall take into consideration records of efficiency.

(d) No officer of the foreign agricultural service shall be considered as having the character of a public minister.

(e) Any officer of the foreign agricultural service may be assigned for duty in the United States for a period of not more than three years without change in grade, class, or salary, or with such change as the Secretary of Agriculture may direct.

(f) The Secretary of Agriculture is authorized to pay the expenses of transportation and subsistence of officers in the foreign agricultural service of the United States and their immediate families in going to and returning from their posts under orders from the Secretary of Agriculture. The Secretary of Agriculture is further authorized, whenever he deems it in the public interest, to order to the United States on his official leave of absence any foreign agricultural service officer who has performed three years or more of continuous service abroad: *Provided*, That the expenses of transportation and subsistence of such officers and their immediate families in traveling to their homes in the United States and return shall be paid under the same rules and regulations applicable in the case of officers going to and returning from their posts under orders of the Secretary of Agriculture when not on leave: *Provided further*, That while in the United States the services of such officers shall be available for such duties in the Department of Agriculture and elsewhere in the United States as the Secretary of Agriculture may prescribe. Any officer in the foreign agricultural service, in the discretion of the Secretary of Agriculture, may be given leave of absence with pay for not to exceed 30 days for any one year, which may be taken in the United States or elsewhere, accumulative for three years, under such rules and regulations as the Secretary of Agriculture shall prescribe.

Mr. KETCHAM. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I said a few moments ago that we were trying to make all reasonable speed in the consideration of this bill, and subject to some few amendments that may be proposed, none by the friends of the bill, may I say we will expedite its consideration as rapidly as we can and we hope to have your assistance and the bill out of the way in a reasonably short time.

I want to take two or three minutes to address myself to one or two points that have been made, and I do this simply for the benefit of a number who were not present during the debate on the bill.

I think possibly just a word of history ought to be recited. It will be recalled that about eight years ago a proposal came to establish a foreign service——

Mr. SCHAFER of Wisconsin. Mr. Chairman, I make the point of order the gentleman is not talking to the amendment he has offered. The gentleman did not want to have any debate a moment ago and railroaded through a motion to close debate.

The CHAIRMAN. The gentleman from Michigan will proceed in order.

Mr. KETCHAM. May I ask the Chair what are the last two words.

The CHAIRMAN. "Shall prescribe."

Mr. KETCHAM. The bill "prescribes" very many excellent provisions. [Laughter.] And these provisions "prescribed" by the bill have only been "prescribed" after very mature consideration by various departments of Government that are tremendously interested in the establishment of this foreign service.

Mr. HARE. Will the gentleman yield?

Mr. KETCHAM. I will be pleased to yield.

Mr. HARE. The gentleman was proceeding to tell something about the organization of the Bureau of Foreign and Domestic Commerce, and I would like to hear him on that.

Mr. KETCHAM. I would be pleased to proceed in that direction, but a point of order was made, and I am restricted to the last two words. So I am talking about the last two words, "shall prescribe."

The provisions in the bill prescribed by the Department of Commerce two years ago were in perfect harmony with the ideas that have been prescribed by the Department of Agriculture, and we really believe that by reason of this "prescription," a most excellent, well-rounded service is to be set up. All we are asking in the "prescription" of this service provided in this bill is that agriculture shall come in, under the terms of the "prescription," on equal terms with the other great departments and only in a proper proportion.

Mr. DICKSTEIN. Will the gentleman yield for one question?

Mr. KETCHAM. I shall be pleased to yield.

Mr. DICKSTEIN. What is the total amount of the cost out of the Treasury?

Mr. KETCHAM. I am very happy the gentleman has asked that question. Would it be parliamentary for me to reply to the question?

Mr. DICKSTEIN. I think there would be no objection.

Mr. KETCHAM. I am very happy, indeed, and very much indebted to my colleague from New York for asking the question. I am happy to report that the Farm Board in "prescribing" this service said they were so enthusiastically for it that they are willing to set aside $150,000 of the funds which have been previously allocated and appropriated by this Congress for the support of the service, so the new cost of it is to be very immaterial.

Mr. HUDSON. That is the beginning cost.

Mr. KETCHAM. Yes. So far as the prescribing of the actual number of places where this service shall be set up, may I say that it does not occur in the bill itself, but it has been very carefully worked out by the great Federal Farm Board, which, of course, is the special beneficiary of this legislation; and it certainly seems to me, therefore, that it ought not to be amended, and I move that all debate on this section and all amendments thereto do now close.

Mr. O'CONNOR of New York and Mr. WOOD rose.

Mr. O'CONNOR of New York. A point of order, Mr. Chairman.

Mr. KETCHAM. Mr. Chairman, I modify my motion and move that all debate on this section and all amendments thereto close in five minutes.

Mr. WOOD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WOOD. Mr. Chairman, if I understand the parliamentary situation, we have a right to make a motion either to amend or strike out each one of these separate subdivisions in this section marked (a), (b), (c), and so forth. I want to say now to the gentleman from Michigan and other gentlemen who want to railroad this bill through, that I shall offer my protest and if the bill has any virtue in it——

Mr. DOWELL. Mr. Chairman, a point of order. The gentleman is not in order.

The CHAIRMAN. The Chair recognized the gentleman from Indiana for a parliamentary inquiry.

Mr. WOOD. The motion of the gentleman from Michigan was that all debate on this section and all amendments thereto be closed in five minutes. Now, there are half a dozen clauses in this section.

Mr. DOWELL. Mr. Chairman, I renew the point of order; the gentleman is not making a parliamentary inquiry.

The CHAIRMAN. The Chair considers that the parliamentary inquiry is in the process of making.

Mr. WOOD. I am not opposing this bill because of any factious opposition, but I am opposed to it on its merits, and I propose to oppose it to the last word.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WOOD. My inquiry is, May we have an opportunity to move to strike out each one of these subdivisions?

The CHAIRMAN. The gentleman would be in order in making such a motion; but if the motion of the gentleman from Michigan carries there will be only five minutes for debate upon this section and all amendments thereto.

Mr. STAFFORD. Mr. Chairman, I move to amend the motion of the gentleman from Michigan by making it 10 minutes.

The CHAIRMAN. The gentleman from Wisconsin moves to amend the motion of the gentleman from Michigan by making it 10 minutes. The question is on the motion of the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were 46 ayes and 81 noes.

Mr. STAFFORD. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The Chair appointed as tellers Mr. KETCHAM and Mr. STAFFORD.

The committee again divided; and the tellers reported 50 ayes and 77 noes.

So the motion of Mr. STAFFORD was rejected.

The CHAIRMAN. The question now is on the motion of the gentleman from Michigan to close all debate on the section and all amendments thereto in five minutes.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I move to amend the motion of the gentleman from Michigan by striking out five minutes and inserting nine minutes.

Mr. JONES of Texas. Mr. Chairman, I make the point of order that the motion is dilatory.

The CHAIRMAN. The Chair thinks that the dilatory stage has not yet been reached. The question is on the motion of the gentleman from Wisconsin to amend the motion of the gentleman from Michigan by making it nine minutes instead of five minutes.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were—ayes 32, noes 80.

So the motion of Mr. SCHAFER of Wisconsin was rejected.

Mr. SPROUL of Illinois. Mr. Chairman, I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. SPROUL of Illinois) there were—ayes 55, noes 82.

Mr. SPROUL of Illinois. I demand tellers.

Tellers were ordered; and the Chair appointed Mr. SPROUL of Illinois and Mr. KETCHAM as tellers.

The committee again divided; and tellers reported that there were—ayes 55, noes 79.

So the motion of Mr. SPROUL of Illinois was rejected.

The CHAIRMAN. The question now is on the motion of the gentleman from Michigan to close all debate on this section and all amendments thereto in five minutes.

The question was taken, and Mr. SCHAFER of Wisconsin demanded a division.

Mr. RAMSEYER. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RAMSEYER. I make the point of order that the motion is dilatory.

The CHAIRMAN. What motion does the gentleman refer to? The matter before the House is whether there shall be a division.

Mr. RAMSEYER. It can be contended it is dilatory. I refer the Chair to page 346 of the House manual, paragraph 10. Vote after vote has been taken here on these minor matters, and each has turned out about 2 to 1. [Cries of "Oh, no!"]

Mr. STAFFORD. Why, a change of 10 votes would have made the committee rise on the last vote.

The CHAIRMAN. The Chair is ready to rule.

Mr. RAMSEYER. I do not care to take up the time of the Chair to read the various decisions, but it covers almost everything—time to fix debate, a motion to rise, a motion to adjourn, demand for tellers. That has been held dilatory also, and so on through. I am not going to argue this particular point, but I shall insist on the Chair enforcing the rule against dilatory motions.

The CHAIRMAN. The Chair is ready to rule.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I would like to be heard upon the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. SCHAFER of Wisconsin. The request for a division is certainly not dilatory, particularly in view of the fact that on the vote by ayes and noes it would seem to any fair-minded person paying attention that there was a very close division in the committee. Furthermore, this is not a trivial matter. These motions have been made in order to close debate. Many statesmen or would-be statesmen talk much about freedom of speech when they are running for office, and then come here and try to cut off reasonable debate, in this important legislation, with steam-roller tactics.

The CHAIRMAN. The Chair is ready to rule. The Chair finds nothing in the precedents to hold that a request for a division is dilatory. He does find a demand for tellers to have been held to be dilatory, but not a division. The point of order is overruled.

The committee divided; and there were—ayes 101, noes 38.

So the motion to close debate in five minutes was agreed to.

Mr. WOOD. Mr. Chairman, this is the first time since I have been a Member of Congress that I have attempted to delay any procedure. I am actuated now only because of the duty I feel I owe to the Congress by what this means in the matter of appropriation and to the farmers themselves. The matter of appropriations is something that nobody here has mentioned a single word about. Apparently the gentlemen who are trying to drive this thing down our throats do not care much about what it is going to cost.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. DICKSTEIN. What will be the actual cost to maintain all of these departments in foreign countries? I understood one gentleman to say it would be $150,000. I question whether that would cover one country.

Mr. WOOD. The gentleman misunderstood. At the time that the commercial attachés were established it cost about $250,000. The Bureau of Foreign and Domestic Commerce is now costing more than $5,000,000 a year. The gentlemen who are inaugurating this competition now have not been able to tell us what they expect this thing ultimately is going to cost. It will cost more than $5,000,000 a year in time, because in this bill authority is given to the Secretary of Agriculture to fix any price he pleases, and it will become a matter of competition between these various activities as to what they shall pay. If you are going to establish this new service for the Department of Agriculture, to be fair you ought to give it to everyone of the other departments.

We have it now in the Departments of State and Commerce, and they have all the authority in the world to furnish every iota of service provided for in this bill. In addition to that, because of our great desire to help the farmer, we have given the Farm Board authority to appoint all kinds of agents to go abroad in order to get information to supplement their work. Let us at least exercise a little bit of common sense. Let us realize that the men and women who sent us here have some judgment, and let us not afford them facts upon which to convict us of a folly. I have as much regard for the farmer as anybody. I have voted for every farm bill that has ever been presented here. I was born with them, was raised with them, and all that I am I owe to them. I think I am still their friend, and I am defending them here against people who are not acquainted with the facts. I have studied their problems not only as chairman of the Committee on Appropriations but by reason of actual contact with them, and I know that in passing this bill we are doing them a disservice.

Mr. DICKSTEIN. Will the gentleman tell the House how many jobs this new bill will create?

Mr. WOOD. I can only estimate by what has been done. Already we have created under our present Foreign Services more than 4,000 jobs, and we will have in time a good proportion more under this.

The CHAIRMAN. The time of the gentleman from Indiana has expired, and the Clerk will read.

The Clerk read as follows:

SEC. 3. (a) Subject to the requirement of the civil service laws, and the rules and regulations promulgated thereunder, the Secretary of Agriculture is authorized to appoint, fix the compensation of, promote, demote, and separate from the service such clerks and other assistants for officers of the foreign agricultural service as he may deem necessary.

Mr. WOOD. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WOOD. While the debate had closed we had the right to move to strike out each one of these subsections. That opportunity was afforded, and I think the gentleman who are so anxious to railroad this thing through should not take advantage of that opportunity.

The CHAIRMAN. The Chair would have recognized such a motion, but nobody arose to make such a motion.

The Clerk will read.

The Clerk read as follows:

(b) When authorized by the Secretary of Agriculture, officers of the foreign agricultural service may employ, regardless of their citizenship, in a foreign country, from time to time, fix the compensation of and separate from the service such clerical and other assistants as may be necessary.

Mr. KETCHAM. Mr. Chairman, I move that all debate on this section and all amendments thereto shall now close.

Mr. STAFFORD. I have an amendment to the motion of the gentleman from Michigan, to close in five minutes. He ought to accept that.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Wisconsin [Mr. STAFFORD] to the motion of the gentleman from Michigan [Mr. KETCHAM] by limiting the time to five minutes.

The Clerk read as follows:

Mr. STAFFORD moves an amendment to the motion of Mr. KETCHAM to limit the time to five minutes.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STAFFORD. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The question was taken; and there were—ayes 49, noes 77.

So the amendment was rejected.

The CHAIRMAN. The question is on the motion of the gentleman from Michigan, that all debate on this section and all amendments thereto be now closed.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STAFFORD. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The question was taken; and there were—ayes 91, noes 44.

So the motion was agreed to.

Mr. WOOD. Mr. Chairman, I move to strike out subdivision (a) of section 3.

The CHAIRMAN. The gentleman from Indiana [Mr. WOOD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: Strike out subsection (a) of section 3.

The question was taken; and on a division (demanded by Mr. WOOD) there were—ayes 45, noes 81.

So the motion was rejected.

Mr. GREEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Florida [Mr. GREEN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GREEN: Page 5, line 20, strike out the words "regardless of their citizenship" and insert the words "American citizens."

The question was taken; and on a division (demanded by Mr. GREEN) there were—ayes 54, noes 60.

Mr. GREEN. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. KETCHAM and Mr. GREEN.

Mr. KETCHAM. Mr. Chairman, the amendment offered by the gentleman from Florida [Mr. GREEN] will be accepted.

Mr. STAFFORD. Mr. Chairman, the gentleman from Michigan [Mr. KETCHAM] does not speak for the committee. He has no right to do that.

The CHAIRMAN. The tellers have been ordered.

The committee again divided; and the tellers reported that there were 68 ayes and 29 noes.

So the amendment was agreed to.

Mr. SPROUL of Illinois. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Illinois [Mr. SPROUL] moves that the committee do now rise.

The question was taken; and on a division (demanded by Mr. SPROUL of Illinois) there were—ayes 63, noes 80.

Mr. SPROUL of Illinois. Mr. Chairman, I ask for tellers.

Mr. RAMSEYER. Mr. Chairman, I make the point of order that the gentleman's request is dilatory.

The CHAIRMAN. In the opinion of the Chair, some of the motions made are beginning to approach the point of being dilatory, but the Chair is not yet ready to rule that the request for tellers on a vote as close as the last one is dilatory.

Tellers were ordered; and the Chair appointed Mr. KETCHAM and Mr. SPROUL of Illinois as tellers.

The committee again divided; and the tellers reported that there were ayes 69 and noes 79.

So the motion was rejected.

Mr. WOOD. Mr. Chairman, I move to strike out paragraph (b) of section 3.

The CHAIRMAN. The gentleman from Indiana [Mr. WOOD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: Page 5, line 8, strike out all of subsection (b).

The question was taken; and on a division (demanded by Mr. WOOD) there were—ayes 46, noes 81.

So the motion was rejected.

The Clerk read as follows:

SEC. 5. The Secretary of Agriculture may make such rules and regulations as may be necessary to carry out the provisions of this act and may cooperate with any department or agency of the Government, State, Territory, District, or possession, or department, agency, or political subdivision thereof, cooperative and other farm organizations, or any person, and shall have power to make such expenditures for rent outside the District of Columbia, for printing, telegrams, telephones, law books, books of reference, maps, publications, furniture, stationery, office equipment, travel and subsistence allowances, and other supplies and expenses as shall be necessary to the administration of the act in the District of Columbia and elsewhere. With the approval of the Secretary of Agriculture an officer of the foreign agricultural service may enter into leases for office quarters, and may pay rent, telephone, subscriptions to publications, and other charges incident to the conduct of his office and the discharge of his duties, in advance in any foreign country where custom or practice requires payment in advance.

Mr. WOOD. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The gentleman from Indiana [Mr. WOOD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WOOD: On page 6, beginning with line 22, strike out all of section 5.

Mr. WOOD. Mr. Chairman and gentlemen of the committee, whatever I may say I expect will have but little effect as far as this committee is concerned, but I hope it may have some effect as far as the country is concerned.

I think the time has come when we should call a spade a spade. I do not believe there is a man here who believes implicitly in what he is voting for. If he does, he has to set himself up in opposition not only to the President of the United States, who is supposed, more than anybody else, to be charged with the conduct of our foreign affairs. If it were not so, the people of this country would not have elected him. But, discarding that, if you vote for this bill you will say to the Department of Agriculture that they do not know what they are talking about. You will say to the Department of Commerce, whose business it is to take care of the interests of the United States, that they have been derelict in their duties. You will say to this new agency of ours, which was established for the purpose of helping the farmer, that they do not know what they want. So I feel I have discharged my entire duty by bringing to you what these agencies whose business it is to advise us as to what is best for the conduct of this country have said about this.

If they have been false in the discharge of their duties, then we should be preparing articles of impeachment rather than keeping our ears to the ground as to what the voter may say. Do not fool yourselves about the voter. He has more sense than we have. [Applause.] In the long run, you will find the voter right.

Now, gentlemen, there is a way to fix this whole thing. Let the President, let the Secretary of Agriculture, let the Secretary of Commerce, and let the chairman of this Farm Board solve this question. We are not going to adjourn to-morrow.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. KETCHAM. Mr. Chairman, I move that all debate on this section and all amendments thereto do now close.

The CHAIRMAN. The question is on the motion of the gentleman from Michigan that all debate on this section and all amendments thereto do now close.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I make a motion to lay that motion on the table.

The CHAIRMAN. That motion is not in order in the Committee of the Whole House on the state of the Union. The question is on the motion of the gentleman from Michigan.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana to strike out the section.

The question was taken; and on a division (demanded by Mr. WOOD) there were—ayes 32, noes 92.

So the amendment was rejected.

Mr. KETCHAM. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having assumed the chair as Speaker pro tempore, Mr. LEAVITT, Chairman of the Committee of the Whole House on the state of the

Union, reported that that committee, having had under consideration the bill (H. R. 2152) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. STAFFORD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Wisconsin makes the point of order that there is no quorum present. The Chair will count.

Mr. SPROUL of Illinois. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. SPROUL of Illinois) there were—ayes 50, noes 128.

So the motion was rejected.

Mr. STAFFORD. Mr. Speaker, I renew my point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count.

Mr. RANKIN. Mr. Speaker, I make the point of order that it does not make any difference whether we have a quorum or not. We do not have to have a quorum to vote on adjournment.

Mr. STAFFORD. We have to have a quorum to do business, I will say to the gentleman from Mississippi.

The SPEAKER pro tempore. The Chair will count as to a quorum. The noes have it as far as the motion to adjourn is concerned. [After counting.] One hundred and seventy-nine Members are present, not a quorum.

Mr. KETCHAM. Mr. Speaker, I move a call of the House.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 105, noes 60.

Mr. STAFFORD. Mr. Speaker, I demand the yeas and nays on the motion.

The yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 72, answered "present" 1, not voting 223, as follows:

[Roll No. 39]

YEAS—131

Abernethy	Driver	Johnson, Tex.	Ragon
Adkins	Dunbar	Jones, Tex.	Ramey, Frank M.
Almon	Edwards	Kading	Ramseyer
Andresen	Englebright	Kendall, Ky.	Ramspeck
Arnold	Eslick	Kerr	Reid, Ill.
Bland	Fulmer	Ketcham	Robinson
Bohn	Garber, Va.	Kinzer	Romjue
Braud, Ga.	Glover	Knutson	Rutherford
Briggs	Goldsborough	Kopp	Sanders, Tex.
Browne	Goodwin	Kvale	Schneider
Browning	Green	Lambertson	Sears
Buckbee	Guyer	Lanham	Selvig
Burtness	Hall, Ind.	Lankford, Ga.	Simmons
Campbell, Iowa	Hall, Miss.	Leavitt	Sinclair
Cannon	Hall, N. Dak.	Lozier	Sloan
Christgau	Halsey	Ludlow	Snow
Christopherson	Hare	McMillan	Sparks
Clancy	Hastings	McSwain	Spearing
Clark, N. C.	Haugen	Maas	Strong, Kans.
Cole	Hawley	Manlove	Sumners, Tex.
Collier	Hill, Ala.	Mapes	Swanson
Colton	Hill, Wash.	Michaelson	Swing
Cooper, Tenn.	Hoch	Milligan	Tarver
Cooper, Wis.	Hogg	Montet	Thurston
Craddock	Holaday	Moore, Ky.	Tinkham
Crisp	Hooper	Morehead	Warren
Cross	Hope	Nelson, Mo.	Whitehead
Culkin	Howard	Nolan	Whittington
Davis	Hull, Wis.	O'Connor, La.	Williamson
Doughton	Irwin	Oldfield	Wingo
Dowell	Jeffers	Palmer	Wolverton, N. J.
Doxey	Johnson, Nebr.	Patman	Wright
Drane	Johnson, Okla.	Pittenger	

NAYS—72

Ackerman	Elliott	McCormack, Mass.	Shott, W. Va.
Arentz	Esterly	McKeown	Smith, W. Va.
Aswell	Fitzpatrick	Martin	Speaks
Bachmann	Foss	Michener	Sproul, Kans.
Barbour	French	Miller	Stafford
Blackburn	Gibson	Morgan	Steagall
Bowman	Granfield	Nelson, Me.	Summers, Wash.
Butler	Hall, Ill.	O'Connor, N. Y.	Taylor, Tenn.
Carter, Wyo.	Hammer	Oliver, Ala.	Temple
Celler	Hickey	Oliver, N. Y.	Thompson
Chalmers	Hopkins	Prall	Tilson
Cochran, Mo.	Hudson	Pratt, Ruth	Wainwright
Cochran, Pa.	Kennedy	Rankin	Wason
Collins	Korell	Reece	Watres
Cullen	Lankford, Va.	Reed, N. Y.	Watson
Dallinger	Linthicum	Sandlin	Welch, Calif.
Darrow	Luce	Seger	Whitley
Dickstein	McClintock, Ohio	Shaffer, Va.	Wolverton, W. Va.

ANSWERED "PRESENT"—1

Huddleston

NOT VOTING—223

Aldrich	Dickinson	Jonas, N. C.	Quayle
Allen	Dominick	Kahn	Quin
Allgood	Douglas, Ariz.	Kearns	Rainey, Henry T.
Andrew	Douglass, Mass.	Kelly	Ransley
Auf der Heide	Doutrich	Kemp	Rayburn
Ayres	Doyle	Kendall, Pa.	Rogers
Bacharach	Drewry	Kiefner	Rowbottom
Bacon	Dyer	Kiess	Sabath
Baird	Eaton, Colo.	Kincheloe	Sanders, N. Y.
Bankhead	Eaton, N. J.	Kunz	Schafer, Wis.
Beck	Ellis	Kurtz	Selberling
Beedy	Estep	LaGuardia	Short, Mo.
Beers	Evans, Calif.	Lampert	Shreve
Bell	Evans, Mont.	Langley	Simms
Black	Fenn	Larsen	Sirovich
Bloom	Finley	Lea	Smith, Idaho
Bolton	Fish	Leech	Snell
Box	Fisher	Lehlbach	Somers, N. Y.
Boylan	Fitzgerald	Letts	Sproul, Ill.
Brand, Ohio	Fort	Lindsay	Stalker
Brigham	Frear	McClintic, Okla.	Stedman
Britten	Free	McCormick, Ill.	Stevenson
Brumm	Freeman	McDuffie	Stobbs
Brunner	Fuller	McFadden	Stone
Buchanan	Gambrill	McLaughlin	Strong, Pa.
Burdick	Garber, Okla.	McLeod	Sullivan, N. Y.
Busby	Garner	McReynolds	Sullivan, Pa.
Byrns	Garrett	Magrady	Swick
Cable	Gasque	Mansfield	Taber
Campbell, Pa.	Gavagan	Mead	Taylor, Colo.
Canfield	Gifford	Menges	Thatcher
Carley	Golder	Merritt	Timberlake
Carter, Calif.	Graham	Montague	Treadway
Cartwright	Greenwood	Mooney	Tucker
Chase	Gregory	Moore, Ohio	Turpin
Chindblom	Griffin	Moore, Va.	Underhill
Clague	Hadley	Mouser	Underwood
Clark, Md.	Hale	Murphy	Vestal
Clarke, N. Y.	Hancock	Nelson, Wis.	Vincent, Mich.
Connery	Hardy	Newhall	Vinson, Ga.
Connolly	Hartley	Niedringhaus	Walker
Cooke	Hess	Norton	Welsh, Pa.
Cooper, Ohio	Hoffman	O'Connell	White
Corning	Houston, Del.	O'Connor, Okla.	Wigglesworth
Cox	Hudspeth	Owen	Williams
Coyle	Hull, Morton D.	Palmisano	Wilson
Crail	Hull, William E.	Parker	Wolfenden
Cramton	Hull, Tenn	Parks	Wood
Crosser	Igoe	Patterson	Woodruff
Crowther	James	Peavey	Woodrum
Curry	Jenkins	Perkins	Wurzbach
Davenport	Johnson, Ill.	Porter	Wyant
Dempsey	Johnson, Ind.	Pou	Yates
Denison	Johnson, S. Dak.	Pratt, Harcourt J.	Yon
De Priest	Johnson, Wash.	Pritchard	Zihlman
DeRouen	Johnston, Mo.	Purnell	

So a call of the House was ordered.

The Clerk announced the following pairs:

Until further notice:

Mr. Snell with Mr. Pou.
Mr. Carter of California with Mr. Bell.
Mr. Harcourt J. Pratt with Mr. Gavagan.
Mr. Niedringhaus with Mr. Rayburn.
Mr. Golder with Mr. Brunner.
Mr. Cramton with Mr. Hull of Tennessee.
Mr. Connolly with Mr. Somers of New York.
Mr. Fort with Mr. Byrns.
Mr. Chindblom with Mr. Kincheloe.
Mr. Fenn with Mr. Stevenson.
Mr. Kiess with Mr. Carley.
Mr. Purnell with Mr. Larsen.
Mr. Murphy with Mr. Quayle.
Mr. Bacharach with Mr. Ayres.
Mr. Denison with Mr. Garner.
Mr. Johnson of South Dakota with Mr. Griffin.
Mr. Brigham with Mr. Tucker.
Mr. Kiefner with Mr. Corning.
Mr. Frear with Mr. Lindsay.
Mr. Letts with Mr. Wilson.
Mr. Crail with Mr. Crosser.
Mr. Lehlbach with Mr. Mead.
Mr. Crowther with Mr. Moore of Virginia.
Mr. McFadden with Mr. Vinson of Georgia.
Mr. Kendall of Pennsylvania with Mrs. Owen.
Mr. McLaughlin with Mr. Dominick.
Mr. Kearns with Mr. Drewry.
Mr. Johnston of Missouri with Mr. Henry T. Rainey.
Mr. Shreve with Mr. Bankhead.
Mrs. Rogers with Mr. Garrett.
Mr. Swick with Mr. Parks.
Mr. Thatcher with Mr. Black.
Mr. Yates with Mr. Greenwood.
Mr. Short of Missouri with Mr. Quin.
Mr. Welsh of Pennsylvania with Mr. Buchanan.
Mr. Treadway with Mr. Patterson.
Mr. Porter with Mr. Box.
Mr. Wood with Mr. Canfield.
Mr. Clague with Mr. Taylor of Colorado.
Mr. Lampert with Mr. Mansfield.
Mr. Britten with Mr. Douglass of Massachusetts.
Mr. Dyer with Mr. Fisher.
Mr. Beedy with Mr. Woodrum.
Mr. Jenkins with Mr. Boylan.
Mr. Dickinson with Mr. Cox.
Mr. Evans of California with Mr. Palmisano.
Mr. Free with Mr. Allgood.
Mr. Graham with Mr. Fuller.
Mr. McLeod with Mr. Bloom.
Mr. Moore of Ohio with Mr. Gasque.
Mr. Sproul of Illinois with Mr. Gambrill.

Mr. Ransley with Mr. Busby.
Mr. Perkins with Mr. Kemp.
Mr. Vestal with Mr. Auf der Heide.
Mr. Timberlake with Mr. Lea.
Mr. Eaton of New Jersey with Mr. McDuffie.
Mr. Bacon with Mr. Evans of Montana.
Mr. Chalmers with Mr. Montague.
Mr. Doutrich with Mr. Yon.
Mr. Finley with Mr. Underwood.
Mr. Beck with Mr. McReynolds.
Mr. Ellis with Mr. O'Connell.
Mr. Beers with Mr. Igoe.
Mr. Hartley with Mr. Sabath.
Mr. Burdick with Mr. Sullivan of New York.
Mr. Menges with Mr. Kunz.
Mrs. McCormick of Illinois with Mr. McClintic of Oklahoma.
Mr. Johnson of Indiana with Mr. Mooney.
Mr. Campbell of Pennsylvania with Mrs. Norton.
Mr. Taber with Mr. Williams.
Mr. LaGuardia with Mr. Hudspeth.
Mr. Smith of Idaho with Mr. Sirovich.
Mr. Cooper of Ohio with Mr. Stedman.
Mr. Kurtz with Mr. Cartwright.
Mr. Johnson of Washington with Mr. Douglas of Arizona.
Mr. Strong of Pennsylvania with Mr. Connery.
Mr. Vincent of Michigan with Mr. DeRouen.
Mr. Dempsey with Mr. Doyle.

The result of the vote was announced as above recorded.

Mr. WOOD. Mr. Speaker, I move that the House do now adjourn.

Mr. STAFFORD. Mr. Speaker, I ask for the yeas and nays.

Mr. MAPES. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MAPES. Is it not the rule that one motion to adjourn having been voted down since the absence of a quorum was developed that the motion must now be seconded by a majority of those present before it can be put again?

The SPEAKER pro tempore. The Chair is unable to understand the gentleman's point of order.

Mr. MAPES. A motion to adjourn has been voted upon recently and lost; no quorum has developed since that vote was taken. Does not the rule provide that in a situation of that kind a majority of those present must second the motion before it is in order to vote upon it again before a quorum is developed?

Mr. STAFFORD. Mr. Speaker, I know of no such rule and I do not think the gentleman can cite the Chair to any such rule.

The SPEAKER pro tempore. The Chair does not have in mind any such rule as the gentleman refers to as applicable here. Possibly the gentleman has in mind the provision with regard to an automatic roll call.

Mr. MAPES. No; I think not.

Mr. STAFFORD. The gentleman is consuming time. [Laughter.]

The SPEAKER. The Chair will hear the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. I have not the rule before me, but I feel positive that it is in the Manual.

The SPEAKER pro tempore. Is it the gentleman's position that a motion to adjourn is not now in order?

Mr. MAPES. No, Mr. Speaker. This is my point of order. After the absence of a quorum is developed and a motion has once been made to adjourn and voted down, then another motion to adjourn is not in order unless it is seconded by a majority of those present.

Mr. STAFFORD. Mr. Speaker, I make the point of order the gentleman is too late with his point of order. The gentleman did not make the point of order at the time the motion was made.

The SPEAKER pro tempore. If the gentleman makes the point of order that a motion to adjourn is not in order immediately following an order for a call of the House unless seconded by a majority of those actually present, the Chair will entertain that point.

Mr. MAPES. Then I make that point of order.

Mr. STAFFORD. Mr. Speaker, I make the point of order that the gentleman's point comes too late, because the House was in the midst of dividing, and there can not be a point of order to this effect.

The SPEAKER pro tempore. The Chair will hear the gentleman from Michigan.

Mr. MAPES. The theory of the rule, as I understand it, is that a minority can not delay the proceedings by demanding a roll call on a motion to adjourn time after time in the process of the development of a quorum. This motion has once been made and a roll call has been had on it, and since that time no quorum has developed. I feel positive the rule provides that before another motion to adjourn can be voted upon it must be seconded by a majority of those present.

Mr. KORELL. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. KORELL. How are you going to determine whether a majority is asking for the motion without a vote?

Mr. MAPES. That is for the Chair to determine by actual count.

Mr. O'CONNOR of New York. May I suggest that the question of a quorum is covered by section 5 of Article I of the Constitution and not by the rules?

The SPEAKER pro tempore. It is necessary to have a quorum. The only question is, after a call of the House has been ordered, is it then in order to move to adjourn? The Chair will hold that it is not in order at this time unless it is ordered by a majority of those present.

Mr. QUIN. I thought the House could adjourn at any time.

The SPEAKER pro tempore. The House has already ordered a call of the House. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 40]

Aldrich	Dominick	Kearns	Quayle
Allen	Douglas, Ariz.	Kelly	Rainey, Henry T.
Allgood	Douglass, Mass.	Kemp	Ransley
Andrew	Doutrich	Kendall, Pa.	Rayburn
Auf der Heide	Doyle	Kerr	Reed, N. Y.
Bacharach	Drewry	Kiefner	Rogers
Bacon	Dyer	Kiess	Rowbottom
Baird	Ellis	Kincheloe	Sabath
Bankhead	Estep	Kunz	Sanders, N. Y.
Beck	Evans, Calif.	Kurtz	Seiberling
Beedy	Evans, Mont.	LaGuardia	Short, Mo.
Beers	Fenn	Lampert	Shreve
Bell	Finley	Langley	Simms
Black	Fish	Larsen	Sirovich
Bloom	Fitzgerald	Leech	Smith, Idaho
Bolton	Fort	Lehlbach	Snell
Box	Frear	Lindsay	Somers, N. Y.
Boylan	Free	McClintic, Okla.	Stalker
Brand, Ohio	Freeman	McCormick, Ill.	Stedman
Brigham	Gambrill	McDuffie	Stevenson
Britten	Garber, Okla.	McFadden	Stobbs
Brumm	Garrett	McLeod	Stone
Brunner	Gavagan	McReynolds	Strong, Pa.
Buchanan	Gifford	Magrady	Sullivan, N. Y.
Burdick	Graham	Mansfield	Sullivan, Pa.
Busby	Greenwood	Mead	Swick
Byrns	Gregory	Menges	Taber
Cable	Griffin	Merritt	Taylor, Colo.
Campbell, Pa.	Hadley	Michaelson	Timberlake
Canfield	Hale	Montague	Turpin
Carley	Hancock	Mooney	Underhill
Cartwright	Hardy	Moore, Ohio	Underwood
Chase	Hartley	Moore, Va.	Vestal
Chindblom	Hess	Mouser	Vincent, Mich.
Clague	Hoffman	Murphy	Vinson, Ga.
Clark, Md.	Houston	Nelson, Wis.	Walker
Clarke, N. Y.	Hudspeth	Norton	Warren
Connolly	Hull, Morton D.	O'Connell	Welsh, Pa.
Cooke	Hull, William E.	O'Connor, Okla.	White
Cooper, Ohio	Hull, Tenn.	Oliver, Ala.	Wigglesworth
Corning	Igoe	Palmisano	Williams
Coyle	James	Parker	Wolfenden
Cramton	Jenkins	Parks	Wolverton, N. J.
Crosser	Johnson, Ill.	Patterson	Woodrum
Curry	Johnson, Ind.	Peavey	Wurzbach
Davenport	Johnson, S. Dak.	Perkins	Wyant
Dempsey	Johnson, Wash.	Porter	Yates
Denison	Johnston, Mo.	Pou	Yon
De Priest	Jonas, N. C.	Pratt, Harcourt J.	Zihlman
Dickinson	Kahn	Pritchard	

The SPEAKER pro tempore. On this roll call 198 Members have answered to their names, not a quorum.

Mr. KETCHAM. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KETCHAM. Would it be in order to offer a motion to recess until 10 o'clock to-morrow or, if that be not in order, until 10 o'clock on next Calendar Wednesday?

The SPEAKER pro tempore. No motion is in order except a motion to adjourn, a quorum not being present.

Mr. KORELL. Mr. Speaker, I move that we adjourn, and on that motion I ask for a division.

The SPEAKER pro tempore. The gentleman from Oregon moves that the House do now adjourn.

Mr. KORELL. Mr. Speaker, I withdraw that motion.

Mr. QUIN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. QUIN. I want to know if it is not in order to have the absentees brought in.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Wisconsin moves that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were 77 ayes and 61 noes.

Mr. CRISP. Mr. Speaker, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. STAFFORD and Mr. CRISP.

The House again divided; and the tellers reported that there were 78 ayes and 81 noes.

Mr. STAFFORD and Mr. QUIN demanded the yeas and nays.

The SPEAKER pro tempore. The gentleman from Wisconsin and the gentleman from Mississippi demand the yeas and nays.

All those in favor of ordering the yeas and nays will stand and be counted. [After counting.] Thirty-five Members have arisen, not a sufficient number.

So the yeas and nays were refused, and the motion to adjourn was not agreed to.

Mr. QUIN. Mr. Speaker, I move that the Speaker instruct the Sergeant at Arms to bring in the absent Members.

The SPEAKER pro tempore. The gentleman from Mississippi offers a motion, which the Clerk will report:

The Clerk read as follows:

Mr. QUIN presents the following motion:

"*Ordered*, That the Sergeant at Arms take into custody and bring to the bar of the House such Members as are absent without leave."

The SPEAKER pro tempore. The question is on the motion of the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were 78 ayes and 55 noes.

Mr. STAFFORD. Mr. Speaker, I demand the yeas and nays.

The SPEAKER pro tempore. The gentleman from Wisconsin demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 122, nays 74, answered "present" 4, not voting 227, as follows:

[Roll No. 41]

YEAS—122

Abernethy	Eslick	Kading	Ramseyer
Adkins	Fisher	Kendall, Ky.	Ramspeck
Almon	Fulmer	Ketcham	Rankin
Andresen	Garber, Va.	Knutson	Reid, Ill.
Arnold	Goodwin	Kopp	Robinson
Bachmann	Green	Kvale	Romjue
Bland	Guyer	Lambertson	Sanders, Tex.
Brand, Ga.	Hall, Ill.	Lanham	Sandlin
Briggs	Hall, Miss.	Lankford, Ga.	Schneider
Browne	Hall, N. Dak.	Lea	Sears
Browning	Halsey	Leavitt	Selvig
Burtness	Hammer	Lozier	Shaffer, Va.
Campbell, Iowa	Hare	Ludlow	Shott, W. Va.
Cannon	Hastings	McKeown	Simmons
Christgau	Haugen	McMillan	Sinclair
Clark, N. C.	Hawley	McSwain	Sloan
Collier	Hill, Ala.	Maas	Smith, W. Va.
Colton	Hill, Wash.	Manlove	Snow
Cooper, Tenn.	Hoch	Michener	Sparks
Cooper, Wis.	Hogg	Milligan	Strong, Kans.
Craddock	Holaday	Montet	Summers, Wash.
Crisp	Hope	Moore, Ky.	Sumners, Tex.
Cross	Hopkins	Nelson, Mo.	Swanson
Culkin	Howard	Newhall	Swing
Davis	Hull, Wis.	Nolan	Tarver
DeRouen	Irwin	Oldfield	Thurston
Dowell	Jeffers	Palmer	Whitehead
Doxey	Johnson, Nebr.	Pittenger	Whittington
Dunbar	Johnson, Okla.	Quin	Wright
Edwards	Johnson, Tex.	Ragon	
Englebright	Jones, Tex.	Ramey, Frank M.	

NAYS—74

Ackerman	Eaton, Colo.	Luce	Stafford
Arentz	Elliott	McClintock, Ohio	Steagall
Aswell	Esterly	McCormack, Mass.	Taylor, Tenn.
Blackburn	Fitzpatrick	McLaughlin	Temple
Bohn	Foss	Mapes	Thatcher
Bowman	French	Martin	Thompson
Butler	Garner	Miller	Tilson
Carter, Wyo.	Gibson	Morehead	Tinkham
Celler	Glover	Morgan	Wainwright
Chalmers	Granfield	Nelson, Me.	Wason
Christopherson	Hall, Ind.	Oliver, N. Y.	Watres
Clancy	Hickey	Patman	Watson
Cochran, Mo.	Hooper	Pratt, Ruth	Welch, Calif.
Cochran, Pa.	Huddleston	Reece	Wingo
Cole	Hudson	Schafer, Wis.	Wolverton, W. Va.
Cullen	Kinzer	Seger	Wood
Dallinger	Korell	Speaks	Woodruff
Darrow	Lankford, Va.	Spearing	
Dickstein	Linthicum	Sproul, Ill.	

ANSWERED "PRESENT"—4

Barbour	Buckbee	O'Connor, La.	Sproul, Kans.

NOT VOTING—227

Aldrich	Buchanan	Cramton	Fenn
Allen	Burdick	Crosser	Finley
Allgood	Busby	Crowther	Fish
Andrew	Byrns	Curry	Fitzgerald
Auf der Heide	Cable	Davenport	Fort
Ayres	Campbell, Pa.	Dempsey	Frear
Bacharach	Canfield	Denison	Free
Bacon	Carley	De Priest	Freeman
Baird	Carter, Calif.	Dickinson	Fuller
Bankhead	Cartwright	Dominick	Gambrill
Beck	Chase	Doughton	Garber, Okla.
Beedy	Chindblom	Douglas, Ariz.	Garrett
Beers	Clague	Douglass, Mass.	Gasque
Bell	Clark, Md.	Doutrich	Gavagan
Black	Clarke, N. Y.	Doyle	Gifford
Bloom	Collins	Drane	Golder
Bolton	Connery	Drewry	Goldsborough
Box	Connolly	Driver	Graham
Boylan	Cooke	Dyer	Greenwood
Brand, Ohio	Cooper, Ohio	Eaton, N. J.	Gregory
Brigham	Corning	Ellis	Griffin
Britten	Cox	Estep	Hadley
Brumm	Coyle	Evans, Calif.	Hale
Brunner	Crail	Evans, Mont.	Hancock
Hardy	Larsen	Parks	Strong, Pa.
Hartley	Leech	Patterson	Sullivan, N. Y.
Hess	Lehlbach	Peavey	Sullivan, Pa.
Hoffman	Letts	Perkins	Swick
Houston, Del.	Lindsay	Porter	Taber
Hudspeth	McClintic, Okla.	Pou	Taylor, Colo.
Hull, Morton D.	McCormick, Ill.	Prall	Timberlake
Hull, William E.	McDuffie	Pratt, Harcourt J.	Treadway
Hull, Tenn.	McFadden	Pritchard	Tucker
Igoe	McLeod	Purnell	Turpin
James	McReynolds	Quayle	Underhill
Jenkins	Magrady	Rainey, Henry T.	Underwood
Johnson, Ill.	Mansfield	Ransley	Vestal
Johnson, Ind.	Mead	Rayburn	Vincent, Mich.
Johnson, S. Dak.	Menges	Reed, N. Y.	Vinson, Ga.
Johnson, Wash.	Merritt	Rogers	Walker
Johnston, Mo.	Michaelson	Rowbottom	Warren
Jonas, N. C.	Montague	Rutherford	Welsh, Pa.
Kahn	Mooney	Sabath	White
Kearns	Moore, Ohio	Sanders, N. Y.	Whitley
Kelly	Moore, Va.	Selberling	Wigglesworth
Kemp	Mouser	Short, Mo.	Williams
Kendall, Pa.	Murphy	Shreve	Williamson
Kennedy	Nelson, Wis.	Simms	Wilson
Kerr	Niedringhaus	Sirovich	Wolfenden
Kiefner	Norton	Smith, Idaho	Wolverton, N. J.
Kiess	O'Connell	Snell	Woodrum
Kincheloe	O'Connor, Okla.	Somers, N. Y.	Wurzbach
Kunz	O'Connor, N. Y.	Stalker	Wyant
Kurtz	Oliver, Ala.	Stedman	Yates
LaGuardia	Owen	Stevenson	Yon
Lampert	Palmisano	Stobbs	Zihlman
Langley	Parker	Stone	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Mr. Aldridge with Mr. Doughton.
Mr. Allen with Mr. Drane.
Mr. Andrew with Mr. Driver.
Mr. Baird with Mr. Goldsborough.
Mr. Bolton with Mr. Gregory.
Mr. Cable with Mr. Kennedy.
Mr. Clarke of New York with Mr. Kerr.
Mr. Cooke with Mr. Lindsay.
Mr. Curry with Mr. O'Connor of New York.
Mr. Davenport with Mr. Oliver of Alabama.
Mr. Fish with Mr. Prall
Mr. Fitzgerald with Mr. Rutherford.
Mrs. Langley with Mr. Warren.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Chair announces the fact that he has signed the warrants to arrest the absent Members.

Mr. CRISP. Mr. Speaker, is a quorum present?

The SPEAKER pro tempore. Counting those who responded to their names on the call of the House, and those who voluntarily came in during the roll call on the motion to arrest absent Members, and those who have since come in, there should be 222 present, a quorum.

Mr. CRISP. Then, Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Georgia to dispense with further proceedings under the call.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 83, noes 22.

Mr. STAFFORD. Mr. Speaker, I object to the vote because there is no quorum present, and make the point of order that there is no quorum present.

Mr. CRISP. Mr. Speaker, I make the point of order that that action is dilatory. The Chair has been here all evening and is cognizant of what has taken place in the House. Just a moment ago under a call of the House a quorum was present, and based on the fact that a quorum is present, the House has voted to dispense with further proceedings. I think the Chair justified in holding the point of the gentleman from Wisconsin dilatory.

The SPEAKER pro tempore. The Chair thinks the gentleman from Georgia hardly accurate in his statement. The first call of the House was taken fully an hour ago. Then a motion to bring in absent Members was made, and in order to make a quorum the Chair counted all those who answered on the call of the House, on the call of the roll, and additional Members who answered on the call later to bring in absent Members, and those who have come in voluntarily. An hour has surely elapsed since the first roll call.

Mr. CRISP. Mr. Speaker, before the Chair announces his decision, may I direct his attention to the fact that when a call of the House is ordered the doors are supposed to be closed. The Sergeant at Arms has been directed to go out and bring in absentees.

The Speaker, ascertaining whether a sufficient number rises for the yeas and nays, presumes that a quorum is present here. We have just gone through one parliamentary procedure to get a quorum here. A warrant has been issued to bring in absentees, and, counting those who answered "present" and those who have come in, the Speaker, answering my parliamentary inquiry, said that 222 Members were present, a quorum. Therefore, based on that, the motion was made to dispense with further proceedings, and that motion carried, and a point

of order is made that there is no quorum present. In view of what has transpired, it seems to me that the Chair must be cognizant that the point of order is dilatory, and the Speaker is aware that that rule was invoked when Mr. Speaker Reed was Speaker to break up a filibuster.

Mr. STAFFORD. Mr. Speaker, if the gentleman will glance over the Chamber, from his long experience here he will know that there is no quorum present, and he knows, further, that the doors have not been closed.

The SPEAKER pro tempore. The Chair has not announced that there is not a quorum present.

Mr. MICHENER. Mr. Speaker, under the order of the House and the rules, are the doors presumably closed or open?

The SPEAKER pro tempore. They are supposed to be closed, but the Chair fully recognizes the fact that this is a fiction and not a fact.

Mr. MICHENER. Then, as a matter of fact, if the doors are closed and the Members are brought in and they answer the roll, is not the Chair at least justified in assuming that the rules have been complied with, and that there is a quorum present within the confines of the room which does not mean the confines of the Chamber but in the anterooms as well?

The SPEAKER pro tempore. The record, as it now stands, shows that there are 222 Members present.

Mr. MICHENER. Mr. Speaker, can the Chair find that anything else is in order until the doors have been opened?

The SPEAKER pro tempore. No.

Mr. MICHENER. The proceeding now before the House is to open the doors.

The SPEAKER pro tempore. It does not require a quorum to dispense with further proceedings under the call.

Mr. MICHENER. My question was, whether, under the proceedings of the House, where absentees are ordered to be arrested and brought in, where the doors are closed, where the roll is called, and where the absentees are brought in one at a time and brought before the bar of the House to answer to their names, and immediately the Speaker announces that a quorum is present, and the next thing to do is to move to dispense with further proceedings under the call, the doors can not be opened until that motion is agreed to.

The SPEAKER pro tempore. The gentleman is correct in his statement. The Chair takes no issue with him.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STAFFORD. I make the point of order that on that vote last taken there was not a quorum present. I believe the Chair has not announced his decision.

The SPEAKER pro tempore. Of course, there was no quorum present at the outset, but the record shows that eventually there were 222 Members present.

Mr. STAFFORD. Mr. Speaker, I move that the House do now adjourn.

Mr. KETCHAM. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The SPEAKER pro tempore. Under the rule applicable in this case further proceedings under the call of the House are dispensed with, and the doorkeeper will open the doors; and the gentleman from Wisconsin moves that the House do now adjourn.

Mr. WOODRUFF. I make the point of order, Mr. Speaker, that the motion of the gentleman from Wisconsin is dilatory.

The SPEAKER pro tempore. The gentleman from Wisconsin has the right to make the motion to adjourn.

Mr. GREEN. Mr. Speaker, the gentleman from Michigan [Mr. KETCHAM] has been for some time on his feet, and as I understand it, he ought to be recognized before a Member who is not a member of the committee in charge of the legislation that is now pending.

The SPEAKER pro tempore. Of course, all Members have an equal right to make motions, but some motions are of higher privilege than others, and the gentleman from Wisconsin has made a motion of the highest privilege.

Mr. CRISP. Mr. Speaker, I make a point of order, carrying out the suggestion of the Speaker, the point of order being that a motion not seconded by a majority of the House is not in order.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. STAFFORD] moves that the House do now adjourn. Those in favor of the motion of the gentleman from Wisconsin will rise and stand until they are counted. [After counting.] Those opposed will rise. [After counting.] On this vote the ayes are 46 and the noes are 83. The noes have it, and the House refuses to adjourn. The gentleman from Michigan [Mr. KETCHAM] moves the previous question on the bill and all amendments thereto to final passage. The question is on agreeing to that motion.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STAFFORD. Mr. Speaker, I demand a division.

The SPEAKER pro tempore. The gentleman from Wisconsin demands a division.

The House divided; and there were—ayes 90, noes 45.

Mr. STAFFORD. Mr. Speaker, I demand the yeas and nays.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. SCHAFER] objects to the vote on the ground that there is no quorum present. The Chair will count. [After counting.] One hundred and sixty Members are present—not a quorum. The Clerk will call the roll and the Doorkeeper will close the doors. All those in favor of ordering the previous question will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 156, nays 66, not voting 205, as follows:

[Roll No. 42]

YEAS—156

Abernethy	Englebright	Kading	Ragon
Adkins	Eslick	Kearns	Rainey, Henry T.
Almon	Fisher	Kendall, Ky.	Ramey, Frank M.
Andresen	Frear	Ketcham	Ramseyer
Arnold	Fuller	Kinzer	Ramspeck
Aswell	Fulmer	Kopp	Rankin
Ayres	Garber, Va.	Kvale	Reid, Ill.
Bland	Gasque	Lambertson	Robinson
Bohn	Glover	Lampert	Romjue
Brand, Ga.	Goodwin	Lanham	Sanders, Tex.
Briggs	Green	Lankford, Ga.	Sandlin
Browne	Greenwood	Lea	Schneider
Browning	Guyer	Leavitt	Selvig
Buckbee	Hall, Ill.	Letts	Shaffer, Va.
Burtness	Hall, Miss.	Lozier	Simmons
Campbell, Iowa	Hall, N. Dak.	McClintock, Ohio	Sinclair
Cannon	Halsey	McKeown	Sloan
Cartwright	Hammer	McLaughlin	Snow
Christgau	Hare	McMillan	Sparks
Christopherson	Hastings	McSwain	Speaks
Clark, N. C.	Haugen	Maas	Spearing
Cole	Hawley	Manlove	Sproul, Kans.
Collier	Hill, Ala.	Mapes	Strong, Kans.
Colton	Hill, Wash.	Michener	Summers, Wash.
Cooper, Tenn.	Hoch	Milligan	Sumners, Tex.
Cooper, Wis.	Hogg	Montet	Swanson
Cox	Holaday	Moore, Ky.	Swing
Craddock	Hooper	Morehead	Tarver
Crisp	Hope	Nelson, Mo.	Thompson
Cross	Hopkins	Newhall	Thurston
Crowther	Howard	Nolan	Tilson
Culkin	Huddleston	O'Connor, La.	Vestal
Davis	Hull, Wis.	Oldfield	Welch, Calif.
DeRouen	Irwin	Owen	Whitehead
Dowell	Jeffers	Palmer	Whittington
Doxey	Johnson, Nebr.	Patman	Williamson
Drane	Johnson, Okla.	Pittenger	Wilson
Driver	Johnson, Tex.	Purnell	Woodruff
Edwards	Jones, Tex.	Quin	Wright

NAYS—66

Ackerman	Dallinger	Korell	Shott, W. Va.
Arentz	Darrow	Lankford, Va.	Smith, Idaho
Bachmann	Dickstein	Lindsay	Smith, W. Va.
Barbour	Doutrich	Linthicum	Sproul, Ill.
Blackburn	Dunbar	Luce	Stafford
Bowman	Eaton, Colo.	Ludlow	Taylor, Tenn.
Butler	Elliott	McCormack, Mass.	Thatcher
Carter, Wyo.	Esterly	Martin	Tinkham
Celler	Evans, Calif.	Miller	Treadway
Chalmers	Fitzpatrick	Nelson, Me.	Wainwright
Clancy	Foss	Niedringhaus	Wason
Cochran, Mo.	French	Oliver, N. Y.	Watres
Cochran, Pa.	Gibson	Pratt, Ruth	Watson
Collins	Granfield	Reece	Wingo
Connery	Hall, Ind.	Reed, N. Y.	Wolverton, W. Va.
Crail	Hickey	Schafer, Wis.	
Cullen	Hudson	Seger	

NOT VOTING—205

Aldrich	Cable	Doyle	Hancock
Allen	Campbell, Pa.	Drewry	Hardy
Allgood	Canfield	Dyer	Hartley
Andrew	Carley	Eaton, N. J.	Hess
Auf der Heide	Carter, Calif.	Ellis	Hoffman
Bacharach	Chase	Estep	Houston, Del.
Bacon	Chindblom	Evans, Mont.	Hudspeth
Baird	Clague	Fenn	Hull, Tenn.
Bankhead	Clark, Md.	Finley	Hull, Morton D.
Beck	Clarke, N. Y.	Fish	Hull, William E.
Beedy	Connolly	Fitzgerald	Igoe
Beers	Cooke	Fort	James
Bell	Cooper, Ohio	Free	Jenkins
Black	Corning	Freeman	Johnson, Ill.
Bloom	Coyle	Gambrill	Johnson, Ind.
Bolton	Cramton	Garber, Okla.	Johnson, S. Dak.
Box	Crosser	Garner	Johnson, Wash.
Boylan	Curry	Garrett	Johnston, Mo.
Brand, Ohio	Davenport	Gavagan	Jonas, N. C.
Brigham	Dempsey	Gifford	Kahn
Britten	Denison	Golder	Kelly
Brumm	De Priest	Goldsborough	Kemp
Brunner	Dickinson	Graham	Kendall, Pa.
Buchanan	Dominick	Gregory	Kennedy
Burdick	Doughton	Griffin	Kerr
Busby	Douglas, Ariz.	Hadley	Kiefner
Byrns	Douglass, Mass.	Hale	Kiess

Kincheloe	Morgan	Rutherford	Tucker
Knutson	Mouser	Sabath	Turpin
Kunz	Murphy	Sanders, N. Y.	Underhill
Kurtz	Nelson, Wis.	Sears	Underwood
LaGuardia	Norton	Seiberling	Vincent, Mich.
Langley	O'Connell	Short, Mo.	Vinson, Ga.
Larsen	O'Connor, N. Y.	Shreve	Walker
Leech	O'Connor, Okla.	Simms	Warren
Lehlbach	Oliver, Ala.	Sirovich	Welch, Pa.
McClintic, Okla.	Palmisano	Snell	White
McCormick, Ill.	Parker	Somers, N. Y.	Whitley
McDuffie	Parks	Stalker	Wigglesworth
McFadden	Patterson	Steagall	Williams
McLeod	Peavey	Stedman	Wolfenden
McReynolds	Perkins	Stevenson	Wolverton, N. J.
Magrady	Porter	Stobbs	Wood
Mansfield	Pou	Stone	Woodrum
Mead	Prall	Strong, Pa.	Wurzbach
Menges	Pratt, Harcourt J.	Sullivan, N. Y.	Wyant
Merritt	Pritchard	Sullivan, Pa.	Yates
Michaelson	Quayle	Swick	Yon
Montague	Ransley	Taber	Zihlman
Mooney	Rayburn	Taylor, Colo.	
Moore, Ohio	Rogers	Temple	
Moore, Va.	Rowbottom	Timberlake	

So the previous question was ordered.

The Clerk announced the following additional pair:

Mr. Temple with Mr. Steagall.

The result of the vote was announced as above recorded.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. Mr. Speaker, the previous question having been ordered on the bill and amendments to final passage, if the House adjourns now, ordinarily would not the matter come up the next day, and to-morrow being set apart under special order for memorial exercises, if the House adjourns now, will not this matter, the previous question having been ordered, come up after the reading of the Journal on Friday?

The SPEAKER. On Friday, to-morrow not being a legislative day.

The question is on agreeing to the amendment.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. To what amendment does the Speaker refer?

The SPEAKER. The amendment as referred from the Committee of the Whole, upon which the previous question has been ordered.

Mr. STAFFORD. Mr. Speaker, may the amendment be reported again?

The SPEAKER. Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk read as follows:

Page 5, line 20, strike out the words "regardless of their citizenship" and insert in lieu thereof "American citizens."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 140, noes 60.

So the amendment was agreed to.

Mr. LETTS. Mr. Speaker, I would like to announce that my colleague the gentleman from Iowa [Mr. DICKINSON] was not here when the vote was taken to order the previous question on the passage of the bill. If the gentleman had been present he would have voted "aye."

Mr. STAFFORD. Mr. Speaker, I move that the House do now adjourn.

Mr. KETCHAM rose.

The SPEAKER. Does the gentleman from Wisconsin [Mr. STAFFORD] temporarily withhold his motion?

Mr. STAFFORD. I withhold it.

TO PROMOTE AGRICULTURE

Mr. KETCHAM. Mr. Speaker, I ask permission on behalf of my colleague the gentleman from Vermont [Mr. BRIGHAM] to extend his remarks in the RECORD on the present bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BRIGHAM. Mr. Speaker, I am in favor of a foreign service in the Department of Agriculture because I believe that the interests of American agriculture will be served by having men in the foreign field who are conversant with the economic problems relating to agriculture. Take, for instance, the wheat problem. The United States has been one of the principal wheat-exporting nations of the world. If we study the international wheat trade we find that the principal importing countries have not greatly increased their importations of wheat since the pre-war period. When, however, we consider the contribution of the leading exporting nations who are competing with one another for the world's wheat trade we find that the Dominion of Canada has increased its exports from less than 100,000,000 bushels in pre-war days to from 300,000,000 to 400,000,000 bushels in the last few years. The Argentine and Australia have also materially increased their exports.

Since the war Russia has not been a contributor to the world's wheat trade, but we are told that it is the program of the Soviet Government to increase the Russian production of wheat so that 100,000,000 bushels annually will be available for export.

In a foreign service devoted to American agriculture we need men who can not only gather statistics regarding prices and production but who are competent to study the trend of production and consumption so that information will be available to the Federal Farm Board and to the Department of Agriculture and to our farmers generally, so that they can intelligently adjust their production program to the probable demands and the probable prices which may be expected in the export wheat trade of the world.

You are all familiar with the Canadian wheat pool which handles more than 50 per cent of the wheat produced in the western Provinces of the Dominion of Canada. One of the most brilliant witnesses appearing before the Committee on Agriculture of the House last April, when the Haugen farm relief bill was under discussion, was Mr. A. J. MacPhail, president of the Canadian Cooperative Wheat Producers. Mr. MacPhail in his testimony had this to say about the foreign service maintained by his organization:

> We have a very extensive organization. We have a man in Argentina the year around for the specific purpose of keeping us informed with regard to the conditions in Argentina. We have had a man down in the States here last month, traveling throughout the winter-wheat area, and around, to keep us informed with regard to conditions here. We keep ourselves informed through large farm organizations in Australia continually. They keep us informed continually by cable regarding the conditions there.
>
> Our agents are everywhere throughout European countries, keeping us informed daily regarding the crop conditions in those various countries. They keep us informed regarding crops like rye, potatoes, and so forth. For instance, if Germany has a large crop of rye, then we know they will import less wheat. We try to keep ourselves accurately informed and as up-to-date as possible, and we do that continually from day to day. We do that in order that we may as intelligently as possible merchandise our wheat.

You will see, therefore, that this great organization of wheat growers has found it necessary to maintain its own men in the leading countries of the world in order to study the factors of supply and demand and the trends of the world's wheat production.

The United States Department of Agriculture can do no better service to the farmers of America than to make similar studies not only of the wheat problem, but all the problems which concern the export of all kinds of agricultural products in order that our producers will be fully and accurately informed as to market prices and probable competition in the future. This bill provides such a service and places it in that department of the Government whose function it is to promote the interests of agriculture, namely, the Department of Agriculture.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. PARKS, at the request of Mr. RAGON, indefinitely, on account of illness.

THE CEMENT TARIFF

Mr. LaGUARDIA. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by publishing a letter from the Board of Transportation of the City of New York in relation to the removal of cement from the free list.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LaGUARDIA. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include a letter from the Board of Transportation of the City of New York in relation to the removal of cement from the free list.

The letter is as follows:

BOARD OF TRANSPORTATION OF THE CITY OF NEW YORK,
New York, May 9, 1930.

Hon. FIORELLO H. LaGUARDIA,
House of Representatives, Washington, D. C.

DEAR SIR: The city of New York, as a municipality, as you are aware, is making extraordinary efforts to increase its transit and transportation facilities. Incidental to this effort it has under way a program involving expenditure of more than $1,000,000,000. To carry out this program an immense amount of concrete must be used. The use of concrete involves the use of cement and the cost of cement is of vital importance

in connection with the solution of the city's transit and transportation problems. There is now pending before Congress a tariff bill made up of many schedules, one of which applies to cement.

With due consideration for the protection of American manufacturers and American labor, the city of New York, as a consumer of large amounts of cement, is desirous, of course, that cement can be purchased at the lowest reasonable rate. The board of transportation, which is now carrying out New York City's municipal program for rapid transit railroad expansion and which has also been charged with carrying out a program for relieving vehicular congestion by provision of borough and interborough tunnels to accommodate vehicular traffic, is now making contracts on behalf of the city that involve use of not less than 1,000,000 barrels of cement annually, and is likely to require larger quantities in the future.

Contracts have been made in the last three years by the board of transportation involving supply of the following quantities of cement:

Year and cement requirements

	Barrels
1927	1,233,551
1928	1,062,069
1929	1,592,497

It is probable that the amount of concrete construction, and, therefore, the amount of cement to be used in 1930, and annually at least until 1935, will be in excess of the amount contracted for and used in 1929. This is due to the fact that the character of construction for both rapid transit tunnel and vehicular tunnel work will require a greater percentage of concrete in the immediate future than has been required in the past.

Cement for the concrete construction work in connection with provision for the municipally owned rapid transit railroad is supplied by a large number of mills. All of this cement is of domestic manufacture. While there is no prohibition in the specifications for supply of cement of foreign manufacture, these specifications do provide:

"Cement to be acceptable shall be of a well-known brand which has been in successful use by large engineering firms of the United States of America for at least five years and which has an established reputation for uniform character."

Bidders for rapid transit construction work have never applied to the board of transportation for permission in connection with provision of cement supplies to make use of cement of foreign manufacture, and since the board of transportation has represented the city of New York in this work no producer of cement of foreign manufacture has requested registration of foreign cement, or of inspection of such cement, with the purpose of entering into competition with cement of domestic manufacture.

Cement of the highest standard is specified in connection with the city's rapid transit construction work. The methods and product of all cement manufacturers complying with the specifications as to quality and who furnish cement to the city are constantly supervised and inspected. Every bag and barrel of cement is tested, and before shipment from mill has a city seal affixed. The concrete is also constantly supervised and tested in order that the city as a purchaser and the millions of users of the city's subways and tunnels may be amply protected.

It is the understanding of the board of transportation that there is in the tariff bill now before Congress a proposal to remove cement from the free list and impose a duty of 23 cents per barrel on cement of foreign manufacture. Since enactment of this schedule may result in an increase in the price of cement, the board of transportation desires you, as a Member of Congress from New York, to use every honorable endeavor to avoid unnecessary increase in the price of cement and cement products. This request is made in the light of knowledge that with cement on the free list the city of New York, as a large purchaser of cement for the doing of public work, has not found foreign cement to be in competition with cement of American manufacture.

Had the amount of the proposed tariff on cement (23 cents per barrel) been added to the price of cement purchased for the provision of an expanded municipal rapid-transit work during the year 1929, the increased cost of cement to the city would have been $366,000. The city is attempting to provide a great rapid-transit system at a cost to the traveling public of 5 cents per passenger, and each $1,000 added to the cost of producing the system will add just so much to the expense to the city in creation of rapid-transit facilities.

These rapid-transit railroads are now carrying an average of 7,000,000 passengers daily, and since these passengers are persons of moderate means, it is superfluous for this board to detail to you what it means to have all of the material entering into city-owned facilities of this character provided at the lowest price possible, giving at all times, of course, consideration to proper protection of American industry and American labor.

Very truly yours,

JOHN H. DELANEY, *Chairman.*

MEMORIAL EXERCISES

Mr. FRENCH. Mr. Speaker, the House of Representatives upon to-morrow will hold memorial services in memory of Members of the Senate and House of Representatives who have died since the memorial services were held in the last session of the Seventieth Congress.

I ask unanimous consent that the order of exercises and proceedings of the service be printed in the RECORD of to-morrow.

The SPEAKER. The gentleman from Idaho [Mr. FRENCH] asks unanimous consent that the proceedings of to-morrow be printed in the RECORD. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that all Members of the House be granted until the final issue of the RECORD of the present session as may be fixed by the Joint Committee on Printing the privilege of extension of their remarks in the RECORD on the life, character, and public services of Members of Congress in whose memory the services will be held.

The SPEAKER. The gentleman from Idaho [Mr. FRENCH] asks unanimous consent that all Members may have until the final issue of the RECORD of the present session as may be fixed by the Joint Committee on Printing the privilege of extending their remarks on the proceedings of to-morrow. Is there objection?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the prohibition question, particularly as applicable to the State of Kansas.

The SPEAKER. The gentleman from Wisconsin [Mr. SCHAFER] asks unanimous consent to extend his remarks in the RECORD on the prohibition question. Is there objection?

Mr. STRONG of Kansas. Mr. Speaker, I object. I do not think the gentleman knows anything about it.

TREE-PLANTING OPERATIONS ON NATIONAL FORESTS

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 3531, authorizing the Secretary of Agriculture to enlarge tree-planting operations on national forests, and for other purposes, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table Senate bill 3531, insist on the House amendments, and agree to the conference asked by the Senate. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. HAUGEN, PURNELL, and ASWELL.

CHAIN STORES

Mr. HENRY T. RAINEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of chain stores.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HENRY T. RAINEY. Mr. Speaker, under leave to extend my remarks in the RECORD I herewith print a speech made by myself over station WJSV at 7.30 o'clock p. m., Wednesday, May 14, 1930.

THE MENACE OF THE CHAIN STORE

It is not a difficult matter to get any group of citizens in any community in the United States to agree almost unanimously that the chain store is a real menace to the community. It is not difficult to assemble in any community in the country an enthusiastic meeting of citizens who will pass resolutions denouncing chain stores and their methods. It is easy to get candidates for Congress or for any of our State legislative bodies to agree that the activities of chain stores ought to be controlled and that, if possible, chain stores ought to be eliminated. It is easy to develop a tremendous sentiment against chain stores. Such a sentiment seems to exist throughout the United States to-day, and the citizens who pronounce them a menace, the individuals who assemble in mass meetings and who enthusiastically and unanimously pass resolutions will for a time stop patronizing chain stores, but ultimately the enthusiasm of the moment wears off—and this usually happens in a few days—and they commence again buying from the chain store in their immediate locality.

In the meanwhile chain stores continue to grow and to prosper and to extend their operations. Slowly independent merchants are yielding to the inevitable and closing up their places of business.

My observation of chain stores is that they do not contribute to churches; they take no active part in the life of the community; they pay practically no taxes; if a function is to be held, celebrating some event in the community life, it is the small, individual merchant who contributes. The chain store contributes nothing.

The stock of chain stores is listed on our exchanges and sold in large blocks every day. There are literally thousands of owners of every system of chain stores. The owners are the stockholders, scattered throughout the country; the only interest they have in the system in

which they hold stock is in the regular payment of their dividends on the stock they hold.

Some method must be found of restoring to the small, independent merchant his place in the life of every community.

THE CONSENT DECREE

Just at the present time the packers are organizing and are demanding a modification of the so-called consent decree entered against them in the Supreme Court a few years ago. This decree prevented them from entering into the manufacture or distribution direct to consumers of foodstuffs generally. They insist that an opportunity must be given them to compete with chain stores; inasmuch as chain stores are now invading their field they demand the opportunity to manufacture and distribute through chain-store systems of their own selection all kinds of foodstuffs, and some great farm organizations are joining them in this movement. The "consent decree" will probably be modified, and if it is, packers with unlimited capital will be able to compete, through chain-store systems of their own or of their own selection, for the business now controlled by the organized chain-store systems now in operation. When this occurs the real fight of the individual merchant for existence will be on.

Chain stores sell for cash and they do not deliver their goods—they keep no books—their goods reach them in trucks from central distributing points controlled by the system. They buy in large quantities and therefore buy cheap. Their system of distribution is effective and inexpensive. They can and frequently do sell cheaper than the independent merchant, and there is an irresistible urge on the part of consumers to buy where they can buy the cheapest. They display their goods in an attractive way and in attractive packages.

The coming of the chain store has revolutionized methods of distribution of foodstuffs and of drugs in the United States.

The question is, What are we going to do about it? Is the chain store a trust? If it is, we have ample laws on the statute books with which to deal with it. It may be that some of these organizations of chain stores are trusts and come within the law, but, in my judgment, not many of them can be charged with being trusts. Perhaps a successful proceeding in the courts could not be maintained against any of them.

THE TAXING POWER

We usually regulate propositions of this kind by resorting to the taxing power of the Federal Government. We put out of business the "wildcat bank" of pre-Civil War days by resorting to the taxing power—we taxed their circulation of notes.

A few years ago we destroyed the business of manufacturing sulphur matches by taxing the matches. The manufacture of sulphur matches had developed among its employees a dangerous disease known as phossy jaw, for which there was no known remedy, and we stopped the manufacture of phosphorus matches by simply taxing them.

We have practically prevented the sale of corn flour by taxing it, and the provision for taxing corn flour is the only part of the Spanish-American War tax which has not been repealed.

Is it possible to eliminate chain stores by resorting to the taxing power? The subject has been up before the committees of Congress and has been discussed many times. The Supreme Court has held that the power to tax carries with it the power to destroy, but in connection with an agitation of this kind for a tax, there is always present the question as to what is a chain-store system.

We have throughout the country, in towns of 5,000 and upwards, individual merchants who have commenced establishing in the town or city in which they operate, more than one establishment in which they distribute their goods. Is a merchant who operates more than one establishment in a small town, engaged in a chain-store business? In how many communities and how many stores must an individual or corporation operate before he can be charged with operating a chain-store system? To how many units ought the tax apply? Would a tax of that kind be upheld under our Constitution by our courts? These are the serious questions which confront tax makers whenever the question is presented.

ORGANIZATION

If community preservation is desirable, individual retail merchants must remain in business, and in order to remain in business it is very clear to me that they must organize in an effective way. After all, the business of merchandising is a finer art than the business of manufacturing. Capital is assembled now in great blocks to carry on our business of manufacturing, including, of course, the business of processing foodstuffs.

An article might be produced with a minimum of waste and it might be sold at an exceedingly low price, but if the consumer did not want the article so produced it would be a waste of money and time and of human life itself to attempt to sell it to them by any kind of high-pressure salesmanship. The independent retail dealer is perfectly familiar with the demands and requirements of the community in which he lives. He is in a better position than the manufacturer or chain-store manager to determine what his community wants.

We are engaged now in the business of mass production and there must be also mass distribution, and it seems to me that the independent merchants must organize for the purpose of accomplishing a mass distribution of the articles in which the several communities are interested in such a way as to prove attractive. A great many independent merchants doing business in the old way must, of course, go out of business—only the progressive, small merchants will continue to live even under a system of mass distribution.

CREDIT SYSTEMS

Independent merchants must continue their credit systems. Chain-store merchants can never sell on credit—the success of their operation depends upon cash sales. At the present time, Henry Ford and others who think as he does, are urging credit sales with installment payments. Dr. Julius Klein, of our Department of Commerce, speaking, I presume, for the present administration, which so far seems to be a big-business administration, condemns the credit system as used by retail merchants. He describes the independent retail merchant as participating in the "lowest form of commercial life," and he commends the chain-store methods, with all the objectionable rebates they enjoy, as the ideal distributing system.

INVESTIGATIONS

Some months ago the Federal Trade Commission was required by a Senate resolution to ascertain whether chain-store consolidations had been effected in violation of the antitrust laws and to suggest how best they could be regulated if this was found to be necessary.

After months of investigation the Federal Trade Commission has announced that it has completed in some particulars its survey of chain stores in the city of Washington and has found that chain drug stores carry from ten to fifteen times as many items as the chain grocery stores carry and that chain tobacco stores carry several hundred items. The report made a few days ago to the Senate discloses the fact that this survey has been made in only two other cities, to wit, Cincinnati and Des Moines. No other details of the investigation have been made public.

The commission in its report says it has been handicapped by lack of personnel and by slow response to questionnaires, but announced that it hoped to complete in its investigation, in two or three unnamed cities, by the end of the present year. At the rate in which this investigation is proceeding it will be 10 years, at least, before the Federal Trade Commission has anything of value to report, and if Congress waits on this investigation before adopting remedial measures, the individual merchant will be out of business in every community in the country and the necessity for legislation will have disappeared.

The legislation we need most now is a suitable appropriation in order to enable the Federal Trade Commission to employ a personnel sufficiently large to accomplish results and to reach conclusions within the next few months.

My observation in Congress, developed by an experience lasting over a quarter of a century of time, convinces me that an investigation such as is now being conducted by the Federal Trade Commission is the most effective method of killing any proposition upon which legislation is really needed.

The fight for an 8-hour day was carried on by labor organizations for 20 years before any effective results were accomplished, but during that period of time we had an investigation in progress before the Labor Committee of the House and the reports of that investigation, which nobody ever read, would fill an ordinary library. Finally the labor organizations succeeded in getting enough Members of Congress elected favorable to their propositions to bring about the enactment of all the present labor legislation including the present 8-hour law, and this was accomplished in a few months in 1912 after the assembling of a Congress which stood for their propositions and after the election of members pledged to carry out the things for which labor stood. Therefore, the necessity for organization among independent merchants is apparent. If legislation is possible along these lines it can be accomplished only by electing to Congress men who are pledged against chain-store operation and who are ready to vote for legislation of that character. In the meantime the retail merchants themselves must organize and must adopt, it seems to me, some system of mass distribution and mass buying. This might be accomplished by establishing regional individual retail merchant distributors throughout the country.

REGIONAL DISTRIBUTION

I recently talked with a shoe manufacturer in a New England State who claimed that $5 was enough for any consumer to pay for a pair of shoes. He had several hundred employees, and was engaged in the business of manufacturing shoes to retail at $5. I asked him how he distributed his shoes, and he told me he was manufacturing under an agreement with the chain-store systems of the country to sell only to them and to refuse to sell to individual retail merchants. Would it not be possible, when retail merchants organize, for a group of them to agree with some shoe manufacturer in their particular section to buy from him a shoe to retail at $5? An organization of retail merchants can probably find a manufacturer who will agree to produce for them that kind of a shoe, provided they agree to purchase from him, and the same proposition might extend also to other items handled in the retail stores, including processed foodstuffs. There must be mass buying on





the part of the retail merchants, and this, of course, would mean mass distribution through the retail stores they own and control.

Retail merchants with their superior opportunities of becoming familiar with the articles demanded in the communities in which they do business are in a position, it seems to me, to organize for this kind of buying and distribution. Movements along this line can be promoted by such organizations as the Retail Grocers' Protective Association or the National League of Independent Merchants, now incorporated and operating in the District of Columbia. These organizations already issue a valuable monthly magazine, published exclusively in the interest of independent merchants. We need more organizations of this kind, or these particular organizations ought to extend their operations until their influence extends throughout the Nation.

The fight for community preservation is a real fight. Organization under the direction of some one or more organizations similar to the Retail Grocers' Protective Association or the National League of Independent Merchants is absolutely necessary. The independent merchants by some system of mass buying and mass distribution will be able to demonstrate his right to exist and the necessity for his existence, and when that is done the preservation of our communities will not be difficult.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BUSBY, for an indefinite period, on account of illness in family.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 156. An act to authorize the disposal of public land classified as temporarily or permanently unproductive on Federal irrigation projects;

H. R. 1793. An act for the relief of Albert L. Loban;

H. R. 9850. An act to extend the times for the commencing and completing the construction of a bridge across the Ohio River at or near New Martinsville, W. Va.; and

H. R. 10248. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va.

ADJOURNMENT

Mr. KETCHAM. Mr. Speaker, under the conditions with reference to the matter of the engrossed copy of the bill, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 36 minutes p. m.) the House adjourned until to-morrow, Thursday, May 15, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, May 15, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10 a. m.)

To subject certain immigrants, born in countries of the Western Hemisphere, to the quota under the immigration laws (S. 51).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

Authorizing the Secretary of the Navy to accept, without cost to the Government of the United States, a lighter-than-air base near Sunnyvale, in the county of Santa Clara, State of California, and construct necessary improvements thereon (H. R. 6810).

Authorizing the Secretary of the Navy to accept a free site for a lighter-than-air base at Camp Kearny, near San Diego, Calif., and construct necessary improvements thereon (H. R. 6808).

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON FLOOD CONTROL

(10.30 a. m.)

To provide for a survey of the Salmon River, Alaska, with a view to the prevention and control of its floods (H. R. 12121).

To provide for a survey of the Colorado River, Tex., with a view to the prevention and control of floods (H. R. 11659).

MILITARY AFFAIRS

(10.30 a. m.)

To amend the national defense act of June 3, 1916, in relation to the reorganization of the National Guard and Officers' Reserve Corps.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

466. A communication from the President of the United States, transmitting a supplemental appropriation for the Department of Justice for the fiscal year 1930, amounting to $92,133, for the United States penitentiary at Atlanta, Ga. (H. Doc. No. 397); to the Committee on Appropriations and ordered to be printed.

467. A communication from the President of the United States, transmitting supplemental and deficiency estimates of appropriations for the District of Columbia for the fiscal year 1928, and prior years, $4,724.60; for the fiscal year 1929, $71,879.68; and for the fiscal year 1930, $170,533.70; amounting in all to $247,137.98 (H. Doc. No. 398); to the Committee on Appropriations and ordered to be printed.

468. A communication from the President of the United States, transmitting supplemental estimate of appropriations for the Treasury Department for the fiscal year 1930, $509,000; also drafts of proposed provisions pertaining to existing appropriations and of proposed changes in estimates heretofore transmitted (H. Doc. No. 399); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MONTET: Committee on Irrigation and Reclamation. S. 261. An act amending the act of January 25, 1917 (39 Stat. L. 868), and other acts relating to the Yuma auxiliary project, Arizona; without amendment (Rept. No. 1446). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINCLAIR: Committee on Flood Control. H. R. 12129. A bill for the control of the destructive flood waters of the United States, and for other purposes; with amendment (Rept. No. 1447). Referred to the Committee of the Whole House on the state of the Union.

Mr. WURZBACH: Committee on Military Affairs. H. R. 3222. A bill for the relief of the State of Vermont; without amendment (Rept. No. 1452). Referred to the Committee of the Whole House on the state of the Union.

Mr. RANSLEY: Committee on Military Affairs. H. R. 8159. A bill to authorize appropriation for construction at the United States Military Academy, West Point, N. Y.; Fort Lewis, Wash.; Fort Benning, Ga.; and for other purposes; without amendment (Rept. No. 1453). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALL of Illinois: Committee on the Judiciary. H. R. 11971. A bill to amend section 79 of the Judicial Code (U. S. C., title 28, sec. 152) by providing two terms of court annually at Bloomington, in the southern division of the southern district of Illinois; without amendment (Rept. No. 1456). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 12343. A bill to authorize the Secretary of the Treasury to accept donations of sites for public buildings; without amendment (Rept. No. 1457). Referred to the Committee of the Whole House on the state of the Union.

Mr. CARTER of Wyoming: Committee on Irrigation and Reclamation. S. 2890. An act granting the consent of Congress to compacts or agreements between the States of Oregon, Washington, Idaho, Montana, and Wyoming with respect to the division and apportionment of the waters of the Columbia River and all other streams in which such States are jointly interested; without amendment (Rept. No. 1458). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. H. R. 8438. A bill for the relief of J. T. Bonner; with amendment (Rept. No. 1442). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 9205. A bill for the relief of Julian E. Gillespie; with amendment (Rept. No. 1443). Referred to the Committee of the Whole House.

Mr. EATON of Colorado: Committee on the Public Lands. S. 2189. An act for the relief of certain stock-raising homestead entrymen in the State of Wyoming; without amendment (Rept. No. 1445). Referred to the Committee of the Whole House.

Mr. COOPER of Wisconsin: Committee on Foreign Affairs. S. 3221. An act to compensate Harriet C. Holaday; without amendment (Rept. No. 1448). Referred to the Committee of the Whole House.

Mr. GRANFIELD: Committee on Military Affairs. H. R. 6195. A bill for the relief of Joseph Faneuf; with amendment (Rept. No. 1449). Referred to the Committee of the Whole House.

Mr. GRANFIELD: Committee on Military Affairs. H. R. 6197. A bill for the relief of William Befuhs, alias Charles Cameron; with amendment (Rept. No. 1450). Referred to the Committee of the Whole House.

Mr. ESLICK: Committee on War Claims. H. R. 8461. A bill for the relief of the Concrete Steel Co.; without amendment (Rept. No. 1451). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 7917. A bill for the relief of Michael Carter, deceased; without amendment (Rept. No. 1454). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 5787. A bill for the relief of Carlton Olin, alias Stephen Cebra; with amendment (Rept. No. 1455). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DYER: A bill (H. R. 12379) to admit to the United States Chinese wives of certain American citizens; to the Committee on Immigration and Naturalization.

By Mr. HALL of Illinois: A bill (H. R. 12380) to provide for the appointment of two additional district judges for the northern district of Illinois; to the Committee on the Judiciary.

By Mrs. OWEN: A bill (H. R. 12381) to provide for the establishment of the Everglades National Park in the State of Florida, and for other purposes; to the Committee on the Public Lands.

By Mr. BOX: A bill (H. R. 12382) to amend the immigration act of 1924 by making the quota provisions thereof applicable to the Republic of Mexico; to the Committee on Immigration and Naturalization.

By Mr. LEHLBACH: A bill (H. R. 12383) to transfer from the United States Shipping Board to the Treasury Department certain property located at Hoboken, N. J.; to the Committee on the Merchant Marine and Fisheries.

By Mr. ZIHLMAN: A bill (H. R. 12384) to authorize the Commissioners of the District of Columbia to close certain alleys and to set aside land owned by the District of Columbia for alley purposes; to the Committee on the District of Columbia.

By Mr. REECE: A bill (H. R. 12385) to provide benefits for women who served with the American Expeditionary Forces during the World War; to the Committee on Military Affairs.

By Mr. DOWELL: Joint resolution (H. J. Res. 335) to create the Federal highway traffic commission, and for other purposes; to the Committee on Roads.

By Mr. COLTON: Concurrent resolution (H. Con. Res. 32) to proclaim the third week in March as American conservation week; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRESEN: A bill (H. R. 12386) for the relief of John C. Seebach; to the Committee on Claims.

By Mr. BRIGHAM: A bill (H. R. 12387) granting an increase of pension to Albina S. Weston; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 12388) granting an increase of pension to Kate Lamb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12389) granting an increase of pension to Emma M. Johnson; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Iowa: A bill (H. R. 12390) granting a pension to Susan McCleery; to the Committee on Invalid Pensions.

By Mr. DALLINGER: A bill (H. R. 12391) for the relief of Laban H. Davies; to the Committee on Claims.

By Mr. EATON of New Jersey: A bill (H. R. 12392) granting a pension to Rachel Caroline Pardoe; to the Committee on Invalid Pensions.

By Mr. FREEMAN: A bill (H. R. 12393) to advance on the retired list to the grade temporarily held in time of war Lieutenant David P. Marvin, of the Coast Guard, who was retired because of physical disability originating in line of duty in time of war; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12394) granting an increase of pension to Mary A. Potter; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 12395) granting an increase of pension to Cora M. Stout; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7271. Petition of the General Conference of the Methodist Episcopal Church South assembled in Dallas, Tex., urging Congress of the United States to comply with the request of the President relating to law enforcement; to the Committee on the Judiciary.

7272. By Mr. CULLEN: Resolution of the members of the New York Mercantile Exchange, favoring the amendment to House bill 108, whereby poultry and eggs have been eliminated from the provisions of said bill; to the Committee on Agriculture.

7273. By Mr. KORELL: Petition of citizens of Multnomah County, Oreg., favoring the passage of House bill 8976; to the Committee on Pensions.

7274. By Mr. WOLVERTON of West Virginia: Petition of F. S. Johnson, secretary board of directors, Clay County (W. Va.) High School, urging Congress to take favorable action on House bill 10821, providing Federal aid for vocational education in high schools; to the Committee on Education.

SENATE

THURSDAY, *May 15, 1930*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, who knowest every changing thought of man, strengthen in us, we beseech Thee, the appeal of all that is true and beautiful, that evil may lose its power and insincerity be done away. Help us in these troublous times, by discipline, industry, and prayer, to refine, enlarge, and rightly employ our minds, lest these days of deeper knowledge involve us in a greater condemnation. Make us true to the light we see, that despite misunderstandings and suspicions which serve to arm the nations we may proclaim the dawning sense of brotherhood to the peoples of the world.

Remember those who feel no need of Thee, who seem content with a careless, unexamined life, and brood Thou upon their spirit until they stir to greet Thine own. All of which we ask through Jesus Christ our Lord. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Tuesday last, when, on request of Mr. FESS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MEMORIAL EXERCISES IN THE HALL OF THE HOUSE

Mr. JONES. Mr. President, beginning at 12 o'clock memorial exercises for deceased Senators and Representatives are to be held in the House of Representatives. It seems to me it is very fitting that as many Members of the Senate as possible should attend those exercises.

Mr. McNARY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Oregon?

Mr. JONES. I yield.

Mr. McNARY. I understand the Senator from Washington is about to submit a motion for a recess. I want to say that if that motion is carried, and I think it should be, I shall ask for an adjournment this afternoon until to-morrow noon in order that we may take up the calendar to-morrow.

Mr. JONES. I was going to suggest that the Senate take a recess until 2 o'clock.

Mr. McNARY. Very well.

Mr. JONES. I ask unanimous consent that the Senate now take a recess until 2 o'clock this afternoon so as to enable all Senators who desire to do so to attend the exercises in the Hall of the House of Representatives.

Mr. BRATTON. Mr. President, let me inquire of the Senator from Oregon if that course be adopted whether he intends that

the Senate shall adjourn until to-morrow in order that we may take up bills on the calendar in the morning hour?

Mr. McNARY. Yes. At 2 o'clock this afternoon the resolution of the Senator from Virginia [Mr. SWANSON] to change the rules of the Senate will probably be made the unfinished business. That course was practically agreed upon last night. I shall then this evening ask for an adjournment so that we may devote the morning hour to-morrow to the calendar.

The VICE PRESIDENT. Is there objection to the request of the Senator from Washington? The Chair hears none, and the Senate will stand in recess until 2 o'clock this afternoon.

Thereupon (at 12 o'clock and 5 minutes p. m.) the Senate took a recess until 2 o'clock p. m.

AFTER THE RECESS

The Senate reassembled at 2 o'clock p. m., on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed the bill (S. 108) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House insisted upon its amendment to the bill (S. 3531) authorizing the Secretary of Agriculture to enlarge tree-planting operations on national forests, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HAUGEN, Mr. PURNELL, and Mr. ASWELL were appointed managers on the part of the House at the conference.

CLAIM OF H. E. HURLEY

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, transmitting, pursuant to law, his report and recommendation concerning the claim of H. E. Hurley, trading as J. E. Hurley, for $553.50, as reimbursement of expenditures and expenses incurred when the United States failed to execute and perform a contract in accordance with his proposal accepted June 27, 1928, for the installation of an ash bin in the State, War, and Navy Building, Washington, D. C., which, with the accompanying paper, was referred to the Committee on Claims.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a letter in the nature of a petition from John B. Hammond, of Des Moines, Iowa, praying for the reinstatement in the United States Code of the so-called Wilson original package law, the Webb-Kenyon law, and the Reed "bone dry" law, pertaining to intoxicating liquors, which, with the accompanying papers, was referred to the Committee on the Judiciary.

Mr. BLAINE presented resolutions adopted by the Common Council of the City of Milwaukee, Wis., favoring the resumption of the legal sale of beer as tending "favorably to affect the present economic situation, particularly the unemployment problem," which were ordered to lie on the table.

He also presented resolutions adopted by the Common Council of the City of Wilwaukee, Wis., favoring certain provisions in House bill 11781, the river and harbor bill, for the construction of a Gulf-to-the-Lakes waterway, but opposing certain provisions therein dealing with the amount of water to be diverted from Lake Michigan, and also for the maintenance of the New York Barge Canal system, which were referred to the Committee on Commerce.

Mr. DILL presented a memorial of sundry citizens residing in the Metaline mining district, Pend Oreille County, Wash., remonstrating against the passage of the so-called Smoot bill, relative to the suspension of assessment work, etc., which was referred to the Committee on Mines and Mining.

THE FEDERAL FARM BOARD

Mr. STECK. Mr. President, during the recent convention of the United States Chamber of Commerce certain resolutions were passed condemning the Farm Board. Since that time numerous local chambers of commerce in Iowa have adopted resolutions condemning the United States Chamber of Commerce for the adoption of this resolution. I have in my hand a letter from the Des Moines Chamber of Commerce and a resolution adopted by that chamber. I ask unanimous consent to have both printed in the RECORD and appropriately referred.

There being no objection, the letter and resolution were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

THE DES MOINES CHAMBER OF COMMERCE,
Des Moines, Iowa, May 12, 1930.

Senator DANIEL F. STECK,
Washington, D. C.

DEAR SENATOR STECK: Inclosed is a copy of a resolution passed last Friday by the membership of the Des Moines Chamber of Commerce.

We are sending you a copy to point out that the action taken by the United States Chamber of Commerce does not represent the feelings of the Des Moines Chamber of Commerce, a member of the national body.

We feel that the action we have taken is representative of the general feeling in Iowa, the Nation's largest producer of food products.

Cordially yours,

JOHN D. ADAMS,
General Secretary.

RESOLUTION PASSED BY THE MEMBERSHIP OF THE DES MOINES CHAMBER OF COMMERCE, FRIDAY, MAY 9, 1930

The Federal Farm Board has had less than a year in which to function. It is confronted with problems of the greatest magnitude. These problems baffled our National Congress and Senate for at least eight years. They have perplexed the leaders in cooperative marketing for a much longer time. For that reason we feel that any attempt to criticise or pass judgment on the Farm Board or the act under which it operates at the present time is both unwise and unjust.

We believe that the Farm Board is made up of some of the best minds in business and cooperative marketing activities. We also believe that the personnel and character of this board is above reproach, and that their ultimate goal of accomplishments will result in material benefit to both producer and consumer. We further believe that material progress has already been made in the direction of shortening the road from producer to consumer: Therefore be it

Resolved, That we commend the Farm Board for their sincerity of purpose and for their accomplishments to date, and further that we express to them a complete vote of confidence; and be it also

Resolved, That we deplore the lack of understanding on the part of certain groups of the national welfare which we think will come out of the work of the Farm Board, and which lack of understanding caused the regrettable and ill-advised action on the part of the United States Chamber of Commerce last week; and be it further

Resolved, That the Des Moines Chamber of Commerce in the future be more active in cooperating with other midwestern chambers of commerce in helping to determine the policies of the United States Chamber of Commerce; and be it further

Resolved, That copies of these resolutions be sent to the Farm Board and to the United States Chamber of Commerce.

REPORTS OF COMMITTEES

Mr. PINE, from the Committee on Indian Affairs, to which was referred the bill (S. 3165) conferring jurisdiction upon the Court of Claims to hear, consider, and report upon a claim of the Choctaw and Chickasaw Indian Nations or Tribes for fair and just compensation for the remainder of the leased district lands, reported it with an amendment and submitted a report (No. 652) thereon.

Mr. FRAZIER, from the Committee on Indian Affairs, to which was referred the bill (S. 3938) authorizing the construction of the Michaud division of the Fort Hall Indian irrigation project, Idaho, an appropriation therefor, and the completion of the project, and for other purposes, reported it with amendments and submitted a report (No. 654) thereon.

Mr. GLENN, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted a report as indicated:

S. 1536. A bill for the relief of Blanch Broomfield (Rept. No. 653); and

S. 3396. A bill for the relief of the American Transatlantic Co.

Mr. SCHALL, from the Committee on Interoceanic Canals, to which was referred the bill (H. R. 4293) to provide for a ferry and a highway near the Pacific entrance of the Panama Canal, reported it without amendment and submitted a report (No. 655) thereon.

Mr. JONES, from the Committee on Appropriations, to which was referred the bill (H. R. 11965) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1931, and for other purposes, reported it with amendments and submitted a report (No. 656) thereon.

CLAIM OF AMERICAN TRANSATLANTIC CO.

Mr. GLENN, from the Committee on Claims, reported a resolution (S. Res. 265), which was read and placed on the calendar, as follows:

Resolved, That the bill (S. 3396) for the relief of the American Transatlantic Co., now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved

March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

REPORT OF POSTAL NOMINATIONS

Mr. PHIPPS, as in executive session, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. METCALF:

A bill (S. 4474) granting an increase of pension to Julia A. Singer (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 4475) granting a pension to Viola B. Buskirk (with accompanying papers); to the Committee on Pensions.

A bill (S. 4476) granting compensation to Benjamin H. Dugger; to the Committee on Finance.

By Mr. THOMAS of Oklahoma:

A bill (S. 4477) for the relief of Irma Upp Miles, the widow, and Meredeth Miles, the child, of Meredith L. Miles, deceased; to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 4478) to authorize the Commissioners of the District of Columbia to close certain alleys and to set aside land owned by the District of Columbia for alley purposes; to the Committee on the District of Columbia.

By Mr. WALSH of Massachusetts:

A bill (S. 4479) granting a pension to Harry L. Abbott; to the Committee on Pensions.

A bill (S. 4480) for the relief of Arthur D. Story, assignee of Jacob Story, and Harris H. Gilman, receiver for the Murray & Thregurtha plant of the National Motors Corporation; to the Committee on Claims.

By Mr. BLACK:

A bill (S. 4481) authorizing the exchange of certain real properties situated in Mobile, Ala., between the Secretary of Commerce on behalf of the United States Government and the Gulf, Mobile & Northern Railroad Co., by the appropriate conveyances containing certain conditions and reservations; to the Committee on Commerce.

By Mr. TYDINGS:

A joint resolution (S. J. Res. 179) authorizing and directing the Comptroller General of the United States to reopen, adjust, and settle the accounts of the city of Baltimore for advances made by the city in 1863 for the construction of works of defense, and for other purposes; to the Committee on Claims.

DETAIL OF ENGINEERS TO LATIN AMERICAN GOVERNMENTS

Mr. METCALF submitted amendments intended to be proposed by him to the bill (S. 120) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the Governments of the Latin American Republics in highway matters, which were ordered to lie on the table and to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL

Mr. TYDINGS and Mr. GOLDSBOROUGH submitted an amendment intended to be proposed by them to the bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SCHALL submitted an amendment intended to be proposed by him to House bill 11781, the river and harbor bill, which was referred to the Committee on Commerce and ordered to be printed.

PACKERS' CONSENT DECREE

Mr. SCHALL submitted the following resolution (S. Res. 266), which was referred to the Committee on the Judiciary:

Whereas Armour & Co. and Swift & Co. are making efforts to destroy the packers' consent decree of 1920, which on two occasions has been sustained by the Supreme Court of the United States as valid and enforceable; and

Whereas Congress is interested in any effort to nullify this decree because of amendments made by Congress in the packers and stockyards legislation of 1921, due to the existence of the decree:

Resolved, That the Attorney General of the United States is requested to report to the Senate concerning:

1. The extent to which the decree has been enforced since March 19, 1928, when it was sustained by the Supreme Court of the United States.

2. The present efforts of the meat packers to bring about modification of the decree.

3. The attitude of the Department of Justice with respect to the petitions and the amended petitions of Armour & Co. and Swift & Co., and the extent to which the Attorney General is opposing the efforts of the meat packers to destroy the packers' consent decree.

INVESTIGATION OF LEASES FOR POST-OFFICE BUILDINGS

Mr. BLAINE submitted the following resolution (S. Res. 267), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That in furtherance of the purposes of Senate Resolution 244, agreed to April 18, 1930, the committee appointed thereunder, investigating all leases for post-office buildings and commercial postal stations and substations, is hereby authorized to expend $20,000, or so much thereof as may be necessary, out of the contingent fund of the Senate in addition to the amount heretofore authorized for said purposes.

PERISHABLE AGRICULTURAL COMMODITIES

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 108) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce, which was to strike out all after the enacting clause and insert a substitute.

Mr. McNARY. I move that the Senate disagree to the amendment of the House of Representatives, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. McNARY, Mr. THOMAS of Idaho, and Mr. RANSDELL conferees on the part of the Senate.

ADDRESS BY DR. NICHOLAS MURRAY BUTLER

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the RECORD an address by Dr. Nicholas Murray Butler, distinguished scholar, president of Columbia University, on the subject of Nation Building and Beyond, which was delivered recently at the Royal Society of Arts in London.

The VICE PRESIDENT. Without objection it is so ordered.

The address is as follows:

THE RICHARD COBDEN LECTURE—NATION BUILDING AND BEYOND

(By Nicholas Murray Butler, given at the Royal Society of Arts, Adelphi, London, under the auspices of the Dunford House Cobden Memorial Association, May 7, 1930)

You will permit me to express high appreciation of the honor and the privilege tendered me by the Dunford House trustees. For years to come voices from many lands will be raised under these auspices to praise the name and to hail the fame of Richard Cobden. To be numbered among them is no ordinary distinction.

"Let us now praise famous men," wrote the author of Ecclesiasticus; but it must not be forgotten that praise, like faith, is subdued to what it works in. It will not be enough merely to praise famous men by extolling their capacity, by lauding their character, or by commending their public service. The question to be pressed for answer again and again is what are we doing truly to commemorate them by hearkening to their counsels, by taking heed of their arguments, and by carrying into effect their public policies? Action is needed, not words alone.

The notion that experience is a good teacher is one of the most baseless of human obsessions. Were it otherwise, mankind would have reached perfection long ago. "Learning teacheth more in one year than experience in 20," wrote Roger Ascham in The Scholemaster, with profound wisdom. The path of civilization through the ages is littered with splendid but wasted ideas. The largest visions, the deepest insights, the most compelling arguments have been spread before the minds of men by prophets and by seers, by statesmen and by nation builders, and then let fall into the darkness of forgetfulness. Nearly everything that man has ever said well was best and most finely said by those ancient Greeks and Romans who, after 2,500 years, still rule the mind of the western world. Material waste is as nothing compared with the intellectual and moral waste which follows upon our not heeding the counsels that have been offered us from generation to generation and from century to century.

He who is in advance of his time is called a prophet, and he who is behind his time is known as a laggard, but often the laggard appears to count for as much as the prophet. It takes time, much time, in a democratic society for the public mind to catch up with an idea. The inertia of habit is powerful, indeed, and it struggles mightily against change, even when that change is demonstrably for good.

Perhaps no man who adorned public life in the nineteenth century better illustrates all this than does Richard Cobden. At the announcement of his death to the House of Commons, Lord Palmerston, then Prime Minister, Mr. Disraeli, and Mr. John Bright expressed in eloquent

and deeply moving words their judgment of the character, the ideals, and the public service of Richard Cobden, but his own land and other lands where his voice was heard are only just now, when two generations have passed since his death, seriously putting their attention upon the principles and problems that were uppermost in his mind and upon which he never ceased eloquently to insist.

We have had admirable setting out of Cobden's life and speeches and political opinions and acts, first in the classic biography of Lord Morley, then in the volumes from the pen of Thorold Rogers, from Sir Louis Mallet, from Dawson, from Hobson, from Mrs. Schwabe, from Ashworth, and from other scores of speeches, articles and expositions which have dealt with the man and his philosophy of life and of government. There can be no excuse for not understanding the dominating thought of Cobden's life and the noble vision which guided all his preaching and all his teaching alike. Early, very early, all things considered, Cobden saw and fully grasped the higher meaning of a nation's life and a nation's purpose. Early, very early, all things considered, Cobden understood that growing trade, commerce, and finance might be turned into paths of conflict and disturbance or into paths of peace and quiet. Early, very early, all things considered, Cobden felt the significance of those states of mind which must be brought to pass among men if public opinion is consciously and powerfully to move toward a liberal, a constructive, and a just goal. Better than almost any other man who spoke and wrote in the nineteenth century, he saw the shifting of incidence from political theory to economic interest, and he hastened to point out how the two could be reconciled and, being reconciled, how they could be led to contribute to the greater satisfaction and happiness of man and to the peace of the world. It is easy enough to say these things, but what is being done to bring them to pass?

The answer to this question which can truthfully be made to-day abounds in hope. The Great War taught its lesson with a voice so loud and in terms so emphatic that even the most selfish and self-centered of men and of nations can hear and understand. The facts are so familiar and have been burned so indelibly into the public consciousness that they need not be repeated even in briefest form. Remarque's Im Western Nichts Neues and Sherriff's Journey's End have told to millions their tragic and convincing story. The era of ultimatums and mobilization has given place to an era of consultation and reduction of armaments, and the minds of men are on the march. As we gain Richard Cobden's viewpoint and as we clearly see Richard Cobden's ideals, the march will be the faster and the goal more quickly reached. "We think our civilization nearing its meridian," said Emerson, "but we are yet only at the cock crowing and the morning star." These are the words of a philosopher who thinks and of a prophet with eyes to see.

The many-sided problems which confront the world, numerous and difficult though they be, may each be written over a common denominator which is nothing more or less than an instructed and alert public opinion bending governments to its will in search of human satisfaction, human betterment, and human happiness on that high plane where liberty and justice rule and where peace sits by their side.

There are two possible extremes of misfortune which might conceivably overtake the civilized world of this century and the next. On the one hand, men and nations might settle down into a state of selfish struggle for individual and national enrichment, for power to dominate others less fortunate than themselves and to exploit them, and for force by which to subdue and repel dissatisfaction with the sword, the submarine, the airship, and the most poisonous of gases. If that path were really to be chosen, or even drifted into through carelessness and unconcern and ignorance, those historians and philosophers who are busying themselves with the decline of western civilization would quickly find at hand ample material for new volumes of convincing evidence.

On the other hand, there might conceivably spread from a single center over the whole world, like an irresistible glacier, some single form of political, economic, and social order and domination. This might be an absolutism, either of one or of the many, or communism or fascism, or some other yet unspoken form of controlling human society. The result could only be a fabric so spread out and so brittle that it must shortly crack and break, throwing the pieces back into their original separateness to begin some long process of organization and integration all over again. Alternative to these is the building the world as we know it on what I ventured to define some 20 years ago as the international mind. This is nothing other than that habit of thinking of foreign relations and business and that habit of dealing with them, which regard the several nations of the civilized world as friendly and cooperating equals in aiding the progress of civilization, in developing commerce and industry, and in spreading enlightenment and culture throughout the world.

This definition of the international mind brings us face to face with those powerful convictions and emotions which are known as nationalism, patriotism, and loyalty, and which must, in turn, be seized upon and bent toward those highest of all the purposes which brought them into being. Nations and races do not care to have their differences pointed out and emphasized unless it be for the purpose of praising those which are excellent and worthy. Least of all does a race or a nation care to be classed as backward and in need of tutelage and oversight. Yet precisely these differences between races and nations exist, and must be reckoned with as powerful elements in the problem of securing and guarding the peace and progress of the whole world. The division of nations into great and small is from the point of view of the international mind of no consequence whatever, for a nation of relatively restricted area and one far down in the scale of population may justly hold its head high because of the part it plays in the world and because of the respect in which it is held by all its neighbors. Such are Belgium and Holland, Denmark and Norway and Sweden, whose security is not assured by great navies and stout fortifications but by fine national character, by steadiness in well-doing, and by quick cooperation with their larger and more powerful neighbors in every act that makes for progress.

Those nations and peoples and races that are really and by general agreement backward are those which are most deserving of the careful concern of the more fortunate and more advanced, so that without economic exploitation, without being submerged under a despotic bureaucracy, they may be given opportunity to learn the lessons of liberty and of justice, of self-government and of progress, to the end that after the passage of years they, too, may come to the age of national adolescence and then to full manhood, self-determination, and control. Few courses of action could be more cruel than to force upon a backward people those institutions which it has taken hundreds of years for the western world to develop, to understand, and to operate, and then to expect those backward peoples to leap at one bound into a position by the side of Great Britain or France or Germany or Italy.

Through the League of Nations and its system of mandates a way is now being found to deal with this great question and to prevent recurrence of those happenings which, from the sixteenth century through the nineteenth, brought misery and distress to millions of human beings and often made unworthy use of the great power which the more advanced nations found to be theirs. If we may assume that the less advanced and less progressive nations and peoples can in this way be cared for to their own advantage and upbuilding, then the way is clear to develop the international mind among those peoples that are more advanced and to use it as the key to unlock the door of the future.

Self-respect, self-confidence, and self-support are as essential to a nation as to an individual. This is the starting point in nation building. But for what purpose and to what end shall this self-respect, self-confidence, and self-support be used? Shall they be turned merely toward a selfish and unthinking end, or shall they be turned in support of comradeship, comity, cooperation, and consultation, toward taking a place in the family of nations and there making all these felt for a fine and high purpose?

When a nation has become fully self-conscious, particularly if its economic and social order rests upon a democratic basis, it looks about for ways and means to become economically independent and self-sufficient. We have learned that this is an unattainable goal, no matter how vast a nation's area may be, how great its population, or how varied its climate and its products. Given all these, yet modern life is so many-sided and so complex that it daily makes insistent demands which only the uttermost parts of the earth can satisfy. There remains, however, within the range of practical political action, the possibility of greatly diversifying industry, of multiplying domestic consumption, and of raising the level of the health, the comfort, and the satisfactions of the great mass of the population. The usual and, doubtless, the easiest method of attempting to accomplish these ends is by the imposition of taxes upon imported goods in the form of tariffs. It is at this point that in every land one enters upon a highly contentious field of study and discussion and comes face to face with Richard Cobden's teaching.

It may be premised that if men and nations were ideally constituted, if they were not selfish and gain-seeking, and if they did not postpone thinking of others until they had fully satisfied themselves—and even then waited a while—there would be no very great difficulty in instituting, modifying, and removing tariff taxes as occasion might indicate or suggest without the uproar and high feeling which now always accompany any public proposals of this kind, and without injuriously affecting international trade relations. We are constrained to deal with things as they are, however, and we must try to build a fair-minded, a fair-trading, and a peaceful world out of the very imperfect material which human nature has supplied for that purpose.

There is no better illustration of the truth of these reflections than that which is afforded by the history of the Government of the United States in its dealing with this vitally important question. As has been frequently pointed out, it is quite certain that had there been no other reason, taxes on imports would have been imposed when the Government of the United States was newly established simply because, by the terms of the Constitution, that Government was required to look to imposts and excises as its chief sources of revenue. It could not impose direct taxes upon the people save under a limitation which in practical operation came quickly to be regarded as highly unfair and obnoxious. The controlling reason, however, for the policy upon which the new Government entered is set out in that classic Report on Manufactures which Alexander Hamilton, Washingtons' first Secretary of the

Treasury, submitted to the House of Representatives in 1791. The argument and the exposition of that great document have never been and can not be improved upon. Hamilton was a profound student of the political and economic literature of the eighteenth century. He had read Adam Smith and Turgot with great care and had reflected long and earnestly upon their writings. Hamilton knew precisely what he was doing. He had in mind, first of all, the diversification of the economic life of this new and distant people in order that they might not be wholly dependent upon agriculture with all its uncertainties and fluctuations.

It was never his intention to penalize, much less to prohibit, foreign trade but merely to endeavor to reach certain definite ends which he clearly stated as desirable in the life of a young people set off by themselves, and at that time much more distant from the rest of the world than is the South Pole to-day. Those definite ends included the division of labor, a more extensive use of machinery, larger employment for those classes of the community not ordinarily engaged in business, the promotion of immigration from other countries, the furnishing of greater scope for the diversity of talents and dispositions among men, the opening up of more ample and varied fields of enterprise and the creating and securing of a more certain and steady demand for the surplus products of the soil.

Hamilton's chief political critic and antagonist, Thomas Jefferson, himself set out in more than one official document the reasons which led him to favor, if less emphatically, a like policy. From that time to this the system of protective tariffs levied on imported goods has been the substantially uniform policy of the Government of the United States, and the voices which were so powerfully raised against that policy in 1842 and for several years thereafter and again in the 10 years following 1887 are no longer heard. A free trader in the United States is what Prof. Thorold Rogers years ago called a caput lupinum. The desired diversification of industry has long since been accomplished. The new methods of mass production, of installment buying, and of workmen's ownership in the great cooperative undertakings by which they are employed have given a large and steadily increasing measure of satisfaction. If prices are high, wages are still higher, and even if they were not a high wage and a high price are psychologically more attractive than a low wage and a low price even if the relation between the two be maintained unaltered. But what is so often lost sight of is that behind this barrier of tariff taxation lay a rich, a huge and a highly diversified area throughout which complete freedom of trade was required to prevail by the terms of the Constitution itself. There is no like free-trade area anywhere on earth and no like amount or variety of domestic consumption in any other land. Were it not for these facts the fortunate results which have followed the imposition of tariff taxes in the United States could not possibly have been reached.

The other side of the picture is not so agreeable to dwell upon. It shows individuals, corporations, organizations, interests, and sections struggling to use the policy of tariff taxation not for the largest public weal, but for their own interests, which they enthusiastically identify with those of the larger public. Exploitation of the tariff, or at least its attempted exploitation, has followed and accompanied every new imposition of tariff taxes for 50 years. Meanwhile the problem of agriculture has taken on new intensity and new forms and has become doubly pressing. Since American agriculture produces a large exportable surplus, to talk of aiding it by imposing a tariff tax upon imports of agricultural products does not rise even to the height of foolishness. If there is to be a policy of tariff taxation, and if agriculture nevertheless is in distress, there is but one way in which it can be effectively aided, and that is by a direct bounty from the Government Treasury. Hamilton recognized this fact and said so in 1791. The difficulty, however, with following such a policy as that is that it is just a little too frank and too open. It makes no attempt to conceal the fact that it is the general public, acting through the Public Treasury, which directly assists an unprofitable industry. That may or may not be a wise thing to do. But the chance of its being done wisely is quite impossible if it is done behind a screen of some sort which conceals from public view the essential simplicity of the whole operation.

There is no way by which human selfishness can be excluded from the formulation of public policies, and that fact may just as well be frankly faced. On the other hand, there are and have been wise and eloquent and high-minded leaders of American public life, each one of them a defender of the policy of tariff taxation and an exponent of it, who have taught that that policy existed for a public purpose, and that it was a means to an end, and that that end should never be lost sight of, and that that end and not selfishness or group interest or sectional interest should always control the shaping of the details of tariff policy. James A. Garfield, of Ohio, who became twentieth President of the United States, was a convinced supporter and eloquent exponent of the policy of protection. Yet these are his words spoken in the House of Representatives on July 10, 1866:

"If to be a protectionist is to adopt the practice which characterized the legislation of Great Britain and the leading nations of Europe for more than 200 years and which is now commended to us by some of our political philosophers and statesmen, then I am no protectionist and shall never be one. * * * That policy, softened down in its outward manifestations but essentially the same in spirit is urged upon us now by those who would have us place so high a duty upon foreign merchandise as to prohibit the importation of any article which this country produces or can produce. Besides placing ourselves in an attitude of perpetual hostility to other nations and greatly reducing our carrying trade, we should make monopolists of all the leading manufacturers of this country, who could fix the price of all their products at their discretion. * * * I hold, therefore, that a properly adjusted competition between home and foreign products is the best gage by which to regulate international trade. Duties should be so high that our manufacturers can fairly compete with the foreign product but not so high as to enable them to drive out the foreign article, enjoy a monopoly of the trade, and regulate the price as they please. To this extent I am a protectionist. If our Government pursues this line of policy steadily we shall year by year approach more nearly to the basis of free trade, because we shall be more nearly able to compete with the other nations on equal terms. I am for a protection which leads to ultimate free trade. I am for that free trade which can only be achieved through protection."

Not very much later James G. Blaine, of Maine, who was the Republican candidate for President in 1884, and himself one of the ablest and most persuasive men who ever discussed the policy of protection and presented it to the American people, expressed himself with the utmost vigor when it was proposed in the McKinley bill of 1890 to take from the free list the item of hides which had been on that list for many years. Mr. Blaine, who was then Secretary of State, wrote to Mr. McKinley, who was chairman of the Committee on Ways and Means of the House of Representatives, that that proposal "is a slap in the face to the South Americans with whom we are trying to enlarge our trade. It will benefit the farmer by adding 5 to 8 per cent to the price of his children's shoes. It will yield a profit to the butcher only—the last man who needs it." Of the McKinley bill as a whole, Mr. Blaine said: "There is not a section or a line in the entire bill that will open a market for another bushel of wheat or another barrel of pork."

Plainly, then, neither Mr. Garfield nor Mr. Blaine looked upon the policy of protection as an end in itself, but, with broad, statesmanlike outlook they proposed to use it as a ladder by which to climb to a higher and freer plane of international trade relationship. President McKinley himself, only 11 years after he drafted the McKinley bill, in a truly noteworthy speech, which he delivered in the city of Buffalo on the day before an assassin took his life, used language which even to-day has not reached the ears of a considerable proportion of the American people. He said this:

"Modern inventions have brought into close relation widely separated peoples and made them better acquainted. Geographic and political divisions will continue to exist, but distances have been effaced. The world's products are exchanged as never before, and with increasing transportation facilities come increasing knowledge and larger trade. Prices are fixed with mathematical precision by supply and demand. The world's selling prices are regulated by market and crop reports. * * * Isolation is no longer possible or desirable. * * *

"The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not. If, perchance, some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad? * * *

"Let us ever remember that our interest is in concord, not conflict; and that our real eminence rests in the victories of peace, not in those of war. * * *"

These words are those of true statesmen whose personal power, foresight, and courage made them in their day leaders of a dominant American political party. They, more than any other three men, shaped the thought and the public policy of the American people on this question for nearly a third of a century. The lesson which their words teach us that the purpose of upbuilding and diversifying a nation's industries and the aim of strengthening the interdependence between agriculture and manufactures is that the nation may find itself on a higher plane of economic, social, and political civilization. Obviously, this policy passes from the moral to the immoral and from wisdom to wickedness if it is to be persisted in as an end in itself and without reference to its effect upon other peoples and their relations with the people of the United States. Such persistence would contradict not only Hamilton and Jefferson, but Garfield, Blaine, and McKinley as well. The time has long gone by, if it ever existed, when the policy of tariff protection is a matter of purely domestic concern for any nation. It has long since become one of international incidence, international influences, and international comity, or the contrary. This is the point at which the world now stands. It will be but a partial victory over the forces of unreason if, as military and naval armaments are limited or done away with, tariff walls and trade barriers are multiplied in length, in breadth, and in thickness.

Not every nation could follow the example of the United States or should attempt to do so, but the lesson which the experience of the

United States has to teach is so clear that it may be read by him who runs. That lesson is that the area of free and unrestricted trade behind any existing tariff wall should be as wide and as diversified as possible, to the end that the material may be at hand for the achievement of precisely those ends which Hamilton so forcefully described in his report of 1791.

When the Great War was but a few weeks old I ventured the suggestion that what would be in substance a United States of Europe, a more or less formal federation of the self-governing countries of Europe, might be the outcome of the demonstrated failure of the existing national system to adjust government to the growth of civilization. (Butler, Nicholas Murray—A World in Ferment: Interpretations of the war for a new world (New York, Charles Scribner Sons, 1917, p. 27).) Victor Hugo had used the same phrase and had pointed to the analogy of the United States of America when he took the chair at the peace congress at Paris in 1848.

During the 15 years since those words were written, public opinion has moved unmistakably in the direction of the organization of a United States of Europe, not in order that the nations constituent of such a federation may be lessened in authority or in influence but for the purpose of establishing free, helpful, and profitable economic cooperation with their neighbors. This aim is offered as a substitute for economic friction and antagonism in order that the several cooperating nations may increase their wealth, increase their peace of mind, and increase the satisfactions of their entire populations. In other words, it is at this point that we get beyond nation building as an end in itself and catch a glimpse of nation building for the high purpose of effective international cooperation and steadily increasing international service.

It is so much easier to be prosperous than it is to be civilized. If a nation is to be truly civilized it must be much more than prosperous; it must use its prosperity to a high international and human end as a member of the family of nations. The odd notion that such a use of national power and national prosperity is in some wise a restriction upon national freedom or a diminution of national authority is quite as grotesque as it would be to insist that Robinson Crusoe on his lonely and isolated island was doing more for himself than would be the case if his talents and his capacities were at work among his neighbors as a member of organized society in his homeland.

If the heated advocate of national isolation and exclusiveness were to catch a true sight of himself, he would see an ostrich which, with its head buried in the sand, was exposing the whole of its large body to the amused gaze of the passerby. His printed books and newspapers, his trade statistics, his systems of transportation and communication, his science, his literature, his schools, his churches, his music, his art, are all hopelessly intertwined and intermingled with those of peoples of other climes and other tongues. His very trade statistics annihilate the notion of isolation. It is worth noting what has happened in the economic history of the United States of America during the time that policies of isolation have been so much in evidence and so heatedly supported in the press and on the floor of the American Congress. In 1908 the total value of goods imported into the United States was, in round numbers, $1,183,000,000. In 1928 the value of the imported goods had risen to $4,078,000,000. Moreover, even under the working of a protective tariff system, the percentage in value of dutiable imports, which was 55.57 per cent in 1908, had fallen in 1928 to 34.32 per cent. Meanwhile the value of exports of merchandise from the United States rose from $1,834,786,000 in 1908 to $5,030,099,000 in 1928. The percentage of foodstuffs, both crude and manufactured, and of crude materials, which was 59.10 per cent of the exports in 1908, was only 40.83 per cent in 1928. The percentage of partially manufactured goods remained substantially unchanged, being 14.23 per cent in 1908 and 14.24 per cent in 1928, but that of finished manufactures rose sharply from 26.67 per cent in 1908 to 44.93 per cent in 1928. Still more impressive are the figures for the United States which record the sources of the revenue of the Federal Government. In 1908 the total gross income of the Federal Government was $601,862,000, of which nearly one-half, or 47.5 per cent, came from customs duties. In 1928 the total gross income of the Federal Government had risen to $3,863,929,000, of which only about one-seventh, or 14.7 per cent, was derived from customs duties.

Ratification in 1913 of the sixteenth amendment to the Constitution of the United States introduced the Federal income tax, and a host of so-called war taxes quickly followed, so that customs revenues, while about doubled in value measured by dollars, have fallen from nearly one-half to a little more than one-seventh of the total annual revenue of the Federal Government. These facts and figures are full of significance. Taken in connection with recent discussions in the Congress of the United States and with a number of recent votes in that Congress, it would appear that the doctrines of Garfield and Blaine and McKinley are beginning to prevail and that public opinion is on the march toward a larger, a freer and a fairer view of all that relates to international trade and international relations.

Speaking at Manchester on January 15, 1846, Mr. Cobden used these words: "I believe that if you abolish the corn law unanimously and adopt free trade in its simplicity there will not be a tariff in Europe that will not be changed in less than five years to follow your example. * * * Therefore, for the farmers' sakes, I plead for the immediate abolition of this law." He was too hopeful. National policies do not change so quickly as that and rarely indeed do the facts justify such sudden changes. Time is of the essence of any problem with which public opinion has to deal and the facts must be clear and indisputable before any radical change in national policy can be expected to take place.

Since Cobden's day great progress has everywhere been made, and in the United States particularly, in improving the condition of the hand worker and the wage earner and in solving the so-called labor problem, not by political methods, whether ordinary or extraordinary, but by taking out from under that problem the foundations of lack of understanding, of lack of human sympathy and of exploitation and class selfishness upon which it rested and out of which it grew.

There are other long-standing enmities of other kinds that have to be dealt with beside the traditional antagonism between labor and capital. It was no less ancient a writer than Hesiod who said that the potter is at enmity with the potter. There is an enormous amount of work to be done in the better organization, both of agriculture and of manufactures for cooperative marketing, for the removal of technical, meticulous, and bureaucratic limitations and restrictions upon the movement of goods, and for the wider adoption of a single system of weights and measures and of a standardized monetary system to make transportation and trade simpler and less heavily burdened than is now the case. We English-speaking people hold fast to our traditional system of weights and measures when all men of science everywhere and a large portion of the world other than ourselves have long since adopted the simple and easily understood metric system. It has long been recognized that few questions concern the human race more directly and more universally than this very subject of weights and measures. If these are not to be uniform everywhere, then the different systems which remain in use should be easily and quickly translated into each other through an agreed plan of standardized, nonfractional units. The Latin Monetary Union, disturbed as it was from time to time by fluctuations in the ratio between gold and silver, nevertheless served an excellent purpose while it lasted. It is worth while considering whether that whole question might not now be profitably restudied and, with the cooperation of the new International Bank and possibly under its leadership, some progress made toward greatly simplifying the whole question of foreign exchange. Then the sources of friction, ill-feeling, and loss that are found in the lack of uniformity in the classification of exchangeable goods, as well as in meticulous, bureaucratic, and burdensome administration at the frontiers, must not be overlooked. The hand of reform and of progress should reach out to deal with these, each and all.

Behind each and every one of these questions and suggestions lies our mode of thinking. If we insist upon thinking in terms of nations as ends in themselves, simply aiming to grow richer, more powerful, more proud, surrounded by armies and fleets and tariff walls, then we have one outlook upon life and public policy. If, on the other hand, we accustom ourselves to thinking in terms of a nation as a moral personality with a duty to its neighbors as well as to itself, whose riches and power and pride are not simply to be objects of contemplation but also of service, then we have an outlook upon life and public policy which is one of liberal, constructive, and peaceful progress.

Were the spirit of Richard Cobden in the flesh to-day, his eloquent, courageous, and convincing voice would be raised wherever men would listen in support of the League of Nations, in support of the Permanent Court of Arbitration, in support of the Permanent Court of International Justice, in support of the declarations of the pact of Locarno, in support and in fullest exposition of the principles of the pact of Paris, whereby war is renounced as an instrument of national policy and peaceful methods of resolving international differences are universally acclaimed. It would be raised in support of those principles and practices in international relations and international trade which would hasten the coming of that day whose sun has just now so gloriously risen on the horizon of the future, and of which Tennyson sang in his Parliament of Man and Federation of the World.

ADDRESS BEFORE UNITED DAUGHTERS OF CONFEDERACY OF MISSISSIPPI

Mr. STEPHENS. Mr. President, on May 6 of this year the United Daughters of the Confederacy of Mississippi met in annual convention in the city of Meridian. Hon. James H. Skewes, the talented editor of the Meridian Star and president of the chamber of commerce, delivered the address of welcome. It was an able and interesting address. I ask that certain excerpts from it be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. Hon. James H. Skewes spoke in part as follows:

(From the Meridian (Miss.) Star, May 11, 1930)

Would that we were gifted in speech that we might adequately voice in behalf of the Meridian Chamber of Commerce the warm welcome that wells within our hearts to you, our honored guests—living links that bring high traditional glory of the past to shine upon the promise of the present.

All of us are in large measure the products of the past. Our achievements of to-day are largely the fruits of struggles and hopes of countless yesterdays.

Meridian and Mississippi are what they are, largely because we have builded upon foundations well laid by generations gone before.

With all our chambers of commerce, with all our splendid civic buildings, with all our clubs, our wealth, our commercial and material prosperity, Meridian and Mississippi are poor, indeed, without hallowed and heroic deeds that have painted Mississippi history in spangled, rainbow hues.

Poor beyond the tragedy of hopeless poverty is a commonwealth which boasts no heroes. As Goldsmith put it centuries ago:

"Ill fares the land, to hastening ills a prey,
Where wealth accumulates, and men decay."

* * * * * * *

Greece with all her treasures of art and of wealth is merely a ghost of her former riches and greatness, but Pericles still fights the Greek battles; Herodotus still sings of ancient Greek victories; Socrates, despite the deadly hemlock cup, still lives to tell of age-old virtues and ideals and hopes beyond the price of gold or grain, that shine throughout the centuries.

The Jewish people—the chosen of Jehovah—no longer exist as a nation, but Israel still lives to bless mankind through Moses, lawgiver of Sinai, and Jesus of Nazareth, the most sublime philosopher of all the ages of time.

England will live, not as a proud mistress of the seven seas, but as the England of Cromwell, of Tennyson, of Nelson, of Shakespeare, and the other English immortals.

The Virginia of tobacco, of commerce, of fine families, and wealth pales into insignificance before Virginia, the Mother of Presidents—the Virginia of Jefferson, of Henry, of Poe, of the high-minded Washington, the intrepid Jackson, the scholarly Wilson, and the statesman-scholar-soldier-leader, the immortal Robert E. Lee.

* * * * * * *

And so it is—and so it always will be—with Mississippi.

The Mississippi of cotton, of agriculture, of lumber, of commercial prosperity may some day fade away, but the Mississippi of Prentiss, of Foote, of Lamar, of Williams, of Hooker, and of Jefferson Davis will shine a bright star in history's constellation forever.

Men may forget our wealth in sunshine, in forests, and lands, but far above all these merely material blessings mankind will always remember that Mississippi freely gave nearly 100,000 of her choicest flower of manhood to fight unto death in a cause in which Mississippi believed.

* * * * * * *

We are prone to forget the sacrifice and heroism that have made our history a glorious heritage. Occasions such as this serve to call us back—back from the pursuits of the materialistic present, back to the lofty vision of an idealistic past.

Great names crowd upon the lips of memory. Echoes of a thousand heroic struggles thunder in our ears. Memories of a myriad superhuman feats of courage and devotion warm and hearten our esteem.

Lee, the greatest soldier of the century, arises from his tomb again to-night to lead the hosts for principle—beaten once; unvanquished still.

Jefferson Davis, soldier, patriot, statesman, Mississippi's richest single gift to history, comes back to life again to-night, beloved leader of a lost cause, which gave high honor to defeat, no less than victory.

* * * * * * *

History may overlook failure to win over insurmountable odds, but history can never forget the undying courage, love, devotion, and sacrifice of millions of fathers, mothers, daughters, sons, sisters, brothers—in cotton fields at home or on slippery fields of battle—in defense of those things which hearts held to be right.

These pristine glories—unparalleled in the record of mankind before or since—on this occasion take on new luster to inspire our upward path. These golden traditions weave themselves into the very fabrics of our lives. They are part and parcel of our very hearts and souls.

* * * * * * *

We are denied full measure of power to honor these great, sacrificing souls who have honored themselves far, far above our poor abilities to add to or to take away.

It is for us to pay our tribute to their sacrifice by building worthily to-day upon the foundation that their valor laid a commonwealth in keeping with the high-minded idealism and lofty tradition they have handed down to us—a heritage richer than which has never been bequeathed to any people anywhere.

And to-day, with investigations upon investigations; with resignations upon resignations; with irregularities and questionable dealing and rank duplicity in affairs of government—

With factional hate and spite and prejudice and selfishness and greed seemingly valued high above the welfare of the State of Mississippi—

Now, if ever, we in Mississippi need a new birth and a rebirth of fidelity to principle, loyalty to high ideals, of sacrifice for true beliefs—

A rededication and reconsecration to those high eternal virtues which more than 60 years ago achieved a heritage of never-dying wealth and worth—

A princely heritage—richer than the ransom of a thousand kings—a legacy, not alone for Mississippi and the South, not alone for this great Republic, but a priceless legacy for all mankind.

* * * * * * *

We welcome you as worthy daughters of heroic race and history—living agencies to keep these sacred things alive, to keep the faith, to carry on, to keep sacred memory forever in bloom.

We can not forget these high traditions—even if we would—for their very inborn power will carry them on and on throughout the centuries, for—

"You may break, you may shatter,
The vase, if you will;
But the scent of the roses
Will cling to it still."

ABOLITION OF PROCEEDINGS IN COMMITTEE OF THE WHOLE

Mr. SWANSON. Mr. President, I move that the Senate proceed to the consideration of Senate Resolution 227, providing that hereafter bills and joint resolutions shall not be considered as in Committee of the Whole.

Mr. FESS. Mr. President, will the Senator yield to enable me to make a point of no quorum?

Mr. SWANSON. I will yield for that purpose after my motion is disposed of.

Mr. DILL. Mr. President, I think we ought to have a quorum before that is done.

The VICE PRESIDENT. Does the Senator from Virginia yield for that purpose?

Mr. SWANSON. Very well; I yield.

Mr. FESS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Deneen	Jones	Robsion, Ky.
Ashurst	Dill	Kendrick	Schall
Baird	Fess	Keyes	Sheppard
Barkley	Frazier	King	Simmons
Bingham	George	La Follette	Steck
Black	Gillett	McCulloch	Steiwer
Blaine	Glass	McKellar	Stephens
Blease	Glenn	McMaster	Swanson
Borah	Goldsborough	McNary	Thomas, Idaho
Bratton	Greene	Metcalf	Thomas, Okla.
Brock	Harris	Norris	Townsend
Broussard	Harrison	Oddie	Trammell
Capper	Hastings	Overman	Tydings
Caraway	Hatfield	Patterson	Vandenberg
Connally	Hawes	Phipps	Wagner
Copeland	Hayden	Pine	Walcott
Couzens	Hebert	Ransdell	Walsh, Mass.
Cutting	Howell	Robinson, Ark.	Walsh, Mont.
Dale	Johnson	Robinson, Ind.	Watson

Mr. FRAZIER. My colleague [Mr. NYE] is unavoidably absent on business of the Senate. I ask that this announcement stand for the day.

Mr. McMASTER. My colleague [Mr. NORBECK] is unavoidably absent. I will let this announcement stand for the day.

Mr. SHEPPARD. I wish to announce that the Senator from Florida [Mr. FLETCHER] and the Senator from South Carolina [Mr. SMITH] are detained from the Senate by illness.

Mr. BLACK. I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

The VICE PRESIDENT. Seventy-six Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Virginia to proceed to the consideration of the resolution.

The motion was agreed to; and the Senate proceeded to consider the resolution, which had been reported from the Committee on Rules with amendments.

Mr. SWANSON. Mr. President, the resolution was introduced by me, was referred to the Committee on Rules, and by that committee referred to a subcommittee. The subcommittee considered the matter, made its report to the main committee, and all members of the Committee on Rules who were present, and most of them were present, unanimously approved the resolution for adoption by the Senate.

For a great many years I have thought it was absolutely fruitless and useless for the Senate to consider every bill and joint resolution as in Committee of the Whole. After a measure was considered and debated in Committee of the Whole, and perhaps reconsidered in Committee of the Whole, the rule provided that it should then go to the Senate, where it might be considered precisely as it had been considered in Committee of the Whole, which meant at least two complete and thorough considerations of every bill and joint resolution introduced in

the Senate. That rule could not be deviated from except by unanimous consent. Thus a measure could be debated and argued as in Committee of the Whole, reconsidered and again debated sometimes for two or three weeks, and then brought up in the Senate as a new proposition and the same debate had a third time, the same motions made, and then after further debate it could be again reconsidered. As a result, every question could easily have four considerations before there was a final disposition under the rules of the Senate.

For a great many years I tried to get the Committee on Rules to abolish this fiction and nuisance of the Committee of the Whole. There is no other legislative body in the world that has any such method of procedure. In the House of Representatives they have the Committee of the Whole only when appropriation bills and tariff bills are under consideration. All other measures are considered directly by the House of Representatives and not as in Committee of the Whole. It is only when they want to get rid of roll calls, which require some time in the House, and in order that they may proceed with less than a quorum, that the House of Representatives consider measures in Committee of the Whole. When the House is in Committee of the Whole it requires only 100 Members to constitute a quorum. No roll calls are had in Committee of the Whole; they simply have tellers. This is done to save time and prevent delay.

In the British Parliament measures are considered in committee of the whole, but that is done for the purpose of saving time, affording greater freedom of debate, and to avoid certain inconveniences in connection with the consideration of important measures.

Mr. DILL. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Washington?

Mr. SWANSON. I yield.

Mr. DILL. Has the committee given consideration to the question of whether or not tariff and appropriation bills ought still to be considered in Committee of the Whole in the Senate?

Mr. SWANSON. No. The Rules of the Senate at present provide that, after a measure shall have been considered as in Committee of the Whole, it shall be considered over again in the Senate as if it were a new matter and precisely as it was considered in Committee of the Whole. Under the proposed new rule any action taken may be reconsidered by motion.

Mr. WATSON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Indiana?

Mr. SWANSON. Yes.

Mr. WATSON. I remember that during the consideration of the pending resolution before the subcommittee, of which the Senator from Virginia and I were both members, there was a reservation or amendment under which the proposed new rule would not apply to treaties.

Mr. SWANSON. The reference to treaties has been eliminated from the resolution.

Mr. WATSON. I do not see in the resolution any reference of any kind to treaties.

Mr. SWANSON. There is no such reference, and, consequently, if the resolution shall be adopted, the present rule in relation to treaties will continue, and the proposed amendment to the rules will simply apply to joint resolutions and bills.

Mr. WATSON. Precisely; so that the resolution, if adopted, will in no wise change the procedure for the consideration of treaties, but they will be considered in the old way?

Mr. SWANSON. That is correct. If under our rules and practice there were a different consideration in Committee of the Whole than accorded in the Senate, there would be some excuse for considering measures in Committee of the Whole, but that practice merely occasions delay. After the Committee on Rules decided to report the resolution abolishing proceedings as in Committee of the Whole it was considered proper that there should be afforded a fair and just method of reconsidering any action taken by the body. We felt that the right to reconsider ought to be preserved, so that after the body acted it might have an opportunity to reconsider whether its first judgment was wise.

The motion to reconsider is common to all parliamentary bodies, but in some instances the procedure followed in the case of motions to reconsider has resulted in abuses. In some parliamentary bodies, instead of having an honest reconsideration of a measure, as was intended, immediately after a measure is passed a motion is made to reconsider the vote by which it was passed, and then a motion is promptly made to lay the motion to reconsider on the table. The same members of the body who were present when the measure itself was voted on are under such a proceeding present when the motion to lay on the table is made, and the adoption of the motion to lay on the table of course ends all opportunity of reconsideration.

The committee felt that the best way to insure an honest, fair reconsideration, a right which every parliamentary body ought to have, for legislative bodies sometimes make mistakes in the first instance, was to allow a motion to reconsider to be made by any member of the body no matter how he voted, but to provide that the vote on the motion to reconsider should not be taken until just prior to the engrossment of the bill or amendments.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Washington?

Mr. SWANSON. I yield.

Mr. DILL. The Senator recognizes, of course, that under the proposed rule any Senator may move at that time, before engrossment of the measure, to lay the motion for reconsideration on the table, and thereby stop all debate.

Mr. SWANSON. Yes.

Mr. DILL. So that, under the proposed rule, such a reconsideration as we may have under the present system, accompanied by full debate, may be rendered impossible, for debate may be automatically cut off.

Mr. SWANSON. If the Senator will permit me, there can be full debate under the motion to reconsider. The Senator making the motion will have control of it. It is not proposed to make any change regarding the motion to lay on the table. We thought we ought not to change any other rule, but, under the proposed rule, no Senator will be able to move immediately to lay a motion to reconsider on the table, for such a motion will not be in order prior to the time the motion to reconsider shall be taken up for consideration, and the motion to reconsider can not be considered "until all other amendments have been offered and disposed of, and immediately prior to the engrossment of the bill * * * or amendments."

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Tennessee?

Mr. SWANSON. I yield.

Mr. McKELLAR. When the motion is made to reconsider can any Senator immediately move to lay that motion on the table?

Mr. SWANSON. No. The proposed new rule, as I have said, provides that the motion to reconsider shall not be considered until just prior to the engrossment of the bill and amendments.

Mr. McKELLAR. Suppose it is just prior to that stage when the motion to reconsider is made. I remember—and the Senator does, too—that there is in the House of Representatives a rule similar to the one proposed, and it seems to me it affords about as effective a kind of cloture system as could possibly be devised.

Mr. SWANSON. What this proposal does is to provide that the motion to reconsider shall not be considered until just prior to the question, "Shall the bill be engrossed and read a third time?"

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Washington?

Mr. SWANSON. I yield.

Mr. DILL. But when the time comes for the consideration of the motion to reconsider then any Senator may move to lay it on the table and stop all debate.

Mr. SWANSON. That is true.

Mr. DILL. That, of course, eliminates any further reconsideration of the question.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Nebraska?

Mr. SWANSON. I do.

Mr. NORRIS. On page 3 of the resolution, commencing with line 8, there is a proviso which is new to the rules, is it not?

Mr. SWANSON. That is a new proviso.

Mr. NORRIS. As I understand, that proviso relates exclusively to motions to reconsider votes on amendments to bills or joint resolutions, and has no reference to the reconsideration of a vote by which a bill or joint resolution has been passed.

Mr. SWANSON. After a bill or joint resolution shall have been passed the present rule will apply; that is, a motion can be made to reconsider the vote whereby the bill was passed; thus, if the motion is agreed to, bringing the entire bill before the Senate. The proposed rule does not change the procedure in that respect at all.

Mr. NORRIS. The proviso has no reference to anything except to amendments.

Mr. SWANSON. It refers exclusively to amendments.

Mr. NORRIS. And a motion to reconsider an amendment must be made before the bill is passed.

Mr. SWANSON. It must be made before the bill is passed.

Mr. LA FOLLETTE. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Wisconsin?

Mr. SWANSON. I do.

Mr. LA FOLLETTE. Did the committee consider at all the question of whether there should be given more time in which a motion to reconsider could be made than the two days now provided in the rule?

Mr. SWANSON. That question was not considered, because in order to secure action on the resolution proposing to amend the rules it was not desired to bring about too many controversies. There were only two thoughts in my mind; first, to change the rule by abolishing the foolish procedure of considering measures in Committee of the Whole. Any action taken as in Committee of the Whole may be reconsidered, of course, when a measure gets into the Senate. Consequently, I thought under the proposed new rule it would be well to afford the opportunity of making motions to reconsider and fixing the time when they should be considered, so that every Senator might know when such motions would come up. The question of whether the 2-day limit should be enlarged was not considered.

Mr. LA FOLLETTE. I think in case of most legislation a 2-day period is sufficient; but I have in mind, for instance, the experience we had during recent months with the tariff bill. In many instances, if we had been operating under this proposed rule, votes would have been taken, questions disposed of, and before any Senator would have had additional information brought to his attention, as often happened concerning various items in the bill, the two days in which a motion to reconsider could have been made would have gone by.

Mr. SWANSON. In that view of the situation there might be some difficulty presented, but if the period were made longer it might prevent the Senate from conducting business in case of a great many measures and it might involve great delay.

Mr. LA FOLLETTE. On the other hand, would that be true in view of the provision of the resolution on page 3 providing for the time when motions to reconsider shall be taken up? It seems to me that provision will of necessity force such motions to be considered shortly prior to the passage of the bill, and under those circumstances it would seem to me that it might be well to consider whether additional time—I am not suggesting any great length of time, but whether three or four days might not be allowed instead of the two days as now stipulated in the rules.

Mr. SWANSON. The proposed new rule will give every Senator the privilege of making a motion to reconsider whether he voted on the affirmative or the negative side.

Mr. LA FOLLETTE. I understand that.

Mr. SWANSON. Any Senator who wants the judgment of the Senate the second time can get it.

Mr. LA FOLLETTE. I understand that. The only question I have in mind is this: Where legislation is pending before the Senate over a long period of time often new information comes to the attention of a Senator, which might lead him to think that a mistake has been made, and upon which he would desire to base a motion for reconsideration.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Washington?

Mr. SWANSON. I yield.

Mr. DILL. What reason is there for limiting the right to reconsider a vote on an amendment or provision of a bill or to have any limitation at all before the time comes actually to consider the motion to reconsider?

Mr. SWANSON. Because Members of the body would like to know whether a motion to reconsider is going to be made so that they may inform themselves and so that surprise action may not be taken. A motion to reconsider might be made just before the vote was taken, when other Senators did not know that such a motion was going to be made or a vote was going to come on it, and therefore might not be present. We thought the best way to get the judgment of the Senate on a reconsideration was to provide so that Senators may know that motions to reconsider will be considered just before the engrossment of the bill.

Mr. DILL. I agree with the Senator as to that phase of it.

Mr. SWANSON. If the Senate should desire to change the period so as to make it three days or four days, I would have no objection; it makes very little difference to me whether the period is fixed at two days or three days; but I have never known any trouble to arise from the present limitation of two days, and I do not think any difficulty would rise in connection with the proposed new rule, especially when the right to make a motion to reconsider is given to every Senator regardless of how he may have voted.

Mr. DILL. Mr. President, will the Senator yield?

Mr. SWANSON. I yield.

Mr. DILL. The 2-day provision has been one that applies to the reconsideration of bills which have been passed by the Senate. Now the Senator is proposing to substitute a method of reconsideration by individual motion for the consideration that comes in the Senate on the entire bill and any amendment that may have been adopted. It seems to me that if the proposed new procedure is to be substituted for the old, there should not be any limitation upon the period in which a motion to reconsider may be made previous to the time of taking the vote.

Mr. SWANSON. The Senator will probably remember that the Senator from Nebraska has always insisted that before a unanimous-consent agreement to vote shall be entered into, the Senate should be advised of the proposal and of the question to be voted on. The cloture rule which we provided some time ago whereby two-thirds of the Senate may act was safeguarded so that the Senate might be notified and so that no surprise vote could be taken enabling one side to mass its supporters in the Chamber and spring a surprise. So, on the question of reconsideration, the Senate ought to be notified in ample time as to the action proposed prior to the engrossment and third reading of the bill.

Mr. FESS. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Ohio?

Mr. SWANSON. I yield.

Mr. FESS. Mr. President, I intend to support the proposed amendment to the rules embodied in the resolution of the Senator from Virginia, because I think it will preserve all the latitude which ought to be given or which it is necessary and important that the Senate should have, and because, furthermore, I believe it will avoid a duplication of effort and a consumption of time, which, it seems to me, are wholly indefensible.

The Senator mentioned the House of Representatives a few moments ago. In that body measures are considered in Committee of the Whole, but when the House is so proceeding, only a limited number of motions are permitted. For example, in Committee of the Whole motions to amend may be made, but motions to lay on the table can not be made, and other subsidiary motions can not be made, because the proceeding is in the interest of expedition and of securing action. Furthermore, 100 of the 435 Members of the House are sufficient to constitute a quorum to do business while the House is sitting in Committee of the Whole. In the Senate, however, when we are proceeding as in Committee of the Whole, exactly the same motions are permitted as are permitted in the Senate. So there is duplication. The only thing that is needed is sufficient latitude to enable us to have adequate consideration for every measure; and the Senator has taken care of that by the provisions relating to motions to reconsider. So it seems to me that the Senator's position is a sound one, and that there is no question of jeopardy to the rights of any Member of the Senate or to the body itself. Of course, the necessity for a Committee of the Whole, which is so obvious in the case of the House of Representatives, is not apparent so far as the Senate is concerned.

Mr. WATSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Indiana?

Mr. SWANSON. I do.

Mr. WATSON. So far as the abolition of proceedings in Committee of the Whole is concerned, thus preventing a double consideration of measures before the Senate, I think perhaps the resolution is wise. However, what does the Senator think of this proposition: A tariff bill may be before the Senate six months for discussion; we vote on a question one way or the other; any Senator then can move to reconsider the action taken. Under the pending proposal such motions to reconsider will not come up until just before the engrossment of the bill, which may be months away, long after the main question has passed out of the minds of Senators and they have forgotten about it, and it is no longer appropriate to bring up a motion to reconsider. Does the Senator think it right, after a great, long debate, such as there would be on a tariff question, to bring up 15 or 20 or 30 motions to reconsider right at the tail end of the thing and have them all voted on, when if they had been voted on at the proper time other motions might have been made relevant to those motions?

Mr. SWANSON. Mr. President, that matter has been considered by a committee of which the Senator from Indiana was a member.

Mr. WATSON. I know that; and if the Senator will do me the honor to remember, I brought it up at that time.

Mr. SWANSON. I think the Senator consented to this provision.

Mr. WATSON. I further brought up this point, which I regarded as somewhat objectionable, but I yielded to the superior wisdom and experience of my friend from Virginia:

Any Senator may make a motion to reconsider. Of course, if a man is beaten in his proposition, he will immediately get up and move to reconsider. Ought not the right to move to reconsider to be confined to those who favored the proposition? A man who has voted for a proposition would move to reconsider only on the ground of new evidence, additional information; but the man who is beaten jumps up, merely because he is beaten, and moves to reconsider.

Mr. SWANSON. The Senator has asked me two questions. I will reply to the first one first.

Mr. WATSON. All right.

Mr. SWANSON. His first proposition is to decide whether we should vote on reconsideration immediately, or fix a time for voting, say, two days afterwards or three days afterwards. We have to decide whether we should have immediate reconsideration, or should fix a time when reconsideration should come up.

I think it is better to have reconsideration just before the bill is disposed of. We can then have a full debate if there is any new light on it. There will not be any surprise on reconsideration. One side can not come in here and tell all of its friends to be here that day, and the other side be taken by surprise. They will all know that just before the bill is engrossed and read a third time these matters are going to be disposed of. Consequently, everybody has notice. There is no packing of the Senate. We can have the same debate, the same consideration; and we can decide whether we want to have it immediately or whether we desire to delay it to a certain time.

I thought it was wise to delay it until this time, as we could not have any other method without producing abuse. Methods of reconsideration in all parliamentary bodies have been abused. The same men vote on the matter at the same time. A man voting in the affirmative will move to reconsider, and then move to lay the motion on the table, and that ends it, and there is no honest reconsideration. Consequently, this proposed rule provides as it does. Whether we decide to wait 1 week or 10 weeks, it is the only way in which it can be done with full and fair debate.

Now I come to the second question that the Senator asks, as to whether the motion to reconsider should be limited to those who voted on the prevailing side.

The Senator must remember that under the present rule we get reconsideration simply by having the matter brought up again in the Senate; and anybody can do that, whether he is on the winning side or the losing side. All he has to do is to have the matter brought up anew from the Committee of the Whole to the Senate. Consequently, everybody possesses that power now, and this proposal does not take it from him. If we are going to have reconsideration, why should not a man have the second judgment of the Senate? We have four judgments now, under the present rule. This is an effort to get, in reconsideration, an honest, fair judgment of the Senate before it takes final action, and have it done in a way that will not produce surprise, so that the Senate can have a full meeting and sufficient notice.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Tennessee?

Mr. SWANSON. I do.

Mr. McKELLAR. Under the proposed rule, can the same Senator make a motion to reconsider and then move to lay that motion on the table?

Mr. SWANSON. We did not interfere at all with the motion to lay on the table. He can not make a motion to lay on the table until just prior to the engrossment and third reading of the bill.

Mr. McKELLAR. He could make the motion, then, and immediately move to lay it on the table; could he?

Mr. SWANSON. He could make the motion, and then move to lay it on the table.

Mr. McKELLAR. My recollection is that that motion was quite unpopular with me when I was in the House, and I think it was with the Senator.

Mr. SWANSON. Nine times out of ten they beat it; but a motion to lay on the table exists in all parliamentary bodies, and I did not feel justified in abolishing it. The Senate can beat it. It can not be made immediately after the vote is taken.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Washington?

Mr. SWANSON. I yield.

Mr. JONES. I suppose it is proper to refer to a comparative system in another body. The Senator does not intend to bring into operation here the rule of moving to reconsider, and to lay that motion on the table, that is followed in the House of Representatives?

Mr. SWANSON. Not at all. This gets rid of it. It can not be done immediately. This is an improvement.

Mr. JONES. We have not been following that rule in the Senate at all.

Mr. SWANSON. No. It can not be done under this proposed rule.

Mr. JONES. I hope we will never get into that.

Mr. SWANSON. I hope so. Therefore, I tried to protect the proposed rule in that respect.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Nebraska?

Mr. SWANSON. I do.

Mr. NORRIS. I think the Senator from Virginia, in answering the question of the Senator from Washington, ought to modify his answer just a little. He says this change will prevent making a motion to reconsider immediately and then moving to lay it on the table. As I understand the proposed amendment, that would apply only to a motion to reconsider an amendment to a bill. The motion to reconsider a bill or joint resolution after it is passed will be just the same, after the proposed rule is adopted, as it is now.

Mr. SWANSON. Of course; it would be exactly the same.

Mr. NORRIS. And that motion could be made, even if this is done, immediately upon the passage of the bill, at once?

Mr. SWANSON. It could. When a bill is engrossed, we have to know what we are engrossing. We can not vote on the passage of a bill until it is engrossed, under the rules of the Senate.

Mr. NORRIS. But the Senator, if he will permit me, is not reaching the point that I am suggesting to him. If he will permit me again to state it, the prohibition of the rule of which the Senator is speaking, where it is possible, immediately upon the passage of a resolution or a bill, to make a motion to reconsider, is not changed by the proposed rule.

Mr. SWANSON. That is true.

Mr. NORRIS. We can do what the Senator is speaking of after this rule is adopted just the same as we can now, but we could not do it in reference to an amendment. That is the only thing to which the change applies.

Mr. SWANSON. That is true.

Mr. NORRIS. Suppose, soon after the beginning of a tariff bill, we had the chemical schedule up, and we adopted a certain rate, and some one wanted to move to amend it. He would not be able to do it, with this amendment, until just before the bill was finally passed, months afterwards. Does the Senator think that is good practice?

Mr. SWANSON. No; that would not be the practice.

Mr. NORRIS. That is the way I understand this amendment. A Senator can not move to lay that motion to reconsider on the table until just before the engrossment of the bill—that is, just before a vote on its passage.

Mr. SWANSON. The Senator will note that that is limited to the motion to reconsider.

Mr. NORRIS. Yes.

Mr. SWANSON. Suppose we had a certain schedule up, and an amendment was offered to it, and that amendment was beaten.

Mr. NORRIS. Yes.

Mr. SWANSON. Then a Senator could enter, within two days, a motion to reconsider the amendment that was beaten, and that motion would come up just before the engrossment and third reading of the bill, and be disposed of.

Mr. NORRIS. That might be several months afterwards.

Mr. SWANSON. That is true. The question arose whether it should be done immediately, or should be delayed until the engrossment and third reading of the bill. We could not say that it should come up in two days or three days, because the bill might pass before that time; so we are brought to the decision: Shall the motion to reconsider be made immediately and disposed of immediately and laid on the table, or shall it be considered just before the engrossment and third reading of the bill?

The majority of the committee—it was practically unanimous—thought a certain amount of time ought to intervene before action on these motions to reconsider, so that everybody would know that the motion was pending. It continues as a part of the bill. It comes up just before the engrossment and third reading of the bill. Then, before the bill is engrossed and read the third time, all these amendments have to be disposed of, because we must know what the bill is; and the vote is to be taken at that time.

Mr. NORRIS. Suppose, at that time, a motion to reconsider an amendment made three months before should be decided in the affirmative: The matter would then come up before the Senate at that time, and it strikes me that that would not be nearly as good a time to consider it as when we had that schedule before us. We would go back to something that we had disposed of perhaps three months before, and we would have to fight over the amendment a second time.

Mr. SWANSON. It is only a question of whether we want to do it immediately or whether we want to delay it to a specific time. If we did it immediately, it would not be given reconsideration except by the same body that had just disposed of it.

Mr. NORRIS. We have two days' time in which to file the motion.

Mr. SWANSON. After that schedule is passed, we could not come back to it except by unanimous consent. The schedule is passed. It could then be taken up only by unanimous consent.

Mr. NORRIS. At any time within two days, I think, a Senator could make a motion to reconsider.

Mr. SWANSON. I mean, when it is disposed of.

Mr. NORRIS. The rule specifically gives two days in which to file a motion.

Mr. SWANSON. We thought of that in the subcommittee, and the question was as to which was the better course to pursue—to dispose of it immediately, or later. If it were disposed of immediately, the same people who were present when it was voted on the first time would dispose of the motion to reconsider. The committee decided, after much discussion and thought, that we would get better results and a better judgment of the Senate by letting them all know that these things would come up at the time I have stated.

Mr. VANDENBERG. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Michigan?

Mr. SWANSON. I do.

Mr. VANDENBERG. Would not the practical effect of this accumulation of motions to reconsider be practically equivalent to our present consideration in the Senate, after we are out of Committee of the Whole?

Mr. SWANSON. No.

Mr. VANDENBERG. Why not?

Mr. SWANSON. For this reason: After we get in the Senate and dispose of a matter it is only one disposition of it. When we have a motion to reconsider the question arises at once whether it shall be considered immediately or delayed. We can, if we wish, strike out the part which says that these motions shall all be voted on just prior to the engrossment of the bill. My idea of the right to move reconsideration is to give it to everybody, as they had it before, when the bill went into the Senate. These motions accumulate there. Everybody knows that these motions are pending. There is no surprise.

Mr. VANDENBERG. Yes; but what have we saved? I am trying to discover from the Senator what we have saved.

Mr. SWANSON. It would take just the same length of time to dispose of the motion at that time.

Mr. VANDENBERG. But what have we saved, as a practical proposition, over the existing procedure?

Mr. SWANSON. What we have saved is this: At the present time we can vote to reconsider in Committee of the Whole and have the second debate; then we can go into the Senate and bring up the question anew, and after it is decided we can move to reconsider, which would be four times under the present conditions, while there could be only two times under this procedure.

Mr. VANDENBERG. Yes; but that does not ordinarily happen.

Mr. SWANSON. It does not ordinarily happen, but it can happen.

Mr. VANDENBERG. The vice that the Senator is trying to correct, growing out of our experience with the tariff bill, really involved only two considerations rather than four.

Mr. SWANSON. That is right.

Mr. VANDENBERG. Therefore the Senator is not correcting the major portion of the vice.

Mr. SWANSON. The major portion of the vice is that we can consider a matter in the Committee of the Whole for a month or a day, and then go in the Senate and consider it a second time.

Mr. NORRIS. Mr. President, will the Senator yield again?

Mr. SWANSON. I yield.

Mr. NORRIS. I desire to ask the Senator a question along the lines of the question propounded by the Senator from Michigan [Mr. VANDENBERG]. It seems to me there is a good deal of meat in the suggestion made by the Senator from Michigan. The Senator must remember that we have never, so far, had the kind of a rule that he proposes, but I think it is fair to say that this would be the practice.

Take a tariff bill, now, as an illustration, running over six months' time. I make a motion to amend it. My motion, we will say, is agreed to by a very small margin, as many of these motions were. The Senator is opposed to my motion. As a diligent parliamentarian, what would he do under those circumstances?

Mr. SWANSON. I would move to reconsider.

Mr. NORRIS. The Senator would move to reconsider. So would every other Senator; and every vote that was anywhere near close would have lodged with it, immediately after the vote, a motion to reconsider.

We would not be allowed to take them up while the subject under discussion was fresh in our minds. We would have to wait, say, six months, and in the matter of a long bill like the tariff bill, when we got to the engrossment and the third reading of the bill, we would then be confronted with all of these motions to reconsider, some of them having been made months before, others weeks before, on entirely different subjects, some on one thing, some on another. Senators would have forgotten the facts. They would have to gather together anew the arguments, they would have to discuss the questions again if they were going to argue them. The result would be that, as we have now, in the consideration of all important points in a measure, we would have another consideration, which would have a different name from what it has now, but it would be another consideration just the same.

On the other hand, if these motions were made to begin with, while it is true they might lead to some discussion—and they sometimes do—the whole matter would be completed while the facts were fresh in the minds of Senators, while the arguments were all fresh, and it would not be necessary to go over them again and again, as I think we would have to do, as a matter of precaution, if we waited until all these motions were piled up.

I am in entire accord with the Senator on his main proposition, but it seems to me this is very unwise.

Mr. SWANSON. Mr. President, so far as I am concerned, I do not care whether a motion for reconsideration is delayed or acted on at once. I do not know which is the wiser course to pursue.

Mr. WATSON. Mr. President, let me ask the Senator if this suggestion would not take care of the difficulty, that no one should be permitted to make a motion to lay on the table a motion to reconsider until after a certain time? The difficulty is that, for instance, the Senator from Nebraska rises and says, "I move to reconsider the vote," on such and such a question, and I rise and move to lay that motion on the table, and that ends the debate right there. That is not fair. There ought to be opportunity for discussion. We would get around that impediment, that rock in the road, if we would simply provide that no motion to lay a motion to reconsider on the table should be entertained until after the expiration of a certain time.

Mr. NORRIS. We can get around that now, if the Senator from Virginia will yield to another interruption. Now, the Senator who makes the motion to reconsider must have voted on the prevailing side.

Mr. WATSON. Yes; but sometimes one who desires to make that motion changes his vote.

Mr. NORRIS. I know that. That is another provision we would have to strike out. If we retain that provision, then at least somebody would have to make a motion who voted with the prevailing side, which of itself is a demonstration, in the case cited by the Senator, that somebody has changed his mind. Therefore it is very questionable in my mind whether we ought to make that change. I have never been satisfied that to entitle a man to make a motion to reconsider he must have voted with the prevailing side.

Mr. SWANSON. Mr. President, that rule was changed for this reason: At present all a Senator has to do in order to have a matter reconsidered, regardless of how he voted in the Committee of the Whole, is, when the bill is reported from Committee of the Whole to the Senate, to offer his amendment a second time. He has that right regardless of how he voted when the matter was considered as in Committee of the Whole. When we abolish that right we ought to give Senators the same right they now possess individually under the existing rules.

For instance, if a man wanted to have a matter reconsidered in the Senate, regardless of how he voted in Committee of the Whole, all he would have to do would be to bring it up in the Senate. It would be there anew, the bill read over paragraph by paragraph, and he could get a second vote regardless of how he had voted before. This would not destroy the privilege a Senator possesses under the existing rule, which a great many insisted they ought to continue to have.

Under the present rules that can be done in regard to any bill or resolution. Every joint resolution and bill must be considered in Committee of the Whole. This would not enlarge any privilege not heretofore possessed. It simply prevents duplication of consideration.

I recognize that a great deal can be said on both sides as to whether a motion to reconsider should be put immediately, or whether it should be delayed for a certain time, so that all Senators could be notified. It has been nearly impossible for me to reach a conclusion, when I consider both sides of it, as to which is best. I can see how one might offer a motion and say, "I will take up my motion to reconsider to-morrow," and let all the friends of it be there while others were absent. I recognize that it will precipitate a long debate, that is true.

Mr. NORRIS. Mr. President, I ask the Senator another question. Has he not found, from his experience here, that when a motion to reconsider is made no advantage is obtained by getting all the friends of the measure here, as the Senator says, while the others do not know about it? We all know what the rule is. We know that any man voting with the prevailing side has a right to make a motion to reconsider within two days. As a matter of fact, does not the Senator know that when this motion is entered, almost invariably the Senator who makes the motion, when entering the motion, says, "I will take this up to-morrow," or at some other time, and an agreement is had, and nobody attempts to take advantage of the other side?

Mr. SWANSON. I have no objection to eliminating this entire provision in reference to reconsideration. I have no objection to that. As originally introduced, the measure did not include that. When I originally introduced it it was confined absolutely to an attempt to prevent duplication.

Mr. DILL. Mr. President, what is to be eliminated?

Mr. NORRIS. Mr. President, if the Senator from Virginia will confine his resolution entirely to the proposition of considering bills and joint resolutions in the Senate and not in Committee of the Whole, abolishing the latter, the way to reach that is to strike out of the resolution before us pages 3 and 4. That would eliminate the provision that anybody can make a motion to reconsider.

Mr. DILL. Mr. President, if that is done, then if a vote comes on some amendment and there is present only a small part of the Senate, which does not represent the will of the Senate at all, when the rest of the Senators come it will be impossible to get the matter up for consideration again. The Senator from Virginia, in attempting to meet that objection, offers a new rule about reconsideration. The trouble with his rule about reconsideration is that he limits it to two days. Of course, the whole thing is bad, because the attempt is to tear down a rule which has stood the test of more than a century and to put something in its place the effect of which nobody can foretell. It is a dangerous procedure.

Mr. FESS. Mr. President, will the Senator yield to me?

Mr. SWANSON. I yield.

Mr. FESS. I do not believe the Senator wants to eliminate altogether the matter of reconsideration, for the reason that he is trying to retain opportunity for the further consideration of a measure which may be had when it is first considered in Committee of the Whole and then in the Senate. I think his provision as to that is a wise one. However, I agree with those who think that we ought not to postpone reconsideration until just before a final vote. The hiatus would be too great between the time when the motion to reconsider might be made and the time we reconsider. I wonder whether it would not be better just to retain lines 24 and 25, on page 3, and the first part of line 1, on page 4, as follows:

> When a question has been decided by the Senate, any Senator may, on the same day or on either of the next two days—

Let us just retain that. I see no reason for including the first proviso, "That no motion to reconsider a vote on an amendment," and so forth.

Mr. SWANSON. That was not in my original resolution, but two or three members of the committee insisted on it. My original resolution simply abolished proceedings in the Committee of the Whole.

Mr. FESS. Let me ask the Senator this question: The first proviso deals with the reconsideration of an amendment. The provision on line 24, page 3, relates to an amendment, too.

Mr. SWANSON. The rule as to a motion to reconsider could be changed so that anybody could make such a motion.

Mr. FESS. That keeps open the opportunity for further debate.

Mr. SWANSON. Let it read:

> 1. When any motion has been decided by the Senate, any Senator may, on the same day or on either of the next two days of actual session thereafter, move a reconsideration.

That is all the Senator would want.

Mr. NORRIS. That is in the rule now.

Mr. SWANSON. Except that the mover must have voted in the affirmative. This would allow any Senator to make such a motion.

Mr. NORRIS. I do not think that change ought to be made; but that would be very much better than putting in this proviso about putting everything over. I would rather have it that way than the way it is. It would suit me better to require that a man should have voted in the affirmative before he would have the right to make a motion to reconsider. It seems to me perfectly clear that in a body like this, with unlimited debate, when we get through with legislation, having voted on it, that ought to end it.

Mr. FESS. That is true.

Mr. NORRIS. That would save a lot of criticism of the Senate, it would save a lot of time taken in the Senate, a great deal of time taken in the consideration of a tariff bill, for instance.

Mr. FESS. The Senator will admit that procedure under which we duplicate in the Senate what we did in Committee of the Whole is perfectly farcical.

Mr. NORRIS. I think it is.

Mr. SWANSON. Mr. President, the resolution as originally introduced by me was shaped up with a great deal of care by the subcommittee, and everything commencing with the words "*Resolved further,*" on page 3, is an amendment that was put on in the committee. That covers the question of reconsideration. The language found on pages 1 and 2 of the resolution as originally introduced by me would eliminate double consideration.

Mr. NORRIS. Mr. President, I want to suggest to the Senator that a motion could be made, of course, to strike the balance out, and I had intended to make that motion, but I want to make a suggestion to the Senator. As I understand it, the proposition involved here is divisible. Will not the Senator in charge of the matter ask for a separate vote, ask that the question be divided? Then we will have a vote on each branch.

Mr. SWANSON. I will.

Mr. DILL. Mr. President, I was responsible for this resolution not being adopted by unanimous consent. My good friend the Senator from Virginia [Mr. SWANSON] in his persuasive and kindly manner almost persuaded me into thinking I ought to be for it, but as I have listened to the discussion here to-day and have considered the matter, I am more convinced than ever that I was right when I was first opposed to it.

Here is a rule of the United States Senate which has been in existence for 130 years. I do not think anybody will accuse me of being wedded to old things or being enamored of a thing merely because it is old, but I recognize the wisdom of the fathers. I recognize also that what has stood the test of more than a century and a quarter of the activities of the Senate ought not to be cast aside without very serious consideration. The discussion which has occurred here this afternoon as to what this action will result in shows how dangerous it is to attempt to change a rule of such long standing, to take away from the Senate the right to have a second consideration of amendments to measures under the regular rules of the Senate.

If we adopt the first suggestion of the Senator from Virginia we will have a situation in which any Senator can move to reconsider any vote that is cast on any question, regardless of how he voted. The Senator from Nebraska [Mr. NORRIS] shakes his head.

Mr. NORRIS. Mr. President, I think the Senator from Washington is wrong. He said that if we should adopt the first proposition of the Senator from Virginia.

Mr. DILL. I should have said as presented by the Senator from Virginia.

Mr. NORRIS. No; I think the Senator is still wrong. The Senator from Virginia originally in his proposed rule did not have in it——

Mr. DILL. He has changed it since it came to the floor of the Senate.

Mr. NORRIS. The committee changed it.

Mr. DILL. I am speaking of what is in the provision here before me.

Mr. NORRIS. As the Senator from Virginia originally introduced it it did not have the other change in it.

Mr. DILL. I do not know anything about that. I am speaking of the provision contained in the resolution when it came to the Senate. It provides that any Senator may move a reconsideration. What does that mean? It means that any Senator dissatisfied with a vote may move to reconsider it. That is a substitute, so the Senator from Virginia said, for the right which the Senate now has, when a measure goes into the Senate from Committee of the Whole, to have a second vote on any matter.

Personally, I think it is extremely dangerous from the standpoint of getting an honest vote of the Senate to have no right of reconsideration except at the will of those who have triumphed on the first vote. It is very easy for Senators to say we should all be here in attendance and vote, and that if we are not here to vote that should be the end of it. I have only served in the Senate one term, and I have learned already that the oldest, the ablest, and the most attentive of Senators are often absent from the Chamber at the time of important votes, and I have observed again and again that when we have a second vote, and a full attendance of Senators, the previous action of a part of the Senate is often reversed.

I am not ready yet to take away from the Senate the right to have a vote by the full Senate itself on proposals first voted upon when some Members have been absent and votes have been taken. Certainly, if we are to do away with the Committee of the Whole, then we ought to have a method by which we can bring these questions up for consideration before the whole Senate. If we attempt to do away with that right, we will get into all kinds of difficulties. We will get into the difficulty that any Senator will be enabled to make a motion to reconsider any vote with which he is dissatisfied. Under the proposed arrangement we could not vote on those motions to reconsider until the bill or joint resolution is ready to be engrossed, and thus we will have a vast number of motions to reconsider, and the only way to dispose of them quickly will be to move to lay them on the table, so we would not have any chance to debate or consider the matter again. Thus we will have jumped from the frying pan into the fire. We will have gotten ourselves into a worse situation than we were in originally.

I want to call attention to this further fact. The greatest document of government that ever sprang from the brain of man, in my judgment, is the Constitution of the United States. Why is it the greatest document? It is because from the beginning to the end it is drawn for the purpose of protecting the rights of the minority. Study it line by line, and it will be found that under the Constitution no man nor set of men is empowered anywhere to tyrannize arbitrarily over the people of the United States. When we study the rules of this body we will find that they are written for the purpose of protecting the rights of the States and the representatives of the States here in the person of Senators.

Mr. BLACK. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Alabama?

Mr. DILL. I yield.

Mr. BLACK. I invite the Senator's attention also to the fact with reference to the Constitution that if it had been adopted as it came out of the Committee of the Whole, it would have been an entirely different document.

Mr. DILL. Yes; and a far weaker document and a much less effective document, a document which would not have stood the test of time as it has stood it.

I know that this is the age of materialism, it is the age of rush and hurry, it is the age of "do everything immediately." But there should be somewhere in a great nation of 125,000,000 people that the individuals representing the several States of the United States shall have the right to say, "Halt! Stop! Consider again before you enact this law."

My great admiration for the Senator from Virginia [Mr. SWANSON], at whose feet I sit on many occasions in our legislative activities in this body, is somewhat lessened, I confess, when he comes here and proposes to tear out of our rule book a rule in accordance with Jefferson's Manual, a rule which has stood the test of a century and a quarter of time in the activities of this body. I know it is abused occasionally, but name to me the law or rule that guarantees the rights of the minority that is not abused sometimes. Simply because it is abused sometimes, is that any reason why we should destroy that liberty? Oh, it is said, we take too long to enact legislation in the Senate. There are a great many people in the country who think there is too much legislation enacted as it is. I believe it is a pretty good thing that there is a legislative body in this Government which has the power to slow down and think twice before it acts upon matters of legislation affecting the people.

Let us consider further as to the matter of reconsideration as a substitute for the Committee of the Whole. In the first place, any Senator could move a reconsideration. That, of course, saves the right of anyone to have a second hearing, but he must do it within two days. There is no reason for that part of the rule. If we are going to have it at all, we might as well have that right until the time we are to consider all motions to reconsider.

In the next place, the right to close debate on the motion to reconsider would exist, because any Senator could move to lay on the table the motion to reconsider. Consequently the whole thing would lead us into such a wilderness of possibilities and difficulties such that nobody can tell what they might be.

Why should the Senate take upon itself at this time a revision of this rule? Why is it? It is because the coalition which worked on the tariff bill wrote a lot of amendments into the bill while it was in Committee of the Whole, and when the bill got into the Senate those amendments were reconsidered and a lot of them were stricken out, that aroused a lot of feeling with reference to this rule. If that had not happened, this resolution would not be here to-day.

I recognize that sometimes things are done under this privilege that should not be done, but that is no reason for striking down the rule which safeguards the rights of Senators and which safeguards their rights in a way that is really best. Senators will look in vain for very many instances in recent years when this right has been abused as it was abused in connection with the consideration of the tariff bill.

Why do we not go along with the rules we now have? They have served us pretty well. I know sometimes that things happen here that we wish had not happened. We are subject to abuse and we are obliged to submit to abuse sometimes, but in the end we had better have some of that than to have the power in the hands of men to override the minority without further right of Senators representing great sovereign States to compel the majority to pause and reconsider matters of legislation.

In order to get away from the dilemma of having any Senator move for a reconsideration of any amendment and have the motions made at one time and not heard of again for six months, the Senator from Virginia now proposes to strike out of this resolution all such provisions. What position will we be in then? A great bill will come here, a tariff bill involving thousands and thousands of items affecting sections of the country widely differing in their needs and in their demands. We shall adopt certain amendments. There may be only a part of the membership here then. New facts may be developed, but only a member of the majority has the right to attempt to change that vote by moving a reconsideration, and he must do that within two days, as I understand.

Mr. SWANSON. Yes; that is the present rule.

Mr. DILL. But he must be on the side of the majority to do it, and it makes it impossible to get a reconsideration except when those on the side of the majority consent to it. So we are to have from now on the impossibility of having the Senate reconsider anything unless some one of the majority is willing to move such reconsideration.

I submit that that is a very radical, desperate step to take to meet the objection resulting from the abuse of this right in the case of the tariff bill. In the future when we shall have tariff bills, when a vote comes up unexpectedly and some of us are beaten, we will never have a chance to vote on it again unless those who beat us want to let us have that chance. Are Senators willing to take away from those who may be in the minority a right that has existed in the Senate since the beginning of the Government, simply to meet an evil that develops once in a while and becomes objectionable?

As a young man and one who is looked upon as a progressive, sometimes called a radical, I find myself in the peculiar position of standing among men far older and more experienced than I am, pleading for the maintenance of the old standards which have served the Senate and the country so well. It is extremely difficult to change the rules of the Senate. This is the first important change in the rules that has been proposed, with the exception of that relating to open executive sessions, since I have been in the Senate. Once we change the rule abolishing the Committee of the Whole, it will be a long time before we get another chance to vote on the question. I think, in the words of Shakespeare, in my opinion the wisest man who ever lived—at least he left more evidence of it by what he wrote—than any other, we had

> Rather bear those ills we have
> Than fly to others that we know not of.

I think the resolution should be recommitted to the committee, at least. If we must do something about this rule, it ought to be recommitted in order that the committee may further consider the proposition as to what should be done with reference to the subject of reconsideration. The Senator from Virginia himself admitted that there should be a chance somewhere for the minority to be heard again. He proposed a provision that would do that, but under the fire of Senators, showing the wilderness of difficulties that will come upon the Senate under his proposed rule, he is willing to strike it out, so that we may never have but one vote on these questions, many of which affect the whole country and affect it in ways that should not be beyond reconsideration while the measure itself is before the Senate. I plead with Senators to give great care to their actions in connection with these rights of the minority to compel deliberation and full consideration.

Mr. BLACK. Mr. President, it seems to me a little bit unfortunate that this proposal should be made in what is almost the closing part of the session when there are a great many Senators absent. I agree with my friend from Washington [Mr. DILL], who has just spoken, that if we take this step it is but one further step toward the goal which our friend from Ohio [Mr. FESS] indicated a few moments ago he would like to reach, to wit, a nearer approach to the rules of the body at the other end of the Capitol. It seems to me that this would be one more step toward the time when two or three men could rule that an important measure is to be considered with only 15 or 20 minutes of debate.

I recall the fact that an illustrious predecessor of mine—Senator Morgan—stood in this body for many days in an effort to stem the tide of hastening intemperate legislation. If I believed that the country was suffering to-day on account of too few laws, I would vote for the resolution. If I believed that the country is suffering to-day on account of the fact that legislation is considered with too much deliberation, I would vote for the resolution. It seems to me, however, with the mills of legislation grinding, grinding, grinding all the time, turning out thousands and thousands of statutes, local and general, piling them up so high that the citizen is lost in a maze of laws, buried under mountains of regulations, that it is perhaps not an appropriate time to adopt the attitude in this body that what we need is more speed in order that we may turn out more statutes.

Some time ago one of the greatest historians of the English-speaking people, in writing about the century before his time, made the statement that a careful study of the laws of England over that entire century would establish to the satisfaction of any reasonable man that the only laws that had been passed which were for the benefit of the people during that entire period were those which repealed laws which had already been enacted. Whether he was making an absolutely accurate statement or not I can not say, but, Mr. President, I deny that there is any necessity at this time for taking the position that what we need in the passage of laws is more speed, more haste, more feverish activity.

Has the Senate reached the point when, because of some criticism on account of the fact that some Senators changed their votes, as they had a right to do, it must change the rule in order to speed up legislation? Has the Senate reached the point where it can say that the first conclusion is always better than the second? If that be true, why not make this body a rubber stamp? Why not let the rules provide when 3 or 4 or 5 or 6 Senators determine there shall be no debate, that we will limit debate entirely, on the ground that we can act more quickly, we can act more hastily, we can enact 20 laws a day instead of 1 law a day, thereby giving people more to think about as they ponder upon the maze of new statutes?

We have now a rule which has been the rule in this body since its beginning. It was the rule of the convention which wrote the Constitution under which we act. We sat here last week and passed upon the nomination of a man for Associate Justice of the Supreme Court. We did it under a provision of the Constitution which was written in after the Constitution left the committee of the whole and was passed upon by the convention as a body. We are here representing our States under a provision of the Constitution which became a part of it after the Constitution left the committee of the whole and after second or third mature consideration of that body.

The section of the country from which I come is unalterably and irrevocably opposed to restricting the right of debate by this body or cutting down the time for the consideration of legislation. We of that section have suffered. We know what it means to be swept on by the tempest of the moment; we know what it means to live under the iron heel of a despotism brought on by laws rushed through Congress on account of a great sentiment of the time, manipulated and engineered by shrewd and cunning politicians. We do not subscribe to the doctrine that we need any more haste in the United States Senate.

When one gets down to the bottom of the reason for this proposed new rule it is one thing, and one thing only; that is, that we act here too slowly. I do not think anyone will deny that frequently the second conclusion which a man reaches, after long consideration of facts, is at least worthy of as much credit and honor as the first consideration; but here, wishing in this machine age to speed things up, we say, "Well, we can enact laws more rapidly by changing the time-honored rules of the Senate." As I understood my friend from Ohio [Mr. FESS] to say—I may have misunderstood him—the proposed change will enable us to act with more expedition. Well, suppose it does. We can adopt many rules which will aid us in acting more expeditiously; we can extend the rule which was adopted several years ago providing a modified form of cloture. That would insure greater expedition.

Is a deliberative assembly the object? If so, what is wrong with the method of deliberation which has been followed since the very beginning of this Government? If some monstrous, iniquitous law is about to be enacted and a wrong brought about, in the heat of the moment, why should a Senator not have the right to use that method and every other method he can employ in order to stem the onrushing tide until sober thought and sane consideration and deliberation shall prevail to prevent the passage of a law which might be injurious to the people of the country? I challenge anyone to show where any good law has ever been permanently defeated in this country by reason of deliberation, by reason of delay.

Here is the situation with which we will be confronted. I do not know whether or not the pending resolution will finally be submitted to a vote as it is now written; I assume that eventually it probably will be put in such form as was stated by the Senator from Washington, namely, that the only chance left for the minority will be to attempt to succeed in getting one member of the majority to change his mind. If that can not be done, we can not obtain a reconsideration. But here, on account of the fact that one measure was argued in this body for many months, and later on some of the Members of the Senate change their minds, we are asked to proceed to strike down one of the ancient landmarks which has been left to the only body in America which is to-day the safeguard of the rights of minorities in this country.

Mr. President, I will conclude as I began. If I thought that what we need in this country is more laws, that without more laws we could not make progress, and therefore we need to turn them out more rapidly, then I would believe this resolution should be adopted. If, in addition to that fact, this country had been greatly injured by the deliberation of the only body that deliberates on its laws, then there would be a reason for the adoption of the proposed new rule; but remember that it is another step to prevent the exercise of the very right and the very privilege which have saved the South on more than one occasion. It is an effort and a step in the direction of shortening the deliberations of this body. So far as I am concerned, I believe in clinging to the ancient landmarks in this connection. Legislative history will not show that countries have been injured or destroyed by reason of temperate legislation long considered, whereas there are many instances where minorities have had their rights ruthlessly trampled upon by reason of the fact that a whirlwind of sentiment of the moment has swept over the country and brought about hasty and ill-considered legislation, to the injury of the people of some section or some community.

DESTRUCTION OF PROPERTY IN COLUMBIA, S. C., BY SHERMAN'S ARMY

Mr. BLEASE. Mr. President, on February 20, 1928, I introduced a bill (S. 3305) for the relief of the Washington Street Methodist Church, in Columbia, S. C., which was referred to the Committee on Claims. On April 2, 1928, I introduced a bill (S. 3863) for the relief of the Ladies Ursuline Community, of Columbia, S. C., which was likewise referred to the Committee on Claims.

On January 8, 1929, I inserted in the CONGRESSIONAL RECORD (pp. 1346–1347) an article entitled "Burning of Columbia as Related in Rhyme," written by Judge M. M. Mann, of St. Matthews, S. C., and on the same date another article entitled "The Burning of Ursuline Convent, Columbia, S. C, by Sherman's army in 1865, from an abridged copy taken from the annals of the convent written by a member of the community who was an eyewitness" (pp. 1347–1348).

On February 7, 1929 (p. 2967), I inserted in the CONGRESSIONAL RECORD an article, The Burning of Columbia, which was referred to the Committee on Claims.

During the present Congress, on May 25, 1929, I introduced a bill (S. 1276) for the relief of the Methodist Church, and a bill (S. 1277) for the relief of the convent (see p. 1899, CONGRESSIONAL RECORD), and they were referred to the Committee on Claims, where they now are.

On April 1, 1930 (p. 6249, CONGRESSIONAL RECORD), during a discussion of the bill (S. 1760) for the relief of the St. Paul's Episcopal Church of Selma, Ala., which was passed, I served notice on the Senate that I proposed to have reports on my bills.

On February 23, 1928, I wrote a letter to the chairman of the Committee on Claims, which I asked to have published as a part of my remarks, along with another letter under date of March 1, 1928, and his reply thereto of March 7, 1928, with a letter from my secretary addressed to the chairman under date of April 9, 1928.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *February 23, 1928.*

Hon. R. B. HOWELL,
Chairman Committee on Claims,
United States Senate, Washington, D. C.

MY DEAR SENATOR HOWELL: I am sending you copy of S. 3305, together with copies of reports on a similar bill, which allowed an appropriation for the burning of the Virginia Military Institute.

I will be glad if you will appoint a subcommittee to have this bill acted on for me as early as practicable, for there is absolutely no question of fact as to Sherman's army having burned the Methodist Church in Columbia, S. C.

This appears to be one of those things which, I think, should be properly adjusted without renewing any factional or sectional prejudices and I know that you will agree with me. It is a just claim and should be paid.

If your whole committe or the subcommittee should desire any special information, I will be very glad to appear before them or to have a committee from the church do so.

Thanking you for your attention, I am, very respectfully,

COLE. L. BLEASE.

WASHINGTON, D. C., *March 1, 1928.*

Hon. ROBERT B. HOWELL,
Chairman Committee on Claims,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In reference to my bill, S. 3305, I beg leave to submit the following proof as to how the Methodist Church at Columbia, S. C., was destroyed:

Howard's Report, Official Records, series 1, Volume XLVII, page 199.

Logan's Report, page 227.

Cox's (March to the Sea), page 174.

Slocum's (Sherman's March from Savannah to Bentonville).

The Battles and Leaders of the Civil War, 4, p. 686.

Rhodes' Who Burned Columbia, in American History Review, 7, page 485.

General Halleck, Chief of Staff and military advisor to President Lincoln, wrote to Sherman as follows:

"Should you capture Charleston, I hope that by some accident the place may be destroyed and if a little salt should be sown upon its site it may prevent the growth of future crops of nullification and secession."

And Sherman's reply in his dispatch of December 24, 1864:

"I will bear in mind your hint as to Charleston, and don't think salt will be necessary. When I move the Fifteenth Corps will be on the right of the right wing, and their position will bring them, naturally, into Charleston first; and if you have watched the history of that corps, you will have remarked that they generally do their work up pretty well. The truth is, the whole army is burning with an insatiable desire to wreak vengeance upon South Carolina."

I desire to quote also from Ohio in the War, by the Hon. Whitelaw Reid, in which he says:

"It was the most monstrous barbarity of this barbarous march. Before his movement began General Sherman begged permission to turn his army loose in South Carolina and devastate it. He used this permission to the full. He protested that he did not wage war upon women and children. But, under the operation of his orders, the last morsel of food was taken from hundreds of destitute families that his soldiers might feast in needless and riotous abundance. Before his eyes rose, day after day, the mournful clouds of smoke on every side that told of old people and their grandchildren driven, in midwinter, from the only roofs there were to shelter them, by the flames which the wantonness of his soldiers had kindled. Yet if a single soldier was punished for a single outrage or theft during that entire movement, we have found no mention of it in all the voluminous records on the march."

I desire to quote also from The South in the Building of the Nation, Volume II, History of States, page 85:

"General Sherman immediately entered the defenseless capital. That Sherman burned Columbia, though long denied by that officer and by northern historians, is now fully established. Federal courts have judicially admitted that the city was destroyed by Union troops, and there were many trustworthy eyewitnesses to that wanton act. It may be sufficient to quote but one: The Rev. A. Toomer Porter, in a sermon in 1891, said that he was in Columbia at the time and adds: 'General Sherman's troops burnt the town; I saw that done by them.' The fact is frequently overlooked that Sherman finally confessed that he burned the city. In his memoirs he says, 'The army, having totally ruined Columbia, moved on toward Winnsboro.'"

I also desire to quote from a letter of Hugh O'Neall, of Bellevue, Nebr., in a letter dated December 7, 1890:

"One thing that I witnessed I always condemned, and always shall—that was the burning of Columbia. That town was surrendered to the brigade I belonged to. We marched into town about 11 o'clock February 17, 1865, and my regiment stacked arms in the market house; and by 4 or 5 o'clock, it seems to me, there were not 20 sober men in the brigade. The drug stores were broken open and whisky carried out by the buckets full * * * and I consider the burning the work of a drunken mob * * *. I know I was sober, for I never drank of intoxicating liquor in my life, and think that I saw things as they were as near as any man that was there. Although history is silent on a great many points, they are as fresh in my mind as when I witnessed them. As I stood there that night and witnessed these things, I could but think, if God were a just God, these things would surely come home to the parties that upheld these things."

I think from these records, Senator, that you and the other members of your committee will need no further proof as to the fact that this church was destroyed by the military authorities of the United States.

I hope that you will be so kind as to lay this communication before your subcommittee.

With my kindest regards, I am, very respectfully,

COLE. L. BLEASE.

UNITED STATES SENATE,
COMMITTEE ON CLAIMS,
March 7, 1928.

Hon. COLE. L. BLEASE,
United States Senate.

MY DEAR SENATOR: I have your letter of March 1 calling attention to and submitting proof in support of your bill for the relief of the Methodist Church at Columbia, S. C., which was destroyed during the Civil War.

I understand that your secretary has been asked to furnish some additional information. When it is received I shall be very glad to see that the matter is brought to the attention of the committee for appropriate action.

Sincerely yours,

R. B. HOWELL.

WASHINGTON, D. C., *April 9, 1928.*

Hon. ROBERT B. HOWELL,
Chairman Committee on Claims,
United States Senate, Washington, D. C.

DEAR SENATOR: In support of bill (S. 3863) for the relief of the Ladies Ursuline Community of Columbia, at Columbia, S. C., which was referred to your committee on April 2, 1928, Senator BLEASE wishes to submit the following evidence:

1. Affidavit of Mrs. H. W. Richardson, of Columbia, S. C.
2. Second affidavit of Mrs. H. W. Richardson, of Columbia, S. C.
3. Affidavit of Mrs. Ellen Lynch McQueen, of Columbia, S. C.
4. Affidavit of Mr. James F. Williams, of Columbia, S. C.
5. Affidavit of Zella Barry, of Dallas, Tex.
6. Itemized statement of property and value thereof destroyed.
7. Excerpts from The Ursulines of the Congregation of Paris, in South Carolina.

Your attention is respectfully directed to the fact that the evidence heretofore submitted in support of S. 3305, for the relief of the Washington Street Methodist Church, of Columbia, S. C., bears directly on the merits of the above bill, S. 3863, and vice versa.

The Senator will thank you to kindly have these bills referred to subcommittees for appropriate action as early as practicable, for he is anxious to have them reported and considered during the present session of Congress.

With assurances of the Senator's high esteem, I am,

Very respectfully,

JOHN D. LONG, *Secretary.*

Mr. BLEASE. That the city of Columbia, S. C., was burned in February, 1865, by Gen. W. T. Sherman's soldiers in accordance with and in the satisfaction of what he expressed as "an insatiable desire to wreak vengeance upon South Carolina," and particularly upon her capital city, where the first secession convention met, and that the destruction of the city by fire was committed by his soldiers in his presence, with his knowledge,





consent, acquiescence, and approval, is borne out by the truth of history, as it will here be stated from the records.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BLEASE. I do not want to be disturbed, Mr. President. I want to get this statement in the RECORD in compact form.

Mr. TYDINGS. I simply desire to get some information.

Mr. BLEASE. I would rather get this statement in the RECORD in compact form.

The particular claims now pending are those of the Washington Street Methodist Episcopal Church and the Ladies' Ursuline Community. The church building of the former was set upon fire by Sherman's soldiers in the mistaken belief that it was the First Baptist Church near by in which the secession convention had met. The convent of the Ladies' Ursuline Community was set upon fire by Sherman's soldiers that it might be looted of its rich treasures, which could not otherwise be done, because Sherman himself had personally promised it protection. The truth of these statements will be proved by facts which are incontrovertible. But there is here a larger matter at issue. For 64 years there has been an effort to relieve Sherman and his army of the obloquy of this monstrous barbarity—an effort, coming from outside the South; first, to place the blame upon the Confederate general, Wade Hampton, and when the civilized world, and even the northern people, refused to give credence to a charge so incredible, then to make it appear an accident.

In order that the claims of the Washington Street Methodist Church and the Ursuline Community might be justified, it would not be necessary that it should be proved specifically that their buildings were directly fired by Sherman's soldiers, in pursuance of the general program of "vengeance," for every building in Columbia that was destroyed that night of February 17 was burned as a proximate result of the application of torches in the hands of Sherman's soldiers. But the proof as to the specific setting on fire of these buildings, as is the case with many other buildings, stand out in bold relief against that general conflagration when a city passed out in flames to satisfy "an insatiable desire to wreak vengeance," while, "throughout the whole of this terrible scene the soldiers continued their search after spoil."

THE WASHINGTON STREET METHODIST CHURCH

So well authenticated is the version of the destruction of the Washington Street Methodist Church, that the Year Book and Directory of the First Baptist Church of Columbia, issued March, 1929, with no thought of controversy, but as an accepted fact, contains this paragraph in the historical sketch of the First Baptist Church:

In 1861, the Confederate secession convention met in the present church building, the legislative hall being in use by the representatives. This convention adjourned to Charleston later because of an epidemic of smallpox in the city. On the night of February 17, 1865, some of the raiders of Sherman's army were intent on burning the church where "so much mischief" had been started. Upon inquiry of a colored man, who it is said was the sexton of this church, as to which church it was, they were directed to the Washington Street Methodist Church, which was burned, and this building escaped.

With no thought of controversy, but as an accepted fact, the history and directory of the Washington Street Methodist Church, issued in 1925, thus briefly states the truth:

Sherman's soldiers destroyed this sacred old place in February, 1865. One of the Pritchard boys, a relative of Bishop Capers, personally witnessed the application of the torch.

Without thought of controversy, but as an accepted fact, Edwin J. Scott, well-known banker of unquestioned and unimpeached and unimpeachable integrity, then 62 years of age, and now long since gathered to his fathers, who was in Columbia, which was his home, that night, records in the diary which he kept and which he incorporated in his Random Recollections of a Long Life (Columbia, S. C., Charles A. Calvo, jr., printer, 1884), page 181:

The Methodist Church on Washington Street was set on fire three times before its destruction was completed; Mr. Connor, the clergyman in charge, who lived in the parsonage adjoining, having twice put out the fire. When they burnt the parsonage he brought out a sick child wrapped in a blanket, and on one of the soldiers seizing the blanket he begged that it might be spared because of the child's sickness. The brute tore it off and threw it into the flames, saying, "D—n you, if you say a word I'll throw the child after it."

Without thought of controversy, but in the travail of the ruin and devastation which Sherman left in his march, while almost the embers were yet smoldering, the Southern Christian Advocate, publication of the Southern Methodist Church, in its issue of March 16, 1865, just 29 days after the church in Columbia had been burned, the paper then being printed in Augusta, Ga., some 84 miles distant, thus stated as an accepted fact and as a matter of common knowledge the fate of the Washington Street Methodist Church in Columbia:

But the heaviest woe has fallen upon Columbia, the seat of hospitality and refinement, the beautiful capital of the State. More than half of it is in ashes—not by accident, as has been alleged, but of deliberate purpose. We have learned from friends who have seen Rev. W. G. Connor, pastor of Washington Street Methodist Episcopal Church, that the parsonage in which he lived was set on fire three times and extinguished; that the back doors of the church were entered and it fired within, and by its burning his house and the district parsonage, occupied by the Rev. C. H. Pritchard, were consumed.

Mr. President, it was my honor and my privilege to know the Rev. C. H. Pritchard. He was pastor of the church to whom I gave my hand when I walked up to the chancel and became a Methodist, because my mother was a Methodist.

The means used by the Yankees to fire the houses were, frequently, fireballs thrown into them; and when the houses were burning and the inmates ran out, they entered and pillaged them.

A year later the Southern Christian Advocate, then published at Macon, Ga., on March 9, 1866, in—

An appeal for the Washington Street Methodist Church, in Columbia, S. C., which was burnt to the ground on the night of the the 17th of February, 1865, by the soldiers of the invading army, commanded by General Sherman.

Without thought of controversy, but in the manner of stating an accepted fact, of common knowledge, referred, in that appeal for the church, to—

Its last pastor, William G. Connor, who, in vain, endeavored by prayers and tears to avert from it the hands of the raging incendiaries, as they yelled out, "Burn up the heathen temple."

Coinciding with these early first-hand and eyewitness accounts, given when there was not even a passing thought that it would be contended otherwise, is the affidavit of Malcolm A. Shelton, in 1865 residing just across the street from the Washington Street Methodist Church, who saw it fired, and later, when the matter was in controversy on account of Sherman's several and conflicting claims, stated what he saw on that terrible night. Mr. Shelton lived for years afterwards in Columbia, was well known to the people here in connection with the mercantile business, and bore an unimpeachable reputation. His original affidavit can not now be found. It may be in the archives at Washington, or it may have been destroyed in the fire which some years ago consumed the city hall, and which destroyed numerous affidavits taken by the committee of citizens in 1866, of which Chancellor J. P. Carroll was chairman. But a copy of his affidavit, bearing upon its face its evidence of genuineness, and vouched for by the fact that in the pen-and-ink writing of years ago it has reposed in the archives of the church, gives this testimony of an eyewitness:

Before me personally appeared Malcolm A. Shelton, a citizen of Columbia, in said State and county, and who, after being duly sworn, deposes and says: That he has resided in Columbia for the past 35 years (the date of the paper is not given in the copy, but that has been years ago, and the affiant is now long since deceased), and during that whole period has resided on Washington Street on the square opposite the Washington Street Methodist Church and separated from said church by said Washington Street, which is 100 feet wide.

On the night of the 16–17th February, A. D. 1865, deponent was at his residence on the corner of Washington and Marion Streets, immediately south of said Washington Street Church, on the piazza of his said residence in company with Mrs. Shelton, the wife of deponent, Mr. M. Brennan, both of whom have since deceased, and a Federal officer—deponent believes a lieutenant—to deponent unknown. That deponent and said persons were watching the progress of the conflagration, and between the hours of 11 and 12 o'clock deponent saw four or five men in the uniform of United States soldiers go to the southeast corner of said church; they broke open the door at that part of the church and entered the building, and after remaining a few minutes inside they came out. Deponent remarked to the officer before mentioned that he (deponent) believed the soldiers entered to fire the church, and, if so, his house would go. He proposed they should go over and see, and as deponent and the officer started to cross the street they saw smoke issuing from the door of the church. On reaching the church deponent and said officer found that the building had been fired under the stairs leading to the gallery of the church near the entrance which had been broken open by the soldiers.

The officer advised deponent to remove his family to a vacant lot at some distance, which deponent did, and, as was anticipated, deponent's house was burned from the fire communicated from the burning church.

At the time of the burning of the church there were no buildings on fire within one and a half or two squares of the church, and the Columbia Female Seminary, on the corner of Washington and Marion Streets, west of the said church, and between the fire burning at the time and the church, and to the windward of the church, was not burned but remains to this day. Deponent believes from his knowledge of all the circumstances that if the church had not been fired at the time and in the manner stated by the soldiers, the church would not have been burned.

The testimony of these witnesses hereinabove given, bearing specifically upon the burning of the Washington Street Methodist Church, is presented before the general testimony as to the burning of the city of which this church was a part, and it should be borne in mind that, as is the case with the testimony as to the specific burning of the Ursuline Convent, it is only a part, and a very small part, of the general testimony which will be presented later in these remarks, showing beyond the faintest shadow of a doubt that the city was burned in accordance with the expressed desire, and in the presence and with the knowledge, acquiescence, approval, and ratification of General Sherman himself, until the destruction had reached such a point that even the "insatiable desire for vengeance" was satisfied and gratified, when, by his commands, Sherman's army immediately again became the well-disciplined soldiery of a stern general.

The evidence as to the value of the church buildings destroyed, as will also be the case with the Ursuline Convent, will be presented at the conclusion of my remarks.

Specific evidence as to the burning of the Ursuline Convent will next be presented.

THE CONVENT OF THE LADIES' URSULINE COMMUNITY OF COLUMBIA

General Sherman personally promised protection to the convent. General Sherman admits this himself. In his Memoirs, written by himself (New York, Charles L. Webster & Co., 1892, fourth edition, revised, corrected, and complete), pages 279 and 280, volume 2, he says:

I sat with General Howard on a log, watching the men lay this bridge; about 9 or 10 a. m. a messenger came from Colonel Stone on the other side, saying that the Mayor of Columbia had come out of the city to surrender the place, and asking for orders. I simply remarked to General Howard that he had his orders, to let Colonel Stone go on into the city, and that we would follow as soon as the bridge was ready. By this same messenger I received a note in pencil from the lady superioress of a convent or school in Columbia, in which she claimed to have been a teacher in a convent in Brown County, Ohio, at the time my daughter Minnie was a pupil there, and therefore asking special protection. My recollection is, that I gave the note to my brother-in-law, Colonel Ewing, then inspector general on my staff, with instructions to see this lady, and assure her that we contemplated no destruction of any private property in Columbia at all.

That was on the morning of February 17, the day he and his army entered the city. He thus speaks of the scene in Columbia 18 hours later, in the early morning of February 18:

Fortunately, about 3 or 4 a. m., the wind moderated, and gradually the fire was got under control; but it had burned out the very heart of the city, embracing several churches, the old statehouse, and the school or asylum of that very sister of charity who had appealed for my personal protection. (Sherman's Memoirs.)

Following is an excerpt from the annals of the convent, written by Madame Charles, a member of the community, who was an eyewitness:

On February 17, 1865, General Sherman's army entered Columbia. Reverend Doctor O'Connell, pastor of St. Peter's Church and chaplain to the Ursulines, asked a guard of protection for the convent. He obtained it—one man. On February 17, about noon, a cavalry officer rode up to the convent, spoke to the guard, and rang for admittance. Of the portress, he asked to see the mother superioress. To the superioress, Mother Baptista Lynch, he introduced himself as Major Fitzgibbons, a Catholic, and offered any service he, as an individual, could render. The reverend mother, not suspecting any danger to the convent, declined, at the same time thanking him for the offer. He, earnestly insisting, said, "Columbia is a doomed city; at least, that is the talk of the Army; and I do not know if a house will be left standing."

Such an announcement startled the superioress; yet she and her companions answered that such threats could not apply to the convent since General Sherman had given a patron of the institution the assurance that her daughter, a pupil, was in a place of safety.

"Of course," replied Major Fitzgibbons, "I do not say the convent will be burned; such a thing would happen only by accident—but we all know what accidents are."

The nuns could not be convinced that danger was imminent. Finally, the major persuaded mother superior to write to the general stating all the reasons she had given for her confidence of protection. He offered to be the bearer of the letter and said he would place it in the general's hand. The letter was written and intrusted to the major. About 3 o'clock that afternoon Major Fitzgibbons returned, accompanied by seven soldiers whom he stated to be picked men sent to guard the convent. He also gave to mother superior the envelope which had inclosed her letter to the general, and on it Sherman had penciled orders to nearest commanding officer to protect the convent.

Scarcely had the nuns given supper to the seven guardsmen and gathered in the "community room" for the evening, when the alarm of fire was given. From the windows the nuns saw the city toward the south blazing. Calling one of the guards, they asked him to go for Major Fitzgibbons. He refused. Other guards refused other services. The nuns saw that no assistance was to be expected from them.

It would perhaps be immaterial to the justice or the legality of the claim for the burning of the convent whether it caught from the fires set elsewhere by General Sherman's soldiers, or whether the torch was applied directly to the convent. The fact, however, is that it was directly set on fire.

Following is an excerpt from an affidavit given on April 6, 1928, by Mrs. H. W. Richardson, of Columbia, since deceased, a venerable and a venerated woman of a distinguished South Carolina family, who was a student in the convent at the time:

Soon thereafter, the convent building was on fire and the occupants fled from the building. Upon leaving the building, I saw soldiers of General Sherman's army on the roof of the convent building and they were throwing firebrands and torches. Soon the building was in flames, and other than two relics of value, its entire contents were destroyed by the fire.

The mother superior of the convent thus gave a statement to the citizens' committee of Columbia, of which ex-Chancellor J. P. Carroll was chairman, which committee investigated the fire, and in May, 1866, made its report, after taking more than 60 depositions and statements in writing:

Our convent was consumed in the general conflagration of Columbia. Ourselves and pupils were forced to fly, leaving provisions, clothing, and almost everything. We spent the night in the open air in the churchyard. On the following morning General Sherman made us a visit, expressed his regret at the burning of our convent, disclaimed the act, attributing it to the intoxication of his soldiers, and told me to choose any house in town for a convent and it should be ours. He deputed his adjutant general, Colonel Ewing, to act in his stead. Colonel Ewing reminded us of General Sherman's offer to give us any house in Columbia we might choose for a convent. We have thought of it, said we, and of asking for General Preston's house, which is large. "That is where General Logan holds his headquarters," said he, "and orders have already been given, I know, to burn it to-morrow morning; but if you will take it for a convent I will speak to the general and the order will be countermanded."

Without thought of controversy, and when there could have been no such thought, Mrs. Mary Boykin Chestnut, wife of James Chestnut, jr., United States Senator from South Caroline 1859–1861, and afterwards an aide to Jefferson Davis and a brigadier general in the Confederate Army, wrote in a diary which she kept at the time and which was published after her death (London: William Heinemann, 1905, p. 358):

LINCOLNTON, N. C., *March 5.*

* * * Father O'Connell came in, fresh from Columbia, and with news at last. Sherman's men had burned the convent. Mrs. Munroe had pinned her faith to Sherman, because he was a Roman Catholic; but Father O'Connell was there and saw it. The nuns and girls marched to the old Hampton House (Mrs. Preston's now) and so saved it. They walked between files of soldiers. Men were rolling tar barrels and lighting torches to fling on the house when the nuns came. Columbia is but dust and ashes, burned to the ground. Men, women, and children have been left there homeless, houseless, and without one particle of food—reduced to picking up corn that was left by Sherman's horses on picket grounds and parching it to stay their hunger.

William Gilmore Simms, South Carolina historian of world repute, was in Columbia that night and was an eyewitness to the destruction of the city. On the 21st of March following he became editor of the Phoenix, a newspaper established in the ruins by Julian A. Selby, who had been connected with the South Carolinian before the great conflagration. Simms, whose historical accuracy will not be questioned, wrote for the Phoenix a detailed account of the "Sack and destruction of Columbia," in which he thus recounted the burning of the convent:

Beguiled to the last moment by the promises and assurances of officers and others in Sherman's army, the mother superior had clung to her house to the last possible moment. It was not merely a home but in some degree a temple, and to the professors of one church, at least, a shrine. It had been chosen, as we have seen, as the place of refuge for many other churches. Much treasure had been lodged in it for safe-keeping, and the convent had a considerable treasure of its

own. It was liberally and largely furnished not only as a domain but as an academy of the highest standard. It was complete in all the agencies and material for such an academy, and for the accommodation of perhaps 200 pupils. Among these agencies for education were no less than 17 pianos. The harp, the guitar, the globe, the maps, desks, benches, bedding, and clothing were all supplied on a scale of equal amplitude. The establishment also possessed some fine pictures, original and from the first masters. The removal of these was impossible, and hence the reluctance of the mother superior to leave her house was sufficiently natural. Assured besides of safety, she remained until further delay would have perilled the safety of her innocent and numerous flock. This lady marshaled her procession with great good sense, coolness, and decision. They were instructed to secure the clothes most suitable to their protection from the weather, and to take with them those valuables which were portable, and accompanied by Reverend Doctor O'Connell and others the damsels filed on, under the lead of their superior, through long tracts of fire, burning roofs, tumbling walls, wading through billows of flame, and taking at first the pathway to St. Peter's (Catholic) Church. Blinding fires left them almost aimless in their march, but they succeeded in reaching the desired point in safety. Here, on strips of bedding, quilts, and coverlets, the young girls found repose, protected by the vigilance of a few gentlemen, their priest, and, we believe, by two officers of the Yankee army, whose names are given as Colonel Corley and Doctor Galaghan. To these gentlemen, both Catholic Irish, the mother superior acknowledges her great indebtedness. They had need of all the watch and vigilance of these persons. It was soon found that several soldiers followed them in their flight, and were making attempts to fire the edifice on several sides. These attempts, repeatedly baffled and as often renewed, showed at length so tenacious a purpose for its destruction that it was thought best to leave the building and seek refuge in the churchyard, and there, in the cold and chill, and among the gravestones with the dead, these terrified living ones remained, trembling watchers through the rest of this dreary night.

The above quotations referring specifically to the burning of the convent are given here, as was the case with the Washington Street Methodist Church, in order that the cases now pending might be clearly set apart in the beginning, and in the general narrative of how the city was set on fire and burned further evidence will be offered as to the particular burnings of the convent and the church along with the evidence as to the setting on fire and burning of the city generally. Before that is given, however, the evidence will be offered as to Sherman's intention to burn Columbia, formed and expressed long before he reached South Carolina, with his whole army "burning with an insatiable desire to wreak vengeance," and with Sherman himself "almost trembling for her," "but feeling she deserved all that seemed in store for her," as Sherman himself, in his Memoirs, written by himself, expressed it, page 234, volume 2.

SHERMAN'S DELIBERATE PURPOSE WAS TO BURN COLUMBIA

That General Sherman left Atlanta, upon his march to the sea, with the intention of burning Columbia and wreaking upon it such vengeance as General Halleck, chief of staff at Washington, had suggested to him as to Charleston, that he and the authorities at Washington would feel it necessary to make it appear to the civilized world, and even to the people of the North, as "*some accident*"—the italics are the italics of Gen. H. W. Halleck, chief of staff, headquarters of the Army, Washington, December 18, 1864—and that Columbia was burned as a result of this intention and formed design, the truth of history shows, as it will here be stated from the records.

At 7 o'clock on the morning of November 16, 1864, Sherman, at the head of his victorious and well-trained and well-disciplined army, set forth from Atlanta, which behind him lay "smouldering and in ruins," as Sherman himself stated it. Let us go back to that beautiful mid-November day of nearly 66 years ago, as Sherman, turning his horse's head to the east, continued upon his journey with the flaming torch as his battle standard. In his Memoirs, written by himself, volume 2, page 178, he thus pictures that setting forth:

> About 7 a. m. of November 16 we rode out of Atlanta by the Decatur road, filled by the marching troops and wagons of the Fourteenth Corps, and reaching the hill, just outside of the old rebel works, we naturally paused to look back upon the scenes of our past battles. * * * Behind us lay Atlanta, smouldering and in ruins, the black smoke rising high in air and hanging like a pall over the ruined city.

The progress of his march was marked by the desolation in its wake, but his thoughts were constantly upon South Carolina. At 8 o'clock on the night of December 18, 1864, from his headquarters in the field, near Savannah, Ga., he wrote General Grant (Sherman's Memoirs, vol. 2, p. 213):

> With Savannah in our possession, at some future time, if not now, we can punish South Carolina as she deserves and as thousands of the people in Georgia hoped we would do. I do sincerely believe that the whole United States, North and South, would rejoice to have this army turned loose on South Carolina, to devastate that State in the manner we have done in Georgia, and it would have a direct and immediate bearing on your campaign in Virginia.

On the same date, December 18, 1864, Maj. Gen. H. W. Halleck, chief of staff, headquarters of the Army, Washington, wrote General Sherman, in the field near Savannah (Sherman's Memoirs, vol. 2, pp. 222 and 223):

> When Savannah falls, then for another wide swath through the center of the Confederacy. * * *
>
> Should you capture Charleston, I hope that by *some accident* (italics are the italics of General Halleck, according to Sherman's Memoirs) the place may be destroyed, and if a little salt should be sown upon its site it may prevent the growth of future crops of nullification and secession.

Sherman, however, had not left Atlanta with the intention of going to Charleston. Columbia was his principal objective, and the line of march which took him through Columbia was the "wide swath" which he intended to cut. On December 24, 1864, from his Savannah headquarters, he wrote General Grant (Sherman's Memoirs, p. 225, vol. 2):

> Charleston is now a mere desolated wreck and is hardly worth the time it would take to starve it out. * * * One reason why I would ignore Charleston is this—

And so forth, giving his military reasons. On that same Christmas eve night, knowing that he would pass Charleston by in his direct march to Columbia, he replied to General Halleck (Sherman's Memoirs, vol. 2, pp. 227 and 228):

> I will bear in mind your hint as to Charleston and do not think "salt" will be necessary. When I move, the Fifteenth Corps will be on the right of the right wing, and their position will naturally bring them into Charleston first; and, if you have watched the history of that corps, you will have remarked that they generally do their work pretty well. The truth is, the whole Army is burning with an insatiable desire to wreak vengeance upon South Carolina. I almost tremble at her fate, but feel sure that she deserves all that seems in store for her. * * *
>
> I look upon Columbia as quite as bad as Charleston, and I doubt if we shall spare the public buildings there as we did at Milledgeville.

Mrs. Rachel Susan Cheves, widow of John R. Cheves, whose testimony was corroborated by that of Mrs. Langdon Cheves, who was present when the conversation referred to took place, residing in Savannah, Ga., had asked to be passed through the lines in a flag-of-truce boat.

> I was warned by two officers of General Sherman's staff, Colonel Poe and Major Dayton, not to go to Columbia, as they intended to burn it, * * * they said I had better stay where I was, as Sherman intended to burn Columbia.

This testimony is quoted in a letter of Gen. Wade Hampton, published in the Baltimore Enquirer, June 24, 1873. See Hampton, Wade. The burning of Columbia. I. A letter of Gen. Wade Hampton, June 24, 1873, with appendix. II. Report of committee of citizens, ex-Chancellor J. P. Carroll, chairman, May, 1866. Charleston, Walker, Evans & Cogswell Co., printers, 1888. From the News and Courier, Charleston, S. C., January 15 and February 5, 1888. There also is quoted the testimony of Mrs. Anna W. Barclay, wife of the British consul at New York, that she was at the house of Miss Telfair, in Savannah, in December, 1864, and heard General Sherman in a conversation refer to the city of Columbia:

> He remarked that his course through Georgia had been marked by fire, and that through South Carolina it should be marked by fire and blood, and in his own words: "As to that hotbed of secession, Columbia, I shall lay it in ashes."
>
> Somehow—

Says General Sherman, in his Memoirs, written by himself, volume 2, page 254—

> our men had got the idea that South Carolina was the cause of all our troubles; her people were the first to fire on Fort Sumter, had been in a great hurry to precipitate the country into civil war; and therefore on them should fall the scourge of war in its worst form. Taunting messages had also come to us, when in Georgia, to the effect that, when we should reach South Carolina, we would find a people less passive, who would fight us to the bitter end, daring us to come over, etc., etc.; so that I saw and felt that we would not be able longer to restrain our men as we had done in Georgia.

It was in this frame of mind, and with this purpose and with this determination, that General Sherman and his army reached Columbia, and it was the Fifteenth Corps, under command of Maj. Gen. John A. Logan, which headed the army of occupation and sack and destruction—the corps which "generally did their work pretty well"—and it might be well here to insert

that the thread of the narrative may be clearly discerned at every point; that the headquarters of General Logan were established in the old Preston mansion, which plays an important part in the development of the narrative of events during the occupation of Columbia by Sherman's army.

ENTER THE FIFTEENTH CORPS

On the 14th [of February] the head of the Fifteenth Corps, Charles R. Woods's division (Sherman's Memoirs, vol. 2, p. 276 et seq.) approached the Little Congaree, a broad, deep stream, tributary to the Main Congaree, 6 or 8 miles below Columbia. * * *

During the 16th of February (Sherman's Memoirs, vol. 2, p. 278) the Fifteenth Corps reached the point opposite Columbia, and pushed on for the Saluda factory, 3 miles above, crossed that stream, and the head of the column reached Broad River just in time to find its bridge in flames, Butler's cavalry having just passed over into Columbia. The head of Slocum's column also reached the point opposite Columbia the same morning, but the bulk of his army was back at Lexington. I reached this place early in the morning of the 16th, met General Slocum there, and explained to him the purport of General Order No. 26, which contemplated the passage of his army across Broad River at Alston, 15 miles above Columbia. Riding down to the river bank, I saw the wreck of the large bridge which had been burned by the enemy, with its many stone piers still standing but the superstructure gone. Across the Congaree River lay the city of Columbia, in plain, easy view. I could see the unfinished statehouse, a handsome granite structure, and the ruins of the railroad depot, which were still smoldering. Occasionally a few citizens or cavalry could be seen running across the streets, and quite a number of negroes were seemingly busy in carrying off bags of grain or meal which were piled up near the burned depot.

Captain De Gres had a section of his 20-pound Parrott guns unlimbered, firing into the town. I asked him what he was firing for; he said he could see some rebel cavalry occasionally at the intersections of the streets, and he had an idea that there was a large force of infantry concealed on the opposite bank, lying low, in case we should attempt to cross over directly into the town. I instructed him not to fire any more into the town, but consented to his bursting a few shells near the depot to scare away the negroes who were appropriating the bags of corn and meal which we wanted; also to fire three shots at the unoccupied statehouse. I stood by and saw these fired, and then all firing ceased.

As a matter of fact, during this bombardment of a defenseless town, so barbarous that General Sherman himself asked Captain De Gres "what he was firing for" and "instructed him not to fire any more into the town," though he did "consent to his bursting" a few more shells, not only was the unfinished statehouse struck ten times—the scars left on the western front having only recently been marked with brass stars—but the yellow hospital flag, where the sick and wounded lay, received a baptism of fire.

FIRING UPON A HOSPITAL

William A. Nicholson, now deceased—the father of Allan Nicholson, now one of the leading citizens of Union, S. C., and of the State—who was suffering from an injury sustained while on duty with the Confederate Army, was on an assignment of duty at the improvised hospital, under Surg. A. W. Thomson, in the college chapel on the South Carolina University grounds, and in a pamphlet, The Burning of Columbia—Columbia, S. C., William Sloane, book and job printer, 1895—he says:

Orders were given to hoist a yellow flag on the college chapel that the enemy might know what the building was used for. The sick and wounded from the other hospitals in the city were being sent away to different points. Those unable to take such a journey were concentrated in college hospitals Nos. 1 and 2 in the South Carolina college buildings. While this was being done I received a list from Chief Surgeon Thomson of the names of the doctors then on duty in Columbia that were ordered to report for duty at points beyond the city. While engaged in writing out those orders a number of Confederate cavalrymen concentrated in the middle of the street close to the college chapel. Their presence was discovered by the Federal forces then on the opposite of the Congaree, who soon brought their artillery to play, notwithstanding the hospital flag was still floating from the chapel building.

THE FIFTEENTH CORPS ENTERS THE CITY

The next morning, February 17—

Says General Sherman in his Memoirs, volume 2, page 279—

I rode to the head of General Howard's column and found that during the night he had ferried Stone's brigade of Wood's division of the Fifteenth Corps across by rafts made of the pontoons, and that brigade was then deployed on the opposite bank to cover the construction of a pontoon bridge nearly finished.

This was across the Broad River on what is now known as the Newberry Road.

Here it was that General Sherman sat on a log watching the laying of the bridge, and received the messenger saying that the mayor of Columbia had come out to surrender the place, and the note from the mother superior asking protection for her convent, which he promised.

As soon as the bridge was done—

He continues in his Memoirs, volume 2, page 280—

I led my horse over it, followed by my whole staff. General Howard accompanied me with his, and General Logan was next in order, followed by Gen. C. R. Woods and the whole of the Fifteenth Corps.

When Sherman reached the market square he says (Memoirs, vol. 2, p. 280)—

There had collected a large crowd of whites and blacks, among whom was the mayor of the city, Doctor Goodwyn, quite a respectable old gentleman, who was extremely anxious to protect the interests of the citizens. He was on foot and I on horseback, and it is probable I told him then not to be uneasy, that we did not intend to stay long and had no purpose to injure the private citizens or private property. * * *

On reaching the market square I again met Doctor Goodwyn (Memoirs, vol. 2, p. 281) and inquired where he proposed to quarter me, and he said that he had selected the house of Blanton Duncan, Esq., a citizen of Louisville, Ky., then a resident there, who had the contract for manufacturing the Confederate money, and had fled with Hampton's Cavalry. We all rode some 6 or 8 blocks back from the new statehouse, and found a very good modern house completely furnished, with stabling and a large yard; took it as our headquarters and occupied it during our stay. I considered General Howard as in command of the place and referred the many applicants for guards and protection to him. Before our headquarters wagons had got up I strolled through the streets of Columbia, found sentinels posted at the principal intersections, and generally good order prevailing; but did not again return to the main street, because it was filled with a crowd of citizens watching the soldiers marching by. * * *

The house occupied by General Sherman as his headquarters still stands, being now the home of John L. Mimnaugh, 1615 Gervais Street. None of the houses occupied by Sherman's officers was burned, though they were in widely scattered parts of the city. As pointed out by William Gilmore Simms—

None of his generals was burned out. The houses chosen for their abodes were carefully selected and the fire was kept from approaching them in any single instance.

THE BURNING OF COLUMBIA

The city was surrendered by Mayor T. J. Goodwyn, who went out to meet Sherman's advance guard. The mayor was accompanied by a deputation from the city council, consisting of Aldermen McKenzie, Bates, and Stork, and they rode out toward the Broad River Bridge in a carriage bearing a white flag.

The deputation—

Narrates the historian, William Gilmore Simms—

met the column of the Federals, under Captain Platt, who sent them forward to Colonel Stone, who finally took his seat with them in the carriage. The advance belonged to the Fifteenth Corps.

The mayor reports that on surrendering the city to Colonel Stone the latter assured him of the safety of the citizens and of the protection of their property while under his command. He could not answer for General Sherman, who was in the rear, but he expressed the conviction that he would fully confirm the assurances which he (Colonel Stone) had given. Subsequently General Sherman did confirm them, and that night, seeing that the mayor was exhausted by his labors of the day, he counseled him to retire to rest, saying, "Not a finger's breadth Mr. Mayor, of your city shall be harmed. You may lie down to sleep satisfied that your town will be as safe in my hands as if wholly in your own." Such was very nearly the language in which he spoke; such was the substance of it. He added: "It will become my duty to destroy some of the public or government buildings, but I will reserve this performance to another day. It shall be done to-morrow provided the day be calm." And the mayor retired with this solemnly asserted and repeated assurance. * * *

It may be well to remark that the discipline of the soldiers upon their first entry into the city was perfect and most admirable. There was no disorder or irregularity on the line of march, showing that their officers had them completely in hand. * * *

But if the entrance into town and while on duty was indicative of admirable drill and discipline, such ceased to be the case the moment the troops were dismissed. Then, whether by tacit permission or direct command, their whole deportment underwent a sudden and rapid change. The saturnalia soon began. We have shown that the robbery of persons of the citizens and the plunder of their homes commenced within one hour after they had reached the Market Hall. It continued without interruption throughout the day. Sherman at the head of his cavalry

traversed the streets everywhere; so did his officers. Subsequently these officers were everywhere on foot, yet beheld nothing which required the interposition of authority. And yet robbery was going on at every corner—in nearly every house. Citizens generally applied for a guard at their several houses, and for a time these guards were allotted to them. These might be faithful or not. In some cases, as already stated, they were, and civil and respectful; considerate of the claims of women, and never trespassing upon the privacy of the family; but in numbers of cases they were intrusive, insulting, and treacherous—leaving no privacy undisturbed, passing without a word into the chambers, and prying into every crevice and corner. But the reign of terror did not fairly begin till night. In some instances, where parties complained of the misrule and robbery, their guards said to them with a chuckle, "This is nothing. Wait until to-night and you'll see h—ll."

Among the first fires at evening was one about dark, which broke out in a filthy purlieu of low houses, of wood, on Gervais Street, occupied mostly as brothels. Almost at the same time a body of the soldiers scattered over the eastern outskirts of the city, fired severally the dwellings of Mr. Secretary Trenholm, Gen. Wade Hampton, Dr. John Wallace, Mr. J. U. Adams, Mrs. Starke, Mr. Latta, Mrs. English, and many others. There were then some 20 fires in full blast, in as many different quarters, and while the alarm sounded from these quarters a similar alarm was sent up almost simultaneously from Cotton Town, the northernmost limit of the city, and from Main Street, in its very center, at the several stores or houses of O. Z. Bates, C. D. Eberhardt, and some others, in the heart of the most densely settled portion of the town, thus enveloping in flames almost every section of the devoted city. At this period, thus early in the evening, there were few shows of that drunkenness which prevailed at a late hour in the night, and only after all the grocery shops on Main Street had been rifled. The men engaged in this were well prepared with all the appliances essential to their work. They did not need the torch. They carried with them, from house to house, pots and vessels containing combustible liquids, composed probably of phosphorus and other similar agents, turpentine, etc., and with balls of cotton saturated in this liquid, with which they also overspread floors and walls, they conveyed the flames with wonderful rapidity from dwelling to dwelling. Each had his ready box of lucifer matches, and with a scrape upon the walls the flames began to rage. Where houses were closely contiguous a brand from one was the means of conveying destruction to the other.

The winds favored. They had been high throughout the day and steadily prevailed from southwest by west and bore the flames eastward. * * *

The work, begun thus vigorously, went on without impediment and with hourly increase throughout the night. Engines and hose were brought out by the firemen, but these were soon driven from their labors—which were indeed idle against such a storm of fire—by the pertinaceous hostility of the soldiers; the hose was hewn to pieces, and the firemen, dreading worse usage to themselves, left the field in despair. Meanwhile the flames spread from side to side, from front to rear, from street to street, and where their natural and inevitable progress was too slow for those who had kindled them they helped them on by the application of fresh combustibles and more rapid agencies of conflagration. * * *

Very grand, and terrible beyond description, was the awful spectacle. It was a scene for the painter of the terrible. It was the blending of a range of burning mountains stretched in a continuous series for more than a mile. * * *

Throughout the whole of this terrible scene the soldiers continued their search after spoil. The houses were severally and soon gutted of their contents. * * * Ladies were hustled from their chambers—their ornaments plucked from their persons, their bundles from their hands. It was in vain that the mother appealed for the garments of her children. They were torn from her grasp and hurled into the flames. * * * Nothing was sacred in their eyes save the gold and silver which they bore away. * * * Commissioned officers, of rank so high as that of colonel, were frequently among the most active in spoliation. * * * The churches were at first sought by many several streams of population. But these were found to afford no security—the churches of God were set on flame. * * * One of the most mournful processions of fugitives was that of the sisterhood of the convent, the nuns and their pupils. * * * A gentleman was expressing to one of the Federal generals the fate of the convent, and speaking of the losses, especially of the lady superior, he replied dryly: "It is not to be forgotten that this lady is the sister of Bishop Lynch, who had Te Deum performed in his cathedral at the fall of Fort Sumter."

The first place of publication of the article by William Gilmore Simms, from which these excerpts are taken, has already been given.

THE REV. A. TOOMER PORTER, D. D., AN EYEWITNESS

Corroborating Simms is the also unimpeachable testimony of the Rev. A. Toomer Porter, D. D., of Charleston, Episcopal rector, educator, Confederate soldier and chaplain, founder of the Porter Military Academy in Charleston, with regard to whom, before introducing his testimony, a few facts may be related showing that while always intensely loyal to the South and her cause his character and his integrity are vouched for by the acts in his behalf after the war by Generals Sherman and Howard, Presidents Johnson and Hayes, and by the Congress of the United States. At heroic self-sacrifice, following the destruction of Columbia, he saved the life of Lieut. John A. McQueen—whose home was Elgin, Kane County, Ill.—of Company F, Fifteenth Illinois Cavalry, of Gen. O. O. Howard's escort, and restored him to Sherman's army; Lieutenant McQueen having befriended the stricken people of Columbia, and a friendship having sprung up between him and the Reverend Mr. Porter which lasted through life, and which led to the friendship later of Mr. Porter with Generals Sherman and Howard. Mr. Porter was introduced to President Johnson by General Howard, then head of the Freedmen's Bureau, and the President and the general were instrumental in securing the passage of a bill through Congress authorizing the sale of the marine hospital to be purchased for Mr. Porter's educational work, and President Johnson personally contributed $1,000 toward its purchase.

Gen. Daniel Sickles, then in command of Charleston, indorsed Mr. Porter's request for the pardon of Hon. George A. Trenholm, who had been Secretary of the Treasury of the Confederate States, as did General Howard in Washington, and it was granted by President Johnson, with these indorsements, and personally handed to Mr. Porter. These indorsements are now in the archives of the Government on a letter of Mr. Trenholm to Mr. Porter, giving Mr. Trenholm's views of what the duty of the southern people was at that time just after the war, and what ought to be the course of the Government of the United States, Mr. Trenholm having declined to ask for a pardon because he held he had committed no offense, and having written this letter instead to Mr. Porter, upon which Mr. Porter based the request.

In 1879, with the aid of General Sherman and President Hayes, he secured from Congress a joint resolution transferring the arsenal property in Charleston to his institute, known at that time as the Holy Communion Church Institute, the phenomenon being presented of the support of Sherman, General of the Army, and President Hayes of a resolution sponsored in Congress by Generals (then Senators) Wade Hampton and M. C. Butler. Surely the testimony of this churchman, soldier, educator, friend of youth of high and low degree, and friend of man, and servant of God, with whom he walked even as he walked with man, will of itself carry conviction of its truth to the minds and hearts of any people in this land, wherever they be, of whatever section or of whatever faith. In his autobiography, Led On, Step by Step, Scenes from Clerical, Military, Educational, and Plantation Life in the South, 1828–1898 (G. Putnam's Sons, New York and London, the Knickerbocker Press, 1899), he thus tells how Columbia was burned (pp. 157 et seq.):

I ran to the main street and met the advancing column of the incoming enemy soon after they entered the town. * * * On my way to the market house I saw the first bale of cotton take fire. The soldiers, who were sitting and lying on the cotton, had begun to light their pipes, and a spark or a lighted match must have fallen on the loose cotton, which, of course, took fire. I was within 20 feet of the first cotton fired that day. The flames soon spread, and the men, cursing those who had deprived them of their resting place, quickly got away from the burning piles.

I saw General Sherman and his staff ride down Main Street at about 9 o'clock a. m., and when he came in the burning cotton was still smoldering. At that time he was ignorant of the cause of the fire, and naturally supposed it had been kindled by the retreating Confederates. I met him that afternoon at the house of Mr. Harris Simons. He had been intimate with the family in past years and was kind and considerate in his general bearing. He seemed to deeply deplore the terrible condition of things, but said it was his duty as a soldier to stamp out the rebellion, as he called it, hurt whom it might. He gave a special protection in writing to the family, but notwithstanding this they were robbed and burned out that night. On leaving I walked some distance with the general, and had some conversation regarding the preservation of the library of the college. He remarked that he would sooner send us a library than destroy the one we had; adding that if better use had been made of it, this state of things would not exist, and that I must go and tell the ladies they were as safe as if he were a hundred miles away. I went home and told the ladies at Doctor Reynolds's house, to which several families in their alarm had fled for refuge. It was about half past 8 at night when I told the ladies what General Sherman had said, and they only replied, "Do you believe him? Go on the roof of the house and see for yourself."

A captain of the Federal Army had billeted himself on us, and was welcomed by us, as we thought he could protect the house. This officer went with me to the roof of the house, and we there saw that the whole

of Columbia was surrounded with flames. I pointed this out to the captain, and said I believed they were going to burn Columbia.

"No," he said, "those are camp fires."

I told him I had been four years in camp, and thought I knew what a camp fire was. Then I pointed out several residences on fire, the owners of which I knew, namely, Mr. Trenholm, General Hampton, Colonel Wallace, and a number of others. The environs of the town were ablaze. Then a fire broke out in Main Street, near Hunt's Hotel, caused by an overturned lamp in a saloon, which ignited the liquor, and as the flames spread two or three small hand engines were brought out, which I saw Federal soldiers work on. Suddenly three fire balloons went up, and in 10 minutes eight fires broke out simultaneously across the northern street of the city, about equal distance from each other, and stretched almost entirely across the town.

At once the men who had been on the engines a moment before turned in and broke them to pieces. I saw this from the roof of the house.

"See that?" I said to the captain.

He gave one long look, then darted down the skylight, and we never saw him again.

A gale of wind was blowing from the north that night, and that soon caused the fire to burn freely, so that in a short time the city was wrapped in a lurid sheet of flames. Coming down from the house, I told the family that their fears had become realized.

"Columbia is being burned by the enemy * * *."

The streets were filled with soldiers, mounted and on foot, in every stage of drunkenness. The whole of General Howard's Fifteenth Corps, we learned, had been turned loose upon us. Shouts of derision and blasphemy filled the air. Cries of "There are the aristocrats," "Look at the chivalry," were yelled into the ears of these defenseless women. Men seemed to have lost their manhood and the mere beast was in the ascendant * * *. I myself saw men with balls of cotton dipped in turpentine enter house after house. Some would take bottles of turpentine, throw the liquid round about, and then set it afire. It seemed as though the gates of hell had opened upon us. It did not take long to fire the whole town * * *.

Through street after street we pushed our way until we had reached a house within a square of General Sherman's quarters, and, as there had been no fire set to any of the houses near the officers' quarters, we determined to stop at this house * * *.

I was standing there (in the street) * * * when General Sherman came by. The burning city made it bright as day; the general recognized me, and I said in reply to his remark, "This is terrible"; "Yes; when you remember that women and children are your victims."

I was desperate and had lost all fear of him.

"Your governor is responsible for this," he said.

"How so?" I asked.

He said: "Who ever heard of evacuating a place and leaving it full of liquor? My men are drunk, and this is the cause of all. Why did not your governor destroy all this liquor before he left? There was a very great quantity of whisky in the town when we arrived."

"The drunken men have done much," I replied, "but I have seen sober men fire house after house."

Just then an officer rode up and saluted the general, who recognised him and said, "Captain Andrews, did I not order you that this should stop?"

"Yes, General; but the First Division are as drunk as the first regiment that came in yesterday morning."

"Then, sir, go, and bring the Second Division and have this stopped. I hold you personally responsible for the immediate cessation of this riot."

Captain Andrews rode off. The Second Division from Stark Hill, General Woods commanding, was brought in; the drunken mob was swept by them out of the city, and in less than half an hour not another house was burned. The discipline of that army was superb, and we all felt that fire and disorder could have been prevented or sooner arrested, for thirteen hundred houses were burned that night, and 7,000 women and children driven into the streets amidst the scenes which, as an eyewitness, I have described.

THE SIGNAL ROCKETS AND THEN THE FIRES SET BY SHERMAN'S SOLDIERS

Suddenly three fire balloons went up, and in 10 minutes eight fires broke out simultaneously across the northern street of the city, about equal distance from each other, and stretched almost entirely across the town.

It will be noted the Reverend Mr. Porter says—and he was an eyewitness. The testimony of numerous eyewitnesses is that the setting of numerous fires followed the signal rockets, most of them denominating them as "rockets"; but whether "rockets" or "fire balloons," the facts show that they were signals for the setting of the fires and the burning of Columbia.

It will be noted also in the testimony which is presented that stress is laid upon the fact that there was no cotton burning in Columbia when Hampton and his cavalry left the town. That stress is laid because Sherman had first charged that the burning of Columbia resulted from the setting on fire of the cotton in the streets by Hampton's men—a charge which he subsequently withdrew when he saw that the world and even the North would not give credence to a charge that Hampton burned Columbia. Then Sherman contended that it was an accident—this among other contentions to which will later be called attention, and shown to have no foundation in fact not only by the testimony of eyewitnesses other than Sherman and his officers but by the subsequent admissions or confessions, be they termed what they may, of Sherman and his officers.

The following testimony was given before Sherman had retracted his charge that Columbia was burned by Hampton's men starting the general conflagration by burning cotton. It was included in and a part of the testimony upon which the citizens' committee, headed by ex-Chancellor Carroll, and which will hereafter be referred to as the Carroll committee, based its report in 1866 and 1867 immediately after the fire, and was quoted in the letter of Gen. Wade Hampton of June 24, 1873 (Baltimore Enquirer), and which letter will hereafter be referred to as the Hampton letter of 1873. The volume containing this letter, together with the report of the Carroll committee, has already been cited, and it is in the Library of Congress.

M. H. Berry, a northern man, whose sympathies were on the side of the Union, and who accompanied the Federal Army to the North when it left Columbia:

The first fire I saw, which was close to me, was set on fire by soldiers. * * * The place I saw set on fire was set on fire by soldiers wearing the uniform of United States soldiers. * * * General Hampton's troops left in the morning previous to the burning. They left fully four hours before I saw the cotton burning.

It has already been pointed out how the cotton was set on fire by Sherman's soldiers early in the day, shortly after they entered the city, and it is shown throughout the whole of all the narratives that this burning of cotton, though ignited by Sherman's soldiers, had nothing to do with the general conflagration that night.

Affidavit of W. B. Williams:

There was a good deal of cotton piled in the streets of the city prior to its occupation by the Federal forces; * * * but none was burned before the coming in of the Federal troops.

Joseph Samsom swore:

I saw colonels and captains with their soldiers while they were pillaging, and I saw no effort made by them to put a stop to these acts.

John A. Civil swore:

I saw United States soldiers, officers being present with them, put fire to houses.

Following is the affidavit of William Thompson, sworn to before Giles J. Patterson, probating officer, on May 24, 1866:

South Carolina, Chester district: Personally appeared before me this 24th day of May, 1866, William Thompson, citizen of the State and district aforesaid, and swore that he was a resident of Columbia during February, 1865, witnessed the entry of the United States soldiers under General Sherman, and that there was no fire at or in the city at that time. That the fire commenced at 8 o'clock p. m. on Bridge Street; that between 10 and 11 p. m. three rockets were thrown up and immediately the flames broke out all over the city. Deponent was a fireman, and together with other firemen endeavored to check and extinguish the flames, but the hose of their engine was cut and pierced by axes, bayonets, and other instruments in the hands of the Federal soldiers, so that the engines were rendered useless. Deponent further stated that his house was burned by two Federal soldiers, who repeatedly said, "The d——d town ought to be burned," and that it was always their intention to burn it.

T. J. Goodwyn, the mayor of the city, who surrendered it to Sherman's army out on the Newberry Road, swore, on November 3, 1866, before D. B. Miller, clerk of court and ex officio magistrate:

He (Sherman) asked me to come around in the course of the evening to see him. I went round. * * * He got me to take a walk with him. * * * On our return about sundown, when parting, he said, "Go home and rest assured your city will be as secure in my hands as if you had control." * * * On my arrival home, about dusk, three rockets went up in front of my house, red, blue, and white. At that time there was a very quiet and good soldier sitting in my piazza; he jumped up and exclaimed: "My God, is it coming to this!" My wife asked him what it meant; he made no reply and walked off. In 15 minutes afterwards * * * I went there * * * and worked some time, until I was informed that the city was being set on fire in many places by soldiers with torches. Our engines were broken and our hose cut, and our city by 3 o'clock in ashes. * * *

Rowland Keenan, called by General Hampton "old and worthy citizen":

I saw, during that burning, soldiers in the uniform of the United States setting fires to buildings in Cotton Town. At that time there were United States officers mingling in the crowd, and they made no effort to prevent the burning.

Ptolemy Chambers:

I was a resident of Columbia on the 17th of February, 1865. On that night I saw, early in the evening, Federal soldiers, commanded by an officer, setting fire to houses in the upper part of the city of Columbia.

Charles F. Jackson:

I witnessed United States soldiers, with balls of combustible material, lighting them and flinging them about the streets and over and under the houses, Federal officers at the same time mingling in the crowd.

John R. Niernsee, architect of the statehouse:

On the 17th of February, 1865, and on the evening of that day I met Captain Ritner, of the Seventy-seventh Illinois Regiment. I saw rockets going up and asked him the meaning of it. He drew me aside so my wife could not hear it, and said, "Major, this is the signal for the burning of your city." The brigade that set fire to the town marched past my house with the implements in their possession for setting fire.

William H. Orchard, then of Columbia:

I saw hundreds of Sherman's men setting fire to the town by means of camphine balls prepared for that purpose.

Prior to that time, when Federal cavalry was passing his house, he swore that one of them said to him:

You appear to have a large family * * * if you will look out a little after dark you will see three rockets going up from the other side of the town, and if you have not taken my advice before, then it will be too late.

The advice was about saving whatever he thought he could save by concealing it.

I saw them—

He swore, referring to the Federal soldiers—

set fire to Phillips's auction room and to my house. I attempted to put it out, but was knocked down by a Federal soldier, who told me I was a damned fool for making any such effort, that my house was to be burned anyhow, and I had better save myself * * *. There was a large box of them (camphine balls) concealed in my yard early in the day. At night they took them out and made use of them.

THE STATEHOUSE

The statehouse, then in use as such, which was located on the present statehouse grounds, was burned. The statehouse then nearing completion—the present statehouse—was not destroyed. It is a notable building, though it was never completed according to the plans of Niernsee, Bvt. Maj. George Ward Nichols, aide-de-camp to General Sherman, in the Story of the Great March—New York, 1865—page 155 et seq., says in the contemporaneous narrative which he puts under the date of February 19, 1865:

General Sherman has given orders for the further destruction of all public property in the city, except the new capitol, which will not be injured. I think the general saves this building more because it is such a beautiful work of art than for any other reason. The arsenal, railroad depots, storehouses, magazines, public property *and cotton* [italics not his] to the amount of 20,000 bales, are to-day destroyed. There is not a rail upon any of the roads within 20 miles of Columbia but will be twisted into corkscrews before the sun sets, while upon two of the lines the work of destruction will be continued perhaps to their terminus * * * Columbia will have bitter cause to remember the visit of Sherman's army. Even if peace and prosperity soon return to the land, not in this generation nor the next—no; not for a century—can this city or the State recover from the deadly blow which has taken its life. It is not alone in the property that has been destroyed * * * nor in the loss of the slaves * * * although this deprivation of the means by which they live is of incalculable importance, that the most blasting, withering blow has fallen. It is in the crushing downfall of their inordinate vanity, their arrogant pride, that the rebels will feel the effects of the visit of our Army * * *. I know that thousands of South Carolina's sons are in the army of the rebellion; but she has already lost her best blood there. Those who remain have no homes. The Hamptons, Barnwells, Simses, Rhetts, Singletons, Prestons, have no homes. The ancient homesteads where have gathered sacred associations, the heritages of many generations, are swept away.

Just at this point in the woof and warp of the narrative, it is desired to catch up only the thread in Major Nichols's comment and description as to the statehouse and to compare it with the statement of General Sherman in his Memoirs, written by himself, heretofore quoted:

I instructed him [Captain De Gres, then firing into the defenseless city from the hill across the Congaree River] not to fire any more into the town, but consented to his bursting a few shells near the depot, to scare away the negroes who were appropriating the bags of corn and meal which we wanted; also to fire three shots at the unoccupied State house. I stood by and saw these fired, and then all firing ceased. (Memoirs, vol. 2, p. 278.)

And with the statement of the Rev. A. Toomer Porter, D. D., (Led On, etc., heretofore noted as to publisher and date of publication, etc.), page 157, in speaking of the entrance of Sherman's army into Columbia:

As soon as the column halted and stacked arms the weary and drunken men threw themselves on the cotton bales in the middle of the street. Thinking the officer in command would make his headquarters at the statehouse, which stood at the head of Main Street, I went there and found a perfect orgy in progress. Many trophies and mementoes of a not inglorious past, especially of the War of 1812, the Florida War, and the Mexican War, battle flags and swords, etc., were in the possession of drunken soldiers, and were being pulled to pieces and tossed about. Some of the men were wrestling and boxing. Altogether the scene was so intensely painful and mortifying that I quickly returned.

The present statehouse to which Major Nichols referred may not have been the one to which the Reverend Mr. Porter refers. That is immaterial. They were both on the grounds now occupied by the present statehouse, and the words "that is immaterial," in discounting the saving of the new statehouse on account of General Sherman's æsthetic nature, ascribed to him by his aide-de-camp, Major Nichols, are justified by the following statement of Provisional Gov. James L. Orr in a message to the South Carolina General Assembly in 1868. Orr was the distinguished commander of the regiment in the Confederate service which bore his name, was a member of the Confederate Senate, was elected Governor of South Carolina in 1866, was later a judge during the Republican régime, and was appointed by President Grant minister to Russia, and died in St. Petersburg. At a special session of the General Assembly of South Carolina, 1868—special session, 1868, page 13, Journal House of Representatives, July 7, 1868—the following message by the late provisional governor, James L. Orr, was received and read to the house by his private secretary, Mr. F. G. DeFontaine. This excerpt is taken from page 33 of said journal:

There is no probability that the completion of the building (the statehouse, as appears from the title of the subject matter), according to the original designs, will take place for many years. Very much of the elegant marble and granite work which had been finished and was lying under the sheds waiting to be lifted to its place, was destroyed by fire or wantonly broken into fragments during the occupation of Columbia by the army of General Sherman. It is estimated by the former architect that not less than $800,000 worth of finished work was thus ruthlessly ruined.

The walls of the statehouse are some 6 feet in thickness, possibly more at the foundation, and tapering to 4 feet at the top, and of granite. The shells from across the river had left only scars. Sherman's army was in a hurry, though the South was in the agony of the realization that her cause was lost, even as it was lost, as Sherman must have realized, and did realize, superb soldier that he was, even before he entered the gates of Columbia on the Newberry Road.

ADMISSION OF SHERMAN AND HIS OFFICERS

General Sherman did not, except momentarily, as it were, and then only by indirection, deny that his army burned Columbia. He charged it to General Hampton but soon withdrew that charge. Later, in his memoirs, he glossed it over as an accident, but he has never yet made specific denial of the fact, with the word "*accident*" (the italics being the italics of General Halleck, according to Sherman's Memoirs) staring him in the face, from General Halleck, Chief of Staff at Washington, that it was the kind of accident that was in contemplation. On the other hand, his high officers, in Columbia at the time, have made the admission and given the facts.

That when he reached Columbia he saw an opportunity to burn Columbia, as he had already decided upon before he left Atlanta, and charge the burning to Gen. Wade Hampton, of the Confederate Army, and "distinctly" did so, and later, when the civilized world, and even the people of the North, could not be induced to accept so wild and reckless a charge, General Sherman "confessed" that he "did so pointedly to shake the faith of his—General Hampton's—people in him," according to General Sherman's own confession at a later date, the records

show, and the witness who will be called upon this material point will be General Sherman himself:

In my official report of this conflagration [Sherman says in his memoirs, written by himself, supra] I distinctly charged it to Gen. Wade Hampton, and confess I did so pointedly, to shake the faith of his people in him, for he was, in my opinion, boastful and professed to be the special champion of South Carolina.

SHERMAN'S ACCIDENT

In his Memoirs, written by himself, Sherman says:

Many of the people thought that this fire was deliberately planned and executed. This is not true. It was accidental, and in my judgment began with the cotton which General Hampton's men had set fire to on leaving the city—

And so forth. When General Sherman wrote this in his Memoirs, written by himself, he himself had already abandoned the cotton theory. It might be well, however, here to emphasize the "*accident*" theory which seemed to pervade his then and later explanations. The words "*some accident*" constituted the keynote (for they were in italics, according to General Sherman) of the letter from Halleck to Sherman, under Washington date of December 18, 1864. The word "accident" lingered in the minds of the burners, and it was the word with which Sherman finally clothed the atrocity. His charge against General Hampton and Hampton's men he himself abandoned at the bar of public judgment.

GENERAL ADMISSIONS, INCLUDING SHERMAN'S

Neither in Columbia, nor afterwards, except when it came to the cold penning of it by himself for posterity, under his own name, whereof by himself he might be judged by posterity, did Sherman deny that his army burned Columbia. On the contrary, he admitted it. His only defense at the time was that it was inspired by liquor which his men found in Columbia. Sherman was a soldier. He was a soldier who said that war was hell. He was a disciplinarian. He was only a soldier and a disciplinarian, and a general. He wrote much, including orders and including letters and reports to his superiors in military command. He never tried to explain or to make his conflicting statements coincide. He could not. He was on a mission which was ruthless, and ruthlessly he performed it. The South was stricken. Her armies were almost dissipated. There was practically no resistance in the path of Sherman's march. And yet he carried out a program which he must have formulated to be carried out in the face of stern military resistance.

When this program had been executed against a stricken people whose armies had been defeated and were then retreating to the final surrender, Sherman found it necessary, under the frowns of the civilized world and even of the people of the North, to explain and to retract, and to excuse and to deny, and even to withdraw charges which he himself had made. His only reaction was to withdraw the charges against Hampton and his cavalry. His other statements remain conflicting. He was a victor whose conscience abhorred the spoils, though they were his, whose reaction to the deeds of his own army placed him before himself in a rôle which he himself had never contemplated, and who simply did the best he could that his qualities as a soldier and as a general might not be sunk in the obloquy of an incendiary. His qualities as a military officer and as a disciplinarian stand out; he was one of the greatest generals of the armies of the North; but his biographers can not, and never will, erase the red mark—the crimson line—of his march to the sea.

WHAT SHERMAN AND HIS OFFICERS SAID IN COLUMBIA

In addition to the testimony already quoted, which occurred in the testimony presented on other points, the following is submitted:

Affidavit of E. J. Scott (heretofore quoted, with references), quoted by General Hampton in The Hampton Letter of 1873, supra (Scott was the banker heretofore quoted):

At Colonel Duncan's house we were introduced to General Sherman. He referred to the burning of the city, admitting that it was done by his troops, but excusing them because, as he alleged, they had been made drunk by our citizens. * * * He never mentioned or alluded in any way to General Hampton or the cotton. * * *

Gen. Wade Hampton, in The Hampton Letter of 1873, supra:

In December, 1866, or January, 1867, Gen. O. O. Howard came into the executive office of Governor Orr in Columbia accompanied by Gen. R. K. Scott (afterwards Republican governor), and there found Governor Orr, Gen. John S. Preston, Mr. De Fontaine (the secretary of the governor), and myself. In the course of the conversation that ensued the question of the burning of the city came up. General Howard expressed sorrow at its destruction, and said that he had nothing to do with it, that he had done all he could to prevent it, and that he regretted it greatly. He then used the following language, which I committed to writing, and left the paper with Dr. D. H. Trezevant, of Columbia, who had prepared for the press some articles relating to the destruction of the city. The memorandum is as follows:

COLUMBIA, *January 9, 1867.*

Gen. O. O. Howard stated in the presence of Governor Orr, General Preston, and myself that certainly no one was authorized to state that their (our) troops did not set fires in this town, for he himself saw them doing so.

WADE HAMPTON.

In that connection General Hampton called attention to General Howard's late testimony in Washington on December 10, 1872, when asked about this conversation, and General Howard said:

I stated that the Confederate troops set it on fire.

General Hampton had called on Governor Orr and General Preston for their recollection of the conversation. On December 21, 1872, Orr wrote Hampton from Washington (same reference):

I do not remember all that was said, but General Howard said in substance that the city was burned by United States troops; that he saw them fire many houses; and that he tried to arrest the conflagration; and that he regretted the destruction of the city.

General Hampton also quoted a letter of John S. Preston to Doctor Trezevant as to the conversation:

The substance of the conversation was that General Howard stated and reiterated that no one was authorized to say that the Federal troops did not burn Columbia, for he saw them doing so in numerous instances, in various localities of the town.

The Reverend Mr. Shand, Episcopal clergyman of Columbia—same reference—was quoted as saying that General Howard stated to him:

Though General Sherman did not order the burning of the town, yet somehow or other the men had taken up the idea that if they destroyed the capital of South Carolina it would be peculiarly gratifying to General Sherman.

The Reverend Mr. Shand had been brutally treated during the destruction of Columbia, as he was trying to save the communion service of his church.

T. J. Goodwyn, mayor at the time of the burning of Columbia, in an affidavit before D. N. B. Miller, ex officio magistrate, sworn to on the 24th day of March, 1866 (reference supra) said:

That on Sunday, the 19th, he called upon General Sherman, then in Columbia, and was accompanied by the following gentlemen: Rev. N. Talley, Reverend Mr. Connor, Rev. Thomas Rayner, Dr. C. H. Miot, W. M. Martin, Mr. J. J. McCarter, and Edward J. Scott. * * * General Sherman was in good spirits and courteous. A conversation ensued in relation to the burning of the city, in the course of which General Sherman distinctly admitted that his troops had burned the city, but excused them because, as he alleged, our citizens had given them liquor and made them drunk, whereas they ought to have destroyed the liquor in the city upon the entry of the army.

The testimony of the Rev. A. Toomer Porter as to the admission of General Sherman, as related by the circumstances, has already been given.

E. J. Scott—reference already given, Random Recollections, page 183—says:

The fire he (Sherman) admitted (February 19, 1865) was caused by his troops, saying: "It is true our men have burnt Columbia, but it was your fault." And when Doctor Goodwyn inquired, "How so, General?" he replied that our people had made his soldiers drunk, citing an instance of a druggist who he was told brought out a pail of whisky to them. Doctor Miot here interrupted him to remark that he was a druggist, but he had heard of no such case. Mr. McCarter also stated that a soldier had demanded his watch, while pointing a pistol at his head, but the general only laughed and told him he ought to have resisted, etc., etc.

THE VERDICT OF HISTORY

Having utterly ruined Columbia the right wing began its march northward, toward Winnsboro, on the 20th. (Sherman's Memoirs.)

Percy Greg, English historian—History of the United States, by Percy Greg, in two volumes, volume 2, London, W. H. Allen & Co., 1887, pages 457 and 458—says:

On February 1, 1864 [?], Sherman, with more than 60,000 men, commenced his northward march through the Carolinas, a march whose first and chief object was the ruin of the State which had incurred the vindictive hatred of the northern people and Government. He commenced the work of devastation as soon as his army entered South Carolina. * * * Along his whole line of march his army

was attended by numerous bands of incendiaries, foraging, pillaging, and burning on their own account. * * * Wade Hampton, who had been detached to the rescue of his native State, and Wheeler were unable to offer serious resistance, and Sherman without a battle reached Columbia, the capital of the State, and one of the most beautiful cities in the South. Wade Hampton denies that he burned the cotton, to which the destruction of the city has been ascribed by Sherman's apologists. His word is entitled to full confidence; the more so that, save for the danger to the town, it would have been his duty to burn what otherwise would be seized by the enemy as prize of war. After Sherman had entered the place a number of private houses were fired and the city burned to ashes. From this disgrace he strove to clear himself at Hampton's expense. It is certain that the fires were lighted, and those who attempted to rescue their houses were driven back by his soldiers with the sanction of their officers; clear that Sherman made no attempt to restrain and no serious effort to punish acts he afterwards thought it prudent to disown. (Sherman expressly contradicts himself by saying that in his belief the fire was accidental. The sufferers declare that Federal troops prevented them from putting it out. Sherman boasts that a plantation belonging to an Englishman "was pillaged, of course." He wrote with the knowledge that Hampton had flatly denied his accusation. Sherman, 2, Chap. XXII.)

Mr. President, before going further as to the verdict which history has rendered, it is desired to record in this conspicuous place an excerpt from the narrative of James G. Gibbes, Columbia merchant, now deceased these several years, who took over the reins of city government at the request of Mayor Goodwyn shortly after the burning, on account of the strain upon the mayor, then in advanced years. Mr. Gibbes wrote an account of the burning of Columbia to the Philadelphia Times, which was published in that newspaper on September 20, 1880, and he incorporated this article in a book, Who Burnt Columbia—Newberry, S. C., Elbert H. Aull Co., 1902—in which he added statements of General Sherman himself, taken from his own Memoirs, "besides statements and admissions of General Howard, second in command, General Stone, Colonel Palmer, Gen. W. B. Hazen, Captain Conyngham, Colonel Nichols, and Major General Halleck," and it is desired to make this book of Colonel Gibbes, and the other books and writings referred to, a part of this record.

TESTIMONY OF AN EYEWITNESS INTERSPERSED TO EMPHASIZE THE VERDICT OF HISTORY

As soon as it was known—

Says Mr. Gibbes—

that Sherman or a part of his army had crossed the river, the mayor, Doctor Goodwyn, and two or three of the aldermen, among whom, I believe, were Mr. John McKinzey, John Stork, and O. Z. Bates, who are still residents of Columbia—

Then, but not now—

went out to meet him. Doctor Goodwyn informed Colonel Stone, who was in command of the advance, that the city was in no condition to make any defense, and that he had come out for the purpose of making a formal surrender of it. After some conversation Colonel Stone said: "Mr. Mayor, you can say to your people that they have nothing to be afraid of; that they are as safe as if there was not a Yankee within a thousand miles of them." After this assurance the mayor returned to the city. Colonel Stone afterwards, in reply to a question of Mr. Edward T. Scott as to how private property would be protected, said: "Fully; we are not savages." But, later in the day, when asked by Mr. Scott for a guard to protect the Commercial Bank, he turned off, merely saying, "He had no time." This occurred about 10 a. m., Friday, February 17. About 11 o'clock the army entered the city, marching down Main or Richardson Street. On reaching the courthouse and market the troops seemed to be all simultaneously disbanded and released from any restraint. The streets were soon all crowded with soldiers; but at first all seemed quiet and well disposed. About 1 o'clock an alarm of fire was given, and the fire bells rang out.

The writer hurried to the place of alarm and found about 60 bales of cotton had been rolled into the center of Richardson Street, in front of the store of O. Z. Bates, and was on fire. As I approached I found a few men (citizens) had run out the Independent engine from its house near the market, not over 100 yards from the burning cotton, and began playing on the fire. They soon extinguished it, and continued playing on the smoking bales till all sign of fire was over. Not less than 1,000 Federal soldiers were on the sidewalks and streets looking on, but took no part at the fire until just as it was about all controlled, when a drunken soldier took his musket and plunged the bayonet into the hose pipe. Instantly a number of others joined in and with their bayonets soon cut the entire hose to pieces. The men working the engine remonstrated, but with no avail. They then ran the engine back into the engine house. Fortunately the fire was all over before this destruction of the hose, or the town might have been fired from it. Before 2 o'clock p. m. all sign of the fire was over. * * *

About 7 p. m. signal rockets were thrown up from three several points, all in the northwest part of the city, in what was known as Cotton Town. Very soon it was known what the signal rockets meant. * * *

I spent almost the entire night in the streets and witnessed many houses fired by the soldiers, and I never saw (nor did I ever see anyone who did) a single instance in which any assistance was rendered by the soldiers to save property from flames. * * *

The book which Mr. Gibbes published, containing his own narrative and that of others and the testimony of various persons, including Generals Sherman, Howard, and various others, includes 137 printed pages. That book was published 27 years ago. Although that was 37 years after Sherman burned Columbia, time had not elapsed for a proper perspective in view of Sherman's conflicting claims. That time has now elapsed several years ago and the truth of history is now presented.

WHITELAW REID

The conclusion of the whole matter has been expressed by the Hon. Whitelaw Reid in Ohio on the War:

It was the most monstrous barbarity of this barbarous march. Before his movement began General Sherman begged permission to turn his army loose in South Carolina and devastate it. He used this permission to the full. He protested that he did not wage war upon women and children. But, under the operation of his orders, the last morsel of food was taken from hundreds of destitute families that his soldiers might feast in needless and riotous abundance. Before his eyes rose day after day the mournful clouds of smoke on every side that told of old people and their grandchildren driven, in midwinter, from the only roofs there were to shelter them by the flames which the wantonness of his soldiers had kindled. Yet if a single soldier was punished for a single outrage or theft during that entire movement we have found no mention of it in all the voluminous records on the march.

Narratives, statements, publications of various kinds have come from those who accompanied Sherman on that march. Search the records as one may, they contain either explanations or admissions. Nowhere is there a denial. All of them are apologetic. There is an underlying admission that the rules of civilized warfare had been suspended by Sherman or that there was a general understanding that these rules should not be enforced when Columbia was reached.

Mr. President, history shows that Sherman was a soldier of iron will, of determination which was stern and unyielding, of strength of mind, and of military ability, perhaps, unsurpassed among the officers of the Federal armies. He was both a tactician and a disciplinarian. Otherwise he could not have organized and directed and controlled the splendid fighting machine with which he left Atlanta in smoldering ruins and started toward Columbia. His letters to General Grant and to General Halleck, and their letters to him, show that on this march he was supreme—that his was the judgment which governed.

But the South was stricken. The end was approaching, and none knew it better than General Halleck in Washington and General Sherman before Savannah. From Atlanta Sherman's march was vengeance and not the stern necessity of war.

Sixty-four years is sufficient time for a proper perspective. With destruction and desolation in his wake, carrying destruction and desolation as he went on from Columbia, it is inconceivable that an accident or the act of God should have coincided with his occupancy of Columbia to bring about the destruction of the city without the guiding hand and the flaming torches of his soldiers. Sufficient time has elapsed that sectional patriotism or prejudice, as one may choose to call it, should give way to the truth of history. That truth of history has here been stated from the records, and a large part of those records were pended by General Sherman himself.

THE PARTICULAR CLAIMS AT ISSUE

Mr. President, this cause is before the bar of public opinion as well as before the Congress of the United States. The buildings of the Washington Street Methodist Church and of the Ursuline Community at Columbia were burned by Sherman's soldiers—the former deliberately, because it was mistaken for the First Baptist Church, and the latter deliberately for spoliation, though it had been promised by General Sherman personally specific protection. That, the proof which has been offered, shows as to both buildings. But, as stated at the beginning, there are larger issues. These have been dealt with in this narrative. There are voluminous records which have not been included, and some of them not even alluded to. It has been endeavored to hold within a reasonable limit the most important testimony which will clearly and succinctly present the facts.

The summary of these facts is this: That when he left Atlanta, Sherman rode toward Columbia with the intention and purpose of laying it in ashes. He did. And, in his own words:

Having utterly ruined Columbia, the right wing began its march northward, toward Winnsboro, on the 20th.

A SIDELIGHT

The following letter is from Henry C. Davis, professor of English language and rhetoric at the University of South Carolina. It throws an interesting sidelight upon the attitude of the soldiers who were here with Sherman:

The following letter, which is unsigned, has a slight bearing on the attitude of the soldiers. The writer puts together that they are in possession of the capital of the first rebellious State and that it is mostly destroyed by fire. It came into my possession when I bid in at auction two scrapbooks of James F. Troy, of Columbia, S. C. I bought also several contemporary papers, 1863–1866, from the same source. The letter, with indorsements, is as follows:

"COLUMBIA, S. C., *Feb. 19th/64* [sic].

"Columbia was evacuated by the Confederate troops to the Federal Army under Gen. Wm. Sherman without much of a fight, so we are in possession of the capitol of the first rebellious State. It is mostly destroyed by fire at this writing, which is on the 19th day of February, A. D. 1865, and I hope this strife and contention will seace between this and the 19th of March/65. If it does we will all get a long furlow to go and see our families, so good by for the present."

On the first inside page, in another hand, is written (pencil):

"COL., S. C., 1865.

"This sheet was picked up by —— Troy in the store of James Troy & Son just after Sherman left the city.

"(Signed) J. F. TROY."

The next inside page is blank; then on page 4 (in ink):

"The Federal Army entered Columbia on the morning of the 17th and burned the city that night."

(See also LeConte's Autobiography.)

SIGNAL ROCKETS NOW ESTABLISHED AS MATTER OF COURSE

"My mother," says Prof. Henry C. Davis, of the University of South Carolina, "often told me she saw rockets as a signal for the destruction of the city. She was Sallie LeConte, whose father, Dr. Joseph LeConte, tells of the burning of Columbia in his autobiography. He came in along the Monticello Road in company with Captain Green about the 24th of February. The family huddled in the back yard of the campus residence during the night of terror. Doctor LeConte found them safe when he returned; 'the campus buildings had been spared.'" (From manuscript interview taken by R. Means Davis on the occasion of Doctor LeConte's visit to the old home.)

Mr. President, I ask unanimous consent that there may be printed in the RECORD as exhibits a number of affidavits, documents, and two newspaper articles, as set forth in the following list:

LIST OF AFFIDAVITS AND DOCUMENTS MADE A PART OF THE RECORD, BURNING OF COLUMBIA, S. C.

The Burning of the Ursuline Convent, Columbia, S. C., by Sherman's army in 1865. (An abridged copy taken from the annals of the convent, written by a member of the community who was an eyewitness.)

Items of property of the Ursuline Convent, which was destroyed by United States Army in 1865, with their values at that time. Total amount, $112,538.

Excerpts from The Ursulines of the Congregation of Paris, in South Carolina.

Affidavits of Mrs. H. W. Richardson, Columbia, S. C.: First, April 6, 1928; second, March 26, 1928.

Affidavit of Mrs. Ellen Lynch McQueen, Columbia, S. C., April 6, 1928.

Affidavit of J. F. Williams, Columbia, S. C., April 5, 1928.

Affidavit of Zelia Barry, Dallas, Tex., April 2, 1928.

Affidavit of J. C. Abney, Columbia, S. C., March 26, 1928.

Affidavit of Jesse Thomas, Columbia, S. C., March 26, 1928.

Affidavit of D. D. Wallace, Spartanburg, S. C., March 12, 1928.

ADDITIONAL AFFIDAVITS AND DOCUMENTS

G. M. Berry, Columbia, February 26, 1929.

Mary E. Bultman, Columbia, S. C., February 26, 1929.

Frank F. Whilden, Columbia, S. C., February 26, 1929.

A. C. Squire, Columbia, S. C., February 25, 1929.

Mrs. Rose C. King, Columbia, S. C., February 26, 1929, in re copies of original articles on file of Southern Christian Advocate.

Letter, Reverend Gunter, February 18, 1929.

Letter, Reverend Gunter, March 23, 1928.

Letter, Madame Spann, April 4, 1928.

Article by Frank F. Whilden, The State, February 17, 1929.

Letter, Hon. COLE. L. BLEASE, February 18, 1929.

Letter, Hon. Frank F. Whilden, February 27, 1929.

Whilden State article, August 19, 1929.

Affidavit, J. F. Williams, Columbia, S. C., April 1, 1929.

Affidavit, Jacob Pinkussohn, Savannah, Ga., April 19, 1929.

Article from book, Jefferson Davis.

Book, The Burning of Columbia, by Anna Swindell.

Book, The Destruction of Columbia, S. C., by August Conrad.

The Wade Hampton letter of June 24, 1873, in book, Burning of Columbia; also report committee of citizens, ex-Chancellor J. P. Carroll, May, 1866.

Two articles Columbia Record, February 17, 1929: Columbia Burned 64 Years Ago To-day; A Reminiscence Sherman's Raid in South Carolina.

The VICE PRESIDENT. Without objection, it is so ordered. (See exhibits at the conclusion of Mr. BLEASE's remarks.)

Mr. BLEASE. Mr. President, here [exhibiting] is a picture that was taken when the city of Columbia, S. C., was burned by Sherman's army; there can be no question of its authenticity.

Other churches have been reimbursed; other religious institutions have been reimbursed; other schools have been reimbursed; but when South Carolina comes to the door and presents her claim somebody—I do not lay it to the chairman of the committee—closes the door to South Carolina and she is told, "The committee will not even hear you."

Here [indicating] is the correspondence which I myself wrote to the chairman of the committee asking him to give me a hearing. I asked him to let the Catholic ladies in Columbia, who have charge of the Ursuline Convent to-day, come before the committee and present their claims; I asked that the pastor and members of the Methodist church be permitted to come and present their claim; but during all this time, despite my pleadings, I have not been able to get a hearing before the committee. I even asked that the committee submit an unfavorable report on these bills in order that the Senate of the United States, after hearing the facts, and after reading the record, might determine whether or not this Methodist church and this Catholic convent should be reimbursed for the damages suffered by them.

They do not come here as beggars; they come here and ask to be put on an equal footing with others whose claims for property destroyed have been paid. Just a few days ago the Senator from Alabama [Mr. BLACK], who is a member of the Committee on Claims, submitted a report—or it was submitted by some one else for him—on a bill providing for the reimbursement of a church which had been destroyed in Alabama, and that bill was passed. Why so strict a discrimination against the Catholics in Columbia? Why the line so closely drawn on the Methodists of Columbia? I want the Senate to take that into consideration.

I did not want to bring this matter to the floor of the Senate. I had hoped the committee would give us a hearing of all sides of this question and make a report on it. I hoped they would bring these records here. When the committee refused to give me a hearing, however, when they refused to give my people a hearing, I had but one redress, and that was to do what I have very reluctantly done.

I have waited for five years—since March 4, 1925—hoping that I should be spared the necessity of bringing this matter here; that reimbursement would be made for the destruction of these churches; that these good Catholic sisters would be reimbursed for the destruction of their convent and for the property which was taken from it. But no; I am confronted by this necessity. Now, as the close of my term of service here is approaching, I feel that it is my duty to show to the American Nation who it was that burned Columbia, S. C., and show it by William T. Sherman's own documents, and to show that the claim that it was burned otherwise is a slander upon Wade Hampton and the soldiers of the southern Confederacy, and that Sherman himself admitted that he had slandered him; and there are the records.

I again request the members of this committee to ask themselves the question, Do you think you have treated the Methodist people of Columbia, S. C., and the Catholics of Columbia, S. C., fairly in refusing to give them a hearing or to report these bills, either favorably or unfavorably?

EXHIBITS

The following affidavits and documents are made a part of this record:

THE BURNING OF THE URSULINE CONVENT, COLUMBIA, S. C., BY SHERMAN'S ARMY IN 1865

(An abridged copy, taken from the annals of the convent, written by a member of the community who was an eyewitness)

On February 17, 1865, General Sherman's army entered Columbia, Reverend Doctor O'Connell, pastor of St. Peter's Church and chaplain to the Ursulines, asked a guard of protection for the convent. He obtained

it—one man. On February 17, about noon, a Cavalry officer rode up to the convent, spoke to the guard, and rang for admittance. Of the portress he asked to see the Mother Superioress. To the Superioress, Mother Baptista Lynch, he introduced himself as Major Fitzgibbons, a Catholic, and offered any service he, as an individual, could render. The reverend mother, not suspecting any danger to the convent, declined, at the same time thanking him for the offer. He, earnestly insisting, said: "Columbia is a doomed city; at least, that is the talk of the Army; and I do not know if a house will be left standing."

Such an announcement startled the superioress; yet she and her companion answered that such threats could not apply to the convent, since General Sherman had given a patron of the institution the assurance that her daughter, a pupil, was in a place of safety.

"Of course," replied Major Fitzgibbons, "I do not say the convent will be burned; such a thing would happen only by accident—but we all know what accidents are."

The nuns could not be convinced that danger was imminent. Finally the major persuaded mother superior to write to the general, stating all the reasons she had given for her confidence of protection. He offered to be the bearer of the letter and said he would place it in the general's hand. The letter was written and intrusted to the major. About 3 o'clock that afternoon Major Fitzgibbons returned, accompanied by seven soldiers, whom he stated to be picked men sent to guard the convent. He also gave to mother superior the envelope which had inclosed her letter to the general, and on it Sherman had penciled orders to nearest commanding officer to protect the convent.

Scarcely had the nuns given supper to the seven guardsmen and gathered in the "community room" for the evening when the alarm of fire was given. From the windows the nuns saw the city toward the south blazing. Calling one of the guards, they asked him to go for Major Fitzgibbons. He refused. Other guards refused other services. The nuns saw that no assistance was to be expected from them.

Reverend Father McNeal called to remove the Blessed Sacrament. The suppressed sobs of the younger sisters but feebly expressed the deep emotion that filled all hearts.

Parents came running for their children, yet knew not where to take them for safety. The danger became so imminent and the crowds of soldiers so great that the pupils and the younger sisters were given bundles of clothing and marshaled into line as for a promenade. At a signal given by mother superior they marched quietly out. Reverend Father O'Connell accompanied them to the Catholic church—the wind being from that direction, the edifice was deemed safe.

About midnight, by the light of the fast approaching flames, the plundering of the convent began. Heavy flakes of fire were falling over the premises. The nuns who had remained were admonished to leave. Reverend Doctor O'Connell wished to lead the nuns down Main Street, but the flames were lashing one another from building to building. As the sisters stood bewildered, not knowing their own city, a gentleman on horseback called, "Follow me, sisters; I will lead you to safety." As they followed, flakes fell so fast on and about them that holes were burned in their veils and cloaks. In a short while, however, they were with their sisters in the churchyard.

The morning of February 18, 1865, dawned upon the group of nuns and children—cold, hungry, and homeless. Three families, whose near-by homes had escaped the burning, sent food, which all the group needed sadly and accepted gratefully.

Crowds gathered about the churchyard fence—some curious, some sympathetic. General Sherman rode up and was addressed by mother superior. During their short interview the general told her to choose any home in the city for a refuge and it should be protected. He appointed Colonel Ewing to see the nuns and children to safety. Colonel Ewing, learning that they wished to go to the Methodist College, came with ambulances to convey them thither. Finding the trustees of the college unwilling to admit the convent refugees, Colonel Ewing insisted, demanded the keys, and gave them in charge to mother superior.

Here the nuns and their pupils suffered much from overcrowding, scant food, poorly cooked—for they had neither kitchen nor proper utensils—and other discomforts. Colonel Ewing called often, and noting their sad state reminded mother superior of General Sherman's words that she might choose a home. She said they had thought of asking for General Preston's mansion. Colonel Ewing asked, "Is that where General Logan has his headquarters?" Mother superior answered, "It is." Colonel Ewing replied, "That building has been ordered burned to-morrow morning when the Army leaves the city; if you choose it for your convent, I shall apply to the general to have the order countermanded." This was done, and the next morning the nuns took possession.

Mother Etienne Vassas was placed in charge of this house, where she cared for the invalid sisters, while mother superior, with the pupils and their teachers, remained at the college (now Colonial Hotel) till the surrender of General Lee and the return of families to their homes.

In May, 1865, General Preston and family returned. Mother Etienne and her charges left the mansion and rejoined their companions in the Methodist College.

In the latter part of August they were notified they must leave the college by September 1. They had no place to look for shelter. Day after day they vainly sought a residence for themselves and the 30 pupils still with them. A little later they found means of sending the pupils to their homes, and acting on the advice of Doctor Lynch and other good friends they went to Valle Crucis, a country seat belonging to Bishop Lynch, who was then in Rome, Italy, and situated about 3 miles from the city.

Later the nuns bought Valle Crucis, and there, under difficulties and privations that would adorn the annals of missions in pagan lands, the nuns continued their work of education with the heroism of true missionaries for 22 years.

Items of property of the Ursuline Convent, which was destroyed by United States Army in 1865, with their values at that time

1 large brick building of 72 rooms and outbuildings	$60,000
Altars and statues in chapel	1,000
1 oil painting, original Corregio	2,000
1 oil painting, original Caracci	1,000
1 oil painting, Guiraine	1,500
1 oil painting, Calo Dolce	1,000
1 oil painting, modern school	300
Contents of art room—frames, studies, materials for painting, drawing, etc	1,000
1 organ	750
14 pianos, at $600	8,400
3 harps, with covers, at $600	1,800
5 guitars, with boxes, at $25	125
Music stands	35
14 piano covers, at $12	168
4 bookcases, at $35	140
3 marble-top tables, at $30	90
20 stained wood tables, at $10	200
600 chairs, Windsor, etc., at $1.50	900
200 school desks, double, at $20	4,000
4 teachers' desks, at $20	80
Chemical, philosophical, and astronomical apparatus	1,000
30 benches, at $5	150
6 carpets, velvet and Brussels	600
5 carpets, stair	125
Books (a rough estimate)	1,000
200 bedsteads, at $7.50	1,500
10 bureaus, at $15	150
150 washstands, at $3	450
2 wardrobes, at $50	100
250 pillows, at $3	750
250 mattresses, at $10	2,500
350 pairs sheets, at $2	700
250 bed spreads, at $3	750
150 bed comforts, at $4	600
150 pairs blankets, at $7	1,050
100 work boxes, furnished, at $3	300
200 writing desks, furnished, at $3	600
75 portfolios, at $3	225
Kitchen range and furniture	500
China, glassware, crockery, clothing, large quantities of music, provisions, etc	15,000
Total	112,538

EXCERPTS FROM "THE URSULINES OF THE CONGREGATION OF PARIS, IN SOUTH CAROLINA"

First established in Charleston, S. C., in May, 1834. Work relinquished in 1847, the original mothers returning to Blackrock Convent, Ireland, the majority of the younger members going to Cincinnati, Ohio, and later to St. Martins, Brown County, Ohio.

THE URSULINE CONVENT AND ACADEMY, COLUMBIA, S. C.

Established in Columbia, S. C., September 1, 1858, by Mother Baptista Lynch, superioress, Mother Ursula Dignam, Mother Augustine England, Sister Agnes Coffey, Sister Martha Lamb, Sister Loretto Moran, who returned to South Carolina from St. Martins, Ohio.

Story of the burning of the convent and academy by Sherman's Army, February 17, 1865.

Building was located at the corner of Main and Blanding Streets (southeast). Building formerly known as the American Hotel. Main Street then known as Richardson Street.

AFFIDAVITS OF MRS. H. W. RICHARDSON

STATE OF SOUTH CAROLINA,

County of Richland:

Personally appeared before me, a notary public duly authorized for the State and county aforesaid, Mrs. H. W. Richardson, whose residence is 1006 Barnwell Street, Columbia, who, being sworn, says that in February, 1865, she was 13 years of age and was a student at the Ursuline Convent and Academy, located in Columbia, at the corner of Richardson (now Main Street) and Blanding Streets.

Deponent states of her own knowledge that on February 16, 1865, the city of Columbia was shelled by the troops of Gen. W. T. Sherman from a point across the river, now known as New Brookland.

On the morning of February 17, 1865, the troops of Gen. Wade Hampton, then occupying Columbia, retreated and by noon of that date his army had gone, and deponent can state to her own knowledge that at the time no buildings had been set on fire in the city. The troops

of General Sherman entered the city, and Columbia was surrendered by its then mayor, Goodwin.

During the afternoon an officer of General Sherman's army came to the mother superior and suggested that the building be vacated, as Columbia was a doomed city. The mother superior replied that General Sherman had promised protection for the convent, and she sent a note to him reminding him of his promise. He did send some soldiers to the convent, but early in the evening of February 17, 1865, upon seeing the buildings south of the convent on fire, the mother superior sent for the soldiers, but they declined to see her.

Soon thereafter the convent building was on fire, and the occupants fled from the building. Upon leaving the building, I saw soldiers of General Sherman's army on the roof of the convent building, and they were throwing firebrands and torches. Soon the building was in flames, and other than two relics of value its entire contents were destroyed by the fire.

The nuns and the students of the convent were terrified, and upon leaving the building they went to the churchyard of St. Peter's Church, located on Assembly Street, remaining there for the night.

Early the next morning, upon the request of the mother superior, General Sherman called and offered her any building left standing from the fire of the previous night. The mother superior, including the nuns and students, found temporary abode at the Methodist College, then located on Hampton Street (now known as the Colonial Hotel), but as the building had been vacated for some time it was suggested that they remove to the home of General Preston, on Blanding Street. An officer of Sherman's army stated that the Preston home (then used as headquarters of the invading army) was to be burned as the army retired from the city, but he did accede to her request and the Preston home was occupied until the owners returned to Columbia.

Deponent would regard $75,000 as a moderate sum necessary to replace the building owned by the Ursuline Convent and Academy, burned without a doubt by the soldiers of General Sherman's army. It was a building of two stories, an attic, and a basement, brick construction, and was formerly a hotel. The furnishings of the convent were valuable for many reasons; there were tapestries of great value and there were also many articles of value which had been received from friends in France. It would be difficult to give any idea as to the replacement values of the furniture and equipment, which were entirely destroyed.

Mrs. H. W. RICHARDSON.

Subscribed and sworn to before me this the 6th day of April, 1928, A. D.

W. SMEDES HENDLY,
Notary Public for South Carolina.

STATE OF SOUTH CAROLINA,
County of Richland:

Personally appeared before me Mrs. H. W. Richardson, whose residence is 1006 Barnwell Street, Columbia, S. C., whom being sworn, deposes and says that on February 17, 1865, she was a student at the Ursuline Convent and Academy, then located at the southeast corner of Richardson (now Main Street) and Blanding Streets, Columbia.

Deponent further says that Gen. W. T. Sherman had given a patron of the convent assurance that it would be protected from fire; however, about noon of that date a calvary officer of Sherman's Army, introducing himself as Major Fitzgibbons, came to the mother superior, Baptista Lynch, and announced that "Columbia is a doomed city and I do not know that a house will be left standing." The mother superior wrote a letter to General Sherman reminding him of his offer for protection, and later in the day Major Fitzgibbons returned with seven soldiers to guard the convent. Soon after supper of that day, deponent saw buildings south of the convent burning and the mother superior sent for the guards asking them to go for Major Fitzgibbons; the guards declining to go. Soon after, the convent was burning and its occupants fled to the churchyard of St. Peter's Church where they remained for the night.

It was the generally accepted theory that the soldiers of Sherman's Army, who were boisterous and apparently beyond control, had determined to leave Columbia in ashes.

The same night, February 17, 1865, the Washington Street Methodist Church building, located at the corner of Washington and Marion Streets, Columbia, was burned and it was the generally accepted theory that this church was burned in the belief that it was the Baptist church located in an adjoining block; the latter church being where the ordinance of secession had been signed or at least the secession convention had been held there.

Deponent further says that she recalls the appearance of the Washington Street Church building, a brick building of attractive architecture, and deponent would regard $25,000 as a very modest sum in valuing the building.

Mrs. H. W. RICHARDSON.

Subscribed and sworn to before me this the 26th day of March, 1928, A. D.

[SEAL.]

W. SMEDES HENDLEY,
Notary Public for South Carolina.

AFFIDAVIT OF MRS. ELLA LYNCH MCQUEEN

STATE OF SOUTH CAROLINA,
County of Richland:

Personally appeared before me, a notary public duly authorized for the State and county aforesaid, Mrs. Ellen Lynch McQueen, whose residence is 1005 Wheat Street, Columbia, whom being sworn deposes and says that she was born in 1853 and is a daughter of the late Dr. John Lynch, surgeon.

Deponent says that her home in 1865 was at 1514 Assembly Street, Columbia, and she was in this city during the time and prior to the occupation of Columbia by the troops of Gen. W. T. Sherman. Deponent recalls that all day long on February 16, 1865, the city was shelled by Sherman's troops from a location across the river, and her mother, Mrs. John Lynch, took deponent to the grounds of the State hospital for safety, remaining there until dark of the date in question. On February 17, 1865, about 10 o'clock in the morning, General Hampton's troops retreated from the city of Columbia. General Sherman's troops entering the city afterwards from a point across the Broad River, northwest. Deponent can say from her own knowledge that at no time did she see any of General Hampton's troops use a torch and, in fact, no buildings were burning when the troops of the Confederate Army had retired from Columbia.

An officer of Sherman's army stated to deponent's father, Dr. John Lynch, that the city of Columbia was doomed. During the evening of February 17, 1865, the deponent personally saw soldiers of General Sherman's army with torches setting fire to buildings near her home, 1514 Assembly Street, which is one block off Main Street, a paralleling street. She saw soldiers with torches setting fire to the curtains in the post-office building. The postmaster at the time being a Mr. Glass, who lived on the second floor of the building. The post-office building was within two blocks of the corner of Richardson (now known as Main Street) and Blanding Streets, where the building of the Ursuline Convent and Academy was located, occupying space which ran back to Sumter Street.

Deponent recalls that the convent building was constructed of brick and it was well furnished with necessary fittings—furniture and tapestries. In it was a valuable library, harps, and many articles of value which were destroyed, and in the opinion of the deponent it would require at least $75,000 to replace the building alone.

Deponent recalls that the Ursuline Convent building was burned during the evening of February 17, 1865, and there is no doubt in her mind whatsoever as to the destruction of the building, being a result of torches used by soldiers of General Sherman's army. Deponent also recalls that the nuns and the students at the convent found it necessary to spend the night of February 17, 1865, in the churchyard of St. Peters Church, located across the street from deponent's home, 1514 Assembly Street, at the time. Deponent had to leave her own home on account of the firing of the buildings in the rear of same and she also spent the night in the churchyard of St. Peter's Church.

Mrs. ELLEN LYNCH MCQUEEN.

Subscribed and sworn to before me this the 6th day of April, 1928 A. D.

[SEAL.]

W. SMEDES HENDLEY,
Notary Public for South Carolina.

AFFIDAVIT OF J. F. WILLIAMS

STATE OF SOUTH CAROLINA,
County of Richland:

Personally appeared before me, a notary public duly authorized for the State and county aforesaid, James F. Williams, of 1931 Bull Street, Columbia, who, being sworn, deposes and says that he was born in 1850 and since he was 6 years of age has been a resident of Columbia.

Deponent further says that he was in Columbia on February 16, 1865, at which time the city was shelled by the artillery of Gen. William T. Sherman's troops, these troops being on that date located across the river in sight of the city. On the following day, February 17, 1865, General Sherman's troops entered Columbia and city being surrendered by the then Mayor Goodwyn at a point near Main Street, now known as the Broad River Road.

Deponent further says that prior to the entry of the troops described the troops of Gen. Wade Hampton, of the Confederate Army, retired from Columbia, and at the time of their leaving no buildings had been set on fire, nor were there any burning buildings in the city. In the evening of February 17, 1865, there was early evidence of the torch, and buildings on Main Street were soon in flames. Among the buildings burned was that occupied by the Ursuline Convent and Academy, at the corner of Richardson (now known as Main) and Blanding Streets, a brick building formerly known as the American Hotel. This building was worth, or its replacement value at that time, in the opinion of the deponent, was $25,000 to $35,000, to say nothing of its furnishings, which were also destroyed.

Deponent can state from his own knowledge that the burning buildings of the evening of February 17, 1865, were not set on fire by troops of General Hampton, his troops having left the city at least six or more

hours before the fires began to break out. On the contrary, the deponent is satisfied that the buildings were set on fire by troops of General Sherman, whether under his direct orders or not. Officers of his army stated to responsible citizens of Columbia that the town was doomed.

Further evidence as to the deliberate manner of burning various buildings is shown by the fact that of three churches located within a block of each building the Washington Street Methodist Church was burned, leaving the Baptist and Presbyterian churches standing. It was the accepted opinion of the citizens at the time, obtained from eyewitnesses, that the Washington Street church was burned under a misapprehension as to its being the Baptist church where the secession convention had been called, later going to Charleston, S. C. Further evidence is that of many buildings in the near-by suburbs of Columbia the troops sought out and burned the handsome home of Gen. Wade Hampton.

J. F. WILLIAMS.

Subscribed and sworn to before me this the 5th day of April, 1928 A. D.

[SEAL.] W. SMEDES HENDLEY,
Notary Public for South Carolina.

AFFIDAVIT OF ZELIA BARRY

This is to certify that I, Zelia Barry, was a boarder in the Ursuline Academy in Columbia, S. C., at the time of its burning by the Federal troops in 1865, the convent and its contents being a complete loss.

ZELIA BARRY.

Sworn and subscribed to before me, a notary of Dallas, Dallas County, Tex., this April 2, 1928.

[SEAL.] A. J. NEBIS.

AFFIDAVIT OF J. C. ABNEY

STATE OF SOUTH CAROLINA,
County of Richland:

Personally appeared J. C. Abney who being duly sworn deposes and says that he is lieutenant colonel and chaplain general of the South Carolina Division of United Confederate Veterans; that he is 83 years of age; that on February 17, 1865, he was a member of Company D, Nineteenth South Carolina Regiment, Manigault's brigade, and stationed in the city of Columbia; that on the early evening of February 16, the southern troops burned the lower, or Gervais Street Bridge, and in the night or early in the morning of the 17th the southern troops burned the upper, or Broad River Road Bridge; that about 8 o'clock a. m., February 17, the southern troops began to leave the city of Columbia and between 9 and 10 o'clock a. m. of the same day the Federal troops began coming into the city, having crossed the river on pontoon bridges; that when he left the city some cotton was burning on Main Street, but as the wind was blowing in an easterly direction said cotton fires could not have caused the fires that began to appear in the western part of the city toward the river; that in the fall of 1863 this deponent visited in the city of Columbia and frequently worshipped in Washington Street Methodist Church, and that while stationed in the city of Columbia in February, 1865, he again worshipped in said church and observed same; that said church was an elegant brick church and well equipped city church; that said building was a very large brick building nearly as large as the present church building; that there were very few buildings in the vicinity of the church and no near buildings; that said building and equipment was worth about $25,000, and that as said church was burned by the Federal troops the congregation was badly scattered and disorganized; that upon his return to the city of Columbia a few years after 1865, he was told, and it was the rumor and generally accepted theory, that the Federal troops had burned the Methodist church thinking that it was the Baptist church where the secession convention was held, and that they had been told by the janitor of the Baptist church that the Methodist church was the Baptist church; that the Baptist church less than a block from the Methodist church was not burned nor was the Presbyterian church in the next block or the Episcopal church three blocks away burned either.

J. C. ABNEY.

Sworn to before me this 26th day of March, 1928.

[SEAL.] EDWARD P. HODGES,
Notary Public for South Carolina.

AFFIDAVIT OF JESSE THOMAS

STATE OF SOUTH CAROLINA,
County of Richland:

Personally appeared Jesse Thomas, who, being duly sworn, deposes and says that he is 84 years of age; that during the War between the States he was a member of Company H, Seventh South Carolina Battalion; that he was born at Horrell Hill, Richland County, about 10 miles from the city of Columbia, and frequently visited the city before the war; that he was wounded at Battery Wagener, Morris Island, on July 10, 1863, and went home on a furlough; that from September, 1863, to April, 1864, he was in a hospital in Columbia; that before the war and while on said furlough he worshipped in Washington Street Methodist Church, which was the nicest church in the city and considered the strongest church in the city; that said church was a well-equipped city church; that said church was worth at least $25,000 or $30,000; that on the 16th day of February, 1865, he went to General Hampton, who had his headquarters on Congaree Creek, about 4 miles from the city of Columbia in Lexington County, and applied for a place as courier; that General Hampton told him to come back the next day and that he could probably use him then; that on the night of the 16th Hampton's men began to leave Columbia and burned both bridges over the river west of Columbia; that in the early morning of February 17 all the Confederate troops were out of the city and Sherman's men began to come in, having crossed the river on pontoon bridges; that he left the city late in the late afternoon on February 17 and at that time there were no fires in sight; that in the early evening of that day he could see the lights of the burning city from his home; that a few days later he returned to the city and found that Main or Richardson Street from Gervais Street to Elmwood Avenue did not have a building left and that all buildings had been burned between Gervais Street and Elmwood Avenue from Sumter Street to Assembly Street; that Washington Street Church and many residences had been burned; that Washington Street Church was the only church burned; that he was told on the first visit to the city that Sherman's men had asked the janitor of the Baptist church if it was the Baptist church and that the negro told him that said church was the Methodist church and that the Baptist church was around the corner and that said negro janitor pointed out Washington Street Methodist Church as being the Baptist church; that it was generally understood that Sherman's men were looking for the Baptist church, as they wanted to burn it because the secession convention was held there.

JESSE THOMAS.

Sworn to before me this 26th day of March, 1928.

[SEAL.] EDWARD P. HODGES,
Notary Public for South Carolina.

AFFIDAVIT OF D. D. WALLACE

STATE OF SOUTH CAROLINA,
County of Spartanburg:

I, D. D. Wallace, of the city of Spartanburg, State of South Carolina, do depose and say as follows:

I have for more than 20 years been professor of history and economics in Wofford College at Spartanburg, S. C., and also curator of the South Carolina Conference and Upper South Carolina Conference Historical Societies. I have examined the files of the officially published South Carolina minutes to ascertain the value of the Washington Street Methodist Church building in Columbia, S. C., which was burned on February 17 or 18, 1865. The minutes for 1860 give the value of the Washington Street Church property as $20,000, and the value of the Medium Street Mission, operated by the Washington Street Church, as $400. The minutes for 1861 give the value of Washington Street Church property as $20,400, stating that all statistics for the Medium Street Mission are included in those for Washington Street Church.

The published minutes for 1862–1866 are reduced to very brief form and contain no statistics of property values of individual churches. The published minutes from 1867 on contain statistics of the value of individual churches, and for some years show a blank for any values belonging to Washington Street Church property.

The published minutes for 1868 contain a resolution of the conference welcoming the pastor or agent of Washington Street Church to all our charges in efforts to raise funds for the rebuilding of that church.

All references in the above to churches or conferences are to churches or conferences forming a part of the Methodist Episcopal Church South.

D. D. WALLACE.

Sworn to before me this 12th day of March, A. D. 1928.

[SEAL.] H. B. CARLISLE,
Notary Public for South Carolina.

ADDITIONAL AFFIDAVITS

STATE OF SOUTH CAROLINA,
Richland County:

Personally appeared before me, G. M. Berry, who being duly sworn, says that he is president of the Columbia National Bank, that he has been in the banking business in Columbia for a number of years, that he knows Mrs. Mary E. Bultman, Frank F. Whilden, A. C. Squire, and W. J. Heidt, that he has known these persons for a number of years and that they are highly respected and trustworthy citizens.

G. M. BERRY.

Sworn to before me this 26th day of February, 1929.

[SEAL.] W. E. MCNULTY,
Notary Public for South Carolina.

STATE OF SOUTH CAROLINA,
Richland County:

Personally appeared before me, Mary E. Bultman, who being duly sworn, says that she is a life-long resident of the city of Columbia, S. C., and that she was born on May 15, 1869, and that she is now

the owner of the property at the northwest corner of Main and Blanding Streets, and that prior to February 17, 1865, her mother and father had a home and resided on this corner, and that the following, according to statement of her mother to her, is what happened on February 17, 1865: "That on the morning of February 17, 1865, her mother was in their home on above-described corner and was sick in bed when a number of soldiers of the Northern Army entered the house. They were quite noisy except one soldier who reprimanded the others, saying that he had left a mother at home, and that when this soldier left he told my mother that the house would be in ashes by 9 o'clock that night and he advised her to get out, that my father moved a bed and some of the furniture down into the rear end of the lot under a grape arbor and put some blankets or quilts over the top as a shelter and moved my sick mother to this location, and that by 9 o'clock that night as predicted by the friendly soldier, the house was burned."

MARY E. BULTMAN.

Sworn to before me this 26th day of February, 1929.

W. E. MCNULTY,
Notary Public for South Carolina.

STATE OF SOUTH CAROLINA,
County of Richland:

Personally appeared Frank F. Whilden, who being duly sworn, deposes and says that the following is a copy of a memorandum written in the Whilden family Bible by his mother, Mary Stephens Whilden, at the time of the event therein referred to:

"This Bible is the only copy of the word of God which was left me after the burning of Columbia by Sherman. It chanced that this volume always stood on the mantelpiece of my bedroom and was the one which I always read from, having been presented to me by my father in 1856. In leaving my home when it was set fire by the soldiers, I took with me this book. It contains our family record, all other records reaching beyond the present generation were at that time destroyed.

"It is my desire that this volume shall be preserved for my children; it contains many marked passages, which may strike them when their mother shall have passed away.

"At the time of the destruction of Columbia, our family consisted of my husband and four children, Frank, Walter, Mary, and Hattie; the last-named was born in Columbia and was at the time of its destruction just 1 year old.

"Of the scenes through which I passed during the night of the terrible conflagration and the succeeding days, language would fail to describe. My husband was at the time in the discharge of those duties which devolve upon every true man of the South, and I was left in charge of my family without a protector.

"We were driven from our home at midnight; it was burned with everything in it. We were not allowed to carry with us provisions. That memorable night, the 17th February, 1865, shall never be forgotten.

"We remained without shelter in the streets until daylight, when on the afternoon of the 18th we succeeded in obtaining a room in the theological seminary. We were here surrounded by thousands of Sherman's brutal soldiers for three days. How we escaped starvation is a miracle. We subsisted for a month on the coarsest fare, and scanty supply at that; it was the most difficult matter to procure provisions. Rations were allowed out of supplies sent from parts of the country that had escaped the ravages of the army, but these rations were not sufficient to supply the many needy, and had it not been for the kindness of some friends who had saved some provisions we must have suffered from extreme hunger. As it was, we had to deal out with sparing hand from day to day.

"This little record of my experience I write that my children, some of whom were too young to remember, and others who have been born since the war, may refer to it in years to come, when the incidents of the war shall have passed into history and the burning of Columbia be attributed to other causes than the incendiary torch of Sherman and his brutal soldiery.

"I record this in my Bible where aught but truth dare not be written, that my eyes saw the United States soldiers, under the command of Gen. W. T. Sherman, set fire to and burn not only my own but other houses in my immediate neighborhood.

"This Bible together with a small Episcopal prayer book, were the only books left me after the fire, and I desire to bear record to the circumstances under which it was saved, and how it is that so high value is attached to this volume.

Columbia, S. C., February 17, 1865.

"MARY STEPHENS WHILDEN."

Deponent further states that at the time of the burning of Columbia he was 10 years of age and was residing with his mother in the city of Columbia on Laurel Street, next to the northeastern corner of the intersection of Laurel and Sumter Streets; that on the evening of February 17, 1865, the Whilden home was set fire to in the rear by Federal soldiers, and the family was forced to take to the streets; that while his mother and her children were huddled under some trees on Laurel Street between Bull and Marion Streets, on the evening of the fire, between the hours of 11 and 12 o'clock p. m., Capt. James G. Crozier, of the Twenty-first Illinois Regiment, who kindly acted as the guardian of the family, said: "Here comes General Sherman and his staff"; that General Sherman and his officers passed slowly by and were apparently indifferent to the burning houses about them.

That on information and belief this deponent says that the Washington Street Methodist Church building and the Ursuline Convent were set fire to and destroyed by the troops of Gen. W. T. Sherman, that as to Washington Street Methodist Church, the source of his information is his mother, who told him upon more than one occasion that said church had been destroyed by Sherman's troops, and that only a few days after the fire, he saw the remaining débris of the building; that as to Ursuline Convent, he saw it burning on the night of February 17, 1865, and the next day visited the scene of the destruction, and it was the talk of the morning, including the statements of some of the nuns who were in the convent, that Sherman's men had broken into the convent, robbed it, and then set it on fire.

That upon information and belief, this deponent further says that on the morning of February 17, 1865, the Federal troops released their fellow troops from the Columbia jail and set fire to said jail, and when the Columbia fire department arrived on the scene, the Federal troops cut the hose with their bayonets, broke the engines up with axes, completely destroying the same, and ran off the fire department, which was largely composed of negroes.

FRANK F. WHILDEN.

Sworn to before me this 26th day of February, 1929.

[SEAL.] W. E. MCNULTY,
Notary Public of South Carolina.

STATE OF SOUTH CAROLINA,
County of Richland:

Personally appeared before me, A. C. Squier, who, being duly sworn, says that he was born in Columbia, S. C., on March 31, 1851, and that he is a lifelong resident of said city; that he was in Columbia on February 17, 1865, when General Sherman's army arrived in Columbia, and at that time he was 13 years 10½ months old, and remembers very distinctly things that he saw on that occasion; that his father was at that time operating a furniture store at the southeast corner of Main and Hampton Streets; that about twilight on Friday night, February 17, 1865, he was standing on the southeast corner of Washington and Sumter Streets and saw three rockets go up from the vicinity of the State capitol, one red rocket, one white rocket, and one blue rocket; that previous to this time some fires were in progress in the "red-light district" on West Gervais Street, in a very short time after the rockets went up the fires appeared generally over the entire city; that the advance guard of General Sherman's army began to arrive during the morning of February 17 through the northern end of the city, and that in a few hours the city was thronged with thousands of soldiers; that he followed a crowd of soldiers into a grocery store and saw them ransack it, and while he was in there the soldiers offered him some prunes out of a large jar which they had opened; that he saw them smash all of the glasses in Allan & Dial's hardware store as they entered it and saw them get upon the counters and throw the goods from the shelves about over the floor; that he was on the corner of Hampton and Main Streets and saw smoke begin to pour out of the rear of Burdell's dry goods store across the street at the southwest corner of Main and Hampton Streets; that the local firemen attempted to put the fire out, and that he saw the northern soldiers take their bayonets and punch holes through the fire hose; that the Ursuline Convent Building at the southeast corner of Main and Blanding Streets was burned on this occasion, also the Washington Street Methodist Church and Sunday School building and two parsonages at the northeast corner of Washington and Marion Streets; that every building on Main Street from the State capitol to Richland Street and many private homes east of Main Street were burned; that the southern soldiers had all left the city early on the morning of February 17, 1865, when General Sherman's army began to arrive; that there were no southern soldiers left in the city; that while he did not actually see the northern soldiers set any of these fires, there was every indication that the city was burned by them.

A. C. SQUIER.

Sworn to and subscribed before me this the 25th day of February, 1929.

[SEAL.] W. E. MCNULTY,
Notary Public, S. C.

STATE OF SOUTH CAROLINA,
County of Richland:

Personally appeared before me W. J. Heidt, who, being duly sworn, says that he will be 81 years old on the 13th day of March, 1929; that he is a resident of the State of South Carolina, and that he was living in Columbia, S. C., in February, 1865, when Sherman's army passed through Columbia, and that he was nearly 18 years old at that time and remembers very distinctly things that happened on that occa-

sion; that he in company with several other young men was passing Chaney's Hotel, at the northwest corner of Main and Lady Streets; that there were about 25 bales of cotton on the edge of the sidewalk in front of the hotel which was on fire; that he and the other young men hastened to the independent fire-engine house and got out the hose reel and connected same to fire hydrant and was attempting to put the fire out when the northern soldiers cut the hose up and drove them away; he further states that his father was operating a store at that time on the east side of Main Street between Taylor and Blanding Streets, just four doors south of the Ursuline Convent, and that this store along with the Ursuline Convent was destroyed by fire on the night of February 17, 1865.

W. J. HEIDT.

Sworn to and subscribed before me this 18th day of February, 1929.

[SEAL.] WALTER E. MCNULTY,
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA,
County of Richland:

Personally appeared before me, a notary public duly authorized for the State and county aforesaid, A. C. Squier, of 2212 Main Street, Columbia, S. C., who being sworn, deposes and says that he was born in Columbia on March 31, 1851, his father, the late A. C. Squier, sr., being from Rahway, N. J., and his mother being from Elizabeth, N. J., they moving to Columbia in 1826.

Deponent further says that he was in Columbia in February, 1865, and recalls that on February 16 of that year the city of Columbia was shelled by Sherman's troops from a position across the river at or near Gervais Street. He recalls that on February 17, 1865, Hampton's troops retired from Columbia and the troops of General Sherman entered the city about midday, entering from a position where the Broad River Bridge is now located. It was understood that the mayor, Mr. Goodwyn, when surrendering to the invading troops was given assurance that only the public buildings would be damaged.

On the contrary, during the afternoon the troops of General Sherman were boisterous, many of them being drunk, and about twilight of the evening of February 17 the rockets were sent up from a point near the statehouse and almost immediately afterwards it was noticed that many houses were in flames. The soldiers went into the homes and buildings, confiscating such valuables as they could, and usually set fire to the buildings on leaving.

Deponent recalls that the Washington Street Methodist Church was burned during the evening of February 17, 1865, as were the Sunday school room, its furnishings, and the church parsonage; in fact, every building on that block was burned, with the exception possibly of a small house with little value. Deponent would say that $25,000 would be a moderate estimate as to worth of the building and furnishings destroyed on this church property.

Deponent recalls that during the early evening, when the firemen were trying to control the flames by using leather hose, the soldiers of General Sherman used their bayonets in sticking the hose, thus making it useless and the flames thereby got beyond all control, resulting in the burning of practically every building on Main Street, then known as Richardson Street.

Deponent has no reason to believe other than that the church was set on fire by General Sherman's men, and it was the belief at the time that it was burned with an idea of its being the Baptist Church where the secession ordinance convention had been held. This is plausible for the reason that the Presbyterian Church, across the block, and the Baptist Church, within a block and a half, were left standing.

A. C. SQUIER.

Subscribed and sworn to before me this the 13th day of April, 1928, A. D.

[SEAL.] W. SIMEDES HENDLEY,
Notary Public for South Carolina.

STATE OF SOUTH CAROLINA,
County of Richland:

Personally appeared before me Mrs. Rose C. King, who, being duly sworn, states that to her personal knowledge the attached articles are copies of the original articles on the same subject now held in the files of the Southern Christian Advocate at Columbia, S. C., and that said copies were made by her and are exact in every detail.

Mrs. ROSE C. KING.

Sworn to before me this 26th day of February, A. D. 1929.

[SEAL.] J. B. CAUGHMAN,
Notary Public of South Carolina.

[Copied from the Southern Christian Advocate, Augusta, Ga., March 2, 1865]

SHERMAN'S MOVEMENTS

The dispatches prepared by the agent of the Associated Press furnished the following items:

On Friday, the 17th of February, a body of the enemy entered Columbia and burned the buildings on both sides of Main Street, its whole length. Not a house left standing. A Government courier line has been established between Augusta and Columbia. The railroad between Branchville and Charleston is unmolested. Repairs are being made on the road between Augusta and Branchville. The Wilmington road beyond the Wateree River is undisturbed. Orangeburg is reported as partially destroyed. The trestling on all the South Carolina roads, north and west of Branchville, has been destroyed. Lexington courthouse was burned, and only a dozen houses left standing. Charleston was quietly occupied by the forces of Foster and Gilmore. The citizens from the surrounding country came within the city to obtain subsistence.

[Copied from the Southern Christian Advocate, Augusta, Ga., March 2, 1865]

RELIEF FOR COLUMBIA, S. C.

The Hon. R. H. May, mayor of Augusta, has issued the following proclamation to the people of Augusta—the appeal so touchingly made will not be unheeded elsewhere:

"With a sorrowful heart, I am again impelled to appeal to you for relief to the destitute, homeless, and suffering inhabitants of our sister city of Columbia, S. C. We are but now beginning to understand the awful condition to which these our stricken brethren have been reduced by the ravages of war and the unnecessary cruelties of a remorseless enemy, who, like the savages of the days of the Revolution, spared neither age, sex, nor condition. Hundreds, perhaps thousands, of the people of Columbia are now destitute of food, clothing, or shelter, and from the depth of their misery they cry to us for assistance. They have been stripped of all their earthly possession, and in the midst of an inclement season have been abandoned to starvation. Two-thirds of their beautiful city are in ashes, and every horse and mule, many negroes, and all of their clothing and provisions have been carried away. They appeal to us for help in this dreadful day of their calamity, their suffering women and children, and I know you can not fail them, but will respond now as in days past you have responded to far less urgent needs. Hitherto we have escaped the presence of a conquering foe, can we ask God to continue to bless and preserve us and ours if we show ourselves unwilling to aid those who are banded within the same great struggle? I bring their case before you, assuring you that never before, since the devastations of this war commenced, has there been a time when your sympathy and liberality could have been better bestowed.

"The following gentlemen will receive and dispense all contributions for Columbia: L. Cohn, H. W. Carr, Henry Moore, E. LaFitte, T. J. Jenning, James Miller, and J. T. Pace.

"ROB'T H. MAY, *Mayor.*"

[From the Constitutionalist]

GEORGIA TO THE RESCUE

The proclamation of his honor the mayor, calling upon all the benevolent of this city to contribute their mite to alleviate the sufferings of the unfortunate people of Columbia, who now amid their smoking homes and desecrated hearths appeal to us for sympathy and assistance, is a document to be read and acted upon by all immediately and liberally. Lest there should be any misgivings with regard to the poignancy and extent of the calamity now stalking gigantically amid the blasted streets of the fair Carolina city, we append a letter from Mayor Goodwin, which tells a plain, unvarnished tale, and one of grim significance:

[Copied from the Southern Christian Advocate, Augusta, Ga., March 2, 1865]

"RUINS OF COLUMBIA, S. C., *February 22, 1865.*

"To the People of Augusta:

"Fellow citizens, the threat of the cruel and hellish enemy to wipe out South Carolina has been fully commenced in Columbia—two-thirds of our city is in ashes. Every horse and mule and many negroes—all, yes, all clothing and provisions have been carried off or destroyed—Sherman says: 'The rebellion must be put down by starvation.' Thousands of our people are verging on it now; we appeal to you, our neighbors, to help our homeless women and children. Sherman told us if our people want to move west of Broad River that they would not be disturbed further. He has gone east seeking to destroy the mills around us; the plantations have been swept of everything. Our only outlet now is West Broad River, as the armies are north and east, and south of us for 30 miles is a wilderness.

"We are homeless and threatened with starvation; but, thank God, the spirit of our people, though in fetters, is proud and confident that God will not allow the cause of truth, justice, and humanity to be sacrificed to unprincipled diabolism."

We trust and believe that our citizens and the people of Georgia at large will answer this petition by accumulating a lavish sum of money and a pyramid of provender for the stricken children of our sister State. Those who have much let them give much. Those who have little let them give their dole, which like the widow's mite shall be "reckoned up hereafter." Let us all give something, no matter how small. Everything helps, whether it be a bushel of potatoes, a loaf of bread, or a $5 bill.

It will be seen by Mayor Goodwin's letter that Sherman proposes to crush our independent aspiration by the base alternative of starvation. Let our compatriots know that we can and will make his scheme futile and barren. Every dollar given to the succor of the people of Columbia is a ransom for us in heaven, a good deed on earth, a terrible blow to the enemy.

[Copied from the Southern Christian Advocate, Augusta, Ga., March 16, 1865]

THE ENEMY IN SOUTH CAROLINA

We regret that we have as yet heard nothing directly from our friends beyond the Savannah respecting the ravages of the enemy at the points over which we passed. There are no mails and perhaps few means of writing left in the desolated districts. What we gather from a passenger now and then, and what is received through the daily papers—meager at best—is all that we can learn. From such sources of information we gather the fact that widespread desolation marks the path of the enemy through our devoted sister State. Houses were plundered and burned. Even the little left was often torn from the grasp of those removing from the burning buildings and thrown into the flames. Food was carried off, or else destroyed, and the people left in pitiable condition. The largest license was given to the slaves, and since the passing of the enemy they have evidenced considerable insubordination. Churches were emptied of their benches and turned into dance houses, where white and colored were mingled in profane revelry. What Sherman's army did elsewhere was merciful compared with the atrocities they have perpetrated in this later march, according to all the reports that have reached us.

But the heaviest woe has fallen upon Columbia, the seat of hospitality and refinement, the beautiful capital of the State. More than half of it is in ashes—not by accident, as has been alleged, but of deliberate purpose. We have learned from friends who have seen Rev. W. G. Connor, pastor of Washington Street Methodist Episcopal Church, that the parsonage in which he lived was set on fire three times and extinguished; that the back doors of the church were entered and it fired within; and by its burning his house and the district parsonage, occupied by the Rev. C. H. Pritchard, were consumed. The means used by the Yankees to fire the houses were frequently fireballs thrown into them, and when the houses were burning and the inmates ran out they entered and pillaged them. The scenes that were enacted on that memorable night of the 17th of February, 1865, defy all description, and unspeakable suffering has followed. Hundreds of wealthy families were turned into the street, stripped of everything but the clothing they wore. And those who were not made homeless were mostly robbed, so that they could give nothing save shelter to their suffering fellow citizens.

If there was ever a case that appealed to the sympathy of the more fortunate, it is that of the citizens of Columbia. We have heard of some who have never known want reduced to the necessity of drawing daily a very scanty ration from the contributions made from abroad; and the state of the roads and the condition in which the enemy has left the surrounding country made even these a very precarious mode of supplying the most pressing demands of nature. Let all who can contribute something to our distressed fellow citizens—not money only, but, better still, food and raiment. This is what is now most needed, and if any can throw open their doors to the homeless and give some of them shelter they will give yet further testimony of their subjection to the self-sacrificing of Christianity.

FURTHER FROM COLUMBIA

We have seen an intelligent gentleman from Columbia, who being a member of the fire brigade, is able to state definitely the fact that Columbia was fired in many places at once by the Yankees. It was pretended by them that cotton in the streets took fire and was communicated by a high wind to the houses. He says that some cotton in the street was fired about noon, but he aided in extinguishing it, and long before the houses were generally burning it was completely out. He says he saw fire set to one house, and he himself put it out; and that when the flames appeared later in the afternoon on Main Street, they broke out simultaneously all along the street, in many different places. Besides this, isolated houses were burned, to which the fire could not be communicated from other houses. It is asserted, too, that in numerous cases the houses were fired by the guard set for the protection of the inmates and their property. The Masonic and Odd Fellows' halls were deliberately fired by the Yankees, and all records, regalia, jewels, and furniture burned. The Yankees may now add to their previous boastings the assertion that no race has ever surpassed them in wanton and malicious fiendishness.

We learn that Messrs. Evans & Cogswell saved a good deal of their machinery, yet lost also a large amount—and also lost much stock. The new abridged edition of our hymn book, recently noticed in the Advocate, was still in their hands; and we have not learned whether it was saved or lost, though we fear the latter. If so, this will prove a serious inconvenience to the church. Major Evans's dwelling, too, was burned, though his family had been removed. Mrs. John Bryce's house was burned. Mr. Robert Bryce, we believe, had sold his house in town and removed to the suburbs. His former house was burned, but not that he then occupied, we have been informed. Major Evans got away almost all the machinery and material for printing the government bonds and money, though some small portion of this was burned on a delayed train. We are told that it is a melancholy sight to see the plundered citizens walking about the ruins of their former homes, meditating upon the sudden calamity that has overtaken them, and trying to gather whatever comfort the community in sorrow affords, while they unite in praying that God may bring righteous retribution upon the spoiler.

[Copied from the Southern Christian Advocate, Macon, Ga., Thursday, November 23, 1865]

PROCEEDINGS OF THE SOUTH CAROLINA CONFERENCE OF THE METHODIST EPISCOPAL CHURCH SOUTH, CHARLOTTE, N. C.

* * * W. Martin presented a communication setting forth the condition of the church in Columbia. It appears that the Washington Street Church, the Sunday school room, and the station and district parsonages were all consumed in the late disastrous conflagration, and most of the members of the church lost nearly all they possessed.

On motion of Doctor Smith, the cordial sympathies of the conference were tendered to the brethren in Columbia, and the ministers pledged themselves to use prompt and energetic efforts to contribute and collect funds for the erection of a temporary place of worship in that stricken city. The document was referred to the committee on church extension.

The examination of elders followed, and many were called and approved. G. Bright was approved and transferred to the Georgia Conference.

[Copied from the Southern Christian Advocate, Macon, Ga., February 23, 1866]

A THOUSAND CHURCHES BURNED

A correspondent of the N. O. Christian Advocate writes: I have been making inquiries all over the South respecting the destruction of churches during the war, and while I am not prepared to speak with anything like exactness from statistical information, yet, from all I can learn, I am led to believe that not less than from 1,000 to 1,200 churches were destroyed by the Christian army of the most religious people in the world. These buildings cost the southern churches of all denominations not less than $5,000,000. The Baptist and Methodist suffered the most, the Presbyterian next, and the Catholics the least. A full report ought to be obtained and recorded in letters of brass as a perpetual memento of the affection and love which have been cherished for us for 40 years, and is still felt, toward "erring brethren." Whole districts of country, where formerly many churches stood, the evidences of at least some civilization, if not "genuine Christianity," are now without a shingle to cover the Sabbath worshippers. Northern ecclesiastics boasted to the administration of the large numbers the church had sent to army, every company, regiment, and brigade swelling with church communicants, "making a league with death and a covenant with hell" to exterminate all "bogus Christianity," and adopting as a primary measure the destruction of church edifices. Is not that a sight to make angels—of a certain order—glad? Now would it not look like doing a right thing for the great Northwest to raise $500,000 and send "down South" to pay for the rebuilding of some of these ruined churches? Five millions of dollars would hardly restore them.

[Original poetry copied from the Southern Christian Advocate, published in Macon, Ga., Friday, March 9, 1866]

THE BURNT CHURCH

(Written near the ruins of Washington Street Methodist Church, of Columbia, S. C.)

As I stand beside the crumbling walls,
Thy charred and blacken'd walls—
And weep thy fate, thou blessed church,
Oh! how my heart recalls
The sacred epoch, long since gone,
That memory brings to me,
When on thy consecration morn,
A fair new sanctuary,
Like doves unto their windows came
God's worshipers to thee.

* * * * *

O God! rebuild our ruin'd church;
Ere long, ere very long,
Be heard in it the sound of prayer,
The voice of sacred song;
The gospel of the grace of God
Be preached in it once more,
With all the energy and power
That it was preached of yore,
And the foe's sacrilegious hand
Destroy it never more.

—M. M.

COLUMBIA, S. C., *February, 1866.*

[Copied from the Southern Christian Advocate, Macon, Ga., March 9, 1866]

AN APPEAL FOR THE WASHINGTON STREET METHODIST EPISCOPAL CHURCH IN COLUMBIA, S. C., WHICH WAS BURNT TO THE GROUND ON THE NIGHT OF THE 17TH OF FEBRUARY, 1865, BY THE SOLDIERS OF THE INVADING ARMY COMMANDED BY GENERAL SHERMAN

MR. EDITOR: We are made glad in the midst of our gloom by the visits of our old friend, the Southern Christian Advocate. I send a small pen-and-ink contribution to it. Would that instead I could send what it needs more at this time—greenbacks. The verses were printed in our little Phoenix, a daily, at the time, of very limited circulation. If you think woman's voice can aught aid the causes so near her heart—religion and humanity—you may give a corner of your paper to these feeble utterances of mine.

How many will recollect this dear old church, now reduced to ashes? To how many was it endeared by a thousand sacred associations? Its founder, the saintly Capers, with his cenotaph on its walls and his monument in its graveyard just in rear of the pulpit which he graced in a manner I have never seen another do. Then its consecrator, the noble Andrew—how powerful he then was in the palmy day of his strength and vigor, making by his ministrations the pulpit a throne of thunder. Then its first pastor, the apostolic Freeman, so successful in winning souls; and its first presiding elder, the indefatigable Kennedy, always abounding in the work of the Lord. Its last pastor, William G. Connor, who in vain endeavored by prayers and tears to avert from it the hands of the raging incendiaries as they yelled out, "Burn up the heathen temple"; its last missionary, William Martin, so faithful to its immense colored membership, besides many pastors intermediate whose praise was in this and in all the churches. What a ministering church it was from the beginning! How successful, how efficient, how many thousands of rich and poor, bond and free, were converted and sanctified at its altar! How aggressive it was, yet how conservative; how zealous, yet how sound. How it devised liberal things, how ready to distribute, to help, a leader in every cause of benevolence, in every case of distress, never appealed to in vain. The burnt book room, the burnt churches of Charleston, of Wilmington all will remember this. It is hoped not only these but all the churches of our land will remember this church, what it was, and consider what it was. Once its membership among the wealthiest in the land, now the poorest of the poor. Burnt out, as their church was burnt down, what can they now do for it but pray God to open the hearts and purses of those that can afford it relief. Alas! the ark of God with us the members of this poor burnt church, dwells not now even in curtains. We have not even a tabernacle in the wilderness in which to worship God after the manner we have been accustomed. We would be thankful for the humblest shelter that we might call our own to worship in, for without this soon we fear our large membership will be as sheep scattered and lost, having no fold. O how can our comparatively rich brethren dwell in their ceiled houses when this temple of God is in ashes! Surely those even of moderate means can spare a small pittance for the resuscitation of a ruined church. The widow's mite, even, will, as of yore, be accepted and blessed. Doctor Myers, we are assured, will receive gladly any contribution for our poor church; so will its pastor and agent, Rev. W. T. Capers; so will its trustees or any member of the South Carolina conference. O Christians! if you could but behold the unsightly ruins of our temple, how mutely and piteously they seem to be imploring help, you could not, I am sure, withstand the appeal to your charity. True, you are all impoverished by this cruel war, but not many among you have had an enemy to throw "fire into your very sanctuary," to curse God's house, and then destroy it, to burn the very grass over the graves of your beloved ones. Such, as a church, has been our calamity. May God stir up your hearts to help us!

M. M.

COLUMBIA, S. C., *February, 1866.*

[Copied from the Southern Christian Advocate, Macon, Ga., April 20, 1866]

PROCEEDINGS OF THE GENERAL CONFERENCE OF THE METHODIST EPISCOPAL CHURCH SOUTH, CONVENED AT NEW ORLEANS, APRIL 4, 1866

Ninth day, Friday, April 13, 1866

Rev. Dr. W. Smith, of the South Carolina conference, presented a memorial from the Washington Street Church in Columbia, S. C., it being an address to the members of the Methodist Episcopal Church South appealing for aid. Doctor Smith says: "I should not do justice to my own feelings if I were not to add a few remarks upon presenting this memorial to this conference. I have been at a loss to know what direction to give it. I do not see that it requires to be referred to any special committee. I am aware that this conference has not funds at its disposal, or I am persuaded that the same generous spirit which has always animated you would make you contribute liberally to that church. There is, however, one thing that may be done very appropriately, that is, for this general conference to give utterance to their sympathy for those who have been most deplorably afflicted in this late cruel war; and as the Columbia quarterly conference has appointed an agent to receive donations it may be well for this general conference to indorse that agent and recommend the object of his mission to the generous consideration of the people throughout the country. When I look upon the past history of that church, when I look around me here and see so many esteemed and venerable men who have been connected with that church, and when I call up the flood of recollections associated with that church, my feelings are almost too big for utterance. I remember it as the spot where I first gave my heart to God. That building now lying in ashes is where some of the most venerable and oldest members of the general conference labored perhaps before I was born. I remember that it was a spot where Christian liberality and Christian feeling were called out and exhibited on the noblest scale. But, sir, it is now gone. Our friends at a distance have heard of the ruin of Columbia; they have heard of the sad havoc which war has made in that beautiful town, but the imagination can not conceive of the scene of the ruin that has been left. Throughout the long street where business was conducted block after block, on every hand the widespread conflagration has swept down and all now lies in ashes and ruin, save where some one desirous to recover from the shock, has commenced to build again, and here and there perhaps some single-story building rises out of the ruin. The men of that church are men that have been wont in the days of prosperity, to dispense with a bounteous hand and to respond liberally to all appeals, but now many of them are dependent upon charity for their daily bread. It is a sight to make any man weep, and I believe there is scarcely anyone who knew Columbia in its days of beauty and prosperity who could visit it now and behold its ruins without weeping tears of bitterness and sorrow for its sad, sad fate. That congregation made up of noble and generous men and women, with a large membership and flourishing Sunday school, are now scattered and dispersed and know not where to call home."

Rev. Dr. E. W. Sehon, of the Louisville conference, then offered the following resolution, which was adopted:

"*Resolved,* That this conference has heard with deep emotions of the sad fortune of our brethren in Columbia, S. C., and earnestly commend the agent, Colin Murchison, who is soliciting aid for the rebuilding of their church, to the kind and liberal consideration of the members and friends of our communion."

[Copied from the Southern Christian Advocate, Macon, Ga., August 24, 1866]

CHAPEL DEDICATED AT COLUMBIA, S. C.

MR. EDITOR: The inclosed editorial from the Patriot, of our city, will give what we know will be to you the pleasant information that the scattered flock of the old Washington Street Methodist Church, of Columbia, S. C., are again gathered into their own fold. Though grateful and thankful for this neat chapel, that congregation, however, look upon it as only a temporary tabernacle for their worship till such a time as a church adequate in size and in all else to their wants shall be built on the site of the large church burned on the 17th of February, 1865. To attain as speedily as possible this desirable object, the Methodist people of Columbia beg the prayers and pecuniary assistance of God's people everywhere. No place in all the land has the past war visited so sorely as the doomed city of Columbia, and no churches have been reduced to such dire extremity as hers, but especially that of Washington Street, where the gospel was given to so large a number of God's poor. Without aid from abroad, the people here for many years can not even entertain the hope of rebuilding their burned church. In the meanwhile, the loss to the cause of Christ and to southern Methodism will be incalculable. Columbia still remains our seat of government, that of our university, F. College, and many schools. By having no house of worship commensurate with the wants of an increasing population, we shall lose the influence at this most important of the State, this center and source of highest religious civilization. We have had few or no responses to our calls for help from abroad. We trust our friends will remember the afflicted church of Columbia—old Washington Street. We believe God will abundantly bless them for every dollar they contribute to raise His holy temple from the ashes of its desolation.

M. M.

DEDICATION OF WASHINGTON STREET METHODIST CHURCH

It has seldom been our happiness to participate in more impressive religious services than those which took place at the dedication of the new chapel at Washington Street Church on yesterday morning. The building, which is a simple, square, brick structure, occupies the position of the former elegant chapel which was destroyed by Sherman, together with the church and two parsonages, on the memorable 17th of February, 1865. It is capable of holding about 400 persons and is designed to serve the purposes of worship until such time as the congregation may be able to rebuild their church.

WASHINGTON STREET METHODIST EPISCOPAL CHURCH SOUTH,
Columbia, S. C., February 18, 1929.

Senator COLE. L. BLEASE,
Washington, D. C.

DEAR SENATOR BLEASE: The CONGRESSIONAL RECORD was received and read with interest. Then your letter came on Saturday. I notice what

you have to say and am not at all surprised that the Court of Claims should refer you to their former decision. Any fair-minded person or set of persons, it seems, would be forced to admit that Sherman's army deliberately burned Columbia, and I think you have given them proof of the fact.

I am glad you expect to continue the fight for us. Would it be worth while to attempt to prove that Sherman's troops burned Washington Street Church without trying to establish the fact that they burned the balance of the city? In the files of the Southern Christian Advocate there is a letter from the pastor then serving Washington Street Church to the effect that he chased Yankee soldiers with fireballs out of the parsonage and the further statement that they burned the church. I am not quoting his words, but this is the substance. The Advocate was then published in Georgia, and this article, along with many others, was written shortly after the destruction of Columbia.

Edward Hodges and I will see Mr. Salley this week and will do all we can to aid you in this matter. This money, which is nothing more than a just debt, would certainly be a godsend to us at this time.

Thanking you for your continued efforts and assuring you of my cooperation in the matter, I am,

Very cordially yours,

A. L. GUNTER.

WASHINGTON STREET METHODIST EPISCOPAL CHURCH SOUTH,
Columbia, S. C., March 23, 1928.

Hon. COLE. L. BLEASE,
United States Senate, Washington, D. C.

DEAR SENATOR BLEASE: Your letter of the 21st is in hand. I am deeply appreciative of the interest you are manifesting in the effort to secure reimbursement for the church Sherman burned, and I regret that our folk here are moving so slowly. Upon receipt of your letter I immediately got in touch with Hodges and with others who are assisting in securing this evidence and they promise to see some of these parties to-day. While it is true that Edward Hodges is in a city campaign and therefore quite busy these days, he promises me that he will try to get everything in shape to forward to you early next week.

He told me that he had sent an affidavit from Dr. D. D. Wallace, curator of the conference historical society, setting forth the value as published in the conference minutes. Rev. J. C. Abney, a local preacher of our church, still lives and told me the other day he remembers the church well, has been in many times, and that he was a soldier on duty in Columbia when Sherman's army approached the city. He says he considers the $25,000 named in the bill as a fair amount. If you think his testimony worth anything, I'll get that.

You may expect to hear from us early next week, and I trust this will give you time to push things through during this session.

Please inform me whenever and however you think I might assist in any way.

Most cordially,

ARTHUR L. GUNTER.

URSULINE CONVENT,
Columbia, S. C., April 4, 1928.

Hon. COLE. L. BLEASE,
United States Senate, Washington, D. C.

DEAR SENATOR BLEASE: I deeply appreciate your very active interest, indicated by your letter of the 3d, just received.

I certainly do hope that you will be able to get the papers that were filed in the former claim. We were very nonplussed at the view taken by the House of Representatives at that time. I have always thought that it was due to the misrepresentations of a South Carolinian who had turned Republican, had an office in Washington, and was working altogether for the Republican Government. He passed away several years ago. He accepted evidence from a party who was not in Columbia at the time of the burning and who was very pro-Federal, and from another who was weak-minded.

I am writing to the Senators you named, and thank you for the suggestion.

With regard to the value of the property: I heard often from the mother superior—who was my aunt—and the nuns associated with her that the estimate was at least $100,000, and at that time prices were very moderate. The convent was well furnished and well stocked, and in that few hours' burning everything was consumed in the flames except what could be carried in the hands. They had fine pianos, harps, and guitars; fine paintings, among them one valued at $5,000, the gift of a Roman lady; the chapel, dormitories, classrooms, parlors, and kitchen were all well furnished.

I will quote from a letter written by the mother superior at that time: "Our convent, situated in the center of the city, was destroyed with all it contained. We were scarcely able to save our lives, each one carrying only some clothing and little else. We had been deceived by the promises made by the most powerful authorities, even General Sherman himself. That is why we did not keep in reserve some funds we had then and which could have been easily removed, but used the money in buying great quantities of provisions. These, with everything we had acquired since the first foundation of the convent, were consumed by the fire."

As soon as I possibly can I will send on some affidavits regarding the burning by the Federal troops and the value of the property.

We wish to assure you, dear Senator, that we have perfect confidence in your ability and in your friendship. We know that you will do everything in your power for us, knowing that it is a just cause. As a lawyer you stood among the first in South Carolina—very powerful in your arguments. I have not considered an attorney at all, and we are not in a position to go to any expense whatever, as our finances are at a very low ebb. We have no acquaintances in Washington, and I had not thought of asking anyone else; however, we are willing to follow your advice in anything you suggest.

We are happy to know that Mrs. Blease is improving so nicely in health. We are remembering her daily in our prayers that she may soon regain her full health and strength.

Assuring you of our gratitude for your efforts in our behalf, and with kindest regards to Mrs. Blease and yourself, I remain,

Yours sincerely,

MOTHER MICHEL SPANN, *Superior.*

[From The State, February 17, 1929]

KNOWS OF BUT SIX OTHER THAN HIMSELF RESIDING HERE WHO SAW COLUMBIA BURN—FRANK F. WHILDEN WRITES OF SHERMAN'S DESTRUCTION OF SOUTH CAROLINA CAPITAL 64 YEARS AGO TO-DAY—A NIGHT OF TERROR

"Lest we forget!" Another year and I am still here to think of the anniversary of that eventful night, February 17, 1865, just 64 years ago. May I again intrude on your generosity for the use of the columns of The State just to recite a few facts by way of remembrance and also for information?

At about 10 o'clock on the night of February 17, 1865, with fires raging around us on all sides and rapidly approaching our house, under the advice and escort of Capt. James G. Crosier, Twenty-first Illinois Regiment, we made our way from our home on Laurel Street, next to Sumter, into the middle of the street, between Marion and Bull.

We brought with us, by the aid of our faithful negro servants, some few things, such as a mattress, a couple of chairs, a couple of blankets, a bucket, and so on; all these were brought by hand. When the family arrived there were four generations present, the oldest had seen the snows of fourscore years and the youngest was an infant in arms.

Among our "valuable" possessions was a rocking-chair. This was assigned for the comfort of the "old lady," who sat the ordeal out till daylight, through a biting, howling northwestern gale, never uttering a word of complaint.

Mother and the servants were continually sprinkling with water the blankets, under which the children were hid to keep them from catching fire from the falling sparks and flying embers. (This rocking-chair is now in the possession of my sister.)

About midnight a soldier riding a horse, reined up, and surveyed our party, and then in a most sarcastic manner addressed the old patriarch, saying, "Grandmother, don't you want to get up on my horse and take a ride with me?" You can better imagine than I can describe the indignant look of that dear old lady. Suffice it to say, she did not accept the "kind offer" for a ride. All through the night we were subjected to all kinds of taunts and indignities from men in the uniform of the United States Army in all stages of intoxication. We would probably have been robbed of all of our possessions had it not been for the guardian care of Captain Crosier.

Some time toward morning we noticed a party of men on horseback, and our guardian and friend told us, "Here comes General Sherman with some of his staff." He was reviewing the grand spectacle, and no doubt congratulating himself on how well the work of destruction was being carried out. I often look back and wonder how we ever escaped death that fearful night, for truly the powers of hell were turned loose on our beautiful city in the personnel of the United States Army under Gen. W. T. Sherman, through whom the destruction was well done. May I add that there was many a man who entered the city that morning that never left it alive, for there were the "boys in gray," who still lingered in our suburbs, and saw to it that our womanhood was defended.

Enough for this part of my story and may I be permitted to add a few words to tell of some facts that have come under my personal observation quite recently?

Some time ago I was dining at a home when there were about 14 at the table. Two were young ladies about 18 to 20; several young men whose ages were from 18 to 23 and a boy of 14.

The conversation turned in some way to the great fire in Columbia. One of the ladies asked, "When did it happen?" For she had "never heard a word about it." Yet that young lady had been educated in schools in this State. Of course, I was only too willing to tell my experience as far as the limited time would allow. Such ignorance in our capital city is inexcusable, and our schools and teachers are largely responsible for it. But, bad as that is, here is a case in point that is far worse:

I have in my possession the name of a teacher in a school in our State who on one occasion told her class in history her version of the burning of Columbia, and she declared that the city had been set on fire by Gen. Wade Hampton and his soldiers, and her pupils believed it.

I have offered time and time again to give my story, The Burning of Columbia, but only three schools in this State have availed themselves of the offer; that offer still holds good at any time and any place I may be called.

Let me say in closing that one of the best articles I have ever read on the facts of the burning of Columbia, Ilium in Flames, is from the able pen of Dr. C. J. Milling, now a practicing physician of this city. This article has been published in full in the Confederate Veteran in the issues of April, May, and June, 1928. It would be very entertaining and profitable reading for our young people, and school-teachers also. What story will be told when we older ones have passed away? I think now there are only seven living in this city who were present on that eventful night.

Somehow history seems to be rather silent on this subject. We should in some way preserve the truth and the honor of our cause for coming generations.

Yours for the facts and truth of history,

FRANK T. WHILDEN.

COLUMBIA.

WASHINGTON, D. C., *February 18, 1929.*

Hon. FRANK T. WHILDEN,
509 Duke Avenue, Columbia, S. C.

DEAR SIR: I notice in The State of February 17, an article by you as to the burning of Columbia.

In 1912 while I was Governor of South Carolina I had a hard fight to keep a history from being adopted for our schools which contained the sentence that "Hampton or his soldiers burned Columbia." You will find my reply on page 1070, Journal of the House of Representatives, February 17, 1912.

I received very little assistance in the matter from any source, even the legislature declining to take action, notwithstanding the fact that I requested them "in the defense of the Confederate soldiers of South Carolina to take action and show to the northern press that the attempt to slander Hampton had their disapproval."

Now, I have pending before Congress two bills; one to reimburse the ladies of Ursuline Convent, and one to reimburse the Washington Street Methodist Church for the burning of their places by Sherman's soldiers, and I am met with a statement that Hampton burned Columbia and not Sherman.

I have recently had placed in the CONGRESSIONAL RECORD statements and affidavits to show that this is not true, and am inclosing you a copy of the last article I had placed therein. I have also written the authorities of the convent and church this morning, asking that they see you and get such proofs as you have.

I am going to prepare an article on Who Burned Columbia, and present it to Congress in order to prove that Sherman's men and not Hampton did burn Columbia and prove it to the satisfaction of every honest man.

I would rather have the historical fact and truth known and not get a dollar for these institutions than to let it stand as history that Hampton and his soldiers burned the city.

I am glad to see your article, but was in no way surprised as to your saying that children are being taught that Hampton burned Columbia, when the press of the State and the legislature of the State, because of political prejudice against me, refused to help me, while governor, in my effort to which I referred you.

Thanking you for any information that you may furnish in the matter, I am

Very respectfully,

COLE. L. BLEASE.

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509 DUKE AVENUE,
Columbia, S. C., February 27, 1929.

Senator COLE. L. BLEASE,
Washington, D. C.

HONORABLE SIR: Thank you for your kind letter of February 18, 1929. It has been my pleasure to receive pleasant comments from many sources in recognition of my article you refer to in the Columbia State of February 17, 1929.

I have delayed answering your letter for the reason that I have been conferring with Mr. McNulty and Mr. Hodgers in perfecting an affidavit which I have signed, and I hope by this time is in your possession.

I hope you may be assisted by this paper to be successful in obtaining the payment for the wanton destruction of the property belonging to these religious organizations.

I am not a young man now, but for the sake of establishing the truth of history I am willing, if I could help in any way, to appear before any committee in Washington and give my personal testimony to the many facts of that eventful night.

I have had my experience substantiated by a number that I have talked with in recent years, some of whom have now passed beyond. My dear mother, who in all of her life was an outstanding Christian and benevolent worker, talked with her children and these facts are as familiar to me as are any thing that has ever occurred in my life.

I have no financial or even denominational interest in this particular effort which you are now so kindly lending your valuable aid, but I am doing all I can, and will continue to do so, as long as I live, to leave my testimony for the truth of history and the honor of the southern soldiers and our Southland.

I would call your attention particularly to the article written by Dr. C. J. Milling, M. D., now practicing his profession in this city, that is published in the Confederate Veteran, as referred to in my article of the 17th of February, 1929, as he makes citations from northern historians and military men, and even quotes General Sherman himself to prove his guilt in the burning of Columbia.

I had the privilege of telling my story before a history class of one of our schools in Richland County on the 19th instant, and so surprised and pleased were the superintendent and a few teachers and the pupils of the class that heard me that at the close of my talk they requested me to have the whole school assembled and repeat my story. I consented and had again the privilege of addressing about 300, including superintendent, faculty, and student body; when I closed my address the applause was so loud and continuous that I had to appear and bow my appreciation, and the superintendent had to rap for order several times before he could get quiet restored.

I was immediately surrounded and most urgent requests came from all sides, "Please, sir, come again soon."

I have even been honored with phone calls and a visit from the parents of some of the children, stating how enthusiastic their children were on what they heard; the only difficulty seemed to be it was hard for the young minds to understand how a man 74 years old could be as young as I appeared to be.

Pardon me for taking so much of your valuable time.

For your interest in this matter I personally thank you and hope you may be rewarded with great success in your efforts.

Sincerely yours,

FRANK F. WHILDEN.

[From The State, Columbia, S. C., August 19, 1929]

MR. WHILDEN REPLIES TO HITCHCOCK'S STORY—COLUMBIAN WHO REMEMBERS BURNING OF COLUMBIA AND OCCUPATION OF CITY BY SHERMAN'S ARMY ANSWERS CHARGES MADE BY NORTHERN SOLDIER

To the EDITOR OF THE STATE:

In compliance with a number of requests, knowing that I am conversant with the actual facts, the writer has consented to reply to the review of Marching with Sherman, by Maj. Henry Hitchcock, which was published in the issue of the State of April 14, 1929.

An error is the more dangerous in proportion to the degree of truth it contains, and there is a sort of half truth in some of Major Hitchcock's statements which give the evidence that he was here at that eventful time, but he is lacking in the accuracy of his statements. There is a display of egotism and personal pride in the young man, who only entered the Army in October, 1864, just a few months before the close of the conflict and who in reality saw nothing of the real warfare but enjoyed the march to the sea with the overwhelming numbers of the northern army, when they had little or no opposition in their pathway.

He writes: "We have now marched a great army diagonally across and through the very heart of the first and most bitter and obstinate of all rebel States, without a single check, defeat, or disaster, * * * sweeping everything before us, consuming their substance, burning their cotton, etc."

However, he makes a valuable statement in "his diary" when he writes: "The really important things we have done are in the capture and destruction of Columbia and the railroads near it, the destruction of immense quantities of machinery, ammunition, ordnance, and military stores of all kinds." Does anyone want a stronger testimony of the fact that Sherman's army destroyed Columbia than this statement by one of its own officers? Another half truth is: "We have heard and seen more whining, more cowardly talk, more blaming the leaders who forced us into the war, more mean-spirited and abject submission to mere power, and less manliness and devotion to even what might be erroneously believed to be principle in that same State of South Carolina than in any other State in the South." No doubt he met with some of that same class that cursed our State from 1866 to 1876, commonly known as "scalawags."

Here is a stranger passing through our State with a victorious army, who hears and knows more in this short stay of a few days or weeks, when all our men were at the front, than those who were to the manner born. I have never heard such charges as he quotes made by any true southerner, man or woman. I quote again:

"One word about Columbia. It was not burned by orders, but expressly against orders and in spite of the utmost efforts on our part to save it. * * *"

I do not propose to cite all or even a small part of the vast documentary evidence which fixes the guilt on General Sherman and his army, but I wish to record a personal reminiscence.

That evening two officers stepped up on the piazza and requested my mother to give them supper. This request mother complied with. Those

two men were Capt. James G. Crosier, Twenty-first Illinois Regiment, and his lieutenant. (We have corresponded with Captain Crosier since the war; he retired as major.) After supper we all gathered about the fire and talked. About 8 o'clock they got up to go; they thanked mother for her hospitality, and as they were leaving Captain Crosier handed mother a bottle of glycerin, some licorice, and some medicine with the remark: "You will have need of these before morning, as we have orders to destroy the city."

Our house on Laurel Street was set fire by soldiers in the rear, when we were forced to leave. Remember, Major Hitchcock says in his diary: "The important things we have done are the capture and destruction of Columbia, S. C., etc."

I give you these evidences of facts. You may be the judge by the outcome of the truth of the statement.

At 8 p. m. three rockets were sent up from the statehouse; within an hour after the signal, which our whole family saw from our south piazza, fires were flaming up in all quarters of the city. This could not have been an accident or set by cotton flying about, nor by General Hampton or his faithful 400, because they had been out of the city at least 10 hours.

Again I quote:

"The streets were full of loose cotton brought out and set fire to by the rebels before they left. I saw it when we rode into town."

Now, what are the facts? Here again we have a half truth. In the lower part of the city cotton was brought from the warehouses into the streets to be destroyed to prevent it falling into the hands of the enemy, but up to the time of the entering in of the army not a fire had been set nor a bale of cotton burned. It is now known that Hampton at the last minute gave orders for it not to be burned, and General Butler testified "that his command was the last Confederate force to leave the city, his rear guard leaving as Sherman entered, and that up to the time he left not one bale of cotton had been fired or was burning."

The cotton bales were strapped by ropes; these bands were cut by the swords and bayonets of the Federal soldiers and scattered broadcast on the wings of the northwest gale that was blowing at the time, and soon the trees, streets, and parks were filled with loose cotton.

Sherman's army began to enter the city between 9 and 10 a. m. and marched down Main Street from what is now known as the Broad River Road, and they were marching in nearly all day. I was on Main Street and saw them come in. Major Hitchcock may have been among the number that came in late in the day, and the soldiers may have fired some cotton down by the railroad, but I did not see it, nor did I know of it.

A detachment of Sherman's army crossed the Congaree River at the foot of Bridge (now Gervais) Street on their own pontoon bridge and did not enter the city until late in the afternoon. Major Hitchcock may have been with this division, and his statement may have been correct, for the cotton on Bridge Street may have been fired before dark.

Gen. Wade Hampton made an orderly retreat from our city with his troops, about 400 in number, and passed our house on Laurel Street just before the head of Sherman's army marched into the city. I saw them go out. Our cousin, Capt. John F. Lanneau, chief of engineers of Hampton's staff, rode up on the pavement in front of our house—our family was assembled on the piazza to see them pass—and said, as he raised his cap, "God bless and protect you all."

Up to this time they left not a fire was burning in the city, to my knowledge, nor was there any loose cotton flying about.

The first fire was seen after the entrance of the United States Army. They opened the jail and released the prisoners and then set fire to the building. This was about noon.

When the negro firemen carried the engines to the fire the soldiers drove the firemen away and with axes broke up the engines and with swords and bayonets cut the hose, rendering the outfit useless.

Now, all this can certainly not be laid to the door of General Hampton or his troops.

Once again I quote:

"The citizens themselves, like idiots, madmen, brought out large quantities of liquor as soon as our troops entered and distributed freely among them."

This charge I claim is absolutely false. My mother, grandmother, two servants, and the writer were on Main Street when the army was coming in and saw the stores broken open and entered by the army and liquor flowed freely from buckets in the hands of the United States soldiers, and by midday the whole army was drunk—officers and men—with a few exceptions. (See Recollections of the War, 1861–1865, by Mrs. Mary S. Whilden, p. 9.) Our servants, two negro women, came home with washtubs full of plunder that the Yankees had given them, taken from the stores. "Some officers" may have been tendered hospitality of some private homes and drank, and this may have been the foundation for the idea expressed by Major Hitchcock "that the idiots, madmen, brought out large quantities of liquor, etc."

In the afternoon the city was crowded in every part with drunken soldiers, and they were very riotous.

A soldier, too drunk to protect himself, was burned to death on the steps of the back piazza of our home on Laurel Street.

It has been estimated (I understand) that hundreds of United States soldiers were burned to death entering homes uninvited and going to bed in the bedrooms of homes in the city too drunk to arouse or protect themselves when the house was set on fire and burned to the ground with its contents. I am in a position to cite one instance.

It was "common talk" that when General Sherman became aware of this phase of the tragedy, about 2 a. m., he gave orders that the fires be stopped, and in an hour the flames were out. The fires did cease quite suddenly toward morning. I think, after reading his article, "of all mean humbugs, South Carolina chivalry is the meanest," any southerner will form his own opinion of this Major Hitchcock as a man and as a soldier. He concludes his article with: "And Wade Hampton's letter to Sherman—it will be in the New York Herald if not already published North—charging him with sundry crimes at Columbia is a tissue of lies."

Fortunately the character and deeds of the man, the general, the governor, the United States Senator, is a matter of State and national history and will speak for itself, and can not be in any way hurt or injured by any young man, true to his profession, who tries to break down the truth in evidence that he may clear his client, who in some way got his commission as major when the war was about over and all was smooth sailing in an army with overwhelming numbers who marched "triumphantly, without opposition," over a conquered land, leaving behind wreck and ruin and destruction and death, and seeking courage at the heart of the South, "the cradle of secession."

I have only presented facts as I know them, for I was here and am thoroughly conversant with what I am writing about.

Somebody else has a record of facts besides Maj. Henry Hitchcock, and these are well-known citizens and to the manner born.

The more this matter is ventilated by the "northern side of the story," the more the evidence is produced that our beautiful capital city was destroyed deliberately and premeditately by General Sherman's army; and the truth may as well be admitted.

FRANK F. WHILDEN.

COLUMBIA.

STATE OF SOUTH CAROLINA,
County of Richland:

Personally appeared J. F. Williams, who, being duly sworn, deposes and says that at the time of the burning of Columbia by Sherman on February 17, 1865, he was 15 years of age; that upon several occasions after that date he was told by a negro named Bell the following incident:

That on the night of the fire Douglas Clark was the sexton of the First Baptist Church and that he, Bell, was helping him from time to time and later succeeded Clark as janitor of the church; that on the night of February 17, 1865, he, Bell, and Clark were at the First Baptist Church; that a troop of northern soldiers came to the church and asked if it were the First Baptist Church; that Clark told the troops that it was not but that the First Baptist Church was just around the corner and pointed it out to them; that the troops left the First Baptist Church and went toward Washington Street Methodist Church, and a short while later Washington Street Methodist Church was in flames.

J. F. WILLIAMS.

Sworn to before me this 1st day of April, 1929.

[SEAL.] HEYWARD BROCKINTON,
Notary Public for South Carolina.

STATE OF GEORGIA,
County of Chatham:

Before me, J. R. Howard, a notary public in and for said county, personally appeared Jacob Pinkussohn, who, being duly sworn, says that the facts stated by me in my article published in Savannah Morning News, of March 12, 1927, a copy of which is hereto affixed, as to the occurrences and burning of the city of Columbia, S. C., are true to the best of my knowledge and belief.

JACOB PINKUSSOHN,
Savannah, Ga.

Sworn to and subscribed before me this 19th day of April, 1929.

[SEAL.] J. R. HOWARD,

Mr. Pinkussohn, then a small child, saw the first shot in the War between the States at Fort Sumter. He was in Columbia when Sherman encamped there on his march to the sea. When General Sherman first came to the capital of South Carolina it was understood that he would not burn the town, Mr. Pinkussohn said. At dusk of the day of his arrival Mr. Pinkussohn, a boy of 10, noticed a light in the sky over the camp site. He asked a guard the reason for this light, and the response was given that it was made by the camp fires. However, it was a signal to apply the torch to Columbia, and during the night practically every structure in the capital was burned to the ground. Mr. Pinkussohn's family had time only to save a trunk, a mattress, and a violin from their house.

After the War between the States the carpetbagger period of depression started. Mr. Pinkussohn recalls how, in 1876, the carpetbag régime in South Carolina was broken and a Carolinian elected governor. Election ballots then were thin strips of tissue paper, and the Carolinians, desperate because of the oppressive government they had been

given, stuffed the ballot boxes with votes for their candidate. The tissue-paper ballots were so thin that it was possible to hold a number of them together and drop them into the ballot boxes without detection. Many other interesting events are recalled by Mr. Pinkussohn, who today has a clear memory and an active body.

EXCERPT FROM "JEFFERSON DAVIS," BY ALLEN TATE, PAGES 218–219

During the last years of the war, burning, looting, and pillaging by Federal soldiers were added to the sufferings that the people had already endured. In 1864, Grant said that the Union troops must "eat Virginia out so clear and clean that crows flying over it would have to carry their provender with them."

Sheridan in his reply wrote: "I have destroyed over 2,000 barns filled with wheat, hay, and farming implements; over 70 mills filled with flour and wheat; have driven in front of the army over 4,000 head of stock, and have killed and issued to the troops not less than 3,000 sheep * * *. Lieut. John Meigs, my engineer officer, was murdered beyond Harrisonburg, near Dayton. For this atrocious act all the houses within an area of 5 miles were burned."

"Sherman's policy in Georgia and the Carolinas was similar. I estimate the damage done to the State of Georgia and its military resources," he wrote to Major General Halleck, "at $100,000,000, at least $20,000,000 of which has inured to our advantage, and the remainder is simple waste and destruction," and in another letter to the same general: "We must make old and young, rich and poor, feel the hard hand of war."

Whitelaw Reid has described the burning of Columbia, S. C.: "The last morsel of food was taken from hundreds of destitute families that his soldiers might feast in needless and riotous abundance. Before his eyes rose, day after day, the mournful clouds of smoke on every hand, that told of old people and their grandchildren driven, in midwinter, from the only roofs there were to shelter them, by the flames which the wantonness of his soldiers had kindled. With his full knowledge and tacit approval, too great a portion of his advance resolved itself into bands of jewelery thieves and plate-closet burglars."

A lieutenant in Sherman's army wrote to his wife in Boston: "We have had a glorious time in this State. Unrestricted license to burn and plunder was the order of the day * * *. I have at least a quart of jewelry for you and all the girls, and some No. 1 diamond rings and pins among them * * *. Tell Sallie I am saving a pearl bracelet and earrings for her. But Lambert got the necklace and breastpin of the same set. I am trying to trade him out of them. These were taken from the Misses Jamisons, daughters of the President of the South Carolina Secession Convention."

The women of the South, however, continued invincible. "We mean to destroy all your food," Federal soldiers told young girls who had treated them scornfully after the burning and looting of Columbia. "Very well," was the reply, "we will live on acorns."

THE BURNING OF COLUMBIA

By Anna Tillman Swindell

"The moving finger writes; and, having writ,
Moves on; nor all your piety nor wit * * *
Shall lure it back to cancel half a line,
Nor all your tears wash out a word of it."
—Rubaiyat of Omar Khayyam.

The facts of history are incontrovertible—they remain the same, forever and always. Truth turns its beacon light upon the slightest actions of men in high places and illumines them with its merciless glare. However much we may wish to erase a hasty word or cruel deed from the minds of men, we find it impossible in later years to subtract one iota from the impression and the testimony of witnesses. Such, I think, was the situation of Gen. William Tecumseh Sherman when he reviewed the circumstances of his fateful burning of Columbia. What would he not have given to have been able to say and to have believed, "My hands and my conscience are free from stain in that incident!" He said it—yes; but the evidence is too overwhelming against him. There never has been and never will be any doubt in the minds of southerners as to the identity of the archincendiary who cast from him all pity and humanity, who disregarded the usage of civilized warfare, and who enthroned instead as his household gods hatred and vengeance.

On Wednesday, February 10, 1865, the fate of Columbia hung in the balance. It had been thought that Columbia, being the capital of the State and the repository of many of the government stores, would be defended vigorously by the Confederate Army under General Hampton. It was even doubtful whether Sherman would direct his march thither, many thinking that Charleston, being on the coast, would be the logical prey of the Federal forces. Consequently the city was crowded with refugees from the low country. The banks of Charleston and other towns of the surrounding country had moved their deposits to Columbia, increasing the number located in the city from 3 to 14 or 15. The wealth of the State, family plate, valuable boxes, deeds, bonds, etc., were concentrated at the capital. News came on the 10th that Sherman had reached Branchville, on the Charleston & Savannah Railroad, a point about 65 miles from Charleston, Columbia, and Augusta. Which route would Sherman take? And if he advanced to Columbia, would the Confederate troops protect it? The first issue was soon settled—Sherman moved toward Columbia. His entire force was estimated at about 60,000, but one division of 20,000 marched farther west, not far from Augusta. Another division of 20,000 passed up Broad River and crossed 30 or 40 miles above Columbia. The remaining division of 20,000 entered Columbia. Gen. Wade Hampton's force was so very small (only 800 men) that with wise generalship he retreated northward.

Until the morning of Friday, the 17th, the city was almost in a panic. The railroad trains were crowded with frightened people fleeing northward and carrying with them as much of their valuable property as possible. Every form of vehicles were pressed into service. The various banks succeeded in removing most of the money and papers in their possession, but were forced to abandon the heavy plate of all the distinguished and cultured families in the State since its bulk prohibited its removal. The Confederate treasury department, large amounts of military stores, ammunition, and commissary stores were removed.

About daylight Friday morning a loud explosion was heard, which turned out to be at the South Carolina Railroad depot. This had been broken into by a band of plunderers, who desired the rich stores of merchants, trunks of plate and jewels that were stored there waiting for shipment. Among them also were several kegs of powder. The marauders, in their greed, were careless of the lighted torches they carried and the powder was fired, killing about 35 of the rascals.

Soon after this Sherman opened fire on the city from a battery erected during the night on a hill near the Congaree Bridge. This was entirely uncalled for and unnecessary, as no defense of the city was intended or possible. The burning of the Congaree Bridge without orders may have misled him, however. Fortunately, none of the shells caused the destruction of life. Five of the shells struck the southwest corner of the new statehouse and many entered residences in several parts of the city.

About 9 o'clock Doctor Goodwyn, the mayor of the city, and several aldermen, John McKenzie, John Stork, and O. Z. Bates, proceeded in a carriage bearing a white flag 3 miles from Columbia up Broad River, where Sherman was crossing on a pontoon bridge, to surrender formally the city. They met an advance column, the Fifteenth Corps, under Colonel Stone, and presented to him the following note:

MAYOR'S OFFICE,
Columbia, S. C., February 17, 1865.

To Major General SHERMAN:

The Confederate forces have evacuated Columbia. I deem it my duty as mayor and representative of the city to ask for its citizens the treatment accorded by the usage of civilized warfare. I therefore respectfully request that you will send a sufficient guard in advance of the army to maintain order in the city and protect the persons and property of the citizens.

Very respectfully, your obedient servant,
T. J. GOODWYN, *Mayor.*

Colonel Stone was asked in particular how private property and the lives of the citizens would be protected and he exclaimed heatedly, "Fully! We are not savages!"

When Sherman himself entered the city he confirmed the statement made by Colonel Stone, "It will become my duty to destroy some of the public Government buildings, but I will leave this performance to another day. It shall be done to-morrow, provided the day be calm."

The soldiers entered the city in orderly fashion and with perfect discipline, showing that the officers had them well under control. However, as soon as they were dismissed they began to break into stores and private homes—and even to rob people on the streets. The frightened negroes brought them whisky, or showed them where it could be found, so in a few hours the whole army was drunk. General Sherman rode through the city streets with his officers, but no one seemed to see anything amiss taking place.

About 1 o'clock the fire alarm sounded and a number of citizens pulled the engine to Richardson, or Main Street, where several bales of cotton were burning. The men began throwing water on the cotton until a drunken soldier stuck his bayonet into the hose. His example was followed by many of his comrades and in spite of the men's remonstrances the hose was completely cut to pieces. Fortunately all traces of the fire had been extinguished before this occurred.

About 3 p. m. several columns of smoke were seen east of the city, which came from the homes of General Hampton, Doctor Wallace, G. A. Trenholm, and others. From that time until about 7 p. m. further signs of fire were seen.

The warning of many of the officers and soldiers during the day to citizens to secure their valuables before nightfall show beyond doubt that the burning of the city was assured in the minds of the men, if not in that of their commander.

A Major Fitzgibbons visited the convent during the afternoon, and after introducing himself to the mother superior as a Catholic, urged her to secure a guard for the convent from General Sherman. The mother superior protested that this was unnecessary, since Sherman

had given his word that all property and lives in the city would be protected. He replied, "I can not say that your convent is going to be burned, but we can't answer for what may happen. For I tell you, my sister, Columbia is a doomed city!"

Mrs. Langdon Cheves was in Savannah just before the burning and quartered two of Sherman's officers, Colonel Poe and Major Dayton. She wanted to come to Columbia, but was warned by them not to do so, as Sherman intended burning Columbia. They said, "We shall pass through South Carolina with the torch as well as the sword."

Col. James G. Gibbes recounts the following:

Early in the evening of Friday a Mrs. Boozer, who was living in a house belonging to me adjoining the Baptist Church, came to me in great excitement and told me the city was to be burned. I told her no, that she need not be alarmed, and mentioned what General Sherman had told Doctor Goodwyn. She said no, that she knew it would be burned. Her husband was a physician and at one time had charge of the hospital where some of the Federal officers (prisoners) had been located. Mrs. Boozer had shown kindness to some of them by furnishing them delicacies, etc., and as soon as the army entered Columbia two officers who had formerly been there as prisoners and had been recipients of her kindness hunted her up and privately informed her of the intention to fire the city. Even with this assurance I did not believe it, relying on the word of General Sherman.

Mrs. L. S. McCord says that her mail brought her a note left by a Federal lieutenant. It was ill spelled, but had a kindly warning for the horrors to come. The writer said he had relatives and friends in the South. "Ladies," he wrote, "I pity you. Leave this town—go anywhere to be safer than here."

Mr. William H. Orchard says that about 7 p. m. he was visited by six or seven men, to whose pillaging he submitted with such composure that their leader was impressed and called Mr. Orchard aside. He said, "If you have anything you want to save, take care of it at once, for before morning this town will be in ashes—every house in it. If you do not believe me, you will be the sufferer. Watch and you will see three rockets go up soon."

Rev. William Yates states that he was in his yard when one of the fatal rockets went up, and heard one of the soldiers exclaim, "Now you will see hell!" On asking him what he meant, he replied, "That is the signal for a general setting fire to the city." Immediately afterwards numbers of fires were seen in every direction.

The exact time that the rockets appeared is variously estimated. Col. James G. Gibbes sets the time at 7 p. m., and Mrs. Crittenden, of Greenville, who was in Columbia at the time, at 10 p. m. The committee appointed to collect data on the burning, with Mr. J. P. Carroll as chairman, says that the rockets were seen at 8 p. m., which is, from comparison with all accounts, as near correct as possible. The fact that the rockets did go up can not be disputed, because they were seen by hundreds of citizens; nor is there any doubt that immediately afterwards fires sprang up from all parts of the city. Perhaps the rockets were not signals, despite the evidence of the soldiers to the contrary, but this much is known—the rockets and the first fires were coincident. Mayor Goodwin says that three rockets were red, white, and blue, which is certainly suggestive of the Union. He states further that a Federal soldier, who was sitting quietly on his piazza, sprang up when he saw the rockets and exclaimed, "My God! is it coming to this!" He refused to explain himself, however.

Oh, how can a mortal pen describe the horrors of that night, the untold suffering of hundreds of people, the incalculable and wanton destruction, not only of property but of works of art and science, collections of historical research, which should be equally reverenced by all men as contributory to civilization's store of knowledge. A moment of hate, of loosened discipline over the hordes of ignorant and unappreciative, and a century's work of love and intelligence is destroyed!

It will suffice to illustrate the numerous losses of this kind in Columbia to report the fate of the fine collections of Dr. Robert W. Gibbes, who was known to the whole country as a man of letters and science, a savant who had devoted his life to the accumulation of works of art, science, and literature. The soldiers entered his gallery of paintings by the best known American and European masters, some copies but most of them original, and with their swords slashed the canvas across—not out of their frames to carry away, but zigzag across—with the sole object of destruction. His portfolios of engravings, his cabinet of southern fossils and memorials, his collection of shark's teeth, which had been pronounced by Agassiz the finest in the world; his collection of historical documents, original correspondence of the Revolution, autographs of eminent men, records of the surgeon general's department of the State, all—all were burned. Nor can any plea of drunkenness excuse this wanton destruction. Doctor Gibbes says the men were perfectly sober, and when he expostulated with them he was laughed to scorn.

The material destruction of this kind can in some measure be calculated, but the suffering of hundreds of homeless people, including women delicately reared, young children, the aged, and the sick, who were turned out into the cold night, without shelter from the cold and piercing blast, without sufficient clothing and food, innocent women and children, whose only crime was that they were southerners, the suffering of these can never be estimated or comprehended.

As before stated, the rockets went up about 8 p. m. and immediately the city was fired at several points. A strong wind from the west had sprung up which carried the flames before it with irresistible violence.

The stores on Richardson (or Main) Street were soon consumed, since they were built close together and the fire leaped from one to the other. Frequently in the residential portions of the city the houses were far apart, separated by large, beautiful gardens; but alas, that mattered not, thousands of wanton hands were ready to destroy what the elements were about to spare. Soldiers were seen on every side with every appliance for aiding the conflagation. They carried with them, from house to house pots and vessels containing combustible material composed probably of phosphorus and other similar agents, turpentine, etc., and with balls of cotton saturated in this liquid, they overspread the floors and walls and conveyed with wonderful rapidity the flames from dwelling to dwelling. Each had his ready box of lucifer matches, and, with a scrape on the walls, the flames began to rage. With the exception of one small cottage, occupied by Mr. Hatchett, of Charleston, at the head of Main Street, not a building was left on that street; everything on it was burned for one and a half miles and in a belt from a quarter to a half mile wide. Eighty-four squares, containing 360 acres and 13,000 houses were destroyed.

The streets were crowded with drunken soldiers—all of them privates. Not an officer was seen the whole night, although there is a strong belief, not unbased on fact, that the officers wore citizen's or private's dress, in order to rob and burn without compromising their shoulder straps. This belief is corroborated by a letter which fell into the hands of Miss F. Cantey, of Camden. It was addressed to Mrs. Thomas G. Meyers, Boston, Mass., and portions of it are as follows:

SOUTH CAROLINA, *February 26, 1865.*

MY DEAR WIFE: I have no time for particulars. We have had a glorious time in this State. Universal license to burn and plunder was the order of the day. The chivalry have been stript of most of their valuables. Gold watches, silver pitchers, cups, spoons, forks, etc., are as common in camp as blackberries.

Officers are not allowed to join these expeditions without disguising themselves as privates. One of our corps commanders borrowed a suit of rough clothes from one of my men and was successful in this place; he got a large quantity of silver (among other things, an old time silver milk pitcher) and a very fine gold watch from a Mr. DeSaussure at this place. DeSaussure is a F. F. V., of South Carolina, and was made to fork over liberally. Rings, earrings, breastpins, etc., of which, if ever I live to get home, I have about a quart—I am not joking—I have at least a quart of jewelry for you and all the girls, and some No. 1 diamond rings and pins among them.

General Sherman has enough silver and gold to start a bank. His share in gold watches and chains alone at Columbia was 275; but I said I could not go into particulars. We took gold and silver enough from the d—d rebels to have redeemed their infernal currency twice over. This [the currency] whenever we come across it we burn as we consider it utterly worthless. Sometimes we take off whole families and plantations of negroes by way of repaying the secessionist; but the useless part of these we soon manage to lose—sometimes in crossing rivers—sometimes in other ways.

I shall write to you again from Wilmington, Goldsboro, or some other place in North Carolina. The order to march has arrived and I must close hurriedly.

Love to grandmother and Aunt Charlotte. Take care of yourself and children. Do not show this letter out of the family.

Your affectionate husband,

THOS. G. MYERS, *Lieut. etc.*

P. S.—I will send this by flag of truce to be mailed unless I have a chance of sending it to Hilton Head. Tell Sallie I am saving a pearl bracelet and earrings for her; but Lambert got the necklace and breastpin of the same set. I am trying to trade him out of them. These were taken from the Misses Jamieson, daughters of the president of the South Carolina secession convention. We found them on our trip through Georgia.

The night had its humorous incidents as well as its tragic ones. Two of the funniest are recounted by Col. James G. Gibbes:

At the corner opposite my house lived a widow lady, Mrs. Herbamont; she had considerable silver plate and a lot of choice old wine that was quite valuable. She gave me her silver to try and save for her, which I did by throwing it down my well; but her wine she had buried in her garden and felt quite sure of it. As soon as a guard was sent to her house she said to him: "Now, my good man, keep a good lookout and do not let any soldiers rob me. I have over a hundred bottles of fine old sherry wine buried under that fig tree in the garden, and you keep a good lookout for me and I will give you a bottle of it before you go." The consequence was just what might have been expected. The guard immediately hailed a squad from the street and piloting them to the fig tree unearthed the bottles, drank a few to the

health and prosperity of Mrs. Herbamont, took off what they could carry, and broke up the remainder.

Doctor Templeton, a prominent physician of the city, was walking in the street just after the distruction of his house, when he was accosted politely by a soldier and asked what time of night it was. Pulling out his watch to look, the soldier jerked it from him and walked off. Doctor Templeton coolly said, "Hold on, my good fellow, here is the key; it is not a bit of use to me without the watch." The soldier said, "All right; pass it along." The doctor had not gone 50 yards before he was asked the time by another soldier, "Ah, my friend," said he, "you are just a little late; one of your comrades was ahead of you."

Incidents of this light tone, however, were very rare. In most cases the tragedy was too stark to admit even the faintest witticisms. Mrs. Mary S. Whilden tells of some of her experiences on that fearful night:

"An old gentleman living near by, who had an invalid daughter, came in to consult me as to what could be done. We had no time for planning. What was to be done must be done quickly. A stretcher was procured, upon which the sufferer was placed and borne by two men into the streets. Never shall I forget the lovely face of the pale maiden as she lay in the firelight, homeless, on that inclement night, with no shelter save the clouds. As I was leaving the house I saw standing in my room a gold-headed palmetto walking cane which had been presented by my husband and myself to my brother on his twenty-first birthday. This brother was killed in the battle of Secessionville, and the cane had been returned to us to keep until our oldest son, who had his name, should become of age and presented to him. I stuck this cane in my belt like a sword, the gold showing just above the belt. After leaving the house a soldier came up to me and with an insulting remark jerked the cane out of my belt. I snatched the end of the cane and jerked it from him, at the same time saying, 'That cane belonged to a dead Confederate soldier who would never have harmed or insulted a woman, and if you will have this cane I will break it over your head and you can take it in two pieces,' and suiting the action to the words I lifted the cane, the man dodged and said, 'Woman you can keep your stick' (and that stick to-day is in the possession of my eldest son).

The fate of the Catholic convent and the nuns was very sad. The mother superior becoming alarmed during the day for her charges, the nuns and about 40 children of the first families of the State by birth and by education, thought best to apply to General Sherman for a guard. Sherman sent the following note to the convent:

"Commanding officers near: Protect the convent. Colonel Palmer, Twenty-fifth Iowa, furnished 96 men for this duty. J. W. Jenkins, P. M. Sergt., J. C. Motte, Companies 25, 26." This was written by Sherman's own hand, but the nuns never saw but 7 of the 96 men, and these 7 were the first to plunder the house after the signal was given.

Mrs. Sara Aldrich Richardson, who was a pupil at the convent at the time, says: "While we were on our knees we were brought standing by the most unearthly battering in one of the chapel doors behind us, and reached by a stairway on the Main Street side. It was like the crash of doom. Drunken soldiers piled over each other, rushing for the sacred vessels of the altar, not knowing they were safe in the keeping of one blessed of God.

The summons just then came for Madame Ursula to march her girls into the long main hall; we gladly obeyed, not knowing when the door between us and the soldiers would give way to their demoniacal battering. Curses and threats filled the convent when they found the gold chalice had escaped their polluted hands.

When it became dangerous to remain longer in the convent the mother superior and Doctor O'Connell formed a line by twos of the nuns and children and led them while trembling with fear through the streets, made almost impassable by the burning houses and drunken and disorderly soldiers. They took refuge in the only place remaining, the graveyard to the church, where they remained shivering from cold and fear until daylight.

We had not enjoyed the sweet oblivion of slumber very long when we were aroused by the fearful cry of a thieving party of "bluecoats," that the church was going to be blown up. "Get out all who don't want to be killed." This diabolical cry was raised to cause the panic that ensued in order to get our little parcels of valuables. The nuns themselves knew not what to do. Over the graves, against tombstones, and into hedges the frantic children flew. Officers passing the church stopped and inquired the cause of this wild rush. On being told, they quickly came to our aid, cursed the soldiers, and threatened them with punishment. A guard was then stationed around the church. But none of the promises made by these better-disposed officers could induce us to return within.

It was nearly daybreak, so we clung around the nuns in the yard, under the trees, and in the vestibule of the church. That morning the interview referred to took place between General Sherman and the mother superior midway of the walk leading to the steps of the church. She was leaning against the door of the church, tired and faint, when informed that General Sherman was coming in answer to her request that he should do so. She stood erect, alike an injured empress dethroned. With graceful, dignified bearing she proceeded to the spot designated, and stood there in the majesty of her sacred order and her own grand womanhood awaiting the approach of the commander of the United States Army, who had betrayed her confidence in his truth and honor. How plainly I see that splendid, intellectual face, the intelligent gray eyes of hers full of fire and self-reliance. Surrounded by her nuns and some of her pupils she received General Sherman. He was not so calm. A guilty conscience evidently rendered him nervous and he greeted her confusedly.

As he approached the mother superior he removed the cigar he was smoking; in his embarrassment he restored it to his lips, nervously chewing it. Our great respect and deference for our superioress caused me to remark to the man beside me, "Smoking in the mother superior's presence." General Sherman removed the cigar for the second time, with an apology, holding it throughout the interview slightly behind him. The mother superior's hands were folded in the flowing sleeves of her habit until General Sherman began explaining how the fire got beyond his control from buildings he had to burn, and blamed our men for leaving liquor in the city, etc.

This irritated rather than pacified the mother superior. With a sweep of the strong, aristocratic hand in the direction of her convent and the still burning city she said: "General, this is how you kept your promise to me, a cloistered nun." The sweet, low voice, filled with injured pathos, touched even his heart, for he left off excusing himself and began immediately to speak, offering her any of the houses "left standing" as a gift. Slightly bowing her head and with a sad, sarcastic curve of her lips, she answered: "General Sherman, I do not think the houses left are yours to give, but when I do make arrangements for my community and pupils, I will thank you to move us and provide food for the large number which will be hard to feed."

The mother superior did accept General Sherman's offer of a house and moved into the large mansion of General Preston. Sherman actually executed titles to the property and gave them to her. She afterwards surrendered them with the property to General Preston.

A large number of the soldiers were engaged during the night in probing the ground all over the city hunting for valuables that were buried. Immense quantities of silver, jewelry, money, and other things were buried for safety, but the skill exhibited by the soldiers in finding it was truly wonderful. Bayonets and iron ramrods were used to probe the ground in all directions, and many a treasure was found and appropriated that its owner had thought safe and secure.

The Federal soldier respected neither age nor nationality. Mr. August Conrad, the Hanoverian consul, after the burning of the consulate, was attempting to make his way through the streets to a place of shelter when he met a company of soldiers in regular march under the command of a captain which he supposed were doing patrol duty. He sought their protection, stating who he was and that the baggage he carried was partly his private property and partly papers belonging to the consulate, saved with great difficulty from the fire. Imagine his surprise and consternation when the soldiers seized his satchel and box, rummaged through them and carried away or destroyed everything except the consulate seal and several worthless papers, despite his protests and entreaties. His exclamation of despair at his great loss was silenced by a threat to shoot him if he did not keep quiet. "Such," he remarked with bitterness, "was the function of a patrol of the famous army of Sherman. That was a specimen of the robber bands—the officers, who were led into the field against a spirited, but noble enemy, and displayed their bravery in base, dastardly robbery, insult and injury of defenseless human beings, especially women and children."

Mr. Conrad describes the following scene at the McCully home: "All obstacles were broken down; what was useful was carried off; what was useless to them was destroyed, and with a few possessions only I was able, in company with the poor unfortunate creatures, to get out of the house. Already the flames were pouring out of the windows. It was a matter of great difficulty to save the old grandmother, who escaped death by fire by a hair's breadth, and was carried out by two negroes who were kind enough to lend a helping hand. I caught one of the noble heroes by the throat at the moment when he was about to set fire to the bed on which the old lady lay, because I had run thither at her shriek of horror and stopped, just at the right time, this fearful murder."

Similar to this incident, and no less dastardly, is the experience of Mrs. Agnes Law:

"When General Sherman took possession I got four guards; they were well behaved and sober men; I gave them supper. One lay down on the sofa; the others walked about. When the city began to burn I wished to remove my furniture; they objected, and said my house was in no danger. Not long afterwards these guards themselves took lighted candles from the mantlepiece and went upstairs; at the same time other soldiers crowded into the house. My sister followed them upstairs, but came down very soon to say: 'They are setting the curtains on fire.' Soon the whole house was in a blaze. When those who set fire upstairs came down they said to me: 'Old woman, if you do not mean to burn up with your house, you had better get out of it.' My niece had been carried up to the Taylor house, on Arsenal Hill. I went to the door to see if I could get any person I knew to assist me up there. I had been very sick. I could see no friend, only crowds of Federal soldiers. I was afraid I should fall in the streets and be

burned up in the flames of the houses blazing on both sides of the streets. I had to go alone. I spent the night at the Taylor house, which a Federal officer said should not be burned, out of pity for my niece. The next two nights I passed in my garden, without any shelter."

About 4 o'clock Saturday morning a lady said to a soldier: "In the name of God, sir, when is this work of hell to be ended?" He replied: "You will hear the bugles at sunrise, when a guard will enter the town and withdraw these troops. It will then cease, and not before."

According to this, even the time of checking the lusts of the men seems to have been determined. Some think, however, that Sherman was influenced to withdraw his soldiers by the fact that many of his men were so drunk that they staggered into the flames kindled by their own comrades and there perished ignominously. The number of these is variously estimated from 30 to 150, but it will never be known definitely, although some of the officers are reported to have said that they lost more men in the sack and burning of Columbia than in all their fights approaching the city.

About daylight a number of cavalry, in squads of three or four together, galloped through the streets, sounding their bugles and calling on the soldiers to fall into ranks. This was the first sign of any attempt at discipline or the issuing of any orders to the rank and file since the dismissal the preceding day at 11 o'clock. The tap of the drum, the sound of the signal cannon, could not have been more decisive in its effect, more prompt and complete. Nowhere was the discipline of Sherman's army more conspicuous than the immediate recognition of the soldiers of their orders to stop from further destruction of the city. With surprising rapidity they formed themselves in line and marched away leaving a mass of smoking ruins, blackened walls, towers of grim, ghastly chimneys, and between, in desolate groups, wretched women and children, gazing vacantly on the site of a once-blessed abode of home and innocence.

They marched away in the pale, wan light of the cloudy morning, and the memorable night of February 17 was at a close, and the day of the 18th was ushered in to gaze with horror at the desolation and to witness the fortitude of people crushed to earth, with all save honor gone.

Early Sunday morning Mayor Goodwyn with several prominent citizens called on General Sherman to request some provisions for the 20,000 old men, women, and children in the city, and a supply of arms and ammunition for protection from the stragglers and plunderers that always follows in the wake of an army. Sherman complied with both requests, promising 500 head of cattle and 100 muskets with ammunition. The cattle were delivered, but they turned out to be the broken-down portion. They were placed in the inclosure of the college grounds, that being the only available place. As no food or water could be procured for them, it was decided to butcher them as fast as possible. Colonel Gibbes says: "What at first seemed a great misfortune, the character of the meat turned out to be a great blessing. Had it been good, fat meat, it would have been a drop in the bucket, comparatively, toward supplying the needs, but the tough blue sinews that were like India rubber went a long way for this reason—the more you chewed it the larger it got." But even this beef with its enduring qualities did not last 20,000 people very long and a strict ration allotment had to be observed. Added to this was the corn picked up from where the Yankee horses were fed. For two weeks this comprised the menu of the people in Columbia until they could manage to reach other more fortunate parts of the country.

The 100 muskets turned out to be a lot of worthless guns which hardly any of the ammunition would fit. However, they did faithful, if somewhat inefficient, service in guarding the city.

On Monday, the 20th, in the words of Sherman (Memoirs, p. 288): "Having utterly ruined Columbia, the right wing began its march northward."

In a letter from Dr. Robert W. Gibbes to his son, dated March 14, is found an interesting account of conditions after the burning:

"The city is in a deplorable state, and our people seem to be demoralized, and have no spirit left—they seem all desirous of stealing anything they can get hold of. The negroes were robbed by the Yankees, but they still have quantities of plunder. Committees have been around and collected much stolen property. Yesterday it was exposed to be claimed, and crowds claimed everything—some things had a dozen claimants. Ladies were ready to swear to buttons and tape and spools of cotton. Some of them who had lost nothing actually claimed lots of things. I have succeeded in getting General Hampton's buggy and his fine china; most of it to save for him. The burning was like clockwork. Toward morning Sherman seemed to get ashamed of his villainy, and ordered out a division to stop the fire, and in an hour it was stopped. If he chose it could have been done at 7 p. m.—but he meant to burn the city."

War, it seems, brings out the best and the worst in men. We, as Americans, are ashamed of General Sherman, as his own Government and family show that they are ashamed of him also. In the Southern Magazine for May, 1873, is commentary on the Report of the Joint Committee of Congress on the Conduct of the War. Special notice is to be taken of two facts, one, a letter written by General Halleck to General Sherman. General Halleck writes:

"Should you capture Charleston, I hope that by some accident the place may be destroyed; and should a little salt be sown upon its site, it may prevent the growth of future crops of nullification and secession."

To this General Sherman replies: "This war differs from European wars in this particular—we are not only fighting hostile armies but a hostile people; and must make old and young, rich and poor, feel the hard hand of war, as well as their organized armies.

"I will bear in mind your hint as to Charleston, and don't think salt will be necessary. When I move the Fifteenth Corps will be on the right of the right wing, and their position will bring them naturally into Charleston first; and if you have studied the history of that corps, you will have remarked that they generally do their work up pretty well. The truth is, the whole army is burning with insatiable desire to wreak vengeance upon South Carolina. I almost tremble for her fate, but feel that she deserves all that seems in store for her.

"I look upon Columbia as quite as bad as Charleston, and I doubt if we shall spare the public buildings here as we did at Milledgeville."

It was the despicable Fifteenth Corps, mentioned here by General Sherman, that entered Columbia. The second fact is that a paternal Government, not thinking it good that the truth should be known, has suppressed all the dispatches between the 16th and 21st of February, 1865, and every other allusion to the transaction, in this report of the conduct of the war.

In the collected letters of General Sherman to his wife and family a similar hiatus occurs, although on a larger scale, there being no letters given between the time Sherman was in Savannah until he reached Greensboro, N. C. The reason given for this is that it was impossible for letters to get through the lines. But newspaper men daily sent accounts of the events to the northern papers, and yet a general could not get his mail through. Strange circumstances, indeed!

But I find myself dwelling too long on a matter long since settled beyond question in the minds of all honest men. How much worthier a subject is the praise and admiration of the fortitude of the brave people who bore the brunt of all this injustice and cruelty. We who live in ease and comfort with shelter and ample food can never realize fully just what was endured in those stormy days. Imagine, if you can, how you would feel if you had sent forth your loved ones—father, sons, uncles, sweethearts—to wage an honorable warfare in the defense of their homes, in the name of truth and liberty, if you were forced, by a hostile army, to stand helplessly by and watch your home rifled of its dearest treasures and all your world goods consigned wantonly to the greedy flames, if you were left in the dead of winter on the empty streets, without shelter, without clothing, without food for your dear little ones and your helpless aged folk—all at the hands of dastard thieves, who dare to attempt to dignify their acts by calling them the necessity of war! And when you have, in some degree, come to the realization of what this would mean to you, bow your head in admiration and in reverence to those dauntless souls and say in your heart with Aristotle, "Suffering becomes beautiful when one bears great calamities with cheerfulness, not through insensibility, but through greatness of mind."

ANNA TILLMAN SWINDELL.

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SOUTH CAROLINA IN 1861

Of flaming, brilliant colors were the days
Of that first year of long and fateful four—
The red of battle and of cannon's roar;
The steely glint of purpose; golden rays
Of loyalty, inspiring poet's lays;
The royal purple of a State that bore
Its sovereignty and only bowed before
The shrine of honor and of truth always.

But in the bright mosaic here and there
Is seen a trace of black—a loved one gone,
A life made desolate, a brimming well
Of tears from hearts that seek to bravely bear
Their loss. This growing blot of souls forlorn
Foretells the future's sorrow, heartache, hell.

—Anna Tillman Swindell.

THE DESTRUCTION OF COLUMBIA, S. C.

(A translation from the German by William H. Pleasants of the nineteenth, twentieth, twenty-first, and twenty-second chapters of Lights and Shadows in American Life During the War of Secession, by August Conrad)

PREFACE

The destruction of the city of Columbia, S. C., in February, 1865, by the United States troops under command of General Sherman was an act of barbarity which surpasses all similar acts which are to be found in the long annals of the world's warfare. Its infamy is even greater than that of the sack of Magdeburg in the Thirty Years' War by the imperialists under Tilley; for Magdeburg was taken by storm by the imperial troops after a most desperate defense, while Columbia, entirely unfortified and undefended, its population consisting entirely of old men, women, and children, was surrendered without a blow under the promise given by the commanding general of protection to persons and property.

The following description of the destruction of Columbia was written by an eyewitness of that deplorable event—a German gentleman of intelligence and culture. This gentleman had been residing for some years in Charleston in the capacity of a cotton buyer, and after the outbreak of the Civil War and closing of the ports by blockade was employed as the secretary and treasurer of the largest company engaged in the business of blockade running. If the question is asked, "Why, by publishing a detailed description of these horrors, do you revive memories of scenes which we would all gladly forget?" the first answer is that it is due to the truth of history. The southern writers who have undertaken to write the history of our civil conflict have not the ear of the world; the northern writers of history not only for general reading but especially of schoolbooks are notoriously unfair in regard to our internal strife. They write with a strong partisan and political bias—they misrepresent the motives and principles of action of the South, and they err not simply by the suppressio veri but also often by the suggestio falsi. Many books of this class had, by the carelessness or want of knowledge of the teachers, crept into our public schools. When the battle-scarred veterans of the South found out that their children and grandchildren were being taught some things that they knew to be false every grand camp from Virginia to Texas demanded that the offending books be banished from our schools and they were banished.

A second reason why this description of the obliteration of Columbia is published is that very few, except the inhabitants of that ill-fated city, have any just conception of the horrors of that night of incendiarism and robbery, of unchecked license, of insult and every crime mentionable and unmentionable. In the histories above alluded to I doubt whether the destruction of Columbia is mentioned at all, but if noticed, it is lauded as one of the heroic actions of their most admired general. But if heroic and splendid deeds deserve to be painted in glowing words for the admiration and improvement of mankind, surely shameful deeds should not be covered up, but displayed in their naked deformity to the candid judgment of an enlightened world. It is a deplorable sign of the political degeneracy which has invaded the Governments of the two Nations that claim to be the most enlightened on the earth, when we see the atrocities of our Civil War pleaded as justification of what is now going on in the Philippines and South Africa. The cruelties practiced in the Philippine Islands have been defended upon the floor of the American Congress by citing similar examples in American warfare, and in the English Parliament a member of the Government has justified the treatment of the hapless and helpless Boer women and children by the example of the illustrious American, General Sherman. Who is responsible for the sack and destruction of Columbia is a mooted point in the history of our Civil War. General Sherman himself might have pleaded the orders of his superior officer, as we will presently show, or he might more magnanimously have assumed the responsibility; but he did neither. He charged that Columbia was fired by Gen. Wade Hampton! This charge is one which no one who has any acquaintance with the characters of the men and the circumstances of the case could for a moment credit. Notwithstanding the indignant denial of the charge by General Hampton and the further fact that his sphere of duty at that time was 500 miles away at the head of the cavalry of the Army of Northern Virginia, this absurd charge finds some believers.

The truth is that Columbia was destroyed in obedience to orders from Washington, and the proof is found in the following letters from General Halleck to General Sherman and the latter's reply. I will quote only the concluding sentences of General Halleck's letter, as that portion alone has any bearing upon the subject before us:

HEADQUARTERS OF THE ARMY,
Washington, December 18, 1864.

* * * * * * *

"Should you capture Charleston I hope by some *accident* the place may be destroyed; and if a little salt should be sown on its site, it may prevent the growth of future crops of nullification and secession."

H. W. HALLECK,
Chief of Staff.

And the answer to the above is in the following words:

"I will bear in mind your hint as to Charleston, and I do not think 'salt' will be necessary. When I move, the Fifteenth Corps will be on the right of the right wing, and their position will naturally bring them into Charleston first; and if you have watched the history of that corps, you will have remarked that they generally do their work pretty well. The truth is, the whole army is burning with insatiable desire to wreak vengeance on South Carolina. I almost tremble at her fate, but feel that she deserves all that seems in store for her. We must make old and young, rich and poor, feel the hard hand of war, as well as their organized armies."

W. T. SHERMAN, *Major General.*

Here we have under their own hands the proposition of General Halleck to utterly destroy Charleston, accepted with savage alacrity by General Sherman. Why it was, when Charleston was as defenseless on the land side as Columbia, the route was changed from Charleston to Columbia we will never know until the final day. But as Charleston was at this time nearly deserted by its inhabitants, and Columbia was crowded to overflowing with refugees from Charleston and the seacoast counties, it is possible that General Sherman considered Columbia to be the best place for carrying out his long-cherished hope of "wreaking vengeance upon South Carolina." In this change of movement the redoubtable Fifteenth Corps, noted for its fine work, must have been in the rear and entered Columbia last; but the work of destruction, whether performed by the Fifteenth or some other corps of his great army, was done, even in the estimation of General Sherman, a good judge in such matters, "pretty well."

WM. H. PLEASANTS.

HOLLINS, *June, 1902.*

DANGER THREATENING

The condition of Charleston became more and more perilous by the bombardment, in which the enemy made progress by the use of guns larger and of longer range, by renewed attacks with these from the points on the seacoast already won; but particularly by the rapid approach of Sherman's famous army, since it was believed to be their principal object to capture and punish the hated city—the "Cradle of Rebellion"—which had made so stubborn a resistance and prolonged the war by blockade running.

With the dreaded capture of the seaports, which was now considered only a question of time, the business [blockade running] must of itself come to an end, and it was now to be considered how to secure to the stockholders in the company their property.

When the catastrophe finally came all the ships were lucky enough to be found in foreign ports, and after the ensuing peace, which was caused by the subjugation of the South, were then sold for the account of those interested. The ready money on deposit at the banks and the considerable amount earned by the sale of cotton, which was deposited safe in Liverpool, must, so far as they had not yet been distributed, be paid to the stockholders, and now the duty lay before me, in consideration of that determination, to pay out the dividends by means of checks upon the aforesaid banks and by drafts on our correspondents in England.

For this purpose I took my position in Columbia. Mr. Bee (the president of the company) wished to hold his in Charleston as long as possible and to leave Charleston only in the extremest necessity, when his person was in danger, after he had carried his family to a place of safety on one of his plantations in the country and sent all the movable and indispensable objects of value belonging to his private estate, to his firm, and to the company to Columbia and various other places.

On the 23d of January, 1865, I left Charleston for the last time, filled, it is true, with anxiety and doubt for the future, but not imagining that I would never see the place again—that I had probably taken leave forever of the people and the place that had become endeared to me.

In Columbia my two colleagues and I had plenty to do in bringing up the arrears of business resulting from my long absence and in

gratifying our stockholders with their dividends in Confederate money and sterling exchange. My business fully occupied my time, so that it was scarcely possible for me to visit the families that had shown me kindness.

People had actually no fear at all about Columbia; on the contrary, it was supposed that the property which had been sent there was safer than at any other place in the wide Confederacy.

But misfortune travels fast, and as a thunderbolt from the clear sky, at first incredible, but becoming every day more certain, came first the rumor and then the certainty that Sherman had suddenly changed his course and that the army was marching in the direction of Columbia.

A feeling of horror seized upon the population on account of this news, which had been, until the attainment of certainty, always doubted. If this news was really well founded, the arrival of dreaded northern troops could be delayed only a few days. Many private individuals, but particularly the banks and public officials, took flight with the property which had been placed under their protection, which was removed, so far as the railroads could accomplish it, farther into the interior. Madame Rutjes [his landlady] had also run away, and I had to seek another lodging. I rented a room and took my meals at one of the restaurants still left. However, by far the largest portion of the inhabitants could not and would not go away—people did not know where, if not here, they could be safe—where they could find a place of refuge. Besides, it was very questionable whether any great annoyances would be caused to individuals by the impending capture of the place, if indeed that should take place.

I also wrapped myself in a feeling of security too great and one which, as events proved, was misplaced. I thought to myself that the enemy was not my enemy, and that they would respect my office, as well as the property found under the flag of Hanover. That would certainly have happened if the commanding officers had been able to hold the rabble of troops in subordination and discipline. But I was now convinced that they would bring no trouble upon me, and decided to remain calmly here to await the course of events. My colleagues left me and betook themselves farther into the interior to the places of refuge of their families. They took a great part of the books and papers with them, because their presence would probably reveal my participation in a forbidden business and bring me annoyance.

The enemy advanced in force, and his immediate arrival in Columbia removed all doubt. On the part of the Confederates, there had been hastily assembled several thousand militiamen for the protection of the city, and with the bales of cotton, at hand and admirably adapted to the purpose, they erected barricades. However useless and injurious the proceeding might be, it was determined to defend a city, open and approachable from every side.

On the 15th of February, 1865, the stroke of fate descended. The launching of the thunderbolt caused no greater horror than the terrifying sultriness of the atmosphere which preceded it, while, fortunately, we did not know what results would follow. Not even now was there any foreboding of the utter destruction that was to follow, and in addition to the anxiety of all, the sight, new and entirely strange to everybody, awakened a certain interest. For myself, particularly, who had no fear for myself and the peaceful population, the warlike scene had a singular charm. I expected an easy, quick capture of the place, the establishment of a garrison of United States troops, and a departure of the army, and accordingly a peaceful, well-ordered carrying out of these movements.

On the day above named the enemy appeared on the heights on the other side of the river, and the busy activity of an army of about 60,000 men with their artillery, wagon train, tents, etc., clearly visible with the naked eye from the city, presented a highly interesting sight. It seemed as if the troops had chosen this delightful spot and wished to rest from their exhausting marches. The trees, which partly covered this plateau in every direction, were cut down, the ground leveled, tents were set up, and a bivouac established, in which there seemed to be as much activity as in an anthill—out of which the flames and smoke of the camp fires ascended—and out of which the drum and trumpet signals resounded. It seemed to be a holiday and rest day for the troops, or, perhaps, a strengthening and preparation for hard work, for they could not know what defensive works were opposed to them after the surrender of the city, which had been demanded through a flag of truce, was declined.

It was said that General Sherman, when he arrived at this point, in his humorous style, addressed his soldiers in about the following words: "Boys, down there lies a pretty town; we have, for a long time, had no good lodging; there can we find it; and it would be really a good thing if we took a close look at this place, and, if it pleases us, take possession of it. What say you to that?"

The "boys" must have agreed to this, and expressed their approbation by a unanimous "Hip! hip! hurrah!"

The day passed entirely undisturbed; the enemy was able to grant that boon in his certainty of victory. On our side the barricades were vigorously pushed forward, and time gained for removing a great deal of property.

CAPTURE OF COLUMBIA

In the early morning of the following day the scene changed. In consequence of the refusal to surrender, the enemy began to bombard the city, without causing any considerable damage, it is true, but yet putting the population into new alarm. I just escaped death, or a severe injury, from a fragment of bombshell about the size of a walnut, which exploded immediately before my feet, and buried itself several inches in the ground, and which, in spite of my terror, I dug up and still have as a trophy of remembrance of that memorable day, and the danger which I happily escaped.

The prearranged resistance, the defense of the city by the small force, was an absurd, nay frightful resolution on the part of the commander of the Confederate forces, and, under the existing circumstances, met with no approval from the people of Columbia. Whether he had seen the entire futility of such defense, or had assented to the desire of the worthy old mayor, the handful of Confederates withdrew, the railroads carried away their last wagons and implements and the mayor himself went to the enemy's camp and announced the unconditional surrender of the city, requesting at the same time for it and its inhabitants respectful treatment and protection.

I had in the meanwhile arranged my affairs as well as was possible; had secured the property belonging to the company, which was left behind in a fireproof safe in the office, had packed my private property in a trunk, and committed it to the care of my landlord. The most important papers and objects of value belonging to myself, my brother, the company, and the consulate, I had placed, partly in a large tin box, and partly in my different satchels, and also filled a traveling bag with clothing and other indispensable articles, in order to keep it by me under all circumstances. I carried in a broad leather belt around my body under my clothing, the sum of about $600 in gold, which I had reserved for possible needs, besides the jewels that I had bought, representing a considerable value, and different interest coupons.

Provided with these treasures and with the royal flag of Hanover, I betook myself to the residence of a German lady, whom I had known in Charleston, who had established herself here in her profession of teacher of music and singing, and who, in anticipation of coming events, in her anxiety about herself and several little children, had begged me, by virtue of my office or in person, to protect her.

Accordingly I brought my baggage temporarily here, displayed the banner of Hanover from the window, and after I believed the office and the residence well protected I awaited here the course of events.

Toward midday, then, the entrance of the enemy's troops began. First, there was a detachment of pioneers, which removed the obstructions that blocked the broad principal street, after the object of the barricades, a bloody street fight, was happily avoided. All the obstructions in sight were thrown aside, and the carriage of the mayor with him and several higher officers drove through the now unobstructed streets to the city hall. The great army followed in seemingly endless columns, and at its head General Sherman, energetic and calmly gazing around, with his staff and all the blue-coated regiments from the northwestern States of the Union—infantry, cavalry, and artillery. The entire army marched into the city and distributed themselves in the different streets; however, some of them marched through, and because the city did not furnish room enough for all, established themselves in the environs.

I must declare I was delighted at the spectacle—the endless, heaving multitude, which had before and behind them so long and so difficult marches—the famous and dreaded leader with his brilliant staff—the streaming banners of the mighty, victorious Union. All this was to me new and highly interesting, and I do not regret to have experienced it, even though I would like to refuse to recall scenes of like nature.

The troops were in the highest spirits, sang and were noisy by ranks and companies, cast longing and scornful looks at the houses, and, doubtless, thought of the treasures therein hidden, which might fall to them as good booty.

The inhabitants of Columbia were submissive in their calamity and hardly looked out of the windows at the entrance of the enemy. The capture of this city so peaceable—of this point so important for the Confederates, filled me with sorrow; the thought of what might result therefrom to it filled me with anxiety; but everybody must patiently submit to the inevitable. The streets were entirely deserted by civilians and the new masters bore themselves insolently in their brute force.

I will, for the honor of General Sherman and the whole United States, assume that the troops were, in accordance with what is customary in all civilized nations and armies, ordered not to seize private property, nor destroy it—not to molest peaceful citizens, especially ladies, and that the commanding officers really intended to extend to the city officials the promised defense—even protection of every person and of every private possession, and that, accordingly, the events which turned out to the contrary were to be ascribed only to the rough rabble as committed against all orders and against all decency. But, after all, the responsibility for the outrages committed by their underlings belongs to the leaders, and must sully their fame, either because Sherman's army was destitute of subordination and discipline, or, if

these existed, that the officers who permitted these shameful deeds perhaps, in secret, took pleasure therein.

After the formal entry into the city had come to an end and the higher officers, i. e., only the generals and the colonels were quartered in some of the better class of houses which had been abandoned by their inhabitants, or which had been voluntarily vacated by them for this purpose, the rest of the crowd of soldiers seemed to be left entirely to themselves. The soldiers bivouacked in the streets or took possession of the houses left unoccupied, where they established themselves comfortably; but the inhabited houses, too, were not spared; and, next in order, they took lodging on the floors of the houses, in the front yards, and galleries. So far this was all very well and was rather respectful treatment, inasmuch as inhabited rooms were not invaded.

In the house, too, in which I had taken up my abode soldiers swarmed, among them several officers, and these were somewhat polite and respected the flag; and the captain in command gave the assurance that nothing should be taken from us and that we must remain quietly in our rooms. But the billeting of men in the house was by no means agreeable; the jeering and coarse language of the soldiers, their entire behavior, their insolent demands for food and drink to which they were not entitled, but in which they were satisfied as far as was possible, troubled us very much. Everywhere there were unruly, shabby fellows that could not fail to produce disgust and terror in everybody, collected from the lowest orders of humanity, from every nation in the world, among whom, with the exception of the Americans from the interior, the Irish and Germans were most numerous. To the shame of the German nation must I, with sorrow, declare that its sons that belonged to this army were the foremost and most active in the shameful deeds which were afterwards done; and of this fact I had on many occasions the opportunity to convince myself.

We could from our windows that opened on the principal street see the low, savage, and disgusting conduct of the troops, and I became immediately convinced that there was no good to be expected from them, and that the Confederate soldiers, nearly all sons of the Southland, were far superior in manners, discipline, and courage to this assemblage of hirelings. I speak with entire impartiality, and I admit exceptions the more willingly since such exceptions afterwards became known to me from the statements of others and my own experience; but in the main it was a band of thieves and robbers, the inferior officers included.

The gangs of thieves soon no longer contented with the occupation of streets and houses and with the gifts voluntarily offered or obtained by begging, began as a preliminary to break open and plunder the stores and warehouses which were all closed. Only the money which, perhaps, they found and the articles of value in gold and silver were taken; everything else was rummaged, torn to pieces, ruined, and scattered around. It presented a sad appearance when all conceivable objects which the soldiers could not use or carry off with them disappeared from the different stores, lay scattered in the streets, and were here trodden under foot and destroyed. What could and should unlucky owners do against this rude violence? Scorn and vile words were the least that the owners, when they arrived at the scene of their ruin, gained by protest, by entreaty, especially as an appeal to officers there present and cooperating had not the slightest effect.

Seeing this open plundering, I naturally feared a similar fate for the property belonging to myself and the company at the places where I had left them. Anxiety and curiosity drove me out among the mad throng to inform myself in regard to their fate. The somewhat out-of-the-way office I found undisturbed, and, besides, the breaking open of a good safe was not to be considered an easy matter, which safe moreover contained nothing of special value after the books and papers were removed, and my own valuable papers were placed under my own protection. Satisfied on this point, I betook myself to my lodgings, and afterwards emptied a closely packed traveling bag, in order to fill it, if it were yet possible, with a portion of the contents of my trunk, because it seemed to me that the things were safer in my immediate vicinity than in the unprotected room. I had moved only a few steps with the empty bag, when I was halted by a mounted soldier, or robber, with the order to hand it over to him. My remonstrance that it did not belong to him, but to me, that I would like myself to keep possession of my property, was not noticed by the hero, but he drew and brandished his saber, with the remark that I must not take up his valuable time, but rather save my arm. I saw the justice of this good advice and followed it by giving up the bag, now fortunately empty. That was the first highway robbery that I experienced. Worse things were to happen to me.

In my lodgings a new horror awaited me. On entering the yard I found the contents of my trunk, so far, at least, they still existed, were scattered around and mixed up with strange objects; little negro children were amusing themselves with the broken pictures of my relations, were playing with the objects which the thieves had thrown aside as useless to them. Letters of my friends, which I had preserved so carefully, which contained such cheering words of love and consolation, were here in publicity thrown about soiled and torn. Many valuable and irreplaceable objects were entirely lost, and a feeling of sadness at this sudden loss of my property, mixed with rage and contempt toward the vile destroyers, took possession of me. I gathered the most valuable of the remnants, so much as I could take care of, and gave up all that was left to utter destruction. My landlady had fared as badly as I; her personal intervention had not availed to protect her own property and mine, and the loss of her silverware, which she previously had prudently buried in her garden and which she believed to be safe, affected her far more seriously than myself.

I now hurried back to my temporary quarters and found here in the house of Mrs. Volger as yet no trouble, while the store situated on the ground floor was already completely gutted. I do not know whether we had to attribute the protection up to this time to the flag or to good luck or to the somewhat respectable garrison of the house; however that may be, we conceived the hope that we would not be exposed to any further danger.

Madder and madder became the tumult in the streets—partly from exultation over the booty they had gotten, partly curses and abusive language on the part of those who had been deceived in their expectations. The commanding officers remained entirely passive amid these open robberies, although to some families who had courage enough to make complaint at headquarters of the indignities, which were becoming more and more outrageous, a guard was given for the protection of their houses. But only pro forma, and in every case without effect, because either sufficient authority was not given to these guards or because they did not obey; the most of the houses so guarded suffered the common fate.

I had not been able to interest myself in behalf of the families with whom I was on friendly terms on account of the remoteness of their residences; everybody had enough to do for himself, and I did not venture to go so far from my lodgings.

Thus the day ended for the noble warriors in pleasant, profitable work; but there was no holiday evening for them—the time was too valuable for that; the night was far better suited to black souls—it only afforded further assistance to their dark doings.

A NIGHT OF TERROR

Night fell upon the once peaceful city, in which to-day wild disorder and uproar reigned; upon the wicked enemy, who with so many thousand agents was employed in its utter extinction; upon the unfortunate human creatures who in distress and anxiety were looking forward to the future. To whom could such a night as this yield rest and refreshment?

As darkness set in, the soldiers bivouacking in the streets kindled fires to cook their suppers. I made to the captain at our house a plea in this regard, whether this lighting of fires should not be forbidden, since cotton lying around in the immediate vicinity and various other inflammable materials scattered around might easily be set on fire, and a great disaster ensue. O sancta simplicitas! How could I expect any consideration from these men? The answer of the captain, "What had I to do with the handling of the troops? Would I place a kitchen at their disposal for the preparation of their food?" threw me back into proper submissiveness. I dared not stir up to personal enmity the man who alone possessed one spark of dignity and authority. I invited him and his two lieutenants to partake of our frugal supper; but before it was ready a new event arrested our attention; a mighty column of fire and smoke was rising at some distance from us; a railroad depot on the other side of the city was on fire, and the cotton stored there gave abundant nutriment to the flames. This calamity, too! And just on this day! But in the excitement this occurrence made little impression, till in the opposite direction, too, fire broke out, and when a few minutes later a house took fire and that, too, immediately behind the one inhabited by us, then the conviction dawned upon us that it was a prearranged firing of the city of incalculable consequences, and this thought filled us with horror.

The fact that the enemy lounging around the burning houses made not the smallest effort to extinguish the fire, but amused themselves with insulting remarks at the sight, confirmed us in the belief that the city was intentionally fired, and from that time until the present day I do not know whether the firing done by the rabble was ordered by the higher powers or only permitted.

Under such circumstances the further spread of the fire was inevitable, and we were obliged to leave our dwelling. The poor widow to whom no possibility offered itself of saving her possessions was in despair. On her knees she besought the commander of the men quartered in the house to conduct herself and her little children to a place of safety, and through his men cause to be transported to a family of her acquaintance, with whom she wished to take refuge, at least a part of her property. In a certain way this man complied with this entreaty, which might have softened a stone. He escorted the unfortunate lady and her children with a few articles of value, principally silverware, which they themselves could carry, but any further assistance he could not and would not render. What we could hastily gather up and pack in bundles, trunks, and boxes, we then carried downstairs, in order to remove it either by ourselves, if possible, or relying upon the assistance of the captain and his men. But as soon as a piece was brought down, the hungry pack seized upon it and carried it off, or divided its contents before our eyes, and every further attempt ended with the same result.

The captain declared that he could do nothing with this state of things, and so we were compelled to resign ourselves to the inevitable. All that we asked was that he would extend his personal protection to the lady now almost frightened to death. I loaded myself with my tin box and different bundles and packets, made up from the contents of my traveling bag and from the articles previously brought here, and left the house already on fire, with the poor family, whom I had now to leave to their fate, and must think about my own security if that were in any way possible.

Loaded in this way, holding in my hands, under my arms, my own property and that entrusted to me, I was determined to seek shelter in the house of the family of McCully, friends of mine, though a long distance off, yet the nearest place at which I could find refuge. I avoided the direct course over the principal streets, in which a great throng of noisy, exulting soldiers was moving, who were amusing themselves with setting bales of cotton on fire. I hoped to reach my destination without danger on the streets that were more quiet. The city presented an inexpressibly horrible aspect. A large majority of the houses in every direction were now burning and the wind contributed to the rapid spread of the destroying element. In the houses, on the streets, the infamous rabble plundered, destroyed, and raged as the wild hunt, just as if hell had broken loose. In the midst of all this was heard the heart-rending cry of distress of human beings, stripped by the robbers, at times of those personally assaulted or endangered by the fire. Here and there these hapless creatures, with little children in their arms or with their small possessions, were seen running from the devils and the fire, seeking protection anywhere, but only to run in their supposed place of refuge upon new destruction. It was horrible! And the conviction of the poor, perplexed creatures that they could not save themselves made the situation only more frightful.

But nobody could give them help; everybody must be thinking of his own fate, of securing his own safety if possible; and so I could not trouble myself about what was going on around me, but must seek to escape from this scene of horror—to follow up the slight beam of hope of perhaps accidental betterment. In my course which I took by a wide circuit through back streets, I was at first fortunate enough to lose only the smaller packets carried under my arm and which I could not hold on to fast enough, inasmuch as they were snatched by some soldiers that I met. My hands grasped tightly their burden and several attempts to take it from me were unsuccessful, and by rapid flight I escaped the different robbers who, strange to say, desisted from an energetic pursuit and waited for a more convenient opportunity of robbery. Such opportunities presented themselves in rich abundance.

I had almost reached my destination and found the neighborhood in which my place of refuge lay as yet entirely spared by the fire. A gleam of hope of relief from anxiety and distress grew to a joyful anticipation that I would at last find rest, and in my excited brain arose all the possible plans as to where and how I should conceal my property, perhaps bury it, in order to escape the search of the sleuth hounds.

Then a company of soldiers in regular march under the command of a captain, and which, as I supposed, was performing patrol duty, suddenly crossed my path, and I was childishly simple enough to look upon them, not as a band of thieves but as protectors of the persecuted. Therefore, I slackened my running, which had already exhausted me, and met this detachment at a street corner, hoping to finish the rest of my journey under their protection, as they turned into my street.

But I was halted and asked by the captain what I was carrying there with me. I told that I was the Hanoverian consul, and declared that my baggage consisted partly of my private property and partly of papers belonging to the consulate, saved with great difficulty from the fire. By that I believed I had sufficiently established my character and might venture to proceed on my way. But the captain was inquisitive and wished to convince himself of the truth of my statement. Then my baggage was taken away from me; I was made to open the box—the whole company rummaged the satchels—threw the contents out, one took this, another that—and left only the empty box and satchels, the consulate seal, and several letters and worthless papers. All protests, all entreaties, were in vain, and my exclamation of despair on account of the great loss, which at the moment of excitement I could not repress, was silenced by the threat to shoot me dead if I did not keep quiet.

Not content with the result of this robbery the captain demanded also my portemonnaie and watch, and, submissive as I was, in view of the violence threatening me, and in order thereby to escape a thorough search of my person, I gave him what he demanded.

That, kind reader, was the function of a patrol of the famous army of Sherman, which army was attended with the general sympathy of the Germans (not of the English and French) in their war of devastation against the noble-minded, fair-dealing southerners. That was a specimen of the robber bands—the officers, who were led into the field against a spirited but noble enemy, and displayed their bravery in base, dastardly robbery, insult, and injury of defenseless human beings, especially women and children. I refrain from all exaggeration in my description and I leave it to everybody to form his own opinion; at the same time I am willing to declare that not all, perhaps only the smaller part of the Northern troops, was made up of such offscourings of humanity, because I later had the opportunity to become acquainted with brave, well-disciplined soldiers of the United States.

I gathered up the box and the few remaining papers, and then gradually the full knowledge of my loss dawned upon me. The loss of the valuables intrusted to me by my brother, from whom nearly all that he had earned by long years of hard work was taken, and who in a foreign land was resting in full confidence in the safety of his possessions, affected me most. This would certainly be a severe blow to him.

Furthermore, this loss consisted of a large part of the exchange on England, which I had made out for the stockholders of the company, and which had not been called for by them, representing a very large sum. There was for a long time no possibility of stopping the payment of the drafts, and making them worthless for their unlawful possessors; in the meantime these drafts might already have been paid in good faith to the thief and his accomplices.

The loss of the papers belonging to the consulate and the company troubled me less; that of my own, in comparison with these above mentioned, not at all. But I was prostrated by the far-reaching loss, and by the impossibility of doing anything for the recovery of anything. I experienced this night, and once later, how much a man can endure, but also how much less frightful is the presence—the certainty—of so hard a stroke of fate, than the apprehension of it, if one has reached the conclusion that he is not able to remedy it, and that he must be resigned.

When I became clearly convinced of the fact, my despair changed to quiet resignation. A slight consolation lay in the thought that in this hour so many people were visited with far harder misfortune than I. In all that I had passed through, I could yet consider myself at least fortunate, in having saved my life, the valuables secreted about my person, and the papers still left in the satchels, for whose further security I, of course, had reason to fear.

With the little that was left me, I arrived safe at the house of the McCullys, but in an exhausted and depressed state. The poor family were, in view of the important events, of the danger in which they were involved, but which they had so far escaped, in great alarm, and they greeted my appearance with joy. The husband, disabled in body and mind, sat buried in silent brooding; an aged grandmother lay sick in bed, and the recent frightful occurrences were very carefully concealed from her; and with great difficulty I made them take measures for collecting and temporarily securing their most valuable objects, in order that in the event of a sudden attack, or of the fire getting there, they might be ready for flight, and for taking with them the most valuable of their possessions.

These good people had had the good luck to find among the soldiers who had quartered themselves in the house a brave, educated young man, who was not only entirely respectful and amiable toward the inmates but defended them, as well as their property, against the vile thieves who forced themselves in. As a matter of course, the man stood quite alone among his comrades in the strength of his character and virtue; he defied them, as well as his superior officers, in their repeated attempts to rob and set fire to the house, until his strength no longer held out against the rude violence. He denounced the conduct of his comrades as vile, shameful; he deplored that so many good-for-nothing scoundrels, consisting mostly of Europeans (Irish and Dutch), were among them; he protested, however, that the horrible deeds were committed against the orders of the highest authorities.

The flames were now raging in this part of the city, at first more protected, after the houses which promised to yield booty were robbed and destroyed. The rush of the valiant men became stronger and stronger, and in a short time our brave defender was unable to drive back the highway robbers storming the doors and windows. All obstacles were broken down; what was useful was carried off; what was useless to them destroyed; and with a few possessions only was I able, in company with the poor unfortunate creatures, to get out of the house. Already the flames were pouring out of the windows. It was a matter of great difficulty to save the old grandmother, who escaped death by fire by a hairbreadth, and was carried out by two negroes who were kind enough to lend a helping hand. I caught one of the noble heroes by the throat at the moment when he was about to set fire to the bed on which the old lady lay, because I had run thither at her shriek of horror and stopped, just at the right time, this fearful murder. In the struggle, which, in view of this incredible crime, I did not fear, in the exchange of words which was inevitable I found out, to my horror, that the beast was a German who could not even speak English. Such a son, then, has our good fatherland sent for the extirpation of slavery, but in reality for robbery and murder. And alas, he was not the only one of his race among them who practiced such shameful deeds.

It was the favorite plan of the scoundrels, when they had thoroughly plundered the house, to set fire to the beds. By that means their object was best accomplished; the fire spread surely and quickly, and the rogues had no reason to fear that a single thing would be spared.

And so again burnt out, again without shelter, I left with the family of the McCullys, whose house was now on fire, too, in several places, lighting for its inhabitants of many years their sorrowful, homeless way. But whither should we betake ourselves? There was no longer

any great room for choice; only comparatively few houses were left uninjured, and these, too, in all probability, would be visited with the same horrible fate. I determined yet once more to seek safety and go to my friends, the Gronings, for shelter. The Arsenal Hill was as yet wrapped in deep darkness, and thither the band of incendiaries had not yet forced their way or had found the houses there, which were mostly small and unpretentious, unworthy of their attention. And so my friends had still a home. A part of my fugitive companions—the old grandmother—the invalid father (both of whom a short time after this horrible night died from the effects of it, perhaps, too, of hunger), and besides two daughters found shelter with relations, in the close vicinity to my destination—the mother with two other daughters accompanied me to Groning's house, which we fortunately reached but not without having lost on the way the greatest part of the property taken with us.

I was finally stunned in the presence of repeated calamities, in the presence of the strokes of fate, which in the last hours, which seemed to me an eternity, had broken in upon me, and in the presence of the splendidly horrible sight of the sea of fire, which seen from the hill spread out under me, out of which a wild confusion of voices arose. I thought now only of myself and the unfortunates committed to my protection to whom, alas, I had been able to afford so little help.

And so one part of the family was temporarily sheltered, and I, with the others, was received at the house of our friends. They, in some unaccountable way, with the exception of anxiety and terror, had received no injury—had been able to ward off the numerous visits of the intruders. In particular, the energetic Mrs. Groning, a most amiable lady, knew how to repulse the cowardly rabble by her fearless deportment, by her severe reproof, and by word pictures of their damnable doings. She, herself a northern woman, in the presence of the sleuth hounds, renounced all connection with a people who employed such a rabble in their service, and her rapid, energetic way of talking produced a powerful effect upon those men, who had not expected such a reception, where in other cases they had met with only terror, trembling, and entreaty. These negotations, carried on through closed doors and windows, always ended with the departure of the robbers, who sought an easier field for their industry.

It was in the early hours of the morning, when I reached my new asylum completely exhausted, and with my unfortunate companions was bidden welcome. My overstrained nerves refused any further service, and I could no longer stand upright. Stretched out on the carpet of my chamber, I found a little rest that I needed so much, and forgot, for a while, the trials I had passed through, and those now surrounding me, but continually being roused by new disturbers of my peace and expecting to be driven away again.

The uninvited visits were all the time slackening, and at daybreak they ceased altogether. The contemptible creatures seemed at last to be content with the result of their devilish work—or they were tired out with the exertions of the night—or they themselves shuddered at the sight of the devastation they had made, which the daylight brought to their view, or perhaps they were called to other service. Suffice it to say, we were no longer disturbed, the streets were cleared, and we breathed again! It seemed really as if the kindly cottage had enjoyed singular good fortune to be preserved from the general destruction, and after all that had happened we were thankful for this favor of heaven, which had left to our good hosts their home and their property, and afforded to us a comfortable shelter at least, while so many unfortunates were obliged to do without this shelter, and that, too, in the most inclement season of the year.

After I had recovered from the first shock, I realized my whole loss, and notwithstanding the considerable amount of it, recognized how well I had fared in comparison with many others—e. g., the McCully family, robbed of everything (I had saved my money, jewels, etc.). I went out to look after the other portion of that family and Mrs. Volger, who had been separated from me in the early part of the night, and find out what fate had befallen them. I found her fortunately concealed in one of the places of refuge she had sought, and though she was hardly alive from terror, from the loss she had suffered, still a great blessing was vouchsafed to her, too, by an accident.

These facts were, under the circumstances, almost tranquilizing to myself and to the relations, and when I had brought them this news, I made an examination of the devastation of the last night.

RESULTS OF THE DEVASTATION

The beautiful, peaceful city of Columbia was no more! In one single night, yea, in a few hours, it had disappeared and been converted into ruins! Only a few houses on Arsenal Hill and in the farthest outskirts of the city remained standing; the whole of the interior portion was entirely destroyed. The spaces where yesterday streets intersected the city were no longer passable and only in some places to be recognized by the walls still standing. Everything else was a great heap of ruins, out of which rose a smoke, poisoning the air. With renewed horror, with disgust and hate for the perpetrators and the permitters of these outrages, I gazed at the ruins of the place which had become so dear to me, which now in its new and horrifying aspect was no longer recognizable. My office, too, with its contents, my dwelling place, and so many homes, at which I had spent many pleasant hours, lay buried under the ruins!

And the men who yesterday were without foreboding, and the inmates of these former houses! A great many of them had been lost in the tempest of fire and were now laying accusations against their murderers before the throne of the Most High. The bodies of those who had perished in the flames were some time afterwards found, removed from the mountains of rubbish, and buried.

And the survivors? Whither had terror and distress driven them? Those who had not been so fortunate, as I had been, to find shelter among friends (and comparatively few could be taken in by those whose houses were spared), had been driven by despair into the woods; and now imagine such a situation—how many thousands of human beings, of all ages and conditions, white and black, wandering the forest in the dark night, seeing no possibility of protecting themselves against the cold wind, of feeding and clothing themselves, since they have saved nothing but their bare lives! How families were separated, mothers and children calling for each other, neither knowing whether their loved ones were in safety or had fallen a sacrifice to the dreadful fire!

Yes, dear reader; that is an awful picture—it sounds incredible, seems an exaggeration; but so it was in reality, in our age of the world, in a civilized land; and caused by those, who out of pure philanthropy (?) wished to procure for the slaves glorious freedom, and to that end employed such means as placed their wards themselves, along with their masters, who were hated by the so-called liberators, but loved by the slaves, in boundless misery.

The fall of Columbia stands quite unique in the history of the American war, but it was sufficient to sully the principle, the conduct, and the results of it, and must for many generations entail the hate of the South Carolinians toward their northern brethren, who brought upon their forefathers such atrocious treatment.

I give my opinion with entire impartiality, in accordance with my own experiences and from personal observation of the frightful scenes, and I doubt not that anyone who will calmly consider the matter will agree with me in my judgment of the shameful conduct of the Army of the United States, even though the foregoing description may have imperfectly pictured the horrifying experiences and boundless wretchedness resulting therefrom.

And the slaves for whose sakes this bloody war was waged, whom they wished to free from the intolerable yoke of their oppressors. Now the victors troubled themselves not a single moment about them; they had endured the same fate as the whites, suffered like losses and privations. They remained faithful to their masters, who shared with them their last piece of bread without being under the least obligation to do so. How much assistance will, I am sure, at this time (1879) be granted to the negroes by their former masters, without which they must perish, and which was not extended to them at that time by their liberators, by the champions of a principle which was at least commendable. Accordingly these champions deliberately abandoned their protégés to the misery to which they had condemned them, left them to pine, as before, in the slavery from which they had come to save them. Their oppressors, on the contrary, from feelings of humanity, cared for them, that in their condition of freedom they might not starve to death.

And the noble warriors for freedom and the rights of man—the robbers, thieves, and incendiaries? They had to-day left the scene of their shameful conduct and spread themselves for the most part over the surrounding country, there to seek booty in cattle and provisions, to lay waste the land, and, above all, to destroy the railroads for a distance of many miles. Only a comparatively few were left behind as a garrison for the place and guard of headquarters. The robbing and burning of the few remaining houses had ceased, as I suppose, by the strict orders of the commanding officers, in whom, in view of the existing devastation, a little compassion might have been awakened, and who now were in a position to maintain discipline.

There was, however, all the time a considerable number of disgusting figures who still lingered in the place once called Columbia, who were busily engaged in rummaging the piles of débris and seeking for the melted gold and silver; likewise in digging up the ground in the gardens and yards of the few remaining houses to find the treasures which were possibly there hidden. They were in this work amply rewarded, and the booty, which was afterwards carried away by them, consisting principally of gold and silver and objects of value requiring little room, must have been enormous, as an entire train of transport wagons was filled with them.

I have thus attempted to describe how these men became possessed of the stolen property, how the city was destroyed contrary to the custom of all civilized nations, how the peaceful inhabitants were robbed of their property, reduced to poverty and suffering, nay, even murdered, just as I was forced to live through these deeds and observe the consequences. But even more horrifying accounts of individual cases, which I did not see, afterwards came into publicity. It was not alone that the band of robbers demanded the surrender of money, watches, and valuables; no—they did not take time for that; in many instances they possessed themselves of such articles by force; the breastpins were snatched from the breasts of ladies, the rings from their fingers, and the earrings from their ears; they did not restrain them-

selves till the opening of the jewel cases but lacerated the ears and tore off the clothing from the bodies of the trembling women. I have myself seen a lady with the lobes of both ears torn asunder. What outrages in word and deed the female sex in many cases had to suffer I will here only hint.

I draw a veil over the horrible past, which would seem to me a bad dream if it had not wrought its lasting effect upon my future; and if I am in the fortunate condition to be obliged only once, and for a short time, to lift the veil, in order to impress those moments on my remembrance in my description, the greatest part of my fellow sufferers were not, and perhaps not even now are, in the condition to cover up with other thoughts that night of horror or to escape its consequences.

After the first excitement had somewhat subsided, and there was calmness enough to reflect upon the state of affairs, anxiety for the future began to press upon me and to put me in embarrassment in regard to taking the necessary steps. It seemed, in the first place, incumbent upon me to give my chief information of the disaster and get from him new instructions; then also to inform our correspondent in Liverpool of the robbery of the drafts drawn upon him and stop the payment of them; furthermore, I wished to gain certain knowledge of the place of retreat of our bookkeeper with the books of the company; and, finally, to leave a place in which I was now only a burden.

I had no idea how an escape from the place or intercourse with the outside world might be effected, or whether the Unionists would establish a post here; and on that point I desired first to inform myself of their intentions. I went to the headquarters, which were established in one of the remaining houses, partly to get information about the future of the ruined city, partly to lay complaint about the treatment to which I had been subjected, and perhaps be indemnified for my losses. I did not dare, of course, to let the Union officers know of my participation in the business of blockade running, because I would have been regarded and treated as an open enemy of the United States; I could appear only as the consul of Hanover if I wished to accomplish anything.

I was politely received by General Howard, the next in command under Sherman, who had formerly been a clergyman, had in the Mexican War lost an arm, and who subsequently further distinguished himself in the Indian war; and my complaint as to the treatment which I had received, as the consul of a neutral nation, as to the losses and the robbery of the papers belonging to the consulate, and all of my private property, was patiently listened to. The general expressed his regret at the occurrences of the night before and at my passive participation therein, and declared to me that if I would point out the regiment to which the captain who had robbed me belonged he would find him out and have him shot before my eyes. Unfortunately, I could not comply with his request, and perhaps the scoundrel enjoys even at this moment his miserable existence. What, indeed, was the guilt of one single individual in comparison with the innumerable and far greater crimes of many thousands?

I do not know whether the expressed sympathy of the general was only pretended or really sincere; it made, however, an agreeable impression upon me, and though I could secure no indemnification for or replacement of my losses—a result which from the very beginning I had not ventured to hope for—yet one proposition of the general seemed to me acceptable. He informed me frankly that the army would leave its present position in a few days, and that no garrison would be left behind; that it would march forward in a northeasterly direction and would probably in from 8 to 14 days arrive at a seaport; that if I wished to avail myself of the opportunity of reaching that point in safety, in order from there to embark for the north or Europe, I might partake of all the comforts and privations of himself and his staff, which I was invited to join; in return for which I would, perhaps, be expected to do some clerical work.

This invitation was by no means to be rejected, and while I cherished an unextinguishable hate toward the band of robbers, yet I would not be disturbed by, had nothing to fear from them, on account of my belonging to the staff, which was, doubtless, composed of respectable men. I therefore accepted the proposal provisionally, and had me a pass made out to that effect.

Upon closer consideration, however, I renounced this alluring opportunity. If by this means I should reach northern territory, I would be able, undoubtedly, to send to England by the quickest, most convenient, and safest way the information which seemed to me very necessary to be sent or even to reach my home, for I had also formed this plan because the business was broken up and no longer needed me. But on the other hand, by this course the Confederate territory would be closed to me, and if Charleston still belonged to it, it would be impossible for me to get to that city or to my chief, who I supposed was there, to give him information of my misfortunes. I felt it to be needful for me, before everything else, to speak with him, to lay before him a full account of my last experiences and of the loss sustained.

I would not have liked, for any consideration, to have been brought before him in suspicion that I had only pretended a robbery—that I, perhaps, had embezzled something, or, generally speaking, that I had neglected my duty in any respect. This explanation would not be at all difficult in a personal description of the events; afterwards, I could, with his consent, with a clear conscience, pursue my design of seeking my dear home, to which I was now drawn with redoubled longing. Therefore, I determined to remain here and wait for a suitable opportunity by which the accomplishment of my desire might be effected.

On the 20th of February Sherman's army left Columbia, if one will apply that term to the heap of ruins, after having the day before, by order of the commanding general, blown up the arsenal which had been up to this time spared. In that act there was no cruelty, inasmuch as that building was public property, for the destruction of which the right belonged to the victorious enemy. The soldiers continued to be well-behaved, and made no further attacks upon persons and upon the property that was still left, but confined themselves to the before-mentioned digging in the ground.

The departure of the troops attracted little attention, and made little impression upon those who were left behind them. After the entire deliverance from them, the people could for the first time clearly think about their real needs, and devise possibly new measures for their removal. I saw the heroes march away, who had in this campaign, gathered withered, malodorous laurels—the victorious army which had certainly contributed very much to the subjugation of the South, to the finishing of the war, and to the accomplishment of an object noble in principle. But without considering the great bloodshed, the utter misery in which the land was placed, from which it can not even to-day revive, the means employed were in the highest degree objectionable. Hail! Columbia, Happy Land, the national hymn of the United States, sounded like mockery from the departing troops to the city of Columbia, totally destroyed by them, and it was a relief to every spirit, however depressed, when the blue forms and their endless train of wagons disappeared in the distance, although they had now nothing more to fear from them.

As for me, let them go on farther in their victorious march, in which I came near taking a passive part, and would have been by that means probably saved much trouble. After some time the news reached us that the army, without having met with any resistance, had subdued the whole region through which they passed, Wilmington, and the seacoast of North Carolina, and thereby, with similar success on the part of the other northern armies, subjugated the South and again incorporated the Confederate States in the Union.

[From the Baltimore Enquirer, June 24, 1873]

BURNING COLUMBIA—"THE MOST MONSTROUS BARBARITY OF A BARBAROUS MARCH"—WADE HAMPTON'S PRESENTATION OF THE CASE—THE TESTIMONY OF SHERMAN AND HIS OFFICERS—GUILT FIXED BEYOND EVASION OR RECALL—THE WHOLE INFAMOUS STORY COMPLETELY TOLD—SHERMAN'S ARMY CONVICTED OF THE CRIME

A "mixed commission on American and British claims" is now holding its sessions in Washington, and before this tribunal will soon be brought cases involving the question of the destruction of the city of Columbia, S. C., in February, 1865. With these cases I am in nowise connected, nor am I otherwise interested, save in showing the truth of this matter, and thus relieving myself from the false charge which has associated my name with this great outrage. With this object in view, may I ask the use of your columns while I prove the falsity of the charge against myself and fix the guilt where it properly belongs?

In order to establish these points beyond all question it will be necessary to discuss this matter at some length and to submit a large mass of documentary evidence. Let me, therefore, crave in advance the indulgence of your readers, hoping that their interest in seeing the truth of history vindicated will give them patience to consider and weigh the evidence adduced. This controversy has been forced upon me for the second time by Gen. W. T. Sherman's reckless disregard of truth in his assaults upon me before the "mixed commission"; and if the testimony which will be produced shall prove how utterly unworthy of credit his assertions are, he will have no one to blame except himself. He shall be dealt with in the manner that all defamers deserve, and my language shall be so plain and the proofs so overwhelming that even he himself can understand, obtuse though he may be to the obligations due to or from a gentleman.

On the night of February 17, 1865, Columbia was burned to the ground after it had been in full possession of the Federal troops for 10 hours. How was it so burned? No one of the citizens who was present during that disastrous night would be at a moment's loss to answer that question, and many of them have answered it most conclusively, as will be shown in the course of this narrative. No one there doubted or doubts to whom the guilt attaches, and it was with surprise and indignation that my fellow citizens saw the charge in Sherman's official report, published in April, 1865, that the destruction had been caused by myself. In this report the following language is used:

SHERMAN'S WANTON STATEMENTS

"Gen. Wade Hampton, who commanded the Confederate rear guard of cavalry, had, in anticipation of our capture of Columbia, ordered that all cotton, public and private, should be moved into the streets and fired to prevent our making use of it. * * * Some of these piles of cotton were burning" (when the Federal troops entered the city), "especially one in the very heart of the city, near the courthouse, but the fire was partially

subdued by the labor of our soldiers. * * * Before one single public building had been fired by order, the smoldering fires, set by Hampton's order, were rekindled by the wind and communicated to the buildings around. I disclaim on the part of my army any agency in this fire, but on the contrary claim that we saved what of Columbia remains unconsumed. And without hesitation I charge Gen. Wade Hampton with having burned his own city of Columbia, not with malicious intent or as the manifestation of a silly 'Roman stoicism' but from folly and want of sense in filling it with lint cotton and tinder." This was the insulting charge first made by Sherman, and made in the most offensive terms, at a time when I was a prisoner of war, under parole, and thus unable to meet it in the only manner it deserved. But one mode of answering was open to me, and the one least agreeable to my wishes, that of denouncing it as false in the public prints, and this was done on the 19th of June, 1865, in the following terms:

"It would be difficult, if not impossible, to express in an equal number of paragraphs a greater number of falsehoods than are contained in the above extracts. There is not one word of truth in all that has been quoted, except the statement that 'General Hampton commanded the Confederate rear guard of the cavalry.' He did not order any cotton 'moved into the streets and fired.' On the contrary, my first act on taking command of the cavalry, to which I was assigned only the night before the evacuation of Columbia, was to represent to General Beauregard the dangers to the town of firing the cotton in the streets. Upon this representation he authorized me to give orders that no cotton in the town should be fired, which orders were strictly carried out. I left the city after the head of Sherman's column entered it, and I assert what can be proved by thousands, that not one bale of cotton was on fire when he took possession of the city. His assertion to the contrary is false, and he knows it to be so."

These extracts from my letter will be sufficient to show how the charge made by Sherman was met. The denial was as explicit and the denunciation as strong as language could well make them. This was all that I could do, for I was debarred by my position from seeking the proper redress for this wanton insult of General Sherman, which never would have been given had I been free to resent it as it deserved. No such restriction, however, withheld him, and there was a time when an officer of the United States would have felt himself compelled to repel an imputation on his veracity or to resign his commission. But no answer to my denial was made by Sherman, and he has rested quietly under the denunciation until the present moment, when an examination before the mixed commission has afforded him the opportunity to reiterate his falsehoods on oath, officially, and, as he supposes, safely. Fortunately for the people of the South, reunion and reconstruction, if they have brought in their train no other privileges, have at least restored to every man the right to resent an insult and to brand a falsehood from whatever quarter they may come; and in the exercise of this only right that is restored, I now feel at liberty to discuss the questions at issue on terms of equality with General Sherman. In doing this I shall submit unimpeachable evidence to show that the charge made against me by Sherman is utterly false, and also that his own men burned Columbia after he had promised protection to property and citizens.

HAMPTON'S MISSION IN SOUTH CAROLINA

In order to arrive at a clear understanding of the events which will be related, and of my connection with them, it will be necessary to state how and why I was in South Carolina at the fall of Columbia, and as I desire to establish all assertions made by proof extracts from my orders and report are given to explain my presence there:

HEADQUARTERS CAVALRY CORPS,
ARMY NORTHERN VIRGINIA,
January 19, 1865.

Special Order No. 8: In accordance with instructions from the commanding general Maj. Gen. M. C. Butler will proceed to South Carolina. The troops will be conveyed by railroad via Wilmington to Columbia unless travel is interrupted on that route, in which case they will be conveyed by the upper route. General Butler will report his arrival at Columbia to Lieutenant General Hardee.

By command of Maj. Gen. Wade Hampton:

H. B. MCCLELLAN,
Acting Adjutant General.

I now quote from my official report: "At the same time I was directed by the general commanding to proceed to South Carolina to assist in mounting and putting Butler's division in the field, with permission, if a suitable command was given me, to operate it until recalled to Virginia. The troops were immediately put in motion for their new destination, * * * and I followed in a few days."

It will be seen by the above extracts that my only duty in South Carolina was to assist in putting Butler's division in the field, and that I had no active command in South Carolina on my arrival there. Finding that General Beauregard had been assigned to the command of that department, I tendered my services to him, and was requested by him to aid in making dispositions for defense and in seeing to the proper discharge of the provost duties in the city. In other words, I was serving temporarily as a volunteer on his staff until the night of the 16th of February—and the reader is requested to bear this date in mind—when the following telegraphic dispatch from President Davis was received.

RICHMOND, *February 16, 1865.*

To Gen. WADE HAMPTON:

It gives me pleasure to inform you that the Senate yesterday confirmed my nomination of you to be lieutenant general. As you were not advised of the nomination, you may not have anticipated such action, but will understand it as expressive of my appreciation of your past services and confidence in your ability for future usefulness. You have my best wishes for you personally and highest hopes of you officially.

JEFFERSON DAVIS.

This dispatch, which assigned me to the first and only command held by me in South Carolina, was received on the night of February 16.

While serving on the staff of General Beauregard he directed me to issue an order that all cotton stored in Columbia should be placed where it could be burned, "in case of necessity, without danger of destroying buildings." This order was published in one of the city papers on the 15th of February, I think, and is doubtless the same to which Sherman alludes in one of his numerous communications relative to the destruction of Columbia—an allusion which will be noticed in the proper place. The post commander of Columbia at that time was Maj. Allen J. Green, a gallant officer and a gentleman of the highest character. He has been kind enough to send me the following paper, which speaks for itself:

NO ORDER TO BURN THE COTTON

HUNTSVILLE, ALA., *December 31, 1872.*

Having been requested to give my recollections of the events connected with the evacuation of Columbia, S. C., on the 17th of February, 1865, I would state that at the time of said evacuation by the Confederate forces I was post commander of that city. That a day or two before the evacuation I received an order from Lieut. Gen. Wade Hampton directing me to ascertain what amount of cotton there might be in the city, either in public or private hands, and to remove the same to the vacant fields or lots adjacent in order not to endanger the town should the necessity arise for burning the same; that not having sufficient transportation at my command to thoroughly execute General Hampton's order, I directed such cotton as had not already been removed to be placed in a narrow line along the center of Main or Richardson Street that the citizens themselves might be able to watch it and thus prevent a general conflagration should a subsequent order be given to burn it; that no such order (to burn it) was ever received by me, but that either during the night previous to or on the day of the evacuation a second order was received by me from General Hampton directing me to take no further steps with regard to the cotton, as it was not deemed necessary to destroy it. And I would further state that being in charge of the post, with my immediate command on duty up to the last moment of the evacuation (which was between 10 and 11 o'clock a. m., to the best of my recollection) no fires had occurred in the city up to that time, and to the best of my knowledge and belief no cotton or other material had been set on fire by any orders from General Hampton, nor by any troops under his command.

ALLEN J. GREEN.

The UNITED STATES OF AMERICA,
Northern District of Alabama:

On this 31st day of December, A. D. 1872, before me, Lionel W. Day, clerk of the United States court at Huntsville, Ala., in said district, personally cometh Dr. Allen J. Green, who, being sworn on oath, says that the above statements made by him subscribed are true, according to his best knowledge and belief.

Witness my hand and the seal of said court the day above written.

[SEAL OF COURT.] LIONEL W. DAY,
Clerk United States District Court.

This affidavit of Major Green shows how and why the cotton was placed in the streets, and it proves how utterly unfounded is the assertion of Sherman, that I "had ordered that all cotton should be moved into the streets and fired." As mention has been made by Major Green of a second order in relation to the cotton, the facts connected with this order may be stated here. As soon as I was assigned to command and saw the cotton in the streets, I urged General Beauregard not to burn it, representing to him that doing so would endanger the city, and that as the enemy had destroyed the railroad they could not remove this cotton. Upon this representation he directed me to issue an order that no cotton was to be burned. That this order was issued the subjoined papers will prove:

THE ORDERS NOT TO BURN

CHARLESTON, *August 13, 1866.*

Chancellor J. P. CARROLL,
Chairman of the Committee for the Investigation of the Burning of Columbia.

SIR: Seeing that you have called for testimony in reference to the destruction of Columbia by fire, on the night of the 17th February, 1865, I beg to make the following statement: Soon after General Hamp-

ton assumed command of the cavalry, which he did on the morning of 17th February, he told me that General Beauregard had determined not to burn the cotton, as the Yankees had destroyed the railroad, and he directed me to issue an order that no cotton should be fired. This I did at once, and when I left Columbia, which I did after the entrance of the Federal troops, not one bale of cotton was burning, nor had one been fired by our troops. At the time referred to I was acting as assistant adjutant general to General Hampton.

Very respectfully, your obedient servant,

RAWLINS LOWNDES,
Captain and Assistant Adjutant General.

STATE OF SOUTH CAROLINA:

Personally appeared before me Capt. Rawlins Lowndes, and on oath says that the facts contained in the within letter are true.

RAWLINS LOWNDES.

Sworn to this 13th August, 1866.

CHARLES H. SIMONTON, *Notary Public.*

In addition to this affidavit of Captain Lowndes I gave that of Gen. M. C. Butler, who commanded the division of cavalry composing the last Confederate troops that were in Columbia before its occupation by the Federals.

South Carolina, Edgefield district: Before me, S. B. Griffin, a notary public, personally came M. C. Butler, a major general in the late Confederate Army, who, being duly sworn, says that he commanded a division of cavalry at the evacuation of Columbia by the Confederate forces on the morning of the 17th February, A. D. 1865, just before its occupation by the Federal forces under General Sherman. That his division was the rear guard of the cavalry of General Beauregard's army upon that occasion and occupied the town for several hours after all the other troops had left, and that about 10 o'clock a. m. he withdrew when the skirmish line of the advance of the Federal troops had reached the suburbs; that he was personally present with the rear squadron of his division, which was the rear guard, and that no cotton was burning as far as he could observe, and none would likely have been set on fire without his knowledge or orders. And this deponent further says that Lieut. Gen. Wade Hampton withdrew simultaneously with him with a part of this deponent's command, retiring by the Winnsboro Road, while this deponent retired on the Camden Road; and that when this deponent reached the eastern suburbs of the city he halted his column and remained there in full view of the Federal column as it marched down Main Street—square removed from it—and remained there for at least two hours after the city had been occupied; and that when he left the suburbs he could see no evidence of cotton burning. And this deponent further says that Lieutenant General Hampton on the morning of the evacuation and the day previous directed him that the cotton must not be set on fire, and inasmuch as the mayor, Doctor Goodwyn, had gone out to meet General Sherman to surrender the city and ask his protection, he (this deponent) should retire quietly without firing or do any other act which would provoke or justify violence on the part of the troops coming in; that these orders were communicated to the entire division and strictly observed, one gun only having been fired without authority; that all cotton which this deponent saw in passing through the streets was piled in packed bales in the middle of the street and was not fired or disturbed or scattered by the Confederate troops.

M. C. BUTLER.

Sworn to before me this 20th day of August, A. D. 1866.

S. B. GRIFFIN, *Notary Public.*

SOME INTERESTING EVIDENCE

Though the proofs adduced are sufficient to convince every impartial mind that orders were issued not to burn the cotton, I shall add one more. On the 22d April, 1866, I wrote to General Beauregard in reference to this matter, recalling the facts connected with the evacuation of Columbia to his mind, stating that I had advised him not to burn the cotton, and that he had directed me to issue an order to this effect. The following indorsement by General Beauregard was made on my letter, which was returned to me and which has been sent with other papers in my testimony for the mixed commission.

NEW ORLEANS, *May 3, 1866.*

The above statement of General Hampton relative to the order issued by me at Columbia, S. C., not to burn the cotton in that city, is perfectly true and correct. The only thing on fire at the time of the evacuation was the depot building of the South Carolina Railroad, which caught fire accidentally from the explosion of some ammunition ordered to be sent toward Charlotte, N. C.

G. T. BEAUREGARD.

It may be mentioned here that this depot was an isolated building near the river and distant from the business portion of the city about 1 mile. Reference will be made to its destruction in another place.

It will scarcely be necessary to present any further evidence to show that no cotton was fired by my order. So we may turn to the next sentence of the official report of Sherman, which has been quoted: "Some of these piles of cotton were burning" (when the Federal troops entered the city), "especially one in the very heart of the city, near the courthouse, but the fire was partially subdued by the labors of our soldiers." To meet this assertion the following papers are given. The extracts which are now given are taken from the depositions of various citizens, and the statements were all made under oath. The evidence is so voluminous that all of it can not be given, and the only difficulty is that of selection. The first extract is from the testimony of M. H. Berry, a northern man, whose sympathies were on the side of the Union, and who accompanied the Federal Army to the North when it left Columbia.

FEDERAL SOLDIERS KINDLE THE FLAMES AND CUT THE ENGINE HOSE

"Mich H. Berry, being sworn, deposed: 'I was in Columbia in February, 1865, when the city was burned. * * * The first fire I saw, which was close to me, was set on fire by soldiers. * * * The place I saw set on fire was set on fire by soldiers wearing the uniform of United States soldiers. * * * After the army came in, about 12 o'clock, I came down the street to the old market on Main Street. There was cotton out in the street near the courthouse; the wind commenced blowing a lively breeze, and the cotton took fire. * * * The citizens and soldiers ran out the hose carriage and put the fire out. * * * General Hampton's troops left in the morning previous to the burning. They left fully four hours before I saw the cotton burning as before stated.'"

Now, here is a witness who swears that our troops had left four hours before he saw the cotton burning, and that it was not burning when he first saw it.

We turn now to the testimony of W. B. Williams: "There was a good deal of cotton piled in the streets of the city prior to its occupation by the Federal forces, * * * but none was burned before the coming in of the Federal troops."

The next deposition quoted is that of Orlando Z. Bates, an alderman of the city: "In company with the mayor, Hon. T. J. Goodwyn, and Aldermen McKenzie and Stork, I proceeded to the outskirts of the city and met the advance guard of the Federal army, under command of Colonel Stone. * * * Deponent returned to the city about 12 or 1 o'clock. * * * There was no alarm of fire and no burning of any description previous to the occupation already stated. The conflagration commenced after the entry of the United States forces. I saw the burning of several houses. * * * I was present with the fire company aiding to extinguish it and saw Federal soldiers sticking bayonets into the engine hose and cutting the same with hatchets and knives. * * * I will also state that a quantity of cotton had been brought out of the cellars of stores, * * * piled in the middle of the street. As the troops passed it *I saw the cotton fired by them, striking matches and applying.* * * * I saw several instances of Federal soldiers actually applying fire to buildings and others carrying torches to various parts of the city for the same purpose." (The italics are mine.)

James G. Gibbes, who was subsequently mayor of the city, testifies: "An alarm of fire arose, caused by the burning of some cotton in Richardson Street. It was set on fire by the United States soldiers. * * * The United States soldiers began to riddle and to cut up the hose with their bayonets. * * * About 7 o'clock in the evening three or four rockets were thrown up in the extreme northwestern portion of the town; immediately after that fire was seen in the northwestern part of the city. * * * I saw various of the soldiers with bottles with some inflammable material—I supposed it to be turpentine—with which they made fire balls and started the fire in buildings in that way. My father's house was burned by them after having escaped the general conflagration. It was a fireproof building and had escaped the flames. I saw them fire furniture in the house, turn over the piano, tables, chairs, and starting the fire from lace curtains, etc."

WITH THE CONSENT OF THEIR OFFICERS

The whole testimony given by this witness, and by the last, is valuable, but it is too long to be inserted here. All, however, will go before the mixed commission.

Joseph Samson swears: "I saw colonels and captains with their soldiers while they were pillaging; and I saw no effort made by them to put a stop to these acts."

John A. Civil swears: "I saw United States soldiers, officers being present with them, put fire to houses."

I will not weary your readers by giving all the testimony in my hands, going to disprove the statements of Sherman; and I dismiss this portion of the subject, quoting only one more affidavit bearing upon the subject:

"South Carolina, Chester district: Personally appeared before me this 24th day of May, 1866, William Thompson, citizen of the State and district aforesaid, and swore that he was a resident of Columbia during February, 1865, witnessed the entry of the United States forces under General Sherman, and that there was no fire in the city at or before that time. That the fire commenced at 8 o'clock p. m. on Bridge Street; that between 10 and 11 o'clock p. m. three rockets were thrown up and immediately the flames broke out all over the city. Deponent was a fireman and, together with other firemen, endeavored to check and extinguish the flames, but the hose of their engine was cut and pierced by axes, bayonets, and other instruments in the hands of the Federal soldiers, so that the engines were rendered useless. Deponent further



stated that his house was burned by two Federal soldiers, who repeatedly said, 'The d——d town ought to be burned,' and that it was always their intention to burn it.

"WM. THOMPSON.

"Sworn to before me this 24th day of May, 1866.

"GILES J. PATTERSON."

The documents which have been given prove how unreliable are Sherman's statements, for they show that no cotton was on fire when he took possession of the city; that his own men fired the cotton; that the firemen of the place extinguished the flames in the first instance; and that their engines were rendered useless by the Federals. He is singularly unfortunate in his assertion—that is, if he regards it as a misfortune to be unable to tell the truth about this matter. Proceeding to the next paragraph in his report we have the ensuing: "Before one single public building had been fired by order the smoldering fires set by Hampton's order were rekindled by the wind and communicated to the buildings around." The affidavits already given show what truth is in this sentence: "I disclaim on the part of my army any agency in this fire, but on the contrary claim that we saved what of Columbia remains unconsumed and without hesitation charge Gen. Wade Hampton with having burned his own city of Columbia."

In addition to the proofs already given to refute this assertion I add the following, feeling sure that no comment of mine is necessary. If human testimony can establish any fact it will prove in this case that the city was destroyed by the Federal soldiers, in direct violation of the promise, made by Sherman to the mayor, of protection. The first paper submitted is the affidavit of the mayor of Columbia, and this is given in full, as his official position not only enabled him to speak authoritatively, but entitles his statement to greater credit. The assertions of the chief officer of the city, given under the solemn sanction of an oath, should surely carry conviction to all unprejudiced minds. He speaks of what he saw and was cognizant of, and I ask special attention to his declarations:

MAYOR GOODWYN'S TESTIMONY

"Two or three days previous to the surrender of the city of Columbia it was under martial law and General Law was commander of the post, with W. B. Stanley and myself assistants. On the 16th of February, 1865, the enemy appeared on the Lexington side of the river, and early in the day commenced shelling the city and continued until night without ever demanding a surrender, all of our women and children and aged citizens exposed to their fire. That night about 9 o'clock General Beauregard informed me that he would evacuate the city early next morning, and that I must take charge. On the morning of the 17th at day dawn there was an explosion at the Charleston depot (from accident) that aroused everyone. I was summoned to the town hall in order to prepare for surrendering the city. In consulting with several aldermen, we determined to raise the white flag over the market steeple. Whilst preparing to do so, General Hampton sent me word not to do so until he gave me further orders. Between 8 and 9 o'clock he rode up and said that I now could proceed, told me where I would meet the enemy, and gave me some advice how to proceed. Whilst sitting on his horse he observed some cotton piled not far off in the middle of the street. He advised me to put a guard over it, saying some careless ones by smoking might set it afire, and in so doing would endanger the city. From that hour I saw nothing more of General Hampton until the war was over, and have every reason to believe that he left the city very soon afterwards. In company with three of the aldermen, viz, Messrs. McKenzie, Bates, and Stork, I went in a carriage with a white flag and met the enemy near Broad River. The first general officer we met was Colonel Stone (acting brigadier); he accepted the surrender, and said he would proceed with us and take possession, guaranteeing protection until General Sherman arrived. I requested him to send a letter to the general, when he ordered a courier and sent immediately, saying the general was on the other side of the river. Between 11 and 12 o'clock they marched into the city and commenced as soon as they arrived in Main Street (in conjunction with the negroes) to break open the stores. When they arrived opposite the town hall a regiment halted, and from that regiment guards were sent to all who desired them; but I think to little purpose, for many of the citizens would send word back to us, saying send others, for those that were sent were as bad as the other soldiers.

"I was compelled to be most of my time from home, and my house was completely stripped before the fire. The first time I saw General Sherman was between 2 and 3 o'clock in the evening, nearly opposite the town hall. I went out and spoke to him. He said he had received my letter and that it would be all right; asked me for a house, to which I sent a servant with him. He asked me to come around in the course of the evening to see him. I went round very soon afterwards; found him very polite and courteous, promising protection to our city. He got me to take a walk with him, and introduced to him a new and old acquaintance. On our return about sundown when parting he said, 'Go home and rest assured that your city will be as secure in my hands as if you had control!' He then stopped me and asked the condition of our fire engine and water works. I replied that they were all in good order; he said he was pleased to hear it, for he was compelled to burn some of the public buildings, and in doing so he did not wish to destroy one particle of private property. 'This evening,' he said, 'was too windy to do anything.' On my arrival home about dusk three rockets went up in front of my house—red, blue, and white. At that time there was a very quiet and good soldier sitting in my piazza; he jumped up and exclaimed, 'My God, is it coming to this!' My wife asked him what it meant; he made no reply and walked off. In 15 minutes afterwards there was a cry of fire on Main Street, near Janney's. I went there and worked some time until I was informed that the city was being set on fire in many places by soldiers with torches. Our engines were broken and our hose cut, and our city, by 3 o'clock, in ashes. I saw very few drunken soldiers that night. Many sober soldiers that appeared to sympathize with our people told me that the fate and doom of Columbia was common talk around their camp fires ever since they left Savannah. The next morning I was suffering very much from an inflamed eye caused by a spark of fire. That night General Sherman sent for me. I went to see him about 1 o'clock. He met me very cordially, and said he regretted very much that our city was burnt, and that it was my fault. I asked him how. He said, 'In suffering ardent spirits to be left in the city after it was evacuated'; saying, 'Who could command drunken soldiers?' There was no allusion made to General Hampton, to accident, or to cotton. It is perfectly absurd in charging General Hampton with the burning of Columbia. Every man living in the city was his admirer and friend, and he knew it would impoverish them and their children and bring us all near to starvation and ruin. The soldiers of General Sherman's army burnt Columbia.

"T. J. GOODWYN,

"Late Mayor of the City of Columbia, S. C.

"Sworn to before me, 3d November, 1866.

"D. B. MILLER, C. C. P.,

"Ex officio Magistrate."

PREMEDITATED DESTRUCTION

Though it is scarcely necessary to produce further testimony, it may be as well to place so much on the record, and of such a character, that this vexed question may be settled beyond any possibility of a doubt. With this view, I shall quote various affidavits bearing not only on the particular point under discussion but upon the general subject of the destruction of Columbia. I have proved that every assertion made by Sherman in his official report, so far as they have been quoted here, is false, and I shall now prove not only that his troops burned the city but that the destruction of it was premeditated. The first paper to which attention is asked is the affidavit of Edwin J. Scott, one of the most prominent and worthy citizens of Columbia. As his statement is too long to be inserted entire, extracts are taken from it. I regret that space can not be found for the whole of it:

"I asked Colonel Stone whether private property would be respected in the city. He replied in these words: 'Private property will be respected. We are not savages. If you let us alone, we will let you alone.' He looked and spoke like a gentleman, and I believed him. Others in my hearing received the same assurances. * * * I neither saw any fire nor heard any alarm when at Main Street, though there were crowds of soldiers and citizens in every direction, and I passed within 200 feet of the cotton. * * * I met Colonel Stone, whose word had been so solemnly pledged for the protection of property in the morning. To him I stated that a large number of boxes, trunks, and packages, belonging to private individuals, and containing property and papers of great value, were in the vaults of the bank, while the apartments overhead and in the rear were occupied by women and children, with their furniture, food, clothes, etc., for which I begged that a guard might be sent. But though standing idle in the crowd, he turned me off with the remark that he had no time to attend to me. The street was by this time so thronged with drunken and disorderly soldiers that it seemed impossible to get through them, and I proceeded around the square to reach Nicholson's Hotel, where Major Jenkins, the provost marshal, was said to be quartered. I found that officer surrounded by many of our citizens and some ladies, all anxiously seeking protection. As soon as his attention could be gained, I made a hasty statement of the condition of things at the bank, and appealed to him for a guard for the family and property. His answer was, 'I can not undertake to protect private property.' * * * There certainly was no fire at sunset and for some time previous, when these scenes were enacting in that part of the street where the cotton was burning in the forenoon for it contained more men than I have ever seen in the same space, either before or since; yet there was no alarm or appearance of fire. * * * But for a change of wind just before day, all that portion of the city where I reside would have been destroyed. * * * At Colonel Duncan's house we were introduced to General Sherman. He referred to the burning of the city, admitting that it was done by his troops, but excusing them because, as he alleged, they had been made drunk by our citizens. * * * He never mentioned or alluded in any way to General Hampton or the cotton, nor gave the slightest intimation that they were instrumental in the destruction of the city. * * * At that time the universal testimony

of our people was that Sherman's troops burst the place, and although they left here loaded with plunder from the houses they had destroyed, not one of them, so far as I have ever heard, was punished, tried, arrested, or even questioned for his conduct whilst in the city. Since then I have been in daily intercourse with all classes in and about Columbia, high and low, rich and poor, male and female, white and black, yet I have not met with a single person who attributed that calamity to any other cause. If a transaction that occurred in the presence of forty or fifty thousand people can be successfully falsified, then all human evidence is worthless and all history may be regarded as a collection of fables."

OFFICERS AND SOLDIERS APPLYING THEIR TORCHES

I present now the deposition of Rowland Keenan, another old and worthy citizen: "I am a resident of Columbia and was present at the burning of Columbia on the 17th of February, 1865. I saw, during that burning, soldiers in the uniform of the United States setting fire to buildings in Cotton Town. At that time there were United States officers mingling in the crowd, and they made no effort to prevent the burning."

Ptolemy Chambers, being duly sworn, deposes and says: "I was a resident of Columbia on the 17th of February, 1865. On that night I saw, early in the evening, Federal soldiers, commanded by an officer, setting fire to houses in the upper part of the city of Columbia."

Charles F. Jackson swears: "I was on Main Street in the city of Columbia on the occasion of the entry of the main army of General Sherman on the 17th of February, 1865. On the night following I witnessed United States soldiers with balls of combustible material lighting them and flinging them about the streets and over and under the houses, Federal officers at the same time mingling in the crowd. I saw a United States officer, who stated to me that the burning of Columbia was premeditated. He further stated that any statement made by General Sherman to the contrary was a lie."

I ask now to give the affidavit of Mrs. Agnes Law, which, from its directness, its simplicity, and its pathos, must command credence:

"STATE OF SOUTH CAROLINA,

"Richland District:

"I am 72 years old. I have lived in this town 48 years. My dwelling house was at the corner of Main and Laurel Streets, a brick house, three stories, slate roof, with large gardens on two sides. When Columbia was burned my sister, Mrs. Jane Scott, was with me; also a niece of mine, recently confined, who had not yet ventured out of the house. When General Sherman took possession I got four guards. They were well behaved and sober men. I gave them supper. One lay down on the sofa, the others walked about. When the city began to burn I wished to move my furniture out. They objected; said my house was in no danger; it was fireproof. I insisted on moving out, but one replied, 'If I were as safe till the end of the war as this house is from fire, I would be satisfied.' Not long afterwards these guards themselves took lighted candles from the mantelpiece and went upstairs. At the same time other soldiers crowded into the house. My sister followed them upstairs, but came down very soon to say, 'They are setting the curtains on fire.' Soon the whole house was in a blaze. Some of the soldiers put boxes of matches under the bookcase in the parlor. Some put these boxes into wheat straw which I had under my back store. When those who had set fire upstairs came down they said to me, 'Old woman, if you don't want to burn up with your house, you'd better get out of it!' My niece had been carried up to the Taylor House on Arsenal Hill. I went to the door to see if I could get any person I knew to assist me up there. I had been very sick, am liable to convulsions, and I could not walk alone. I could see no friend—only crowds of Federal soldiers. I was afraid I should fall on the street and be burned up in the flames of the houses blazing on both sides of the streets. I had to go alone. I spent that night at the Taylor House, which a Federal officer said should not be burned out of pity for my niece. The next two nights I passed in my garden without any shelter. Nothing was saved out of my house but one chair, two mattresses, and one large looking-glass. I have been over 50 years a member of the Presbyterian Church. I can not live long. I shall meet General Sherman and his soldiers at the bar of God. I give this testimony against them in full view of that dread tribunal.

"AGNES LAW.

"Sworn to before me this 6th day of June, 1886.

"D. B. MILLER, C. C. P.,

"Ex-officio Magistrate."

It would be taxing the patience of your readers too severely to place before them any further evidence to show by whom Columbia was burned. There are many more affidavits, all going to show that this was done by the troops under command of General Sherman, but there surely has been given sufficient testimony to establish this fact. If the people who were rendered houseless by this act of barbarity are to be credited as to what they saw, no doubt can remain as to the authors of the great crime that laid the city in ashes. But as the statements of those unfortunate victims may not carry weight in loyal ears, let us see what is said relative to Sherman's conduct in South Carolina by Federal writers:

THE TESTIMONY OF "LOYAL" WITNESSES

The first author from whom I quote is Captain Conyngham, who accompanied the Federal Army in its march through the South. Speaking of Columbia, he says: "As soon as night set in there ensued a sad scene indeed. The suburbs were first set on fire, some assert by the burning cotton which the rebels had piled along the streets. Pillaging gangs soon fired the heart of the town, then entered the houses, in many instances carrying off articles of value. I trust I shall never witness such a scene again—drunken soldiers rushing from house to house, emptying them of their valuables, and then firing them. * * * Officers and men revelling on wines and liquors until the burning houses buried them in their drunken orgies."

Describing the scenes along the line of march, the same writer says: "If a house was empty this was prima facie evidence that the owners were rebels, and all was sure to be consigned to the flames. If they remained at home, it was taken for granted that everyone in South Carolina was a rebel, and the chances were the place was consumed. * * * The ruined homesteads of the Palmetto State will long be remembered. The army might safely march the darkest night, the crackling pine woods shooting up their columns of flame, and the burning houses along the way would light it on. * * * I hazard nothing in saying that three-fifths in value of the personal property of the counties we passed through were taken by Sherman's army. The graves even were ransacked. The scenes I witnessed in Columbia were scenes that would have driven Alaric the Goth into frenzied ecstacies had he witnessed them. * * * Besides compelling the enemy to evacuate Charleston, we destroyed Columbia, Orangeburg, and several other places."

This is pretty strong testimony to come from one who was a member of General Sherman's military family, as I believe Captain Conyngham to have been, and who thus had a full opportunity to witness the barbarous scenes he describes so graphically. Dismissing him we will turn to Major Nichols, who was also on Sherman's staff, and hear what he has to say:

"The actual invasion of South Carolina has begun. The well-known sight of columns of black smoke meets our gaze again; this time houses are burning. Wherever our footsteps pass fire, ashes, and desolation fall in the path. * * * In the record of great wars we read of vast armies marching through an enemy country, carrying death and destruction in their path; of villages burned, cities pillaged, a tribe or a nation swept out of existence. History, however, will be searched in vain for a parallel to the scattering and destructive effects of this invasion of the Carolinas. Cotton gins, presses, factories, and mills were burned to the ground on every side; the head, center, and rear of our column might be traced by columns of smoke by day and the glare of fires by night."

Rebel writers could scarcely draw a darker picture or a truer one of the horrors perpetrated by the Federal soldiery than is given by these members of Sherman's staff.

THE MOST MONSTROUS BARBARITY OF A BARBAROUS MARCH

The following extract is taken from a work entitled "Ohio in the War," written by Whitelaw Reid, editor of the New York Tribune:

"When Sherman rode into Columbia piles of cotton which Wade Hampton had fired lay smoldering through the streets. * * * The soldiers extinguished the fires, as they supposed, but at nightfall they broke out again, doubtless in one or two places, from the burning cotton; but, as if by concert, there suddenly came cries of alarm from a dozen different quarters. The city was on fire in as many places. * * * Before morning a large portion of the city was in ruins. Thus helpless women and children were suddenly made homeless in an hour, in the night, in the winter. It was the most monstrous barbarity of the barbarous march. There is no reason to think that General Sherman knew anything of the purpose to burn the city, which had been freely talked about among the soldiers through the afternoon; but there is reason to think that he knew well enough who did it, that he never rebuked it, and made no effort to punish it, except that he sought, indeed, to show that the enemy himself had burned his own city, not with malicious intent, but from folly and want of sense."

Yet in the same paragraph he admits everything, except the original starting of the first fire: "The officers and men not on duty, including the officers who had long been in prison there, may have assisted in spreading the fire after it once began and may have indulged in unconcealed joy at seeing the ruin of the capital of South Carolina."

Much more of such comments could be taken from this book, but this is sufficient, and with this I close the extracts from northern sources, though the field is ample. There is, however, one affidavit which should be placed on the record, as it may have peculiar weight with our northern brethren. It is that of William Beverly Nash, colored State senator, member of the convention which nominated General Grant for the Presidency, and a leader of the great Republican Party. The paper is as follows:

"STATE OF SOUTH CAROLINA,

"Richland District:

"Personally appeared before me W. B. Nash, who, being duly sworn, says that he never made an affidavit in relation to the burning of

Columbia; that he made a statement of the blowing up of the depot by accident and that a few bales of cotton were burned by private parties to an officer connected with the Freedmen's Bureau. Deponent further states that General Sherman, or men acting under his permission, burned the city of Columbia, and that General Hampton had nothing to do with the nefarious transaction.

"W. B. NASH.

"Sworn to before me this 21st day of May, A. D. 1866.

"W. B. JOHNSTON, *Magistrate.*"

Besides the evidence adduced to show by whom Columbia was burned much can be brought forward to prove that the destruction of the city was premeditated. Indeed, there is very strong reason to suppose that Sherman himself, in spite of his solemn declarations to the contrary, had not only determined to destroy the city but had expressed this determination. Certain it is that the fate of the place was discussed openly among his men long before its capture and its destruction predicted. The first paper bearing on this point to be submitted is the affidavit of R. Speer, which is subjoined:

SHERMAN'S INTENTIONS—"COLUMBIA SHALL BE BURNT"

"Georgia, Bartow County: Personally before me came Robert Speer, of said county and State, who being sworn deposes and says he is a citizen of said county and State, and resides near Eufaula, about 60 miles from Atlanta; that he was a citizen of said county and State at the time that Gen. W. T. Sherman made his raid through Georgia and was taken a prisoner by Colonel Wilder, of General Sherman's command, and taken to his, the said Sherman's, headquarters at Kingston, Ga., and was severely catechised by the said Sherman. During the conversation had with him at his headquarters General Sherman distinctly stated and avowed that the destruction with which he was then visiting the citizens of Georgia would be nothing to compare with what he had in store for the State of South Carolina; that looking upon her as an aggressor, that he would 'grease that State over and burn it up'; that 'he would have her people howling after me (General Sherman) for bread. All he wanted was guns and men, and damned if he did not have them.' This statement can be abundantly corroborated by other witnesses.

"R. SPEER.

"Sworn and subscribed to before me this the 12th day of October, A. D. 1868.

"J. A. A. BLACKBURN,
"Attorney at Law."

This is rather an ugly record for General Sherman, and unfortunately for him there are others of the same kind. The following extracts are taken from depositions which are to go before the mixed commission:

Mr. John R. Niernsée, the architect who designed the statehouse in Columbia, testifies as follows: "I was a resident of Columbia on the 17th of February, 1865, and on the evening of that day I met Captain Ritner, of the Seventy-seventh Illinois Regiment. I saw rockets going up and asked him the meaning of it. He drew me aside, so my wife could not hear it, and said: 'Major, this is the signal for the burning of your city.' The brigade that set fire to the town marched past my house with the implements in their possession for setting fire."

Mrs. Rachel Susan Cheves, widow of the late John R. Cheves, testifies as follows: "I resided in Savannah, Ga., at the time of the occupation of said city by the forces of the United States under General Sherman in the winter of 1864 and 1865. I was warned by two officers of General Sherman's staff, Colonel Poe and Major Dayton, not to go to Columbia, as they intended to burn it. I think his words were that they would pass through South Carolina with the torch as well as the sword. These officers were quartered with me. I had asked to be passed through the lines in a flag-of-truce boat. They warned me as an act of kindness not to go, as they intended to burn every town through which they passed in South Carolina. I told them I intended to go to Columbia, and they said I had better stay where I was, as Sherman intended to burn Columbia."

This testimony is corroborated by that of Mrs. Langdon Cheves, who was present when the conversation referred to took place.

Mrs. Anna W. Barclay, the wife of the late British consul at New York, testifies that she was at the house of Miss Telfair, in Savannah, in December, 1864, and heard General Sherman in a conversation refer to the city of Columbia. He remarked that his course through Georgia had been marked by fire, and that through South Carolina it should be marked by fire and blood, and in his own words: "As to that hotbed of secession, Columbia, I shall lay it in ashes." Upon the expression of horror and regret of some person present, he repeated his assertion, "Columbia shall be burnt."

Mr. William H. Orchard, of Columbia, testified that on the night of the 17th of February a squad of Federal Cavalry came up to his house, broke open his smokehouse and took therefrom whatever they desired. "When they were leaving one of them turned back and said: 'You appear to have a large family here and you are a clever kind of man, let me give you a little advice; if you have anything to conceal, conceal it at once, for before morning this damned town will be all in ashes.' My reply was, 'Is that so?' He said, 'Yes; and if you look out a little after dark you will see three rockets going up from the other side of the town, and if you have not taken my advice before then it will be too late.' I reported it to my wife and we immediately set about saving a few things to escape with, and while engaged in so doing we observed the rockets, as was predicted, and within 20 minutes of that time I counted eight fires in different directions. I saw hundreds of Sherman's men setting fire to the town by means of camphine balls prepared for that purpose. There was a large box of them concealed in my yard early in the day. At night they took them out and made use of them. I saw them set fire to Phillippe's auction room and to my house. I attempted to put it out but was knocked down by a Federal soldier, who told me I was a damned fool for making any such effort; that my house was to be burned anyhow, and I had better save myself. There were a great many Federal officers of all grades on the streets mingling with the soldiers."

A HINT FROM HEADQUARTERS BORNE IN MIND

It appears to me that the charge of premeditated destruction of Columbia against Sherman and his men is as clearly sustained by the evidence as that of having burned the city, but as every link in the chain is important, one more may be added, which shall be taken from a high official source—the report of the committee of Congress upon the conduct of the war. From this report the following extracts are made. The first is from a letter of General Halleck, chief of staff in Washington, to General Sherman: "Should you capture Charleston, I hope by some accident the place may be destroyed, and if a little salt should be thrown upon its site it may prevent the growth of future crops of nullification and secession."

Was a more monstrous, cold-blooded, and barbarous order ever given, or given in a meaner way? "I hope that by some accident the place may be destroyed!" It fell upon willing and appreciative ears, for the reply is characterized by the same spirit that marks the order: "I will bear in mind," says Sherman, "your hint as to Charleston, and don't think salt will be necessary. When I move, the Fifteenth Corps will be on the right of the right wing, and their position will bring them, naturally, into Charleston first; and if you have watched the history of that corps, you will have remarked that they generally do their work up pretty well. The truth is, the whole army is burning with an insatiable desire to wreak vengeance on South Carolina. I almost tremble at her fate, but feel that she deserves all that seems in store for her. I look upon Columbia as quite as bad as Charleston."

If any reader is curious to follow up the history of the events which this correspondence foreshadows, I refer him to the Conduct of the War, where he will find some singular and suggestive coincidences. One of the most remarkable is that the very last order issued by Sherman before the surrender of the city was to Howard to throw the Fifteenth Corps into Columbia, and another is that the town was destroyed while in the possession of that corps. They did, indeed, "do their work up pretty well." "Salt was not necessary." These were, indeed, strange coincidences—almost enough so to make any impartial jury decide, if the question was left to them, that orders had been given from headquarters for the destruction of Columbia, and that the very instruments of its destruction had been designated. Any other incendiary would be convicted of arson on proof as strong as these letters and the events following them furnish.

SUPPRESSED REPORTS—A SIGNIFICANT SILENCE

Another significant fact in connection with those events deserving notice as having an important bearing in determining who is responsible for the burning of Columbia: In the Conduct of the War there will be found on almost every page of that portion relating to the march of Sherman through the Southern States letters, reports, and dispatches from him giving accounts of his movements and progress. The reader is requested to turn to this volume to verify this assertion for himself. The order to Howard, to which reference has already been made, is dated, if my memory serves me right, on the 16th of February, and the next communication from Sherman bears date, I think, on the 21st. Now, how does it happen that so long an interval passed without any reports to headquarters in Washington? And stranger still, how is it that no reference at all is made to the capture and destruction of Columbia? Is this omission not passing strange? Can any sane man be persuaded that no mention was made by Sherman in his reports to Washington of the surrender and fate of the captial of South Carolina? To me it seems as though some letters have been suppressed because they told an ugly story of Columbia. If Sherman is as anxious as he appears to be to relieve himself from the odium attaching to the burning of that place, let him produce all his correspondence, or at least let him bring credible witnesses to prove that no letters have been withheld. Until he does this a grave suspicion must rest on him as being guilty not only of the suggestio falsi but only of the suppressio veri.

General Howard's name having been mentioned, reminds me of what had been nearly forgotten, that he is himself a most important witness in this case. It is unfortunate for him that he has been remembered, for I am afraid that even his eminent piety has not been able to keep him from falling into some of the strange inaccuracies and curious discrepancies which mark the statements of his chief. But he shall be dealt with as lightly as the circumstances allow, and I shall expose

his slight flights into the realms of fancy only so far as his testimony bears on this case.

In December, 1866, or January, 1867, Gen. O. O. Howard came into the executive office of Governor Orr, in Columbia, accompanied by Gen. R. K. Scott, and there found Governor Orr, Gen. John S. Preston, Mr. De Fontaine, the secretary of the governor, and myself. In the course of the conversation that ensued the question of the burning of the city came up. General Howard expressed sorrow at its destruction, and said that he had nothing to do with it; that he had done all he could to prevent it, and that he regretted it greatly. He then used the following language, which I committed to writing, and left the paper with Dr. D. H. Trezevant, of Columbia, who had prepared for the press some articles relating to the destruction of the city. The memorandum is as follows:

GEN. O. O. HOWARD ON THE STAND

COLUMBIA, *January 9, 1867.*

Gen. O. O. Howard stated in the presence of Governor Orr, General Preston, and myself that certainly no one was authorized to state that their (our) troops did not set fires in this town, for he himself saw them doing so.

WADE HAMPTON.

This acknowledgment was so explicit, and as he was in command of the troops in the city, so conclusive, that I looked to his evidence before the mixed commission with some interest, supposing that he might give under oath the same statement that he had voluntarily made. It did not surprise me, however, to find that his memory has proved exceedingly treacherous, and has led him into making assertions totally at variance with those stated by myself as coming from him in our interview. In his testimony given in Washington on the 10th of December, 1872, we find the ensuing:

"Q. Have you ever met Gen. Wade Hampton since the war?—A. Yes, sir.

"Q. Have you ever discussed with him the subject of the capture and destruction of Columbia?—A. I had a conversation with him on that subject.

"Q. Was anyone present at the period of this conversation?—A. Yes, sir; I think it was Gen. R. K. Scott; some one was there.

"Q. No one else?—A. I do not remember.

"Q. You were not aware that there was a newspaper reporter taking down the conversation at the time?—A. No, sir; I was not; if I had, I would not have opened my mouth.

"Q. Do you know Mr. De Fontaine?—A. No, sir; I never saw him, to my knowledge.

"Q. Do you remember what you said in the course of that conversation?—A. No, sir; I don't recall it; but I feel perfectly sure that I said almost what I have said in my official report. • • •.

"Q. Did you admit or state in the course of that conversation who destroyed Columbia on the night of February 17, 1865?—A. *Yes, sir; I think I stated that the Confederate troops set it on fire.*"

The last answer is italicized to draw special attention to it. Upon reading it I called upon Governor Orr and General Preston for their recollection of this conversation and received the following answers:

WASHINGTON, *December 21, 1872.*

DEAR SIR: I have received your letter of the 21st instant, inquiring as to my recollection of what occurred in the executive office in Columbia in 1866 or 1867 between yourself and General Howard, of the United States Army, as to the burning of Columbia. I do not remember all that was said, but General Howard said in substance that the city was burned by United States troops; that he saw them fire many houses; and that he tried to arrest the conflagration; and that he regretted the destruction of the city. Without undertaking to give his words, the foregoing contains the substance of what he said relative to the destruction of Columbia.

Very respectfully yours,

JAMES L. ORR.

Gen. WADE HAMPTON, *Baltimore, Md.*

COLUMBIA, *January 2, 1873.*

MY DEAR SIR: I have your note asking me to state my recollection of the conversation between Gen. Wade Hampton and General Howard in presence of Governor Orr and myself and others. The substance of the conversation was that General Howard stated and reiterated that no one was authorized to say that the Federal troops did not burn Columbia, for he saw them doing so in numerous instances, in various localities of the town. The conversation was almost exclusively between General Hampton and General Howard, the other persons present saying but very little.

Very truly yours,

JNO S. PRESTON.

Doctor TREZEVANT.

Mr. Felix G. De Fontaine, in a late examination before the commission, deposes as follows:

"Q. Please state if you were ever present at an interview between Generals Hampton and Howard, and, if yea, when and where, as near as you can state.—A. I was present at such an interview. It occurred in the executive office of James L. Orr, Governor of South Carolina, to the best of my knowledge and belief, in the year 1867.

"Q. At that interview, did you hear General Howard distinctly admit that the firing and destruction of Columbia were the work of the United States troops?—A. I did hear General Howard concede that the origin of the fire and the outrages perpetrated in the city were the results of the presence of the United States troops. Subsequent to this interview I suggested to General Hampton the propriety of making a record of the fact and its attendant circumstances. I made such a record myself. In explanation of the first part of my present answer I mean to convey the idea that the destruction was caused by the United States troops."

As confirmatory of the statements of these gentlemen, I give the language used by General Howard to the Reverend Mr. Shand, an Episcopal clergyman of Columbia, a man of the highest character and purest piety. The house of this venerable man was burned, and he himself was brutally treated as he was trying to save the communion service of his church, an effort in which he failed, as he was robbed of it. He states that General Howard said to him: "Though General Sherman did not order the burning of the town, yet somehow or other the men had taken up the idea that if they destroyed the capital of South Carolina it would be peculiarly gratifying to General Sherman."

If General Howard's evidence given under oath is true, it is strange how his statements to myself were so completely misunderstood by the gentlemen above referred to; and stranger still, that all three of these gentlemen, one in Columbia, another in Washington, and the third in New York, should have concurred so closely in their accounts of his first conversation. But strange things do happen when any United States officer who was present is questioned about the burning of Columbia. The smoke on that occasion must have blinded their eyes, and the fire must have confused their intellects. They surely do not wish to conceal the truth, for are they not "all honorable men"?

MISSTATEMENTS UNDER OATH

This is but a portion of the vast mass of evidence which can be brought to show not only that Columbia was destroyed by the Federal troops, but that this destruction was determined on and freely spoken of in advance of their capture of the city. The authorities given are from northern as well as southern sources, and the case might safely be left at this point, as fully made out. But in order to remove every possible doubt, it may be well to examine the testimony recently given by Sherman, under oath, before the mixed commission. From this source alone Sherman can be convicted by his own statements and by the evidence of his officers of the most palpable and glaring inaccuracies, not to use a harsher term. We will select a few specimens. On page 65, in his deposition, we find the following:

"Q. Please state where you were when the fire broke out?—A. The fire was burning a day and a half or two days before we got into Columbia, but was merely confined to the big bridge across the river, the depot known as the Charleston depot, close by the bridge, and the depot on the opposite side of the town known as the Charlotte depot, and cotton piled up along the various streets, which was burning at least 12 hours before any soldier belonging to my army had gotten within the limits of the city of Columbia."

Now, without discussing the question how he could know so positively as to be able to swear to the fact that cotton was burning at least 12 hours before any of his troops entered the city, we will turn to the proofs to show his misstatements. The bridge across the Congaree is 1 mile from the capitol, and at a still greater distance from the business portion of the city. By some misapprehension of orders this bridge was burned during the night of the 15th. This can scarcely be called a fire in the city, as the bridge is outside of the corporate limits, the western terminus being in a different district—Lexington—from the one in which Columbia is situated, which is Richland. Now, as to the other points at which Sherman swears that "fires were burning a day and a half or two days" before his entry. The question as to cotton having been then on fire has been already settled by the affidavits heretofore given. As to the two depots, one was blown up accidentally, as stated by General Beauregard, and was thus fired about 4 o'clock of the morning on which Sherman entered. The testimony already given proves this. The Charlotte depot was fired by orders from headquarters about half past 9 or 10 o'clock a. m. of the same day. These are grave errors to be sworn to before a high tribunal which has to decide grave questions of international importance. On page 67 Sherman uses the following language: "I always supposed that it [the fire] originated in that burning pile of cotton which I saw with my own eyes." If he only supposed this, why has he again and again solemnly declared that the city was destroyed by the fire spreading from that "burning pile" which he saw "with his own eyes"? Further on, he says under oath: "There is no supposition about it at all." On the same page he swears that he entered the city "about 11 o'clock" that morning; on page 80, "somewhere between 11 and 12 o'clock."

SHERMAN VERSUS SHERMAN

Now, to rebut that statement, let us call himself to the stand, as a witness of unblemished character and unimpeachable veracity, and we

shall then have a new case before the public, if not before the courts—Sherman versus Sherman. In a letter from the defendant in this new case to Benjamin Rawls, of Columbia, which can be found in the published proceedings of Congress somewhere about April, 1866, the following language is used: "*The citizens of Columbia* set fire to thousands of bales of cotton rolled out into the streets, and which were burning before we entered Columbia. *I myself was in the city as early as 9 o'clock*, and I saw these fires. I saw in your Columbia paper the printed order of Gen. Wade Hampton that on the approach of the Yankee army all the cotton should thus be burned." (The italics are mine.)

Here is a new version of the story. "*The citizens set fire to thousands of bales.*" It seems that I did not set the cotton on fire after all. "*I, myself, was in the city as early as 9 o'clock.*" How, then, does he subsequently swear that he did not enter it until between 11 or 12? Let us refer to the affidavit of Sherman given in the city of Cairo, Egypt, on the 30th of March, 1872, and see what he swears to then. On page 5 he swears as follows: "Colonel Stone's brigade * * * were crossed in the night of the 16th–17th of February, and were the first troops to enter Columbia. The rest of the right wing had to await the construction of the pontoon bridge over Broad River, some *3 or 4* miles northwest of Columbia. *About 11 a. m. I led my horse across (the first to cross the bridge).*"

He writes to Rawls that he himself was "in the city as early as 9 o'clock"; he swears in Egypt that he crossed the bridge 3 or 4 miles from Columbia "about 11 o'clock a. m."; and he deposes under oath at Washington that he entered the city "somewhere between 11 and 12 o'clock." These are strange inaccuracies, and there are still others. After swearing that the cotton had been "burning at least 12 hours before any soldiers belonging to my army had gotten within the limits of the city," he makes the following answer to a question on page 86:

"1. How long had this cotton been burning before you reached Columbia?—A. I can not tell, of course."

Verily, there is profound wisdom in the homely proverb which says that a certain class of people should have good memories. On page 79 we find the ensuing:

"Q. You did not promise that private property should be protected?—A. Never."

The mayor of the city gives a different version in his affidavit, as do many of the citizens. On page 97, in speaking of the shelling his troops had met with, which he attributed to me, the following question and answer are found:

"Q. You had no knowledge that Wade Hampton did it; you only learned it from general report?—A. Wade Hampton was in supreme command. Beauregard was in town, but had left. Wade Hampton was in town then. I hold him responsible for everything that was done in defense of Columbia."

It has been shown that I never was in "supreme command"; that I had no command when this shelling occurred; and that General Beauregard remained in the city until the morning of the 17th of February, so there are three misstatements in one short sentence. As to the "bombarding," which seems to have excited Sherman's feelings and shaken his nerves so greatly, it was clearly a legitimate act of warfare, and my only regret regarding it is that it did not kill him and all his men. On pages 97 and 98 he swears that "Broad and Saluda Rivers were left almost entirely undefended. * * * We met with no resistance at Saluda, and comparatively none at Broad River."

CONTRADICTED BY HIS OFFICERS

To refute this statement I quote the evidence given by Gen. O. O. Howard in his deposition. He is not brought on the stand as a witness whose evidence can be relied on implicitly, even when it is given as in this case on oath; but when he swears to one thing, and Sherman to the exact reverse, one at least, if not both, must have sworn falsely. In his examination at Washington we find, on page 25, the following:

"Q. After you crossed the Broad did you meet any resistance?—A. Oh, yes; our troops did.

"Q. After getting the whole army across?—A. Yes; a very severe resistance, indeed, until they were dislodged.

"Q. Was this resistance in the night or morning?—A. It was all night, and from daylight until about 9 o'clock."

Generals Sherman and Howard can settle this question of veracity between themselves as they choose; we may safely conclude that it will lead to no bloodshed. Turning to page 105 we have another assertion of Sherman, which is contradicted by the deposition of another of his officers:

"Q. Did you authorise the burning of cotton on the 18th February in Columbia?—A. No, sir; it was already burned.

"Q. No; I beg to differ with you on that point.—A. It was either all burned or burning."

As an answer to this I beg to refer to the testimony of Gen. Charles R. Woods, who commanded the First Division, Fifteenth Corps. In his deposition, given on the 16th December, we have the following on page 197:

"Q. Do you know anything about Federal soldiers firing any property in Columbia?—A. I do.

"Q. State what you know on the subject.—A. After the city was burned I sent an aide to see what kind of cotton was piled up in the streets outside of the burned district; he reported to me some 1,200 bales. I sent my provost marshal. I think it was the second day after the fire, and had that cotton burned."

Rebel testimony may have but little weight in loyal ears, but when two of Sherman's general officers swear to statements at variance to his under oath, some one of the parties must have been giving a free rein to his imagination.

It may be unnecessary to follow Sherman further through the tortuous and crooked paths he has pursued. Unimpeachable testimony has been given to prove how false he has been throughout, and he has even borne witness against himself. The case against him has been fully made out and might safely be left here. But as I desire not only to make my vindication complete but to close forever this controversy, into which I have been reluctantly drawn to protect my reputation against the base and cowardly assaults made on it, some additional facts and documents shall be produced. These will show, first, that immediately after the destruction of Columbia Sherman did not pretend to deny that his men were the cause of it, and, secondly, why he uttered the calumny against myself. The first paper given is an affidavit of the mayor of the city:

THE CHARGE AGAINST HAMPTON AN AFTERTHOUGHT

"South Carolina, city of Columbia: Personally appeared before me the Hon. Thomas Jefferson Goodwyn, who, being duly sworn, deposeth and saith that he was mayor of the city of Columbia during the month of February, 1865; that the city was occupied and burned by General Sherman's army on the 17th of February, 1865; that on Sunday the 19th he called upon General Sherman, then in Columbia, and was accompanied by the following gentlemen: Rev. N. Talley, Reverend Mr. Connor, Rev. Thomas Rayner, Dr. C. H. Miot, W. M. Martin, Mr. J. J. McCarter, and Edward J. Scott * * *. General Sherman was in good spirits and courteous. A conversation ensued in relation to the burning of the city, in the course of which General Sherman distinctly admitted that his troops had burned the city, but excused them because, as he alleged, our citizens had given them liquor and made them drunk, whereas they ought to have destroyed the liquor in the city upon the entry of the army. He did not mention or allude to General Hampton or the cotton that had been fired in the streets, nor did he give the slightest intimation nor make any assertion that the firing of the city was caused by any order of General Hampton to burn the cotton. General Howard, General Blair, and other Federal officers were present at this interview, which lasted more than half an hour.

"T. J. GOODWYN,
"*Late Mayor of Columbia, S. C.*

"Sworn to before me this 24th March, 1866.

"D. B. MILLER, *Ex officio Magistrate.*"

Extracts shall now be given from a letter of the Rev. A. Toomer Porter, an Episcopal clergyman, who was in Columbia when the city was destroyed, dated:

"CHARLESTON, *August 8, 1866.*

"MR. WM. J. RIVERS,
"*Columbia.*

"MY DEAR SIR: In reply to yours of the 3d, received on the 5th, I will cheerfully comply with the request of the committee appointed by the citizens of Columbia to collect testimony concerning the destruction of Columbia, though the necessity seems passing away, inasmuch as General Sherman appears to be discarding the absurd position he took relative to the author of that fearful catastrophe. In a late speech, as reported, he seems to admit that he did it and that it was all right. * * * While looking at the fire and thinking how much that was valuable was then being consumed, an officer of the United States Army rode up and spoke to me. We had not exchanged many words when General Sherman walked up, still in citizens' clothes. He came from the direction of his headquarters. In the bright light of the burning city he recognized me and remarked: 'Good evening, Mr. Porter, this is a horrible sight.' 'Yes,' I replied, 'when you reflect that women and children are the victims.' He said, 'Your governor is responsible for this.' 'How so?' I asked. 'Who ever heard,' he said, 'of an evacuated city to be left a depot of liquor for an army to occupy? I found 120 casks of whisky in one cellar. Your governor being a lawyer, or a judge, or something, refused to have it destroyed, as it was private property, and now my men have gotten drunk; they have got beyond my control and this is the result.' * * * Other cities have been burned, greater losses of property have been met with; to me the burning was the least of the horrors. The brutal conduct of that remorseless throng, drunk and sober, officers and men, with but few exceptions; the fearful, sickening agony of suspense and anticipation, the horrible dread of the fate of their helpless women—these things made up the anguish of that awful night; a disgrace to any country and any age, save of barbarism, the blackest page in the dark record of the war. It is due for me to say that I was in Main Street when the first bale of cotton took fire, and it occurred from the pipes or cigars of the soldiers who had taken their seats upon it, and the whole of the cotton was burned up early in the day, while the fire commenced at night. General Hampton

had told me at daylight in answer to the question whether he was going to burn the cotton: 'No; if I do so, the wind is high and it might catch something and give Sherman an excuse to burn this town.'

"Yours very respectfully and truly,

"A. TOOMER PORTER."

ROBBERY AND MURDER AUTHORIZED

As General Sherman has remarked in his testimony that "the value of money is nothing compared with the elucidation of historic truth," it may be well to turn aside for a moment to contribute somewhat to this elucidation in a matter that does not strictly come within the scope of the present discussion. On page 70 of his deposition he says: "* * * Private soldiers were forbidden to take any article of private property or to enter the houses of any of the people; even officers sent in command of foraging parties were only permitted to take what was needed by the army." To elucidate "historic truth," let me quote an extract from a speech delivered at Lancaster, Ohio, by General Sherman, which may be the one alluded to by Mr. Porter: "So, soldiers, when we marched through and conquered the country of the rebels, we became owners of all they had; and I don't want you to be troubled in your consciences for taking, while on our great march, the property of the rebels. They forfeited their right to it; and I, being agent for the Government to which I belonged, gave you authority to keep all the quartermasters couldn't take possession of or didn't want." I fear General Sherman has a higher regard for "historic" than personal truth. It would be easy from the great mass of testimony in my hands to bring other evidence to show that Sherman did not at first deny that his men burned Columbia, but what has been given is sufficient, and I turn to the cause which prompted him to charge me with this atrocity. Soon after the city was burned a communication of an extraordinary character was addressed to me by Sherman, and was immediately replied to by myself. This correspondence is subjoined:

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
In the Field, February 24, 1865.

Lieut. Gen. WADE HAMPTON,
Commanding Cavalry Force, Confederate States Army.

GENERAL: It is officially reported to me that our foraging parties are murdered after capture and labeled, "Death to all foragers." One instance of a lieutenant and 7 men near Chesterville, and another of 20 near a ravine, 80 rods from the main road, about 3 miles from Feasterville. I have ordered a similar number of prisoners in our hands to be disposed of in like manner.

I hold about 1,000 prisoners, captured in various ways, and can stand it as long as you; but I hardly think these murders are committed with your knowledge, and would suggest that you give notice to the people at large that every life taken by them simply results in the death of one of your Confederates.

Of course, you can not question my right to forage upon the country. It is a war right as old as history. The manner of exercising it varies with circumstances, and if the civil authorities will supply my requisitions I will forbid all foraging. But I find no civil authorities who can respond to calls for forage or provisions, and therefore must collect directly of the people. I have no doubt this is the occasion of much misbehavior on the part of our men, but I can not permit an enemy to judge or punish with wholesale murder.

Personally, I regret the bitter feelings engendered by this war, but they were to be expected, and I simply allege that those who struck the first blow, and made war inevitable, ought not, in fairness, to reproach us for the natural consequences. I merely assert our war right to forage, and my resolve to protect my foragers to the extent of life for life.

I am, with respect, your obedient servant,

W. T. SHERMAN,
Major General United States Army.

A SCORCHING REJOINDER

HEADQUARTERS IN THE FIELD,
February 27, 1865.

Maj. Gen. W. T. SHERMAN,
United States Army.

GENERAL: Your communication of the 24th instant reached me to-day. In it you state that it has been officially reported that your foraging parties were murdered after capture, and you go on to say that you "had ordered a similar number of prisoners in our hands to be disposed of in like manner." That is to say, you have ordered a number of Confederate soldiers to be "murdered." You characterize your order in proper terms, for the public voice, even in your own country, where it seldom dares to express itself in vindication of truth, honor, or justice, will surely agree with you in pronouncing you guilty of murder, if your order is carried out.

Before dismissing this portion of your letter, I beg to assure you that for every soldier of mine "murdered" by you, I shall have executed at once two of yours, giving in all cases, preference to any officers who may be in my hands.

In reference to the statement you made regarding the death of your foragers, I have only to say that I know nothing of it; that no orders given by me authorize the killing of prisoners after capture, and that I do not believe that my men killed any of yours except under circumstances in which it was perfectly legitimate and proper they should kill them.

It is a part of the system of the thieves whom you designate as your foragers to fire the dwellings of those citizens whom they have robbed.

To check this inhuman system, which is justly execrated by every civilized nation, I have directed my men to shoot down all of your men who are caught burning houses. This order shall remain in force as long as you disgrace the profession of arms by allowing your men to destroy private dwellings.

You say that I can not, of course, question your right to forage upon the country. "It is a right as old as history." I do not, sir, question this right. But there is a right older even than this, and one more inalienable—the right that every man has to defend his home, and protect those who are dependent upon him. And from my heart I wish that every old man and boy in my country who can fire a gun would shoot down, as he would a wild beast, the men who are desolating their land, burning their houses, and insulting their women.

You are particular in defining and claiming "war rights." May I ask if you enumerate among them the right to fire upon a defenseless city without notice; to burn that city to the ground after it has been surrendered by the authorities, who claimed, though in vain, that protection which is always accorded in civilized warfare to noncombatants; to fire the dwelling houses of citizens, after robbing them, and to perpetrate even darker crimes than these—crimes too black to be mentioned?

You have permitted, if you have not ordered, the commission of these offenses against humanity and the rules of war. You fired into the city of Columbia without a word of warning, after its surrender by the mayor, who demanded protection to private property; you laid the whole city in ashes, leaving amid its ruins thousands of old men and helpless women and children, who are likely to perish of starvation and exposure. Your line of march can be traced by the lurid light of burning houses, and in more than one household there is an agony far more bitter than that of death.

The Indian scalped his victim, regardless of sex or age, but, with all his barbarity, he always respected the persons of his female captives. Your soldiers, more savage than the Indian, insult those whose natural protectors are absent.

In conclusion, I have only to request that whenever you have any of my men "disposed of" or "murdered," for the terms appear to be synonymous with you, you will let me hear of it in order that I may know what action to take in the matter. In the meantime I shall hold 56 of your men as hostages for those you have ordered to be executed. I am yours, etc.

WADE HAMPTON, *Lieutenant General.*

CHARACTERISTIC RETALIATION

Not only did General Beauregard, my immediate superior, approve my action in this matter, but the Confederate Congress, after thanking me for my letter, declared their determination to sustain me should I be forced to resort to retaliation to protect our prisoners. Fortunately for the sake of humanity, Sherman did not carry out his inhuman threat, but he seems never to have forgiven me for preventing him from "disposing of" those 26 prisoners of war. His retaliation on me was the charge made in his official report that I had "burned my own city of Columbia." Though not perhaps an honorable mode of retaliating, nor one that a gentleman would be likely to resort to, it was an eminently characteristic one. Though not altogether pertinent to this discussion, it may not be uninteresting, as showing the conduct of Sherman's men in South Carolina, to give the origin of this report that "his foragers were murdered after capture." The facts only came to my knowledge after the war, and were related to me by a participator in the occurrence. By his statement it appears that a small reconnoitering party of our men surprised some of these innocent and virtuous foragers as they were pillaging a house and were in the very act of committing violence on the person of a young lady. She was rescued and the infamous wretches who were attempting this heinous crime were shot. Had I been aware of the facts at the time, I should have approved and justified the action of the men who so promptly and properly avenged the insult offered to one of their countrywomen.

After these articles were in the hands of the printer, a friend to whom I am greatly indebted sent from Chicago the subjoined letter, which, had it appeared earlier, might have saved me the trouble of exposing the gross misstatements of Sherman. All parties concur in the fact that General Stone was the first Federal officer to enter Columbia, and it struck me as a very significant and suspicious circumstance that the Government, in summoning witnesses for its defense in the cases pending before the commission, did not cite him to appear. This was the more strange, as Sherman in his deposition in Egypt swears on page 8 that he "had seen a mass of cotton on fire, which I was told by the commanding officer, Colonel Stone, that he had found burning on his entry two hours before and said to have been set fire to by the express orders of the rebel general, Wade Hampton, on retreating before our troops." If Colonel Stone made this statement—and I have no idea that he ever did—he seems to have forgotten it, for his recent

letter tells a different story. I honor him for the manliness which has prompted him to state the truth, when so many others have perverted it, or kept silent when they could have told it. His statements free me from the charge of having fired the cotton; and, though he is mistaken, as has been shown in the preceding pages, in his supposition that our troops fired "public buildings and quartermaster's stores," he has given in the main a correct and certainly an honest version of the occurrences of which he was cognizant. His letter tends greatly to "elucidate historic truth," and must, therefore, be peculiarly acceptable to General Sherman.

COLONEL STONE'S CONTRIBUTION TO THE TRUTH OF HISTORY

ATCHISON, KANS., *January 2, 1873.*

To the EDITOR OF THE CHICAGO TRIBUNE.

SIR: As it appears every wrong answer has been given to the conundrum, "Who fired Columbia?" (unless it be the one, "because it couldn't climb a tree"), I propose to give you the true one.

The answer is contained in a half dozen words, but as a quite lengthy explanation would have to follow, I'll make the explanation first and lead up to the answer, keeping, like novelists, the interest intensified till the last moment.

An intensely bitter feeling was manifested by our troops from the moment they stepped on South Carolina soil. In no other seceded State (and we had soldiers in all save Texas) was there any particular ill feeling shown toward the inhabitants. But from one end of the first-named State to the other it might be truly said that our march was marked by "a cloud of smoke by day and a pillar of fire by night."

My recollection is that outside of the town not a house was left standing unless occupied by negroes; and from the dense clouds of smoke a few miles each to our right and left—plainly defining the march of the columns advancing in parallel lines—it seemed that the same destruction was following in the wake of these columns. One instance—I could give 20—will illustrate and show the animus of the troops.

One evening just at dusk I had halted within 3 miles of camp at a very fine mansion, where a strong guard had been posted by our advance. I had command of the rear guard and up to this place had picked up all the sick and all the stragglers. Fearing this house might meet the fate of all others, I sent everything ahead and relieved the house guard myself, and kept with it until we arrived inside our picket lines. About midnight my attention was called to a fire in the direction of that house, and upon an investigation next morning there was nothing left to mark the situation of that mansion save a heap of surrounding ashes. Although the men had marched 27 miles that day, some of them added 6 more in order to apply the torch to that house. Their dreams would have been troubled had that building remained as a monument of their oversight or neglect.

This remark would often be heard, "Here is where treason began, and, by G—d! here is where it shall end!"

This feeling of hatred was intensified as we approached Columbia.

My brigade (Third Brigade, First Division, Fifteenth Army Corps), composed of the Fourth, Ninth, Seventy-fifth, Thirtieth, and Thirty-first Iowa Regiments, had marched and skirmished almost incessantly for the two days preceding the capture of that city. The night we reached the Saluda and Broad Rivers we pushed over silently in canvas-bottom pontoon boats 2 miles above the city, lay on our arms until dawn, and then attacked, carrying everything before us.

The mayor met us near the city and made a formal "unconditional surrender"—I had refused any other—but upon his accepting, at once promised protection for all private property.

A LOYAL WELCOME

As we entered one of the principal streets the sidewalks were lined with negroes of every age, sex, and condition holding in their arms vessels of every conceivable size and shape filled with almost every conceivable kind of liquor. Here was an old white-wooled man who, with a "Lord bress you, Massa! Try some dis," offered brandy from a gourd that had been filled from the bucket held in his hand. Others were offering wines, champagne, etc., from original packages, tin cups, crocks, etc. Officers were at once reminded that their men, considering their fatigue of the past few days, their sharp fight of the morning, their loss of sleep and food for the past 24 hours, were in no condition to drink much liquor.

The temptation offered was too great to withstand by all, and, in spite of strenuous efforts of officers, within 30 minutes a not inconsiderable number of my command were intoxicated. This had occurred during my absence to plant our national colors on the statehouse, and I had returned in great haste, as General Hampton's cavalry had attacked my advanced guard and threatened a charge on the brigade. Harsh measures had to be adopted at once and those drunk were put under guard, and so soon as the enemy had been compelled to retire I at once had the entire brigade distributed through the city.

Up to this time no fires had occurred in any part of the city save those of public buildings and quartermasters' stores, fired by the enemy the day before we entered, I think, but which fire had not extended and did not extend to any other part of the city. The streets in some places contained bales of cotton which had been cut open, and these caught fire twice or three times during the day; but these fires had been promptly put out by some of the firemen of the city, aided by a detail of soldiers under charge of an officer.

By this time I realized how much too small my command of 2,220 men was to properly guard a city of 40,000 inhabitants, rich, almost beyond conception, in such stores as we coveted. In addition to their own—more than ordinarily found anywhere—Richmond and Charleston had sent for safe-keeping all their surplus.

I represented to General Woods, commanding the division, how inadequately my command was to the task, particularly as this was the capital of South Carolina! And while he expressed himself as of my opinion, he could do nothing further than refer me to General Logan, commanding the corps.

BURNING THE CITY AND GUARDING ITS ASHES

Logan expressed himself even more strongly than Woods had done that my command was too small for the provost duty of Columbia, but said Howard's orders were that one brigade must guard the city, and he could not change them.

I now had intimation that the Union officers released by us from the city prisons had formed a society, to which had been added many members from our soldiers and the negroes, and the object of which society was to burn Columbia.

Col. D. J. Palmer, commanding my regiment, the Seventy-fifth Iowa, and to whom I had intrusted the charge of the most dangerous part of the city, viz, that on the river and in "Cotton Town," confirmed my opinion that there was a plot to burn the city by telling me several fires had started in his district; that he had succeeded in putting them out so far, but could not hold out much longer, and that in his opinion the next one would fire the city.

The wind after sunset had increased in violence, and about 9 o'clock was blowing almost a hurricane from Colonel Palmer's district right toward the heart of the city. All at once 15 or 20 flames, from as many different places along the river, shot up, and in 10 minutes the fate of Columbia was settled.

Most of the officers and many of the men worked like heroes all night in saving property and life.

General Sherman set the example, and often during the night I noticed him as hard at work as any private soldier or fireman.

By the next morning it was discovered the guard had been too small; and although a square mile of the heart of the city had been eaten out, and the men's appetite for revenge satiated, yet it was then considered that a division of troops was necessary for provost duty. My command was relieved to go into camp to rest and recruit, as the entire command was exhausted and worn out.

On our march from Columbia, one of the released Union officers noted above called on me, and stated, as he had heard rumored that I had fired the city, he wanted me to take his name and address, and if necessary use him, as his testimony would entirely exonerate me from such charges.

Prisoners were always treated well by their captors. "Johnny" and "Yank" vied in sharing, each with the other, his last piece of corn-dodger or ration of coffee. It was only when our men got into the hands of home guards that they were maltreated. While it is true that a few noble southern women visited the prisons in Columbia, and clandestinely gave our sick soldiers such little delicacies as a cup of tea, toast, etc., yet it is no less true that some of the prisoners suffered more than one can write.

One soldier told me that, when in one of the prisons of that city, he had asked a woman for something to eat, as he was starving. For an answer, he said, she spat in his face.

And now, "to return to the American Indian," the true answer to the conundrum is: Columbia was fired by an organization composed of Union officers released from the prisons the day of the capture of that city, Union soldiers, and negroes.

As many of my old command will read this, I hope they may drop me a line to say whether I have given an impartial statement or not, and to point out any errors I have made.

GEO. A. STONE,
Ex-Brevet Brigadier General, United States Volunteers.

AN ERRONEOUS STATEMENT AND A FAITHFUL PORTRAIT

One error occurs, however, in General Stone's letter, that in which he states that "General Hampton's cavalry had attacked my advance guard." The orders given by myself, already quoted, and the affidavits given show that he is in error here. As far as I could ascertain, but one shot was fired after the mayor went out to surrender the city, and this came from one of General Wheeler's men, who was severely reprimanded by General Butler, and, if I mistake not, was arrested as having disobeyed orders. There certainly was no "attack" made or contemplated. The "Union prisoners" released in the city must have constituted a very small number, as I think they had been all, or nearly all, sent off before the surrender of the city. Be that as it may, General Stone's letter is conclusive that our troops did not fire the cotton or the city, and that the Federals did.

The task imposed on me is finished. It had for its object the vindication of myself from a base slander, made in the most cowardly man-

ner possible, and to place that vindication upon record in an enduring form. If in my zeal for this object my language has sometimes been warm, let the provocation be considered. The calumny which I have refuted has been spread as wide as the exulting words which told of the downfall of my country have reached, and my indignant denial has travelled, as truth generally does, but slowly. That denial I now emphatically reiterate, and I submit that I have proved the charge against me false. Having done this, I dismiss this subject leaving the questions involved to the great tribunal of history.

As an appropriate close to this article, I present a portrait of General Sherman, given in the Old Guard, a northern magazine, volume 4, No. 2:

"* * * lit with lurid flame,
See, scrolled in blood, the ruthless Sherman's name!
Immortal, too, by Odin's title won,
Rival and peer of Attila, the Hun!
Rape, murder, rapine, wasting fire and sword,
Marked the red path of Sherman and his horde,
And desolation howls where'er he trod.
Withered be Sherman's blood-stained wreath of fame,
Each leaf of laurel hides a thorn of shame.
O name accursed! Woman shall pale with fear
And good men hiss when Sherman strikes the ear. * * *
History shall shriek as on her fatal page
She hurls the hateful thing from age to age,
And Sherman finds, all pitiless as he,
Inexorable, just posterity!
For ye shall live, triad abhorred of man,
Sherman and Attila and Genghis Khan.
Tear from his brow the wreath of glorious deed!
On bloodhound's collar stamp his name instead!
The sacred laurel, meed of hero praise,
Would wither, scorched upon a brow like his."

Respectfully yours,

WADE HAMPTON.

HAZEN'S EVIDENCE AND SHERMAN'S CONFESSION

WASHINGTON, *January 28, 1888.*

P. S.—Since the above article was written there have appeared several publications which prove fully the main facts stated, and I give a few of these as significant. In a Narrative of Military Service, by Gen. W. B. Hazen, United States Army, will be found on page 349 the following words used in describing his entry into Columbia: "At about midday my command followed, headed by General Logan and myself. We advanced along Main Street, on which General Wood's division was standing at rest with arms stacked, with but few officers present. In this street cotton bales were piled in long lines, and it had been fired by the departing enemy. The engines were on the street and had evidently been at work putting out the fire in the cotton, which still smoked in a few places. The fire was completely under control and was nowhere blazing. A dozen men with tin cups could have managed it." On page 353 he says: "I have never doubted that Columbia was deliberately set on fire in more than a hundred places."

This is the testimony of a Federal officer who was an eyewitness of the scenes he describes, and though he is mistaken, as abundant evidence proves, in stating what was the origin of the fire among the cotton bales, he shows that the fire there could not have caused the general conflagration. In Sherman's Memoirs, on page 287, the following language is used:

"This whole subject—the burning of Columbia—has since been thoroughly and judicially investigated in some cotton cases by the mixed commission on American and British claims under the treaty of Washington, which commission failed to award a verdict in favor of the English claimants, and thereby settled the fact that the destruction of property in Columbia during that night did not result from the acts of the General Government of the United States—that is to say, from my army."

In the report of the agent in these claims there is an award of $6,000 reported as allowed to William Ashton; his claim, among other items, being for "furniture, etc., burned by the United States Army." As to Sherman's statement that this commission "settled the fact that the destruction of property * * * did not result * * * from my army," I quote from the report of the agent, page 50, touching that question: "The commission did not pass on the question whether, in case the city had been burned by the order or permission of the commanding officer, any liability for resulting losses would have existed against the United States."

There seems to be here the usual discrepancy between the statements of Sherman and those of truthful persons. The last witness as to whom the responsibility for the destruction of Columbia attaches upon whom I shall call is Sherman himself, not a credible one in general, but entitled to belief in this case. On page 288 of his memoirs these words occur: "Having utterly ruined Columbia, the right wing began its march northward toward Winnsboro on the 20th." When he declares that his army "utterly ruined Columbia" it is scarcely necessary for me to cite further testimony to that fact.

WADE HAMPTON.

"DESTROY THEIR CITIES"—A LEAF FROM THE HISTORY OF SHERMAN'S FIERY MARCH—REPORT OF THE COMMITTEE APPOINTED TO COLLECT TESTIMONY IN RELATION TO THE DESTRUCTION OF COLUMBIA ON THE 17TH OF FEBRUARY, 1865

The committee who were charged with the duty of collecting the evidence in relation to the destruction of Columbia by fire, on the 17th of February, 1865, submit the following report:

By the terms of the resolution appointing them, the committee do not feel authorized to deduce any conclusion, or pronounce any judgment, however warranted by the proof, as to the person responsible for the crime. Their task will be accomplished by presenting the evidence that has been obtained with an abstract of the facts established by it.

More than 60 depositions and statements in writing, from as many individuals, have been placed in the hands of the committee. The array of witnesses is impressive, not merely because of their number but for the high-toned and elevated character of some of them, the unpretending and sterling probity of others, and the general intelligence and worth of all. The plain and unvarnished narrative subjoined is taken from the testimony referred to, solely and exclusively, except so much as refers to certain declarations of General Sherman himself, widely circulated through the public press, and to the ravages of his army in this State after their departure from Columbia—matters of such notoriety as, in the judgment of the committee, to dispense with the necessity of formal proof.

The forces of General Sherman's command, while in Georgia, seem to have anticipated that their next march would be through South Carolina. Their temper and feeling toward our people, a witness, Mrs. L. Catherine Jaynor, thus describes:

"The soldiers were universal in their threats. They seemed to gloat over the distress that would accrue from their march through the State. I conversed with numbers of all grades belonging to the Fourteenth and Twentieth Corps. Such expressions as the following were of hourly occurrence: 'Carolina may well dread us; she brought this war on and shall pay the penalty.' 'You think Georgia has suffered? Just wait until we get into Carolina—every man, woman, and child may dread us there.'"

General Sherman himself, the same witness informs us, in addressing himself to a lady of his acquaintance, said to her: "Go off the line of railroad, for I will not answer for the consequences where the army passes."

A TRAIL OF FIRE

The threats uttered in Georgia were sternly executed by the troops of General Sherman upon their entrance into this State. For 80 miles along the route of his Army through the most highly improved and cultivated region of the State, according to the testimony of intelligent and respectable witnesses, the habitations of but two white persons remain. As he advanced the villages of Hardeeville, Grahamville, Gillisonville, McPhersonville, Barnwell, Blackville, Midway, Orangeburg, and Lexington were successively devoted to the flames. Indignities and outrages were perpetrated upon the persons of the inhabitants; the implements of agriculture were broken; dwellings, barns, mills, ginhouses were consumed; provisions of every description appropriated or destroyed; horses and mules carried away; and sheep, cattle, and hogs were either taken for actual use or shot down and left behind. The like devastation marked the progress of the invading Army from Columbia through the State to its northern frontier, and the towns of Winnsboro, Camden, and Cheraw suffered from like visitations by fire. If a single town or village or hamlet within their line of march escaped altogether the torch of the invaders, the committee have not been informed of the exception. The line of General Sherman's march from his entering the territory of the State up to Columbia, and from Columbia to the North Carolina border, was one continuous track of fire.

The devastation and ruin thus inflicted were but the execution of the policy and plan of General Sherman for the subjugation of the Confederate States. Extracts from this address at Salem, Ill., in July last, have appeared in the public prints, and thus he announces and vindicates the policy and plan referred to:

"We were strung out from Nashville clear down to Atlanta. Had I gone on stringing out our forces what danger would there not have been of their attacking this little head of the column and crushing it? Therefore I resolved in a moment to stop the game of guarding their cities and to destroy their cities. We were determined to produce results, and now what were those results? To make every man, woman, and child in the South feel that if they dared to rebel against the flag of their country they must die or submit."

AN ARMY OF INCENDIARIES

The plan of subjugation adopted by General Sherman was fully comprehended and approved by his Army. His officers and men universally justified their acts by declaring that it was "the way to put down rebellion, by burning and destroying everything."

Before the surrender of our town the soldiers of General Sherman—officers and privates—declared that it was to be destroyed. "It was," deposes a witness, Mrs. Rosa I. Meetze, "the common talk among them at the village of Lexington that Columbia was to be burned by General Sherman."

At the same place, on the 16th of February, 1865, as deposed to by another witness, Mrs. Frances T. Caughman, the general officer in command of his cavalry forces, General Kilpatrick, said in reference to Columbia: "Sherman will lay it in ashes for them."

"It was the general impression among all the prisoners we captured," says a Confederate officer, Col. J. P. Austin, of the Ninth Kentucky Regular Cavalry, "that Columbia was to be destroyed."

On the morning of the same day (February 16, 1865) some of the forces of General Sherman appeared on the western side of the river, and without a demand of surrender, or any previous notice of their purpose, began to shell the town, then filled with women, children, and aged persons, and continued to do so at intervals throughout the day.

The Confederate forces were withdrawn and the town restored to the control of the municipal authorities on the morning of the 17th of February. Accompanied by three of the aldermen, the mayor, between 8 and 9 o'clock a. m., proceeded in the direction of Broad River for the purpose of surrendering the city to General Sherman. Acting in concert with the mayor, the officer in command of the rear guard of the Confederate cavalry, Gen. M. C. Butler, forbore from further resistance to the advance of the opposing enemy, and took effectual precautions against anything being done which might provoke General Sherman or his troops to acts of violence or severity toward the town or its citizens.

The surrender of Columbia was made by the mayor and aldermen to the first general officer of the hostile army whom they met, and that officer promised protection to the town and its inhabitants until communication could be had with General Sherman and the terms of surrender arranged.

SACKING THE CITY

By 11 o'clock a. m. the town was in possession of the Federal forces, the first detachment entering being the command of the officer who had received the surrender. They had scarcely marched into the town, however, before they began to break into the stores of the merchants, appropriating the contents, or throwing them in the streets and destroying them.

As other bodies of troops came in the pillage grew more general, and soon the sack of the town was universal. Guards were in general sent to those of the citizens who applied for them, but in numerous instances they proved to be unable or unwilling to perform the duty assigned them. Scarcely a single household or family escaped altogether from being plundered. The streets of the town were densely filled with thousands of Federal soldiers drinking, shouting, carousing, and robbing the defenseless inhabitants without reprimand or check from their officers, and this state of things continued until night.

In some instances guards were refused. Papers and property of great value were in the vaults of one of the city banks, while the apartments above and in the rear were occupied by women and children, with their food and clothing. For a guard to protect them application was made by one of our worthiest and most respectable citizens, Mr. Edwin J. Scott, first to the general officer, who had received the surrender of the town, Colonel Stone, and then to the provost marshal, Major Jenkins. The response made to the applicant by the former officer, though standing idle in the crowd, was that he "had no time to attend to him," and the answer of the latter was, "I can not undertake to protect private property." Between 2 and 3 o'clock p. m. General Sherman, in person, rode into Columbia, informed the mayor that his letter had been received, and promised protection to the town. Extraordinary license was allowed to his soldiers by General Sherman.

IN THE HANDS OF HIS FRIENDS

In the afternoon of the 17th of February, 1865, and shortly after his arrival in Columbia, the mayor of the town, at the request of General Sherman, accompanied him on a visit to a lady of his acquaintance. While proceeding to her residence General Sherman began to express his opinion very freely upon the subject of our institution of slavery. In the midst of his remarks he was interrupted by the sudden and near report of a musket. Immediately before them, in the direction they were going, they observed a group of Federal soldiers seeming to be excited, and upon approaching they saw a negro lying dead directly in their path, being shot through the heart. "General Sherman," the mayor, Dr. T. J. Goodwyn, narrates, "asked of the soldiers 'how came the negro shot?' and was answered that the negro had been guilty of great insolence to them, and that thereupon General Sherman remarked: 'Stop this, boys; this is all wrong. Take away the body and bury it.' General Sherman," continues the mayor, "then stepped over the body of the negro and observed to this deponent that in quiet times such a thing ought to be noticed, but in times like these it could not be done." General Sherman resumed his conversation in relation to slavery, and that no arrest was ordered or any censure or reprimand uttered by him except as above stated. About sundown, as the mayor deposes, General Sherman said to him: "Go home and rest assured that your city will be as safe in my hands as if you had controlled it." Hhe added that he was compelled to burn some of the public building, and in so doing did not wish to destroy one particle of private property. This evening, he said, was too windy to do anything.

An esteemed clergyman, the Rev. A. Toomer Porter, testifies that the same afternoon between 6 and 7 o'clock General Sherman said to him: "You must know a great many ladies; go around and tell them to go to bed quietly; they will not be disturbed any more than if my army was 100 miles off." He seemed oblivious of the fact that we had been pillaged and insulted the whole day. In one hour's time the city was in flames.

Meanwhile the soldiers of General Sherman had burned that afternoon many houses in the environs of the town, including the dwelling of General Hampton, with that of his sisters, formerly the residence of their father and once the seat of genial and princely hospitality.

THREATS AND WARNINGS

Throughout the day, after they had marched into the town, the soldiers of General Sherman gave distinct and frequent notice to the citizens of the impending calamity, usually in the form of direct and fierce threats, but occasionally as if in kindly forewarning. A lady of rare worth and intelligence and of high social position, Mrs. L. S. McCord, relates the following incident: "One of my maids brought me a paper left, she told me, by a Yankee soldier; it was an ill-spelled but kindly warning of the horrors to come, written upon a torn sheet of my dead son's notebook, which, with private papers of every kind, now strewed my yard. It was signed by a lieutenant, of what company and regiment I did not take note. The writer said he had relatives and friends at the South, and that he felt for us; that his heart bled to think of what was threatened. 'Ladies,' he wrote, 'I pity you; leave this town—go anywhere to be safer than here.' This was written in the morning; the fires were in the evening and night."

One of our citizens, of great intelligence and respectability (William H. Orchard), was visited about 7 p. m. by a squad of some six or seven soldiers, to whose depredations he submitted with a composure which seemed to impress their leader. Of his conversation with this person the gentleman referred to testified as follows: "On leaving the yard he called to me, and said he wished to speak to me alone. He then said to me in an undertone: 'You seem to be a clever sort of a man and have a large family, so I will give you some advice. If you have anything you wish to save, take care of it at once, for before morning this ——— town will be in ashes, every house in it.' My only reply was, 'Can that be true?' He said, 'Yes; and if you do not believe me you will be the sufferer. If you watch, you will see three rockets go up soon, and if you do not take my advice you will see h—l.'"

SIGNAL ROCKETS AND DISABLED FIRE HOSE

Within an hour afterwards three rockets were seen to ascend from a point in front of the mayor's dwelling. But a few minutes elapsed before fires, in swift succession, broke out, and at intervals so distant that they could not have been communicated from the one to the other. At various parts of the town the soldiers of General Sherman, at the appearance of the rockets, declared that they were appointed signals for a general conflagration. The fire companies, with their engines, promptly repaired to the scene of the fires and endeavored to arrest them, but in vain. The soldiers of General Sherman, with bayonets and axes, pierced and cut the hose, disabled the engines, and prevented the citizens from extinguishing the flames. The wind was high and blew from the west. The fires spread and advanced with fearful rapidity, and soon enveloped the very heart of the town.

The pillage begun upon the entrance of the hostile forces, continued without cessation or abatement, and now the town was delivered up to the accumulated horrors of sack or conflagration. The inhabitants were subjected to personal indignities and outrages. A witness, Capt. W. B. Stanley, testifies that several times during the night he "saw the soldiers of Sherman take from females bundles of clothing and provisions, open them, appropriate what they wanted, and throw the remainder into the flames." Men were violently seized and threatened with the halter or the pistol to compel them to disclose where their gold or silver was concealed.

The revered and beloved pastor of one of our churches, the Rev. P. J. Shand, states that "in the midst and during the progress of the appalling calamity, above all other noises might be heard the demoniac and gladsome shouts of the soldiery." Driven from his home by the flames, with the aid of a servant he was bearing off a trunk containing the communion plate of his church, his wife walking by his side, when he was surrounded by five of the soldiers, who required him to put down the trunk and inform them of its contents, which was done. The sequel he thus narrates: "They then demanded the key, but I not having it, they proceeded in their efforts to break the lock. While four of them were thus engaged, the fifth seized me with his left hand by the collar and, presenting a pistol to my breast with his right, he demanded of me my watch. I had it not about me, but he searched my pockets thoroughly and then joined his comrades, who, finding it impracticable to force open the lock, took up the trunk and carried it away. These men," he adds, "were all perfectly sober."

By 3 o'clock a. m. on the night of the 17th of February, 1865, more than two-thirds of the town lay in ashes, composing the most highly improved and the entire business portion of it. Thousands of the inhabitants, including women delicately reared, young children, the aged,

and the sick, passed that winter night in the open air without shelter from the bitter and piercing blasts. About the hour mentioned, 3 o'clock a. m., another highly esteemed clergyman, the Rev. A. Toomer Porter, personally known to General Sherman, was at the corner of a street conversing with one of his officers on horseback, when General Sherman, in citizen's attire, walked up and accosted him. The interview is thus described:

"ORDER THIS THING STOPPED

"'In the bright light of the burning city General Sherman recognized me and remarked: 'This is a horrible sight.' 'Yes;' I replied, 'when you reflect that women and children are the victims.' He said: 'Your governor is responsible for this.' 'How so?' I replied. 'Who ever heard,' he said, 'of an evacuated city to be left a depot of liquor for an army to occupy? I found 120 casks of whisky in one cellar. Your governor, being a lawyer or a judge, refused to have it destroyed, as it was private property, and now my men have got drunk and have got beyond my control, and this is the result.' Perceiving the officer on horseback, he said: 'Captain Andrews, did I not order that this thing should be stopped?' 'Yes, General,' said the captain, 'but the first division that came in soon got as drunk as the first regiment that occupied the town.' 'Then, sir,' said General Sherman, 'go and bring in the second division. I hold you personally responsible for its immediate cessation.' The officer darted off and Sherman bid me good evening. I am sure it was no more than an hour and a half from the time that General Sherman gave his order before the city was cleared of the destroyers."

From that time until the departure of General Sherman from Columbia (with perhaps one or two exceptions) not another dwelling in it was burned by his soldiers, and during the succeeding days and nights of his occupancy perfect tranquillity prevailed throughout the town. The discipline of his troops was perfect, the soldiers standing in great awe of their officers. That Columbia was burned by the soldiers of General Sherman—that the vast majority of the incendiaries were sober—that for hours they were seen with combustibles firing house after house, without any affectation of concealment and without the slightest check from their officers, is established by proof full to repletion and wearisome from its very superfluity.

After the destruction of the town his officers and men openly approved of its burning and exulted in it. "I saw," deposes the mayor, "very few drunken soldiers that night. Many who appeared to sympathize with our people told me that the fate and doom of Columbia had been common talk around their camp fires ever since they left Savannah."

It was said by numbers of the soldiers that the order had been given to burn down the city. There is strong evidence that such an order was actually issued in relation to the house of Gen. John S. Preston. The Ursuline Convent was destroyed by the fire, and the proof referred to comes from a revered and honored member of that holy sisterhood—the mother superior; and it is subjoined in her own words:

"Our convent was consumed in the general conflagration of Columbia. Ourselves and pupils were forced to fly, leaving provisions, clothing, and almost everything. We spent the night in the open air in the churchyard. On the following morning General Sherman made a visit, expressed his regret at the burning of our convent, disclaimed the act, attributing it to the intoxication of his soldiers, and told me to choose any house in town for a convent and it should be ours. He deputed his adjutant general—Colonel Ewing—to act in his stead. Colonel Ewing reminded us of General Sherman's offer to give us any house in Columbia we might choose for a convent. 'We have thought of it,' said we, 'and of asking for General Preston's house, which is large.' 'That is where General Logan holds his headquarters,' said he, 'and orders have already been given, I know, to burn it on tomorrow morning; but if you say you will take it for a convent, I will speak to the general, and the order will be countermanded.' On the following morning, after many inquiries, we learned from the officer in charge (General Perry, I think) that his orders were to fire it, unless the sisters were in actual possession of it; but if even a detachment of sisters were in it, it should be spared on their account. Accordingly we took possession of it, although fires were already kindled near and the servants were carrying off the bedding and furniture in view of the house being consigned to the flames."

GRATIFYING THE GENERAL

Although orders for the actual burning of the town may not have been given, the soldiers of General Sherman certainly believed that its destruction would not be displeasing to him. That such was their impression we have the authority of a personage not less distinguished than the officer of highest rank in the army of invaders next after the commander in chief himself. The proof is beyond impeachment. It comes from the honored pastor of one of our city churches (the Rev. P. J. Shand), to whom reference has already been made, and it is thus expressed in his written statement in the possession of the committee:

"As well as I recollect, November, 1865, I went in company with a friend to see General Howard, at his headquarters in Charleston on matters of business. Before we left the conversation turned on the destruction of Columbia. General Howard expressed his regret at the occurrence and added the following words: 'Though General Sherman did not order the burning of the town, yet, somehow or other, the men had taken up the idea that if they destroyed the capital of South Carolina it would be peculiarly gratifying to General Sherman.' These were his words, in the order in which I set them forth. I noted them down as having great significance, and they are as fresh in my remembrance as they were immediately after they were spoken. My friend—whose recollection accords fully with my own—and myself, on our way home, talked the matter over and could not but be struck by the two following facts: First, that although General Howard said that General Sherman did not order the burning, he did not state that General Sherman gave order that the city should not be burned. Second, that it was surprising, if General Sherman was opposed to the burning, that his opposition should have been so disguised as to lead to the conviction on the part of his soldiery that the act, so far from incurring his disapprobation or censure, would be a source to him of peculiar gratification."

The cotton bales in the town had been placed in the center of the wide streets in order to be burned to prevent their falling into the possession of the invaders. But upon General Hampton's suggesting that this might endanger the town and that as the South Carolina Railroad had been destroyed, the cotton could not be removed, General Beauregard upon this representation directed General Hampton to issue an order that the cotton should not be burned. The proof of this fact is to be found in the written statement of General Beauregard himself. Accordingly, and in due time, the order forbidding the burning of the cotton was issued by General Hampton and communicated to the Confederate troops. The officer then acting as General Hampton's adjutant (Capt. Rawlins Lowndes) speaks as follows:

THE "BURNING COTTON" MYTH

"Soon after General Hampton assumed command of the cavalry, which he did on the morning of the 17th of February, he told me that General Beauregard had determined not to burn the cotton as the Yankees had destroyed the railroad, and directed me to issue an order that no cotton should be fired. This I did at once, and the same order was extended to the cavalry throughout their march through South and North Carolina."

The general officer commanding the division forming the rear guard of the Confederate cavalry, Gen. M. C. Butler, deposes: "That he was personally present with the rear squadron of this division; that Lieut. Gen. Wade Hampton withdrew simultaneously with him, with a part of this deponent's command, and that General Hampton, on the morning of the evacuation and the day previous, directed him that the cotton must not be set on fire; and this order, he adds, was communicated to the entire division and strictly observed."

A clergyman, highly esteemed at the North as well as at the South (Rev. A. Toomer Porter), thus testifies: "General Hampton had told me at daylight, in answer to the question whether he was going to burn the cotton, 'No; the wind is high; it might catch something and give Sherman an excuse to burn the town.'"

"Between 8 and 9 o'clock on the morning of the 17th of February," deposes the mayor, "General Hampton, whilst on his horse, observed some cotton piled not far off in the middle of the street. He advised me to put a guard over it, saying, 'Some careless ones, by smoking, might set it on fire, and in doing so endanger the city.' From that hour I saw nothing more of General Hampton until the war was over."

Not one bale of the cotton had been fired by the Confederate troops when they withdrew from Columbia. "The only thing on fire at the time of the evacuation was the depot building of the South Carolina Railroad, which caught fire accidentally from the explosion of some ammunition." This is the statement of General Beauregard himself. It is sustained by the testimony of the officer, high in rank but higher still in character, who commanded the rear guard of the Confederate cavalry (Gen. M. C. Butler), and is concurred in by other witnesses, comprising officers, clergymen, and citizens—witnesses of such repute and in such numbers as to render the proof overwhelming.

The fire at the South Carolina Railroad depot burnt out without extending to any other buildings. Shortly after the first detachment of General Sherman's troops had entered the town, and whilst the men were seated or reclining on the cotton bales in Main Street, and passing to and fro along them with lighted cigars and pipes, the row of cotton bales between Washington and Lady Streets caught fire, the bales being badly packed, with the cotton protruding from them. The flames extended swiftly over the cotton, and the fire companies with their engines were called out, and by 1 o'clock p. m. the fire was effectually extinguished. While the fire companies were engaged about the cotton an alarm was given of fire in the jail, and one of the engines being sent there the flames were soon subdued, with slight injury only to one of the cells.

About 5 o'clock in the afternoon, as deposed by a witness, Mrs. E. Squire, the cotton bales in Sumter Street, between Washington and Lady Streets, were set on fire by General Sherman's wagon train, then passing along the cotton. But that fire was soon extinguished by the efforts of the witness referred to and her family. "I saw," says a witness, Mr. John McKenzie, "firebulls thrown out of the wagons against

the Hon. W. F. DeSaussure's house, but without doing any damage." No other fires in the town occurred until after night, when the general conflagration began. As already stated, the wind blew from the west, but the fires after night broke out first on the west of Main and Sumter Streets, where the cotton bales were placed. "The cotton," it is testified and proved by Mr. Ed. J. Scott, "instead of burning the houses was burnt by them."

HIS "DRUNKEN SOLDIERS"

General Sherman, as has been shown, on the night of the 17th of February, and while the town was in flames, ascribed the burning of Columbia to the intoxication of his soldiers, and to no other cause. On the following day, the 18th of February, the lady to whom reference was first made, Mrs. L. S. McCord, at the request of a friend, having undertaken to present a paper to General Howard, sought an interview with that officer, second in command of the invading army, and found General Sherman with him. Her narrative of a part of the interview is as follows:

"I handed him the paper, which he glanced at, and then in a somewhat subdued voice, but standing so near General Sherman that I think it impossible that the latter could have help hearing him, he said, 'You may rest satisfied, Mrs. ——, that there will be nothing of the kind happening to-night. The truth is, our men last night got beyond our control; many of them were shot, many of them were killed; there will be no repetition of these things to-night. I assure you there will be nothing of the kind; to-night will be perfectly quiet.' And it was quiet, peaceful as the grave, the ghost of its predecessor.

"The same day, 18th of February, General Sherman," deposes the mayor, "sent for me. I went to see him about 1 o'clock. He met me very cordially, and said he regretted very much that our city was burnt, and that it was my fault. I asked him how? He said in suffering ardent spirits to to be left in the city after it was evacuated, saying, 'Who could command drunken soldiers?' There was no allusion made to General Hampton, to accident or to cotton."

On the succeeding day, Sunday, 19th of February, 1865, the mayor and six of the citizens visited General Sherman in order to obtain food for the subsistence of the women and children, until communication could be had with the country. General Sherman, upon that occasion, talked much. "In the course of his discourse," deposes one of the gentlemen, (Mr. Edwin I. Scott), "he referred to the burning of the city, admitting that it was done by his troops, but excusing them because, as he alleged, they had been made drunk by our citizens, one of whom, a druggist, he said had brought a pail full of spirits to them on their arrival. Again, on our leaving the room, he expressed regret that the liquor had not been destroyed before his men entered the place, but he never mentioned or alluded in any way to General Hampton, or the cotton, nor gave the slightest intimation that they were instrumental in the destruction of the city."

"At that time," deposes the same witness, "the universal testimony of our people was that Sherman's troops burnt the town. Since then I have been in the habit of daily intercourse with all classes in and about Columbia, high and low, rich and poor, male and female, whites and blacks, yet I have not met with a single person who attributed the calamity to any other cause. If," he adds, "a transaction that occurred in the presence of forty or fifty thousand people can be successfully falsified, then all human testimony is worthless."

A DESOLATED COUNTRY

As evidence of the general distress and suffering which resulted from the sack and burning of our city, and the desolation of the adjoining country, the committee refer to the fact, established by unimpeachable testimony, that for about three months daily rations, consisting generally of a pint of meal and a small allowance of poor beef for each person, were dealt out at Columbia to upwards of 8,000 sufferers.

Of the suffering and distress of the individual inhabitants some conception may be collected from the experience of one of them (Mrs. Agnes Law) a lady more venerable for her virtues even than for her age, whose narrative, almost entire, we venture to introduce:

"I am 72 years old," she deposes, "and have lived in this town 48 years. My dwelling was a brick house, three stories, slate roof, with large gardens on two sides. When Columbia was burnt my sister was with me, also a niece of mine, recently confined, who had not yet ventured out of the house. When General Sherman took possession I got four guards; they were well-behaved and sober men. I gave them supper. One lay down on the sofa, the others walked about. When the city began to burn I wished to move my furniture; they objected, and said my house was in no danger. Not long afterwards, these guards themselves took lighted candles from the mantelpiece and went upstairs; at the same time other soldiers crowded into the house. My sister followed them upstairs, but came down very soon to say. 'They are setting the curtains on fire.' Soon the whole house was in a blaze. When those who set fire upstairs came down they said to me, 'Old woman, if you do not mean to burn up with your house you had better get out of it.' My niece had been carried up to the Taylor house on Arsenal Hill. I went to the door to see if I could get any person I knew to assist me up there. I had been very sick. I could see no friend—only crowds of Federal soldiers. I was afraid I should fall in the street and be burnt up in the flames of the houses blazing on both sides of the street. I had to go alone. I spent that night at the Taylor house, which a Federal officer said should not be burned out of pity for my niece. The next two nights I passed in my garden, without any shelter. I have been for over 50 years a member of the Presbyterian Church. I can not live long. I shall meet General Sherman and his soldiers at the bar of God, and I give this testimony against them in the full view of that dread tribunal."

The committee have designed, by the preceding summary of the more prominent events and incidents connected with the destruction of Columbia, to present only an abstract of the numerous depositions and proofs in their possession. The proprieties imposed upon them by the very nature of the duties to which they have been assigned have precluded their doing more. In the evidence thus collected may be read, in all its pathetic and heartrending details, the story of the tragic fate that has befallen our once beautiful city, now in ashes and ruins. Impressed with the historic value of the proofs referred to, and their importance to the cause of truth, and with a view to their preservation, the committee respectfully recommend that they be committed to the guardianship of the municipal authorities, and be deposited with the archives of the town, trusting that in after and better times they will yet be found effectual as well to vindicate the innocent as to confound the guilty.

J. P. CARROLL, *Chairman.*

MAY, 1866.

[From the Sunday Record, Columbia, S. C., February 17, 1929]

COLUMBIA BURNED 64 YEARS AGO TO-DAY BY SHERMAN'S HORDE—THIS DATE IN 1865 WAS TRAGIC DAY—UNIONIST SOLDIERS SET FIRE TO CITY—FOLLOWED SURRENDER

By Frank Barfield

Despite the fact that time has healed the wound and bitterness is no more, there are those in Columbia, and the entire Southland, who remember back 64 years when General Sherman wrecked the Southern States in his devastating and destructive march through Georgia and South Carolina. But there are many who forget that to-day, February 17, is the anniversary of the burning of Columbia by Federal troops under Sherman's command.

History points out this date and describes the ruins and sufferings caused in Columbia 64 years ago when Sherman's men set fire to homes, public buildings, and private holdings.

On February 17, 1865, the Confederate forces had been withdrawn from the city of Columbia and the city had been restored to the control of municipal authorities.

And so it was that about 8 or 9 o'clock in the morning that the mayor of Columbia, Mayor Goodwyn, and the aldermen advanced to the banks of the Broad River and surrendered the city to the commanding officer when he crossed over a pontoon bridge. General Sherman was not at hand, but the officer in charge of the Federal troops received the surrender and promised protection to the town and its inhabitants until the terms of the surrender could be communicated to General Sherman.

By 11 o'clock in the morning the city was in the hands of the Federal forces. The city had been promised protection, but the soldiers had scarcely marched into the town when they began to break into stores and to confiscate or throw the goods into the streets.

According to the pages of history the looting of the town continued until dark, when there was an undercurrent of feeling that told the residents that they were not through with their sufferings. General Sherman had come into the city about 2 or 3 o'clock and was met by the mayor. The general promised that there would be no more sacking of the city, but there were no determined steps to stop it.

An esteemed clergyman, Rev. A. Toomer Porter, testified that the Yankee general told him that there would not be any more danger and asked the pastor to go around and tell the ladies to retire. "They will not be disturbed any more than if my army was 100 miles off." Meanwhile the soldiers had burned many houses in the environs of Columbia, including the former home of General Hampton.

Sherman had told Mayor Goodwyn at one time that the day was too windy to attempt to destroy the public buildings that he thought necessary to destroy and he would wait until another day.

THE THREE ROCKETS

One Columbia resident has told that at 7 o'clock on the night of the burning a soldier told him that the town was doomed and that the signal for the firing of the homes would be three rockets. And so it happened about 8 o'clock that three rockets ascended from a point in front of the mayor's dwelling, and immediately conflagrations broke out in varied sections of the city. The Columbia fire companies responded and attempted to halt the flames, but the invading soldiers cut the hose and disabled the engine. Fighting the fire against these odds was impossible.

The wind was high and carried the fire rapidly. Men, women, and children, aged invalids, and the very sick were thrown into the streets to spend the night, while their homes were being destroyed before their eyes. The night was described as exceedingly cold, and there was suffering from exposure on every hand.

By 3 o'clock in the morning two-thirds of the town was in ruins. And that part destroyed composed the most highly residential and business districts of the town. It was said that about this time General Sherman was walking around the streets of the city, and he was accosted by a Columbia pastor, who spoke of the suffering and devastation caused by the invaders. At the time the clergyman was speaking to the general a captain came by and General Sherman ordered that his troops be withdrawn from the city.

It was not over an hour and a half after this order was issued that the city was cleared of the soldiers and there were no more new fires to flare up.

General Sherman blamed the destruction upon the residents of the city because of the fact that the soldiers found cases of liquor in the cellar of a home. Sherman said that as a result of the liquor his soldiers became drunk and were out of his control.

And while Sherman's men were marching through Georgia and South Carolina they were planning the humiliation of the capital of South Carolina, and they picked the part of it to receive the torch of the Unionist because it was the first to secede from the Union.

A REMINISCENCE OF SHERMAN'S RAID IN SOUTH CAROLINA

By Nelle Gardner Morgan

In Springfield, S. C., lives Mrs. Emma Porter Brodie. She was the daughter of Allan Porter, who owned a large tract of land in the Dean Swamp section above Springfield. In the mellowness of her 84 years, Mrs. Brodie seems to fairly radiate kindliness toward everyone.

When questioned about her recollections of the famous "raid," which marked the closing days of the Civil War, Mrs. Brodie's face beamed with interest, and, with a glint in her soft blue eyes, she replied:

"Yes; I remember quite well when the Yankees came. Our house had been accidentally burned in 1863, and we were living in one of Mr. Charlie Stroman's houses.

General Wheeler's cavalry was passing through our section just ahead of Sherman's raid. One of Wheeler's men, a Mr. Walker from Kentucky, stopped at our house for food. He told us how Sherman's men were doing, and advised us to bury our clothes. We had just butched some fine hogs, and the pen was full of bloody shucks and litter. He dug a hole for us in this pen—we buried a box of clothing and covered the place with the trash in the pen. That box was not found when Sherman's men came.

"Father sent a colored man down the river on a raft which was loaded with bales of cotton, quilts, and meat. One of the negro boys showed the Yankees where the raft was. They took all the hams and shoulders. Then the old colored man hid the rest of the meat in the swamp, but there came a very wet spell and it spoiled before father could get in to haul it out.

"On Friday, father and brother Nathan's wife drove our stock, about 30 head, away from home. They crossed Dean Swamp and went several miles up the creek. The next morning they came back to see if I wanted to go; but my clothes were buried, so I did not go. Father and sister went on, riding gentle mules, and drove the stock to Edgefield County, thus saving them from Wheeler's men as well as Sherman's raiders. On their way home, father found two large pones of corn bread upon a big stump—underneath it was written: 'Allen Porter.'

"Aunt Nancy Cadle and her daughter, Cousin Sophronia, were taking care of the Charlie Stroman house, as the family had gone away, so I stayed with them. Cousin Sophronia and I put the china in a strong bag and put it in a row boat. I did not know how to swim, but Cousin Sophronia rowed that boat away up the pond at Dean Swamp Mill, and, lowering the bag, we fastened it to an old stump. The Yanks did not get to smash those dishes!

"Saturday night the negroes kept bringing tales of how the Yankees were going to treat us. All during the night 'Aunt Laura,' one of the colored women, told us over and over that they were surely going to kill us. Naturally, our nerves were on edge from dread and horror. We decided to try treating them kindly, hoping that might help matters a little.

"Early Sunday morning they began to arrive. There were only three in the first party. The weather was terribly cold, and the negroes had already made a fire for us. When the men walked in we piled on more wood and invited them to come up to the fire. They seemed to be perfect gentlemen. However, in a few minutes, the mob swarmed in like bees. They were all over the premises in almost no time. They literally ransacked the whole place. A big negro man, who came with them, stepped up to me and said: 'You are the finest-looking young lady I've seen since I left the North.' My goodness! I was scared to get out of the house the rest of that day and night!

"Presently some of them found a bullet mould. Then they demanded the pistol, which, of course, Mr. Stroman had taken with him. They became furious and broke locks and snatched everything to pieces, saying that they must have the pistol. They kept saying that they would burn the house, but we thought they surely would not. Aunt Nancy piled her meat on the floor and sat on it. The men kept telling her the house was already burning upstairs. Still she sat. Then, with a very uncomplimentary epithet, they said, 'We will snatch you baldheaded if you don't get up and get out.' Still Aunt Nancy sat upon the meat! They finally took her out by force, and, of course, they took the meat.

"They had the negroes to carry out and save a good many things from downstairs. I took a seat on my trunk while both houses were burning. My brother's uniform was in the trunk and I did not want them to get it, so I held a heavy iron poker in my hand. I was strong enough to use that poker, then, too, if I had been forced to do so!

"An officer kept harassing me and boasting about their having whipped us. I told him that they had overpowered us, but would never whip the South. Then I sang The Homespun Dress for him. They took everything we had to eat but some backbones and sweet potatoes. We were very hungry, so we put those on to cook. Just as they were about done another crowd came in and ate up every bite! By this time it was almost dark.

"Imagine starting in on another night of terror after the 24 hours through which we had just passed! We had taken refuge in the kitchen with the negroes when a crowd of drunken soldiers came by and tried to drive us out, saying they were going to burn the kitchen. They even tried to lure us out by saying that they were burning the Walker house, a little way below there. But we were so terribly frightened that we did not dare go outside. Then they took red-hot fire coals and put them in a trunk out on the porch. Still I would not go. They put out the fire in the trunk after it had ruined a beautiful quilt and a red curtain that my mother had made.

"That party finally went away and another came. One of these men was so drunk that he rode his horse right on into the kitchen porch. And so it went on all through that terrible never-to-be-forgotten day and night! Sorrow and destruction on every hand! A few miles above us a Mr. Williamson was quite ill in bed with measles. He was tied to a horse and led away. His family never heard of him again.

"By Monday morning 'Sherman's raid' had passed. But in its wake what a broad trail of waste, desolation, and ruin! And on the fair pages of American history had been stamped an indelible blot."

THE LOWER RIO GRANDE, THE LOWER COLORADO, AND THE TIA JUANA RIVERS

Mr. SHEPPARD. Mr. President, on last Monday I asked for and obtained from the Senate an order for the publication as a Senate document of the report of the International Waterway Commission, United States and Mexico. Since that time I have ascertained that a similar order had been made by the House for the publication of the report as a document.

I therefore ask that the action of the Senate in giving permission for the printing of this report as a Senate document be reconsidered and canceled.

The VICE PRESIDENT. Without objection, it is so ordered.

ABOLITION OF PROCEEDINGS IN COMMITTEE OF THE WHOLE

The Senate resumed the consideration of the resolution (S. Res. 227) to amend the Senate rules so as to abolish proceedings in the Committee of the Whole on bills, joint resolutions, and treaties.

The VICE PRESIDENT. The question is on the committee amendment.

Mr. BLAINE. Mr. President, I suggest the absence of a quorum.

Mr. McNARY. Mr. President, will the Senator withhold that motion for a moment?

Mr. BLAINE. I withhold it.

Mr. McNARY. Does the Senator desire to address himself to the pending resolution?

Mr. BLAINE. No; I rose to suggest the absence of a quorum.

Mr. McNARY. I am afraid it would be rather difficult to develop a quorum at this hour. I had hoped we could get a vote on the resolution this afternoon. Of course, the Senator has the right to call for a quorum if he so desires.

Mr. SWANSON. Mr. President, if the Senator will withhold his suggestion for a moment, I doubt whether we could get a quorum to-night.

Mr. McNARY. Will the Senator from Wisconsin yield to me for a moment further?

Mr. BLAINE. I yield.

Mr. McNARY. I promised this morning that we would have the calendar considered to-morrow in the morning hour. To carry out that agreement I desire to ask unanimous consent that when we conclude our session to-day we adjourn until 12 o'clock to-morrow.

Mr. NORRIS. Mr. President, unless we dispose of this resolution to-night, could not the Senator carry out his understanding by taking a recess instead of adjourning?

Mr. McNARY. No. I stated to the Senator from New Mexico [Mr. BRATTON] this morning and to another Senator, be-

cause of the recess for the memorial exercises and their desire to get to the calendar, that I should ask for an adjournment this afternoon until to-morrow.

Mr. NORRIS. Could not the Senator meet the wishes of the Senators to whom he refers if he should request that we take a recess, and couple with that a request that we should consider the calendar after some discussion of this resolution, unless we can dispose of it to-night?

Mr. McNARY. I should like very much to conform to the pleasure of the Senator from Nebraska, but I feel that I should follow the other procedure.

Mr. NORRIS. The only thing I am trying to do is to see the matter that the Senator from Virginia has up disposed of if possible.

Mr. McNARY. I hoped it could be disposed of this afternoon; but if we have a morning hour to-morrow I think we can readily dispose of it in a short time.

Mr. NORRIS. Probably.

Mr. SWANSON. It will come up as the unfinished business to-morrow at 2 o'clock, I understand.

Mr. McNARY. Yes.

I ask unanimous consent that when the Senate concludes its session to-day it adjourn until to-morrow at 12 o'clock.

The VICE PRESIDENT. Without objection, it is so ordered.

Does the Senator from Wisconsin insist on his point of no quorum?

Mr. BLAINE. If the Senator from Oregon desires to move an adjournment at this time, I will withdraw the suggestion.

Mr. McNARY. Then, Mr. President, I move that the unanimous-consent agreement be carried out and that we adjourn until to-morrow at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 16, 1930, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, *May 15, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hid, cleanse the thoughts of our hearts by the inspiration of Thy Holy Spirit, that we may perfectly love Thee and worthily magnify Thy holy name. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 8574. An act to transfer to the Attorney General certain functions in the administration of the national prohibition act, to create a bureau of prohibition in the Department of Justice, and for other purposes.

The message also announced that the Senate had passed the following resolution:

Resolved, That the action of the Senate on May 13, 1930, on the bill (S. 476) entitled "An act granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes," in disagreeing to the amendment of the House of Representatives thereto, requesting a conference with the House of Representatives on the disagreeing votes thereon, and appointing conferees, be rescinded.

Resolved, That the Senate agrees to the amendment of the House of Representatives to said bill.

Resolved, That the House of Representatives be requested to return said bill and accompanying papers to the Senate.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 51. An act to amend subdivision (c) of section 4 of the immigration act of 1924, as amended; to the Committee on Immigration and Naturalization.

The SPEAKER. Pursuant to House Resolution 194, the Chair declares the House to be in recess.

Accordingly the House stood in recess, to meet at the call of the Speaker.

MEMORIAL EXERCISES

The Speaker of the House of Representatives presided.

The Chaplain, Doctor Montgomery:

Lord, Thou hast been our dwelling place in all generations. Before the mountains were brought forth, or ever Thou hadst formed the earth and the world, even from everlasting to everlasting Thou art God. For a thousand years in Thy sight are but as yesterday when it is past, and as a watch in the night. Thou carriest them away as with a flood; they are as a sleep: in the morning they are like grass which groweth up, in the morning it flourisheth, and groweth up; in the evening it is cut down, and withereth. So teach us to number our days, that we may apply our hearts unto wisdom. O satisfy us early with Thy mercy; that we may rejoice and be glad all our days. Let Thy work appear unto Thy servants, and Thy glory unto their children. And let the beauty of the Lord our God be upon us; and establish Thou the work of our hands upon us; yea, the work of our hands establish Thou it.

Though I speak with the tongues of men and of angels, and have not love, I am become as sounding brass, or a tinkling cymbal. And though I have the gift of prophecy, and understand all mysteries, and all knowledge; and though I have all faith, so that I could remove mountains, and have not love, I am nothing. And though I bestow all my goods to feed the poor, and though I give my body to be burned, and have not love, it profiteth me nothing. Love suffereth long, and is kind; love envieth not; love vaunteth not itself, is not puffed up. Doth not behave itself unseemly, seeketh not her own, is not easily provoked, thinketh no evil; rejoiceth not in iniquity, but rejoiceth in the truth; beareth all things, believeth all things, hopeth all things, endureth all things. Love never faileth: but whether there be prophesies, they shall fail; whether there be tongues, they shall cease; whether there be knowledge, it shall vanish away. For we know in part, and we prophesy in part. But when that which is perfect is come, then that which is in part shall be done away. When I was a child, I spake as a child, I understood as a child, I thought as a child: but when I became a man, I put away childish things. For now we see through a glass darkly; but then face to face: now I know in part; but then shall I know even as also I am known. And now abideth faith, hope and love, these three; but the greatest of these is love.

Serene I fold my hands and wait,
Nor care for wind, nor tide, nor sea;
I rave no more 'gainst time and fate,
For lo! my own shall come to me.

I stay my haste, I make delays;
For what avails this eager pace?
I stand amid the eternal ways,
For what is mine shall know my face.

Asleep, awake, by night or day
The friends I seek are seeking me;
No wind can drive my bark astray,
Nor change the tide of destiny.

What matter if I stand alone?
I wait with joy the coming years;
My heart shall reap where it has sown,
And garner up its fruit of tears.

The stars come nightly to the sky,
The tidal wave into the sea;
Not time, nor space, nor deep, nor high,
Can keep my own away from me.

Yet love will dream and faith will trust;
Since He who knows our needs is just;
Somehow, somewhere, meet we must,
Alas for him who never sees
His stars shine through the cypress trees!
Who, hopeless lays his dead away,
Nor looks to see the breaking day
Across the mournful marbles play!
Who hath not learned in hours of faith,
The truth, to flesh and sense unknown,
That life is ever lord of death
And love can never lose its own!

Amen.

The Interstate Male Chorus sang Crossing the Bar.

The Chaplain, Doctor Montgomery:

Our Father who art in heaven, hallowed be Thy name; Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil; for Thine is the kingdom, and the power, and the glory, forever. Amen.

ROLL OF DECEASED MEMBERS

Mr. William Tyler Page, Clerk of the House, read the following roll:

LAWRENCE DAVIS TYSON, SENATOR FROM THE STATE OF TENNESSEE

West Point graduate; served in United States Army; colonel, volunteer service, Spanish-American War; brigadier and inspector general, Tennessee National Guard; member and speaker Tennessee House of Representatives; World War veteran, in command of Thirtieth Division; awarded distinguished-service medal; candidate for Vice Presidential nomination in 1920. Died August 24, 1929.

THEODORE ELIJAH BURTON, SENATOR FROM THE STATE OF OHIO

Representative in the Fifty-first Congress; again a Representative in the Fifty-fourth and the seven succeeding Congresses; United States Senator; delegate to four Republican National Conventions; chairman International Waterways Commission and of the National Waterways Commission; member National Monetary Commission; author; candidate for Republican nomination for President, 1916; again a Representative, Sixty-seventh and three succeeding Congresses; member Parliamentary Union; member World War Debt Funding Commission; chairman United States delegation Geneva conference; again United States Senator. Died October 28, 1929.

FRANCIS EMROY WARREN, SENATOR FROM THE STATE OF WYOMING

Civil War veteran; received congressional medal of honor; member and president Dakota Territorial Senate; member city council and mayor, Cheyenne, Wyo.; treasurer of Wyoming; again a member Territorial Senate; delegate to five Republican National Conventions; Governor of Wyoming Territory and State; United States Senator, November 18, 1890, to March 4, 1893; again United States Senator and served 34 years, 8 months, and 21 days continuously; member and chairman Committee on Appropriations; cumulative Senate service, 37 years and 6 days. Died November 24, 1929.

ROYAL HURLBURT WELLER, TWENTY-FIRST CONGRESSIONAL DISTRICT OF NEW YORK

Assistant district attorney of New York County; counsel for Alien Property Custodian; member of the Academy of Political Science; Member of the House of Representatives Sixty-eighth, Sixty-ninth, and Seventieth Congresses; reelected to the Seventy-first Congress. Died March 1, 1929.

CHARLES WICKLIFFE ROARK, THIRD CONGRESSIONAL DISTRICT OF KENTUCKY

Mayor of Greenville, Ky.; chairman selective service board during World War; elected a Member of the House of Representatives, Seventy-first Congress. Died April 5, 1929.

WHITMELL PUGH MARTIN, THIRD CONGRESSIONAL DISTRICT OF LOUISIANA

Professor of chemistry; district attorney and judge, twentieth district of Louisiana; Member of the House of Representatives, Sixty-fourth and each succeeding Congress. Died April 6, 1929.

JOHN JOSEPH CASEY, TWELFTH CONGRESSIONAL DISTRICT OF PENNSYLVANIA

Member of the Pennsylvania Legislature; Member of the House of Representatives, Sixty-third and Sixty-fourth Congresses; member advisory council to Secretary of Labor; labor adviser and executive, labor adjustment division Emergency Fleet Corporation, World War; again a Member of the House of Representatives, Sixty-sixth, Sixty-eighth, Seventieth, and Seventy-first Congresses. Died May 5, 1929.

LESLIE JASPER STEELE, FIFTH CONGRESSIONAL DISTRICT OF GEORGIA

Mayor of Decatur, Ga.; member of the Georgia Legislature; Member of the House of Representatives, Seventieth and Seventy-first Congresses. Died July 24, 1929.

OLE JUUL KVALE, SEVENTH CONGRESSIONAL DISTRICT OF MINNESOTA

Ordained to the ministry; Member of the House of Representatives, Sixty-eighth and each succeeding Congress. Died September 11, 1929.

WILLIAM WALTON GRIEST, TENTH CONGRESSIONAL DISTRICT OF PENNSYLVANIA

School teacher; director and incorporator, Pennsylvania Public School Memorial Association; newspaper editor; member, Pennsylvania Tax Commission; delegate to nine Republican national conventions; secretary of the Commonwealth of Pennsylvania; Member of the House of Representatives, Sixty-first and each succeeding Congress. Died December 5, 1929.

WILLIAM KIRK KAYNOR, SECOND CONGRESSIONAL DISTRICT OF MASSACHUSETTS

Postmaster and member, city council, Springfield, Mass.; trustee, Springfield College; World War veteran; Member of the House of Representatives, Seventy-first Congress. Died December 20, 1929.

ELMER O. LEATHERWOOD, SECOND CONGRESSIONAL DISTRICT OF UTAH

District attorney, third judicial district of Utah; president of four business concerns; Member of the House of Representatives, Sixty-seventh and each succeeding Congress. Died December 24, 1929.

JAMES ANTHONY HUGHES, FOURTH CONGRESSIONAL DISTRICT OF WEST VIRGINIA

Member of the Kentucky Legislature; member of the West Virginia Senate; delegate to nine Republican national conventions; Member of the House of Representatives, Fifty-seventh to the Sixty-third Congresses, inclusive; again a Member of the House of Representatives, Seventieth and Seventy-first Congresses. Died March 3, 1930.

JAMES PETER GLYNN, FIFTH CONGRESSIONAL DISTRICT OF CONNECTICUT

Postmaster at Winsted, Conn.; Member of the House of Representatives, Sixty-fourth to the Sixty-seventh, and the Sixty-ninth to the Seventy-first Congresses. Died March 6, 1930.

ROBERT QUINCY LEE, SEVENTEENTH CONGRESSIONAL DISTRICT OF TEXAS

Member of the House of Representatives, Seventy-first Congress. Died April 18, 1930.

Mrs. NORTON, a member of the Committee on Memorials, standing in front of the Speaker's rostrum, placed a memorial rose in a vase as the name of each deceased Member was read by the Clerk.

Then followed one minute of devotional silence.

The Chaplain, Doctor Montgomery:

Almighty God, our Heavenly Father, lift upon us at this hour the light of Thy holy countenance. Help us to lift our eyes unto the hills from whence cometh our strength. Our help cometh from the Lord. More and more increase our faith and our hope in the immortality of the human soul. Let a blessing of rest and peace come to all of these ones upon whom the great sorrow of death has come. God, be very gracious and merciful unto them and keep them, we beseech Thee, while many years of happiness and contentment pass by. During all the future enable them to be conscious that underneath them are the everlasting arms that never, never fail. Abide with all of us in the measure of a great peace, and at the last, for, O Lord God, at the last will come, as one door closes may another door open. As our earthly eyes close upon the receding skies of time may the eternal skies appear and bear us up the stairway through the darkness to the Father's house, to the Father's breast, to the Father's heart, to the Father's love, and to the Father's home, and we shall go out no more, forever. Amen.

Mrs. Nicholas J. Sinnott sang Christ Went up into the Hills.

Hon. FRANK CROWTHER, Representative from the State of New York, delivered the following address:

ADDRESS OF HON. FRANK CROWTHER

Mr. CROWTHER. Mr. Speaker, Members of the House, and dear friends, on this solemn occasion we are assembled to pay tribute to the memory of our departed colleagues. We have not come in a spirit of mourning and sorrow, but rather to scatter a few flowers on the pathway of memory and to renew our faith in a blessed immortality.

Joy and sorrow are closely intermingled in this busy world of ours. The happiness incident to the birth of a precious baby is ofttimes curbed by the death of its mother, and repeatedly on the highway of life the bridal procession must tarry while the funeral train passes by. Even after great victories in battle the shouts and huzzahs of the populace are hushed as vanquished foes are borne to their last resting place.

But the king and his jester must answer the call, the great and the humble, and the spear of the prince and the staff of the pauper shall lie side by side.

Life is a privilege. The noontide fades
And shadows fall among the winding glades;
The joy-blooms within in the autumn air,
Yet the sweet scent of sympathy is there.
Pale sorrow leads us closer to our kind
And in the serious hours of life we find
Depths in the soul of men which lend new worth
And majesty to this brief span of earth.

Life is a privilege. If some sad fate
Sends us alone to seek the exit gate;
If men forsake us as the shadows fall,
Still does the supreme privilege of all
Come in that reaching upward of the soul
To find the welcoming presence at the goal,
And in the knowledge that our feet have trod
Paths that lead from and must lead us back to God.

This service is one that carries us away from the busy whirl of to-day and transports us to the land of yesterday, filled with fond memories of those who have left us for a little while.

Scarcely one of us but what sit and muse and grow fanciful as the floodgate of memory is opened and we live again the joys and sorrows of a lifetime.

The fond mother in fancy sees her first born who was taken away in his baby days, and there comes to her an intuitive knowledge that had he been spared he would have been her pride and joy. Son and daughter in fancy see again their dear old father and mother who finally went to their reward after weary months of illness. Even communities pause in the midst of their activities to pay tribute to the memory of those whose life work and achievements have made them characters of historic interest.

And so we are assembled to turn back the pages of the record of yesterday, and as we listened to this roll call of the departed we in fancy could see our colleagues as we knew them in the days of their health and strength, of which they gave their full measure in the performance of their duties.

No measure of sacrifice on our part would have been too great if we could have saved their lives to their families and and friends. But the power to stay the hand of the grim messenger is not vested in us, and we bow in humble submission before the awful majesty of death. Life, after all, is but a vapor, which appeareth for a little while and vanisheth away, and there shall be no remembrance of the wise no more than the fool forever; life is ever promising and seldom fulfilleth, ever lived in the present, and the present is no more by the time you have said it. One day calls another a day and makes joy to follow joy and tears to follow tears.

Life is a constant struggle and conflict between the victor and the vanquished, while the bitterness of the strife withers the laurels of the conqueror and rankles in the hearts of the defeated.

Success is not often measured by the degree of happiness, peace, or contentment attained, but rather by the battles won and trophies captured from the vanquished foe.

Fortunate is the man who can so live that his success in material things has not dwarfed his spiritual stature. Death to him is but the zero hour of the great adventure, and he sings with the psalmist, "Yea though I walk through the valley of the shadow of death, I will fear no evil, Thy rod and Thy staff they comfort me." But man is as frail and as prone to err as he has been for centuries, and in spite of the great moral uplift and banishment of bigotry during the last century we are still possessed of the tendency to exaggerate the faults of our neighbor and belittle his efforts for good. So few of us during our life journey walk the center of the path of rectitude with never a step to the right or to the left that in order to be true to ourselves we should be less hasty and caustic in our criticism and heed well the admonition, "Let he that be without sin cast the first stone."

The ancient Arabs had a saying that "death is a camel that kneels before every man's tent," and so in the midst of the battle of life comes death, the implacable foe of person, time, or place. Ever walking by our side, it can not be avoided and none may escape it. Its sway is universal and the hour of its coming uncertain. In joy or sorrow it finds us out and we must follow at the summons. Even as our departed friends were called, to us shall come perhaps without warning the grim messenger who shall dash the cup of life all fragrant with love and success from our lips and we shall stand as strangers at the gates of eternity. What will our earthly life, our lofty hopes, our success or failure matter to us at that time? How paltry and insignificant our own individuality, and how small will seem the part we played in the drama of the universe! There we shall stand in the presence of the Everlasting Judge, and human imagination dare not take a step farther, dare not enter that Presence, for between us and the soul of departed friends there is a veil which we can not penetrate, and its secret will not be revealed to us until we too pass behind it from the light which is darkness to the full light of perfect knowledge.

What a flood of happy recollections come tumbling down the stream of memory as we look back upon the friendships developed by years of association with these departed friends. To us they have told their story of humble beginnings and early hardships which, in men of sterling worth and integrity, serve but to urge them on to their goal of achievement. Many of them had attained positions of high honor in their States, and yet their ambition had been to serve their country in a representative capacity. They came from all walks of life—successful bankers and business men, lawyers of outstanding ability, and occasionally from the ranks of professional men and the clergy. They all contributed to the sum total of knowledge and ability that is so necessary in a national legislative body. To the younger members of the House they were a source of inspiration, and to us all they were united in the bonds of real friendship.

The passing of these distinguished Members was a loss not only to their immediate families but a loss to the Nation. They had served for periods varying from a few months to a quarter of a century, and their achievements will be a source of inspiration to us and to future generations. What better record can a man leave than that of the full performance of duty? Such a record is the result of the possession not only of marked ability but of undaunted courage and a high sense of honor.

To men of this caliber the Nation is indebted for their tireless energy and devoted service. To them the Master said, "In my Father's house are many mansions. I go to prepare a place for you," and our faith in a blessed immortality tells us that we shall see them again in that "house not made with hands, eternal in the heavens."

Without this abiding faith in the hereafter, death would be indeed an appalling mystery, life would be a tragedy, and love and devotion a mere mockery.

We all dread to think of the hour of parting when those nearest and dearest to our hearts shall be taken out of our lives. But the great wealth of our love and devotion will not be lost to us, for it shall be gathered into the treasury of the kingdom and shall be returned to us an hundredfold when we, in our turn, shall follow the unnumbered generations into gladness eternal.

Oh! may I join the choir invisible
Of those immortal dead who live again
In minds made better by their presence;
Live in pulses stirred to generosity,
In deeds of daring rectitude; in scorn
For miserable aims that end with self;
In thoughts sublime that pierce the night like stars
And with their mild persistence
Urge men's search to vaster issues.

God in His infinite wisdom does not permit us to darken our lives with the thoughts of death. He bids us raise our eyes to the heavens and ever have an abiding faith in our fellow men; to cultivate self-respect in place of self-regard; to walk humbly with Him in the quietness of the dim valley and the dark stream, ever believing that an all merciful Providence has a place and a joy for even the most humble of His creations.

Amidst our trials and tribulations, our ambitions and our temptations, let us remember the closing stanza of that literary gem by Bryant:

So live, that when thy summons comes to join
The innumerable caravan, which moves
To that mysterious realm, where each shall take
His chamber in the silent halls of death,
Thou go not, like a quarry-slave at night,
Scourged to his dungeon, but sustained and soothed
By an unfaltering trust, approach thy grave,
Like one who wraps the drapery of his couch
About him, and lies down to pleasant dreams.

Mrs. Nicholas J. Sinnott sang Thy Will Be Done.

Hon. ANDREW J. MONTAGUE, Representative from the State of Virginia, delivered the following address:

Mr. MONTAGUE. Mr. Speaker, the list of our dead just read by the Clerk is sadly impressive. Within a year and 18 days 15 Members of the Congress—3 Senators and 12 Representatives—have answered the silent call of death. Some of them had long and distinguished public careers, and all of them discharged their responsible and honorable duties with fidelity and ability, some in modest and tactful and laborious ways, others in earnest and compelling debate—the public good they all did promote. Some adorned these Halls with eloquence and argument, stirred convictions, and commanded intelligent and conscientious judgments.

They had their differences of views and opinions, sometimes expressed in quiet and gentle persuasion, but at other times in earnest and bold advocacy. In this hour we recall and commend their devotion to country and fidelity to public service. They had their moments of doubt and conflicts of duty, but they had no misgivings of purpose or of patriotism.

We can not now assemble and assess their activities or their achievements, but we will affirm with Pericles that their public services were so faithful, so diligent, so courageous, and of so exalted a character that they obscure and hide all personal infirmities.

Parliamentary roll calls no longer vex their ears. The privileges and anxieties of their work in this legislative arena no longer stimulate or depress them. The contentions and contests in this forum no longer stir or quicken their spirits. Happily death vanquishes all discord, subdues all rivalry, allays all ambition, heals all dissension, and removes all rancor. These,

our absent colleagues, now rest in the kingdom of the dead—brothers all forevermore! Blessed are they that die in the Lord.

Have these departed colleagues and friends left no lesson for us? If they could speak would there be no call to a nobler duty, no entreaty for a higher patriotism, no demand for a more rigorous endeavor for an enlarged, intelligent, and courageous public service? Is the tone of our public life satisfactory or ennobling? If not, is the public servant wholly to blame? What of society, the people who elect or commission? Do not our social and political ills come less from the defects of government than from the infirmities of human nature, as asked by Burke in the olden days? Will more laws cure or curse the state? Is the fault in our stars or in ourselves that we are underlings? Is our Government a constitution or a caprice? Does bad government come so much from the energies and abilities of the vicious as from the indifference and neglect of the good? Must we not repent or be lost?

Our institutions are sound. The principles and mechanics of our political system excite the wonder of civilization. Its operations within constitutional bounds are still vigorous, but our foundations, the people, seem weary or indifferent to their political duties and their public obligations.

The great mass of the people are not sufficiently interested in government. The ballot box affirms this observation. What percentage of eligible voters go to the polls of their own intelligent and patriotic volition? And what percentage, may we sadly ask, are lured thereto by gain? The public press and official investigations sound an alarming answer.

Parliamentary institutions are being attacked in many parts of the world. In some notable states parliaments function only in name, and apparently evidence no sense of responsibility to the people and assume no representative action in behalf of the people.

The cure can not be found in parliamentary procedure. We must dig deeper and ascertain whether or not the people themselves are interested in parliamentary government to the extent of giving it their earnest support.

Popular government is the most difficult of all governments in application and in practice. Collective, popular action is complex and difficult, and the constant pursuit of knowledge and information by the people is an inexorable necessity if democratic governments are to succeed.

Our Government is not an undefiled democracy. The Revolution of the eighteenth century ordained and established the United States of America as a limited democracy, somewhat as the revolution in England of the seventeenth century reformed the institutions of that country into a limited monarchy.

We have attempted and greatly succeeded in securing freedom of speech, freedom of press, freedom of education, and freedom of religion, the last being America's noblest contribution to the philosophy of government. But these great wellsprings of power and intelligence may not be sufficient. Liberty is a timid and illusive virtue, and can be wooed and won only by eternal vigilance, and when once won is sometimes unidentified or unknown, and most difficult to retain in active vigor.

Perhaps the most practical evidence of applied liberty is the possession by the minority of the people of the inalienable rights set forth in the great declaration, the rights to life, liberty, and the pursuit of happiness. If these inalienable and incomparable birthrights are accorded to the majority and denied to the minority, liberty withers, and finally the whole body politic dies. Free access of all to the protection of the great arms of government is the elementary mandate. If this great mandate is qualified or refused, liberty expires.

These fundamentals, these inalienable rights are properly called natural rights, because they are not created by government, but only assured or guaranteed by government. Indeed, mankind holds them in defiance of government itself, as shown in the Declaration of Independence; but the minority must have access to these rights on equal terms with the majority, and from such priceless possession liberty and order form a happy union, a beneficent political and ethical equilibrium. The glittering euphemism that our Government is one of laws and not of men can be understood only by its implications, the supreme organic law with consonant and authorized subordinate laws.

Lord Morley is fond of pointing to Sophocles' exhaustive and glorious enumeration of the many wonders of the world, declaring the most wondrous to be man. He makes the path across the white sea, works the land, captures and tames animals and birds for his daily use; he has devised language, and from language thought, and all the moods that mold a state; he finds a help against every evil of his lot, save only death; against death and the grave he has no power.

So man's labor and progress, with some variations, have been about the same throughout the long track of the ages.

We stand in the presence and recollection this noon of no new event. Death is universal; but in this solemn environment and in the memories which this sad hour emphasizes may we not experience a higher hope and a more commanding impulse for a more real and beneficent progress in the operation of politics and in the guidance of states? Our nourishing examples, our honored and historic traditions, our inspiring and instructive experiences must not fail to perform their patriotic ministrations. May the suggestions of this solemn hour so decree.

The Interstate Male Chorus sang Captain, My Captain.

BENEDICTION

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following benediction:

Now, unto Him who is able to keep you from falling and present you faultless before the presence of His glory with great joy, unto the only wise God, our Saviour, be glory and majesty, dominion and power, both now and ever. Amen.

(Additional memorial speeches will be published in the issue of June 30, 1930.)

AFTER THE RECESS

The House was called to order by the Speaker.

The SPEAKER. Pursuant to House Resolution 194, and as a further mark of respect to the memory of the deceased, the Chair declares the House adjourned until to-morrow, at 12 o'clock noon.

ADJOURNMENT

Accordingly (at 1 o'clock and 12 minutes p. m.) the House adjourned until to-morrow, Friday, May 16, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, May 16, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

Authorizing the Secretary of the Navy to accept, without cost to the Government of the United States, a lighter-than-air base near Sunnyvale, in the county of Santa Clara, State of California, and construct necessary improvements thereon (H. R. 6810).

Authorizing the Secretary of the Navy to accept a free site for a lighter-than-air base at Camp Kearny, near San Diego, Calif., and construct necessary improvements thereon (H. R. 6808).

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON MILITARY AFFAIRS

(10 a. m.)

To amend the national defense act of June 3, 1916, in relation to the reorganization of the National Guard and Officers' Reserve Corps (H. R. 10478).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

469. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the construction of public works, Navy Department, for the fiscal year ending June 30, 1931, amounting to $3,194,000 (H. Doc. No. 400); to the Committee on Appropriations and ordered to be printed.

470. A communication from the Comptroller General of the United States, transmitting report concerning the claims of H. E. Hurley, trading as J. E. Hurley, for $553.50 as reimbursement of expenditures and expenses incurred when the United States failed to execute and perform a contract in accordance with his proposal accepted June 27, 1928, for the installation of an ash bin in the State, War, and Navy Department, Washington, D. C.; to the Committee on Claims.





REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. PARKER: Committee on Interstate and Foreign Commerce. S. 1171. An act to establish and operate a national institute of health, to create a system of fellowships in said institute, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings, and for other purposes; with amendment (Rept. No. 1461). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WURZBACH: Committee on Military Affairs. H. R. 10136. A bill for the relief of William Marks; with amendment (Rept. No. 1459). Referred to the Committee of the Whole House.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 11850. A bill to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920; without amendment (Rept. No. 1460). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on Claims. H. R. 675. A bill for the relief of Ada T. Finley; with amendment (Rept. No. 1462). Referred to the Committee of the Whole House.

Mr. FITZGERALD: Committee on Claims. H. R. 2059. A bill for the relief of Kate Canniff; with amendment (Rept. No. 1463). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 4166. A bill for the relief of Steve Fekete; without amendment (Rept. No. 1464). Referred to the Committee of the Whole House.

Mr. KNUTSON: Committee on War Claims. H. R. 4167. A bill for the relief of D. B. Traxler; with amendment (Rept. No. 1465). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 7339. A bill for the relief of H. H. Lee; without amendment (Rept. No. 1466). Referred to the Committee of the Whole House.

Mr. HOPKINS: Committee on War Claims. H. R. 9946. A bill for the relief of Annie M. Eopolucci; without amendment (Rept. No. 1467). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 10635. A bill for the relief of the Robins Dry Dock & Repair Co.; without amendment (Rept. No. 1468). Referred to the Committee on the Whole House.

Mr. IRWIN: Committee on Claims. S. 1378. An act for the relief of Juan Anorbe, Charles C. J. Wirz, Rudolph Ponevacs, Frank Guelfi, Steadman Martin, Athanasios Metaxiotis, and Olaf Nelson; without amendment (Rept. No. 1469). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on War Claims was discharged from the consideration of the bill (H. R. 6902) for the relief of John W. Hudson, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLIGAN: A bill (H. R. 12396) to provide for the appointment of an additional district judge for the western district of Missouri; to the Committee on the Judiciary.

By Mr. GRAHAM: A bill (H. R. 12397) to amend certain sections of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, as amended, so as to modify the penalties for offenses against the currency of foreign countries to conform to the penalties provided for offenses against the currency of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. IRWIN: A bill (H. R. 12398) for the relief of Thomas G. Hayes; to the Committee on Claims.

Also, a bill (H. R. 12399) for the relief of Jay Street Terminal; to the Committee on Claims.

By Mr. KENDALL of Pennsylvania: A bill (H. R. 12400) granting an increase of pension to Martha B. Baisley; to the Committee on Invalid Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 12401) granting an increase of pension to Louese Pearson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7275. Resolution of the commandery, Military Order of the Loyal Legion of the United States, New York, urging the passage of legislation to establish a national Lincoln museum and veterans' headquarters in the building known as the Ford Theater; to the Committee on the District of Columbia.

7276. By Mr. COOPER of Wisconsin: Memorial of common council of the city of Milwaukee, urging modification of the liquor laws; to the Committee on the Judiciary.

7277. Also, memorial of common council of the city of Milwaukee, urging the construction of a Gulf-to-Lakes waterway and opposing certain provisions of House bill 11781; to the Committee on Rivers and Harbors.

SENATE

FRIDAY, *May 16, 1930*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, whose wondrous name is love, we thank Thee for the night's mysterious gift of the timely dew of sleep and for morning fair, who, with pilgrim steps marked by the circling hours, unbars the gates of light. Call us, therefore, by that secret name which unlocks the heart as we realize Thy presence. Forgive the sins which crowd into our mind that we may see golden days fruitful of golden deeds with love and joy triumphant. Stir us with high hopes of living to be brave and noble men, dear unto Thee and worthy of the Nation's trust, that hidden powers may come to light and yield their service to Thy kingdom. Through Jesus Christ our Lord. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. FESS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	La Follette	Shortridge
Ashurst	George	McCulloch	Simmons
Baird	Gillett	McKellar	Smoot
Barkley	Glass	McMaster	Steck
Bingham	Glenn	McNary	Steiwer
Black	Goldsborough	Metcalf	Stephens
Blaine	Greene	Norris	Sullivan
Blease	Hale	Nye	Swanson
Borah	Harris	Oddie	Thomas, Idaho
Bratton	Harrison	Overman	Thomas, Okla.
Brock	Hastings	Patterson	Townsend
Broussard	Hatfield	Pine	Trammell
Capper	Hawes	Pittman	Tydings
Caraway	Hayden	Ransdell	Vandenberg
Connally	Hebert	Reed	Wagner
Copeland	Howell	Robinson, Ark.	Walcott
Couzens	Johnson	Robinson, Ind.	Walsh, Mass.
Dale	Jones	Robsion, Ky.	Walsh, Mont.
Deneen	Kendrick	Schall	Waterman
Dill	Keyes	Sheppard	Watson
Fess	King	Shipstead	Wheeler

Mr. McMASTER. I desire to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. SHEPPARD. I wish to announce that the Senator from Florida [Mr. FLETCHER] and the Senator from South Carolina [Mr. SMITH] are detained from the Senate by illness.

Mr. BLACK. I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

REPUBLICAN PRIMARIES IN PENNSYLVANIA—SENATOR JOSEPH R. GRUNDY

Mr. NORRIS. Mr. President, I ask unanimous consent to insert in the RECORD a political advertisement appearing in the Philadelphia Record of May 14, 1930, in behalf of the candidacy of JOSEPH R. GRUNDY, who is seeking the nomination for United States Senator on the Republican ticket. I wish to read only one of the assertions appearing in the advertisement, which I think will be illuminating to the Senate and to the country. Among other things in the course of giving reasons why JOSEPH R. GRUNDY should receive the nomination the advertisement says:

Because within three months after his appointment to the Senate he smashed the senatorial coalition of Democrats and western Republicans and had the tariff measure made into a bill with some measure of protection.

The VICE PRESIDENT. Without objection, the advertisement will be printed in the RECORD.

The advertisement is as follows:

[From the Philadelphia Record, May 14, 1930]

JOSEPH R. GRUNDY should be retained in the United States Senate because—

Appearing before the Senate Lobby Investigating Committee he proved to the country that Pennsylvania is one of the greatest States in the Union and caused Pennsylvanians to be proud of their citizenship.

Within three months after his appointment to the Senate he smashed the senatorial coalition of Democrats and western Republicans and had the tariff measure made into a bill with some measure of protection.

The tariff still needs revision upward and he is the ablest man in Pennsylvania to do the job.

Low tariff means low wages and opens our markets to foreign products, which means loss of work and wages to our own people.

His knowledge of the economics of industry warrants his continuance in office in order that the proper duties can be obtained for Pennsylvania industries and wage earners may be put back to work—and the present standard of wages be maintained.

He knows the needs of agriculture and demands the same protection for Pennsylvania farmers as that now received by the western farmers. A square deal for the East as well as the West.

Knowing just what this country requires to create and maintain prosperity, he does not have to ask what to do and how to do it; but, being well armed with all facts, goes straight to the task and gets it done.

Pennsylvania can not be so ably represented by either of his opponents and failure to nominate him would be a calamity to the State, our farmers, our wage earners, and all other citizens of Pennsylvania.

He is fearless, possesses the sterling qualities of citizenship, and will fight to the end to see that Pennsylvania is treated fairly in all matters pertaining to the welfare of its people, irrespective of race and creed.

If Mr. Davis should be nominated and elected, Pittsburgh would have two Senators and the eastern part of Pennsylvania, with all its industries, would not be represented in the United States Senate.

Senator GRUNDY'S entire public career has been devoted to the public welfare and not to public gain.

Keeping our millions of workers employed at satisfactory wages creates the purchasing power on which the prosperity of the entire citizenship rests.

Vote for United States Senator JOSEPH R. GRUNDY Tuesday, May 20.

The foremost fighter in the United States for those principles under which Pennsylvania employs more wage earners than any other State except New York.

Republican committee for JOSEPH R. GRUNDY for United States Senator.

SHIPMENT OF CEMENT TO BRAZIL

Mr. RANSDELL presented a telegram from Scott Thompson, of the Lone Star Cement Co., of Louisiana, which was ordered to be printed in the RECORD:

[Telegram]

NEW ORLEANS, LA., *May 15, 1930.*

Hon. JOSEPH E. RANSDELL, of Louisiana,
United States Senate, Washington, D. C.:

Statement of L. P. E. Giffroy in letter to Senator BLEASE, page 8646, CONGRESSIONAL RECORD, Senate deliberations Friday, May 9, to effect New Orleans mills shipped large quantities cement to Brazil is absolutely unfounded and intentionally misleading. We have never shipped a barrel of cement to Brazil. We periodically refuse Central and South American business account unable to meet European competition.

SCOTT THOMPSON,
Lone Star Cement Co., Louisiana.

REPORTS OF COMMITTEES

Mr. STEIWER, from the Committee on the Judiciary, to which was referred the bill (H. R. 1198) to authorize the United States to be made a party defendant in any suit or action which may be commenced by the State of Oregon in the United States District Court for the District of Oregon, for the determination of the title to all or any of the lands constituting the beds of Malheur and Harney Lakes, in Harney County, Oreg., and lands riparian thereto, and to all or any of the waters of said lakes and their tributaries, together with the right to control the use thereof, authorizing all persons claiming to have an interest in said land, water, or the use thereof to be made parties or to intervene in said suit or action, and conferring jurisdiction on the United States courts over such cause, reported it without amendment and submitted a report (No. 659) thereon.

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (H. R. 6414) authorizing the Court of Claims of the United States to hear and determine the claim of the city of Park Place, heretofore an independent municipality but now a part of the city of Houston, Tex., reported it with an amendment and submitted a report (No. 660) thereon.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 3498. An act to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1930;

S. 4015. An act to provide for plant patents;

S. 4057. An act authorizing the Secretary of the Interior to extend the time for cutting and removing timber upon certain revested and reconveyed lands in the State of Oregon; and

S. J. Res. 163. Joint resolution to carry out certain obligations to certain enrolled Indians under tribal agreement.

REPORT OF POSTAL NOMINATIONS

Mr. ODDIE, as in executive session, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

A bill (S. 4482) granting an increase of pension to Mary Frances McConnell; to the Committee on Pensions.

By Mr. HASTINGS:

A bill (S. 4483) for the relief of Robert J. King; to the Committee on Military Affairs.

By Mr. ASHURST:

A bill (S. 4484) granting a pension to John Taylor (with accompanying papers); to the Committee on Pensions.

By Mr. COUZENS:

A bill (S. 4485) for the relief of Trifune Korac; to the Committee on Claims:

By Mr. SHIPSTEAD (for Mr. BROOKHART):

A bill (S. 4486) granting an increase of pension to Alice Cornwall (with accompanying papers); to the Committee on Pensions.

By Mr. WHEELER:

A bill (S. 4487) granting a pension to John C. Taylor; to the Committee on Pensions.

By Mr. CONNALLY:

A bill (S. 4488) for the relief of the Farmers and Merchants National Bank of Gilmer, Tex.; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 4489) for the relief of the heirs of Harris Smith; to the Committee on Claims.

A bill (S. 4490) amending section 493 of the tariff act of 1922; to the Committee on Finance.

By Mr. CAPPER:

A bill (S. 4491) to provide for the revocation and suspension of operators' and chauffeurs' licenses and registration certificates; to require proof of ability to respond in damages for injuries caused by the operation of motor vehicles; to prescribe the form of and conditions in insurance policies covering the liability of motor-vehicle operators; to subject such policies to the approval of the commissioner of insurance; to constitute the director of traffic the agent of nonresident owners and operators of motor vehicles operated in the District of Columbia for the purpose of service of process; to provide for the report of accidents; to authorize the director of traffic to make rules for the administration of this statute; and to prescribe penalties for the violation of the provisions of this act, and for other purposes; to the Committee on the District of Columbia.

By Mr. ROBINSON of Indiana:

A bill (S. 4492) granting an increase of pension to Frances F. Godown (with accompanying papers); to the Committee on Pensions.

By Mr. GLENN:

A bill (S. 4493) to amend section 79 of the Judicial Code (U. S. C., title 28, sec. 152) by providing two terms of court annually at Bloomington, in the southern division of the southern district of Illinois; to the Committee on the Judiciary.

By Mr. SHIPSTEAD:

A bill (S. 4494) to provide for the carrying out of the award of the National War Labor Board of April 11, 1919, and the decision of the Secretary of War of date November 30, 1920, in favor of certain employees of the Minneapolis Steel & Machinery Co., Minneapolis, Minn.; of the St. Paul Foundry Co., St. Paul, Minn.; of the American Hoist & Derrick Co., St. Paul, Minn.; and of the Twin City Forge & Foundry Co., Stillwater, Minn.; to the Committee on Claims.

By Mr. BAIRD:

A bill (S. 4495) granting an increase of pension to Catherine Wirth; to the Committee on Pensions.

By Mr. REED (for Mr. GRUNDY):

A bill (S. 4496) granting a pension to Anna E. Vetter (with accompanying papers); to the Committee on Pensions.

By Mr. SCHALL:

A bill (S. 4497) to prohibit experiments upon living dogs in the District of Columbia and providing a penalty for violation thereof; to the Committee on the District of Columbia.

REIMBURSEMENT FOR EXPENSES OF TRAVEL OF CLERKS

Mr. BINGHAM. Pursuant to the provisions of Rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 3 of Rule XVI of the standing rules for the purpose of proposing to the bill (H. R. 11965) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1931, and for other purposes, the following amendment.

Mr. NORRIS. Mr. President, will the Senator from Connecticut have the amendment read?

Mr. BINGHAM. The amendment provides for paying the expenses of one clerk for each Senator to his State and return to Washington.

The amendment intended to be proposed by Mr. BINGHAM is as follows:

Page 22, after line 6, insert the following:

REIMBURSEMENT FOR EXPENSES OF TRAVEL OF CLERKS

That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to reimburse from the contingent funds of the Senate and of the House, respectively, until otherwise provided for, to one clerk or to one assistant clerk to each Senator and/or Representative, or to one clerk or assistant clerk to each committee of the Senate and to each committee of the House, such amounts as may be necessarily paid by said clerk or assistant clerk for railroad fare, Pullman charges, and minor expenses of travel, from Washington, D. C., to the place of residence in the State of the Senator or Representative by whom employed, at the time such trip is made, and return therefrom; said reimbursement being hereby expressly limited to one round trip for each regular, extra, or special session of Congress or of the Senate or House, to and from said place of residence, for not to exceed one said clerk or assistant clerk, by the most direct route of travel, such reimbursement to be claimed on vouchers certified by the respective Senators or Representatives employing said clerk or assistant clerk and approved by the chairman, respectively, of the Committee to Audit and Control the Contingent Expenses of the Senate and/or the Committee on Accounts of the House that such travel has been actually performed and the expense therefor actually incurred.

AMENDMENTS TO RIVER AND HARBOR BILL

Mr. TRAMMELL (for Mr. FLETCHER) submitted an amendment intended to be proposed by Mr. FLETCHER to the bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to House bill 11781, the river and harbor bill, which was referred to the Committee on Commerce and ordered to be printed.

STATUE OF GEN. JOHN CAMPBELL GREENWAY

Mr. ASHURST. Mr. President, on behalf of my colleague [Mr. HAYDEN] and myself, I submit the concurrent resolution which I send to the desk and ask that it be read.

The Chief Clerk read the resolution (S. Con. Res. 28), as follows:

Resolved by the Senate (the House of Representatives concurring), That the thanks of Congress are hereby tendered to the State of Arizona for the statue of Gen. John Campbell Greenway, her illustrious son, whose name is so honorably identified with the State and with the United States.

Resolved, That this work of art by Gutzon Borglum is hereby accepted in the name of the United States and assigned a place in Statuary Hall set aside by act of Congress for statues of eminent citizens, and that a copy of this resolution, suitably engrossed and duly authenticated, be transmitted to the Governor of the State of Arizona.

The VICE PRESIDENT. Does the Senator ask for the immediate consideration of the concurrent resolution?

Mr. ASHURST. If that is the ordinary procedure.

Mr. McNARY. Mr. President, I ask that the resolution go over.

The VICE PRESIDENT. There is objection. The resolution will go over, under the rule.

REVISION OF THE TARIFF

Mr. HARRISON. Mr. President, a few days ago there was inserted in the RECORD a statement of protest against the pending tariff bill by 1,028 of the leading economists of the country—men who teach economy in Stanford University, the University of California, and all the prominent economists of California, the home of Mr. Hoover, as well as the leading economists of the great University of Utah and of the institutions of learning of Indiana and New Jersey and Massachusetts and Oregon. I should like to insert in the RECORD an article taken from the Washington Daily News, headed "Editors Vote 57 to 16 Against the Tariff Bill," showing which papers are against it.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Kentucky?

Mr. HARRISON. I do.

Mr. BARKLEY. Are any of the newspapers of California, Utah, and Oregon in this poll?

Mr. HARRISON. I presume they are, because I can not believe that the intelligence of Utah or California or Oregon has sunk so low that they would take a different view.

Mr. BARKLEY. Then in all these States, probably, the newspapers protest against this tariff bill?

Mr. HARRISON. Yes.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News of Wednesday, May 14, 1930]

EDITORS VOTE 57 TO 16 AGAINST THE TARIFF BILL—NEW YORK TELEGRAM ANNOUNCES CANVASS—EVERY NEWSPAPER IN THE COUNTRY WITH CIRCULATION EXCEEDING 50,000 ASKED FOR VIEWS

Poll shows editors 3 to 1 against bill.

(NOTE.—Eleven of the replies printed by the New York Telegram are from Scripps-Howard newspapers. They all oppose the tariff bill. Counting the 11 as one the poll would show 47 to 16, or virtually 3 to 1 against the Smoot-Hawley bill.)

NEW YORK.—The New York Telegram to-day published replies from 75 newspapers to a questionnaire concerning the Smoot-Hawley tariff bill. Every newspaper in the country with 50,000 circulation had been asked to express its view. Of the 75 replying, 57 declared their opposition to the bill, 16 declared they favor it (most of them with qualifications), and 2 were noncommittal or undecided.

Excerpts from the replies follow:

FOR THE SMOOT-HAWLEY TARIFF—16

Buffalo Evening News (Republican): "The News * * * hopes that the tariff bill may emerge * * * in a form which will make it helpful in the promotion of prosperity."

Detroit Free Press (independent Republican): "It will be better to keep the present tariff law than it will be to get a new one built as the Senate seems determined to have it built, and in case the House finally gives in and lets the body at the other end of the Capitol Building have its way, an Executive veto will be quite justified."

Fargo (N. Dak.) Forum (independent): "On the whole the Northwest farmers stand to profit."

Kansas City Journal-Post (independent Republican): "The House should refuse to accept the export-debenture plan. * * * Canada's tariff threats should be ignored."

Kansas City Star (independent): "We regard the tariff bill as satisfactory in its treatment of agriculture, but as largely nullifying the promised advantages to the farmer in its excessive rates on manufactured goods."

Los Angeles Evening Express (Republican): "California has fared not badly in the making of the Hawley-Smoot tariff."

Los Angeles Times (Republican): "The Los Angeles Times favors a protective tariff bill providing for executive revision of individual rates under proper safeguards and omitting any provision for export debentures."

Minneapolis Journal (independent Republican): "The bill marks a distinct gain for agriculture."

New York Evening Post (independent Republican): "It is the belief of the Evening Post that it is now the best thing for business prosperity to have the President sign the Hawley-Smoot tariff bill, provided that it does not contain the debenture clauses."

New York Jewish Morning Journal (independent): "The Jewish Morning Journal is for the Hawley-Smoot tariff and believes that it ought to be signed by the President if the debenture scheme is deleted and the flexibility clause retained."

Philadelphia Enquirer (Republican): "On the whole, it seems an improvement on the existing law."

Philadelphia Public Ledger (independent Republican): "This is not going to be the best of all possible tariffs, but it is probably the best that can be obtained at this time."

Phoenix (Ariz.) Republican (independent): "The Republican's course has generally been in support of recommendations of President Hoover."

Reno Evening Gazette (Republican): "Many of the bill's provisions are so important to the agricultural, mining, and livestock industries of the West as to make it a decided improvement over the present law."

Sioux Falls (S. Dak.) Argus-Leader (Republican): "Admitting that the Hawley-Smoot tariff bill is highly inefficient, we find it difficult to believe that Congress can frame a better one."

Wichita Beacon (independent): "Kansas, hoping for little tariff relief, will not be greatly disappointed in the Hawley-Smoot bill when it is signed by the President, nor will the cheering for the bill in Kansas be heard in Washington."

NONCOMMITTAL OR UNDECIDED—2

Chicago Tribune (independent Republican): "Not decided as to position on the bill itself."

New York Graphic (independent).

AGAINST THE HAWLEY-SMOOT TARIFF—57

Akron Times-Press (independent, Scripps-Howard): "The most unscientific public-policy legislation devised in recent years."

Atlanta Constitution (Democratic): "There is only one man in the country who can stop the ravaging raid of the high-tariff Huns. He is President Hoover."

Atlanta Journal (Democratic): "The Atlanta Journal considers the Hawley-Smoot tariff bill the worst measure of its kind in congressional history."

Baltimore Sun (independent Democratic): "The rates, by and large, represent a slavish regard for parochial interests at a time when there is a crying need for a constructive international commercial policy to fit the needs of a nation that has outgrown its swaddling clothes apparently unbeknownst to most of the Members of Congress.

Birmingham News (independent Democratic): "The Grundy schedules are based on the passion of covetousness."

Birmingham Post (independent, Scripps-Howard): "Wise manufacturers and business men generally resent the steal."

Boston Transcript (independent Republican): "The prime need of American industry is broader markets."

Brooklyn Eagle (independent): "Democrats as well as Republicans got in on the grab."

Brooklyn Times (independent Republican): "The American consumer is hard hit by the proposed tariff."

Buffalo Courier-Express (independent): "We do not know of anything that would give greater satisfaction all around than to see the result of this misconceived effort at farm relief go into the discard."

Cincinnati Post (independent, Scripps-Howard): "Millions of American wage earners are dependent upon continuous expansion of our export trade."

Cleveland Plain-Dealer (independent Democratic): "We consider it an outrageous plundering proposal."

Cleveland Press (independent, Scripps-Howard): "The Hawley-Smoot tariff bill is * * * protection for political campaign funds."

Columbus Citizen (independent, Scripps-Howard): "It contains harm for Ohio industry and Ohio agriculture."

Columbus Dispatch (independent): "Let us hope that if Congress persist the veto pen may be interposed to avert disaster."

Dallas News (independent Democratic): "If the bill becomes a law its framers and supporters should be voted out of Congress at the first opportunity."

Detroit Times (independent, Hearst).

Grand Rapids Press (independent): "Politics and logrolling may have put over the Hawley-Smoot tariff, but they have not succeeded in making it profitable or wise."

Houston Press (independent, Scripps-Howard): "It is worse than the Aldrich bill, which swept the Republican Party from power in 1910."

Il Progresso (New York, independent): "We must not forget that Italy is a good client of the United States for wheat, cotton, minerals, oil, and machinery * * *. The Hawley-Smoot tariff closes the American door in the face of the few and totally harmless Italian products which are still introduced in this country."

Indianapolis Star (independent Republican): "The tariff protest can not fail to make an impression on the mass of citizens already indignant over some of the increased rates which have already been approved."

Little Rock (Ark.) Gazette (Democrat): "It was not formulated on scientific principles."

Los Angeles Illustrated Daily News (independent): "Sooner or later the American people, patient, long-suffering, and pathetic to the point of stupidity, will arise in their wrath and dethrone the princes and potentates of special privilege."

Louisville Courier-Journal (independent): "Tariff legislation to relieve the farmers will relieve them by lightening their pockets."

Louisville Times (independent): "A lower tariff would be beneficial to business."

Manchester Union (independent): "A precious muddle has been made of the project for a limited revision."

Memphis Commercial-Appeal (Democratic): "For every ounce of protection it offers the farmer it extracts a pound of his earnings."

Memphis Press-Scimitar (independent, Scripps-Howard): "Maybe the tariff makers will learn next fall when the women go to the polls."

Milwaukee Journal (independent): "The only limit to these changes in the proposed tariff is what the tariff beneficiaries think the traffic will bear."

Milwaukee Leader (socialist): "It is foolish to incur the resentment of other countries with import rates which cause them to put up similar barriers."

Minneapolis Star (independent): "Anyone in the Northwest who looked to President Hoover to obtain a tariff readjustment that would provide relief for the agricultural sections, without penalizing the farmers through hoisting duties on manufactured goods, must be shocked by the Hawley-Smoot schedules."

Newark Evening News (independent): "In signing the bill Mr. Hoover will simply acknowledge his lack of leadership, already apparent."

New York American (independent, Hearst): "There has never been in the whole history of the United States such a base betrayal of the people."

New York Staats-Zeitung (independent): "If adopted, would levy millions of tribute on the American people."

New York World (independent Democratic): "The larger interests of the whole country are about to be sacrificed to the selfish demands of a small but influential and voluble minority."

Oklahoma News (independent, Scripps-Howard): "The News believes passage of the bill would cause a big decrease in exports, eventually throwing thousands of persons into the jobless class."

Oklahoma City Oklahoman and Times (independent): "The Daily Oklahoman feels that if President Hoover had the courage to veto the tariff he would win back all that he has lost of the country's confidence in his courage and aggressiveness."

Omaha World Herald (independent): "The evidence is clear that not only the economists, the press, and retail business, but the overwhelming majority of the people of all parties are resentful and indignant over the proposed increases in industrial rates."

Pittsburgh Press (independent, Scripps-Howard): "It is fatuous to erect a barrier against foreign competition when that barrier becomes so high that it prevents us having an outlet to other markets."

Pittsburgh Sun-Telegraph (independent, Hearst): "Will diminish our trade and our production, and as a result diminish employment."

Portland (Oreg.) Journal (independent): "It is paternalism for a few and to Hades with the rest."

Rochester Times-Union (independent): "The interests of consumers ought not to be so flagrantly disregarded."

San Francisco News (independent, Scripps-Howard): "Growth of foreign trade is vitally important to San Francisco."

St. Louis Globe-Democrat (independent): "Disturbing both to domestic industry and to foreign relations; accomplishing no good and working immeasurable harm."

St. Louis Post-Dispatch (independent, Pulitzer): "The Grundy strategy has not yet triumphed."

St. Louis Star (independent): "The Star regards the Hawley-Smoot tariff as harmful to international relations, a blow to export trade, a burden on the entire population, and a gold brick for the farmers."

Salt Lake Tribune (independent): "It is a patchwork of political trading that has failed to comprehend the national need as determined by sectional and industrial welfare."

Seattle Star (independent): "The bill as it stands is a triumph for GRUNDY and greed."

St. Paul Pioneer Press (independent): "It is a dishonest tariff and should be defeated."

St. Paul News (independent): "The big manufacturers * * * have seised on the unhappy condition of the farmers to benefit themselves."

Sioux City (Iowa) Tribune (independent): "Net position of agricultural States will be materially injured."

Seattle Times (independent Republican): "Our debtors must be permitted to pay us what they owe in terms of that which they have."

Springfield (Mass.) Republican (independent): "The Republican declared last summer, when Congress took a recess after passing the farm relief bill, that the tariff bill should be promptly abandoned. Still think this legislation a mistake."

Syracuse Herald (independent): "The vast majority of American farmers will lose rather than gain, and American export trade will suffer."

Tulsa Tribune (independent Democratic): "We regard the Hawley-Smoot tariff bill in the main nothing more than a grand grab party staged by already overprivileged interests."

Wall Street Journal (independent): "Already the tariff bill presents Americans to foreign eyes as the gunman of the economic world."

Washington Daily News (independent, Scripps-Howard): "Thirty foreign countries have taken steps or are preparing to take steps to close their markets to us as a result of the tariff wall we are building against their products."

THE LOBBY INVESTIGATION

Mr. NORRIS. Mr. President, I desire to submit an amended resolution proposing to appropriate a further sum of $3,500 from the contingent fund with which to pay the expenses incident to the so-called lobby investigation. I inquire if the resolution will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate?

The VICE PRESIDENT. The Chair thinks the resolution will have to be referred to that committee.

Mr. NORRIS. Then I will ask that the resolution be referred to that committee. I should like to say to the committee that in conversation with the chairman of the subcommittee he informed me that he is of the opinion that the amount here proposed will be all that will be asked for by the committee; that by the use of this money the committee will be able to wind up its work.

The resolution (S. Res. 268) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That in furtherance of the purposes of S. Res. 20, agreed to October 1, 1929, the Committee on the Judiciary, or any subcommittee thereof, investigating the activities of lobbying associations and lobbyists; is hereby authorized to expend $3,500, or so much thereof as may be necessary, out of the contingent fund of the Senate in addition to the amount heretofore authorized for said purposes.

EMPLOYMENT OF NIGHT WATCHMAN

Mr. WATSON submitted the following resolution (S. Res. 269), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to employ a night watchman at the rate of $1,800 per annum, to be paid out of the contingent fund of the Senate, until the end of the present Congress.

SUSPENSION OF THE GRANTING OF PERMITS AND LICENSES BY FEDERAL POWER COMMISSION

Mr. SHIPSTEAD submitted the following resolution (S. Res. 271), which was referred to the Committee on Interstate Commerce:

Whereas the investigation of the Federal Power Commission by the Senate Committee on Interstate Commerce revealed conditions which were severely criticized by members of that committee; and

Whereas the Senate has just passed a bill incorporating the recommendations of the President made in his last annual message to Congress to establish an independent full-time Federal Power Commission; and

Whereas applications are now pending before the Federal Power Commission for permits and licenses to develop power sites: Therefore be it

Resolved, That it is the sense of the Senate that until such a bill becomes a law and such independent power commission takes office, no permits or licenses shall be granted by the Federal Power Commission for the development of any water-power sites.

REVISION OF THE TARIFF

The VICE PRESIDENT. Morning business is closed.

Mr. SIMMONS and Mr. McNARY addressed the Chair.

The VICE PRESIDENT. The Chair recognizes the Senator from North Carolina.

Mr. SIMMONS. Mr. President, if it is in order, I should like to ask the Senator from Utah [Mr. SMOOT], the chairman of the Committee on Finance, a question with reference to the probability of getting the tariff bill before the Senate. I am asking this question because I know that quite a number of Senators had expected the matter to come up to-day, and had probably prepared themselves to discuss it. I think it is very well for us to know what is the prospect or the probability of the question coming up to-day.

Mr. SMOOT. The probability of its coming up to-day is remote, I will say to the Senator. I doubt very much whether it is possible to bring it up to-day.

Mr. SIMMONS. Does the Senator from Utah think it will be possible to bring it up to-day?

Mr. SMOOT. I think it is impossible to bring it up to-day.

Mr. SIMMONS. When does the Senator think it may come up?

Mr. SMOOT. If the Senate shall meet to-morrow, it is more than likely it will be brought up to-morrow, but I understand the Senate will not meet to-morrow. If that shall be the case, it will be Monday before it will be brought up.

Mr. SIMMONS. Does the Senator from Utah desire to make any statement with reference to the difficulty of getting this matter before the Senate?

Mr. SMOOT. I think it would be rather unwise, Mr. President, to make such a statement while there is a disagreement between the two Houses.

Mr. HARRISON. Mr. President, may I ask the Senator from Utah why does the Senator and his colleagues, the conferees representing the majority of the conference committee on the tariff bill, tell the minority members of the conference that they are going to bring this subject up on a certain day, causing us to call Senators into the Chamber and to advise them there will probably be a vote on the matter, and then suddenly, and without notice, inform us that the plan has been changed?

As a member of the conference committee I have, at the instance of the Senator from Utah, attended every meeting of the conferees and I have heard the Republican members rowing constantly. I was there this morning for more than an hour, and heard the Senator from Utah and his Republican colleagues fuss and fume over this matter with the Republican members of the conference committee on the part of the House. I suppose, for the first time in the history of conferences between the two Houses, the Democratic members—the minority members of the conference committee were politely but directly requested to leave the conference so that the Republican members might confer alone.

I ask the Senator from Utah will he not take us into his confidence and tell us why he and his Republican colleagues change front so frequently? Why do they say this matter is coming up, that they are going to move to insist upon certain Senate amendments, and suddenly change their plans? When are we to believe that they are going to carry out their program? Those are questions I should like to have the Senator from Utah answer.

Mr. SMOOT. Mr. President, I wish frankly to say to the Senate that perhaps I, together with the other Republican members of the conference committee, made a mistake in giving a promise that before any action should be taken upon the debenture and upon the flexible provision of the tariff bill we would come back to the Senate for further instruction on the part of the Senate.

The House members of the conference take the position, that promise having been made and it being insisted that it shall be carried out, there can not be a full and free conference, that we are at least morally bound by that promise, and they want the Senate to relieve its conferees of that promise, so that there may be a full and free conference.

Mr. DILL. Mr. President, will the Senator from Utah yield to me?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Washington?

Mr. SMOOT. I yield.

Mr. DILL. When can there ever be a full and free conference if the Senate does not again vote on the question?

Mr. SMOOT. I think the Senate will have a chance to vote on it, I will say to the Senator.

Mr. DILL. If no progress can be made, why should we be kept here this much later in the summer? Why not take a vote now?

Mr. SMOOT. We have tried in the conference to arrive at some understanding about it, but evidently it is now impossible to do that. Action will have to be taken by the Senate, one way or the other.

Mr. DILL. If action will have to be taken, why not take it now? Why put it off?

Mr. SMOOT. The only reason for putting it off is that the Republican members of the conference committee want to decide what will be the best course to pursue.

Mr. HARRISON. May I ask the Senator if it is not a fact that at about the middle of the present week, at the last meeting of the conference, the majority leader, the Senator from

Indiana [Mr. WATSON], made a motion that on Friday the Senator from Utah should report to the Senate and move that the Senate insist on its amendments?

Mr. SMOOT. No; I think the Senator is mistaken as to that.

Mr. HARRISON. I certainly can hear; I understand that such a motion was made, and if the Senator from Indiana were here I think he would state that to be the fact.

Mr. SMOOT. I do not recall that a motion was made in that form, and the conference committee certainly did not act upon such a motion.

Mr. HARRISON. I want to say that I am not finding any fault with the Senator; he is living up to the spirit and letter of the promise he made to the Senate, but the Senator knows full well or ought to know—everyone else knows—that certain gentlemen, leaders of the Republican Party who were enthusiastic for this bill, having heard from the country, are now cold toward it and in some mysterious way they are trying to keep it from the White House and are trying to kill it.

Mr. SMOOT. I will say to the Senator I do not know to what Republican he is referring.

Mr. HARRISON. I am not referring to the Senator because I think he is the only one in the country who is now for this bill.

Mr. SMOOT. The Senator is entirely wrong there. He can ascertain, I think, that a majority of the Senate is in favor of the bill and, I rather think that there are quite a number of other Senators who would like to see some legislation along the line of the bill as passed by the Senate. So the Senator is mistaken when he says that I am the only one in the United States who is for the bill.

Mr. HARRISON. Does the Senator hope to call the conferees together again?

Mr. SMOOT. Does the Senator mean the conferees of the House and of the Senate?

Mr. HARRISON. The conferees of the House and the Senate, yes.

Mr. SMOOT. No; I do not expect to call——

Mr. HARRISON. The Senator does not expect to call them together any more?

Mr. SMOOT. Wait a moment—I do not expect to call the conferees of the House together with the conferees of the Senate, but I do expect to call the conferees of the Senate together.

Mr. HARRISON. What can the conferees on the part of the Senate do unless the conferees on the part of the House agree to the action proposed?

Mr. SMOOT. The conferees on the part of the Senate can agree upon a course of action as to how we shall proceed here and what we shall do, whether we shall request the Senate to relieve the conferees of the moral obligation of the promise to the Senate in relation to two items.

Mr. HARRISON. Of course, I know the Senator will not take snap judgment, and I ask him at least to give us a day's notice of the time when he is going to bring the question to the floor of the Senate.

Mr. SMOOT. I will say to the Senator I think it will be brought up on Monday, as I understand there will be no session to-morrow.

Mr. HARRISON. The Senator thinks it will be brought up on Monday?

Mr. SMOOT. I do.

Mr. HARRISON. But the Senator will not say that it will be brought up on Monday?

Mr. SMOOT. I am only one of the conferees, but it will be brought up on Monday if I can have my way.

Mr. SIMMONS. Mr. President, I want to say, because I desire to be fair, that I think the majority members of the conference committee on the part of the Senate have kept faith and have shown their willingness and their determination to abide by the promise which they made to the Senate. I think they have tried very hard to come to an agreement with the conferees on the part of the other body. I do not attach any blame to them for a failure to agree; but I do feel, Mr. President, that the conferees on the part of the other branch of Congress have been rather obstinate about this matter, and I can not but concur in the suggestion of the Senator from Mississippi, for to my my mind their action indicates that he is correct in the conjecture that they are somewhat indifferent as to the passage of the bill. Their attitude is that unless they can have their way there shall be no conference report, and to that end they stubbornly refuse to cooperate with the Senate conferees in getting this matter back to the Senate in a form that the Senate may act upon it in accordance with the ordinary rules of parliamentary procedure.

Mr. SMOOT. Mr. President, I want to be fair with the conferees on the part of the House, and I think the Senator from North Carolina does, too——

Mr. SIMMONS. I do, and I think I have been fair in the statement I have made.

Mr. SMOOT. All they ask is that the conferees on the part of the Senate be relieved of the promise, so that there can be a full and free conference.

Mr. SIMMONS. Yes; but, at the same time, I want to ask the Senator if they do not refuse to cooperate to the extent of making it possible to bring this matter back to the Senate in such a way that we can act upon it under the rules of parliamentary procedure?

Mr. SMOOT. No; they do not object to our bringing it back; in fact, they insist that we shall do so.

Mr. SIMMONS. But they refuse to agree to the method which we would have to adopt in order to get it back before the Senate.

Mr. SMOOT. They take the position, as I have said, that we are bound by a promise, and, therefore, there can not be a full and free conference; they stand on that, and they have refused to yield on it, no matter how many times we have asked them to do so, and the Senator knows that we have asked them to yield a great many times.

Mr. SIMMONS. I know that to be the case. But they have also refused to cooperate in such a report as would bring the whole matter back to the Senate.

Mr. SMOOT. We have done everything we could up to the present time to get them to yield that point, but they will not do it.

Mr. SIMMONS. But the Senator knows that they have persistently refused to consent to submit another report to the House so as to enable the conferees on the part of the Senate to bring this matter again before the Senate, in such a way as would enable it to settle the questions in dispute in a free and orderly manner.

Mr. SMOOT. It is true that the House conferees want the Senate to act before any further conference shall be held.

Mr. SIMMONS. Yes; and have not the conferees on the part of the Senate made it plain to them that they can not get the question before the Senate unless the conferees on the part of the House will cooperate with the conferees on the part of the Senate by submitting another report?

Mr. SMOOT. Well, Mr. President, I would not go that far. We can get it back by resolution; I think that is the only way in which to proceed, and I think that is what we will undertake to do on Monday.

Mr. SMOOT subsequently said: Mr. President, I send to the desk a Senate resolution, which I will read:

Resolved, That it is the sense of the Senate that the majority members of the conference committee on the part of the Senate on the tariff bill (H. R. 2667) be relieved from the promise made by them that no agreement in conference on the export debenture or flexible tariff would be made until opportunity was afforded in the Senate for a separate vote on such items.

I ask at this time to submit the resolution, and I wish to give notice that I shall call it up on Monday next.

Mr. DILL. Mr. President, I wish to ask the Senator a question. Am I to understand that we are not to have a separate vote on the debenture and flexible provisions but that they are to be voted on together?

Mr. SMOOT. Either separately or together, just as the Senate may please. There will be no objection to a separate vote.

Mr. SIMMONS. Mr. President, I ask that the resolution may be read.

The PRESIDING OFFICER (Mr. FESS in the chair). The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 270), as follows:

Resolved, That it is the sense of the Senate that the majority members of the conference committee on the part of the Senate on the tariff bill (H. R. 2667) be relieved from the promise made by them that no agreement in conference on the export debenture or flexible tariff would be made until opportunity was afforded in the Senate for a separate vote on such items.

Mr. SIMMONS. At what time on Monday does the Senator from Utah propose to call up the resolution?

Mr. SMOOT. Immediately after the Senate meets.

Mr. SIMMONS. Suppose we have an adjournment?

Mr. SMOOT. It is the desire that the Senate shall adjourn from to-day until Monday and I shall call up the resolution at the first opportunity on that day.

Mr. GEORGE. I do not understand that the Senator intends to bring up the resolution to-day.

Mr. SMOOT. No; I said I would call it up on Monday.

The PRESIDING OFFICER. The resolution will be printed and lie over under the rule.

THE CALENDAR

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Let the clerk state the first bill on the calendar.

The CHIEF CLERK. A bill (S. 168) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands.

Mr. COPELAND. Mr. President, I ask unanimous consent that the Senate consider at this time Order of Business 264, being the bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. JONES. Mr. President, the bill suggested by the Senator from New York can not be taken up by unanimous consent at this time.

The VICE PRESIDENT. The Senator from New York can move to consider the bill.

Mr. JONES. I object to taking it up by unanimous consent.

Mr. COPELAND. I move that the Senate proceed to the consideration of Senate bill 2370.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from New York.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia.

The VICE PRESIDENT. The Senator from Colorado [Mr. PHIPPS] offers certain amendments to the pending bill, which will be stated.

The CHIEF CLERK. On page 1, line 5, strike out "$8,500" and insert "$8,000."

Mr. COPELAND. Mr. President, the subcommittee—as its chairman, the Senator from Kentucky [Mr. ROBSION] will testify—made a very careful study of all the salaries involved and agreed upon the bill as it was written, and unanimously reported it to the Senate. It has been supported by the chamber of commerce, the board of trade, and the various citizens' associations. I trust that no amendments will be made to it and no changes made in the salaries proposed in the bill.

Mr. BINGHAM. Mr. President, the Senator from Colorado [Mr. PHIPPS], who for many years had charge of the District of Columbia appropriation bill in the Senate, devoted a great deal of time and study to this bill, had conferences with the District Commissioners and with the officials of the police department, and prepared the amendments which are now being considered. He is out of the city to-day and was without knowledge that the bill was to come up to-day. I thought it was understood with the Senator from New Mexico [Mr. BRATTON] that his resolution was to be taken up the first thing to-day. The Senator from Colorado is not here to speak in behalf of his amendments. I wonder if the Senator from New York would not be willing to let the bill go over until the Senator from Colorado returns on Monday or Tuesday?

Mr. COPELAND. Mr. President, I am unwilling to have it go over. It is well known that the Senator from Colorado is opposed to the salaries as fixed here. He has stated that to the Senate, and I shall be glad, for my part, to have the Senator from Connecticut enlarge upon it all he cares to do.

This bill, however, has been pending for a long time. If it is to become effective it must be acted on now, and I can not see what would be gained by waiting. I do not want to be discourteous to the Senator from Colorado, but he has time and time again put the bill over, and finally introduced his amendments, saying that they represent the view that he holds regarding the salaries. Frankly, I can see no reason for putting the bill over.

Mr. BINGHAM. In view of the great interest of the Senator from Colorado in the matter, and the fact that he has been devoting a great deal of time and attention to the District of Columbia appropriation bill, while I have no desire to delay this matter at all, it seems to me only fair that we should wait two or three days until the Senator from Colorado can return in order to give us his reasons for the amendments, without being required to vote upon them without giving him an opportunity to be heard in their behalf.

Mr. ROBSION of Kentucky. Mr. President, as stated by the Senator from New York [Mr. COPELAND], this matter has been pending for some two or three months, and a great many efforts have been made to bring it up for action. It was put over a number of times at the request of the Senator from Colorado [Mr. PHIPPS]. I regret that he can not be present; but the salaries now paid to our superintendent of police and to the chief of the fire department and to those employed in these departments are very much out of line and out of harmony with the salaries paid for like services in other cities of comparable size, that I feel that it would be an injustice to these men to delay action on the matter longer. The chances are, if it is delayed, that we could not have the matter considered by the House at this session of Congress.

As has been stated by the Senator from New York, the citizens' associations, the chamber of commerce, the merchants' associations, and a great many of the associations of this city and the District, have met and considered this bill; and so far as we could learn it had the unanimous support of the taxpayers and the various associations of the city and the District of Columbia. It was pointed out to the representatives of these associations and to these business organizations and to the taxpayers that this increase would have to be paid by the taxpayers of the District of Columbia; and they stated that they realized that situation, yet they were extremely anxious that these increases be granted to the members of the police and the fire departments. Since it is the unanimous wish of the taxpayers, the business people, and the various organizations of the District of Columbia that they assume this burden—and these increases are just—it seems to me that we ought to consider the bill and grant them.

For instance, the chief of police of this city receives $5,200 per year, and the chiefs of police in cities of comparable size much more, while the chief of police of this city also performs the duties performed by the commissioners of police in other cities.

I think the increases are fair and just and reasonable, and I hope the matter will not go over, but that the Senate will now consider it and act upon it, and that these amendments will be voted down.

The contention of the Senator from Colorado [Mr. PHIPPS] is that if the amendments he has offered are adopted, there will be no increase of the taxes in the District of Columbia; but the commissioners advise us that whatever action is taken here now, there will be necessarily some increase of the taxes in the District. Since, however, every organization in this city—the business organizations, the merchants, the chamber of commerce, the citizens' associations, the taxpayers of the District of Columbia—are unanimously in favor of this measure without these amendments, and they must pay the taxes, since they think it is just and right, and the committee that heard the matter was unanimous in its action in thinking that it was just and right, I hope the bill will now be considered and these amendments voted down, and the bill will be passed as introduced by the Senator from Kansas [Mr. CAPPER], the chairman of the committee.

Mr. GLASS. Mr. President, I think no measure which has been considered by the Senate Committee on the District of Columbia has had more thorough deliberation than this measure, and I have been struck with this circumstance:

Very frequently—more often than otherwise—the sentiment of the city of Washington is attempted to be reflected by organized propaganda. In this case the judgment of the business bodies and of the citizens of Washington was obviously spontaneous and earnest. It did not require to be stimulated by those objectionable methods which are so often observed with respect to measures proposed here. All of the facts and the statistics assembled in behalf of this measure showed that it was eminently fair to the firemen and the policemen, and especially to the higher officials of these departments in the District of Columbia.

As pointed out by the junior Senator from Kentucky [Mr. ROBSION], it was shown that some of the higher public officials of these departments are doing the work of three or four officials in cities of comparable size, and that their salaries by contrast are utterly inadequate.

When all of these assembled facts and statistics had made out an overwhelming case for the firemen and policemen, as a last resort and as a final objection it was urged that if these increases were made there would have to be an increase in the taxes of the District. That was very promptly and very spontaneously and earnestly answered by those who represent the taxpayers of the District with the statement that the taxpayers were perfectly content to have the taxes increased to meet this just demand of these worthy employees of the District.

I very earnestly coincide with the view that this bill should no longer be delayed and that the proposed amendments should be voted down and the bill passed.

Mr. BARKLEY. Mr. President, I have not ordinarily been enthusiastic or especially active in the procurement of increases of salary for public officials, although I have always tried to be fair with respect to every class of our Government employees

when the question of their pay arose, either in this body or in the other body, and I had an opportunity to pass upon it, so far as I was concerned.

I think there is no branch of the public service which comes more directly in contact with the people than the police officers, and, to a lesser degree but not less in importance, I say the same thing with reference to the firemen. My understanding is that a policeman entering into the service in the District of Columbia enters at a salary of $1,800 and that his maximum salary, regardless of the length of his service, as long as he is a private, is $2,100 per annum. It seems to me that is wholly inadequate for a proper police force made up of substantial men, who have some ties of home relationship which make them an essential part of the population of the city.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BINGHAM. The Senator will notice that one of the amendments offered by the Senator from Colorado affects privates. One of his amendments provides:

> That privates in class 3 on the effective date of this act shall be entitled to an annual salary of $2,200, and an increase of $100 per annum until they reach the maximum salary of $2,400.

The pending amendment, as I understand it, is an amendment which provides for giving the chief of police $8,000 instead of $8,500, as provided in the bill.

Mr. BARKLEY. I did understand that the amendments which are proposed do not affect the private policemen, but affect only officers, although I am not certain of that.

Mr. ROBSION of Kentucky. Mr. President, will my colleague yield?

Mr. BARKLEY. I yield.

Mr. ROBSION of Kentucky. The amendments affect the privates much more materially than they do the higher-ups. Under the present law a policeman or a fireman enters the service at a basic salary of $1,800, and then after so many years he goes to $2,100. Under this bill he would enter at $1,900, and then, after years of service, would go to $2,400. So under the amendment of the Senator from Colorado those who have been serving for 15 years, or 10 years, could not go to $2,400, but would be limited to $2,200. So it really would give them an increase of only $100 to start with.

Mr. BARKLEY. I thank my colleague for the correction. I had not seen the detailed amendments of the Senator from Colorado, but I am against them, whatever they provide.

The people of the United States take a pride in the District of Columbia. They feel a sort of proprietorship in it, and that is a proper feeling. From all over the United States men, women, and children come to Washington because it is the Capital of the Nation; and I have often expressed the wish that it might be possible for every man, woman, and child in the United States, at least at one time during their lives, to visit Washington to see something of the Capital, not only of the buildings, the museums, and the art galleries, but to see something of the people who reside here and those who carry on the Government.

Washington is different from any other city in the country, and it ought to set an example of civic pride in the matter of local government. I dare say that on account of the large number of outside people coming into Washington from all over the country the police officers of this city are confronted with problems which do not confront the officers of any other city in the United States.

That does not involve merely the detection of crime and the apprehension of criminals, but it involves contact with the people; and if the policemen of this city, representing the United States Government, are of such a type and experience as to make a favorable impression upon the people at large who come here, that impression is reflected with respect to the whole city and the whole Government of the United States.

We constantly hear complaints made about the police officers here and there, either their inefficiency or their lack of proper courtesy toward the public. Sometimes there may be justification for that criticism, and sometimes there may not be; but certainly we ought to see to it that adequate compensation is awarded to those who are in charge of the enforcement of the law in this District, the Capital of the Nation, who are charged with the duty of preserving order, and also, incidentally, are charged with the duty of making such an impression upon the people in the District and those who come here as to give a high character to the form of government under which the people of the District of Columbia live and for the support of which they are taxed, as people are in other cities.

I trust that this bill will pass; that the amendments offered by the Senator from Colorado will be defeated; and that the increased compensation, which I believe is justifiable on every ground, will stimulate the officers of the District, both private and higher-grade officers, to give to the people of the United States and of the District of Columbia the highest type of service of which they are capable.

Mr. BINGHAM. Mr. President, the other day the junior Senator from Florida [Mr. TRAMMELL] very strenuously objected to raising the salaries of the District Commissioners even to the amount which the commissioners received last year and the year before. The present salary of the District Commissioners is $8,000 a year. We were unable to get the bill passed increasing it to $10,000, even to $9,000. Yet the bill before us would give to the chief of police and to the chief of the fire service, both of whom are excellent officials, an increase of nearly 50 per cent, give them a salary of $8,500 each, or $500 more than their superiors, who are responsible to the Government of the United States and to the people of Washington for the proper government of this city.

It seems to me a most extraordinary state of affairs that Senators should object to an amendment which would bring the chief of police down to the same salary his superior gets, which is all the amendment now before us would do. If this amendment is defeated, it means that we believe that the superintendent of police is a more important official than the commissioner who has to do with the police department and has to take the responsibility for being the highest official of the District in regard to police and fire department matters.

I hope the amendment will be adopted, if for no other reason than to bring about a reasonable situation between the salaries of the commissioner at the head of the police and fire departments and the officials under him in those departments.

While I am on my feet, may I take the opportunity of saying that I agree entirely with what has been said about the inadequacy of the present salaries? I believe they ought to be increased; but that the salary of the chief should be increased by the very large percentage proposed seems to me of very doubtful wisdom.

Mr. CAPPER. Mr. President, the pending bill, or a similar measure, has been before the Committee on the District of Columbia for something like two years. It had thorough study by a subcommittee very much interested in it, and the testimony taken by that committee indicated beyond any question that the business men and the citizens of Washington generally are very strongly in favor of the increases in salaries. The salaries that are carried in the bill before the Senate are in line with similar salaries for like positions in other cities. My own opinion is that they are not unreasonable.

I call the attention of the Senate to just two statements made to the committee as indicating the sentiment of the people of the District of Columbia. The citizens' advisory council, through its chairman, Dr. George C. Havenner, filed this statement:

> The purpose of the bill is to make the salaries of policemen and firemen commensurate with their duties and with salaries paid in other large cities.
>
> The council recommends the approval of the bill, believing that its enactment into law will promote a feeling among the personnel of the police and fire departments that the Government recognizes efficient service, and that it will not only bring into the service of these departments men of high moral character but that it will tend to keep them in the service.

A statement was filed with the committee by the leading business men's association, signed by Gen. Anton Stephan, president, in which he said that his organization unanimously indorsed the bill, and, further:

> It is our understanding that this legislation would bring the salaries of these employees of the District in line with those paid to men serving in a similar capacity in other cities comparable in size to the city of Washington.
>
> The Merchants and Manufacturers' Association feels that such an increase would greatly help in building up the morale of these two important departments of public service, and would result in enabling the city to attract to its service men of higher caliber.

That is the opinion of every business men's organization in the city.

Mr. ROBSION of Kentucky. Mr. President, I want to introduce at this time some statements in answer to the Senator from Connecticut [Mr. BINGHAM].

By the classification act of 1923, and the Welch Act, we increased the salary of the municipal architect in this city from $3,600 to $8,000. That is what the municipal architect now draws. His salary was increased 122 per cent.

We increased the salary of the auditor from $4,000 to $8,500, which is his salary now.

We increased the salary of the corporation counsel from $4,500 to $9,000.

We increased the salary of the superintendent of the street cleaning service of the city from $3,000 to $6,000.

We increased the salary of the secretary to the Board of Commissioners from $2,700 to $5,200. The secretary of the Board of Commissioners of the District of Columbia now receives the same salary drawn by the chief of police and the chief of the fire department.

The inspectors of buildings of the city had their salaries increased from $3,000 to $5,000 a year.

The salary of the assessor was increased from $3,500 to $6,400.

The salaries of the commissioners were increased from $5,000 to $9,000.

The salary of the electrical engineer was increased from $2,750 to $4,800.

The salary of the superintendent of public schools was increased from $6,000 to $10,000.

The salary of the purchasing officer was increased from $3,000 to $5,000.

The salary of the chief engineer of the fire department is now $5,200, and the salary of the major and superintendent of police is also $5,200. The heads of two of the most responsible departments in the District of Columbia receive less in salary, with the one exception, than the head of any of the various departments and agencies of the Government here.

There is a reason for this increase. The superintendent of police for the District of Columbia receives $5,200 a year. In the city of New York there is a police commissioner, who receives $18,000. He has seven aides, getting $10,000 a year each, and the chief inspector receives $8,000. The chief of police of the District of Columbia performs all the services of the commissioner in New York, of his aides, and of the chief inspector, which costs New York City $96,000 a year. Now we are proposing to give this man $8,500 a year.

In the city of Buffalo there are commissioners and other officers to whom the city pays $24,000 a year. The chief of police of the District of Columbia performs the same services, and it is proposed to give him $8,500 a year.

The city of Chicago has a commissioner and chief of police and an assistant who cost that city $62,400 per year, whereas our chief of police performs all of the same services and now receives $5,200, and we propose to increase him to $8,500. The same thing is true as to our fire department.

Mr. President, I ask to have printed in the RECORD a statement of the comparative salaries in the various cities of the country of chiefs of police and other police officers and fire department officers; also a statement of the salaries of the various officers and heads of departments of the District of Columbia.

The VICE PRESIDENT. Without objection, it is so ordered.

The statements are as follows:

Salaries of executive heads of police departments

[Compiled from figures received by telegraphic communications April 8, 1930]

City	Title	Salary	Total salary
Washington, D. C	Superintendent	$5,200	$5,200
New York, N. Y	Commissioner	18,000	
Do	7 aides	10,000	
Do	Chief inspector	8,000	96,000
Buffalo, N. Y	Commissioner	7,000	
Do	2 aides	5,000	
Do	Chief of police	7,000	24,000
Chicago, Ill	Commissioner	10,000	
Do	First deputy	8,000	
Do	8 acting deputies	4,300	
Do	Chief of police	10,000	62,400
New Orleans, La	Commissioner	6,000	
Do	Chief of police	6,000	12,000
Milwaukee, Wis	do	6,500	6,500
Boston, Mass	Commissioner	8,000	
Do	Superintendent	7,000	15,000
Philadelphia, Pa	Director of public safety	12,000	
Do	Assistant director	5,000	
Do	Superintendent	7,500	24,500
Toledo, Ohio	Director of public safety	6,000	
Do	Chief of police	4,200	10,200
Kansas City, Mo	2 commissioners	3,600	
Do	Chief of police	5,000	12,200
Baltimore, Md	Commissioner	10,000	
Do	Chief inspector	5,750	15,750
St. Louis, Mo	4 commissioners	$1,000	
Do	Chief of police	6,500	$10,500
Rochester, N. Y	Commissioner	10,000	
Do	Director of police	10,000	
Do	Chief of police	4,935	24,935
Los Angeles, Calif	5 commissioners	500	
Do	Chief of police	6,000	9,000
Indianapolis, Ind	Board of safety (3)	1,200	
Do	Chief of police	4,800	8,400
Cleveland, Ohio	Director public safety	7,500	
Do	Chief police	6,440	13,940

Salaries of executive heads of police departments—Continued

You will note from the above figures that Washington and Milwaukee are the only cities having no person in the police department ranking the chief of police.

The above table shows the salaries paid the administrative and executive heads of the respective police departments, including the salary paid the chief of police. In Washington, D. C., the chief of police combines the duties of chief of police, director of public safety, or police commissioner, or commission.

Our association feels that the board of commissioners who govern the affairs of the District of Columbia with the sanction of Congress hold the same position as is held by the mayor or the city council in every other municipality throughout the Nation.

Our association feels that the proposed salary of $8,500 for our superintendent of police is fair and just and that the salary, even then, is not in proportion to the duties performed and which is comparable to salaries paid all other District of Columbia department heads.

The existing laws relating to pensions and retirement allowances are the result of long and careful study and provide for allowances not to exceed 50 per cent of the salary being paid at the time of retirement.

Most metropolitan cities of the United States provide pension and retirement allowances for their police and firemen, and in no single instance of which there is record is such allowance or pension less than one-half of the salary paid at time of retirement. Indeed, in some cities provision is made for a much greater allowance after fewer years of service than are required under existing laws affecting the District of Columbia police and firemen.

In considering pension and retirement legislation it should be borne in mind that the duties and responsibilities and the hardships, exposure, and hazards incident to the life and work of the ordinary civil employee are in no way comparable with those facing the policeman and the fireman. It is felt that any proposal affecting existing pension and retirement legislation should be considered separate and distinct from a bill the fundamental purpose of which is only to provide adequate and just compensation for groups of men engaged in the most difficult and most hazardous of peace-time public service.

The proposed legislation increasing the salaries of police and firemen has the support of the citizens of the District of Columbia and it is urged that the pending Senate bill, No. 2370, and House bill, No. 5713, be enacted without amendment.

By direction of the Policemen's Association of the District of Columbia.

FRANK A. VARNEY, *President.*

Comparison of salaries for executive heads of fire departments

[Data furnished by International Association of Firefighters, American Federation of Labor, Feb. 24, 1930]

City	Civilian executive head		Salary of uniformed chief	Total cost
	Title	Salary		
District of Columbia	None	None.	$5,200	$5,200
New York City	Commissioner	$10,000+	12,500	22,500
Jersey City, N. J	Commissioner of Public Safety.	7,500+	6,000	13,500
Rochester, N. Y	Commissioner	10,000+	4,935	14,935
Dallas, Tex	do	6,000+	5,000	11,000
Boston, Mass	do	7,500+	6,500	14,000
Cleveland, Ohio	Director of Safety	7,500+	6,440	13,940
Kansas City, Mo	Commissioner	6,600+	4,800	11,400
St. Louis, Mo	Director of Safety	8,000+	5,600	13,600
Memphis, Tenn	Commissioner	6,500+	4,800	11,300

In the District of Columbia there is no fire commissioner. Upon the uniformed chief devolve all the administrative responsibilities, as well as those in connection with the fire-fighting work.

Statement showing increases in salary received by certain District government officials between 1923 and 1930

Title	1923	1930	Increase	Per cent of increase
Municipal architect	$3,600	$8,000	$4,400	122
Auditor	4,000	8,500	4,500	112
Corporation counsel	4,500	9,000	4,500	100
Superintendent street cleaning	3,000	6,000	3,000	100
Secretary, board of commissioners	2,700	5,200	2,500	92
Inspector of buildings	3,000	5,600	2,600	86
Assessor	3,500	6,400	2,900	82
Commissioners	5,000	9,000	4,000	80
Electrical engineer	2,750	4,800	2,050	74
Superintendent of public schools	6,000	10,000	4,000	66
Purchasing officer	3,000	5,000	2,000	66
Chief engineer of the fire department	4,000	5,200	1,200	30
Major and superintendent of police	4,500	5,200	700	15

Statement relative to salary increases now proposed for chief officers of police and fire departments

Title	Present salary	Proposed salary	Proposed increase	Per cent of increase
Chief engineer of the fire department	$5,200	$8,500	$3,300	63
Deputy chiefs, fire department	3,500	5,500	2,000	57
Battalion chiefs, fire department	3,250	4,500	1,250	38
Major and superintendent of police	5,200	8,500	3,300	63
Assistant superintendents of police	3,500	5,500	2,000	57
Inspectors of police	3,250	4,500	1,250	38

Mr. ROBSION of Kentucky. Mr. President, it has been urged upon us by the taxpayers and business men's organizations of the city that this increase in salary will give us more efficient police and fire departments. While there has been some criticism of our police department, yet from a study of conditions in other cities I think we can say with assurance that the law is enforced in the District of Columbia perhaps better than in the average city of the Nation. Law and order, peace and quiet, are above the average in the Nation's Capital. It may be said, so far as we have been able to learn, that the fire department of the District of Columbia is one of the very finest in the whole Nation; in fact, one of the most efficient in the entire world.

Our policemen receive smaller salaries than many other persons engaged in the Government service. They are on duty eight hours per day and in many cases, when they have been on duty all night, they must go to court and remain there all during the following day waiting for cases to be called to testify. They are subject to call every day in the week, both night and day, and subject to duty at all hours and at all times. Of course, they are subject to the risk, hazards, and dangers which their positions entail. I think it is no more than simple justice that the increase be granted to them. I think that it will be reflected in better and more efficient service and in the selection of better and more efficient men.

Let me say, too, to those who would criticize the police department that they should bear in mind that the chief of police does not have a free hand to choose the members of his force. That is passed upon by the Civil Service Commission. That commission draws men from all sections of the country, men who can pass the examination, and they are certified by the Civil Service Commission as qualified and yet it sometimes turns out that they are not men of integrity and honor. I think the criticism, if any be offered, should be directed more at the Civil Service Commission who make up the list, who submit the list of men from which the chief of police and the other agencies of the police department must select the men to serve in the District.

As stated before, I think the proposal is just. The taxpayers of the District of Columbia are for it, and they will have to bear the additional burden. I am a taxpayer in the District of Columbia, and I cheerfully give the bill my support not only as a Senator but as a taxpayer, on the ground that it is just and right.

The VICE PRESIDENT. The pending amendment will be stated.

The CHIEF CLERK. On page 1, line 5, the Senator from Colorado proposes to strike out "$8,500" and insert "$8,000."

Mr. JONES. Mr. President, I regret very much that the measure is taken up in the absence of the Senator from Colorado [Mr. PHIPPS]. I know he has been taking a special interest in the matter and has made a special study and investigation of it. I understand that he has conferred with several of the officials of the city government, and I know that he wants to be here when the bill is considered and disposed of. I really think that the measure should have been allowed to go over under the peculiar circumstances. I know that the Senator from Colorado is not absent for the purpose of avoiding consideration of the bill or with the idea of having it delayed, but he is necessarily absent.

Mr. President, I have not had an opportunity to give very much study to the matter. I want to see the fire department and the police department in the city of Washington just as efficient as possible and adequately paid. An examination of the committee report will show that the rates of pay provided in the bill are, in my judgment, out of all proportion to the pay of officials of other large cities in the country when we take into consideration the population of the city of Washington. It is urged that the head of the fire department or the police department here must perform a great many duties which are performed by subordinate officials in other cities. I do not think that is a valid argument at all.

The head of the department in any of these cities can, of course, do only so much work. It is humanly impossible for one man to do all the work in the large cities that is necessary to be done in connection with the administration of the fire department or the police department. I venture to say that the superintendent of police in the city of Washington does not give more time to the discharge of his duties than the chief of police in any other city where he may have more subordinates. He has more subordinates because it is absolutely necessary in the condition of the work. The chief or superintendent of police and the superintendent of the fire department, of course, in all large cities has general supervision of the work of his department. As I said, regardless of the size of the city or the magnitude of the city they all do substantially the same work.

What really impressed me in regard to the matter is the compensation which is provided here in comparison with the compensation for similar positions in other cities. I find in the report of the committee for the police department that there have been several increases made in recent years in the pay of the major and superintendent of police in the District of Columbia. In 1919 the salary was $4,000. It was later increased to $4,500. In 1924 there was another increase to $5,200. It is now proposed to increase that to $8,500. I do not believe the work of the superintendent of police in the city of Washington has increased in anything like that proportion during the last five or six years. I do not claim to know any more about that than other Senators, and yet I confess I have seen no indication of any increase in the duties and responsibilities of the chief of police during that time.

But what is shown as to the compensation for similar positions in other cities? In the city of New York there is a population of five or six or seven million people. I do not know just what its population is now, but my recollection is that the last census showed it was between 5,000,000 and 6,000,000. Our population in the city of Washington possibly does not exceed 500,000 or 600,000 people. Of course the chief of police in a city like New York must have more subordinates to help discharge the duties that necessarily devolve upon him, but he has general supervision. What is the compensation of the superintendent of police in the city of New York? According to the table printed in the report of the committee it is $8,000. If the superintendent or chief of police in the city of New York is compensated by $8,000, why should the superintendent or chief of police in the city of Washington, a city of 500,000 people, be compensated in a larger sum?

Mr. ROBSION of Kentucky. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Washington yield to the Senator from Kentucky?

Mr. JONES. I yield.

Mr. ROBSION of Kentucky. The Senator from Washington will see in the report that in New York there is a commissioner of police who receives $18,000 per year. He has seven aides who receive $10,000 each. All together they receive $96,000 per annum. In the District of Columbia we do not have any commissioner of police and of course no aides, so for doing the same work with the same responsibility and the same duties in the District of Columbia we propose to pay the superintendent of police $8,500 for what they receive $96,000 in New York.

Mr. JONES. Oh, no, Mr. President; I do not agree with the Senator in that statement at all.

Mr. ROBSION of Kentucky. That is the fact.

Mr. JONES. The responsibility of the chief or superintendent of police, the head of the department in the city of New York, is far greater than the responsibility of the chief of police in the District of Columbia.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New York?

Mr. JONES. I yield.

Mr. COPELAND. I know the Senator from Washington, who is always fair, wants to be fair in this instance. He spoke about New York City. In New York City we have a commissioner of police at $18,000, with seven aides at $10,000 each, a chief inspector at $9,000, an assistant chief inspector at $6,000, and nine deputy inspectors at $6,300 each.

Mr. JONES. Mr. President, I should like to ask the Senator what is wrong about the statement in the report of the bill made by the committee on page 7 that the salary of the head of the department in New York is $8,000?

Mr. COPELAND. I do not know; but I assume that is a typographical error, because his salary is $18,000.

Mr. JONES. Of course, I did not know that; I see nothing in the statement in the report to give any different intimation.

Mr. COPELAND. I have stated the figures.

Mr. JONES. I am glad to know that, of course.

Mr. COPELAND. These are the figures: In New York the commissioner of police, who is the chief of police, receives $18,000.

Mr. BINGHAM. Mr. President, will the Senator yield at that point?

Mr. JONES. I yield.

Mr. BINGHAM. In the District of Columbia one of the three commissioners takes over the duties of the commissioner of police. The ultimate authority of the management of police affairs rests in the board of commissioners, and they assign the supervision of the department to one of the two civilian commissioners, who is really the commissioner of police. So the chief of police in Washington has not the responsibility the Senator from New York implies.

Mr. COPELAND. Mr. President, if the Senator from Washington will permit me——

Mr. JONES. I yield.

Mr. COPELAND. We will concede that; but, besides the police commissioner, in New York there are seven deputies at $10,000 each. There are no such officials in the District police department.

Mr. ROBSION of Kentucky. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Kentucky?

Mr. JONES. I yield.

Mr. ROBSION of Kentucky. What the Senator from Connecticut has said is only partly true. The commissioner here does not have charge of the police in the sense that the commissioner of police in New York does.

Mr. COPELAND. That is true.

Mr. ROBSION of Kentucky. In the District of Columbia the chief of police has charge of the execution of the laws and the conduct of the affairs of the police department and its policies.

Mr. COPELAND. Mr. President, I should like to refer to one other matter, if I may.

Mr. JONES. I yield.

Mr. COPELAND. In Buffalo there are a commissioner, two aides, and a chief. I think, frankly, that in this community where we are so desirous of proper police control we must pay these officers liberally, so that hope of promotion may inspire the men under them to render fine service. If they may have the prospect of filling the higher positions, fine police service as well as fine fire service will be encouraged. Let it not be forgotten that this measure also applies to the fire department, and my tribute to the fire department here is that it is the best conducted of any concern of which I know anywhere.

Mr. JONES. The Senator from New York does not intend, I am sure, to give the impression that the present chief of police is not rendering the very best service that he can possibly render?

Mr. COPELAND. Oh, no; I do not.

Mr. JONES. And that we have to increase his salary in order to induce him to increase his efficiency?

Mr. COPELAND. I do not; and I am sure the RECORD will show that I spoke about the desirability of putting ambition in the hearts of the men in the ranks to do exceptional work, in order that they might have an opportunity of rising to the higher positions. I have no criticism to offer of the police, and because I have no criticism to offer I want to see that the men in the police department are amply rewarded, in order that they may know that we appreciate their services.

Mr. JONES. Of course the Senator does not mean to intimate that it is held out by this measure to all the members of the police force that they may become superintendent or chief of police.

Mr. COPELAND. No; not any more than when we tell a child if he will be good he may become President of the United States. We have only had 28 or 29 Presidents, but nevertheless the hope that one may become President at least affords some inspiration.

Mr. JONES. But that is not based upon the salary of the office?

Mr. COPELAND. No; of course, it is based upon the honor.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. JONES. I yield to the Senator from Connecticut.

Mr. BINGHAM. Mr. President, in connection with what the Senator from New York has just been saying about the responsibility of the chief of police in enforcing the laws, I should like, with the permission of the Senator from Washington, to call attention to a statement made in the latest book on the government and administration of the District of Columbia published last year by the Brookings Institution, and written by Mr. Laurence F. Schmeckebier and Mr. W. F. Willoughby. I quote from Chapter VIII of this very important study, which has been made by the Brookings Institution, as follows:

> In the case of no general function of government is the matter of departmental organization more important than in that of law enforcement. Not only is the performance of this function the most fundamental task that confronts a government but it is one in regard to which it is peculiarly desirable that responsibility for its performance shall be definitely located.

This is what I should like to call especially to the attention of the Senator from Washington and the Senator from New York:

> In the government of the District of Columbia this primary requisite of efficient organization and administration is violated. There is no one officer or agency which can be held responsible for the manner in which the laws are enforced; this responsibility is divided among four offices or agencies—the United States district attorney, the corporation counsel, the coroner, and the police—each of whom has an independent status and is responsible for but part of the work to be performed in insuring a proper enforcement of the law.

Therefore, Mr. President, the police department has only one quarter of the responsibility for enforcing the laws, which ought to be held by a department of law enforcement.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. JONES. I yield.

Mr. WALSH of Massachusetts. The Senator from Washington is a practical man; he knows the methods that can be resorted to here to kill legislation. I inquire of him if he does not think that the sane and sensible thing for those who are favoring this measure and the increased salaries which it carries would be to accept the amendment reducing the salary carried in the bill by $500 in the case of those two officials who receive the higher salaries in the police and fire departments, and let the bill go through, giving the general increases provided for the rank and file of firemen and policemen?

Mr. JONES. I certainly think so.

Mr. WALSH of Massachusetts. Let me suggest to the Senator from New York and other Senators on this committee that there may be a filibuster on the bill which will kill it; one or two Senators can prevent its passage at this stage. So why not, instead of standing out for an increase of $3,300, accept $2,800, and instead of an increase of $2,000 accept $1,500? By standing out for the larger increase there is a probability of killing the bill which gives an increase of $300 to hundreds of worthy and deserving plain firemen and policemen. I am suggesting this in the hope of expediting the passage of the bill.

Mr. JONES. I am really more interested in the plain firemen and plain policemen than I am in the higher-paid officials.

Mr. WALSH of Massachusetts. The salary of one of these officials I call to the Senator's attention is now $5,200, and it is proposed to increase it $3,300. In view of the rumors going around this Chamber, what would the Senator think if Senators should vote to increase their salaries $3,300 a year?

Mr. JONES. The increase for the major and superintendent is from $5,200 to $8,500.

Mr. WALSH of Massachusetts. Exactly; which is an increase of $3,300. I have no doubt but that these men have been underpaid, and I favor increasing their salaries; but I say, Mr. President, with the number of unemployed in this country, with business depressed as it is throughout the country, with people finding it hard to get work in order to earn sufficient money to sustain themselves, with bread lines everywhere, and with the administration threatening to abandon the tariff bill because it fears it will be a detriment instead of a help to business, it is no time to hold out for excessive increases of salaries for those who already have substantial, but, perhaps, not adequate, salaries. I hope the Senator from New York will

confer with his committee associates and so act that this bill may be passed promptly without further discussion before 2 o'clock, so that the policemen and firemen may obtain the increases which they deserve; otherwise it may be possible for a filibuster to kill the bill for this session.

Mr. JONES. I agree with the Senator——

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Maryland?

Mr. JONES. I will yield in just a moment. I agree entirely with the Senator from Massachusetts. I have not engaged in the discussion with any idea of filibustering or anything of that kind, but what I have said has largely been based upon the proposition that we should not make such large increases in the higher salaries, in the case of men who are already getting pretty fair salaries compared with salaries paid those occupying similar positions in many of the other cities of the country. I have no opposition whatever to any of the proposals made in this bill with reference to the lower-paid members of the police and fire departments.

Mr. WALSH of Massachusetts. Will the Senator yield further?

Mr. JONES. I yield.

Mr. WALSH of Massachusetts. I wonder if the Senator has seen the table of the salary increases that has been submitted to all Senators as an argument for the increases in the salaries of the higher-paid officials of the police and fire departments?

Mr. JONES. No; I have not.

Mr. WALSH of Massachusetts. This table is remarkable. It shows that the salary of the municipal architect of the District has been increased between 1923 and 1930 by 122 per cent, namely, from $3,600 to $8,000; that the auditor's salary has been increased between 1923 and 1930, 112 per cent; that the corporation counsel's salary has been increased 100 per cent; that the salary of the superintendent of street cleaning has been increased 100 per cent; that the salary of the secretary of the board of commissioners has been increased 92 per cent; that the salary of the inspector of buildings has been increased 86 per cent; that the salary of the assessor has been increased 82 per cent; that the salary of the commissioners has been increased 80 per cent; that the salary of the electrical engineer has been increased 74 per cent; that the salary of the superintendent of public schools has been increased 66 per cent; and the salary of the purchasing officer has been increased 66 per cent; and so it goes. I repeat—and I know the Senator agrees with me—that undoubtedly these higher officials were underpaid as the higher officials of the police and fire departments are now underpaid, but we ought at this time to be very careful about differences over the exact amount of increased salaries for those in high places, in view of unemployment conditions in the country. I want action that will help the rank and file more than those higher up at this juncture.

Mr. JONES. I agree with the Senator.

Mr. ROBSION of Kentucky. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Kentucky?

Mr. JONES. I yield.

Mr. ROBSION of Kentucky. I did not hear all the Senator from Massachusetts said as to the particular increases he proposes.

Mr. WALSH of Massachusetts. I suggested that the amendment proposed by the Senator from Colorado be accepted reducing the increase contained in this bill from $8,500 to $8,000, which would be a reduction of $500, and dispose of the bill. In that form it would give the chief, I understand, an increase of $2,800 instead of $3,300.

Mr. ROBSION of Kentucky. If assurance could be given that the bill would then be passed, we might accept that suggestion.

Mr. JONES. I will say to the Senator——

Mr. WALSH of Massachusetts. Let the suggestion be accepted and the measure be disposed of.

Mr. JONES. The Senator from Colorado has proposed an amendment to strike out "$8,500" and insert "$8,000," and so on. I am perfectly willing——

Mr. ROBSION of Kentucky. The amendment of the Senator from Colorado also applies to sergeants and lower-paid men and reduces the increase proposed to be given them.

Mr. JONES. So far as I am concerned, I am not willing to go that far in the case of the lower salaries. I am perfectly willing to give the men receiving the lower salaries the increases proposed. I think they should have them; I think they are the ones whom we should help out.

Mr. ROBSION of Kentucky. Is the suggestion if we accept $8,000 for the chief of police and $8,000 for the head of the fire department, that the other amendments will be withdrawn?

Mr. WALSH of Massachusetts. There is also an amendment striking out "$5,500" and inserting "$5,000."

Mr. BINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. JONES. I yield.

Mr. BINGHAM. In addition to the adjustment of the higher salaries proposed by the Senator from Colorado he also has in the amendment to the bill which is now on the desk two new sections, namely, section 5 and section 6, on which he has spent a great deal of time and study, which, unfortunately, I am not prepared to debate, because there was no notice given that this bill would come up to-day. The Senator from Colorado told me that he expected to be back in Washington on Monday or Tuesday, and in view of the great interest he has shown in the affairs of the District of Columbia for the past 10 years, and in view of the large amount of time that he has spent in conferences with the District Commissioners and the officials of the police and fire departments in drafting these amendments and in securing their approval of them, it certainly seems to me that, in fairness to him, we might wait until Monday or Tuesday in order to give him an opportunity to debate his amendments, particularly the new sections 5 and 6. So I suggest that the bill be temporarily laid aside until Monday or Tuesday, when the Senator from Colorado will be here to defend the amendments which he has so carefully prepared.

Mr. ROBSION of Kentucky. Mr. President, will the Senator from Washington yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Kentucky?

Mr. JONES. I yield to the Senator from Kentucky.

Mr. ROBSION of Kentucky. Mr. President, the new sections that have been proposed were in the proposal before our committee, and they were rejected because they are out of line and out of harmony with the dealings with retirement by the police department of any city of the country. We could not accept those amendments; but, if I may have the attention of the Senator from Massachusetts, in order to secure the passage of the measure and to give relief to these men we would be willing to cut the $8,500 to $8,000, and the $5,500 to $5,000, in the case of the salaries of the chief and assistant to the chief of police, and the head and assistant to the head of the fire department.

Mr. WALSH of Massachusetts. That would be very satisfactory to me, and I believe it will be satisfactory to the Senator from Washington. All that we are concerned about is trying to prevent this bill to increase the salaries of firemen and policemen being defeated by a contest here over whether the increase to the chiefs should be $3,500 or $3,000.

Mr. JONES. Mr. President, I will say to the Senator from Kentucky that the suggestion he makes I would agree to, so far as I am concerned. I rather think that where $4,500 is prescribed here it should be reduced to $4,000, but I shall not insist upon that so far as I am concerned. If the Senator will make the $8,500 for the chiefs $8,000, and the $5,500 for the assistants $5,000, that will be satisfactory to me.

Mr. ROBSION of Kentucky. That is, for the chief of police, the chief of the fire department, and the assistants to both?

Mr. JONES. Yes.

Mr. ROBSION of Kentucky. I am willing to have those two amendments adopted.

The VICE PRESIDENT. Let the first amendment be stated.

The LEGISLATIVE CLERK. On page 1, line 5, strike out "$8,500" and insert "$8,000."

Mr. COPELAND. Mr. President, do I understand that this will be satisfactory to the Senator from Connecticut?

Mr. BINGHAM. Mr. President, I am endeavoring in a very feeble way to represent the Senator from Colorado [Mr. PHIPPS], who is necessarily absent, and did not know this bill was coming up. I have stated all that I am at liberty to state—that I think, in fairness to him, the amendments which he has prepared ought not to be acted upon until he has had an opportunity to defend them; but I shall not go any farther than that. I have stated the case, and I do not desire to take up further time on the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. McNARY. Mr. President I understand that the differences have been composed as between the Senator from Massachusetts, the Senator from Washington, and the other Senators. A few minutes ago the Senator from California [Mr. SHORTRIDGE] advised me that he has an amendment that he desires

to offer to one of the amendments of the Senator from Colorado [Mr. PHIPPS]. He is in the room adjoining the Senate Chamber, and I have sent for him.

Mr. SHORTRIDGE entered the Chamber.

Mr. WALSH of Massachusetts. Mr. President, in order to save time, I suggest that the Senator from Oregon state what has transpired in the absence of the Senator from California, and he may agree to our action.

Mr. SHORTRIDGE. I thank the Senator.

Mr. McNARY. Mr. President, I think the Senator's proposal goes to striking out a portion of the amendment offered by the Senator from Colorado, which repeals the existing statute. I think it is a little different proposition.

Mr. WALSH of Massachusetts. Is the Senator from California interested in the salary of the chief of police or the deputy chief of police, or the salary of the chief of the fire department or the deputy chief of the fire department?

Mr. SHORTRIDGE. Not particularly interested.

Mr. WALSH of Massachusetts. We are about to dispose of the amendments in regard to those two salaries; and, unless the Senator wants to speak upon them, I should like to suggest that we dispose of them now.

Mr. SHORTRIDGE. If I may answer the Senator——

Mr. WALSH of Massachusetts. I remind the Senator that the unfinished business will come up at 2 o'clock.

Mr. SHORTRIDGE. Yes. I feel warranted in stating to the Senate, based upon information coming to me, that the chamber of commerce, the board of trade, the Merchants and Manufacturers' Association, the Federation of Citizens' Associations, the Citizens' Advisory Council, the Central Trades Council, the American Federation of Labor—the several organizations named operating here within the District—indorse the bill as it comes to the Senate and are against these several amendments.

Mr. JONES. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. I yield to the Senator from Washington.

Mr. JONES. I suggest to the Senator that it has been practically agreed by those who favor the bill and those opposed to it that the first two salaries of $8,500 for the two superintendents should be reduced to $8,000 and the two salaries of $5,500 for the assistants should be reduced to $5,000. With that, we think, probably the bill will pass very promptly; otherwise not. I thought I would make that suggestion to the Senator.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from New York?

Mr. SHORTRIDGE. I yield to the Senator.

Mr. COPELAND. I understand that the Senator from Connecticut [Mr. BINGHAM], the Senator from Massachusetts [Mr. WALSH], and all who have been in opposition to the bill, would be satisfied if we changed the salary in line 5, page 1, to $8,000, the salary in line 6, page 1, to $5,000, the salary in line 5, page 2, to $8,000, and the salary in line 6, page 2, to $5,000. Then we are all agreed.

Mr. WALSH of Massachusetts. Yes. I pray the Senator from California to let us reach this agreement and dispose of the salary part of the bill.

Mr. SHORTRIDGE. Mr. President, it may be idle to oppose what the Senate seems disposed to agree to. I will not delay the matter by discussing it; but I object to section 6.

Mr. JONES. That will come up afterwards.

Mr. SHORTRIDGE. It is not now before the Senate?

Mr. JONES. No.

The VICE PRESIDENT. Let the first amendment be stated.

The LEGISLATIVE CLERK. On page 1, line 5, strike out "$8,500" and insert "$8,000."

The amendment was agreed to.

The LEGISLATIVE CLERK. On line 6, page 1, strike out "$5,500" and insert "$5,000."

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 2, line 5, strike out "$8,500" and insert "$8,000."

The amendment was agreed to.

The LEGISLATIVE CLERK. On line 6, page 2, strike out "$5,500" and insert "$5,000."

The amendment was agreed to.

The VICE PRESIDENT. That completes the amendments.

Mr. ROBSION of Kentucky. I ask unanimous consent that all the other amendments be considered en bloc.

The VICE PRESIDENT. Those amendments have never been offered. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. BINGHAM. Mr. President, in fairness to the Senator from Colorado [Mr. PHIPPS], I think I should offer on his behalf the amendments which he prepared, particularly the amendment on page 3, after line 11, to insert a new section. I therefore ask that the clerk may state it.

The VICE PRESIDENT. The Senator from Connecticut proposes an amendment on behalf of the Senator from Colorado, which will be stated.

The LEGISLATIVE CLERK. On page 3, after line 11, it is proposed to insert the following new section:

SEC. 5. That, commencing with the effective date of this act, there shall be deducted for the benefit of the policemen and firemen's relief fund 3½ per cent of the monthly pay of each member of the Metropolitan police force, the fire department, the United States park police, and the White House police force. That hereafter, upon the separation from the service of any such member, except for retirement as authorized by existing law, he shall be refunded the deductions made from his salary for said fund, and should any such member subsequently be reappointed to any of such police forces or the fire department he shall be required to redeposit to the credit of the policemen and firemen's fund the amount of deductions refunded to him. In the case of the death of any such member while in the service the amount of his deductions shall be paid to the legal representative of his estate, provided he leaves no widow or child or children entitled to and granted relief payable from said fund.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Connecticut on behalf of the Senator from Colorado.

The amendment was rejected.

Mr. BINGHAM. Mr. President, I should like now, on behalf of the Senator from Colorado [Mr. PHIPPS] to offer an amendment on page 3, line 11, which I may say to the Senators is desired by the chief of police and his aides as a measure which would greatly increase the efficiency of the force, and increase their ability to secure adequate discipline.

I ask to have the clerk state the amendment.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, line 11, it is proposed to strike out the period and insert a comma and the following:

And any private who fails to receive such annual increase for two successive years shall be deemed inefficient and forthwith removed from the service by the commissioners.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. ROBSION of Kentucky. Mr. President, in view of the chief's desiring that amendment, we have no objection to it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AIRCRAFT ACCIDENTS

Mr. BRATTON. Mr. President, it was my purpose to move to proceed to the consideration of Senate Resolution 206, Order of Business 151. It is now 15 minutes until 2 o'clock. The unfinished business will come before the Senate at 2 o'clock. Obviously, it would be merely a pretense to move at this time to consider Resolution 206, and I shall not do so; but I give notice that at the first opportunity during the morning hour when the measure can be heard at reasonable length I shall move to take it up.

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. BINGHAM. Mr. President, may I say in this connection that I am deeply interested in that measure, and that I had hoped it might come up to-day, and, if not to-day, on Monday.

In view of the fact that the Senator from Utah [Mr. SMOOT] has given notice of his intention to offer a very important resolution on Monday, it looks as though there would be no morning hour on Monday; and I desire to ask the leader of the majority if he will not see to it that we may have a morning hour on Tuesday, in order that the resolution offered by the Senator from New Mexico may be considered.

Mr. McNARY. Mr. President, I feel an obligation to the Senator from New Mexico in this matter. It occurred to me that if we should start now the consideration of the resolution the unfinished business probably might be postponed until the matter could be determined this afternoon, if only a short time will be required.

Mr. BRATTON. Then I move that the Senate proceed to the consideration of Senate Resolution 206, Order of Business No. 151.

The VICE PRESIDENT. The Senator from New Mexico moves that the Senate proceed to the consideration of a resolution, the title of which will be stated by the Secretary.

The LEGISLATIVE CLERK. A resolution (S. Res. 206) requesting the Secretary of Commerce to furnish the Senate certain information respecting aircraft accidents since May 20, 1926.

The VICE PRESIDENT. The question is on the motion of the Senator from New Mexico.

The motion was agreed to; and the Senate proceeded to consider the resolution, which was read, as follows:

Resolved, That the Secretary of Commerce be, and he is hereby, requested to furnish the Senate full information respecting each aircraft accident which has occurred since May 20, 1926, of which he has a record, including therein, among other things, the names of persons involved, specifying whether pilots or passengers, the date and place, the make and model of plane, the name, model, and number of engine, and the complete findings of the department as to primary and/or contributing causes of such accident.

Mr. BRATTON obtained the floor.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. BRATTON. I yield to the Senator.

Mr. FRAZIER. I should like to suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator yield for that purpose?

Mr. BRATTON. I beg the Senator not to do that, but to let me make a brief statement of the purpose and scope of the resolution.

The VICE PRESIDENT. The Senator from New Mexico declines to yield for that purpose.

Mr. BRATTON. Mr. President, the act commonly called the air commerce act was approved May 20, 1926. It vests in the Secretary of Commerce supervision of certain aspects of commerce by air. Among other things, it requires that the Secretary investigate, record, and make public the causes of accidents in civil air navigation in the United States.

That requirement is threefold in character. The first is that the Secretary shall investigate the causes of these accidents; the second is that he shall record his conclusions respecting the causes of all accidents; and the third is that he shall make his findings public.

I interpose no complaint against the administration of the act, so far as the first two requirements are concerned. It is my belief that the Secretary has investigated these accidents. I assume he has made a record of his findings, although an assumption is as far as one can go, because whatever the Secretary has found and concluded is still locked in secret.

As to the third plain mandate of the act, I assert that the Secretary has failed to obey it. He has openly disregarded it, because his failure has been called to his attention time and time again, and he continues to refuse to comply with its requirements.

Mr. President, the resolution does not require the Secretary to do more than furnish to the Senate such information as he has regarding accidents occurring since the act became effective. Mr. President, commercial aviation is public. It involves the transportation of the public. The public has an interest in it, and the public has a right to know what the Department of Commerce is doing in the administration of the act. That is all the resolution contemplates. That is all that will be done if it is adopted.

I simply want a vote on the resolution to direct the Secretary of Commerce to furnish to the Senate the information in his custody. That information belongs to the public. I shall make no further statement regarding the matter. It is plain upon its face.

Mr. BINGHAM obtained the floor.

Mr. FESS. Mr. President, will the Senator yield to me to make the point of no quorum?

Mr. BINGHAM. I yield for that purpose.

Mr. FESS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	La Follette	Shortridge
Ashurst	George	McCulloch	Simmons
Baird	Gillett	McKellar	Smoot
Barkley	Glass	McMaster	Steck
Bingham	Glenn	McNary	Steiwer
Black	Goldsborough	Metcalf	Stephens
Blaine	Greene	Norris	Sullivan
Blease	Hale	Nye	Swanson
Borah	Harris	Oddie	Thomas, Idaho
Bratton	Harrison	Overman	Thomas, Okla.
Brock	Hastings	Patterson	Townsend
Broussard	Hatfield	Pine	Trammell
Capper	Hawes	Pittman	Tydings
Caraway	Hayden	Ransdell	Vandenberg
Connally	Hebert	Reed	Wagner
Copeland	Howell	Robinson, Ark.	Walcott
Couzens	Johnson	Robinson, Ind.	Walsh, Mass.
Dale	Jones	Robsion, Ky.	Walsh, Mont.
Deneen	Kendrick	Schall	Waterman
Dill	Keyes	Sheppard	Watson
Fess	King	Shipstead	Wheeler

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

Mr. BINGHAM. Mr. President, the resolution offered by the Senator from New Mexico requests the Secretary of Commerce to furnish the Senate full information respecting each aircraft accident which has occurred since May 20, 1926, "together with the complete findings of the department as to the primary and/or contributing causes of such accidents."

I hope this resolution will not pass, for several reasons. In the first place, the air commerce act, which directed the Secretary of Commerce to investigate and report upon accidents, did not give him the power to subpœna witnesses or to require the production of evidence, and therefore it has been impossible for him to secure much of the needed information, except confidentially. The great part of the information concerning the most important accidents, and those in which the public is most concerned, has been received by the department in a confidential manner. To require the Secretary to give the Senate that information for publication would be to ask a breach of faith on his part with those who gave him the information.

Had it been possible for the Secretary to secure the information through subpœna, through compelling the attendance of witnesses, had it been possible for him to be protected against any possible suits which might be brought or claims which might be made with regard to damage done to business on account of the giving out of this information, the situation would be entirely different.

Furthermore, this request involves a very large number of accidents, far larger than most persons would imagine. Since May 20, 1906, there have been approximately 3,300 accidents, of which there is a record in the files of the Department of Commerce. Full information on each accident is carried in the folder relating to the particular accident.

Mr. McKELLAR. Mr. President, will the Senator from Connecticut yield?

Mr. BINGHAM. I yield.

Mr. McKELLAR. Congress directs the Department of Commerce to gather informattion about air accidents, does it not?

Mr. BINGHAM. That is correct.

Mr. McKELLAR. The department being authorized and directed to obtain such information, how can the Senator or anyone else say that Congress is not entitled to that information or that the Senate, as a part of the Congress, is not entitled to that information?

Mr. BINGHAM. Mr. President, due to a defect in the law, which did not grant to the Secretary of Commerce power to subpœna witnesses or to demand their presence and demand the production of evidence, it has been necessary for the Secretary of Commerce, in promoting civil aeronautics, to secure a vast amount of information regarding accidents in a confidential manner, as I shall proceed to show. To require him now to divulge information which he has received confidentially would involve a breach of faith on his part. Had we written into the air commerce act originally, as we ought to have done, and as I have proposed to do by an amendment now pending in the Committee on Commerce, a provision giving the Secretary the power to subpœna witnesses, to require them to give evidence, and to require the production of evidence, then the information which the Secretary has received would be entirely of a nonconfidential nature. He could have secured the information which he desired in order to help promote aviation without having to give the promise that it would be considered as confidential.

Mr. McKELLAR. If the Senator will yield further, the Senator will recall the testimony of the Secretary of Commerce before the Commerce Committee some time ago, when testifying in reference to an accident which had happened out in New Mexico, I believe it was, when he said that he had acquired information as to the cause of the accident, and had actually turned it over to the aircraft company which was concerned in the accident. He refused to give that information, which he had already turned over to the aircraft company, to the Congress of the United States.

Mr. BINGHAM. Mr. President, the Secretary of Commerce, under the air commerce act, has been engaged in promoting aviation. I am sure we will all agree that he has done a splendid job. The First Assistant Secretary of Commerce for Aeronautics was Mr. William P. MacCracken, a pilot of wartime experience, an able lawyer, who has devoted years of study to aircraft law and its requirements, an enthusiastic devotee of aviation. Under his administration and the administration of his successor, Col. Clarence M. Young, another war-time aviator, we have made great progress in civil aeronautics.

The object of requiring the Department of Commerce to study accidents was, naturally, to try to avoid accidents in the future through the rules and regulations which might be pro-

mulgated. They have secured the information referred to in every way they possibly could, and frequently the most important information has been secured confidentially.

It has been the case occasionally that they have secured confidential information leading them to believe that an accident was caused in a certain way, and in the promotion of aeronautics they have given that information to the company concerned in order that there might not be a repetition of the accident, as I shall proceed to show in a few moments.

I do not think it is fair to criticize the officials of the department for having given such information to the company where it would do the most good, when the information was received in such a way that it would not be fair or advisable, for the sake of aeronautics and for the sake of securing more information, to give it to the public.

If the Congress would only enact the amendment which I have had pending before the Committee on Commerce for many months, the Secretary of Commerce in the future would be able to secure all the information under subpœna in a public manner, and it could be used by the public and all concerned might be informed thereby.

The PRESIDING OFFICER (Mr. BLAINE in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the resolution (S. Res. 227) to amend the Senate rules so as to abolish proceedings in Committee of the Whole on bills and joint resolutions. The Senator from Connecticut is entitled to the floor.

Mr. BINGHAM. Mr. President, the Senator from Oregon [Mr. MCNARY] stated that when the hour of 2 o'clock arrived he intended to ask unanimous consent that the unfinished business might be temporarily laid aside in order that we might proceed with the consideration of the resolution which has been before us. In his absence, I ask that the unfinished business may be temporarily laid aside in order that the resolution offered by the Senator from New Mexico may be considered.

The PRESIDING OFFICER. Is there objection?

Mr. SWANSON. Mr. President, judging from the length of time which has been occupied on my resolution which was made the unfinished business of the Senate after approval by the steering committee, unless I am assured that the resolution now before the Senate will be disposed of within 10 or 15 minutes I shall not give my consent.

Mr. BINGHAM. It will take longer than that, I may say to the Senator; but in view of the fact that the Senator from New Mexico did not move to take up his resolution until he received assurance from the acting majority leader on this side of the Chamber that the unfinished business would be temporarily laid aside and his resolution considered, I hope the Senator from Virginia will not object to that being done.

Mr. BRATTON. Mr. President, let me appeal to the Senator from Virginia to lay aside the unfinished business and permit us to conclude consideration of my resolution. Then the Senator can automatically bring his resolution before the Senate.

Mr. SWANSON. The unfinished business, if it shall be temporarily laid aside, can automatically be brought before the Senate at any time by demanding the regular order. I am willing for a short time to lay it aside in order that the resolution of the Senator from New Mexico may be considered and, if possible, disposed of. But if there is any disposition to filibuster and delay and not have it acted on promptly and within a reasonable time, I serve notice now that I shall ask that the unfinished business be laid before the Senate.

Mr. BINGHAM. There is no disposition to filibuster or delay. If there were, I should not have asked that the unfinished business be temporarily laid aside because, the hour of 2 o'clock having arrived, the resolution of the Senator from New Mexico automatically goes back to the calendar. I merely want to give to the Senate the reasons why I think the resolution ought not to be adopted. I am in opposition to it, and I myself asked that it be not taken up until next Tuesday.

Mr. BRATTON. Could we agree upon a time to vote upon the resolution, say at 2.30 o'clock?

Mr. BINGHAM. I do not know how much I may be interrupted. If I could be assured that I should not be interrupted for three-quarters of an hour, I might finish in that time.

Mr. SWANSON. Whether the Senator is interrupted is entirely dependent upon himself. No one has the right to interrupt him without his permission. The Senator can very properly refuse to be interrupted until half past 2, and then we can vote.

Mr. BRATTON. Mr. President, I propose an amendment to the request of the Senator from Connecticut, that we vote upon my resolution at not later than 2.30 o'clock.

Mr. SWANSON. If that is agreed to, I shall not object to temporarily laying aside the unfinished business.

Mr. BINGHAM. Very well. I will try to get through by half past 2 if I may be allowed to proceed without interruption.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut as modified by the request of the Senator from New Mexico? The Chair hears none, and it is so ordered.

Mr. WALSH of Massachusetts. Mr. President——

Mr. BINGHAM. Mr. President, I can not yield. Every minute counts against me, and it is now several minutes after 2 o'clock.

I wish, however, to give some information as to why I believe that the confidence involved can not be broken in this matter and why we ought not to ask the Secretary of Commerce to give this information to the Senate. I have before me some examples of information given by persons possessing information pertaining to aircraft accidents with reference to which the information was secured in confidence by investigators and which they have given their word not to violate. The first of those instances is as follows:

A plane took off from an airport, and after flying for some minutes crashes into the ground. The pilot had a good reputation for technique, and the plane was of sound construction and in good condition. No reason could be assigned for the accident until a close personal friend of the dead pilot informed a Department of Commerce inspector, in confidence, that the deceased had been drunk the night before, and that the person giving the information had been intoxicated with him. The deceased pilot had not completely recovered from the intoxication when he took off and made the remark that he did not "feel like flying."

In the absence of any other evidence, the conclusion was arrived at that the cause of the accident was due entirely to personnel. This information probably never would have been received by the department if the close friend of the dead pilot knew his utterances would become public property and probably would become involved in a subsequent action.

Another instance is as follows: A plane crashed at an airport, the pilot bore a good reputation for skill, and the plane was declared to be in good condition. However, an employee of the airport informed a Department of Commerce inspector in confidence that the owner of the plane that crashed was negligent in keeping his planes in good condition at all times. He did not want to become involved in the matter publicly, but felt that by so informing the department, and knowing his statements would be kept in confidence he could prevent similar accidents to other planes.

There, Mr. President, is a good example of the kind of thing to which the Senator from Tennessee objected. The Department of Commerce, having discovered through confidential information the reason for the accident, informed the company of what they believed to be a reason for the accident, but did not inform the public because the man who gave the information was unwilling that it should be made public. Their action was in the interest of safety in aeronautics.

Another instance is as follows: The wings came off of an airplane in mid-air, resulting in the death of the pilot and two passengers. Inquiry developed confidential information that the day before the fatal flight the plane had been put through violent acrobatics by another pilot, who detected a structural failure in the course of his acrobatics, and promptly landed. This pilot reported the structural failure to the hangar crew, but the crew took no action at that time. It was on the following day that the plane was taken up without permission of the proper authority for the fatal flight. The information was furnished by an employee of the hangar, who could not make a public statement without jeopardizing his employment.

There, Mr. President, we have another instance of the kind of information which has been received confidentially and which has been used by the Department of Commerce to promote aeronautics, but which under the law they have no means of acquiring. If the law were amended as I have suggested in an amendment now pending before the Committee on Commerce this information could have been secured from employees in the hangar through judicial process, and not confidentially. There would have been no difficulty about securing the information, and there would have been no objection to making it public, but the information could not have been secured were it not secured confidentially, and we might have been led to suppose that this particular airplane had not been properly built; we might have been led to suppose that it was an improper plane, structurally deficient, or that the pilot himself had been unwell or intoxicated or not properly trained. Various conclusions could have been drawn from that accident, and none of them accurate, without the confidential information given by a member of the hangar crew.

Another example of the reasons why confidence can not be broken on account of the information having been received confidentially is as follows: A plane crashed on a cross-country flight, killing the pilot and several passengers. Included in the evidence procured by the inspectors was the voluntary statement from the company officials that doubt had been expressed as to the judgment of the pilot, but that it was not sufficiently strong to warrant his removal or assignment to less responsible work. The company now believes that the accident would not have occurred had the suggestions concerning the pilot's judgment been carried out. However, this did not form the basis upon which the department reached its conclusions as to the cause of the accident, but it did serve as a contributing factor.

These instances might be readily multiplied, but the fact remains that a large number of these accidents have been investigated by the department, and the important information received has been given confidentially. That was the only way the department could get the information. To ask them to divulge it would involve bad faith on the part of the Department of Commerce, lawsuits on the part of those who gave the information confidentially, which they would not have given had there been any danger of lawsuit resulting through the publicity being given to the information, and, in addition to that, a large amount of time of the department would have to be spent on this purpose which is needed in order to keep up with the progress of aviation to-day.

As I said previously there have been approximately 3,300 airplane accidents of which there is now a record in the files of the Department of Commerce, since May 20, 1926. The full information on each accident is carried in a folder under that accident. The data therein include a confidential report from the inspector who investigated the accident, which report sets forth his own conclusion as a thoroughly qualified licensed pilot in good standing. It also includes written statements of witnesses of the accident as well as persons informed and qualified to speak on the condition of the plane or its occupants prior to the flight. These reports are given in writing to the inspector upon his assurance that they will not be made public, that they will not be involved in any subsequent legal action, or that they will not have to defend those statements publicly. Otherwise, as I have said, it would be extremely difficult, if not impossible, for this information to be obtained.

Many of the written statements are obtained at the scene of the accident and set down on any piece of paper that happens to be available and written with pen or pencil in the handwriting of the witness. Some of the statements have been known to embody 8 or 10 pages from one individual. All are kept as part of the record of the accident.

All this information would be available under the terms of the resolution as it is pertinent to the record of the accident. It is estimated that the compilation of a complete accident report in a manner and form satisfactory to the Senate would require a minimum time of 45 minutes for each accident. As there are approximately 3,300 of these records, the total time to compile them would be about 2,475 hours. As each individual officially is on duty in the Department of Commerce seven hours a day, on this basis and for one individual the estimated time to prepare the reports would be 353⅓ days, which would include all Sundays and holidays, and consequently would represent almost a solid year's work. The accident board has only two clerks engaged in the routine work of handling accident data, and as the personnel in the other divisions of the aeronautics branch is not now sufficient to meet all demands as promptly as they should be met, these divisions and sections would not be of assistance. Furthermore, the appropriations are insufficient to provide for the employment of any additional persons.

In the cases of some of the larger accidents that have occurred, the evidence on file with the department is quite voluminous. As the resolution calls for full information, it is to be presumed that all information bearing on the subject should be submitted. In the case of one major crash, there are close to 15,000 words of reports, testimony, and correspondence all having a direct bearing on the accident, but at the same time there are other reports not unlike this one in size for less serious accidents. In smaller accidents, the files are not as large but the volume of evidence is not always governed by the severity of the accident.

In the case of the major accident referred to in the foregoing paragraph the following types of evidence are in the files:

Report of the investigating inspector; copy of orders issued to the pilots and operating personnel by a proper authority; map of the scene of the crash and the location of the wreckage; statement by a pilot as to the condition of the weather on the day of the crash; map of the section of the route covered by the air line; lengthy statement by the Acting Chief of the United States Weather Bureau as to the general weather conditions in the area in which the crash occurred; statement by a resident of the area in which the crash occurred as to the general weather conditions; copy of orders issued to pilots by the general superintendent of the line; copy of the verdict of the coroner's jury; copy of pilot's weather report on the day of the crash; report of the condition of the radio equipment on the plane; statement by a pilot as to weather conditions; statement by a pilot as to his conclusions concerning the accident; statement by a pilot on his experience with a storm on the day of the accident; report of operations of another air line on day of accident; copy of orders to pilots prior to date of accident as to course they should fly; memorandum to pilots to exercise extreme care when encountering storms; statement by a Government meteorologist on weather conditions on day of accident; statement by a resident of area on weather conditions; statement of witness that a plane was seen on the day of the crash; statement of witness that he saw a plane on day of accident; copy of communications between Department of Commerce field inspector and Washington office; correspondence with operating company; log of the flight from terminal to terminal; newspaper clippings of story of crash.

Mr. President, it ought to be evident from that list that the work of preparing a report in accordance with the resolution proposed concerning the 3,300 aircraft accidents would occupy a very prolonged period of time unless the whole staff of the aeronautics branch of the Department of Commerce were diverted from their other activities and assigned to this task. It ought to be said in their behalf that, due to the very great increase in the activities of civil aeronautics, during the past two years the staff of the Department of Commerce has been working overtime for more than a year and a half. In the current appropriation bill for the Department of Commerce additional money has been provided in order to enable them to catch up with their current work; but the preparation of a report on 3,300 accidents would very seriously interfere with the business of the office in promoting aviation, even though it did not conflict with the confidential testimony which, as I have pointed out, has been given and which can not be divulged without there being involved a breach of good faith.

Mr. President, the purpose of investigation of aircraft accidents by the Department of Commerce is to determine the operating cause with a view to developing remedial safety measures. The purpose is not to fix legal responsibility. In Air Commerce Bulletin, published by the Department of Commerce, issue of April 15, 1930, there is a very full and interesting tabulation of the causes of accidents in civil aeronautics for the years 1928 and 1929. There is not sufficient opportunity in the limited time at my disposal to go over the list and point out the great variety of causes of accidents, but they include such causes, on the part of the pilot, as error of judgment, poor technique, which is the principal cause of accidents, disobedience of orders, carelessness or negligence, and, on the part of other personnel, deficiency in supervision.

As to the material, the causes of accidents in connection with the power plant relate to the fuel system, the cooling system, the ignition system, the lubrication system, engine structure, propellers and accessories, engine-control system, and a variety of undetermined failures.

In regard to the structure of the airplane itself, accidents have been caused by defects in the flight-control system, in movable surfaces, in stabilizing surfaces, in wing struts, and bracing, in the undercarriage, in the wheels, tires, and brakes, in the pontoons or boats, in the fuselage, engine mount, and fittings, and by a variety of undetermined defects.

In addition there are such causes of accidents as the weather, the coming on of darkness, the nature of the airport or of the terrain where the landing takes place, and a considerable number of undetermined and doubtful causes. During the past three years the percentage of undetermined and doubtful causes has ranged from around 5 per cent to something over 9 per cent.

There are also tables in this bulletin showing the fatalities and injuries due to accidents and accidents which have occurred without injuries, classified according to whether the accident was in connection with scheduled flying, student instruction, experimental, or miscellaneous flying, for the different years.

The object of publishing these statistics in this form, Mr. President, is to show the industry and those interested in the promotion of aviation just where the principal fault lies in connection with airplane accidents. The bulletin points out the part played by engine failure, by failure of the structure of the airplane, by the failure in judgment on the part of the pilot, by poor technique on the part of the pilot. It is highly significant that more than half of the accidents are caused by errors





on the part of the pilot, chiefly poor technique and errors in judgment.

The Department of Commerce, obtaining this information confidentially, has used it to draft rules and regulations which have gradually lowered the number of accidents so that the number of accidents per flying hour is very much less than it was previously.

In Air Commerce Bulletin of February 15, 1930, there is a full discussion by the Department of Commerce of aircraft accident reports and there is pointed out the manner in which the Department of Commerce has followed the procedure with respect to the compilation and publication of aircraft accidents. It states that—

With the authority and machinery provided under the air commerce act, the department determines the facts about aircraft accidents, from voluntary and visible sources, in the most thorough manner permitted by the circumstances. The investigations are conducted informally. That is, no dates are fixed for formal hearings and no witnesses subpœnaed to attend.

That is not granted under the law in its present state.

Rather, an attempt is made to obtain information from all available sources, give it application from the practical point of view for the purpose of ascertaining as nearly as possible the probable causes, and then take such action to remove it from future operations as is indicated thereby. The authority now granted by the air commerce act is considered sufficient for this undertaking.

Every six months the aeronautics branch makes public complete statistics on civil aircraft accidents for the previous period, and from these statistics not only the Department of Commerce but the aeronautical industry and the general public can see what corrective steps should be taken. It is believed that if the authority now granted under the air commerce act for the investigation of aircraft accidents were augmented by a provision precluding the admission of official accident reports as evidence in civil suits and authorizing formal investigations of aircraft accidents if and when preliminary informal investigations of a given accident made such a hearing necessary or advisable, much of the alleged mystery as to why aircraft accidents occur would be removed. However, as this procedure can not be followed under the authority and facilities now available, the department must turn to the next best method, which, after all, enables everyone concerned with the development of aeronautics to proceed along the course leading to unquestioned safety.

Mr. President, I desire also to read a description of the method followed, but, in view of the limited time, I shall ask that it may be inserted in the RECORD at this point without being read.

The PRESIDING OFFICER (Mr. STECK in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

In the absence of the necessary authority and machinery to conduct and make public as soon thereafter as possible the cause of each aircraft accident, the department attempts through its inspectors in the field, to reconstruct the accident to the fullest extent possible, taking into consideration the locality, weather, pilot's experience and rating, nature of accident, kind of aircraft and its status, maneuvers immediately preceding the accident, and such other relevant information as is available.

This is accomplished as soon after the accident as a representative of the department can reach the scene. His report is transmitted to Washington where it is reviewed by an accident board of the department, composed of a medical director, aeronautical engineer, two expert pilots, a statistician, and a lawyer, who attempt to account for all contributing factors and reflect a composite view with respect thereto. The inspector's report naturally includes an opinion from the inspector who is thoroughly familiar with the subject of aeronautics and whose opinion therefore may be regarded as expert. Voluntary statements from other pilots and witnesses, who have made them with the knowledge that they are to be used only by the department in determining the cause in order that suitable remedies may be applied in the future, also are transmitted.

The investigations thus conducted do not in any way contemplate the determination of any legal responsibilities which may be involved. Therefore, in all probability the same course is not followed nor the same ground covered as would be the case if such a motive dominated in the premises. This seems readily to suggest, then, that injustices to individuals could very easily result were the information, thus developed in individual cases, released for consideration in the light of legal technicalities, contributory negligence phases, and proximate or remote causes, rather than for the practical deductions of thoroughly experienced aviation personnel, for the purpose of applying remedial measures in future operations.

The foregoing relates only to the information involved in the immediate causes of accidents. It does not include other extremely pertinent facts, such as the license status of the pilot and aircraft, whether the aircraft or pilot were operating in conformity with the privileges and restrictions of the air commerce regulations, or whether penalties for violation in the particular case were in order. Such information is ascertained by the department in the case of each accident.

Mr. BINGHAM. Mr. President, as I have said there is no authority in the air commerce act of 1926 for the Department of Commerce to hold hearings, subpœna witnesses, and compel testimony in connection with its investigations of aircraft accidents. Therefore, there is only one course left to pursue, and that is to determine the facts from voluntary and visible sources in the most thorough manner permitted by the circumstances. To this end, the department has built up public confidence in its method of obtaining accident data, and receives the whole-hearted cooperation of witnesses and well-informed persons. This voluntary assistance is given freely and with the knowledge that will enable the department to take corrective steps for the immediate future.

To make public the information gained in this manner, and which now is in the files of the department, would bring about a breach of confidence and seriously hamper that organization in its future efforts to obtain complete facts.

Furthermore, if the department made public the legal responsibility involved in aircraft accidents as fast as they occur, its officials would be in court most of their working hours defending the conclusions arrived at as to this phase of accidents.

If there be time I shall refer a little later to the comments made upon this subject in the letter of the Attorney General addressed to the Secretary of Commerce in connection with his responsibility under the law.

Mr. President, it is impossible in many cases to determine the cause of accidents. Anyone who has flown realizes that fact; and the aircraft accident records in the Department of Commerce include a very substantial number of cases where the cause of the accident never has been determined. More often than not, accidents occur in isolated sections; the occupants of the plane are fatally involved and there is a distinct absence of a positive clue as to what caused the loss of life.

The accident to the T. A. T. plane at Mount Taylor last September is a good example of the foregoing. There are many good conclusions as to what might have happened, but the actual facts are gone forever.

The Department of Commerce publishes semiannually complete, analyzed statistics of accidents occurring in civil aeronautics in the previous six months. These accident reports give, at a glance, a true picture of the status of aeronautics from the safety point of view. There are only a few principal reasons for any aircraft accident—personnel, power plant, structural, and weather. From these composite reports, the department, the airplane designers, builders, operators, and the general public are able without difficulty to see where corrective measures are to be taken. In this form they serve a useful and valuable purpose.

In order that anyone interested may have further information let me refer to Air Commerce Bulletin, published on March 15, 1930, which contains a very careful statement in regard to recent accidents.

Finally, Mr. President, there is now pending before the Senate an amendment which authorizes the Department of Commerce to investigate aircraft accidents in a manner somewhat similar to the procedure followed by the Interstate Commerce Commission in investigating railroad accidents. The amendment calls for something which the Department of Commerce has never had authority to undertake.

What the department now possesses in the way of aircraft-accident information has been obtained through confidential sources with the aid of public support and cooperation in the interest of a further development of air transportation, which information can not be given to the public, as I have stated, without breach of confidence.

Mr. President, in the letter of the Attorney General to the Secretary of Commerce, to which I have referred, the Attorney General states:

The requirement of subdivision (e) of section 2 here in question "to investigate, record, and make public the causes of accidents in civil air navigation in the United States," is phrased in general terms, and manifests the purpose above expressed to leave a broad discretion to the Secretary. It contains no specific directions as to the manner or time of publication. Its declared purpose is to "foster air commerce." The duties imposed by the other subdivisions of the section, for the same purpose, are phrased in equally general terms.

The entire content of the section discloses the intent to leave matters of detail to the discretion of the Secretary of Commerce, subject to the general requirement that the means adopted must be such as to "foster air commerce."

The PRESIDING OFFICER. The hour of 2.30 o'clock having arrived, under the unanimous-consent agreement the time of the Senator from Connecticut has expired, and the question is on agreeing to the resolution.

Mr. BINGHAM. I ask that the entire opinion of the Attorney General may be inserted in the RECORD at this point in my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

OPINION OF THE ATTORNEY GENERAL ON THE COMMERCE DEPARTMENT'S AIRCRAFT ACCIDENT PUBLICATION POLICY

DEPARTMENT OF JUSTICE,
Washington, February 19, 1930.

SIR: I have the honor to acknowledge the receipt of the letter of the Acting Secretary, dated January 13, 1930, in which my opinion is asked on the following question arising in the administration of the air commerce act of 1926 (act of May 20, 1926, ch. 344, 44 Stat. 568, U. S. C., title 49, secs. 171–184):

"Whether section 2 of the above-mentioned act requires the Secretary of Commerce to make public the causes of accident in civil air navigation in any other manner than in statistical form, as outlined in the accompanying papers and at such times as he may deem advisable."

Section 2 of the act reads as follows:

"SEC. 2. Promotion of air commerce: It shall be the duty of the Secretary of Commerce to foster air commerce in accordance with the provisions of this act, and for such purpose—

"(a) To encourage the establishment of airports, civil airways, and other air navigation facilities.

"(b) To make recommendations to the Secretary of Agriculture as to necessary meteorological service.

"(c) To study the possibilities for the development of air commerce and the aeronautical industry and trade in the United States and to collect and disseminate information relative thereto, and also as regards the existing state of the art.

"(d) To advise with the Bureau of Standards and other agencies in the executive branch of the Government in carrying forward such research and development work as tends to create improved air navigation facilities. The Secretary of Commerce is authorized to transfer funds available for carrying out the purposes of this subdivision to any such agency for carrying forward such research and development work in cooperation with the Department of Commerce.

"(e) To investigate, record, and make public the causes of accidents in civil air navigation in the United States.

"(f) To exchange with foreign governments through existing governmental channels information pertaining to civil navigation."

You state that the department's method of recording and making public the causes of accidents in civil air navigation is shown in Comparative Statistics and Analyses of Accidents in Civil Aeronautics for the Years 1927, 1928, and the First Six Months of 1929, a copy of which you inclose. This has, since the date of your letter, been published in Air Commerce Bulletin, volume 1, No. 14, pages 9–14, of January 15, 1930. These published statistics do not disclose the cause of any particular accident, but classify, in tabular form, the causes of all accidents. The method of investigation and the manner of tabulating such causes are thus described in the Air Commerce Bulletin (ibid. p. 9):

"The causes of the accidents are divided into four major classifications—personnel, power-plant failures, airplane failures, and miscellaneous. There is a fifth category given over to undetermined and doubtful causes.

* * * * * * *

"The accident report is based on the findings of the accident board of the aeronautics branch, which is composed of two expert pilots, a flight surgeon, an aeronautical engineer, a lawyer versed in air law, and a statistician. This board investigates and determines the causes of all civil aircraft accidents; analyzes all accidents reported from the field and reduces them to their causation factors expressed in percentage. The statistics gathered from the work of this accident analysis have proved to be of great value, particularly by pointing to ways and means of decreasing the number of aircraft accidents. They also are of great assistance in the development of certain structural and flying characteristics in aircraft."

The air commerce act of 1926 is entitled "An act to encourage and regulate the use of aircraft in commerce, and for other purposes." It vests broad powers in the Secretary of Commerce. Among other things, he is given by section 3 certain regulatory powers with respect to the registration of aircraft, the examination and rating of aircraft, airmen, and air navigation facilities, and the establishment of aircraft rules, and by section 5 authority to designate and establish civil airways and provide for aids to air navigation thereon. The entire act, and especially section 8, indicates an intention to give the Secretary of Commerce wide discretion in its administration, and this purpose was stated in the report of the Committee on Interstate and Foreign Commerce of the House (Rept. No. 572, 69th Cong., 1st sess., House of Representatives) of March 17, 1926, as follows:

"The committee has been mindful of the fact that one of the principal objects to be accomplished by the bill is the encouragement of aviation, and it has therefore left wide discretion in the Secretary of Commerce so that individual operators or other agencies should not be unduly hampered by restrictions or regulations until experience might prove them necessary. It has endeavored to leave the field of invention and experiment entirely free and unhampered by Government interference."

The requirement of subdivision (e) of section 2, here in question, "to investigate, record, and make public the causes of accidents in civil air navigation in the United States," is phrased in general terms, and manifests the purpose above expressed to leave a broad discretion to the Secretary. It contains no specific directions as to the manner or time of publication. Its declared purpose is to "foster air commerce." The duties imposed by the other subdivisions of the section, for the same purpose, are phrased in equally general terms. The entire content of the section discloses the intent to leave matters of detail to the discretion of the Secretary of Commerce, subject to the general requirement that the means adopted must be such as to "foster air commerce."

In an opinion of May 6, 1929, to the Postmaster General (36 Ops. A. G. 33, 36), I used the following language, which is quite applicable here (p. 36):

"The act itself does not provide any specific method of obtaining bids, the sole direction in that respect being that 'the Postmaster General is hereby authorized to award such contracts to the bidders that he shall find to be the lowest responsible bidders that can satisfactorily perform the service required to the best advantage of the Government.'"

This language clearly contemplates competitive bidding, and it is equally clear that it leaves to the Postmaster General a very wide measure of discretion as to the means and methods of securing the bids.

A similar matter was considered in an opinion by Attorney General Clifford (4 Ops. 585). The act of March 3, 1843 (c. 100, 5 Stat. 630, 641), appropriated money for the publication of a documentary history of the American Revolution, and contained this proviso:

"*Provided, also,* That the materials which shall compose each successive volume shall, before any appropriation is hereafter made for the cost of the same, be submitted to, and approved by, the Secretary of State for the time being."

This proviso did not prescribe the time at which the Secretary was to give his approval, and the Secretary submitted for the opinion of the Attorney General the question whether it was sufficient for him to approve the outline of the materials as they were presented by the contractor for each successive volume. The Secretary was advised that such approval might "be fully justified as a reasonable compliance with the requirements of the law."

These opinions are but expressions of the well-settled principle that, in the absence of specific statutory requirements, incidents of administration lie largely within the discretion of the heads of the several Government departments. See United States *v.* Macdaniel (7 Pet. 1, 14–15); United States *v.* Wright (11 Wall. 648); National Life Insurance Co. of the United States *v.* National Life Insurance Co. (209 U. S. 317); Central Trust Co. *v.* Central Trust Co. of the United States (216 U. S. 251).

The statistical method which you have adopted to "make public the causes of accidents in civil air navigation in the United States" seems to be a reasonable compliance with the requirements of the statute, having in mind its expressed purpose "to foster air commerce." The papers submitted with your letter suggest that the real purpose of demanding detailed information as to the causes of particular accidents may often be to assist private parties in litigation involving the legal responsibility therefor. The publication of such information might make it difficult for the department to secure frank disclosures from those concerned in particular accidents and might thus hamper the department in securing accurate information upon which to base remedial measures for the future. These considerations suggest a possible reason for Congress not requiring any particular method for making public the causes of accidents.

The time of publication is not specified at all in the act, and is thus left largely to your discretion. Of course, the intervals must not be so infrequent as to negative substantial compliance with the statutory requirement of publication. I understand, however, that your practice has been to publish statistical material of the sort above described at approximately 6-month intervals.

I am of the opinion that the course which you have followed, with respect both to the manner and time of publication, has been within the limits of your discretion under the statute and in substantial compliance with its requirements.

Respectfully,

WILLIAM D. MITCHELL,
Attorney General.

The honorable the SECRETARY OF COMMERCE.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. BINGHAM. I ask for the yeas and nays.

Mr. BRATTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The clerk will call the roll.

The legislative clerk called the roll twice, and the following Senators answered to their names:

Allen	Glass	McCulloch	Shipstead
Bingham	Glenn	McKellar	Shortridge
Black	Goldsborough	McMaster	Simmons
Blaine	Greene	McNary	Steck
Blease	Hale	Metcalf	Stelwer
Borah	Harris	Norris	Stephens
Bratton	Hastings	Nye	Swanson
Brock	Hatfield	Overman	Thomas, Idaho
Capper	Hawes	Patterson	Thomas, Okla.
Caraway	Hayden	Pittman	Tydings
Connally	Hebert	Ransdell	Vandenberg
Couzens	Howell	Reed	Walcott
Dill	Jones	Robinson, Ark.	Walsh, Mass.
Fess	Kendrick	Robinson, Ind.	Walsh, Mont.
Frazier	Keyes	Robsion, Ky.	Waterman
George	King	Schall	Watson
Gillett	La Follette	Sheppard	

The VICE PRESIDENT. Sixty-seven Senators have answered to their names. A quorum is present. The question is on agreeing to the resolution.

Mr. BRATTON. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a pair with the Senator from Maine [Mr. GOULD], which I transfer to my colleague [Mr. CUTTING], and will vote. I vote "yea."

Mr. GEORGE (when his name was called). I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. I transfer that pair to the senior Senator from Alabama [Mr. HEFLIN] and will vote. I vote "yea."

Mr. FESS (when Mr. MOSES' name was called). I desire to announce that the senior Senator from New Hampshire [Mr. MOSES] is paired with the junior Senator from Utah [Mr. KING].

Mr. PATTERSON (when his name was called). I have a general pair with the junior Senator from New York [Mr. WAGNER]. I understand that he would vote the same way that I shall vote. Therefore I feel at liberty to vote. I vote "yea."

Mr. WATSON (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from New Jersey [Mr. KEAN] and will vote. I vote "nay."

The roll call was concluded.

Mr. BLEASE. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Kentucky [Mr. BARKLEY] and will vote. I vote "yea."

Mr. McKELLAR (after having voted in the affirmative). Has the junior Senator from Delaware [Mr. TOWNSEND] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. McKELLAR. I have a pair with that Senator. I transfer that pair to the senior Senator from Arizona [Mr. ASHURST] and will allow my vote to stand.

Mr. REED (after having voted in the negative). In order that I may be free to move a reconsideration, I change my vote from "nay" to "yea."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. GRUNDY] with the Senator from Florida [Mr. FLETCHER];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Utah [Mr. KING];

The Senator from Oregon [Mr. McNARY] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Vermont [Mr. DALE] with the Senator from New York [Mr. COPELAND];

The Senator from Wyoming [Mr. SULLIVAN] with the Senator from Florida [Mr. TRAMMELL];

The Senator from New Jersey [Mr. BAIRD] with the Senator from Montana [Mr. WHEELER]; and

The Senator from Illinois [Mr. DENEEN] with the Senator from Louisiana [Mr. BROUSSARD].

Mr. SHEPPARD. I desire to announce that the Senator from Florida [Mr. TRAMMELL], the Senator from Montana [Mr. WHEELER], the Senator from Arizona [Mr. ASHURST], and the Senator from Utah [Mr. KING] are detained on official business.

The result was announced—yeas 42, nays 23, as follows:

YEAS—42

Black	Caraway	Glenn	La Follette
Blaine	Connally	Harris	McKellar
Blease	Couzens	Hawes	McMaster
Borah	Dill	Hayden	Norris
Bratton	Frazier	Howell	Nye
Brock	George	Jones	Overman
Capper	Glass	Kendrick	Patterson
Pittman	Schall	Stelwer	Walsh, Mass.
Ransdell	Sheppard	Stephens	Walsh, Mont.
Reed	Shipstead	Swanson	
Robinson, Ark.	Simmons	Thomas, Okla.	

NAYS—23

Allen	Hale	Metcalf	Tydings
Bingham	Hastings	Robinson, Ind.	Vandenberg
Fess	Hatfield	Robsion, Ky.	Walcott
Gillett	Hebert	Shortridge	Waterman
Goldsborough	Keyes	Steck	Watson
Greene	McCulloch	Thomas, Idaho	

NOT VOTING—31

Ashurst	Deneen	Kean	Smith
Baird	Fletcher	King	Smoot
Barkley	Goff	McNary	Sullivan
Brookhart	Gould	Moses	Townsend
Broussard	Grundy	Norbeck	Trammell
Copeland	Harrison	Oddie	Wagner
Cutting	Heflin	Phipps	Wheeler
Dale	Johnson	Pine	

So the resolution was agreed to.

EXECUTIVE MESSAGES

Sundry messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, returned to the Senate, in compliance with its request, the following bills:

S. 476. An act granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes; and

H. R. 8296. An act to amend the act of May 25, 1926, entitled "An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes."

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9323) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message further announced that the House insisted upon its amendment to the bill (S. 108) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HAUGEN, Mr. PURNELL, and Mr. KINCHELOE were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 2152) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 3498. An act to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1930;

S. 4015. An act to provide for plant patents;

S. 4057. An act authorizing the Secretary of the Interior to extend the time for cutting and removing timber upon certain revested and reconveyed lands in the State of Oregon;

H. R. 668. An act for the relief of A. J. Morgan;

H. R. 1251. An act for the relief of C. L. Beardsley;

H. R. 7405. An act to provide for a 5-year construction and maintenance program for the United States Bureau of Fisheries;

H. R. 7768. An act to provide for the sale of the old post-office and courthouse building and site at Syracuse, N. Y.;

H. R. 10171. An act providing for the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States; and

S. J. Res. 163. Joint resolution to carry out certain obligations to certain enrolled Indians under tribal agreement.

WHITE RIVER BRIDGE, ARKANSAS

Mr. CARAWAY. I ask unanimous consent for the consideration of the bill (H. R. 10340) granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the White River

at or near Calico Rock, Ark., and that the bill be put upon its passage with sundry amendments that I propose and which are satisfactory to the Senator from Vermont [Mr. DALE].

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE PRESIDENT. The amendments submitted by the Senator from Arkansas will be stated.

The amendments were, on page 1, line 4, after the words "to the," to strike out "Arkansas"; in the same line, after the name "State Highway Commission," to insert "of Arkansas"; in line 5, before the word "bridge," to strike out "free highway"; in line 7, after the word "the," to strike out "interest" and insert "interests"; in line 10, after the figures "1906," to insert a comma "and subject to the conditions and limitations contained in this act"; after line 10, to insert:

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient (1) to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches; (2) the interest on borrowed money necessarily required and financing charges necessarily incurred in connection with the construction of the bridge and its approaches; and (3) to provide a sinking fund sufficient to retire the bonds issued and sold in connection with such original construction. All revenues received from the bridge shall be applied to the foregoing purposes, and no bonds issued in connection with the construction of the bridge and its approaches shall be made to mature later than 20 years after the date of issue thereof.

After a fund sufficient to retire such bonds in accordance with their provisions shall have been so provided, the bridge shall thereafter be maintained and operated as a free highway bridge upon which no tolls shall be charged. An accurate and itemized record of the original cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, the interest charges paid, and the tolls charged and the daily revenues received from the bridge shall be kept by the Arkansas State Highway Commission, and shall be available at all reasonable times for the information of all persons interested.

And on page 2, line 1, to change the section number from 2 to 3, so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge and approaches thereto across the White River, at a point suitable to the interests of navigation, at or near Calico Rock, Ark., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient (1) to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches; (2) the interest on borrowed money necessarily required and financing charges necessarily incurred in connection with the construction of the bridge and its approaches; and (3) to provide a sinking fund sufficient to retire the bonds issued and sold in connection with such original construction. All revenues received from the bridge shall be applied to the foregoing purposes, and no bonds issued in connection with the construction of the bridge and its approaches shall be made to mature later than 20 years after the date of issue thereof.

After a fund sufficient to retire such bonds in accordance with their provisions shall have been so provided, the bridge shall thereafter be maintained and operated as a free highway bridge upon which no tolls shall be charged. An accurate and itemized record of the original cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, the interest charges paid, and the tolls charged and the daily revenues received from the bridge shall be kept by the Arkansas State Highway Commission, and shall be available at all reasonable times for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a toll bridge across the White River at or near Calico Rock, Ark."

HOUSE BILL REFERRED

The bill (H. R. 2152) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, was read twice by its title and referred to the Committee on Agriculture and Forestry.

WATER-RIGHT CHARGES ON FEDERAL IRRIGATION PROJECTS

Mr. WALSH of Montana. The bill (H. R. 8296) to amend the act of May 25, 1926, entitled "An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes," has been returned from the House and is on the Secretary's desk. I ask unanimous consent that the vote by which the bill was ordered to a third reading and passed be reconsidered, and that the bill be recommitted to the Committee on Irrigation and Reclamation.

The VICE PRESIDENT. Without objection, that order will be made.

Mr. WALSH of Montana subsequently, from the Committee on Irrigation and Reclamation, to which was recommitted the bill (H. R. 8296) to amend the act of May 25, 1926, entitled "An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes," reported it with amendments and submitted a report (No. 658) thereon.

ADDITIONAL DISTRICT JUDGE FOR MINNESOTA

Mr. SHIPSTEAD. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 5411) to provide for the appointment of an additional district judge for the district of Minnesota.

Mr. ROBINSON of Arkansas. I understand that this is a unanimous report from the Judiciary Committee?

Mr. SHIPSTEAD. It is.

Mr. ROBINSON of Arkansas. The bill has been pending for some time, and I have no objection to its consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, an additional district judge of the District Court of the United States for the District of Minnesota, who shall reside in said district and whose compensation, duties, and powers shall be the same as now provided by law for the judges of said district. A vacancy occurring at any time in the office of district judge created by this act is authorized to be filled.

SEC. 2. This act shall take effect from and after its approval.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARKER FOR COL. BENJAMIN HAWKINS IN CRAWFORD COUNTY, GA.

Mr. FESS. From the Committee on the Library I report back favorably without amendment the bill (H. R. 10579) to provide for the erection of a marker or tablet to the memory of Col. Benjamin Hawkins at Roberta, Ga., or some other place in Crawford County, Ga., and I submit a report (No. 657) thereon. I call the attention of the Senator from Georgia [Mr. GEORGE] to the bill.

Mr. GEORGE. I ask unanimous consent that the bill may be put upon its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to erect a marker or tablet at Roberta, Ga., or at some other place in Crawford County, Ga., upon a site to be furnished without expense to the Federal Government, commemorating the life and public service of Col. Benjamin Hawkins.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,500, or so much thereof as may be necessary, to carry out the provisions of this act.

SEC. 3. That the plan and design of such memorial shall be subject to the approval of the National Commission of Fine Arts.

SEC. 4. The title to the land deemed appropriate for the site of this monument shall be vested in the city of Roberta, Ga., and care of the site and monument shall be without expense to the Federal Government.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER FOR ADJOURNMENT TO MONDAY

Mr. FESS. Mr. President, I ask unanimous consent that at the conclusion of its business to-day the Senate shall take an adjournment until noon on Monday.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

ANNIVERSARY OF DEATH OF WILLIAM SHAKESPEARE

Mr. CONNALLY. Mr. President, I ask permission to have inserted in the RECORD a communication appearing in the Dallas News relating to the three hundred and fourteenth anniversary of the death of William Shakespeare.

The VICE PRESIDENT. Without objection, it is so ordered. The article is as follows:

[From the Dallas (Tex.) News, April 23, 1930]

GREAT WAS SHAKESPEARE

To the NEWS:

Wednesday, April 23, marks the three hundred and fourteenth anniversary of the death of William Shakespeare. It is interesting to know that the poet died on his birthday, at the age of 52 years, and that he should have accomplished so much during his life that has so vitally influenced the thought of the world down through the intervening centuries. So far as I have been able to learn, he had but scant opportunities in the way of education, for we know he was not a college-trained man. By some upheaval of nature he was brought into the world with a brain and character endowed to exercise those finer qualities which others were unable to acquire in the schools and colleges. In other words, he grew up an educated man, and nature did for him all and more than others were able to do by means and opportunities of education. If any mere secular poet were ever a prophet, it was he.

He stood, it seems, in the center of human life and saw it in all directions, and wisely appraised human character in all its varieties and phases. Generally, when critics and other students of his art have written of him and his many-sided genius, they have contented themselves with his finer sayings, which are admittedly the sweetest in any language and the wisest in all literature. In 1917 the writer delivered a lecture in Kansas City before a group of theological students on Human Life in Shakespeare. In the course of the lecture he gave some of the sayings found in the plays which have been interwoven into our everyday language and which have become a common heritage bequeathed to those of us who speak the English tongue and yet, ordinarily, do not know how these phrases came to be engrafted into the common stock.

I am giving below a number of these sayings which I have culled from the plays from time to time during a period of 30 years' study of the dramas. Many of them I have heard since I was a child living out in a country district, but I did not know then of their age nor the source from whence they came. I give below the quotations:

"Led by the nose," "Misery acquaints a man with strange bedfellows," "Care killed a cat," "Tell a lie and swear it," "Something is rotten in the state of Denmark," "I'd rather be a dog and bay the moon," "In the name of truth," "Tell the truth and shame the devil," "My hair doth stand on end," "As true as steel," "Cheek by jowl," "Dead as a doornail," "Take you down a buttonhole lower," "Thereby hangs a tale," "We burn daylight," "This is the short and long of it," "I will make him dance," "There's a time for all things," "My cake's dough," "Whip the devil round the stump," "I know a trick worth two of that," "This house is upside down," "Dog will have his day," "You base football player," "Not a whit," "Foamed at the mouth," "The weakest goes to the wall," "The wild goose chase," "My fingers itch," "Truth will come to light," "In the twinkling of an eye," "All that glitters is not gold," "Ten to one," "Twenty to one," "It makes him or it mars him," "So woe-begone," "Not a hair amiss," "He hath eaten me out of house and home," "He will not budge a foot," "The devil rides upon a fiddlestick," "How the world wags," "He was perfumed like a milliner," "Mad as a March hare," "The fat's in the fire," "From stem to stern," and "From post to pillar."

Space forbids that I give other quotations. These are sufficient to show the influence of his writings in the development of our language. I do not know whether he invented these phrases or gathered them out of the vernacular or common talk of the times in which he lived. In either case, it is remarkable that these ordinary household words, or expressions, should have survived throughout the centuries. As is well known, the Elizabethan period of English history is given as the golden age of our literature, and out of that olden time have come these expressions, which we use daily, without giving a thought as to their origin or whence they came. My mother, when I was a child, used to say to me that she would "take me down a buttonhole lower," and I am reasonably sure she never read one of the plays. I know that by many people Shakespeare is considered out of date. Those who so consider, as a rule, are they who do not know much about him. It is a good alibi for ignorance.

C. O. JAMES,
Sulphur Springs, Tex.

RADIO ADDRESS ON L. Q. C. LAMAR

Mr. STEPHENS. Mr. President, L. Q. C. Lamar was great in every field of service that he entered. To indicate the many public and political activities in which he engaged, I call attention to the following facts which are copied from the Biographical Congressional Directory:

Elected as a Democrat to the Thirty-fifth and Thirty-sixth Congresses, and served from March 4, 1857, until his retirement in December, 1860, to become a member of the secession convention of Mississippi, January 9, 1861; served in the Confederate Army as lieutenant colonel and colonel in the Nineteenth Mississippi Regiment; in 1863 entered the diplomatic service of the Confederacy on a special mission to Russia, France, and England; in 1866 elected professor of political economy and social science in the University of Mississippi, and in 1867 professor of law; reelected to the Forty-third and Forty-fourth Congresses (March 4, 1873 to March 3, 1877); elected to the United States Senate; reelected, and served from March 4, 1877, to March 6, 1885, when he resigned; Secretary of the Interior in President Cleveland's Cabinet from March 6, 1885, to January 10, 1888, when he resigned; appointed by President Cleveland Associate Justice of the United States Supreme Court December 6, 1887; confirmed January 16, 1888, took his seat upon the bench two days later, and served until his death in Vineville, Ga., January 23, 1893.

His eulogy on Charles Sumner attracted the attention of the Nation, caused him to be acclaimed as one of the great orators, and did much toward the creation of a better feeling between the North and South.

Recently, in the city of Jackson, Miss., Hon. Edgar S. Wilson, a journalist of wide reputation, delivered an address on Senator Lamar. He spoke from an intimate knowledge of the man, as they were friends of long standing, and he had served as secretary to Senator Lamar while he was a Member of this body. Mr. Wilson not only has a broad knowledge of general history but also has a large acquaintance with much of the unwritten history of Mississippi and the Nation. I ask that his speech as reported in the Brandon (Miss.) News, April 10, 1930, and comments thereon, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

[From the Brandon (Miss.) News, April 10, 1930]

EDGAR WILSON, GREAT WRITER, IN BROADCAST—SOUTH'S GREATEST HISTORIAN REVIEWS LIFE OF LAMAR—ELECTRIFIES MORE THAN A MILLION SOUTHERNERS IN MASTERFUL ADDRESS TUESDAY NIGHT

(EDITOR'S NOTE: The following impromptu address of Hon. Edgar S. Wilson over radio station WJDX, the Lamar Life Insurance station, last night was taken in shorthand by M. L. Winn, editor of the Brandon News. Mr. Wilson's tribute to the great Lamar will pass into history as a masterpiece; in fact, only an Edgar Wilson is capable of such a tribute. The publisher of this paper is honored to reproduce in his columns the full text which appears below.)

It seems peculiarly appropriate that I should speak of L. Q. C. Lamar in the Lamar Life Building. The Lamar Life Building is the wonder and admiration not only of the people of Jackson and Mississippi but of the South. This 11-story building was completed by the Lamar Life Insurance Co. in December, 1924, free from encumbrance and an asset to all its policyholders. In its successful career the Lamar Life has run true to its name—the idol of Mississippi and Mississippians—L. Q. C. Lamar. The Lamar Life Insurance Building stands immediately across Capitol Street from the executive mansion of Mississippi.

HOW THE MEMORIES TROOPED

Senator Lamar told me one night in Washington of his election to Congress in 1873, and of a most remarkable interview he had with Gen. Benjamin F. Butler, then a Congressman from Massachusetts. General Butler was the father of Blanche Butler, the wife of Governor Adelbert Ames, the carpetbagger, who occupied the executive mansion of Mississippi just across the street from the Lamar Life Building. He said:

"I could not take the oath of office as Congressman because my political disabilities had not been removed, and I came to Washington. I wanted to see General Butler. I hesitated to send my card up to his room. I apprehended on account of the fierce sectional feeling he would decline to see me. I located Butler's hotel. I went up to his room and knocked on the door. 'Come,' said Butler. I entered. Butler rose and said, 'Why, it's Lamar. I haven't seen you since the Charleston convention. Sit down.'

"'No,' I replied, 'I'm not going to sit down, Butler. Butler, I have been elected to Congress. I can't take the oath. My political disabilities have not been removed. I am broken in health and in fortune. I have borrowed money to pay my railroad fare to Washington, and I have come to ask the old he-devil himself what my fate is to be.'"

Lamar had resigned his seat in the Federal Congress at the outbreak of the war between the States. He was chairman of the committee of the secession convention of Mississippi, which prepared the ordinance taking the State out of the Union. He had cast his sword with the Confederacy.

"'Why, Lamar,' replied Butler, who, by the way, had voted for Jefferson Davis 57 times in the Charleston convention, and who had afterwards become one of the most rabid Republicans in either branch of Congress, 'you oughtn't to talk that way to me. I am not as bad as Oliver P. Morton, of Indiana, or Ben Wade, of Ohio.'

"'Yes, you are,' replied Lamar, 'you are worse than the whole Republican brood; worse because you've got more sense than the whole damned outfit, including Thad Stevens, who, I hear, was buried at his own request in a negro cemetery.'

"'Sit down, Lamar,' persisted Butler.

"'I'll not do it,' replied Lamar, 'until I know what you are going to do.'

"'Lamar,' asked Butler, 'what is the relationship between yourself and Gen. George C. McKee?'"

McKee was a Member of Congress from the capital district of Mississippi, and far and away the ablest man in the then solid Republican congressional delegation from Mississippi.

"'Not unpleasant,' responded Lamar.

"'Very well,' said Butler, 'if McKee doesn't oppose the bill for the removal of your disabilities, I feel confident that it can be passed.'"

McKee did not oppose the removal of Lamar's disabilities but advocated the same. Lamar's disabilities were removed and he took his seat as a Member of the Federal House of Representatives, from which he had resigned to put on a Confederate uniform. As a token of appreciation Lamar presented Congressman McKee with a handsome gold cane, on which was inscribed: "George C. McKee, from L. Q. C. L."

These words are spoken in the Lamar Life Building directly over the room in which General McKee died, and that gold-headed ebony cane which Lamar gave McKee is in my wardrobe, having been given to me because of my relationship to Lamar at the request of General McKee.

Lamar delivered wonderful eulogies, on Robert E. Lee in 1870, and one on Charles Sumner in 1874. In his eulogy on Lee he contrasted the characters of Lee and Washington—the soul of Washington being pure and cold like the Alpine Glacier, the soul of Lee limpid and warm like the waters of the Indian Ocean.

When Lamar rose in the Federal House of Representatives in 1874 to deliver his eulogy on Charles Sumner, of Massachusetts, he was confronted by an audience of the most distinguished men of the Nation. The galleries were crowded with visitors, amongst whom were numbered members of brilliant diplomatic corps from all over the enlightened world. The House itself was thronged. On one side friends, full of misgivings; on the other opponents, cold, curious, critical. The speaker was a "fire eater" of long ago. The odor of "rebellion" hung about him. A secession Democrat, yet he stood there by a suffrage in which both negro and Republican voters participated. It was an epoch in itself—his presence there, and on such an occasion. He was in the prime of life, full of vigor and physical power. His voice was full and clear, well modulated and pitched to suit the gravity of the occasion. He spoke simply, with little use of the arts of the orator.

As he proceeded with the address it was evident that something unusual was going on. The House became hushed and reverenced. The faces of the Members of the vast auditory were turned, rapt and attentive, upon the speaker, as he stood in an attitude of easy grace, in the first aisle beyond the center on the left of the Chamber. The stillness of the House and galleries became oppressive. Speaker Blaine sat motionless, his face turned away with tears stealing down his cheeks. On both sides of the House Members wept. The scarred veterans of a hundred fields and the callous actors in a hundred debates, Democrats and Republicans, alike, melted into tears. Said one spectator, afterwards, "Those who listened sometimes forgot to respect Sumner in respecting Lamar." When he closed all seemed to hold their breath as if to prolong a spell; then a spontaneous burst of applause broke out from all the floor and the galleries, coming up heartily and warmly especially from the Republican side. Such a thing as Democrats and Republicans uniting in a hearty and sympathetic applause for the same speech had never been heard before; and the Speaker, gavel in hand, did not attempt to check it. "My God," exclaimed Lyman Tremaine, of New York, rushing up to Mr. Kelly, of Pennsylvania, with tears in his eyes, "what a speech! And how it will ring through the country." And so it was that Mr. Lamar, before distinguished, now leaped into fame. On the next day he wrote to his wife, "I have never in all my life opened my lips with a purpose more single to the interest of our southern people than when I made this speech. I wanted to seize an opportunity when universal attention could be arrested and directed to what I was saying, to speak to the North in behalf of my own people. I succeeded fully, but not more fully than I anticipated. I will send you letters which will show you what a tremendous revolution of feeling it has brought in Boston and New York toward the South. I did not aim at rhetorical or personal success so earnest and engrossing was my other subject; but the rhetorical triumph was as prodigious as it was unexpected. One of the most gratifying features of the occasion was that my son was in the gallery and witnessed the greatest triumph his father ever won."

Tremaine was right. The speech did "ring around the country." It was a marked tribute to it that among all those delivered in the two Houses by Members representing the various sections of the Union this alone was sent to all parts of the country by telegraph. The newspapers were full of it. "How suddenly," said the Memphis Appeal, "L. Q. C. Lamar has become famous—famous above all American orators and statesmen. His funeral eulogium upon Charles Sumner was printed in every newspaper in America. It went into the 'patent outsides' and passed thence into the school readers." Samuel J. Randall, of Pennsylvania, chairman of the congressional Democratic committee, afterwards Speaker of the House, wrote the Clarion of Jackson, Miss., as follows: "Lamar has just finished his Sumner speech. It was a wonderful success. He said exactly what ought to have been said. The House was electrified. All parties are pleased because it kindled a sentiment that rises higher than party factions. It will do a great deal of good."

Ten years after the delivery of the Sumner oration in the House of Representatives, James G. Blaine, who was then Speaker of that body, who wept while Representative Lamar spoke, in his Twenty Years of Congress thus referred to the Sumner eulogy:

"A singular interest was added to the formal eulogies of Mr. Sumner by the speech of Mr. Lamar, of Mississippi, who had just returned to the House of Representatives, which he left 13 years before to join his State in secession. It was a mark of positive genius in a southern Representative to pronounce a fervid and discriminating eulogy upon Mr. Sumner, and skillfully to interweave with it a defense of that which Mr. Sumner, like John Wesley, believed to be the sum of all villainies. Only a man of Mr. Lamar's peculiar type could have accomplished the task. He pleased the radical and antislavery sentiment of New England. He did not displease the radical proslavery sentiment of the South."

Of the Sumner speech the Illustrated American said:

"The House listened entranced to his Sumner eulogy. The country read with awe and admiration a tribute so earnest, so graceful, so truthful, so imbued with lofty sentiments, that, insensibly, the soul of the man lost seemed to be found in the man that perpetuated his memory. The heart of the land went out to Lamar. The 'bloody-shirt' became a byword and scorn. The warriors of peace that had traded upon the agonies of war were discredited and contradicted forever. Lamar had closed the gaping chasm of civil war. Never in the history of civil convulsion was the single voice of honor so potent; never was the magnanimous impulse of manhood so generously accepted, so generally understood. From the hour of the Sumner eulogy until the hour of his death Lamar meant to the South the voice that had stilled factions, restored constitutional rights; to the North the intellect that had penetrated the darkness of northern doubt. This surely was a great rôle to play. To bring distrusting, self-destroying millions together; to make the mulctuary covenant of the Appomattox apple tree the broad charter of a reunited people. Lamar's speech did that, for though the powers of partisan darkness held sway a little longer, the heart of the North had been too deeply touched; and in 1874 the miscreant régime of carpetbag anarchy in the South began to topple and it fell with a crash in 1876. It is, therefore, as the inspired pacificator that Lamar will stand out unique, almost incomprehensible, to other times when those that knew the incredible baseness of the policies that followed the war."

The refusal of Senator Lamar to obey the instructions of the Mississippi Legislature and vote for the Stanley Matthews free silver resolution angered his adversaries in the State and challenged the admiration of his friends. This resolution had already been discussed by the Senate and Senator Lamar had made a speech in opposition to it. When it came up on its final passage in the Senate, the Mississippi Legislature, being in session, instructed its Senators, L. Q. C. Lamar and Blanche K. Bruce, the negro Republican Mississippi Senator, to vote for it. The resolution was passed by the Democratic Legislature of Mississippi and was sent to Senators Lamar and Bruce. When it came up on its final passage in the Senate, Bruce, the negro Senator, obeyed the instructions and voted for it. When the name of Lamar was called, he rose in his place and stated that having already expressed his deliberate opinion at some length he would not trespass upon the attention of the Senate further. He had, however, he said, one other duty to perform; a very painful one, he admitted, but one which was none the less clear. Mr. Lamar held in his hand the resolution of instruction of the Mississippi Legislature which he asked to be read by the Secretary of the Senate. When the Secretary had finished reading the resolution, Mr. Lamar said:

"Mr. President, between these resolutions and my convictions there is a great gulf. I can not pass it. Of my love of the State of Mississippi I will not speak; my life alone can tell it. My gratitude for all the honor her people have done me no words can express. I am best proving it by doing to-day what I think their true interest and their character require me to do. During my life in that State it has been my privilege to assist in the education of her youth, to have given the impulse to wave after wave to the young manhood that has passed into the troubled sea of her social and political life. Upon them I have always endeavored to impress the belief that truth was better than falsehood, honesty better than policy, courage better than cowardice. To-day my lesson confronts me. To-day I must be true or false, honest or cunning, faithful or unfaithful to my people. Even in this hour of their legislative displeasure and disapprobation I can not vote

as these resolutions direct. I can not and will not shirk the responsibility which my position imposes. My duty, as I see it, I will do, and I will vote against the resolution.

"When that is done my responsibility is ended. My reasons for my vote shall be given to my people. Then it will be for them to determine if adherence to my honest convictions has disqualified me from representing them; whether a difference of opinion upon a difficult and complicated subject to which I have given patient, long-continued, conscientious study, to which I have brought entire honesty and singleness of purpose, and upon which I have spent whatever ability God has given me, is now to separate us; whether this difference is to override that complete union of thought, sympathy, and hope which on all other and, as I believe, even more important subjects, bind us together. Before them I stand or fall; but be their present decision what it may, I know that the time is not far distant when they will recognize my action to-day as wise and just; and, armed with honest convictions of my duty, I shall calmly await results, believing in the utterances of a great American who never trusted his countrymen in vain, that 'truth is omnipotent, and public justice certain.'" Lamar returned to Mississippi, made six or eight speeches and was reelected by the legislature of 1882, with only one dissenting vote.

One night in the Senate Lamar scarified Roscoe Conkling, of New York, for life, and left him with burning yet deferential resentment. Conkling imputed bad faith to Lamar. Whereupon Lamar replied that it was not his habit to indulge in personalities. "But when the Senator from New York intimated anything inconsistent with perfect good faith, he uttered a falsehood which I repel with all the unmitigated contempt that I feel for the author of it."

In the Senate Conkling had had no rivals. No one challenged him. If any one differed from him, it was with deference, almost timidity. To be called a liar and denounced as an object of unmitigated contempt in the forum of his most imposing triumphs, before crowded galleries, by a Confederate colonel was an indignity that seemed incredible. Had a dynamite bomb exploded in the gangway of the brilliantly lighted Chamber the consternation could hardly have been more bewildering. Conkling acted like one stunned. He became pallid and then flushed again. He hesitated and floundered pitiably. He pretended at first not to have heard the insult and asked Lamar, in effect, to repeat it. Lamar stated his position, and in conclusion, said:

"I have only to say that the Senator from New York understood me correctly. I did mean to say just precisely the words and all that they imported. I beg pardon of the Senate for the unparliamentary language. It was very harsh. It was very severe. It was such as no good man would deserve and no brave man would wear."

Conkling resigned in a patronage quarrel with President Garfield, expecting the New York Legislature to reelect him. It failed to do so, and "his life afterwards was a prolonged monologue of despair. To-day he is a splendid reminiscence. His name is a tradition." During a snow blizzard in New York in 1888 Conkling declined to pay a cab driver $50 to take him home. In walking home he contracted pneumonia from which he died.

Senator Lamar also severely wounded Senator Hoar, of Massachusetts, in a verbal duel. The Senate had under consideration a bill pensioning surviving veterans of the Mexican War. An amendment was offered by Senator Hoar which contained these words: "*Provided further*, That no pension shall ever be paid under this act to Jefferson Davis, the late President of the so-called Confederacy." This amendment precipitated a crisis. Southern Senators, one after another, stated that they stood in the same position in which Jefferson Davis stood, and that every man in the South who believed in secession stood in the same position, and that if Jefferson Davis was a traitor they were all traitors.

Senator Garland, of Arkansas, eulogized Jefferson Davis, and called attention to the courage which Davis had exhibited on the Mexican battle fields, to which Senator Hoar replied: "Two of the bravest officers in our Revolutionary War were Aaron Burr and Benedict Arnold."

At this juncture Senator Lamar, tremulous with indignation, sprang to his feet, and said:

"It is with supreme reluctance that I rise to say a word on this subject. I must confess my surprise and regret that the Senator from Massachusetts should have wantonly, without provocation, flung this insult." Senator Hoar interrupted to explain that in making his motion to exclude Jefferson Davis, said that he had not thought any others stood in the same position as Mr. Davis. "I should not have moved," said he, "to except the gentleman from Mississippi from the pension roll."

Senator Lamar insisted that there was no difference. He defended Jefferson Davis from the charge of treason which had been urged in the debate, and said: "I say this as a Union man to-day. Senator Hoar intended to affix—I will not say intended, but the inevitable effect of it was to affix—upon this aged man, this man broken in fortune, suffering from bereavement, an epithet of odium, an imputation of moral turpitude. Mr. President, it required no courage to do that. It required no courtesy. It only required hate, bitter, malignant, sectional feeling, and a sense of personal immunity. The Senator, I believe, takes rank among the Christian statesmen. He might have learned a better lesson from the pages of heathen mythology.

"When Prometheus was bound to the rock it was not an eagle but a cowardly vulture that buried his beak in the tortured vitals of the victim," pointing toward Hoar. I have been told that Lamar's gesture when he used the word "eagle" was so like that of an eagle that one could almost see the wings of that proud bird.

Lamar was an ardent champion of white supremacy. During the reconstruction saturnalia in Mississippi a proposition was made to invite a sufficient number of "good negroes" of the State into the Democratic Party and make it numerically strong enough to defeat the carpetbaggers, scalawags, and bad negroes. In a speech in the courthouse at Raymond, Hinds County, Miss., Lamar climaxed his reprobation of the proposition by dramatically pouring a drop of ink into a glass of water, instantly turning the water black. So it is to-day. If the white people shall continue to rule Mississippi and the South, they must stand together. There can be no two "white parties" where there is a negro electorate flitting from one to the other. Political cupidity and self-aggrandisement will seek negro votes. The negro will go to the "white party" which will give him the best terms, and ere long the negro will be demanding and getting municipal, county, legislative, and State offices.

In 1884 Lamar sent me a telegram requesting me to come to Washington. On arriving there, he informed me that he wanted me to be his secretary. I expressed surprise and thanked him for the great compliment, but told him that I was not fitted temperamentally or clerically to be the secretary of anyone. He replied:

"We will get a stenographer to do the clerical work, and I like your temper," having in mind perhaps the fact that I had severely slapped the face of a notorious editorial blackguard who had villified him and wantonly attacked me, as his friend. He urged me to become his secretary, stating that he desired my counsel and cooperation in the distribution of Federal patronage under the Cleveland administration, which he expected largely to control. He was gracious enough to say that I was the most consummate organizer he had ever known. I finally agreed to accept the position. Lamar was 33 years my senior. During the last 12 years of his life our relations, personal and political, were very close.

When President Cleveland appointed Senator Lamar Secretary of the Interior Lamar tendered me the choice of appointments in Washington. I thanked him and told him that I wanted to return to Jackson and look after my newspaper, which had suffered because of my absence. Putting his arm around me, he said:

"Then our official relations are asunder to-night, but our personal relations can only be sundered by the cruel intervention of the grave."

His daughter, lovely Jennie Lamar, came from college while I was in Washington, and she and my wife became good friends. The night before Lamar went from the Senate to the Cabinet we were in his home and he said:

"I have a present for you girls," handing his daughter and my wife each a beautiful gold ring which he had had made for them. On the rings were forget-me-not. Inside was "L. Q. C. L., March 5, 1885." Dear Jennie Lamar is dead. My wife still has her ring and esteems it as one of her most sacred treasures.

At a dinner given me at the Pendenis Club in Louisville by Hon. Henry Watterson, himself an intellectual giant, he stated that Lamar was the ablest man he ever saw in this country or in Europe. Lamar went from the House of Representatives to the Senate, from the Senate to the first Cleveland Cabinet; and was translated later by President Cleveland to Associate Justice of the Supreme Court of the United States. He was the first Confederate soldier to wear the ermine of that court. After Mr. Lamar's death Chief Justice Melville W. Fuller said that he rendered few decisions, but was invaluable in consultation; that his mind was the most suggestive he had ever known and there was not one of the members of the court but had drawn from his inexhaustible store.

President Cleveland told me that the conformation of Mr. Lamar's mind was such that he could not reach a wrong conclusion on any subject.

Lamar was a native of Georgia. He served in the legislature in that State before coming to Mississippi. He died in Vineville, a suburb of Macon, Ga., January 23, 1893, and was temporarily interred in Riverside Cemetery at Macon. His remains were reinterred in St. Peter's Cemetery at Oxford, Miss., in 1894. I believe that when L. Q. C. Lamar passed from the stage of living men he did not leave his peer. His life was a national benefaction. To me his memory is an incense.

CRIME CONDITIONS

Mr. BLACK. Mr. President, I present two letters printed in a recent issue of the Birmingham (Ala.) News, headed "Moral Bankruptcy" and "Prohibition Is Making Criminals," which I ask leave to have published in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

MORAL BANKRUPTCY

To the EDITOR THE BIRMINGHAM NEWS:

The statement made by a prominent athletic coach of Princeton University before a committee of the United States Senate a few days ago, in which he described the prevalence of excessive drinking among college men and women at this time, was an arresting and poignant one. It was clearly an honest statement of the facts as he has seen them. Whether wet or dry in our sympathies, we recognize these conditions as being of the most sinister and alarming character. He who discloses such data renders the public a service.

But in asserting that "prohibition" is to blame for what he observes, this fine fellow enters upon debatable ground, and one may be justified in suggesting a different explanation. Excluding what might be said as to the colleges and their discipline, or lack of it, and considering the students only, the writer believes that these young people are the victims of a ghastly moral breakdown on the part of us older men and women.

We know—we who are older—how prohibition came about in this country. We know that it resulted from a conviction, born of long experience, that the liquor business is an infamous and sordid thing. We saw that the saloon, wherever it flourished, was a prolific source of crime, vice, insanity, pauperism, and disease. We knew then, and know now, that drink is a corruptor of morals and a physical poison. But does the younger generation know these things; and if not, whose is the responsibility?

When young people see bankers, merchants, professional men and captains of industry drinking contraband whisky; when young women see those whom they regard as social leaders serving and drinking it; when personal liberty is placed above every ethical consideration by the very ones to whom they would naturally look for advice, and when the lips of their own parents offer no wiser counsel than a sneer about prohibition, is it strange that boys and girls go out to face life with such a tragic ignorance of its dangers? It was said by a wise teacher of old: "If a man's son ask for a fish, will he give him a serpent?" The question seems to answer itself, but in the light of what some modern fathers are doing, one is not so sure.

It is an ironic situation indeed when fathers and mothers who have defaulted in carrying out their sacred obligations to the children they brought into the world are attempting to throw the whole country into moral bankruptcy. We may repeal prohibition, if and when sufficient reasons are shown, but it will not be because some degenerate American universities are turning boys and girls into sots; nor will it be because a certain class of parents are seeking a convenient alibi for their own pitiful lack of courage, decency, and self-control.

W. C. VAIL.

BIRMINGHAM, May 3.

PROHIBITION IS MAKING CRIMINALS

To the EDITOR THE BIRMINGHAM NEWS:

The statement which furnishes the caption of this article is one often made with simulated concern and almost tearful earnestness by certain of our fellow citizens. Investigation brings the interesting revelation that those who utter it so vehemently have in the past, with few exceptions, resisted practically every effort made to correct the evils and curb the lawlessness of the legalized liquor traffic. An outraged public, despairing of ever regulating it, rose up in nation-wide indignation and outlawed the life-wrecking business.

Just now our country is distressed and appalled by a crime wave. Criminals stalk the streets and ply their trade by night and even by day. Petty theft is rampant, unarmed and unsuspecting citizens are held up on the streets, women are robbed of valuables and subjected to indignities, peaceable places of business are invaded by men bearing deadly weapons, and the least show of resistance or even hesitation is met by brutal assault, sometimes with mortal results. "All I know is what I read in the papers."

What is the remedy? Easy enough! Our laws against such crimes should be repealed or greatly modified without delay. Mutiny is breaking out in many of our penal institutions. What shall we do? Why, release the criminals upon society and have done with the imprisonment of men for the violation of laws which they do not approve. How cold-blooded and cruel to shoot them down if they brain a few guards and make a break for liberty!

If you ask the officers of the law, they will doubtless admit that none of our laws are enforced perfectly, or can be. The officers are doing their best, but crime goes on. The only answer seems to be for orderly government to surrender, and to repeal or ignore laws which can not be wholly enforced. The laws are making criminals at an alarming rate.

Foolish, you say? Indeed, it is. But if the argument (?) is valid at all, clearly prohibition is not the only offender in the matter of making criminals.

It is estimated that prohibition enforcement is about 60 per cent effective, while the law against highway robbery scores a bare 15 per cent in enforcement.

If the prohibition laws were repealed to-morrow, we would still have our wretched crime wave of theft, robbery, assault, and murder.

Do the laws passed for the protection of society and the well-being of our citizens make criminals? Some say, "Yes; if it happens to be a law that seeks to repress the dangerous and deadly liquor traffic."

May we not follow the leading of logic and conclude that all crime is a condemnation of law and that all criminals are made by law?

Such assertion seriously made would be rightly regarded as a travesty on logic and an abuse of public intelligence.

If such a statement is untrue, it is totally untrue. It is either true of all law or it is not true of any law. There is no other alternative.

HENRY M. STEVENSON,
Pastor First Methodist Church.

JASPER, ALA., *May 1.*

JUDGE JOHN J. PARKER

Mr. HARRIS. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial appearing in the Baltimore Sun of Thursday, May 8, 1930, entitled "Judge Parker's Defeat"; also an editorial appearing in the New York Times of Thursday, May 8, 1930.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorials are as follows:

[From the Baltimore Sun, May 8, 1930]

JUDGE PARKER'S DEFEAT

The Senate's rejection of Judge Parker as an Associate Justice of the Supreme Court represents primarily another phase of the revolt, which Mr. Hoover seems incapable of understanding, against the heavy preponderance on the highest court in the land of men of ultraconservative views. The revolt sprang up when Mr. Hoover nominated Chief Justice Hughes. Several facts increased the opposition to Judge Parker, but the principal reason that Hughes was confirmed while Parker is rejected is the difference in the standing and ability of the two men. Judge Parker had the added liability of obvious mediocrity. Instead of interpreting the fight against confirmation of Hughes as almost every other observer had interpreted it, Mr. Hoover chose to ignore its significance and proceeded to appoint a man as conservative as Hughes, but lacking his reputation and recognized distinction.

The result is before us, and it will be unfortunate if Mr. Hoover again fails to comprehend its essential meaning. That meaning is, it appears to us, that the recent intervention of the Supreme Court in questions of policy, not essentially legal in nature, has inspired a popular and far-reaching resentment at the manner in which the court has been loaded with men who, however great their legal attainments, seem out of sympathy with the necessities of their own time. "We do not want radical judges," says a weekly generally regarded as radical, "but we do want understanding judges." Instead of providing such a judge, Mr. Hoover produces what one of his own associates described as a "political master-stroke." It proved a political blunder for the simple reason that Mr. Hoover again misread the temper of the time.

That Judge Parker's past attitudes on labor injunctions and the political fitness of the negro should be involved was natural, but the vote shows that these incidental issues were by no means controlling. So far as the negro matter is concerned, the roll call shows that of the 17 Republicans who voted against confirmation only 4 or 5 could be remotely suspected of being guided by Judge Parker's attitude on the race issue, whereas it may be suspected that most of the 10 Democrats who voted to confirm were guided largely by the negro question. In other words, if the negro question was a consideration at all, it worked out to the advantage of Judge Parker. The influence of the labor unions is so nebulous as to be virtually untraceable. Judge Parker was rejected because he does not measure up to the standard which the people, with increasing insistence, are setting for members of the Supreme Court of the United States.

There will be no disposition to rejoice over the discomfiture of Mr. Hoover or the disappointment of Judge Parker. The one owes his defeat to an ineptitude which seems insuperable; the other to the fact that political strategy, rather than the desire to strengthen the court, lay behind the administration's choice. Few men possess the rare gifts which alone should dictate their elevation to our highest judicial body. It was unfair to Judge Parker that he should be put forward as a candidate for a place which only men of the broadest sympathies, the deepest understanding, and the keenest awareness of the social and economic complex, which boils down to "law," should occupy.

[From the New York Times, Thursday, May 8, 1930]

PARKER ONLY AN "INCIDENT"

It was more than once remarked in the course of the Senate debate on the nomination of Judge Parker that his personality was purely incidental to the great controversy. His private character and his judicial integrity were impeached by no one. Perhaps no man named for the Supreme Court ever had a more imposing list of indorsers. They included 2 United States circuit judges, 10 United States district judges,

many State judges, the president and 5 former presidents of the American Bar Association, 22 presidents of State and county bar associations, with hundreds of lawyers and other prominent citizens. Into the refusal of the Senate to confirm an appointment backed by such credentials powerful reasons must have entered. What were they?

Judge Parker's personal bearing throughout the contest must have influenced the decision against him. He showed himself too anxious, too small minded. He fairly rained letters and telegrams upon the Senate. His attitude was very far from that of a judge wrapping his robes about himself in simple dignity and ignoring the strife of tongues and the ignoble clash of arguments over his nomination. Judge Parker neither held himself austerely aloof nor meddled with propriety and effect. There can be no doubt that his activities, too much like those of a candidate for the office of sheriff, lowered the prestige both of the office which he sought and the office which he held.

His labor decision in one greatly controverted case was used against him with damaging effect. By some it was employed sincerely, but by many others simply as a crafty way of masking their real motives. No one can say how many Senators were persuaded, against their best judgment and their inclination, to vote against Judge Parker solely because they feared reprisals from organized labor in the next election if they voted for him. Similar was the case with the protests and threats made in the name of negro citizens. Several weak-kneed Senators evidently went down before them. As for those southern Senators who refused to vote for Judge Parker although they agreed heartily with his view of the present unfitness of negroes to hold high office, their motive seems to have been mainly not to pull chestnuts out of the fire for the embroiled Republicans.

Another factor in the rejection of Judge Parker is the growing determination of the Senate to assert its power, even to the point of arrogance, in all large matters of public policy and government. It is resolved to make the President keep his place. He must consult the real source of political power—the United States Senate—before venturing to make any large plans or to resolve upon any important appointments to office. This senatorial spirit would erect the "advice and consent" of which the Constitution speaks into an active and continuous dictatorship over the Executive. The case of Judge Parker is truly an "incident" in the old and persistent antagonism between the Senate and the White House.

Still another element in the failure of the President to secure confirmation for Judge Parker has sorrowfully to be noted. It was a desire to strike one more blow at Mr. Hoover. This was hardly a concealed motive on the part of the Republican Senators long recognized as insurgent and against the administration, but it drew in others. One is surprised to read the names of CAPPER, DENEEN, and VANDENBERG among Republican Senators who voted against Judge Parker. This, of course, did not represent in them actual hostility to the President, but at least an unwillingness to support him at a critical hour when the administration was making superhuman efforts to rally all its friends. The result must be confessed to be a diminution of the authority and political reputation of President Hoover. People will ask what can be expected if such a rebuff can be administered to him in such a case. He sees the work and hopes of many weeks undone in a day by the Senate. Doubtless Mr. Hoover will apply himself with quiet philosophy to the next best thing to be done, but he can hardly help saying to himself, as he sees one piece of bad luck following another: "All these things are against me."

ABOLITION OF PROCEEDINGS IN COMMITTEE OF THE WHOLE

The Senate resumed the consideration of the resolution (S. Res. 227) to amend the Senate rules so as to abolish proceedings in Committee of the Whole on bills and joint resolutions.

Mr. NORRIS. Mr. President, the question before the Senate now is the resolution of the Senator from Virginia [Mr. SWANSON], reported from the Committee on Rules. There has been considerable discussion in regard to the amendment suggested on page 3 of the resolution, which would strike out the words "voting with the prevailing side," and then would insert a proviso and one or two other amendments to make that applicable. The proviso applies only to amendments to bills, and a motion which can be made in regard to them to reconsider.

I think the general discussion which has taken place has shown that it is the practically unanimous opinion of those who have participated in the debate that the proviso should not be adopted. Objection has been made to striking out the words "voting with the prevailing side," the object being to liberalize and extend the right of Senators to make a motion to reconsider who do not possess it under the existing rules.

I think it is generally conceded that that broadens the rule too much. The objection which has appealed to me, and, I think, to other Senators, is that under existing conditions a Senator who happens to be out of the Chamber when some bill is passed, who wants to be heard on it, who did not know it was to be taken up, it being taken up in his absence, can not make a motion to reconsider under the existing rules. While the motion to reconsider can be made where no roll call is had, or, if a roll call is had, it results in a tie vote, by anybody voting on either side, or not voting at all, where a motion has been decided on a roll call vote, the Senators who have the right to make a motion to reconsider are confined to those who voted on the prevailing side. That is on the theory, a very good theory, one which prevails in almost every parliamentary body, that every member of the body voted. But when that does not occur, as is frequently the case here, sometimes it results in an injustice to members of the body.

My motion is that, on page 3, strike out lines 4 and 5 and insert in lieu thereof the following: "In line 2 of said paragraph, after the words 'voting with the prevailing side,' insert 'or who has not voted.'" Strike out lines 8 to 21, both inclusive. That is the proviso. If the amendment is agreed to, the rule would then read as follows:

When a question has been decided by the Senate, any Senator voting with the prevailing side or who has not voted on the same day—

And so forth. The rest would be as it is now. I offer that amendment.

Mr. SWANSON. Mr. President, the Senator who offered that amendment in the Committee on Rules has consented to the amendment now offered by the Senator from Nebraska.

One advantage of it is that a Senator might have been paired on a measure and his pair might have occasioned its passage. Under the existing rule he could not move to reconsider if he did not vote. I think this is a good amendment to the rule. It would allow anybody who might be absent when a measure was passed to have a matter reconsidered when he returns.

I accept the amendment proposed by the Senator from Nebraska as a part of the resolution.

The PRESIDING OFFICER (Mr. GEORGE in the chair). The question is on agreeing to the amendment offered by the Senator from Nebraska to the committee amendment on page 3.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the adoption of the committee amendment, on page 3, as amended by the adoption of the amendment offered by the Senator from Nebraska.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the first committee amendment.

Mr. SWANSON. Mr. President, the object of that is to strike out the provision applying to treaties. I ask that the amendment be accepted.

The PRESIDING OFFICER. The present occupant of the chair is advised that the question now is upon the first committee amendment, and the clerk will state the amendment.

The CHIEF CLERK. On page 1, line 1, strike out the words "joint resolutions, and treaties" and insert the words "and joint resolutions."

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The CHIEF CLERK. On page 4, strike out lines 18 to 25, and on page 5, lines 1 to 16, both inclusive, as follows:

Resolved further, That the second subdivision of paragraph No. 1 of Rule XXXVII of the Standing Rules of the Senate be, and it is hereby, amended by striking therefrom the following language on page 39, namely, "as in Committee of the Whole"; and by further striking therefrom the following language on page 40, namely, "and when through with, the proceedings had as in Committee of the Whole shall be reported to the Senate, when the question shall be, If the treaty be amended, 'Will the Senate concur in the amendments made in the Committee of the Whole?' And the amendments may be taken separately, or in gross, if no Senator shall object; after which new amendments may be proposed," so as to make the said subdivision read:

"When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie one day for consideration, after which it may be read a second time and considered, when it shall be proceeded with by articles, and the amendments reported by the committee shall be first acted upon, after which other amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty or proceed with its consideration in open executive session."

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the resolution as amended.

Mr. DILL. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. GEORGE in the chair, when his name was called). I have a general pair with the Senator from Colorado [Mr. PHIPPS]. I transfer that pair to the Senator from Alabama [Mr. HEFLIN] and vote "yea."

Mr. WATSON (when his name was called). Making the same transfer of my pair as previously announced, I vote "yea."

The roll call was concluded.

Mr. McKELLAR. I have a general pair with the Senator from Delaware [Mr. TOWNSEND], which I transfer to the Senator from Louisiana [Mr. BROUSSARD], and vote "nay."

Mr. BLEASE. I transfer my pair with the senior Senator from West Virginia [Mr. GOFF] to the Senator from Kentucky [Mr. BARKLEY] and vote "yea."

Mr. BRATTON. I have a pair with the Senator from Maine [Mr. GOULD], which I transfer to my colleague [Mr. CUTTING], and vote "nay."

Mr. KING (after having voted in the negative). I have heretofore voted in the negative; but finding that I am unable to obtain a transfer of my pair with the Senator from New Hampshire [Mr. MOSES], I withdraw my vote.

Mr. HAYDEN. My colleague the senior Senator from Arizona [Mr. ASHURST] is necessarily absent. He is paired with the junior Senator from Florida [Mr. TRAMMELL], who is also necessarily detained from the Senate. If my colleague were present, he would vote "yea," and if the junior Senator from Florida were present he would vote "nay."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. GRUNDY] with the Senator from Florida [Mr. FLETCHER];

The Senator from Vermont [Mr. DALE] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER];

The Senator from New Jersey [Mr. BAIRD] with the Senator from Montana [Mr. WHEELER]; and

The Senator from Illinois [Mr. DENEEN] with the Senator from New York [Mr. COPELAND].

The result was announced—yeas 48, nays 13, as follows:

YEAS—48

Allen	Goldsborough	McNary	Shortridge
Bingham	Greene	Norris	Simmons
Blease	Harris	Nye	Swanson
Brock	Hastings	Oddie	Thomas, Idaho
Capper	Hawes	Overman	Thomas, Okla.
Caraway	Hayden	Ransdell	Tydings
Couzens	Hebert	Reed	Vandenberg
Fess	Howell	Robinson, Ark.	Walcott
Frazier	Jones	Robinson, Ind.	Walsh, Mass.
George	Keyes	Robsion, Ky.	Walsh, Mont.
Glass	McCulloch	Sheppard	Waterman
Glenn	McMaster	Shipstead	Watson

NAYS—13

Black	Dill	La Follette	Steiwer
Blaine	Gillett	McKellar	
Bratton	Hatfield	Metcalf	
Connally	Kendrick	Schall	

NOT VOTING—35

Ashurst	Deneen	Kean	Smoot
Baird	Fletcher	King	Steck
Barkley	Goff	Moses	Stephens
Borah	Gould	Norbeck	Sullivan
Brookhart	Grundy	Patterson	Townsend
Broussard	Hale	Phipps	Trammell
Copeland	Harrison	Pine	Wagner
Cutting	Heflin	Pittman	Wheeler
Dale	Johnson	Smith	

The resolution as amended was agreed to, and it is as follows:

Resolved, That hereafter bills and joint resolutions shall not be considered as in Committee of the Whole, as heretofore required by the rules, and this stage of the parliamentary proceedings relating thereto is hereby abolished.

Resolved further, That paragraph No. 3 of Rule XIV of the Standing Rules of the Senate be, and it is hereby, amended by striking therefrom the following words, namely: "as in Committee of the Whole," so as to make the paragraph read:

"3. No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee; bills and joint resolutions introduced on leave, and bills and joint resolutions from the House of Representatives, shall be read once, and may be read twice, on the same day, if not objected to, for reference, but shall not be considered on that day, nor debated, except for reference, unless by unanimous consent."

Resolved further, That Rule XV of the Standing Rules of the Senate be, and it is hereby, amended by striking therefrom paragraph No. 1, as follows: "1. All bills and joint resolutions which shall have received two readings shall first be considered by the Senate as in Committee of the Whole, after which they shall be reported to the Senate; and any amendments made in Committee of the Whole shall again be considered by the Senate, after which further amendments may be proposed"; and by striking from paragraph No. 2 the following: ", and when again considered by the Senate it shall be as in Committee of the Whole"; so as to make said paragraph No. 2 read:

"2. When a bill or resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall be in order at any time before the passage of any bill or resolution to move its commitment; and when the bill or resolution shall again be reported from the committee it shall be placed on the calendar."

Resolved further, That paragraph No. 1 of Rule XIII of the Standing Rules of the Senate be, and it is hereby, amended as follows:

In line 2 of said paragraph, after the words "voting with the prevailing side," insert "or who has not voted."

So as to make the said paragraph read:

1. When a question has been decided by the Senate, any Senator voting with the prevailing side or who has not voted may, on the same day or on either of the next two days of actual session thereafter, move a reconsideration; and if the Senate shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. Every motion to reconsider shall be decided by a majority vote, and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion.

CONSOLIDATION OF RAILWAY PROPERTIES

Mr. COUZENS. Mr. President, I move that the Senate proceed to the consideration of the joint resolution (S. J. Res. 161) to suspend the authority of the Interstate Commerce Commission to approve consolidations or unifications of railway properties.

Mr. BINGHAM. Mr. President, is that the resolution which was reported adversely?

The PRESIDING OFFICER. The Chair is advised that the joint resolution was reported adversely with an amendment in the nature of a substitute.

Mr. HAWES. Mr. President, is the motion debatable?

The PRESIDING OFFICER. It is.

Mr. HAWES. Mr. President, the Committee on Interstate Commerce had before it a resolution introduced by the senior Senator from Michigan [Mr. COUZENS]. After hearing some testimony the resolution was abandoned and a second resolution was then introduced by the Senator from Michigan. After another hearing that resolution was abandoned. Then a third resolution was introduced by the Senator from Michigan, discussed, and when the committee voted there was a tie vote. The chairman of the committee and four members of the committee present voted in the affirmative, and by voting an absentee, there were six votes in favor of the resolution. Six members of the committee present voted against the resolution.

The chairman was requested to poll the absentees. Upon polling the absentees it was found that 9 members of the committee were opposed to the resolution, 6 were in favor of it, and 2 of the committee were qualifiedly in favor of it—that is, they were in favor of it with qualifications or if amended. So the resolution now comes to the Senate in the form of a minority report, and, strange as it may seem, the minority report was written by the chairman of the committee. No expression of opinion has been given or prepared by the majority of the committee so the adverse report which the Senate has before it was not prepared by Senators who opposed the resolution, but was prepared by Senators who favored it.

Mr. President, there was but one subject upon which the members of that great committee were unanimous and that was the protection of union labor or labor of any kind in the event of railway consolidations. In order to express the opinion of the committee in the form of an amendment to the law a subcommittee was appointed to draft a bill upon that subject. The subcommittee made a unanimous report in favor of an amendment to the law; the report was approved by the committee, and Senators will find that bill on the calendar as Order of Business 636, immediately following the measure as to which the Senator from Michigan has just made his motion. But, strange to say, Senate Joint Resolution 161, although here by virtue of a minority report, was given preference on the preference program. Although the majority leader of the Senate, a member of the Interstate Commerce Committee, and three other members of the committee which gives preference to bills were opposed to the bill, it has received this preferential treatment.

Mr. President, I send to the desk and ask to have read a letter from Mr. Joseph B. Eastman, chairman of the legislative committee of the Interstate Commerce Commission, who was requested to recommend a form of bill to be adopted by the committee.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, May 5, 1930.

Hon. HARRY B. HAWES,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In accordance with the request in your letter of May 3, I have given consideration to S. 4205, which undertakes to afford protection to labor in connection with railroad consolidations and acquisitions of control, and also to the suggested amendment to this bill prepared by Mr. Green. As a matter of form, it seems to me that the amendment to section 5 of the interstate commerce act which this bill proposes should not take the shape of an additional subparagraph, lettered (d), in paragraph (6), but should rather be a new paragraph (6A) to be inserted between paragraphs (6) and (7). I suggest this because paragraph (6) deals wholly with consolidations, and the lettered subparagraphs state the conditions under which consolidations shall be permitted. The protection to labor which S. 4205 is intended to afford, however, relates not only to consolidations under paragraph (6) but also to acquisitions of control under paragraph (2).

Upon consideration it seems to me that S. 4205 can be drafted in one of two different ways. One plan would be to direct the commission to consider the interests of employees in passing upon applications for authority to consolidate or acquire control, but to give it broad discretion to attach such terms and conditions to any grant of authority as it may find it necessary or desirable to attach for the proper protection of those interests. The other plan would be to direct the commission to protect those interests by attaching terms and conditions designed to accomplish certain specified purposes. The choice between these two plans depends upon how certain Congress may be as to what should be done for the proper protection of labor. If it is uncertain and feels that terms and conditions which might be proper and desirable in one case might not be proper and desirable in another, and if it has confidence that the commission can be trusted to act fairly and wisely for the proper protection of labor, after hearing the evidence in each case, it will probably choose the first plan. If, on the other hand, Congress is satisfied as to the kind of protection which should be afforded to labor in connection with consolidations and acquisitions of control generally, it will no doubt choose the second plan.

Personally, I do not desire to express any opinion as to which of these plans should be adopted, for I have not heard or read the evidence in regard to this matter which was submitted to your committee, nor have I had opportunity to study it independently of such evidence. I am, therefore, submitting herewith alternative drafts embodying each of these two plans. A feature which I have incorporated in both and which I think is important is that the action of the commission as to this particular matter should be dependent upon the intervention of and the presentation of evidence by the employees. In other words, if the employees want protection, I think that they should come to the commission and explain their situation and what they fear, so that it may know what to protect them against and how to do it. It does not seem to me that the commission should be required to make an independent investigation of this matter and determine what is needed in cases where there is no intervention by the employees and no requests of record by them for protection. They ought, in short, to help the commission in the consideration of this difficult matter.

I am taking the liberty of sending a copy of this letter to Senator COUZENS, as chairman of the Committee on Interstate Commerce.

Respectfully yours,

JOSEPH B. EASTMAN, *Commissioner.*

Mr. HAWES. Mr. President, the two plans which I have asked may be inserted in the RECORD were submitted to the committee. They were unanimously approved by the subcommittee and a bill in the form of plan No. 1 was presented to the full committee, received the unanimous approval of that committee, and was reported to the Senate.

The question was raised whether this expression of opinion by Chairman Eastman was his individual expression or the expression of opinion of the entire legislative committee of the Interstate Commerce Commission. So I made inquiry of the chairman of that commission, and I send to the desk his answer.

The PRESIDING OFFICER. Does the Senator from Missouri desire that the letter be inserted in the RECORD?

Mr. HAWES. I should like to have the letter inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, May 7, 1930.

Hon. HARRY B. HAWES,
United States Senate.

MY DEAR SENATOR: This is in reply to your letter of May 6 in which you say that your subcommittee of the Committee on Interstate Commerce desires to know whether the remainder of our legislative committee; that is, Commissioners Porter and Farrell, concur in the letter which I wrote you on May 5 with reference to S. 4205, which undertakes to afford protection to labor in connection with railroad consolidations and acquisitions of control. I have submitted my letter of May 5 to the two other commissioners, together with the suggested drafts of legislation which accompanied it, and they both tell me that they concur in what was said in that letter.

Respectfully yours,

JOSEPH B. EASTMAN,
Chairman Legislative Committee.

Mr. HAWES. Mr. President, so far as I can ascertain, the original joint resolution was indorsed by labor unions of the United States which desire protection from certain effects of consolidation. As I have stated to the Senate, there was unanimous agreement upon that subject and upon that subject alone. I inserted in the RECORD the other day a letter of the counsel of the Shortline Railroad Association of America. That association represents some 464 short lines which are trying to dispose of some 23,000 miles of properties of short and weak railroads. Senators can examine that list and ascertain how many of those short lines are in each one of the States. They will find, I think, that the sale of short lines is involved in 31 States. The counsel for that organization states that if this resolution shall be adopted the sale of all those short lines will end. The one thing that the transportation act of 1920 attempted to do in the interest of community service and for the protection of communities by means of mergers or consolidations was to compel the purchase of short lines and weak lines. That was not proposed in the interest of the railroads; the provision was placed in the bill in the interest of the public.

The short and weak lines are not valuable properties, and the commission in forming its tentative plan of consolidation provided for the purchase of those short lines. In a great majority of cases large systems to be merged do not want the short lines; they are not profitable investments; but, carrying out the policy and the philosophy back of the act of 1920, the commission refuses to grant permission to consolidate or merge unless those short lines are protected.

This joint resolution which, in my opinion, had for its primary object the prevention in the northwest section of the consolidation of the Great Northern and the Northern Pacific, to which opposition of a pronounced character had developed both from the railroad unions and from the chambers of commerce, goes so far as to strike down the good and the bad together. It suspends, if you please, automatically, all railroad consolidation efforts of every kind until March 31, 1931. We have no assurance that in a short session the Congress will change the law. So, while on its face it merely suspends the law for a stated period, as a matter of fact it is for an indefinite period.

One of the primary objects that this joint resolution was intended to accomplish, as I understand, was to stop the merger of the Great Northern and the Northern Pacific. The testimony shows that that merger is dependent on four contingencies. If the measure which the committee asks the Senate to pass for the protection of labor be granted, it adds another element, a fifth element.

There is another feature of this joint resolution, and that is in relation to holding companies. What is the situation with regard to that phase of the subject? In the House of Representatives, before this joint resolution was introduced in the Senate, there was introduced a resolution providing for the investigation of holding companies. The object of that investigation is to obtain information necessary as a basis for legislation. The resolution incorporates the words "the result of its investigation, including such recommendations for legislation as it deems advisable."

In addition to adopting the resolution, the House of Representatives appropriated $25,000 to prosecute that investigation. They employed special expert advice, and the investigation is now in process.

It does seem to me that the feature of this joint resolution which covers holding companies is an affront to the House of Representatives. If the House of Representatives, which initiated the investigation into the subject of holding companies, had desired a suspension in the matter of consolidation until its committee could have investigated and acted and made recommendation to Congress the House would have made that request. It does seem to me that it is not very courteous to the House, while the Senate is aware of its investigation, to take part in this subject by trying automatically to suspend all consolidations of railroads in the United States both good and bad.

Mr. President, I believe possibly there was ground for the fear that something might have been done in the matter of the consolidations of the two Northwest roads; but the eloquent Senator from Montana [Mr. WHEELER] and other Senators have made the protest from that portion of our country so strong

and so clear that there is little danger of that consolidation without compliance with four or five different contingencies. One additional contingency will be added by the Senate if it passes this labor bill to-day.

Labor is taken care of in a bill—not a resolution, if you please, but an amendment to the statute; not a temporary thing; not a thing to be done in the interest of labor for a period of months but a permanent change in the law, to stay there for all time.

So I am opposed to the consideration of this joint resolution, first, because it represents the minority voice of your Committee on Interstate Commerce; second, because I believe that it is an affront to the House of Representatives; and, third, because it will not help the unemployment situation but it will increase unemployment in America; it will stop building; it will prevent the growth of transportation into communities that need this transportation.

If the Senate wants to do something for labor, the method is there on your calendar. It is the bill right back of this one.

So I hope this joint resolution may be defeated.

Mr. COUZENS. Mr. President, the Senator from Missouri [Mr. HAWES] is in part correct with respect to the committee being unanimous on the question of protecting labor in these consolidation matters. I also think the committee was almost unanimous with respect to holding up holding companies. Of course, I knew the Senator from Missouri was opposed to that; but in view of the fact that the Senator has gone into the merits of the joint resolution, it seems to me appropriate that I say something with respect to the joint resolution itself.

The committee held hearings, off and on, for nearly a month, during which time many suggestions were made with respect to amendments and desirable amendments. The committee made many amendments to the original joint resolution; and I am not going to take up the time of the Senate to go through all of the evolution that took place in the drafting of the joint resolution as it was first introduced and as it was finally sent out of the committee.

The joint resolution, after revision, leaves all of the existing law in full effect when certain conditions are complied with; and these additional conditions are effective only until March 4, 1931. The original joint resolution had no limitation; but in order not to do undue injury to anyone the committee—at least, nine of the members—agreed to limit the joint resolution to March 4, 1931, feeling that in the interim enough work could be done to report out and have passed a new consolidation bill.

The Senator from Ohio [Mr. FESS] in the last Congress had a bill to which the committee gave consideration, but it did not consider the effect of the operation of the holding companies. Therefore, when the committee reported it out, there were a few who voted against it; but there was an understanding, because of the lateness of the session, that no attempt would be made to pass the measure. The Senator from Ohio [Mr. FESS] afterwards introduced his bill again, but nothing was done with it because of the uncertainty of the conditions, and I think because of the general concern that the committee had with respect to holding companies.

I point out that all of the existing law is in effect under this joint resolution, except the following:

Paragraph (a) of the joint resolution provides for the care of the employees, and it is broader than the bill to which the Senator from Missouri refers, in that it provides as follows:

> The commission is specifically authorized and directed to prescribe in its order approving and authorizing any consolidation or acquisition of control such terms and conditions as may be found necessary to prevent the dismissal, layoff, or demotion of employees, and/or uncompensated losses of rights, privileges, and conditions of employment, resulting from the anticipation or consummation of such consolidation or acquisition of control; and/or to compensate employees for all losses and expenses sustained by them (including losses and expenses sustained through change of residence, or disposition of home) as a result of the anticipation or consummation of such consolidation or acquisition of control, to the extent that the commission determines that such losses result from the consolidation or acquisition of control and not from other economic factors. The term "employee" as used herein means a person defined as an employee in the railway labor act.

The only difference between the Senator's bill and this provision in the joint resolution is that this provides for the protection of employees in the case of anticipated consolidations.

Mr. HAWES. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Missouri?

Mr. COUZENS. I yield to the Senator.

Mr. HAWES. I am sure if the Senator had suggested this in the committee, it would be in the bill. I want to say to the Senator that I thank him for calling my attention to it, and I will very gladly accept that provision in the bill if it comes up.

Mr. COUZENS. I am not disputing the Senator on that point. I desire to point out, however, that this joint resolution of mine had been before the committee 17 days before the Senator introduced his bill; and out of courtesy, and due to the energy and forcefulness of the Senator from Missouri, the chairman allowed his bill to come in in the midst of this consideration and appointed a committee and reported it out because he was in accord with the purpose of the bill.

Mr. HAWES. Mr. President, will the Senator yield?

Mr. COUZENS. I yield.

Mr. HAWES. Is not the Senator mistaken in saying that he yielded and permitted the bill to be reported out? Does not the majority of the committee decide those questions, and not the chairman?

Mr. COUZENS. I mean to say that the chairman interposed no objection to the fact that the bill was being considered. My joint resolution was being considered by the committee when the Senator made his motion in the midst of the consideration; and, as I say, the chairman did not object. I do not know what the decision would have been if the chairman had objected as to procedure.

The reason why we put in "anticipation of consolidation" was because, in the case of the Great Northern and Northern Pacific consolidation, the Interstate Commerce Commission approved of the consolidation with four conditions attached; and during the compliance with those four conditions it was possible for the roads ordered to be consolidated to dismiss thousands of their employees before the actual consolidation took place; so it was necessary, to protect the employees, to say that these employees who were removed in anticipation of a consolidation should be provided for. The Senator from Missouri says there is no substantial objection to that provision of the joint resolution.

Paragraph (b) of the commission provides that—

> The commission is further specifically authorized to make it a condition of any consolidation or acquisition of control that existing through routes and channels of trade and commerce shall be maintained, and also to require as a condition precedent to its approval and authorization of such consolidation or acquisition of control that the applicant or applicants shall make a binding offer, upon such terms as the commission shall prescribe, to acquire control of, or to consolidate or merge with, or to purchase the properties of any other carrier or carriers by railroad, not included within the application, which are assigned to the same system with applicant or applicants in the commission's plan of consolidation.

My contention is that that provision takes care of the very short-line railroads that the Senator from Missouri says are not taken care of. In other words, it would not be proper for any of these trunk-line railroads to acquire these short-line railroads or weak lines without the consent of the Interstate Commerce Commission. This provision of the joint resolution provides for the very thing which the Senator from Missouri says it does not provide for, and that is the acquisition of these short-line railroads by the trunk lines when and if the Interstate Commerce Commission so requires.

Continuing to read the provision:

> In the event of such a condition precedent, the commission is also authorized in its discretion to approve and authorize the acquisition of control or consolidation or merger or purchase specified in such condition precedent with or without other proceedings under this section.

The last paragraph means that there are no requirements for a second hearing if the decision of the commission makes it a condition that a short-line railroad or a weak railroad be acquired.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Wisconsin?

Mr. COUZENS. I yield.

Mr. LA FOLLETTE. May I ask the Senator whether, in the hearings and the investigation which the committee made, any evidence was brought to the attention of the committee to show that the Interstate Commerce Commission had not been solicitous in protecting the interests of the short line and weak roads in the consolidations which it had had under consideration?

Mr. COUZENS. I do not think there was a single bit of testimony to that effect.

Mr. LA FOLLETTE. That is, the Senator is firmly convinced that the record of the commission shows that it has demonstrated a disposition to protect the interests of the short-line and weaker roads?

Mr. COUZENS. That is true, because in the consolidation plan of the New York Central Railroad, where they asked to

consolidate with an end-to-end line—that is, the Michigan Central—the commission said that before the consolidation could take effect they were required to go out and purchase certain short-line railroads which connected with the New York Central line.

So as not to permit the New York Central, through any resolution of Congress, to avoid carrying out that obligation, the junior Senator from Nebraska [Mr. HOWELL] offered an amendment, to which I will come later, absolutely protecting the short-line railroads in that respect.

Paragraph (c) is perhaps the most controversial one in the joint resolution. It is the one on which the Senator from Nevada [Mr. PITTMAN] and the Senator from New York [Mr. WAGNER] made reservations.

Paragraph (c) provides substantially for the reinstatement of the Clayton law, so as to prevent consolidations of railroads which are competitors, which it is deemed desirable should not be consolidated for the reason that it might unduly reduce competition. That paragraph provides:

(c) The commission shall not approve or authorize any such consolidation or acquisition of control where, except for such approval and authorization, said consolidation or acquisition of control would be in violation of any of the antitrust laws as designated in section 1 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

That is the Clayton law. Then, to accomplish the purpose of seeing that the short-line railroads were protected, as in the case of the New York Central consolidation, to which I have heretofore referred, we put in a proviso, as follows:

Provided, That nothing herein contained shall prevent the approval and authorization by the commission of any acquisition or control of railroad properties required as a condition to any acquisition of control or consolidation heretofore or hereafter approved and authorized by the commission.

When the commission approves of any consolidation involving the short-line railroads, it is provided that that shall not in any manner be affected by this joint resolution.

Beginning on line 10, page 7, of the joint resolution under discussion, there is a provision designed to prevent these holding companies from acquiring the railroads without the consent of the Interstate Commerce Commission. I may say, in that connection, before I read the provision, that the whole membership of the Interstate Commerce Commission heartily indorses this provision of the joint resolution, and later on I intend to indicate testimony submitted by Mr. Eastman to the House Committee on Interstate and Foreign Commerce as to the reasons why the holding companies should be prevented from acquiring railroads without the consent of the Interstate Commerce Commission.

The provision to which I have referred reads:

That any consolidation or unification, or common control, or any exercise of common control, of carriers by railroad engaged in interstate commerce, or the properties thereof, however accomplished, whether directly or indirectly, through a holding company or holding companies, by a voting trust, or in any other manner whatsoever, and which the commission is not empowered to approve and authorize, or which the commission, if empowered, has not approved and authorized, is hereby declared unlawful and may be enjoined by any court of competent jurisdiction at the suit of the United States, the commission, any commission or regulating body of any State or States affected, or any party in interest: *Provided*, That the provisions of this paragraph shall apply only to consolidations, unifications, and common control effected or exercised subsequent to February 28, 1920.

That was put in so as not to affect any of the properties which were acquired before the passage of the transportation act of 1920. Then it provides:

Be it further resolved, That the commission is hereby directed and authorized to execute and to enforce the provisions of this resolution in the same manner and to the same extent as though they were written into the interstate commerce act.

I want to point out that this joint resolution is effective with respect to all of those provisions only to March 4, 1931. There is nothing in it which would permanently prevent consolidation. Consolidation could proceed in every case with the exception of such cases as might be in violation of the Clayton law, and the Clayton law, as Senators know, prohibits consolidation of railroads where it interferes with competition.

The act of 1920 lifted from the provisions of the Clayton law the consolidation of certain railroads, with the consent of the Interstate Commerce Commission; in other words, to a limited extent the Interstate Commerce Commission was authorized to permit consolidations which would ordinarily have been in violation of the Clayton law. If in the judgment of the commission thy found that competition would not be unduly restrained, they might authorize the consolidation.

As I have said before, I know of no one in the committee who was opposed to that provision with respect to holding companies except the Senator from Missouri, who used the argument that it was an affront to the House of Representatives, because they were investigating holding companies.

Mr. HAWES. Mr. President, will the Senator yield?

Mr. COUZENS. I yield.

Mr. HAWES. I take issue with the chairman of the committee in that statement. Nine of the committee were opposed to this joint resolution.

Mr. COUZENS. Yes; in its entirety.

Mr. HAWES. Every member of the committee is in favor of some sort of legislation relating to holding companies.

Mr. COUZENS. That is true.

Mr. HAWES. The Senator can not say that they are in favor of that portion of his resolution, because I am sure that the majority of the committee think that he is making a mistake in several respects; first, in trying to amend the law; second, in trying to do it by joint resolution; and, third, in trying to take from the House some of its rights, as it initiated this measure. So I am quite positive that the Senator is wrong when he says that all of the committee are in favor of this portion of the joint resolution.

Mr. COUZENS. The committee are all in favor of the intent, whether it is by joint resolution or bill. I think no member raised any objection to the idea that the activity of these holding companies should be stopped because it is defeating the whole consolidation plan of the Interstate Commerce Commission. However, that is not so very material, because the Senate does not always follow committees.

Mr. HAWES. If the Senator will yield just one moment further, I think the Senator could correctly state the attitude of the committee if he would say that they favor some legislation regarding holding companies.

Mr. COUZENS. Oh, yes; that is what I said, substantially.

Mr. HAWES. They do not, as I understand it, favor that portion of the Senator's joint resolution.

Mr. COUZENS. As we took up each paragraph, the committee approved of it, and then some voted against the joint resolution as amended. However, I do not think that makes much difference in a consideration of the validity of the argument as to the merits of what we are attempting to do.

Mr. FESS. Mr. President, will the Senator yield?

Mr. COUZENS. I yield.

Mr. FESS. I think the Senator has gone too far in saying that all the Members are opposed to holding companies. My idea is, and I have stated it constantly, that if a holding company is participating in any way in reference to transportation, there ought to be some regulation of it by the Interstate Commerce Commission. I did not mean to say that a holding company could not exist.

Mr. COUZENS. If I have incorrectly stated it, I want to say that what the Senator from Ohio has just said is substantially correct, because no one objects to the holding companies unless they interfere with the operation of the carriers. I am not finding fault with the holding companies unless they exercise their control over the carriers and do it without the consent of the Interstate Commerce Commission.

With respect to the resolution introduced in the House of Representatives to provide for an investigation of the holding companies and their effect upon transportation, and the plan of the Interstate Commerce Commission, I may say, without betraying any confidence, that the chairman of the House Committee on Interstate and Foreign Commerce conferred with me with respect to introducing this joint resolution, and I worked with him in drafting it for the very purpose of aiding in the problem.

The Senate committee had worlds of work before it with respect to radio, telephone, and telegraph, and when Chairman Parker spoke to me I said I would be delighted if the House would undertake the investigation. After the passage of the resolution by the House, it was indicated by the testimony introduced that it would take a considerable length of time to complete the investigation.

It also came to my attention that before the investigation could be concluded, and before Congress could pass adequate legislation, the horse would be stolen, and that we would close the door too late. It was for that reason, and because of the condition of labor, coupled with a resolution before the committee concerning the Great Northern and the Northern Pacific proposed consolidation, that I introduced this joint resolution, so that the whole matter might be held in abeyance until Con-

gress had more clearly defined its intent with respect to consolidations.

Now, I want to take a short time to indicate what these holding companies are doing; and in many cases what they are doing is entirely defeating the intent of the transportation act of 1920. In other words, by purchasing control or a large part of the stock of transportation companies, they are getting control of systems for some particular company which owns the holding company, and in doing so they defeat the plan announced by the Interstate Commerce Commission in December, 1929.

In the House hearings Commissioner Eastman testified with respect to the application of the Denver & Rio Grande Western as follows:

That was in 1921. This is at page 105 of that decision:

"We are further of the opinion that the proposed acquisition of the applicant's stock * * *—"

The applicant was the Denver & Rio Grande Western.

"* * * by the holding company * * *—"

The holding company was the Western Pacific Railroad Corporation.

"* * * does not constitute a consolidation of the property of two or more carriers by railroad subject to the act into one corporation for the ownership, management, and operation of properties theretofore in separate ownership, management, and operation within the meaning of paragraph 6 of section 5 of the act. The testimony shows that although the holding company will by stock ownership control both the applicant and the Western Pacific Railroad Co., the properties of the operating companies will be separately owned, managed, and operated.

"Inasmuch as the holding company is not a carrier engaged in the transportation of passengers or property subject to the act, the acquisition of the control of the applicant by the holding company is not within the scope of paragraph 2 of section 5."

In other words, they are accomplishing by the holding company the very thing that was intended to be under the jurisdiction of the Interstate Commerce Commission, and which they avoided being acted upon by the commission through the means of the organization of a holding company.

Mr. Eastman further said on page 5 of the House hearings:

In 1929 the situation became acute because of the organization and activity of two new holding companies. These were known as the Allegheny Corporation and the Pennroad Corporation. I shall discuss the latter first, because it presents the simpler situation.

Organization of the Pennroad Corporation was preceded by certain operations of the Pennsylvania Co., which is a holding company entirely owned by the Pennsylvania Railroad Co. It used to control its leased lines, the western part of the system. The Pennsylvania Co., not the railroad but this holding company, between February 16, 1927, and June 14, 1928, acquired shares of Wabash and Lehigh Valley stock, which we have reason to believe carry control of both of those companies. These acquisitions were made without any authority from the commission, and they are now the subject of a Clayton Act proceeding before the commission.

The Pennroad Corporation was incorporated April 24, 1929, under Delaware laws.

At this point I want to emphasize how recently some of the operations of the holding companies have started, because it was not possible to have considered the methods of high finance when the committee considered the Fess bill relating to consolidation. However, they were in the offing; they were getting a foothold. As one member of the committee, I was opposed to enacting legislation unless adequate provision was made to protect the public against the machinations of the holding corporations.

The Pennroad Corporation was incorporated April 24, 1929, under Delaware laws. It has the usual broad charter of a Delaware corporation with the exception that it has no power to engage in transportation as a railroad company. That power is usually left out of the charter powers of holding companies at the present time because section 20a of the act—

In other words, they avoid the act by leaving out language which would ordinarily bring them under the jurisdiction of the Interstate Commerce Commission as common carriers—

which is the section which gives the commission supervision over the issue of securities, by its terms applies not only to any common carrier by railroad which is subject to the act, but also to "any corporation organized for the purpose of engaging in transportation by railroad subject to this act."

I could read on at considerable length, but the hour is getting late. However, I want to point out one concrete incident about which Mr. Eastman testified to as to how the holding companies may control and operate substantially an entire railroad system and yet be exempt from jurisdiction of the Interstate Commerce Commission. Mr. Eastman, in testifying before the House Committee on Interstate and Foreign Commerce, at page 9 of the hearings, said:

To show the effect of this acquisition through the holding company, or the possible effect of it, I quote the following from the Railway Age of March 22, 1929:

"The Pennsylvania and the Detroit, Toledo & Ironton have recently completed the consolidation of several facilities on the lines of the two roads. The Detroit, Toledo & Ironton freight station at Springfield, Ohio, was closed on March 11, and the handling of freight at that point was transferred to the Pennsylvania freight station. On March 1 the Pennsylvania engine house at the same point was abandoned and locomotive service has since been performed at the Detroit, Toledo & Ironton engine house. The Detroit, Toledo & Ironton passenger trains began the use of the Ford Street Station at Detroit, Mich., on March 10, enabling the road to enter the down-town section of Detroit in place of the former terminus at Dearborn."

Let me also illustrate in connection with the New England holdings. It appears that the Pennroad Corporation and the Pennsylvania Railroad Co. combined have secured a large interest—considerably less than a majority, however—in the stock of the New Haven Railroad, and that the Pennroad Corporation has secured a large holding in the stock of the Boston & Maine Railroad.

I want to comment on that fact. The Pennroad Co. is not a carrier. It bought all the stock substantially of the Detroit, Toledo & Ironton, but because the Pennroad Co. was made up of a voting trust comprised of three directors of the Pennsylvania Railroad Co., the carrier, they were able, without any financial holding whatsoever in the Detroit, Toledo & Ironton Railroad to accomplish certain things they otherwise could not have done. I mean the Pennsylvania Co., the carrier, had no stock in the Detroit, Toledo & Ironton Railroad Co., yet they absolutely closed stations, closed engine houses, and combined them with each other, and yet there is not a dollar's worth of stock held by the Pennsylvania Railroad Co. in the Detroit, Toledo & Ironton Railroad. In other words, it is possible through the holding companies, who are entirely outside of the province of the Interstate Commerce Commission, to tell the Lehigh Valley Railroad Co., for example, that they must buy all their coal from the Pennsylvania Railroad Co., although the Pennsylvania Railroad Co. itself has not a dollar's worth of stock in the Lehigh Valley. It is possible for the Pennsylvania Railroad Co. to tell any other company in which its holding company has a stock interest to divert its traffic and to do anything it chooses to have it do, and yet as a matter of record the Pennsylvania Railroad Co. has not a dollar's worth of stock in it. This is all done without the necessity of requiring the consent or approval or permitting the intervention of the Interstate Commerce Commission in any way.

I wish to emphasize the fact that during the hearings of nearly a month there was not a single railroad user appeared before the committee to protest against the resolution. Not a single chamber of commerce, not a single shipper, not a single person came before the committee in opposition to the resolution except the stockholders and owners of railroads. I am not desirous of interfering with the prosperity and conduct of railroads, but I submit that if this program of the holding companies for the consolidation of railroads which are in competition with each other was in the public interest, the shippers, the people who pay the freight, would have been down here protesting against the resolution.

For example, I received a letter from the Federated Trades Council of the city of Reading in which they inclosed a copy of resolutions which I shall not read in their entirety, but from which I quote, as follows:

Resolved, That the Federated Trades Council of the American Federation of Labor, Reading, Pa., in regular session Tuesday, May 6, 1930, vigorously protests against the general consolidation of railroads and particularly any absorption or dismemberment of the Reading Railroad by any other railroad; and be it further

Resolved, That a copy of this resolution be sent to the Interstate Commerce Commission and to the author of the joint resolution now under discussion.

The Pittsburgh Press said on April 25 with respect to this resolution:

Certain business interests are opposing the Couzens resolution which would for the time being prohibit railroad consolidation because, they argue, it would prevent any railroad from achieving the savings of capital and man power possible through consolidation and would thereby perpetuate waste. Labor organizations are for the resolution

on the ground that it would prevent unemployment which might otherwise occur when two systems are thrown into one. There is one vital difference between savings in capital and savings in labor: Capital can not suffer. Men thrown out of work do.

I desire to read an editorial from the St. Louis Globe-Democrat of April 28, as follows:

RAIL MERGERS AND RAIL JOBS

That, after prodigious discussion, we are now on the very eve of accomplishments in long-pending projects of railroad consolidation seems indicated by some signs. What will be the effect on employment?

To give the same service or even better service at lessened cost is one of the very objects of these projects, and in estimates of lessened cost, shortened pay rolls figure largely. A reduction by thousands in operating force and clerical staffs would be tragic at any time, but especially deplorable in the present, before our problem of the jobless has ceased to be grave.

With full appreciation of its importance, the point was raised before the Senate Commerce Committee, which is considering certain modifications in the law governing mergers. Speaking as counsel for the stockholders on the proposed consolidation of the Northern Pacific and the Great Northern systems, Walker D. Hines declared that, so far as these two companies are concerned, they purpose to turn nobody out of a job. Overmanned departments will be left to be demobilized by time—by death and resignation, rather than wholesale discharge of employees.

"If it would be good policy in your case, it would be a good policy in all cases," declared Senator PITTMAN, of Nevada. "Executives of other roads might not look at it in the same way. Wouldn't it be better to affirm it by act of Congress and require it in all cases?"

After some bank mergers it has been found necessary actually to hire more help, on account of business expansion, economies being effected elsewhere rather than on pay rolls. Possibly that might be the result of some rail mergers. In general, however, large losses in employment are to be feared, particularly in shops and in clerical departments. Congress and the Interstate Commerce Commission may wisely provide that, if the benefits of consolidation are as great as is represented, they shall accrue gradually to the railroad owners and that full pay-roll savings shall be realized only with lapse of time.

Because these two systems are competitive in larger territory than any other two long lines in the country and because an attempt to unite them gave rise to one of the most famous legal battles of a quarter of a century ago, the plan being prohibited by the Supreme Court, a further statement by Mr. Hines jarred by reason of its unexpectedness. He presented figures showing that, of the total traffic of the two, 75 per cent is noncompetitive. Only 25 per cent of the traffic is competitive and in respect to that 25 per cent, both must compete for 23 per cent with three other Pacific railroads. Thus, the noncompetitive traffic was figured at 98 per cent.

That the two roads, closely paralleling each other for so long a distance, compete with each other for only 25 per cent of their business, while they compete with more distant systems for 23 per cent, seemed a paradox, but Mr. Hines affirmed that it is true. Undoubtedly this competitive problem is a complex one, with some phases that are more apparent than real. Past consolidations made, new lines built, and especially rate regulation from the national standpoint have given it aspects it did not have some years ago.

This merger, if authorized, will mean a development of Montana coal mines and new shops in the West, providing many new jobs, according to Mr. Hines. Possibly other merger projects would increase employment in unlooked-for ways.

I repeat what I said previously, that I have no objection to efficiency, I have no objection to savings, but I reiterate that I do object that all of the efficiency and all of the savings should be taken out of the pockets of one group of our citizenship. If the general public are to profit by these consolidations, if the general public are to be benefited by consolidations, let all the public stand the expense of it and do not take it out of the pockets of just one group of our citizens, namely, the railroad employees.

It has been repeatedly testified that the consolidations do not mean any reduction in freight rates. Railroad manager after railroad manager said we may not expect any reduction in freight rates. They said, "We will be lucky if we do not have an increase in freight rates." If that is so, why all this haste to consolidate, and throw thousands and thousands of men out of work to accomplish more dividends for the stockholders of the railroads? Let me make it clear that I am not opposed to dividends for stockholders, but I am opposed to robbing one group of our citizenship to pay those dividends.

Mr. Willard, of the Baltimore & Ohio, than whom there is no better railroad executive in America, testified before the committee when asked with respect to the probable savings in the consolidation of the Great Northern and Northern Pacific, when it was said there would be $10,000,000 of savings, that the best figures that could be given would be that 60 per cent of that saving would come out of the pockets of the employees of the railroads; that another 20 per cent of the savings would come in the labor performed in the production of supplies and materials which the railroads used; so that in the aggregate 80 per cent of the savings would come out of the pockets of labor. In other words, the stockholders of the Great Northern and Northern Pacific are supposed to save $10,000,000 by the proposed consolidation, $8,000,000 of which will come out of the pockets of the railroad workers.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Montana?

Mr. COUZENS. I yield.

Mr. WHEELER. In this connection I wish to state that I talked to a representative of the Northern Pacific Railroad Co., and inquired as to how much of a saving they expected would be made by the consolidation. He said approximately $10,000,000. I asked how it was going to be effected, and he said, of course, it would be made by cutting down service, taking off some of the trains and laying off some of the men. I asked whether or not he promised any reduction in freight rates, and he immediately said that, of course, he could not promise anything in the way of a reduction of freight rates if the consolidation of the Great Northern and Northern Pacific went through. The only people whom he thinks would be benefited would be the stockholders or the bondholders, and neither the wage earners nor the shippers would benefit to the slightest extent.

Mr. WALSH of Montana. Mr. President, will the Senator pardon a further interruption?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Montana?

Mr. COUZENS. I yield.

Mr. WALSH of Montana. In confirmation of what my colleague has said, I find that, even in the opinion of the majority of the commission supporting the merger or consolidation, it is substantially admitted that no reduction in freight rates can be expected. I refer to the following language, found in the opinion of the majority of the commission:

As to the effect of these economies on the shippers, the record shows that certain rate changes, such as those due to the elimination of 2-line hauls and the elimination of switching charges, should result from the plan, but that no general revision of the rate structure is promised, or can be expected in the immediate future. The operating changes proposed are such as ultimately to reduce rates or to prevent advances.

That is the most that can be expected.

Mr. COUZENS. And even Mr. Willard, president of the Baltimore & Ohio Railroad, says that we need not expect any reduction in freight rates.

From the Wheeling (W. Va.) News of May 1, I read an editorial, as follows:

CONSOLIDATION DELAY

Advocates of railroad consolidation are perturbed over the resolution of Senator COUZENS, chairman of the Senate Interstate Commerce Committee, which calls for suspension of the Interstate Commerce Commission's authority to approve mergers.

If adopted, they say, this resolution may result in a delay of at least a year in pending merger moves.

The American people should welcome such a delay. It would give us a year in which to get our feet back on the ground; a year in which to analyze this frenzy of consolidation into which the industrial world has been churned.

There has been little convincing evidence brought out during all the discussion of railroad consolidation that the American people would profit by it. On the other hand, there has been much to arouse the suspicion that any such wholesale centralization as contemplated will reduce competition and render more difficult effective railroad control.

Nothing more radical has been seriously proposed in this country in recent years than the compulsory consolidation of the Nation's railroads. And, strangely enough, the official attitude at Washington seems to be heartily in favor, not only of railroad combinations but of any and all sorts of gigantic industrial mergers. We virtually have suspended operation of our antitrust laws, have lost sight of the rights of the common run of citizens, and have given ourselves over to the service of wealth.

Perhaps a year in which to think things over will give us the proper perspective on this rail merger business.

The New Jersey Federation of County Boards of Agriculture adopted a resolution on March 14, 1930, which was sent to the Interstate Commerce Commission and which I desire to read. Referring to the plan of the commission promulgated on December 9, 1929, the resolution says:

Whereas the proposed plan of consolidation does not insure any reduction in rates to the farmers of New Jersey; and

Whereas the proposed plan of consolidation will not improve the present service rendered by the railroads to farmers of our State; and

Whereas the proposed plan of consolidation will place the management of our railroads in the hands of those who are not primarily interested in the agricultural and industrial development of New Jersey; and

Whereas the proposed plan of consolidation promises to disrupt the close personal contact between the officials and representatives of the railroads and the farmers of New Jersey; and

Whereas the proposed plan of consolidation will lessen the competition now existing between railroads and threatens the choice of many routes now offered to shippers, both as to rates and service, which have taken many years to develop; and

Whereas the proposed plan of consolidation will not be for the best interests of ports of New York and Philadelphia; and

Whereas the proposed plan of consolidation does not offer any benefits to the agriculture of New Jersey and the proposed plan threatens all the advantages we now enjoy and is inimical to the agricultural and industrial development of New Jersey: Therefore be it

Resolved, That the New Jersey Federation of County Boards of Agriculture, in executive session, oppose the proposed plan of consolidation; and be it further

Resolved, That copies of this resolution also be sent to our representatives in Congress.

I read now an editorial from the St. Louis (Mo.) Star of April 17, 1930, as follows:

Railroad ownership in the United States is headed for chaos, if statements before Senate and House committees at Washington by members of the Interstate Commerce Commission and others are to be believed. The Couzens bill now pending would hold up official sanction of these rail mergers until Congress can investigate holding-company control. That would prevent the Interstate Commerce Commission from putting its own plan in effect, but that plan has been made a joke. Great financial groups have bought railroad control right and left, including control of competing lines, without Interstate Commerce Commission sanction. The railroad map of the United States is being remade, whether to the harm of the public or the public's benefit nobody yet knows.

What will happen to St. Louis in this new alignment? Are our local business and civic organizations watching to safeguard the city's interests in whatever the Government does? Whatever faults the Interstate Commerce Commission consolidation plan had, it aimed to keep competition going among the railroads, and to preserve the identity of great railroad operating centers like St. Louis in the Middle West and West. In this buying up of railroad shares by the holding companies, financial control is being centered more and more in the East. Is there any possibility that St. Louis, the railroad gateway to the Southwest and one of the great railroad operating centers of the Nation, will find itself a way station? The city already has lost some of its railroad-supply business through removal of purchasing agencies. The Southwest is St. Louis's chief trade territory. It is important that it be kept so, and that St. Louis continue not only as the southwestern railroad gateway but the jobbing and distributing gateway of the Southwest for merchandise.

There is another paragraph which is not pertinent to the immediate issue but which I ask may be incorporated in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The paragraph referred to is as follows:

The Missouri Pacific, the Wabash, the Frisco, the M. K. T., and the Cotton Belt all have general offices here, and all of them are involved either in Interstate Commerce Commission consolidations with larger systems or in holding company purchases running counter to the commission's plans. There may be no plan to remove headquarters of these roads from St. Louis, but with the entire railroad situation of the country in ferment, this city should stand on guard. St. Louis has too much at stake to be caught asleep at the switch.

Mr. COUZENS. On April 23 last the American Federation of Railroad Workers sent me a letter in which they say:

Being employees of the Reading Railroad and knowing what usually occurs to employees when mergers take place, that of a reduction of force of two out of every seven men at interlocking points, demoralization of good will and relationship existing between employer and employees, as well as changing other matters too numerous to mention that would be detrimental, particularly so to the employees, it is readily understood that we would be opposed to a consolidation of any railroads, and particularly so the Reading and Baltimore & Ohio.

I read that particularly because emphasis has been placed upon the statement that the only interests specifically affected are those in the Northwest on account of the proposed consolidation of the Great Northern and the Northern Pacific.

I have a letter from the Escanaba (Mich.) Chamber of Commerce, from which I quote, as follows:

The board of directors of the Escanaba Chamber of Commerce wishes to take this opportunity to commend you on the stand that you have taken relative to the consolidation of railroads.

I also desire to read an editorial from the Boston Christian Science Monitor of April 10. I am referring to these expressions of opinion because I wish to show the nation-wide interest in the problem of railroad consolidation, and the interest in the pending joint resolution and the proposal at least to suspend the present orgy of consolidation until Congress may lay down definite rules in the public interest.

Mr. HAWES. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Missouri?

Mr. COUZENS. I should like first to read the editorial, if the Senator will permit me. It is as follows:

SUSPENDING RAILWAY MERGERS

There is adequate reason for the resolution introduced in the Senate by Senator COUZENS, of Michigan, recommending that the Interstate Commerce Commission's authority to approve unification of railways be suspended until some definite solution of the present involved situation is effected. Not only are present mergers running counter, in many respects, to the commission's tentative merger plan but the advent of holding companies is greatly complicating the situation. The latter instruments are being investigated by the Congress, although it is debatable just how far their activities may be proscribed under existing legislation. It is to be presumed that new legislation will be enacted to govern these "investment trusts" should they be found to be exceeding their rights in creating or circumventing rail mergers through the purchase of stock in companies which they desire to use as pawns in the game of rail consolidation. Although they maintain an independent status, it is an open secret that each such company is affiliated with a leading railroad and that its stock purchases are made on behalf of that carrier.

There has developed within the last year such a wave of activity in the merging of connecting, as well as competing companies, that the tendency appears to be one in which financial interests receive a far greater consideration than do sound railway economics and the public interest.

Senator COUZENS's resolution would permit a general stock taking and thoughtful consideration of the entire rail situation. Also, it would afford an opportunity to study the results of the congressional investigation into holding companies, in so far as they affect the railroad picture.

Here is an editorial from the St. Paul (Minn.) Pioneer Press. From one end of the country to the other such editorials and comments come. The St. Paul (Minn.) Pioneer Press, under date of April 18, 1930, says:

INDIRECT RAILROAD MERGERS

While the Federal Government has been groping around for the right key to consolidation of the railroads into fewer and larger systems, the carriers themselves have been busy devising new methods of putting the governmental plans to naught. This is in substance the complaint which Joseph B. Eastman, member of the Interstate Commerce Commission, brings against the so-called holding companies in their dealings in railway stocks.

What the "success" magazines call the genius of American finance is capable of many uses besides the turning of losses into profits. It is also adept at inventing legal ways of doing indirectly what the law forbids. Railroad financiers who wish to control competing lines legally beyond their reach have found that the "holding company" is a device which, with a few special twists, is adapted to gaining for them the forbidden fruit.

What Mr. Eastman foresees is the unification of railroad ownership in holding companies that cut across the mergers as arranged by the Interstate Commerce Commission. It will do the commission very little good to preserve the appearance of competition among railroads which, through companies holding stock in the various lines, are owned by the same men. Mr. Eastman is asking legislation which will give the commission a better control over the ownership as well as the operation of the railroads.

This is in part what Senator COUZENS and Congressman KNUTSON, of Minnesota, have in mind in their resolution to hold up all activity of the Interstate Commerce Commission on consolidations until Congress has made further legislative provision. But perhaps they also are motivated in part by the increasing public skepticism over the necessity for any general merging of the railroads at this time.

The Railroad Owners' Association, maintaining an office in Washington—I do not know the extent of their organization or how many railroad owners are included in it—in a letter addressed to Members of the Senate on April 2, 1930, refer to the consolidation question. I am not going to read it all, but I am going to ask permission to put it in the RECORD and will just read a few excerpts from it.



The VICE PRESIDENT. Without objection, it is so ordered.

Mr. COUZENS. I quote from the letter as follows:

There may come before you at this session the consolidation bill, so-called, having for its object legislation looking to the knitting of the transportation lines of the United States into 15 or 20 systems.

Since 1920 many superficial efforts have been made to bring about regional consolidations.

They raise the very point which the Senator from Montana [Mr. WHEELER] has raised many times in the Senate, that is, as to the strategic value of making consolidations of transcontinental lines rather than consolidations of competing parallel lines.

In this memorandum they further say:

I can see no benefit whatever, in view of the excellent functioning of the railroads at the present time, in regional consolidations. I can see, however, where, if such knitting of the lines should become a fact, the parent system would prejudice the position of its stockholders.

It is becoming increasingly evident that the desire for such consolidations is losing its flavor as the situation is studied and understood by those who were formerly advocates of such propositions. I can realize where those engaged in promotion will benefit largely, but at the expense of the stockholders and the public.

The letter entire is as follows:

[Railroad Owners' Association, incorporated in the District of Columbia under act of Congress of March 5, 1905. Executive committee: J. D. Shatford, chairman, Washington, D. C.; Frederic M. Halsey, vice chairman, New York; Arthur S. Pierce, New Jersey; R. J. Marony, New York; Walter S. Case, New York; Lionel Sutro, New York; H. D. Tichenor, Los Angeles and Washington, D. C.; and S. G. Hopkins, secretary]

WASHINGTON, D. C., *April 2, 1930.*

To Members of the Senate:

There may come before you at this session the consolidation bill, so-called, having for its object legislation looking to the knitting of the transportation lines of the United States into 15 or 20 systems.

Since 1920 many superficial efforts have been made to bring about regional consolidations.

About the only thing that has been accomplished has been the addition to the carriers' expenses of enormous sums for attorneys' fees (already mounted to such a high sum as to cause alarm), as well as useless burdens in other departments.

The strategic efforts being indulged in by managements will, no doubt, continue indefinitely and without material result. If we view the past as an example of what the future may bring forth, and I believe we are justified in doing so, I think we had best dismiss regional consolidations from our minds. I can see no actual benefit to the public if such became a fact. As matters now stand, the morale of officials, clerks, and laborers is very adversely affected. If, however, we are to have a knitting of the lines, such systems should be transcontinental and from Canada to the Gulf. We are now secondary to our Canadian neighbors, who have set us an excellent example of what transportation systems ought to be. As we view the operations of the Canadian Pacific and the Canadian National, and in addition to their transcontinental railroads, a world-wide steamship service, and also a world-wide hotel service, the excellent management and the fine results produced, we wonder that we have not long since had transcontinental systems in this country.

There are those who argue that we should form regional consolidations at first, and then follow them later by transcontinental and Canada to the Gulf systems. There are many objections to such a procedure. With this suggestion I am not in harmony. We should do the job at once, if we do it at all. Regional consolidations would not provide any diversification of traffic; no change whatever in this direction would be derived by such a knitting of the properties. But by transcontinental consolidations and those from Canada to the Gulf we would have diversification, and agriculture would have some opportunity to better its condition when managements, because of probable increased earnings, and freedom from the vicissitudes of practically one class traffic, could see their way clear to extend such benefits. It seems to me that continuing proposals and discussions in the future, as in the past 10 years, will result only in a waste of time by legislators and the Interstate Commerce Commission, and with great additional expense to the carriers, which the public ultimately must pay. While there may be effective in the dim future a regional consolidation or so, I am satisfied the results would be greatly disappointing to the public. I quote from a letter written by me on January 7 last to a New York gentleman interested in regional consolidations from the viewpoint of an owner of short lines, which will convey our views:

"I can see no benefit whatever, in view of the excellent functioning of the railroads at the present time, in regional consolidations. I can see, however, where, if such knitting of the lines should become a fact, the parent system would prejudice the position of its stockholders.

"It is becoming increasingly evident that the desire for such consolidations is losing its flavor as the situation is studied and understood by those who were formerly advocates of such propositions. I can realize where those engaged in promotion will benefit largely, but at the expense of the stockholders and the public. It would be my suggestion that, in view of the fine service now being given and the excellent management of our properties, they continue as they are, permitting the management from time to time to add to the systems that which experience might dictate as a necessary addition in the interest of the stockholders, as well as the public."

I am convinced the only proper method of procedure in the way of regional consolidations is to permit experience to dictate what would be the best for the stockholders, and also for the public, by adding from time to time companies that could be considered essential to a more economical and efficient operation of the parent company; in fact, in the same manner in which the Pennsylvania and the New York Central have been built up. Under existing conditions I do not believe that any of us will live to see regional consolidations to any extent become a fact, and I do not believe that consolidations fitting the spirit of the times can be handed down by the Interstate Commerce Commission or by views emanating from a congressional committee room. It is only by careful, studied, and planned mergers, shaped step by step, in the light of a lifetime of experience, that can successfully solve the transportation problem, either as a whole, or as it may apply to communities pressed with such problems. I would respectfully urge you to give thought to the suggestions I have submitted, for if we are to have consolidations we must enlarge our vision and knit the lines into the most useful form of transportation.

It is also my view that the Panama Canal act of 1912, which prohibits our transportation systems from owning and operating ships, should be repealed, and that the transportation systems of this country should be enabled, as are the Canadian systems, to enter into all forms of transportation. This, again, I beg leave to point out, would better contribute assistance to agriculture, as well as to industry, because of still more diversified traffic, and a continuous system from the farm and factory to the consuming markets of the world.

Sincerely yours,

J. D. SHATFORD, *Chairman.*

Mr. COUZENS. I have here an editorial from the Tacoma (Wash.) Ledger of April 3 entitled "Combating Railway Mergers," which reads as follows:

COMBATING RAILWAY MERGERS

Senator COUZENS, chairman of the Senate Committee on Interstate Commerce, does not believe that there is wisdom in allowing the consolidation or merging of railroads until there has first been provided ample legislation that will adequately protect the interests of the public. The Michigan Senator has introduced a resolution calling upon Congress to withdraw from the Interstate Commerce Commission the power to approve of railroad consolidations or mergers until such legislation has been enacted.

The Senator declares that before a consolidation should be permitted there should be laws controlling holding companies, and there should be provided protection to shippers and communities through a further extension of the powers of the commission in order to prevent injury to communities through a decrease in or disruption of transportation service. Again, he would have laws that would prevent unnecessary and uncompensated loss to railway employees through the operation of a consolidated road. Finally, he insists that a consolidation should only be permitted where it assures better and more economical transportation service and a positive advantage to the public.

It is regarded that the resolution offered by the Michigan Senator was called out by the tentative consent of the Interstate Commerce Commission to the merging of the Northern Pacific-Great Northern roads, and this view seems to be sustained by the protest in which the entire congressional delegation of Minnesota unites against the proposed merging of the northwest roads. The Minnesotans insist that through the consolidation competition would be destroyed, thousands of men would be thrown out of employment, while many communities situated along both lines would be materially injured through the shifting of trade centers.

The position of Senator COUZENS and the Minnesota Congressmen is practically that taken in a similar case by the late President Roosevelt and the then Senator Frank B. Kellogg. Whether roads, in the interest of economical operation, should be merged might be a highly controversial matter, but it would look as though Senator COUZENS is in the right when he insists on adequate provisions being first taken to protect the public.

Here is a long editorial from the Pittsburgh Press of April 3, 1930, which is represented here in Washington by an able correspondent, who has been writing very detrimental articles with

respect to this joint resolution because apparently he does not favor it; but his paper says this:

WATCHING THE MERGERS

Developments of importance to the railroad world and to those who patronize the railroads, of particular interest to the Pittsburgh district, are following each other swiftly. The latest is the Couzens resolution introduced in the Senate which would prohibit, for the time being at least, further consolidations and unifications of the railroads under authority of the Interstate Commerce Commission until and unless legislation is passed giving the commission wider powers, particularly over the activities of holding companies organized to buy railroad stocks, and for protection both of employees and communities affected by the proposed consolidation.

The Couzens resolution was introduced at a time when after some years of comparative inactivity the tendency toward railroad mergers and consolidations was proceeding faster and faster under the prodding of the commission, which recently published a plan for unification into 21 systems. Behind the commission some observers see the figure of President Hoover, who both as President and as Secretary of Commerce has repeatedly urged consolidation.

The Couzens resolution is somewhat ambiguous. For instance, the Baltimore & Ohio Railroad has been granted the right to acquire the Buffalo, Rochester & Pittsburgh Railroad, and the commission tends to look favorably upon acquisition of the Buffalo & Susquehanna. These are individual acquisitions, yet exactly in line with the commission plan for consolidation of the B. & O. and several other roads into an enlarged B. & O. system, including a new short line to New York. Would the resolution prohibit such individual acquisitions?

Pittsburgh also is interested in the clearing up of the holding company situation, particularly in view of the reported control by the Pennroad Corporation, close to the Pennsylvania, of the Pittsburgh & West Virginia Railroad. It is also interested in Pennsylvania control of the Wabash and the Norfolk & Western lines, and many other questions.

The Association of Rail Labor Executives properly calls attention to the interest the army of railroad employees has in the various mergers. It is making common cause with various cities and towns along the lines, which feel that they may face loss through change of terminals, division points, and shipping centers. It is obviously not fair to take away a service about which a community has been built up, and which it has every right to expect would continue. Certain Pennsylvania communities have protested the B. & O. plan to take over the Reading and the Central of New Jersey exactly on these grounds.

It has been charged that various projected consolidations would benefit the bankers more than the country at large. Congress would not willingly permit this, of course, for the only value of consolidations will lie in cheaper transportation and better service.

The complexity of the situation is shown by the fact that after some considerable study Pittsburgh shippers, deeply affected by the merger proposals, have not been able to arrive at a collective decision as to whether they approve the various consolidation proposals or not. Clearly, the subject needs more light, which the Couzens resolution and the forthcoming investigation by the House Interstate Commerce Committee would supply.

ADDITIONAL UNITED STATES PRISONS

Mr. STEIWER. Mr. President, will the Senator yield to me to make a unanimous-consent request?

Mr. COUZENS. Yes; I yield.

Mr. STEIWER. It will take but a very few minutes.

I request that the Senate proceed to the consideration of House bill 6807, Order of Business No. 536. There will be no debate upon it, save some remarks, I think by the Senator from South Carolina [Mr. BLEASE]. It is a very short matter.

The VICE PRESIDENT. The Senator from Oregon asks unanimous consent that the Senate proceed to the consideration of a bill the title of which will be stated by the clerk.

The CHIEF CLERK. A bill (H. R. 6807) establishing two institutions for the confinement of United States prisoners.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

Mr. BLEASE. Mr. President, on account of the lateness of the hour I shall not make the remarks that I intended to make.

I am opposed to the bill because of the fact that I think we have too many prisons now. If we build these two new institutions, they are going to be filled. The officers of the law can and will always find somebody somewhere to put in jail.

I think if the President would personally appoint a commission whose duty it would be to go to the penitentiaries that are now in existence and select the old men who have homes somewhere—I do not mean turn them out in the streets, but those who have people who would be glad to take them home with them—pick out the men who are diseased and unfit to be prisoners, and put them in some hospital or proper place, and pick out the men who have already served too long, which you will find in many, many instances, and grant them paroles under proper restrictions, it would do a great deal more to help humanity, it would make a better citizenship for this country, and improve our conditions much more than building new institutions for some officers to find people to go and fill.

As I say, I had intended to make quite some remarks along that line.

I had inserted on page 805 of the RECORD on December 18, 1928, an article entitled "Duty and Responsibility of the Governor in Dealing with Prisoners."

I ask to insert, right after the words "which animates the midnight assassin," a short section from the speech which I delivered—in fact, it is part of the same speech that was left out. I ask that I be permitted to insert this in the RECORD as part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

DUTY AND RESPONSIBILITY OF THE GOVERNOR IN DEALING WITH PRISONERS

Former Gov. COLE. L. BLEASE, of South Carolina

Mr. Chairman and gentlemen of the governors' conference, three-quarters of a century ago, in the historic city of Boston, one of the clearest thinkers that Massachusetts, or even the Nation, has yet produced, in an address upon Man, the Reformer, emphasized the thought that "every great and commanding moment in the annals of the world is the triumph of some enthusiasm." He cited as an example, "the victories of the Arabs, after Mahomet, who, in a few years, from a small and mean beginning, established a larger empire than that of Rome." "But," he predicted, "there will dawn ere long on our politics, on our modes of living, a nobler morning than that Arabian faith, in the sentiment of love. This is the one remedy for all ills, the panacea of nature. We must be lovers, and at once the impossible becomes possible. Our age and history, for these thousand years, has not been the history of kindness, but of selfishness. Our distrust is very expensive. The money we spend for courts and prisons is very ill laid out. We make, by distrust, the thief, and burglar, and incendiary, and by our court and jail we keep him so. An acceptance of the sentiment of love throughout Christendom for a season would bring the felon and the outcast to our side in tears, with the devotion of his faculties to our service."

There is no crystal ball in which man may see portrayed the future, and little did Emerson think that two decades after he was so eloquently preaching this doctrine of peace and love this Nation would be plunged into four years of civil strife. When he said that "this great, overgrown, dead Christendom of ours still keeps alive at least the name of lover of mankind," and prophesied that "one day all men will be lovers, and every calamity will be dissolved in the universal sunshine," little did he reck that 74 years later the far-flung battle lines of Europe would stretch from hundreds to thousands of miles and that nearly the whole world would be in a death grapple, attended by cruelty and sacrifice and misery which passes human understanding. Millions of men are seeking each other's life blood, and—

> "Few shall part where many meet;
> The smoke shall be their winding sheet,
> And every sod beneath their feet
> Shall be a soldier's sepulcher."

But it has been the history of the world, in accordance with the slow but steady progress of the human race, that the darkest night is ever followed by the brightest dawn, and from the gloom which now enshrouds the land and the sea, will emerge a nobler civilization, which will continue to gain strength in an atmosphere purified by the shock of battle, and human nature must be softened by the blood that has been spilled and by the tears that have been shed and by the prayers of widows and orphans that have ascended to the throne of a pitying God.

You will pardon me for this digression; but the thought was suggested by the fact that the spirit which plunges nations into wars, except the nations which wage war against oppression, is the same spirit which has in centuries past led men to seek the cruel punishment of prisoners—a spirit which is vastly too much in evidence in this twentieth century.

Within the past few weeks we read in the newspapers of a man who had made an attempt upon the life of another being plied with questions until he was too weak to talk, then being walked up and down the corridors of his prison to revive him, then plied with questions again, and subjected to God alone knows what else, in the administration of the "third degree." Later this prisoner was found on the floor of his cell with his skull crushed in, and it was stated that he had climbed to the top of his cell door and jumped to the floor, killing himself. Whether he was murdered or whether he really committed suicide I do not know; but this I do know: That the suicide of any man would hardly be unnatural under such circumstances, and that the treatment accorded him, before conviction, would have been a disgrace to our civilization even had it occurred

after he had been tried and sentenced. As remarks a very distinguished southern minister of the Gospel, "the so-called third degree is a revival of the horrible method of the Spanish Inquisition, a species of torture to compel an accused person to incriminate himself, a flat contradiction of the humane principle of law that regards every person innocent until proved guilty." This "third-degree" method that is practiced in the North and the East and the West—less frequently, I am glad to say, in the South—whether a man be killed during its administration, or whether he be driven to commit suicide, or whether he be tortured sometimes into confessing crimes of which he may be innocent, is barbarity in a sneaking form, under the sanction of law, and those guilty of practicing it evidence a spirit as mean and contemptible as the malice which animates the midnight assassin.

Three years ago I had the pleasure of addressing this conference in Richmond. My remarks were telegraphed throughout the Nation, and I was heralded to the world as a chief executive who advocated mob violence. I do not propose to go into a discussion of that here; it is entirely beside the question. Suffice it for me to say that in the South the lynching of a man for the unmentionable crime is a protection to our civilization, while the practice of this "third degree" violates the letter of our Constitution at its most vital point and is a blow to the whole spirit of our institutions. In the South an aroused mob is an outraged community which carries out the law, but brushes aside with mighty force the law's technicalities and delays. There is no hypocritical, sanctimonious violation of fundamental rights under the cloak of law by those sworn to uphold the law; the deed is open, and civilization and justice are vindicated. And when mobs are no longer possible, liberty will be dead.

Mr. BLEASE. I also ask to insert in the RECORD an article from the Anderson (S. C.) Daily Mail headed "Talking It Over, by J. E. W. Promotion in the Kingdom."

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[From the Anderson (S. C.) Daily Mail of Friday, May 2, 1930]

TALKING IT OVER

(By J. E. W.)

PROMOTION IN THE KINGDOM

Sunday School lesson for May 4

Very rapidly now the Gospel account moves toward the great consummation of Jesus' ministry. He begins to make plain, and always more plain, to His disciples the cost of discipleship; though even yet they do not understand Him. The gray walls of Jerusalem are now almost in sight, and there must have been something in the very spirit of the twelve which warned Jesus that they were not ready for what they were so soon to face. It was Passover time and all the approaches to Jerusalem were full of pilgrims going to the feast. So much the more necessary, then, that Jesus should go with His disciples apart, as the roads were too crowded for Him to say so significant a thing in the hearing of the crowd.

(Matt. xx, 16–28)

"17. And Jesus going up to Jerusalem, took the twelve disciples apart in the way, and said unto them:

"18. Behold, we go up to Jerusalem; and the Son of Man shall be betrayed unto the chief priests and unto the scribes, and they shall condemn him to death.

"19. And shall deliver him to the Gentiles to mock, and to scourge, and to crucify him; and the third day he shall rise again.

"20. Then came to him the mother of Zebedee's children, with her sons, worshiping him, and desiring a certain thing of him.

"21. And he said unto her, What wilt thou? She saith unto him, Grant that these my two sons may sit, the one on thy right hand, and the other on the left, in thy kingdom.

"22. But Jesus answered and said, Ye know not what ye ask. Are ye able to drink of the cup that I shall drink of, and to be baptized with the baptism that I am baptized with? They say unto him, We are able.

"23. And he saith unto them, Ye shall drink indeed of my cup, and be baptized with the baptism that I am baptized with; but to sit on my right hand, and on my left, is not mine to give, but it shall be given to them for whom it is prepared of my Father.

"24. And when the ten heard it, they were moved with indignation against the two brethren.

"25. But Jesus called them unto him, and said, Ye know that the princes of the Gentiles exercise dominion over them, and they that are great exercise authority upon them.

"26. But it shall not be so among you: but whosoever will be great among you, let him be your minister;

"27. And whosoever will be chief among you, let him be your servant:

"28. Even as the Son of man came not to be ministered unto, but to minister, and to give his life a ransom for many."

The incidents of the past months undoubtedly had revealed to Jesus very clearly just who His foes were and what they were planning to do. He saw that the issue was joined with no possible hope of compromise. There was no way out for Him save the bitter way of the cross. He foresaw all the detail of it. He knew the Jewish law, and the relation of the scribes and Pharisees to the Roman Government. He knew the course His trial must follow. He knew what the soldiers of Pilate would do to Him when He had fallen into their hands. He saw the cross and His triumph over it—and He told His disciples plainly what they might expect. He did not leave them in darkness; He assured them with the promise of His victory over the grave—and still they did not understand.

"Then came to Him the mother of Zebedee's children." What a deal of human nature here, and what a clear, sad light is thrown upon the dispositions of even the best disciples. How slow to learn were even those who were nearest to Jesus. He had told them that they were to become as little children, with no thought of honor or gain. He had told them that He would find no throne in Jerusalem, but a cross. He had told them that if any would come after Him, they should begin by denying themselves. He had told them that the wages of His service were not the wages of this world. And now comes the mother of James and John, grown men, who had heard all these teachings, begging for a special favor for her sons.

The only key to this, of course, is that conception of the Kingdom of God in which even the most devout Jews had been so grounded that their very minds and souls would have to be changed to get it out of them. So many times we have noted it. The kingdom was going to be power and office and glory. There was among the disciples a feeling that the culmination of Jesus' ministry was very near, and they believed they would have a share in it; and these two men, with their mother for a spokesman, wanted the best share of all. It is better for us to try to understand them, though, than to criticize them. They were moving through a kind of a haze; they saw nothing clear or right—how could they? The only comfort we can get out of it is that there is hope for us in our misunderstandings and untenachableness.

The Master met the woman's request with a question to her sons. He knew well enough that she was only their mouthpiece. His answer is as grave as their request is trivial: "Ye know not," He said, "what ye ask." Terribly searching experiences were awaiting them in the city to which they were going up. It was as though soldiers going into battle should stop to discuss promotion. Their question was trivial and irrelevant to the whole situation. Jesus searches them, and His words still carry solemn implications. He asks them if they were willing to pay the price; could they drink of His cup and be baptized with His baptism? The baptism to which He refers is the baptism of pain and death. It was by drinking this cup and suffering this baptism that Jesus won His throne. There was no other way for His disciples to win station and power.

They answered that they were equal to what He asked; and we have no way of judging the understanding of their answer. It was apparently sincere, and actually it committed them far more deeply than they supposed. But we can hardly believe that they did more than promise, without knowing what the promise involved, that they would meet whatever was asked of them if only they might have the thrones. Jesus took them at their word, and added thereto His own knowledge of what awaited them. "Ye shall," He said, "drink of my cup and be baptized in my baptism." He saw deeper into their natures than they saw themselves, and knew that there was in each man a power of constancy and courage which would make them equal to the dangers which He knew would attend the beginnings of His church.

The ten others heard what He told the two, and apparently they were angry at James and John for having pushed themselves forward. At any rate, they were very much stirred up. They were all bubbling over with what they supposed was righteous wrath. They were never successful in keeping their murmurings from the Master; He knew their ways too well; and, calling them to Him, He spoke to them in a quiet and consoling way: "Ye know," He said, "that the princes of the Gentiles exercise dominion over them, and they that are great exercise authority upon them. But it shall not be so among you; whosoever will be great among you, let him be your minister; and whosoever will be chief among you, let him be your servant."

Something new had come into the world; a kingdom in which thrones were turned upside down and every precedent reversed. It was no longer to be a matter of pride lording it over pride, but of service vying with service, and humility competing with humility.

And finally, Jesus enforces His proclamation by His own example. "Even as the Son of Man came not to be ministered unto, but to minister, and to give His life a ransom for many." It is Christ's own statement that He lived to serve men and only that; that He was going to die to serve them, and that through His death they would be delivered.

A desire to be great is praiseworthy, and this desire may be obtained if we accept Jesus' way to it, for to reach the highest place we need only to be the servant of all. Greatness by this path is easily achieved, because few will be the obstacles in the pathway of one who will sincerely serve.

Mr. BLEASE. With this I shall content myself, on account of the lateness of the hour. I hope the President himself at some time will read, or have somebody read and talk over with

him, what I have said this afternoon, and the articles herein inserted and "live to serve men" as well as to be served. From experience and personal knowledge I can assure him that while there may be some who criticize and condemn, no one has ever yet suffered any loss, politically or otherwise, by being merciful to his fellow men.

The VICE PRESIDENT. The amendments of the committee will be stated.

Mr. ROBINSON of Arkansas. Mr. President, has this bill been unanimously reported by the committee?

Mr. STEIWER. Yes, Mr. President. I will, if I may without intruding too far upon the Senator from Michigan, say in just a word what it is.

This is the last of eight bills that make up the prison program of the President. The other seven have been passed by the Senate and by the House. This one only remains for action, and because it is not passed the Department of Justice is not able to send up the estimate for the necessary appropriation.

It is very important, therefore, that this bill be acted upon now, and it was for that reason only that I asked permission to interrupt the Senator from Michigan. The bill was unanimously reported by the Judiciary Committee, and we feel that it is very important that it be passed so that this program may be completed, and the appropriations considered by the appropriate committees of Congress.

The VICE PRESIDENT. The amendments of the committee will be stated.

The amendments were, on page 4, line 9, after the word "That," to strike out "no class of articles or commodities shall be produced for sale to or use of departments or independent establishments of the Federal Government in United States penal or correctional institutions which at present are being produced by civilian employees at the navy yards, arsenals, mailbag repair shop, or other Government owned and operated industrial establishments, or such articles as these Government owned and operated establishments are equipped to produce," and to insert "any industry established under authority of this act be so operated as not to curtail the production within its present limits of any existing arsenal, navy yard, or other Government workshop"; on page 5, line 1, after the word "Government," to strike out "; require any United States department or establishment to purchase at current market prices, as determined by the Attorney General or his authorized representative, such articles, commodities, or supplies as meet their specifications, subject to the limitations contained in section 5 hereof" and to insert "and the several Federal departments and all other Government institutions of the United States shall purchase at not to exceed current market prices such products of the industries herein authorized to be carried on as meet their requirements and as may be available and are authorized by the appropriations from which such purchases are made. Any disputes as to the price, quality, suitability, or character of the products manufactured in any prison industry and offered to any Government department shall be arbitrated by a board consisting of the Comptroller General of the United States, the superintendent of supplies of the General Supply Committee, and the Chief of the United States Bureau of Efficiency, or their representatives. The decision of said board shall be final and binding upon all parties"; on the same page, line 23, after the words "replacement of," to insert "industrial"; and in line 25, after the word "employees," to insert "engaged in any industrial enterprise," so as to make the bill read:

Be it enacted, etc., That the Attorney General is hereby authorized and directed to select forthwith and procure two sites, of not less than 1,000 acres each, and cause to be erected thereon suitable buildings for two institutions for the confinement of male persons who have been, or shall be, convicted of offenses against the United States. One of such sites to be selected shall be situated north of 38° north latitude and east of 80° longitude to serve the northeastern section of the United States, and one of such sites shall be situated west of the Mississippi River. Both sites shall be selected with due regard to the source of commitments, climatic conditions, and transportation facilities.

SEC. 2. The institution authorized hereunder, to be located west of the Mississippi River, shall be of the reformatory type and shall be for the confinement of young offenders and others who, in the opinion of the Attorney General, are proper persons for detention in a reformatory.

The institution authorized hereunder, to be located in the northeastern section of the United States, shall be of the penitentiary type and shall be for the incarceration of adult male persons sentenced to terms of imprisonment for more than one year with or without hard labor.

SEC. 3. Upon the selection of appropriate sites the Attorney General shall submit to Congress estimates of the cost of purchasing the same, and of remodeling, constructing, and equipping the necessary buildings thereon. The Attorney General, at the same time and annually thereafter, shall submit estimates covering the expense of maintaining and operating such institutions, including salaries of all necessary officers and employees.

SEC. 4. The Secretary of the Treasury is hereby authorized, upon request of the Attorney General, to cause plans, specifications, and estimates for the remodeling and constructing of the necessary buildings to be prepared in the Office of the Supervising Architect of the Department of the Treasury, and the work of remodeling and constructing the said buildings to be supervised by the field force of said office: *Provided*, That if, in his discretion, it would be impractical to cause such plans, specifications, and estimates to be prepared in the Office of the Supervising Architect of the Department of the Treasury, and such work to be supervised by the field force of said office, the Secretary of the Treasury may contract for all or any portion of such work to be performed by such suitable person or firm as he may select: *Provided further*, That the proper appropriation for the support and maintenance of the Office of the Supervising Architect be reimbursed for the cost of such work and supervision.

SEC. 5. The control and management of said institutions established hereunder shall be vested in the Attorney General, who shall have power to appoint, subject to the civil service laws and regulations of the United States, superintendents, assistant superintendents, wardens, keepers, and all other officers and employees necessary for the safekeeping, care, and discipline of the inmates of said institutions; and the Attorney General shall have power to prescribe all necessary rules and regulations for the governance of the officers, employees, and inmates of said institutions. In connection with the maintenance and operation of said institutions the Attorney General is authorized to establish and conduct industries, farms, and other activities, to classify the inmates, and to provide for their proper treatment, care, rehabilitation, and reformation: *Provided*, That such industries of farming and other activities shall be devoted to the production and manufacture of articles, commodities, and supplies for the use of the United States Government: *Provided further*, That any industry established under authority of this act be so operated as not to curtail the production within its present limits, of any existing arsenal, navy yard, or other Government workshop.

SEC. 6. The inmates of said institutions shall be employed in such manner and under such conditions as the Attorney General may direct. The Attorney General may, in his discretion, establish industries, plants, factories, or shops for the manufacture of articles, commodities, and supplies for the United States Government; and the several Federal departments and all other Government institutions of the United States shall purchase at not to exceed current market prices such products of the industries herein authorized to be carried on as meet their requirements and as may be available and are authorized by the appropriations from which such purchases are made. Any disputes as to the price, quality, suitability, or character of the products manufactured in any prison industry and offered to any Government department shall be arbitrated by a board consisting of the Comptroller General of the United States, the Superintendent of Supplies of the General Supply Committee, and the Chief of the United States Bureau of Efficiency, or their representatives. The decision of said board shall be final and binding upon all parties. There may be established a working-capital fund for said industries out of any funds appropriated for said institutions; and said working-capital fund shall be available for the purchase, repair, or replacement of industrial machinery or equipment, for the purchase of raw materials and supplies, for personal services of civilian employees engaged in any industrial enterprise, and for the payment to the inmates or their dependents of such pecuniary earnings as the Attorney General shall deem proper.

SEC. 7. It is hereby declared to be the policy of the Congress that the said institutions be so planned and limited in size as to facilitate the development of an integrated Federal penal and correctional system which will assure the proper classification and segregation of Federal prisoners according to their character, the nature of the crime they have committed, their mental condition, and such other factors as should be taken into consideration in providing an individualized system of discipline, care, and treatment of the persons committed to such institutions.

SEC. 8. Any person not authorized by law or by the Attorney General or his representative who introduces or attempts to introduce into or upon the grounds of the institutions herein authorized any narcotic drug, weapon, or any other contraband article or thing, or any letter or message intended to be received by an inmate thereof, shall be guilty of a felony and punishable by imprisonment for a period of not more than 10 years.

SEC. 9. It shall be unlawful for any person properly committed to the institutions described herein to escape or attempt to escape therefrom; and any such person upon apprehension and conviction in a United States court shall be punished by imprisonment for not more than five years, such sentence to begin upon the expiration of or upon legal release from the sentence for which said person was originally confined.

SEC. 10. It shall be unlawful for any person to procure the escape of any inmate properly committed to the institutions referred to above, or to advise, connive at, aid, or assist in such escape, or conceal any

such inmate after such escape, and any person convicted in a United States court of any such offense or offenses shall be punished by imprisonment for not more than three years.

SEC. 11. The expense, not to exceed the sum of $35,000, incurred in the travel necessary in the selection of sites, the making of surveys, the making of preliminary sketches, and the securing of options shall be payable out of the appropriation for the "Support of United States prisoners" for the fiscal year in which such expense is incurred.

SEC. 12. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ORDER OF BUSINESS

Mr. McNARY. Mr. President, will the Senator from Michigan yield to me for a moment?

Mr. COUZENS. I yield. I understand that on Monday the tariff resolution which was introduced by the Senator from Utah [Mr. SMOOT] comes up. I will renew my motion after that is disposed of.

Mr. McNARY. Very well.

The Senator from Utah has given notice that he will bring up, soon after 12 o'clock on Monday, his proposal concerning the conference report on the pending tariff bill. There is a large calendar in executive session, and I move——

The VICE PRESIDENT. If the Senator will yield for a moment, the Senator from Minnesota [Mr. SCHALL] has notified the Chair that he desired to be recognized for a few minutes.

Mr. McNARY. I yield to the Senator.

CLAIMS GROWING OUT OF FIRE IN MINNESOTA IN 1918

Mr. SCHALL. Mr. President, I desire to say a few words in behalf of the bill introduced by my colleague [Mr. SHIPSTEAD] in behalf of the fire sufferers of Minnesota. I want to urge the Claims Committee to give it their immediate attention.

In October, 1918, while the Director General of Railroads was operating lines of railway in Minnesota several counties in my State were swept by one of the greatest fire disasters in the Nation's history. Hundreds of lives were lost and thousands of square miles of land laid bare. The entire city of Cloquet, Minn., which had been a thriving lumber-manufacturing center, was completely destroyed by this holocaust. Even though the country was then in the final stages of the World War and people had been called upon to give for the successful prosecution of the war, the Red Cross, aided by thousands of sympathetic citizens in Minnesota, rushed to the aid of these people who had been left destitute and in dire want. The situation in northeastern Minnesota at the time and immediately after this tremendous fire, beggars description. Thousands of families lost their buildings, live stock, clothing, furniture, machinery, and every item of personal property which they possessed.

In addition to being completely stripped of every necessity of life their land was so charred and burned by this tremendous conflagration that it was rendered in many cases unproductive and as useless for farming purposes as desert sand without water.

There were approximately 10,000 families absolutely impoverished, and hundreds of them were in such desperate straits that they migrated to other States of this Union, hoping to again get a start in life. There are several hundred of these people on the Pacific coast, several hundred in the Southwest, and hundreds more scattered through the Central West and East.

Shortly after the fire action was started in various courts for claimants seeking restitution from the United States Railroad Administration on the ground that these fires were directly traceable to the negligence of the railroad administration. There followed a long series of lawsuits, vigorously prosecuted and even more vigorously defended by the Government. At one time there were five district judges occupied for four and one-half months on the trial of a test case known as the Cloquet case. This action was tried several times and finally went to the Minnesota Supreme Court, and the liability of the Government was firmly fixed in all of the decisions.

There were thousands of these actions filed, and if all of them had been forced to trial by the Government it would have taken every judge in the State of Minnesota all of this time for more than 10 years, to the exclusion of every other class of court business. Manifestly, the trial of these cases was an utter and physical impossibility. Furthermore, these claimants were so impoverished and so thoroughly in need of whatever they could get from these cases that they were disposed to settle them as quickly as possible regardless of the amount paid. After the litigation had established the Government's liability negotiations were entered into for the settlement of these actions by the Government's attorneys and the plaintiffs' attorneys.

In the meantime the Government had a large corps of surveyors, timber cruisers, adjusters, and experts of various kinds go over this entire fire-swept area and thoroughly check the claimants and their losses. Every claimant was required to file a sworn statement of every item which he claimed was burned in this tremendous fire. For example, if a claimant had two suits of clothes he was required to show under oath where he bought each suit, how much each suit cost, what he felt said suit was worth when it was burned.

Every item of furniture and household goods required a like explanation, and in many cases when the statement of loss was filed the Government men struck off and disapproved items. So when the final claim of each sufferer was checked up it had been pared down to the very minimum and represented in many cases less by far than the actual loss sustained.

After this had been done, attorneys for both sides sat in conference, and the Government then offered to pay only 50 per cent of the loss sustained in one area; in another area 45 per cent, and other areas from 35 to 45 per cent.

In other words, under the difficulties of the situation the Government officials shaved off millions of dollars owing to these sufferers, and these sufferers in dire need and absolute want were compelled to take what they could get.

In every case where this sort of settlement was made a stipulation was entered into between the attorneys for both sides setting forth the actual loss sustained by each claimant after a careful governmental check and then reciting that a compromised payment was being made and discharging the Government from further legal liability.

For example, John Jones sustained an actual loss of $100. This $100 figure was arrived at only after the Government officials had checked every item of the claim and had reduced the amounts to an absolute minimum and had agreed that this last was actually sustained. Then instead of paying $100, the actual loss, the Government paid as low as $35 to some sufferers and as high as $50 to others, but first required a release.

I contend that the United States Government should never compromise on right and justice as the Government owed morally and legally the sum of $100 to John Jones; it should have paid $100 and no less.

This is true in every one of these thousands of cases and this bill seeks to remedy an injustice which has been permitted to run along for some years.

The United States Government was and is responsible for 100 per cent of the loss which it caused, and which by solemn agreement it agreed claimant had sustained. I am sure that none of us in this Congress desire to take "advantage of a situation where starving and destitute people were forced by the strong arm of their own officials to take less than the amount honestly and fairly due them, and I trust this bill may receive speedy consideration so that the thousands of people who suffered intensely through the negligence of Government officials may receive the justice they expect from the United States of America."

Every agency in northern Minnesota, and, in fact, all of Minnesota, expects the Government to do no less. The commercial clubs and organizations of that part of the State familiar with the situation unanimously indorse this bill. Other organizations in Minneapolis and St. Paul have announced themselves as favoring its speedy passage. There are tens and tens of thousands of people, most of them in Minnesota, but many scattered, as I have said, in other States, watching this measure and its progress. They want justice, they expect justice, and let us hope they will get justice as fast as the Congress is able to give it to them, and these thousands of claimants who certainly have waited many years longer for relief than they were entitled so to do may receive their just dues.

No citizen of this Nation should be unjustly coerced by this Government.

A knowledge of the facts in these cases will convince anyone that the settlements made and the amounts paid by the Government were unconscionable, less than the Government stipulated had been sustained by the sufferers, and I submit that such a course of conduct upon the part of any individual would be immediately stamped as fraudulent and dishonest. It can be no less fraudulent and no less dishonest when brought about by the arbitrary power of the Railroad Administration. It is in behalf of simple justice for the poor and the needy that this bill has been offered by my colleague, Senator SHIPSTEAD, and it is in behalf of an effort to give these unfortunate people some measure of belated justice that I urge the immediate consideration of this measure.

There is no room in America for arbitrary power. There is no room for injustice, duress, and coercion upon the part of any governmental agency in this democracy of ours.

EXECUTIVE SESSION

Mr. McNARY. I move that the Senate proceed to the consideration of executive business in open session.

Mr. HAWES. Mr. President, will the Senator permit me to have just five minutes before doing that?

The VICE PRESIDENT. Does the Senator from Oregon yield for that purpose?

Mr. WATSON. Mr. President, let me plead with the Senator from Missouri not to proceed now. The Senator from Michigan [Mr. COUZENS] has not finished his speech.

Mr. HAWES. The Senator has not concluded his remarks?

Mr. COUZENS. No; I yielded for the purpose of an executive session.

Mr. McNARY. I insist on my motion, Mr. President.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate sundry messages from the President of the United States making nominations, which were referred to the appropriate committees.

THE CALENDAR

The VICE PRESIDENT. Reports of committees are in order.

If there be no reports of committees, the calendar is in order.

POSTMASTERS

The legislative clerk proceeded to announce the nominations of sundry postmasters.

The VICE PRESIDENT. Without objection, the nominations of postmasters are confirmed en bloc, and the President will be notified.

NAVY DEPARTMENT

The legislative clerk announced the nomination of Frank B. Upham to be Chief, Bureau of Navigation, with rank of rear admiral.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

PROMOTIONS IN THE NAVY

The legislative clerk proceeded to announce sundry promotions in the Navy.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc, and the President will be notified.

PROMOTIONS IN THE MARINE CORPS

The legislative clerk proceeded to announce sundry promotions in the Marine Corps.

The VICE PRESIDENT. Without objection, the same order will be made in regard to promotions in the Marine Corps.

This completes the calendar.

DESTRUCTION OF PROPERTY IN COLUMBIA, S. C., BY SHERMAN'S ARMY

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed as a public document the remarks I made yesterday afternoon on the destruction of property in Columbia, S. C., by Sherman's army and the data that went with the remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

ADJOURNMENT UNTIL MONDAY

The VICE PRESIDENT. The business of the Senate having been concluded, the unanimous-consent order heretofore made will be carried out.

Thereupon (at 4 o'clock and 45 minutes p. m.) the Senate, under the order previously entered, adjourned until Monday, May 19, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 16, 1930

CONSUL GENERAL

Joseph W. Ballantine, of Massachusetts, now a Foreign Service officer of class 4 and a consul, to be a consul general of the United States of America.

COAST GUARD

The following-named district commanders, with the rank of lieutenant, to be district commanders, with the rank of lieutenant commander, in the Coast Guard of the United States, to rank as such from March 11, 1930:

Frank B. Lincoln.

John Kelly.

The following-named officers in the Coast Guard of the United States:

To be lieutenants, to rank as such from May 15, 1930

Lieut. (Junior Grade) Gaines A. Tyler.
Lieut. (Junior Grade) Ira E. Eskridge.
Lieut. (Junior Grade) Harry W. Stinchcomb.
Lieut. (Junior Grade) Harold C. Moore.
Lieut. (Junior Grade) Richard M. Hoyle.
Lieut. (Junior Grade) Stanley J. Woyciehowsky.
Lieut. (Junior Grade) Kenneth K. Cowart.
Lieut. (Junior Grade) Morris C. Jones.
Lieut. (Junior Grade) Miles H. Imlay.
Lieut. (Junior Grade) Francis C. Pollard.

To be lieutenants (junior grade), to rank as such from May 15, 1930

Ensign Wilbur C. Hogan.
Ensign Dale T. Carroll.
Ensign Kenneth P. Maley.
Ensign Samuel F. Gray.
Ensign Earl K. Rhodes.
Ensign Carl B. Olsen.
Ensign Walter C. Capron.
Ensign Watson A. Burton.

APPOINTMENTS, BY TRANSFER, IN THE ARMY

TO FINANCE DEPARTMENT

Capt. Bickford Edward Sawyer, Cavalry (detailed in Finance Department), with rank from September 16, 1925.

TO INFANTRY

Capt. William Sydney Barrett, Chemical Warfare Service, with rank from May 4, 1927.

PROMOTIONS IN THE ARMY

To be captains

First Lieut. William Lawrence Kay, jr., Field Artillery, from May 8, 1930.

First Lieut. Harry Marten Schwarze, Field Artillery, from May 10, 1930.

First Lieut. Philip Wallace Ricamore, Infantry, from May 10, 1930.

First Lieut. Benjamin Kenney Erdman, Infantry, from May 10, 1930.

To be first lieutenants

Second Lieut. Ridgley Gaither, jr., Infantry, from May 8, 1930.

Second Lieut. Earl William Aldrup, Quartermaster Corps, from May 8, 1930.

Second Lieut. Conrad Gordon Follansbee, Field Artillery, from May 9, 1930.

Second Lieut. John Henry Sampson, jr., Field Artillery, from May 10, 1930.

Second Lieut. George August Zeller, Ordnance Department, from May 10, 1930.

Second Lieut. August Edward Schanze, Infantry, from May 10, 1930.

Second Lieut. Howard Eugene Engler, Air Corps, from May 10, 1930.

MEDICAL CORPS

To be lieutenant colonels

Maj. John Thomas Aydelotte, Medical Corps, from May 8, 1930.

Maj. Taylor Edwin Darby, Medical Corps, from May 9, 1930.

Maj. Charles Walter Haverkampf, Medical Corps, from May 14, 1930.

To be major

Capt. Milner Hubbard Eskew, Medical Corps, from May 8, 1930.

DENTAL CORPS

To be major

Capt. Herman James Lambert, Dental Corps, from May 13, 1930.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 16, 1930

PROMOTIONS IN THE NAVY

Frank B. Upham to be Chief Bureau of Navigation with rank of rear admiral.

Russell Willson to be captain.

William A. Hall to be captain.

Donald B. Beary to be commander.

Seldon L. Almon to be lieutenant commander.

Leon J. Manees to be lieutenant.

Robert A. Knapp to be lieutenant.

Beverly E. Carter to be lieutenant.

Robert B. Ellis to be lieutenant (junior grade).

Benjamin Katz to be lieutenant (junior grade).

Joseph B. Logue to be surgeon.

Arthur Rembert to be paymaster.

To be assistant naval constructors

Alexander Sledge.
Edmund M. Ragsdale.
Charles M. Tooke.
Henry T. Koonce.
Allen M. Zollars.
Charles R. Watts.
William E. Howard, jr.
Raymond O. Burzynski.
Ralph K. James.
John Zabilsky.

To be chief radio electricians

John E. Ferree.
Francis J. Hall.

To be ensigns

Carlton R. Adams.
Scarritt Adams.
James A. Adkins.
Jack Agnew.
John W. Alles, 3d.
Stanley M. Alexander.
Burrell C. Allen, jr.
William Y. Allen, jr.
Charles H. Andrews.
John H. Armstrong, jr.
Shryock M. Arwine.
Griswold T. Atkins.
John B. Azer.
Harry P. Badger.
Francis E. Bardwell.
Arthur J. Barrett, jr.
Rudolph C Bauer.
John K. Bisson.
Paul P. Blackburn, jr.
Boyd E. Blanchard.
Everett M. Block.
John B. Bowen, jr.
Alston M. Boyd, jr.
Lee De V. Boyle.
Parke H. Brady.
John L. Breault, jr.
Harmon V. Briner.
Richard R. Briner.
John M. Bristol.
George K. Brodie.
Douglas B. Brokenshire.
Charles B. Brook.
Oscar M. Browne, jr.
Edward Brumby.
Harvey P. Burden.
John G. Burgess.
William A. Burgett.
Martin C. Burns.
William C. Butler, jr.
George N. Butterfield.
Norwood A. Campbell.
Edward S. Carmick.
Gilbert C. Carpenter.
Francis M. Carter.
Richard S. Cass.
George B. Chafee.
George M. Chambers.
Wreford G. Chapple.
Carlos M. Charneco.
Baylies V. Clark.
Henry G. Clark.
James S. Clarkson.
Joseph C. Clifton.
Leonidas D. Coates, jr.
Robert F. Coates.
James W. Coe.
Doyle M. Coffee.
Edward E. Colestock.
Richard J. H. Conn.
Ray R. Conner.
George Cook.
John Corbus.
Howard G. Corey.
John R. Craig.
Robert R. Craighill.
Kyran E. Curley.
Dana B. Cushing.
Ruel S. Daily.
James M. Daly.
James W. Davis.
Samuel D. Dealey.
Jefferson R. Dennis.
Paul L. de Vos.
John B. Dimmick.
Harry B. Dodge.
Joseph E. Dodson.
Marshall E. Dornin.
Jack S. Dorsey.
Albert P. Douglass.
Volckert P. Douw.
William T. Doyle, jr.
William McC. Drane.
Elmer J. Dunn.
Harold E. Duryea.
Charles E. Earl.
Otis J. Earle.
Walter G. Ebert.
Ian C. Eddy.
John E. Edwards.
William E. Ellis.
Christian L. Engleman.
Harry W. Englund.
William C. Ennis.
Lot Ensey.
Robert J. Esslinger.
William S. Estabrook, jr.
Philip C. Evans.
Milton D. Fairchild.
William H. Farmer.
Harold K. Feiock.
John F. Flynn.
George W. Foott, jr.
James F. Forster.
Robert B. Foster.
Walter M. Foster.
Bernhart A. Fuetsch.
George E. Garcia.
Victor S. Gaulin.
William E. Gentner, jr.
Kenneth McL. Gentry.
Robert W. Germany, jr.
Charles R. Gilliam.
Donald W. Gladney, jr.
Marvin H. Glunts.
John B. Gragg.
James D. L. Grant.
Elonzo B. Grantham, jr.
Royce L. Gross.
Alfred E. Grove.
William W. Gubbins.
Elvin Hahn.
John R. Haile.
Nathan S. Haines.
Thomas B. Haley.
Clifton G. Hall.
Mervin Halstead.
Paul W. Hanlin.
Henry O. Hansen.
Burton S. Hanson, jr.
William L. Harmon.
Ned Harrell.
David A. Harris.
Charles D. Hart.
Robert C. Haven.
David D. Hawkins.
Charles H. Hayes.
Hugh C. Haynsworth, jr.
John T. Hayward.
James H. Hean.
George L. Heap.
Paul F. Heerbrandt.
Harold M. Heiser.
Harold M. Heming.
Charles R. Herms.
Alexander S. Heyward, jr.
Frank E. Highley, jr.
Robert E. Hill.
Frederick V. H. Hilles.
Cyrus G. Hilton.
Joseph A. E. Hindman.
Wellington T. Hines.
George M. Holley, jr.
Ephraim P. Holmes.
Peter H. Horn.
Herschel A. House.
James H. Howard.
John G. Howell.
Charles C. Howerton.
Horace S. Hubbard.
Claud W. Hughes.
John Hulme.
Richard C. D. Hunt, jr.
Thomas B. Hutchins, 3d.
Andrew McB. Jackson, jr.
Walter T. Jenkins.
Robert F. Jennings.
Frank L. Johnson.
Raymond W. Johnson.
Lafayette J. Jones.
William C. Kaiser.
Edwin G. Kelly.
Durand Kiefer.
John O. Kinert.
William H. Kirvan.
Denys W. Knoll.
Lyle L. Koepke.
Albert P. Kohlhas, jr.
Albert Konigsberg.
George F. Kosco.
Donald F. Krick.
James E. Kyes.
Peter R. Lackner.
Frederick W. Laing.
James G. Lang.
Herman N. Larson.
Rowland C. Lawver.
John E. Lee.
John M. Lewis.
Nicholas A. Lidstone.
Horatio A. Lincoln.
Edward N. Little.
Veldon O. Long.
Charles W. Lord.
Vernon L. Lowrance.
William W. Lowrey.
Frederic C. Lucas, jr.
Nicholas Lucker, jr.
Frank P. Luongo, jr.
Oliver DeM. T. Lynch.
Edward J. MacGregor, 3d.
Hugh T. MacKay.
Ray E. Malpass.
Herbert H. Marable.
George E. Marix.
Edmund S. L. Marshall.
Thomas W. Marshall, jr.
Charles B. Martell.
Lance E. Massey.
Kleber S. Masterson.
Laurance O. Mathews, jr.
Charles T. Mauro, jr.
Leo G. May.
Raymond L. Mayo.
Warren H. McClain.
Charles E. McCombs.
George T. McCready, jr.
Montgomery L. McCullough, jr.
Richard D. McGlathery.
Louis D. McGregor, jr.
John R. McKnight, jr.
Bowen F. McLeod.
Ira E. McMillian.
Kenneth S. McPherson.
Albert S. Miller.
Frank B. Miller.
Theodore T. Miller.
William A. Moffett, jr.
Robert L. Moore, jr.
William B. Moore.
John A. Moreno.
Dudley W. Morton.
Elias B. Mott, 2d.
William T. Nelson.
Byron B. Newell.
Roscoe L. Newman.
James H. Newsome.
Roy A. Newton.
Joshua J. Nix.
Richard M. Nixon.
Kelvin L. Nutting.
Emmet O'Beirne.
Davis W. Olney.
Charles H. Ostrom.
George R. Over.
Arthur E. Owen.
George G. Palmer.
Robert M. Patten.
Robert E. Perkins.
Mell A. Peterson.
Walter B. Phillips.
Herman A. Pieczentkowski.
William S. Post, jr.
Nicholas J. Pusel.
Lynne C. Quiggle.
Samuel M. Randall.
Samuel A. Randolph.
Frederick M. Reeder.
Walter A. Reinhard.
Edward C. Renfro.
Everett O. Rigsbee, jr.
Josephus A. Robbins.
Frank L. Robinson.
Allan B. Roby.
James W. Rodgers.
Charles H. A. Rohr.
Robert A. Rosasco.
Russell R. Ross.
Joseph A. Ruddy, jr.
Lawrence E. Ruff.
Royal L. Rutter.
Jack S. Salisbury.
Henry G. Sanchez.
Eddie R. Sanders.
William H. Sanders, jr.
Eugene T. Sands.
Donald J. Sass.
Gifford Scull.
George C. Seay.
John J. Shaffer, 3d.
Raymond N. Sharp.
Manley H. Simons, jr.
John E. Sisson.
Frank T. Sloat.
Harry Smith.
Philip T. Smith, jr.
William O. Snead, jr.
Hiram W. Spence.
Richard T. Spofford.
Arthur F. Spring.
Clyde B. Stevens, jr.
James E. Stevens.
Harry C. Stevenson.
Francis S. Stich.
Robert J. Stroh.
Walter W. Strohbehn.
Robert T. Sutherland, jr.
Robert D. Sutton.
Bryan F. Swan.
John F. Tatom.
Robert H. Taylor.
James L. Thibault.
William C. Thomas.
Thomas J. Thornhill, jr.
William G. Tisdale, jr.
Bruce E. S. Trippensee.
Robert S. Trower, 3d.
Thaddeus J. Van Metre.
Harry J. Verhoye.
Mack E. Vorhees.
James O. Vosseller.
Alexander S. C. Wadsworth.
Edwin O. Wagner.
Ellis K. Wakefield.
Wilfred A. Walter.
Thomas S. Webb.
Samuel P. Weller, jr.
William F. Wesanen.
Charles L. Westhofen.
Harold P. Westropp.
David L. Whelchel.

Joe McA. Whitaker.
Oliver E. White.
Edson H. Whitehurst.
James D. Whitfield, jr.
William W. Wilbourne.
Macpherson B. Williams.
Francis E. Wilson.
Frank I. Winant, jr.
Walter C. Wingard, jr.
Thomas L. Wogan.
Royal A. Wolverton.
William T. Woodard.
James A. Woodruff, jr.
Thomas K. Wright.
Henry S. Wygant, jr.
William N. Wylie.
Joseph B. H. Young.

To be assistant paymasters

Aubrey J. Bourgeois.
Laurence Cardwell.
Edward P. Dorner.
Walter F. Prien.

MARINE CORPS

Andrew B. Drum to be lieutenant colonel.
William J. Mosher to be captain.

To be first lieutenants

Walter I. Jordan.
Arthur W. Ellis.
Edwin C. Ferguson.

To be second lieutenants

Paul Moret.
Thomas B. Hughes.
William B. McKean.
Glen G. Herndon.
Fred D. Beans.
Francis H. Williams.
Harold W. Bauer.
James T. Wilbur.
Ernest W. Fry, jr.
William B. Steiner.
Frank G. Wagner, jr.
Wallace M. Greene.
Alvin W. Neal.
Frank M. Reinecke.
Stewart Boyle.
Paul W. Russell.
Ronald D. Salmon.
John M. Davis.
Russell Lloyd.
Edward A. Montgomery.
Edgar O. Price.
Lawrence C. Brunton.
Samuel S. Yeaton.
Donald McP. Weller.
Walfried H. Fromhold.

POSTMASTERS

ALABAMA

Alida J. Cox, Spring Hill.

ARKANSAS

Abe L. Eustice, Clarksville.
George E. Owen, Conway.
Hubert C. Hallowell, Pocahontas.

FLORIDA

Daniel H. Bishop, Mount Dora.

HAWAII

Harry E. Apo, Kaunakakai.

IDAHO

Earl H. Barnes, Pierce.
Hazel L. French, Roberts.

IOWA

Gus J. Walters, Alta Vista.
Gust A. Hall, Colo.
Samuel J. Stites, Crawfordsville.
Robert B. Light, Deep River.
George A. Redenbaugh, Tabor.
Walter H. Vance, Winterset.

KENTUCKY

Marvin W. Barnes, Elizabethtown.

MARYLAND

Robert H. Lancaster, Frostburg.
Raymond R. Russell, Reisterstown.

MASSACHUSETTS

Dana O. Merrill, East Pepperell.
Charles W. Hardie, Harwich Port.
Emma E. Murphy, Minot.
Benjamin R. Gifford, Woods Hole.

MISSISSIPPI

Ruby W. Bacon, Schlater.

NEBRASKA

Cecil E. Mills, Long Pine.

NEW MEXICO

Lydia C. Harris, Mesilla Park.
Roy H. Smith, Tucumcari.

NEW YORK

John C. Tharp, Campbell.
Susan G. Patterson, Delmar.
Grace O. Meloy, East Durham.
Clarence A. E. Churchill, Ellicottville.
Leon F. Hawley, Holley.
Robert Mann, Jeffersonville.
Ella L. Winch, Lakewood.
Warren S. Hutchison, Lyndonville.
John C. Dickey, Mount Morris.
Frederick Harrigan, Roosevelt.
Earl S. St. John, Walton.
John C. Shanks, Waterloo.
Susie E. Garrison, Wingdale.

NORTH DAKOTA

Chester R. Hodge, Jamestown.

OHIO

Faye W. Helmick, Baltimore.
Glenn L. Shaffer, Bellville.
Charles A. Ridgley, Chesterhill.
Preston J. Knight, Ellet.
James M. Light, Greenville.
Marold J. Taylor, Marengo.
Jesse A. Keller, Pleasantville.
Julius R. Bruns, St. Henry.
Harry B. Carver, Troy.
Millard H. Bell, West Mansfield.
Frank L. Currey, Yellow Springs.

OKLAHOMA

John E. T. Clark, Coalgate.
Levi R. Gray, Dover.
Joseph G. Chappelear, Gotebo.
Alice B. Spears, Hulbert.

PENNSYLVANIA

Helen H. Rodgers, Fredericktown.
George H. Mull, Knox.
Theodore E. Sweeney, Sewickley.

TENNESSEE

Grant L. Landiss, Cumberland City.
Thomas D. Walker, Kerrville.
Tim F. Stephens, Livingston.

TEXAS

James I. Carter, Arlington.
Cyrus W. Odom, jr., Blackwell.
Lee K. McKewen, Huntington.
Daisy M. Singleton, Marble Falls.
Robert J. Sisson, Palacios.
Thomas F. Lindley, Seminole.
Adolph P. Stautzenberger, Seguin.
Clinton J. Farrell, Vernon.

WASHINGTON

Herbert K. Rowland, Zillah.

WEST VIRGINIA

Thomas S. Riggs, Moundsville.
Fanny Murray, Sandyville.
James W. White, Webster Springs.

WYOMING

Ivor Christensen, Hanna.

HOUSE OF REPRESENTATIVES

FRIDAY, *May 16, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

How manifest are Thy mercies, O God, and nothing shall be able to separate us from Thy providence. To us Thou art a perennial spring by the traveler's way, a guiding star in the night of uncertainty and darkness, and a refuge unmoved and unmovable forever. We have learned that it is not in vain to call upon Thee in the emergencies of human experience. May this divine word possess our hearts, "Thy will be done." Whatever may come of care and burden and trial, sanctify them in strength, patience, humility, trust, and victory. O let there come honor and peace to everyone that worketh good. In the name of our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate disagrees to the amendments of the House to the bill (S. 108) entitled "An act to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McNARY, Mr. THOMAS of Idaho, and Mr. RANSDELL to be the conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that Tuesday next be an additional Consent Calendar day, beginning where the call leaves off on Monday, the regular Consent Calendar day, and that the entire day be devoted to the Consent Calendar, without suspensions.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that Tuesday next be considered as consent day, beginning where the call leaves off on Monday, without motions for suspension of the rules. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, that is pretty hard on us who have to look after these bills. We will not be expected to run longer than 4 o'clock, I hope?

Mr. TILSON. The Consent Calendar is very much crowded, and we should like to have it cleaned up if possible.

Mr. LAGUARDIA. I hope we will not run after 4 o'clock.

Mr. TILSON. That is pretty early to adjourn.

The SPEAKER. Is there objection?

There was no objection.

Mr. TILSON. Now, Mr. Speaker, I ask unanimous consent that on Friday next bills on the Private Calendar unobjected to be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that on Friday next the Private Calendar may be considered for bills unobjected to in the House as in Committee of the Whole. Is there objection?

Mr. GARNER. I thought the gentleman was going to include Saturday in that request, so as to clean up the two calendars. That will not detain Members who are not interested in the Private Calendar who want to take the week-end, but the two calendars are quite lengthy. If you could take Friday and Saturday for the Private Calendar for unobjected bills we may be able to clean it up.

Mr. TILSON. Let that go until later and I will confer with the gentleman.

The SPEAKER. Is there objection?

There was no objection.

THE BROOKLYN NAVY YARD

Mr. CULLEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a resolution for my colleague, Mr. QUAYLE, of New York, in relation to the Brooklyn Navy Yard.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The resolution is as follows:

Whereas the President of the United States has recommended to big business that every effort be made to avoid discharges of workmen and reductions in wages in order to minimize the hardships incident to the employment situation; and

Whereas the State and city of New York have appropriated funds to be used in the furtherance of public works for the purpose of relieving the unemployment situation; and

Whereas since the time these recommendations were made by the President to the representatives of big business thousands of workmen have been discharged from the New York Navy Yard and other navy yards for lack of work, and according to reliable reports we have received from the workmen of the New York Navy Yard, a reduction in wages is contemplated through the process of reducing the proportion of men receiving the first-class rate of pay and correspondingly increasing the proportion of workmen receiving the second and third class rates of pay; and

Whereas it appears that under the pending treaty a considerable amount of modernization work can consistently be authorized: Therefore be it

Resolved, That the undersigned representatives of Congress respectfully petition the President of the United States and the Secretary of the Navy to recommend to Congress through the Budget Bureau an authorized act to proceed with the modernization of the *Mississippi*, the *New Mexico*, and the *Idaho*, the three remaining battleships which under the pending treaty can still be modernized, and that all other naval work which ultimately has to be performed be authorized at this time in order that the unemployment situation can be speedily relieved, and at a time when it will do the greatest public good; be it further

Resolved, That the President of the United States and the Secretary of the Navy be requested to prevent either directly or indirectly a reduction in the wages of workmen at the New York Navy Yard.

Senator ROBERT F. WAGNER.
Senator ROYAL S. COPELAND.
Congressman THOMAS H. CULLEN.
Congressman GEORGE W. LINDSAY.
Congressman LORING M. BLACK, Jr.
Congressman ANDREW L. SOMERS.
Congressman JOHN F. QUAYLE.
Congressman PATRICK J. CARLEY.
Congressman DAVID J. O'CONNELL.
Congressman EMANUEL CELLER.
Congressman WILLIAM F. BRUNNER.

THE SUCCESS—THE FIRST MOTOR-PROPELLED VEHICLE IN OKLAHOMA TERRITORY

Mr. McCLINTIC of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. McCLINTIC of Oklahoma. Mr. Speaker, the automobile industry has been one of the greatest contributions made by the ingenuity of man for the welfare of the entire world. Sometime ago I was asked to contribute an article to the Hobart Democrat-Chief, the only daily paper published in my home county in Oklahoma, and for the reason that I owned what was said to be the first motor-propelled autobuggy in what was then the Territory of Oklahoma, I prepared an article which gave some information relative to this mechanical contraption, which was wrongly named The Success. It is as follows:

CONGRESSMAN TELLS HOW SNYDER WAS FIRST TOWN IN STATE WITH GAS BUGGY

By Hon. J. V. McCLINTIC of Oklahoma, Member of Congress

In August, 1905, while standing on Olive Street in St. Louis, Mo., I saw a strange contraption coming down the street in the shape of a vehicle without any horses attached, and naturally it attracted my curiosity. When it stopped, I drew near for the purpose of finding out something more about it, and it so happened that the person operating the same was its inventor. After listening to him for a while, I came to the conclusion that this was the beginning of a new era in transportation, and that it was only a question of time until the people everywhere would be riding in horseless carriages. Therefore, following the natural inclination of a small boy who wanted a piece of candy, I asked how much it cost and bought it.

Returning to Oklahoma Territory, I wondered why prompt shipment was not made, and later was informed that for the reason no railroad in St. Louis had ever shipped any such contraption there was no rate tariff available, and they did not know whether to class it as a livery vehicle, a gasoline engine, or whatnot, so to be safe, they refused to accept it for a freight shipment. The person I purchased the same from shipped it to me by express, thereby making an awful big dent in my pocketbook.

The name of this auto vehicle was "The Success." I took the State agency, having in mind that if it worked satisfactorily and there was a demand for such a vehicle I would close out my dry-goods business and become the first salesman of a self-propelled vehicle in Oklahoma.

Crowds of onlookers appeared whenever I brought my "Success" motor buggy out for a demonstration, and it was with some difficulty that I got it to operate successfully up and down the streets of Snyder, for the reason every time we met a team of horses there was usually such an interruption of traffic as to bring about some little disturbance. In addition, the machine, being propelled by a 1-cylinder engine that did not have a muffler attached, made enough noise to arouse not only the near-by citizens but everything within a radius of one-half mile or so. The motor required a lot of cranking, and it was necessary to let it run until the speed increased sufficiently to work up enough power to start the vehicle, as it did not have but one kind of a clutch, which made it impossible to get up very much speed.

I never did get it outside the town limits. It reminded me a good deal of a car that was later manufactured called K-R-I-T, which when explained by one of the owners meant "keep right in town." On one occasion I attempted to take a traveling salesman to the depot, which was then at the crossing of the two Frisco tracks. It performed nicely for about half the distance and then quit. I got out and cranked it for a little while until finally the traveling salesman said, "I see the smoke of the train coming. I think I can take my grips and walk to the depot in time. Therefore, if you don't mind, I will leave you with the car until I see you on the next trip."

To make a long story short, after having caused a lot of runaways, a number of posts being jerked out from under awnings, and in addition made a lot of my friends mad, I decided that "The Success" was a little bit premature for the West. So, with the aid of several monkey wrenches, I took the engine off, disconnected all the chains

and couplings, bought me a horse and a pair of shafts, thereby converting the same into a modern vehicle, which not only pleased my neighbors, who were worried with the loud explosions caused by different kinds of exhaust, but reestablished me to a certain extent with some of my friends whose teams had caused them a lot of trouble because of such vehicle.

One of the Kansas City papers gave me a write-up, stating that this was the first autobuggy in Oklahoma. Therefore I am contributing this article with the hope that my friends can get some enjoyment out of my experience when I tried to be sufficiently progressive to blaze a way for modern, up-to-date transportation.

PROHIBITION

The SPEAKER. Under the order of the House, the gentleman from New York [Mr. OLIVER] is recognized for five minutes.

Mr. OLIVER of New York. Mr. Speaker, the crux of the control of prohibition legislation is in the appropriation to enforce the law. The group that controls the appropriation may dictate the law. Therefore, it is plain that if those who seek modification under various and divergent plans centralize their efforts and work to control the appropriation, they can, after they secure control, determine the plan of relief. It is a waste of time to devise plans of relief until the power to enforce relief is in their possession. The only place where the modificationists can secure control is in the House of Representatives. Any bill providing for a modification of the law must pass both the House and Senate and be signed by the President. The battle to secure the approval of these three branches of the legislature is difficult to win, in view of the construction of the machinery of the Government. Senators are elected for a term of six years, and represent the States. Two Senators from a State which has but 1 Congressman out of 435 can equal the votes of two Senators who represent a State which has 45 Members of the 435. If the modificationists will centralize their efforts on winning the House with a motto of "No appropriation," they will have a shorter battle and more hope of success.

Of course, this will be called nullification. The time has come to disregard names that mean little or nothing, and to seek results that mean everything. This plan will nullify hypocrisy; the undue centralization of authority; the outrageous campaigns of murder by which the law has been enforced; the tremendous advance in the Federal prison population; the poisoning of citizens by their Government; the oppression and tyranny of the servants of the people; the enthroning of fanaticism and theocracy; the blackmail, graft, and blackguardism of the forces of righteousness; and the waste and destruction of public funds.

Ten years is sufficient time for a nation to judge upon the effect of one of its laws. Prohibition, intending to destroy the saloon, has created the speak-easy; intending to dismantle the distiller, it has set up the bootlegger; intending to smash the liquor traffic, it has spread it far and wide; intending to bring salvation, it has brought temptation; intending to ennoble the character of America, it has made it lawless. The record of prohibition is becoming as notorious as the record of the saloon. Both should be destroyed.

What shall take their place can not now be determined. The drys will not compromise, although a half a dozen great States refuse to lend their enforcement machinery to this unenforceable law. In a few years more they will lose more States, but that will not discourage their ambition to have the power to govern America.

The battle-ax for the wets is the control of the appropriations in the House. For 10 years most all of the members of the modification group have voted for all appropriations to enforce the law. The period of experiment is over. The drys refuse to admit failure, although the proof of failure comes from almost every section of the country. If the modificationists desire a change, their only method is to control the appropriations in the House. "No appropriation" should be on the campaign banner of every man running for Congress on a pledge to liberalize the law. There is an old Chinese expression, "No tickee; no shirtee," that carries its own meaning. Let the wets adopt its philosophy. [Applause.]

LIFE, CHARACTER, AND PUBLIC SERVICES OF EUGENE J. HAINER, WILLIAM L. STARK, AND MELVIN O. M'LAUGLIN

Mr. SLOAN. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. SLOAN. Mr. Speaker, prefacing a request, permit me to say I sat with Members and relatives who yesterday remembered colleagues whom the last year called.

In a vision of subdued beauty, dominated by lily and palm; 'mid music strains from instruments of string and reed; with the sweetness of song from voices of many, and especially of one; in the purity of prayer, versatile and devout; by the ritual of the rose; under the spell of inspired speech from orator of the North and sage of the South; and throughout the sad and solemn procedure conducted by our presiding genius, without halt or mar, there was presented a memorial program hitherto so unapproached in simplicity, symmetry, and completeness that it well may be a standard for years, deserved by the departed, appreciated by all who did attend.

While witnessing the honor yesterday conferred I thought of the great majority of this body's historic membership who came here, labored, strove, deserved, and in time, by their own will or by the reverse mandate of those who bade them come, left this Chamber for the comforts, joys, mayhap the disappointments of private life, and then obeyed that summons against which public service can not defend nor can private life avoid.

Our CONGRESSIONAL RECORD, too often the subject of unwarranted jest, is the faithful repository of our doings, whether of labored argument, keen debate, or flashing wit, should also be a mausoleum of memory for all who honored with their best, this most exalted popular legislative Chamber of the world.

In the nearly twoscore years' history of the fourth Nebraska district there were six Members. Three are living, three are dead. The deaths of the first, second, and fifth occurred during the decade of my absence from the House. I ask leave to extend my remarks in the RECORD, giving brief tributes to Hons. Eugene J. Hainer, William L. Stark, and Melvin O. McLaughlin.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

HON. EUGENE J. HAINER

Mr. SLOAN. Mr. Speaker, over in Hungary, at Pecz, August 16, 1851, Eugene J. Hainer was born in an atmosphere and area of revolution. His parents, Ignatz and Etelja Hainer, were factors of the great uprising in Hungary under Kossuth. His father served for a time in the capacity of private secretary to Kossuth. He was a patriot devoted, a scholar intense. As the one he came to America when Eugene was 2 years old. As the other he taught in Columbia University, Mo., for six years. Too strong an abolitionist for that community, he went to Iowa, where five of his eight children were educated at Iowa State College.

As a scholar, hearken to the classic baptismal names of his children: Laura, Eugene J., Julius Cæsar, Victor, Bayard Taylor, Hermine, Norma, and Vasti. He retained his love for the fatherland, though he became a naturalized American. He joined with many compatriots in establishing a town significantly named Buda, in Decatur County.

On a small farm directed by this scholar and his wife, the latter one of the finest characters whom it has been my privilege to know, worked out a livelihood and laid foundation for careers of this family of scholars, one of whom, Julius Cæsar, was my instructor, and two, Bayard Taylor and Hermine, were my fellow graduates at Ames in 1884.

The mother was the financial expert and the directing genius of this rural hive of hard work. To her example of industry and thrift was due a large measure of the material success of the members of this notable family. The dreaming and ascetic father, while a worker, was more given to meditation and philosophy.

Eugene, after attending public school, labored on neighboring farms, accumulating the small sum which started him at the Iowa State College. Here he attended for three years, absorbing from that institution in that time much more than many who stayed for their parchment. He took his law degree at Drake University, Des Moines, in 1876. A year thereafter he began practice of law at Aurora, Nebr.

He was married in 1880 to Julia Blodgett, a classmate. This was a marriage of a womanly woman unto a manly man. In his life's poem, his married life was the most inspiring stanza. They were lovers unto death. Two daughters brightened their home, Julia O'Connor of Monrovia, Calif., and Laura Hurtz of Omaha, Nebr.

A profound student of law and human nature, he was a wise and trusted counsellor for the many pioneers from a large radius centering in Aurora. He was an effective jury lawyer, and persuasive before the courts, where learning matched with zeal and bottomed on high character went far, in a client's interest.

A lawyer he began, a lawyer he died. He recognized that "the law is a jealous mistress," but he did not permit his devotion to interfere with business opportunities in land, banking, and above all in developing with men like Joseph H. Rush-

ton, Wallace Wheeler, James H. Smith, E. T. Rector, and Frank Howe the Fairmont Creamery, now one of the two greatest on the globe, the other being the Beatrice. Pardon if I state here with some degree of district pride the fact that these two originated in the fourth congressional district of Nebraska.

He early became a leader of his party in the State. When the redistricting of 1891, based upon the census of 1890, carved Nebraska into six congressional districts, he was the outstanding character considered and selected to represent the fourth. This he did with signal ability for two terms. He was defeated for a third term, due to the free-silver issue, which doctrine for a time prevailed in Nebraska. In the House his strength and loyalty were recognized by Speaker Cannon, that unerring judge of men, who placed him on the great Appropriations Committee where he became a powerful factor. The Treasury, which it was his duty to defend, never suffered from surprise attacks when Hainer was on guard.

During his service the money question was the acute and dominating issue, although the protective tariff then, as now, was the basic issue underlying our Nation's prosperity. He supported President Cleveland's stand on sound money through the gold standard in the face of fierce opposition in both his own and the Democratic Party. Had he trimmed his sails he might have succeeded for a third term. But his opponent was a consistent supporter of the free-silver issue and so the battle was fought, and Congressman Hainer was defeated and Judge William L. Stark, his fellow townsman, won.

On the floor of the House he was forceful in formal speech; but his qualities of keen courage and ready reasoning shone forth under the 5-minute rule, where argument, humor, and wit, like new coins, flash into being to startle adversary and please friend.

In Congress and out of it, in the presence of exalted competitor, official or business, or before the courts of final resort he showed leonine courage, always fronting place and power with unquailing eye and unhesitant tongue.

One one occasion before the Supreme Court of Nebraska he had made serious strictures upon its rulings. Chief Justice Sedgwick said, "Mr. Hainer, the court would like to know just what you think of it." Hainer said, "That would place me in contempt and subject me to your penalty." Said Sedgwick, "No punishment will be administered for compliance with our request. Proceed, Mr. Hainer." Said Hainer, with emphasis but no intended profanity, "This court is a damned lawless set." I do not know what was actually then and there recorded, but the above is accepted by the Nebraska bar as more than legend.

A friend and business associate said well and truly of him:

Judge Hainer became interested in banks when he first moved to Nebraska. He worked in and aided in the organization of some banks and financial institutions in the early days of Nebraska. He increased his holdings in banking institutions until at the time of his death he was heavily interested in a number of State and National banks in Nebraska.

Judge Hainer was a holder of a large amount of real estate in Nebraska, holding at the time of his death more than 7,000 acres of tillable farm land, more than half of which was irrigated.

In the early days of the development of the dairy business in Nebraska, Judge Hainer took a very active part. He organized and was a large owner in the South Platte Creameries Co., which was a consolidation of a number of creameries, which in 1903 were consolidated with the Fairmont Creamery Co., at which time he became a director and general attorney for the Fairmont Creamery Co. He served in these positions until the time of his death. At the time of his death he was the senior member of the law firm of Hainer, Flansburg & Lee, of Lincoln, Nebr.; was a director of the First National Bank of Lincoln; the National Bank of Commerce, of Lincoln; the Cambridge State Bank; the First Trust Co. of Aurora; the Fairmont Creamery Co.; and a number of other business organizations.

Judge Hainer was very generous, and made gifts to many educational, religious, and other worthy institutions. He was a member of the board of trustees of Doane College, at Crete, Nebr., and was instrumental in raising large sums of money for that great school.

As you know, he was possessed of a forceful and dynamic personality and with great courage and optimism. Judge Hainer was a great believer in law enforcement, even if the law was personally distasteful and, in his judgment, a mistake. He enjoyed the confidence of all his associates and of those who knew him, for they could not fail to recognize his sterling character and high moral plane on which he lived.

I could tell you hundreds of stories about his philanthropies and his experiences.

His right hand of charity was not connected with his left hand of publicity.

In the make-up of this character there was much of rugged oak. Neither lind nor willow found a place. Popularity of men or doctrine was a small factor in his general estimate. He had much to say of lawmaking, transient or fundamental. But once the law established, there was no argument as to its enforcement. He had studied deeply the laws governing men as well as the material universe, and, clearer than many now see, that modification or repeal is for the deliberate judgment of men; that nonenforcement means chaos.

He saw the sinuous way and bloody path up which suffering and toiling humanity had come. The footing gained and progress achieved must be maintained. That only in the virtue of the home, honesty of the market, uprightness in the court, and patriotism in the forum applied to all that God had made or mankind wrought, must be by rule and not by disobedience.

He was of that diminishing number of elder statesmen who did much for a glory many fear now to be fading fast.

He had faults, but no weaknesses. He had a few peculiarities, but no follies.

Of powerful physique, he had the courage to match. While having the soul of a poet without metric power, his diction was superb and broad. In forum and on platform he was a personality. He never sat at the foot of the table; for, were he to find it, his presence changed it. He had business shrewdness to grasp profitable opportunities, but the profit dollar never became the master of its winner.

He scrupulously took the justly due coin for his industry and foresight, but he withheld not his hand whenever suffering, need, affliction, or merit met his vision. Strong-willed always, but he had the fine American sense of blending his purpose with the majority view after reason and persuasion have spoken.

I was honored when the House granted leave to place this tribute in its RECORD. I am honoring that RECORD by giving through it to the ages this statement of a once able Member—always a worthy man.

In the varied periods and activities of his career he showed his fellow men how to live. As comparative age came upon him he sustained several strokes, but it seemed the strong and resilient fiber of his being was almost miraculously recuperative. So that he labored constantly until a few months before he passed, on March 17, 1929. On his bed of protracted suffering and pain he exhibited a patience and fortitude which showed his friends how to die.

HON. WILLIAM LEDYARD STARK

Mr. Speaker, in the town of Mystic, in Connecticut, on Mystic River, at the farthest reach of the tides, William Ledyard Stark first saw the light on July 29, 1853. His nativity had the surroundings of intensified industry and neighbored with the sea. As a boy he followed intermittently the sea; and throughout life had a tendency for the balanced sailor step.

His parents were of that stock harking back to the *Mayflower*, settled disposition, patriotic, and thrifty. It was a question always as the decades came, would his life be military, marine, grinding industry, or follow the sun across that more than empire between Mystic and the Great Mountains.

In that community as in all the northeast, there was one capital requirement of the young men, whether they departed for fortune or remained for a livelihood. That was an education. So the young man attended the common schools and graduated with credit at the Mystic Institute, near his own home in 1872.

His vision saw prospect in the path of the sun. Wyoming, Ill., was but a resting place. Here he taught school; that first most usual step on the path to statesmanship, so many young Americans have traveled. Study of law at Union College, Chicago, followed, and before the supreme court in the State of Lincoln and Douglas he was admitted to the bar.

Aurora, Nebr., named for Aurora, Ill., was indeed to him the sunrise site of his judicial and political career. Here he came in 1878, and for a brief time was superintendent of city schools; because to him, and the rest of us, the monthly pay check was more reliable than the accidents of early law practice.

On November 4, 1878, he was married at Grand Island, Nebr., to Gertrude Ellsworth, who survives him. Their marriage was a happy one. Two children were born unto them. One, a daughter, Hannah, departed this life in 1901; the other, Dr. Lucien Stark, of Norfolk, Nebr., eminent in his profession, has recently been elected president of the Nebraska State Medical Association.

In the law he soon attracted attention of those in authority and was appointed deputy district attorney. He soon developed a taste for the judiciary rather than aggressive advocacy. He was six terms judge of Hamilton County, Nebr.

While he was on the bench, and the Nebraska National Guard system was in the process of development, he served for a con-

siderable time as judge advocate general with the rank of major. In this was the outcropping of his militant forbears tempered with his acquired judicial bent.

From 1890 to 1900 was a stirring political decade, especially in the West. Years of comparative crop failure and prevailing low prices had inspired a dramatic issue on the production and volume of our money. There were many who enlisted under this banner of free silver, and Judge Stark was one.

So his fellow townsman, Judge Hainer, having ardently espoused the single or gold standards and a high protective tariff, and having won in 1892, when 1894 came around the Populist Party nominated against him, Judge Stark, and Hainer won at the polls.

When 1896 came Populism and Democracy under the leadership of William Jennings Bryan swept the western plains, electing among others Judge Stark over Judge Hainer. Again in 1898 he defeated Hon. E. H. Hinshaw, and in 1900 Hon. John D. Pope, both able lawyers and campaigners. In 1902, despite a great campaign by Judge Stark, he was defeated by Hon. E. H. Hinshaw. He did not again seek office until 1916, when at the bidding of his party he contested the congressional prize against the district's present incumbent. I appreciated the strong ties he had in the district and the many personal friends he had. One, of course, must win, and political fortune granted me favor. But never have I had a more fair and courteous adversary, and I believe and hope that he had no resentment and no deep regrets.

Upon the second day following the election there was laid away all that was mortal of Hon. Silas A. Barton, once Congressman from the fifth Nebraska district, and who died on the eve of election. Judge Stark and I rode and walked together at the funeral, and together bowed our heads during the last rites of our mutual friend. I considered it a high evidence of our political system that it could be, and was so. Our recent political battle had increased our mutual respect and high regard.

While in Congress Judge Stark was painstaking and tireless in that individual service for his constituents, which constitutes a large factor in our labors here. Partisan in matters which should be so, nonpartisan in all else. So that after all industry, courage, capacity, and zeal often stand for more than brilliant qualities, which not backed by these leave our record barren, indeed.

The surviving soldiers of the Civil War were his constant concern, and before, during, and after the Spanish-American conflict Judge Stark was in effective evidence in behalf of those young men who shed a new luster of glory to the American flag on opposite sides of the globe.

He was commissioned a colonel on the governor's staff during the Spanish-American War, and served as the governor's military aide in Washington. He planned and executed the return of the First Nebraska from the Philippine Islands, meeting the regiment in San Francisco upon its return.

His principal House committee during his service was the Military Affairs. He was among those who opposed a large standing army and favored building up in a wholesome way our citizen soldiery. His sentiments on this subject is best reflected in a speech delivered in Congress. I quote briefly therefrom:

> In the earlier days of the Republic the laurel wreath of fame was placed upon the brows of brave men who left shops and fields at call of their country, performed their full duty as soldiers, and when peace was declared resumed their places at the anvil or "beat their swords into plowshares" to again become producers or citizens. We are proud of our citizen soldiery. They have never failed us in our hour of need. The volunteer soldier of the United States has risen to every emergency and "acted well his part" whenever called into service.

Judge Stark was of most genial disposition and was of imposing personality. On the platform he was a pleasing and effective orator. In this respect his final effort perhaps eclipsed all others and furnished an appropriate and dramatic closing episode of his career.

He, although in private life during the World War, was active in all ways open to him. This, interested and stimulated by the fact that his surviving son had participated actively in the Spanish-American and World War, made him interested in the American Legion, and ready at its call to render a service for which his ability fitted him.

It was in the glorious Southland, at Tarpon Springs, Fla., where he stood on Armistice Day, four years following the close of that monumental struggle, facing an audience of 10,000 people, he delivered what his friends pronounced the masterpiece of his forensic career. This speech breathed deepest patriotic fervor, with optimistic forecast of our Nation's power, prestige, and prosperity. What he said was clothed in faultless diction. When seated he received an ovation that would have gratified any man who spoke to his fellow men in harmony with their sentiments.

And then, while the great audience sang a patriotic song, his eyes turned toward the west, whose sunset he did not see. But his new vision saw the dawn of an endless day, where men "know each other better," for the "mists had cleared away."

The Southland had wooed him for his comfort and delight in the State of fruit and flowers. But his remains were not buried there. His known wish to be carried back to the Nebraska which had been transformed from an almost desert to a paradise was honored. There, near the home of his private and public activities, among relatives, friends, and neighbors, was laid the evidence of his mortality. His immortality is evidenced by his deeds and his Christian faith.

HON. MELVIN ORLANDO M'LAUGHLIN

Mr. Speaker, the fifth Congressman from the fourth congressional district was born at Osceola, Iowa, on August 8, 1876. His family were a part of the pioneer life of Iowa and western Kansas. Melvin proved not only an industrious farmer boy but a zealous student in country and high schools and college, directing his education in line with his ambition for the ministry at Union Bible Seminary, Dayton, Ohio, where he received the degree of bachelor of divinity. His later degrees were A. B. at Oskaloosa Christian College; A. M., Omaha University; and D. D. at Leander Clark College.

He was married to Elma Pierson at Bennett, Nebr., August 4, 1897, who with their four children—two daughters, Mrs. I. W. Marshall, Miss Ruth, and two sons, John Hale and Paul Pierson—survive him.

He conducted a successful ministerial career for several years in the church of his choice, the United Brethren at Omaha, after shorter pastorates in rural communities.

There was in his make-up and in his ambition a desire outside of the ministry to lead in educational work, and above that educational work to attain the exalted station that he might serve his country.

So we find him the president of the United Brethren College at York, Nebr., one of the leading sectarian colleges of the State, where the inspiration of his leadership built up a strong faculty and large student attendance and built well this institution.

In 1918, the then Member of Congress from the fourth district retiring, Mr. McLaughlin in a contest among several strong aspirants attained the Republican nomination and was elected for four successive terms.

In the House his industry, zeal, and ability marked him for high station, and during his period of service he was a member of the great Agricultural Committee of the House. He embraced the opportunities of this station and did much to effectively serve his district, which is essentially an agricultural one.

Among his personal achievements in legislation he succeeded in repealing the so-called daylight law, a measure which had become quite repugnant to farmers.

The multiplied and exacting duties of a Congressman were met by him from day to day with punctuality and fidelity, so that a maximum of service was rendered his constituents so far as means and opportunities permitted.

He was a ready debater and frequently took part in discussions on the floor. He was a platform and pulpit orator, whose services were in frequent demand in churches, communities, and conventions, not only in his home district, and State, but in many places in Washington and in eastern localities.

Like many public men, he acquired some enemies, and cemented numerous friendships. His defeat in 1926 was by a narrow margin, and his renomination by his party in 1928 bade fair to reinstate him in Nebraska's fourth congressional seat. He was a man of powerful physique and apparently of good health, but in the midst of his campaign, on June 18, 1928, with little warning, the weak link in his life's chain snapped, and he was no more.

The vast concourse of people who attended his funeral service bespoke the high esteem in which he was held. The lovely floral tributes placed upon his casket were not more fair than the fine tributes paid by several friends, including Rev. T. Porter Bennett and Rev. C. L. Young.

Among the tributes thus bestowed I quote from Rev. C. L. Young the following:

> I bring you the assurance that has led strong men in their great adventures, the assurance that has comforted people in their sorrows, the hope that has lighted up the dark shadows of the valley of death, and buoyed up the soul when it passes through the great waters—the assurance of eternal life in Jesus Christ our Lord.

Long years ago that was the declaration of faith subscribed to by Congressman McLAUGHLIN and hope which he has never forsaken, and I have imagined that he often said with the poet—

"Let me but live my life from year to year,
With forward face and unreluctant soul,
Not hurrying to, or turning from, the goal.
Not mourning for the things that disappear in the dim past,
Nor holding back in fear from what the future veils,
But with a whole and happy heart that pays its youth and age
And travels on with cheer.

So let the way wind up the hill, or down,
Or rough or smooth, the journey will be joy,
Still seeking what I sought when but a boy—
New friendship, high adventure, and a crown.
My heart will keep the courage of the quest
And hope the road's last turn will be the best."

There is another sense in which the term immortality is used—relating not to the existence of the soul, but to the remembrance of mankind. We speak of the immortal Lincoln, meaning not only that his soul lives on, but that he is held in remembrance in the hearts of his countrymen.

Melvin McLaughlin will live on in the memory of his loved ones—in the memory of his many friends.

His home, the college, the community, the district that he represented and served, all will cherish in the years to come the many virtues and fine qualities that marked his life.

At the zenith of his apparent physical and mental strength, when all seemed going well, in the sanctity of their home, in the presence of his loved ones, death's stroke, from cause unseen, or warning heard, fell and he passed.

With a wink of the eye, and a draught of the breath,
From the blossom of health to the paleness of death.

The shining mark by death preferred was found. Fine physique, powerful intellect, and stirring ambition mingled in the last shock of dissolution.

His friends, neighbors, and admirers joined with brethren of the orders, members of the church, and relatives to lay in Greenwood Cemetery, near York, his home city, all that was mortal of this able, admired, and beloved man.

WATER-RIGHT CHARGES ON IRRIGATION PROJECTS

The SPEAKER. The Chair lays before the House the following message from the Senate.

The Clerk read as follows:

Ordered, That the House be requested to return to the Senate the bill (H. R. 8296) entitled "An act to adjust water-right charges, to grant certain other relief on Federal irrigation projects, and for other purposes."

The SPEAKER. Without objection, the bill will be returned to the Senate.

There was no objection.

PENSIONS

The SPEAKER laid before the House the following message from the Senate:

The Clerk read as follows:

Resolved, That the action of the Senate on May 13, 1930, on the bill (S. 476) entitled "An act granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes," in disagreeing to the amendment of the House of Representatives thereto, requesting a conference with the House of Representatives on the disagreeing votes thereon, and appointing conferees, be rescinded.

Resolved, That the Senate agrees to the amendment of the House of Representatives to said bill.

Resolved, That the House of Representatives be requested to return said bill and accompanying papers to the Senate.

The SPEAKER. Without objection, the bill and the accompanying papers, will be returned to the Senate.

There was no objection.

Mr. NELSON of Wisconsin. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12302) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependents of soldiers and sailors of said war, and that the bill be considered in the House as in Committee of the Whole.

Mr. DOWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOWELL. There is unfinished business before the House. If unanimous consent is granted for the consideration of this omnibus pension bill and it is disposed of in a short time, will the unfinished business then automatically come before the House?

The SPEAKER. The Chair thinks so. The Chair will call that up following the disposition of this bill. The gentleman from Wisconsin asks unanimous consent for the present consideration of the bill H. R. 12302, and that the same may be considered in the House as in Committee of the Whole. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill.

The bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 499. Rebecca L. Guildersleeve.
H. R. 625. Susannah Patterson.
H. R. 835. Maria C. Bingaman.
H. R. 1126. America Shoemaker.
H. R. 1788. Clellen G. Bigger, alias C. G. Bigger.
H. R. 1956. Emma K. Zimmerman.
H. R. 2049. Charles D. Booth.
H. R. 2344. Mary Manley.
H. R. 2346. Sarah Copher.
H. R. 2348. Anna Kistler.
H. R. 2711. William B. Higgins.
H. R. 2889. Emma J. Crusan.
H. R. 2993. Myrtle Austin.
H. R. 3379. Jerome C. Frum, alias G. C. Frum.
H. R. 3648. Lucretia Davidson.
H. R. 3650. John H. Holtzhouser, alias John H. Houltzhouser.
H. R. 3679. Laura Coulson.
H. R. 3702. Sarah E. Tillery.
H. R. 3724. Mary Simmons.
H. R. 3738. Emily Spicer.
H. R. 3913. Lewis W. Siler.
H. R. 3987. Margaret Tenpenny.
H. R. 4116. Sarah J. Weathers.
H. R. 4276. Caroline Dixon.
H. R. 4327. Margaret Ralston.
H. R. 4560. Sarah Agee.
H. R. 4625. Mary J. Coulson.
H. R. 4631. Robert Long.
H. R. 4645. Cannie Reavis.
H. R. 4831. Peleg Barrett, alias Piley or Peley Barrett.
H. R. 4841. Daniel B. Huffman.
H. R. 4843. Mary Barnard.
H. R. 4862. Verona E. Mitchell.
H. R. 4877. John Mund.
H. R. 4881. Susan S. Mayo.
H. R. 5145. Nora Odell.
H. R. 5160. Isis B. Woody.
H. R. 5195. Olive Rinehart.
H. R. 5199. James L. Hill.
H. R. 5226. Amy H. Brown.
H. R. 5238. Daniel Keith.
H. R. 5446. Mamie Jones.
H. R. 5605. Olive B. Day.
H. R. 5610. Nettie P. Emerson.
H. R. 5739. Mary J. Denning.
H. R. 5771. Almena Gingher.
H. R. 5775. Nettie E. Beckwith.
H. R. 5778. Caroline E. Girrel.
H. R. 5900. Minnie Smith.
H. R. 5974. Lisette Rosenmiller.
H. R. 5975. Alberta Gibson.
H. R. 6104. Sarah Crawford.
H. R. 6238. Emma H. King.
H. R. 6244. Lillie Owen.
H. R. 6248. Anna E. Taylor.
H. R. 6274. John M. Rader, alias J. M. Rader.
H. R. 6275. Margaret S. Rader.
H. R. 6411. Elizabeth E. Bennett.
H. R. 6435. Eli F. Praether, alias Eli F. Prater, alias Eli Prater.
H. R. 6631. Celia Wheeler.
H. R. 6675. Adeline Jester.
H. R. 6679. Dora Albright.
H. R. 6887. Icie Phillips.
H. R. 6899. Lucena Brown.
H. R. 6970. Amy E. Worden.
H. R. 7071. William Fields.
H. R. 7074. Lena E. Cogin.
H. R. 7163. Malissa A. Wells.
H. R. 7179. Thomas A. Martin.
H. R. 7220. Ellen A. Darling.
H. R. 7315. Jennie E. Caster.
H. R. 7470. Sarah A. Fuller.
H. R. 7476. Frances Wilson.
H. R. 7480. Mary R. Hawthorne.
H. R. 7541. Martha J. Foster.
H. R. 7593. Eva D. Siver.
H. R. 7650. Alice E. Daniher.
H. R. 7708. Christena Teter.
H. R. 7749. Sallie Hewett.
H. R. 7788. Elizabeth Wade.
H. R. 7817. Luther Sines.
H. R. 7940. Sarah E. Treece.
H. R. 7941. Martha White.
H. R. 7948. Mary E. Irons.
H. R. 8022. Addie M. W. Riggs.
H. R. 8036. Mary E. Spoon.
H. R. 8038. Katie Rhoads.
H. R. 8062. Nora Mattox.
H. R. 8093. Mary H. Rogers.
H. R. 8116. Augusta Clapp.
H. R. 8202. George C. Dyer.
H. R. 8207. Frankie N. Griffith.
H. R. 8213. Samantha Turnbull.
H. R. 8214. Elizabeth Bowman.
H. R. 8334. Joseph G. Allen.
H. R. 8353. Myrtle Painter.
H. R. 8382. Mary E. Bousman.
H. R. 8500. Miles Terry.
H. R. 8507. William Schmidt alias Wilhelm Schmidt.
H. R. 8546. James Stephens.
H. R. 8593. Mary Clark.
H. R. 8617. Martha J. Rice.
H. R. 8667. John W. Kerns.
H. R. 8796. Elizabeth J. Sharp.
H. R. 8821. Annie Garner.
H. R. 8889. Susan M. Mullen.
H. R. 8992. Frankie Capps.
H. R. 9025. Joana Gervin.
H. R. 9134. Estelle Joslin.
H. R. 9159. William W. Welker.
H. R. 9173. Richard Lee.
H. R. 9261. Jane Harman.
H. R. 9414. Ida A. Fletcher.
H. R. 9431. Lucy A. Fowler.
H. R. 9449. Nancy J. Cox.
H. R. 9522. Goldie D. Jacobs.
H. R. 9573. Ethe L. Neal.
H. R. 9610. Dora Gibson.
H. R. 9617. Mary A. Stolcolp.
H. R. 9653. Hulda Hollied.
H. R. 9661. Effie Barden.
H. R. 9745. Rebecca King.
H. R. 9775. Velzora Brown.
H. R. 9811. Amanda J. Hancock.
H. R. 9825. Elenor Stephenson.
H. R. 9832. Alwilda Morgan.
H. R. 9860. Mary L. Fithian.
H. R. 9869. Lettie Edie.
H. R. 9928. Susanna Carroll.
H. R. 9949. Mary Reynolds.
H. R. 9969. Lizzie D. Neihardt.
H. R. 10022. Mary Ann Farnsworth.
H. R. 10029. Kate Denny.
H. R. 10051. Etta Tarcott.
H. R. 10056. Mary R. Higgins.
H. R. 10083. Anna C. Witsell.
H. R. 10110. Alberta Lovegrove.
H. R. 10142. Cannie Churchwell.
H. R. 10164. Harry Kirchner.
H. R. 10184. Lydia A. Kurtz.
H. R. 10193. Margaret E. Crozier.
H. R. 10244. Sarah R. Black.
H. R. 10265. Alexander Gaugh.
H. R. 10272. Cordelia P. LaBare.
H. R. 10386. Frances Roger.
H. R. 10401. Anna E. Potter.
H. R. 10411. Jane C. Doran.
H. R. 10440. Julia A. Hopper.
H. R. 10486. Lyda Robertson.
H. R. 10516. Emma W. Miller.
H. R. 10550. Anna S. Johnson.
H. R. 10592. Eliza E. Sydnor.
H. R. 10593. Margaret Woodson.
H. R. 10636. William C. Snow.
H. R. 10637. Hattie E. Smith.
H. R. 10681. Eleanor Fleck.
H. R. 10705. Joseph C. Kelly.
H. R. 10710. Fatima Fleming.
H. R. 10723. Lawrence Edwards.
H. R. 10725. Charlottie Friend.
H. R. 10726. Hulda M. Sharp.
H. R. 10734. Luvina Crawford.
H. R. 10736. Joseph M. Williams, alias J. W. Williams.
H. R. 10748. Mary E. Robinson.
H. R. 10749. Sarah V. Stokes.
H. R. 10762. Elizabeth Crawford.
H. R. 10790. Flora Bowman.
H. R. 10800. Mary A. Gramm.
H. R. 10801. Emily Williams.
H. R. 10831. Jesse T. Braddy.
H. R. 10836. Sarah B. King.
H. R. 10838. Mary B. Male.
H. R. 10844. Mary E. Goff.
H. R. 10851. Florence M. Mosier.
H. R. 10853. Angeline Howe.
H. R. 10858. Louisa Fist.
H. R. 10870. Mary S. Bowles.
H. R. 10908. Elizabeth Bowen.
H. R. 10909. Sarah E. Reno.
H. R. 10914. William Newton.
H. R. 10915. Jessie C. McLane.
H. R. 10943. Arlenia Wester.
H. R. 10946. Moses Wilson.

H. R. 10947. Ada E. Milroy.
H. R. 10955. Clara W. Crandall.
H. R. 10969. William T. Jamison.
H. R. 10976. Malinda C. Hooten.
H. R. 10980. Nancy Bailey.
H. R. 10985. Christina Lawlis.
H. R. 11001. Lou R. Dearborn.
H. R. 11029. Nancy Hiley.
H. R. 11030. Mary J. Wagner.
H. R. 11032. Susan C. Bott.
H. R. 11036. Maggie C. Brackett.
H. R. 11040. Mary V. Patterson.
H. R. 11042. Dicy M. Snyder.
H. R. 11044. Guy H. Bisbee.
H. R. 11071. Emma J. Harrington.
H. R. 11084. Alma A. Chapman.
H. R. 11085. Julia A. Newton.
H. R. 11086. Maggie De Long.
H. R. 11089. Charlotte R. Davis.
H. R. 11114. Amanda H. Fairbank.
H. R. 11125. Henry Innis.
H. R. 11128. Martha E. Lucas.
H. R. 11151. Anna Annibal.
H. R. 11166. Emma J. Snider.
H. R. 11216. Nancy J. Hulett.
H. R. 11223. Margaret E. Johnson.
H. R. 11246. Lucinda Weaver.
H. R. 11267. Augusta Hayes.
H. R. 11303. Lucy F. Tillman.
H. R. 11318. Annie E. Biery.
H. R. 11324. Esther V. Dick.
H. R. 11339. John Moore.
H. R. 11382. Sarah E. Henson.
H. R. 11389. Sarah E. Randall.
H. R. 11461. Nancy W. Appling.
H. R. 11466. Louisa Grice.
H. R. 11491. Marietta McCormick.
H. R. 11524. Lucinda M. Lindsey.
H. R. 11540. Cora B. Condon.
H. R. 11553. Nancy A. Watson.
H. R. 11554. Matilda A. E. Wilson.
H. R. 11561. Mary L. Davis.
H. R. 11598. Josephine Powell.
H. R. 11648. Lewis J. Barber.
H. R. 11653. Marshall S. Durham.
H. R. 11694. Carolyn L. Bacon.
H. R. 11728. Lydia J. Middleton.
H. R. 11768. Harriet Carman.
H. R. 11771. Mary Miller.
H. R. 11794. Sarah E. Dunbar.
H. R. 11799. Rosa Ellis.
H. R. 11815. Ruth M. Forker.
H. R. 11821. Melissa I. Hauman.
H. R. 11822. Edith G. Joseph.
H. R. 11824. Ida M. Stewart.
H. R. 11831. Mary E. Bryant.
H. R. 11920. Andrew Newton.
H. R. 11928. Cornelia J. Lester.
H. R. 11956. Emma C. Opdyke.
H. R. 11980. Irene Dingman.
H. R. 11996. Lillian L. Reynolds.
H. R. 11997. Catherine Burris.
H. R. 11998. Mary A. Williams.
H. R. 12221. Christina Stiehl.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. KNUTSON. Mr. Speaker, I call up the conference report upon the bill (H. R. 9323) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER. The gentleman from Minnesota calls up a conference report which the Clerk will report.

The Clerk read the conference report.

The conference report and accompanying statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9323) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows:

On page 22 of the Senate engrossed amendment strike out the following language:

"The name of Tazie Harrison Eberle, widow of Rear Admiral Edward W. Eberle, late of the United States Navy, and pay her a pension at the rate of $150 per month in lieu of that she is now receiving."

Insert in lieu thereof the following language:

"The name of Tazie Harrison Eberle, widow of Rear Admiral Edward W. Eberle, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving."

And the Senate agree to the same.

HAROLD KNUTSON,
W. F. KOPP,
A. H. GASQUE,
Managers on the part of the House.

ARTHUR R. ROBINSON,
B. K. WHEELER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House on H. R. 9323 state that the Senate passed the bill, which originally contained 151 items from the House, with an addition of 202 Senate items, making a total of 353 items.

The Senate made 14 amendments to the House bill, which included increases of rates in 5 cases, reduction in rates in 4 cases, and 5 cases stricken from the bill.

The House conferees agreed to these amendments and on one Senate amendment reduced the rate from $150 to $50 per month, which the Senate agreed to.

The bill now contains 146 House items and 202 Senate items, as recommended by the conferees.

HAROLD KNUTSON,
W. F. KOPP,
A. H. GASQUE,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

MARKETING OF PERISHABLE AGRICULTURAL COMMODITIES

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 108) to suppress unfair and fraudulent practices in the marketing of perishable commodities in interstate and foreign commerce, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill (S. 108), with the House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. HAUGEN, Mr. PURNELL, and Mr. ASWELL.

Mr. ASWELL. Mr. Speaker, I shall be absent next week, and I ask that the gentleman from Kentucky [Mr. KINCHELOE] be appointed in my place.

The SPEAKER. Without objection, the gentleman from Kentucky [Mr. KINCHELOE] will take the place of the gentleman from Louisiana on the conference.

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. TARVER. Mr. Speaker, I ask unanimous consent that I be permitted to proceed for five minutes.

The SPEAKER. Is there objection?

Mr. KETCHAM. Will the gentleman not be willing to wait until after we have concluded the unfinished business?

Mr. TARVER. I would like very much to proceed now, if I may.

Mr. KETCHAM. I am very sorry, but under the circumstances I shall have to object until after the unfinished business is disposed of.

TO PROMOTE AGRICULTURE

The SPEAKER. The unfinished business before the House is the bill H. R. 2152, to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes. The previous question has been ordered on the bill and amendment to final passage. The amendment has been agreed to. The question is on the engrossment and third reading of the bill.

Mr. SPROUL of Illinois. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. CRISP. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Georgia moves a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 43]

Abernethy	De Priest	Kiess	Stedman
Allgood	Dickinson	Kunz	Stevenson
Auf der Heide	Dickstein	Kurtz	Strong, Kans.
Beck	Dominick	Langley	Strong, Pa.
Bell	Doughton	Leech	Sullivan, N. Y.
Black	Doutrich	McFadden	Sullivan, Pa.
Bloom	Doyle	Magrady	Swick
Brand, Ohio	Drane	Mead	Turpin
Brigham	Estep	Mooney	Underhill
Brumm	Fort	Mouser	Underwood
Brunner	Gifford	O'Connell	Vincent, Mich.
Burdick	Goldsborough	O'Connor, N. Y.	Walker
Busby	Graham	Peavey	Welsh, Pa.
Canfield	Hartley	Perkins	White
Carley	Hess	Porter	Wigglesworth
Celler	Hudspeth	Prall	Wolfenden
Chase	Hull, Tenn.	Quayle	Wood
Chindblom	Igoe	Sabath	Wyant
Clarke, N. Y.	James	Shreve	Yates
Cooper, Ohio	Jenkins	Sirovich	Yon
Curry	Johnson, Ill.	Somers, N. Y.	Zihlman
Davenport	Kerr	Stafford	

The SPEAKER. Three hundred and forty-one Members are present—a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. DOWELL. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Iowa asks for a division.

The House divided; and there were—ayes 195, noes 75.

Mr. SPROUL of Illinois. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays. As many as favor taking the vote by the yeas and nays will rise and stand until they are counted. [After counting.] Forty-two Members have risen—not a sufficient number.

So the bill was passed.

The SPEAKER. Without objection, a motion to reconsider the vote whereby the bill was passed will be laid on the table.

There was no objection.

POLLS ON PROHIBITION

Mr. TARVER. Mr. Speaker, I desire to renew my unanimous-consent request at this time to address the House for five minutes.

The SPEAKER. The gentleman from Georgia asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. TARVER. Mr. Speaker, in connection with the present nation-wide attempt by wet newspapers and magazines to create the impression upon the public that great changes have occurred in public sentiment upon the question of prohibition, it is of interest to know whether or not newspaper and magazine polls being taken in an apparent effort to influence the public mind are being fairly taken, or are mere fraudulent efforts to bring about the desired result. Of all these polls, that of the Literary Digest has attracted greatest attention because so many of our people have the idea that the Digest could not afford to be otherwise than fair.

A recent feature of the Digest poll carries with it such conviction of unconscionable fraud and unfairness that it ought to be printed in the RECORD and called as forcefully as possible to the attention of the thinking people of the Nation. In its issue of May 3, 1930, the Digest pretended to have polled the clergy of the District of Columbia with the following result: For enforcement, 42; for modification, 38; for repeal, 234.

The Protestant pastors of the District of Columbia were incensed by what they conceive to be a deliberate misstatement of their views, and took steps to conduct a poll of their own among the Protestant ministers, ascertaining not only their views on the prohibition question but whether they had received ballots from the Literary Digest, and if so, how they had voted in the Digest's poll. They found upon interviewing all of the Protestant pastors of the District that 109 of them had received ballots, of which number the following had voted in the way indicated: For enforcement, 87; for modification, 8; for repeal, 0; unknown, 2.

Of all the Protestant ministers, those who had received ballots and those who had not, the sentiment was found to be: For enforcement, 188; for modification, 8; for repeal, 0.

The ministers' poll was taken only of white Protestant ministers. If it should be urged that the ballots the Digest claims to have received from ministers of the District may have been received from Catholic or colored ministers, it is only necessary to point out the fact that it records only 42 for enforcement, when it certainly received 87 from the Protestant white ministers alone out of a total known vote of 95; nor can it be properly presumed that colored preachers and Catholic priests who may have been polled voted solidly against enforcement. The Protestant white ministers of the District have done the cause of prohibition a valuable service by exposing this palpable fraud, which casts its sinister reflection upon the entire alleged results of the Digest poll, and should cause that poll to be estimated by the people in accordance with its real character—a desperate, if ineffective, effort to influence public sentiment against prohibition without regard to honesty, fairness, or the character of the means used toward that end.

I ask unanimous consent, Mr. Speaker, to insert in the RECORD in connection with my remarks the report contained in the Washington Post of the ministers' poll referred to.

Mr. SCHAFER of Wisconsin. Reserving the right to object, Mr. Speaker, I shall object unless the gentleman also includes the poll of the colored Protestant ministers. I can not see, when he is trying to convey the personal views of the Protestant ministers, why he wants to exempt the colored people, who are citizens of our Nation and have just as much right to express their opinion as white citizens.

Mr. TARVER. If I had a poll of the colored ministers I would be glad to put it in, because I am confident it would support the prohibition cause. If the gentleman will obtain the information I shall be glad to put it in.

Mr. SCHAFER of Wisconsin. Would it not be just as easy for you to obtain the information of the colored ministers as of the whites?

Mr. TARVER. I will say to the gentleman that I did not obtain the information concerning the white ministers. They put it in the press. If the gentleman would obtain the vote of the colored ministers I would be glad to put that in the RECORD.

Mr. Speaker, is there objection to my request to insert in the RECORD the ministers' poll of the District of Columbia, referred to in my previous remarks and as it appeared in the Washington Post?

The SPEAKER. Is there objection to the request of the gentleman from Georgia to insert in the RECORD the ministers' poll of the District of Columbia?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, does the gentleman believe that it is a good sound policy to take polls on questions such as the prohibition question?

Mr. TARVER. I think that when a poll is being fraudulently carried on for the purpose of influencing public sentiment, and the ministers of the country are able to demonstrate that that fraud exists, the facts developed by them ought to be called to the attention of the people.

Mr. SCHAFER of Wisconsin. Was it frauduently carried on in the State of Kansas and the few other States that voted dry in the poll conducted by the Literary Digest?

Mr. TARVER. I have no information as to any State or district of the country except the District of Columbia, and that information I am endeavoring to convey by this means to the people.

Mr. SCHAFER of Wisconsin. The gentleman from Georgia [Mr. TARVER] says that the Protestant ministers took the poll which the gentleman wants to extend in the RECORD. Will the gentleman assure us that the invisible empire, the Ku-Klux Klan, which discriminates against the colored race, did not have a hand in this poll?

Mr. ASWELL. Mr. Speaker, the regular order.

The SPEAKER. The regular order is demanded.

Is there objection to the request of the gentleman from Georgia [Mr. TARVER]?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

Mr. TARVER. I object unless my request is granted.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I withdraw my objection to the request of the gentleman from Georgia [Mr. TARVER].

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. TARVER]?

There was no objection.

ONE HUNDRED AND NINETY-EIGHT MINISTERS HOLD PRIVATE RUM POLL—PROTESTANT CLERICS DISPLAY ALMOST SOLID FRONT FOR ENFORCEMENT—DIGEST TALLY CRITICIZED

Taking a private prohibition poll to reveal an almost unanimous vote favoring dry law enforcement, 198 Protestant pastors through the Washington Federation of Churches yesterday registered spirited indignation against the Literary Digest's poll as "unfair," a "trick of the wets," "untrue," and "deceptive."

The action was taken at a gathering of the federation to receive from Dr. H. E. Woolever, representing the organization, a report embodying a poll taken among the 198 pastors, 188 of whom advocated enforcement of the national prohibition laws, 8 stood for modification, and the remaining 2 made no expression of sentiment. No vote was cast for repeal.

This private poll, it was announced, will be forwarded at once to President Hoover "that he may be assured of the support of the Protestant clergy in his effort to maintain the eighteenth amendment."

"No canvass was made of the Roman Catholic clergy or any Protestants other than white ministers," the report declared. "The figures give the lie to any statement which would in any wise infer that Protestant clergymen of the District are other than overwhelmingly in favor of prohibition and its enforcement."

The private poll revealed that 109 of the pastors had received the Digest ballot. In this number, 87 filed Digest ballots for enforcement,

8 voted for modification, with no votes recorded for repeal of the dry laws. The federation, in this connection, recalled that the Literary Digest had listed 234 pastors for repeal, 42 for enforcement, and 38 for modification.

"Certain observations arise in the mind of anyone studying a comparison of the Literary Digest report on the poll of Washington pastors and the personal statement of the ministers in 19 denominations," the report continued. In the first place, the Digest questionnaire is unfair in that it does not give a voter opportunity to express his preference between prohibition and return of the liquor traffic. The poll has also lent itself to a trick of the wets to count those who voted for modification with those who voted for repeal when, in all fairness, they belong with prohibitionists.

"The striking fact which completely refutes the Literary Digest report is that not a Protestant pastor among the white clergy of the District was found who had voted for repeal.

"Our tabulation leaves no doubt in our minds as to the untrue and deceptive impression given by the Literary Digest poll. Furthermore, our attention has been called to a layman who received 8 ballots and the number who received 3 seems to be considerable."

How Protestant clerics voted in prohibition tally

Denomination	Clergy poll			Digest poll			
		Stand			Voted		
	Number	Enforcement	Modification	Received ballot	Enforcement	Modification	Unknown
Baptist	28	28		15	15		
Brethren	2	2		2	2		
Congregational	15	14		14	13		1
Disciples	18	18		3	3		
Evangelical	1	1		1	1		
Evangelical Synod	2	1	1	2	1	1	
Lutheran	16	11	5	16	11	5	
Methodist Episcopal	46	46		12	9		
Methodist Episcopal South	11	11		8	7		
Methodist Protestant	6	6		3	2		
New Church	1	1		1			
Presbyterian, U. S. A	34	34		20	16		
Presbyterian, U. S.	2	1		2	1		1
Protestant Episcopal	8	6	2	4	2	2	
Reformed	2	2		2	1		
United Brethren	1	1		1			
United Presbyterian	1	1		1	1		
Unitarian	1	1		1	1		
Universalist	1	1					
Navy chaplains	2	2		1	1		
Total	198	188	8	109	87	8	2

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from New York [Mr. LAGUARDIA] asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, I am sure that no fair-minded man present can brush aside the poll taken by the Literary Digest, on the statement just made by the gentleman from Georgia [Mr. TARVER]. [Applause.]

Town after town, according to the Literary Digest poll, have registered overwhelmingly dry and have been so recorded and so announced. The standing of the Literary Digest in this country and its desire to do that which the Members of Congress have not had the courage to do, and get a real expression of opinion, is indeed a useful and distinct public service. [Applause.]

I challenge the accuracy of the vote or poll submitted by the gentleman from Georgia [Mr. TARVER].

LEASE OF OIL AND GAS DEPOSITS IN OR UNDER RAILROAD AND OTHER RIGHTS OF WAY

Mr. COLTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8154) providing for the lease of oil and gas deposits in or under railroad and other rights of way, with Senate amendment, and concur in the amendments.

The SPEAKER. The gentleman from Utah asks unanimous consent to take from the Speaker's table House bill 8154, with Senate amendments, and concur in the Senate amendments. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 8, strike out all after "*Provided*," down to and including "individual" in line 4, page 2, and insert:

"That, except as hereinafter authorized, no lease shall be executed hereunder except to the municipality, corporation, firm, association, or individual by whom such right of way was acquired, or to the lawful successor, assignee, or transferee of such municipality, corporation, firm, association, or individual."

Page 2, line 5, strike out all after "SEC. 2," down to and including "individual" in line 8, and insert:

"That the right conferred by this act may, subject to the approval of the Secretary of the Interior, be assigned or sublet by the owner thereof to any corporation, firm, association, or individual."

Page 2, line 9, strike out all after "SEC. 3," down to and including "Interior" in line 2, page 3, and insert:

"That prior to the award of any lease under section 1 of this act the Secretary of the Interior shall notify the owner or lessee of adjoining lands and allow him a reasonable time, to be fixed in the notice given, within which to submit an offer or bid of the amount or percentage of compensatory royalty that such owner will agree to pay for the extraction through wells on his or its adjoining land, of the oil or gas under and from such adjoining right of way, and at the same time afford the holder of the railroad or other right of way a like opportunity within the same time to submit its bid or offer as to the amount or percentage of royalty it will agree to pay, if a lease for the extraction of the oil and gas deposits under the right of way be awarded to the holder of such right of way. In case of competing offers by the said parties in interest, the Secretary shall award the right to extract the oil and gas to the bidder, duly qualified, making the offer in his opinion most advantageous to the United States. In case but one bid or offer is received after notice duly given, he may, in his discretion, award the right to extract the oil and gas to such bidder."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

ADJOURNMENT OVER

Mr. TILSON. Mr. Speaker, I ask unanimous consent that in the event the naval appropriation bill is finished to-day that when the House adjourns to-day it adjourn to meet next Monday.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that in the event the naval appropriation bill is finished to-day that when the House adjourns to-day it adjourn to meet next Monday. Is there objection?

Mr. HUDSON. Will the gentleman from Connecticut yield for a question of information?

Mr. TILSON. Yes.

Mr. HUDSON. When does the gentleman from Connecticut propose to consider the Private Calendar?

Mr. TILSON. Next Friday. Permission has already been granted to consider the Private Calendar next Friday, and possibly Saturday also, but certainly Friday.

The SPEAKER. Is there objection?

There was no objection.

POLLS ON PROHIBITION

Mr. HARE. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. HARE. Mr. Speaker, in view of the statements just made with regard to the prohibition poll by the Literary Digest, I want to state that a few weeks ago I received a letter from one of my constituents to the effect that he had received three ballots from the Literary Digest. He stated in his letter that he received one ballot and returned same, and within about a week or 10 days following he received another ballot and shortly afterwards he received a third ballot, all from the same source, the same kind of ballot, the same name, and to the same address in every respect.

He did not state how he voted, but did state that "if it is the practice of the Digest of sending more than one ballot to one person, it smacks of unfairness." Now, gentlemen, without entering into the merits of this discussion one way or the other, if the Literary Digest is sending two, three, or more ballots to a person or class of persons after knowing how they have voted, this poll will not indicate one thing whatever, except that the Literary Digest will be perpetrating a fraud upon the reading public of this country. [Applause.]

Mr. LAGUARDIA. Will the gentleman yield?

Mr. HARE. I regret that I do not have the time. I simply wanted to call the attention of the House to the fact that here are the two ballots furnished me by my constituent, which speak for themselves and show conclusively what the Literary Digest is doing with respect to this poll.



The SPEAKER. The time of the gentleman from South Carolina has expired.

TURPENTINE AND OTHER NAVAL STORES PRODUCTS

Mr. LANKFORD of Georgia. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of turpentine and other naval stores products.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LANKFORD of Georgia. Mr. Speaker, when the Farm Board act was passed last year most, if not all, Members of the House from the pine-timber section believed it broad enough to authorize relief to the producers of turpentine and other naval-stores products. No one fully familiar with the proposition doubts that these products should be included. I believe that the present law is sufficient, but some question has arisen which, perhaps, can be best settled by amending the original act.

The legislature of my State memorialized Congress to pass such an amendment. Mr. LARSEN, of Georgia, and I, upon a conference, decided for him, since he is a member of the House Committee on Agriculture, to introduce in the House a bill for this purpose. Senator GEORGE introduced a similar bill in the Senate and now these bills are before the House Committee on Agriculture for consideration. It has been fully shown that these bills are just and should be passed.

I do not wish to repeat what has already been so fully and completely covered by others. I do want to add only a few new suggestions.

There is one outstanding and controlling reason why the much heralded Farm Board act is about to prove itself to have authorized only a useless, valueless, and probably dangerous though very expensive experiment, and that is because there is not provided an effective control of production. For my part, I would like to see the board function or operate as to a commodity where an effective control of production is set up and maintained. The experiment would be worth while and we could see just what could be accomplished by proper organization and with effective production control.

The turpentine producers, not being so great in number, can effectively organize and can control their production within reasonable limits. If the producer of cotton, tobacco, wheat, or other similar commodity, curtails his acreage in a certain product, he must plant in something else or let his land grow up in weeds and suffer the incident loss. Not so with the producer of turpentine; if he does not "box" or bring into production a given area, the timber continues to grow and become more valuable. It is true that after the "boxes" are cut or the cups hanged and the "chipping" begins it is necessary or best to continue working this timber.

The necessary curtailment of production can be provided by bringing less acres into production each year and by not working the smaller timber until it has attained more ample growth. I feel that this kind of a program will not only conserve the timber but will also make the naval-stores business much more profitable.

If the Farm Board make a success with turpentine, as I believe it could, it would be established that a like success could be made by organization and proper control of production as to other commodities. I would like to see a complete experiment made as to some commodity. I feel that this can be probably done more effectively as to turpentine than as to any other commodity. I have believed all the while that turpentine and other naval-stores products should receive whatever benefit is offered by the Farm Board act.

In fact, in my bill to create the farms' finance corporation I sought to give relief to products of the farm, orchard, grove, dairy, and forest. This bill, introduced first of last year, clearly includes not only turpentine but tar and pitch of wood made by the destructive distillation process, and also probably crossties, lumber, and other timber products.

I do not wish to confuse the present question by now contending that the law should go as far as proposed in my bill, except I will say there are many valid reasons why all pine and cypress timber products should be included.

The present bills only propose to give the relief to the gum or turpentine products of the green or growing pine tree. These turpentine and naval-stores products are extracted from the living or green tree as distinguished from tar, pitch of wood, and pine oil made by the destructive distillation process.

To my mind the production of turpentine and many other timber products, is not only properly classed as one of the activities which should receive the aid of the farm board act, but is so closely interwoven and intermingled with farm operations in the turpentine area as to become a part and parcel of the general farm operations of many who produce other farm commodities. Many people make a little money from their cotton, tobacco, corn, watermelons, turpentine, crossties, and other products produced on the land properly called their farm, with each product thus helping in the production of the other.

The timber products have been a wonderful help to the farmers and all others in my section during the last few years. Many find it more profitable to farm the pine trees on an acre of land than to destroy the timber and plant the land in other products. Many fields where corn, cotton, cane, and potatoes grew when I first came to Congress are now in pine timber producing turpentine.

The Farm Board is urging the curtailment of the production of cotton, tobacco, and so forth. The way to secure this is to make the production of other commodities as profitable as possible. More and more the farmers are learning to cultivate, protect, and farm their pine timber. Many of them gather their own turpentine and carry it to a still and sell their spirits of turpentine, rosin, and so forth, just as any other farmer carries his cotton to a gin or grain to a mill or machine to be cleaned or threshed. Many lease their timber for a short period of years, but after all the lease soon expires and the timber, together with a new growth, is again the property of the farmer to be farmed by him or leased again.

Let me repeat, for the purpose of emphasis, what I said in effect a little while ago. One solution of the present farm problem that has been suggested is that the farmers diversify and produce less of the basic commodities the prices of which are now injured by alleged overproduction and turn some of the land that is now being cultivated into the growth of valuable timber. This is being done in the turpentine section of the country by allowing land heretofore cultivated to grow up in pine timber, from which a good revenue can be secured after a few years. It is therefore very essential for all these reasons that the tar and pitch of wood industry not only be maintained but that the turpentine and rosin or naval-stores industry be fostered and protected.

Since we are studying the value of turpentine production, and so forth, from the farmers standpoint, let me also tell you something of the production of tar and pitch of wood as distinguished from turpentine extracted from the growing pine trees.

Tar and pitch of wood is produced by what is known as the destructive distillation process. Under this process wood, stumps, and deadwood generally are purchased from the farmers or other owners, placed in kilns in a pulverized condition and reduced to charcoal. The tar which is recovered is sold in commerce for use in rubber trades, the cordage trades, and otherwise.

It has been found that this pine tar can be used in the manufacture of tires and the reclaiming of rubber generally. For this reason this product has a commercial value not known a few years ago.

It will be seen that unless this industry is fostered much of the material from which this tar and pitch is produced will be destroyed by fire and be a total loss. When once destroyed the pine stumps and dead "heart" pine wood can not be reproduced, as they constitute the otherwise commercially useless waste timber or wood. In other words, after a tract of land has been sawmilled, that which has heretofore been left for destruction by forest fires is, under this distillation process, reclaimed and placed in the channels of commerce.

Stumps are shattered and blown out of the ground by dynamite, and in this way arable land is cleared of the stumps and can be more easily put into cultivation. The woodland is likewise cleared and a reforestation naturally takes place where the old stumps have been replaced by newly harrowed ground. For these reasons the farmer is benefited in several ways by the operation of these pine-wood distillation plants. This land is more easily put into cultivation and the woodland is more easily reforested. The farmer gets pay for his otherwise waste wood, and the community generally is benefited by the employment given to labor in the operation by which the wood is gathered and finally manufactured into a finished product.

Of course, even a greater and more permanent benefit comes to the farmers and the community generally by the farming of growing pine timber. Not only are the farmers and their sons often profitably employed but ofttimes others receive employment "boxing" the trees or hanging cups to catch the gum, "chipping" or working the trees and dipping or gathering the gum. Others are employed protecting the trees from forest fires, hauling the crude gum, distilling it, and in numerous other ways.

The production or extraction of turpentine and other naval-stores products from the living, growing green pine is even more closely interwoven into the very fabric of our farm life

than the destructive distillation process of producing tar, pitch of wood, and so forth. There is practically no end to the production of turpentine from the growing tree. With proper protection against forest fires and an almost inexpensive cultivation or attention the turpentine-producing pine will yield turpentine in paying quantities when from 10 to 15 years old. The tree can be worked for three or four years, and then after a few years' rest it can again be worked for an additional three or four years, and so on without limit. During all this time the timber is growing and becoming more valuable for crosstie, lumber, paper pulp, and all other wood purposes.

The early settlers along the South Atlantic and Gulf coast found the wonderful forest of primeval pine interspersed with the oak, cypress, hickory, and poplar.

The pine at once became his most valuable timber for every purpose. With pine logs he builded his substantial home and farm houses, with hewn pine flooring and pine boards he ceiled and covered his buildings, and with pine rails and split lumber he fenced his fields and pastures and builded his gates and almost every other necessary wooden farm article.

Pine boards were used in curbing his well, pine sticks in building his stick and clay chimneys; hewn logs furnished his benches and hewn pine beams became his well fork and sweep.

The pine forest was the abode of an abundance of wild game, from which he in a large part furnished his table. The pine tree made the shade for the settlers' cattle, swine, and beasts of burden, furnished the straw for the beds of his livestock, and became an important part of a wonderful compost for the farmers' lands.

The pine tree was found to furnish a wonderful food in the form of pine mast or seed for swine; its turpentine or sap had wonderful medicinal and other valuable properties, and the wood made the brightest, most cheerful, warmest fires ever built to drive winter's cold away or to cook the food of man. From the time man first found the pine tree in America until now the pine tree and its products have been inseparably linked and interwoven into the very warp and woof of the farm life in the pine-belt section of our country. The pine has produced the homes and the farms of a large part of the Southland, and even to-day it is not only as serviceable as ever but almost every month its value is becoming more and more fully recognized and established. Surely where the home and the farm are products of the pine, we can now well afford to determine by statute and as a matter of fact that the product of the pine is a farm product and entitled to receive recognition as such in an act to help the producers of agricultural products.

Where in all the world is there a tree so valuable during its growth, so inexpensive in its cultivation, and so essential for commercial uses and even national-defense purposes as the pine tree of the Southland? Surely all possible protection of the law should go to this wonderful tree which springs up on every abandoned tract of land, in every swamp or lowland section, and on every area not used by the farmer for other purposes, and says in a hundred ways to the faithful farmer and his folks, "I do not require the labor you give to others, and yet you may drink of my very lifeblood in order that you may live and in order that you may produce in greater abundance the food and clothing which the world needs, and in return all I ask is only the right to live."

Farming the pine tree is more and more becoming an integral part of the farm life of a large part of the South. The money made from the timber products enables the farmer to live and cultivate the rest of his farm. In thousands of cases the same boys who plow the farm and gather the harvest of corn, tobacco, and cotton are the ones who farm the pine tree and gather in the magic fluid so much needed in commerce. The pine tree and its products and the field or orchard and their products are more and more becoming inseparable.

The turpentine still is no more a manufacturing plant than is a cotton gin, a threshing machine, or a milk separator. Each separates the raw material into component parts preparatory for marketing. The milk and cream are further manufactured into cheese, casein, and so forth; the grain into flour; the cotton and cottonseed into cloth and various oils, soaps, and so forth; and spirits of turpentine and rosin into dozens of necessary and valuable commercial articles. Turpentine can be classed as a farm product as easily as can any other article produced on a farm, either as a fruit or sap of a tree grown in orchard, grove, or otherwise.

Any fair legislation that will help the naval-stores producers will help every farmer and every man, woman, and child in the turpentine timber belt of the Nation.

I sincerely hope that this bill passes and that the Farm Board be authorized beyond the peradventure of a doubt to render the same assistance to the producers of turpentine and other naval-stores products as is now afforded others.

VOLLBEHR COLLECTION OF FIFTEENTH CENTURY BOOKS

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to extend my remarks on the Vollbehr collection of fifteenth century books.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COLLINS. Mr. Speaker, distinguished experts on incunabula—librarians, collectors, authors, and bibliophiles—testify unanimously to the great value of the Vollbehr collection and the desirability of the Congress purchasing it for the Congressional Library and depositing it there in honor of Doctor Putnam, in honor of his 30 years' service to Congress and the Nation. I am sure that many more citizens would like to have come here to-day and added their testimony to this we have heard.

The response from all over the country in favor of the purchase of the Vollbehr collection by Congress has been truly inspiring—not a discordant note; not a dissenting vote; each and every person who has written to me approves heartily of the purchase and appeals to the Congress to pass the bill to keep the collection in our Library.

With your permission, I should like to crystallize some of this sentiment and present it to you in the form of excerpts from the letters of many who would like to have been here but were deprived of that privilege.

Dr. George Lang, of the University of Alabama, states:

I sincerely trust that Congress will consent to make the purchase you recommend, as I can conceive of no greater contribution to the scholarly as well as popular needs of our people.

Milton J. Ferguson, State librarian, California State Library, Sacramento:

I feel that as a librarian I really owe you an apology for my delay in writing you of my hearty approval of your actions concerning this very valuable collection of books. It would be a very great pity indeed if for the insignificant sum, nationally speaking, of $1,500,000, we failed to secure such a valuable addition to our great Library of Congress. Our indifference to this opportunity would indeed be proof conclusive of the sometimes erroneously, I am sure, expressed thought that America cares nothing except for dollars. These books added to the Library of Congress will put our scholars here at home in position to study the literature of the fifteenth century.

A copy of the Gutenberg Bible should, of course, be found in our National Library. Probably the opportunity to secure a copy of it may not come again for many a year, and I venture to say that when it does the price even of an ordinary copy will take up a surprisingly large part of the total sum desired for the purchase of the Vollbehr library. America should have one of the vellum copies, and, of course, there is no other to be had.

The scholars, librarians, and students of our country owe you a very great debt of gratitude for your splendid support of this movement.

Dr. Edward F. Nippert, 414 Union Insurance Building, 1008 West Sixth Street, Los Angeles:

I can justly say that here is an opportunity, probably never to come again if passed by, for our country to obtain the most valuable collection of its kind in existence, and this at a moderate price, to make the Congressional Library of the United States of America the finest and most complete library in the world. While millions are invested in battleships, which of necessity must deteriorate from year to year and eventually become a complete loss to the Nation, this collection, to the contrary, enhances in tremendous value as the years go by. It is the safest, the soundest, investment our Nation can make.

Again Congress must not let this chance pass by and permit this collection go into private hands, thereby losing this rare opportunity to acquire the largest and most famous incunabula collection now in existence.

John B. Kaiser, librarian, Oakland Free Library, Oakland, Calif.:

It is a source of satisfaction to know that the Congress appreciates the value of having this collection in the Library of Congress.

E. O. Rogers, president Montezuma Mountain School for Boys, Los Gatos, Calif.:

I want you to know that I am with you and trust that your efforts will be successful in keeping this wonderful set in the Library of Congress.

Luella Clay Carson, 962 South Hoover Street, Los Angeles, Calif.:

I wish many thousands of these copies of this speech might be read in all parts of our country, to increase pride and confidence in our Nation, and understanding of the purposes and values of the Library of Congress, and the need of collecting for our own Library of Con-

gress all the great books of history and records and examples of achievement among men so far as we have ability and opportunity.

Mr. Orra Eugene Monnette, genealogist, 350 South Oxford Avenue, Los Angeles, Calif.:

I am deeply interested in your proposal to have Congress acquire this wonderful collection of fifteenth century printing, included in which is the Gutenberg Bible, and, as you have pointed out, believe it is an opportunity to obtain for the people of America books representing, as they do, the earliest efforts of culture, thought, and printing, which should be preserved and kept by the United States Government.

Prof. Thomas F. Day, of the San Francisco Theological Seminary, writes:

I warmly approve of your advocacy of so wise a proposal as the one you are suggesting. Never again will so valuable a collection of rare books of this particular kind be obtainable at any price, and the purchase of the Vollbehr collection should commend itself to your colleagues in Congress.

J. F. Sartori, president of the Security First National Bank of Los Angeles, says:

I do not doubt that the collection is an extremely valuable one, which it would be well worth while for our Congressional Library to have.

Paul Elder, a rare-book dealer of San Francisco:

Without question, it is of the utmost importance that the Congressional Library acquire this remarkable collection, which would result so greatly to the advancement of the educational and cultural resources of America.

Dr. Frederick W. Roman, leader of the Parliament of Man, of Los Angeles:

I am speaking each week for about 3,000 people in my forums and I am quite sure that such a purchase would meet the approval of the great majority of thinking men.

J. E. Zahn, of Denver, Colo., states:

I hope—I very much hope—that the Vollbehr library will be purchased. We really need it in this country.

Malcolm G. Wyer, librarian, the public library, Denver, Colo.:

I sincerely hope that some way may be found to secure these books for the Library of Congress. Certainly the Gutenberg Bible on vellum would be an acquisition of greatest importance.

Miss Lavinn Stewart, librarian of Connecticut College, New London, writes:

It seems to me everyone interested in books and what they have done must be in entire sympathy with the project to keep this great collection of books that represent the industry when it was in its cradle for our own great National Library. Its dispersion would mean a great loss to scholarship. I earnestly hope the funds may be forthcoming to purchase the whole collection, especially since the price is so reasonable—an unusual opportunity surely.

H. B. Collanore, 95 Pearl Street, Hartford, Conn.:

All the citizens of this country will suffer a great loss if Congress does not provide the means for securing this collection, as there is no doubt but what it will materially increase the value of our Library of Congress and go a long way toward placing it on a par with other great libraries over the world. I am sure that you realize that your position is supported by a great mass of opinion, covering our country in all quarters, although not organized, and therefore not articulate in any adequately representative way. I am glad to add to the record my opinion that the proposed purchase for our Congressional Library is in every way desirable, representing not only an unparalleled economic intellectual opportunity, but also an equally unparalleled economic advantage.

Dr. Andrew Keogh, librarian of Yale University and president of the American Association, wires:

Certainly Gutenberg Bible should be in National Library, and I support passage of your bill if Bible is included.

James T. Babb, of Edward M. Bradley & Co., of New Haven, Conn., states:

I have known about this collection for some time and heartily approve of your efforts to have it acquired by the Library of Congress. * * * I shall strongly urge the support of your bill when it comes up, and sincerely hope that my efforts will contribute slightly toward the acquisition of this marvelous collection.

Edward Julian Nally, of Greenwich, Conn.:

I feel sure that our Government will avail itself of the opportunity thus afforded to add to the already great value and prestige of our National Library, so ably directed and managed by the much-esteemed Doctor Putnam.

Henry W. Farnum, also of New Haven, says:

It seems as if Congress ought to appropriate the money to buy these books * * *.

Fleming James, of the same city.

I am heartily in sympathy with the purchase of the Vollbehr collection of incunabula books for the Library of Congress.

Edward Knox Mitchell, of Hartford:

I quite agree with you the collection ought to be acquired by the Library of Congress. Such collections are not often offered on the market, and it would be a mistake to let this opportunity go by.

Prof. Karl Harrington, of Wesleyan University, Middletown, Conn., states:

It is certainly to be hoped that Congress will agree with you that this collection should be purchased for our wonderful Library of Congress. It will be of great use in future years to classical scholars as well as to investigators in many other lines. I shall be interested to know what progress the bill is making and should be pleased to be of any assistance in contributing toward its passage.

Dr. Charles G. Abbott, Secretary of the Smithsonian Institution, writes:

After reading your highly interesting speech on the Vollbehr collection I wish to second the remarks of Mr. O'Connell, of New York. I hope very much that your efforts to secure this remarkable collection will prevail in the Congress.

Mrs. Grace Davis Litchfield, 2010 Massachusetts Avenue:

Please allow me to congratulate you upon your splendid speech anent Doctor Vollbehr's collection. Surely it can not fail to secure it for the Congressional Library. At any rate, it certainly should do so.

Dr. B. E. Brown, senior biochemist of the Bureau of Chemistry and Soils, Department of Agriculture:

In my opinion, any move to enhance this reputation through notable accessions, such as the Vollbehr collection, is absolutely justifiable. Moreover, any citizen who has an interest in good books and what they stand for in our present-day development will strongly support your efforts to obtain this collection.

Dr. William Franklin Sands, 2084 Hillyer Place NW.:

I quite agree with you that this collection should be purchased for the Library of Congress, that it is a valuable acquisition, and that public money expended for this purpose would be well spent.

Bishop William F. McDowell, of the Methodist Episcopal Church, Washington, D. C.:

I am very sure that we ought to possess this marvelous collection, and if I can be of any assistance in persuading the Library Committee to recommend it, I shall be very happy.

From Wilmington, Del., comes a letter from Christopher L. Ward, a director of the historical society of that State, who says:

I am heartily in favor of the acquisition of the collection in question by the Library of Congress.

From Washington, the Capital City, I present the following:

Maj. Gen. Henry T. Allen, United States Army, retired, who states:

In writing to you expressing the desire that this country possess the extraordinary Vollbehr collection of fifteenth century books, including that most rare Gutenberg vellum Bible, I am obviously uttering the sentiment of every individual of the land who is acquainted with the matter. It would seem that the Congressional Library should be the guardian of this value collection of incunabula, which probably could not be duplicated under any conditions. I wish you success in your most laudable undertaking.

Maj. Gen. M. W. Ireland, the Surgeon General, War Department, Washington, D. C.:

I have followed what has been said in the public press with reference to this collection, and it is hardly necessary for me to say that it belongs in the Congressional Library.

Judge Finis J. Garrett, United States Court of Customs and Patent Appeals, and former Democratic leader in House of Representatives, Washington, D. C.:

I have just read the very able and scholarly address made by you in the House on February 7 relative to the Vollbehr collection of incunabula. May I not congratulate you upon this valuable contribution? It is a thing really worth while.

Dr. Julius Klein, Assistant Secretary of Commerce:

As an officer of a department which is not directly interested in such matters, I can hardly go on record as pleading for the necessary appro-

priation. However, as a humble American citizen anxious that our Library of Congress should not lose these rare treasures, and appreciating how fine a compliment it would be to Herbert Putnam, I can not refrain from dropping you this informal expression of my personal opinion.

Dr. George E. MacLean, former chancellor of the Universities of Iowa and Nebraska, writes:

I sincerely hope you may succeed in persuading Congress to make the purchase. * * * Your tribute to Doctor Putnam and the timeliness of acquiring the collection during his administration will appeal not only to me but to scholars throughout the world.

Dr. Alfred F. D. Schmidt, librarian and director of the division of library science of George Washington University:

I am so thoroughly in favor of the acquisition of this collection for the Library of Congress through the liberality of the Congress of the United States that it is very difficult for me to keep within bounds. The national library should by all means have the outstanding collection in the United States of earliest printed books, not only because of the intrinsic value but also because these represent and constitute in the concrete the earliest stage in the development of the book. They are necessary for the complete understanding of book history.

Dr. Henry G. Statham, librarian of the American University:

I agree with you that these books should remain in the United States and feel that the Library of Congress, which is, in fact if not in name, the national library, is the logical and proper place for them, with a view to their greatest use. I sincerely hope that Congress will make the necessary appropriation that such a fine collection may be purchased.

Charles D. Drayton, attorney and counselor:

I certainly hope you will be successful in putting through the bill for the purchase of this wonderful collection.

Rev. W. L. Darby, executive secretary of the Washington Federation of Churches:

With you I trust that this truly remarkable library will be purchased by Congress. So I wish your proposal the success which it deserves.

Carleton R. Ball, of 3814 Jocelyn Street NW., offers this eloquent contribution:

America is called the land of opportunities, here meaning those she has to offer others. * * * You have offered America an opportunity. May she not neglect it. An opportunity to get so much for so comparatively little. An opportunity to invest with certainty of large and continuing return. An opportunity to purchase something permanent, not to be scrapped as obsolete in a few brief years. An opportunity to be a leader in providing means for the enrichment of our learning. An opportunity to spend wisely for the public good in this and all generations. Surely it will not fail of fruition, this worthy effort of yours.

T. W. Graves, F. R. G. S., of Orlando, Fla., states:

As a book lover and a collector only in a small way it is astounding to me to think that Congress should debate any length of time as to the advisability of such a purchase. The Gutenberg Bible will, in a short time, be worth the entire amount asked for the collection. I sincerely hope Congress will take the necessary steps as soon as possible to acquire the greatest bargain of the century. I feel confident the collection would have found a ready market in Europe at a far greater price than that offered to the United States but for the financial condition that now exists in countries abroad that really appreciate such as is offered to us.

Theodore C. Pease, assistant director of the Illinois Historical Survey of the University of Illinois, Urbana:

This proposal certainly is a most worthy one.

Dr. Theodore Wesley Koch, librarian of the Northwestern University Library at Evanston:

I have read a number of accounts of the Vollbehr question, but I think that you have given the best line of arguments for its acquisition by the Government for our Library of Congress. As a former chief of division of our National Library, I am, needless to say, very anxious to see your efforts meet with success. It would be a most splendid tribute to the outstanding services rendered to the Library of Congress and to librarianship itself of Doctor Putnam.

Prof. G. N. Nathrop, of the Chicago Latin School:

I hope that your project can be realized and that the Library of Congress can become the richer by this great opportunity. I can think of no more fitting memorial for the constructive work which has been done there by the present librarian.

Dr. Bernadotte Schmitt, professor of history in the University of Chicago:

Your effort to secure the Vollbehr collection of incunabula is worthy of praise and support, and I hope that you will be successful in securing the necessary appropriation.

Dr. W. A. Newman Dorland, 185 North Wabash Avenue, Chicago, Ill.:

By all means the Library of Congress should have the Vollbehr collection of fifteenth century books. Don't let such a great opportunity pass. Here's wishing you every success.

J. C. Bay, librarian the John Crerar Library, 86 East Randolph Street, Chicago:

I take the liberty of emphasizing that the work of the Library of Congress is of so high quality that this Library certainly deserves to be benefited by the acquisition of this great collection. A great deal of the work of the Library of Congress, by virtue of its character, escapes public attention, but benefits directly or indirectly all the libraries in the country. If we ourselves would recognize this work as it deserves, we should support it adequately in every respect. The history of its administration is exemplified by exceptional administrative success. The collections themselves ought to correspond fully to the bibliographical and administrative ability exemplified in the Library.

F. C. Grant, dean Western Theological Seminary, Evanston, Ill.:

I hope very much that the Library of Congress may acquire this valuable collection of incunabula.

John W. Barwell, Sheridan and Beach Roads, Waukegan, Ill.:

I take pleasure in supporting you in any steps you may take in obtaining the Vollbehr collection of most valuable and rapidly vanishing books for our National Library. If you have some handy printed matter on this subject, kindly send me some for distribution.

The way we are living now, its rapidity and growing disregard of the valuable past lessons, will soon efface many of them from our national mind.

At this critical time we should remember the disastrous destruction of the priceless Alexandrian Library, which left a blank in humanity's records of its own growth and development more than can ever be replaced.

We are the richest Nation on earth; for heaven's sake let us be the finest.

Shelley B. Neitnor, attorney at law, of 112 West Adams Street:

I sincerely hope that the Vollbehr collection will be acquired forthwith. It, in my humble opinion, will be one of the greatest things done in Congress at any time. It would be a horrible thing to have these books leave this country.

Dr. Charles S. Bacon, of 2333 Cleveland Avenue, appreciates—

* * * the value of the collection and the importance of securing it for our Congressional Library.

Charles D. Terry, president of the Peoples State Savings Bank, of Kewanee, Ill., in describing his "little library, one item of which consist of a leaf from a Gutenberg Bible," says:

I hope sincerely that your bill will pass, and believe that future years will emphasize the wisdom of your desire.

Prof. A. Francis Trams, head of the department of English, Joliet Township High School and Junior College:

I sincerely hope we may be able to retain the collection in the Library of Congress. I see no reason why we should not keep it.

Frank H. Whitmore, librarian of the Public Library of East Chicago, Ind., writes:

The purchase of the library would, indeed, constitute a fine tribute to Doctor Putnam and one that his colleagues would like to see come to pass. It is most agreeable in this twentieth century time to find the flavor of earlier days restored so completely in printed words, and heartening to find so stalwart a champion of the library cause. You may be sure that your efforts will be highly valued by librarians and friends of books.

President W. C. Dennis, of Earlham College, at Richmond, Ind., says:

I am fully in accord with your desire to have this collection acquired by the Library of Congress, and hope that it may be possible to bring this about.

Wilma E. Reeve, circulation department, Indianapolis Public Library, Indianapolis, Ind.:

Surely it will be worth to posterity a fraction of the price of a modern battleship.

T. Henry Foster, of John Morrell & Co., Ottumwa, Iowa, who says:

The Vollbehr collection of fifteenth century books certainly ought to be in the Congressional Library, as it contains what you rightly refer to as the greatest book on earth.

T. M. Shallenberger, of Des Moines, who, in approving the purchase, states that—

In 10 years from now the Gutenberg Bible alone will be worth more than every battleship now afloat.

The State of Kansas has already been represented in the statement of President Lindley, of the University of Kansas (see my remarks on the bill), but I also beg to quote from a letter of Dr. H. C. Thurnau, chairman of the department of German of the university, who says:

Wish to express to you my sincere appreciation of your praiseworthy efforts to secure this valuable collection for the Library of Congress.

R. C. Ballard Thurston, president of the Filson Club, of Louisville, Ky., says:

Our country certainly should have it, and I hope sincerely that your efforts will prove successful.

S. O. Landry, president of the Chambers Advertising Agency, of New Orleans, states:

I congratulate you on your efforts to buy this great collection for the Library, and I certainly hope that Congress votes an appropriation.

Dr. William R. Strange, 1119 Union Indemnity Building, New Orleans:

It would be a truly great loss to the Nation's Capital, but more important still, an irreparable one to the country as a whole should we not avail ourselves of this opportunity to purchase this collection. The Gutenberg Bible alone is valued at two-thirds the cost of the entire collection.

Robert J. Usher, librarian of the Howard Memorial Library, New Orleans, adds his testimony to those in favor of the purchase of the Vollbehr collection, as does G. P. Whittington, attorney of Alexandria, La., who states:

I thoroughly agree with you that this collection of books should stay in the United States. The only trouble is to convince the average business man that books have such a value. There would be no trouble to convince me, for I am one of the kind who buys books, old books and, if you would, rare books. I never have bought fifteenth century books. I never could afford it, but I have bought Louisiana, Mississippi History, and I know that they run into money. I have examined catalogues of fifteenth century books, and I know that the prices run into money right now. If I could be of any assistance in helping to influence anyone to vote for your bill, I would gladly do so. If there is anyone that you could suggest that I might write to, it will only afford me a pleasure.

Victor G. Bloede, of Carroll Station, Baltimore:

Together with the previous knowledge I had on the subject, I read your speech with great interest, and do not see how there can be any doubt in the mind of any intelligent American as to the desirability of the United States Government purchasing this collection at whatever price within reason at which they can be secured. From the knowledge I have on the subject, I should say that the asking price was a reasonable one.

E. L. Bangs, custodian, Halethorpe Transportation Museum, Baltimore:

I sincerely hope that the bill to purchase this collection will pass, and the books come into possession of the Congressional Library, which, in time, will undoubtedly become the greatest library on earth.

Miss Elizabeth S. Thies, chief cataloguer and classifier, of the Welch Medical Library, of Johns Hopkins University:

It would be wonderful to be able to add this collection to the Library of Congress.

Dr. Henry Barton Jacobs, Mount Vernon Place, Baltimore:

I am very much gratified to learn that there is at least one Representative in Congress who has such a keen appreciation of the value of literature, especially of early literature, as you have shown by your address, and I hope sincerely that the appropriation which is desired may be granted for the purchase of this unique and most desirable collection for our great library.

Lewis McK. Turner, poet and author, proprietor of the Salt House Press, Baltimore, is in favor of the purchase, and states that he has several leaves of the Pulpit Bible printed in Basel, 1486.

W. R. Ballard, extension horticulturist of the University of Maryland:

I trust that Congress will take favorable action in this matter.

Raymond L. Walkley, librarian of Tufts College Library, Massachusetts, says:

* * * will be glad to do anything to help you put through a bill to have this collection acquired by the Library of Congress.

Archibald V. Galbraith, principal of Williston Academy at Easthampton, Mass.:

I am heartily in favor of the action which you propose. It seems to me a great opportunity to acquire for the people of this country books which are priceless.

Frank S. Hatch, of 101 Benedict Terrace, Longmeadow:

I feel very strongly that this Vollbehr collection should be acquired by the Library of Congress, and I hope that Congress will appropriate the money to buy it.

T. H. Hankins, of the department of economics and sociology, of Smith College:

Your speech calls attention most convincingly to a very unusual opportunity for the United States Government to come into possession of a priceless collection of books. I sincerely hope your object may be achieved.

Dr. Harvey Cushing, surgeon in chief of the Peter Bent Brigham Hospital, and internationally known lecturer on surgery at the Harvard Medical School, writes heartily favoring the purchase, as does Frank N. Chase, assistant librarian of the public library of the city of Boston.

Arthur I. Andrews, of 19A Forest Street, Cambridge, states:

Politically, the idea may not be popular, but from every standpoint of common sense the acquisition should be consummated. It is precisely what is needed to keep Americans at home instead of forcing them to visit all over Europe in order to get material for research. I most heartily second your efforts, and I hope they will be successful.

William Dana Orcutt, of Boston, well-known author and expert on incunabula:

I am personally familiar with the collection and have no hesitation in stating that the price at which it can be bought is a reasonable one. As far as the importance of the collection is concerned I think you need no further testimony.

I have for 30 years been in the closest touch with private and public collections of books in America and Europe. It has always been a matter not only of regret but of mortification to find that our own Library of Congress continues to be so far behind other national literary institutions. The acquisition of the Vollbehr collection would place the Library of Congress on a rank with these other great national institutions. It would attract to Washington students who at present have no proper facilities to study the history of the book, and it would be an act which would redound to the credit of every Member of Congress who voted for it.

Dr. Allan Winter Rowe, director of research of the Evans Memorial, Boston:

As I have reviewed the matter as given in your presentation of it to the House of Representatives it seems to me not only a very unusual opportunity in itself but one of which as a citizen of the United States I felt this country should take advantage. I thank you for bringing this matter to my attention. I hope that I may be of some assistance to you in carrying out a project in which I am so wholly in sympathy.

Carl T. Keller, 80 Federal Street, Boston:

I know of the Vollbehr collection, and I would be delighted to see it remain in the United States. It would seem to me like the arrival of the millennium if such a purely cultural proposition would appeal to the Congress. You have my approval and sympathies.

Prof. Richard Ashley Rice, of the English department, Smith College:

Allow me to lend my whole-hearted support to your speech on the acquisition of the Vollbehr collection. Such an opportunity to enrich the Library, to promote the scholarship of the country, and to honor Mr. Putnam can in the nature of things not recur. One feels certain that Congress will perceive this.

L. S. Foote, editor of the Saginaw Valley Farmer, of Michigan, who states:

For many years I have noted the steadily increasing sales values of incunabias and later rare first and scarce editions of standard authors. Opportunities for great buys in this line should not be passed by, and valuable collections, isolated copies, etc., should be added to our National Library by gift or purchase.

Fred A. Perine, 1532 West Philadelphia Avenue, Detroit:

I had an opportunity to read carefully your speech of the 7th ultimo; and wish to say that I, too, feel keenly that the Vollbehr collection of fifteenth century books should be acquired for the Library of Congress on the basis offered.

Dr. Charles W. Alden, of 507 Genesee Avenue, Saginaw:

I wish to say that I am in thorough accord with your speech delivered to the House of Representatives Friday, February 7, 1930. To the book lover, historically and sentimentally, the books are priceless. I deem it a great privilege to be enabled to indorse every word that you have said on the subject.

Dr. Randolph G. Adams, well-known historian and custodian of the William M. Clements Library, of the University of Michigan:

I thoroughly indorse everything Representative Collins said, and, if the bill comes up for consideration, I am sure I only echo the opinion of all American scholars in expressing the hope that the two Houses will give this bill favorable treatment. The thing to be remembered is that they are not printing any more incunabula—and America is still way behind the nations of the Old World.

Mrs. Amos L. Warner, regent of the John Prescott Chapter, Daughters of American Revolution, of Minneapolis, Minn., says:

The subject treated is of the greatest importance and I feel very deeply that the Congress should not allow anything to stand in the way of the purchase of this notable collection. The thought of this splendidly preserved Gutenberg Bible being in the Library of Congress for the use and pleasure of our people in years to come is one which thrills the blood and makes a vivid appeal both to sentiment and imagination.

Frank K. Walter, librarian of the University Library of the University of Minnesota:

There can be no question of the desirability of having these books available for the use of scholars. The Library of Congress seems the logical place for them.

Ruth Vandyke, librarian, Coleraine Public Library, Coleraine, Minn.:

After reading it, we must say that we agree with your ideas and trust that the way will be made possible for keeping the valuable collection in the United States.

Ben Gray Lumpkin, with the Southern Bell Telephone Co., of Jackson, Miss.:

Even though my present work with the Southern Bell Telephone Co. is in no way connected with history and historical research, I fully realize the significance of keeping this wonderful collection in the United States, especially since I worked in the University of Mississippi Library two years and for the Mississippi Historical Department three years.

President Richard G. Cox, Gulf Park, Gulfport, Miss.:

Trust that you will succeed in having this collection acquired by the Library of Congress.

I quote from the following letters:

Joseph W. Bray, 903 Security Building, St. Louis:

It is to be hoped that Congress will act favorably on the bill, for unless this country acquire, whenever opportunity arises, every piece of very rare material, we may never hope to equal, or even rival, the other great libraries, such as Bodleian, British Museum, Bibliotheque Nationale, etc.

Meyric R. Rogers, director of the City Art Museum of St. Louis:

I am very glad to be able to say that I hope Congress will see its way to acquiring this collection, for I am sure it would be a constructive act which would be of great benefit to the advancement of scholarship in this country. I am sure that every intelligent citizen will applaud your action in endeavoring to make this an addition to the national treasury.

Purd B. Wright, librarian of the Kansas City Public Library:

Naturally, we would be glad to see them here, but they really belong in the National Library.

H. O. Severance, librarian of the University of Missouri Library:

I very much hope that the Library of Congress will be able to secure this valuable collection.

Dr. Charles D. Humberd, of Barnard, Mo.:

Only a true bibliophile and disciple of Bibdin knows the panicky feeling of having a coveted volume, that can not be duplicated, go away into parts unknown. I sincerely trust that the Library of Congress and the United States of America will be spared that feeling, while the time is ripe for the acquisition of the Vollbehr collection. As a collector, and as a student who has spent many happy months among the treasures of the Library of Congress and the library of the Surgeon General's office, may I say that it would be more than ordinarily gratifying to me to see Doctor Vollbehr's incunabula installed en bloc, in our national library.

William Volker, of William Volker & Co., Main, Second, and Third Streets, Kansas City, Mo.:

I sincerely hope this collection will be acquired by the Congressional Library.

William W. Shirley, librarian of Hamilton Smith Library, University of New Hampshire:

Thus by acquiring the incunabula for which you have spoken, and by allowing libraries to choose from literature as published this country will advance in the field of library work even farther than before.

H. von W. Schulte, dean, the Creighton University, School of Medicine, Omaha, Nebr.:

The purchase of this collection will add to the importance of the Library of Congress, will be a just source of national pride and even more importantly will be an aid and encouragement to American scholarship and a stimulus to the development of typography and other arts and crafts.

I received a fine letter from George H. Sargent, Warner, N. H., well-known author and newspaper writer, besides writing an article for the Boston Transcript, he sends the following statement:

I have for many years conducted a department in the Boston Transcript devoted to old and rare books, and from time to time commented on the desirability of securing this collection. I inclose the latest item, and am only sorry that I could not have added my own contribution to the many of those of my friends quoted in your fine speech.

William W. Shirley, librarian of the Hamilton-Smith Library, University of New Hampshire, at Durham, writes a very strong letter favoring the project to purchase the Vollbehr collection.

B. George Ulizio, president of the New Jersey Investment Realty Corporation, Atlantic City:

I am very well acquainted with the Vollbehr collection and feel that it is one of the most outstanding collections of its kind in the world. * * * I compliment you upon your interest in the collection in question, and I shall be very glad to assist in any way that you might suggest, so that we, the people of the United States, might possess this wonderful collection for all time.

Angus S. Macdonald, president Snead & Co., manufacturers of library bookstacks and other library equipment, writes a very strong indorsement of the bill and is anxious to give a very substantial support to it.

R. W. Cornelison, president and general manager Peerless Color Co., 521 North Avenue, Plainfield, N. J., writes approvingly of the bill.

Charles Frankenberger, librarian, and William Brodiere, directing librarian emeritus of the Medical Society of the County of Kings, Brooklyn, N. Y., state:

The Congressional Library should be one of the glories of the country. The Vollbehr collection and its incunabula will give it power and standing at a point needed.

George J. Pfeiffer, of the National Arts Club, makes the following statement:

I have spent much time, like numberless others, in examining these splendid specimens of early printing when they were exhibited at the National Arts Club in this city some time ago.

This collection, made with such admirable skill by Doctor Vollbehr, would be an acquisition of inestimable value for all persons interested in the great range of subjects which it covers in religion, philosophy, classical, and Renaissance history, literature, and art, and the opportunity to acquire these treasures for the cultural and practical benefit of our people, under the extraordinarily generous terms of the offer, will certainly, with the scarcity and value of such books growing by leaps and bounds, never come to us again. Its three-volume Gutenberg vellum Bible alone will soon be worth more than the present purchase price of the entire collection. I am only expressing my own views on this subject as a student and practical business man to lend such support as I can toward the success of so important a cause.

Dr. Edwin R. A. Seligman, of the faculty of political science, Columbia University, says:

I certainly hope that you may succeed in your laudable efforts to have the library purchased by Congress.

Howard L. Spohn, vice president of the Gardner Advertising Co., No. 1 Pershing Square, New York, says:

I am most heartily in support of the contention in your speech of February 7 that it is time for the United States Government to broaden its Library to the absolute limit. I am certainly in agreement that this will be the last opportunity, perhaps, in the lives of several generations for the Government to acquire a Gutenberg Bible. It will please me to have you advise me just what may be done to further this important work, so do not hesitate to point out anything that I may do.

Henry Goldmark, Rossiter House, Nyack, N. Y.:

I sincerely hope that Congress will appropriate the necessary funds for purchasing this collection.

Dr. B. W. Weinberger, librarian of the First District Dental Society of New York State, makes the following statement:

Trust that your efforts to place this collection in the Library of Congress will be successful. * * * A collection once broken up can never be duplicated, even if the money were available. As librarian of the largest dental library in the United States, I might speak for the dental profession when I say that I am sure you have their full support, and trust that Congress will see fit to appropriate the money necessary for purchase.

Charles A. Beard, of 27 West Sixty-seventh Street, New York, the famous author, says:

I had already read it [speech on Vollbehr collection] and called Mrs. Beard's attention to it as one of the most interesting and important addresses that has appeared in the RECORD. I sincerely hope that you are successful in your effort.

E. Eisele, of B. Westermann Co. (Inc.), booksellers and publishers, 13 West Forty-sixth Street, New York City:

It certainly would be desirable that this collection should be kept in this country, as it is unique in the world. Through its purchase the Library of Congress would get into the front rank of those great institutions of the world, which are keepers of the rare treasures of the beginning of printing.

Reginald Pelham Bolton, 116 East Nineteenth Street, New York, a member of the New York Historical Society, says:

I desire to convey to you my appreciation of your interest in this matter and the hope that you will be successful in inducing Congress to secure these invaluable volumes for the Nation, which I have had the privilege of examining.

Walter S. Davis, 1150 Fifth Avenue, New York, states:

I share your desire to have the collection acquired by the Library of Congress, and I hope your bill will be passed.

Dr. Theodor Blum, of 101 East Seventy-ninth Street, New York, says:

I wish to congratulate you and also express my hopes that the collection will be acquired by the Library of Congress.

Miss Ethel M. Barber, librarian of the United States veterans' hospital, Northport, Long Island, N. Y., states:

My assistant has read it [speech] also and we both feel that the books should remain in the United States.

Augustus H. Shearer, Ph. D., librarian, the Grosvenor Library, Buffalo, N. Y.:

It seems like a good use of money.

Glenn W. Herrick, professor of entomology, Cornell University, Ithaca, N. Y.:

It sems to me an almost national disgrace to let this wonderful collection go back to Europe, especially when we consider the great financial resources of this country and the great cultural need for such objects of art as these incunabula.

Emanuel de Maruay Baruch, of 57 East Seventy-seventh Street, New York, says:

Undoubtedly the acquisition of this unique library would prove a great and lasting public service. The collection of Doctor Vollbehr is practically unrivaled, and the opportunity of acquiring it for the people should not be lost.

T. S. Williams, of Huntington, Long Island, says:

I have read your speech with the greatest interest, and heartily agree with you that this collection should be in the Library of Congress.

C. E. Durkee, 505 Broadway, Saratoga Springs, N. Y., says:

I fully agree with you that the collection should be acquired for the Library of Congress, and I sincerely hope this result may be brought about.

Dr. Lawrason Brown, 24 Church Street, Saranac Lake, N. Y.:

I am heartily in favor of keeping the Vollbehr collection of incunabula in the United States.

Hon. Elihu Root writes:

I am obliged to you for sending me your admirable speech concerning the Vollbehr collection of fifteenth century books. I strongly hope that this may be obtained for the Library of Congress. The possession of such a collection would give distinction to any library, and our great National Library ought not be treated as a second-class institution.

Albert Pulvermacher, dramatic editor of the New Yorker Staats Zeitung:

I shall be delighted if you succeed in securing it for the Congressional Library, for our country and its research workers.

Donald B. Gilchrist, librarian University of Rochester Library, Rochester, N. Y.:

I heartily wish you success in your advocacy of this measure. Under Doctor Putnam's administration, the Library of Congress has come to have a very great significance in the scholarly world here and abroad.

Charles C. Adams, director of the New York State Museum, Albany, N. Y.:

I hope that this will also be the means for increasing the appropriations for the Library, and I think there should be a fund available for such emergencies. You have my hearty indorsement in such good work.

J. P. Breedlove, librarian Duke University Library, Durham, N. C.:

I am glad to know that you are interested in such a worthy undertaking.

A. T. Allen, State superintendent public instruction, Raleigh:

It seems to me that it would be very appropriate and proper for the Congress of the United States to make provision to obtain this collection for the Congressional Library.

Miss Emma C. Barney, Worth Elliott Carnegie Library, Hickory:

In what way do I express my hearty approval of the acquiring of this collection by the Library of Congress, for I do approve of our buying this collection.

Prof. R. D. W. Connor, teacher of history, University of North Carolina:

I hope very much that Congress will see its way clear to appropriate the money for this collection. Its acquisition will certainly be a great boon to American scholarship.

Lewis F. Crawford, Bismarck, N. Dak.:

I am heartily in favor of making the appropriation for the purchase of the collection, and hope Congress will see its way to do so.

William H. Carlson, librarian of the University of North Dakota:

It is gratifying to know that we have in Congress men who thoroughly appreciate the importance from a cultural standpoint, of the acquisition of books of this kind for our National Library.

W. B. Bizzell, president the University of Oklahoma, Norman, Okla.:

Personally I would be very happy to see this collection come into the possession of the Library of Congress. Certainly the Library of Congress should possess a copy of the Gutenberg Bible. Some time ago I visited the Bible collection in the Library of Congress, and it was disappointing that they have no copy of the Gutenberg Bible. As you suggest, this is the most priceless book in print. I have traveled thousands of miles in this country and in Europe to see original copies of this priceless book, and I would be happy if our Library of Congress could possess one.

E. W. Chubb, dean of the College of Liberal Arts, Ohio University.

I hope Congress will appropriate money for the acquiring of this wonderful collection.

Rev. Charles C. Bubb, D. D., secretary of the standing committee of the diocese of Ohio, Fremont:

* * * agree that this collection should be acquired by this country. This is an opportunity that will never occur again, and if not taken will be regretted in a few years. I hope that your influence will prevail to secure an appropriation. I have watched the rise in price of incunabula during the past 25 years, until now they are beyond the reach of the ordinary private collector—the larger and wealthier libraries are draining the market and very soon there will be none at any price.

Gordon W. Thayer, librarian of the John G. White collection of the Cleveland Public Library:

It is earnestly to be hoped that your enlightened labors will meet the success they deserve.

Harold N. Cole, M. D., 1352 Hanna Building, Cleveland:

I can not too heartily indorse this movement of yours to possess these books. The time is coming, and that very soon, when it will be impossible to procure such books at any price. I wish you all success in your effort.

Thomas E. French, department of engineering drawing, Ohio State University, Columbus:

I am familiar with the incunabula in the British Museum, Bibliotheque Nationale, and other European libraries. Our own National Library ought to equal the foreign libraries and it is hard to imagine any opposition in this wonderful opportunity to add the Vollbehr collection.

J. H. Shera, bibliographer, Miami University, Oxford, Ohio:

I am quite certain that I voice the sentiments of the library profession and the learned world in my expression of the hope that the cause which you have so ably championed will receive the consideration and the success that it so justly deserves.

Blanche V. Watts, librarian Cleveland College of Western Reserve University:

* * * sincerely hope that you may be successful in securing passage of the bill which will secure this most unusual collection for our National Library.

Wendell Herbruck, attorney at law, of Canton, Ohio, a collector of incunabula, writes:

I hope Congress will not be shortsighted and lose this opportunity that can never come again.

Dr. W. H. McMaster, president of the Mount Union College, Alliance, Ohio:

I hope these treasures may be acquired by the Congressional Library and be accessible to the American people.

Judge Alfred K. Nippert, of Cincinnati:

There were many points in your address of unusual interest and little known to most Americans. It is an historical document and I shall cherish it among my valued possessions in my own library. I am sure the speech had the desired effect, and I hope this great country of ours will not overlook this unusual opportunity to secure for its Congressional Library and for generations yet unborn the benefit of this great collection of incunabula.

Howard S. Leach, librarian of the Lehigh University Library, of Bethlehem, Pa.:

The Library of Congress has been growing conspicuously as a great library in recent years, and its very size and importance will attract to it increasing gifts of important American materials, such as documents, letters, and books. Where it falls down, it seems to me, in comparison with great national libraries, such as the British Museum and the Bibliotheque Nationale, is quite naturally in the richness of its early books and manuscripts. The acquisition of the Vollbehr collection would do much to correct this deficiency. I hope that Congress may be led by your address to pass this bill providing for the addition of this important collection to our great central library.

Dr. Natt M. Emery, vice president Lehigh University, Bethlehem, writes a hearty indorsement of the project to purchase the Vollbehr collection.

Charles L. Miller, attorney at law, of Lancaster, Pa.:

It seems to me almost inconceivable that the Congress should fail to take advantage of this unusual offer. Though not a collector of the earliest printed books, I am always interested in them in the catalogues, and my recent observation could add a good many illustrations to the Maggs Bros. catalogue that you refer to. I certainly hope that there will be sufficient book lovers in the Congress to appropriate this relatively small sum to preserve to this country an almost invaluable collection.

A. Bruce Black, of Bloomsburg, Pa.:

The Library of Congress is the place where this collection should be.

Frank G. Lewis, librarian Bucknell Library of the Crozer Theological Seminary, Chester, Pa.:

It seems only the simplest step of appropriate action for Congress to provide for acquiring these books. This note I am sending thinking that if it may assist in that direction I shall be glad to have you use accordingly in any possible way.

Dr. Weir C. Ketler, president Grove City College, Pennsylvania:

I read it (speech) with a great deal of interest and hope you may be successful in your effort to secure for this country this unusual collection.

Mrs. Anne W. Howland, librarian of the Drexel Institute, comments very favorably on the bill and says:

We take great pride in our Library of Congress and in that most distinguished librarian, Dr. Herbert Putnam.

Richard Gimbel, founder and patron of the Richard Gimbel Library of Philadelphia, writes as follows:

I feel sure that the collection should certainly be purchased for the Congressional Library; because not only is the collection unique, but also its value to scholars for countless generations is enormous.

When priceless articles are offered a private collector, he only refuses them when the price is beyond his ability to pay for same, and in just this same manner I feel certain that inasmuch as Doctor Vollbehr asks such a low price, certainly this rich country should not fail to take advantage of this unparalleled opportunity.

Franklin Bache, Land Title Building, Philadelphia, writes a letter of indorsement.

J. T. A. Hosbach, 817 South Fifty-eighth Street, Philadelphia, writes:

I do hope your efforts may be crowned by success, and that these books do not ever leave the United States of America. Alas, we have too many people who do not appreciate the value of such books, and their cost is a trifle when you bear in mind how freely we spend millions on armaments * * *.

Alfred Rigling, librarian of the Franklin Institute of Philadelphia, writes as follows:

I am indebted to you for sending me a copy of your speech and hope the Library of Congress may acquire the collection.

Dr. H. B. Van Hoosen, associate librarian, librarian of Brown University at Providence, R. I., says:

Certainly all American libraries should be grateful for your interest in the improvement of American library resources.

A. Mason Du Pré, dean, Wofford College, Spartansburg, S. C.:

I certainly hope that Congress will see fit to purchase this collection.

Dr. P. P. Claxton, former commissioner of education, Department of the Interior, Knoxville, Tenn.:

I agree with you most heartily that this collection should be retained in this country. It should be purchased by the Congressional Library. We are rich in many things but all too poor in wealth of this kind. What can be done to induce Congress to make an appropriation for its purchase?

Harold F. Brigham, librarian, Carnegie Library of Nashville:

We can assure you of our hearty interest in the proposal. Such a collection would add immeasurably to the prestige and importance of the Library of Congress as the greatest research library in the Western Hemisphere. It is very gratifying to know of your personal interest in a matter of this kind which is of such great concern to the library and teaching professions of the entire country.

Richard F. Burges, attorney at law, El Paso, Tex., says:

It is no more possible to fix the pecuniary value of one of these great collections of books than it is to appraise in dollars and cents the value of Shakespeare's plays. The opportunity to acquire one of these great collections presents itself only at rare intervals, and if you succeed in bringing about this purchase (as I sincerely trust you will), you will have rendered a service to the Congressional Library and to the United States of which any man might feel proud.

John S. Mayfield, Box 1253, Fort Worth, Tex.:

Being a collector of incunabula myself I was very much interested in the collection when it was brought to the United States, and on one occasion it was my privilege to examine the collection en masse.

I believe the Library of Congress would be indeed fortunate if the acquisition of this remarkable collection is made possible.

Clayton L. Traves, the Plaza Hotel, San Antonio, Tex.:

So fine an appeal in favor of so worthy a subject.

Frost Woodhull, attorney at law, San Antonio, Tex.:

I hope that a penny-wise and pound-foolish retrenchment policy may not interfere with the acquisition of such an unbelievably wonderful collection. Would it not be possible to deny ourselves the pleasure of owning a second-rate battle cruiser in order to obtain these, the greatest books on earth? The mere thought of losing this collection angers me.

President Lovett, of the Rice Institute of Houston, writes a letter in support of the bill.

H. J. Crookes of the Petroleum Iron Works Co., of Texas, at Houston:

You are doing a great work, and if this collection can be obtained for the American people, it will reflect great honor to the Nation and to yourself.

Dr. Henry Cohen, rabbi of the Congregation B'nai Israel, Galveston, Tex.:

I do hope that the United States will add it to its Congressional Library collection.

William Minor Lile, dean of Law School, University of Virginia:

Cultural value of Vollbehr collection not measurable in dollars, the Gutenberg alone should make Library mecca for the plain people as well as for scholars and all lovers of books.

President Joseph Depuy Eggleston, Hampden-Sydney College:

I hope very much that the collection will be acquired for the Library of Congress. This country is too rich in material things to hesitate to make itself richer in the things that are spiritual.

Harry Clemons, librarian of the University of Virginia:

Certainly there are many of us who are grateful to you for your leadership in the effort to seize this opportunity to purchase the collection for our National Library.

Dr. E. G. Swem, librarian of the College of William and Mary, writes as follows:

This collection should be in the Library of Congress, and there is no more appropriate time than the present, when it can be placed there in Doctor Putnam's lifetime.

Edward L. Stone, of Roanoke, Va., is enthusiastically in favor of the bill.

President W. T. Sanger, of the Medical College of Virginia:

I have read your speech in Congress on the acquisition of the Vollbehr collection and earnestly hope this can be acquired for the Congressional Library.

D. H. Dillard, president Negro Rural School Fund—Anna T. Jeanes Foundation:

I beg to thank you for your speech on the Vollbehr collection and to express my hope that you will succeed in your effort to acquire it for the Library of Congress.

E. Paul Saunders, 432 Oak Street, Clarendon, Va.:

Please add my name to the long list of those from whom you must certainly have received letters expressing their genuine hope that the superbly choice and desirable Vollbehr collection of incunabula will be secured for the Library of Congress. Your sponsorship of the proposal to acquire these rare and valuable volumes for the Library of Congress—which is truly our National Library—and for all of us and our posterity is an indication of recognition of the tremendous importance and desirability of the Library of Congress as the logical place to centralize our historical wealth and literary heritage. Your action in the matter is most commendable.

C. P. Bissett, dean of the College of Law, University of Washington:

As a book collector I feel sure that these books should remain in the United States.

William E. Henry, dean, University of Washington Library School, Seattle:

I want to heartily indorse your effort. You have concentrated a great amount of worth-while information concerning the nature and value of the Library of Congress. I have much of this information, but you have made it so available to our younger people, where it is much needed. In our training school for librarians your speech will be of great service to our 50 students graduating each year.

Frederick Starr, 5727 Thirty-fifth Avenue NE., Seattle, Wash.:

I congratulate you upon it and hope that the bill may be (or may have been) favorably considered.

Dr. Arthur S. Beardsley, law librarian, University of Washington, Seattle:

I am heartily in accord with your sentiments and sincerely hope that Congress can be prevailed upon to purchase this magnificent collection. The price is quite small when the richness and culture of having such a collection added to the Library of Congress is considered. This opportunity should be grasped at once, and I hope it will be. It is also to be hoped that Congress can be interested in affording a greater degree of generosity toward our marvelous Library in Washington. Its financial support is far below what it ought to receive. I have always felt that the Government ought to support our National Library instead of forcing it to seek the aid of philanthropists and generously minded citizens.

W. D. Vincent, president of the Old National Bank & Union Trust Co., Spokane, Wash.:

I hope, indeed, that there will be no difficulty in securing congressional appropriation for the purchase of this remarkable collection.

Prof. Frederick E. Bolton, School of Education, University of Washington:

I sincerely hope that you will be able to prevail upon Congress to acquire that valuable collection. You have done in the cause of scholarship a distinct service in your efforts to secure the collection.

L. M. Peairs, entomologist, West Virginia University, College of Agriculture, Morgantown, W. Va.:

I am sure that the cost of such a unique collection of books should not be considered, but that they should be secured at any price. No argument which I might advance to the purchase would add anything to the able discussion which constitutes your speech.

Charles McCamic, attorney at law, Wheeling, W. Va.:

Scholarship throughout the country will greatly profit if this collection is purchased. I hope the effort succeeds.

Warren Weaver, professor of mathematics, the University of Wisconsin, Madison:

May I express my gratification of the view which you took in this speech, and my entire agreement that it would be a disgrace if our Government can not support such cultural projects.

From Canada I received a letter from Louis Blake Duff, vice president of the Fidelity Trust Co., who writes as follows:

The argument is so strongly buttressed that the speech deserves to win. Doctor Winship sums the whole matter in his sentence: "The collection could not be duplicated now or at any time in the future for any amount of money." That is a moderate statement, as becomes Doctor Winship. For one who is market wise, you could have quoted no better authority than Doctor Ettinghausen.

Europe is topheavy with vellum Gutenbergs. The world would ride on a more even keel with one in the Louvre, one in the British Museum, and one in the Library of Congress.

Your speech was a noble effort for the Library of Congress, for the students of America, and for your country. Again I congratulate you and wish you every possible success.

I could go on quoting to you such expressions as these, perhaps, by the ream. However, I think I have already sufficiently demonstrated that there is a truly nation-wide interest in this proposal and that this interest is unanimously favorable to the acquisition of the Vollbehr collection. Were I to quote to you all the expressions that have come in, it would tire your patience, and I am afraid that I have done this already. Newspapers and magazines have carried numerous articles and editorials on this measure. Among them are the following:

Public Ledger (Philadelphia), Chicago Evening Post, Philadelphia Inquirer, Evening Star (Washington), Sunday Record (Columbia, S. C.), The Call (Paterson, N. J.), Library Journal (New York), Post Dispatch (St. Louis), Saturday Review of Literature, New York Times, Christian Science Monitor, Washington Herald, United States Daily, Washington Post, New York World, Houston (Tex.) Press, the Churchman (New York), Evening Transcript (Boston), Winston-Salem Journal (N. C.), Miami (Fla.) News, Minneapolis News, New York Tribune, Herald Examiner (Chicago), Hartford (Conn.) Courant, Evening German Herald, Brooklyn Eagle, Publishers' Weekly (New York), New York Herald, Printing (New York), Kansas City Press, and others.

Later on I shall call the attention of the Congress to some of these fine editorials. Time forbids my doing so now. I direct the attention of the committee, however, to the fact that every paper that has commented on the bill favors the purchase of the collection for the Library.

The quoted excerpts indicate a widespread interest in the acquisition of the collection for our Library. The letters do not come from one class of citizens but from all classes in all sections of the country. They show that these books are not museum pieces, that they are essential if our Library is to be provided with the material needed by historians and scholars and are indispensable if American scholarship is to keep pace with the scholarship of other peoples. These books are a link in the chain of our civilization. Without them our literary heritage would be incomplete. Joy, knowledge, inspiration, and value are here, and I can conceive of no greater injustice to American culture than our failure to seize this opportunity.

I hope that the Congress in its wisdom will see fit to give this bill favorable consideration.

PERMISSION TO ADDRESS THE HOUSE

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to address the House for five minutes. Is there objection?

Mr. FRENCH. Mr. Speaker, reserving the right to object, I think the House feels we ought to go ahead with the naval appropriation bill, so I make the statement now, in order that it may not be personal, that I shall object to any further remarks following the remarks of the gentleman from Wisconsin.

Mr. BRITTEN. Mr. Speaker, before the gentleman makes the statement that he is going to object to any further remarks, I would like to ask unanimous consent to address the House for one minute following the gentleman from Wisconsin.

The SPEAKER. Is there objection?

Mr. AYRES. Mr. Speaker, I object. I think this wet and dry discussion has gone far enough to-day, and for that reason I object to any further speeches being made. I object to the request of the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. LaGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. Was not the request of the gentleman from Wisconsin put to the House and granted?

The SPEAKER. No; the gentleman from Kansas objected.

Mr. LAGUARDIA. I thought it was already granted, although I may be in error.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. FRENCH. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 44]

Abernethy	DeRouen	Kunz	Shreve
Allgood	Dickinson	Kurtz	Sirovich
Arentz	Dickstein	Langley	Somers, N. Y.
Auf der Heide	Dominick	Leech	Spearing
Baird	Doughton	Lindsay	Stafford
Beck	Doutrich	McFadden	Stedman
Bell	Doyle	Magrady	Stevenson
Black	Drane	Mead	Strong, Pa.
Bloom	Estep	Milligan	Sullivan, N. Y.
Brand, Ohio	Fort	Mooney	Sullivan, Pa.
Brigham	Garber, Va.	Mouser	Swick
Brumm	Gifford	Nelson, Me.	Taylor, Colo.
Brunner	Goldsborough	O'Connell	Turpin
Burdick	Graham	O'Connor, N. Y.	Underhill
Busby	Hartley	Parker	Underwood
Canfield	Hess	Parks	Vincent, Mich.
Carley	Hoffman	Patterson	Walker
Celler	Hudspeth	Peavey	Welsh, Pa.
Chase	Hull, Tenn.	Perkins	White
Chindblom	Igoe	Porter	Wigglesworth
Clark, N. C.	James	Quayle	Wolfenden
Clarke, N. Y.	Jenkins	Rayburn	Wood
Connolly	Johnson, Ill.	Sabath	Wyant
Cooper, Ohio	Kennedy	Seger	Yon
Curry	Kerr	Selberling	Zihlman
De Priest	Kiess	Short	

The SPEAKER. Three hundred and twenty-four gentlemen present, a quorum.

On motion of Mr. TILSON, further proceedings under the call were dispensed with.

NAVY DEPARTMENT APPROPRIATIONS

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12236) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1931, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12236, the Navy Department appropriation bill, with Mr. HOCH in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

Naval air station, Pensacola, Fla.: Improvement of landplane training field, $139,000; improvement of power plant, $162,000; improvement of water system, $25,000; in all, $326,000.

Mr. VINSON of Georgia. Mr. Chairman, I move to strike out the last word to obtain some information from the Chairman with reference to the item, "improvement of water system, $25,000," at the Pensacola, Fla., air station.

Mr. FRENCH. Mr. Chairman, I beg to say that when the estimates originally came to the committee it was thought it would be necessary under this item to acquire a little land adjacent to the land that is owned at this time by the Navy Department. As we took the question up further, after the bill had been reported, we were advised that it is not necessary, and in fact it is not the plan of the Navy Department, to purchase additional land, but that it can put through the water system upon land that is now owned by the Navy Department.

I understand the gentleman was disturbed in the matter of whether or not we had authority to purchase the land in the absence of a special authorization for that purpose. It is the judgment of the committee that we would have that authority, if it were necessary, for the reason that under the rulings of the House we may include money without special authority for purchase of land that is adjacent to land already owned. However, I may say I have in mind offering an amendment that will provide that this money is to be used for purposes exclusive of the purchase of land.

I have in my hand a letter from the chief of the Bureau of Yards and Docks, Admiral A. L. Parsons, in which he indicates that it will not be necessary to purchase any additional land. Unless the gentleman from Georgia desires it, I shall not bother to read the letter and shall offer the amendment.

Mr. VINSON of Georgia. Will the gentleman state to the committee that it is not the intention that any of this $25,000 will be used for acquiring adjacent lands at the Pensacola air station?

Mr. FRENCH. That is the intention of the committee, and further than that, in order that there may be no possibility of misunderstanding, I am going to offer an amendment at this time providing that the money shall be for use in developing the water system exclusive of the purchase of land.

Mr. VINSON of Georgia. Following that, would it not be necessary to reduce the amount?

Mr. FRENCH. I think not. The amount that had been included for the purchase of land was a very inconsequential part of the total.

The pro forma amendment was withdrawn.

The CHAIRMAN. The gentleman from Idaho offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FRENCH, for the committee: Page 36, line 20, insert after the word "system" a comma and the words "exclusive of the purchase of land."

The amendment was agreed to.

The Clerk read as follows:

Naval air station, Pearl Harbor, Hawaii: Hangar, $224,000; reserve hangar for plane assembly, $216,000; extension of seaplane beach and runway, $80,000; in all, $520,000.

Mr. FRENCH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 37, after line 8, insert a new paragraph, as follows:

"Toward the construction of certain public works and the purchase of lands, as authorized by the act entitled 'An act to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes,' approved May 14, 1930, $3,194,000, of which amount $150,000 shall be available for the employment of classified personal services in the Bureau of Yards and Docks and in the field to be engaged upon such work and to be in addition to employees otherwise provided for; and the Secretary of the Navy is authorized to enter into contract or contracts toward such construction at a cost in the aggregate not to exceed $6,089,000: *Provided*, That no expenditure shall be made for the purchase or condemnation of land and dredging at the navy yard, Norfolk, Va., as contemplated by said act."

Mr. FRENCH. Mr. Chairman, a few days ago Congress passed a bill authorizing rather a large number of projects involving shore stations under the Navy Department. The amount of the authorization is $10,057,500. The bill was approved by the President day before yesterday.

Estimates have been submitted to the Congress by the President under this general authorization that call for building and shore-station improvements to the extent of $6,089,000, of which it is provided that $3,194,000 shall be cared for by money appropriations and the balance by contract authorization.

Your committee has gone over the question with some care, with the Chief of Bureau of Yards and Docks and his assistants, and have had exhibited to us a tentative list of projects it is proposed to carry forward with the money and contract authorization suggested in the Budget estimates.

It is the thought of the committee, after examining the estimates for the different projects, that they are among the most important included in the bill that was approved day before yesterday, and while it is not possible to say in all instances that the items indicated will be the exact items that will be cared for, we have no doubt that in the main they will be; but there are several alternative items that your committee feel ought to stand as deserving of any application of money that could be applied to them if something should develop that would prevent the carrying forward of any particular project included in the preferred list making up the sum total.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. FRENCH. I yield.

Mr. VINSON of Georgia. What does the gentleman mean by "exact items" that the Bureau of Yards and Docks might substitute?

Mr. FRENCH. I have in my hand a copy of the bill as it was passed. I understand the printed law is not yet available, but this seems to be the form in which it was passed through the House. The measure recites categorically the items for which authorization is made. We have gone through the entire list and have checked the ones it will be possible to enter upon or carry forward with the moneys provided for by direct appropriation and direct authorization. That does not include all of the items in the bill; there will be some to be cared for in the next appropriation bill. On the other hand, there are some items that seem to be of such importance that work should begin in a short time. But it might develop through some situation

of which we are not now advised that some project or building could not be carried forward. Instead of holding the money allocated to such item in cold storage, as you might say, for another year, it is the thought of the department that some of the other items carried in the bill could be substituted for the items that are estimated for as deserving of first consideration.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. COCHRAN of Missouri. In the last few days several people have visited my office who have received word that they are going to be separated from their positions at the Washington Navy Yard to-morrow. One of them was a man who has served 29 years and has but 1 year more to go before he is eligible for retirement. Does the Washington Navy Yard in any way benefit by this appropriation?

Mr. FRENCH. The Washington Navy Yard is not involved in either the amendment that I offer or in the authorization program that was approved by Congress a few days ago.

Mr. COCHRAN of Missouri. Then there is no encouragement for employees of the Washington Navy Yard?

Mr. FRENCH. Under that act there is nothing. More than that, I would say that the employees to whom my colleague refers are shop mechanics, and they are not included in the building group of employees at all.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. VINSON of Georgia. I understand that the Appropriations Committee and the Bureau of Yards and Docks have allocated this lump-sum appropriation to the most important and urgent necessities that are included in the shore construction bill.

Mr. FRENCH. In a general way that statement is correct, with this modification, that some of the most important items are items as to which studies which will take months, or possibly a year, to conclude, must be made before the department could proceed, even if we made the money available at this time.

Mr. VINSON of Georgia. I think the course adopted by the committee is a wise course. I could not very well understand the amendment from the reading of it. Was there a limit on the item with reference to the Norfolk provision in this bill?

Mr. FRENCH. Yes. The reason for that limitation is because the work for which the money was authorized has already been accomplished by private parties. The item to which reference is made is this item:

> Navy yard, Norfolk, Va.: Purchase or condemnation of land, dredging, $65,000.

That work has already been cared for, and, therefore, will not need to be undertaken by the Government.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BRITTEN. The amendment presented by the gentleman would indicate that a lump sum was being set aside as an appropriation direct, and another lump sum is being set aside for authorization by contract. It develops that while those amounts are lump sums they refer to specific improvements necessary under the $10,000,000 authorization act, and when those are selected as a preferred class out of the so-called shore construction bill, they will total an amount that is equal to the evident lump sum expressed in the gentleman's amendment.

Mr. FRENCH. That in the main is correct. In fact, we carry $6,000,000 plus for work of which a little more than $3,000,000 is in cash and the balance contract authorization.

Mr. BRITTEN. That is true, but all of it has already been selected out of the authorization bill.

Mr. FRENCH. Yes.

Mr. BRITTEN. In order to make up that amount.

Mr. FRENCH. As a part of the $10,000,000 plus program.

Mr. BRITTEN. Has the Committee on Appropriations given to the Navy Department the specific items which it desires without variation?

Mr. FRENCH. We have given the money for the items in a general way that were presented to us from the Budget Bureau. I understand that the Navy Department would have included a few other items that were not approved by the Budget Bureau, but which possibly can be reached anyway, because of lapses in money that will be appropriated, if my amendment shall be agreed to, for projects on the first priority list and thus be available for projects of next importance and which have been authorized.

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BRITTEN. Is there any confusion or difference of opinion between the Navy Department and the gentleman's committee?

Mr. FRENCH. Not the slightest.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. VINSON of Georgia. In reading the amendment I gather that $150,000 will be used for employing additional employees in the Bureau of Yards and Docks.

Mr. FRENCH. And in the field.

Mr. VINSON of Georgia. Is there any provision in the bill requiring that the employees shall be restricted to civil-service employees?

Mr. FRENCH. That will be under the general law. We do not need to include such limitation in the bill.

Mr. VINSON of Georgia. What is the type of additional employees that the Bureau of Yards and Docks is required to have?

Mr. FRENCH. Generally speaking, they would be draftsmen and technical engineers, in connection with the preparation of plans and specifications, in working out the details of plans and contracts.

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. LANKFORD of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman may have one minute more.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. LANKFORD of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. I shall be glad to yield.

Mr. LANKFORD of Virginia. I wish to inquire concerning the project at Norfolk. Could the gentleman tell me how much space there is now in front of the dry dock there? I understand the authorization was to have it 1,000 feet in length, to adapt it for vessels of less than 1,200 feet in length, so that they may come in and make use of that dry dock.

Mr. FRENCH. I have no particular information concerning that situation, as the work in contemplation when this item was framed has been completed.

Mr. BRITTEN. I may say that it has been taken over by the owner of the property alongside the slip or dry dock, and the work contemplated by the department is now rendered unnecessary.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Virginia moves to strike out the last word. The gentleman from Virginia is recognized for five minutes.

Mr. MOORE of Virginia. Mr. Chairman, without making any criticism of what the gentleman is proposing, I wish to call to his attention the fact that with the amendment the total appropriation for the next fiscal year will exceed the appropriation for the present fiscal year by about $18,000,000. Is that correct?

Mr. FRENCH. Approximately correct.

Mr. MOORE of Virginia. If that is correct, I think it may be a great disappointment to the President. I remember the President said on the 23d of July that—

> The Army and Navy budget must be reduced in view of the new situation created by the Kellogg pact and in view of the further fact that our war budget now exceeds that of any other nation.

Of course the gentleman's committee is not responsible, but the responsibility rests somewhere. Certainly the hope of the President will not be fulfilled by what is done this year in appropriating for Army and Navy expenditures.

Mr. FRENCH. In reply to the suggestion of the gentleman from Virginia, I think the President's hope is exactly in line with the hope of the members of our subcommittee. We are trying to think of the Navy from the standpoint of a number of years, not from the standpoint of any particular year.

The main reason why the items in the present bill will total more than those of the present year is that we are approaching the second year on the new cruisers, of which seven will be under construction in the approaching year. We are carrying for cruisers approximately $35,000,000 in the present bill.

Mr. MOORE of Virginia. The President was emphatic in stating that we must reduce the Army and Navy budget in view of the Kellogg pact, particularly, and in view of the fact that we are expending more for such purposes than any other nation.

Mr. FRENCH. We have not exceeded the Budget in a general way, but on the other hand we have fallen below the Budget figures to the extent of $1,700,000 or more.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that the gentleman from Virginia may have one minute more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BRITTEN. It will be recalled also in connection with the statement of the gentleman from Virginia that the President said that our Navy should be second to none on the high seas.

Mr. DUNBAR. Mr. Chairman, with the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. DUNBAR. Will it not take us five years to catch up with Great Britain? Is that true?

Mr. FRENCH. The gentleman's question would open up a wide field of discussion, and such a discussion would have to be premised upon the treaty being ratified that was drafted by the London Naval Conference.

Mr. DUNBAR. If it is ratified, will it not take us five years to catch up with Great Britain?

Mr. FRENCH. As I indicated in my general statement touching the naval appropriation bill on Friday a week ago, in some categories we would need to build up in order to attain what we might be permitted to attain under the treaty. We would need to scrap in others. Great Britain would need to scrap in some lines in order to come down to the number which she would be permitted to have, and she, too, would need to expand in other categories.

Mr. DUNBAR. I mean total tonnage.

Mr. FRENCH. We will have less total tonnage under the treaty. We shall need to scrap certain destroyer and submarine tonnage and expand in cruiser tonnage. The question can not be answered adequately except at some length.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DUNBAR. We shall have three less battleships under the London treaty, shall we not?

Mr. FRENCH. Should the treaty be approved, as I trust it may be, we shall have three less battleships and Great Britain will have five less and Japan one less.

Mr. DUNBAR. And we will have to make additional tonnage to make up for the loss of those battleships?

Mr. FRENCH. No; not necessarily. I indicated the other day that, in my judgment, it will be for the United States to determine her tonnage upon the basis of the national needs under all the circumstances. Other nations may not build up to the maximum of their tonnage.

Mr. BRITTEN. They are already built up to it.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. FRENCH. I yield.

Mr. JOHNSON of Oklahoma. I was interested in the gentleman's statement that under the treaty there would be a number of ships scrapped. Did the gentleman state in his remarks just how many ships the United States would be compelled to scrap, under the treaty?

Mr. FRENCH. I indicated in my general statement last week, type by type, the difference in tonnage as it is to-day, and as it will be possible to maintain under the treaty in the event of its ratification.

Mr. JOHNSON of Oklahoma. The gentleman remembers that after the Washington conference the United States did scrap several of her battleships, a number of which were very good battleships, and the gentleman also remembers that Great Britain refused to scrap her battleships. Does the gentleman contemplate that that very thing may happen in this instance?

Mr. FRENCH. The gentleman from Oklahoma [Mr. JOHNSON] must recognize that not only the United States but Great Britain scrapped battleships. Great Britain scrapped quite a number of new battleships or battleships that were under construction. The United States, however, scrapped more tonnage that was new or under construction.

The CHAIRMAN. The time of the gentleman from Idaho [Mr. FRENCH] has again expired.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to proceed for one more minute.

The CHAIRMAN. Without objection, the gentleman from Idaho [Mr. FRENCH] is recognized for one additional minute.

There was no objection.

Mr. FRENCH. More than that, the tonnage that was finally agreed upon in battleships as to Great Britain and the United States was a tonnage that was supposed to be fair touching both nations, giving Great Britain certain battleships and cruisers, with the privilege of finishing some that were under construction and upon the completion of which she would withdraw certain ships that were in her establishment when the treaty was negotiated, giving to the United States the privilege of completing two battleships and withdrawing four. While there was not an exact balance, measured by tonnage, it was the belief at the time that the two battle fleets were substantially equal.

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. LANKFORD of Virginia. Mr. Chairman, I rise in opposition to the amendment.

I do not oppose the amendment, but I take this opportunity to bring to the attention of the committee something which I hope it will be possible to correct. The committee has gone over this entire schedule, and in the entire United States and all possessions it has cut out one item—that of Norfolk.

I asked the gentleman the express question if he knew the width of the harbor in front of this great dry dock, the greatest dry dock in the United States, a dry dock 1,000 feet long. There are only two of this size in this country—one in Boston and one in Norfolk.

I have been in close touch with the United States Lines for the purpose of docking in this Norfolk dock the largest vessels afloat, such as the *Leviathan* and two more which are being laid down, a little longer than the *Leviathan*. It does seem to me that this great dock in an emergency should be used. The president of the United States Lines told me some months ago that when his fleet was enlarged he would have to do his work in a foreign port unless we could develop Norfolk Harbor so that we could dock the *Leviathan* and ships like that.

This is only an item of $65,000. It is small. We should have fourteen or fifteen or sixteen hundred feet as a turning basin in front of that dry dock. Why not leave this item in the bill until the committee can look into the situation farther? Let us see if more information would not develop the fact that this is very necessary. I hope the committee will do this until the matter can be looked into farther, because there is certainly something in what I am telling you. This dock will be needed when these ships are completed.

Mr. BRITTEN. Will the gentleman yield?

Mr. LANKFORD of Virginia. I yield.

Mr. BRITTEN. I appreciate very, very fully what the gentleman is talking about and am in complete accord with his desires for an extra docking place for such ships as the *Leviathan* and those which may be built in the future.

When I heard that $3,000,000 had been requested by the President, with the limitation therein, I immediately inquired as to why the item of which the gentleman from Virginia [Mr. LANKFORD] speaks was taken from the bill, and I learned positively—that is, as positively as can be learned from the Bureau of Yards and Docks—that what the gentleman desires and what the Committee on Naval Affairs desires has been done by private interests who own property on the south side of the slip at the Norfolk yards.

Those private interests have developed their own property to such an extent that it will not be necessary for the Government to spend one dollar in doing the thing which the Government desires to accomplish, and that which the gentleman from Virginia is speaking about. I think if the gentleman from Virginia [Mr. LANKFORD] will investigate he will find that the removal of a great deal of private land has been done by private interests.

Mr. LANKFORD of Virginia. That may have been done, but I will not have time now to investigate before the passage of this bill.

Mr. BRITTEN. It was done upon the request of the President himself.

Mr. HUDSON. Will the gentleman yield?

Mr. LANKFORD of Virginia. I yield.

Mr. HUDSON. The matter of authorization was brought before the Committee on Rivers and Harbors, and the record before that committee is as the gentleman from Illinois [Mr. BRITTEN] has just stated.

Mr. LANKFORD of Virginia. Does the gentleman from Michigan [Mr. HUDSON] know how much space there is now in front of this dock after the present improvement?

Mr. HUDSON. I could not tell that, but the very item of which the gentleman from Virginia [Mr. LANKFORD] is speaking is shown to have been done by private interests.

Mr. FRENCH. Will the gentleman yield?

Mr. LANKFORD of Virginia. I yield.

Mr. FRENCH. In further reply to the gentleman from Virginia [Mr. LANKFORD], the very piece of work for which this particular authorization was carried into the law has been done. Therefore, whether we leave the money in the bill or not, it would not be used. The department has no authority and no right to use money that may be appropriated for a particular object for some other purpose if it finds that the particular project for which the money was appropriated has already been completed. Therefore it would not serve the purpose of the gentleman from Virginia at all to leave the money in the bill. More than that, if the question to which the gentleman from Virginia [Mr. LANKFORD] refers is one that requires further authorization, then it is a problem that will have to be taken up with the naval legislative committee and with regard to which the Appropriations Committee does not have authority.

The pro forma amendment was withdrawn.

The Clerk read as follows:

BUREAU OF AERONAUTICS

AVIATION, NAVY

For aviation, as follows: For navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1930, $1,129,200; for maintenance, repair, and operation of aircraft factory, air stations, fleet, and all other aviation activities, testing laboratories, for overhauling of planes, and for the purchase for aviation purposes only of special clothing, wearing apparel, and special equipment, $13,235,700, including $428,000 for the equipment of vessels with catapults and including not to exceed $166,000, to be transferred in advance to the Bureau of Mines, for the procurement of helium; for continuing experiments and development work on all types of aircraft, including the payment of part-time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicians as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding $20 per diem for any person so employed, $2,000,000; for drafting, clerical, inspection, and messenger service, $834,511; for new construction and procurement of aircraft and equipment, including not to exceed $707,700 for the Naval Reserve, $13,033,800, of which amount not to exceed $10,000,000 shall be available for the payment of obligations incurred under the contract authorization for these purposes carried in the Navy appropriation act for the fiscal year 1930, approved March 2, 1929 (45 Stat. 1465); toward the construction of the rigid airships as provided in the act authorizing construction of aircraft, etc., approved June 24, 1926 (U. S. C., Supp. III, title 34, sec. 749a), and subject to the contractual conditions stipulated as to such rigid airships in the act making appropriations for the Navy Department and the naval service for the fiscal year 1929, $1,800,000; in all, $32,033,211; and the money herein specifically appropriated for "Aviation" shall be disbursed and accounted for in accordance with existing law and shall constitute one fund: *Provided*, That in addition to the amount herein appropriated and specified for expenditure for new construction and procurement of aircraft and equipment, the Secretary of the Navy may, prior to July 1, 1932, enter into contracts for the production and purchase of new airplanes and their equipment, spare parts, and accessories, to an amount not in excess of $10,000,000: *Provided further*, That no part of this appropriation shall be expended for maintenance of more than six heavier-than-air stations on the coasts of the continental United States: *Provided further*, That no part of this appropriation shall be used for the construction of a factory for the manufacture of airplanes: *Provided further*, That the Secretary of the Navy is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to private property growing out of the operations of naval aircraft, where such claim does not exceed the sum of $500.

Mr. VINSON of Georgia. Mr. Chairman, I move to strike out the last word for the purpose of obtaining some information from the gentleman from Idaho. The gentleman was making a statement a moment ago with reference to scrapping naval vessels. It occurs to me that this is probably the proper place in the bill to discuss the scrapping of a dirigible that was authorized by Congress by the act of 1926. My recollection is that under the act of 1926, authorizing the construction of two lighter-than-air ships, known as dirigibles, the Secretary is permitted by the language that was put in the appropriation bill last year to cancel the contract with reference to the construction of the second one. It occurs to me that in view of the uncertainty of the military value of a dirigible that it might be wise for the Congress to merely authorize the completion of the one that is in the process of being built and for which appropriation has been made and to withhold the appropriation for the second one and instruct the Secretary to cancel the contract for it.

Let me say to the gentleman from Idaho that there is grave doubt in the minds of some of the military experts testifying before the House Naval Affairs Committee as to the military value of these large 6,000,000 cubic feet lighter-than-air ships. As the Secretary under the law is vested with the power to cancel the contract and the damages for cancelling the contract having been fixed by a previous act of Congress in the event he does cancel the contract, it occurs to me it might be in the interest of economy if the Congress would go on record as instructing the Secretary, in view of the uncertainty of the military value of the one that is already being built, to cancel the contract for the other one.

Here is the situation: If we build two it becomes necessary to build a hangar, which is estimated to cost in the neighborhood of $5,000,000. To finish the second one it would cost approximately $3,000,000, so that $8,000,000 would be involved. There is a great deal of uncertainty and doubt in my mind and in the minds of the General Board, as the military value has not been definitely determined nor has their mission in time of war been clearly defined, as to their effectiveness from a military standpoint. So I rise for the purpose of asking the gentleman from Idaho what his viewpoint is in regard to putting language in this bill directing the Secretary to cancel the contract that he has now entered into with reference to the construction of the second dirigible.

Mr. FRENCH. In reply to the gentleman I would say that the language which the committee has recommended be included in the bill is as follows:

And subject to the contractual conditions stipulated as to such rigid airships in the act making appropriations for the Navy Department and the Naval Service for the fiscal year 1929, $1,800,000.

In other words, the language we have used harks back to the language used in the law under which the contract was made.

Mr. OLIVER of Alabama. Not the language under which the contract was made, but rather the language that the Appropriations Committee inserted in connection with the appropriation that was made.

Mr. FRENCH. Well, that is true and under which, as I understand, the contract itself was made, not under the language of the authorization law, but under the appropriation act.

Members of the House probably should be reminded that the authorization for the dirigible was made in the act of Congress of June 24, 1926. At that time the Congress authorized the construction of two lighter-than-air craft, at a total cost of not to exceed $8,000,000.

When the Committee on Appropriations undertook to provide language for carrying out the authorization it seemed to the members of the committee that we should undertake the construction of one lighter-than-air craft instead of two. I think the gentleman from Georgia will recall that the committee so reported the bill. However, when the House considered it a motion was made that we proceed with the construction of two lighter-than-air craft instead of one. Your committee resisted that motion in part upon the very ground that the gentleman now draws attention to, namely, the lack of conviction that the ships were of great military value to our country. However, the Members of the House will recall that the Congress two years ago overrode the thought of the committee at the time and carried money into the bill providing for two lighter-than-air ships instead of one. Your committee then endeavored to protect the Government's rights in the matter, and in the appropriation act of May 21, 1928, this language was carried:

Provided, That the contract for such rigid airships shall (a) reserve to the Government the right of cancellation of the construction of the second airship if changed circumstances, in the judgment of the Secretary of the Navy, shall suggest that course as being in the best interests of the Government, such right of cancellation to continue until the

first airship shall have been tested in flight and accepted, and (b) provide that in the event of such cancellation, the total cost of the first airship, and all payments under, and expenses incident to the cancellation of, the contract for the second airship, shall not exceed $5,500,000.

Contracts have been made for both of these ships. The amount of the contract for the first ship is $5,375,000 and for the second ship $2,450,000, a saving of some $175,000 on both ships under the amount of the authorization.

In writing the contract for the second ship the Navy Department inserted this language, which is found in article 39:

ART. 39. This contract shall be subject to cancellation by the department without liability, upon written notice to the contractor at any time before the airship Z-R-S 4 (the first ship), to be constructed under contract entered into of even date herewith, shall be tested in flight and preliminarily accepted.

So then the Secretary of the Navy has the authority to cancel the contract. We have carried the language to which I referred at the opening of my remarks in the bill we have reported, reciting again that the appropriation we are making is upon the basis of the contract and subject to the contractual conditions stipulated as to such rigid airships in the act making appropriations for the Navy Department and the naval service for the fiscal year 1929.

It seems to the members of the committee that the authority is with the Secretary of the Navy and we have not attempted to disturb that authority.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. FRENCH. I shall be pleased to yield.

Mr. VINSON of Georgia. I think the committee and the Congress did a very wise thing a few years ago when it incorporated the provision which the gentleman has just read with reference to cancellation of the contract, because there is grave doubt in my mind, and there is doubt and uncertainty in the mind of the general board, as to the military value of this type of airship.

Now, as the Secretary of the Navy is the agent of Congress, probably there might be some hesitancy on the part of the Secretary about expressing an opinion, so it occurs to me that the proper thing to do is to have an expression of opinion from the Congress, and if the Congress in its judgment thinks it is doubtful as to whether we should proceed with the other ship now, then, of course, under the language just referred to, the Secretary, after such an expression from Congress, would probably cancel the contract.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. VINSON of Georgia. Mr. Chairman, I ask unanimous consent for recognition for five minutes.

The CHAIRMAN. Without objection, the gentleman from Georgia is recognized for five minutes.

There was no objection.

Mr. VINSON of Georgia. So I was hopeful that the committee would take this action, in the interest of economy, and inasmuch as there is grave doubt in the minds of military men as to the necessity of these ships, especially in view of the fact that the first one has not had any military use, would hesitate about building the second ship.

I think the Committee on Appropriations is to be commended for putting language into the bill which permits the Secretary to do the identical thing that I am now proposing, and I commend the committee for its action, but I have some doubt in my own mind as to whether the Secretary will take the initiative unless Congress encourages him to do so.

I am satisfied from the hearings that are now in progress before the Committee on Naval Affairs that if the General Board would make the same kind of statements as to the uncertainty of these ships to the Secretary, the Secretary himself would probably move to cancel these contracts, but the board may not do this, and as the Congress knows and as the gentleman knows, there is grave doubt as to their military value, and therefore, in the interest of economy, it is incumbent upon us, as I view it, to take the initiative and to suggest in some kind of language to the Secretary that it might be in the interest of economy to cancel this contract.

The damages, in the event the contract is canceled, are already fixed by law and there would be no doubt as to how much the Goodyear Co. would receive. It is a certain, definite fact as to how much we would have to pay.

Then let the military men prove that the first one that is authorized is satisfactory and worth while and then we could make another contract with the Goodyear Co. for the construction of another one.

I remember quite well that the gentleman from Idaho [Mr. FRENCH] took this position when the bill authorizing this was before the House, but we who were on the committee, including myself, were imbued with the idea they were of some great military value. Since then new light has been shed on the question. I regret I did not have the same viewpoint as the gentleman from Idaho when the matter was before the House when we were authorizing these ships.

I hope the committee now will see fit to adopt the views expressed by the gentleman from Idaho when we were authorizing the two ships, and instruct the Secretary, in the interest of economy, to save this $8,000,000 by not building the second one.

If the Secretary waits much longer it would not be fair to the Goodyear people. Now is the time for the Secretary to act. If he waits until the second contract is put into effect it will work a hardship on the company.

Mr. FRENCH. May I make just this observation? I am very much interested in the attitude of the gentleman from Georgia to-day, because only two days ago, in a speech on this floor, the gentleman indicated that the Committee on Appropriations ought to regard the laws as mandates to put items into appropriation bills. The gentleman now seems to think we ought to exercise some discretion. [Applause.]

Mr. VINSON of Georgia. That was a principle and this is economy. [Laughter.]

Mr. BRITTEN. Mr. Chairman, I move to strike out the last two words and I do so for the purpose of clearing the atmosphere, at least with respect to the gentleman's idea that the dirigible has proven a military failure. This is not so at all.

To suggest that the Secretary of the Navy to-day be directed to cancel a contract at once when he has authority in the contract with the Goodyear Co. to cancel the contract at any time within the next two years, I would say would be very, very poor business.

Mr. TABER. Will the gentleman yield to me a moment?

Mr. BRITTEN. Yes.

Mr. TABER. It is my understanding that under the contract that has been entered into, the first Zeppelin is supposed to be ready for delivery about the 1st of July, 1931, and at that time is to be tested in flight, and after the testing in flight and before the acceptance, the cancellation of the second dirigible must come if it is to come at all.

Mr. BRITTEN. That is entirely correct, the Secretary has the right to cancel that contract to-day, or a year from to-day or a year and a half from to-day. Why direct him to do so when the military value of the airship has not been tested?

Mr. HUDSON. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. HUDSON. Do I understand that there is a difference of opinion between the two admirals of the committee?

Mr. BRITTEN. I will say to the gentleman that there appears to be a difference between the two gentlemen, members of the committee.

Mr. HUDSON. In such a case, which admiral's advice should the committee take?

Mr. BRITTEN. I am willing to live up to the contract that the department has signed under authority given by Congress, in the way in which the gentleman from Georgia desires. He desired to be protected against the purchase of the second zeppelin. That is all right and logical. It is in the original legislation, appropriating for the two zeppelins. It is in the contract. Why direct the Secretary of the Navy to do something that he has a year and half in which to do it. On the other hand, you have observed the figures read by the distinguished gentleman from Idaho that we paid $5,300,000 for the first, and $2,200,000 for the second—a difference of $3,000,000. I am sure the gentleman from Georgia will not press his desire for direction to the Secretary of the Navy, because the hearings before the Committee on Naval Affairs have not progressed to that point which shows the military value of the zeppelin.

Mr. HUDSON. Will the admiral from Illinois yield?

Mr. BRITTEN. I will yield to the small-navy man, who has been a small-navy man ever since he came to Congress.

Mr. HUDSON. I am for an adequate navy——

Mr. BRITTEN. The gentleman has always been a small-navy man, and will always be a small-navy man as long as he lives.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. OLIVER of Alabama. Mr. Chairman, the debate for the last 10 minutes has been very pleasing to the Subcommittee on Appropriations, for the reason that the "two admirals," one from Georgia and one from Illinois, to whom the gentleman from Michigan [Mr. HUDSON] referred, have each striven to outdo the other in commending the action of our committee in reserving to the Government the right to cancel the contract for the second dirigible until after the completion of the first ship and a satisfactory test in flight was had. The gentleman from Georgia, regretting some remarks which he made a few days ago, now makes honorable amends by extending warm congratulations to the Subcommittee on Appropriations for its refusal to follow the authorization act in providing funds for the construction of the two lighter-than-air ships. He very strongly commends the subcommittee for the wisdom shown in reserving the right to cancel the contract for the second ship on terms so advantageous to the Government. Both the gentleman from Georgia and the gentleman from Illinois have graciously referred to the wise discretion shown by the subcommittee in caring for the Government's interests under the very general authorization by the Committee on Naval Affairs, and where the interests of the Government were not carefully safeguarded. In other words, both gentlemen are frank to now say that the Committee on Appropriations have shown that they are not and should never be considered a mere adding machine. [Laughter.]

It is interesting also to note that the only difference between the gentleman from Georgia and the gentleman from Illinois is that the gentleman from Georgia desires to especially commend the committee for having wisely exercised its discretion as to the manner in which the appropriation was first carried, and the gentleman from Illinois so desires to stress the importance of the language used in connection with the appropriation that he declares: "So wisely have they used language in reference to this appropriation that we need not act on the suggestion of the gentleman from Georgia now in order to effect the large savings he called attention to, but we can take action thereon two years from now and thus avail ourselves of the same savings." [Laughter.]

So, you can see how they have striven, one to outdo the other in praising the subcommittee on appropriations for the wise exercise of discretion in the carrying out of an authorization carelessly made by their own committee as to the building of these two ships. [Applause.]

I deeply appreciate that these gentlemen, with their usual frankness and candor, have graciously made this statement to the House, because it serves a double purpose. First, it sets them right in their own consciences as to statements that they recently made and now in effect withdraw. Then again it serves notice, and in a very timely way, on the Goodyear Co., who have the contract for building these ships, that they should go rather slow in spending any money on the second ship, because, while we are perfectly willing that they shall have the $5,500,000 fixed as the amount to be paid them for the completion of the first ship, and as liquidated damages for the cancellation of the contract for the second ship, yet the Government will probably not want the second ship. Since the right to cancel is reserved by wording, both in the appropriation and in the contract, I think the gentleman from Illinois [Mr. BRITTEN], sound business man that he is, is quite right in stating that there is no need for haste in the assertion of the right to cancel the contract for the second ship and we might safely wait until December, at least. [Laughter.]

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I move to strike out the last word in order to ask a question of the chairman of the subcommittee. If my memory serves me right, at the same time that we had this subject up for consideration there was pending a proposition to construct an all-metal type of airship. That ship, if I am advised correctly, has been completed. I am just wondering if the chairman of the subcommittee can give to the Members of the House any information as to whether or not the tests have met the requirements of the Navy, and if this new type of ship has any superior or inferior qualities in comparison with the *Los Angeles*.

Mr. FRENCH. Mr. Chairman, the tests have been made, and very valuable lessons are being drawn from the metal ship that was completed last summer. The ship is now at Lakehurst. It has flown several thousand miles. It visited Washington last fall and returned. As the gentleman recalls, the ship is very limited in size in comparison with the *Los Angeles*, and of course is a very small ship in comparison with the 5,000,000 cubic feet ships that are under construction. I have no hesitancy in saying that I think very valuable lessons are being derived from the metal ship, and from the tests that are being made.

Mr. McCLINTIC of Oklahoma. I am very glad to have that statement go into the RECORD at this point for this reason: When the bill was under consideration before the Naval Committee to construct these two ships I called attention to the fact that we were constructing a ship of an entirely different type, and that probably we would have some new lessons brought to our attention that would be valuable, and suggested that we construct only one large dirigible. If my memory serves me correctly, I think I offered an amendment to that effect. In other words, I was in accord with the action taken by the Appropriations Committee.

Mr. FRENCH. And may I say that that was my own thought, that we ought to wait before obligating ourselves to construct two of those ships, so that we could see whether or not a lighter-than-air metal type ship would be successful.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman from Oklahoma yield to me for a moment?

Mr. McCLINTIC of Oklahoma. Yes.

Mr. VINSON of Georgia. In view of the statement made by the gentleman from Alabama [Mr. OLIVER], let me suggest to my colleague from Illinois [Mr. BRITTEN] that divided we fall and united we stand. [Laughter.]

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I am very glad to know that there are not three sides to any question. If there were, I am satisfied that some of us would be on all three, but as there are only two sides, we have to abide by the decision of the majority.

Mr. OLIVER of Alabama. The gentleman will be interested to know of a further saving made in line with a suggestion of the gentleman made some time ago that additional hangars would not be necessary to be provided for this metal ship after the completion of the large dirigible. The committee refused its approval of a Budget estimate of $75,000 to tear down and build a new hangar at Lakehurst. We followed the suggestion the gentleman made, that the hangar provided at another place could be used for that purpose.

Mr. McCLINTIC of Oklahoma. I am very glad to have the gentleman's contribution. At the present time the Navy has a hangar at Lakehurst, N. J., costing something over $3,000,000, and if additional hangar facilities are needed to take care of this metal type of ship, I am sure the same can be housed there in an efficient manner. This hangar is located so close to the sea that should our Nation be engaged in war it would furnish an easy target to the enemy. In addition, such a location subjects those who might be handling a dirigible to fogs, sudden squalls, and other unfavorable conditions that are necessary to combat in handling such a ship when close to the sea. I am hoping that should it ever be necessary to construct another hangar for the purpose of housing ships of this type that all of these facts will be taken into consideration and that such location be placed far enough inland so as to give aircraft plenty of room and time to protect the same in case it was attacked by air from the sea. As I view this expenditure, it is a waste of our public funds, and in addition those who made the statement that the title was in good condition for the land where the station is located are entitled to some criticism, because this question has never been properly adjudicated and the Government will probably have to pay an additional $100,000 before the question is finally determined.

Mr. KVALE. Mr. Chairman, I rise in opposition to the pro forma amendment in order to ask the chairman of the committee a question. What attention was given in the hearings to the matter of fire protection for all of this material, for all of the airplanes and hangars, for the laboratories, and the equipment now in governmental possession and appropriated for in this bill? Millions of dollars have been appropriated rightfully, and yet we are having the spectacle of fire after fire, destructive and wasteful fires, in these airplane hangars all over the country.

It seems to me that adequate attention is not being given to the matter of fire protection, to the matter of developing some effective and positive protection which will insure economy over a long period of time. I can not find any reference in the hearings to the subject of fire protection or of any experimentation in connection with evolving some practical fire-preventive plan.

Mr. FRENCH. I beg to say in reply to the gentleman that the subject to which he calls attention is one that is constantly receiving the attention of the committee and of the department. We endeavor to carry money into the bill to provide adequate fire protection.

The gentleman will recall that to some extent the Navy Department is laboring under a handicap in that not all structures

are permanent. Many of them built in war time. Such structures as that are, of course, hazardous. Again, to some extent, we are dealing with materials that are highly inflammable and which carry with them extra hazards. The permanent structural work, however, that we are providing for under the bill, and which we have provided for since the war days, has been for the most part of a durable character and largely of fireproof character.

Mr. KVALE. I thank the gentleman. But the point is that while these housing facilities may themselves be fireproof, nevertheless the airplanes and supplies and equipment within them most certainly are not. Will the gentleman state which ones are of a less inflammable character? I know of at least one instance where fire swept through a flammable hangar with a sudden swish and great roar, destroying planes and equipment, and not even igniting the hangar itself. That illustrates the immediate and compelling need for determining at once upon the proper sort and amount of fire-protective agencies and materials and then supplying them.

Considerations of economy should demand that. Otherwise there is no use in spending these millions in having these finest types of material unprotected. I can see in the case of Nicaragua—to cite an example—where aircraft is the only means of communication by our troops with the outside world, where such fires resulting in destruction of aerial equipment might prove to have the direst consequences.

Mr. FRENCH. If the gentleman will run through the items in our bill, he will find in item after item money provided for the protection of the property concerned. For instance, under the items included under the Bureau of Yards and Docks, as in the case of a submarine base——

Mr. KVALE. If the gentleman will permit an interruption, I could not and can not now find them among these aviation items.

Mr. FRENCH. I do not mean that the items themselves in all instances are in the bill, but let me direct attention to the data furnished in support of several items. We carry a sum, for instance, for a submarine base, or for the maintenance of the several navy yards as a lump sum. Reverting, however, to the Book of Estimates, the gentleman will find the large items broken into subdivisions. He will find such items as these: "Improvement of submarine bases, Coco Solo, fire protection, $20,000"; "naval station at Guam, fire protection, $8,000"; "naval station at Guantanamo, fire protection, $11,000"; and so as to many other stations.

We are trying to meet the requirements of fire protection in all the naval bases of the country as the department brings them to our attention. We are trying to provide the very facilities which the gentleman regards as important, and I think we are impressed by the thought that we are dealing with inflammable material on the one hand, and therefore we must exercise great care, and on the other hand to a certain extent we are dealing in many instances with temporary structures; and in spite of that we are trying to make available funds for their protection.

The CHAIRMAN. The gentleman's time has expired. The Clerk will read.

The Clerk read as follows:

NAVAL ACADEMY

Pay, Naval Academy: Pay for professors and others, Naval Academy: Pay of professors and instructors, including one professor as librarian, $290,000: *Provided*, That not more than $36,500 shall be paid for masters and instructors in swordsmanship and physical training.

Mr. FISH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. FISH. Mr. Chairman, I ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed out of order for five minutes. Is there objection?

There was no objection.

Mr. FISH. Mr. Chairman, the subject I wish to speak on is not directly connected with the Naval Academy, but it is indirectly connected with it and of interest, I believe, to those who are interested in restoring football relations between West Point and Annapolis. The newspapers all over the country have been filled in the last few days with items concerning the resignation of Cadet Cagle, the famous West Point football player, in view of the fact that two years ago he married and in spite of his signed statement to the contrary he continued at West Point and played for two years as halfback on the Military Academy football team. Representing the West Point district in Congress and as one who believes in and loves the game of football and desires to maintain the amateur spirit of American football, I believe the time has come for an investigation to be made at West Point to determine whether or not there was any officer or officers there who knew in the last two years that Cadet Cagle was married and connived at the fact and permitted him to continue at West Point and play upon the Army football team. [Applause.]

The very fact that Cadet Cagle continued to stay at West Point has struck a heavy blow at the morale, at the prestige, at the status, of amateur football at West Point and at the honor and fair name of the United States Military Academy. Those of us who are interested in amateur football, who are interested in the Military Academy at West Point, and in maintaining the high position and the high standards that have existed in the past in all the activities of the War Department, must feel that an immediate investigation should be made to find out the facts and find out whether anyone was responsible for conniving and permitting Cadet Cagle to remain at the Military Academy in order to play football. And, no matter who that official is, he should be censured and transferred immediately from West Point.

For three or four years, Mr. Chairman, I have been complaining openly against the eligibility rules at West Point that permit star football players who have played three or four years at other colleges to come to West Point and play three years upon the Army team. I have always complained against it upon principle, not that I do not want West Point to win, for I live right opposite West Point and believe in the Military Academy and desire to see it win, but not at the cost of the spirit of amateur football. For the last few years over 50 per cent of all the members on the Army football teams have been former college stars. You do not need more than 11 men on a football team, and any college with 100 men, which has 11 former stars, could go out to-morrow and beat Harvard and Yale and Princeton. I ask at this time that all those who are interested, and particularly appeal to the members of the Committee on Military Affairs and the Committee on Naval Affairs, to use their influence to try to bring about a resumption of football relations between the Army and the Navy. [Applause.]

Mr. McCLINTIC of Oklahoma. Will the gentleman yield?

Mr. FISH. I yield.

Mr. McCLINTIC of Oklahoma. If I am correctly informed, the report was given out some time ago that the differences had been adjusted and that the Army-Navy game would be played again. Does the gentleman have any information as to the accuracy of this statement which was published by the press?

Mr. FISH. I am not at liberty to answer that question. I have some personal confidential knowledge on that subject, and I am led to believe that they may play next year. I do think they should be compelled to play next year, especially in view of the very glaring and unsportsmanlike example of Cadet Cagle, who played on the Army team for two years in defiance of all the well-known rules and regulations of the Military Academy.

The CHAIRMAN. The time of the gentleman from New York [Mr. FISH] has expired.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. FISH] have five additional minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. BRITTEN] asks unanimous consent that the gentleman from New York [Mr. FISH] have five additional minutes. Is there objection?

There was no objection.

Mr. SLOAN. Will the gentleman yield?

Mr. FISH. I yield for a brief question.

Mr. SLOAN. In that investigation might it not be well to find out whether or not military drill and military maneuvers at West Point are not interfering too much with football? We hear more about football from West Point than we do military drill, and a lot of antagonism between military drilling and football at West Point could be settled at the same time.

Mr. FISH. I do not think it interferes with military drill. West Point is to-day, and for some time past has been, the most efficient Military Academy in the world. We want to maintain it as such, but this is not the first instance where a famous Army football captain, who has been playing varsity football for six or seven years, has resigned immediately after getting his training at West Point at the expense of the Ameri-

can taxpayers. There have been a number of football captains who have resigned. Garbish resigned; Sprague, last year's captain, resigned; McCuen resigned. All football captains in recent years. In addition, such famous football stars as Oliphant, Vidal, and French resigned from the military service after graduating from West Point. The Military Academy must not get the reputation that it is a training school for football stars. We believe it is a training school to produce the best-equipped young officers in the world. It has a splendid record for efficiency, and it must be maintained, and we must not let the people back home think it is merely a governmental institution for the benefit of football stars or to win football games through selfish eligibility rules out of line with other colleges.

The American people will think so, as long as 60 per cent of the Army teams are composed of famous football players from other colleges, many of whom resign immediately after they get through the academy.

Mr. HOUSTON of Delaware. Will the gentleman yield?

Mr. FISH. I yield.

Mr. HOUSTON of Delaware. Is a cadet at West Point subject to court-martial?

Mr. FISH. Yes; but in the case of Cadet Cagle the authorities waived court-martial, and permitted him to resign. That question should be looked into.

Mr. BRITTEN. Will the gentleman yield?

Mr. FISH. I yield.

Mr. BRITTEN. His resignation was requested.

Mr. FISH. I believe you are right.

It would require half an hour to go into this issue thoroughly. I would not have spoken to-day except for the fact I did not see any other opportunity to bring it up. It is an interesting fact that about a week ago Cadet Cagle gave out a statement that he would be obliged to resign from the academy on graduation in June because his pay would be only $125 per month, and 60 cents a day for rations and he forgot to add free living quarters. This was a most unfortunate statement, and a reflection on the military service. He also stated he was going to receive $8,000 a year for coaching, which equaled the pay of a major general. Then a few days later we find he is compelled to resign because he has been married for a couple of years, in spite of his signed statement to the contrary on two different occasions, which enabled him to play on the Army team in 1928 and 1929.

But, the main principle involved is one of democracy, not the unsportsmanlike conduct of Cadet Cagle. You gentlemen, and your friends, have sons who may want to go to West Point, and they will want an equal opportunity to "make" the West Point football team if they go there. They should not be pitted against a man of 23 or 24 or 25 years of age who has been playing varsity football for six or seven years.

I have a son who may want to go to West Point. I hope, if he does, he will enter the Military Academy when he is 18; and I hope that when he is 19, after he has been there a year, he will have an opportunity to "make" the team on his own merits, but he can never make it if he is pitted against a lot of much older men and veteran players who have been playing varsity football for years in other universities throughout the country.

Beyond that, the morale and high standing and glorious traditions of football at West Point are involved. I believe an investigation would have the unanimous support not only of the American public but of the old Army football players as well who desire to maintain their splendid traditions intact and also the amateur spirit of American football. The Naval Academy has the 3-year rule, under which a midshipman can only play all together three years. The authorities at Annapolis are willing to compromise with West Point to-day and allow West Point a great advantage by accepting a 4-year eligibility rule as against the 3-year rule enforced already at the Naval Academy, which would be continued there. Personally, I believe such a proposed compromise would be fair to all concerned. For the past six years in succession the Army team has had a captain who has played varsity football for six or seven years. Is that fair to the sons of former members of great Army elevens of the past who may enter the Military Academy and aspire to become a captain of the football team, or to any of the fine young Americans who are shut out from ever being captain of the eleven by veterans with six years' varsity experience? There are more midshipmen at Annapolis than cadets at West Point, but the numerical advantage is offset by the two years' additional age limit at West Point, which is a great advantage as far as football material is concerned.

Let West Point adopt a 4-year rule instead of a 6-year rule which it has at the present time. On that basis the two academies can get together and everyone, including the public, will be satisfied. Such an agreement should not be ex post facto. The football players on the team at West Point now would not be affected and only those varsity players who go to West Point from colleges in the future would be affected. If they played one year at college they could play three years at West Point; if they played two years in college they could play two years at West Point, and I submit that is a fair, honest, and democratic compromise.

I hope the members of the Military Affairs Committee and of the Naval Affairs Committee will use their influence to bring it about so that the two service academies will play next year.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I ask unanimous consent that the gentleman from New York may proceed for one additional minute.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. McCLINTIC of Oklahoma. If I understood the gentleman correctly, he made the statement that they ought to be made to play. I do not think the gentleman wants that to go into the RECORD and leave the impression that we ought to try to force them to play by legislation, because, if we did, then it might destroy that fine loyalty and fine patriotism which always exists between college teams. I am not willing to go that far with the gentleman. I have played football in a small way on a college team, and I know the spirit that exists; so I hope the gentleman will not let that statement remain in the RECORD in its present form.

Mr. FISH. Well, let us change the word "made" to "urge," but let us agree on this, that the disagreement between the two service academies is childish and puerile and they ought to put their own houses in order and get together on a compromise basis and play football. The midshipmen want to play and the cadets want to play, but only a few officers are unwilling to let them get together. I hope that a satisfactory compromise may be reached and that the two service academies may come to a fair settlement of their difficulties immediately, so that they may resume football relations and fight it out on the football field next year. [Applause.]

Mr. BRITTEN. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed out of order for two minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BRITTEN. Mr. Chairman, as I view the situation between the Army and the Navy, I am willing to go a little further than the gentleman from New York. He suggests that in the interest of democracy your boys and mine, who are appointed to the Military Academy, should have an equal opportunity with the big football stars. The gentleman from Nebraska inquired as to whether the football game was driving drilling off the field. That is not quite correct. He would not go a half block to see a drill, but we would go 150 miles to see an Army-Navy football game. Football is the spectacular element at both of our military academies.

However, what impresses me most seriously in connection with their inability to get together is the fact that the Military Academy at West Point is the only first-class institution of learning in the United States that refuses to play under intercollegiate rules. It wants to play football with Harvard, Pennsylvania, Notre Dame, and others. It wants to compete not only at football but also at basket ball, swimming, rowing, field events, and everything else, but it stands out and says, "Because we are a military organization belonging to the United States Government we insist upon making our own rules, be they ever so detrimental to you and your university or your college." They want to play with Notre Dame. A game with Notre Dame would bring to the Military Academy athletic fund anywhere from $55,000 to $80,000 in a day. That money is expended on other academy athletics, like rowing, swimming, and boxing, from which not a dollar is made. Of course, football is the big thing, but when the Military Academy plays Notre Dame it says, "Oh, no, Notre Dame; we will not play under intercollegiate rules. We are a military organization; we belong to Uncle Sam; we insist upon your playing under our rules, and we do not recognize your intercollegiate rules." Yet those rules are recognized by all of the colleges in the United States and, to my mind, that is an autocracy that should not be permitted a single day.

I have talked with high ranking officers from West Point and elsewhere and they say to me, "Why, Mr. BRITTEN, if we played under intercollegiate rules we could not win a game." Well, if

the winning of games is all important, why not wholly professionalize athletics at West Point? Army stars would be debarred from playing on any first-class university team. If true sportsmanship must be sacrificed in order to win games, then I suggest that the Army team stop playing entirely.

Mr. FISH. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. FISH. They played under intercollegiate rules for a good many years and they won a great many more games than they have in the last few years.

Mr. BRITTEN. That was before the eligibility rule was adopted by all the colleges. They say they can not win because their academy is small. It is true that there are fewer men at West Point than there are at Notre Dame, Pennsylvania, or some of the other big universities, but the other universities do not select their men as rigidly as they do at West Point. The physical test at West Point is very high, as you all know. A man to enter West Point must have good eyes, and unless he has good eyes, ears, teeth, feet, hands, and head, you know just as well as I do, he is not accepted. The men who enter West Point must pass an almost perfect physical test. Do these conditions apply at Harvard, at Yale, or at any of the other big colleges? Of course, they do not.

Then we have what the gentleman referred to a little while ago, besides the drills, a lot of outdoor sports, such as horseback riding, rowing, swimming, and every other kind of sport that makes men strong, agile, and quick thinkers. This is what military life does. It also makes them amenable to discipline. They follow orders very accurately and quickly, and I say that West Point and Annapolis ought to defeat the football team of any university in the United States, for this reason alone, if for no other.

Mr. DARROW. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. DARROW. Does not West Point also have the advantage of two years in the age limit to offset the number of students there?

Mr. BRITTEN. They do in comparison with the Naval Academy, but that is another matter. A difference of 2 years in age in boys of 18 and 20 means that they are that much larger and stronger and keener and more alert, not only in athletics, but in every walk of life. This is true as applied to the Naval Academy. The Naval Academy has adopted intercollegiate rules, and so should the Military Academy; and until they do the Army will be accused of having an autocracy that no other institution in the United States possesses.

Mr. HALE. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. HALE. Who is responsible for the fact that they have not adopted intercollegiate rules? Is it the War Department or the West Point Athletic Association or some officer at the academy?

Mr. BRITTEN. I think there were a number of things that have led up to it.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BRITTEN. There are a number of reasons that brought about the existing conditions, and I am sorry to say that the officers in the Naval Academy were responsible for the break. I think the manner in which Admiral Nulton broke the contract and severed athletic relations with West Point was indefensible. I think his manner was most unfortunate. We on the Naval Affairs Committee were inclined to stand by him, because we will almost always stand by the Navy, right or wrong, and I think we should; and I will tell you why we stood by the Navy. The Naval Academy had adopted intercollegiate rules because it was playing with colleges all over the United States, and when the Naval Academy did this I think the Military Academy should have done the same thing of their own accord without being pressed to do so by the Naval Academy. This is the reason we stood by the Naval Academy, but I think the manner in which the thing was presented by the then Superintendent of the Naval Academy was wrong. He should not have acted the way he did.

But I am not talking now about the game between the Army and the Navy, I am talking about the position of the academy in all athletics, not only football, but swimming, rowing, boxing, and every other kind of athletics.

I think if West Point wants to play with Harvard or wants to meet some other big university in athletic competition of any kind, West Point should adopt the intercollegiate rules adopted by all the colleges of the United States, and simply because it is a Government institution it should not put on its high hat and its epaulets and its gold braid and say, "Oh, no; we insist upon your playing according to our rules. We do not play according to your intercollegiate rules. It is true we want to play you because Notre Dame will give us 48,000, Stanford will give us 50,000, Harvard or Yale will net us 90,000 and we need the money for our athletic fund, but you must play according to our rules. We do not recognize your rules. We are a Government institution." The Army mule is a stubborn bird.

It is just the same old story of the Army high hat, and I think it is all wrong. [Applause.]

The Clerk read as follows:

Office of the paymaster, $43,980.

Mr. FRENCH. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 43, line 8, strike out "$43,980" and insert in lieu thereof "$50,100."

Mr. FRENCH. Mr. Chairman, the small item of increase that is involved in the amendment is to provide pay for four civilian employees who will take the place of enlisted men who have been detailed to the Marine Corps. It seems desirable that these enlisted men be drawn into the service, in fact, they are already there, and their places ought to be taken by civilians and this will provide the small amount necessary for their compensation.

The amendment was agreed to.

The Clerk read as follows:

ALTERATIONS TO NAVAL VESSELS

For completing the alterations and repairs required for the purpose of modernizing the U. S. S. *Pennsylvania* and *Arizona*, as authorized by the act entitled "An act to authorize alterations and repairs to certain naval vessels," approved February 25, 1929, $7,400,000, to be allocated in equal amounts to each vessel and to be available until expended.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 46, add to the end of the paragraph at the bottom of the page the following:

"*Provided*, That no part of this appropriation shall be expended for the purpose of modernizing battleships unless it can be shown to the satisfaction of the President that the two battleships modernized at a cost of more than $10,000,000 and scheduled to be scrapped by the terms of the London conference are not suitable to be retained as a part of the fleet."

Mr. FRENCH. To that, Mr. Chairman, I reserve a point of order.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I thank the gentleman for his courtesy. Much has been said about the desire of the committee to save money, and we had quite a discussion about the splendid business judgment they had used with reference to the construction of the dirigibles.

If I am correctly informed we have modernized two battleships now scheduled to be scrapped by the proposed terms of the London treaty if it is agreed to. If so, the effect of this amendment would be to allow these two ships to be retained instead of two that are now scheduled to be modernized at an expense of approximately $12,000,000.

Mr. FRENCH. Mr. Chairman, if the gentleman will yield, I will say that if a reasonable way could be found to utilize the two ships that are scheduled to be scrapped under the London treaty in place of these, and the efficiency of the Navy could thereby be conserved, it would be good business so to do. But I do not think that can be done. The three ships which the treaty provides must be withdrawn from the Navy Establishment are old ships. It is true that we have already expended quite an amount of money for modernizing those ships, but they are not equal to the *Arizona* and *Pennsylvania*. Again the work on the *Arizona* and *Pennsylvania* is going on; the work is nearly half done. The appropriation in the bill is designed to complete the work already on the way.

Mr. McCLINTIC of Oklahoma. In a sense the position of the gentleman is the same as many took at the conclusion of the war, when it came to fulfilling contracts. Some contracts were

not quite fulfilled, but the Government went ahead and fulfilled them when it was known that the money was to be wasted.

Mr. FRENCH. The gentleman must recall also that in the treaty specific ships are named that are to be subtracted from the list. We do not have it in our power or authority to substitute new ships for the two being modernized.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I withdraw my amendment with regret, as I would like to stop such wasteful expenditures that will not be of benefit to the Navy.

The CHAIRMAN. The amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

INCREASE OF THE NAVY

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized, $38,800,000, to remain available until expended: *Provided*, That of the appropriations contained in this act under the head of "Increase of the Navy" there shall be available such sums as the Secretary of the Navy may from time to time determine to be necessary for the engagement of technical services, including the purchase of plans and the employment of additional clerks, draftsmen, technical employees, and laborers (not to exceed $20,000), owing to the construction authorized by the act of February 13, 1929, including not to exceed $12,400 for personal services in the Navy Department.

Mr. JONES of Texas. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. JONES of Texas: Page 47, line 14, after the word "department," insert a new paragraph, as follows:

"Section 202 of title 34 of the Code of Laws of the United States of America, relating to the discharge of minors under 21, is hereby amended by striking out of line 4 the words 'sixty days' and inserting in lieu thereof the words 'six months.'

Mr. FRENCH. Mr. Chairman, I reserve the point of order.

Mr. JONES of Texas. Mr. Chairman, this would make the identical provision apply to the Army, the Navy, and the Marine Corps. The Army provision is exactly the same as the Navy provision, except that in the Navy where a minor has enlisted without the consent of his parents or guardian the application for his discharge must be made within 60 days. In the Army the change has been made so that the application may be made within six months from the date of enlistment. This amendment makes no other change in the law. The matter was submitted by special bill which I introduced and the Naval Affairs Committee reported it unanimously. The House passed the bill, which allowed six months within which to make application. This was in a previous Congress, but the bill died in the Senate with a number of other bills.

Mr. HASTINGS. And this only makes it uniform?

Mr. JONES of Texas. This only makes it uniform in the two services. Of course, if they have the written consent of the parents or guardian, this law would have no application. It is only in cases where minors have enlisted without the consent of the parents or guardians that this applies. This would make it six months within which the application could be made for a discharge, whereas at present it is only 60 days. Frequently a minor may enlist and the parents will not be familiar with where he is, or where the service is, within the period of 60 days. I can see no objection to making the two services uniform. I am sure the Navy has no desire to take charge of minors under 21 years of age where their parents or guardian did not consent to that service. That is the rule in commercial life. The parents and the guardian have control of minors' services until they are 21 years of age. In view of the previous action of the House, I think the committee should accept the amendment.

Mr. FRENCH. Mr. Chairman, a year or so ago when this same question arose I indicated to the House something of the thought in connection with the application of the principles to the Navy, which differentiates the proposition now suggested from the application of the same principle to the Army. After enlisted men in the Navy go through a period of training at one of the training stations they are sent to a ship, possibly to the other coast, or to Hawaiian waters, or the Far East. It could well be, and it has been suggested, that some times parents have been quite willing to wink at the matter of enlistment until such time as the boy may find himself over in a section of the world remote from where he enlisted, and then under the terms of the proposed amendment be entitled to discharge and a return home.

Mr. VINSON of Georgia. Mr. Chairman, would the gentleman from Idaho have any objection if the time limit was fixed at three months? It requires approximately 90 days to train these boys at the training stations before they are sent out on ships. If during that period of 90 days it develops that a minor has enlisted without the consent of the parents or guardian and is discharged, it would entail no additional expense to the Government to have him discharged at that time. I agree with the gentleman that after they have been trained and then go to stations all over the word, to discharge them would entail a great deal of expense to the Government in bringing them back. However, the probable period of training in the various training stations is not over 90 days, and if the time were changed to 90 days it would give them that time in which to be discharged. I think six months is too long. I think 90 days would be all right and give ample apportunity for these boys who enlisted without the consent of the parents to be discharged and without any extraordinary expense to the Government.

Mr. FRENCH. Mr. Chairman, the same principle exists to which I referred, though under the proposed amendment no such abuse could occur. However, it seems to me that a problem that is so important as is this, and I recognize that it is an important problem, ought to have the attention of the department, and of the legislative committee, when the committee may have opportunity to have officers of the department before it.

Mr. VINSON of Georgia. This identical question was passed on by the House and by the committee. The House passed the bill making it six months. I think three months is better than six months, and I suggest to the gentleman, in view of the fact that the principle has been recognized by our committee, that he agree to permit this to go in the bill, even though it is legislation on an appropriation bill, and make the period three months.

Mr. JONES of Texas. I think it would save any further discussion.

Mr. VINSON of Georgia. Of course, it is subject to the point of order.

Mr. FRENCH. Mr. Chairman, for the present I feel compelled to make the point of order that it is legislation on an appropriation bill.

The CHAIRMAN. The amendment plainly shows on its face that it changes existing law, and is, therefore, legislation on an appropriation bill. The Chair sustains the point of order.

The Clerk read as follows:

CONTINGENT EXPENSES

For professional and technical books and periodicals, law books, and necessary reference books, including city directories, railway guides, freight, passenger, and express tariff books and photostating, for department library; for purchase of photographs, maps, documents, and pictorial records of the Navy, photostating and other necessary incidental expenses in connection with the preparation for publication of the naval records of the war with the Central Powers of Europe; for stationery, furniture, newspapers (for which payment may be made in advance), plans, drawings, and drawing materials; purchase and exchange of motor trucks or motor delivery wagons, maintenance, repair, and operation of motor trucks or motor delivery wagons; garage rent; street-car fares not exceeding $500; freight, expressage, postage, typewriters, and computing, check-writing and check-signing machines and other absolutely necessary expenses of the Navy Department and its various bureaus and offices, $104,190; it shall not be lawful to expend, unless otherwise specifically provided herein, for any of the offices or bureaus of the Navy Department in the District of Columbia, any sum out of appropriations made for the naval service for any of the purposes mentioned or authorized in this paragraph: *Provided*, That any unexpended or unobligated balances under appropriations for salaries in the Navy Department for the fiscal year 1930 may, with the approval of the Secretary of the Navy, be expended for the purchase, exchange, or rental of labor-saving devices during the fiscal year 1931.

Mr. BRITTEN. Mr. Chairman, I make a point of order against the proviso on page 53, beginning with line 19. I will reserve my point of order in order to ask a question of the chairman of the committee. The question is, Was that language inserted in the bill at the request of the Navy Department?

Mr. FRENCH. I beg leave to say that the language was inserted by the committee.

Mr. BRITTEN. Was it inserted in the bill at the request of the Navy Department?

Mr. FRENCH. No; not at the request of the Navy Department.

Mr. BRITTEN. Then, Mr. Chairman, I shall make the point of order on the proviso, because it is new legislation on an appropriation bill and is not germane to the entire subject matter presented.

Under this proviso, $100,000 or $200,000 or $300,000 may be expended by the Secretary of the Navy for the purchase of mechanical equipment, provided that that amount of money has been unexpended from the salary account in the Navy Department. The salary account in the Navy Department runs into many, many millions of dollars. This is a new provision in the bill.

It is easy, of course, to understand its intent. Its intent is that where money in the salary account has been saved from one source or another, that saving may be used for the purchase of mechanical equipment. It may mean a typewriter, or adding machine, or a mimeograph, or whatnot. I think the Navy Department should be consulted when legislation of the importance of this particular proviso is to be inserted in an appropriation bill.

It will do a number of things. It will prevent the saving of a dollar in the appropriations for salaries in the Navy Department. For instance, I can see where anywhere from $100,000 to $500,000 could be saved from the salary account of the Navy Department in one year. Under this proviso, that sum of money could be, and would be, expended by the Secretary of the Navy, and he can have it charged to this so-called salary saving.

I think the proviso is subject to a point of order because it is not germane, and it is also legislation on an appropriation bill. I make the point of order against it.

Mr. FRENCH. Mr. Chairman, before discussing the merits of the proposition itself, I suppose I should address myself to the point of order. The language to which the point of order is made is—

Provided, That any unexpended or unobligated balances under appropriations for salaries in the Navy Department for the fiscal year 1930 may, with the approval of the Secretary of the Navy, be expended for the purchase, exchange, or rental of labor-saving devices during the fiscal year 1931—

In other words, we make appropriation for a specific purpose from any balances that may accrue from any saving during the current year such as that to which I have referred.

If the gentleman from Illinois will turn to the code, title 2, section 634, under the paragraph which is headed "Appropriations for Navy Controlled by Secretary; for Bureaus Kept separately," he will find this language:

All appropriations for specific, general, and contingent expenses for the Navy Department shall be under the control and expended by the direction of the Secretary of the Navy, and the appropriations for each bureau shall be kept separate in the Treasury.

It seems to the chairman of the subcommittee that there can be no question that under the authority of the statute itself the committee has authority to direct the expenditure of the money in the way indicated.

The CHAIRMAN. Will the gentleman cite the number of the statute?

Mr. FRENCH. Title 31, section 634.

I should conclude my statement, Mr. Chairman, by saying that this language does not impose any additional duty upon the Secretary of the Navy.

Mr. BRITTEN. Mr. Chairman, I would like to answer the argument made by the gentleman from Idaho [Mr. FRENCH] on the point of order.

Let me call the attention of the Chair to the language of the chairman of the subcommittee. The gentleman said, "We make a direct appropriation."

Of course, this proviso is in no sense a direct appropriation. The gentleman from Idaho [Mr. FRENCH] also said in reading the law, that all appropriations under that act shall give the Secretary authority, under specific directions, for the expenditure of money in the department. There is nothing specific in this proviso. It is a very general piece of legislation which will permit the Secretary of the Navy to expend any amount remaining unexpended in the salary account and to buy anything that he deems may prove to be a labor-saving device. There is no specific appropriation, and there is no specific direction to the Navy Department.

Mr. FRENCH. I submit, Mr. Chairman, that the language carried in the proviso is well within the language to which I cited the Chair, namely, title 31, section 634.

Mr. BRITTEN. I recall the language. The language refers to specific appropriations and expenditures. The language in the proviso is quite general and is not specific at all.

Mr. FRENCH. The language which I cited is as follows:

All appropriations for specific, general, and contingent expenses of the Navy Department.

This is an item carried under the head of "Contingent expenses" and refers to the expenses authorized in the language of the statute to which I have referred.

Mr. BRITTEN. But is in no sense a specific appropriation. It says, "Mr. Secretary, in the event you have $50,000 or $100,000 left in your salary account for the Navy Department, you may expend that money for something which you conclude is a labor-saving device." There is nothing specific about that.

The CHAIRMAN (Mr. HOCH). The Chair is ready to rule.

The gentleman from Illinois [Mr. BRITTEN] makes a point of order against the proviso on page 53, beginning on line 19:

Provided, That any unexpended or unobligated balances under appropriations for salaries in the Navy Department for the fiscal year 1930 may, with the approval of the Secretary of the Navy, be expended for the purchase, exchange, or rental of labor-saving devices during the fiscal year 1931.

It appears to the Chair that the question here is whether this provision which authorizes the Secretary to expend during the fiscal year 1931 certain unexpended balances from appropriations for the fiscal year 1930 imposes a new duty upon him and would therefore constitute legislation not in order on an appropriation bill.

The gentleman from Idaho [Mr. FRENCH] has cited the Chair to a provision of law under which it appears that the various appropriations, general, specific, and contingent, for each bureau in the Navy Department must be kept separate in the Treasury. That being the present law, it seems to the Chair that there would be nothing within the discretion of the Secretary to determine as to whether there was any unexpended or unobligated balance in any appropriation item after the close of the fiscal year 1930. In other words, it would be merely a question of fact disclosed by the books of the Treasury Department. Therefore, this language imposes no new duty on the Secretary as to determining whether there does in fact exist any unexpended balance in the appropriation for salaries for the fiscal year 1930. After the beginning of the fiscal year 1931 it will be a known fact whether such unexpended balances exist.

Now, as to whether it is in order on this appropriation bill to appropriate any unexpended balances out of items in the appropriations for 1930, the Chair thinks it is in order to do that. If the purpose is one for which there is authority of law, it is as much in order to appropriate for the purpose out of an unexpended balance as it would be to make an entirely new appropriation. The Chair does not understand that any question has been raised as to the right to appropriate money, to be expended by the Secretary, for the purchase of labor-saving devices. If this would be in order as an entirely new appropriation, it is in order out of an unexpended balance.

The Chair is of the opinion, therefore, that this is an appropriation for a purpose authorized by law, is not new legislation on, and overrules the point of order.

The Clerk completed the reading of the bill.

Mr. VINSON of Georgia. Mr. Chairman, I ask unanimous consent that the gentleman from Texas [Mr. JONES] may be permitted to offer an amendment in line 14, on page 47.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to return to line 14, page 47, for the purpose of offering an amendment. Is there objection?

Mr. FRENCH. Mr. Chairman, I reserve the right to object, and I reserve a point of order against the amendment. This is the question which the gentleman raised a bit ago, and to which I directed a point of order. In the first place it does not belong in the paragraph bearing upon increase of the Navy. If adopted at all, it should be adopted in connection with the transportation, pay, and subsistence of the enlisted personnel, appearing on pages 26 and 27, and could properly follow line 7 on page 27.

Mr. VINSON of Georgia. Mr. Chairman, I modify my request to that extent.

Mr. FRENCH. The amendment has been modified so as to provide that instead of the enlisted men being granted the privilege of being discharged within a period of six months that they be granted the privilege of being discharged within a period of 90 days. It is written in such a way as to conform to the law pertaining to the Army, with the exception that

in the case of the Army the provision is 60 days instead of 6 months, as originally introduced. In view of the circumstances I shall not object if the gentleman will permit it to be inserted on page 27, following line 7.

Mr. VINSON of Georgia. Mr. Chairman, I modify my request to that extent.

Mr. OLIVER of Alabama. I want to ask the gentleman from Texas if in preparing his amendment he followed the language I have called to his attention?

Mr. JONES of Texas. My amendment simply strikes out 60 days and inserts 90 days.

The CHAIRMAN. The gentleman from Georgia modifies his request and asks unanimous consent to return to page 27 for the purpose of offering an amendment after line 7. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Chairman, reserving the right to object, I desire to inquire whether the granting of this request will seriously delay the completion of action on this bill? I noticed that early this afternoon the committee was very anxious to proceed with and complete the consideration of the bill.

Mr. VINSON of Georgia. Is the gentleman addressing his inquiry to me, to the gentleman from Idaho, or to the Chairman of the Committee of the Whole?

Mr. SCHAFER of Wisconsin. To the Democratic members of the committee reporting the bill.

Mr. McKEOWN. Mr. Chairman, I ask unanimous consent that the amendment may be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk read the amendment, as follows:

Page 27, line 7, insert a new paragraph, as follows:

"Section 202, Title XXXIV, of the Code of Laws of the United States of America, relating to the discharge of minors under 21, is hereby amended by striking out of line 4 the words '60 days' and inserting in lieu thereof the words '90 days.'"

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. LaGUARDIA. Mr. Chairman, reserving the right to object, is the gentleman amending permanent law?

Mr. TABER. Mr. Chairman, if we are going to have that kind of an amendment I shall make a point of order against it, because you must have the language of the section inserted exactly as it is.

Mr. LaGUARDIA. I am very anxious to have this amendment adopted, but in an appropriation bill you can not amend an existing statute by simply making a reference to it, and I will tell the gentleman why. You would never have it before you in any of the textbooks and in any of the statutes. Why does not the gentleman simply provide that hereafter, and so on?

Mr. JONES of Texas. I was trying to avoid recopying the whole law, but that can easily be done.

Mr. VINSON of Georgia. While the amendment is being perfected, may I ask the gentleman from Idaho with reference to the pay bill?

As the gentleman is the ranking member on the committee considering the pay bill, can he give us some information as to the likelihood of the committee considering the matter of increased pay for the Navy, Marine Corps, and the other branches of the Government at this session of the Congress.

Mr. FRENCH. The members of the committee, I should say, are giving very serious attention to the subject. We have assembled a great deal of data. We have held meetings and we are studying the question as individuals, and while I am not able to indicate what the committee may do, I beg to assure the gentleman we are giving serious consideration to a subject that involves so much as does the pay question pertaining to all the different services.

The gentleman will recall that the proposed bill worked out by the joint pay board, if enacted into law, would carry $86,000,000 in round figures additional to what the pay provisions for the different services carry under existing law. The study of a bill that carries such calls upon the Treasury means tremendous responsibility, and therefore requires the greatest study and care upon the part of Members who have been charged with making a report.

Mr. OLIVER of Alabama. I think perhaps it would be proper, however, at this time to say to the gentleman from Georgia that Senator JONES, who is the chairman of the joint committee, has stated that he would probably call the committee together within the next three or four days; and Senator REED, who has been absent for some time, is now back. I imagine this has contributed somewhat to the delay in considering the matter by the committee.

Mr. FRENCH. Senator JONES, the chairman of the committee, and I were talking about the matter within the last day or so, and he indicated it was his intention to have another meeting of the committee very shortly.

Mr. LaGUARDIA. Mr. Chairman, I want to say to the gentleman from Idaho that I hope the gentleman will not raise a point of order on the amendment about to be offered by the gentleman from Texas, because we have had a great deal of trouble in the larger cities caused by the zeal of recruiting officers in enlisting youngsters, mere boys, 15 or 16 years of age.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to return to page 27, line 7, so that the gentleman from Texas [Mr. JONES] may offer an amendment. Without objection, the amendment will be reported for the information of the committee.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 27, after line 7, insert a new paragraph, as follows:

"Section 202 of title 34 of the Code of Laws of the United States of America relating to the discharge of minors under 21 is hereby amended to read as follows:

"'202. Discharge of men under 21: Upon the presentation of satisfactory evidence as to his age and upon application for discharge by his parent or guardian presented to the Secretary within 90 days after the date of his enlistment, any enlisted man in the naval service, including the Marine Corps, under 21 years of age, who was enlisted without the written consent of his parent or guardian, if any, shall be discharged for his own convenience." (May 28, 1924, c. 203, 43 Stat. 194; Mar. 4, 1925, c. 536, sec. 19, 43 Stat. 1276.)

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. OLIVER of Alabama. Reserving the right to object, I would like for the House to understand that the committee reserved a point of order on this amendment so as to prevent legislation on an appropriation bill, but since it is evident that the House desires the amendment adopted, the committee will not insist on the point of order, but will leave this for others to do if anyone now wishes to make the point of order. In talking with the Navy Department I found that they were not opposed to the amendment, which seeks to extend the time from 60 to 90 days.

Mr. FRENCH. It has been so intimated to members of the committee since the debate began, and I shall not object.

Mr. TABER. Mr. Chairman, I would like to ask if the Committee on Naval Affairs is satisfied to have this done?

Mr. VINSON of Georgia. I will say to the gentleman that so far as I am concerned, a similar bill dealing with this question was reported by the committee and passed the House.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. JONES] offers an amendment, which the Clerk will report.

The Clerk again reported the Jones amendment.

Mr. LaGUARDIA. Mr. Chairman, I move to amend the amendment by striking out the references in parenthesis.

Mr. JONES of Texas. I accept the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. LaGUARDIA: Strike out the matter included in the parenthesis.

The CHAIRMAN. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from Texas [Mr. JONES] as amended.

The question was taken, and the amendment was agreed to.

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOCH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12236) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1931, and for other

purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FRENCH. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FRENCH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

THE FLEXIBLE-TARIFF PROVISION IN THE HAWLEY-SMOOT BILL

Mr. TUCKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the flexible feature of the pending tariff bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TUCKER. Mr. Speaker, this provision is one of the most important, in my judgment, that has ever been before the Congress of the United States and is an attempt practically to remove the power to make tariff laws from the Congress of the United States to the President of the United States; and therefore it is important that we should examine the powers of Congress which apply to this question.

In Article I, section 1, of the Constitution, we find—

All legislative powers herein granted shall be vested in a Congress of the United States.

A legislative power in its final analysis is a power "to make laws"; so that the power to make a tariff law would necessarily be vested in the Congress of the United States. To make this specific, in Article I, section 8, we find—

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States.

So that the generic proposition laid down in Article I, section 1, that the Congress shall possess all legislative powers is made more specific by Article I, section 8, that chief among these powers shall be the power to lay and collect taxes, duties, imposts, and so forth. These two clauses would seem specifically to eliminate any other than the Congress from any power to lay and collect taxes and duties, and this power is limited, or more properly speaking may said to be expanded, by the provision found in Article I, section 8, clause 18.

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

That is, in the levying of duties for a tariff Congress is enabled to pass any necessary and proper law for carrying into execution the power to lay and collect duties, but mark the words "necessary and proper." The word "necessary" has been construed by the courts to mean not the only remedy that could be devised, but any one of many suitable remedies may be adopted, and the word "proper" has been defined to mean "*bona fide* appropriate to the end"; and therefore a law intended for this purpose which undertakes to change the powers vested by the Constitution of the United States in the President would not be a *bona fide* appropriate law, but, on the contrary, would be an improper law because it would seek to change the Constitution itself. If the Constitution requires that Congress alone may lay and collect taxes and duties, and provides also that all legislative powers shall exist only in the Congress, any law that undertook to change those fundamental provisions of the Constitution would be grossly improper and unconstitutional.

Now, Article II, section 1, of the Constitution provides—

The executive power shall be vested in a President of the United States of America.

His powers are, therefore, executive alone; that is, not to make laws but to execute the laws when made, and other powers not strictly executive with which the President is endowed are conferred upon him in Article II; and the grant of such powers to the President is necessarily the exclusion of all other powers which are not executive in their nature. His exclusion from the exercise of legislative power is indicated in Article II, section 3, where it is said:

He shall from time to time give to the Congress of the United States information of the state of the Union, and *recommend to their consideration* such measures as he shall judge necessary and expedient.

As the titular head of the Government, requiring him to be familiar with the wants and needs of the people, he is allowed under this section to recommend to the Congress such measures as he may deem expedient. This grant of power to the President is practically a denial to him of a right to participate in legislation which alone rests with the Congress of the United States. So that when it is proposed that the President shall take part in legislation in the passage of a flexible tariff bill it seems clear that he can not do so under the Constitution if his action constitutes taking part in the making of law which by the Constitution rests alone in the Congress. An examination, therefore, of this question involves the proposals made in the pending bill showing exactly what is required of the President in the making of this flexible provision.

In H. R. 2667, Seventy-first Congress, second session, printed January 6 (calendar day March 24), 1930, on page 346, we find (1140) (sec. 336, equalization of competitive conditions) as follows:

(a) Change of classification or duties.—In order to put into force and effect the policy of Congress by this act intended, the President shall investigate the differences in conditions of competition in the principal market or markets of the United States between domestic articles and like or similar competitive imported articles. If the President finds it thereby shown that the duties expressly fixed by statute do not equalize the differences in such conditions of competition in the principal market of the United States between a domestic article and a like or similar competitive article imported from the principal competing country, he shall proclaim such changes in classification or such increases or decreases in rates of duty expressly fixed by statute, as in his judgment are shown by an investigation to be necessary to equalize such differences. In no case shall the total increase or decrease of such rates of duty exceed 50 per cent of the rates expressly fixed by statute.

How do these duties in the above paragraph put upon the President meet the constitutional requirement that Congress alone shall have power to lay and collect taxes and duties? Can Congress, by law, put upon the President a duty inconsistent with his constitutional obligations to execute the laws? The object of Congress is thus seen to be to make the tariff duty such as will cover the difference between the "conditions of competition" in foreign countries and America; a proposition involving almost infinite lines of investigation, involving questions of economics, climate, race, natural resources, transportation, and political proprieties, and so forth; indeed there is scarcely a limit to the subjects, incident to such investigation and such legislation, which is not by these words put upon the President; and when finally he has arrived at his conclusion he is not required to send that conclusion to Congress, the legislative branch of the Government, but he is directed to eliminate the duty which has already been laid by Congress and to repeal that duty and proclaim a new duty which he thinks in equity and justice should be laid. Is not that taking part in legislation? The argument is frequently made that the President, on the occurrence of a certain event or on the finding of certain facts, by his proclamation simply brings into existence a duty already determined by the Congress, when in fact the language is clear that by his proclamation he first abolishes a duty which Congress had already made and then substitutes a duty which he thinks, under his investigation, should be made. Could the President repeal a law he had no authority to make? Hear the language of the provision:

If the President finds it thereby shown that the duties expressly fixed by statute [Congress] do not equalize the differences in such conditions *of competition* * * * he *shall proclaim such changes* in classification or *such increases or decreases in rates of duty* expressly fixed by statute as in his judgment are shown by investigation to be necessary to equalize such differences.

This language shows beyond peradventure the power of the President to change the duty levied by Congress; it is not a ministerial act of his, declaring that the time has come when an embryo duty lying patiently waiting for the call of its master shall spring from its resting place fully clad, and panoplied in the armor of congressional sanction, for his proclamation repeals the rate made by Congress and substitutes one of his own. It is one thing to say that on the happening of a certain event which is to be proclaimed by the President a duty which the Congress has levied shall become effective, and a very different thing that the President, after investigations of his

own, is to have the power to uproot and destroy the duty which Congress has levied, without referring his reasons or investigations which led to his conclusion to the Congress that alone can make or change laws.

The language of this bill defining the duties of the President in this matter are fatal to its validity. If the acts required of the President by the bill required a ministerial act which was to hold in abeyance a law passed by Congress until the proclamation of the President declaring the existence of certain conditions, that might not be so objectionable; but here it is seen, in the first place, that it is not a mere ministerial act that is put upon the President but it involves what constitutes a part—a large part—of the legislation by Congress. It is a long, tedious task assigned him, and practically it has been found by experience to be an impossibility to determine, with the accuracy which the law requires, the difference between the "conditions of competition" in the two countries; and after putting this impossible task upon him he is directed, in his proclamation, to abolish the duty passed by Congress and make his own duty; to put the article on the free list or increase the duty on it.

In both instances he is helping very materially to make the law and in the one case he is practically given the power to abolish the law which the Constitution has said can only be made or abolished by the Congress of the United States. It is an infamous provision. If the President in this provision defining his work had been required to make the investigation, difficult and impossible, as it might be, to show the difference between the cost of production in this and a foreign country of a specific article, and had been required after ascertaining the facts and coming to his conclusion to report those findings to the Congress of the United States, whose sole duty it is to legislate, and to exercise his constitutional power as given in Article II, section 3, that—

> He shall * * * recommend to their [Congress] consideration such measures as he shall judge necessary and expedient—

the proposition would conform to the Constitution and be harmless.

The principle has been most accurately stated by Judge Ranney, of the Ohio Supreme Court, in Railroad Co. against Commissioners (1 Ohio State 77, 88), where he says:

> The true distinction, therefore, is, between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring an authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first can not be done; to the latter no valid objection can be made.

Tested by this statement of Judge Ranney it is seen that the President is involved in making the law, because in his investigations there is full discretion as to what the law shall be, determined by how that discretion is used and applied, and there is no conferring of authority on the President in this language to execute the law after it is passed, but he is required to help make the law, and then execute what he, and not Congress, has made.

The provisions in this bill on this subject amount to this: That when a certain condition of facts is found by the President to exist the bill provides that a change in the tariff is to take place. Now Congress as the legislative branch of the Government makes that provision. But what are those facts upon the occurrence of which this change is to be made? They are facts which have been arrived at by a long and patient investigation by the President of conditions in this country and in a foreign country, and he finds as a result of his investigation—and it must be added that the President might be anxious to bring about the existence of those facts in the interest of high tariffs—that these facts do exist, then *ipso facto* the duty that had been enacted by Congress ceases, and the President makes such duty as in his judgment is proper under the limitations that it must not be over 50 per cent of the original duty.

And, secondly, the facts ascertained by the President that permit him to change the duty to the extent of 50 per cent of it, either upward or downward, make the final fixing by the President of a duty within the 50 per cent limit the law of the land without the action of Congress. The fact that the President has the right anywhere within that 50 per cent of the duty to make a choice of the duty he will select clearly denies to Congress the power to fix the duty and gives it to the President. If the bill declared that the President on the happening of any event might make a certain duty as he saw fit, no one would uphold it, for clearly that would be the surrender by Congress of its obligation to legislate, an open attempt to place that right in the hands of another.

When the President is ready to make his proclamation after having made his investigation under the provisions of this bill, what does he find? First, that as to the subject upon which a change is desired, a certain duty has been levied by the Congress on that article. Second, that he is given the power to change that duty, up or down, to the extent of 50 per cent of the duty levied in the bill. Third, if he raises the duty 10 per cent, or 20 per cent, or 30 per cent, or 40 per cent, or 50 per cent, certainly the duty on that article has been changed, but not by Congress, and the "conditions of competition" which induce him to raise the duty 10 per cent, of course, are different from those when he raises it to 20 or 30 or 40 per cent; and is not the adjustment of these per cents of duty to the "conditions of competition" which he finds nothing more or less than legislation? Is not that the process by which Congress itself determines the rates? Fourth, the provision in this bill in allowing the change within 50 per cent of the original duty to be made by the President is a clear, open attempted delegation of the taxing power by the Congress to the President, which is unconstitutional and void.

The attempt of Congress in this bill to make the President its agent to make tariff duties must fail, since the Constitution has given all legislative powers to the Congress and Congress can not delegate them to any other; and if that were not true and Congress had the power to make laws by and through an agent, this provision would be equally futile, since the President, under the Constitution, has only executive powers, not legislative, and Congress can give him no others.

The Supreme Court in the case of Hampton & Co. *v.* United States (276 U. S. 395), through Chief Justice Taft, has held section 315 (a) of Title III of the tariff act of September 21, 1922, valid and constitutional. The legal and constitutional principles which I have attempted to discuss in this paper conform generally to those of the Chief Justice in his opinion. It is not, therefore, so much a difference in constitutional construction as in the application of those principles to the facts in the case, and undoubtedly the provisions which we are discussing to-day in this bill, in the powers given to the President, are far more complicated than those in Hampton & Co. *v.* United States, *supra*, and involve much broader and more complicated legislative powers to be conferred upon the President than those in the above case. But even if the Hampton case was on all fours with the present, of course the decision of the court would not be binding on the Member of Congress, because in matters of legislation his oath to support the Constitution requires him to make that decision bound by no other consideration than his own conscience. Of course, in determining whether the question is constitutional, a Member of either House of Congress must seek all the sources of light possible and give due weight to all opinions that may be found on the subject, and especially should this be done when the opinions of the highest court of the land are in question. And I oppose this bill, therefore, because in my opinion as a Representative of the people of Virginia it can not be accepted as constitutional.

Men and brethren, consider just for a moment what this question means. Three hundred years ago in England our forefathers met this proposition and settled it. The Crown, over years of gradual accretions of power, had come to demand as of right supplies from the timid Commons. The imperious Stuarts and Tudors were wont to say to the House of Commons, "Hurry up; hurry up my supplies, and then adjourn." It cost the head of one king and the removal of another to bring about this change. Arbitrary power and the power to control the purse strings of the nation is a combination so dangerous that all free people should fight the first steps of its approach. The separation of the three branches of the Federal Government and the preservation of the right of taxation and the control of the purse strings of the Nation by the House of Representatives are the plain guaranties of continued liberty. This bill would start a movement to destroy the power of the House of Representatives and magnify the executive power of the country, and every freeman, man and woman, without regard to political bias, should cling closely to the preservation of those fundamentals without which we can not exist as a free people, and I gladly welcome the defiant cry of the noble Senator from Texas, TOM CONNALLY, who announced he was ready to fight it out all summer if it took that time to defeat that infamous provision. The time for action has come. *Obsta principiis* is the doctrine of safety, and to hesitate now may be the surrender of the power of this House forever.

Mr. HASTINGS. Mr. Speaker, I have heretofore made some remarks on the tariff bill and also the tariff on oil. I ask

unanimous consent to extend my remarks in the RECORD on both speeches.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

TARIFF ON OIL URGED TO PROTECT THE INDUSTRY FROM IMPORTATION OF OIL PRODUCED BY USE OF CHEAP LABOR AND FOREIGN MATERIALS

Mr. HASTINGS. Mr. Speaker, the theory upon which this tariff bill is sought to be justified is to protect the home market against the free importation of products or goods produced by cheap labor and material in foreign countries. This argument is presented in the report of the committee and is advanced by every member of the committee of the majority party responsible for framing this bill. It is urged that it is sought to equalize living conditions between the low-wage earners abroad and those demanding a higher standard of living in our own country. Then we should not discriminate against any home industry. With this formula presented by the committee and this yardstick used for measurement, we are entitled to present an argument for a tariff on oil.

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COAL INDUSTRY AFFECTED

Oil is the principal industry in a number of the States and is produced in 19 States. All other States producing coal, with which fuel oil comes in competition, are equally interested with the oil-producing States in a tariff duty to prevent the free importation of cheap oil into this country.

FARMERS BENEFIT BY OIL DEVELOPMENT

A tariff on oil is closely associated with relief legislation for the farmer, because the records show that there are about 330,000 oil wells in the United States, and every farmer and every landowner is interested in the oil industry, as well as the approximately 100,000 or more wage earners throughout the country employed by this industry.

My State of Oklahoma is very deeply interested in the production of oil. The total production of oil in the United States for the year 1928 aggregated 900,364,000 barrels, and for 1929 1,005,598,000 barrels. There were imported in 1928 into this country 79,706,672 barrels, principally from Venezeula, Mexico, Colombia, and Peru, and in 1929, 108,619,000 barrels.

The oil industry has been very greatly depressed during the past few years. The present price of oil in Oklahoma ranges from 60 cents per barrel for low-gravity oil to $1.44 per barrel, making an average price of approximately $1.02 per barrel. In 1925 the price ranged from $1.35 per barrel for the low gravity to $2.35 per barrel, or an average price of $1.85 per barrel.

DIFFICULTIES OF CURTAILMENT OF PRODUCTION

Every effort has been made to relieve the depression in the oil industry. Acting under the auspices of the American Petroleum Institute, an association composed of oil producers, an effort has been made to curtail the production of oil to stabilize the price and prevent a further serious slump in the industry. Recognizing the depressed condition of the industry the President appointed four members of his Cabinet upon the Federal Oil Conservation Board, and the American Petroleum Institute has been cooperating with this board in an effort to find a method to prevent a further decline in the price of oil.

This board has not been able to cooperate in the curtailment of production because of an opinion by the Attorney General of the United States to the effect that it had no authority to act in the premises, and for the further reason that it would be necessary to have State legislation in those States producing the larger quantities of oil, and in addition would need the cooperation of foreign countries producing oil.

Another difficulty in securing an agreement for curtailment is found in the fact that there are 330,000 producing oil wells in the United States and the terms of lease agreements vary, many of them made years ago require continued operation and further development of leased areas.

There is always a deterioration in the curtailment or closing down of oil or gas producing wells, and this is particularly true as to the wells owned by the small producers. More than one-half of the oil produced is from the 327,000 wells of an average daily production of 4.7 barrels.

On March 12, 1929, a statement was issued from the White House that no further leases for oil would be made upon public lands and Secretary of the Interior Wilbur instructed all local land offices, through the Commissioner of the General Land Office, to receive no further applications for permits to prospect for oil and gas on the public domain and to reject all applications now pending.

Congress recognized the depressed condition of the oil industry by the act of Congress of March 2, 1929, which reduced the acreage of Osage Indian lands annually required to be offered for lease for oil from 100,000 to 25,000 acres.

With an adequate tariff on oil of $1 per barrel it would protect the industry against the importation of 108,619,000 barrels imported into this country and would prevent further price declines. Why not reduce imports from abroad rather than be forced to curtail production at home?

The oil imported into this country comes principally from Venezuela, Mexico, Colombia, and Peru, and is produced by cheap labor and by the use of material imported from countries not protected by tariff duties, particularly with reference to steel which is imported from Germany.

Using the argument that a duty should be imposed upon those things produced by cheap labor, imports that come in competition with the goods produced in our own country by labor receiving higher wages, surely oil is entitled to come within that class.

TARIFF WILL BENEFIT SMALL INDEPENDENT PRODUCERS AND WOULD SAVE SMALL WELLS FROM ABANDONMENT

Of the 330,000 oil wells in the United States it is conservatively estimated that 327,000 of these produce on an average only 4.7 barrels per day. These figures therefore show the necessity for protection for the very large number of small producers throughout the United States, and of the interest which the farmer has in the land producing oil and gas.

Not only are the producers and the landowners interested in the oil industry but the people generally, not only in my own State of Oklahoma but for that matter throughout the country are vitally interested.

BENEFIT TO TAXPAYERS

Oklahoma has a gross production tax of 3 per cent of the value of oil produced in that State. In 1927 the tax collected by the State amounted to $12,102,426. In 1928 the amount collected was reduced to $10,268,787. The reduction in the amount of tax collected necessitated economies in expenditures by the State of Oklahoma, including the elimination of the contribution by the State to weak schools and measurably increased the taxes on all of the citizens of the State. What is true in Oklahoma is also true in the other oil-producing States.

Now, let us examine the relation of oil to coal: The cheap oil imported is largely used for fuel-oil purposes and comes in competition with the coal produced in this country. Four barrels of fuel oil are equal to a ton of coal.

The Association of Independent Oil Producers in Oklahoma have made a very careful study of the cost of production abroad as compared with that in our own country, and have urged in some resolutions that a duty of $1 per barrel should be imposed on oil imported into this country. I submitted these resolutions to the Ways and Means Committee and invited attention to the facts collected and the statements made in the preamble of the resolutions, and I am appending them to my remarks. I invite the attention of the Members of the House to the conservative and carefully guarded statements made in the resolutions.

NO DANGER OF EXHAUSTION OF OIL SUPPLY

Answering the argument that is frequently advanced that it is necessary to import oil to conserve the oil supply in the United States, the United States Geological Survey in 1921 made an estimate of a total reserve of oil of 9,150,000,000 barrels. Since then new areas underlaid with oil-producing sand have been discovered and developed. In addition, millions of tons of oil-bearing shales located in the Western States have been discovered which may furnish billions of barrels of gasoline awaiting the proper refining process and better prices.

In an article discussing the New Oil Policy in the May number of Nation's Business, George Otis Smith, Director of the United States Geological Survey and former president of the American Institute of Mining and Metallurgical Engineers, in

estimating the natural resources with reference to our western lands, said:

The natural resources of these lands are estimated by the Interior Department to include 30,000,000 acres of coal lands containing more than 200,000,000,000 tons of coal; half a million acres of phosphate land that can supply 8,000,000,000 tons of this essential fertilizer as its needs on American farms are better realized; undetermined acreage of potash deposits; 65 developed oil and gas fields with an annual production of 33,000,000 barrels of oil; and 4,000,000 acres of oil shale from which possibly 60,000,000,000 barrels of oil can be extracted when prices warrant the higher cost.

There is no question but that substitutes will be found for gasoline in the near future. Within the last few weeks successful formulas for manufacturing synthetic gasoline have been discovered.

Mr. J. Edgar Pew, formerly president of the American Petroleum Institute, now president of the Sun Oil Co., said:

The oil industry, in the opinion of many, has more to fear in the future from competition either of by-products from substitutes or by the use of other sources of power not yet developed than it has from the exhaustion of the oil supply.

Mr. J. E. Eaton, a consulting geologist of national reputation, said:

Recent progress in geology and chemistry has shown our available supplies of oil are rapidly increasing, rather than decreasing, as the result of progress in the sciences, and most technicians have now stopped predicting the untimely exhaustion of oil.

Those who have made a careful study of the situation are not in sympathy with the fears of an exhaustion of the oil supply in our country.

PRICE OF GASOLINE ARTIFICIALLY CONTROLLED

It has been suggested by some that the imposition of a duty on oil of $1 per barrel would raise the price of gasoline.

The fact is that the imported oil is of small gasoline content, and the amount imported in 1928 only refined 7,700,000 barrels of gasoline, being only 2 per cent of the amount produced in the United States for 1928, which is too small to affect the general price of gasoline throughout the country.

The gasoline content varies with the gravity of the oil from 12½ per cent of the lower gravity to around 43 per cent of the highest gravity.

A study of gasoline prices for the past few years shows that the price of gasoline is artificially controlled and that the price to the public was practically the same four years ago, when the price of oil was much higher. In 1926 gasoline was 21 cents per gallon when the imports of oil were negligible.

The price of oil in Oklahoma runs from 60 cents per barrel to $1.44 per barrel. In Pennsylvania it runs from $3.85 to $4.10 per barrel, but there is no material difference in the price of gasoline; and the same is true of the near-by trade territories.

According to the Oil and Gas Journal of Thursday, April 11, 1929, the tank-wagon price of gasoline at Baltimore, the port of entry for much foreign oil, was 16 cents per gallon, including 2 cents State tax. In Pennsylvania and other points through which crude petroleum is not imported the price ranges from 14 to 19 cents per gallon, as against 16 cents at Baltimore.

The same is true of the other ports of entry for imported gasoline. There is no material change in the tank-wagon price. There is not much difference now in the price to the consumer, than in 1926.

The last records show that there are approximately 485,000,000 barrels of oil in storage, which shows an increase in the amount in storage since January 1, 1929.

The production in Venezuela increased 67.9 per cent in 1928 over 1927, and the importation of oil, according to the Alexander Hamilton Institute, is increasing, and the amount estimated to be imported for 1929 is 100,000,000 barrels.

It costs the Mid-Continent oil producers in Oklahoma 96 cents per barrel to pipe crude oil from Oklahoma to the refinery at Bayonne, N. J. It is reported that this approximates the amount that imported oil is sold for which is produced in Venezuela, Mexico, and Colombia, and therefore it is urged that $1 per barrel would be a reasonable protection for the oil industry in the United States against that produced by cheap labor and material in foreign countries.

AN ISSUE IN 1928 CAMPAIGN

Representing the administration, Senator Curtis, then the nominee of his party for Vice President during the campaign last year, committed the administration to a policy of protection on oil. On September 27, 1928, Senator Curtis, in Oklahoma, advocated a tariff in the following language, as shown by the following published quotation from his speech:

Our Democratic friends favor a competitive tariff. That will not help a single farmer in this country, not a workingman in this country, not a single oil producer, not a manufacturer of goods. The Republicans are opposed to a competitive tariff and favor a protective tariff.

In the last two revenue bills I proposed a duty on oil. You, in Oklahoma, I see, have requested the limitation of oil production. I took a market report and found that last year we imported 77,000,000 barrels of oil into this country. I suggest that we shut out those 77,000,000 barrels, and you would not have to shut down production here.

We are only urging now that this campaign pledge be kept, and we insist that the oil industry is entitled to this protection, and we hope that before the final passage of this bill that this industry will be suitably recognized and the modest tariff duty of $1 per barrel be imposed upon the oil imported into this country.

We earnestly joined in urging the Ways and Means Committee to report a tariff of $1 per barrel on oil. The Republican members in executive session, excluding the Democratic members, prepared the tariff bill and reported it to the House. An opportunity was given and we appeared a second time before the Republican members of the Ways and Means Committee before the bill was reported and made a plea for a tariff on oil, but it was refused.

When the bill was reported to the House by the Republican members of the Ways and Means Committee it was taken up under a special rule which had the effect of not permitting any Member other than a member of the Ways and Means Committee from offering an amendment to the bill. I voted against this rule. No Member who voted for the rule should be heard to complain when he knew by voting for it that he tied his hands from even proposing an amendment for a tariff on oil. Only some 8 or 10 pages of the 432 pages of the bill were read and considered and no opportunity therefore was given to present an amendment to the full membership of the House for a tariff on oil. These are the undisputed facts which the people interested in the oil industry should know. [Applause.]

THE TARIFF BILL

Mr. HASTINGS. Mr. Speaker, this bill is to be known as "the tariff act of 1930." Unfortunately many of the people of the country do not fully understand just what a tariff is. A tariff is a duty or a tax levied on imports into our country. It is a tax that the consumer has to pay, because it is added to the increased cost of the goods which he purchases. Of course, if no merchandise or other products are imported into the country no tax is collected.

ARGUMENTS FAVORING TARIFF REVIEWED

It was once a favorite argument that the foreigners paid the tax, and many people throughout the country were deceived by the ingenious arguments advanced in support of that theory. Of course, no one any longer advances such a theory and we wonder that anyone could ever have been deceived by it.

The next argument is that the tariff is for the benefit of the laboring man, and much stress is laid upon the difference between wages at home and abroad, and this theory is played overtime for the benefit of the manufacturer.

Statistics show that the laboring man gets a very small per cent increase in wages because of the advanced prices and that the manufacturer is by far the greater beneficiary.

The Associated Press, in March, 1929, carried the following statement:

The Treasury expects the March 15 income-tax returns to show that at least 14,000 persons in the United States are worth a million dollars or more. The figure was arrived at from a study by Joseph S. McCoy, chief actuary.

And in another news item of March 29 the Associated Press carried the following:

Approximately 300 citizens of the United States paid taxes on incomes of a million dollars and over for the year 1928.

Four hundred and ninety-six paid on incomes of $1,000,000 or more in 1929.

None of these, of course, were of the laboring class. Most of them gained their very great wealth by reason of special-privilege legislation, such as the tariff. In contrast with these enormous incomes the average income of the farmer is $717, and $630 of this is deducted for the living expenses of himself and family,

leaving the remainder of $87 for the education of his children, recreation, and other family expenses.

In a recent issue of a Washington paper an assistant librarian insisted that her salary of $1,644 per annum was $47 less than her necessary living expenses. The average wages of clerical and industrial workers in the East is given at $1,415. They work 8 hours each day. The farmer works on an average of 12 hours each day and his income includes the services of all the members of his family.

The truth is the manufacturer gets the major benefit from special-privilege legislation and reluctantly gives the smallest percentage of the profits wrung from him by the urgent demands of the laboring man assisted by union-labor organizations. This is illustrated by the sugar-beet producers in the Western States. The testimony shows that the cheapest kind of Mexican, Japanese, and Russian labor, and the labor of children, are used in beet cultivation, yet when a raise in tariff is asked the argument is used that it is for the benefit of the laboring man.

It was argued that the tariff does not raise the price to the consumer. All sorts of specious arguments are used and figures juggled in an attempt to deceive the public. The complete answer to this argument is, however, if the tariff does not permit the manufacturer to raise the price of his goods to the consumer, why does he want an increase in tariff duties? No one can satisfactorily answer this question without admitting that it is for the purpose of enabling the manufacturer to advance the price of his goods, and the consumer, of course, means every purchaser of goods upon which there is a tariff duty, and includes the great mass of the people of our country—the farmer, the laboring man, the small business man, the professional man, and, in fact, every citizen of the Nation contributes to the beneficiaries of special-privilege legislation.

I have never cast a partisan vote on a legislative question since I came to Congress. I am not here to fight sham battles, but to render constructive service. In reaching a decision upon any question coming up in Congress for consideration I remind myself that I am representing a congressional district and, in part, a great State, and I ask myself how the solution of this question will affect the people whom I have been privileged to represent, and without thought of party advantage I use my best judgment in casting my vote as I believe it is for the best interests of those whom I represent. [Applause.]

CONGRESS CONVENED TO ENACT FARM RELIEF LEGISLATION

This Congress was convened in extra session for the avowed purpose of enacting farm relief legislation. It was urged that this was to be accomplished through a series of bills. One was to create a Farm Board to assist the farmer in marketing his crops to enable him to secure a better price, and that bill has passed and the board has been appointed and the country has suspended judgment in order that the board may be given a fair trial in its efforts to administer the law to the advantage of the farmers.

The second method of relief was to be through a "limited revision" of the tariff. Others soften the expression by using the word "readjustment" of the tariff.

This bill proposes the highest rates of any that was ever introduced. If this bill is a "limited revision," it is in the sense that the sky is the limit.

PARTY PLEDGES QUOTED

We heard much during the campaign of how the tariff would benefit the farmers of the country. Glittering generalities were always used. The platforms of both parties, however, favored placing agriculture on an "equality with industry."

The Republican platform said:

The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industries to insure its prosperity and success.

Mr. Hoover, in his speech of acceptance, in commenting upon the platform, said:

Its object is to give equality of opportunity to the farmer.

And the Democratic platform contained the following statement:

Therefore we pledge that in its tariff policy the Democratic Party will insist upon equality of treatment between agriculture and other industries.

In his message to this Congress, President Hoover said:

I have called this special session of Congress to redeem two pledges given in the last election—farm relief and limited changes in the tariff.

Mark the use of the word "limited."

And, quoting further from the message:

The general result has been that our agricultural industry has not kept pace in prosperity or standards of living with other lines of industry.

With these platform pledges and declarations of the President I find myself in entire agreement. I favor and would support a well-balanced, moderate tariff bill which would produce revenue and at the same time protect the home market against competition of foreign goods produced by cheap labor. The bill should not be sectional nor discriminatory and the duties should not be prohibitive, amounting to an embargo in the interest of monopolies, and should be so drawn that the lowest duties are imposed on the articles necessary to be purchased by the great mass of the consuming public. [Applause.]

HOW WILL THE BILL AID THE FARMER?

There are two ways to help the farmer. First, you must either assist him to secure a better price for the products he raises, or second, lower the cost of the necessities he must buy, so as to increase the exchange value or purchasing power of the commodities he produces. This bill does neither, as I will attempt to show.

Now, let us examine this bill with a view of finding out its benefits to the farmer and the small consumer. Everyone conceeds that the farmer is depressed. That he has lost in the depreciation of farm lands and in the value of farm products approximately $30,000,000,000 must be conceeded. That more farm lands are being sold for taxes than ever before in the history of the country the records verify. No one disputes that business failures and bankruptcies have been very large in the agricultural States, and that the very great number of bank failures in the Middle West are the result of the depressed condition of agriculture.

Everyone recognizes the hazards of the farmer, which includes weather conditions in the spring when he is busy preparing his ground for the planting of crops, subsequent droughts, and the appearance of pests and insects of all kinds which either destroy or reduce the crop yield.

Since the debate has opened upon this bill in the House nearly all the time consumed in the argument has been on the increases in the duties on manufactured products, which increases the burden instead of lightening the load of the farmer. In other words, it increases the price of the necessities which the farmer must buy.

TARIFF INEFFECTIVE ON MAJOR AGRICULTURAL CROPS

Let us examine the major agricultural products—wheat, corn, and cotton. Does this bill aid those products? You can not better the farmer's condition by making a gesture of penny protection dropped into one pocket, which is not effective, and at the same time through special-privilege legislation for the manufacturing class, filch from him ten times as much additional for the necessities which he must pay.

The duties you place upon wheat and corn are ineffective because, as to these two crops and as to cotton, we regularly raise an exportable surplus and we are seeking foreign markets for these products, whereas a tariff is a duty or tax imposed upon those products imported into this country.

TARIFF DOES NOT MATERIALLY AFFECT PRICE OF WHEAT

Take wheat as an example. The tariff placed upon wheat in the pending bill is 42 cents per bushel. That is the present tariff rate. It is ineffective to aid the wheat grower. It does not raise the price of wheat. Congress enacted the emergency tariff act of 1921 with a tariff of 30 cents per bushel upon wheat, and it continued to decline. We produced in the calendar year of 1928, 902,749,000 bushels of wheat, and in 1929, 806,508,000 bushels. We exported in the fiscal year 1928 wheat and flour equivalent to 206,258,610 bushels of wheat. We export annually a large quantity of wheat and wheat products. No tariff is effective on those products where we regularly raise an exportable surplus. That was frankly admitted in the debate on the farm bill in the Senate. The Senators representing the wheat States, almost with one accord, admit that the tariff on wheat is ineffective. That was the reason why they voted for the debenture amendment.

In the calendar year of 1928 we exported to Canada 37,173,442 bushels of wheat and imported 18,847,660 bushels. Of this amount duty was only paid on 200,886 bushels—amounting to only one-fortieth of 1 per cent of the wheat we produced—and the remainder of 18,646,774 bushels was milled in bond and immediately removed from the United States, and therefore did not come in competition with our wheat.

In 1929 we imported from Canada only 37,231 bushels of wheat upon which duty was paid, or only one two-hundredths of 1 per cent of the wheat we produced.

This shows that the price of wheat was better in Canada than in our own country. Otherwise the wheat would have been sold in our home market. Canada imposes no tariff on our wheat. If Canada had a tariff, it would have destroyed a market in 1928 for 37,173,442 bushels of our wheat. In 1929 we exported to Canada 23,068,068 bushels of wheat.

The tables inserted (by Mr. CANNON) in the CONGRESSIONAL RECORD, pages 1871 and 1872, show that from March 1, 1928, to May 21, 1929, wheat each day was higher in Canada than in the United States. And this has been true every day since.

In times of local shortage this tariff may be effective on wheat along the Canadian border as to certain grades of hard wheat, but it is ineffective to raise the price of wheat generally. Because of transportation charges we do not compete with Canadian wheat in Oklahoma and the interior. Wheat is at present lower on the Chicago market, ranging around $1.03 per bushel, than it has been since 1914. Yet the Tariff Commission raised the duty on wheat from 30 cents to 42 cents, and that remains the duty carried in the pending bill.

In my judgment, to recapitulate, there are five unanswerable arguments why a tariff on wheat, or any other agricultural products of which we regularly raise an exportable surplus, is of no benefit to the farmer.

First. The surplus controls the price and that is governed by the world market. If the Liverpool price determines the price at home, it makes little difference whether Canadian wheat is shipped direct to Liverpool or through the United States.

Second. A duty of 30 cents per bushel was imposed by the emergency tariff act of 1921 and later increased to 42 cents, and the price of wheat continued to decline.

Third. In 1928 we exported two hundred times as much wheat to Canada as we imported.

Fourth. If the advocates of a duty are sincere in the belief that a tariff will aid wheat in its depressed condition, why do not they increase the duty on wheat?

Fifth. Why do practically all Senators from the wheat-growing States of the Middle West and Northwest favor the debenture plan which would insure them only 21 cents per bushel, or 50 per cent of the duty of 42 cents per bushel on wheat, if the tariff is effective to give them the benefit of the full duty?

There is no economist in the country whose opinion is worthy to be quoted who holds that a tariff is effective on those agricultural products of which we regularly raise an exportable surplus.

DUTY ON CORN IDLE GESTURE

This bill raises the duty on corn from 15 cents to 25 cents per bushel. Surely the corn producer is not going to be deceived by this gesture. Everyone knows that if this duty were raised to 50 cents per bushel it would be of no practical benefit to the corn producer. We exported in the calendar year of 1928, according to report of Department of Commerce, 25,798,949 bushels of corn and only imported 565,228 bushels. We produced in the calendar year of 1928, 2,839,959,000 bushels of corn, and the imports of corn therefore were only one-fiftieth of 1 per cent of the corn produced, and if all of it were excluded it would not affect the price of corn. In 1929 we produced 2,622,189,000 bushels and only imported 407,085 bushels.

The truth is, I do not see how anyone can be bold enough to attempt to argue to the farmers of the country that an increased duty of 10 cents per bushel on corn will enable the corn producer to secure more for his product. If it would, why not increase it to 50 cents per bushel, because the corn farmers of the Middle West have been suffering from the depression common to the other agricultural products. The Tariff Commission could at any time have raised the duty 50 per cent with the approval of the President.

Anyone who argues to the contrary, I respectfully submit, qualifies himself for admission to a mental clinic.

FOREIGN MARKET NECESSARY FOR COTTON

Now, let us take cotton. We exported in 1927, 9,478,000 bales of cotton. In 1928 we produced 14,296,549 bales and exported 8,546,419 bales. In 1929 we produced 14,545,000 and exported 7,580,383 bales. Prior to 1922 there was a duty on long-staple cotton or sea-island cotton. A duty on this one and one-eighth staple is restored. Very little of this kind of cotton is grown in this country and none whatever of this staple in my State of Oklahoma. Of course, a tariff on the ordinary cotton, such as we grow in Oklahoma, could not be of any possible benefit in securing a better price for cotton when we regularly export from 60 to 70 per cent of the cotton grown in this country.

We import little if any cotton that comes in competition with the ordinary cotton grown in this country. All of the cotton imported is a special long-staple cotton used principally in the automobile industry, in tire fabrics, and for the making of thread. Every farmer knows that the price of cotton is governed by the price at New Orleans and New York and that price is governed by the quotations from Liverpool. The cotton producer is seeking a better foreign market for his product, but he knows that an import duty on cotton of 50 cents per pound would be of no benefit whatever. If, however, there should happen to be a shortage in the crops of either wheat, corn, or cotton, and the price of either should advance, then you would hear vociferous claims resounding from every political platform that it was because of the duty, but if the crop productions are normal or the price continued depressed or declined, as it did after the emergency tariff act of 1921, you would hear nothing about the effectiveness of the tariff duty.

It is no wonder then that those who talk of benefiting the farmer through tariff "readjustments" use general terms and do not discuss the major crops of corn, wheat, and cotton.

COST OF LIVING RAISED

Time, of course, will not admit of anything like a general analysis of this bill. This bill raises the cost of living to the consumer without giving him any of the compensating benefits.

DUTY ON SUGAR ADVANCED TO 3 CENTS

Now, let us take sugar as an example. In 1924 the Republican Tariff Commission recommended a reduction of the tariff duty on sugar from 1.76 to 1.50 cents per pound. The election was pending and the President, in order not to offend the public, withheld action on the recommendation of his own commission until after the election and then declined to follow the recommendation and refused to lower the duty on sugar.

This bill increases the duty from 2 cents to 3 cents per pound on sugar, and to that extent places an additional burden upon the breakfast table of every family in America. There is a differential of 20 per cent in favor of Cuban sugar, making the rate on Cuban sugar 2.40 cents per pound. We use approximately 12,000,000,000 pounds of sugar each year and import the most of this. The average amount consumed annually by each person is 109 pounds. This bill makes an ineffective gesture to appease the wheat and corn producers, which is of no benefit to them, and at the same time exacts an additional contribution for the benefit of the Sugar Trust from every consumer in the country. [Applause.]

Now, upon this question I ask myself how would the people whom I have the honor to represent have me vote? I do not believe 1 per cent of the people of my district in Oklahoma would favor this increased tariff duty on sugar.

DUTY ON SHINGLES 25 PER CENT

Let us take another example—shingles. This bill places an additional duty of 25 per cent on shingles for the benefit of the Lumber Trust. But few houses and barns are now being built in this country. The cost of lumber is almost prohibitive. You make the idle gesture of helping the farmer, which, as I have attempted to show, is ineffective, and you increase his burden every time he buys a bunch of shingles to cover or repair the roof which shelters himself and his family. Surely the people of the country will in time analyze the additional burdens in this bill and will appreciate that no compensating benefits are given to them and will denounce it because it is not farm relief legislation but is enacted for the benefit of the industrialists of the East. [Applause.]

DUTY ON PIG IRON FAVORS STEEL TRUST

As another illustration, take pig iron. The present duty is retained in the bill. In 1928, upon the recommendation of the Tariff Commission, the President raised the tariff on pig iron 50 per cent. This increased the burden of the farmers who use wagons, cultivators, plows, and all kinds of farming implements in which iron or steel is used. You seldom see a new wagon now. It sells for twice as much as it did in 1914. The same is true of cultivators, rakes, plows, and all other farm implements.

It is frequently urged that farm implements are on the free list, but the farmers are not told of the very high and excessive rates which are placed on pig iron and other materials which go to make the farming implements which he must produce.

Let me repeat, that an idle gesture is made to deceive the farmer with a duty on corn and wheat, which is ineffective, in order to place an additional burden upon him for the necessities which he must buy.

BRICK AND CEMENT PROTECTED

Let us examine the brick and cement schedules; both have heretofore been on the free list. A duty of $1.25 per thousand is placed upon imported brick and 30 cents per barrel on cement. Both are in common use. Brick is in general demand about the farm in the building of chimneys and flues and other uses. Cement is a necessity for road and bridge building, and there is hardly a farm throughout the entire country that does not find use for cement for foundations, sidewalks, silos, cellars, and innumerable other things. A duty on neither of these necessities can be justified. Neither is in the interest of the farmer.

DUTY ON WOOL EXCESSIVE

Take wool for another example. The duty carried in this bill is increased and exceptionally high, for the benefit of the wool-grower, and as a result the consumer—the farmer, laborer, and every wearer of woolen goods—must pay an additional price for the clothing which he and the members of his family wear.

Next turn to the rayon schedule. This is commonly known as artificial silk and is used in the manufacture of clothing and articles of wearing apparel of every description, handkerchiefs, gloves, hose, underwear, and innumerable other articles purchased and in common use by those who can not afford to buy the higher-priced articles made of silk, and this is taxed from 45 per cent to 65 per cent ad valorem and as a consequence imposes a heavy financial burden upon the consuming public.

SHOE SCHEDULE

Let us next examine the shoe schedule. Shoes heretofore have been upon the free list. Everyone knows that shoes now cost the consumers approximately twice as much as they sold for during the pre-war days. Shoes are a necessity and must be bought and worn by every man, woman, and child in the country. A duty or tax varying from 20 per cent to 35 per cent ad valorem on boots, shoes, or other footwear is imposed.

All leather used for the making of saddles and harness, and various other articles in general use, including a 20 per cent tax on leather used in the manufacture of footballs and basketballs, is included in the bill.

The same argument could be used on practically all of the necessities which the consuming public use.

I have cited only a few cases for the purpose of illustrating my argument. The reported bill consists of 434 printed pages. There are literally thousands of items protected by an excessive duty which compel the consumer to pay tribute to the industrialists of the East. It is to be considered in the House under a special rule which will not permit amendments to be offered to correct these abuses. If the law required a stamp or tag to be placed upon each article sold indicating the increased cost to the consumer of each article purchased because of the tariff duty, it would so arouse the masses as to result in a political revolution that would drive the advocates of special privilege from power. As it is, the people are not aware of the additional amount they pay because of this special-privilege legislation.

The investigation of the Pennsylvania election in 1926 disclosed that JOSEPH GRUNDY, president of the Manufacturers' Association, had collected from his associates and contributed $300,000 to the campaign fund in that State. This was an investment and it was expected to be fully returned to the beneficiaries who contributed through special-privilege legislation such as is reported in this bill.

No compensating benefits are given the farmers by this bill. The tariff duties are only gestures and are placed upon products of which we are raising an exportable surplus and for which we are forced to find a foreign market. The farmer must sell his products in an open market, whereas he buys in a highly protected market, which is nothing more than special-privilege legislation for the benefit of the few. [Applause.]

FOREIGN MARKET NECESSARY FOR OUR SURPLUS PRODUCTS

In order to have a foreign market for the surplus farm products we must exchange our products for those manufactured and produced in other countries.

Our total imports for the year 1928 amounted to $4,091,120,000 and our total exports were $5,129,809,000.

This is well illustrated in our trade with Canada for the year 1928. Our imports from Canada were $498,999,000 and our exports for 1928 were $916,156,000.

If prohibitive tariff rates are placed upon the things we manufacture, which practically amount to an embargo, foreign trade will be diverted elsewhere and our foreign market for agricultural products will be measurably lessened and endangered.

You heard much said during the campaign about the wonderful prosperity of the country and of the enormous profits being made, and this is reflected in the income-tax reports, where individual income taxes of $882,727,113.64 and corporation income taxes of $1,291,845,289.64 were reported for the year 1928, or a total amount of $2,174,543,102.89.

Contrast these same beneficiaries of special-privilege legislation appearing before the Ways and Means Committee, and with crocodile tears pleading for higher rates, urging upon members of the committee and Congress that their companies are on the verge of bankruptcy.

I wonder where all those 14,000 millionaires, reported by the Associated Press, were during these hearings?

That is what is the matter with the people in the great Middle West. They pay tribute to the industrialists of the East through special-privilege legislation.

The exchange value of the farmer's dollar is reported to be worth 60.3 cents. In other words, he lost 39.7 cents to the industrialists of the East through the exactions of special-privilege legislation. The farmer gets no compensating benefits.

The duties collected because of the tariff last year amounted to $565,501,000. All of this was passed on to the consumers by adding it to the price of the goods, plus an additional per cent profit on the investment.

Nearly all tariff rates are raised in the pending bill. Heavier burdens are to be imposed upon the consumer. Tariff duties in favor of the manufacturer are effective. A tariff wall to the extent of the duty is raised. But that is not all. Some of these tariff rates are prohibitive and amount to an embargo against the importation of foreign goods. That done, the comparatively few concerns manufacturing any particular commodity, through mutual understandings in conventions and conferences, advance the price not only to the extent of the tariff but as much higher as the consumer can be induced to pay.

There are engaged in the manufacture of steel only 20 concerns. Straw hats are manufactured by 19 companies. Only one company produces aluminum. The same is measurably true of practically all domestic companies and corporations manufacturing any particular commodity in the United States.

We impose a tariff duty on every article worn by the baby in the cradle, including dolls and toys, follow it every step through life, and finally to its last resting place, and impose a duty on the tombstone that marks the grave.

It would require a prodigy in memory to retain the thousands of items protected by a duty in this bill and the rates on each.

With foreign competition excluded it is much easier for domestic companies and corporations to divide territory and come to understandings with reference to the production, distribution, and prices of their commodities. As a result these companies, protected by high tariff rates, are in a highly prosperous condition through tribute collected by special-privilege legislation from the consuming public.

It is urged, however, that the compensating benefits he receives are that as the industrialists of the East are made more prosperous a better and broader market is afforded for the things which the farmers of the great Middle West and South produce.

Well might the argument be made that if legislation were enacted which would be of compensating benefit to the farmer, that a better market would be created among those who live in the agricultural sections of the country for the manufactured products which the industrialists produce. I have no confidence in the soundness of the argument advanced that in order to make one more prosperous you should tax him more through tariff legislation which would compel him to pay more for the necessities which he and the members of his family must buy. [Applause.]

ONLY REPRESENTATIVES OF SELFISH INTERESTS HEARD

The chairman of the Committee on Ways and Means [Mr. HAWLEY] stated the theory upon which this bill was constructed. He said:

> Whenever we found that people operating under any paragraph or item on both sides—that is, both the American and the foreign competitors—found no complaint, it was held as evidence that particular paragraph or item was serving its purpose.

That statement admits the charge that the great consuming public was not represented in the hearings before the committee.

If the manufacturers and the importers agreed, the duty on any particular paragraph or item was not disturbed.

It was the duty of the committee to represent the consuming public and not permit the manufacturer and the importer to agree on special-privilege legislation. You may search every

paragraph of the bill and you will find that the public, the interests of the plain people of the country, were not represented before the committee in the drafting of this bill.

THE TARIFF COMMISSION

We appropriated for the fiscal year of 1930 the sum of $789,000 for the Tariff Commission. This commission was created a number of years ago, with six members, and was established for the purpose of removing the tariff question from partisan politics.

The country hoped that men of very high character and of outstanding ability and independent thought would be placed upon the commission and that the findings of the commission would be of such a character as to commend them to the thoughtful people of the country.

The flexible provision of the tariff act authorized the President, upon the recommendation of the commission, to raise or lower the duty on any article by 50 per cent.

This commission investigated the duty on sugar. In 1924 pressure was brought to influence the commission's action. One of the members of the commission refused to disqualify and insisted upon voting on the sugar schedule notwithstanding that a member of his family was directly interested. Another Republican member, who favored a reduction in the tariff duty on sugar, was given a diplomatic appointment to Rumania, and finally a postponement of its report was urged upon the commission, and when it was finally made, action upon it by the President was withheld until after the 1924 election.

The truth is that this commission has been made a political football. The country has no confidence in its freedom of action nor in the independence of its decisions. The tariff is a political question and every member of the commission reflects his partisan views. It has reduced the duty on mill feed, phenol, paintbrush handles, and bobwhite quail. In all other cases where recommendations have been made the duty has been increased.

The tariff on pig iron was increased 50 per cent by the President in 1928 upon the recommendation of the commission, though the United States Steel Corporation declared a 40 per cent stock dividend in addition to the regular quarterly dividend and placed a comfortable sum to its surplus.

For these reasons I do not favor the Tariff Commission, and if given an opportunity I would vote to abolish it. [Applause.]

It is the commission before whom the special-privilege class may appear and present arguments for an advance of rates, which will increase the burden upon the people of the country, with no one to speak for the great mass of the people, just as was the case before the Committee on Ways and Means in the preparation of this bill.

I do not favor the delegation of this power to a commission. The Constitution (Art. I, sec. 8) places the responsibility upon Congress "to lay and collect duties, imposts, and excises." The Congress is the body directly responsible to the people.

This is not a "limited" revision of the tariff, as recommended by the President. He unquestionably intended a revision of those schedules in favor of depressed agriculture. This bill is a general revision upward of the tariff. The increased rates are higher than in any bill ever heretofore proposed. It will not aid the farmer.

As I have shown, the tariff as to the major crops of corn and wheat, with no duty on cotton, is ineffective. It will increase the cost of manufactured articles the consumers must buy and still further lower the exchange value of the farmer's dollar. It is inconceivable that the great mass of the consuming public, particularly those throughout the Middle West and South, including my own State of Oklahoma, can longer be deceived that the imposition of heavier tax burdens upon them in the interest of the industrialists of the East can be for their benefit. [Applause.]

This bill is considered under a special drastic rule which sets aside the general rules of the House and in effect denies the right of any Member, except members of the Ways and Means Committee, to offer an amendment to this 434-page bill. Every Member of the House who voted for the rule voluntarily voted to deny himself that privilege.

Experts estimate that this tariff bill will add more than $1,000,000,000 burden upon the consuming public. It is the most iniquitous and most indefensible bill enacted for the special interests that was ever passed by Congress, and it may well be called the "Grundy bill."

In my candid judgment, if the citizenship of Oklahoma had the opportunity, free from partisanship, to carefully study and analyze the provisions of this bill increasing, as it does, the burdens upon the great mass of the consuming public in favor of the industrialists of the East it would not meet with the approval of 1 per cent of the splendid citizens of my State.

SALARIES OF POLICE AND FIRE DEPARTMENTS

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill S. 2370, to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker and Members of the House, the Senate has just passed a bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia. The bill is sponsored by the leading business men's organizations of Washington and has received the indorsement of the Federation of Citizens' Association, the Citizens' Advisory Council, and numerous civic associations. The bill is also strongly favored by the American Federation of Labor, the Washington Central Labor Council, and many other prominent groups.

The Senate committee that had the bill under consideration reported that it was strongly of the opinion that the salaries paid employees of the police and fire departments in the District of Columbia are woefully inadequate. Washington, although the thirteenth city of the Nation in point of population, pays its police and firemen less than a great many smaller cities. Most of the firemen and police of the Nation's Capital are married men with growing families. They entered the service of the city at a salary of $1,800 a year. By remaining efficient workers, they may gradually attain the maximum salary for privates of $2,100. Considering the unusual hazards of the position, the long hours of work, and the cost of supporting a family in decent living conditions this pay is obviously not commensurate with the service rendered. It is scarcely surprising in view of all the circumstances that the president of the Washington Central Labor Union, Mr. John Colpoys, at the subcommittee's hearing charged that police and firemen of this city are working at the various trades on their days off—they have one day off in seven, unless a state of emergency exists—and thereby depriving trades-union men not otherwise employed from a day's labor. This condition, in my judgment, unmistakably indicates an insufficient wage. It has been my experience that few men will work on their one day of rest each week unless there is a desperate need of money. The pending bill provides an entrance salary of $1,900 a year and an annual increase of $100 for five years or until a maximum of $2,400 a year is reached.

I am quite sure that the Department of Labor recently issued a statement to the effect that it required something more than this sum to enable a wage earner to rear his family in accordance with American standards. And, Mr. Speaker, it is the duty of America and every part of America, governmentally and otherwise, to do that which will make for a wage that will enable Americans to live in accordance with those standards which make for decent boys and girls brought up in homes which they will love sincerely and not be ashamed of secretly.

The Federal Government, the States, and municipalities should pay wages and salaries that will stimulate private industry and thereby bring about the situation which is mostly to be desired for the welfare of our country. I know, Mr. Speaker, that when men receive a wage or salary which will enable them to educate their boys and girls and to have a home that makes for an attractive family life and surroundings, the members of that family feel that their country is really a great and splendid place in which to live. I know that that man and his sons are ready to answer the call of that country to defend its altars and firesides. I know they will fight to the death for the institutions of that country and the flag which symbolizes the hopes and the aspirations of the living. I know they will carry on for its future and will ever be mindful of these heroes whose graves are in every cemetery from end to end of the Republic, and be inspired by their patriotic deeds, for they fought the good fight and made our land what it is to-day. In other words, good wages make for decent individual and family life. Good salaries make for well-educated boys and girls that will adorn the homes of the working father. Good wages make for patriotism and love of country. Good salaries inure to the benefit of our industries, whose wheels are kept turning and revolving by the purchasing power of the toilers and wage earners of the Republic. Let us pass this bill, Mr. Speaker, when it comes up in the House. No taxpayer in the District has been heard to raise his opposition to it, and why should any voice be raised

against it. Do not the police and firemen protect the property of the citizen by day and by night year in and year out? Are not the police and fire department after all the local military establishment that guards the citizen and protects him in all of his rights. Mr. Speaker, while there are many piously inclined souls who believe that we could do without an Army or a Navy, I do not believe that anyone has yet reached the point where he is ready to suggest that we should be without a police and fire establishment in our hamlets, towns, and cities.

Of course, the Members of this Congress know from my many speeches that I am for ample preparedness and that I want your country's and my country's honor and her institutions guarded and protected by a Navy and Army that can meet any invader from across either one of the two great oceans. Semper paratus—all prepared—has been the song that I have sung early and late. I want our country to be so loved by all of her children, young and old, that when the bugle is blown again on some tremendous day that America, men and women, boys and girls, will stand out with one voice, as it were, and answer with the thrilling note of patriotism, "I am here." And keep in mind, my fellow Members of the House, the police and fire establishment of every city in the Union is really a part of the Military and Naval Establishments of the Nation, for they are for the protection locally of those American rights and property interests without which our country would not be. It might not be amiss for me to say here that one of the outstanding incidents of the World War was the noble manner in which the police and fire departments of Antwerp discharged their duty while it was under German bombardment, from which great fires spread, and when all of the other population had withdrawn from the apparently doomed city. They have done noble work in every city of the Union. They do not boast of their accomplishments. They let the records speak for them in the departments in which they serve. They are honorable men and will compare favorably with the members of every profession and vocation that makes up our life in America to-day.

But one outstanding fact in the history of the two great departments which protect our property and lives is that they are made up of men that are courageous and who are willing to pay the price of doing their duty with their lives whenever that price is exacted by the service whose uniforms they wear.

As Big Bill Devery said years ago, when he was chief of police of New York, and a member of the force did not assume the risk of stopping a notoriously bad man who was shooting his way down one of the streets of New York, "Get off this force. Nobody that wants to live forever can remain and be one of us." Anyone that wants to be a member of the police force or the fire department has to be of that courageous make-up which prompts him to instantly meet any danger and yield his life as a holocaust as it were to the needs of the city he serves. Such a police force, Mr. Speaker, and such a fire department is the boast of the city of New Orleans. Many of them have had their lives snapped asunder because of the faithful manner in which they met every emergency and answered danger's call. Many have made that sacrifice with bold, brave hearts and will continue to offer their lives when the necessity demands and requires such a sacrifice. Much the same can be said, I think, of every police and fire force in America. The Washington policemen and firemen are entitled to a just and a living wage. They should be given it not only in recognition of their services, but because it will establish that governmental attitude toward them which will have a beneficial and inspiring influence upon the States and cities that are unquestionably influenced by such Federal legislation.

Let us pass this bill, Mr. Speaker. It is far more important than it looks. It has far-reaching implications. Thousands of policemen and firemen all over the United States will be gratified at our favorable action on this bill. It will evidence to their mind that the Federal Government is glad to acknowledge the service, the courage, the heroism, and the patriotism of the gallant men who served in our police and fire departments.

LEAVE OF ABSENCE

By unanimous consent, the following leave of absence was granted:

To Mr. TAYLOR of Tennessee, on Monday and Tuesday, the 19th and 20th of May, on account of important private business.

To Mr. DRANE (at the request of Mr. DRIVER), for four days.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 134. An act authorizing an appropriation for the purchase of land for the Indian colony near Ely, Nev., and for other purposes; to the Committee on Indian Affairs.

S. 465. An act to give war-time rank to retired officers and former officers of the United States Army; to the Committee on Military Affairs.

S. 1406. An act for the relief of Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroldsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, Emil Kulchycky, Harold S. Stubbs, and the Bethel Cemetery Company; to the Committee on Claims.

S. 1792. An act to provide for the appointment of an additional district judge for the southern district of California; to the Committee on the Judiciary.

S. 1849. An act for the relief of Francis B. Kennedy; to the Committee on Claims.

S. 2043. An act to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture and for other purposes; to the Committee on Agriculture.

S. 3619. An act to reorganize the Federal Power Commission; to the Committee on Interstate and Foreign Commerce.

S. 3810. An act to provide for the commemoration of the termination of the War between the States at Appomattox Court House, Va.; to the Committee on Military Affairs.

S. 4017. An act to amend the act of May 29, 1928, pertaining to certain War Department contracts by repealing the expiration date of that act; to the Committee on Military Affairs.

S. 4028. An act to amend the Federal farm loan act as amended; to the Committee on Banking and Currency.

S. 4030. An act to provide books for the adult blind; to the Committee on the Library.

S. 4096. An act to amend section 4 of the Federal reserve act; to the Committee on Banking and Currency.

S. 4108. An act to provide for reimbursement of appropriations for expenditures made for the upkeep and maintenance of property of the United States under the control of the Secretary of War, used or occupied under license, permit, or lease; to the Committee on Military Affairs.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 668. An act for the relief of A. J. Morgan;

H. R. 1251. An act for the relief of C. L. Beardsley;

H. R. 7405. An act to provide for a 5-year construction and maintenance program for the United States Bureau of Fisheries;

H. R. 7768. An act to provide for the sale of the old post-office and courthouse building and site at Syracuse, N. Y.;

H. R. 9323. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 10171. An act providing for the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 3498. An act to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1930;

S. 4015. An act to provide for plant patents;

S. 4057. An act authorizing the Secretary of the Interior to extend the time for cutting and removing timber upon certain revested and reconveyed lands in the State of Oregon; and

S. J. Res. 163. Joint resolution to carry out certain obligations to certain enrolled Indians under tribal agreement.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 668. An act for the relief of A. J. Morgan;
H. R. 1251. An act for the relief of C. L. Beardsley;
H. R. 7405. An act to provide for a 5-year construction and maintenance program for the United States Bureau of Fisheries;
H. R. 7768. An act to provide for the sale of the old post office and courthouse building and site at Syracuse, N. Y.; and
H. R. 10171. An act providing for the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States.

ADJOURNMENT

Mr. FRENCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 7 minutes p. m.) the House, under its previous order, adjourned until Monday, May 19, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative lists of committee hearings scheduled for Saturday, May 17, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

Authorizing the Secretary of the Navy to accept, without cost to the Government of the United States, a lighter-than-air base near Sunnyvale, in the county of Santa Clara, State of California, and construct necessary improvements thereon (H. R. 6810).

Authorizing the Secretary of the Navy to accept a free site for a lighter-than-air base at Camp Kearny, near San Diego, Calif., and construct necessary improvements thereon (H. R. 6808).

For Monday, May 19, 1930

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON THE JUDICIARY

(10.30 a. m.)

To license and regulate the business of making loans in sums of $300 or less, secured or unsecured, prescribing the rate of interest and charge therefor and penalties for the violation thereof, and regulating assignments of wages and salaries when given as security for any such loans (H. R. 7628).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

Authorizing the Secretary of the Navy to accept, without cost to the Government of the United States, a lighter-than-air base near Sunnyvale, in the county of Santa Clara, State of California, and construct necessary improvements thereon (H. R. 6810).

Authorizing the Secretary of the Navy to accept a free site for a lighter-than-air base at Camp Kearny, near San Diego, Calif., and construct necessary improvements thereon (H. R. 6808).

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON THE TERRITORIES

(10 a. m.)

To extend the duties and powers of the Bureau of Efficiency to include the governments of the insular and Territorial possessions of the United States (H. R. 11851).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

471. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1930, amounting to $40,000, to remain available until June 30, 1931, to enable the Chief Executive to continue the litigation in connection with the joint resolution directing the Secretary of the Interior to institute proceedings touching sections 16 and 36, township 30 south, range 23 east, Mount Diablo meridian (H. Doc. No. 401); to the Committee on Appropriations and ordered to be printed.

472. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Agriculture for the fiscal year 1931, amounting to $17,640, for an additional amount for the enforcement of the grain futures act (H. Doc. No. 402); to the Committee on Appropriations and ordered to be printed.

473. A letter from the Acting Secretary of the Navy, transmitting a draft of a bill to amend section 300 of the World War veterans' act, 1924, as amended; to the Committee on World War Veterans' Legislation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. S. 3298. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Evansville, Ind.; without amendment (Rept. No. 1470). Referred to the House Calendar.

Mr. BECK: Committee on Interstate and Foreign Commerce. S. 3421. An act to authorize the Tidewater Toll Properties (Inc.), its legal representatives and assigns, to construct, maintain, and operate a bridge across the Choptank River, at a point at or near Cambridge, Md.; without amendment (Rept. No. 1471). Referred to the House Calendar.

Mr. BECK: Committee on Interstate and Foreign Commerce. S. 3422. An act to authorize the Tidewater Toll Properties (Inc.), its legal representatives and assigns, to construct, maintain, and operate a bridge across the Patuxent River, south of Burch, Calvert County, Md.; without amendment (Rept. No. 1472). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. S. 3466. An act to legalize the water-pipe line constructed by the Searcy Water Co. under the Little Red River near the town of Searcy; without amendment (Rept. No. 1473). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. S. 3868. An act granting the consent of Congress to the Lamar Lumber Co. to construct, maintain, and operate a railroad bridge across the West Pearl River at or near Talisheek, La.; without amendment (Rept. No. 1474). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. S. 4157. An act to extend the times for commencing and completing a bridge across the Tennessee River at or near Chattanooga, Hamilton County, Tenn.; with amendment (Rept. No. 1475). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. S. 4196. An act to authorize the construction, maintenance, and operation of a bridge across the St. Francis River in Craighead County, Ark.; with amendment (Rept. No. 1476). Referred to the House Calendar.

Mr. HOCH: Committee on Interstate and Foreign Commerce. H. R. 10376. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.; with amendment (Rept. No. 1477). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 11636. A bill to grant the consent of Congress to the Highway Department of the State of Tennessee to maintain a bridge across Duck River on the Nashville-Centerville Road, near Centerville, in Hickman County, Tenn., and approximately 1,000 feet upstream from the existing steel bridge on the Centerville-Dickson Road; with amendment (Rept. No. 1478). Referred to the House Calendar.

Mr. PARKER: Committee on Interstate and Foreign Commerce. H. R. 11903. A bill granting the consent of Congress to the construction of a bridge across the east branch of the Niagara River; with amendment (Rept. No. 1479). Referred to the House Calendar.

Mr. PARKER: Committee on Interstate and Foreign Commerce. H. R. 11963. A bill granting the consent of Congress to the construction of a bridge across the east branch of the Niagara River; with amendment (Rept. No. 1480). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 11934. A bill authorizing the Monongahela Bridge

Co. to construct, maintain, and operate a bridge across the Monongahela River at or near the town of Star City, W. Va.; with amendment (Rept. No. 1481). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 11966. A bill to extend the times for commencing and completing the construction of a bridge across Lake Sabine at or near Port Arthur, Tex.; with amendment (Rept. No. 1482). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 11974. A bill granting the consent of Congress to the Beaufort County Lumber Co. to construct, maintain, and operate a railroad bridge across the Lumber River at or near Fair Bluff, Columbus County, N. C.; without amendment (Rept. No. 1483). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 12131. A bill granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Kittanning, Armstrong County, Pa.; without amendment (Rept. No. 1484). Referred to the House Calendar.

Mr. DALLINGER: Committee on the Civil Service. S. 471. An act providing for a 44-hour week for certain Government employees; with amendment (Rept. No. 1498). Referred to the Committee of the Whole House on the state of the Union.

Mr. BACHMANN: Committee on the Judiciary. H. R. 12095. A bill to amend section 113 of the Judicial Code, as amended; with amendment (Rept. No. 1499). Referred to the Committee of the Whole House on the state of the Union.

Mr. KORELL: Committee on Foreign Affairs. H. R. 12348. A bill to provide for the partial payment of the expenses of foreign delegates to the Eleventh Annual Convention of the Federation Interallice Des Ancient Combattants, to be held in the District of Columbia in September, 1930; without amendment (Rept. No. 1500). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISH: Committee on Foreign Affairs. H. J. Res. 331. A bill relative to The Hague Conference on the Codification of International Law; without amendment (Rept. 1504). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BURDICK: Committee on Naval Affairs. S. 1638. An act for the relief of William Tell Oppenhimer, jr.; without amendment (Rept. No. 1485). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. S. 3566. An act authorizing the President to place Lieut. (Junior Grade) Christopher S. Long, Chaplain Corps, United States Navy, upon the retired list of the Navy; without amendment (Rept. No. 1486). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. H. R. 2336. A bill for the relief of George D. Johnson; without amendment (Rept. No. 1487). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 6193. A bill for the relief of Sidney Morris Hopkins; without amendment (Rept. No. 1488). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 8936. A bill authorizing the promotion on the retired list of the Navy of Stuart L. Johnson, ensign; without amendment (Rept. No. 1489). Referred to the Committee of the Whole House.

Mr. COYLE: Committee on Naval Affairs. H. R. 9698. A bill to authorize Capt. W. H. Allen, United States Navy, to accept the decoration of the Order of the Bust of Bolivar from the Government of Venezuela; without amendment (Rept. No. 1490). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 11160. A bill for the relief of James Golden; without amendment (Rept. No. 1491). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 5083. A bill for the relief of A. S. Phipps; with amendment (Rept. No. 1492). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 8253. A bill for the relief of Sterling S. Ball; without amendment (Rept. No. 1493). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 836. A bill to correct the military record of Shadrach Frank Foster; with amendment (Rept. No. 1494). Referred to the Committee of the Whole House.

Mr. COCHRAN of Pennsylvania: Committee on Military Affairs. H. R. 1526. A bill to change the military record of Thomas J. Hayden; with amendment (Rept. No. 1495). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 5519. A bill for the relief of Martin V. Day; without amendment (Rept. No. 1496). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 7229. A bill for the relief of James M. Ray; with amendment (Rept. No. 1497). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. H. R. 6194. A bill granting six months' pay to Arthur G. Caswell; with amendment (Rept. No. 1501). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 6817. A bill for the relief of Robert Bennett; without amendment (Rept. No. 1502). Referred to the Committee of the Whole House.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 7322. A bill for the relief of Charles L. Chaffee; with amendment (Rept. No. 1503). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 9358) granting a pension to Clara Shatlain, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DUNBAR: A bill (H. R. 12402) authorizing an appropriation for the rebuilding and improvement of Tenth Street, in Jeffersonville, Ind., where it abuts on the grounds of the Jeffersonville Quartermaster Depot; to the Committee on Military Affairs.

By Mr. HOUSTON of Hawaii: A bill (H. R. 12403) to exclude intraterritorial transportation, traffic, and service in the Territory of Hawaii from the operation of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. LEAVITT: A bill (H. R. 12404) to amend the act of April 9, 1924, so as to provide for national-park approaches; to the Committee on the Public Lands.

By Mr. PARKER: A bill (H. R. 12405) to provide for the appointment of an undersecretary of commerce in the Department of Commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. SELVIG: A bill (H. R. 12406) authorizing the free transmission in the mails of certain experiment-station articles; to the Committee on Agriculture.

By Mr. ZIHLMAN: A bill (H. R. 12407) to authorize the Commissioners of the District of Columbia to transfer certain lands to the Director of Public Buildings and Public Parks of the National Capital; to the Committee on the District of Columbia.

By Mr. CRAIL: A bill (H. R. 12408) providing for the presentation of congressional Philippine medals to certain officers and enlisted men who served in both the war with Spain and the Philippine insurrection; to the Committee on Military Affairs.

By Mr. GREGORY: A bill (H. R. 12409) to repeal the act entitled "An act authorizing the Secretary of the Interior to sell and patent certain lands in Louisiana and Mississippi," approved April 11, 1928; to the Committee on the Public Lands.

By Mr. RANSLEY: A bill (H. R. 12410) to amend the last paragraph of the act entitled "An act to authorize appropriations for construction at military posts, and for other purposes," approved May 26, 1928, pertaining to the acquisition of land in the vicinity of Fort Kamehameha, Territory of Hawaii, for aviation purposes; to the Committee on Military Affairs.

By Mr. STOBBS: A bill (H. R. 12411) to amend the national prohibition act as amended and supplemented; to the Committee on the Judiciary.

By Mr. SPROUL of Illinois: A bill (H. R. 12412) authorizing the Postmaster General to permit railroad and electric car



companies to provide mail transportation by motor vehicle in lieu of service by train; to the Committee on the Post Office and Post Roads.

By Mr. WILLIAMSON: Resolution (H. Res. 221) to authorize the Committee on Expenditures in the Executive Departments to investigate all leases for post-office buildings and commercial postal stations and substations, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLACKBURN: A bill (H. R. 12413) for the relief of Joshua Standeffer; to the Committee on Military Affairs.

By Mr. BOWMAN: A bill (H. R. 12414) for the relief of Lewis Clark; to the Committee on Claims.

By Mr. BRIGGS: A bill (H. R. 12415) for the relief of the John Sealy Hospital at Galveston, Tex.; to the Committee on Ways and Means.

By Mr. BUCKBEE: A bill (H. R. 12416) granting an increase of pension to Mary A. Corwin; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 12417) granting a pension to Sadie E. Yantz; to the Committee on Invalid Pensions.

By Mr. DUNBAR: A bill (H. R. 12418) granting a pension to Rosa Underhill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12419) granting a pension to Quincy Scott; to the Committee on Invalid Pensions.

By Mr. GARBER of Oklahoma: A bill (H. R. 12420) granting an increase of pension to Love Sims; to the Committee on Invalid Pensions.

By Mr. HALL of North Dakota: A bill (H. R. 12421) granting a pension to Ella Ellis; to the Committee on Pensions.

By Mr. JONAS of North Carolina: A bill (H. R. 12422) for the relief of Robert Lee Greene; to the Committee on Claims.

Also, a bill (H. R. 12423) for relief of Vincent P. Rousseau; to the Committee on Military Affairs.

Also, a bill (H. R. 12424) for the relief of Joseph B. Ray; to the Committee on Military Affairs.

By Mr. LUDLOW: A bill (H. R. 12425) for the relief of William Jesse Cosbey; to the Committee on Naval Affairs.

By Mr. MARTIN: A bill (H. R. 12426) granting an increase of pension to Lavinia B. Simmons; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 12427) granting a pension to Emily F. Clark; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 12428) granting a pension to Bridget Keegan; to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 12429) granting an increase of pension to Maggie Schwab; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12430) granting a pension to Larise May Abrams; to the Committee on Invalid Pensions.

By Mr. FITZPATRICK: A bill (H. R. 12431) for the relief of Patrick Charles O'Hara; to the Committee on Naval Affairs.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 12432) granting an increase of pension to Elbert S. Francis; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 12433) granting a pension to Abraham L. Brown (with accompanying papers); to the Committee on Pensions.

By Mr. WELSH of Pennsylvania: A bill (H. R. 12434) granting an increase of pension to Lizzie H. Horner; to the Committee on Invalid Pensions.

By Mr. WIGGLESWORTH: A bill (H. R. 12435) granting a pension to Joseph Francis Murray; to the Committee on Invalid Pensions.

By Mr. WOLVERTON of New Jersey: A bill (H. R. 12436) granting an increase in pension to Mary T. Hardy; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: Joint resolution (H. J. Res. 336) authorizing and directing the Comptroller General of the United States to reopen, adjust, and settle the accounts of the city of Baltimore for advances made by the city in 1863 for the construction of works of defense and for other purposes; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7278. Petition of citizens' joint committee on fiscal relations between the United States and the District of Columbia, urging a return in appropriation practice to the 60–40 definite proportion appropriation plan as provided by existing substantive law; to the Committee on the District of Columbia.

7279. By Mr. BARBOUR: Resolution adopted by annual convention of the Woman's Christian Temperance Union, of Tulare and Kings Counties, Calif., urging passage of Senate bill 1468, placing tobacco products under the pure food and drugs act; to the Committee on Agriculture.

7280. By Mr. BLACKBURN: Memorial of the Federal Business Association, of Lexington, Ky., composed of supervisors of various governmental activities, condemning and remonstrating against the proposal to allow loan sharks to garnishee the salaries of Federal employees; to the Committee on the Judiciary.

7281. By Mr. CAMPBELL of Iowa: Petition of the Woman's Christian Temperance Union of Sioux Rapids, Iowa, requesting Congress to enact a law for the Federal supervision of motion pictures, establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7282. Also, petition of the Woman's Christian Temperance Union of Albert City, Iowa, requesting Congress to enact a law for the Federal supervision of motion pictures, establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7283. By Mr. GARBER of Oklahoma: Petition of New England Retail Hardware Dealers' Association, urging consideration of House bill 11; to the Committee on Ways and Means.

7284. Also, petition of National League of Women Voters, Washington, D. C., in support of Federal program for maternal and infancy hygiene; to the Committee on Interstate and Foreign Commerce.

7285. By Mr. GRAHAM: Petition of Federal bar associations of New York, New Jersey, and Connecticut, favoring additional Federal judges throughout the country; to the Committee on the Judiciary.

7286. By Mr. KVALE: Petition of Litchfield Ministerial Association, Litchfield, Minn., regarding Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

7287. Also, petition of the Twin City Alumni Post, Scabbard and Blade, St. Paul, Minn., urging the passage of a bill to provide an increase of pay for Army and Navy personnel; to the Committee on Military Affairs.

7288. By Mr. LINTHICUM: Petition of Maurice Gregg and J. S. T. Waters, both of Baltimore, Md., urging defeat of any and all maternity bills; to the Committee on Interstate and Foreign Commerce.

7289. Also, petition of the Independent Retail Grocers' Association of Maryland, urging favorable action on Kelly-Capper bill; to the Committee on Interstate and Foreign Commerce.

7290. By Mr. MANLOVE: Petition of Thornton Burkley, box 1907, United States Soldiers' Home, Washington, D. C., and 31 other citizens of the District of Columbia, urging Congress to speedily pass the Manlove bill, H. R. 8976, for the relief of veterans and widows and minor orphan children of veterans of Indian wars; to the Committee on Pensions.

7291. By Mr. FRANK M. RAMEY: Petition of Emery J. Reish and other residents of Raymond, Montgomery County, Ill., urging the passage of House bill 3799, providing for a Lincoln memorial highway from Springfield, Ill., to Vandalia, Ill.; to the Committee on Roads.

7292. By Mr. RAMSEYER: Resolution of the Woman's Christian Temperance Union of Richland, Iowa, requesting the enactment of a law for the Federal supervision of motion pictures, establishing higher standards for production of films to be licensed for interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

7293. By Mr. ROBINSON: Petition signed by S. F. Hersey, president, and John W. Leavitt, secretary, of the Congregational Church Brotherhood of Cedar Falls, Black Hawk County, Iowa, urging that Congress take the necessary steps to insure the purchase of 20,000,000 bushels of wheat in America and to provide for its transportation and delivery to the famine-stricken districts in China; to the Committee on Appropriations.

7294. Also, petition signed by the president, Ester C. Harmon, and the secretary, Margaret Miller, of the Woman's Christian Temperance Union of Waverly, Bremer County, Iowa, which represents about 100 members, urging the passage of legislation

for the Federal supervision of motion-picture films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7295. Also, petition signed by the president, Maria Bochmann, and the secretary, Jennie Zimmerman, of the Woman's Christian Temperance Union, of Aredale, Butler County, Iowa, urging the passage of legislation for the Federal supervision of motion-picture films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7296. Also, petition signed by the president, Rose Wild, and the secretary, Emma Carvelti, of the Woman's Christian Temperance Union, of Cedar Falls, Black Hawk County, Iowa, which represents about 90 women, urging the passage of legislation for the Federal supervision of motion-picture films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7297. By Mr. WIGGLESWORTH: Petition of Carrie F. Delano, of East Milton, Mass., and 700 residents of the fourteenth congressional district of Massachusetts, indorsing the bill for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

7298. By Mr. YATES: Petition of Arthur E. Brown, secretary B. R. C. A., 1624 Illinois Avenue, East St. Louis, urging passage of House bill 10343; to the Committee on Immigration and Naturalization.

7299. Also, petition of Roy D. Lindstrom, Rock Island, Ill., secretary Branch 292, N. A. L. C., requesting immediate action on bills H. R. 10343 and 6603, and the Dale bill, S. 15; to the Committee on the Civil Service.

7300. Also, petition of Nettie Ege, Rock Island, Ill., secretary to Ladies' Auxiliary No. 164, N. A. L. C., urging immediate action on House bills 10343 and 6603 and Senate bill 15; to the Committee on the Civil Service.

